

DATE: 8 December 2021
TO: Stephanie Frame (Manager, Fast-track Consenting Team)
FROM: Philip Brown (Director, Campbell Brown Planning Limited)
SUBJECT: **FURTHER INFORMATION RESPONSE #2 – WHENUAPAI BUSINESS PARK**

I refer to your written request for further information dated 1 December 2020, under section 22 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 ('FTCA'). This second request for further information follows receipt of stakeholder comments.

Responses to the particular further information requests are set out below. I have also reproduced each request for clarity, numbered and in italics.

1. Details on how the necessary infrastructure upgrades to deliver the Project, particularly transport infrastructure, will be funded

With regard to transport infrastructure, it is understood that the Auckland Council considers that developers should pay a fair share of the transport infrastructure upgrading that is required in this area. Neil Construction Limited ('NCL') accepts that premise. NCL is committed to installing, at its cost in all respects, the transport infrastructure that is required to support the Whenuapai Business Park development.

More specifically, it is considered that there are two matters that need to be addressed with regard to transport infrastructure for the Whenuapai Business Park. It should be demonstrated that:

- NCL is funding its fair share of necessary transport infrastructure upgrades within the immediate area; and
- The upgrades being funded by NCL are all that are required to mitigate the effects of the Whenuapai Business Park.

With regard to the first point, Auckland Council has identified the necessary transport infrastructure upgrades for Whenuapai in draft Variation 1 to Plan Change 5 ('PC5'). The original requirements from PC5 were updated in April 2021 and included in draft Variation 1. The locations of the required upgrades are identified on **Figure 1**. The nature of the works required are described in the table following Figure 1, with each project corresponding with the number in Figure 1. There are eight transport infrastructure upgrades required.

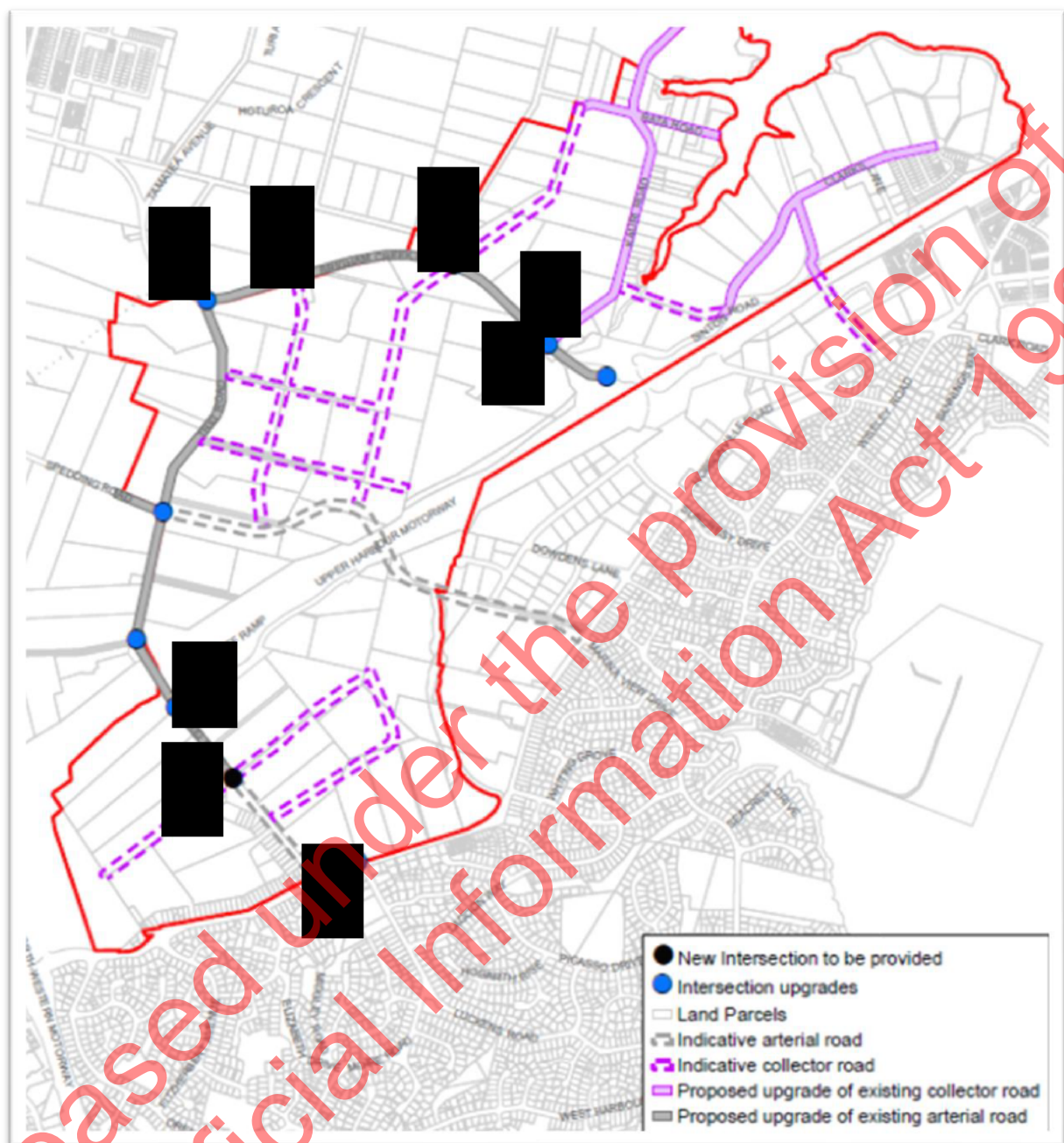


Figure 1: Required transport infrastructure upgrades within or adjacent to PC5 (source: draft Variation 1)

	Transport Upgrade Required
1	Signalisation at the new intersection of Trig Road and Hobsonville Road, and the intersection of Luckens Road and Hobsonville Road
2	Formation and signalisation of the intersection at the location of the new collector road and Trig Road as indicatively shown on Precinct Plan 2
3	Upgrade of the intersection at Trig Road and the State Highway 18 off ramp

4	Upgrade and signalisation of the intersection of Brigham Creek Road and Kauri Road including: <ul style="list-style-type: none"> • dual right-turn lanes from Brigham Creek Road into Kauri Road; and • suitable bus and cycle priority provision.
5	Formation and signalisation of the intersection at the location of the new collector road and Brigham Creek Road as indicatively shown on Precinct Plan 2
6	Addition of a fourth leg to the Brigham Creek Road and Kauri Road intersection
7	Formation and signalisation of the intersections of Brigham Creek Road with the new collector roads required as part of the Stage 1E area
8	Upgrade and signalisation of the intersection of Trig Road and Brigham Creek Road

It is noted that the two intersection upgrades shown on Figure 1 to the north of project 3 are proposed to be undertaken in association with Plan Change 69 (to the west) and therefore are not included as a requirement for the PC5 area.

The Whenuapai Business Park site comprises around 23 hectares of land. The total area of land within PC5 is approximately 351 hectares, meaning that NCL's site comprises less than 7% of the PC5 land. Notwithstanding that, NCL has committed to complete one of the eight transport infrastructure upgrading projects in full and entirely at its own cost. In addition, NCL will upgrade Brigham Creek Road for a length of 250m with additional traffic lanes, footpaths and cycle paths, and drainage. The intersection alone comprises 12.5% of the projects in the PC5 area (one of eight) but is a project that requires a completely new signalised intersection as opposed to the upgrades of existing intersections that are generally proposed. That is expected to carry a cost significantly in excess of 12.5% of the complete transport infrastructure upgrading costs for the PC5 area.

