A U C K L A N D C O U N C I L

Decision following the hearing of an application for resource consent

SUBJECT: Application for resource consent under section 88 of the Resource Management Act 1991 by Birkenhead Properties Ltd to undertake a:

Subdivision creating a total of 26 vacant freehold residential lots and a land use (residential development on those lots) and the associated regional consents at 20 & 34 Park Ave, Birkenhead

The hearing was held on Monday 19th, Tuesday 20th & Wednesday 21st November 2012 commencing at 9.30am.

CONSENT, PURSUANT TO SECTIONS 104B AND 104D OF THE RESOURCE MANAGEMENT ACT, IS GRANTED. THE FULL DECISION IS SET OUT BELOW

Hearing Panel:	The Applications were heard by Hearings Commissioners:	
	Mr Greg Hill	(Chairperson)
	Mr Hugh Leersnyder	
	Mr Ian Munro	

Council Officers:	Mr Ted Temple	Reporting Officer – Regional Consents
	Mr Nick Mattison	Reporting Officer – District Consents
	Mr Leon Saxon	Arborist
	Mr Warren Budd	Traffic Engineer
	Mr Ken Schmidt	Development Engineer
	Ms Tracey Ogden-Cork	Urban Designer
	Mr Peter Anderson	Ecologist
	Mr Richard Reid	Democracy Advisor - Hearings

APPEARANCES:	Mr Simon Berry – counsel
For the Applicant:	Mr Andrew Parkinson – Birkenhead Properties Ltd - owner
	Mr John Sinclair – Urban Design
	Mr Craig Webb - Arborist
	Mr Rob Pryor – Landscape Architect
	Dr Sarah Flynn – Ecologist
	Mr Ian Boothroyd – Ecologist
	Mr Chris Solleder – Engineer
	Mr Michael Kaye – Traffic Engineer
	Mr Neville Hegley – Acoustics
	Mr Peter Reaburn - Planner

Submitters:	Mr Kerr & Mrs Nan Inkson
	Mr John and Mrs Jennifer Inskeep
	Mr Boyne and Mrs Janet Drummond
	Mr Michael Weinstock
	Northcote College Board of Trustees represented by Ms Vicki Barrie (School Principal)

TABLED EVIDENCE:	Elizabeth Sheridan
	MG and L Cooper
	Fiona Shiels
	Keith Salmond

APPLICATION DESCRIPTION

Application and Property Details

Application Number (s):	District Application - SA3020834, Regional Applications - 37116-37118 and 38163
Site Address:	20 & 34 Park Ave, Birkenhead
Applicant's Name:	Birkenhead Properties Ltd
Lodgement Date	2007
Hearing Commencement:	9.30am 19th November 2012 – at the Anglican Community Church Cedar Centre – 56A Tramway Road Beach Haven.
Hearing Panel's Site Visit:	21st November 2012
Hearing Closed:	5th December 2012

DECISION ON RESOURCE CONSENT APPLICATION -

1.0 The Application, Consent Requirements, and Status of the Application.

1.1 The Application – Description

In summary, the proposal is:

Subdividing the existing 2.9ha property into 30 lots of varying sizes including:

10 lots along the southern boundary for medium density housing. 9 of those lots will be approximately 238m^2 and contain a single house platform. Lot 16 enables one house platform but also includes a large, unusable, steep area, and has a lot size of 937m^2.

16 lots for conventional residential development, including:

- 3 lots (Lot 1-3) to the north of, and with direct frontage to, the proposed public road;
- 1 lot (Lot 26) with frontage directly to Park Avenue and accessed directly from that road;
- 1 lot (Lot 27) comprising the existing residence at 32 Park Avenue, which will remain but requires a minor boundary adjustment;
- 1 lot (Lot 28) located south of the access road;
- 11 lots (Lot 5-15), mostly with lot sizes of 440-450m^2, within the centre of the subdivision and accessed from the joint owned access lot (JOAL);

2 lots to provide access to the property, including:

- Lot 29, to be vested in Council, and comprising the village square and new proposed public road; and
- Lot 30 being the jointly owned access lot (JOAL).

Lot 31 is a proposed reserve area to be purchased by Council and is approximately 1.242ha in size.

There will be extensive removal of weeds and noxious plants from the site, as well as numerous protected trees and two street trees.

Consent is sought to enable a dwelling to be constructed on each of the residential sites. However specific house designs do not form part of the proposal; building platforms are identified and there is a suite of design guidelines for all of the residential lots (with separate guidelines for the single dwelling lots and the medium density housing).

Future dwellings which comply with the Design Guidelines will not need resource consent. In this respect the guidelines are proposed to provide alternative development controls to the underlying zone.

Substantial site works are required due to the topography of the site, and this includes a large number of retaining walls and the importation of up to 3,000m^3 of fill on to the site.

Reclamation and piping of nearly 100m of tributary 7b of the Waiurutoa Stream is proposed. The other tributaries will be retained and enhanced and a mitigation package (involving offsetting and environmental compensation) is proposed.

1.2 Consent Requirements

The following table, from Mr Reaburn's evidence, sets out the relevant provisions of the various plans. The contents of this table were agreed by the applicant and the reporting officers as correct. We agree and accept that the following are the relevant consent categories of the:

- District Plan – Auckland Council District Plan (North Shore Section); and
- The Regional Plan: Air, Land and Water; and
- The Regional Plan: Sediment Control.

This application requires resource consents as set out below:

Activity Category	Plan	Rule and Standard	Proposal
Permitted	District Plan	9.4.10.6 2 parking spaces per unit	Met for all lots
		16.6.1.2 Maximum Height (8m)	Met for all lots (note that the 9m height sought for Lots 16 – 25 is not now proposed – these lots will comply with the (rolling) 8m height control)
		16.6.1.3 Height to Boundary (2.5m+45^o)	Met in respect of all external site boundaries
		16.6.1.4 Front Yards	Expected to be met for the

			relevant Lots (1 – 3, 5, 14, 15 and 26 – 38)
		16.6.1.5 Yards – 3m	Will be met for Lot 26
		16.6.1.9 Coverage (the applicable option here is 225m^2)	Will be met for all lots
		16.6.1.7 Garages/ Carports	Will be met for all lots
		16.6.1.9 Building Coverage	Will be met for all lots
		16.6.1.11 Minimum Permeable Area	Will be met for all lots
		16.6.1.12 Fences, Buildings, Retaining Walls Height (1.8m)	Will be met for all lots
		16.6.1.13 Vehicle Access Gradient and Width	Gradients and widths will be met in all cases
		16.6.2.4 Outdoor Space	Will be met for all lots
		16.6.2.5 Service Court	Will be met for all lots
		16.6.2.6 Visual Privacy	Will be met for all lots
Limited (Restricted) Discretionary	District Plan	8.4.6.1.2(e) Vegetation Clearance	The development will involve the removal of: • 1156m^2 of intact indigenous habitat with low weed populations (podocarp-kanuka forest and kanuka forest with well developed subcanopy). This equates to 14% of vegetation types within the site, while 83% of these habitats will be retained • 3623m^2 of exotic forest with sparse indigenous understorey (pine forest). This equates to 40% of this vegetation type within the site • 1225m^2 of indigenous forest with abundant weed populations (kanuka forest with mixed understorey). This equates to 41% of this vegetation type within the site • 5682m^2 of mixed exotic and indigenous scrub and weed field. This equates to 90% of this vegetation type within the site

			• 2220m^2 of exotic vegetation (kikuyu grassland, coral trees and oak trees). Approximately 90% of kikuyu grassland and all coral and oak trees will be removed With respect to areas on the site identified as lying within the Kauri Glen SES, the development will entail clearance of: • 1776m^2 of vegetation classified as a PVS, described in the SES as 'kauri-broadleaves-podocarp forest', equating to 18% of the PVS area within the site. It is noted however that the vegetation survey identified this area as podocarp-kanuka forest and kanuka forest with few kauri present 2607m^2 of vegetation classified as Level 2 Significance and described in the SES report as 'podocarp-broadleaves forest' (although the vegetation survey identifies this as pine forest). This equates to 37% of the Level 2 Significance habitat present within the site
		8.4.9.2.2(a) Diverting and/ or piping overland flowpaths	New , including piped, overland flowpaths will be established throughout the subdivision
		9.4.1.3(h) Subdivision in Residential 2 Zone:- Lots averaging 1,000m^2 over the site, with part of the requirement in a reserve (9.4.5.2(a)(ii)) subject to a 400m^2 minimum site size and 15m shape factor (9.4.7.7)	All relevant standards are met in respect of Lots 1 – 3, 5 – 16, 26 – 28, together with (the reserve) Lot 31 Lots 17 – 25 do not meet the 400m^2 and 15m shape factor standards

		9.4.1.3(g) Earthworks exceeding 300m^2 surface area	Earth working is proposed over 1.45ha
		9.4.10.6 Visitor Parking	13 required, 11 proposed
		16.6.1.3 Height to Boundary (2.5m+45^o)	Not met in respect of internal (zero) lot boundaries on Lots 5 – 15, 17 – 25 (note, consent is no longer sought in relation to Lot 3)
		16.6.1.10 Building Length	Not met in respect of internal (zero) lot boundaries on Lots 5 – 15, 17 – 25 (note, consent is no longer sought in relation to Lot 3)
		16.6.1.13 Vehicle Access	The access lot serving Lots 5 – 25 will serve more than 10 units and have a length exceeding 70m
	Auckland Regional Plan: Sediment Control	5.4.3.1 Earthworks exceeding 2500m^2	Earth working is proposed over 1.45ha
Discretionary Activity	District Plan	8.4.2.1.4 Effects on Streams 9.4.1.4(b) diversion or modification of watercourses and flood plains	Piping of 100m of stream; bridges and associated works affecting another 30m of stream, diverting water within a floodplain
		9.4.1.4(l) Works on gradients exceeding 1:4	Streams have steeper banks than 1:4
		8.4.6.3(b)(i) removal of trees in a road reserve	Trees will be removed in the southern part of the (unformed) part of Kauri Glen Road (including kanuka and a pine tree), and a poplar tree outside the site and a pohutakawa tree outside 31 Kauri Glen Road will be removed.
	Auckland Regional Plan, Air, Land and Water	5.5.4(a) – diversion and discharge of stormwater;	Application withdrawn – see footnote[1]
		7.5.12 – structures over a stream	

[1] It has been confirmed by the Auckland Council that the Applicant's proposal meets the relevant conditions of the Network Discharge Consent. Accordingly the Applicant does not need to seek a separate consent for this aspect of the proposal.

		7.5.21 – effects on indigenous plants; disturbance of bed of stream and associated sediments and filling	
		8.4.9.1.3(a) Building in a Floodplain	As the stormwater system, which is currently natural, will be replaced with a developed system including substantial earthworking, existing floodplains will be altered (this will not alter land outside the confines of the development site).
		9.4.1.4(e) site works	Consent required for earthworks
		9.4.1.4(l) Gradients over 1:4	Some gradients, such as stream embankments, exceed 1:4
Non-Complying Activity	District Plan	9.4.5.2(a)(ii), 16.6.2.3 minimum site area/ density 400m^2	Minimum site area/ density for Lots 17 - 25 is under 400m^2 (min 238m^2)
		9.4.7.7 minimum area of 250m^2 and 15m site dimension	Minimum site dimension for Lots 17 - 25 is 9.5m and these lots are under 250m^2 (237m^2/238m^2)
		16.6.1.5 Yards – 3m	Lots 5 – 15 and 17 – 25 have "zero lot boundaries" and the extent of infringement exceeds 10m. The applicable standards for Lots 1 – 3 and 28 are those applying for the Residential 4 Zone (side yard 1.2m, rear yard 3m)
	Auckland Regional Plan, Air, Land and Water	7.5.38 construction and use of new drainage involving the bed of a permanent stream and associated diversion of water	Piping of (just under) 100m of stream; bridges and associated works affecting another 30m of stream

1.3 Status of the applications

Overall, the application is a **non complying activity.**

Not all of the 'individual' consent requirements are non complying (see the table above) – but the subdivision itself and the reclaiming/piping of Tributary 7b are. Given these are key components of the consents sought and that the entire proposal comes as a 'package' we have determined that it is appropriate to treat the entire application as non-complying.

We record here, for the reasons set out in detail below, that the proposal satisfies the requirement of section 104D of the Act.

2.0 Notification

The application was processed on a notified basis.

2.1 Submissions

46 submissions were received of which 44 were opposed to the applications with two being neutral.

The submitters raised a broad spectrum of concerns. In general terms they were concerned about:

- the nature and scale of development which would result in a significant change to the character, amenity and visual appearance of the locality,
- the number of allotments proposed which did not comply with the requirements of the District Plan,
- the inability of the proposal to align with the provisions of the District and Regional planning documents,
- the amount of bush/vegetation clearance,
- the nature of potential built forms – particularly on lots 16 to 25 (the smaller lots on the southern boundary of the site),
- the potential social change through the style of housing proposed,
- the safety and security of established residents, which could be compromised by the proposal,
- the impact on the infrastructure (roads, waste water, stormwater and water supply),
- traffic and parking effects, both during the construction period and the impact of 26 more dwellings and the traffic impact this would have on Kauri Glen Road and Park Ave and to Northcote College,
- That the internal roading network is not adequate to service the development,
- Noise during the land clearance and development phase,
- That the environmental offsetting and compensation is not sufficient with respect to the adverse effects created,
- The adverse effects upon archaeology, and
- Part 2 matters in the Resource Management Act.

The submitters sought that either the applications be declined or that if approved it be subject to amendments and conditions of consent.

2.2 Written Approval

The written approvals were obtained from:

- Housing New Zealand – 9 Aorangi Place,

- Narene and Jason Orchard – 1/23 Aorangi Place,
- Gregory and Chikako Crooks – 2/21 Aorangi Place,
- Ackland and Elisa Thomas – 32 Park Avenue,
- The Dawson Family Trust – 29b Aorangi Place,

Section 104 3(a) (ii) states that we are not able to have regard to any effects of a proposal where the written approval has been given by any person (in this case those listed above).

3.0 Decision

Pursuant to section 104B and 104D of the Resource Management Act 1991, this application is **granted.**

Pursuant to section 113 of the Resource Management Act 1991, the reasons for this decision are set out in full below, with the overall reasons at section 13 of this decision.

4.0 Relevant statutory provisions

The following provisions of the Resource Management Act 1991 were relevant in the assessment of this application:

- Part 2, sections 104, 104B, 104D (non-complying activity), 105, 107 and 108.

5.0 Relevant plan provisions

The relevant planning documents considered were:

Auckland Regional Policy Statement

- Chapter 2 – Regional Overview and Strategic Direction

Auckland Council District Plan (North Shore Section) and in particular the following:

- Section 5 – Issues and Goals,
- Section 6 – Managing Growth,
- Section 8 – Natural Environment,
- Section 9 – Subdivision and Development,
- Section 10 – Pollution, Hazardous Substances and Waste Management,
- Section 12 – Transportation, and
- Section 16 – Residential.

Auckland Regional Plan: Air, Land and Water

- Section 2 – Use and Development,
- Section 3 – Management Areas,
- Section 5 – Discharges to Land and Water and Land Management, and

- Section 7 – Beds of Lakes and Rivers and Diversion of Surface Water.

Auckland Regional Plan: Sediment Control

- Section 5 – Regulation.

Other documents that were relevant in our determination of this application include:

- The New Zealand Coastal Policy Statement, and
- The Hauraki Gulf Marine Park Act.

We add for completeness that the National Environmental Standards for Contaminated Land are not applicable as we heard no evidence that any of the land was contaminated. We also note that the National Policy Statement – Freshwater Management 2011 (NPS:FW) is not relevant to this application, as the application was lodged prior to its gazettal. The NPS:FW took effect on 1 July 2011. Policy A4 and direction (under section 55) to regional councils states:

> *"3. This policy does not apply to any application for consent first lodged before the*
>
> *National Policy Statement for Freshwater Management takes effect on 1 July 2011."*

6.0 Background and site context

In determining this application we think it is important to set out the development background and site context. This was relevant to our determination of this resource consent application.

6.1 Background

The Applicant advised that the proposal before the panel and as notified had been through an "evolution of the design" in consultation with the Council (both the North Shore City Council (NSCC) and more recently the Auckland Council).

An initial "conventional" subdivision design was proposed circa 2004/5 and reflected a conventional subdivision design with a cul de sac road and large sections (750-1050m^2) with single dwellings. The public road was located further north than currently proposed, large areas of stream piping (of all three tributaries) was proposed, and development was proposed in the northern stand of more significant vegetation (the land which is now generally included in Lot 31).

This design reflected the design preferences of the then NSCC at that time and reflected the standard lot sizes within the Residential 2 zone.

There was then a shift in the design philosophy during 2005 to 2007 which sought to develop the southern part of the site and protect the north. This approach was still a relatively conventional design, and underwent a series of minor alterations from 2005 to 2007 when further investigation of the ecological values of the site and a change in NSCC processing staff led to a fundamental design shift.

BPL's and Council's ecologists identified that the northern part of the site, contiguous with the Kauri Glen Reserve, was of significantly greater ecological value than the southern half of the site. A decision to recognise this in the design of the subdivision resulted in a change in design philosophy to protect the northern part of the site from residential development and focus development in the southern half of the property.

The most appropriate location for this "line" between these two areas was agreed after extensive consultation between the respective ecologists. This initiative has been supported by the Applicant's and the Council's planners.

The decision to concentrate development in the southern half of the site limited the potential size of the lots as BPL, we were told, still needed to achieve a similar number of lots to the original proposal in order to obtain sufficient returns from the development to make it 'worthwhile'. The solution was to propose the provision of medium density housing as well as a number of smaller, single dwelling lots, with the number of lots being consistent with the number contemplated by the zone for the size of the site.

BPL engaged registered architect John Sinclair to develop a "design-led proposal" to ensure a high level of amenity for the future residents, particularly the residents of the medium density houses, but to also provide a measure of flexibility for individual landowners. This work included a plan layout as well as indicative house layouts for the smaller medium density housing lots. The proposed solution is for the identification of specific building platforms and the preparation of design guidelines for dwellings. These guidelines would provide minimum standards of design that all houses must meet in order to protect the amenity of other residents. The Council's urban designer, Tracy Ogden Cork, has proposed numerous modifications to the guidelines and these have been accepted by the Applicant.

BPL also agreed to sell the northern half of the site to NSCC so that NSCC could integrate that lot with the adjacent Kauri Glen Reserve. Auckland Council has agreed to continue with the purchase of Lot 31.

Overall we accept that the proposal before us has had the benefit of many years – and many experts – worth of refinement and collaborative effort between the Applicant, its experts, and the Council's experts.

