

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



Discretionary activity

Application number(s):	BUN60349871 (Council Reference) LUC60349873 (s9 land use consent) CST60349872 (s12 coastal consent)
Applicant:	Kāinga-Ora – Homes and Communities
Site address:	9 Boundary Road, Hobsonville Point
Legal description:	Lot 9 DP 511649
Proposal:	

The applicant seeks resource consent to construct a Marine Recreation Centre (“MRC”) and water access structures (jetty and pontoon) at the end of Launch Road in Hobsonville Point. The MRC will form the new club rooms for the Hobsonville Yacht Club as well as the Westlake Boys High School and Regional Performance Rowing Clubs, who were previously located to the north at Catalina Bay. The proposed works will provide a facility for the clubs to store their boats and equipment and to hold functions, as well as all-tide water access to launch their yachts and rowing skiffs. However, the jetty and pontoon will also provide water access for the general public. A ten-year lapse date is sought to give effect to the consent and the construction will be sequenced with the water access structures and deck (which the MRC sits on) established first followed by the construction of the building. This is to achieve the water access as soon as possible whilst also providing sufficient time for funds to be raised to finance the MRC building.

Resource consents are required for the following reasons:

Land use consent (s9) – LUC60349873

Auckland Unitary Plan (Operative in part)

Open Space zones

- To construct clubrooms for the yacht club and rowing club, being clubrooms in the Open Space - Informal Recreation zone, is a discretionary activity under rule H7.9.1(A10).

Vegetation management and biodiversity

- To remove 180m² of contiguous vegetation on the eastern side of Boundary Road, including seven kanuka trees ranging in height from 4-7m, one matipo and one Pohutukawa both 4m tall, and one 7m high totara, which is vegetation removal of greater than 25m² of contiguous vegetation and tree removal of any indigenous tree over 3m in height within 20m of Mean High Water Springs, is a restricted discretionary activity under rule E15.4.1(A21).

Trees in open space zones

- To remove seven kanuka ranging in height from 4-7m, one matipo and one Pohutukawa both 4m tall, and one 7m high totara from the eastern side of Boundary Road on land zoned Open Space – Informal Recreation zone, which is tree removal of any tree greater than 4m in height within an open space zone, is a restricted discretionary activity under rule E16.4.1(A10).

Transport

- Parking which is an accessory activity but does not comply with the following parking standard is a restricted discretionary activity under rule E27.4.1(A2):
 - The proposed MRC building is designed to accommodate up to 300 people but no car parks are proposed, thereby not meeting the 60 that is required by Standard E27.6.2 and Table E27.6.2.4 which requires clubrooms to provide a minimum of 0.2 spaces per person the facility is designed to accommodate.

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 'NES:CS'

The NES:CS regulations apply where activities listed on the Hazardous Activities and Industries List is being, has been, or is more likely than not, to have been undertaken. The results of a historical review by Pattle Delamore Partners has identified waste disposal to land (i.e. reclaimed land) and port activities (i.e. yacht maintenance facilities) are more likely than not to have occurred historically on the site. Therefore, the NES:CS is applicable as follows:

- 233m³ of soil disturbance is proposed, which exceeds the permitted activity volume limits set out in Regulations 8(3)(c) and 8(3)(d)(ii) which require no more than 25m³ of soil disturbance per 500m² of site area, and a Detailed Site Investigation (DSI) exists confirming that the concentrations of contaminants are below the relevant NES:CS standards, and is therefore a controlled activity under Regulation 9(1).
- To change the use of the site from undeveloped open space to an active recreation land use and a DSI exists confirming that the concentrations of contaminants are below the relevant NES:CS standards and is therefore a controlled activity under Regulation 9(3).

Coastal Permit (s12) – CST60349872

General Coastal Marine zone

- To undertake disturbance of the general coastal marine area associated with the piling works for the pontoon guide piles and the MRC structure piles, being coastal marine area disturbance that is not otherwise provided for, is a discretionary activity under rule F2.19.4(A37).
- To establish clubrooms for the use of the Yacht Club and Rowing Club, being clubrooms for marine-related clubs, is a discretionary activity under rule F2.19.8(A104).

- To use an impact hammer to install the timber piles for the jetty, being impact piling in the General Coastal Marine zone, is a restricted discretionary activity under rule F2.19.8(A114).
- To construct the MRC building, preparation deck, jetty and pontoon, being coastal marine area structures and buildings not provided for elsewhere, is a discretionary activity under rule F2.19.10(A121).

Coastal Marina zone

- To construct a jetty within the coastal marina zone, being a coastal marine area structure not otherwise provided for, is a discretionary activity under rule F3.4.3(A28).

Decision

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

In particular, I have considered:

- The application Assessment of Environmental Effects ("AEE") report prepared by the consultant planner for the applicant, Sam Benson of Harrison Grierson Consultants Ltd;
- Supporting specialist reports in respect of coastal engineering, infrastructure engineering, landscape architecture, acoustics, arboriculture and archaeology;
- Additional information provided through the course of the application process;
- The summary of submissions; and
- The Council s42A RMA officer report prepared by the Council's Senior Planner, Michael Treacy, and the specialist reviews prepared in respect of the above specialist topic areas as well as the advice provided by Auckland Transport (including the Harbourmaster) and the Council's Parks department.

The s42A report has set out the details of the proposal, the background and summary of relevant consents, and the 2009 Public Works Act Agreement which has established the genesis of the proposal. The report has also described the reasons for consent and has undertaken a detailed assessment of actual and potential effects and has considered the proposal against the relevant statutory documents, and set out a schedule of recommended conditions.

I note that there were no substantive matters of contention as between the applicant and the Council. Furthermore, a total of 211 submissions were received from members of the public as well as several groups/organisations. These groups/organisations included Westlake Boys Rowing, the Hobsonville Yacht Club, the International Order of the Blue Gavel, the Hobsonville Point Residents Society, Yachting New Zealand, the TS Bellona Navy Cadet Unit, the Ponsonby Cruising Club, the Clearwater Cove Yacht Club, and Chorus New Zealand Ltd. The Upper Harbour Local Board has also expressed their support for the proposal.

The s42A report records the following key themes that were expressed in the submissions:

- The facility will provide an opportunity for the Hobsonville Yacht Club and Westlake Boys Rowing Club to continue to operate from Catalina Bay. These are assets to the community, as well as to the existing and future members.
- The facility will add to the amenity for the residents of the community by acting as a community hub and meeting place and providing an additional venue to be hired for events.
- It will offer safe and free all-tide water access for the public and will address an identified lack of access currently available, especially considering the state of the current boat ramp.
- It will cater for the rapidly growing population in Auckland's northwest region.

While some of the submitters originally indicated a desire to speak to their submission at a hearing, those submitters have since provided written confirmation that they no longer wish to be heard. Accordingly, a hearing has not been required (pursuant to s100 of the RMA).

The s42A report has undertaken an assessment of the effects of the proposal with respect to landscape, natural character and visual amenity; coastal processes; occupation of the CMA; public open space; ecology; the surrounding transport environment; vegetation; archaeology and historic heritage; infrastructure; and mana whenua values; as well as well as construction-related and operational effects. It notes that:¹

while the proposal will result in a noticeable change to the character of the site and will have effects; given the significantly modified existing and receiving environment and the implementation of a number of construction and operational management plans, plus the positive effects that will result, the adverse effects will be acceptable.

