

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



Discretionary activity (s9 land use consent)

Discretionary activity (s12 coastal permit)

Controlled activity (s15 discharge consent)

Application number(s): BUN60433077 (Council Reference)
LUC60433079 (s9 land use consent)
CST60433078 (s12 coastal permit)
DIS60436746 (s15 discharge consent)

Applicant: Parks and Community Facilities - Auckland Council

Site address: 254 Point England Road, Point England (Point England Reserve) & 5 Tahaki Road, Wai-O-Taiki Bay (Wai-O-Taiki Nature Reserve)

Legal description: **254 Point England Road**
Section 2 Survey Office Plan 503726
5 Tahaki Road
Lot 248 Deposited Plan 41242 and Lot 253 Deposited Plan 41243

Proposal:

To construct a new pathway, boardwalks and bridges through Point England Reserve and Wai-O-Taiki Nature Reserve alongside associated vegetation removal, tree works, earthworks, stormwater discharge and works within the coastal marine area.

Resource consent is required for the following reasons:

Land use consent (s9) – LUC60433079

Auckland Unitary Plan (Operative in part)

District land use (operative plan provisions)

Open Space – Informal Recreation Zone

- The proposed boardwalks (1, 2, 7 & 8) are over 1.5m in height and are therefore defined as 'buildings' under Chapter J of the AUP and do not meet the 6m rear yard residential setback which is a discretionary under standard H7.9.1 (A39).
- The proposed boardwalks (1 to 8) are over 1.5m in height and are therefore defined as 'buildings' under Chapter J of the AUP and do not meet the 10m setback of the

adjacent stream (Omaru Creek), which is a discretionary activity under standard H7.9.1 (A39).

- The proposed boardwalk (4) is over 1.5m in height and is therefore defined as 'building' under Chapter J of the AUP and does not meet the 20m setback of the coastal protection yard, which is a discretionary activity under standard H7.9.1 (A39).

Land Disturbance - District

- Earthworks of 1170m² and 330m³ is proposed in the coastal protection yard, and 170m² and 60m³ in the riparian yard. This is more than 5m² or 5m³ in the coastal protection yard and riparian yard as per E12.6.2(1)). This requires consent as a restricted discretionary activity pursuant to (C1.9(2)).

Vegetation management and biodiversity

- To undertake vegetation alteration or removal within 10m of urban streams (Omaru Creek), is a restricted discretionary activity under rule E15.4.1(A19).
- To undertake vegetation alteration or removal of greater than 25m² of contiguous vegetation or tree alteration or tree removal of any indigenous tree over 3m in height within 20m of mean highwater springs is a restricted discretionary activity under rule E15.4.1(A21).
- To undertake up to 120m² of vegetation removal in the SEA not otherwise provided for is a discretionary activity pursuant to rule E15.4.1(A43).

Trees in open space zones

- Trees in open space zones that are greater than 4m or 400mm in girth are proposed to be removed. This requires consent as a restricted discretionary activity pursuant to E16.4.1(A10).
- Trimming and alteration and works within the protected root zone of trees in open space zones that do not comply with standards (E16.6.1 and E16.6.2) requires consent as a restricted discretionary activity pursuant to E16.4.1(A6) and (A8).

Natural hazards and flooding

- The construction of buildings and structures (bridge 3 & boardwalk 4) which may be subject to coastal erosion is a restricted discretionary activity pursuant to rule E36.4.1 (A4).
- The proposal boardwalks (1, 2, 3, 4, 5 & 6) (defined as buildings) will be located in an area of coastal inundation. To construct buildings and structures on land in the coastal storm inundation 1 per cent (AEP) area is a restricted discretionary activity pursuant to

rule E36.4.1(A9).

- The proposed boardwalks (1, 3, 4, 7 & 8 and bridge 3) (defined as buildings) will be located within a floodplain. To construct new structures and buildings within the 1 per cent annual exceedance probability (AEP) floodplain is a restricted discretionary activity pursuant to rule E36.4.1(A37).
- The proposed boardwalks (3, 4, & 7 and bridge 3) (defined as buildings) will be located within an overland flow path. To construct new structures and buildings within an overland flowpath is a restricted discretionary activity pursuant to rule E36.4.1(A42).

Regional land use (operative plan provisions)

Stormwater Management Area – Flow 2

- To develop new or redeveloped impervious area greater than 50m² in a Stormwater management area control – Flow 2 overlay and the proposed method of stormwater management does comply with Standard E10.6.1 and Standard E10.4.1 specifically the hydrology mitigation requirements is a restricted discretionary activity under rule E10.4.1 (A3).

Coastal permit (s12) – CST60433078

Regional land use (operative plan provisions)

- The proposal involves the generation of underwater noise from the impact and vibratory piling to install the piles for the boardwalk. Underwater blasting, impact and vibratory piling, is a restricted discretionary activity pursuant to Table F2.19.8 and rule (A114).
- The construction of observation areas, viewing platforms and boardwalks in the Significant Ecological Areas Overlay- M2 is a discretionary activity pursuant to Table F2.19.10 and rule (A143).

Stormwater discharge consent (s15) – DIS60436746

Regional land use (operative plan provisions)

- The proposal is for diversion and discharge of stormwater runoff from an impervious area greater than 1000m² and less than 5000m² (being 2759m²) within an urban area and is therefore a controlled activity under Rule E8.4.1 (A9).

Decision

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

Public notification

Under section 95A of the RMA, this application shall proceed without public notification because:

1. Under step 1, public notification is not mandatory as:
 - a. the applicant has not requested it;
 - b. there are no outstanding or refused requests for further information; and
 - c. the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977.
2. Under step 2, public notification is not precluded as:
 - a. there is no plan rule or regulation in an NES that specifically precludes public notification of the application; and
 - b. the application is for activities other than those specified in s95A(5)(b).
3. Under step 3, public notification is not required as:
 - a. the application is for activities that are not subject to a plan rule or regulation in an NES that specifically requires it; and
 - b. the activities will have or are likely to have adverse effects on the environment that are no more than minor because:
 - While the proposed boardwalk does not meet the 6m yard setback to residential properties. It is considered that it will not have any effects beyond those of adjoining persons. The proposal will have limited built form which is consistent with the amenity of the area and the site's function as a public reserve. The pathway generally follows the existing landform and avoids significant landform modification.

While the boardwalks (1 to 6) will not meet the 10m setback from Omaru Creek, these structures will sit above the water and associated flood plains and flow paths, thereby ensuring no flooding or natural hazard effects on the surrounding environment.

The proposal will maintain the overall amenity, landscape and natural character of the Open Space. The proposal will have less than minor effects on the surrounding environment.

- The proposal involves earthworks within the riparian yard. The applicant has provided a 'Construction Methodology and Erosion Control Plan' which outlines measures of demolition, vegetation clearance, track formation and silt/sediment control. The sequencing outlined in this document indicates methodical clearance and construction that will provide adequate mitigation for the works. The applicant's assessment states that the land disturbance required for the construction of the paths and boardwalks/bridges will be shallow and will not result in any instability. Additionally, works will be undertaken within normal construction

hours and given the limited level of construction required, will be relatively short in duration.