6.2 Site Context

The site is an irregular shaped bush covered block located on the north-western side of Park Avenue, near to where Park Avenue adjoins bound to the north by Kauri Glen Scenic Reserve, to the east by an unformed and stopped road (Kauri Glen Road) and to the west and south by developed residential lots.

Park Avenue and Kauri Glen Road together form a crescent shape with access to Onewa Road at either side. Both Park Avenue and Kauri Glen Road are local roads, while Onewa Road is classified as a Primary Arterial Road. Northcote College is located on both sides of Kauri Glen Road, approximately 2 minutes walking distance from the site.

The site topography comprises relatively steep sided ridges and broad gullies. The elevated south-western portion of the block is characterised by predominant north and north-east trending ridges which are separated by two small tributaries of the Waiurutoa Stream. The confluence of the watercourse is near the centre of the block, and from this point a single watercourse (main stem of the Waiurutoa Stream) flows toward the northeast into the neighbouring Scenic Reserve. We note that from the west of the site (through Aorangi Place) leading to the site's boundary, the watercourse has been fully piped.

Typical land gradients range between 15° and 30°; however, several isolated areas are over-steepened such as the stream embankments within the central and western portions of the site.

The majority of the site comprises a mix of native and exotic vegetation. In general, the native vegetation is more intact and of higher ecological quality in the northern and eastern parts of the site where it is contiguous with Kauri Glen Reserve. Most of the degraded areas are along the southern and western boundaries of the site.

The main stream affected by the development (Tributary 7b) shows obvious signs of erosion and degradation in the western portion of the site and improves in quality downstream though still shows signs of erosion.

To the south of the watercourse in the eastern portion of the block is a broad undulating north-westerly facing slope that rises moderately steeply over a distance of approximately 100m up to the Park Avenue frontage. This slope has been subject to previous instability and affects Lots 1-3, 27 and 28 and the road on Lot 29.

The south eastern boundary traverses midway along a steep slope through Lots 15 and 16. This slope extends beyond the property boundary towards the stream.

On our site visit (which included representatives of the Applicant for navigation purposes as well as submitter representatives) there was a clear differentiation in species and quality of vegetation between the lower quality and more weedy southern (to be developed) and higher quality, native-dominant northern (to be protected) parts of the site.

7.0 Summary of evidence

We record here that the Applicant provided comprehensive evidence, most of it being independent expert evidence from a range of specialists. Due to this, we have provided a reasonably detailed summary of the evidence as it fully and comprehensively addressed the proposal, its context, the likely effects – both positive and adverse and how, in the opinion of the experts, it 'fitted' within the statutory and planning framework provided by the RMA and the national, regional and local planning documents.

We also record the evidence of the submitters. While no expert evidence was called, the submitters were residents of the area (including Northcote College), clearly understood the local environment, and were keen to ensure that the environmental and amenity values they currently enjoy would be preserved and/or maintained.

In addition to written evidence tabled and/or read to us, we asked further questions of most of the experts and submitters. The answers given to those questions also forms part of the evidence base on which the decision has been made.

The collective summary of the evidence provides the basis from which we have determined this application.

Mr Simon Berry / Mr Gibben – Legal Submissions – Opening and Closing

Mr Berry set out in opening legal submissions

- The "road map" of the Applicant's case and provided a brief synopsis of the key propositions,
- Gave a project overview including the history of the project and the design philosophy of the subdivision,
- Set out the relevant statutory provisions and legal principles,

- Set out the appropriateness of development, including proposed density and scale,
- Set out how the natural components of the site would be managed,
- Set out the infrastructure provisions and land formation,
- Set out how the management of construction, including traffic, noise and earthworks would be addressed,
- Addressed transportation and traffic matters, and
- Set out the Applicant's principal submission which was:

  "Based on the evidence which is to be presented, it is BPL's [the Applicant] *submission that the sustainable management purpose of the RMA is addressed and promoted by granting consent… subject to conditions…."*[2]

In reply Legal Counsel addressed a number of matters raised during the hearing including sections 105 and 107 of the Act (discharges), consent duration regarding the reclamation, and national policy statement and national environmental standards, activity status and bundling.

Also addressed was that 'offsetting' of the adverse effects of reclaiming the tributary was part of the 'mitigation package' and that this could be taken into account when determining, for the purposes of section 104D, if the effects where minor or not.

The permitted baseline for Lot 26 was also addressed (the lot that fronts to Park Ave). In essence the position taken is that this is a 'standard' site and subject to the residential 2A zone rules. These are sufficient and appropriate to manage any effects on the adjoining properties and the environment. It was not proposed to apply the design guidelines to this site.

The closing legal submissions reiterated the principal submissions – that the proposal met the purpose of the Act. A set of conditions that were acceptable to the Applicant were provided as part of the reply.

Mr Parkinson – Director of BPL

Mr Parkinson set out that this property had been in his family since the 1960's, and that long family connection underpins his commitment to ensuring "that a unique and high quality development is undertaken at the Park Avenue site"[3].

He set out that the current applications are the result of a very lengthy process of discussion and consultation between BPL and the Council, which began in 2005. This has led, in his opinion, to an innovative, design-led proposal responsive to current residential attitudes and expectations while respecting and reflecting the natural features of what, he considered, could be seen as a difficult site.

He further set out that the design of the subdivision and development retains the number of sites contemplated by the zoning (for the size of the site) and involves a number of medium density lots. Moreover to provide certainty in relation to the nature of development proposed and to protect the amenity of future residents, while

[2] Para 10.i – Opening Legal Submissions.

[3] Para 1.2 – Parkinson evidence

retaining a measure of flexibility to enable individual designs, building platforms for dwellings had been identified and a series of design guidelines for dwellings (rather than detailed house designs) had been carefully developed and proposed to be imposed by way of consent conditions.

He considered that the natural features of the site presented a number of challenges, in particular, the permanent tributaries to the Waiurutoa Stream, extensive existing vegetation (including substantial native vegetation), and steep topography. However, he also considered the site offered a number of very positive opportunities, including a northern aspect, connections to the Kauri Glen Reserve, a relatively secluded location and proximity to local shops and transport links.

The philosophy adopted in working up the design of the proposal was, in his view, therefore to "achieve a unique identity within the suburban environment while offering attractive residential opportunities that will appeal to the range of people. The overall goal has been and is to create a high quality development in keeping with the local environment, incorporating a high standard of urban design".[4]

Mr Rob Pryor – Landscape Architecture

Mr Pryor provided expert landscape evidence. It was his opinion that, while the visual character and landscape qualities of the site would change from a densely vegetated and undeveloped site to one containing a number of residential dwellings, the site is zoned for residential development and therefore anticipates development to occur. This was the context in which he had drafted his evidence.

He set out that the location of development within the building envelopes concentrates built development within the most degraded southern part of the site, minimises potential adverse effects on surrounding properties and retains a large area of high quality indigenous bush to be protected, enhanced and vested as public reserve.

Overall it was his opinion that the site had the capacity to accommodate a well-integrated development (as proposed) without adversely affecting the landscape, visual and amenity values of the surrounding landscape.

He supported the recommended 'landscape' conditions provided reference was made to the LA 4 Landscape Plan and that there was a requirement for the landscaping plans to be implemented.

Mr John Sinclair – Architect

Mr Sinclair became involved in this project from 2008 to work through the site's layout and design challenges. This was after the site's ecological constraints and possible way forward (development concentrated in the southern part of the site and protecting the northern part) had been identified by others. In addition to a basic site area for Mr Sinclair to work within being set for him, the minimum number of units required to make the project feasible and which he needed to accommodate had also been identified prior to his involvement.

From this, he stated that his design concept was to create an identifiable precinct that achieved an environment based on good design that provides a variety of lifestyle opportunities for all ages without compromising the totality of the site or amenity of other residents.

[4] Para 3.4 – Parkinson evidence

The identity of the site was provided by the retention of the bush land in the north of the site, a signature entry point across the single land bridge and a shared space square. Within that the design involved a mixture of single dwellings and medium density houses. While the proposal does not include detailed house designs, it instead included identified building platforms and a set of Design Guidelines. These guidelines are to provide key design aspects that must be included in the design of the individual houses. He did not consider that the Design Guidelines needed to be overly prescriptive so as to maximise architectural freedom of expression and the independence of each site's owners.

Mr Sinclair supported that either a Council officer or a Licensed Building Practitioner (Design) (LPB) could certify that a dwelling within the development met the guidelines[5]. This was to provide an alternative to a Council led process. LBP's are established under the Building Act 2004 rather than the Resource Management Act 1991 or the current District Plan and Mr Sinclair explained the certification process to us.

He opined that the proposed development represented good urban design and the medium density component would comply in most respects with the "Good Solutions Guide for Medium Density Housing". Where there were differences he considered this was due to the specific nature of the site.

Mr Craig Webb – Arborist

Mr Webb set out that the proposed subdivision would require the removal of protected trees from the site including two street trees. Provision of an access to the areas suitable for building platforms required the removal of a swathe of vegetation through the site, including areas of protected native trees and unprotected exotics. However he opined that the required tree removal to form the road and building platforms equated to minimal destruction of protected native vegetation when compared to the area of quality forest to be retained in the northern part of the site.

The proposal will remove approximately 14,000m^2 of native and exotic scrub and forest, approximately half of which was dominated by exotic weed species. He set out that the areas where native trees are required to be removed are degraded by a high presence of weeds and the removal of exotic species (invasive species that are prevalent on the site) was considered to overall be a positive outcome.

Overall Mr Webb considered that the protection of the existing vegetation in the northern part of the site, the infill planting of that area, the proposed planting of a large number of new trees and the subdivision layout would avoid or mitigate the effects of the loss of the existing vegetation.

He stated that - "*In my opinion, the proposed development of the site represents a good outcome in respect to the management of significant native trees within a residential development site. The vast majority of the significant native trees are excluded from the development areas and these will be protected by way of suitable consent conditions and covenants*". [6]

Dr Sarah Flynn – Terrestrial Ecologist

Dr Flynn set out the terrestrial values of the site. She stated that vegetation comprises a mosaic of native and exotic components. The best quality indigenous vegetation comprised the areas of mixed podocarp-kanuka forest and mature kanuka

[5] We note here that Mr Reaburn proposed alternative wording/ certifiers and this was included in the closing legal submissions.

[6] Para 2.8 – Webb evidence

forest with a well-developed sub-canopy of broadleaved trees and shrubs. Kanuka forest with mixed understorey was also a largely indigenous vegetation type, but was of moderate quality due to a lack of secondary regeneration of indigenous forest species in the sub-canopy, and locally abundant weed infestations in the understorey.

Other vegetation types identified included largely exotic, or a mixture of exotic and indigenous components. These include pine forest, in which pine trees are emergent over a sparse native canopy; mixed exotic and indigenous scrub and weed field; kikuyu grassland; and stands of coral and oak trees. Weed infestations within the property are widespread and form the predominant vegetation cover in places, particularly in the south-west and south-east corners of the property and around watercourses.

In general, the more intact and higher quality indigenous vegetation is located in the northern and eastern parts of the site where it adjoins Kauri Glen Reserve, while much of the vegetation within the proposed development footprint is predominantly exotic. This is consistent with Mr Webb's evidence.

No threatened plant species were present within the subject site.

Bird counts and roaming observations recorded a variety of common native and introduced birds within the property. Fantails, silvereyes and grey warblers dominated the indigenous component of the bird fauna, while kereru were also present.

No threatened indigenous bird species were observed within the property.

Copper skink (not threatened) and ornate skink (listed as threatened - gradual decline in the New Zealand Threat Classification List) were recorded from within the proposed development footprint during the survey. She opined that the resident lizard population is likely to be of relatively low density as a result of predation and sub-optimal habitat.

Rats, mice, hedgehogs and cat prints were recorded in tracking tunnels during lizard surveys. Possum sign was also noted throughout the property during the vegetation survey.

Dr Flynn recorded that the development plans for the site entail vegetation clearance of 1.58 ha to enable establishment of a number of residential lots and associated roads and services. The proposed development concentrates disturbance in the most degraded parts of the site, while preserving the area of the highest ecological value with Lot 31 (1.24 hectares) to become part of the Kauri Glen Reserve (to be purchased by the Auckland Council).

She also set out that the site has been substantially modified by past clearance and disturbance to the extent that only fragments of the natural diversity and pattern of biological communities within the site remain (vegetation patterns now primarily reflect the site's recent disturbance history). While the site retains elements of its original natural character and quality, the current vegetation cover has largely regenerated following relatively recent clearance or logging and pest plant populations threaten the integrity of secondary indigenous habitats throughout the property.

She considered that adverse ecological effects would be "*offset through implementation of an Ecological Restoration and Management Plan (EMP) for the property, including plant and animal pest management, restoration planting, monitoring and maintenance and a Lizard Management Plan (LMP) to minimise*

impacts of the development on lizard populations and enhance and restore the remaining habitats onsite for existing lizard populations". [7]

Dr Flynn advised that there would be positive ecological effects arising from and during the works in terms of habitat protection and guardianship. She advised that these would not be permanent positive effects after the development had been completed as pest control for the wider Kauri Glen Reserve was a much bigger issue than this application and would need to involve many landowners and the Council.

Mr Chris Solleder – Civil Engineer

Mr Solleder set out that he had been involved in the subdivision project since 2005 in a civil engineering and development design role. He had been integrally involved in the project through the various stages of scheme development (as set out by Mr Parkinson) and had worked in collaboration with the Applicant, experts and the Council officers to develop the design as presented in the application. Mr Solleder clearly had the strongest familiarity with the site and its characteristics of all of the experts we heard from.

It was his evidence that the proposal maximises the development potential of the site within a reduced footprint of approximately 1.4 hectares which has enabled the protection of the most significant native bush on the property and vesting this as reserve. However in order to facilitate this reduced footprint, approximately 100m (including outlet protection) of watercourse will be piped and approximately 3000m^3 of clay fill is required to be bought onto the site to enable the remaining footprint area to be developed. He stated that the development had been positioned to ensure the higher quality watercourses and vegetation is protected.

He considered the development was 'relatively straightforward' from an infrastructure perspective, with suitable measures being provided for stormwater, wastewater and water reticulation, including remediation of the existing uncontrolled stormwater discharge on to the site from Park Ave. The road and accessway design, while steep, are generally compliant with Council standards.

The construction effects will be managed through appropriate conditions of consent including implementation of a detailed construction management plan tailored to ensure the key issues associated with the development are effectively managed. This will also include a Temporary Traffic Management Plan to address traffic construction matters on the surrounding roads and neighbours.

Mr Michael Kaye – Traffic Engineer

Mr Kaye opined that there were no traffic related reasons that would justify declining consent, and the proposed conditions of consent would appropriately avoid or mitigate any adverse effects. Mr Kaye was clearly of the view that any effect of increased traffic on the operating performances of the Onewa Road intersections with Park Avenue and Kauri Glen Road would be negligible. He also considered that Park Avenue and Kauri Glen Road had capacity to handle the additional traffic movements from the proposed development. He stated that the sight distance from the intersection between the proposed access road and Park Avenue should not contribute to any safety issues at the site. Also that given the low speed environment, the shared space in the 'Village Square' would not pose any risks to the safety of pedestrians.

[7] Para 2.6 – Flynn evidence

With respect to access to and from the site, to allow connection of the public road to Park Avenue, the poplar tree and pohutukawa tree located in the road reserve would need to be removed.

With respect to parking, he acknowledged that there was a technical shortfall of two parking spaces for visitor parking. He considered that the larger lots would be able to provide onsite parking for visitors to those properties and the technical shortfall in on-street visitor parking will have a less than minor effect on the local traffic operation. There is not expected to be any parking overflow from the subdivision onto Park Avenue.

Mr Kaye addressed construction traffic in some detail. He considered that construction traffic effects would be managed effectively through the provisions of the Temporary Traffic Management Plan ("TTMP"). Specifically the following issues would be addressed within the TTMP to manage the construction traffic effects:

- Restriction of traffic movements around school times.
- Temporary and preapproved on-street parking restrictions during the construction period to accommodate movement of wide loads on Park Avenue.
- Provision of parking for construction vehicles within the work site so that these vehicles do not park on-street.

Mr Nevil Hegley – Acoustic Engineer

Mr Hegley set out the design requirements for the proposed construction works, and how the activity would be managed to ensure the construction works limits were complied with.

He stated that a detailed analysis of the proposed construction activities has shown the noise level at all of the houses in the area would be comfortably within the design requirement of NZS 6803:1999 *Acoustics — Construction Noise.* The effects of traffic noise for the construction activities and the operational noise from the completed development had been evaluated and will be at a reasonable level at all times.

Mr Hegley had addressed the concerns raised by the submitters with respect to noise. His overall findings were that the effects of the proposal would be no more than minor in terms of the Resource Management Act. He recommended suitable conditions of consent should consent be granted.

Mr Ian Boothroyd – Aquatic Ecologist

Mr Boothroyd addressed the aquatic values of the watercourses (tributaries and main stem of Waiurutoa Stream) within the site. Overall it was his professional opinion that these were of low to moderate aquatic ecological value. This was, in particular, due to the deeply incised channels and the scour and erosion resulting from stormwater flows (especially Tributary 7b). Moreover the rapid transport of stormwater to these short, naturally small, headwater tributaries during flood events had resulted in active down-cutting accelerated streambank erosion, and scouring of channel substrates. The active erosion/slumping of streambanks has resulted in channel deepening and widening, loss of undercut habitats, channel blockages and smothering of the streambed with weathered clay.

He further stated that scouring of the channel had removed potential habitat such as coarse sized particles and woody debris. Furthermore, the lack of stable instream cover in some sections (i.e. the upper reaches of Tributary 7b) would likely have had

implications on flood refugia, whereby fish and invertebrates were simply washed downstream during flash floods.

He considered the following actual or potential impacts from the proposed development included:

- Potential modification to stream baseflows as a result of increased impervious area;
- Increased urban stormwater flows;
- Piping 100 m of Tributary 7b and actual loss of stream habitat and function;
- Potential loss of fish passage;
- Actual loss of riparian vegetation; and
- Potential impact of sediment from earthworks.

He opined that the potential effects would be avoided and mitigated as follows:

- Further piping of the stream has been avoided by building a bridge over Tributary 7a which would result in no additional catchment imperviousness and stormwater inflows as a result of the bridge (so stormwater related effects associated with the bridge were likely to be less than minor).
- The narrow nature of the bridge in the already shaded environment would unlikely result in any significant shading effects on the stream.
- A reduction in the effects of stormwater flows would occur via a 'bubble up' velocity reduction mechanism at the stormwater pipe outlet, and a concrete apron, that would disseminate the flow and minimise potential scour and therefore minimise sediment intrusion into the water way.
- The proposed stormwater outlet would also contribute to maintaining baseflows of stormwater from the upper catchment.
- Piping tributary 7b would result in the permanent loss of fish habitat along this reach but the effects on fish passage will be minimal as the catchment upstream of this section is also fully piped and no further fish habitat is available upstream.
- Piping the upper reaches of Tributary 7b will result in the permanent loss of ecological function and potential habitat for aquatic biota, as well as the loss of associated riparian vegetation.

