

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



Restricted discretionary activity for a subdivision activity (s11)

Restricted discretionary activity for a Landuse activity (s9)

**Application numbers:** BUN60337961 (LUC60337962 and SUB60336990)  
**Applicant's name:** Build Rich Ltd  
**Site address:** 2182 East Coast Road, Silverdale  
**Legal description:** Lot 2 DP 65609

## Proposal:

To construct 5 new dwellings with associated earthworks and infrastructure; and to subdivide around the approved dwellings to create 5 residential freehold titles and 1 Jointly Owned Access Lot.

## The resource consents are:

Landuse consents (s9) LUC60337962

Auckland Unitary Plan (Operative in Part)

Stormwater Quality and Management

- Development of new or redevelopment of impervious areas greater than 1,000m<sup>2</sup> and up to 5,000m<sup>2</sup> for a road, motorway or state highway operated by a road controlling authority or rail corridor within Stormwater management area control – Flow 1 or Stormwater management area control – Flow 2 that complies with Standard E10.6.1 and Standard E10.6.3.1 requires consent as a controlled activity.

Land Disturbance

- Pursuant to Table E12.4.1(A6) the application proposes to undertake earthworks involving approximately 2,400m<sup>3</sup> of cut and fill over an area of 5,250m<sup>2</sup> on a business zoned site to facilitate the proposed development. This requires consent as a restricted discretionary activity.

Silverdale 3 Precinct

- Pursuant to Rule I537.4.2(A22) the proposal involves development generally in accordance with Precinct Plan 3, therefore is a restricted discretionary activity.

Subdivision consents (s11) SUB60336990

Auckland Unitary Plan (Operative in Part)

- Pursuant to Rule E38.4.1(A11) the proposal involves the subdivision of land partially within the 1% AEP floodplain, therefore is a restricted discretionary activity.

- Pursuant to Rule E38.4.3(A35) vacant site subdivision complying with Standard E38.9.2.3 is a restricted discretionary activity.

## Decision

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

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

## Reasons

The reasons for this decision are:

1. The application is for a restricted discretionary activity resource consent, as such under s104C only those matters over which council has restricted its discretion and reserved its control have been considered. Those matters are:

### Auckland Unitary Plan (Operative in Part)

- I537.8.1. Matters of discretion (Silverdale 3 precinct)
- E12.8.1 Matters for discretion (Earthworks);
- E10.7.1. Matters of control (Stormwater);
- E38.12.1(7) Matters of discretion (Subdivision); and
- E38.12.1(1) Matters of discretion (subdivision of a site within the 1 per cent annual exceedance probability floodplain)

In addition, conditions have only been included in relation to those matters

2. In accordance with an assessment under s104(1)(a) of the RMA the actual and potential effects from the proposal will be acceptable as:
  - The proposed subdivision of the site into 3 Super-lots will enable the future subdivision and development of the subject land. The shape and size of the vacant super-lots will provide a future landuse use pattern that enables future development to occur in a manner that is compatible with the anticipated site sizes and the future planned character.
  - The shape and size of the vacant freehold super-lots (Lots 1-3) are compatible with the anticipated site sizes and the future planned character. These vacant lots, will have been designed to accommodate future development in a manner that is compatible and commensurate with this location.
  - The proposed layout of the subdivision and block arrangement will provide a street layout, and the block configuration and lot sizes that are considered appropriate for the location. The proposal will ensure the road layout and wider connectivity are provided in general accordance with the Silverdale Precinct plan (I537.10.1 Silverdale 3: Precinct plan 1).
  - The Council's Development Engineer's review of the infrastructure design and feasibility, concludes that there are no constraints for the future development in terms of infrastructure
  - The Council's Traffic Engineer, has assessed the proposal and confirmed that the

proposed subdivision is in general accordance with the transport requirements of the AUP(OP).

