

# Report for a discretionary resource consent application under the Resource Management Act 1991 (RMA)



Non-Complying activity Land use activity (s9)

Non-Complying activity for a subdivision activity (s11)

Non-complying activity for Streamworks activity (s13)

## 1. Application description

<b>Application numbers:</b>	BUN60427756 (Council Reference) LUC60427757 (s9 land use consent) SUB60427759 (s11 Subdivision consent) LUS60427758 (s13 Streamworks consent)
<b>Applicant's name:</b>	Fulton Hogan Land Development Limited
<b>Site address:</b>	<u>Milldale Stage 9 site</u> 131 Argent Lane, Milldale <u>Off Set Site</u> 173 Upper Orewa Road, Wainui
<b>Legal description:</b>	<u>Milldale Stage 9</u> Lot 9000 DP 593859, SECT 1 SO 547623 Lot 14 DP 168913 Lot 5 DP 151229 <u>Milldale North Offset site</u> Part Allot 74 Parish of Waiwera
<b>Auckland Unitary Plan Operative in Part (AUP (OP) Zoning &amp; Precinct</b>	<u>Milldale Stage 9</u> Residential – Terrace Housing Apartment Building zone Residential – Mixed Housing Urban zone Business – Local Centre zone Open Space - Informal Recreation zone Wainui Precinct <u>Milldale North Offset site</u> Rural – Rural Production zone
<b>AUP (OP) Special features, overlays etc.</b>	Macroinvertebrate Community Index – Exotic Macroinvertebrate Community Index – Native Macroinvertebrate Community Index – Rural

	<u>Special Features:</u>
	Overland Flowpath
	1%AEP Floodplain
<b>Proposed plan change(s):</b>	Proposed Plan Change 78
<b>Zoning:</b>	<u>Milldale Stage 9</u>
	Business – Local Centre zone
	Residential – Terrace Housing and Apartment Building zone
	Residential – Mixed Housing Urban zone
	Open Space – Informal Recreation zone
<b>Overlays:</b>	None
<b>Controls:</b>	None
<b>Qualifying Matters:</b>	<u>Milldale Stage 9</u>
	Water and/or wastewater constraints control
	Precinct
	Flood Plains



## Proposal

An accurate and detailed description of the background, proposal, sites “the site”, and surrounding area are provided in the AEE prepared by Euan Williams of Woods (on behalf of the applicant) dated 22 December 2023.

In summary, consent is sought for the staged subdivision to establish 13 vacant freehold residential lots, eight super lots (including 5 residential super lots and 3 local centre super lots, land in lieu of reserve (Lot 650 “Hilltop Park”), two local purpose (drainage) reserves to vest in Council, new roads, and accessways to vest in Auckland Council. This application will involve the construction and vesting of public roads and infrastructure, vesting of reserves together with associated earthworks and landscaping as follows:

### Earthworks

- Earthworks are proposed to provide suitable landform for roading networks, building platforms, retaining walls, infrastructure services and utilities. This will involve approximately 130,779m<sup>3</sup> of earthworks over an area of 7.94ha including approximately 32,510m<sup>3</sup> cut and 98,269m<sup>3</sup> fill.
- The proposal will involve earthworks in the riparian yards over an area of 9,434m<sup>2</sup> including approximately 450m<sup>3</sup> cut and 3,717m<sup>3</sup> fill.
- Excess materials will be transferred to earthworks phases of the Milldale development and will be used as fill material.
- The earthworks are proposed undertaken in accordance with the Geotechnical Investigation Report prepared by CMW Geosciences.
- The following Erosion and Sediment Control measures are proposed:
  - The utilisation of an existing sediment retention pond (SRP) and the construction of a new SRP as two of the main methods of sediment control. The existing SRP will manage a catchment of approximately 5.0ha and the new SRP will manage a catchment of approximately 1.2ha.
  - The final proposal includes the construction of a new stormwater dry basin for stormwater management purposes, however, during the initial earthworks stages, this basin will be constructed as a modified decanting earth bund (DEB) to assist with sediment control. The applicant has not identified this device’s contributing catchment.
  - Super silt fences will be installed along the margins of Stream P5 to manage the minor earthworks required within the riparian margins of the stream and to manage any runoff that cannot be directed to one of the two SRPs or DEB.
  - The construction of dirty water diversion drains / channels to direct runoff to the SRPs.
  - The utilisation of existing roadside curb and channel to prevent clean water from entering the earthworks area.
  - Progressive stabilisation of exposed areas as the desired gradients are achieved.
  - Monitoring and maintenance of all erosion and sediment controls throughout the duration of earthworks
- The proposal involves the construction of 7 retaining walls to create ground levels for future buildings. The retaining walls are located adjacent to internal lot boundaries. The largest



retaining walls are 1.8m in height reducing to 0.4m and are not positioned to face the public road. A 1.2m high pool type fence will be located at the top of each retaining wall.

The following consent notice is sought in respect to measuring the height in relation to boundary recession plane from the top of all retaining walls:

*Where a retaining wall is located between residential Lot 104 – 112, the measurement point for the height in relation to boundary control is proposed to be undertaken from the top of authorised retaining wall and not from the approved ground level at the time of subdivision.*

#### Wetland reclamation

The proposed earthworks and subdivision works will result in the complete reclamation of three wetlands located within the Stage 9 site area. A total area of 3,402m<sup>2</sup> of wetland (including the transition area) is proposed to be reclaimed.

#### Wetland off-setting at Milldale North

Wetland off-setting is proposed at the Milldale North Offset site (Part Allot 74 Parish of Waiwera). The proposed wetland off-setting will involve joining three existing wetlands into one large high ecological value wetland and the creation of 3,542m<sup>2</sup> of new wetland, resulting in a total enhanced wetland area of 5,106m<sup>2</sup>.

This will include earthworks and the alteration of vegetation within and within 10m of a natural inland wetland. The earthworks associated with offset mitigation at Milldale North will involve approximately 300m<sup>3</sup> of cut to fill over approximately 700m<sup>2</sup>.

#### Contamination

Contamination investigations have been undertaken by Tonkin and Taylor Ltd within the subject site as part of the previous earthworks consent applications. These have confirmed that no HAIL activities have occurred within the site, with no evidence of contamination with levels that would pose a risk to human health on the environment. This has been reviewed by Council's Contamination Specialist, Sarah Pinkerton who has confirmed that the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) do not apply to the proposal and that the contaminant concentrations comply with the AUP(OP) discharge criteria.

#### New Culvert

The proposal includes the installation of a culvert within a stream on site identified as Stream P5. This is to enable the construction of road LR01. The proposed culvert is 27.3m in length with erosion and scour management structures (wingwall and rip-rap) less than 5m in length either side of the culvert. The applicant has demonstrated that the proposed culvert is a permitted activity under E3.4.1(A32).

The culvert has been designed to comply with the AUP(OP) and NES-FM permitted standards. A Fish Management Plan is proposed as a consent condition.

#### Road Layout and Design

The proposed subdivision will provide the road layout for this part of the Wainui Precinct in a staged manner as set out above. Access to the proposed lots will be provided by the existing and proposed local road network.

The proposal includes four new roads. The proposed road layout has been designed to broadly align with the "Wainui Precinct which provides the indicative road layout and identifies "potential connections". The details of the road layout, design, cross sections, and road typologies are included in 5.6.2 of the AEE.

The proposal involves the creation of a new internal roading network to vest in Auckland Council. These will include:

- Collector Road CR03 (24m wide road reserve): Road CR03 is an extension of the existing east-west collector road CR03 (Milldale Drive) in Stage 5 to the east and approved section of CR03 (Milldale Drive) in the Local Centre to the west. The location of this road is consistent with the indicative collector road shown in the Wainui Precinct Plan 1;
- Local Road LR01 (15.6m wide road reserve): Road LR01 is an extension of the approved reserve edge road LR01 constructed as part of Stage 6 to the north. The location of this road is consistent with the indicative key local road shown in the Wainui Precinct Plan 1;
- Local Road LR02 (15.6m wide road reserve): Road LR02 is an extension of the approved local road LR06 in Stage 6 to the north; and
- Local Road LR03 (15.6m and 24.3m wide road reserve): Road LR03 is an extension of the existing local road LR03 (Karapapa Road) constructed as part of Stage 4 to the south.

### **Pedestrian accessways**

The proposal involves the creation of a Local Purpose (Accessway) Reserve. This is identified as Lot 750. The pedestrian accessways are 8m wide and contain a 4m wide shared pedestrian and cycle path.

The proposal will also involve the creation of a pedestrian accessway to vest in Auckland Council. This is identified as Lot 751. The pedestrian accessways are 6m wide and contain a 3m wide shared pedestrian and cycle path.

Additional stream edge paths are proposed within the two local purpose (drainage) reserves (Lot 700 and 701). The stream edge shared paths will be 3m wide and will connect into the existing sections of shared path to the east and west.

### **Jointly owned access lot/ Private Lane**

The proposal involves the creation of three Commonly Owned Access Lots (COAL). These are identified as Lots 600, 602 and 603 and will provide access to vacant rear residential lots and super lots (Lots 500, 501 and 502).

### **Vehicle crossing widths up to 4.8m**

The application proposes a blanket resource consent under rule E27.4.1(A2) to enable the construction of vehicle crossings with widths up to 4.8m which exceed the maximum permitted width of 3.5m required under standard E27.6.4.3.2.

The proposal includes:

- All lots that front local or collector roads with a front boundary less than 14m will construct a Type A vehicle crossing (3.0m wide at the boundary and 4.5m wide at the kerb);
- All lots that front local or collector roads with a front boundary greater than 14m are able to construct a Type A vehicle crossing (3.0m wide at the boundary and 4.5m wide at the kerb) or Type B vehicle crossing (4.8m wide at the boundary and 4.5m wide at the kerb); and
- All corner lots will construct a Type B vehicle crossing (4.8m wide at the boundary and 4.5m wide at the kerb).

### **Land in lieu of reserve (Lot 650 "Hilltop Park")**

A concept for the 'Milldale Stage 9 Hillside Park' has been developed by Bespoke Landscape

Architects and incorporates:

- A flat area of approximately 4,500m<sup>2</sup> at a gradient of 3% adjacent to CR03 and opposite the local centre;
- A play space, toilet facility and kick-a-ball space;
- A range of footpaths and trees; and
- 1:20 grade spiral access track leading to a 400m<sup>2</sup> flat top space on the knoll.

#### Local Centre Design

Resource Consent BUN60416381 for the Milldale Local Centre had established a set of design principles for future development of the Local Centre superlots that were approved as part of that application.

As part of the current proposal the application proposes a similar set of Design principles prepared by Woods for the local centre superlots (552 – 554) that provide guidelines / principles for future development of the local centre. The proposed Milldale Local Centre Design Principles include:

- Identification of key and commercial frontages
- Movement and connectivity;
- Buildings;
- Landscaping;
- Parking; and
- Signage & Lighting.

The Milldale Local Centre Design Principles are proposed to be secured by consent notices on these lots (Lots 552 – 554).

#### Staged Subdivision

The subdivision is proposed to be undertaken in two stages, referred to as Stages 9A – and 9B.

The proposed subdivision will involve the creation of 13 vacant residential lots (Lots 100 – 113). The lots will vary in size from 320m<sup>2</sup> to 581m<sup>2</sup>.

The proposed subdivision will also involve the creation of five residential super lots (Lots 500, 501, 502, 550 and 551). Three super lots are proposed in the Mixed Housing Urban zone range in size between 1,082m<sup>2</sup> to 1,163m<sup>2</sup>, and two super lots are proposed in the Terraced Housing and Apartment zone range from 4,030m<sup>2</sup> to 4,199m<sup>2</sup>.

The proposal involves the creation of three local centre lots, which are located to the north-west of the site within the Local Centre zone. The lots are identified as Lots 552 – 554 and range in size from 3,490m<sup>2</sup> to 5,004m<sup>2</sup>.

The proposed subdivision will involve the creation of 2 local purpose (drainage) reserves (Lots 700 and 701). The two drainage reserves adjoin stream P5. The stream contains a stream bed with an average width of less than 3.0m and does not qualify for esplanade reserve. The restoration and enhancement of the portion of Stream P5 within Stage 9 will occur as part the approved Local Centre consent (BUN60416381).

The proposed subdivision will involve the creation of land in lieu (Lot 650) located on the existing knoll within the subject site. This is approximately 27,447m<sup>2</sup> in size and will be vested in Council as a land in lieu of reserve.

Vesting of roads and accessways as set out previously.

The staging is proposed to be undertaken as follows:

#### Stage 9A

Creation of the proposed “Hilltop Park” being land in lieu of reserve (Lot 650) and collector road CR03 (Lot 803).

#### Stage 9B

Creation of vacant residential Lots 100–112, Residential Superlots Lots 500, 501, 502, 550 and 55, Local Centre zone Superlots 552–554, JOAL Lots 600, 602 and 603, Drainage reserve Lots 700 and 701, Local Purpose (accessway) reserve) Lot 750, Pedestrian Accessway Lot 751, and Local Roads to vest lots 801 and 802.

### **Servicing**

#### Wastewater

A new public wastewater network is proposed to service the subdivision. This will be established through an extension of the existing public wastewater lines located within and adjoining the site.

#### Water Supply

Each lot is proposed to have a potable water supply connections through an extension of the existing water supply mains within and adjoining the site.

Fire hydrants are proposed in accordance with the minimum spacing requirements contained in firefighting standard SNZ PAS 4509:2008.

#### Stormwater

A stormwater system will be installed on site to service the roading network and proposed lots.

The proposed stormwater network has been designed in accordance with the underlying Stormwater Management Plan (SMP) for the Wainui East Precinct. This will involve the construction of a public reticulated stormwater network to convey primary flows. Stormwater runoff up to the 10% AEP storm event (inclusive of climate change) will be conveyed through the reticulated network.

Stormwater flows from storm events greater than 10% AEP will be conveyed via the road and secondary overland flow paths to the stream networks (stream P5).

The proposal includes at source management and quality treatment, including a dry basin and rain gardens within collector CR03 and local road LR03. A dry basin is proposed within the local purpose (drainage) reserve (Lot 701). Stormwater runoff from the upgraded surface of Argent Lane will be collected by kerbside raingardens. The devices will provide retention/detention storage in accordance with Wainui East Stormwater Management Plan requirements.

Stormwater flows will ultimately discharge into streams, including stream P5 via new outlets. All new outlets are proposed to be designed in accordance with TP10 with wing wall and velocity reduction structures to disperse flow and minimise any scouring or erosion within the watercourse, while conveying the 10% AEP flow. Details of outfall type, flow velocity and velocity reduction measures and landscaping of the outlet structures will be provided as a part of Engineering Plan Approval (EPA) stage.

Stormwater management for COAL's include underground stormwater tanks. These are proposed to be provided at the EPA stage.

Stormwater management for private lots will include stormwater tanks on each lot and are

proposed to be provided at the building consent stage for each lot.

### Landscaping

Comprehensive landscaping is proposed in accordance with the plans prepared by Bespoke Landscape Architects Ltd. This will include landscape treatments and planting for the roads to vest, Lot 650 "Hilltop Park", drainage reserve areas, and accessways. The Landscaping Plan indicates the species, number of plants and size at planting. The plants will include a mixture of native and exotic species.

### Proposed Consent Notices

Residential Lot 108 is subject to split zoning (Mixed Housing Urban / Open Space Informal Recreation zone); residential super-lot 550 is subject to split zoning (Terrace Housing and Apartment Building zone / Open Space Informal Recreation zone); and local centre super-lots 553 and 554 are subject to split zoning (Business: Local Centre / Open Space Informal Recreation zone).

Blanket land use consent is sought for infringements to development standards within the Open Space Informal Recreation zone. The proposal includes land use consent for infringements on Lots 108, 550, 553 and 554 to the following Open Space zone standards:

- H7.11.1 Building height
- H7.11.2 Height in relation to boundary
- H7.11.3 Yards
- H7.11.4 Screening
- H7.11.5 Gross floor threshold
- H7.11.6 Maximum site coverage; and
- H7.11.7 Maximum impervious area.

A consent notice is proposed on these lots to enable future development on these Lots (lot 108) to be undertaken in accordance with the Mixed Housing Urban zone activity table and standards; to be undertaken in accordance with the Terrace Housing and Apartment Building zone standards (Lot 550) or to be undertaken in accordance with the Business Local Centre zone standards (Lot 553 and 554.)

In addition to the above, a blanket consent is proposed to establish vehicle crossings that exceed the maximum width requirement of 3.5m, with vehicle crossings up to 4.8m wide proposed.

### Construction hours, noise, and vibration

The hours of operation for the subdivision and earthworks are proposed to be as follows:

- Monday to Friday: 7:00am– 6:00pm.
- Saturday: 7:00am – 6:00pm; and
- Sundays or Public Holidays: no works.

A Construction Noise and Vibration Report has been submitted with the application., the predicted construction noise levels will exceed the permitted 70dBLAeq and 85dBLAFmax standard by up to 5dB for receivers within 5m of the proposed works (receiver F to J) and will exceed the permitted amenity vibration level of 2 mm/s at receiver H (73 Waiwai Drive) during vibratory compaction for the construction of proposed JOAL 603. The CNVMP has proposed a number of mitigation measures as follows:



- Preparation of a Construction Noise and Vibration Management Plan prior to the commencement of works;
- Liaison with occupiers of all dwellings within 100m of the Stage 9 project area;
- The construction of an acoustically effective barrier along the north-eastern boundary (within 30m of any occupied dwelling) to block the line of sight between the noise generating part of the plant and the receiver, and the use of the lightest plant practicable for works within 30m of all occupied dwellings to minimise noise and vibration levels, including maximum sizes of 3t for any vibratory compaction roller and 12t for any excavator.

### 3. Background

#### Specialist Input

The application has been reviewed by the following Council specialists:

- Auckland Council Development Engineer – Samuel Holmes
- Auckland Council Healthy Waters – Dali Suljic
- Auckland Council Consultant Traffic Engineer –Andrew Temperley (TPC)
- Auckland Transport – Nagaraj Prabhakara
- Auckland Council Ecologist – Antoinette Bootsma
- Auckland Council Contamination Specialist – Sarah Pinkerton
- Consultant Acoustic Specialist - Peter Runcie (SLR)
- Auckland Council Urban Designer – Louise Goodwin
- Auckland Council Parks Planner– Cas Hannink
- Consultant Groundwater Specialist – Richard Simmonds (Fraser Thomas)
- Auckland Council Earthworks Specialist – Matt Byrne

Council's Development Engineer has consulted with Watercare Services Limited and Healthy Waters Department.

The above specialist comments where appropriate are included in the assessment below.

#### Iwi Consultation

As part of the applicants on-going consultation the applicant has consulted directly with the following Iwi groups:

- Ngāi Tai ki Tāmaki
- Ngāti Manuhiri
- Ngāti Maru
- Ngāti Whatua o Kaipara
- Ngāti Te Ata
- Ngātiwai
- Ngāti Whātua Ōrākei
- Te Ākitai Waiohua

- Ngāti Pāoa
- Te Kawaerau a Maki
- Ngāti Whanaunga; and
- Te Rūnanga o Ngāti Whātua.

More specifically a copy of the application and information letter was circulated via email on 3 November 2023. Council is not aware of any responses from iwi received to date.

#### Local Board Comments

Local Board comments from the Rodney Local Board on the resource consent were received on 15 January 2024. They have provided the following comments:

*Rodney Local Board have the following concerns with this resource consent application.*

- The proposed development of dense housing is within an area with identified flood hazards. Even if engineering solutions can mitigate hazards, these interventions can become overwhelmed during extreme events, as seen in 2023.*
- Concern about the impact of filling in the wetlands, increasing impervious surfaces and development in a flood zone on the wider stormwater catchment, including the surrounding rural areas of Wainui, where there was widespread flooding three times in 2023.*
- The proposed loss of wetlands within the proposed development and the ecological and environmental impact of filling in wetlands in an area that is to be urbanised.*
- Concern about the loss of open space with the filling in of the wetlands in this development as this open space would have increased the visual amenity value for new urban residents, and the proposed offset mitigations are located within a rural zone.*
- Concern that the identified reserve of Lot 650 may not be vested with the Council due to the Council's financial situation and the request by the applicant that, in this event, the lot will become a balanced parcel.*

*The RLB request the following:*

*That Council's Healthy Water's department comment on the suitability of this site for dense housing and the impact on the wider stormwater catchment.*

*The Council's Park team comments on the suitability of lot 650 as a reserve, and Panuku provides feedback on the Applicant's request to vest lot 650 as a reserve.*

Where relevant these matters are addressed in the s95 assessments of the application.

## **4. Reasons for Consent**

### Milldale Stage 9 Site

Streamworks Consent (s13) LUS60427758

### Auckland Unitary Plan (Operative in Part)

### E3 Lakes, rivers, streams and wetlands

- The proposal involves the reclamation of three natural wetlands (wetland W1, W2 and W3). This requires consent as a non-complying activity under E3.4.1(A49).

### National Environmental Standard for Freshwater (NES-FM)

- The proposal involves vegetation clearance within natural inland wetlands for the construction of specified infrastructure (two roads and a key pedestrian accessway). This requires consent as a discretionary activity under regulation 45(1) and (2).
- The proposal involves vegetation clearance within natural inland wetlands for the construction of urban development. This requires consent as a restricted discretionary activity under regulation 45C(1) and (2).

## Land use consents (s9) LUC60427757

### Auckland Unitary Plan (Operative in Part)

#### **Regional land use - section 9(2)**

##### E11 Land Disturbance - Regional

- Pursuant to E11.4.1(A9) the proposal involves earthworks greater than 2,500m<sup>2</sup> where the land which is located within a Sediment Control Protection Area. The application proposes to undertake earthworks over an area of 7.94ha hectares. This requires consent as a restricted discretionary activity.
- Pursuant to E11.4.1(A8) the proposal involves earthworks greater than 2,500m<sup>2</sup> where the land has a slope equal to or greater than 10 degrees. The application proposes to undertake earthworks over an area of 7.94ha hectares. This requires consent as a restricted discretionary activity.

#### **District land use – section 9(3)**

##### E12 Land Disturbance - District

- Pursuant to E12.4.1(A6) the proposal involves earthworks that are greater than 2,500m<sup>2</sup> in area, with 7.94ha of earthworks proposed across the development/ site area. This requires consent as a restricted discretionary activity.
- Pursuant to E12.4.1(A10) the proposal involves earthworks that are greater than 2,500m<sup>3</sup> in volume. The application proposes to undertake earthworks with a total volume of 130,779m<sup>3</sup> (32,510m<sup>3</sup> of cut and 98,269m<sup>3</sup>). This requires consent as a restricted discretionary activity.
- The proposal involves earthworks (including filling) within a 1% AEP flood plain. Earthworks in the 1% AEP floodplain cover an area of 4,452m<sup>2</sup> with cut of 266m<sup>3</sup> and fill of 12,709m<sup>3</sup>. This requires consent as a restricted discretionary activity under rule E12.6.2(A11) and C1.9(2).
- The proposal involves earthworks within the 10m riparian yard over 5m<sup>2</sup> or 5m<sup>3</sup> (with approximately 9,423m<sup>2</sup> and 4,673m<sup>3</sup> proposed). This requires consent as a restricted discretionary activity under rule E12.6.2 and C1.9(2).

##### E15. Vegetation management and biodiversity

- The proposal involves vegetation alteration or removal within a natural wetland. This requires consent as a restricted discretionary activity under E15.4.1(A18).

##### E25 Noise and Vibration

- The proposal involves a 5dB non-compliance with the permitted construction noise standards of 70 dB LAeq and 85 dB LAFmax in E25.6.27 where the proposed earthworks are located within approximately 5m of occupied dwellings at receivers labelled F to J. This requires consent as a restricted discretionary activity under E25.4.1(A2).

- The proposal involves a non-compliance with the permitted construction vibration standard of 2mm/s PPV under E25.6.30(b) at receiver H (73 Waiwai Drive) for the construction of COAL 603. This requires consent as a restricted discretionary activity under E25.4.1(A2).

#### E27 Transport

- Pursuant to activity table E27.4.1 (A2), consent is required as a restricted discretionary activity where parking and access does not comply with the relevant standards as follows:
  - Resource consent is required establish vehicle crossings that exceed the maximum width requirement of 3.5m, with vehicle crossings up to 4.8m wide proposed. This is a restricted discretionary activity pursuant to rule E27.4.1(A2) and E27.6.4.3.2.

#### H5 Residential Mixed Housing Urban

- The establishment of combined retaining wall and 1.2m high fencing located within the front, side, and rear yards above the permitted maximum height of 1.2m within the front yard or 2m in the side/rear yard. This requires consent as a restricted discretionary activity pursuant to rule H5.6.15 and C1.9(2).

#### I544 Wainui Precinct

- The proposal involves development that is in general accordance with I544.10.1 Wainui: Precinct Plan. This requires consent as a restricted discretionary activity pursuant to rule I544.4.1(A2).

### **Blanket consents**

#### Residential: Mixed Housing Urban

- Blanket land use consent to enable buildings with a maximum building coverage of 50% on all lots in the Mixed Housing Urban zone, including Lots 100-112, 500 -502. This requires consents as a restricted discretionary activity under rule C1.2(2) and H5.6.10.
- Blanket land use consent to apply the height in relation to boundary standard to new development from the top of the proposed retaining walls and not the approved ground level at the time of subdivision. This requires consent as a discretionary activity pursuant to rule C1.7(1). This applies to Lots 104-112.

#### I544 Wainui Precinct

- Blanket land use consent is sought for building and development in accordance with Rule I544.10.1 Wainui Precinct Plan 1 on Lot 100-112, 500-502 and 550-554. This requires consent as a restricted discretionary activity under rule I544.10.1(A2).

#### Residential: Mixed Housing Urban, Terrace Housing and Apartment Building zone, Business: Local Centre and Open Space Informal Recreation zones (Residential Lot 108, Residential super lot 550, Local Centre super lots 553 and 554):

- Blanket land use consent to construct new residential buildings within the Open Space zone on Lot 108, residential Super lot 550 and local centre Super-lots 553 and 554, an activity not provided for. This requires consent as a non-complying activity pursuant to rule H7.9.1(A1).
- Blanket land use consent to construct new buildings within the Open Space zone on Lot 108, residential Super lot 550 and local centre Super-lots 553 and 554 that do not comply with one or more standards. This requires consent as a discretionary activity pursuant to rule H7.9.1(A38) and C1.9(2).

- Blanket land use consent for commercial activities including new buildings on Lots 553 and 554 in the Open Space – Informal Recreation zone. This requires consent as a non-complying activity under rule H7.9.1(A1).
- Blanket land use consent for new buildings that do not comply with the Open Space zone standards on Lot 108, residential Super lot 550 and local centre Super-lots 553 and 554. This requires consent as a discretionary activity under rule H7.9.1(A39) and C1.9(2).
- Blanket land use consent for fences on the front boundary less than 50% transparent in the Open Space zone on Lot 108, residential Super lot 550 and local centre Super-lots 553 and 554. This requires consent as a restricted discretionary activity under rule H7.9.1(A43).
- Blanket land use consent for the construction of vehicle access and parking areas in the Open Space zone on Lot 108, residential Super lot 550 and local centre Super-lots 553 and 554. This requires consent as a discretionary activity under rule H7.9.1(A50).
- Blanket land use consent to exclusively apply Mixed Housing Urban zone standards on those parts of Lot 108 that is Open Space – Informal Recreation zone. This requires consent as a discretionary activity pursuant to rule C1.7(1).
- Blanket land use consent to exclusively apply Terraces Housing and Apartment zone standards on those parts of Lot 550 that is Open Space – Informal Recreation zone. This requires consent as a discretionary activity pursuant to rule C1.7(1).
- Blanket land use consent to exclusively apply Local Centre zone standards on those parts of Lots 553 and 554 that is Open Space – Informal Recreation zone. This requires consent as a discretionary activity pursuant to rule C1.7(1).

#### National Environmental Standard for Freshwater (NES-FM)

- Consent for a non-complying activity under Regulation 54(b) of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES:F) is required as the proposal includes earthworks within and within 10m of a natural inland wetland. This reason for consent is for both the parent site and off-set site at Milldale North.

#### Subdivision consents (s11) SUB60427759

##### Auckland Unitary Plan (Operative in Part)

- Pursuant to E38.4.1(A7) the proposal involves the subdivision of land with two or more zones (Residential – Mixed Housing Urban zone, Residential – Terrace Housing and Apartment Building zone Business – Local Centre zone and Open Space - Informal Recreation zone). This requires consent as a restricted discretionary activity.
- The proposal involves subdivision of land within the 1% AEP probability floodplain. This requires consent as a restricted discretionary activity pursuant to rule E38.4.1(A11).
- The proposal involves vacant site subdivision involving parent sites of 1ha or greater in the residential zone not complying with Standard E38.8.3. This requires consent as a non-complying activity pursuant to rule E38.4.2(A19). The proposal involves:
  - Vacant sites within the Mixed Housing Urban zone not meeting the maximum average net site area requirement of 360m<sup>2</sup> (with an average lot size of 453m<sup>2</sup> proposed).
  - The proposal involves vacant sites subdivision in the business zone complying with Standard E38.9.2.3. This requires consent as a restricted discretionary activity pursuant to rule E38.4.3(A35).



