

Title: **Proposed Temporary Crane Activity at 132 Green Lane East, Greenlane under Section 88 of the Resource Management Act 1991**

Revision: Resource Consent Lodgement

Date: 3rd of December 2025

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Scope: Assessment of Environmental Effects

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Site Address: 132 Green Lane East, Greenlane

Applicant: Ngāti Maru-Ockham JV

Owner: Ngāti Maru-Ockham JV

Legal Description: Pt Lot 22 DP 12290

Total site: 722m²

District Plan: Auckland Unitary Plan; Operative in Part

Zoning: Business – Mixed Use Zone

Overlays: Natural Resources: High-Use Aquifer Management Areas
Overlay [rp] - Onehunga Volcanic Aquifer
Natural Resources: Quality-Sensitive Aquifer Management Areas Overlay [rp] - Onehunga Volcanic Aquifer
Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - O1, One Tree Hill, Viewshafts
Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - O2, One Tree Hill, Viewshafts

Controls: Macroinvertebrate Community Index [rcp/dp] – Urban

Designations: 1629, Council carpark, Designations, Auckland Transport
Airspace Restriction Designations - ID 1102, Protection of aeronautical functions - obstacle limitation surfaces, Auckland International Airport Ltd

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- Appendix A – LINZ - Certificate of Title
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- Appendix D – Woods – Viewshaft Survey
- Appendix E – KPLC – Landscape and Visual Assessment
- Appendix F – Auckland Council - LUC60403316
- Appendix G – Tupuna Maunga Authority - Letter

1.0 Introduction

Ngāti Maru-Ockham JV is the consent holder for an approved residential apartment building containing 53 apartments and one café in a six level built form at 132 Green Lane East, Greenlane. The site is subject to two regionally significant volcanic viewshafts for Maungakiekie under the Auckland Unitary Plan Operative in part (AUP OP). The consented building is wholly outside and below these viewshafts. The subject application is for a temporary 'luffing' tower crane structure to be installed and operated at the site to facilitate the construction of the consented building which will infringe both of the abovementioned viewshafts for a period of 12 months during the construction of the building. The proposal is considered overall as a non-complying activity and must be publicly notified pursuant to the provisions of the AUP OP. The following assessment confirms that the proposed activity can pass at least one of the gateway tests set out in Section 104D of the Act, and that the proposed activity has actual and potential adverse effects that will be minor enabling granting of consent.

2.0 Context

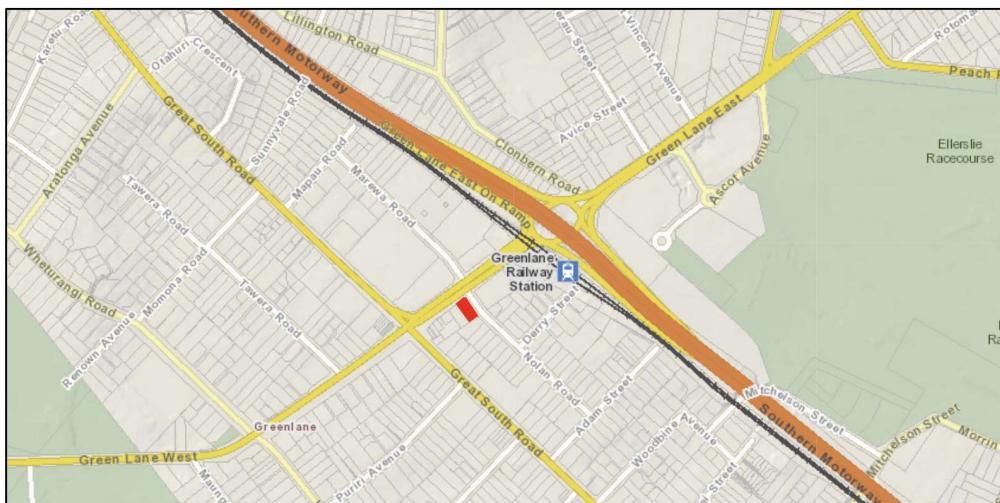


Figure 1 - Auckland Council GIS - Wider Locational Context



Figure 2 - Nearmap March 2022 Aerial – Aerial Site and Surroundings Context



Figure 3 - Auckland Unitary Plan Zoning



Figure 4 – O1 and O2 Viewshafts as applicable to the subject site – refer to Appendix D.