- The installation of appropriate erosion and sediment controls will ensure sediment is appropriately managed and these can be secured by consent conditions.
  - The proposal will maintain an appropriate level of amenity and which can be appropriately serviced by public infrastructure.
3. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents. In particular, having considered relevant objectives and policies as they relate to the Silverdale 3 Precinct, General Business zone, Stormwater, Transport and for Earthworks, the proposal is considered to be consistent with the relevant objectives, policies and assessment criteria. In particular:
- This will provide for the site preparatory and enabling works. The installation of appropriate erosion and sediment controls will ensure sediment is appropriately managed and that sediment discharge is minimised.
  - The proposed subdivision provides a road layout and connected street pattern in accordance with the Silverdale Precinct plan (I537.10.1 Silverdale 3: Precinct Plan 1).
  - The proposal will enable the future delivery of the overall Silverdale Precinct plan (I537.10.1 Silverdale 3: Precinct Plan 1) and will facilitate the future road layout and block pattern.
  - The super-lot subdivision will enable the practical and sequential delivery of the anticipated block pattern.
  - The implementation of the proposed street tree planting will provide for the vegetated planting framework that is anticipated for the Silverdale 3: Precinct.
  - The proposal will maintain an appropriate level of amenity and which can be appropriately serviced by public infrastructure.
  - Stormwater effects can be appropriately managed. On-site stormwater mitigation is proposed in the form of retention tanks to ensure stormwater run-off is managed in accordance with the outcomes sought in this location.
4. As a restricted discretionary activity no other matters can be considered under s104(1)(c).
5. The proposed subdivision will not be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source and sufficient provision has been made for legal and physical access to each allotment.

Overall, the proposal is considered to be generally consistent with the relevant matters for discretion of the Business; General Business zone. Any actual or potential adverse effects are assessed to be less than minor and the proposed residential development is acceptable in the context of the surrounding receiving environment. Furthermore, the application is considered to meet the relevant tests of the RMA, and can be considered to provide an efficient use of an existing land resource. For these reasons, the proposal is considered to be acceptable from a resource management perspective.

## Conditions

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

### General Conditions

1. The proposed subdivision and associated works shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the council as consent numbers LUC60337962 and SUB60336990
  - Application Form, and Assessment of Environmental Effects prepared by B&A dated 8 April 2019

<b>Report title and reference</b>	<b>Author</b>	<b>Rev</b>	<b>Dated</b>
Infrastructure Design Report	Aspire		March 2019
Traffic Report	Stantec		April 2019
<b>Plan title and reference</b>	<b>Author</b>	<b>Rev</b>	<b>Dated</b>
Lots 1, 2, 3 and 5 Being Proposed Subdivision of Lot 18 on Prior Stage of Development	C&R		23 August 2019
Development Plan Stage 5 Overview PG103	Aspire	A	09.07.2019
Proposed Sediment and Erosion Control Plan EW201	Aspire		March 2019
Sediment and Erosion Control Details EW202	Aspire		July 2019
Sediment and Erosion Control Details EW202	Aspire		July 2019
Proposed Roding Plan RD301	Aspire	C	22.08.2019
Proposed Typical Cross Section RD302	Aspire	A	22.07.2019
Proposed Road Long section RD303	Aspire		March 2019
Proposed Temporary Vehicle Turing Head Plan RD304	Aspire		June 2019
Proposed Stormwater Plan SW401	Aspire	A	08.07.2019
Proposed Stormwater Catchment SW402	Aspire	A	09.07.2019
Proposed Wastewater Plan WW501	Aspire	A	09.07.2019
Proposed Water Supply Plan WS601	Aspire	A	09.07.2019
Precinct Plan 1344 PREC-01	Aspire		May 2019
Proposed Stormwater Plan OLFP Mark-up) SW301	Aspire	B	15.05.2019
Cycleway Plan SK 1	Construckt		12/06/2019
Tracking Curves (3 Sheets)	TPC		09.07.2019
Site Plan 8018/1	Greenwood Associates		23/08/2019
Planting Plan 8018/2	Greenwood Associates		23/08/2019
Hardscape Plan 8018/3	Greenwood		23/08/2019

	Associates	
Planting Detail 8018/4	Greenwood Associates	23/08/2019

#### **Additional Information**

Email re: SW and earthworks	B&A	18 April 2019
S92 response table with attachments (as referenced above)	B&A	May 2019
S92 response re: landscape with attachments (as referenced above)	B&A	27 August 2019

2. The consent holder shall pay the council an initial consent compliance monitoring charge of \$675 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

#### **Advice note:**

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

#### **Lapse Date**

3. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
  - a) A survey plan is submitted to Council for approval under section 223 of the RMA before the consent lapses, and that plan is deposited within three years of the approval date in accordance with section 224 of the RMA; or
  - b) An application under section 125 of the RMA is made to the council before the consent lapses (five years) to extend the period after which the consent lapses and the council grants an extension.

