BEFORE THE EXPERT CONSENTING PANEL

IN THE MATTER	of an application by AW Holdings 2021 Limited to the Environmental Protection Authority under the COVID-19 Recovery (Fast-Track Consenting) Act 2020 for consent to construct and operate a surf park, data centre, solar farm, restaurants, market space, visitor accommodation and eco cabins and related roading access and parking facilities on land lying between Dairy Flat Highway and Postman Road at Dairy Flat, Auckland
Expert Consenting Panel:	Graeme Mathias (Chair) Justine Bray (Member) Glenn Wilcox (Member)
Details of any hearing	No hearing was held
Date of Hearing if Held:	Not applicable
Date of Decision:	25th day of June 2024
Date of Issue:	25th day of June 2024

RECORD OF DECISION OF THE EXPERT CONSENTING PANEL UNDER CLAUSE 37 SCHEDULE 6 OF THE COVID-19 RECOVERY (FAST-TRACK CONSENTING) ACT 2020

MIHI

Ko te mauri a Ranginui e tu iho nei

Ko te mauri a Papatuanuku e takoto nei.

Tihei Mauri Ora!

Hoinei te mihi ki a ratou, ko te tira a Maui, haere atu ra ki nga ringa totoro o Ihowa o nga mano.

Hoinei te mihi ki nga iwi, nga hapu hoki kua tukuna nga whakaaro mo te kaupapa nei, kua whakatu koutou i te tikanga o te kaitiakitanga, ko aua tikanga hei tauira mo nga whakatupuranga e huri mai neki.

Kua rongo matou, ara nga kaikomihana i wou koutou makau ki te whenua, i wou koutou makau hoki ki tenei whenua ara te whenua tararo a te Heruroa.

E mihi hoki ki nga kaitono a te Kaupapa, kua awhina mai koutou i a matou e pa ana ki te whakamaramatanga o te kaupapa.

Na reira tena koutou, kia ora mai tatou katoa!

A: INTRODUCTION:

1. This is a decision under the COVID-19 Recovery (Fast-Track Consenting) Act 2020 ("FTA") on an application by AW Holdings 2021 Limited to undertake, what the applicant terms "a unique development within the New Zealand context" of a surf park, data centre, solar farm and associated works.

2. More specifically the development will comprise:

    - Earthworks and vegetation removal and subsequent extensive re-landscaping of a 42.6 hectare site;
    - Construction and operation of a surf park which will include a surfing lagoon, restaurant(s), market space, visitor accommodation and eco cabins;
    - Construction and operation of a solar farm;

- Construction and operation of a data centre;
- Roading, accessways and parking for vehicles, cyclists and pedestrians;
- Infrastructure, including stormwater and wastewater collection, treatment and discharge;
- A water take from a stream crossing the site; and
- Extensive landscaping and stream restoration.

3. The Applicant applied under the FTA to have the project referred to an expert consenting panel for determination, which was approved. The Panel was subsequently appointed to determine the application in accordance with the FTA procedures.

4. In accordance with the requirements of the FTA the Panel invited comments from the persons listed in clauses 17(6) and 17(7) of Schedule 6 of the FTA and from some additional persons whom the Panel considered should be invited to comment in accordance with clause 17(7) of Schedule 6.

5. The issues raised by the parties invited to comment are summarised in **Schedule 1** to this decision, which also contains the Applicant's comments on the points raised.

Suspension of Processing

6. Following receipt of the comments from invited parties the Panel had concerns with respect to certain matters arising out of the comments received from Auckland Council. Peer reviews were sought from independent consultants namely Richard Storey of Wildlands Limited and Tom Bassett of Tonkin &Taylor. Their reviews were sought as to first the fresh water ecology components of the application and secondly the risk of effects arising from onsite flooding.

7. As a consequence of the time required for those peer reviews to be completed and considered by the Panel and for comments on their reports to be received from the Applicant and Auckland Council, the Panel invited the Applicant to request the

application be suspended from 21 April 2024 to 10 May 2024. The Applicant accordingly requested the application be suspended which the Panel then approved. Upon the receipt of the flooding risk peer review from Tom Bassett the Applicant also sought a further five day suspension which the Panel approved.

Site Visit and Panel Meetings

8. The Panel undertook a site visit on the 5th of March 2023 accompanied by a representative of the Applicant. The site walk over enabled the Panel to be well appraised with the proposed layout of the intended development across the 42.6 hectare site.

9. The Panel was also assisted in viewing the site from the existing access off Dairy Flat Highway and from the property's Postman Road frontage which is directly across the road from the North Shore Airport at Dairy Flat.

10. The Panel has held regular Teams Meetings following its appointment in the presence of EPA project administrators. During these meetings the application and various reports have been considered, invited comments and the responses to those comments reviewed and proposed conditions discussed.

11. In determining the proposal, the Panel has considered the application together with the extensive accompanying appendices which are listed in **Schedule 2.** In addition to which the Panel has received

- comments from invited parties;
- responses from the Applicant to matters raised with it by the Panel;
- the Applicant's responses to comments from invited parties;
- comments on the draft conditions;

- the independent reports from Richard Storey and Tom Bassett and the responses to those reports from both Auckland Council and the Applicant; and

- the reports from McKenzie & Co, Tom Bassett and Ms Kedan Li of Auckland Council following caucusing.

The site and Surrounding Environment

12. The site, which at the time of application was in three titles, has road frontages to both Dairy Flat Highway and Postman Road. A copy of a plan showing the site as it was at the time of application is attached as **Schedule 3**. There has been a subsequent boundary adjustment subdivision as attached as **Schedule 4** but that "reconfiguration" of the site does not change the Panel's assessment.

13. The site currently consists of large areas of pasture and is used for grazing purposes. The existing buildings on site are of a generally run down nature. The paddocks are interspersed with isolated exotic trees and exotic shelter belt planting and are traversed by a stream, which is in a highly modified condition and very over grown with a variety of weed species. A number of drainage ditches also cross the lower lying part of the site draining into the stream.

14. While parts of the property will remain rural in nature after development works are completed, (with the solar farm being constructed so as to be capable of continuing to be grazed), extensive modification to what is currently a rural site used as a grazing unit is proposed.

15. The stream is described by the Applicant as being "highly modified to drain the land for agricultural use through the construction of contributing farm channels. The stream has been modified through straightening and deepening, has low riparian and vegetation integrity, low hydrological heterogeneity, very low habitat diversity and presents brown opaque water".[1] The

[1] P.14 Assessment of Environmental Effects (AEE) prepared by Barker & Associates Ltd dated 20 October 2023

stream bed is less than 3 metres wide. This description accords with the view of the Panel from our site visit.

16. The site is not identified as a significant ecological area in any of the relevant planning instruments.

17. The wider locality could be said to generally comprise rural and rural-residential land uses, although immediately to the east is the North Shore Aerodrome. There is a small pocket of Business/Light Industry zone located to the north west of the site.

18. While the site is generally rural in nature and use, the site and the surrounding area is zoned in the Auckland Unitary Plan (Operative in Part) ("AUP(OP)") as Future Urban ("FUZ") and is subject to the Silverdale West Dairy Flat Industrial Area Structure Plan ("the Structure Plan"). The Structure Plan identifies an area of 294 hectares (net), excluding flood plains and roads, proposed for light industry with 56 hectares (net) of this area being identified for heavy industry.[2] The Structure Plan is attached at **Schedule 5**.

19. The surrounding locality is contended by the Applicant "to be in a state of transition toward more urban and industrial uses" while at this time "cognisant of the underlying rural zoning, and generally comprises of rural and rural-residential land use". The Panel accepts that analysis.

The Project

20. The primary component of the application is the construction of a recreational surf lagoon and its related infrastructure with further complementary facilities comprising a wellness retreat centre, visitor accommodation and a restaurant. It is the construction of a recreational surf lagoon pool generating artificial waves which is the unique feature of the application. We understand there are few similar developments in the world,

[2] Para 4.2 p.16 of the AEE

although we have been provided with details of one in Melbourne, Australia and another in Bristol, England.

21. Key elements of the project are:

(i) A surf park consisting of a man-made surf lagoon or pool that produces artificially generated waves intended to replicate the ocean with ancillary buildings comprising:

- A surf academy and rentals building;
- A change building;
- An administration ticketing and retail building; and
- A lagoon restaurant.

(ii) Visitor accommodation comprising a three storey boutique lodge providing 409 accommodation units;

(iii) Up to 24 off grid eco cabins to provide family style accommodation in close proximity to the surf lagoon;

(iv) A wellness retreat centre with accommodation;

(v) A farm to table restaurant with associated market space and adjacent market gardens and orchards;

(vi) A 7 hectare solar farm which is estimated as being capable of generating approximately 8,400 MWh per year with that power to be used to provide a renewable energy source for the data centre the heat from which will in turn provide a source of heating for the surf lagoon;

(vii) A data centre covering an area of 2.90 hectares;

(viii) Extensive landscaping with planting along both road boundaries, the stream banks and extensively within the site itself; and

(ix) the stream to be restored following being realigned in part.

A plan showing the detail of the intended layout of the site with these aspects of the overall development is attached as **Schedule 6**.

22. We have been given an analysis of the various consents required. These are set out in **Schedule 7**. In summary, 35 consents are sought for a wide variety of controlled, restricted discretionary and discretionary activities. While there is a contention from Auckland Council that the Applicant has not fully considered the site in terms of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ("the Freshwater Regulations"), (it is suggesting there is a possibility of there being natural inland wetlands on the site as to lead even to the possibility of activities being prohibited), we have formed the view that the Freshwater Regulations do not apply. It is our consideration that the activities as a whole are to be considered as discretionary. We will return to consider this particular issue in more detail.

Infrastructural Servicing

23. There is no public wastewater connection available to the property. Treatment and disposal of wastewater on site is therefore part of the proposal. Private wastewater network systems are proposed to service the surf park development and the data centre having its own on-site system. An onsite treatment and disposal system will provide a wastewater network to service the surf park development and its supporting development of facilities and also to allow for future wastewater flows coming from the proposed data centre. Initially wastewater from the data centre will be treated onsite and discharged into the stormwater system servicing the surf park. This system will be in place until a Watercare wastewater network system is available to service the property.[3]

[3] Wastewater Servicing Report prepared by McKenzie & Co being Appendix 12 to the Application and Aurecon report being Appendix 31 to the Application and the Aurecon memorandum of 8 April 2024 in response to the Panel's RFI dated 13 March 2024

24. An onsite wastewater treatment plant and pump station will be constructed with wastewater being disposed within the area to be established as a solar farm.

25. The onsite wastewater servicing has been designed to provide the requisite infrastructure to meet all appropriate Council standards.

26. There is no current public water connection available however, provision has been made to connect to the public water supply in both Dairy Flat Highway and Postman Road. A 200mm diameter line is proposed within the collector road corridor, which will cross the southern boundary of the site from Dairy Flat Highway. In time this is to be vested as road and provision in the conditions is to be made for that connection. A private 100mm diameter ring main is proposed within the surf park to reticulate water to buildings and supply points within the site. This network will be designed to meet all relevant and applicable requirements.[4] The data centre is to be serviced by roof collection of rain water diverted into two on-site tanks,[5] augmented by water tankers if needed.

27. Water supply for the surf lagoon is to be drawn from the adjacent stream with appropriate standards being set to ensure that such drawdown only occurs at such times as there is sufficient flow within the stream.[6] The original terms of the take outlined in the AEE have been adjusted to meet Auckland Council's suggested standards via the inclusion of modified conditions.

28. All other utility services are either available or can be made available.

29. Road access will be from Dairy Flat Highway. The proposed roading developments involve the construction of:

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[4] Appendix 11 to the Application as prepared by McKenzie & Co

[5] Appendix 31 to the Application being Civil Infrastructure Report prepared by Aurecon

[6] Williamson Water & Land Advisory report dated 19 July 2023 – Appendix 20 to the Application

(i) A collector road from Dairy Flat Highway which will be designed to eventually connect to Postman Road;

(ii) A private internal road to service the northern part of the site;

(iii) Road widening on Dairy Flat Highway with a new right turn bay;

(iv) The provision of bus stops on either side of Dairy Flat Highway with the existing stop being upgraded;

(v) Construction of a footpath and a pedestrian refuge island on Dairy Flat Highway; and

(vi) Further street lighting.[7]

30. The collector road from Dairy Flat Highway will be designed to enable it to be vested as legal road in due course when the connection through to Postman Road is completed.

31. The development has been designed to provide the required infrastructure in accordance with the appropriate plans and Council standards.

32. The Structure Plan identifies the property as being traversed in an east-west direction by a collector road, and the proposed collector road should in due course be able to meet that requirement. The plan also shows the site being further traversed by a generally running north south indicative rapid transit network corridor. Two Notices of Requirement providing for roading projects affecting the site were lodged after the application was filed. These were for Dairy Flat Highway Road widening, which would take some of the road frontage of the site, and for a proposed future rapid transit corridor bisecting the site.[8] We will return to consider these Notices of Requirement later.

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[7] The Transport Assessment prepared by Flow Transportation Specialists Ltd ("Flow") – Appendix 49 to the Application

[8] The Notices of Requirement are discussed in the Flow report of 14 December 2023 and the Comments on the Application from both Waka Kotahi/NZTA and Auckland

33. Stormwater disposal is of relevance in that there is no public stormwater infrastructure available either within the site or at its boundaries.

34. Stormwater management envisages a variety of retention and detention measures with a number of wetlands being included in the design to cover retention, detention and treatment. Eventual disposal is to be to the stream traversing the property. Of concern to the Panel was first the potential for discharge from the lagoon to the stream, (it being the intention that the lagoon would be drained to the stream for maintenance purposes), and the risk of flooding given the property is covered by indicative flood paths.[9] Auckland Council also raised issues over the base data on which that management plan was founded. Following receipt of a further report from McKenzie & Co[10] the Panel still had residual concerns. Those concerns were the subject of the reports sought from Richard Storey and Tom Bassett and those matters will be addressed later in this decision. In addition, initially the design envisaged a detention pond to hold water from the lagoon if it needed to be emptied for maintenance purposes before discharge to the stream. However, this part of the original design was removed as the Applicant considered that the risks arising from discharge to the stream could be managed through a quicker dissipation of chlorine than was first envisaged. We will return to that later.

The Resource Consents Applied for and Activity Status

35. The activities for which the 35 consents are sought and the relevant rules applicable the Auckland Unitary Plan (operative in part) AUP (OP) are attached as **Schedule 7**.

36. The consents sought are for a variety of discretionary, restricted discretionary and controlled activities. The AEE contends that

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Council

[9] Initially addressed by McKenzie & Co in a Stormwater Management Plan prepared by McKenzie & Co – Appendix 13 to the Application

[10] McKenzie & Co's reports being its Flood Assessment Report Revision E dated 18 March 2024 and its Technical Memo dated 20 March 2024 such being attachments to Barker & Associates Response to Comments received from Invited Parties dated 20 March 2024 ("the Response Memorandum")

where there is a group of activities in an application which are closely associated with each other, or directed towards one dominant use or purpose, they should be assessed holistically as a single "bundle" according to the most stringent activity status.[11] The AEE goes on to suggest that overall the application is for a discretionary activity. This proposition is endorsed by the Applicant's counsel Mr Brabant in his letter filed to the Applicant dated 26 October 2023 and filed in support of the application.[12] We accept that proposition and have considered the application accordingly.

37. In passing it is noted that the application makes it clear that the Panel is not required to consider a subdivision of the site. As stated the property has been the subject of a boundary adjustment subdivision during the period from the time the application was filed with the EPA and the time of this decision.[13]

The Issues

38. From our assessment of the application and having reviewed the comments received from invited parties, particularly those from Auckland Council, the Panel considers the primary issues for consideration to be:

(i) Whether consent can be granted given the application of the FUZ to the area and its location within the area covered by the Structure Plan;

(ii) Whether there are risks of flooding and/or discharges from the surf lagoon which pose risks, primarily an environmental risk to stream life, and, if there are, whether those risks are manageable;

(iii) Whether the contentions raised by Auckland Council as to the possible application of the Freshwater Regulations

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[11] Para 6.4 p.38 of the AEE

[12] Appendix 63 to the Application – see paragraph 9 of the letter from Mr J Brabant (hereafter referred to as "Brabant" as there will be further discussion of his letter) to the Applicant

[13] See Schedules 3 and 4

to the site require further consents or even prohibit activities on parts of the site; and

(iv) Whether the Notices of Requirement issued by Auckland Transport and Waka Kotahi/NZTA require a reappraisal of the application.

Planning Context

39. The property is as stated, located within an area of Dairy Flat zoned in the AUP(OP) as FUZ but pending rezoning, is to be guided by the Rural-Rural Production zone policy framework.

40. The FUZ is a transitional zone applied to land that is identified as being suitable for urbanisation at a future date.

41. As stated, the site is subject to the Structure Plan, such recording that the area is identified for future urban activities, being primarily light and heavy industry, with the Structure Plan being indicative of how the wider area, including the site, could be developed in a comprehensive manner.

42. The FUZ zoning is applied to "greenfield" land that is identified as being suitable for urban development in the future. It is described as being "a transitional zone" where land "may be used for a range of general rural activities but cannot be used for urban activities until the site is re-zoned for urban purposes".[14]

43. The potential conflict of this description with the intended establishment of a wide range of activities which might not generally be seen as "general rural activities" and possibly being "urban activities", for which use is proscribed by the zone description, is to be discussed at length later in this decision.

[14] The FUZ zone description, objectives and policies are detailed in para 171 of this decision

Legal Context

44. This application is to be considered under the FTA which provides for the fast tracking of resource consent applications. The project here is a referred project.[15]

45. The process for considering referred projects and the linkage between the FTA and RMA has been discussed at length in earlier decisions of Expert Consenting Panels[16] and we have sought to follow that process in our consideration of this application.

46. The purpose of the FTA is to "urgently promote employment to support New Zealand's recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources".[17]

47. Clause 31 of Schedule 6 of FTA sets out the matters to which this Panel must have regard such including:

    (a) Any actual and potential effects on the environment of allowing the activity;

    (b) Any measure proposed or agreed to by the consent applicant to ensure positive effects on the environment to off set or compensate for any adverse effects that will or may result for allowing the activity;

    (c) Any relevant provisions of any of relevant national environmental standards, regulations made under the RMA, national policy statements, the NZCPS, regional policy statements, plans and proposed plans and planning documents recognised by a relevant Iwi Authority;[18] and

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[15] Ss 16-18 FTA

[16] The commentaries (where relevant) of the Decisions of Expert Consenting Panels in the Waitohi Picton Ferry Precinct and Kōpū Marine Precinct decisions were helpful

[17] S.4 FTA - we will consider that in the context of the report from Property Economics later – see Attachment 59 to the Application

[18] S.29(2) FTA

(d) Any other matter the Panel considers relevant and reasonably necessary to determine the application.

48. There is also a need to act in a manner consistent with:

(a) the principles of the Treaty of Waitangi; and

(b) Treaty settlements.[19]

49. Clause 31(3)-(12) of Schedule 6 itemises matters which the Panel may or must disregard and other matters it is to consider in reaching its decision. Clause 32 requires the Panel to consider certain provisions of the RMA which we will address later.

Mana Whenua

49. The FTA and Part 2 of the RMA include directions for decision makers to recognize and provide for Maori interests and cultural values when determining resource consent applications under the FTA.

50. Therefore, the FTA *kaupapa*[20] requires that information is received and provided to the panel with an application, relating to iwi interests including any *whitikoro*[21] and cultural values/impact assessments (CV) so that a panel may make informed decisions on matters of importance and significant to the tangata whenua and are consistent with the *Nga Matapono o te Tiriti*[22].

51. The applicant sought engagement with several mana whenua groups.[23] Four (4) iwi responded as having interest in the project and two CVs were produced and provided as part of the application to the Panel, informing the decision, recommendations and conditions especially in regard to the Panel's responsibility to Part 2 of the RMA.

52. Those Iwi who identified an interest and supplied a CV assessment were Ngati Whanaunga and Te Kawerau a Maki. The Panel is cognisant of the fact that various layers of interest exist, and that a

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[19] S.6 FTA
[20] In this context "the process"
[21] discussions
[22] The Principles of the Treaty of Waitangi
[23] Appendix 55 Summary of Iwi Consultation

non-response is not necessarily an indication from iwi of no interest, but we are required to base our decisions on the information presented to us.

53. The two other iwi who identified an interest were Te Runanga o Ngati Whatua[24] and Ngati Manuhiri.[25]

54. The Te Kawerau CV also identifies two related hapu/iwi, Ngati Whatua o Kaipara (The Nga Maunga Whakahii Post Settlement Governance Entity [26]) and Ngati Poa Taniwha a hapu of both Kawerau and Ngati Whatua[27].

55. Our reference to the information provided from the CVs of Te Kawerau and Ngati Whanaunga should not be taken as to who in the opinion of the Panel has interest or mana whenua status but from whom cultural matters of significance to Maori have been drawn from, in order to consider this application.

56. Te Kawerau a Maki. The Te Kawerau a Maki CV identifies the strong connection to the Rangitopuni stream and the kaitiaki role that Te Kawerau hold regarding waters that flow into this river. The Panel notes the significance and importance that Te Kawerau a Maki place on the Statutory Acknowledgement of the Crown to their connections to Awa Rangitopuni.

57. Ngati Whanaunga. Ngati Whanaunga in more general terms than those expressed by Te Kawerau also uphold a kaitiaki tikanga concerning the waters that flow into Tikapa Moana, the Moana Tapu[28] of the Marutuahu Iwi[29].

58. Both CVs placed emphasis on restoring and enhancing mauri of the manga[30] feeding into Rangitopuni. They also place importance on

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[24] Te Runanga o Ngati Whatua Act 1988

[25] Ngāti Manuhiri Claims Settlement Act 2012

[26] Ngāti Whātua o Kaipara Claims Settlement Act 2013

[27] Turton, MAORI DEEDS of LAND PURCHASES in the NORTH ISLAND OF NEW ZEALAND.IN TWO VOLUMES.PROVINCE OF AUCKLAND. by authority: george didsbury, government printer. Wellington 1877

[28] Sacred Sea

[29] Ngāti Maru, Ngāti Paoa, Ngāti Tamaterā, Ngāti Whanaunga and Ngāti Rongoū.

[30] Creek/stream

ensuring that the wetlands of this land, which are one of the sources of water for Rangitopuni are restored.

59. Wetlands such as would have once existed at this locality were quite common, but the ease in which they could be drained for agricultural and housing use have made them less common in Auckland. *"In the Kaipara, Franklin and Rodney lowlands, swamp forests with kahikatea, pukatea, swamp maire, raupō, cabbage trees and harakeke (flax) covered large expanses of poorly drained land."* [31]

60. Heritage New Zealand Pouhere Taonga Act 2014 protects any archeological site and the Panel is satisfied that mana whenua requirements concerning accidental discovery are addressed there.

Effects

61. There are a wide range of actual and potential adverse effects associated with the project such being addressed at length in the extensive technical reports, which have been lodged as part of the application.

62. The AEE lists the effects of particular relevance to the applications as

- Earthworks and construction activities;
- Stormwater and flooding;
- Servicing and infrastructure;
- Ecology;
- Archaeology;
- Traffic, access and parking;
- Operational noise;
- Character, built form and appearance;
- Landscape;

[31] Auckland Council Biodiversity Group (our Wetlands)

- Reverse Sensitivity; and
- Positive effects.[32]

63. While the AEE briefly refers to glare under the effect of landscape, the Panel has considered glare as a separate environmental effect.

64. Our evaluation follows in seriatim.

Earthworks and Construction Effects

65. Earthworks and sediment erosion control plans have been prepared by McKenzie & Co[33] in relation to the surf park and from Aurecon[34] with respect to the data centre. All control measures are to be designed in accordance with Auckland Council's requirements. There is extensive cutting and filling proposed which raises issues as to ground stability, dust effects, effects on natural ground water levels, construction noise and vibration, contamination issues and the effects of traffic management. All of these matters have been addressed at length within the supporting reports. Geotechnical assessment for the surf park site has been provided by Initia[35] and from Aureon[36] as to the data centre. Appropriate plans to cover construction noise and vibration management and construction traffic management are also to be prepared for certification as conditions of consent.

66. The AEE expresses the view that any adverse effects associated with earthworks and construction can be managed to a level which are less than minor.[37]

67. Auckland Council raises a variety of issues with respect to earthworks and earthworks management. These matters were addressed by the Applicant in paras 5.31 through 5.36 of its assessment of Auckland Council's comments as detailed in

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[32] Section 9 p.42 et seq of the AEE
[33] Appendices 10 and 16 to the Application
[34] Appendices 29 and 30 to the Application
[35] Appendices 18 and 19 to the Application
[36] Appendix 42 to the Application
[37] Para 9.1.8 at 46 of the AEE

Schedule 1. It refers to the points as being addressed in the memorandum prepared by McKenzie & Co.[38] The response is that while the matters are relevant, and indeed are addressed in part, they are items which would be covered in the Contractor's Earthworks Operations Plan which will form part of the Construction Management Plan with the particular detail being assessed during contract tender/award consideration. Auckland Council will have the ability to oversee and allow for these issues through its certification of the requisite plans in terms of the conditions of consent.

68. Auckland Council in its comments refers to the land to the east of the data centre which is the area of the site lying between the data centre and Postman Road, as being a potential source of contaminated material. Again it is believed that these concerns are best addressed during the preparation, and the requisite certification that would follow, of the relevant operations and management plans which will need to be certified by Auckland Council.

69. Auckland Council further considers that the current form of the Erosion Sediment Control Plan will need to be updated. It has further concerns with respect to the risk of cumulative effects of earthworks and the design details of the sediment retention ponds. Again we believe these are all matters that can be addressed through the relevant plans which the Council is to certify before work commences.

70. The Panel is satisfied that all these effects can be addressed through the appropriate management plans which will need to be certified by Auckland Council before any work commences.

Stormwater and Flooding

71. It is accepted in the AEE that the proposal will result in an increase in impermeable surfaces. Stormwater management has been considered by McKenzie & Co. It identifies mitigation

[38] Technical Memorandum prepared by McKenzie & Co dated 20 March 2024 – Attachment 13 to the Memorandum of Barker & Associates dated 20 March 2024 in the Response Memorandum

requirements including retention, detention and water quality treatment. Stormwater devices proposed comprise:

(i) A constructed wetland to treat, retain and detain run off from the collector road with such water being conveyed to a constructed wetland prior to discharge to the stream;

(ii) A further wetland will provide water quality treatment, retention and detention from the main carpark buildings and amenity areas to the east of the lagoon and for the farm to table restaurant and the staff carpark;

(iii) Retention in the form of a rain garden is proposed adjacent to the lodge accommodation. It will also provide water quality treatment for run off from the carpark; and

(iv) A series of retention, detention tanks and swales are proposed to service the buildings, amenity areas and eco cabins to the west of the surf lagoon.[39]

72. Flooding of the site was separately addressed.[40]

73. The stormwater reticulation network is to direct stormwater discharge to the stream. This network was said to have been designed in accordance with the applicable Auckland Council Code of Practice and sized to accommodate all events such allowing for climate change. That was not accepted by Auckland Council in its comments.

74. The data centre will have its own on site stormwater and drainage infrastructure. That also will convey stormwater to the surf park site for treatment and eventual discharge.[41]

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[39] Stormwater Report dated June 2023 prepared by McKenzie & Co – Appendix 13 to the application

[40] Flood Assessment Report dated 8 August 2023 prepared by McKenzie & Co – Appendix 14 to the application

[41] See Aurecon – Attachment 31 to the Application and para 5.8.1 of the AEE

75. The solar farm does not require any specific stormwater disposal infrastructure.

76. Of concern to the Panel was the provision for the lagoon to be drained via the stormwater system, with an eventual discharge to the stream. The proposal was that the discharge was to be limited to maintenance events and to be controlled in a manner that replicated natural stream flows. However the quality of the lagoon discharge was of concern to the Panel and so we requested independent advice on this matter. This is considered in the report provided by Richard Storey from Wildlands[42]. Accepting this assessment, further conditions have been proposed requiring the Surf Lagoon Maintenance Plan to be updated so that all potential contaminants are reduced to acceptable levels, as well as being satisfied that appropriate chlorine levels and temperature are reached, prior to any discharge from the surf lagoon. Furthermore, this plan should include testing of surf lagoon water prior to discharge to ensure the discharge water will not harm aquatic organisms in the receiving stream.

77. As there is always a possibility of unplanned and uncontrolled discharge from the surf lagoon to the stream, this plan is to include management mitigating the effects of unscheduled discharges on the receiving environment. While there is potential for effects on the stream and its environment, those effects are we believe capable of management.

78. Following receipt of comments from Auckland Council McKenzie & Co updated their flood assessment report.[43] Having considered Auckland Council's comments and having taken those concerns into account McKenzie & Co concluded that the proposed surf lagoon, stormwater devices and building footprints are situated outside the flood plain for the 24 hour

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[42] Freshwater Ecological Impact Assessment – Independent Technical Review prepared by Wildland Consultants Ltd dated April 2024

[43] The comments of Auckland Council summarised at paras 3.1 through 3.8 of the Response Memorandum Table 2 Schedule 2 – See Schedule 1 and the subsequent Flood Assessment Report by McKenzie & Co Rev E dated 18 March 2024 and the Technical Memo of McKenzie & Co dated 20 March 2024 in response – Attachment 13 to the Response Memorandum

event, allowing for the requisite annual exceedance probability event including a 3.8 degree increase in temperature.

79. This was to address the concerns raised by Auckland Council as to the original flood analysis. This updated flood assessment report prepared by McKenzie & Co considers flood risks utilising a combination of local topographical surveys, LiDAR data and climate change projections. It assessed the potential impacts of the development on local flood dynamics allowing for both 2.1 and 3.8 degree climate change upon increased flood events.

80. In undertaking this further analysis, allowing for a climate change factor of 3.8 degrees, McKenzie & Co determined that the increase in flood level resulting is approximately 40mm to 100mm across the site but does not add additional flood risk to the development itself. The levels proposed in the surf park and the data centre are above this level and would be resilient to such an increased event.

81. McKenzie & Co's modelling shows an increase in the predicted flood depth over Dairy Flat Highway although that predicted increase is primarily from the stream with the development itself only raising the levels by approximately 20mm on Dairy Flat Highway. It contended this does not fundamentally increase the risk above the undeveloped scenario allowing for climate change. That is also assuming all culverts under the highway are in fact fully blocked.

82. McKenzie & Co expressed the view that the development would not significantly increase flood risks down stream and, even when considering a fully developed up stream catchment without mitigation, the development itself has an ability to withstand flood events.[44]

83. This issue was referred by the Panel for independent peer review. That peer review was undertaken by Tom Bassett of Tonkin & Taylor.[45] He concluded that while the further reports

[44] McKenzie & Co Flood Assessment Report Rev E dated 18 March 2024
[45] Tonkin & Taylor report dated 10 May 2024

provided by McKenzie & Co provided the modelling information for the 3.8 degree climate change scenario, he believed further information was required to clarify the effects and any possible change in flood risk beyond the boundaries of the property.

84. Following a consideration of Tom Bassett's peer review McKenzie & Co updated its Flood Assessment Report[46] and issued a Memo to the Applicant, which was then uploaded as part of the record, to address the comments of Tom Bassett.[47]

85. The further McKenzie & Co report concludes,

"the planned development incorporates effective flood resilience measures, which are expected to manage and mitigate flood risks adequately."

and

"The modelling outcomes reveal that the development will not increase flood risk downstream, to upstream and downstream properties and at Dairy Flat Highway during the peak of the event".[48]

86. The Panel requested that Tom Bassett, McKenzie & Co and Kedan Li of Auckland Council caucus following the issue of this further report from McKenzie & Co.

87. Following the engineers' caucusing McKenzie & Co produced a further revision of its Flood Assessment Report. This was forwarded to the other engineers along with an accompanying memorandum from James Kitchen.[49]

88. Kedan Li commented by way of Memorandum dated 28 May 2024 reiterating her reservations about the model used by McKenzie & Co recording that she was not able to agree with the

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[46] McKenzie & Co Flood Assessment Report Rev G dated 15 May 2024
[47] McKenzie & Co Memo dated 15 May 2024
[48] McKenzie & Co Flood Assessment Report Rev F dated 15 May 2024 para 6
[49] McKenzie & Co Flood Assessment Report Revision G dated 22 May 2024 with supporting Memo from James Kitchen dated 22 May 2024

conclusions drawn from the further modelling undertaken by McKenzie & Co.[50]

89. Tom Bassett having reviewed Rev G of the Flood Assessment Report and Ms Li's memorandum reported to the EPA by memorandum dated 13 June 2024. While concurring with Ms Lai that there were some inconsistencies in the McKenzie Report (Rev G) and the accompanying memo[51] he also concurred with her that "should the wetland (on site) be designed and constructed appropriately so that no increases in flood flows occur, they will be appropriate on-site flood attenuation devices to mitigate downstream flooding effects of the proposed development".

He went on to say

> "However, given the hydrological analysis results show less than minor effects on peak flows from the development property, and relying on the validity of those results, we consider that the proposed development could have less than minor effects on the flood risk downstream. That particular issues identified by Ms Li, and confirmation of flood levels as may be required, could be addressed in future revisions to update the Flood Assessment report, which might be included with any Stormwater Management Plan to be prepared for the development."[52]

90. What appears to be common ground is that if the modelling is correct then:

(1) peak flows from the development can be limited to at least similar than pre-development;

(2) if there is no increase in peak flows then the flood risk to downstream properties is low; and

(3) effects on flooding will be less than minor with future infrastructure works to be designed and constructed

[50] Memo of Kedan Li dated 28 May 2024
[51] See Footnote 49
[52] Memorandum of Tom Bassett of Tonkin & Taylor Ltd dated 11 June 2024

consistent with the devices included in and the assumptions of the modelled scenarios.

91. The on-site wetlands are identified, and accepted by the engineers, as appropriate flood attenuation devices.

92. Subsequent to the receipt of the memorandum of Kedan Li the Applicant engaged Woods to peer review McKenzie & Co's Flood Assessment Report in conjunction with Ms Li's and Tom Bassett's comments. Woods report dated 15 June 2025, which constitutes a new 2D flood model developed by the authors of this report, has now been included on the EPA website as a response memorandum from the Applicant.

93. Woods conclude,

"The additional modelling results demonstrate that:

- There are no increases in flood level with the proposed development within neighbouring properties for all modelled events.
- The flows discharging to the Dairy Flat Highway culverts downstream of the proposed development are slightly lower with the proposed development as a result of flood mitigations adopted within the site for the 100-year ARI 3.8°C CC event.
- The cumulative flows through the three 900mm diameter culverts is approximately $9m^3/s$ for with and without the proposed development for the 100-year ARI 3.8°C CC event.
- The flood resilience assessment undertaken with the 100-year ARI 3.8°C CC event shows that the proposed

surf park and data centre are resilient to flooding with catchment MPD development."[53]

Their conclusion is that the modelling indicates there are no flood effects to third-party land upstream or downstream of the proposed development site and no additional mitigation measures are required beyond those currently proposed.

Woods do however at section 11 of their report identify certain assumptions and limitations. For that reason the Panel has adopted the recommendation of Mr Bassett as we will refer to in para 95.

94. The flood analyses provided by the Applicant are modelled assessments. While we note the observations of the Supreme Court as to the "limits" of modelling[54] we accept the conclusions of McKenzie & Co as independently verified by Woods.

95. While there may have been benefit in requiring the experts to re-caucus we note that Kedan Li and Tom Bassett have not had unrestrained time to consider this matter to the depth and extent that they may have wished but we accept that their reservations are fairly held. On balance we accept the assessment of McKenzie & Co as supported by Woods with their own 2D flood model. However we also accept, as was proposed by Tom Bassett, that any degree of uncertainty can be addressed through the requirement for a stormwater management plan to be prepared and certified before development is implemented. A condition of this effect is incorporated into the conditions of consent.

Servicing and Infrastructure

96. As identified earlier the site is effectively not serviced other than for roading, electricity and telephone services. To the extent a water supply is required to service the surf lagoon and its

[53] Memorandum entitled Surf Park Fast Track Referral Application – Flood Model Build by Woods dated 15 June 2024

[54] See Sustain Our Sounds Inc v NZ King Salmon Co Ltd [2014] NZRMA 421 at para 132

associated infrastructure that can be provided.[55] Wastewater is to be treated on site pending the availability of a reticulated public system, but the site is of sufficient size to meet that requirement.

97. The site can be accessed from Dairy Flat Highway and in turn roading is to be constructed to fully serve the data centre and internally the surf lagoon and the solar farm. The accessway from Dairy Flat can in time be vested in Council as a collector road to link through to Postman Road. This road would be in accordance with the Structure Plan and is addressed in the conditions. No significant issues are raised by Auckland Transport, save of course for the Notices of Requirement. It does however, comment "In general AT consider that the Surf Park and the NORs could be compatible, and the integration can be readily managed".[56]

98. To the extent that the site is not currently served with infrastructure, such deficiencies in services can be provided without generating anything more than minor effects.

99. The surf lagoon is to be filled from water drawn from the stream. Auckland Council in its comments on the application have concluded that the actual and potential adverse effect of the proposed taking of surface water have been assessed as less than minor[57]. This was subject to some modifications to the conditions which have been accepted by the Applicant and incorporated into the recommended conditions of consent.

Ecology

100. The application proposes a diversion and naturalisation of the existing highly modified, arguably degraded, stream which traverses the site. While diversion will have some minor temporary ecological adverse effects, this proposed realignment will significantly improve the ecological values that the stream

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[55] Appendices 11 and 30 to the Application

[56] Auckland Transport at p.3 of its Comments on the Application

[57] The comments of Auckland Council summarised at paragraphs 4.1 through to 4.14 of Table 2 of Schedule 2 in the Response Memorandum – See Schedule 1

provides. The naturalisation that is envisaged will restore and enhance the habitat. The Applicant contends the proposal will have an overall positive effect on freshwater ecological values. That proposition is accepted by the Panel.

