

14 December 2017

**NZTA**  
**PO Box 5204**  
**Wellesley Street**  
**Auckland**

**RE: Land owner approval for early construction access to the proposed BMX facility site on the border of Oteha Valley Reserve and the carpark addressed 259R Oteha Valley Road**

**To NZTA,**

I refer to your application for early construction access to the proposed BMX facility site on the border of Oteha Valley Reserve and the carpark addressed 259R Oteha Valley Road

Overall the proposal is considered to be acceptable to the Community Facilities Department for the following reasons:

- Any adverse impacts of the works will be mitigated by the proposed conditions of the Land Owner Approval (LOA)
- The early access LOA will allow the applicant to start construction prior to a formal lease agreement and allow the construction to be completed over the BMX off season
- The relocation of the BMX facility enables the NCI Project to be undertaken which in turn will have the significant effect of alleviating some of the traffic pressure that the area currently experiences through improved connections between SH1 and SH18, an extension of the Northern Busway, and improved walking and cycling facilities

This document provides formal landowner approval on behalf of Auckland Council and is contingent upon the below signatures of those persons authorised to bind the party they sign for and on behalf of.

1. The work must proceed in general accordance with:
  - The landowner approval application (Attachment A)
  - The maps and figures (Attachment B)
2. If a formal lease agreement is not completed within six (6) months of the issue date of this letter, the area depicted in Figure 1 must be reinstated to its original condition.
3. Public liability insurance is to be obtained for a sum of at least \$1,000,000.00 and a copy of the cover certificate provided at the pre-start meeting before works start. Council accepts no liability in respect of any damage caused to or by the applicant or their contractor.

4. The adjacent residents being the North Harbour Hockey Club, which share a common boundary with the proposed BMX facility must be notified five (5) working days prior to commencement of works on site and advised that there will be construction on site for the proposed time period.
5. The applicant must contact the Upper Harbour Maintenance Delivery Co-ordinator, (093010101) to arrange a pre-commencement site meeting prior to works commencing to discuss the proposed works. The Maintenance Delivery Co-ordinator must approve:
  - timing of the works to avoid clashes with maintenance contractors
  - a Health and Safety plan
  - the requirement of a bond
  - a date to check reinstatement

The Maintenance Delivery Co-ordinator will contact the relevant maintenance contractor who will;

- establish a date to check reinstatement
- monitor the ongoing works.

*Advice note; A bond of \$1000 may be required by the Maintenance Delivery Co-ordinator prior to works starting.*

6. Works must not commence before 7am nor continue past dusk or 6pm, whichever is earlier. Works within the park must not be undertaken during weekends or public holidays.
7. The works are only able to occur during the months of October through to the end of May, and during dry periods i.e. when it has not recently rained and the ground is dry. No works may occur in June, July, August and September, or during school holidays unless otherwise agreed to with the Maintenance Delivery Coordinator.
8. All services and utilities are to be checked and location confirmed on site by the applicant prior to works beginning.
9. Prior to any works being undertaken within the park, the applicant must obtain the approval of the council's storm water department (Healthy Waters) for the infrastructure to vest in the council.
10. The applicant is responsible for documenting with photographs, video or both the pre-existing asset condition of any assets in the park around the construction area. Should a dispute arise, the photographic record must be produced to determine an assets' condition prior to work commencing. Failure of the applicant to create any record prior

to work's commencement will result in council determining what is to be reinstated by the applicant, and the extent to which any asset must be repaired, should that be required.