On the basis of the above, it is considered that NCL will more than provide its 'fair share' of required transport infrastructure upgrading.

NCL has the financial capacity to fund the required infrastructure. NCL is a long established and well-funded developer that does not rely on mortgage debt to fund its projects. The company is supported by parent Oregon Group, one of New Zealand's largest forestry owners. The Neil Group holds net assets (at current market value) in the order of s 9(2)(b)(ii). Audited financial information can be supplied on request, subject to a non-disclosure agreement, if required to validate funding capability.

It is noted that NCL will also be expected to pay development contributions towards wider network infrastructure in Auckland's north-west under Auckland Council's existing Development Contributions Policy.

In relation to the second question, regarding the adequacy of upgrades to accommodate the proposed development, it is considered that the works proposed on Brigham Creek Road are sufficient to mitigate the transportation related effects of the proposal.

Attached at **Appendix A** is advice from Traffic Engineering & Management Limited ('TEAM') that summarises the transport infrastructure upgrades that are to be provided with the development, including the signalised intersection, widening of Brigham Creek Road to accommodate additional traffic lanes, and new footpaths and cycle lanes. The works to the road carriageway would extend for a 250m length along Brigham Creek Road. The TEAM advice confirms that the intersection design meets the key performance indicators outlined in the PC5 technical transport assessments, which are based on predicted 2028 traffic volumes (and includes PC5 development).

The Whenuapai Business Park has only one road entry/exit point connected to the existing network, and the upgrading is understandably focused on this location. In addition, the Whenuapai Business Park proposal seeks to fully fund and build the indicative collector roads within the development, as identified in Figure 1.

Traffic volumes associated with the Whenuapai Business Park proposal are not expected to be substantial in the context of existing or future traffic flows in the network. The original TEAM report submitted with the application assesses traffic generation as 2,933 trips at the peak hour. Modelling confirms that this volume can be accommodated at an acceptable level of service by the proposed Brigham Creek Road signalised intersection.

Furthermore, it is expected that the traffic generation will be somewhat less than modelled for two reasons. Firstly, the residential component of the proposal will not be progressed through the FTCA application, with that area shown as balance lots on the scheme plan. Secondly, the large lot within the proposed development (Lot 20, 7.4ha, as shown on **Appendix B**) is to be used for a data centre for a large international technology company. A signed agreement for sale and purchase is in place, conditional on consent being obtained. The technology company has advised that, despite the large size of the site and premises, the on-site workforce is expected to comprise 85 FTE jobs.

In addition to the transportation infrastructure, NCL has considered the provision of wastewater and water infrastructure. Both of these networks are provided and operated by Watercare Services Limited ('Watercare').

Attached at **Appendix C** is advice from Cato Bolam Limited, civil engineering consultants. The advice states that extensive liaison has been undertaken with Watercare, and confirms that there is sufficient capacity in both the wastewater and water reticulation networks to service the proposed development. Watercare identified a potential issue with the wastewater pipe bridge (refer **Appendix D**), although that has been overcome with an amended reticulation design that utilises a new pump station (refer **Appendix E** for the amended wastewater reticulation). **Appendix F** contains an amended water supply reticulation arrangement that will resolve a potential pressure shortfall for firefighting purposes.

2. Further to the above, comment on:

- ***if the funding will be provided by Auckland Council (and its CCOs) or other third parties, whether any agreements are in place to guarantee the funding***
- ***whether alternative funding arrangements, if required, are likely to impact on the proposed construction timeline***

NCL's intentions with regard to infrastructure funding are largely discussed above.

It is noted that an Infrastructure Acceleration Fund ('IAF') application for \$4.6m, being part of the costs of the proposed transport infrastructure, was lodged by NCL with Kāinga Ora on 20 August 2021. This was primarily intended to support an adjacent residential project at 2-10 Kauri Road, which has capacity for at least 250 homes. This, augmented by the (approximately) 50 dwelling future residential capacity in the northern sector of Whenuapai Business Park, would support 300 new homes.

None of the funding for Whenuapai Business Park is contingent on the success of the IAF application, nor is any funding to be provided by Auckland Council (or its CCOs). As noted below, other events have largely overtaken the IAF application, rendering it likely to be withdrawn by NCL.

NCL's IAF application was specifically based on Auckland Council advice that Variation 1 to Plan Change 5 was likely to be notified in the near future. NCL identified the infrastructure funding requirements in accordance with the table below, with its contribution set at 45%, based on the proportions of land in the Brigham Creek Road/Kauri Road area allocated to each type of land use activity (45% industrial/ 55% residential). NCL neither sought nor anticipated any funding contribution from Auckland Council.

s 9(2)(b)(ii)

On 15 October 2021, NCL received notice from Kāinga Ora that the proposal had been selected to progress to the Request for Proposal Stage. The RFP is due to be submitted on 17 December 2021, but for it to proceed it must have support from Auckland Council. At the date of this RFI response, NCL does not have any indication from Council whether it supports the application or not.

Because of the tight timelines for preparing its RFP response to the IAF (17 December 2021), further projected delays to PC5, and a possible lack of support from Auckland Council, NCL is considering withdrawing from the IAF process. That decision will be made if Council does not supply a response by 10 December 2021 or if it supplies a negative response by that date.

Notwithstanding all of the above, and for the avoidance of doubt, NCL reiterates that it is willing and able to fund 100% of the required infrastructure without reliance on any third party.

3. Comment on whether, if Plan Change 5 to the Auckland Unitary Plan is withdrawn in line with Part 4 of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill, any amendments would be required to the Project

The first point to note in relation to this matter is that the Select Committee is recommending an amendment to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill ('the Bill') that would avoid the need to withdraw PC5. The Select Committee report notes:

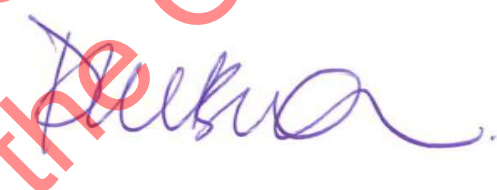
"We agree that the transitional provision could affect housing supply in the short term. We consider that proposed district plans and plan changes that are well progressed should be able to proceed. We therefore recommend removing the requirement for them to be withdrawn."

The Select Committee further notes that, for proposed district plans and plan changes that have already been notified, a variation process could be used to incorporate the MDRS and the NPS-UD intensification requirements. That approach would sit well with the current PC5 situation, where Council already intends to publicly notify a variation. Draft Variation 1 could simply be amended prior to notification to include the MDRS.

In any event, the Bill does not directly impact on NCL's proposed development application under FTCA. The application does not alter the zoning of the land and the limited residential component under draft Variation 1 to PC5 has effectively been removed from the proposal by identifying that area as balance lots with a notation "*not for development under this application*" (refer Appendix B).

Even in the unlikely event that the Select Committee's recommendation is not accepted when the Bill becomes law on 16 December 2021, there is no reason why the proposal could not proceed. It does not rely on PC5 being advanced or made operative. Indeed, the substantial delays with that plan change process are one of the contributing reasons behind NCL's application under the FTCA. NCL's proposal is worthy of progressing irrespective of PC5 because the site has been subject to a structure planning exercise and the proposal is consistent the outcomes of that process, it is accepted as being suitable for urbanisation through the Future Urban zoning, and there is capacity in existing and self-funded infrastructure to service the site.