- The proposal involves subdivision within the open space zone that is not provided for within Rule Activity Table E38.4.4. This requires consent as a discretionary activity under Rule Activity Table E38.4.4(43).
- The proposal involves subdivision and development that is in general accordance with I544.10.1 Wainui: Precinct Plan. This requires consent as a restricted discretionary activity pursuant to rule I544.4.1(A2)

## Milldale North Wetland Reclamation off-site

### Auckland Unitary Plan (Operative in Part)

#### *E12 Land Disturbance – District*

- The proposal involves earthworks within the 10m riparian yard over 5m<sup>2</sup> or 5m<sup>3</sup>. This requires consent as a restricted discretionary activity under rule E12.6.2 and C1.9(2).

### National Environmental Standard for Freshwater (NES-FM)

- Consent for a non-complying activity under Regulation 54(b) of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES:F) is required as the proposal includes earthworks within and within 10m of a natural inland wetland.

## Other matters:

### Contamination

Contamination investigations have been undertaken by Tonkin and Taylor Ltd within the subject site as part of the previous earthworks consent applications. These have confirmed that no HAIL activities have occurred within the site, with no evidence of contamination with levels that would pose a risk to human health on the environment. This has been reviewed by Councils Contamination Specialist, Sarah Pinkerton who has confirmed that the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) does not apply to the proposal and that the contaminant concentrations comply with the AUP discharge criteria.

### Groundwater

Woods have confirmed in their assessments that the proposed excavation would not be below the groundwater levels, and that these would not trigger any groundwater consents.

This has been reviewed by Council's Groundwater Specialist, Richard Simmonds who has confirmed this is a permitted activity and has stated:

*"We consider that the proposal is a Permitted Activity when assessed against AUP Standards E7.6.1.6 (1 to 3) & E7.6.1.10 (1 to 6) and a Consent for dewatering and groundwater diversion is not required."*

### Culvert

The proposal includes the installation of a culvert within a stream on site identified as Stream P5. This is to enable the construction of road LR01. The proposed culvert is 27.3m in length with erosion and scour management structures (wingwall and rip-rap) less than 5m in length either side of the culvert. The applicant has demonstrated that the proposed culvert is a permitted activity under E3.4.1(A32).

Culverts less than 30m in length when measured parallel to the direction of water flow complying with the standards E3.6.1.18 is a permitted activity under E3.4.1(A32). Culverts less than 30m in length when measured parallel to the direction of water flow complying with the standards

E3.6.1.18 is a permitted activity under E3.4.1(A32).

#### Trip Generation

The application as lodged has sought consent for subdivision that exceeds the trip generation standards set out in Standard E27.6.1(a). However, land within the Terrace Housing and Apartment Building zone is excluded from the trip generation threshold and it is considered that the other residential lots and super lots proposed will not exceed 100 dwellings.

## **5. Status of the application**

Where a proposal:

- consists of more than one activity specified in the plan(s); and
- involves more than one type of resource consent or requires more than one resource consent; and
- the effects of the activities overlap;

the activities may be considered together.

The effects of the resource consent types overlap therefore, the activities will be considered together for notification under s95.

The activity status of the activities are as follows:

- Land use (s9): non-complying activity
- Streamworks (13): non-complying activity
- Subdivision (s11): non-complying activity

Notwithstanding the above, the applications for each site will be assessed separately for decision-making under s104.

## **6. Notification Assessment**

Section 95A specifies the steps the council is to follow to determine whether an application is to be publicly notified. These steps are addressed in the statutory order below.

### **Step 1: mandatory public notification in certain circumstances**

No mandatory notification is required as:

- the applicant has not requested that the application is publicly notified (s95A(3)(a));
- there are no outstanding or refused requests for further information (s95C and s95A(3)(b)); and
- the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977 (s95A(3)(c)).

### **Step 2: if not required by step 1, public notification precluded in certain circumstances**

The application is not precluded from public notification as:

- the activities are not subject to a rule or national environmental standard (NES) which precludes public notification (s95A(5)(a)); and
- the application does not exclusively involve one or more of the activities specified in

s95A(5)(b).

### Step 3: if not precluded by step 2, public notification required in certain circumstances

The application is not required to be publicly notified as the activities are not subject to any rule or a NES that requires public notification (s95A(8)(a)).

The following assessment addresses the adverse effects of the activities on the environment, as public notification is required if the activities will have or are likely to have adverse effects on the environment that are more than minor (s95A(8)(b)).

No other effects have been taken into account in this assessment.

### Adverse effects assessment (sections 95A(8)(b) and 95D)

#### Effects that may be disregarded

##### Effects on persons who are owners and occupiers of the land in, on or over which the application relates, or of land adjacent to that land

The council is to disregard any effects on the persons who own or occupy the land in, on, or over which the activity will occur, and on persons who own or occupy any adjacent land (s95D(a)).

In this case, I consider that adjacent land includes the properties adjoining the subject land and the properties directly across the road. The properties considered as adjacent land are determined by taking a parallel line from the boundaries of the subject land directly across the road and any site that is touched by this intersecting line is included as adjacent land. I considered these properties to be adjacent land because these sites either adjoin the subject land, are directly across the road or are close by such that they are considered to form part of the context of the proposed activity.

The effects on these adjacent owners and occupiers have been disregarded.

##### Any effect on a person who has given written approval to the application

No written approvals have been obtained.

#### Permitted baseline

The permitted baseline may be taken into account and the council has the discretion to disregard those effects (s95D(b)). In this case no form of residential subdivision is permitted and the type and or complexity of effects associated with the proposed activities are such that the permitted baseline does not provide a useful comparison for the purpose of disregarding effects.

### Assessment

#### Receiving environment

The receiving environment beyond the subject site includes permitted activities under the relevant plans, lawfully established activities (via existing use rights or resource consent), and any unimplemented resource consents that are likely to be implemented. The effects of any unimplemented consents on the subject site that are likely to be implemented (and which are not being replaced by the current proposal) also form part of this reasonably foreseeable receiving environment. This is the environment within which the adverse effects of these applications must be assessed.

In this case, reference to the 'site and surrounding environment and background description' above form part of the receiving environment. Therefore, the consents approved within the

Wainui Precinct and the undertaking of these works form part of the receiving environment. In particular, the works currently being undertaken within the Wainui Precinct and on the subject sites via approved resource consents has modified the existing environment from rural sites / open pastoral land to a working site (earthworks / civil works) to facilitate residential development to reflect the live residential zoning of the Wainui Precinct. This is the reasonably foreseeable environment within which the adverse effects of the proposal must be assessed.

#### Adverse Effects Assessment

Euan Williams of Woods has provided, in accordance with schedule 4 of the RMA, an assessment of adverse environmental effects in such detail as corresponds with the scale and significance of the effects that the activities may have on the environment. This can be found in Section 8 of the AEE. I have reviewed this and agree with these assessments, and the conclusions reached and consider that adverse effects on the wider environment will be less than minor. Therefore, for the purposes of sections 95A (8) I adopt the applicants AEE, and the assessment contained within.

In addition to the assessments provided by Mr Williams, I note the following summary points:

#### **Amenity, Landscape and Visual Effects, including Neighbourhood Character and Streetscape amenity**

In respect to the design and layout of the proposed subdivision and associated works, Mr Williams has provided an assessment of the proposal in section 8.1 of the AEE, under the heading “*Visual landscape and amenity effects*”. I broadly agree with this assessment and consider that any adverse effects in respect to amenity, landscape and visual effects including neighbourhood character and streetscape amenity and the amenity on the wider surrounding environment will be less than minor. I provide the following additional points below:

- The proposed earthworks and associated works at the Milldale Stage 9 site will result in some visual change. However, this is required to be assessed in the context of the wider Milldale area, which is currently undergoing significant transformation whereby the previous rural landscape is transforming to a modified urban landscape. Any visual effects resulting from the proposed earthworks activity will be temporary in nature. The earthworks are required to prepare the site for the future residential development and infrastructure (including roading) anticipated under the AUP(OP) residential zoning and Wainui Precinct provisions. The earthworks are required to provide cuts to steeper parts of the site and fill in low lying areas and to provide appropriate land contours for future residential development and associated infrastructure. The earthworks will not significantly alter the landform or visual amenity of the site and can be reasonably anticipated when taking into account the site context and receiving environment. In this context, the visual character and amenity effects associated with the proposed earthworks will be less than minor.
- The layout of the proposed subdivision and site works are considered to be broadly in keeping with the anticipated future subdivision land pattern (including its amenity values and character) on the subject land and within this part of the Wainui Precinct.
- The proposed subdivision will involve the creation of 13 vacant freehold lots (Lots 100 – 113). The lots will vary in size from 320m<sup>2</sup> to 581m<sup>2</sup>. The proposed subdivision will also involve the creation of five super lots (Lots 500, 501, 502, 550 and 551). Three super lots are proposed in the Mixed Housing Urban zone range in size between 1,082m<sup>2</sup> to 1,163m<sup>2</sup>, and two super lots are proposed in the Terraced Housing and Apartment zone range from 4,030m<sup>2</sup> to 4,199m<sup>2</sup>. The proposal also involves the creation of three local centre lots, which are located to the north-west of the site within the Local Centre zone. The lots are

identified as Lots 552 – 554 and range in size from 3,490m<sup>2</sup> to 5,004m<sup>2</sup>. The shape and size of the vacant residential lots and the super-lots for Stage 9 will provide a future land use pattern that enables future development (and subdivision) to occur in a manner that is compatible with the anticipated site sizes and the future planned character within this part of the Wainui precinct. The lot sizes proposed are consistent with the outcomes anticipated by the Residential - Mixed Housing Urban zone, Residential - Terrace Housing and Apartment Building zone, Business - Local Centre zone and Wainui Precinct and are in keeping with the anticipated subdivision pattern in this location. Further assessment is provided below and under “Reserves” in respect to the proposed subdivision within the Open Space Informal Recreation.

- The proposed residential super-lots are considered to be of a shape, size and intensity which are consistent with the lot sizes anticipated in this locale and will not compromise the amenity and character of the surrounding environment. The size and shape of each vacant super-lot will be capable of delivering a future residential land use pattern that can contain residential dwellings and that these can be accommodated so that these are appropriately separated from the external site boundaries and is able to contain appropriately sized, contoured and orientated outdoor space. It is considered that the proposed design of Super-lots 500, 501, 502, 550 and 5511 will enable future development / residential dwellings on these lots to positively respond to each site interface including streets and the stream edge. This has been demonstrated in the lot testing that has been undertaken by Woods and provides an indicative future built form on each lot.
- The overall subdivision site layout including the vacant residential lots, residential super-lots and local centre superlots has been reviewed by Council's Urban Design Specialist, Louise Goodwin who is broadly supportive of the proposal.
- As part of the application blanket land use consent has been sought to enable buildings with a maximum building coverage of 50% on all lots in the Mixed Housing Urban zone, including Lot 100-112, 500 -502. In her assessment, Ms Goodwin has raised some concerns with regards to this blanket consent and has noted that this may set a precedent for other applications in the wider Auckland area. I do not agree with Ms Goodwin as I consider the proposed 50% building coverage will enable an efficient use of the Mixed Housing Urban zoned land and given the location immediate adjacent to the Residential Terrace Housing and Apartment Building zone this will provide an appropriate distinction between the subject land and other Mixed Housing Urban zone sites within the Wainui precinct and the wider Auckland area. It is also noted that the areas zoned as Mixed Housing Urban is constrained by surrounding approved stages, public roads, the existing stream, and surrounding zoning which make up a unique set of circumstances. In this regard, I do not consider that there would be an adverse precedent effect as a result of the increased building coverage proposed for this specific application.
- In addition, a blanket land use consent has been sought to apply the height in relation to boundary standard to new development from the top of the proposed retaining walls and not the approved ground level at the time of subdivision. This approach has been widely applied throughout the Wainui precinct/ Milldale area and will be consistent with other future development proposals.
- In respect to the 3 proposed super lots (Lots 552 – 554) that are located within the Business Local Centre zone, these are considered to be of a shape and size that will enable future business (and residential) development/ activities to be accommodated in manner that will achieve anticipated outcomes for the Local Centre. Resource Consent



BUN60416381 for the Milldale Local Centre had established a set of design principles for future development of the Local Centre superlots that were approved as part of that application. As part of the current proposal the application seeks to adopt a similar customised set of design principles that broadly follow the previously approved Design principles for the local centre superlots (552 – 554) which provide guidelines / principles for future development of the local centre. The Local Centre zone design principles prepared by Woods set out a range of design principles for future development on Lots 552-554 that include but are not limited:

- Identification of key and commercial frontages
- Movement and connectivity;
- Lot Layout
- Buildings including built form, frontages and materials
- Loading and Servicing
- Landscaping (soft and hard);
- Parking; and
- Signage & Lighting.

The proposed Milldale Local Centre Design Principles will provide an appropriate set of guidelines and principles to positively inform future development within the local centre in a manner that will respond to each site interface / frontage as well as ensure pedestrian amenity and connectivity. In addition, these principles will assist in establishing the future built form and landscape design respond within the primary core area of the local centre. These are considered to be broadly consistent with the design principles that formed part of the resource consent BUN60416381 and will contribute to coordinated and integrated approach for future development of the wider local centre area for the precinct. In addition to the proposed Milldale Local Centre Design Principles, Ms Goodwin has recommended additional mitigation measures requiring minimum glazing requirements for further buildings where these are located adjacent to reserves and public accessways. I consider that these recommended conditions as they relate to minimum glazing and window design are appropriate and will ensure future buildings provide the necessary passive surveillance over public spaces (reserves and accessways). I note the applicant has accepted all conditions with the exception of those which relate to glazing. Therefore, I consider that any adverse amenity effects as they relate to the proposal will be minor.

- The overall proposed subdivision layout and road pattern is broadly consistent with these anticipated outcomes and is considered to be in keeping with the amenity and future residential and neighbourhood character of the surrounding environment. The proposed street hierarchy broadly follows that in the Wainui Precinct Plan hierarchy and in previous consented subdivision stages, providing a range of street typologies to enable the efficient movement of vehicles, public transport and other modes of transport including cycling and walking.
- The proposed layout of the subdivision and block arrangement will provide a street layout, and the block configuration and lot sizes that are considered appropriate for the location. The proposal will enable the road layout and wider connectivity are provided in broad accordance with the I544.10.1 Wainui: Precinct plan 1.
- The overall fencing typologies will provide for appropriate boundary treatments in a manner

that enables an appropriate level of visual permeability into the site and provides passive surveillance of the streets). The fencing and landscaping have been designed in an integrated manner which will ensure the fencing has an appropriate relationship with the streets, accessways (and COAL's) and that this maintains an appropriate level of streetscape amenity.

For the reasons set out above any adverse effects on the amenity, landscape and visual effects including neighbourhood character and streetscape amenity will be minor. The proposal block pattern, street network and pedestrian connectivity that is compatible with the future anticipated neighbourhood character and will provide an appropriate level of connectivity to the wider environment in this part of Milldale.

### **Road Layout, Connectivity, Traffic and Street trees**

The proposal will provide the road layout and pedestrian / cycle connectivity for this part of the Wainui precinct in a staged manner. The proposal is considered to provide a clear and legible road layout and road hierarchy in a manner that is sought by I544.10.1 Wainui: Precinct plan 1. The details of the road layout, design, cross sections, and road typologies are included in section 5.6.2 of the AEE.

In respect to the proposed street hierarchy and design this has been reviewed and broadly confirmed to be acceptable by Council's Urban Design Specialist, Ms Louise Goodwin, who has advised:

- *There is a clear hierarchy of road types proposed with sections demonstrating intuitive wayfinding.*
- *The layout of corridors across the site enables a good level of permeability with the potential for great outcomes for cycling and pedestrian activity with legible pathways 3-4m wide throughout the development.*
- *The pathway alongside the stream allows a good level of connectivity but is separated from the street by local centre development. In best urban design practice, the reserves are designed so they have an active edge adjoining the street. This enables open sightlines into the space with people using the parks more likely to be seen by other members of the public at all hours of the day. The design of the local centre will determine the success of this environment.*

I am in agreement with this assessment.

The proposed road layout and design and traffic matters have been assessed by Nagaraj Prabhakara, Auckland Transport. Ms Prabhakara has confirmed Auckland Transport's broad support of the road layout and design, including the intersection design, road typologies) and the overall stormwater management approach within the road network. Mr Prabhakara has confirmed that the proposal including the road layout and accessways will provide an appropriate level of transport and pedestrian connectivity within this part of Milldale. Notwithstanding this, Mr Prabhakara has advised that further design details are required in respect to vehicle tracking on Local Road LR02 together with the stormwater management devices (raingardens) within the road network. It is considered that these suggested design changes and details can be appropriately addressed as part of the Engineering Plan Approval process and / or consent conditions, noting that the applicant has reviewed/ confirmed acceptance of these conditions and that these form part of the application.

More generally, other suggested changes and conditions have been shared with the applicant who has confirmed these are acceptable and can be addressed as part of the detailed design

stage and as part of the Engineering Plan Approval process.

Mr Prabhakara of Auckland Transport and Council's Consultant Engineer (Andrew Temperley) have assessed the proposed vehicle accesses (COAL) and crossings arrangements including the blanket consent sought for 4.8m wide vehicle crossings. They have confirmed that these will be acceptable from a traffic and pedestrian safety perspective, noting that the final location of the crossings will be further assessed as part of future resource consent applications. It is noted that Council's Urban Design Specialist, Louise Goodwin does not support the 4.8m vehicle crossings as in her view this has the potential for *"double garages facing the street undermining street amenity and safety, both on a site-by-site basis and more importantly cumulatively."*

Notwithstanding Ms Goodwin's concerns, it is considered that the 4.8m wide vehicle crossings is consistent with the approach taken in the wider Milldale area and would not in itself create adverse streetscape amenity effects.

Following the above technical assessments from Mr Prabhakara and Mr Temperley, it is considered that the proposal provides an appropriate road layout and design, as well as vehicle access / crossings for all lots that is broadly consistent with the I544.10.1 Wainui: Precinct plan 1 and can be undertaken in a manner that does not adversely affect the safe and efficient operation of the surrounding road network or result in adverse traffic generation.

In addition to the above, the proposal incorporates pedestrian connections to create additional permeability within the block structure and to create direct connections to the open space/ reserve area (Milldale Reserve/ Hilltop Park). This includes Lot 750 and the pedestrian bridge located over Lot 700. These have been reviewed by Council Parks Planner, Cas Hannink who has confirmed the design, location and width of the pedestrian pathways are acceptable, noting that Lot 750 has been agreed Parks in Auckland Council.

As part of their review of the application, Mr Hannink has also undertaken a review of the proposed street tree planting within the road berms. Mr Hannink has confirmed they are broadly satisfied with the species proposed, however further details are required in terms of the location and number of trees to be planted. These can be captured as part of the Engineering Plan Approval and conditions of consent for each stage.

### **Infrastructure, Stormwater and Flooding related Effects**

Each of the proposed lots will have a connection to the proposed reticulated wastewater, potable water, and stormwater network. The Council's Development Engineer, Samuel Holmes in consultation with Watercare Services Ltd and Healthy Waters has reviewed the proposed infrastructure matters including the design of the water supply, wastewater, stormwater lines and has not raised any issues with the regards to the ability of lots to provide future connections, the design of the wastewater, water supply and stormwater networks and connections can be undertaken as part of a more detailed Engineering Plan Approval process, which is not unusual for a subdivision of the scale and nature proposed.

The proposed stormwater management strategy has been reviewed by Dali Suljic on behalf of Healthy Waters Department. Mr. Suljic has confirmed the acceptance of the proposed stormwater management strategy including stormwater quality, noting that Mr Suljic and Mr Holmes have advised that the final design details including details for the detention basin, outfalls, bioretention devices etc. can be addressed as part of Engineering Plan Approval.

It is noted that Auckland Transport have raised some issues with regards to the proposed kerbside raingardens within collector road CR03 and the future maintenance costs regarding these devices. However, it is noted that the proposed stormwater management strategy for this stage broadly aligns with the Wainui East Stormwater Management Plan, and this has been

acknowledged and the raingardens accepted by Auckland Transport. In addition, the final design of the raingardens will be determined at the EPA stage.

Overall, I consider that any adverse infrastructure related effects are assessed to be less than minor.

## **Reserves**

The proposed subdivision will create a number of reserves. These reserves include the proposed accessway to vest which are assessed under roading matters previously, as well as a land in lieu of reserve (Lot 650 being the "Hilltop Park") and two local purpose (drainage) reserves (Lots 700 and 701).

The proposed subdivision will involve the creation of the "Hilltop Park" being land in lieu of reserve (Lot 650) located on the existing knoll within the subject site. This is approximately 27,447m<sup>2</sup> in size and will be vested in Council as land in lieu of reserve. A concept for the 'Milldale Stage 9 Hillside Park' has been developed by Bespoke Landscape Architects and incorporates:

- A flat area of approximately 4,500m<sup>2</sup> at a gradient of 3% adjacent to CR03 and opposite the local centre;
- A play space, toilet facility and kick-a-ball space;
- A range of footpaths and trees; and
- 1:20 grade spiral access track leading to a 400m<sup>2</sup> flat top space on the knoll.

This has been reviewed by Council's Consultant Parks Planner, Cas Hannink who has advised:

*The proposed connections were considered to be consistent with the wider greenway connections as per the review of Parks and Places Specialist, Matt Woodside. The concept package for Hillside Park included details for seating arrangements, possible playground locations and further play opportunities. It is noted that within Lot 650, the applicant outlined that only the perimeter shared path and specimen trees will be installed as a part of this consent. The perimeter shared path is considered satisfactory with a 2.5m width indicated. Council's Senior landscape specialist (Arboriculture), Benedict Free also outlined the proposed species selection were appropriate. Further hardscape elements were queried, and key recommendations outlined to the applicant were appropriately deferred to future EPA approvals.*

The proposal involves the establishment of two local purpose (drainage) reserves, being Lots 700 and 701. The landscape plans prepared by Bespoke Landscape Architects include riparian enhancement planting within the local purpose (drainage) reserves. The proposed stormwater management strategy and design including the stormwater detention basin have been reviewed by Mr Dali Suljic for Healthy Waters. Mr Suljic has confirmed the acceptance of the proposed stormwater management strategy, noting that Mr Suljic has advised that the final design details including the detention basin can be addressed as part of Engineering Plan Approval. In addition, Mr Hannink has confirmed his support for the landscape plans / approach for the planting proposed in the future drainage reserve. The final details of this can be captured as part of consent conditions or at the Engineering Plan Approval stage.

The proposed reserve landscape planting strategy has been reviewed by Mr Hannink (Auckland Council Parks) who have confirmed his broad support. A suite of consent conditions has been recommended in respect to the final landscape design and details, as well as the timing of delivery / implementation of the landscape planting. These conditions, including those conditions have been reviewed and confirmed acceptable by the applicant and as such form part of the

application.

Following Mr Hannink (Auckland Council Parks) and Mr Suljic (Health Waters) reviews and the applicant's confirmation of acceptance of the landscape details to be addressed by conditions and the Engineering Plan Approval, I consider that the proposed provision of the reserves will be in broad accordance with the outcomes and sought for the site and the overall reserve strategy for the Wainui Precinct and that conditions as agreed with the applicant can appropriately deliver the landscape outcomes for these reserve areas.

### **Earthworks related effects**

Earthworks to provide suitable landform for roading networks, building platforms, retaining walls, infrastructure services and utilities. This will involve approximately 130,779m<sup>3</sup> of earthworks over an area of 7.94ha including approximately 32,5100m<sup>3</sup> cut and 98,269m<sup>3</sup> fill.

Mr Williams on behalf of the applicant have provided a detailed description of the proposed erosion and sediment control measures in Section 8.9 of the AEE and the Erosion and Sediment Control Plans prepared by Woods that have been provided with the application. These will likely include:

- The utilisation of an existing sediment retention pond (SRP) and the construction of a new SRP as two of the main methods of sediment control. The existing SRP will manage a catchment of approximately 5.0ha and the new SRP will manage a catchment of approximately 1.2ha.
- The final proposal includes the construction of a new stormwater dry basin for stormwater management purposes, however, during the initial earthworks stages, this basin will be constructed as a modified decanting earth bund (DEB) to assist with sediment control. The applicant has not identified this device's contributing catchment.
- Super silt fences will be installed along the margins of Stream P5 to manage the minor earthworks required within the riparian margins of the stream and to manage any runoff that cannot be directed to one of the two SRPs or DEB.
- The construction of dirty water diversion drains / channels to direct runoff to the SRPs.
- The utilisation of existing roadside curb and channel to prevent clean water from entering the earthworks area.
- Progressive stabilisation of exposed areas as the desired gradients are achieved.
- Monitoring and maintenance of all erosion and sediment controls throughout the duration of earthworks

Following this assessment, I agree that the mitigation measures and management techniques that will be adopted will ensure exposure to land is minimised and that adverse effects are less than minor. This will include the relatively short duration of the earthworks activity and the implementation of erosion and sediment control measures prior to and for the duration of each event. The proposed mitigation and stabilisation techniques will minimise the likelihood of earthworks occurring during significant rainfall events.

Woods have outlined the sediment and erosion control measures that will be installed and has confirmed that these will be maintained throughout the duration of earthworks operations to ensure that sediment laden water is retained on site and that silt does not enter into the wider receiving environment. Woods has confirmed that all erosion and sediment control measures will be constructed in accordance with the Auckland Council GD05 for Land Disturbing Activities in the Auckland Region.



A copy of the application has been forwarded to Auckland Council Earthworks Specialist, Matt Byrne who has confirmed the Erosion and Sediment Control measures proposed are acceptable, and has stated:

*The AEE implies that the proposed erosion and sediment control measures will ensure the proper management of any potential sediment related effects the earthworks may cause. They indicate that appropriate erosion and sediment control measures will be installed to properly manage the potential effects of the earthworks and that any resulting adverse effects will be less than minor.*

*An assessment of the technical aspects of the earthworks and sediment control methodology has been undertaken and provided the earthworks are completed in accordance with the application documents, all supporting information, and on any additional recommendations as noted above, I concur with the applicant's assessment and consider that the potential effects associated with sediment discharge will be appropriately managed.*

Following Woods' assessments and Mr Byrne's technical review, I consider that subject to the installation of appropriate erosion and sediment controls that any adverse effects will be less than minor.

Council's Development Engineer, Samuel Holmes has reviewed the proposed earthworks in respect to geotechnical matters including land stability. Mr Holmes has confirmed that the earthworks associated with this application will be certified by CMW Geosciences as is recommended in the Geotechnical report lodged with the application. It is considered that the certification will ensure that adverse stability effects are appropriately managed and that the land is suitable for its intended residential use.

Woods have confirmed in their assessments that the proposed excavation would not be below the groundwater levels, and that these would not trigger any groundwater consents.

This has been reviewed by Council's Groundwater Specialist, Richard Simmonds who has confirmed this is a permitted activity and has stated:

*"We consider that the proposal is a Permitted Activity when assessed against AUP Standards E7.6.1.6 (1 to 3) & E7.6.1.10 (1 to 6) and a Consent for dewatering and groundwater diversion is not required."*

Overall, any adverse effects associated with the proposed earthworks including sediment and erosion related effects together with land stability effects will be less than minor and that these will be appropriately mitigated through the implementation of the mitigation and management measures proposed by the applicant.

### **Flooding related effects**

The proposal involves earthworks (including filling) within a 1% AEP flood plain. As part of the application, detailed Flood modelling has been undertaken by Woods. This has confirmed following the earthworks that both the 10-year and 100-year flood extents will be contained within streams and open channels. The model confirms that there will be no impact on downstream properties or the wider catchment. The proposal will not prevent or hinder the conveyance of flood waters within the site and will not displace or result in a discernible increase of flood waters downstream or on neighbouring properties.

It is considered that the proposal will not displace or increase flooding either upstream / downstream or on neighbouring properties. The flood model confirms that there will be minimum change in flood extent and levels when compared to the pre-development model, and a reduction

of flood depths and flood extents overall.

### **Ecological effects / Streamworks / Wetland Reclamation**

The proposal includes the installation of a culvert within a stream on site identified as Stream P5. This is to enable the construction of road LR01. The proposed culvert is 27.3m in length with erosion and scour management structures (wingwall and rip-rap) less than 5m in length either side of the culvert. The applicant has demonstrated that the proposed culvert is a permitted activity under E3.4.1(A32). The culvert has been designed to comply with the AUP(OP) and NES-FM permitted standards. A Fish Management Plan is proposed as a consent condition.

The proposed earthworks and subdivision works will result in the complete reclamation of three wetlands located within the Stage 9 site area. A total area of 3,402m<sup>2</sup> of wetland (including the transition area) is proposed to be reclaimed. As part of the proposal, wetland off-setting at the Milldale North site is proposed that will involve joining three existing wetlands into one large high ecological value wetland and the creation of 3,542m<sup>2</sup> of new wetland, resulting in a total enhanced wetland area of 5,106m<sup>2</sup>. This will include earthworks and the alteration of vegetation within and within 10m of a natural inland wetland. The earthworks associated with offset at Milldale North will involve approximately 300m<sup>3</sup> of cut to fill over approximately 700m<sup>2</sup>.