Relying on the information provided by the applicant and the support from Council specialists, it is considered that any potential adverse effects arising during the earthworks construction can be appropriately managed and will be less than minor on the wider environment.

- Vegetation removal is proposed, including vegetation removal within the SEA. In general, the mitigation provided is considered to be appropriate relative to the level of anticipated ecological impacts of the application. This includes mitigation planting and track decommissioning equalling approximately a 1:1 ratio of vegetation loss to mitigation.

A planting and maintenance plan is to be provided as part of the conditions for this consent. It is considered that this plan will ensure that the replanting proposed will effectively mitigate potential ecological effects.

Native birds and lizards have been identified in the area. Conditions have therefore been applied to ensure the appropriate management of any adverse effects on these species.

Relying on the assessment undertaken by the Ecologist Specialist and the conditions agreed to by the applicant, it is considered that effects of the proposed vegetation removal and vegetation removal within the SEA will be less than minor on the surrounding environment.

- The removal and trimming of trees and work within the protected rootzones to facilitate the construction of the new pathways and boardwalks has been reviewed by a consultant Arborist specialist.

The largest trees to be removed are a group of radiata pine trees. The pine trees have been identified as deteriorating in health, with some failing entirely. It is understood that the pine trees now represent a management problem for the park manager. The poor and deteriorating quality of these trees does not justify their retention. Their removal is supported.

In practical terms, the proposed works (whether pruning, tree removal, or work within the rootzone) are necessary in order to upgrade the footpath network.

It is considered that, with appropriate conditions in place (as accepted by arboricultural and ecological specialists) the proposed tree removal/ works within the protected root zones will have less than minor effects on the surrounding environment.

- The proposed design of the boardwalks and bridges, where located in the floodplain and overland flow paths, have been reviewed by Council's Development Engineer. These pathways will allow for the free flow of flood waters across the

surfaces ensuring that no overland flow paths are obstructed. The suspended boardwalks and bridges will allow for the free flow around piles and underneath these structures, ensuring no significant obstruction or diversion to occur.

The boardwalk is also located in an area of coastal inundation. Council's Development Engineer confirms that although the location of the proposal has the potential to be affected by coastal inundation, the proposed boardwalks and bridges have been designed for all weather conditions and the works are unlikely to affect tidal features within the surrounding area.

Further, it has been confirmed that there is no concern for public safety of users of the park and boardwalks, because the entry and exit points to the boardwalk structures provide good visibility which will allow pedestrians to see if inundation has occurred ahead and therefore be forewarned.

Based on the specialist engineering assessments made, it is considered that the proposed boardwalk and bridge structures will not cause any adverse flooding or natural hazard effects on the surrounding environment.

- The proposal involves the construction of one boardwalk within the coastal marine area. Council's Coastal Specialist has provided support for the proposal, having considered the potential effects on coastal processes. It is considered that adverse effects would be negligible due to the sheltered coastal environment and minimal interaction with flows and limited high tidal exposure.

Any adverse effect from driving piles is considered to be short term with regard to underwater noise. Furthermore, it is understood that it may be possible for this pile driving works to be undertaken when the tide has receded from the works area. This would be advantageous as underwater noise would not then be an issue in such circumstances. Regardless, it is understood that the underwater noise level will be lower than predicted thresholds for any marine fauna including marine mammals.

The construction of the proposed boardwalk structure will require the removal of some SEA-M2 vegetation. This relates, in particular, to mangroves, where the piles are likely to occupy some areas of intertidal habitats. The effects on and loss of habitat as a result of the proposal is considered to be small.

Based on the assessment made by the Coastal Specialist, it is considered that any potential effects resulting from the construction of the proposed boardwalk, occupation of the CMA with this structure, and use of the structure in this location will be less than minor on the surrounding environment.

- The proposal involves stormwater diversion over impervious area being greater than 1000m². Council Stormwater Specialist confirms that the relevant controlled activity standards under the AUP(OP) are met. It is considered that any potential stormwater diversion effects of the proposed activity on the environment will be suitably avoided or adequately mitigated.

Further, the specialist confirms that although the site is within the SMAF area – Omaru stream, Flow 2, runoff from the pathway will discharge as diffuse sheet flow to the surrounding grassed area and therefore should not create any erosion issues. The path upgrade works will result in a minor increase in impervious area and as such a nominal increase in stormwater runoff. Hydrology mitigation of stormwater is not proposed. It is understood that adverse effects of the proposal in relation to stormwater discharge will be less than minor on the surrounding environment.

- Overall, having regard to (and relying on) the range of specialist assessments undertaken it is considered that adverse effects of the proposal on the wider environment will be less than minor.
4. Under step 4, there are no special circumstances that warrant the application being publicly notified because there is nothing exceptional, abnormal or unusual about the application, and the proposal has nothing out of the ordinary to suggest that public notification should occur.

In particular, I note that I have turned my mind to the fact that no correspondence in relation to the proposal has been received from interested members of the public (including any iwi groups) and that the construction of the walkways is an anticipated activity in this location. I am of the opinion that the nearby land zones (where consents are in place for subdivision and development) and its ownership is not a matter that would lead to notification under step 4.

Limited notification

Under section 95B of the RMA this application shall proceed without limited notification because:

1. Under step 1, limited notification is not mandatory as:
 - a. there are no protected customary rights groups or customary marine title groups affected by this proposal; and
 - b. no persons to whom a statutory acknowledgement is made is adversely affected by this proposal.
2. Under step 2, limited notification is not precluded as:
 - a. there is no plan rule or regulation in an NES that specifically precludes limited notification of the application; and
 - b. the application is for activities other than that specified in s95B(6)(b).
3. Under step 3, limited notification is not required as:
 - a. this application is not for a boundary activity; and
 - b. there are no adversely affected persons because:

The Assessment of Effects provided by the applicant is considered useful, with concluding commentary on the potential effects of adversely affected persons provided:

- *In terms of the proposed bridges/boardwalks and vegetation removal necessary to construct the proposed pathway, the bridge and boardwalk locations are not highly visible from adjacent land or the separation distance to the affected area is such that any adverse effects on residential amenity or visual amenity will be less than minor. In respect of any tree works in other parts of the path, the large distance to adjacent persons ensures that any adverse effects on residential amenity or visual amenity will be negligible and less than minor.*
- *The owners and/ or occupiers of adjacent properties will not see a significant change in the reserve use, noting that the reserve is currently used for a passive recreation.*
- *Construction effects associated with the works will be minimal and temporary, as typically associated with works in open spaces.*
- *Construction works are expected to occur during normal business hours and some weekend work at reasonable times.*
- *The physical works proposed are of a modest duration, with physical works occurring along a very lineal pathway alignment (therefore any adjacent property will not experience a significant duration of physical works in any one area).*

In addition, it is noted that:

- All adjoining properties in which the proposed boardwalks will not meet the 6m residential setback distance (notably: 100A and 104 Taniwha Street and 5,6 and 7 Teuila Grove and 24, 26 and 22A Silverton Avenue) will not be adversely affected by the construction of the boardwalks because landscaping and tree planting/ existing trees will provide a buffer to these structures. The boardwalks will not be of a scale which will create any adverse amenity effects to these persons. Given the anticipated intermittent use of the boardwalk and pathway, any acoustic or other amenity effects are considered to be less than minor.
- 122 Elstree Avenue (Point England Reserve) is a part of the reserve and effects on persons using this reserve have been assessed under s95A above, being part of the wider environment.