101. There will be some temporary low level adverse effects but they will be transitory. Concerns are expressed by Auckland Council as to the initial design of the diversion not being consistent with the existing soft bottomed stream environment, however it is understood that this point has been accepted and the design of the diversion will be modified accordingly.[58]

102. In its comments on the ecological issues raised by the application, Auckland Council make reference to the concerns with respect to the water course assessment and whether there has been an appropriate assessment with regards to the Freshwater Regulations and Chapter E3 of the AUP(OP).[59] We will consider the whether the Freshwater Regulations apply later in this decision.

103. Insofar as the stream diversion and stream works are concerned, we are satisfied with the proposal subject to the amendment to the design of the diversion, and consider that the ecological effects will be no more than minor. We note that Auckland Council raised the concern as to whether a development at 473 Albany Highway might have had implications on this application. However, the owner of that property has advised that it is happy to withdraw an off set agreement with a copy of that letter being included in the material provided to the EPA by the Applicant.[60]

104. We have considered the additional material provided by Virdis Limited in its responses to Auckland Council of 10 October

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[58] Comments of Auckland Council summarized at paragraph 5.22 of Table 2 of Schedule 2 in Attachment 1 of the Response Memorandum – see Schedule 1

[59] Comments of Auckland Council at paragraph 5.9 of Table 2 Schedule 2 of Attachment 1 of the Response Memorandum – see Schedule 1

[60] Comments of Auckland Council at paragraph 5.17 of Table 2 Schedule 2 of Attachment 1 of the Response Memorandum – see Schedule 1 and letter of Mr Bei dated 21 March 2024 attachment 3 to Applicant's response dated 2 May 2024 to the Panel's RFI in Minute 6

2023[61], and its reports to the Panel of 18 March 2024[62] and 8 May 2024[63] and also note that the site is not identified as a Significant Ecological Area.

105. In our assessment we are satisfied that on the basis of these responses that the effects on the ecology of the area of the site, if the development proceeds, will be no more than minor.

Archaeology

106. No archaeological sites are recorded on the property. There is a recorded heritage site identified on site namely an existing villa and it is understood that this is to remain on site and to be redeveloped. The Panel notes in passing that the villa was serviced by way of what was traditionally known as a "long drop" outside toilet. The Panel is of the view that if the villa is to be retained then so should this building.

107. The Panel holds that any archaeological effects will be no more than minor.

Traffic Access and Parking

108. As previously noted following the lodgement of the application two notices of requirement issued which have a direct effect on the development.

109. Those two notices are first for a new rapid transit corridor with shared path between Albany and Milldale which will run in a generally north to south direction through the middle of the site and secondly for the upgrading of Dairy Flat Highway.[64]

110. It is however accepted by Auckland Transport and the Applicant, that the effects of the notices on the surf park site are

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[61] Report of Virdis dated 10 October 2023

[62] Report of Virdis dated 18 March 2024

[63] Report of Virdis dated 8 May 2024

[64] NZTA and Auckland Transport comments on the application and the review of NORs 1 and 8 by Flow dated 14 December 2023 – attached to the Response Memorandum – see Schedule 1

compatible and that integration can be readily managed, if amendments to design cannot be made to suit the Applicant.

111. The rapid transit corridor has the potential to conflict with the:

(i) Solar farm and eco cabin accommodation;

(ii) Data centre; and

(iii) Collector road along the southern boundary of the site.

112. As to the solar farm and eco cabin accommodation, the Applicant accepts that the buildings and structures can be relocated, either before or at the time that the rapid transit network is constructed, or simply removed. Integration of this proposed network extension within the project can be managed at the time the proposed rapid transit is constructed such not being envisaged in the immediate future.

113. With respect to the data centre, the primary concern was that the new rapid transit network would not provide a 91 metre setback from the boundary of the proposed data centre. This is understood to be a telecommunications requirement not a roading network construction requirement. The Applicant has stated however that, while there is a preference for a 91 metre set back, it can work, and indeed the data centre can continue to operate albeit with some modifications, within the setback that will result upon the roading works proposed by this notice of requirement being implemented. As such, the activity of the data centre is capable of being made compatible with the notice of requirement for its own operating purposes.[65]

114. The rapid transit network roadway will need to cross the collector road. The solution to this will be a matter of design at the time of the construction of the collector road and can be addressed at a later point.

115. The notice of requirement providing for the widening of Dairy Flat Highway will take some 8 metres of the road frontage of the

[65] Memorandum of the Applicant dated 20 March 2024

surf park property along Dairy Flat Highway. Again the Applicant accepts that that is a matter which is within its control and can be addressed when such is required.[66]

116. The conditions of consent will, taking account of these Notices, record an advice note identifying that a formal approval under Ss.176(2) and/or S.178(2) of the RMA will be required before any consent can be implemented. The Applicant accepts that, it will need to work with the relevant authorities, both Auckland Transport and Waka Kotahi/NZTA, to achieve an agreed resolution.

117. The collector road off Dairy Flat Highway will provide access into the site. That will be the subject of compliance with all necessary and applicable standards.

118. An internal road will service the surf lagoon and its components and extensive parking is to be provided. No concerns were raised by Auckland Transport or Auckland Council with respect to the design of the roading infrastructure, the layout of the internal roading and the parking being proposed.

119. Mr Howitt has expressed a concern at the extent of additional traffic movements that will be generated should consent be granted. We are satisfied that the road network is capable of providing for the additional usage.

120. Auckland Council has suggested that the north south private road corridor be made wide enough to accommodate a future industrial local road and walking and cycling. This will be included as a condition of the consent.

121. We are satisfied that the effects in relation to traffic and parking generated through the proposal would be no more than minor.

Operational Noise

122. Noise effects have been assessed in detail[67]. It is concluded by Marshall Day Acoustics that compliance with even the more

[66] Flow report of 18 March 2024
[67] Appendices 22.1 and 22.2 to the Application

stringent night time limits can for the surf lagoon be achieved at all surrounding dwellings with the mitigation measure such as earth bunds and noise barriers that are proposed[68].

123. Subject to the provision of the required mitigation measures the Panel accepts that noise effects from the operation of the surf lagoon will be no more than minor.

124. Mr Howitt has expressed a concern at the noise that will emanate from the surf lagoon. However, we are satisfied that activities on site will meet the requisite standards. In any event, it is the obligation of the consent holder to ensure compliance. That is the consent holder is required to meet the relevant standards.

125. There is a concern that emergency generator noise from the data centre will exceed night time thresholds for direct receivers along the boundaries of the property on which the data centre is located. For that reason the consent conditions propose that such generators only operate at night during a power outage. We accept that such operation would be to a standard which should not detract from night time amenities.

126. The Panel is advised that all activities are expected to comply with operational vibration limits.

127. it is considered that the noise effects of operations will be no more than minor.

Character, Built Form and Appearance

128. The design and placement of buildings within the site when coupled with extensive perimeter planting has been carefully assessed so as to minimise the effects of development.

129. While the built form within an environment currently allowing for rural-rural production land use will be greater than envisaged by such a zone, and certainly greater than currently present on site, such will, in the context of a 42.6 hectare site, be in the

[68] Paragraph 5.9 of Appendix 22.2 to the Application

opinion of the Panel, generally in keeping with the pattern of development within the surrounding area. The area itself is in any event not simply Rural-Rural Production in character. Immediately adjacent to the site on Postman Road is North Shore airport which has a substantial collection of buildings within its boundaries. There are other commercial activities in the immediate neighbourhood and other rural developments which include large built structures.

130. The site itself is not visually noteworthy. It is generally well screened from Dairy Flat Highway and not clearly visible from Postman Road due to the topography of the site. The extensive boundary planting proposed will also provide screening.

131. Again we believe the effects on character, built form and appearance to be no more than minor.

Landscape and Visual

132. As the AEE identifies the site is neither located within any outstanding natural feature, character or landscape overlays in the AUP(OP) nor is it identified as having a high natural character[69]. There are no significant indigenous vegetation areas, bio-diversity areas or notable trees within the site[70].

133. Landscape effects as assessed by Kensington Planning & Landscape Consultants conclude that the proposal will result in low to moderate (minor) adverse landscape effects when assessed from all representative public view points and low (less than minor) adverse effects on visual amenity for viewers located within private properties approximate to the site where elements of the proposal will be visible.[71]

134. The consultants go on to say "the individual or combined building forms, scale, bulk and mass, while being visible elements in the landscape, will not be visually or physically dominant elements because they have been well designed and

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[69] Paragraph 9.9 page 61 of the AEE
[70] P.58 of the AEE
[71] Appendix 50 to the Application and Section 9.9, p.62 of the AEE

located, within a strong vegetated framework and will have an appropriate contemporary appearance, or be screened from view by mitigation planting".[72] Those conclusions are accepted by the Panel.

135. The Panel held concerns about the height of the lighting towers which are part of the surf lagoon, however it is accepted that they are not dissimilar to flood lights located within sports park facilities which operate at night. To the extent that such might create effects, conditions are proposed to address these. Mr Howitt also raised the concern about light spill. That has been addressed by SLR Consulting who were the consultants who also considered glare. That is considered in para 144 of this decision. Again we are satisfied the effects will be no more than minor.

Reverse Sensitivity

136. It is accepted by the Applicant that some of its activities, primarily the visitor accommodation, could have the potential to be incompatible with their surroundings. However such is generally located at a distance from neighbouring properties with the stream along the northern boundary of the surf lagoon site part of the development, providing a further buffer.

137. Potential future reverse sensitivity effects have been considered in terms of the proposed future industrial development proposed for the area under the Structure Plan. The Applicant contends that such development would of itself be substantially separated from the accommodation components of the development.[73] That is accepted in the context of the size of the site and the layout of the development.

138. The effect on the adjacent airport was a prime concern, however the airport is supportive of the development.[74] All built form within the project development is within the special height limits detailed for the airport approach surface overlay. While aircraft

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[72] P.62 of the AEE

[73] Paragraph 9.10 at p.63 of the AEE

[74] Responses from invited parties detailed in Table 2 Schedule 2 of the Response Memorandum – see Schedule 1

noise overlay boundaries extend into the site, no activity sensitive to aircraft noise is proposed within that part of the site which is within that boundary.[75]

139. It is not believed there are any other rural activities or infrastructure developments in adjacent sites or within the vicinity of the proposed site that would result in potential reverse sensitivity effects being generated.

140. Auckland Council has identified the possibility of reverse sensitivity effects arising from industrial uses and their impact on the accommodation and wellness retreat components of the development.[76] Auckland Council point out that visitor accommodation is not provided for in either the heavy or light industrial zones (in presumably the AUP(OP)) but does acknowledge that it is provided for as a discretionary activity in the FUZ[77]. A suggestion is made by Auckland Council that this could be the subject of a "no complaints" covenant, but the Panel proposes a visitor accommodation management plan and that within that plan, provision be made for visitors who stay in this accommodation to be made fully aware of the risk of potentially nuisance emitting activities being undertaken on adjacent properties.

141. Before turning to consider the positive effects of the project there is one other potential adverse effect which the Panel considered and which had not been separately addressed by the Applicant, although briefly mentioned in the description of the landscape effects, which is that of glare.

Glare

142. As a result of the Panel's concerns about the potential for glare from first the solar panels on the airport and neighbours and secondly from the light stands surrounding the surf lagoon, the Applicant commissioned reports from SLR Consulting Australia

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[75] Paragraph 9.10 at p.63 of the AEE

[76] Paragraphs 2.4 and 2.9 of Table 2 Schedule 2 of the Response Memorandum – see Schedule 1

[77] Paragraphs 2.9 of Table 2 Schedule 2 of the Response Memorandum – see Schedule 1

with respect to both of these issues. Its reports have been helpful in allaying the Panel's concerns.[78]

143. As a result of its analysis a Solar Panel Aviation Glare Management Strategy will be required for North Shore Airport. This will be included as a requirement in the conditions of consent.

144. With respect to the potential for light spill, again recommendations were made by SLR as to the certified lighting plan with provisions governing the direction of exterior lighting and provision for covers to reduce light spill. This also is to be covered by a relevant condition. This hopefully will allay Mr Howitt's concern as was referred to earlier at para 135 of this decision.

145. With these further conditions the Panel believes these effects can be appropriately managed so as to be no more than minor.

Positive Effects

146. Property Economics[79] assesses that the direct impact on the construction and construction services sectors associated with direct employment resulting from the proposed development, measure approximately 2,506 full time equivalent ("FTE") years.[80] It further expresses the view that the direct economic injection from construction and development phases of the proposal equates to $374 million. The report goes further to advise "the total economic impact on business activity within Auckland of the subject development over a 6 year period is estimated to be just over $630 million" at net present value.[81]

147. In terms of employment multipliers, (such relating to the level of indirect and induced employment activity generated through expenditure on and off site), this would contribute just over

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[78] See Reports of SLR Consulting Australia dated 22 February 2024 included as Attachments to the Response Memorandum from the Applicant dated 23 February 2024 in response to RFI issued by the Panel on 8 February 2024

[79] Attachment 59 to the Application being the report of Property Economics dated August 2023

[80] Paragraph 2 p.5 of Attachment 59 to the Application

[81] Paragraph 2 p.5 of Attachment 59

1,630 FTE jobs during the peak development and operation year within Auckland, with a total number of FTE years at 5,100 over the 6 year development period.

148. Direct ongoing onsite operational employment is said to be 50 FTE at the surf park, 50 FTE in the commercial space, 10 FTE at the solar farm and up to 90 FTE at the data centre.[82]

149. Property Economics accept that there are "economic costs" that go with the project. First there is a potential loss of what is planned as future industrial land, but it contends that this can be seen to be negligible in the light of what area is still available for such use. There will also be increased traffic and a risk of congestion but Property Economics express the view that this can be governed by proper planning. Finally it identifies a risk of reverse sensitivity but again it is suggested, which we accept, that this can be addressed through on site management.[83]

150. We accept that employment growth is a significant positive effect which can be measured against what we have assessed as being effects which each, and in their totality, are no more than minor. We also note that it is directly relevant to the purpose of the FTA.[84]

151. The Applicant also suggests that there are further additional positive effects including:

(i) An increase in social and cultural wellbeing for current and future generations through economic benefits at multiple scales;

(ii) An increase in recreational amenity in providing an attraction to Auckland from an eco tourism perspective;

(iii) Improved health and water safety skills through the provision of the surf lagoon;

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[82] Paragraph 2 p.5 of Attachment 59

[83] Paragraph 5.2 pp 20-21 of Attachment 59

[84] S.4 FTA – promotion of employment to support recovery from the economic and social impacts of Covid 19.

(iv) Cultural benefits such as the provision of an accessible facility that will allow Manu Whenua to connect with Whakahekeheke;

(v) The restoration and enhancement of the stream;

(vi) Extensive landscaping that will enhance the subject site and the immediate surrounds;

(vii) A shared pathway to serve the community by providing for enhanced walking and cycling connections; and

(viii) The partial implementation of the Structure Plan.[85]

We accept this summary.

National Policy Considerations

152. There are a number of National Policy Standards and Statements relevant to this Project which are addressed by the Applicant, and commented on by Auckland Council in its comments on the application. They are:

(i) National Environmental Standards for Freshwater Management 2020;

(ii) National Policy Statement on Urban Development 2020;

(iii) National Policy Statement on Freshwater Management 2020;

(iv) National Policy Statement on Indigenous Biodiversity;

(v) National Policy Statement for Renewable Energy Generation;

(vi) National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat;[86]

153. No issue is raised by Auckland Council with respect to the propositions advanced by the Applicant that its development

[85] Paragraph 9.11 p.64 of the AEE
[86] There is agreement that the NZCPS does not apply

accords with, or will not be opposed to, the National Policy Statements on Indigenous Biodiversity, Renewable Energy Generation and Greenhouse Gas Emissions on Industrial Process Heat. We accept the representations made in the AEE as to the application of these policy statements on the application.[87]

154. Auckland Council has reservations with the proposition advanced that the proposal will result in a well functioning urban environment.[88] Its view is that the proposal does not integrate the provision of the necessary infrastructure or integrate with possible adjoining future land uses. Auckland Council expresses the view that the Project will be spatially remote from urban environments and will remain so until future urban land to the north in earlier stages of the Structure Plan is developed. It also contends it does not comply with the Council's Future Development Strategy 2023 and is contrary to the Regional Policy Statement.[89]

155. Auckland Council also says that while parts of the proposal are consistent with the proposed land use in the Structure Plan, there are elements of the proposal which are not consistent with the proposed future industrial zoning and expresses concerns "at a broad level" of an urban type of activity occurring ahead of rezoning. The view it expresses is that the "scale and urban" nature of the proposal is contrary to the FUZ objectives and policies.[90]

156. We will consider the Future Urban Zone, the Regional Policy Statement and the Structure Plan in detail later.

157. As to the NPS on Urban Development, the Applicant's position is that while there is an element of spatial separation, the development as a whole is not incompatible with the existing form of development and use in the area, particularly noting the adjacent airport. Further more that servicing is not an issue in

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[87] Paragraphs 10.2.2, 10.2.3 and 10.2.4 at pp 66-68 of the AEE

[88] Paragraph 2.1 of Table 2 Schedule 2 of the Response Memorandum – see Schedule 1

[89] Paragraph 2.2 of Table 2 Schedule 2 of the Response Memorandum - see Schedule 1

[90] Paragraphs 2.3 through to 2.10 of Table 2 Schedule 2 of the Response Memorandum - see Schedule 1

that the development will not of itself generate pressure for services to be provided. The Applicant's consultants have produced a Future Context Analysis plan which sets out how the proposed development can be integrated into a future industrial landscape.[91]

158. The Applicant contends that the development as a whole is neither inherently rural or urban in nature. It combines elements of both. Once implemented, there will be at least half of the property (if one includes the solar farm and the stream side planting/landscaping), which remains rural in character rather than urban, even if the surf lagoon is treated as urban in character. Overall it is the Panel's view, that the development is not contrary to this national direction.

159. The remaining issue is therefore whether the Project accords with the Freshwater Regulations.

160. Auckland Council raises questions with respect to the freshwater classification and questions the proposition advanced by the Applicant that the proposed development does not breach the Freshwater Regulations.

161. Auckland Council states,

> "There is currently insufficient information to confirm whether extensive seasonal wetlands are in fact present on site, and will be permanently lost as a result of the proposed activities."[92]

162. It raises the suggestion as to whether potentially there is a prohibited activity to be undertaken.[93]

163. As a consequence the Panel sought an independent technical review from Richard Storey of Wildlands. In his assessment Mr Storey comments,

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[91] Appendix 52 to the Application
[92] Paragraphs 5.5 of Table 2 Schedule 2 of the Response Memorandum - see Schedule 1
[93] Paragraph 5.5 of table 2 Schedule 2 of the Response Memorandum – see Schedule 1

> "If the vegetation descriptions provided by (Virdis Ecological Consultants, who had prepared a detailed report on the ecology of the site for the Applicant) are accurate, in my opinion it is unlikely that an assessment using the Vegetation Tools in the Wetland Delineation Protocols (MfE 2022b) would result in any parts of this site being classed as wetland. If the vegetation of the site is classed as non-wetland the questions about the presence of primary hydrology indications of wetland conditions are not relevant as the vegetation defines the classification of the site.[94]

164. Virdis had in the period following its initial response to the comments from Auckland Council[95], undertaken further vegetation assessments within the site which it says are in accordance with the Vegetation Tool (Clarkson, 2014) as prescribed by the Ministry for the Environment's Wetland Delineation Protocols (2022).

165. It says in this further report of 8 May 2024[96] that all species identified within the 10 vegetation plots it has tested, are either common pasture species or common pasture weeds found throughout the Auckland region. It states that all 10 vegetation plots "failed both the Dominance Test and the Prevalence index as per the Vegetation Tool". It therefore concluded, based on these vegetation assessments, there are no wetlands present within the site. This determination is said to answer the question raised by Mr Storey of Wildlands in his peer review commissioned by the Panel which was that, if the vegetation descriptions provided by Virdis are accurate, it is unlikely that an assessment using the relevant tools in the wetland delineation protocols would result in any parts of the site being classed as wetland.

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[94] Wildlands Report entitled Auckland Surf Park Community – Freshwater Ecological Impact Assessment dated 19 April 2024 paragraph 2.1 at p.4

[95] Virdis Ltd report of 18 March 2024 – Attachment to Applicant's response to comments from Invited Parties.

[96] Virdis Ltd report dated 8 May 2024

166. We can see no reason why we should not accept this further analysis.

167. On an overall consideration and reviewing all the reports presented by Virdis and the peer review from Boffa Miskell[97] for the Applicant we accept the position of the Applicant. We accept its position that there are no natural wetlands and that as such the Virdis assessment in terms of the Freshwater Regulations is correct and applicable to the site.

168. Taking all matters into account the Panel is of the view that there are no provisions in the Freshwater Regulations that weigh against a grant of consent to the proposal.

Future Urban Zone

169. The primary issue for the Panel was the assessment of the activities against the objectives and policies of the FUZ taking particular account of the recent decision of the High Court in Auckland Council v Matvin Group Limited[98] ("Matvin"). In Matvin the grant of consent by an expert consenting panel to a retirement village at Riverhead, Auckland in a FUZ zoned area in the AUP(OP) was quashed on appeal.

170. Given consent for a retirement village in a FUZ, albeit that the FUZ at Riverhead was not subject to a structure plan as is the case at Dairy Flat, had been quashed on appeal, the Panel has given particular consideration to the activities proposed by the application against the planning provisions in the AUP(OP).

171. The zone description, objectives and policies of the FUZ are as follows:

> **H18. Future Urban Zone**
>
> **H18.1. Zone description**
>
> The Future Urban Zone is applied to greenfield land that has been identified as suitable for urbanisation. The

[97] Appendix 46 to the Application
[98] [2023] NZHC 2481

Future Urban Zone is a transitional zone. Land may be used for a range of general rural activities but cannot be used for urban activities until the site is rezoned for urban purposes.

Refer to Chapter B Regional Policy Statement and Appendix 1 Structure plan guidelines when preparing structure plans and plan changes to rezone sites for urban activities.

H18.2. Objectives

(1) Land is used and developed to achieve the objectives of the Rural – Rural Production Zone until it has been rezoned for urban purposes.

(2) Rural activities and services are provided for to support the rural community until the land is rezoned for urban purposes.

(3) Future urban development is not compromised by premature subdivision, use or development.

(4) Urbanisation on sites zoned Future Urban Zone is avoided until the sites have been rezoned for urban purposes.

H18.3. Policies

(1) Provide for use and development which supports the policies of the Rural – Rural Production Zone unless that use and development is inconsistent with policies H18.3(2) to (6).

(2) Enable activities that are reliant on the quality of the soil or require a rural location to operate or which provide for the day to day needs of the local rural community.

(3) Require subdivision, use and development to maintain and complement rural character and amenity.

(4) Avoid subdivision that will result in the fragmentation of land and compromise future urban development.

(5) Prevent the establishment of more than one dwelling on a site except for the provision for minor dwellings and workers' accommodation.

(6) Avoid subdivision, use and development of land that may result in one or more of the following:

(a) structures and buildings of a scale and form that will hinder or prevent future urban development;

(b) compromise the efficient and effective operation of the local and wider transport network;

(c) require significant upgrades, provisions or extension to the wastewater, water supply, or stormwater networks or other infrastructure;

(d) inhibit the efficient provision of infrastructure;

(e) give rise to reverse sensitivity effects when urban development occurs;

(f) give rise to reverse sensitivity effects in relation to existing rural activities or infrastructure; or

(g) undermine the form or nature of future urban development.

172. The High Court's assessment in Matvin of the FUZ is as follows,

"The overall purpose of the FUZ is as a holding zone and to provide a transition from rural to urban use and development. The zone recognizes the need for

comprehensive and intentional design for soon-to-be urban areas. Until rezoned urban, the primary set of activities that are to occur in the FUZ are rural."[99]

173. The High Court in Matvin found the Panel erred in law on two grounds. First in finding that the overall purpose of the FUZ was to preclude activities that may compromise future urban development, rather such purpose being as set out in para 38 of the decision as detailed above, and secondly in finding the proposal (for the retirement village) was not contrary to the objectives and policies of the AUP(OP).

174. As the Panel in Matvin had determined there were adverse effects of the activity on the environment so, contrary to the view of the majority of the expert consenting Panel, upon determining the application was for an activity that would be contrary to the objectives and policies of the relevant plan, the Court found that the activity was not capable of passing the policy gateway test[100] that was required, given the proposal was a non complying activity in the FUZ.

175. Counsel for the Applicant here, whom we note was also counsel for the Applicant in Matvin on appeal, contends this proposal, can be distinguished from the activity being considered in Matvin in that:

(a) The proposal includes activities which are neither inherently urban nor rural;

(b) A range of activities are provided for in the FUZ as discretionary activities, (and we might add as some restricted discretionary or controlled);

(c) The overall activity status of the proposal is discretionary;

(d) The proposal will not result in urbanisation of the site;

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[99] Matvin at para 38
[100] S.104 D(1)(b) of the RMA

(e) The surf park is unique in a New Zealand and Auckland context;

(f) The effects of the proposal can be assessed overall as being no more than minor.[101]

176. The High Court in Matvin disagreed with the proposition that the overall purpose of the FUZ was to preclude activities that may compromise further development. Rather it held the FUZ to be a holding zone to provide a transition from rural to urban use and development. Until rezoned, the primary set of activities to occur were to be rural.

177. Here however, all the uses proposed in the development are uses either contemplated or anticipated by the rules in the FUZ. All have either discretionary, restricted discretionary or controlled status. If the uses are within these categorisations in the FUZ, then to a degree it can be said that they are uses allowed for, albeit subject to the usual statutory considerations, within the zone. While the zone may not expressly provide for these uses, it must be accepted, as Mr Brabant says at para 24(a) in his letter, that they are activities which are "anticipated as potentially appropriate in the FUZ, subject to assessment."[102]

178. Therefore the consideration is, whether the uses as a whole can be said to fall into the transition from rural to urban use and development. Are they potentially appropriate, or would their implementation be so contrary to the FUZ zone or have such effects that, in giving such uses assessment as discretionary, the exercise of discretion should be against a grant of consent.

179. The Applicant provides a comprehensive assessment of the proposal and its various components, against the objectives and policies of the FUZ and the Rural-Rural Production zone provisions in sections 10.4.2.11 and 10.4.2.12 of the AEE[103]

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[101] Brabant at paragraph 4 pp 1-2 - Appendix 63 to the Application.
[102] Brabant at para 24(a)
[103] Section 10.4.2.11 and 10.4.2.12 of the AEE at pp 74-83

180. We accept the planning analysis that is outlined in these sections of the AEE. We accept the uses can be seen as providing a transition within a comprehensive and intentional design as contemplated by the High Court.[104]

181. Mr Brabant expresses the view that Matvin does not determine that urban activities are prohibited saying "they" have a very narrow window, "needing to have effects which are minor or less than minor,"[105] in order to be approved in the FUZ. As he says, "urbanisation is to be avoided"[106]. He recites objective H18.2(4) of the FUZ which provides that urbanisation on sites zoned (FUZ) is (to be) avoided until the sites have been rezoned for urban purposes[107].

182. The AEE prepared on behalf of the Applicant, and as commented on by Mr Brabant, stresses the unique nature and combination of activities proposed to occur as part of the application. Mr Brabant summarises the project as a "comprehensive mixed – used (sic) development…".[108]

183. While the Panel accepts the FUZ is a transitional zone, it considers the application here proposes that land be used for a range of activities which, given that we accept the Applicant's categorisation that the activities proposed are either discretionary, restricted discretionary, controlled or permitted, can be said to be contemplated by or anticipated in the zone, subject, where required, to the application of general planning principles and statutory requirements.

184. In contrast to Matvin there are no "gateway" tests the activities must pass through before a consideration can be made as to whether consent should be granted or refused. In other words, all of the activities, either singly or in combination, are contemplated by or anticipated in the zone albeit if only as discretionary activities. Accepting that "urban activities are not

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[104] Matvin at paragraph 38
[105] Matvin at paragraph 51
[106] Brabant para 16
[107] Brabant paragraph 16
[108] Brabant paragraph 5

prohibited entirely"[109], Objective 18.2(3) requires any development that may be enabled is not to compromise future urban development.[110] We hold that the proposed development does not compromise future urban development of the property and that in any event, the effects of development are less than minor.[111]

185. Auckland Council expresses some disquiet about the categorisation of the surf lagoon for these purposes, but we accept the contention that such can be categorised as "Organised Sport and Recreation" which is a restricted discretionary activity in the FUZ and Rural-Rural Production zone. We will consider the Council's position later. We also accept the Applicant's proposition that the activities are neither inherently urban nor rural and as such are activities which can be said to be at least contemplated by the AUP(OP) notwithstanding the site has not been rezoned for urban purposes as envisaged by the Structure Plan.

186. In considering the first (H18.2(1)) of the four objectives of the FUZ, it is our assessment the land can be said, (through the application being implemented), to being used and developed to achieve the objectives of the Rural-Rural Production zone.[112] Certain of the activities are contemplated by the zone and the productive capability of the land is generally maintained. We also note that the land to the west and east of the data centre is to be retained as pasture and the solar farm is to be designed to meet the definition of an "agrivoltaic" project or "dual-use" solar farm, a facility that is designed to continue the agricultural use of the property.[113]

187. As to objective (2) in our opinion a number of the activities and services provided through the proposal will support the rural

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[109] Matvin at paragraph 51

[110] Matvin at paragraph 52

[111] Matvin at paragraph 51

[112] Cl. H19.3.2 in the AUP(OP) in specifying the objectives of the Rural-Rural Production Zone provides these are "a range of rural industries and rural commercial activities can take place in the zone" and that the "productive capability of the land is maintained and protected from inappropriate subdivision use and development"

[113] AEE p.82

community until the land is zoned in the future for urban purposes. To that end we accept the representations of the Applicant.[114]

188. As to objective (3) we hold that future urban development is not compromised. Certain components of the activities are consistent with such zoning as is envisaged in the Structure Plan and those which are not, are not inconsistent with future urban development. This includes the future roading connections (rapid transit/collector) and other future development patterns envisaged by the Structure Plan.

189. As to objective (4), urbanisation of the area is avoided as in our opinion the nature of the activities undertaken do not of themselves constitute urbanisation. That is we do not consider the overall site development for this proposal, with its mix of activities, can be said to be urbanisation.

190. With respect to the policy framework for the FUZ we find, to the extent the policies are relevant, that the proposal can be said to provide for use and development which supports the policies of the Rural-Rural Production zone and is not inconsistent with the policy framework set out in Chapter H18.3(2) to (6) of the AUP(OP).

191. While the activities do not necessarily require a rural location, the size of the surf lagoon, the solar farm and the data centre are not uses which are inappropriate in such an environment. All can be said to be appropriately located in such a zone given such uses are discretionary in that zone.

192. The use and development of the overall project can be seen to maintain and complement rural character and amenity in that open space, (both within the surf park and to the west and east of the data centre), is provided and there is extensive landscaping and screening. As subdivision is not involved, Policy H.18.3(4) is not applicable.

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[114] P.75 of the AEE

193. Similarly, Policy H18.3(5) does not envisage the provision of more than one dwelling on the site. There is of course visitor accommodation being provided as part of the surf park but the nature of that is not contrary to the uses contemplated in the zone, such being a discretionary activity in the FUZ.

194. With respect to Policy H18.3(6) we conclude that:

(i) the structures and buildings to be constructed as part of the proposal will not hinder or prevent future urban development;

(ii) the development will not compromise the efficient and effective operation of the local and wider transport network;

(iii) the use and development will not require significant upgrades, provisions or extensions to the wastewater, water supply or stormwater networks or other infrastructure, in that these can either be provided or be developed on site where not immediately available, and can be connected to public services once they become available;

(iv) the development will not inhibit the efficient provision of infrastructure and furthermore, will not place pressure on Auckland Council to provide infrastructural support;

(v) the development will not give rise to reverse sensitivity effects when urban development occurs;

(vi) the development will not give rise to reverse sensitivity effects in relation to existing rural activities or infrastructure;[115] and

(vii) the development will not undermine future urban development.

[115] In that regard we note that only 1 neighbour expressed any serious objection to the proposed development

195. In summary we accept the submission by Mr Brabant that "the activities as a whole are not inherently urban or rural but can be seen as a collection of activities that could be appropriately located in either an urban or rural location".[116]

196. As a further step in this analysis the Panel considered whether what was proposed could be said to be urbanisation. This word is not defined in the AUP(OP).[117]

197. "Urbanisation" is defined in the Oxford English Dictionary as meaning "the process of investing with an urban character". "Urban" being defined, where the definition has relevance to this assessment, as being "pertaining to, or characteristic of, or occurring or taking place, in a city or town."

198. In the Panel's view this development of a surf lagoon and associated buildings, a data centre and a solar farm, distributed as it is across a 42.6 hectare site, does not fall within the scope of these meanings of "urbanisation" and "urban". The development does not in our finding give the area an urban character and it is not necessarily characteristic of a city or urban area.

199. It is through the unique characterisation of the activities as a whole we consider we can hold that such uses as a group do not represent urbanisation of the site.

The Silverdale West Dairy Flat Industrial Area Structure Plan

200. Auckland Council highlights that the site is located in Stage 3 of the area covered by the Structure Plan. The development of this area is envisaged by that plan as being after 2050.[118] Council says the need for transport and wastewater infrastructure and the demand, (presumably lack of), were factors in determining this part of the area covered by the Structure Plan was for later

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[116] Brabant paragraph 26

[117] The Panel notes the term "Urban area" is defined as "Land zoned residential or business, together with adjoining special purpose and open space zones" in the AUP(OP) however we do not consider that to be helpful in understanding what the use of the word "urbanisation" in the FUZ is to mean

[118] Paragraph 2.3 of Table 2 of Schedule 2 of the Response Memorandum - see Schedule 1

staging. Apparently even the need for heavy industry for the area will be reassessed.[119]

201. Council accepts that parts of the proposal would be consistent with usage envisaged by the Structure Plan namely the data centre, the solar farm and the surf park facility.[120] It however says the visitor accommodation and the wellness retreat are not.

202. Concerns raised by Auckland Council are with what it considers to be the premature nature of the development, the scale, visual effect and character of the development, (in relation to the current character and amenity), the urban character and scale of the buildings, the effect of traffic, signage, noise and lighting (such it considers being out of character), and possible compromise to future industrial activity and that further such will act as a precedent.[121]

203. In our opinion these concerns, while identifiable, are of minor impact and do not weigh against a grant of consent.

204. As to scale and visual effect we do not see what is proposed, in the context of the site as a whole, as being disproportionate. There is existing commercial development in the immediate area, most notably at the Airport which is a more visually observable site than that proposed for development.

205. Any "urban" aspect to the development is within the contemplation of the AUP(OP). The data centre is not out of scale when compared to other buildings in the area and with the proposed landscaping, will be well screened. It is also to be sited at a location which does not stand out visually, with open space to the east and west and the solar farm to the north. There is no reason why the proposed landscaping will not have a mitigative effect, and that cannot be addressed through the provisions of the relevant management plan.

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[119] Paragraph 2.3 of Table 2 of Schedule 2 of the Response Memorandum - see Schedule 1
[120] Paragraph 2.4 of Table 2 of Schedule 2 of the Response Memorandum - see Schedule 1
[121] Paragraphs 2.5 through to 2.10 of Table 2 of Schedule 2 of the Response Memorandum - see Schedule 1

206. There are no planning issues with respect to signage which are contended as applying and the lighting is not inconsistent with what one would expect at a sports park, which could be sited in this zone as a discretionary activity. Any effects can also be addressed through a management plan.

207. As to reverse sensitivity issues, we consider this is an effect which is less than minor There is considerable separation between the on-site development, namely the visitor accommodation and wellness retreat, for which such might be a future issue. The location of these areas within the surf lagoon development complex do not seem to us to be a future source of complaints against future "in zone" industrial usage. However, as stated we have proposed a condition to address possible complaints and address these concerns.

208. The roading network would not seem to be compromised. There was nothing to that effect raised by Auckland Transport. It highlighted, and the Applicant accepts, that development on site will need to adjust for, and be capable of integrating with, the future roading works envisaged by the Notices of Requirement.[122] We consider the collector road along the southern boundary of the site would be beneficial to future development of the area and a condition is proposed to enable the "local road" to possibly become a vested road at some future date.

209. We do not consider the development compromises future development in terms of the Structure Plan.

210. We also do not consider a grant of consent will have a precedent effect. The nature of the development is unusual – even unique - as the Applicant contends. Given the nature of the integration of such primary uses – a surf lagoon, a solar farm and a data centre – within a 42.6 hectare site we do not see a grant of consent being a precedent for similar types of combined use applications.

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[122] See Memorandum of Barker & Associates dated 22 February 2024 in response to the Panel's further information request.

211. Auckland Council also expressed the view that the proposal was contrary to Objective 2.2.1 and Policies 2.2.2(3) and (8) of the Regional Policy Statement. These provisions read as follows,

> "Objective 2.2.1
> (5) The development of land within the Rural Urban Boundary, towns, and rural and coastal towns and villages is integrated with the provision of appropriate infrastructure.
>
> Policy 2.2.2(3)
>
> (3) Enable rezoning of future urban zoned land for urbanisation following Structure Planning and plan change processes in accordance with Appendix 1 Structure plan guidelines.
>
> (8) Enable the use of land zoned future urban within the Rural Urban Boundary or other land zoned future urban for rural activities until urban zonings are applied, provided that the subdivision, use and development does not hinder or prevent the future urban use of the land."[123]

212. While the Panel accepts that this development does not see an integration with the provision of "appropriate infrastructure", it can be seen to be integrated at least insofar as existing infrastructure is concerned. In fact, it could be said to a degree to enhance future infrastructure by going a substantial way to providing the collector road envisaged by the Structure Plan.

