

SELFS ROAD CONDITIONS: LAND-USE CONSENT

Under cl.35(3) Schedule 6 of the FTA and ss.108 and 108AA of the RMA, this consent is subject to the following conditions.

Definitions

“AUP” means the Auckland Unitary Plan (Operative in Part);

“Boffa Miskell landscape plan” means the plan [plan reference] prepared by Boffa Miskell dated [date]

“CAR” means Corridor Access Request;

“COAL” means Commonly Owned Access Lot;

“CMP” means Construction Management Plan;

“CNVMP” means Construction Noise and Vibration Management Plan;

“Commencement of Construction” means commencement of any construction works for the project. For the avoidance of doubt, it excludes site investigations, fencing, and any activities that do not need resource consent and/or are permitted activities;

“Communal Facilities” means and includes:

- (i) COALs;
- (ii) the pedestrian walkway along the ridgeline, and associated landscaping for private and public access;
- (iii) the covenant areas for the protection of trees;
- (iv) any other land or property within the Site vested in the Incorporated Society from time to time and including any common facilities within the Site intended or able to be used for amenity or recreation purposes.

“COPTTM” means Code of Practice for Temporary Traffic Management;

“Council” means the Auckland Council;

“CTMP” means Construction Traffic Management Plan;

“ESCMP” means Erosion and Sediment Control Management Plan;

“FTA” means the Covid-19 Recovery (Fast-track Consenting) Act 2020;

“GD01” means the Council’s Guidance Document 001 ‘*Stormwater Management Devices in the Auckland Region*’;

“GD05” means the Council’s Guidance Document 005 ‘*Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region*’;

“Incorporated Society” means the incorporated society described in **Condition x of Consent SUB-B;**

“Iwi authorities” means those iwi authorities who have expressed a desire to be consulted with in relation to this project, being Te Ākitai Waiohua, Ngāti Te Ata Waiohua, Ngāti Tamaoho and Ngaati Whanaunga;

“LMP” means Landscaping Maintenance Plan;

“Monitoring Team Leader” means the Council’s senior monitoring officer for the relevant area; or other person nominated by the Council;

“MMP” means Maintenance Management Plan;

“RMA” means the Resource Management Act 1991;

“Site” means the land subject to the land uses described in this consent;

“SMP” means Stormwater Management Plan;

“SOMP” means Stormwater Operation and Maintenance Plan;

“TDM” means Traffic Design Manual; and

“WMP” means Waste Management Plan.

GENERAL CONDITION

1. The proposed residential development incorporating up to 115 residential units, COAL’s, and communal open space consisting of the landscaped pedestrian access along the ridgeline, with all associated infrastructure must be carried out in general accordance with the plans and all information submitted with the application, as detailed in **Schedule A** to these conditions.

In the event of any conflict between the documents listed in Schedule A and the conditions of this consent, the consent conditions will prevail.

GENERAL INTERPRETATION AND APPLICATION OF CONDITIONS

2. To the extent that these conditions require an action to be taken by the Consent Holder, it is generally intended for them to apply on a staged basis, consistent with **SUB-A** to **SUB-C** (Stages 1 – ? respectively). Where the term “relevant” is used, it is expressly intended to relate to work of a specific stage.
3. Where compliance with a Code of Practice is referred to, it includes any dispensation granted pursuant to the Code, but otherwise means that Code of Practice in effect at the date of this consent.

Monitoring

4. The Consent Holder must pay the Council an initial consent compliance monitoring charge of \$TBC (inclusive of GST), and the Consent Holder must pay 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. **[Deleted]**

Advice note:

The Consent Holder will have to establish a commercial arrangement with iwi authorities (or the agreed representative) for the fees and charges incurred in the monitoring and reviews required under the following conditions of consent. It is expected that the consent holder will offer to cover actual and reasonable costs at ordinary commercial rates.

Commencement date

6. This consent shall commence in accordance with cl.37(9) of Schedule 6 of the FTA.

Lapse date

7. Under cls.37(7) and (8) of Schedule 6 of the FTA, this consent will lapse two years from the date of commencement unless:
 - (a) The consent is given effect to; or
 - (b) The Council extends the period after which the consent lapses under s.125 of the RMA.

Review under section 128

8. Under s.128 of the RMA the conditions of this consent may be reviewed by the Council at the Consent Holder's cost in the event that the Manager Resource Consents is satisfied, on reasonable grounds, that there are material adverse effects occurring that were not anticipated when the consent application was assessed and granted. The reason for this review condition is to deal with any adverse effect on the environment which may arise from the exercise of this consent and which it is appropriate to deal with at a later stage because the effect was not identified or assessed through the consent application.

Management Plan Certification Process

9. **Conditions 9 to 18** apply to all Management Plans required by these conditions.
10. All Management Plans must be submitted to the Council's Monitoring Team Leader for certification in writing with such certification only to be granted where Council's Monitoring Team Leader is satisfied that the relevant Management Plan accords with the requirements of this consent. Management Plans must be submitted at least twenty (20) working days prior to Commencement of Construction unless otherwise specified in the conditions. The Consent Holder must ensure that any changes to draft Management Plans are clearly identified.
11. Management Plans may be submitted in parts or in stages to address particular activities or to reflect a staged implementation of the Project, and when provided in part or for a stage must be submitted at least twenty (20) working days prior to Commencement of Construction of that part or stage

unless otherwise specified in the conditions. Management Plans submitted shall clearly show the linkage with plans for adjacent stages and interrelated activities.

