

## North West Rapid Transit (FTAA-2511-1146)

### Comments to Panel on behalf of Cabra Industrial Limited, Cabra Fred Taylor Limited and Foundry Industrial Limited

#### 1. Background and Introduction

The NZ Transport Agency Waka Kotahi (NZTA) applied for consent under the Fast Track Approvals Act (as amended by the Fast-track Approvals Amendment Act 2025) for the construction, operation and maintenance of new bus rapid transit (BRT) facilities alongside State Highway 16 (SH16) from the Brigham Creek Road/SH16 intersection through to Ian McKinnon Drive in the Auckland City Centre, including seven rapid transit stations and one Park and Ride facility at Brigham Creek Rarawaru (the Project).

Comments are provided herein on behalf of the entities that own three adjacent properties, all of which are managed by Foundry Group. The property ownership arrangements are as follows:

Address	Landowner	Area of land to be taken	NOR	Scope of works	Stage and Timeframe
██████████ ██████	Cabra Fred Taylor Limited	0m <sup>2</sup>	-	No works are proposed within the property, however comments have been invited from this adjacent landowner.	-
██████████	Foundry Industrial Limited	3,596m <sup>2</sup>	NOR 2	Two lane busway, battering and bridge over Totara Creek; stormwater from busway discharges into Totara Creek.	Stage 2C (2036-2039)
██████████	Cabra Industrial Limited	13,083m <sup>2</sup>	NOR 1	Adjacent to the Park and Ride facility at Brigham Creek Rarawaru. Two lane busway, battering and stormwater pond.	Stage 2C (2036-2039)

Foundry Group **supports the project in principle** as it will serve as a catalyst for future growth and development specifically along Fred Taylor Drive, and across wider Whenuapai.

Foundry Group’s overriding comments relate to a desire to remain engaged and in discussion with NZTA as the design of the Park and Ride terminal is progressed and construction developed in the first instance, and in the future, with the northern end of the Busway as it connects from the Park and Ride into the land adjacent to SH16, noting the Busway traverses [REDACTED] (and the ancillary adjacent land).

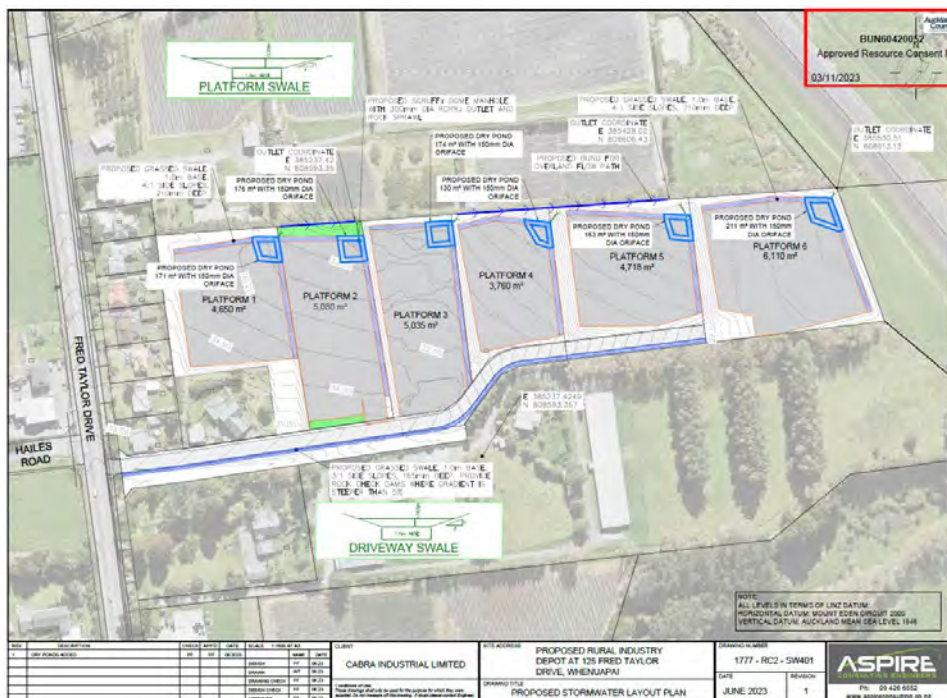
Foundry Group has obtained advice from independent experts to review the application and advise on the potential for adverse civil, flooding and acoustic/vibration effects on their landholdings. Planning matters are also set out below. This technical input is set out below.

## 2. Comments

The project team provides the following comments and/or identifies potential gaps in the information supplied:

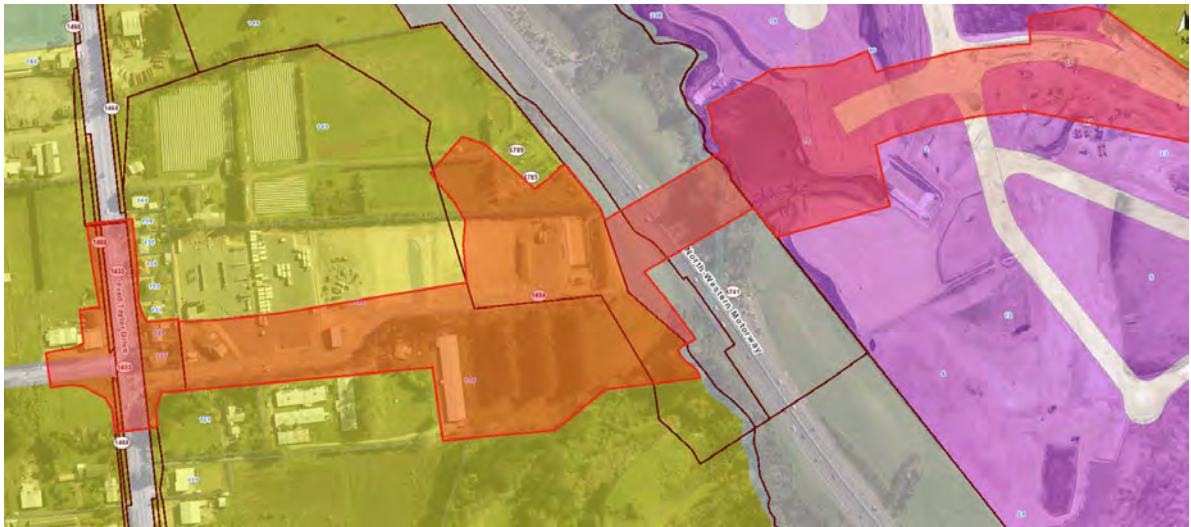
### Planning

- First and foremost, Foundry wish to ensure that open, two-way dialogue will occur throughout the design and construction phases to ensure levels are integrated and aligned with existing levels along the northern and eastern boundaries of [REDACTED], where practical.
- The property at [REDACTED] has resource consent for the construction and operation of industrial yards; these works have been completed and the yards are operational (Council reference BUN60420052). A copy of the approved resource consent is attached at **Appendix 1** and the approved plan is shown below. Six storage yards are approved, each with a grassed swale along the northern side discharging into a dry pond in the north eastern corner of each yard, discharging into an existing overland flow path in the north eastern corner of the site at pre-development levels.



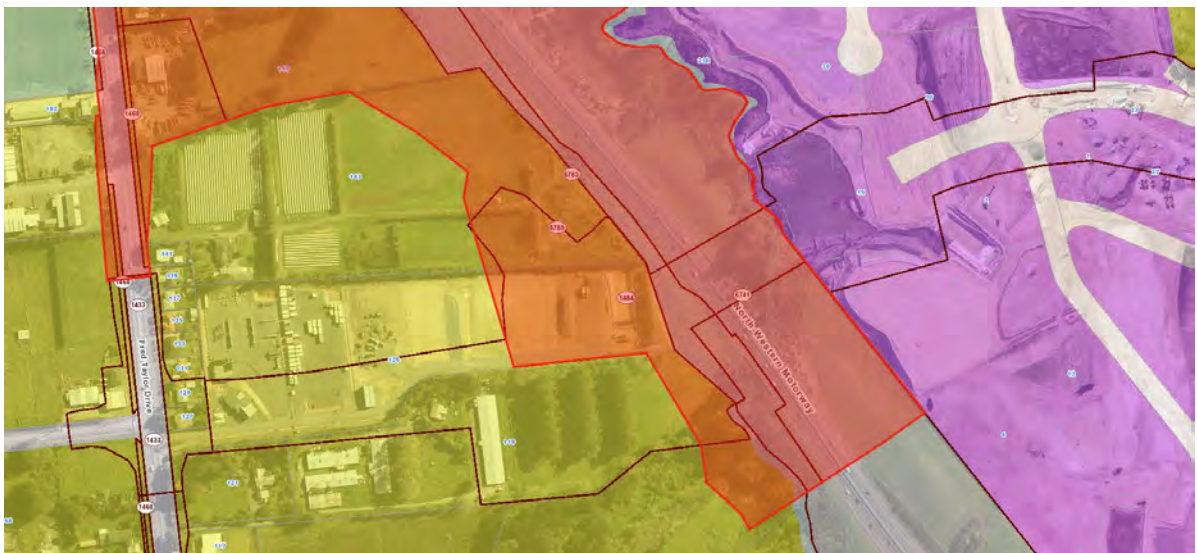
- The Park and Ride is a 'planned rapid transit stop' (RTS) under the National Policy Statement for Urban Development (NPS-UD), or at least will be when direct access to SH16 is provided. Policy 3(c)(i) of the NPS-UD states that the AUP must therefore enable building heights of at least 6 storeys within at least a walkable catchment of existing and planned rapid transit stops. The expectation therefore is that the land surrounding the Park and Ride will be rezoned (either via a public or private plan change process) to enable greater height and density. At this stage, it is unclear what zone may apply to the land in the future. Auckland Council is undertaking a structure planning process for the Whenuapai West and Redhills area which will include consideration of zoning around the planned RTS; this is expected to be publicly released in Q3 or Q4. Typically, other walkable catchments across the City comprise the Mixed Use or Terrace Housing and Apartment Building (THAB) zones. It is Foundry's intention to redevelop all three properties following a future plan change process to rezone the land, and therefore the feedback enclosed in this letter is provided bearing in mind Foundry's intention to deliver future residential or mixed use development accordingly. The future residential use of the land is relevant when considering the potential effects that may arise from the proposal on the adjacent landholdings, as set out in respect of civil and acoustic/vibration effects below.
- These properties are affected by various transport designations, namely the Supporting Growth Alliance's Spedding Road extension, Rapid Transit Corridor (RTC), and the Alternative State Highway (ASH). These are discussed in turn below; there are various planning 'mechanics' that apply in the location of the proposed busway, as it pertains to Foundry's landholdings. At the same time, Foundry wishes to protect its ability to develop its land which is unaffected by these designations, and also seeks to ensure development on adjacent land is integrated with its current levels to avoid significant level changes at the boundaries.
- Auckland Transport Designation 1484 (The construction, operation and maintenance of an arterial transport corridor (Spedding Road)) relates to the extension of Spedding Road to connect with Fred Taylor Drive, including a bridge across SH16. Designation 1484 is located across parts of [REDACTED], overlapping with the proposed NOR for the busway and ancillary stormwater management pond. It is unclear how the Spedding Road bridge and extension, and the busway and stormwater pond, will physically overlap or interact. How does the busway design accommodate the bridge in terms of levels, battering and retaining? The application does not appear to address this.

Extent of Designation 1484 Spedding Road Extension overlapping [REDACTED]

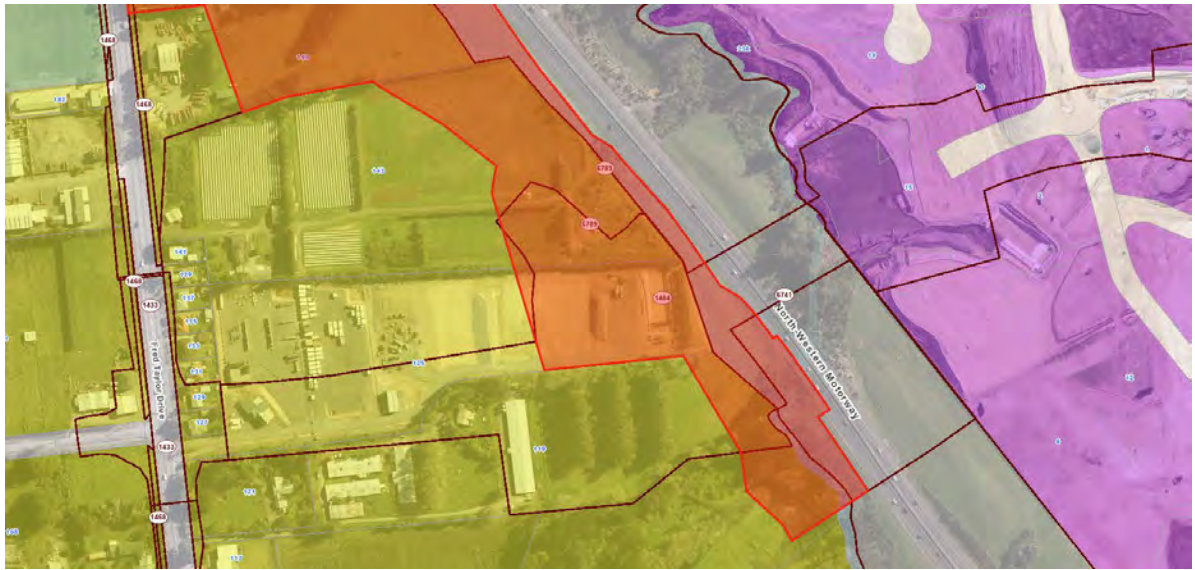


- Similarly, NZTA Designation 6785 ASH and Designation 6789 RTC overlap the eastern end of [REDACTED]. It is unclear how the design of the Busway integrates with these significant transport projects. The same issues arise as set out above in respect of the Spedding Road extension, however unlike that project, the ASH and RTC are not prerequisites for growth and development in Whenuapai West (refer below).

Extent of Designation 6785 ASH overlapping 119 and 125 Fred Taylor Drive



**Extent of Designation 6789 RTC overlapping 119 and 125 Fred Taylor Drive**



- As shown below, the Auckland Future Development Strategy identifies both the Spedding Road Upgrade and extension, and the subject application, the North West Rapid Transit project, as prerequisites to unlock growth and development in the Whenuapai West area (being the area between Fred Taylor Drive and SH16). We note that Stage 2c of the proposed NOR is scheduled to be constructed across Foundry’s land between 2036 and 2039, and that the Spedding Road extension and bridge has not been funded and is not programmed (however the designation has a lapse date of 2040). As such, it is necessary to ensure that both projects can proceed in an integrated and coordinated design, despite one potentially coming ahead of the other in order to unlock Whenuapai West. If the first project scuppers the second, the full list of FDS prerequisites for the Whenuapai West future urban area cannot be satisfied. This is not addressed within the application documents.

Whenuapai West	<b>Not before 2035+</b>	Brigham Creek Road upgrade SH16 to SH18 Connections Spedding Road Upgrade and Extension <b>Northwest Rapid Transit</b> Whenuapai Wastewater Package 1 Whenuapai Wastewater Package 2
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- For these reasons, Foundry requests NZTA enter into a Memorandum of Understanding to ensure both parties continue to engage with each other on matters relating to the design of adjacent land and at the interface. Failing that, Foundry seeks changes to conditions of consent to achieve this outcome – refer Section 3 below.

**Civil engineering and flooding**

- Aspire Engineering Consultants have reviewed the application. Aspire have a working knowledge of the property at [REDACTED] having been the engineers for the resource consent to establish the yard consent and the project engineers during construction.

- Aspire note that the busway traversing the eastern end of the site will trigger amendments to the Operational and Maintenance Plan for the stormwater and treatment devices that are currently operating on the site, with reference to conditions 67 and 68 of the approved consent (**Appendix 1**). The implications of the changes to the existing stormwater network on Foundry's site are not yet known, as the Application does not appear to incorporated stormwater discharge from the existing yard development.
- A stormwater pond is proposed at the eastern end of the property at [REDACTED], being the low point of the Foundry property. As discussed above, stormwater from the Foundry site currently discharges to an existing overland flow path in the north eastern corner of the site. Aspire query whether the proposed stormwater design takes this into account, and/or whether the proposed stormwater device and culverts have been designed to allow for stormwater from the upper catchments, so as not to restrict increased discharge at a later date (owing to future impervious area being anticipated from new development following rezoning). Aspire suggests that a stormwater connection to the proposed stormwater device would provide for and recognise this.
- Turning to wastewater, Aspire suggests if it is proposed to extend the public wastewater network to the Park and Ride, it should also be designed to future proof land use changes within the upper catchment given the project will unlock rezoning around it. Again, the provision of a wastewater connection to [REDACTED] would provide for and recognise this.
- Aspire recommend an MOU is agreed between Foundry and NZTA recognising that future development is anticipated at Foundry's properties, and to address the matters outlined above.

### Noise and Vibration

- Earcon Acoustics has undertaken a review of the acoustic assessment supplied with the NOR and land use consent applications. The following matters are raised having regard to the existing use, and future urban activities and development that are anticipated by Foundry (with regard to the planning framework set out above). The following comments are provided regarding operational and construction noise and vibration.

#### Operational noise and vibration

- The Assessment of Operational Noise and Vibration Effects (15 December 2025) indicates that noise from the bus station would be compliant at night-time at circa 50m from the station. Within 50m of the station, noise would likely exceed the night time noise limits for residential zones.
- For reference, the station would be compliant if it were established today as the noise limit in the Future Urban Zone applies at the notional boundary (i.e. based on a receiver location). With no receivers across [REDACTED], the station would automatically comply. Residential zones however require compliance with noise limits at the boundary.
- Notwithstanding potential complications from other noise sources such as PA systems and passenger car movements, this means that at least the eastern 50m of the site would be subject to night time noise levels above residential limits. If the subject site were to be rezoned to residential and development occurred, this would have a material effect on the suitability of the subject site were it to

be rezoned to a residential zone, and a number of mitigation measures would need to be introduced to support residential activities in this part of the site.

- At this stage, it is unclear whether it is Council's intention to rezone the land for residential use, however it is an option and is common around RTC across the City as this provides residential density in a location that is walkable to public transport. It appears that further mitigation is required to be delivered by NZTA to manage night time noise effects on future residential occupants.

#### Construction noise and vibration

- Construction noise and vibration effects are discussed in Section 3 with reference to conditions of consent.

Some of these matters and their associated risks could be addressed through conditions of consent (see section 3 below) but some are identified as resulting in an unacceptable degree of effect or uncertainty at this stage.

