

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



Restricted discretionary activity

## 1. Application description

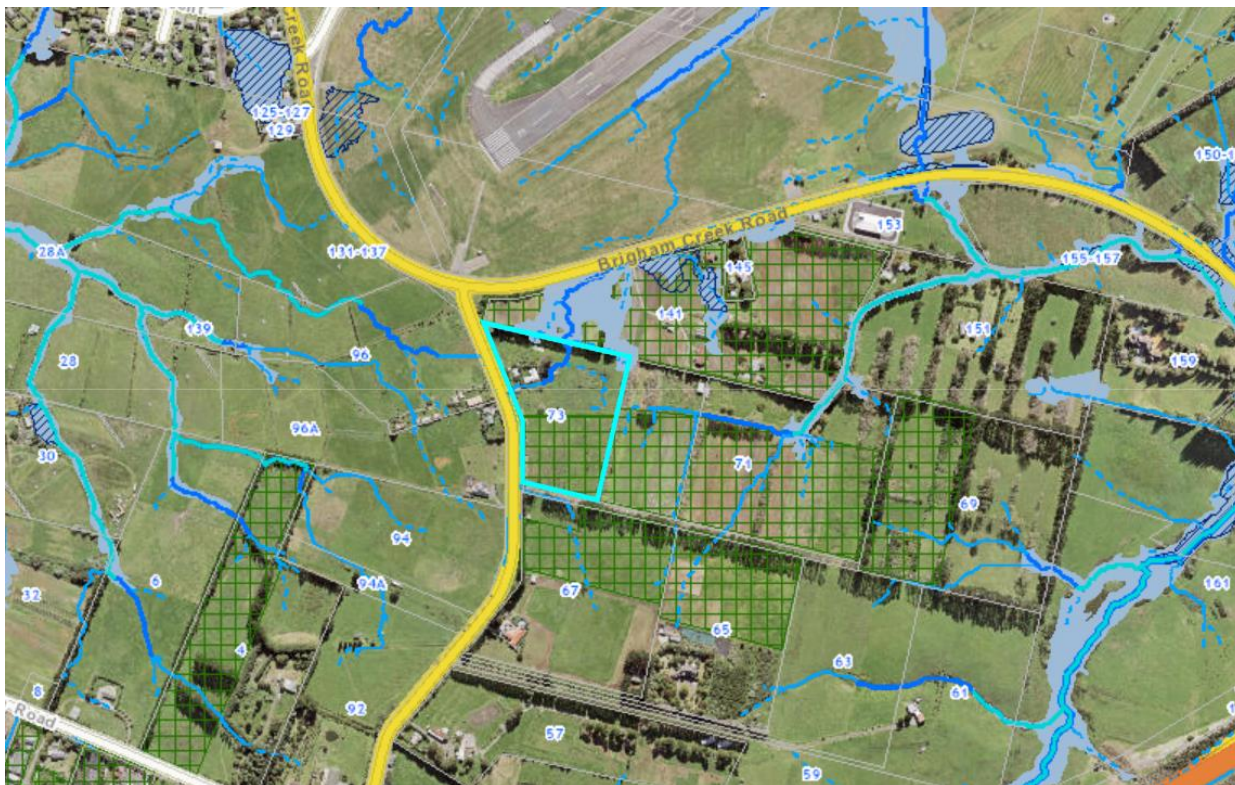
Application number(s):	BUN60410316 (Council Reference) LUC60410317 (s9 land use consent) WAT60410318 (s14 water permit)
Applicant:	Neil Construction Ltd
Site address:	73 Trig Road Whenuapai
Legal description:	Lot 1 Deposited Plan 117365
Site area:	2.6085 hectares
<b>Auckland Unitary Plan (Operative in part)</b>	
Zoning and precinct:	<b><u>Zone:</u></b> Future Urban Zone
Overlays, controls, special features, designations, etc:	<b><u>Overlays:</u></b> Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Kumeu Waitemata Aquifer Infrastructure: Aircraft Noise Overlay - Whenuapai Airbase- noise control area (65dBA) Infrastructure: Aircraft Noise Overlay - Whenuapai Airbase - noise control area (55dBA) <b><u>Controls:</u></b> Macroinvertebrate Community Index - Rural <b><u>Designations:</u></b> Airspace Restriction Designations - ID 4311, Defence purposes - protection of approach and departure paths (Whenuapai Air Base), Minister of Defence
Modifications:	<b><u>Notice of Requirements:</u></b> Trig Road Upgrade - Auckland Transport, Designations, View PDF, Notified, 23/03/2023 Brigham Creek Road Upgrade - Auckland Transport, Designations, View PDF, Notified, 23/03/2023
Proposed plan change(s):	<b><u>Plan Change 78 (PC 78)</u></b> Outside Urban Environment – Excluded from PC 8
Zoning:	-
Overlays	-
Controls	-

Qualifying Matters:

-

Note: Qualifying Matters will not have immediate legal effect, but, conversely the MDRS permitted activity rule will not have immediate legal effect where a Qualifying Matter is relevant.

## 2. Locality Plan



Source: Auckland Council GIS

## 3. The proposal, site and locality description

### Proposal

The applicant seeks land use consent to undertake earthworks of 27658m<sup>2</sup> in area and 33547m<sup>3</sup> in volume. The applicant seeks water permit to take groundwater for dewatering purposes during bulk earthworks in anticipation of development and in the long-term for ground dewatering associated with ongoing batter slope drainage at the subject site.

### Site and surrounding environment description

Yujie Gao of Campbell Brown Planning Ltd has provided a description of the proposal and subject site on pages 4-15 of the Assessment of Environmental Effects (AEE) titled: 'Resource Consent for Bulk Earthworks 73 Trig Road, Whenuapai', dated 17 October 2022.

I concur with that description of the proposal and the site and have no further comment.

## 4. Background

### Specialist Input

The proposal has been reviewed and assessed by the following specialists:

- Kent Liu – Auckland Council's Development Engineer
- Shanya Chand – Auckland Council's Earth, Streams & Trees specialist
- Andy Samaratunga – Auckland Council's Coastal & water allocation specialist
- Frank Zhou – Auckland Council's Geotechnical Engineer
- Fiona Rudsits – Auckland Council's Contaminated Land specialist
- Chris Mallows – Auckland Council's culture heritage specialist
- Andrew Gordon – Auckland Council's Noise and Vibration specialist
- Marie Meredith – Auckland Council's Air specialist
- Carol Bergquist – Auckland Council's Ecologist
- Shahriar Tehrani – Auckland Transport Development Planner

### Iwi Consultation

The applicant engaged with Council's iwi facilitation process so that consultation with relevant iwi can occur to determine whether a Cultural Values Assessment would be required. This is necessary in accordance E7.8.1(1)(a) of AUP(OP) as the proposal involves to take groundwater for dewatering purposes during bulk earthworks.

Representatives of the following mana whenua groups with an interest in the area were contacted:

- *Ngāti Manuhiri – No response received.*
- *Ngāti Whātua– No response received.*
- *Ngāti Whātua o Kaipara– No response received.*
- *Ngāti Whātua Ōrākei– No response received.*
- *Ngāti Te Ata Waiohua– No response received.*
- *Te Akitai Waiohua– No response received.*
- *Ngāti Whanaunga– No response received.*
- *Ngāti Paoa– response received and No comments were made on this proposal.*
- *Ngāti Tamaterā– No response received.*
- *Ngāti Maru– No response received.*
- *Te Kawerau ā Maki – No received response.*

### Contamination

Auckland Council's contamination specialist, Fiona Rudsits, has reviewed the consent and noted that the proposal is a permitted activity when assessed against NES:CS or AUP Standards E30 AUP(OP) and a Consent for contaminated land is not required. As the Detailed Site Investigation (DSI) prepared by Geosciences Ltd dated 29 July 2022, demonstrated that all contaminants of concern are below the background concentrations

and the land is not covered by the NES:CS pursuant to regulation 5(9) of NES for assessing and Managing Contaminants in Soil to protect human health.

