

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



Discretionary activity

Application number(s):	BUN60424934 (Council Reference) LUC60424936 (s9 land use consent) DIS60424935 (etc) (s15 stormwater permit) WAT60430752 (s14 water permit) LUS60430751 (ss13 & 14 streamworks consent)
Applicant:	NZ Transport Agency Waka Kotahi
Site address:	253 Mill Road, Bombay
Legal description:	Lot 1 DP 124783
NZTM map reference:	1776126mE, 5882218mN

Proposal:

Enabling works to facilitate the construction of a NZ Transport Agency Waka Kotahi operated Commercial Vehicle Safety Centre. The enabling works include:

- Land disturbance of 11,190m², partially in the Sediment Control Protection Area;
- Diversion of groundwater caused by excavation;
- Diversion and discharge of stormwater from 6,798m² new impervious area, with associated stormwater quality treatment and hydrology mitigation;
- Land disturbance, vegetation alteration and removal within proximity of natural wetland and permanent stream, with associated restoration planting;
- Bed disturbance and temporary depositing of substance within an induced (natural) wetland associated with the construction of a retaining wall in proximity to the wetland.

Resource consents are required for the following reasons:

Land use consent (s9) – LUC60424936

Auckland Unitary Plan (Operative in part)

Regional land use (operative plan provisions)

Land disturbance

- To undertake earthworks over an area of 11,190m², being earthworks greater than 2,500m² in the Sediment Control Protection Area other than for maintenance, repair, renewal or minor infrastructure upgrading, is a restricted discretionary activity under rule E26.5.3.2 (A107) of the AUP(OP).

Vegetation management and biodiversity

- To undertake 1,575m² of vegetation removal within 20m of a natural wetland, is a Restricted Discretionary activity under rule E15.4.1(A18).
- To undertake 624m² of vegetation clearance within the 10m riparian yard of the stream to the north of the site, is a Restricted Discretionary activity under rule E15.4.1(A17).

National Environmental Standard for Freshwater 2020 (NES:FW)

- Pursuant to Regulation 45 (1) and (2) of the NES:F, consent as a Discretionary activity is required for vegetation clearance, earthworks or land disturbance within, or within a 10 m setback from a natural inland wetland for the purpose of constructing specified infrastructure.

Streamworks consent (ss13 & 14) - LUS60430751

Lakes, rivers, streams and wetlands

- Under Rule 3.4.12(A44), the construction of new structures and the associated bed disturbance or depositing any substance, reclamation, diversion of water and incidental temporary damming of water, not complying with the general permitted activity standards in E3.6.1.1 or the specific activity standards in E3.6.1.14 to E3.6.1.23, is a Discretionary activity. In this case, temporary disturbance and structures within the natural wetland not meeting the permitted activity standards are proposed, associated with the construction of a retaining wall in close proximity to the wetland.

Diversion and Discharge of Stormwater Permit (s15) - DIS60424935

- Consent to divert and discharge stormwater is required as a Discretionary Activity under rule E8.4.1 (A10), as the diversion and discharge of stormwater from the total site impervious area is more than 5,000m² (being 6,798m²) and not authorised by other stormwater diversion and discharge rules.

National Environmental Standard for Freshwater 2020 (NES:F)

- The proposal involves the ongoing diversion of stormwater within a 100 metre setback from a natural wetland and discharge of stormwater into the wetland for the purpose of constructing specified infrastructure, which is discretionary activity under Regulation 45(4) and 45(5) of the NES:F.

Diversion of Groundwater Permit (s14) - WAT60430752

- The diversion of groundwater associated with excavation activities that does not meet the permitted activity standards set out under E7.6.1.6 is a restricted discretionary activity under rule E7.4.1 (A20). In this case, dewatering or groundwater level control is proposed during the construction phase which is likely to exceed 30 days.

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, 104B, 105 and 107 and Part 2 of the RMA, the resource consents are **GRANTED**.

Reasons

The reasons for this decision are:

1. In accordance with an assessment under ss104(1)(a) and (ab) of the RMA, the actual and potential effects from the proposal will be avoided, remedied or mitigated as:
 - a. The proposed stormwater management system follows water sensitive design principles, including on-site treatment and hydrology mitigation. Conditions of consent are imposed to ensure the implementation and ongoing operation and maintenance of the proposed stormwater management system.
 - b. As assessed by Healthy Waters specialists, there will be no notable increase in flood risk in the downstream receiving environment. Erosion and scouring at the point of discharge will be avoided and minimised through the proposed rip rap outlet.
 - c. Based on the assessment by Council's specialist Earths Streams and Trees, it is concluded that the proposal effectively avoids and mitigates adverse ecological effects on the natural wetland on the site and the tributary of Ngakoroa Stream to the north of the site. Conditions of consent are imposed to protect the wetland habitat and stream environment, during construction and in the long term. Amongst other things, conditions are imposed requiring the preparation and implementation of a Lizard Management Plan and Native Fish Capture and Relocation Plan, and the implementation and maintenance of the proposed restoration planting.
 - d. The proposed ground water diversion is not anticipated to interfere with surrounding farming operations and give rise to adverse effects on neighbouring properties and public services. It has also been demonstrated that the proposed ground water diversion will not affect the water level or hydrological function of the wetland on the site.
 - e. As assessed by Council's regional earthworks specialist, the proposed controls detailed within the Erosion and Sediment Control Plan (ESCP) generally accord with best practice guidelines (GD05) and will minimise and manage potential sediment discharges from the proposed earthworks. Conditions of consent are imposed to ensure the adequate implementation and maintenance of proposed erosion and sediment control measures throughout the earthworks operation. In addition, the applicant has offered conditions of consent which, amongst other things, pertain to accidental discovery protocols and the provision of a final ESCP to Council prior to works commencing.