### 3. Conditions

Foundry's overall request is open two-way dialogue throughout the design and construction process. Ideally, this would be in the form of a Memorandum of Understanding between the two parties which recognises that the Park and Ride is of significant benefit to Whenuapai, and that future development is anticipated across all three Foundry properties. Integration in terms of design, levels and infrastructure supports both parties.

We appreciate however the Panel cannot require an MOU of this nature through the Fast Track consenting process, and therefore Foundry provides the following comments on the proposed conditions of consent.

For the avoidance of doubt, Foundry intends to provide specific comments on conditions at that stage in the Fast Track process.

The following matters are grouped by theme, building on the current draft suite of NOR and land use conditions in the application, with input from Foundry's experts' recommendations.

#### Engineering

- Other than the CTMP and CNVMP, there are no conditions (designation or land use) requiring the Authority to consider adjacent property owners. There are no conditions requiring the sharing of design information, two-way dialogue between the applicant and adjacent landowners, or the requirement to integrate with or provide for existing/future development on adjacent properties. There are no 'stakeholder engagement' and 'design integration' conditions, or similar. These types of conditions are important as they ensure the effects on adjacent landowners are understood and managed at detailed design stage, and provide for (in this instance) integrated civil, infrastructure, stability and level design at the shared boundaries. Conditions of this nature are expected here given the proximity and nature of the works to existing and future planned development at Foundry's properties.
- As drafted, Aspire consider the conditions are highly generic and do not appear to recognise the site-specific development that has occurred within Foundry's landholdings, particularly at [REDACTED], nor the future intention to develop these properties (owing to the urban rezoning that this

project will unlock in the future). It is therefore appropriate to impose 'stakeholder engagement' and 'design integration' conditions, or similar, to appropriately integrate civil, infrastructure, stability and level design at detailed design stage at the shared boundary.

- Separately, while the Panel cannot require it, Aspire suggest that an MOU between NZTA and Foundry would provide an additional suitable mechanism to deliver an integrated civil, infrastructure, stability and level design at the shared boundary. Foundry would be happy to meet with NZTA to discuss this directly.

### Construction noise and vibration

- Condition 17 - Noise:
  - Point (b) allows for exceedances and redirects responsibility for noise limits to Condition 20, which, in summary, only requires consultation.
- Condition 18 - Vibration:
  - The vibration limits in Condition 18 are numerically appropriate for the protection of structures and amenity, but the wording of the condition can cause confusion regarding applicability of the night time vibration limits in occupied sensitive receivers (first row). The wording in (a) states that vibrations shall comply with Category A if practicable and must comply with B day-time criteria. The wording implies that the works do not have to comply with night time limits for occupied sensitive receivers. (The wording technically excludes the last column of the first row from the "shall comply").
  - Point (b) allows for exceedances and redirects responsibility for noise limits to Condition 20.
  - In the context of point (b) allowing for exceedances, there should be a limit associated with protection of structures. Putting temporary effects aside (e.g. noise and amenity vibrations), vibrations have the potential to cause permanent effects such as damage to structures (which are anticipated to be located on the site, in due time). There should be an upper limit of vibration levels on structures that cannot be overridden by the Condition 20 schedule.
- Condition 19 - CNVMP:
  - The requirements for the CNVMP are typical and appropriate, other than one missing element, which is complaints management (i.e. what to do when complaints are raised). For the scale of the operation, and considering allowance is made for exceedances, a formal section in the CNVMP for management of complaints should be included.
- Condition 20 - CNVMP Schedule:
  - This is effectively a catch-all when it is deemed that compliance cannot be practicably achieved to consult with affected neighbours and demonstrate that best practicable options were implemented.
  - As per (d), the schedule does not require certification or approval by an authority. It only needs to be submitted. This is effectively self-certification which is not typically appropriate when exceedances are proposed, especially during night time, and also considering the absence of hard limits on vibration for protection of structures.

- This can be particularly problematic during night time (sleep disturbance over long periods), and may potentially have effects on structures (e.g. using excessively large compactors close to dwellings because smaller machines are not as efficient and take longer).
- Overall, and in summary:
  - The CNVMP requirements are appropriate, but should include formal complaints management procedures. Condition 19 should include formal complaints management procedures.
  - Noise and vibration limits are appropriate but can be exceeded if deemed not practicable to comply with. There is no hard limit on vibrations to protect structures. All limits can be exceeded through the schedule based on practicability. The process for allowing exceedances when not practicable to comply allows for "self-certification" and does not include formal oversight of the exceedance process. At condition 18, vibration should have a hard limit for protection of structures from damage that cannot be exceeded (i.e. excluded from 18.(b)).
  - It is not appropriate to allow for self-approved carte blanche exceedances without a formal review and certification process to ascertain that (a) the exceedances are indeed necessary, (b) that best practicable options have indeed been implemented, and (c) the exceedance levels are appropriate. At condition 19, the schedule allowing for exceedances should include a formal approval/certification process by an authority.

## 4. Recommendation and Conclusion

We strongly recommend providing the information requested in the accompanying expert reports and/or updating the conditions of consent to ensure that information is made available for scrutiny and comment not just by Council but by affected parties such as Foundry. Absent the recommendations in this report, and in supporting documents, Foundry is concerned that the effects on existing and future development have not been adequately addressed.

We would be happy to meet NZTA or the Panel and discuss these findings further.

Yours Sincerely,



**Hannah Edwards**

Director

26 May 2026

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



Discretionary activity

**Application number(s):** BUN60420052 (Council Reference)  
LUC60420052 (s9 land use consent)  
DIS60420470 (s15 contamination discharge)  
DIS60420054 (s15 stormwater permit)

**Applicant:** [REDACTED]

**Site address:** [REDACTED]

**Legal description:** [REDACTED]

## Proposal:

To establish six yard platforms for five activities, two activities on two yards are proposed under this consent and three subject to future consents as required when tenants secured. This consent establishes a wholesale nursery on Platform / Yard 1 and a fencing contractor on Platform / Yard 2. To facilitate the activities bulk earthworks of 11,320m<sup>3</sup> cut and 12,700m<sup>3</sup> of fill are proposed over 40,390m<sup>2</sup>. A new vehicle crossing is proposed to be constructed with a width of 8m which exceeds the 6m maximum. The proposal does not include bicycle parking. Stormwater discharge consent is required as the proposal introduces 32,358m<sup>2</sup> impervious surfaces which exceeds the 5,000m<sup>2</sup> threshold. The site is also subject to HAIL activities, with no detailed site investigation provided at the time of this consent. 5,000m<sup>2</sup> of soil is proposed to be taken off-site. This triggers Regulation 11 of the NESCS, in addition to contaminated land discharge consent where the scope exceeds the permitted 200m<sup>3</sup> threshold.

Resource consents are required for the following reasons:

## Land use consent (s9) – LUC60420053

### Auckland Unitary Plan (Operative in part)

#### **Regional land use (operative plan provisions)**

##### *E11 Land disturbance – regional*

Resource consent is required as a **Controlled activity** under rule E11.4.1(A4) for land disturbance greater than 10,000m<sup>2</sup> up to 50,000m<sup>2</sup> where land has a slope less than 10 degrees outside the Sediment Control Protection Area. Overall, 11,320m<sup>3</sup> cut and 12,700m<sup>3</sup> of fill are proposed over 40,390m<sup>2</sup>.

#### **District land use (operative plan provisions)**

##### *E12 Land Disturbance - District*

- Resource consent is required as a **Restricted Discretionary activity** to undertake general earthworks of 11,320m<sup>3</sup> cut and 12,700m<sup>3</sup> of fill are proposed over 40,390m<sup>2</sup> under rules E.12.4.1(A6) and (A10) respectively.

#### *E27 Transport*

- Resource consent is required as a **Restricted Discretionary Activity** under Rule E27.4.1(A5) where construction or use of a vehicle crossing where a Vehicle Access Restriction applies under Standards E27.6.4.1(2) or E27.6.4.1(3). In this case, the proposal establishes an 8m wide vehicle crossing which exceeds the 6.0m maximum provided by E27.6.4.3.2(T153) within the Hailes Road intersection 10m restriction area.

#### *H18 Future Urban Zone*

- Resource consent is required as a **Restricted Discretionary activity** under Rule H18.4.1 for the establishment of rural commercial services at the site. Specifically, a fencing contractor is proposed on Yard 2.
- Resource consent is required as a **Discretionary activity** under Rule C1.7 for activities not provided for in the Future Urban zone not specifically classed in a rule as a permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited activity. In this case, the proposal includes the establishment of a nursery wholesaler on Yard 1.  
*N.B J1.3.3 'Industry' nests wholesalers within this table.*
- Resource consent is required as a **Discretionary activity** under Rule H18.4.1(A2) for new buildings which has the same activity status as applies to the land use activity. In this case, the proposal involves the establishment of 1 portacom and portaloos on Yard 1 and Yard 2. As the nursery wholesaler requires resource consent as a Discretionary activity in accordance with C1.6(2).

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

- The proposed earthworks are a **Discretionary Activity** under Regulation 11 of the NES:CS, because the overall volume of soil to be excavated and disposed of off-site (5,000m<sup>2</sup>) will exceed the permitted activity provisions, set out in Regulation 8(3) of the NES:CS, and a detailed site investigation report has not been provided to the Council.

#### Discharge permit (s15) – DIS60420470

#### *E30 Contaminated land*

- Resource consent is required as a **Discretionary activity** under Rule E30.4.1(A7) for Discharges of contaminants into air, or into water, or onto or into land not meeting controlled activity Standard E30.6.2.1. Specifically, the proposed soil excavation will exceed 200m<sup>3</sup> and a Detailed Site Investigation report has not been provided to form part of this resource consent application.

## Discharge permit (s15) – DIS60420054

### *E8 Stormwater discharge and diversion*

- Resource consent is required as a Discretionary activity under Rule E8.4.1(A10) to establish a hardstand area greater than 5,000m<sup>2</sup> outside of the urban area (being 32,358m<sup>2</sup>).

## Decision

I have read the application, supporting documents, and the report and recommendations on the application for resource consent. I have made my own assessment of the proposal and am satisfied that the photographs supplied adequately describe the site and location. 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 notification.

### Public notification

Under section 95A of the RMA, this application shall proceed without public notification because:

1. Under step 1, public notification is not mandatory as:
  - a. the applicant has not requested it;
  - b. there are no outstanding or refused requests for further information; and
  - c. the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977.
2. Under step 2, public notification is not precluded as:
  - a. there is no plan rule or regulation in an NES that specifically precludes public notification of the application; and
  - b. the application is for activities other than those specified in s95A(5)(b).
3. Under step 3, public notification is not required as:
  - a. the application is for activities that are not subject to a plan rule or regulation in an NES that specifically requires it; and
  - b. the activities will have or are likely to have adverse effects on the environment that are no more than minor because:

### **Effects of rural commercial and industrial activities**

The Future Urban zone is identified as a transitional zone, where land may be used for a range of general rural activities but not urban activities until the site is rezoned for urban purposes (H18.1). The Future Urban zone provides for a range of rural industries or rural commercial services. However, based on the subject site's proximity to the urban

environment, it is necessary to carefully assess whether the activities will provide services to the rural area<sup>1</sup>.

While not specifically defined by the Plan, the rural character of the area is contextual. The area surrounding the subject site comprises a mixture of activities including residential housing, various businesses and industries, as well as pastoral farming. There is a predominance of residential and pastoral farming uses with a selection of greenhouse-type or nursery activities which the proposal would not directly be able to align with. Compared to other parts of Whenuapai, where there is a significant amount of earthworks and activity occurring (for example Trig Road school and Spedding Block which is zoned Business – Light Industrial). This part of Fred Taylor Drive is not subject to a period of immediate transition to an urban environment.

The land use comprises temporary, small-scale buildings (portacom and portaloos) for each platform which will not hinder or prevent future development (H18.3(6a)) and does not generate reverse sensitivity effects in relation to existing rural activities (H18.3(6)(f)). The Applicant has effectively limited the scope of activities to those that require limited modifications to the site.

The nursery and fencing contractor will have set operation times which will maintain the character and amenity values for adjoining rural zoned sites and are of a scale that the adverse traffic effects on adjoining sites will be manageable.

The activities require only limited new infrastructure servicing, aside from a new stormwater management system which will remain in private ownership. Subdivision is not proposed, which may otherwise compromise the zone and suggest premature development and urbanisation (H18.3(4,6c)).

I find that the effects of the proposed activities being a nursery wholesale and a fencing contractor's depot will not be appreciably different from the surrounding environment given the siting of the activities at the site in relation to Fred Taylor Drive, and State Highway 16 and other public vantage points. The adverse rural character effects of the activities on this basis would be limited to the site itself. Overall, the activities will have no more than a minor adverse effect on the rural character of the area.

Mr. Elder has provided comments on behalf of Plans and Places with respect to the proposal and comments that insufficient information has been provided to demonstrate that the activities proposed meet the definition for either rural commercial services or rural industrial services. Mr. Elder notes that it is not certain how the proposed activities could meet the rural industry or rural commercial service definitions, noting that the clear connection or function to rural production activities has not been identified. Further, for the other activities listed in H18.4.1, their principal function is to a rural production service, or there is a clear connection to a rural production service and these activities are accordingly not included in the definition for rural industry or rural commercial services. Plans and Places on this basis, considers that with the information provided, the proposed activities urban activities and are therefore a discretionary activity under rule C1.7 of Chapter C of the AUP. Mr. Elder further concludes that the proposed activity is not consistent with the objectives and policies of the Future Urban zone, and "Plans and Places consider that the land use could compromise the future urbanisation of this

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<sup>1</sup> As per the Chapter J definition of "Rural Industries" and "Rural Commercial Services".

site, as set out by the objectives and policies of the AUP. Therefore, the threshold for urbanisation will be exceeded if this application is granted as it could compromise the future urbanisation of the area". I note that Mr Elder's comments were made in respect of an earlier version of this application and that the application has been modified to restrict the uses proposed to a fencing contractor and a nursery, with the other uses to either be permitted activities or make their own resource consent applications in the future.

I agree with Mr. Elder in part with respect to the lack of evidence to demonstrate some of the previously proposed activities have a clear connection, or function associated with a rural production activity. I do not find, that the proposal compromises the future urbanisation of the area given the scale and nature of the activities that are proposed and noting that the Spedding Road upgrade (which cuts through the subject site) limits the duration of the site operations. A fencing contractor can be provided for by the zone as a Restricted Discretionary activity and in my view is clearly related to supporting rural production activities. With respect to the wholesale nursery, I consider the effects would be similar to a plant nursery which is included in the horticulture definition, and which is nested within the Rural nesting table indicating it is considered a rural activity. On the face of it a wholesale nursery is still a nursery and may well be a plant nursery. I also note that markets selling horticultural produce are permitted within the zone. Given the surrounding environment provides a moderate level of horticultural activities, I find that the adverse effects of the nursery wholesaler and fencing contractor to have no more than minor adverse effects on the environment.

I do have some concerns about the formation of hard stand areas in the remainder of the site where activities have not been proposed and/or consented. While the site is relatively obscured from surrounding properties by existing shelter belts the formation of hardstand areas is not in my view in keeping with the general perception of rural character unless it is for a rural purpose. I understand that there is no restriction on impervious surfaces in the Future Urban Zone and the area surrounding the site has been developed for a range of activities to the extent that the area does not exhibit a typical rural character. Given this I consider that the effects on rural character will not be more than minor.

### **Traffic effects**

With respect to traffic effects, vehicle trip generation for the site has been prepared allowing for a maximum turning movement threshold. Mr. Shumane notes that the use of the Level of Service (LoS) is no longer practiced to determine the condition of an intersection. A more appropriate value would be the Degree of Saturation (DoS), which is the ratio of actual traffic volume over the maximum capacity of a lane, together with queue lengths.

Mr. Shumane has reviewed the Applicant's analysis which shows that a threshold (maximum) of 400 movements, assumed to be per hour, is the maximum the access can accommodate before it fails. Mr. Shumane however comments that the SIDRA modelling results appear to be somewhat unusual in that 400 turning movements at a private access on a busy arterial (not fully defined intersection would still be accommodated with minimal queues on the access (less than one vehicle) and delays of no more than 35 seconds. Mr. Shumane has undertaken his analysis of the proposal and finds the effects

are no more than minor, with a turning movement expected every 50 – 60 seconds, with 40-80 peak hour movements more likely.

The 8m wide vehicle crossing enables the site to be used for heavy vehicles without compromising the surrounding road reserve. Mr. Shumane has reviewed the tracking analysis provided by the Applicant and agrees the over-dimensioned vehicle crossing is imperative to ensure that trucks don't cross the centreline, creating an adverse traffic safety hazard on the adjoining road. While over-dimensioned, the lack of pedestrian footpath access at this location on Fred Taylor Drive will have less than minor adverse effects on users or assets (E7.3(17,20)). Nevertheless, should a pedestrian be walking past the subject site, it is noted that there is over 200m sightlines in both directions on Fred Taylor Drive which is also acceptable for the current 80km/h speed limit along Fred Taylor Drive.

Internally, Mr. Shumane notes that the design of the accessway is acceptable where the maximum gradient of 6.4% is acceptable for heavy vehicles, in addition to the required 5.0% visibility platform at the site boundary.

Overall, it is considered that the adverse traffic safety effects of proposal are no more than minor.

### **Noise effects**

As detailed in Section 3 of this report, the adverse noise and vibration effects of the proposal have been considered within a specialised Acoustic Assessment, prepared by Marshall Day Acoustics. The principal sources of activity noise have been adequately assessed and can predominantly fall within the permitted threshold provided by E25. Based on the setback distance to the receivers from the proposed construction activities (excavation and compaction), compliance with the AUP construction noise and vibration standards is anticipated as it relates to the Future Urban Zone (E25.3(3)). Noise effects are, therefore, considered to be acceptable in terms of the context in which it is proposed to operate, thus confirming the suitability of the site for the proposed activities.

### **Land disturbance effects**

Land disturbance is proposed to level the site for the proposed activities. The earthworks will only consist of topsoil stripping and placement of aggregate hardfill and will not be for bulk earthworking or recontouring. The applicant has detailed the proposed erosion and sediment controls within the application information and also shown them on an erosion and sediment control plan. The controls are generally in accordance with the principles and guidelines contained in Auckland Council's GD05.

Erosion and sediment control measures proposed to be utilised include:

- One stabilised construction entrance;
- Clean water diversions (CWD);
- Two sediment retention ponds (SRP) sized at 2% (SRP 1) and 3% (SRP2) due to slope length);
- Rainfall activated chemical treatment;

- Dirty water diversions (DWD);
- Silt fences;
- Stormwater inlet protection;
- Progressive stabilisation of exposed soil with aggregates and grassing (topsoil, seed and mulch).