In terms of the ecological values of the proposed wetlands to be reclaimed, it has been determined by both the applicants Ecologist, Mark Delaney and the Council's Ecologist Antoinette Bootsma that the ecological values of the wetlands are low *"due to the high modification from agricultural practices, lack of structural tiers, very high dominance of exotic species, altered hydrology through historical drainage and lack of aquatic habitat. Historical agricultural practices severely impacted these areas through pugging and grazing."*

As part of the assessment of Ecological Effects, Ms Bootsma has undertaken a detailed review and assessment of the EclA prepared by Vidris. This includes an assessment of the potential loss of wetland extent and potential effects on the wetland values. In respect to the potential loss of wetland extent the proposal will involve a total of 0.3402ha of natural wetland extent to be reclaimed at the impact site and a total of 0.3542ha of new natural wetland is proposed to be created at the offset site. Ms Bootsma has confirmed that: *"The new created natural wetland will redress the loss of wetland extent at the impact site and will result in a no-net-loss in natural wetland extent, rather a marginal net gain of 140m<sup>2</sup>. I agree that there will be no net loss of wetland extent in the wider Ōrewa river catchment."*

The proposed wetland off set has been designed to join three existing wetlands and will involve the installation of bunds to detain surface runoff, sediment, and contaminants from flowing downstream. Ms Bootsma has confirmed that the proposed wetland design for the off-set site is appropriate and has advised, *"I agree that altering local hydrological drivers to recreate new natural wetland area and joining the three current offset wetlands, will result in creating additional natural wetland extent."*

In respect to the potential effects on wetland values, Ms Bootsma had confirmed that the creation of new wetland habitat in the same wider catchment as the impact site and enhancement planting of the new and current offset natural wetlands will result in appropriate level of offsetting the loss of wetland value. In addition, Viridis have provided a detailed analysis / calculation of the offset assessment using the WEV (Wetland Ecological Valuation) tool which demonstrates that the potential value of the offset wetlands will fully address loss of value on the impact site. This has been reviewed and confirmed by Ms Bootsma who has recommended a suite of consent conditions to ensure the that target natural wetland values are obtained and that remedial action is applied where required.

Ms Bootsma has concluded that:

*The applicant has provided an assessment against matters pertinent to the Auckland Unitary Plan (Operating in Part) Chapter E3 and the National Environment Standards for Freshwater Regulations 45 and 45C. I agree that, upon conclusion of the wetland establishment, enhancement planting and associated monitoring, and subject to the imposition of consent conditions, no residual ecological effects will occur and that no loss of wetland value and extent will result from the activities proposed in this application.*

I accept this assessment, and also note the following:

- Regulation 45C (11) sets out the relevant matters in assessing the removal of wetlands for urban development. I consider these matters as relevant in assessing the extent of adverse effects of the removal of the wetland. These matters broadly reflect the considerations required under the relevant objectives and policies of the Unitary Plan.
- The applicant has provided an analysis as it relates to the wetland removal on pages 74-82 which has been adopted for the purposes of this assessment.
- The removal of the wetland ensures and contributes to the function of urban development for the broader Wainui Precinct.
- Related to this, the location of infrastructure and subdivision patterns in this stage is largely fixed and constrained. The surrounding stages already approved and under implementation has dictated the where and how infrastructure and urban development is undertaken in this stage, with particular reference to stage 6 to the north, and the Local Centre subdivision direct west of this current stage. It is also noted that the stage is constrained by the presence of an existing stream, which has a higher degree of protection with the requirement to demonstrate functional need. The Wainui Precinct Plan also imposes an added layer of requirements for the broader layout of the development and supporting infrastructure. With the constraints being considered, there are no practicable alternative locations or designs that would result in lesser impact.
- Effects management hierarchy and its steps has been applied by the applicant in assessing this proposal and preparing the application. This analysis of the effects management hierarchy has been accepted, and it is concluded that the offset of the ecological values is appropriate in addressing the adverse effects.

Overall, the proposal meets the relevant provisions of the NES-F and the Unitary to Plan and therefore has minor adverse effects even in the context as set out in these planning instruments.

Having regard to the assessment above and that of Ms Bootsma, I consider that any adverse ecological effects including potential loss of wetland extent and potential effects on the wetland values as they relate to the wetland reclamation and proposed off-setting will be less than minor and will be appropriately mitigated by the implementation of the Wetland Management Plan and recommendations of the Ecological Assessment that has been lodged with the application including fish management plan and proposed wetland off-setting at the Milldale North site.

### **Construction effects**

To ensure that construction effects including during the earthworks stage are appropriately managed with Construction Traffic Management Plan are required to be submitted for Council approval. These include construction works to be carried out in accordance with the Construction Traffic Management Plan, implementation of construction measures imposed via consent conditions, which has been agreed upon by the applicant. These measures include but are not

limited to, restricted hours of operation thereby avoiding works during the night-time, dust, and odour measures, ensuring parking, and loading of vehicles associated with works to be contained with the application sites.

These have been offered/ agreed as consent conditions by the applicant. I consider the construction effects including construction traffic associated with the earthworks and overall construction activities can be managed as part of the construction traffic management plan and offered consent conditions.

A Construction Noise and Vibration Report prepared by Styles Group has been lodged with the application. This has found that the the proposal will result in a 5dB non-compliance with the permitted construction noise standards of 70 dB LAeq and 85 dB LAFmax in E25.6.27 where the proposed earthworks are located within approximately 5m of occupied dwellings at receivers labelled F to J. In addition, the proposal involves a non-compliance with the permitted construction vibration standard of 2mm/s PPV under E25.6.30(b) at receiver H (73 Waiwai Drive) for the construction of COAL 603. The assessment prepared by Styles Group has provided a number of recommendations that are proposed to be implemented. These include the preparation and implementation of a Construction Noise and Vibration Management Plan, control of plants within 30m of an occupied dwelling and temporary acoustic barriers.

This has been reviewed by Councils Acoustic Specialist, Mr Peter Runcie who concurs with the Styles Group Construction Noise and Vibration Report and has confirmed that subject to the implementation of the proposed mitigation measures that any construction noise and vibration effects will be less than minor. Furthermore, the proposed construction noise infringements will be intermittent and short-term in duration. All construction works will be managed in accordance with a CNVMP, which includes measures to minimise noise and resultant effects, such as through best practice use of equipment, consultation with adjacent receivers and monitoring. It is considered given the minimal nature of the construction noise exceedances up to 5dBA and vibration exceedances together with the proposed mitigation measures including the implementation of the CNVMP that any adverse construction noise effects can be appropriately managed to an extent that these effects are less than minor.

Stability and sediment run-off generated from the earthworks is managed on the subject site, to ensure that there will be no adverse construction related effects beyond those permitted by the Plan.

### **Cultural heritage and Mana Whenua values**

There are no identified cultural heritage sites recorded in the council's system for this site. Notwithstanding the previously approved enabling earthworks that are underway, as part of the resource consents process, local Iwi are given a list of all the resource consent applications received in their area and can then request additional information regarding the application and undertake a site visit. To date, the local Iwi have not requested additional information or provided written comment. It is further noted that the applicant has consulted with a number of iwi as set out in the email from Woods dated 9 November 2023 and no response has been received from Iwi since.

AUP(OP) contains provisions (rules) for discovery protocols (in the event of discovery of sensitive material which is not expressly provided for by any resource consent) should the need arise. An advice note to this affect is listed as part of this consent.

In terms effects on the mauri of water from earthworks, appropriate mitigation measures such as adequate erosion and sediment control measures will be implemented to ensure adverse effects on the mauri of water will be less than minor.

Due to the reasons above, it is considered that the proposal will have less than minor adverse effects on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga or; effects on scheduled archaeological sites in Schedule 14.1 contained in the AUP(OP).

### **Conclusion**

For the reasons set out above any adverse effects on the environment are considered to be less than minor.

### **Step 4: public notification in special circumstances**

If an application has not been publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified (s95A(9)).

Special circumstances are those that are:

- Exceptional, abnormal or unusual, but something less than extraordinary or unique;
- outside of the common run of applications of this nature; or
- circumstances which make notification desirable, notwithstanding the conclusion that the activities will not have adverse effects on the environment that are more than minor.

In this instance I have turned my mind specifically to the existence of any special circumstances and conclude that there is nothing exceptional or unusual about the application, and that the proposal has nothing out of the ordinary run of things to suggest that public notification should occur.

In this case, the subdivision and associated works of the form and intensity proposed that is not unusual in a residential setting in this emerging locality that is undergoing significant change from its original greenfield setting. While concern has been raised from the Local Board in relation to flooding hazards, open space and wetland removal, these matters have been canvassed in the reporting. An application receiving feedback from the Board in itself does not give rise to special circumstances.

Overall, there is no special circumstances relating to this application that would require public notification.

### **Public notification conclusion**

Having undertaken the s95A public notification tests, the following conclusions are reached:

- Under step 1, public notification is not mandatory.
- Under step 2, there is no rule or NES that specifically precludes public notification of the activities, and the application is for activities other than those specified in s95A(5)(b).
- Under step 3, public notification is not required as the application is for activities that are not subject to a rule that specifically requires it, and it is considered that the activities will not have adverse effects on the environment that are more than minor.
- Under step 4, there are no special circumstances that warrant the application being publicly notified.

It is therefore recommended that this application be processed without public notification.

## **7. Limited notification assessment (sections 95B, 95E-95G)**

If the application is not publicly notified under s95A, the council must follow the steps set out in s95B to determine whether to limited notify the application. These steps are addressed in the statutory order below.

### Step 1: certain affected protected customary rights groups must be notified

There are no protected customary rights groups or customary marine title groups affected by the proposed activity (s95B(2)).

In addition, the council must determine whether the proposed activity is on or adjacent to, or may affect, land that is subject of a statutory acknowledgement under schedule 11, and whether the person to whom the statutory acknowledgement is made is an affected person (s95B(3)). Within the Auckland region the following statutory acknowledgements are relevant:

- Te Uri o Hau Claims Settlement Act 2002
- Ngāti Manuhiri Claims Settlement Act 2012
- Ngāti Whātua Ōrākei Claims Settlement Act 2012
- Ngāti Whātua o Kaipara Claims Settlement Act 2013
- Te Kawerau ā Maki Claims Settlement Act 2015
- Ngāti Tamaoho Claims Settlement Act 2018
- Ngāi Tai Ki Tāmaki Claims Settlement Act 2018

In this instance, the proposal is not on or adjacent to and will not affect land that is subject to a statutory acknowledgement and will not result in adversely affected persons in this regard.

Notwithstanding this, the applicant has consulted directly with Iwi Groups in respect to the proposed works (including earthworks and streamworks). It is understood that no responses have been received from the following Iwi who were consulted:

- Ngāi Tai ki Tāmaki
- Ngāti Manuhiri
- Ngāti Maru
- Ngāti Whātua o Kaipara
- Ngāti Te Ata
- Ngātiwai
- Ngāti Whātua Ōrākei
- Te Ākitai Waiohū
- Ngāti Pāoa
- Te Kāwerau ā Maki
- Ngāti Whanaunga; and
- Te Rūnanga o Ngāti Whātua.

### Step 2: if not required by step 1, limited notification precluded in certain circumstances

The application is not precluded from limited notification as:

- The application is not for one or more activities that are exclusively subject to a rule or NES which preclude limited notification (s95B(6)(a)), and
- The application is not exclusively for one or both of the following: a controlled activity, other than a subdivision, that requires consent under a district plan; or a prescribed activity (s95B(6)(b)).

### Step 3: if not precluded by step 2, certain other affected persons must be notified

As this application is not for a boundary activity or a prescribed activity, there are no affected persons related to those types of activities (s95B(7)).

The following assessment addresses whether there are any affected persons that the application is required to be limited notified to (s95B(8)).

In determining whether a person is an affected person:

- A person is affected if the activity's adverse effects on that person are minor or more than minor (but not less than minor)
- Adverse effects permitted by a rule in a plan or NES (the permitted baseline) may be disregarded; and
- The adverse effects on those persons who have provided their written approval must be disregarded,

### Adversely affected persons assessment (sections 95B(8) and 95E)

Mr Williams has provided in Section 9.4 in accordance with schedule 4 of the RMA, an assessment of adversely affected persons in such detail as corresponds with the scale and significance of the effects that the activity may have on persons in the surrounding environment.

This concludes that no persons are adversely affected to a minor or more than minor degree. I am in agreement with this assessment and to avoid unnecessary duplication would refer you to section 9.4 of the application AEE. The following additional points are made:

- Any visual effects resulting from the proposed earthworks activities at each site will be temporary in nature. The earthworks at the Milldale site are required to prepare the site for the future residential development anticipated under the AUP(OP) residential zoning and Wainui Precinct provisions. The earthworks will not significantly alter the landform or visual amenity of the site and can be reasonably anticipated when taking into account the relevant planning provisions. Any amenity, character or streetscape effects upon any person will be less than minor.
- Any adverse visual effects will be less than minor as the earthworks and finished land contours will not be a visually dominant feature when viewed from persons on adjacent sites.
- Whilst the subdivision will result in a change to the character and amenity of the immediate area and therefore change in character and amenity on adjacent owners and or occupiers once the subdivision is completed, the resulting urban character and related infrastructure and associated effects are anticipated as part of the urban zoning of the land. As such, adverse effects on amenity values upon owners and occupiers of adjacent land and any other persons will be less than minor.
- The proposed block arrangement will provide a street layout, block configuration and lot

sizes that are considered appropriate for the location. The proposal will ensure the road layout and wider connectivity are provided in broad accordance with the I544.10.1 Wainui: Precinct plan 1. In this regard any adverse effects will be similar to those that are anticipated in this location.

- The layout of the proposed subdivision and site works are considered to be in keeping with the anticipated future subdivision land pattern (including its amenity values and character) on the subject land and within the I544.10.1 Wainui: Precinct plan 1. The proposed subdivision layout and road pattern is consistent with these anticipated outcomes and is considered to be in keeping with the amenity and future residential and neighbourhood character of the surrounding environment and will not adversely affect any persons.
- The shape and size of the vacant residential lots (Lots 100-113) and the residential super-lot (Lots 500, 501, 502, 550 and 55) will provide a future land use pattern that enables future development (and subdivision) to occur in a manner that is compatible with the anticipated site sizes and the future planned character within this part of the Wainui precinct. The lot sizes proposed are consistent with the outcomes anticipated by the Terrace Housing and Apartment Building and Mixed Housing Urban Zones, and Wainui Precinct and are in keeping with the anticipated subdivision pattern in this location.
- The proposed 50% building coverage will enable an efficient use of the Mixed Housing Urban zoned land and given the location immediate adjacent to the Residential Terrace Housing and Apartment Building zone this will provide an appropriate distinction between the subject land and other Mixed Housing Urban zone sites within the Wainui precinct and the wider Auckland area.
- In respect to the 3 proposed super lots (Lots 552-554) that are located within the Business Local Centre zone, these are considered to be of a shape and size that will enable future business (and residential) development/ activities to be accommodated in manner that will achieve the anticipated outcomes for the Local Centre.
- Council's Development Engineer has confirmed that the proposed development and subdivision can be appropriately serviced, and that existing infrastructure has capacity to accommodate the proposal in a manner that will not adversely affect adjacent persons.
- Auckland Transport, the future road controlling authority of the proposed roads and surrounding road network has reviewed roading infrastructure and has raised no concerns with the design of the road network and the capacity of the additional traffic expected to be accommodated by the proposed and existing road network. Subject to consent conditions adopted by the applicant, the proposal will be supported by its own road network and appropriate levels of safety and efficiency on the surrounding transport network will be maintained. As such, adverse traffic related effects as a result of the proposed subdivision upon any other persons will be less than minor.
- The overall fencing typologies will provide for appropriate boundary treatments in a manner that enables an appropriate level of visual permeability into the site and provides passive surveillance of the streets). The fencing and landscaping have been designed in an integrated manner which will ensure the fencing has an appropriate relationship with the streets, accessways and COAL and that this maintains an appropriate level of streetscape amenity.
- Any construction effects will be short-term and can be appropriately managed. To ensure that construction effects including during the earthworks stage are appropriately



managed, a Construction Traffic Management Plan is required to be submitted for Council approval. This has been offered as consent conditions by the applicant. I consider the construction effects including construction traffic associated with the earthworks and overall construction activities can be managed as part of the construction / traffic management plans.

- A Construction Noise and Vibration Report prepared by Styles Group has been lodged with the application. This has found that the the proposal will result in a 5dB non-compliance with the permitted construction noise standards of 70 dB LAeq and 85 dB LAFmax in E25.6.27 where the proposed earthworks are located within approximately 5m of occupied dwellings at receivers labelled F to J. In addition, the proposal involves a non-compliance with the permitted construction vibration standard of 2mm/s PPV under E25.6.30(b) at receiver H (73 Waiwai Drive) for the construction of COAL 603. The assessment prepared by Styles Group has provided a number of recommendations that are proposed to be implemented. These include the preparation and implementation of a Construction Noise and Vibration Management Plan, control of plants within 30m of an occupied dwelling and temporary acoustic barriers.
- This has been reviewed by Council's Acoustic Specialist, Mr Peter Runcie who concurs with the Styles Group Construction Noise and Vibration Report and has confirmed that subject to the implementation of the proposed mitigation measures that any construction noise and vibration effects will be less than minor. Furthermore, the proposed construction noise infringements will be intermittent and short-term in duration. All construction works will be managed in accordance with a CNVMP, which includes measures to minimise noise and resultant effects, such as through best practice use of equipment, consultation with adjacent receivers and monitoring. It is considered given the minimal nature of the construction noise exceedances up to 5dBA and vibration exceedances together with the proposed mitigation measures including the implementation of the CNVMP that any adverse construction noise effects can be appropriately managed to an extent that these effects are less than minor.

### Summary

On the basis of the preceding assessments, it is considered that adverse effects on all adjacent properties are less than minor.

### **Step 4: further notification in special circumstances**

If an application has not been publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified (s95A(9)).

Special circumstances are those that are:

- Exceptional, abnormal or unusual, but something less than extraordinary or unique;
- outside of the common run of applications of this nature; or
- circumstances which make notification desirable, notwithstanding the conclusion that the activities will not have adverse effects on the environment that are more than minor.

In this instance I have turned my mind specifically to the existence of any special circumstances and conclude that there is nothing exceptional or unusual about the application, and that the proposal has nothing out of the ordinary run of things to suggest that public notification should occur.

In this case, the subdivision and associated works of the form and intensity proposed that is not unusual in a residential setting in this emerging locality that is undergoing significant change from its original greenfield setting. While concern has been raised from the Local Board in relation to flooding hazards, open space and wetland removal, these matters have been canvassed in the reporting. An application receiving feedback from the Board in itself does not give rise to special circumstances.

Overall, there is no special circumstances relating to this application that would require limited notification to any persons or groups.

## Limited notification conclusion

Having undertaken the s95B limited notification tests, the following conclusions are reached:

- Under step 1, limited notification is not mandatory.
- Under step 2, there is no rule or NES that specifically precludes limited notification of the activities, and the application is for an activity other than those specified in s95B(6)(b).
- Under step 3, limited notification is not required as it is considered that the activity will not result in any adversely affected persons.
- Under step 4, there are no special circumstances that warrant the application being limited notified to any persons.

It is therefore recommended that this application be processed without limited notification.

## 8. Notification recommendation

### Non-notification

For the above reasons under section 95A this application may be processed without public notification.

In addition, under section 95B, limited notification is not required.

Accordingly, I recommend that this application is processed non-notified.



Dylan Pope

Date: 10 June 2024

Consultant Planner

Resource Consents

## 9. Notification determination

Acting under delegated authority, and for the reasons set out in the above assessment and recommendation, under sections 95A and 95C to 95D, and 95B and 95E to 95G of the RMA this application shall be processed non-notified.



Masato Nakamura

Date: 10 June 2024

Principal Project Lead

Premium Resource Consents

# Decision on application for resource consent under the Resource Management Act 1991



## Decision One

Non-Complying activity Land use (s9)

Non-Complying activity for Streamworks (s13)

<b>Application numbers:</b>	BUN60427756 (Council Reference) LUC60427757 (s9 land use consent) LUS60427758 (s13 Streamworks consent)
<b>Applicant's name:</b>	Fulton Hogan Land Development Limited
<b>Site address:</b>	<u>Milldale Stage 9 site</u> 131 Argent Lane, Milldale <u>Off Set Site</u> 173 Upper Orewa Road, Wainui
<b>Legal description:</b>	<u>Milldale Stage 9</u> Lot 9000 DP 593859, SECT 1 SO 547623 Lot 14 DP 168913 Lot 5 DP 151229 <u>Milldale North Offset site</u> Part Allot 74 Parish of Waiwera

## Proposal:

To carry out earthworks to facilitate the development of the site involving 30,779m<sup>3</sup> of earthworks over an area of 7.94ha including approximately 32,5100m<sup>3</sup> cut and 98,269m<sup>3</sup> fill. This will include earthworks in the riparian margin over an area of 9,434m<sup>2</sup> with cut of 450m<sup>3</sup> and fill of 3,717m<sup>3</sup>.

The proposed earthworks and subdivision works will result in the complete reclamation of three wetlands located within the Stage 9 site. A total area of 3,402m<sup>2</sup> of wetland (including the transition area) is proposed to be reclaimed. The proposed wetland off-setting will involve joining three existing wetlands into one large high ecological value wetland and the creation of 3,542m<sup>2</sup> of new wetland, resulting in a total enhanced wetland area of 5,106m<sup>2</sup>. This will include earthworks and the alteration of vegetation within and within 10m of a natural inland wetland. The earthworks associated with offset mitigation at Milldale North will involve approximately 300m<sup>3</sup> of cut to fill over approximately 700m<sup>2</sup>.

It is also proposed for blanket land use consents relating to the future construction and use on the relevant lots of subdivision consent referenced by council as SUB60427759, which involves the measurements of the height in relation to the boundary standard where it is measured from top of retaining walls; breach of the 3m maximum vehicle access width; 50% building coverage and; breaches to the and Open Space Zone standards.

Resource consent is required for the following reasons:

### Milldale Stage 9 Site

#### **Streamworks Consent (s13) LUS60427758**

##### Auckland Unitary Plan (Operative in Part)

##### E3 Lakes, rivers, streams, and wetlands

- The proposal involves the reclamation of three natural wetlands (wetland W1, W2 and W3). This requires consent as a non-complying activity under E3.4.1(A49).

##### National Environmental Standard for Freshwater (NES-FM)

- The proposal involves vegetation clearance within natural inland wetlands for the construction of specified infrastructure (two roads and a key pedestrian accessway). This requires consent as a discretionary activity under regulation 45(1) and (2).
- The proposal involves vegetation clearance within natural inland wetlands for the construction of urban development. This requires consent as a restricted discretionary activity under regulation 45C(1) and (2).

#### **Land use consents (s9) LUC60427757**

##### Auckland Unitary Plan (Operative in Part)

##### **Regional land use - section 9(2)**

##### E11 Land Disturbance - Regional

- Pursuant to E11.4.1(A9) the proposal involves earthworks greater than 2,500m<sup>2</sup> where the land which is located within a Sediment Control Protection Area. The application proposes to undertake earthworks over an area of 7.94ha hectares. This requires consent as a restricted discretionary activity.
- Pursuant to E11.4.1(A8) the proposal involves earthworks greater than 2,500m<sup>2</sup> where the land has a slope equal to or greater than 10 degrees. The application proposes to undertake earthworks over an area of 7.94ha hectares. This requires consent as a restricted discretionary activity.

##### **District land use – section 9(3)**

##### E12 Land Disturbance - District

- Pursuant to E12.4.1(A6) the proposal involves earthworks that are greater than 2,500m<sup>2</sup> in area, with 7.94ha of earthworks proposed across the development/ site area. This requires consent as a restricted discretionary activity.
- Pursuant to E12.4.1(A10) the proposal involves earthworks that are greater than 2,500m<sup>3</sup> in volume. The application proposes to undertake earthworks with a total volume of 130,779m<sup>3</sup> (32,510m<sup>3</sup> of cut and 98,269m<sup>3</sup>). This requires consent as a restricted discretionary activity.
- The proposal involves earthworks (including filling) within a 1% AEP flood plain. Earthworks in the 1% AEP floodplain cover an area of 4,452m<sup>2</sup> with cut of 266m<sup>3</sup> and fill of 12,709m<sup>3</sup>. This requires consent as a restricted discretionary activity under rule E12.6.2(A11) and C1.9(2).

- The proposal involves earthworks within the 10m riparian yard over 5m<sup>2</sup> or 5m<sup>3</sup> (with approximately 9,423m<sup>2</sup> and 4,673m<sup>3</sup> proposed). This requires consent as a restricted discretionary activity under rule E12.6.2 and C1.9(2).

#### E15. Vegetation management and biodiversity

- The proposal involves vegetation alteration or removal within a natural wetland. This requires consent as a restricted discretionary activity under E15.4.1(A18).

#### E25 Noise and Vibration

- The proposal involves a 5dB non-compliance with the permitted construction noise standards of 70 dB LAeq and 85 dB LAFmax in E25.6.27 where the proposed earthworks are located within approximately 5m of occupied dwellings at receivers labelled F to J. This requires consent as a restricted discretionary activity under E25.4.1(A2).
- The proposal involves a non-compliance with the permitted construction vibration standard of 2mm/s PPV under E25.6.30(b) at receiver H (73 Waiwai Drive) for the construction of COAL 603. This requires consent as a restricted discretionary activity under E25.4.1(A2).

#### E27 Transport

- Pursuant to activity table E27.4.1 (A2), consent is required as a restricted discretionary activity where parking and access does not comply with the relevant standards as follows:
  - Resource consent is required establish vehicle crossings that exceed the maximum width requirement of 3.5m, with vehicle crossings up to 4.8m wide proposed. This is a restricted discretionary activity pursuant to rule E27.4.1(A2) and E27.6.4.3.2.

#### H5 Residential Mixed Housing Urban

- The establishment of combined retaining wall and 1.2m high fencing located within the front, side, and rear yards above the permitted maximum height of 1.2m within the front yard or 2m in the side/rear yard. This requires consent as a restricted discretionary activity pursuant to rule H5.6.15 and C1.9(2).

#### I544 Wainui Precinct

- The proposal involves development that is in general accordance with I544.10.1 Wainui: Precinct Plan. This requires consent as a restricted discretionary activity pursuant to rule I544.4.1(A2).

### **Blanket consents**

#### Residential: Mixed Housing Urban

- Blanket land use consent to enable buildings with a maximum building coverage of 50% on all lots in the Mixed Housing Urban zone, including Lot 100-112, 500 -502. This requires consents as a restricted discretionary activity under rule C1.2(2) and H5.6.10.
- Blanket land use consent to apply the height in relation to boundary standard to new development from the top of the proposed retaining walls and not the approved ground level at the time of subdivision. This requires consent as a discretionary activity pursuant to rule C1.7(1). This applies to Lots 104-112.

### I544 Wainui Precinct

- Blanket land use consent is sought for building and development in accordance with Rule I544.10.1 Wainui Precinct Plan 1 on Lot 100-112, 500-502 and 550-554. This requires consent as a restricted discretionary activity under rule I544.10.1(A2).

### Residential: Mixed Housing Urban, Terrace Housing and Apartment Building zone, Business: Local Centre and Open Space Informal Recreation zones (Residential Lot 108, Residential super lot 550, Local Centre super lots 553 and 554):

- Blanket land use consent to construct new residential buildings within the Open Space zone on Lot 108, residential Super lot 550 and local centre Super-lots 553 and 554, an activity not provided for. This requires consent as a non-complying activity pursuant to rule H7.9.1(A1).
- Blanket land use consent to construct new buildings within the Open Space zone on Lot 108, residential Super lot 550 and local centre Super-lots 553 and 554 that do not comply with one or more standards. This requires consent as a discretionary activity pursuant to rule H7.9.1(A38) and C1.9(2).
- Blanket land use consent for commercial activities including new buildings on Lots 553 and 554 in the Open Space – Informal Recreation zone. This requires consent as a non-complying activity under rule H7.9.1(A1).
- Blanket land use consent for new buildings that do not comply with the Open Space zone standards on Lot 108, residential Super lot 550 and local centre Super-lots 553 and 554. This requires consent as a discretionary activity under rule H7.9.1(A39) and C1.9(2).
- Blanket land use consent for fences on the front boundary less than 50% transparent in the Open Space zone on Lot 108, residential Super lot 550 and local centre Super-lots 553 and 554. This requires consent as a restricted discretionary activity under rule H7.9.1(A43).
- Blanket land use consent for the construction of vehicle access and parking areas in the Open Space zone on Lot 108, residential Super lot 550 and local centre Super-lots 553 and 554. This requires consent as a discretionary activity under rule H7.9.1(A50).
- Blanket land use consent to exclusively apply Mixed Housing Urban zone standards on those parts of Lot 108 that is Open Space – Informal Recreation zone. This requires consent as a discretionary activity pursuant to rule C1.7(1).
- Blanket land use consent to exclusively apply Terraces Housing and Apartment zone standards on those parts of Lot 550 that is Open Space – Informal Recreation zone. This requires consent as a discretionary activity pursuant to rule C1.7(1).
- Blanket land use consent to exclusively apply Local Centre zone standards on those parts of Lots 553 and 554 that is Open Space – Informal Recreation zone. This requires consent as a discretionary activity pursuant to rule C1.7(1).

### National Environmental Standard for Freshwater (NES-FM)

- Consent for a non-complying activity under Regulation 54(b) of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES:F) is required as the proposal includes earthworks within and within 10m of a natural inland wetland. This reason for consent is for both the parent site and off-set site at Milldale North.

## Milldale North Wetland Reclamation off-site

### Auckland Unitary Plan (Operative in Part)

#### *E12 Land Disturbance – District*

- The proposal involves earthworks within the 10m riparian yard over 5m<sup>2</sup> or 5m<sup>3</sup>. This requires consent as a restricted discretionary activity under rule E12.6.2 and C1.9(2).

### National Environmental Standard for Freshwater (NES-FM)

- Consent for a non-complying activity under Regulation 54(b) of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES:F) is required as the proposal includes earthworks within and within 10m of a natural inland wetland.

## Decision

I have read the application, supporting documents, and the report and recommendations on the consent applications. I am satisfied that I have sufficient information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application.

Acting under delegated authority, under sections 104 and 104D the applications are **GRANTED**.