The assessment undertaken in the s42A report also concludes that the proposal:

has also been found to be generally consistent with the objectives and policies of the New Zealand Coastal Policy Statement, Hauraki Gulf Marine Park Act, the coastal environment chapter of the Auckland Regional Policy Statement, and the relevant provisions of the Auckland Unitary Plan (Operative in Part).

The key conclusions set out in the s42A report² are therefore adopted as part of the reasons for my decision as set out below. In summary, it is my finding that the proposal is acceptable and will have no more than minor adverse effects and is consistent with the objectives and policies of the relevant statutory documents and will give effect to Part 2.

Notwithstanding that overall finding, I have queried two matters in respect of the proposal. The first related to the proposed consent lapse period of ten years, and the extent of the period that might arise between construction of the coastal access structures and the MRC building itself. A second matter was in respect of the details of the proposed gangway component (connecting the jetty to the pontoons), and the extent to which final design details for this structure could affect the proposed CMA occupation profile of the proposal. A response letter was provided by Mr Benson's colleague, Nick Grala, in respect of these matters on 10 December 2020 (with

¹ Section 42A report, p5

² Ibid, p85

input from Grant Pearce of Tonkin & Taylor in terms of the requirements and specifications of the gangway), with a further response provided by way of an email dated 11 December 2020.

In respect of the consent duration:

- Mr Grala has clarified that the scope of works that will be delivered by Kāinga Ora is the resource consenting phase and construction of the jetty and phase 1 of the building (i.e. storage arrangement) in order to satisfy the 2009 Public Works Act Agreement. The MRC Trust are then required to fund and construct the MRC building.
- The extended lapse date accommodates the delays occasioned by COVID 19 on the ability for the MRC Trust to raise funds. However, Mr Grala advises that:

The MRC Trust are committed to the project and have already started working on raising the necessary funds for the building. The 10-year lapse period allows a reasonable time for Kāinga Ora to complete works in their scope, the Trust to complete necessary fundraising and construction of the building itself (approximately 12-18 months). The Trust will be able to stay in their current temporary location most likely until early 2022. The temporary storage options whilst suitable for a short period of time do not provide the Trust with the ability to easily operate their activities from and as such provides an incentive to construct the new facility as soon as they are able to raise the funds.

- The letter from Mr Grala of 10 December 2020 includes a diagram and perspectives to outline the temporary storage arrangements, which include temporary security fencing, similar to that utilised in the existing yacht club grounds.

In terms of the gangway structure:

- Mr Pearce's advice is that the gangway, while reasonably long at 28m, is not of an unusual length, and will be consistent with others in the Auckland region (e.g. the Auckland Rowing Club gangway on the Tamaki River). Its width and length is considered sufficient to enable the transport of small vessels to and from the jetty and pontoon, and will maintain an appropriate gradient even at low tide.
- The initial response suggests the potential for a longer jetty and shorter gangway as a result of the detailed design stage, as well as changes to pontoon dimensions. This gave rise to a concern as to the potential for such changes to extend beyond the occupation envelope prescribed through the proposed 'extent of occupation' conditions, and could give rise to the need for a future application(s) for variations under s127 of the RMA. Mr Grala advised, however that:

It's common for minor amendments to occur as projects progress from the preliminary (resource consent) design to the detailed design stage. Our response to question 2 noted this but also caveated it that any increase in one aspect would likely be offset by a shortening in the other so that the overall footprint will be maintained (and the occupation envelope to remain unchanged). There is no indication that a subsequent s127 would be required at a later stage as any changes are likely to be minor (if at all).

I accept the advice presented by the application in regard to the above matters. I also note that no submissions were made in respect of the requested lapse date or potential structural considerations related to the gangway.

I have also generally adopted the recommended conditions, as set out at pages 86-110 of the s42A report, subject to some amendments to reflect the above and other minor changes to assist in their consistency and readability.

Accordingly, and acting under delegated authority, under ss 104 and 104B and Part 2 of the RMA, the resource consents are **GRANTED**, for the reasons set out above and summarised below, and subject to the conditions that follow.

Reasons

The reasons for this decision are:

- Overall, the proposal is considered to be appropriate for the site and location and will be broadly consistent with the provisions of the relevant statutory documents. The MRC and water access structures will provide significant social benefits to the Hobsonville Point community and wider area by providing all-tide water access which is not currently safely provided for. It will also secure the future of the yacht club and rowing club which are important community assets at Hobsonville Point and will considerably improve both clubs' functionality. These positive outcomes are reflected in the submissions received in respect of the application.
- While the proposal does result in occupation of the CMA, it has been demonstrated that any adverse effects on natural character, amenity values, coastal ecology, public access, historic heritage, and coastal processes will be avoided, or sufficiently mitigated either through the design, scale and location of the building and structures, or through the implementation of appropriate management plans. Although the building will appear visually prominent when viewed from the coastal walkway and will encroach onto the walkway (both physically and for operational use) it is considered that the effects will be acceptable when they are balanced with the already extensively modified characteristics of the area, the frequency of operational effects, and the benefits that this facility will bring to the community.
- Construction and operational effects are also considered to be appropriately mitigated via the preparation and implementation of various management plans. While there is some uncertainty regarding the level of effects that will be generated with regard to on-street parking demand, given the full reliance on Launch Road to provide the necessary parking for activities at the MRC, it is considered that the day-to-day operation of the MRC will be at a scale, timing and frequency that will reduce the potential for parking competition with surrounding land uses. The use of a travel management plan to address private vehicle use for large events held at the clubrooms is also considered to mitigate potential adverse effects, although this will need to be subject to continual review to ensure it is effectiveness.
- In summary, the adverse effects of the proposal, including both on- and off- site effects are considered to be acceptable and the proposal will be consistent with the objectives and policies of the AUP(OP), NZCPS and Part 2 of the RMA.

Conditions

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

General conditions

These conditions apply to all resource consents.