The application and supporting documents have also been reviewed by Auckland Council's Regional Earthwork Specialist, Mr. Pope. Mr. Pope advises that the erosion and sediment controls and management techniques proposed by the applicant for the earthworks are reasonable and provided the earthworks are undertaken in accordance with his recommendations and the general guidance outlined in GD05, it is considered the earthworks and sediment control aspects of the proposal will be appropriately managed (E11.7.1(1)(a)-(h)), (E11.3(1)). A accept Mr. Pope's assessment, which is detailed below.

The sizing details for each pond has been provided with the application and confirms these are designed in accordance with GD05. The Applicant has confirmed the discharge location for each SRP outlet as well as the direction for each emergency spillway which align with the existing overland flow paths on the site. Chemical treatment of the SRPs are proposed with final details to be provided prior to earthworks commencing on the site (E11.3(5)).

Mr. Pope notes that it is important that where chemicals are to be used in the context of the CTMP, they are subject to appropriate bench-testing against the soils present on the site. This is to ensure that the correct chemical - or blend of chemicals - is utilised to prevent problems with the pH and amount of aluminium discharged from the DEBs following treatment. Mr. Pope has conditioned a CTMP to be provided prior to works commencing to ensure that the chemical chosen is confirmed, the method of delivery is provided and the correct dose rate for the site is confirmed. I understand that this is best practice and will ensure that an appropriate level of information regarding the setup and management of the chemical treatment system is provided.

Mr. Pope notes that the primary dirty water diversion channels to the DEBs also flow along the earthworks boundary and the proposed silt fences will provide a degree of backup should the dirty water diversion fail for some reason during heavy rainfall. Standard details confirm that any silt fences would be constructed generally in accordance with GD05 guidelines.

Diversion of the upstream catchment overland flows is proposed to direct this clean water away from the works area during earthworks. The cleanwater diversion details provided within the plans confirm that the diversions will comply with GD05 guidelines in terms of construction and design. Further, a temporary watercourse diversion methodology has been provided for the replacement of an existing culvert as part of the works. The watercourse diversion methodology is reflective of best practice as outlined in GD05.

The site is proposed to be progressively stabilised as earthworks are completed, primarily by placing aggregate hardfill. Some areas will be subject to topsoiling, seeding and mulching, such as the grassed bioretention swales. In addition, a stabilised

construction accessway is proposed. Conditions have been included to ensure the site is adequately stabilised progressively and on completion of earthworks.

With respect to maintenance, monitoring and timing, Mr. Pope has proposed conditions which will allow for ongoing continuous improvement of the erosion and sediment controls as works progress. These have been accepted by the Applicant. This includes review of the devices and controls on site prior to, and after, heavy rainfall to ensure they are operating effectively appropriate actions are undertaken to address uncontrolled sediment discharge and seasonal restrictions (E11.7.2(1)(b)) (E11.3(6-8), E12.8.2(a-m)).

On this basis, I find that the adverse erosion and sediment control effects from the proposed land disturbance can be mitigated and result in no more than minor adverse effects on the environment.

### **Stormwater Discharge effects**

The applicant has undertaken a hydrological analysis which has determined the implementation of the proposed stormwater management and treatment devices across the site. In particular, seven bioretention swales are proposed to provide stormwater runoff quality treatment from yard platforms. In addition, rock check dams within the swales where the gradient is steeper than 5% is proposed. These devices will be designed in accordance with the Auckland Council's GD01 and I understand are considered to be best practice as they are effective at removing 75% of contaminants such as TSS, heavy metals, organic materials and TPH (E1.3(8)).

Dr. Hanna for the Council has assessed the stormwater management controls for the proposal and finds the stormwater design to be acceptable and in accordance with best practice. The application documents indicate that the AUP hydrology mitigation standards have been considered. In this case, the 2, 10 and 100 year ARI storm event mitigation requirements has been adopted E1.3(13)).

Dr. Hanna has proposed conditions requesting the detailed designs of all stormwater quality devices to be submitted and approved at the time of application for Engineering Plan Approval in accordance with Council's relevant guideline documents. These conditions have been accepted by the Applicant and form part of this consent.

In order to ensure that the effects of the discharge of contaminants from the treatment system is no more than minor, the applicant has provided a draft stormwater monitoring programme. The purpose of this programme is to monitor the discharges from the site's impervious areas to the receiving environment. This will ensure that the site management practices are implemented and maintained in order to minimise the potential discharge of contaminants associated with the site activities (E1.3(11)). This monitoring and maintenance forms part of the conditions of consent and a final monitoring programme for the site is also included as a condition of consent (E1.3(11,12)).

Auckland Council's Development Engineering Specialist, Mr. Chawdhary has also reviewed the application and supporting documents, and Dr Hanna's memo, and has provided no further comment, supporting the stormwater management conditions.

With respect to the overland flow paths that traverse the site, the proposed development will include diversion of these flow paths within the development site, although the entry

and exit points for these flow paths will be maintained. The proposal is for construction specifically designed grassed swale drains that will convey the water from individual platform area catchment and to the downstream proposed pond. The swale drains will be designed for 1% AEP flows which is considered acceptable with respect to GD01 and the stormwater discharge effects can be contained within the subject site.

Overall, I accept Dr. Hanna's and Mr. Chawdhary's assessment and find that the stormwater management effects on the environment will be adequately mitigated resulting in no more than minor adverse effects overall.

### **Contaminated land discharge effects**

The PSI notes there is a potential risk to human health as a result of the earthworks with contamination concentrations needing to be investigated prior to the commencement of earthworks through a DSI.

It is noted that given the volume of soil that needs to be Ms. Osten for the Council has reviewed the application and supporting documents and supports the proposal subject to conditions of consent that will ensure that the adverse effects of human health and the environment are avoided, remedied or mitigated to a less than minor degree.

To support the PSI, the Applicant has provided a Site Management Plan which outlines management procedures to mitigate the environmental effects of the potential contaminant discharges during soil disturbance activities. Ms. Osten notes that she considers additional measures may be required following intrusive soil sampling for the proposed DSI at the site prior to the commencement of development works. As such the final management procedures in the SMP will be subject to the results of the DSI to mitigate the risks to the environment. It is considered if remediation is required, the SMP will need to be updated to provide a remediation action plan (RAP). The updated SMP/RAP will need to be submitted to provide further details on remediation or management of the contaminated soils. This has been included as a condition of consent, having been accepted by the Applicant.

Ms. Osten acknowledges the likely presence of asbestos containing materials within the buildings which are to be demolished and the potential for these to cause further soil contamination and risks to human health if not appropriately handled. Accordingly, this is acknowledged through an advice note that forms part of the consent, having been accepted by the Applicant and refers to the Health and Safety at Work (Asbestos) Regulations 2016 for any building demolitions.

Overall, I accept the assessment provided by Ms. Osten and find that the implementation of the consent conditions that form part of this consent and adherence to an updated SMP/RAP will ensure the adverse effects associated with the contaminated land discharge is less than minor on the environment and human health.

### **Effects on Mana whenua values**

The suite of erosion and sediment control measures that have been proposed in accordance with Auckland Council's GD05 Guidelines ensure that the land disturbance is undertaken in a manner that protects the safety of people and avoids, remedies or mitigates adverse effects on the environment (E11.2(1),(7)). The proposal will manage the impact on Mana Whenua cultural values by requiring the protocol for the accidental

discovery of koiwi, archaeology and artefacts of Maori origin (E11.3(3)), if any are discovered during land disturbance activities. By undertaking the appropriate actions in accordance with matauranga and tikanga Maori (E11.3(3)), the potential adverse effects upon Mana Whenua values are likely be less than minor.

With respect to stormwater discharges, the proposal will mitigate runoff/discharge via treatment devices that will minimise discharge of contaminants (E1.3(8)) ensuring that upstream/downstream discharge effects are not exacerbated by the proposed change in land uses at the site and the mauri of freshwater is maintained (E1.2(2)). The vegetation removal proposed is largely pest plants, such that the removal will enhance the values of waterbodies that traverse the site (E15.8.2(1)(j)).

### **Adverse effects conclusions**

I find that the effects of the proposal are or can be mitigated through the conditions of consent to be no more than minor. Beyond the land use activities, the facilitating activities (i.e. land disturbance, stormwater management) are designed to have minor or less than minor effects on the receiving environment. In conclusion, I consider the adverse effects on the environment are no more than minor.

4. Under step 4, there are no special circumstances that warrant the application being publicly notified because there is nothing exceptional, abnormal or unusual about the application, and the proposal has nothing out of the ordinary to suggest that public notification should occur.

### Limited notification

Under section 95B of the RMA this application shall proceed without limited notification because:

1. Under step 1, limited notification is not mandatory as:
  - a. there are no protected customary rights groups or customary marine title groups affected by this proposal; and
  - b. no person to whom a statutory acknowledgement is made is adversely affected by this proposal.
2. Under step 2, limited notification is not precluded as:
  - a. there is no plan rule or regulation in an NES that specifically precludes limited notification of the application; and
  - b. the application is for activities other than that specified in s95B(6)(b).
3. Under step 3, limited notification is not required as:
  - a. this application is not for a boundary activity; and
  - b. there are no adversely affected persons because:
    - The proposed land use activities; a wholesale nursery and fencing contractor are rural commercial/industrial activities that can be accommodated within the subject

site with less than minor adverse effects on adjacent persons. As identified in the AEE, these activities anticipate that eight staff in total with specified operation hours. These types of activities will not adversely affect the rural character and amenity enjoyed by adjacent persons given their small-scale operation requirements.

- Yard 1 will be screened by fencing from persons located at 127, 129, 131, 133, 135, 137 and 139 Fred Taylor Drive, such that the operational effects of the nursery will not be appreciable for these persons. Some screening trees have been removed from this location but the applicant has agreed to a condition to provide appropriate tree screening.
- I find that the nature of the two defined activities will have less than minor effects on the persons to the north and south being 143, 121 and 119 Fred Taylor Drive due to existing screening which is identified in the AEE noting that the trees to the north have been topped. It will be appropriate to include a condition of consent that the existing screening around the site be retained. The proposal will also have no impact on sites on the western side of Fred Taylor Drive and the Motorway (SH16) to the east.
- The traffic effects of the proposal will have less than minor adverse effects on adjacent persons. The widened 8m vehicle crossing will support the proposed activities at the site and truck entries into the site without impacting vehicle access for adjacent persons at 121 or 119 Fred Taylor Drive. I consider the vehicle access for 127 Fred Taylor Drive is adequately separated such that they will not be affected by the changes to vehicle access at the subject site.
- The proposal is subject to the New Zealand Standard 6803:1999 for Acoustics – Construction Noise, to ensure adverse noise, vibration and general residential amenity affects upon neighbouring persons are avoided to a reasonable level. The construction noise exceedances for persons at 127 Fred Taylor Drive are very limited in duration and are proposed to be mitigated by the establishment of a 2m high acoustic fence along the boundary shared with the proposed accessway such that this would reduce the predicted noise levels to 78 dB LAeq from 88 dB LAeq. With respect to other persons, Platform/ Yard 1 is proposed to be a nursery, which will generate only low levels of noise. I consider the separation distance between the proposed yard and the existing dwellings, in addition to adverse noise effects on persons at 127 Fred Taylor Drive to be less than minor.
- Compliance with GD05 requirements will ensure best practice is applied throughout the construction phase in relation to erosion and sediment effects. Nearby water bodies are protected from adverse sediment run-off by providing sediment retention ponds, silt fences and progressive stabilisation of the site with mulch to prevent the spread of contaminants or sedimentation to adjoining land and persons through air, soil or water. The scope of land disturbance has been designed and managed to avoid any cross-boundary effects and is of a scale that relates to the topography of the site and location of the specified yard areas.

- The proposed stormwater management and treatment devices for the activity are in accordance with best practice, have been designed to achieve 75% total suspended solids removal and accepted by Auckland Council's stormwater specialist. In addition to operational site-keeping features and control measures, adverse stormwater discharge effects upon adjacent persons at 143 Fred Taylor Drive which aligns with the flow of water from the site, are considered to be less than minor. The hydrology mitigation requirements have been incorporated into the stormwater mitigation design such that these adjacent persons, downstream will not physically appreciate any change in terms of stormwater run-off effects beyond that which is existing.
  - It is noted that Auckland Transport have provided their s178 Approval to the applicant, noting that the site is subject to the NOR Spedding Road and Fred Taylor Drive upgrades. I consider that the adverse effects on Auckland Transport are less than minor noting that the s178 approval includes conditions relating to the disestablishment of the activity prior to the land being acquired by Auckland Transport. On this basis, the proposal is not considered to inhibit or hinder Auckland Transport for providing their transportation upgrades as necessary.
  - The effects on mana whenua are considered to be less than minor. While iwi facilitation has not occurred for this application, mana whenua interest has not been received by iwi or hapu by way of the Applications Register that mana whenua groups have access to register their interest. The Applicant has proposed land disturbance and contaminated land methodology mitigation measures to ensure that the effect of discharge to land, water or air is not exacerbated by the proposal. In addition, stormwater discharge is proposed to be at pre-development levels and will include design elements to prevent contaminants leaving the site and contaminating water bodies.
4. Under step 4, there are no special circumstances that warrant the application being limited notified to any other persons because there is nothing exceptional, abnormal or unusual about the application, and the proposal has nothing out of the ordinary to suggest that notification to any other persons should occur.

Accordingly, this application shall proceed on a **NON-NOTIFIED** basis.



**David Wren**

**Duty Commissioner**

2 November 2023

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



Discretionary activity

**Application number(s):** BUN60420052 (Council Reference)  
LUC60420052 (s9 land use consent)  
DIS60420470 (s15 contamination discharge)  
DIS60420054 (s15 stormwater permit)

**Applicant:** [REDACTED]

**Site address:** [REDACTED]

**Legal description:** [REDACTED]

## Proposal:

To establish six yard platforms for five activities, two activities on two yards are proposed under this consent and three subject to future consents as required when tenants secured. This consent establishes a wholesale nursery on Platform / Yard 1 and a fencing contractor on Platform / Yard 2. To facilitate the activities bulk earthworks of 11,320m<sup>3</sup> cut and 12,700m<sup>3</sup> of fill are proposed over 40,390m<sup>2</sup>. A new vehicle crossing is proposed to be constructed with a width of 8m which exceeds the 6m maximum. The proposal does not include bicycle parking. Stormwater discharge consent is required as the proposal introduces 32,358m<sup>2</sup> impervious surfaces which exceeds the 5,000m<sup>2</sup> threshold. The site is also subject to HAIL activities, with no detailed site investigation provided at the time of this consent. 5,000m<sup>2</sup> of soil is proposed to be taken off-site. This triggers Regulation 11 of the NESCS, in addition to contaminated land discharge consent where the scope exceeds the permitted 200m<sup>3</sup> threshold.

Resource consents are required for the following reasons:

## Land use consent (s9) – LUC60420053

### Auckland Unitary Plan (Operative in part)

#### **Regional land use (operative plan provisions)**

##### *E11 Land disturbance – regional*

Resource consent is required as a **Controlled activity** under rule E11.4.1(A4) for land disturbance greater than 10,000m<sup>2</sup> up to 50,000m<sup>2</sup> where land has a slope less than 10 degrees outside the Sediment Control Protection Area. Overall, 11,320m<sup>3</sup> cut and 12,700m<sup>3</sup> of fill are proposed over 40,390m<sup>2</sup>.

#### **District land use (operative plan provisions)**

##### *E12 Land Disturbance - District*

- Resource consent is required as a **Restricted Discretionary activity** to undertake general earthworks of 11,320m<sup>3</sup> cut and 12,700m<sup>3</sup> of fill are proposed over 40,390m<sup>2</sup> under rules E.12.4.1(A6) and (A10) respectively.

#### *E27 Transport*

- Resource consent is required as a **Restricted Discretionary Activity** under Rule E27.4.1(A5) where construction or use of a vehicle crossing where a Vehicle Access Restriction applies under Standards E27.6.4.1(2) or E27.6.4.1(3). In this case, the proposal establishes an 8m wide vehicle crossing which exceeds the 6.0m maximum provided by E27.6.4.3.2(T153) within the Hailes Road intersection 10m restriction area.

#### *H18 Future Urban Zone*

- Resource consent is required as a **Restricted Discretionary activity** under Rule H18.4.1 for the establishment of rural commercial services at the site. Specifically, a fencing contractor is proposed on Yard 2.
- Resource consent is required as a **Discretionary activity** under Rule C1.7 for activities not provided for in the Future Urban zone not specifically classed in a rule as a permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited activity. In this case, the proposal includes the establishment of a nursery wholesaler on Yard 1.  
*N.B J1.3.3 'Industry' nests wholesalers within this table.*
- Resource consent is required as a **Discretionary activity** under Rule H18.4.1(A2) for new buildings which has the same activity status as applies to the land use activity. In this case, the proposal involves the establishment of 1 portacom and portaloos on Yard 1 and Yard 2. As the nursery wholesaler requires resource consent as a Discretionary activity in accordance with C1.6(2).

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

- The proposed earthworks are a **Discretionary Activity** under Regulation 11 of the NES:CS, because the overall volume of soil to be excavated and disposed of off-site (5,000m<sup>2</sup>) will exceed the permitted activity provisions, set out in Regulation 8(3) of the NES:CS, and a detailed site investigation report has not been provided to the Council.

#### Discharge permit (s15) – DIS60420470

##### *E30 Contaminated land*

- Resource consent is required as a **Discretionary activity** under Rule E30.4.1(A7) for Discharges of contaminants into air, or into water, or onto or into land not meeting controlled activity Standard E30.6.2.1. Specifically, the proposed soil excavation will exceed 200m<sup>3</sup> and a Detailed Site Investigation report has not been provided to form part of this resource consent application.

## Discharge permit (s15) – DIS60420054

### *E8 Stormwater discharge and diversion*

- Resource consent is required as a Discretionary activity under Rule E8.4.1(A10) to establish a hardstand area greater than 5,000m<sup>2</sup> outside of the urban area (being 32,358m<sup>2</sup>).

## Decision

I have read the application, supporting documents, and the report and recommendations on the application for resource consent. I have made my own assessment of the proposal and am satisfied that the photographs supplied adequately describe the site and location. 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, 104A, 104B, 105, 107 and Part 2 of the RMA, the resource consents are **GRANTED**.

