

Decision on an application to change/cancel conditions of a resource consent under section 127 of the Resource Management Act 1991



Discretionary activity under section 127(3) for a subdivision consent

Application number: LUC60305555-C
SUB60305557-D

Original consent number: WFH Properties Ltd

Applicant: LUC60305555 (of BUN60305554)
SUB60305557 (of BUN60305554)

Site address: 101 Kowhai Road, Upper Orewa (Council reference)
105 Kowhai Road, Upper Orewa
115 Kowhai Road, Upper Orewa
117 Kowhai Road, Upper Orewa
119 Kowhai Road, Upper Orewa
Lot 1 DP 43864, Kowhai Road Upper Orewa
Lot 2 DP 311431, Upper Orewa
138 Kowhai Road, Upper Orewa
Kowhai Road

Legal description: Lot 1 DP 78430
Lot 1 DP 197353
Lot 2 DP 197353
Lot 1 DP 311431
Lot 2 DP 311431
Lot 2 DP 463561
Lot 1 DP 43864
Lot 700 DP 548207

Proposal:

To amend the approved subdivision staging boundaries under SUB60305557-C for Stages 1 – 5. This will incur 3 additional stages to the approved 7 stages.

Note: For the avoidance of doubt, any reference in this decision to 'vary' or 'variation application' shall be taken to mean an application to change or cancel consent conditions under s127 of the RMA.

This discretionary activity under s127 of the Resource Management Act 1991 (RMA) is for cancellation of condition **1, 4, 36 and 100(c)** of consent involving the following amendments (with ~~strikethrough~~ for deletion, **bold underline** for insertions):

Changes to Condition 1

1. The proposed activity shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the council as consent numbers BUN60305554 (LUC60305555, LUS60305556, SUB60305557), LUC60305555-A, SUB60305557-B, LUC60305555-B, and SUB60305557-C, **LUC60305555-C and SUB60305557-D.**
 - Application Form, and Assessment of Environmental Effects prepared by Woods, dated 3 August.
 - Specialist Reports as detailed below, and additional information.
 - Change of conditions application and assessment of environmental effects, prepared by Woods and dated 17/09/2020.
 - Change of conditions application and assessment of environmental effects, prepared by Woods and dated 3 March 2021.
 - Change of conditions application and assessment of environmental effects, prepared by Woods and dated 1 December 2021.
 - **Change of conditions application and assessment of environmental effects, prepared by Woods and dated May 2024.**

Plan reference number	Plan title	Prepared By	Rev	Dated
37600-01-GE-009	Staging Plan	Woods	3	Sept 2021
<u>37600-01-009-GE</u>	<u>Staging Plan</u>	<u>Woods</u>	<u>6</u>	<u>April 2024</u>
37600-01-GE-010	Development Control Plan	Woods	7	Sept 2021
<u>37600-01-GE-010</u>	<u>Development Control Plan</u>	<u>Woods</u>	<u>8</u>	<u>May 2024</u>

Changes to approved Condition 4

4. The consent is to be undertaken in ~~7 Stages~~ **10 Stages** as listed below and as shown on Plan 37600-01-GE-009, and any variations approved by the Team Leader North West Monitoring. The stages are able to be undertaken in any order and independent of each other, provided that vehicle access to 120 Kowhai Road is maintained at all times throughout the duration of the works, as required by condition 25 of this consent.:

Stage 1:

- Lots 86-101, 124-129 and 154-172 (41 freehold residential lots)

- Lots 502 – 503 (JOALs)
- Lot 801 (Esplanade Reserve to vest)
- Lot 804 (Drainage Reserve to vest)
- Lot 900 (road to vest)
- Lot 1004 (Commercial lot)

Stage 4A 1B:

- Lots 152, 153, 173 (3 freehold residential lots)

Stage 1C:

- **Lots 1002 and 1003 (two super lots)**
- **Lot 901 (Road to vest)**
- **Lot 801 (Esplanade Reserve)**
- **Lot 501 (JOAL)**

Stage 2:

- ~~Lots 46-51, 71-85, 102-123 (43 freehold residential lots)~~
- ~~Right of Way easement "A"~~
- ~~Lot 902 (road to vest)~~
- ~~Lots 1000 – 1003 (four future development lots)~~
- **Lots 72 – 75, 77-85, 102 – 123 (35 freehold residential lots)**
- **Lot 902 (road to vest)**

Stage 2A:

- **Lots 130 – 139 (10 freehold residential lots)**

Stage 2B:

- Lots 1-7 (7 freehold residential lots)
- **Lots 46 – 51, 76 (7 freehold residential lots)**
- **Lot 800 (Land in Lieu of Reserve)**
- **Lot 903 (Road to vest)**

- Lot 1000 and 1001 (two super lots)
- Lot 500 (JOAL)
- Right of Way easement "A"

Stage 2C:

- Lots 64 – 71 (8 freehold residential lots)

Stage 3:

- ~~Lots 1000-1003 (four super lots)~~
- ~~Lot 500 and 501 (JOALs)~~
- ~~Lot 800 (Land in Lieu of Reserve)~~
- ~~Lot 801 (Esplanade Reserve to vest)~~
- ~~Lot 901 (Road to vest)~~
- Lots 8 – 18, 52 – 61 (21 freehold residential lots)
- Lot 904 (Road to vest)
- Lot 507 (JOAL)

Stage 4:

- ~~Lots 8-18, 52-70 and 130-151 (52 freehold residential lots)~~
- ~~Lots 507 (JOALs)~~
- ~~Lots 903 and 904 (road to vest)~~
- Lots 19 – 27, 62, 63, 140 – 151 (23 freehold residential lots)
- Lot 506 (JOAL)
- Lots 905 and 906 (Road to vest)

Stage 5:

- ~~Lots 19-45 (27 freehold residential sites)~~
- ~~Lots 504, 505 and 506 (JOALs)~~
- ~~Lot 905 (road to vest)~~
- Lot 1005 (pump station site to be transferred to Watercare Services)
- Lots 28 – 45 (18 freehold residential lots)

- **Lots 504 and 506 (JOALs)**
- **Lot 907 (Road to vest)**

Changes to approved Condition 36

36. Any buildings erected on Lots 1 – 173 and Lots 1000 - 1004 identified on the ~~‘Development Control Plan prepared by: Woods, ref: 37600, dated: Sept 2021’~~ **‘Development Control Plan prepared by: Woods, ref: 37600-01-010-GE, dated: May 2024’** shall be subject to the requirements of the “Geotech Report prepared by: Coffey, ref: AKLGE204203, dated: 25 July 2017”, the Memo by Tetra Tech Coffey (Project reference: 773-AKLGE206639-BD.3, dated: 1 April 2022)”, and any subsequent reports. Copies of the said plan and report(s) will be held at the offices of the Council, Centreway Road, Orewa (see consent notice condition below)..

The construction of retaining walls and bridge foundations and the placement and compaction of fill material must be supervised by a suitably qualified engineering professional. In supervising the works, the suitably qualified engineering professional must ensure that they are constructed and otherwise completed in accordance with the Geotechnical Investigation Report prepared by Coffey Services (NZ) Limited, ref: AKLGE204203, dated 25 July 2017 and Proposed Temporary Bridge – Geotechnical Assessment prepared by Tonkin & Taylor Ltd, ref: 21854.0034, dated 22 September 2016. Certification from a suitably qualified engineering professional responsible for supervising the works must be provided to Council, confirming that the works have been completed in accordance with condition 36, within ten (10) working days following completion. Written certification must be in the form of a geotechnical completion report, or any other form acceptable to the council.

Changes to approved Condition 100(c) (Ongoing Conditions/Consent Notices)

- 100(c). (geotechnical) Any buildings erected on Lots 1 – 173 and Lots 1000 - 1004 identified on the ~~‘Development Control Plan prepared by: Woods, ref: 37600, dated: Sept 2021’~~ **‘Development Control Plan prepared by: Woods, ref: 37600-01-010-GE, dated: May 2024’** shall be subject to the requirements of the “Geotech Report prepared by: Coffey, ref: AKLGE204203, dated: 25 July 2017”, the Memo by Tetra Tech Coffey (Project reference: 773-AKLGE206639-BD.3, dated: 1 April 2022), and any subsequent Council approved reports. Copies of the said plan and report(s) will be held at the offices of the Council, Centreway Road, Orewa.

Recommendation

I recommend, under sections 127, 104, 104B, 106 and Part 2 of the RMA, that this variation application is **GRANTED**.

Decision

I have read the application, supporting documents, and the report and recommendations on the application for variation. I am satisfied that I have sufficient information to consider the matters required by the RMA and make a decision under delegated authority on the application.

Acting under delegated authority, under sections 127, 104, 104B, 106 and Part 2 of the RMA, the application for variation to conditions of a resource consent is **GRANTED**.

Reasons

The reasons for this decision are:

1. The proposal is appropriately considered under s127 as the changes will not result in a fundamentally different activity or materially different effects.
2. In accordance with an assessment under s104(1)(a)-(ab) and s127(3) of the RMA, the actual and potential effects from the variation will be acceptable as:
 - a. The main purpose of the proposed variation is to enable the efficient development of the site and to better align the release of the subdivision stage with early release of the Record of Titles for a completed stage and provide consistency with the construction works programme. Therefore, this variation mostly affects the owners/occupiers of the proposed lots rather than the neighbours or surrounding environment.
 - b. There are no changes to the subdivision design or layout proposed by this application apart from the proposal to complete the approved development in 10 stages.
 - c. As demonstrated in the proposed staging plan, the total number of lots remains unchanged.
 - d. Staging of the subdivision has no effect on the proposed subdivision design, including site size, shape and layout, which will remain consistent with the scale and nature of development anticipated within the Single House Zone.
 - e. Overall, this proposed change is deemed to have less than minor adverse effects from what has been previously consented to.
 - f. 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) and s127(3) of the RMA, the variation is consistent with the relevant statutory documents. In particular, proposed variation to the approved subdivision is consistent with the objectives and policies of Chapter E38. As demonstrated in the proposed subdivision plan, the total number of lots remains unchanged. Each lot will continue to be serviced by new stormwater, wastewater, and water supply networks and utility services. The layout of lots reflects a density of development anticipated for the underlying zone, therefore ensuring that land is subdivided to achieve what is in keeping with the locality.
4. In accordance with an assessment under s104(1)(c) and s127(3) of the RMA, no other matters are considered relevant.
5. In terms of s106 of the RMA are not considered to give rise to a significant risk from natural hazards, and sufficient provision has been made for legal and physical access to the

proposed allotments. Accordingly, council is able to grant this variation to the subdivision consent subject to the conditions below.