## 1. Reasons

The reasons for this decision are:

1. In accordance with an assessment under s104(1)(a) of the RMA the actual and potential effects from the proposal will be acceptable as:
  - a. The design and location of vehicle crossings to future lots will not adversely impact on traffic safety upon road users and the operation of the future roading network. Only those sites that have a frontage width of 14m or greater can construct a crossing up to 4.8m wide. Therefore, allowing for adequate space for front yard landscaping without adversely affecting the street amenity of streetscapes.
  - b. The traffic generation from the future development is broadly consistent with that anticipated within the Integrated Transport Assessment (ITA) approved for the Wainui Precinct. Any impact onto the intersections within the locality will be appropriate and will not reduce its overall operational effectiveness.
  - c. Whilst future residential development is proposed on land zoned as the Open Space Zone, broad zoning has been applied to the precinct plan and have been identified as being surplus to the requirements of Auckland Council Parks for reserve purposes. In this context and given the small extent of the open space land area any adverse effects as result of the change from open space to residential uses of such land, onto the wider environment is appropriately mitigated.
  - d. The utilisation of the relevant standards as they relate to the Residential: Mixed Housing Urban zone for Residential Lot 108; Residential: Terrace Housing and Apartment Building zone for Residential Super-lot 550 and Business: Local Centre zone for Super-lots 553 and 554 is appropriate, taking into account the



site context and that the above residential lots and super lots sit within a wider Residential Mixed Housing Urban zone, Terrace Housing and Apartment Building zone, and Business: Local Centre zone context.

- e. The height and design of the proposed retaining walls and landscaping at the site interfaces will ensure these structures are not visually dominant and will provide an appropriate relationship with adjacent sites.
- f. The proposed earthworks and associated at the Milldale Stage 9 site will result in some visual change. However, this is required to be assessed in the context of the wider Milldale area, which is currently undergoing significant transformation whereby the previous rural landscape is transforming to a modified urban landscape. Any visual effects resulting from the proposed earthworks activity will be temporary in nature. The earthworks are required to prepare the site for the future residential development and infrastructure (including roading) anticipated under the AUP(OP) residential zoning and Wainui Precinct provisions. The earthworks are required to provide cuts to steeper parts of the site and fill in low lying areas and to provide appropriate land contours for future residential development and associated infrastructure. The earthworks will not significantly alter the landform or visual amenity of the site and can be reasonably anticipated when taking into account the site context and receiving environment.
- g. The duration of proposed earthwork activity over a relatively short time will mean any adverse nuisance effects including dust and noise will be minimised. Noise and effects can be appropriately managed on site. Subject to the proposed mitigation measures (dust and noise) which are included as part of the application will ensure that any adverse noise and dust effects will be appropriately managed and mitigated.
- h. Earthworks will be undertaken during daylight hours and therefore lighting from the construction and earthworks activities will be avoided.
- i. The earthworks are necessary to facilitate the future residential subdivision and associated roading and is of a scale that is appropriate to the development and location which is undergoing some transformation.
- j. Erosion and Sediment Control measures are proposed to ensure adverse sediment run-off effects are appropriately managed and mitigated during the earthworks stage of the development.
- k. The proposal will not displace or increase flooding either upstream/downstream or on neighbouring properties. The flood model confirms that there will be minimum change in flood extent and levels when compared to the pre-development model, and a reduction of flood depths and flood extents overall.
- l. Any adverse ecological effects including potential loss of wetland extent and potential effects on the wetland values as they relate to the wetland reclamation will be appropriately mitigated by the implementation of the Wetland Management Plan and recommendations of the Ecological Assessment that has been lodged with the application including fish management plan and proposed wetland off-setting at the Milldale North site. Overall, the ecological effects generated by the proposal will be appropriately mitigated and acceptable.
- m. Any adverse effects on the relationship of Maori and their culture and traditions

with their ancestral lands, water, sites, waahi tapu and other taonga will be acceptable.

- n. In terms of positive effects, the proposed earthworks and lake reclamations activities will enable the future development of the site for residential use and associated infrastructure (including roading) contributing to housing that is in short supply across the Auckland region.
  - o. With reference to s104(1)(ab), the proposed offsetting or environmental compensation measures proposed by the applicant that include the off-setting / environmental mitigation that will include proposed wetland off-setting at the Milldale North site which will ensure positive effects on the environment and offsets the proposed loss of wetland extent and values.
2. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents. In particular, the objectives and policies contained in Chapters I544 (Wainui Precinct Precinct), H5 (Residential – Mixed Housing Urban), H6 (Residential – Terrace Housing and Apartment Building zone) H7 (Open Space) , H11 (Local Centre zone) E1 and E3 (Streams and Water Quality); E9 (Stormwater Quality) E11 & E12 (Land disturbance), and E27 (Transportation) of the Auckland Unitary Plan (Operative in part); and the relevant objectives and policies of the National Policy Statement: Freshwater Management 2020 and National Environment Standard for Freshwater 2020. In addition to the reasons outlined within the above ss104(1)(a) and (ab) assessments and in summary:
- a. The ecological effects of the proposed wetland reclamation are appropriately addressed through an offset / mitigation package that achieves at least a no net loss outcome in respect of extent and loss of overall values.
  - b. There is no practicable alternative to the proposed removal of wetlands. For this specific stage, the location of infrastructure and subdivision patterns in this stage is largely fixed and constrained. This is noting the approved stages 4 (south and east), stage 6 (north) and Local Centre (west) that surround the development site, further constrained by the presence of an existing stream, and the Wainui Precinct Plan also imposes an added layer of requirements for the broader layout of the development and supporting infrastructure.
  - c. The effects management hierarchy and its steps has been followed appropriately. The offset of the ecological values is appropriate in addressing the adverse effects.
  - d. The risks of stability effects and the risk of natural hazards will be avoided. Earthworks will be carried out in accordance with geotechnical information provided and will be supervised by a qualified engineering professional with certification to be provided at completion of earthworks. This will ensure the site is suitable for the intended urban use and will not cause instability on or off-site.
  - e. The proposed land disturbance is necessary to enable the subdivision development with the design of the earthworks that will be undertaken in a manner that ensures the safety of people and stability and safety of surrounding land, buildings, and structures.

- f. The installation of appropriate erosion and sediment controls will ensure sediment is appropriately managed and that sediment discharge is minimised. The land disturbance activity will be temporary in nature therefore limiting the duration of effects; will be carried out during daylight hours with dust measures to be implemented should extensive dust arise as a result of the earthworks activity.
  - g. In terms of section E27, the vehicle crossings and associated access are designed and located to provide for safe, effective, and efficient movement to and from the proposed dwellings and will minimise potential conflicts between vehicles, pedestrians, and cyclists on the adjacent road network.
  - h. The proposal reinforces a safe and connected road pattern.
  - i. Whilst there is residential development proposed on land zoned as the Open Space Zone, the broad zoning that has been applied to the precinct plan and have been identified as being surplus to the requirements of both Auckland Council Parks for reserve purposes. An appropriate balance between residential and open space is achieved and the reduction of the area available for the reserve still maintains, and does not compromise the general location, scale and functionality of the planned reserve as envisaged by the Precinct Plan.
  - j. The proposal will maintain an appropriate level of amenity, and which can be appropriately serviced by public infrastructure.
  - k. The proposal can be serviced with infrastructure that is compatible and integrated with the proposed network.
  - l. The National Policy Statement: Freshwater Management 2020 and National Environment Standard for Freshwater 2020 are relevant to this application. The provisions within the NPS centres on safeguarding the life supporting capacity, ecosystem processes and indigenous species of water bodies in terms of water quality and quantity. The NES – FW seeks to avoid and minimise adverse effects on limited freshwater resources, the characteristics, ecological values and hydrological function of streams and natural wetlands and their intrinsic value.
  - m. The proposal is specifically consistent with Regulation 45C(11) of the NES-FW. The removal of the wetland supports the well-functioning of the proposed urban development, it has been concluded that there are no practicable alternative locations or designs that allow the avoidance or reduction in the extent of the removal, and the application has applied the effects management hierarchy appropriately.
  - n. For the reasons stated above, the proposal is consistent with the provisions in the NPS-FM 2020 and NES – FW.
  - o. Overall, the proposal overall is consistent with the relevant objectives and policies of the Auckland Unitary Plan (Operative in part) and relevant statutory documents.
3. There are no other matters that are relevant under s104(1)(c).
  4. There is no prohibition under s104D of the RMA on granting this non-complying activity. This is because the proposal is not contrary to the objectives and policies of the relevant plan and, will have adverse effects on the environment that are no more than minor.

5. The proposal satisfies the matters set out in s105 because it has been assessed that the applicant's choice of the proposed erosion and sediment control measures will result in appropriate management of any diversion and discharges associated with the earthworks. Further, the proposal satisfies section 107 of the RMA as it is considered that the proposal will not give rise to any of the effects listed in Section 107(1).
6. In the context of this proposal for a non-complying activity land use consent and streamworks and stormwater permits, where the objectives and policies of the relevant statutory documents were prepared having regard to Part 2 of the RMA, they capture all relevant planning considerations and contain a coherent set of policies designed to achieve clear environmental outcomes. They also provide a clear framework for assessing all relevant potential effects and there is no need to go beyond these provisions and look to Part 2 in making this decision as an assessment against Part 2 would not add anything to the evaluative exercise.
7. Overall, the proposal will generate adverse effects on the environment that are acceptable, and on balance is consistent with the relevant statutory documents and meets the purpose of the RMA as defined within Part 2 of the Act, and consent is granted subject to the conditions outlined below.

## Conditions

Under sections 108 and 108AA, of the RMA, this consent is subject to the following conditions:

**These conditions apply to consents LUC60427757 and LUS60427758**

### General conditions

1. The proposal must be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the council as consent number LUC60427757 and LUS60427758.
  - Application Form, and Assessment of Environmental Effects prepared by Woods dated 22 December 2023.

Report title and reference	Author	Rev	Dated
Milldale Stage 9 Geotechnical Investigation Report	CMW	1	Dec-23
Milldale Stage 9 Groundwater Dewatering Report	WWLA	1	Dec-23
Ecological Impact Assessment	Viridis	1	Dec-23
Milldale Stage 9 Stormwater Assessment	Woods	1	Oct-23
Milldale Stage 9 Preliminary Site Investigation	GES	-	Oct-23
Addendum for Milldale Earthworks Precincts 2 & 3	Clough	2	Jun-20
Urban Design Report	Woods	1	Dec-23
Local Centre Design Guidelines	Ignite	1	Sep-23
Infrastructure Report	Woods	1	Dec-23
Milldale Stage 9 Transportation Assessment	Stantec	2	Dec-23
Earthworks Functional Design Memo	Woods	-	Dec-23
Wainui Precinct Stage 8 & 9 Construction Noise and	Styles	1	Nov-23

Vibration Report	Group		
Milldale – Wetland Offsetting Proposal	WWLA	-	Nov-23
Milldale North Offset Site Earthworks Methodology Memo	Woods	-	Dec-23
Stage 9 Wetland Reclamation Assessment	Woods	-	Dec-23
Stantec Memorandum (Reference 310205941)	Stantec	-	Feb-24
Milldale Stage 9 Geotechnical Review	CMW	-	Feb-24

<b>Drawing Title and Reference</b>	<b>Author</b>	<b>Rev</b>	<b>Dated</b>
P23-082-09-0000-GE - COVER	WOODS	1	Dec-23
P23-082-09-0001-GE - DRAWINGS INDEX	WOODS	1	Dec-23
P23-082-09-0010-GE - SURVEY SCHEME PLAN	WOODS	3	May-24
P23-082-09-0101-GE - SITE LOCATION PLAN	WOODS	1	Nov-23
P23-082-09-0104-GE - ZONING PLAN	WOODS	1	Nov-23
P23-082-09-0105-GE - PRECINCT PLAN CONFORMANCE	WOODS	1	Nov-23
P23-082-09-0106-GE - EXISTING EARTHWORKS CONSENTS PLAN	WOODS	1	Nov-23
P23-082-09-0107-GE - EXISTING SUBDIVISION CONSENTS PLAN	WOODS	1	Nov-23
P23-082-09-0110-GE - DEVELOPMENT PLAN	WOODS	2	Mar-24
P23-082-09-1000-EW - EXISTING CONTOURS PLAN	WOODS	1	Nov-23
P23-082-09-1100-EW - DESIGN CONTOURS PLAN	WOODS	2	Mar-24
P23-082-09-1200-EW - DESIGN CUT FILL	WOODS	1	Nov-23
P23-082-09-1300-EW - DESIGN CROSS SECTIONS	WOODS	1	Nov-23
P23-082-09-1301-EW - DESIGN CROSS SECTION A	WOODS	1	Nov-23
P23-082-09-1302-EW - DESIGN CROSS SECTION B	WOODS	1	Nov-23
P23-082-09-1303-EW - DESIGN CROSS SECTION C	WOODS	1	Nov-23
P23-082-09-1304-EW - DESIGN CROSS SECTION D	WOODS	1	Nov-23
P23-082-09-1400-EW - RETAINING WALL PLAN	WOODS	2	Mar-24
P23-082-09-1800-EW - SEDIMENT & EROSION CONTROL PLAN - PHASE 1 - EARTHWORK	WOODS	1	Nov-23

## CONSTRUCTION

P23-082-09-1801-EW - SEDIMENT & EROSION CONTROL PLAN - PHASE 2 - CIVIL CONSTRUCTION	WOODS	1	Nov-23
P23-082-09-2000-RD - OVERALL ROADING LAYOUT PLAN	WOODS	2	Mar-24
P23-082-09-2200-RD - ROAD TYPOLOGY PLAN	WOODS	1	Nov-23
P23-082-09-2201-RD - TYPICAL ROAD SECTIONS - COLLECTOR ROAD 03	WOODS	1	Nov-23
P23-082-09-2202-RD - TYPICAL ROAD SECTIONS - SUBURBAN STREETS	WOODS	1	Nov-23
P23-082-09-2203-RD - LR03 CROSS SECTIONS - SUBURBAN STREET - DUAL - SINGLE CROSSFALL	WOODS	1	Nov-23
P23-082-09-2204-RD - TYPICAL ROAD CROSS SECTIONS & KERB DETAILS - JOALS AND PEDESTRIAN WALKWAY	WOODS	2	Mar-24
P23-082-09-2205-RD - TYPICAL CROSS SECTIONS - FOOTPATH, PEDESTRIAN ACCESSWAY AND KERB AND CHANNEL	WOODS	1	Nov-23
P23-082-09-2500-RD - LOCAL ROAD 01 LONGSECTION	WOODS	2	Mar-24
P23-082-09-2501-RD - LOCAL ROAD 02 LONGSECTION	WOODS	2	Mar-24
P23-082-09-2502-RD - LOCAL ROAD 03 LONGSECTION	WOODS	2	Mar-24
P23-082-09-2503-RD - COLLECTOR ROAD 03 LONGSECTION	WOODS	2	Mar-24
P23-082-09-2800-RD - VEHICLE TURNING MOVEMENTS - TRAFFIC CALMING BEND	WOODS	2	Mar-24
P23-082-09-2811-RD - TYPICAL VEHICLE CROSSING - LOCAL ROAD TYPE A DETAILS	WOODS	1	Nov-23
P23-082-09-2812-RD - TYPICAL VEHICLE CROSSING - LOCAL ROAD TYPE B DETAILS	WOODS	1	Nov-23
P23-082-09-2813-RD - TYPICAL AT RESIDENTIAL VEHICLE CROSSING - COLLECTOR ROAD DETAILS	WOODS	1	Nov-23
P23-082-09-2814-RD - TYPICAL VEHICLE CROSSING - JOAL ACCESS DETAILS	WOODS	1	Nov-23
P23-082-09-3000-DR - STORMWATER DRAINAGE LAYOUT	WOODS	3	Apr-24

P23-082-09-3020-DR - STORMWATER OVERLAND FLOW PATH - OVERALL PLAN	WOODS	2	Mar-24
P23-082-09-3021-DR - STORMWATER OVERLAND FLOW PATH - SHEET 1	WOODS	1	Mar-24
P23-082-09-3022-DR - STORMWATER OVERLAND FLOW PATH - SHEET 2	WOODS	1	Mar-24
P23-082-09-3200-DR - STORMWATER CATCHMENT MANAGEMENT PLAN	WOODS	1	Nov-23
P23-082-09-3900-DR - DRAINAGE RESERVE PLAN AND CROSS SECTION	WOODS	2	Mar-24
P23-082-09-4000-DR - WASTEWATER DRAINAGE LAYOUT	WOODS	2	Mar-24
P23-082-09-4600-DR - WASTEWATER CATCHMENT PLAN	WOODS	2	Mar-24
P23-082-09-4601-DR - WASTEWATER TRANSMISSION LINE CATCHMENT PLAN	WOODS	3	22/05/24
P23-082-09-6000-WR - WATER RETICULATION LAYOUT	WOODS	1	Nov-23
P23-082-09-9300-DR - STREAM AND WETLAND PLAN	WOODS	1	Nov-23
P23-082-09-9301-DR - LR01 CULVERT LONG SECTION	WOODS	2	Apr-24
P23-082-09-9305-GE - PRECINCT PLAN CONFORMANCE	WOODS	1	Nov-23
P23-082-09-9320-EW - DESIGN CROSS SECTIONS PLAN	WOODS	1	Nov-23
P23-082-09-9321-EW - DESIGN CROSS SECTIONS	WOODS	1	Nov-23
P23-082-09-9330-GE - CONTEXT PLAN - WETLAND OFFSET	WOODS	1	Nov-23
P23-082-09-9331-GE - WETLAND AREAS PLAN - WETLAND OFFSET	WOODS	1	Nov-23
P23-082-09-9332-GE - BUND CONSTRUCTION PLAN - WETLAND OFFSET	WOODS	1	Nov-23
P23-082-09-9390-GE - PROPOSED LAND COVENANT	WOODS	1	Nov-23
P23-082-09-9900-SK RESERVE DEVELOPMENT PLAN	WOODS	1	Nov-23
4672100-AL-1000 - MILLDALE WETLAND OFFSET PLANTING PLAN	BECA	0	Nov-23
4672100-AL-2000 - MILLDALE WETLAND	BECA	0	Nov-23

## OFFSET PLANTING SCHEDULE

D-00 - Planting Plans and Schedules - Drawing List	BESPOKE	E	Dec-23
PP-00 - Stage 9 Typology Plan	BESPOKE	C	Dec-23
PP-01 - Planting Plan 01	BESPOKE	E	Dec-23
PP-02 - Planting Plan 02	BESPOKE	E	Dec-23
PP-03 - Planting Plan 03	BESPOKE	B	Nov-23
PS-01 - Planting Schedule 01 – Streetscape	BESPOKE	B	Nov-23
PS-02 - Planting Schedule 02 – Stream and Detention Pond	BESPOKE	B	Nov-23
PS-03 - Planting Schedule 03 – Hillside Park	BESPOKE	D	Dec-23
PL-01 - Shrub Planting Layouts	BESPOKE	A	Nov-23

### Monitoring

2. The consent holder must pay the council an initial consent compliance monitoring charge of \$1,166 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

#### Advice note:

*The initial monitoring charge 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 consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice. Only after all conditions of the resource consent have been met, will the council issue a letter confirming compliance on request of the consent holder.*

### Consent Lapse

3. Under section 125 of the RMA, these consents lapses five years after the date it is granted unless:
  - An application under section 125 of the RMA is made to the council before the consent lapses (five years) to extend the period after which the consent lapses and the council grants an extension.

### Pre-commencement Meeting

4. Prior to the commencement of the construction and earthworks activity for any of the respective phases of earthworks, the consent holder must hold a pre-start meeting that:
  - is located on the subject site
  - is scheduled not less than 5 days before the anticipated commencement of construction and earthworks
  - includes Monitoring Inspector officer[s], Development Engineer, consent holder and consent holder's Engineer



- includes the site ecologist in relation to the wetland offset works;
- includes representation from the contractors who will undertake the works [and any suitably qualified professionals if required by other conditions e.g. the appointed Arborist]

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

- Timeframes for key stages of the works authorised under this consent;
- Resource consent conditions;
- Construction Noise and Vibration Management Plan;
- Erosion and Sediment Control Plan;
- Chemical Treatment Management Plan;
- Construction Traffic Management Plan; and
- Approved Corridor Access Request (CAR), complete with Construction Traffic Management Plan (CTMP), from Auckland Transport confirming access points to the site.

A pre-start meeting must be held before 1 October in every year that consent LUC60427757 is exercised.

#### **Advice Note**

*To arrange the pre-start meeting please contact the Team Leader Compliance Monitoring South to arrange this meeting or email [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) . The conditions of consent should be discussed at this meeting. All information required by the council and listed in that condition should be provided 2 days prior to the meeting.*

### **These Conditions Apply To Landuse Consent LUC60427757 Only**

#### **Construction Traffic Management Plan**

5. Prior to the commencement of any earthworks or construction activity on the site, the consent holder must submit to and have approved by the Council, a Construction Traffic Management Plan (CTMP). This must be prepared in accordance with the Council's requirements for traffic management plans or CTMPs (as applicable) and New Zealand Transport Authority's Code of Practice for Temporary Traffic Management, and must address the surrounding environment including pedestrian and bicycle traffic.

The approved CTMP must be implemented and maintained throughout the entire period of earthworks and construction activity on site to the satisfaction of Council.

#### **Advice Note:**

*The CTMP should include the following:*

- a) Provide a parking management plan for construction traffic.*
- b) Address the transportation and parking of oversize vehicles (if any).*
- c) Provide appropriate loading / working areas to minimise disruption to traffic.*
- d) Provide cleaning facilities within the site to thoroughly clean all vehicles prior to exit to prevent mud or other excavated material from being dropped on the road. In the event that material is dropped on the road, resources should be on hand to clean-up as soon as possible.*

- e) *Provide traffic management plans in compliance with the latest edition of the NZTA “Code of Practice for Temporary Traffic Management” (COPTTM) document.*
- f) *Ensure the site access point shall be clearly signposted.*
- g) *Include measures that are to be adopted to ensure that pedestrian access on the adjacent public footpaths in the vicinity of the site is safe during construction works.*
- h) *Detail how the works will be undertaken to maintain access to properties adjacent to the work site during construction and address the duration time frame for sites with no-vehicle access during the works.*
- i) *Identify proposed numbers and timing of heavy vehicle movements throughout the day.*
- j) *Identify the location of vehicle and construction machinery access during the period of site works.*
- k) *Identify the storage and loading areas for materials and vehicles.*
- l) *For each construction phase, identify the location and duration of any road or lane closures, division of road closures into segments, duration of works in each closure, indication of detour routes for each closure and assessment of the effects on the Auckland Transport Road network of any road closures and a plan to mitigate these effects.*
- m) *Detail how communication with drivers that they should divert, be done and how it would be monitored to ensure that the expected level of diversion is achieved.*
- n) *Identify the relevant Auckland Transport approvals.*

*It is the responsibility of the applicant to seek approval for the Traffic Management Plan from Auckland Transport. Please contact Auckland Transport on (09) 355 3553 and review [www.beforeudig.co.nz](http://www.beforeudig.co.nz) before you begin works.*

### **Construction Noise and Vibration Management Plan**

6. The consent holder must submit a Construction Noise and Vibration Management Plan (CNVMP) for Stage 9 to Auckland Council for certification. The CNVMP must be submitted a minimum of ten working days before commencing any earthworks or construction works authorised by this consent. The objective of the CNVMP must be to identify, require and enable the adoption of the best practicable option to minimise construction noise and vibration effects and ensure compliance with the project noise and vibration conditions. The CNVMP must address the requirements of Annex E of NZS 6803:1999 *Acoustics – Construction Noise* as a minimum. Construction works must not begin until certification has been received in writing from Auckland Council. All earthworks and construction works on the site must be carried out in accordance with the certified CNVMP.
7. The consent holder must advise the occupants of all dwellings located within 100m of the Stage 9 boundary of the earthworks/ construction works at least five days before earthworks begin. The advice must be provided in writing and include the following information:
  - a. An overview of the construction works including the duration of the project and the working hours on site.
  - b. The approximate dates and duration of the activities that will generate the highest noise levels for them.
  - c. A statement that the vibration will comply with the permitted standards of the Auckland Unitary Plan designed to avoid building damage.

- d. A contact name and phone number to advise of any sensitive times for high noise levels and for any questions or complaints regarding noise and vibration throughout the project.

### Hours of Construction

8. All construction works authorised by this consent must only take place between 7.00 am and 6.00 pm, Monday to Saturday, with no works undertaken at any time on Sundays, or on public holidays. Heavy plant must not be operated within 100 m of any occupied building before 7.30 am. This condition does not prevent quiet activities from taking place on site outside of standard construction hours, providing they are generally inaudible outside the neighbouring dwellings (e.g., toolbox meetings on site).

### Installation of Acoustic Barriers

9. Acoustically effective barriers must be constructed on the common boundaries between Stage 9 and 6 Parish Drive, and 71, 73, 77, and 81 Waiwai Drive. The barriers must be in place while any earthmoving, drilling, or compaction plant is operated within 30m of the dwellings on these sites. The acoustic barriers must be at least 2 m high and of solid construction with no gaps. The barriers must have sufficient surface mass to be considered acoustically effective (e.g. 12 mm plywood) or be constructed from proprietary portable construction noise barriers (e.g. acoustically rated materials fixed to scaffolding).

### Maximum Plant size

10. The following maximum sizes for plant must be observed when working within 30m of any occupied dwelling:
  - i. Vibratory compaction roller: 3 t.
  - ii. Excavator: 12-t.

### Construction Noise Limits

11. All construction works must be designed and undertaken to ensure that noise from the site does not exceed the following limits at any occupied dwelling. All construction noise must be measured and assessed in accordance with NZS 6803:1999 *Acoustics – Construction noise*.

Construction activity	Assessment location	Noise limits
Use of an excavator, compaction roller, or dozer within 5 m of an occupied dwelling	6 Parish Drive 71, 73, 77 and 81 Waiwai Drive	75 dB L <sub>Aeq</sub> & 90 dB L <sub>Amax</sub>
All other construction activities	All sites	70 dB L <sub>Aeq</sub> & 85 dB L <sub>Amax</sub>

### Vibration limits

12. Vibration from compaction works in Stage 9 must not exceed 5 mm/s PPV within the dwelling at 73 Waiwai Drive while it is occupied. If measured or predicted vibration from compaction exceeds 2 mm/s PPV within the dwelling at this site, the consent holder must advise the residents the vibration-generating works in writing at least three days before they begin. The written advice must include:
  - i. The nature and location of the works.
  - ii. The anticipated days and hours when the vibration may be greater than 2 mm/s PPV.

- iii. A phone number for questions and complaints, and the name of the site manager.
- iv. A request for feedback on whether the vibration could be timed or managed to reduce the effects e.g., scheduled for when the residents are at work or otherwise not home.

The consent holder must maintain a record of the consultation and provide this to Auckland Council upon request.

The vibration from all other works, and at all other sites, must comply with 2 mm/s PPV within any occupied dwelling.

**Advice Note:**

*Vibration amenity limits do not apply at any dwelling that is not occupied during the works. This allows high vibration works to be scheduled when residents are not home, subject to compliance with building damage criteria and compliance with amenity controls at other nearby dwellings that are occupied.*

**Earthworks**

- 13. Immediately upon abandonment or completion of earthworks on the subject site all areas of bare earth associated with the works must be permanently stabilised against erosion to the satisfaction of the Council.

**Advice Note:**

*Should the any earthworks be completed or abandoned, bare areas of earth associated with the works must be permanently stabilised against erosion. Measures may include:*

- *The use of mulching or natural fibre matting.*
- *Top-soiling, grassing and mulching of otherwise bare areas of earth.*
- *Aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward.*

*The on-going monitoring of these measures is the responsibility of the consent holder. It is recommended that you discuss any potential measures with the Council's monitoring officer who will guide you on the most appropriate approach to take. Alternatively, please refer to Auckland Council Guidance Document 005, Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016, Incorporating Amendment 2 (GD05).*

**Duration**

- 14. Resource consent LUC60427757 (regional earthworks) must expire 5 years from the date of issue unless it has been surrendered or cancelled at an earlier date pursuant to the RMA.

**Erosion and sediment controls**

- 15. Prior to the commencement of earthworks activity, a finalised Erosion and Sediment Control Plan (ESCP) prepared in accordance with Auckland Council Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016, Incorporating Amendment 3 (GD05), must be submitted to the Council for written certification. No earthworks activity on the subject site must commence until the Council has certified that that the ESCP satisfactorily meets the requirements of GD05. The plan must contain sufficient details to address the following matters:

- Specific erosion and sediment control measures for the earthworks (location, dimensions, capacity), including the location of any new and/or existing sediment

retention ponds (SRPs), decanting earth bunds, super silt fences, clean and dirty water diversion bunds and stabilised construction entrances;

- supporting calculations and design drawings, as necessary;
- details of construction methods;
- monitoring and maintenance requirements;
- catchment boundaries and contour information as necessary; and,
- details relating to the management of exposed areas (e.g. aggregate stabilisation, mulching).

**Advice Note:**

*In the event that minor amendments to the ESCP are required, any such amendments must be limited to the scope of this consent. Any amendments which affect the performance of the ESCP may require an application to be made in accordance with section 127 of the RMA. Any minor amendments must be provided to the Council prior to implementation to confirm that they are within the scope of this consent.*

**Chemical Treatment Management Plan**

16. Prior to the commencement of earthworks activity on the subject site, a Chemical Treatment Management Plan (ChTMP) must be prepared in general accordance with Auckland Council Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016, Incorporating Amendment 3 (GD05) and submitted to the Council for certification. No earthwork activities must commence until certification is provided by the Council that the ChTMP meets the requirements of GD05, and the measures referred to in that plan for the sediment retention ponds have been put in place. The plan must include as a minimum:

- a) Specific design details of a chemical treatment system based on a rainfall activated methodology for the site's sediment retention ponds or any other approved impoundment devices;
- 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.