Mr Boothroyd explained in some detail the effects of piping Tributary 7b – mainly that despite its low to moderate aquatic ecological value, the loss of function and habitat was considered, in his opinion, to be more than minor. Accordingly an environmental offset and compensation 'package' was calculated using the Council-adopted SEV methodology.

He outlined that following discussions with Auckland Council staff an 'agreed' acceptable mitigation and compensation for effects of the piping/reclamation, which could not otherwise be mitigated (in particular, the loss of stream habitat associated with piping the 100 m section of Tributary 7b) was agreed as:

- Offset planting of riparian margins to a width of between 2-5 m alongside the residual component of Tributary 7b and 7c within the Park Avenue site (approximately 210m, or 0.21ha, in total);

- Remediation of the discharge from an Auckland Council stormwater outlet onto 24 Park Avenue; and

- Balance of $52,000 environmental compensation (after completing the two points above) to be contributed to "Trees for Survival" with the money to be tagged for riparian planting.

It was Mr Boothroyd's opinion that the environmental mitigation and compensation was adequate for the actual and potential effects of the proposed development of Park Avenue.

Mr Peter Reaburn – Planner

Mr Reaburn set out the planning context of the proposal; and how in his opinion the proposal was consistent with the relevant objectives and policies of the various statutory and non statutory planning documents. He also considered that the adverse effects of the proposal, when taken 'in the round' would be no more than minor (and met the section 104D tests) – and could be appropriately avoided, remedied and mitigated. The proposal would, in his opinion, meet the sustainable management purpose of the RMA.

He acknowledged that the proposal would generate some adverse effects. He opined that due to the site being located behind other development, covered with vegetation and as the site adjoins an existing reserve it would not be obvious that this area was one available for development. He considered it was therefore not surprising that there had been a number of submissions, and that most sought that the application be refused.

Mr Reaburn's position was that the site is a large area of privately owned land zoned (in a specific zone targeted at bushed areas) for limited development. He considered that the factors that must be balanced between adverse effects and providing for reasonable development were complex, and this had been comprehensively explained in the AEE and by the other experts called by the Applicant.

Mr Reaburn, drawing on the evidence of the other witnesses, considered that a 'better' result had been achieved by this proposal than the earlier iterations (and that this was a relevant consideration for the Commissioners) than a proposal that strictly 'complied' with the District Plan provisions – namely a number of larger lots scattered across the site.

He considered that the density of development proposed, while creating sites which are smaller than the minimum prescribed in the District Plan, will not result in more dwellings being established on the site than could be reasonably facilitated if a development was proposed which created larger sites spread across the entire property. Moreover it was his opinion that the current proposal was the "*best and most suitable appropriate option which will not affect any existing elements key to the establishment of natural landscape character and amenity*".[8]

The '*best and most suitable appropriate option*' would result in approximately half of the site being cleared for development, with development concentrated on the most degraded parts of the site, preserving the area of highest ecological value which the

[8] Para 2.4 (ii) – Reaburn evidence

Council had subsequently agreed to purchase with the intention of adding to the adjoining reserve.

The detailed ecological restoration and management strategies that are proposed will result in an end product which enhances the long term viability of the most important natural habitats (terrestrial and aquatic) within the site.

The detailed set of Design Guidelines (in conjunction with the defined building platforms) would further ensure that the finished product achieves a harmonious development, sympathetic to the existing built and natural character of the neighbourhood, the natural landforms and significant landscape features.

Given all of the evidence and his own professional opinion, he considered that there were sufficiently unique circumstances existing in this case, whereby the Council could be reasonably assured that by granting consent to this application would not set an unwanted precedent or result in adverse cumulative effects.

Mr Reaburn had undertaken an extensive assessment of the proposal against the relevant objectives and policies in the Regional Policy Statement, the Regional Plans and the District Plan. He acknowledged that the plan provisions sought to enhance or maintain the special qualities and characteristic of this site. He considered that proposal did this by:

- Protecting the most significant natural features of the site and developing on the more degraded areas,
- Clustering the development closer to the existing residential development with the larger sites being closer to the bush (with a 5 metre covenant to protect the integrity of the bush area,
- Providing a comprehensive offsetting and compensation package to address the adverse effects of reclaiming tributary 7b,
- Providing landscaping of the site,
- Providing design guidelines that the new dwellings had to comply with (other than on Lot 26), and
- A range of consent conditions to avoid, remedy or mitigate the effects of the proposal.

The thrust of Mr Reaburn's planning assessment was that in the Residential 2 zone, the concept of clustering houses (apartments and terraced housing are specifically mentioned) to minimise bush clearance is clearly set out. This proposal is a manifestation of that guidance to minimise disruption to the best parts of the site. This, according to Mr Reaburn, may not have been fully appreciated by the submitters who in part opposed the proposal precisely because it was not along the lines of a conventional larger lot subdivision spread out over the whole site.

Submitters

As set out above the submitters were mainly local residents and the Principal of Northcote College. Common themes emerged from the evidence given by all of the submitters and these included:

- The nature and extent of the non-compliance with the District Plan – mainly that while they understood the site was zoned residential, it was to be 'lower density' of one dwelling per 1000m^2.

- The loss of 'naturalness' of the area through the loss of vegetation and habitat, and the more 'intensive' form of development proposed,

- The loss of amenity values currently enjoyed by the residents in the street and surrounding area,

- The risk to the adjoining Kauri Glen Reserve for the development (more people and domestic pets etc),

- Vehicular traffic – both from the construction period as well as once the development was completed. It was identified that Park Ave was narrow and could not accommodate construction traffic, and that Kauri Glen Road had the College and there would be particular issues with the safety and learning environment for the school pupils (more detail below), and that the intersections with Onewa Road meant that it would be difficult for construction traffic to enter and leave this area. Also for similar reasons the increased traffic from an additional 26 dwellings would result in the roads being busier, and a demand for more on-street parking which was already at capacity due to the residents and the school according to submitters,

- Noise and the hours of operation during the construction period, especially the removal of the vegetation and earthwork.

The submitters generally sought, for the reasons above, that the application be declined. However they all acknowledged that the site was residentially zoned, and therefore 'available' to be developed; but sought that it either be developed in accordance with the District Plan or at a reduced scale.

In addition to the above other submitters raised specific matters, and these are set out below.

Mr Kerr and Mrs Nan Inkson. Mr and Mrs Inkson live at 18 Park Ave, which is next door to proposed Lot 26 of the proposed subdivision and development (the only lot to front directly onto Park Ave). While concerned about the overall development, they were particularly concerned about the impact of a dwelling being constructed on Lot 26 which would adversely affect their amenity and enjoyment of their home. This would be due to the loss of outlook, sun and privacy. They also noted that any proposed dwelling on this lot would not be subject to the design guidelines proposed for the other dwellings within the development.

They had considerable doubts about the suitability of Lot 26 of development due to its slope and that the land was likely to be unstable. They were also concerned about the impact of the palisade wall to be constructed on the site and the loss of the Kahikatea tree.

Mr and Mrs Inkson posed an alternative development of Lot 26 – that being a pedestrian walkway through that site into the rest of the development. They also considered that should consent be granted, any dwelling on Lot 26 should, in addition to the 'standard' bulk and location controls on the District Plan, be subject to the design guidelines for Single Lot Housing

Northcote College. Ms Barry, the College's Principal raised a number if issues relating to the likely impact of the proposal (mainly during construction) on the College. She set out that the Board of Trustees had a legal obligation to ensure the safety of the school pupils, and this was the main concern of the College's submission. She was concerned that the additional traffic on Kauri Glen Road could adversely affect both pupil safety, especially as the school was located on both sides

of the road, and pupils crossed regularly throughout the day, and pupil learning through noise nuisance.

Ms Barry accepted that some submitters had requested that if consent were granted, that all construction be on Kauri Glen Road rather than Park Ave due to its width. However she asked that Kauri Glen Road not be used for construction traffic (for the reasons above). She asked that Park Ave either be widened or a temporary restriction on parking be imposed, and this would then mean the impact on the school would be much less.

She asked if Kauri Glen Road was to be used, then the impact on the school, and possible mitigation measures, be included in the temporary construction traffic management plan.

8.0 Principal issues in contention

The principal issues in contention are:

The entire proposal was in contention given the broad range of concerns (and the relief sought) set out in the submissions. In particular:

- Inappropriate levels of non-compliance with the District Plan provisions.
- Development proposal is not consistent with the intent of the RMA.
- Density of development.
- Scale of development.
- Allotment sizes are inappropriate.
- Visual appearance of the development sites with their future built forms.
- Loss of amenity through removing an area which appears as part of a reserve network at this point in time. Surrounding properties derive a large amount of amenity through the outlook over the development sites in their current state.
- Removal of a community asset.
- Established character of the area will be altered.
- Proposed built form is inappropriate due to the nature of infringements it generates. This relates principally to lots 17-25 which provide a non-traditional building envelope.
- Social change through the new style of housing provided.
- Safety and security of established residents will be compromised.
- Proposed internal roading network is of inadequate width to service the development.
- Traffic generation with its associated effects. Additional traffic concerns raised due to proximity to local school.
- Lack of available parking within the surrounding road network. Development will place additional strain upon this resource.

- Inability for local infrastructure to accommodate additional development (this is in reference to roading, water supply, sewerage and stormwater systems).

- Destruction of local wildlife and vegetation. Adverse impacts of development on the ecology of the area.

- Removal of a street pohutakawa in front of 31 Park Avenue.

- Modification to watercourses. Increased impermeable areas will also result in more runoff in to the stream networks. Runoff will contain contaminants thereby degrading the waterways.

- Environmental compensation is inadequate for a development of this nature.

- Stability of development considering earthworks proposed.

- Visual privacy effects through housing allotments providing opportunities to look in to neighbouring properties.

- Post construction noise effects will be amplified within this catchment.

- Effects associated with the construction process which includes traffic, noise, site works and dust.

9.0 Non complying Activity - Section 104 D - Statutory Tests for Non–Complying Activities.

The subdivision application is a non complying activity as is the proposal to pipe and reclaim Tributary 7b. Other consents are also required and these have differing consent requirements. This is detailed in the "Consent Requirements" section above.

While there are multiple consent requirements, consent has, in our view, appropriately been sought as a comprehensive and integrated proposal (subdivision, land use and regional consents). That is, the proposal is a 'package' and we have determined it as such – and have not attempted to 'unbundle' the different consents sought. We have considered the effects of the proposal and its 'fit' with the plan provisions as a whole.

Accordingly the entire proposal is a non–complying activity and therefore subject to Section 104D of the RMA.

Section 104D and its requirements are commonly referred to as 'the gateway tests'. This section of the Act requires an application to 'pass' at least one of the two tests before it can be fully assessed under section 104 of the RMA and then be determined pursuant to section 104B. If the application fails both tests then it must be declined.

The section 104D tests require that either the adverse effects of the application on the environment must be minor when taking into account any mitigation proposed or reasonably able to be imposed (section 104D(1)(a)), or the application must not be contrary to the objectives and policies of any relevant plan and proposed plan (Section 104D (1)(b)).

In deciding this matter it is important to understand both the existing environment and the likely future environment should consent be granted. It is also necessary to review the relevant objectives and policies in the District Plan to determine if the application is consistent with or contrary to them.

To be able to 'apply' the tests, we have determined is it necessary in this case (and most cases) to consider all of the relevant matters set out in section 104 "Consideration of Applications". We then return to the section 104D 'tests' to determine if one or both have been met.

However, we record here that having undertaken that assessment; we find that the applications pass the 'test' of section 104D when taking the proposal 'as a whole'.

10.0 The main findings on the principal issues in contention and reasons for granting consent.

Our findings and reasons on the principal issues in contention have been set out below. The issues in contention are wide ranging and to address them we have set out the relevant objectives and policies of the zone, as well as the wider policy framework. We consider this important as it provides the 'framework' in which to consider the effects from the proposal having considered the relevant provisions, the existing environment and the site background and context (as set out earlier), and to determine if the adverse effects have been appropriately avoided, remedied of mitigated.

10.1 'Higher Order' Objective and Policies and other relevant Statutory Documents.

The reporting officers and Mr Reaburn (in particular) for the application, either via the section 42A report, written evidence and in questions from the commissioners, addressed the comprehensive suite of statutory provisions and plan provisions. These included those relevant in:

- The New Zealand Coastal Policy Statement
- The National Policy Statement of Fresh Water
- National Environmental Standards – Contaminated Land
- Hauraki Gulf Marine Park Act
- The Auckland Regional Policy – namely:
    - Auckland's Growth Concept,
    - Auckland's Strategic Direction, Objectives and Policies and Urban Containment and Urban Design.

Also addressed were the Northern and Western Sectors Agreement, the City Blueprint (former North Shore City Council), the Development Strategy and growth capacities and estimates in and around the former North Shore City's town and village centres.

With respect to these 'higher level' national and regional provisions, we find that there was no disagreement between the planning and other experts, or the submitters, that these provisions are either not applicable or have been given effect to by this proposal. We agree with this and have not addressed these further. We have focused on the relevant provisions of the Regional Plans (Air, Land and Water, and Sediment Control) and the District Plan.

An integrated evaluation has been made in terms of the land use (District Plan) and natural environment (Regional Plans). The two go 'hand in hand'.

10.2 The District and Regional Plan Objectives and Policies

There are a significant number of objectives and policies in the District and Regional Plans relating to subdivision, use and development. These were comprehensively set out in the evidence of Mr Reaburn, the Applicant's planner. We have considered all of those relevant, but have only specifically recorded those we find particularly relevant to this application.

District Plan

Objective and Policies of the Zone

The site is zoned Residential 2A, which is a "Native Bush Areas" zone having the following Objective (16.4.2.1):-

> *To protect the special character of large areas of native bush, including associated landforms and natural watercourses, in recognition of their contribution to the amenity and environmental quality of the city.*

Relevant policies are:-

16.3.4.1 (Protection of the Natural Environment)

> *By recognising and protecting those parts of the residential area which have special amenity or environmental values by the use of special zones and associated development controls.*

16.4.2.1.4 (Residential 2A Zone)

> *By requiring a larger lot size than in the Residential 2B or 2C zones or in the main residential area.*

The larger lot size required is 1,000m^2 average density.

The other relevant District Plan provisions include:

Other relevant Residential policies (section 16)

Policy 16.3.5.6

> *By providing opportunities for innovative forms of housing and for flexible controls where a comprehensive approach to larger developments enables house design, site layout and subdivision design to be integrated to provide better on-site and neighbourhood amenity.*

Policy 16.4.2.1.5

> *By providing for dwellings and apartment developments, on existing areas which are clear of native vegetation where provision is made for the protection of the natural and amenity values of the balance of the site.*

Policy 16.3.6.2

By seeking to ensure that every subdivision is designed to create a safe and attractive residential neighbourhood where, as far as is practical and reasonable, the natural character and form of the landscape and significant archaeological sites are retained. In particular every plan of subdivision should be designed to:

(a) Maximise the amenity and character created by the natural landscape features including, wherever practical and reasonable, the retention of existing contours, vegetation and streams.

16.4.2.1.3(c) (district plan, Residential 2A Zone)

(c) Better protect the integrity of bush areas by wherever practical ensuring that these are retained in sizeable blocks or as continuous corridors.

Policy 16.4.2.1

By ensuring the retention of areas of native bush and the amenity, landscape and ecological values that these areas contribute to the sub-zone.

We address these below.

Natural Environment (section 8)

Policy 8.3.2.6

By avoiding earthworks and vegetation removal affecting ecosystems and habitats.

Policy 8.3.5.7

By avoiding modification to the structure and form of natural waterways including the use of culverts, the infilling and piping of streams (including intermittent streams) and hard engineering solutions for stabilization of stream banks (such as concrete channelling, wooden or gabion retaining walls).

We note that these provisions have been addressed along with the regional plan provisions relating to these matters.

Subdivision and Development - Section 9:

Objective 9.3.1 – Protection of the Environment

To avoid, remedy or mitigate the adverse effects of subdivision and development on the environment, including the physical environment, biota, amenity values and landscape.

Transport - section 12

Objective 12.3.1 – Transport System Effectiveness and Safety

To enable a transport system that avoids, remedies or mitigates the adverse effects of transport activity on the natural and physical environment and protects the amenity value of open spaces and streets, while maintaining the health and safety and the economic, social and cultural well-being of the people and community of North Shore City. These adverse effects include noise, stormwater contamination of receiving waters and air quality degradation.

We note that transport and traffic was a major issue for most of the submitters. We record here that based on the expert evidence there are no reasons to decline consent based on traffic and transport plan provisions or the effects of traffic. Traffic, in this application is a management issue, and is more fully set out in the Effects section below.

Subdivision Development

Provisions in the District Plan and regional plans address what we consider to be 'technical or engineering' aspects of subdivision development, such as adequacy of servicing, stormwater disposal and building sites. Mr Solleder addressed these in his evidence.

Some submitters raised concerns about the ability of the sewerage and stormwater systems to cope with this development. However the Council technical specialists, and the Applicant's experts, all confirm there are no capacity issues with respect to infrastructure. We find that the proposal is consistent with these provisions.

Regional Plan Provisions

The major regional plan issue relating to this application is the piping of Tributary 7b. While there are a significant number of plan provisions (Air, Land and Water) relating to protection of the natural environment and in particular the retention, as far as practical, of rivers and streams, those most relevant are set out below.

Objective 7.3.1 (ALW Plan) - Beds of Rivers and Lakes, states:

To maintain and enhance where practicable the natural characteristics of lakes and Permanent rivers or streams in the Auckland Region and to avoid, remedy or mitigate the effects of their modification by activities such as structures, disturbance, deposition, planting or reclamation and drainage and the diversion of surface water. (emphasis (underlining) added)

Relevant related policies include:

Policy 7.4.3:

Activities for which resource consent is required in, on, under or over the bed of any lake or Permanent river or stream shall be considered appropriate where:

(a) No reasonable or practicable alternative method or location for undertaking the activity exists outside of the lake or Permanent river or stream; or

(b) The use of an alternative method or location would have more significant adverse environmental effects than using the bed of the lake or Permanent river or stream

The Plan also provides for "Environmental Compensation". The relevant provisions include:

Policy 2.1.4.10 –

The adverse effects of use and development in one area or on one type of resource may, having regard to the benefits and adverse effects of the activity and Part 2 of the RMA be offset by mitigation measures elsewhere within the Region, to compensate for adverse effects that cannot be avoided, or directly remedied or mitigated. However, any adverse effects on areas of high natural character or significant ecosystems identified in Policy 2.1.4.9 (n) should be avoided to the fullest extent practicable in the first instance, with offset mitigation being implemented where adverse effects on those resources are unavoidable.