6. In the context of this variation 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.
7. Overall, the actual and potential effects of the proposal upon the environment have been assessed as acceptable and adverse effects can be adequately avoided, remedied and mitigated through the proposed mitigation measures and the imposition of consent conditions. It is not contrary to the relevant objectives and policies of the AUP OP, and on balance, the proposal promotes the sustainable management of natural and physical resources

Conditions

Under sections 108, 108AA and 220 of the RMA, this variation is subject to the following amendments to existing conditions:

Changes to condition 1

Changes to Condition 1

2. The proposed activity shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the council as consent numbers BUN60305554 (LUC60305555, LUS60305556, SUB60305557), LUC60305555-A, SUB60305557-B, LUC60305555-B, and SUB60305557-C, **LUC60305555-C and SUB60305557-D.**
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Advice notes

1. *A copy of the consolidated set of conditions of consent as amended is included as attachment 1 to this section 127 decision.*
2. *The consent holder is reminded that the decision on this section 127 application does not affect the lapse period for the resource consent.*
3. *This decision is to be read in conjunction with any other relevant approved resource consent(s) and does not negate the consent holder's requirement to continue to comply with the conditions of any previously granted resource consent(s) that have been implemented.*

Delegated decision maker:

Name: Steve Seager
Title: Team Leader, Resource Consents
Signed:



Date: 24 June 2024

Attachment 1: Consolidated conditions of consent as amended

These conditions apply to all resource consents.

1. The proposed activity shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the council as consent numbers BUN60305554 (LUC60305555, LUS60305556, SUB60305557), LUC60305555-A, SUB60305557-B, LUC60305555-B, SUB60305557-C, LUC60305555-C and SUB60305557-D.
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Specialist Report Title	Prepared By	Rev	Date
Geotechnical Investigation Report	Coffey Services (NZ) Ltd		25 July 2017
Archaeological Assessment Report	Clough & Associates Ltd	June 2017	September 2016
Archaeological Management Plan	Clough & Associates Ltd		July 2017
Preliminary Site Investigation	4Sight Consulting		October 2016
Arboriculture Report	Arborlab Consultancy Services Ltd	19 th July 2017	29 th September 2016
Ecological Impact Addendum and Report	Golder Associates and Tonkin & Taylor Ltd	27/07/2017	November 2016
Infrastructure Report	Woods		25/07/2017
Integrated Transportation Assessment Report	TDG Ltd		July 2017
Landscape Proposal	LASF		June 2017

Precinct 5/ Precinct 6 – Bridge Connection Technical Note	Stantec		5 November 2020
Orewa West Precinct 6 DOC Interface Planting Plan	LASF		29 March 2021
Arboriculture Report, Arran Hill – DOC boundary	Arborlab		5 March 2021
Ecological Impact Assessment	Ecology NZ		23 July 2021
Geotechnical correspondence	Coffey Services (NZ) Ltd		30 March 2021
Lizard Management Plan (Report Number: 21109- 002	Ecology NZ	0	31/03/2022

Plan Reference Number	Plan Title	Prepared By	Rev	Date
37600-01-GE-001	Current Zoning Plan	Woods	1	July 2017
37600-01-GE-002	Current Precinct Plan	Woods	1	July 2017
37600-01-GE-003	Existing Title Boundary Plan	Woods	1	July 2017
37600-01-GE-004	Existing Features Plan	Woods	1	July 2017
37600-01-009-GE	Staging Plan	Woods	6	April 2024
37600-01-GE-010	Development Control Plan	Woods	8	May 2024
37600-01-GE-011	Scheme Plan (1 of 8)	Woods	6	Sept 2021
37600-01-GE-012	Scheme Plan (2 of 8)	Woods	5	Sept 2021
37600-01-GE-013- 015	Scheme Plans (3, 4 & 5 of 8)	Woods	3	Sept 2021
37600-01-GE-016	Scheme Plan (6 of 8)	Woods	3	Sept 2018
37600-01-GE-017 & 018	Scheme Plans (7 & 8 of 8)	Woods	3	Sept 2021
37600-01-GE-019	Lot 1004 Indicative Development	Woods	1	July 2017
37600-01-GE-020	Road Stopping Plan (NZTA)	Woods	3	Sept 2018
37600-01-GE-021	Road Stopping Plan (AT)	Woods	2	Sept 2018
37600-01-GE-022	Road Hierarchy Plan	Woods	2	Feb 2021
37600-01-GE-023	Local Road Details	Woods	2	Feb 2021
37600-01-GE-024	Collector Road Details	Woods	2	Feb 2021
37600-01-GE-025	Pedestrian and Cycle Plan	Woods	3	Feb 2021

37600-01-GE-030	Reserves and Open Spaces Plan	Woods	3	Feb 2021
37600-01-GE-031	Vegetation Removal Plan	Woods	1	July 2017
37600-01-GE-032	Lot 802 Plan	Woods	2	May 2018
37600-01-GE-033	Lot 803 Contour Plan	Woods	2	Nov 2017
37600-01-EW-100	Existing Contours Plan	Woods	1	July 2017
37600-01-EW-101	Proposed Contours Plan	Woods	5	Oct 2021
37600-01-EW-102	Cut and Fill Plan	Woods	4	Oct 2021
37600-01-EW-103	Existing Slope Analysis	Woods	1	July 2017
37600-01-EW-104	Proposed Slope Analysis	Woods	2	Sept 2021
37600-01-EW-110	Earthworks Sections Plan	Woods	1	July 2017
37600-01-EW-111	Earthworks Sections	Woods	1	July 2017
37600-01-EW-112	Additional Earthworks Sections Plan	Woods	1	July 2017
37600-01-EW-113	Additional Earthworks Sections	Woods	1	Sept 2017
37600-01-EW-114	Additional Earthworks Sections	Woods	1	Sept 2017
37600-01-EW-115	Motorway Interface Sections Plan	Woods	1	Sept 2017
37600-01-EW-116	Motorway Interface Sections	Woods	1	Sept 2017
37600-01-EW-120	Erosion and Sediment Control	Woods	2	Sept 2017
37600-01-EW-150	Retaining Wall Plan	Woods	3	Sept 2021
37600-01-EW-154	Retaining Wall Plan & Long Section	Woods	2	Sept 2021
37600-01-EW-159	Retaining Wall Plan & Long Section	Woods	2	Sept 2021
37600-01-EW-161	Retaining Wall Plan & Long Section	Woods	2	Sept 2021
37600-01-EW-155-162-164, 166-169	Retaining Wall Plan & Long Section	Woods	1	July 2017
37600-01-EW-171	Retaining Wall Plan & Cross-Section	Woods	1	Mar 2018
37600-01-EW-172	Retaining Wall Plan & Cross-Section	Woods	1	Mar 2018
37600-01-173-EW	Retaining Wall Plan & Cross-Section	Woods	1	Sept 2021
37600-01-RD-200	Roading Plan	Woods	4	Feb 2021
37600-01-RD-201 - 204	Roading Plans	Woods	2	Jan 2018
37600-01-2020-RD	Roading Plan	Woods	3	Feb 2021

37600-01-RD-205	Roading Plan	Woods	3	April 2018
37600-01-RD-206	Modified Turning Head Plan. 8.8m Rubbish Truck Front Load	Woods	1	April 2018
37600-01-RD-207	Modified Turning Head Plan. 8.8m Rubbish Truck Side Load	Woods	1	April 2018
37600-01-RD-208	Modified Turning Head Plan. 10.3m Rubbish Truck	Woods	1	April 2018
37600-01-RD-250	Typical Road Cross Sections	Woods	1	July 2017
37600-01-RD-251	Typical Road Cross Sections	Woods	1	July 2017
37600-01-RD-252	Typical Road Details	Woods	1	July 2017
37600-01-RD-253	Typical Road Cross Sections	Woods	1	July 2017
37600-01-RD-254	JOAL Details	Woods	2	Sept 2017
37600-01-RD-255	Indicative Precinct 5 & 6 Bridge Details	Woods	2	Feb 2021
37600-01-RD-256	Typical Accessway Cross-Sections	Woods	2	Feb 2021
37600-01-257-RD	Indicative Precinct 5 & 6 Bridge Earthworks	Woods	1	Feb 2021
37600-01-RD-260	Road Longitudinal Section	Woods	2	Jan 2018
37600-01-RD-261	Road Longitudinal Section	Woods	2	Jan 2018
37600-01-RD-262	Road Longitudinal Section	Woods	2	Jan 2018
37600-01-RD-263	Road Longitudinal Section	Woods	2	Jan 2018
37600-01-RD-264	Road Longitudinal Section	Woods	2	Jan 2018
37600-01-RD-265	Road Longitudinal Section	Woods	2	Jan 2018
37600-01-RD-266	Road Longitudinal Section	Woods	2	Jan 2018
37600-01-RD-267	Road Longitudinal Section	Woods	2	Jan 2018
37600-01-RD-268	Road Longitudinal Section	Woods	2	Jan 2018
37600-01-RD-269	Road Longitudinal Section	Woods	2	Jan 2018
37600-01-RD-270	Road Longitudinal Section	Woods	2	Jan 2018
37600-01-RD-271	Road Longitudinal Section	Woods	3	Jan 2018
37600-01-RD-272	Road Longitudinal Section	Woods	2	Jan 2018
37600-01-DR-300	SW Drainage Plan	Woods	2	Jan 2018
37600-01-DR-301	SW Drainage Plan	Woods	1	July 2017
37600-01-DR-302	SW Drainage Plan	Woods	2	Jan 2018
37600-01-DR-303	SW Drainage Plan	Woods	2	Jan 2018
37600-01-DR-304	SW Drainage Plan	Woods	2	Jan 2018
37600-01-DR-305	SW Drainage Plan	Woods	2	Jan 2018

