

"E"

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



Non-complying activity

Application number: LUC60319903
Applicant: Tupuna Maunga Authority
Site address: 27 Summit Drive, Mount Albert
Legal description: Section 1 Survey Office Plan 454869
Proposal:

To remove an existing car parking area, toilet building and cattle-stop, and to construct a new car parking area and toilet building closer to the Summit Drive entry point. Associated earthworks comprising approximately 1152m² in area and 226m³ in volume (54m³ of fill and 172m³ of cut) is required.

The resource consents required are:

This is the exhibit marked "E" referred to the affidavit of **TANIA EVELYN RICHMOND** sworn at Auckland this 12th day of October 2018 before me:

Land use consents (s9)

Auckland Unitary Plan (Operative in part)

A Solicitor of the High Court of New Zealand

District land use

Open Space

- Construction of vehicle access and parking areas is a **discretionary** activity under H7.9.1(A50).

Land disturbance - District

- General earthworks greater than an area of 500m² up to 1000m² in the Open Space - Conservation zone is a **restricted discretionary** activity under E12.4.1(A4). Earthworks not otherwise permitted are required over an area of 990m².
- Land disturbance not otherwise listed in the table, within the Historic Heritage Overlay greater than an area of 50m² is a **restricted discretionary** activity under E12.4.2(A30). Earthworks not otherwise permitted, is calculated at 1152m².
- Land disturbance not otherwise listed in the table, within the Historic Heritage Overlay greater than a volume of 5m³ up to 250m³ is a **restricted discretionary** activity under E12.4.2(A32). Earthworks not otherwise permitted, is calculated at 226m³ (comprising 54m³ of fill and 172m³ of cut).
- Land disturbance not otherwise listed in the table, within the Outstanding Natural Features Overlay V1, greater than a volume of 50m³ is a **restricted discretionary**

Pierce Jack Bedogni
Solicitor
Auckland

activity under E12.4.3(A41). Earthworks not otherwise permitted, is calculated at 226m³ (comprising 54m³ of fill and 172m³ of cut).

Vegetation management and biodiversity

- Vegetation alteration or removal of greater than 25m² of any contiguous indigenous vegetation is a **restricted discretionary** activity in the ONF – V under E15.4.2 (A26). Works proposed have the potential to affect the protected root zone of four Pohutukawa Trees that overhang the existing carpark, and one Pohutukawa and one Puriri relating to the toilet removal. Removal of the water trough occurs within the outer edge of the SEA.
- Any vegetation alteration or removal not otherwise provided for in the SEA overlay is a **discretionary** activity under E15.4.2(A43). Works are required which have the potential to affect the protected root zone of four Pohutukawa Trees that overhang the existing carpark, and one Pohutukawa and one Puriri relating to the toilet removal. Removal of the water trough occurs within the outer edge of the SEA.

Trees in open space zones

- Works within the protected root zone of trees that do not comply with the standards outlined in E16.6.2 is a **restricted discretionary** activity in the open space zones under E16.4.1(A8). As detailed above and in the attached arborist report, the works will not meet the permitted activity standards in relation to five Pohutukawa trees and one Puriri tree.

Natural hazards and flooding

- Any buildings or other structures, including retaining walls (but excluding permitted fences and walls) located within or over an overland flow path is a **restricted discretionary** activity under E36.4.1(A42). The proposed retaining wall along the new car park will be within an overland flow path.

Outstanding Natural Features

- New buildings and structures in an ONF type V1 and V2 is a **restricted discretionary** activity under D10.4.2(A1). This applies to the new toilet building.

Volcanic Viewshaft

- Fences and walls, where their height does not exceed 2.5m is a **restricted discretionary** activity in the regionally significant volcanic viewshaft under D14.4.1(A4). The retaining wall is a maximum height of 750mm.

Regional land use

Land disturbance – Regional

- Land disturbance in the SEA not otherwise listed greater than an area of 5m² is a **restricted discretionary** activity under E11.4.3(A28). Proposed earthworks within the SEA are approximately 1152m² – this includes all earthworks.
- Land disturbance in the SEA not otherwise listed greater than a volume of 5m³ is a **restricted discretionary** activity under E11.4.3(A30). Earthworks of 226m³ within the SEA is proposed.