### **Landuse Conditions LUC60337962**

#### **Pre-start Meeting**

4. Prior to the commencement of the earthworks activity, the consent holder shall hold a pre-start meeting that:
  - a. is located on the subject site
  - b. is scheduled not less than 5 days before the anticipated commencement of earthworks
  - c. includes all concern officer[s] e.g. Monitoring officer, Arborist and etc.
  - d. includes representation from the contractors who will undertake earthworks and suitably qualified professionals
  - e. The following information shall be made available at the pre-start meeting including specific

references to all relevant documentation, such as resource consent conditions, Sediment Control Plan.

**Advice Note:**

*To arrange the pre-start meeting required by Condition 4 please contact the Team Leader Compliance Monitoring North to arrange this meeting +64 9 301 0101. The conditions of consent should be discussed at this meeting. All additional information required by the Council should be provided 2 days prior to the meeting.*

**Construction Traffic management plan:**

5. Prior to the commencement of works, an Auckland Transport approved Construction Traffic Management Plan (TMP) shall be submitted to the Team Leader, Compliance Monitoring (North). The CTMP shall be prepared in accordance with ATCOP requirements and shall address the control of vehicle movements associated with the construction and earthworks to and from the site.

**Advice Note:**

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

**Finalised public realm landscape design maintenance requirements**

6. Prior to the implementation of the consented street tree planting, following the completion of civil earthworks and construction activities, the consent holder shall provide to the council's Team Leader Compliance Monitoring (North) for written certification: a landscape design maintenance plan (report) and related drawings and specifications for all aspects of the consented public realm landscape design, including in relation to the following requirements:
  - i. Soil preparation
  - ii. Irrigation
  - iii. Weed and pest control
  - iv. Plant replacement
  - v. Inspection timeframes
  - vi. Contractor responsibilities in relation to ongoing landscape maintenance requirements for a five-year period.

**Advice note:**

*The five-year public realm management / maintenance programme is to ensure effective plant establishment and the required plan is to provide, in particular, details of the confirmed maintenance methodology and frequency, allowance for fertilising, weed removal / spraying, watering to maintain soil moisture and the replacement of plants, including specimen trees, in case any plants are severely damaged / die before the planting has become established.*

**Implementation and maintenance of public realm landscape design**

7. Following the completion of civil earthworks and construction activities and prior to the issue of titles for the consented allotments, within the first appropriate planting season, the consent holder shall implement the consented public realm landscape design as per the Greenwood Associates drawings listed under condition 1 and thereafter retain and maintain this planting to the satisfaction of the council's Team Leader Compliance Monitoring (North) in accordance with the

maintenance plan which has been certified under condition (6) to ensure, in particular, that established street trees will be in place when Auckland Transport take responsibility for the roading asset.

### **Earthworks**

8. Prior to the commencement of earthworks activity, all required erosion and sediment control measures on the subject site shall be constructed and carried out in accordance with the requirements of the Auckland Council Guidance Document 2016/005 (GD05) standards. These shall be maintained throughout the duration of earthworks activity, or until the site is permanently stabilized against erosion.

#### **Advice note:**

*The Erosion and Sediment Control Plan required by Condition 7 should contain sufficient detail to address the following matters:*

- *specific erosion and sediment control works (location, dimensions, capacity)*
  - *supporting calculations and design drawings*
  - *catchment boundaries and contour information*
  - *details of construction methods*
  - *timing and duration of construction and operation of control works (in relation to the staging and sequencing of earthworks)*
  - *details relating to the management of exposed areas (e.g. grassing, mulching)*
  - *monitoring and maintenance requirements]*
9. The Team Leader, Compliance Monitoring North shall be notified at least two (2) working days prior to earthwork activities commencing on the subject site.

#### **Advice Note:**

*In order to comply with Condition 9, please fill out the "Notice of Works Commencing" form supplied with your Resource Consent pack and forward this to Council as noted on the form to advise of the start of works.*

### **Erosion and Sediment Control**

10. All earthworks shall be managed to minimise any discharge of debris, soil, silt, sediment or sediment-laden water from the subject site either to land, stormwater drainage systems, watercourses or receiving waters. In the event that a discharge occurs, works shall cease immediately, and the discharge shall be mitigated and/or rectified to the satisfaction of the Team Leader, Northern Monitoring.