37600-01-DR-306	SW Drainage Plan	Woods	2	Jan 2018
37600-01-DR-320	Overland Flow Path Catchment Plan	Woods	2	Dec 2017
37600-01-DR-321	Stormwater Treatment Catchment Plan	Woods	1	July 2017
37600-01-DR-350	Stormwater Wetland Plan	Woods	2	Sept 2017
37600-01-DR-351	Stormwater Wetland Typical Sections	Woods	1	July 2017
37600-01-DR-352	Stormwater Wetland Inlet Details	Woods	1	July 2017
37600-01-DR-353 & 354	Stormwater Wetland Outlet Details	Woods	1	July 2017
37600-01-DR-355	Stormwater Wetland Spillway and Outlet Manhole Details	Woods	1	July 2017
37600-01-DR-400	SS Drainage Plan (Overall)	Woods	2	Jan 2018
37600-01-DR-401	SS Drainage Plan	Woods	2	Jan 2018
37600-01-DR-402 & 403	SS Drainage Plans	Woods	1	July 2017
37600-01-DR-404	SS Drainage Plan	Woods	2	Jan 2018
37600-01-DR-405	SS Drainage Plan	Woods	2	Jan 2018
37600-01-DR-406	SS Drainage Plan	Woods	1	July 2017
37600-01-DR-407	SS Drainage Plan	Woods	2	Jan 2018
37600-01-WS-600	Water Reticulation Plan	Woods	2	Sept 2018
37600-01-WS-601	Water Reticulation Plan	Woods	1	July 2017
37600-01-WS-602	Water Reticulation Plan	Woods	2	Sept 2018
37600-01-WS-603	Water Reticulation Plan	Woods	2	Sept 2018
37600-01-WS-604	Water Reticulation Plan	Woods	1	July 2017
37600-01-WS-605	Water Reticulation Plan	Woods	2	Sept 2018
37600-05-300-DR	Stage 5 WWPS Site Layout Plan Overall	Woods	2	11/10/18
37600-05-301-DR	Stage 5 WWPS Site Layout Plan	Woods	2	11/10/18
37600-05-302-DR	Stage 5 WWPS Site Layout Plan	Woods	1	11/10/18
37600-05-310-DR	Stage 5 WWPS Pumping Station & Valve Chamber Layout Plan	Woods	2	11/10/18
37600-05-325-DR	Stage 5 WWPS Site Layout Plan Vehicle Turning	Woods	1	11/10/18

MWOW6 – 001	Landscape – Orewa West Precinct 6 Overall	LASF Landscape Architects	A	24 Oct 2017
MWOW6 – 002	Landscape – Orewa West Precinct 6 Street tree	LASF Landscape Architects	A	24 Oct 2017
MWOW6 – 003	Landscape – Orewa West Precinct 6 Wetland	LASF Landscape Architects	A	24 Oct 2017
MWOW6 – 004	Landscape – Orewa West Precinct 6 Esplanade	LASF Landscape Architects	A	24 Oct 2017
MWOW6 – 005	Landscape – Orewa West Precinct 6 Batters	LASF Landscape Architects	A	24 Oct 2017

Additional information	Dated
Section 92 request for Further Information – Response letter. From Katie Bowdler, Woods	26 October 2017
Arran Hill Precinct 6 PSI – s92 Response. Nigel Mather, 4Sight Consulting.	3 October 2017
Proposed Residential Subdivision at Orewa West Precinct 6, Millwater – Response to Auckland Council Section 92 Request for Further Information. Rachel Prosser, Coffey	19 September 2017
Lighting Performance Predictions – Site Layout. Advanced Lighting Technologies.	27-9-17
Plans of Precinct 5 Orewa West Proposed Bridge Location and Longsection of proposed bridge location.	25-01-2017
NZTA email correspondence regarding proposed road stopping and maintenance access	various
Arran Hill Precinct 6 Development Section 92 Response. Trevor Lee-Joe, Traffic Design Group	8 September 2017
Response to an Auckland Council request for further information for resource consent BUN60305554 – Millwater Precinct 6. Josh Markham, Tonkin & Taylor Ltd	19 October 2017
Response to an Auckland Council request for further information for resource consent BUN60305554 – Millwater Precinct 6. Josh Markham, Tonkin & Taylor Ltd.	14 November 2017
Section 92 Request for Further Information – Second response to remaining items. From Katie Bowdler, Woods	12 February 2018
Section 92 Request for Further Information – Third response to remaining items. From Katie Bowdler, Woods	26 April 2018

Planting Implementation & Maintenance Programme including Weed & Pest Management Strategy for Landscape Works & Planting for WFH Properties Ltd Millwater Subdivision at Orewa West Precinct 6 Silverdale North, Auckland Council. (LASF Landscape Architects)	September 2018
Millwater Precinct 6 Ecological Offset Addendum 3. Alicia Wong, Tonkin & Taylor Ltd.	13 November 2018
Millwater Development – Arrans Point WWPS (101 Kowhai Road, Orewa). RF Survey for SCADA Communications. Lambda Communications Ltd.	12 October 2018
Memo - Auckland Council Request for Further Information - s127 Application - Goodson Scenic Reserve Earthworks (LUC60305555-B & SUB60305557-C) by Tetra Tech Coffey; (Project reference: 773-AKLGE206639-BD)	28 February 2022
Memo – Tetra Tech Coffey Response 2 to Auckland Council RFI Regarding s127 for LUC60305555-B & SUB60305557-C by Tetra Tech Coffey; (Project reference: 773-AKLGE206639-BD.3)	01 April 2022
Memo – Tetra Tech Coffey Response to Auckland Council RFI Regarding s127 for LUC60305555-B & SUB60305557-C by Tetra Tech Coffey; (Project reference: 773-AKLGE206639-BD.4)	21 April 2022

2. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
 - A survey plan is submitted to council for approval under section 223 of the RMA before the consent lapses, and that plan is deposited within three years of the approval date in accordance with section 244 of the RMA; or
 - An application under section 125 of the RMA is made to the council before the consent lapses (five years) to extend the period after which the consent lapses and the council grants an extension.

3. The consent holder shall pay the council an initial consent compliance monitoring charge of \$990 (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.

Staging

4. The consent is to be undertaken in 10 Stages as listed below and as shown on Plan 37600-01-GE-009, and any variations approved by the Team Leader North West Monitoring. The stages are able to be undertaken in any order and independent of each other, provided that vehicle access to 120 Kowhai Road is maintained at all times throughout the duration of the works, as required by condition 25 of this consent.

Stage 1:

- Lots 86-101, 124-129 and 154-172 (41 freehold residential lots)
- Lots 502 – 503 (JOALs)
- Lot 801 (Esplanade Reserve to vest)
- Lot 804 (Drainage Reserve to vest)
- Lot 900 (road to vest)
- Lot 1004 (Commercial lot)

Stage 1B:

- Lots 152, 153, 173 (3 freehold residential lots)

Stage 1C:

- Lots 1002 and 1003 (two super lots)
- Lot 901 (Road to vest)
- Lot 801 (Esplanade Reserve)
- Lot 501 (JOAL)

Stage 2:

- Lots 72 – 75, 77-85, 102 – 123 (35 freehold residential lots)
- Lot 902 (road to vest)

Stage 2A:

- Lots 130 – 139 (10 freehold residential lots)

Stage 2B:

- Lots 1-7 (7 freehold residential lots)
- Lots 46 – 51, 76 (7 freehold residential lots)
- Lot 800 (Land in Lieu of Reserve)
- Lot 903 (Road to vest)
- Lot 1000 and 1001 (two super lots)
- Lot 500 (JOAL)
- Right of Way easement “A”

Stage 2C:

- Lots 64 – 71 (8 freehold residential lots)

Stage 3:

- Lots 8 – 18, 52 – 61 (21 freehold residential lots)
- Lot 904 (Road to vest)
- Lot 507 (JOAL)

Stage 4:

- Lots 19 – 27, 62, 63, 140 – 151 (23 freehold residential lots)
- Lot 506 (JOAL)
- Lots 905 and 906 (Road to vest)

Stage 5:

- Lot 1005 (pump station site to be transferred to Watercare Services)
- Lots 28 – 45 (18 freehold residential lots)
- Lots 504 and 506 (JOALs)
- Lot 907 (Road to vest)

Survey Plan Approval (s223) Conditions

Conditions to be shown on survey title plan

5. The consent holder shall submit a survey plan in accordance with the approved resource consent subdivision plan. The survey plan shall show roads and reserves to vest, any easements, bush protection and other covenant areas required by this subdivision consent. The survey plan shall be in accordance with the plans titled "Orewa West Precinct 6, Scheme Plan (1 of 8)", drawing number 37600-01-GE-011, Revision 6, dated September 2021.
6. Before the Council will approve the Survey Plan pursuant to s223 of the Act, the owner shall undertake to give effect and to show on the survey plan:

Amalgamation

- a. Pursuant to s220 (1)(b)(iv) of the Act, have endorsed on the survey plan the following condition of amalgamation:
 - i. "That Lot 500 hereon (legal access) be held as to two undivided one half shares by the owners of Lots 1000 and 1001 hereon as tenants in common in the said shares and that individual Computer Registers be issued to in accordance therewith."
 - ii. "That Lot 501 hereon (legal access) be held as to two undivided one half shares by the owners of Lots 1002 and 1003 hereon as tenants in common in the said shares and that individual Computer Registers be issued to in accordance therewith."
 - iii. "That Lot 502 hereon (legal access) be held as to five undivided one-fifth shares by the owners of Lots 161-165 hereon as tenants in common in the said shares and that individual Computer Registers be issued to in accordance therewith."
 - iv. "That Lot 503 hereon (legal access) be held as to two undivided one-half shares by the owners of Lots 158 and 159 hereon as tenants in common in the said shares and that individual Computer Registers be issued to in accordance therewith."
 - v. "That Lot 504 hereon (legal access) be held as to two undivided one-half shares by the owners of Lots 39 and 40 hereon as tenants in common in the said shares and that individual Computer Registers be issued to in accordance therewith."
 - vi. "That Lot 505 hereon (legal access) be held as to two undivided one-half shares by the owners of Lots 35 and 36 hereon as tenants in common in the said shares and that individual Computer Registers be issued to in accordance therewith."
 - vii. "That Lot 506 hereon (legal access) be held as to five undivided one-fifth shares by the owners of Lots 23-27 hereon as tenants in common in the said shares and that individual Computer Registers be issued to in accordance therewith."

viii. "That Lot 507 hereon (legal access) be held as to four undivided one-fourth shares by the owners of Lots 14-17 hereon as tenants in common in the said shares and that individual Computer Registers be issued to in accordance therewith."