11. Should any items and/or artefacts of significance or value to Mana Whenua surface during the works, all works must cease immediately and accidental discovery protocol and notification procedures must be administered and followed.
12. The construction site must be fenced with 1.8m high standard construction site fence (mesh panels) to prevent access by the public. Danger signs advising of the construction area must be mounted on the inside of the fence panels facing likely access routes by the public. Signs must be maintained in a clearly legible condition at all times.
13. It is the responsibility of the applicant to ensure that any contractors undertaking works within the park comply with all necessary statutory and council Health and Safety standards.
14. The work site area must be closed off from the public with signage put up at either end to notify the public. The sign must state for how long the works will be undertaken, the purpose of the works, and contact details of the applicant or their agent.
15. Open excavations must be adequately fenced or, where possible, covered before the contractor leaves the site at the end of each day.
16. No works can take place within the root zone and/or drip line of the trees without prior approval from the works arborist. Any amendments to the tree protection methodology must receive prior written approval from the works arborist, written confirmation of which must be forwarded to Land Advisory Services.
17. The proposed planting must be implemented to the satisfaction of the council arborist, Richie Goldstone- 093010101. The applicant is responsible for the maintenance of all park landscaping for a period of two years (from the date of its certified establishment by council) including the replacement of any dead or dying vegetation, to the satisfaction of the Maintenance Delivery Co-ordinator. The applicant is to advise the Maintenance Delivery Co-ordinator of a maintenance schedule and the name of the qualified person/company responsible for the planting maintenance.
18. Replacement planting for the vegetation alteration/removal and any maintenance required must be agreed with Land Advisory Services prior to the completion of works, and a planting plan submitted if required by Land Advisory Services. Replacement planting required must occur within the first planting season (April to September) following works completion and be in accordance with any replacement planting plan.

19. The consent holder must implement suitable sediment control measures during the earthworks in accordance with the standards and controls described in Auckland Council's Technical Publication GD2016/005 to ensure that no contaminants (i.e., concrete slurry, concrete water, hydrocarbons) enter the stormwater system.
20. Any tracking of contaminants (sediment, concrete) through the carpark area must be avoided, or appropriately cleaned at the end of each work day.
21. In the case that contaminants are discharged from site, the applicant must use appropriate measures to remedy the situation. If a significant spill occurs on site, the applicant may contact the Auckland Council Pollution Response Team for advice on clean-up by calling the 24/7 Pollution Hotline (09 377 3107).
22. The contractor must remove and control all their litter and ensure the security and safety of the work site.
23. All concrete footpath slabs or crossing areas damaged must be totally replaced as an entire slab; no partial slab repairs will be accepted.
24. The applicant must undertake full reinstatement of any damage to the park surface or its assets to original or better condition. Any damage done to the park environment and not reinstated within 30 days will result in council's contractor carrying out any reinstatement work necessary. The applicant will be invoiced for all expenses, including any staff time in reinstating the reserve area.
25. Grass reinstatement must comply with the specifications stated in Figure 5.
26. All noise generated from the approved works must comply with the provisions of the New Zealand Standard NZS 6803:1999 "Acoustics – Construction Noise".
27. On completion of the works, the applicant must provide council's storm water department (Healthy Waters) with as-built plans to enable the storm water department to record the infrastructure on council's GIS system.
28. Upon completion of all works the applicant must provide as-built plans showing all finished hard and soft assets, and a planting plan showing the location and species.
29. This letter provides landowner approval only and does not replace the requirement for resource consent or the need to comply with all other applicable laws or acts (including the Property Law Act 2007), regulations, and bylaws. All works must be completed in accordance with the rules of the relevant Auckland

Council Operative District Plan, Auckland Unitary Plan or the conditions of any resource consents or permits issued by Auckland Council, including those under the Building Act 2004, Resource Management Act 1991 and the Heritage New Zealand Pouhere Taonga Act 2014.

30. This written approval expires two (2) years from the date of the issue of this letter.

Please note, the council is granting approval for temporary access and works in its non-regulatory capacity. This approval does not bind the council in its capacity as a regulatory authority in any way, and any consent or approval given under this agreement is not an approval or consent in its regulatory capacity, and vice versa. The council will not be liable to any other party if, in its regulatory capacity, the council declines or imposes conditions on any consent or permission any party seeks for any purpose associated with this approval.

If there are any amendments to this proposal a new assessment will need to be undertaken by Community Facilities prior to any works commencing and approval will be subject to the Manager Land Advisory Services.