1. This consent shall be carried out in accordance with the documents and drawings and all supporting additional information submitted with the application, detailed below, and all referenced by the Council as resource consent numbers LUC60349873 and CST60349872 (all part of BUN60349871):
 - (a) Application Form and Assessment of Environmental Effects prepared by Sam Benson (Harrison Grierson Consultants Ltd), dated November 2019.
 - (b) Response to further information request, prepared by Sam Benson, dated 22 April 2020, including:
 - Attachment 1: Arboricultural Report, prepared by Andrew Barrell (Tree 3 Ltd), date 16 April 2020;
 - Attachment 2: Detailed Site Investigation – Marine Recreation Centre, prepared by Stefan Yap (Pattle Delamore Partners Ltd), dated 9 April 2020;
 - Attachment 2: Preliminary Site Investigation Report – Marine Recreation Centre, prepared by Stefan Yap (Pattle Delamore Partners Ltd), dated 9 April 2020;
 - Attachment 4: Graphic Supplement, prepared by Boffa Miskell, dated March 2020;
 - Attachment 5: Landscape Matters Memorandum, prepared by Rachel de Lambert (Boffa Miskell), dated 2 March 2020;
 - Attachment 8: Assessment of Construction Noise and Vibration Effects, prepared by Styles Group, revision 3, dated 25 February 2020; and
 - Attachment 10: Wastewater Flows – Pipe Capacity, prepared by Piritahi, dated 18 February 2020.
 - (c) Response to further information request, prepared by Sam Benson, dated 22 April 2020, including:
 - AEE Addendum, prepared by Sam Benson and Nick Grala (Harrison Grierson), dated 24 July 2020;
 - Arboricultural Addendum, prepared by Andrew Barrell (Tree 3 Ltd), dated 24 June 2020;
 - Traffic memo, prepared by Russel Brandon (Flow Transportation Specialists), dated 26 June 2020;
 - Acoustic memo to section 92 response, prepared by Styles Group, dated 29 June 2020; and
 - Graphic Supplement, dated July 2020.
 - (d) AEE Addendum, prepared by Sam Benson and Nick Grala (Harrison Grierson), dated 19 August 2020, including:
 - Assessment of Noise Effects, prepared by Styles Group, revision 2, dated 14 August 2020.

- (e) Technical Memorandum (Supplementary Information), prepared by Nick Grala, dated 10 December 2020.
- (f) The following reports and plans:

Report title	Ref	Author	Rev	Dated
Design Report	-	Strachan Group Architects	-	19 September 2020
Engineering Design Report	1006452	Tonkin & Taylor	1.0	25 October 2020
Transport Assessment	-	Russell Brandon (Flow Transportation Specialists)	-	3 October 2019
Loading and Servicing Management Framework	-	Russell Brandon (Flow Transportation Specialists)	-	25 September 2019
Landscape and Visual Effects Assessment	-	Boffa Miskell Limited	0	5 September 2019
Marine Ecological effects Assessment	1009186	Tonkin & Taylor	2	November 2019
Archaeological Survey and Assessment of Environmental Effects	-	Archaeology Solutions Ltd	-	October 2019
Civil Infrastructure Assessment	1020-146449-01	Harrison Grierson	-	November 2019
Arboricultural Report	-	Tree 3 Ltd	-	16 April 2020
Arboricultural Addendum	-	Tree 3 Ltd	-	24 June 2020
Detailed Site Investigation – Marine Recreation Centre	AO1964178	Pattle Delamore Partners Ltd (PDP)	Final	9 April 2020
Preliminary Site Investigation Report – Marine Recreation Centre	-	PDP	-	9 April 2020
Assessment of Construction Noise and Vibration Effects	-	Styles Group	3	25 February 2020
Assessment of Noise Effects	-	Styles Group	2	14 August 2020
Preliminary geotechnical foundation design parameters Memo	1006452	Tonkin & Taylor	-	11 July 2019

Plan title	Sheet No.	Author	Rev	Dated
Title Page	RC01	Strachan Group Architects	-	14/02/20

Site Plan	RC02-A	Strachan Group Architects	A	14/02/20
Forecourt Plan	RC03-A	Strachan Group Architects	A	14/02/20
Foundation and Earthworks Plan	RC04	Strachan Group Architects	-	14/02/20
Jetty Foundation Plan	RC05	Strachan Group Architects	-	14/02/20
Ground Floor Plan	RC06-A	Strachan Group Architects	A	14/02/20
Upper Floor Plan	RC07-A	Strachan Group Architects	A	14/02/20
Building Elevations	RC08-A	Strachan Group Architects	A	14/02/20
Building Elevations II	RC09-A	Strachan Group Architects	A	14/02/20
Jetty	RC10	Strachan Group Architects	-	14/02/20
Site – AUP Zoning Plan	RC11-A	Strachan Group Architects	A	14/02/20
Water Access Location: Existing Layout	RC01	Tonkin & Taylor	1	25/10/19
Proposed Jetty and Ponton	RC02	Tonkin & Taylor	1	25/10/19
Typical Sections	RC04	Tonkin & Taylor	1	25/10/19
Proposed Drainage and Services Plan	143449-01-400	Harrison Grierson	A	26/11/19
Proposed Drainage and Services Plan	DLH013-02-402	Piritahi	C	04/10/19

Lapse date

2. Under section 125 of the RMA, these consents lapse ten years after the date they are granted unless:
 - (a) The consents are given effect to; or
 - (b) The Council extends the period after which the consents lapse.

Monitoring charge

3. The consent holder shall pay the Council an initial consent compliance monitoring charge of \$1,020 (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 consent(s). In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge. Only after all conditions of the resource consent(s) have been met, will the Council issue a letter confirming compliance on request of the consent holder.

CONSTRUCTION

PRE-COMMENCEMENT

Architectural Design for the MRC building and other structures

4. Prior to the lodgement of Building Consent for the Marine Recreation Centre ("MRC") building and any other structures located outside the Coastal Marine Area ("CMA"), a finalised set of architectural detail drawings and materials specifications shall be submitted for written certification by the Council. The information shall include the following:
 - (a) details of the building's façade treatment / architectural features; and
 - (b) materials schedule and specification, sample palette of materials, surface finishes, and colour schemes (including colour swatches) referenced on the architectural elevations.

The finalised set of drawings shall ensure that the building's proposed architectural treatment and finished appearance is consistent with the plans and information referenced at Condition 1.

All works shall then be carried out with the details certified by the Council, and thereafter retained and maintained to the satisfaction of the Council.

5. Prior to the lodgement of building consent for the MRC building, the consent holder shall submit for the approval of the Parks Planning Team Leader a set of detailed engineering and landscaping plans for all hard assets/park furniture/fixtures (including decking) /planting to be located in the reserve. The plan(s) to be submitted for approval shall:
 - (a) Be in general accordance with the plans referenced in Condition 1;
 - (b) Be prepared by suitably qualified person/s;
 - (c) Identify all new planting to be undertaken on the site within the planters including details of the intended species, quantities, and size at the time of planting;
 - (d) Include the location and specifications of the proposed bollards; and
 - (e) Comply with the Auckland Council Code of Practice for Land Development and Subdivision: Chapter 7: Green Assets and Landscaping.

Detailed Engineering Design for Coastal Structures

6. At least 20 days prior to the commencement of any construction works approved by this consent, the consent holder shall submit detailed engineering designs and specifications of all structures within the coastal marine area review and approval. The required details

shall include but not be limited to layout of all proposed structures and details of maintenance requirements.

