

TO Celia Davison, Manager, Central/South

FROM Michelle Creamer, Policy Planner, Central/South

DATE 7 November 2025

SUBJECT **Update requested to the Auckland Unitary Plan
(Operative in Part 2016) (AUP)**

I request an update to AUP as outlined below:

Reason for update	Alteration to designation confirmed
Chapter(s)	Chapter K – Designations – Auckland Transport (Central) AUP GIS viewer – Unitary Plan layer - Designations
Designation only	
Designation # 1713	Waterview Shared Path – Auckland Transport
Locations:	Various – proposed shared path 2.4km in length connecting Alan Wood Reserve to Great North Road (near Alford Street).
Lapse Date	10 years from when the circumstances in section 175(1) of the Resource Management Act 1991 apply
Purpose	Construction, operation and maintenance of the Waterview Walking and Cycling Facility
Changes to text (shown in underline and strikethrough)	Changes to conditions - shown in Attachment C.
Changes to diagrams	N/A
Changes to spatial data	Change to spatial data - shown in Attachment E.
Attachments	Attachment A – s181(3) Request (updated - provided 30 July 2025) Attachment B – s181(3) Report and approval Attachment C – Updated designation conditions 1713 Waterview Shared Path (strikethrough/underscore) Attachment D – Updated designation conditions 1713 Waterview Shared Path (Clean) Attachment E – Designation 1713 Waterview shared path GIS Map (Before and After)

Maps prepared by: Mitesh Bhula Geospatial Specialist	Text Entered by: Bronnie Styles Planning Technician
Signature: 	Signature: 
Prepared by: Michelle Creamer Policy Planner	Reviewed by: Clare Wall Shaw Team Leader Planning
Signature: 	Signature: 
Authorised by: Celia Davison Manager Planning – Central South	
Signature: 	

Attachment A

s181(3) Request (updated - provided 30 July 2025)



NOTICE OF MINOR ALTERATION OF DESIGNATION 1713 UNDER S181(3) OF THE RESOURCE MANAGEMENT ACT 1991

TO: Auckland Council
Private Bag 92300
Auckland 1142
Attn: Clare Wall Shaw, Principal Planner, Plans and Places

FROM: Auckland Transport
Private Bag 92250
Auckland 1010

Alteration and removal to Designation 1713 – Waterview Shared Path in the Auckland Unitary Plan (Operative in Part)

Auckland Transport (AT) as a Requiring Authority under Section 167 of the Resource Management Act 1991 (RMA) gives notice of a requirement to alter part of Designation 1713 in the Auckland Unitary Plan: Operative in Part (AUP) to enable new development by Ngāti Whātua Ōrākei, including the re-alignment of the Waterview Shared Path and extension of Laurel Street, Mount Albert.

The sites to which the Notice of Requirement to alter and remove Designation 1713 applies are:

Address	Legal Description	Certificate of Title
26 Rhodes Avenue, Mount Albert	Lot 2 DP 515012	799989
36 Laurel Street, Mount Albert	Sec 348 SO 434446	579605
127 Carrington Road, Mount Albert	Lot 3 DP 515012	799990
111 Carrington Road, Mount Albert	Lot 11 DP 580985	1195432
131 Carrington Road, Mount Albert	Section 2 SO 573867	1071371
121 Carrington Road, Mount Albert	Lot 3 DP 314949	58981
123 Carrington Road, Mount Albert	Lot 2 DP 314949	58980

These sites are owned by Whai Rawa Development LP (a development company of Ngāti Whātua Ōrākei) and Crown, managed by Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development (HUD). The proposed alteration to the boundary of Designation 1713 contained as an attachment to the Assessment of Environmental Effects (AEE) within **Attachment 1**.

Existing Designation Details

The details of the existing designation as set out under the AUP:OP is below:

Designation Number:	1713
Requiring Authority:	Auckland Transport

Location:	Various – proposed shared path 2.4km in length connecting Alan Wood Reserve to Great North Road (near Alford Street).
Rollover Designation:	Yes
Legacy Reference:	Designation E04-19, Auckland Council District Plan (Isthmus Section) 1999
Purpose:	Construction, operation and maintenance of the Waterview Walking and Cycling Facility.

AT has responsibility for Designation 1713 in the AUP:OP which is designated for the construction, operation and maintenance of a walking and cycling facility between the Trent Street / Rosebank Road intersection, Bollard Ave / Alan Wood Reserve Park and Great South Road / Oakley Creek esplanade Reserve, Mount Albert. The designation applies to a number of properties, with the entire designation shown in red in **Figure 1** below.

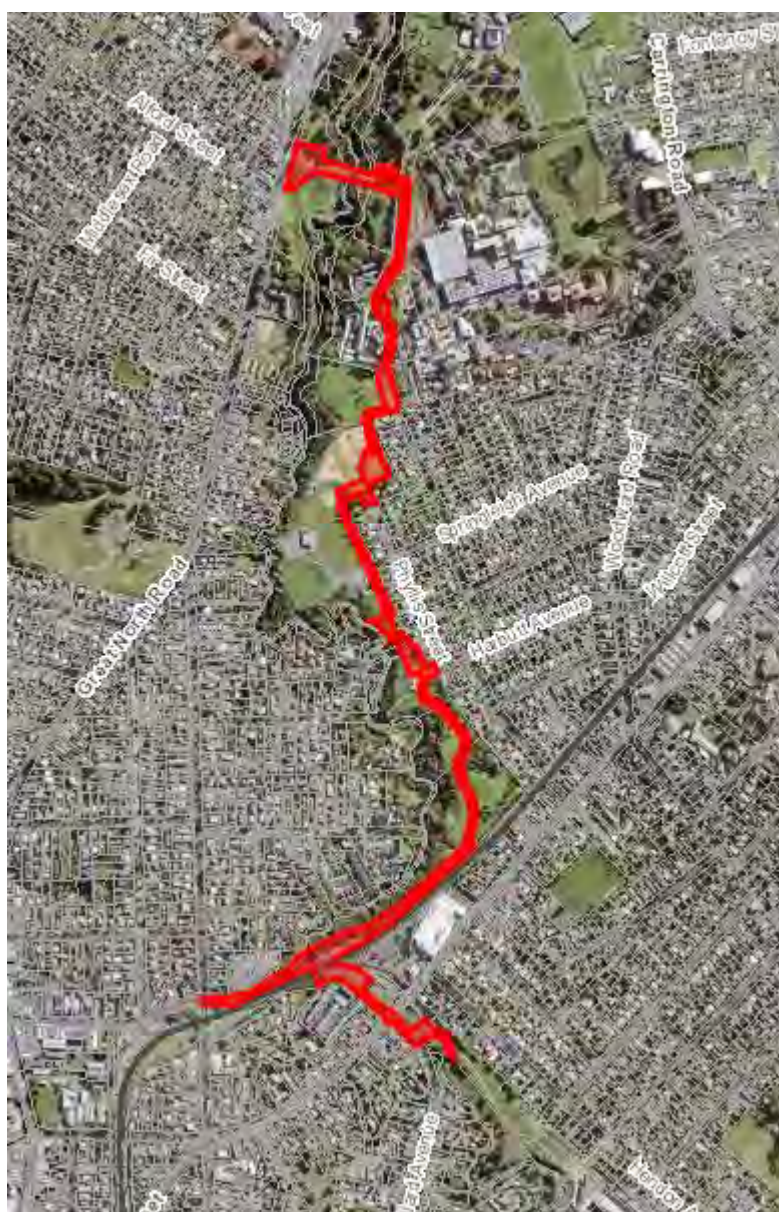


Figure 1: Designation 1713

Land Affected by Alteration

AT has identified that Designation 1713 needs to be altered on the following properties:

Address	Legal Description	Certificate of Title	Change to designation
26 Rhodes Avenue, Mount Albert	Lot 2 DP 515012	799989	1,404m ² originally, reduced to 256m ²
36 Laurel Street, Mount Albert	Sec 348 SO 434446	579605	1,256m ² originally, reduced to 607m ²
127 Carrington Road, Mount Albert	Lot 3 DP 515012	799990	126m ² originally, increased to 1,298m ²
111 Carrington Road, Mount Albert	Lot 11 DP 580984	1195432	4,740m ² originally, reduced to 1,413m ²
131 Carrington Road, Mount Albert	Section 2 SO 573867	1071371	338m ² originally, reduced to 0m ²
121 Carrington Road, Mount Albert	Lot 3 DP 314949	58981	1,586m ² originally, reduced to 236m ²
123 Carrington Road, Mount Albert	Lot 2 DP 314949	58980	328m ² reduced to 0m ²
Total (7 parcels)			9,781m ² reduced to 3,813m ²

Figure 2 below demonstrates the changes to Designation 1713.

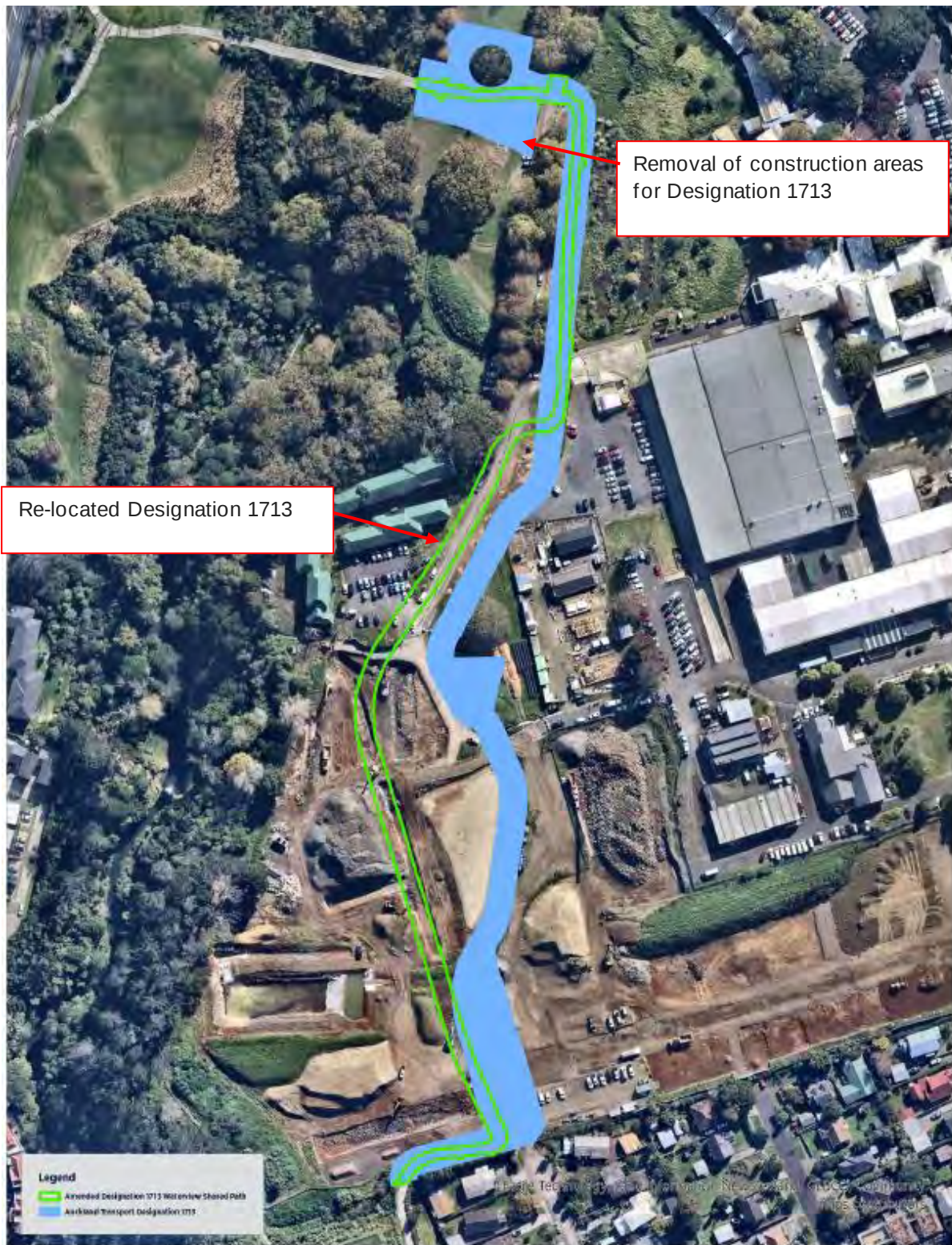


Figure 2: Alteration to Designation 1713

Reasons for the Alterations to Designation 1713

The minor alteration of Designation 1713 is required to align with the existing environment approved by resource consents obtained Ngāti Whātua Ōrākei. The relocation is to facilitate residential development on land surrounding the designation.

The re-location will move the path onto the extension of Laurel Street which is currently being constructed by Ngāti Whātua Ōrākei.

The alteration will move the existing Designation within the sites already subject to Designation 1713 (Titles 799989, 579605, 799990, 1195432, 1071371, 58981 and 58980).

Relevant Statutory Provisions

Section 181(1) of the RMA provides that a requiring authority may at any time give notice to the territorial authority of its requirement to alter the designation if:

Section 181 (3)

(a) the alteration—

(i) involves no more than a minor change to the effects on the environment associated with the use or proposed use of land or any water concerned; or

(ii) involves only minor changes or adjustments to the boundaries of the designation or requirement; and

(b) written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration; and

(c) both the territorial authority and the requiring authority agree with the alteration.

Effects of alteration to Designation 1713 are minor

The adverse environmental effects resulting from the alteration are considered to be nil as there are no physical works associated with this application. The alteration is to maintain Designation 1713 for operational purposes to match the existing environment, with Ngāti Whātua Ōrākei delivering the underlying works (approved and currently being constructed).

All directly affected landowners have provided their written approval. Any persons who use the Waterview Shared Path will not be affected as the path will remain open and useable until the time that the new path is in place.

Attachment 1 to this notice includes an Assessment of Environmental Effect which provides further detail.

Alteration to Designation 1713 involves a minor adjustment to the boundary of the designation

The alteration re-aligns the Waterview Shared Path over seven properties to reflect approved development and the extension of Laurel Street. The alteration and removal of parts of Designation 1713 by reduces the designation area by 5,967m² over the seven land parcels. As the changes re-locate the path within the same affected land parcels, the alteration is considered to be minor.

Consultation with directly affected parties

Consultation has been undertaken with Ngāti Whātua Ōrākei and HUD as the two landowners affected by the alteration. Written approval has been provided by these two parties. A copy of this approval is contained within **Attachment 2** to this Notice.

It is considered that Section 181(3)(b) has been satisfied and that written notice of the proposed alteration has been given to every owner of the land directly affected (being Ngāti Whātua Ōrākei and HUD) and that the owner and occupier agrees with the alteration.

Summary

The alteration and removal of parts of Designation 1713 are required to facilitate development around the Waterview Shared Path. The alteration affects seven properties already affected by the designation. The land owner has provided written consent to the alteration and the change in effects is considered to be nil.

AT requests that Auckland Council amends the AUP:OP accordingly as required by Sections 181 of the RMA.

Yours faithfully,

Phillip Lim

Group Manager Strategic Development Programmes and Property

Infrastructure and Place

Attachment B

s181(3) Report and approval

Notice of requirement for a minor alteration to a designation under section 181(3) of the Resource Management Act 1991



Notice of requirement description

Designation number: 1713 Waterview Shared Path
Requiring authority: Auckland Transport
Site addresses: Various – proposed shared path 2.4km in length connecting Alan Wood Reserve to Great North Road (near Alford Street).

Alteration of designation over the following sites:
111, 121, 123, 127, 131 Carrington Road, Mount Albert
26 Rhodes Avenue, Mount Albert
36 Laurel Street, Mount Albert

Summary

Auckland Council has received a request from Auckland Transport under section 181(3) of the Resource Management Act 1991 (RMA), dated May 2025 to alter Designation 1713 Waterview Shared Path.

Designation 1713 Waterview Shared Path is for the construction, operation and maintenance of the Waterview Walking and Cycling Facility. The designation boundaries are proposed to be altered to narrow and align the designation boundaries with the existing shared path and consented development (Unitec Residential Development – Wairaka Stage 1, approved on 3 May 2023 and BUN60419728 & SUB60419729 approved on 3 May 2024).

It is considered after undertaking an assessment of the notice, that the proposed alteration meets the statutory tests of section 181(3) of the RMA and can therefore be processed and confirmed as a minor alteration.

Recommendation

1. That the proposed alteration of Designation 1713 Waterview Shared Path in the Auckland Unitary Plan be confirmed subject to the amended conditions: for the following reasons:
 - the alteration involves no more than minor changes to the effects on the environment associated with the use of the land;
 - both the requiring authority and Auckland Council agree with the alteration; and
 - written consent has been provided by all landowners affected by the change.

2. That Designation 1713 Waterview Shared Path is amended in the Designation overlay and in Chapter K Designations in the Auckland Unitary Plan (Operative in part) as recommended in Section 4 of this report.

1. Background

1.1. Minor alteration to a designation

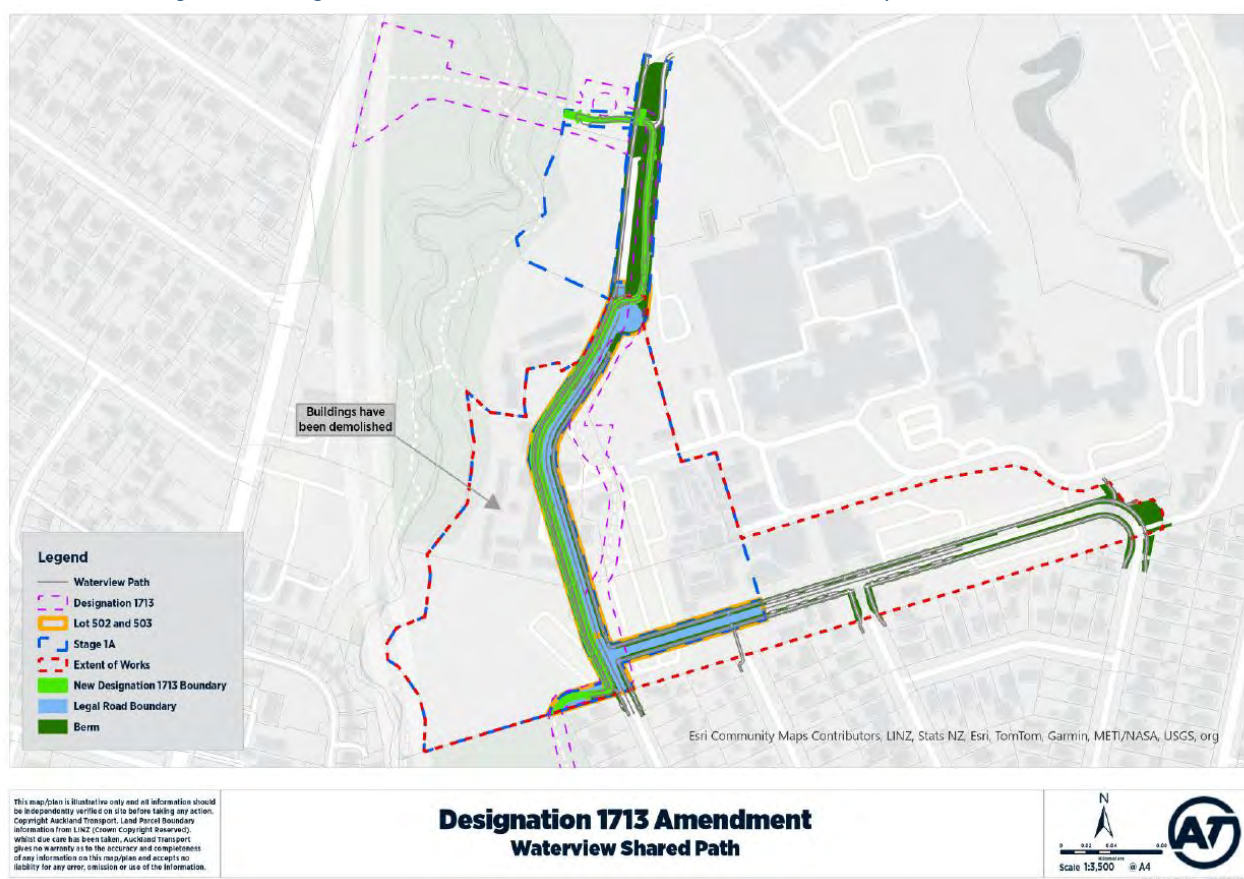
Auckland Council has received a notice of requirement (NoR) for an alteration to a Designation 1713 Waterview shared path from Auckland Transport under section 181(3) of the RMA (**Attachment A**). The proposed alteration is within the segment of Designation 1713 Waterview shared path between Laurel Street and 121 Carrington Road. During processing of the NoR, Auckland Transport provided further information on 30 July 2025 and 6 August 2025 which further clarified the proposed alteration to the designation.

The designation boundaries are proposed to be altered to align with approved consents - Unitec Residential Development – Wairaka Stage 1, approved on 3 May 2023 and BUN60419728 & SUB60419729 approved on 3 May 2024 (refer to Figure 1). North of the approved consents, the designation is proposed to be narrowed to provide for the existing shared path which is currently in use. Provision for a maintenance strip which includes all infrastructure (e.g. lighting, signage) will be included within the altered designation. The proposed alteration involves:

- Relocation of the path onto the extension of Laurel Street which is currently being constructed by Ngāti Whātua Ōrākei.
- Moving the designation boundary west, from 131 Carrington Road (removed from this site) to 127 Carrington Road (increased area over this site).
- Altering the area of the designation directly adjacent to 139 Carrington Road (Unitec site), in accordance with the consented plans which provides for the shared path to be moved to the west and for a public road to the east along the southern portion of the boundary.
- Removal of the designation from 123 Carrington Road (due to the reduced width of the designation around the existing formed path).
- Reduction of the extent of the designation within 121 Carrington Road to restrict the designation to the existing path and infrastructure (including lighting and signage). This includes exclusion of the designation around the tree to the north of the formed path.
- No new sites will be occupied by the designation.

The proposed alteration reduces the area of land occupied by the designation over seven land parcels from 9,781m² to 3,813m², a reduction of 5,967m² (61 per cent) (Source: Auckland Transport, AEE, March 2025 **Attachment C**). Changes to the size and layout of land available for development within the Wairaka precinct will occur as a result of the alteration. No change to the purpose or use of the shared path is proposed.

Figure 1 - Designation 1713 Amendment Waterview Shared Path map. Source: AT.



1.2. Land affected by the alteration

The land affected by the alteration to the designation is located within the Wairaka precinct. During the Public Works Act 1981 (**PWA**) negotiation stage for the Designation, an agreement was made with landowners that the Designation would be altered in future to facilitate development of the surrounding land. In 2023 Ngāti Whātua Ōrākei Whai Rawa Ltd (**Ngāti Whātua Ōrākei**) obtained a s176 approval from AT to re-locate a portion of the Waterview Shared Path to facilitate development on the surrounding land (Attachment C, Assessment of Environmental Effects, section 2.3).

Alterations are proposed within the area north of Laurel Street, to where the path is proposed to connect to the path leading toward the Alford Street bridge. Figure 2 shows the existing designation boundaries in this area. Table 1 indicates the land parcels affected by the alteration.

Figure 2 - Existing designation boundaries. Source: Auckland Council GIS map.



Table 1 Land affected by the alteration to designation 1713 Waterview shared path.
Source: AT RFI response, 30 July 2025.

Address	Legal Description	Certificate of Title	Change to designation
26 Rhodes Avenue, Mount Albert	Lot 2 DP 515012	799989	1,404m ² originally, reduced to 256m ²
36 Laurel Street, Mount Albert	Sec 348 SO 434446	579605	1,256m ² originally, reduced to 607m ²
127 Carrington Road, Mount Albert	Lot 3 DP 515012	799990	126m ² originally, increased to 1,298m ²
111 Carrington Road, Mount Albert	Lot 11 DP 580984	1195432	4,740m ² originally, reduced to 1,413m ²
131 Carrington Road, Mount Albert	Section 2 SO 573867	1071371	338m ² originally, reduced to 0m ²
121 Carrington Road, Mount Albert	Lot 3 DP 314949	58981	1,586m ² originally, reduced to 236m ²
123 Carrington Road, Mount Albert	Lot 2 DP 314949	58980	328m ² reduced to 0m ²
Total (7 parcels)			9,781m ² reduced to 3,813m ²

The proposed alteration to the designation will change the location of the designated land in relation to 139 Carrington Road (Unitec site) and 125 Carrington Road due to its westward movement. However, the designation does not currently occupy, nor is it proposed to occupy 125 and 139 Carrington Road, shown in Figure 3 below.

Figure 3 - 125 and 139 Carrington Road (outlined). Source: Auckland Council GIS.



1.3. Description of the site and existing environment

Seven sites are affected by the proposed alteration of the designation (111, 121, 123, 127, 131 Carrington Road, 26 Rhodes Avenue and 36 Laurel Street). All land affected by the proposed alteration to the designation is flat, however sites to the west of the path, whilst flat under the location of the designation, decline toward Oakley Creek on their western side. Construction activity is well underway for sites subject to approved consents (Unitec Residential Development – Wairaka Stage 1, approved on 3 May 2023 and BUN60419728 & SUB60419729 approved on 3 May 2024), refer to Figures 5 and 6. Figure 7 shows construction of the realigned shared path. An existing path is located over 111 and 121 Carrington Road, refer to Figure 4. This path is located on flat, grassed land. A large tree is located on 121 Carrington Road, to the north of the existing path.

Figure 4 - Aerial photo of existing shared path over 111 and 121 Carrington Road. Source: Auckland Council GIS.



Figure 5 - Consented road layout plan BUN60419728 & LUC60419760.



UNITEC CAMPUS

LEGEND

- Asphalt - as per AT and A/C/C notes
- Expose aggregate concrete with broom finish
- Work grain concrete
- Red coloured concrete with aligned block side finish
- Red coloured concrete with fluted block side finish
- Compacted lime chip or similar
- 60 x 60mm precision concrete paver
- Pervious concrete paver bond free laying (set down for car parks)
- 60mm thermal paver for high noise
- Gravel
- Leam
- Planting
- Heating/cooling
- Spectrum tree
- Sheet pile
- Bin storage area
- Unexcavated
- Stone wall
- Not shown existing line
- Utility lines - all planting and fence max. 1.0m in height
- Light pole location - refer to Lighting Engineer Plan Set for details
- North arrow - refer to Engineer plan set for details
- Barriers and location - refer to Architect plans for heights and materials
- Zone location - refer to Architect plans set for details
- Stage 1 boundary location
- On-site vehicle equipment location

NOTES

- Confirm set out of all dimensions on the prior to commencing work
- Do not raise off drawings

TABLE

Point	Coordinates
D	176.042150, 85.000000
C	176.042150, 85.000000
B	176.042150, 85.000000
A	176.042150, 85.000000

REVISIONS

REV	DATE	BY	REASON
1	17/06/2018	1000	

KAMOMARSH
ENGINEERS ARCHITECTS

Level 4, The Great Southern, 100/101, 102/103, 104/105, 106/107, 108/109, 110/111, 112/113, 114/115, 116/117, 118/119, 120/121, 122/123, 124/125, 126/127, 128/129, 130/131, 132/133, 134/135, 136/137, 138/139, 140/141, 142/143, 144/145, 146/147, 148/149, 150/151, 152/153, 154/155, 156/157, 158/159, 160/161, 162/163, 164/165, 166/167, 168/169, 170/171, 172/173, 174/175, 176/177, 178/179, 180/181, 182/183, 184/185, 186/187, 188/189, 190/191, 192/193, 194/195, 196/197, 198/199, 200/201, 202/203, 204/205, 206/207, 208/209, 210/211, 212/213, 214/215, 216/217, 218/219, 220/221, 222/223, 224/225, 226/227, 228/229, 230/231, 232/233, 234/235, 236/237, 238/239, 240/241, 242/243, 244/245, 246/247, 248/249, 250/251, 252/253, 254/255, 256/257, 258/259, 260/261, 262/263, 264/265, 266/267, 268/269, 270/271, 272/273, 274/275, 276/277, 278/279, 280/281, 282/283, 284/285, 286/287, 288/289, 290/291, 292/293, 294/295, 296/297, 298/299, 300/301, 302/303, 304/305, 306/307, 308/309, 310/311, 312/313, 314/315, 316/317, 318/319, 320/321, 322/323, 324/325, 326/327, 328/329, 330/331, 332/333, 334/335, 336/337, 338/339, 340/341, 342/343, 344/345, 346/347, 348/349, 350/351, 352/353, 354/355, 356/357, 358/359, 360/361, 362/363, 364/365, 366/367, 368/369, 370/371, 372/373, 374/375, 376/377, 378/379, 380/381, 382/383, 384/385, 386/387, 388/389, 390/391, 392/393, 394/395, 396/397, 398/399, 400/401, 402/403, 404/405, 406/407, 408/409, 410/411, 412/413, 414/415, 416/417, 418/419, 420/421, 422/423, 424/425, 426/427, 428/429, 430/431, 432/433, 434/435, 436/437, 438/439, 440/441, 442/443, 444/445, 446/447, 448/449, 450/451, 452/453, 454/455, 456/457, 458/459, 460/461, 462/463, 464/465, 466/467, 468/469, 470/471, 472/473, 474/475, 476/477, 478/479, 480/481, 482/483, 484/485, 486/487, 488/489, 490/491, 492/493, 494/495, 496/497, 498/499, 500/501, 502/503, 504/505, 506/507, 508/509, 510/511, 512/513, 514/515, 516/517, 518/519, 520/521, 522/523, 524/525, 526/527, 528/529, 530/531, 532/533, 534/535, 536/537, 538/539, 540/541, 542/543, 544/545, 546/547, 548/549, 550/551, 552/553, 554/555, 556/557, 558/559, 560/561, 562/563, 564/565, 566/567, 568/569, 570/571, 572/573, 574/575, 576/577, 578/579, 580/581, 582/583, 584/585, 586/587, 588/589, 590/591, 592/593, 594/595, 596/597, 598/599, 600/601, 602/603, 604/605, 606/607, 608/609, 610/611, 612/613, 614/615, 616/617, 618/619, 620/621, 622/623, 624/625, 626/627, 628/629, 630/631, 632/633, 634/635, 636/637, 638/639, 640/641, 642/643, 644/645, 646/647, 648/649, 650/651, 652/653, 654/655, 656/657, 658/659, 660/661, 662/663, 664/665, 666/667, 668/669, 670/671, 672/673, 674/675, 676/677, 678/679, 680/681, 682/683, 684/685, 686/687, 688/689, 690/691, 692/693, 694/695, 696/697, 698/699, 700/701, 702/703, 704/705, 706/707, 708/709, 710/711, 712/713, 714/715, 716/717, 718/719, 720/721, 722/723, 724/725, 726/727, 728/729, 730/731, 732/733, 734/735, 736/737, 738/739, 740/741, 742/743, 744/745, 746/747, 748/749, 750/751, 752/753, 754/755, 756/757, 758/759, 760/761, 762/763, 764/765, 766/767, 768/769, 770/771, 772/773, 774/775, 776/777, 778/779, 780/781, 782/783, 784/785, 786/787, 788/789, 790/791, 792/793, 794/795, 796/797, 798/799, 800/801, 802/803, 804/805, 806/807, 808/809, 810/811, 812/813, 814/815, 816/817, 818/819, 820/821, 822/823, 824/825,

1.4. Delegated authority

Hearings Commissioners have been delegated power, as territorial authority to alter a designation in its District Plan or a requirement in its proposed District Plan: s181(3), in accordance with Schedule 2A (under RMA functions, powers and duties: *Designations*) through the Chief Executive's Delegations Register, July 2025, Version 2.1.

The NoR can therefore be considered under delegated authority and confirmed or declined under section 181(3)(c).

1.5. Relevant statutory provisions

Section 181 "Alteration of designation" of the Resource Management Act 1991 states:

- (1) A requiring authority that is responsible for a designation may at any time give notice to the territorial authority of its requirement to alter the designation.*
- (2) Subject to subsection (3), sections 168 to 179 and 198AA to 198AD shall, with all necessary modifications, apply to a requirement referred to in subsection (1) as if it were a requirement for a new designation.*
- (3) A territorial authority may at any time alter a designation in its district plan or a requirement in its proposed district plan if-*
 - (a) The alteration-*
 - (i) Involves no more than minor changes to the effects on the environment associated with the use or proposed use of land or any water concerned; or*
 - (ii) Involves only minor changes or adjustments to the boundaries of the designation or requirement; and*
 - (b) Written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration; and*
 - (c) Both the territorial authority and the requiring authority agree with the alteration –*
and sections 168 to 179 and 198AA to 198AD shall not apply to any such alteration.
- (4) This section shall apply, with all necessary modifications, to a requirement by a territorial authority to alter its own designation or requirement within its own district.*

2. Analysis of the proposed alteration

The relevant matters to consider are contained in section 181(3) of the RMA as outlined above.

2.1. Assessment of Environmental effects (s181(3)(a)(i))

The requiring authority has provided an assessment of environmental effects (AEE) titled “Assessment of Environmental Effects s181 RMA Minor Alteration to Waterview Shared Path – Designation 1713” dated March 2025 (**Attachment C**) with the NoR. The summary of effects states “As there are no physical works associated with this application, there are no adverse effects on the environment. The designation is being moved to retain operational requirements and to align with the existing environment. There are positive effects associated with moving Designation 1713, which include facilitating residential development around the designation.” (Assessment of Environmental Effects s181 RMA Minor Alteration to Waterview Shared Path - Designation 1713, prepared by Auckland Transport dated March 2025, Section 3.3).

The proposed changes will alter the designation boundary to align with the existing shared path and the consented path (Unitec Residential Development – Wairaka Stage 1, approved on 3 May 2023 and BUN60419728 & SUB60419729 approved on 3 May 2024). A maintenance strip and all associated infrastructure (lighting, signage) will also be included within the altered designation. Less than minor adverse effects to the environment are anticipated from the use of the land from the proposed alteration to the designation boundary as the northern portion of the path is existing and the central and southern portion has been granted consent. Effects associated with the construction of the path have been assessed through the consenting process. No adverse future effects are anticipated from the proposed alteration to the designation boundary as the location, area and design of the path has been established (for the northern portion of the path) and consented (for the remaining area). Future effects are considered less than minor as the formed path is existing (northern part of the path) and consented (for the remainder of the path), with any future development reliant on the requirements of the Auckland Unitary Plan (AUP(OP)). No cumulative effects are anticipated from the proposed alteration to the designation boundary. There will be no change to the existing environment from the proposed alteration to the designation. No adverse amenity, archaeology, construction, stormwater, earthworks or contamination effects are anticipated from the proposed alteration of the designation.

Additional conditions to designation 1713 Waterview shared path are proposed. These refer to documents which detail the change in location and layout and ensure less than minor adverse effects to the environment from the proposed alteration.

For the reasons above, I consider adverse effects from the alteration to the designation boundary around this path to be less than minor.

2.2. Assessment of minor changes or adjustments to the boundary (s181(3)(a)(ii))

Figure 8 - Alteration to designation 1713 Waterview Shared Path. Source: AT NoR.



I consider the proposed alteration to the location and boundary of the designation to have less than minor effects as the altered designation boundary is proposed to be moved to the west and be narrowed from the existing designation boundary, refer to Figure 8. This notice is therefore considered under section 181(3)(a)(i) without reliance on s181(3)(a)(ii).

2.3. Written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners and occupiers agree with the alteration (s181(3)(b))

The requiring authority has given written notice to Whai Rawa Property Holdings and the Ministry of Housing and Urban Development (HUD) who represent the King, being the owners of all land affected by the proposed alteration to the designation, refer to Figure 9. Written consent has been provided by these owners for the proposed alteration of the designation. Refer to AEE (**Attachment C**).

The requiring authority did not provide written notice to Te Pukenga – New Zealand Institute of Skills and Technology (Unitec), being the owner of 139 Carrington Road. This owner is not considered to be affected by the alteration to the designation as the site will still be accessible from the shared path. Although the length of designation boundary which lies directly adjacent to 139 Carrington Road will reduce, access will remain to this site from the consented road where the designation has been moved westward.

Consent was not sought, nor provided from Whai Rawa Property Holdings Ltd in relation to 125 Carrington Road as this site is not subject to the designation. No adverse effects are anticipated from the altered designation boundary which will be moved closer to this site.

Figure 9 - Map showing ownership of land within the Wairaka Precinct which is in close proximity of alteration. Consent has not been provided from owners of sites designated with an asterisk.



Owner	Colour
Whai Rawa Property Holdings	Purple
King / HUD land circled orange	Orange
Te Pukenga – New Zealand Institute of Skills and Technology (Unitec)	Yellow

2.4. Agreement of both the territorial authority and the requiring authority (181(3)(c))

The alteration to the designation has been requested by the requiring authority, and therefore it agrees to the alteration. I consider Auckland Council can agree with the proposed alteration for the following reasons:

- The alteration involves no more than minor changes to the environmental effects.
- The owners and/or occupiers of all land directly affected by the proposed alteration have been given notice and agree with the proposed alteration.

3. CONCLUSIONS AND RECOMMENDATIONS

3.1. Conclusions

The proposed alteration meets the statutory tests of Section 181(3) of the Resource Management Act 1991, in that:

- The alteration involves no more than minor changes to the environmental effects.

- Existing and additional conditions will ensure any potential adverse effects are avoided, remedied or mitigated.
- The owners and/or occupiers of all land directly affected agree with the alteration.
- The council and the requiring authority agree with the alteration.

3.2 Recommendation

1. That the proposed alteration of Designation 1713 Waterview Shared Path in the Auckland Unitary Plan be **confirmed** subject to the amended conditions: for the following reasons:

- the alteration involves no more than minor changes to the effects on the environment associated with the use of the land;
- both the requiring authority and Auckland Council agree with the alteration; and
- written consent has been provided by all landowners affected by the change.

Conditions

General

1. Except as modified by conditions below, the works shall be undertaken in general accordance with the information provided by the Requiring Authority in the Notice of Requirement, dated November 2014 and supporting and supplementary information provided. The information includes:

a)

n) Notice of Minor Alteration of Designation 1713 under s181(3) of the Resource Management Act 1991 provided as Attachment One to the letter titled "RE: Waterview Shared Path (Designation 1713) s181 Alteration - Responses to request for further information" dated 30 July 2025 from Auckland Transport.

o) The letter titled "RE: Waterview Shared Path (Designation 1713) s181 Alteration - Responses to request for further information" dated 30 July 2025 from Auckland Transport.

p) Assessment of Environmental Effects s181 RMA Minor Alteration to Waterview Shared Path - Designation 1713, prepared by Auckland Transport dated March 2025.

q). The email titled: "1713 Waterview shared path alteration", dated 6 August 2025.

...

2. That Designation 1713 Waterview Shared Path is amended in the Designation overlay and in Chapter K Designations in the Auckland Unitary Plan (Operative in part) as recommended in Section 4 of this report.

4. Agreed alterations

Proposed text and spatial data to be amended as shown in **Attachments E and F**.

Report Prepared by:
Michelle Creamer Policy Planner

Date: 2 October 2025



5. SECTION 181(3) DETERMINATION

Having read the council planner's report and recommendations on the notice or requirement, I am satisfied I have adequate information to consider the matters required by the Resource Management Act 1991 (the RMA) and to make a decision under delegated authority.

Accordingly, the notice of requirement for an alteration to Designation 1713 Waterview Shared Path for the Construction, operation and maintenance of the Waterview Walking and Cycling Facility is confirmed under section 181(3) of the RMA as agreed and set out in section 4 of this report.

Name: Vicki Morrison-Shaw

Title: Independent Hearing Commissioner | Kāikōmihana Tūtahi

Signed:



Date: 17 October 2025

SCHEDULE OF ATTACHMENTS

- Attachment A:** Notice of Minor Alteration of Designation 1713 under s181(3) of the Resource Management Act 1991 provided as Attachment One to the letter titled “RE: Waterview Shared Path (Designation 1713) s181 Alteration - Responses to request for further information” dated 30 July 2025 from Auckland Transport.
- Attachment B:** Letter titled: “RE: Waterview Shared Path (Designation 1713) s181 Alteration - Responses to request for further information, dated 30 July 2025 from Auckland Transport.
- Attachment C:** Assessment of Environmental Effects s181 RMA Minor Alteration to Waterview Shared Path - Designation 1713, prepared by Auckland Transport dated March 2025.
- Attachment D** Email titled: “1713 Waterview shared path alteration”, dated 6 August 2025.
- Attachment E** 1713 Waterview Shared Path – Proposed changes to conditions (shown in underline where text is proposed to be added) and 1713 Waterview Shared Path – Conditions (Final)
- Attachment F** Spatial data

Attachment A:

Notice of Minor Alteration of Designation 1713 under s181(3) of the Resource Management Act 1991 provided as Attachment One to the letter titled "RE: Waterview Shared Path (Designation 1713) s181 Alteration - Responses to request for further information" dated 30 July 2025 from Auckland Transport.



NOTICE OF MINOR ALTERATION OF DESIGNATION 1713 UNDER S181(3) OF THE RESOURCE MANAGEMENT ACT 1991

TO: Auckland Council
Private Bag 92300
Auckland 1142
Attn: Clare Wall Shaw, Principal Planner, Plans and Places

FROM: Auckland Transport
Private Bag 92250
Auckland 1010

Alteration and removal to Designation 1713 – Waterview Shared Path in the Auckland Unitary Plan (Operative in Part)

Auckland Transport (AT) as a Requiring Authority under Section 167 of the Resource Management Act 1991 (RMA) gives notice of a requirement to alter part of Designation 1713 in the Auckland Unitary Plan: Operative in Part (AUP) to enable new development by Ngāti Whātua Ōrākei, including the re-alignment of the Waterview Shared Path and extension of Laurel Street, Mount Albert.

The sites to which the Notice of Requirement to alter and remove Designation 1713 applies are:

Address	Legal Description	Certificate of Title
26 Rhodes Avenue, Mount Albert	Lot 2 DP 515012	799989
36 Laurel Street, Mount Albert	Sec 348 SO 434446	579605
127 Carrington Road, Mount Albert	Lot 3 DP 515012	799990
111 Carrington Road, Mount Albert	Lot 11 DP 580985	1195432
131 Carrington Road, Mount Albert	Section 2 SO 573867	1071371
121 Carrington Road, Mount Albert	Lot 3 DP 314949	58981
123 Carrington Road, Mount Albert	Lot 2 DP 314949	58980

These sites are owned by Whai Rawa Development LP (a development company of Ngāti Whātua Ōrākei) and Crown, managed by Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development (HUD). The proposed alteration to the boundary of Designation 1713 contained as an attachment to the Assessment of Environmental Effects (AEE) within **Attachment 1**.

Existing Designation Details

The details of the existing designation as set out under the AUP:OP is below:

Designation Number:	1713
Requiring Authority:	Auckland Transport

Location:	Various – proposed shared path 2.4km in length connecting Alan Wood Reserve to Great North Road (near Alford Street).
Rollover Designation:	Yes
Legacy Reference:	Designation E04-19, Auckland Council District Plan (Isthmus Section) 1999
Purpose:	Construction, operation and maintenance of the Waterview Walking and Cycling Facility.

AT has responsibility for Designation 1713 in the AUP:OP which is designated for the construction, operation and maintenance of a walking and cycling facility between the Trent Street / Rosebank Road intersection, Bollard Ave / Alan Wood Reserve Park and Great South Road / Oakley Creek esplanade Reserve, Mount Albert. The designation applies to a number of properties, with the entire designation shown in red in **Figure 1** below.

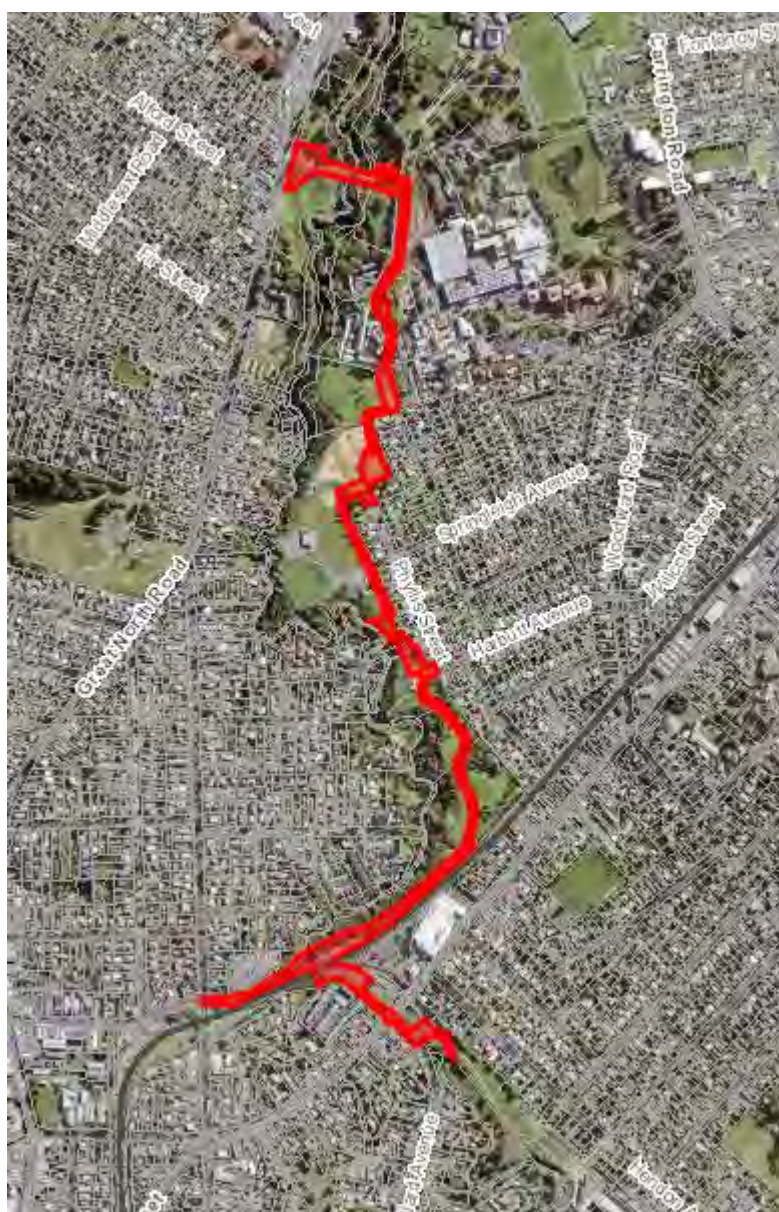


Figure 1: Designation 1713

Land Affected by Alteration

AT has identified that Designation 1713 needs to be altered on the following properties:

Address	Legal Description	Certificate of Title	Change to designation
26 Rhodes Avenue, Mount Albert	Lot 2 DP 515012	799989	1,404m ² originally, reduced to 256m ²
36 Laurel Street, Mount Albert	Sec 348 SO 434446	579605	1,256m ² originally, reduced to 607m ²
127 Carrington Road, Mount Albert	Lot 3 DP 515012	799990	126m ² originally, increased to 1,298m ²
111 Carrington Road, Mount Albert	Lot 11 DP 580984	1195432	4,740m ² originally, reduced to 1,413m ²
131 Carrington Road, Mount Albert	Section 2 SO 573867	1071371	338m ² originally, reduced to 0m ²
121 Carrington Road, Mount Albert	Lot 3 DP 314949	58981	1,586m ² originally, reduced to 236m ²
123 Carrington Road, Mount Albert	Lot 2 DP 314949	58980	328m ² reduced to 0m ²
Total (7 parcels)			9,781m ² reduced to 3,813m ²

Figure 2 below demonstrates the changes to Designation 1713.

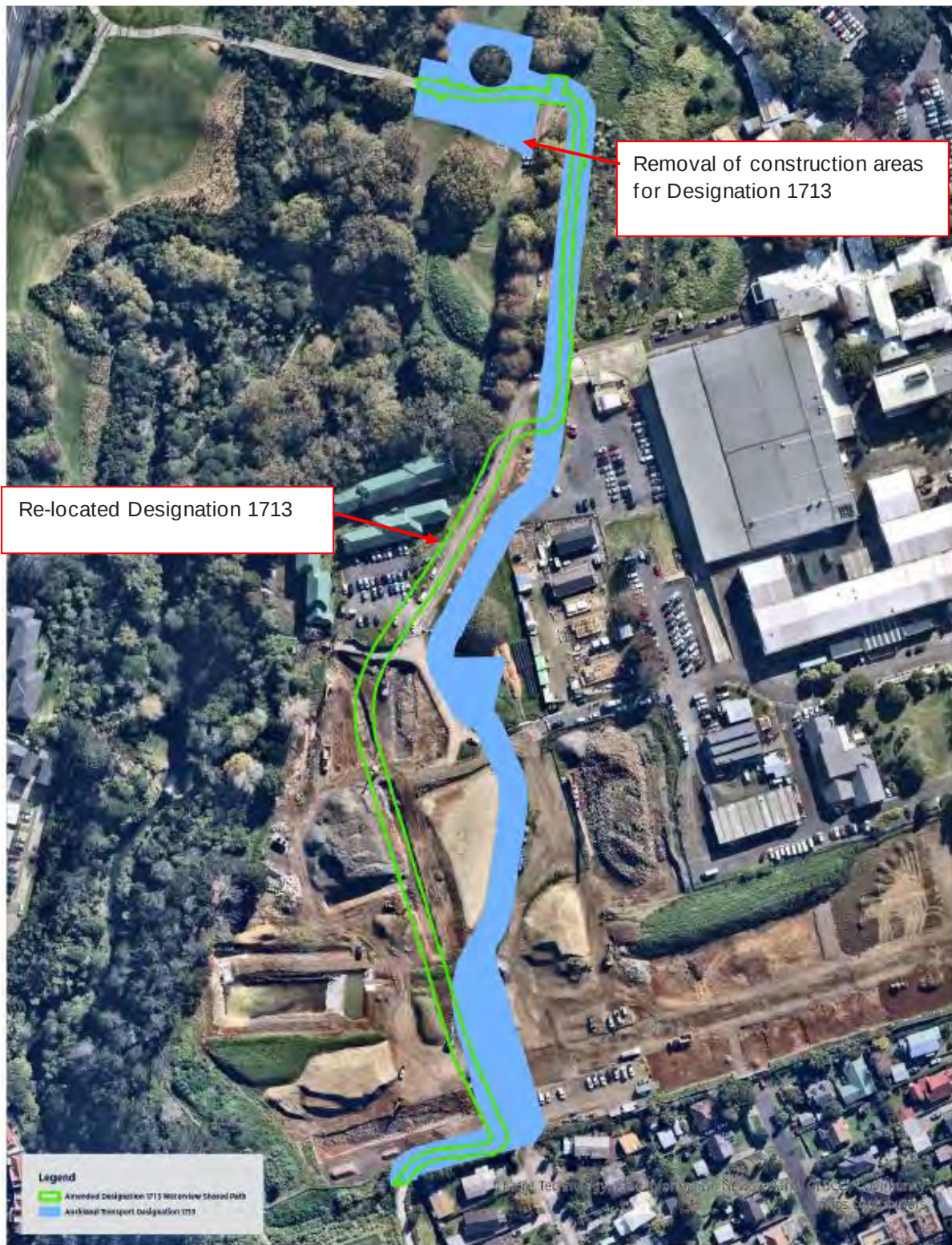


Figure 2: Alteration to Designation 1713

Reasons for the Alterations to Designation 1713

The minor alteration of Designation 1713 is required to align with the existing environment approved by resource consents obtained Ngāti Whātua Ōrākei. The relocation is to facilitate residential development on land surrounding the designation.

The re-location will move the path onto the extension of Laurel Street which is currently being constructed by Ngāti Whātua Ōrākei.

The alteration will move the existing Designation within the sites already subject to Designation 1713 (Titles 799989, 579605, 799990, 1195432, 1071371, 58981 and 58980).

Relevant Statutory Provisions

Section 181(1) of the RMA provides that a requiring authority may at any time give notice to the territorial authority of its requirement to alter the designation if:

Section 181 (3)

(a) the alteration—

(i) involves no more than a minor change to the effects on the environment associated with the use or proposed use of land or any water concerned; or

(ii) involves only minor changes or adjustments to the boundaries of the designation or requirement; and

(b) written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration; and

(c) both the territorial authority and the requiring authority agree with the alteration.

Effects of alteration to Designation 1713 are minor

The adverse environmental effects resulting from the alteration are considered to be nil as there are no physical works associated with this application. The alteration is to maintain Designation 1713 for operational purposes to match the existing environment, with Ngāti Whātua Ōrākei delivering the underlying works (approved and currently being constructed).

All directly affected landowners have provided their written approval. Any persons who use the Waterview Shared Path will not be affected as the path will remain open and useable until the time that the new path is in place.

Attachment 1 to this notice includes an Assessment of Environmental Effect which provides further detail.

Alteration to Designation 1713 involves a minor adjustment to the boundary of the designation

The alteration re-aligns the Waterview Shared Path over seven properties to reflect approved development and the extension of Laurel Street. The alteration and removal of parts of Designation 1713 by reduces the designation area by 5,967m² over the seven land parcels. As the changes re-locate the path within the same affected land parcels, the alteration is considered to be minor.

Consultation with directly affected parties

Consultation has been undertaken with Ngāti Whātua Ōrākei and HUD as the two landowners affected by the alteration. Written approval has been provided by these two parties. A copy of this approval is contained within **Attachment 2** to this Notice.

It is considered that Section 181(3)(b) has been satisfied and that written notice of the proposed alteration has been given to every owner of the land directly affected (being Ngāti Whātua Ōrākei and HUD) and that the owner and occupier agrees with the alteration.

Summary

The alteration and removal of parts of Designation 1713 are required to facilitate development around the Waterview Shared Path. The alteration affects seven properties already affected by the designation. The land owner has provided written consent to the alteration and the change in effects is considered to be nil.

AT requests that Auckland Council amends the AUP:OP accordingly as required by Sections 181 of the RMA.

Yours faithfully,

Phillip Lim

Group Manager Strategic Development Programmes and Property

Infrastructure and Place

Attachment B:

Letter titled: "RE: Waterview Shared Path (Designation 1713) s181 Alteration - Responses to request for further information, dated 30 July 2025 from Auckland Transport.



20 Viaduct Harbour Avenue, Auckland 1010
Private Bag 92250, Auckland 1142, New Zealand
+64 9 355 3553 | at.govt.nz

30 July 2025

Michelle Creamer
Policy Planner
Central South Unit
Planning and Resource Consents Department
Auckland Council

Via email: michelle.creamer@aucklandcouncil.govt.nz

Dear Michelle

RE: Waterview Shared Path (Designation 1713) s181 Alteration - Responses to request for further information

This letter responds to requests for further information made by Auckland Council on 21 May 2025 re. Auckland Transport's notice to alter Designation 1713 pursuant to s181 of the Resource Management Act 1991.

Responses are set out in the table below.

The following attachments are provided in support of the responses:

- **Attachment One** – Updated Form 18
- **Attachment Two** – Updated Plans
- **Attachment Three** – Records of Title

I trust these responses will enable a fuller understanding of the effects of the proposal.