Should you have any queries, do not hesitate to contact Joe Bywater, Land Use Advisor, Community Facilities by telephone on 021702533 or email at [joseph.bywater@aucklandcouncil.govt.nz](mailto:joseph.bywater@aucklandcouncil.govt.nz)

**Auckland Council** as  
landowner under delegated  
authority by

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Authorised Signatory

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Print Name

**NZTA** as by

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Authorised Signatory

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Print Name

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**Attachment A: Landowner approval application (PDF attached)**

EXAMPLE

## Attachment B: Maps & Figures

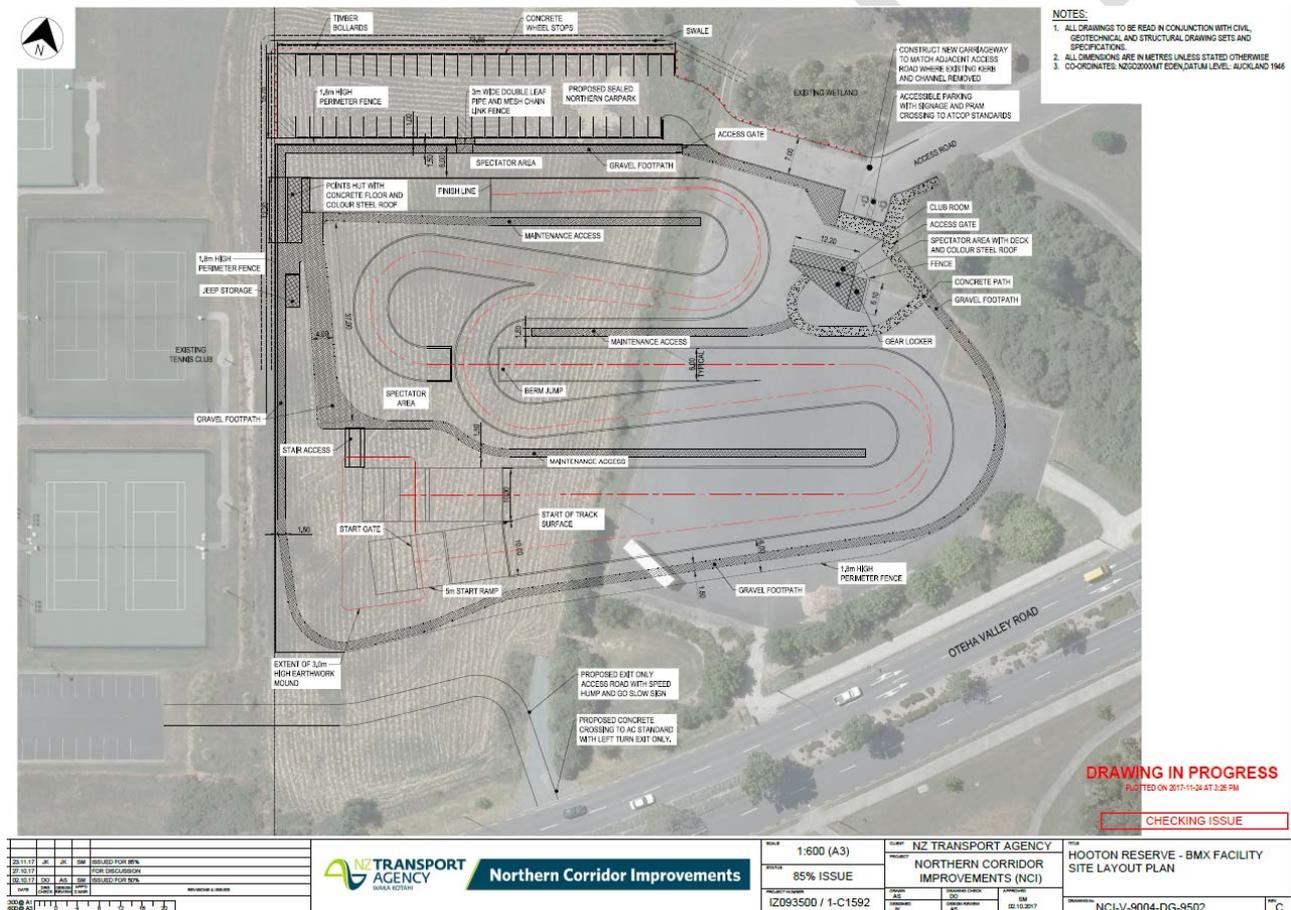


Figure 1: Location of the proposed BMX track

Table 1: indicative construction sequence

Table 4 Indicative Construction Sequence

Stage	Works
1	Construct site entrance