**Advice Note:**

*In the event that 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 Council prior to implementation to confirm that they are within the scope of this consent.*

**Activity in accordance with approved ChemTMP**

17. The sediment retention ponds, and any other approved impoundment devices utilised as part

of the earthworks must be chemically treated in accordance with the certified Chemical Treatment Management Plan (ChTMP).

### **Certification of Works**

18. Within ten (10) working days following implementation and completion of the specific erosion and sediment control works referred to in the plan listed under condition 1, and prior to the commencement of earthworks activity on the subject site with that specific stage, a suitably qualified and experienced person must provide written certification to the Council that the erosion and sediment control measures have been constructed and completed in accordance with the erosion and sediment control plan listed under condition 1. Written certification must be in the form of a report or any other form acceptable to the Council.

#### **Advice Note:**

*Suitable documentation for certification of erosion and sediment control devices, can be obtained in Appendix C of Auckland Council Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016, Incorporating Amendment 2 (GD05): Erosion and Sediment Control construction quality checklists.*

### **Progressive stabilisation**

19. The site's stages must be progressively stabilised against erosion throughout the earthworks phase of the project and must be sequenced to minimise the discharge of contaminants to surface water in accordance with the certified Erosion and Sediment Control Plan(s).

#### **Advice Note:**

*Stabilisation measures may include:*

- *the use of waterproof covers, geotextiles, or mulching*
- *top-soiling and grassing of otherwise bare areas of earth*
- *aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward*

*It is recommended that you discuss any potential measures with the Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Alternatively, please refer to Auckland Council Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016, Incorporating Amendment 2 (GD05).*

### **Operational Effectives to be maintained**

20. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required by the Erosion and Sediment Control Plan(s) referred to under condition 1, 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 Council on request.

### **Avoid deposition on public road**

21. Earthworks must be managed to avoid deposition of earth, mud, dirt or other debris on any public road or footpath resulting from earthworks activity on the subject site. In the event that such deposition does occur, it must immediately be removed. In no instance must roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters.

**Advice Note:**

*In order to prevent sediment laden water entering waterways from the road, the following methods may be adopted to prevent or address discharges should they occur:*

- *provision of a stabilised entry and exit(s) point for vehicles*
- *provision of wheel wash facilities*
- *ceasing of vehicle movement until materials are removed*
- *cleaning of road surfaces using street-sweepers*
- *silt and sediment traps*
- *catchpit protection*

*In no circumstances should the washing of deposited materials into drains be advised or otherwise condoned. It is recommended that you discuss any potential measures with the Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Alternatively, please refer to Auckland Council Guideline Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016, Incorporating Amendment 2 (GD05).*

**Adaptive Management**

22. Prior to the commencement of earthworks authorised by the granting of this consent, the consent holder must provide an updated Adaptive Management Plan for the Milldale Precinct and associated earthworks consents, to the Council for written certification. The updated Adaptive Management Plan must incorporate the earthworks and erosion and sediment controls authorised under this consent (Stage 9 Sediment Retention Ponds) and the earthworks authorised by this consent must be undertaken in accordance with the certified Adaptive Management Plan.
23. Pre-rain forecast inspections as defined within the Adaptive Management Plan must be undertaken at a minimum of 24 hours prior to the forecasted event. If the forecast is not made available within 24 hours of the proposed event, all reasonable attempts shall be made to inspect the site prior to the proposed event.
24. An earthworks catchment which has been stabilised as a result of a trigger level exceedance as defined and required by the updated Adaptive Management Plan, may only be re-opened on the written approval of the Council.
25. Any proposed revisions to the Adaptive Management Plan must be submitted to the Council for written certification prior to formalising and implementing the revised Adaptive Management Plan.
26. If in the Council's opinion, there are changes required to be made to the Adaptive Management Plan as a result of observing inefficiencies on site or identified within the site reporting, Council may request that the Adaptive Management Plan be updated to address these inefficiencies. If a request is made, the revised plan shall be submitted to the Council within five working days of the request for written approval prior to implementation.

**Advice Note:**

*The Adaptive Management Plan is a live document and updates are expected to address any unforeseen circumstances or changes in the earthworks methodology as the site responds through its adaptive monitoring regime to ensure the potential for sediment discharges are minimised.*

27. The consent holder must make available, all monitoring results and data as required by the Adaptive Management Plan upon the request of Council.

#### **Seasonal Restriction**

28. No earthworks on the subject site must be undertaken between 01 May and 30 September in any year, without the submission of a 'Request for winter works' for approval by the Council. All requests must be renewed prior to the approval expiring and no works must occur until written approval has been received from the 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 Council upon written notice to the consent holder.

#### **Public Assets**

29. There must be no damage to public roads, footpaths, berms, kerbs, drains, reserves, or other public asset directly associated as a result of the activities granted under this consent. In the event that such damage does occur, the Council will be notified within 24 hours of its discovery. The costs of rectifying such damage and restoring the asset to its original condition will be met by the consent holder.

#### **Ensure stability of the site/neighbouring sites.**

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

#### **Retaining walls**

31. Prior to construction of the relevant fencing/ retaining, finalised design details of all proposed retaining walls, and fencing, including locations, heights, and materials, must be submitted to Council for written certification by Council. The finalised details must be consistent with the plans and information referenced at condition 1. The finalised design details certified by Council must be established prior to the future development on the lots being first occupied, and thereafter retained and maintained, to the satisfaction of Council.

#### **Advice note:**

*As part of the certification process, Council's monitoring officers will liaise with members of the Council's Auckland Design Office to ensure that the submitted details are consistent with the approved plans and information.*

32. Any retaining walls and ancillary and supporting structures on Lots 553, 554 and 750 must be entirely located within the respective lots and must be clear of the boundary of the reserve (Lot 700). The retaining wall must be no higher than 1m adjacent to Lots 553 and 554 and cannot exceed 1.6m within Lot 751 above existing ground level. A certificate from a licensed cadastral surveyor must be provided certifying the compliance with these requirements within 10 days of completion of the works.

#### **Ensure supervision and certification of geotechnical works.**

33. All earthworks including the construction of retaining walls and the placement & compaction of fill material must be supervised by a suitably qualified engineering professional. In supervising the works, the suitably qualified engineering professional must ensure that they are constructed and otherwise completed in accordance with "Geotechnical Investigation Report prepared by: CMW, ref: AKL2023-0247AB Rev 1, dated: 19 December 2023."



### **Geotechnical Completion Report.**

34. Certification from a suitably qualified engineering professional responsible for supervising the works must be provided to Council, confirming that the works have been completed in accordance with the "Geotechnical Investigation Report prepared by: CMW, ref: AKL2023-0247AB Rev 1, dated: 19 December 2023"., within ten (10) working days following completion. Written certification must be in the form of a geotechnical completion report, or any other form acceptable to the council.

#### **Advice Note:**

*The Geotechnical Completion Report must also confirm soil expansivity, foundation requirements and settlement criteria defined in the SMP (as per condition 3) have been met.*

### **Settlement Monitoring Plan**

35. A Settlement Monitoring Plan (SMP) for consolidation settlement due to placement of fill must be submitted to the Council for review and approval prior to commencement of earthworks on-site. The SMP must be prepared by a suitably qualified geotechnical engineering professional. Any proposed amendment to the SMP must also be submitted to the Council for written approval. The SMP must include, as a minimum, the following information:
- a. A monitoring location plan showing the layout and type of all settlement monitoring stations within the fill areas.
  - b. The timing and frequency of survey of the settlement monitoring stations.
  - c. Define the settlement criteria to be met on completion of earthworks.

### **Dust and odour**

36. There must be no dust and odour beyond the subject sites as a result of the activities that in the opinion of the Council, is noxious, offensive, or objectionable. All necessary measures shall be taken to prevent a dust and odour nuisance to neighbouring properties and public roads, including, but not limited to:
- The staging of areas of the works;
  - The retention of any existing vegetation;
  - Watering of all access roads, manoeuvring areas, and stockpile during dry periods;
  - Top-soiling and grassing stockpiles (or other similar techniques) if they are not worked for more than 1 month; and
  - Suspension of all operations if necessitated by the prevailing conditions.

### **Construction Park and Loading**

37. All construction machinery or similar must be stored or parked on site at all times and not on surrounding roads.
38. All storage of materials and loading and unloading of equipment associated with the site works must take place within the site boundaries.

### **Ensure construction and earthworks activities do not obstruct access.**

39. There must be no obstruction of access to public footpaths, berms, private properties, public services/utilities, or public reserves resulting from the construction and earthworks activity. All materials and equipment must be stored within the subject site's boundaries.

### **Vehicle crossing width and future development design on the sites**

40. All lots that front local or collector roads with a front boundary width of less than 14m must construct a vehicle crossing in accordance with the final Type A vehicle crossing (3.0m at boundary and 4.5m at kerb) as shown on Woods drawing P23-082-09-2811-RD rev 1, dated November 2023 unless approval from Council and Auckland Transport is obtained to permit deviation from this design.
41. All lots that front local roads with a front boundary of 14m or greater in width can either choose to construct a vehicle crossing in accordance with the final Type A vehicle crossing (3.0m at boundary and 4.5m at kerb) or; the final Type B vehicle crossing (4.8m at boundary and 4.8m at kerb) as shown on Woods drawing P23-082-09-2811-RD rev 1, dated November 2023 and P23-082-09-2812-RD rev 1, dated November 2023 unless approval from Council and Auckland Transport is obtained to permit deviation from this design.
42. All lots fronting collector roads with a front boundary of 14m or greater in width must construct a vehicle crossing in accordance with the final Collector Road Type B (4.8m at boundary and 4.8m at kerb) as shown on Woods drawing P23-082-09-2813-RD rev 1, dated November 2023 unless approval from Council is obtained to permit deviation from this design.

### **Development on Residential Lot 108**

43. All dwellings and associated buildings constructed on Lot 108 must be designed in accordance with all of the standards of the Residential: Mixed Housing Urban Zone that are listed under Standard H5.6 of the Auckland Unitary Plan (Operative in Part) or seek resource consent to infringe the aforementioned MHU zone standard(s).

### **Development on Residential Superlot 550**

44. All dwellings and associated buildings constructed on super lot 550 must be designed in accordance with all of the standards of the Residential: Terrace Housing and Apartment Building Zone that are listed under Standard H6.6 of the Auckland Unitary Plan (Operative in Part) or seek resource consent to infringe the aforementioned THAB zone standard(s).

### **Development on Local Centre Superlots 553 and 554**

45. All dwellings and associated buildings constructed on super lots 553 and 554 must be designed in accordance with all of the standards of the Business: Local Centre Zone that are listed under Standard H11.6 of the Auckland Unitary Plan (Operative in Part) or seek resource consent to infringe the aforementioned Business: Local Centre zone standard(s).

### **Advice Note:**

*For clarification purposes, the above blanket land use consents apply to development on the future lots approved under subdivision consent referenced by council as SUB60427759. The applicable future lots as it correlates to each of the infringed standards are listed under the above reasons of consent.*

**These conditions apply to Streamworks Consent LUS60427758 only**

### **General conditions:**

46. The works within Stream P5, the wetlands and wetland setbacks must be undertaken in accordance with the following application documents, including appendices, unless a higher standard is referred to through the conditions below, in which case this higher standard must

apply:

- “*Milldale Stage 9, Stormwater Catchment Management Plan, drawing no. P23-082-09- 3200-DR*” prepared by Woods, dated November 2023
- “*Milldale Stage 9, Stormwater Drainage Layout, drawing no. P23-082-09-3000-DR*” prepared by Woods, dated November 2023
- “*Milldale Stage 9, LR01 Culvert Long Section, drawing no. P23-082-09-9301-DR*” prepared by Woods, dated November 2023
- “*Milldale Town Centre s92 - Milldale – Wetland Offsetting Proposal to Euan Williams*” prepared by WWLA, dated 9 November 2023.
- “*Milldale Wetland Offset Planting Plan, drawing no. 4672100-AL-1000*” prepared by Beca, dated November 2023.
- “*Milldale Wetland Offset Plant Schedule, drawing no. 4672100-AL-2000*” prepared by Beca, dated November 2023.

### **Wetland Management Plan**

47. Prior to the commencement of the creation of the new wetland and enhancement planting, a finalised Wetland Management Plan (WMP) must be submitted to Council for written certification. No earthworks activity must commence until written certification is provided from the Council. The Wetland Management Plan must be prepared by a suitably qualified and experienced Ecologist and give effect to the enhancement planting and wetland creation (totalling 0.3542ha) detailed in the memo titled “*Milldale Wetland Offset Planting Plan, drawing no. 4672100-AL-1000*” prepared by Beca, dated November 2023. The Wetland Management Plan must include, but not be limited to:
  - a) Planting plan justifying species diversity outcomes relative to historic site conditions, expected wetland ecosystem, and regional biodiversity targets;
  - b) Implementation of planting and weed control; and
  - c) Detailed monitoring timeframes and outcomes spanning planting and vegetation establishment to ensure the new wetland’s predicted ecological values are achieved or maintained, with specific 2-year, 5-year and 10-year outcomes. The monitoring plan must be developed in general accordance with the ‘Handbook for monitoring wetland condition’, Clarkson, B.R., Sorrell, B., Reeves, P., Champion, P., Partridge, T., and Clarkson B. D. (2004) for ecological value and specific methodology/ies to monitor hydrological functionality.
48. The consent holder must complete the new wetland creation and wetland enhancement planting activity (involving any disturbance, deposition, and / or associated diversion of water under this consent) in accordance with the certified Wetland Management Plan, to the stage of finalised re-vegetation / and or stabilisation of the new wetlands within 24 months of the wetland reclamation being completed.
49. The consent holder must monitor the new wetland in accordance with the Wetland Monitoring methodology detailed in the Certified Wetland Management Plan (as required in **Condition 47**), and the monitoring results must be made available within five (5) working days following written request from the Council.
50. Written confirmation must be provided to the Council, within 30 days of the wetland off works being completed, confirming that all offset works have been completed in accordance with the Wetland Offset Plan at the Milldale North site required by **condition 47** above

51. The areas of new wetland, buffer, and revegetation planting illustrated within “*Milldale Wetland Offset Planting Plan, drawing no. 4672100-AL-1000*” prepared by Beca, dated November 2023 must be protected and maintained in perpetuity by way of a land covenant prepared under section 108(2)(d) of the RMA on the Record of Title of Part Allot 74 Parish of Waiwera to the satisfaction of Council. The land covenant shall be registered within 6 months of the completion of wetland offset works.

**Mandatory Conditions required by Regulation 71 of the NES FW**

52. Within twenty (20) working days following completion of the installation of the new culvert structure, the consent holder must submit to the council the information required by regulations 62 and 63 of the National Environmental Standard for Freshwater (2020), specifying the time and date of collection.
53. Within twenty (20) working days following completion of the new culvert, the consent holder must submit a Fish Passage Monitoring and Maintenance Plan (FPMMP) to the council for certification. The FPMMP must specify the ongoing monitoring and maintenance measures of the culvert structures to ensure fish passage is maintained and does not reduce over the lifetime of the culvert structure, and include the following detail and processes:
- a. Specific aspects of the structure to be monitored to ensure that the structure's provision for the passage of fish does not reduce over its lifetime.
  - b. Programme and frequency of routine monitoring and maintenance.
  - c. Method of visual inspection of the structure within 5 days following a significant natural hazard, or events that may otherwise affect the structure's provision for fish passage.
  - d. Record keeping of monitoring results including photos.
  - e. Follow up actions including the preparation of as-built plans and supporting information, further steps, and remediation measures.
54. If any of the routine monitoring or visual inspections identify that provision for fish passage has been reduced, or the culvert structure is damaged, the consent holder must undertake maintenance or remediation works as soon as practicable to remedy the issues identified.
55. The consent holder must maintain a record of:
- a. All placement, alteration, extension, and reconstruction works for the culvert structure, including when the works commence, how long they take, and when the works are completed; and
  - b. Details of all monitoring and maintenance works undertaken on the culvert structure in accordance with **condition 53** including and evidence of any maintenance works undertaken.
- If requested, the consent holder must provide this record to the Council within ten (10) working days of the date of request.
56. Within twenty (20) working days of any changes to the structure or detail as submitted within **condition 55** above, as a result of routine monitoring and maintenance, or following a significant natural hazard or event that may otherwise affect the structure's provision for fish passage, the consent holder must provide:
- a. Updated as-built information of the structure and associated fish passage, and
  - b. Further steps to be taken to ensure that the structure's provision for the passage of fish does not reduce over its lifetime.

57. Fish passage must be maintained through the culvert structure in perpetuity, and monitoring, maintenance and remediation measures must be undertaken in accordance with the FPMMP throughout the lifetime of the culvert structure.

## **Advice notes**

1. *Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.*
2. *For the purpose of compliance with the conditions of consent, “the council” refers to the council’s monitoring inspector unless otherwise specified. Please contact [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) to identify your allocated officer.*
3. *For more information on the resource consent process with Auckland Council see the council’s website [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz). General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment’s website: [www.mfe.govt.nz](http://www.mfe.govt.nz).*
4. *If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of notification of the decision.*

### **Accidental Discovery Rule**

5. *Should earthworks on the site result in the identification of any previously unknown archaeological site, the land disturbance – Regional Accidental Discovery rule [E12.6.1] set out in the Auckland Unitary Plan Operative in part (November 2016) shall be applied.*

### **Heritage New Zealand Pouhere Taonga Act 2014 –**

6. *The Heritage New Zealand Pouhere Taonga Act 2014 (hereafter referred to as the Act) provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. All archaeological sites are protected by the provisions of the Act (section 42). It is unlawful to modify, damage or destroy an archaeological site without prior authority from Heritage New Zealand Pouhere Taonga. An Authority is required whether the land on which an archaeological site may be present is designated, a resource or building consent has been granted, or the activity is permitted under the Auckland Unitary Plan Operative in part (November 2016).*

*According to the Act (section 6) archaeological site means, subject to section 42(3) –*

- a) *any place in New Zealand, including any building or structure (or part of a building or structure), that –*
  - i. *was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and*
  - ii. *provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and*
- b) *includes a site for which a declaration is made under section 43(1)*

*It is the responsibility of the consent holder to consult with Heritage New Zealand Pouhere Taonga about the requirements of the Act and to obtain the necessary Authorities under the Act should these become necessary, as a result of any activity associated with the consented proposals.*

For information, please contact the Heritage New Zealand Pouhere Taonga Northern Regional Archaeologist – 09 307 0413 / [archaeologistMN@historic.org.nz](mailto:archaeologistMN@historic.org.nz).

### **Protected Objects Act 1975**

7. *Māori artefacts such as carvings, stone adzes, and greenstone objects are considered to be tāonga (treasures). These are taonga tūturu within the meaning of the Protected Objects Act 1975 (hereafter referred to as the Act).*

*According to the Act (section 2) taonga tūturu means an object that –*

- a) relates to Māori culture, history, or society; and*
- b) was, or appears to have been –*
  - i. manufactured or modified in New Zealand by Māori; or*
  - ii. brought into New Zealand by Māori; or*
  - iii. used by Māori; and*
- c) is more than 50 years old.*

*The Act is administered by the Ministry of Culture and Heritage. Tāonga may be discovered in isolated contexts but are generally found within archaeological sites. The provisions of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to the modification of an archaeological site should be considered by the consent holder if tāonga are found within an archaeological site, as defined by the Heritage New Zealand Pouhere Taonga Act 2014.*

*It is the responsibility of the consent holder to notify either the chief executive of the Ministry of Culture and Heritage or the nearest public museum (for Auckland this is the Auckland War Memorial Museum), which shall notify the chief executive, of the finding of the taonga tūturu, within 28 days of finding the taonga tūturu; alternatively provided that in the case of any taonga tūturu found during the course of any archaeological investigation authorised by Heritage New Zealand Pouhere Taonga under section 48 of the Heritage New Zealand Pouhere Taonga Act 2014, the notification shall be made within 28 days of the completion of the field work undertaken in connection with the investigation.*

*Under section 11 of the Act, newly found taonga tūturu are in the first instance Crown owned until a determination on ownership is made by the Māori Land Court.*

*For information, please contact the Ministry of Culture and Heritage – 04 499 4229 / [protected-objects@mch.govt.nz](mailto:protected-objects@mch.govt.nz)*

### **Retaining Walls**

8. *The proposed retaining walls will require a separate Building Consent. Retaining Walls will be required to remain within private property and shall be structurally discontinued where crossing boundary lines.*

### **Delegated decision maker:**

Name: Masato Nakamura

Title: Principal Project Lead, Premium Resource Consents

Signed:

A handwritten signature in blue ink, appearing to be 'Paul W.', with a long horizontal flourish extending to the right.

Date:

10.06.24

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# Decision on an application for resource consents under the Resource Management Act 1991



## Decision two – Non-Complying activity for a subdivision consent

<b>Application numbers:</b>	BUN60427756 (Council Reference) SUB60427759 (s11 Subdivision consent)
<b>Applicant's name:</b>	Fulton Hogan Land Development Limited
<b>Site address:</b>	<u>Milldale Stage 9 site</u> 131 Argent Lane, Milldale <u>Off Set Site</u> 173 Upper Orewa Road, Wainui
<b>Legal description:</b>	<u>Milldale Stage 9</u> Lot 9000 DP 593859, SECT 1 SO 547623 Lot 14 DP 168913 Lot 5 DP 151229 <u>Milldale North Offset site</u> Part Allot 74 Parish of Waiwera

### Proposal:

To subdivide the sites to create 13 vacant residential lots, 5 residential super lots, 3 local centre superlots, two local purpose (drainage) reserves, land in lieu of reserve ("Hilltop Park"), Local Purpose (accessway) reserve, associated roads and accessways. Associated infrastructure and services are proposed to service the subdivision. The development is to be staged with the overall proposal referred to as Stage 9 subdivision of the Wainui Precinct.

### The resource consents are:

#### Subdivision consents (s11) SUB60427759

##### Auckland Unitary Plan (Operative in Part)

- Pursuant to E38.4.1(A7) the proposal involves the subdivision of land with two or more zones (Residential – Mixed Housing Urban zone, Residential – Terrace Housing and Apartment Building zone Business – Local Centre zone and Open Space - Informal Recreation zone). This requires consent as a restricted discretionary activity.
- The proposal involves subdivision of land within the 1% AEP probability floodplain. This requires consent as a restricted discretionary activity pursuant to rule E38.4.1(A11).
- The proposal involves vacant site subdivision involving parent sites of 1ha or greater in the residential zone not complying with Standard E38.8.3. This requires consent as a non-complying activity pursuant to rule E38.4.2(A19). The proposal involves:



- Vacant sites within the Mixed Housing Urban zone not meeting the maximum average net site area requirement of 360m<sup>2</sup> (with an average lot size of 453m<sup>2</sup> proposed).
- The proposal involves vacant sites subdivision in the business zone complying with Standard E38.9.2.3. This requires consent as a restricted discretionary activity pursuant to rule E38.4.3(A35).
- The proposal involves subdivision within the open space zone that is not provided for within Rule Activity Table E38.4.4. This requires consent as a discretionary activity under Rule Activity Table E38.4.4(43).
- The proposal involves subdivision and development that is in general accordance with I544.10.1 Wainui: Precinct Plan. This requires consent as a restricted discretionary activity pursuant to rule I544.4.1(A2)

## Decision

Under sections 104 and 104D, and part 2 the applications are **GRANTED**.

## Reasons

The reasons for this decision are:

1. In accordance with an assessment under s104(1)(a) of the RMA the actual and potential effects from the proposal will be acceptable as:
  - a. The subdivision has a layout that is in general accordance with the roading layout and open space provisions anticipated within the Wainui Precinct. The density and layout of the subdivision development will be suitable for the residential and local centre activities anticipated by the underlying zones.
  - b. The vacant residential sites will be of an adequate size that is suitable to accommodate a dwelling, private open space, access, and parking.
  - c. The three proposed super lots that are located within the Business Local Centre zone are a shape and size that will enable a wide range of future business / commercial (and residential) development / activities to be accommodated in manner that will achieve anticipated outcomes for the Local Centre. The proposed Milldale Local Centre Design Principles will provide an appropriate set of guidelines and principles to positively inform future development within the Local Centre in a manner that will respond to each site interface / frontage as well as ensure pedestrian amenity and connectivity. In addition, these principles will assist in establishing the future built form and landscape design respond within the primary core area of the Local Centre.
  - d. The proposal will provide the road layout for this part of the Wainui precinct in a staged manner. The proposal is considered to provide a clear and legible road layout and road hierarchy in a manner that is sought by I544.10.1 Wainui: Precinct plan 1.
  - e. The connections within the subdivision enable good vehicle and pedestrian connections to the local centre, stream esplanades and Milldale Reserve. The block sizes and road layout generally offer an appropriate level of permeability through the neighbourhood when combined with pedestrian/cycle linkages. The layout enables efficient walking and cycling connections to key destinations and rear sites are minimised.
  - f. The layout of the proposed subdivision and site works will be broadly in keeping with

the anticipated future subdivision land pattern (including its amenity values and character) on the subject land and within this part of the Wainui Precinct.

- g. The proposed street hierarchy broadly follows that in the Wainui Precinct Plan hierarchy and in previous subdivision staged consents, providing a range of street typologies to enable the efficient movement of vehicles, public transport and other modes of transport including cycling and walking.
- h. The proposed subdivision will deliver the Hilltop Park / Milldale Reserve (as land in lieu of reserve) in Stage 9A. The concept package for Hillside Park includes details for seating arrangements, possible playground locations and further play opportunities.
- i. Whilst there is residential development is proposed on land zoned as the Open Space Zone, this area has been identified as being surplus to the requirements of Auckland Council Parks for reserve purposes. In this context any adverse effects as result of the residential subdivision on such land, onto the wider environment is appropriately mitigated.
- j. The proposed subdivision will create a number of reserves. These include the proposed accessways to vest, as well as the Local Purpose Drainage Reserves (Lot 700 and 701). The proposed landscape planting strategy is appropriate. A suite of consent conditions has been recommended in respect to the final landscape design and details, as well as the timing of delivery/ implementation of the landscape planting.
- k. Whilst it is acknowledged that the subdivision and future business and residential development will bring about a change to the character and amenity of the immediate area, the resulting urban character and associated adverse effects of the subdivision are concluded to be anticipated via the Wainui Precinct and the underlying urban zoning of the land.
- l. The design of the development is designed to appropriately manage stormwater and to safely maintain the conveyance function of overland flow paths. Whilst the proposed measures for stormwater management are not best practice, this remains broadly consistent with the Stormwater management Plan approved for the Wainui Precinct. The proposed stormwater management strategy and design including the stormwater detention basin are acceptable and the final design details including the detention basin can be addressed as part of Engineering Plan Approval.
- m. The proposal incorporates a series of pedestrian connections to create additional permeability within the block structure and to create direct connections from the Hilltop Park to the wider environment. These will contribute to the safety and amenity for future residents.
- n. The proposed road layout and design and traffic matters have been assessed by Auckland Transport who have confirmed their broad support of the road layout and design, including the stream edge shared pathway, road typologies and the overall stormwater management approach within the road network.
- o. The additional traffic generated from the subdivision proposal can be accommodated by the proposed and existing roading network and public pedestrian access without adversely affecting traffic safety of road users. The increase in traffic generated in the Precinct will be broadly consistent with what was anticipated in the approved Integrated Transport Assessment.
- p. The proposed subdivision can be appropriately serviced, and that infrastructure has capacity to accommodate all lots.

Overall, the adverse effects generated by the subdivision activity will be appropriately mitigated and acceptable.

- q. In terms of positive effects, the subdivision development will provide additional residential lots contributing to future housing across the Auckland Region together with a planned local centre which will provide a key feature of the Milldale area with the delivery of adequate infrastructure and services to service the subdivision.
  - r. With reference to s104(1)(ab), there are no specific offsetting or environmental compensation measures proposed or agreed to by the applicant to ensure positive effects on the environment.
2. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents. In particular, having considered the relevant objectives and policies as they relate to the I544 (Wainui Precinct Precinct), H5 (Residential – Mixed Housing Urban), H6 (Terrace Housing and Apartment Building zone); H7 (Open Space), H11 (Local Centre) E27 (Transportation) and E38 (Urban Subdivision). The proposal is broadly consistent with the relevant objectives, policies, and assessment criteria for the following reasons:
- a. The subdivision will enable the practical and sequential delivery of the anticipated block pattern.
  - b. The subdivision layout and design will provide a local centre that assists within creating a liveable, walkable, and connected neighbourhood. The subdivision layout and proposed design principles will facilitate the movement for vehicles and pedestrians within the centre to support the main street footfall and connections to the wider residential catchment and open spaces.
  - c. The design principles for the local centre will provide a framework for the future built form and frontages that will create a high level of amenity and efficiency with opportunities for buildings to front streets.
  - d. The subdivision has a layout which is safe, efficient, convenient, and accessible and will not increase the risks of adverse effects to people, property, infrastructure, and the environment from natural hazards and maintains the function of overland flow paths to safely convey flood waters.
  - e. The layout of the subdivision development will be suitable for the activities anticipated by the underlying zone of the site.
  - f. The proposed layout of the subdivision and block arrangement will provide a street layout, and the block configuration and lot sizes that are appropriate for the location. The proposal will enable the road layout and wider connectivity are provided in broad accordance with the I544.10.1 Wainui: Precinct plan 1.
  - g. The three proposed super lots that are located within the Business Local Centre zone are a shape and size that will enable a wide range of future business / commercial (and residential) development / activities to be accommodated in manner that will achieve anticipated outcomes for the Local Centre. The proposed Milldale Local Centre Design Principles will provide an appropriate set of guidelines and principles to positively inform future development within the Local Centre in a manner that will respond to each site interface / frontage as well as ensure pedestrian amenity and connectivity. The additional consent notices imposed will ensure that the proposed subdivision supports the policies of the Local Centre Zone.