### **Freshwater**

Auckland Council's freshwater specialist Ms Chand reviewed the freshwater report and noted that no history of wetlands appeared within the site based on historical aerials and the report notes that there is currently no freshwater features such as water courses or wetland observed. Hence, the proposal does not trigger consent for NES freshwaters.

### **Overland flow path and Flood Plain**

Auckland Council's development engineer reviewed the consent and noted that the upstream catchment will generate less than 2m<sup>3</sup>/s and it doesn't meet the AUP definition of being an overland flow path. In terms of overland flow path, the entry and exit point will remain the same. The overland flow path would continue to flow through the site post earthworks stage and a consent condition is included to provide an as built plan confirming the same. Hence, chapter E36 does not apply for this consent for the overland flow path and flood plain and no further information is required.

### **Plan Change 78**

Auckland Council notified the Intensification Planning Instrument (IPI) plan change (Plan Change 78) on the 18th August 2022. The submission period for this plan change was closed on the 29th September 2022.

The plan change delivers on the requirements to give effect to Policies 3 and 4 of the National Policy Statement on Urban Development 2020 (NPS-UD) and the amendments to the RMA that require the Council to incorporate the Medium Density Residential Standards into relevant residential zones. An assessment of the proposal in terms of both the operative plan and proposed plan change has been undertaken.

The proposal involves undertaking bulk earthworks and associated work and is outside the urban environment hence PC78 does not apply

### **Plan change 79 (PC79): Amendments to the transport provisions**

The plan change aims to manage impacts of development on Auckland's transport network, with focus on pedestrian safety, accessible car parking, loading and heavy vehicle management and catering for EV charging and cycle parking. The proposed changes are implemented by amending and adding provisions in the AUP's chapters. In chapter E24 artificial lighting standards to enhance the pedestrian safety and way-finding along private accessways. In chapter E27 transport the parking, vehicle and pedestrian access are amended and chapter E38 amended to align with the provisions of E27 transport chapter. These changes do not apply to this proposal.

### **Notice of Requirement – Brigham Creek Road Upgrade**

On 19<sup>th</sup> December 2022 Notice of requirement was lodged by Auckland Transport for a new designation, for the upgrade of the Brigham Creek Road corridor with separated active mode facilities and was notified on 23<sup>rd</sup> March 2023. The works described for the Projects could be carried out in stages as urban development occurs surrounding the

Project area. Auckland Transport development planner Mr Tehrani reviewed the consent and noted that the proposal does change in levels of approx. +0.6m on the north and approx. -3.0m on the south. The extent of batters for SGA's corridor will change to suit revised levels and did not raise any concerns. No structures or retaining walls are proposed to the Trig Road. As such the proposal is not considered to prevent or hinder the NoR.

### **Notice of Requirement –Trig Road Upgrade**

On 19<sup>th</sup> December 2022 Notice of requirement was lodged by Auckland Transport for a new designation, for the upgrade of the Trig Road corridor with separated active mode facilities and was notified on 23<sup>rd</sup> March 2023. The works described for the Projects could be carried out in stages as urban development occurs surrounding the Project area. Auckland Transport development planner Mr Tehrani reviewed the consent and noted that the proposal does change in levels of approx. +0.6m on the north and approx. -3.0m on the south. The extent of batters for SGA's corridor will change to suit revised levels and did not raise any concerns. No structures or retaining walls are proposed to the Trig Road. As such the proposal is not considered to prevent or hinder the NoR.

### **Infrastructure: Aircraft Noise Overlay – Whenuapai Airbase – Noise Control area (55 & 65dBA)**

The site is located within the Aircraft Noise Overlay Whenuapai Airbase – noise control area (65 & 55dBA). The proposal does not comprise an activity sensitive to aircraft noise. No further assessment has been provided in this regard.

### **Designation**

*Airspace Restriction Designations - ID 4311, Defence purposes - protection of approach and departure paths (Whenuapai Air Base), Minister of Defence*

The above designation applies to the subject site, which includes the following two conditions:

- i. The approval in writing of the New Zealand Defence Force is required prior to the erection of any building, change in use of any land or building, or any subdivision of land, and prior to any building or resource consent application for such works/activities, within the areas of the designation shown on the planning maps as 'land use and subdivision subject to NZDF approval'. These areas are generally within 1,000 metres of the runways. The subject site does not fall within these areas.
- ii. No obstacle shall penetrate the approach and departure path obstacle limitation surfaces shown on the planning maps and explained by the text "Explanation of Protection Surfaces Whenuapai Airfield" and Diagram MD1A below without the prior approval in writing of the New Zealand Defence Force. This restriction shall not apply to any building being erected which has a height of not more than 9.0 metres above natural ground level. The proposal is for earthworks and therefore, this requirement does not apply.

*Any form of large machinery to be used, may require written approval if it meets condition 2 above, advice notes have been applied to the consent.*

## 5. Reasons for the application

Land use consent (s9) – LUC60410317

Auckland Unitary Plan (Operative in part)

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

Land Disturbance - District

- To undertake general earthworks of 27,658m<sup>2</sup> in area and 33547m<sup>3</sup> in volume to fill in volume in Future Urban Zone is a restricted discretionary activity under E.12.4.1(A6) and (A10) respectively.

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

Land Disturbance – Regional

- To undertake earthworks of 27,658 m<sup>2</sup> in area where the slope is less than 10 degrees outside the sediment control protection area in Future Urban Zone is a Controlled Activity under rules E11.4.1(A4).

Water Permit consent (s14) – WAT60410318

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

E7 Taking, using, damming and diversion of water and drilling

- The proposal involves dewatering or groundwater level control associated with groundwater diversion as a restricted discretionary activity under rule E7.4.1(A20) for not meeting the permitted activity standards which is listed below:
  - The works involving dewatering will take longer than 30 days (E7.6.1.6 (2)).
  - The requirement for dewatering will continue after construction ceases, as the proposed excavations will extend permanently below the groundwater levels measured at the site and drained batter walls are proposed (E7.6.1.6 (3)).

The reasons for consent are considered together as a restricted discretionary activity overall.

## 6. Status of the resource consents

Where a proposal:

- consists of more than one activity specified in the plan(s); and
- involves more than one type of resource consent or requires more than one resource consent; and
- the effects of the activities overlap;

the activities may be considered together.

Where different activities within a proposal have effects which do not overlap, the activities will be considered separately.



In the instance, the effects of the proposed resource consents will overlap and thus they are considered together as a restricted discretionary activity overall.

## **7. Public notification assessment (sections 95A, 95C-95D)**

Section 95A specifies the steps the council is to follow to determine whether an application is to be publicly notified. These steps are addressed in the statutory order below.

Note: MDRS notification rules (where the application is for the construction and use of 1, 2, or 3 residential units that do not comply with 1 or more of the density standards) do not have immediate legal effect

### **Step 1: mandatory public notification in certain circumstances**

No mandatory notification is required as:

- the applicant has not requested that the application is publicly notified (s95A(3)(a));
- there are no outstanding or refused requests for further information (s95C and s95A(3)(b)); and
- the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977 (s95A(3)(c)).

### **Step 2: if not required by step 1, public notification precluded in certain circumstances**

The application is not precluded from public notification as:

- the activities are not subject to a rule or national environmental standard (NES) which precludes public notification (s95A(5)(a)); and
- the application does not exclusively involve one or more of the activities described in s95A(5)(b).