213. Further the lack of public infrastructure is not a problem to be resolved because the development does not require the provision of public services/infrastructure. Hence it does not place any pressure on Council to provide infrastructure at a date earlier than it might otherwise have, which seems to be the purpose of the objective.

214. In terms of Policy 2.2.2(3) there is nothing about an implementation of the consent which in any way detracts from the rezoning of the land for urbanisation in accordance with the Structure Plan. As we have found, the activities are neither inherently rural nor urban, so it seems to us that the uses could fall within either context. In any event, this Policy appears as one designed for enabling rezoning by ensuring an accepted

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[123] Paragraph 2.2 of Table 2 of Schedule 2 of the Response Memorandum - see Schedule 1

approach is used and would not appear to have any application to actual uses of land.

215. Policy 2.2.2(8) again appears as an enabling provision. As we have already found, the development if approved would not hinder or prevent the future urban use of the land. Auckland Council suggests there could be a hindrance to future urban development particularly in relation to access[124] but is difficult to see how that proposition can be established. There is access to the site from two roads, albeit access is initially only envisaged from Diary Flat Highway. It does however allow for the construction of the collector road as envisaged by the Structure Plan. The overall development can be designed, indeed must be designed, to meet future roading requirements as such are expressed in the Notices of Requirement which we have referred to earlier and there was no other issue raised by Auckland Transport as to access.

216. Further we accept the comments advanced by the Applicant's consultants in response to this section of Auckland Council's comment on the application.[125]

Additional Matters

217. Auckland Council's comments on the project extend beyond the planning context in terms of the FUZ, the National Policy Statement on Urban Development, the Structure Plan and the Regional Policy Statement.

218. To the extent that the other issues raised by it have not been addressed in our assessment of the effects of the proposal and in our specific review of the Freshwater Regulations, the FUZ, the Structure Plan and the Regional Policy Statement we address the other matters it has raised and are identified by the Applicant.[126]

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[124] Paragraph 2.2 of Table 2 of Schedule 2 of the Response Memorandum - see Schedule 1

[125] See Table 2 item 2.2 in the Planning Memorandum dated 20 March 2024 being an attachment to the Response Memorandum

[126] Table 2 of Schedule 2 of the Response Memorandum - see Schedule 1

219. Non Compliance with Rules: In its planning assessment Auckland Council questioned whether some of the activities complied with particular rules or whether additional consents were required.[127] We can only grant consents for activities for which consent is sought. If there is a proposed activity which requires a consent and no consent has been sought, then that is for the Applicant to address. If there are aspects of consents which Auckland Council considers to be categorised in error then that again will be for the Applicant to address.

220. Examples given are, whether consents sought comply with the relevant provisions in the AUP (OP) governing "Rural tourist and visitor activities", "Produce Sales" and Markets".[128] In all these cases it is for the Applicant to ensure its proposals comply with all rules and standards or it will not be able to undertake such activities. Similarly with the category of visitor accommodation.[129] The concerns raised can be addressed through a management plan condition which will require Auckland Council's oversight.

221. Natural Hazards: Concern is raised that no consent has been sought with respect to Chapter E36 of the plan[130]. Again as the Applicant has not sought such a consent, it must be because it does not believe a consent is required in terms of that Chapter of the plan. Nothing is directly pointed to by Auckland Council which suggests that a consent is required. It is not for the Panel to determine whether such a consent should have been sought.

222. Vesting of Infrastructure: We believe this is addressed to the extent that it is possible through the conditions. There is no aspect of the development which will vest at the time of development but there will be aspects which will vest at some future date. That will need to be addressed at the time that the services are available to be incorporated into the public

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[127] Paragraph 1.2 and 1.6 for example in Table 2 of Schedule 2 of the Response Memorandum - see Schedule 1

[128] See paragraph 1.2 and 1.6 for example in Table 2 of Schedule 2 of Schedule 1

[129] See paragraph 1.6 of Table 2 of Schedule 2 of Schedule 1

[130] See paragraph 1.2 of Table 2 of Schedule 2 of Schedule 1

infrastructure servicing the Dairy Flat area. If the primary concern is the collector road, that is the subject of a condition.

223. Approved Subdivision: The Panel has no issue with the approved subdivision and boundary adjustment. It does not appear to change the degree of compliance, or create any greater noncompliance, with the rules governing the various activities proposed and their need for consents. The Panel is satisfied that no issue arises out of the approved subdivision.

224. Categorisation of the Surf Park: Auckland Council takes issue with the categorisation of the surf park as "Organised Sport and Recreation". It suggests the surf lagoon does not fall within the scope of that definition but is rather a "Recreation Facility" with such activity not being provided for in the FUZ activity table.[131]

225. While the definition of "Organised Sport and Recreation" may have been as the Council contends "more aimed at sportsfields,[132] we consider it to be unrealistic to consider recreation solely in terms of what might be said to be traditional sports fields.

226. While the facility is certainly an aquatic facility, and therefore may constitute a recreation facility as defined in AUP(OP), that is not to say that a surf park cannot also fit within the categorisation of another use under the plan which here the Applicant contends it does as "Organised Sport and Recreation". Surfing is undoubtedly recreation and in the context of this surf lagoon it will, in the Panel's assessment, be organised recreation.

227. The AUP(OP) defines Organised Sport and Recreation as,

> "Activities that require physical effort and skills, are competitive, occur on a regular basis, have formal rules, referees and officials and are organised within formal structures.
>
> The activity typically involves the following:

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[131] Paragraphs 2.15-2.16 in Table 2 of Schedule 2 of the Response Memorandum – see Schedule 1

[132] Paragraph 2.15 in Table 2 of Schedule 2 of the Response Memorandum - see Schedule 1

- use of sport and recreation structures;
- exclusive use of public open space during the course of the activity;
- participants and spectators;
- use of clubrooms, changing facilities;
- training and practice sessions;
- payment of money to conduct activity;
- organised by a club, sporting body or group;
- booking and recording system of scheduled hours per week of each sports filed by the owner or administrator of the sports field;

Includes, but is not limited to:

- team sports; and
- competitive sports.

228. It is our view that the activities at the surf lagoon fall within the scope of this definition. What the activity might "typically" involve does not limit the definition. Surfing in the context of the proposed surf lagoon, where the use of the lagoon is paid for, will be regulated, can have both participants and spectators, have changing facilities, will be overseen, provide training/coaching and lifeguards for learners, seems to us to be in accordance with the definition of Organised Sport and Recreation. While the definition includes team sports it is not limited to team sports. While surfing is not a team sport it does include competitions.

229. That there is no specific provision for a surf park does not mean a surf park does not fall within the definition. Such a use may not have been in the contemplation of the drafters of the plan however, whether that was or was not the case, we hold the activity is within the scope of Organised Sports and Recreation and hence a discretionary activity in the zone. It is in our view no different from a sports park being used for what might be termed "traditional" sports.

230. Reinstatement of Wetlands: Auckland Council raised a possibility of the reinstatement of natural wetlands within the site. We are also aware of the requests from Te Kawerau a Maki and Ngati Whananga for such reinstatement.[133] The Applicant does not accept that such is necessary given it contends there is sufficient offsets being provided with respect to the stream reconfiguration and streamside planting together with the provision of wetlands for stormwater attenuation and significant onsite plantings. On overall judgement we do not believe that such need be a requirement of any grant of consent although we hope the Applicant gives the iwi requests further consideration.

231. Site Hydrology: Concerns are raised about the post development catchment and whether greater detail is required to demonstrate how stream base flow will be maintained.[134] These concerns have been considered and addressed by McKenzie & Co on behalf of the Applicant. To the extent necessary, the Applicant's consultant believes the concerns can be addressed at the detailed design phase under a stormwater management plan. That is accepted by the Panel. We have included a condition requiring such a plan. Such is in any event seemingly offered by the Applicant through its consultant McKenzie & Co and will be needed to address any changes to hydraulic assumptions and parameters as the project is implemented.[135]

232. Local Board Concerns: A number of issues have been raised by the Local Board. These primarily relate to transport issues. It is believed these are addressed through the conditions of consent to the extent that, such need to be addressed and through the design of what is proposed. There are some issues raised by the Local Board which are outside the control of the Applicant and are not capable of being subject to conditions.

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[133] Attachments 57 and 58 to the AEE

[134] Paragraphs 5.24 and 5.26 in Table 2 of Schedule 2 of the Response Memorandum - see Schedule 1

[135] McKenzie & Co's Flood Assessment Report Rev E dated 18 March 2024. This is confirmed in para 3.4 of Rev G of the Flood Assessment Report.

Consideration of consent application under FTA

233. Clauses 31 and 32 of Schedule 6 of the FTA set out the matters to which a panel considering a referred project must or may have regard, and the matters a panel is entitled to disregard. In terms of these matters:

(a) Clause 31(1) requires that a panel must, subject to the FTA's purpose and Part 2 of the RMA, consider any actual and potential effects on the environment, any measures proposed/agreed by the Applicant to ensure positive effects or offset or compensate for negative effects, any relevant provisions of RMA standards, policies, plans, iwi management plans, and any other matter a panel considers relevant.

The Panel has considered all relevant effects (earlier in this decision) as well as all relevant planning documents. We will assess the application of Part 2 of the RMA later in this decision.

(b) Clause 31(3) is not applicable as the site is not within the coastal marine area.

(c) Clause 31(4) enables a panel to disregard an adverse effect of an activity if a national environmental standard or plan permits an activity with that effect however the Panel considers it has not disregarded any adverse effects in terms of this discretion.

(d) Clause 31(5)(a) prohibits a panel from considering the effects of trade competition however no trade competition effects were raised.

(e) Clause 31(5)(b) restricts a panel from granting resource consents which are contrary to certain provisions in the RMA, regulations made under the RMA, and other specified matters. Only S.107 RMA would appear to be relevant and we will consider that shortly.

(f) Clause31(6) which prohibits a panel from considering the effects of an activity on any person who has given written approval to that activity provided they have not withdrawn that approval before the Application is determined does not apply.

(g) Clause 31(7) enables a panel to grant consent for an activity regardless of what activity type the application was expressed to be for. Here the Panel has determined the overall activity status for the Application is discretionary and assessed it as such.

(h) Clause 31(8) provides a panel with a discretion to decline an application if it considers the information provided by an applicant is inadequate to determine it but this does not arise.

(i) In terms of clause 31(9) the further information sought has been provided and considered.

(j) Clause 31(10) which requires a panel, subject to clause 5 of Schedule 5, to comply with an obligation imposed on a local authority/other decision maker by a Treaty settlement when making a decision, does not apply as we were not made aware of any relevant Treaty settlement issues.

(k) Clause 31(12) requires a panel to decline an application if it is necessary to comply with s.6 FTA however the Panel considers the application is consistent with relevant Treaty principles.

(l) Clause 32 states that ss.104A to 104D, 105 to 107 and parts of s.138A of the RMA apply with all necessary modifications. We will turn to RMA matters next.

RMA Assessment

234. The consenting provisions of the RMA apply with all necessary modifications to a decision under FTA such that references

within the relevant consenting provisions of the RMA to a consent authority are to be read as a reference to a panel.[136]

235. Accordingly as we consider the application is one for a discretionary activity we have a discretion reserved as to whether to grant or refuse consent and to impose conditions.[137] In the exercise of that consent the Panel as a consent authority is to have regard to all matters listed in S.104 that are relevant to the circumstances.[138]

236. Under S.104 in considering an application the Panel is to have regard to a number of specific matters. S.104 is expressly stated as being "subject to Part 2" of the RMA. Clause 31(1) of the Sixth Schedule of the FTA similarly provides that when considering a consent application in relation to a referred project a panel "must, subject to Part 2 of the (RMA) and the purpose of the Act, have regard to" those matters listed in clause 31(1).

237. Part 2 of the RMA states that the purpose of the RMA is to promote the sustainable management of natural physical and resources. Sustainable management is defined as meaning "managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for the health and safety while –

(a) sustaining the potential of natural and physical resources … to meet the reasonably foreseeable needs of future generations; and

(b) Safe guarding the life supporting capacity of air, water, soil and eco systems; and

(c) avoiding, remedying or mitigating any adverse effects of activities on the environment."

238. It is the Panel's judgment that consent should be granted notwithstanding any potential or possible conflict with the

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[136] S.32(2) FTA
[137] S.104B RMA
[138] Aley v North Shore CC [1999] 1 NZLR 365

provisions of the FUZ and the Structure Plan. To the extent there is a conflict between the activities for which consent is sought and these statutory instruments in the exercise of our discretion, we grant consent to the proposal.

239. We hold that the project will provide significantly for the social, economic and cultural wellbeing of the Auckland region. The integrated nature of the "surf lagoon package" encompassing not only the surf lagoon and its related activities but also the visitor accommodation, the market garden, the restaurants and wellness retreat are an integrated development which will provide significant social and economic benefits to the community. The concept is, we accept unique. In our judgment in applying S.2 it is appropriate that consent be granted upon an overall assessment of the proposal taking into account the nature of the activities proposed and their effects within the applicable planning regime.

240. We are conscious of the use of the words "avoided" and "avoid" in the objectives and policies of the FUZ zoning provisions. We are however also aware of the Court of Appeal's determination that a consent authority, in an appropriate case, may refer to Part 2 of the RMA when making decisions on resource consent applications.[139]

241. The Court in Davidson held that a consent authority must, on a resource consent application, have regard to the provisions of Part 2 when it was appropriate to do so.[140]

242. We consider having regard to the provisions of Part 2 that this development meets the purpose of S.5 RMA. We further hold that, to the extent relevant, it is in accordance with matters contained in ss 6-8 of the RMA. In particular it

- enhances public access along the stream bisecting the property – S.6(d)

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[139] RJ Davidson Family Trust v Marlborough District Council [2018] 3 NZLR 283

[140] See Davidson para 47

- provides for the relationship of Māori with the site – S.6(e)
- is an efficient use of natural resources – S.7(b)
- provides for the efficiency of the end use of energy – S.7(ba)
- enhances the quality of the environment – S.7(f)
- provides for the benefits derived from the use and development of renewable energy – S.7(j).

243. Certain of these matters recognise the integrated aspect to the development. The solar farm will generate electricity to provide power for the data centre with the heat generated by the data centre being utilised to warm the water in the surf lagoon. That will enable greater use of the surf lagoon than might otherwise be envisaged particularly during the colder months of the year.

244. As to the other matters to which regard is to be had as set out in S.104(1)(a) – (c) of the RMA, those have where relevant been considered throughout this decision.

245. We believe the financial parameters of the proposal as outlined by Property Economics[141] are significant. They provide an important context in which this project can be assessed in terms of the purpose of the FTA. Not only does it fall squarely within the purpose of the FTA, to promote employment while promoting sustainable management, it also in our assessment falls within the purpose of the RMA. There is significant social and economic benefit. A surf lagoon will promote and benefit the health and wellbeing of the community.

246. In placing emphasis on a Part 2 RMA assessment such is not to ignore, or seek to allow the relevant planning instruments/provisions identified to be "rendered ineffective" as the Court of Appeal identified in Davidson.[142] In the context of this application we consider the activities fall within a

[141] Attachment 59 to the Application
[142] See Davidson at para 82

"transition" from rural to urban and that the suite of activities sought while having some urban characteristics could not be said to be urban.

247. The planning instruments are not we believe rendered ineffective in granting consent in the light of the unique nature of the application.

248. We turn next to consider clause 31(5) of Schedule 6. This provides the Panel must not grant a resource consent that is contrary to s.107 of the RMA. We also are under clause 32(1) required to consider S 105 of the RMA.

249. S.107 prevents discharge permits being authorised if the discharge of water or contaminants into water, (or onto land in circumstances that may result in it entering water), would result in:

(a) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;

(b) any conspicuous change in the colour or visual clarity;

(c) any emission of objectionable odour;

(d) the rendering of fresh water unsuitable for consumption by farm animals; or

(e) any significant adverse effects on aquatic life.

250. S.105 requires the Panel to consider the nature of any discharge and the sensitivity of the receiving environment.

251. The Applicant has assessed the potential for such effects to arise in the AEE. We concur with the assessments provided.[143] We have also considered the effects of discharges previously in this decision. We have imposed conditions which require compliance with best practice standards and measures to ensure discharges associated with the development will not breach the s.107 restrictions with these, where relevant, to require Auckland

[143] See paras 11.3.1 and 11.3.2 of the AEE at pages 91-2

Council certification. On this basis, we consider s.107 is not breached by the granting of consent. We are also satisfied that S.105 of the RMA has been assessed and that consent can be appropriately given.

DECISION

252. We are satisfied that the FTA and in particular that all clauses 31 and 32 of Schedule 6 considerations are met and that the dual purposes of the FTA and the RMA are achieved.

253. For the reasons given in this decision, consent for the development is granted subject to the conditions attached as **Schedule 8**.

254. In accordance with clause 38 of Schedule 6, the Panel records that a person entitled to appeal must file any appeal no later than 15 working days after they have received notice of this decision.

Graeme Mathias

Justine Bray

Glenn Wilcox

Schedule 1

1.0 Table 1: Summary of Comments Received and Responses Required

No.	Name	Support / Oppose / Neutral	Summary	Response
1	Ju Hyeong Hahm	Support	Fully supports the proposal	N/A
2	Ruz Wang	Support	Fully supports the proposal	N/A
3	Ming Xin Zhang	Support	Fully supports the proposal	N/A
4	Brian Sutton	Support	Fully supports the proposal	N/A
5	Employers and Manufactures Assoc. C / - Alan McDonald	Support	Fully supports the proposal	N/A
6	Angela and Ben Parsonage	Neutral	Road design/alignment in relation to their vehicle access and operational noise	• Road design and alignment is addressed in the Transportation Memo accompanying this response as **Attachment 6.** • Operational noise is address within the Acoustic Memo accompanying this response as **Attachment 8**.
7	Ian and Florence Gatman	Neutral	No objections raised	N/A
8	Yong Kwan	Neutral	Concerned with wastewater treatment and stormwater discharge/flooding in respect of the watercourse passing through their property.	• Wastewater treatment is addressed in the Civil Memo accompanying this response as **Attachment 13**.
9	Linsay Howitt	Oppose	Concerned with operational noise (people, loud speakers, music etc), light pollution, traffic	• Operational noise is address within the Acoustic Memo accompanying this response as **Attachment 8.**

			pollution/increased number of vehicle trips and zoning.	• Light Spill is address in the Light Spill Memo accompanying this response as **Attachment 7**. • Traffic generation is addressed in the Transportation Memo accompanying this response as **Attachment 6.** • Zoning matters are address in the Planning Memo accompanying this response as **Attachment 1**.
10	Hon Paul Goldsmith	Support	Supports the proposal and HNZPT comments.	N/A
11	North Shore Aero Club (North Shore Airport)	Support	Fully supports the proposal	N/A
12	Watercare Services Ltd	Neutral	No concerns raised	N/A
13	Property Council New Zealand C/- Leonie Freeman	Neutral	No concerns raised	N/A
14	Auckland Transport C/- Matthew Ford	Neutral	Concerned with conflicts between the application, submissions and response to the panel as well as the relationship with the collector road.	• Conflicts identified by Auckland Transport and Waka Kotahi are addressed in the Rapid Transport Corridor Memo included as **Attachment 3.** • The remaining transport matters are addressed in the Transportation Memo accompanying this response as **Attachment 6.**
15	Bryn Lockie	Support	General concern regarding management of construction activities and operational noise in respect of horses.	• Operational noise is address within the Acoustic Memo accompanying this response as **Attachment 8.**

				• Light Spill is addressed in the Light Spill Memo accompanying this response as **Attachment 7.** • Construction management is addressed in the Civil Memo accompanying this response as **Attachment 13**.
16	Heritage New Zealand		Concern with lack of heritage assessment of the pre-1900 villa and that there is no meaningful commitment to the villa's conservation and adaptation.	• This matter is addressed in the Planning Memo accompanying this response as **Attachment 1**.
17	Waka Kotahi – C/ Sonya McCall	Neutral	Concerns relating to costs in relation to removing buildings within the RTC corridor, setback of data centre and collector road.	• Conflicts identified by Auckland Transport and Waka Kotahi are addressed in the Rapid Transport Corridor Response included as **Appendix 3** Transport matters are addressed in the Transportation Memo accompanying this response as **Attachment 6.**
18	Auckland Council	Oppose	Please refer to **Table 2** below.	Please refer to **Table 2** below.

2.0 Table 2: Summary of Auckland Council Comments Received and Responses Required

Site / Project	Auckland Surf Park Community	Last Updated	20/03/2024

	Comment	Action / Response
1.0	Planning	
	Rules Assessment	
1.1	Clarification is required by the Applicant if the proposal meets the definition of activities sensitive to hazardous facilities and infrastructure, with reference to the Chapter J definition and the elements of the development being proposed (organised sport and recreation, visitor accommodation) (with reference to Policy E31.3(2)).	The proposal includes visitor accommodation, organised sport and recreation and therefore meets the definition for *activities sensitive to hazardous facilities and infrastructure.* The setback from sensitive activities has been addressed within *Appendix 36 – DC Fuel Storage (AUP(OP) E31 Assessment* prepared by Aurecon and included within the application. The onsite facilities were determined to comply with the setback distances specified in the activity table. Further, no concerns were raised by Aurecon in this regard. For this reason, the proposal is not considered to be contrary to Policy E31.3(2).
1.2	Additional reasons for consent need to be confirmed by the applicant with respect to the land instability triggers under Chapter E36 – Natural Hazards, and the site characteristics which appear to align with the Chapter J definition of "Land which may be subject to land instability".	Noted – Please refer to the Addendum to Section 6 of the AEE (Resource Consents Required) included as Attachment 2.
1.3	The AEE mentions that there are elements of the proposal that are to be vested to Asset Owners, such as new roading and stormwater infrastructure. It is unclear by which mechanism the Applicant is proposing to vest the infrastructure, noting that there is no subdivision component that forms part of the proposal and the Rule Assessment is silent in terms of assessing Chapter E39 Subdivision – Rural. It would also be important to understand any conflict the planting strategy may have with Chapter 7 of the Auckland Code of Practice for Land Development and Subdivision, noting that roads to vest are subject to different planting quantity and specimen types. This may affect the overall appearance of the proposal with respect to the	No vesting of infrastructure is proposed as a part of the application. It is anticipated that the collector road and associated stormwater infrastructure may be vested in future. This would be address through a future application.

	Comment	Action / Response
	adverse effects on rural amenity and character in the area.	
1.4	With respect to the various activities proposed, there are concerns with the use of H18.4.1(A45) 'Rural tourist and visitor activities' forming part of the proposal. It is unclear what part of the proposal is able to meet the Chapter J definition of "Rural Tourist and Visitor Activities" noting that the recreational activities or pursuits proposed at the development site do not appear to be "derived from and interacting with the rural environment or communities, including their history"; nor is it "functionally dependent on the natural or rural environment", acknowledging that the recreational components of the activity are artificial.	In respect of being *derived from and interacting with the rural environment* and *functionally dependent on the natural or rural environment* the proposal includes walkways and nature trails throughout the native plantings and revegetated stream corridor. We do not consider that the extensive native planting and naturalisation of the stream to be artificial. In respect of being *derived from and interacting with… communities, including their history* we note that an outcome of the applicant's comprehensive consultation with mana whenua was that māori identity and design will be incorporated throughout the proposal. It was identified that the proposal presented an opportunity to educate visitors on surfing within māori history along with practicing tikanga and ingoa within the space. The applicant is committed to on-going consultation with mana whenua throughout the detailed design process.
1.5	The assessment against H18.6.7 'Produce Sales' is partial and limited to "retail area 100m2" and "Complies – N/A" in the Rules Assessment document. As the AEE specifies consent is required as a Discretionary activity under H18.4.1(A19) and the standard requires compliance with H18.6.7(1) through to (5), noting the use of ";" as well as "and", clarification is required to understand the extent of the infringement. I note that 'Produce Sales' is also a definition within Chapter J of the AUP:OP.	The proposal includes produce sales, as defined within Chapter J of the AUP(OP). Produce sales are associated with the 334m^2 market/flexible space building. For this reason, the proposal does not comply with Standard H18.6.7(5) which limits the retail area to 100m^2. The proposal will comply with Standard H18.6.7(1) – (4). Please refer to the Addendum to Section 6 of the AEE (Resource Consents Required) included as Attachment 2.
1.6	The degree of compliance with H18.612 'Markets' has not been addressed.	The proposal can comply with all applicable standards for Markets under H18.612.
1.6	The proposed visitor accommodation with respect to tariffs and number of days of operation has not been addressed and is generally a condition of consent requirement to ensure the operation of the activity is in scope of what has been assessed as part of the resource consent application.	These operational details have not yet been confirmed. However, it is anticipated that the accommodation will be offered at a daily tariff consistent with short stay accommodation.
1.7	The discharge of chlorinated lagoon water into the stormwater management system is of concern. However, it also cannot discharge into the wastewater system as 1) there is no capacity, and 2) the contaminants in the	This matter is addressed in the Civil Memo accompanying this response as **Attachment 13,** in addition to the Ecological Impact Assessment included as **Appendices 44 – 45** of the application.

	Comment	Action / Response
	lagoon water would destroy the very bacteria it relies on to work. The Applicant will need to address the (separate) solution required to deal with the chlorinated lagoon water. It is queried why an additional trigger under Chapter E4 of the AUP:OP has not been provided for by this application.	We acknowledge consent should be sought under Rule E4.4.1(A15), as water discharge from the lagoon will not be in accordance with Standard E4.6.2.2(1)(a). Please refer to the Addendum to Section 6 of the AEE (Resource Consents Required) included as Attachment 2.
	Draft Conditions	
1.8	With respect to the Draft Conditions document, the conditions proposed by the Applicant are generally acceptable. However it is recommended that, the wording should be updated to reflect current standard practice, eg "shall" and "should" replaced with "must" and "the applicant" by "the Consent Holder". Additional conditions are also required to manage the effects of the proposed visitor accommodation activities, restaurants and markets. Should the Panel decide to grant this application the Council can provide standard conditions with respect to these elements.	Noted. Given the limited timeframe to respond to comments received, it is intended to provide a comprehensive response to any suggested draft condition amendments at a later date when the Panel requests comments under clause 17(2) of Schedule 6 of the FTCA.
	Other Matters	
1.9	With respect to the granted boundary adjustment subdivision consents, SUB60422811 and SUB60425790 (which now form part of the receiving environment), these have created separate Lots for the proposed Surf Park, Solar Farm and Data centre. There are concerns as to how this subdivision layout will effect the proposal presented to the Panel with respect to staging, the calculations proposed for infrastructure servicing, and whether the degree of compliance of the various activities proposed now changes.	The boundary adjustments were sought to better rationalise the site for the future development anticipated by this Application. There are no changes to staging, calculations for infrastructure servicing, nor to the degree of compliance of the various activities proposed.
1.10	With respect to the visual appearance of the proposal, I have reviewed the Landscape and Visual Effects Assessment supporting the application (which suggests the application is a non-complying activity). There appears to be a reliance on the anticipated external boundary landscaping proposed which is aimed to screen the proposal from neighbouring properties. The visual simulations provided demonstrate what the planting will look like in 10 years' time, however, in my opinion it would be beneficial to understand what the planting will look like in shorter durations, such as two years and five years, aligning with different stages of the development proposal	This matter is addressed in the Landscape Visual Effects Memo accompanying this response as **Attachment 4,** and the Landscape Architecture Memo included as **Attachment 5.**

	Comment	Action / Response
	and what plant sizing will be established. At this point in time, I consider that there is a likelihood of adverse effects on the rural character and amenity of properties in the immediate FUZ and Rural – Mixed Rural zone area to the west of the subject site on Dairy Flay Highway as a result of this landscaping strategy.	
	Future Urban Zone	
1.11	I have also considered the effects of the development being located within the Future Urban Zone. The intention of this exercise is to understand the potential implications around utilising land that has not yet been live-zoned for urban purposes. Notwithstanding the below comments, I refer the Panel to Mr Dave Paul's policy assessment for an in-depth analysis in the first instance (Appendix B).	Noted
1.12	While H18 contains rural provisions, the FUZ is not a rural zone. It is a transitional zone, as put forward by H18.1 of the AUP(OP), which sets out that *"the Future Urban Zone is applied to greenfield land that has been identified as suitable for urbanisation. The Future Urban Zone is a transitional zone (emphasis added). Land may be used for a range of general rural activities but cannot be used for urban activities until the site is rezoned for urban purposes."* This is to ensure that subdivision, land use and development do not compromise future urbanisation. In my opinion, the FUZ plays a significant part in the overall land use strategy for the Auckland region.	Noted
1.13	I also consider that development should be limited to activities that are consistent with Policies H18.3(2)-(6). This direction is put forward in many of the objectives and policies of the zone and is explained in the zone description (H18.1).	With regard to the objectives and policies, it is unclear whether Auckland Council have considered the comprehensive assessment provided within sections 10.4 of the AEE.

	Comment	Action / Response
1.14	Objectives H18.2(1) – H18.2(4) emphasise the role that the FUZ plays in giving effect to Chapter B2 of the AUP(OP) RPS. The wording of Objectives H18.2(1)-(4) essentially confirms that the incremental urban development could compromise the purpose of the FUZ and result in premature urbanisation. There does not appear to be a reason why the current proposal needs to be located in the FUZ, in advance of live-zoning. Of note, Objective H18.2(4) reinforces the purpose of the FUZ by using the word "avoided". The proposal does not: • support a rural community, and I therefore consider that the activities are inconsistent with Policy H18.3(2). • Is inconsistent with Policy H18.3(4), which states: "Require subdivision, use and development to maintain and complement rural character." The proposal comprises elements that suggest urbanisation with respect to layout, form, and scale. • This suggests inconsistency with H18.3(6) – Avoid subdivision, use and development of land that may result in one or more of the following:	With regard to the objectives and policies, it is unclear whether Auckland Council have considered the comprehensive assessment provided within sections 10.4 of the AEE. We disagree with their assessment for the reasons identified within section 10.4.2.11 of the AEE.
1.15	*Structures and buildings of a scale and form that will hinder or prevent future urban development.* I find that the proposed urban development may hinder or prevent future urban development and may not fit in with the wider structure plan area when the land is re-zoned. *compromise the efficient and effective operation of the local and wider transport network.* the proposal will adversely affect the efficient and effective operation of the local and wider transportation network as described the Auckland Transport in their comments to the Panel. *require significant upgrades, provisions or extension to the wastewater, water supply, or stormwater networks or other infrastructure;*	We disagree with their assessment for the reasons identified within section 10.4.2.11 of the AEE.

	Comment	Action / Response
	the proposal will require the upgrading or extending of all types of public infrastructure. *inhibit the efficient provision of infrastructure* The proposal has the potential to inhibit the efficient provision of stormwater infrastructure when the land is urbanised and may not meet Healthy Waters standard requirements. I also note that the shortfall in funding for required roading infrastructure and mitigation works means that there would be a compromise made by Auckland Transport (when assets are vested) which may not result in the best outcomes. *give rise to reverse sensitivity effects when urban development occurs;* *give rise to reverse sensitivity effects in relation to existing rural activities or infrastructure; or* the development may give rise to reverse sensitive effects in relation to existing rural activities and infrastructure. Dwellings in close proximity to existing rural uses could result in reverse sensitivity effects in terms of noise, odour, dust and amenity values. *undermine the form or nature of future urban development.* The proposal may undermine the form and nature of urban development in the wider structure plan area, particularly with regard to anticipated Light Industry zoned activities. Until such time, the activity can generate adverse effects on the rural character and amenity of the surrounding FUZ currently enjoyed by residents in the existing rural environment.	
1.16	My assessment suggests that the proposal will result in urbanisation of land zoned 'Future Urban' before it has been rezoned for urban purposes and may compromise aspects of such future urbanisation. It is therefore considered to be inconsistent with Objectives H18.2.(1), (3), and (4) and Policy 18.3.(6)	We disagree with their assessment for the reasons identified within section 10.4.2.11 of the AEE.

	Comment	Action / Response
1.17	Objective H18.2(1) and Policy H18.3(1) of the Future Urban zone refer to the objectives and policies of the Rural Production zone, as follows: H18.2(1) – "Land is used and developed to achieve the objectives of the Rural – Rural Production Zone until the land is rezoned for urban purposes." H18.3(1) – "Provide for the use and development which supports the policies of the Rural – Rural Production Zone unless that use and development is inconsistent with policies H18.3(2) to (6)."	We disagree with their assessment for the reasons identified within section 10.4.2.11 of the AEE.
1.18	H19.2 contains 'general' objectives and policies that apply to all rural zones. These objectives and policies relate to the use of land for rural purposes and maintenance and enhancement of rural amenity values. There are also objectives and policies that are specific to rural industries, rural commercial services, and non-residential activities in H19.2.5. I consider that the components of the proposal are unrelated to rural activities and not intended in rural zones. The objectives and policies that are specific to the Rural Production zone are also specific to rural production, rural industry and rural commercial activities.	We disagree with their assessment for the reasons identified within section 10.4.2.12 of the AEE.
1.19	Overall, the scale of the proposal and its location in an area that currently exhibits a rural-residential / rural production character, is not suitable under the current FUZ zoning. The proposal has the potential to undermine the sustainable management of the area and compromise Council's obligation to plan for future urban development in the Dairy Flat and Silverdale-West Structure Plan area.	We disagree with their assessment for the reasons identified within section 10.4.2.12 of the AEE.
1.20	A significant issue arises as to whether the granting of the subject consent could set a precedent for the consideration of similar urban proposals on other FUZ land. It is my opinion that granting of this consent could influence how other similar proposals for urban development ahead of rezoning are considered. I refer the Panel to the Fast Track Consenting Decision for the Whenuapai Business Park, which was an application declined by the expert consenting panel for a proposal relating to an industrial development and associated 21-lot subdivision proposed within the Future Urban Zone, and the High Court Decision for Auckland Council v Matvin Group Ltd. The High Court decision relates to an appeal challenging whether consent	The issue of precedent is contradictory to Auckland Council's comment that the proposal is a unique activity[1]. We agree that the proposal is unique in that the combined activities on the site are neither inherently rural nor urban in nature. Further, we note that while surf parks are not explicitly provided for, they are also unique in the fact that they are neither typical outcomes anticipated by the plan, nor an existing activity within New Zealand at the time of plan drafting. The Proposal is exceptional. It will not set an adverse precedent as the activity is unlikely to be replicated in the FUZ or elsewhere.

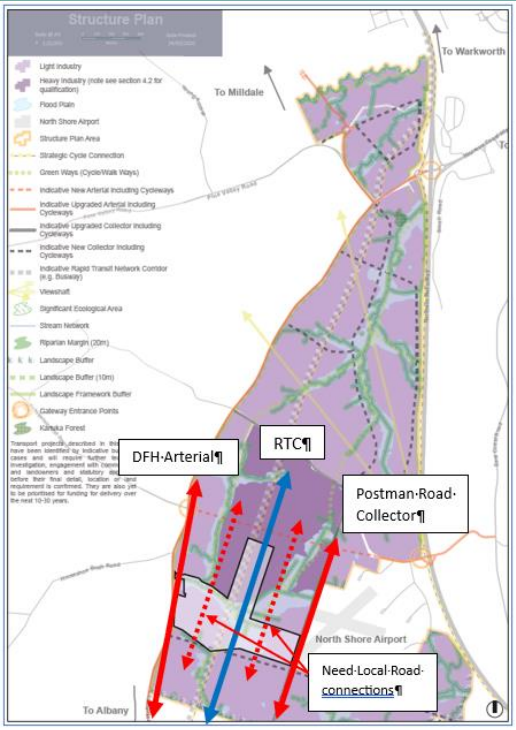
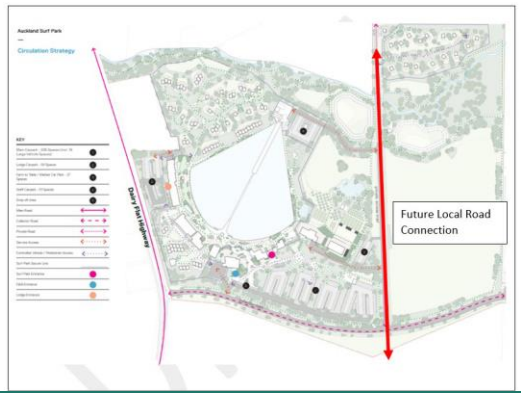
[1] Page 7, listed under 'positive effects' within Auckland Councils comments.