I trust that this further information is of assistance. Please contact me if any additional clarification is required.



Philip Brown
Director
Campbell Brown Planning Limited

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the Official Information Act 1982

Campbell Brown Planning Limited

Level 1, 56 Brown Street, Ponsonby | PO Box 147001, Ponsonby, Auckland 1144

09 378 4936 | www.campbellbrown.co.nz



The Neil Group
c/- Cato Bolam Consultants

Ref: 20350
3rd December 2021

Attention: Trevor Canty and Chris Solleder

Dear Sir

**PROPOSED WHENUAPAI BUSINESS PARK TRAFFIC ENGINEERING STATEMENT FOR THE
MINISTRY FOR THE ENVIRONMENT**

Further to our Integrated Transport Assessment prepared for a proposed Whenuapai Business Park, the following is a summary of the transport infrastructure upgrades that are to be provided with the proposal.

A significant upgrade of Brigham Creek Road is proposed, which consists of adding traffic lanes, footpaths and cycle lanes/paths together with a new major arterial signalised intersection.

The location of the new intersection aligns with the Proposed Plan Change 5 (PPC5) indicative roading network plan and provides key collector roads that access developable land to the north and south sides of Brigham Creek Road. The intersection design meets the key performance indicators outlined in the PPC5's technical transport assessments, which are based on predicted 2028 traffic volumes.

The proposed intersection design was arrived at through testing various options that balanced intersection performance against design constraints imposed by land boundaries (defence force land) and topography (streams).

As a result of the proposed intersection works a 250 metre section of Brigham Creek Road is to be fully upgraded in line with PPC5 expectations. The next stage of Brigham Creek Road upgrade works is most practicably a circa 500 metre section to the east of the intersection, which will establish a fully upgraded stretch of Brigham Creek Road connecting State Highway 18 to the intersection.

We hope this is sufficiently detailed for your immediate needs. Do not hesitate to contact us if you have any questions.

Yours faithfully

TRAFFIC ENGINEERING & MANAGEMENT LTD

Eric Hebner
Senior Associate

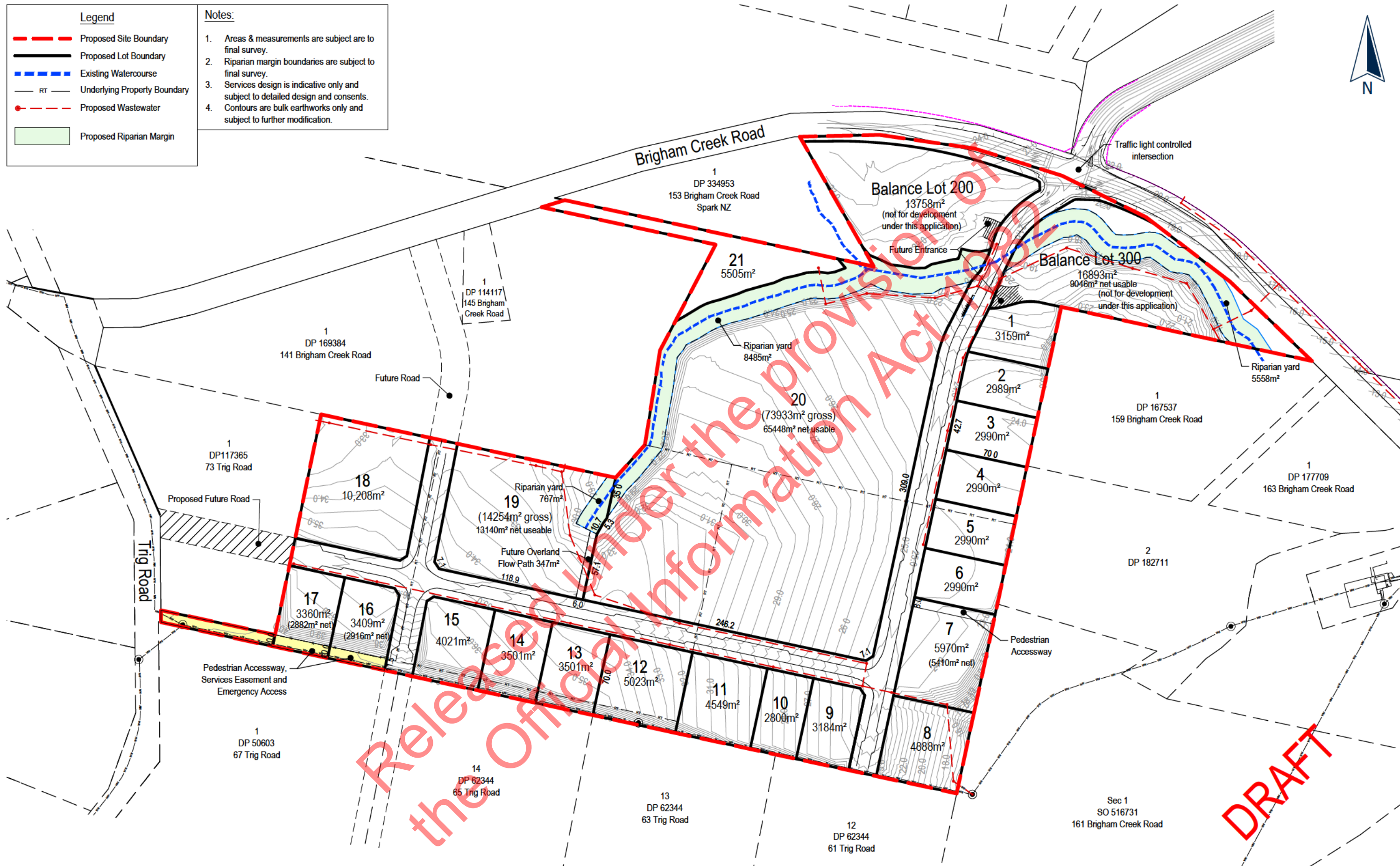
s 9(2)(a)

Legend

- Proposed Site Boundary
- Proposed Lot Boundary
- Existing Watercourse
- Underlying Property Boundary
- Proposed Wastewater
- Proposed Riparian Margin

Notes:

- Areas & measurements are subject to final survey.
- Riparian margin boundaries are subject to final survey.
- Services design is indicative only and subject to detailed design and consents. Contours are bulk earthworks only and subject to further modification.



Neil Construction Ltd
 Brigham Creek Rd & Trigg Rd
 Whenuapai

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DATE	ORIGINAL SCALE	ORIGINAL SIZE
April 2021	1:3000	A3
DRAWING NO.	44315-DR-PLN-1250-H	

Our Ref: 44315

6 December 2021

Neil Construction Limited
Level 3, Building B
8 Nugent Street
Grafton
Auckland 1023

Attention: Trevor Canty

s 9(2)(a)

Dear Trevor

Response to RFI Relating to Proposed Infrastructure at Whenuapai Business Park.

Client: Neil Construction Limited

Location: Brigham Creek Road, Whenuapai, Auckland

As part of the RFI from the Ministry for the Environment dated 1 December 2021 it was stated that there are concerns about the capacity of the wastewater and water reticulation networks. We have been liaising extensively with Watercare on both networks and respond as follows:

Wastewater:

Watercare have not raised any concerns about capacity concerns in the wastewater network to service the proposed development.