### **Step 3: if not precluded by step 2, public notification required in certain circumstances**

The application is not required to be publicly notified as the activities are not subject to any rule or a NES that requires public notification (s95A(8)(a)).

The following assessment addresses the adverse effects of the activities on the environment, as public notification is required if the activities will have or are likely to have adverse effects on the environment that are more than minor (s95A(8)(b)).

Only those effects that relate to matters that are within the council's discretion under the rules are considered in this assessment. These matters are:

- E7.8.1(1) Matter of Discretion for all Restricted Discretionary Activity.
- E7.8.1(4) Matter of Discretion for take and use of groundwater for dewatering or groundwater level control associated with groundwater diversion.
- E12.8.1 (1) Matter of discretion for all restricted discretionary activity.
- E11.7.1 (1) Matter of Control for all restricted discretionary Activity.

No other effects have been taken into account in this assessment.

## Adverse effects assessment (sections 95A(8)(b) and 95D)

### Effects that must be disregarded

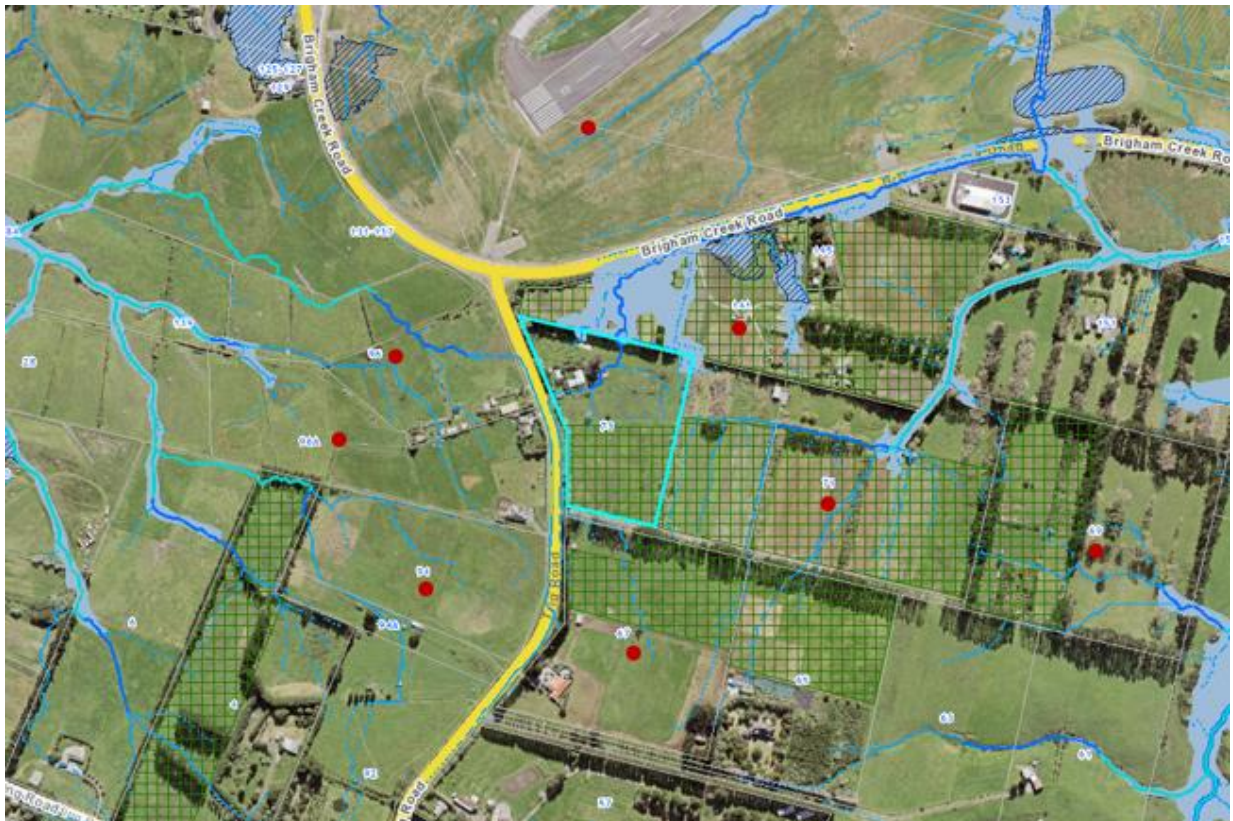
Effects on persons who are owners and occupiers of the land in, on or over which the application relates, or of land adjacent to that land

The council is to disregard any effects on the persons who own or occupy the land in, on, or over which the activity will occur, and on persons who own or occupy any adjacent land (s95D(a)). The land adjacent to the subject site is listed in the following table:

**Table 1**

Address

- 
- 141 Brigham Creek Road
  - 71 Trig Road
  - 69 Trig Road
  - 67 Trig Road
  - 96 & 96A Trig Road
  - 94 Trig Road
  - Whenuapai Air Base



Any effect on a person who has given written approval to the application

No persons have provided their written approval.



## Effects that may be disregarded

### Permitted baseline

The permitted baseline refers to the effects of permitted activities on the subject site. The permitted baseline may be taken into account and the council has the discretion to disregard those effects where an activity is not fanciful. In this case the permitted baseline is not considered applicable or useful for discounting effects due to the vast difference in scale from permitted earthworks to those proposed (both district and regional).

## Assessment

### Receiving environment

The receiving environment beyond the subject site includes permitted activities under the relevant plans, lawfully established activities (via existing use rights or resource consent), and any unimplemented resource consents that are likely to be implemented. The effects of any unimplemented consents on the subject site that are likely to be implemented (and which are not being replaced by the current proposal) also form part of this reasonably foreseeable receiving environment. This is the environment within which the adverse effects of this application must be assessed.

The receiving area is part of wider planned development to turn this greenfield into a suitable Urban development. This site sits at the northern extent of this area and much of the land will be developed to urban uses envisioned by the underlying precinct and zoning. It is against this environment, which also includes the consented development herein, which must be assessed.

### Adverse effects

- To control potential erosion the applicant has proposed the following erosion control devices and methodologies in accordance with the Auckland Council's guidance document 005 (GD05) to minimise the potential for erosion to occur:
  - Clear water diversion bunds proposed along the southern, eastern and western boundaries isolate the earthworks area from the surrounding catchment and manage surface erosion.
  - One sediment retention pond (SRP) is proposed on the norther boundary as a treatment device for sediment-laden surface water.
  - A run-off diversion bund has been proposed along the norther eastern and western boundaries of the site to manage surface flows and prevent sediment laden water.
  - A stabilised entranceway has been proposed to manage sediment tracking from vehicle and machinery access to prevent sediment tracking onto the public road.
- Auckland Council's regional earthworks specialist Ms Shanya Chand reviewed the consent and noted the following:
  - A run-off diversion bund has been proposed along the northern, eastern and western boundaries. It is unclear how surface flows will be directed to SRP inlet

for treatment. A condition has been included to ensure appropriate measures are undertaken to minimise the potential of sediment laden discharge from site.

- The contours proposed on site, It is likely that a silt fence may be required along the north-eastern portion of the site and stockpile of materials. A condition has been included to ensure that the proposed earthworks are protected in accordance with GD05.
- A chemical treatment plan (ChemTMP) for the proposed SRPs and DEBs is recommended as it will significantly increase the sediment removal efficiency. A condition has been included requiring the provision of a chemical treatment management plan of earthworks commencing and implementation of the plan.
- In terms of timing and duration of consent, Ms Chand noted that earthworks of this nature impose a higher risk if undertaken outside of the Auckland Council earthworks season (1 October – 30 April) during the wetter months. A condition has been included requiring season restriction to ensure that the potential effects associated with the proposal are managed appropriately should winter works be proposed.