#### **Advice Note**

*In accordance with Condition 9 all earthworks shall be undertaken to ensure that all potential sediment discharges are appropriately managed. Such means and measures may include:*

- *Catchpit protection*
- *run-off diversions*
- *sediment retention ponds*
- *silt and sediment traps*

- *decanting earth bunds*
- *silt fences*

*It is recommended that you discuss any potential measures with Council's monitoring officer who will guide you on the most appropriate approach to take. Please contact the contact the Team Leader, Northern Monitoring on Takapuna.RCCompliance@aucklandcouncil.govt.nz and/or 09 484 8041 for more details.*

### **Discharge of Sediment-laden Water**

11. To prevent discharge of sediment-laden water or other debris into any public stormwater drainage systems or watercourses and therefore into receiving waters, and to prevent nuisance and amenity impacts on users of the road reserve, there shall be no deposition of earth, mud, dirt or other debris on any public road or footpath resulting from earthworks activity on the subject site. In the event that such deposition does occur, it shall immediately be removed. In no instance shall roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters.

### **Maintain Access to Site**

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

### **Prevent Damage to Assets or Property**

13. There shall be no damage to public roads, footpaths, berms, kerbs, drains, reserves or other public asset as a result of the earthworks activity. In the event that such damage does occur, the Team Leader, Northern Monitoring will be notified within 24 hours of its discovery. The costs of rectifying such damage and restoring the asset to its original condition will be met by the consent holder.

## **Subdivision Conditions SUB60336990**

### **Survey Plan Approval (s223) Conditions**

Provide a survey plan of the subdivision to Council to be approved pursuant to Section 223 of the Act. The application requesting the s223 certification:

- Shall be in writing; and
- Shall provide a detailed explanation to address how each of the following conditions have been satisfied.

14. The Survey Plan shall be in accordance with the following plans:

<b>Plan title and reference</b>	<b>Author</b>	<b>Rev</b>	<b>Dated</b>
Lots 1, 2, 3 and 5 Being Proposed Subdivision of Lot 18 on Prior Stage of Development	C&R		23 August 2019

All referenced by Council as SUB60336990 and the information submitted with the application (including further information).

### **Advice Notes**

1. *The Landonline documentation shall include the s223 and any other TA Certificates*



*applicable. Note that the TA Ref. is SUB60336990 (North).*

2. *The consent holder must ensure that placement of the services and driveway/s occurs entirely within the easement/s and/or lot boundaries as shown.*
3. *Take note that street numbers for the lots on the survey plan will be allocated by Council subsequent to Section 223 approval, and these numbers must be used for future applications for building consent. A copy of the survey plan with the Council allocated numbers will be provided.*

### **Temporary easement**

15. The consent holder shall have registered against the certificate of title for Lot 3 an easement, adjoining Lot 5, in favour of Auckland Council for public access sufficient to allow a 10.3m rigid truck to undertake a turning manoeuvre, as shown in TPC Drawing 1919-B-(1) "Vehicle Tracking – 10.3 Rubbish Truck" dated 09 July 2019.

**Advice note:** *The easement shall be removed should a future public connection of Road 3 be made to Hibiscus Coast Highway, as shown indicatively on Construkt Drawing SK2 "Wider Context MasterPlan" dated 20 December 2018.*

16. The proposed public road shown as Lot 5 on the submitted scheme plan shall vest in the Council as a public road. The consent holder shall meet all costs associated with the vesting of the road.
17. Pursuant to s243 of the Act, Auckland Council approves the surrender of all easements shown as being surrendered in scheme plan prepared by C&R titled 'Lots 1, 2, 3 and 5 Being Proposed Subdivision of Lot 18' on Prior Stage of Development.'