- f. Based on the applicant's engagement with Mana Whenua representatives and proposed cultural conditions, which are offered on an Augier basis, it is concluded that Mana Whenua values will not be adversely affected by the proposal.
 - g. With reference to s125, the 10-year lapse period sought by the applicant is due to the scale of the proposal and noting that the proposed enabling works will most likely be undertaken in conjunction with the construction of the CVSC for which the required NZTA designation is yet to be confirmed. The extended lapse period is not anticipated to result in additional adverse effects on the receiving environment, or a prolonged construction period.
 - h. In terms of positive effects, the proposal includes the restoration of a natural wetland and is anticipated to have a positive impact on the ecological value of the wetland, in the medium to long term.
 - i. 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.
2. In accordance with an assessment under s104(1)(b) of the RMA, the proposal is consistent with the relevant statutory documents, being the AUP(OP), National Policy Statement for Freshwater Management 2020 (NPS:F), National Environmental Standards for Freshwater Management 2020 (NES:F), National Policy Statement for Indigenous Biodiversity 2023 (NPS:IB) and the National Policy Statement for Highly Productive Land (NPS:HL).

AUP(OP)

The proposal is consistent with the objectives and policies set out under the following AUP(OP) sections which are relevant to the proposal:

- D1.2 and D1.3 High-use Aquifer Management Areas Overlay;
- D2.2 and D2.3 Quality-sensitive Aquifer Management Areas Overlay;
- D3.2 and D3.3 High-use Stream Management Areas Overlay;
- E1.2 and E1.3 Water quality and integrated management;
- E3.2 and E3.3 Lakes, Rivers, Streams and Wetlands;
- E2.2 and E2.3 Water quantity, allocation and use;
- E8.2 and E8.3 Stormwater Discharge and Diversion;
- E11.2 and E11.3 Land disturbance – Regional; and
- E15.2 and E15.3 Vegetation management and biodiversity.
- E26.2.1 and E26.2.2 Infrastructure

Most notably, the proposed stormwater management system follows water sensitive design principles, which includes at source stormwater treatment and hydrology mitigation, and restoration planting within the natural wetland. The proposal is therefore consistent with the water quality and quantity related objectives and policies of the AUP(OP), in relation to the relevant overlay areas and Auckland wide provisions.

The proposal is also consistent with the vegetation management and biodiversity related objectives and policies and the objectives and policies pertaining to lakes, rivers, streams and wetlands. In particular, the proposal avoids and mitigates adverse impacts on the unnamed tributary of Ngakoroa Stream to the north of the site and provides for the restoration of the degraded wetland on the site, with only temporary structures and bed disturbance being proposed during construction.

Furthermore, in keeping with the objectives and policies set out under E11, the required earthworks are proposed to be undertaken in a manner that protects the safety of people and avoids, remedies or mitigates adverse effects on the environment.

Auckland Regional Policy Statement (RPS)

The proposal is also consistent with the objectives and policies of the Auckland Regional Policy Statement, in particular in relation to the relevant issues of regional significance which pertain to infrastructure/transport (B3), Mana Whenua (B6), Natural Resources (B7), Rural Environment (B9) and Environmental Risk (B10), most notably with regard to flood risk.

National Policy Statement for Freshwater Management 2020

The proposal is also consistent with the objectives of the NPS:FM in that the health and well-being of water bodies and freshwater ecosystems are prioritised and freshwater is managed in a way that gives effect to Te Mana o te Wai. Further, the effects management hierarchy is applied with regards to the works in the vicinity of the natural wetland through first avoiding, and then minimising and remedying adverse effects on the receiving environment (3.22(1)).

National Environmental Standard for Freshwater Management 2020

The requirements set out under Regulation 45(6) of the NES:F are met, as the applicant has demonstrated that:

- The specified infrastructure will provide significant regional benefits;
- There is a functional need for the specific infrastructure in that location; and
- the effects of the activity are managed through applying the effects management hierarchy.

National Policy Statement for Indigenous Biodiversity 2023

The proposal is also consistent with the overarching objective of the NPS:IB to maintain indigenous biodiversity across Aotearoa New Zealand and associated policies, in that indigenous vegetation and avifauna will be protected.

National Policy Statement for Highly Productive Land

The NPS:HL is relevant because the site is identified as meeting the interim definition of highly productive land. The overarching objective of the NPS:HL is that highly productive land is protected for use in land-based primary production, both now and for future generations (2.1) which is underpinned by a series of policies.