Land Disturbance Effects

- Council's Development Engineer confirms that the proposed earthworks are proposed to be carried out in accordance with the 'Preliminary Construction Methodology and Erosion and Sediment Control Plan'. This enables clearance and construction works to be carried out in sectioned areas as to not adversely affect any adjoining persons with regards to stability, safety, odour and dust.

It is considered that any construction and land disturbance effects on persons to be less than minor.

Vegetation Removal/ Ecological Effects

- It is considered that the measures proposed by the applicant to mitigate the proposed vegetation removal are appropriate and will manage effects on amenity and natural character values (including native birds and lizards within the area of the proposal), to the extent that there will be no adverse effects on any persons in relation to ecological values and ecosystems.

Arboricultural Effects

- It is considered that mitigation measures proposed for tree removal/ works within the protected root zones (as accepted by arboricultural and ecological specialists) will ensure any adverse effects are less than minor.

Flooding and Natural Hazard Effects

- Potential flooding or natural hazard effects on adjoining persons in relation to the construction of the proposal boardwalks is not considered to be a foreseen risk. Specialist engineering advice confirms that these works will not displace or divert floodwaters of any significance to other properties. It is considered therefore that any flooding and natural hazard effects on persons will be less than minor.

Coastal Effects

- Council's Coastal Specialist has provided support for the proposal, concluding that effects from the construction of structures in the coastal area (including underwater noise from piling driving) and the construction of boardwalks in the SEA will not result in significant adverse effects. It is considered that these works will have less than minor effects on persons.

Stormwater Effects

- Council's Stormwater Specialist confirms that the relevant controlled activity standards under the AUP(OP) are met. It has been assessed that any effects of the proposed stormwater discharge on the environment can be suitably avoided or adequately mitigated, to the extent that effects on persons will be less than minor.

Mana Whenua Values

- Iwi consultation was required for this application due to the proposed works directly adjoining a coastal statutory acknowledgement area (Omaru Creek) and the activity status of the application. Engagement directly with all iwi/hapu who have interest over the subject site has taken place. No correspondence was

received in response within the fifteen working day period. It is considered any adverse cultural effects on mana whenua values to be less than minor.

- Overall, having regard to (and relying on) the range of specialist assessments undertaken, it is considered that adverse effects of the proposal on persons will be less than minor.
4. Under step 4, there are no special circumstances that warrant the application being limited notified to any other persons because there is nothing exceptional, abnormal or unusual about the application, and the proposal has nothing out of the ordinary to suggest that notification to any other persons should occur. Accordingly, this application shall proceed on a **NON-NOTIFIED** basis.



Cherie Lane

Duty Commissioner

10 February 2025

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



Discretionary activity (s9 land use consent)

Discretionary activity (s12 coastal permit)

Controlled activity (s15 discharge consent)

Application number(s): BUN60433077 (Council Reference)
LUC60433079 (s9 land use consent)
CST60433078 (s12 coastal permit)
DIS60436746 (s15 discharge consent)

Applicant: Parks and Community Facilities - Auckland Council

Site address: 254 Point England Road, Point England (Point England Reserve) & 5 Tahaki Road, Wai-O-Taiki Bay (Wai-O-Taiki Nature Reserve)

Legal description: **254 Point England Road**
Section 2 Survey Office Plan 503726
5 Tahaki Road
Lot 248 Deposited Plan 41242 and Lot 253 Deposited Plan 41243

Proposal:

To construct a new pathway, boardwalks and bridges through Point England Reserve and Wai-O-Taiki Nature Reserve alongside associated vegetation removal, tree works, earthworks, stormwater discharge and works within the coastal marine area.

Resource consent is required for the following reasons:

Land use consent (s9) – LUC60433079

Auckland Unitary Plan (Operative in part)

District land use (operative plan provisions)

Open Space – Informal Recreation Zone

- The proposed boardwalks (1, 2, 7 & 8) are over 1.5m in height and are therefore defined as 'buildings' under Chapter J of the AUP and do not meet the 6m rear yard residential setback which is a discretionary under standard H7.9.1 (A39).
- The proposed boardwalks (1 to 8) are over 1.5m in height and are therefore defined as 'buildings' under Chapter J of the AUP and do not meet the 10m setback of the

adjacent stream (Omaru Creek), which is a discretionary activity under standard H7.9.1 (A39).

- The proposed boardwalk (4) is over 1.5m in height and is therefore defined as 'building' under Chapter J of the AUP and does not meet the 20m setback of the coastal protection yard, which is a discretionary activity under standard H7.9.1 (A39).

Land Disturbance - District

- Earthworks of 1170m² and 330m³ is proposed in the coastal protection yard, and 170m² and 60m³ in the riparian yard. This is more than 5m² or 5m³ in the coastal protection yard and riparian yard as per E12.6.2(1)). This requires consent as a restricted discretionary activity pursuant to (C1.9(2)).

Vegetation management and biodiversity

- To undertake vegetation alteration or removal within 10m of urban streams (Omaru Creek), is a restricted discretionary activity under rule E15.4.1(A19).
- To undertake vegetation alteration or removal of greater than 25m² of contiguous vegetation or tree alteration or tree removal of any indigenous tree over 3m in height within 20m of mean highwater springs is a restricted discretionary activity under rule E15.4.1(A21).
- To undertake up to 120m² of vegetation removal in the SEA not otherwise provided for is a discretionary activity pursuant to rule E15.4.1(A43).

Trees in open space zones

- Trees in open space zones that are greater than 4m or 400mm in girth are proposed to be removed. This requires consent as a restricted discretionary activity pursuant to E16.4.1(A10).
- Trimming and alteration and works within the protected root zone of trees in open space zones that do not comply with standards (E16.6.1 and E16.6.2) requires consent as a restricted discretionary activity pursuant to E16.4.1(A6) and (A8).

Natural hazards and flooding

- The construction of buildings and structures (bridge 3 & boardwalk 4) which may be subject to coastal erosion is a restricted discretionary activity pursuant to rule E36.4.1 (A4).
- The proposal boardwalks (1, 2, 3, 4, 5 & 6) (defined as buildings) will be located in an area of coastal inundation. To construct buildings and structures on land in the coastal storm inundation 1 per cent (AEP) area is a restricted discretionary activity pursuant to

rule E36.4.1(A9).