Ngā mihi | Kind regards,

Hannah Miln
Principal Planner
Consent Planning

Council RFI	AT Response
1. Please confirm whether the alteration to the designation will result in any change to the purpose and reasonable necessity for the designation and whether the ability to provide for the purpose will continue to be met (including standards and the access width of the path).	The purpose of Designation 1713 is 'Construction, operation and maintenance of the Waterview Walking and Cycling Facility'. It is not considered that the alteration requires a change to the purpose of the designation as it will facilitate the continued operation and maintenance of the walking and cycling facility. The alteration is considered to be necessary to allow AT to undertake the operation and maintenance the facilities. The conditions of Designation 1713 do not include any standards around access and widths of the path. The re-located section of the Waterview Shared Path has been designed in accordance with AT's Transport Design Manual standards and has been approved via resource consents and engineering plan approvals. It is considered that the purpose and standards for the Waterview Shared Path will continue to be met.
2. Please update the form 18 notice to refer to 123 Carrington Road (Lot 2 DP 314949) instead of 124 Carrington Road. 1 Carrington Road should also be updated to 111 Carrington Road (Lot 11 DP 580984) in both tables within the form.	Please refer to updated Form 18 in Attachment One.
3. The notice relies on the approved consents. Please provide a map of the area which includes the site boundaries and also has the consented plans and designation boundaries (both existing and altered) overlaid. Consented plans include (Stage 1) Dwg No P21-464-01-0012-SC, Rev 1, dated 15/09/22 titled PROPOSED SUBDIVISION OF SECTION 348 SO 434446, LOT 3 DP 515012, SECTION 3 SO 520006, SECTION 2 SO 573867 & LOT 1 [STAGE 0], Unitec residential – Wairaka Precinct Stage 1, "RC106" Revision A dated 15/09/2022 and BUN60419728 "NWO MT ALBERT UNITEC Stage	Please see plans in Attachment Two.

2 Proposed subdivision of Lot 2 & 3 DP 314949 dated 24.04.2024 and “NWO Mt Albert Unitec – Stage 2 Road Layout Plan” dated 24.11.2023.	
4. Please confirm whether the altered designation will fall over any part of 125 Carrington Road and if it does, provide a map for inclusion into Appendix B plans and consent from the owners. Please also update the Appendix B plans to include the property titles for 111 and 139 Carrington Road.	The alteration does not affect 125 Carrington Road. The re-located portion of the path is contained within the extension of Laurell Street, which is to be vested as public road. Please see updated titles in Attachment Three.
5. Please provide information to demonstrate any change to access from the designated land to 139 Carrington Road. Please clarify any change to the width of access, surrounding landscaping, signage, lighting and any other factor which may affect users of the path accessing Unitec land. As a potentially affected party, please provide written agreement from the owner of 139 Carrington Road (Te Pukenga - New Zealand Institute Of Skills And Technology/Unitec New Zealand Limited).	No changes are occurring to the access for 139 Carrington Road. Both the existing designation and proposed alteration are not located over this property, and no physical changes are proposed to their current access, therefore written approval has not and will not be sought. All physical works are currently being undertaken and have been authorised through resource consents and engineering plan approvals.
6. The existing designated land north of the Unitec residential – Wairaka Precinct Stage 1 approved consent (including that covered by BUN60419728) includes land surrounding the formed path (which contains landscaping, signage, lighting etc) which may be affected by narrowing of the designated land. Please provide further assessment of the effects on the environment (including on amenity and people) from the proposed alteration to the designation boundaries and the ways in which any adverse effects will be mitigated. Please also confirm the purpose of the small square extension to the north (as the path turns west. This may be for signage).	The designation alteration has been reduced to include a 1m maintenance strip either side of the shared path, along with additional space for the existing lighting, signage and any other supporting infrastructure for the path. Infrastructure associated with the operation of the path and the space required for maintenance have been accounted for within the alteration. Therefore, it is not considered that there would be any adverse effects associated with the alteration nor would there be any changes to amenity. The small extensions around the north of the alteration are for signs, lighting (and associated power infrastructure), and abutments for the bridge.

7. The decision report for the notice of requirement for 1713 Waterview Shared Path refers to the width of the path along with other matters including security and safety measures, adjoining grass surfaces. Conditions of 1713 Waterview Shared Path include ecology, lighting and landscaping etc.

- a) Please clarify whether there is an approved Outline Plan of Works for creation of the existing shared path and provide a copy along with conditions.
- b) Please provide an assessment regarding whether the altered boundaries will result in any loss or inability to continue to meet conditions of the designation and any approved OPW (e.g., landscaping, width of path, signage, lighting, grass berms, trees etc).
- c) Please confirm changes to access for users of the path (including to sites currently adjacent to the designation boundaries).

All construction associated with the alteration is occurring outside of the designation boundary and has been approved via the consenting process under the RMA. Because of this, and as no physical works are associated with this alteration, an Outline Plan of Work is not required/has not been sought and the conditions of the designation do not apply to the physical works.

We also consider that as the physical works have obtained resource consent (and are almost complete) they form the existing environment and do not require any further assessment.

The users adjoining the alteration will access the re-located/altered Waterview Shared Path in the following way:

- 139 Carrington Road – the shared path was previously on the eastern side of the private road. The alteration will move the upgraded footpath and cycle lane to the western side of the Laurel Street extension, with an additional standard footpath on the eastern side adjoining the site. The upgraded footpath and cycle lane will transition from the eastern side to tie into the existing Waterview Shared Path facility on the western side over the site frontage. See snip below.

Written approval is obtained from the landowner.



- 125 Carrington Road – the shared path was previously on the eastern side of the private road. The alteration will move the upgraded footpath and cycle lane to the western side of the Laurel Street extension, directly in front of this site.

	• 123 Carrington Road – no change in locality to the Waterview Shared Path and written approval obtained. • 121 Carrington Road – no change to locality to the Waterview Shared Path and written approval obtained. • 111 Carrington Road – no change in locality to the Waterview Shared Path and written approval obtained. • 131 Carrington Road – the shared path was previously on the eastern side of the private road. The alteration will move the upgraded footpath and cycle lane to the western side of the Laurel Street extension on the western side of the new road. Infront of this site will be a standard footpath, with the designation on the opposite side of the road. Written approval obtained. • 127 Carrington Road – no change to locality to the Waterview Shared Path. Access to the shared path is directly from the site. Written approval obtained. • 26 Rhodes Ave – the shared path was previously on eastern side of the private road. The upgraded footpath and cycle way will be on the western side of the Laurel Street extension, however the eastern side will also have a standard footpath. Written approval obtained. • 36 Laurel Street – Waterview Shared Path locality is similar to existing scenario. Access to the path will be gained via the Laurel Street extension and the new footpath / cycleway located on the western side of Laurel Street. Written approval obtained.
8. Please clarify whether any changes are proposed to the conditions of designation 1713 Waterview Shared Path and clarify if future monitoring (beyond the approved consents) is proposed.	As physical works are being undertaken via approved resource consents any monitoring required or associated with these works will occur as per these resource consent conditions. We consider that nothing further is required under the conditions of Designation 1713 and no changes to the conditions are proposed.
9. Please confirm whether the proposed alteration to the designation boundaries will adversely affect the ability to implement any consented development.	The alteration does not affect the ability to implement consented development. The alteration request is a result of the underlying consented development and



	boundaries have been reviewed by Ngāti Whātua Ōrākei to ensure it aligns with the underlying plans.
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Attachment One – Updated Form 18



NOTICE OF MINOR ALTERATION OF DESIGNATION 1713 UNDER S181(3) OF THE RESOURCE MANAGEMENT ACT 1991

TO: Auckland Council
Private Bag 92300
Auckland 1142
Attn: Clare Wall Shaw, Principal Planner, Plans and Places

FROM: Auckland Transport
Private Bag 92250
Auckland 1010

Alteration and removal to Designation 1713 – Waterview Shared Path in the Auckland Unitary Plan (Operative in Part)

Auckland Transport (AT) as a Requiring Authority under Section 167 of the Resource Management Act 1991 (RMA) gives notice of a requirement to alter part of Designation 1713 in the Auckland Unitary Plan: Operative in Part (AUP) to enable new development by Ngāti Whātua Ōrākei, including the re-alignment of the Waterview Shared Path and extension of Laurel Street, Mount Albert.

The sites to which the Notice of Requirement to alter and remove Designation 1713 applies are:

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121 Carrington Road, Mount Albert	Lot 3 DP 314949	58981
123 Carrington Road, Mount Albert	Lot 2 DP 314949	58980

These sites are owned by Whai Rawa Development LP (a development company of Ngāti Whātua Ōrākei) and Crown, managed by Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development (HUD). The proposed alteration to the boundary of Designation 1713 contained as an attachment to the Assessment of Environmental Effects (AEE) within **Attachment 1**.

Existing Designation Details

The details of the existing designation as set out under the AUP:OP is below:

Designation Number:	1713
Requiring Authority:	Auckland Transport

Location:	Various – proposed shared path 2.4km in length connecting Alan Wood Reserve to Great North Road (near Alford Street).
Rollover Designation:	Yes
Legacy Reference:	Designation E04-19, Auckland Council District Plan (Isthmus Section) 1999
Purpose:	Construction, operation and maintenance of the Waterview Walking and Cycling Facility.

AT has responsibility for Designation 1713 in the AUP:OP which is designated for the construction, operation and maintenance of a walking and cycling facility between the Trent Street / Rosebank Road intersection, Bollard Ave / Alan Wood Reserve Park and Great South Road / Oakley Creek esplanade Reserve, Mount Albert. The designation applies to a number of properties, with the entire designation shown in red in **Figure 1** below.

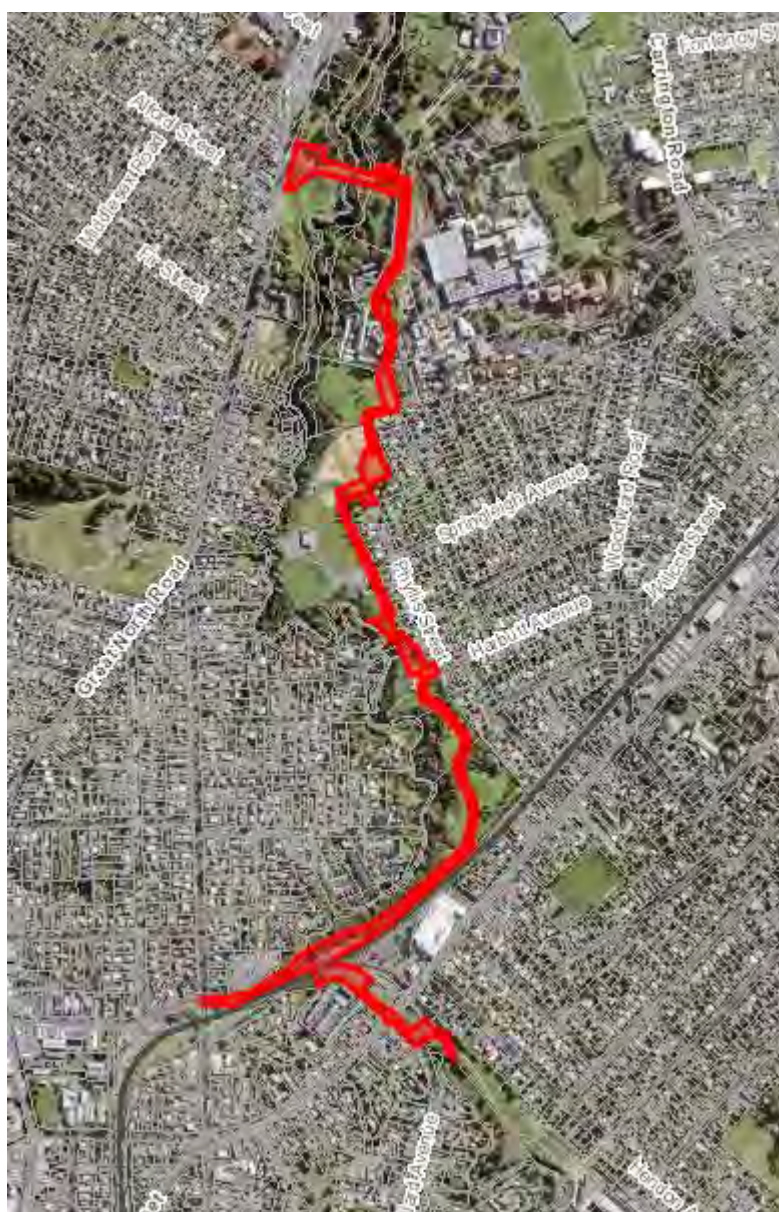


Figure 1: Designation 1713

Land Affected by Alteration

AT has identified that Designation 1713 needs to be altered on the following properties:

Address	Legal Description	Certificate of Title	Change to designation
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Total (7 parcels)			9,781m ² reduced to 3,813m ²

Figure 2 below demonstrates the changes to Designation 1713.

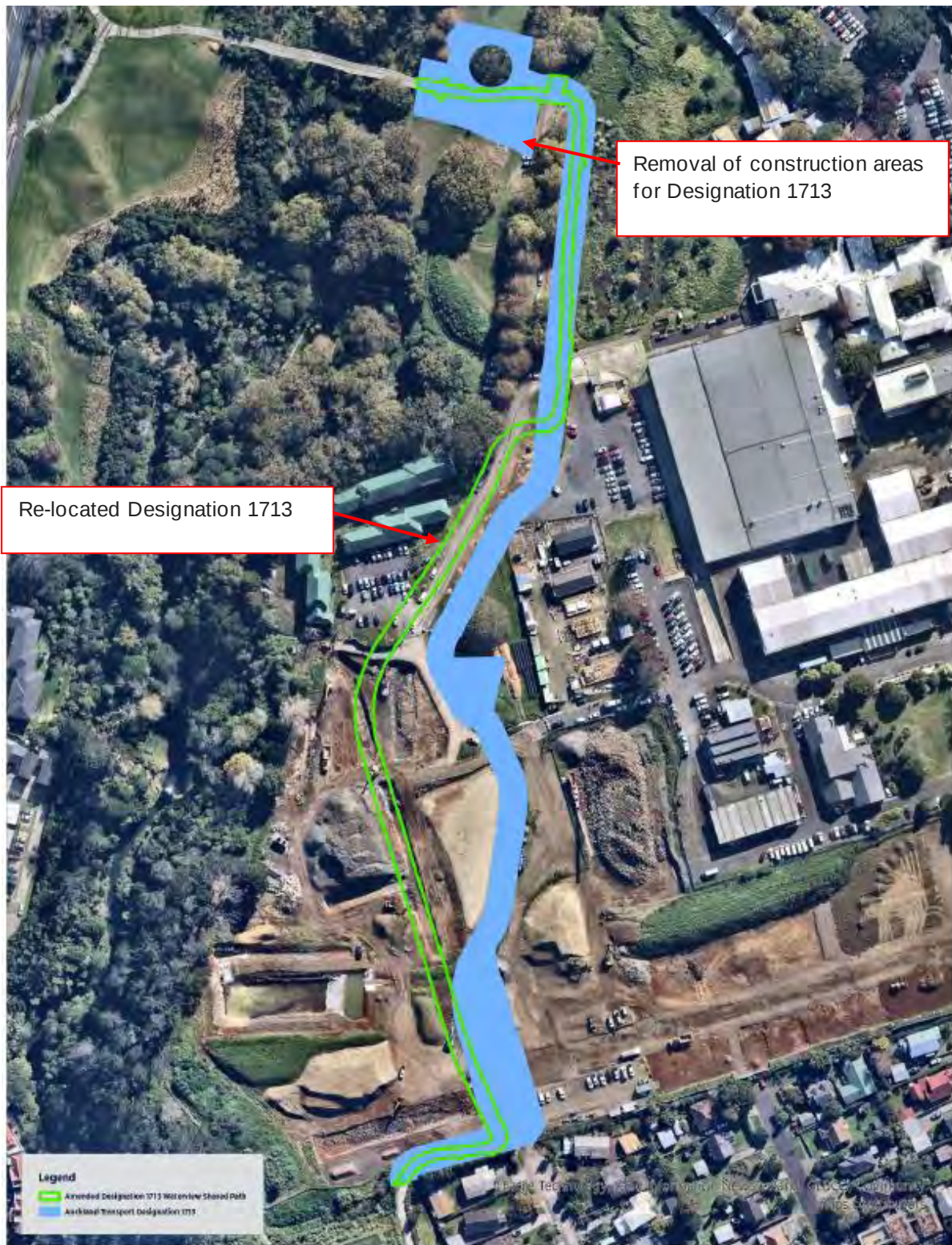


Figure 2: Alteration to Designation 1713

Reasons for the Alterations to Designation 1713

The minor alteration of Designation 1713 is required to align with the existing environment approved by resource consents obtained Ngāti Whātua Ōrākei. The relocation is to facilitate residential development on land surrounding the designation.

The re-location will move the path onto the extension of Laurel Street which is currently being constructed by Ngāti Whātua Ōrākei.

The alteration will move the existing Designation within the sites already subject to Designation 1713 (Titles 799989, 579605, 799990, 1195432, 1071371, 58981 and 58980).

Relevant Statutory Provisions

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(a) the alteration—

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(b) written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration; and

(c) both the territorial authority and the requiring authority agree with the alteration.

Effects of alteration to Designation 1713 are minor

The adverse environmental effects resulting from the alteration are considered to be nil as there are no physical works associated with this application. The alteration is to maintain Designation 1713 for operational purposes to match the existing environment, with Ngāti Whātua Ōrākei delivering the underlying works (approved and currently being constructed).

All directly affected landowners have provided their written approval. Any persons who use the Waterview Shared Path will not be affected as the path will remain open and useable until the time that the new path is in place.

Attachment 1 to this notice includes an Assessment of Environmental Effect which provides further detail.

Alteration to Designation 1713 involves a minor adjustment to the boundary of the designation

The alteration re-aligns the Waterview Shared Path over seven properties to reflect approved development and the extension of Laurel Street. The alteration and removal of parts of Designation 1713 by reduces the designation area by 5,967m² over the seven land parcels. As the changes re-locate the path within the same affected land parcels, the alteration is considered to be minor.

Consultation with directly affected parties

Consultation has been undertaken with Ngāti Whātua Ōrākei and HUD as the two landowners affected by the alteration. Written approval has been provided by these two parties. A copy of this approval is contained within **Attachment 2** to this Notice.

It is considered that Section 181(3)(b) has been satisfied and that written notice of the proposed alteration has been given to every owner of the land directly affected (being Ngāti Whātua Ōrākei and HUD) and that the owner and occupier agrees with the alteration.

Summary

The alteration and removal of parts of Designation 1713 are required to facilitate development around the Waterview Shared Path. The alteration affects seven properties already affected by the designation. The land owner has provided written consent to the alteration and the change in effects is considered to be nil.

AT requests that Auckland Council amends the AUP:OP accordingly as required by Sections 181 of the RMA.

Yours faithfully,

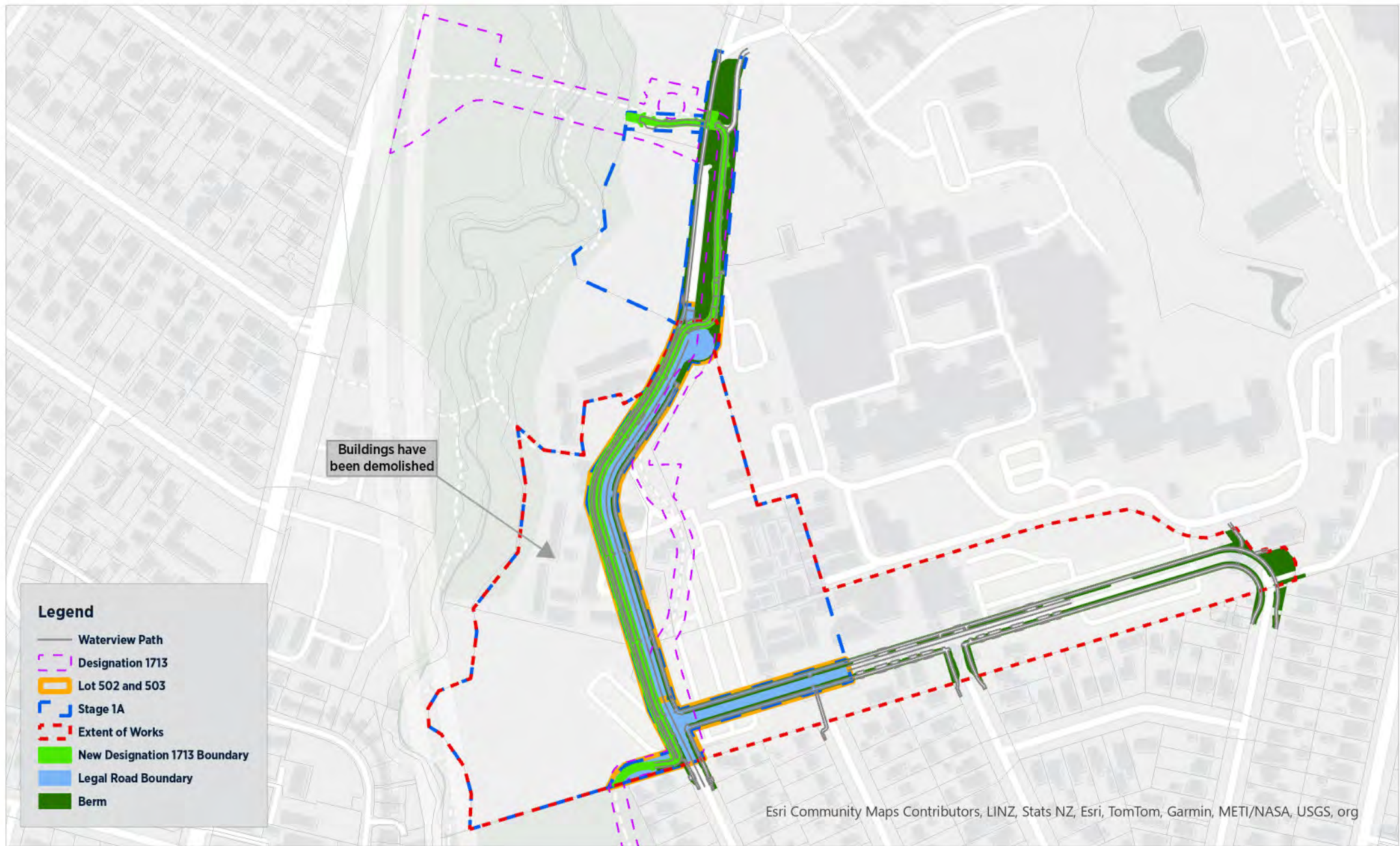
Phillip Lim

Group Manager Strategic Development Programmes and Property

Infrastructure and Place



Attachment Two – Updated Plans



This map/plan is illustrative only and all information should be independently verified on site before taking any action. Copyright Auckland Transport. Land Parcel Boundary information from LINZ (Crown Copyright Reserved). Whilst due care has been taken, Auckland Transport gives no warranty as to the accuracy and completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.

Designation 1713 Amendment Waterview Shared Path



Printed Date: 30/07/2025



Attachment Three – Records of Title



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy



R.W. Muir
Registrar-General
of Land

Identifier **1195432**
Land Registration District **North Auckland**
Date Issued 24 February 2025

Prior References

1017462 1071371

Estate Fee Simple
Area 2.3890 hectares more or less
Legal Description Lot 11 Deposited Plan 580984
Purpose State housing
Registered Owners
His Majesty the King

Interests

Excluding coal and other minerals contained in Deeds Index A2/130 and Deeds Index A2/131 (Affects part formerly Section 2 SO 493517)

Subject to Part IVA of the Conservation Act 1987 (Affects part formerly Section 2 SO 493517)

Subject to Section 11 of the Crown Minerals Act 1991 (Affects part formerly Section 2 SO 493517)

Appurtenant to part formerly Lot 1 DP 144585 and formerly part Allotment 33 Parish of Titirangi is a drainage right specified in Easement Certificate C247153.4 - 14.3.1991 at 2:43 pm

The easements specified in Easement Certificate C247153.4 are subject to Section 309 (1) (a) Local Government Act 1974

Subject to a drainage right over parts marked I & M on DP 580984 specified in Easement Certificate C247153.4 - 14.3.1991 at 2:43 pm

C491423.1 Subject to conditions pursuant to Section 461(1) Local Government Act 1974 and certifying that a private drain passes through and serves the within land - 22.6.1993 at 2.08 pm (Affects part formerly Lot 1 DP 156226)

Appurtenant to part formerly Lot 1 DP 156226 is a water supply right created by Transfer D036499.17 - 22.8.1996 at 10.40 am

Appurtenant to part formerly Lots 4 & 5 DP 314949 is a right of way and water supply, electricity and telecommunications easements created by Easement Instrument 5590341.13 - 19.5.2003 at 9:00 am

The easements created by Easement Instrument 5590341.13 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right of way and telecommunications easements over parts marked QC, OB, M & P and a water supply easement over parts marked WB, OB, X, M, I, P, YA & YB and a electricity supply easement over parts marked WB, YA, YB, I, X, QC, OB, M & P on DP 580984 created by Easement Instrument 5590341.13 - 19.5.2003 at 9:00 am

Subject to a water supply easement over parts marked WB, OB, X, M, I, P, YA & YB on DP 580984 created by Easement Instrument 5590341.14 - 19.5.2003 at 9:00 am

Appurtenant to formerly Part Allotments 32 and 33 Parish of Titirangi are water supply and electricity supply easements created by Easement Instrument 5590341.14 - 19.5.2003 at 9:00 am

The easements created by Easement Instrument 5590341.14 are subject to Section 243 (a) Resource Management Act 1991

Subject to a water supply easement over parts marked HK, HL, JC, JB, BY, NC, DZ, EA & H on DP 580984 created by Easement Instrument 5590341.15 - 19..2003 at 9:00 am

Appurtenant to part formerly Lots 4 & 5 DP 314949 is a water supply easement created by Easement Instrument 5590341.15 - 19.5.2003 at 9:00 am

The easement created by Easement Instrument 5590341.15 is subject to Section 243 (a) Resource Management Act 1991 7938135.1 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 16.9.2008 at 9:00 am (Affects part formerly Lot 2 DP 406935)

9889354.1 Certificate under section 148 of the Nga Mana Whenua o Tamaki Makaurau Collective Redress Act 2014 that the within land is RFR land as defined in section 118 and is subject to Subpart 1 of Part 4 of the Act (which restricts disposal, including leasing of the land) - 10.11.2014 at 7:00 am (Affects part formerly Lot 2 DP 406935)

9918192.1 Certificate under section 148 of the Nga Mana Whenua o Tamaki Makaurau Collective Redress Act 2014 that the within land is RFR land as defined in section 118 and is subject to Subpart 1 of Part 4 of the Act (which restricts disposal, including leasing of the land) - 5.12.2014 at 7:00 am (Affects part formerly Lots 4 & 5 DP 314949)

10818525.1 Compensation Certificate pursuant to Section 19 Public Works Act 1981 by Auckland Council - 13.6.2017 at 3:59 pm (Affects part formerly Section 2 SO 493517 & Lot 4 DP 314949)

11076921.4 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 9.4.2018 at 2:00 pm

Subject to a right of way and a water supply right and a right to convey electricity and telecommunications and a right to drain stormwater and wastewater over parts marked QC, QF, P, M, OB & WB on DP 580984 created by Easement Instrument 11076921.5 - 9.4.2018 at 2:00 pm

The easements created by Easement Instrument 11076921.5 are subject to Section 243 (a) Resource Management Act 1991

13058186.4 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 24.2.2025 at 12:40 pm





RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy



R.W. Muir
Registrar-General
of Land

Identifier **1071326**
Land Registration District **North Auckland**
Date Issued 30 June 2022

Prior References
799988

Estate Fee Simple
Area 13.4385 hectares more or less
Legal Description Section 1 Survey Office Plan 573867
Registered Owners
Te Pūkenga - New Zealand Institute of Skills and Technology

Interests

Excluding coal and other minerals contained in Deeds Index A2/130 and Deeds Index A2/131 (affects part formerly Section 2 SO 493517)

Subject to a right (in gross) to water supply over part marked BA and BB and drainage over part marked FA all on SO 573867 in favour of The Auckland Area Health Board created by Gazette Notice C001939.2 - 9.6.1989 at 11:48 am

Appurtenant to part formerly Lot 4 DP 314949 is a drainage right specified in Easement Certificate C247153.4 - 14.3.1991 at 2:43 pm

The easements specified in Easement Certificate C247153.4 are subject to Section 309 (1) (a) Local Government Act 1974
Appurtenant to part formerly Lot 4 DP 314949 is a water supply easement created by Easement Instrument 5495622.1 - 21.2.2003 at 9:00 am

Subject to a water supply & electricity supply easement over part marked YA on SO 573867 created by Easement Instrument 5590341.13 - 19.5.2003 at 9:00 am

Appurtenant to part formerly Lot 4 DP 314949 is a right of way, electricity, telecommunications & water supply easements created by Easement Instrument 5590341.13 - 19.5.2003 at 9:00 am

The easements created by Easement Instrument 5590341.13 are subject to Section 243 (a) Resource Management Act 1991
Subject to a water supply easement over part marked YA on SO 573867 created by Easement Instrument 5590341.14 - 19.5.2003 at 9:00 am

Appurtenant to part formerly Section 2 SO 493517 are water supply & electricity supply easements created by Easement Instrument 5590341.14 - 19.5.2003 at 9:00 am

The easements created by Easement Instrument 5590341.14 are subject to Section 243 (a) Resource Management Act 1991
Subject to a water supply easement over parts marked JA , JB, BA, and BB on SO 573867 created by Easement Instrument 5590341.15 - 19.5.2003 at 9:00 am

Appurtenant to part formerly Lot 4 DP 314949 is a water supply easement created by Easement Instrument 11076921.3 - 9.4.2018 at 2:00 pm

The easement created by Easement Instrument 5590341.15 is subject to Section 243 (a) Resource Management Act 1991

7938135.1 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 16.9.2008 at 9:00 am (affects part formerly Section 2 SO 493517)

9889354.1 Certificate under section 148 of the Nga Mana Whenua o Tamaki Makaurau Collective Redress Act 2014 that the within land is RFR land as defined in section 118 and is subject to Subpart 1 of Part 4 of the Act (which restricts disposal, including leasing of the land) - 10.11.2014 at 7:00 am (affects part formerly Section 2 SO 493517)

9918192.1 Certificate under section 148 of the Nga Mana Whenua o Tamaki Makaurau Collective Redress Act 2014 that the within land is RFR land as defined in section 118 and is subject to Subpart 1 of Part 4 of the Act (which restricts disposal, including leasing of the land) - 5.12.2014 at 7:00 am (affects parts formerly Lot 1 DP 152034 and Lot 4 DP 314949)

9918485.1 Certificate under section 148 of the Nga Mana Whenua o Tamaki Makaurau Collective Redress Act 2014 that the within land is RFR land as defined in section 118 and is subject to Subpart 1 of Part 4 of the Act (which restricts disposal, including leasing of the land) - 5.12.2014 at 7:00 am (affects part formerly Part Allotment 33 Parish of Titirangi contained in NA88C/318 and NA88C/325)

Subject to Section 11 of the Crown Minerals Act 1991 (affects part formerly Section 2 SO 493517)

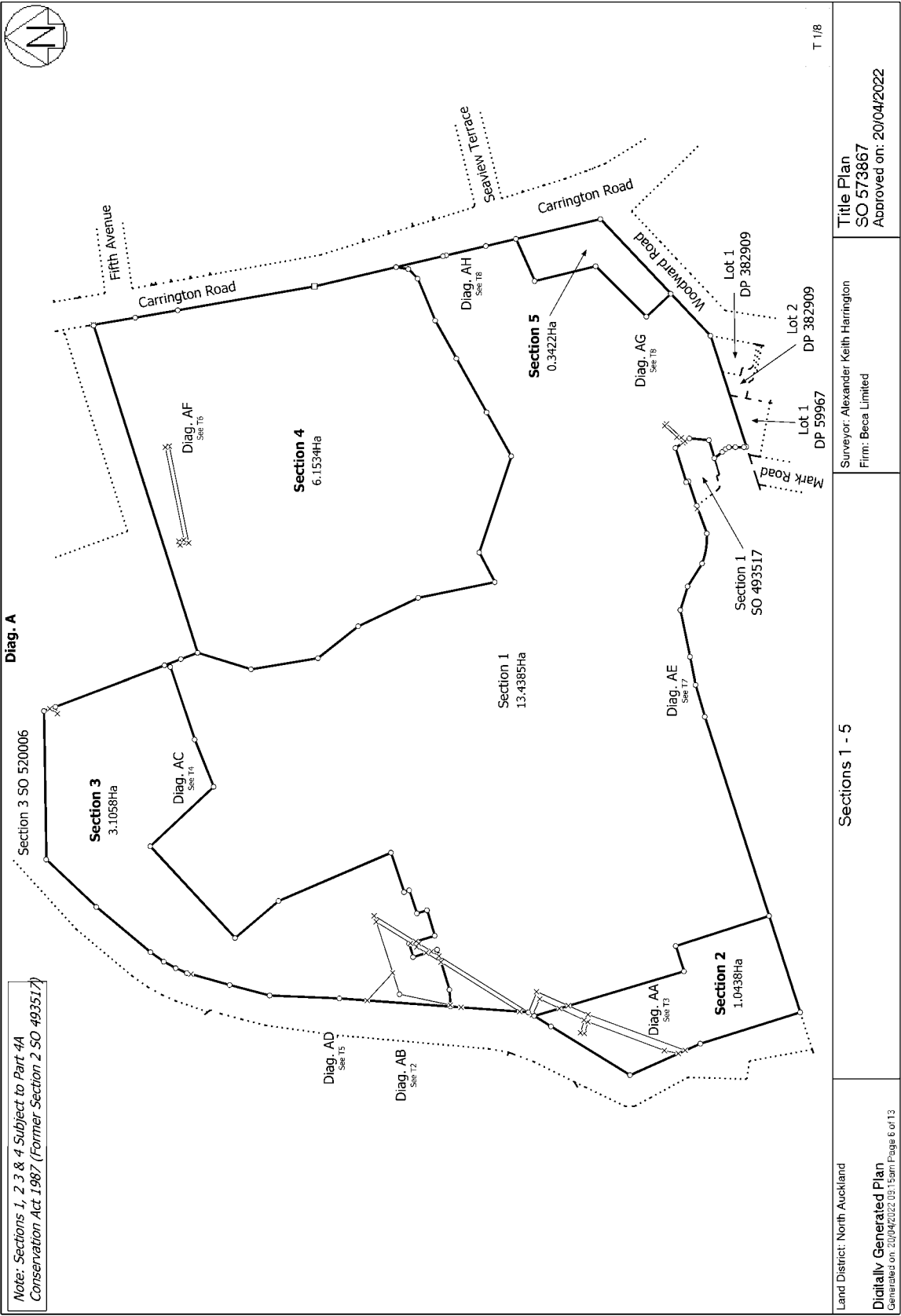
Subject to Part IVA of the Conservation Act 1987 (affects part formerly Section 2 SO 493517)

10743528.1 Encumbrance to Her Majesty the Queen - 28.3.2017 at 7:00 am (affects part formerly Section 2 SO 493517)

Subject to a right to drain water over parts marked SS & TT and a right of way (pedestrian) over part marked KB, all on SO 573867 created by Easement Instrument 10743528.2 - 28.3.2017 at 7:00 am

10818525.1 Compensation Certificate pursuant to Section 19 Public Works Act 1981 by Auckland Council - 13.6.2017 at 3:59 pm (affects parts formerly Lot 4 DP 314949 and Section 2 SO 493517)

11076921.4 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 9.4.2018 at 2:00 pm



Attachment C:

Assessment of Environmental Effects s181 RMA Minor Alteration to Waterview Shared Path - Designation 1713, prepared by Auckland Transport dated March 2025.



Assessment of Environmental Effects

S181 RMA Minor Alteration to Waterview Shared Path – Designation 1713

1. Document purpose

This Assessment of Environment Effects (**AEE**) covers the proposed alteration and removal of sections of the Designation 1713 – Waterview Shared Path (**the Proposal**). Auckland Transport (**AT**) has partnered with Ngāti Whātua Ōrākei to alter Designation 1713 to facilitate development and approved resource consents on the surrounding land.

1.1 Preparation and quality assurance

This AEE has been prepared in accordance with section 181 of the Resource Management Act 1991 (**RMA**). Any sections of legislation noted in this AEE refer to the RMA.

Role	Name and title	Date	Signature
Author	Hannah Miln Principal Planner	April 2025	
Reviewer	Patrick Buckley Spatial Planning Policy Advice Manager	April 2025	

2. Application details

2.1 Details of site and works proposed

Applicant	Auckland Transport
Location	26 Rhodes Avenue, Mount Albert 36 Laurel Street, Mount Albert 127 Carrington Road, Mount Albert 1 Carrington Road, Mount Albert 131 Carrington Road, Mount Albert 121 Carrington Road, Mount Albert 123 Carrington Road, Mount Albert
Legal description	Lot 2 DP 515012 Sec 348 SO 434446 Lot 3 DP 515012 Lot 11 DP 580984 Section 2 SO 573867 Lot 3 DP 314949 Lot 2 DP 314949 See titles in Appendix A.
Description of activity	Re-locate part of Designation 1713 west of its current alignment in accordance with approved developments and remove construction areas of Designation 1713. Plans are located in Appendix A.

2.2 Introduction

Designation 1713 (the designation) is an existing Auckland Transport (AT) designation in the Auckland Unitary Plan (Operative in Part) 2016 (**AUP**). The designations purpose is to construct, operate and maintain the Waterview Walking and Cycling Facility. The designation runs between Avondale, Waterview and Mount Albert suburbs, refer to **Figure 1** below showing the extent of the designation:



Figure 1: Existing Designation 1713 within the AUP

AT is a Requiring Authority (**RA**) under section 167 of the Resource Management Act (**RMA**). This assessment only applies to the proposed alteration of Designation 1713.

2.3 Minor alteration of Designation 1713

Construction of the Waterview Shared Path was completed in 2017 and the designation now applies for the operation and maintenance of the shared path. During the Public Works Act 1981 (**PWA**) negotiation stage for the Designation, an agreement was made with landowners that the Designation would be altered in future to facilitate development of the surrounding land. In 2023 Ngāti Whātua Ōrākei Whai Rawa Ltd (**Ngāti Whātua Ōrākei**) obtained a s176 approval from AT to re-locate a portion of the Waterview Shared Path to facilitate development on the surrounding land. As a result, AT in partnership with Ngāti Whātua Ōrākei are altering a section of the

Waterview Shared Path affecting seven parcels of land to facilitate development, along with removing construction areas of Designation 1713 at these locations.

AT is seeking to alter and remove parts of Designation 1713, moving it west of the current location by 40m at the greatest point. The new location will be adjoining the extension of Laurel Street that is currently being undertaken by Ngāti Whātua Ōrākei, the extension being authorised by approved consents and to be vested as road. No new landowners are affected and the altered Designation will be contained within the same land parcels as it's current location. The altered shared path facilities will be upgraded into a separated footpath and bi-directional cycle lane. The new designation boundary compared to the existing boundary is shown in **Figure 2**, with Plans shown in **Appendix B**.

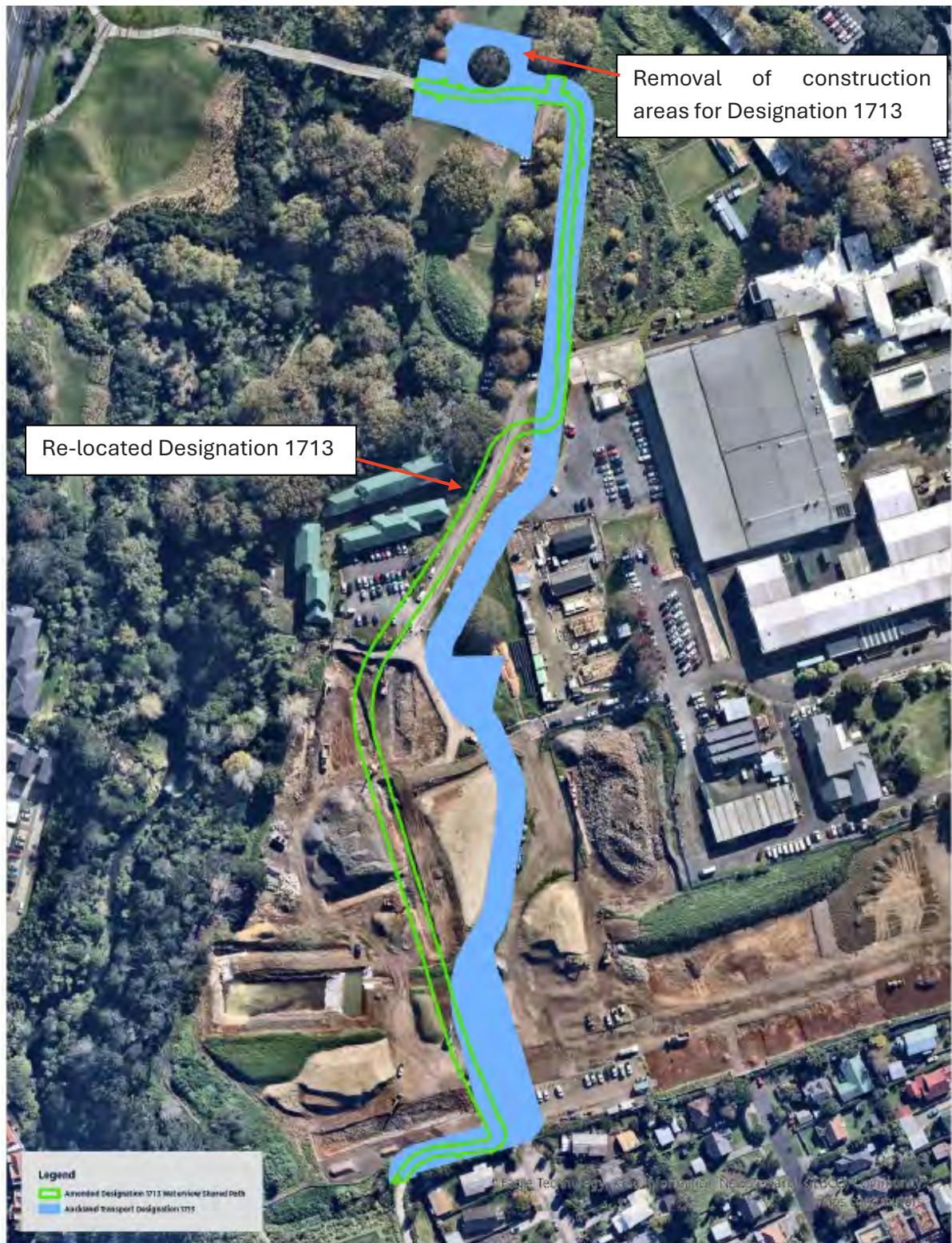


Figure 2: Existing Designation 1713 (blue) and altered Designation 1713 location (green)

Ngāti Whātua Ōrākei are undertaking all the physical works on the site and have gained the necessary resource consents to undertake this development. The consent for the works was approved under the COVID-19 Recovery (Fast-Track Consenting) Act 2020, titled ‘Unitec Residential Development – Wairaka Stage 1’ which was approved on 3 May 2023 (the **Fast Track Application**), the decision is contained in **Appendix C**. Further consent has been approved on 3

May 2024 (BUN60419728 & SUB60419729) to create and vest land parcels containing the Waterview Shared Path with Auckland Council (see **Appendix C**). Works to implement the resource consents are already underway, refer to **Figure 3**. It is considered that this resource consent and associated works form part of the existing environment



Figure 3: Laurel Street extension - Waterview Shared Path proposed re-location on west (red)

The existing designation over these seven land parcels covers an area of 9,781m² and the proposed alteration/removal of the designation will cover an area of 3,813m², a reduction of 5,967m² (61%) of the original land area.

No physical works are required or will be undertaken as a result of this s181 application as the designation is for operation and maintenance over the existing environment.

Sites affected by proposed alteration of Designation 1713

The sites affected by the alteration of Designation 1713 are listed in **Table 1** below. Copies of the Certificates of title are contained within **Appendix A**.

Table 1: Properties subject to altering Designation 1713

Address	Legal Description	Certificate of Title	Landowner
26 Rhodes Avenue, Mount Albert	Lot 2 DP 515012	799989	Her Majesty the Queen
36 Laurel Street, Mount Albert	Sec 348 SO 434446	579605	Whai Rawa Development LP
131 Carrington Road, Mount Albert	Section 2 SO 573867	1071371	Her Majesty the Queen
121 Carrington Road, Mount Albert	Lot 3 DP 314949	58981	Whai Rawa Property Holdings LP
123 Carrington Road, Mount Albert	Lot 2 DP 314949	58980	Whai Rawa Property Holdings LP
127 Carrington Road, Mount Albert	Lot 3 DP 515012	799990	Her Majesty the Queen
1 Carrington Road, Mount Albert	Lot 11 DP 580984	1195432	Her Majesty the Queen

Consultation has been undertaken with Ministry of Housing and Urban Development (**HUD**) on behalf of the Crown and Ngāti Whātua Ōrākei as the only landowners affected by the alteration to the designation footprint. Written approval has been provided and can be found in **Appendix C**. As physical works have already been consented and are currently being constructed, no additional consultation has been undertaken.

2.4 Planning restrictions applying to site

Zone(s)	• Residential – Mixed Housing Urban • Residential – Terrace Housing and Apartment Building • Special Purpose – Tertiary Education
Overlays	• Natural Resources: Quality-Sensitive Aquifer Management Areas Overlay [rp] – Auckland Isthmus Volcanic • Natural Heritage: Regionally Significant Volcanic Viewshafts and Height Sensitive Areas Overlay [rcp/dp] – A13, Mount Albert, Viewshafts • Natural Heritage: Notable Trees Overlay – 173, Titoki, Brazilian Coral (3), Jacaranda, Maidenhair Tree • Natural Resources: Significant Ecological Areas Overlay – SEA_T_6008, Terrestrial • Historic Heritage and Special Character: Historic Heritage Overlay Extent of Place [rcp/dp] – 1618, Oakley Hospital Main Building • Historic Heritage and Special Character: Historic Heritage Overlay Extent of Place [rcp/dp] – 1583, Oakley Creek historic landscape, including stone walls, mill site, historic bridge, Maori occupation site, and karaka trees
Controls	• Macroinvertebrate Community Index – Urban • Macroinvertebrate Community Index – Native
Precincts	• Wairaka • Wairaka sub-precinct C
Designations	• Designation 1713 – Waterview Shared Path, Auckland Transport • Designation 6728 – State Highway 20, New Zealand Transport Agency
Hazards	• Flood plain • Overland Flow Paths – 3ha to 100ha, 1ha to 3ha, 4000m² to 1ha and 2000m² to 4000m² • Coastal Inundation (ARI) • Low wind zone

2.5 Reason for minor alteration to designation

The following assessment only applies to the alteration to re-locate Designation 1713 west of its current location over titles 799989, 579605, 1071371, 58981, 58980, 799990 and 1195432.

An approved resource consent has been obtained for all works associated with establishing the new location of Designation 1713, and physical works are currently being undertaken. The

physical works associated with the new location of the Waterview Shared Path form the existing environment, and this application is the legal exercise for the operational designation boundary to match the existing physical environment.

As no works are being undertaken with this application, no resource consents are triggered under the AUP.

2.6 Permitted activities

As no works are being undertaken with this application, no permitted activities apply under the AUP.

3. Assessment of environmental effects

This assessment considers the effects of altering Designation 1713 west of the current location, as shown in figure 2.

3.1 Positive effects

The removal and re-location of Designation 1713 facilitates the development and intensification of surrounding land parcels. The re-located designation will be located within an extension of Laurel Street which is currently under construction and will be vested with Auckland Council / Auckland Transport.

3.2 Other effects

As no works are associated with moving Designation 1713 and no reasons for consent are triggered, it is considered that there are no effects associated with amenity, archaeology, construction, stormwater, earthworks and contamination etc. All underlying works have been assessed and approved by the Unitec Residential Development – Wairaka Stage 1 Fast Track consent approved on 3 May 2023 and BUN60419728 & SUB60419729 approved on 3 May 2024 included in **Appendix C**.

3.3 Summary of effects

As there are no physical works associated with this application, there are no adverse effects on the environment. The designation is being moved to retain operational requirements and to align with the existing environment. There are positive effects associated with moving Designation 1713, which include facilitating residential development around the designation.

3.4 Section 181 of the RMA

Section 181(1) of the RMA allows a requiring authority to at any time give notice to the territorial authority of its requirement to alter the designation.

Section 181(3) of the RMA states a territorial authority may at any time alter a designation in its district plan if:

(a) the alteration—

(i) involves no more than a minor change to the effects on the environment associated with the use or proposed use of land or any water concerned; or

(ii) involves only minor changes or adjustments to the boundaries of the designation or requirement; and

(b) written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration; and

(c) both the territorial authority and the requiring authority agree with the alteration—

The assessment of effects concludes that the effects on the environment associated by moving the designation boundary are nil, as all physical works required to enable this change have already been consented and are currently underway. Any adverse effects have been appropriately managed and mitigated through this process. It is considered that s181(3)(a)(i) is satisfied.

The change to Designation 1713 is considered to be minor as it is located within the same affected land parcels, is moving to match the existing environment, will be located on a vested road and tie into the existing path alignment to the north and south, does not include any physical works and will decrease (reduce the impact) of the designation by 5,967m². It is considered the application aligns with Section 181(3)(a)(ii).

Written notice (in agreement) has been provided by every owner (Ngāti Whātua Ōrākei Whai Rawa and the Ministry of Housing and Urban Development for the Crown) of the land directly affected by the amendments to the designation (**Appendix D**). It is considered that s181(3)(b) is satisfied.

It is anticipated that on that basis, Auckland Council as the territorial authority and Auckland Transport as the requiring authority will agree with the alteration and that s181(3)(c) can be satisfied.

4. Conclusion

The alteration to Designation 1713 utilising s181(1) of the RMA is reasonably necessary to ensure the continued operation and maintenance of the Waterview Shared Path and ensure it matches the existing environment. The change will also facilitate residential development.

The adverse effects on the environment are considered to be nil as there are no physical works associated with this application and the designation is being moved to retain operation requirements in agreement with affected landowners.

Designation alteration is on land that is owned by Ngāti Whātua Ōrākei Whai Rawa and HUD. Written approval has been obtained by both parties for the alteration. There are no other directly affected parties.

AT seeks that the alteration is confirmed and the shape file within the AUP is updated as anticipated in s181(3) of the RMA as the relevant tests of Section 181(3) have been met as outlined in previous sections of this report.