However, due to the existing Brigham Creek Road pump station being within the 100 year flood plain, the previously proposed pipe bridge crossing the Waiarohia Stream to the pump station was positioned below the 100 year flood level. We requested consultation with Watercare about this issue recently and received the advice to choose a different route or potentially utilizing a pumping station.

Any alternative route to the pump station involves either neighbouring property owner consent or the purchase of additional land which has to date been unsuccessful. We have therefore investigated the alternative to use a pump station in the proposed Balance Lot 300 as shown on the attached drawing. The proposed pump station can service the proposed Lots 1-6, 20-21 and Balances Lots 200, 300, and avoids the use of deep wastewater gravity lines. The pump station can potentially also provide service to the future development in 153 and 159 Brigham Creek Road if required.

Water:

Additional modeling and consultation with Watercare has determined that the resulting firefighting flows from the previous design were not adequate for the western part of the site due to it crossing two water supply zones. This is resolved by servicing the western portion of the development from Trig Road via a proposed temporary connection to Trig Road through the 10 meter wide access strip owned by Neil Construction Ltd, providing appropriate easements. These easements will be replaced when "Road 2" is extended to Trig Road in the future as per the structure plan. We have applied for dispensation for the temporary connection arrangement with Watercare. Hydrant testing has been conducted on the water mains on Trig Road and Brigham Creek road which shows both networks to have sufficient flow and pressure. See attached the proposed updated water reticulation layout.

Based on our discussions with Watercare there is sufficient capacity within the wastewater and water reticulation networks to service the proposed development.

If you have any queries or require further information, please contact me at s 9(2)(a) or s 9(2)(a)

Yours faithfully

CATO BOLAM CONSULTANTS LTD



Paul Kleynhans

Associate - Engineer Manager

44315-LT-C-CL01 RFI response.docx

Encl

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Watercare Services Limited

Private Bag 94010

Auckland 2241

www.watercare.co.nz

Customer service line

Mon to Fri 7.30 to 6pm

09 442 2222

info@water.co.nz



Fault line

24 hours

09 442 2222

Free text 3130

faults@water.co.nz

30 November 2021

Mae Chen
Cato Bolam
89 Central Park Drive
Henderson, 0650

Dear Mae,

Re: Your request for an assessment of dispensation for a wastewater pipe bridge

Address: 69 & 71 Trig Road and 151, 155-157 Bringham Creek Road

Watercare application number CON104450

This assessment is independent of the Auckland Council consenting process. This letter does not constitute a pre-approval from Watercare.

In your consultation application you requested dispensation from Watercare for the proposed pipe bridge over Waiarohia Stream being below the 100 year flood level.

On 15 November 2021, Watercare requested details of the flood levels and the velocities in Waiarohia Stream for the 1, 2, 5, 10, 20 and 100 year floods. This information was supplied to Watercare on 24 November 2021 and showed that the pipe bridge would be below flood level on the 5 year flood event and in that event would be subject to a flow velocity of 1.62 m/s.

Based on the information provided and in consideration of the risks posed by the pipe bridge being inundated and exposed to high velocity flow on at least a five year return basis, Watercare will not grant a dispensation for the pipe bridge being below the 100 year flood level.

Watercare considers that there are a number of potential alternative options to the proposed pipe bridge which may be choosing a different route, potentially utilising a pumping station or perhaps upsizing the culvert under Bringham Creek Road thereby lessening the level of the flood water.

Whichever option is pursued, if the solution involves crossing Waiarohia Stream then Healthy Waters approval would also be needed.

We understand that this issue may be critical to the proposed development and will be available for discussions on other proposed options as required. An agreed solution for the wastewater disposal from the development is essential for this development to go ahead.

While not part of this consultation application, Watercare notes that part of the proposed development is expected to connect to the existing Watercare system at manhole number 8 on the Massey North Branch Sewer. Please be aware that this manhole suffers from very high levels of H₂S and special care needs to be taken if any works are proposed in this manhole. Full consultation with Watercare should be undertaken to plan and execute any works in connection with this manhole.