12. Where consultation on a Management Plan is required by a condition of these consents including any change to a Management Plan contemplated by Condition 16 the Consent Holder must provide the following to the Council's Monitoring Team Leader when submitting the Management Plan for certification:
 - (a) A summary of consultation during preparation of the Management Plan;
 - (b) Any feedback on the proposed text of the Management Plan from the party or parties that the condition requires consultation with; and
 - (c) A response to that feedback indicating the matters that were not incorporated into the text of the Management Plan submitted for certification and the reasons why.
 - (d) Consultation on all Management Plans is required with the Iwi Authorities in accordance with condition [18] of these conditions.
13. Should the Council's Monitoring Team Leader refuse to certify a Management Plan, or a part or stage of a Management Plan, in accordance with **Condition 10** above, the Consent Holder must submit a revised Management Plan for certification as soon as practicable. If the refusal to certify is in relation to a revised plan, then the existing certified plan will continue to apply until a revised plan has been certified.
14. Any certified Management Plan may be amended if necessary, to reflect any changes in design, construction methods or management of effects. Any amendments are to be discussed with and submitted to the Monitoring Team Leader for confirmation in writing prior to implementation of the change, unless the Monitoring Team Leader determines in his or her discretion that those amendments once implemented would result in a materially different outcome to that described in the original plan.
15. Any changes to a certified Management Plan involving a materially different outcome under **Condition 14** must be submitted to the Monitoring Team Leader to certify that they comply with the applicable requirements of these conditions. Any material change must be consistent with the purpose of the relevant Management Plan and the requirements of the relevant conditions of this consent. Where a Management Plan was prepared in consultation with affected parties, any material changes to that Plan must be prepared in consultation with those same parties.
16. All works shall be carried out in accordance with the certified Management Plans. No works or activities covered by an individual Management Plan shall commence until written certification of that Management Plan, unless otherwise approved in writing by the Monitoring Team Leader.

Advice Note:

The relevant Management Plans that are to be governed by **Conditions 10-17** are as follows:

“CMP”	Construction Management Plan
“ESCMP”	Erosion and Sediment Control Management Plan
“CNVMP”	Construction Noise and Vibration Management Plan
“CTMP”	Construction Traffic Management Plan
“SMP”	Stormwater Management Plan
“SOMP”	Stormwater Operation and Maintenance Plan

17. **Iwi Authorities Procedures and Inputs**

The Consent Holder must contact iwi authorities who have expressed an interest in the application for this resource consent and invite those iwi authorities to participate in the content and implementation of management plans as set out below.

Advice note:

The iwi authorities who have expressed an interest in this application are:

- (i) Ngāti Te Ata Waiohua
- (ii) Te Ākitai Waiohua
- (iii) Ngāti Tamaoho; and
- (iv) Ngaati Whanaunga.

18. The Consent Holder:

- (b) Shall make provision for the Iwi Authorities to :
 - (i) Have input into all management plans associated with the project, and any associated amendments;
 - (ii) Have input into heritage impact and archaeological assessments;
 - (iii) Have input into a Conservation Management Plan;
 - (iv) Have input into conservation risk assessment;
 - (v) Have input into naming opportunities across the project;
 - (vi) Have input into the incorporation of cultural recognition elements and opportunities to enhance cultural sites;

- (vii) Have input into landscape, lighting, urban and structural design plans and elements associated with the Project including stormwater management. This includes seeking improvements to ensure the highest quality discharges are achieved, including adopting recommendations in both GD01 “*Stormwater Management Devices in the Auckland Region*” and GD04 “*Water Sensitive Design for Stormwater*”.
- (c) will appoint someone appropriately qualified as a Consultation Advisor to:
 - (i) Provide administrative assistance to the Iwi Authorities; and
 - (ii) Act as a consultation advisor and intermediary between the Consent Holder and the Iwi Authorities.
- (d) use reasonable endeavours to ensure that the Iwi Authorities meet as required until the commencement of construction and at least once every three months or as otherwise required once construction commences.
- (e) The above processes and inputs shall continue for the duration of the construction phase of the Project and for six months for construction related aspects and for 2 years to correspond with planting maintenance conditions following completion of the Project (s224(c) certificate being issued).

Advice note:

It is intended that the Iwi Authorities will consist of members comprising Governance representatives of the Iwi Authorities unless an Iwi Authority decides otherwise;

DESIGN

Architectural Design Plans

19. In order to achieve the design outcomes required by this consent:
- (a) Prior to the approval of a Building Consent relating to any buildings, a finalised set of architectural drawings must be submitted to the Council for written certification by the Monitoring Team Leader.
 - (b) The information to be submitted under **Condition 19(a)** must include the following:
 - (i) Details of the building’s façade treatment / architectural features including façade treatment; and
 - (ii) A materials schedule including the palette of materials, colour schemes (including colour swatches).
 - (iii) The finalised set of drawings shall ensure that the buildings’ proposed architectural treatment and finished appearance is in

general accordance with the plans and information referenced at Condition 1.

- (c) All works shall then be carried out in accordance with the details certified by the Council, to the satisfaction of the Monitoring Team **Leader**.

Cultural Design Plans

20. The Consent Holder will contribute a maximum value of \$20,000 (including GST) to the design process for the cultural components of the Project design. The Consent Holder will consult with the iwi authorities for the purpose of reaching agreement on a designer. If no agreement is reached within 30 working days of first contact, then the Consent Holder will seek a recommendation from William Hatton from Boffa Miskell, or in the case of Mr Hatton's unavailability, the Consent Holder will ask for a recommendation from the Chairperson of the Independent Māori Statutory Board ("Chair"). If no selection is made by Mr Hatton or the Chair within 20 working days of being requested to do so in writing, the Consent Holder shall select a designer from the nominations provided by the iwi authorities.
21. The scope of the design work shall be as follows:
- (a) To prepare the design in consultation with the Consent Holder and the Iwi Authorities in accordance with the Te Aranga Design Principles as listed within the Auckland Design Manual.
 - (b) The geographic location within the project site that will be included within the Cultural Design Plans are:
 - (i) The pedestrian ridgeline walkway; and
 - (ii) The two areas containing the large indigenous trees to be retained (Lots X and X) as depicted on Drawing [X – attached].
 - (c) Develop a design in consultation with contractors to ensure that the designs can be built within the construction cost

23. The Consent Holder will contribute a maximum value of \$80,000 (including GST) for the construction (including any building consent costs) of the cultural components only of the Project as designed in accordance with Condition 21 above. To the extent that construction of any of the design work requires a specific sculpturer and the iwi authorities cannot agree on who the sculpturer should be, then the process set out in condition 20 shall be followed to retain a sculpturer.