- h. The proposed subdivision will deliver the Hilltop Park / Milldale Reserve (as land in lieu of reserve) in Stage 9A. The concept package for Hillside Park includes details for seating arrangements, possible playground locations and further play opportunities.
  - i. The applicant has demonstrated that the proposed residential lots and super-lots are of a size, shape and orientation that will appropriately enable future residential development in a manner that is sought for this location.
  - j. The proposal will enable the future delivery of the overall Wainui Precinct plan (I544.10.1 Wainui: Precinct plan 1.) and will facilitate the future road layout and block pattern.
  - k. Whilst there is residential subdivision proposed on land zoned as the Open Space Zone, the broad zoning of these area has been applied to the precinct plan and have been identified as being surplus to the requirements of both Auckland Council Parks for reserve purposes. An appropriate balance between residential and open space is achieved and the reduction of the area available for the reserve still maintains, and does not compromise the general location, scale and functionality of the planned reserve as envisaged by the Precinct Plan. It is also noted that the area of land subject to the residential subdivision is small sliver at the edge of the broader area of land zoned open space and has no consequence in its overall balance in the precinct.
  - l. The creation of reserves and new road network with footpaths and shared paths will provide cycle and pedestrian connections that connect to the site and the wider reserve and road network,
  - m. The subdivision provides a safe and connect road pattern and the design details can be addressed as part of the EPA process.
  - n. The proposed subdivision is acceptable in the context the residential character of the receiving environment, and the scale and nature of proposed subdivision will enable future development to be in keeping with the amenity of the existing and anticipated surrounding residential environment.
  - o. All sites are capable of being serviced with infrastructure that is compatible and integrated with the proposed network.
3. In accordance with an assessment under s104(1)(c) of the RMA no other matters are considered relevant.
  4. There is no prohibition under s104D of the RMA on granting this non-complying activity. This is because the proposal is not contrary to the objectives and policies of the relevant plan and, will have adverse effects on the environment that are no more than minor.
  5. In terms of s106 of the RMA the proposal is not considered to give rise to a significant risk from natural hazards, and sufficient provision has been made for legal and physical access to the proposed allotments. Accordingly, Council is able to grant this subdivision consent subject to the conditions below.
  6. In terms of s108 and s108AA, the conditions of consent imposed in this consent have been accepted by the applicant with the exception of those that relate to the consent notice requirements for minimum glazing for the local centre super-lots 552, 553 and 554 where these are located adjacent to the reserves and public accessways. These conditions excluding the glazing requirements conditions satisfy the requirements of s108AA(1)(a). The

minimum glazing requirement conditions imposed satisfy the requirements of s108AA(1)(b), as they relate to the potential adverse effects from the subdivision. These are required to ensure that the subdivision supports the policies of the Business: Local Centre zone. I also note that I have specifically noted the comments provided by the applicant on the proposed conditions of consent, and overall conclude that the conditions imposed in this consent are consistent with the relevant statutory requirement as set out in s108 and s108AA.

7. The objectives and policies of the relevant statutory documents were prepared having regard to Part 2 of the RMA, they capture all relevant planning considerations and contain a coherent set of policies designed to achieve clear environmental outcomes. They also provide a clear framework for assessing all relevant potential effects and there is no need to go beyond these provisions and look to Part 2 in making this decision as an assessment against Part 2 would not add anything to the evaluative exercise.
8. Overall, the proposal will generate adverse effects on the environment that are acceptable, is consistent with the relevant statutory documents and meets the purpose of the RMA as defined within Part 2 of the Act, and consent is granted subject to the conditions outlined below.
9. Overall, the proposal meets the provision set out in section 104 and 106 of the RMA and is acceptable.

## Conditions

All conditions contained in this decision must be complied with at time of s224(c). The conditions have been separated into 'General', 'section 223' and 'section 224(c)' conditions in order to assist the consent holder in identifying the conditions that must be completed at the respective stages of implementing the resource consent for subdivision.

Under sections 108, 108AA and 220 of the RMA, the consent is subject to the following conditions:

### General Conditions

1. This Stage 9 subdivision of Milldale, comprising of 13 vacant residential lots, 5 residential super lots, 3 local centre superlots, two local purpose (drainage) reserves, land in lieu of reserve ("Hilltop Park") associated roads and accessways with associated infrastructure and site works must be as described in the application form and assessment of environmental effects prepared by Woods dated 22 December 2023 and must be carried out in accordance with the plans and information detailed below, and all referenced by the council as consent SUB60427759.

Report title and reference	Author	Rev	Dated
Milldale Stage 9 Geotechnical Investigation Report	CMW	1	Dec-23
Milldale Stage 9 Groundwater Dewatering Report	WWLA	1	Dec-23
Ecological Impact Assessment	Viridis	1	Dec-23
Milldale Stage 9 Stormwater Assessment	Woods	1	Oct-23
Milldale Stage 9 Preliminary Site Investigation	GES	-	Oct-23
Addendum for Milldale Earthworks Precincts 2 & 3	Clough	2	Jun-20
Urban Design Report	Woods	1	Dec-23
Local Centre Design Guidelines	Ignite	1	Sep-23

Infrastructure Report	Woods	1	Dec-23
Milldale Stage 9 Transportation Assessment	Stantec	2	Dec-23
Earthworks Functional Design Memo	Woods	-	Dec-23
Wainui Precinct Stage 8 & 9 Construction Noise and Vibration Report	Styles Group	1	Nov-23
Milldale – Wetland Offsetting Proposal	WWLA	-	Nov-23
Milldale North Offset Site Earthworks Methodology Memo	Woods	-	Dec-23
Stage 9 Wetland Reclamation Assessment	Woods	-	Dec-23
Stantec Memorandum (Reference 310205941)	Stantec	-	Feb-24
Milldale Stage 9 Geotechnical Review	CMW	-	Feb-24

<b>Drawing Title and Reference</b>	<b>Author</b>	<b>Rev</b>	<b>Dated</b>
P23-082-09-0000-GE - COVER	WOODS	1	Dec-23
P23-082-09-0001-GE - DRAWINGS INDEX	WOODS	1	Dec-23
P23-082-09-0010-GE - SURVEY SCHEME PLAN	WOODS	3	May-24
P23-082-09-0101-GE - SITE LOCATION PLAN	WOODS	1	Nov-23
P23-082-09-0104-GE - ZONING PLAN	WOODS	1	Nov-23
P23-082-09-0105-GE - PRECINCT PLAN CONFORMANCE	WOODS	1	Nov-23
P23-082-09-0106-GE - EXISTING EARTHWORKS CONSENTS PLAN	WOODS	1	Nov-23
P23-082-09-0107-GE - EXISTING SUBDIVISION CONSENTS PLAN	WOODS	1	Nov-23
P23-082-09-0110-GE - DEVELOPMENT PLAN	WOODS	2	Mar-24
P23-082-09-1000-EW - EXISTING CONTOURS PLAN	WOODS	1	Nov-23
P23-082-09-1100-EW - DESIGN CONTOURS PLAN	WOODS	2	Mar-24
P23-082-09-1200-EW - DESIGN CUT FILL	WOODS	1	Nov-23
P23-082-09-1300-EW - DESIGN CROSS SECTIONS	WOODS	1	Nov-23
P23-082-09-1301-EW - DESIGN CROSS SECTION A	WOODS	1	Nov-23
P23-082-09-1302-EW - DESIGN CROSS SECTION B	WOODS	1	Nov-23
P23-082-09-1303-EW - DESIGN CROSS SECTION C	WOODS	1	Nov-23

P23-082-09-1304-EW - DESIGN CROSS SECTION D	WOODS	1	Nov-23
P23-082-09-1400-EW - RETAINING WALL PLAN	WOODS	2	Mar-24
P23-082-09-1800-EW - SEDIMENT & EROSION CONTROL PLAN - PHASE 1 - EARTHWORK CONSTRUCTION	WOODS	1	Nov-23
P23-082-09-1801-EW - SEDIMENT & EROSION CONTROL PLAN - PHASE 2 - CIVIL CONSTRUCTION	WOODS	1	Nov-23
P23-082-09-2000-RD - OVERALL ROADING LAYOUT PLAN	WOODS	2	Mar-24
P23-082-09-2200-RD - ROAD TYPOLOGY PLAN	WOODS	1	Nov-23
P23-082-09-2201-RD - TYPICAL ROAD SECTIONS - COLLECTOR ROAD 03	WOODS	1	Nov-23
P23-082-09-2202-RD - TYPICAL ROAD SECTIONS - SUBURBAN STREETS	WOODS	1	Nov-23
P23-082-09-2203-RD - LR03 CROSS SECTIONS - SUBURBAN STREET - DUAL - SINGLE CROSSFALL	WOODS	1	Nov-23
P23-082-09-2204-RD - TYPICAL ROAD CROSS SECTIONS & KERB DETAILS - JOALS AND PEDESTRIAN WALKWAY	WOODS	2	Mar-24
P23-082-09-2205-RD - TYPICAL CROSS SECTIONS - FOOTPATH, PEDESTRIAN ACCESSWAY AND KERB AND CHANNEL	WOODS	1	Nov-23
P23-082-09-2500-RD - LOCAL ROAD 01 LONGSECTION	WOODS	2	Mar-24
P23-082-09-2501-RD - LOCAL ROAD 02 LONGSECTION	WOODS	2	Mar-24
P23-082-09-2502-RD - LOCAL ROAD 03 LONGSECTION	WOODS	2	Mar-24
P23-082-09-2503-RD - COLLECTOR ROAD 03 LONGSECTION	WOODS	2	Mar-24
P23-082-09-2800-RD - VEHICLE TURNING MOVEMENTS - TRAFFIC CALMING BEND	WOODS	2	Mar-24
P23-082-09-2811-RD - TYPICAL VEHICLE CROSSING - LOCAL ROAD TYPE A DETAILS	WOODS	1	Nov-23
P23-082-09-2812-RD - TYPICAL VEHICLE CROSSING - LOCAL ROAD TYPE B DETAILS	WOODS	1	Nov-23
P23-082-09-2813-RD - TYPICAL AT RESIDENTIAL VEHICLE CROSSING - COLLECTOR ROAD DETAILS	WOODS	1	Nov-23

P23-082-09-2814-RD - TYPICAL VEHICLE CROSSING - JOAL ACCESS DETAILS	WOODS	1	Nov-23
P23-082-09-3000-DR - STORMWATER DRAINAGE LAYOUT	WOODS	3	Apr-24
P23-082-09-3020-DR - STORMWATER OVERLAND FLOW PATH - OVERALL PLAN	WOODS	2	Mar-24
P23-082-09-3021-DR - STORMWATER OVERLAND FLOW PATH - SHEET 1	WOODS	1	Mar-24
P23-082-09-3022-DR - STORMWATER OVERLAND FLOW PATH - SHEET 2	WOODS	1	Mar-24
P23-082-09-3200-DR - STORMWATER CATCHMENT MANAGEMENT PLAN	WOODS	1	Nov-23
P23-082-09-3900-DR - DRAINAGE RESERVE PLAN AND CROSS SECTION	WOODS	2	Mar-24
P23-082-09-4000-DR - WASTEWATER DRAINAGE LAYOUT	WOODS	2	Mar-24
P23-082-09-4600-DR - WASTEWATER CATCHMENT PLAN	WOODS	2	Mar-24
P23-082-09-4601-DR - WASTEWATER TRANSMISSION LINE CATCHMENT PLAN	WOODS	3	22/05/24
P23-082-09-6000-WR - WATER RETICULATION LAYOUT	WOODS	1	Nov-23
P23-082-09-9300-DR - STREAM AND WETLAND PLAN	WOODS	1	Nov-23
P23-082-09-9301-DR - LR01 CULVERT LONG SECTION	WOODS	2	Apr-24
P23-082-09-9305-GE - PRECINCT PLAN CONFORMANCE	WOODS	1	Nov-23
P23-082-09-9320-EW - DESIGN CROSS SECTIONS PLAN	WOODS	1	Nov-23
P23-082-09-9321-EW - DESIGN CROSS SECTIONS	WOODS	1	Nov-23
P23-082-09-9330-GE - CONTEXT PLAN - WETLAND OFFSET	WOODS	1	Nov-23
P23-082-09-9331-GE - WETLAND AREAS PLAN - WETLAND OFFSET	WOODS	1	Nov-23
P23-082-09-9332-GE - BUND CONSTRUCTION PLAN - WETLAND OFFSET	WOODS	1	Nov-23
P23-082-09-9390-GE - PROPOSED LAND COVENANT	WOODS	1	Nov-23
P23-082-09-9900-SK RESERVE DEVELOPMENT	WOODS	1	Nov-23



## PLAN

4672100-AL-1000 - MILLDALE WETLAND OFFSET PLANTING PLAN	BECA	0	Nov-23
4672100-AL-2000 - MILLDALE WETLAND OFFSET PLANTING SCHEDULE	BECA	0	Nov-23
D-00 - Planting Plans and Schedules - Drawing List	BESPOKE	E	Dec-23
PP-00 - Stage 9 Typology Plan	BESPOKE	C	Dec-23
PP-01 - Planting Plan 01	BESPOKE	E	Dec-23
PP-02 - Planting Plan 02	BESPOKE	E	Dec-23
PP-03 - Planting Plan 03	BESPOKE	B	Nov-23
PS-01 - Planting Schedule 01 – Streetscape	BESPOKE	B	Nov-23
PS-02 - Planting Schedule 02 – Stream and Detention Pond	BESPOKE	B	Nov-23
PS-03 - Planting Schedule 03 – Hillside Park	BESPOKE	D	Dec-23
PL-01 - Shrub Planting Layouts	BESPOKE	A	Nov-23

### Advice Notes:

- *This consent has been granted on the basis of all the documents and information provided by the consent holder, demonstrating that the new lot(s) can be appropriately serviced (infrastructure and access).*
- *Details and specifications for the provision of infrastructure (e.g. public/ private drainage, location, and types of connections) and access (including drainage of accessways, construction standards etc) are subject to a separate EPA and/or Building Consent approval process.*
- *Should it become apparent during the EPA and/or Building Consent process that a component of the granted resource consent cannot be implemented (e.g. detailed tests for soakage fail to achieve sufficient soakage rates, or sufficient gradients for drainage cannot be achieved in accordance with engineering standards/ bylaws etc), changes to the proposal will be required. This may require either a variation to this subdivision consent or a new consent.*
- *Similarly, should the detailed design stage demonstrate that additional reasons for consent under the AUP are triggered (e.g. after detailed survey the access gradient increases to now infringe or increase an approved infringement to a standard in the plan), a new or varied resource consent is required.*
- *It is the responsibility of the consent holder to ensure that all information submitted and assessed as part of the subdivision consent is correct and can be implemented as per the subdivision consent (without requiring additional reasons for consent). Any subsequent approval processes (such as the EPA) do not override the necessity to comply with the conditions of this resource consent.*

2. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:

- a. A survey plan is submitted to council for approval under section 223 of the

RMA before the consent lapses, and that plan is deposited within three years of the approval date in accordance with section 224 of the RMA; or

- b. An application under section 125 of the RMA is made to the council before the consent lapses (five years) to extend the period after which the consent lapses and the council grants an extension.

## Survey plan approval (s223) conditions

### Staging of Consents

3. For the purposes of the s223 and s224 conditions set out below, the subdivision staging is proposed as follows:

#### Stage 9A

Creation of the proposed “Hilltop Park” being land in lieu of reserve (Lot 650) and collector road CR03 (Lot 803).

#### Stage 9B

Creation of vacant residential Lots 100–112, residential superlots Lots 500, 501, 502, 550 and 551, Local Centre zone Superlots 552–554, JOAL Lots 600, 602 and 603, Drainage reserve Lots 700 and 701, Local Purpose (Accessway) reserve Lot 750, Pedestrian Accessway Lot 751, and Local Roads to vest lots 801 and 802.

### These conditions apply to each relevant stage.

#### **Survey Plan**

4. The consent holder must submit a survey plan for each stage in accordance with the approved resource consent subdivision plan as follows:

Plan title and reference	Author	Rev	Dated
P23-082-09-0010-GE - SURVEY SCHEME PLAN	WOODS	3	May-24

#### **Amalgamation Condition**

5. Pursuant to Section 220(1)(b)(iv) of the RMA, the appropriate amalgamation condition for the COAL (Lot 600) being held by Lots 501 and 502 must be shown on the survey plan.
6. Pursuant to Section 220(1)(b)(ii) and (iii) of the RMA, the appropriate amalgamation condition for the COAL (Lot 603) being held by Lot 500 must be shown on the survey plan.
7. Pursuant to Section 220(1)(b)(iv) of the RMA, the appropriate amalgamation condition for the COAL (Lot 602) being held by Lots 104 and 105 must be shown on the survey plan.

#### **Land to Vest in Council**

8. All of the proposed roads shown as Lots 801, 802 and 803 on the approved plan “Survey Scheme Plan prepared by Woods, dwg no P23-082-09-0010-GE, Rev 3, dated May 2024” must vest in the Council as public roads. The consent holder must meet all costs associated with the vesting of the roads.
9. The proposed Accessway to Vest shown as Lot 751 on the submitted scheme plan must be vest in the Council as Accessway and become part of the road corridor. The

consent holder must meet all costs associated with the vesting of the Accessways

**Advice note:**

a) *The document must be prepared by Council's Solicitor at the applicant's cost*  
*The application will provide a copy of the new certificate of Title to the Parks Planning Team Leader and Auckland Transport following the issue of 224*

10. The proposed Accessway to Vest shown as Lot 750 on the submitted scheme plan must be vest in the Council as Local Purpose (Accessway) Reserve. The consent holder must meet all costs associated with the vesting of the Accessway.
11. Lot 650 on the submitted scheme plan must be Land in Lieu of Reserve.

**Advice note:**

b) *The document must be prepared by Council's Solicitor at the applicant's cost*  
c) *The application will provide a copy of the new certificate of Title to the Parks Planning Team Leader and Auckland Transport following the issue of 224*

12. The proposed Local Purpose (Drainage) Reserves shown as Lots 700 and 701 on the submitted scheme plan must be vest in the Council as a Local Purpose (Drainage) Reserve. These must be vest free of easements and encumbrances and with no utility devices or structures (excluding public underground services and infrastructure, lighting and stormwater outfall structures) on the land unless approved by the Parks Planning Team Leader. The consent holder must meet all costs associated with the vesting of the Local Purpose (Drainage) Reserves.

**Advice note:**

a) *The document must be prepared by Council's Solicitor at the applicant's cost*  
b) *The applicant will provide a copy of the new certificate of Title to the Parks Planning Team Leader following the issue of 224c.*

## **Section 224(c) compliance conditions**

**Advice Note:**

*A certificate pursuant to section 224(c) of the Resource Management Act will not be issued until all conditions in the decision have been met to the satisfaction of the Council and at the consent holder's expense.*

13. The application for a certificate under section 224(c) of the RMA must be accompanied by certification from a professionally qualified surveyor or engineer that all the conditions of subdivision consent SUB60427759 have been complied with, and identify all those conditions that have not been complied with and are subject to the following:
  - a. a consent notice has been issued in relation to any conditions to which section 221 applies.

### **These conditions apply to each relevant stage**

**General Geotechnical**

14. The consent holder must construct retaining walls and place & compact material in accordance with the recommendations of the "Milldale Stage 9 Geotechnical Investigation Report prepared by CMW, ref: KL2023-0247AB Rev 1, dated: December 2023" to ensure the site is stable and suitable for development. The consent holder

must provide a Geotechnical Completion Report from a suitably qualified engineering professional to confirm that all Lots are stable and suitable for development when applying for a certificate under section 224(c) of the RMA.

**Advice Note:** *Retaining Walls are subject to Building Consent application.*

### **Utilities**

15. The consent holder must make provision for telecommunications and electricity to all Lots in accordance with the requirements of the respective utility operators. If reticulated, these utilities must be underground. Certification from the utility providers that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

**Advice Note:**

*The consent holder may also provide gas servicing to the lot(s), but this is not a requirement and no proof is required at time of section 224(c). Any gas lines are required to be installed underground, or they may otherwise require a further resource consent.*

### **Infrastructure and Services**

#### **Wastewater Reticulation**

##### **Connection to Public Network**

16. The consent holder must design and construct connections to the public wastewater reticulation network to serve all Lots in accordance with the requirements of the wastewater utility provider. Certification from the utility provider that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

**Advice Note:**

- *The requirements of 'Watercare Application Number: RC-211356, dated: 29 May 2024' must be met*
- *Acceptable forms of Evidence from the Utility Providers include a Certificate of Acceptance.*
- *Alterations to the public wastewater reticulation network require Engineering Plan Approval. Additional approval is required from Watercare/Veolia as part of the Engineering Plan Approval Process.*
- *Public connections are to be constructed in accordance with the Water and Wastewater Code of Practice.*
- *Plans approved under Resource Consent do not constitute an Engineering Plan Approval and **should not be used** for the purposes of constructing public reticulation works in the absence of that approval.*

#### **Water Reticulation**

##### **Connection to Public Network**

17. The consent holder must design and construct connections to the public water reticulation network (including firefighting supply) to serve all Lots in accordance with the requirements of the water utility provider. Certification from the utility provider that works have been satisfactorily undertaken must be provided when applying for a

certificate under the section 224(c) of the RMA.

**Advice Note:**

- *The requirements of 'Watercare Application Number: RC-211356, dated: 29 May 2024' must be met*
- *Acceptable forms of evidence from the Utility Providers include a Certificate of Acceptance.*
- *Alterations to the public water reticulation network require Engineering Plan Approval. Additional approval is required from Watercare/ Veolia as part of the Engineering Plan Approval Process.*
- *Public water supply is required to ensure an acceptable water supply for each lot, including for fire-fighting purposes.*
- *Public connections are to be constructed in accordance with the Water and Wastewater Code of Practice.*
- *Plans approved under Resource Consent do not constitute an Engineering Plan Approval and **should not be used** for the purposes of constructing public reticulation works in the absence of that approval.*

**Stormwater Reticulation**

**Connection to Public Network**

18. The consent holder must design and construct connections to the public stormwater reticulation network to serve all Lots in accordance with the requirements of the stormwater utility service provider. Certification from the utility provider that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

**Advice Note:**

- *Acceptable forms of evidence include Engineering Approval Completion Certificates.*
- *Stormwater utility provider is the Auckland Council Healthy Waters Department.*
- *Public connections are to be constructed in accordance with the Stormwater Code of Practice.*
- *Alterations to the public stormwater reticulation network require Engineering Plan Approval.*
- *Plans approved under Resource Consent do not constitute an Engineering Plan Approval and **should not be used** for the purposes of constructing public reticulation works in the absence of that approval.*

**Public Outfalls**

19. The consent holder must design and construct a stormwater outfall structures in accordance with the requirements of the utility service provider. Certification from the utility provider that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

**Advice Note:**

- *Stormwater outfalls shall be designed in accordance with "Auckland Council*

*publication Technical Report 2013/018”.*

- *Acceptable forms of evidence include Engineering Approval Completion Certificates.*
- *Utility service provider is the Auckland Council Healthy Waters Department*
- *Construction of public outfall structures require Engineering Plan Approval.*
- *Engineering Plans approved under Resource Consent do not constitute an Engineering Plan Approval and **should not be used** for the purposes of constructing public reticulation works in the absence of that approval.*
- *Please be aware of any other conditions and requirements pertaining to outfalls, including regional consenting conditions and requirements.*

### **Stormwater Devices**

20. All public stormwater detention basins, treatment and/or attenuation devices (and including the stormwater detention tanks within the COAL's) must be designed and constructed in accordance with the ““Milldale Stage 9 Infrastructure Report prepared by: Woods, Project Number: P23-082, Version: V1, dated: 19/12/2023” and Auckland Council Standards.

### **Public Road Construction**

#### **Public Roads**

21. The consent holder must design and construct new public roads (Lots 801, 802 and 803) in accordance with the requirements of Auckland Transport. Certification from Auckland Council that the works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

#### **Advice Note:**

- *Acceptable forms of evidence include Engineering Approval Completion Certificates.*
- *Construction of public roading requires an Engineering Plan Approval. Departure from Standards may be required where designs do not comply with AT standards.*
- *Design of public roads must include (but is not limited to), road pavement, pedestrian footpaths, cycle ways, street lighting, street furniture, road marking, traffic calming devices, road stormwater drainage, raingardens, etc. where required.*
- *Plans approved under Resource Consent do not constitute an Engineering Plan Approval and should not be used for the purposes of constructing public works in the absence of that approval.*
- *The consent holder is advised that the New Zealand Addressing Standard (AS/NZS 4819:2011) requires all new public roads and all extensions to existing roads to have a road name. All road names must be approved by the Council. In order to minimise disruption to construction and survey works, the consent holder is advised to obtain any road name approval before applying for a section 223 certificate.*

### **Pavement Design**

22. All new roads or modifications of existing roads intending to be vested to Auckland

Council must be designed in accordance with the AT's engineering design code for pavement design.

**Advice Note:**

*Appropriate pavement design will be reviewed at the Engineering Approval stage.*

**Roading and Transportation (Accessways and Vehicle Crossings)**

**Vehicle Access**

23. The consent holder must design and construct a vehicle accessways on Lots 600, 602 and 603 in accordance with the approved plans noted in Condition 1. Certification from a suitably qualified and experienced surveyor or engineering professional that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

**Advice Note:**

- *Right of ways, Commonly Owned Access Lots and common access ways require a Common Access Way Plan Approval prior to construction. For more details refer to [Common access way approval \(aucklandcouncil.govt.nz\)](http://aucklandcouncil.govt.nz)*
- *Please contact the Council to obtain the current engineering requirements for the construction of the type of vehicle accessway proposed.*
- *Plans approved under Resource Consent do not constitute a Common Access Way/ Engineering Plan Approval and should not be used for the purposes of constructing common access ways.*
- *The consent holder is advised that the New Zealand Addressing Standard (AS/NZS 4819:2011) and the LINZ Guidelines for Addressing In-fill Developments 2019 – LINZ OP G 01245 require consideration to be given to the naming of any private roads (rights of way or Commonly Owned Access Lots / common access ways) that serve six or more lots that are being created under a subdivision consent. All road names must be approved by the Council. In order to minimise disruption to construction and survey works, the consent holder is advised to take advice from their surveyor as to whether a road name will be required for any private roads and obtain any road name before [applying for a section 223 certificate](#).*

**Vehicle Crossings**

24. The consent holder must provide new vehicle crossing to serve Lots 600, 602 and 603. The crossing(s) must be designed and formed in accordance with the requirements of Auckland Transport. The new crossing must maintain an at-grade (level) pedestrian footpath across the length of the crossing, using the same materials, kerbing, pavings, patterns and finish as the footpath on each side of the crossing. Certification that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

**Advice Note:**

- *An approval letter and completion certificate from Auckland Transport is required to be submitted to the Council as a verification that Auckland Transport has completed approval and a final vehicle crossing inspection before this condition is considered fulfilled.*

- *Works within the road reserve require prior approval from Auckland Transport. The consent holder should contact Auckland Transport as soon as possible to ensure any required approvals are issued prior to construction.*
- *A vehicle crossing approval permit is required to be obtained from Auckland Transport for these works. For more details refer to [Vehicle crossing application \(Auckland Transport\)](#)*
- *Please note that any redundant vehicle crossings are required to be reinstated as berm and/or footpath and the kerbs replaced.*

**Operation and maintenance obligations for private asset (vehicle access and stormwater collection & detention system) within the shared accessways on Lots 600, 602 and 603**

25. The Consent Holder must provide a copy of the draft land covenant document for the approval of the Auckland Council, Legal team. The draft covenant document must include provision for the following items:
- a. specifies ownership, operation, and maintenance of the private stormwater systems for COAL 600, 602 and 603;
  - b. specifies responsibilities together with an acceptable method of management of the stormwater systems, and for the raising of funds from shareholders or members from time to time to adequately finance future maintenance and renewal obligations of the stormwater system; and
  - c. specifies the operation and maintenance of the stormwater system to be in accordance with requirements of the Operation and Maintenance Manual supplied to Council for the stormwater device and any other relevant consents.
  - d. Supply a solicitor's undertaking that the land covenants above as approved by Council will be registered with LINZ.

**Operation and Maintenance Plan**

26. An Operation and Maintenance Plan must be provided to Council 5 days prior to the post-construction meeting required by this consent. The Operation and Maintenance Plan must set out how the stormwater management system (Dry Basins, Underground Tank and Rain Gardens) are to be operated and maintained to ensure that adverse environmental effects are minimised. The plan must include:
1. details of who will hold responsibility for long-term maintenance of the stormwater management system and the organisational structure which will support this process;
  2. a programme for regular maintenance and inspection of the stormwater management system;
  3. a programme for the collection and disposal of debris and sediment collected by the stormwater management devices or practices;
  4. a programme for post storm inspection and maintenance;
  5. a programme for inspection and maintenance of the outfall;
  6. general inspection checklists for all aspects of the stormwater management system, including visual checks and
  7. a programme for inspection and maintenance of any vegetation associated



with the stormwater management devices.