3.0 Site and Context Description

The application site consists of one existing allotment described as Pt Lot 22 DP 12290 with a corresponding street address of 132 Green Lane East, Greenlane. The application site area by legal definition is 722m² and was reduced from an original area of 837m² when a 115m² northern portion of the site was taken for road widening at Green Lane East in 1979. The site is a corner site with 57 metres of combined road frontage to Green Lane East and Nolan Road, being a six-lane arterial road and a two-lane local road respectfully. The site is zoned as Business Mixed Use (BMU) under the AUP OP and is directly abutting BMU zoned land east and west of the site, with Terraced Housing and Apartment Building (THAB) zoned land south of the site, and Business Town Centre zoned land at the opposing side of Green Lane East north of the site.

The site is within a walkable catchment to schools, parks, shops, workplaces and significantly in terms of accessibility, is a 200 metre walk to the Greenlane Train Station, and a 700 metre walk to Cornwall Park. Directly north of the subject site, at the opposing side of Green Lane East is a Countdown, McDonalds Restaurant, and a currently under construction large scale commercial precinct at Marewa Road. Ascot Hospital and Ellerslie Racecourse are 300 metres east of the site over the Southern Motorway. The Greenlane roundabout over the Southern Motorway is an important and busy transport intersection, commercial land use surrounds this converging point, which includes offices, retail outlets and car sale yards; furthermore, Great South Road west of the site also has predominantly commercial frontages. Directly south of the site and farther away from the motorway and Great South Road, land uses are predominantly residential with one and two level attached and detached housing typologies with more recent three level attached townhouse typologies enabled through the AUP OP over the last decade.

The site is subject to two designations. The first being Auckland International Airport Ltd Designation 1102 which specifies an Obstacle Limitation Surface (OLS) which applies to the airspace associated with flight paths to and from the airport. The OLS surface is 157m above mean seal level while the subject site lies between 61m-62m above mean sea level thus the proposal is not affected by this designation.

The second designation is Auckland Transport Designation 1629 for Council carparking. Agreement with Auckland Transport via Auckland Council has been obtained to uplift and remove the designation from the site.

The site is also subject to two volcanic viewshaft overlays for One Tree Hill (referenced as viewshafts O1, O2). Woods Consultants have carried out a specialist survey and determined that the lowest viewshaft plane as it applies over the subject site is at RL 81.76 to RL 82.14, at its lowest 21.1 metres above the existing ground profile of the site.

Immediately abutting the site to the west is a two-level commercial building occupied by a tile sales premises, east of the site and at the opposite side of Nolan Road is the Z Service Station, and directly south of the site is a single level bungalow.

The site has been held as a public parking lot since the 1960's, and is still operational; as a result the site is 100% asphalted, has a flat topography and is accessed via an 11m wide vehicle crossing (shared with 1 Nolan Road) to the Nolan Road carriageway. The Nolan Road frontage includes an approximately 2.5m footpath and grass verge with two 7-10m high Pohutukawa trees within the grass verge directly in front of the subject site, as well as two streetlights and a power pole. The Green Lane East frontage include an approximate 5.5m wide shared pedestrian and cycle path and a small, planted strip between the path and the vehicle carriageway.

The site is serviced by a public wastewater network from the southern boundary of the site, while stormwater management is provided via existing deep bore soakage within the Green Lane East Road reserve. The site is affected by a known flood plain that traverses much of the subject site.