	Comment	Action / Response
	ought to have been granted for a retirement village in the Future Urban Zone, where in March 2023, an expert panel under the COVID-19 Recovery (Fast-Track Consenting) Act 2020 had granted land use and subdivision consents to Matvin Group Ltd, subject to conditions, for the proposed retirement village at Riverhead, Auckland. The council appealed the Expert Consenting Panel decision (to grant the application) as it was concerned that this non-complying activity was contrary to the objectives and policies of the AUP as they related to the FUZ. The Council argued that the proposal was premature as the site had not yet been rezoned for urban development.	Given the unique nature of the proposal, and that it is neither urban nor rural, it is also not comparable to Whenuapai Business Park which is inherently urban. *Auckland Council v Matvin Group Limited* has been addressed within the Legal Review included as **Appendix 63** of the Application.
1.21	If consent is granted, it is my opinion that the Council would find it difficult to refuse similar significant proposals prior to a plan change process to introduce live-zoning requirements. The staged rezoning of Future Urban zoned land provides for a thorough analysis of all proposed land uses, their location and how they will be serviced. The sequencing of development is an integral element with respect to how a proposal can co-exist with existing and proposed land uses and how they are serviced in a sustainable and cost-effective manner. On this basis, there could be potential for other developers to attempt urban developments in the FUZ which raises Plan integrity issues and would potentially undermine the purpose, viability and functionality of the FUZ and how urbanisation is achieved in Auckland.	Please refer to our response to Item 1.20 above.
2.0	Policy Planning	
	NPS-UD	
2.1	The National Policy Statement on Urban Development, through various objectives and policies, requires that New Zealand and planning decisions contribute to well-functioning urban environments. The application considers that the proposal will result in a well-functioning urban environment. I have reservations that this is the case as it does not integrate the provision of the necessary infrastructure or integrate with possible adjoining future land uses. At present, it is spatially remote from other urban environments and will remain so until the future urban land to the north in earlier stages in the Structure Plan (see below) is developed.	We disagree with their assessment. Based on the findings within the engineering reports (**Appendices 11 – 16 & 30 – 31** of the Application), it is considered that the proposed development can be appropriately serviced. Provision has been made to allow for connections to public infrastructure if this was to become available in future. Activities on the Site are unique and are neither inherently rural or urban in nature. Further, we refer to the Future Context Analysis included as **Appendix 52** of the Application to demonstrate

	Comment	Action / Response
		that all of the proposed activities can be consistent with the future industrial zoning.
	Regional Policy Statement	
2.2	The Regional Policy Statement in B2 Urban Growth and Form sets out the high-level strategic objectives for the management of Auckland. In the context of this application the following objectives and policies are relevant in my view. *Objective 2.2.1* *(5) The development of land within the Rural Urban Boundary, towns, and rural and coastal towns and villages is integrated with the provision of appropriate infrastructure.* *Policy 2.2.2 (3)* *(3) Enable rezoning of future urban zoned land for urbanisation following Structure Planning and plan change processes in accordance with Appendix 1 Structure plan guidelines.* *(8) Enable the use of land zoned future urban within the Rural Urban Boundary or other land zoned future urban for rural activities until urban zonings are applied, provided that the subdivision, use and development does not hinder or prevent the future urban use of the land.* In my view the proposal is contrary to these objectives and policies, particularly Policy 8. While a Council Structure Plan has been prepared, the land has not been rezoned for urban purposes. This is discussed further below in relation to the Structure Plan. Neither does the proposal take an integrated approach to the provision of infrastructure and instead relies on standalone facilities. There are elements of the proposal that in my opinion could hinder future urban development and these are discussed below, particularly in relation to access.	We disagree with their assessment. An addendum to the assessment of the objective of policies of the Regional Policy Statement is included within the Planning Memo accompanying this response as **Attachment 1.**
	Silverdale West Industrial Structure Plan 2020	
2.3	The Structure Plan identified three stages of development. The land where this proposal is located is in the Stage 3 area in the Structure Plan staging plan (see Figure 2). This is projected to be developed after 2048. As discussed above, the Future Development Strategy has pushed this out to 2050+. The discussion in the Structure	This matter has been addressed within the Planning Memo accompanying this response as **Attachment 1.**

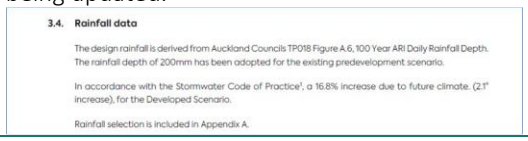
	Comment	Action / Response
	Plan under the Stage 3 topic, refers to the need for transport and wastewater infrastructure before the land can be rezoned. The future demand for industrial land was also a factor in determining a later staging for parts of the land. The Structure Plan also indicates that before a rezoning decision is made on heavy industry the need for it will have to be reassessed at that time.	
2.4	In terms of the future industrial land use identified by the Structure Plan, there are elements of the proposal that I consider would be consistent with the proposed land use in the Structure Plan, namely the data centre, the solar farm and the surf park facility itself. However, there are elements of the proposal that in my opinion are not consistent with an industrial zoning, namely the visitor accommodation and the wellness retreat component as discussed further below.	This matter has been addressed within the Planning Memo accompanying this response as **Attachment 1.**
	AUP(OP)	
2.5	At a broad level I have concerns with any urban type of activity occurring in the Future Urban Zone ahead of rezoning. I am concerned to ensure that any new development does not compromise future urban development of the land. In my view the scale and urban nature of this proposal is contrary to the Future Urban Zone objectives and policies.	We disagree with their assessment for the reasons identified within section 10.4.2.11 of the AEE.
2.6	The proposal is in my view contrary to Objectives (1) and (4) and is urban development occurring before the land is rezoned for urban purposes. As noted above, the Structure Plan and the Future Development Strategy identifies the land for urban development in the periods after 2048 and 2050+ respectively due to infrastructure constraints.	We disagree with their assessment for the reasons identified within section 10.4.2.11 of the AEE.
2.7	The scale and character of the proposal is in my opinion contrary to Policy (3) and it does not maintain and complement the current rural character and amenity of the area. The activities are in my view of an urban scale and character. In particular, the 3-storey visitor accommodation block and the data centre building (approximately 140m x 100m + outside plant) are of a scale far greater that what would be expected of buildings associated with rural activity contemplated in the Future Urban zone. Landscaping may mitigate some of the visual impacts once the vegetation is matured. Until that occurs the development, particularly the data centre, will have a significant visual	We disagree with their assessment for the reasons identified within section 10.4.2.11 of the AEE. In addition, this matter is addressed in the Landscape Visual Effects Memo accompanying this response as **Attachment 4.**

	Comment	Action / Response
	presence. In my view the landscape effects need to be carefully considered in the context of the policy framework and the retention of the rural character and amenity.	
2.8	Despite the landscaping proposed, there will still be traffic, signage, noise and lighting effects which are out of character with area. As a package of activities ie the surf park, the data centre and the solar farm, the proposal in my view presents as an urban activity.	We disagree with their assessment. Effects in relation to these matters are considered to be less than minor, and within the current character of the area, for the reasons described in our AEE.
2.9	In my view, the most significant issue is that aspects of the proposal could compromise the future urban development of the adjoining land for industrial activity (Policy 6(e)). Reverse sensitivity effects could arise for adjoining industrial uses from the accommodation and wellness retreat components with pressure on industrial activity to reduce effects that are a normal part of an industrial area. Also, the visitor accommodation and wellness retreat could be vulnerable to effects from the adjoining industry eg noise, odours etc. I note that visitor accommodation is not provided for in the Heavy or Light Industrial Zones, the likely future zoning of the area as identified in the Structure Plan. I acknowledge that it is provided for in the Future Urban Zone as a Discretionary Activity.	We disagree with their assessment. This matter has been addressed within the Planning Memo accompanying this response as **Attachment 1.**
2.10	The proposed surf park development could also compromise the future development of an interconnected local roading network and integration with adjoining industrial land to the north and south (see Figure 3). This is addressed in Policy 6(b). As the site and the development extend from Dairy Flat Highway through to the Postman Road it effectively severs the industrial area into a northern area and a southern area.	We disagree with their assessment. This matter is addressed in the Transportation Memo accompanying this response as **Attachment 6.**

	Comment	Action / Response
		
2.11	The applicants plan shows a private road connection to the east of the surf park. As a private road this does not enable permeability and north south connections and forces internal traffic to the north and south onto Postman Road (collector) or Dairy Flat Highway (arterial). It therefore prevents the development of a public local road network being constructed between the adjoining industrial areas to the north and south. In my view it is very important that the private road corridor is wide enough to accommodate a future local road connection and walking and cycling between the industrial areas to the north and south of the surf park (see Figure 4). 	We disagree with their assessment. The Transportation Memo accompanying this response as **Attachment 6,** and the Future Contextual Analysis Masterplan included as **Appendix 52** confirm that a through connection can be achieved. We suggest Condition 17 – Final Landscape Plans be amended to include a 16m wide corridor free from planting to future proof the corridor for a local road through the site. Given the limited timeframe to respond to comments received, it is intended to provide a comprehensive response to any suggested draft condition amendments at a later date when the Panel requests comments under clause 17(2) of Schedule 6 of the FTCA.
2.12	The proposal acknowledges the proposed Rapid Transit Designation through the site. In my view consideration also needs to be given to local road connection to the east of the RTC	The Transportation Memo accompanying this response as **Attachment 6** confirms that there is opportunity for the land to the east of the data

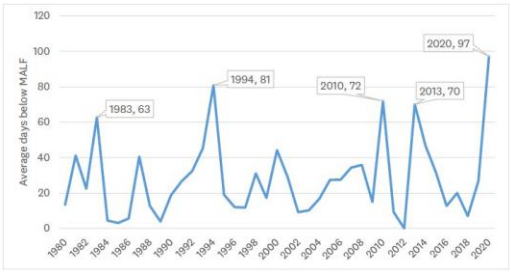
	Comment	Action / Response
	alignment between it and Postman Road as well as to the west of the RTC as noted above. This will be important as the RTC will severe east west connections in the industrial area and force such internal traffic onto Postman Road or Dairy Flat Highway.	centre site to not preclude a north-south local road in future.
2.13	The lack of the integrated provision of water and wastewater infrastructure also means it is not consistent with Policy 6(c) and (d).	We disagree with their assessment for the reasons identified within section 10.4.2.11 of the AEE and supporting Appendices (11 – 16 & 30 – 31).
2.14	The glare and reflection impact of the solar farm on the operation of the North Shore Airport needs to be addressed by the applicant.	This item has been addressed. Please refer to the Response to Minute 1. In addition, we note that the North Shore Airport has also provided comments in full support of the proposal.
2.15	The applicant considers that the surf park fits under the definition of "Organised Sport and Recreation" however, I have reservations that it adequately meets the definition While the definition says, "The activity typically involves the following," and the surf park can meet some of the elements, there are two elements that suggest the definition is more aimed at sports fields and those are, the reference to "exclusive use of public open space" and "… hours per week of each sport filed by the owner or administrator of the sports field". The proposal is not on "public open space" and is not a "sports field". This is, in my view, relevant when the plan includes another relevant definition which is recreation facility which is: Recreation facility A facility where the primary purpose is to provide for sport and recreation activities. Includes: • recreation centres; • aquatic facilities, swimming pools, both indoor and outdoor; • fitness centres and gymnasiums; and • indoor sports centres.	We disagree with their assessment. This matter has been comprehensively considered within section 11 of the Legal Review included as Appendix 63 of the application, and section 9 of the AEE. In summary, the definition for organised sports and recreation typically involves [but is not limited to] the following aspects as they relate to the surf park: • The use of sport and recreational structures being the wave lagoon; • Participants and spectators; • Use of club rooms and changing facilities as described in section 5; • Training sessions in the form of surf schools; • Payment for participants to undertake use of the wave lagoon; • A range of clubs and sporting bodies will organise events such as schools, youth groups and other organisations including but not limited to Surf Life Saving New Zealand, Water Safety New Zealand, Paralympics New Zealand, Disabled Surfers Association New Zealand (an adaptive surfing competition was held in a surf park in Bristol, United Kingdom earlier this year), Scholastics

	Comment	Action / Response
		Surfing Auckland, SurfAid New Zealand and Micro Surf New Zealand all of which provided letters of support during the referral stage; • The operation of a booking system due to the limitation of maximum occupancy of the wave lagoon in conjunction with private events and competitions; • The sport has formal rules, referees and officials • Ability to host competitive sports. Amongst other competitive elements, we note that surfing made its debut at the 2020 Olympic Games. Whilst lagoon surfing is not an Olympic sport, it is part of the World Professional Championship competition. We also note that the lagoon provides for year-round training opportunities in a similar manner that Snow Planet enables competitive snow sport professionals to train throughout the year regardless of seasons and weather conditions.
2.16	Recreation facility is not included in the Future Urban Zone activity table. In my view the surf park fits more comfortably with this definition, being an aquatic facility. By not being listed in the Future Urban Zone Activity Table, it is not therefore contemplated in the zone as suggested by the applicant.	We consider the surf park including ancillary surf academy, rental, changing rooms, administration, ticketing and retail facilities to meet the definition of an organised sport a recreational facility. This matter has been comprehensively considered within section 11 of the Legal Review included as Appendix 63 of the application and section 9 of the AEE. There is no specific provision for or definition of a "surf park" in the AUP. This is unsurprising as it is a unique activity and facility and was not directly contemplated when the AUP definitions were drafted.
2.17	While in my opinion the proposal is contrary to the objectives and policies of the Future Urban Zone, if the hearing panel is of a mind to grant consent, then the following matters should in my opinion be addressed by conditions: • ensuring that the north south private road corridor is wide enough to accommodate a future industrial local road and walking and cycling. • no complaints covenants be placed on the accommodation units to prevent complaints against future industrial activities.	Noted.

	Comment	Action / Response
	• ensure that the accommodation units have appropriate acoustic insulation.	
3	Healthy Waters	
3.1	It is recommended to use a climate change factor in accordance with a temperature rise of 3.8 degree for the rainfall data as the SWCoP is being updated.  **3.4. Rainfall data** The design rainfall is derived from Auckland Councils TP018 Figure A.6, 100 Year ARI Daily Rainfall Depth. The rainfall depth of 200mm has been adopted for the existing predevelopment scenario. In accordance with the Stormwater Code of Practice', a 16.8% increase due to future climate. (2.1° increase), for the Developed Scenario. Rainfall selection is included in Appendix A.	This matter is addressed in the Civil Memo accompanying this response as **Attachment 13.**
3.2	The proposed datacentre building will obstruct the OLFP that generates a flowrate of 1.56m3/sec. Neither the flood report nor the stormwater report provides any diversion and protection plans for this overland flow path. The flood report needs to be amended to include the proposed OLFP realignment (Figure 1 below).	This matter is addressed in the Civil Memo accompanying this response as **Attachment 13.**
3.3	The flood report is not clear that for post development if the proposed earthworks of approximately 500,000m3 has been included, also not mentioned the Datacentre and industrial development.  **3.3. Design Surface (Post development)** A final surface has been prepared in 3D, in the same coordinates and vertical datum above. This surface. Two stormwater wetland devices and Surf Lagoon are proposed in the development, these structures are included in the 3D model, but are modelled as already full, and as such do not provide any storage.	This matter is addressed in the Civil Memo accompanying this response as **Attachment 13.**
3.4	It is unclear how the flood plain was modelled.	This matter is addressed in the Civil Memo accompanying this response as **Attachment 13.**
3.5	The downstream boundary condition has not been appropriately assessed a. It is unclear what is the culvert information underneath the Dairy Flat Highway? No assessment has been provided on the culvert capacity, and whether the culvert would create back flow or over top? This would have an effect on the downstream boundary condition. The assessment is missing information regarding if the development would increase the flooding risk on the road crossing. No assessment has been provided on whether the major OLFP at the western side (MPD 3.8 86cms) would affect the boundary condition. The comment made on Section 4.2.2 regarding advice from Healthy Waters is incorrect. No statement has ever been made by Kedan Li on the downstream boundary condition, Kedan	This matter is addressed in the Civil Memo accompanying this response as **Attachment 13.**

	Comment	Action / Response
	Li has provided the localised flood modelling information on high level only. No discussion has been held regarding beyond the site. The discussion held only related to the flow calculation methodology regarding overland flow path only (Email can be provided for reference).	
3.6	Incomplete report : • To assess the effects of the proposed land use development, it is recommended that the Applicant only consider existing land use development outside of the site, then assess pre-development imperviousness, terrain for predevelopment scenario and proposed imperviousness, terrain for post-development scenario. • When the Applicant assesses future land use outside of the site, the Applicant is to consider maximum probable development (MPD), then assess pre-development imperviousness, terrain for predevelopment scenario and proposed imperviousness, terrain for post-development scenario. • With and without climate change should be used for both current and future land use scenarios. • Location map and Figure 5 are not available in the report.	This matter is addressed in the Civil Memo accompanying this response as **Attachment 13.**
3.7	It is required the flood assessment report is revised to clearly set out the appropriate modelling and flood assessment methodology, together with the assessment on if there were high risks from pre to post development for the site and the upstream and downstream properties. The Applicant must also indicate if whether those risk can be appropriately mitigated. As it stands, there is no clear modelling methodology especially around the downstream boundary condition and development scenarios.	This matter is addressed in the Civil Memo accompanying this response as **Attachment 13.**
3.8	In the absence of developing an appropriate stormwater model, assessment scenarios and lack of final result presentation, it is not possible to assess the flooding risk as a result of the proposed development.	This matter is addressed in the Civil Memo accompanying this response as **Attachment 13.**
4	Stream Take	
	Quantity	

	Comment	Action / Response
4.1	Abstraction must occur when the stream flow is less 0.73 L/s (being 85% of the Specialists assessed 0.86 L/s mean annual low flow" (based on flow statistics for the Council's Rangitopuni @ Walkers long term flow site.).	This matter is addressed in the Wetland and Hydric Soil and Hydrology Memo accompanying this response as **Attachment 10.**
	Relevant Policies	
4.2	The Appendix 20 Report "Auckland Surf Park Water Take and Hydrology Assessment" noted that the key data and flow statistics relevant to this application are Mean Annual Low Flow (MALF) and then the calculations of Minimum Flow (set as 85% of MALF in AUP(OP)). Low flow take Availability was set by the Applicant equal to demand for maintaining the Surf Park lagoon in summer to compensate for evaporation. The applicant's assessment in Appendix 20 report "Auckland Surf Park Water Take and Hydrology Assessment" does not calculate a MALF from specific discharge for the AC Rangitopuni Stream @ Walkers flow site, and catchment area at the site, or from any actual Summer low flow gauging. Flow statistics were determined from a Soil Moisture Water Balance Model (SMWBM).	This matter is addressed in the Wetland and Hydric Soil and Hydrology Memo accompanying this response as **Attachment 10.**
4.3	For the proposed take site on Tributary no. 078737 subject of the application (See blue star site in Figure 2 of this Memo) the Specialist has calculated the MALF as 0.86 l/s for the 2.2 km_2 catchment area (40% greater than the value in the AEE Appendix 20 report), based on the 7-day mean annual low flow specific discharge for the AC Rangitopuni Stream flow site of 0.39 $l/s/km_2$.	This matter is addressed in the Wetland and Hydric Soil and Hydrology Memo accompanying this response as **Attachment 10.**
4.4	The effects of taking such a potential high proportion of stream flow runs the risk of the stream flow being "Flat-lined". Effects of the proposed take on stream habitat space and water quality were not investigated as part of the AEE.	This matter is addressed in the Wetland and Hydric Soil and Hydrology Memo accompanying this response as **Attachment 10.**
4.5	In addition, relying on a stream take to maintain the Surf Park lagoon is risky because stream flows will drop below the 7-day Mean annual low flow in some years. Figure 4 of this Memo is a graph of "Regional average days of stream flow below the MALF" from a Council report "Hydrologic Effects of the 2020 Drought on Auckland Regional Waterbodies", Discussion Paper DP2021/2, December 2021 by Kolt Johnson. It shows that the stream take	This matter is addressed in the Wetland and Hydric Soil and Hydrology Memo accompanying this response as **Attachment 10.**

	Comment	Action / Response
	at low flows may not be possible for up to 80 days in a much dryer than average year. 	
4.6	Regarding AUP(OP) Policy E2.3(6)(c) to take water at the most appropriate times of the day in order to safeguard identified freshwater values (which is not addressed in the Application), an Advice Note is added by the Specialist to Quantity Condition 90 that "Taking water from a stream outside of the early morning hours of low dissolved oxygen (DO), and the mid-afternoon hours of maximum stream water temperature is ideal for safeguarding the life-supporting capacity of the freshwater ecosystem. The take would have least adverse effects if taking was between 9am and 2pm and after 4pm in summer." On days when 150 m_3 is not required, the consent holder could pump for less than 24 hours/day.	This matter is addressed in the Wetland and Hydric Soil and Hydrology Memo accompanying this response as **Attachment 10.**
4.7	The AEE proposes a minimum flow based on stream flow statistics derived from the WW&LA Soil Moisture Water Balance Model. The Specialist proposes instead a minimum flow based on concurrent flow data from the Rangitopuni Stream @ Walkers Council operated flow site which has 40 years of flow record and which the Specialist considers is therefore more reliable than the WW&LA Model. An amended consent condition #91 is proposed to this effect.	This matter is addressed in the Wetland and Hydric Soil and Hydrology Memo accompanying this response as **Attachment 10.**
4.8	To ensure that the take does not cause the stream flow to fall below the 0.70 l/s minimum stream flow, the Consent Holder must reduce their take rate when natural stream flow at the Surf Park stream abstraction point recesses to the "Restriction Flow" of 2.45 l/s which is equal to the 0.70 l/s minimum flow (85% of the Specialists assessed 0.86 l/s MALF) plus the 1.75 l/s maximum pumping rate.	This matter is addressed in the Wetland and Hydric Soil and Hydrology Memo accompanying this response as **Attachment 10.**

	Comment	Action / Response
4.9	Restrictions on pumping from the stream must come into operation, to safeguard in-stream values. If stream flows, based on the concurrent flows at the Rangitopuni Stream @ Walkers flow site, continue to recess then the take must be further reduced, and, if necessary, cease altogether when flows recess to the 0.70 l/s minimum flow. When flows increase above the minimum flow the take may recommence	This matter is addressed in the Wetland and Hydric Soil and Hydrology Memo accompanying this response as **Attachment 10.**
4.10	The daily flow at the Rangitopuni Stream @ Walkers flow site on the Council web site, and the calculated natural flow at the Surf Park abstraction point based on this concurrent flow, must be recorded and reported to Council at quarterly intervals.	This matter is addressed in the Wetland and Hydric Soil and Hydrology Memo accompanying this response as **Attachment 10.**
4.11	Under the Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020, a water permit holder (resource consent holder) is required to record measurements of their water abstraction at 15-minute intervals and electronically provide to council daily records of the measurements by the end of the next day (unless otherwise agreed by council) starting on the certain dates for a water permit that allows water to be taken at the rate specified. The Regulation does not apply to takes at a rate of less than 5 l/s, and therefore do apply to this consent.	This matter is addressed in the Wetland and Hydric Soil and Hydrology Memo accompanying this response as **Attachment 10.**
4.12	The Specialist proposes a condition which requires the Consent Holder to manually check the flow at the Rangitopuni Stream @ Walkers flow site on the Council web site at daily intervals in summer. An alternative is for the consent holder to contract a suitably experienced firm to obtain a data feed from the flow site and provide electronic alerts and daily allocation limits to consent holder.	This matter is addressed in the Wetland and Hydric Soil and Hydrology Memo accompanying this response as **Attachment 10.**
	Duration	
4.13	The applicant sought 5-year duration of consent to expire in 2028. Policy E2.3 (17) of the AUP(OP) provides for the setting of concurrent duration and review dates of consents within a catchment. Prior to Section 39 (Duration of affected resource consent) of the Natural and Built Environment Act 2023, regarding the duration of the consent gaining Royal Assent on 23	Noted. Please refer to the response to item 4.15.

	Comment	Action / Response
	August 2023, the Specialist would have recommended that the consent be granted for a nominal duration of 15 years, to expire on 30 June 2038 with provision to review the conditions in June 2028 and at intervals of no less than five years thereafter. This recommendation would be made in accordance with policy E2.3.17 of the AUP(OP) which provides for the setting of concurrent duration and review dates of consents within a catchment or aquifer. Having the consent subject of the present application expire out-of-step with all other consents would not support future integrated management of the aquifer. The condition no. 89 regarding the duration of consent reflects Section 39 (Duration of affected resource consent) of the Natural and Built Environment Act 2023.	
4.14	The review condition no. 103 proposes that the Council may review the water take consents regarding avoiding or mitigating adverse effects; monitoring undertaken; and the appropriateness of any MALF, and median flow specified within this consent, and, if necessary, to address any inappropriateness of any take rate volume by way of reducing any volume.	Noted. Please refer to the response to item 4.15.
	Stream Take Conditions	
4.15	Refer to full comments	Noted, we will adopt the recommendations. Given the limited timeframe to respond to comments received, it is intended to provide a comprehensive response to any suggested draft condition amendments at a later date when the Panel requests comments under clause 17(2) of Schedule 6 of the FTCA.
5	Earthworks and Freshwater Ecology	
	Wetlands	
5.1	We highlight that section 3 (page 9) of the MfE[1] pasture exclusion methodology 2022 states the following: '*The purpose of the NPS-FM pasture exclusion clause is to support the continuing use of pasture for grazing purposes. The exclusion is not targeted at pasture being converted for urban development or for other land uses*'. Therefore, our team's interpretation is that any areas that exhibit wetland characteristics,	This matter is addressed in the Ecology Memo accompanying this response as **Attachment 11.**

	Comment	Action / Response
	where land use will not remain grazed pasture, should be assessed following the method set out in the 2022 Wetland Delineation Protocols[2]. In summary, these areas observed within the site should not be excluded from the definition as a natural inland wetland, unless other exclusions apply.	
5.2	As the applicant has applied Pasture Exclusion, the application documents, including the Viridis 2023 report and the Boffa Miskell 2023 Ecological Impact Assessment – peer review memo, fail to provide evidence of plant dominance and prevalence indices as prescribed in the Wetland as these vegetation tests form the first of the three methods to delineate a natural inland wetland, the absence of this assessment has the potential to underestimate the presence of natural inland wetland within the site and therefore, as a consequence, compromise the merits of the applicant's assessment.	This matter is addressed in the Ecology Memo accompanying this response as **Attachment 11.**
5.3	Notwithstanding the applicant's ecologists' stance that natural inland wetlands should be excluded from regulation on this site, a hydric soils and hydrology assessment is provided, prepared by Williamson Water & Land Advisory, dated 18 October 2023. This report is peer reviewed by Lowe Environmental Impact, dated 19 October 2023. • The findings presented in the hydric soils assessment conclude that poorly drained soils occur throughout the site which conform to the classification of perch-gley[3] melanic soils. Manaki Whenua Landcare Research describe this soil type as '*slowly permeable with near surface waterlogging*' (soils.landcareresearch.co.nz). The report concludes that soils are not hydric, however, the majority of soil test photos clearly show dark grey topsoil with a low chroma (leached) subsoil within 200-300mm of the surface. This colouration, within the recorded depth range could indicate wetland soils where an impermeable layer creates a perched water table, as per the Wetland Delineation Protocols. Soil colours presented in the hydric soils assessment, in most cases fall short of a classification of	This matter is addressed in the Wetland and Hydric Soil and Hydrology Memo accompanying this response as **Attachment 10.**

	Comment	Action / Response
	hydric soils by a single chroma4 value. This is significant as it is the difference between the presence or absence of hydric soil and the implication of perched water is not discussed in the assessment. • Despite several images of soil profiles that are clearly saturated to a depth of 300mm, the hydric soils and hydrology assessment concludes that no primary or secondary hydrology indicators were found. The Williamson 2023 report does not sufficiently discuss why the observed soil saturation should *not* be considered a primary hydrology indicator. Furthermore, the Lowe peer review memo indicates that seasonally perched groundwater is likely to occur on site, however, does *not* discount the potential for seasonal natural inland wetlands to occur in these locations. Moreover, at the time of Council's site visit in August 2023, ponding water, algal mats, water stressed plants and sulphurous odour were observed, all constituting primary hydrology indicators.	
5.4	The 2022 Wetland Delineation Protocol indicates that, where recent disturbance (including specific reference to grazing) has occurred, all three aspects of wetland assessments need to be undertaken, namely vegetation, soils and hydrology with due consideration for seasonal wetland systems. No vegetation test has been undertaken to date. The hydric soil and hydrology assessment contains numerous inconsistencies, contradict the findings of Council's observations of the site, and their peer review did not undertake a site assessment with independent soil sampling.	This matter is addressed in the Ecology Memo accompanying this response as **Attachment 11.**
5.5	In our opinion, the application of the pasture exclusion protocol and the reliance on an assessment of only hydric soils and hydrology to delineate wetlands is not in accordance with the MfE 2022 protocols. There is currently insufficient information to confirm whether extensive seasonal wetlands are in fact present on site, and will be permanently lost as a result of the proposed activities. Drainage of a natural inland wetland under the NES-F 2020 is a prohibited activity pursuant to regulation 53. In our opinion, the potential	This matter is addressed in the Ecology Memo accompanying this response as **Attachment 11.**

	Comment	Action / Response
	adverse ecological effects are significant, and we would encourage the Panel to take the above discussion into consideration.	
	Streams	
5.6	With reference to page 3 of the ecology response memo, dated 10th October 2023, we acknowledge that watercourse classifications during the Structure Plan process are usually high-level and the process is generally limited to district level matters. However, in this case, Auckland Council's Healthy Waters Unit had commissioned a detailed watercourse assessment to support the Silverdale South and Dairy Flat Structure Plan Area5 (dated January 2020). The methods used in the January 2020 watercourse assessment are the same as what we currently use, and therefore the January 2020 assessment remains relevant.  	This matter is addressed in the Ecology Memo accompanying this response as **Attachment 11.**
5.7	The January 2020 watercourse assessment refers to modification of watercourses through straightening and deepening of the stream bed, and presents their classification of the watercourses on the subject site as intermittent as a precautionary classification, since early historical imagery shows these modifications already present by the 1940s. Historic aerial imagery is therefore not sufficient evidence for an absence of natural watercourses prior to the watercourse classification presented in Viridis (2023) is not applied consistently and contradicts the January 2020 watercourse assessment.	This matter is addressed in the Ecology Memo accompanying this response as **Attachment 11.**

	Comment	Action / Response
5.8	Following observations during the site visit on 7th August 2023, Council's ecologists concur with the classifications identified in the January 2020 watercourse assessment. Furthermore: • The modelled overland flow paths (OLFP) on Auckland Council Geomaps indicates catchment sizes around 3.2Ha to 4.0Ha, which are likely support permanent streams. • The applicant's hydric soils assessment classification of perch-gley soils on the site further support the conclusion that shallow, saturated soils are likely to support extensive aquatic features on the site and that modifications in the form of straightening and deepening of watercourses have occurred, rather than the construction of artificial drains.	This matter is addressed in the Ecology Memo accompanying this response as **Attachment 11.**
5.9	The implication for incorrect stream classification will be the permanent loss of streams on the site and impacts to downstream watercourses. To note, the reclamation of intermittent watercourses is inconsistent with the objectives and policies of the NPS-FM and chapter E3 of the AUP	This matter is addressed in the Ecology Memo accompanying this response as **Attachment 11.**
	Reason for consent	
5.10	The site is zoned "Future Urban Zone" (FUZ), which is a transitional zone that identifies areas suitable for urbanisation. However, H18.1 states that "*Land may be used for a range of general rural activities but cannot be used for urban activities until the site is re-zoned for urban purposes*". To that effect, the current zoning of the land is Rural – Rural Production Zone (Objective H18.2 (1)), until it has been rezoned under a Plan Change. For this reason, the 'urban development' pathway of the NES-F would not currently apply to the proposed urban activities.	Resource consent is not required under the provisions of the National Environmental Standard for Freshwater ('NES-F'), as described in the reports prepared by Virdis included as **Appendices 44 – 45** of the Application. The proposal only includes re-alignment of the highly modified stream, no reclamation is proposed.
5.11	In our opinion, the proposed Surf Park, Solar Farm, Data Centre and private infrastructure would not meet the definition of 'specified infrastructure' under the NPS:FM, nor the definition of 'infrastructure' under the AUP(OP).	There are no inland natural wetlands contained within the site. This matter is addressed within **Appendices 44 – 48** of the Application.
5.12	For these reasons, the above proposed activities, where they relate to effects on natural inland wetlands or streams, would be	As above, there are no inland natural wetlands contained within the site. Regulations 52 to 54

	Comment	Action / Response
	subject to Regulations 52 to 54 and 57 of the NES-F, and standard rules of the AUP(OP).	and 57 of the NES-F are not applicable to the proposal.
5.13	The exception would be the proposed Collector Road and associated stormwater wetland to be vested to Auckland Transport. These activities would be subject to the matters of discretion, including alternatives assessment should they adversely affect natural inland wetlands or streams.	Noted.
5.14	With respect to regional earthworks, we consider that the reasons for consent under E11 of the AUP(OP) as outlined in Section 6.0 of the AEE and Appendix 62 would apply to the entire development (i.e. Surf Park, Solar Farm and Data Centre), with the exception of the proposed Collector Road and associated works whereby E26 would apply.	Noted.
5.15	The rule referenced for the diversion of a stream to a new course under E3 of the AUP(OP) is incorrect; this should be E3.4.1(A19). Furthermore, additional stream works activities under E3 and NES:FW are likely required for the stream crossing to access the Solar Farm area, and for 'habitat enhancement' works within the stream (E3.4.1 (A5)).	Noted. Please refer to the Addendum to Section 6 of the AEE (Resource Consents Required) included as **Attachment 2**.
5.16	However, as there is uncertainty to the presence of natural inland wetlands within the site, it is currently unclear whether the development will require additional consents under the AUP(OP) and/or NES:F or whether the proposal will result in prohibited activities.	We disagreement with this assessment. There are no inland natural wetlands contained within the site. This matter is addressed within **Appendices 44 – 48** of the Application.
	Stream Diversion and Stream Works	
5.17	There is a development at 473 Albany Highway (consent reference BUN60331332) that has consent requirements for the restoration of stream habitat on this site. The application does not mention whether this agreement is still in place or has been withdrawn. If this agreement is still in place, it is likely to have implications on the Surf Park application, particularly with respect to potential offset / net gain to support the subject application.	Bei Group own 473 Albany Highway and the subject site. Bei Group have informed us they are happy to withdraw this offset agreement. This is reflected in the offset not been registered on the Record of Title.
5.18	Although the proposed diversion of the permanent stream is in part for enhancing the stream value, it appears that the scale of aquatic features on site, including perched water table resulting in putative wetlands and the large calculated catchments for streams,	This matter is addressed in the Civil Memo accompanying this response as **Attachment 13.**

	Comment	Action / Response
	are not taken into account in the proposed enhancement of this small section of stream. Our concern is that the anticipated volume of flows to be directed to the small section of stream will overwhelm the stream form and reduce the likelihood that the proposed ecological outcomes will be achieved. Retention and enhancement of the other highly modified freshwater features within the site would enable post-development flows to be further distributed, improving the overall ecological value of the enhancement	
5.19	Site observations noted that the existing stream crossing to access the Solar Farm area was in poor condition. It is likely that a new stream crossing would be required to accommodate the heavy earthworks machinery and vehicles, resulting in the complete replacement of any existing structures. Further details are required around the use of existing stream crossings and proposed stream crossings to demonstrate whether consents are required for these structures in, on or over the streams. Where existing crossings are to be replaced for use and/or incorporated into the development, or new temporary and/or permanent crossings are proposed, bridges should be considered to minimise effects on the streams and fish passage (including the temporary crossing as it will likely be in place over multiple earthworks seasons). We recommend that further details of the stream crossing should be sought to determine whether the crossing will meet permitted activity criteria (under both the AUP(OP) and NES-F.	As a part of the EMP, a temporary culvert crossing will be established during the construction phase. A permanent crossing will be established at a later stage. The permanent crossing will not require a culvert within the stream bed. This matter is addressed in the Civil Memo accompanying this response as **Attachment 13.**
5.20	We do not agree that the full stream works methodology be deferred to a condition of consent. The expectation would be for a draft methodology be provided as part of application to demonstrate works will be undertaken in accordance with best practice.	Noted. Our preference is to condition the Stream Works Methodology. A draft can be provided at the detailed design phase.
5.21	The SEV assessment did not include sampling for important components of this tool (fish and macroinvertebrates). Values for Biodiversity aspects of the SEV are significantly lower than scores reported for the same reach in other studies. The reported low current and potential value of the stream is not supported, particularly in the context of natural inland	This matter is addressed in the Ecology Memo accompanying this response as **Attachment 11.**

	Comment	Action / Response
	wetlands and other streams on the site that have not been assessed.	
5.22	We recommend that further details for the new stream alignment be provided as part of the application documents to better demonstrate that the anticipated ecological outcomes can be achieved, including provision for fish passage and the design of the habitat enhancement and/or in-stream structures. To note, the '*stream typical cross sections*' drawings currently propose a '*rip rap stabilised channel*' for the base of the new stream alignment; this would not be consistent with the existing soft-bottomed stream environment.	A soft-bottomed stream environment is detailed within the Landscaping Plans included as **Appendix 8** of the Application. These drawings should prevail over the civil drawings. This matter is addressed in the Civil Memo accompanying this response as **Attachment 13** and Landscape Architecture Memo accompanying this response as **Attachment 5.** We suggest that Condition 17 – Final Landscape Plans be amended to include the design of the soft-bottomed stream bed. Given the limited timeframe to respond to comments received, it is intended to provide a comprehensive response to any suggested draft condition amendments at a later date when the Panel requests comments under clause 17(2) of Schedule 6 of the FTCA.
	Enhancement potential – wetland	
5.23	The Structure Plan Biodiversity Topic Report[6] promotes the reinstatement of natural wetlands as part of development, particularly at the confluence of streams and within floodplains where wetlands would have historically been present. Given parts of the site would meet these criteria and has good connectivity to groundwater, we recommend further discussion is requested for whether consideration been given to reinstate natural inland wetlands as part of the enhancement opportunities.	This matter is addressed in the Ecology Memo accompanying this response as **Attachment 11.**
	Site Hydrology and Discharges	
5.24	The 1% AEP post-development catchment plan shows a change in flow direction for a number of internal and external stream catchments when compared to the pre-development catchment plan (e.g. reduction in flow towards the southern stream catchment, re-diversion of flows from the east away from the upper extent of intermittent and permanent stream reaches). Its anticipated that this change in catchment direction would also be reflected by the post-development flows supporting the stream hydrology.	This matter is addressed in the Civil Memo accompanying this response as **Attachment 13.**