### **Parks requirements – streetscape and reserves**

#### **Streetscape and Accessway Landscaping (Lots 801, 802, 803, and 751)**

27. The consent holder must submit a detailed streetscape landscaping plan(s) for rain gardens, street trees, and accessways for road lots 801, 802 and 803, and Accessway lot 751 for approval by the Parks Planning Team Leader. In particular, the plans must:
- a) Be prepared by a suitably qualified landscape architect.
  - b) Be in general accordance with the landscape plans prepared by Bespoke Landscape Architects, revision E, dated 7<sup>th</sup> December 2023.
  - c) Show all planting including details of intended species, location, plant sizes at time of planting and likely heights on maturity, tree pit specifications, the overall material palette, location of street lights and other service access points.
  - d) Ensure that selected species can maintain appropriate separation distances from paths, roads, streetlights, and vehicle crossings in accordance with the Auckland Transport Code of Practice.
  - e) Include hard landscaping details for accessways.
  - f) Provide for the required planting of rain gardens but must not include street garden beds and amenity planting.
  - g) Include planting methodology.
  - h) Include all lighting details within the proposed streets and accessways
  - i) Comply with the [Auckland Code of Practice for Land Development and Subdivision: Chapter 7: Landscaping](#).

#### **Advice note:**

*Plans approved under Resource Consent do not constitute an Engineering Plan Approval and should not be used for the purposes of constructing public works in the absence of that approval.*

#### **Land in Lieu of reserve (Lot 650)**

28. The consent holder must submit for the approval of the Parks Planning Team Leader detailed Engineering and Landscape Plans for all hard assets/park furniture/fixtures/planting/grassing to enable reserve development to be undertaken within Lot 650. The plan(s) and supporting planting methodology, to be submitted for approval, must:
- a) Be in general accordance with the landscape plans prepared by Bespoke Landscape Architects, revision E, dated 7 December 2023.
  - b) Be prepared by suitably qualified person/s
  - c) Include a weed management plan detailing weed eradication and control methods for the park, prior to and after planting.
  - d) Identify all new planting to be undertaken on the site including details of the intended species, spacing, quantities, location, plant sizes at the time of planting, their likely heights on maturity and how planting will be staged and established.
  - e) Include specifications for plant condition and a written specification detailing the

planting methodologies to be used.

- f) Identify the existing species to be retained.
- g) Include the location and specifications for a shared pathway (pedestrian and cycle) at a minimum of 3 metres in width.
- h) Comply with the [Auckland Code of Practice for Land Development and Subdivision: Chapter 7: Landscape](#).

**Advice note:**

*Plans approved under Resource Consent do not constitute an Engineering Plan Approval and should not be used for the purposes of constructing public works in the absence of that approval.*

**Drainage Reserves and Accessway Local Purpose (Lots 700, 701 and 750)**

29. The consent holder must submit for the approval of the Parks Planning Team Leader detailed Engineering and Landscape Plans for all hard assets / park furniture / fixtures /planting / grassing to enable reserve development in Lots 700, 701 and 750 to be undertaken. The plan(s) and supporting planting methodology, to be submitted for approval. The plans must:
- a. Be prepared by a suitably qualified landscape architect.
  - b. Be in general accordance with the landscape plans prepared by Bespoke Landscape Architects, revision E, dated 7 December 2023.
  - c. Include a Weed Management and Plan detailing weed eradication and control methods prior to and after planting.
  - d. Identify all new planting to be undertaken on the site including details of the intended species, spacing, quantities, location, plant sizes at the time of planting, their likely heights on maturity and how planting will be staged and established.
  - e. Include specifications for plant condition and a written specification detailing the planting methodologies to be used.
  - f. Identify the existing species to be retained.
  - g. An annotated pavement plan and related specifications, detailing proposed site levels and the materiality and colour of all proposed hard surfacing.
  - h. Provide a Safety in Design Register for the 3m wide shared pathway within the drainage reserves.
  - i. Comply with the [Auckland Code of Practice for Land Development and Subdivision Chapter 7: Landscape](#)
  - j. Any other relevant agreed assets to mitigate for the development including accessways to vest, walkways and bridges

**Advice note:**

*Plans approved under Resource Consent do not constitute an Engineering Plan Approval and should not be used for the purposes of constructing public works in the absence of that approval.*

**Implementation of landscape works in Reserves (Lots 650, 700, 701 and 750)**

30. Prior to the issue of section 224(c) certification, all hard and soft landscape works

within the reserves Lots 650, 700, 701 and 750 must be implemented in accordance with the approved landscape plans to the satisfaction of the Parks Planning Team Leader and landscaped in accordance with the Auckland Code of Practice for Land Development and Subdivision Chapter 7: Landscaping, and in particular:

- a) All areas of the reserve that have been grassed must have a 90 percent strike rate, in a mowable condition, and be weed and rubbish free.
- b) Planted slopes to be a maximum 1:3 grade and grassed slopes to be a maximum 1:5 grade.
- c) Grassing and planting must be carried out by a suitably qualified landscape contractor in the planting season (April to September) and when the weather is suitable (mild, dull, and moist) and when the ground is moist and workable. Where delays occur in the agreed programme which prevents areas being planted, the consent holder must inform Council immediately.
- d) At practical completion auditing, a chartered professional engineer engaged by the applicant must provide certificates of compliance and producer statements as relevant and certify that the parks construction works have been carried out in accordance with the approved plans and comply with the requirements in **conditions 28 and 29** above). Written manufacturers guarantee must be supplied for any products where warranties are available or applicable.
- e) Any defects identified at the practical completion audit are to be remedied by the applicant. The practical completion of the works will be determined by the Parks Planning Team Leader to their satisfaction, and this indicates the commencement of the maintenance period.

**Advice note:**

*Practical completion will be determined by Parks prior to the issue of the certificate required under 224(c) to demonstrate reserve development has been satisfactorily implemented and to formalise the commencement of the maintenance period.*

**Implementation of streetscape and accessway landscape works (Lots 801, 802 803 and Lot 751)**

31. Prior to issue of section 224(c) certification, all street and accessway landscaping for road Lots 801, 802 and 803 and accessway Lot 751 must be implemented in accordance with the approved streetscape plans and to the satisfaction of the Parks Planning Team Leader and landscaped in accordance with the Auckland Code of Practice for Land Development and Subdivision Chapter 7: Landscaping, and in particular the following:

- a) The street must be cleared of any construction material, rubbish, and surplus soil, and must be maintained in a neat and tidy condition.
- b) Should site factors preclude compliance with any of these conditions, the Parks Planning Team Leader must be advised in writing as soon as practicable and, in any case, prior to planting, and an alternative soil improvement methodology proposed to the satisfaction of the Advisor.
- c) Grassing must only be undertaken when the weather is suitable i.e., mild, dull, and moist, and when the ground is moist and workable. Where delays occur in the agreed programme which prevents areas being planted, the consent holder must inform the Parks Planning Team Leader immediately.

**Advice note:**

*Practical completion will be determined by Parks prior to the issue of the certificate required under 224(c) to demonstrate reserve development has been satisfactorily implemented and to formalise the commencement of the maintenance period.*

**Maintenance – Streetscape and Accessways (Lots 801, 802, 803 and 751)**

32. Prior to the issue of the section 224(c) certificate the consent holder must provide for the approval of the Parks Planning Team Leader a Maintenance Plan, for all planting and landscaping to be established in the streetscape, and accessways for road Lots 801, 802 and 803, and accessway Lot 751. The Maintenance Plan must include:
  - a) Vegetation maintenance policies for the proposed planting, in particular details of maintenance methodology and dates / frequencies.
  - b) Details of watering, weeding, trimming, cultivation, pest, and disease control, checking of stakes and ties, pruning and other accepted horticultural operations to ensure normal and healthy plant establishment and growth.
  - c) Vandalism eradication policies.
33. The consent holder must undertake maintenance, in accordance with the approved Maintenance Plan for a two-year period commencing on the date that the section 224(c) certificate is issued. Any maintenance issues deemed unsuitable by the Parks Planning Team Leader during this period must be remedied by the consent holder at their expense.
34. If any damage/theft to the planting occurs during the maintenance period, the consent holder must replace damaged/stolen plants with the same species and height and must be maintained for a period of two years following the replacement planting, to the satisfaction of the Parks Planning Team Leader.

**Maintenance –Reserve Landscaping (Lots 650, 700, 701 and 750)**

35. Prior to the issue of the section 224(c) certificate the consent holder must provide for the approval of the Parks Planning Team Leader a Maintenance Plan for all planting and landscaping to be established in the reserves Lots 650, 700, 701 and 750. The Maintenance Plan must include:
  - a) Mowing methodology and frequency.
  - b) Vegetation maintenance policies for the proposed planting, in particular details of maintenance methodology and dates / frequencies.
  - c) Details of watering, weeding, trimming, cultivation, pest, and disease control, checking of stakes and ties, pruning and other accepted horticultural operations to ensure normal and healthy plant establishment and growth.
  - d) Vandalism eradication policies
  - e) All invasive pest plants and pest animals must be controlled in accordance with the pest management plan prior to planting (site preparation) and following planting for the plant maintenance period.
  - f) Design strategy, specification and management plans for the treatment/maintenance issue relating to lots 650, 700 and 701.
36. The consent holder must undertake maintenance, in accordance with the approved Maintenance Plan for a two-year period commencing on the date that the section

224(c) certificate is issued. Any maintenance issues deemed unsuitable by the Parks Planning Team Leader during this period must be remedied by the consent holder at their expense.

37. If any damage/theft to the planting occurs during the maintenance period, the consent holder must replace damaged/stolen plants with the same species and height and must be maintained for a period of three years following the replacement planting, to the satisfaction of the Parks Planning Team Leader.

#### **As-built plans**

38. The consent holder must provide to the Development Engineer and Parks Planning Team Leader as built plans for landscape works (hard and soft) within all proposed parks, reserves, and streets in CAD (NZTM 2000) and pdf form in accordance with the Development Engineering As-built requirements v1.3, including the following details:
- i. Asset names.
  - ii. All finished hard and soft landscape asset locations and type, and any planted areas must be shown to scale with the square metres of planting, species, and number of plants.
  - iii. All underground services, irrigation, and drainage.
  - iv. All paint colours, graffiti coatings, pavers, and concrete types with names of products to be included on the assets schedule.

#### **Uncompleted works bond**

39. An uncompleted works bond will be entered into where any landscape works required by the conditions of this consent have not been completed in accordance with the approved plans at the Council's discretion. The bond amount shall be 1.5 x the contracted rate of any outstanding works and shall be agreed in consultation with the Parks Planning Team Leader prior to lodging the bond. The liability of the consent holder shall not be limited to the amount of the bond.

#### **Maintenance Bonds - Streetscape and Accessway Landscaping**

40. Prior to the issue of the 224(c) certificate, and in accordance with section 108(2)(b) of the RMA, the consent holder will provide the Council a refundable bond in respect of the maintenance of the landscaping works required by the conditions of this consent. The maintenance bond will be held for a period of two years from the issue of the certificate under s224(c) for road Lots 801, 802 and 803, and accessway Lot 751. The amount of the bond will be 1.5 x the contracted rate for maintenance and must be agreed in consultation with the Parks Planning Team Leader.

#### **Maintenance Bonds - Reserves (Lots 650, 700, 701 and 750) Landscaping**

41. Prior to the issue of the 224(c) certificate, and in accordance with section 108(2)(b) of the RMA, the consent holder will provide the Council a refundable bond in respect of the maintenance of the landscaping works required by the conditions of this consent. The maintenance bond will be held for a period of two years from the issue of the certificate under s224(c) for Reserves (Lots 650, 700, 701 and 750). The amount of the bond will be 1.5 x the contracted rate for maintenance and must be agreed in consultation with the Parks Planning Team Leader.

#### **Retaining Walls**

42. Prior to s224(c) certification the retaining walls and ancillary and supporting structures

within Lots 553, 554, 750 and 751 must be constructed in accordance with the approval obtained under land use condition 31. All retaining wall(s) within Lots 553, 554, 750 and 751 must be clear of the boundary of the reserve (Lot 700).

#### **Landscaping plans for COAL 600**

43. Prior the construction of COAL 600 (other than preparatory earthworks), design details of all landscaping planting including locations, heights, and materials and lighting must be submitted to Council for written certification. The purpose of this condition is to provide appropriate visual amenity of the users of this shared accessway. The finalised design details certified by Council shall be established to the satisfaction of Council.

#### **CONSENT NOTICES**

##### **Building Restrictions**

44. The consent holder must register with the Registrar-General of Land a consent notice under Section 221 of the RMA, against the computer registers (certificates of title) for all Lots.

The consent notice must record that the following condition is to be complied with on a continuing basis:

*“Any buildings erected on the building sites identified on the “Survey Scheme Plan, prepared by: Woods, Drawing Number: P23-082-09-0010-GE, Rev: 2, dated: Mar 2024” shall be subject to the requirements of the “Geotechnical Investigation Report prepared by: CMW, ref: AKL2023-0247AB Rev 1, dated: 19 December 2023” and any subsequent reports.*

##### **Reserve boundary treatment (Lots 700 & 701)**

45. The consent holder must register with the Registrar-General of Land a consent notice under Section 221 of the RMA, against the computer registers (certificates of title) for lots adjacent to reserves Lots 700 & 701, being super lots 500, 501, 502, 550, 551, 552, 553 and 554. The consent notice must record that the following condition is to be complied with on a continuing basis:

*“Any fencing, hedging or planting along boundaries or within 2 metres of boundaries of the reserves or accessways must be low height (1.2m) and at least 50% visually permeable. Landscape planting may be implemented on either side of the fence and must be maintained to ensure 50% visual permeability. The council is exempt from sharing costs.”*

##### **Boundary Treatment (Lots 750 and 751)**

46. The consent holder must register with the Registrar-General of Land a consent notice under Section 221 of the RMA, against the computer registers (certificates of title) for lots adjacent to reserves Lots 750 and 751, being super lots 552, 553 and 554. The consent notice must record that the following condition is to be complied with on a continuing basis:

*“Any fencing, hedging or planting along boundaries or within 2 metres of boundaries of the reserves or accessways must be low height (1.2m) and at least 50% visually permeable. Landscape planting may be implemented on either side of the fence and must be maintained to ensure 50% visual permeability. The council is exempt from sharing costs.”*

##### **Stormwater Management**

47. The consent holder must register with the Registrar-General of Land a consent notice under Section 221 of the RMA, against the computer registers (certificates of title) for all Lots.

The consent notice must record that the following condition is to be complied with on a continuing basis:

*“(Building restrictions - stormwater control) All stormwater from buildings and paved areas on all Lots within the development must be collected and disposed of in accordance with the requirements of the ‘Wainui Stormwater Management Plan, Ref: Job No.31720, dated: 07-09-2016’ and ‘Auckland Council GD01’. The collection and disposal system must be installed in conjunction with the erection of any buildings and must thereafter be maintained to the specified capacity and standard in perpetuity.”*

### **Blanket consents**

#### **Vehicle crossing widths up to 4.8m**

48. The consent holder must register with the Registrar-General of Land a consent notice under Section 221 of the RMA, against the computer registers (certificates of title) for all Lots. The consent notice must record that the following condition is to be complied with on a continuing basis:

*“A blanket consent approval is provided under rule E27.4.1(A2) to enable the construction of vehicle crossings with widths up to 4.8m proposed, exceeding the maximum permitted width of 3.5m required under standard E27.6.4.3.2. This includes:*

- All lots that front local or collector roads with a front boundary less than 14m will construct a Type A vehicle crossing (3.0m wide at the boundary and 4.5m wide at the kerb).*
- All lots that front local or collector roads with a front boundary greater than 14m are able to construct a Type A vehicle crossing (3.0m wide at the boundary and 4.5m wide at the kerb) or Type B vehicle crossing (4.8m wide at the boundary and 4.8m wide at the kerb); and*
- All corner lots will construct a Type B vehicle crossing (4.8m wide at the boundary and 4.8m wide at the kerb).”*

#### **Building Coverage (Blanket consent)**

49. The consent holder must register with the Registrar-General of Land a consent notice under Section 221 of the RMA, against the computer registers (certificates of title) for Lots 100-112, 500 -502. The consent notice must record that the following condition is to be complied with on a continuing basis:

*“A blanket land use consent approval is provided to enable a maximum building coverage of up to 50% on all lots or seek resource consent to infringe this standard.”*

#### **Retaining walls (Blanket consent)**

50. The consent holder must register with the Registrar-General of Land a consent notice under Section 221 of the RMA, against the computer registers (certificates of title) for Lots 104-112. The consent notice must record that the following condition is to be complied with on a continuing basis:

*“Where a retaining wall is located between residential Lots 104-112, the measurement point for the height in relation to boundary control is proposed to be undertaken from the top of authorised retaining wall and not from the approved ground level at the time of subdivision.”*

#### **Open Space zone**

51. The consent holder must register with the Registrar-General of Land a consent notice under Section 221 of the RMA, against the computer registers (certificates of title) for Lot 108. The consent notice must record that the following condition is to be complied with on a continuing basis:

*“A blanket land use consent approval is provided to the following development standards within the Open Space zone for Lot 108:*

- *H7.11.1 Building height*
- *H7.11.2 Height in relation to boundary*
- *H7.11.3 Yards*
- *H7.11.4 Screening*
- *H7.11.5 Gross floor threshold*
- *H7.11.6 Maximum site coverage; and*
- *H7.11.7 Maximum impervious area.*

*All future residential development on these lots must be designed to implement the Mixed Housing Urban zone activity table and standards (while acknowledging consent has been approved for 50% building coverage) or seek resource consent to infringe the applicable Mixed Housing Urban zone standards.”*

52. The consent holder must register with the Registrar-General of Land a consent notice under Section 221 of the RMA, against the computer registers (certificates of title) for superlot 550. The consent notice must record that the following condition is to be complied with on a continuing basis:

*“A blanket land use consent approval is provided to the following development standards within the Open Space zone for Lot 550:*

- *H7.11.1 Building height*
- *H7.11.2 Height in relation to boundary*
- *H7.11.3 Yards*
- *H7.11.4 Screening*
- *H7.11.5 Gross floor threshold*
- *H7.11.6 Maximum site coverage; and*
- *H7.11.7 Maximum impervious area.*

*All future residential development on these lots must be designed to implement the Terrace Housing and Apartment Building zone activity table and standards or seek resource consent to infringe the applicable Terrace Housing and Apartment Building zone standards.”*

53. The consent holder must register with the Registrar-General of Land a consent notice



under Section 221 of the RMA, against the computer registers (certificates of title) for superlots 553 and 554. The consent notice must record that the following condition is to be complied with on a continuing basis:

*“A blanket land use consent approval is provided to the following development standards within the Open Space zone for Lot 553 and 554:*

- *H7.11.1 Building height*
- *H7.11.2 Height in relation to boundary*
- *H7.11.3 Yards*
- *H7.11.4 Screening*
- *H7.11.5 Gross floor threshold*
- *H7.11.6 Maximum site coverage; and*
- *H7.11.7 Maximum impervious area.*

*All future development on these lots must be designed to implement the Local Centre zone activity table and standards or seek resource consent to infringe the applicable Local Centre zone standards.”*

#### **Milldale Local Centre Design Principles**

54. The consent holder must register with the Registrar-General of Land a consent notice under Section 221 of the RMA, against the computer registers (certificates of title) for Lots 552, 553 and 554: The consent notice must record that the following condition is to be complied with on a continuing basis:

*“In addition to the Milldale Design Guidelines, the following conditions are applicable to Lots 552, 553 and 554.*

*All future development and subdivision, on Lots 552, 553 and 554 must be undertaken in general accordance with the principles detailed within the MILLDALE STAGE 9 SUBDIVISION CONSENT URBAN DESIGN REPORT prepared by Woods dated December 2023.*

*All future development on Lots 552, 553 and 554 must incorporate the primary frontage and secondary frontage (quality back) in general accordance with Local Centre Zone - Indicative Building Frontages Plan P23-082-UD405 prepared by Woods dated 18/12/2023.*

*All future development Lots 552, 553 and 554 must ensure:*

- *Windows with clear glazing and pedestrian entrances must comprise no less than 40 per cent of the surface area of the building facade at ground level, relative to the access from the street.*
- *Windows must be sufficient transparency and sills / heads designed to enable a visual connection to adjacent reserves and public accessways.*
- *The upper floor levels located adjacent to reserves and / or public accessways may provide a minimum of 20% glazing on these walls.*

## **Advice notes**

1. *Any reference to number of days within this decision refers to working days as defined*

in s2 of the RMA.

2. For the purpose of compliance with the conditions of consent, “the council” refers to the council’s monitoring inspector unless otherwise specified. Please email [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) to identify your allocated officer.
3. For more information on the resource consent process with Auckland Council see the council’s website: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz). General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment’s website: [www.mfe.govt.nz](http://www.mfe.govt.nz).
4. If you disagree with any of the above conditions, and/or disagree with the additional charges relating to the processing of the application(s), you have a right of objection pursuant to sections 357A and/or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of your receipt of this decision (for s357A) or receipt of the council invoice (for s357B).
5. The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.
6. The consent holder is advised that the national Addressing Standard (AS/NZS 4819:2011) requires that all new public roads and extensions to existing roads and any private roads (rights of way or common access lots) that serve more than five allotments and are created through a subdivision consent will require a **road name**. All road names must be approved by Council. In order to minimise disruption to construction and survey works, the consent holder is advised to obtain any road name prior to applying for a section 223 certificate. For more details refer to <https://www.aucklandcouncil.govt.nz/building-and-consents/types-resource-consents/subdivision-of-property/Pages/road-naming.aspx>.

#### **Advice that engineering approval required**

7. The physical works as identified by this consent will require engineering approval to be obtained from the council prior to the commencement of construction. All physical works shall be constructed in accordance with Auckland Council, Auckland Transport and Watercare Standards. See the council’s website ([www.aucklandcouncil.govt.nz](http://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.

*In particular, the detailed design of the following should be provided:*

- i. Vehicle tracking for all intersections and mid-block horizontal curves according to the AT Engineering Design Code Urban and Rural Roadway Design.
- ii. Long-section drawings for all roads.
- iii. Kerb lines, pram crossings, footpaths, cycle facilities, traffic calming, road marking’s locations of all new intersections.
- iv. Front and back berm widths of all roads.
- v. Active modes design including crossings.

- vi. *Rain garden design (catchment details and rain garden sizing) and locations.*
- vii. *Detailed cross sections and calculations of all overland flow paths.*
- viii. *Streetlighting design.*

*If the EPA drawings require any permanent traffic or parking restrictions, then the consent holder must submit a resolution report for approval by Auckland Transport Traffic Control Committee (TCC) to legalise these restrictions. 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 the TCC for review and approval. A copy of the resolution from the TCC must be submitted to the Council prior to applying for a certificate under section 224(c) of the RMA.*

- 8. *The consent holder is required to provide a lighting design in accordance with AS/NZS 1158 and AT TDM standards.*
- 9. *Any substantial changes to the proposed road designs may also necessitate a s127 application to cancel or vary condition(s) of this consent, which will be at the discretion of the Council.*
- 10. *Detailed calculations of the temporary channel sizing and erosion mitigation are required to be provided at EPA.*

Delegated decision maker:

Name: Masato Nakamura

Title: Principal Project Lead, Premium Resource Consents

Signed:



Date: 10 June 2024

## Resource Consent Notice of Works Starting

Please email this form to [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) at least 5 days prior to work starting on your development or post it to the address at the bottom of the page.

<b>Site address:</b>				
<b>AREA (please tick the box)</b>	<b>Auckland CBD</b> <input type="checkbox"/>	<b>Auckland Isthmus</b> <input type="checkbox"/>	<b>Hauraki Gulf Islands</b> <input type="checkbox"/>	<b>Waitakere</b> <input type="checkbox"/>
<b>Manukau</b> <input type="checkbox"/>	<b>Rodney</b> <input type="checkbox"/>	<b>North Shore</b> <input type="checkbox"/>	<b>Papakura</b> <input type="checkbox"/>	<b>Franklin</b> <input type="checkbox"/>
<b>Resource consent number:</b>			<b>Associated building consent:</b>	
<b>Expected start date of work:</b>			<b>Expected duration of work:</b>	

Primary contact	Name	Mobile / Landline	Address	Email address
Owner				
Project manager				
Builder				
Earthmover				
Arborist				
Other (specify)				

<b>Signature:</b> Owner / Project Manager (indicate which)	<b>Date:</b>
--	--------------

Once you have been contacted by the Monitoring Officer, all correspondence should be sent directly to them.

### **SAVE \$\$\$ minimise monitoring costs!**

The council will review your property for start of works every three months from the date of issue of the resource consent and charge for the time spent. You can contact your Resource Consent Monitoring Officer on 09 301 0101 or via [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) to discuss a likely timetable of works before the inspection is carried out and to avoid incurring this cost.