Appendix A

Certificate of Title



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**



R.W. Muir
Registrar-General
of Land

Identifier **58980**
Land Registration District **North Auckland**
Date Issued 19 May 2003

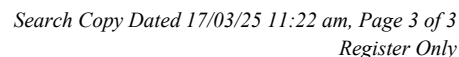
Prior References

NA129A/860 NA139B/956

Estate Fee Simple
Area 7718 square metres more or less
Legal Description Lot 2 Deposited Plan 314949
Registered Owners
Whai Rawa Property Holdings LP

Interests

Appurtenant hereto is a drainage right specified in Easement Certificate C247153.4 - 14.3.1991 at 2:43 pm(affects part)
The easements specified in Easement Certificate C247153.4 are subject to Section 309 (1) (a) Local Government Act 1974
Appurtenant hereto are electricity and gas rights created by Transfer D036499.16 - 22.8.1996 at 10.40 am(affects part)
Appurtenant hereto are water supply rights created by Transfer D036499.17 - 22.8.1996 at 10.40 am(affects part)
Appurtenant hereto is a water supply easement created by Easement Instrument 5495622.1 - 21.2.2003 at 9:00 am(affects part)
5590341.6 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 19.5.2003 at 9:00 am
5590341.7 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 19.5.2003 at 9:00 am
Appurtenant hereto is a right of way, electricity, telecommunications & water supply easements created by Easement Instrument 5590341.13 - 19.5.2003 at 9:00 am
The easements created by Easement Instrument 5590341.13 are subject to Section 243 (a) Resource Management Act 1991
Appurtenant hereto is a water supply easement created by Easement Instrument 5590341.15 - 19.5.2003 at 9:00 am
The easement created by Easement Instrument 5590341.15 is subject to Section 243 (a) Resource Management Act 1991
10055951.6 Mortgage to Bank of New Zealand - 25.5.2015 at 4:12 pm
10960876.1 Variation of Mortgage 10055951.6 - 5.12.2017 at 5:36 pm





RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy



R.W. Muir
Registrar-General
of Land

Identifier **58981**
Land Registration District **North Auckland**
Date Issued 19 May 2003

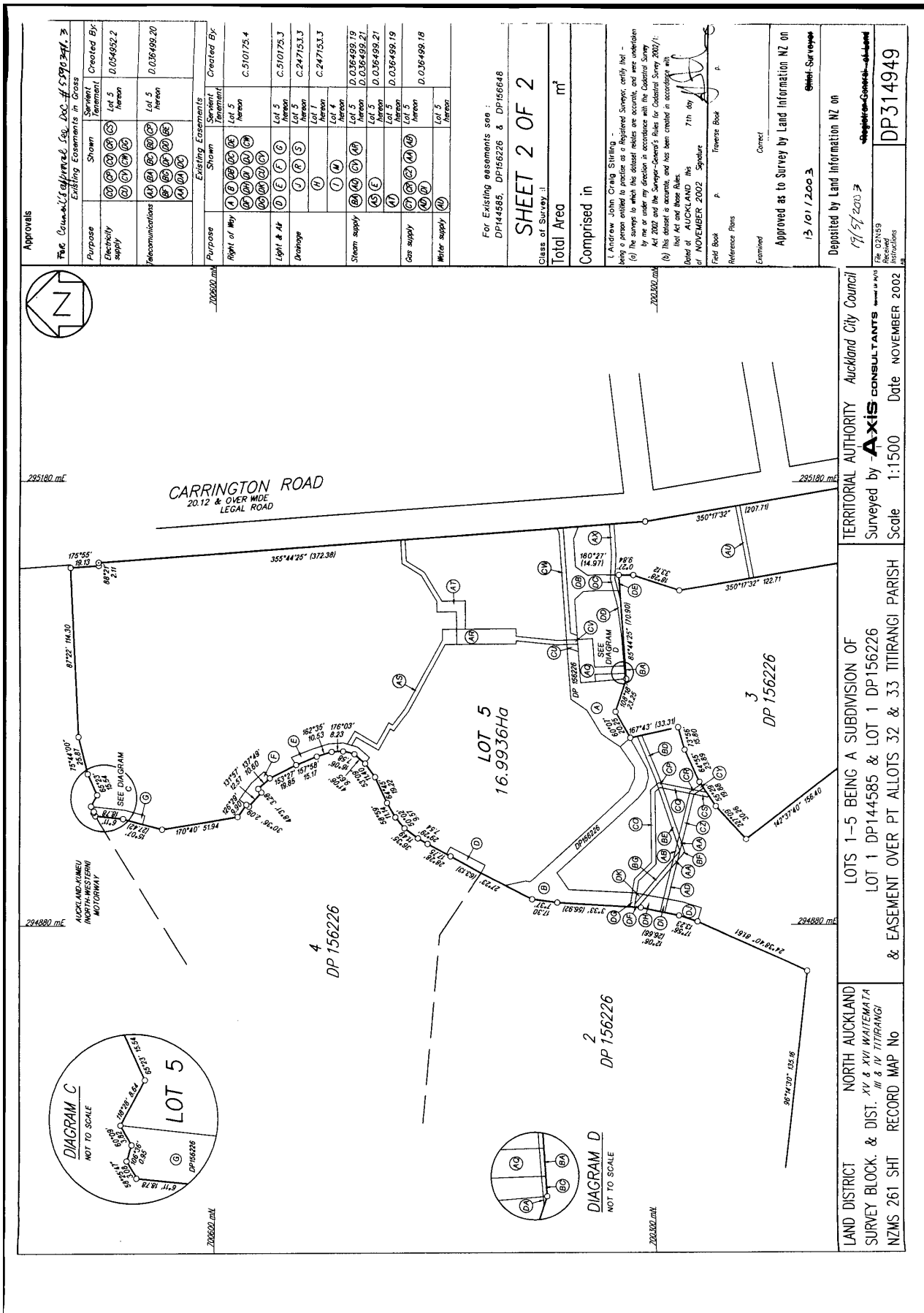
Prior References

NA129A/860 NA139B/956

Estate Fee Simple
Area 8604 square metres more or less
Legal Description Lot 3 Deposited Plan 314949
Registered Owners
Whai Rawa Property Holdings LP

Interests

Appurtenant hereto is a drainage right specified in Easement Certificate C247153.4 - 14.3.1991 at 2:43 pm(affects part)
The easements specified in Easement Certificate C247153.4 are subject to Section 309 (1) (a) Local Government Act 1974
Appurtenant hereto are electricity and gas rights created by Transfer D036499.16 - 22.8.1996 at 10.40 am(affects part)
Appurtenant hereto are water supply rights created by Transfer D036499.17 - 22.8.1996 at 10.40 am(affects part)
Appurtenant hereto is a water supply easement created by Easement Instrument 5495622.1 - 21.2.2003 at 9:00 am(affects part)
5590341.6 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 19.5.2003 at 9:00 am
5590341.7 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 19.5.2003 at 9:00 am
Appurtenant hereto is a right of way, electricity, telecommunications & water supply easements created by Easement Instrument 5590341.13 - 19.5.2003 at 9:00 am
The easements created by Easement Instrument 5590341.13 are subject to Section 243 (a) Resource Management Act 1991
Appurtenant hereto is a water supply easement created by Easement Instrument 5590341.15 - 19.5.2003 at 9:00 am
The easement created by Easement Instrument 5590341.15 is subject to Section 243 (a) Resource Management Act 1991
10055951.6 Mortgage to Bank of New Zealand - 25.5.2015 at 4:12 pm
10482469.1 Compensation Certificate pursuant to Section 19 Public Works Act 1981 by Auckland Council - 28.6.2016 at 1:49 pm
10960876.1 Variation of Mortgage 10055951.6 - 5.12.2017 at 5:36 pm





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R.W. Muir
Registrar-General
of Land

Identifier **579605**
Land Registration District **North Auckland**
Date Issued 07 March 2012

Prior References
424413

Estate Fee Simple
Legal Description Section 348 Survey Office Plan 434446
Registered Owners
Whai Rawa Development LP

Interests

FOR AREA SEE SO 434446

Appurtenant hereto are water supply & electricity supply easements created by Easement Instrument 5590341.14 - 19.5.2003 at 9:00 am

The easements created by Easement Instrument 5590341.14 are subject to Section 243 (a) Resource Management Act 1991 7938135.1 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 16.9.2008 at 9:00 am

Subject to Part IVA Conservation Act 1987

Subject to Section 11 Crown Minerals Act 1991

8625652.1 Notice pursuant to Section 18 Public Works Act 1981 - 1.11.2010 at 7:00 am

9003108.1 Land Covenant in Gazette Notice 9003108.1 - 7.3.2012 at 7:00 am

9187772.2 Heritage Covenant pursuant to Section 8 Historic Places Act 1993 - 19.9.2012 at 6:33 pm

10055951.6 Mortgage to Bank of New Zealand - 25.5.2015 at 4:12 pm

10482469.1 Compensation Certificate pursuant to Section 19 Public Works Act 1981 by Auckland Council - 28.6.2016 at 1:49 pm

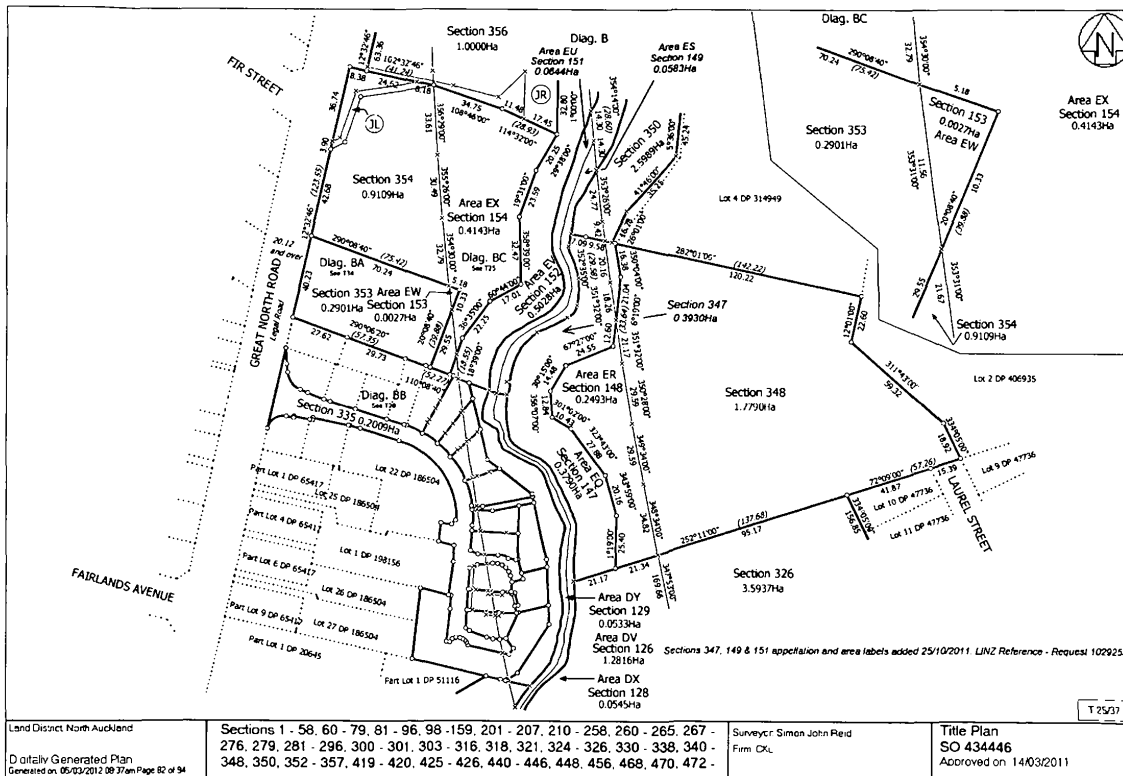
10960876.1 Variation of Mortgage 10055951.6 - 5.12.2017 at 5:36 pm

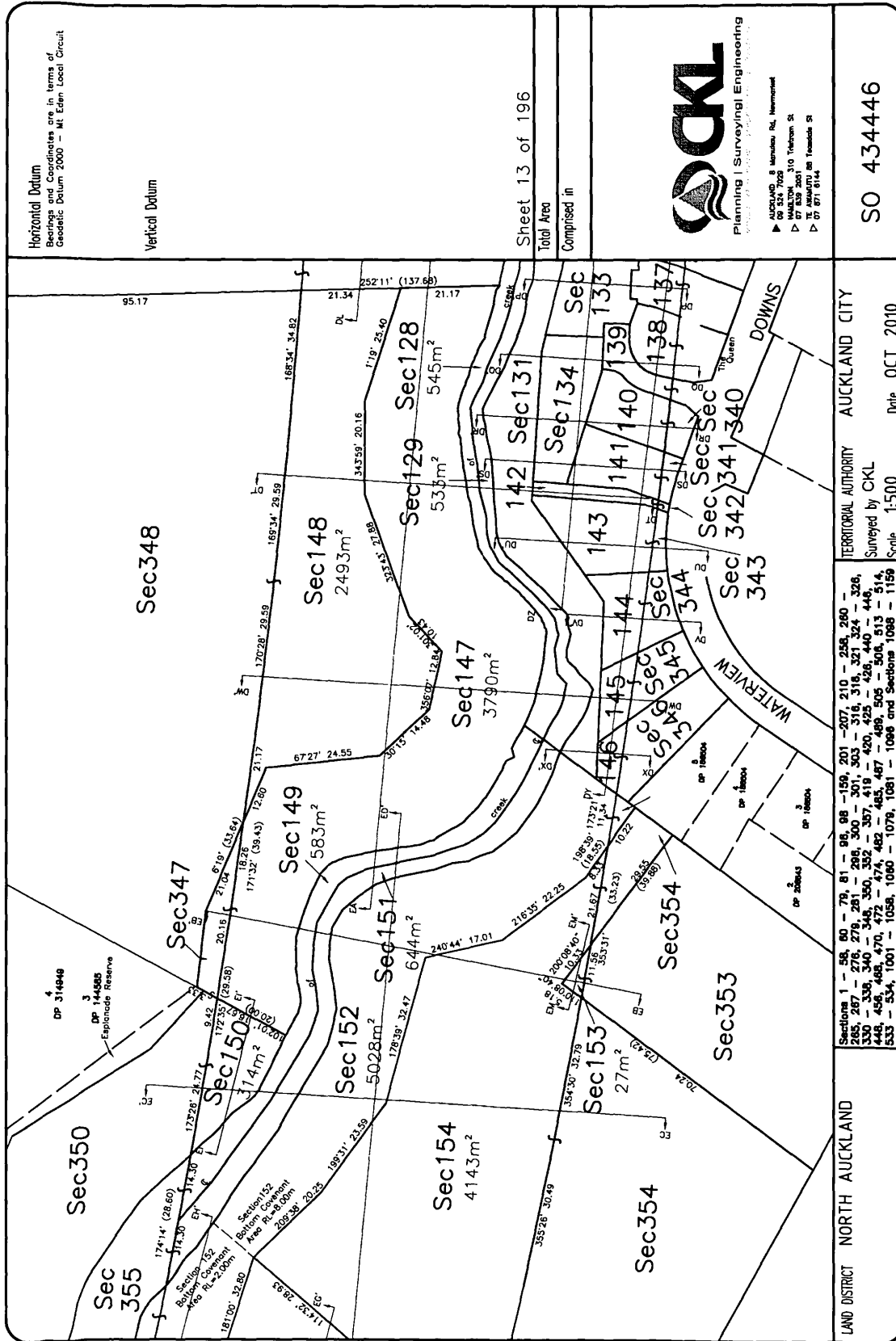
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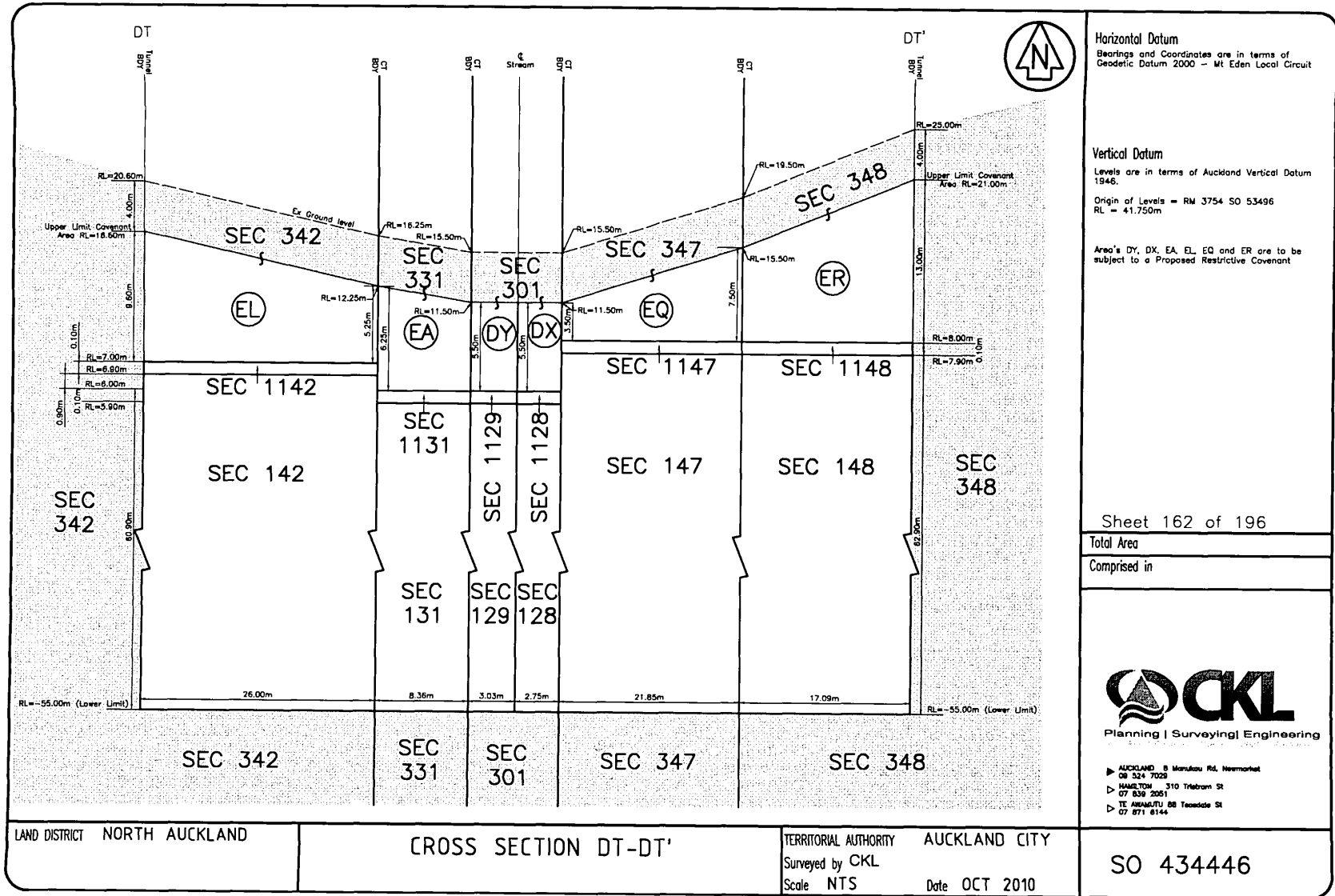
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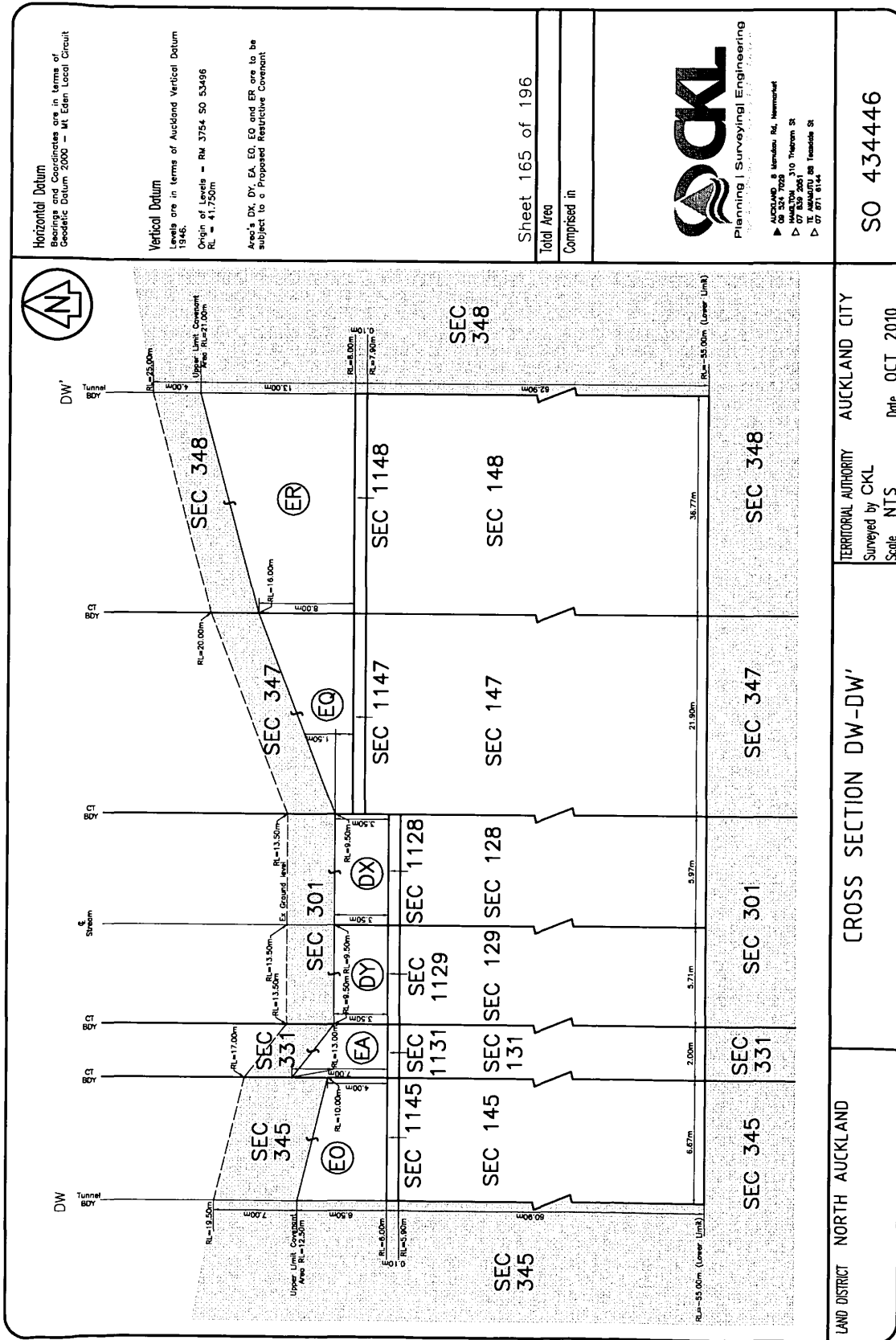


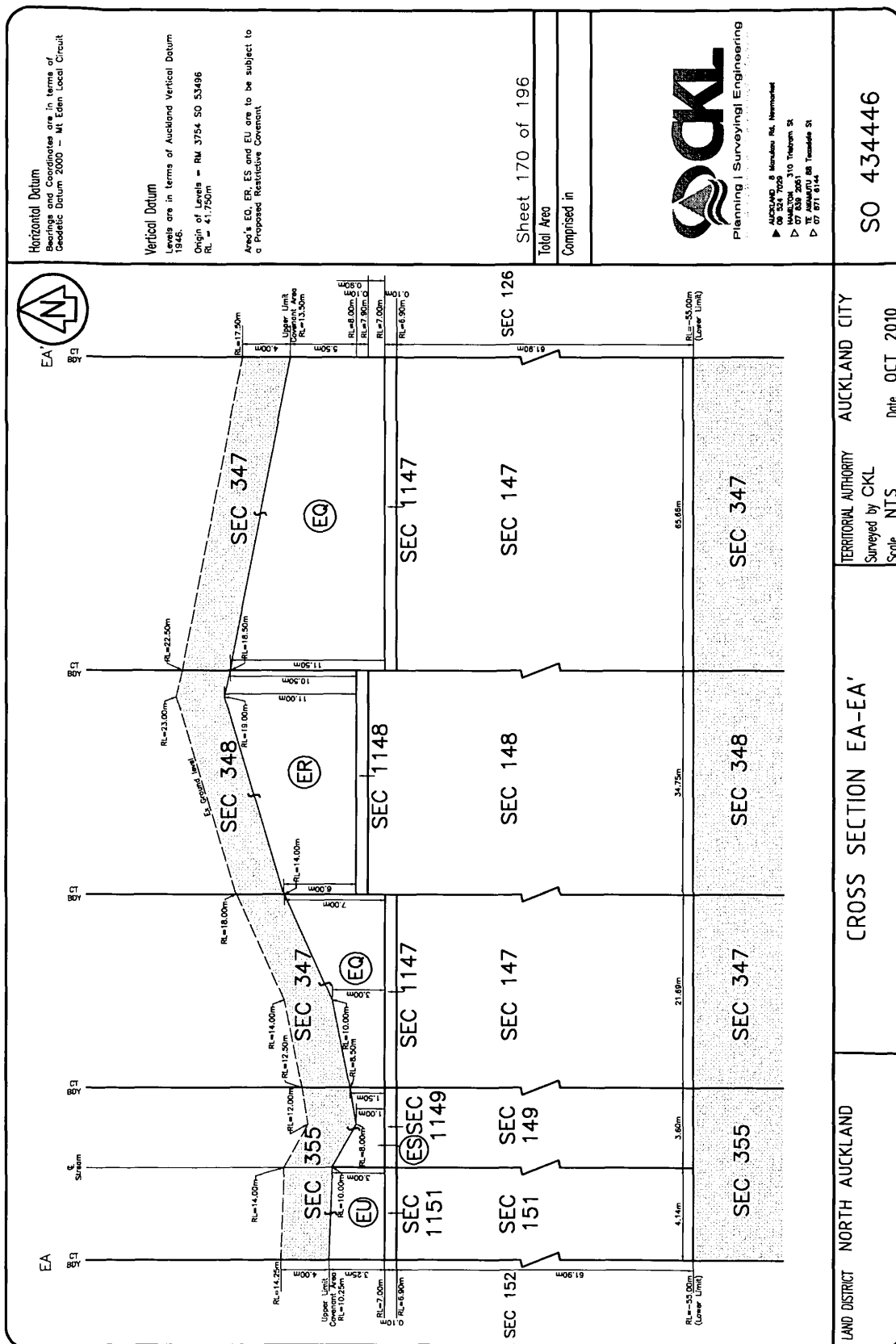
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RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy



R.W. Muir
Registrar-General
of Land

Identifier **799989**
Land Registration District **North Auckland**
Date Issued 09 April 2018

Prior References

783985 NA88C/325

Estate Fee Simple
Area 3.6655 hectares more or less
Legal Description Lot 2 Deposited Plan 515012
Purpose State Housing

Registered Owners

Her Majesty the Queen

Interests

Excluding coal and other minerals contained in Deeds Index A2/131 (affects part formerly Section 2 SO 493517)

Appurtenant to part formerly Section 2 SO 493517 are water supply & electricity supply easements created by Easement Instrument 5590341.14 - 19.5.2003 at 9:00 am

The easements created by Easement Instrument 5590341.14 are subject to Section 243 (a) Resource Management Act 1991 7938135.1 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 16.9.2008 at 9:00 am (affects part formerly Section 2 SO 493517)

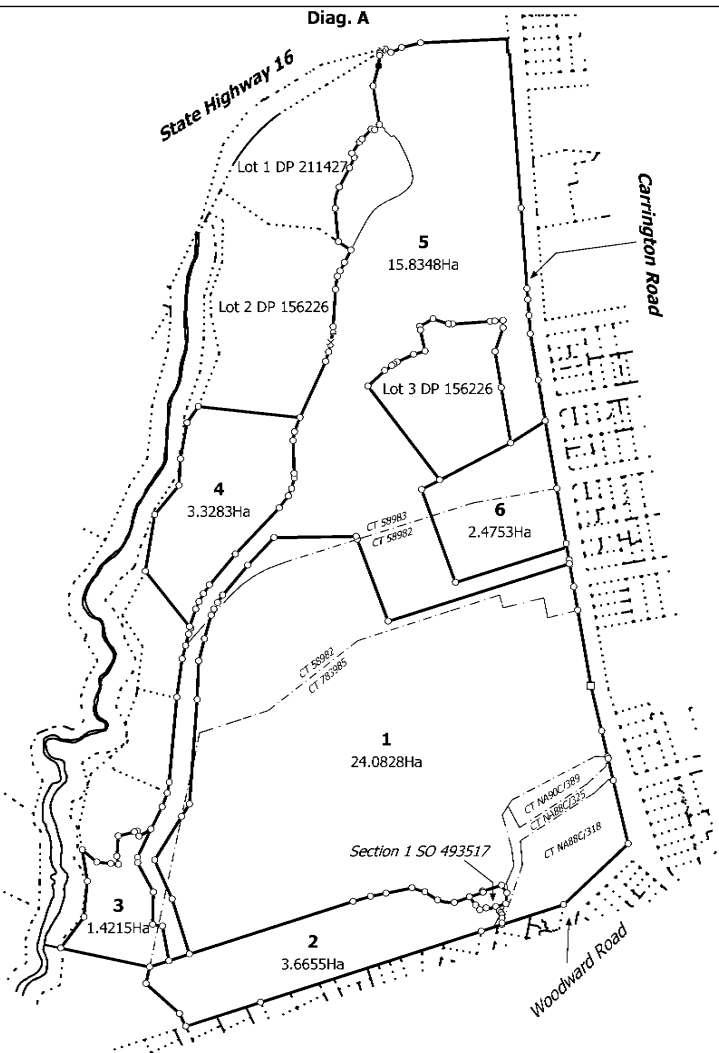
9889354.1 Certificate under section 148 of the Nga Mana Whenua o Tamaki Makaurau Collective Redress Act 2014 that the within land is RFR land as defined in section 118 and is subject to Subpart 1 of Part 4 of the Act (which restricts disposal, including leasing of the land) - 10.11.2014 at 7:00 am (affects part formerly Section 2 SO 493517)

9918485.1 Certificate under section 148 of the Nga Mana Whenua o Tamaki Makaurau Collective Redress Act 2014 that the within land is RFR land as defined in section 118 and is subject to Subpart 1 of Part 4 of the Act (which restricts disposal, including leasing of the land) - 5.12.2014 at 7:00 am (affects part formerly Part Allotment 33 Parish of Titirangi contained in NA88C/325)

Subject to a right to drain sewage over parts marked LL & NN, right to convey electricity, telecommunications and computer media over parts marked LL & MM, right to convey water over parts marked OO & PP, right of way (pedestrian) over part marked KA and a right of way (vehicle) over parts marked QQ & RR, all on DP 515012 created by Easement Instrument 10743528.2 - 28.3.2017 at 7:00 am

10818525.1 Compensation Certificate pursuant to Section 19 Public Works Act 1981 by Auckland Council - 13.6.2017 at 3:59 pm (affects part formerly Section 2 SO 493517)

11076921.4 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 9.4.2018 at 2:00 pm



T 1/19

Land District: North Auckland

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Generated on: 22/11/2017 1:09pm Page 10 of 28

Lots 1 - 6 Being a Subdivision of Lot 1 DP 152034, Lot 2 DP 211427, Lots 4 & 5 DP 314949, Section 2 SO 493517, Pt Allotment 33 Parish of Titirangi & Pt Allotment 33 Parish of Titirangi

Surveyor: Mingo Alexander Innes
Firm: Calibre Consulting Limited

Title Plan
LT 515012
Approved on: 22/11/2017



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FREEHOLD
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R.W. Muir
Registrar-General
of Land

Identifier **799990**
Land Registration District **North Auckland**
Date Issued 09 April 2018

Prior References

58982 783985

Estate Fee Simple
Area 1.4215 hectares more or less
Legal Description Lot 3 Deposited Plan 515012
Purpose State Housing
Registered Owners
Her Majesty the Queen

Interests

Excluding coal and other minerals contained in Deeds Index A2/131 (affects part formerly Section 2 SO 493517)

Appurtenant to part formerly Lot 4 DP 314949 is a drainage right specified in Easement Certificate C247153.4 - 14.3.1991 at 2:43 pm

The easements specified in Easement Certificate C247153.4 are subject to Section 309 (1) (a) Local Government Act 1974

Appurtenant to part formerly Lot 4 DP 314949 is a right of way, electricity, telecommunications & water supply easements created by Easement Instrument 5590341.13 - 19.5.2003 at 9:00 am

Subject to a right of way, electricity supply & telecommunications easements over parts marked OA & OC, water supply easement over parts marked WA, OA, OC & V and electricity supply easement over parts marked XC & WA, all on DP 515012 created by Easement Instrument 5590341.13 - 19.5.2003 at 9:00 am

The easements created by Easement Instrument 5590341.13 are subject to Section 243 (a) Resource Management Act 1991

Subject to a water supply easement over parts marked V, WA, OA & OC on DP 515012 created by Easement Instrument 5590341.14 - 19.5.2003 at 9:00 am

Appurtenant to part formerly Section 2 SO 493517 are water supply & electricity supply easements created by Easement Instrument 5590341.14 - 19.5.2003 at 9:00 am

The easements created by Easement Instrument 5590341.14 are subject to Section 243 (a) Resource Management Act 1991

Appurtenant to part formerly Lot 4 DP 314949 is a water supply easement created by Easement Instrument 5590341.15 - 19.5.2003 at 9:00 am

The easement created by Easement Instrument 5590341.15 is subject to Section 243 (a) Resource Management Act 1991
7938135.1 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 16.9.2008 at 9:00 am (affects part formerly Section 2 SO 493517)

9889354.1 Certificate under section 148 of the Nga Mana Whenua o Tamaki Makaurau Collective Redress Act 2014 that the within land is RFR land as defined in section 118 and is subject to Subpart 1 of Part 4 of the Act (which restricts disposal, including leasing of the land) - 10.11.2014 at 7:00 am (affects part formerly Section 2 SO 493517)

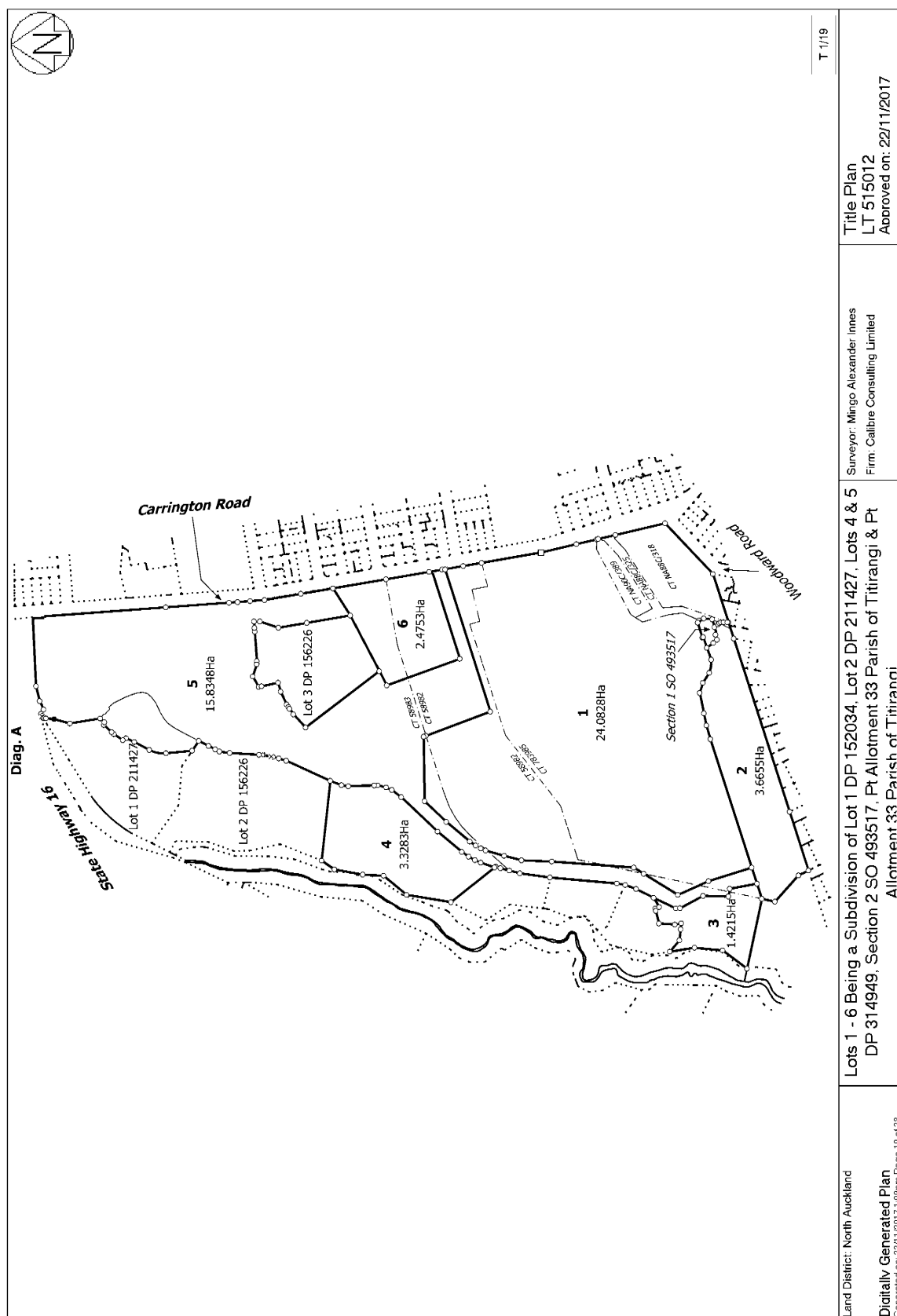
9918192.1 Certificate under section 148 of the Nga Mana Whenua o Tamaki Makaurau Collective Redress Act 2014 that the within land is RFR land as defined in section 118 and is subject to Subpart 1 of Part 4 of the Act (which restricts disposal, including leasing of the land) - 5.12.2014 at 7:00 am (affects part formerly Lot 4 DP 314949)

10818525.1 Compensation Certificate pursuant to Section 19 Public Works Act 1981 by Auckland Council - 13.6.2017 at 3:59 pm

11076921.4 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 9.4.2018 at 2:00 pm

Appurtenant hereto is a right of way, right to convey electricity, telecommunications, water supply and right to drain stormwater & wastewater created by Easement Instrument 11076921.5 - 9.4.2018 at 2:00 pm

The easements created by Easement Instrument 11076921.5 are subject to Section 243 (a) Resource Management Act 1991





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R.W. Muir
Registrar-General
of Land

Identifier **1195432**
Land Registration District **North Auckland**
Date Issued 24 February 2025

Prior References

1017462 1071371

Estate	Fee Simple
Area	2.3890 hectares more or less
Legal Description	Lot 11 Deposited Plan 580984
Purpose	State housing
Registered Owners	
His Majesty the King	

Interests

Excluding coal and other minerals contained in Deeds Index A2/130 and Deeds Index A2/131 (Affects part formerly Section 2 SO 493517)

Subject to Part IVA of the Conservation Act 1987 (Affects part formerly Section 2 SO 493517)

Subject to Section 11 of the Crown Minerals Act 1991 (Affects part formerly Section 2 SO 493517)

Appurtenant to part formerly Lot 4 DP 314949 is a drainage right specified in Easement Certificate C247153.4 - 14.3.1991 at 2:43 pm

The easements specified in Easement Certificate C247153.4 are subject to Section 309 (1) (a) Local Government Act 1974

Subject to a drainage right over parts marked I & M on DP 580984 specified in Easement Certificate C247153.4 - 14.3.1991 at 2:43 pm

C491423.1 Subject to conditions pursuant to Section 461(1) Local Government Act 1974 and certifying that a private drain passes through and serves the within land - 22.6.1993 at 2.08 pm (Affects part formerly Lot 5 DP 314949)

Appurtenant to part formerly Lot 5 DP 314949 is a water supply right created by Transfer D036499.17 - 22.8.1996 at 10.40 am

Appurtenant to part formerly Lots 4 & 5 DP 314949 is a right of way and water supply, electricity and telecommunications easements created by Easement Instrument 5590341.13 - 19.5.2003 at 9:00 am

The easements created by Easement Instrument 5590341.13 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right of way and telecommunications easements over parts marked QC, OB, M & P and a water supply easement over parts marked WB, OB, X, M, I, P, YA & YB and a electricity supply easement over parts marked WB, YA, YB, I, X, QC, OB, M & P on DP 580984 created by Easement Instrument 5590341.13 - 19.5.2003 at 9:00 am

Appurtenant to part formerly Section 2 SO 493517 are water supply and electricity supply easements created by Easement Instrument 5590341.14 - 19.5.2003 at 9:00 am

Subject to a water supply easement over parts marked WB, OB, X, M, I, P, YA & YB on DP 580984 created by Easement Instrument 5590341.14 - 19.5.2003 at 9:00 am

The easements created by Easement Instrument 5590341.14 are subject to Section 243 (a) Resource Management Act 1991

Subject to a water supply easement over parts marked HK, HL, JC, JB, BY, NC, DZ, EA & H on DP 580984 created by Easement Instrument 5590341.15 - 19..2003 at 9:00 am

Appurtenant to part formerly Lots 4 & 5 DP 314949 is a water supply easement created by Easement Instrument 5590341.15 - 19.5.2003 at 9:00 am

The easement created by Easement Instrument 5590341.15 is subject to Section 243 (a) Resource Management Act 1991 7938135.1 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 16.9.2008 at 9:00 am (Affects part formerly Section 2 SO 493517)

9889354.1 Certificate under section 148 of the Nga Mana Whenua o Tamaki Makaurau Collective Redress Act 2014 that the within land is RFR land as defined in section 118 and is subject to Subpart 1 of Part 4 of the Act (which restricts disposal, including leasing of the land) - 10.11.2014 at 7:00 am (Affects part formerly Section 2 SO 493517)

9918192.1 Certificate under section 148 of the Nga Mana Whenua o Tamaki Makaurau Collective Redress Act 2014 that the within land is RFR land as defined in section 118 and is subject to Subpart 1 of Part 4 of the Act (which restricts disposal, including leasing of the land) - 5.12.2014 at 7:00 am (Affects part formerly Lots 4 & 5 DP 314949)

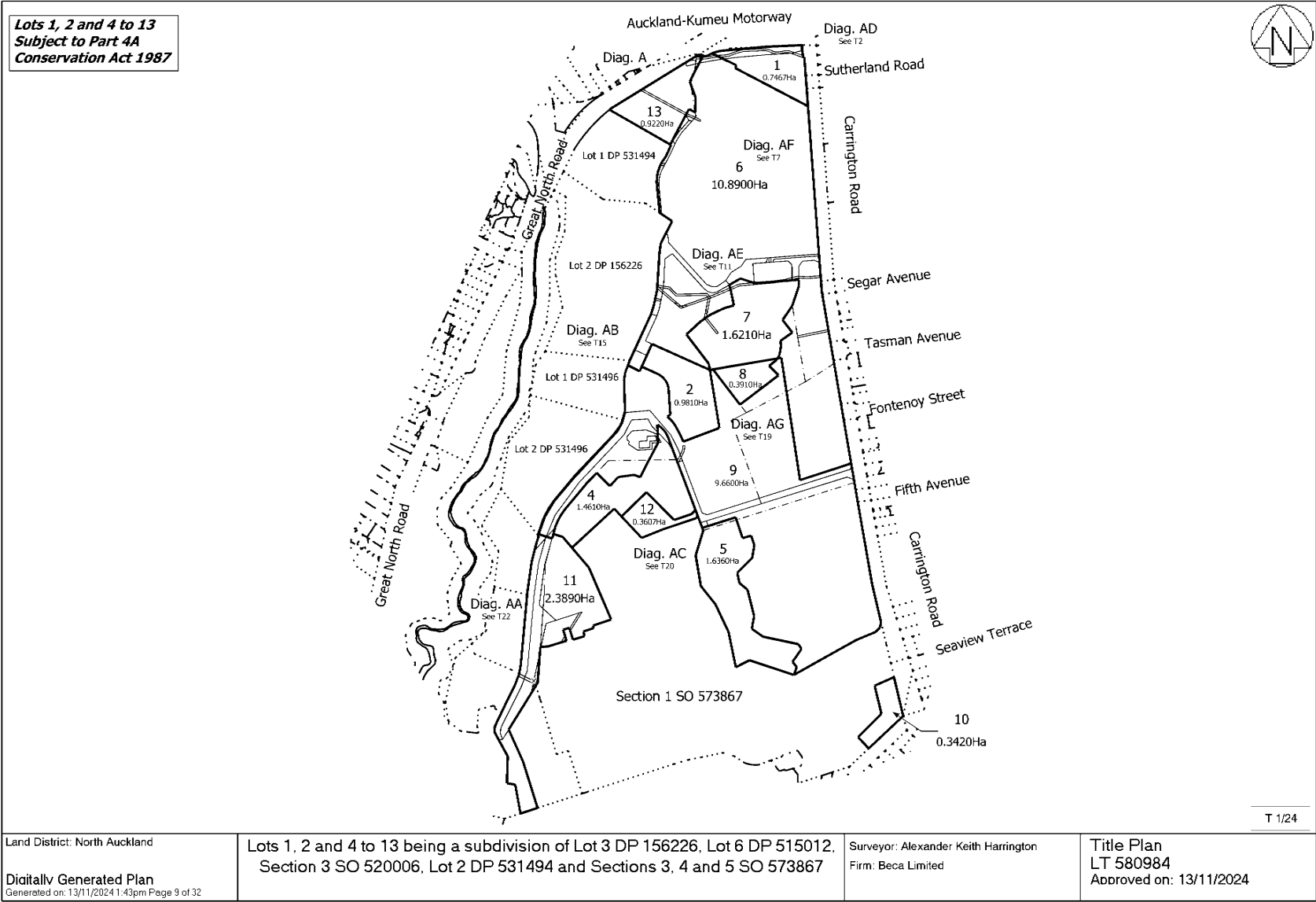
10818525.1 Compensation Certificate pursuant to Section 19 Public Works Act 1981 by Auckland Council - 13.6.2017 at 3:59 pm (Affects part formerly Section 2 SO 493517 & Lot 4 DP 314949)

11076921.4 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 9.4.2018 at 2:00 pm

Subject to a right of way and a water supply right and a right to convey electricity and telecommunications and a right to drain stormwater and wastewater over parts marked QC, QF, P, M, OB & WB on DP 580984 created by Easement Instrument 11076921.5 - 9.4.2018 at 2:00 pm

The easements created by Easement Instrument 11076921.5 are subject to Section 243 (a) Resource Management Act 1991

13058186.4 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 24.2.2025 at 12:40 pm





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R.W. Muir
Registrar-General
of Land

Identifier **1227758**
Land Registration District **North Auckland**
Date Issued 24 February 2025

Prior References
1071371

Estate	Fee Simple
Area	1.0438 hectares more or less
Legal Description	Section 2 Survey Office Plan 573867
Purpose	State housing
Registered Owners	
His Majesty the King	

Interests

Excluding coal and other minerals contained in Deeds Index A2/130 and Deeds Index A2/131 (Affects part formerly Section 2 SO 493517)

Subject to Part IVA of the Conservation Act 1987 (Affects part formerly Section 2 SO 493517)

Subject to Section 11 of the Crown Minerals Act 1991 (Affects part formerly Section 2 SO 493517)

Appurtenant to part formerly Lot 4 DP 314949 is a drainage right specified in Easement Certificate C247153.4 - 14.3.1991 at 2:43 pm

The easements specified in Easement Certificate C247153.4 are subject to Section 309 (1) (a) Local Government Act 1974

Appurtenant to part formerly Lot 4 DP 314949 is a right of way and water supply, electricity and telecommunications easements created by Easement Instrument 5590341.13 - 19.5.2003 at 9:00 am

The easements created by Easement Instrument 5590341.13 are subject to Section 243 (a) Resource Management Act 1991

Appurtenant to part formerly Section 2 SO 493517 are water supply and electricity supply easements created by Easement Instrument 5590341.14 - 19.5.2003 at 9:00 am

The easements created by Easement Instrument 5590341.14 are subject to Section 243 (a) Resource Management Act 1991

Appurtenant to part formerly Lot 4 DP 314949 is a water supply easement created by Easement Instrument 5590341.15 - 19.5.2003 at 9:00 am

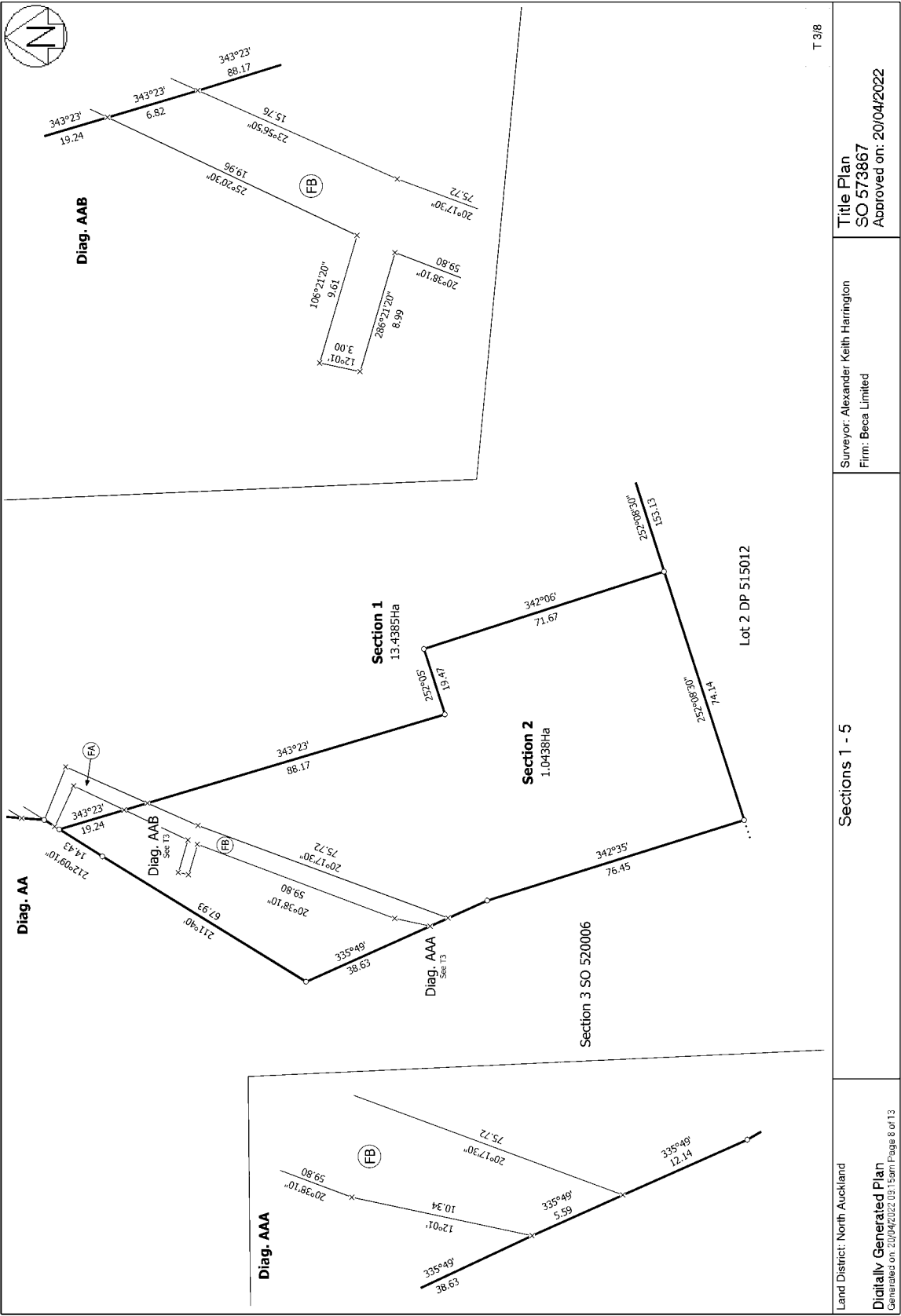
The easement created by Easement Instrument 5590341.15 is subject to Section 243 (a) Resource Management Act 1991
7938135.1 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 16.9.2008 at 9:00 am (Affects part formerly Section 2 SO 493517)

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9918192.1 Certificate under section 148 of the Nga Mana Whenua o Tamaki Makaurau Collective Redress Act 2014 that the within land is RFR land as defined in section 118 and is subject to Subpart 1 of Part 4 of the Act (which restricts disposal, including leasing of the land) - 5.12.2014 at 7:00 am (Affects part formerly Lot 4 DP 314949)

10818525.1 Compensation Certificate pursuant to Section 19 Public Works Act 1981 by Auckland Council - 13.6.2017 at 3:59 pm

11076921.4 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 9.4.2018 at 2:00 pm



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Land District: North Auckland	Sections 1 - 5	Surveyor: Alexander Keith Harrington Firm: Beca Limited	Title Plan SO 573867 Approved on: 20/04/2022
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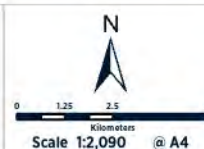
Appendix B

Plans



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Designation 1713 Amendment Waterview Shared Path



Printed Date: 19/02/2025



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Waterview Designation 1713

Property Title: 58980

0 1.25 2.5 5
Kilometers
Scale 1:1,000 @ A4



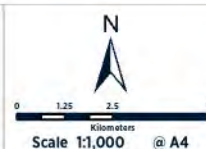
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Waterview Designation 1713

Property Title: 58981



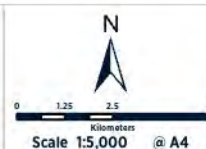
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Waterview Designation 1713

Property Title: 1017462



Printed Date: 24/02/2025



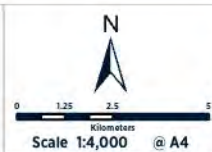
Legend

- Amended Designation 1713 Waterview Shared Path
- Her Majesty the Queen

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Waterview Designation 1713

Property Title: 1071371



Printed Date: 24/02/2025



Legend

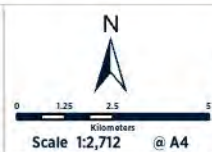
-  Amended Designation 1713 Waterview Shared Path
-  Whai Rawa Property Holdings LP

Eagle Technology/Land Information New Zealand, GBCO, Community maps contributors

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Waterview Designation 1713

Property Title: 579605



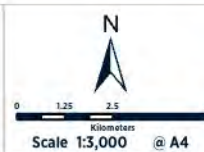
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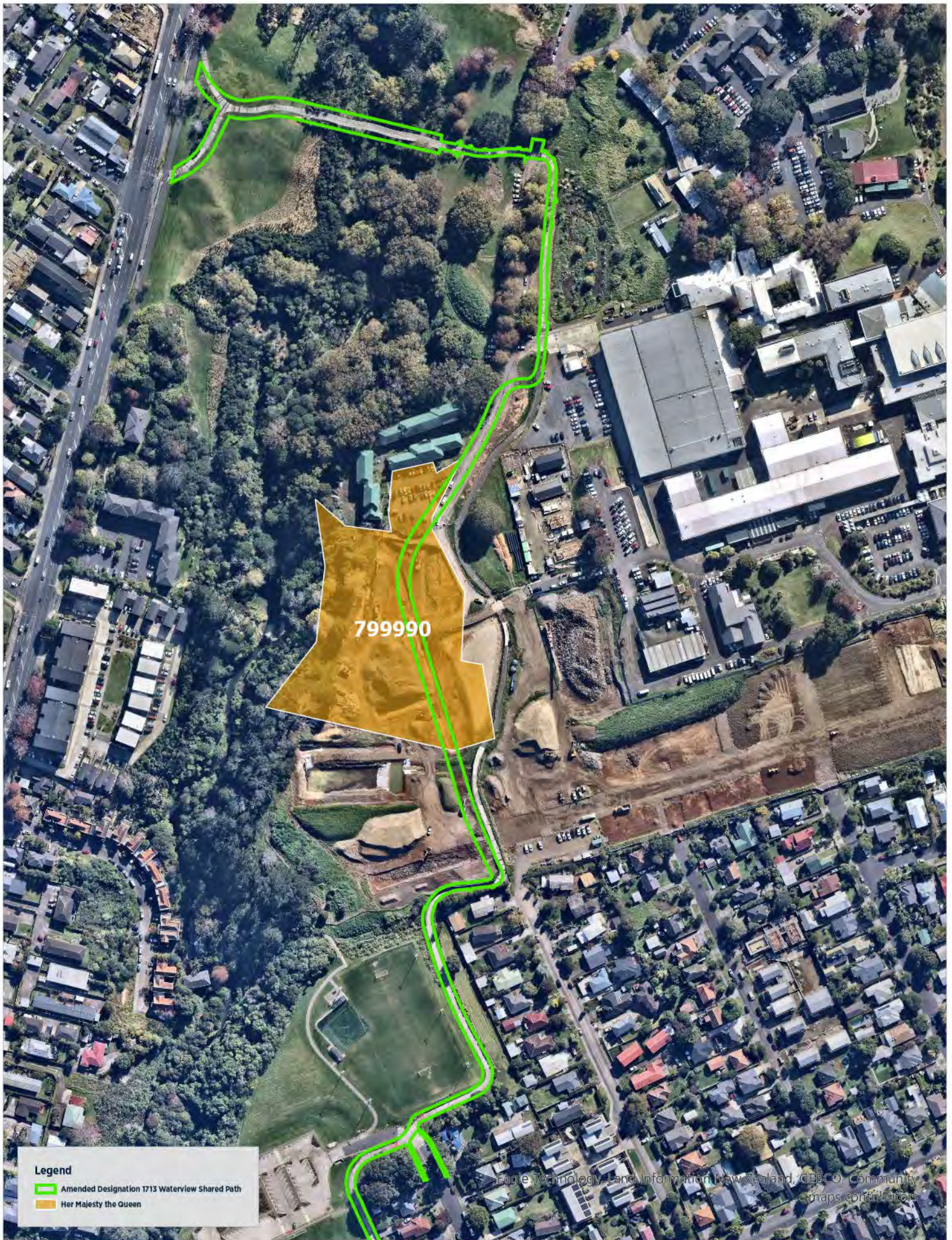
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Waterview Designation 1713

Property Title: 799989



Printed Date: 19/02/2025



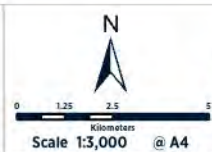
Legend

- Amended Designation 1713 Waterview Shared Path
- Her Majesty the Queen

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Waterview Designation 1713

Property Title: 799990



Printed Date: 19/02/2025



11 February 2025

Alex Morison
PO Box 106 649
Auckland City 1143
alexm@ngatiwhatuaorakei.com

Dear Alex

Re: Designation 1713 Waterview Shared Path – Alteration of Designation 1713 on your property (579605)

We write to you following your discussion with Ms Miln and Ms McGregor (Ministry of Housing and Urban Development representative) on 4 December 2024.

Auckland Transport and Ngāti Whātua Ōrākei have partnered to alter Designation 1713 Waterview Shared Path (the Designation) under Section 181 of the Resource Management Act 1991. Altering the Designation will facilitate the re-location of the Waterview Shared Path to the west to enable development on the adjoining Ngāti Whātua Ōrākei landholdings.

The alteration will include reducing the Designation at your property, removing the construction portion of the Designation. The remaining Designation will be for the permanent occupation and maintenance of the Waterview Shared Path. A copy of the updated Designation boundary as it relates to your property is attached at **Appendix A**.