Ngāti Maru-Ockham JV is the consent holder for an approved (latest in accordance approval in March 2025) residential apartment building containing 53 apartments and one café in six level built form at 132 Green Lane East, Greenlane, the consent is referenced as LUC60403316 and is included in Appendix F.

4.0 Details of the Proposal

4.1 Application Property Ownership

The relevant certificate of title attached in Appendix A and outlines the legal boundaries of the subject property. Auckland Council is ‘the Owner’ of the site, and has sold the site to Ngāti Maru who, by private agreement, authorises ‘the Applicant “Ngāti Maru-Ockham JV” to seek all consents related to the proposal.

4.2 Proposed Temporary Crane Activity

Ngāti Maru-Ockham JV seek to construct the consented six level building at the subject site (reference as LUC60403316) by way of installing a tower crane for a 12 month period at 132 Green Lane East. The tower crane is specified as a Potain MCH125 8T Luffing Tower 35m Jib as shown in the specification included in Appendix C, noting that the crane will be a silver or grey colour, with no decorative lights colours and will be used on a daily basis for lifting items such as block pallets, precast, steel, timber, brick, aluminium joinery, and when the crane is not in service it will partially upright be set as depicted in the proposed elevations included in Appendix B. The relevant regionally significant volcanic viewshafts have been shown accurately in Appendix D with heights located directly above the subject site, are confirmed at 36.48m (for Viewshaft O1) and 20.20m (for Viewshaft O2) above the site’s existing ground level. The proposed temporary crane activity will infringe upon the vertical datums of both regionally significant viewshafts for Maungakiekie/One Tree Hill (being O1 and O2) for the full period of its operation, as the crane structure will be a maximum of 25.47m above Viewshaft O1 and 41.75m above Viewshaft O2.

5.0 Consultation

5.1 Council

Iterative consultation with Auckland Council (Premium Consenting Team), has enabled the refinement of the proposal through to lodgement.

5.2 Tūpuna Maunga Authority

Consultation has been undertaken with the Authority prior to lodgement of the resource consent Application, and their preliminary feedback is attached in Appendix G.

5.3 Iwi

The proposed application has been sent to iwi groups as listed below prior to lodgement. Feedback, and consultation is anticipated in the processing and notification of the consent application.

- Ngati Paoa
- Ngati Te Ata
- Te akitai Waiohua
- Ngati Whatua Orakei
- Waikato - Tainui
- Te Ahiwaru - Waiohua
- Ngati Tamaoho
- Ngati Whatua o Kaipara
- Ngati Maru
- Ngati Tamatera
- Te Kawerau a Maki
- Ngai Tai ki Tamaki
- Te Runanga o Ngati Whatua

6.0 Reasons for Consent

Resource consent is required for the following reasons under the provisions of the Auckland Unitary Plan; Operative in Part (AUP OP).

6.1 *Viewshaft*

Pursuant to Standard D14.4.1(A6) consent is required as a non-complying activity as the proposed crane is considered a building which will intrude above the Regionally Significant Volcanic Viewshaft(s) and will not comply with Standard D14.6.4(1).

6.2 *Overall Activity Status*

In regard to the identified reasons for consent the application, is for a Non-complying Activity overall under the provisions of the AUP OP.

6.3 *Other Consenting Matters*

Consent is also sought for any other consenting matters that the Council may identify, or which may arise when processing this application.

6.4 *Other Considerations*

On November the 3rd 2025, Council notified Plan Change 120. The Auckland Council describe Plans Change 120 as follows:

Housing Intensification and Resilience, responds to a government requirement to enable more opportunities for housing and development, mainly through the rezoning of land to allow for significant increases in building heights in many parts of the city. The focus of the changes is on

locations close to the city centre and other commercial centres, train and busway stations, and along a number of main bus routes. Proposed Plan Change 120 would also strengthen the rules in the Auckland Unitary Plan that relate to building in areas prone to natural hazards (for example within flood plains and in some coastal locations). This includes applying a ‘restrictive residential zone’ to residential areas with the highest risk of natural hazards.