Most notably, Policy 8 requires that highly productive land is protected from inappropriate use and development. In this case, the proposal meets one of the exemptions set out under

3.9(2) of the NPS:HL, as the proposal is for an activity by a requiring authority in relation to a designation or notice of requirement. The proposal is therefore consistent with the policy direction of the NSP:HL.

3. In accordance with an assessment under s104(1)(c) of the RMA, no other matters are considered relevant.
4. The provisions of Section 105 have been met as it has been determined that there are no significant effects on the receiving environment. Further, the proposal will not give rise to any of the effects listed in Section 107(1) of the RMA.
5. In the context of this discretionary activity application, where the objectives and policies of 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.
6. Overall, the proposal is considered acceptable in the context of its receiving environment and the relevant statutory framework.

Conditions

Under sections 108 and 108AA of the RMA, these consents are subject to the following conditions:

General conditions

These conditions apply to all resource consents.

1. These consents 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 numbers LUC60424936, DIS60424935, WAT60430752 and LUS60430751 (BUN60424934).
 - Application Form and Assessment of Environmental Effects prepared by WSP, dated 24 January 2024.

Report title and reference	Author	Rev	Dated
Bombay Commercial Vehicle Safety Centre Ecological Impact Assessment, ref. 5-C4353.04	WSP	V05	13 September 2023
253 Mill Road, Bombay: archaeological assessment, ref. 22-1346	CFG Heritage	-	28 October 2022
Memorandum: Weigh Right Bombay - Flood Assessment, ref. 5-C4353.04	WSP	C	19 January 2024
WEIGHT RIGHT PROGRAMME BOMBAY COMMERCIAL VEHICLE SAFETY CENTRE. EROSION AND	WSP	E	19 April 2024

SEDIMENT CONTROL PLAN
(INDICATIVE), ref. 5C4353-WRP-
04-RP-W-1000

Weigh Right Bombay - Site Investigation Report Review, ref. 5-C4353.04	WSP	D	5 December 2023
BOMBAY COMMERCIAL VEHICLE SAFETY CENTRE. Landscape Maintenance and Management Plan, ref. 5C4353-WRP-04-RP-AB-1001	WSP	B	25 January 2024
Weigh Right Programme – Bombay. Geotechnical Site Investigations Factual Report, ref. 5C4353-WRP-04-RP-G-1001	WSP	2	9 February 2023
5-C4353.54 – WEIGH RIGHT BOMBAY GEOTECHNICAL INTERPRETIVE & DESIGN REPORT, ref. 5C4353-WRP-04-RP-G-1000	WSP	5	5 October 2023

Drawing title and reference	Author	Rev	Dated
CVSC DETAILED LAYOUT PLAN, ref. 5C4353-WSP-54-DR-C-2001	WSP	OB	19 January 2024
CVSC STORMWATER DRAINAGE PLAN, ref. 5C4353-WSP-54-DR-C-4200	WSP	OC	19 January 2024
CVSC FENCING PLAN, ref. 5C4353-WSP-54-DR-C-1300	WSP	OA	13 November 2023
CVSC EARTHWORKS PLAN, ref. 5C4353-WSP-54-DR-C-3000	WSP	OA	25 August 2023
INDICATIVE EROSION SEDIMENT CONTROL PLAN, ref. 5C4353-WSP-54-DR- C-3100	WSP	OC	17 April 2024
LANDSCAPE GENERAL ARRANGEMENT PLAN, ref. 5C4353-WSP-54-L-1000	WSP	C	25 January 2024
LANDSCAPE GENERAL ARRANGEMENT PLAN – WIDER CONTEXT, ref. 5C4353-WSP-54-L-1001	WSP	C	25 January 2024
LANDSCAPE PLANTING PLAN, ref. 5C4353-WSP-54-L-2000	WSP	C	25 January 2024
LANDSCAPE PLANT SCHEDULE AND NOTES, ref. 5C4353-WSP-54-L-3000	WSP	C	25 January 2024
LANDSCAPE TYPICAL PLANTING DETAILS, ref. 5C4353-WSP-54-L-4000	WSP	C	25 January 2024

LANDSCAPE SECTIONS, ref. 5C4353-WSP-54-L-5000	WSP	C	25 January 2024
LANDSCAPE SECTIONS, ref. 5C4353-WSP-54-L-5001	WSP	B	25 January 2024
CVSC GEOLOGICAL PLAN, ref. 5C4353-WRP-04-SK-C-0040	WSP	A	15 January 2024
CVSC GEOLOGICAL SECTION A- A, ref. ref. 5C4353-WRP-04-SK-C- 0041	WSP	B	8 March 2024
CVSC SITE PLAN AND SECTION A-A, ref. 5C4353-WRP-04-SK-C- 0030	WSP	A	15 January 2024
RETAINING WALL DETAILS - SHEET 1 OF 2 TIMBER POLE, ref. 5C4353-WSP-54-DR-C-3010	WSP	OA	13 November 2023
RETAINING WALL DETAILS - SHEET 2 OF 2 TYPE 1 AND 2 - GREEN TERRAMESH WALL, ref. 5C4353-WSP-54-DR-C-3011	WSP	OD	8 March 2024