Historic Heritage

- Demolition or destruction of 70% or more by volume or footprint (whichever is the greater) of any feature within the scheduled extent of place of category A* is a **non-complying** activity under D17.4.1(A1). The toilet is not listed as an exclusion.
- Modifications to, or restoration of, buildings, structures, fabric or features of a scheduled historic heritage place (SHHP) (category A*), except where provided for as a permitted, controlled or restricted discretionary activity in another rule is a **restricted discretionary** activity under D17.4.1(A9). The uplifting of the sealed carpark, backfilling of the cattle-stop, installation of automatic gates, construction of the carpark, and removal of redundant infrastructure, although not 'buildings' and overall minor components does result in modification of the SHHP.
- New buildings and structures is a **discretionary** activity under D17.4.1(A10). This applies to the new toilet building.

Decision

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

Acting under delegated authority, under sections 104, 104B, 104D and Part 2 of the RMA, the application is **GRANTED**.

1. Reasons

The reasons for this decision are:

1. The proposal passes the tests under s104D for non-complying activities. As discussed below the proposal is not contrary to the relevant objectives and policies and will also have no more than minor adverse effects on the environment. In fact, the assessments demonstrate a large measure of consistency with the relevant objectives and policies and the effects on the environment are overall less than minor.
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 overall, with adverse effects being avoided or mitigated as:

- a. The site is a scheduled historic heritage place, with heritage values for scheduling being historical, knowledge and aesthetic values. While the toilet building is not listed as an exclusion, both the applicant and Council's heritage experts agree that the toilet building does not have historic merit in itself. It was also agreed that the proposed construction works will all occur in areas that have previously been extensively modified and there will be a low risk of disturbing the historic heritage values of the scheduled place.
- b. As stated above, the works will occur where the land has previously been modified, except for new planting works which are small in scale. The earthworks seek to maintain the general contour of the land, and the new structures including the new toilet building and retaining wall are proposed to be modest in scale and visual appearance. As such, effects on physical and visual integrity of the Maunga, having regard to the ONF and Volcanic Viewshaft Overlays, will be acceptable. The applicant has also consulted with the relevant iwi groups and no concerns were raised as to potential adverse effects on Mana Whenua values associated with the site.
- c. Effects from construction/ earthworks will be acceptable and appropriately managed through implementation of an erosion and sediment control plan, and conditions of consent to manage effects from construction traffic, dust and noise. Works will also be reasonably distanced from adjacent residential and open space land and will not impact on pedestrian access.
- d. Adverse effects on the ecology and health of trees on the site will be avoided as no trees are proposed to be removed, and tree alteration works will only occur where necessary to facilitate the removal of the existing carparking area and toilet building. All works that have the potential to impact on the protected root zone of trees will be undertaken with arborist supervision, and in accordance with best practice arboricultural advice provided by the applicant's arborist, and peer reviewed/ certified by Council's arborist.
- e. The proposed new carpark will not adversely affect the amenity values of the public open space as it replaces an existing carparking area of a similar size; there is no increase in car parking on the site. The redundant carparking area will be reinstated with grass. Overall, the grassed areas available for public enjoyment will not be reduced, and the new car parking area will be located closer to the vehicle entry point to the Maunga.
- f. The proposal will not increase flood hazard on site or off site because water from the retaining wall proposed within the overland flow path will be diverted to a swale. The swale will lead to a detention tank and keep water volumes to pre-development levels. Any water within the carpark is unlikely to be from the overland flow path.
- g. In terms of positive effects, the works enable the landscaped and historic heritage values of the Tūpuna Maunga to be enhanced by the removal of redundant infrastructure, the restriction of vehicles to the tihi and the reinstatement of the playing fields carparking area to grass. Vegetative amenity and ecological values will be enhanced by the additional planting notably around the Summit Drive carpark and entrance. Increased safety and amenity for pedestrians will be provided by the installation of gates restricting vehicle access.