Construction Management Plan

7. Prior to the commencement of any works on site, a finalised Construction Management Plan (“CMP”) shall be submitted to the Council. The objectives of the CMP are to confirm final project details and manage the effects on the land and within the coastal marine area associated with the construction of all proposed structures. The CMP should contain sufficient detail to address the following matters:
 - (a) A construction timetable, including any staging of works.
 - (b) A construction methodology for both the building and water access structures.
 - (c) General site management, including details of:
 - (i) Site access, including methods to clearly identify and delineate all entry and exit points to the common marine and coastal area;
 - (ii) Health and safety measures of all people on site during construction;
 - (iii) Protection and management measures whilst working near to the public walkway;
 - (iv) Location for the stockpiling of excavated material and machinery to ensure public accessibility along the coastal walkway is maintained;
 - (v) The bunding or containment of fuels and lubricants to prevent the discharge of contaminants;
 - (vi) Maintenance of machinery and plant to minimise the potential for leakage of fuels and lubricants;
 - (vii) Methods to minimise siltation and sediment plumes from piling works;
 - (viii) Methods to maintain public access to and along the CMA while the activities are being carried out (note, should the coastal walkway need to be closed, details relating to the management of this need to be provided including the identification of diversion routes suitable for catering for people of all abilities);
 - (ix) Methods to minimise the damage of any cables during construction;
 - (x) Methods to minimise navigation disturbance within the area;
 - (xi) A spill contingency plan in the event that there is any discharge of contaminants to the Common Marine and Coastal Area (“CMCA”);
 - (xii) Site reinstatement upon completion of the activities including the removal of any temporary structures used for construction activity;
 - (xiii) Underwater noise management measures; and
 - (xiv) Use of ‘soft starts’ for the piling works.
 - (d) Traffic management, including:

- (i) Measures to be taken to maintain the safety of the public utilising the adjoining coastal walkway in the situation it is open during the construction (such as guidance to delineate the travel paths near the work site);
 - (ii) A parking management plan for construction traffic. This shall not block the walkway or active traffic lane and roundabout on Launch Road;
 - (iii) Transportation and parking of oversize vehicles such as cranes;
 - (iv) Providing appropriate loading / working areas to minimise disruption to traffic on the public roading network;
 - (v) Clearly signposting the site access point;
 - (vi) Management of material deliveries (note, a traffic management attendant should be assigned to that activity to ensure the safety of all pedestrians);
 - (vii) Measures to minimise the disruption, congestion and delays to all vehicle road users; and
 - (viii) Ensuring that all road users are adequately protected from obstructions.
8. No construction activity shall commence until confirmation is provided from the Council that the CMP has satisfactorily addressed the above matters and all measures identified in that plan as needing to be put in place prior to commencement of works.

Advice Note:

The CMP shall be developed with reference to the construction methodology outlined in the Engineering Design Report prepared by Tonkin & Taylor, dated October 2019.

Biosecurity Management Plan (coastal marine area works only)

9. At least 20 working days prior to the installation of any structures or undertaking any works within the CMA, the consent holder shall submit a Biosecurity Management Plan ("BMP") with the Council for certification.

The objectives of the BMP are to:

- (a) Avoid the spread of any unwanted/biosecurity risk species to and from the site to other locations by construction vessels during construction;
- (b) Ensure that proposed works are carried out in a manner that minimises the risk of any biosecurity threats from unwanted/biosecurity risk species and / or the transfer of those threats off-site; and
- (c) To ensure that any operators of any construction related vessels are aware of their obligations to avoid the spread of any unwanted/biosecurity risk species to Hauraki Gulf or offshore islands.

The BMP shall include:

- (i) Identification of any unwanted/biosecurity risk species present;
- (ii) Identification of the potential for transfer of threat species on and off-site;

- (iii) Measures to avoid or minimise transfer of unwanted/biosecurity species, during construction; and
- (iv) A requirement for certification of vessels and equipment demonstrating they are free of unwanted/biosecurity risk species.

The consent holder shall then undertake construction works in accordance with the approved BMP.

Construction Noise

10. If the Yacht Club Apartments and Catalina Bay Apartments located to the north of the site are completed and occupied prior to the commencement of any construction works, the consent holder shall provide a detailed construction noise and vibration management plan (“CNVMP”) to the Council prior to the commencement of construction. The CNVMP shall include, but not be limited to the following:

- (a) Requirements for notification of works commencing with Yacht Club Apartment residents located above ground level and inclusion of site-specific mitigation measures if required.

Advice Note:

These measures may include undertaking particularly noisy activities (such as piling) at times when residents are not sleeping, i.e. after 9am, and regularly communicating with residents and notifying them of particularly noisy works.

- (b) When any plant must be used within the minimum unmitigated separation distance (from an occupied dwelling) displayed in Table 1 below, a temporary acoustic barrier shall be used to reduce the noise levels.

Construction Activity	Reference sound power level	Minimum distance for compliance with 70 dB L _{Aeq}
Excavation with 30 t excavator	105 dB L _{WA}	30 m
Idling dump truck	92 dB L _{WA}	7 m
Bored piles	107 dB L _{WA}	38 m
Driven timber piles	110 dB L _{WA}	54 m
Crane	103 dB L _{WA}	24 m
Piling rig (driven steel casings)	115 dB L _{WA}	95 m
Concrete pump and truck discharging	103 dB L _{WA}	24 m

Table 1 – Construction Noise Compliance Distance

- (c) Any acoustic barriers used shall be no less than 2m in height and constructed with no gaps in its length or at its base. The surface mass of any timber barrier shall be no less than 10 kg/m² or appropriate proprietary construction noise barriers.

11. The measures outlined in the CNVMP shall be established prior to construction works commencing and shall be maintained for the duration of construction.

Soil Contamination – Site Management Plan

12. At least 10 working days prior to any soil disturbance works commencing on site, a Site Management Plan (“SMP”) shall be provided to the Council for review. The SMP shall be prepared by a Suitably Qualified and Experienced Contaminated Land Practitioner (“SQEP”) in accordance with the *Contaminated Land Management Guidelines No.1 Reporting on Contaminated Sites in New Zealand* (Ministry for the Environment, 2011).

Advice Note:

The Council acknowledges that the SMP is intended to provide flexibility of the management of the works. Accordingly, the plan may need to be updated. Any updates should be limited to the scope of this consent and be consistent with the conditions of this consent. If you would like to confirm that any proposed updates are within scope, please contact the Council.

Arboricultural Conditions

13. Prior to any works commencing on the site, the consent holder shall engage the services of a suitably qualified and experienced arborist. The arborist shall supervise the tree protection measures required to ensure that the works have no adverse impact upon any retained protected trees.
14. Prior to any works commencing a tree protection fence of sturdy construction shall be erected along the western side of Boundary Road / coastal walkway to prevent any accidental encroachments into the root zones of retained trees. The fence shall remain in place until the completion of all works on the site.

Pre-Start meeting

15. Prior to the commencement of the construction and earthworks activity, the consent holder shall 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 construction and/or earthworks;
 - (c) includes the Council’s Compliance Monitoring Officer; and
 - (d) includes representation from the contractors who will undertake the works (and any suitably qualified professionals if required by other conditions) including the site engineer, appointed arborist, and ecologist.

The following matters shall be discussed at the meeting:

- (i) Timeframes for key stages of the works authorised under this consent;
- (ii) The measures contained within the CMP and how these will be implemented during the various stages of construction;

- (iii) Confirmation of the extent of vegetation to be removed and the tree protection measures to be installed;
- (iv) Biosecurity measures to be implemented as per the BMP;
- (v) Identification of marine mammal exclusion zone; and
- (vi) Contaminated soil management, as per the SMP.

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

- Resource consent conditions;
- Construction Management Plan;
- Tree protection conditions and requirements;
- Biosecurity Management Plan; and
- Contaminated Soils Site Management Plan.