Other additional information	Author	Rev	Dated
Memorandum: BUN60424934 – Notice of Requirement and regional resource consents for the Bombay CVSC – Responses to the s92 request from Auckland Council, ref. 5C4353-WRP-04-MM-PL-1001	WSP	-	26 January 2024
Memorandum: Bombay CVSC Notice of Requirement and Resource Consent BUN60427410 - s92 Further Information Request 29 February 2024, ref. 5C4353-WRP- 04-MM-PL-1002_Rev C	WSP	C	18 March 2024
Memorandum: BOMBAY CVSC NOTICE OF REQUIREMENT AND RESOURCE CONSENT APPLICATION: RESPONSE TO FURTHER INFORMATION REQUESTS FROM AUCKLAND COUNCIL (APRIL 2024), ref. 5C4353-WRP-04-MM-PL-1003	WSP	-	22 April 2024
Email: RE: BUN60424934 and Waka Kotahi NoR 253 Mill Road, Bombay	Tina Kalmar	-	6 May 2024

2. Under section 125 of the RMA, these consents lapse 10 years after the date they are granted unless:
 - a. The consents are given effect to; or
 - b. The council extends the period after which the consents lapse.

3. The consent holder must pay the council an initial consent compliance monitoring charge of \$ 1,116 (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 these 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.

Cultural Induction and Protocols

4. Prior to the start of construction, appropriate provision must be made for a cultural induction of the contractor's staff. The Waka Kotahi Southern IIG or its nominated representative(s) must be invited to participate.

Note: This condition is offered by the Consent Holder on an Augier basis.

5. An Accidental Discovery Protocol (ADP) must be prepared prior to the start of construction. The purpose of the ADP is to set out the procedures to be followed if there are accidental archaeological discoveries which occur during construction.

The ADP must be:

- a. Consistent with the Waka Kotahi Minimum Standard P45 – Accidental Archaeological Discovery Specification (August 2018) or any subsequent updated version; and
- b. Prepared in consultation with iwi.

Note: This condition is offered by the Consent Holder on an Augier basis.

Note: Should the consented works result in the identification of any previously unknown sensitive materials (i.e., archaeological sites), the requirements of land disturbance – Regional and District Accidental Discovery rules set out in the Auckland Unitary Plan Operative in part (updated 10 February 2023) must also be complied with.

Specific conditions – land use consent LUC60424936

Works within the wetland, wetland setback and riparian yard

6. The works within the wetland and within the 20m wetland setback area must be undertaken in accordance with the relevant application documents listed in Condition 1.

Pre-construction meeting

7. Prior to the commencement of earthworks on the subject site, the consent holder must hold a pre-construction meeting that:

- is located on the subject site;
- is scheduled **not less than five days** before the anticipated commencement of earthworks;
- includes representation from the Council and
- includes representation from the contractors who will undertake the works.

The meeting must discuss the erosion and sediment control measures, the monitoring regime, the location of the natural inland wetland, 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 prior to, or at the pre-construction meeting:

- Timeframes for key stages of the works authorised under this consent;
- Resource consent conditions;
- **Finalised** Erosion and Sediment Control Plan (ESCP); and,
- Chemical Treatment Management Plan (ChTMP).

Advice Note:

To arrange the pre-start meeting please contact the Council on 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.

Lizard Management Plan

8. Prior to the commencement of any vegetation removal works the consent holder must submit and have certified by the Council, a Lizard Management Plan (LMP) prepared by a suitably qualified and experienced ecologist/herpetologist. The LMP Plan must be designed so as to achieve the following two objectives:
 - a) The population of each species of native lizard present on the site at which vegetation clearance is to occur must be maintained or enhanced, either on the same site or at an appropriate alternative site; and
 - b) The habitat(s) that lizards are transferred to (either on site or at an alternative site, as the case may be) will support viable native lizard populations for all species present pre-development.

The LMP must address the following (as appropriate):

- a) Credentials (e.g. wildlife permit authorities) and contact details of the ecologist/herpetologist who will implement the plan.
- b) Timing in relation to the development of the implementation of the LMP.
- c) A description of methodology for survey, trapping and relocation of lizards rescued including but not limited to: salvage protocols, relocation protocols (including method used to identify suitable relocation site(s)), nocturnal and diurnal capture protocols, supervised habitat clearance/transfer protocols, artificial cover object protocols, and opportunistic relocation protocols.
- d) A description of the relocation site; including discussion and description of:
 - i. provision for additional refugia, if required e.g. depositing salvaged logs, wood or debris for newly released skinks that have been rescued;

- ii. survey and location of existing habitat on site, that will support populations of lizards.
- iii. any protection mechanisms (if required) to ensure the relocation site is maintained (e.g.) covenants, consent notices etc;
- iv. any weed and pest management to ensure the relocation site is maintained as appropriate habitat.
- v. Ownership of the relocation site and if necessary, landowner approvals.
- vi. Monitoring methods, including but not limited to: baseline surveying within the site, baseline surveys outside the site used to identify potential release sites for salvaged lizard populations, and lizard monitoring sites, ongoing annual surveys to evaluate translocation success, pre and post – translocation surveys, and monitoring of effectiveness of pest control and/or any potential adverse effects on lizards associated with pest control.
- vii. A post-vegetation clearance search for remaining lizards.