- 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.
- 3. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents. In particular:
 - a. The objectives and policies (H7.4.2 and H7.4.3) of the Open Space – Conservation Zone, which is the zone that the majority of works will occur within. The proposal continues to provide for recreational activities while protecting the conservation values of the Maunga from adverse effects. The proposal is also an appropriate use of the land and the vehicle access and parking is located and designed to have minimal impact on the values of the Maunga.
 - b. The objectives and policies for the Significant Ecological Areas, Outstanding Natural Features, Volcanic Viewshaft and Historic Heritage Overlays under Chapters D9, D10, D14 and D17, because the ecological values, visual character and integrity, and landform values of the Maunga will be protected, and unacceptable adverse effects on such values will be avoided.
 - c. The objectives and policies of Chapter E16 – Trees in open space zones. The proposal seeks to maintain the existing trees in the open space zone by minimising physical works to trees and adhering to best practice arboricultural advice for works within the protected root zone of trees. Additional native planting is also being proposed.
 - d. The objectives and policies of Chapters E11 and E12 for Regional and District Land Disturbance, which seek to avoid adverse effects on scheduled natural and physical resources, and manage land disturbance so that the extent of earthworks is appropriate, and adverse effects on people and the environment are avoided, remedied or mitigated. The proposal is consistent with this as earthworks are proposed to the minimum extent required to allow for the natural landform to be retained as much as possible. Erosion and sediment controls and earthworks management measures will be adopted.
 - e. The objectives and policies of E36 – Natural hazards and flooding. The water from the retaining wall within the OLFP will be diverted into a swale and then a detention tank, to keep water volumes to pre-development levels. The OLFP will be sheet flow and given the gradient of the car park, flooding within the car park is not expected. There will therefore be no increase of flood risks to people and structure off site and on site.
 - f. The Tūpuna Maunga fall within the AUP definition of Treaty Settlement land. As an overall non-complying activity, the objectives and policies in Chapter E21 – Treaty Settlement Land can be considered as part of the assessment of this application. These seek to provide Mana Whenua with flexibility to use and develop Treaty settlement land in accordance with mātauranga and tikanga while ensuring appropriate health, safety and amenity standards are met. Mana Whenua have been consulted and one iwi group expressed support for the proposal while no other responses were received. The proposal reduces vehicle access to the tihi, which is positive in that it respects the sacredness of the tihi.
- 4. In accordance with an assessment under s104(1)(c) of the RMA in terms of other matters, the proposal is in accordance with the Tupuna Maunga Integrated Management Plan.

5. Despite all section 104 considerations being “subject to part 2”, the High Court in *RJ Davidson Family Trust v Marlborough District Council [2017] NZHC 52* has held that recourse to Part 2 is only required, or relevant, where certain circumstances exist. Those circumstances include where there is “conflict between provisions” or where there is “invalidity, incomplete coverage, or uncertainty of meaning” in the relevant planning documents, which requires that Part 2 is considered to resolve the matter. Where there is an absence of those circumstances, there should be no need for the consent authority to have recourse to Part 2. Notwithstanding this, the proposal does enable continued appropriate use and appreciation of the Maunga, having regard to its historical, ecological, visual and landform values, and also gives effect to the principles of the Treaty of Waitangi.
6. Overall the proposal is appropriate for the site, as assessed under the relevant sections of the RMA, and can be granted subject to conditions.

2. Conditions

General conditions

1. The proposed works to restrict vehicle access and pedestrianise Tupuna Maunga of Owairaka/ Te Ahi-Ka-a-Rakataura/ Mount Albert, shall 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 LUC60319903:

- Application Form and Assessment of Environmental Effects prepared by Richmond Planning Limited, dated May 2018.

Report title and reference	Author	Rev	Dated
Arboricultural Impact Assessment	Tree Management Solutions	-	20 December 2017
Owairaka/ Mt Albert Parking and Facilities Rehabilitation Archaeological Assessment	Russell Foster and Associates	-	December 2017
Owairaka Domain Public Toilets Wastewater Assessment and Holding Tank Design for New Toilet Block for Tupuna Maunga Authority	GWE Consulting Ltd	Final	March 2018

Drawing title and reference	Author	Rev	Dated
Existing Site Layout – Overview Drawing No. TA-01	Thurlow Consulting Engineers & Surveyors Ltd	1	04/18
Existing Site Layout – With Aerial Photo Drawing No. TA-02	Thurlow Consulting Engineers & Surveyors Ltd	1	04/18
Existing Site Layout – Summit Drive Entrance Drawing No. TA-03	Thurlow Consulting Engineers &	1	04/18