Next Steps

In order to formalise the change, AT will submit a Section 181 application to Auckland Council to confirm that the designation boundary at your property can be modified in accordance with Appendix A. However, before AT can place this request to Auckland Council, we require your written approval, as the landowner affected by the proposed Designation 1713 boundary alteration.

Therefore, please countersign and date this letter below to demonstrate that you agree with the proposed alteration. Please send the letter back to us once it is signed.

If you have any questions, please do not hesitate to contact Hannah Miln on hannah.miln@at.govt.nz or 09 930 4652. Thank you.

Nāku, nā

Aimee Simons
Consent Planning Manager
Strategic Development Programmes and Property
Auckland Transport

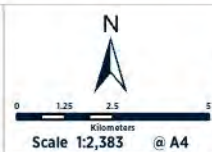
Appendix A: Revised designation boundary



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Waterview Designation: 1713

Property Title: 579605



Printed Date: 03/02/2025

Appendix C

Resource Consent Decision

**I MUA I TE PAE WHAKAAENGIA
BEFORE THE EXPERT CONSENTING PANEL
CONCERNING THE WAIRAKA PRECINCT STAGE 1 PROJECT**

**MŌ TE TAKE
IN THE MATTER**

of the COVID-19 Recovery (Fast-Track Consenting) Act 2020 and the deliberations and final decision of the Expert Consenting Panel appointed under Clauses 2, 3, and 4 of Schedule 5 of the COVID-19 Recovery (Fast-Track Consenting) Act 2020 to consider applications for consents for the Listed Project Wairaka Precinct Stage 1 sought by Ngāti Whātua Rōpu

**TE PAE WHAKAAENGIA
EXPERT CONSENTING PANEL:**

Gerald Lanning (Chair)
Michael Parsonson (Member)
Glenn Wilcox (Member)

**NGĀ KŌRERO
COMMENTS RECEIVED UNDER
CLAUSE 17(4) OF SCHEDULE 6 FTA:**

24 March 2023

**WHAKAWĀ
HEARING:**

No hearing was held (refer clause 20, Schedule 6 COVID-19 Recovery (Fast-Track Consenting) Act 2020)

**RECORD OF DECISION OF THE EXPERT CONSENTING PANEL
FOR UNITEC RESIDENTIAL DEVELOPMENT WAIRAKA PRECINCT STAGE 1
DEVELOPMENT UNDER CLAUSE 37 SCHEDULE 6 OF THE
COVID-19 RECOVERY (FAST-TRACK CONSENTING) ACT 2020**

Dated 3 MAY 2023

Decision: Resource consent is granted subject to conditions

CONTENTS:

Part A: Executive Summary:	Page 3
Part B: The Project and Application:	Page 3
Part C: Procedure:	Page 6
Part D: Legal Context:	Page 7
Part E: Mana Whenua:	Page 11
Part F: Statutory Assessment:	Page 13
Part G: Conditions:	Page 33
Part H: Statutory Purposes:	Page 35
Part I: Final Decision:	Page 37

PART A: EXECUTIVE SUMMARY

1. This Expert Consenting Panel (**Panel**) was appointed on 13 February 2023 to consider an application by Ngāti Whātua Rōpū (**Applicant**) to construct 50 residential units, roading, bulk infrastructure and enabling earthworks at 26 Rhodes Ave, 36 Laurel Street and 1, 119, 123, 125 and 127 Carrington Road, Mt Albert / Ōwairaka (**Project**).
2. The Applicant is progressing, by way of the Project, redevelopment of the Ngāti Whātua allocation of land, named Wairaka as part of the Ngā Mana Whenua o Tamaki Makaurau Collective Redress Deed 2012 and Act 2014 under which the Ngāti Whātua Rōpū is one of the three Rōpū sharing this Treaty redress.
3. The Project is a listed Project in Schedule 2 of the Covid-19 Recovery (Fast Track Consenting) Act 2020 (**FTA**) and has been processed as such. Accordingly, the Panel may only decline the Application if it considers that the resource consent is inconsistent with a national policy statement, the principles of the Treaty of Waitangi or a Treaty settlement¹.
4. The Panel does not consider that these grounds apply. Accordingly, the Application is granted, although subject to conditions (set out in Appendix A) that differ in some respects from those sought by the Applicant, to better address adverse effects on the environment.

PART B: THE PROJECT AND APPLICATION

5. The Project is described in detail in the Assessment of Effects² (**AEE**) and associated information provided with the Application. By way of a summary, the Project includes the following:³
 - (a) Earthworks over appropriately 8.1ha including contamination remediation and works within 1m of a wetland;
 - (b) Three waters infrastructure to provide extensions to existing infrastructure;
 - (c) New vested north-south road being an extension to Laurel Street which will include separated cycle and pedestrian facilities, a new east-west vested road, and three private jointly owned access lots (**JOALs**);
 - (d) 50 x two-storey dwellings (with a mixture of two-, three- and four-bedroom dwellings) with motor vehicle and bicycle parking;

1. Clauses 30(6) and 34 Schedule 6 FTA.

2. Prepared by Barker & Associates Ltd, dated 10 November 2022.

3. AEE, Section 6.

- (e) Street and lot landscaping and lighting;
 - (f) Staged subdivision of residential and balance lots⁴;
 - (g) Modifications to the existing stone wall along the southern boundary to allow access connections from Rhodes Avenue and Laurel Street;
 - (h) Removal of three protected trees (#39 - Houpara, #40 - Oleander and #41 - Taupata); and
 - (i) Works to upgrade or connect to servicing infrastructure within Oakley Creek / Te Auaunga Awa and Phyllis Reserves that requires vegetation removal and temporary trenches within the Significant Ecological Area (**SEA**) along the site's western boundary.
6. While the Project includes 50 residential apartments, a substantial aspect of it is to establish the infrastructure (roading and drainage) and building platforms necessary to enable further residential development in the future in accordance with a master-planning exercise.⁵
7. As noted above, the subject site was land acquired by the Crown to settle claims under the Treaty of Waitangi/Te Tiriti o Waitangi. It has been transferred to the Ngāti Whātua rūpu for this purpose. Moreover, it sits within an area that is undergoing significant change. As explained at section 4.2 of the AEE:
- Between 2018-2022 the Crown acquired portions of surplus land at Unitec / Te Pūkenga campus... for the Carrington Residential Development (formally known as the Unitec Housing Development) which is intended to accommodate at least 4,000 new homes and a new primary school. The project is a large-scale urban development led by the three Tāmaki Makaurau rūpū of Marutūāhu, Ngāti Whātua and Waiohūa-Tāmaki and their project partners. It is being facilitated by the Crown via Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development (MHUD). Collective Treaty redress arrangements provide the rūpū with the development opportunity. This includes leading the detailed master planning, consenting and delivery of the new homes. High level masterplanning has been completed, and a Reference Masterplan and Strategic Framework has been published
8. The Project is only part of a wider redevelopment of the former Unitec site, which is subject to the Wairaka Precinct provisions in Chapter I334 of the Auckland Unitary Plan – Operative in Part (**AUP**). The Precinct objectives include:
- (1) comprehensive planning and integrated development of all sites within the precinct is achieved;

4 See Table 1, page 25 AEE

5 DKO Plan RC107, Appendix 5 to the AEE.

- (2) a mix of residential, business, tertiary education and community activities is provided which maximises the efficient and effective use of land.
9. The AUP highlights the need for a “series of works” to enable the comprehensive and integrated development within the Precinct, including open space, transportation and stormwater.⁶ Accordingly, to enable this wider redevelopment to occur in an integrated manner:
- (a) In accordance with Policy (24) and clause I334.9 of the Unitary Plan, an integrated transport assessment was approved by the Auckland Council in March 2021 referred to as the “Wairaka Precinct Integrated Transport Assessment” (**WPITA**).⁷ The Application and Project are within the “Southern” staging zone shown in the WPITA. A specific assessment of the transport design and effects of the proposal has been provided with the Application and expanded on in response to comments, which recognises and is consistent with the 2021 approved ITA.
 - (b) The WPITA includes a new public roading layout within the Precinct. Resource consent was granted in June 2022 to implement this roading layout⁸. Again, the Project is generally consistent with this layout.
 - (c) A stormwater management plan has been adopted by the Auckland Council in March 2022 and authorises the diversion and discharge of stormwater across the Precinct in accordance with the comprehensive stormwater consent held by the Auckland Council.⁹ The Project has been designed in accordance with the SMP.
10. To enable the Project, the Applicant seeks resource consent for land use, subdivision, earthworks, groundwater-related activities and vegetation removal. Some of these activities are occurring in or near sensitive areas, including the SEA and a wetland. The Applicant has considered these activities in a comprehensive manner with an overall non-complying activity status¹⁰. The Panel has adopted the same approach.

6 Section I 1334.1 Precinct Description.

7 See Appendix 22 to the Application.

8 Council reference BUN60388418. Engineering approval has subsequently been granted in August 2022.

9 See Appendix 23 to the Application.

10 AEE, section 7.5.

PART C: PROCEDURE

Invitations to comment

11. As recorded in its Minute of 3 March 2023, the Panel directed that several parties that own or occupy land adjacent to the Project be invited to provide comment in accordance with clause 17 of Schedule 6 of the FTA.
12. In accordance with its directions, the EPA received comments from several invitees on 24 March 2023, which were provided to the Panel. The Applicant provided a response to the comments on 31 March 2023 in accordance with clause 19 of Schedule 6 of the FTA.
13. A brief summary of the points raised in the comments is **attached** as Appendix B. All comments have been carefully considered by the Panel and, where necessary, they have been expressly referred to below. However, a lack of express reference to a comment does not mean they have not been considered.
14. The Panel wishes to acknowledge the effort that was made by those who chose to provide comments, especially given the demanding statutory timeframes and the late-January/early-March weather events which no doubt placed additional demands on parties. The comments assisted the Panel.

Site visit

15. The Panel undertook a site visit on 24 February 2023.

Information request

16. In its comments on the Application, Watercare stated that there was insufficient capacity in its wastewater and water networks to service the proposed 50 residential units. In its response the Applicant disagreed, referring to previous communications with Watercare. The Panel was concerned with this position, so issued a Minute on 4 April 2023 requesting the Applicant and Watercare to caucus on this issue and report back.
17. The Applicant provided its response on 13 April 2023 recording an agreed position with Watercare. Where relevant, these responses are discussed below. The Panel thanks the Applicant and Watercare for attending to this matter in a pragmatic manner, within the short timeframes provided.

Conditions

18. In accordance with the FTA¹¹ the Panel issued its draft conditions on 17 April 2023. The Applicant and other parties provided their responses, on 23 and 24

11 Clause 36(1) of Schedule 6.

March 2023. As requested by the Panel, the Applicant's response reflected discussions with the Council, which resulted in agreed sets of conditions. The Panel acknowledges the work undertaken by the parties within the very demanding timeframes. It also records that the collaborative approach and response provided significant assistance to the Panel.

19. As discussed in Part G, the Panel has taken this response into account when determining the final set of conditions (Appendix A).

PART D: LEGAL CONTEXT

20. Section 4 of the FTA sets out the statutory purpose as:

... to urgently promote employment to support New Zealand's recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources.

21. As mentioned above, the Project is a "listed project" under Schedule 2 of the FTA. Arguably this means that the Project, as a matter of law, is consistent with section 4. In any event, we have considered section 4 below (Part H).

22. Clause 29 of Schedule 6 to the FTA describes the scope of the Panel's consideration as follows:

- (1) when considering a consent application in relation to the conditions to be imposed on a listed project, and any comments received in response to an invitation given under clause 17(2), a panel must, subject to Part 2 of the Resource Management Act 1991 and the purpose of this Act, have regard to—
 - (a) any actual and potential effects on the environment of allowing the activity; and
 - (b) any measure proposed, or agreed to, by the consent applicant to ensure positive effects on the environment to offset or compensate for any adverse effects that will or may result from allowing the activity; and
 - (c) any relevant provisions of any of the documents listed in subclause (2), and
 - (d) any other matter the panel considers relevant and reasonably necessary to determine the application.
- (2) The documents referred to in subclause (1)(c) are the following:
 - (a) a national environmental standard:
 - (b) other regulations made under the Resource Management Act 1991:

- (c) a national policy statement:
 - (d) a New Zealand coastal policy statement:
 - (e) a regional policy statement or proposed regional policy statement:
 - (f) a plan or proposed plan:
 - (g) a planning document recognised by a relevant iwi authority and lodged with a local authority.
 - (3) In respect of the matters listed under subclause (1), a panel must apply section 6 of this Act (Treaty of Waitangi) instead of section 8 of the Resource Management Act 1991 (Treaty of Waitangi)
 - (4) If a Treaty settlement imposes an obligation on a local authority or other decision maker when determining an application for a resource consent, a panel must comply with that obligation as if it were the local authority or other decision maker (*see example*).
23. In terms of subclause (3), section 6 of the FTA is discussed further below.
24. A consent for a non-complying activity is required, which would normally trigger section 104D of the RMA. However, clause 30(7) of Schedule 6 to the FTA says:
- When considering a consent application for a non-complying activity,—
- (a) a panel **must grant consent unless** any of the grounds described in clause 34 for declining an application apply; and
 - (b) to avoid doubt, the test under section 104D of the Resource Management Act 1991 **must not** be applied.
25. Therefore, section 104D of the RMA does not apply and the Panel must grant consent unless one of the grounds described in clause 34 applies – which are:
- (a) that the panel considers that granting a resource consent or confirming or modifying a notice of requirement, with or without conditions, would be inconsistent with any national policy statement, including a New Zealand coastal policy statement:
 - (b) that the panel considers that granting a resource consent or confirming or modifying a notice of requirement, with or without conditions, would be inconsistent with section 6 (Treaty of Waitangi).
26. Because neither of these two grounds apply, the Panel’s role is, in effect, focussed on ensuring that adverse effects are appropriately addressed having regard to the relevant statutory planning documents. In this regard, the key issues in contention were:
- (a) Effects of the proposed dwellings on the residential properties and dwellings on the southern boundary;

- (b) Concerns related to the amenity for future occupants of the dwellings;
- (c) Whether ecological effects would be adequately addressed;
- (d) Whether archaeological effects would be adequately addressed;
- (e) Whether there was adequate capacity in the wastewater network to service the proposal.
- (f) The adequacy of the transport design and assessment.

Section 6 of the FTA

27. Section 6 has a broad application to the Panel's determination of the Application and conditions. It requires the Panel to perform our functions and exercise our powers in a manner that is consistent with—
 - (a) the principles of the Treaty of Waitangi; and
 - (b) Treaty settlements.
28. Importantly, section 6 of the Act differs from section 8 RMA. In the Panel's view this reflects the context within which the Act was enacted: it is not only attributed to the COVID-19 Pandemic and response, but section 6 reflects a changing legal landscape in Aotearoa that recognises tikanga as law, of which the Treaty of Waitangi/Te Tiriti o Waitangi protects, and acknowledges the centrality of Te Tiriti o Waitangi to our legal, constitutional and societal fabric.
29. We have read section 6 as conjunctive given, in this context, both subsections 6(a) and (b) are engaged. Although the Act does not provide a list of Te Tiriti o Waitangi/Treaty of Waitangi Principles that should or could apply in any one context, what is clear to us, is that section 6 imposes a strict duty on the Panel that applies to every part of our decision making and we acknowledge that at times it could be strongly directive. Positively, the Application and comments received from other parties raise no issues that require the Panel to weigh the section 6 duty against other legislative and policy and planning provisions engaged by the Application.
30. That said, it is important to set out what the Panel has accepted as the applicable framework with respect of Te Tiriti o Waitangi/Treaty of Waitangi Principles and the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed 2012 and Act 2014.

Te Tiriti o Waitangi/Treaty of Waitangi

31. We rely on the definition of “Treaty of Waitangi” as stated in the RMA which includes Te Tiriti o Waitangi.¹² It naturally follows that both versions apply and should be read as a whole and within context, in order to discern what principles or *mātāpono* should apply.¹³
32. What we have attempted to do is ensure our starting place for determining the Application before us is appropriate and reflective of the *rangatiratanga* retained and exercised by the Ngāti Whātua.

Ngā Mātāpono o Te Tiriti/Principles of the Treaty of Waitangi

33. Our starting point has been to look at the intention behind Te Tiriti. The Waitangi Tribunal has summarised this:¹⁴

...[The] *rangatira* did not cede their sovereignty in February 1840; that is, they did not cede their authority to make and enforce law over their people and within their territories. Rather, they agreed to share power and authority with the Governor. They and Hobson were to be equal, although of course they had different roles and different spheres of influence. The detail of how this relationship would work in practice, especially where the Māori and European populations intermingled, remained to be negotiated over time on a case-by-case basis.

34. As we understand it, the fundamental intention behind Te Tiriti o Waitangi/Treaty of Waitangi gives rise to the following *mātāpono/principles*:¹⁵
- (a) *te mātāpono o te tino rangatiratanga*;
 - (b) *te mātāpono o te kāwanatanga*;
 - (c) *te mātāpono o te houruatanga*/the principle of partnership;
 - (d) *te mātāpono o whakaaronui tētahi ki tētahi*/the principle of mutual recognition and respect;
 - (e) *te mātāpono o te matapopore moroki*/the principle of active protection;
 - (f) *te mātāpono o te whai hua kotahi me te matatika mana whakahaere*/the principle of mutual benefit and the right to development;

12 FTA s6(a); FTA s12(10); s2 RMA definition of Treaty of Waitangi; and s2 Treaty of Waitangi Act 1975. We also note that section 6 of the Act should be given a broad construction as stated by the Supreme Court in *Trans-Tasman Resources Ltd v Taranaki-Whanganui Conservation Board* [2021] NZSC 127.

13 Legislation Act 2019, s10. In this respect we have not adopted the same approach taken in the *Matawii Water Storage Reservoir Decision*

14 Stage 1 Report of the Waitangi Tribunal in the *Te Paparahi o Te Raki Inquiry* (Wai 1040) 2014, at pp526-527.

15 Stage 2 Report of the Waitangi Tribunal in the *Te Paparahi o Te Raki Inquiry* (Wai 1040) 2014, at p65. We have adopted the Waitangi Tribunal's stance in terms of *mātāpono/principles* given the Waitangi Tribunal is a specialist forum with extensive expertise in Tiriti jurisprudence.

(g) te mātāpono o te mana taurite/the principle of equity; and

(h) te mātāpono o te whakatika/the principle of redress.

35. These mātāpono/principles have filtered through various cases before the Courts (respectively or together) and we consider these appropriately capture where New Zealand Tiriti jurisprudence has reached today. That said, applying them in practice is a contextual exercise. We turn then to the Treaty Settlement that has given rise to the basis for the Application and through which the above mātāpono/principles have been given effect (either in part or in full).

Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014

36. The Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed Act 2014 (**Collective Redress Deed/Act**) gives statutory recognition and force to the Ngā Mana Whenua o Tāmaki Makaurau Collective Deed of Settlement signed between various Mana Whenua groups of Tāmaki Makaurau, including Ngāti Whātua, and the Crown. Treaty Settlements are an important aspect of the Māori – Crown relationship. The Waitangi Tribunal in its *Taranaki Report* has said that:¹⁶

the settlement of historical claims is not to pay off for the past, even were that possible, but to take those steps necessary to remove outstanding prejudice and prevent similar prejudice from arising; for the only practical settlement between peoples is one that achieves a reconciliation in fact.

37. As explained above, the Project is being pursued by Ngāti Whātua Rōpu on land transferred to them as part of their Treaty Settlement redress package under the Collective Redress Deed/Act. In our view, this represents a positive step towards reconciliation in fact. This is significant and has considerable bearing on the process adopted by the Panel. Support for the Project has also been articulated (in general terms either implicitly or explicitly) by many of the parties invited to participate in this process.
38. As such, the need to balance competing views has been minimal, with a focus on appropriate conditions of consent. We have therefore interpreted section 6 as an overarching enabling direction, specifically in relation to the formation of conditions we have determined appropriate to manage adverse effects.

PART E: MANA WHENUA

Ko Te Taou,
Ko Ngāti Whātua
Ko Ōrākei rāua ko Whiti Te Rā ngā Marae
Tū te Ao Tū te Po

16 Waitangi Tribunal *The Taranaki Report Kaupapa Tuatahi* (WAI 143, 1966), at p315.

Tihei Mauri Ora!

39. He iwi, e mau tonu ana i tōna ake Mana Motuhake a Ngāti Whātua, nā Paora Tuhaere te kii, “ahakoa, ka kōrero mai ngā tāngata kē Ko Ngāti Whātua koutou tēnā, e mōhio ana mātou, ko wai mātou!”

Ngāti Whātua is a tribe that maintains its own Independence, Paora Tuhaere said, "even though foreigners say you are Ngāti Whātua, we know who we are!"

40. E ai ki ngā kōrero i runga ake nei, e whāia ana te Kaupapa e Ngāti Whātua i runga i ngā whenua kua tukuna ki a rātou, i tētahi wāhanga, ki te whakatau i ngā taunahatanga i raro i te Tiriti o Waitangi. Ko tē whakaaro o tēnei Taumata, he mea nui tēnei horopaki, i runga i te whakaritenga me rite tonu te mahi i roto i ngā mātāpono o te Tiriti o Waitangi me ngā whakataunga Tiriti.

As explained above, the Project is being pursued by Ngāti Whātua on lands that have been returned to them, in part, to settle obligations under the Treaty of Waitangi. It is the view of this Panel that this context is important, as it requires consistency in the principles of the Treaty of Waitangi and Treaty settlements.

41. Kua whakaritea he aromatawai uara ahurea, mai i tēnei, ka whakaae te taumata nei, e mōhio ana a Ngāti Whātua ki o rātou ake tikanga, me whakaāe te ao whānui ki te whakamahi i ēnei tikanga i ngā wā e tika ana kia putaina ai aua tikanga e Ngāti Whātua.

A cultural value assessment has been prepared, from this, it is accepted by this Panel, that Ngāti Whātua know their own customs, and the world at large must accept the use of these customs from time to time when it is necessary for Ngāti Whātua to do so.

42. For completeness the Panel records that:

- (a) No issues have been raised by any of the Mana Whenua groups. Therefore, the Panel does not need to determine any issues as to cultural effects or the balancing of Te Tiriti or tikanga rights and obligations as between the Crown and/or Ngā Mana Whenua o Tāmaki Makaurau.¹⁷
- (b) In relation to Mana Whenua issues, we have adopted the Assessment outlined in the AEE, in particular the Assessment of relevant objectives and policies of the AUP provided in section 11.4 of the AEE. We would simply highlight that the objective and policies contained in chapter B6 of the AUP are particularly relevant and have been complied with.¹⁸

17 We note that no comments from any other Mana Whenua group was provided to the Panel.

18 See section 11.4.1.6 of the AEE.

- (c) The Project is therefore consistent with Section 5, 6(e), 7(a) and 8 of the RMA, of which contributes to our overall conclusion with respect of the Panel's duties in section 6 of the FTA, and the conditions we have determined appropriate.

PART F: STATUTORY ASSESSMENT

43. As noted above, the Panel is required to have regard to the "actual and potential effects on the environment of allowing the activity".
44. The Panel has a discretion to disregard an adverse effect if the AUP permits an activity with that effect.¹⁹ In some instances parties have requested conditions that relate to activities for which resource consent has not been sought (eg removal of building 076 and removing a section of the dry stone wall) because they are permitted by the AUP. These issues are discussed in more detail below. At this stage, however, we note that the activities at issue are clearly anticipated by the Precinct provisions.
45. The actual and potential effects on the environment of allowing the Project are addressed below. For convenience, we have also discussed the AUP provisions, where relevant to our consideration
46. The Panel has considered all actual and potential effects but has taken particular care with the effects identified as being of concern, in the comments received. We address effects, as follows:
- (a) Earthworks and construction activities;
 - (b) Wastewater;
 - (c) Stormwater;
 - (d) Servicing and infrastructure;
 - (e) Ecology;
 - (f) Cultural heritage and archaeology;
 - (g) Traffic, access, and parking;
 - (h) Built character and appearance, and amenity; and
 - (i) Positive effects.

Receiving Environment

47. An important aspect of evaluating effects is understanding the receiving environment including how the environment might be modified through the exercise of permitted activities or implementation of resource consents (where implementation is likely). In *Hawthorn Estate*, the Court of Appeal said:²⁰

¹⁹ FTA, Schedule 6, clause 29(2).

²⁰ *Queenstown-Lakes District Council v Hawthorn Estate Ltd* [2006] NZRMA 424, para 84.

In our view, the word “environment” embraces the future state of the environment as it might be modified by the utilisation of rights to carry out permitted activity under a district plan. It also includes the environment as it might be modified by the implementation of resource consents which have been granted at the time a particular application is considered, where it appears likely that those resource consents will be implemented...

48. The existing environment is described in section 5 of the AEE and Part 2 of the Applicant’s Urban Design Statement.²¹ The Panel adopts this description and notes the following key points:

(a) The Unitec precinct area sits between:

- Carrington Road, a relatively busy arterial, that connects Great North Road and Pt Chevalier (to the north) and New North Road and Mt Albert (to the south). Carrington Road currently provides for public transport and cycling and these facilities will improve when it is upgraded; and
- Great North Road, a busy arterial which includes public transport and cycling facilities. There is pedestrian and cycling access to Great North Road across the Oakley Creek/Te Auanga Awa.

(b) Immediately adjacent to the Project site are residential properties on Laurel St, Renton Rd, Rhodes Ave, Raetihi Cres and Mark Rd and the Mount Albert Kindergarten (to the south); public open space – Phyllis Reserve and the Oakley Creek/Te Auanga Awa Reserve (to the west); and the Unitec Campus (to the north).

(c) In terms of current and likely future environment within the residential areas to the south the Applicant’s Urban Design Statement says²²:

All the streets that run between Unitec and Springleigh Avenue, including Rhodes, have a similar character. These are tree-lined, 20m wide suburban streets. Front boundary treatments comprise low or no fences/hedges or walls, creating a strong visual link between dwellings and the street.... The built form comprises predominantly single-storey 1920s weatherboard bungalows on 600-620m² sites, punctuated with some two-storey dwellings. There is also some evidence of suburban infill on some of the deeper lots on Rhodes Avenue and the neighbouring streets, with dwellings accessed via shared driveways.

The area between Unitec and Springleigh Avenue is currently zoned predominantly Residential – Mixed Housing Suburban (MHS) with some MHU on the already subdivided lots and those fronting Springleigh. This whole area is proposed to be upzoned, under plan change 78 to the AUP, to a revised version of MHU following Auckland Council’s response to the National Policy Statement on Urban Development (NPS-UD) and the Medium Density Residential Standards (MDRS) introduced through the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. To

21 By Mein Urban Design & Planning, Appendix 8 to the AEE.

22 Appendix 8 to the AEE, pages 7-8.

date, notwithstanding the lots with infill, there has been little redevelopment of sites. However, that is beginning to change. The site on Mark Road, closest to Mount Albert Kindergarten, is currently being redeveloped with, what appears to be, a two-storey multi-unit development....

In the wider area a number of multi-storey, multi-unit apartment buildings are being constructed, particularly immediately surrounding the two town centres and along Great North Road in Waterview. Carrington Road is also beginning to transform from low-rise, low density to medium density, as evidenced by the three level walk-ups on the corner of Carrington Road and Tasman Avenue.

- (d) The site is “well connected to pedestrian and cycling facilities, and given its proximity to major employment activity (eg the city centre), and the high level of safety afforded by the nearby shared path facilities, walking and cycling is considered a viable transport alternative to the private vehicle”.²³ These shared paths include the Northwest cycleway and the Waterview shared path, which currently enters the site through Phyllis Reserve and travels through the Unitec campus (in accordance with a designation).
- (e) The Project site is well connected to public transport services. It is located approximately 900m (or a 12-minute walk) from the Mt Albert Train Station. Bus routes on Great North Road are approximately 600m away. Bus routes on Carrington Road are approximately 900-1100m away.²⁴
- (f) The 25.4428 ha site has been heavily modified and currently comprises areas previously used for the Unitec campus, comprising a sealed carparking area (to the east), cleared²⁵ areas (to the south) and disused buildings and infrastructure (to the north). It rises gently from north to south but is relatively flat, requiring relatively small amounts of earthworks to enable building on the site²⁶.
- (g) There are several mature trees including 3 “protected trees” (under the AUP) and a number of identified archaeological sites including a drystone wall (along the southern boundary) and other sites relating to Māori occupation (primarily along the western boundary). These archaeological sites are not scheduled or otherwise expressly protected by the AUP.²⁷ The site and surrounds are not identified in the AUP as a site or place of significance to Mana Whenua. However, the Oakley Creek/Te Auaunga Awa area is located within a Historic Heritage Extent of Place (1583) which is identified as a place of Māori interest or significance.²⁸
- (h) Oakley Creek/Te Auaunga Awa is a permanent stream – one of the longest in Auckland’s urban area, with a 6 m high natural waterfall – the highest

23 Applicant's Traffic Assessment Report, Appendix 19 to the AEE, page 5.

24 Traffic Assessment Report, pages 5-6.

25 Much of which contains overgrown vegetation.

26 55,939m³ of cut and 37,260m³ of fill over an area of 81,007m².

27 However, the Panel understands that Authority will be required under the Heritage New Zealand (Pouhere Taonga) Act 2014.

28 See AUP Schedule 14.1.

urban waterfall and the only one in central Auckland. The stream is rich in Māori and European heritage with an abundance of native and exotic flora and fauna, much of it protected by an SEA overlay under the AUP.

49. The mixed and dynamic nature of the environment is reflected in the AUP zoning. The site is:

(a) within the Wairaka Precinct and the majority of the site sits within the Wairaka sub-precinct C; and

(b) zoned in part:

- Residential- Mixed Housing Urban Zone (**MHU**) (generally along the southern boundary);
- Residential – Terrace Housing and Apartment Building (**THAB**) (generally along the western boundary); and
- Special Purpose – Tertiary Education.

50. The AUP describes the purpose of the Wairaka Precinct as follows:

The purpose of the Wairaka Precinct is to provide for a diverse urban community, including the ongoing development and operation of the tertiary education facility the development and operation of a range of community, recreation, and social activities, the development of a compact residential community, and commercial service activities. Business and Innovation activities are to be enabled, including activities which benefit from co-location with a major tertiary education institute. The Precinct enables new development to create an urban environment that caters for a diverse population, employees and visitors in the area and that integrates positively with the Point Chevalier, Mt Albert and Waterview communities.

The Wairaka Precinct will provide for a variety of housing typologies that help cater for Auckland's growth and the diverse community that will establish in this location. It will also provide a heart to the community, focused around the campus but with a range of community, commercial and social services. It will provide the opportunity for people to live, work, and learn within the Precinct, while enjoying the high amenity of the Wairaka environment.

51. The site sits within Sub-precinct C, which the AUP describes as follows:

Sub-precinct C to the south and west of the precinct provides for a broad range of residential activities, together with supporting uses, activities appropriately located to a major tertiary education institution.

52. We now consider the Project and its effects on the environment, having regard to the above matters.

Earthworks and construction activities

53. Construction traffic effects are discussed in paragraphs 134-136.

54. Other construction effects are addressed through land use Conditions 9-11 (Construction Management Plan), 6-8, 57-70 (noise and vibration), 27-29, 35-47 (earthworks; erosion and sediment control), 22-23, 80 (lizards), 31 (landfill gas contingency), 48-50 (geotechnical), 51 (dust), 52-56, 83 (soil contamination), 79 (bird nesting), and 81 (archaeology). The Applicant and Auckland Council are agreed on these conditions, as provided to us in their comments on our draft conditions.
55. The hours that noise and vibration generating activities can occur will be controlled by the limits imposed on those effects through Conditions 58 (construction noise) and 64 (construction vibration).
56. The Panel adopts the conditions noted above (with some minor modifications) without further comment and finds that their implementation will acceptably minimise construction effects.

Wastewater

57. The Panel is aware that there is a limitation on wastewater capacity within the catchment that will be resolved by the commissioning of the Central Interceptor pipeline, programmed to be online by mid 2026. The Panel is also aware that the recently consented Maungarongo RC1 and RC2 developments²⁹ took account of that limitation, with the corresponding decisions concluding that the existing piped network, including that provided by the existing Ōrākei Main Sewer, would have sufficient capacity for those developments and Stage 1 of the Wairaka development that is now being considered. Those conclusions were based on information provided by the applicant for those two developments and Watercare.
58. In its initial comments on this current Application, Watercare indicated that there was insufficient capacity within the network to service the Project. The Panel understands that this may have been a result of the timing of the review of this proposal and the earlier proposals, and prior to further detailed responses having been received from the Maungarongo RC1 and RC2 applicant.
59. In its response to Watercare's comments, the Applicant referenced 2019 advice / feedback from Watercare. Given the time and change in the planning environment that has occurred since then, the Panel requested (as noted above) the Applicant to again engage directly with Watercare and provide any updated response that was available. The outcome of that request was a response by the Applicant incorporating a memorandum from Watercare, dated 11 April 2023, which confirmed that:

29 Decisions issued under the FTA on 29 March 2023.

- (a) the Ōrākei Main Sewer has capacity to cater for an additional 750 development unit equivalents before the Central Interceptor is commissioned in 2026; and
- (b) based on the information received in support of the three developments, the network can accommodate the developments within the available 750 development unit equivalents.

60. The Applicant and Watercare also agreed that an Advice Note should be included addressing these issues. The agreed wording of the Advice Note was included in the Panel's draft conditions. In its response to these conditions the Ministry of Urban Development and Housing (**MHUD**) raised concerns with the Advice Note including that it referenced the Maungarongo RC1 and RC2 consents. It also claimed that:

Watercare has not, neither through this process nor in our separate engagements with them, provided evidence to support their statement that *"the Orakei Trunk Sewer only has capacity for an additional 750 development unit equivalents (DUEs) within the Wairaka Precinct"*. Reference to this capacity constraint should be removed in its entirety as it cannot be substantiated³⁰.

Panel Findings and Conditions

61. For the reasons provided above, the Panel finds that based on current advice, there is adequate public wastewater reticulation to service the Wairaka Stage 1 proposal.
62. Land use Conditions 86 and 87 require the wastewater drainage system to be installed in general accordance with the design drawings listed in Condition 1, and be subject to Engineering Plan Approvals by Council. Furthermore, we understand that Watercare approval will be required for any connections to its network.
63. We adopt that Advice Note, as agreed between the Applicant and Council, but subject to some amendments to address the concerns expressed by MHUD that it is overly detailed. However, the Panel considers that it is important that the Advice Note references the current understanding in terms of network capacity. In this regard, the Panel does not accept that there is no evidence of a capacity constraint. As owner and operator of the wastewater network, Watercare is well placed to provide advice on these matters, which it has. It is reasonable for the Panel to rely on Watercare's advice, especially given that there is no expert advice to the contrary.

30 Letter from Te Tūāpapa Kura Kainga – the Ministry of Housing and Urban Development dated 21 April 2023

Stormwater

64. As noted above, an SMP for the Precinct has been adopted by the Auckland Council, thereby authorising the stormwater discharges and diversions that are consistent with the SMP. This authorises discharges from the site.
65. The subject site contains several overland flow paths and a wetland. To contain flooding within the road network, localised low points and a secondary conveyance channel are proposed in the Laurel Street extension to convey secondary flow to Oakley Creek/Te Auaunga Awa.
66. In response to comments provided by Auckland Council Healthy Waters (and others), the Applicant has confirmed the following.
- (a) Stormwater design is based on the current Auckland Council Stormwater Code of Practice, Version 3, 3 January 2022. The flood risk assessment used a 3.8°C climate change uplift factor, as required by Auckland Council which is aligned with the Council catchment model. Pipes are to be sized to carry the 10% AEP design capacity for pipes, based on the maximum probable development of their contributing catchments.
 - (b) Two outfalls to Oakley Creek/ Te Auaunga Awa are proposed, with southern-most one to service the Stage 1 development, and the northern one to service the Laurel Street extension and future development stages. Both outlets will include energy dissipation to prevent erosion at the outfalls. A conveyance channel is to carry flows in excess of the piped network. This will continue to pass adjacent to Wetland 1 without adversely impacting the wetland, and discharge via an erosion protection structure to the Oakley Creek/ Te Auaunga Awa.
 - (c) Litta-Traps (or similar) will be located at every catchpit.
 - (d) Through detailed design, locating manholes within carriageways will be avoided wherever possible.
 - (e) All of the above will be confirmed through the Engineering Plan Approval process.

Panel Findings and Conditions

67. Following our review of the Application, comments and responses, the Panel agrees with the AEE's conclusion that:³¹

31 At page 38.

Overall, the development has been designed to mitigate stormwater flows to ensure that they do not cause any increased flooding risk for the subject site and up/downstream properties. The design will appropriately mitigate the flood hazard and will not increase the risk on adjacent properties or public safety.

68. The Panel finds that the potential stormwater effects of the Project will be appropriately managed. Land use Condition 71 requirements minimum floor heights, Conditions 72 prevents the use of surface treatments that have the potential to leach zinc and copper, and Conditions 84 and 85 require the stormwater system to be installed in general accordance with the design drawings listed in Condition 1, and, in accordance with land use Condition 26, be subject to Engineering Approvals by Council. We adopt these conditions, as agreed between the Applicant and Council.

Other Infrastructure Services and Engineering

69. Water supply has been designed in accordance with the Wairaka Precinct network, with connections via the local network at Laurel Street and Rhodes Avenue.
70. Auckland Council has confirmed that the provision of infrastructure will be subject to Engineering Plan Approvals.
71. Auckland Council has accepted the appropriateness of the Project from a geotechnical and earthworks perspective, and considers that it can meet relevant performance standards.
72. The Panel accepts these comments and provides no further comment.

Ecology

73. The Assessment of Ecological Effects³² describes the ecological values of the subject site and the adjacent environment including Te Auaunga/Oakley Creek in terms of avifauna, vegetation, herpetofauna, bats and freshwater (including wetlands). The value of some of the vegetation within the SEA, the site for lizards, the Oakley Creek and Wetland 1 were assessed as “moderate”. Otherwise, the ecological values were assessed as “low” or “negligible”.
74. The Ecological Assessment addressed the following aspects of the Project which affect ecological values:
- (d) The construction of the ‘Stage One’ portion of the project;
 - (e) Additional bulk earthworks to be completed across much of the site;
 - (f) One wastewater connection, located to the south of the Site, to an existing wastewater line in Phyllis Reserve; and

32 Provided by Bioresearches, Appendix 15 to the AEE.

- (g) Three service connections which extend eastward from the site toward the Oakley Creek, including:
- The upgrade of two existing stormwater lines and their outfalls, which are the northern-most and southern-most of the three service connections extending toward the creek; and
 - The construction of an additional connection to an existing wastewater line that runs parallel to the Oakley Creek. The additional line, which will be constructed is the central of the three connections which extend towards the creek.
75. Overall, the Ecological Assessment proposes that ecological effects are addressed, as far as practicable by avoiding and enhancing the highest ecological values on-site. It is not anticipated that the Project's adverse effects would result in the loss of or unacceptable disturbance to indigenous species, ecosystems, or critical ecosystem functions on-site nor within the context of the wider landscape. Rather the Application says that "it is anticipated that a gain in biodiversity values within the SEA and in Oakley Creek could be achieved where the recommended ecological enhancement and fauna management measures (listed below) are successfully implemented:"³³
- (a) A site specific Lizard Management Plan to detail measures to avoid and mitigate effects on protected native lizards;
 - (b) Controlling the timing of vegetation clearance or other measures to mitigate effects on birds;
 - (c) Ecological enhancement through replacement and additional planting within and adjacent to the SEA (at a ratio of 1:1.5); and weed control;
 - (d) Implementation of an erosion and sediment control plan to avoid and mitigate the effects of sediment discharges to the SEA; and
 - (e) Management of waterways and wetland 1, through the design of the outfalls and management of sediment discharges.
76. During the site visit Panel members were able to better understand the extent of the present environment and the impact that the Project will have on ecology of the area and its surrounds.
77. The Ecological Assessment³⁴ states that the area would have been Puriri forest prior to deforestation.

³³ Ecological Assessment at page 29-30.

³⁴ At page 7.

78. The site's general appearance is consistent with an unmaintained "brownfields" property awaiting development. Unkempt secondary exotic vegetation is growing across areas, which do that not have remnants of paving or tarseal.
79. There is evidence of "fly tipping" on the southern entrances and litter is scattered across the site. Remnants of litter are entangled within the vegetation growing on the site. The Panel also noted that there was some regrowth of Ti Kaukau, Matipo on the Stage 1 site.
80. These shrubs should be identified and used, where practicable, as part of the planting scheme. They carry a mauri from the original site and as such provide continuity of whenua whakapapa.
81. At the stonewall to the south of the site, the Panel noted mature Karaka trees which were in fruit. The Panel understands that these were an ancient "nibble" food for Māori and Karaka groves were highly treasured. Accordingly we have suggested that the Applicant seek to collect kakano (*seeds*) from these trees to germinate and use the germinated seedlings in the replanting scheme. They would carry whakapapa to the original karaka groves of Wairaka.
82. Pukeko were foraging the site and were seen throughout the site visit - an indication that they were nesting in the Auaunga Wetland to the east of the site. The Panel notes the AEE recommendation to:
- a) "avoid vegetation clearance during the bird breeding season (September to February, inclusive), as far as practicable,
 - or
 - b) ...carrying out a pre-vegetation clearance bird nesting survey and associated nest protection measures where required."
83. These recommendations are incorporated into the conditions.
84. The AEE and Ecological Assessment considered the impact on a list of species and concluded that these would be minimal³⁵. The Panel saw no evidence of any protected fauna but notes the AEE recommendation to create a Lizard Management Plan, which has been incorporated into the conditions.
85. The Panel inspected the SEA within which the Applicant is proposing to clear some vegetation for infrastructure works. The area appeared to contain a significant amount of exotic vegetation and the Panel notes the AEE recommendations regarding replanting. This is discussed further below.

35 Ecological Assessment, pages 10-14.

86. The Oakley Creek/Te Auaunga Awa Stormwater discharge routes are noted by the Panel and these routes marked by pegs were also inspected by the Panel during the site visit.
87. The Ecological Assessment states that any stormwater flow to Oakley Creek/Auaunga Awa from the site will be of similar or better quality than much of the other stormwater discharged to the stream³⁶ due to the stormwater treatments proposed for the development. It is also proposed to treat sediment from earthworks and construction with methods that are consistent with the AUP and regional best practice³⁷.
88. Only cursory attention is given in the Ecological Assessment³⁸ to fish and aquatic life due to barriers (natural and manmade) and pollutants that exist within an urbanised stream. However fish species have been recorded in this stream and an urban project should, in the Panel's opinion, seek to enhance these important environments.
89. The Panel considers that a long-term view should be taken as to the state of the water quality that may exist in the future and the ability of the environment to support a more diverse aquatic population taking into account cumulative effects on the environment.
90. Therefore, the ability for stormwater outflows to enable fish passage and the creation of possible habitat in permanent stormwater treatments should be considered on an on-going basis.
91. The Ecological Assessment states that the area would have been Puriri forest prior to deforestation however it is noted that only 4% of the site will be planted in this species. Replacement of the forest overcover should aim to restore as much as possible the original forest and the Applicant should look to increase the forest canopy cover within the SEA (as required by the conditions).
92. The Council provided some comments on these ecological matters, including in relation to the nature and scale of the enhancement/replacement planting. In its response the Applicant confirmed that replanting will be at a ratio of 1:1.5 and will be undertaken in areas adjacent to the replanted disturbance footprint, in accordance with planting plans that were provided with the Application and updated as part of the Applicant's response. The conditions require this to occur. On this basis there is no requirement for any off-set or compensation.

36 At 6.1.2.

37 Auckland Council Guideline Document 2016/05 *Erosion and Sediment Control Guideline for Land Disturbing Activities in the Auckland Region*

38 Section 5,5.

93. The conditions incorporate several recommendations made by the Council in terms of maintenance, replacement planting and weed control.
94. The Council also requested that the status of the “constructed wetland” be checked to confirm if the National Environmental Standard for Freshwater (**NES-F**) applies. The Panel is satisfied, on the basis of the Applicant’s response that the NES does not apply.
95. In terms of wetland 1 and the stormwater infrastructure works that will occur within 10m of the wetland, the Panel agrees with the following from the Assessment of Effects³⁹:

Given that the purpose of the proposed stormwater infrastructure is to dispose of stormwater and will be a publicly vested asset to Auckland Council, it is considered that the proposed stormwater infrastructure meets the above definition of “specified infrastructure” under the NPS-FM.

96. Accordingly a discretionary (not non-complying) activity status applies to these works under Regulation 45(1), (2) and (4) of the NES-F for the construction of stormwater infrastructure that results in vegetation clearance and earthworks within 10m of a natural wetland and discharge to water within a 100m setback of a natural wetland. However, we note that this was not raised as an issue by the Parties and, if it was a non-complying activity this would not have altered the Panel’s final decision.
97. We are satisfied that the discharge of treated sediment-laden runoff from sediment retention devices will not compromise the function of the wetland. We find that surface water flows that currently nourish the wetland should remain directed to it (subject to sediment control measures), rather than diverting those flows away from the wetland during construction.

Panel Findings and Conditions

98. For the reasons set out above the Panel is satisfied that the Applicant has adequately assessed and addressed the relevant ecological values that may be affected by the Project, taking into account the relevant AUP provisions. Moreover the Applicant has adequately responded to the concerns raised in comments, including by updating the planting plan.
99. The Panel has generally accepted the conditions proposed by the Applicant (and generally supported by the Council). The Panel has considered the Applicant’s response to its desire that appropriate kakano be recovered and used in the replanting. The Panel does not agree that the condition should only refer to recovering kakano within the SEA. It has drafted the conditions accordingly.

39 Page 32

Cultural heritage and archaeology

100. During the site visit, various buildings that would be demolished and features that would be impacted upon were pointed out to the Panel members.

101. The Applicant's Archaeology Assessment notes:⁴⁰

From known historical and archaeological records this area reflects not only considerable Māori occupation and settlement in both pre-European contact and the early European Settlement period, but also of fairly significant colonial European occupation.

102. The Archaeology Assessment provides a detailed historical account of the site, which was part of the domain of various Iwi over the last millennium. The Assessment cover this history along with the 1841 purchase of the Waitematā to Manuakau Block by the Crown from Ngāti Whātua, subsequent purchases (which included the subject site) and its subsequent use as an asylum.

103. The Project Site was part of the larger Carrington and Oakley mental Institution "farm outbuildings" area. The farm buildings were decommissioned and demolished prior to the return of the land to Ngāti Whātua but an assortment of structures, buildings and remnants still stand and have been proposed to be demolished to make way for a formed road that will service future stages of the greater project.

104. The Archaeology Assessment observes that:⁴¹

...the vast majority of Wairaka Precinct has been heavily modified by landscaping, carparks, pathways and buildings both old and new. However, there are fourteen archaeological sites either within, on or very close to the boundaries of the proposed development area, the majority of which are close to the Te Auaunga/Oakley Creek.

105. The Assessment identifies items of archaeological and cultural heritage on the building or road platform and notes that there are recorded archaeological sites adjacent to the east of the subject, and one within, that will be impacted. This includes a stone wall, archaeological site R11/2979 (stone wall) at the southern end that will be deconstructed and parts modified. As noted above, the wall is not afforded specific protection under the AUP, including Chapter D17 Historic Heritage Overlay and the Wairaka Precinct.⁴²

106. The Assessment recommends actions and safeguards that should be taken which are reasonable and should be included as part of the conditions sought for the Archaeological Authority. In this regard, the Panel understands that an Authority will be required. However, the Panel's role is to assess the Application in accordance with the relevant provisions of the RMA. The fact that Heritage New Zealand Pouhere Taonga (HNZPT) will also be making

40 Appendix 14 to the AEE, Page 35.

41 Page 36.

42 See also Precinct Plan 1, which shows the Laurel Street extension.

decisions under its statute is a separate matter for it. The fact that an Authority may be required (and subsequently granted) does not, as a matter of law, remove requirements to comply with the AUP or relevant resource consent conditions. Assuming that an Authority is granted, the consent holder will need to comply with both the Authority and the conditions of the consent that we are granting.

107. For this reason, the Panel has not accepted many of the conditions requested by the HNZPT.
108. In its comments on the Application, the Auckland Council requested conditions addressing the effects of demolishing Building 076. In addition HNZPT also raised concerns about this activity. As explained by the Applicant, this is permitted activity, as evidenced by the certificate of compliance issued in June 2022. There are no conditions imposed on the certificate of compliance. Accordingly, it is not appropriate to impose conditions on a resource consent for a development that involves the removal of this building.
109. As a more general observation the Panel notes that, in its view, decisions about the extent to which building 076 should be valued and 'remembered', given its association with the asylum should, in its view, place significant weight on the views of Ngāti Whātua.
110. The Council also requested conditions addressing the removal of a section of the stone wall, to provide for the extension of Laurel Avenue. In response, the Applicant notes:

Modification to the stonewall at the ends of Rhodes Avenue and Laurel Street are anticipated by the Wairaka Precinct provisions to allow for public roading connections. As detailed in Section 6.1.3 of the AEE, this modification does not require resource consent. It is intended to lodged an application to modify an archaeological site to Heritage NZ shortly. Where possible, it is intended to reuse the stone to wrap around the entry corners of the roading extensions

111. The Panel agrees with this response.

Panel Findings and Conditions

112. For the reasons set out above the Panel is satisfied that the Applicant has adequately assessed and addressed the relevant archaeological and historical values that may be affected by the Project, taking into account the relevant AUP provisions. Moreover the Applicant has adequately responded to the concerns raised in comments.
113. The Panel has carefully considered the comments made by the parties and, in particular the Council and HNZPT. As explained above, several of these comments relate to activities that are permitted by the AUP and/or will be the subject of consideration by HNZPT under its statute. The conditions set out in

Appendix A have taken these matters into account. The Panel is satisfied, the conditions will adequately address actual and potential archaeological and historical effects, taking into account the relevant AUP provisions.

Traffic, access, and parking

114. In accordance with Policy (24) and clause I334.9 of the Unitary Plan, an integrated transport assessment was approved by the Auckland Council in March 2021 referred to as the “Wairaka Precinct Integrated Transport Assessment” (**WPITA**).⁴³ The Application and Project are within the “Southern” staging zone shown in the WPITA. A specific assessment of the transport design and effects of the Project has been provided with the Application and expanded on in response to comments, which recognises and is consistent with the WPITA.

115. At the outset we address a matter raised in the comments received from Linda and Timothy Holdaway of 15 Raetihi Crescent. In their comments they raise concern about the proposal’s alignment with the requirement of Wairaka Precinct policy I334.3(23) which states:

Require an integrated transport assessment for any new development greater than 2,500m² gross floor area in the Business - Mixed Use Zone or greater than 1,000m² gross floor area in the residential zones, unless that additional development was assessed as part of an earlier assessment of transportation effects that is no more than two years old.

116. The Holdaways noted the Applicant’s reliance on the 2021 approved WPITA that was prepared in 2020. Having carefully considered this matter and the Applicant’s response to this comment, we are satisfied that the proposal meets the intent of this policy for the following reasons.

- (a) While the WPITA was prepared in 2020, it was approved in March 2021. The Wairaka Stage 1 application was prepared and accepted for processing by the Environmental Protection Authority before March 2023.
- (b) The WPITA includes a new public roading layout within the Precinct. Resource consent was granted in June 2022 to implement this roading layout⁴⁴. The Wairaka Stage 1 proposal is generally consistent with the roading layout adopted for the WPITA.
- (c) The Wairaka Stage 1 proposal includes a specific Traffic Assessment Report that recognises the WPITA (and the updated Te Auaunga Precinct 2022 ITA⁴⁵) now lodged with Auckland Council.

⁴³ See Appendix 22 to the Application.

⁴⁴ Council reference BUN60388418. Engineering approval has subsequently been granted in August 2022. See appendices 24, 32 to the Application.

⁴⁵ Te Auaunga Precinct 2022 Integrated Transport Assessment; Stantec (for Ministry of Housing and Urban Development)

- (d) Wairaka Stage 1 is only a portion of the maximum probable development assumed in the WPITA for the Southern zone.

117. In addition, the Panel notes that the ITA requirement is a “Special Information Requirement”⁴⁶ that is treated as an assessment matter. Specifically, the Precinct Provisions refer to:

The extent to which proposed developments meet the requirements of any existing integrated transport assessment applying to the proposed development or any new integrated transport assessment or other traffic assessment lodged with the resource consent application⁴⁷.

118. Accordingly, the provisions enable consideration of the Applicant’s Traffic Assessment Report. Moreover, even in cases of non-compliance with this requirement, this does not appear to alter the activity status (it is not a standard, for example). And, in any event, the current Application is being assessed as a non-complying activity, enabling consideration of all relevant AUP provisions and effects.

119. The Applicant’s Traffic Assessment Report concludes:

- The site is well connected from an active mode and public transport perspective;
- The crash history does not indicate any safety issues on Rhodes Avenue or Laurel Street;
- The traffic expected to be generated by the proposed development can be accommodated within the existing road network. The effects of this generated traffic are considered to be negligible;
- The 50 dwellings proposed is less than the 469 dwellings allowed for in the Wairaka precinct ITA;
- There is no minimum and no maximum parking requirement for the site, and therefore the 50 formal parking spaces proposed meet the Unitary Plan parking provision requirement;
- The dimensions of all parking spaces meet Unitary Plan standards;
- One loading space is required by the Unitary Plan (greater than 5,000m² GFA) however loading is proposed to be accommodated informally (either within JOALS or within driveways in front of garages (for the lots on the southern side of Road 1). Waste is proposed to be collected either privately (for those lots on JOALS) or on-street (for the lots on the southern side of Road 1);
- The parking space gradients comply with the Unitary Plan;
- Three vehicle crossings are within 10m of an intersection however the effects of those non-compliances are considered negligible given the low traffic volumes and speeds within the site;
- The number of vehicle crossings satisfies Unitary Plan standards after subdivision and is typical of a medium density residential development;
- There is a minimum of 5.6m separation distance between any vehicle crossings in Stage 1 which can satisfy Unitary Plan standards after subdivision;
- The proposed vehicle crossing widths meet Unitary Plan standards;
- The gradients of the vehicle accesses meet the Unitary Plan requirements in terms of maximum gradients and transitions, however either dwellings do not provide compliant safety platform gradients (these are discussed in Section 11.1.4), and

46 I334.9(1)

47 I334.8.2(1)(d)(ii) and (e); and (2)(f)(i).

- The available sight distances are considered acceptable and meet accepted design standards.

120. Through comments from local residents, the Albert-Eden Local Board and Auckland Transport, the following key matters were raised, and responded to by the Applicant.

Rear berm widths

121. Auckland Transport sought 1m wide back berms as specified in the Transport Design Manual (TDM) to minimise the need for service covers, lids, plinths and cabinets to be placed in the footpath, reduce the chance of parked vehicles exceeding 5m in length extending into the footpath, and minimise the risk of collision involving a vehicle exiting a site and a pedestrian crossing the vehicle crossing. The Applicant responded that the reduced back berm widths are proposed to maximise the landscaping area within the front berm, and are mitigated by providing visibility splays (to enhance inter visibility between drivers exiting sites and pedestrians on the frontage footpath) on all Auckland Transport managed roads. A Departure from Standards approval will be sought from Auckland Transport. If not approved, either alternative road cross sections can be developed within the same road reserve width or changes to the road reserve width will be made at that time.
122. We find that the detail of the back berm widths can be confirmed through detailed design and options are available should a departure from standards not be approved. Accordingly, we do not require any change to the design proposed through this consenting phase of the development.