## Reasons

The reasons for this decision are:

1. In accordance with an assessment under ss104(1)(a) and (ab) of the RMA, the actual and potential effects from the proposal will be acceptable as:
  - a. The activities have been considered to provide a service to the surrounding rural community and are appropriate for the location of the site and the site topography. The activities do not require increase in infrastructure servicing, and subdivision is not proposed. The buildings proposed will be limited to portacombs, portaloos and the Applicant has accepted conditions ensuring that stacks or heaps of materials are not implemented on the site without consent. Overall, the buildings required by the nursery and the fencing contractor activities are inherently transportable. On that basis, the zone is not compromised by the establishment of the buildings and structures and would hinder or prevent future development, particularly noting that they are all transportable/demountable.
  - b. With respect to rural character effects, the locality has features that exemplify it is an area of transition. This is influenced by the development occurring at the end of Spedding Road, along Trig Road, the southern end of Fred Taylor Drive, within the township of Whenuapai and the proposed Notice of Requirements sought by Auckland Transport. There are a range of activities including residential, pastoral farming, horticulture and other sales yard/hire equipment activities that are operating within the vicinity. I find that the actual and potential effects of the activity would not compromise the current form of rural character in this area. The area can maintain a rural character that isn't directly related to pastoral farming, and will have little visually appreciable effects to alter the rural character of the area. A fencing contractor is provided as a rural commercial service, will not have adversely appreciable effects on the rural character of the area being screened from the surrounding environment. Given the size of Yard 1, the operational effects of the wholesale nursery are acceptable and comprise a horticultural element that is prominent

in this part of Whenuapai and whereby plant nurseries are considered horticultural activities which are nestled in the rural activity table.

- c. I consider it will be unlikely that the proposal will compromise the future zoning of the site, having regard to the Spedding Road upgrade, and s178 approval received from Auckland Transport. I similarly do not consider the proposal will compromise the transport network, nor the wastewater, water or stormwater networks, noting that wastewater and stormwater networks do not connect to the site and the activities will not inhibit this provision.
- d. The Applicant has provided an Acoustic Assessment which considers all potential land use activities proposed by the applicant, in addition to the construction noise and vibration. The principal sources of noise are limited largely to construction of the accessway and vehicle movements. The actual and potential acoustic effects are considered to be acceptable, noting the site topography, substantial separation between sensitive receivers and the 2m acoustic fence along the 127 Fred Taylor Road shared boundary where the existing adjacent dwellings are located. Compliance with the noise and vibration standards is achievable as it relates to the Future Urban Zone. Noise and vibration conditions have all been accepted by the applicant.
- e. The actual and potential traffic effects are acceptable. It is considered that the increase in traffic movements to and from the site can be provided for with clear sight lines available along Fred Taylor Drive in both directions. There will be an increase in traffic movements, however, these can be accommodated by the road and within the site. The internal vehicle access and vehicle crossing will be upgraded to accommodate expected truck movements. Clear sightlines up to 200m are available in both directions such that while the crossing is located opposite an intersection, the effects are acceptable, noting that Hailes Road, directly opposite the site is a no-exit, servicing a limited number of farms. Overall, the design and proposed mitigation measures ensure that potential traffic conflict effects are avoided and safety is enhanced.
- f. It is noted that the Applicant has sought approval from Auckland Transport for utilising the site, while being subject to a NoR, and has accepted a condition limiting the duration of the resource consent activities. This will ensure the activity does not inhibit the upgrade to Spedding Road or Fred Taylor Drive as envisaged.
- g. The land disturbance is proposed to be undertaken in a manner that protects the safety of people, and avoids adverse effects on the environment by retaining soil and sediment on the land by the use of best practicable options in accordance with Auckland Council's GD05. Overall, the actual and potential effects are considered to be acceptable. The land disturbance will expire 5 years from the issue of this consent. The Applicant has accepted all conditions of this consent relating to the provision of management plans and treatment devices to ensure adverse land disturbance effects are less than minor.
- h. The applicant has undertaken a hydrological analysis which has determined the implementation of the proposed stormwater management and treatment devices across the site. In particular, swales are proposed to provide stormwater runoff quality treatment from the activity areas. These devices will be designed in accordance with the Auckland Council's GD01 and are considered to represent best practice as they are effective at removing 75% of contaminants such as TSS, heavy metals, organic materials and TPH.

The applicant has also provided a draft stormwater monitoring programme which will ensure that the actual and potential hydrological impact of the activities will be appropriately mitigated and overall, be acceptable. Conditions for detailed stormwater designs and an Operation and Maintenance plan to be implemented upon completion of the development to ensure adverse stormwater discharge effects are avoided have been accepted by the Applicant.

- i. The treatment of contaminated soils and the discharge of contaminants are managed to protect the environment and human health and to enable land to be used for suitable activities now and in the future. The mitigation measures such as outlined in the SMP will ensure that the level of contamination to be determined in the DSI can be managed to avoid significant adverse effects on human health or the environment during earthworks; and avoids, remedies or mitigates significant adverse effects on ecological values, water quality, and amenity values. The Applicant has accepted all conditions relating to contamination management and now forms part of this consent.
  - j. The effects on mana whenua values are considered to be acceptable. While iwi facilitation has not occurred for this application, mana whenua interest has not been received by iwi or hapu by way of the Applications Register that mana whenua groups have access to register their interest. The Applicant has proposed numerous land disturbance and contaminated land methodology mitigation measures to ensure that the effect of discharge to land, water or air is not exacerbated by the proposal. In addition, stormwater discharge is proposed to be at pre-development levels and will include design elements to prevent contaminants leaving the site and contaminating water bodies.
  - k. In terms of positive effects, the activities provide services to the surrounding rural activities. The nursery complements the rural characteristics of the area.
  - l. 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:
- a. The objectives and policies as they relate to regional land disturbance are concerned with ensuring land disturbance is undertaken in a manner that protects the safety of people and avoids, remedies or mitigates adverse effects on the environment, sediment generation is minimised and soil conservation is achieved (E11.2(1)-(3), E12.2(1), E12.3(1)). This is achieved through policies which seek to manage land disturbance to retain soil and sediment on the land by the use of best practicable options, appropriate sediment and erosion control methods for the scale of the activity (E11.3(2), E12.3(2)), manage the impact on Mana Whenua cultural heritage that is discovered during land disturbance by requiring a protocol for the accidental discovery (E11.3(3)). The design of the earthworks recognises the existing environmental site constraints and opportunities, specific engineering requirements, and implementation of integrated water principles and ensures the stability and safety of surrounding land, buildings and structures (E11.3(5),(6), (E12.3(5)) and the discharge of sediment laden water to a surface water body has been minimised to the extent practicable (E11.3(7)). The proposal aligns with these outcomes in which the proposed scale of earthworks is appropriate for the size and

location of the site. Erosion and sediment control measures have been proposed which will ensure the safety and stability of the surrounding land, buildings, and water bodies.

- b. Stormwater quality is proposed to be maintained, and will be continuously managed to protect public health and safety and to prevent or minimise adverse effects of contaminants on freshwater and coastal water quality, with Mana Whenua values having been acknowledged (E1.2(1-3)). The stormwater from the activity will be treated, minimising the generation and discharge of contaminants into sensitive receiving environments by providing stormwater treatment systems, rain gardens and swales across the five site catchments (E1.3(8-9)). The site operational and use requirements have been considered while implementing best practice options to minimise adverse effects within the sensitive receiving environment, including the freshwater systems and Hauraki Gulf Marine Park (E1.3(11-14)).
- c. The proposal is also considered to be consistent with the outcomes envisaged by B7.3 Natural Resources: Freshwater Systems – Regional Policy Statement. The erosion and sediment controls, mitigation measures, management plans and general accordance with best practice protocols with Auckland Council’s GD05, collectively ensure sediment laden runoff is contained within the site discharged via runoff to the ponds and not to the wider stream network and extended water bodies (B7.3.1),(B7.3.2(3),(B7.3.2(4(b))). The measures in place avoid adverse effects upon the watercourses and prepares the land in a manner to accommodate future education development (B7.3.2(4),(5),(6). The provision of pre-commencement meetings, and monitoring procedures will ensure that the proposed erosion and sediment control measures will operate as specified and designed. On this basis, and with regard to the above assessment, the proposal is consistent with the relevant outcomes envisaged by the Natural Resources: Freshwater Systems – Regional Policy Statement (B7.3).
- d. The treatment of contaminated soils and the discharge of contaminants are managed to protect the environment and human health and to enable land to be used for suitable activities now and in the future (E30.2(1)). The extensive mitigation measures, monitoring and management plans manage contamination to a level that residual contamination is not reasonably likely to pose a significant adverse effect on human health or the environment; and avoids, remedies or mitigates significant adverse effects on ecological values, water quality, human health and amenity values (E30.3(2)(a)-(c)). The SMP demonstrates that best practice has been implemented (E30.3(2)(f)) to ensure adverse effects associated with contaminated land are avoided.
- e. The proposal is consistent with the Future Urban zone objectives and policies. The proposed land use activities complement the subject site and its rural location where it is able to operate for the local community (H18.3(2)). The activities require limited new infrastructure servicing, and subdivision is not proposed which would otherwise compromise the zone (H18.3(4,6c)). The land use comprises temporary, small-scale buildings which will not hinder or prevent future development (H18.3(6a)) and does not generate reverse sensitivity effects in relation to existing rural activities(H18.3(6)(f)). The applicant has sought s178 approval from Auckland Transport (H18.3(6)(d,g)). Overall, while the activities are not directly anticipated by the zone, or little evidence is available to confirm the clear connection or function with a rural production activity, the operational

requirements of the activities do not compromise the purpose for which the Future Urban Zone was established and does not create premature urbanisation.

- f. With respect to Chapter B2, the proposal is consistent with Policy B2.2.2(8) as the activities consented are rural in nature and the physical works proposed will not hinder or prevent the future use of the land. With respect to B3, this resource consent application is not staged in conjunction with the NOR Spedding Road or Mamari Road upgrades. However the proposal which is a temporary use does not hinder these works.
3. In accordance with an assessment under s104(1)(c) of the RMA, the following other matters are considered appropriate:

#### National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

Conditions of consent has been included to ensure that any works undertaken as a result of the implementation this land use consent be undertaken in accordance with the Preliminary Site Investigation and Site Management Plan prepared by Focus Environmental, which forms condition 1 of this consent. This in addition to the conditions accepted by the Applicant will ensure that works are adequately managed to prevent and where necessary manage potential effects of contaminated soils, dust, sediment and water. As such the proposal is consistent with the requirements of the NES CS.

#### Future Urban Land Supply Strategy 2017

This strategy identifies a programme to sequence future urban land over 30 years from 2017 – 2048. and will assist with the ongoing supply of greenfield land for development<sup>2</sup>. The timeframe is split into three decades and each decade into five year intervals. The strategy is a long-term and proactive approach to delivering land that is 'ready to go' in these future urban areas.

Due to the large scale of the future urban areas, structure plans will determine the appropriate staging and timeframes of subsequent plan changes to 'live zone' areas within the structure plan area to ensure the efficient and logical roll out of local infrastructure to these areas. Staging of areas for plan changes will generally follow the sequence and timeframes identified in the Future Urban Land Supply Strategy, unless an alternative staging is considered appropriate through the structure planning process.

The Future Urban Sequencing Maps identifies the subject site to be within the Future Business Area within the Future Urban Area. The site forms part of the 2028-2032 stage sequence. However, most bulk infrastructure is not planned for nor funded and financed at this time.

4. Sections 105 and 107 of the RMA places restrictions on the granting of certain discharge permits that would contravene Sections 15 or 15A of the RMA. It is considered that the proposal will not give rise to any of the effects listed in Section 107(1) because of the scale of

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<sup>2</sup> This strategy deals exclusively with greenfield land, which is identified as future urban zone in the Unitary Plan or is rural land that has a live urban zone in the Unitary Plan. Future urban areas identified in Rural Settlements are included in this strategy.

the land disturbance, stormwater discharge and the appropriate site management measures outlined.

5. With regard to s123 of the RMA a duration of consent for the land use activities, the land disturbance, and contaminated land discharge consented under LUC60420053, DIS60420470 has been set for five years post date of issue.
6. With regard to s123 of the RMA a duration of consent for the land use activities, the stormwater discharge consented under DIS60420054 has been set for thirty-five years post date of issue.
7. In the context of this discretionary activity application for land use, industrial trade and stormwater discharges, 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.
8. Overall, the proposal has avoided, mitigated or remedied actual and potential adverse effects on the environment and is not contrary with the outcomes envisaged by the relevant statutory documents, being the AUP(OP).

## Conditions

Under sections 108, 108AA of the RMA, these consents are subject to the following conditions:

### General conditions

These conditions apply to all resource consents.

1. These consents must be carried out in accordance with the documents and drawings and all supporting additional information submitted with the application, detailed below, and all referenced by the council as resource consent numbers LUC60420053, DIS60420054, DIS60420470 of BUN60420052.
  - Application Form and Assessment of Environmental Effects prepared by MacDonnell Consulting Ltd, dated 26 June 2023.

Report title and reference	Author	Rev	Dated
Preliminary Site Investigation [REDACTED] [REDACTED] [REDACTED] [REDACTED] Whenuapai Auckland	Focus Environmental Services Ltd	-	08/2023
Site Management Plan [REDACTED] [REDACTED] [REDACTED] Whenuapai Auckland	Focus Environmental Services Ltd	-	08/2023
Geotechnical Investigation Report	CMW Geosciences	2	04/08/2023
[REDACTED] [REDACTED] [REDACTED] [REDACTED] Noise Assessment	Marshall Day Acoustics	01	23/06/2023

Transportation Assessment Report	CKL	1	30/03/2023
Resource Consent Engineering Design Report for a Rural Industry Depot at [REDACTED] [REDACTED] [REDACTED] [REDACTED] Whenuapai	Aspire Consulting Engineers	-	13/06/2023

Drawing title and reference	Author	Rev	Dated
Existing Site Plan Drawing No. 1777-RC2-PG103	Aspire Consulting Engineers	-	06/2023
Proposed Development Plan Drawing No. 1777-RC2-PG104	Aspire Consulting Engineers	2	09/2023
NoR Plan with Proposed Works Drawing No. 1777-RC2-PG105	Aspire Consulting Engineers	-	06/2023
NoR Plan with Aerial Drawing No. 1777-RC2-PG106	Aspire Consulting Engineers	-	06/2023
Proposed Contour Plan Drawing No. 1777-RC2-EW201	Aspire Consulting Engineers	-	06/2023
Proposed Cut and Fill Depth Contour Plan Drawing No. 1777-RC2-EW202	Aspire Consulting Engineers	-	06/2023
Erosion and Sediment Control Plan Drawing No. 1777-RC2-EW203	Aspire Consulting Engineers	2	09/2023
Proposed Accessway Plan Drawing No. 1777-RC2-RD301	Aspire Consulting Engineers	-	06/2023
Proposed Accessway Longsection Drawing No. 1777-RC2-RD302	Aspire Consulting Engineers	-	06/2023
Proposed Stormwater Layout Plan Drawing No. 1777-RC2-SW401	Aspire Consulting Engineers	1	09/2023
Proposed Overland Flow Path Plan Drawing No. 1777-RC2-SW402	Aspire Consulting Engineers	-	06/2023

Other additional information	Author	Rev	Dated
S92 Response	MacDonnell Consulting	-	17/08/2023

S92 Response	MacDonnell Consulting	-	15/09/2023
█ █ █ █ █ – Trip Generation Threshold	CKL	-	16/06/2023

**Advice Note:**

*The engineering assessment of this resource consent is limited to an effects-based assessment allowed by the Unitary Plan. Plans approved under Resource Consent do not constitute an Engineering Plan Approval. A separate engineering approval will be required for the design of any infrastructure that is to vest in council.*

2. Under section 125 of the RMA, these consents lapse five years after the date they are granted unless:
  - a. The consents are given effect to; or
  - b. The council extends the period after which the consents lapse.
3. The consent holder must pay the council an initial consent compliance monitoring charge of \$1,044 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to these consents.

**Advice note:**

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

4. This consent does not authorise the establishment of land use activities on Yards 3 - 6, other than those permitted in Chapter H18 – Future Urban Zone of the Auckland Unitary Plan (Operative in Part).

**Advice Note:**

- *The consent holder must lodge a resource consent application to operate activities that are not otherwise provided as a permitted activity under Chapter H18 – Future Urban zone.*
- *This consent does not authorise the establishment of “stacks or heaps of material” or “structures used as a dwelling, place of work, place of assembly or storage” (as per the Chapter J1.4.1 Buildings definition) on Platform 1 – 6 except one portacom and one portaloos per platform as identified in drawing “Proposed Development Plan”, Revision 2, prepared by Aspire Consulting Engineers, dated 09/2023 and the existing shed on Platform 3.*

### Operating hours

5. The operation of the activities must be restricted to between the hours of 7am and 5.30pm Monday to Friday and 7am to 1pm on Saturday. No activities are authorised to operate on Sundays or public holidays.

### Pre-commencement –

#### Construction Traffic Management Plan

6. Prior to the commencement of any construction activity on the site, the Consent Holder must submit to Auckland Council, a Construction Traffic Management Plan (CTMP) for certification. The CTMP must be prepared in accordance with the Council's requirements for traffic management plans or CTMP's (as applicable) and must be consistent with the New Zealand Transport Authority's Code of Practice for Temporary Traffic Management and must address the surrounding environment, including pedestrian and cycle traffic. The CTMP must also:
  - a. Provide a parking management plan for construction traffic.
  - b. Address the transportation and parking of oversize vehicles (if any). All loading vehicles / transportation of machinery and equipment to and from the site must be carried outside the morning and evening peak hours (7:00 AM to 9:00 AM and 3:30 PM to 6:00 PM on business days).
  - 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 that the site access point is clearly signposted.
  - g. Include measures that are to be adopted to ensure that pedestrian access on the 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. Detail how the works will be undertaken to minimise the impact on public transport.
  - j. Identify proposed numbers and timing of heavy vehicle movements throughout the day.

- k. Identify the location of vehicle and construction machinery access during the period of site works.
- l. Identify the storage and loading areas for materials and vehicles.
- m. 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's managed road network of any road closures and a plan to mitigate these effects.
- n. 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.
- o. Identify the relevant Auckland Transport approvals.

The approved CTMP must be implemented and maintained throughout the entire period of earthworks and construction activity on site to the satisfaction of Council Team Leader Monitoring (North-West). Where modelling has been done and monitoring shows it deviates adversely from the modelled performance, the applicant will be required to take corrective action as required by Council.