	Surveyors Ltd		
Existing Site Layout – Summit Drive Entrance (Enlargement) Drawing No. TA-03A	Thurlow Consulting Engineers & Surveyors Ltd	1	04/18
Existing Site Layout – Sport Field Car Parking & Existing Toilet Block Drawing No. TA-04	Thurlow Consulting Engineers & Surveyors Ltd	1	04/18
General Arrangement & Demolition Drawing No. GA-01	Thurlow Consulting Engineers & Surveyors Ltd	2	04/18
General Arrangement Aerial Photo & Overland Flow Path Drawing No. GA-02	Thurlow Consulting Engineers & Surveyors Ltd	2	04/18
General Arrangement Lower Toilet Block & Carpark Drawing No. GA-03	Thurlow Consulting Engineers & Surveyors Ltd	5	04/18
Upper Toilet Block Deconstruction & Upper Carpark Rehabilitation Drawing No. GA-04	Thurlow Consulting Engineers & Surveyors Ltd	1	04/18
Line Marking Lower Toilet Block, Car Park, & Landscaping Drawing No. RA-01	Thurlow Consulting Engineers & Surveyors Ltd	3	04/18
Car Tracking Curves Lower Toilet Blocks & Car Park Drawing No. RA-02	Thurlow Consulting Engineers & Surveyors Ltd	3	04/18
Earthworks – Cut/ Fill Plan Retaining Wall Drawing No. EA-01	Thurlow Consulting Engineers & Surveyors Ltd	2	04/18
Erosion & Sediment Control Plan Drawing No. ED-01	Thurlow Consulting Engineers & Surveyors Ltd	2	04/18
Erosion & Sediment Control Standard Details Drawing No. ED-02	Thurlow Consulting Engineers & Surveyors Ltd	1	04/18
Roading Detail Lower Entrance Drawing No. RD-01	Thurlow Consulting Engineers & Surveyors Ltd	2	04/18
Roading Cross-Sections: Lower Car Park	Thurlow Consulting	2	04/18

Drawing No. RL-01	Engineers & Surveyors Ltd		
Roading Long Section Lower Car Park & Toilet Block Drawing No. RL-02	Thurlow Consulting Engineers & Surveyors Ltd	2	04/18
Roading Details Typical Pavement Cross Sections & Details Drawing No. RD-02	Thurlow Consulting Engineers & Surveyors Ltd	2	04/18
Roading Details Typical Cross Section & Details Drawing No. RD-03	Thurlow Consulting Engineers & Surveyors Ltd	1	04/18
Permaloo Multi Unit WC A1-A3 Drawing No. BA-01	Thurlow Consulting Engineers & Surveyors Ltd	1	04/18
Concept for Typical Cantilever Beam Gate	HTS Group Ltd		15/12/17
Planting Plan Drawing No. 16-022-DD01	Helen Mellsop Landscape Architect	A	18/12/17
Plant Species Schedule & Specimen Tree Planting Detail Drawing No. 16-022-DD02	Helen Mellsop Landscape Architect	A	18/12/17
Other additional information	Author	Rev	Dated
Appendix 2 – Rule Assessment	Richmond Planning Limited	-	Undated

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 shall pay the council an initial consent compliance monitoring charge of \$960 (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 consent/s.

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. In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, shall 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 have been met, will the council issue a letter confirming compliance on request of the consent holder.

Pre-Development Conditions

Tree protection

4. The consent holder shall employ the services of a competent arborist ('appointed arborist') to directly oversee all works within the dripline of the five (5) protected Pohutukawa Trees and one (1) protected Puriri tree that are to be retained.
5. Prior to any works commencing, the consent holder shall organise a pre-commencement meeting with Council's appointed arborist. Present at this meeting shall also be the consent holder, the consent holders' appointed arborist, and any relevant contractors/ employees that will be working on or under the protected trees. The consent holder shall give Council's Arborist at least five (5) working days' notice of the intended time and date of the meeting.

Protection of the Outstanding Natural Feature

6. Surrounding areas where works are to occur shall be protected from ground disturbance from vehicles, equipment movement, and storage of materials to the satisfaction of Team Leader Central Monitoring. This shall include the installation and maintenance of temporary fencing to activities to the consented areas of works for the full duration of construction works.