	Comment	Action / Response
5.25	Further information is required to demonstrate how stream baseflow will be maintained throughout the reaches for on-site streams, and also for streams to the south of the site. Further discussion is required around: • Promotion of retention to infiltration across the development. While the re-use of water is promoted to avoid demand on water supply, there also needs to be a balance to promote retention to ground to support stream baseflow. • Accommodate the intermittent stream and catchment flows from the eastern properties (273 and 275 Postman Road) and maintaining baseflow to the southern stream catchments. Noting that these flows to the south likely support the hydrology of permanent watercourses. • To demonstrate that post-development catchment hydrology will mimic ephemeral and intermittent stream functions to support the health of the permanent stream. • Effects from removal of topsoil across the entire site. Is there the potential to avoid disturbance in some areas of the site (particularly in the area identified for farming) to maintain the existing soils, function of soils, and connectivity with the perched groundwater table. • Effects of compaction and preloading on groundwater and/or stormwater infiltration connectivity to the streams and/or natural inland wetlands. • Clarification for the design and alignment of subsoils (as recommended by the geotechnical interpretive report) will be directed, to demonstrate that flows will be maintained to the pre-development catchments. • Changes in hydrology as a result of reduction in slope and changes to the underlying limestone in the north.	This matter is addressed in the Civil Memo accompanying this response as **Attachment 13.**
5.26	The earthworks plans do not include cross-sections of the proposed works to demonstrate change in landform levels across the entire site, particularly to demonstrate changes in hydrology to freshwater features.	This matter is addressed in the Civil Memo accompanying this response as **Attachment 13.**

	Comment	Action / Response
	We recommend these are provided as part of the application review.	
5.27	Regarding the proposed water take, we predominantly defer to Council's Water Allocation Specialist. However, with regards to local in-stream ecology, further consideration should be given to the low gradients of the immediate stream reach and the nature of the underlying geology (changes of flow during the dry seasons) on the potential for a reduction in water level upstream of the water take location. We acknowledge that a 'review condition' is proffered by the applicant for the water take activity. However, restricting this review to a maximum of 2 years following commencement of the operation would not be sufficient to identify any long-term environmental effects and potential variability over climate cycles the duration of this condition should be extended (e.g. to up to a 10 year period).	We will adopt the Council's Water Allocation Specialist suggested conditions. However, we also note that no concerns were raised in regards to this matter, nor the review condition. Given the limited timeframe to respond to comments received, it is intended to provide a comprehensive response to any suggested draft condition amendments at a later date when the Panel requests comments under clause 17(2) of Schedule 6 of the FTCA.
5.28	Clarification is required for the frequency of discharges from the surf pool, including uncontrolled overflows to the stream. Further information is required to demonstrate how the discharge of water from the heated surf pool to the stream, and associated contaminants and changes in temperature and pH, will be mitigated. We acknowledge that the applicant has proffered a conditions for a Surf Lagoon Maintenance Plan. However, further details should be provided as part of application to demonstrate effects.	This matter is addressed in the Wetland and Hydric Soil and Hydrology Memo accompanying this response as **Attachment 10.**
5.29	Demonstrate how leakages beneath the surf pool will be prevented.	This matter is addressed in the Civil Memo accompanying this response as **Attachment 13.**
5.30	No consideration is given to the impacts of extensive hydrological changes as a result of activities on the site, on any natural inland wetlands within 100m of the site. Further information is required to demonstrate how altered surface and baseflow will affect their extent and value.	There are no natural inland wetlands within the site. This matter is address within **Appendices 44 and 45** of the Application.
	Earthworks	
5.31	With regards to the Surf Park works, the current extent of earthworks is significant especially when factoring in the additional works and time required to condition (dry) any excavated material sourced from the flatter	This matter is addressed in the Civil Memo accompanying this response as **Attachment 13.**

	Comment	Action / Response
	contour areas, and undertake the quarrying-type activities (rock extraction and crushing) from the Solar Farm area (as discussed in the Geotechnical Interpretive Report). There may also be a shortfall of fill material required to complete development following these works. We recommend that an assessment of alternatives be provided to demonstrate what options have been considered to import pre-conditioned / dry fill material, to reduce the extent of earthworks within the site (particularly to reduce the need for extraction of rock from the Solar Farm area, and duration of exposed surface).	
5.32	The land to the east of the Data Centre has been identified as a potential source of fill material for the other areas of the site and will be managed via sediment controls as per the ASP earthworks drawings. However, this area is also subject to the Data Centre Civil Package. It is currently unclear the timing of each of these works, e.g. whether the ASP works will be undertaken first, followed by the Data Centre construction. It would be helpful for this to be clarified.	This matter is addressed in the Civil Memo accompanying this response as **Attachment 13.**
	Earthworks Management	
5.33	The current form of the ESCPs provide an overview of the proposed erosion and sediment control devices likely required for the duration of consent. However, to confirm that the methodology for the management of earthworks will meet best practice (GD05) and mitigate the effect of sediment-laden water on the receiving environment, the Earthworks Report and the ESCPs, need to be updated to provide / demonstrate the following: • staging plan(s) to demonstrate the total area of works and catchments to be exposed at any one time, and that devices will be directed to clean water diversions / stabilised surfaces; • management of dewatering of sediment-laden water from excavations, particularly during the surf pool construction; • location of drying areas (if conditioning wet excavated material for fill); • identify the location of stabilised haul roads and manoeuvring areas, and	This matter is addressed in the Civil Memo accompanying this response as **Attachment 13.**

	Comment	Action / Response
	• to demonstrate how stream baseflow (and wetland baseflow as applicable) will be maintained during earthworks.	
5.34	The extent of earthworks (41.5ha) is significant and carries a higher risk of cumulative effects from the impact of potential sediment-laden discharges on the receiving environment. Ideally, an Adaptive Management Plan[7] should be prepared and submitted to support the application. Furthermore, we would recommend that all works be minimised to a maximum area of exposed surface at any one time, such as 10ha or 15ha, to further minimise potential effects. A maximum exposed area is not uncommon for large earthworks sites in the Auckland Region.	This matter is addressed in the Civil Memo accompanying this response as **Attachment 13.**
5.35	Further design details of the Sediment Retention Ponds (SRP) are required to demonstrate they will be constructed above perched groundwater levels to avoid groundwater interception. For an SRP to function in accordance with GD05 it will require the full range of dead and live storage. Where a SRP intercepts the perched groundwater table the dead (and/or live) storage can be reduced, thereby reducing treatment efficiency. Further mitigation measures would be required to achieve GD05 treatment outcomes. Details for the management of runoff from the limestone and crushing activities needs to be included in the Earthworks Report, particularly where they relate to management of changes in pH prior to discharging to the receiving environment	This matter is addressed in the Civil Memo accompanying this response as **Attachment 13.**
5.36	Should consent be granted, and where an Adaptive Management Plan has not been requested, we would recommend the following requirements to ensure the earthworks and associated discharges will be effectively managed • A staging plan detailing the proposed works stages. • Prior to each stage of works, a finalised ESCP for each stage be prepared and provided to Council for certification, that demonstrates how each stage will be	This matter is addressed in the Civil Memo accompanying this response as **Attachment 13.**

	Comment	Action / Response
	managed in accordance with GD05, including maintaining appropriate contributing catchments to the sediment control devices, directing discharges to CWDs, and management of pumped sediment-laden water from excavations. • Maximum exposed area limit (e.g. 10ha or 15ha limit). • A discharge standard requiring a minimum of 100mm depth of clarity, as measured at the inlet point of the discharge outlet of a treatment device prior to discharge from the works area. • Requirement that all sediment control devices must be directed / discharged to a clean water diversion or stabilised surface. • An expiry date of 5 year for the regional earthworks activities to allow for the completion of all earthworks that have been proposed by the application, and to allow for contingency in the event that delays occur.	
6	Terrestrial Ecology	
6.1	The application requires a targeted and specific fauna survey	This matter is addressed in the Ecology Memo accompanying this response as **Attachment 11.**
6.2	It is assumed that the ecologists dismissed any terrestrial fauna (including threatened species) from being present due to the exotic dominance of vegetation on the property. Stating that, "*The terrestrial ecological values of the site are limited to exotic pasture, pest plant species, exotic shelter belts, and amenity plantings, which have a current negligible-low ecological value*." I believe this is a false statement to make, especially given the lack of evidence-based survey data.	This matter is addressed in the Ecology Memo accompanying this response as **Attachment 11.**
6.3	The April and July site visits (no dates are given), notably the latter, are not generally accepted as effective months to be surveying for most fauna in New Zealand.	This matter is addressed in the Ecology Memo accompanying this response as **Attachment 11.**
6.4	The e-data is incorrect for threatened avifauna - Grey duck | Pārera (*Anas superciliosa*) has been recorded in the area and is listed as Nationally Vulnerable.	This matter is addressed in the Ecology Memo accompanying this response as **Attachment 11.**
6.5	The open lagoon, solar field and SW infrastructure could have significant implications for bird strike at the Airfield	This matter is addressed in the Ecology Memo accompanying this response as **Attachment 11.**

	Comment	Action / Response
	(noting the exhaustive submission from NZDF on the Whenuapai developments). The EcIA provide no assessment of the implications of birds being attracted to the site, mitigation measures, and sensitivity matters as it relates to the safe operation of the airfield. It was noted on site that large birds are using the small farm ponds scattered through the landscape	Further, we note that the North Shore Aero Club have provided comments in full support of the proposal.
6.6	I can find no records of herpetofauna (lizards) other than those closest in the developments to the north. From the habitat I noted on site (including the dense stand of bamboo) I would not fully discount their presence.	This matter is addressed in the Ecology Memo accompanying this response as **Attachment 11.**
6.7	Long-tailed bat (Chalinolobus tuberculatus) have been recorded closer than 8-9km away, at the Milldale development (<4km). Nevertheless, bats have a wide home range and could be foraging and utilising the mature trees on site. Given the lack of formal survey the EcIA should not make assumptions given the close proximity of known populations (see below as it relates to the NPS-IB). Lighting and noise consideration should be taken into account for Long-tailed bat and their behaviour.	This matter is addressed in the Ecology Memo accompanying this response as **Attachment 11.**
6.8	Noting potential discrepancy with wetland and stream classifications, much of the native and exotic vegetation would be considered under NES-F and AUP E15 standards, as such consent will be required for the removal of riparian and wetland buffer habitat.	This matter is addressed in the Ecology Memo accompanying this response as **Attachment 11.**
6.9	Appears to be discrepancy with the location and extent of eco-lodges and other buildings proposed within the site. • Plans submitted indicated buildings located within the ecological planting area, diminishing its effectiveness and viability as a restoration proposal. • Notwithstanding, the proposed revegetation is ecologically inappropriate for the location, this site is not coastal nor contains sand / duneland attributes.	This matter is addressed in the Ecology Memo accompanying this response as **Attachment 11,** and the Landscape Architecture Response included as **Attachment 5.**
6.10	The application will require assessment of NPS-IB, specifically noting having regard to	This matter is addressed in the Ecology Memo accompanying this response as **Attachment 11.**

	Comment	Action / Response
	specific highly mobile fauna (bats and birds), and Indigenous Biodiversity outside of Significant Ecological Areas.	
6.11	Fauna management plans that are suggested, following formal wildlife surveys, are to be submitted for approval as part of the consent application process. This is essentially defaulting to an assessment of environmental effects as a condition of consent, without any acknowledgment or assessment of where fauna will be relocated to, or the permits required.	This matter is addressed in the Ecology Memo accompanying this response as **Attachment 11.**
6.12	I note that there is less concern with the Data centre as there is the Solar Farm and Lagoon development with regards to terrestrial biodiversity.	This matter is addressed in the Ecology Memo accompanying this response as **Attachment 11.**
7	Local Board	
	Transport	
7.1	Lack of public transport. The current Auckland Transport (AT) bus service along Dairy Flat Highway from Hibiscus Coast Station at Silverdale to Albany Park n Ride only operates an infrequent weekday service.	The proposal includes a condition of consent to operate a weekend shuttle service. This matter is addressed in the Transportation Memo accompanying this response as **Attachment 6.**
7.2	Traffic safety concerns as there is no current right-hand turning bay on Dairy Flat Highway into the proposed surf park.	The proposal includes a right bay on Dairy Flat Highway into the proposed surf park. This matter is addressed in the Transportation Memo accompanying this response as **Attachment 6.**
7.3	The speed limit outside of the proposed site is 80km.	This matter is addressed in the Transportation Memo accompanying this response as **Attachment 6.**
7.4	There is no connecting footpath or cycleway along dairy flat.	This matter is addressed in the Transportation Memo accompanying this response as **Attachment 6.**
	Other	
7.5	If consented, there is the development risk that the site runs out of funding and the surf park may not be completed or the site may be abandoned or poorly maintained, and the community is left with any eyesore like the Waiwera hot pools. Other development risks include only parts of the development being completed, such as the data centre and the solar farm.	This is a risk associated within any development project. However, we note that the project is construction ready subject to the relevant approvals.
7.6	Given the high-power usage required for the proposed data centre, the Local Board are concerned about the impact on the wider	The Data Centre partner will be installing a new dedicated power supply which is separate to the local Vector overhead distribution network. As

	Comment	Action / Response
	power network, especially given the number of current power outages experienced across Dairy Flat because of its unreliable over-ground power lines.	part of the broader development, Vector is planning to establish a new Zone Substation adjacent to the proposed development on Postman Road to service the Dairy Flat area and future planned Urban/Light Industrial Zone. The reliability of the existing overhead distribution network within the Dairy Flat area is a matter which should be raised directly with Vector.
7.7	Noise nuisance from generators	Generator noise will comply with the AUP(OP) thresholds. This matter is addressed in the Data Centre Acoustic Memo accompanying this response as **Attachment 9.**
7.8	Neighbours being able to view solar panels	This matter is addressed in the Landscape Visual Memo accompanying this response as **Attachment 4.**
7.9	The environmental benefits of stream restoration and landscape planting are only realised at the end of the construction period, not at the start.	Due to the construction process this is not possible. This matter is addressed in the Landscape Architecture Memo accompanying this response as **Attachment 6.**
	Suggested Conditions	
7.10	The applicant/AT funds an increased frequency of bus service along Dairy Flat Highway including a weekend service.	The proposal includes a condition of consent to operate a weekend shuttle service. This matter is addressed in the Transportation Memo accompanying this response as **Attachment 6.**
7.11	A footpath is constructed from the proposed site to the Dairy Flat School	This matter is addressed in the Transportation Memo accompanying this response as **Attachment 6.**
7.12	A right-hand turning bay is installed on Dairy Flath Highway into the site	Yes, this is proposed. This matter is addressed in the Transportation Memo accompanying this response as **Attachment 6.**
7.13	An urban design panel reviews the proposal's design, and the necessary changes are implemented to ensure that the proposed development enhances the rural character of the area.	We do not believe this is necessary, the proposal has been comprehensively designed to reflect the rural character of the area. The proposed facade materials and architectural features have been informed by the local landscape and rural context of the area. Material compositions including metal corrugate, rough sawn timber, board and batten, timber structure and decking and polycarbonate will be utilised throughout the extent of the Site. Context images and typical material compositions are provided within the Design Statement included as **Appendix 9** of the Application.
7.18	Landscape buffers to surround all development sides so that the data centre, solar farm and surf park cannot be viewed from the roadside/neighbouring properties	Yes, this is proposed. Please refer to the Landscape Drawings included as **Appendix 8** and the Landscape Visual Effects Assessment included as **Appendix 50** of the Application. The visual simulations prepared by Warren and

	Comment	Action / Response
	and these landscape buffers are to be installed before any construction occurs.	Mahoney included as Appendix 50 demonstrate at completion and 10-year views. The Landscape Visual Effects assessment concluded that the proposal is relatively contained within the extent of the site. In term of where the proposal is visible the development provides for a pleasant and considered interface through the provision of high-quality and comprehensive landscaping.
7.19	Stream restoration and riparian planting occur before any construction starts	Given the scale of restoration and planting proposed as well as the intention to begin planting to periphery areas of the development early to establish visual screening, it is expected that areas of stream restoration and planting will be sequentially completed in advance of the main surf park where these areas do not conflict with construction. Please refer to the Landscape Architect Response included as **Attachment 5.**
7.20	Acoustic panels be installed around the Data Centres generators to reduce noise	The building and generators will be designed with all the necessary acoustic treatment to comply with the AUP(OP) noise thresholds
7.21	The Data Centre operators to advocate to the Central Government for Fibre for the Dairy Flat community	The proposed condition is unrelated to the application and potentially imposes requirements from a third-party operator. The condition would not be enforceable and has not been adopted.
7.22	Upgrade the power network for the area	The proposed condition is unrelated to the application and potentially imposes requirements from a third-party operator. The condition would not be enforceable and has not been adopted.

Schedule 2

Appendices

Appendix 1:	Environmental Protection Agency Application Form and Checklist
Appendix 2:	Record of Titles and Interests
Appendix 3:	Site Owner and Adjacent Site Owner Details
Appendix 4:	Adjacent Land Plan
Appendix 5:	Draft Conditions
Appendix 6:	Topographical Survey
Appendix 7:	ASP Architectural Plans
Appendix 8:	ASP Landscaping Plans
Appendix 9:	ASP Design Statement
Appendix 10:	ASP Earthworks Report
Appendix 11:	ASP Water and Wastewater Report
Appendix 12:	ASP Wastewater Servicing Report
Appendix 13:	ASP Stormwater Report and Sitewide Stormwater Management Plan
Appendix 14:	ASP Flood Report Assessment
Appendix 15:	ASP Transport Report (Access and Roading)
Appendix 16:	ASP Civil Drawings
Appendix 17:	ASP Concept Lighting Plan
Appendix 18:	ASP Geotechnical Factual Report
Appendix 19:	ASP Geotechnical Interpretative Report
Appendix 20:	ASP Water Take and Hydrology Assessment
Appendix 21:	ASP Preliminary and Detailed Site Investigation
Appendix 22:	ASP Acoustic Assessment and Peer Review
Appendix 23:	ASP Wavegarden Drawings
Appendix 24:	ASP Wave Lagoon Filling Memo
Appendix 25:	ASP Solar Farm Site Layout
Appendix 26:	ASP Solar Farm Specifications
Appendix 27:	DC Topographical Survey
Appendix 28:	DC Architectural Plans
Appendix 29:	DC Civil Enabling Works Drawings
Appendix 30:	DC Civil Package
Appendix 31:	DC Infrastructure Report
Appendix 32:	DC Infrastructure Preliminary Design
Appendix 33:	DC Preliminary Site Investigation
Appendix 34:	DC Contamination Site Management Plan

Appendix 35: DC Acoustic Assessment

Appendix 36: DC Fuel Storage AUP(OP) E31 Assessment

Appendix 37: DC Hazardous Substances Trade Activity AUP(OP) E33 Assessment

Appendix 38: DC Draft Environmental Management Plan

Appendix 39: DC Cable Trench Details

Appendix 40: DC Cable Plan

Appendix 41: DC Generator Package

Appendix 42: DC Geotechnical Assessment

Appendix 43: Archaeological Assessment

Appendix 44: Ecological Impact Assessment

Appendix 45: Ecological Impact Assessment Addendum – Responses to Council Feedback

Appendix 46: Ecological Peer Review

Appendix 47: Hydric Soils and Wetland Hydrology Assessment

Appendix 48: Hydric Soils and Wetland Hydrology Assessment Peer Review

Appendix 49: Integrated Transportation Assessment

Appendix 50: Landscape Visual Assessment

Appendix 51: Urban Design Statement

Appendix 52: Future Contextual Analysis

Appendix 53: Silverdale West Dairy Flat Industrial Area Structure Plan Overlay

Appendix 54: D23 Airport Approach Surface Overlay

Appendix 55: Iwi Consultation Summary

Appendix 56: Mana Whenua Workshop Presentation

Appendix 57: Ngaati Whanaunga Cultural Impact Assessment

Appendix 58: Te Kawerau ā Maki Cultural Advice Memorandum

Appendix 59: Economic Impact Assessment

Appendix 60: Aventuur Environmental Sustainability Statement (s19)

Appendix 61: Large Telecommunication Company Environmental Sustainability Statement (s19)

Appendix 62: Rules Assessment

Appendix 63: Legal Review

Schedule 3

Figure 1: Locality Plan. Source: Emaps.

Schedule 4

Auckland Council

SUB60425790

Approved Resource Consent Plan

08/02/2024

NOTES

1. ALL AREAS AND DIMENSIONS ARE SUBJECT TO RESOURCE CONSENT AND LINZ APPROVAL.
2. LOCAL AUTHORITY: AUCKLAND COUNCIL.
3. COMPRISED IN RT: LOTS 3 & 4 DP XXXXXX.
4. FURTHER SURVEY FIELD WORK IS REQUIRED TO UPLIFT THE LIMITATIONS OF THE UNDERLYING LOTS TO ACCURATELY DEFINE THE EXTERNAL BOUNDARIES AND CALCULATE THE LOT AREAS.
5. ALL BOUNDARY DIMENSIONS SHOWN IN METERS.

LEGEND

- SITE BOUNDARY
- PROPOSED LOT BOUNDARY
- ABUTTING BOUNDARY
- EXISTING TITLE BOUNDARY
- 2000m² INDICATIVE BUILDING PLATFORM
- EXISTINGF BUILDING PLATFORMS
- EB EASEMENT BOUNDARY

SCHEDULE OF EXISTING EASEMENTS			
PURPOSE	SHOWN	BURDENED LAND / SERVIENT TENEMENT	BENEFITED LAND/ DOMINANT TENEMENT
RIGHT OF WAY, RIGHT TO CONVEY ELECTRICITY AND TELECOMM-UNICATIONS	(A)	LOT 3 HEREON	LOT 1 DP XXXXXX

LOT 3
23.94 HA

LOT 4
14.72HA

LOT 1
4.00 HA
(DP XXXXXX)

DAIRY FLAT HIGHWAY

SOUTH BANK OF STREAM

RT NA22B/159

POSTMAN ROAD

Part Allot 64 PSH

Part Allot S264 PSH of Pukeatua

Part Allot 189 PSH of Pukeatua

Lot 2 DP 183372; Lot 6 DP 198826; Lot 8 DP 198826; Lot 7 DP 198826; Lot 4 DP 143131; Lot 2 DP 143131; Lot 2 DP 171023; Lot 1 DP 207711; Lot 2 DP 207711; Lot 2 DP 423656; Lot 1 DP 423656; Lot 2 DP 210974; Lot 1 DP 210974; Lot 2 DP 209961; Lot 1 DP 209961; Lot 12 DP 65979; Lot 15 DP 65979; Lot 1 DP 151504; Lot 2 DP 173067; Lot 1 DP 203960; Lot 2 DP 203960; Lot 1 DP 578552; Lot 1 DP 158127; Lot 1 DP 56244; Lot 6 DP 66181; Lot 5 DP 66181; Lot 4 DP 66181; Lot 15 DP 66181; Lot 1 DP 66181; Lot 2 DP 204440; Lot 1 DP 204440; Lot 2 DP 318368; Lot 1 DP 318368; Lot 4 DP 66352; Lot 5 DP 66352; Lot 2 DP 311432; Lot 1 DP 311432; Lot 1 DP 563736; Lot 2 DP 205354; Lot 2 DP 143891; Lot 1 DP 143891; Lot 4 DP 71790; Lot 5 DP 71790

216.9; 489.7; 568.7; 416.1; 216.6; 216.3; 219.4; 216.0; 184.8; 405.7; 219.6 EB; 224.1; 260.3; 79.5; 3.7; 43.6; 67.8; 106.1; 10.8; 78.2; 22.5; 26 EB; 26

REV	DESCRIPTION	DRN BY	CHK BY	APP BY	DATE
J	FOR RESOURCE CONSENT	SJO	JK	JK	30/10/23
I	FOR RESOURCE CONSENT	SJO	JK	JK	24/10/23
H	AREAS UPDATED	DM		JK	30/06/23

MCKENZIE & CO.

CLIENT: AW HOLDINGS 2021 LIMITED

PROJECT: AUCKLAND COMMUNITY

TITLE: SCHEME PLAN
LOTS 3 & 4 BEING A
SUBDIVISON OF LOT 2 (DP XXXXXX)
& LOT 15 DP 65979

PURPOSE OF ISSUE: FOR CONSENT

SCALE: 1:5000
DO NOT SCALE

DRAWING NO: 3325-102

REV: J

Schedule 5

Structure Plan

Scale @ A3 = 1:15,000

0 110 220 330 440 Meters

Date Printed: 24/02/2020

- Light Industry
- Heavy Industry (note see section 4.2 for qualification)
- Flood Plain
- North Shore Airport
- Structure Plan Area
- Strategic Cycle Connection
- Green Ways (Cycle/Walk Ways)
- Indicative New Arterial including Cycleways
- Indicative Upgraded Arterial including Cycleways
- Indicative Upgraded Collector including Cycleways
- Indicative New Collector including Cycleways
- Indicative Rapid Transit Network Corridor (e.g. Busway)
- Viewshaft
- Significant Ecological Area
- Stream Network
- Riparian Margin (20m)
- Landscape Buffer
- Landscape Buffer (10m)
- Landscape Framework Buffer
- Gateway Entrance Points
- Kaniuka Forest

Transport projects described in this map have been identified by indicative business cases and will require further technical investigation, engagement with communities and landowners and statutory approvals before their final detail, location or land requirement is confirmed. They are also yet to be prioritised for funding for delivery over the next 10-30 years.

To Warkworth

To Milldale

To Albany

North Shore Airport

Young Access

Pine Valley Road

Hibiscus Coast Hig

To

Small Road

Northern Motorway

East Coast Road

Horseshoe Bush Road

Kahikatea Flat Road

Postman Road

Highway

For Resource Consent

Legend

Approximate site location

Auckland Surf Park

Silverdale West Dairy Flat Industrial Area Structure Plan

Appendix 1

Scale. 1:15,000 at A3
Date. 19/07/2023

Status. For Resource Consent
Sheet. NA

B&A Urban & Environmental

Schedule 6

Auckland Surf Park

—

Site Plan

Revision F

24th April 2024

KEY

Surfing Lagoon	1
Proposed Collector Road	2
Private Local Road	3
Solar Farm	4
Data Center Site	5
Retained Rural Land	6
Farm to Table Restaurant & Gardens	7
Revegetated Stream Corridor	8
Wellness / Visitor Accommodation	9
Indicative initial wastewater treatment plan and indicative future pump station	10
Flexible open opace	11
Stormwater Wetland	12

Scale 1:4000 @ A3

N

Auckland Surf Park

—

Surf Park Plan

Revision F

24th April 2024

KEY

Surf Lagoon	1
Lodge & Surf Club	2
Surf Academy	3
Surf Rentals	4
Change Building	5
Hospitality Building	6
Surf Retail & F&B Kiosk	7
Ticketing & Administration	8
Farm to Table Restaurant	9
Market / Community Building	10
Market Gardens	11
Playground	12
Visitor Accommodation	13
Main Car Park	14
Staff Car Park & Service Area	15
Lodge Car Park	16
Stream Restoration & Revegetation inc. Public Access	17
Stormwater Wetland	18
Existing Building Retained	19
Indicative initial wastewater treatment plan and indicative future pump station	20
Flexible open opace	21

Scale 1:2000 @ A3

N

Schedule 7

6.0 Resource Consents Required

6.1 Overview

This section of the application is provided in accordance with clauses 9(1)(h), 9(2) and 9(6)(a) of Schedule 6 of the FTCA.

The proposal requires consent for the matters outlined in Sections 6.2 and 6.3 below. A detailed rules assessment against the applicable provisions of the AUP(OP), NES-F and NESCS is attached as Appendix 62.

6.2 Auckland Unitary Plan (Operative in Part)

In 2016, Auckland Council decided to make the Proposed Auckland Unitary Plan 'Operative in Part'. This plan combines the regional policy statement, regional coastal plan, regional plans and district plans into one combined plan. The AUP(OP) has a hierarchical policy framework with the regional policy statement at the top, then with regional and district plan provisions giving effect to the regional policy statement.

With respect to clauses 9(2)(e) and (f) of Schedule 6 of the FTCA, since being made operative in part in 2016, there have been a number of appeals and plan changes. None of these appeals or plan changes are relevant to the proposal. As such, it is considered that this proposal can be assessed against the current AUP(OP) rules.

Reasons for consent in accordance with clause 13(1)(i) of Schedule 6 of the FTCA are as follows:

E3 Lakes, Rivers, Streams and Wetlands

- Pursuant to Rule E3.4.1(A19) the realignment of the stream that traverses the Site is a discretionary activity.

E4 Other Discharges of Contaminants

- Pursuant to Rule E4.4.1(A15), the discharge of the lagoon water into the stream that does not meet standard E4.6.2.2(1)(b) is a discretionary activity.

E5 On-site and Small-Scale Wastewater Treatment and Disposal

- Pursuant to Rule E5.4.1(A6) the discharge of wastewater on-site disposal is a discretionary activity.

E7 Taking, Damming and Diversion of Water and Drilling

- Pursuant to Rule E7.4.1(A9) the proposed take and use of surface water 'not otherwise listed' exceeds 5m³/day. Take and use of surface water within 'all zones' is a discretionary activity.
- Pursuant to Rule E7.4.1(A20) the dewatering associated with diversion not meeting the permitted activity standard is a restricted discretionary activity.
    - The proposal does not meet standard E7.6.1.6(2 & 3) as water take will exceed more than 30 days in relation to the lagoon.

- Pursuant to Rule E7.4.1(A28) the diversion of groundwater that does not meet the permitted activity standards is a restricted discretionary activity.
    - The proposal does not meet standard E7.6.1.10(2) as excavation is greater than 1ha in area.
- Pursuant to Rule E7.4.1(A35), dams that do not meet the permitted activity standards are a discretionary activity:
    - The lagoon depth exceeds 4m of height under Standard E7.6.11(4); and
    - The lagoon exceeds 20,000m^3 of storage volume of impounded water for off-stream dams under Standard E7.6.12(2).

E8 Stormwater Discharge and Diversion

- Pursuant to Rule E8.4.1(A10) the diversion and discharge of stormwater runoff from impervious areas not otherwise provided for is a discretionary activity.

E9 Stormwater Quality

- Pursuant to Rule E9.4.1(A6) development of a new high contaminant generating carpark including 370 spaces over an area of 10,770m^2 is a controlled activity.

E11 Land Disturbance - Regional

- Pursuant to Rule E11.4.1(A5), earthworks over an area of 41.5ha outside of the Sediment Control Protection Area is a restricted discretionary activity.
- Pursuant to Rule E11.4.1(A5), earthworks greater than 50,000m^2 where land has a slope of less than 10 degrees outside a Sediment Control Protection Area is a restricted discretionary activity
- Pursuant to Rule E11.4.1(A9), earthworks greater than 2,500m^2 within the Sediment Control Protection area is a restricted discretionary activity

E12 Land Disturbance - District

- Pursuant to Rules E12.4.1(A6) and (A10) the proposal to undertake approximately 206,614m^2 cut and 179,127m^2 fill over an area of 41.5ha is a restricted discretionary activity.
- Pursuant to Rule C1.9(2) land disturbance that does not meet the permitted activity standards is a restricted discretionary activity:
    - The proposed earthworks within the riparian yard of a stream exceed 5m^2 and 5m^3 under E12.6.2(1).

E15 Vegetation Management and Biodiversity

- Pursuant to Rule E14.4.1(A16) the proposal to undertake vegetation removal within 20m of a rural stream is a restricted discretionary activity.

E25 Noise and Vibration

- Pursuant to Rule E25.4.1(A2) activities that do not meet a permitted standard for noise levels are a restricted discretionary activity. Predicted levels are as follows:

- Standard E25.6.27: Emergency generator noise levels are predicted up to 55 dB L_{Aeq} at the northern boundary and 49 dB L_{Aeq} at the southern boundary which exceeds the permitted nighttime level of 45 dB L_{Aeq}.

E26 Infrastructure

- Pursuant to Rule E26.2.3, a data storage network utility is a discretionary activity.
- Pursuant to Rule E26.2.3(A63) the proposed solar farm meets the definition of 'other electricity generating facilities. 'Other electricity generating facilities' in the FUZ are a discretionary activity.
- Pursuant to Rule E26.2.3.1(A55), stormwater detention/retention ponds/wetlands are a controlled activity.

E27 Transport

- Pursuant to Rule E27.4.1(A2), the proposal involves accesses that do not meeting the following standard and is a restricted discretionary activity:
  - Standard E27.6.4.2: Construction of two vehicle crossing with a separation distance of 3.1m whereby 6m is required.
- Pursuant to Rule E27.4.1(A3), the generation of more than 100vph is a restricted discretionary activity.
- Pursuant to Rule E27.4.1(A5) and Standard E27.6.4.1(3)(c), the proposal to construct a vehicle crossing on the Dairy Flat Highway subject to an arterial road vehicle access restriction is a restricted discretionary activity.

E30 Contaminated Land

- Pursuant to Rule E30.4.1(A6), the proposal involves the potential discharge of contaminates onto the land not meeting Standard E30.6.1.2 but meeting Standard E30.6.2.1, which is a controlled activity.

E31 Hazardous Substances

- Pursuant to Rule E31.4.1(A7), (A91) and (A101) the proposal involves diesel powered generators with associated fuel storage (approx. 1.3 million tonnes) exceeding the permitted, control and restricted discretionary thresholds are a discretionary activity.

E33 Industrial or Trade Activity

- Pursuant to Rule E33.4.1 (A9), data centres (unlisted activity) that do not meet the relevant permitted of controlled land use standards are a discretionary activity.
- Pursuant to Rule E33.4.2 (A12), discharge of contaminants from a new data centre (unlisted activity) not listed in Table E33.4.3 where the permitted discharge standards are not met is a controlled activity.

E36 Natural Hazards and Flooding

- Pursuant to Rule E36.4.1(A37), the construction of the bridge within the 1% annual exceedance probability (AEP) floodplain is a restricted discretionary activity.
- The proposal involves infrastructure on land subject to overland flow paths and the 1% AEP floodplain. This is a restricted discretionary activity pursuant to Rule E36.4.1(A56).

H18 Future Urban Zone

- Pursuant to Rule H18.4.1(A2), new buildings have the same activity status as the activity that the building is designed to accommodate.
- Pursuant to Rule H18.4.1(A19), the produce sales associated with the 334m^2 market/flexible space building is a discretionary activity.
- Pursuant to Rule H18.4.1(A36), the proposal to establish visitor accommodation in the form of a lodge and eco-cabins is a discretionary activity.
- Pursuant to Rule H18.4.1(A37), the proposal to establish a farm to table restaurant being ancillary to farming carried out on the same site is a restricted discretionary activity.
- Pursuant to Rule H18.4.1(A38), the proposal to establish other restaurants is a discretionary activity.
- Pursuant to Rule H18.4.1(A45), the proposal to establish rural tourist and visitor activities is a discretionary activity.
- Pursuant to Rule H18.4.1(A54), the proposal to establish an organised sport and recreational facility [1] being a surf park including ancillary surf academy, rental, changing rooms, administration, ticketing and retail facilities is a restricted discretionary activity.
- Pursuant to Rule H18.4.1(A56) the proposal to establish clubrooms (members club) is a restricted discretionary activity
- Pursuant to C1.9(2) the proposal involves development that fails to meet the following Future Urban Zone standards and is therefore a restricted discretionary activity:
    - The six light columns associated with the surf lagoon do not meet maximum height standard H18.6.2 . The six light columns will have a maximum height of 28m exceeding the maximum height limit by 13m.
    - The data centre does not meet yards standard H18.6.3.1 as follows:
        - The 3m high security fence meets the definition of a building. The fence aligns the perimeter of the Site reducing the side and rear yard setback to 0m.
        - A portion of the front façade will extend 1.85m into the side yard across an approximate width of 131m

[1] The surf park is considered to meet the definition for the reasons described in section 9.

6.3 National Environmental Standard Freshwater (NES-F)

Resource consent is not required under the provisions of the National Environmental Standard for Freshwater ('NES-F'), as described in the report prepared by Viridis (refer to Appendix 40) the proposal only includes re-alignment of the highly modified stream, no reclamation is proposed.

6.4 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS)

Resource consent is not required under the provisions of the NESCS as detailed in the contamination report prepared by Williamson Water and Land Advisory (WWLA) (refer Appendix 21) in relation to the surf park, and the report prepared by Aurecon (refer Appendix 33) in relation to the data centre.

6.5 Activity Status

The works require consents for controlled, restricted discretionary and discretionary activities. Where there is a group of activities in an application which are closely associated with each other, or are directed towards one dominant use or purpose, they should be assessed holistically as a single "bundle", according to the most stringent activity status. For efficiency purposes, to enable the proposal to be comprehensively considered, this approach has been taken here however this does not preclude scope in the future to have the activities considered separately.

Overall, this application is for a discretionary activity. A comprehensive assessment of the proposal against the statutory framework is provided in Sections 10.0 and 11.0 of this report.

Schedule 8

Auckland Surf Park Community

Revised Recommended Resource Consent Conditions

As at 25 June 2024

Table of Contents

Glossary of Terms

Term	Meaning
Bulk Excavation	Includes all excavation that affects groundwater excluding minor enabling works and piling less than 1.5m in diameter.
Consent Authority	Means Auckland Unitary Council or any regional or territorial authority that supersedes it.
Commencement date	Has the meaning described in Section 116 of the Resource Management Act 1991.
Commencement of Construction Phase Dewatering	Means commencement of Bulk Excavation and/or the commencement of the taking of any groundwater from the tunnel, trench or shaft excavation and/or any dewatering prior to excavation.
Completion of Construction Phase Dewatering	Means, in the case of a tanked building or structure construction, the stage when all the external base slab and walls within an excavation are essentially watertight, the structures internal support mechanisms, including basement floors have been completed any temporary retention removed and no further groundwater is being taken for the construction of the basement. Means, in the case of a drained building or structure, the stage the structures external and internal support mechanisms, including basement floors have been completed, the permanent drainage system(s) are in place and no further groundwater is being taken for the construction of the basement. Means, in the case of tunnels and shafts, when the tunnel and shafts have been constructed and effectively no further groundwater is being taken/diverted for the construction of the tunnel and shafts in accordance with the design. Means, in the case of pipe infrastructure, the stage when all pipework and pipe seals (and where required trench stops (collars) have been installed and all back filling is completed within 50 metres of a building or structure and effectively no further groundwater is being taken for the construction of the network at that location.
Completion of Construction	Means when the Code Compliance Certificate (CCC) is issued by Auckland Council
Cleanfill material	Has the same meaning as the definition of “Cleanfill material” set out in Chapter J of the Auckland Unitary Plan (Operative in Part)
Occupation or occupied	For the purposes of Conditions (76), (87) and (197) means the occupation and use for the purposes permitted by the resource consent but not including occupation by personnel engaged in construction, fitting out or decoration
Core allocation (low-flow) take	Means an abstraction meeting the requirements of Policy E2.3.(10) of the Auckland Unitary Plan.
Supplementary allocation (high flow) take	Means an abstraction meeting the requirements of Policy E2.3.(11) of the Auckland Unitary Plan.