Design speed and traffic calming

123. In response to requests for additional traffic calming measures and speed restrictions on the proposed public roads, the Applicant responded as follows:

The posted speed limit within the site is proposed to be a typical urban speed limit (50 km/hr) however the roads will be designed to have an operating speed of 30 km/hr. This is primarily achieved through traffic calming including raised intersections and speed humps. There are further locations that have been earmarked for future traffic calming (however these will not be constructed initially in order to provide flexibility for vehicle access/ road locations in later development stages.⁴⁸

124. The Applicant also noted that the JOALs will be narrow local access lanes that will minimise speed through side friction and the limitation of local resident use.

48 *Technical Memo*; Mike Nixon, Commute Transportation Consultants, 30 March 2023, page 2

125. We accept this response. The long-term management of vehicle speeds is an on-going process that will need to adapt over time, as the area develops and changes.

Parking

126. The proposed number of parking spaces complies with the AUP requirements. At least one on-site park is proposed for each dwelling. The provision of six time-controlled visitor parks exceeds the AUP which imposes no minimum requirement.
127. Provision has been made for a secure bicycle park at each dwelling. Auckland Transport noted that the length of the bike park may not accommodate a typical range of bikes. We consider this to be a matter that can be refined through detailed design and provide no further comment.

Street connections

128. The Laurel Street extension will be a cul-de-sac. The Laurel Street footpath will be extended around the cul-de-sac head to continue on both sides of the street. This has been confirmed in the updated drawings provided by the Applicant and referenced in Condition 1.
129. The Applicant confirmed that the Waterview Cycleway / Shared Path will be upgraded past the site via a separated cycleway and pedestrian footpath to be relocated alongside the Laurel Street extension. The Applicant states that the 1m wide separation between the cycleway and footpath is consistent with other sections of that route and consistent with advice received from Auckland Transport in May 2022. Its final form and separation can be confirmed through detailed design.
130. The geometry of the Laurel Street extension has been tested and confirmed as acceptable for access by waste management trucks and passing light vehicles.
131. Street connections are limited to the Laurel Street extension and the connection of Road 1 to Rhodes Avenue via a narrowed carriageway and traffic calming platform.
132. No access is proposed between the development site and Renton Road. Nor does Stage 1 propose a connection to Mark Road.
133. At-grade pedestrian access has been provided along JOAL 3 to the boundary of the Unitec site. Grade difference at that boundary is currently provided for by steps. An alternative fully accessible connection to the Unitec site cannot be provided without permission from Unitec to install a ramp within its land. We find that possible provision of a ramp is a matter that can be addressed separately from this resource consent process. Alternative accessible routes

to the Unitec site already exist and the Stage 1 proposal does not diminish that access.

Construction traffic effects

134. Land use Condition 12 requires the preparation and submission of a Construction Traffic Management Plan (**CTMP**) to Auckland Council for certification against the New Zealand Transport Authority Code of Practice for Temporary Traffic Management and the requirements of Condition 14. Condition 13 states the objective of the CTMP, being to “to ensure that during construction the surrounding transport network (including roads, footpaths, shared-paths and public transport services) operates safely and efficiently for all road users including residents, cyclists, public transport users and pedestrians”. Condition 14 lists the minimum information that must be included in the CTMP.
135. The draft CTMP conditions submitted with the Application have been modified by the Panel and the Applicant in response to comments received from local residents and Auckland Council. Condition 14 now includes, but is not limited to, requirements to specify:
- (a) a restriction limiting construction vehicle access to only occur via Laurel Street;
 - (b) routes and number of daily movements for heavy vehicles;
 - (c) restrictions on construction vehicle movements during school start and finish times;
 - (d) signage on surrounding streets to support traffic management;
 - (e) details as to how the Waterview Cycleway / Shared Path can remain open and operating safely during construction (unless it is not practicable to do so);and
 - (f) a prohibition on damage to public roads, footpaths, berms, kerbs, drains, reserves and other public assets.
136. Importantly, the CTMP must be submitted to Auckland Council for certification and in that capacity, Auckland Council can ensure that the listed requirements are met. We are satisfied that the implementation of the CTMP, once certified, will ensure that potential construction traffic effects of acceptably minimised.

Panel Findings and conditions

137. The Panel finds that compliance with the consent conditions addressed above will ensure that potential adverse transport effects of the development,

including construction effects, will be acceptably minimised and managed. The development incorporates an appropriate design approach that is provided with sufficient detail to make this finding with certainty.

138. Various design iterations can be made and confirmed through detailed design and Engineering Plan Approval processes, without comprising the validity of this finding.

Built character, appearance and amenity

139. The built character and appearance of the proposed dwellings has been assessed in the AEE,⁴⁹ Sections 1 and 2 of the Architectural Package⁵⁰ and the Urban Design Statement.⁵¹

140. While the entire site contains several AUP zones, the Stage 1 site (where the dwellings are currently proposed) does not include any THAB zoning. Accordingly, the MHU provisions are the focus. The Project requires breaches of various technical standards in the MHU Zone, E38 Subdivision-urban and the Precinct provisions relating generally to the intensity of the dwellings. These breaches are either restricted discretionary or discretionary activities.

141. After reviewing the Applicant's Urban Design Report and the architectural plans⁵² we agree with the following from the AEE:⁵³

The objectives and policies for the MUH zone enable a variety of housing types at higher densities, with an urban built character of predominantly three-storey buildings. They encourage development that provides passive surveillance, optimises front yard landscaping and minimises visual dominance of garage doors. Development should maintain a reasonable standard of sunlight access and privacy to adjoining site as well as minimising visual dominance effects.

The proposal is considered to accord with the MHU objectives and policies for the following reasons:

- The architecturally designed development will provide an attractive, high quality development that positively responds to and enhances the site and wider residential neighbourhood. Its design quality will be commensurate with its prominence and visual effect;
- Proposed dwellings are considered to have good on-site amenity. Orientation, Solar access, cross-flow ventilation, privacy. And ample outdoor living areas which have direct access from living rooms;
- From Road 1, garages are set back from the main building façade or located from a rear JOAL;

49 Section 10.7.

50 Appendix 5.

51 Appendix 8.

52 By DKO, Appendix 5 to the AEE.

53 Section 11.4.2.10.

- The proposal provides a variety of dwelling sizes and achieves passive surveillance of the street as dwellings have open plan living, kitchen and dining areas on the ground floor with outlook over the street;
- The height, bulk and form of the dwellings are such that adverse dominance effects to adjoining sites are minimised and a reasonable standard of sunlight access and privacy is achieved; and
- The overall site layout has been comprehensively designed to ensure an integrated approach to buildings, roading, vehicular accesses, pedestrian movement and parking. This integrated approach has been designed to relate to the site characteristics and surrounding environment without detracting from the visual amenity of the surrounding area.

142. Several parties raised concerns in their comments about effects of the proposed buildings on the residential properties and dwellings to the south of the site. The Applicant provided responses to these concerns, including further detail regarding the boundary treatments and shading impacts.

143. Based on our review of the materials we are satisfied that the adverse effects on the southern boundary (including those associated with breaches of the AUP standards) have been adequately addressed through the design of the Project and the proposed resource consent conditions. In reaching this conclusion the Panel notes Policy H5.3(4) which requires the “height, bulk and location of development [in the MHU zone] to maintain a reasonable standard of sunlight access and privacy and to minimise visual dominance effects to adjoining sites”. The Project achieves this outcome.

144. Several parties also raised concerns about the amenity within the site, including the quality of the proposed dwellings and broader socio-economic matters. Again the Applicant responded to these concerns with additional information from its expert advisors. The Panel has considered these comments and the Applicant’s responses and agrees with the conclusions of the Urban Design Statement that:⁵⁴

The proposed layout of the buildings on the site, together with the landscape plans, responds well to the site conditions and existing environment. The masterplan creates strong visual and physical connections to the existing residential neighbourhood to the south and the Unitec campus to the north, making good use of its context and features. Species selection and materials are influenced by the cultural and historic context of the site and its surrounding area.

Although there are a number of infringements to the coverage, impermeable surface and landscaped permeable surface at an individual site level, the compact nature of the development is considered acceptable as residents will have access to a number of parks, pedestrian and cycle networks in the surrounding area as well as schools, early learning centres and the Unitec campus.

While the lots are compact, the units are of an acceptable size, offering a highly liveable and varied housing choice. All benefit from efficient layouts, cross ventilation and some degree of usable and easily accessible private outdoor space.

54 At page 27.

The street-facing layout of all the units activates the public realm including the public street and the private JOALs, providing an interesting frontage and offering an opportunity for passive surveillance of the street. Direct access from either a street or JOAL is provided to all units. This creates a legible interface which is further enhanced by the front yard landscape treatment.

Panel Findings and conditions

145. Overall, the Panel is satisfied that the Project has been designed to appropriately address the various built environment, appearance and amenity effects, having regard to the relevant AUP provisions and the surrounding environment. These matters are further addressed by the proposed consent conditions, including Condition 1 which requires numerous plans and other documents to be implemented and Conditions 16 (architectural design), 18 (lighting design), 20 (landscaping) and 73 (roading).
146. Finally, the Panel endorses the Applicant's responses to the "insinuation that future residents will be from a lower socio-economic status that will result in the ultimate denigration of the neighbourhood". There is no reasonable basis for concerns of the nature. As explained above, the evidence strongly supports a contrary conclusion: that what is proposed is an attractive, high quality development designed to cater for highly liveable and varied housing choice.

Positive effects

147. Inevitably the focus of these processes is placed on adverse effects. However, when considering adverse effects and whether they will be adequately addressed it is important to also consider the positive effects. In the Panel's view the Project will generate several significant positive effects, including:
- (a) Contributing to the social, economic and cultural wellbeing of the Ngāti Whātua Rōpu through enabling the development of land returned as part resolution of their Treaty claim;
 - (b) Earthworks and enabling infrastructure will be undertaken to advance future stages of the Carrington Residential Development in accordance with the community's aspirations as reflected in the AUP and, more specifically the Precinct provisions;
 - (c) The provision of 50 new well-designed two-storey dwellings that will enhance the streetscape amenity of this area, provide for passive surveillance over the street and contribute towards the creating of much needed housing in Auckland;
 - (d) The provision of a range of dwelling sizes to enable smaller more affordably priced dwellings;

- (e) The provision of additional living opportunities in a location that is well serviced by public transport, existing walking/cycling connections, and within an established neighbourhood that contains a wide range of open space and local amenities; and
- (f) Landscaping and ecological enhancement that will enhance both the subject site and the immediate surrounds.

PART G: CONDITIONS

- 148. As explained above, the Panel provided draft conditions to the Parties for their comment. The draft conditions included several comments asking certain parties to consider some specific matters. In accordance with the Panel's minute of 17 April, the Applicant and Council provided a response which incorporated agreed sets of conditions.
- 149. Overall, the Panel accepts the conditions as agreed between the Applicant and the Council, subject to several amendments to the land use conditions to address matters discussed above.
- 150. The Applicant and Auckland Council have provided an agreed set of subdivision consent conditions. They impose various technical/legal requirements on the creation of lots and services and do not conflict with the land use conditions discussed throughout this decision report. We adopt the subdivision conditions without further comment or material amendment.
- 151. The conditions for both consents are set out at Appendix A.

Part H: STATUTORY PURPOSES

Purpose of the FTA

- 152. As observed by the Panel for the Matawii Water Storage Reservoir [at 55], although the Act does not expressly say so, we infer that listed projects are deemed to meet the purpose of the Act in section 4. Interestingly however, while that would seem trite because ability to refuse consent is so limited, Clause 9(1)(g) of Schedule 6 FTA nevertheless requires an assessment of the activity against the purpose of the Act, as well as many other matters. And, clause 29(1) of Schedule 6 requires a consenting panel to have regard to numbers of matters, subject to the purpose of the Act.
- 153. In this regard, we accept and adopt the comments made at section 12 of the AEE regarding the contribution of the Project to the purpose of the FTA. In short, the Panel is satisfied that the Project will constitute a significant economic investment, with consequential economic and social benefits, while

promoting the sustainable management purpose of the RMA (discussed below).

154. We also conclude that the Project will provide:

- (a) For the practical expression of rangatiratanga by Ngāti Whātua over the Project site and within their rohe;
- (b) The ability for Ngāti Whātua to lead implementation and govern the outcomes envisaged by their Treaty Settlement and the Application;
- (c) Recognition for the partnership between Ngāti Whātua and the Crown;
- (d) A development that is mutually respectful of the Ngāti Whātua whakapapa, mātauranga and relationship with the Project site and for the current and future needs of Tāmaki Makaurau;
- (e) For the active protection of interests and relationships of Ngāti Whātua with the Project site and within Tāmaki Makaurau, by giving effect to their Treaty Settlement; and
- (f) Ngāti Whātua with the ability to develop and use their lands in a way that is culturally aligned and enhancing.

155. Therefore, the project is also consistent with section 6 FTA.

Part 2 Resource Management Act 1991

156. Section 12(10) FTA provides:

The provisions of the Resource Management Act 1991 otherwise apply, to the extent that they are relevant and with any necessary modifications, to a listed project...

157. Also of relevance is clause 29(1) of Schedule 6 FTA which provides:

When considering a consent application in relation to the conditions to be imposed on a listed project, and any comments received in response to an invitation given under clause 17(2), a panel must, subject to Part 2 of the Resource Management Act 1991 and the purpose of this Act, have regard to... [emphasis supplied]

158. For completeness we note that clause 9(1)(g)(i) of Schedule 6 FTA provides that every consent application for a listed or referred project must include an assessment of the activity against Part 2 of the Resource Management Act 1991.

159. Some important context in relation listed projects is, as discussed elsewhere in this decision, that clause 34 of Schedule 6 greatly limits the power of panels

to refuse consent, to two grounds. Inconsistency with Part 2 RMA is not one of them. The consequence is that conditions of consent are the focus if any resort is to be had to Part 2. We refer as well to our discussion of clause 35 of Schedule 6 elsewhere in this decision.

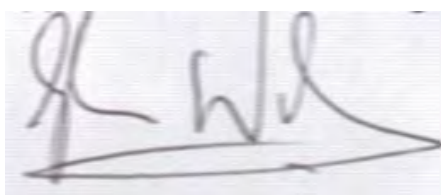
160. The Applicant discussed Part 2 RMA in section 12 of the AEE. It refers to sections 5, 6, 7 and 8, and offered commentary and assessment of the application against them. We accept this assessment and are satisfied that the Project will, subject to the attached conditions, achieve the sustainable management purpose of the RMA.

PART I: FINAL DECISION

161. Therefore, we grant resource consent subject to the conditions set out in Appendix A.



Gerald Lanning (Chair)



Glenn Wilcox (Member)



Michael Parsonson (Member)

APPENDIX A

CONSENT CONDITIONS

Land use Conditions:

GENERAL CONDITIONS

Activity in Accordance with Application

1. The development must proceed in general accordance with the information and plans submitted with the application formally received by the Environment Protection Agency on 10 November 2022, including all supporting additional information submitted.

In the event that any of the provisions of the following documents conflict with the requirements of these conditions of consent, these conditions of consent must prevail.

Drawing Title and Reference	Architect / Author	Rev.	Dated
Proposed Site Plan - Stage 1 (RC401)	DKO	A	15/09/2022
Proposed Lot Plan - Stage 1 (RC402)	DKO	A	15/09/2022
Ground Floor - Stage 1 (RC403)	DKO	A	15/09/2022
First Floor - Stage 1 (RC404)	DKO	A	15/09/2022
Roof Plan - Stage 1 (RC405)	DKO	A	15/09/2022
Proposed Streetscapes (RC406)	DKO	A	15/09/2022
Proposed Streetscapes (RC407)	DKO	A	15/09/2022
Site Sections (RC408)	DKO	A	15/09/2022
Site Sections (RC409)	DKO	A	15/09/2022
Block 1.1 Ground Floor Plan (RC601)	DKO	A	15/09/2022
Block 1.1 First Floor Plan (RC602)	DKO	A	15/09/2022
Block 1.1 Roof Plan (RC603)	DKO	A	15/09/2022
Block 1.1 Elevations (RC604)	DKO	A	15/09/2022
Block 1.1 Elevations (RC605)	DKO	A	15/09/2022
Block 1.2 Ground Floor Plan (RC606)	DKO	A	15/09/2022
Block 1.2 First Floor Plan (RC607)	DKO	A	15/09/2022
Block 1.2 Roof Plan (RC608)	DKO	A	15/09/2022
Block 1.2 Elevations (RC609)	DKO	A	15/09/2022
Block 1.2 Elevations (RC610)	DKO	A	15/09/2022
Block 1.3 Ground Floor Plan (RC611)	DKO	A	15/09/2022
Block 1.3 First Floor Plan (RC612)	DKO	A	15/09/2022
Block 1.3 Roof Plan (RC613)	DKO	A	15/09/2022
Block 1.3 Elevations (RC614)	DKO	A	15/09/2022
Block 2.1 Ground Floor Plan (RC701)	DKO	A	15/09/2022

Block 2.1 First Floor Plan (RC702)	DKO	A	15/09/2022
Block 2.1 Roof Plan (RC703)	DKO	A	15/09/2022
Block 2.1 Elevations (RC704)	DKO	A	15/09/2022
Block 2.2 Ground Floor Plan (RC705)	DKO	A	15/09/2022
Block 2.2 First Floor Plan (RC706)	DKO	A	15/09/2022
Block 2.2 Roof Plan (RC707)	DKO	A	15/09/2022
Block 2.2 Elevations (RC708)	DKO	A	15/09/2022
Block 3.1 Ground Floor Plan (RC801)	DKO	A	15/09/2022
Block 3.1 First Floor Plan (RC802)	DKO	A	15/09/2022
Block 3.1 Roof Plan (RC803)	DKO	A	15/09/2022
Block 3.1 Elevations (RC804)	DKO	A	15/09/2022
Block 3.2 Ground Floor Plan (RC805)	DKO	A	15/09/2022
Block 3.2 First Floor Plan (RC806)	DKO	A	15/09/2022
Block 3.2 Roof Plan (RC807)	DKO	A	15/09/2022
Block 3.2 Elevations (RC808)	DKO	A	15/09/2022
Block 3.2 Elevations (RC809)	DKO	A	15/09/2022
Block 3.3 Ground Floor Plan (RC810)	DKO	A	15/09/2022
Block 3.3 First Floor Plan (RC811)	DKO	A	15/09/2022
Block 3.3 Roof Plan (RC812)	DKO	A	15/09/2022
Block 3.3 Elevations (RC813)	DKO	A	15/09/2022
Block 4.1 Ground Floor Plan (RC901)	DKO	A	15/09/2022
Block 4.1 First Floor Plan (RC902)	DKO	A	15/09/2022
Block 4.1 Roof Plan (RC903)	DKO	A	15/09/2022
Block 4.1 Elevations (RC904)	DKO	A	15/09/2022
Block 4.2 Ground Floor Plan (RC905)	DKO	A	15/09/2022
Block 4.2 First Floor Plan (RC906)	DKO	A	15/09/2022
Block 4.2 Roof Plan (RC907)	DKO	A	15/09/2022
Block 4.2 Elevations (RC908)	DKO	A	15/09/2022
Block 4.2 Elevations (RC909)	DKO	A	15/09/2022
Material Palette (RC1002)	DKO	A	15/09/2022
Location Plan (5234-1000)	Kamo Marsh	D	18/10/2022
Stage 1 Masterplan (5234-1100)	Kamo Marsh	D	18/10/2022
Landscape Plan Block 4.1 & 4.2 (5234-1101)	Kamo Marsh	D	18/10/2022
Landscape Plan Block 3.2 (5234-1102)	Kamo Marsh	D	18/10/2022
Landscape Plan Block 3.1 & 3.3 (5234-1103)	Kamo Marsh	D	18/10/2022
Landscape Plan Block 2.1 & 2.2 (5234-1104)	Kamo Marsh	D	18/10/2022
Landscape Plan Block 1.2 & 1.3 (5234-1105)	Kamo Marsh	D	18/10/2022
Landscape Plan Block 1.1 & 1.2 (5234-1106)	Kamo Marsh	D	18/10/2022
Landscape Plan Block 1.1 (5234-1107)	Kamo Marsh	D	18/10/2022
Retaining Wall Masterplan (5234-1301)	Kamo Marsh	D	18/10/2022
Fencing Masterplan (5234-1302)	Kamo Marsh	D	18/10/2022

Specimen Tree Plan - Vested Road & JOALs (5234-1701)	Kamo Marsh	D	18/10/2022
Specimen Tree Plan - Vested Road 1 (5234-1702)	Kamo Marsh	D	18/10/2022
Specimen Tree Plan - Vested Road 2 (5234-1703)	Kamo Marsh	D	18/10/2022
Specimen Tree Plan - Vested Road 3 (5234-1704)	Kamo Marsh	D	18/10/2022
Indicative Planting Palette (5234-1705)	Kamo Marsh	D	18/10/2022
Hardscape Palette (5234-4101)	Kamo Marsh	D	18/10/2022
Elevations - Road & JOAL (5234-4102)	Kamo Marsh	D	18/10/2022
Elevations - Southern Boundary & Bike/Bin Storage (5234-4103)	Kamo Marsh	E	30/03/2023
SEA Location Plan (5234-100)	Kamo Marsh	A	17/10/2022
Insert 1 Planting Plan (5234-101)	Kamo Marsh	A	17/10/2022
Insert 2 Planting Plan (5234-102)	Kamo Marsh	A	17/10/2022
Insert 3 Planting Plan (5234-103)	Kamo Marsh	A	17/10/2022
Insert 4 Planting Plan (5234-104)	Kamo Marsh	C	31/03/2023
Planting Palette (5234-105)	Kamo Marsh	A	17/10/2022
Design Contours (P21-464-01-1100-EW)	Woods	1	31/10/2022
Cut and Fill Depth Contours Overall Design (P21-464-01-1200-EW)	Woods	1	31/10/2022
Typical Earthworks Details (P21-464-01-1600-EW)	Woods	1	31/10/2022
Typical Sediment and Erosion Control Details Sheet 1 of 6 (P21-464-01-1601-EW)	Woods	1	31/10/2022
Typical Sediment and Erosion Control Details Sheet 2 of 6 (P21-464-01-1602-EW)	Woods	1	31/10/2022
Typical Sediment and Erosion Control Details Sheet 3 of 6 (P21-464-01-1603-EW)	Woods	1	31/10/2022
Typical Sediment and Erosion Control Details Sheet 4 of 6 (P21-464-01-1604-EW)	Woods	1	31/10/2022
Typical Sediment and Erosion Control Details Sheet 5 of 6 (P21-464-01-1605-EW)	Woods	1	31/10/2022
Typical Sediment and Erosion Control Details Sheet 6 of 6 (P21-464-01-1606-EW)	Woods	1	31/10/2022
Sediment and Erosion Control Plan (P21-464-01-1800-EW)	Woods	1	31/10/2022
Road Layout Overall Plan (P21-464-01-2000-RD)	Woods	1	31/10/2022
Road Layout Plan - Sheet 1 of 2 (P21-464-01-2001-RD)	Woods	1	31/10/2022
Road Layout Plan – Sheet 2 of 2 (P21-464-01-2002-RD)	Woods	1	31/10/2022
Road Long Section - Sheet 1 of 3 (P21-464-01-2500-RD)	Woods	1	31/10/2022
Road Long Section - Sheet 2 of 3 (P21-464-01-2501-RD)	Woods	1	31/10/2022
Road Long Section - Sheet 3 of 3 (P21-464-01-2502-RD)	Woods	1	31/10/2022
Typical Road Cross Section (P21-464-01-2800-RD)	Woods	1	31/10/2022
Typical Road Cross Sections JOALs (P21-464-01-2801-RD)	Woods	1	31/10/2022
Existing Road Connections JOALs (P21-464-01-2802-RD)	Woods	1	31/10/2022
Stormwater Drainage Overall Layout Plan (P21-464-01-3000-DR)	Woods	1	31/10/2022

Stormwater Drainage Layout Plan - Sheet 1 of 4 (P21-464-01-3001-DR)	Woods	1	31/10/2022
Stormwater Drainage Layout Plan - Sheet 2 of 4 (P21-464-01-3002-DR)	Woods	1	31/10/2022
Stormwater Drainage Layout Plan - Sheet 3 of 4 (P21-464-01-3003-DR)	Woods	1	31/10/2022
Stormwater Drainage Layout Plan - Sheet 4 of 4 (P21-464-01-3004-DR)	Woods	1	31/10/2022
Stormwater Overland Flow Path Layout (P21-464-01-3100-DR)	Woods	1	31/10/2022
Stormwater Drainage Long Sections - Sheet 1 of 5 (P21-464-01-3500-DR)	Woods	1	31/10/2022
Stormwater Drainage Long Sections - Sheet 2 of 5 (P21-464-01-3501-DR)	Woods	1	31/10/2022
Stormwater Drainage Long Sections - Sheet 3 of 5 (P21-464-01-3502-DR)	Woods	1	31/10/2022
Stormwater Drainage Long Sections - Sheet 4 of 5 (P21-464-01-3503-DR)	Woods	1	31/10/2022
Stormwater Drainage Long Sections - Sheet 5 of 5 (P21-464-01-3504-DR)	Woods	1	31/10/2022
Stormwater Catch Pit Detail (P21-464-01-3800-DR)	Woods	1	31/10/2022
Wastewater Drainage Overall Layout Plan (P21-464-01-4000-DR)	Woods	1	31/10/2022
Wastewater Drainage Layout Plan - Sheet 1 of 2 (P21-464-01-4001-DR)	Woods	1	31/10/2022
Wastewater Drainage Layout Plan - Sheet 2 of 2 (P21-464-01-4002-DR)	Woods	1	31/10/2022
Wastewater Interceptor Layout Plan (P21-646-01-4100-DR)	Woods	1	31/10/2022
Wastewater Drainage Long Sections - Sheet 1 of 2 (P21-646-01-4500-DR)	Woods	1	31/10/2022
Wastewater Drainage Long Sections - Sheet 2 of 2 (P21-646-01-4501-DR)	Woods	1	31/10/2022
Wastewater Interceptor Long Sections - Sheet 1 of 2 (P21-646-01-4550-DR)	Woods	1	31/10/2022
Wastewater Interceptor Long Sections - Sheet 2 of 2 (P21-646-01-4551-DR)	Woods	1	31/10/2022
Water Reticulation Overall Layout Plan (P21-464-01-5000-WS)	Woods	1	31/10/2022
Water Reticulation Layout Plan - Sheet 1 of 2 (P21-464-01-5001-WS)	Woods	1	31/10/2022
Water Reticulation Layout Plan - Sheet 2 of 2 (P21-464-01-5002-WS)	Woods	1	31/10/2022
Utility Layout Overall Plan (P21-464-01-6000-UT)	Woods	1	31/10/2022
Utilities Plan - Sheet 1 of 7 (P21-464-01-6001-UT)	Woods	1	31/10/2022
Utilities Plan - Sheet 2 of 7 (P21-464-01-6002-UT)	Woods	1	31/10/2022
Utilities Plan - Sheet 3 of 7 (P21-464-01-6003-UT)	Woods	1	31/10/2022
Utilities Plan - Sheet 4 of 7 (P21-464-01-6004-UT)	Woods	1	31/10/2022

Utilities Plan - Sheet 5 of 7 (P21-464-01-6005-UT)	Woods	1	31/10/2022
Utilities Plan - Sheet 6 of 7 (P21-464-01-6006-UT)	Woods	1	31/10/2022
Utilities Plan - Sheet 7 of 7 (P21-464-01-6007-UT)	Woods	1	31/10/2022
Roadway Lighting Plan - Isolux Plots (9194-1)	IBEX	-	13/10/2022
Roadway Lighting Plan - Isolux Plots (9194-2)	IBEX	-	13/10/2022
Roadway Lighting Plan - Isolux Plots (9194-3)	IBEX	-	13/10/2022
Roadway Lighting Plan - Isolux Plots (9194-4)	IBEX	-	13/10/2022
Roadway Lighting Plan - Isolux Plots (9194-5)	IBEX	-	13/10/2022
Roadway Lighting Plan - Isolux Plots (9194-6)	IBEX	-	13/10/2022
Roadway Lighting Plan - Isolux Plots (8960-1)	IBEX	-	07/09/2022
Roadway Lighting Plan - Isolux Plots (8960-2)	IBEX	-	07/09/2022
Roadway Lighting Plan - Isolux Plots (8960-3)	IBEX	-	07/09/2022
Roadway Lighting Plan - Isolux Plots (8960-4)	IBEX	-	07/09/2022
Roadway Lighting Plan - Isolux Plots (8960-5)	IBEX	-	07/09/2022

Lapsing of Consent

- In accordance with clause 37(7) of Schedule 6 to the COVID-19 Recovery (Fast-Track Consenting) Act 2020, this consent lapses two years after the date it is granted unless the consent is given effect to prior.

Monitoring Deposit

- The consent holder must pay the Auckland Council an initial consent compliance monitoring charge of \$3,000 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to these consents.

Advice Note:

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

PRE-COMMENCEMENT CONDITIONS

Certification of Plans or Further Detail

- The consent holder must not commence any physical works until it has obtained certification from Auckland Council to the following:
 - A Construction Noise and Vibration Management Plan (CNVMP) - see Conditions 6 - 8;

- (b) A Construction Management Plan (CMP) - see Conditions 9 - 11;
 - (c) A Construction Traffic Management Plan (CTMP) - see Conditions 12 - 14;
 - (d) A Lizard Management Plan (see Condition 22 to 24);
 - (e) An Erosion and Sediment Control Plan (ESCP) - see Condition 27;
 - (f) A Chemical Treatment Management Plan (ChemTMP) - see Condition 29; and
5. The consent holder must not apply for building consent until it has:
- (a) Obtained certification from Auckland Council to:
 - (i) the architectural treatment, colour, and visual depth of the buildings (see Conditions 16 and 17);
 - (ii) the Lighting Plan (see Condition 18);
 - (iii) the Waste Management Plan (see Condition 19); and
 - (iv) the detailed landscape design drawings and supporting written documentation (see Conditions 20 to 21).

Construction Noise and Vibration Management Plan (CNVMP)

6. The consent holder must prepare a Construction Noise and Vibration Management Plan (CNVMP) with reference to Annex E2 of NZS 6803: 1999 Acoustics - Construction noise and submit it to Auckland Council for certification.
7. The objectives of the CNVMP are to:
- (a) Identify the Best Practicable Option (within the limits set under the Conditions of consent) and define the procedures to minimise construction noise and vibration effects;
 - (b) Inform the duration, frequency, and timing of works to manage disruption; and
 - (c) Require engagement with affected receivers and timely management of complaints.
8. The CNVMP must include specific details relating to minimising adverse noise and vibration effects on the environment and neighbouring properties from construction and management of all works associated with this development, including:
- (a) Contact details of the appointed contractor or project manager (phone number, email, postal address);
 - (b) A general outline of the construction programme;
 - (c) Applicable site noise and vibration criteria set out in these Conditions;
 - (d) Identification of surrounding noise and/or vibration sensitive receivers;
 - (e) A vibration monitoring program to establish site specific setback distances for the avoidance of building damage per Conditions 67, 69 and 7071;

- (f) Details about the works, including:
 - (i) When the higher noise levels can be expected;
 - (ii) Methods for monitoring and reporting on noise and vibration;
 - (iii) Working hours;
 - (iv) A contact phone number and email address for any concerns regarding noise and vibration; and
 - (v) When works could be scheduled to avoid the worst of the effects on the receivers;
- (g) The methodology for providing at least 2 weeks advance written notice to the occupiers of 125 Carrington Road, 13 and 24 Rhodes Avenue, 25 Laurel Street, and Unitec buildings 103, 097 and 100 of any proposed rock-breaking within 15m;
- (h) Details of the management and mitigation measures required to comply with Conditions 57 to 70 including alternative monitoring measures where access to neighbouring properties is unable to be obtained;
- (i) The procedure for monitoring construction noise and vibration at the most exposed surrounding buildings;
- (j) The process to record and investigate all construction noise and/or vibration complaints that includes the following steps being taken as soon as practicable:
 - (i) Acknowledge receipt of the concern or complaint within 24 hours and record:
 - a. Time and date the complaint was received and who received it;
 - b. Time and date of the activity subject to the complaint (estimated where not known);
 - c. The name, address and contact details of the complainant (unless they elect not to provide);
 - d. The complainants' description of the activity and its resulting effects; and
 - e. Any relief sought by the complainant (e.g. scheduling of the activity);
 - (ii) Identify the relevant activity and the nature of the works at the time of the complaint;
 - (iii) Review the activity noise and/or vibration levels and the mitigation and management measures in place;
 - (iv) Record the findings and recommendations in a complaints' register that is provided to the Project Manager after each and every complaint and made available to the Auckland Council on request;
 - (v) Report the outcomes of the investigation to the complainant within 10 days of the complaint being received, identifying where the relief sought by the complainant has been adopted or the reason(s) otherwise; and

- (k) The process for changing, and certifying any changes to, the CNVMP.

Construction Management Plan (CMP)

9. The consent holder must prepare and submit a Construction Management Plan (CMP) to Auckland Council for certification.
10. The objectives of the CMP are to:
 - (a) Identify the Best Practicable Option (within the limits set under the conditions of consent) to minimise the effects of construction-related activities on the environment;
 - (b) Inform the duration, frequency and timing of works to manage disruption;
 - (c) Require engagement with affected receivers;
 - (d) Require timely management of complaints.
11. The CMP must include specific details and procedures to minimise adverse effects on the environment and neighbouring properties from demolition and construction, and management of all works associated with this development (where they are not already managed by the CNVMP or CTMP) including:
 - (a) Contact details of the appointed contractor or project manager (phone number, email, postal address);
 - (b) A general outline of the construction programme for each stage of development;
 - (c) Applicable conditions relating to the management of construction matters (including but not limited to those on dust, sediment and contamination);
 - (d) Programme of works and hours of operation;
 - (e) Relevant details for the management of dust on site (as per the guidance in Appendix 4 of the Ministry for the Environment's *Good Practice Guide for Assessing and Managing Dust*, 2016) including:
 - (i) An objective to ensure the consent holder must ensure earthworks do not result in any airborne and deposited dust beyond the property boundary of the site that is determined to be noxious, objectionable or offensive;
 - (ii) A general description of the activities and main potential sources of dust emission;
 - (iii) A full description of the dust mitigation system, including identifying relevant operating procedures and parameters, inventory of mitigating equipment and materials, details and reporting on maintenance programmes for this equipment and contingency procedures;
 - (f) A process to record, investigate and report on complaints about construction activities (not otherwise required by CNVMP) that includes the following steps being taken as soon as practicable:

- (i) Acknowledge receipt of the concern or complaint within 24 hours and record:
 - a. Time and date the complaint was received and who received it;
 - b. Time and date of the activity subject to the complaint (estimated where not known);
 - c. The name, address and contact details of the complainant (unless they elect not to provide);
 - d. The complainants' description of the resulting effects; and
 - e. Any relief sought by the complainant.
 - (ii) Identify the relevant activity and the nature of the works at the time of the complaint;
 - (iii) Review the mitigation and management measures in place;
 - (iv) Record the findings and recommendations in a complaints' register that is provided to the Project Manager after each and every complaint and made available to the Auckland Council on request; and
 - (v) Report the outcomes of the investigation to the complainant within 10 days of the complaint being received, identifying where the relief sought by the complainant has been adopted or the reason(s) otherwise.
- (g) Storage, loading and waste management requirements including:
- (i) Measures to be adopted to maintain the site in a tidy condition in terms of disposal/storage of rubbish, unloading of building materials, waiting and storage areas and similar construction activities;
 - (ii) Measures for waste management which include designated sites for refuse bins, and for recycling bins for glass, plastic and cans storage and collection in accordance with Auckland Council's waste reduction policy;
 - (iii) Management of rubbish disposal on site, in order to ensure any rubbish is removed in a timely manner and areas of the site visible from neighbouring properties or public spaces are kept in a tidy condition.
 - (iv) Location of workers' conveniences (e.g. portaloos) and worker transport arrangements and car parking;
 - (v) A site plan identifying material, plant and machinery storage areas as well as loading and unloading zones;
 - (vi) Details of the approach to be undertaken for the unloading and stockpiling of materials on site (including any necessary reference to the CNVMP or CTMP);
- (h) Location and height of site hoardings (if any).
- (i) Proposed hours of work on the site.

- (j) Monitoring procedures, including frequency and kind of monitoring to be undertaken, records to be kept and any system review or reporting required.
- (k) The process for changing and certifying any changes to the CMP.

Construction Traffic Management Plan (CTMP)

- 12. The consent holder must prepare a Construction Traffic Management Plan (CTMP) in accordance Auckland Council's requirements for CTMPs and New Zealand Transport Authority's Code of Practice for Temporary Traffic Management and submit it to Auckland Council for certification.
- 13. The objective of the CTMP is to ensure that during construction the surrounding transport network (including roads, footpaths, shared-paths and public transport services) operates safely and efficiently for all road users including residents, cyclists, public transport users and pedestrians.
- 14. The CTMP must include specific details required to minimise adverse effects on the environment from demolition, construction and management of all works associated with this development, and setting out procedures to be followed which ensure compliance with the conditions of consent, including:
 - (a) Contact details of the appointed contractor or project manager (phone number, email, postal address);
 - (b) A general outline of the construction programme;
 - (c) Plans showing areas where stockpiles, equipment (including contractor parking) will occur so that there is no obstruction of public spaces (e.g. roads and shared path);
 - (d) Plans showing the location of any site offices, staff facilities and staff car parking required during the construction period;
 - (e) An overview of measures that will be adopted to prevent unauthorised public access during the construction period;
 - (f) The number of vehicle movements to and from the site per day, and the duration of vehicle movements;
 - (g) The routes that trucks / heavy vehicles will take, while ensuring all site access is from Laurel Street only, unless the Council approves other access;
 - (h) Location of traffic signs on surrounding streets and proposed signage for traffic management purposes during construction;
 - (i) Details as to how the Waterview Cycleway/Shared Path can remain open and operating safely during construction, unless it is not practicable to do so;
 - (j) The restrictions to avoid trucks passing local schools during school start and finish times.

- (k) Temporary protection measures that will be installed to ensure that there must be no damage to public roads, footpaths, berms, kerbs, drains, reserves or other public assets as a result of the earthworks and construction activities; and
- (l) The process for changing, and certifying any changes to, the CTMP.

The above details must be shown on a site plan and supporting documentation as appropriate.

Road Safety Audit

- 15. The consent holder must commission an Independent Road Safety Audit Assessment (RSA) and Non-Motorised User Audit (NMU) of the new roads and provide a copy of the audit reports to Auckland Council. The decisions of the audits should be incorporated in the detailed design of the roads. Where specific decisions of the audit are not incorporated, these must be reported back to the Council including the reasons why they were not adopted.

Advice Note:

The completed audit reports will also be required to be submitted with the Engineering Plan Approval application to Council.

Materials and Finishes

- 16. The consent holder must prepare architectural detail drawings of the treatment / architectural features and a Materials Schedule and Specifications for the proposed external cladding and glazing including surface finishes and colour scheme.
- 17. The detailed drawings must be submitted to Auckland Council for certification that the proposed architectural treatment, colour, and visual depth indicated in the consent drawings is consistent with and does not compromise the design intent of the documentation listed in Condition 1.

Advice Note:

As part of the condition monitoring process, Council's monitoring inspectors will liaise with members of the Council's urban design team to ensure that the submitted details are consistent with the approved plans and information.

Lighting Design

- 18. The consent holder must provide a Lighting Plan and Certification/ Specifications prepared by a qualified Lighting expert, to the Council. The purpose of this condition is to provide adequate lighting for the safety of people residing, working or visiting the premises and its immediate environs outside of daylight hours. The Lighting Plan must:
 - a. include all accessible areas of the premises where movement of people are expected. Such locations include, but are not limited to the shared driveway, building entrances, building frontage, outdoor or undercroft carpark, footpath or common access areas.
 - b. include proposed locations, lux levels and types of lighting (i.e. manufacturer's specifications once a lighting style has been determined) and any light support structures required to control timing, level of lighting, or to minimise light spill, glare, and loss of night time viewing.

- c. Demonstrate compliance with the relevant standards in E24.6.1 Lighting of the Auckland Unitary Plan (Operative in Part).
- d. Demonstrate compliance with the AS/NZS 1158 P requirements and clearly specify what P Category the lighting design will achieve. The selection criteria for the chosen lighting category should also be presented (i.e. pedestrian/cycle activity, risk of crime etc.).
- e. Include an executive summary of the above information in plain English that outlines the relevant requirements to their application and their design response to them.

For the purposes of this condition, adequate lighting is the amount of lighting at eye level for a person with average eyesight so they can identify any potential threat approaching them from at least a 15-metre distance.

Waste Management Plan

- 19. A finalised Waste Management Plan must be submitted to Auckland Council for certification that the servicing requirements for the dwellings are adequately provided for without causing odour/visual nuisance to the public.

Landscaping within the Residential Lots

- 20. The consent holder must prepare the detailed landscape design drawings and supporting written documentation for Lots 111-117, 121-125, 131-133, 211-216, 221-223, 311-314, 331-334, 321-329, 411-413, 421-426 and JOALs 601-604 which have been prepared by a suitably qualified and experienced professional.

The information must be submitted to Auckland Council for certification that the proposed landscaping indicated in the consent drawings is consistent with and does not compromise the design intent of the landscape documentation listed in Condition 1. At a minimum, this information must include landscape design drawings, specifications and maintenance requirements including:

- (a) Annotated planting plans which communicate the proposed location and extent of all areas of planting;
- (b) Annotated cross-sections, specifications, and/or design details with key dimensions to illustrate that adequate widths and depths are provided for any planter boxes and garden beds;
- (c) A plant schedule based on the submitted planting plan(s) which detail specific plant species, plant sourcing, the number of plants, height and/or grade (litre)/Pb size at time of planting, and estimated height/ canopy spread at maturity;
- (d) Details of draft specification documentation for any specific drainage, soil preparation, tree pits, staking, irrigation and mulching requirements;
- (e) An annotated JOAL pavement plan and related specifications, detailing proposed site levels and the materiality and colour of all proposed hard surfacing; and

- (f) A planting methodology and maintenance programme.

Significant Ecological Area Remediation Planting

- 21. The consent holder must prepare the detailed drawings and supporting written documentation for replanting in or (if necessary) along the periphery of the Significant Ecological Area which have been prepared by a suitably qualified and experienced professional.

The information must be submitted to Auckland Council for certification that the proposed replanting indicated in the consent drawings is consistent with and does not compromise the design intent of the documentation listed in Condition 1. At a minimum, this information must include drawings, specifications and maintenance requirements including:

- (a) Consultation undertaken with a representee of the 'Friends of Oakley Creek' group on species selection and planting areas;
- (b) Annotated planting plans which communicate the proposed location and extent of all areas of planting;
- (c) A plant schedule based on the submitted planting plan(s) which detail specific plant species, plant sourcing, the number of plants, height and/or grade (litre)/Pb size at time of planting, and estimated height/ canopy spread at maturity;
- (d) How, where reasonably practicable to do so, seeds will be recovered and retained from appropriate native trees existing within the subject site and Significant Ecological Area SEA_T_6008 prior to development, to be incorporated into landscaping and ecological restoration;
- (e) Details of draft specification documentation for any specific drainage, soil preparation, staking, and mulching requirements;
- (f) A maintenance plan (report) for a minimum period of five years and related drawings and specifications for all aspects of the finalised replanting, including in relation to the following requirements:
 - (i) Weed control within a 20m buffer of the works;
 - (ii) Plant replacement for any plants that die;
 - (iii) Inspection timeframes; and
 - (iv) Contractor responsibilities.

Advice Note:

All planting is to be undertaken in accordance with Biosecurity New Zealand's guidance on managing native plants susceptible to myrtle rust when undertaking restoration planting.

The replanting maintenance plan should follow the recommendations in the Auckland Regional Pest Management Plan 2020-2030.

Lizard Management

22. Prior to the commencement of any vegetation removal or modifications to rock walls, the consent holder must submit a Lizard Management Plan (LMP) prepared by a suitably qualified and experienced ecologist/herpetologist.
23. The objectives of the LMP are that:
 - (a) The population of each species of native lizard present on the site at which vegetation clearance is to occur must be maintained or enhanced, either on the same site or at an appropriate alternative site; and
 - (b) The habitat(s) that lizards are transferred to (either on site or at an alternative site, as the case may be) will support viable native lizard populations for all species present pre-development.
24. The LMP must address the following (as appropriate):
 - (a) Credentials and contact details of the ecologist/herpetologist who will implement the plan;
 - (b) Timing of the implementation of the LMP;
 - (c) A description of methodology for survey, trapping and relocation of lizards rescued including but not limited to: salvage protocols, relocation protocols (including method used to identify suitable relocation site(s)), nocturnal and diurnal capture protocols, supervised habitat clearance/transfer protocols, artificial cover object protocols, and opportunistic relocation protocols;
 - (d) Appropriateness of survey methods targeting lizard species and timing;
 - (e) A description of the relocation site; including discussion of:
 - (i) provision for additional refugia, if required e.g. depositing salvaged logs, wood or debris for newly released skins that have been rescued;
 - (ii) any protection mechanisms (if required) to ensure the relocation site is maintained (e.g.) covenants, consent notices etc;
 - (iii) any weed and pest management to ensure the relocation site is maintained as appropriate habitat;
 - (f) 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 / monitoring for three years to evaluate translocation success; and
 - (g) A post-vegetation clearance search for remaining lizards.

Engineering Plan Approvals

25. All new public assets, including vehicle crossings, footpaths and street furniture, and the 1.8m wide JOAL 3 path connecting up to the southern boundary of the Unitec site (139 Carrington Road)

as per engineering plans P21-464-01-2001-RD and P21-464-01-2801-RD, must be designed to Auckland Transport's relevant Engineering Standards.

26. The consent holder must obtain Engineering Plan Approval from Auckland Council for all the stormwater, wastewater and water infrastructure required by Conditions 84 to 88.

Advice note:

Accessibility for all pedestrians and micro-mobility should be designed for, including the JOAL 3 path up to the northern boundary of the site. This will need to be specifically addressed as part of the Engineering Approval.

Erosion and Sediment Control

27. Prior to the commencement of earthworks on the subject site an Erosion and Sediment Control Plan (ESCP) must be submitted to Auckland Council for certification against this condition. The ESCP must be prepared in accordance with Auckland Council Guideline Document 2016/005 '*Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region*' (GD05) and include sufficient detail to address the following matters:

- (a) Final methodologies including areas of trenching or thrusting for services;
- (b) Staging, timing and duration of earthworks and construction works;
- (c) Specific erosion and sediment control measures (location, dimensions, capacity);
- (d) Supporting calculations and design drawings, as necessary;
- (e) Catchment boundaries and contour information;
- (f) Dewatering methodology for open trench excavations;
- (g) Details relating to the management of exposed areas and final stabilisation measures (e.g. grassing, mulching, aggregate); and
- (h) Monitoring and maintenance requirements.

- 28A No earthworks may commence on the site until the consent holder has received written certification of the ESCP from Council.

28. Prior to the commencement of bulk earthworks, erosion and sediment control measures for the corresponding area of disturbance must be constructed and as-built certified in accordance with the certified Erosion and Sediment Control Plan.

- 29A. All earthworks must be carried out in accordance with the Erosion and Sediment Control Plan certified under Condition 27.

- 29B Within ten (10) working days following implementation and completion of the specific erosion and sediment controls required by the certified Erosion and Sediment Control Plan (and prior to commencement of the bulk earthworks, written certification prepared by a suitably qualified and

experienced person must be submitted to Council confirming that the erosion and sediment control measures have been constructed in accordance with the certified Erosion and Sediment Control Plan and Auckland Council Guideline Document 2016/005 'Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region'.

Chemical Treatment Management Plan

29. Prior to the commencement of earthworks activity on the subject site, a Chemical Treatment Management Plan (ChemTMP) must be prepared in accordance with GD05 and submitted to Council for written certification. The ChemTMP must include:
- (a) Specific design details of chemical treatment system based on a rainfall activated dosing methodology for any decanting earth bund, sediment retention pond or sediment retention tanks;
 - (b) Monitoring, maintenance (including post-storm) and contingency programme (including a record sheet);
 - (c) Details of optimum dosage (including assumptions);
 - (d) Results of initial chemical treatment trial;
 - (e) A spill contingency plan; and
 - (f) Details of the person or bodies that will hold responsibility for long term operation and maintenance of the chemical treatment system and the organisational structure which will support this system.
30. Decanting earth bunds, sediment retention ponds and sediment retention tanks must be chemically treated in accordance with the certified ChemTMP, unless the ChemTMP indicates that chemical treatment will not materially improve settlement or is otherwise not suitable for the site.

Landfill Gas

31. Prior to the commencement of earthworks activity on the subject site, landfill gas monitoring must be undertaken to the ground gas monitoring bores 01 to 07 as identified in the Preliminary and Detailed Site Investigation prepared by Soil & Rock and dated 7 October 2022 (Ref. 220087). In the event that landfill gas is detected, Auckland Council is to be notified immediately and supplied with the site-specific contingency action plan.

Notification of Works Commencing

32. Prior to the commencement of any physical works the consent holder must erect site signage that includes working hours, an email address and a contact phone number for any concerns regarding noise and vibration, construction traffic, or any other matter associated with the works.

Pre-Commencement Meeting

33. Prior to the commencement of any earthworks the consent holder must hold a pre-start meeting that:

- (a) Is located on the subject site;
- (b) Is scheduled not less than 5 days before the anticipated commencement of any enabling works, construction and/or earthworks;
- (c) Includes the relevant Auckland Council representative(s);
- (d) Includes representation from the contractors who will undertake the works and any suitably qualified professionals if required by other conditions.

The purpose of the meeting must be to discuss the erosion and sediment control measures, earthworks methodologies, stormwater management, relevant management plans, timeframes for the work and must ensure all relevant parties are aware of and familiar with the necessary conditions of this consent.

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

- (a) Timeframes for key stages of the works authorised under this consent;
- (b) Resource consent conditions;
- (c) Construction Noise and Vibration Management Plan (CNVMP);
- (d) Construction Management Plan (CMP);
- (e) Construction Traffic Management Plan (CTMP);
- (f) Lizard Management Plan (LMP);
- (g) Erosion and Sediment Control Plan (ESCP);
- (h) A Chemical Treatment Management Plan (ChemTMP);
- (i) Stormwater management; and
- (j) Any archaeological authority granted for the works and the accidental discovery protocol .

Advice Note:

To arrange the pre-construction meeting please contact Auckland Council to arrange this meeting on email at monitoring@aucklandcouncil.govt.nz.

DURING PHYSICAL WORKS CONDITIONS

34. The consent holder must maintain and implement the certified CNVMP, CMP, CTMP, LMP, ESCP and ChemTMP throughout the entire earthworks and construction period. Any proposed changes to a certified CNVMP, CMP, CTMP, LMP, ESCP or ChemTMP must be prepared using the process set out in the certified plan and submitted to Auckland Council for certification. Such certification must be obtained before the amended management plan is implemented.

Erosion and Sediment Control

35. Within 10 working days following implementation and completion of the erosion and sediment controls required by the certified ESCP and prior to commencement of the earthworks activity, a suitably qualified and experienced person must provide written certification that the erosion and sediment control measures have been constructed in accordance with the certified ESCP and GD05, to Auckland Council. Written certification must be in the form of a report or any other form acceptable to Auckland Council.
36. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required by the ESCP must be maintained throughout the duration of earthworks activity, or until the site is permanently stabilised against erosion. A record of any maintenance work must be kept and be supplied to Council on request.
37. All earthworks must be managed to minimise any discharge of debris, soil, silt, sediment, or sediment-laden water to either land, stormwater drainage systems, watercourses or receiving waters. In the event that a discharge occurs, works must cease immediately, and the discharge must be mitigated and/or rectified to the satisfaction of Council.
38. Earthworks must be progressively stabilised against erosion at all stages of the earthworks activities and must be sequenced to minimise the discharge of sediment to surface water.
39. Immediately upon completion or abandonment of earthworks on the subject site, all areas of bare earth must be permanently stabilised against erosion to the satisfaction of Auckland Council.
40. Erosion and sediment control measures must be constructed and maintained in general accordance with GD05 and any amendments to this document, except where a higher standard is detailed in the documents referred to in conditions above, in which case the higher standard must apply.
41. No earthworks on the subject site must be undertaken between 01 May and 30 September in any year, without the submission of a 'Request for winter works' for approval to Council. All requests must be renewed annually prior to the approval expiring and no works must occur until written approval has been received from Council. All winter works will be re-assessed monthly or as required to ensure that adverse effects are not occurring in the receiving environment and approval may be revoked by Council upon written notice to the consent holder.
42. All machinery associated with the earthworks activity must be operated in a way, which ensures that spillages of hazardous substances such as fuel, oil, grout, concrete products and any other contaminants are prevented.
43. Except for as provided for by this consent, there must be no damage to public roads, footpaths, berms, kerbs, drains, reserves or other public asset as a result of the earthworks, demolition and construction activity. In the event that such damage does occur, Auckland Council will be notified within 24 hours of its discovery. The costs of rectifying such damage and restoring the asset to its original condition will be met by the consent holder.

44. All materials and equipment must be stored within the subject site's boundaries unless written permission is granted from Auckland Transport for specific storage in the road reserve.
45. The proposed earthworks and construction works must not alter the overland flow path entry and exit points at the subject site.
46. An 'as-built' drawing from an engineer showing the final contours of the site must be provided on a CAD plan to Auckland Council within (10 working days following completion).
47. 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.

Geotechnical

48. 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 uncontrolled collapse or instability does occur, it must immediately be rectified.
49. Earthworks must be supervised by a suitably qualified geotechnical engineering professional who is familiar with the Geotechnical Reports prepared by Soil & Rock, dated 31 May 2022 (Rev B, Ref. 220088) and 3 October 2022 (Rev. A, Ref. 220088). In supervising the works, the suitably qualified geotechnical engineering professional must ensure that they are constructed and otherwise completed in accordance with the engineering plans and geotechnical recommendations, relevant engineering codes of practice and detailed plans forming part of the application. The supervising engineer's contact details must be provided in writing to Auckland Council at least two weeks prior to earthworks commencing on site.
50. Within 20 working days from the completion of earthworks, a Geotechnical Completion Report (including a statement of professional opinion for the suitability of the site for the intended development) signed by the Chartered Professional Geotechnical Engineer or Chartered Engineering Geologist must be provided to Auckland Council. The Geotechnical Completion Report must include (but not to be limited to):
 - (a) Earthworks operations (e.g. excavations, batters, fill compaction);
 - (b) Testing;
 - (c) Inspections;
 - (d) Soil Expansivity;
 - (e) Foundation requirements

The Geotechnical Completion Report must be to the satisfaction of Auckland Council.