Given the applicant has accepted the recommended conditions of consent and Ms Chand is satisfied that the proposed mitigation controls and management plans will suitably manage effects throughout the earthworks stage, and I consider effects on the environment as a result of regional earthworks appropriately mitigated and will result in less than minor effects in this regard on the receiving environment.

- Auckland Council's geotechnical specialist Mr Frank Zhou has reviewed the consent and confirmed that the proposed consent conditions which have been accepted by the applicant with a particular associated with the cut and fill operation and Geotechnical Completion Report will appropriately manage the settlement and geotechnical related effects to a less than minor level on the receiving environment.
- Auckland Council's Air & Noise specialist Andrew Gordon reviewed the consent and confirmed that the construction works is within the permitted AUP noise and vibration limits. Given the applicant has accepted the recommended conditions providing mitigation measures to reduce noise and vibration emissions from the site as far as practicable, and hours of operation limitation for construction works. Therefore, I considered effects on the environment as a result of earthwork noise and vibration will be appropriately mitigated and will result in less than minor effects in this regard on the receiving environment.
- Auckland Council's Development Engineer reviewed the consent and raised no concerns in regards to construction traffic management. To manage the traffic that will be generated during the implementation of the proposal a construction Traffic Management plan (CTMP) can be adapted to the circumstances of the site and road conditions as they exist at the time. A CTMP will be prepared to manage temporary traffic associated with the development. This is to be finalised and approved by Auckland Transport and prepared in accordance the NZTA Code of Practice of Temporary Traffic Management. The applicant has accepted this as a condition of consent. As such I find that the proposed construction traffic will be temporary in nature and controlled by a Traffic Management Plan and will

result in less than minor adverse effects on the environment and the operational efficiency of the road network.

- Auckland Council's Heritage Advisor, Ms Mica Plowman has reviewed the application and noted that the Cultural Heritage Implementation Team believe that appropriate mitigation for the effects of the proposed works on unscheduled archaeological sites are managed by the Heritage New Zealand Pouhere Taonga Act 2014. An advice note is included within this application relating to the Heritage New Zealand Pouhere Taonga Act 2014 and Accidental Discovery Rule to protect unknown archaeological, cultural and natural values that may be discovered when works or development is undertaken.
- The applicant has engaged with the relevant iwi groups during processing. Only Ngāti Paoa responded in support of this application, and notes that they will not be providing Cultural Value Assessment for this project and no further comments were made in regards to the proposed works on the site. As such effects on iwi in relation to mana whenua values are considered to be less than minor
- Auckland Council's groundwater specialist Mr Andy Samaratunga assessed the groundwater component of the application. Mr Samaratunga confirmed that the geotechnical investigation is satisfactory for the earthworks as it establishes appropriate ground conditions for future urbanisation and development of site and any adverse effects on the underlying Kumeu East Waitemata aquifer due to the proposed activity and the effects on any other users of the aquifer will be less than minor.

#### **Adverse effects conclusions**

The proposed earthworks and to take groundwater to allow dewatering of the site during the proposed bulk earthworks at the subject site will have less than minor adverse effects on the wider environment.

#### **Step 4: public notification in special circumstances**

If an application has not been publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified (s95A(9)).

Special circumstances are those that are:

- Exceptional, abnormal or unusual, but something less than extraordinary or unique;
- outside of the common run of applications of this nature; or
- circumstances which make notification desirable, notwithstanding the conclusion that the activities will not have adverse effects on the environment that are more than minor.

In this instance I have turned my mind specifically to the existence of any special circumstances and conclude that there is nothing exceptional or unusual about the application, and that the proposal has nothing out of the ordinary run of things to suggest that public notification should occur.

## Public notification conclusion

Having undertaken the s95A public notification tests, the following conclusions are reached:

- Under step 1, public notification is not mandatory.
- Under step 2, there is no rule or NES that specifically precludes public notification of the activities, and the application is for activities other than those specified in s95A(5)(b).
- Under step 3, public notification is not required as the application is for activities that are not subject to a rule that specifically requires it, and it is considered that the activities will not have adverse effects on the environment that are more than minor.
- Under step 4, there are no special circumstances that warrant the application being publicly notified.

It is therefore recommended that this application be processed without public notification.

## 8. Limited notification assessment (sections 95B, 95E-95G)

If the application is not publicly notified under s95A, the council must follow the steps set out in s95B to determine whether to limited notify the application. These steps are addressed in the statutory order below.

Note: MDRS notification rules (where the application is for the construction and use of 4 or more residential units that do comply with the density standards) do not have immediate legal effect.

### Step 1: certain affected protected customary rights groups must be notified

There are no protected customary rights groups or customary marine title groups affected by the proposed activities (s95B(2)).

In addition, the council must determine whether the proposed activities are on or adjacent to, or may affect, land that is subject of a statutory acknowledgement under schedule 11, and whether the person to whom the statutory acknowledgement is made is an affected person (s95B(3)).

Within the Auckland region the following statutory acknowledgements are relevant:

- Te Uri o Hau Claims Settlement Act 2002
- Ngāti Manuhiri Claims Settlement Act 2012
- Ngāti Whātua Ōrākei Claims Settlement Act 2012
- Ngāti Whātua o Kaipara Claims Settlement Act 2013
- Te Kawerau ā Maki Claims Settlement Act 2015
- Ngāti Tamaoho Claims Settlement Act 2018
- Ngāi Tai Ki Tāmaki Claims Settlement Act 2018

In this instance, the proposal is not on or adjacent to land that is subject to a statutory acknowledgement and will not result in adversely affected persons in this regard.

## Step 2: if not required by step 1, limited notification precluded in certain circumstances

The application is not precluded from limited notification as:

- the application is not for one or more activities that are exclusively subject to a rule or NES which preclude limited notification (s95B(6)(a)); and
- the application is not exclusively for a controlled activity, other than a subdivision, that requires consent under a district plan (s95B(6)(b)).

## Step 3: if not precluded by step 2, certain other affected persons must be notified

As this application is not for a boundary activity, there are no affected persons related to that type of activity (s95B(7)).

The following assessment addresses whether there are any affected persons that the application is required to be limited notified to (s95B(8)).

In determining whether a person is an affected person:

- a person is affected if adverse effects on that person are minor or more than minor (but not less than minor);
- adverse effects permitted by a rule in a plan or NES (the permitted baseline) may be disregarded;
- the adverse effects on those persons who have provided their written approval must be disregarded; and
- as a restricted discretionary activity, only those effects that fall within the matters of discretion restricted under the plan can be considered. These matters are listed in the public notification assessment section of this report.

## Adversely affected persons assessment (sections 95B(8) and 95E)

No persons are considered to be adversely affected by the proposal because:

- Earthworks will be temporary in nature, proposed to be undertaken within one season, and appropriately managed to avoid sediment discharge to adjacent sites. The applicant has accepted the recommended conditions of consent and Ms Chand is satisfied that the proposed mitigation controls and management plans will suitably manage effects throughout the earthworks. As such any effects will be temporary and less than minor on persons at adjacent sites.
- Construction traffic including earthmoving vehicles will be controlled by way of a Traffic Management Plan to be prepared to manage temporary traffic associated with the development. This is to be finalised and approved by Auckland Transport and prepared in accordance the NZTA Code of Practice of Temporary Traffic Management. The applicant has accepted this as a condition of consent.
- The applicant has engaged with the relevant iwi groups during processing. Only Ngāti Paoa responded in support of the proposal and notes that they will not be providing Cultural Value



Assessment for this project and no further comments were made in regards to the proposed works on the site. As such effects there are considered to be no affected persons in this regard.