Advice Note:

To arrange the pre-start meeting please contact the Council via email monitoring@aucklandcouncil.govt.nz. The conditions of consent should be discussed at this meeting. All information required by the Council and listed in that condition should be provided 2 days prior to the meeting.

Harbourmaster notification

- 16. The Harbourmaster's Office shall be notified in writing at least ten working days prior to construction activity commencing on the site. The notification shall include details of the likely timeframes for construction.

Advice Note:

Contact details for the Harbourmaster's Office are: Auckland Transport Harbourmasters Office, Private Bag 92250, Auckland, 1142 or HarbourMaster@aucklandtransport.govt.nz.

Council notification

- 17. The Council shall be notified at least two working days prior to construction activities commencing on the subject site.

DURING CONSTRUCTION

Construction Traffic Management

- 18. Prior to the commencement of the earthworks and construction activity, signage warning the public of vehicle movements shall be erected at the start of the coastal walkway / Boundary Road at the edge of Launch Road and on the walkway to the south of the development site. This signage shall remain in place for the duration of the earthworks and construction activity.

Construction Management

19. All works shall comply with the approved CMP at all times. All personnel working on the site shall be made aware of the requirements contained in the CMP. A copy of the approved CMP shall be held on site at all times while any activity associated with construction is occurring.

Minimise disturbance and discharges to the coastal marine area

20. For the duration of construction activity, the subject site shall be maintained in good order. Specifically:
 - (a) no construction materials shall be left in a position where they could be carried away by storms, floods, waves or other natural events;
 - (b) all damage and disturbance to the foreshore and / or seabed caused by vehicle traffic, plant and equipment shall be remedied as soon as practicable, to the satisfaction of the Council;
 - (c) all machinery, equipment, construction materials, surplus spoil, or other vegetation shall be removed from the coastal marine area at the completion of each day's work and/or when the incoming tide dictates that work must cease, unless an alternative approach is approved in writing by the Council prior to construction activity commencing.

Maintain Public Access

21. Public access to and along the coastal marine area shall be maintained while the construction activities are undertaken, except where it is necessary to exclude the public for health and safety reasons.

Earthworks

22. Prior to the commencement of earthworks activity, all required erosion and sediment control measures on the subject site shall be constructed and carried out in accordance with the Auckland Council GD05 standards. The operational effectiveness and efficiency of all erosion and sediment control measures shall be maintained throughout the duration of the earthworks activity, or until the site is permanently stabilised against erosion.
23. All earthworks shall be managed to ensure that no debris, soil, silt, sediment or sediment-laden water is discharged from the subject site either to land, stormwater drainage systems, watercourses or receiving waters. In the event that a discharge occurs, works shall cease immediately and the discharge shall be mitigated and/or rectified to the satisfaction of the Council.
24. The operational effectiveness and efficiency of all erosion and sediment control measures shall be maintained throughout the duration of earthworks activity, or until the site is permanently stabilised against erosion.
25. The use of noise generating motorised equipment and vehicle movements to and from the site associated with earthworks activity on the subject site shall be restricted to between the following hours:
 - Monday to Friday: 7:30 am to 7:00pm
 - Saturday: 8:00am to 5:30pm

There is to be no operation of noise-generating, motorised equipment and vehicles associated with earthworks activity on the subject site on Sundays or public holidays.

26. Immediately upon completion or abandonment of earthworks on the subject site all areas of bare earth shall be permanently stabilised against erosion to the satisfaction of the Council.

Soil Contamination Works

27. Soil disturbance works shall be undertaken in accordance with the SMP required to be provided by Condition 12 above. Any variations to the SMP shall be submitted to the Council for certification to ensure that it appropriately manages actual and potential soil contamination effects and is within the scope of this consent.
28. During soil disturbance works all necessary action shall be taken to prevent dust generation and sufficient water shall be available to dampen exposed soil, and/or other dust suppressing measures shall be available to minimise dust discharges as far as practicable. The consent holder shall ensure that dust management during the excavation works comply with the *Good Practice Guide for Assessing and Managing Dust* (Ministry for the Environment, 2016).
29. Excess soil or waste materials removed from the subject site shall be deposited at a disposal site that holds a consent to accept the relevant level of contamination. Copies of the disposal dockets for the material removed from the site shall be retained and provided to the Council upon request.
30. If required, stockpiles shall be placed within the excavation footprint and fully covered with polythene or equivalent impermeable material and anchored at the edges. Stockpiles shall be placed on impermeable surfaces and retained within the area of sediment controls. Stockpiles shall be completely covered with polythene or equivalent impermeable material.
31. The consent holder shall ensure that the contamination level of any imported soil complies with cleanfill criteria as outlined in the AUP(OP) and evidence and receipts for the soil used shall be retained and provided to the Council upon request.
32. If evidence of unexpected contamination (e.g. refuse/asbestos, discoloured, stained or odorous soil or groundwater) that has not been previously identified, is discovered during any earthworks, the consent holder shall immediately cease the works in this vicinity, notify the Council, and engage a SQEP to assess the situation (including possible sampling and testing) and decide on the best option for managing the material.
33. All sampling and testing of contamination on the site shall be overseen by a SQEP. All sampling shall be undertaken in accordance with the document '*Contaminated Land Management Guidelines No.5: Site Investigation and Analysis of Soils*' (Ministry for the Environment, revised 2011).
34. Within three months of the completion of soil disturbance works on the site, a Works Completion Report ("WCR") shall be submitted to the Council for certification. The WCR shall be prepared by a Suitably Qualified and Experienced Contaminated Land Practitioner in accordance with the Contaminated Land Management Guidelines '*No. 1:*

Reporting on Contaminated Sites in New Zealand (Ministry for the Environment, revised 2011) and contain sufficient detail to address the following matters:

- (a) A summary of the works undertaken, including the location and dimensions of the excavations carried out and the volume of soil excavated;
- (b) Details and results of any testing, including validation testing undertaken on materials imported to site, and interpretation of the results in the context of the NES:CS and the AUP(OP);
- (c) Records/evidence of the appropriate disposal for any material removed from the site and dockets of material imported to site;
- (d) Records of any unexpected contamination encountered during the works and response actions, if applicable;
- (e) Conditions of the final site ground surface and details of any validation sampling undertaken on materials re-used on site or imported to site;
- (f) Reports of any complaints, health and safety incidents related to contamination, and/or contingency events during the soil disturbance works; and
- (g) A statement certifying that all works have been carried out in accordance with the requirements of the consent, otherwise providing details of relevant breaches, if applicable.

Advice Note:

The WCR shall enable the Council to update the property file information relating to soil contamination. Until a Site Validation Report is submitted and certified by the Council, the Land Information Memorandum for the property shall not be updated to reflect any soil contamination remediation work undertaken.

Underwater Construction Noise

35. The consent holder shall implement the following measures to minimise the underwater noise during piling:
- (a) The contractor shall visually observe the area of the harbour readily visible from the piling location for the presence of marine mammal(s) no less than 30 minutes prior to the commencement of any piling activity. If any marine mammals are sighted, piling shall not commence until they have left the area.
 - (b) During all piling work, the area of the harbour enclosed by a radius of 80m from the pile being driven (the exclusion zone) shall be observed for the presence of any marine mammals. If any marine mammals approach or enter the exclusion zone, all piling work shall cease until the mammal(s) have left the area.
 - (c) Use piling methods that minimise underwater noise eg: 'soft starts' (gradually increasing the intensity of impact piling).
 - (d) Use a non-metallic 'dolly' or 'cushion cap' between the impact piling hammer and the driving helmet for steel piles (e.g. plastic or plywood).