Yours Sincerely

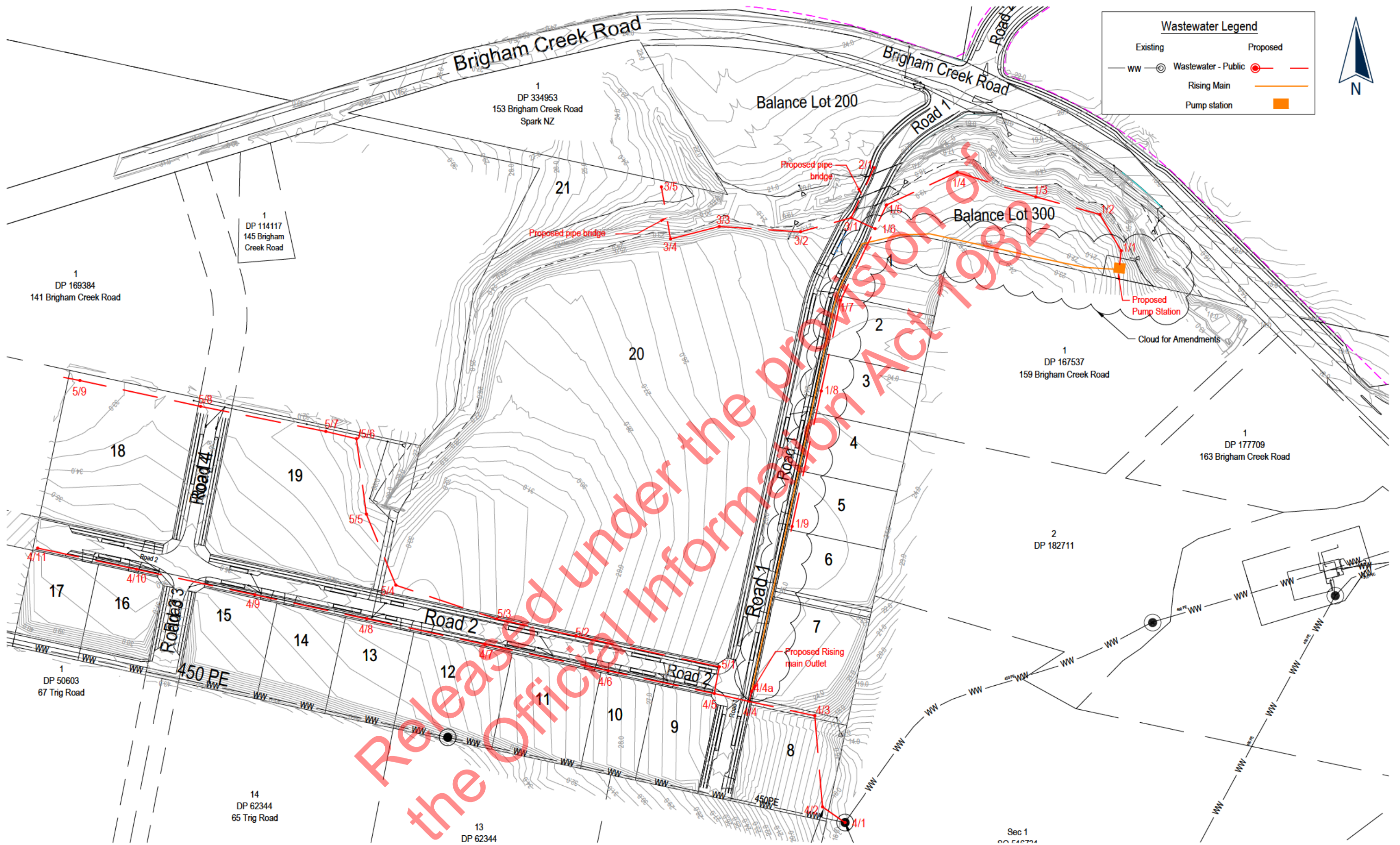


Lars Fog

Development Engineer | Developer Services

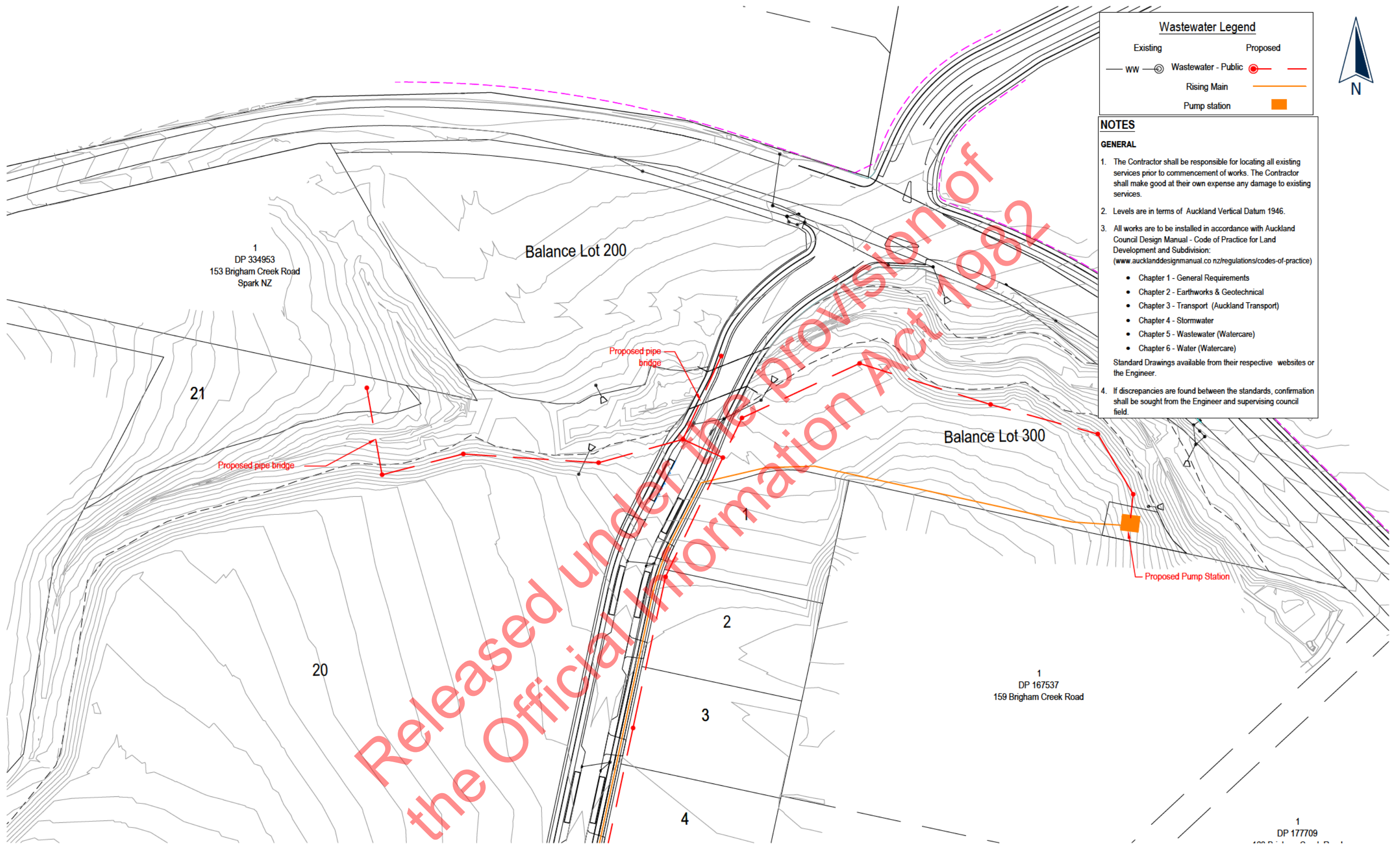
Watercare 
An Auckland Council Organisation

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No.	REVISION (DESCRIPTIONS)	NAME	DATE
A	Issued For Resource Consent	MSC	01/09/21
B	Issued for Resource Consent	MSC	17/09/2021
C	Amendments MH1/1-1/4	MSC	18/10/2021
D	Pump station added	MSC	3/12/2021

NAME	DATE
SURVEYED	
DESIGNED	MSC 21/06/2021
DRAWN	BN 21/06/2021
DATE	21/06/2021
ORIGINAL SCALE	1:2500
ORIGINAL SIZE	A3
DRAWING NO.	44315-DR-C-4000
REVISION	D



Wastewater Legend

Existing

Proposed

WW

Wastewater - Public

Rising Main

Pump station

NOTES

GENERAL

- The Contractor shall be responsible for locating all existing services prior to commencement of works. The Contractor shall make good at their own expense any damage to existing services.
- Levels are in terms of Auckland Vertical Datum 1946.
- All works are to be installed in accordance with Auckland Council Design Manual - Code of Practice for Land Development and Subdivision: (www.aucklanddesignmanual.co.nz/regulations/codes-of-practice)
 - Chapter 1 - General Requirements
 - Chapter 2 - Earthworks & Geotechnical
 - Chapter 3 - Transport (Auckland Transport)
 - Chapter 4 - Stormwater
 - Chapter 5 - Wastewater (Watercare)
 - Chapter 6 - Water (Watercare)
- If discrepancies are found between the standards, confirmation shall be sought from the Engineer and supervising council field.