- Auckland Council's Air & Noise specialist Andrew Gordon reviewed the consent and confirmed that the construction works is within the permitted AUP noise and vibration limits. Given the applicant has accepted the recommended conditions providing mitigation measures to reduce noise and vibration emissions from the site as far as practicable, and hours of operation limitation for construction works. Therefore, any adverse effects of noise from the proposed earthworks will be mitigated.
- The groundwater aspect of the application was reviewed by Mr Samaratunga and confirmed that the take and diversion of groundwater will have less than minor effects as the geotechnical investigation report provided is found to be satisfactory and the risk of encountering unforeseen ground condition is low. Mr Samaratunga noted that the geotechnical data on groundwater and geotechnical modelling determine the likely ground movement adjacent to the proposed development. Hence, the potential adverse effects of the activity on the adjacent properties will be mitigated are considered to be less than minor.

#### Step 4: further notification in special circumstances

In addition to the findings of the previous steps, the council is also required to determine whether special circumstances exist in relation to the application that warrants it being notified to any other persons not already determined as eligible for limited notification (excluding persons assessed under section 95E as not being affected persons).

Special circumstances are those that are:

- Exceptional, abnormal or unusual, but something less than extraordinary or unique;
- outside of the common run of applications of this nature; or
- circumstances which make limited notification to any other person desirable, notwithstanding the conclusion that no other person has been considered eligible.

In this instance I have turned my mind specifically to the existence of any special circumstances under s95B(10) and conclude that there is nothing exceptional or unusual about the application, and that the proposal has nothing out of the ordinary run of things to suggest that notification to any other persons should occur.

#### Limited notification conclusion

Having undertaken the s95B limited notification tests, the following conclusions are reached:

- Under step 1, limited notification is not mandatory.
- Under step 2, there is no rule or NES that specifically precludes limited notification of the activities, and the application is for activities other than those specified in s95B(6)(b).
- Under step 3, limited notification is not required as it is considered that the activities will not result in any adversely affected persons.
- Under step 4, there are no special circumstances that warrant the application being limited notified to any other persons.

It is therefore recommended that this application be processed without limited notification.

## 9. Notification recommendation

### Non-notification

For the above reasons under section 95A this application may be processed without public notification.

In addition, under section 95B, limited notification is not required.

Accordingly, I recommend that this application is processed non-notified.



Meghana Muthappa  
Intermediate Planner  
Resource Consents

Date: 19 May 2023

## 10. Notification determination

Acting under delegated authority, and for the reasons set out in the above assessment and recommendation, under sections 95A and 95C to 95D, and 95B and 95E to 95G of the RMA this application shall be processed non-notified.



Brogan McQuoid  
Team Leader Resource Consents

Date: 29 May 2023

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



## Restricted discretionary activity

**Application number(s):** BUN60410316 (Council Reference)  
LUC60410317 (s9 land use consent)  
WAT60410318 (s14 water permit)

**Applicant:** Neil Construction Ltd

**Site address:** 73 Trig Road Whenuapai

**Legal description:** Lot 1 Deposited Plan 117365

### Proposal:

The applicant seeks land use consent to undertake earthworks of 27,658m<sup>2</sup> in area and 33,547m<sup>3</sup> in volume. The applicant seeks water permit to take groundwater for dewatering purposes during bulk earthworks in anticipation of development and in the long-term for ground dewatering associated with ongoing batter slope drainage at the subject site.

Resource consent is required for the following reasons:

## Land use consent (s9) – LUC60410317

### Auckland Unitary Plan (Operative in part)

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

##### Land Disturbance - District

- To undertake general earthworks of 27,658m<sup>2</sup> in area and 33,547m<sup>3</sup> in volume to fill in volume in Future Urban Zone is a restricted discretionary activity under E.12.4.1(A6) and (A10) respectively.

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

##### Land Disturbance – Regional

- To undertake earthworks of 27,658 m<sup>2</sup> in area where the slope is less than 10 degrees outside the sediment control protection area in Future Urban Zone is a Controlled Activity under rules E11.4.1(A4).

## Water Permit consent (s14) – WAT60410318

### Regional land use (operative plan provisions)

#### E7 Taking, using, damming and diversion of water and drilling

- The proposal involves dewatering or groundwater level control associated with groundwater diversion as a restricted discretionary activity under rule E7.4.1(A20) for not meeting the permitted activity standards which is listed below:
- - The works involving dewatering will take longer than 30 days (E7.6.1.6 (2)).
  - The requirement for dewatering will continue after construction ceases, as the proposed excavations will extend permanently below the groundwater levels measured at the site and drained batter walls are proposed (E7.6.1.6 (3)).

The reasons for consent are considered together as a restricted discretionary activity overall.

### Decision

I have read the application, supporting documents, and the report and recommendations on the application for resource consent. I am satisfied that I have adequate 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, 104C, and Part 2 of the RMA, the resource consent is **GRANTED**.

### Reasons

The reasons for this decision are:

1. The application is for restricted discretionary resource consent, and as such under s104C only those matters over which council has restricted its discretion have been considered. Those matters are:
  - E7.8.1(1) Matter of Discretion for all Restricted Discretionary Activity.
  - E7.8.1(4) Matter of Discretion for take and use of groundwater for dewatering or groundwater level control associated with groundwater diversion.
  - E12.8.1 (1) Matter of discretion for all restricted discretionary activity.
  - E11.7.1 (1) Matter of Control for all restricted discretionary Activity.
2. In accordance with an assessment under ss104(1)(a) and (ab) of the RMA, the actual and potential effects from the proposal will be acceptable as:
  - a. The adverse effects of the proposed earthworks will be acceptable as the scale of the works is consistent with the topography of the site. The applicant proposes clear water diversion bunds proposed along the southern, eastern and western boundaries isolate the earthworks area from the surrounding catchment and manage surface erosion. One sediment retention pond (SRP) is proposed on the norther boundary as a treatment device for sediment-laden surface water. A run-off diversion bund has been proposed

along the norther eastern and western boundaries of the site to manage surface flows and prevent sediment laden water.

To manage erosion and sediment laden runoff, the applicant will install silt fences along the perimeter and provide a stabilised entrance in accordance with GD05. This level of erosion and sediment control is considered appropriate for the for this development and with proper installation and maintenance any adverse effects due to earthworks operations will be limited to within the site.

- b. Auckland Council's geotechnical specialist Mr Frank Zhou has reviewed the consent and confirmed that the proposed consent conditions which have accepted by the applicant with a particular associated with the cut and fill operation and Geotechnical Completion Report will appropriately manage the settlement and geotechnical related effects to a less than minor level on the receiving environment.
- c. Auckland Council's Air & Noise specialist Andrew Gordon reviewed the consent and confirmed that the construction works is within the permitted AUP noise and vibration limits. Given the applicant has accepted the recommended conditions providing mitigation measures to reduce noise and vibration emissions from the site as far as practicable, and hours of operation limitation for construction works. Therefore, any adverse effects of noise from the proposed earthworks will be mitigated.
- d. Construction traffic including earthmoving vehicles will be controlled by way of a Traffic Management Plan to be prepared to manage temporary traffic associated with the development. This is to be finalised and approved by Auckland Transport and prepared in accordance the NZTA Code of Practice of Temporary Traffic Management. The applicant has accepted this as a condition of consent, and this is considered to be an acceptable approach by Council's Development Engineer Mr Greg Hall to adequately deal with temporary construction traffic.
- e. The applicant has engaged with the relevant iwi groups during processing. Only Ngāti Paoa responded in support of this application and no further comments were made in regards to the proposed works on the site. As such effects there are considered to be no affected persons in this regard and effects on mana whenua values are considered acceptable.
- f. Any actual and potential effects associated with the groundwater dewatering and diversion caused by exaction have been reviewed by relevant Council's specialists and are considered acceptable. Conditions in relation to groundwater diversion are placed to manage the effects on the environment.
- g. In terms of positive effects, the proposal results in the development land for urbanization purposes as anticipated by the zone and the creation of housing and job opportunities by the establishment of dwellings or businesses in the area.
- h. With reference to s104(1)(ab), there are no specific offsetting or environmental compensation measures proposed or agreed to by the applicant to ensure positive effects on the environment and/or within the relevant matters of discretion.



3. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents, insofar as they relate to the matters over which discretion is restricted. In particular

**E7 Taking, using, damming and diversion of water and drilling**

**E7.2. Objectives and E7.3. Policies**

The proposed activity does not trigger consent for NES freshwater and there are no other matters considered relevant and reasonably necessary to consider with respect to the proposed groundwater take during dewatering.

**E11 Land Disturbance - Regional & E12 Land Disturbance – District**

**Objectives E11.2 (1-3) and Policies E11.3(1-7) – Land Disturbance Objectives E12.2 (1) and Policies E12.3.(1-6)**

The soil disturbance on site is limited to that required to form the driveway and building platform. Appropriate measures such as silt fencing have been put in place protect the environment from land disturbance. This is considered best practice and provides controls that are appropriate for the size and scale of the works being undertaken.

4. As a restricted discretionary activity, the other matters that can be considered under s104(1)(c) of the RMA must relate to the matters of discretion restricted under the plan. No other matters are considered relevant.
5. Under s123 of the RMA a duration of consent of 35 years has been applied to the water take permit WAT60410318.
6. Under s128 of the RMA, the conditions of this consent WAT60410318 may be reviewed by the Manager Resource Consents at the Consent Holder's cost to deal with any adverse effects on the environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage; and to vary the monitoring and reporting requirements, and performance standards, in order to take account of information, including the results of previous monitoring and changed environmental knowledge on:
  - 1) ground conditions
  - 2) aquifer parameters
  - 3) groundwater levels; and
  - 4) ground surface movement
7. In the context of this restricted discretionary activity application for land use and water permit, where the relevant objectives and policies and other relevant provisions in the relevant statutory documents were prepared having regard to Part 2 of the RMA, they capture all relevant planning considerations and contain a coherent set of policies designed to achieve clear environmental outcomes. They also provide a clear framework for assessing all relevant potential effects and there is no need to go beyond these provisions and look to Part 2 in making this decision as an assessment against Part 2 would not add anything to the evaluative exercise.

8. Overall, the proposal is acceptable.

## Conditions

Under sections 108 and 108AA of the RMA, this consent is subject to the following conditions:

1. This consent must be carried out in accordance with the documents and drawings and all supporting additional information submitted with the application, detailed below, and all referenced by the council as resource consent number BUN60410316, LUC60410317 and WAT60410318
  - Application Form and Assessment of Environmental Effects prepared by Yujie Gao, dated 17 October 2022.

Report title and reference	Author	Rev	Dated
Archaeological Assessment	Clough & associates Ltd	-	April 2022
Detailed Site Investigation	Geosciences Ltd	-	29 July 2022
Environment Due Diligence investigation	Geosciences Ltd	-	21 April 2022
Freshwater Classification and Constraints	Bioresearches A Babbage company	-	11 April 2022
Geotechnical Investigation Report	CMW Geosciences	0	23 January 2023
Groundwater Assessment	CMW Geosciences	0	13 October 2021
Bulk Earthworks and Environmental Management Plan	Cato Bolam	-	09/08/2022

Drawing title and reference	Author	Rev	Dated
Proposed Contour Layout	Cato Bolam	A	13/06/2023
Proposed Cut and Fill Layout Plan	Cato Bolam	A	13/06/2023
Proposed Erosion and sediment control layout plan	Cato Bolam	B	12/12/2022
Proposed Erosion & Sediment Control Details Sheet 1 - 3	Cato Bolam	A	13/06/2023

Other additional information	Author	Rev	Dated
S92 email response on excess material that will be imported from the adjacent 71 Trig Road	CMW Geosciences	-	13 February 2023
S92 Further information request: BUN60410316	Campbell Brown	-	13 February 2023

**Advice Note:**

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

2. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
  - a. The consent is given effect to; or
  - b. The council extends the period after which the consent lapses.
3. The consent holder must pay the council an initial consent compliance monitoring charge of \$ 1044 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to this consents.

**Advice note:**

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

## Specific conditions – land use consent LUC60410317

### Pre-Commencement – Earthworks

4. Prior to the commencement of the earthworks activity, the consent holder must hold a pre-start meeting that:
  - is located on the subject site;
  - is scheduled not less than five days before the anticipated commencement of earthworks;

- includes Auckland Council compliance monitoring representatives; and
- includes representation from the contractors and the supervising engineers who will undertake the works.

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

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

- Timeframes for key stages of the works authorised under this consent;
- Resource consent conditions;
- Finalised Erosion and Sediment Control Plan
- The Chemical Treatment Management Plan (ChemTMP)

**Advice Note:**

*To arrange the pre-start meeting please contact the Council to arrange this meeting on [monitoring@aucklandcouncilgovt.nz](mailto:monitoring@aucklandcouncilgovt.nz), or 09 301 01 01. 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.*

5. Prior to the commencement of earthworks activity on the subject site, a finalised Erosion and Sediment Control Plan (ESCP) must be prepared in accordance with Auckland Council 'Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016, Incorporating Amendment 1', (GD05) and submitted to the Council for written certification. No earthwork activities must commence until certification is provided by the Council that the final ESCP meets the requirements of GD05 and the and contains sufficient detail to address the following matters:
  - a) Specific erosion and sediment control measures (location, dimensions, perimeter controls), including;
    - a. SRP inlet, outlet, and primary and emergency spillway; and
    - b. Stockpile locations; and
    - c. Silt fence implementation along downhill boundary;
  - b) Supporting calculations and design drawings;
  - c) Catchment boundaries and contour information;
  - d) Details of construction methods;
  - e) Timing and duration of construction and operation of control works (in relation to the staging and sequencing of earthworks)
  - f) Details relating to the management of exposed areas and final stabilisation measures (e.g. grassing, mulching, aggregate); and
  - g) Monitoring and maintenance requirements

**Advice Note:**

*In the event that minor amendments to the erosion and / or sediment controls are required, any such amendments should be limited to the scope of this consent. Any*

*amendments which affect the performance of the controls may require an application to be made in accordance with section 127 of the RMA. Any minor amendments should be provided to the Council prior to implementation to confirm that they are within the scope of this consent.*

6. Prior to the commencement of earthworks activity on the subject site, a Chemical Treatment Management Plan (ChemTMP) must be prepared in accordance with Auckland Council 'Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016, Incorporating Amendment 1', (GD05) and submitted to the Council for written certification. No earthwork activities must commence until certification is provided by the Council that the ChemTMP meets the requirements of GD05 and the measures referred to in that plan for the sediment retention ponds have been put in place. The plan must include as a minimum:
- a) Specific design details of a chemical treatment system based on a rainfall activated methodology for the site's sediment retention pond;
  - b) Monitoring, maintenance (including post-storm) and contingency programme (including a record sheet);
  - c) Details of optimum dosage (including assumptions);
  - d) Results of the initial chemical treatment trial;
  - e) A spill contingency plan; and
  - f) Details of the person or bodies that will hold responsibility for operation and maintenance of the chemical treatment system and the organisation structure which will support this stem, throughout the duration of the consent.

**Advice Note:**

*In the event that minor amendments to the ChemTMP are required, any such amendments must be limited to the scope of this consent. Any amendments which affect the performance of the ChemTMP may require an application to be made in accordance with section 127 of the RMA. Any minor amendments should be provided to the Council prior to implementation to confirm that they are within the scope of this consent.*

7. Prior to the commencement of any construction activities on the subject site, a Construction Traffic Management Plan (CTMP) must be prepared and submitted for certification by Council. The CTMP must be prepared in accordance with the Council's requirements for construction traffic management plans (as applicable) and New Zealand Transport Authority's Code of Practice for Temporary Traffic Management.