Easement

- b. The right-of-way easement over part of Lot 800 shall be included in a memorandum of easements endorsed on the survey plan and shall be duly granted or reserved. The consent holder shall meet the costs for the preparation, review and registration of the easement instrument on the relevant computer registers (Records of Title). See Easement Schedule (drawing number 37600-01-GE-011, Revision 4, dated September 2018).

Vesting of roads

- c. All of the proposed roads shown as Lots 900, 901, 902, 903, 904, 905 and 906 on the plan of the proposed subdivision shall vest in the council as public roads. The consent holder shall meet all costs associated with the vesting of the roads.

Vesting of esplanade reserve and land in lieu of reserve

- d. The consent holder shall vest Lot 800 in Auckland Council as Land in Lieu of Reserve and Lot 801 as Local Purpose (esplanade Reserve) pursuant to section 239 of the RMA 1991 in general accordance with 'Scheme Plan of Subdivision Orewa West Precinct 6, prepared for WFH Properties, Project no. 37600, Revision 5, issue date February 2021 prepared by Woods Engineers, Surveyors Planners. The vesting of Lot 800 shall be without compensation or cost to Council.
- e. Prior to 223 application, the consent holder shall provide a survey plan of the reserve to vest to council to the satisfaction of the Parks Planning Team Leader. The consent holder shall ensure that the following matters have been complied with:
- a) The Survey Plan shall show the area of the Land in Lieu of Reserve to vest being Lot 800 and esplanade reserve to vest being Lot 801; and
 - b) In the event of the NZTA easement in favour of NZTA being created within the proposed Land in Lieu or Reserve, an easement (in favour of NZTA) over Lot 800 for access (to State Highway 1) will be required. The easement will require a section 239 Certificate signed by the Manager Land Advisory Services.

Vesting of drainage reserve

- f. The consent holder shall show Lot 804 to vest in Auckland Council as Local Purpose (Drainage) Reserve.

Section 224(c) Compliance Conditions

Subdivision conditions (District) – BUN60305554 / SUB60305557

7. Before the Council will issue a certificate pursuant to section 224(c) of the Act, the Consent Holder shall satisfy the following conditions at their full cost:

Engineering plans

8. The engineering works required by this consent shall comply with Council Standards as may be amended from time to time. Engineering Plans, as specified in the Standards, shall be submitted to the Consents Engineer, and approval thereto received in writing, prior to the commencement of any works on the site. Any variation or changes to the approved engineering plans shall be submitted for approval as an Amendment and approval received thereto prior to construction of the varied works.

The term 'engineering works' includes, but is not limited to:

- Earthworks;
- The formation of roads, the laying of pipes and other ancillary equipment to be vested in the Council for water supply, drainage or sewage disposal;
- Street lights, landscaping or structures on land vested, or to be vested, in the Council;
- The installation of gas, electrical or telecommunication reticulation including ancillary equipment;
- Any other works required by conditions of this consent.

Advice notes:

Structures such as retaining walls, in-ground walls and bridges will require a separate Building Consent.

The plans required under this condition are separate to, and do not form part of, any Building Consent that may be required on the subject site.

Pre-construction meeting

9. The Developer's Representative shall give the Development Engineer named in the engineering plan approval at least 5 working days' notice of the on-site pre-construction site meeting. Construction work shall not commence on the site until such meeting has been held and all necessary documentation presented.

Note: Attention is drawn to the following documentation to be presented at the preconstruction meeting:

- Approved engineering plans and copy of approval letter;
- Health and Safety Plan;
- The Signed Corridor Access Request;
- The relevant Resource or Subdivision Consent (and all conditions attached thereto);
- Signed copies of all Consents to Enter for Construction for works on land (including Council land) not owned by the consent holder.

As Built record plans

10. As Built record plans to requirements of the Council Standards shall be submitted to the Consents Engineer as a prerequisite of s.224(c) RMA or Consent-Works Completion Certificate as appropriate.

Vested assets

11. A schedule of assets to be vested in Council shall be completed in full and supplied to Council in an acceptable, prior to the issue of s.224(c).

RAMM data

12. RAMM data shall be completed in full and returned to Council in a form acceptable to Council / Auckland Transport prior to the issue of s.224(c).

Traffic management plan

13. An approved Traffic Management Plan in accordance with the Code of Practice for Temporary Traffic Management specifically addressing control of construction access to the site and traffic control adjacent to the site, and the protection of the public, shall be submitted to the Consents Engineer. A copy of the Traffic Management Plan, together with the verification letter shall be kept on the site at all times. All measures for the protection of the public and other personnel set out in the verified Plan shall be maintained and complied with at all times until such time as the works are completed.

Earthworks certification

14. Prior to the commencement of any earthworks, the Council must be provided with written certification from a suitably qualified professional that all permanent earth bunds, retaining walls, and bridge foundations have been designed in accordance with the Geotechnical Investigation Report prepared by Coffey Services (NZ) Limited, ref: AKLGE204203, dated 25 July 2017 and Proposed Temporary Bridge – Geotechnical Assessment prepared by Tonkin & Taylor Ltd, ref: 21854.0034, dated 22 September 2016 and Memo by TetraTech Coffey (Project reference: 773-AKLGE206639-BD.3, dated: 1 April 2022). Written certification must be in the form of a report, or any other form acceptable to the council.

On completion of earthworks and retaining, an Earthworks Completion Report and a Certificate in the form of Schedule 2A of the 'Auckland Council Code of Practice for Land Development and Subdivision' signed by the Chartered Professional Engineer who designed and supervised the works shall be provided to the Consents Engineer. The completion report shall include any specific foundation requirements for the Lots and shall confirm that adequate Factor of Safety is available on each Lot in accordance with Schedule 2C of the Auckland Council Code of Practice for Land Development and Subdivision.

Advice Note:

The completion report shall confirm the requirements of the 'Geotech Report prepared by: Coffey, ref: AKLGE204203, dated: 25 July 2017', the 'Geotechnical Memorandum

prepared by: Coffey, ref: 773-AKLGE206639-AV, dated: 22 October 2020 and the Memo by TetraTech Coffey (Project reference: 773-AKLGE206639-BD.3, dated: 1 April 2022)' have been achieved.

Water supply reticulation

15. The existing public Water Supply reticulation system which lies within or is contiguous to the land in the development shall be extended to the requirements of Auckland Council and Watercare Standards to serve all Lots within the development to become part of the public services of the District.

The requirements of the "*Watercare Application Number – 67884, dated: 03/05/2018*" for Water and Wastewater Network Only shall be met.

Wastewater reticulation

16. The existing public Wastewater reticulation system which lies within or is contiguous to the land in the development shall be extended to the requirements of Auckland Council and Watercare Standards to serve all Lots within the development to become part of the public services of the District. This shall include the Public Pump station on Lot 1005 and the rising main thereto.

The requirements of the "*Watercare Application Number – 67884, dated: 03/05/2018*" plus the requirements of "*Watercare Application Number – 74239, dated: 21/11/2018*" and "*Watercare Application Number – 75367, dated: 21/11/218*" shall be met.

Lot to vest

17. Lot 1005 shall vest to Council/Watercare as Utility Reserve – Wastewater Pumpstation.

Reverse sensitivity

18. Whilst Lot 1005 is in operation as a Public Wastewater Pump Station in ownership of Council/Watercare, Lots 45 & 44 shall be subject to reverse sensitivity covenants placed on the titles with respect to noise, odour, lighting and the maintenance of the pump station.

Stormwater reticulation

19. The existing public Stormwater reticulation system which lies within or is contiguous to the land in the development shall be extended to the requirements of Auckland Council Standards to serve all Lots within the development to become part of the public services of the District.

Stormwater mitigation

20. The stormwater treatment wetland shall be designed and constructed in general accordance with the plans provided, Auckland Council GD01 document and Auckland Council Standards. The proposed wetland shall be a fully landscaped and have adequate

access for future maintenance purposes. As built drawings of the facility including a site survey and geotechnical report shall be provided to the Council upon completion. The wetland shall be constructed in general accordance with the "Infrastructure Report" prepared by: Woods, ref: Arran Hill Precinct 6, dated: 25/7/17.

Stormwater mitigation maintenance

21. The consent holder shall maintain the stormwater treatment wetland until either 80% of the building sites within the subdivision discharging to it have been developed or for a period of 2 years from the date of the final 224(c) for the subdivision, whichever is the shortest period. The consent holder shall remove sediment from the wetland resulting from the development of the subject site, if required by the Council, prior to final handover of the facility to the Council for maintenance. At the time of handover there shall be a 95% plant survival rate. Updated Operation and Maintenance Manuals for the wetland shall be provided to the Council at the time of the handover of the wetland. Unless otherwise agreed to, a bond may be required at the time of application for the 224(c) certificate to ensure the ongoing maintenance of the wetland. The bond will be based on the cost to maintain the wetland over the two year period plus 50% of the cost.

Operation and maintenance plan

22. An Operation and Maintenance Plan shall be provided to Auckland Council prior to the issue of s.224(c) RMA required by this consent for the wetland device. The Operation and Maintenance Plan shall set out how the stormwater management system is to be operated and maintained to ensure that adverse environmental effects are minimised. The plan shall include:
 - a) Details of who will hold responsibility for long-term maintenance of the stormwater management system and the organisational structure that 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) general inspection checklists for all aspects of the stormwater management system.

Pedestrian path

23. Lot 804 shall contain a pedestrian path to the satisfaction of Auckland Council Parks and Auckland Council Healthy Waters Operation. The wetland shall have adequate vegetation to act as a separation barrier to restrict pedestrian access to the wetland from the path, which shall be approved on the Landscape Planting Plan.

Road construction

24. The proposed new Roads 1 – 6 and Kowhai Road shall be constructed to Auckland Council Standards and Auckland Transport Code of Practice. The section of Kowhai Road

(as identified within Catchment C) that does not discharge to the wetland, in Lot 804, will require Rain Gardens in accordance with Auckland Council GD01 for treatment of road runoff. The southern end of Kowhai Road will require a temporary turning area to be provided to the satisfaction of Auckland Transport.

Temporary severance of Kowhai Road

25. The upgrade of Kowhai Road shall end in a turning head with sufficient space to accommodate the manoeuvring of a 10.3m rubbish truck. Vehicle access is to be prevented from accessing the subdivision from the western side of Kowhai Road but safe walking and cycling access is to be provided. Access for the property at 120 Kowhai Road shall be maintained at all times. The property owners and occupiers of 120 Kowhai Road must be informed of their access arrangements prior, during and post construction.