- The proposed boardwalks (1, 3, 4, 7 & 8 and bridge 3) (defined as buildings) will be located within a floodplain. To construct new structures and buildings within the 1 per cent annual exceedance probability (AEP) floodplain is a restricted discretionary activity pursuant to rule E36.4.1(A37).
- The proposed boardwalks (3, 4, & 7 and bridge 3) (defined as buildings) will be located within an overland flow path. To construct new structures and buildings within an overland flowpath is a restricted discretionary activity pursuant to rule E36.4.1(A42).

Regional land use (operative plan provisions)

Stormwater Management Area – Flow 2

- To develop new or redeveloped impervious area greater than 50m² in a Stormwater management area control – Flow 2 overlay and the proposed method of stormwater management does comply with Standard E10.6.1 and Standard E10.4.1 specifically the hydrology mitigation requirements is a restricted discretionary activity under rule E10.4.1 (A3).

Coastal permit (s12) – CST60433078

Regional land use (operative plan provisions)

- The proposal involves the generation of underwater noise from the impact and vibratory piling to install the piles for the boardwalk. Underwater blasting, impact and vibratory piling, is a restricted discretionary activity pursuant to Table F2.19.8 and rule (A114).
- The construction of observation areas, viewing platforms and boardwalks in the Significant Ecological Areas Overlay- M2 is a discretionary activity pursuant to Table F2.19.10 and rule (A143).

Stormwater discharge consent (s15) – DIS60436746

Regional land use (operative plan provisions)

- The proposal is for diversion and discharge of stormwater runoff from an impervious area greater than 1000m² and less than 5000m² (being 2759m²) within an urban area and is therefore a controlled activity under Rule E8.4.1 (A9).

Decision

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

Acting under delegated authority, under sections 104, 104C, 105, 107 and Part 2 of the RMA, the resource consent is **GRANTED**.

Reasons

The reasons for this decision are:

1. In accordance with an assessment under ss104(1)(a) and (ab) of the RMA, the actual and potential effects from the proposal will be avoided, remedied or mitigated as:
 - a. The proposed pathway and boardwalks are considered to be consistent with the Open Space – Informal Recreation Zone intent. The design and location of the proposed boardwalks improves public access to the reserve and ensures amenity values and open space character are maintained within the surrounding environment and for all persons.
 - b. In terms of the adverse effects associated with the proposed earthworks within the riparian margin and coastal protection yard, it is understood that these will be appropriately mitigated and managed by conditions of consent, with sufficient and appropriate assessment and methodology provided. Overall, any construction related effects are acceptable.
 - c. The proposed vegetation clearance, including clearance in the SEA, will be carried out to ensure ecological values and ecosystems are maintained, including the presence of native birds and lizards. Mitigation planting for the loss of vegetation is proposed. The accepted proposed conditions will ensure sufficient mitigation measures are implemented, including a final maintenance planting plan.
 - d. It is confirmed that the proposed tree removal/ works within the protected root zones will be acceptable subject to adherence of the arboricultural assessment and ecological mitigation (as detailed in conditions) where offered for the loss of the existing vegetation. The overall amenity of the area can be maintained over time.
 - e. It is confirmed that no adverse flooding will occur on site, or within the wider environment, as a result of the proposed boardwalk and bridge structures. No conditions have been imposed. There is a functional need for the proposed boardwalk to be constructed in this location. The new path will be subject to a reduced degree of potential natural hazard effects than the existing path which is to be decommissioned.
 - f. Several of the boardwalk structures are to be located within an area of coastal inundation. However, these proposed boardwalk structures will be designed for all weather conditions. The works are unlikely to affect tidal features within the surrounding area, or persons, ensuring no adverse natural hazard effects as a result of the proposal.
 - g. With regards to structures in the CMA, underwater noise from pile driving and boardwalks in the SEA, it is confirmed that any potential effects resulting from the construction and use of the structure is supportable, subject to conditions of consent.
 - h. The stormwater works will adequately mitigate adverse effects associated with the diversion and discharge of stormwater. The increased impervious areas have been identified to result in minimal effects on the receiving environment. It has been confirmed that the proposed stormwater management aligns with the controlled activity standards under the AUP(OP) and that effects of stormwater discharge are suitably avoided or adequately mitigated.

- i. Consultation and engagement with Mana Whenua, undertaken by the applicant, has ensured that Mana Whenua values have been appropriately considered through the proposal.
 - j. Several archaeological sites are recorded on site, however none of these sites are scheduled as historic heritage places under the AUP(OP). The pathway alignment has been designed to mitigate effects of the location of archaeological sites, with further conditions in place to protect these sites throughout the construction process.
 - k. In terms of positive effects, the proposal allows for the revitalisation of the existing pathway through Point England Reserve and new pathway through Wai-O-Taiki Reserve. Noting the increase in residential intensity in the surrounding area, this will enhance public access and improve the pathway's robustness in terms of protection from natural hazards.
 - l. With reference to s104(1) (ab), there are no specific offsetting or environmental compensation measures proposed or agreed to by the applicant to ensure positive effects on the environment.
2. In accordance with an assessment under s104(1)(b) of the RMA, the proposal is consistent with the relevant statutory documents. In particular, the following assessment is provided:

H7 Open Space – Informal Recreation Zone

- a. The proposal enables use and development in a manner that is consistent with Objectives H7.5.2 (1-3) and Policies H7.5.3 (1-5) that seek to enable use of land for informal recreation while minimising any adverse effects on nearby residents and the surrounding environment. This is achieved by the location and scale of the proposed works which are such that public accessibility is maintained to the site and for exclusive use are minimised.
- b. The proposal maintains the natural character of the open space by retaining vegetation, while enhancing the space with new planting as per Policy H7.5.3(2).
- c. The works will not impact the visual amenity values of the adjoining water body due to the low-lying design of the pathway and boardwalks as per Objective H7.5.3 (9) (b). Overall, the proposal is consistent with Chapter H7 of the AUP (OP).

E12 Land Disturbance – District

- a. The proposed earthworks in the riparian yard and coastal hazard area will be undertaken in a manner that protects the safety of people and avoids, remedies or mitigates adverse effects on the environment as per objective E12.2 (1).
- b. The proposal aligns with policies E12.3 (2a) to avoid, remedy or mitigate adverse construction noise, vibration, odour, dust, lighting and traffic effects. Similarly, the proposal meets the policies E12.3 (5) & (6) as the design and implementation of the earthworks recognise the existing environmental site constraints and requirements and the associated earthworks are designed and to be undertaken in a manner that ensures the stability and safety of surrounding land, buildings and structures.

E15 Vegetation Management and Biodiversity

- a. The proposal ensures that ecosystems and biological diversity values in areas of vegetation cover are maintained while providing for development as per objective E15.2. (1).
- b. As per policies E15.3 (1), (2), (6), (7) and (10), the works have been designed to retain vegetation where possible and to make use of already cleared areas and provide mitigation planting to therefore retain ecological habitat.