Lighting Design Plans

22. Prior to the approval of a Building Consent relating to any building, the Consent Holder must provide a Lighting Design Plan and Certification/ Specifications prepared by a suitably qualified person to the Monitoring Team Leader for written certification, accompanied by a landscape architecture or urban design peer review confirming that:

- (a) The lighting design is in accordance with 'Crime Prevention Through Environmental Design' principles and will contribute to amenity and safety for residents, visitors and immediately adjoining sites; and

The objective of (a) is to ensure that adequate lighting is provided to frequently used areas within the proposed development for the safety of users.

Advice Note:

Adequate lighting is the amount of lighting at eye level for a person with average eyesight so they can identify any potential threat approaching them from at least a 15m distance.

23. The Lighting Plan must include:

- (a) Lighting for all areas of the development including, but not limited to the COALs, pedestrian recreational walkway along the ridgeline, building entrances, and footpaths.
- (b) Proposed locations, lux levels and design/types of lighting (i.e., manufacturer's specifications once a lighting style has been determined), support structures required to control timing, level of lighting, and measures to minimise light spill, glare, and loss of night-time viewing.
- (c) Demonstration of compliance with the AS/NZS 1158 P requirements and clearly specify what 'P Category' the lighting design will achieve. The selection criteria for the chosen lighting category should also be presented (i.e., pedestrian/cycle activity, risk of crime etc.).
- (d) Demonstration of the vertical illuminance by means of lux contours or a similar method to assess light spill on neighbouring properties where relevant.
- (e) Demonstration of compliance with the relevant standards in E24.6.1 Lighting of the AUP.
- (f) Demonstration of how night-time use of the pedestrian access along the ridgeline will be possible, including consideration of this from a safety perspective
- (g) An executive summary of the above information in plain English that outlines the relevant requirements to their application and their design response to them.

Landscape Design Plans

24. Prior to the approval of a Building Consent relating to any building, the Consent Holder must provide to the Monitoring Team Leader for certification a finalised set of detailed soft and hard landscape design drawings and supporting written documentation prepared by a landscape architect or suitably qualified person. The submitted information must be in general accordance with the consented landscape concept plan(s) Ref -xxxx - xxxx-, prepared by Boffa Miskell, dated xx xxxx 2022. The landscape design drawings, specifications and maintenance requirements shall, at a minimum, include the following matters:

- (a) The location of all areas to be planted including rain gardens and all planting across the site, within future public road berms, reserve areas (including the two conservation reserve Lots x & x), and the pedestrian recreational access along the ridgeline, including cultural elements and plant species and locations as agreed with iwi authorities referred below in Condition 20.
- (b) A plant schedule based on the submitted planting plan(s) which details specific plant species, plant sourcing, the number of plants, height and/or grade (litre) / Pb size at time of planting, and estimated height / canopy spread at maturity. The plant schedule must ensure that:
 - (i) All medium to large evergreen and deciduous trees shall be able to grow to a height of at least 8m at maturity with a spread of at least 3m.
 - (ii) All specimen trees within the front yards of all lots that have front yards and fronting COAL's shall be planted at no smaller than grade Pb12 or Pb 40.
 - (iii) Specimen trees within the rear yards shall be planted at no smaller than grade Pb40.
- (c) All hedges within the front yards or planting to screen proposed retaining walls, rubbish refuse locations and storage facilities shall be planted at no smaller than grade Pb3.
- (d) Details of draft specification documentation for any specific drainage, soil preparation, tree pits, staking, irrigation and mulching requirements, and terrestrial pest control.
- (f) Annotated cross-sections and/or design details with key dimensions to illustrate that adequate widths and depths are provided for planter boxes / garden beds and raingardens.
- (g) Annotated hard landscape across the site including the pedestrian ridgeline walkway and other reserve areas (including the two conservation reserve Lots x and X) - including:

- (i) The selection of paving and surface treatments/materials and their related specifications;
 - (ii) The location and plans and specifications of the design/type of all seating, refuse bins, lighting, fences, walls/retaining walls, and other structural landscape design elements; and
 - (iii) Cultural hard landscape elements as described below in Condition 20.
25. Prior to submitting the landscape plans to be certified under Condition 19, the Consent Holder must consult with and agree on the final design of the landscape areas described in Condition 23(a) with the iwi authorities. The plans must be in strict accordance with the Boffa Miskell landscape plan [insert ref], unless the iwi authorities agree on a variation. The landscape plan must be submitted to the iwi authorities for comment at least 15 working days prior to submitting it to the Council. The final landscape plans must include the following details:
- (a) The landscape areas described in Condition 23(a) and landscape species;
 - (b) Cultural design elements such as Mahi Toi and Tohu [iwi authorities to advise what to be included here];
 - (c) Other items

CONSTRUCTION

Stormwater Management Plan

26. The Consent Holder must prepare a SMP complying with the requirements in **Conditions 9 - 17** and which demonstrates that the development meets the performance requirements in Schedule 4 of the Council Regional Network Discharge Consent.