The Plan Change is subject to submissions and a hearing process, and at the time of this application the current operative provisions have the most weight when considering the subject application for consent. Nonetheless the proposed temporary crane consent is considered consistent with the overarching principles of the Plan Change.

7.0 Purpose of the Resource Management Act 1991

The RMA provides the statutory framework for the sustainable management of natural and physical resources in New Zealand. In respect to housing supply, key considerations include those purposes within the RMA that seek to enable the social, economic and cultural wellbeing of people and communities.

The purpose of the Act is stated at Section 5, namely to promote the sustainable management of natural and physical resources. Sections 6, 7, and 8 are also relevant in achieving the purpose of the Act, those being matters of national importance, other matters, and the Treaty of Waitangi.

Overall, it is considered that the proposed temporary crane activity will appropriately mitigate temporary adverse effects onto the corresponding viewshafts, and overall have positive environmental effects by enabling the construction of the consented mixed use development at the subject site, in a location suitable for new and more intensive housing, well connected to employment opportunities, amenities and infrastructure replacing a underutilised parking lot. The proposed temporary crane activity will achieve the purpose and principles of the RMA particularly within the local context.

8.0 RMA Sections 104 – 104F

Section 104 (1) states that a consent authority must have regard to a number of matters when considering an application for resource consent. For the proposal the relevant considerations include the actual and potential effects of an activity on the environment, the relevant provisions of a national or regional policy statement, a regional plan, a district plan, any other relevant statutory document, and any other matter the consent authority considers relevant and reasonably necessary to determine the application.

The following assessment addresses all relevant considerations under Section 104 of the RMA.

8.1 Actual and Potential Environmental Effects

An assessment of environmental effects relating to the proposal is set out below and references the separate specialist assessments undertaken which form part of the application and are relevant to a Section 104 assessment.

In particular the assessment of effects below is relevant in respect to determining under Section 104(1)(a) and (ab) of the RMA, the actual and potential effects arising from the proposal.

8.1.1 Overview of Activity

The proposed temporary crane activity, is required for the construction of the consented mixed-use building (included in Appendix F). The temporary ‘luffing’ tower crane structure to be installed and operated at the site to facilitate the construction of the consented building and is proposed as the only viable means of construction methodology, given the building footprint takes up the majority of the subject site and there is no logistical opportunity to use mobile cranes (which cannot be located within the busy road reserve) for the construction of the consented development.

The subject site and consented development are captured by two volcanic viewshafts as surveyed by Woods and detailed in Appendix D. The crane specification included in Appendix C, and correlated Crane elevations included in Appendix B demonstrate that the proposed use of the crane over a 12-month period will infringe upon both regionally significant viewshafts (being O1 and O2) of Maungakiekie. The infringements will be to a maximum of 25.47m above Viewshaft O1 and 41.75m above Viewshaft O2. All considerations and assessment of the proposed temporary activity are informed by offered conditions of any consent approval which are:

- The crane colour is to be predominantly matte (non-reflective) silver or grey;
- The crane will not support any promotional signage, logos, flags, banners, advertising or decorative LED lights (other than those required for safety or civil aviation requirements); and
- The likely duration of the crane being in place will be 12-months.