CONDITIONS APPLYING TO ALL CONSENTS

Mana Whenua

(1) Mana Whenua referred to in these consents must be taken as –

- Te Kawerau a Maki
- Ngāti Whanaunga
- Ngāti Manuhiri
- Te Runanga o Ngāti Whatua
- Ngāti Whatua o Kaipara, and
- Any other iwi/hapū who at a later date are recognised as having mana whenua status.

(2) Mana Whenua must be notified at least one month prior to site-works commencement to discuss the following matters and any other matters as mutually agreed with the Consent Holder:

(a) the tikanga to be followed when engaging with Mana Whenua

(b) a timetable of works and project milestones

(c) a schedule of proposed update hui whilst the project is being undertaken (e.g., site works, planting etc.)

(d) a time and date for whakawatea of the site if desired by Mana Whenua,

(e) the erection of pou or tribal tohu.

(f) the planting regime and plant typology

(g) artworks proposed for the project

(h) naming of permanent buildings and the park complex

(i) compensation for mana whenua engagement.

(3) Mana Whenua must be invited to take part in planting activities or any other activity concerning the natural environment of the site.

(4) The Consent Holder must meet on-site with Mana Whenua at least annually or as mutually agreed to provide a/an:

(a) Update on operational matters concerning the operations within all the consents (Surf Park, Solar Farm and Data Centre) and any management items that may be considered relevant;

(b) Tour of wetlands and natural water systems; and

(c) Copy of water quality monitoring results if requested by Mana Whenua.

(5) The Consent Holder must endeavour to maintain a cordial relationship with Mana Whenua by following the tikanga as determined by Mana Whenua when meeting with Mana Whenua.

Works within Auckland Transport Designations or Notices of Requirement

Advice Notes:

Works within the Notices of Requirement/Designations

The consent holder is advised that written approval from Auckland Transport pursuant to Section 176 and/or Section 178 of the Resource Management Act 1991 will be required prior to any works commencing within Auckland Transport Designations (or Notice of Requirement) areas.

The relevant information for submitting a s176 (or s178) application (including deposit slip and application for written consent) is contained in this link https://at.govt.nz/about-us/working-on-the-road/road-processes-for-property-owners/consent-for-works-in-an-at-designation/ and sent to AucklandTransportPlanningTeam@at.govt.nz

Please note that no works associated with this consent application located within the designation (Or Notice of Requirement) can be commenced without Auckland Transport's written approval pursuant to s176 (or s178). As the matters considered as part of Auckland Transport's s176 (or s178) written consent process is different from that of a resource consent, this review/response does not constitute said approval.

Corridor Access Requests

It will be the responsibility of the consent holder to determine the presence of any underground services that may be affected by the applicant's work in the road reserve.

Should any services exist, the applicant must contact the owners of those and agree on the service owner's future access for maintenance and upgrades. Services information may be obtained from https://www.beforeudig.co.nz/.

All work in the road reserve must be carried out in accordance with the general requirements of the National Code of Practice for Utility Operators' Access to Transport Corridors https://nzuag.org.nz/wp-content/uploads/2018/11/National-Code-amended-version-29-Nov-2018.pdf and Auckland Transport Design Manual https://at.govt.nz/about-us/manuals-guidelines/transport-design-manual/

Works that require a Resolution

Permanent traffic and parking controls are subject to a Resolution approval from Auckland Transport. Changes to traffic/parking controls on the road reserve will require Auckland Transport Traffic Control Committee (TCC) resolutions. The resolutions, prepared by a qualified traffic engineer, will need to be approved so that the changes to the road reserve can be legally implemented and enforced. The resolution process requires external consultation to be undertaken in accordance with Auckland Transport's standard procedures. It is the responsibility of the consent holder to prepare and submit a permanent Traffic and Parking Changes report to Auckland Transport Traffic Control Committee (TCC) for review and approval. No changes to the traffic and parking controls will be allowed before the resolution is approved by the Auckland Transport Traffic Control Committee (TCC). All costs must be borne by the consent holder.

Application details can be found from the following Auckland Transport website link: https://at.govt.nz/about-us/working-with-at/traffic-and-parking-controls

A copy of the Resolution from the Traffic Control Committee must be submitted to the Council prior to the commencement of the activity provided for by this consent approval.

Lapsing of Consents

(6) In accordance with clause 37(7) of Schedule 6 to the COVID-19 Recovery (Fast Track Consenting) Act 2020, these consents will lapse two years after the commencement date unless the consents are given effect to.

CONDITIONS PERTAINING TO THE SURF PARK, SOLAR FARM, AND THE DATA CENTRE

S9 Land Use Consent

General

Activity in accordance with plans

(7) The Consent Holder must undertake the works in general accordance with the application formally received by the Environmental Protection Authority on the 30 October 2023, and the following documents:

(a) Application form and Statutory Analysis and Assessment of Environmental Effects prepared by Barker & Associates Ltd titled "Auckland Surf Park Community – 1350 Dairy Flat Highway, Dairy Flat, Auckland" and dated October 2023;

(b) The reports listed at Attachment 1; and

(c) The drawings and plans listed at Attachment 2.

(8) If any of the provisions of the documents at Attachments 1 or 2 conflict with the requirements of these conditions of consent, these conditions of consent must prevail.

(9) A record of all Mana Whenua engagement must be held by the Consent Holder for Mana Whenua perusal and records if requested by them.

Pre-commencement Conditions

Certification of Plans or Further Detail

(10) The Consent Holder must not commence any physical works until it has obtained certification from the Consent Authority to the following:

(d) A Construction Management Plan (CMP) - see Condition (11);

(e) A Construction Traffic Management Plan (CTMP) - see Condition (12);

(f) A Construction Noise and Vibration Management Plan (CNVMP) - see Condition (13);

(g) A Final Landscaping Plan - see Condition (18);

(h) A Waste Management Plan (WMP) - see Condition (20);

(i) Earthworks Staging Plan – see Condition (24);

(j) Finalised Erosion and Sediment Control Plans – see Condition (25);

(k) A Chemical Treatment Management Plan (ChTMP) – see Condition (28);

(l) Ecological Management Plan (EMP) – see Condition (33)

(m) Stormwater Management Plan (SMP – see Condition (34)

Construction Management Plan

(11) The Consent Holder must prepare and submit a Construction Management Plan (CMP), to the Consent Authority for certification at least ten (10) working days before commencement of works on the site. The purpose of the CMP is to detail the management procedures and construction methods to be undertaken to avoid, remedy or mitigate potential adverse effects on the environment arising from earthworks and construction works (where they are not already managed by the CNVMP or CTMP).

The CMP must include the following as applicable to the project or project stage:

(a) Details of the project manager, including their contact details;

(b) The location of notice boards that clearly identify the name, telephone number and address for service of the site manager or project manager;

(c) Construction methodology;

(d) An outline construction programme of the works;

(e) Measures to be adopted to maintain the land in a tidy condition in terms of disposal/storage of rubbish, storage and unloading of building materials and similar construction activities;

(f) Location of workers' offices, conveniences and parking;

(g) Procedures for avoiding the deposit of soil debris on public roads, and procedures for the removal of soil debris and demolition and construction materials from public roads and places;

(h) Location and layout of construction yards, including associated buildings, fencing and site access;

(i) Means of maintaining safety of the general public; and

(j) Erosion and sediment control.

Construction Traffic Management Plan

(12) The Consent Holder must prepare a Construction Traffic Management Plan (CTMP) in accordance with the Auckland Council's requirements for CTMPs and New Zealand Transport Agency's Code of Practice for Temporary Traffic Management and submit it to the Consent Authority for certification at least ten (10) working days before commencement of works on the site.

The objective of the CTMP is to ensure that during construction the surrounding road network (including the footpaths) operates safely and efficiently for all road users including existing residents and pedestrians.

The CTMP must include specific details relating to avoiding, remedying or mitigating adverse effects on the environment from demolition, construction and management of all works associated with this

development, and setting out procedures to be followed which ensure compliance with the conditions of consent, as follows:

(a) Contact details of the appointed contractor or project manager (phone number, email, postal address);

(b) An outline of the construction programme;

(c) Plans showing areas where stockpiles, equipment (including contractor parking) will occur so that there is no obstruction of public spaces (e.g., roads and shared path);

(d) Plans showing the location of any site offices, staff facilities and staff car parking required during the construction period;

(e) An overview of measures that will be adopted to prevent unauthorised public access during the construction period;

(f) The number of vehicle movements to and from the site per day, and the duration of vehicle movements;

(g) The routes that trucks / heavy vehicles will take;

(h) Location of traffic signs on surrounding streets and proposed signage for traffic management purposes during construction;

(i) Temporary protection measures that will be installed to ensure that there must be no damage to public roads, footpaths, berms, kerbs, drains, reserves, or other public assets as a result of the earthworks and construction activities; and

(j) The process for changing, and certifying any changes to, the CTMP.

The above details must be shown on a site plan and supporting documentation as appropriate.

Advice Note:

To arrange the pre-construction meeting please contact Auckland Council to arrange this meeting on email at monitoring@aucklandcouncil.govt.nz.

Construction Noise and Vibration Management Plan

(13) The Consent Holder must prepare and submit a Construction Noise and Vibration Management Plan (CNVMP) to the Consent Authority for certification prior to the commencement of works. The objective of the CNVMP is to set out the Best Practicable Option for the management of noise and vibration effects.

(14) The CNVMP must be submitted to the Consent Authority for certification a minimum of ten (10) working days prior to commencement of the works. Construction works must not commence until certification has been received in writing from the council.

Any subsequent amendment of the certified CNVMP which comprises changes to the proposed construction methodology must also be prepared by a suitably qualified and experienced acoustic specialist. Amendments must be tracked and the revised CNVMP submitted to the council for certification.

(15) All construction works must be carried out in accordance with the certified CNVMP and a copy of the CNVMP must be kept on site during construction hours and must be made available to the Consent Authority staff during monitoring inspections.

(16) The CNVMP must include details of the hoarding to be established during the construction period. The locations of hoardings must be in general accordance with the information set out in the Acoustic Report prepared by NYD, titled Acoustic Assessment of Environmental Effects, dated 10 August 2023.

Pre-commencement Meeting

(17) Prior to the commencement of the earthwork's activity, the Consent Holder must hold a pre-start meeting that:

(a) Is located on the subject site;

(b) Is scheduled not less than five (5) days before the anticipated commencement of any enabling works, construction and/or earthworks;

(c) Includes the relevant Auckland Council representative(s); and

(d) Includes representation from the contractors who will undertake the works and any suitably qualified professionals if required by other conditions.

The purpose of the meeting must be to discuss the erosion and sediment control measures, earthworks methodologies, stormwater management, relevant management plans, timeframes for the work and must ensure all relevant parties are aware of and familiar with the necessary conditions of this consent.

The following information must be made available at the pre-start meeting:

(a) Timeframes for key stages of the works authorised under this consent;

(b) Resource consent conditions;

(c) Certified Construction Management Plan (CMP);

(d) Certified Construction Traffic Management Plan (CTMP);

(e) Certified Construction Noise and Vibration Management Plan (CNVMP);

(f) Certified Contaminated Site Management Plan (CSMP);

(g) Certified Earthworks Staging Plan;

(h) Certified Erosion and Sediment Control Plans (ESCP);

(i) Certified Chemical Treatment Management Plan (ChTMP);

(j) Certified Ecological Management Plan (EMP);

(k) Certified Stormwater Management Plan;

(l) A site plan showing the location of the wastewater system; and,

(m) Any archaeological authority granted for the works or the accidental discovery protocol.

Advice Note:

To arrange the pre-construction meeting please contact Auckland Council to arrange this meeting on email at monitoring@aucklandcouncil.govt.nz.

Final Landscape Plans

(18) Prior to the landscaping works commencing, the Consent Holder must submit a finalised set of landscape design drawings and supporting written documentation, which have been prepared by a suitably qualified and experienced practitioner landscape architect, to the Council.

The submitted information must be consistent with the consented landscape plans prepared by Warren and Mahoney Architects as referenced in Condition (7) and, at a minimum, must include landscape design drawings, specifications, and maintenance requirements including:

(a) An annotated planting plan(s) which communicates the proposed location and extent of all areas of planting, including any revegetation, reinstatement planting, mitigation planting and natural revegetation (if relevant), and a 16 metre wide corridor in relation to the private north – south road to allow for the potential construction of a future road and walking and cycling pathways;

(b) A plant schedule based on the submitted planting plan(s) which details specific plant species, the number of plants, height and/or grade (litre)/Pb size at time of planting, and estimated height/canopy spread at maturity;

(c) Details of draft specification documentation for any specific drainage, soil preparation, tree pits, staking, irrigation, and mulching requirements;

(d) An annotated pavement plan and related specifications, detailing proposed site levels and the materiality and colour of all proposed hard surfacing;

(e) A landscape maintenance plan (report) and related drawings and specifications for all aspects of the finalised landscape design, including in relation to the following requirements:

(i) Weed control;

(ii) Plant replacement;

(iii) Inspection timeframes; and

(iv) Contractor responsibilities.

(f) Details of the location, type and materiality of any acoustic attention, if required by condition (15);

(g) An annotated stream plan detailing a soft-bottomed stream bed consistent with the existing stream environment; and

(h) An annotated staging plan which communicates the extent of each stage.

(19) The Consent Holder must implement the landscape design prior to the operation and occupation of the various stages in accordance with the staging plan as required by Condition (18). The landscaping must be retained and maintained thereafter in accordance with the maintenance programme/plan/report which has been approved under Condition (18) above.

Waste Management Plan

(20) A Waste Management Plan must be submitted to the Consent Authority for certification that the servicing requirements for the Surf Park are adequately provided for without causing odour/visual nuisance to the public. The certified Waste Management Plan must be adhered to at all times.

Engineering Approvals

(21) All new public assets including roads, vehicle crossings, footpaths and street furniture must be designed in accordance with the reports and plans at Condition (7) and meet Auckland Transport's relevant Engineering Standards.

Advice Note:

- *The Consent Holder will need to obtain Engineering Approval from the relevant approving authority for all the stormwater, wastewater and water infrastructure required to service the development as detailed in the civil engineering plans listed in Condition (7).*

- *Designs submitted to Auckland Transport that differ from the minimum requirements contained in ATCOP apply only to the particular project that requires the departure. If Auckland Transport grants approval for a departure from the standard, this does not confer approval for this departure in future on the same or other projects.*

Erosion and Sediment Control

(22) Prior to the commencement of earthworks activity, all required erosion and sediment control measures on the subject site must be constructed and carried out in accordance with the Erosion and Sediment Control Plans certified by condition (25) and (27).

(23) Within ten (10) working days following implementation and completion of the specific erosion and sediment controls required by the certified Erosion and Sediment Control Plans and prior to the commencement of the earthwork's activity, the Consent Holder must provide to the Consent Authority written certification prepared by a suitably qualified and experienced practitioner confirming that the erosion and sediment control measures have been constructed and completed in accordance with the certified Erosion and Sediment Control Plans, GD05, and any higher standard referred to through the conditions below. Written certification must be in the form of a report or any other form acceptable to the Consent Authority.

Certified controls must include the Sediment Retention Ponds, Decanting Earth Bunds, any other impoundment device, Clean Water Diversions, Dirty Water Diversions, Super Silt Fences, Silt Fences, and stabilised entranceways. Information supplied if applicable, must include:

a) Details on the contributing catchment area

b) Size of structure

c) Retention volume of structure (dead storage and live storage measured to the top of the primary spillway)

d) Dimensions and shape of structure

e) Position of inlets/outlets

f) Details regarding the stabilisation of the structure

(24) At least twenty (20) working days prior to the commencement of earthworks, an Earthworks Staging Plan must be prepared and submitted to the Consent Authority for certification. The Earthworks Staging Plan must detail the staging boundaries of the earthworks and the total area of works to be exposed within each stage.

(25) At least twenty (20) working days prior to the commencement of earthworks for each stage as identified by the Earthworks Staging Plan required by condition (24), a finalised Erosion and Sediment Control Plan and earthworks methodology must be prepared by a suitably qualified and experienced practitioner and submitted to the Consent Authority for certification. Earthworks activities must not commence until written confirmation from the Consent Authority has been provided to confirm that the Erosion and Sediment Control Plan and methodologies are certified.

(26) The Erosion and Sediment Control Plan and earthworks methodology must contain sufficient detail to address the following matters:

(a) Details of construction methods across the earthworks areas, including excavation of the lagoon, conditioning of any wet excavated material to be used as fill or transported offsite, and extraction of rock and rock crushing activities within the solar farm area.

(b) An investigation to determine the estimated maximum height of the groundwater table likely to be encountered for the duration of earthworks at the location of each sediment retention pond.

(c) Specific erosion and sediment control works for all earthworks activities in accordance with Auckland Council's Guideline Document 2016/005 Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05), including confirmation of:

i. Sediment retention pond (SRP) and decanting earth bund design to meet GD05, or a relevant higher standard as referred to through the conditions below, including to demonstrate that the contributing catchments directed to sediment controls during each earthworks stage are designed to meet best practice.

ii. Demonstrate the full dead and live storage volume required for each SRP will be achieved for the duration of operation and will not be reduced as a result of groundwater intrusion as identified by criteria (a) above.

iii. Demonstrate that all SRP and decanting earth bund outlets and spillways are directed to a clean water diversion or grassed area (and not into a downslope earthworks area).

iv. Show the Location of drying areas (if conditioning wet excavated material for fill).

v. Identify the location of stabilised haul roads and manoeuvring areas.

(d) Dewatering Procedures to ensure discharges from excavations (including the Surf Lagoon construction), trenches, or any discharges that will enter the stormwater reticulation or directly to the receiving environment will achieve a minimum of 100mm depth of clarity prior to discharge.

(e) Demonstrate how sufficient flow from earthwork areas to any live downstream stream channels or wetlands will be maintained at all times to maintain in-stream biota.

(f) Identify on the erosion and sediment control plan the extent of stream channel and wetland to remain undisturbed during works, and the protected root zone of any trees to be maintained.

(g) supporting calculations and design drawings.

(h) monitoring and maintenance requirements.

(i) catchment boundaries and contour information.

(j) details relating to the management of exposed areas (e.g. grassing, mulching).

(27) If minor amendments to the ESCP are required, any such amendments should be limited to the scope of this consent. Any amendments which may affect the performance of the ESCP, or the total area of earthworks may require an application to be made in accordance with section 127 of the RMA. Any minor amendments should be provided to Council, prior to implementation to confirm that they are within the scope of this consent.

Chemical Treatment Management

(28) Prior to the commencement of earthworks on the subject site, a Chemical Treatment Management Plan (ChTMP) must be prepared by a suitably qualified and experienced practitioner in accordance with GD05 and submitted to the Consent Authority for certification. No earthwork activities may commence until certification is provided by the Consent Authority that the ChTMP meets the requirements of GD05, and the measures referred to in that plan have been implemented. The ChTMP must include as a minimum:

(a) Specific design details of chemical treatment system based on a rainfall activated dosing methodology for the site's sediment retention ponds, decanting earth bunds and any other impoundment device;

(b) Monitoring, maintenance (including post-storm) and contingency programme (including a record sheet);

(c) Details of optimum dosage (including assumptions);

(d) Results of initial chemical treatment trial;

(e) A spill contingency plan; and

(f) Details of the person or bodies that will hold responsibility for long term operation and maintenance of the chemical treatment system and the organisational structure which will support this system.

(29) If minor amendments to the ChTMP are required, any such amendments must be limited to the scope of this consent. Any amendments which affect the performance of the ChTMP may require an application to be made in accordance with section 127 of the RMA. Any minor amendments should be provided to the Consent Authority prior to implementation to confirm that they are within the scope of this consent.

Materials and Finishes

(30) The Consent Holder must prepare architectural detail drawings of the façade components and a Materials Schedule and Specifications for the proposed external cladding and glazing including surface finishes and colour scheme.

(31) The detailed drawings must be submitted to the Consent Authority for certification that the proposed architectural treatment, colour, and visual depth indicated in the consent drawings is consistent with and does not compromise the design intent of the documentation listed in Condition (7).

Final Lighting Plan

(32) The Consent Holder must submit a finalised Lighting Plan in accordance with the Lighting Concept Plan listed in Attachment 1 of this Consent to Council. The plan must address all accessible common areas where the movement of people is expected include proposed locations, lux levels and types of lighting (i.e., manufacturer's specifications once a lighting style has been determined) and any light support structures required to control timing, level of lighting, or to minimise light spill, glare, and loss of night-time viewing. The finalised Lighting Plan must demonstrate the following:

(a) The northern most 28m surf lagoon floodlight has been reduced in maximum height to 24m;

(b) Any cranes used to install the six surf lagoon floodlights must not exceed a maximum height of 24m at any time; and

(c) The six surf lagoon floodlights comply with the relevant permitted activity standards in E24.6.1 Lighting of the Auckland Unitary Plan (Operative in Part).

Ecological Management

(33) An Ecological Management Plan (**EMP**) must be prepared prior to the Start of Construction, prepared by a suitably qualified and competent ecologist (e.g. Level D competency for long-tailed bats and/or hold all relevant Wildlife Act permit authorities), to manage effects on bats, birds, lizards, and supervise the removal of terrestrial vegetation/habitat.

The management plan must be submitted for certification by the Council, no less than twenty (20 working days prior to any works commencing within the site.

The ecological management plan must include, but is not limited to, the following:

(a) Bird Management (all bird species), in accordance with best practice methodologies, a description of methods to avoid impacts on birds, including supervised habitat clearance protocols, and working outside of the bird breeding season (species dependant).

(b) Long-tailed Bat Management (rescue and relocation of), in accordance with best practice methodologies, a description of methods to avoid impacts on bats, including roost feature identification, salvage protocols, relocation protocols, supervised habitat clearance/transfer protocols. The management plan must address the construction and operational design of the development (e.g. adverse effects resulting from noise and lighting).

(c) Lizard Management (rescue and relocation of), in accordance with best practice methodologies, including but not limited to, a description of methodology for capture and relocation of lizards rescued including but not limited to: the timing of implementation, seasonality restrictions, salvage protocols, relocation protocols (including method used to identify suitable relocation site(s)), habitat improvements, landowner approvals (as applicable), supervised habitat clearance/transfer protocols, and opportunistic relocation protocols.

(d) Revegetation planting, including eco-sourced planting and a maintenance schedule (for no less than 5yrs), for all areas of wetland, stream, and their riparian / buffer margins affected by the proposal and those that will be retained. The plan must be in accordance with best practice methodologies of Te Haumanu Taiao, or other subsequent Council restoration guide.

All works must be carried out in accordance with the certified Ecological Management Plan.

Stormwater Management Plan

(34) The Consent Holder must prepare and submit a Stormwater Management Plan (SMP) to the Consent Authority for certification at least twenty (20) working days before the commencement of works on the site. The purpose of the SMP is to detail how all on site development is to be designed and constructed so as to ensure peak stormwater flood levels during and after development are limited to at least similar site pre-development levels and there will be no increase in flood levels within neighbouring properties as a result of site development. The SMP must include as a minimum:

(a) Details of measures, including the consturcion and design and layout of the activity, will be undertaken to manage natural hazards and stormwater events at the site to meet the purpse of the SMP

(b) Measures to address matters raised in the Flood Report Assessment (Revision G) prepared by McKenzie & Co and dated 22 May 2024, and

(c) Any monitoring to be undertaken and reporting to the Council.

All works must be carried out in accordance with the certified Stormwater Management Plan.

Notification of Works Commencing

(35) Prior to the commencement of physical works, in any stage or part of the development, the Consent Holder must erect site signage that includes working hours, an email address and a contact phone number for any concerns regarding noise and vibration, construction traffic, or any other matter associated with the works for that stage or part of the development.

During Construction Conditions

(36) The Consent Holder must maintain and implement the certified CMP, CTMP, CNVMP, ESCP, ChTMP and CSMP, as listed in Condition (7), throughout the entire earthworks and construction period. Any proposed changes to a certified CMP, CTMP, CNVMP, ESCP, ChTMP or CSMP must be prepared using the process set out in the certified plan and submitted to the Consent Authority for certification. Certification must be obtained before the amended management plan is implemented.

Construction Noise

(37) Construction work and heavy vehicle movements on the site must only take place between the hours of 7:30 am and 6:00 pm, Monday to Saturday. Construction work and heavy vehicle movements on the site must not be undertaken on Sundays or public holidays. This condition does not preclude quiet works from taking place outside of standard construction hours, providing they comply with the Auckland Unitary Plan permitted construction noise limits at these times (e.g., internal fit out and painting).

Erosion and Sediment Control

(38) Earthworks must be managed in accordance with the Earthworks Staging Plan certified by condition (24) and must be managed to ensure that no greater than 10ha of earth is exposed at any one time.

(39) The operational effectiveness and efficiency of all erosion and sediment control measures specifically required by the certified ESCP must be maintained throughout the duration of earthworks activity, or until the site is permanently stabilised against erosion. A record of any maintenance work must be kept and be supplied to the Consent Authority on request.

(40) All earthworks must be managed to minimise any discharge of debris, soil, silt, sediment, or sediment-laden water to either land, stormwater drainage systems, watercourses or receiving waters. If a

discharge occurs, works must cease immediately, and the discharge must be mitigated and/or rectified.

(41) Earthworks must be progressively stabilised against erosion at all stages of the earthworks activities and must be sequenced to minimise the discharge of sediment to surface water.

(42) Immediately upon completion or abandonment of earthworks on the subject site, all areas of bare earth must be permanently stabilised against erosion.

(43) Erosion and sediment control measures must be constructed and maintained in accordance with certified Erosion and Sediment Control Plan, in accordance with GD05 and any amendments to this document, except where a higher standard is detailed in the documents referred to in conditions above, in which case the higher standard must apply.

(44) All perimeter controls must be operational before earthworks commence. All 'clean water' runoff from stabilised surfaces including catchment areas above the site itself must be diverted away from earthworks areas via a stabilised system to prevent surface erosion.

(45) The sediment retention ponds, decanting earth bunds and any other authorised impoundment devices utilised as part of the earthworks must be chemically treated in accordance with the approved Chemical Treatment Management Plan (ChTMP).

(46) All discharges to live stormwater reticulation or the freshwater receiving environment must achieve a minimum of 100mm depth of clarity prior to discharge in accordance with Auckland Council's Guideline Document 2016/005 Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05).

(47) Notice must be provided to the Consent Authority at least (2) working days prior to the removal of any erosion and sediment control works specifically required as a condition of resource consent or by the certified Erosion and Sediment Control Plan.

(48) Prior to the removal of any erosion and sediment control device required as a condition of resource consent, written certification must be provided to the Consent Authority by a suitably qualified and experienced practitioner to confirm that all areas of bare earth have been permanently stabilised against erosion in accordance with GD05 and can be directed to a Clean Water Diversion.

(49) Earthworks on the subject site must not be undertaken between 01 May and 30 September in any year without the submission of a 'Request for Winter Works' for approval to Council. All requests must be renewed annually prior to the approval expiring and works must not occur until written approval has been received from Council. All winter works will be re-assessed monthly or as required to ensure that adverse effects are not occurring in the receiving environment and approval may be revoked by the Consent Authority upon written notice to the Consent Holder.

(50) All machinery associated with any earthworks activity must be operated in a way that ensures that spillages of hazardous substances such as fuel, oil, grout, concrete products and any other contaminants are prevented.

(51) Except for as provided for by this consent, there must be no damage to public roads, footpaths, berms, kerbs, drains, reserves, or other public asset as a result of the earthworks, demolition and construction activity. If such damage does occur, the Consent Holder must rectify it immediately and notify the Consent Authority within 24 hours of its discovery. The costs of rectifying such damage and restoring the asset to its original condition must be met by the Consent Holder.

(52) All materials and equipment must be stored within the subject site's boundaries unless written permission is granted from Auckland Transport for specific storage in the road reserve.

(53) The proposed earthworks and construction works must not alter the overland flow path entry and exit points at the subject site.

(54) An 'as-built' drawing from an engineer showing the final contours of the site must be provided on a CAD plan to the Consent Authority within ten (10) working days following completion.

Geotechnical

(55) All earthworks must be managed to ensure that they do not lead to any uncontrolled instability or collapse affecting either the site or adversely affecting any neighbouring properties. If such a collapse or instability does occur, it must immediately be rectified.

(56) The construction of any earth bunds, retaining walls, and the placement and compaction of fill material must be supervised by a suitably qualified and experienced engineering practitioner. In supervising the works, the suitably qualified engineering practitioner must ensure that the works are constructed and completed in accordance with the Geotechnical Interpretative Report prepared by Initia, titled 'Auckland Surf Park Community, Geotechnical Interpretative Report', Rev B (dated June 2023), and the 'Geotechnical Investigation Report' prepared by Aurecon, titled Dairy Flat Campus, Geotechnical Investigation Report, Rev D and dated 20 October 2023 and relevant engineering code of practice.

(57) Within twenty (20) working days from the completion of earthworks, a 'Geotechnical Completion Report' (including a statement of professional opinion for the suitability of the site for the intended development) signed by a Chartered Professional Geotechnical Engineer or Chartered Engineering Geologist must be provided to the Consent Authority for certification. The Geotechnical Completion Report must include (but not to be limited to):

(a) Earthworks operations (e.g. excavations, batters, fill compaction);

(b) Testing;

(c) Inspections;

(d) Soil Expansivity; and

(e) Foundation requirements.

Imported Fill

(58) Any imported fill used must:

(a) Be cleanfill material;

(b) Be solid material of a stable and inert nature; and

(c) Not contain hazardous substances or contaminants above recorded natural background levels of the receiving site.

Advice Note:

In addition to the characteristics for imported fill outlined in the above condition, please refer to the relevant New Zealand Standard (e.g. NZS 4431:1989 'Code of Practice for Earth Fill for Residential Development') to ensure that all fill used is of an acceptable engineering standard.

Dust

(59) During earthworks all necessary action must be taken to minimise dust generation and sufficient water must be available and must be used where needed to dampen exposed soil, and/or other dust suppressing measures must be available to minimise dust formation and discharge beyond the boundary.

Accidental Discovery Protocols

(60) In the event works expose suspected archaeological remains, the Auckland Unitary Plan (Operative in Part) Accidental Discovery Rule (Standards E11.6.1 and E12.6.1) apply if an Archaeological Authority from Heritage New Zealand is not otherwise in place.

Advice Note:

The Heritage New Zealand Pouhere Taonga Act (HNZPTA) 2014 provides for the identification, protection, preservation, and conservation of the historic and cultural heritage of New Zealand. It is an offence under this Act to destroy, damage or modify any archaeological site without an authority from Heritage New Zealand Pouhere Taonga. An archaeological site is defined as a place associated with pre-1900 human activity where there may be evidence relation to history of New Zealand.

Archaeological features cover the whole spectrum of past human activity. They may include sites of Māori origin such as shell middens, hangi or ovens, moa hunting sites, earthworks associated with pā sites or kāinga, pit depressions, defensive ditches, artefacts, or koiwi tangata (human skeletal remains), etc. They also include 19th century building foundations, wells and cesspits, rubbish dumps of pottery and glass bottles or other artefacts, transport and infrastructure remains such as bridges, dams and old railways, sites of industrial activity such as pottery kilns, mining, sawmills etc. In the coastal area shipwrecks, wharf remains, whaling sites or other marine structures may be archaeological sites. For guidance and advice on archaeological assessments, obtaining an authority to modify under the HNZPTA and managing the discovery of archaeological features contact Heritage New Zealand Pouhere Taonga on 09 307 9920.

Future Continuation of the Collector Road to Postman Road

(61) The Consent Holder must, prior to the opening of the surf park for public use, provide Auckland Transport with evidence that a legal means has been recorded against the appropriate Record(s) of Title to ensure the construction and vesting of a 24m wide collector road to extend continuously between Dairy Flat Highway and Postman Road by the date of the implementation of the Structure Plan, as per "Road 1" and "Future Alignment" layout detailed on the roading plans prepared by McKenzie & Co referenced in Condition (7). The Postman Road frontage of that road must also be upgraded to urban standards at the time of vesting unless otherwise agreed in writing by Auckland Transport.

CONDITIONS PERTAINING TO THE SURF PARK AND SOLAR FARM (LOTS 3 AND 4 AS APPROVED UNDER SUB60425790)

S9 Land Use Consent

General Conditions

Monitoring Deposit

(62) The Consent Holder must pay the Consent Authority an initial consent compliance monitoring charge of $3,000 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to these consents.

Advice Note:

The initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consents. In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, must be charged at the relevant hourly rate applicable at the time. The Consent Holder will be advised of the further monitoring charge. Only after all conditions of the resource consents have been met, will the council issue a letter confirming compliance on request of the Consent Holder.

Expiry of consent

(63) Resource consent **LUC60429156** (regional earthworks) will expire 5 years from the commencement date unless it has been surrendered or cancelled at an earlier date pursuant to the RMA.

Acoustic Attenuation

(64) Within three (3) months of the commencement of works, the Consent Holder must provide an acoustic monitoring report to the Council. The report must be prepared by a suitably qualified acoustic professional and include as a minimum:

(a) methodology for monitoring noise emitted from the subject site both individually and cumulatively;

(b) measures to ensure compliance with permitted noise standard set out in AUP(OP) E25.6.3 (1);

(c) actions to be undertaken in the event of a breach, that will ensure compliance with the permitted noise standard will be met

In the event of a breach, all specific actions outlined in the report provided by the suitably qualified acoustic professional in accordance with condition (64)(c) must be implemented within five (5) working days from the provision of that report.

In the event that the specific actions referred to above are not implemented within the period specified in this condition, the activity directly associated with the source of the noise must cease until such time that the specific actions are implemented.

Advice Note:

Noise levels are measured in accordance with the provisions of NZS 6801:2008 Acoustics – Measurement of environmental sound and assessed in accordance with NZS 6802:2008 Acoustics – Environmental noise

Stormwater

(65) The Consent Holder must ensure that the required freeboard to finished floor levels from overland flowpaths and floodplains within and adjacent to the site is maintained for the 100yr Average Recurrence Interval (ARI) flood (1% AEP).

(66) The Consent Holder must not use surface treatments with the potential to leach zinc or copper.

Roading

(67) Road 1, including the Dairy Flat Highway intersection and right turn bay, and the shared pedestrian and cycle path must be constructed in general accordance with plans and information referenced in Condition (7). The detailed design must be approved as part of the Engineering Approval process. Where any discrepancy exists between the consent plans and the Engineering Approval plans, the Engineering Approval plans must prevail. This condition must be implemented prior to the operation of either the Surf Park and Solar Farm, or the Data Centre.

(68) Any earthworks on land subject to the Dairy Flat Highway Notice of Requirement (NoR 8) must ensure the road levels proposed in NOR 8 or the approved Designation are achieved, unless otherwise agreed in writing by Auckland Transport.

Advice note:

Any works within the Dairy Flat Highway Notice of Requirement/ Designation require s176 or s178 prior approval from Auckland Transport. The consent holder must contact Auckland Transport as soon as possible to ensure any required approvals are issued prior to construction.

(69) The southbound bus stop on Dairy Flat Highway must be upgraded, and the northbound bus stop and the accompanying crossing facilities must be constructed in consultation with Auckland Transport.

(70) The internal road for the Surf Park must be designed and formed to ensure:

(a) That the road can be vested as a public road at a future date,

(b) It is in accordance with the Auckland Code of Practice for Land Development and Subdivision Chapter 3: Transport (ACoP: T), and

(c) It provides appropriate width and design to accommodate a future industrial local road and/or to accommodate walking and cycling infrastructure.

Transport

(71) All access, parking and manoeuvring areas must be formed, and sealed with an all-weather surface, marked out, sign-posted and drained in accordance with the approved plans referenced in Condition (7).

(72) Parking areas must be marked out in accordance with the approved site plan to ensure appropriate parking supply, access, signage, directions, and vehicle manoeuvring. This includes the allocation of specific parking spaces to each unit/dwelling where relevant.

(73) All new vehicle crossings must be designed and formed in accordance with the Auckland Code of Practice for Land Development and Subdivision Chapter 3: Transport (ACoP: T), or as set out in the civil engineering plans listed in Condition (7) or provide justification for any necessary change.

Final Landscape Plans

(74) Prior to the landscaping works commencing, the Consent Holder must submit a finalised set of landscape design drawings and supporting written documentation, which have been prepared by a suitably qualified and experienced practitioner landscape architect, to the Council.

The submitted information must be consistent with the consented landscape plans prepared by Warren and Mahoney Architects as referenced in Condition (7) and, at a minimum, must include landscape design drawings, specifications, and maintenance requirements including:

(a) An annotated planting plan(s) which communicates the proposed location and extent of all areas of planting, including any revegetation, reinstatement planting, mitigation planting and natural revegetation (if relevant), and a 16 metre wide corridor in relation to the private north – south road to allow for the potential construction of a future road and walking and cycling pathways;

(b) A plant schedule based on the submitted planting plan(s) which details specific plant species, the number of plants, height and/or grade (litre)/Pb size at time of planting, and estimated height/canopy spread at maturity;

(c) Details of draft specification documentation for any specific drainage, soil preparation, tree pits, staking, irrigation, and mulching requirements;

(d) An annotated pavement plan and related specifications, detailing proposed site levels and the materiality and colour of all proposed hard surfacing;

(e) A landscape maintenance plan (report) and related drawings and specifications for all aspects of the finalised landscape design, including in relation to the following requirements:

(i) Weed control;

(ii) Plant replacement;

(iii) Inspection timeframes; and

(iv) Contractor responsibilities.