Construction Management Plan

27. The Consent Holder must prepare a CMP which in order to comply with the requirements in **Conditions 9 - 17**, must give effect to the objectives in **Condition 31** and comply with the requirements in **Conditions 28 to 42**.
28. The objectives of the CMP are to ensure that the construction works remain within the limits and standards approved under the consent and set out the management procedures and construction methods to be undertaken in order to avoid, remedy or mitigate potential adverse effects arising from construction activities.

29. The CMP must be consistent with the ESCMP and the CTMP and any variations thereto that are granted by the Council.
30. The CMP must provide details of the responsibilities, reporting frameworks, coordination and management required for effective site management. The CMP shall provide information on the following matters:
- (a) Construction quality assurance; and
 - (b) Construction works programming including:
 - (i) an outline construction programme; and
 - (ii) confirmation of the proposed staging and sequence of construction; and
 - (iii) site management; and
 - (iv) consultation and communications; and
 - (v) for each stage of construction, details on the erosion and sediment control measures to be used with reference to the measures confirmed for the wider site in the ESCMP; and
 - (vi) Site health and safety inductions for iwi; and
 - (vii) Details outlining the provision of any specialist Personal Protection Equipment (PPE) for iwi monitoring works outlined in these conditions, to be provided by the developer.

CMP Quality Assurance

31. This part of the CMP requires the establishment of management frameworks, systems and procedures to ensure quality management of all on-site construction activities and compliance with the conditions of this consent. This section must provide details on the following:
- (a) Contact details of the contractor's site supervisor or project manager and the Consent Holder's Project Liaison Person (phone, postal address, and email address);
 - (b) Confirmation of the construction methodology, including for both permanent and temporary structures;
 - (c) Location of construction site infrastructure including site offices/amenities, contractors' yard access, equipment unloading and storage areas, and security;
 - (d) Methods and systems to inform and train all persons working on the site of potential environmental issues and how to avoid remedy or mitigate any potential adverse effects;
 - (e) Procedures for ensuring that residents, businesses, network utility operators and road users in the immediate vicinity of construction areas are given prior notice of the Commencement of Construction and are informed about the expected duration and effects of the work;
 - (f) Procedures for ensuring the iwi authorities are given four to six weeks notice of any earthworks or other infrastructure works to enable:

- i. Cultural induction to advise of the cultural aspect of the construction work;
- ii. A karakia to be performed prior to breaking earth at the start of the construction works; and

Ongoing cultural monitoring of earthworks by iwi authorities.

Advice note:

It would assist to provide adequate notice by provision of any supply works programme to enable preparation by the iwi authorities.

When karakia occur, the developer is to be aware of the importance of provision of kai for afterward in accordance with Tikanga principles.

- (g) Procedures for responding to, recording and reporting complaints about construction activities, including the provision of contact details for persons responsible for managing complaints;
- (h) Means of providing for the health and safety of the general public;
- (i) Procedures for controlling sediment run-off, dust and the removal of soil, debris, demolition and construction materials (if any) from public roads or places adjacent to the work site/s;
- (j) Contingency plans in case of unexpected sediment discharges during works;
- (k) Proposed temporary or permanent fencing or other structures along the boundary of the construction areas with adjacent sites in order to delineate site boundaries, maintain site security, prevent unauthorised access, ensure the safe and practical operation of adjacent sites, and to avoid intrusion of construction works beyond the construction area;
- (l) Measures to address the storage of fuels, lubricants, hazardous and/or dangerous materials, along with contingency procedures to address emergency spill response(s) and clean up;
- (m) Procedures for incident management, monitoring and reporting including review and corrective and preventative action;
- (n) Site clean-up following completion of works, including removal of construction materials, temporary structures;
- (o) Maintenance of plant in a good state of repair so as not to produce excessive fumes or leakage of contaminants when parked or in operation;
- (p) Measures to monitor and minimise discharges of dust so that any offensive or objectionable effects are immediately identified and are mitigated; and
- (q) Measures to protect and maintain the functioning of existing network utilities and infrastructure that traverses the site.

Construction Works Programme

32. This part of the CMP is to ensure that the Consent Holder has prepared a construction works programme that will enable construction in a manner that is timely, adequately co-ordinated and minimises the adverse effects of construction activities on the surrounding area. This section must, among other matters, provide details of the programme for the construction works throughout all stages of the development process.

Site Management

33. This part of the CMP is to ensure that procedures are in place to ensure that the site is managed safely and in a tidy condition throughout the entire construction process. This section must provide details on the following:
- (a) The provision of any site office, parking for workers' vehicles and workers' conveniences (e.g., portaloos);
 - (b) The location of construction machinery access and storage during the period of site works;
 - (c) The procedures for controlling sediment run off and the removal of any debris and construction materials from the surrounding environment, and
 - (d) The provision of any artificial lighting that may be associated with construction works and the effects of any such lighting.

Implementation

34. Construction activity must not commence until the CMP is certified by the Monitoring Team Leader and all measures identified in the CMP as needing to be put in place prior to the start of works are in place.
35. All personnel working on the site must be made aware of the requirements contained in the CMP. A copy of the certified CMP must be held on the project site(s) at all times while any activity associated with construction is occurring. The certified CMP must be implemented and maintained throughout the entire period of the works.
36. The Consent Holder must notify the Monitoring Team Leader in writing of the proposed date of Commencement of Construction at least twenty (20) working days prior to the proposed start date.
37. Within four to six weeks prior to Commencement of Construction, the Consent Holder must arrange a pre-start meeting that:
- (a) Is located on the subject site; and
 - (b) Is scheduled not less than five (5) working days before the anticipated Commencement of Construction; and

- (c) Includes the iwi authorities to enable karakia and for any cultural induction of contractors and site managers as considered necessary by these iwi.
- (d) Includes Council representatives and representatives of Auckland Transport, Watercare Services Limited and any relevant network utility operators; and
- (e) Includes representation from the contractors who will undertake the works.