8.1.2 Landscape and Visual Effects

A landscape and visual effects assessment has been undertaken by KPLC and is included in Appendix E. The two viewshafts which are the focus of this temporary activity are O1 and O2 which protect views towards Maungakiekie. KPLC have summarised the values of these viewshafts as applied in Appendix 20 of the AUP OP as follows:

Maunga Viewshaft O1 (visual simulation viewpoint O1)

- *Maungakiekie has a unique ‘visual signature’ with distinctive natural landform and constructed attributes such as the stone obelisk / spire at the tīhi; along with the association of the maunga as ‘one tree hill’ or ‘the place where the totara stands alone’ and is a place of cultural significance.*
- *Views from this elevated location include Maungakiekie alongside Maungawhau, Ōhinerau and Maungarei, as well as the Ōrākei Basin tuff ring landform, forming an important sequence.*

Maunga Viewshaft O2 (visual simulation viewpoint O2)

- *Maungakiekie has a unique ‘visual signature’ with distinctive natural landform and*

constructed attributes such as the stone obelisk / spire at the tīhi; along with the association of the maunga as 'one tree hill' or 'the place where the totara stands alone' and a place of cultural significance.

- *The profile of Maungakiekie is visible when travelling west along Green Lane East Road, noting that this view is somewhat obscured by existing vegetation; however, it may re-emerge in the future. The contrast between urban development and the cone profile is highlighted in this view.*

Visual simulations prepared by Ockham Residential and included in Appendix E inform the assessment of the proposed temporary crane activity on to these two views from their origin points. KPLC make the following concluding statements in their assessment of the proposal with respect to visual and landscape effects.

- *Within this context, it is assessed that the proposal will have a low temporary adverse effect on the visual integrity of Maungakiekie when viewed from the two relevant viewshaft origin points, with no long-term adverse effect on the visual character, identity, form or skyline profile of this culturally important maunga. The values identified within Appendix 20 of the AUP(OP) for these particular viewshafts will remain intact.*
- *Overall, it is assessed that the proposal represents an appropriate temporary use to enable construction of a consented development on the site. The presence of the construction crane structure will not result in any significant modification or destruction of the identified views towards Maungakiekie; nor will it significantly detract from the values of the views (noting some temporary adverse effects on the visual integrity of the form of Maungakiekie when viewed from these locations). The mitigation measures embedded in proposal, including the limited duration of time that the structure will be in place within the views, assists with this finding, noting that no long-term adverse effects will arise on the identified values.*

I have considered the assessment prepared by KPLC, and I accept their assessment and findings. It is on that basis, and framed within the statutory context under which the application is to be considered, it can be concluded that the actual and potential adverse visual effects arising from the proposed development are considered to be no more than minor and thus acceptable.

8.1.3 Cultural Effects

In respect to cultural effects, specifically on Mana Whenua, Iwi are best placed to determine the effects on cultural heritage values in relation to the presence of temporary structures in the views of the Maunga. Details of the proposal have been shared with the iwi groups as identified as having connection to the local area and Maunga (as held in the required records of the Auckland Council). Consultation will commence as part of the resource consent and notification process. The Applicant has also sought feedback from the Tupuna Maunga Authority, and their preliminary response is included in Appendix G, which notes:

Buildings and structures within the viewshafts impact on the visual character, identity and form of the Tūpuna Maunga. This is evidenced by past construction of inappropriately high or bulky

buildings. Temporary construction and safety structures can have the same impact. The Maunga Authority accepts that for a limited duration, it is not possible or practicable to comply with the RSVV.

This mitigation proposed is consistent with the Maunga Authority's minimum expectations for temporary structures intruding into viewshafts. Subject to this mitigation forming part of the scope of the application, the Maunga Authority does not oppose the application. For the purposes of the application, the Maunga Authority requests that a maximum duration for the crane be stated, for example no longer than 18 months.

KPLC, in their analysis of the temporary intrusions proposed into the viewshafts (included in Appendix E), note that:

*Within this context, it is assessed that the proposal will have a **low temporary adverse effect** on the visual integrity of Maungakiekie when viewed from the two relevant viewshaft origin points, with no long-term adverse effect on the visual character, identity, form or skyline profile of this culturally important maunga. The values identified within Appendix 20 of the AUP(OP) for these particular viewshafts will remain intact.*

Following from this assessment, as well as the offered conditions of consent informing the proposed application, and noting anticipated ongoing engagement with Iwi as part of the consenting and notification process, the actual and potential adverse cultural effects of the proposed development are considered to be no more than minor and thus acceptable.