Tree Removal

36. The tree removal work is to be limited to the removal of the vegetation as identified within the Arboricultural Assessment prepared by Andrew Barrell (Tree 3 Limited), dated 16 April 2020, and all tree works shall be undertaken in accordance with this assessment. A copy of this report shall be kept on the site at all times.
37. No work shall be carried out behind the protective fencing and no construction-related materials and machinery must be stored or placed within the protected area.
38. Any machinery movements in the vicinity of retained vegetation may require deployment of a spotter to ensure no impact damage occurs to branches or stems of protected trees.

Advice Note:

Tree removal requires Tree Asset Owner Approval. This must be obtained prior to works commencing. The application form and information to be provided is available on the Auckland Council website: <https://www.aucklandcouncil.govt.nz/building-and-consents/working-on-around-trees/Pages/check-you-can-chop-prune-trim-tree-council-property.aspx>

Replanting

39. Replacement planting shall be undertaken within the planting season of the trees being removed, being 1 May to 31 August of any year.
40. The replanting that must be undertaken shall be comprised of a minimum of 20 trees, each with a minimum rootball size of Pb95/45 litres and height of at least 1.5m, and contain a mix of species as recommended within the Arboricultural Addendum, prepared by Andrew Barrell (Tree 3 Limited), dated 24 June 2020, and in accordance with the following:
 - (a) The replacement trees shall be located in a position that takes into consideration their long-term growth and development and shall be in the proximate locations indicated within the Arboricultural Addendum. The replacement trees shall be maintained in accordance with best arboricultural practice including with respect to irrigation, mulching, and formative pruning as necessary, for the duration of the consented activity.
 - (b) The replacement tree's growth and development shall be monitored for two years following planting. If any tree dies or declines beyond recovery during this period, it shall be replaced by the consent holder with a new specimen of a similar size and species to that which was originally planted.
 - (c) Any replacement trees that fail to establish, or that decline or die at any time, shall be replaced to the satisfaction of the Council. The replacement trees shall be of similar grade and size to that originally planted and must be maintained in accordance with the above requirements.
 - (d) Throughout the 2-year establishment period the consent holder shall ensure that:
 - a weed-free environment is maintained directly over the root ball of the replacement trees;
 - any stakes and ties are secure and in place; and

- the rootball is covered with a composted mulch to a depth of 80mm.

Advice Note:

Land Owner Approval will be required for any planting within the esplanade reserve or on Council land.

41. Confirmation of compliance with the above tree removal and replanting conditions shall be supplied to the Council within one month of completion of the work. Written confirmation shall take the form of a report by the contractor who undertook the work and shall include a sketch plan of the replacement trees location, indicating both size and species.

Landscaping

42. All landscape works (including decking/boardwalk and planter boxes within the reserve shall be implemented in accordance with the approved plans to the satisfaction of the Council. All planting within the planter boxes along the edge of Boundary Road shall be maintained by the consent holder in perpetuity.

POST CONSTRUCTION

Completion of works

43. The consent holder shall, within one week following the completion of the works remove all construction materials from the CMA, to the satisfaction of the Council.

Staging of works

44. Should there be a delay between the completion of the water access structures, preparation deck and building platform, and the construction of the MRC building, the consent holder shall ensure that all construction materials are removed from the site and any parts of the building platform that are not being exclusively used by the MRC are made available for public access.
45. Design details of the building platform surface and edge treatment shall be provided to the Council to confirm that it is safe for the public to access and enjoy these areas. This shall include, but not be limited to, a fit-for-purpose decking surface and handrails.
46. The consent holder shall provide confirmation to the Council from a suitably qualified person that the site and structures have been left in a condition that will ensure public access along the coastal walkway and onto the available areas of the building platform is safe.

OCCUPATION and OPERATION

Short-term Parking Spaces

47. Prior to the occupation of the MRC building, the consent holder shall provide evidence to the Council that a short-term parking restriction has been applied to the three car park spaces at the eastern end of Launch Road.

Advice note:

Short term parking restriction means parking restrictions up to 5 minutes to enable for pick up, loading and drop off use. The actual date of installing the parking restriction is not relevant as this is completed by a third party. The applicant can provide evidence in the form of correspondence from Auckland Transport (if the road is public) or the private owner that the restriction will be placed on the subject parking spaces.

Operations Management Plan

48. Prior to the occupation of the MRC, the consent holder shall provide an Operations Management Plan (“OMP”) to the Council for certification. The purpose / objectives of the OMP shall be to:

- (a) Ensure safe public movement and access (including pedestrians and cyclists) along Boundary Road / coastal walkway is maintained at all times;
- (b) Avoid effects on the operation of Launch Road caused by the activity of loading rowing boats; and
- (c) Provide details on the general loading, transportation of row boats and transportation of sail boats and the associated measures to manage and mitigate adverse effects on the traveling public.

The framework for the OMP shall be as per the Loading and Servicing Management Framework technical note prepared by Flow Transportation Specialists dated 25 September 2019, and the Transport Assessment report prepared by Flow Transportation Specialists dated 3 October 2019, and shall include the following key measures:

(i) General Loading and servicing

All general loading and servicing should generally occur via the short-term spaces on Launch Road (to be formed by Condition 47 above). This applies to dropping off and picking up people, waste collection, and delivery or collection of general provision for the MRC (i.e. food and beverages). There shall be no access off Launch Road for general pick up or drop off activities.

(ii) Transportation of row boats

The loading and unloading of row boats onto the trailer should generally occur as follows:

- The vehicle and trailer must be parked to ensure that a minimum width of 2m is provided around the trailer for pedestrians and cyclists to pass;
- Some form of delineation (such as cones with bars between) shall be provided so that approaching pedestrians and cyclists have sufficient visibility of the transportation of row boats and are separated from the loading activities;
- That during the vehicle loading manoeuvre, at least one person who is not the driver shall act as a spotter to ensure the activity is controlled and occurs in a safe way; and
- Temporary advance warning signage shall be put in place to alert the public to the approaching activity.

(iii) Transportation of sail boats

The movement of yachts from the south-western storage area of the building to the preparation deck shall generally occur as follows:

- Boats must be transported in a single file along the edge of the building, maintaining at least 2m clearance along Boundary Road / coastal walkway;
- Temporary advance warning signage should be put in place to alert the public to the approaching activity;
- Users of the MRC should give way to the general public at all times where possible; and
- Once yachts are launched, the empty trailers should be returned to the boat preparation and not left on Boundary Road, the jetty, or pontoon.

In addition to the above, the OMP shall include the following details:

- Procedures for recording any incidents associated with the loading and transfer of boats and people, and reconsidering the activity to avoid the incident from occurring again;
- Ensuring that boats are prepared for usage only within the boat preparation area, and not the decked walkway / jetty approach area, concrete walkway or coastal walkway;
- Ensuring that access down Boundary Road for service vehicles not related to activities conducted at the MRC is maintained at all times; and
- Contact details of the person(s) responsible for the OMP.