Advice Note

It is recommended that iwi authorities are at site with network operators (described in Condition 32(d)). It would assist to provide adequate notice by provision of any supply works programme to enable preparation by the iwi authorities.

When karakia occur, the developer is to be aware of the importance of provision of kai for afterward in accordance with Tikanga principles.

- 38. The pre-start meeting shall discuss the works methodology generally (including contaminants, water and wastewater services, erosion and sediment control measures, and earthworks methodology) and shall ensure all relevant parties are aware of and are familiar with the conditions of the resource consents.
- 39. The pre- start meeting shall also include any cultural induction or karakia considered necessary by the Iwi Authorities.
- 40. The following information shall be made available at the pre-start meeting:
 - (a) Timeframes for key stages of the works authorised under this consent; and
 - (b) Resource consent conditions; and
 - (c) Any ESCMPs that are available; and
 - (d) The CTMP and the CNVMP; and
 - (e) Any cultural guidance or verbal advice to assist an understanding of the cultural sensitivities of the site when working the land.
- 41. In the case that any of the invited parties, other than the representative of the Consent Holder, do not attend this meeting, the Consent Holder will have been deemed to have complied with this condition, provided ten (10) working days is given to the parties listed above.

42. The Consent Holder must notify the Monitoring Team Leader in writing of the date of completion within ten (10) working days of the completion of the last activity relating to works in any CMP.

Construction Noise and Vibration Management Plan

43. A final CNVMP must be prepared by a suitably qualified person in accordance with the requirements in **Conditions 9 - 17**. The CNVMP must confirm compliance with the relevant AUP permitted activity noise and vibration standards. At a minimum, the CNVMP shall address the measures in Annex E of NZS 6803:1999 "Acoustics - Construction Noise". The certified CNVMP must be implemented throughout the construction phase of the Project. The CNVMP must identify any changes from the draft **Construction Noise and Vibration Management Plan dated xx xxx 2022 (changes tracked with an explanation for the change)** and also include:

- (a) The roles and responsibilities of the personnel in the contractor team with regard to managing and monitoring noise and vibration effects;
- (b) Specific hours of operations set out in **Conditions 44 and 48**;
- (c) Construction machinery and equipment to be used and their predicted operating noise levels;
- (d) Identification of construction activities that have a reasonable likelihood of creating adverse noise and vibration effects if un-mitigated and the location of these in the construction site areas;
- (e) The timing of construction activities that have a reasonable likelihood of creating an adverse noise and vibration effect if un-mitigated;
- (f) The proximity of neighbouring noise and vibration sensitive areas;
- (g) The process of community liaison and consultation;
- (h) Induction and training procedures for construction personnel;
- (i) Methods and measures to mitigate adverse noise and vibration effects including, but not limited to, structural mitigation such as barriers and enclosures, the scheduling of high noise and vibration construction, use of low noise and vibration machinery, temporary relocation of affected receivers or any other measures agreed to by the contractor and the affected receiver;
- (j) The proposed methods and frequency for monitoring construction noise and vibration to be undertaken by a suitably qualified person for the duration of construction works, including:
 - (i) the predicted noise and vibration levels based on the final methodology and construction activities;
 - (ii) confirm which, if any, buildings are to be subject to a pre and post building condition survey;

- (iii) identifying appropriate monitoring locations for receivers of construction noise and vibration;
- (iv) procedures to respond to complaints received on construction noise and vibration, including methods to monitor and identify noise and vibration sources;
- (v) procedures for monitoring construction noise and vibration and reporting to the Monitoring Team Leader;
- (vi) procedures for how remedial works will be undertaken should they be required as a result of the building condition surveys; and
- (vii) procedures and timing of reviews of the CNVMP.

Noise during construction

44. All noisy activities associated with the implementation of this resource consent on, or in the vicinity of, the subject site (which can include, but is not limited to, any demolition, earthworks and construction activities, and ancillary activities (such as deliveries, loading and unloading goods, transferring tools, etc) (quieter activities and internal works may be undertaken outside of these hours) are limited as follows:
- (a) Such activities may only be carried out between the hours of:
 - (i) 7:00am and 6:00pm, Monday to Friday; and
 - (ii) 9.30am and 1.00pm Saturday; and
 - (b) must not be carried out on any Sunday or public holiday (and any following Monday on which that public holiday is observed).
45. Noise from construction activities must be measured and assessed in accordance with NZS 6803:1999 and comply with the limits in Table E25.6.27.1 of the AUP when measured 1m from the facade of any building that contains an activity sensitive to noise and that is occupied during the works.
46. Notwithstanding **Condition 44**, noise arising from construction work activities arising from the development of Lot 515 and Lot 516 may for a total of 14 calendar days (whether sequentially or non-sequentially) exceed the noise levels in Table E25.6.27.1 by up to 5dB (but only between the hours of 7:00am and 6.30pm), provided that any adjoining properties are given 5 working days' notice and reasonable steps are taken to minimise the emission of noise above the limits in Table E25.6.27.1.
47. The CNVMP approved in accordance with **Condition 43** must be implemented throughout the duration of the construction activity.