*Advice Note: Please include the CTMP in the application for a Corridor Access Request.*

- 7. Prior to the commencement of the activities, the consent holder must hold a pre-start meeting that:
  - a. is located on the subject site
  - b. is scheduled not less than five days before the anticipated commencement of earthworks
  - c. includes Auckland Council Compliance Monitoring officer(s)
  - d. includes representation from the contractors who will undertake the works

The meeting must discuss the erosion and sediment control measures, the earthworks methodology and must ensure all relevant parties are aware of and familiar with the necessary conditions of this consent.

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

- a. Timeframes for key stages of the works authorised under this consent
- b. Resource consent conditions
- c. Erosion and Sediment Control Plan.
- d. Chemical Treatment Management Plan (ChTMP)

*Advice Note: To arrange the pre-start meeting required by Condition 6 please contact Auckland Council on [monitoring@aucklandcouncilgovt.nz](mailto:monitoring@aucklandcouncilgovt.nz), or 09 301 01 01. The conditions of consent should be discussed at this meeting.*

## Specific conditions – land use consent LUC60420053

### Duration of consent

8. Land use consent LUC60420053 must expire five (5) years from the date it has been granted unless it has been surrendered or cancelled at an earlier date pursuant to s123 of the RMA.

### Trees around the site boundary.

9. The existing trees located around the boundary of the site have been relied on to screen the proposal from neighbouring sites. All trees on the boundaries of the site, existing at 3 November 2023 must be retained for the duration of the land use consent LUC60420053.
10. The consent holder must provide a planting plan for the purpose of screening the proposal along the western boundary. The planting plan must identify the form of landscaping to be implemented (including but not limited to the type, density, height and number of plants) for certification. The planting must be implemented following certification from the Council.

### Earthworks

11. The Council must be notified at least two (2) working days prior to earthwork activities commencing on the subject site.
12. Prior to the commencement of earthworks activity, all required erosion and sediment control measures on the subject site must be constructed and carried out in accordance with the approved Erosion and Sediment Control Management Plans referenced in condition 1 and in general accordance with Auckland Council's Guidance Document GD2016/005 – Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05).
13. Prior to the commencement of earthworks activity on the subject site, a Chemical Treatment Management Plan (CTMP) must be prepared in accordance with GD05 and submitted to the Council for certification. No earthwork activities must commence until certification is provided by the Council that the CTMP meets the requirements of GD05, and the measures referred to in that plan have been put in place for the sediment treatment devices as part of the certified ESCP.
14. The CTMP required by Condition 13 must include as a minimum:
  - a. Specific design details of chemical treatment system based on a rainfall activated dosing methodology for the sediment retention ponds required by the approved ESCP;
  - 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.

### Implementation

15. All sediment retention ponds required by the approved ESCP must be chemically treated in accordance with the certified Chemical Treatment Management Plan (ChTMP).
16. Within ten (10) working days following implementation and completion of the specific erosion and sediment control works contained in the certified Erosion and Sediment control Plan, and prior to the commencement of earthworks activity on the subject site, 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 approved Erosion and Sediment Control Plan and GD05 guidelines. Written certification must be in the form of a report or any other form acceptable to the council.

#### **Advice Note:**

*Certification of the sediment and erosion control structure(s) should contain sufficient details to address the following matters:*

- *Details on the contributing catchment area*
  - *Retention volume of structure (dead storage and live storage measured to the top of the primary spillway)*
  - *Dimensions and shape of structure*
  - *Position of inlets/outlets*
  - *Details regarding the stabilisation of the structure*
17. Notice must be provided to the Council at least two (2) working days prior to the removal of any erosion and sediment control works specifically required as a condition of resource consent or by the approved Erosion and Sediment Control Plan.
  18. 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 Document 005, Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016 (GD05).*

19. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required by the approved Erosion and Sediment Control Plan 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.
20. The site must be progressively stabilised against erosion at all stages of the earthwork activity and must be sequenced to minimise the discharge of contaminants to surface water in accordance with the approved Erosion and Sediment Control Plan.

**Advice Note:**

*In accordance with condition 20 earthworks shall be progressively stabilised against erosion during all stages of the earthwork activity. Interim 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*
21. All earthworks must be managed to ensure that no debris, soil, silt, sediment or sediment-laden water is discharged from the subject site either to land, stormwater drainage systems, watercourses or receiving waters. In the event that a discharge occurs, works must cease immediately, and the discharge must be mitigated and/or rectified to the satisfaction of the Council.
  22. There must be no airborne or deposited dust beyond the subject site because of the earthwork's activity that in the opinion of the Council is noxious, offensive or objectionable.

**Advice Note:**

*It is recommended that potential measures as discussed with Council's monitoring officer who will guide you on the most appropriate approach to take. Please contact the Council for more details. Alternatively, please refer to the Ministry for the Environment publication "Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions".*

23. Notice must be provided to the Council at least two (2) working days prior to the removal of any erosion and sediment control works.
24. Immediately upon completion or abandonment of earthworks on the subject site all areas of bare earth must be permanently stabilised against erosion to the satisfaction of Council.
25. 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 to Council. All requests must be renewed annually prior to the approval expiring and no works must occur until written approval has been received from Council. All winter works will be re-assessed monthly or as required to ensure that adverse effects are not occurring in the receiving environment and approval may be revoked by Council upon written notice to the consent holder.

**Geotechnical**

26. All earthworks must be managed to ensure that they do not lead to any uncontrolled instability or collapse affecting either the site or adversely affecting any neighbouring properties. In the event that such collapse or instability does occur, it must immediately be rectified.
27. Within 24 hours of the consent holder being made aware of any damage to service/s, which may have occurred as a result of the works on the subject site, the consent holder must notify The Council. If it is determined that this damage was caused by works on the subject site, the consent holder must immediately rectify the damage.
28. Within 20 working days from the completion of earthworks, a Geotechnical Completion Report (including a statement of professional opinion for the suitability of the site for the intended development) signed by the Chartered Professional Geotechnical Engineer or Chartered Engineering Geologist must be provided to the Council. The Geotechnical Completion Report must include (but not to be limited to):
  - Earthworks operations (e.g., benching works, detention pond, keyways etc)
  - Fill compaction
  - Testing
  - Inspections
  - Results of settlement monitoring including a monitoring location plan showing the layout and type of all settlement monitoring stations within the fill areas, the timing and frequency of survey of the settlement monitoring stations.

- Define the settlement criteria to be met on completion of earthworks.

The Geotechnical Completion Report must also confirm soil expansivity, foundation requirements, land stability and settlement criteria. The Geotechnical Completion Report must be to the satisfaction of the Council.

## Acoustics -

### Construction hours

29. Construction works comprising use of heavy machinery must be restricted to hours between 7.30am and 6.00pm, Monday to Saturday. No construction works are permitted on Sundays or public holidays.

### Construction noise limits

30. Except where otherwise provided for in Condition 31, construction works on the site must be designed and conducted to not exceed 70 dB LAeq and 85 dB LAFmax when measured 1m from any building that is occupied during the works. Noise from construction work activity must be measured and assessed in accordance with the requirements of New Zealand Standard NZS 6803:1999 Acoustics – Construction noise.
31. Construction works on the accessway within the site must be designed and conducted to ensure that noise does not exceed 80 dB LAeq and 95 dB LAFmax specific to the building (when occupied) at 127 Fred Taylor Drive when measured 1m from the building. Noise from construction work activity must be measured and assessed in accordance with the requirements of New Zealand Standard NZS 6803:1999 Acoustics – Construction noise.

### Neighbour consultation

32. The consent holder must advise in writing the occupants of 119, 121, 127, 129, 131, 133, 135, 137, 139, ,141 and 143 Fred Taylor Drive. The advice must be provided at least three (3) working days before the construction works start. The written advice must set out an overview of the construction works, the expected duration and working hours, mitigation measures, expected levels of noise and vibration, a contact phone number to call regarding concerns about the construction noise and vibration, and the name of the project manager.

### Construction Noise and Vibration Management

33. To ensure the noise limits set out in condition 30 and 31 are not exceeded, the consent holder must ensure construction works (including installation of the acoustic fencing) are managed and conducted in accordance with the report titled 125 Fred Taylor Drive Noise Assessment dated 23 June 2023 prepared by Marshall Day Acoustics (referenced in condition 1).

## Stormwater Management

34. The consent holder must construct private stormwater ponds for providing 2yr, 10yr and 100yr rainfall peak flow rate attenuation. A covenant must be registered on title for complying with the on-going stormwater management requirements.

### **Advice Note:**

- *Installation of private stormwater management system will require Building Consent.*
- *Acceptable forms of evidence include registered drain-layer certified as-built plans and Building Consent Code Compliance Certificate.*
- *Plans approved under Resource Consent do not constitute an Engineering Plan Approval and should not be used for the purposes of constructing private or public reticulation works in the absence of that approval.*

35. The consent holder must provide registered drainlayer certified as-built plan and Code Compliance Certificate confirming installation of on-site stormwater management devices.

## Overland Flow Path

36. The consent holder must divert and manage 1% AEP flow paths on the site as shown on the 'Proposed Overland Flow Path Plan' sheet 1777-RC2-SW402 dated August 2023 prepare by Aspire Consulting Engineers. The swale drains must be designed and formed for 1% AEP flows. A covenant must be registered on the title for maintain the overland flow paths.

## Vehicle Crossing

37. All new vehicle crossings must be designed and formed in accordance with the Auckland Transport Code of Practice 2013. 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.

### **Advice note:**

*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.*

38. Prior to the operation of the activity, all redundant vehicle crossings must be removed and reinstated as kerbing and verge/footpath to Auckland Transport Code of Practice 2013. This must be undertaken at the consent holder's expense and to the satisfaction of the Council.

### **Advice note:**

*Works within the road reserve require prior approval from Auckland Transport. This includes vehicle crossings, reinstatement of kerbing and temporary occupation of the*

*footpath/verge/berm during construction. The consent holder should contact Auckland Transport as soon as possible to ensure any required approvals are issued prior to construction.*

39. Visibility splays must be provided on both sides of the proposed vehicle crossings (if practical). Any boundary fencing and / or landscaping within the visibility splay areas of 5.0 m x 2.0 m (5.0 m on either side of the driveway within the site and 2.0 m on both sides of the front boundary from the edge of the crossing) must not exceed 0.9 m or, alternatively must be at least 80% visually permeable. Landscaping in the visibility splay area must be trimmed and maintained in perpetuity to comply with the stipulated height.

**Advice Notes:**

- *It will be the responsibility of the consent holder to determine the presence of any underground services that may be affected by the applicants work in the road reserve. Should any services exist, the applicant shall contact the owners of those and agree on the service owners' future access for maintenance and upgrades. Services information may be obtained from <https://www.beforeudig.co.nz/>.*
- *It is the responsibility of the Consent Holder to obtain necessary approvals from the relevant utility provider prior to carrying out the power pole works.*
- *All work in the road reserve shall be carried out in accordance with the general requirements of The National Code of Practice for Utility Operators' Access to Transport Corridors <http://nzuag.org.nz/national-code/ApprovedNationalCodeFeb13.pdf> and Auckland Transport Design Manual <https://at.govt.nz/about-us/manuals-guidelines/transport-design-manual/>.*
- *Prior to carrying out any work in the road corridor, the consent holder shall submit to Auckland Transport a Corridor Access Request (CAR) and temporary traffic management plan (TMP), the latter prepared by an NZ Transport Agency qualified person and work shall not commence until such time as the applicant has approval in the form of a Works Access Permit (WAP). The application may be made at <https://at.govt.nz/about-us/working-on-the-road/corridor-access-requests/apply-for-a-car/> and 15 working days should be allowed for approval.*
- *Encroachment licences are required for any private canopy/retaining walls or works within the road corridor including building canopies. The licence process is managed by Auckland Transport as the road controlling authority. If the consent holder proposes to undertake works which would require a licence, they will need to apply for approval and complete the Road Encroachment Licences Application Form. All applications are dealt with on a case-by-case basis and needs to be in line with the requirements in Road Encroachment Guidelines. Download the Guidelines for Road Encroachment Licences (PDF 45KB).*
- *As noted on the application form the owner will be required to pay all costs and disbursements associated with the application and provide detailed plans of the proposed encroachment. The application fees are set out on the AT website <https://at.govt.nz/about-us/working-on-the-road/road-processes-for-property-owners/road-encroachment-licences-or-leases/> which include Auckland Transport staff time for processing the application. Additionally, the owner will need*

*to cover all legal fees related to preparing the licence and registration of the encumbrance against the Owners' Record of Title to the adjoining land. Some encroachment use also attracts an ongoing rental as noted in the guidelines.*

### Contamination

40. The Council must be informed, in writing, at least 10 working days prior to the start date of the works authorised by this consent.
41. At least 10 working days prior to the commencement of earthworks, a Detailed Site Investigation (DSI) must be submitted to the council for review and certification. The DSI must:
  - a. Detail sampling undertaken to characterise the site's contamination profile in accordance with the Preliminary Site Investigation dated August 2023, prepared by Focus Environmental Services Limited and the Site Management Plan, prepared by Focus Environmental Services Limited, dated August 2023;
  - b. Be prepared in accordance with the Contaminated Land Management Guidelines No.1 & No.5: (Ministry for the Environment, revised 2021);
  - c. Include a map of sampling locations and tabulated sampling results;
  - d. Include an interpretation of the sampling results against the Soil Contaminant Standards (SCShealth) for the protection of human health as set out in the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES:CS) and the Permitted Activity soil acceptance criteria detailed by Standard E30.6.1.4 of the AUP(OP); and
  - e. Be prepared by a Suitably Qualified and Experienced contaminated land Practitioner (SQEP).
42. At least 10 working days prior to the commencement of earthworks, an updated Site Management Plan (SMP)/Remediation Action Plan (RAP) must be submitted to the council for review and certification. The updated SMP/RAP must:
  - a. Detail the procedures and controls required during and following the works to minimise potential effects on human health and the environment as a result of actual and potential soil contamination;
  - b. Detail how the site's surface soils are to be remediated to achieve compliance with the relevant Soil Contaminant Standards (SCShealth) for the protection of human health as set out in the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES:CS) and the Permitted Activity soil acceptance criteria detailed by Standard E30.6.1.4 of the AUP(OP);
  - c. Be prepared in accordance with the Contaminated Land Management Guidelines No.1 (Ministry for the Environment, revised 2021);
  - d. Account for the soil contamination profile as detailed in the report Preliminary Site Investigation dated August 2023, prepared by Focus Environmental Services

Limited and Site Management Plan dated August 2023, prepared by Focus Environmental Services Limited;

- e. Detail validation sampling or other verification to be undertaken following remedial works to demonstrate that the works have achieved the remediation targets for the protection of human health and to minimise contaminant discharges; and
  - f. Be prepared by a Suitably Qualified and Experienced contaminated land Practitioner (SQEP).
43. The earthworks and remedial works must be undertaken in accordance with the updated SMP/RAP, referenced in Condition 42. Any variations to the SMP/RAP must be submitted to the Council for review and certification that they appropriately manage actual and potential soil contamination effects and are within the scope of this consent.

**Advice Note:**

*The Council acknowledges that the updated SMP/RAP is intended to provide flexibility of the management of the works. Accordingly, the updated SMP/RAP may need to be updated. Any updates should be limited to the scope of this consent and be consistent with the conditions of this consent. If you would like to confirm that any proposed updates are within scope, please contact the Council. The Council's certification of the updated SMP/RAP relates only to those aspects of the plans that are relevant under the RMA. The certification does not amount to an approval or acceptance of suitability by the Council of any elements of the management plan that relate to other legislation, for example, the Building Act 2004 or the Health and Safety at Work Act 2015.*

44. Discharges of dust must not cause offensive or objectionable effects at any location beyond the boundary of the site, in the opinion of an enforcement officer when assessed in accordance with the Good Practice Guide for Assessing and Managing Dust (Ministry for the Environment, 2016). The consent holder must ensure that dust management during the works generally complies with the recommendations of this Good Practice Guide and minimises dust generation as far as practicable. This includes having sufficient water to dampen exposed soil and unsealed areas, and/or other dust suppressing measures, available as necessary.
45. Any excavated material that is not re-used on site must be disposed of at an appropriate facility licensed to accept the levels of the identified contamination. Excavated soil must not be disposed of as 'Cleanfill material' unless it has been appropriately tested and characterised by a suitably qualified and experienced contaminated site practitioner (SQEP) as meeting the 'Cleanfill material' definition, set out in the Auckland Unitary Plan (Operative in Part) (AUP(OP)).
46. All temporary stockpiles of the excavated material designated for re-use on site must either be capped or covered and bunded to prevent the generation of dust and contaminant discharges, in accordance with the procedures set out in the updated SMP/RAP, referenced in Condition 42.
47. In the event of an incidental discovery of contamination during the earthworks, which has not been previously identified, the consent holder must immediately cease the works in the vicinity of the contamination hotspot and follow the procedures set out in the

unexpected discovery protocol, contained within the updated SMP/RAP, referenced in Condition 40. Those procedures must include notifying the Council and engaging a SQEP to assess the situation (including possible sampling and testing) and deciding on the best option for managing the material.

48. Any soil imported to the site must comply with the definition of 'Cleanfill material', as set out in the AUP(OP).
49. All sampling and testing of contamination on site must be overseen by a SQEP. All sampling must be undertaken in accordance with the protocols set out in Contaminated Land Management Guidelines, No.5: Site Investigation and Analysis of Soils, Ministry for the Environment (revised 2021).
50. The contamination levels of any soil or fill material imported to the site must be certified by a SQEP, and unless otherwise agreed with the Council, must meet the definition of 'Cleanfill material', as defined by the AUP(OP). The SQEP's certification must include testing of imported soil at a minimum rate of 1 sample per 250m<sup>3</sup> (analysed for heavy metals, polycyclic aromatic hydrocarbons, and asbestos content) and verification that the fill material imported to site originates from:
  - a. A site that has been determined by a SQEP to have had no known history of potentially contaminating activities, as detailed on the Hazardous Activities and Industries List (Ministry for the Environment, 2011); or
  - b. A site that has been adequately investigated by a SQEP, in accordance with Contaminated Land Management Guidelines No.5: Site Investigation and Analysis of Soils (Ministry for the Environment, revised 2021) or any updates to this document, to meet the 'Cleanfill material' definition as prescribed in the AUP(OP); or
  - c. A commercial quarry (sampling is not required for hard-fill material sourced from a commercial quarry).
51. Within three months of the completion of earthworks on the site, a Site Validation Report (SVR) must be submitted to the Council for review and certification. The SVR must be prepared by a SQEP in accordance with the Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand (Ministry for the Environment, revised 2021) and contain sufficient detail to address the following matters:
  - a. A summary of the works undertaken, including the locations and dimensions of excavations and the volume of soil excavated;
  - b. Conditions of the final site contamination profile, including details and results of any validation testing undertaken (with a map of sampling locations and tabulated sampling results) and interpretation of the results in the context of the NES:CS and AUP(OP);
  - c. Details and results of any other contamination testing undertaken during the works (including any sampling undertaken on materials re-used on site or imported to the site);
  - d. Records/evidence of the disposal for any material removed from the site;

- e. Records of any unexpected contamination encountered during the works and response actions, if applicable;
- f. Any on-going monitoring and/or management measures required to minimise risks to human health or the environment as a result of the final site contamination profile;
- g. Reports of any complaints, health and safety incidents related to contamination, and/or contingency events during the earthworks; and
- h. A statement certifying that all works have been carried out in accordance with the requirements of the SMP/RAP, referenced in Condition 42 and consent, otherwise providing details of relevant breaches, if applicable.

