

RESOURCE CONSENTS HEARINGS PANEL

MINUTES: of a meeting of the Resource Consents Hearings Panel which commenced at 1.00 p.m. in the Council Chamber, Centreway Road, Orewa on Monday, 11 February 2008.

PRESENT:

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| Chair | John Childs |
| Crs | Grahame Powell |
| | Wayne Walker |

IN ATTENDANCE:

| | |
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| Principal Planner – Appeals | Fran Mikulicic |
| Reporting Planner | Kate Madsen |
| Landscape Architect | Leo Jew |
| Transport Consultant | David Mitchell |
| Development Engineer | Ross Green |
| Committee Adviser | April Ranby |

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330/02/08 APOLOGIES AND ANNOUNCEMENTS

AGENDA ITEM NO. 1

Apologies:

Mr John Bolam of Kingsway Trust sent his apologies. He said that he would not be attending the meeting but he wished it to be noted that he fully endorsed the planner's recommendation.

Mr David Greig of Transit New Zealand sent his apologies; he would be unavoidably late.

Announcements:

There were no announcements.

331/02/08 REQUESTS FOR CONSIDERATION OF URGENT ITEMS

AGENDA ITEM NO. 2

There were no requests for the consideration of urgent items.

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| 332/02/08 | <p>RESOURCE CONSENT APPLICATION UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991</p> <p>NON COMPLYING LAND USE CONSENT TO UNDERTAKE GENERAL BULK EARTHWORKS TO PREPARE THE SITE(S) AT SILVERDALE NORTH FOR URBAN DEVELOPMENT. A VOLUME OF APPROXIMATELY 668,500M³ OF CUT AND 495,000M³ OF FILL IS PROPOSED, WITH 173,000M³ OF EXCESS CUT BEING MOVED TO METRO PARK EAST FOR FILL PURPOSES. THE MAXIMUM EARTHWORKS PERMITTED IN THE RELEVANT ZONES ARE 200M³</p> <p>Address: Precincts 4, 5 and 6, Silverdale North</p> <p>APPLICANTS: WFH PROPERTIES LTD</p> |
| FILE REF | LAN 53022 |
| WARD | Hibiscus Coast |
| AGENDA ITEM NO. | 3 |

1.00 p m. The applicant seeks non complying land use consent to undertake general bulk earthworks to prepare sites at Silverdale North within precincts 4, 5, and 6 for urban development. It is proposed the resulting fill be moved to Metro Park East for fill purposes there.

The applicant's representatives, Mr Tim James and Mr Richard Percy (Surveyors, Wood and Partners Consultants Ltd); Ms Sue Simons (Counsel, Ellis Gould); and Ms Susan Ira (Environmental Scientist, Koru Environmental Consultants Limited); present.

Mr Vincent Mullins, the Council's Project Manager Strategic Development – Hibiscus Coast, observing.

Ms Sue Simons introduced the applicant's representatives. Ms Simons distributed and read written evidence. The following was noted:

Ms Simons said that there was a prior Resource Consent application from WFH Properties Limited awaiting a written decision from the Council and that a total of 48 consents would be sought by WFH Properties for its development of its land in Silverdale.

Ms Simons referred to a pre-hearing meeting between Transit New Zealand, Rodney District Council and WFH Properties Ltd representatives at which concern over potential for infrastructure damage by vibration from earth moving works had been addressed.

Ms Simons said that the only outstanding issue that related to the staging of the development was subject to an Environment Court appeal but the works required were enabling works that allowed the site to be prepared for potential future development, rather than development itself.

Mr Tim James distributed and read written evidence. The following was noted:

Mr James referred to a Memorandum of Understanding (MOU) that continued to be developed between the Council and WFH Properties Limited in consideration of the scale of the proposed future development of its Silverdale land to ensure that the development met the key objectives in the Council's Proposed District Plan.

9.15 a.m. Mr David Greig, Transit New Zealand, in attendance.

In response to questions from the Commissioners Mr James said that some skinks had been sighted in a vegetated area, but after a six week programme none of the skinks had been captured. Subsequently a skink underpass had been created in the south west area of the development based on a model for the protection of badgers in areas for development in the United Kingdom. The underpass would allow for movement of the skinks between the natural habitat areas of the development.

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9.25 a.m. Carl Jenkins, Team Leader Resource Consents, observing.

Mr James said that to retain and protect natural habitat as part of the works in precincts 4, 5 and 6 a 20 metre esplanade had already been vested, areas of vegetation had been identified and protected, a walkway had been created through the coastal margin and a 10 metre riparian margin created for a Class One stream. Gum trees had also been retained, not because of species but for visual protection.