Advice notes:

- (1) *The opening of the intersection between Kowhai Road and Arran Drive will provide vehicle access to 120 Kowhai Road towards the east. At this point in time, barriers and appropriate signage shall be established to advise the public of the temporary termination of the southern portion of Kowhai Road to Wainui Road.*
- (2) *Upon completion of the intersection between Kowhai Road and Arran Drive, the southern portion of Kowhai Road adjoining the applicant's site shall be terminated with a 'Y' turning head or similar to allow turning of service trucks.*

Speed calming

26. Speed calming is to be provided on all local streets in accordance with Auckland Transport guidance and standards. The speed calming shall be provided to avoid straight sections of road greater than 80-120m intervals.
27. Speed calming is to be provided in accordance with Auckland Transport guidance and standards at the Road 1 / Road 4 intersection to give priority to Road 1.

Stormwater treatment devices

28. The stormwater treatment devices (rain gardens) required for the treatment of Catchment C, on the southern end of Kowhai Road, shall be provided in accordance with Auckland Council Standards and to the satisfaction of Auckland Transport.

Operation and maintenance plan

29. An Operation and Maintenance Plan shall be provided to Auckland Council prior to the issue of s.224(c) RMA required by this consent for the rain garden devices. The Operation and Maintenance Plan shall set out how the stormwater management system is to be operated and maintained to ensure that adverse environmental effects are minimised. The plan shall include:
 - Details of who will hold responsibility for long-term maintenance of the stormwater management system and the organisational structure which will support this process;

- a programme for regular maintenance and inspection of the stormwater management system;
- a programme for the collection and disposal of debris and sediment collected by the stormwater management devices or practices;
- a programme for post storm inspection and maintenance;
- general inspection checklists for all aspects of the stormwater management system.

Road amenity and lighting

30. All streets and public accessways shall be lit to the requirements of Auckland Council Standards and to the satisfaction of Auckland Transport in accordance with ATCoP. The type of light fittings shall be acceptable to the electricity network supplier responsible for the area and shall have approval of the Council prior to installation.

Construction of private ways

31. The private ways over Lots 500 - 507 and the vehicle crossings thereto shall be constructed to a residential concrete standard to the requirements of Auckland Council Standards.

Provide for electric power

32. Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an electric supply has been made available by underground means to all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met or satisfactory arrangements have been concluded with the Consent Holder to complete the provision of the supply.

Provide for telephone

33. Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of telephone services has been made available by underground means to all saleable lots created and that all the network supplier's requirements for making such services available have been met or satisfactory arrangements have been concluded with the Consent Holder to complete the provision of the service.

New road name

34. When a name has been resolved with Local Board approval, the Consent Holder shall erect nameplates, in accordance with Auckland Transport Code of Practice Chapter 10. Confirm nameplates are installed on the new road.

Vehicle barrier

35. Retaining wall 700 along Road 1 shall be provided with a vehicle barrier to prevent vehicles from falling. The vehicle barrier type shall be to the satisfaction of Auckland Transport.

Building restrictions

36. Any buildings erected on Lots 1 – 173 and Lots 1000 - 1004 identified on the 'Development Control Plan prepared by: Woods, ref: 37600-01-010-GE, dated: May 2024' shall be subject to the requirements of the "Geotech Report prepared by: Coffey, ref: AKLGE204203, dated: 25 July 2017", the Memo by Tetra Tech Coffey (Project reference: 773-AKLGE206639-BD.3, dated: 1 April 2022)", and any subsequent reports. Copies of the said plan and report(s) will be held at the offices of the Council, Centreway Road, Orewa (see consent notice condition below).

The construction of retaining walls and bridge foundations and the placement and compaction of fill material must be supervised by a suitably qualified engineering professional. In supervising the works, the suitably qualified engineering professional must ensure that they are constructed and otherwise completed in accordance with the Geotechnical Investigation Report prepared by Coffey Services (NZ) Limited, ref: AKLGE204203, dated 25 July 2017 and Proposed Temporary Bridge – Geotechnical Assessment prepared by Tonkin & Taylor Ltd, ref: 21854.0034, dated 22 September 2016. Certification from a suitably qualified engineering professional responsible for supervising the works must be provided to Council, confirming that the works have been completed in accordance with condition 36, within ten (10) working days following completion. Written certification must be in the form of a geotechnical completion report, or any other form acceptable to the council.

SMAF

37. The owners or their successors in title of Lots 1 – 173 and Lots 1000 – 1004 are advised that resource consent will **not** be required in regard to any impervious surface greater than 50m² under Chapter E, Section E10, Subsection E10.6.4 (impervious areas within a SMAF 1 or 2 overlay) of the Auckland Unitary Plan (see consent notice condition below).

Building restrictions – stormwater control

38. All stormwater from buildings and paved areas on Lots 1 –173 and Lots 1000 – 1004 will not require onsite mitigation as the public outfalls discharge at RL2.0m DoSLI Datum and into a coastal receiving environment (see consent notice condition below).

Road bridge to Precinct 5

39. Once 50% of the lots have received 224c certification, the pedestrian bridge to Precinct 5 shall be constructed to Auckland Council Standards and to the satisfaction of Auckland Transport.

Advice note: The pedestrian bridge will require engineering approval(s) to be obtained from the council prior to the issuing of Building Consent.

Auckland Transport recommend the design of the bridge incorporates the following features:

- *A 4m wide path due to the connectivity this path will create between the two precincts – refer to section 4.4 of the Auckland Transport Transport Design Manual for the design standards for shared paths.*
- *Physical barriers that prevent motorists from driving onto the bridge at both ends.*
- *Details of the proposed tie-in to the existing footpaths and cycleways.*

Bus shelters to be provided

40. A pair of bus shelters are to be provided adjacent to the roundabout on Arran Drive in the northbound and southbound direction to AT's standard and in consultation with the AT Metro Team. The bus stops shall include signage, marking and shelters.

No stopping at all times lines to be provided

41. Yellow No Stopping At All Times lines shall be painted along the entire length of one side of each of Roads 01-06, excluding recessed parking bays, to the satisfaction of Auckland Transport.

Resolution report

42. The consent holder shall submit a Resolution report for approval which is accepted by Auckland Transport's Traffic Control Committee to legalise the proposed traffic control devices (e.g. traffic signs, road marking and traffic calming devices). A copy of the Resolution from Traffic Control Committee shall be submitted with the lodgement of the application for the certificate.

Advice Note: The resolutions, prepared by a qualified traffic engineer, will need to be passed so that the changes to the road reserve can be legally implemented and enforced. The resolution process may require public consultation to be undertaken in accordance with Auckland Transport's standard procedures. It is the responsibility of the consent holder to prepare and submit a permanent Traffic and Parking Changes report to AT TCC for review and approval. It is recommended that the resolution process be initiated at least 8 weeks prior to the installation permanent traffic and parking controls. No installation of any road markings will be allowed before the resolution is approved by the Auckland Transport Traffic Control Committee (TCC).

Stormwater wetland and Esplanade Reserves – Weed Control

43. Prior to lodgement of section 224(c) certification the consent holder shall undertake and complete the following works in the stormwater wetland (Lot 804), land in lieu of reserve to vest (Lot 800) and esplanade reserve to vest (Lot 801), as approved by the Parks Planning Team Leader, at its sole cost:
- Removal of all organic and inorganic rubbish;
 - Removal of possible health and safety hazards such as large holes, dangerous trees, unstable retaining walls etc; and

- iii. Removal of all invasive weed species.
44. At Engineering Plan Approval stage, the consent holder shall submit a Weed Control Plan for approval of the Parks Planning Team Leader. The Weed Control Plan shall include but not be limited to:
- a) An inventory of the weed species to be removed;
 - b) Removal techniques to be utilised; weed disposal methods
 - c) Time frames for work and whether the weed removal needs to be staged (particularly relevant for sensitive areas such as riparian margins)
 - d) As assessment of any ecological issues around the removal of vegetation
 - e) Methods for addressing stability and erosion and sediment control methods (this may require additional planting).
45. The consent holder shall employ a suitably qualified and experienced person(s) to carry out the removal of any environmentally damaging plants from Lots 800, 801 and 804 in accordance with the approved Weed Control Plan. The plan shall be implemented within 6 months of the date of issue of this resource consent to the satisfaction of the Parks Planning Team Leader.

Landscaping – Stormwater Wetland and Esplanade Reserves Lots 800, 801 and 804

46. At engineering works approval stage, detailed landscaping plans, engineering plans and supporting planting methodology in respect of the reserve to be vested (Lots 801 and 804) and land in lieu of reserve to vest (Lot 800) shall be submitted to the Parks Planning Team Leader for approval.
47. The landscaping plans and supporting planting methodology shall:
- a) Be in general accordance with the Orewa West Precinct 6 Overall Planting Plan, Esplanade Planting Plan, and Wetland Planting Plan, prepared by LASF Landscape Architects, dated 24 October 2017.
 - b) Be prepared by a suitably qualified landscape architect.
 - c) Include weed management plan detailing weed eradication and control methods for the reserve, prior to and after planting.
 - d) Identify all new planting to be undertaken on the site including details of the intended species, spacing, quantities, location, plant sizes at the time of planting, their likely heights on maturity and how planting will be staged and established.
 - e) Include specifications for plant condition and a written specification detailing the planting methodologies to be used.

- f) Include the location and design of the pedestrian pathway at a minimum of 1.8m in width through Lot 800.
- g) Identify all hard and soft landscape works.
- h) Comply with the Auckland Council Planting and Lawn Specification Version 8.
- i) Include landscaping designed to disguise and naturalise the stormwater outlet structure.
- j) All areas that have been grassed must have a 90 percent strike rate, be in a mowable condition, and weed free.
- k) Identifies locations of mulch or suitable alternative with reference to best practice methodology for ecology and plant maintenance.

Any defects identified at the practical completion audit are to be remedied by the consent holder. The practical completion of the works will be determined by the Parks Planning Team Leader to their satisfaction and indicates the commencement of the five year maintenance period.

- 48. Within the first planting season (May to September) following certification of the Landscape Planting and Management Plan, the landscaping plan required by condition 46 shall be fully implemented in accordance with the certified Landscape Planting and Management Plan and shall be maintained for the duration of the five year maintenance period to the satisfaction of the Team Leader North West Monitoring.