### **Section 224(c) Compliance Conditions**

18. The application for a certificate under section 224(c) of the RMA shall be accompanied by certification from a professionally qualified surveyor or engineer that all the conditions of subdivision consent have been complied with, and that in respect of those conditions that have not been complied with:
  - a) a completion certificate has been issued in relation to any conditions to which section 222 applies;

### **Road Name**

19. The Consent Holder shall provide to the Council a name for the new road shown on the Scheme Plan after consulting the local iwi for comment, together with clearance from [Addresses@linz.govt.nz](mailto:Addresses@linz.govt.nz) so that duplication of the name in any other part of the Auckland region is avoided. The Council Surveyor should be consulted in the first instance in regard to the appropriateness of the name and road type. When a name has been resolved with Local Board approval, the Consent Holder shall erect nameplates, in accordance with the Council's "Standards for Engineering Design and Construction.

### **Road Construction**

20. The proposed new road on lot 5 shall be constructed to the standards comprised in the Auckland Code of Practice for Land Development and Subdivision.

### **Engineering Plan Approval**

21. Prior to the commencement of any construction work or prior to the lodgement of the survey plan pursuant to s223 of the RMA, the consent holder shall submit 2 hard copies and one PDF/CD version of complete engineering plans (including engineering calculations and specifications) to the Development Engineering Manager North for approval. Details of the registered engineer who

shall act as the developer's representative for the duration of the development shall also be provided with the application for Engineering Plan Approval.

In addition to the standard set of design plans included in this consent, the following specific matters shall be addressed through appropriate design drawings as part of Engineering Plan Approval:

- a. Provision of at least one crossing point on Road 3, suitable for use by pedestrians and cyclists. The crossing point shall be between Chainage 100 and Chainage 200 and shall comply with Auckland Transport design standards and guidance.
- b. The provision of an appropriate transition between the separated cycle lane on Road 1 and the shared use path on Road 3, in particular the management of conflict between pedestrians and cyclists at the Road 1/ Road 3 intersection.
- c. The Road 3 carriageway shall have a 3% crossfall.

The engineering plans submitted for approval shall also detail all works associated with, and in accordance with Council Standards, including but not limited to:

Stormwater Reticulation

Wastewater Reticulation

Water Reticulation

#### **Advice Note**

*The Engineering Plan Application forms including lodgement and fees can be found at the following Auckland Council website:*

<https://www.aucklandcouncil.govt.nz/building-and-consents/engineering-approvals/Pages/default.aspx>

#### **Electricity supply**

22. The consent holder shall provide and install an underground electricity supply system to service each lot as shown on the approved plans. The system shall be installed in accordance with the requirements of relevant network utility operator. The consent holder shall provide certification from the network utility operator that the system has been installed in accordance with their requirements.

#### **Telecommunications services**

23. The consent holder shall provide and install an underground telecommunications system to service each lot. The system shall be installed in accordance with the relevant network utility operator. The consent holder shall provide certification from the network utility operator that the system has been installed in accordance with their requirements.

#### **Stormwater**

24. A stormwater connection point shall be provided to each lot generally as shown in the referenced plan by Aspire Engineers.

#### **Advice Note:**

*As-built documentation for all assets to be vested in the Council required by these conditions shall be in accordance with the current version of the Council's 'Development Engineering As-built Requirement' (currently Version 1.2). A valuation schedule for all asset to be vested in the Council are to be included as part of the as-built documentation.*

<https://www.aucklandcouncil.govt.nz/building-and-consents/engineering-approvals/Documents/engineering-as-built-requirements.pdf>

### Water and Wastewater Certification

25. A Certificate of Acceptance form shall be provided for completion of Water and Wastewater in support of the 224(c) application for the approved consent. No future buildings in the development are to be occupied until confirmation has been provided to the Council.

### Consent notice

26. The consent holder shall have registered against the certificate of title for Lots 1, 2 and 3 a Consent Notice pursuant to Section 221 of the Resource Management Act 1991 recording the following condition which is to be complied with on a continuing basis:

*No subdivision or development of Lots 1, 2 and 3 shall occur until the transportation effects of further subdivision and development of those lots are assessed and the funding and timing of any additional transportation upgrades to the surrounding public road network are agreed between the developer or subdivider of those lots and the Council.*

### Advice notes

1. Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.
2. For the purpose of compliance with the conditions of consent, "the council" refers to the council's monitoring inspector unless otherwise specified. Please contact [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) to identify your allocated officer.
3. If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of notification of the decision.
4. The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety in Employment Act 1992), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.

Delegated decision maker:

Name: Quentin Budd

Title: Principal Project Lead, Premium Resource Consents

Signed:



Date: 10<sup>th</sup> September 2019