Vibration during construction

48. Vibration from construction activities must comply with:
- (a) the limits set out in German Industrial Standard DIN 4150-3 (1999): Structural vibration - Part 3 Effects of vibration on structures when measured in accordance with that Standard on any structure not on the same site; and
 - (b) the limits in the Table below in buildings in any axis when measured in the corner of the floor of the storey of interest for multi-storey buildings, or within 500mm of ground level at the foundation of a single storey building:

Receiver	Period	Peak Particle Velocity Limit
Occupied activity sensitive to noise	Night time 10pm to 7am	0.3 mm/s
	Daytime 7am to 10pm	2mm/s
Other occupied buildings	At all times	2mm/s

Construction Traffic Management Plan

49. Prior to the Commencement of Construction the Consent Holder must prepare a CTMP in accordance with **Conditions 9 -17**.
50. The CTMP must additionally be prepared in accordance with the Council's requirements for construction traffic management plans (as applicable) and the New Zealand Transport Authority's COPTTM and must address the surrounding environment including public transport, pedestrian and bicycle traffic and the control of the movement of construction vehicles to and from the site. The CTMP must include the following information:
- (a) Control procedures for trucks unloading and loading, particularly the hours of operation and when restrictions on hours of delivery may be necessary to maintain access, network function or safety;
 - (b) The likely types of trucks and vehicles (i.e., that will be used to deliver machinery/materials to the site, to remove soil etc);
 - (c) The number of vehicle movements to and from the site per day, the frequency of the movements and how long vehicles will be on site;
 - (d) The routes that trucks and heavy vehicles will take;
 - (e) Methods to avoid unnecessary truck waiting and queueing within any road(s);

- (f) Wheel cleaning (soil removal) prior to egressing the site;
- (g) Identification of parking for worker/contractor/subcontractor vehicles to maintain the availability of public on-street parking as far as practical;
- (h) Pedestrian/cyclist movements and pedestrian control/safety;
- (i) Equipment to be used for traffic control;
- (j) Details of all signage (to comply with COPTTM);
- (k) On-street parking controls and liaison with Auckland Transport, with availability of public parking being maintained as far as practicable without affecting the construction activity;
- (l) Impact on street lighting;
- (m) Liaison with emergency services; and
- (n) How to keep paths and roadway clean and uncluttered.

Site-Specific CTMP Requirements – Vehicle Crossings

- 51. The temporary vehicle crossing on **Selfs/Portage Road** must be designed and formed to TDM Technical Standards allowing for a minimum clearance of 1.0m at any point to any structure such as a power pole, street catchpit, a service lid or a manhole. This must be undertaken at the Consent Holder's expense and to the satisfaction of the Monitoring Team Leader.
- 52. At the completion of the consented work the vehicle crossing to the site must be removed and berm areas reinstated to acceptable standards at the Consent Holder's cost.

Advice Note:

Please be aware that the Portage is a highly significant cultural site so needs to be managed with care.

All applications for temporary use of the road reserve during construction must be submitted to Auckland Transport as a Corridor Access Request (CAR).

Applications are to be submitted electronically via

<https://www.submitica.co.nz/Applications> and 15 working days should be allowed for approval.

Road pavement impact survey

- 53. Prior to the commencement of construction, a walkover survey or video survey of the road 50m either side of the construction site entrance/exit on **Selfs/Portage Road [TBA]** where trucks with earth /construction traffic is entering and leaving the site in accordance with the CTMP (required by **Condition 49** must be undertaken by the Consent Holder and submitted to the Monitoring Team Leader identifying any existing defects of the roadway

pavement. Details of these existing defects shall be submitted to the Monitoring Team Leader including a description of the defect (including photographs) and identification of their location.

54. If, taking into account the survey of the road required by **Condition 53** the Monitoring Team Leader determines the road surface 50m either side of the construction site entrance has been damaged by the earthworks /construction activity, the relevant Network Service Provider or a Council approved contractor (being a contractor that the Monitoring Team Leader has approved in advance and in writing) must repair the road surface to the Council's satisfaction. Such repair shall be at the expense of the Consent Holder.
55. Unless specifically provided for by this consent there must be no damage to public roads, footpaths, berms, kerbs, drains, reserves or other public asset as a result of the earthworks and construction activity. In the event that such damage does occur, the Monitoring Team Leader must be notified within 24 hours of its discovery. The cost of rectifying such damage and restoring the asset to its original condition shall be met by the Consent Holder.

Geotechnical

56. The construction of building foundations, retaining structures and all associated earthworks must be supervised by a suitably qualified person. In supervising the works, the suitably qualified person shall ensure that they are constructed and otherwise completed in accordance with NZS 4431:1989 (Code of Practice for Earthfill for Residential Development) and Section 2 (Earthworks and Geotechnical Requirements Version 1.6) of the Auckland Council Code of Practice for Land Development and Subdivision and the following reports:
 - (a) Geotechnical Investigation Report dated 27 September 2021 prepared by ENGEO Limited.

Services

57. Roading, water supply, wastewater, stormwater, power and telecommunication services must be provided in accordance with the plans referred to in Condition 1.

Advice Note:

*The specific conditions relating to the design and implementation of these networks are primarily set out in **SUB-A and SUB-E**, however operational conditions relating to effects from land use are contained in this consent.*

Construction works – accidental discovery protocol

58. If, at any time during construction works, sensitive materials (kōiwi/human remains, an archaeology site, a Māori cultural artefact, a protected New Zealand object, contamination, or a lava cave greater than 1m in diameter) are discovered, then either the protocol set out in standards E11.6.1 and E12.6.1 of the AUP must be followed or, if a relevant authority under the Heritage New Zealand Pouhere Taonga Act 2014 is held, the requirements of the relevant authority must be followed. In summary, these are:
- (a) All works must cease in the immediate vicinity (at least 20m from the site of the discovery) and the area of the discovery must be secured including a buffer to ensure all sensitive material remains undisturbed.
 - (b) The Consent Holder must immediately advise the Council, Heritage New Zealand Pouhere Taonga and the Police (if human remains are found) and arrange a site inspection with these parties.
 - (c) If the discovery contains kōiwi, archaeology, or artefacts of Māori origin, the Iwi Authorities are to be provided information on the nature and location of the discovery.
59. The Consent Holder must not recommence construction works until the steps set out in the above mentioned standards have been followed and recommencement of works approved by the Council or Heritage New Zealand as applicable.