8.1.4 Sustainability and Housing Supply Effects

The proposed temporary crane activity will enable the construction of the consented development in an appropriate manner. The consented development will have significant positive effects that should be considered in the overall assessment of the application. The proposal will deliver additional quality rental housing at a central location where access to services, amenities, employment, and multiple modes of transport support it. Overall, the proposed development will have significant positive effects on the environment and community and gives effect to the sustainable management of resources.

8.1.5 Summary of Assessment of Effects

The proposed temporary crane activity will not give rise to any adverse effects on the environment that will not be avoided or mitigated through the conditions of consent. It is concluded that the overall actual or potential adverse effects on the environment will be no more than minor and the proposal will enable the construction of much needed housing in an acceptable manner. Following this assessment, it can be concluded that the proposal will pass at least one of the 'gateway tests' under Section 104D.

9.0 Relevant Provisions of the Auckland Unitary Plan; Operative in Part

9.1 Objectives and Policies

The most relevant Auckland Unitary Plan Operative in Part regional policy statement and plan provisions objectives and policies include:

- B2 - Urban Growth and Form
- B4 - Natural heritage
- H13 - Business – Mixed Use Zone
- D14 - Volcanic Viewshafts and Height Sensitive Areas Overlay

The assessment of these objectives and policies is set out and considered below.

9.1.1 B4 - Natural heritage & D14 – Volcanic Viewshafts and Height Sensitive Areas Overlay

The subject site is affected by the One Tree Hill volcanic viewshaft overlay (reference as O1 and O2). The proposed temporary crane activity will result in the crane within both viewshafts for a 12-month period. The assessment and analysis prepared by KPLC is framed by B4.3.1.(1) & B4.3.2.(1) - B4.3.2.(4), as well as by D14.2.(1) & D14.3.(1) - D14.3.(6). KPLC summarises in paragraph 32 of their assessment that:

Overall, it is assessed that the proposal represents an appropriate temporary use to enable construction of a consented development on the site. The presence of the construction crane structure will not result in any significant modification or destruction of the identified views towards Maungakiekie; nor will it significantly detract from the values of the views (noting some temporary adverse effects on the visual integrity of the form of Maungakiekie when viewed from these locations). The mitigation measures embedded in proposal, including the limited duration of time that the structure will be in place within the views, assists with this finding, noting that no long-term adverse effects will arise on the identified values.

I adopt this finding, and acknowledging the offered mitigation to be reinforced by conditions, I find that the proposed temporary crane activity will maintain the significance, importance and integrity of the subject viewshafts as set out in objectives and policies of B4 and D14.

9.1.2 B2 – Urban Growth and Urban Form & H13 – Business Mixed Use Zone

The proposal for a temporary crane activity is consistent with the intent of Chapter B2 and Chapter H13 and the corresponding objectives and policies set out in B2.1-B.2.5 and H13.2 and H13.3 as the proposal enables the practical construction for a high-quality mixed-use development with residential intensification and a small-scale commercial cafe space at the ground floor that support the local centres and community, social and commercial infrastructure. The detail of how the consented development supports these objectives and policies is confirmed in the existing decision included in Appendix F.

9.1.3 B6 – Mana Whenua

Chapter B6, and specifically the objectives and policies included in B6.3.1(1)-(2), B6.3.2(1)-(4), (6) and B6.5.1(1)-(2) set out the importance and significance of Mana Whenua involvement in resource management decision making and the recognition of the cultural significance of natural

and physical resources to Mana Whenua, particularly relevant to the proposed activity when contemplating any affects onto Auckland's volcanic cones and the correlated volcanic cone viewshafts. Feedback has been sought from Iwi groups on lodgement of this consent application, and consultation has been held with the Tūpuna Maunga Authority as included in Appendix G. There will be ongoing opportunity for consultation through the consenting process, which is subject to mandatory public notification. In this abovementioned background and anticipated consultation, the proposed is considered to be consistent with the objectives and policies as set out in Chapter B6.