**Advice Note: Site Validation Report**

*The SVR will enable the Council to update the property file information relating to soil contamination. Until an SVR is submitted and certified by the Council, the Land Information Memorandum for the property will not be updated to reflect any soil contamination remediation work undertaken.*

**Advice Note:**

*If you are demolishing any building that may have asbestos containing materials in (ACM) in it:*

- *You have obligations under the relevant regulations for the management and removal of asbestos, including the need to engage a Competent Asbestos Surveyor to confirm the presence or absence of any ACM*
- *Work may have to be carried out under the control of person holding a WorkSafe NZ Certificate of Competence (CoC) for restricted works*
- *If any ACM is found, removal or demolition will have to meet the Health and Safety at Work (Asbestos) Regulations 2016*
- *Information on asbestos containing materials and your obligations can be found at [www.worksafe.govt.nz](http://www.worksafe.govt.nz).*

## Land Use Covenants

52. The consent holder must enter into a section 108 Resource Management Act 1991 covenant in favour of Auckland Council [the council] for Pt Lot 1 DP 163991. The consent holder must contact Council to initiate the preparation of the covenant. A copy of the updated Computer Register (Record of Title) showing that the covenant has been registered must be provided to Council prior to commencement of the activity.

a. The covenant must:

- (i) Attenuate peak flow rate from all impervious areas for 2yr, 10yr and 100yr rainfall events to pre-development (grassed) area levels.
- (ii) Maintain the 1% AEP flows from the development site by constructing specific designed swale drains and as per the 'Proposed Overland Flow Path Plan'

sheet 1777-RC2-SW402 dated August 2023 prepared by Aspire Consulting Engineers.

- (iii) Ongoing maintenance of the private stormwater ponds will be responsibility of the landowner(s).
- b. be drafted by the council's nominated Solicitor at the consent holder's cost; and
- c. be registered against the Computer Register(s) (record of title) to the affected land by the consent holder at their cost; and
- d. require the consent holder to:
1. be responsible for all legal fees, disbursements and other expenses incurred by the council in connection with the covenant, and procure its solicitor to give an undertaking to the council for payment of the same; and
  2. indemnify the council for costs, fees, disbursements and other expenses incurred by the council as a direct or indirect result of the council being a party to this covenant.

## **Specific conditions – discharge consent DIS60420470 (contamination)**

### Duration of consent

53. Discharge contamination consent DIS60420470 must expire five (5) years from the grant date unless it has been surrendered or been cancelled at an earlier date pursuant to s123 of the RMA.

### General

54. Conditions 40 to 51 (inclusive) under LUC60420053 also apply to this discharge consent.
55. All excavation of the soil containing elevated levels of contaminants in the work areas must be managed to minimise any discharge of debris, soil, silt, sediment or sediment-laden water from the subject site to either land, stormwater drainage systems or receiving waters.
56. Erosion and sediment controls must be installed along the boundaries of the earthworks areas in accordance Auckland Council guidance document 2016/005: Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region. The excavation areas must be dampened during the day to suppress the generation of dust during the works. Filter cloths or cover mats must be installed over the stormwater cesspits in the vicinity of the excavation areas. Vehicles must be inspected prior to leaving the works area and wheels brushed/cleaned as required to avoid the potential for sediment to leave the site on vehicle tyres and enter the existing stormwater system.

### **Advice Note:**

*Discharge from the site includes the disposal of water (e.g. perched groundwater or collected surface water) from the land-earthworks area.*

57. The soils identified for off-site disposal must primarily be loaded directly into trucks and must be covered for transportation off site. Stockpiling of the excavated material must be avoided. If required, temporary stockpiles of material free from separate phase hydrocarbons or odorous petroleum hydrocarbons must be located on an impermeable surface within an area protected by erosion and sediment controls and be covered with tarpaulins anchored at the edges outside working hours and during periods of heavy rain. Stockpiling of material containing separate phase hydrocarbons or odorous petroleum hydrocarbons must not take place.
58. Any perched groundwater, or surface run-off water encountered within the excavation area, which requires removal from the site must be considered potentially contaminated, and must either:
- a. Be disposed of by a licenced liquid waste contractor; or
  - b. Pumped to trade waste, provided the relevant permits have been obtained; or
  - c. Allowed to soak into the ground, provided it is free from separate phase hydrocarbons; or
  - d. Discharged to the stormwater system or surface waters provided testing demonstrates compliance with Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2018) for the protection of 80 percent of marine water species, with the exception of benzene where the 95 percent protection level will apply, and that it is free from separate petroleum hydrocarbons and hydrocarbon sheen.

Verification testing must comprise water samples from the point of discharge taken at a minimum frequency of one sample per week of the dewatering process, be undertaken in accordance with the current industry best practice and be overseen by a SQEP. The samples must be tested by an accredited laboratory for total arsenic and selected heavy metals (total cadmium, chromium, copper, lead, nickel, zinc), and total petroleum hydrocarbons (TPH).

## **Specific conditions – discharge consent DIS60420054 (stormwater)**

### Duration of consent

59. Stormwater diversion and discharge consent DIS60420054 must expire thirty-five (35) years from the grant date unless it has been surrendered or been cancelled at an earlier date pursuant to s123 of the RMA.

### General

60. The following stormwater management works must be constructed, and must be completed prior to discharges from the associated impervious areas commencing from the site:

Works to be undertaken	Catchment area (impervious area m <sup>2</sup> )	Design requirement(s)
Grassed swale X 6	Platform 1 SW1 = 4650 Platform 2 SW2 = 5080 Platform 3 SW3 = 5035 Platform 4 SW4 = 3760 Platform 5 SW5 = 4718 Platform 6 SW6 = 6100 Access SW7 = 3005	75% TSS removal, on long term average basis (GD01).  Peak flow attenuation for the 2, 10 and 100 ARI storm event to pre-development levels.  Retention volume and 95th percentile detention volume to be provided as detention.  Include check dams on slopes steeper than 5%
Outlets X 4	Total developed impervious area = 32,358m <sup>2</sup>	Erosion protection measures to minimise scour and erosion potential and accordance with Auckland Council TR2013/018

**Advice Note:**

*The final design details and calculations for the stormwater works to be confirmed at the Engineering Approval Stage.*

Minor modifications approval

61. In the event that any minor modifications to the stormwater management system are required, that will not result in an application pursuant to Section 127 of the RMA, the following information must be provided:
- a. Plans and drawings outlining the details of the modifications; and
  - b. Supporting information that details how the proposal does not affect the capacity or performance of the stormwater management system.

All information must be submitted to, and approved by the Council, prior to implementation.

**Advice Note:**

*All proposed changes must be discussed with Auckland Council, prior to implementation. Any changes to the proposal which will affect the capacity or performance of the management system or will result in a change to the conditions of this consent will require an application to be made in accordance with Section 127 of the RMA. An example of a minor modification*

*can be a change in the location of a pipe or slight changes to the site layout. If there is a change of device type the consent will have to be varied (s127 under the RMA).*

### Construction meetings

62. Within 30 working days of Practical Completion, a post-construction site meeting must be arranged and conducted between the Council and all relevant parties, including the site operator and suitably qualified person certifying the As-built Plans.

**Advice note:**

*To arrange the construction meetings required by this consent, please contact the Council on 09 301 0101 or [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz)*

### Certification of management works (As-Built Plans)

63. As-Built certification and plans of the management works, which are certified (signed) by a suitably qualified registered surveyor or engineer as a true record of the management system, must be provided to the council for approval 5 days prior to the post-construction meeting required by this consent.

The As-Built plans must include, but not be limited to:

- a. the surveyed location (to the nearest 0.1m) and level (to the nearest 0.01m) of the stormwater management devices, with co-ordinates expressed in terms of NZTM and LINZ datum; and
- b. plans and cross sections of all stormwater management devices, including confirmation of the Water Quality Volume, storage volumes and levels of any outflow control structures.

### Operation and maintenance plan

64. A Final Operation and Maintenance Plan must be submitted to the Council for approval 5 working days prior to the post-construction meeting required by this consent.
65. The Operation and Maintenance Plan must set out how the stormwater management system is to be operated and maintained to ensure adverse environmental effects are minimised. The plan must include:
- a. details of who will hold responsibility for long-term maintenance of the stormwater management system and the organisational structure which will support this process;
  - b. a programme for regular maintenance and inspection of the stormwater management system;
  - c. a programme for the collection and disposal of debris and sediment collected by the stormwater management devices or practices;
  - d. a programme for post storm inspection and maintenance;
  - e. including copies of written maintenance contracts with an appropriate operator; and

- f. general inspection checklists for all aspects of the stormwater management system, including visual checks.

### Operation and maintenance plan implementation

66. The stormwater management and treatment system must be managed in accordance with the Operation and Maintenance Plan.

### Amendments to the operation and maintenance plan

67. Any amendments or alterations to the Operation and Maintenance Plan must be submitted to, and approved by the Council, in writing prior to implementation.
68. The Operation and Maintenance Plan must be updated and submitted to the Council for approval, on request.

## **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 officer 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. *This consent does not authorise the discharge of contaminants from or use of land for any industrial or trade activity at 125 Fred Taylor Drive, or future industrial trade activity associated with any additional works within the site. Any industrial or trade activity at the site should be reviewed against Chapter E33 of the Auckland Unitary Plan and demonstrate that all aspects of the relevant permitted activity standards can be compiled with, or apply for any relevant consents.*

7. *No permanent or temporary obstacle (including but not limited to structures, construction equipment, cranes and trees) may penetrate the Obstacle Limitation Surface for RNZAF Base Whenuapai (as identified in Designation 4311 - Whenuapai Airfield Approach and Departure Path Protection) without the prior approval in writing of the New Zealand Defence Force. It is recommended that applicants contact the New Zealand Defence Force to discuss requirements (email: [environment@nzdf.mil.nz](mailto:environment@nzdf.mil.nz)).*
8. *Civil Aviation Authority (CAA) rules and regulations apply in relation to the height of permanent and temporary obstacles (including but not limited to structures, construction equipment, cranes and trees) within the Obstacle Limitation Surface for RNZAF Base Whenuapai. All persons carrying out work under this resource consent and any related building consent must therefore comply with all obligations arising under CAA rules and regulations, including obligations to notify the Director CAA as outlined in CAA Rules Part 77. Parties are advised to contact CAA for further information or to refer to [www.caa.govt.nz/airspace/airspace-hazard](http://www.caa.govt.nz/airspace/airspace-hazard)*
9. *The consent holder must comply with the obligations set out in the Auckland Transport s178 approval letter titled "Requiring Authority approval under Section 178(2) of the Resource Management Act 1991 for works within AT's Notice of Requirement at 125 Fred Taylor Drive, Whenuapai" dated 31 July 2023.*



**David Wren**

**Duty Commissioner**

2 November 2023

## 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>	Auckland CBD <input type="checkbox"/>	Auckland Isthmus <input type="checkbox"/>	Hauraki Gulf Islands <input type="checkbox"/>	Waitakere <input type="checkbox"/>
Manukau <input type="checkbox"/>	Rodney <input type="checkbox"/>	North Shore <input type="checkbox"/>	Papakura <input type="checkbox"/>	Franklin <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.



NOTE:  
 ALL LEVELS IN TERMS OF LINZ DATUM:  
 HORIZONTAL DATUM: MOUNT EDEN CIRCUIT 2000  
 VERTICAL DATUM: AUCKLAND MEAN SEA LEVEL 1946

REV.	DESCRIPTION	CHECK	APP'D	DATE	SCALE	1:1500 AT A3	
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	DRAWN					WT	06.23
	DRAWING CHECK					PF	06.23
	DESIGN CHECK					PF	06.23
	APPROVED					PF	06.23

CLIENT  
 [REDACTED]

Conditions of Use:  
 These drawings shall only be used for the purpose for which they were supplied. Do not measure off this drawing. If doubt please contact Engineer.

SITE ADDRESS  
 [REDACTED]

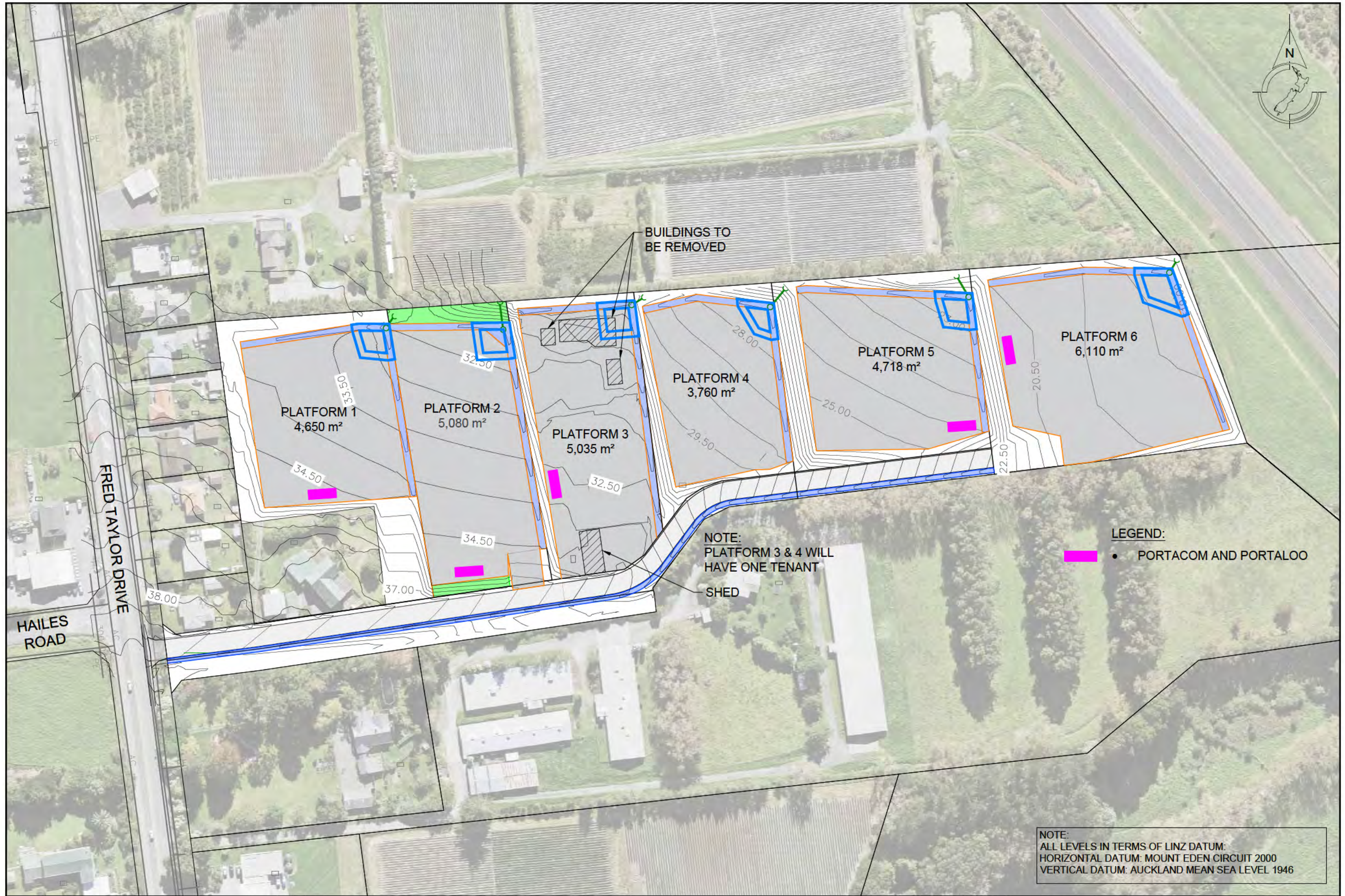
DRAWING TITLE  
 EXISTING SITE PLAN

DRAWING NUMBER  
 1777 - RC2 - PG103

DATE  
 JUNE 2023

REVISION  
 -

Ph: 09 426 6552  
 www.aspireconsulting.co.nz



NOTE:  
PLATFORM 3 & 4 WILL  
HAVE ONE TENANT

LEGEND:  

 • PORTACOM AND PORTALOO

NOTE:  
ALL LEVELS IN TERMS OF LINZ DATUM:  
HORIZONTAL DATUM: MOUNT EDEN CIRCUIT 2000  
VERTICAL DATUM: AUCKLAND MEAN SEA LEVEL 1946

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1.	UPDATED FOR S92.	PF	PF	08.2023			06.23
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					DESIGN CHECK	PF	06.23
					APPROVED	PF	06.23

CLIENT  
[REDACTED]

Conditions of Use:  
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SITE ADDRESS  
[REDACTED]