Archaeological Management Plan

60. Prior to commencing works, Consent Holder must prepare an Archaeological Management Plan which must:
- (a) Be prepared in consultation with the Iwi Authorities and in light of the cultural values assessments and /or cultural impact assessments which have been obtained.
 - (b) Identify impacts on non-scheduled cultural heritage places/archaeological sites and options for remedying or mitigating those impacts in a manner commensurate to the impact.
 - (c) Provide for recording of unscheduled cultural heritage/archaeological sites and the keeping of those records where effects cannot be avoided (e.g. within the area of earthworks).

Advice note:

The Consent Holder is preparing an application for an authority from Heritage New Zealand Pouhere Taonga.

Heritage and risk assessment

61. Prior to commencing works, the consent holder must prepare a Risk Assessment by engineers for construction works to provide confidence that the works can be carried out as planned without structural damage to the ground and remains of Nga Kapua Kohuora as eastern side of the Nga Kapua Kohuora tuff ring (i.e. part of the pedestrian ridgeline walkway within the site).

This Risk Assessment is to be reviewed by iwi prior to finalisation, with any amendments made where necessary upon agreement with the Heritage expert and the consent holder.

Conservation Plan

62. Prior to commencing works, the Consent Holder is to prepare a Conservation Plan identifying the overall conservation values of the site and setting out how those values are proposed to be recorded and / or provided for as part of the establishment and operation of the [pedestrian ridgeline walkway] and other areas of the site that are either protected or provide public access.
63. The Conservation Plan is to be prepared with the Iwi Authorities having an opportunity to provide direct input. The consent holder shall have regard to ICOMOS principles and Heritage New Zealand Pouhere Taonga Guidelines For Preparing Conservation Plans in so far as those principles and guidelines are applicable to the nature of the project and characteristics of the area.

PRIOR TO OCCUPATION

64. Occupation of the dwellings on the residential lots must not occur unless the Incorporated Society required by **SUB-xxx** has been established pursuant to the Incorporated Societies Act 1908.

Advice Note:

*The purpose of this condition and of **Condition 65** is to ensure that the Incorporated Society which owns and operates common lots and infrastructure as well as consent notices relating to the whole development is established before any occupation of the dwellings or commercial buildings.*

Land use covenants

65. Prior to occupation of the relevant dwellings, the Consent Holder must enter into a s.108 RMA covenant in favour of the Council regarding the on-going obligations contained in **Condition 64**. The Consent Holder must contact the Council to initiate the preparation of the covenant. A copy of the updated Record of Title showing that the covenant has been registered must be provided to the Council prior to occupation or use.
66. Unless the Council's Monitoring Team Leader confirms in writing that the following matters have been satisfactorily addressed through conditions

governing Consent Notices in SUB-x - SUB-x, [depends on the staging proposed] the covenant must:

- (a) TBC; and
- (b) require the Consent Holder to:
 - (i) be responsible for all legal fees and disbursements incurred by the Council as a direct result of the Council's actions in connection with the creation of the covenant, and procure its solicitor to give an undertaking to the Council for payment of the same; and

Advice Note:

The purpose of this condition is to ensure that ongoing conditions are registered against the land and bind successors in title, but do not duplicate matters otherwise addressed by way of consent notices.

POST CONSTRUCTION WORKS

Landscape Plans - Implementation

67. The Consent Holder must implement the relevant landscape design which has been approved by the Monitoring Team Leader under Condition 24 prior to the occupation of any dwelling within a stage to which the landscape design relates and maintain the planting for a period of not less than two (2) years. The landscape design must:
- (a) Ensure existing vegetation and landform within the two areas containing the large indigenous trees is retained (Lots x and x);
 - (b) Incorporate cultural elements and plant species as advised by iwi in the formation of the final Landscape Plan required under Condition 21.
 - (c) Include weed control and indigenous planting, and terrestrial pest control across all vegetated areas of the site including along the pedestrian ridgeline walkway and the conservation reserve Lots x and x and across the site as described in Condition 23(a).
 - (d) Provide a high level of quality for architectural, landscape and streetscape treatments;
 - (e) Ensure landscaping of COAL's and private lots that will over time provide a vegetative context to the new urban form;
 - (f) Use eco-sourced specimens for all true species native trees; and
 - (g) Ensure connections to historic cultural land uses are retained through landscape material selection and interpretive signage.

68. Prior to the issue of a building consent for a residential building, a suitable Landscape Management Plan (LMP) for the pedestrian ridgeline path, and the rest of the development areas including, but not limited to, Lots x and x for the retention of existing trees, hard and soft landscaping, lighting within COAL's, cultural design elements as advised by iwi as detailed in Condition 20 of this LUC, furniture, and rubbish bins (if applicable), must be prepared by a suitably-qualified person contracted for preparation of the LMP by and at the cost of the Consent Holder, to the satisfaction of the Monitoring Team Leader. The LMP must detail provisions for the ongoing upkeep and management of these spaces including the cyclical maintenance regime required to ensure the quality of the spaces are retained for the lifetime of the development, including matters such as graffiti removal, replacement of damaged / stolen elements, and maintenance of any cultural elements (sculptures etc.) where required. Should any cultural elements require maintenance or replacement, the associated iwi shall be contacted for this with associated maintenance costs to be covered by the Incorporated Society. The LMP must also include details of landscape maintenance over a minimum five (5) year period including:
- (a) Irrigation design and maintenance; and
 - (b) Weed and pest control programmes; and
 - (c) Plant replacement for any poorly performing, damaged or dead plants; and
 - (d) Maintenance methodology and frequency and any contractor responsibilities and warranties.
 - (e) Iwi Authorities shall be provided opportunity to be involved in any planting and maintenance (including pest control) in liaison with the contractor.
69. In accordance with the LMP and the Conservation Plan, the Consent Holder (which in respect of the pedestrian ridgeline pathway and tree retention lots, and the COAL's, will be the Incorporated Society upon those communal aspects being transferred to the Incorporated Society) must thereafter retain and maintain:
- (a) Landscaping of the pedestrian ridgeline pathway, tree retention lots, and COAL's (including planting, pavement and street furniture, and cultural design elements such as sculptures) in perpetuity in accordance with the maintenance plan which has been approved under Condition 21, or any amendment to that plan approved in writing by the Monitoring Team Leader.
 - (b) Lighting within the common areas in perpetuity in accordance with the lighting plan which has been approved under Conditions 19, 21 and

22.(Lighting Design Plan) or any amendment to that plan approved in writing by the Monitoring Team Leader.