Maintenance plan - Stormwater Wetland and Esplanade Reserves Lots 800, 801 and 804

- 49. At Engineering Plan Approval stage, the consent holder shall provide for the approval of the Parks Planning Team Leader a Maintenance Plan, for all planting and landscaping to be established on Lots 800, 801 and 804. The Maintenance Plan must include:
 - a) Vegetation maintenance practices for the proposed planting, in particular details of methodology, dates and frequencies.
 - b) Details of watering, weeding, trimming, cultivation, pest and disease control, checking of stakes and ties, pruning and other accepted horticultural operations to ensure normal and healthy plant establishment and growth, as appropriate.
 - c) Vandalism eradication methods.
- 50. The consent holder shall undertake maintenance in accordance with the approved Maintenance Plan for a five year period commencing on the date that the section 224(c) certificate is issued. Insufficient or inadequate levels of maintenance as deemed by the Parks Planning Team Leader during this period shall be remedied by the consent holder at their sole cost.

Outfall structure – Esplanade Reserve

51. The design and location of the stormwater outfall to Orewa River within Lot 801 shall be agreed jointly with the Parks Planning Team Leader and Healthy Waters. In general, it shall be of a natural material, laid back into the ground and not incorporate any standing water that could present a hazard in terms of drowning, stagnant water, trip/falls and be vegetated to mitigate any visual impact.

Landscaping plan – Streetscape

52. At Engineering Approval stage the consent holder shall submit a detailed streetscape landscaping plan(s), in conjunction with the engineering plans for approval by the Parks Planning Team Leader. In particular the plans shall:
- a) Be prepared by a registered landscape architect.
 - b) Be in general accordance with the Orewa West Precinct 6 Street Tree Planting Plan Dwg 002, dated 24 October 2017 prepared by LASF.
 - c) Show all planting including details of species, location, spacing, plant sizes at time of planting and likely heights on maturity. The plan(s) shall also show tree pit specifications, the overall material palette, location of street lights and other service access points.
 - d) Show shrub species to be planted at 400mm from footpath and road edges and street trees planted a minimum of 5 metres from street lights and 2 metres from other service boxes.
 - e) Ensure that specimens are planted to maintain appropriate separation distances from paths, roads, street lights and vehicle crossings in accordance with the Auckland Transport Code of Practice.
 - f) Delete *Metrosideros excelsa* 'Maori princess' as there have been ongoing issues with this species in residential areas including infrastructure damage and adequate growing space. Replacement trees should be a suitable size for the proposed 1.5m berm width.
 - g) Delete *Gleditsia triacanthos* as this is a high maintenance street tree and has been requested not to be accepted by the Parks arborist responsible for maintenance. Replacement trees should be a suitable size for the proposed 1.5m berm width.
 - h) The wide berm to the north of Lot 18 shall be grassed.
 - i) Comply with the Auckland Council Planting and Lawn Specifications version 8.
 - j) Include planting methodology.

Maintenance plan – Streetscape

53. At Engineering Plan Approval stage the consent holder shall provide a Maintenance Plan for the approval of the Parks Planning Team Leader for all streetscape planting and landscaping. The Maintenance Plan must include:

- a) Vegetation maintenance policies for the proposed planting, in particular details of maintenance methodology and dates / frequencies.
 - b) Details of watering, weeding, trimming, cultivation, pest and disease control, checking of stakes and ties, pruning and other accepted horticultural operations to ensure normal and healthy plant establishment and growth.
 - c) Vandalism eradication policies.
54. The consent holder shall undertake maintenance, in accordance with the approved Maintenance Plan for a two year period commencing on the date that the section 224(c) certificate is issued. Any maintenance issues deemed unsuitable by the Parks Planning Team Leader during this period shall be remedied by the consent holder at their expense.
55. Prior to the issue of the section 224(c) certificate, the consent holder shall undertake and complete the works in accordance with the approved streetscape plan(s) and the relevant Auckland Council Code of Practice or Specification at its sole cost, to the satisfaction of Parks Planning Team Leader.
56. Planting shall occur within the recognised planting season May to September. All street trees shall be good quality specimens and planted and staked to the satisfaction of the Arboricultural and Landscape Advisor.
57. If any damage/theft to the streetscape planting occurs during within the maintenance period, the consent holder shall replace damaged plants with the same species and height and these shall be maintained for a period of two years following the replacement planting, to the satisfaction of Parks Planning Team Leader.

Landscaping – access lots and retaining walls

58. At engineering approval stage, a finalised set of Landscape and Pavement Plans shall be prepared by a landscape architect or suitably qualified professional and submitted to Council for written certification by the Team Leader North West Monitoring. The finalised plans shall be consistent with the approved landscape concept plan/ identified in the plans and shall include in particular:
- a) Provision of a 500mm wide strip for future landscaping along the entire length of the access lots 500 and 501, adjoining retaining walls 304 and 305.
- Advice Note: A lighting and planting plan will be required at the time of application for consent for future development of lots 1000 – 1003.*
- b) Landscape plans showing tree planting in relation to earth walls 310 to 312 and 600 to 603. Any tree planting proposed would need to be suited to the conditions of the slope, be upward growing and placed to ensure they have limited effect on solar access and views to the north.
 - c) Landscape plans indicating landscape planting proposed to moderate dominant retaining wall 500 and wall 700, including any safety fencing.

59. Within the first planting season (May to September) following certification of the Landscape and Pavement Plans, the landscaping planting required by condition 58 shall be fully implemented in accordance with the certified Landscape Planting Pavement Plans and shall be maintained for the duration of the five year maintenance period to the satisfaction of the Team Leader North West Monitoring

Boundary Treatment – Retaining Wall 700

60. At engineering works approval stage the consent holder will submit for the approval of the Parks Planning Team Leader detailed design plans for Retaining Wall 700, including the material palette, handrails, and associated landscaping. Retaining wall 700 is to be built wholly within the road reserve and located so as to provide a minimum set-back of 500mm (including drainage and footings) from the boundary with the proposed esplanade reserve.

Advice Note: It is recommended that the consent holder liaise with Parks staff to achieve an acceptable outcome prior to submitting detail plans for approval.

Reserve boundary treatment

61. The consent holder shall install fencing along the boundary between Lot 800 and Lot 1 (residential land at the western end). The fencing is to be subject to the approval of the Parks Planning Team Leader. The maintenance of the fencing is the responsibility of the individual future lot owner (see consent notice below).

Uncompleted Works Bond

62. Prior to lodgement of section 224(c) certification and in accordance with section 108(2)(b) of the RMA, a refundable bond may be entered into at council's discretion, where any weed control and landscape works required by the conditions of this consent have not been completed in accordance with the approved plans. The bond amount shall be 1.5 x the cost of any outstanding works and will be agreed in consultation with the Parks Planning Team Leader prior to lodging the bond.

Maintenance Bonds

63. Prior to the issue of the 224c certificate and in accordance with section 108(2)(b) of the RMA, the consent holder will pay to the Council a refundable bond in respect of the maintenance of the landscaping works required by the conditions of this consent. The maintenance bond will be held for a period of two years from the issue of a practical completion certificate for the street trees, and five years for Lots 800, 801 and 804. The amount of the bond will be 1.5 x the contracted rate for maintenance and shall be agreed in consultation with the Parks Planning Team Leader prior to the lodging of the bond.
64. If the consent holder fails to maintain the assets, as defined in the maintenance conditions, and as required by this consent, the Council may undertake the works necessary to bring the assets up to the standard required by this consent and the cost of this work may be deducted from the bond. The cost of maintenance of any replacement works for the following 24 months will also be deducted from the bond.

65. Any costs incurred by the Council in preparing, checking, assessing and release of this bond must be met by the consent holder.

As-built plans

66. Prior to the issue of the 224(c) certificate, the consent holder will provide to the Development Engineer and Parks Planning Team Leader as built plans for landscape works (hard and soft) within the esplanade reserve and streets in CAD and pdf form including the following details:
- a) Asset names.
 - b) All finished hard and soft landscape asset locations and type, and any planted areas must be shown to scale with the square metres of planting, species and number of plants.
 - c) All underground services, irrigation and drainage.
 - d) All paint colours, graffiti coatings, pavers and concrete types with names of products to be included on the assets schedule.

General Conditions

Sediment controls

67. Prior to the commencement of earthworks activity, all required erosion and sediment control measures on the subject site shall be constructed and carried out in accordance with Auckland Council GD05.

Dust

68. 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 North West Monitoring, is noxious, offensive or objectionable.

Grass cover

69. All areas affected by the works shall be re-grassed, revegetated or otherwise protected from wind and water erosion within two months of the completion of the works. Areas to remain unworked for more than two months shall be re-grassed, or otherwise sealed against wind and water erosion, even if further works are intended at a later date.

Earthworks stability

70. All earthworks shall be managed to ensure that they do not lead to any uncontrolled instability or collapse affecting either the site or adversely affecting any neighbouring properties. In the event that such collapse or instability does occur, it shall immediately be rectified.

Burning

71. No burning of vegetation or demolition materials is to be carried out on the site. All vegetation and demolition materials are to be removed from the site. Disposal by burying on site shall only be carried out in areas designated on the approved Engineering Plans for such disposal and not to be included within future building sites.

Earthworks design

72. All earthworks shall be specifically designed to Auckland Council Standards, including the 'Auckland Council Code of Practice for Land Development and Subdivision' and NZS4431 by a Chartered Professional Engineer experienced in soil mechanics. The work shall be designed and executed in compliance with the recommendations contained in the Geotech Report prepared by: Tetra Tech Coffey (Project reference: 773-AKLG206639-BD.3, dated: 1 April 2022) and any subsequent Council approved reports.

New road names

73. In accordance with the Auckland Council Road Naming Guidelines, the Consent Holder shall suggest to the Council names for the new roads, and accessways for more than five sites, shown on the Scheme Plan. The Council surveyor may be consulted in regard to the appropriateness of the name and road type. Council will obtain clearance from LINZ so that duplication of the name in any other part of the Auckland region is avoided. The consent holder shall then consult the local iwi for comment. The suggested names, including background regarding the historical connection, together with correspondence with iwi should be submitted to Council.

Confirm Local Board approval has been obtained so addressing can be completed.

Confirm that road name plates are in place.

Earthworks and Streamworks

74. The earthworks and streamworks shall be undertaken in general accordance with the following plans and information, unless a higher standard is details in the conditions below, in which case this higher standard shall apply:

'Resource Consent Application and Assessment of Environmental Effects Orewa West: Precinct 6 Subdivision', prepared by Woods & Partners Consultants Limited and dated 03 August 2017.