E16 Trees in open space zones

- a. The proposed tree works align with policies E16.3 (1-3) ensuring maintenance of the trees within the reserve while recognising existing constraints and functional requirements of the site, whilst also not compromising the cultural, amenity, landscape and ecological values.

E36 Natural hazards and flooding

- a. The proposal (having a functional need to be partially located in a natural hazard area) includes mitigation measures that will ensure the risk of adverse effects to people, property and infrastructure and the environment from the existing extent of natural hazards are avoided and managed, meeting Objective E36.2 (4).
- b. The proposal identifies and considers the existing and likely extent of natural hazards across the site, taking into account the nature, scale and risks associated with the identified hazards. In line with policies E36.3 (1-3) the proposed structures, location and setbacks from other properties will adequately mitigate adverse effects on people, property and the environment.

E8 Stormwater – Discharge and Diversion

- a. The proposal is considered to be consistent with Objectives E1.2 (1) and (2) and Policies E1.3 (4-6) and (8), (10), (11) and (22). The assessment undertaken has confirmed that the proposed management of stormwater discharge is the best practicable option for the site. The proposed stormwater management addresses the potential effects of the development on the receiving environment as required within these objectives. The NPS-FM objectives and policies have been considered and addressed in the ecological report, with the proposed stormwater management controlling the potential effects of the development on the receiving environment.

E10 Stormwater Management Area – Flow 2

- a. The proposal will achieve policy E10.3 (1) by managing stormwater runoff from impervious areas in Stormwater Management Area –Flow 2 areas, thereby minimising adverse effects of stormwater runoff on streams.

F2 Coastal – General Coastal Marine Zone and New Zealand Coastal Policy Statement

- a. Having regard to the review of the objectives, policies and assessment criteria of Chapter F2 (Coastal – General Coastal Marine Zone) of the AUP(OP) and New Zealand Coastal Policy Statement undertaken as part of the application (pages 27,28 and30 and31 of the AEE) it is considered that consistency with this policy statement is achieved.

3. In accordance with an assessment under s104(1)(c) of the RMA, the following other matters are deemed relevant:

Section 123, Duration of Consent

The stormwater diversion and discharge permit, as well as the coastal permit, must expire on 10th February 2060 unless it has lapsed, been surrendered, or been cancelled at an earlier date pursuant to the RMA.

4. The provisions of s105 of the RMA will be met subject to the works being undertaken in accordance with the application documents and all relevant conditions of consent, to ensure there is no significant adverse effect on the receiving environment. Whilst discharge will arise from stormwater run-off, the design of the proposal will ensure that these effects are appropriately managed. Granting of the discharge permit is considered to meet s107 of the RMA and is consistent with the purpose of the RMA to do so.
5. In the context of this discretionary activity application for land use, coastal permit and discharge consent, where the objectives and policies of the relevant statutory documents were prepared having regard to Part 2 of the RMA, it is considered that 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, therefore, no need to go beyond these provisions and look to Part 2 in making this decision because an assessment against Part 2 would not add anything to the evaluative exercise.
6. Overall, the proposal is considered to be consistent with the relevant legislation and statutory documents and approval is granted, subject to conditions of consent.

Conditions

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

1. This consent must be carried out in accordance with the documents and drawings and all supporting additional information submitted with the application, detailed below, and all referenced by the council as resource consent numbers LUC60433078, CST60433078, DIS60436746 of BUN60433077.
 - Application Form and Assessment of Environmental Effects prepared by Graham Hooper from Parks and Community Facilities at Auckland Council, dated 29 May 2024.

Report title and reference	Author	Rev	Dated
Tamaki Path Preliminary and Detailed Site Investigation	GHD	-	08/17
Archaeological Survey and Assessment	Time Depth Enterprises Heritage Consultants	-	02/24
Arboricultural Assessment of Effects	The Tree Consultancy Company	V2	28/03/24

Ecological Impact Assessment	SLR Consulting	V2	09/05/24
Geotechnical Investigation Report	LandTech Consulting	A	21/05/24
Coastal Assessment	Resilient Land & Coasts, Auckland Council	-	27/05/24
Preliminary Construction Methodology and Erosion and Sediment Control Plan	ReNature	1	13/08/24
Lizard Management Plan	SLR Consulting	1.1	28/08/24
Drawing title and reference	Author	Rev	Dated
Stage 1B Site Plan 012	ReNature	6	18/10/24
Stage 2B Site Plan 013	ReNature	6	18/10/24
Stage 2A Site Plan 014	ReNature	6	18/10/24
Stage 1B – TP1 Long section 021	ReNature	6	18/10/24
Stage 1B – TP3 Long section 022	ReNature	6	18/10/24
Stage 2B – TP4 Long section 023	ReNature	6	18/10/24
Stage 2A – TP6 Long section 024	ReNature	6	18/10/24
Stage 2A – TP8 Long section 025	ReNature	6	18/10/24
Stage 2A – TP9 & TP10 Long section 026	ReNature	6	18/10/24
Earthworks – Sheet 1 of 3 030	ReNature	6	18/10/24
Earthworks – Sheet 2 of 3 031	ReNature	6	18/10/24
Earthworks – Sheet 3 of 3 032	ReNature	6	18/10/24
Planting Plan – Sheet 2 of 2	ReNature	6	18/10/24

041				
Signage Details	ReNature	6	18/10/24	
050				
Signage Location – Sheet 1 of 4	ReNature	6	18/10/24	
051				
Signage Location – Sheet 2 of 4	ReNature	6	18/10/24	
052				
Signage Location – Sheet 3 of 4	ReNature	6	18/10/24	
053				
Signage Location – Sheet 4 of 4	ReNature	6	18/10/24	
054				
Typical Concrete Path Details – Sheet 1 of 4	ReNature	6	18/10/24	
102				
Typical Concrete Path Details – Sheet 2 of 4	ReNature	6	18/10/24	
103				
Typical Concrete Path Details – Sheet 3 of 4	ReNature	6	18/10/24	
104				
Typical Concrete Path Details – Sheet 4 of 4	ReNature	6	18/10/24	
105				
Typical Concrete Junction Details	ReNature	6	18/10/24	
106				
Concrete Step Details	ReNature	6	18/10/24	
107				
BW4 – 2m Wide Boardwalk Details – Sheet 1 of 2	ReNature	6	18/10/24	
108				
BW4 – 2m Wide Boardwalk Details – Sheet 2 of 2	ReNature	6	18/10/24	
109				
B2 – 2m Wide Bridge Details – Sheet 1 of 2	ReNature	6	18/10/24	
110				
B2 – 2m Wide Bridge Details – Sheet 2 of 2	ReNature	6	18/10/24	
111				
BW1/BW2/BW3/BW5/BW6/BW7/BW8 – Boardwalk Details – Sheet 1 of 3	ReNature	6	18/10/24	