(f) Details of the location, type and materiality of any acoustic attention, if required by condition (64);

(g) An annotated stream plan detailing a soft-bottomed stream bed consistent with the existing stream environment; and

(h) An annotated staging plan which communicates the extent of each stage.

(75) The Consent Holder must implement the landscape design prior to the operation and occupation of the various stages in accordance with the staging plan as required by Condition (18). The landscaping must be retained and maintained thereafter in accordance with the maintenance programme/plan/report which has been approved under Condition (18) above.

Prior to Operation and Occupation Conditions

(76) The Consent Holder must satisfy all of Conditions (66) to (75) prior to the occupation or operation of the site.

Private Stormwater

(77) All the necessary pipes and ancillary equipment must be supplied and laid to provide private stormwater connection to the development in general accordance with plans and information referenced in Condition (7).

Private Wastewater

(78) All the necessary pipes and ancillary equipment must be supplied and laid to provide private wastewater connection to the development in general accordance with plans and information referenced in Condition (7).

Private Water Supply

(79) All the necessary pipes and ancillary equipment must be supplied and laid to provide water connections to the development in general accordance with plans and information referenced in Condition (7).

Private Infrastructure

(80) A copy of an updated private drainage "as-built" plan signed by a registered certifying drainlayer must be provided to the Consent Authority.

Advice Note:

The stormwater and wastewater network connections will require engineering approval to be obtained from the Auckland Council prior to applying for Building Consent. All stormwater and wastewater systems must be designed and constructed in accordance with Auckland Council standards. See Auckland Council's website (www.aucklandcouncil.govt.nz) for more information on the engineering approval process, or call (09) 301 0101 and ask to speak to a Development Engineer from your local service centre.

Access and Roading

(81) The intersection of Dairy Flat Highway and upgrades to the Dairy Flat Highway bus stops as detailed in the 'Access and Roading Report' prepared by McKenzie and Co, dated July 2023, must be constructed and operational prior to the operation of the Surf Park.

(82) The Consent Holder must provide to the Consent Authority all Engineering Approval Completion Certificates for Roads 1 and 2 as detailed in the Access and Roading Report prepared by McKenzie and Co.

Lighting

(83) The certified Lighting Plan required by Condition (32) must be implemented as part of the construction of the development and maintained thereafter.

(84) All exterior lighting must be directed away from neighbouring residential dwellings and be fitted with covers to reduce light spill. Lighting must be orientated and shielded to direct light downwards only (i.e., below a horizontal plane).

Advice Note:

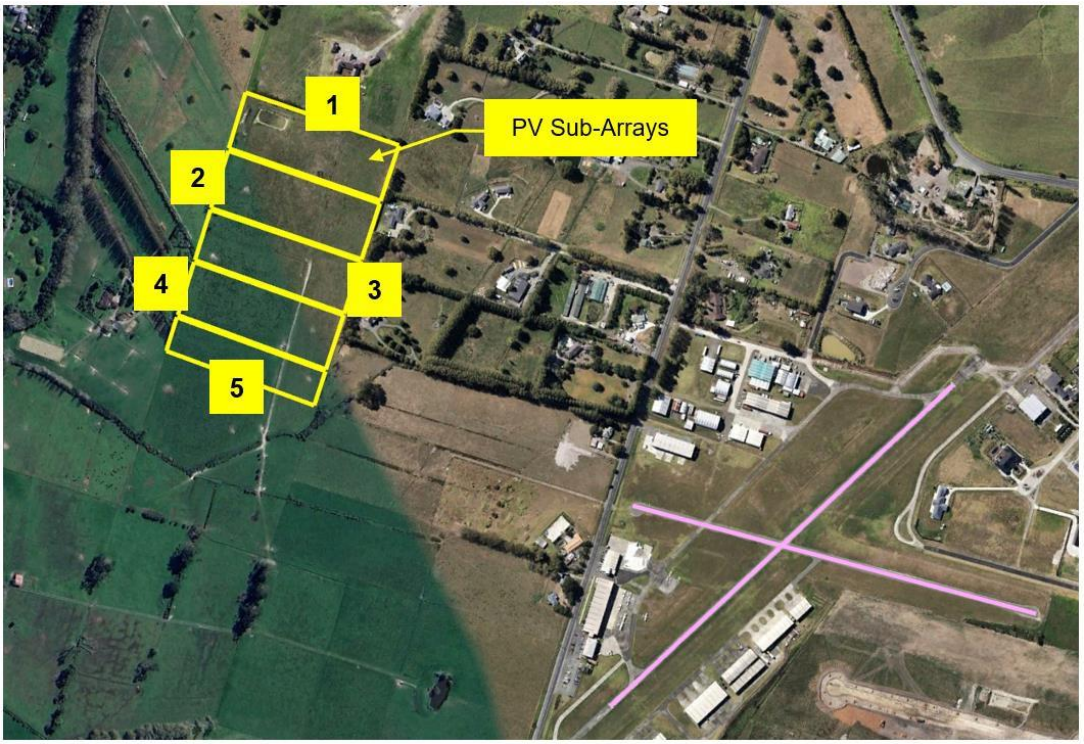
Exterior lighting must comply with the relevant permitted activity standards in E24.6.1 Lighting of the Auckland Unitary Plan (Operative in Part) and any variations thereto noting that the site is zoned Future Urban which falls into Lighting Category 2 as identified in Table E24.6.1.1.

Solar Panel Aviation Glare Management Strategy

(85) The PV sub-arrays must employ the following Back-Tracking Rest Angles and Normal Tracking Range:

<table>
<tr><td rowspan="2">PV Sub-Array
(as per Figure 1 below)</td><td colspan="6">Back-Tracking Rest Angle and Normal Tracking by Month</td></tr>
<tr><td>Jan</td><td>Feb</td><td>Mar-Sep</td><td>Oct</td><td>Nov</td><td>Dec</td></tr>
<tr><td colspan="7">Restrictions on AM Morning-Sunrise Commencement Rest Angle</td></tr>
<tr><td>1</td><td colspan="2">0°</td><td>6°</td><td colspan="3">0°</td></tr>
<tr><td>2</td><td colspan="2">0°</td><td>6°</td><td colspan="3">0°</td></tr>
<tr><td>3</td><td colspan="2">0°</td><td>6°</td><td colspan="3">0°</td></tr>
<tr><td>4</td><td>0°</td><td colspan="3">18°</td><td colspan="2">0°</td></tr>
<tr><td>5</td><td>0°</td><td colspan="3">22°</td><td colspan="2">0°</td></tr>
<tr><td colspan="7">Restrictions on PM Afternoon-Sunset Ending Rest Angle</td></tr>
<tr><td>1-5</td><td colspan="6">0° (No restrictions)</td></tr>
<tr><td colspan="7">Restrictions on Range of Normal Tracking</td></tr>
<tr><td>1-4</td><td colspan="6">No restriction: Normal Tracking allowed to ±60°</td></tr>
<tr><td>5</td><td colspan="6">For January and November: Normal Tracking restricted to ±55°
For all other months: Normal Tracking allowed to ±60°</td></tr>
</table>

Figure 1: PV 5 Sub-Array Arrangement



Surf Lagoon Maintenance Plan

(86) The Consent Holder must have a Surf Lagoon Maintenance Plan (SLMP) prepared by an appropriately qualified and experienced practitioner. The SLMP must be submitted to the Consent Authority for certification no less than twenty (20) working days prior to the surf lagoon becoming operational. The surf lagoon must not become operational until written confirmation from the Consent Authority has been provided. The SLMP must include specific details relating to avoiding, remedying, or mitigating adverse effects on the environment from drainage of the surf lagoon to the tributary stream. The SLMP must include, as a minimum:

(a) A general outline of the maintenance process;

(b) An outline of how the aquatic habitat is to be maintained to protect aquatic organisms, including a protection rate for indigenous aquatic species of at least 95%;

(c) An overview of measures that will be adopted to ensure the following water quality criteria is met prior to discharge:

(i) Chlorine levels no greater than 3 mg/L;

(ii) Temperature no greater than 22 degrees; and

(iii) Dissolved Oxygen levels no greater than 3.5 mg/L.

(d) Monitoring during discharges from the surf lagoon (including frequency and checklists) to ensure the criteria of (b) is met, and reporting.

(e) The process for changing, and certifying any changes to, the Surf Lagoon Maintenance Plan.

(f) protocols and remedial actions to be undertaken in the event of an unscheduled discharge.

Any drainage of the surf lagoon must be undertaken in accordance with the certified Surf Lagoon Maintenance Plan.

Visitor Accommodation Management Plan

(87) No less than three (3) months prior to occupation of the visitor accommodation, including the Lodge and Eco Cabins, the Consent Holder must prepare and submit a Visitor Accommodation Management Plan (VAMP) to the Consent Authority for certification. The purpose of the VAMP is to manage the adverse effects of the short stay accommodation facilities on the site including reverse sensitivity from neighbouring land uses.

The VAMP must address (but is not limited to) the following matters:

(a) Limitation on the numbers of guests and duration of stay;

(b) Occupancy rates for each unit;

(c) A visitor monitoring system to record quest arrival and departures;

(d) Identifies the services and/or amenities that have been identified for the exclusive use of people staying at the accommodation and their quests;

(e) Waste management;

(f) A plan showing visitor access control points; and

(g) A requirement that staying guests are informed of neighbouring land uses and that the terms of their stay are that they are not to make a complaint to Auckland Council about noise and/or other potentially nuisance emitting activities from adjacent sites.

Post Construction

Geotechnical

(88) Earthworks must follow the recommendations of the Geotechnical Interpretative Report prepared by Initia, titled 'Auckland Surf Park Community, Geotechnical Interpretative Report, Rev B and dated June 2023. The Consent Holder must provide verification in writing from a suitably qualified engineer to the Consent Authority, that the recommendations of the Geotechnical Interpretative Report prepared by Initia, titled 'Auckland Surf Park Community, Geotechnical Interpretative Report, Rev B and dated June 2023 have been implemented on site. This must be provided no later than two weeks after earthworks have been completed.

Shuttle Service

(89) The Consent Holder must operate a shuttle service between the Hibiscus Coast bus station and Silverdale that can be utilised by staff and visitors to and from the site. The shuttle must operate in perpetuity or until as agreed to by the Consent Authority.

Removal of Buildings and Structures within the Rapid Transit Corridor Notice of Requirement/ Designation

(90) Upon written request of New Zealand Transport Agency Waka Kotahi (NZTA), the Consent Holder must relocate or remove the eco-cabins, solar panels and associated structures, that are located within NoR1: Rapid Transit Corridor between Albany and Milldale (including a walking and cycling path) or designation once confirmed within 120 working days of receiving that request or within an otherwise agreed timeframe. This work must be undertaken at the Consent Holder's expense.

Advice Note:

Any works within the land subject to NOR1: Rapid Transit Corridor between Albany and Milldale, or designation once confirmed, requires prior written consent from NZTA under s178 or s176 of the RMA. The consent holder must contact NZTA as soon as possible to ensure such written consent is able to be provided prior to the commencement of construction.

S14 Water Permit for Surface Water Take and Use (WAT60429183)

General

Activity in accordance with plans

(91) The take and use of surface water from an unnamed tributary to the Rangitopuni Stream, as well as the dewatering of the surf park lagoon, must be carried out in general accordance with the application formally received by the Environmental Protection Authority on the 30 October 2023, and the following documents:

(a) Application form and Statutory Analysis and Assessment of Environmental Effects prepared by Barker & Associates Ltd titled "Auckland Surf Park Community – 1350 Dairy Flat Highway, Dairy Flat, Auckland" and dated October 2023;

(b) The reports listed at Attachment 1; and

(c) The drawings and plans listed at Attachment 2.

If any of the provisions of the documents at Attachments 1 or 2 conflict with the requirements of these conditions of consent, these conditions of consent must prevail.

Expiry of Consent

(92) Water permit **WAT60429183** will expire 15 years from the commencement date unless it has lapsed, been surrendered or been cancelled at an earlier date, pursuant to section 123 the RMA.

Authorised Quantities

(93) The abstractions must comply with the following:

(a) The total volume of water abstracted in accordance with consent [**WAT60429183**], for the core allocation (low-flow) take, in each 12-month period, commencing 1 July of any year and ending 30 June of the following year, must not exceed 55,225 cubic metres.

(b) The total volume of water abstracted in accordance with consent [**WAT60429183**], for the supplementary allocation (high flow) take, in each 12-month period, commencing 1 July of any year and ending 30 June of the following year, must not exceed 104,000 cubic metres.

Advice Note:

Taking water from a stream outside of the early morning hours of low dissolved oxygen (DO), and the mid-afternoon hours of maximum stream water temperature is ideal for safeguarding the life- supporting capacity of the freshwater ecosystem. The take would have least adverse effects if taking was between 9am and 2pm and after 4pm in summer.

Restrictions on Take

(94) The rate of abstraction must not exceed:

(a) 1.75 litres per second (L/s) for the core allocation (low-flow) take; and

(b) 75 L/s or 40 percent of the total stream flow at the time of abstraction for the supplementary allocation (high flow) take.

(95) For the purposes of assessing compliance against Condition (b)(94)(b) , 40 percent of the flow is based on the proportion of the flow measured on Rangitopuni Stream at the Walker's flow measuring site.

Advice Note:

The Consent Holder should monitor recorded flow each morning daily before exercising the supplementary allocation (high flow) take. The web address for council's on-line Environmental Data Portal, which includes live Environmental Monitoring telemetric flow data, is: https://environmentauckland.org.nz/

(96) Any abstraction authorised by this consent must cease when flow as measured at the point of take is less than 85 percent of the seven day Mean Annual Low Flow (7dMALF) of the unnamed tributary to the Rangitopuni Stream, being 0.73 L/s at the grant of this consent and any revised flow as confirmed by Condition (99).

(97) The supplementary allocation (high flow) take must only occur when flows at the point of take are at or greater than the median flow of the unnamed tributary to the Rangitopuni Stream, being 13 L/s at the grant of this consent and any revised flow as confirmed by Condition (99).

Monitoring

Stream flow monitoring

(98) The Consent Holder must undertake further flow monitoring of the unnamed tributary to the Rangitopuni Stream within 12 months of the exercise of this consent. The monitoring must be undertaken by a suitably qualified and experienced practitioner and include the following:

(a) No less than six (6) stream flow gauging representative measurements that are taken across a range of flow rates;

(b) Monitor continuous flow in the unnamed tributary to the Rangitopuni Stream (via the monitoring device required by Condition (101)); and

(c) Develop a site rating curve to enable the conversion of measured water level to a corresponding rated stream flow rate.

(99) The Consent Holder must have a report prepared by a suitably qualified and experienced practitioner and submit to the Consent Authority for verification. The report must detail the findings of the monitoring required by Condition (98) and confirm the following:

(a) Any changes to the flow restriction required by Condition (96) based on the assessed 7dMALF or the ability to provide for fish passage;

(b) Any changes to the flow restriction required by Condition (96) based on the assessed median flow.

(100) The measured stream flow data, core allocation (low-flow) take, and supplementary allocation (high flow) take rate, must be analysed and the following reported to the Consent Authority on an annual basis:

(a) Compliance to the core allocation (low-flow) take rate, clearly comparing the monitored stream flow to the measured water take rate.

(b) Compliance to the supplementary allocation (high flow) take rate, clearly comparing the monitored stream flow to the measured water take rate.

(c) Analysis of the hydrological flow regime, clearly identifying the minimum, median, mean, and maximum stream flows.

Installation of Water Meter and flow monitoring device

(101) Prior to exercise of this consent, the Consent Holder must install and maintain a water meter with a visual tumbler display, and an electronic pulse output connected to a data logger and telemetry device. The water meter and recording devices/systems must:

(a) be fit for the purpose and water it is measuring;

(b) measure the volume of water taken as required by Conditions (93) and (94), with an accuracy of +/- 5% of the actual volume taken;

(c) transmit the volume of water taken in real time. The telemetry devices must transmit logged data at intervals of no more than 60 minutes to the Consent Authority Compliance Water portal of the Hydrotel database (or to any replacement database required in writing by Council) in a format that is compatible with the Consent Authority systems;

(d) be tamper-proof and sealed;

(e) be installed (water meter) on each of the outlet pumps;

(f) have systems and equipment in place to ensure continued operation in the event of a power outage;

(g) have backup data storage;

(h) be safely accessible;

(i) be installed and maintained in accordance with the manufacturer's specifications.

Prior to exercise of this consent, the Consent Holder must contact environmentaldata@aucklandcouncil.govt.nz or to any replacement email address identified in writing by the Council, to arrange set-up of the telemetry device to ensure logged data is transmitting to the Consent Authority correctly.

Advice Note

As per the Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020, a water permit holder (resource Consent Holder) is required to record measurements of their water abstraction at 15-minute intervals and electronically provide to council daily records of the measurements by the end of the next day (unless otherwise agreed by council) starting on the following date for a water permit that allows water to be taken at the rate specified:

- *3 September 2022 for a water permit for ≥20 litres/second*
- *3 September 2024 for a water permit for ≥10 but <20 litres/second*
- *3 September 2026 for a water permit for ≥5 but <10 litres/second.*

(102) Prior to exercise of this consent, the Consent Holder must install and maintain a flow monitoring device in the unnamed tributary to the Rangitopuni Stream at the point of take, to the satisfaction of Council. The devices/systems must:

(a) be fit for the purpose and water it is measuring;

(b) measure the stream flow for the purpose of meeting Conditions (96) and (97), with an accuracy of +/- 5%;

(c) transmit the volume of water taken in real time. The telemetry devices must transmit logged data at intervals of no more than 60 minutes to the Consent Authority Compliance Water portal

of the Hydrotel database (or to any replacement database required in writing by Council) in a format that is compatible with the Consent Authority systems;

(d) be tamper-proof and sealed;

(e) be installed (water meter) on each of the outlet pumps;

(f) have systems and equipment in place to ensure continued operation in the event of a power outage;

(g) have backup data storage;

(h) be safely accessible;

(i) be installed and maintained in accordance with the manufacturer's specifications.

Prior to exercise of this consent, the Consent Holder must contact environmentaldata@aucklandcouncil.govt.nz or to any replacement email address identified in writing by the Council, to arrange set-up of the telemetry device to ensure logged data is transmitting to the Consent Authority correctly.

Verification of Water Meter/Device Accuracy

(103) The water meter and the flow monitoring device must be verified in situ as accurate by a suitably qualified professional at the following times:

(a) Prior to the exercise of this consent;

(b) Within 20 working days of the water meter being serviced or replaced;

(c) By 30 June of the fifth year from the commencement of consent, and thereafter at five yearly intervals.

The water meter and flow monitoring device, their verification and evidence of their accuracy must be in accordance with the Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020 (or any equivalent regulations that may replace them) and a copy of the verification must be provided to the Consent Authority within 10 working days of the meter/devices being verified as accurate.

Water Meter Readings

(104) Water meter measurements of water abstraction from the outlet of the pump and stream flow monitoring must be recorded daily at 15-minute intervals, commencing before pumping starts for the day and finishing at the end of pumping for the day. Daily records of the measurements must be provided electronically to the Consent Authority by the end of the next day (unless otherwise agreed by the Council).

(105) A water meter reading must be taken at daily intervals at the same time being one of these times listed below:

(a) before pumping starts for that day; or

(b) at the end of pumping for that day.

The date and the water meter reading must be recorded and supplied to the council in accordance with the reporting condition below.

Water Intake Structure

(106) The water intake structure, screen and any associated equipment must be installed, operated, and maintained to avoid the catching or capture of fish. The intake structure, screen and associated equipment must:

(a) Ensure that the maximum water velocity into the entry point of the intake structure is no greater than 0.3 metres per second;

(b) Ensure that the intake screen mesh spacings are no greater in any one dimension than 1.5 millimetres; and

(c) Ensure that the intake screen is located no less than 0.5 metres from the water's edge.

Reporting

Water Use Efficiency Report

(107) A water use efficiency report must be provided to and certified by the Consent Authority in June of each year. The report must assess the water use over the reporting period against best practice in respect of the efficient use of water for the purpose consented. This report must include, but not be limited to:

(a) annual summary of water usage (month by month and related to use);

(b) reasons why annual and maximum daily water use may have varied from previous year aside from climatic variability; and

(c) water conservation steps taken (e.g. leak detection).

Environmental Monitoring Report

(108) An Environmental Monitoring Report must be submitted to the satisfaction of the Consent Authority by within the twelve (12) months of first exercise of this consent, and subsequently at intervals of five years thereafter. This report must provide a summary and analysis of the past water use, water level, and water quality monitoring for the previous five years required by the conditions above. The report must assess the effects of the water take on the stream.

Water Reporting

(109) The following information must be entered, at the frequency and date specified, to the Council's Water Use Data Management System or to any replacement database identified in writing by the Council.

Information	Due Dates for Reporting
Stream flow measurements: Daily flow at the Rangitopuni Stream @ Walkers flow site on the Consent Authority web site.	Every 15th day of March, June, September and December.
Calculated natural flow at the Surf Park Tributary abstraction point based on concurrent flow in Rangitopuni Stream @ Walkers flow site.	Every 15th day of March, June, September and December.

Advice Note:

The web address for council's on-line Water Use Data Management System is: http://ak/c.hydrate/.co.nzlhydrotel/cgi-bin/WudmsWebServer.cgi

Review of Consent

(110) Within 6 months of receiving the Environmental Monitoring Report required by condition (108), the Consent Authority may, following service of notice on the Consent Holder, commence a review of the conditions of this consent pursuant to section 128(1) of the Resource Management Act 1991 for the following purposes:

(a) To review the effectiveness of the conditions of this consent in avoiding or mitigating any adverse effects on the environment from the exercise of this consent, and if necessary, to avoid, remedy or mitigate such effects by way of further or amended conditions;

(b) To review the adequacy of and the necessity for monitoring undertaken by the Consent Holder;

(c) As a basis for a comprehensive and integrated assessment of water quality and water quantity issues in the Rangitopuni Stream catchment;

(d) To review flow restriction conditions specified as a result of further flow monitoring; or

(e) To take account of information, including the results of previous monitoring and changed environmental knowledge, on –

(i) water availability, including alternative water sources;

(ii) actual and potential water use;

(iii) stream water flow and level regimes;

(iv) efficiency of water use;

(v) water quality; and

(vi) the relationship of Māori with water.

S14 Water Permit for Groundwater Dewatering (WAT60429184)

General

Activity in accordance with plans

(111) The dewatering of the surf park lagoon must be carried out in general accordance with the application formally received by the Environmental Protection Authority on the 30 October 2023, and the following documents:

(a) Application form and Statutory Analysis and Assessment of Environmental Effects prepared by Barker & Associates Ltd titled "Auckland Surf Park Community – 1350 Dairy Flat Highway, Dairy Flat, Auckland" and dated October 2023;

(b) The reports listed at Attachment 1; and

(c) The drawings and plans listed at Attachment 2.

If any of the provisions of the documents at Attachments 1 or 2 conflict with the requirements of these conditions of consent, these conditions of consent must prevail.

Expiry of Consent

(112) Water permit **WAT60429184** will expire 35 years from the commencement date unless it has lapsed, been surrendered, or been cancelled at an earlier date, pursuant to section 123 the RMA.

Notice of commencement of dewatering

(113) The Consent Authority must be advised in writing at least ten (10) working days prior to the date of the Commencement of Construction Phase Dewatering.

Advice Note:

Commencement of Construction Phase Dewatering means commencement of Bulk Excavation and/or the commencement of the taking or diversion of groundwater, other than for initial state monitoring purposes

Notice of completion of dewatering

(114) The Consent Authority must be advised in writing that Construction Phase Dewatering has been completed within ten (10) working days of the date of Completion of Dewatering.

Advice Note:

Completion of Construction Phase Dewatering means, in the case of a drained building or structure, the stage the structures external and internal support mechanisms, including basement floors have been completed, the permanent drainage system(s) are in place and no further

groundwater is being taken for the construction of the basement.

Review under section 128

(115) Under section 128 of the RMA, the conditions of this consent **WAT60429183** may be reviewed by the Consent Authority at the Consent Holder's cost.

(116) Within six (6) months after Completion of Dewatering and subsequently at intervals of not less than five (5) years thereafter in order:

(117) To deal with any adverse effects on the environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage.

(118) To vary the monitoring and reporting requirements, and performance standards, to take account of information, including the results of previous monitoring and changed environmental knowledge on:

1. Ground conditions
2. Aquifer parameters
3. Groundwater levels; and
4. Ground surface movement.

Excavation and land disturbance

(119) Bulk Excavation must not extend below the levels shown on the Earthworks Plans listed at Attachment 2.

(120) All land disturbance works must be managed to minimise any discharge of debris, soil, silt, sediment or sediment-laden water from beyond the subject site to either land, stormwater drainage systems, watercourses or receiving waters.

Groundwater

(121) Any perched groundwater, or surface water encountered within the excavation area requiring removal must be considered potentially contaminated, and therefore, for the protection of the human health and the environment, the impacted water must either be:

(a) disposed of by a licenced liquid waste contractor; or

(b) pumped to sewer, providing the relevant permits are obtained; or

(c) discharged to the site's stormwater system or surface waters provided testing demonstrates compliance with the Australian and New Zealand Environment Conservation the Consent Authority (ANZECC) Guidelines for Fresh and Marine Water Quality (2000) for protection of 80 percent of freshwater species, with the exception of benzene where the 95 percent protection level must apply, and the water is free from petroleum hydrocarbons.

Damage avoidance

(122) All excavation, dewatering systems, retaining structures, basements and works associated with the diversion or taking of groundwater, must be designed, constructed, and maintained to avoid any damage to buildings, structures and services on the site and adjacent properties, unless otherwise agreed in writing with the asset owner.

Permanent drainage

(123) Any permanent drainage systems installed behind retaining walls must not cause groundwater levels adjacent to the site to reduce below pre-dewatering seasonal low levels, after the completion of dewatering.

Advice Note:

The Consent Holder is advised that the discharge of pumped groundwater to a stormwater system or waterbody will need to comply with any other regulation, bylaw or discharge rule that may apply.

Groundwater Maintenance Programme

(124) At the Completion of Construction Phase Dewatering, the Consent Authority must be provided with a maintenance program for any permanent groundwater drainage system used to manage groundwater levels.

Advice Note

The Consent Holder is advised that the discharge of pumped groundwater to a stormwater system or waterbody will need to comply with any other regulations, bylaws or discharge rules that may apply.

S15 Discharge Permit to discharge wastewater to land (DIS60429158)

General

Activity in accordance with plans

(125) The discharge must be carried out in general accordance with the application formally received by the Environmental Protection Authority on the 30 October 2023, and the following documents:

(a) Application form and Statutory Analysis and Assessment of Environmental Effects prepared by Barker & Associates Ltd titled "Auckland Surf Park Community – 1350 Dairy Flat Highway, Dairy Flat, Auckland" and dated October 2023;

(b) The reports listed at Attachment 1; and

(c) The drawings and plans listed at Attachment 2.

If any of the provisions of the documents at Attachments 1 or 2 conflict with the requirements of these conditions of consent, these conditions of consent must prevail.

Expiry of Consent

(126) Discharge permit **DIS60429158** will expire 15 years from the commencement date unless it has lapsed, been surrendered or been cancelled at an earlier date, pursuant to section 123 of the RMA.

Wastewater volume

(127) The volume of domestic-type wastewater discharged to land must not exceed 80 cubic metres per day.

Design

Wastewater system design

(128) The key components of the wastewater treatment and land disposal system must be consistent with those described in the application and must comprise at least the following minimum, or additional, components, dimensions, and standards:

Wastewater treatment system:

(a) (2x) 20m³ balance tanks & (4x) 20m³ primary tanks;

(b) (4x) 20m³ reactor tanks;

(c) (4x) 20m³ clarifier tanks;

(d) (2x) 20m³ irrigation tanks;

(e) (1x) Ultraviolet (UV) disinfection unit suitable for disinfection of wastewater (that achieves a faecal coliform count in the treated wastewater before discharge to land of less than 200 CFU/100 mL at all times);

(f) A sampling tap installed after the UV disinfection unit for the collection of treated wastewater samples;

(g) (1x) disc filter;

(h) Automated datalogger (or wastewater meter) with remote telemetry system for daily monitoring of the wastewater volume discharging to land. The location of data logger and wastewater meter to be confirmed in detailed design stage;

(i) An audio/visual alarm system located in a prominent location on the site that detects pump failure or high wastewater levels;

(j) Emergency storage volume equivalent to at least 24 hours peak flow volume above the high-water alarm sensor within the wastewater treatment system;

Wastewater Land Disposal System:

(k) At least 36,740 m^2 pressure compensating drip irrigation (PCDI) system. The PCDI lines must be installed subsurface within the topsoil at a depth of approximately 250 mm. PCDI line length, spacing and emitter spacing will be confirmed at detailed design;

(l) At least 18,370 m^2 reserve effluent disposal area (50%) with a further provisional 8,090 m^2 spare reserve area (22%);

(m) A design wastewater loading rate to land of no more than 2 mm/day;

(n) Air relief valves must be installed at the high point of the field and any localized high points within laterals;

(o) The primary and reserve wastewater land disposal areas must be located in accordance with the approved plans, GD06 guidelines and must be a minimum distance of:

(i) 20 m from roadside drains;

(ii) 20 m from surface water (e.g. overload flow paths, streams, wetlands, stormwater channel, subsurface drainage etc);

(iii) 600 mm from the seasonal elevated groundwater table;

(iv) Outside of 5 % AEP flood plains, flood prone and/or flood sensitive areas;

(v) 5 m from subsurface pipes (i.e. stormwater pipes);

(vi) 1.5 m from property boundaries;

(vii) 3 m from retaining walls/embankments; and

(viii) 20 m from water supply bores.

Minor Modifications

(129) In the event that any modifications to the wastewater treatment and land disposal system are required, these will not result in an application under section 127 of the RMA or a new application, then the following information must be provided:

(a) Plans and drawings outlining the details of the modifications; and

(b) Supporting information that details how the proposal does not affect the capacity or performance of the wastewater treatment and land disposal system.

All information must be submitted to, and certified by the Consent Authority, prior to implementation.

Advice Note:

All proposed changes must be discussed with the Consent Authority and certified in accordance with this condition, prior to implementation. The modification may only be undertaken if it does not alter the capacity or performance of the wastewater system negatively, change the size and/or the locations of the wastewater land disposal areas or result in a change to the conditions of the consent. Any changes to the proposal which will affect the capacity or performance of the wastewater treatment or land disposal system will require an application to the Consent Authority pursuant to section 127 of the RMA.

Certification of wastewater treatment and land disposal system (as-built plans)

(130) As-built certification and plans of the wastewater treatment and land disposal system, which are certified (signed) by a suitably qualified and experienced wastewater practitioner as a true record of the wastewater system, must be provided to the Consent Authority for approval.

Contents of as-built plans

(131) The As-built plans must be provided to the Consent Authority that display the entirety of the wastewater system, which must include:

(a) Property boundaries;

(b) Location of surface water features, including watercourses, overland flow paths, wetlands, open drains, retaining wall drainage, stormwater drainage channels, ponds, flood plains, flood prone/sensitive areas, wetlands and intermittent/ephemeral flow paths;

(c) Location and dimensions of primary disposal area and reserve disposal area;

(d) Descriptions and dimensions of all wastewater treatment system components, including pipe-works and confirmation of the storage volumes;

(e) Minimum separation distances in accordance with condition 40; and

(f) Details of any other structures or works covered by this consent (e.g. fencing, stormwater cut-off drains, stormwater bunds etc).

Post-construction inspection

(132) The Consent Holder must notify the Consent Authority within three (3) months of the completion of works relating to the wastewater treatment and land disposal system so that a post-construction inspection can be undertaken by the Consent Authority.

The post construction meeting must be:

(a) located on the subject area;

(b) include representation from the Consent Authority; and

(c) include representation from the Consent Holder's wastewater specialist or maintenance operator or contractors who have undertaken the works and any other relevant parties.

Compliance monitoring

Land disposal area performance

(133) The discharge of wastewater to land must not result in:

(a) ponding of wastewater within or adjacent to the land disposal area;

(b) channelling of wastewater that results in overland runoff of wastewater beyond the land disposal area; and

(c) surface seepage (breakout) of wastewater beyond the land disposal area.

Maintenance standard

(134) The wastewater treatment and land disposal system must be maintained in good working order at all times.

Operation and Maintenance Plan

(135) The Consent Holder must prepare an Operation and Maintenance Plan (OMP) for the ongoing operation and maintenance of the wastewater treatment and land disposal system. The OMP must be submitted to the Consent Authority for certification. The Plan must include:

(a) Details of a 6-monthly inspection programme (or more frequent if required by the system's manufacturer) to be undertaken by a suitably qualified on-site wastewater system provider to inspect and maintain the key components of the wastewater treatment and land disposal systems.

(b) Details of the site management plan procedures and contingency measures.

(c) How and when the contingency measures should be implemented and by whom.

(d) A schedule, instructions, checklist and forms for all operation and maintenance tasks required for the satisfactory operation of the wastewater treatment and land disposal systems, including:

(e) solids removal;

(f) filter cleaning;

(g) pump maintenance;

(h) flushing of PCDI lines (without discharging flushings into surface water);

(i) inspection of the land disposal area and vegetation management within it;

(j) annual replacement of UV lamps;

(k) instructions on the use of the remote monitoring unit and who is notified of alarm activations and required response actions;

(l) calibration of wastewater flow meter;

(m) taking, handling and transportation of water and wastewater samples;

(n) audits;

(o) the checklist must clearly specify who is responsible for completing the required maintenance (for example the Consent Holder may be responsible for monthly cleaning of the outlet filter and the maintenance contractor for the inspection and maintenance of other treatment system components);

(p) Names of appropriate people to contact in the event of system malfunctions, including contact telephone numbers.

(136) The wastewater treatment and disposal system must be managed in accordance with the Operation and Maintenance Plan.

Maintenance Contract

(137) A written maintenance contract for the six (6) month (or more frequent if required by the system's manufacturer) on-going inspection and maintenance of the wastewater treatment and disposal system must be entered into with a suitably qualified on-site wastewater service provider, prior to operation of the system. A written maintenance contract must be in place and maintained for the duration of the consent.

The contracted servicing record must be provided to the Consent Holder after each inspection and must include:

(a) condition assessment, and maintenance, of the PCDI lines;

(b) record of line flushing at least once annually;

(c) evidence of any seepage of channelised runoff within or from the disposal area;

(d) annual replacement of UV lamps;

(e) maintenance actions performed; and

(f) confirmation that all system maintenance recommendations have been met.

A copy of the maintenance contract and any replacement contracts must be provided to the Consent Authority within three (3) months of a contract being entered into.

Advice Note:

If the original wastewater provider that the Consent Holder has entered into a maintenance contract with becomes unable to fulfil the obligations of the contract, for any reason, then the Consent Holder will need to enter into a maintenance contract with another suitably qualified wastewater professional as soon as possible after becoming aware that the original provider will no longer be able to fulfil their contractual obligations.

Flow monitoring

(138) A wastewater discharge flow meter must be maintained in place that continuously measures the daily volume of treated wastewater discharged to the land disposal system for the duration of the consent. The meter must be installed in accordance with the manufacturer's specifications. The meter must

be connected to a telemetric unit and must be set up to transmit meter readings and immediate advice of exceedances of the daily flow volume limit or alarm activations to the Consent Holder and/or the system maintenance contractor.

The transmitted data must be recorded on a form that contains the following information: the consent number, site address, Consent Holder's name, the date the flow reading was recorded, the meter reading, and the calculated daily discharge flow volume.

Audit

(139) An audit of the condition, operation, and performance of the wastewater treatment and land disposal system must be undertaken by a suitably qualified and experienced practitioner two years from commencement of the consent and every five years thereafter. The audit must include:

(a) An assessment of the condition of the wastewater treatment and land disposal system;

(b) An assessment of the flow monitoring data and effluent sample analysis;

(c) An assessment of the adequacy of the system to treat and dispose the consented wastewater volume;

(d) An up-to-date list of the components of the wastewater treatment and land disposal system; and

(e) Recommendations including timeframes for any changes, upgrades or remedial works to the treatment and land disposal system or process.

A copy of the assessment report must be provided to the Consent Authority by no later than 1 August of the year in which the assessment is undertaken.

Compliance with audit

(140) All recommendations specified in the audit report must be implemented within the recommended timeframe, except where the Consent Authority approves a request for an exemption made in writing by the Consent Holder as to why implementing a recommendation(s) would be inappropriate or impracticable.

Discharge quality monitoring

(141) A sample of the treated wastewater must be collected from outlet of the treatment plan (before discharge to land) and analysed quarterly for the following parameters:

Parameter	Units
5-day Biochemical Oxygen Demand (BOD_5)	g O_2/m^3
Total suspended solids (TSS)	g/m^3

Parameter	Units
Faecal coliforms (FC)	MPN (or CFU)/100ml
Escherichia coli (E. coli)	MPN (or CFU)/100ml
Total nitrite + nitrate nitrogen (NO_2+NO_3)	g/m^3
Total ammoniacal nitrogen (NH_4 + NH_3)	g/m^3
Total nitrogen (TN)	g/m^3
Total phosphorus (TP)	g/m^3
Other (if applicable)	

(142) All samples must be collected and analysed in accordance with the latest edition of "*Standard Methods for the Examination of Water and Wastewater*", a joint publication of the American Public Health Association, Water Environment Federation, and the American Water Works Association; or an alternative method that has been approved in writing by the Council. The wastewater samples must be analysed by an IANZ (International Accreditation New Zealand) laboratory.