**BUN60427756**

Approved Resource Consent Plan

10/06/2024



**MILLDALE**

*Connecting Lifestyles*

**MILLDALE  
STAGE 9**

**CONSENT DRAWINGS  
NOVEMBER 2023**

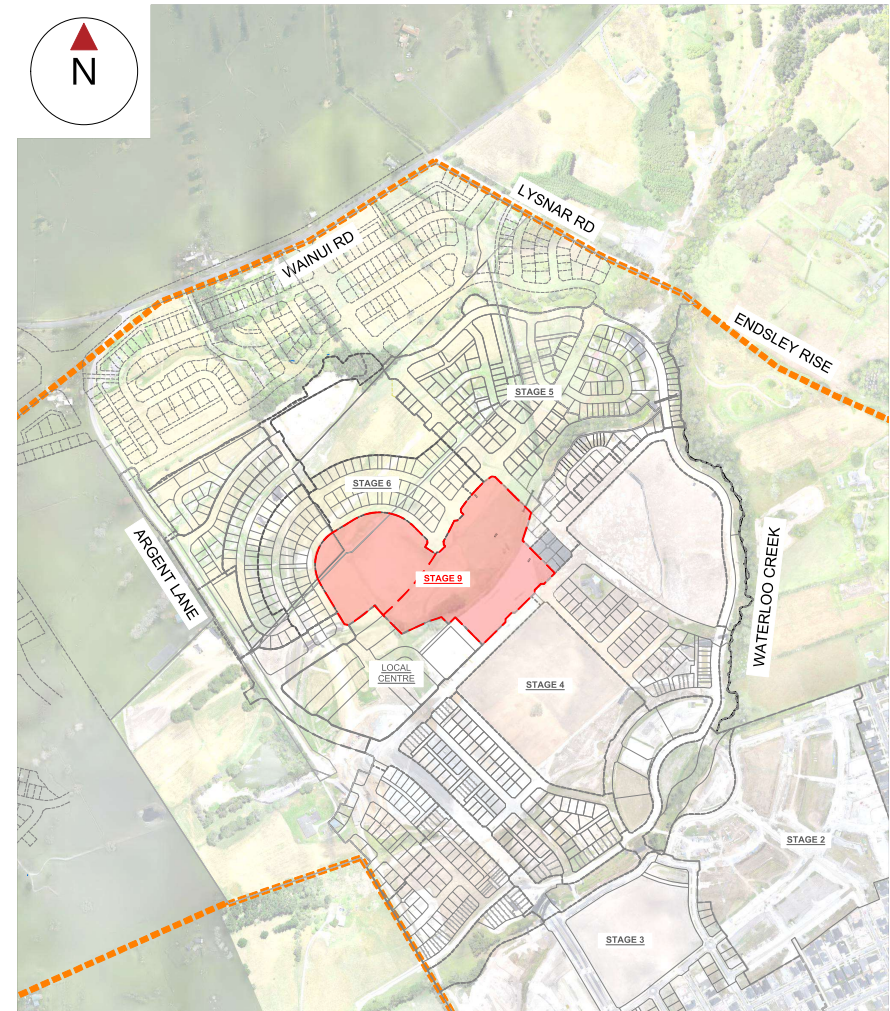


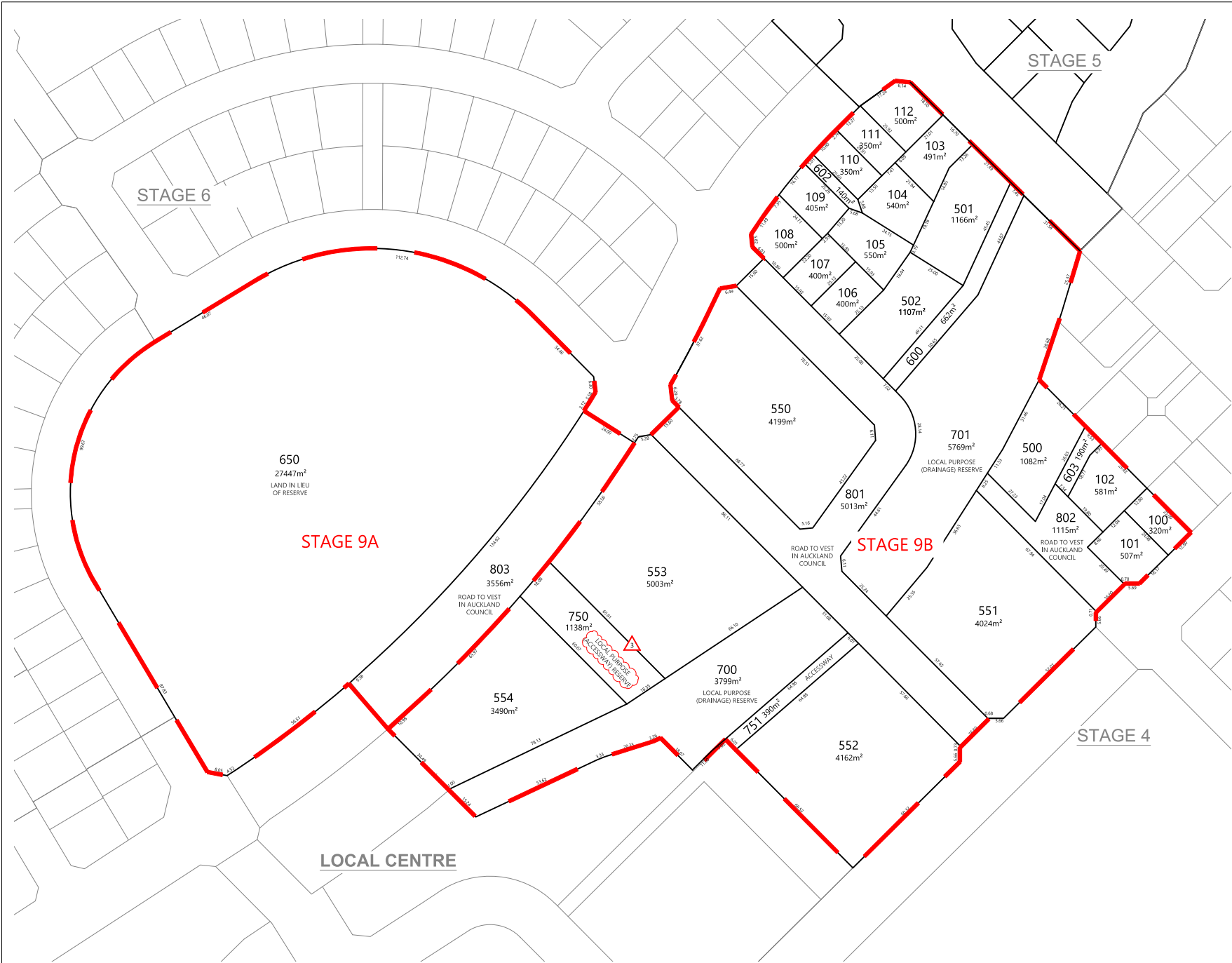


# MILLCDALE - STAGE 9 CONSENT DRAWINGS DRAWINGS INDEX

DRAWING NUMBER	REV	DRAWING TITLE
P23-082-09-0000-GE	1	COVER
P23-082-09-0001-GE	1	DRAWINGS INDEX
P23-082-09-0010-GE	3	SURVEY SCHEME PLAN
P23-082-09-0101-GE	1	SITE LOCATION PLAN
P23-082-09-0104-GE	1	ZONING PLAN
P23-082-09-0105-GE	1	PRECINCT PLAN CONFORMANCE
P23-082-09-0106-GE	1	EXISTING EARTHWORKS CONSENTS PLAN
P23-082-09-0107-GE	1	EXISTING SUBDIVISION CONSENTS PLAN
P23-082-09-0110-GE	2	DEVELOPMENT PLAN
P23-082-09-1000-EW	1	EXISTING CONTOURS PLAN
P23-082-09-1100-EW	2	DESIGN CONTOURS PLAN
P23-082-09-1200-EW	1	DESIGN CUT FILL
P23-082-09-1300-EW	1	DESIGN CROSS SECTIONS
P23-082-09-1301-EW	1	DESIGN CROSS SECTION A
P23-082-09-1302-EW	1	DESIGN CROSS SECTION B
P23-082-09-1303-EW	1	DESIGN CROSS SECTION C
P23-082-09-1304-EW	1	DESIGN CROSS SECTION D
P23-082-09-1400-EW	2	RETAINING WALL PLAN
P23-082-09-1800-EW	1	S&E CONTROL EARTHWORKS PLAN
P23-082-09-1801-EW	1	S&E CONTROL CIVIL PLAN
P23-082-09-2000-RD	2	OVERALL ROADING LAYOUT PLAN
P23-082-09-2200-RD	1	ROAD TYPOLOGY PLAN
P23-082-09-2201-RD	1	TYPICAL ROAD SECTIONS - COLLECTOR ROAD 03
P23-082-09-2202-RD	1	TYPICAL ROAD SECTIONS - SUBURBAN STREETS
P23-082-09-2203-RD	1	TYPICAL ROAD SECTIONS - LOCAL ROAD 03
P23-082-09-2204-RD	2	TYPICAL ROAD SECTIONS - JOAL & PEDESTRIAN WALKWAY
P23-082-09-2205-RD	1	TYPICAL ROAD SECTIONS - JOAL & ACCESSWAYS
P23-082-09-2500-RD	2	LOCAL ROAD 01 LONGSECTION
P23-082-09-2501-RD	2	LOCAL ROAD 02 LONGSECTION
P23-082-09-2502-RD	2	LOCAL ROAD 03 LONGSECTION
P23-082-09-2503-RD	2	COLLECTOR ROAD 03 LONGSECTION
P23-082-09-2800-RD	2	VEHICLE TURNING MOVEMENTS
P23-082-09-2811-RD	1	TYPICAL VEHICLE CROSSINGS & JOAL STANDARD DETAILS
P23-082-09-2812-RD	1	TYPICAL VEHICLE CROSSINGS & JOAL STANDARD DETAILS
P23-082-09-2813-RD	1	TYPICAL VEHICLE CROSSINGS & JOAL STANDARD DETAILS
P23-082-09-2814-RD	1	TYPICAL VEHICLE CROSSINGS & JOAL STANDARD DETAILS

DRAWING NUMBER	REV	DRAWING TITLE
P23-082-09-3000-DR	3	STORMWATER DRAINAGE LAYOUT
P23-082-09-3020-DR	2	STORMWATER OVERLAND FLOW PATH PLAN
P23-082-09-3021-DR	1	STORMWATER OVERLAND FLOW PATH - SHEET 1
P23-082-09-3022-DR	1	STORMWATER OVERLAND FLOW PATH - SHEET 2
P23-082-09-3200-DR	1	STORMWATER CATCHMENT MANAGEMENT PLAN
P23-082-09-3900-DR	2	DRAINAGE RESERVE PLAN AND CROSS SECTION
P23-082-09-4000-DR	2	WASTEWATER DRAINAGE LAYOUT
P23-082-09-4600-DR	2	WASTEWATER CATCHMENT PLAN
P23-082-09-4601-DR	2	WASTEWATER TRANSMISSION LINE CATCHMENT
P23-082-09-6000-WR	1	WATER RETICULATION LAYOUT
P23-082-09-9300-DR	1	STREAM AND WETLAND PLAN
P23-082-09-9301-DR	2	LR01 CULVERT LONG SECTION
P23-082-09-9305-GE	1	PRECINCT PLAN CONFORMANCE
P23-082-09-9320-EW	1	DESIGN CROSS SECTIONS PLAN
P23-082-09-9321-EW	1	DESIGN CROSS SECTIONS
P23-082-09-9330-GE	1	CONTEXT PLAN - WETLAND OFFSET
P23-082-09-9331-GE	1	WETLAND AREAS PLAN - WETLAND OFFSET
P23-082-09-9332-GE	1	BUND CONSTRUCTION PLAN - WETLAND OFFSET
P23-082-09-9390-GE	1	PROPOSED LAND COVENANT





AMALGAMATION CONDITIONS
THAT LOT 600 HEREON (LEGAL ACCESS) BE HELD AS TO TWO UNDIVIDED ONE-HALF SHARES BY THE OWNERS OF LOTS 501 & 502 HEREON AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL RECORDS OF TITLE BE ISSUED IN ACCORDANCE HEREWITH.
THAT LOTS 603 HEREON (LEGAL ACCESS) AND LOT 500 HEREON BE HELD IN THE SAME RECORD OF TITLE.
THAT LOT 602 HEREON (LEGAL ACCESS) BE HELD AS TO TWO UNDIVIDED ONE-HALF SHARES BY THE OWNERS OF LOTS 104 & 105 HEREON AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL RECORDS OF TITLE BE ISSUED IN ACCORDANCE HEREWITH.

UNDERLYING LAND INFORMATION		
CURRENT APPELATION	RT	AREA (Ha)
BALANCE PARCEL LOCAL CENTRE	N/A	N/A

NOTES:
• ALL AREAS AND DIMENSIONS ARE SUBJECT TO FINAL SURVEY
• SCHEME PLAN IS SUBJECT TO COUNCIL APPROVAL
• ALL ROADS TO VEST IN AUCKLAND COUNCIL
• ALL ACCESSWAYS TO VEST IN AUCKLAND COUNCIL

REVISION DETAILS	INT	DATE	SURVEYED	WOODS	
1 ISSUED FOR APPROVAL	NN	NOV 2023	DESIGNED	NN	MILLDALE AUCKLAND
2 ISSUED FOR S92	NN	MAR 24	DRAWN	NN	
3 ISSUED FOR S92 - LOT 750	NN	MAY 2024	CHECKED	SM	
			APPROVED	JW	WOODS.CO.NZ



MILLDALE STAGE 9

SURVEY SCHEME PLAN

	STATUS	ISSUED FOR APPROVAL	REV
	SCALE	1:1500 @ A3	3
	COUNCIL	AUCKLAND COUNCIL	
	DWG NO	P23-082-09-0010-GE	





**LEGEND:**

- WAINUI PRECINCT BOUNDARY
- STAGE 9 AREA

REVISION DETAILS		INT	DATE	SURVEYED	WOODS	MILDALE AUCKLAND  WOODS.CO.NZ
1	ISSUE FOR APPROVAL	NN	NOV 2023	DESIGNED	NN	
				DRAWN	FA	
				CHECKED	NN	
				APPROVED	JW	








**MILDALE STAGE 9**  
SITE LOCATION PLAN









STATUS	ISSUE FOR APPROVAL	REV
SCALE	1:10000 @ A3	1
COUNCIL	AUCKLAND COUNCIL	
DWG NO	P23-082-09-0101-GE	



**LEGEND:**

- WAINUI PRECINCT BOUNDARY 
- STAGE 9 EXTENTS 
- WEITI RIVER CORRIDOR 
- FUTURE BOUNDARIES 
- BOUNDARIES 

**Residential**

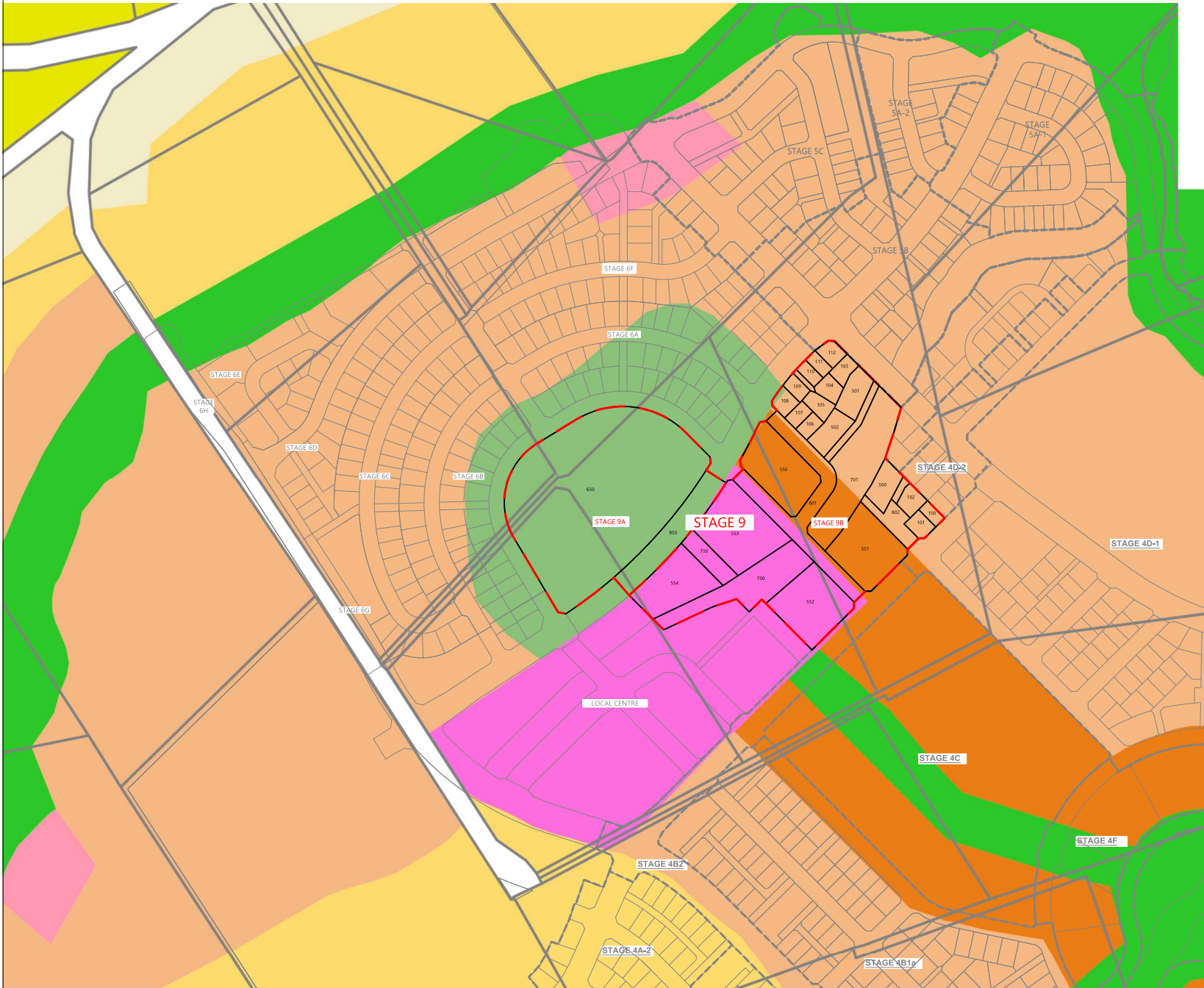
-  Residential - Large Lot Zone
-  Residential - Rural and Coastal Settlement Zone
-  Residential - Single House Zone
-  Residential - Mixed Housing Suburban Zone
-  Residential - Mixed Housing Urban Zone
-  Residential - Terrace Housing and Apartment Buildings Zone

**Business**

-  Business - City Centre Zone
-  Business - Metropolitan Centre Zone
-  Business - Town Centre Zone
-  Business - Local Centre Zone
-  Business - Neighbourhood Centre Zone
-  Business - Mixed Use Zone
-  Business - General Business Zone
-  Business - Business Park Zone
-  Business - Heavy Industry Zone
-  Business - Light Industry Zone

**Open space**

-  Open Space - Conservation Zone
-  Open Space - Informal Recreation Zone
-  Open Space - Sport and Active Recreation Zone
-  Open Space - Civic Spaces Zone
-  Open Space - Community Zone



REVISION DETAILS		INT	DATE	SURVEYED	WOODS
1	ISSUED FOR APPROVAL	NN	NOV 2023	DESIGNED	NN
				DRAWN	FA
				CHECKED	NN
				APPROVED	JW

MILLDALE AUCKLAND
WOODS.CO.NZ



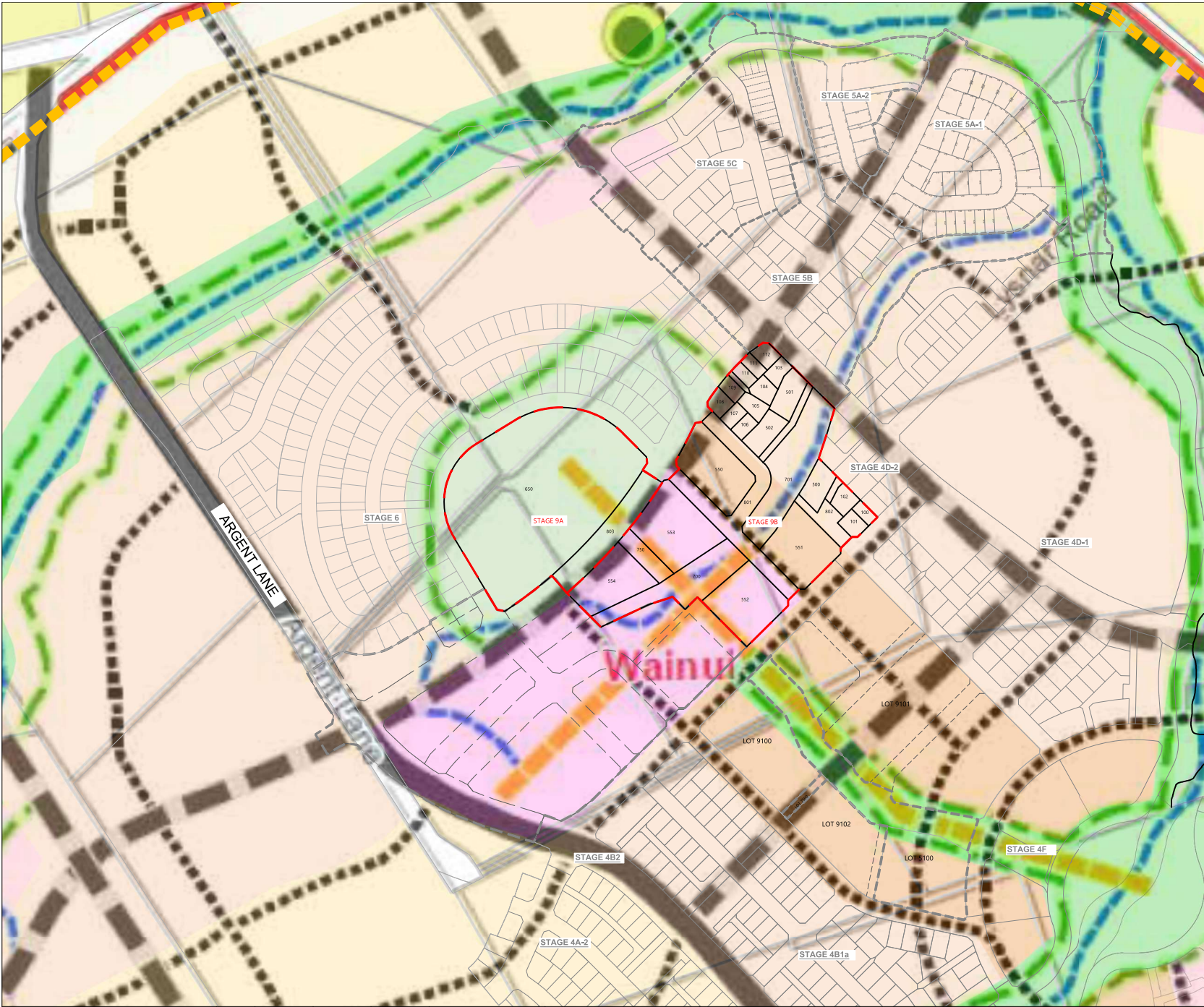
**MILLDALE STAGE 9**

**ZONING PLAN**



STATUS	ISSUED FOR APPROVAL	REV
SCALE	1:4000 @ A3	1
COUNCIL	AUCKLAND COUNCIL	
DWG NO	P23-082-09-0104-GE	





**LEGEND:**

WAINUI PRECINCT BOUNDARY

STAGE 9 EXTENTS

WETI RIVER CORRIDOR

FUTURE BOUNDARIES

BOUNDARIES



**Residential**

- Residential - Large Lot Zone
- Residential - Rural and Coastal Settlement Zone
- Residential - Single House Zone
- Residential - Mixed Housing Suburban Zone
- Residential - Mixed Housing Urban Zone
- Residential - Terrace Housing and Apartment Buildings Zone

**Business**

- Business - City Centre Zone
- Business - Metropolitan Centre Zone
- Business - Town Centre Zone
- Business - Local Centre Zone
- Business - Neighbourhood Centre Zone
- Business - Mixed Use Zone
- Business - General Business Zone
- Business - Business Park Zone
- Business - Heavy Industry Zone
- Business - Light Industry Zone

**Open space**

- Open Space - Conservation Zone
- Open Space - Informal Recreation Zone
- Open Space - Sport and Active Recreation Zone
- Open Space - Civic Spaces Zone
- Open Space - Community Zone

**Possible Neighbourhood Parks**


- Indicative District Arterial
- Indicative Collector Road
- Indicative Key Local Road
- Indicative Key Pedestrian Links
- Indicative Reserve Edge Road
- Indicative Streams
- Precinct boundary
- Parcel boundaries

REVISION DETAILS		INT	DATE	SURVEYED	WOODS
1	ISSUED FOR APPROVAL	NN	NOV 2023	DESIGNED	NN
				DRAWN	FA
				CHECKED	NN
				APPROVED	JW

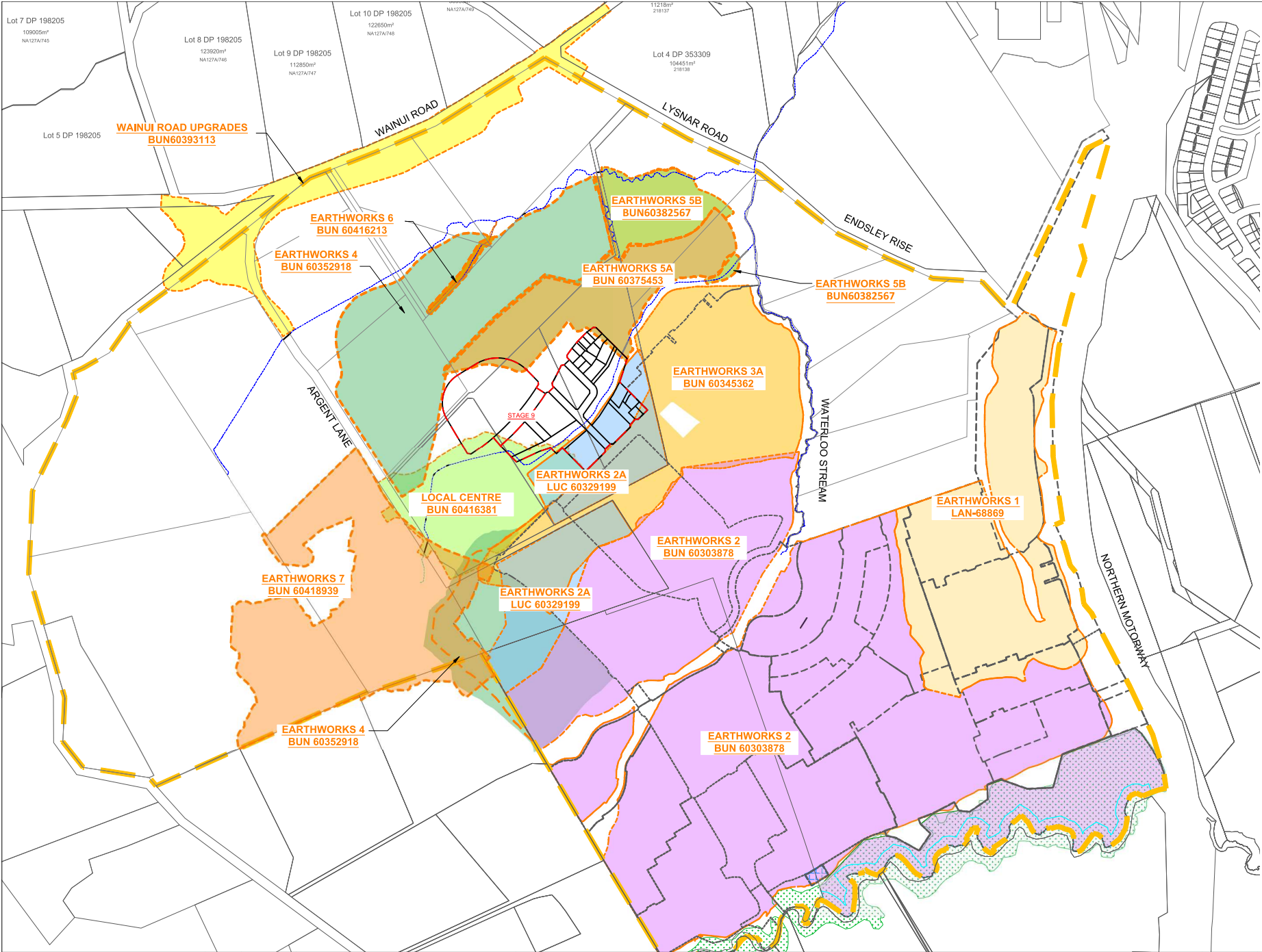
  
**MILLDALE**  
connecting lives

**MILLDALE STAGE 9**

**PRECINCT PLAN CONFORMANCE**

	STATUS	ISSUED FOR APPROVAL	REV
	SCALE	1:4000 @ A3	1
	COUNCIL	AUCKLAND COUNCIL	
DWG NO	P23-082-09-0105-GE		





Plot Date: 11:51:11 pm 13 December 2023. FATINA

REVISION DETAILS		INT	DATE	SURVEYED	WOODS
1	ISSUED FOR APPROVAL	NN	NOV 2023	DESIGNED	NN
				DRAWN	NN
				CHECKED	JW
				APPROVED	JW

MILLDALE AUCKLAND
WOODS.CO.NZ

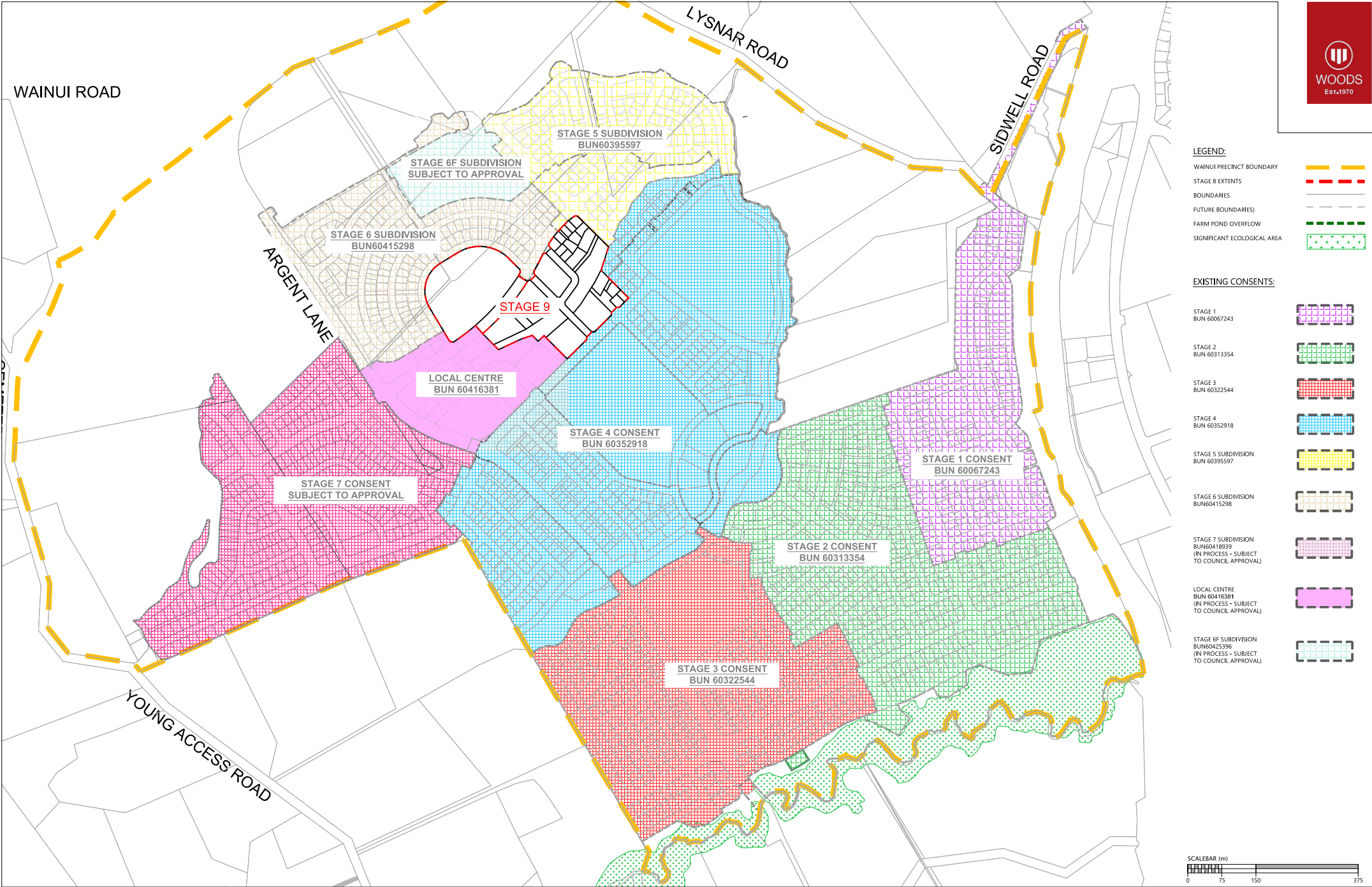


# MILLDALE STAGE 9

## EXISTING EARTHWORKS CONSENTS PLAN



STATUS	ISSUED FOR APPROVAL	REV
SCALE	1:8000 @ A3	1
COUNCIL	AUCKLAND COUNCIL	
DWG NO	P23-082-09-0106-GE	



REVISION DETAILS		INT	DATE	SURVEYED	WOODS
1	ISSUED FOR APPROVAL	NN	NOV 2023	DESIGNED	NN
				DRAWN	NN
				CHECKED	JW
				APPROVED	JW

MILLDALE AUCKLAND
WOODS.CO.NZ



MILLDALE STAGE 9

EXISTING SUBDIVISION CONSENTS PLAN

	STATUS	ISSUED FOR APPROVAL	REV
	SCALE	1:7500 @ A3	1
	COUNCIL	AUCKLAND COUNCIL	
DWG NO	P23-082-09-0107-GE		