Development in Progress Conditions

Historic Heritage (archaeology)

7. Prior to commencement of works the project archaeologist, engaged by the consent holder, shall provide confirmation to Team Leader Central Monitoring that the location of the temporary fencing of the works area around the proposed carpark excludes and provides an appropriate buffer from nearby archaeological features.
8. All proposed works shall be undertaken in accordance with the recommendations (1-4) under section 4.0 of the Archaeological Assessment prepared by Russell Foster and Associates (see Appendix 1A of this consent). Where there is any conflict between the aforementioned report and the other conditions of this consent, the conditions of consent shall be adhered to.
9. Should earthworks on the site result in the identification of any previously unknown archaeological site, the land disturbance – Accidental Discovery rule (ADR) set out in E12.6.1 of the AUP(OP) shall be applied. In the context of this site, references in clauses (3) and (3)(d),(e) of the ADR to the owner and consent holder are the Manager Tūpuna Maunga.
10. A report on monitoring and any archaeological site material (including post 1900 material) encountered during monitoring shall be prepared by the project archaeologist and provided to Council upon request.

Advice note: The above conditions have been volunteered by the applicant.

Tree works

11. A copy of the resource consent and the Arboricultural Assessment prepared by Andy Barrell, Tree3 dated 20 December 2017 shall be kept on site at all times during the work.
12. All works shall be undertaken in accordance with the Vegetation Management plan for Level 1 and 2 Works for Owairaka/Mt Albert Domain included in the arboricultural report prepared by Andy Barrell, Tree3, dated 20 December 2017 (see Appendix 1B of this consent). Where there is any conflict between the aforementioned report and the other conditions of this consent, the conditions of consent shall be adhered to.

Protection of the Outstanding Natural Feature

13. Construction works shall be restricted to:
 - a. existing paved areas;
 - b. existing pedestrian paths;
 - c. the completed footprint of the proposal as consented to; and
 - d. sediment control areas on the downward slope of the land.
14. No soil or other excavated materials or waste shall be disposed of within the ONF.

Earthworks

15. The erosion and sediment controls shall be implemented on site in accordance with the Erosion & Sediment Control Plan prepared by Thurlow Consulting Engineers and Surveyors Limited (reference: 17140, drawing number: ED-01, revision: 2, dated: November 2017), and maintained for the duration of works, to the satisfaction of Team Leader Central Monitoring, prior to earthworks commencing on site.
16. Prior to the commencement of any earthworks activity on the site, a finalised Earthworks Traffic Management Plan ("TMP") shall be prepared by the consent holder and submitted to Council (Team Leader Central Monitoring) for certification. The TMP shall address the control of the movement of earthmoving vehicles to and from the site to avoid, mitigate or remedy any temporary adverse effects of traffic related to the earthworks occurring on site. At a minimum, the following details shall be shown on a site plan and supporting documentation:
 - a. Ingress and egress to/from the site for vehicles associated with earthworks and delivery of materials and equipment and construction machinery during the site works and construction periods;
 - b. Proposed numbers and timing of truck movements throughout the day and the proposed routes;
 - c. Parking for contractors and workers;
 - d. Details of how traffic will be managed;
 - e. Location of traffic signs on surrounding streets and proposed signage for traffic management purposes during construction;

- f. Contact details of the site manager; and
- g. Management of loading areas during large vehicle movements, including schedule of deliveries and any measures that may be employed to ensure the safety for all users in this area.

No earthworks on the subject site shall commence until confirmation is provided from the council that the TMP satisfactorily meets the requirements above, and any required measures referred to in that plan have been put in place.

- 17. All works shall be managed to ensure that no debris, soil, silt, sediment or sediment laden water is discharged beyond the site to any land, stormwater drainage systems, watercourses and/or receiving waters. In the event that a discharge occurs, the works shall cease immediately, and the discharge shall be mitigated and/or rectified to the satisfaction of Team Leader Central Monitoring.
- 18. There shall be no airborne or deposited dust beyond the subject site as a result of the earthworks activity that in the opinion of the Team Leader Central Monitoring, is noxious, offensive or objectionable.
- 19. Within ten working days following the completion or abandonment of earthworks on the subject site all areas of bare earth shall be permanently stabilised against erosion to the satisfaction of Team Leader Central Monitoring.
- 20. 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)) shall not exceed the noise limits stipulated within NZS 6803:1999 Acoustics - Construction Noise (or any subsequent revision), and may only be carried out:
 - a. between the hours of 7:30 am and 18:00 pm, Monday to Saturday; and
 - b. must not be carried out on any Sunday or public holiday (and any following Monday on which that public holiday is observed)
- 21. The land disturbance works approved under this resource consent do not include any rock breaking activity that may exceed the construction noise and vibration standards of the AUP OP. If any solid rock is encountered (that requires removal by rock breaking methods) the consent holder shall cease work onsite and submit and comply with a Construction Noise and Vibration Management Plan (CNVMP) to the satisfaction of the Team Leader Central Monitoring. The CNVMP must include the following information:
 - a. a description of the rock breaking activities and removal methodology,
 - b. a list of the potentially noisy machinery and their approximately location on the subject site,
 - c. specific noise mitigation measures, which may include (but are not limited to): acoustic screening and/or alternative equipment, and
 - d. estimated noise levels as part of a report prepared by a qualified acoustic engineer.