Advice Note:

Please note that it is recommended that the lizard rescue plan is undertaken in conjunction with the vegetation clearance operations (and contractor) for an integrated approach (on the same day), to enable the physical search for lizards following felling of trees and shrubs and to rescue any lizards from ground cover vegetation and terrestrial retreats.

9. The suitably qualified and experienced ecologist/herpetologist approved to oversee the implementation of the Lizard Management Plan (LMP) must certify that the lizard related works have been carried out according to the certified LMP within two weeks of completion of the vegetation clearance works.
10. All works on site must comply with the certified Lizard Management Plan.
11. Upon completion of works, all findings resulting from the implementation of the Lizard Management Plan must be recorded by a suitably qualified and experienced ecologist/herpetologist approved by the council on an Amphibian/Reptile Distribution Scheme (ARDS) Card (or similar form that provides the same information) which must be sent to the Council.

Wetland and riparian planting

12. Prior to the approval of the building consent, a finalised detailed Landscape Plan for the natural wetland and riparian yard, from a suitably qualified ecologist, including an implementation and maintenance programme for a minimum of five (5) years, must be submitted for certification by the Council. The plan must be in accordance with the ‘Bombay / Pukekura Commercial Vehicle Safety Centre Landscape Maintenance and Management Plan”, prepared by WSP New Zealand Limited, dated 25 January 2024. The plan must include:
 - Details of all site planting, including species to be planted, size of plants and where they are to be planted within the overall area of planting, density of planting, sourcing of plants and fertilisers. All plants are to be eco-sourced from the Manukau ecological district.
 - The location of all planting areas and the area (m²/ha) of each planting area.

- Details of the implementation methodology, timing, and duration of different activities (including site preparation, pest plant removal, plant releasing, mulching, plant maintenance including pest plant and pest animal control). The planting/revegetation plan must stipulate that any planting must be implemented in full within the recognised planting season (generally April-September).

13. The following requirements must be satisfied:

- The consent holder must carry out the new planting in accordance with the planting plan and associated details certified by Council within the first planting season (generally April-September) following the completion of the works on the site.
- All plants must be eco-sourced from the Manukau Ecological District.
- Any pest plants and animals present in the areas must be controlled prior to planting.
- Following establishment of the required planting the consent holder must submit a completion report to Council, for certification within thirty (30) days of the planting works being completed. This report must confirm that all plantings have been completed in accordance with the approved planting plans including evidence of eco-sourcing.

Advice note:

The planting completion report will include photos of the planted area, an inventory of the specimens planted (species, size & number) and evidence of eco-sourcing (e.g. nursery slip). This information can be compiled by the applicant. If the accepted planting plan includes an initial/pioneer planting (year 1) and enrichment planting stage (year 2/3), a completion report should be provided following the initial planting as this is when the five-year maintenance period begins.

Maintenance of wetland and riparian planting areas

14. Planting maintenance must occur for a minimum of five years and must achieve 80% canopy closure and a minimum of survival rate of the plants (being 90% of the original density through the entire planting areas). The maintenance period must commence once the completion report has been certified by Council in accordance with Condition 13. Plant maintenance includes the ongoing replacement of plants that do not survive. All invasive pest plants and pest animals must be controlled at the time of initial planting and on an ongoing basis.

Post-development as-built plans

15. Within twenty (20) working days following completion of the installation of the permanent timber pole retaining wall and associated toe protection in the vicinity of the natural wetland, the consent holder must provide to the Council as-built plans and photos certified (signed) by a licenced surveyor or a registered professional surveyor that confirm that the permanent retaining wall has been constructed in accordance with the approved design, as required by condition 1.

Myrtle rust

16. Prior to any Myrtaceae species being delivered to the site, a signed Myrtle Rust Nursery Management Declaration (dated 11 October 2017 or subsequent versions) that certifies that the plant producer has implemented the New Zealand Plant

Producers Incorporated Myrtle Rust Nursery Management Protocol (v6 11 October 2017 or subsequent versions) must be obtained by the consent holder. A copy of the declaration must be provided to Council within five (5) days of being obtained.

Advice note:

The New Zealand Plant Producers Incorporated has developed a framework of supply chain biosecurity protocols that will satisfy the above condition. A copy of the Myrtle Rust Nursery Management Declaration and the New Zealand Plant Producers Incorporated Myrtle Rust Nursery Management Protocol can be found at the website (<http://nzppi.co.nz/>). The website explains that a declaration signed by the plant provider will be proof that any Myrtaceae species have been grown and treated according to best practice protocols to reduce the spread of Myrtle rust.

Specific conditions – land use consent LUC60424936 (regional earthworks)

17. The earthworks activity must be undertaken in accordance with the certified finalised Erosion and Sediment Control Plan (ESCP) required by condition 20.
18. Immediately upon abandonment or completion of earthworks on the subject site all areas of bare earth associated with the works must be permanently stabilised against erosion.

Advice Note: *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 Council's monitoring officer who will guide you on the most appropriate approach to take. Please contact Council for more details. 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).