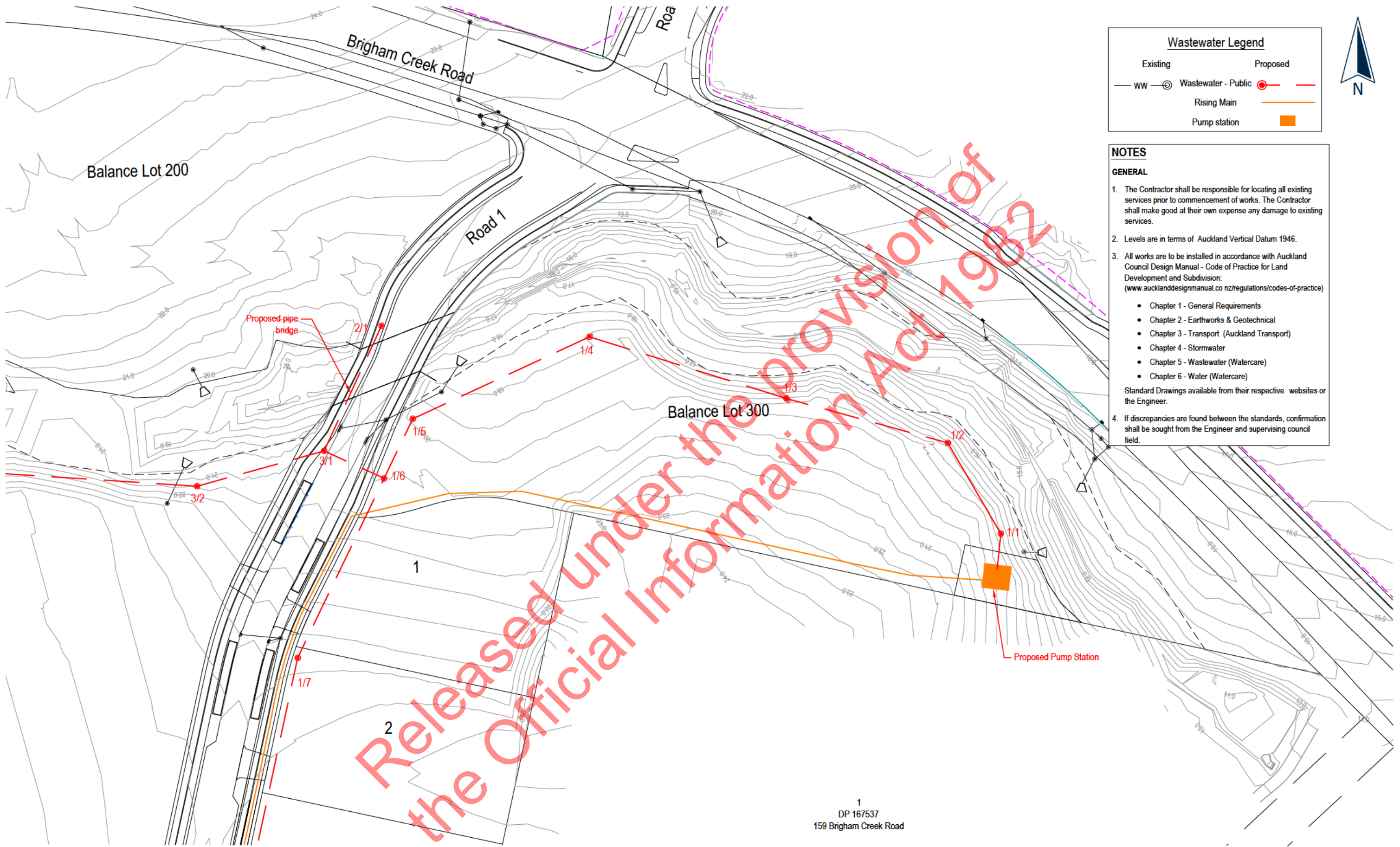
Standard Drawings available from their respective websites or the Engineer.



No.	REVISION (DESCRIPTIONS)	NAME	DATE
A	Issued For Resource Consent	MSC	01/09/21
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C	Pump station added	MSC	3/12/2021

FOR RESOURCE CONSENT

	NAME	DATE
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DATE	ORIGINAL SCALE	ORIGINAL SIZE
21/07/2021	1:1500	A3
DRAWING NO.	44315-DR-C-4001	REVISION
		C



Wastewater Legend

Existing

Proposed

ww

Wastewater - Public

Rising Main

Pump station

NOTES

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Standard Drawings available from their respective websites or the Engineer.

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1
DP 167537
159 Brigham Creek Road

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Neil Construction Ltd
151,155-157 Brigham Creek Road
69 & 71 Trig Road, Whenuapai

Proposed Wastewater
Enlarged View
Sheet 2 of 5

No.	REVISION (DESCRIPTIONS)	NAME	DATE
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DRAWING NO.	REVISION	
44315-DR-C-4002	C	



Wastewater Legend

Existing	Proposed
— WW —	Wastewater - Public
—	Rising Main
	Pump station

NOTES

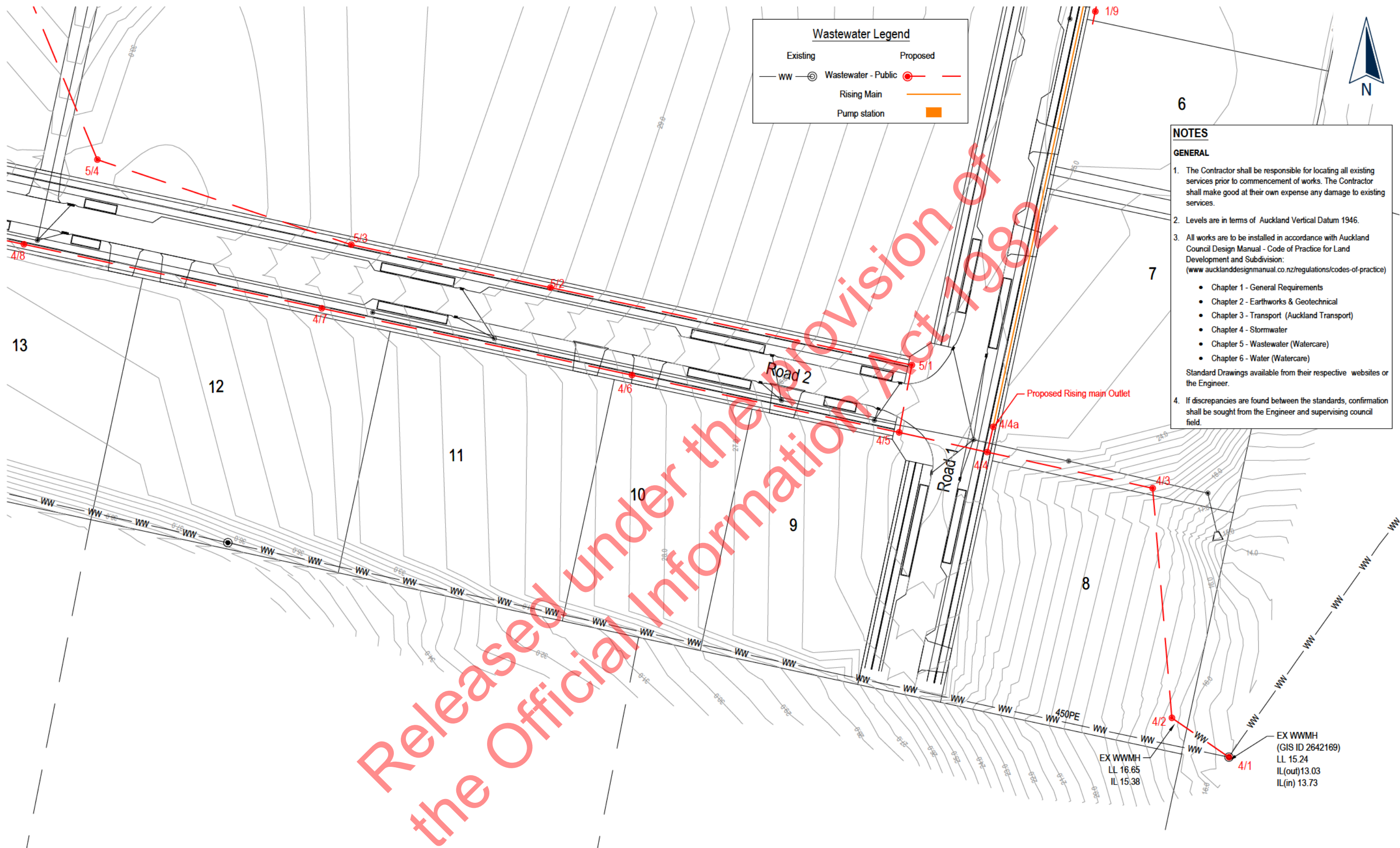
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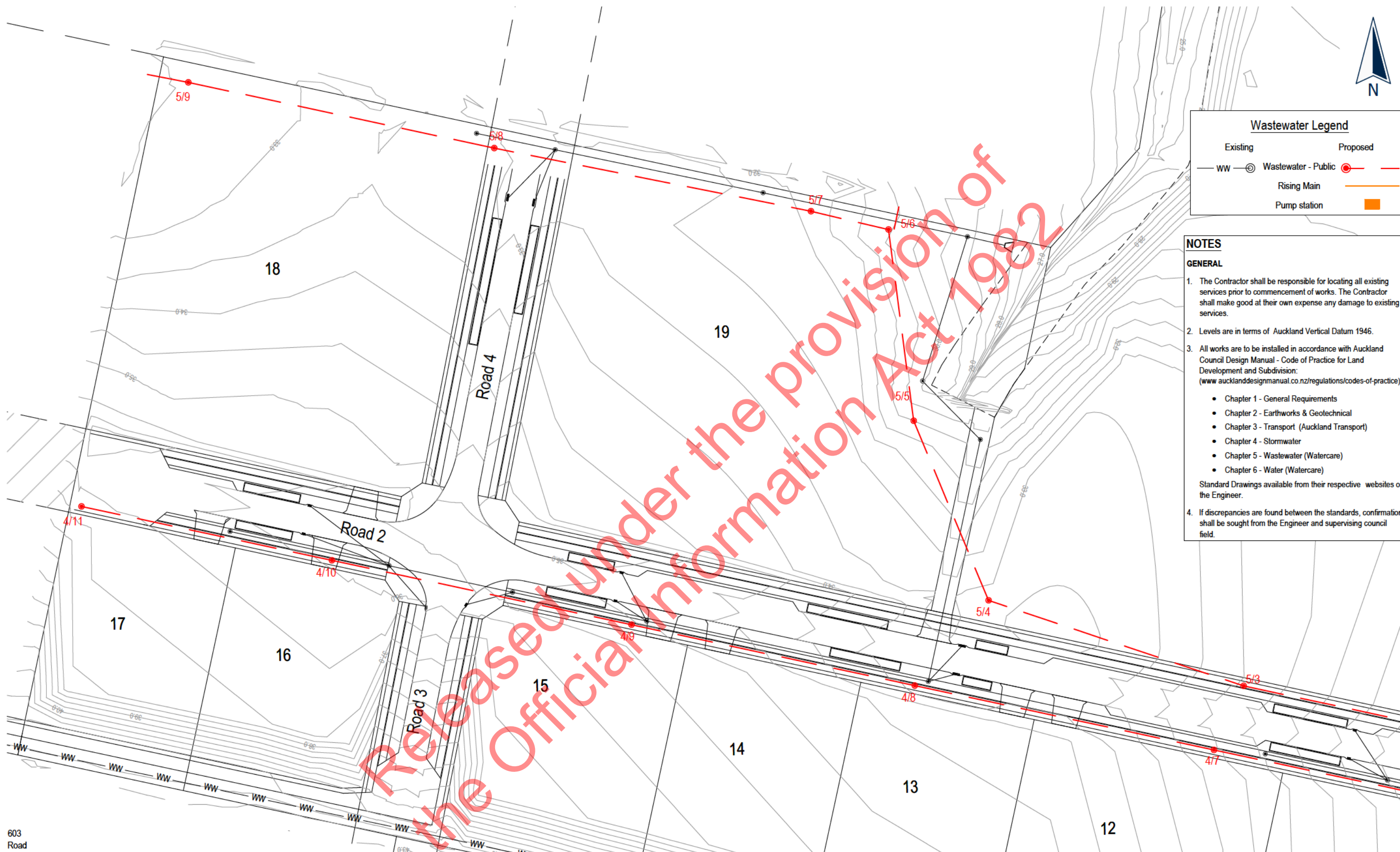
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DATE	ORIGINAL SCALE	ORIGINAL SIZE
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DRAWING NO.	44315-DR-C-4003	REVISION C