Policy 2.1.4.11 –

Where offset mitigation measures referred to in Policy 2.1.4.10 are to be implemented by way of works or services, the scope of any necessary works or

services and associated conditions of consent imposed under section 108(2)(c) of the RMA, shall be determined having regard to the following matters:

(a) that as far as practicable off set mitigation should be of the same kind or scale as and should remedy or mitigate effects caused at least in part by the activity being granted consent;

(b) any mitigation shall restore, create or enhance natural or physical resources in order to compensate the adverse effects created by the activity at the original location; or

(c) the offset mitigation should be applied as close as possible to the site where the adverse effects occur; and where this is not practicable, the ARC will work with the applicant to identify an alternative site, preferably in the same catchment or receiving environment as the consented activity, having regard to the nature of the environment including the community adversely affected by the consented activity;

(d) whether the activity is located inside or outside of Urban Areas and is an existing or new activity;

(e) the extent to which the works or services are practicable and effective to remedy or mitigate adverse effects.

The ALW Plan also recognises that the positive effects of a proposal need to be considered:

Policy 2.2.4.8

The positive social, economic and cultural effects and benefits arising from any proposal for use and development shall be considered when assessing the overall effects of a proposal on air, land or water resources.

The issues in the Regional Plan: Sediment Control have also been considered (relating to the earthwork and retaining silt on site). We record here that appropriate measures have been put in place (and conditions of consent) to ensure the provisions of this plan are 'satisfied'.

Our findings on the Objective and Polices

The objective of the Zone and policy 16.4.2.1.4, as well as a range of the other provisions set out above, seek to protect the special character of the area and the site. A description of the site and its values has been set out earlier. Defining the site's "special character" is important to make findings with respect to this application.

Having heard all the evidence, and undertaken a joint site visit, we find that the special character of the site mostly relates to its vegetation cover, in particular the better quality bush adjacent to the Kauri Glen Reserve, and that the site adjoins the Kauri Glen Reserve. We acknowledge that a considerable amount of the vegetation is to be removed (to enable the site to be developed as proposed). Notwithstanding this we are satisfied from the evidence and our site visit, that the vegetation to be removed is not of high quality (other than some individual trees - the Totara and Oak trees), and the site is adjacent to the existing surrounding residential development. The higher quality bush is to be incorporated into the Kauri Glen Reserve, with additional planting and 'no development area' covenants adjacent to the existing bush.

It is also noted that there are watercourses running through the property, most of which are to be retained and improved, with Tributary 7b to be piped and reclaimed. The effects of this are set out in more detail below, however we find that the values of this tributary are already highly compromised and with the compensation and offsetting 'package' provided by the Applicant (addressed below) with respect to the reclaiming of the stream, the improvements (riparian planning the stormwater attenuation/ flow improvements), along with the other mitigation is appropriate to ensure that the proposal is not contrary to the objective and policies of the zone.

In respect of the above paragraph we accept that it is "not practical" to maintain and enhance the natural characteristics of Tributary 7b, but that the adverse effects can be avoided, remedied and mitigated by the compensation and offsetting 'package (set out in the Effects section).

Policy 16.4.2.1.4 seeks to have larger lot sizes than in the main residential areas. Site sizes in this zone are 1000m^2. The intent of this is to have sites 'spread' throughout the site with dwellings, accessory buildings, roading and other infrastructure 'amongst' the bush, as opposed to being concentrated on part of the site as is proposed in this application.

While on a 'simple' reading of the policy the proposal would not meet it, again having heard all of the evidence and been to the site, we find that the objectives and other relevant policies (including those in the Regional Plans) are 'better given effect to' by the concentration of the development as is proposed. The opportunity to expand the densely vegetated and contiguous Kauri Glen Reserve is a compelling opportunity that has, in the view of the Commissioners, more merit than spreading a lower quality outcome across the entire site complete with cleared building platforms, outdoor living spaces, service courts, driveways and manoeuvring spaces (likely to be in the order of 400m^2 – 500m^2 of each 1000m^2 site's area).

First, the current proposal creates 26 residential sites averaging 1,136m^2 over the gross site area, and is therefore generally consistent with the expectations of the Residential 2A zoning. A total of 29 sites could have been proposed and still have met the average site size standard.

A conventional subdivision complying with the 1000m^2 site size, as initially proposed and 'worked up' by the Applicant[9] would, in our view, have created greater adverse effects on the special character of this site and area. This is due to the scattered nature of the development, the amount of vegetation clearance necessary to enable building platforms and for access (much of it being the 'better quality' bush near to the Kauri Glen Reserve).

Moreover the proposal, while not strictly meeting the subdivision 'standards', results in the more 'intensive' part of the development adjoining, by way of a compatible like-with-like distribution, the existing residential development on Park Ave and Aorangi Place (and similar in scale to that on Aorangi Place - the Housing NZ development), with the larger sites further from this and having a lesser impact on the higher quality bush area (which is to be incorporated into the reserve).

We also note that policy 16.3.5.6 seeks to provide for flexible opportunities for innovative forms of housing and for flexible controls where a comprehensive approach to larger developments enables house design, site layout and subdivision design to be integrated to provide better on-site and neighbourhood amenity. Policy

[9] See section 6.0 Background and Site Context

16.4.2.1.5 provides for dwellings and apartment developments, on existing areas which are clear of native vegetation where provision is made for the protection of the natural and amenity values of the balance of the site.

The above policies are important as they clearly envisage 'different' forms of development where the outcomes on the natural and physical environment is 'better' than what is strictly provided for in the District Plan. We find, for the reasons set out above and the evidence of the Applicant, that the proposal will result in a more appropriate and sustainable outcome (in terms of what the zone and plan envisages), than would a 'conventional' subdivision.

It is our finding based on the evidence of the Applicant (summarised above) that the proposed development is, overall, consistent with the relevant land use objectives and policies. That is the proposed development is a residential one, which seeks to protect the special character and features of the site by proposing a development style that is not dissimilar to the surrounding development (medium and standard residential densities) while providing an integrated and comprehensive approach to the overall design of the site and its relationship to its surrounding sites.

Different internal site layouts could have been pursued that gave a stronger balance of consideration to the quality of those sites (such as internalising the highest density lots into the centre of the site and where the amenity of the reserve would have the greatest offsetting benefit against the reduced private lot sizes). However the design approach pursued clearly gives predominant emphasis on protecting as much quality bush as possible from development (including a softer taper or transition from bush to development by way of the placement of larger lots against the reserve edge which in addition include a building line / tree protection setback along that reserve edge). The Commissioners agree that in this instance this is the most important of the District Plan's many goals.

From this a secondary emphasis has then been placed on maintaining the amenity and quality of adjoining residential properties by locating comparable densities with them rather than mismatching densities against one another. The Commissioners likewise agree that on reading the District Plan's objectives and policies, in this instance this is the second most important of the District Plan's goals.

Moreover the site and individual lot layout itself has been resolved. Although the medium density lots do not meet the District Plan's usual expectations in terms of location (in proximity to centres of activity), layout, or design (some of the outdoor living spaces will be oriented to the south of the units and otherwise experience shade for much of the day by virtue of the proposed relaxation of side yard and height in relation to boundary requirements from units to the side), alternative configurations that alleviate these shortcomings would create conflict with the aforementioned and in this instance higher priority bush and adjoining lot amenity considerations. Accordingly the Commissioners accept that the design is appropriate, responds to the site's many constraints and external boundary conditions, and logically follows from the District Plan's policy hierarchy. Also changes to the Design Guideline regarding the location of outdoor space further alleviates any concerns.

10.3 Section 104D – Gateway Tests

As set out earlier the Section 104D requirements are commonly referred to as 'the gateway tests'. Only one of the two tests needs to have been met for section 104D to be satisfied. Those 'tests' have been set out earlier.

Having considered the relevant objectives and policies we find that the proposal is not contrary to the objectives and policies of the Regional and District Plans – and in

fact we find, overall, that the proposal is consistent with them. The reasons for this have been set out above.

On this basis the requirements of section 104D have been met. We do not need to consider the second limb of section 104D – whether the adverse effects are minor or not. However we have set out below our findings with respect to the effects of the proposal – both positive and adverse. Our overall findings are that there are positive effects that outweigh those that are adverse, and subject to the conditions of consent, the adverse effects have been appropriately avoided, remedied or mitigated.

10.4 Effects of the Proposal

Section 104 – Consideration of applications states:

(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to–

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

The effects of the proposal have been set out below and largely address the matters that are in contention between the Applicant and the submitters.

10.4.1 Residential Density, Amenity and Character in the Residential 2A Zone.

This issue was of significant concern to the submitters as they considered the density of the development and the effects this would have on the character and amenity of the area.

We have set our findings with respect to this matter above in terms of the objectives and policies.

In summary, we accept that the character and amenity of the area will change due to this proposal. It will change from a vegetative undeveloped site to one which is partially cleared of vegetation with up to 26 dwellings with roading and other infrastructure. However the site is zoned for residential purposes and as set out above the proposed density of development is similar to that 'envisaged' by the residential zone – albeit configured differently. The density proposed has been distributed within the site so as to create a like-with-like perimeter response that is a well established and conventional means of minimising 'mis-matches' between land uses. In this case the Commissioners note that the presence of the higher density Housing New Zealand[10] development adjoining the boundary where the equivalently intense medium density housing units are proposed has played a significant part in them accepting the appropriateness of the medium density units.

While the site and the immediate surrounding area will change we find that the character and amenity of the site would also change if the site were to be developed in a more 'conventional' way. Overall we find that the effects in terms of density, amenity and character, in developing this residentially zoned site, would not be more than minor, with the effects appropriately mitigated, subject to the conditions of consent.

Overall and taking into account those parties that have provided their written approval, the proposal successfully internalises its density away from submitters in opposition. Where the site has its most prominent interaction with the existing

[10] One of the parties that has provided written approval to the proposal.

environment, at the Park Avenue frontage, the configuration of unit type and lot size proposed (larger lots) will present a compatible interface with the existing pattern of larger-lot detached housing.

10.4.2 Built Form / site layout / smaller sites / outdoor living space / Design Guide

We accept that the design of the subdivision and the built form of this development will be different from that typically envisaged by the District Plan's zoning. However it is our finding based on the evidence and our site visit that the final built form will not be radically different from the surrounding built form. The more 'intensive' development (lots 16 to 25) are similar to the Housing NZ development on Aorangi Place, which 'adjoins' this part of the applicant site. Lots 9 to 12 are similar to those sites which adjoin them on Aorangi Place. While this exterior compatibility creates internal shortcomings and challenges related to a mixing of fronts and backs and less than optimal outdoor living spaces, the Commissioners accept that the outcome is appropriate and that users of the lots will enjoy an appropriate amenity. In respect of outdoor living spaces, the Commissioners accept that on sloping land the usability of outdoor space diminishes in favour of flat terraces and elevated balconies attached to living rooms as has been proposed.

The only real change in terms of the built form of Park Ave will be a dwelling on Lot 26, and will appear as part of the suburban built form of that street. We address the proposed dwelling on this site in more detail later.

We also accept the evidence, and suggested conditions of consent, as offered by the Applicant after discussion with the Council officers relating to the road layout, retaining walls and fence heights, and the adequacy of the size and shape of lots 16 to 25. The Commissioners raised concerns with respect to these lots and in particular the adequacy of the outdoor space and sunlight access to this space. These concerns have been only partially satisfied by the plans submitted as part of the Applicant's reply (slope of the sites and sunlight access to the rear) and that the north facing balconies will be the primary outdoor living space for the medium density dwellings, with a requirement inserted into the Design Guidelines that north-facing terraces shall have a minimum size of $10m^2$. Ultimately the medium density houses will have a sunlight and outdoor space solution akin to high quality apartments rather than detached houses.

Furthermore the Commissioners accept that the layout proposed deliberately looks to pull development and intensity away from the reserve, to maintain as much as possible of its sense of naturalness and undeveloped visual appeal. This is an appropriate resource management approach. While the medium density units are not located in an environment where they would usually be encouraged, the quality and northern orientation of outlook available to them will mitigate the reduction in site size. Although the Commissioners found the arguments put to them that the joint access lot would form an extension of outdoor play space unconvincing, the opportunity to enter the bush and use the larger Village Square for some forms of play are helpful inclusions to the proposal.

We also accept that the Design Guidelines, as set out in the evidence of Mr Sinclair and modified by Ms Ogden Cork, are appropriate to ensure a quality design, amenity and layout. We also accept the amended position of the Applicant, as proposed by Mr Reaburn, the Applicant's planner, with respect to the "certification" of the proposed dwellings against the Design Guidelines. That is, a condition has been included which states:

Pursuant to section 221 of the RMA, the consent holder shall cause to have registered on the Certificate of Title to be issued for lots 1 -25 a consent notice containing the following text:

In relation to lots 1 – 3, 5 - 25 and 28

(a) At the time of applying for building consent the applicant for such building consent shall provide certification by the Team Leader, Resource Consents, Northern Resource Consenting and Compliance, Auckland Council, or in the alternative a suitably qualified person approved by that Team Leader, that the proposed development satisfies the Birkenhead Properties Design Requirements dated December 2012. The "certification" overrides the District Plan controls (i.e. compliance is not required in addition to the certification).

Based on this wording, the certifying person is to have suitable qualifications and be approved by the Team Leader Resource Consents. That person may very well be a Licensed Building Practitioner (Design) but does not necessarily need to be. Other equally skilled persons with a qualification in urban design or planning could be deemed suitable. We also note it is necessary to state that this certification process 'overrides' the District Plan controls (i.e. compliance is not required in addition to the certification).

Finally we note that the term 'design guidelines' is not correct as the guidelines are in fact compulsory requirements rather than optional matters for site developers to think on or voluntarily adopt. The proposal is to provide new lots that would be unlikely to be easily developed in compliance with the underlying zone's bulk and location requirements with alternative bulk and development controls. Additional to this are a number of aesthetic and visual quality requirements that will be important to fully mitigate the adverse effects of the smaller site sizes and ensure as much passive surveillance / activation of the site's semi-public spaces that lack a coherent frontage condition as much as possible. As such we have renamed the 'design guidelines' as 'design requirements'.

10.4.3 Vegetation Clearance - Arboricultural Effects / Terrestrial Ecological Effects.

A number of submitters raised this as a significant concern. We accept that a significant amount of vegetation will be removed from the site. However we also accept the evidence of Dr Flynn, Mr Pryor and Mr Webb with respect to the values of the vegetation and territorial habitat. A comprehensive summary of their expert evidence has been set out above and it is not repeated here.

It is our finding that the higher quality vegetation is being retained and will be incorporated into the Kauri Glen Reserve. The lesser quality vegetation, along with significant weed infestations will be removed – and this was confirmed by our site visit. While it is regrettable that some good quality specimens will be removed (the oaks (not protected) and Totara), overall the vegetation clearance proposed alongside the proposed landscaping, protection of other vegetation, weed clearance and the ongoing vegetation management is acceptable with the adverse effects remedied and mitigated. Related to this, we find that there is no scenario whereby the site could be developed even at very large 1,000m^2 sites without the need for relatively large scale vegetation clearance, earthworks, and site levelling. As such while the Applicant proposes to spatially concentrate clearance and works to one part of the site, the overall level of clearance proposed is not inappropriate or unreasonable.

Also the adverse ecological effects will be offset through implementation of a detailed Ecological Restoration and Management Plan (EMP), which is one of the conditions

of consent for the property, including plant and animal pest management, restoration planting, monitoring and maintenance. We support the proposed restrictions to be proposed on the "front line" of lots adjoining the reserve that will maintain an effective planted interface and buffer between the bush and development.

We also note that the District Plan envisages that some vegetation can be removed to enable development to occur. This is for access, servicing and building. As set out in the Background Section above, it is likely that a 'conventional' subdivision as envisaged by the District Plan would have resulted in greater vegetation clearance than proposed by this development.

10.4.4 Street Tree Removal

The Applicant has applied to remove street trees that are located within the road reserve; including a poplar and the Pohutukawa tree outside 31 Kauri Glen Road (this is to gain access to the site). While we accept that these trees provide amenity to the street and the immediately adjoining properties, they need to be removed to accommodate the new road access.

Having assessed the values of the trees in the context of the entire development we find that it is appropriate to grant consent for their removal. The site will retain a significant amount of vegetation and a detailed landscape plan, consistent with that produced by LA4 – Landscape Architects for the Applicant (see the next section) is required to be developed and implemented. Moreover, we agree with Mr Webb that the loss of these trees should be mitigated by suitable replacement street trees and the details of that mitigation should be agreed with Council's Parks Arborist and in consultation with neighbours[11] .

We note that the Applicant will need to obtain 'landowner' consent (from Auckland Council's Park Department) to remove the trees. This is a separate process to the resource consent process.

10.4.5 Landscaping

The effects on landscape values were fully set out in the evidence of Mr Pryor. Given the topography of the site, the vegetation to be retained (see above), the Kauri Glen Reserve, the Design Guidelines that will apply to the buildings and the limited viewing audience of the site, any adverse landscape effects will be no more than minor.

Moreover a condition of consent (52) requires the preparation (and implementation) of a detailed landscape plan. This includes the landscaping along the southern and western boundaries adjacent to the existing development.

10.4.6 Traffic Generation and Vehicle Movements

Traffic generation, during the construction (mainly earthworks) period, as well as the additional traffic generated from the development once completed was of significant concern to the submitters. Given that most of the submitters lived or worked in the area (the College) they knew the limitations of Kauri Glen Road and Park Ave in terms of their width (especially Park Ave) and the on street parking. They were also concerned that additional traffic would worsen access onto and off Onewa Road.

The Applicant accepted that there would be some disruption due to the construction traffic. In this respect Mr Kaye, the traffic expert of the applicant, set out how traffic would be managed (via a temporary construction traffic management plan) and it was agreed that construction traffic would not use Park Ave as it was too narrow. While

[11] Mr Webb's evidence, paragraph 5.5.

this would satisfy a number of submitters who specifically sought this, it would affect the Northcote College. However mitigation measures have been proposed to address the school's concern, including the likelihood that much of the importation of fill would occur over the summer school recess.

We accept the expert evidence of Mr Kaye that both Park Ave and Kauri Glen Road have the capacity to carry the additional traffic from the development. We also accept that some improvements to the intersection with Onewa Road could be made and this would need to be undertaken in conjunction with Auckland Transport. Conditions have been imposed in this regard.

Overall we find that any adverse traffic effects from the proposal can be adequately avoided, remedied or mitigated.

10.4.7 Noise

Issues of noise effects were fully addressed by Mr Nevill Hegley, the Applicant's noise expert, and have been set out in the summary above. Overall we find that any adverse noise effects will be no more than minor and can be adequately avoided, remedied or mitigated through the conditions of consent.