19. Resource consent LUC60424936 (earthworks) expires on 30 June 2029 unless it has been surrendered or cancelled at an earlier date pursuant to the RMA.
20. 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 GD05 and submitted to the Council for certification. Earthworks activity on the subject site must not commence until the council has certified that the requirements of GD05 are met.
21. The Finalised Erosion and Sediment Control Plan required by Condition 20 must contain sufficient detail to address the following matters:
 - details of specific erosion and sediment controls to be utilised, (location, dimensions, capacity);

- supporting calculations including design drawings;
- catchment boundaries and contour information;
- details of construction methods;
- timing and duration of construction and operation of control works (in relation to the staging and sequencing of earthworks);
- details relating to the management of exposed areas (e.g. grassing, mulching); and
- monitoring and maintenance requirements.

22. Prior to the commencement of land disturbance at the site, a Chemical Treatment Management Plan (ChTMP) must be prepared by an appropriately qualified and experienced person and submitted to the Council. No earthworks activity on the subject site must commence until written certification is provided by the Council that the ChTMP meets the requirements of GD05, and the measures referred to in that plan for the site's impoundment devices have been put in place.

The ChTMP may be included as a section of the ESCP, and must include as a minimum:

- a. Specific design details of a chemical treatment system based on a rainfall activated dosing methodology for the Sediment Retention Pond and any other approved impoundment devices;
- b. Monitoring, maintenance (including post storm) and contingency programme (including a record sheet);
- c. Details of optimum dosage (including assumptions);
- d. Results of initial chemical treatment trial;
- e. A spill contingency plan; and
- f. Details of the person or bodies that will hold responsibility for long term operation and maintenance of the chemical treatment system and the organisational structure which will support this system.

Advice Note: *In the event that minor amendments to the ChTMP are required, any such amendments must be limited to the scope of this consent. Any amendments which affect the performance of the ChTMP may require an application to be made in accordance with section 127 of the RMA. Any minor amendments must be provided to the Council prior to implementation to confirm that they are within the scope of this consent. For the avoidance of doubt, chemical treatment is required for any impoundment devices except for Silt Fences.*

23. The Sediment Retention Pond and any other authorised impoundment devices utilised as part of the earthworks, must be chemically treated in accordance with the certified Chemical Treatment Management Plan (ChTMP).
24. Prior to the commencement of any pumping operations and associated discharges from treatment devices on the subject site to the receiving environment, a Dewatering Plan must be prepared and submitted to the Council. No pumping activity or discharges at the subject site can commence until written certification from the Council is provided that the Dewatering plan meets the required standards set out below.

The Dewatering Plan may be included as a section of the ESCP, and must contain sufficient detail to address the following matters:

- a. Details of how any dirty water pumped will achieve a clarity of >100mm prior to discharge; or be treated via an alternative sediment control device. Flocculation must also be considered to assist in achieving the required discharge clarity standard (>100mm).
 - b. Written records of all pumping operations, to include details of personnel managing the pumping operations.
25. Within ten working days following implementation and completion of the specific erosion and sediment control works, and prior to the commencement of earthworks activity on the subject site, a suitably qualified and experienced person must provide written certification to the Council that the erosion and sediment control measures have been constructed and completed in accordance with the certified Erosion and Sediment Control Plan Certified controls must include;
- the Sediment Retention Ponds, Decanting Earth Bunds, Clean Water Diversions, Dirty Water Diversions, and stabilised entranceways.
 - Contributing catchment area;
 - Size of any impoundment devices (dimensions of structure);
 - Position of inlets/outlets; and
 - Stabilisation of the structure.

During Earthworks

26. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required by the final Erosion and Sediment Control Plan must be maintained throughout the duration of earthworks activity, or until the site is permanently stabilised against erosion.

Advice Note: *As a guide, maintenance of the erosion and sediment control measures must seek to ensure that the accumulated sediment be removed from sediment retention devices prior to reaching 20% of its storage capacity. Sediment removed from treatment devices must be placed on stable ground where it cannot re-enter the device or be washed into any watercourse.*

Where maintenance work is required to ensure the effectiveness of these erosion and sediment control measures, the record should include the date, time and details on the nature of any maintenance. The site manager (or equivalent) will need to ensure regular inspections of these measures, and particularly within 24 hours after any rainstorm event. Where it is identified that erosion and sediment control measure have become ineffective and maintenance is required, the Council must be contacted (email monitoring@aucklandcouncil.govt.nz).

27. All perimeter controls must be operational before earthworks commence. All 'clean water' runoff from stabilised surfaces including catchment areas above the site itself must be diverted away from earthworks areas via a stabilised system, to prevent surface erosion.
28. Earthworks must be managed to minimise the deposition of earth, mud, dirt or other debris on any 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 storm water 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 otherwise condoned. It is recommended that you discuss any potential measures with the Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Please contact the 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).

29. 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: *Earthworks should be progressively stabilised against erosion during all stages of the earthwork activity. Interim stabilisation measures may include:*

- *the use of waterproof covers, geotextiles, or mulching*
- *top-soiling and grassing 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 the Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Please contact the 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).

30. Erosion and sediment control measures must be constructed and maintained in general accordance with Auckland Council Guidance Document GD05; Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region and any amendments to this document, except where a higher standard is detailed in the documents referred to in conditions above, in which case the higher standard must apply.