The CTMP must include the following:

- a) A parking management plan for construction traffic;
- b) Address the transportation and parking of oversize vehicles such as cranes;
- c) Provide appropriate loading / working areas to minimise disruption to traffic on the public roading network;



- d) Provide cleaning facilities within the site to thoroughly clean all vehicles prior to exit to prevent mud or other excavated material from being dropped on the road. In the event that material is dropped on the road, resources should be on hand to clean-up as soon as possible
- e) Provide traffic management plans in compliance with the latest edition of the NZTA “Code of Practice for Temporary Traffic Management” (COPTTM) document.
- f) The site access point must be clearly signposted.
- g) Measures to be adopted to ensure that pedestrian access on the public footpaths in the vicinity of the site is safe during construction works.
- h) Pedestrian/cyclist movements and pedestrian control/safety on the surrounding roads;
- i) Proposed numbers and timing of truck movements throughout the day.
- j) Location of vehicle and construction machinery access during the period of site works;
- k) Storage and loading areas for materials and vehicles.

The certified CTMP must be implemented and maintained throughout the entire period of construction works on site to the satisfaction of Council.

#### **Advice Note**

*The CTMP shall contain enough detail to address the following matters:*

- *Measures to ensure the safe and efficient movement of the travelling public (pedestrians, vehicle occupants, residents, etc.); and*
- *Restrict hours of vehicle movements to protect amenity of surrounding environment during the earthworks and construction phase of the project.*

*It is the responsibility of the applicant to seek approval for the Traffic Management Plan from Auckland Transport.*

### **During Works Conditions**

#### **Seasonal Restriction**

8. No earthworks on the subject site must be undertaken between 01 May and 30 September in any year, without the submission of a ‘*Request for winter works*’ for approval to Council. All requests must be renewed annually prior to the approval expiring and no works must occur until written approval has been received from Council. All winter works will be re-assessed monthly or as required to ensure that adverse effects are not occurring in the receiving environment and approval may be revoked by Council upon written notice to the consent holder.

## Earthworks

### Implementation – Earthworks

9. The sediment retention pond and any other impoundment devices must be chemically treated in accordance with the certified Chemical Treatment Management Plan (ChemTMP). All measures required by the ChemTMP must be put in place prior to commencement of the earthworks activity and be maintained for the duration of the earthworks activity.
10. The erosion and sediment controls at the site must be constructed and maintained in accordance with the certified final Erosion and Sediment Control Plan, and Auckland Council Guideline Document 2016/005 'Erosion and Sediment Controls Guide for Land Disturbing Activities in the Auckland Region' (GD05) and any higher standard referred to through the conditions below, throughout the duration of the earthwork activity, or until the site is permanently stabilised against erosion. A record of any maintenance work must be kept and be supplied to the Council on request.
11. All perimeter controls must be operational before earthworks commence.
12. Earthworks must be managed to avoid deposition of earth, mud, dirt or other debris on any public road or footpath resulting from earthworks activity on the subject site. In the event that such deposition does occur, it must immediately be removed. In no instance must roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters.

### **Advice Note:**

*In order to prevent sediment laden water entering waterways from the road, the following methods may be adopted to prevent, or address discharges should they occur:*

- *provision of a stabilised entry and exit(s) point for vehicles*
- *provision of wheel wash facilities*
- *ceasing of vehicle movement until materials are removed*
- *cleaning of road surfaces using street-sweepers*
- *silt and sediment traps*
- *catchpit protection*

*In no circumstances should the washing of deposited materials into drains be advised or other condoned. It is recommended that you discuss any potential measures with Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Please contact Council for more details. Alternatively, please refer to Auckland Council Guideline Document 005, Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016 (GD05).*

13. The site must be progressively stabilised against erosion at all stages of the earthworks activity and must be sequenced to minimise the discharge of contaminants to groundwater or surface water in accordance with the certified Erosion and Sediment Control Plan.

**Advice Note:**

*Stabilisation measures may include:*

- *The use of waterproof covers, geotextiles, or mulching*
- *Top-soiling, grassing and hay mulching of otherwise bare areas of earth*
- *Aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward.*

*It is recommended that you discuss any potential measures with Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Please contact Council for more details. Alternatively, please refer to Auckland Council Guideline Document 005, Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016 (GD05).*

14. Immediately upon completion of abandonment of earthworks on the subject site, all areas of bare earth must be permanently stabilised to the satisfaction of the Council.

**Advice Note:**

*Should any earthworks be completed or abandoned, bare areas of earth associated with the works must be permanently stabilised against erosion. Measures may include:*

- *The use of mulching or natural fibre matting*
- *Top-soiling, grassing and mulching of otherwise bare areas of earth*
- *Aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward*

*The on-going monitoring of these measures is the responsibility of the consent holder. It is recommended that you discuss any potential measures with the Council's monitoring officer who will guide you on the most appropriate approach to take. Alternatively, please refer to Auckland Council Guidance Document 005, Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016 (GD05).*

## **Noise and Vibration**

15. All noise generating 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)) must not exceed the noise limits stipulated within NZS 6803:1999 Acoustics - Construction Noise (or any subsequent revision, and must only be carried out:

- between the hours of 7:30 am and 18:00 pm, Monday to Saturday; and

- must not be carried out on any Sunday or public holiday (and any following Monday on which that public holiday is observed)
16. Earthworks on the site must be designed and conducted to not exceed the noise standards specified in AUP (OP) Table E25.6.27.1 (i.e. 75 dB LAeq) when measured 1m from the most exposed façade of any building that is occupied during the works. Noise from construction work activity must be measured and assessed in accordance with the requirements of New Zealand Standard NZS 6803:1999 Acoustics – Construction noise.

## **Dust**

17. Discharges of dust must not cause offensive or objectionable effects at any location beyond the boundary of the Site, in the opinion of an enforcement officer when assessed in accordance with the Good Practice Guide for Assessing and Managing Dust (Ministry for the Environment, 2016). The consent holder must ensure that dust management at the Site generally complies with the recommendations of this Good Practice Guide and minimises dust generation as far as practicable. This must include having sufficient water to dampen exposed soil and unsealed areas, and/or other dust suppressing measures, available as necessary.

## **Geotechnical**

18. All earthworks must be managed to ensure that they do not lead to any uncontrolled instability or collapse affecting either the site or adversely affecting any neighbouring properties. In the event that such collapse or instability does occur, it must immediately be rectified.
19. Earthworks must be supervised by a suitably qualified geotechnical engineering professional who is familiar with Geotechnical Investigation Report prepared by CMW Geosciences (ref. AKL2019-0040AN Rev 0 dated 23 January 2023). In supervising the works, the suitably qualified geotechnical engineering professional must ensure that they are constructed and otherwise completed in accordance with the engineering plans and geotechnical recommendations, relevant engineering codes of practice and detailed plans forming part of the application. The supervising engineer's contact details must be provided in writing to the Council at least two weeks prior to earthworks commencing on site.
20. Within 20 working days from the completion of earthworks, a Geotechnical Completion Report signed by the Chartered Professional Geotechnical Engineer or Chartered Engineering Geologist must be provided to the Council. The Geotechnical Completion Report must include (but not to be limited to):
- Earthworks operations (e.g. benching works, detention pond, keyways etc)
  - Fill compaction
  - Testing
  - Inspections

The Geotechnical Completion Report shall also confirm settlement criteria has been met.  
The Geotechnical Completion Report shall be to the satisfaction of the Council.