'Infrastructure Report Arran Hill Precinct 6', prepared by Woods & Partners Consultants Limited and dated 25 July 2017.

'Millwater Precinct 6 Ecological Impact Addendum', prepared by Tonkin and Taylor Ltd and dated 27 July 2017.

'Millwater Precinct 6 Ecological Offset Addendum', prepared by Tonkin and Taylor Ltd and dated 09 October 2017.

'Response to an Auckland Council request for further information for resource consent BUN60305554 - Millwater Precinct 6', prepared by Tonkin and Taylor Ltd and dated 14 November 2017.

'Response to an Auckland Council request for further information for resource consent BUN60305554 - Millwater Precinct 6', prepared by Tonkin and Taylor Ltd and dated 19 December 2017.

'Section 92 Request for Further Information – Response', letter from Katie Bowdler (Woods & Partners Consultants Limited) to Jo Pelan (on behalf of Auckland Council) and dated 26 October 2017.

'Section 92 Request for Further Information – Second response to remaining items', letter received from Katie Bowdler (Woods Consultants Ltd) to Jo Pelan (Auckland Council) and dated 12th February 2018.

'FW: BUN60305554 (Orewa West P6) Supplementary s92 request - streamworks', email received from Katie Bowdler (Woods consultants Ltd) to Jo Pelan (Auckland Council and dated 23 February 2018, 10:27am.

'Proposed Residential Subdivision at Orewa West Precinct 6, Millwater – Response to Auckland Council Section 92 Request for Further Information', memorandum letter from Coffey International NZ Ltd and dated 19 September 2017.

'Erosion and Sediment Control', drawing number 37600-01-EW-120, revision 2, prepared by Woods & Partners Consultants Limited and dated July 2017.

Application details lodged under LUC60305555-A including the AEE, drawing numbers 37600-01-101-EW (Rev 3), 37600-01-102-EW (Rev 2) and 37600-01-150-EW (Rev 2); and the geotechnical memorandum from Coffey, referenced 773-AKLGE206639-AV and dated 22/10/2020.

Pre-commencement

75. Prior to the commencement of any earthworks or streamworks activity on the subject site, the consent holder shall hold a pre-start meeting that:

- is located on the subject site
- is scheduled not less than five days before the anticipated commencement of earthworks
- includes Auckland Council officer[s]
- includes representation from the contractors who will undertake the works

The meeting shall discuss the erosion and sediment control measures, the earthworks and streamworks methodologies and shall ensure all relevant parties are aware of and familiar with the necessary conditions of this consent.

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

- Timeframes for key stages of the works authorised under this consent,
- Resource consent conditions,
- Erosion and Sediment Control Plans,
- Chemical Treatment Management Plan,
- Native Fish Relocation Plan.
- Streamworks Management Plan

A pre-start meeting shall be held prior to the commencement of the earthworks activity in each period between October 1 and April 30 that this consent is exercised.

Advice Note: To arrange the pre-start meeting please contact the Team Leader North West Monitoring to arrange this meeting 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.

Godson Scenic Reserve conditions

- 75A. The 'Orewa West Precinct 6 DOC Interface Planting Plan', prepared by LASF, dated 29 March 2021 shall be implemented in the first planting season (May - September) immediately following vegetation removal. Confirmation in the form of a planting completion report shall be provided to the Team Leader – Compliance Monitoring NW1 within 30 working days of the planting works being completed. This report shall confirm the species, grade, number of plants planted, locations replanted and that the planting has been completed in accordance with best practice.
- 75B. All plants shall be eco-sourced from the Rodney Ecological District.
- 75C. Maintenance shall commence once the planting completion report has been approved by the Team Leader NW1 Monitoring. Maintenance shall continue for 2 years. If the vegetation dies or declines beyond recovery during this period, it shall be replaced by the consent holder with a new specimen of the same size and the species to that which was originally planted. Throughout the establishment period the consent holder shall ensure that a pest plant free environment is maintained in the revegetation area.
- 75D. Prior to any Myrtaceae species (mānuka, kanuka, pohutukawa) being delivered to the site, a signed Myrtle Rust Nursery Management Declaration that certifies that the plant producer has implemented the New Zealand Plant Producers Incorporated Myrtle Rust Nursery Management Protocol must be obtained by the consent holder. A copy of the declaration must be provided to the Team Leader – Compliance Monitoring NW1 within 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.

- 75E. A survey of the site for bats shall be undertaken prior to the commencement of vegetation clearance activities on the site as per the 'Goodson Scenic Reserve – Ecological Impact Assessment', prepared by Ecology NZ, dated 17/02/2021, by a suitably qualified and experienced ecologist.
- 75F. No vegetation clearance shall be undertaken during the main bird breeding season, October to February, to minimise any disturbance risk that vegetation removal would have on nesting birds. If vegetation clearance is unavoidable during the main native bird nesting season, an approved and experienced ecologist or ornithologist shall visually inspect all trees and shrubs, including checking cavities and hollows, proposed for removal within 24 hours of felling to identify any active nests. Should any nesting be observed, a 10-metre buffer of vegetation shall be required to remain around the nest site until an approved and experienced ecologist or ornithologist has confirmed that the nest has failed or the chicks have hatched and naturally left the natal site. Following inspection and confirmation of absence of nesting birds, the consent holder shall submit a completion report to the Team Leader Compliance Monitoring NW1 for approval.

Advice Note:

Almost all native bird species are totally protected under the Wildlife Act 1953. It is an offence to deliberately disturb or destroy them, their eggs or nests. By restricting vegetation clearance to outside of the main native bird breeding season the risk of disturbing nesting birds is significantly reduced, however vegetation should still be checked for obvious signs of nesting activity prior to clearance works being undertaken.

- 75G. A suitably qualified and experienced ecologist/herpetologist acceptable to the council, must be onsite to oversee the implementation of the submitted Lizard Management Plan (LMP) ('Goodson Scenic Reserve: Lizard Management Plan', prepared by Ecology NZ, dated 31 March 2022) and to supervise all and any habitat removal in order to search for and rescue any native lizards found and relocate them to a suitable alternative location on the site.
- 75H. Upon completion of works, all findings resulting from the scouting and search and rescue during vegetation removal condition shall 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) and sent the Team Leader Compliance Monitoring NW1.

Advice Note:

The Wildlife Act 1953

All native lizards are totally protected under the Wildlife Act 1953 under which it is an offence to disturb, harm, or remove them without a permit from the Minister of Conservation.

For further information on lizards that are protected under the Wildlife Act and determination of a suitable new habitat please contact the council's Biodiversity team (Team Leader Central/South Biodiversity, on biodiversity@aucklandcouncil.govt.nz)

Correspondence

All correspondence relating to lizard management conditions can be emailed to monitoring@aucklandcouncil.govt.nz and cc'd to biodiversity@aucklandcouncil.govt.nz

Specific Conditions

Earthworks

76. All earthworks shall be undertaken in accordance with the approved erosion and sediment control plan referred to in condition 74. Any amendments to this plan must be submitted to the Team Leader North West Monitoring for written approval prior to implementation on site.

Advice note:

Any amendments to the Erosion and Sediment Control Plan should be limited to the scope of this consent. Any amendments which affect the performance of the controls may require an application to be made in accordance with section 127 of the RMA. Any minor amendments should be provided to the Team Leader North West Monitoring prior to implementation to confirm that they are within the scope of this consent.

An amendment to this plan is required to address the additional earthworks area approved under LUC60305555-A and shall be provided to the Team Leader North West Monitoring for approval, prior to implementation.

77. The maximum area of exposed earth, authorised by the granting of this consent, shall be no greater than 10 hectares at any one time, unless otherwise approved by the Team Leader North West Monitoring.
78. Prior to the commencement of any earthworks at the site, a Chemical Treatment Management Plan (CTMP) shall be submitted for the written approval of the Team Leader North West Monitoring. The plan shall include as a minimum:
- a) Specific design details of the chemical treatment system based on a rainfall activated methodology for the site's sediment retention ponds and decanting earth bunds;

- 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.
79. All decanting earth bunds and sediment retention ponds shall be chemically treated in accordance with the approved Chemical Treatment Management Plan (CTMP). Any amendments to the CTMP shall be submitted in writing to the Team Leader North West Monitoring, for written approval prior to implementation.
80. For the avoidance of doubt, all decanting earth bunds utilised during earthworks shall be designed to ensure that they:
- a) Have at a minimum three percent storage capacity, being at 3m³ of impoundment volume for every 100m² of contributing catchment;
 - b) Have a level invert and layer of geotextile covering and pinned securely to the emergency spillway to prevent erosion; and
 - c) Use floating decant devices that discharge at a rate of 3 litres per second, per hectare of contributing catchment.
81. Prior to any earthworks commencing, a certificate signed by an appropriately qualified and experienced person shall be submitted to the Team Leader North West Monitoring, to certify that the erosion and sediment controls have been constructed in accordance with the approved erosion and sediment control plans and GD05.
- Certified controls shall include but are not limited to the sediment retention ponds, decanting earth bunds, and clean and dirty water diversion bunds. The certification for these and any subsequent measures shall be supplied immediately upon completion of construction of those measures. Information supplied, if applicable, shall include:
- a) Contributing catchment area;
 - b) Shape of structure (dimensions of structure);
 - c) Position of inlets/outlets; and
 - d) Stabilisation of the structure.
82. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required by the approved Erosion and Sediment Control Plans shall be maintained throughout the duration of earthworks activity, or until the site is permanently stabilised against erosion.

83. All erosion and sediment control measures shall be constructed and maintained in general accordance with Auckland Council Guidance Document GD05; Erosion and Sediment Control Guide 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 shall apply.
84. Earthworks shall be managed to avoid 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 shall immediately be removed. In no instance shall roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters.

Advice Note:

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

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

In no circumstances should the washing of deposited materials into drains be advised or 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 Team Leader North West Monitoring for more details. Alternatively, please refer to Auckland Council Guidance Document GD05, Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region.

85. The site shall be progressively stabilised against erosion at all stages of the earthwork activity and shall be sequenced to minimise the discharge of sediment to surface water.

Advice Note:

Earthworks shall 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 Team Leader North West Monitoring for more details. Alternatively, please refer to Auckland Council Guidance Document GD05, Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region.