Seasonal Restriction

31. Earthworks on the subject site must not 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.

Specific conditions – streamworks consent LUS60430751

Duration of Consent

32. Resource consent LUS60430751 expires on 12 June 2034 unless it has been surrendered or cancelled at an earlier date pursuant to the RMA.

Wetland Mitigation

33. Prior to the commencement of any earthworks, a Native Fish Capture and Relocation Plan must be submitted to the Council for certification. The purpose of the Native Fish Capture and Relocation Plan is to ensure fish will be appropriately removed prior to commencement of works from an area approximate to the wetland, to avoid fish mortality.

The Native Fish Capture and Relocation Plan must be prepared by a suitably qualified and experienced Freshwater Ecologist and include the following detail, but not be limited to:

- a) Methodologies to capture fish within the impact streams and wetland habitats, or justification there is no habitat for native fish present at the time of earthworks;
 - b) Fishing effort;
 - c) Details of the relocation site;
 - d) Storage and transport measures including prevention of predation and death during capture;
 - e) Euthanasia methods for diseased or pest species; and
 - f) Confirmation on the habitat availability of the relocation site to support fish at the time of streamworks.
34. Native fish capture and relocation must be undertaken in accordance with the certified Native Fish Capture and Relocation Plan and must only be undertaken by a suitably qualified and experienced freshwater ecologist. The freshwater ecologist must also be onsite during the dewatering process to ensure that any remaining native fish that is not caught during de-fishing are salvaged.
 35. Any permanent structures, including stormwater devices, reticulation, and outfalls, must not extend into the bed of the Ngakoroa stream or natural inland wetland. For avoidance of doubt, Attachment 1 shows the extent of the natural inland wetland on the site.

Specific conditions – stormwater permit DIS60424935

Expiry date

36. Stormwater diversion and discharge permit DIS60424935 expires on 12 June 2059 unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the RMA.

Stormwater management works

37. The following stormwater management works must be constructed for the following catchment areas and design requirements, and must be completed prior to discharges commencing from the site:

Work to be undertaken	Impervious area	Design requirement(s)
5,000L above ground retention re-use rain tank	Roof impervious areas = 483m ²	As per design requirements
Underground tank (185m ³) Chamber Maxx	6,315m ²	As per design requirements in the Stormwater Drainage Plan referenced in Condition 1 (Drawing C-4100): 8 Rows of 12 chambers, to be installed as per manufacturer's specifications, or alternative (subject to Council Approval).
<i>Inert roofing materials</i>	483m ²	Inert materials - No exposed unpainted metal surfaces
<i>Stormwater 360 Stormfilter or similar</i>	6,315m ²	75% TSS removal Installed as per manufacturer's specifications Offline configuration – peak flow diversion included
<i>Oil and water separator ESK 100 or similar</i>	6,315m ²	As per manufacturer's design specifications
<i>Outlets x 3</i>	Total site impervious area	Erosion protection measures to minimise bed scour and erosion in accordance with Auckland Council Technical Report 2013/018. Details of the proposed outlet will be provided with the Building Consent application, or Engineering Plan Approval where any assets will be vested in Council.

Modifications approval

38. In the event that any minor modifications to the stormwater management system are required, that will not result in an application pursuant to Section 127 of the RMA, the following information must be provided:

- a. plans and drawings outlining the details of the modifications; and
- b. supporting information that details how the proposal does not affect the capacity or performance of the stormwater management system.

All information must be submitted to, and approved by the Council, prior to implementation.

Advice Note:

All proposed changes should be discussed with the council prior to implementation. Any changes to the proposal which will affect the capacity or performance of the stormwater management system will require an application to the council under section 127 of the RMA.

39. A pre-construction meeting must be held by the consent holder, prior to commencement of the construction of any stormwater device(s), that:
 - a. is arranged five working days prior to initiation of the construction of any stormwater device(s) is located in the subject area;
 - b. includes representation from the council; and
 - c. includes representation from the site stormwater engineer [or] contractors who will undertake the works and any other relevant parties .
40. The following information must be made available prior to, or at the pre-construction meeting:
 - a. timeframes for key stages of the works authorised under this consent;
 - b. contact details of the site contractor and site stormwater engineer; and
 - c. preliminary stormwater drainage plans.
41. A post-construction meeting must be held by the consent holder, within 20 working days of completion of the stormwater management works, that:
 - a. is located in the subject area;
 - b. includes representation from council; and
 - c. includes representation from the site stormwater engineer [or] contractors who have undertaken the works and any other relevant parties.

Advice Note:

To arrange the pre and post-construction meeting required by this consent, please contact the council [on phone 09 301 0101 or monitoring@aucklandcouncil.govt.nz].

Certification of stormwater management works (As-Built Plans)

42. As-Built certification and plans of the stormwater management works, which are certified (signed) by a suitably qualified experienced person as a true record of the stormwater management system, must be provided to the Council.

Contents of As-Built Plans

43. As-Built Plans must be provided to the “the Council” 5 working days prior to the post-construction meeting required by this consent.