Dust

51. During earthworks all necessary action must be taken to minimise dust generation and sufficient water must be available and must be used where needed to dampen exposed soil, and/or other dust suppressing measures must be available to minimise dust formation and discharge beyond the boundary.

Imported Fill

52. All imported fill used must:

- (a) Comply with the definition for 'cleanfill' in the Ministry for the Environment publication *A Guide to the Management of Cleanfills* (2002);
- (b) Be solid material of a stable, inert nature; and
- (c) Not contain hazardous substances or contaminants above recorded natural background levels of the receiving site.

Advice Note:

In addition to the characteristics for imported fill outlined in the above condition, please refer to the relevant New Zealand Standard (e.g. NZS 4431:1989 'Code of Practice for Earth Fill for Residential Development') to ensure that all fill used is of an acceptable engineering standard.

Contaminated Soil (Earthworks)

- 53. During earthworks on the site the consent holder must implement all measures identified in the Site Management Plan / Remedial Action Plan prepared by Soil & Rock and dated 29 September 2022 (Ref. 220087). Any substantial revisions to the Site Management Plan / Remedial Action Plan must be provided to Auckland Council for certification.
- 54. The consent holder must engage a suitably qualified and experienced contaminated land specialist to monitor the earthworks.
- 55. The consent holder must ensure excavated materials, when removed from the site, are disposed of in an appropriate landfill and provide landfill receipts to Auckland Council on completion of the earthworks.
- 56. If evidence of soil contamination, or presence of asbestos which has not been identified in the initial site investigations, is discovered during excavation, the consent holder must immediately cease the works and notify Auckland Council and provide a site contamination report and a remedial action plan if necessary to Auckland Council.

Construction Noise

- 57. All noise generating activities associated with the implementation of this resource consent (which can include, but are not limited to, any enabling works, demolition, earthworks and construction activities, and ancillary activities such as deliveries, loading and unloading goods, transferring tools, etc):
 - (a) May only be carried out between the hours of 7:30am and 6:00pm, Monday to Saturday; and
 - (b) Must not be carried out on any Sunday or public holiday.
- 58. Except as provided for in either Conditions 59 and 60, construction noise levels at occupied buildings must comply with the following limits, when measured and assessed in accordance with NZS 6803:1999: Acoustics- Construction Noise.

Time of Week	Time Period (T)	Noise Limit, dB	
		L _{Aeq(T)}	L _{Amax}
Weekdays	6:30am - 7:30am	55	70
	7:30am - 6:00pm	70	85
	6:00pm - 8:00pm	65	80
Saturdays	7:30am - 6:00pm	70	85
Sundays and public holidays	7:30am - 6:00pm	50	80
At all other times		40	70

59. For a single continuous period of 20 weeks, construction noise may exceed the daytime limits in Condition 58 provided the construction noise must not exceed 75 dB L_{Aeq(T)} when measured at 1m from the facade of any occupied building, subject to access permission from the landowner. The consent holder must provide to Auckland Council and the occupiers (where construction noise is expected to exceed 70 dB L_{Aeq(T)}), the start and finish dates for the single continuous 20-week period at least two weeks before the start of that period.
60. During certain identified noisy activities, construction noise may exceed the daytime limits in Condition 58 at the properties listed below provided that the noise generated must not exceed the following external limits when measured 1m from the facade of the buildings (subject to access permission from the landowner) at:
- (a) A/125 and C/125 Carrington Road and 13 and 24 Rhodes Avenue: Up to 75 dB L_{Aeq(T)} during rock breaking activities over a duration of up to 7 days relative to each receiver;
 - (b) 25 Laurel Street: Up to 75 dB L_{Aeq(T)} during rock breaking and excavation activities over a duration of up to 14 days; and
 - (c) B/125 Carrington Road: Up to 80 dB L_{Aeq(T)} during rock breaking activities over a duration of up to 10 days.
61. Rock breaking noise generated on site must be mitigated through removal of large basalt rocks away from the boundary and / or sensitive receivers, as far as practicable, prior to breaking or crushing.
62. A noise reduction shroud must be fitted on all rock breaking equipment used at the site when within 100m of an occupied building.
63. A 2.4m high acoustic barrier with a minimum surface mass of 7kg/m² must be erected along the locations set out in the Acoustic Assessment prepared by SLR (dated 7 October 2022, Ref. 710.30328-R01-v1.0) prior to commencement of rock breaking and excavation and must be maintained in place until the completion of rock breaking and excavation at the location.

Construction Vibration

64. Construction generated vibration received on any structure not on the site must be measured in accordance with, and not exceed the guideline values set out in the German Industrial Standard DIN 4150-3 (1999): Structural Vibration - Part 3 Effects of Vibration on Structures during construction in any circumstance, as set out below:

Type of Structure	Short-term Vibration			Long-term Vibration	
	Peak particle velocity (PPV), mm/s			PPV at horizontal plane of highest floor at all frequencies	
	1Hz - 10Hz	10Hz - 50Hz	50Hz - 100Hz		
Building used for educational or commercial purposes	20 mm/s	20-40 mm/s	40-50 mm/s	40 mm/s	10 mm/s
Dwellings and buildings of similar design and/or occupancy	5 mm/s	5-15 mm/s	15-20 mm/s	15 mm/s	5 mm/s
Structures that because of their particular sensitivity to vibration, cannot be classified under the above two rows and are of great intrinsic value	3 mm/s	3-8 mm/s	8-10 mm/s	8 mm/s	2.5 mm/s

65. Activities resulting in construction vibration beyond the site must be limited to the hours of 7:30am to 6:00pm on weekdays and Saturdays.
66. Vibration levels arising from construction activity on the site must not exceed, 2mm/s peak particle velocity in occupied 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 as specified in AUP (OP) E25.6.30(1)(b) for more than three days.

Monitoring

67. Attended noise and vibration monitoring must be undertaken during the first occurrence of rock breaking and during the first occurrence of any other activities that are predicted to reach the noise or vibration limits. Noise measurements must be taken by a suitably qualified and experienced acoustic specialist using calibrated sound level meters in general accordance with NZS 6801:2008 *"Acoustics - Measurement of environmental sound."* Vibration measurements must be taken by a suitably qualified and experienced vibration specialist in accordance with the Auckland Unitary Plan Operative in Part Standard E25.6.30.
68. Unattended continuous noise monitoring must be undertaken during the times of construction when the noise limits of Conditions 59 and 60 apply to the works. Such monitoring must be undertaken by placing at least one semi-permanent noise logging device at an affected building listed in Condition 60, subject to access permission from the landowner. Where monitoring shows that noise levels may exceed the limits of Condition 59 at a building not listed in Condition 60, an additional noise logging device must be placed at that building when the exceedance is predicted to occur.
69. Unattended continuous vibration monitoring must be undertaken during the excavation phase of the works. Such monitoring must be undertaken by placing at least one semipermanent vibration logging device at any affected building, subject to access permission from the landowner.
70. The results of the monitoring must be provided to Auckland Council within 5 working days upon request. The results of the monitoring must be used to verify the appropriateness of the

methodology to undertake the works within the limits of Conditions 57 to 59 and 66 of this consent.

Stormwater

71. The consent holder must ensure that the required freeboard to finished floor levels from overland flowpaths within and adjacent to the site is maintained for the 100yr Average Recurrence Interval (ARI) flood (1% AEP).
72. The consent holder must not use surface treatments with the potential to leach zinc or copper.

Roading

73. Road 1 and the Laurel Street Extension, including the bi-directional cycle lane and speed calming, are to be constructed in general accordance with plans and information referenced in Condition 1 and the safety audit (Condition 15). The detailed design must be to the satisfaction of Auckland Council and approved as part of the Engineering Plan Approval (EPA) process. Where any discrepancy exists between the consent plans and the approved EPA plans, the EPA plans will prevail. Works are to be implemented at the cost of the consent holder and must be to the satisfaction of Auckland Council.
74. Prior to the completion of works and in accordance with Section 108(2)(b) of the RMA, an unconditional, on demand bond may be entered into where any landscape works within Vested Road Lots 501-503 required by the conditions of this consent have not been completed in accordance with the final approved landscape plans as required by Condition 1 at Auckland Council's discretion. The bond amount must be 1.5 x the contracted rate of any outstanding works and must be agreed in consultation with the Parks Planning Team Leader prior to lodging the bond. The liability of the consent holder is not limited to the amount of the bond.
75. Prior to the completion of works, and in accordance with section 108(2)(b) of the RMA, the consent holder must provide Auckland Council a refundable bond in respect of the maintenance of the landscaping works within the streetscapes required by the conditions of this consent. The maintenance bond will be held for a period of two years from the issue of a practical completion certificate. The amount of the bond will be 1.5 x the contracted rate for maintenance and must be agreed in consultation with the Parks Planning Team Leader.

Oakley Creek / Te Auaunga Awa and Wetland 1

76. The consent holder must design and construct stormwater outfall structures to the Oakley Creek / Te Auaunga Awa in accordance with the requirements of the utility service provider. The detailed design must be to the satisfaction of Auckland Council and approved as part of the Engineering Plan Approval (EPA) process.
77. Erosion and sediment control measures which collect water within the catchment of Wetland 1 must discharge the water within the wetland's catchment.

Ecological Enhancement

78. Any native vegetation within the Significant Ecological Area which is removed is to be replaced with suitable native species to a 1:1.5 ratio, within or (if necessary) along the periphery of the Significant Ecological Area, as required by Condition 21. To the extent that is reasonably practicable, this should include species grown from seeds sources from trees existing on the site prior to development.

Works in Bird Nesting Season

79. All tree removal and vegetation clearance within the Significant Ecological Area must occur outside the main native bird nesting season (early September until the end of February) to minimise any disturbance risk that vegetation removal would have on nesting birds. If vegetation clearance is unavoidable during the main native bird nesting season, a suitably qualified terrestrial ecologist or ornithologist must undertake a native bird nesting survey immediately prior to any tree removal or vegetation clearance. This includes checking cavities and hollows for nesting birds (e.g. morepork/ruru, kingfisher/kōtare). If nests are found, the nest area and 20m circumference is left undisturbed until nesting has been completed to the satisfaction of Council.

Lizard Management

80. All works on site must comply with this certified LMP. A suitably qualified and experienced ecologist/herpetologist approved to oversee the implementation of the LMP must certify that the lizard related works have been carried out according to the certified LMP within two weeks of completion of the vegetation clearance works.

Archaeology

81. The consent holder must undertake the following recommendations as detailed within the Archaeological Assessment prepared by Clough and Associates and dated September 2022:
- (a) The project archaeologist must brief contractors on site prior to the start of works;
 - (b) Under supervision of the project archaeologist, fence off archaeological sites R11/2108, R11/2206, and R11/2209 prior to the start of any works;
 - (c) Prior to the commencement of works the project archaeologist must identify all areas of high archaeological potential where all ground disturbance will be archaeologically monitored by the project archaeologist.
 - (d) Archaeological monitoring will be undertaken in all areas of identified high risk, to the satisfaction of by the applicant's appointed project archaeologist. In the event that archaeological material is encountered in the course of monitoring, archaeological investigation and recording will be undertaken in accordance with best archaeological practice.
 - (e) In the event works expose suspected archaeological remains, the Auckland Unitary Plan Operative in Part Accidental Discovery Rule (Standards E11.6.1 and E12.6.1) applies.

- (f) If any unrecorded archaeological sites are exposed because 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. The consent holder must prepare documentation suitable for inclusion in the Cultural Heritage Inventory and forward the information to Auckland Council within three months of discovery of these sites.

ADVICE NOTES:

All archaeological sites are protected under the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence under the Act to modify, damage or destroy any archaeological site, whether the site is recorded or not or the works are permitted or consented for under the district plan.

At the time of granting resource consent it is understood that Authority will be required under the Heritage New Zealand (Pouhere Taonga) Act 2014. The consent holder will be required to comply with both these resource conditions and any conditions of an authority granted under that Act.

The consent holder has indicated a desire to where possible, re-use bricks from Building 076 (to be demolished) as part of the landscaping and design of the development.

CONDITIONS TO BE MET PRIOR TO OCCUPATION

82. The consent holder must satisfy all of Conditions 83 to 92 prior to the occupation of any residential unit on the site.

Site Validation Report

83. The consent holder must provide to the Auckland Council for certification a Site Validation Report which must include but not limited to the following:
- (a) Confirmation of the remediation works being conducted in accordance with an approved remedial action plan;
 - (b) The location and dimensions of the remediation carried out, including a site plan;
 - (c) Soil test results for remaining soil, imported fill if any and any other soil testing;
 - (d) Total volume of excavated soil disposed off-site;
 - (e) Receipts from the approved fill locations; and
 - (f) Details of the landfill gas monitoring undertaken, including tabulated results and details of any contingency measures implemented during the site works.

Public Stormwater

84. All the necessary public stormwater pipes, outfalls and ancillary equipment must be supplied and laid in general accordance with plans and information referenced in Condition 1.

Advice Note:

An Engineering Plan Approval application for this work is required to be submitted to Auckland Council's Development Engineering and approved prior to the works commencing.

Private Stormwater

85. All the necessary pipes and ancillary equipment must be supplied and laid to provide private stormwater connection to the development and connect to the existing stormwater network in general accordance with plans and information referenced in Condition 1.

Public Wastewater

86. All the necessary pipes and ancillary equipment must be supplied and laid to provide wastewater connections to the development in general accordance with plans and information referenced in Condition 1.

Advice Note:

An Engineering Plan Approval application for this work is required to be submitted to Auckland Council's Development Engineering and approved prior to the works commencing.

Private Wastewater

87. All the necessary pipes and ancillary equipment must be supplied and laid to provide private wastewater connection to the development and connect to the existing wastewater network in general accordance with plans and information referenced in Condition 1.

Water Supply

88. All the necessary pipes and ancillary equipment must be supplied and laid to provide water connections to the development in general accordance with plans and information referenced in Condition 1.

As-Builts for Public Infrastructure

89. All as-built documentation must be provided to Auckland Council for all new public assets to be vested in Auckland Council.

Advice Note:

The documentation is to be in accordance with Auckland Council's Development Engineering As-built Requirements. The as-built information will require approval by Auckland Council's Development Engineering. Vesting of public assets to Auckland Council and close off and completion of related Engineering Approval consent will be required to be completed.

Private Infrastructure

90. A copy of an updated private drainage "as-built" plan signed by a registered certifying drainlayer must be provided to Auckland Council.

Advice Note:

The stormwater and wastewater network connections will require engineering approval to be obtained from Auckland Council prior to applying for Building Consent. All stormwater and wastewater systems must be designed and constructed in accordance with Auckland Council standards. See Auckland Council's website (www.aucklandcouncil.govt.nz) for more information on the engineering approval process, or call (09) 301 0101 and ask to speak to a Development Engineer from your local service centre.

Landscaping

91. The landscaping set out in the approved landscape design (required by Conditions 20 and 21) must be fully implemented and a maintenance plan must be in place.

Lighting

92. The certified Lighting Plan (required by Condition 18) must be implemented as part of the construction of the development and retained and maintained thereafter, to the satisfaction of the Council.

POST-CONSTRUCTION CONDITIONS

Refuse and Recycling Collection

93. The certified Waste Management Plan (required by Condition 19) must be implemented at all times.

Geotechnical

94. Earthworks must follow the recommendations of the Geotechnical Reports prepared by Soil & Rock, dated 31 May 2022 (Rev B, Ref. 220088) and 3 October 2022 (Rev. A, Ref. 220088). The consent holder must provide verification in writing from an engineer to Auckland Council, that the recommendations of the Geotechnical Reports prepared by Soil & Rock, dated 31 May 2022 (Rev B, Ref. 220088) and 3 October 2022 (Rev. A, Ref. 220088) have been implemented on site. This must be provided no later than two weeks after earthworks have been completed. All details in the written statement must be to the satisfaction of Auckland Council.

Street Trees

95. An aftercare period of two years is to be carried out following the planting of the new street trees (as required by Condition 1). Should the trees decline during this period to a point where they are no longer healthy (in the reasonable opinion of the Auckland Council) then the trees must be replaced with similar trees of similar dimensions (as required by Condition 1). The aftercare includes any staking, mulching and watering during the summer periods to ensure the establishment and ongoing survival of the new street trees.

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, "Auckland Council" refers to the Auckland Council's monitoring inspector unless otherwise specified. Please email monitoring@aucklandcouncil.govt.nz to identify your allocated officer.*
3. *For more information on the resource consent process with Auckland Council see Auckland 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. *The Construction Management/Construction Traffic Management Plan is intended to provide flexibility both for the consent holder and Auckland Council for the management of the earthworks and construction activity. Accordingly, the Management Plan may need to be reviewed over time. Any reviews should be in accordance with the stated objectives of the management plan and limited to the scope of this consent.*
5. *Certification of the Construction Management/Construction Traffic Management Plan by Auckland Council relates only to those aspects of the management plan that are relevant under the Resource Management Act 1991. The certification does not amount to an approval or acceptance of suitability by Auckland Council of any elements of the management plan that relate to other legislation, for example, but not limited to, the Building Act 2004, the Heritage New Zealand Pouhere Taonga Act 2014, or the Health and Safety in Employment Act 1992.*
6. *Engineering Plan Approval (EPA stage): Detailed design of all proposed roading, intersections, vehicle accesses, pedestrian footpaths, cycling infrastructure and associated gradients will be reviewed and approved by Auckland Transport, at the Engineering Plan Approval stage, prior to any construction works.*
7. *Where any new vehicle crossings or accessways from public roads are proposed or where road widening works are proposed approval must be obtained from Auckland Transport.*
8. *Additional Engineering Approval Applications will be required to be lodged with Auckland Council for all water supply, wastewater and stormwater infrastructure. The consent holder must produce a completed design of the proposed infrastructure, including infrastructure to vest in Auckland Council and thereafter in Watercare (public water supply and wastewater works), in accordance with the current Watercare Water and Wastewater Code of Practice for Land Development and Subdivision (Code of Practice) as well as Watercare's standards for material supply, construction and asset data capture*
9. *All connections to Watercare Services Ltd (Watercare) assets must be made by a Watercare approved contractor. Watercare approval under the Water Supply and Wastewater Network Bylaw 2015 will also be required, noting that Watercare must consider whether there is sufficient capacity in the networks to accommodate the connections. For the avoidance of doubt, this resource consent does not affect Watercare's discretion under the Bylaw. For details, please contact Watercare. In this regard, at the time of granting this resource consent, Watercare's advice was that: (a) The wastewater Central Interceptor is estimated to be online by mid-2026; (b) Until this time the Orakei Trunk Sewer only has capacity for an additional 750 development unit equivalents (DUEs) within the Wairaka Precinct; and (c) taking into account other resource*

consents granted within the Precinct there is sufficient remaining capacity for the additional 50 DUEs that form as part of this consent. Notwithstanding, future engineering plan approval applications for the Wairaka Precinct will be subject to further review from WSL throughout the consenting process.

10. It will be the responsibility of the applicant to determine the presence of any underground services that may be affected by the applicants work in the road reserve. Should any services exist, the applicant must contact the owners of those and agree on the service owners' future access for maintenance and upgrades. Services information may be obtained from www.myworksites.co.nz
11. All work in the road reserve must be carried out in accordance with the general requirements of The National Code of Practice for Utility Operators' Access to Transport Corridors <http://nzuaq.org.nz/nationalcode/ApprovedNationalCodeFeb13.pdf> and Auckland Transport Design Manual <https://at.govt.nz/aboutus/manuals-guidelines/transport-design-manual/>
12. Applications for temporary use of the road reserve during construction must be submitted to Auckland Transport as a Corridor Access Request (CAR) and a temporary Traffic Management Plan (TempTMP). The TempTMP needs to be prepared by a Waka Kotahi NZ Transport Agency qualified person and work cannot commence until a Works Access Permit (WAP) has been obtained. Applications are to be submitted electronically via <https://www.submitica.co.nz/Applications> and 15 working days should be allowed for approval.
13. Prior to the construction of any road signage, road markings or traffic control devices within the legal road the consent holder is required to submit a Resolution report for approval by Auckland Transport Traffic Control Committee to legalise the proposed traffic control devices (e.g. traffic signs, road marking and traffic calming devices).

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

14. The consent holder will be responsible for ensuring any road encroachment licence(s) or lease(s) for any private structure that projects into legal road are obtained from Auckland Transport. Encroachment licenses are not a Resource Management Act matter, and acceptance or rejection of any application is at Auckland Transport's sole discretion. See Auckland Transport's website for more information <https://at.govt.nz/about-us/working-on-the-road/road-processes-for-property-owners/road-encroachment-licences-or-leases/>
15. Engineering Plan Approval (EPA stage): Detailed design of all proposed vehicle accesses, pedestrian footpaths, cycling infrastructure and associated gradients will be reviewed and approved by Auckland Transport, at the Engineering Plan Approval stage, prior to any construction works.

16. *The provision of traffic control devices require a resolution under s330 of LGA1974 from Auckland Transport and a minimum of 45 working days should be allowed for approval.*
17. *The consent holder is liable for the payment of development contributions applicable to the development. For more information regarding the payment of development contributions, please email through to Central - Development Contributions on ACE@ContributionTeam@aucklandcouncil.govt.nz.*
18. *The Heritage New Zealand Pouhere Taonga Act 2014 provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. It is an offence under this Act to destroy, damage or modify any archaeological site without an authority from Heritage New Zealand Pouhere Taonga. An archaeological site is defined as a place associated with pre-1900 human activity where there may be evidence relating to the history of New Zealand.*
19. *Archaeological features cover the whole spectrum of past human activity. They may include sites of Maori origin such as shell middens, hangi or ovens, moa hunting sites, earthworks associated with pa sites or kainga, pit depressions, defensive ditches, artefacts, or koiwi tangata (human skeletal remains), etc. They also include 19th century building foundations, wells and cesspits, rubbish dumps of pottery and glass bottles or other artefacts, transport and infrastructure remains such as bridges, dams and old railways, sites of industrial activity such as pottery kilns, mining, sawmills etc. In the coastal area shipwrecks, wharf remains, whaling sites or other marine structures may be archaeological sites. For guidance and advice on archaeological assessments, obtaining an authority to modify under the HNZPTA and managing the discovery of archaeological features contact Heritage New Zealand Pouhere Taonga on 09 307 9920.*
20. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.*
21. *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 section 13 of Schedule 5 of the COVID-19 Recovery (Fast-track Consenting) Act 2020.*

Subdivision Conditions:

GENERAL CONDITIONS

Activity in Accordance with Application

1. The subdivisions must proceed in general accordance with the information and plans submitted with the application formally received by the Environment Protection Agency on 10 November 2022, including all supporting additional information submitted. In the event that any of the provisions of the following documents conflict with the requirements of these conditions of consent, these conditions of consent prevail.

Drawing Title and Reference	Architect / Author	Rev.	Dated
Proposed Subdivision of Lot 2 DP 515012 (P21-464-01-0010-SC)	Woods	1	15/09/2022
Proposed Subdivision of Lot 1001 [Stage 1] (P21-464-01-0011-SC)	Woods	2	28/09/2022
Proposed Subdivision of Section 348 SO 434446, Lot 3 DP 515012, Section 3 SO 520006, Section 2 SO 573867 & Lot 1 [Stage 0] (P21-464-01-0012-SC)	Woods	1	15/09/2022
Proposed Subdivision of Section 348 SO 434446, Lot 3 DP 515012, Section 3 SO 520006, Section 2 SO 573867 & Lot 1 [Stage 0] (P21-464-01-0013-SC)	Woods	1	15/09/2022
Proposed Subdivision of Lot 1001 [Stage 1] (P21-464-01-0014-SC)	Woods	1	15/09/2022
Proposed Subdivision of Lot 1002 [Stage 1] (P21-464-01-0015-SC)	Woods	1	15/09/2022
Proposed Subdivision of Lot 1003 [Stage 1] (P21-464-01-0016-SC)	Woods	1	15/09/2022
Proposed Subdivision of Lot 1004 [Stage 1] (P21-464-01-0017-SC)	Woods	1	15/09/2022
Proposed Subdivision of Lot 1005 [Stage 1] (P21-464-01-0018-SC)	Woods	1	15/09/2022
Proposed Subdivision of Lot 1006 [Stage 1] (P21-464-01-0019-SC)	Woods	1	15/09/2022
Existing Easements over Section 348 SO 434446, Lot 2 DP 515012, Lot 3 DP 515012, Section 3 SO 520006 & Section 2 SO 573867 (P21-464-01-0020-SC)	Woods	1	15/09/2022
Road Layout Overall Plan (P21-464-01-2000-RD)	Woods	1	31/10/2022
Road Layout Plan - Sheet 1 of 2 (P21-464-01-2001-RD)	Woods	1	31/10/2022
Road Layout Plan – Sheet 2 of 2 (P21-464-01-2002-RD)	Woods	1	31/10/2022
Road Long Section - Sheet 1 of 3 (P21-464-01-2500-RD)	Woods	1	31/10/2022
Road Long Section - Sheet 2 of 3 (P21-464-01-2501-RD)	Woods	1	31/10/2022
Road Long Section - Sheet 3 of 3 (P21-464-01-2502-RD)	Woods	1	31/10/2022
Typical Road Cross Section (P21-464-01-2800-RD)	Woods	1	31/10/2022
Typical Road Cross Sections JOALs (P21-464-01-2801-RD)	Woods	1	31/10/2022

Existing Road Connections JOALs (P21-464-01-2802-RD)	Woods	1	31/10/2022
Stormwater Drainage Overall Layout Plan (P21-464-01-3000-DR)	Woods	1	31/10/2022
Stormwater Drainage Layout Plan - Sheet 1 of 4 (P21-464-01-3001-DR)	Woods	1	31/10/2022
Stormwater Drainage Layout Plan - Sheet 2 of 4 (P21-464-01-3002-DR)	Woods	1	31/10/2022
Stormwater Drainage Layout Plan - Sheet 3 of 4 (P21-464-01-3003-DR)	Woods	1	31/10/2022
Stormwater Drainage Layout Plan - Sheet 4 of 4 (P21-464-01-3004-DR)	Woods	1	31/10/2022
Stormwater Overland Flow Path Layout (P21-464-01-3100-DR)	Woods	1	31/10/2022
Stormwater Drainage Long Sections - Sheet 1 of 5 (P21-464-01-3500-DR)	Woods	1	31/10/2022
Stormwater Drainage Long Sections - Sheet 2 of 5 (P21-464-01-3501-DR)	Woods	1	31/10/2022
Stormwater Drainage Long Sections - Sheet 3 of 5 (P21-464-01-3502-DR)	Woods	1	31/10/2022
Stormwater Drainage Long Sections - Sheet 4 of 5 (P21-464-01-3503-DR)	Woods	1	31/10/2022
Stormwater Drainage Long Sections - Sheet 5 of 5 (P21-464-01-3504-DR)	Woods	1	31/10/2022
Stormwater Catch Pit Detail (P21-464-01-3800-DR)	Woods	1	31/10/2022
Wastewater Drainage Overall Layout Plan (P21-464-01-4000-DR)	Woods	1	31/10/2022
Wastewater Drainage Layout Plan - Sheet 1 of 2 (P21-464-01-4001-DR)	Woods	1	31/10/2022
Wastewater Drainage Layout Plan - Sheet 2 of 2 (P21-464-01-4002-DR)	Woods	1	31/10/2022
Wastewater Interceptor Layout Plan (P21-646-01-4100-DR)	Woods	1	31/10/2022
Wastewater Drainage Long Sections - Sheet 1 of 2 (P21-646-01-4500-DR)	Woods	1	31/10/2022
Wastewater Drainage Long Sections - Sheet 2 of 2 (P21-646-01-4501-DR)	Woods	1	31/10/2022
Wastewater Interceptor Long Sections - Sheet 1 of 2 (P21-646-01-4550-DR)	Woods	1	31/10/2022
Wastewater Interceptor Long Sections - Sheet 2 of 2 (P21-646-01-4551-DR)	Woods	1	31/10/2022
Water Reticulation Overall Layout Plan (P21-464-01-5000-WS)	Woods	1	31/10/2022
Water Reticulation Layout Plan - Sheet 1 of 2 (P21-464-01-5001-WS)	Woods	1	31/10/2022
Water Reticulation Layout Plan - Sheet 2 of 2 (P21-464-01-5002-WS)	Woods	1	31/10/2022
Utility Layout Overall Plan (P21-464-01-6000-UT)	Woods	1	31/10/2022
Utilities Plan - Sheet 1 of 7 (P21-464-01-6001-UT)	Woods	1	31/10/2022

Utilities Plan - Sheet 2 of 7 (P21-464-01-6002-UT)	Woods	1	31/10/2022
Utilities Plan - Sheet 3 of 7 (P21-464-01-6003-UT)	Woods	1	31/10/2022
Utilities Plan - Sheet 4 of 7 (P21-464-01-6004-UT)	Woods	1	31/10/2022
Utilities Plan - Sheet 5 of 7 (P21-464-01-6005-UT)	Woods	1	31/10/2022
Utilities Plan - Sheet 6 of 7 (P21-464-01-6006-UT)	Woods	1	31/10/2022
Utilities Plan - Sheet 7 of 7 (P21-464-01-6007-UT)	Woods	1	31/10/2022
Roadway Lighting Plan - Isolux Plots (9194-1)	IBEX	-	13/10/2022
Roadway Lighting Plan - Isolux Plots (9194-2)	IBEX	-	13/10/2022
Roadway Lighting Plan - Isolux Plots (9194-3)	IBEX	-	13/10/2022
Roadway Lighting Plan - Isolux Plots (9194-4)	IBEX	-	13/10/2022
Roadway Lighting Plan - Isolux Plots (9194-5)	IBEX	-	13/10/2022
Roadway Lighting Plan - Isolux Plots (9194-6)	IBEX	-	13/10/2022
Roadway Lighting Plan - Isolux Plots (8960-1)	IBEX	-	07/09/2022
Roadway Lighting Plan - Isolux Plots (8960-2)	IBEX	-	07/09/2022
Roadway Lighting Plan - Isolux Plots (8960-3)	IBEX	-	07/09/2022
Roadway Lighting Plan - Isolux Plots (8960-4)	IBEX	-	07/09/2022
Roadway Lighting Plan - Isolux Plots (8960-5)	IBEX	-	07/09/2022
Location Plan (5234-1000)	Kamo Marsh	D	18/10/2022
Specimen Tree Plan - Vested Road & JOALs (5234-1701)	Kamo Marsh	D	18/10/2022
Specimen Tree Plan - Vested Road 1 (5234-1702)	Kamo Marsh	D	18/10/2022
Specimen Tree Plan - Vested Road 2 (5234-1703)	Kamo Marsh	D	18/10/2022
Specimen Tree Plan - Vested Road 3 (5234-1704)	Kamo Marsh	D	18/10/2022
Indicative Planting Palette (5234-1705)	Kamo Marsh	D	18/10/2022
Hardscape Palette (5234-4101)	Kamo Marsh	D	18/10/2022
Elevations - Road & JOAL (5234-4102)	Kamo Marsh	D	18/10/2022

Lapsing of Consent

2. In accordance with clause 37(7) of Schedule 6 to the COVID-19 Recovery (Fast-Track Consenting) Act 2020, this consent shall lapse two years after the date it is granted unless:
 - (a) The consent is given effect to; or
 - (b) The period after which the consents lapse under section 125 of the RMA is extended.

Staging of Subdivision

3. The staging of subdivision must be carried out in the following order:
 - (a) Stage 0: Creation of Lots 1 and 2;
 - (b) Stage 1: Creation of Lots 501, 601 to 604, 701, 702 and 1001 to 1006;
 - (c) Subsequent stages can be undertaken in any order:
 - (i) Stage 1A - Creation of Lots 502, 503, 703 to 705 and 801;
 - (ii) Stage 1.1 - Creation of Lots 111 to 117 and 706;

- (iii) Stage 1.2 - Creation of Lots 121 to 125 and 131 to 133;
- (iv) Stage 1.3 - Creation of Lots 211 to 216 and 221 to 223;
- (v) Stage 1.4 - Lots 311 to 314 and 331 to 334;
- (vi) Stage 1.5 - Lots 321 to 329; and
- (vii) Stage 1.6 - Lots 411 to 413 and 421 to 426.

The consent holder must provide a letter setting out how each relevant condition has been met at the time an application for a section 223 and a section 224(c) certificate for each stage is made.

STAGE 0 - SUBDIVISION OF LOT 2 DP 515012

Survey Plan Approval (s223) Conditions

- 4. The consent holder must submit a survey plan of the subdivision to Council for approval under section 223 of the RMA in general accordance with the Stage 0 plans referenced in Condition 1. The survey plan must show all easements and any amalgamation conditions required by this subdivision consent.
- 5. Easement Instruments 5590341.13 and 5590341.14 and Easement Certificate C247153.4 must be partially surrendered in accordance with Proposed Subdivision Staging Memorandum prepared by Woods and dated 16 September 2022 (Ref. P21-464).
- 6. Pursuant to section 220(1)(b)(iii), Lot 1 and Section 348 SO 434446 [RT 579605] must be endorsed on the survey plan to be held together, and one record of title must be issued to include both parcels.

Section 224(c) Compliance Conditions

- 7. There are no section 224(c) conditions imposed on this fee simple two lot subdivision.

STAGE 1 - SUBDIVISION OF LOT 2 [STAGE 0]

Pre-commencement Condition: Streetscape Landscaping

- 8. At Engineering Plan Approval stage, the consent holder must submit a detailed streetscape landscaping plan(s) for street trees and grass berms on Lot 501 for approval by the Parks Planning Team Leader. In particular, the plans shall:
 - (a) Be prepared by a suitably qualified landscape architect.
 - (b) Be in general accordance with the Kamo Marsh Landscape Architects plans referenced in Condition 1.
 - (c) Show all planting including details of intended species, location, plant sizes at time of planting and likely heights on maturity, tree pit specifications, the overall material palette, location of streetlights and other service access points.
 - (d) Ensure that selected species can maintain appropriate separation distances from paths, roads, service connections under the ground, streetlights and vehicle crossings in accordance with the Auckland Transport Code of Practice.

- (e) Include planting methodology.
- (f) Comply with the Auckland Code of Practice for Land Development and Subdivision: Chapter 7: Landscaping.

Advice Note:

Plans approved under Resource Consent do not constitute an Engineering Plan Approval and should not be used for the purposes of constructing public works in the absence of that approval.

Survey Plan Approval (s223) Conditions

- 9. The consent holder must submit a survey plan of the subdivision to Council for approval under section 223 of the RMA in general accordance with the Stage 1 plans referenced in Condition 1. The survey plan must show roads to vest and any easements required by this subdivision consent.
- 10. The eastern portion of Road 1 shown as Lot 501 on the plan titled "Proposed Subdivision of Lot 1001 [Stage 1]", prepared by Woods, Rev 2 dated 28/09/22 must vest in the Council as a public road as part of Stage 1. The consent holder must meet all costs associated with the vesting of the road.
- 11. An easement in gross in favour of Auckland Council for the purpose of providing a right of way (Area RT) for a temporary turning head must be created over part of Lot 701 and must be granted or reserved. The consent holder must meet the costs for the preparation, review, and registration of the easement instruments on the relevant Records of Title.
- 12. An easement in gross in favour of Auckland Council for the purpose of providing a right of way for public access must be created over Lot 603 and must be granted or reserved. The consent holder must meet the costs for the preparation, review, and registration of the easement instruments on the relevant Records of Title.
- 13. Easements in gross in favour of Vector for the purpose of providing right to convey electricity must be created over Lots 601 to 604 and must be granted or reserved. The consent holder must meet the costs for the preparation, review, and registration of the easement instruments on the relevant Records of Title.
- 14. Easements in gross in favour of Chorus for the purpose of providing right to convey telecommunications must be created over Lots 601 to 604 and must be granted or reserved. The consent holder must meet the costs for the preparation, review, and registration of the easement instruments on the relevant Records of Title.
- 15. That pursuant to section 220(1)(b)(iv) of the Resource Management Act 1991, the Common Access Lot 601 must be held as to an undivided four-thirteenth share by the owner of Lot 1004, and an undivided nine twenty-sixth share by each of the owners of Lot 1005 and Lot 1006 as tenants in common in the said shares and that individual Records of Title be issued in accordance therewith.
- 16. That pursuant to section 220(1)(b)(iv) of the Resource Management Act 1991, the Common Access Lot 602 must be held as to an undivided eight-seventeenth share by the owner of Lot 1004 and an undivided nine-seventeenth share by the owner of Lot 1005 as tenants in

common in the said shares and that individual Records of Title be issued in accordance therewith.

Section 224(c) Compliance Conditions

17. The consent holder must demonstrate to the satisfaction of the Council that Conditions 18 to 26, 29 and 32 to 37 have been met at the time it applies for section 224(c) certificate for Stage 1.

Wastewater Reticulation

18. The consent holder must design and construct connections to the public wastewater reticulation network to serve Lots 1002, 1003, 1004, 1005 and 1006 in accordance with the requirements of the wastewater utility provider. Certification from the utility provider that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

Water Reticulation

19. The consent holder must design and construct connections to the public water reticulation network to serve Lots 1002, 1003, 1004, 1005 and 1006 in accordance with the requirements of the water utility provider. Certification from the utility provider that works have been satisfactorily undertaken must be provided when applying for a certificate under the section 224(c) of the RMA.

Stormwater reticulation

20. The consent holder must design and construct connections to the public stormwater reticulation network to serve Lots 1002, 1003, 1004, 1005 and 1006 in accordance with the requirements of the stormwater utility service provider. Certification from the utility provider that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

Utilities

21. The consent holder must make provision for telecommunications and electricity to Lots 1002, 1003, 1004, 1005 and 1006 in accordance with the requirements of the respective utility operators. These utilities must be underground. Certification from the utility providers that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

Roading

22. The consent holder must design and construct the eastern portion of Road 1 shown as Lot 501 on the plan titled "Proposed Subdivision of Lot 1001 [Stage 1]", prepared by Woods, Rev 2 dated 28/09/22, in accordance with the requirements of Auckland Transport. Certification from a suitably qualified and experienced engineer that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.
23. The consent holder must submit a resolution report for approval by Auckland Transport Traffic Control Committee to legalise all proposed traffic control devices. A copy of the Resolution from Traffic Control Committee must be provided when applying for a certificate under section 224(c) of the RMA.

24. An engineering completion certificate certifying that the eastern portion of Road 1 (Lot 501) and the ancillary structures on the road to be vested in Auckland Council have been constructed in accordance with EPA requirements must be provided when applying for a certificate under section 224(c) of the RMA.
25. The consent holder must provide to Council all Road Assessment and Maintenance Management System (RAMM) data and as built plans of the new roads formed. This will be inclusive of kerb lines, cesspits, street lighting, and footpaths, traffic calming devices, signs, street furniture, landscaping, vehicle crossings and property boundaries. Certified as built plans must be submitted to Auckland Council in accordance with the Auckland Council Asset Data Standards. Certified as built plan must be provided in accordance with Auckland Transport requirements for roading services assets.

Streetscape Landscaping

26. All street landscaping on Lot 501 must be implemented in accordance with the approved streetscape plans and to the satisfaction of the Parks Planning Team Leader and landscaped in accordance with the Auckland Code of Practice for [Land Development and Subdivision Chapter 7: Landscaping](#), and in particular the following:
 - (a) The street must be cleared of any construction material, rubbish and surplus soil, and shall be maintained in a neat and tidy condition.
 - (b) Should site factors preclude compliance with any of these conditions, the Parks Planning Team Leader must be advised in writing as soon as practicable and, in any case, prior to planting, and an alternative soil improvement methodology proposed to the satisfaction of the Advisor.
 - (c) Grassing must only be undertaken when the weather is suitable i.e. mild, dull and moist, and when the ground is moist and workable. Where delays occur in the agreed programme which prevents areas being planted, the consent holder shall inform the Parks Planning Team Leader immediately.

Advice Note:

Practical completion will be determined by Parks prior to the issue of the certificate required under 224(c) to demonstrate reserve development has been satisfactorily implemented and to formalise the commencement of the maintenance period.

As-Built Plans

27. The consent holder must provide to the Development Engineer and Parks Planning Team Leader as-built plans for landscape works (hard and soft) within Lot 501 in the following format:
 - (a) For vested assets from a new development, as-built plans must be provided in digital format (DWG, DXF or GIS shape files on CD or via e-mail) as well as pdf copy of the signed as-built plan(s).
 - (b) The following requirements apply to digital formats:
 - (i) All dimensions are to be in centimetres, and all levels and lengths in metres as per the accuracy requirements stated by the Regulatory Engineering As-built requirements, Version 2c – Published November 2022.

- (ii) All locational data must be plotted in New Zealand Transverse Mercator 2000 (NZTM 2000) coordinates in terms of New Zealand Geodetic Datum 2000 (NZGD 2000) datum as approved by Land Information New Zealand (LINZ).
- (c) All graphical data to be located/plotted to the following accuracy:
 - (i) X & Y coordinates $\pm 100\text{mm}$ in terms of the NZTM 2000 coordinates
 - (ii) Z coordinates $\pm 50\text{mm}$ (e.g. lid level) in terms of the Auckland Vertical Datum 1946,
 - (iii) Invert levels $\pm 20\text{mm}$.
 - (iv) Digital plans must show all required information, including specific asset information shown in the Legend of the as-built files. If external reference files, overlay or non-standard font shape files are required for this, then these should also be provided.
- (d) The as-built plans (generated from the digital format) must include a signed certification statement by a Licenced Cadastral Surveyor or a Registered Professional Surveyor responsible for the as-built.
- (e) The as-built plans must be submitted on standard ISO metric plan sheets, drawn at scales 1:100, 200, 250, 500 or 1:1000 as appropriate or as specified by the Council. The information should fit on one sheet where possible. If this is not possible at A3 size, multiple plan sheets must be submitted with an index sheet. On agreement with Auckland Council, hard copy plans may be saved and submitted in portable document format (pdf) for ease of transmission.
- (f) Existing assets must be validated by providing asset information demonstrating appropriate dimensions of the existing known assets via sketch, aerial photo, and location of the assets
- (g) Details of tree and plant types, including new and established trees and plants on land to vest in Council, using scientific (latin) names and referencing any cultivars
- (h) Existing assets and assets to be removed or abandoned must be shown on as-built plans.
- (i) Copies of the following documents are required, where these assets will be maintained by Auckland Council.
 - (i) All assets | Operation and maintenance manuals or asset owner manuals, and any other documentation provided by a supplier for use by an asset owner, e.g. warranty, guarantee.
 - (ii) Additional documentation will be required for project records. These will be specified in project contract documents or Auckland Council project management manuals.

Monitoring Report – Streetscape (2-year maintenance)

28. Following the written confirmation that the landscaping works have been implemented to the satisfaction of the Parks Planning Team Leader, the consent holder must submit a Monitoring Report to the Parks Planning Team Leader, for approval for a minimum period of two years.

The Monitoring Report must include but is not to be limited to the following information in respect of streetscape/access lot landscaping:

- (a) Success rates, including growth rates and number of plants lost (including an analysis of the distribution of losses);
- (b) State of protection barriers where required;
- (c) Canopy closure, beginnings of natural ecological processes - natural regeneration in understorey, use by native birds, etc;
- (d) A running record of fertilisation, animal and weed pest control and replacement of dead plants;
- (e) Details on the condition of, and recommendations for maintenance of, the fencing and
- (f) Recommendations for replacement of dead plants and implementation of these recommendations (remediation work).

Any recommended remediation work must include a start date for replanting.

The first measure of the survival rate of plants must not be measured any sooner than 12 months following planting.

Advice Note:

This condition requires monitoring reports to be submitted for a minimum of 2 years following planting. This condition will be deemed satisfied upon a satisfactory final inspection after the maintenance period and subsequent bond release.

Maintenance - Streetscape

- 29. The consent holder must provide for the approval of the Parks Planning Team Leader a Maintenance Plan for Lot 501, for all planting and landscaping to be established in the streetscape. The Maintenance Plan must include:
 - (a) Vegetation maintenance policies for the proposed planting, in particular details of maintenance methodology and dates / frequencies.
 - (b) Details of watering, weeding, trimming, cultivation, pest and disease control, checking of stakes and ties, pruning and other accepted horticultural operations to ensure normal and healthy plant establishment and growth.
 - (c) Vandalism eradication policies.
 - (d) Design strategy, specification and management plans for the treatment/maintenance issue relating to lot 501.
- 30. The consent holder must undertake maintenance in accordance with the certified Lot 501 SLMP for a two-year period commencing on the date that the section 224(c) certificate is issued. Any maintenance issues deemed unsuitable by the Parks Planning Team Leader during this period shall be remedied by the consent holder at their expense.
- 31. If any damage/theft to the planting occurs during the maintenance period, the consent holder must replace damaged/stolen plants with the same species and height, which must be maintained for a period of two years following the replacement planting, to the satisfaction of the Parks Planning Team Leader.

Landscape Maintenance Bond

32. Under section 222 of the RMA, and before the issue of the section 224(c) certificate, the consent holder must provide a minimum bond (incl. GST) (bond sum) to the Council that is equivalent to 1.5 times the contracted rate of landscape maintenance works (within Lot 501) and must be agreed in consultation with Council (Parks Planning Team Leader) prior to lodging the bond.

The liability of the consent holder must not be limited to the amount of the bond. The bond is to ensure the performance of conditions 30 and 31:

- (a) The bond required must be paid to the Council as a cash deposit or a bank guaranteed bond (and being a NZ registered bank);
- (b) The council's solicitor will prepare and execute the bond document. All costs incurred by the council in the preparation execution, variation, administration or release of the bond must be paid by the consent holder;
- (c) The bond sum will be released once the conditions it safeguards the performance of have been satisfied to the satisfaction of the Council and the consent holder has paid all the Council's costs in relation to the bond's administration. In this regard the landscape maintenance bond will be held for a period of two years from the issue of a practical completion certificate.

Consent Notice - Lot 603

33. Pursuant to Section 221 of the Resource Management Act, the consent holder shall cause to have registered on the Records of Title to be issued for the relevant lots a consent notice in accordance with:

That Lot 603 (legal access) be owned in perpetuity by an Incorporated Society for the purpose of managing common areas. The owners of Lots 702, 1004 and 1005 are to become members of this Incorporated Society:

The consent holder must provide evidence to the satisfaction of the Council that the Incorporated Society for the access serving these lots has been established, including a copy of the Incorporated Society rules.

Consent Notice - Lot 604

34. Pursuant to Section 221 of the Resource Management Act, the consent holder shall cause to have registered on the Records of Title to be issued for the relevant lots a consent notice in accordance with: That Lot 604 (legal access) be owned in perpetuity by an Incorporated Society for the purpose of managing common areas. The owners of Lots 702 and 1003 are to become members of this Incorporated Society. The consent holder must provide evidence to the satisfaction of the Council that the Incorporated Society for the access serving these lots has been established, including a copy of the Incorporated Society rules.

Consent Notice - Lot 701

35. Pursuant to Section 221 a Consent Notice is required on Lot 701 to be entered, to record and advise any future owners of the need to comply with this condition on an ongoing basis:

Stormwater and Wastewater Connection

Any future development on Lot 701 cannot be occupied until the stormwater and wastewater network construction has been extended, connected, and commissioned for discharge.

Incorporated Society

36. Lots 702, 1004 and 1005 share a commonly owned access lot, being Lot 603, including associated paving, lighting, fencing, retaining walls, landscaping etc., located within this lot. The owners of Lots 702, 1004 and 1005 must become and remain members of an Incorporated Society to jointly own, be responsible and liable for the ongoing operation, maintenance, and repair of the shared assets.
- (a) The shared assets must be transferred to the Incorporated Society before any of the Lots are transferred to new owners. The assets are required to remain in the ownership of the Incorporated Society, except with the prior approval of the Council;
 - (b) The structure, functions and rules of the Incorporated Society must be to the satisfaction of Council and include provision for the following items:
 - (i) Requirements for all lot owners to automatically be and remain a member of the Incorporated Society for so long as they are a registered proprietor of a Lot;
 - (ii) Requirements for all lot owners to fulfil the obligations of a member, as set out in the Rules of the Incorporated Society;
 - (iii) Details of how the common asset (e.g. access way and private stormwater infrastructure) will be insured, managed and maintained, including reference to any operation manuals or management plans;
 - (iv) Ongoing compliance with the relevant resource consent, bylaw, or other requirements of the Auckland Council;
 - (c) All costs associated with the establishment and maintenance of the Incorporated Society, must be borne by the consent holder.
37. Lots 702 and 1003 share a commonly owned access lot, being Lot 604, including associated paving, lighting, fencing, retaining walls, landscaping etc., located within this lot. The owners of Lots 702 and 1003 must become and remain members of an Incorporated Society to jointly own, be responsible and liable for the ongoing operation, maintenance, and repair of the shared assets.
- (a) The shared assets must be transferred to the Incorporated Society before any of the Lots are transferred to new owners. The assets are required to remain in the ownership of the Incorporated Society, except with the prior approval of the Council;
 - (b) The structure, functions and rules of the Incorporated Society must be to the satisfaction of Council and include provision for the following items:
 - (i) Requirements for all lot owners to automatically be and remain a member of the Incorporated Society for so long as they are a registered proprietor of a Lot;
 - (ii) Requirements for all lot owners to fulfil the obligations of a member, as set out in the Rules of the Incorporated Society;

- (iii) Details of how the common asset (e.g. access way and private stormwater infrastructure) will be insured, managed and maintained, including reference to any operation manuals or management plans;
 - (iv) Ongoing compliance with the relevant resource consent, bylaw, or other requirements of the Auckland Council;
- (c) All costs associated with the establishment and maintenance of the Incorporated Society, must be borne by the consent holder.

STAGE 1A - SUBDIVISION OF SECTION 348 SO 434446, LOT 3 DP 515012, SECTION 3 SO 520006, SECTION 2 SO 573867 AND LOT 1 [STAGE 0]

Streetscape Landscaping

38. At Engineering Plan Approval stage, the consent holder must submit a detailed streetscape landscaping plan(s) for street trees and grass berms on Lots 502, 503 and 801 for approval by the Parks Planning Team Leader. In particular, the plans shall:
- (a) Be prepared by a suitably qualified landscape architect;
 - (b) Be in general accordance with the Kamo Marsh Landscape Architects plans referenced in Condition 1;
 - (c) Show all planting including details of intended species, location, plant sizes at time of planting and likely heights on maturity, tree pit specifications, the overall material palette, location of streetlights and other service access points;
 - (d) Ensure that selected species can maintain appropriate separation distances from paths, roads, service connections under the ground, streetlights and vehicle crossings in accordance with the Auckland Transport Code of Practice;
 - (e) Include planting methodology; and
 - (f) Comply with the [Auckland Code of Practice for Land Development and Subdivision: Chapter 7: Landscaping](#).

Advice Note:

Plans approved under Resource Consent do not constitute an Engineering Plan Approval and should not be used for the purposes of constructing public works in the absence of that approval.

Survey Plan Approval (s223) Conditions

39. The consent holder must submit a survey plan of the subdivision to Council for approval under section 223 of the RMA in general accordance with the Stage 1A plans referenced in Condition 1. The survey plan must show roads to vest and any easements required by this subdivision consent.
40. The Laurel Street Extension and western portion of Road 1 shown as Lots 502 and 503 on the plan titled "Proposed Subdivision of Section 348 SO 434446, Lot 3 DP 515012, Section 3 SO 520006, Section 2 SO 573867 & Lot 1 [Stage 0]", prepared by Woods, Rev 1 dated 15/09/22

must vest in the Council as a public road as part of Stage 1A. The consent holder must meet all costs associated with the vesting of the road.

41. The accessway shown as Lot 801 on the plan titled "Proposed Subdivision of Section 348 SO 434446, Lot 3 DP 515012, Section 3 SO 520006, Section 2 SO 573867 & Lot 1 [Stage 0]", prepared by Woods, Rev 1 dated 15/09/22 must vest in the Council as an accessway as part of Stage 1A. The consent holder must meet all costs associated with the vesting of the accessway.
42. The following easements must be surrendered where they relate to the subject parcels under Section 243(a) of the RMA, as identified in the Proposed Subdivision Staging Memorandum prepared by Woods and dated 16 September 2022 (Ref. P21-464):
 - (a) Easement Instrument 5590341.15;
 - (b) Easement Certificate C247153.4; and
 - (c) Gazette Notice C001939.2.
43. The following easements must be partially surrendered where they relate to the subject parcels under Section 243(a) of the RMA, as identified in the Proposed Subdivision Staging Memorandum prepared by Woods and dated 16 September 2022 (Ref. P21-464):
 - (a) Easement Instrument 5590341.13;
 - (b) Easement Instrument 5590341.14; and
 - (c) Easement Instrument 11076921.5.

Advice Note:

Partial surrender is to ensure reasonable enjoyment of easements by benefitted parties during the construction of Stage 1A.

Section 224(c) Compliance Conditions

44. The consent holder must demonstrate to the satisfaction of Auckland Council that Conditions 45 to 51 and 54 have been met at the time it applies for section 224(c) certificate for Stage 1A.

Roading

45. The consent holder must design and construct the Laurel Street Extension and western portion of Road 1 shown as Lots 502 and 503 on the plan titled "Proposed Subdivision of Section 348 SO 434446, Lot 3 DP 515012, Section 3 SO 520006, Section 2 SO 573867 & Lot 1 [Stage 0]", prepared by Woods, Rev 1 dated 15/09/22, in accordance with the requirements of Auckland Transport. Certification from a suitably qualified and experienced engineer that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.
46. The consent holder must submit a resolution report for approval by Auckland Transport Traffic Control Committee to legalise all proposed traffic control devices. A copy of the Resolution from Traffic Control Committee must be provided when applying for a certificate under section 224(c) of the RMA.

47. An engineering completion certificate certifying that the Laurel Street Extension and western portion of Road 1 (Lots 502 and 503) and the ancillary structures on the road to be vested in Auckland Council have been constructed in accordance with EPA requirements must be provided when applying for a certificate under section 224(c) of the RMA.
48. The consent holder must provide to Council all Road Assessment and Maintenance Management System (RAMM) data and as built plans of the new roads formed. This will be inclusive of kerb lines, cesspits, street lighting, and footpaths, traffic calming devices, signs, street furniture, landscaping, vehicle crossings and property boundaries. Certified as built plans must be submitted to Auckland Council in accordance with the Auckland Council Asset Data Standards. Certified as built plan must be provided in accordance with Auckland Transport requirements for roading services assets.

Streetscape Landscaping

49. All street landscaping on Lots 502 and 503 and 801 must be implemented in accordance with the approved streetscape plans and to the satisfaction of the Parks Planning Team Leader and landscaped in accordance with the Auckland Code of Practice for [Land Development and Subdivision Chapter 7: Landscaping](#), and in particular the following:
 - a) The street must be cleared of any construction material, rubbish and surplus soil, and shall be maintained in a neat and tidy condition.
 - b) Should site factors preclude compliance with any of these conditions, the Parks Planning Team Leader must be advised in writing as soon as practicable and, in any case, prior to planting, and an alternative soil improvement methodology proposed to the satisfaction of the Advisor.
 - c) Grassing must only be undertaken when the weather is suitable i.e. mild, dull and moist, and when the ground is moist and workable. Where delays occur in the agreed programme which prevents areas being planted, the consent holder shall inform the Parks Planning Team Leader immediately.