No.	REVISION (DESCRIPTIONS)	NAME	DATE
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ORIGINAL SIZE	A3
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REVISION	C



Existing

Proposed

WW

Wastewater - Public

Rising Main

Pump station

NOTES

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603 Road

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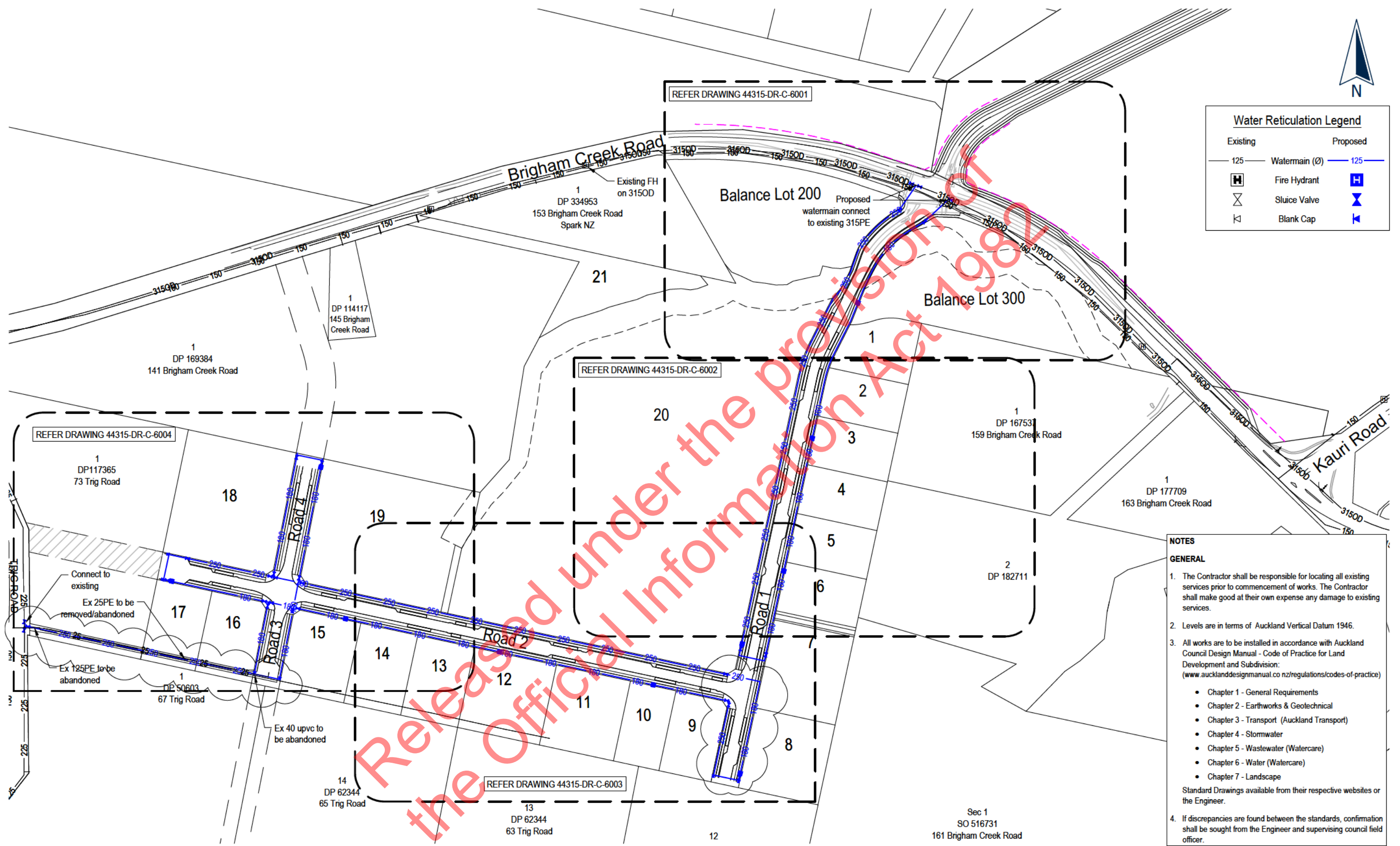
Neil Construction Ltd
151,155-157 Brigham Creek Road
69 & 71 Trig Road, Whenuapai