10.4.8 Reclaiming Tributary 7B - the Aquatic Ecological Effects/ Compensation / offsetting

The evidence of Mr Solleder outlines the Applicant's rationale for piping and reclaiming approximately 100m of tributary 7B. This work is proposed to allow for the cluster development to the south of the site while avoiding loss of "higher quality vegetation" to the north of the site. Furthermore, the Applicant has focussed the piping and reclamation on a section of stream that it perceives as of least quality.

The evidence of Mr Boothroyd describes the stream ecological values within the site, the effects of the proposal on these values and the rationale behind the proposed environmental compensation. Mr Boothroyd's assessment was reviewed by Auckland Council's fresh water ecologist, Dr Martin Neale, and noted in the Officer's report, agreed that the values of Tributary 7B are "*heavily compromised*" and "*will not result in more than minor environmental effects, subject to an appropriate amount of environmental compensation*". We agree.

The mitigation and compensation for the effects that cannot otherwise be mitigated (in particular, the loss of stream habitat associated with piping the 100m section of Tributary 7b) includes offset planting of riparian margins to a width of between 2-5m alongside the residual component of Tributary 7b and 7c within the Park Avenue site (approximately 210m, or 0.21 ha, in total), remediation of the discharge from an Auckland Council stormwater outlet onto 24 Park Avenue; and an amount of $52,000 to be contributed to "Trees for Survival".

This mitigation and compensation also needs to be seen in terms of the entire measures proposed to mitigate or offset adverse effects on natural resources, which include:-

- The creation of Lot 31 (1.242ha in size and accounting for 43% of the site) which will not have any development after subdivision, other than enhancement, and will act as a natural buffer between future development and the Kauri Glen Reserve. The lot will receive enrichment plantings, filling gaps created by weed control or localised disturbance. Plantings will supplement the currently sparse native understorey, increasing indigenous biodiversity.

- A detailed Ecological Restoration and Management Plan (ERMP).

- A dense, continuous buffer of indigenous vegetation (10m) established along the northern edge of the delineated development area. This will promote healthy forest regeneration processes by providing protection from edge effects such as desiccation and weed encroachment.

- Replanting (where not piped) of riparian areas cleared of vegetation during bridge and culvert construction.

- Other riparian areas given targeted weed control and enrichment planting (within a 10m buffer). This revegetation will minimise soil erosion, maintain bank stability and prevent pest plants from reinvading. This is nearly three times more than that being lost will be restored as environmental compensation.

- Stormwater disposal techniques that minimise effects on downstream flows.

- The riparian planting and stormwater disposal techniques have been assessed at $52,000 and any remaining balance of this sum, after those two works are complete, will be provided to "Trees for Survival", as described in the evidence of Mr Boothroyd.

Overall we find that any adverse effects arising from the piping and reclamation of Tributary 7b can be adequately offset and 'compensated' for and that the proposed value of compensation has been reached through applying an appropriate, systematic and tested method.

With respect to the term of consent for the reclamation, we accept the position articulated in the Applicant's submissions in reply that a consent for the reclamation and piping of Tributary 7B can be granted for an unlimited duration.

10.4.9 Earthworks

The evidence of Mr Solleder and Mr Kaye fully addressed these matters in terms of the required earthworks and traffic management to manage the effects of fill being brought onto the site. We accept Mr Solleder's advice that the works proposed are the minimum necessary and that alternative locations for the key bridge and roads would involve more disruption.

The construction effects will be managed through appropriate conditions of consent including implementation of a detailed construction management plan tailored to ensure the key issues associated with the development are effectively managed. This will also include a Temporary Traffic Management Plan to address traffic construction effects on the surrounding roads and on neighbours, as already addressed above.

Any adverse effects can be appropriately managed by the conditions imposed on the consent.

10.4.10 Infrastructure – stormwater/wastewater/roads

The evidence of Mr Solleder addressed these matters, and we accept that the development is 'relatively straightforward' from an infrastructure perspective, with suitable measures being provided for stormwater, wastewater and water reticulation, including remediation of the existing uncontrolled stormwater discharge on to the site from Park Ave. The roading and accessway design, while steep, are generally compliant with Council standards.

We note that the Inskeeps raised concerns about the capacity of the sewer line servicing Park Ave and Kauri Glen Road. It has been confirmed in writing from Watercare (who 'own' the sewer) that there are no known issues of capacity to service this development[12].

10.4.11 Lot 26

Mr and Mrs Inkson live at 18 Park Ave, which is next door to proposed Lot 26. While concerned about the overall development, they were particularly concerned about the impact of a dwelling being constructed on Lot 26 which they stated would adversely affect their amenity and enjoyment of their home. This would be due to the loss of outlook, sunny and privacy.

Lot 26 is the only 'site' to directly front Park Ave. In this respect, while forming part of the development proposal, it is like the existing residential lots which front the road. In essence it is a vacant site having the same zoning and plan provisions as the sites either side of it (i.e. Residential 2A).

As proposed, the dwelling that would be built on this site would not be subject to the Design Guidelines proposed for the other dwellings within the development. The Inkson's requested that it should. Our finding on this is that due to the site being similar to a 'standard' residential lot, with any development 'controlled' by the Residential 2A controls (setbacks, height, height in relation to boundary), it is not necessary or appropriate to impose further controls (the Design Guidelines) on this site. While we accept that Mr and Mrs Inkson will be disappointed by this, we reiterate that the site is effectively a 'standard' residential site in the street, and subject to the 'standard' Residential 2A controls (other than for vegetation clearance).

Mr and Mrs Inkson posed an alternative development of Lot 26 – that being a pedestrian walkway through that site into the rest of the development. The Applicant has not offered to 'take up this option' and we find that while it would be of benefit to the Inkson's there is no valid planning reason why we can 'delete' the development of this site from the proposal.

11.0 Part 2 of the Resource Management Act 1991.

Section 6 sets out the matters of national importance. The only matter that could be relevant to this proposal is:

(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

We have set out above our findings that the significant indigenous vegetation has been retained and there will be active management of the site in terms of removing invasive weed specifies. The proposal satisfies this section of the Act.

Section 7 set out "other matters" relevant to this proposal. In this respect we find that while some part of the community may consider that their amenity values (section 7(c)) are adversely affected, others will find it enhanced – especially future residents of the development and the wider community in terms of an enlarged and enhanced Kauri Glen Reserve. Overall we find that the development, subject to the conditions of consent, will maintain or enhance amenity values and the overall quality of the environment (section 7 (f)).

[12] Email from A Chelliah (Watercare) to Mr. Ken Schmidt (Auckland Council) and Mr Nick Mattison (Reporting officer) dated Wednesday 21 November 2012.

The proposal also has had appropriate regard for the intrinsic value of ecosystems through the protection of the northern part of the site (Lot 31), the riparian planting, and the pest and weed management programmes (section 7(d)).

Section 8- Principles of the Treaty of Waitangi, is not relevant to this proposal.

12.0 Overall Reasons

Overall, exercising our broad judgment, for all of the reasons set out above, and those below, the application will promote the sustainable management purpose of the Resource Management Act 1991.

(a) In terms of section 104(1)(a) of the RMA the potential adverse effects of the proposal have been fully considered and can be appropriately avoided, remedied or mitigated by the proposed development and the conditions of consent. While the proposal does involve a number of adverse effects, these have been minimised, are individually and cumulatively appropriate, and are in this instance outweighed by the positive effects made possible by the design pursued.

(b) The proposal provides positive effects in that there will be additional residential lots and residential dwellings on those lots on land zoned for residential purposes, and at a similar density anticipated for the site, although in a different configuration than anticipated. The high quality bush will be protected and incorporated with the Kauri Glen Reserve. There will also be active management of the bush area with the removal and ongoing management of invasive weed species, as well as some additional planting.

(c) In terms of section 104(1)(b) of the RMA, the proposal is overall consistent with the national policy documents (including the NZ Coastal Policy Statement and the NZ Freshwater Policy Statement), the Auckland Regional Policy Statement, The District Plan: North Shore Section and the Auckland Regional Plans for Sediment Control and Air, Land and Water.

(d) The proposal satisfies the requirements of section 104D – non-complying activities, for the reasons set out in the text of the decision.

(e) In terms of section 104(1)(c) of the RMA, other relevant matters, including the Auckland Plan and monitoring, have been considered in the determination of the application. The non statutory document supports appropriate development and efficient use of existing land resources including the road network. It is appropriate to provide for monitoring of the subdivision as it is implemented through the earthworks and construction phases. A specific review clause pursuant to section 128 of the RMA can be imposed which will ensure that if any issues arise during the earthworks and construction phases, which were not anticipated, can be dealt with through alterations if required.

(f) The proposal satisfies Part 2 of the Resource Management Act 1991, and will, subject to the conditions of consent, promote the sustainable management of the area's natural and physical resources. That is it will enable the site to be utilised in an efficient way that will enable people and communities to provide for the social and economic wellbeing by the provision of housing within the existing urban area, while providing the protection and ongoing maintenance of high quality indigenous vegetation.

Pursuant to section 108 of the RMA, this consent is subject to the following conditions:

REGIONAL CONSENTS

General Conditions

1. Activity in accordance with plans and reports

The proposal to undertake a subdivision and associated earthworks and works within a watercourse shall be carried out in general accordance with the plans and all information submitted with the application as set out in the following table.

Reference number	Title	Architect/ Author	Date
Revision No: R5 Sheet No: E103	Proposed Contours	Cato Bolam Consultants	27.11.09
Revision No: R5 Sheet No: E104	Proposed Cut to Fill	Cato Bolam Consultants	27.11.09
Revision No: R3 Sheet No: E105	Proposed Retaining Walls & Ground Stability Works Sheet 1	Cato Bolam Consultants	09.12.11
Revision No: R2 Sheet No: E106	Proposed Retaining Walls & Ground Stability Works Sheet 2	Cato Bolam Consultants	09.12.11
Revision No: R4 Sheet No: E107	Proposed Retaining Walls & Ground Stability Works Sheet 3	Cato Bolam Consultants	09.12.11
Revision No: R1 Sheet No: E108	Retaining Wall Long Sections Retaining Wall 1	Cato Bolam Consultants	09.12.11
Revision No: R1 Sheet N: E109	Retaining Wall Long Sections Retaining Wall 2	Cato Bolam Consultants	09.12.11
Sheet No: E110	Retaining Wall Long Sections Retaining Walls 3 & 9	Cato Bolam Consultants	09.12.11
Revision No: R1 Sheet No: E111	Retaining Wall Long Sections Retaining Walls 4 & 6	Cato Bolam Consultants	09.12.11
Sheet No: E112	Retaining Wall Long Sections Retaining Wall 5	Cato Bolam Consultants	17.03.10
Sheet No: E113	Retaining Wall Long Sections Retaining Walls 7 & 8	Cato Bolam Consultants	09.12.11
Revision No: R1 Sheet No: E114	Earthworks Methodology Palisade Wall & Counterforts Phase 1 Works	Cato Bolam Consultants	09.12.11
Revision No: R1 Sheet No: E115	Earthworks Methodology Phase 2 Works	Cato Bolam Consultants	09.12.11

Revision No: R3 Sheet No: E116	Earthworks Methodology Phase 3 Works Pond Details	Cato Bolam Consultants	09.12.11
Revision No: R3 Sheet No: E117	Earthworks Methodology Phase 3 Works	Cato Bolam Consultants	09.12.11
Revision No: R3 Sheet No: E118	Earthworks Methodology Phase 4 Works Pond Detail	Cato Bolam Consultants	09.12.11
Sheet No: E119	Erosion & Sediment Control ARC Standard Details Sheet 1	Cato Bolam Consultants	13.04.10
Sheet No: E120	Erosion & Sediment Control ARC Standard Details Sheet 2	Cato Bolam Consultants	13.04.10
Sheet E122	Retaining Wall Long Sections Retaining Wall 10	Cato Bolam Consultants	09.12.11
Reports			
Reference number	**Title**	**Author**	**Date**
15492	Application for Resource Consent (District Plan): Pursuant to Section 88 of the Resource Management Act 1991	Cato Bolam Consultants	6.07.10
	Application for Resource Consent (Regional Plan): Pursuant to Section 88 of the Resource Management Act 1991	Cato Bolam Consultants	6.07.10
	Amended by S92 Response (Preliminary) District Plan	Cato Bolam Consultants	19.04.11
	Amended by S92 Response (Preliminary) Regional Plan	Cato Bolam Consultants	28.04.11
	Application for Resource Consent Intergraded Report: Pursuant to Section 88 of the Resource Management Act 1991	Cato Bolam Consultants	26.05.11
	Amended by S92 Response – 'Information in Relation to LP 21257683 and SUB-3020834'.	Cato Bolam Consultants	13.12.2011
	Amended by S92 Response	Cato Bolam Consultants	13.02.12

15492	Appendixes to 'Application for Resource Consent: Pursuant to Section 88 of the Resource Management Act 1991':	Cato Bolam Consultants	13.07.10
15492	Appendix C: Earthworks and Infrastructure Report	Cato Bolam Consultants	4.05.10
0978205401	Appendix D: Ecological Assessment of Terrestrial and Aquatic Environments Appendix E: Ecological Restoration and Management Plan Amended by s92 Response – 'Ecological Restoration and Management Plan' Amended by s92 Response – 'Ecological Assessment of Terrestrial and Aquatic Environments Section 92 Response Letter	Golder Associates Golder Associates Golder Associates Golder Associates Golder Associates	April 2010 April 2010 January 2011 February 2011 February 2011
15492	Draft Construction Management Plan	Cato Bolam Consultants	08.03.2011

In the event of inconsistency between these plans and information submitted and these conditions, the conditions shall prevail.

Payment of Charges

2. This consent (or any part thereof) shall not commence until such time as the following charges, which are owing at the time the Council's decision is notified, have been paid in full:

a) All fixed charges relating to the receiving, processing and granting of this resource consent under section 36(1) of the Resource Management Act 1991 (RMA); and

b) All additional charges imposed under section 36(3) of the RMA to enable the Council to recover its actual and reasonable costs in respect of this application, which are beyond challenge.

3. The consent holder shall pay any subsequent further charges imposed under section 36 of the RMA relating to the receiving, processing and granting of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under section 36(3) of the RMA that are subject to challenge, the consent holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant decision.

Monitoring Charge

4. The consent holder shall pay the Council an initial consent compliance monitoring charge of $1,500 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

5. The $1,500 (inclusive of GST) charge shall be paid as part of the resource consent fee and the consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice.

Duration

6. The earthworks consent, number 37117, shall expire on 30 April 2017 unless it has been surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.

7. The works in a watercourse consent, number 38163, which enables the piping and reclamation (section 13 consent) of Tributary 7b is granted for an unlimited period – i.e. it does not expire.

Construction Management Plan

8. A Construction Management Plan (CMP), which shall include a Temporary Traffic Management Plan (TTMP) shall be finalised and submitted to the Team Leader – Earthworks and Contaminated Land and the Corridor Access Leader North, Auckland Transport for review and approval prior to the commencement of construction activities authorised by this consent. These plans shall incorporate the measures set out in the Draft Construction Management Plan prepared by Cato Bolam Consultants, reference 15492 and dated 08.03.2011. Measures to be incorporated in to the final plan are to include(but not be limited to):

a) Earthworks to be carried out in accordance with the standards established in ARC TP 90 (measures which have been reviewed as part of a regional consent requirement under the Sediment Control Plan)

b) Hours of work are to be limited to 7am to 6pm Monday to Friday and 9.00 am to 5.00 pm Saturdays, with no work to occur on Sundays or public holidays (subject to weather and work conditions), provided that delivery of large equipment shall occur at off peak times outside of school hours and all construction traffic shall avoid accessing the site 0.5hrs either side of the start and finish of the school day.

c) Construction noise shall not exceed the permitted standards of NZS 6803:1999.

d) All parking of trucks, contractors' vehicles and machinery is to be on-site, to avoid inconvenience and hazards to the occupiers of properties within Park Road Avenue and Kauri Glen Road.

e) A communication strategy shall be prepared for ongoing consultation and liaison with Northcote College and householders over the access route to Onewa Road and any proposed temporary parking restrictions required to allow for the movement of excess dimension loads to the site.

f) A process shall be prepared for recording and responding to complaints.

g) All earthmoving trucks shall access the site via Kauri Glen Road.

h) Measures to protect the safety of pupils of Northcote College who cross Kauri Glen Road during school time.

Erosion and Sediment Control and Works in and Around Watercourse

Pre-commencement meeting

9. (a) Prior to the commencement of the earthworks activity, the consent holder shall arrange a pre-start meeting with the Team Leader – Earthworks and Contaminated Land. The pre start meeting shall be:

a. located on the subject site

b. scheduled not less than 5 days before the anticipated commencement of earthworks; and

c. include representation from the contractors who will undertake the works

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

- Timeframes for key stages of the works authorised under this consent
- Resource consent conditions
- Erosion and Sediment Control Plan
- Construction Management Plan
- Landscape Plan
- Ecological Restoration and Management Plan
- Lizard Management Plan
- Chemical Treatment Management Plan

Notes:

1. All additional information required by the Auckland Council shall be provided no less than 5 days prior to the meeting.

2. Commencement of earthworks means the time when the earthworks, including any site preparation works or bulk earthworks, are to commence.

3. Auckland Council representatives should include, but are not limited to, a compliance officer from the Earthworks and Contaminated Land Team, Natural Resources and Specialist Input or appointed consultant working on behalf of the that Team.

*4. Any amendments to the erosion and sediment control plan or methodology can be reviewed during the pre-construction and approved in accordance with **Condition 13** below.*

(b) All perimeter controls shall be operational before earthworks and works in a watercourse commence. All 'cleanwater' runoff from stabilised surfaces including catchment areas above the site shall be diverted away from earthworks areas and those subject to works in a watercourse via a stabilised system, so as to prevent surface erosion.

Note*:*

Perimeter controls include cleanwater diversions and any other erosion control devices that are appropriate to divert stabilised upper catchment runoff from entering the site, and to prevent sediment-laden water from leaving the site.

10. The earthworks and works in a watercourse activities, including diversion of stream flows during works and the installation of erosion and sediment control measures shall be carried out in accordance with those described in the Application Report contained in the Land Use Consent: Sediment Control Application No. 37117 received by the Auckland Council on 8 July 2010 and the Section 92 Responses, received by Auckland Council on 28 April 2011 and 2 December 2011, and as identified in the resource consent conditions above and below.

11. At least 15 working days prior to any earthworks commencing on the site, a final Erosion and Sediment Control Plan and methodology for all areas of earthworks, shall be submitted for the written approval of Council's Compliance Officers, both NRSI and Northern. This plan shall include but not be limited to, details of the methodologies, temporary stabilisation with particular emphasis on staging and sequencing of all earthworks, design of the control measures and details of the compliance with conditions of this consent.