Advice note:

Practical completion will be determined by Parks prior to the issue of the certificate required under 224(c) to demonstrate reserve development has been satisfactorily implemented and to formalise the commencement of the maintenance period.

As-Built Plans

50. The consent holder must provide to the Development Engineer and Parks Planning Team Leader as-built plans for landscape works (hard and soft) within all proposed streets (Lots 502 and 503) and accessway (Lot 801) in the following format:
 - (a) For vested assets from a new development, as-built plans must be provided in digital format (DWG, DXF or GIS shape files on CD or via e-mail) as well as pdf copy of the signed as-built plan(s).
 - (b) The following requirements apply to digital formats:

- (i) All dimensions are to be in centimetres, and all levels and lengths in metres as per the accuracy requirements stated by the Regulatory Engineering As-built requirements, Version 2c – Published November 2022.
 - (ii) All locational data must be plotted in New Zealand Transverse Mercator 2000 (NZTM 2000) coordinates in terms of New Zealand Geodetic Datum 2000 (NZGD 2000) datum as approved by Land Information New Zealand (LINZ).
- (c) All graphical data to be located/plotted to the following accuracy:
- (i) X & Y coordinates $\pm 100\text{mm}$ in terms of NZTM2000 coordinates
 - (ii) Z coordinates $\pm 50\text{mm}$ (e.g. lid level) in terms of the Auckland Vertical Datum 1946
 - (iii) Invert levels $\pm 20\text{mm}$.
 - (iv) Digital plans must show all required information, including specific asset information shown in the Legend of the as-built files. If external reference files, overlay or non-standard font shape files are required for this, then these should also be provided.
- (d) The as-built plan (generated from the digital format) must include a signed certification statement by a Licenced Cadastral Surveyor or a Registered Professional Surveyor responsible for the as-built.
- (e) The as-built plans must be submitted on standard ISO metric plan sheets, drawn at scales 1:100, 200, 250, 500 or 1:1000 as appropriate or as specified by the Council. The information should fit on one sheet where possible. If this is not possible at A3 size, multiple plan sheets must be submitted with an index sheet. On agreement with Auckland Council, hard copy plans may be saved and submitted in portable document format (pdf) for ease of transmission.
- (f) Existing assets must be validated by providing asset information demonstrating appropriate dimensions of the existing known assets via sketch, aerial photo, and location of the assets
- (g) Details of tree and plant types, including new and established trees and plants on land to vest in Council, using scientific (latin) names and referencing any cultivars
- (h) Existing assets and assets to be removed or abandoned must be shown on as-built plans.
- (i) Copies of the following documents are required, where these assets will be maintained by Auckland Council.
- (i) All assets | Operation and maintenance manuals or asset owner manuals, and any other documentation provided by a supplier for use by an asset owner, e.g. warranty, guarantee.
 - (ii) Additional documentation will be required for project records. These will be specified in project contract documents or Auckland Council project management manuals.

Maintenance - Streetscape

51. The consent holder must provide for the approval of the Parks Planning Team Leader a Maintenance Plan for Lots 502, 503 and 801, for all planting and landscaping to be established in the streetscape. The Maintenance Plan must include:
- (a) Vegetation maintenance policies for the proposed planting, in particular details of maintenance methodology and dates / frequencies.
 - (b) Details of watering, weeding, trimming, cultivation, pest and disease control, checking of stakes and ties, pruning and other accepted horticultural operations to ensure normal and healthy plant establishment and growth.
 - (c) Vandalism eradication policies.
 - (d) Design strategy, specification and management plans for the treatment/maintenance issue relating to lot 501.
52. The consent holder must undertake maintenance in accordance with the certified SLMP for a two-year period commencing on the date that the section 224(c) certificate is issued. Any maintenance issues deemed unsuitable by the Parks Planning Team Leader during this period shall be remedied by the consent holder at their expense.
53. If any damage/theft to the planting occurs during the maintenance period, the consent holder must replace damaged/stolen plants with the same species and height, which must be maintained for a period of two years following the replacement planting, to the satisfaction of the Parks Planning Team Leader.

Landscape Maintenance Bond

54. Under section 222 of the RMA, and before the issue of the section 224(c) certificate, the consent holder must provide a minimum bond (incl. GST) (bond sum) to the Council that is equivalent to 1.5 times the contracted rate of landscape maintenance works (within Lots 502 and 503) and must be agreed in consultation with Council (Parks Planning Team Leader) prior to lodging the bond. The liability of the consent holder must not be limited to the amount of the bond. The bond is to ensure the performance of conditions 52 and 53;
- (a) The bond required must be paid to the Council as a cash deposit or a bank guaranteed bond (and being a NZ registered bank);
 - (b) The council's solicitor will prepare and execute the bond document. All costs incurred by the council in the preparation execution, variation, administration, or release of the bond must be paid by the consent holder;
 - (c) The bond sum will be released once the conditions it safeguards the performance of have been satisfied to the satisfaction of the Council and the consent holder has paid all the Council's costs in relation to the bond's administration. In this regard the landscape maintenance bond will be held for a period of two years from the issue of a practical completion certificate.

STAGES 1.1, 1.2, 1.3, 1.4, 1.5 AND 1.6 - SUBDIVISION OF LOTS 1001 TO 1006

Survey Plan Approval (s223) Conditions

55. The consent holder must submit a survey plan for each stage of the subdivision to Council for approval under section 223 of the RMA in general accordance with Stages 1.1, 1.2, 1.3, 1.4, 1.5 and 1.6 plans referenced in Condition 1.
56. The party wall easements over parts of Lots 111 to 117, 121 to 125, 131 to 133, 211 to 216, 221 to 223, 311 to 314, 331 to 334, 321 to 329, 411 to 413 and 421 to 426 must be created, granted, or reserved as necessary at each stage. The consent holder must meet the costs for the preparation, review, and registration of the easement instruments on the relevant Records of Title.

Stage 1.4 Amalgamation Conditions

57. That pursuant to section 220(1)(b)(iv) of the Resource Management Act 1991, the Common Access Lot 601 must be held as to eight undivided one twenty-sixth share by the owners of Lots 311 to 314 and 331 to 334 as tenants in common in the said shares and that individual Records of Title be issued in accordance therewith.
58. That pursuant to section 220(1)(b)(iv) of the Resource Management Act 1991, the Common Access Lot 602 must be held as to eight undivided one-seventeenth share by the owners of Lot 311 to 314 and 331 to 334 as tenants in common in the said shares and that individual Records of Title be issued in accordance therewith.

Stage 1.5 Amalgamation Conditions

59. That pursuant to section 220(1)(b)(iv) of the Resource Management Act 1991, the Common Access Lot 601 must be held as to nine undivided one twenty-sixth shares by the owners of Lots 321 to 329 as tenants in common in the said shares and that individual Records of Title be issued in accordance therewith.
60. That pursuant to section 220(1)(b)(iv) of the Resource Management Act 1991, the Common Access Lot 602 must be held as to nine undivided one-seventeenth shares by the owners of Lot 321 to 329 as tenants in common in the said shares and that individual Records of Title be issued in accordance therewith.

Stage 1.6 Amalgamation Condition

61. That pursuant to section 220(1)(b)(iv) of the Resource Management Act 1991, the Common Access Lot 601 must be held as to nine undivided one twenty-sixth shares by the owners of Lots 411 to 413 and 421 to 426 as tenants in common in the said shares and that individual Records of Title be issued in accordance therewith.

Section 224(c) Compliance Conditions

62. The consent holder must demonstrate to the satisfaction of Auckland Council that Conditions 63 to 70 have been met at the time it applies for section 224(c) certificates for Stages 1.1, 1.2, 1.3, 1.4, 1.5 and 1.6

Wastewater Reticulation

63. The consent holder must design and construct connections to the public wastewater reticulation network to serve Lots 111 to 117, 121 to 125, 131 to 133, 211 to 216, 221 to 223, 311 to 314, 331 to 334, 321 to 329, 411 to 413 and 421 to 426 in accordance with the requirements of the wastewater utility provider. Certification from the utility provider that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

Water Reticulation

64. The consent holder must design and construct connections to the public water reticulation network to serve Lots 111 to 117, 121 to 125, 131 to 133, 211 to 216, 221 to 223, 311 to 314, 331 to 334, 321 to 329, 411 to 413 and 421 to 426 in accordance with the requirements of the water utility provider. Certification from the utility provider that works have been satisfactorily undertaken must be provided when applying for a certificate under the section 224(c) of the RMA.

Stormwater Reticulation

65. The consent holder must design and construct connections to the public stormwater reticulation network to serve Lots 111 to 117, 121 to 125, 131 to 133, 211 to 216, 221 to 223, 311 to 314, 331 to 334, 321 to 329, 411 to 413 and 421 to 426 in accordance with the requirements of the stormwater utility service provider. Certification from the utility provider that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

Utilities

66. The consent holder must make provision for telecommunications and electricity to Lots 111 to 117, 121 to 125, 131 to 133, 211 to 216, 221 to 223, 311 to 314, 331 to 334, 321 to 329, 411 to 413 and 421 to 426 in accordance with the requirements of the respective utility operators. These utilities must be underground. Certification from the utility providers that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

Consent Notice - Stage 1.3

67. Pursuant to Section 221 of the Resource Management Act, the consent holder shall cause to have registered on the Records of Title to be issued for the relevant lots a consent notice in accordance with: That Lot 604 (legal access) be owned in perpetuity by an Incorporated Society for the purpose of managing common areas. The owners of 211 to 216, and 221 to 223 are to become members of this Incorporated Society. The consent holder must provide evidence to the satisfaction of the Council that the Incorporated Society for the access serving these lots has been established, including a copy of the Incorporated Society rules.

Consent Notice - Stage 1.4

68. Pursuant to Section 221 of the Resource Management Act, the consent holder shall cause to have registered on the Records of Title to be issued for the relevant lots a consent notice in accordance with:

That Lot 603 (legal access) be owned in perpetuity by an Incorporated Society for the purpose of managing common areas. The owners of 311 to 314 and 331 to 334 are to become members of this Incorporated Society.

The consent holder must provide evidence to the satisfaction of the Council that the Incorporated Society for the access serving these lots has been established, including a copy of the Incorporated Society rules.

Consent Notice - Stage 1.5

69. Pursuant to Section 221 of the Resource Management Act, the consent holder shall cause to have registered on the Records of Title to be issued for the relevant lots a consent notice in accordance with:

That Lot 603 (legal access) be owned in perpetuity by an Incorporated Society for the purpose of managing common areas. The owners of 321 to 329 are to become members of this Incorporated Society.

The consent holder must provide evidence to the satisfaction of the Council that the Incorporated Society for the access serving these lots has been established, including a copy of the Incorporated Society rules.

Construction of Dwellings.

70. The buildings on Lots 111 to 117, 121 to 125, 131 to 133, 211 to 216, 221 to 223, 311 to 314, 331 to 334, 321 to 329, 411 to 413 and 421 to 426 must be constructed to at least roof framing stage in accordance with the approved documents set out in Condition 1 of the land use consent referenced as *[insert Council reference]*. Certification must be provided when applying for a certificate under section 224(c) of 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. Please note that a fee is payable upon lodgement of an application for the issue of a certificate pursuant to section 224(c) of the Resource Management Act 1991 relating to this application. Please contact Auckland Council for the current fee.
3. Please attach copies of any Code Compliance Certificate(s) for the drainage work(s) or copies of the Auckland Council Inspections Officer's sign off and drainlayer's signed "As Built" drainage plans with the application for the issue of a certificate pursuant to section 224(c) of the Resource Management Act 1991 relating to this application.
4. New water supply connection for new lots shall be to the Watercare supply main and shall be designed in accordance with Watercare Services Ltd.'s "Standards" and be made by a Water Care Services Ltd approved contractor. For details, please contact Watercare Services.
5. Watercare Services Ltd advises that at the time of application for a water and/or wastewater connection (or application for demand increase), completed in conjunction with a building consent, an Infrastructure Growth Charge shall apply. Details of this charge are available on the website www.watercare.co.nz.
6. A separate application shall be lodged in Watercare developments@water.co.nz for any existing water meter(s) required to be removed or relocated. Only authorised Watercare approved contractor is permitted to remove or relocate any existing water meters on site.

7. *Watercare approval is required prior to connecting the proposed units to the public water and/or wastewater network. This application is generally made at the same time as the building consent application. Contact Watercare at connections@water.co.nz to arrange for a Connections Approval.*
8. *A Corridor Access Request, (CAR), is required for all works undertaken within the 'road corridor'. See Auckland Transport's <https://at.govt.nz/about-us/working-on-the-road/corridor-access-requests/#applycar> for more information.*
9. *Any provision being made for telecommunications, power or gas to this subdivision are to be underground and are to be to the requirements of the respective utility services.*
10. *The consent holder is liable for the payment of development contributions applicable to the development. For more information regarding the payment of development contributions, please email through to Central - Development Contributions on ACE@ContributionTeam@aucklandcouncil.govt.nz.*
11. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.*
12. *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 section 13 of Schedule 5 of the COVID-19 Recovery (Fast-track Consenting) Act 2020.*
13. *Where any services, structures or any type of encumbrance is proposed on the Council-owned land (reserve) it would require Land Owner or Asset Owner approval and are not for Parks Planning and should be referred to the Land Advisors. The applicant is also required to apply for Asset owner Tree removal for any proposed tree works on council-owned land (trees within existing streetscape or open spaces).*

APPENDIX B:

Summary of comments received on Unitec Residential Development – Wairaka Stage 1

Matthew Hill and Martha Carrillo

- General support for the redevelopment of the land.
- Maintenance of stormwater neutrality.
- For the cul-de-sac proposed at the end of Laurel Street extension to remain.
- For the Waterview Shared Path to remain and be upgraded.
- Retention of mature trees to the extent possible.

Wayne Forsyth

- Ongoing updates with respect to development timing and effects on submitters property (26 Renton Road).
- Maintain minimum 5m setback from boundary.
- Maintain maximum of three story building height adjacent to boundary.
- Confirmation of traffic speed limit within the planned internal roads.

Bala Rajeswari Kolli

- Construction effects on Rhodes Avenue, and
- Construction times and no work on weekends.
- Need for more consultation.
- Flooding impacts.

Natalie Small

- Retain trees on southern boundary.
- Make provision for a children's playground.
- Need for additional services e.g. café, small supermarket, school.

Joline Ong

- Provide timelines for the stages of development and including typology for Stage 3.

Angela Mathieson

- Social impacts.

Polisi Faumauina and Kathryn Sandford

- Didn't receive the invitation to comment letter.
- Detail on programme of works and hours of operation.
- Additional streetscape and building section.
- Adjustments to floor levels.
- Boundary setbacks.
- Changes to fencing materials on boundary.
- Shading.
- More info on construction noise effects, including for rock breaking; to be informed when noisier activities are programmed to occur.
- Asbestos removal procedures.

- Clarification on how there will be no connection to Unitec, and
- A response to the road safety conclusions including traffic volumes and lighting.
- Consultation requested from the applicant.
- Appropriateness of the fast-track process for this development.

Scott Whitten

- Destruction of stone walls.
- Management of asbestos.
- Potential noise effects including hours of work and rock breaking.
- Shading from buildings and landscaping.
- Construction traffic should use Unitec roading system and controlled signals on Carrington Road to minimise pedestrian interaction, particularly school children,
- Provision of more on-site car parking.
- Security.
- No identification of a new school.

Linda and Timothy Holdaway

- Ensure adequate stormwater infrastructure is provided to deal with increasing storm size and frequency.
- Lack of sustainable elements to building design.
- Support the general cladding options and reuse of stone wall materials.
- Less suitable roof solutions.
- Need better acoustic barriers for some new dwellings.
- Lack of outdoor spaces and associated amenity, and need to provide that in future stages.
- More green space.
- Additional parking for dwellings.
- Additional visitor parking.
- Traffic calming on Rhodes Avenue, Laurel Street and Mark Road.
- No connection to Mark Road.
- Oppose the AUP infringement for a new build.
- Consistent provision of secure bicycle storage and mobility scooters
- Detail of how Mark Road connection work
- Limit hours of construction vehicle movements and exit onto Carrington Road when possible.
- Need to have opportunity to view management plans.
- Possible inconsistency with precinct provisions.
- Disagree with aspects of the Traffic Assessment.

Maria Cepulis (24 Rhodes Avenue)

- Potential effects from the disturbance of contaminated soil, including from dust;
- Modification to CTMP to protect school children, specifically no truck movements to/from site during school start and finish times.
- All traffic to/from site using Unitec road network.
- If the site uses southern streets, then developer personnel are provided to ensure all local children are safe.

Property Council New Zealand

- General support.

Arwen Place Property Limited

- General support.

Te Tuapapa Kura Kainga - Ministry of Housing and Urban Development

- Land owner support.

Minister of Housing

- Support

Associate Minister for Arts, Culture and Heritage

- Support for conditions sought by Heritage New Zealand
- Request to review draft conditions.
- Amendments and additions to conditions.

Heritage New Zealand Pouhere Taonga

- Comments on Applicant's archaeological assessment
- Supports the precinct-wide approach taken for heritage assessment.
- Amendments and additions to conditions.

Auckland Council

- Various concerns raised by experts, including
 - o Wastewater capacity constraints
 - o Concerns regarding works affecting the SEA and Wetland 1
 - o Further detail on construction traffic
 - o Effects on archaeology/heritage
- As per AT specialist feedback.

Auckland Transport

- Ensure design of connections between shared paths, including:
 - o Provides sufficient space for a safe connection of both the cyclist and pedestrian sides of the realigned Waterview Shared Path at the northern and southern end.
 - o Provides a 2 m wide landscaping strip between the cyclist and pedestrian paths in the revised Waterview Shared Path.
- Provision of 1 m wide back berms on all roads to be vested.
- Provision of traffic calming devices on all roads to vest.

- Provide a footpath along both sides of the entire length of Laurel Road Extension, including around the turning head.
- Ensure the horizontal curve in Laurel Road Extension is adequately sized.
- Provide an accessible route for pedestrians on the east side of JOAL 3.
- Provide design detail of the road connection between Renton Road and Road 1.
- Provide at least one secure covered bicycle parking space for each dwelling which do not have an internal garage.
- Provision of visibility splays.
- Check Auckland Council's Overland Flow Path from Renton Road onto the proposed road and design accordingly.

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



Decision two – discretionary activity subdivision consent (s11)

Application numbers:	BUN60419728 (Council Reference) SUB60419729 (s11 subdivision consent)
Applicant:	Ngāti Whātua Ōrākei Whai Rawa
Site address:	1,121 and 123 Carrington Road, Mount Albert
Legal description:	1 Carrington Road – SECT 3 SO 520006 121 Carrington Road – Lot 3 DP 314949 123 Carrington Road – Lot 2 DP 314949

Proposal:

To undertake a subdivision around the private road from the Laurel Street extension (publicly vested) approved under LUC604149760 and to provide for the necessary vesting of road assets and public right of way easements between the Laurel Street Extension and the Spine Road which incorporates the Waterview Shared Cycle Path as follows:

- Lot 605: 1,999m² Private Accessway will contain the 2m wide footpath and 5.5m carriageway. An easement is proposed for public access.
- Lot 708: Fee Simple Balance Lot 146,391m² Road to Vest lot to the north which will be vested in Auckland Transport for roading and form part of the Spine Road.
- Lot 802: 2,764m² Accessway to Vest will be vested in Auckland Transport and will contain the existing Shared Path and the proposed footpath connection to the Spine Road.
- Lot 803: 646m² Accessway to Vest will be vested in Auckland Transport and contain the existing Shared Path connection which crosses Oakley Creek.
- Lot 2001: 7,556m² Fee Simple Balance Lot subject to future residential development
- Lot 2002: 8,017m² Fee Simple Balance Lot subject to future residential development

Resource consent is required for the following reasons:

Subdivision consent (s11) – SUB60419729

Auckland Unitary Plan (Operative in part)

1134 Wairaka Precinct

- Vacant lot subdivision consistent with the zone boundaries is a controlled activity under rule I334.4.1(A34).

Urban Subdivision

- To undertake subdivision of a site with two zones (Terrace Housing and Apartment Buildings Special Purpose: Tertiary Education) is a restricted discretionary activity under rule E38.4.1(A7).
- Subdivision of a site located within the 1% AEP floodplain is a restricted discretionary activity under rule E38.4.1(A11).
- To undertake subdivision of a site not meeting Standard E38.6.3 Services where no wastewater or stormwater services are proposed for Lots 2001 and 2002. Discretionary activity resource consent is required under rule E38.4.1(A12).
- Vacant site subdivision in a residential zone involving parent sites less than 1ha complying with Standard E38.8.2.3 is a restricted discretionary activity under rule E38.4.2(A16).
- Subdivision of a site in a residential zone that does not comply with Standard E38.8.1.2(2) as the access lot (Lot 605) exceeds 50m in length. This is not otherwise provided for in Table E38.4.2 and is a discretionary activity under rule E38.4.4(A32).
- Subdivision of a site in the Tertiary Education Zone which is not otherwise provided for in Table E38.4.1 is a discretionary activity under rule E38.4.4(A45).

National Environmental Standard for Assessment and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS)

- For the subdivision of land where a detailed site investigation identifies that soil contamination does not exceed NESCS Human Health criteria is a controlled activity under regulation 9.

Decision

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

Acting under delegated authority, under sections 104, 104C, 106, 220 and Part 2 of the RMA, the resource consent is **GRANTED**.

Reasons

The reasons for this decision are:

1. The subdivision is proposed around a private access lot and extension to the Waterview Shared Cycle Path ("Shared Path") approved under land use consent LUC60419760. The subdivision is necessary to enable vesting of the existing Shared Path and extension to

Auckland Transport and formalise public access for pedestrian and cyclists between the Spine Road to the north and the Laurel Street extension to the south. The proposal amends boundary lines to facilitate the above and does not create additional development lots.

2. The subdivision marginally reduces Lot 2002 and marginally increases Lot 2001 Both lots are zoned Terraced Housing and Apartment Buildings ("THAB") and are sized between 7,556m² to 8,017m². They are therefore of an appropriate size and shape to enable the future delivery of high-density housing.
3. While the subdivision is across multiple zones (THAB, Special Purpose Tertiary Education) it does not challenge future development of the split zoned land due to activities to be retained and the overall size of the sites.
4. Legal and physical access is provided to THAB zoned lots via the private JOAL or the Spine Road. Stormwater and wastewater servicing of these lots will occur at the time of development and a consent notice has been imposed on those lots restricting development until services connections have been provided. Future development will be able to connect to these services provided appropriate capacity and connection assessments are undertaken at the time of that development.
5. The overall roading layout is considered appropriate to vest. The subdivision in itself does not generate additional traffic. Such traffic will be addressed as part of the future development of the land and has been considered in the required and approved Integrated Transport Assessment for the wider site.
6. In terms of natural hazards, there is no change from that which was assessed under the land use application. The works will not result in undue instability with earthworks limited to the area occupied by an existing private road. The flood levels remain within the permitted levels for vehicle access.
7. In terms of positive effects, the proposed subdivision establishes roads including pedestrian and cycling infrastructure will enable connections for pedestrians and cyclists north/south through the Wairaka Precinct.
8. 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.
9. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents. In particular the proposal is consistent with the objectives and policies of the following relevant chapters of the NESCS and Auckland Unitary Plan (Operative in part) as follows:

NESCS

- o A Detailed Site Investigation and Site Management Plan (SMP) for the piece of land exists. Land disturbance works will be undertaken at land use stage in accordance with the SMP and the conditions of that consent which will ensure the land is safe at the time of subdivision.

Auckland Unitary Plan

1334 Wairaka Precinct

- o The lot boundaries align with the Precinct and sub-precinct boundaries where Sub Precinct C includes Lot 2001 and 2002 and the road network approved under LUC60419760. The location of the Shared Path remains with the connection east/west through the Precinct continuing to be provided between Lots 2001 and 2002 (I334.7.2(1)).

Chapter E38 Subdivision

- o While the subdivision involves sites with split zoning this is due to the underlying mix of zoning across the wider site and the location of the private road and Shared Path which bisects the THAB and Tertiary Education zoned land. It does not impact on the ability to develop the differently zoned land in the future (E38.3(1)).
 - o The subdivision has been designed to respond to the natural landscapes. The location of the private JOAL and road extension are generally located within the existing private road carriageway and therefore minimises land disturbance and therefore disturbance of the constructed and artificial wetlands and existing mature trees (E38.3(3)).
 - o The subdivision results in a slight adjustment of the residential zoned lot boundaries and therefore does not affect the extent of the Significant Ecological Overlay in those lots ((E38.3(5)).
 - o The subdivision pattern reflects the existing lot layout and is not consistent with E38.3(10) which requires blocks to be connected with a variety of routes within the immediate neighbourhood and between adjacent land areas. The proposal is consistent with the Wairaka Precinct which restricts vehicle access north/south through the site, so to avoid rat running. Safe and easy routes are provided for pedestrians and cyclists.
 - o Lots 2001 and 2002 are rear sites. The creation of sites fronting a publicly vested road is restricted by existing boundaries which adjoin the Shared Path designation, natural features (wetlands and mature trees), and the Precinct provisions which require a private accessway connection (only) to Laurel Street to the south (E38.3(12)).
 - o The length, width and form of Lot 605 encourages a low-speed environment. The lot adjoins the Shared Path, contains a 2m wide footpath with existing mature trees. Access from the public road to the south (Laurel Street) is restricted by the turning head in that road and signage which confirms the access does not provide a through route through the precinct. No vehicle access is provided from the north (E38.3(16)).
 - o Lots 2001 and 2002 will be serviced prior to development or further subdivision as required by consent notice. This is consistent with objective E38.2(4) and policy E38.3(19) which requires that infrastructure supporting subdivision and development is planned and provided for in an integrated and comprehensive manner and provided for to be in place at the time of the subdivision or at the time of development.
10. In accordance with an assessment under s104(1)(c) of the RMA no other matters are considered relevant.
 11. In terms of s106 of the RMA the proposal is not considered to give rise to significant risk from natural hazards as the works have been designed to accommodate and not exacerbate the existing flood plains on the site, nor will the works result in instability. Sufficient provision has been made for legal and physical access to the existing Terraced and Apartment zoned lots, as amended under this application and to the Special Purpose: Tertiary Education zoned lots

east of the Shared Path via the vesting and easements as outlined. Accordingly, Council is able to grant this subdivision consent subject to the conditions below.

12. In the context of this discretionary activity subdivision, where the objectives and policies of the relevant statutory documents were prepared having regard to Part 2 of the RMA, they capture all relevant planning considerations and contain a coherent set of policies designed to achieve clear environmental outcomes. They also provide a clear framework for assessing all relevant potential effects and there is no need to go beyond these provisions and look to Part 2 in making this decision as an assessment against Part 2 would not add anything to the evaluative exercise.
13. Overall, the proposal will have actual and potential effects that are acceptable and is consistent with the objectives and policies of the Auckland Unitary Plan (Operative in part). For the same reasons the proposal is consistent with Part 2 of the RMA. Therefore, consent can be granted subject to the conditions below.

Conditions

All conditions contained in this decision must be complied with at time of s224(c). The conditions have been separated into 'General', 'section 223' and 'section 224(c)' conditions in order to assist the consent holder in identifying the conditions that must be completed at the respective stages of implementing the resource consent for subdivision.

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

General conditions

1. The vesting of roads and associated subdivision must be as described in the application form and assessment of environmental effects titled "Stage 2 Wairaka" prepared by Evita Key at Barker & Associates dated 29 May 2023, and must be carried out in accordance with the plans and information detailed below, and all referenced by the Council as consent number SUB60419729 of BUN60419728.

Report title and reference	Author	Rev	Dated
Engineering Memo	Woods	-	27/04/2023
Arboricultural Memo	Peers Brown Miller Ltd	-	16/03/2023
Ecological Assessment	Bioresearches	1	16/05/2023
Geotechnical Report 220088	Soil & Rock Consultants	A	21/03/2023
Detailed Site Investigation 220087	Soil & Rock Consultants	A	27/09/2023
Site Management Plan 220087	Soil & Rock Consultants	A	29/09/2023
Acoustic Assessment ref: 710.30328-R02	SLR Consulting NZ Limited	V1.1	10/05/2023

Archaeological Assessment	Clough & Associates Ltd	-	September 2022
Transport Memo	Commute Transportation Consultants	-	13/06/2023
Cultural Impact Assessment	Ngati Whatua Orakei Whai Rawa Limited	-	2022
Rules and Standards Assessment	Barker & Associates Ltd	-	-

Drawing title and reference	Author	Rev	Dated
P21-464-02-0012-SC Scheme Plan – Stage 2 PROPOSED SUBDIVISION OF LOT 2 & 3 DP 314949 & LOT 705 [STAGE 1A]	Woods	2	24/04/2024
P21-464-02-100-GE EXISTING SERVICES PLAN	Woods	2	24/11/2023
P21-464-02-200-GE VEGETATION PROTECTION PLAN	Woods	2	24/11/2023
P21-464-02-500-GE EXISTING FEATURES PLAN	Woods	2	24/11/2023
P21-464-02-900-GE DEMOLITION PLAN	Woods	2	24/11/2023
P21-464-02-1000-EW EXISTING CONTOUR PLAN	Woods	2	24/11/2023
P21-464-02-1100-EW DESIGN CONTOUR PLAN	Woods	2	24/11/2023
P21-464-02-1200-EW CUT AND FILL DEPTH CONTOURS - OVERALL DESIGN	Woods	2	24/11/2023
P21-464-02-1201-EW CUT AND FILL DEPTH CONTOURS OVERALL DESIGN	Woods	2	24/11/2023
P21-464-02-1800-EW SEDIMENT AND EROSION CONTROL PLAN	Woods	2	24/11/2023
P21-464-02-2000-RD ROAD LAYOUT PLAN	Woods	3	24/11/2023
P21-464-02-2001-RD DESIGN POINTS PLAN	Woods	2	07/11/2023
P21-464-02-2005-RD ROAD LAYOUT PLAN	Woods	3	24/11/2023
P21-464-02-2500-RD JOAL LONG SECTION	Woods	2	24/11/2023
P21-464-02-2800-RD TYPICAL CROSS SECTIONS	Woods	2	24/11/2023
P21-464-02-2801-RD JOAL DETAILS	Woods	2	24/11/2023

P21-464-02-2802-RD JOAL DETAILS	Woods	2	24/11/2023
P21-464-02-2803-RD JOAL DETAILS	Woods	2	24/11/2023
P21-464-02-2804-RD JOAL DETAILS	Woods	2	24/11/2023
P21-464-02-3000-DR STORMWATER OVERLAND FLOWPATH PLAN	Woods	2	07/11/2023
P21-464-02-3001-DR STORMWATER CATCHMENT PLAN	Woods	2	07/11/2023
P21-464-02-3002-DR STORMWATER DRAINAGE LAYOUT PLAN	Woods	2	24/11/2023
P21-464-02-3800-DR STORMWATER CATCH PIT DETAIL	Woods	2	24/11/2023
P21-464-02-6000-WR WATER RETICULATION LAYOUT	Woods	2	24/11/2023
P21-464-02-7000-UT UTILITIES PLAN	Woods	2	24/11/2023
P21-464-02-8000-SD EARTHWORKS DETAILS - SHEET 1 OF 3	Woods	2	24/11/2023
P21-464-02-8001-SD EARTHWORKS DETAILS - SHEET 2 OF 3	Woods	2	24/11/2023
P21-464-02-8002-SD EARTHWORKS DETAILS - SHEET 3 OF 3	Woods	2	24/11/2023
P21-464-02-8100-SD TYPICAL FOOTPATH AND CYCLEWAY DETAILS	Woods	2	07/11/2023
P21-464-02-8600-SD TYPICAL WATER SERVICE DETAILS	Woods	2	07/11/2023

Other additional information	Author	Rev	Dated
S92 Response Contamination Email titled "RE: BUN60419728: Stage 2 Wairaka Section 92 Request"	Evita Key, Barker & Associates	-	25/07/2023
S92 Response s176 letter of written decision – Waterview Shared Path	Auckland Transport	-	10/09/2023
S92 Response Table – Applicant and Auckland Council	Barker & Associates	-	18/01/2024
P21-464-02-2850-RD Stage 2 Cul-de-Sac Works by Others	Woods	1	02/02/2024

Advice Note:

- *This consent has been granted on the basis of all the documents and information provided by the consent holder, demonstrating that the new lot(s) can be appropriately serviced (infrastructure and access).*

- *Details and specifications for the provision of infrastructure (e.g., public/ private drainage, location, and types of connections) and access (including drainage of accessways, construction standards etc) are subject to a separate Engineering Approval (EA) and/or Building Consent approval process.*
 - *Should it become apparent during the EA and/or Building Consent process that a component of the granted resource consent cannot be implemented (e.g., detailed tests for soakage fail to achieve sufficient soakage rates, or sufficient gradients for drainage cannot be achieved in accordance with engineering standards/ bylaws etc), changes to the proposal will be required. This may require either a variation to this subdivision consent (under section 127 of the Resource Management Act 1991) or a new consent.*
 - *Similarly, should the detailed design stage demonstrate that additional reasons for consent are triggered (e.g., after detailed survey the access gradient increases to now infringe or increase an approved infringement to a standard in the plan), a new or varied resource consent is required.*
 - *It is the responsibility of the consent holder to ensure that all information submitted and assessed as part of the subdivision consent is correct and can be implemented as per the subdivision consent (without requiring additional reasons for consent). Any subsequent approval processes (such as the EA) do not override the necessity to comply with the conditions of this resource consent.*
2. Under section 125 of the RMA, this consent lapses five years after the date it is granted (“the lapse date”) unless:
 - a. A survey plan is submitted to Council for approval under section 223 of the RMA before the lapse date, and that plan is deposited within three years of the date of approval of the survey plan in accordance with section 224(h) of the RMA; or
 - b. An application under section 125 of the RMA is made to the Council before the lapse date to extend the period after which the consent lapses and the Council grants an extension.
 3. The accessway to vest, shown as Lots 802 and 803 on the plan titled: Proposed Subdivision of Lot 2 & 3 DP 314949 & Lot 705 [STAGE 1A], revision 2 prepared by Woods, dated 24 April 2024, must not be vested until Lot 503 (approved under resource consent SUB60416070) has been constructed and vested in the Council.

Survey plan approval (s223) conditions

4. The consent holder must submit a survey plan in accordance with the approved resource consent subdivision scheme plan(s) titled ‘Proposed Subdivision of Lot 2 & 3 DP 314949 & Lot 705 [STAGE 1A]’, revision 2 prepared by Woods, dated 24 April 2024. The survey plan must show all easements required by this subdivision consent.
5. The right(s)-of-way and any services easements and/or easements in gross over parts of Lots 605 and 708 must be included in a schedule of easements endorsed on the survey plan and must be created, granted, or reserved as necessary. The consent holder must meet the costs

for the preparation, review, and registration of the easement instruments on the relevant records of title.

6. Easement Instruments ZY, ZQ and ZZ must be partially surrendered as shown on 'Proposed Subdivision of Lot 2 & 3 DP 314949 & Lot 750 [STAGE 1A]', revision 2 prepared by Woods, dated 24 April 2024.
7. Easement Instrument ZP must be surrendered as shown on 'Proposed Subdivision of Lot 2 & 3 DP 314949 & Lot 750 [STAGE 1A]', revision 2 prepared by Woods, dated 24 April 2024.

Section 224(c) compliance conditions

8. The application for a certificate under section 224(c) of the RMA must be accompanied by certification from a suitably qualified and experienced surveyor or engineering professional that conditions 9 to 15 of subdivision consent SUB60419729 have been complied with, and identify all those conditions that have not been complied with and are subject to the following:
 - a. a consent notice to be issued in relation to any conditions of this consent to which section 221 applies.

Roading – Public

9. The consent holder must design and construct Lot 802 as shown on the plan titled "Proposed Subdivision of Lot 2 & 3 DP 314949 & Lot 705 [STAGE 1A]", revision 2 prepared by Woods, dated 24 April 2024 and the plans titled NWO Mt Albert Unitec prepared by Woods referenced as P21-464-02-2000-RD REV 3 dated 24 November 2023 and P21-464-02-2800-RD REV 2 dated 24 November 2023 and in accordance with the Requiring Authority approval under Section 176(1)(b) of the Resource Management Act 1991 for altering and realigning the Waterview Shared Path within Auckland Transport Designation 1713, dated 10 September 2023.

This includes but is not limited to footpaths, kerb, berm, channel, and cul-de-sac at the northern end of the site. The upgrades must be undertaken at the consent holder's expense.

Certification from a suitably qualified and experienced engineer that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

Advice Note

The upgrades must be undertaken at the consent holder's expense in consultation with Auckland Transport.

Roading – Private

10. The consent holder must design, and construct Lot 605 as shown on the plan titled "Proposed Subdivision of Lot 2 & 3 DP 314949 & Lot 705 [STAGE 1A]", revision 2 prepared by Woods, dated 24 April 2024 and the plans titled NWO Mt Albert Unitec prepared by Woods referenced as P21-464-02-2000-RD REV 3 dated 24 November 2023.

Certification from a suitably qualified and experienced engineer that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

Streetscape / JOAL Landscaping

11. All landscaping on Lots 605 and 802 must be implemented in accordance with the landscape plans approved under condition 23 of LUC60419760 and to the satisfaction of the Planning Team Leader and landscaped in accordance with the Auckland Code of Practice for Land Development and Subdivision Chapter 7: Landscaping.

Consent Notice Lot 605, 2001 and 2002

12. Pursuant to section 221 of the Resource Management Act, the following consent notice must be registered against the Record of Title to Lots 605, 2001 and 2002.

That Lot 605 (legal access) be owned in perpetuity by an Incorporated Society for the purpose of:

- (a) managing and maintaining common areas; and*
- (b) managing and maintaining lighting as approved by the Lighting Plan and Certification/ Specifications required under condition 5 of the land use consent referenced by Council as LUC60419760.*

Servicing of Lots 2001 and 2002

No further land use or subdivision activities shall occur on Lots 2001 or 2002 until services (wastewater, utilities stormwater) have been designed, provided for and approved.

Incorporated Society

Lots 2001 and 2002 share a commonly owned access lot, being Lot 605, including associated paving, lighting, fencing, landscaping etc located within this lot. The owners of Lots 2001 and 2002 must become and remain members of an Incorporated Society to jointly own, be responsible and liable for the ongoing operation, maintenance, and repair of the shared assets.

The structure, functions and rules of the Incorporated Society must be to the Satisfaction of Council and include provision for the following items:

- (a) Requirements for all lot owners to automatically be and remain a member of the Incorporated Society for so long as they are a registered proprietor of a Lot;*
- (b) Requirements for all lot owners to fulfil the obligations of a member, as set out in the Rules of the Incorporated Society;*
- (c) Details of how the common asset (e.g. access way and private stormwater infrastructure) will be insured, managed and maintained, including reference to any operation manuals or management plans;*
- (d) Ongoing compliance with the relevant resource consent, bylaw, or other requirements of the Auckland Council*
- (e) All costs associated with the establishment and maintenance of the Incorporated Society, must be borne by the consent holder.*

The consent holder must provide evidence to the satisfaction of the Council that the Incorporated Society for the access serving these lots has been established, including a copy of the Incorporated Society rules.

Water Supply

13. The consent holder must make provision for water supply to Lots 2001 and 2002 in accordance with the requirements of the respective utility operators. If reticulated, these utilities must be underground. Certification from the utility providers that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

Advice Notes

- *The consent holder may also provide gas servicing to the Lots but this is not a requirement, and no proof is required at time of section 224(c). Any gas lines are required to be installed underground, or they may otherwise require a further resource consent.*
- *Please note that with future development and consents, service boxes are required to be accommodated within indented areas (into boundaries) for utility connections to keep them out of footpaths due to the lack of rear berms. This will require fences/other structures to be set back a minimum of 0.5 m from the back of the footpath.*

Roading

14. The consent holder must provide to Council all Road Assessment and Maintenance Management System (RAMM) data and as built plans of the new roads formed. This will be inclusive of kerb lines, cesspits, street lighting, and footpaths, traffic calming devices, signs, street furniture, landscaping, vehicle crossings and property boundaries. Certified as built plans must be submitted to Auckland Council in accordance with the Auckland Council Asset Data Standards. Certified as built plan must be provided in accordance with Auckland Transport requirements for roading services assets.

As-Built Plans Lots 802 and 803

15. The consent holder must provide to the Development Engineer and Parks Planning Team Leader as-built plans for landscape works (hard and soft) within Lots 802 and 803 (Accessway to vest) in the following format:
 - a. For vested assets from a new development, as-built plans must be provided in digital format (DWG, DXF or GIS shape files on CD or via e-mail) as well as pdf copy of the signed as-built plan(s).
 - b. The following requirements apply to digital formats:
 - i. All dimensions are to be in centimetres, and all levels and lengths in metres as per the accuracy requirements stated by the Regulatory Engineering As-built requirements, Version 2c – Published November 2022.
 - ii. All locational data must be plotted in New Zealand Transverse Mercator 2000 (NZTM 2000) coordinates in terms of New Zealand Geodetic Datum 2000 (NZGD 2000) datum as approved by Land Information New Zealand (LINZ).
 - c. All graphical data to be located/plotted to the following accuracy

- i. X & Y coordinates +/-100mm in terms of the NZTM 2000 coordinates (
 - ii. Z coordinates +/-50mm (e.g. lid level) in terms of the Auckland Vertical Datum 1946,
 - iii. Invert levels +/- 20mm.
 - iv. Digital plans must show all required information, including specific asset information shown in the Legend of the as-built files. If external reference files, overlay or non-standard font shape files are required for this, then these should also be provided.
- d. The as-built plans (generated from the digital format) must include a signed certification statement by a Licenced Cadastral Surveyor or a Registered Professional Surveyor responsible for the as-built.
 - e. The as-built plans must be submitted on standard ISO metric plan sheets, drawn at scales 1:100, 200, 250, 500 or 1:1000 as appropriate or as specified by the Council. The information should fit on one sheet where possible. If this is not possible at A3 size, multiple plan sheets must be submitted with an index sheet. On agreement with Auckland Council, hard copy plans may be saved and submitted in portable document format (pdf) for ease of transmission.
 - f. Existing assets must be validated by providing asset information demonstrating appropriate dimensions of the existing known assets via sketch, aerial photo, and location of the assets.
 - g. Details of tree and plant types, including new and established trees and plants on land to vest in Council, using scientific (latin) names and referencing any cultivars.
 - h. Existing assets and assets to be removed or abandoned must be shown on as-built plans.
 - i. Copies of the following documents are required, where these assets will be maintained by Auckland Council.
 - i. All assets | Operation and maintenance manuals or asset owner manuals, and any other documentation provided by a supplier for use by an asset owner, e.g. warranty, guarantee.
 - ii. Additional documentation will be required for project records. These will be specified in project contract documents or Auckland Council project management manuals.

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. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.
6. Prior to the commencement of any engineering works, the consent holder must submit engineering plans (including engineering calculations and specifications) to the Council for approval in writing. The engineering plans must include, but not be limited to, the information regarding the detailed design of all roads and road network activities provided for by this resource consent approval.
7. As part of the application for Engineering Plan Approval, a registered engineer must:
 - a) Certify that all public roads and associated structures/facilities or access ways have been designed in accordance with Auckland Transport's Transport Design Manual.
 - b) Provide a statement that the proposed infrastructure has been designed for the long-term operation and maintenance of the asset.
 - c) Confirm that all practical measures are included in the design to facilitate safe working conditions in and around the asset.
8. If the Engineering Plan Application (EPA) drawings require any permanent traffic or parking restrictions, the consent holder must submit a resolution report for approval by Auckland Transport Traffic Control Committee to legalise these restrictions. The resolutions, prepared by a qualified traffic engineer, will need to be approved so that the changes to the road reserve can be legally implemented and enforced. The resolution process required external consultation to be undertaken in accordance with Auckland Transport's standard procedures. It is the responsibility of the consent holder to prepare and submit a permanent Traffic and Parking Changes report to Auckland Transport Traffic Control Committee (TCC) for review and approval. A copy of the resolution from Traffic Control Committee must be submitted to Council prior to applying for a certificate under section 224(c) of the RMA.

The engineering plan application forms including fees can be found at the following Auckland Council website:

<https://www.aucklandcouncil.govt.nz/building-and-consents/engineering-approvals/Pages/default.aspx>

9. *An engineering completion certificate certifying that the proposed road and/or the ancillary structures on the roads to be vested in Auckland Council have been constructed in accordance with EPA requirements must be provided when applying for a certificate under section 224(c) of the RMA (if there is a 224c component) to Council.*
10. *If the consent holder requires to use amend or otherwise occupy the road, they will require a Corridor Access Request approval from Auckland Transport. It will be the responsibility of the consent holder to determine the presence of any underground services that may be affected by the applicant's work in the road reserve. Should any services exist, the applicant must contact the owners of those and agree on the service owner's future access for maintenance and upgrades. Services information may be obtained from <https://www.beforeudig.co.nz/>.*
11. *All work in the road reserve must be carried out in accordance with the general requirements of the National Code of Practice for Utility Operators' Access to Transport Corridors <https://nzuaq.org.nz/wp-content/uploads/2018/11/National-Code-amended-version-29-Nov-2018.pdf> and Auckland Transport Design Manual <https://at.govt.nz/about-us/manuals-guidelines/transport-design-manual/>*
12. *Prior to carrying out any work in the road corridor, the consent holder must submit to Auckland Transport a Corridor Access Request (CAR) and temporary Traffic management plan (TMP), the latter prepared by an NZ Transport Agency qualified person and work must not commence until such a time as the applicant has approval in the form of a Works Access Permit (WAP). The application may be made at <https://at.govt.nz/about-us/working-on-the-road/corridor-access-requests> and 15 working days should be allowed for approval.*
13. *The consent holder will be required to obtain Auckland Transport Traffic Control Committee (TCC) resolution for the proposed shared path / cycle path located in Lot 2000 The resolutions, prepared by a qualified traffic engineer, will need to be approved so that the changes to the road reserve can be legally implemented and enforced. The resolution process requires external consultation to be undertaken in accordance with Auckland Transport's standard procedures. It is the responsibility of the consent holder to prepare and submit a permanent Traffic and Parking Changes report to Auckland Transport Traffic Control Committee (TCC) for review and approval. No changes to the traffic and parking controls will be allowed before the resolution is approved by the Auckland Transport Traffic Control Committee (TCC). All costs must be borne by the consent holder. Application details and can be found from the following Auckland Transport website link: <https://at.govt.nz/about-us/working-with-at/traffic-and-parking-controls>*

Delegated decision maker:

Name: Masato Nakamura

Title: Principal Project Lead, Resource Consents

Signed:

A handwritten signature in blue ink, appearing to read 'Masato Nakamura', with a long horizontal flourish extending to the right.

Date: 3 May 2024

Resource Consent Notice of Works Starting

Please email this form to monitoring@aucklandcouncil.govt.nz at least 5 days prior to work starting on your development or post it to the address at the bottom of the page.

Site address:				
AREA (please tick the box)	Auckland CBD ☐	Auckland Isthmus ☐	Hauraki Gulf Islands ☐	Waitakere ☐
Manukau ☐	Rodney ☐	North Shore ☐	Papakura ☐	Franklin ☐
Resource consent number:			Associated building consent:	
Expected start date of work:			Expected duration of work:	

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

Signature: Owner / Project Manager (indicate which)	Date:
--	--------------

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

SAVE \$\$\$ minimise monitoring costs!

The council will review your property for start of works every three months from the date of issue of the resource consent and charge for the time spent. You can contact your Resource Consent Monitoring Officer on 09 301 0101 or via monitoring@aucklandcouncil.govt.nz to discuss a likely timetable of works before the inspection is carried out and to avoid incurring this cost.

Appendix D

Written Approvals



28 February 2025

Hannah McGregor
PO Box 82
Wellington 6140
Hannah.Mcgregor@hud.govt.nz

Dear Hannah

Re: Designation 1713 Waterview Shared Path – Alteration of Designation 1713 on your property (799989, 799990, 10171371 and 1017462)

We write to you following your discussion with Ms Miln and Mr Morrison (Ngāti Whātua Ōrākei representative) on 4 December 2024.

Auckland Transport and Ngāti Whātua o Ōrākei Wahi Rawa have partnered to alter Designation 1713 Waterview Shared Path (the Designation) under Section 181 of the Resource Management Act 1991 (RMA). Altering the Designation will facilitate the re-location of the Waterview Shared Path to the west to enable development on the adjoining Ngāti Whātua o Ōrākei Whai Rawa and Crown landholdings.

The alteration will include reducing the Designation at your property, removing the construction portion of the Designation. The remaining Designation will be for the permanent occupation and maintenance of the Waterview Shared Path. A copy of the updated overall Designation boundary is attached at **Appendix A** and a copy of the updated Designation boundary as it relates to your property is attached at **Appendix B**.

Next Steps

In order to formalise the change, AT will submit a Section 181 application to Auckland Council to confirm that the designation boundary at your property can be modified in accordance with Appendix A. However, before AT can place this request to Auckland Council, we require your written approval, as the landowner affected by the proposed Designation 1713 boundary alteration.

Therefore, please countersign and date this letter below to demonstrate that you agree with the proposed alteration. Please send the letter back to us once it is signed.

If you have any questions, please do not hesitate to contact Hannah Miln on hannah.miln@at.govt.nz or 09 930 4652. Thank you.

Nāku, nā

Aimee Simons
Consent Planning Manager
Strategic Development Programmes and Property
Auckland Transport

Fiona Coughlan – Manager
Countersignature of authorised signatory
for Te Tuapapa Kura Kainga - Ministry of
Housing and Urban Development

Date: 6 March 2025

Appendix A: Overall revised designation boundary

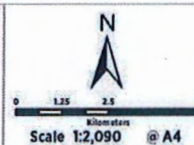


Legend

- Amended Designation 1713 Waterview Shared Path
- Auckland Transport Designation 1713

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Designation 1713 Amendment Waterview Shared Path



Printed Date: 19/02/2025

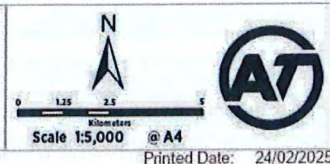
Appendix B: Revised designation boundary (Titles 799989, 799990, 10171371 and 1017462)



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Waterview Designation 1713

Property Title: 1017462

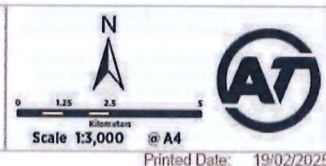




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Waterview Designation 1713

Property Title: 799990





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Waterview Designation 1713

Property Title: 1071371





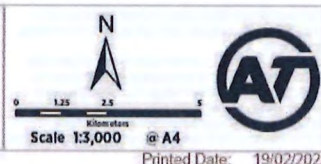
Legend

- Amended Designation 1713 Waterview Shared Path
- Her Majesty the Queen

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Waterview Designation 1713

Property Title: 799989



Printed Date: 19/02/2025



28 February 2025

Alex Morison
PO Box 106 649
Auckland City 1143
alexm@ngatiwhatuaorakei.com

Dear Alex

Re: Designation 1713 Waterview Shared Path – Alteration of Designation 1713 on your property (58980 & 58981)

We write to you following your discussion with Ms Miln and Ms McGregor (Ministry of Housing and Urban Development representative) on 4 December 2024.

Auckland Transport and Ngāti Whātua o Ōrākei Whai Rawa have partnered to alter Designation 1713 Waterview Shared Path (the Designation) under Section 181 of the Resource Management Act 1991 (RMA). Altering the Designation will facilitate the re-location of the Waterview Shared Path to the west to enable development on the adjoining Ngāti Whātua o Ōrākei Whai Rawa and Crown landholdings.

The alteration will include reducing the Designation at your property, removing the construction portion of the Designation. The remaining Designation will be for the permanent occupation and maintenance of the Waterview Shared Path. A copy of the updated overall Designation boundary is attached at **Appendix A** and a copy of the updated Designation boundary as it relates to your property is attached at **Appendix B**.

Next Steps

In order to formalise the change, AT will submit a Section 181 RMA application to Auckland Council to confirm that the designation boundary at your property can be modified in accordance with Appendix A. However, before AT can place this request to Auckland Council, we require your written approval, as the landowner affected by the proposed Designation 1713 boundary alteration.

Therefore, please countersign and date this letter below to demonstrate that you agree with the proposed alteration. Please send the letter back to us once it is signed.

If you have any questions, please do not hesitate to contact Hannah Miln on hannah.miln@at.govt.nz or 09 930 4652. Thank you.

Nāku, nā

Aimee Simons
Consent Planning Manager
Strategic Development Programmes and Property
Auckland Transport

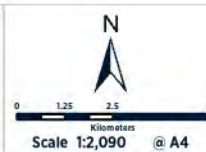
Grant Kemble
Chief Executive
Whai Rawa Property Holdings LP

Appendix A: Overall revised designation boundary



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Designation 1713 Amendment Waterview Shared Path



Printed Date: 19/02/2025

Appendix B: Revised designation boundary (Titles 58980 & 58981)



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Waterview Designation 1713

Property Title: 58980

0 1.25 2.5 5
Kilometers
Scale 1:1,000 @ A4



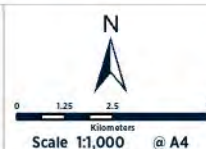
Printed Date: 21/02/2025



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Waterview Designation 1713

Property Title: 58981



Printed Date: 21/02/2025



11 February 2025

Alex Morison
PO Box 106 649
Auckland City 1143
alexm@ngatiwhatuaorakei.com

Dear Alex

Re: Designation 1713 Waterview Shared Path – Alteration of Designation 1713 on your property (579605)

We write to you following your discussion with Ms Miln and Ms McGregor (Ministry of Housing and Urban Development representative) on 4 December 2024.

Auckland Transport and Ngāti Whātua Ōrākei have partnered to alter Designation 1713 Waterview Shared Path (the Designation) under Section 181 of the Resource Management Act 1991. Altering the Designation will facilitate the re-location of the Waterview Shared Path to the west to enable development on the adjoining Ngāti Whātua Ōrākei landholdings.

The alteration will include reducing the Designation at your property, removing the construction portion of the Designation. The remaining Designation will be for the permanent occupation and maintenance of the Waterview Shared Path. A copy of the updated Designation boundary as it relates to your property is attached at **Appendix A**.

Next Steps

In order to formalise the change, AT will submit a Section 181 application to Auckland Council to confirm that the designation boundary at your property can be modified in accordance with Appendix A. However, before AT can place this request to Auckland Council, we require your written approval, as the landowner affected by the proposed Designation 1713 boundary alteration.

Therefore, please countersign and date this letter below to demonstrate that you agree with the proposed alteration. Please send the letter back to us once it is signed.

If you have any questions, please do not hesitate to contact Hannah Miln on hannah.miln@at.govt.nz or 09 930 4652. Thank you.