Where the proposed method of rock breaking will result in exceeding the AUP(OP) construction noise and/or vibration standards, the consent holder shall obtain a separate resource consent from Council before continuing with works.

Post-Development Conditions

Landscaping

22. Within the next planting season following the completion of the construction works approved under this resource consent, the landscaping as detailed in the Planting Plan Drawing No. 16-022-DD01 and Plant Species Schedule & Specimen Tree Planting Detail Drawing No. 16-022-DD02 prepared by Helen Mellsop Landscape Architect, dated 15/12/2017 (as referenced in condition 1) shall be completed, and maintained and retained thereafter, all to the satisfaction of Team Leader Central Monitoring.

Protection of the Outstanding Natural Feature

23. On completion of construction works, all grass areas disturbed by temporary storage and sediment control and tracks used for access to the works area shall be reinstated to their original condition.

Historic Heritage (archaeology)

24. In the event that any unrecorded archaeological sites are exposed as a result of consented works on the site, then these sites shall be recorded by the consent holder for inclusion within the Auckland Council Cultural Heritage Inventory. The consent holder's project archaeologist shall prepare documentation suitable for inclusion in the Cultural Heritage Inventory and forward the information to the Team Leader (for the Manager: Heritage Unit, heritageconsents@aucklandcouncil.govt.nz) within one calendar month of the completion of work on the site.

Advice notes

1. *Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.*
2. *For the purpose of compliance with the conditions of consent, "the council" refers to the council's monitoring inspector unless otherwise specified. Please 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 as the applicant disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of 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. *Although the buried storage chamber may contain a small quantity of pathogens or other contaminants, this was not considered to constitute a HAIL activity. However, Council's specialist recommends that as a precaution, the earthworks associated with the toilet and infrastructure removal are managed appropriately to minimise potential exposure of the workers to these contaminants.*

A handwritten signature in black ink, appearing to read 'D Serjeant', written in a cursive style.

Dave Serjeant

Duty Commissioner

26 July 2018

Appendix 1: Recommendations in the Archaeological and Arboricultural Reports

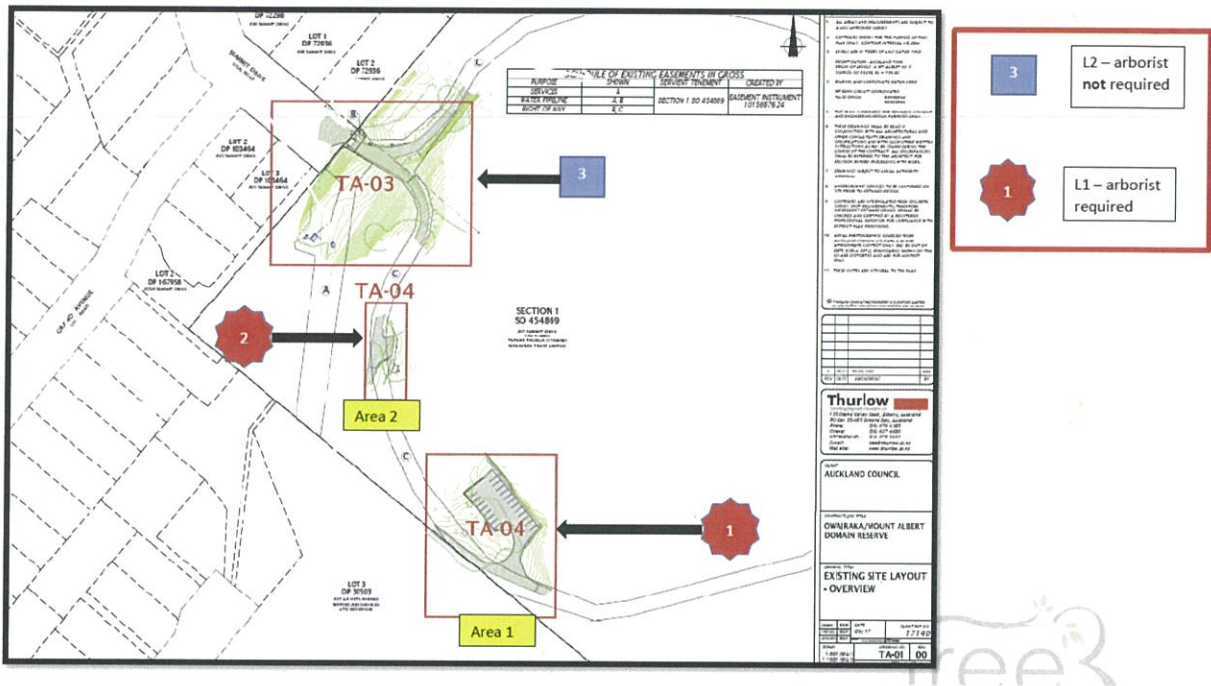
1A: Recommendations (1-4) under section 4.0 of the Archaeological Assessment prepared by Russell Foster and Associates, dated December 2017.