12. Prior to any bulk earthworks commencing at any given area of the site, a certificate signed by an appropriately qualified and experienced engineer shall be submitted to the Auckland Council (Earthworks and Contaminated Land Team), to certify that the erosion and sediment controls for that particular area, have been constructed in accordance with the Erosion and Sediment Control Plans as specified in **Condition 11** of this consent.

Note*:*

Certified controls shall include sediment retention ponds, chemical treatment systems, decanting earth bunds, silt fences, super silt fences and diversion channels/bunds.

13. The certification for these subsequent measures shall be supplied immediately upon completion of construction of those measures. Information supplied if applicable shall include:

a) Contributing catchment area;

b) Shape of structure (dimensions of structure);

c) Position of inlets/outlets; and

d) Stabilisation of the structure.

14. Any amendments to the Erosion and Sediment Control Plans and/or methodology shall be submitted in writing to the Team Leader – Earthworks and Contaminated Land, NRSI prior to any amendment being implemented on site.

15. Erosion and sediment control measures shall be constructed and maintained in general accordance with TP90 and any amendments to this document, except where a higher standard is detailed in the documents referred to in **Condition 11** above, in which case the higher standard shall apply. For the purposes of clarity, the following additional standards are to be included:

a) Sediment retention ponds (SRP) are to be sized to meet, and where possible exceed the minimum volume of 3% ($300m^3$ of storage for each 1ha of contributing catchment).

b) The decant systems in the SRPs are to have devices to enable the raising of these decants.

c) SRPs are to have forebays with a minimum volume of 15% of the pond's volume.

d) Decanting earth bunds (DEBs) are to be sized to a minimum volume of 3% ($90m^3$ of storage capacity for each $3,000m^2$ of contributing catchment).

e) DEBs shall have a minimum length to width ratio of 3:1, a level impoundment area, a single perforated, floating T-bar decant, a decant rate of 3L/sec/ha of contributing catchment, a stabilised emergency spillway a minimum of 2m in width.

16. All Silt Fences and Super Silt Fences shall be constructed and maintained in accordance with TP90 including the design detail provisions updated December 2007.

Note:

Inspection advice notes issued on site by the Auckland Council or its representatives are to be actioned within the timeframes stipulated. Where there is disagreement as to the suitability of the action requested, immediate contact with the Team Leader - Earthworks and Contaminated Land is required.

17. Prior to the construction of SRPs, super silt fences, or other approved devices shall be constructed below the entire catchment of the SRP and shall remain in place until such time as the contributing catchment to these devices is stabilised in accordance with TP90.

18. Prior to any erosion and sediment control measures being removed or decommissioned, written requests to do so shall be submitted to the Compliance Officer, NRSI, for approval.

19. No sediment laden runoff generated from the construction activities shall leave the site without prior treatment via an approved sediment control device.

20. The site shall be progressively stabilised against erosion as soon as practicable as earthworks are finished over various areas of the site. Site stabilisation shall mean be deemed to be achieved when the site is covered by a permanent erosion proof ground cover such as aggregate and includes vegetative cover which has obtained a density of more than 80% of a normal pasture sward.

21. Prior to the commencement of bulk earthworks at the site, a Chemical Treatment Management Plan (CTMP) shall be submitted for the written approval of the Team Leader - Earthworks & Contaminated Land. The plan shall include as a minimum:

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

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.

22. The CTMP referred to under **Condition 21** above, shall be implemented on all devices as required, prior to the start of any bulk earthworks at the site.

23. Any amendments to the CTMP shall be submitted in writing to the Team Leader - Earthworks & Contaminated Land, prior to implementation.

24. The erosion and sediment controls at the site of the works shall be inspected on a regular basis and within 24 hours after each rainstorm event that is likely to impair the function or performance of the controls. A record shall be maintained of the date, time and any maintenance undertaken in association with this condition which shall be forwarded to the Auckland Council on request.

25. All imported fill material is to be in accordance with the Ministry for Environment "cleanfill" definition as detailed in "A Guide to the Management of Cleanfills, 2002" or any updated definition which the applicant has been advised of in writing by the Team Leader – Earthworks and Contaminated Land.

26. A "Cleanfill Log" shall be kept and supplied to the Team Leader – Earthworks and Contaminated Land on a monthly basis throughout the period of earthworks. The cleanfill log is to include, but not be limited to, the following:

a) Registration number of the vehicle

b) Name of transporter

c) Date and time of arrival at the site

d) Approximate size of the load

e) Source of cleanfill material (including any known land use history if possible)

f) Name of the disposer of material

g) Type of material e.g. topsoil, clay, ash, aggregate, concrete, soil

h) The on-site disposal location of the fill

i) Copies of laboratory test certificates of all analytical testing.

27. Analytical testing of the fill, not previously tested by the fill generator, at a rate of not less than 1 in every 100 incoming trucks (being approximately every 1000 m3) shall be undertaken. The analytical testing shall be to demonstrate contaminant levels in the fill, including (but not limited to) As, Cd, Cr, Cu, Ni, Pb, Zn, TPH, VOC, PAH and sVOCs.

28. All samples shall be analysed in accordance with the latest edition of "The Standard Methods for the Examination of Water and Wastewater" APHA, AWWA, WPCE, or such other standards as may be approved by the Team Leader – Earthworks and Contaminated Land. Results of the sampling shall be submitted to the Team Leader for review on a six-monthly basis. All samples shall be analysed in accordance with the latest edition of "The Standard Methods for the Examination of Water and Wastewater" APHA, AWWA, WPCE, or such other standards as may be approved by the Team Leader – Earthworks and Contaminated Land.

29. The records required by the consent conditions are to be made available for inspection by the Team Leader – Earthworks and Contaminated Land, at any time.

Works in a Watercourse (Stream Reclamation and Diversion of Surface Water – Regional)

30. All un-compacted material shall be kept clear of the watercourse during and after the earthworks associated with installation of the culverts.

31. The works in a watercourse authorised by this consent shall only be undertaken during a period when all flows can be diverted around the area of works, throughout the duration of the works.

32. The approved stream diversion methodology shall be installed and maintained during all in-stream works including stream bank excavations, erosion protection and the pouring and setting of any concrete work.

33. When de-watering the area of works in a watercourse, no sediment laden water shall be discharged directly into a watercourse. Any sediment laden discharge pumped or otherwise removed from the area subject to works in a watercourse shall be disposed of via a suitable sediment treatment system.

34. All bare areas, including the bed of the tributaries of the Waiurutoa Stream at the area of works, shall be stabilised at the end of each construction day.

35. There shall be no discharge of contaminants (e.g. oil, diesel, petrol, effluent) to any watercourse as a result of exercise of this consent.

36. The consent holder shall ensure that all machinery operates from the banks of the watercourse at all times and that no machinery shall enter the watercourse at any time.

Note:

Inspection advice notes issued on site by the Auckland Council or its representatives are to be actioned within the timeframes stipulated. Where there is disagreement as to the suitability of the action requested, immediate contact with the Team Leader - Earthworks and Contaminated Land is required.

37. A certificate signed by an appropriately qualified and experienced engineer shall be submitted to the Team Leader – Earthworks and Contaminated Land, Natural Resources & Specialist Input (NRSI) on completion of works to certify that the culvert and outfall structures have been constructed in accordance with the application design drawings supplied with this consent, within 3 months of completion of works.

38. Any erosion occurring as a result of the culvert and outfall structure shall be remedied as soon as reasonably practicable and to the satisfaction of the Team Leader – Earthworks and Contaminated Land, Natural Resources & Specialist Input (NRSI).

39. During construction the culvert and outfall structure shall be maintained free of debris to ensure stream flows are not restricted.

Note:

The owner of the lot on which the culvert and outfall structure is to be located will be responsible for ensuring that it is maintained free of debris to ensure stream flows are not restricted.

Seasonal Restrictions

40. No vegetation removal, bulk earthworks (cut/fill/waste) or works in a watercourse on the site shall be undertaken between 30 April and 1 October in any year, without the prior written approval of the Team Leader – Earthworks and Contaminated Land, NRSI at least two weeks prior to 30 April of any year.

41. Revegetation/stabilisation is to be completed by 30 April in the year of bulk earthworks in accordance with measures detailed in TP90 and any amendments to this document, unless a later date is approved in writing by the Team Leader – Earthworks and Contaminated Land, NRSI at least two weeks before 30 April.

Environmental compensation

42. The environmental compensation package shall be implemented in accordance with the Golder Associates (NZ) Limited reports *"Ecological Assessment of Terrestrial and Aquatic Environments"* and *"Ecological Restoration and Management Plan"* both dated February 2011. Mitigation planting associated with the compensation package shall be undertaken within the first planting season following the streamworks being undertaken. Any contributions to the Trees for Survival programme shall be allocated to riparian planting in recognition that the contribution is to offset the effects of piping part of Tributary 7b.

43. Within 30 days of the completion of the works associated with the environmental compensation package, written confirmation from an appropriately qualified architect/ecologist/engineer that the package of works has been fulfilled in accordance with the reports referred to in **Condition 42** above shall be submitted to the Team Leader – Earthworks and Contaminated Land, Natural Resources & Specialist Input (NRSI). The report shall include but not be limited to:

(a) Confirmation of the mitigation planting completed on site.

(b) Certification of the remediated outfall structure.

(c) Confirmation of the details of the financial contribution to "Trees for Survival".

44. The conditions of this consent may be reviewed by the Auckland Council pursuant to Section 128 of the Resource Management Act 1991, (with the costs of the review process being borne by the Consent Holder), by giving notice pursuant to Section 129 of the Act, in one or more of the following times:

- June 2013
- June 2014
- June 2015
- June 2016

The review may be for any of the following purposes, namely:

(i) To deal with any adverse effect on the environment which may arise from the exercise of the consent or upon which the exercise of the consent may have an influence and which becomes apparent, or is found appropriate, to deal with at a later stage, and in particular but without limiting the ambit of this clause to:

a) Insert conditions, or modify existing conditions requiring the character or nature of any discharges authorised by this Consent to be identified and to report the results of that monitoring to the Auckland Council; and/or

b) Insert conditions, or modify existing conditions to require monitoring of the effects of any sediment discharges authorised by this Consent on the local receiving environment and to report the results of that monitoring to the Auckland Council;

c) The conditions may relate to the matters contained in s108(4) of the Resource Management Act 1991 or any Act in substitution thereof.

(ii) Insert conditions, or modify existing conditions, requiring the Best Practicable Option to be adopted to remedy, mitigate or minimise any adverse effects on the environment resulting from the discharges authorised by this consent, including remedying or mitigating any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage.

LAND USE AND SUBDIVISION CONSENTS

General Conditions

1. Activity in accordance with plans and reports

The proposal to create and develop 26 new residential allotments shall be carried out in general accordance with the plans and all information submitted with the application as set out in the following table.

Reference number	Title	Architect/Author	Date
Revision No: R7 Sheet No: S8	Proposed Subdivision of Lot 18 & 21 DP 43233 and Pt Lot 44 Deed T60	Cato Bolam Consultants	07.11.12
Revision No: R5 Sheet No: S9	Proposed Subdivision of Lots 18 & 21 DP 43233 and Pt Lot 44 Deed T60 – Diagram 1	Cato Bolam Consultants	07.11.12

Revision No: R5 Sheet No: S10	Proposed Subdivision of Lots 18 & 21 DP 43233 and Pt Lot 44 Deed T60 – Diagram 2	Cato Bolam Consultants	24.10.12
Revision No: R3 Sheet No: S11	Proposed Subdivision of Lots 18 & 21 DP 43233 and Pt Lot 44 Deed T60 Building Platform Diagram	Cato Bolam Consultants	12.11.12
Revision No: R5 Sheet No: E103	Proposed Contours	Cato Bolam Consultants	27.11.09
Revision No: R5 Sheet No: E104	Proposed Cut to Fill	Cato Bolam Consultants	27.11.09
Revision No: R3 Sheet No: E105	Proposed Retaining Walls & Ground Stability Works Sheet 1	Cato Bolam Consultants	09.12.11
Revision No: R2 Sheet No: E106	Proposed Retaining Walls & Ground Stability Works Sheet 2	Cato Bolam Consultants	09.12.11
Revision No: R4 Sheet No: E107	Proposed Retaining Walls & Ground Stability Works Sheet 3	Cato Bolam Consultants	09.12.11
Revision No: R1 Sheet No: E108	Retaining Wall Long Sections Retaining Wall 1	Cato Bolam Consultants	09.12.11
Revision No: R1 Sheet N: E109	Retaining Wall Long Sections Retaining Wall 2	Cato Bolam Consultants	09.12.11
Sheet No: E110	Retaining Wall Long Sections Retaining Walls 3 & 9	Cato Bolam Consultants	09.12.11
Revision No: R1 Sheet No: E111	Retaining Wall Long Sections Retaining Walls 4 & 6	Cato Bolam Consultants	09.12.11
Sheet No: E112	Retaining Wall Long Sections Retaining Wall 5	Cato Bolam Consultants	17.03.10
Sheet No: E113	Retaining Wall Long Sections Retaining Walls 7 & 8	Cato Bolam Consultants	09.12.11
Revision No: R1 Sheet No: E114	Earthworks Methodology Palisade Wall & Counterforts Phase 1 Works	Cato Bolam Consultants	09.12.11
Revision No: R1 Sheet No: E115	Earthworks Methodology Phase 2 Works	Cato Bolam Consultants	09.12.11
Revision No: R3 Sheet No: E116	Earthworks Methodology Phase 3 Works Pond Details	Cato Bolam Consultants	09.12.11

Revision No: R3 Sheet No: E117	Earthworks Methodology Phase 3 Works	Cato Bolam Consultants	09.12.11
Revision No: R3 Sheet No: E118	Earthworks Methodology Phase 4 Works Pond Detail	Cato Bolam Consultants	09.12.11
Sheet No: E119	Erosion & Sediment Control ARC Standard Details Sheet 1	Cato Bolam Consultants	13.04.10
Sheet No: E120	Erosion & Sediment Control ARC Standard Details Sheet 2	Cato Bolam Consultants	13.04.10
Sheet E122	Retaining Wall Long Sections Retaining Wall 10	Cato Bolam Consultants	09.12.11
Sheet E123	Earthworks and Retaining Walls	Cato Bolam Consultants	09.12.11
Revision No: R5 Sheet No: E200	Proposed Roading Layout Overall	Cato Bolam Consultants	24.10.12
Revision No: R4 Sheet No: E201	Proposed Roading Layout Diagram 1	Cato Bolam Consultants	09.12.11
Revision No: R5 Sheet No: E202	Proposed Roading Layout Diagram 2	Cato Bolam Consultants	24.10.12
Revision No: R4 Sheet No: E203	Proposed Village Square & Bridge Detail Plan	Cato Bolam Consultants	09.12.11
Revision No: R5 Sheet No: E204	Proposed ROW 4 & Lot 27 Access Detail Plan	Cato Bolam Consultants	24.10.12
Sheet No: E205	Road Long Sections Road 1	Cato Bolam Consultants	09.12.11
Revision No: R1 Sheet No: E206	Road Long Sections ROW 1	Cato Bolam Consultants	09.12.11
Revision No: R1 Sheet No: E207	Road Long Sections ROW's 2 & 3	Cato Bolam Consultants	09.12.11
Revision No: R1 Sheet No: E208	Road Long Section ROW 4	Cato Bolam Consultants	09.12.11
Revision No: R3 Sheet No: E209	Proposed Lot 27 Access & Intersection Detail with 100mm contours	Cato Bolam Consultants	24.10.12
Revision No: R1 Sheet No: E210	Road Cross Sections Road 1 Sheet 1	Cato Bolam Consultants	09.12.11
Revision No: R2 Sheet No: E211	Road Cross Sections Road 1 Sheet 2	Cato Bolam Consultants	09.12.11
Revision No: R2 Sheet No: E212	Road Cross Sections Road 1 Sheet 3	Cato Bolam Consultants	09.12.11
Revision No: R2 Sheet No: E213	Road Cross Sections ROW 1	Cato Bolam Consultants	09.12.11

Revision No: R1 Sheet No: E214	Road Cross Sections ROW 1 & 2	Cato Bolam Consultants	09.12.11
Sheet No: E215	Road Cross Sections ROW 3	Cato Bolam Consultants	09.12.11
Revision No: R3 Sheet No: E216	Proposed Roading Typical Cross Sections	Cato Bolam Consultants	09.12.11
Sheet No: E217	Proposed Roading Typical Cross Sections	Cato Bolam Consultants	09.12.11
Sheet No: E218	Lot 29 – Cross Sections Service	Cato Bolam Consultants	09.12.11
Revision No: R1 Sheet No: E219	Proposed Footbridge Concept Sections	Cato Bolam Consultants	09.12.11
Revision No: R2 Sheet No: E220	Roading Long Section Typical Cross Section Proposed Bridge	Cato Bolam Consultants	09.12.11
Sheet No: E221	Intersection – Park Ave Services	Cato Bolam Consultants	09.12.11
Revision No: R1 Sheet No: E222	Truck Turning Detail Point	Cato Bolam Consultants	09.12.11
Sheet No: E223	Bridge Details	Cato Bolam Consultants	09.12.11
Sheet No: E224	Car Turning Detail Plan	Cato Bolam Consultants	20.02.12
Sheet No: E225/R1	Existing Driveways to be modified	Cato Bolam Consultants	09.11.12
Sheet No: E300	Typical Drawing Proposed Boundary Kits	Cato Bolam Consultants	09.12.11
Revision No: R5 Sheet No: E401	Proposed Drainage Layout Overall	Cato Bolam Consultants	06.11.12
Revision No: R5 Sheet No: E402	Proposed Drainage Layout Diagram 1	Cato Bolam Consultants	24.10.12
Revision No: R5 Sheet No: E403	Proposed Drainage Layout Diagram 2	Cato Bolam Consultants	06.11.12
Revision No: R3 Sheet No: E404	Proposed Overland Flowpath	Cato Bolam Consultants	09.11.12
Sheet No: E405	Proposed Drainage Details Tank and Storm Filter Design Sheet 1	Cato Bolam Consultants	09.12.11
Sheet No: E406/R1	Proposed Drainage Details Tank and Stormfilter Design Sheet 2	Cato Bolam Consultants	09.11.12
Revision No: R3 Sheet No: E407	Detention Tank Details	Cato Bolam Consultants	08.10.12