DRAWING TITLE  
 PROPOSED DEVELOPMENT PLAN

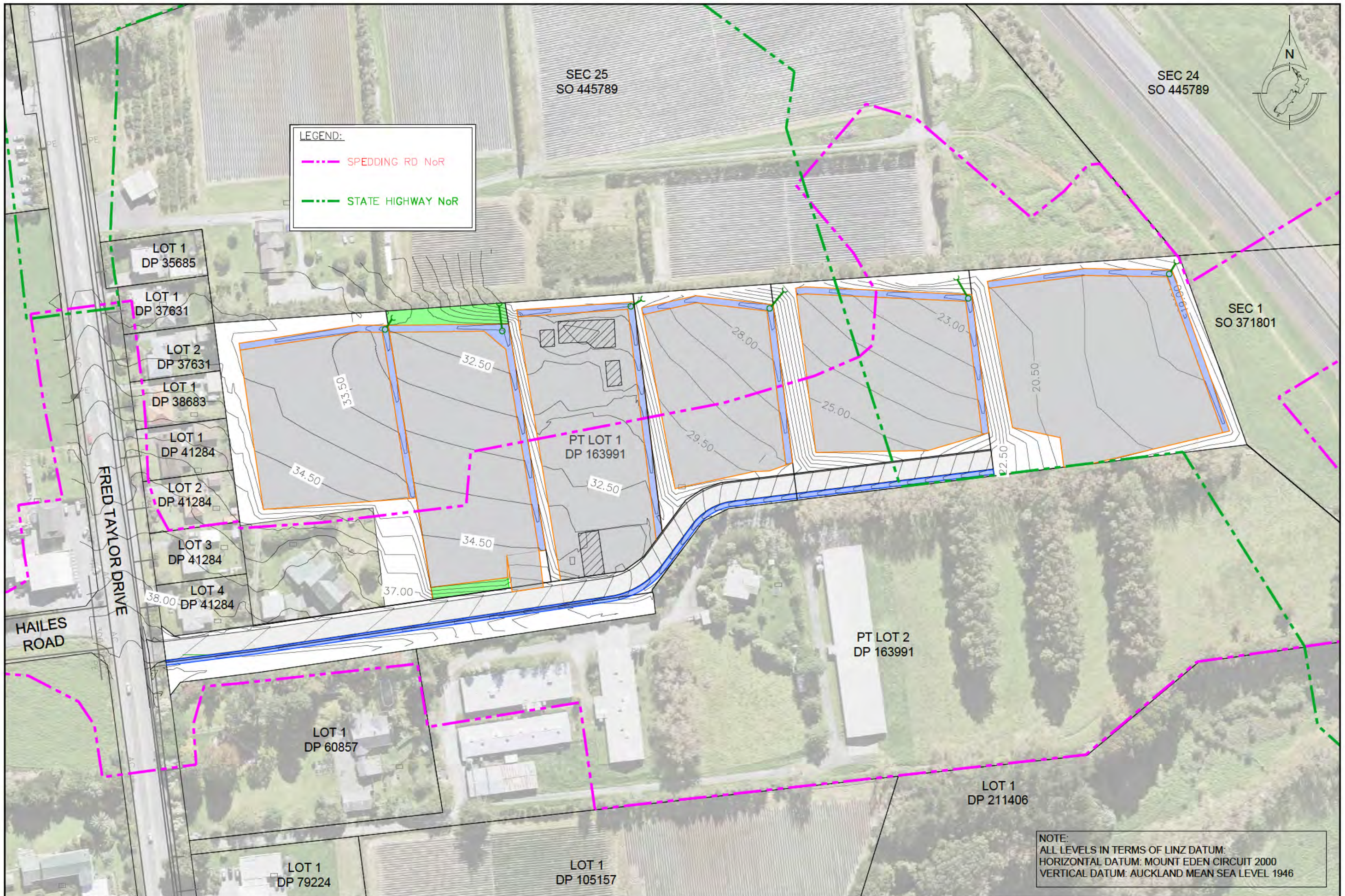
DRAWING NUMBER  
 1777 - RC2 - PG104

DATE  
 JUNE 2023

REVISION  
 2

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 CONSULTING ENGINEERS

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 www.aspireconsulting.co.nz



REV.	DESCRIPTION	CHECK	APP'D	DATE	SCALE	1:1500 AT A3	
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					DESIGN CHECK	PF	06.23
					APPROVED	PF	06.23

**CLIENT**  
 [REDACTED]

**Conditions of Use:**  
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**SITE ADDRESS**  
 [REDACTED]

**DRAWING TITLE**  
 NoR PLAN WITH PROPOSED WORKS

**DRAWING NUMBER**  
 1777 - RC2 - PG105

**DATE**  
 JUNE 2023

**REVISION**  
 -

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**LEGEND:**

- - - SPEDDING RD NoR
- - - STATE HIGHWAY NoR



NOTE:  
 ALL LEVELS IN TERMS OF LINZ DATUM:  
 HORIZONTAL DATUM: MOUNT EDEN CIRCUIT 2000  
 VERTICAL DATUM: AUCKLAND MEAN SEA LEVEL 1946

REV.	DESCRIPTION	CHECK	APP'D	DATE	SCALE	1:1500 AT A3	
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					DESIGN CHECK	PF	06.23
					APPROVED	PF	06.23

CLIENT  
 [REDACTED]

Conditions of Use:  
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SITE ADDRESS  
 [REDACTED]

DRAWING TITLE  
 NoR PLAN WITH AERIAL

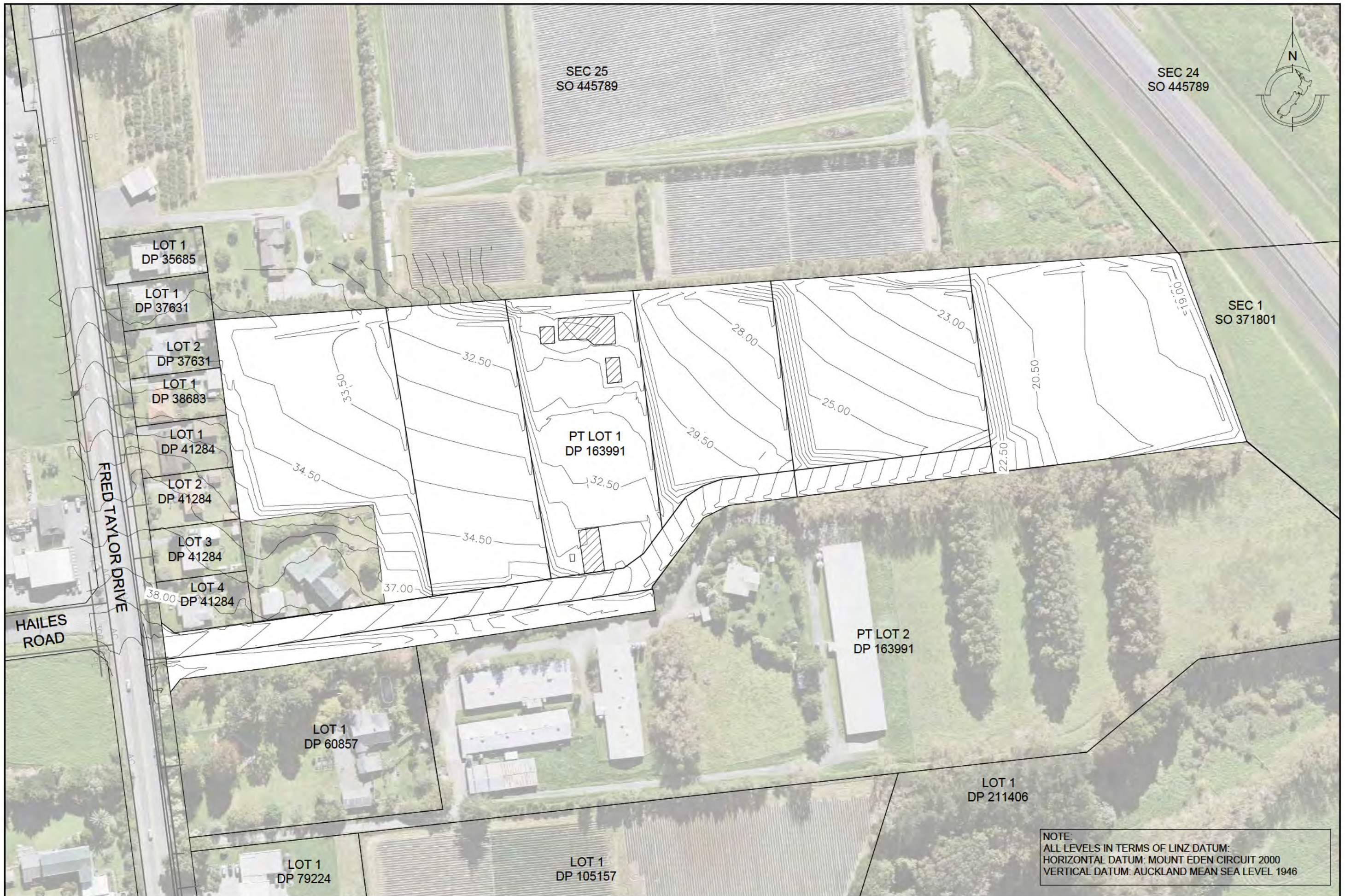
DRAWING NUMBER  
 1777 - RC2 - PG106

DATE  
 JUNE 2023

REVISION  
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NOTE:  
 ALL LEVELS IN TERMS OF LINZ DATUM:  
 HORIZONTAL DATUM: MOUNT EDEN CIRCUIT 2000  
 VERTICAL DATUM: AUCKLAND MEAN SEA LEVEL 1946

REV.	DESCRIPTION	CHECK	APP'D	DATE	SCALE	1:1500 AT A3	
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	DRAWN					WT	06.23
	DRAWING CHECK					PF	06.23
	DESIGN CHECK					PF	06.23
	APPROVED					PF	06.23

CLIENT  
 [REDACTED]

Conditions of Use:  
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SITE ADDRESS  
 [REDACTED]

DRAWING TITLE  
**PROPOSED CONTOUR PLAN**

DRAWING NUMBER  
**1777 - RC2 - EW201**

DATE  
**JUNE 2023**

REVISION  
 -

Ph: 09 426 6552  
 www.aspireconsulting.co.nz



**VOLUMES**

▨ **FILL VOLUME:**  
12,700m<sup>3</sup>

▨ **CUT VOLUME:**  
11,320m<sup>3</sup>

**NOTE:**  
ALL LEVELS IN TERMS OF LINZ DATUM:  
HORIZONTAL DATUM: MOUNT EDEN CIRCUIT 2000  
VERTICAL DATUM: AUCKLAND MEAN SEA LEVEL 1946

REV.	DESCRIPTION	CHECK	APP'D	DATE	SCALE 1:1500 AT A3		
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	DRAWING CHECK	PF		06.23			
	DESIGN CHECK	PF		06.23			
	APPROVED	PF		06.23			

**CLIENT**  
[REDACTED]

**Conditions of Use:**  
These drawings shall only be used for the purpose for which they were supplied. Do not measure off this drawing. If doubt please contact Engineer.

**SITE ADDRESS**  
[REDACTED]

**DRAWING TITLE**  
PROPOSED CUT AND FILL DEPTH CONTOUR PLAN

**DRAWING NUMBER**  
1777 - RC2 - EW202

**DATE**  
JUNE 2023

**REVISION**  
-

**ASPIRE**  
CONSULTING ENGINEERS

Ph: 09 426 6552  
www.aspireconsulting.co.nz

**LEGEND:**

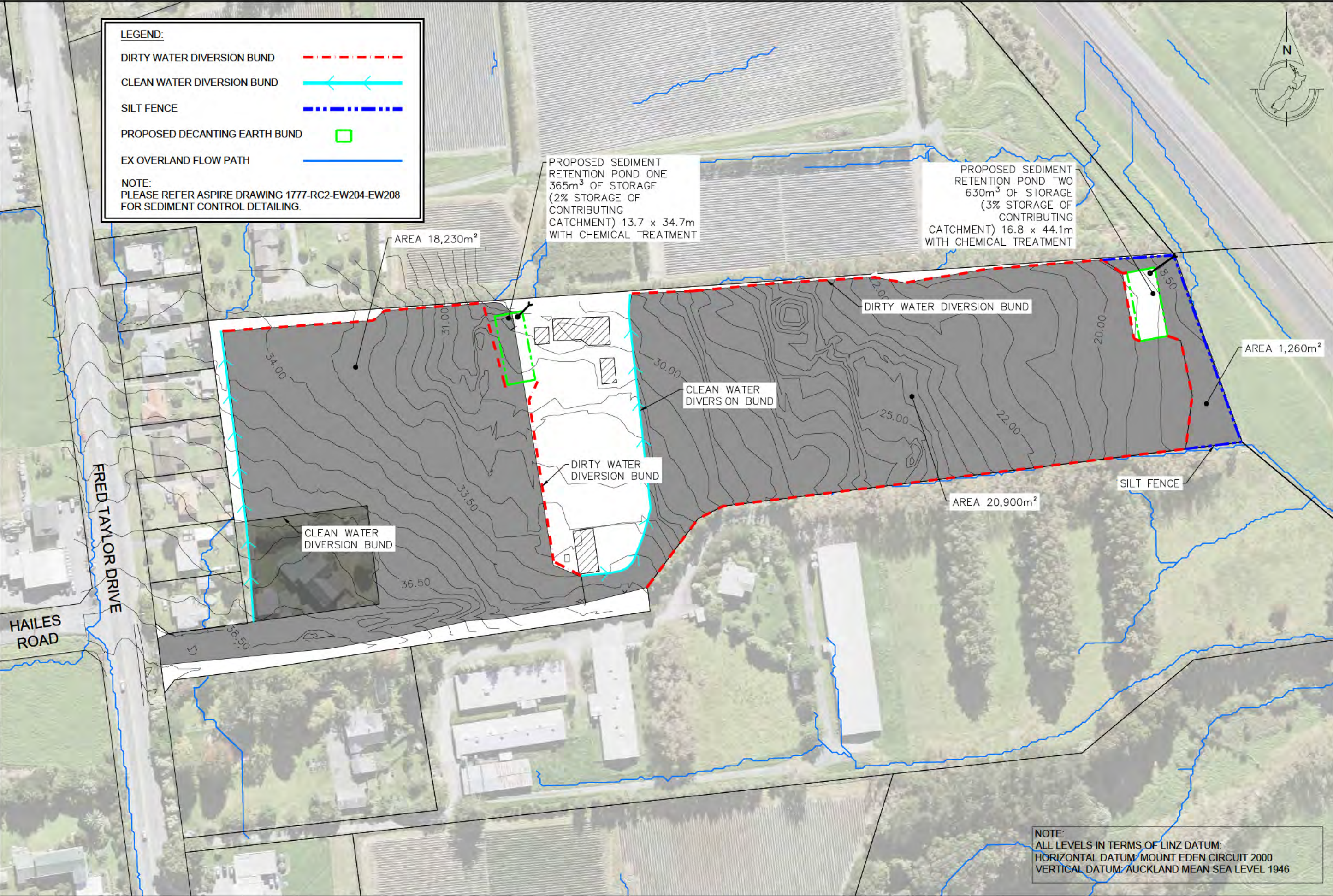
- DIRTY WATER DIVERSION BUND - - - - -
- CLEAN WATER DIVERSION BUND ← ← ← ← ←
- SILT FENCE - · - · - · - · - ·
- PROPOSED DECANTING EARTH BUND □
- EX OVERLAND FLOW PATH —

**NOTE:**  
PLEASE REFER ASPIRE DRAWING 1777-RC2-EW204-EW208 FOR SEDIMENT CONTROL DETAILING.



PROPOSED SEDIMENT RETENTION POND ONE  
365m<sup>3</sup> OF STORAGE  
(2% STORAGE OF CONTRIBUTING CATCHMENT) 13.7 x 34.7m WITH CHEMICAL TREATMENT

PROPOSED SEDIMENT RETENTION POND TWO  
630m<sup>3</sup> OF STORAGE  
(3% STORAGE OF CONTRIBUTING CATCHMENT) 16.8 x 44.1m WITH CHEMICAL TREATMENT



**NOTE:**  
ALL LEVELS IN TERMS OF LINZ DATUM:  
HORIZONTAL DATUM: MOUNT EDEN CIRCUIT 2000  
VERTICAL DATUM: AUCKLAND MEAN SEA LEVEL 1946

REV.	DESCRIPTION	CHECK	APP'D	DATE	SCALE	1:1500 AT A3	NAME	DATE
1.	EXISTING OVERLAND FLOW PATHS ADDED.	PF	PF	08.2023				06.23
2.	SEDIMENT POND ONE SIZE INCREASED	PF	PF	08.2023	DESIGN		PF	06.23
					DRAWN		WT	06.23
					DRAWING CHECK		PF	06.23
					DESIGN CHECK		PF	06.23
					APPROVED		PF	06.23

CLIENT  
[REDACTED]

Conditions of Use:  
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SITE ADDRESS  
[REDACTED]

DRAWING TITLE  
**EROSION AND SEDIMENT CONTROL PLAN**

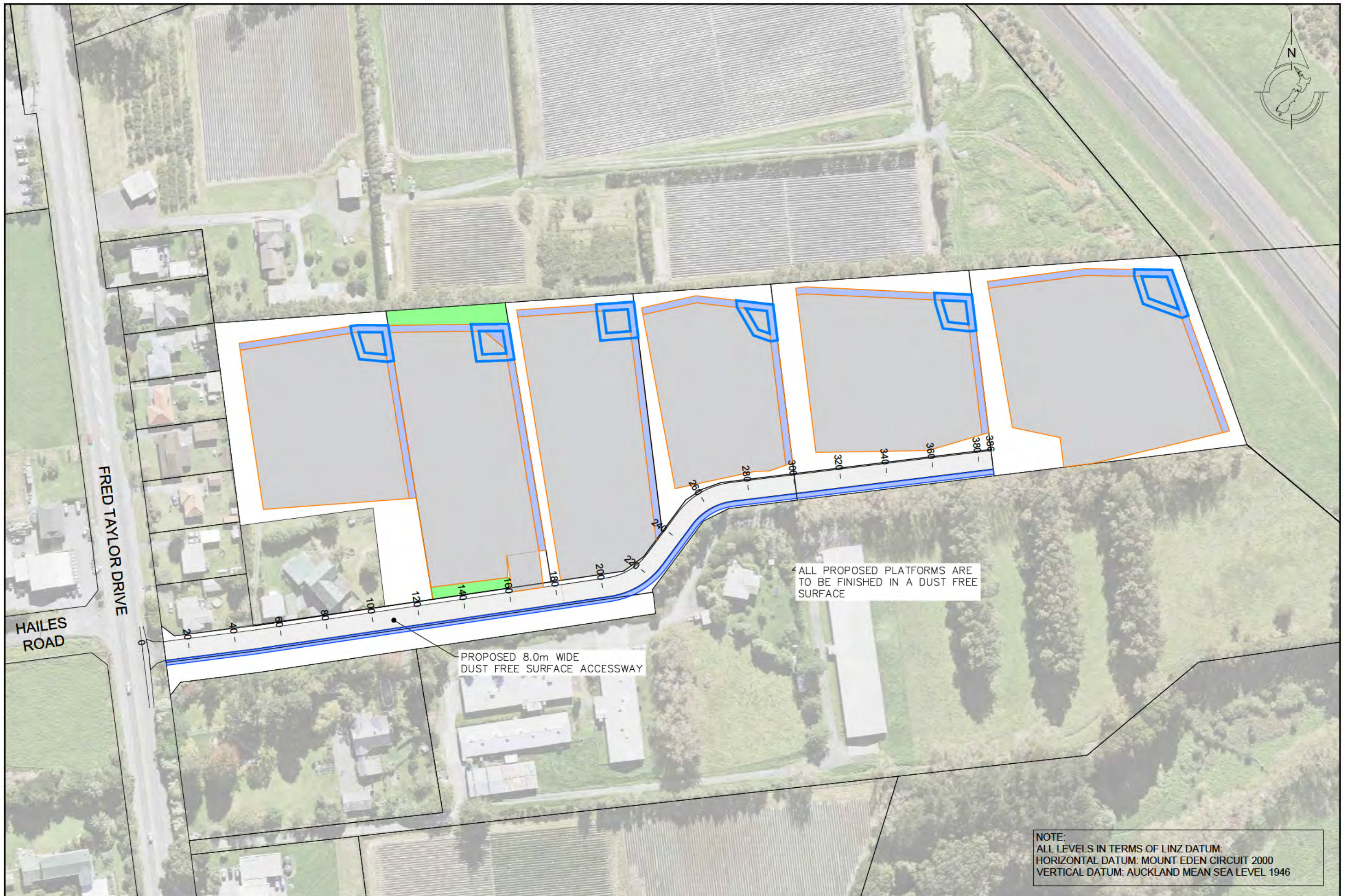
DRAWING NUMBER  
**1777 - RC2 - EW203**

DATE  
**JUNE 2023**

REVISION  
**2**

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CONSULTING ENGINEERS

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ALL PROPOSED PLATFORMS ARE TO BE FINISHED IN A DUST FREE SURFACE

PROPOSED 8.0m WIDE DUST FREE SURFACE ACCESSWAY

NOTE:  
 ALL LEVELS IN TERMS OF LINZ DATUM.  
 HORIZONTAL DATUM: MOUNT EDEN CIRCUIT 2000  
 VERTICAL DATUM: AUCKLAND MEAN SEA LEVEL 1946

REV.	DESCRIPTION	CHECK	APP'D	DATE	SCALE	1:1500 AT A3	
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						DESIGN CHECK	PF 06.23
						APPROVED	PF 06.23

CLIENT  
 [REDACTED]

Conditions of Use:  
 These drawings shall only be used for the purpose for which they were supplied. Do not measure off this drawing. If doubt please contact Engineer.