4.0 RECOMMENDATIONS

1. This report is concerned with archaeological values alone. Tangata whenua should also be consulted about any other traditional or cultural concerns they may have in regard to this project.
2. As no disturbance of any archaeological deposit is expected, an Authority under the archaeological provisions of the HNZPTA should not be needed. However, this recommendation will need to be confirmed by the regulatory authority, HNZPT.
3. Prior to works starting the contractor should meet with an archaeologist to confirm that the location of fencing around the car park site excludes nearby archaeological features from accidental damage.
4. If unexpected archaeological evidence should be encountered and the archaeologist determines that avoidance is not possible, the following protocol should apply:
 2. Should any archaeological evidence or suspected archaeological evidence be discovered the contractor/project manager should ensure:
 - i. Work ceases immediately at that place;
 - ii. The contractor must shut down all machinery, secure the area and advise HNZPT. If necessary the appropriate consent process shall be initiated;
 - iii. If the site is of Maori origin the Site Manager shall also notify the appropriate iwi group(s) to determine what further actions are appropriate to safeguard the site or its contents;
 - iv. If skeletal remains are uncovered the Site manager shall advise the Police and HNZPT.
 - v. Works affecting the archaeological site or suspected archaeological site will not resume until HNZPT, the Police (if skeletal remains are involved) and iwi groups (where appropriate) have each given approval for work to continue;
 - vi. All parties, including contractors, should be aware of the provisions of the ADP.

1B: Vegetation Management plan for Level 1 and 2 Works for Owairaka/Mt Albert Domain included in the arboricultural report prepared by Andy Barrell, Tree3, dated 20 December 2017

Attachment 1 – Annotated site plan showing locations and management categories of tree-related works



Attachment 2 – Vegetation Management Plan for Level 1 & Level 2 works

Level 1 & Level 2 works:

1. Prior to any works commencing on site, a meeting shall be arranged by the consent holder between the consent holder's arborist ("works arborist", a suitably competent and professional arborist, engaged by the consent holder, who can effectively manage site works around protected trees) and the site / project manager. The consent holder is to give the AC arborist and monitoring officer a minimum notice of five working days prior to this meeting so that they may attend should they wish.
2. The aim of this meeting will be to explain the conditions of consent relating to works to and around any protected trees to the site / project manager who will be managing any works associated with the project within the vicinity of protected trees. Items to be discussed / confirmed at this meeting will include:
 - a) the general methodology for undertaking any works in the vicinity of protected trees;
 - b) clarification of the extent of works in root zone areas including excavation locations, vehicle access and any other activities that could adversely affect underlying roots or above-ground parts of retained trees;
 - c) any restrictions on machinery and vehicle access, operations and manoeuvring in the vicinity of protected trees; and
 - d) restrictions on areas available for storing materials, equipment, and spoil.