Nāku, nā

Aimee Simons
Consent Planning Manager
Strategic Development Programmes and Property
Auckland Transport

Grant Kemble
Chief Executive
Whai Rawa Development LP

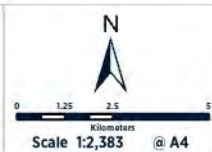
Appendix A: Revised designation boundary



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Waterview Designation: 1713

Property Title: 579605



Printed Date: 03/02/2025

Attachment D:

Email titled: "1713 Waterview shared path alteration", dated 6 August 2025.

From: Hannah Miln (AT)
To: Michelle Creamer
Cc: Alexander Morison
Subject: Re: 1713 Waterview shared path alteration
Date: Wednesday, 6 August 2025 3:26:02 pm
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Apologies, an updated response to item (4) below is that the consent did expire, but the works in that area has been done under the fast track consents. Can discuss further next week.

thanks
Hannah

From: Hannah Miln (AT) <Hannah.Miln@at.govt.nz>
Sent: Wednesday, August 06, 2025 3:17 PM
To: Michelle Creamer <michelle.creamer@aucklandcouncil.govt.nz>
Cc: Alexander Morison <alexm@ngatiwhataurakei.com>
Subject: Re: 1713 Waterview shared path alteration

Hi Michelle,

I ended up being in meetings most of Monday and didn't get a chance to call you till today. Please see responses below.

I am keen to meet to clarify a few things. I want to understand item 2 below (OPW request), item 3 below and clarify the brown out period for the AUP (can decisions be issued, but no updates made?). I'll send a meeting invite for Tuesday (12/8), please let me know if the time doesn't suit you.

thanks
Hannah

From: Michelle Creamer <Michelle.Creamer@aucklandcouncil.govt.nz>
Sent: Monday, August 04, 2025 12:18 PM
To: Hannah Miln (AT) <Hannah.Miln@at.govt.nz>
Subject: 1713 Waterview shared path alteration

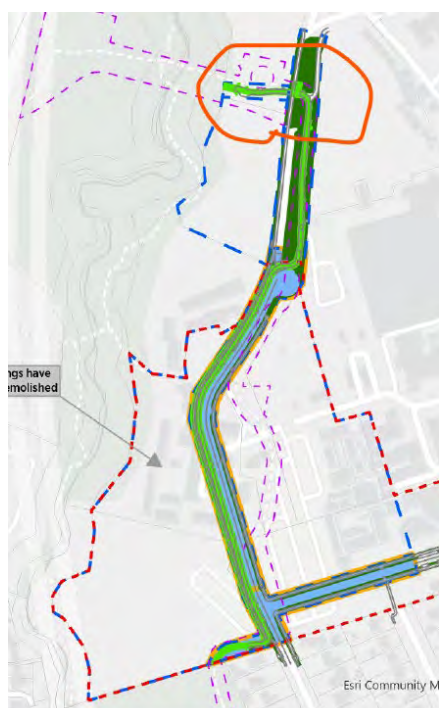
This Message Is From an External Sender
Looks suspicious? Please click the 'Report Suspicious' button for automatic analysis.
[Report Suspicious](#)

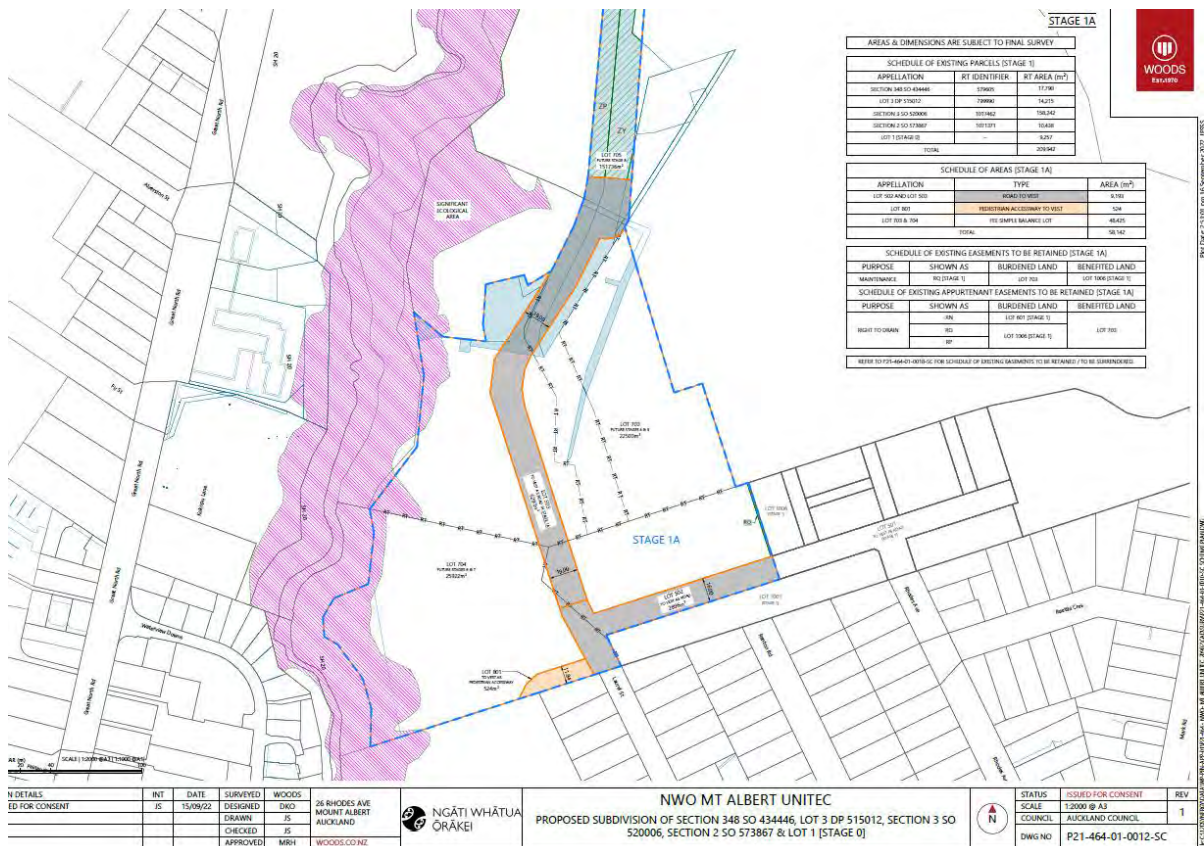
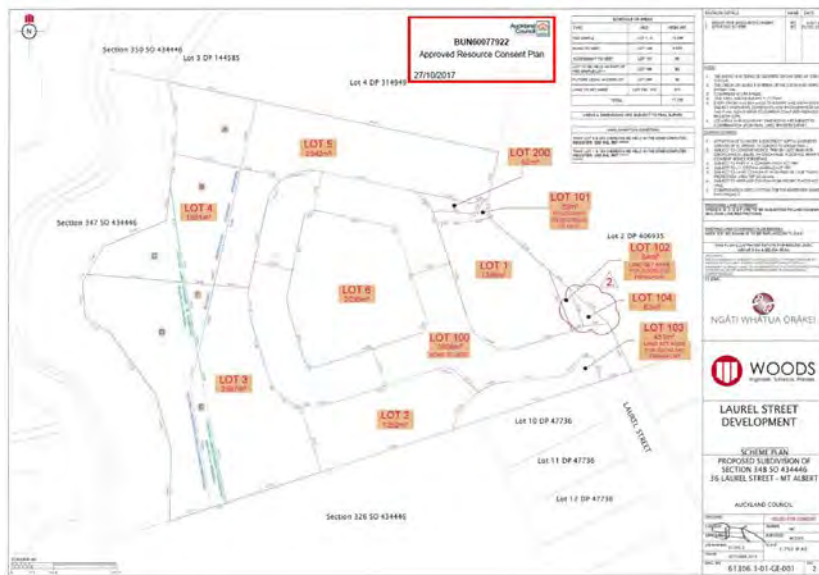
Hi Hannah

Many thanks for providing Auckland Transport's response to the information request for the Waterview shared path.
I'm seeking clarification on a few items which I have listed below. Many thanks in anticipation of clarifying these.

1. To confirm that there is no change to the shapefile for the alteration. [Yes, updated shapefile is attached. I believe Sonja sent it through when the s181 was lodged.](#)
2. To confirm whether or not there was any consent /OPW for the path to the north of the consented paths – please refer to the snippet below (area circled in orange). If there was an OPW, please provide a copy and the conditions. Please clarify any conditions for landscaping & lighting for the path to the north (area circled orange in snippet below). Please clarify the approximate year the path within the area circled orange was constructed. Please also clarify if it was constructed when the bridge was constructed & whether it fell within an OPW for the bridge. [I have attached an OPW from 2015 which includes the construction of the Alford Street bridge. I am unsure of the relevance of this request as the works have been constructed and have been operational for some time \(approx 2016\). The conditions of Designation 1713 relating to the Alford Street bridge doesn't appear to have any specific lighting or landscaping requirements \(unlike the Soljak Place bridge\). I would like to clarify this request further.](#)
3. Question 7 response refers to written approval from the owners of 139 Carrington Road. Please clarify that there will not be written approval (unitec site). [Written approval has not been sought from Unitec.](#)
4. 36 Laurel Street – please confirm the status with regards to the 2017 BUN60077922 consent. The lapse date was 5 years from 19th October 2017, however please confirm whether or not any works progressed under this consent and whether or not a s223 was lodged. [I understand this consent has been enabled as earthworks have occurred on the site - but we can get Alex to confirm next week.](#)

I have also attached a snippet of one of the fast track subdivision plans at the end of this email.





I will be away on training tomorrow and on leave for the remainder of this week.

Please note that there will be a period of time (brown out period) from 7 August (final date for reports) until November during which there will be no changes to the AUP(OP). I will continue to work on the application, however the brown out period will impact on the update to the AUP(OP).

Kind regards,

Michelle

Michelle Creamer | Policy Planner
Central South Unit | Te Puku o Te Tonga
Planning and Resource Consents Department
Waea pukoro | Phone 021 1908 423
Te Kaunihera o Tāmaki Makaurau | Auckland Council
Level 16, Te Wharau o Tāmaki Auckland House, 135 Albert Street, Auckland

Attachment E:

1713 WATERVIEW SHARED PATH – PROPOSED CHANGES TO CONDITIONS (shown in underline where text is proposed to be added)

Conditions

General

1. Except as modified by conditions below, the works shall be undertaken in general accordance with the information provided by the Requiring Authority in the Notice of Requirement, dated November 2014 and supporting and supplementary information provided. The information includes:

a) Waterview Walking and Cycling Facility- Assessment of Environmental Effects to support Notice of Requirement and Resource Consents, Beca, 15 October 2014.

b) Waterview Shared Path Land Requirement Plans, Rev E, dated April 2015.

c) Further information contained within the Notice of Requirement and Resource Consent applications including all technical information, received by the Council on 17 November 2014.

d) Additional landscape assessment supplied via email on 3 December 2014, subject 'WSP Landscape and Visual Assessment' and via fileshare on 11 December 2014 subject 'WSP update to landscape assessment' (Appendices Mc and Md), both received from Melissa Spearman, Beca.

e) Additional information supplied via email on 3 March 2015, subject 'Waterview Shared Path- Response to Expert Comments and Feedback.pdf, received from Melissa Spearman, Beca.

f) Additional information supplied via email on 19 March 2015, subject 'WSP - Response to Council's specialist reports' received from Melissa Spearman, Beca; and

g) Revised design plans for the Soljak Place Bridge, provided in the Second Statement of Supplementary Evidence of Ms Amelia Joan Linzey, 1 May 2015.

h) Waterview Shared Path – Alteration to Designation & Section 127 Application for the Trent Street Link and Harbutt Reserve Bridge, Well Connected Alliance, 26 May 2016

i) Response to the letter titled 'Notice of Requirement to alter Auckland Transport Designation E04-19 (DP Isthmus PA388); Application to Change Conditions of Resource Consents R/REG/2014/4801 and R/REG/2014/4811 under Section 127 of the RMA-request for further information', prepared by the Well Connected Alliance, dated 7 July 2016

j) Waterview Shared Path: Historic Heritage Management Plan, prepared by Clough and Associates Ltd, dated June 2016.

k) Waterview Shared Path – Alteration to Designation & Section 127 Application for Albie Turner Field, Well Connected Alliance, September 2016

l) The letter titled 'Re: Further Information Request, 30 November 2016 – Waterview Shared Path – Alteration to Designation & Section 127 Application for Albie Turner Field – September 2016', prepared by Auckland Transport, dated 12 December 2016.

m) The letter titled 'Waterview Shared Path – Alteration to Designation & Section 127 Application for Albie Turner Field September 2016: Withdrawal from the NoR of the 45m Vehicle Access to Albie Turner Field (extending to the west beyond the Waterview Shared Path', prepared by Auckland Transport, dated 19 December 2016.

n) Notice of Minor Alteration of Designation 1713 under a181(3) of the Resource Management Act 1991 provided as Attachment One to the letter titled “RE: Waterview Shared Path (Designation 1713) s181 Alteration - Responses to request for further information” dated 30 July 2025 from Auckland Transport.

o) The letter titled “RE: Waterview Shared Path (Designation 1713) s181 Alteration - Responses to request for further information” dated 30 July 2025 from Auckland Transport.

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q). The email titled: “1713 Waterview shared path alteration”, dated 6 August 2025.

Outline Plan of Works

2.

Attachment F:

Spatial data



Attachment C – Updated text

**Auckland Transport (Central)
conditions 1713 Waterview Shared Path
(Strikethrough/underscore)**

1713 Waterview Shared Path

Designation Number	1713
Requiring Authority	Auckland Transport
Location	Various – proposed shared path 2.4km in length connecting Alan Wood Reserve to Great North Road (near Alford Street).
Rollover Designation	Yes
Legacy Reference	Designation E04-19, Auckland Council District Plan (Isthmus Section) 1999
Lapse Date	10 years from when the circumstances in section 175(1) of the Resource Management Act 1991 apply

Purpose

Construction, operation and maintenance of the Waterview Walking and Cycling Facility.

Conditions

General

1. Except as modified by conditions below, the works shall be undertaken in general accordance with the information provided by the Requiring Authority in the Notice of Requirement, dated November 2014 and supporting and supplementary information provided. The information includes:

- a) Waterview Walking and Cycling Facility- Assessment of Environmental Effects to support Notice of Requirement and Resource Consents, Beca, 15 October 2014.
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- c) Further information contained within the Notice of Requirement and Resource Consent applications including all technical information, received by the Council on 17 November 2014.
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- g) Revised design plans for the Soljak Place Bridge, provided in the Second Statement of Supplementary Evidence of Ms Amelia Joan Linzey, 1 May 2015.
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- j) Waterview Shared Path: Historic Heritage Management Plan, prepared by Clough and Associates Ltd, dated June 2016.
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q) The email titled: "1713 Waterview shared path alteration", dated 6 August 2025.

Outline Plan of Works

2. An Outline Plan of Works (OPW) (or staged outline plans) shall be prepared and provided to the Council pursuant to section 176A of the Resource Management Act 1991 (the RMA) with the exception that an OPW is not required for the Trent Street Link or the alteration to the Waterview Shared Path alignment at Albie Turner Field with the OPW matters having been addressed in the information provided under condition 1h), i), j), k), l) and m). The OPW shall include details on the following:

- a) Final Design and Route Details, including design of the Alford Street Bridge, and design and route plans for the Soljak Place Bridge;
- b) The Construction Environmental Management Plan (CEMP), including community engagement plans for construction works;
- c) The Construction Traffic Management Plan (CTMP);
- d) An Ecological Mitigation Plan (EMP) (including pest management plan and revegetation plans) and tree management;
- e) Heritage Mitigation; and
- f) Lighting Plans

Design/Route Details

Soljak Place Bridge

3. Design/route detail for the Soljak Place Bridge must be prepared as part of the OPW. The purpose of this design/route detail is to demonstrate how the design responds to the visual and shading impacts on the residents of 8 Soljak Place. Subject to the matters below, the design/route detail shall be in general accordance with the Waterview Shared Path Mitigation Options- Soljak Place Bridge, prepared by Boffa Miskell, dated 3 October 2014, Waterview Shared Path- Soljak Place Bridge & Planting Shadow Study, prepared by Boffa Miskell, dated 14 November 2014 except as modified by the Second Statement of Supplementary Evidence of Shannon Bray. The design/route detail shall be prepared subject to the following additional requirements:

- a) The route and design will seek to maximise the mitigation of the Soljak Place Bridge and ramps from the north/northwest boundary of the 45/8 and 46/8 Soljak Place, whilst maintaining compliance with the AUSTROAD regional shared path standards for a cycleway facility, as generally detailed in the revised design plans DG-CK- 4017, DG-ST-4210, DG-ST- 4025;
- b) Physical screening (of the Soljak Place Bridge) shall be provided to mitigate the visual and privacy effects of the Soljak Place Bridge on 45/8 and 46/8 Soljak Place, whilst minimising adverse effects of shading on these properties where practicable. Subject to the consultation with the residents required by Condition 3(d) below, the design of screening shall be in general accordance with the Waterview Shared Path Mitigation Options- Soljak Place Bridge plans, Figures 1-3. This mitigation shall be in place before the Soljak Place Bridge section (Soljak Place to Harbutt Reserve) is open for public use;
- c) Planting plans shall be provided to mitigate the visual effects of the Soljak Place Bridge on 39-44/8, and 45/8 and 46/8 Soljak Place. Subject to the consultation with these residents, as required by Condition 3(d) below, the plant species and planting design shall be in general accordance with the Waterview Shared Path Mitigation Options- Soljak Place Bridge plans, Figures 1-3;
- d) The requiring authority must consult the owners of the apartments at 39-44/8, and 45/8 and 46/8

Soljak Place and the Body Corporate, in respect of the mitigation options set out in Conditions 3(a), 3(b) and 3(c). The Outline Plan of Works must detail what consultation has been undertaken and clearly identify how any matters raised by the adjoining apartment owners have been taken into consideration in finalising the design of the bridge and associated mitigation; and

e) Lighting plans for the Soljak Place Bridge shall be designed to achieve no more than 5 lux at the boundary of 8 Soljak Place.

4. In addition to the physical screening of the Soljak Place Bridge, within 3 months of the opening of the Soljak Place Bridge, Auckland Transport shall provide a written offer to the residents of 45/8 and 46/8 Soljak Place for installation of screening (either by installation of physical blinds or by application of window film on the existing north facing windows of these properties). Works will be limited to cosmetic treatment (e.g. film, curtains or blinds that can be affixed to the existing window/door structures).

a) If within 3 months of receipt of the written offer following the opening of the Soljak Place Bridge the owners confirm acceptance of this offer, then Auckland Transport will undertake the installation of screening. Any non-response will be deemed a decline of the offer. If this opportunity is accepted by the owners of these residences, the owners will be responsible for arranging appropriate access to the property for undertaking the works.

Alford Street Bridge

5. Design detail for the Alford Street Bridge shall be prepared as part of the OPW required by Condition 2. The purpose of this design detail is to demonstrate:

- a) How potential design opportunities can integrate with the existing Open Space activities (including the Oakley Creek Walkway) and the Wairaka Precinct development concepts; and
- b) How the design of the bridge and landing respond to cultural values and design responses identified by Mana Whenua (Kawerau a Maki Trust, Ngati Whatua Orakei Whai Maia Ltd, Ngai Tai Ki Tamaki, and Te Akitai Waiohoa); and
- c) How potential adverse effects on vegetation can be appropriately minimised, remedied and mitigated. The design detail shall be in general accordance with the Waterview Shared Path Concept Plans, presented in the Notice of Requirement and as revised in evidence (listed in Condition 1) and subject to the following additional requirements:
 - d) The design shall minimise construction within the floodplain (defined by the 1% AEP event) whilst minimising disruption to the existing Oakley Creek walkway;
 - e) The design shall minimise removal of vegetation from the Oakley Creek/Waterview Glades Reserve;
 - f) The requiring authority shall take all practicable steps to:
 - i) integrate with the land development plans of the Wairaka Precinct (recognising both the landholdings of Whai Rawa and Unitec); and to
 - ii) recognise Mana Whenua values as identified in cultural impact assessments or similar; and to
 - iii) consult with the following parties, in respect of the final design of the Alford Street Bridge: Auckland Council (Parks), Auckland Council (Auckland Design Unit), Ngati Whatua Orakei Whai Rawa Limited, Unitec, Friends of Oakley Creek, Kawerau a Maki Trust, Ngati Whatua Orakei Whai Maia Ltd, Ngai Tai Ki Tamaki, and Te Akitai Waiohoa;
 - g) The OPW shall detail what consultation has been undertaken and how any matters raised in this consultation has been taken into consideration in finalising the design of the bridge.

6. The final alignment of the Shared Path through Albie Turner Field and Phyllis Reserve will as far as practicable and within the designation, take into account development proposed for the reserve as detailed in any final, adopted Phyllis Reserve Masterplan.

Construction Environmental Management Plan (CEMP)

7. Prior to the commencement of construction and/or earthworks activity, the Outline Plan for that

section of works (as required by Condition 2) must include a finalised Construction Environmental Management Plan (CEMP). No construction activity shall commence until the CEMP is confirmed as part of this Outline Plan process.

The final CEMP shall include information contained in the draft 'Waterview Shared Path Construction Environmental Management Plan Framework', prepared by Beca, dated 5 November 2014, including but not limited to:

- a) the management of general construction,
- b) processes to address public safety during construction by excluding the public from the work site during construction,
- c) communications, including processes to advise residents adjoining the construction site of works and Construction Team contact/liaison detail for residents and the community,
- d) erosion and sediment control,
- e) contaminated soils,
- f) construction noise and vibration
- g) trees,
- h) archaeology,
- i) herpetofauna
- j) compliance and monitoring requirements.

8. All construction related activity must be carried out in accordance with the final CEMP required by Condition 7 to the satisfaction of Team Leader, Central Monitoring, Auckland Council.

9. Following completion of construction works in the vicinity of the Mount Albert Playcentre, Auckland Transport shall (subject to approval from the operators of the Playcentre) provide for a full washdown of the Playcentre building and outdoor facilities on their site.

Construction Traffic Management Plan

10. A Construction Traffic Management Plan (CTMP) including but not limited to the following matters shall be prepared and implemented through the CEMP. The CTMP shall be provided to the relevant road controlling authority at least 10 working days prior to construction activity. The CTMP shall describe the measures that will be undertaken to avoid, remedy or mitigate the local and network wide effects of construction of the project. In particular, the CTMP shall include the following matters:

- a) Methods to avoid, remedy or mitigate the local and network-wide effects of the construction of individual elements of the project, particularly near Soljak Place and within the Unitec site (e.g. intersections/bridges);
- b) Methods to manage the effects of the delivery of construction material, plant and machinery (including cranes and oversized trucks) during construction;
- c) Measures to maintain existing vehicle access, as far as practicable, or where the existing property access is to be removed or becomes unsafe as a result of the construction works, measures to provide alternative access arrangements in consultation with the affected landowner (including Auckland Council Parks, Unitec and Whai Rawa Ltd);
- d) Measures to maintain pedestrian and cycle access with thoroughfare to be maintained on all roads and footpaths (including within Unitec) adjacent to the construction works, where practicable (e.g. unless provision of such access is severed by the works or such access will become unsafe as a result of the construction works). Such access shall be safe, clearly identifiable, provide permanent surfacing and seek to minimise significant detours; and
- e) Measures to minimise loss of parking through construction (including contractor vehicles).

Ecological Mitigation

11. A Pest Plant Control and Native Re-vegetation Plan (PPC&NRP) must be prepared and submitted as part of the OPW. The purpose of the PPC&NRP is to detail mitigation proposed to address potential

ecological impacts of the Waterview Shared Path. The PPC&NRP must provide detail on the following works:

- a) The methodology used to clear pest plants pre construction and during construction;
- b) Confirmation of the mitigation planting and pest management proposed by the Waterview Glades landscape mitigation plan (required as part of the Waterview Connection Project) or, if such work is not required for that Project, as an alternative, confirmation of mitigation options for the clearance of the vegetation required for the construction and maintenance of Alford Street Bridge including:
 - Pest plant control proposed within the designated area, for up to 3 years following construction
 - Ecosourced (where practicable), native revegetation, to replace any native vegetation cleared including that within the SEA at a ratio of at least 1.5:1.
 - Long term planting maintenance.
- c) Confirmation of the impacts of the Waterview Shared Path on the remnant copses of Mahoe rock forest in the Phyllis Reserve/ Harbutt Reserve area (including the areas directly adjacent to the rail corridor). If the works impact on any copses of Mahoe, plans must be provided detailing the mitigation works proposed, including but not limited to:
 - Methods to minimise impacts on any Mahoe trees;
 - Pest plant control proposed within the designated area adjacent to the copse, for up to 3 years following construction;
- d) Details on the timing and sequencing of all mitigation works in respect of the overall construction programme.

12. All replacement plantings are to be ecosourced (where practicable) and be appropriate for their vicinity to the Oakley Creek.

13. All pest plant control and native re-vegetation must be carried out in accordance with the final PPC & NRP required by Condition 11 to the satisfaction of Team Leader, Central Monitoring, Auckland Council.

14. A Tree Management Plan (TMP) shall be prepared and be submitted with the OPW required by Condition 2. The purpose of the TMP is to provide detail on the mitigation measures proposed to address adverse effects on specimen and valued trees potentially affected by construction works of the Project. The Plan must provide detail on the following:

- a) The nominated 'Tree Works' Arborist;
- b) Plans detailing trees proposed for removal;
- c) Plans detailing valued trees where works will be required within the dripline;
- d) Procedures proposed for the identification of valued trees within the construction area and measures proposed to appropriately protect the dripline of these trees during general construction works (e.g. measures proposed to avoid construction traffic movement or storage within the dripline of the trees and any other measures to protect the ground surface where works are required in the dripline of trees);
- e) Procedures to be implemented for specific construction works where the shared path is within the dripline of valued trees (e.g. for works in the Unitec site).

15. The Requiring Authority shall undertake all practicable steps to consult with relevant landowners (including Auckland Council (Parks), Whai Rawa, Unitec and the owners of 8 Phyllis Street) in the preparation of the PPC&NRP and TMP, and include documentation on how that consultation has been responded to in the design plans above.

Lizard Management Plan

16. A Lizard Management Plan (LMP) shall be prepared and implemented by an experienced, Department of Conservation approved, herpetologist. The LMP shall include, but not be limited to, the following:

- a) Methods of survey and rescue prior to construction commencing;
- b) Methods of survey and rescue during construction of the pathway;
- c) Identification of relocation sites that have not been used for previous lizard rescues; and
- d) Recommended means of enhancement for identified rescue sites.

Heritage

17. The OPW must nominate the following personnel for the management of potential heritage impacts during construction:

- a) Project Archaeologist(s);
- b) Building archaeologist (or other specialist experienced in the history and recording of drystone walling) who is either confirmed by Heritage New Zealand approval or otherwise is confirmed as acceptable to Auckland Council Heritage Unit;
- c) Heritage stonemason; and
- d) Mana Whenua appointed personnel to observe sections of the Waterview Shared Path near the SEA, if identified and as required by Mana Whenua.

18. The OPW must provide detail on how the scheduled historic heritage features (historic stone walls, midden, visible features of the piggery) will be identified so that all contractors on site can appropriately avoid potential impacts of construction works on these areas (for example, by protective warning tape (to demarcate the area), coloured sandbags or other measures).

19. All works within 20m of historic heritage sites must be monitored by the project archaeologist.

Advice Note:

If any archaeological features are uncovered on the site, works should cease and the Team Leader Cultural Heritage Implementation and Heritage New Zealand (09 307 9920) should be notified immediately. The Heritage New Zealand Pouhere Taonga Act 2014 provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. It is an offence under this Act to destroy, damage or modify any archaeological site without an authority from Heritage New Zealand Pouhere Taonga. An archaeological site is defined as a place associated with pre-1900 human activity where there may be evidence relating to the history of New Zealand. Archaeological features' may include old whaling stations, shipwrecks, shell middens, hangi or ovens, pit depressions, defensive ditches, artefacts, or koiwi tangata (human skeletal remains), etc. For guidance and advice on managing the discovery of archaeological features, contact the Team Leader Cultural Heritage Implementation on 09 301 0101.

20. Potential adverse effects on the dry stone wall located in the vicinity of Laurel Street /Albie Turner Field are to be mitigated by:

- a) Manually removing the vegetation covering the length of the wall within the designation under supervision of the Project Archaeologist;
- b) Completing a full (scaled) photographic record of both sides of the wall, annotating this record and supplying it to the Team Leader Cultural Heritage Implementation (Auckland Council) within 6 months of the completion of works;
- c) Where the deconstruction of any portion of the wall is required under this designation all recording, drawing, photography and supervised removal of stone of this portion of the project must be undertaken by the specified Building Archaeologist (or other specialist experienced in the history and recording of drystone walling) in conjunction with the Heritage Stonemason identified under Condition 17.

20A. Additional information arising from heritage subcontractors (reports, analyses) relating to all historic heritage works along this shared path shall be supplied to the Team Leader Cultural Heritage Implementation, Auckland Council within 12 months of the completion of the project, to

allow the Cultural Heritage Inventory to be updated.

21. The OPW shall include details of at least one interpretation sign with information relating to the Māori and early European history of the area. The purpose of the interpretative signage is to detail cultural and historic heritage values of the area. This interpretative signage shall be located in an appropriate location within the designation, in the northern part of the walkway (from Phyllis Street Reserve north). In addition, the interpretation panel could also incorporate information relating to ecological and geological values.

Advice Note:

All archaeological sites are protected under the provisions of the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) (formerly the Historic Places Act 1993). It is an offence under this Act to destroy, damage or modify any archaeological site, whether or not the site is entered on the Heritage NZ (HNZ) List of Historic Places, Historic Areas, Wāhi Tapu and Wāhi Tapu Areas. Under section 44 of the Act, applications must be made to the HNZ for an authority to destroy, damage or modify an archaeological site(s) where avoidance of effect is not practicable. It is the responsibility of the applicant (consent holder) to consult with the HNZ about the requirements of the HNZPTA and to obtain the necessary Authorities under the Act should these become necessary, as a result of any activity associated with the proposed development. For information please contact the HNZ Northern Regional Archaeologist- Beverley Parslow (09) 307 9923.

Lighting Plans

22. The OPW required by Condition 2 shall include provision of plans to light the Waterview Shared Path. These plans shall demonstrate:

- a) that the spacing of lighting poles along the route demonstrates that, wherever practicable, lighting poles are located at the side boundaries of any adjoining residential property sites (so that lighting poles are, as much as practicable, not located in the middle of the rear boundary of adjoining residential properties). Where any lighting poles cannot be located at site boundaries, Auckland Transport shall take all practicable steps to consult with those landowners affected to achieve an agreed location;
- b) that subject to (c) below, the proposed illuminance levels associated with any artificial lighting on the shared path shall comply 10 lux maximum illuminance levels on all boundaries with residential zoned properties;
- c) that lighting of both the Alford Street Bridge and Soljak Place Bridge will be incorporated in the bridge handrails. Lighting of the Soljak Place Bridge will be incorporated in the bridge handrails on the main bridge span and the ramp opposite the north/north-west boundary of 45/8 and 46/8 Soljak Place as shown on the plan titled "Soljak Place Bridge Extent of Handrail Lighting" and referenced "DG-ST-4279" in Appendix H of Waterview Shared Path – Alteration to Designation & Section 127 Application for the Trent Street Link and Harbutt Reserve Bridge, Well-Connected Alliance. 26 May 2016; and
- d) that lighting from the Soljak Place Bridge is designed to achieve no more than 5 lux the boundary of 8 Soljak Place, as required by Condition 3(e).

Section 176 RMA Waiver

23. Where works and activities are carried out within the Waterview Shared Path designation by Auckland Council (Parks), Unitec and Whai Rawa, or their agents (for the respective land holdings), and those works and activities do not prevent or obstruct users of the path or the maintenance requirements for the path, these parties are not required to obtain the written agreement of Auckland Transport usually required under s176(1)(b) of the RMA. Section 176(1)

(b) RMA written approval will be required from Auckland Transport if the activity involves any excavation of the Waterview Shared Path or the activity would prevent, restrict or otherwise obstruct use of the path (by pedestrians and/or cyclists or for maintenance or service access). If a s176(1)(b) written

approval is required, the request must be in writing and be addressed to the Group Manager Property and Planning, Auckland Transport.

Lapsing of designation

24. The designation shall lapse on the expiry of a period of ten years after the date it is included in the District Plan in accordance with section 184(1)(c) of the RMA, unless:

- a) It is given effect to before the end of that period; or
- b) the Council determines, on an application made within three months before the expiry of that period, that substantial progress or effort has been made towards giving effect to the designation and is continuing to be made, and fixes a longer period for the purposes of this subsection.

Alteration of designation boundary post-construction

25. Within 60 working days of completion of construction of the Waterview Shared Path the Requiring Authority shall:

- a) Review the area designated for the Waterview Shared Path;
- b) Identify any areas of designated land that are no longer necessary for the on-going operation and maintenance of the Waterview Shared Path, or for on-going mitigation measures; and
- c) Give notice to the Auckland Council in accordance with Section 182 of the RMA for the removal of those parts of the designation identified in (b) above.

Monitoring

26. The consent holder shall pay the Council a consent compliance monitoring charge of \$1,000.00 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent. (This charge 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 above conditions).

The \$1,000.00 (inclusive of GST) charge shall be paid as part of the resource consent fee and the consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice.

Attachments

No attachments.

Attachment C – Updated text

**Auckland Transport (Central)
conditions 1713 Waterview Shared Path
(Clean)**

1713 Waterview Shared Path

Designation Number	1713
Requiring Authority	Auckland Transport
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Purpose

Construction, operation and maintenance of the Waterview Walking and Cycling Facility.

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1. Except as modified by conditions below, the works shall be undertaken in general accordance with the information provided by the Requiring Authority in the Notice of Requirement, dated November 2014 and supporting and supplementary information provided. The information includes:

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- a) Final Design and Route Details, including design of the Alford Street Bridge, and design and route plans for the Soljak Place Bridge;
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- a) The route and design will seek to maximise the mitigation of the Soljak Place Bridge and ramps from the north/northwest boundary of the 45/8 and 46/8 Soljak Place, whilst maintaining compliance with the AUSTROAD regional shared path standards for a cycleway facility, as generally detailed in the revised design plans DG-CK- 4017, DG-ST-4210, DG-ST- 4025;
- b) Physical screening (of the Soljak Place Bridge) shall be provided to mitigate the visual and privacy effects of the Soljak Place Bridge on 45/8 and 46/8 Soljak Place, whilst minimising adverse effects of shading on these properties where practicable. Subject to the consultation with the residents required by Condition 3(d) below, the design of screening shall be in general accordance with the Waterview Shared Path Mitigation Options- Soljak Place Bridge plans, Figures 1-3. This mitigation shall be in place before the Soljak Place Bridge section (Soljak Place to Harbutt Reserve) is open for public use;
- c) Planting plans shall be provided to mitigate the visual effects of the Soljak Place Bridge on 39-44/8, and 45/8 and 46/8 Soljak Place. Subject to the consultation with these residents, as required by Condition 3(d) below, the plant species and planting design shall be in general accordance with the Waterview Shared Path Mitigation Options- Soljak Place Bridge plans, Figures 1-3;
- d) The requiring authority must consult the owners of the apartments at 39-44/8, and 45/8 and 46/8

Soljak Place and the Body Corporate, in respect of the mitigation options set out in Conditions 3(a), 3(b) and 3(c). The Outline Plan of Works must detail what consultation has been undertaken and clearly identify how any matters raised by the adjoining apartment owners have been taken into consideration in finalising the design of the bridge and associated mitigation; and

e) Lighting plans for the Soljak Place Bridge shall be designed to achieve no more than 5 lux at the boundary of 8 Soljak Place.

4. In addition to the physical screening of the Soljak Place Bridge, within 3 months of the opening of the Soljak Place Bridge, Auckland Transport shall provide a written offer to the residents of 45/8 and 46/8 Soljak Place for installation of screening (either by installation of physical blinds or by application of window film on the existing north facing windows of these properties). Works will be limited to cosmetic treatment (e.g. film, curtains or blinds that can be affixed to the existing window/door structures).

a) If within 3 months of receipt of the written offer following the opening the Soljak Place Bridge the owners confirm acceptance of this offer, then Auckland Transport will undertake the installation of screening. Any non-response will be deemed a decline of the offer. If this opportunity is accepted by the owners of these residences, the owners will be responsible for arranging appropriate access to the property for undertaking the works.

Alford Street Bridge

5. Design detail for the Alford Street Bridge shall be prepared as part of the OPW required by Condition 2. The purpose of this design detail is to demonstrate:

- a) How potential design opportunities can integrate with the existing Open Space activities (including the Oakley Creek Walkway) and the Wairaka Precinct development concepts; and
- b) How the design of the bridge and landing respond to cultural values and design responses identified by Mana Whenua (Kawerau a Maki Trust, Ngati Whatua Orakei Whai Maia Ltd, Ngai Tai Ki Tamaki, and Te Akitai Waiohoa); and
- c) How potential adverse effects on vegetation can be appropriately minimised, remedied and mitigated. The design detail shall be in general accordance with the Waterview Shared Path Concept Plans, presented in the Notice of Requirement and as revised in evidence (listed in Condition 1) and subject to the following additional requirements:
 - d) The design shall minimise construction within the floodplain (defined by the 1% AEP event) whilst minimising disruption to the existing Oakley Creek walkway;
 - e) The design shall minimise removal of vegetation from the Oakley Creek/Waterview Glades Reserve;
 - f) The requiring authority shall take all practicable steps to:
 - i) integrate with the land development plans of the Wairaka Precinct (recognising both the landholdings of Whai Rawa and Unitec); and to
 - ii) recognise Mana Whenua values as identified in cultural impact assessments or similar; and to
 - iii) consult with the following parties, in respect of the final design of the Alford Street Bridge: Auckland Council (Parks), Auckland Council (Auckland Design Unit), Ngati Whatua Orakei Whai Rawa Limited, Unitec, Friends of Oakley Creek, Kawerau a Maki Trust, Ngati Whatua Orakei Whai Maia Ltd, Ngai Tai Ki Tamaki, and Te Akitai Waiohoa;
 - g) The OPW shall detail what consultation has been undertaken and how any matters raised in this consultation has been taken into consideration in finalising the design of the bridge.

6. The final alignment of the Shared Path through Albie Turner Field and Phyllis Reserve will as far as practicable and within the designation, take into account development proposed for the reserve as detailed in any final, adopted Phyllis Reserve Masterplan.

Construction Environmental Management Plan (CEMP)

7. Prior to the commencement of construction and/or earthworks activity, the Outline Plan for that

section of works (as required by Condition 2) must include a finalised Construction Environmental Management Plan (CEMP). No construction activity shall commence until the CEMP is confirmed as part of this Outline Plan process.

The final CEMP shall include information contained in the draft 'Waterview Shared Path Construction Environmental Management Plan Framework', prepared by Beca, dated 5 November 2014, including but not limited to:

- a) the management of general construction,
- b) processes to address public safety during construction by excluding the public from the work site during construction,
- c) communications, including processes to advise residents adjoining the construction site of works and Construction Team contact/liaison detail for residents and the community,
- d) erosion and sediment control,
- e) contaminated soils,
- f) construction noise and vibration
- g) trees,
- h) archaeology,
- i) herpetofauna
- j) compliance and monitoring requirements.

8. All construction related activity must be carried out in accordance with the final CEMP required by Condition 7 to the satisfaction of Team Leader, Central Monitoring, Auckland Council.

9. Following completion of construction works in the vicinity of the Mount Albert Playcentre, Auckland Transport shall (subject to approval from the operators of the Playcentre) provide for a full washdown of the Playcentre building and outdoor facilities on their site.

Construction Traffic Management Plan

10. A Construction Traffic Management Plan (CTMP) including but not limited to the following matters shall be prepared and implemented through the CEMP. The CTMP shall be provided to the relevant road controlling authority at least 10 working days prior to construction activity. The CTMP shall describe the measures that will be undertaken to avoid, remedy or mitigate the local and network wide effects of construction of the project. In particular, the CTMP shall include the following matters:

- a) Methods to avoid, remedy or mitigate the local and network-wide effects of the construction of individual elements of the project, particularly near Soljak Place and within the Unitec site (e.g. intersections/bridges);
- b) Methods to manage the effects of the delivery of construction material, plant and machinery (including cranes and oversized trucks) during construction;
- c) Measures to maintain existing vehicle access, as far as practicable, or where the existing property access is to be removed or becomes unsafe as a result of the construction works, measures to provide alternative access arrangements in consultation with the affected landowner (including Auckland Council Parks, Unitec and Whai Rawa Ltd);
- d) Measures to maintain pedestrian and cycle access with thoroughfare to be maintained on all roads and footpaths (including within Unitec) adjacent to the construction works, where practicable (e.g. unless provision of such access is severed by the works or such access will become unsafe as a result of the construction works). Such access shall be safe, clearly identifiable, provide permanent surfacing and seek to minimise significant detours; and
- e) Measures to minimise loss of parking through construction (including contractor vehicles).

Ecological Mitigation

11. A Pest Plant Control and Native Re-vegetation Plan (PPC&NRP) must be prepared and submitted as part of the OPW. The purpose of the PPC&NRP is to detail mitigation proposed to address potential

ecological impacts of the Waterview Shared Path. The PPC&NRP must provide detail on the following works:

- a) The methodology used to clear pest plants pre construction and during construction;
- b) Confirmation of the mitigation planting and pest management proposed by the Waterview Glades landscape mitigation plan (required as part of the Waterview Connection Project) or, if such work is not required for that Project, as an alternative, confirmation of mitigation options for the clearance of the vegetation required for the construction and maintenance of Alford Street Bridge including:
 - Pest plant control proposed within the designated area, for up to 3 years following construction
 - Ecosourced (where practicable), native revegetation, to replace any native vegetation cleared including that within the SEA at a ratio of at least 1.5:1.
 - Long term planting maintenance.
- c) Confirmation of the impacts of the Waterview Shared Path on the remnant copses of Mahoe rock forest in the Phyllis Reserve/ Harbutt Reserve area (including the areas directly adjacent to the rail corridor). If the works impact on any copses of Mahoe, plans must be provided detailing the mitigation works proposed, including but not limited to:
 - Methods to minimise impacts on any Mahoe trees;
 - Pest plant control proposed within the designated area adjacent to the copse, for up to 3 years following construction;
- d) Details on the timing and sequencing of all mitigation works in respect of the overall construction programme.

12. All replacement plantings are to be ecosourced (where practicable) and be appropriate for their vicinity to the Oakley Creek.

13. All pest plant control and native re-vegetation must be carried out in accordance with the final PPC & NRP required by Condition 11 to the satisfaction of Team Leader, Central Monitoring, Auckland Council.

14. A Tree Management Plan (TMP) shall be prepared and be submitted with the OPW required by Condition 2. The purpose of the TMP is to provide detail on the mitigation measures proposed to address adverse effects on specimen and valued trees potentially affected by construction works of the Project. The Plan must provide detail on the following:

- a) The nominated 'Tree Works' Arborist;
- b) Plans detailing trees proposed for removal;
- c) Plans detailing valued trees where works will be required within the dripline;
- d) Procedures proposed for the identification of valued trees within the construction area and measures proposed to appropriately protect the dripline of these trees during general construction works (e.g. measures proposed to avoid construction traffic movement or storage within the dripline of the trees and any other measures to protect the ground surface where works are required in the dripline of trees);
- e) Procedures to be implemented for specific construction works where the shared path is within the dripline of valued trees (e.g. for works in the Unitec site).

15. The Requiring Authority shall undertake all practicable steps to consult with relevant landowners (including Auckland Council (Parks), Whai Rawa, Unitec and the owners of 8 Phyllis Street) in the preparation of the PPC&NRP and TMP, and include documentation on how that consultation has been responded to in the design plans above.

Lizard Management Plan

16. A Lizard Management Plan (LMP) shall be prepared and implemented by an experienced, Department of Conservation approved, herpetologist. The LMP shall include, but not be limited to, the following:

- a) Methods of survey and rescue prior to construction commencing;
- b) Methods of survey and rescue during construction of the pathway;
- c) Identification of relocation sites that have not been used for previous lizard rescues; and
- d) Recommended means of enhancement for identified rescue sites.

Heritage

17. The OPW must nominate the following personnel for the management of potential heritage impacts during construction:

- a) Project Archaeologist(s);
- b) Building archaeologist (or other specialist experienced in the history and recording of drystone walling) who is either confirmed by Heritage New Zealand approval or otherwise is confirmed as acceptable to Auckland Council Heritage Unit;
- c) Heritage stonemason; and
- d) Mana Whenua appointed personnel to observe sections of the Waterview Shared Path near the SEA, if identified and as required by Mana Whenua.

18. The OPW must provide detail on how the scheduled historic heritage features (historic stone walls, midden, visible features of the piggery) will be identified so that all contractors on site can appropriately avoid potential impacts of construction works on these areas (for example, by protective warning tape (to demarcate the area), coloured sandbags or other measures).

19. All works within 20m of historic heritage sites must be monitored by the project archaeologist.

Advice Note:

If any archaeological features are uncovered on the site, works should cease and the Team Leader Cultural Heritage Implementation and Heritage New Zealand (09 307 9920) should be notified immediately. The Heritage New Zealand Pouhere Taonga Act 2014 provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. It is an offence under this Act to destroy, damage or modify any archaeological site without an authority from Heritage New Zealand Pouhere Taonga. An archaeological site is defined as a place associated with pre-1900 human activity where there may be evidence relating to the history of New Zealand. Archaeological features' may include old whaling stations, shipwrecks, shell middens, hangi or ovens, pit depressions, defensive ditches, artefacts, or koiwi tangata (human skeletal remains), etc. For guidance and advice on managing the discovery of archaeological features, contact the Team Leader Cultural Heritage Implementation on 09 301 0101.

20. Potential adverse effects on the dry stone wall located in the vicinity of Laurel Street /Albie Turner Field are to be mitigated by:

- a) Manually removing the vegetation covering the length of the wall within the designation under supervision of the Project Archaeologist;
- b) Completing a full (scaled) photographic record of both sides of the wall, annotating this record and supplying it to the Team Leader Cultural Heritage Implementation (Auckland Council) within 6 months of the completion of works;
- c) Where the deconstruction of any portion of the wall is required under this designation all recording, drawing, photography and supervised removal of stone of this portion of the project must be undertaken by the specified Building Archaeologist (or other specialist experienced in the history and recording of drystone walling) in conjunction with the Heritage Stonemason identified under Condition 17.

20A. Additional information arising from heritage subcontractors (reports, analyses) relating to all historic heritage works along this shared path shall be supplied to the Team Leader Cultural Heritage Implementation, Auckland Council within 12 months of the completion of the project, to

allow the Cultural Heritage Inventory to be updated.

21. The OPW shall include details of at least one interpretation sign with information relating to the Māori and early European history of the area. The purpose of the interpretative signage is to detail cultural and historic heritage values of the area. This interpretative signage shall be located in an appropriate location within the designation, in the northern part of the walkway (from Phyllis Street Reserve north). In addition, the interpretation panel could also incorporate information relating to ecological and geological values.

Advice Note:

All archaeological sites are protected under the provisions of the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) (formerly the Historic Places Act 1993). It is an offence under this Act to destroy, damage or modify any archaeological site, whether or not the site is entered on the Heritage NZ (HNZ) List of Historic Places, Historic Areas, Wāhi Tapu and Wāhi Tapu Areas. Under section 44 of the Act, applications must be made to the HNZ for an authority to destroy, damage or modify an archaeological site(s) where avoidance of effect is not practicable. It is the responsibility of the applicant (consent holder) to consult with the HNZ about the requirements of the HNZPTA and to obtain the necessary Authorities under the Act should these become necessary, as a result of any activity associated with the proposed development. For information please contact the HNZ Northern Regional Archaeologist- Beverley Parslow (09) 307 9923.

Lighting Plans

22. The OPW required by Condition 2 shall include provision of plans to light the Waterview Shared Path. These plans shall demonstrate:

- a) that the spacing of lighting poles along the route demonstrates that, wherever practicable, lighting poles are located at the side boundaries of any adjoining residential property sites (so that lighting poles are, as much as practicable, not located in the middle of the rear boundary of adjoining residential properties). Where any lighting poles cannot be located at site boundaries, Auckland Transport shall take all practicable steps to consult with those landowners affected to achieve an agreed location;
- b) that subject to (c) below, the proposed illuminance levels associated with any artificial lighting on the shared path shall comply 10 lux maximum illuminance levels on all boundaries with residential zoned properties;
- c) that lighting of both the Alford Street Bridge and Soljak Place Bridge will be incorporated in the bridge handrails. Lighting of the Soljak Place Bridge will be incorporated in the bridge handrails on the main bridge span and the ramp opposite the north/north-west boundary of 45/8 and 46/8 Soljak Place as shown on the plan titled "Soljak Place Bridge Extent of Handrail Lighting" and referenced "DG-ST-4279" in Appendix H of Waterview Shared Path – Alteration to Designation & Section 127 Application for the Trent Street Link and Harbutt Reserve Bridge, Well-Connected Alliance. 26 May 2016; and
- d) that lighting from the Soljak Place Bridge is designed to achieve no more than 5 lux the boundary of 8 Soljak Place, as required by Condition 3(e).

Section 176 RMA Waiver

23. Where works and activities are carried out within the Waterview Shared Path designation by Auckland Council (Parks), Unitec and Whai Rawa, or their agents (for the respective land holdings), and those works and activities do not prevent or obstruct users of the path or the maintenance requirements for the path, these parties are not required to obtain the written agreement of Auckland Transport usually required under s176(1)(b) of the RMA. Section 176(1)

(b) RMA written approval will be required from Auckland Transport if the activity involves any excavation of the Waterview Shared Path or the activity would prevent, restrict or otherwise obstruct use of the path (by pedestrians and/or cyclists or for maintenance or service access). If a s176(1)(b) written

approval is required, the request must be in writing and be addressed to the Group Manager Property and Planning, Auckland Transport.

Lapsing of designation

24. The designation shall lapse on the expiry of a period of ten years after the date it is included in the District Plan in accordance with section 184(1)(c) of the RMA, unless:

- a) It is given effect to before the end of that period; or
- b) the Council determines, on an application made within three months before the expiry of that period, that substantial progress or effort has been made towards giving effect to the designation and is continuing to be made, and fixes a longer period for the purposes of this subsection.

Alteration of designation boundary post-construction

25. Within 60 working days of completion of construction of the Waterview Shared Path the Requiring Authority shall:

- a) Review the area designated for the Waterview Shared Path;
- b) Identify any areas of designated land that are no longer necessary for the on-going operation and maintenance of the Waterview Shared Path, or for on-going mitigation measures; and
- c) Give notice to the Auckland Council in accordance with Section 182 of the RMA for the removal of those parts of the designation identified in (b) above.

Monitoring

26. The consent holder shall pay the Council a consent compliance monitoring charge of \$1,000.00 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent. (This charge 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 above conditions).

The \$1,000.00 (inclusive of GST) charge shall be paid as part of the resource consent fee and the consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice.

Attachments

No attachments.

Attachment E

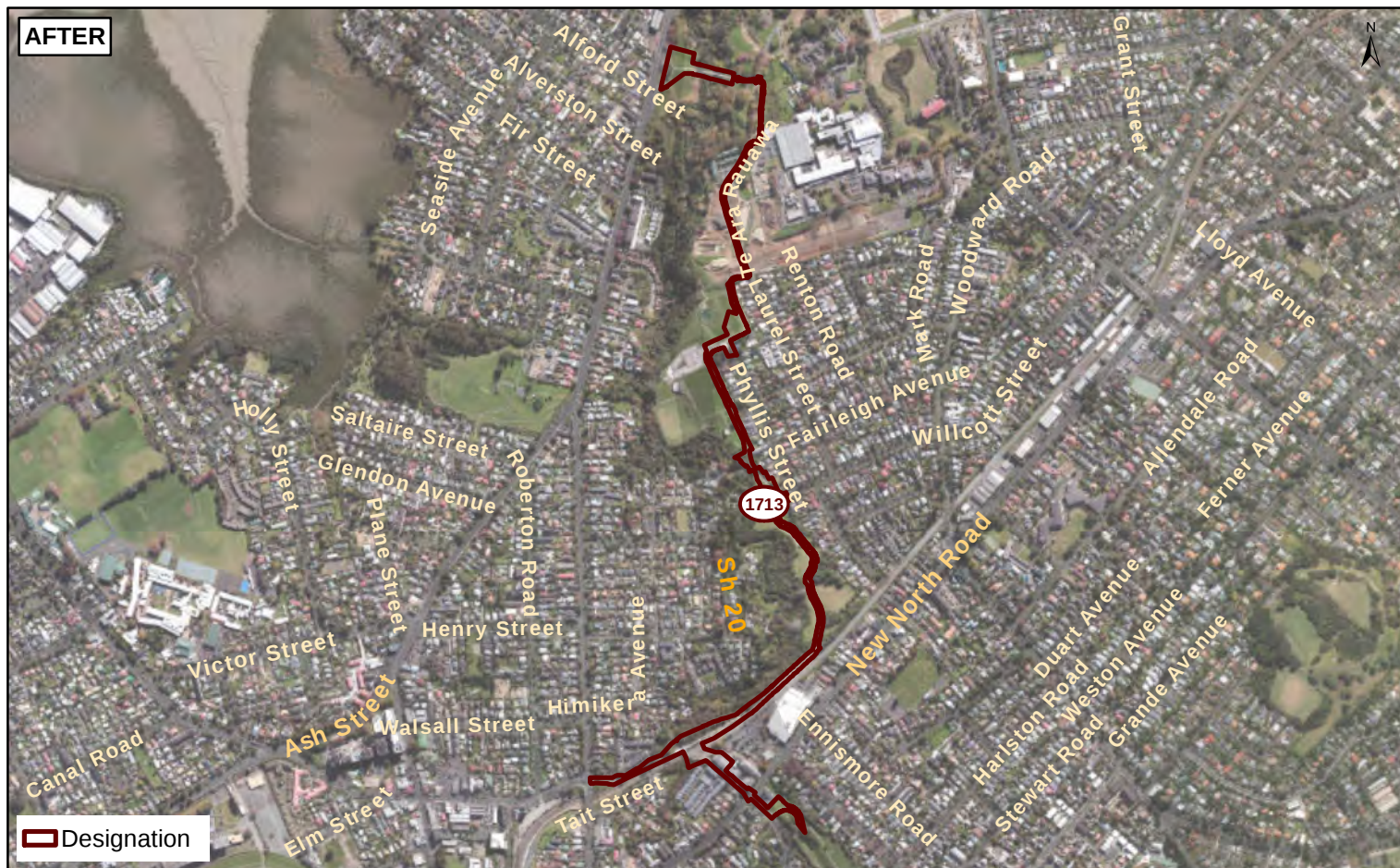
Auckland Unitary Plan GIS Viewer (Before/After)

BEFORE



 Notice of Requirement

AFTER



 Designation

0 130 260 520 M

Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.

Date: 4/11/2025

**Waterview Shared Pathway
Auckland Transport**

Auckland Council
Te Kaurihera o Tāmaki Makaurau

Plans and Places