2	Remove vegetation as required
3	Construct silt fence and dirty water diversion bunds
4	Construct contractors lay down area and stabilise with metal
5	Construct clean water diversion bunds
6	Construct sediment pond and outfall
7	Excavate existing carpark pavement and stockpile
8	Strip topsoil and stockpile
9	Undertake bulk cut to fill earthworks across site
10	Construct and lay all services
11	Level and sow with grass seed, finished areas as soon as practical following earthworks. Minimise vehicle tracking on completed areas.
12	Complete landscaping works
13	Once each area has site works completed and is stabilised then remove erosion and sediment control measures for that area
14	Remove sump protection and clean out the sumps

Figure 2: Proposed construction sequence.

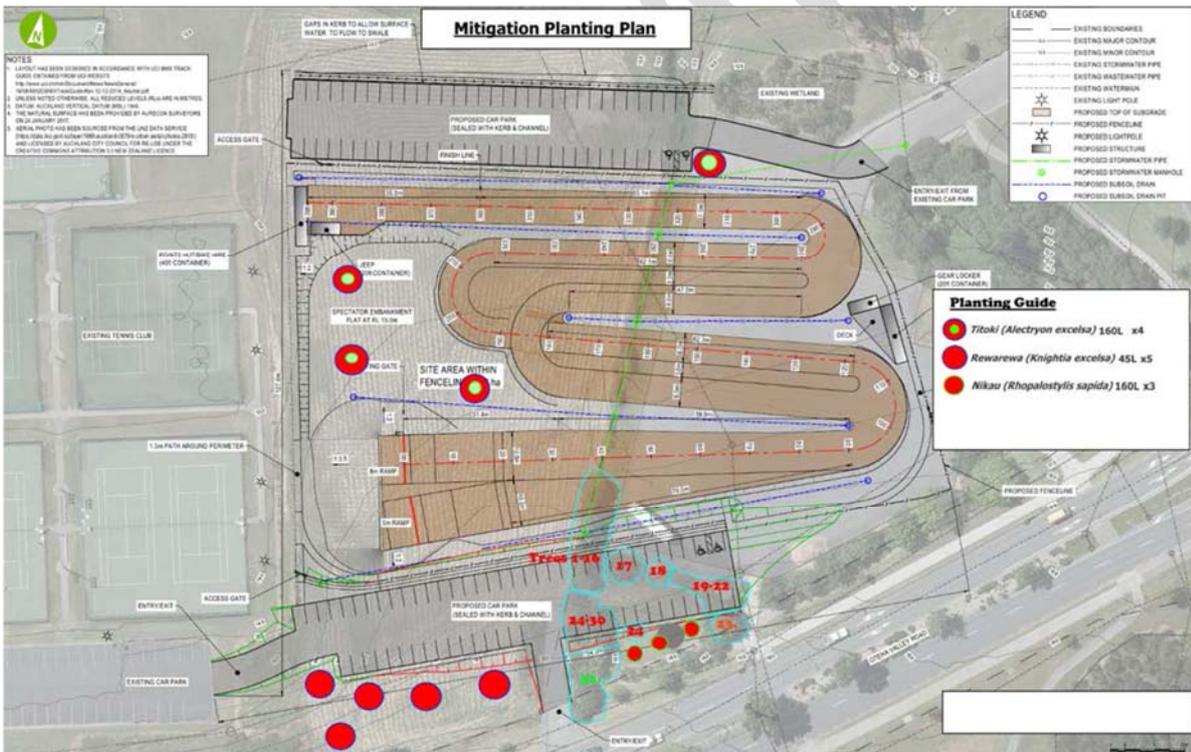


Figure 2: Mitigation planting plan

Table 2: A table showing the new assets create during the BMX facility construction

The main features of the BMX facility are as follows;