In response to the Commissioners questions related to the earthwork itself, Mr James said all works were contained within a safety fence and there was a 60 metre setback from the fence in order to minimise any affect from vibration. Small discreet parcels of land area were worked then top soil and grass seed added to mitigate visual effects; this was a condition of existing resource consents. There was a construction season, the current one ends at the end of April making the clarity and timing of consents critical, due to the weather and the need to book the correct equipment well in advance of the works.

Ms Susan Ira distributed and read written evidence.

Ms Ira referred to a shellfish monitoring report done in 2000-2003 by Mr Shane Kelly. She said that flocculation for the control of sediment using Polyaluminium Chloride (PAC) had been well managed and that there were conditions already in place, including the use of PAC that were part of the ARC consents granted. An environmental monitoring and management plan was developed and had been implemented with an environmental management team in place.

Mr James added that some land would be formed for roads, and stormwater and wetlands ponds would be operational. There had been some discolouration of water in the estuary and channel during heavy rain but no adverse effects were found. Dust issues weren't significant as any wind had been of an easterly direction, dispersing dust in the other direction. The timing/staging of the development was estimated to be 10 to 12 years and further land such as Moores Point was to be vested in the Council at the time of subdivision.

Mr Peter Greig representing Transit New Zealand distributed and read written evidence in support of the application. The following was noted:

Mr Greig referred to the pre-hearing meeting between Transit New Zealand, Rodney District Council and WFH Properties Limited representatives at which concern over potential infrastructure damage by vibration from earth moving works had been addressed. He said that it was precinct 7 that had the most potential for issues with vibration. He said he had also thanked the applicant for the Geotech report that had added valuable information to Transit's database.

Mr Greig also noted three conditions in his written evidence that Transit wished to have included in the granting of the resource consent for the earthworks; these included exclusion of blasting, no plant being heavier than 70 tonnes (i.e. bulldozer/scoops), and no plant being heavier than 40 tonnes for non vibratory compactors. Mr Greig requested the inclusion of a 60 metre boundary designation.

In response to questions from the Commissioners Mr Greig reported that Transit New Zealand had a plan that was put in place for vibration mitigation and that there was a New Zealand standard for vibration. There are strict operating times for earthworks equipment and it was a standard consent condition imposed in agreement with the applicant.

Ms Kate Madsen addressed her report. The following was noted:

Ms Madsen said that WFH Properties Limited had addressed ecological and environmental issues at the outset and that she had been impressed by the innovation of the skink underpass and that the applicant had been extremely cooperative and pre emptied any requests for reports having provided them beforehand. Ms Madsen recommended that resource consent be granted.

Ms Simons presented the right of reply. The following was noted:

Ms Simons said that she felt no need to restate any of the evidence as there was nothing that appeared to need further clarification and in her opinion consent should be granted.

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2.30 p.m. The Chairperson adjourned the hearing and the Panel reserved their decision.

3.00 p.m. The Chairperson closed the hearing at the conclusion of deliberations.

The Panel subsequently resolved that:

W Walker/Powell

That pursuant to Section 104, 104B and 104D of the Resource Management Act 1991

- 1. The notified Non Complying Activity land use application by WFH Properties Ltd to undertake bulk earthworks on Precincts 4, 5 and 6 of the Silverdale North development be granted.**

REASONS FOR THE DECISION:

Pursuant to Section 113 of the Resource Management Act 1991, the reasons for this decision are as follows:

- 1. As the proposed earthworks are to 'smooth' the landscape, rather than re-form it, it is not considered that these general earthworks will pre-empt the Council's ability to fully assess the submitted Development Concept Plan(s), nor will they modify the natural landform in a manner that is more than is minor.**
- 2. The proposal is considered to be in accordance with the vision of future development in the Silverdale North area as spelt out in Variation 52.**
- 3. The land to be excavated and filled is in pasture and the works will not impact directly on any vegetation or natural habitats. In addition protected natural waterways will not be subject to earthworks. The potential adverse effects on vegetation and terrestrial habitat have been addressed during previous assessments and the local ecology has been protected or effects avoided, remedied and mitigated accordingly.**
- 4. The works will also be subject to erosion and sediment control measures in accordance with Auckland Regional Council TP90 guidelines and conditions imposed by the Auckland Regional Council who have granted consent previously for all the works.**
- 5. The earthworks proposed are all site specific and the scale and form of the proposed earthworks will not alter the existing landscape to any noticeable degree, nor will the natural landforms be significantly modified by the proposed earthworks.**
- 6. Traffic effects are largely site specific as the fill is to be re-used on site and at the adjoining Metro Park East using purpose-built haul roads.**
- 7. The earthworks are to be completed as soon as possible in an ordered fashion, with each area being stabilised and re-grassed on completion. This assists in reducing the time frame for temporary visual effects.**
- 8. Once the works are complete the new "smoothed" ridges and valleys will not be noticeably different when viewed from a distance. It will only be at close range that the alterations to the landform will be evident therefore the permanent visual effects are considered to be no more than minor.**
- 9. Sufficient geotechnical information has been provided to confirm that the earthworks can be carried out without any adverse effects on the stability of the land within the Precincts on the adjoining land.**