Proposed Wastewater
Enlarged View
Sheet 5 of 5

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REVISION	C

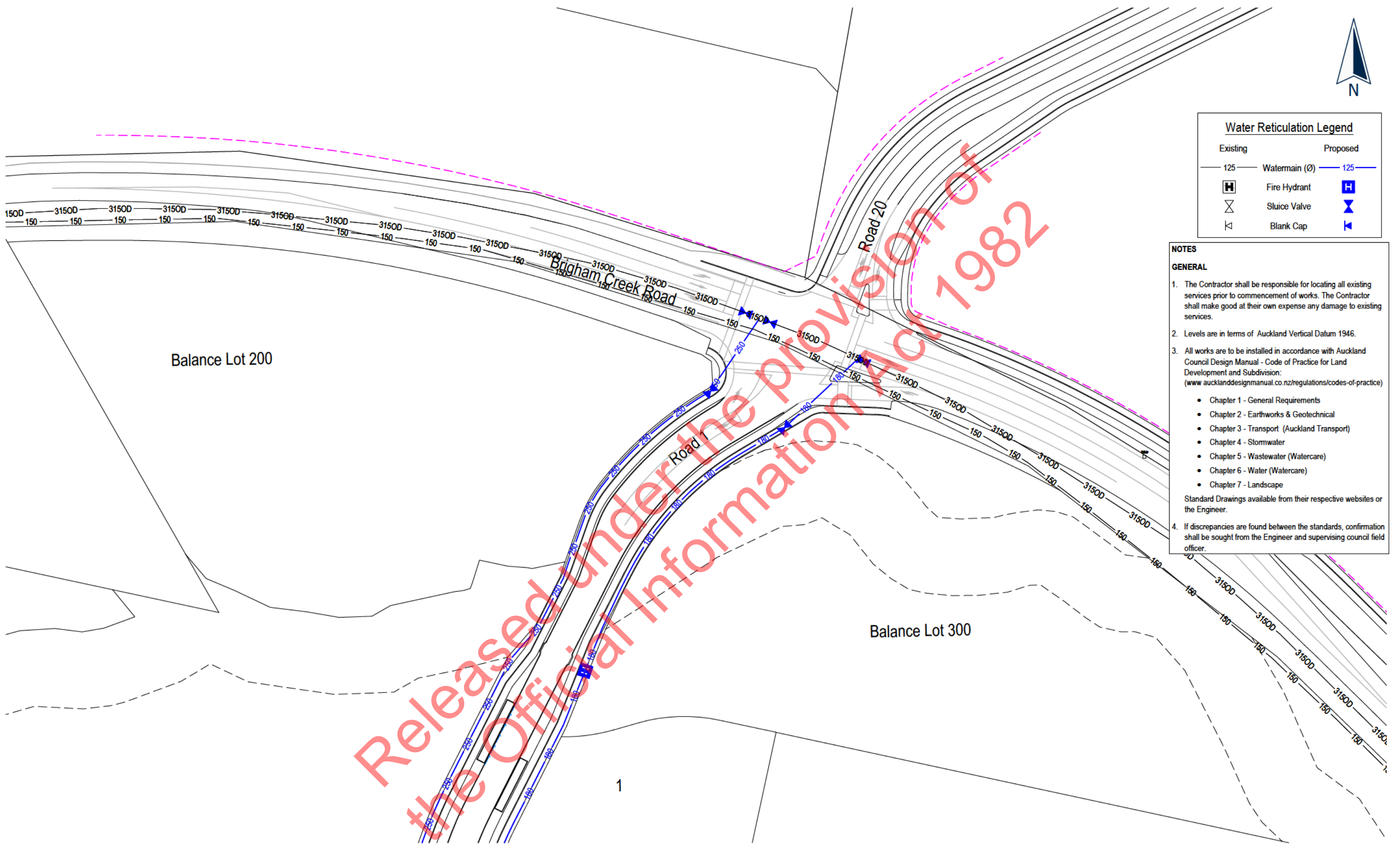


- NOTES**
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 - Chapter 5 - Wastewater (Watercare)
 - Chapter 6 - Water (Watercare)
 - Chapter 7 - LandscapeStandard Drawings available from their respective websites or the Engineer.
 4. If discrepancies are found between the standards, confirmation shall be sought from the Engineer and supervising council field officer.

No.	REVISION (DESCRIPTIONS)	NAME	DATE
A	Issued For Resource Consent	MSC	01/09/21
B	Layout amended	MSC	02/12/21

FOR RESOURCE CONSENT

SURVEYED	DESIGNED	DRAWN	DATE	ORIGINAL SCALE	ORIGINAL SIZE	DRAWING NO.	REVISION
			21/06/2021	1:3000	A3	44315-DR-C-6000	B



Water Reticulation Legend

Existing	Proposed
125	Watermain (Ø) 125

NOTES

GENERAL

- The Contractor shall be responsible for locating all existing services prior to commencement of works. The Contractor shall make good at their own expense any damage to existing services.
- Levels are in terms of Auckland Vertical Datum 1946.
- All works are to be installed in accordance with Auckland Council Design Manual - Code of Practice for Land Development and Subdivision:
(www.aucklanddesignmanual.co.nz/regulations/codes-of-practice)
 - Chapter 1 - General Requirements
 - Chapter 2 - Earthworks & Geotechnical
 - Chapter 3 - Transport (Auckland Transport)
 - Chapter 4 - Stormwater
 - Chapter 5 - Wastewater (Watercare)
 - Chapter 6 - Water (Watercare)
 - Chapter 7 - Landscape
- If discrepancies are found between the standards, confirmation shall be sought from the Engineer and supervising council field officer.

Standard Drawings available from their respective websites or the Engineer.

No.	REVISION (DESCRIPTIONS)	NAME	DATE
A	Issued For Resource Consent	MSC	01/09/21







FOR RESOURCE CONSENT

	NAME	DATE
SURVEYED		
DESIGNED	MSC	21/06/2021
DRAWN	BN	21/06/2021
DATE	21/07/2021	ORIGINAL SCALE
		1:1000
DRAWING NO.	44315-DR-C-6001	ORIGINAL SIZE
		A3
		REVISION
		A



1
DP 167537
159 Brigham Creek Road

Water Reticulation Legend

Existing	Proposed
125	Watermain (Ø) 125
	
	
	

NOTES

GENERAL

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- If discrepancies are found between the standards, confirmation shall be sought from the Engineer and supervising council field officer.

20

Released under the provision of the Official Information Act 1982

No.	REVISION (DESCRIPTIONS)	NAME	DATE
A	Issued For Resource Consent	MSC	01/09/21

FOR RESOURCE CONSENT

	NAME	DATE
SURVEYED		
DESIGNED	MSC	21/06/2021
DRAWN	BN	21/06/2021
DATE	ORIGINAL SCALE	ORIGINAL SIZE
21/07/2021	1:1000	A3
DRAWING NO.	44315-DR-C-6002	REVISION
		A