The OMP shall be available on site at all times and all club members must be aware of its requirements. One or more person(s) from the MRC must be nominated as being responsible for ensuring that the OMP is given effect to and the contact details of these persons should be provided to the Council.

49. The consent holder shall ensure that the MRC operates in accordance with the procedures outlined in the OMP, and any revisions to this plan approved by the Council.

Travel Management Plan

50. Prior to the operation of the MRC the consent holder shall provide a Travel Management Plan ("TMP") to the Council. The TMP shall have the following objectives:
- (a) To reduce reliance on private vehicle traffic by patrons of the MRC;
 - (b) To manage private vehicle traffic for the MRC so that it does not conflict with the safe operation of the Launch Road round-about and provision of public transport services; and
 - (c) To manage private vehicle traffic for the MRC so it allows for the public parking to be used efficiently.

The TMP shall include at a minimum:

- (i) Measures consistent with Auckland Transport's Travel Wise Programme, or any equivalent programme adopted. Consultation with Auckland Transport should occur as part of the development of the TMP;
- (ii) A monitoring programme, with the plan reviewed on a yearly basis;
- (iii) Monitoring of bicycle parking and where demand for parking exceeds supply this shall be identified and planned to be provided for;
- (iv) Measures to encourage members to use public transport and active modes as an alternative to private vehicles (note, this includes ensuring that up to date bus and ferry services timetables are readily available within the clubrooms);
- (v) Measures to ensure all members are aware that there are no public on street parking spaces available for their exclusive use; and
- (vi) A programme to encourage carpooling.

Advice Notes:

- *All users of the MRC shall be made aware of the TMP and a copy shall be held on-site at all times. Its ongoing use and review shall be an agenda item on any regular meetings.*
- *One person shall be responsible for ensuring that the TMP is given effect to; and the contact details of the person responsible to give effect to the TMP shall be made available to the Council for monitoring purposes.*

Event-Specific Travel Management Plan

51. Prior to the MRC building being available to be hired out for functions/events, the consent holder shall prepare an Event-Specific Travel Management Plan ("ESTMP"). The objective of the ESTMP is to provide measures to enable attendees to use transport modes which do not involve the use of a private motor vehicle and shall detail the methods to be deployed to manage traffic movements and parking demands during events/activities which attract more than 150 people. This ESTMP shall include, but not be limited to, the following measures to reduce private vehicle use:

- (a) A programme to encourage car pooling;
- (b) Measures to encourage attendees to use public transport and active modes as an alternative to private vehicles (note, this includes providing a reference to bus and ferry services timetables in any invites);
- (c) Clear communication to all attendees that there are no parking spaces available for exclusive use; and
- (d) Considering the use of providing a shuttle service to transport attendees to the site.

The ESTMP shall also include the following details:

- (i) Provision for monitoring the effectiveness of the ESTMP;
- (ii) The requirement for the ESTMP to be reviewed on an annual basis; and
- (iii) The contact details of the person responsible for overseeing the ESTMP.

A copy of the ESTMP shall be provided to the Council and a copy shall be held on site at all times.

Maximum Occupancy

52. The maximum number of people that may attend an event or function held within the MRC building shall not exceed 300 persons.

Operational Noise

53. At least three months prior to the operation of the centre, the consent holder shall prepare a Noise Management Plan ("NMP") for submission to the Council. The objective of the NMP is to set out the methods and measures required to minimise noise emissions from the use of the MRC as far as practicable and to ensure compliance with the consented noise limits. The NMP shall include the following provisions:
- (a) Operating hours and associated occupancy levels for events / functions are to be limited as follows:
 - (i) After 10pm on Monday to Saturday, and after 6 pm on Sunday, there shall be no more than 100 people in the MRC building.
 - (ii) The outdoor deck area must be closed and vacated at the following times:
 - After 10:00pm, Monday to Saturday.
 - After 6:00pm, Sunday.
 - (b) All external windows and doors on the northern facade of the upper level of the centre must remain closed at the following times:
 - (i) After 10:00pm, Monday to Saturday.
 - (ii) After 6:00pm, Sunday.
 - (c) Details of all other noise mitigation measures that are required to be adopted including:
 - (i) Amplified sound shall not be played outside at any time. No speakers shall be installed or used outdoors.
 - (ii) Live music or performances including DJs, percussion (drums), amplified instruments, is prohibited at all times.
 - (d) Specifications for the in-house sound system, including loudspeaker locations and design, and the specific measures that will be implemented to ensure that the bass level is managed to avoid the application of an adjustment for Special Audible Character when assessed from the nearest receiver of noise.
 - (e) A procedure for receiving, handling and recording noise complaints.
 - (f) Provision for signage outside the centre reminding users to minimise noise levels when leaving the centre when the night-time noise limits are applicable.

All staff on site shall be made aware of the NMP and the requirement to avoid excessive noise and minimise noise emissions from the site. The NMP shall be kept on site at all times and available for inspection at the reasonable request of Council.

54. The consent holder may revise the NMP, including any changes to the restrictions set out within Condition 53(a)-(f) above, provided that:
- (a) It is supported by an acoustic report prepared by a suitability qualified person. The report must clearly demonstrate, with a high degree of confidence, that any changes to restrictions will still achieve compliance with the relevant noise standards in Chapter E25 of the AUP(OP); and
 - (b) The consent holder provides the revised NMP to the Council for certification.

Advice note

For the avoidance of doubt, a revised NMP is unable to be implemented until certification under Condition 54(b) is received.

Review Condition

55. Under s128 of the RMA the conditions of this consent may be reviewed by the Council at the consent holder's cost on an annual basis in order to deal with any adverse effect on the environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage, in particular:
- (a) The use of the short-term parking spaces as drop-off / pick-up bays and the associated effects on the safety and efficiency of the transport network (refer to Condition 47).
 - (b) The use of the operations management plan associated with the movement of boats from the storage room to the preparation deck and transporting of rowing boats onto trailers and the resulting adverse effects on the public (refer to Condition 48 and 49).
 - (c) The effectiveness of the TMP and ESTMP in managing demand for car parking on Launch Road (refer to Conditions 50 - 52).
 - (d) With respect to conditions relating to occupation and use within the coastal marine area, to be reviewed on a five yearly basis to deal with any adverse effect on the environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage, in particular adverse effects on coastal environment or surrounding structures.

Specific conditions – Coastal consent (CST60349872)

Consent Duration

56. Consent to occupy the CMCA with the MRC building, including boat preparation deck, jetty, gangway and pontoon and use, shall expire 35 years from the date this consent is granted unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the RMA.

57. Consent to construct the structures shall expire 10 years from the date this consent is granted unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the RMA.

Extent of Occupation

58. The right to occupy part of the CMCA shall be limited to the area identified in the documents listed in Condition 1 above.
59. The physical occupation of the CMCA with the boat preparation deck, jetty, gangway and pontoon is not an exclusive right of occupancy. The general public or any persons may not be excluded from the structures or the CMA in the vicinity of the structures, unless necessary for the primary purpose of the consented activities/structures, and then only to the extent necessary to enable the primary purpose of the consented activities/structures.