### **Overland Flow Path**

21. The consent holder must construct the overland flow paths accordance with Civil Engineering report, dated 19/08/2022 prepared by Cato Bolam to ensure continuity of overland flow is maintained and that the entry and exit points are maintained.

Upon completion of the overland flow path, the consent holder must provide to the satisfaction of Council, the following evidence to demonstrate that the completed the completed overland flowpath was constructed in accordance with the design specifications.

- a. The consent holder must provide an as-built plan, long section, and cross-sections, prepared by a Licensed Cadastral Surveyor and/ or suitably qualified engineering professional to demonstrate that the completed overland flow path meets the design requirements.

## **Water Permit WAT60410318**

### **Duration of Consent**

22. Consents WAT60410318 must expire under s123 of the RMA 35 years from the date they are granted unless they have been surrendered or been cancelled at an earlier date pursuant to the RMA.
23. Under section 128 of the RMA, the conditions of this consent WAT60410318 may be reviewed by the Manager Resource Consents at the Consent Holder's cost:

Within six (6) months after Completion of Construction Phase Dewatering and subsequently at intervals of not less than five (5) years thereafter in order:

- To deal with any adverse effects on the environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage.
  - To vary the monitoring and reporting requirements, and performance standards, in order to take account of information, including the results of previous monitoring and changed environmental knowledge on:
    - 1) ground conditions
    - 2) aquifer parameters
    - 3) groundwater levels; and
    - 4) ground surface movement
24. The Council must be advised in writing at least ten (10) working days prior to the date of the Commencement of Construction Phase Dewatering.



25. The design and construction of any structures must be undertaken in accordance with the specifications contained in the following report(s) *“Geotechnical Investigation Report – 73 Trig Road, Whenuapai”*, prepared by CMW Geosciences, Ref: AKL2019-0040AL Rev 0, and dated 23 January 2023.
26. The Bulk Excavation must not extend below the levels specified in the Plan titled *“Neil Construction Limited – 73 Trig Road, Whenuapai – Bulk Earthworks and Environmental Management Plan – Proposed Cut and Fill Layout Plan – Drawing No. 46528-DR-C-2100”, Revision A*, prepared by Cato Bolam, Job No. 46528, and dated (issued) 04 July 2022.
27. All excavation, dewatering systems, building platforms and works associated with the taking of groundwater, must be designed, constructed and maintained so as to avoid Damage to buildings, structures and Services on the site or adjacent properties, outside that considered as part of the application process unless otherwise agreed in writing with the asset owner.
28. If the Consent Holder becomes aware of any Damage to buildings, structures or Services potentially caused wholly, or in part, by the exercise of this consent, the Consent Holder must:
  - a) Notify the Council and the asset owner within two (2) working days of the Consent Holder becoming aware of the Damage.
  - b) Provide a report prepared by a SQEP (engaged by the Consent Holder at their cost) that describes the Damage; identifies the cause of the Damage; identifies methods to remedy and/or mitigate the Damage that has been caused; identifies the potential for further Damage to occur and describes actions that will be taken to avoid further Damage.
  - c) Provide a copy of the report prepared under (b) above, to the Council and the asset owner within ten (10) working days of notification under (a) above.

**Advice Note:**

*It is anticipated the Consent Holder will seek the permission of the damaged asset to access the property and asset to enable the inspection/investigation. It is understood that if access is denied the report will be of limited extent.*

29. The Council must be advised in writing within ten (10) working days of when excavation and Construction Phase Dewatering has been completed.

**Advice Note:**

*The Consent Holder is advised that the discharge of pumped groundwater to a stormwater system or waterbody will need to comply with any other regulations, bylaws or discharge rules that may apply.*

## Advice notes

1. Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.

2. *For the purpose of compliance with the conditions of consent, “the council” refers to the council’s monitoring officer unless otherwise specified. Please email [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) to identify your allocated officer.*
3. *For more information on the resource consent process with Auckland Council see the council’s website: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz). General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment’s website: [www.mfe.govt.nz](http://www.mfe.govt.nz).*
4. *If you disagree with any of the above conditions, and/or disagree with the additional charges relating to the processing of the application(s), you have a right of objection pursuant to sections 357A and/or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of your receipt of this decision (for s357A) or receipt of the council invoice (for s357B).*
5. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.*
6. *No permanent or temporary obstacle (including but not limited to structures, construction equipment, cranes and trees) may penetrate the Obstacle Limitation Surface for RNZAF Base Whenuapai (as identified in Designation 4311 - Whenuapai Airfield Approach and Departure Path Protection) without the prior approval in writing of the New Zealand Defence Force. It is recommended that applicants contact the New Zealand Defence Force to discuss requirements (email: [environment@nzdf.mil.nz](mailto:environment@nzdf.mil.nz)).*
7. *Civil Aviation Authority (CAA) rules and regulations apply in relation to the height of permanent and temporary obstacles (including but not limited to structures, construction equipment, cranes and trees) within the Obstacle Limitation Surface for RNZAF Base Whenuapai. All persons carrying out work under this resource consent and any related building consent must therefore comply with all obligations arising under CAA rules and regulations, including obligations to notify the Director CAA as outlined in CAA Rules Part 77. Parties are advised to contact CAA for further information or to refer to [www.caa.govt.nz/airspace/airspace-hazard](http://www.caa.govt.nz/airspace/airspace-hazard)*
8. *The consent holder is advised that written approval from Auckland Transport pursuant to Section 176 of the Resource Management Act 1991 will be required prior to any works commencing within the designation (or Notice of Requirement) area.*
9. *The relevant information for submitting your s176 application (including deposit slip and application for written consent) is contained in this link <https://at.govt.nz/about-us/working-on-the-road/road-processes-for-property-owners/consent-for-works-in-an-at-designation/> and sent to [AucklandTransportPlanningTeam@at.govt.nz](mailto:AucklandTransportPlanningTeam@at.govt.nz)*

10. *Please note that no works associated with this resource consent application located within Designation 1455 can be commenced without Auckland Transport's written approval pursuant to s176. As the matters considered as part of Auckland Transport's s176 written consent process is different from that of a resource consent, this review/response does not constitute said approval.*

Delegated decision maker:

Name: Brogan McQuoid

Title: Team Leader, Resource Consents

Signed: 

Date: 29 May 2023

## Resource Consent Notice of Works Starting

Please email this form to [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) at least 5 days prior to work starting on your development or post it to the address at the bottom of the page.

<b>Site address:</b>				
<b>AREA</b> (please tick the box)	<b>Auckland CBD</b> <input type="checkbox"/>	<b>Auckland Isthmus</b> <input type="checkbox"/>	<b>Hauraki Gulf Islands</b> <input type="checkbox"/>	<b>Waitakere</b> <input type="checkbox"/>
<b>Manukau</b> <input type="checkbox"/>	<b>Rodney</b> <input type="checkbox"/>	<b>North Shore</b> <input type="checkbox"/>	<b>Papakura</b> <input type="checkbox"/>	<b>Franklin</b> <input type="checkbox"/>
<b>Resource consent number:</b>			<b>Associated building consent:</b>	
<b>Expected start date of work:</b>			<b>Expected duration of work:</b>	

Primary contact	Name	Mobile / Landline	Address	Email address
Owner				
Project manager				
Builder				
Earthmover				
Arborist				
Other (specify)				

<b>Signature:</b> Owner / Project Manager (indicate which)	<b>Date:</b>
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Once you have been contacted by the Monitoring Officer, all correspondence should be sent directly to them.

### **SAVE \$\$\$ minimise monitoring costs!**

The council will review your property for start of works every three months from the date of issue of the resource consent and charge for the time spent. You can contact your Resource Consent Monitoring Officer on 09 301 0101 or via [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) to discuss a likely timetable of works before the inspection is carried out and to avoid incurring this cost.