SITE ADDRESS  
 [REDACTED]

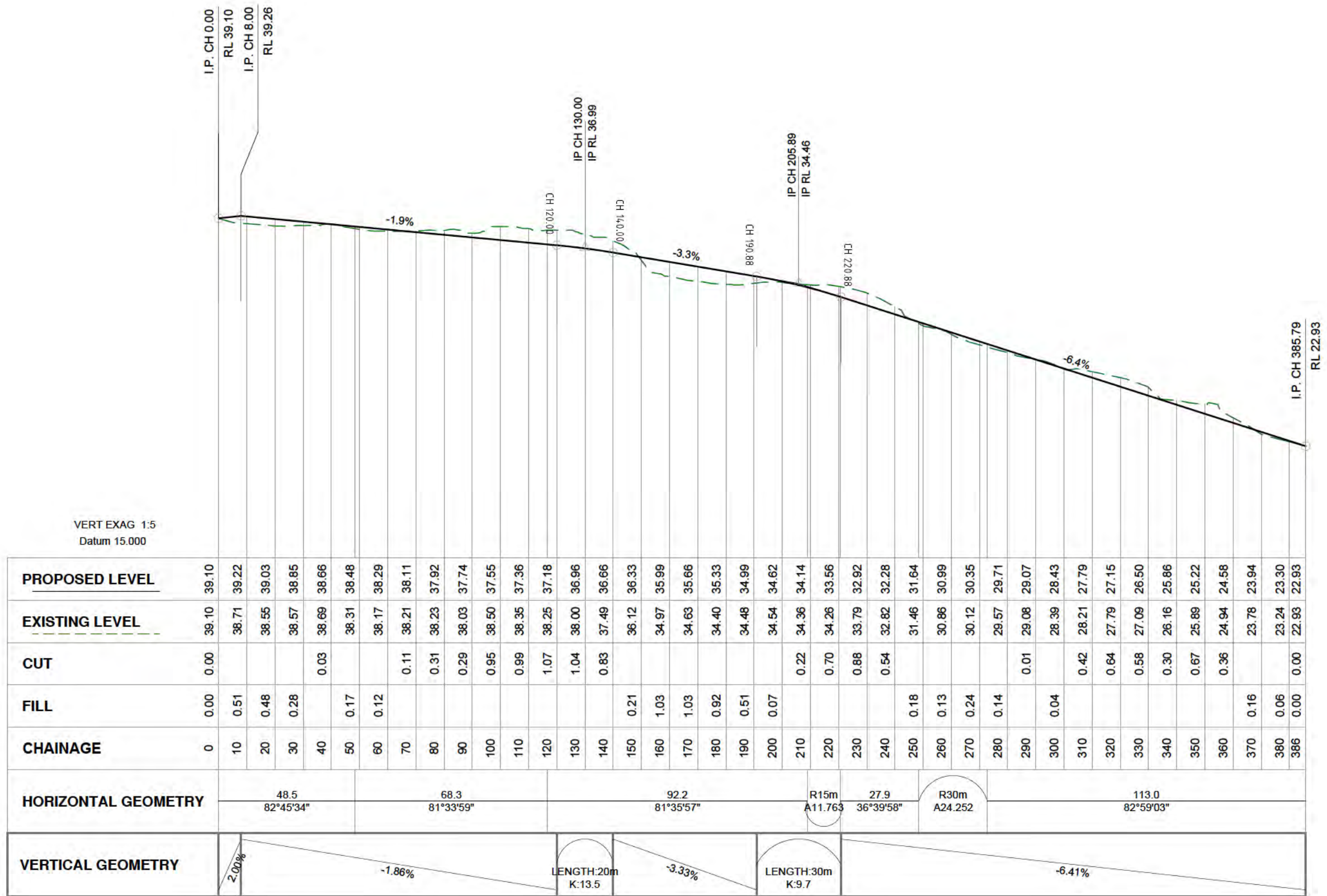
DRAWING TITLE  
**PROPOSED ACCESSWAY PLAN**

DRAWING NUMBER  
**1777 - RC2 - RD301**

DATE  
**JUNE 2023**

REVISION  
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VERT EXAG 1:5  
Datum 15.000

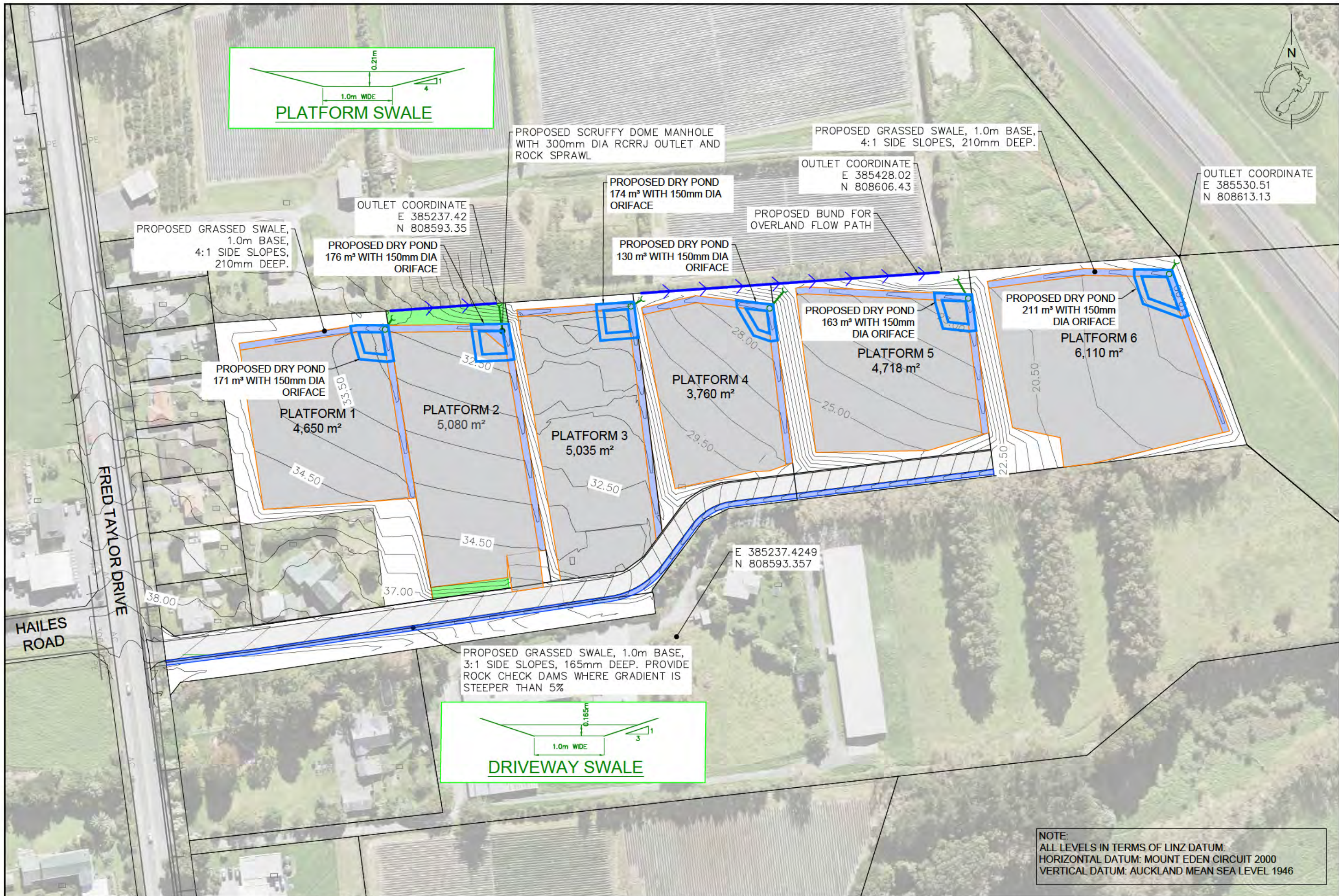
<b>PROPOSED LEVEL</b>	0	10	20	30	40	50	60	70	80	90	100	110	120	130	140	150	160	170	180	190	200	210	220	230	240	250	260	270	280	290	300	310	320	330	340	350	360	370	380	386	39.10	39.22	39.03	38.85	38.66	38.48	38.29	38.11	37.92	37.74	37.55	37.36	37.18	36.96	36.66	36.33	35.99	35.66	35.33	34.99	34.62	34.14	33.56	32.92	32.28	31.64	30.99	30.35	29.71	29.07	28.43	27.79	27.15	26.50	25.86	25.22	24.58	23.94	23.30	22.93
<b>EXISTING LEVEL</b>		38.71	38.55	38.57	38.69	38.31	38.17	38.21	38.23	38.03	38.50	38.35	38.25	38.00	37.49	36.12	34.97	34.63	34.40	34.48	34.54	34.36	34.26	33.79	32.82	31.46	30.86	30.12	29.57	29.08	28.39	28.21	27.79	27.15	26.50	26.16	25.89	25.22	24.94	23.78	23.24	22.93																																						
<b>CUT</b>					0.03			0.11	0.31	0.29	0.95	0.99	1.07	1.04	0.83							0.22	0.70	0.88	0.54				0.01		0.42	0.64	0.58	0.30	0.67	0.36					0.00																																							
<b>FILL</b>	0.00	0.51	0.48	0.28		0.17	0.12									0.21	1.03	1.03	0.92	0.51	0.07				0.18	0.13	0.24	0.14		0.04								0.16	0.06	0.00																																								
<b>CHAINAGE</b>	0	10	20	30	40	50	60	70	80	90	100	110	120	130	140	150	160	170	180	190	200	210	220	230	240	250	260	270	280	290	300	310	320	330	340	350	360	370	380	386																																								
<b>HORIZONTAL GEOMETRY</b>		48.5 82°45'34"		68.3 81°33'59"		92.2 81°35'57"		R15m A11.763		27.9 36°39'58"		R30m A24.252		113.0 82°59'03"																																																																		
<b>VERTICAL GEOMETRY</b>	2.00%		-1.86%		LENGTH:20m K:13.5		-3.33%		LENGTH:30m K:9.7		-6.41%																																																																					

CL ACCESSWAY LONG SECTION

NOTE:  
ALL LEVELS IN TERMS OF LINZ DATUM:  
HORIZONTAL DATUM: MOUNT EDEN CIRCUIT 2000  
VERTICAL DATUM: AUCKLAND MEAN SEA LEVEL 1946

REV.	DESCRIPTION	CHECK	APP'D	DATE	SCALE	1:1500 H 1:300 V AT A3	CLIENT	SITE ADDRESS	DRAWING NUMBER
									1777 - RC2 - RD302
	DESIGN	PF		06.23					DATE
	DRAWN	WT		06.23					REVISION
	DRAWING CHECK	PF		06.23					
	DESIGN CHECK	PF		06.23					
	APPROVED	PF		06.23					
							Conditions of Use: These drawings shall only be used for the purpose for which they were supplied. Do not measure off this drawing. If doubt please contact Engineer.	DRAWING TITLE	JUNE 2023
								PROPOSED ACCESSWAY LONGSECTION	-
									Ph: 09 426 6552 www.aspireconsulting.co.nz





REV.	DESCRIPTION	CHECK	APP'D	DATE	SCALE	1:1500 AT A3	NAME	DATE
1.	DRY PONDS ADDED	PF	PF	09.2023				
					DESIGN		WT	06.23
					DRAWN		WT	06.23
					DRAWING CHECK		PF	06.23
					DESIGN CHECK		PF	06.23
					APPROVED		PF	06.23

CLIENT  
 [REDACTED]

Conditions of Use:  
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SITE ADDRESS  
 [REDACTED]

DRAWING TITLE  
**PROPOSED STORMWATER LAYOUT PLAN**

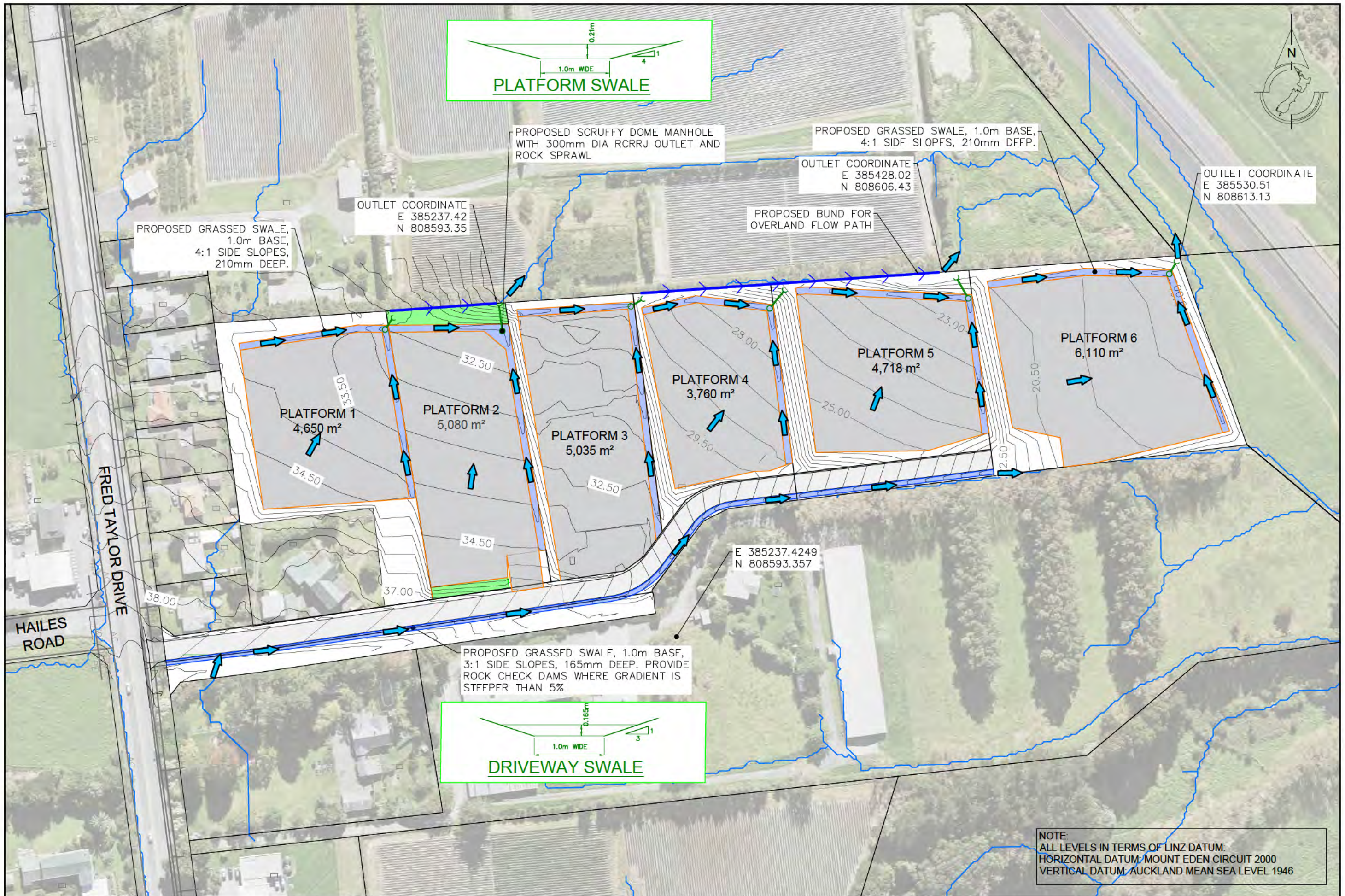
DRAWING NUMBER  
**1777 - RC2 - SW401**

DATE  
**JUNE 2023**

REVISION  
**1**

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REV.	DESCRIPTION	CHECK	APP'D	DATE	SCALE	1:1500 AT A3	
						NAME	DATE
	DESIGN			06.23			
	DRAWN			06.23			
	DRAWING CHECK			06.23			
	DESIGN CHECK			06.23			
	APPROVED			06.23			

CLIENT  
[REDACTED]

Conditions of Use:  
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SITE ADDRESS  
[REDACTED]

DRAWING TITLE  
**PROPOSED OVERLAND FLOW PATH PLAN**

DRAWING NUMBER  
**1777 - RC2 - SW402**

DATE  
**AUG 2023**

REVISION  
-

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