Sheet No: E408	Proposed Drainage Outlet Details Bubble up Manhole & Stormwater line through Retaining Wall	Cato Bolam Consultants	09.12.11
Sheet No: E409	Stormwater Catchment Plan	Cato Bolam Consultants	09.11.12
Revision No. R4 Sheet No: E500	Proposed Water Reticulation Overall	Cato Bolam Consultants	24.10.12
Revision No: R4 Sheet No: E501	Proposed Water Reticulation Diagram 1	Cato Bolam Consultants	24.10.12
Revision No: R3 Sheet No: E502	Proposed Water Reticulation Diagram 2	Cato Bolam Consultants	09.12.11
Reports			
Reference number	**Title**	**Author**	**Date**
15492	Application for Resource Consent (District Plan): Pursuant to Section 88 of the Resource Management Act 1991	Cato Bolam Consultants	6.07.10
	Application for Resource Consent (Regional Plan): Pursuant to Section 88 of the Resource Management Act 1991	Cato Bolam Consultants	6.07.10
	Amended by S92 Response (Preliminary) District Plan	Cato Bolam Consultants	19.04.11
	Amended by S92 Response (Preliminary) Regional Plan	Cato Bolam Consultants	28.04.11
	Application for Resource Consent Intergraded Report: Pursuant to Section 88 of the Resource Management Act 1991	Cato Bolam Consultants	26.05.11
	Amended by S92 Response – 'Information in Relation to LP 21257683 and SUB-3020834'.	Cato Bolam Consultants	13.12.2011
	Amended by S92 Response	Cato Bolam Consultants	13.02.12

15492	Appendixes to 'Application for Resource Consent: Pursuant to Section 88 of the Resource Management Act 1991':	Cato Bolam Consultants	13.07.10
15492	Appendix C: Earthworks and Infrastructure Report Amended by s92 Response – 'Stormwater Runoff Calculation Worksheet' Amended by s92 Response – 'Pipe Flow' Amended by s92 Response – 'Onsite Roof Detention Tanks Management Plan' and 'Storm Filter Management Plan'. Amended by s92 Response – 'Flows' Amended by s92 Response – Basin Models	Cato Bolam Consultants Cato Bolam Consultants Cato Bolam Consultants Cato Bolam Consultants Cato Bolam Consultants Cato Bolam Consultants Cato Bolam Consultants	4.05.10 30.08.08 04.10.11 Nov 2011 15.09.11 2011
0978205401	Appendix D: Ecological Assessment of Terrestrial and Aquatic Environments Appendix E: Ecological Restoration and Management Plan Lizard Management Plan Amended by s92 Response – 'Ecological Restoration and Management Plan' Amended by s92 Response – 'Ecological Assessment of Terrestrial and Aquatic Environments Section 92 Response Letter	Golder Associates Golder Associates Golder Associates Golder Associates Golder Associates Golder Associates	April 2010 April 2010 January 2011 February 2011 February 2011 16/03/2011

G10343	Appendix F: Aboricultural Assessment Amended by 'Report Addendum (S92 response)'	Greenscene Limited Greenscene Limited	May 2010 August 2010
	Design Guidelines *(See additional note/ condition on this matter at the end of this condition).	John C Sinclair	December 2012
1200073\100602	Appendix H: Traffic Impact Assessment Amended by s92 Emailed Response	Traffic & Transportation Engineers Ltd (T2) T2 – Michael Kaye	02.06.10 17.11.11
GENZNEWP12152* GEBZAUCK12152	Appendix I: Geotechnical Investigation Report Amended by s92 response 'Groundwater Drainage Amendments'	Coffey Geotechnics (NZ) Limited Coffey Geotechnics (NZ) Limited	07.04.10 12.09.11
15492	Draft Construction Management Plan	Cato Bolam Consultants	08.03.2011

In the event of inconsistency between these plans and information submitted and these conditions, the conditions shall prevail.

*** Design Guidelines**

The title of this document shall be amended to "Design Requirements", and all reference to "guidelines" shall be substituted to "requirement or requirements (where relevant). This shall occur prior to the first application of the Design Requirements set out in condition **64.**

Payment of Charges

2. This consent (or any part thereof) shall not commence until such time as the following charges, which are owing at the time the Council's decision is notified, have been paid in full:

a) All fixed charges relating to the receiving, processing and granting of this resource consent under section 36(1) of the Resource Management Act 1991 (RMA); and

b) All additional charges imposed under section 36(3) of the RMA to enable the Council to recover its actual and reasonable costs in respect of this application, which are beyond challenge.

3. The consent holder shall pay any subsequent further charges imposed under section 36 of the RMA relating to the receiving, processing and granting of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under section 36(3) of the RMA that are subject to challenge, the consent holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant decision.

Monitoring Charge

4. The consent holder shall pay the Council an initial consent compliance monitoring charge of $1,500 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

5. The $1,500 (inclusive of GST) charge shall be paid as part of the resource consent fee and the consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice.

Council Standards

6. The design, construction, supervision and approvals for the works required for this sub-division shall be undertaken in accordance with legacy North Shore City Council's Infrastructure Design Standards Manual (IDSM), Issue 10: January 2009. In the event of a conflict between the IDSM and specific conditions of this consent the specific consent condition shall prevail.

Design Drawings

7. The consent holder must ensure complete engineering drawings, accompanied with a design certificate in the form of Schedule 1A of NZS 4404:2010, detailing all proposed construction works, are prepared and submitted for assessment and written approval by the Environmental Services Subdivision Team - Subdivision Engineer at the Takapuna Service Centre before the commencement of any works unless otherwise specified within this consent.

Notes:

i) The submission for Engineering Approval should include the Construction Management Plan required under the consent for authorise bulk earthworks and works within a watercourse. Consent application reference numbers 37116, 37117 and 38163

ii) Construction works that require a building consent should also be included in the engineering drawings. The Construction Management Plan should follow the general form of the Cato Bolam Draft plan dated 08 March 2011, reference 15492

iii) All designs should be in accordance with the legacy NSCC "Infrastructure Design Standards" manual Issue 10, January 2009 (IDS) and Water Services Limited (WSL) "Water and Wastewater Code of Practice for Land Development and Subdivision Version 1.2 December 2011.

iv) Final designs for public Wastewater and public Water Supply submitted for engineering approval shall first be peer reviewed approved by Watercare Services Ltd. The final design would take account of the WSL conditions set out in their letter dated 31 October 2011 and the conditions of this consent.

8. The consent holder shall arrange for inspections in accordance with the legacy North Shore City Council's Environmental Services Quality Assurance Manual Issue 9, December 2009 ("QAM") to be carried out by a suitably qualified person during construction of all works on the site to ensure that those works are constructed in accordance with the approved engineering drawings or any approved amendments to those drawings, Council's standard requirements for the construction of subdivisional engineering works, and sound engineering practice.

9. The consent holder shall ensure that inspections undertaken in accordance with **Condition 8** above are recorded in the "QAM". The manual, including the Statement of Certification (Appendix A of Development Engineering As-built requirements, Version 1.1 August 2012 (DEAR)), is to be completed and forwarded to the Subdivision Engineer at the completion of construction of all works. If a public service is to become operational prior to the completion of all works then a Statement of Certification for that service must be completed and forwarded to the Subdivision Engineer dealing with the consent prior to that public service becoming operational. Workmanship and testing of the public wastewater and water supply reticulation shall be in accordance with the current WSL Code of Practice.

Note:

(i) The sections of the QAM that are relevant to the proposed subdivision will be forwarded to the consent holder at the time of Engineering Approval. The QAM Manual gives guidance on the scope of completion documentation required, which as well as as-built plans may include operation and maintenance manuals, relevant project reports and also digital images of works in progress. Appendicles A, C & D of DEAR replace Appendicles 6 & 7 of QAM.

10. Accurate as-built plans shall be submitted for contours of final topography at 0.5m intervals where bulk earthworks are undertaken, and all public services, including underground services, roading, street lighting and landscaping, in accordance with the DEAR. Legacy North Shore City Asset Data Standards which are available at the Auckland Council web site. The as-built plans must be confirmed by the Subdivision Engineer as compliant with DEAR prior to the public service becoming operational or the issue of a section 224(c) Certificate under the RMA, whichever is the earlier.

Construction Noise Management Plan

11. A Construction Noise Management Plan shall be submitted to the Team Leader – Subdivision, Northern for review and approval prior to the commencement of construction activities authorised by this consent. As a minimum the plan shall include specific details relating to construction noise effects associated with all construction aspects of the development, and shall include methods to achieve compliance with the construction noise limits set out in Rule 10.5h of the Auckland Council District Plan (North Shore Section).

12. The approved Construction Noise Management Plan shall be implemented and maintained throughout the entire construction period.

Construction activities

13. Construction activities shall be restricted to between the hours of 7.00am and 6.00pm, Monday to Friday and 9.00am to 5.00 pm Saturdays, with no work to occur on Sundays or public holidays.

Earthworks

14. The consent holder shall engage a suitably experienced geotechnical consultant, approved by the Subdivision Engineer, to provide geotechnical observation and direction and completion reporting. Earthworks shall be undertaken taking account of the approved engineering drawings and prior reports including Cato Bolam Earthworks and Infrastructure Report reference 15492 dated 04 May 2010, the Coffey Geotechnics (NZ) Ltd Geotechnical Investigation Report reference 12152 dated 07 April 2010, the Coffey Geotechnical letter dated 12 September 2011 entitled Groundwater Drainage amendments for proposed lots 14 to 18 and lot 26. The directions of the geotechnical consultant shall be fully taken account of by the earthworks and drainage contractors involving as also may be needed the head civil engineering consultant managing the project works.

15. Structures supporting the completed land form of lots to vest or palisade walls to protect the land are required to have a design service life exceeding 100 years. Where fall heights exceed 1m, barriers or fences meeting requirements for barriers shall be provided.

16. Land within 500mm of a proposed footpath in proposed public land shall not be steeper than 10% (1 vertical to 10 horizontal) provided that this condition shall not apply to the footbridge or where the footpath adjoins a retaining wall protected by a safety fence.

Erosion and Sediment Control

17. The consent holder shall comply with the approved Erosion & Sediment Control Plan. The consent holder must ensure all necessary measures proposed in the Plan approved pursuant to the bulk earthworks and works in a watercourse consent. The consent holder shall ensure all necessary measures proposed in the Plan approved by Council have been implemented and provide a certificate of establishment to Council's Subdivision Engineer prior to the commencement of any construction works including any excavation, earthworks or other site works. All earthworks shall be carried out to the satisfaction of the Council's Subdivision Engineer. Any erosion and sediment control shall be designed and maintained having regard to Technical Publication TP90 of the former Auckland Regional Council.

Note

Any application submitted for construction approval should include the completed checklist E&S02 entitled "Erosion and Sediment Control – Application Guide and Checklist". Council form E&S03 is used to provide certification of establishment of erosion and sediment control measures.

Geotechnical Requirements

18. The consent holder shall ensure all earthworks are carried out in such a manner as to comply as far as practicable with the specific requirements as laid out within the geotechnical reports submitted with the application and to protect land not forming part of the subdivision against erosion, subsidence and slippage arising or likely to arise as a result of the subdivision.

19. The consent holder shall ensure that prior to the completion of the subdivision a report compliant with the requirements of the IDS Section 2 from a suitably experienced Chartered Professional Engineer, and who has Professional Indemnity and Public Liability Insurance each with a minimum limit of indemnity of $2,000,000, shall be provided attesting to the suitability of all lots, including roads and reserves, for their intended purpose.

20. The report shall include an Appendix of the critical and representative slope stability assessments which apply to the completed land form, including confirmation of a Factor of Safety exceeding 1.2 for a seismic condition for a 150 year event. One bound copy and one pdf copy of this report are to be submitted to the Team Leader – Earthworks and Contaminated Land. Where the report provides that any area of the land relating to the subdivision possesses development limitations, the consent holder shall rework that area to remove the limitations if required to do so by the Team Leader Subdivisions. Alternatively, Council may require a consent notice to be registered giving notice of the limitations or specific development requirements related to that land.

Transportation

21. The consent holder shall ensure the proposed road within the subdivision is constructed in accordance with the Council's standards to the satisfaction of the Council and Auckland Transport.

Except as approved in the joint vehicular/pedestrian village square area, crossfall on public footpaths shall not exceed 2%.

22. Proposals for signage (including for example in regard to the one-way bridge and also the joint use area of the village square) shall be included in drawings submitted for engineering approval.

23. The design (and construction) drawings submitted for engineering approval shall include a plan view of the proposed intersection with Park Avenue showing proposed finished surfaces at 100mm contour interval. This information shall include all proposed works in Park Avenue and the proposed public road land to at least 25m "chainage" of the proposed road. Both the vehicular and the pedestrian bridge in the public road shall be designed for a service life exceeding 100 years. However, this condition does not prevent the use of timber or pedestrian rails and non-structural components.

Line Markings on Onewa Road

24. Drawings for line marking improvements at the Onewa Road / Park Avenue intersection shall be submitted to Auckland Transport for their consideration. The drawings submitted for approval shall include a plan view of the Onewa Road / Park Avenue intersection showing the following line marking improvements.

(a) Broken yellow 'No Stopping' lines on Onewa Road to the west of Park Ave extended from 9.7m in length to 50m.

(b) 'Keep clear' markings at the intersection of Park Ave and Onewa Road to increase visibility and reduce the number of 'right turn against' crashes at the intersection.

Common Driveways

25. The consent holder shall form the privateway over Lot 30 and construct the carriageway including retaining walls (where required) to the Council's standards making adequate provision for the drainage of surface water including overland flows. Works shall include the provision of any ducts required for power and communications, a 63mm diameter PE rider main and strategically placed passing bay/s for the purpose of servicing all residential lots.

The privateway shall be lit over the entire length in accordance with the related conditions for Power and Streetlighting. The streetlights in the privateway (and any in the access easement across lot 15) shall vest with Council.

Where the privateway gradient is steeper than 1V:4.5H, a suitable handrail shall be provided on one side of the carriageway.

26. The consent holder shall form and construct the easement for public pedestrian access traversing Lot 15, which shall also include provision for a public rider main if required by Council. The design of footpath shall take account of CPTED principles and minimisation of maintenance liabilities for Council.

Note

The design shall contemplate an informal path, a metal bush track, including steps. The looping of the rider main in the easement across Lot 15 may not be required. The designer should include a recommendation with the submission of engineering drawings for the consideration of Council.

Wastewater

27. The consent holder shall provide and install a complete wastewater system to serve all proposed residential lots to the Council's and Watercare Services public wastewater standards and pay to the Council any fees related to connecting the system to the Council's main sewer.

28. The consent holder shall provide or extend a wastewater connection to serve Lot 26 terminating in the area above the proposed palisade wall.

Note:

The consent holder must satisfy the Council that any existing wastewater system and connection for Lot 26 is suitably located and is in a satisfactory condition. Where required by Council the consent holder must upgrade the system and connection and/or the public line to the Council's standards.

Stormwater

29. (a) The consent holder shall provide and install a complete stormwater drainage system to serve all lots to the Council's public stormwater standards to the satisfaction of the Council. Stormwater connections shall be provided at the boundaries to cater adequately for run-off from catchment areas above the subdivision, including stormwater from existing roads, and adequate overland flow paths catering for a 1% annual exceedance probability (AEP) storm event shall be provided.

(b) As Built Plans shall be provided for overland flow paths with contributing catchments exceeding 2000m2. Where ever practical, overland flow paths shall be along roadways or reserve areas and where such flow paths are required to be through residential lots minimum floor levels shall be established and plans detailing overland flow paths provided for inclusion in any consent notices for registration on the respective titles. Easements shall be created for overland flow paths with contributing catchments exceeding 4000m2.

(c) At the end of the defects liability period (1 year) for all of the stormwater system evidence shall be provided that the process to transfer any stormwater discharge consent to Council has been initiated.

Note

Easements for overland flow paths may be created for smaller catchment areas than 4000m². Overland Flow Paths are designed for 1% AEP flows taking account of blockages in the primary system as set out in 4.3.2 of the Infrastructure Design Standards. Auckland Council will accept transfer of a stormwater discharge consent only in respect to public assets which are to vest.

30. The consent holder shall provide and install stormwater management devices as approved by this consent, taking full account in the design and construction of those devices of all criteria set out in Infrastructure Design Standards (NSCC) Issue 10, 4.14. The stormwater management device proposed in Lot 29 shall be designed to provide an eighteen month minimum maintenance interval upon the catchment served by the device becoming predominantly developed. An operating and maintenance manual shall be provided compliant with the IDS. A structure as illustrated shall include access each end of the detention tank. Covers shall be circular and of ductile iron with opening diameters to meet operational and maintenance requirements and none with a clear opening diameter less than 600mm.

31. The consent holder shall provide a private stormwater connection for Lot 26 terminating in land above the proposed palisade wall.

Water Supply

32. The consent holder shall provide and install a complete water supply reticulation system to the satisfaction of the Council and Watercare Services and where necessary pay to Watercare Service Ltd (WSL) the cost of connecting the system to the Council's water supply mains. The final system design submitted for engineering approval shall generally be as already approved by WSL (peer review application 8269 dated 31 October 2011) and revised on lot 30 for supply by individual metered connections from a 63mm OD PE public supply line. Where possible the alignment of the rider main should avoid being under paved surfaces. The subdivisional works shall include the placement of water meter boxes to WSL standards and requirements within the accessway and sited immediately adjacent to the boundary of the lot served.

Note

Meters for supply to residential lots are provided only to future owners of vested residential lots when the first building consent is applied for.

Certification

33. The consent holder shall ensure wastewater drainage, stormwater drainage and water supply systems are made fully operative before a section 224(c) Certificate will be issued by Council.

34. The consent holder shall ensure wastewater drainage, stormwater drainage and water supply systems are tested and approved by Council. The systems shall be connected to existing systems or alternatively connection fees shall be paid to the Council.

Power and Street Lighting

35. The consent holder shall provide and install to the satisfaction of the Council and appropriate electricity network utility operator

a) The reticulation of electric power underground, including the installation of ducts beneath any proposed street within the subdivision and beneath any existing street adjacent thereto where required by the authority and;

b) The installation of street lights and lighting of access lot 30 (JOAL) and easement traversing lot 15 to serve the subdivision and as set out in this condition.

c) The consent holder is fully responsible for design, construction and commissioning of all street lighting and any lighting of public accessways necessary for this subdivision.

36. The consent holder shall submit complete design drawings for written engineering approval by the Subdivision Engineer and obtain that approval before the commencement of lighting works in the proposed public road and private JOAL and easement across lot 15. The design shall comply with the North Shore City Council Infrastructure Design Standards Issue 10 and in accordance with AS/NZS 1158.3.1:2005 for lighting subcategory P4 in respect of the proposed public road and access lot 30 and a minimum lighting subcategory of P5 for the pedestrian access easement over lot 15. The approaches and barriers to the bridge must have the minimum lighting required by AS/NZ 1158 for P9 lighting road and pedestrian bridges. The works shall be designed and specified so that they are able to be commissioned with control systems for agreed dimming and or switching for lower illumination levels. For the purpose of guidance to the designer, Council has a current expectation that the lights would be dimmed to subcategory P5 between the hours of 11.30pm and 6.30am. Works shall be constructed and commissioned in compliance with the nominated standards and the written approval.