112			
BW1/BW2/BW3/BW5/BW6/BW7/BW8 – Boardwalk Details – Sheet 2 of 3	ReNature	6	18/10/24
113			
BW1/BW2/BW3/BW5/BW6/BW7/BW8 – Boardwalk Details – Sheet 3 of 3	ReNature	6	18/10/24
114			
Alternative Footing and Bollard Details	ReNature	6	18/10/24
115			
B3 – Bridge Details – Sheet 1 of 3	ReNature	6	18/10/24
116			
B3 – Bridge Details – Sheet 2 of 3	ReNature	6	18/10/24
117			
B3 – Bridge Details – Sheet 3 of 3	ReNature	6	18/10/24
118			
B1 – Bridge Details – Sheet 1 of 3	ReNature	6	18/10/24
119			
B1 – Bridge Details – Sheet 2 of 3	ReNature	6	18/10/24
120			
B1 – Bridge Details – Sheet 3 of 3	ReNature	6	18/10/24
121			
Bench Seat Details	ReNature	6	18/10/24
122			
Picnic Table Details	ReNature	6	18/10/24
123			
Drinking Fountain Details	ReNature	6	18/10/24
124			
Pram Crossing Details	ReNature	6	18/10/24
200			

Advice Note:

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

2. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
 - a. The consent is given effect to; or
 - b. The council extends the period after which the consent lapses.

3. The consent holder must pay the council an initial consent compliance monitoring charge of \$1170 (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.

Advice Note:

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

Pre-commencement conditions

Pre-commencement meeting

4. Prior to the commencement of any construction works and/ earthworks, the consent holder must hold a pre-start meeting that:
 - is located on the subject site
 - is scheduled not less than five days before the anticipated commencement of earthworks
 - includes Auckland Council Compliance Monitoring officer[s]
 - includes representation from the contractors who will undertake the works, including a suitably qualified works arborist, ecologist, and project archaeologist (historic heritage expert).

The meeting must also identify and discuss:

- The proposed works.
- Construction methodologies, including access to the site for vehicles and equipment and potential for storage of equipment.
- Tree works including tree removal, canopy pruning, works within the rootzone of protected trees and protection of retained trees.
- Sediment and erosion control measures.
- Site access and storage areas.
- Requirements for arboricultural supervision.
- Requirements for archaeological works and information regarding what constitutes historic heritage materials; the legal requirements of unexpected historic heritage discoveries; the appropriate procedures to follow if historic heritage materials are uncovered whilst the project historic heritage expert is not on site, to safeguard

materials; and the contact information of the relevant agencies (including the project historic heritage expert).

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

- Timeframes for key stages of the works authorised under this consent
- Resource consent conditions.

Temporary Fencing of recorded sites R11/1877, R11/1878, R11/1879, R11/2748 and R11/2750

5. Prior to the commencement of work the consent holder must ensure that all recorded archaeological site extents are fenced off under archaeological supervision with high visibility fencing to avoid accidental damage.

Retaining and foundation works

6. The consent holder must engage an engineer to supervise all retaining and foundation construction. The supervising engineer's contact details must be provided in writing to council at least two weeks prior to earthworks commencing on site.

Lizard Management

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

The LMP must address the following (as appropriate):

- Credentials and contact details of the ecologist/herpetologist who will implement the plan.
- Timing of the implementation of the LMP.
- A description of methodology for survey, trapping and relocation of lizards rescued, including but not limited to: salvage protocols, relocation protocols (including the method used to identify suitable relocation site(s)), nocturnal and diurnal capture protocols, supervised habitat

clearance/transfer protocols, artificial cover object protocols, and opportunistic relocation protocols.

- A description and map of the relocation site; including discussion of:
 - provision for additional refugia, if required e.g. depositing salvaged logs, wood or debris for newly released skinks that have been rescued;
 - any protection mechanisms (if required) to ensure the relocation site is maintained (e.g. covenants, consent notices etc);
 - any weed and pest animal management to ensure the relocation site is maintained as appropriate habitat; and
 - a plan/map detailing the location of the salvage and relocation sites
- Monitoring methods, including but not limited to: baseline surveying within the site, baseline surveys outside the site to identify potential release sites for salvaged lizard populations and lizard monitoring sites, ongoing annual surveys to evaluate translocation success, pre and post – translocation surveys, and monitoring of effectiveness of pest control and/or any potential adverse effects on lizards associated with pest control.
- A post-vegetation clearance search for remaining lizards.

Advice Note:

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

Mitigation Planting and Maintenance Plan

8. Prior to the commencement of any vegetation removal works the consent holder must submit and have certified by the council a Planting and Maintenance Plan. The planting plan must be prepared by a suitably qualified ecologist and specify the ecological mitigation actions required for this consent. These are to include but not be limited to:
 - a) Final locations of native planting of no less than 872m². Where vegetation removal occurs in a Significant Ecological Area (SEA), planting must be in or contiguous with that SEA. Where vegetation removal occurs within a riparian or coastal margin, planting must be in or contiguous with that riparian or coastal margin.
 - b) Plant species, spacing, and plant sizes; these must be appropriate to each area.
 - c) Planting methodology, including any staging.
 - d) Plant maintenance and weed management (minimum of five years).
 - e) Monitoring and reporting requirements.

- f) For tree removal within SEA_T_6089, planting of no less than 14 native specimen trees contiguous with that SEA, showing location, species, and size.
- g) No less than 464m² of track in the riparian margin is to be decommissioned. A weed management plan for this area is to be provided (minimum of five years).

Specific Conditions - Coastal Permit CST60433078

Construction Management Plan

- 9. A minimum of 10 working days prior to the commencement of works, the consent holder must submit a Construction Management Plan (CMP) for the proposed works, for certification by the council.

The construction management plan must specify, but not necessarily be limited to the following matters:

- a. Construction timetable
- b. Construction methodology, including:
 - details of any temporary structures in the CMA (e.g. silt fences).
 - methods to remedy any disturbance resulting from works.
- c. Site management, including details of:
 - i. site access, including methods to clearly identify and delineate all entry and exit points to the common marine and coastal area.
 - ii. bunding or containment of fuels and lubricants to prevent the discharge of contaminants.
 - iii. maintenance of machinery and plant to minimise the potential for leakage of fuel or lubricants.
 - iv. a spill contingency plan in the event that there is any discharge of contaminants to the common marine and coastal area.
 - v. methods to ensure compliance with noise standards.
 - vi. restrictions and methods necessary to maintain public health and safety, including means for restricting and notifying the public of any restrictions on public access to and along the coastal marine area.
 - vii. management of public access to and along the coastal marine area while the activities are being carried out.

- viii. methods to minimise disturbance of the foreshore and/or seabed, including minimising siltation and discoloration.
 - ix. removal of all spoils, including cut vegetation (mangrove) material from the CMA.
- d. Site reinstatement upon completion of activities.
10. The Construction Management Plan must be certified by the Council prior to commencement of works on site.