A 400m long BMX track which is to include two starting ramp structures of 5m and 8m heights respectively. A 3m roofing structure is proposed to enclose the ramps. The track is to be constructed in a switchback arrangement with turns and straights out of compacted dirt with tarmac around the turns
Bike locker for storage in the form of a container is proposed at the eastern and western end of the track. These containers are to be used for short and long term storage of bikes, with some bikes available for hire. Containers for the storage of a jeep and maintenance are also proposed at the western end of the track
A clubroom is proposed in the form of a container, which is to be located adjacent to the proposed gear locker with a deck between them. It is proposed that the clubroom contains a small kitchenette and toilet facilities and is used for the sale of refreshments during BMX's hours of operation
A car parking area with 64 spaces (including two accessible spaces) is proposed to the north of the BMX track. Entry will be gained from the existing access to the car park via Mills Lane
An additional car parking area with 64 spaces (including two accessible spaces) is proposed to the south of the BMX track. This car park will be an extension of the existing Tennis Club car park with access gained from Oteha Valley Road;
Landscaping in the form of planting along the southern length of the site and a swale along the length of the proposed northern car park;
Lighting for the BMX track and car parking areas; and
Connections to utilities.

## Figure 5: Grass Reinstatement Specification

### 1.0 TOP-SOIL REPLACEMENT

Prior to topsoil replacement, the sub-grade must be:

- dry
- free of deformation or damage (i.e. with no pan present)
- fully and evenly compacted.

### 1.1 DECOMPACTION

Any areas overly compacted by vehicles, materials or machinery must be de-compacted and regrassed.

To de-compact damaged areas, soil should be rotavated to a depth of 30cm, rolled and levelled. A topsoil layer must be added if a fine tilth of at least 25mm depth has not been created during the rotavation process.

### 1.2 TOP-SOIL SELECTION

The top soil should have physical characteristics that provide good drainage and aeration after compaction. The preferred soil type is a Central or South Auckland volcanic topsoil, which has a granular crumb structure, is non-sticky, stone free, and has a reputation for being free draining. The topsoil must be screened to a 12mm maximum particle size and must not contain any foreign matter. All topsoil layers must be free of any debris of significant size. This includes plant roots and rock, clay, metal, glass or other debris with a volume greater than 10 cm<sup>3</sup> per m<sup>3</sup> or a particle size larger than 12mm. The pH of the soil should be 6.2.

*NOTE: When significant amounts of topsoil are to be replaced (as determined by Auckland Council) the contractor may be required to test the physical properties of the proposed topsoil.*

### **1.3 TOPSOIL SPREADING AND LEVELLING**

The replaced topsoil must be spread out to form a consolidated topsoil layer (this will avoid subsequent settling) of uniform thickness (50mm minimum) above the sub-grade. A levelling device mounted on a small tractor may be used to form the surface in accordance with the surrounding or specified grade. For smaller areas, hand tools such as rakes and levelling screens must be used. The finished topsoil surface must marry neatly back to the intact surrounding surfaces and be smoothly graded. Avoid abrupt changes in surface levels, lips or humps and hollows where water will collect. Creating inaccessible areas to ride on mowers that are 1.8m in width should be avoided.

## **2.0 PREPARATION FOR SOWING AND GRASSING PROCEDURE**

### **2.1 SEEDBED CULTIVATION**

A fine tilth of 25mm thickness which is continuous across the entire surface of the re-instated area should be created. The seedbed must be free of all debris and wheel marks greater than 20mm. The finished surface must be smooth and match the surrounding intact areas.

### **2.2 GRASS SEED MIXTURE**

The area to be re-instated must be sown with an **amenity rye grass** (Bushburn is not acceptable).

Seed must:

- be no more than 12 months old
- have a minimum of 90% germination and 99% purity
- contain at least 75% endophyte
- have been tested within New Zealand for wear tolerance.

### **2.3 SOWING GRASS**

The following procedure must be used:

- The seed must be broadcast evenly onto the area at a rate of 35 g/m<sup>2</sup>.
- The surface must be lightly raked at least twice to cover the seed and then rolled with a small hand propelled roller (no heavier than 100kg) to leave a smooth surface.
- All re-instated areas must have a grass strike rate of 90% or over and be maintained until a dense healthy, weed free sward is achieved.