The As-Built plans shall display the entirety of the stormwater management system, and shall include:

- a) the surveyed location (to the nearest 0.1m) and level (to the nearest 0.01m) of the discharge structure, with co-ordinates expressed in terms of NZTM and LINZ datum;
- b) location, dimensions and levels of any overland flow paths including cross sections and long sections;
- c) plans and cross sections of all stormwater management devices, including confirmation of the Water Quality Volume/Flow (proprietary devices), storage volumes;
- d) location, dimensions and levels of any outfall structure including cross sections and long sections;
- e) documentation of any discrepancies between the design plans and the as-built plans that has been modified.

Operation and maintenance Plan

44. An Operation and Maintenance Plan must be provided to the Council within 5 days prior to the post-construction meeting required by this consent.

The Plan must include:

- a) details of who will hold responsibility for long-term maintenance of the stormwater management system and the organisational structure which will support this process;
- b) a programme for regular maintenance and inspection of the stormwater management system;
- c) a programme for the collection and disposal of debris and sediment collected by the stormwater management devices or practices;
- d) a programme for post-storm inspection and maintenance;
- e) a programme for inspection and maintenance for the outfall;
- f) general inspection checklists for all aspects of the stormwater management system.

Operation and Maintenance Plan Implementation

45. The stormwater management and treatment system must be managed in accordance with the final approved Operation and Maintenance Plan prepared in accordance with Condition 45.

Amendments to the Operation and Maintenance Plan

46. Any amendments to the Operation and Maintenance Plan must be submitted to and approved by the Council, in writing prior to implementation.
47. The Operation and Maintenance Plan shall be updated and submitted to “the Council” for confirmation.

Maintenance Contract

48. A written maintenance contract for the on-going maintenance of the proprietary device(s) must be entered into with a suitably qualified and experienced person, prior to the operation of the proprietary stormwater management device(s). A written maintenance contract must be in place and maintained for the duration of the consent.
49. A signed copy of the contract required must be forwarded to the council at least 5 working days prior to the post-construction meeting required by this consent.
50. A copy of the current maintenance contract must be provided to the council upon request throughout the duration of the consent.

Maintenance Report

51. Details of all Maintenance Records (including inspections, servicing and maintenance) for the stormwater management system must be retained by the consent holder for a minimum of the preceding three years. A maintenance record must be provided to the council on request.

Specific conditions – water permit WAT60430752

52. The Take (dewatering) of groundwater associated with the construction of the proposed development must be carried out in accordance with the relevant application documents listed in Condition 1.

Duration of the consent

53. The take (dewatering) consent WAT60430752 expires on 12 June 2034, unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the RMA.

Notice of Commencement of Construction Phase Dewatering

54. The Council must be advised in writing at least 10 working days prior to the date of the Commencement of Construction Phase Dewatering.

Extent of Earthworks and Construction of Building Platforms

55. The design and construction of the retaining structures must be undertaken in accordance with the specifications contained in the report titled “Waka Kotahi NZ Transport Agency – 5-C4353.54 – Weigh Right Bombay Geotechnical Interpretive & Design Report”, prepared by WSP and dated 5 October 2023, Document code: 5C4353-WRP-04-RP-G-1000.

Excavation Limit

56. The Bulk Excavation must not extend below the levels specified in the plan titled “CVSC Earthworks Plan – Waka Kotahi NZ Transport Agency Bombay, Auckland – Weigh Right Programme – Bombay CVSC, WSP Project No. 5C4353-WSP-54-DR-, Sheet No.C-3000 Revision 0A”, prepared by WSP, and dated 25 August 2023.

Damage Avoidance

57. All excavation, dewatering systems, retaining structures, basements and works associated with the diversion or 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.

Contingency Actions

58. 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 Council and the asset owner within two 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 Council and the asset owner within 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.

Notice of Completion

59. The Council must be advised in writing within 10 working days of when excavation and construction phase dewatering has been completed.

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 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. 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.*
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 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.*
6. *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.*
7. *This consent does not authorise the discharge of contaminants from or use of land for any industrial or trade activity at the existing site, or future industrial trade activity associated with any additional works within the site. Any industrial or trade activity at the site should be reviewed against Chapter E33 of the Auckland Unitary Plan and demonstrate that all aspects of the relevant permitted activity standards can be compiled with, or apply for any relevant consents.*
8. *The consent holder is responsible for ensuring that all development and associated works (including mobile plant and scaffolding) complies with the minimum safe distances from overhead electric lines in compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) (NZECP34). Resource consent does not confirm compliance with NZECP34. The consent holder should ensure that minimum safe distances are achieved before commencing construction where there are overhead electrical lines nearby.*

You can search your site address at <https://www.ena.org.nz/lines-company-map/> to identify your local lines company.

Vector network: <https://www.vector.co.nz/personal/help-safety/near-our-network/building-near-overhead-lines>

Counties Energy network: <https://www.countiesenergy.co.nz/forms/close-approach-permit>

Delegated decision maker:

Name: Russell Butchers

Title: Principal Project Lead, Premium Resource Consents

Signed:



Date: 13 June 2024

Attachment 1: Extent of the delineated natural inland wetland



Resource Consent Notice of Works Starting

Please email this form to 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.

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

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

Signature: Owner / Project Manager (indicate which)	Date:
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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 to discuss a likely timetable of works before the inspection is carried out and to avoid incurring this cost.