During construction conditions

Instability

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

Erosion and Sediment Control

12. Earthworks/construction including silt/erosion control methods must be implemented in accordance with the Renature Ltd report labelled "Construction Methodology and Erosion and Sediment Control Plan" dated 27/5/24.

Construction hours

13. All construction noise generating activities must only be carried out between the hours of 7:30 am and 6:00 pm, Monday to Saturday. No construction noise generating activities are to be undertaken on Sundays or public holidays (and any following Monday on which that public holiday is observed).

Advice Note:

- *This restriction does not apply to low noise generating activities such as site set up, painting, electrical works or landscaping, which may occur outside of these hours.*

Temporary Acoustic Barriers

14. Prior to the commencement of construction works within 10m of any adjacent buildings, 2m high temporary acoustic barriers must be erected and maintained to block the line of sight from the works to the nearest receivers. The barriers must be constructed using materials with surface density of 10kg/m² and abutted or overlapped to provide a continuous screen without gaps at the bottom or sides of the panels. The barriers must remain in place during the period of construction works.

Prior to the commencement of construction works an acoustic report may be submitted to council for review. If this assessment confirms noise and vibration from the proposed works will be a permitted activity under Chapter E25 of the AUP(OP), then the requirement to provide acoustic barriers during construction works can be removed.

Construction Noise Levels

15. The noise from construction activities must be measured and assessed in accordance with NZS 6803:1999 and must comply with 70 dB LAeq and 85 dB LAFmax during the daytime works period 7:30 am – 6 pm, Monday to Saturday when measured 1m from the façade of any building that contains an activity sensitive to noise that is occupied during the works.

Construction Vibration

16. All demolition activities must be controlled to ensure any resulting vibration does not exceed:
 - a. the limits set out in German Industrial Standard DIN 4150-3 (1999): Structural vibration – Part 3 Effects of vibration on structures when measured in accordance with that Standard on any structure not on the same site; and
 - b. 2 mm/s in buildings in any axis when measured in the corner of the floor of the storey of interest for multi-storey buildings, or within 500mm of ground level at the foundation of a single storey building.

Noise Monitoring

17. The consent holder must engage a suitably qualified and experienced acoustic expert to carry out noise and vibration monitoring:
 - When a reasonable complaint is received, or monitoring is requested by Auckland Council.
 - In accordance with New Zealand Standard NZS6803:1999 Acoustics – Construction noise for noise monitoring and German Industrial Standard DIN 4150-3 (1999) Structural Vibration – Part 3 Effects of Vibration on Structures for vibration.
 - If noise and or vibration levels are found to exceed the relevant limits of this consent, then the work causing the exceedance should stop when safe to do so until mitigation is implemented to ensure the noise and or vibration limits are met.

Soil Contamination Management

18. Earthworks must be undertaken in accordance with the Contaminated Land Management Plan- Tamaki Path, GHD, March 2017 (CSMP), and any variations to the CSMP must be submitted to the council for certification that it appropriately manages actual and potential soil contamination effects and is within the scope of this consent, prior to implementation.

Advice Note:

- *The council acknowledges that the CSMP is intended to provide flexibility of the management of the works. Accordingly, the CSMP may need to be updated. Any updates should be limited to the scope of this consent and be consistent with the conditions of this consent. If you would like to confirm that any proposed updates are within scope, please contact the Team Leader. The council's certification of the CSMP relates only to those aspects of the plans that are relevant under the RMA. The certification does not amount to an approval or acceptance of suitability by the Council of any elements of the management plan that relate to other legislation, for example, the Building Act 2004 or the Health and Safety at Work Act 2015.*

Bird Management

19. All vegetation alteration and/or clearance must occur outside the main native bird nesting season (1st September until the end of February inclusive) 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 must visually observe and inspect all trees and shrubs proposed for removal within 24 hours prior to felling to identify any active nests.

This includes checking cavities and hollows for nesting birds (e.g. morepork, kingfisher). Should any nesting be identified, a 20-metre buffer of vegetation must 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 must submit a completion report to council for approval, within 30 working days.

Advice Note:

Almost all native bird species are absolutely 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 forest birds is significantly reduced (but not entirely eliminated), therefore vegetation should still be checked for obvious signs of nesting activity prior to clearance works being undertaken.

Lizard Management Conditions

20. A suitably qualified and experienced ecologist/herpetologist approved to oversee the implementation of the Lizard Management Plan (LMP) must certify that the lizard related works have been carried out according to the certified LMP within two weeks of completion of the vegetation removal.
21. All works on site must comply with the certified Lizard Management Plan.
22. Within 5 days of completion of vegetation removal, all findings resulting from the implementation of the Lizard Management Plan must be recorded by the supervising

ecologist/herpetologist on an Amphibian/Reptile Distribution Scheme (ARDS) Card (or similar form that provides the same information) which must be sent to council.

Arboricultural Condition

23. The consent holder must ensure all arboricultural works/ works within the protected root zone of trees occurs in accordance with the conclusions and recommendations of the Tree Protection Methodology from the arborist's report by Sean McBride of The Tree Consultancy Ltd (Rev 2) dated 28 March 2024.

Specific Conditions - Coastal Permit CST60433078

Underwater Noise

24. The consent holder must implement the following measures where practicable as below to minimise the underwater noise:
 - a. Use piling methods that minimise underwater noise e.g. 'soft starts' (gradually increasing the intensity of impact piling).
 - b. Use a non-metallic 'dolly' or 'cushion cap' between the impact piling hammer and the driving helmet (e.g. plastic or plywood)
 - c. Not commencing or stopping piling (generation of underwater noise) if a marine mammal or diver is identified within 200 m from the construction footprint; and
 - d. Only undertake piling (generation of underwater noise) when marine mammals/divers are not present within 200 m from the construction footprint.

Note: the underwater noise condition does not apply to impact or vibratory piling works undertaken in the CMA once the tide has receded from the works site.

General Conditions

25. The occupation of the common marine and coastal area by the authorised structures is not an exclusive right of occupancy. The general public or any person(s) may not be excluded from the area(s) or any part of the areas to which this consent applies, unless necessary for the primary purpose of the structures, and only to the extent necessary to enable the primary purpose of the structures.
26. The structures authorised by this consent must be maintained in a structurally sound condition for the duration of the consent.

Post construction

Written Engineering Certification

Certification from a suitably qualified engineering professional responsible for supervising the works must be provided confirming that the works have been

completed in accordance with LandTech Ltd report dated 21 May 2024 within ten (10) working days following completion. Written certification must be in the form of a report or letter acceptable to council.

Unrecorded Archaeological Sites within the Cultural Heritage Inventory/ Tūtangi Ora

In the event that any unrecorded archaeological sites are exposed as a result of consented work on the site, then these sites must be recorded by the consent holder for inclusion within the Auckland Council Cultural Heritage Inventory/Tutangi Ora. The consent holder must 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.