86. Upon completion or abandonment of earthworks on the subject site all areas of bare earth shall be permanently stabilised against erosion to the satisfaction of the Team Leader North West Monitoring.

Advice Note:

Should the earthworks be completed or abandoned, bare areas of earth shall be permanently stabilised against erosion. Measures may include:

- *the use of mulching;*
- *top-soiling, grassing and mulching of otherwise bare areas of earth;*
- *aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward.*

The on-going monitoring of these measures is the responsibility of the consent holder. It is recommended that you discuss any potential measures with the Council's monitoring officer who will guide you on the most appropriate approach to take. Please contact the Team Leader North West Monitoring for more details. Alternatively, please refer to Auckland Council Guidance Document GD05, Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region.

Seasonal Restriction

87. No earthworks on the site shall be undertaken between 30 April and 1 October in any year, without the prior written approval of the Team Leader North West Monitoring at least two weeks prior to 30 April. Revegetation/stabilisation is to be completed by 30 April in accordance with measures detailed in GD05 and any amendments to this document.

Site management plan

88. Prior to the commencement of earthworks on site, the applicant is required to provide to the Team Leader: Central Compliance Monitoring, Auckland Council, a Site management plan for approval. The site management plan shall incorporate but not be limited to the following:
- Excavation and validation of the burn piles
 - Confirmation of the contents of the drum at 138 Kowhai Road, and any further action if potential contamination/hazardous substances is identified

- Confirmation of the presence or absence of asbestos containing material and any action in this regard
- Management of potentially contaminated soils from the area of the waste water disposal systems
- Sediment / Erosion / Dust Controls to be in place
- Land reinstated to erosion resistant state within 1 month of soil disturbance completed
- Volume of soil disturbance not to exceed 25m³ per 500m²
- Soil removed off-site not to exceed 5m³ per 500m² per year
- Soil disposed of to an authorised facility
- Duration of activity not to exceed 2 months.
- Integrity of structure designed to contain contaminated soil must not be compromised.

Advice Notes:

- The documents mentioned above should be prepared according to the Contaminated Land Management Guidelines No 1: Reporting on Contaminated Sites in New Zealand, Ministry for the Environment, 2011*
- Prior to demolishing existing buildings on site, attention of the consent holder is drawn to the provisions of the Health and Safety in Employment (Asbestos) Regulations 1998 and the New Zealand Guidelines for the Management and Removal of Asbestos, New Zealand Demolition and Asbestos Association, March 2011;*
- The consent holder is advised that should asbestos containing materials are found on site following the demolishing/removal of existing buildings, remediation and validation sampling for asbestos are likely to be required.*

Unrecorded historic heritage sites

89. In the event that any unrecorded historic heritage sites are exposed as a result of consented work 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 historic heritage expert 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.

Specific Conditions applicable to Regional Streamworks Consent (LUS60305556)

90. Prior to streamworks commencing, a final Streamworks Management Plan shall be prepared and submitted to the Team Leader North West Monitoring. No streamworks activity on the subject site shall commence until confirmation from council is provided that the Streamworks Management Plan is satisfactory. This plan shall include but not be limited to:

- Timing and duration
 - Damming methodology
 - Dewatering details
 - Location and specification of erosion and sediment controls.
91. All streamworks shall be undertaken in accordance with the approved Streamworks Management Plan.
92. Prior to streamworks commencing, a final Stream Offset and Enhancement Plan shall be prepared and submitted to the Team Leader North West Monitoring. No streamworks activity on the subject site shall commence until confirmation from council is provided that the Stream Offset and Enhancement Plan is satisfactory. The final Stream Offset and Enhancement Plan shall give effect to the stream offset proposal provided in the application document from Tonkin & Taylor title: "Millwater Precinct 6 Ecological Offset Addendum 3", dated 13 November 2018. This plan shall be prepared in accordance with Technical Publication 148, Riparian Zone Management Strategy for the Auckland Region (TP148) and shall include but is not be limited to;
- a) Details of the stream offset works that result in at least 202 metres of riparian enhancement on the offset site's "Eastern Stream" and a total of at least 161 metres along streams 5, 6 and 7, to a minimum width of 10 metres on each bank and a total of no less than 7,260m²;
 - b) Site preparation details including vegetation clearance, channel clearance and earthworks methodologies (if applicable);
 - c) Pest plant and animal control methodologies;
 - d) Plant species, numbers and densities to be planted;
 - e) Planting methodologies;
 - f) Annual planting maintenance details;
 - g) Eco-sourcing details; and
 - h) Any additional stream enhancement.

Advice Note:

Vegetation removal within 20m of a rural stream may require resource consent under E15 of the Auckland Unitary Plan (Operative in Part).

93. A suitably qualified and experienced ecologist shall conduct the fish capture and relocation as per the Native Fish Relocation Plan provided in Attachment 1 of the Millwater Precinct 6 Ecological Impact Addendum (prepared by Tonkin and Taylor and dated 27 July 2017) and shall be on site during the dewatering process to rescue and relocate any fish still present.

94. Stream dewatering shall only be carried out after native fish capture and relocation has been undertaken in accordance with the approved Native Fish Relocation Plan provided in Attachment 1 of the Millwater Precinct 6 Ecological Impact Addendum (prepared by Tonkin and Taylor and dated 27 July 2017) with the amendment specified in the s92 response dated 14 November 2017:
- a. *Trapping effort will be set to one night. If more than 20 native fish are caught within each stream then trapping will continue until numbers are depleted to the satisfaction of the project ecologist (using an 80% removal rate as a target).*
95. No machinery shall enter the wetted cross section of the bed of any stream to be retained or any stream prior to reclamation. All machinery shall be operated (including maintenance, lubrication and refuelling) in a way, which ensures no hazardous substances such as fuel, oil or similar contaminants are discharged. In the event that any discharge occurs, works shall cease immediately and the discharge shall be mitigated and/or rectified to the satisfaction of the Team Leader North West Monitoring.

Advice Note:

Refuelling, lubrication and maintenance activities associated with any machinery should be carried out away from any water body with appropriate methods in place so if any spillage does occur that it will be contained and does not enter the water body. If a construction management plan is required under any land use consent, you are advised to include any maintenance / servicing areas as part of that construction management plan.

96. Stream enhancement as outlined within the approved Stream Offset and Enhancement Plan required under condition 92 above, shall be implemented within the next planting season (between May and August) of streamworks commencing and maintained thereafter, in accordance with that plan.
97. Following the physical completion of the stream offset and enhancement works as required by condition 92, the consent holder shall have a land covenant prepared under section 108(2)(d) of the RMA covering the legal protection and ongoing maintenance of the planting in perpetuity, for registration on the existing Certificate of Title at (12 Glenbrook Road ALLOT 300 Parish KARAKA DISTRICT, PT ALLOT 58 Parish KARAKA DISTRICT; 56 Glenbrook Road ALLOT 299 Parish Karaka District, Pt Lot 4 DP 8587, PT ALLOT 59 Parish Karaka District; and 768 Paerata Road SEC 1 SO 64644, Lot 1 DP 69883).

A draft copy of the covenant shall be submitted to Auckland Council Team Leader North West Monitoring for written approval within two months following the completion of the stream offset and enhancement works, prior to being registered. The covenant shall be registered against the Certificate of Title and a copy of the updated Certificate of Title shall be provided to the Team Leader North West Monitoring within three months of obtaining Council approval.

98. Plant and animal pest management and maintenance measures as required by the Stream Offset and Enhancement Plan shall be implemented for a period of no less than 5 years or until canopy closure of the riparian planting is achieved. The 5 year period shall commence once all the offset (planting) works have been completed.
99. Written confirmation in the form of a Stream Offset and Enhancement Completion Report shall be provided to the Team Leader North West Monitoring, within **30 days** of the stream offset and enhancement work being implemented and completed.

Ongoing Conditions/Consent Notices

100. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notices pursuant to s.221 of the Act:
 - a. (reserve boundary treatment) The boundary between Lot 1 and the esplanade reserve shall remain fenced as required by condition 61. The ongoing maintenance of the fence is the responsibility of the owner/s of Lot 1.
 - b. (reverse sensitivity) Whilst Lot 1005 is in operation as a Public Wastewater Pump Station in ownership of Council/Watercare, Lots 45 & 44 shall be subject to reverse sensitivity covenants placed on the titles with respect to noise, odour, lighting and the maintenance of the pump station.
 - c. (geotechnical) Any buildings erected on Lots 1 – 173 and Lots 1000 - 1004 identified on the 'Development Control Plan prepared by: Woods, ref: 37600-01-010-GE, dated: May 2024' shall be subject to the requirements of the "Geotech Report prepared by: Coffey, ref: AKLGE204203, dated: 25 July 2017", the Memo by Tetra Tech Coffey (Project reference: 773-AKLGE206639-BD.3, dated: 1 April 2022), and any subsequent Council approved reports. Copies of the said plan and report(s) will be held at the offices of the Council, Centreway Road, Orewa.
 - d. (impervious surfaces) The owners or their successors in title of Lots 1 – 173 and Lots 1000 – 1004 are advised that resource consent will **not** be required in regard to any impervious surface greater than 50m² under Chapter E, Section E10, Subsection E10.6.4 (impervious areas within a SMAF 1 or 2 overlay) of the Auckland Unitary Plan.
 - e. (stormwater mitigation) All stormwater from buildings and paved areas on Lots 1 –173 and Lots 1000 – 1004 will not require onsite mitigation as the public outfalls discharge at RL2.0m DoSLI Datum and into a coastal receiving environment.
 - f. (vegetated earth batters) The owners or their successors in the title for Lots 1-3, 46-85, 87-151, 162-167 and 2000 are required to protect in perpetuity the vegetated reinforced earth batters from the boundary and extending into the said lots as identified on the survey plan:-

- Shall preserve the natural landscape trees, vegetation and areas of bush now thereon within that part of the lot identified as such on the survey plan; and
- Shall not (without the prior written consent of the Council and then only in strict compliance with any conditions imposed by Council) cut down, damage or destroy, or permit the cutting down, damaging or destruction of any such natural vegetation; and
- Shall not do anything that would prejudice the health of any such natural landscape;
- Shall control all noxious plants and animals within the identified part of each lot;

The owners shall be deemed not to be in breach of this consent notice if any of such trees, vegetation or bush die from fire or natural causes not attributable to any act or default by or on behalf of the owners and for which the owners are responsible.