3. The arboricultural management category (Level 1 or Level 2) will be discussed and confirmed for each section of work on the site. In the event that the specified category needs to be changed, any such change will be recorded by the site manager and works arborist and forwarded to all relevant personnel. Any necessary adjustments will be made to the site management plan (Attachment 1 of this report) showing the relevant categories to avoid any confusion as to what level of arboricultural management will be required in each situation.
4. Prior to commencement of any site works, protective fencing may be required around all protected trees that have been identified in this report as potentially at risk from development activities. The location and nature of this tree protection fencing (where required) is to be clarified during the prestart meeting referred to above.
5. As a starting point the tree protection fencing should enclose the permeable sections of root zone areas (root zone areas equate, in general terms, to a circle around the tree with a radius equal to the longest lateral spread of the canopy). This will be the tree protection zone (TPZ).
6. This fencing is to remain in place for the duration of the project. Any temporary adjustment of the fencing on this site will only occur under the guidance of the works arborist and will be reinstated as soon as practicably possible after any necessary works have been completed. Silt fencing will be installed whenever possible using a no-dig system (normally a silt sock) where it lies within the TPZ to avoid severance of underlying roots.
7. Once initial site establishment and tree protection measures are in place, the works arborist is to be kept advised of progress by the site manager so that adequate notice may be provided if their attendance is required on site to manage any unforeseen tree-related problems that arise during works.

Level 1 works:

8. The works arborist is to provide adequate supervision of any excavations or other works in the root zone area of trees categorised as Level 1 to ensure any adverse effects on tree health or stability are insignificant. These works will include removal of existing parking surfaces (Area 1) and deconstruction and removal of the toilet block (Area 2); they may also include excavation and construction associated with the footings for the cantilever beam gates in Area TA-03 . This supervision will be based on the following standard procedures:
 - e) The first 300mm of any excavation will be opened using hand tools (where appropriate) or under direct arborist supervision in order to avoid damaging any significant roots (diameter greater than 80mm).
 - f) Base course will be removed by hand where necessary to avoid damaging adjacent roots. If root damage is anticipated to be significant (in the opinion of the works arborist), excess base course material will be left insitu and backfilled with topsoil.
 - g) All roots that are encountered will be retained and protected whenever possible. They will be protected from desiccation and physical damage until effectively backfilled with suitable topsoil.
 - h) Any roots which are to be cut shall be cut back cleanly to just beyond the excavation face leaving a clean cut as opposed to fragmented or broken root ends.

- i) When a root greater than 80mm in diameter is impeding the works and it is not possible to retain the root, the works arborist shall only remove the root if he/she considers that its removal will not be detrimental to the health and/or stability of the tree.
9. Construction-related materials and machinery will be stored outside of the TPZ, preferably within existing cleared areas on load-bearing surfaces or on areas with temporary ground protection. In the event that machinery movements become necessary within or close to the TPZ, suitable ground protection measures will be emplaced, to the satisfaction of the works arborist, prior to such movements occurring. Ground protection will consist of a layer of woodchip mulch at least 100mm deep, layers of carpet, trakmats or any other suitable medium that will ensure underlying roots are not adversely affected. Such measures will generally not be necessary if on-grade temporary road systems are being used.
10. Once parking surfaces have been removed there will be no further machinery movements across the exposed soil profile so that exposed roots are not damaged. In the event that machinery movements are required across these recently-exposed surfaces, ground protection will be required as detailed in section 9 above prior to any such movements occurring.
11. Additionally, any machinery movements in the vicinity of protected trees will require deployment of a spotter where appropriate to ensure no damage occurs to above- or below-ground parts of the tree/s. This will be particularly important for the deconstruction and removal of the toilet block (Area 2).
12. Bollards and any other fencing will be removed either by pulling out of the ground or by cutting off at ground level, the final choice being dependent upon the anticipated level of root damage that may result, as assessed by the works arborist during the prestart meeting.
13. Any soil that is brought to the site for backfilling exposed areas is to be subject to appropriate levels of biosecurity screening to avoid importing unwanted pathogens to the site. This is particularly relevant in light of the recent MPI confirmation of the presence of Myrtle Rust in the Auckland region.

Levels 1 & Level 2 works:

14. Provision of a project completion memo (PCM) to the AC Resource Consent Monitoring Team Leader detailing compliance with the relevant consent conditions and confirmation that any adverse effects suffered by protected trees as a result of the works are no more than anticipated within the consent conditions. The PCM will include a record of attendance and appropriate supervision of works during the project as well as details of any remedial recommendations that may arise during the project.
15. The default setting is that all information will be provided in the final PCM upon completion of works unless otherwise specified or required.