9.1.4 Overall objectives and policies assessment findings

Overall, the proposal seeks to enable the use of a crane over a 12 month (temporary period) to construct a consented high-quality built form outcome that responds to the local environment and results in a well-connected and compatible development. The proposal is considered to be consistent with the relevant regional policy statement and plan objectives and policies.

Pursuant to Section 104D of the Act, a Council may grant a resource consent for a non-complying activity only if it is satisfied that either:

- (a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
- (b) the application is for an activity that will not be contrary to the objectives and policies of—*
 - (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

The assessment as outlined in the sections above, and informed by the analysis prepared by KPLC and supported by mitigation (to be conditioned), is that the proposed temporary crane activity will not result in adverse effects on the environment that will be more than minor, and that the proposed activity is consistent with the objectives and policies under the regional and district provisions of the Auckland Unitary Plan Operative in Part.

9.2 Standards

The relevant Auckland Unitary Plan Operative in Part (AUP OP) standards relevant to the consented development were assessed and considered in the consent decision included in Appendix F. The only relevant standards applicable to the proposed temporary crane activity at the subject site are those set out in Chapter D14 of the AUP OP. Under Chapter 14 and pursuant to Standard D14.4.1(A6) consent is required as a non-complying activity as the proposed crane is considered a building which will intrude above the Regionally Significant Volcanic Viewshaft(s) and will not comply with Standard D14.6.4(1).

The proposal is for a non-complying activity overall and as such there are no relevant assessment criteria in the AUP OP to address.

10.0 Relevant Provisions of Other Statutory Documents

In accordance with an assessment under s104(1)(b) of the RMA, there are no National Environmental Standards, National Policy Statements, other regulations or New Zealand Coastal Policy Statements that are relevant to the consideration of this application.

11.0 RMA Part 2 Matters

Section 104 is expressly subject to Part 2 of the Resource Management Act (RMA). Part 2 sets out the purpose and principles of the Act, with a focus on promoting sustainable management of natural and physical resources (Section 5); recognising and providing for matters of national importance (Section 6); having particular regard to other significant resource management matters (Section 7); and taking into account the principles of the Treaty of Waitangi (Te Tiriti O Waitangi) (Section 8).

The purpose of the RMA is to promote the sustainable management of natural and physical resources. The definition of sustainable management in Section 5 supports the use and development of resources to enable people and communities to provide for their wellbeing. This approach is tempered through the requirements of Sections 5(2)(a), (b), and (c) to avoid or manage effects on the environment.

The analysis which forms part of this application has taken Section 5 of the RMA into account, and it is considered that the proposed temporary crane activity will support sustainable management by way of being undertaken in a manner which will appropriately mitigate the temporary adverse effects on the surrounding existing environment.

The matters of national importance as set out in Section 6 of the RMA, are relevant to the application and the following findings are noted:

- the proposal has been assessed to not adversely affect the “outstanding” natural features or landscapes associated with the volcanic viewshafts (Section 6(b));
- the proposal has been assessed to not adversely affect any identified ancestral lands, water, sites, waahi tapu, and other taonga (Section 6(e)).

The proposal is considered to represent and enable the efficient use, development and management of the physical land resource (Section 7(b)) and will not compromise the quality of the environment. The proposed activity will enable the construction of new housing in a location in which it can be accommodated close to public transport, employment and social and community infrastructure and is considered to represent and enable the efficient use, development and management of the existing urban land. Acknowledging Section 8, consultation has been undertaken and feedback has been sought from relevant groups with respect to the proposed activity.