All lighting required by this condition shall be illuminated by connection to the public power circuit for the proposed street lighting.

37. An as-built plan shall be submitted upon completion of the works together with an operation and maintenance manual for the control system which shall include full guidance on undertaking any changes to the timing of the dimming, and methodologies for varying the percentage of light output.

38. A Clearance Certificate for the completed work from the network utility operator shall be provided to Council upon receiving this.

Note:

The Network utility operator is responsible for specifying the capacity of new works or upgrading works necessary to serve the subdivision. Council will require a Clearance Certificate that connections can be made available and is not responsible for the business decisions of any network utility operator nor require that any particular level of service is available.

39. Where reticulation is to be deferred, the consent holder must either provide evidence that full payment has been made to the appropriate utility operator for the installation or enter into a bond with the Council securing the payment of the cost of installation.

Telecommunication

40. The consent holder shall provide and install reticulation of telecommunication services underground together with plinths to serve each lot, taking also account of any ducting required to allow for ultrafast broad band, all to the satisfaction of the Council, and the appropriate telecommunications network utility operator/s. A Clearance certificate for the completed work from the network utility operator must be provided to Council.

Note

Notwithstanding the Council requirement to provide all necessary ducting for ultra fast broadband, the Network utility operator is responsible to specify the capacity of new works or upgrading works necessary to serve the subdivision. Council require a clearance certificate that connections can be made available and is not responsible for the business decisions of any network utility operator nor require that any particular level of service is available.

41. Where reticulation is to be deferred, the consent holder must either provide evidence that full payment has been made to the appropriate utility operator for the installation or enter into a bond with the Council securing the payment of the cost of installation.

Existing Services

42. The consent holder shall locate all existing services affected by the proposed construction work and notify the appropriate authorities of the details of construction prior to the commencement of the work. Any work necessary for the protection or relocation of such services shall be undertaken at the consent holders expense and to the satisfaction of the Council and to the satisfaction of the authority responsible for that service.

43. The consent holder shall locate all existing services within the subdivision and shall satisfy the Council that they are suitably located, otherwise the consent holder shall notify the appropriate network utility operators and, if necessary, relocate any such services to the Council's satisfaction and to the satisfaction of the network utility operator responsible for that service. Easements shall be created and granted or reserved over any private drains traversing lots other than those being served.

Street Name

44. The consent holder shall, before the survey plan of subdivision is approved under section 223 of the Act, provide a name for each/the new road and shall obtain evidence of acceptance by NZ Post Ltd before submitting the name/s to the Council for approval. In giving its approval the Council will require to be satisfied that each road name is relevant to the locality, or is otherwise appropriate. The consent holder shall provide and install the appropriate street signs to Council's standard.

Legalities

45. Lot 29 shall vest in the Council as Road.

46. The services easements over all or parts of Lots 2, 3, 15 and 30 shall be included in a memorandum of easements endorsed on the Survey Plan and shall be granted or reserved.

An easement in gross over the full width of Lot 30 is to be created and granted or reserved for Council access to operate and maintain the public water supply system

and to operate and maintain the public low pressure wastewater system traversing Lot 30 and to operate and maintain the lighting required by **Condition 38**.

The easement in gross over Lot 15 is to be created and granted or reserved for Council access to operate and maintain lighting required by **Condition 27**.

47. For the purposes hereof the rights of way are hereby approved pursuant to section 348 of the Local Government Act 1974.

48. All tree work shall be carried out in accordance with the report titled "*Arboricultural Assessment – No. 20 Park Avenue, Northcote*" from Craig Webb, Greenscene Ltd and dated May 2010 and subsequent addenda dated 9 August 2010 and 5 November 2012. In particular, the reporting requirements of that report shall be adhered to.

49. All trees identified as being required to be removed within the application and as identified within the approved Scheme plan (i.e. outside the bush areas identified as being required to be protected by bush covenant), shall be removed in accordance with sound arboricultural practices, ensuring damage to trees that are to be protected is avoided.

50. There will be no vegetation removal permitted within the areas proposed for bush covenant, unless specifically identified within the report identified at **Condition 48** above.

51. In the event that any tree, which is required to be retained and protected by **Condition 50** above, is damaged or destroyed by any means (other than due to a natural cause) during vegetation clearance/construction/site-works etc., the consent holder shall undertake immediate remedial works and/or replace such tree/s with the same or similar species in consultation and to the satisfaction of Councils Resource Consents Arborist.

Landscaping

52. Prior to the commencement of any site development works relating to this consent, the consent holder shall submit a detailed landscaping plan for the approval of the Consent Manager, Northern Service Centre, that provides a comprehensive treatment for all lots. It shall be the responsibility of the consent holder to commission a landscaping scheme to be prepared by a suitably qualified landscape professional experienced in working in development type situations. The landscaping plan is to be in general accordance with:

a) Golder Associates 'Planting Plan', dated 'April 2010';

b) The requirements of the Urban Design Principles set out by John Sinclair (Appendix G dated June 2010); and

c) Appendix B of Tray Ogden Corks memo, dated 17 January 2012.

d) The LA4 Landscaping Plan, dated 8 November 2012.

53. The landscape plan shall include a mix of specimen trees along with shrub and low level planting species. The planting can be established on a site by site basis upon completion of the establishment of each residential dwelling. Communal areas are to be planted upon their completion. Consent notices are to be registered on each title to ensure that landscaping is carried out in accordance with the finalised approved landscape plan.

The landscaping scheme shall be in accordance with Rule 3.10.9.e of the Auckland Council District Plan (North Shore Section).

54. Prior to the issuance of the 224C Certificate, the consent holder shall undertake planting in accordance with the approved landscape plans (for a period of three planting seasons following initial planting) except for site by site planting which is to be completed upon completion of the establishment of each residential dwelling. The consent holder must enter into a bond agreement with the Council to the value of $15,000. The bond is to ensure that landscaping is undertaken in accordance with the approved plan. The Consent Holder may apply for release of half the bond amount immediately following completion of planting to Council's satisfaction for the communal areas. The other half of the bond is to be held up to a term of two years to ensure that planting on each site developed has been undertaken in accordance with the approved plan.

The consent holder must also enter into a bond agreement with the Council for the maintenance of all the landscaping works.

Ecological Restoration and Management Plan (ERMP) and Lizard Management Plan (LMP)

55. That ecological restoration be implemented in accordance with the ERMP and LMP, provided that the animal pest control methodologies identified in the ERMP and LMP shall be integrated so that possums and rodents can be targeted simultaneously with the same bait type delivered from the same bait stations over the same period of time. Reason - the ERMP and LMP have slightly different approaches to animal pest control.

56. That the LMP shall be implemented by an experienced and Department of Conservation permitted herpetologist.

57. Animal pest control shall occur six months (minimum) in advance of operations to ensure that rodents are controlled sufficiently in (a) the areas where lizards are to be captured (to enhance capture efforts) and (b) within the lizard receptor (release sites).

58. Animal pest control (possums and rodents) and monitoring of results is continued for a minimum of two and a half continuous years following the six month pre-animal pest control operation (three years in total).

59. The animal pest control and monitoring work shall be undertaken by an experienced and reputable contractor using best practice methods. Two monthly monitoring progress reports shall be forwarded to Takapuna Council based ecologists.

60. Monitoring and maintenance of proposed restoration plantings, together with weed control, shall be on going for a minimum of three continuous years to ensure integrity of plantings. A bond of $30,000 shall be held by council during the five year monitoring and maintenance period to cover potential costs for plants and labour of replacement planting and weed control. The $30,000 bond shall also be concurrent to cover any potential breach under **Conditions 55 and 56**. Of the bond 50% may be released after the first year if the works have been carried out as required in **Conditions 55 and 56**.

61. All felled trees and shrubs shall be thoroughly checked by an experienced and reputable herpetologist for arboreal geckos (forest gecko and Auckland green gecko – both "At Risk" species and known to occur from adjoining sites), for a minimum of three days before they are mulched or disposed of. When and where possible, larger logs, branches and stumps are to be carefully placed within the lizard receptor (release) sites to enhance habitat retreats and to help increase the invertebrate food supply. Logs and larger branches can be cut into manageable lengths and discs for placement on the ground.

62. The ERMP shall include a methodology to the satisfaction of the Team Leader – Earthworks and Contaminated Land, Natural Resources & Specialist Input (NRSI) and Council ecologist to identify and remove potential nesting habitat for native birds within the development footprint (to be undertaken by an experienced ecologist) prior to the breeding season (August through to May).

63. All plantings brought onto the site shall be thoroughly checked to ensure that the exotic Argentine ants and rainbow skink pests are not introduced into the area.

Notes

- *All native lizards and native birds including their nests and eggs are totally protected under the Wildlife Act of 1953 and its amendments. This includes any disturbance, injury or death to these species unless a permit is issued by the Director General acting on behalf of the Minister for Conservation.*

- *Caution must be used when using herbicides to control weeds in particular where Metsulfuron (i.e. Escort), is being used within the root zone of native trees such as taraire and kowhai that are susceptible to the chemical. Grazon is more effective in the control of Tradescantia than is the recommended Glyphosate (DOC trials).*

- *The proposed narrow buffer planting areas (s5.3) located along the southern edge of the bush adjoining Lot 31 (proposed Recreation Reserve), is quite shaded. Therefore the plantings should probably consist mainly of more shade-tolerant species, concentrating on the species listed as shade-tolerant in Table 4, along with some other species that occur naturally in Kauri Glen. Trees most likely to succeed in these plantings include kahikatea, puriri, mahoe, hangehange, rangiora and pate, along with other locally-occurring species not listed in Table 4, such as karaka, taraire, kawakawa, putaputaweta, nikau and treefern species such as Dicksonia, ponga and mamaku. The numbers of some of the larger tree species e.g. rimu, totara, could probably be reduced and the numbers of the more shade tolerant spp. listed above, increased to compensate.*

- *In places where the forest canopy still remains, or in smaller light wells where weeds have been cleared, there is probably little need for enrichment plantings. A better option would be to carry out weed control and then allow natural seed fall to dictate which native plants eventually colonise these places.*

This methodology should especially be followed in the 1.2 ha area to be vested as a recreation reserve with the Council, so that the resulting vegetation in the reserve is as natural as possible.

- *The bait station spacings recommended in the LMP are probably closer than necessary to achieve a useful level of rodent control. Bait stations will still work very effectively at much wider spacings and thus fewer bait stations and less servicing effort will be required. It is recommended that grid lines 50 m apart are established with bait stations placed at 25 m spacings along the grid lines. (These spacings are much tighter than is normally used for rat control, where grid lines are usually at 100 m spacings with stations placed at 50 m intervals along the grid lines. However, the tighter spacings recommended here should compensate for the small size of the area being treated in relation to the large surrounding untreated area in Kauri Glen, and it should also provide some control of mice).*

Consent Notices

64. Pursuant to section 221 of the RMA, the consent holder shall cause to have registered on the Certificates of Title to be issued for Lots 1-25 a consent notice containing the following text:

In relation to Lots 1 – 3, 5 – 25 and 28

(a) At the time of applying for building consent the applicant for such building consent shall provide certification by the Team Leader, Resource Consents, Northern Resource Consenting and Compliance, Auckland Council, or in the alternative a suitably qualified person approved by that Team Leader, that the proposed development satisfies the Birkenhead Properties Design Requirements dated December 2012. The "certification" overrides the District Plan controls (i.e. compliance is not required in addition to the certification).

(b) Lot 13 is to have a consent notice established upon the title stipulating that only one vehicle crossing is to be established in either one or the other locations shown on the Proposed Roading Layout plan prepared by Cato Bolam (Sheet E201, R4, dated 9.12.11)

(c) In relation to Lots '1 - 3, 5 - 26 and 28', a consent notice containing the following text:

At the time of applying for building consent to construct the first residential dwelling on the lot, the applicant for such building consent shall provide details of the landscaping for that lot to Auckland Council, Team Leader Building Consents, Northern Area (Takapuna office or equivalent) to demonstrate that landscaping is consistent with the comprehensive landscape plan (as required via **Condition 52** of the approved resource consent)

(d) In relation to Lots 1, 2, 3, 5, 6, 7, 8, 9,15,16, 26 and 28, a consent notice containing the following text:

"The owner must not cut, damage, fell, wilfully injure or destroy any native vegetation (including roots), or execute work in the vicinity of this vegetation (which includes a prohibition on excavation, construction or storage of material or debris) within the area endorsed E,F,G,H,I,JK,L,M,N,O,P,Q and R on the Survey Plan of subdivision without the prior consent in writing from the Council. The owner must not allow any of the following to occur or be on the Covenant Area:

- any building, structure or hoarding;

- any excavation;
- the planting or sowing of any exotic species;
- the accumulation of rubbish (organic or inorganic) or other unsightly or offensive material.

In Relation to Lots 3, 5-9 and 12

(e) Where the owner for the time being intends to build over or near the existing wastewater and/or the existing public stormwater lines, the owner must comply with the Council's requirements for building over or near public drains. No building shall be erected over any manholes on the lots.

In relation to Lots 1-3 and 26

(f) The owner shall construct and commission, or if redeveloping reconstruct and re-commission a dual purpose tank for attenuation and harvesting roof water to supply via a dedicated private reticulation within the dwelling of a supply for the WC and laundry cold water taps, and if the owner so elects the supply of outside taps for non-potable uses. The working tank volume shall exceed 2.5m3 retention and 7.25m3 detention. The owner shall maintain the tank in accordance with operation and maintenance manual.

In relation to Lots 5-15 and 28

(g) The owner for the time being shall construct and commission, or if redeveloping reconstruct and re-commission a dual purpose tank for attenuation and harvesting roof water to supply via a dedicated private reticulation within the dwelling of a supply for the WC and laundry cold water taps, and if the owner so elects the supply of outside taps for non-potable uses. The working tank volume shall exceed 2.5m3 retention and 6m3 detention. The owner shall maintain the tank in accordance with operation and maintenance manual.

In relation to Lots – 16-25

(h) The owner for the time being shall construct and commission, or if redeveloping reconstruct and re-commission a tank for harvesting water of roof water to supply via a dedicated private reticulation within the dwelling of a supply for the WC and laundry cold water taps, and if the owner so elects the supply of outside taps for non-potable uses. The working tank volume shall exceed 2.5m3. The owner shall maintain the tank in accordance with operation and maintenance manual.

In relation to Lots 1-25

(i) The wastewater service which is provided to these residential lots by Auckland Council is a low pressure wastewater system. To ensure an effective service, the property owner is required to own, maintain and operate a compatible Wastewater System. This equipment shall conform to the following requirements:

1. The Wastewater System shall comply with the (legacy) Rodney District Council's (RDC) Low Pressure Grinder Pump Code of Practice which is part of RDC's Standards for Engineering Design and Construction. (The Rodney service office of Auckland Council can provide a list of equipment suppliers who comply with the Code of Practice). Such

approved equipment may be updated from time to time as Council sees fit.

2. The Wastewater System shall be connected to the Council's reticulation system in accordance with the RDC's Standards for Engineering Design and Construction (Low Pressure Grinder Pump Code of Practice).

3. The property owner shall enter into ongoing maintenance agreement complying with the Rodney District Council's Standards for Engineering Design and Construction (Low Pressure Grinder Pump Code of Practice). (Watercare Services Ltd (WSL) can provide a list of current maintenance contractors who comply with the Code of Practice).

4. All costs associated with the provision and ongoing operation and maintenance of the Wastewater System shall be the responsibility of the property owner.

5. The property owner shall be liable for damage to the Rodney District Council's system arising from an improperly installed, maintained or operated Wastewater System located on the lot and connected to the Rodney District Council's system.

Notes

(i) Consent Notice references to legacy Rodney documents may be superseded by future WSL documents, subject to agreement between WSL, Auckland Council and the Consent holder at least two weeks prior to an application being made for a 224(c) certificate to issue.

(ii) The Council will require a Consent Notice for every residential lot referring to the Geotechnical Completion Report and may include any specific requirements or recommendations contained within the geotechnical report submitted pursuant to the condition above within the text of a consent notice for some residential lots.

Survey Plan

65. The consent holder shall submit a survey plan generally in accordance with the application plan provided that the Council is satisfied that any changes are minor and will have no effect on compliance with the District Plan or other parties adjoining the subdivision. The surveyor is to certify that all private drains are contained within the easements shown on the survey plan.

66. The consent holder shall identify on the survey plan for Lots 1,2,3,5,6,7,8,9, 15,16,26 and 28, bush areas, as areas subject to land covenant.

Waste Management Plan

67. The consent holder shall adopt such reasonable and practicable measures as may be necessary to avoid or minimise potential adverse environmental effects arising from the storage of waste on the site. To that end the consent holder shall submit to Council for approval in writing by Council's Team Leader, Resource Consents, Northern Resource Consenting and Compliance, Auckland Council, a Waste Management Plan to:

a) Outline the methodology for refuse and recycling storage and disposal from the site, including proposed days / frequency of collection; and

b) Any physical structures to screen the rubbish bins on the subject site.

ADVICE NOTES

a) *This subdivision resource consent will expire five years after the date of commencement of consent unless:*

- *a Survey Plan is presented to Council for approval under Section 223 of the Resource Management Act 1991 and that plan is deposited within three years of the approval date, or*

- *Upon an application made prior to the expiry of consent period, the statutory considerations which apply to extensions are set out in Section 125(1)(b) of the Resource Management Act 1991.*

b) Any works within the road reserve require the prior approval of Auckland Transport, this includes vehicle crossings, reinstating verges and temporary occupation of the berm/verge during construction.

c) The consent holder is advised to contact Auckland Transport as early as possible to discuss design elements, e.g. yellow lines (consultation and resolution), reinstatement of verge, road markings, retaining walls, that may be required, if any.

d) Removal, addition or adjustments to any on-street parking facilities and / or parking restrictions will require the preparation of a resolution; all costs shall be borne by the applicant

e) Auckland Transport requires the design of the vehicle crossings to allow for footpaths to be maintained with priority remaining with pedestrians

g) If any archaeological site (middens, artifactual material or human bones etc) being uncovered, work should cease immediately in the vicinity of the remains and the relevant tangata whenua, NZHPT and NZ Police should be contacted so that appropriate arrangements can be made.

h) If the applicant disagrees with any of the conditions of consent, or with any charges relating to the processing of the application (excluding development contributions), there is a right of objection pursuant to Section 357 of the Resource Management Act 1991, which shall be made in writing to Council within 15 working days of notification of the decision.

i) In accordance with Auckland Councils adopted development contributions policy you have been assessed for development contributions. An assessment summary and invoice will be forwarded to you shortly.

Chairperson

Date: 14th January 2013