Advice Note:

All laboratory test reports must reference the site address, date the sample was collected and the name of the person who collected the sample. Failure to record this information may be deemed non-compliance with the conditions of this consent

Discharge quality standards:

(143) The quality of treated wastewater immediately before it is discharged to the land disposal system must not exceed the standards specified below.

Parameter	Units	Discharge standard
5-day Biochemical Oxygen Demand (BOD_5)	g O_2/m^3	20
Total suspended solids (TSS)	g/m^3	30
Faecal coliforms (FC)	MPN (or CFU)/100ml	200
Escherichia coli (E. coli)	MPN (or CFU)/100ml	200
Total ammoniacal nitrogen (NH_4 + NH_3)	g/m^3	5
Total nitrogen (TN)	g/m^3	20 - 30

Land disposal area vegetation coverage

(144) The land disposal area must be planted as soon as reasonably practicable and no later than six months from the completion of pressure compensating drip irrigation (PCDI) line installation. A dense vegetative cover of suitable plant species, (as recommended by TP58 Appendix G, or by a suitably qualified and experienced practitioner, with botanical expertise) that achieves at least 75% ground coverage within one year of installation of the PDCI lines, must be established and maintained for the duration of the consent to the satisfaction of Council.

Maintenance of land disposal area vegetation

(145) The vegetation within the land disposal area must be maintained to be free of weeds and smothering by vegetative species (e.g., privet, kikuyu) at all times. Any dead vegetation must be promptly removed and replaced with new plant species that comply with condition (144). The vegetation must be maintained so that all componentry can be readily inspected and serviced at all times.

Stormwater management

(146) Stormwater must not be allowed to flow onto, or have potential access to, the wastewater treatment plant, pump sump or the land disposal area.

Fencing

(147) A suitable fence must be installed and maintained that prevents stock access and discourages unauthorised public access to the land disposal area. Stock access may be allowed for up to one (1) month in any one calendar year where it is for the purpose of vegetation maintenance.

Signage

(148) The Consent Holder must erect and maintain appropriate signage to discourage unauthorised public access to the treatment and land disposal area throughout the duration of the consent.

Protection of the reserve wastewater disposal area

(149) The reserve wastewater land disposal area must be protected and maintained so that it remains available for future wastewater disposal should it be required. Retaining walls, buildings, hard landscaping or other permanent structures (including but not limited to vehicular access ways) that may compromise the future use of the reserve land disposal area for wastewater disposal must not be established in the reserve land disposal area and any earthworks carried out within the reserve land disposal area must be limited to minor disturbances of the topsoil and gardening.

The reserve area must comply with the setbacks in terms of condition (128)(o) at all times.

Advice Note:

Activities which may compromise the future use of the reserve for effluent disposal are activities which would compromise the soil's ability to drain at the identified rate. This includes compaction or constructions of drains or other linear activities.

Use of reserve wastewater disposal area(s)

(150) Confirmation from council must be obtained prior to the use of all or part of the reserve land disposal area. In order to assist the Consent Authority to determine whether or not to certify use of all or part of the reserve wastewater disposal area the following information must be provided:

(a) The reason why the reserve land disposal area is needed;

(b) An assessment of the condition of the primary land disposal area and any maintenance or other mitigation measures required to allow its continued use;

(c) An assessment of discharge flow volumes and an assessment of options to manage or reduce flows;

(d) An updated site plan showing the proposed layout of the irrigation lines within the reserve land disposal area, and

(e) Identification and of a new alternative reserve area and demonstration of how it complies with the conditions of this consent (i.e. condition(128)(o)).

Exceedance of consenting limits

(151) In the event of any exceedance of the maximum consented discharge limit as authorised by condition (127)] of this consent, the Consent Holder must notify the council within two (2) working days of the exceedance.

(152) If there is an exceedance of the maximum consented discharge limit as authorised by condition (127)of this consent, the Consent Holder must prepare a Discharge Exceedance Investigation Report. The report must include, but not limited to, the following:

(a) Details of the discharge volume exceedance and daily flow monitoring records;

(b) The reason for the exceedance, including a description of the actions undertaken to investigate the reason/s for the exceedance;

(c) A description of the action/s taken to remedy the cause of the flow exceedance, and any actions still proposed with a timeframe for their completion; and

(d) Details of any previous discharge volume exceedance and the reason for the exceedance.

A copy of the Discharge Exceedance Investigation Report must be provided to the council within fourteen (14) working days from the date of the exceedance.

Advice note:

The Consent Holder is advised that any breach of the conditions of this consent may result in compliance/enforcement action by the Council.

(153) The following actions must be undertaken in the event of any exceedance of the discharge quality standards:

(a) Advise the Consent Authority of the exceedance within two (2) working days of the receipt of test results;

(b) Advise the Consent Authority of the actions taken/being taken to address and remedy the cause of the exceedance within five (5) working days of the receipt of test results; and

(c) Undertake additional sampling and analysis at the request of the Consent Authority to verify the wastewater treatment system is being operated in accordance with consented standards.

Reporting

(154) The following information, for the 12-month preceding period, commencing 31 July and ending 30 June in the following year, must be submitted to the council by 1 August of each year:

(a) Maintenance service records required by condition (137);

(b) Flow monitoring records required by condition (138);

(c) Laboratory test results for the discharge quality monitoring required by condition (142);

(d) Recent photos of the vegetation across the primary disposal area and across the lower boundary of the disposal area; and

(e) Audit report (in the year undertaken) required by condition (140).

(155) All recommendations specified in the audit report must be implemented within the recommended timeframes, except where the Consent Authority approves a request for an exemption made in writing by the Consent Holder as to why implementing a recommendation(s) would be inappropriate or impracticable.

S13 Streamworks Consent (LUS60429185)

General

Activity in accordance with plans

(156) The streamworks must proceed in accordance with the information and plans submitted with the application formally received by the Environment Protection Agency on the 30 October 2023 including all supporting additional information submitted:

(a) Application form and Statutory Analysis and Assessment of Environmental Effects prepared by Barker & Associates Ltd titled “Auckland Surf Park Community – 1350 Dairy Flat Highway, Dairy Flat, Auckland” and dated October 2023;

(b) The reports listed at Attachment 1; and

(c) The drawings and plans listed at Attachment 2.

If any of the provisions of the documents at Attachments 1 or 2 conflict with the requirements of these conditions of consent, these conditions of consent prevail.

Pre-commencement conditions

Certification of Plans or Further Detail

(157) The Consent Holder must not commence any streamworks activity until it has obtained certification from the Consent Authority to the following:

(a) Streamworks Management Plan (SMP) - see Condition ((159));

(b) Final Stream Restoration Plan (SRP) - see Condition ((160));

(c) Native Freshwater Habitat Assessment (NFHA)- see Condition ((161)); and

(d) Native Freshwater Fish Relocation Plan (NFFRP) - see Condition ((162)).

Streamworks Staging Plan

(158) Prior to streamworks commencing, a Streamworks Staging Plan demonstrating staging boundaries with proposed progression of stabilisation / re-vegetation must be prepared and submitted to the Council.

Streamworks Management Plan

(159) No less than twenty (20) working days prior to the commencement of any stream works commencing for each stage, the Consent Holder must prepare and submit a Streamworks Management Plan (SMP) to the Consent Authority for certification. This SMP must be prepared by a suitably qualified and experienced practitioner and include as minimum:

(a) Detail for the specific methodologies for reclamation, diversion, channel clearance, removal and construction of structures for each stage of the works to meet best practice;

(b) Pest management details for removal of aquatic pest species;

(c) Timing and duration of works;

(d) Diversion methodology, including methods to ensure all normal flows at the time of the year are diverted around the works area;

(e) Location and specification of erosion and sediment controls, including dewatering methodology, to ensure that all discharges achieve a minimum of 100mm depth of clarity prior to discharge in accordance GD05; and

(f) Monitoring and maintenances requirements.

Final Stream Restoration Plan

(160) Prior to the commencement of any stream works, or associated vegetation removal, a final Stream Restoration Plan is to be prepared and submitted to the Consent Authority for certification. The Final Stream Restoration Plan must be prepared by a suitably qualified and experienced practitioner and be in accordance with the Ecology Assessment, Landscape Plans and Design Statement referenced in Condition (157). The Final Stream Restoration Plan include the following detail as a minimum:

(a) The identification, description, length, and Stream Ecological Valuation (SEV) of all watercourses to be impacted or restored;

(b) An updated detailed assessment, including industry best practice ecological accounting for any aquatic offsetting and/or aquatic compensation, to demonstrate how any loss in stream extent or value will be addressed to show no net loss will occur, and preferably net gain, as a result of any activities associated with freshwater features;

(c) Provide details of the proposed post-development contours, management of soils and contributing catchments to demonstrate that stream hydrology has been maintained to pre-development condition;

(d) Timing, staging and programme of works;

(e) Stream restoration design details identifying all elements of the activities authorised by this consent and their associated locations. The plans must show the long-section and cross-sectional views of the length of stream to be ecologically enhanced and indicative locations or frequency of meanders, boulder clusters, root wads, woody debris and bank regrading as well as clearly depicting the widths of all riparian margins and representative stream cross-section and long-section plans;

(f) Details of the management of any residual effects that are unable to be addressed by the on-site stream restoration design;

(g) Details of the timing of when enhancement works will be undertaken, such that all enhancements are undertaken within two years of the associated impact occurring;

(h) Methods to ensure fish passage is improved to the level reported within the application documents;

(i) Plans identifying all areas where riparian planting will be carried out;

(j) A list of plant species, numbers, and sizes to be planted, their common and botanical names, method of planting, planting locations, eco-sourcing details and densities;

(k) Details of all planting specifically required to address stream loss;

(l) Details of all planting not specifically required for stream restoration;

(m) Goals and targets the restoration actions must reach and the appropriate timeframes for those goals and targets;

(n) All planting must be consistent in accordance with the 'Auckland Regional Council Riparian Zone Management Strategy for the Auckland Region', Technical Publication 148, June 2001 (TP148) and AUP Appendix 16 – Guideline for Native Revegetation Planting or the species listed within Design Statement submitted with the application ; and

(o) A monitoring and maintenance plan to ensure that the outcomes proposed will be achieved.

Native Freshwater Habitat Assessment

(161) At least ten (10) working days prior to commencing any instream works, the Consent Holder must submit a 'Native Freshwater Habitat Assessment' that has been prepared by a suitably qualified and experienced freshwater ecologist. The purpose of the Native Freshwater Habitat Assessment is to determine the requirement for a Native Freshwater Fish Relocation Plan (Condition ((162))).

(162) If the Native Freshwater Habitat Assessment required by Condition (161) concludes that there is habitat present capable of supporting native fish, the Consent Holder must submit a 'Native Freshwater Fish Relocation Plan' to the Consent Authority for certification. The purpose of the Native Fish Capture and Relocation Plan is to ensure fish will be appropriately removed prior to commencement of works from the on-site freshwater features subject to works, to avoid fish mortality. The Native Freshwater Fish Relocation Plan must be prepared by a suitably qualified and experienced freshwater ecologist, and must include the following detail:

(a) The timing, duration and methodologies used for fish capture and transportation

(b) Specific measures for ensuring fish elsewhere in the catchment do not enter the works area;

(c) A description and assessment of the quantum and availability of suitable aquatic quality habitat at the relocation site;

(d) Storage and transport measures including prevention of predation and death during capture;

(e) Euthanasia methods for diseased or pest species; and

(f) The names, experience, and qualifications (including any necessary permits) of those involved in undertaking the fish relocations.

Fish Relocation

(163) Prior to the dewatering of the stream a suitably qualified and experienced freshwater ecologist must be appointed to implement the Native Freshwater Fish Relocation Plan. The Native Freshwater Fish Relocation Plan must be implemented prior to any streamworks commencing, and the appointed ecologist must be on site during dewatering activities to rescue and relocate any native fish present.

(164) If a Fish Relocation is required, the Consent Holder must provide a Fish Salvage Report detailing the relocation site, the species and number of freshwater fauna relocated prior to and during dewatering, to the Consent Authority within five (5) days of completion of the native fish capture and relocation. These results must be uploaded into NIWA's New Zealand Native Freshwater Fish database.

Pre-start Meeting

(165) Prior to the commencement of streamworks activity, the Consent Holder must hold a pre-start meeting that:

(a) is located on the subject site;

(b) is scheduled not less than five days before the anticipated commencement of streamworks;

(c) includes relevant the Consent Authority representative(s); and

(d) includes representatives from the contractors who will undertake the works.

The meeting must discuss the streamworks methodologies and must ensure all relevant parties are aware of and familiar with the necessary conditions of this consent.

The following information must be made available at the pre-start meeting:

(a) Timeframes for key stages of the works authorised under this consent.

(b) Resource consent conditions.

(c) Streamworks Management Plan required under Condition ((159));

(d) Final Stream Restoration Plan required under Condition ((160)); and

(e) Native Freshwater Fish Relocation Plan if required under Condition ((162)).

(166) A pre-start meeting must be held prior to the commencement of any streamworks activity in each year between October 1 and April 30 that this consent is exercised.

Work in progress conditions

(167) All streamworks must be undertaken in accordance with the approved Streamworks Management Plan for each stage.

(168) The surface water intake structure must be located within the floodplain associated with the stream, not within the stream bed.

Seasonal Restrictions and Monitoring

(169) Streamworks on the site must not be undertaken between 30 April and 1 October in any year, without the prior written approval of the Consent Authority at least two weeks prior to 30 April. Revegetation/stabilisation is to be completed by 30 April in accordance with measures detailed in the Council's Guideline Document 2016/005 Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05) and any amendments to this document.

(170) The operational effectiveness and efficiency of any erosion and sediment control measures must be maintained throughout the duration of streamworks activity, or until the site is permanently stabilised

against erosion. A record of any maintenance work must be kept and be supplied to the Consent Authority upon request.

(171) Streamworks must be carried out only during period when all normal flows at the time of the year are diverted around the works area.

(172) Any sediment or material excavated from the bed of the stream must be stockpiled outside the 100-year flood plain area and managed with appropriate erosion and sediment control measures in accordance with GD05.

(173) All areas of exposed earth, including the stream bed, must be stabilised in accordance with GD05 at any time works are required to stop due to rainfall.

Operation of machinery

(174) All machinery must be operated in a way, which ensures that spillages of fuel, oil and similar contaminants are prevented, particularly during stabilisation and machinery servicing and maintenance. Refuelling and lubrication activities must be carried out away from any water body such that any spillage can be contained so it does not enter the watercourse associated with this consent. The use of grouts and concrete products must also be limited adjacent to the watercourse with all mixing of products carried out outside the 100-year floodplain area such that any spillage can be contained so it does not enter the watercourses associated with this consent. In the event that any discharge occurs, works must cease immediately, and the discharge must be mitigated and/or rectified.

(175) All pumps used to dewater or divert stream flow must have a fish screen with an aperture screen size of no greater than 3mm installed to prevent fish from entering the pump.

(176) The Consent Holder must ensure that all exposed work areas associated with the stream works, including the bed and banks of the stream and any adjacent overland surface flow paths (for normal flows at the time of year the works are undertaken) are stabilised at the end of each construction day.

Fish passage

(177) All structures (including new culvert structures) located within, on, or over the bed of a stream must provide for fish passage in accordance with NIWA 2022 'New Zealand Fish Passage Guidelines' for Structures up to four (4) metres, or any amendment to this document in the design, and the permitted activity conditions for that structure in the National Environmental Standards for Freshwater 2020 Regulations relating to fish passage (Part 3 – Subpart 3).

Inspection after rainstorm event

(178) The sediment and erosion controls at the site of the works must be inspected on a regular basis and within 24 hours of each rainstorm event, that is likely to impair the function or performance of the erosion and sediment controls. A record must be maintained of the date, time and any maintenance undertaken in association with this condition which must be forwarded to the Consent Authority on request.

Construction of new stream channels

(179) The new stream channel must be constructed under the supervision of a suitably qualified and experienced freshwater ecologist to ensure the proposed stream design including the anticipated instream habitat features are achieved.

(180) Stream construction and riparian enhancement planting must be undertaken onsite and in accordance with the approved Final Stream Restoration Plan referred to in Condition ((160)) and must include:

(b) Construction of new stream reach must be undertaken in such a way as to achieve the following objectives:

(i) Visual and functional consistency with any natural sections of stream which remain (including enhanced reaches);

(ii) Landform and watercourse which appears natural;

(iii) A meandering channel with riffle, run and pool habitats;

(iv) Erosion resistant banks;

(v) Variation in bank slopes, ranging from supported but undercut banks to "beach" areas. Undercut and vertical banks to be created using stable natural materials such as stumps or logs;

(vi) Variable widths and depths within the channel both longitudinally (down the stream) and laterally (across the stream) as well as creating an overall narrower channel to reduce dewatering during times of low flow;

(vii) A floodplain established by creating gently sloping banks extending out from the main channel designed to provide for flood flows; and

(viii) Areas of riparian habitat which are suitable for restoration planting in accordance with the Stream Restoration Plan, including an average width of 10m from each side of the channel for intermittent streams and 20m from each side of the channel for permanent streams where possible.

(c) Enhanced reaches:

(i) Any reaches to be enhanced will enhanced so as to appear indistinguishable from the new stream reaches. The objectives set out above must apply.

(181) Flood flow modelling must be undertaken within three (3) months of the completion of the works and the results submitted to the Consent Authority to demonstrate that there is no increased risk of flooding beyond the site boundaries.

Advice Note:

It is not always possible to create riffle habitat across reaches with low gradient change, such as those which occur across some parts of the site. A riffle is where the water flowing in the channel is fast, with

a wavy, disturbed water surface. Pools begin where the fast-flowing water has carved sediment at the bottom and sides, making it deeper and wider. Pools slow down the rate of flow. In runs, water is relatively deep (like pools), but fast flowing (like riffles) with a uniform flow rate and a smooth water surface. The normal sequence in streams is riffles (straight), pools (curved) and runs (after the curve).

Post-Construction Conditions

Completion Report

(182) Within 30 days of all the riparian planting being implemented and completed, written confirmation must be provided to the Council, confirming whether the works have been completed in accordance with the approved Final Stream Restoration Plan referred to in Condition ((160).

Maintenance of riparian planting

(183) Maintenance in accordance with the Final Stream Restoration Plan certified in Condition ((160)) must occur until 80% canopy closure has occurred and a minimum survival rate of the plants (being 90% of the original density through the entire planting area(s)) has been achieved. The maintenance period must be a minimum of ten (10) years and must commence once the completion report has been approved by the Consent Authority in accordance with Condition (182). Plant maintenance includes the ongoing replacement of plants that do not survive.

Riparian revegetation areas to be protected

(184) Within three months of the completion of the streamworks, the Consent Holder must provide supporting evidence to the Consent Authority to confirm that the protection in perpetuity measure has been enacted and sufficient to:

(a) Secure the protection in perpetuity of the areas of riparian planting as specified in the conditions of this consent.

(b) Require the Consent Holder to:

(i) be responsible for all legal fees, disbursements and other expenses incurred by the Consent Authority in connection with the legal mechanism, and procure its solicitor to give an undertaking to the Consent Authority for payment of the same; and

(ii) indemnify the Consent Authority for costs, fees, disbursements, and other expenses incurred by the Consent Authority as a direct or indirect result of the Consent Authority being a party to this covenant.

A copy of the updated Computer Register and/or Record of Title showing that the legal mechanism has been registered must be provided to the Consent Authority to secure compliance with this condition.

The legal mechanism under this consent will not be required if the land containing enhancement works is vested in the Council. If entered into, the legal mechanism may be extinguished if the land containing enhancement works is to be vested in the Council.

Post construction monitoring of new and enhanced streams

(185) Within three (3) months of the fifth anniversary following the completion of the permanent diversion of stream flow to the new stream channels and completion of the riparian planting, a Stream Ecological Valuation (SEV) must be undertaken by a suitably qualified and experienced freshwater ecologist to confirm whether the new streams are on a trajectory to achieve the required stream ecological value in the longer term. The SEV results and associated calculations must be incorporated into a Stream Ecological Report (SER) and provided to the Consent Authority within two (2) months following the SEV being undertaken. The SER must include (but not be limited to) confirmation as to whether the streams are on a trajectory to meet their predicted ecological value in the longer term.

The predicted SEV value to be achieved is 0.627.

(186) Where monitoring concludes that the SEV values for the constructed streams are not on a trajectory to achieve, or maintain the SEV values applied in the mitigation and offset assessment in the long-term, a Further Enhancement Offset Works Plan must be prepared by a suitably qualified and experienced freshwater ecologist, and submitted to the Consent Authority within two (2) months following the SEV, as required by Condition (185), being undertaken. The plan must propose repair or improvement of offset works along the constructed stream reach and further monitoring at two yearly intervals, until such time that the requirements of the Further Mitigation Works Plan are achieved.

The Consent Holder must implement any additional works required by the Further Enhancement Offset Works Plan within six (6) months following the approval by the Consent Authority or during the next planting season (whichever is appropriate to the measures adopted).

(187) Under section 128 of the RMA the conditions of this consent may be reviewed by the Consent Authority at the Consent Holder's cost.

(188) On an annual basis following the date of Final Stream Restoration Plan, and within a fifteen (15 year) period of this date, in order address the following:

(189) To deal with any adverse effect on the environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage or falls outside of the scope of the assessment of effects, in particular where monitoring concludes that the SEV values for the constructed streams are not on a trajectory to achieve the SEV values applied in the mitigation and offset assessment in the long-term).

(190) To review the stream hydrology and baseflow of the on-site streams to ensure adverse effects on instream biota and the functioning of aquatic ecosystems are avoided.

CONDITIONS PERTAINING TO THE DATA CENTRE (LOT 1 AS APPROVED UNDER SUB60425790)

S9 Land Use Consent

General Conditions

Monitoring Deposit

(191) The Consent Holder must pay the Consent Authority an initial consent compliance monitoring charge of $3,000 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to these consents.

Advice Note:

The initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consents. In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, must be charged at the relevant hourly rate applicable at the time. The Consent Holder will be advised of the further monitoring charge. Only after all conditions of the resource consents have been

Stormwater

(192) The minimum RL of the finished floor level for the data centre building must be no less than RL 53.6m.

(193) The Consent Holder must not use surface treatments with the potential to leach zinc or copper.

Transport

(194) All access, parking and manoeuvring areas must be formed, sealed with an all-weather surface, marked out, sign posted and drained in accordance with the approved plans referenced in Condition (7).

Advice Note:

Parking areas must be marked out in accordance with the approved site plan to ensure appropriate parking supply, access, signage, directions and vehicle manoeuvring. This includes the allocation of specific parking spaces to each unit/dwelling where relevant.

(195) All new vehicle crossings detailed in the civil engineering plans listed in Condition (7) must be designed and formed in accordance with the Auckland Code of Practice for Land Development and Subdivision Chapter 3: Transport (ACoP:T).

Prior to Operation Conditions

(196) The Consent Holder must satisfy all of Conditions (197) to (207) prior to the occupation or operation of the site.

Private Stormwater

(197) All the necessary pipes and ancillary equipment must be supplied and laid to provide private stormwater connection to the development in general accordance with plans and information referenced in Condition (7).

Private Wastewater

(198) All the necessary pipes and ancillary equipment must be supplied and laid to provide private wastewater connection to the development in general accordance with plans and information referenced in Condition (7).

Private Water Supply

(199) All the necessary pipes and ancillary equipment must be supplied and laid to provide water connections to the development in general accordance with plans and information referenced in Condition (7).

Private Infrastructure

(200) A copy of an updated private drainage "as-built" plan signed by a registered certifying drainlayer must be provided to the Consent Authority.

Advice Note:

The stormwater and wastewater network connections will require engineering approval to be obtained from the Consent Authority prior to applying for Building Consent. All stormwater and wastewater systems must be designed and constructed in accordance with the Consent Authority standards. See Auckland Council's website (www.aucklandcouncil.govt.nz) for more information on the engineering approval process, or call (09) 301 0101 and ask to speak to a Development Engineer from your local service centre.

Landscaping

(201) The Consent Holder must implement the landscape design within those parts of the site that are developed prior to the operation and occupation of that part of the data centre in accordance with the Landscape Plans prepared by Design Group Stapleton Elliott, dated 18/06/2023, that has been approved under Condition (7). The landscaping must be retained and maintained thereafter in perpetuity.

(202) The Karo hedge and poplar shelterbelt planting along the Postman Road frontage must be established and have at least 1.5m of vertical growth at the time of construction of the data centre being completed.

Lighting

(203) The certified Lighting Plan, as required by Condition (32) must be implemented as part of the construction of the development and maintained thereafter.

Post Construction

Geotechnical

(204) Earthworks must follow the recommendations of the Geotechnical Reports prepared by the Geotechnical Interpretative Report prepared by Aurecon, titled Dairy Flat Campus, Geotechnical Investigation Report, Rev D and dated 13 October 2023 The Consent Holder must provide verification in writing from an engineer to the Consent Authority, that the recommendations of the Geotechnical Interpretative Report prepared by Aurecon, titled Dairy Flat Campus, Geotechnical Investigation Report, Rev D and dated 13 October 2023 have been implemented on site. This must be provided no later than two weeks after earthworks have been completed. All details in the written statement must be to the satisfaction of the Consent Authority.

Noise and Vibration

(205) In order to minimise potential nuisance noise effects within the adjacent residential zone all generator maintenance and testing must be carried out during normal business hours.

(206) Regular testing of the generators must only occur between 7am – 10pm Monday to Saturday and 9am to 6pm Sunday.

(207) If the generators are required to operate, the noise level at the boundary must not exceed 55 dB $L_{Aeq(15min)}$ at all times.

S15 Discharge Permit for an Industrial or Trade Activity (DIS60429190)

General

Activity in accordance with plans

(208) The discharge must be carried out in accordance with the application formally received by the Environmental Protection Authority on the 30 October 2023, and the following documents:

(a) Application form and Statutory Analysis and Assessment of Environmental Effects prepared by Barker & Associates Ltd titled "Auckland Surf Park Community – 1350 Dairy Flat Highway, Dairy Flat, Auckland" and dated October 2023;

(b) The reports listed at Attachment 1; and

(c) The drawings and plans listed at Attachment 2.

If any of the provisions of the documents at Attachments 1 or 2 conflict with the requirements of these conditions of consent, these conditions of consent must prevail.

Expiry of Consent

(209) Discharge permit **DIS60429190** will expire 15 years from the commencement date unless it has lapsed, been surrendered or been cancelled at an earlier date, pursuant to section 123 of the RMA.

Prior to construction

Environmental Site Management Plan

(210) At least ten (10) working days prior to the data centre being operational, the Consent Holder must submit the final Environmental Management Plan (EMP) to council for certification. The plans must include but not limited to the details of roles and responsibilities, spill response plan, contact details for neighbouring properties, maintenance schedules, drainage, and storage area as-builts and alarm response systems.

Contaminated Soil (Earthworks)

(211) During earthworks on the site, the Consent Holder must implement all measures identified in the 'Site Management Plans' prepared by Williamson Water and Land Advisory, dated 18 May 2023, and the 'Contamination Site Management Plan' prepared by Aurecon, dated 1 June 2023. Any substantial revisions to the Site Management Plan must be provided to the Consent Authority for certification prior to the implementation of the relevant revised management protocols.

(212) The Consent Holder must engage a suitably qualified and experienced soil contamination practitioner to oversee the implementation of the Contamination Site Management Plan required by Condition (211), including any monitoring of earthworks.

(213) Where excavated material is not suitable for reuse on the site due to soil contamination, the Consent Holder must ensure the material is disposed of at an appropriate landfill and provide landfill receipts to the Consent Authority on completion of the earthworks.

(214) In the event of the discovery of contamination during earthworks that has not been previously identified, the Consent Holder must immediately cease the works in the vicinity of the contamination, notify the Council, and engage a suitably qualified and experienced soil contamination practitioner to assess the situation (including possible sampling and testing) and amend and submit an updated Contamination Site Management Plan for certification. The consent holder must adhere with the amended Contamination Site Management Plan.

(215) Within three months of the completion of remediation and soil disturbance on the site, a Site Validation Report (SVR) must be submitted to the Council for certification. The SVR must be prepared by a SQEP in accordance with the Contaminated Land Management Guidelines, No. 1: Reporting on Contaminated Sites in New Zealand (Ministry for the Environment, 2021) and contain sufficient detail to address the following matters:

(a) A summary of the pre remediation delineation field screening surveys and results from around the margins of the identified contamination within the site.

(b) A summary of the remediation and soil disturbance undertaken, including the location and dimensions of the excavations carried out and the volume of soil excavated

(c) Details and results of validation sampling undertaken and interpretation of the results in the context of the NES:CS and the AUP(OP)

(d) Records/evidence of the appropriate disposal for any material removed from the site

(e) Details of any validation sampling undertaken on materials re-used or imported to site

(f) Records of any unexpected contamination encountered during the works and response actions, if applicable

(g) Details on the geotextile barrier/capping/planting/management of contaminated soil remaining on site within the Contaminated Soil Management Areas (if required).

(h) Conditions of the final site ground surface

(i) Ongoing mitigation or monitoring measures to protect human health and/or the environment

(j) Reports of any complaints, health and safety incidents related to contamination, and/or contingency events during the earthworks

(k) A statement certifying that all works have been carried out in accordance with the requirements of approved plans and consent conditions, otherwise providing details of relevant breaches, if applicable.

During construction

(216) The certified EMP, as required by Condition (210), must be made available onsite at all times.

(217) The site must develop and implement a Spill Response Plan, which includes the provision that all spills over 20 litres, or any spill of Environmentally Hazardous Substances that has entered the drainage system, a water body or has otherwise been discharged from site, must be reported immediately to the Auckland Council's 24-Hour Pollution Hotline (09-377-3107);

(218) Suitable and sufficient spill kits must be maintained onsite at all times.

(219) The EMP must be reviewed and updated annually from the date of granting of this consent, to ensure all components of the EMP are still relevant and provided to Council.

(220) An Annual Report evaluating the site's environmental performance for the year to date must be forwarded annually to the Consent Authority from the date of granting of this consent.

Secondary Containment of Fuel Storage

(221) Fuel storage on site must be provided with secondary containment in accordance with the Health and Safety at Work (Hazardous Substances) Regulations 2017: e.g. tanks are to be double skinned, or bunded with a containment volume of 110% pooling potential of a single tank.

Secondary Containment of Fuel Deliveries

(222) Detailed design, including plans and supporting calculations of the treatment system as referenced within condition (210) of this consent must be submitted to the Consent Authority for approval prior to construction. The detailed design must include but not be limited to:

a. System configuration and arrangement;

b. Supporting calculations showing catchment sizes, system capacities and Water quality volumes; and

c. Plans and cross sections of all treatment devices, including confirmation of the Water Quality Volume, storage volumes and levels of any outflow control structures.

(223) The site may utilise backup systems or backup operations for fuel deliveries. Fuel deliveries must be completed by Tank Wagons not parked in the permanent tanker bays if there are temporary outages of the site facilities, or for training or testing purposes of backup operations or backup systems. Such operations must be minimised.

Attachment 1: Table of Reports

Report title and reference	Author	Rev	Dated
Archaeology Assessment, Ref 22-1345	CFG Heritage Limited	-	20/07/2023
Integrated Transport Assessment, Ref R2A230509	Flow Transportation Specialist Limited	3	09/08/2023
Geotechnical Factual Report, Ref P-001537	Initia Limited	C	June 2023
Geotechnical Interpretive Report, Ref P-001537	Initia Limited	B	June 2023
Solar Farm Specifications	Light Years Solar	-	-
Flood Report Assessment	Mckenzie & Co	G	22/05/2024
Flood Model Build	Woods	-	15/06/2024
Water Supply, Wastewater and Utilities Report	Mckenzie & Co	C	23/07/2023
Wastewater Servicing Report	Mckenzie & Co	C	23/07/2023
Stormwater Report	Mckenzie & Co	B	27/07/2023
Stormwater Management Plan	Mckenzie & Co	C	23/07/2023
Earthworks Report	Mckenzie & Co	D	23/07/2023
Transportation Report	Mckenzie & Co	C	23/07/2023
Surf Lagoon Filling Memo	Mckenzie & Co	-	18/07/2023
Acoustic Assessment, Ref p230622a0010	Norman Disney and Young Limited	1.3	10/08/2023
Concept Lighting Plans/Report	Norwich Group	A	14/06/2023
Water Take and Hydrology Assessment, Ref WWLA0811	William Water & Land Advisory	-	19/07/2023
Preliminary and Detailed Site Investigation	William Water & Land Advisory	2	13/07/2023
Infrastructure Report	Aurecon	A	21/07/2023
Contamination Site Management Plan	Aurecon	A	01/07/2023
Preliminary Site Investigation Report, Ref 523578	Aurecon	1	01/06/2023
Acoustic Assessment	Marshall Day Acoustics	1	08/06/2023
Fuel Storage E31 Assessment, Ref 523578	Aurecon	-	29/06/2023
Geotechnical Assessment	Aurecon	C	24/07/2023
AUP E7 Assessment	Aurecon	C	24/07/2023
Ecological Impact Assessment	Viridis	2	10/08/2023

Ecological Impact Assessment – Peer Review	Boffa Miskell	-	20/10/2023
Vegetation Plot Assessment	Viridis		08/05/2024
Design Statement	Warren and Mahoney	B	20/07/2023

Urban Design Statement	Barker & Associates	B	20/07/2023
Landscape and Visual Effects Assessment	KPLC / Warren and Mahoney	-	21/07/2023 & 24/07/2023
Preliminary Design and feasibility Assessment	Wavegarden/Hydrock		09/06/2023
Preliminary Site Contamination	WWLA	2	20/07/2023
Surface Water Take Report	WWLA	2	19/07/2023
Aviation Safeguarding – Glare & Obstacle Limitation Surfaces Intrusion Assessment	SLR	1.0	22/02/2024
Light Spill Assessment	SLR	02	19/02/2024

Attachment 2: Table of Drawings and Plans

Drawing title and reference	Author	Rev	Dated
Resource Consent Design Statement – Site Plan	Warren and Mahoney	D	17/04/2024
Resource Consent Design Statement – Surf Park Plan	Warren and Mahoney	D	17/04/2024
Cover Sheet, S-A00.001	Warren and Mahoney	A	11/07/2023
Proposed Site Plan, S-A03.001	Warren and Mahoney	A	11/07/2023
Building Setout Plan, S-A03.002	Warren and Mahoney	A	11/07/2023
Floor Plan – Admin, Ticketing & Retail – Level 00, A-A10.001	Warren and Mahoney	A	11/07/2023
Floor Plan – Admin, Ticketing & Retail – Level 01, A-A10.002	Warren and Mahoney	A	11/07/2023
Roof Plan – Admin, Ticketing & Retail, A-A11.001	Warren and Mahoney	A	11/07/2023
Elevations - Admin, Ticketing & Retail, A-A20.001	Warren and Mahoney	A	11/07/2023
Elevations - Admin, Ticketing & Retail, A-A20.002	Warren and Mahoney	A	11/07/2023
Sections - Admin, Ticketing & Retail, A-A30.001	Warren and Mahoney	A	11/07/2023
Floor Plan – Lagoon Restaurant – Level 00, B-A10.001	Warren and Mahoney	A	11/07/2023
Floor Plan – Lagoon Restaurant – Level 01, B-A10.002	Warren and Mahoney	A	11/07/2023
Roof Plan - Lagoon Restaurant, B-A11-001	Warren and Mahoney	A	11/07/2023
Elevations – Lagoon Restaurant, B-A20-001	Warren and Mahoney	A	11/07/2023
Section – Lagoon Restaurant, B-A30-001	Warren and Mahoney	A	11/07/2023
Floor Plan – Change – Level 00, C-A10.001	Warren and Mahoney	A	11/07/2023
Roof Plan – Change, C-A11.001	Warren and Mahoney	A	11/07/2023
Elevations – Change, C-A20.001	Warren and Mahoney	A	11/07/2023
Sections – Change, C-A30.001	Warren and Mahoney	A	11/07/2023
Floor Plan – Surf Academy & Rentals – Level 00, D-A10.001	Warren and Mahoney	A	11/07/2023
Roof Plan – Surf Academy & Rentals, D-A11.001	Warren and Mahoney	A	11/07/2023

Elevations – Surf Academy & Rentals, D-A20.001	Warren and Mahoney	A	11/07/2023
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Floor Plan – Lodge – Level 00, E-A10.001	Warren and Mahoney	A	11/07/2023
Floor Plan – Lodge – Level 01, E-A10.002	Warren and Mahoney	A	11/07/2023
Floor Plan – Lodge – Level 02, E-A10.003	Warren and Mahoney	A	11/07/2023
Roof Plan – Lodge, E-A11.001	Warren and Mahoney	A	11/07/2023
Elevations – Lodge, E-A20.001	Warren and Mahoney	A	11/07/2023
Elevations – Lodge, E-A20.002	Warren and Mahoney	A	11/07/2023
Sections – Lodge, E-A30.001	Warren and Mahoney	A	11/07/2023
Floor Plan – Farm to Table Restaurant – Level 00, F-A10.001	Warren and Mahoney	A	11/07/2023
Roof Plan – Farm to Table Restaurant, F-A11.001	Warren and Mahoney	A	11/07/2023
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Floor Plan - Multifunction Building – Level 00, G-A10.001	Warren and Mahoney	A	11/07/2023
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Elevations - Multifunction Building, G-A20.001	Warren and Mahoney	A	11/07/2023
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Typical Module Plans – Eco Cabins, H-A10.001	Warren and Mahoney	A	11/07/2023
Typical Arrangement Plans & Elevations – Eco Cabins, H-A11.001	Warren and Mahoney	A	11/07/2023
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