Exclusive Occupation

60. The right to exclusively occupy the CMCA with the part of the MRC building and use of the CMA shall be limited to the extent necessary to enable the primary function and use of the structure for recreational maritime purposes. Public access shall only be excluded for safety, security, and efficiency of MRC operation.

As-Built Plans

61. Within one month following the completion of the water access structures, deck and building platform, the consent holder shall provide confirmation in writing from a suitably qualified person that the works have been constructed in accordance with the design plans/drawings referenced in Condition 1 (or as otherwise approved by the Council). The written confirmation shall be accompanied by a complete set of as-built plans. The 'as built' plans shall include a location plan, a plan which shows the area of occupation, and the dimensions of structures, and include typical cross-sections.
62. Within one month following the completion of the MRC building and all associated structures, the consent holder shall provide confirmation in writing from a suitably qualified person that the works have been constructed in accordance with the design plans/drawings referenced in Condition 1 (or otherwise approved by Council). The written confirmation shall be accompanied by a complete set of as-built plans. The 'as built' plans shall include a location plan, a plan which shows the area of occupation, and the dimensions of structures, and include typical cross -sections.
63. Within twenty (20) working days of the completion of construction activity, the consent holder shall supply a copy of the 'as built' plans to the New Zealand Hydrographic Authority (Land Information New Zealand, Private Box 5501, Wellington 6011 or customersupport@linz.govt.nz).

Maintenance Requirements

64. The structures authorised by this consent shall be maintained in a structurally sound condition for the duration of the consent.

Advice notes

General

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 the additional charges relating to the processing of the application(s), you have a right of objection pursuant to s357B of the RMA. Any objection must be made in writing to the Council within 15 working days of your receipt of the Council invoice.
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.

Landowner Approvals

6. All works in the Hobsonville Esplanade Reserve shall require Landowner Approval prior to any works being undertaken.
7. All vegetation removal proposed requires Tree Asset Owner Approval from the Community Facilities- Urban Forest Specialist for this area.

Public Infrastructure Works – Engineering Plan Approval

The following is relevant to the Engineering Plan Approval process which will need to be undertaken as part of providing for the proposed public infrastructure works.

8. Prior to construction of any public infrastructure works authorised by this consent, the consent holder will need to submit detailed design drawings (including long sections) and calculations for the proposed extension and alteration to the public stormwater (primary and secondary), wastewater and water supply reticulation to the satisfaction of the Council and the Team Leader, Regulatory Engineering North West.
9. All public infrastructure associated with the works authorised by this consent should be designed and installed in compliance with the Council’s Code of Practice for Land Development and Subdivision.
10. On the completion of the public infrastructure associated with the works authorised by this consent, the consent holder should engage a registered surveyor or chartered professional engineer to prepare as-built plans and the relevant documents in

accordance with the Council's Development Engineering As-built Requirements and carry out CCTV inspection of drains. As-built plans and documents shall be provided to the Council and the Team Leader, Regulatory Engineering North West.

11. *The consent holder should fully inspect the installation of the public infrastructure associated with the works authorised by this consent. This should include overseeing testing of the reticulation systems, viewing the CCTV footage, checking the on-site works against the as-built plans, and ensuring that any remedial works necessary for compliance with the conditions of this consent been completed, all to the satisfaction of the Council and the Team Leader, Regulatory Engineering North West.*

Cable Protection Area

12. *In the event that any cables or pipelines are encountered on or under the foreshore or seabed during construction, the consent holder shall cease works, secure the area, and inform Maritime New Zealand and the owner of the pipe / cable.*

Accidental Discovery Rule

13. *Should the proposed earthworks result in the identification of any previously unknown sensitive materials (i.e. archaeological sites), the requirements of land disturbance - District Accidental Discovery rule [E12.6.1] set out in the AUP(OP) shall be complied with.*
14. *In the event that any unrecorded archaeological sites are exposed as a result of consented work on the site, then these sites shall be recorded by the consent holder for inclusion within the Auckland Council Cultural Heritage Inventory. The consent holder shall prepare documentation suitable for inclusion in the Cultural Heritage Inventory and forward the information to the Council within one month of the completion of work on the site.*

Heritage New Zealand Pouhere Taonga Act 2014

15. *The Heritage New Zealand Pouhere Taonga Act 2014 (hereafter referred to as the Act) provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. All archaeological sites are protected by the provisions of the Act (s42). It is unlawful to modify, damage or destroy an archaeological site without prior authority from Heritage New Zealand Pouhere Taonga. An Authority is required whether or not the land on which an archaeological site may be present is designated, a resource or building consent has been granted, or the activity is permitted under Unitary, District or Regional Plans.*

According to the Act (s6) 'archaeological site' means, subject to s42(3) –

any place in New Zealand, including any building or structure (or part of a building or structure), that –

- i. was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and*
- ii. provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and*

- iii. includes a site for which a declaration is made under s43(1).

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

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

Protected Objects Act 1975

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

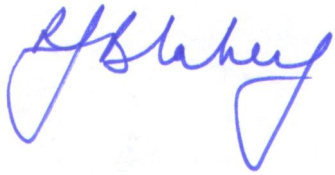
According to the Act (section 2) taonga tūturu means an object that –

- (a) relates to Māori culture, history, or society; and*
- (b) was, or appears to have been –*
 - (i) manufactured or modified in New Zealand by Māori; or*
 - (ii) brought into New Zealand by Māori; or*
 - (iii) used by Māori; and*
- (c) is more than 50 years old.*

The Act is administered by the Ministry of Culture and Heritage. Tāonga may be discovered in isolated contexts, but are generally found within archaeological sites. The provisions of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to the modification of an archaeological site should be considered by the consent holder if tāonga are found within an archaeological site, as defined by the Heritage New Zealand Pouhere Taonga Act 2014.

It is the responsibility of the consent holder to notify either the chief executive of the Ministry of Culture and Heritage or the nearest public museum, which shall notify the chief executive, of the finding of the taonga tūturu, within 28 days of finding the taonga tūturu; alternatively provided that in the case of any taonga tūturu found during the course of any archaeological investigation authorised by Heritage New Zealand Pouhere Taonga under s48 of the Heritage New Zealand Pouhere Taonga Act 2014, the notification shall be made within 28 days of the completion of the field work undertaken in connection with the investigation.

17. *Under s11 of the Act, newly found taonga tūturu are in the first instance Crown-owned until a determination on ownership is made by the Māori Land Court. For information please contact the Ministry of Culture and Heritage ((04 499 4229 / protected-objects@mch.govt.nz).*



Richard Blakely

Duty Commissioner

14 December 2020

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 <input type="checkbox"/>	Auckland Isthmus <input type="checkbox"/>	Hauraki Gulf Islands <input type="checkbox"/>	Waitakere <input type="checkbox"/>
Manukau <input type="checkbox"/>	Rodney <input type="checkbox"/>	North Shore <input type="checkbox"/>	Papakura <input type="checkbox"/>	Franklin <input type="checkbox"/>
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:
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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.