Stormwater Operation and Maintenance Plan – Stormwater Management System

70. Prior to the approval of a Building Consent for the construction of any residential building, the Consent Holder must submit a SOMP to the Council's Monitoring Team Leader, for review and (if approved) certification. The SOMP must set out the details of the location and nature of the stormwater management system, and how the stormwater management system is to be operated and maintained on an ongoing basis to ensure that adverse environmental effects are minimised. In particular, the SOMP must include:
- (a) details of who will hold responsibility for long-term maintenance of the stormwater management system and the legally effective organisational structure with responsibility for such maintenance, repair, and remediation on an ongoing basis;
 - (b) a programme for regular maintenance and inspection of the stormwater management system;
 - (c) a programme for the collection and disposal of debris and sediment collected by the stormwater management devices or practices;
 - (d) a programme for post storm inspection and maintenance;
 - (e) a programme for inspection and maintenance of the outfall;
 - (f) details of how these programmes and maintenance will be funded and implemented on an ongoing basis;
 - (g) details of how any failure to comply with these maintenance and other obligations by the legal entity, and how any failure of the stormwater management system, will be addressed;
 - (h) to the extent the stormwater management system will be within COALs or other areas owned by the Incorporated Society referred to in Condition 1 of SUB-x – SUB-x, details of legal arrangements with the Incorporated Society for access for maintenance;
 - (i) general inspection checklists for all aspects of the stormwater management system, including visual checks of the area downstream of the overland flowpath discharge points; and
 - (j) details of the proposed obligations in relation to receiving, detaining and re-using stormwater from other dwellings in accordance with the plan

and calculations prepared pursuant to **Condition 26** and the legal arrangements that will support these obligations.

Advice Note:

*The specific legal structure for the stormwater management system is not yet known. In the absence of a suitable legal structure being approved by the Council as provided for in **Condition 64**, it is anticipated that the Incorporated Society described in **Condition 13 of SUB-A** will own, manage, and maintain the stormwater management system on an ongoing basis.*

Amendments to the Stormwater Operation and Maintenance Plan

71. Any amendments or alterations to the SOMP must be submitted to, and certified by, the Monitoring Team Leader, in writing prior to implementation. The SOMP shall be updated and submitted to the Monitoring Team Leader for certified, upon request.

Maintenance contract

72. A written maintenance contract for the on-going maintenance of the device(s) specified in the SOMP must be entered into with an appropriate stormwater management system operator, prior to the operation of the proprietary stormwater management device(s). This written maintenance contract must be in place and maintained for the duration of the system (including by having renewals or replacement contracts where necessary). A copy of any proposed maintenance contract is to be provided to the Monitoring Team Leader at least ten (10) days prior to signing (in order for the Monitoring Team Leader to have the opportunity to raise any concerns with the contract). A signed copy of the contract required must be forwarded to the Monitoring Team Leader, twenty (20) days prior to the pre-construction meeting required by this consent.

Overland flow paths to be provided

73. The SOMP must include measures to provide for and manage stormwater flows in excess of the capacity of the primary drainage systems via overland flow paths. These must be maintained to allow surplus stormwater from critical storms (up to the 100-year ARI event) to discharge with the minimum of nuisance and damage. Overland flow paths must be kept free of all obstructions.
74. The SOMP must include measures to manage the overland flow path as specified in the infrastructure report.

Maintenance report - stormwater management system

75. Details of all inspections and maintenance for the stormwater management system, for the preceding three years, must be retained. A maintenance report must be provided to the Monitoring Team Leader on request.

Contents of maintenance report

76. The maintenance report must include the following information:
- (a) Details of who is responsible for maintenance of the stormwater management system and the organisational structure supporting this process;
 - (b) Details of any maintenance undertaken; and
 - (c) Details of any inspections completed.

Modifications approval

77. In the event that any modifications to the stormwater management system are required, the following information must be provided:
- (a) Plans and drawings outlining the details of the modifications; and
 - (b) Supporting information that details how the proposal does not affect the capacity or performance of the stormwater management system; and
 - (c) Supporting documentation that confirms that the maintenance contract has been amended to deal with those modifications.
78. All information must be submitted to, and certified by the Monitoring Team Leader, prior to implementation.

Waste Management Plan

79. Prior to the approval of a Building Consent for the construction of any residential building, within a particular stage (identified in **SUB-x to SUB-x - TBA**), the Consent Holder must submit a finalised WMP for written certification by the Monitoring Team Leader. The purpose of the WMP is to outline the methodology for refuse and recycling storage and disposal from the development, including proposed days and frequency of collection, ensure that the servicing requirements of the overall site are adequately provided for without causing odour or visual nuisance internally or to the public.

The WMP must then be implemented by the Incorporated Society at all times to the satisfaction of the Monitoring Team Leader with any amendments to that plan to be certified in writing by the Monitoring Team Leader.

80. Each designated communal waste enclosure must be provided with a wash-down tap and a convenient drainage point by the Consent Holder.

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the Official Information Act 1982