12.0 Mitigation and Offered Conditions

As set out in the analysis provided by KPLC and included in Appendix E. The proposed mitigation shall be imposed in conditions of any consenting of the proposed activity;

- The crane colour is to be predominantly matte (non-reflective) silver or grey;
- The crane will not support any promotional signage, logos, flags, banners, advertising or decorative LED lights (other than those required for safety or civil aviation requirements); and
- The likely duration of the crane being in place will be 12-months.

The assessments included in this application are informed on the basis of these conditional components being required, conditioned and adhered to.

13.0 Notification

13.1 Notification Overview

Section 95 of the RMA states that:

- 1) *A consent authority must, within the time limit specified in subsection (2), —*
 - a. *decide, in accordance with sections 95A and 95B, whether to give public or limited notification of an application for a resource consent; and*
 - b. *notify the application if it decides to do so.*
- 2) *The time limit is, —*
 - a. *in the case of a fast-track application, 10 working days after the day the application is first lodged; and*
 - b. *in the case of any other application, 20 working days after the day the application is first lodged.*

The application requires public notification under Section 95A(8) pursuant to Section 95A(1).

13.2 Public Notification Determination (s95A)

To determine whether to publicly notify an application for resource consent, a consent authority must follow the steps set out under Section 95A of the Resource Management Act (1991).

13.2.1 Mandatory Public Notification (Step 1)

Step 1 of Section 95A states that it is mandatory to publicly notify an application for resource consent if:

- a) *the applicant has requested that the application be publicly notified,*
- b) *public notification is required under section 95C,*
- c) *the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.*

In relation to Section 95A, it is noted that the applicant does not request that the application be publicly notified. Subsection c) is not relevant.

Therefore, pursuant to Section 95A(2)(b), the subject application does not meet the mandatory notification criteria of Step 1.

13.2.2 Precluded from Public Notification (Step 2)

As public notification is not required under Step 1, the consent authority must determine whether the application for resource consent is *precluded* from public notification. Public notification is precluded if the application meets either of the following criteria:

- All of the activities in the application are subject to a rule in a Plan or NES which precludes public notification.
- The application is for one or more of the following (but no other) activities:
 - a controlled activity,
 - a ‘residential activity’ with restricted discretionary or discretionary activity status,
 - a subdivision of land with a restricted discretionary or discretionary activity status,
 - a ‘boundary activity’ (any activity status),
 - an activity prescribed by regulations made under s360H(1)(a)(i) precluding public notification (if any).

The proposed activity is not subject to a rule in a Plan or NES which precludes public notification.

13.2.3 Required Public Notification (Step 3)

If public notification is not required under Step 1, and is not precluded under Step 2, it is necessary to determine if public notification is still required under Step 3.

The application requires public notification under Section 95A(8) pursuant to Section 95A(1), specifically.

The relevant rules in the AUP OP which require the application to be publicly notified are D14.5(1)(a) and D14.5(1)(b) which applies to an application for resource consent for non-complying activities under D14.4.1(A6).

13.2.4 Conclusion with regard to Public Notification

Pursuant to Section 95A(8)(a), the application must be publicly notified.

13.3 Limited Notification Determination (s95B)

As the application must be publicly notified pursuant to standards D14.5(1)(a) and D14.5(1)(b), it is not necessary to undertake an assessment of the proposal against Section 95B of the RMA.

14.0 Conclusion

The Proposal for a temporary crane activity will provide for acceptable effects and enable the construction of the consented development at the subject site.

Relying on the specialist findings forming part of the proposal, having framed (and assessed) the proposal against the relevant matters specified in the Auckland Unitary Plan Operative in Part, it is considered that the proposal is consistent with the objectives and policies of the AUP OP and that the proposed development is consistent with the purpose and principles of the Act being that any actual and potential effects adverse effects of the proposal are no more than minor overall.

The proposal passes at least one of the statutory tests for a non-complying activity and thus can proceed to be determined. Following from the application detail and this assessment, consent can be granted subject to conditions.