Planting and Maintenance Conditions

27. After completion of site works in the first available planting season (May to September), the consent holder must implement planting within the planting sites as required in the Planting and Maintenance Plan under condition 8. All plants must be eco-sourced from the Tamaki Ecological District.
28. Following establishment of the required planting the consent holder must submit a completion report to the council for certification within 30 working days of the planting works being completed. This report must confirm that all plantings have been completed in accordance with the approved planting plans including evidence of eco-sourcing.
29. Plant maintenance must occur for a minimum of five years in accordance with the details approved under condition 8 and a minimum survival rate of the plants (being 90% of the original density through the entire planting areas. The maintenance period must commence once the completion report has been certified by the council in accordance with condition 30. Plant maintenance includes the ongoing replacement of plants that do not survive. All invasive pest plants and pest animals must be controlled at the time of initial planting and on an ongoing basis.

Specific Condition - Coastal Permit CST60433078

Post-development

30. The consent holder must, within one week following the completion of the works, remove all machinery and materials from the coastal marine area.

Within twenty (20) working days of the completion of construction activity, the consent holder must supply the council with a complete set of “as built” plans. The “as built” plans must include a location plan, a plan which shows the area of occupation, structure dimensions, and typical cross-sections.

Duration

31. Consent must expire on 10th February 2060 unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.

Stormwater discharge consent DIS60436746

Expiry Date

32. Stormwater diversion and discharge permit must expire on 10th February 2060 unless it has lapsed, been surrendered, or been cancelled at an earlier date pursuant to the RMA.

Advice notes

1. Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.
2. For the purpose of compliance with the conditions of consent, “the council” refers to the council’s monitoring officer unless otherwise specified. Please email monitoring@aucklandcouncil.govt.nz to identify your allocated officer.
3. For more information on the resource consent process with Auckland Council see the council’s website: www.aucklandcouncil.govt.nz. General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment’s website: www.mfe.govt.nz.
4. If you disagree with any of the above conditions, and/or disagree with the additional charges relating to the processing of the application(s), you have a right of objection pursuant to sections 357A and/or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of your receipt of this decision (for s357A) or receipt of the council invoice (for s357B).
5. The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law.

Accidental Discovery Rule

6. Should earthworks on the site result in the identification of any previously unknown archaeological site, the land disturbance – Regional Accidental Discovery rule [E12.6.1] set out in the Auckland Unitary Plan Operative in part (August 2024) must be applied.

Heritage New Zealand Pouhere Taonga Act 2014

7. The Heritage New Zealand Pouhere Taonga Act 2014 (hereafter referred to as the Act) provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. All archaeological sites are protected by the provisions of the Act (section 42). It is unlawful to modify, damage or destroy an archaeological site without prior authority from Heritage New Zealand Pouhere Taonga. An Authority is required whether or not the land on which an archaeological site may be present is designated, a resource or building consent has been granted,

or the activity is permitted under the Auckland Unitary Plan Operative in part (August 2024).

According to the Act (section 6) archaeological site means, subject to section 42(3) –

- a) any place in New Zealand, including any building or structure (or part of a building or structure), that –*
 - i. was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and*
 - ii. provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and*
- b) includes a site for which a declaration is made under section 43(1)*

It is the responsibility of the consent holder to consult with Heritage New Zealand Pouhere Taonga about the requirements of the Act and to obtain the necessary Authorities under the Act should these become necessary, as a result of any activity associated with the consented proposals.

For information please contact the Heritage New Zealand Pouhere Taonga Northern Regional Archaeologist – 09 307 0413 / archaeologistMN@historic.org.nz.

Protected Objects Act 1975

- 8. Māori artefacts such as carvings, stone adzes, and greenstone objects are considered to be tāonga (treasures). These are taonga tūturu within the meaning of the Protected Objects Act 1975 (hereafter referred to as the Act).*

According to the Act (section 2) taonga tūturu means an object that –

- a) relates to Māori culture, history, or society; and*
 - b) was, or appears to have been –*
 - i. manufactured or modified in New Zealand by Māori; or*
 - ii. brought into New Zealand by Māori; or*
 - iii. used by Māori; and*
 - c) is more than 50 years old*
- 9. The Act is administered by the Ministry of Culture and Heritage. Tāonga may be discovered in isolated contexts but are generally found within archaeological sites. The provisions of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to the modification of an archaeological site should be considered by the consent holder if tāonga are found within an archaeological site, as defined by the Heritage New Zealand Pouhere Taonga Act 2014.*

It is the responsibility of the consent holder to notify either the chief executive of the Ministry of Culture and Heritage or the nearest public museum (for Auckland this is the Auckland War Memorial Museum), which must notify the chief executive, of the finding of the taonga tūturu, within 28 days of finding the taonga tūturu; alternatively provided that in the case of any taonga tūturu found during the course of any archaeological investigation authorised by Heritage New Zealand Pouhere Taonga under section 48 of the Heritage New Zealand Pouhere Taonga Act 2014, the notification must be made within 28 days of the completion of the field work undertaken in connection with the investigation.

Under section 11 of the Act, newly found taonga tūturu are in the first instance Crown owned until a determination on ownership is made by the Māori Land Court.

For information please contact the Ministry of Culture and Heritage – 04 499 4229 / protected-objects@mch.govt.nz.

10. *This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.*
11. *The consent holder is responsible for ensuring that all development and associated works (including mobile plant and scaffolding) complies with the minimum safe distances from overhead electric lines in compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) (NZECP34). Resource consent does not confirm compliance with NZECP34. The consent holder should ensure that minimum safe distances are achieved before commencing construction where there are overhead electrical lines nearby.*

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

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

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



Cherie Lane

Duty Commissioner

10 February 2025

Resource Consent Notice of Works Starting

Please email this form to monitoring@aucklandcouncil.govt.nz at least 5 days prior to work starting. Include your consent reference and site address in the subject line to help direct your notice.

Site address:	
Resource consent number:	Associated building consent:
Expected start date of work:	Expected duration of work:

Contacts	Name	Role	Mobile	Email address
First point of contact				
Secondary contact				

Once you have been contacted by your Monitoring Officer, all correspondence should be sent directly to them.

Monitoring Process:

Council will review your consent for start of works periodically from the date of issue. Once works have started, the frequency of monitoring will vary depending on the complexity of the consent, environmental risks and compliance history.

Monitoring Costs:

Council recovers all costs for monitoring of resource consents in accordance with section 36(1)(c) of the Resource Management Act 1991 (RMA). An initial deposit will have been paid when the resource consent was granted. Any monitoring costs that exceed the deposit will be charged at an hourly rate and invoiced.

Monitoring work may include such activities as conducting site inspections, reviewing consent conditions, updating compliance files and carrying out tests.

Noncompliance with your consent:

Please read the conditions of your consent carefully. Breaches of the conditions of a consent can result in enforcement action under the Resource Management Act 1991 (RMA) in the form of infringements, abatement notices, and/or criminal prosecution.

For further information on any of these topics, please click the link below:

[Resource Consent Monitoring](#)

Name and Signature:	Date:
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