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10. The topography of the land allows the works to be actioned without being particularly noticeable from surrounding vantage points.
11. Due to the isolation of the works within a large landholding and the distance from built up residential areas and subject to conditions it is not anticipated that the adverse effects from dust, machinery noise and hours of operation will be any more than minor.
12. The only neighbours considered to be adversely affected have signed a Neighbours Approval Form. Other parties are not considered to be affected in any way more than minor because;
 - The owners of Metro Park East are in support of the park receiving fill to assist in creating suitable levels for future recreational playing fields to serve the Silverdale North catchment;
 - The proposed earthworks will not undermine or de-stabilise any neighbouring sites;
 - The adverse effects of noise and dust are unlikely to travel beyond the site and properties mentioned to any degree that is more than minor;
 - As much of the proposed earthworks are concealed from the more urbanised Silverdale North areas by the natural landform, the effects of the duration and timing of earthworks will be able to be absorbed into the overall developing landscape of Silverdale North without any major adverse effects;
 - The Auckland Regional Council, the New Zealand Historic Places Trust and the Ngati Manuhiri/MOKO Unit have all been consulted on an ongoing basis and any written approvals in relation to heritage sites or erosion and sediment control etc have been applied for and obtained.
13. Matters of cultural heritage and archaeological importance are considered to have been addressed through consultation with Ngati Manuhiri and consents granted by the New Zealand Historic Places Trust.
14. The proposed works do not fix any final levels, including building and road platform construction, and the applicant is submitting the application and will undertake any approved works on a 'without prejudice' basis in respect of future applications for the land use of the site.
15. The proposal which involves land within the Metropolitan Urban limits and which involves a Structure Plan is consistent with the Regional Policy Statement.
16. The proposal is consistent with Part II of the Act in that it will promote the Sustainable Management of Natural and Physical resources.
17. The proposed works are consistent with the Silverdale North Structure Plan and is not contrary to the Silverdale North Catchment Management Plan.
18. The proposal is in line with Vision Rodney in relation to not letting villages and towns sprawl.

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**THE RELEVANT STATUTORY PROVISIONS THAT WERE CONSIDERED:
(Section 113(1) (AA))****OTHER RELEVANT PROVISIONS THAT WERE CONSIDERED:
(Section 113(1) (ab))**

The provisions of the following documents were considered by the Hearings Panel in reaching this decision.

National Policy Statement Provisions**New Zealand Coastal Policy Statement Provisions**

None applicable

Auckland Regional Policy Statement Provisions**Proposed Regional Policy Statements Provisions**

None applicable

Auckland Regional Plan: Air Land and Water Provisions**Plan Provisions****1993 Transitional District Plan**

None applicable

Plan Change Number 26 Residential Provisions

None applicable

Plan Change Number 62 Financial Contributions**Plan Change Number 55 Rural Provisions**

- General Rural Zone Objectives and Policies
- Special 12 (Future Urban Zone) Zone General Objective and Policies

Proposed Plan Provisions**Proposed District Plan 2000****Chapter 10 Open Space and Recreation / Policies**

Objective 10.3.1
Policies 10.4.1, 10.4.3

Chapter 13 Future Urban Zone

Objectives 13.3.1, 13.3.2, 13.3.3, 13.3.4, 13.3.6, 13.8.1.1
Policy 13.4.2,
13.4.1., 13.8.1.2.1

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Chapter 18 Urban Land Modification and Vegetation Removal

Objective 18.3.1
 Policy 18.4.1, 18.4.2, 18.4.3, 18.4.4

Variation 52

Objectives 12.8.19.4.1, 12.8.19.4.2, 12.8.19.4.3, 12.8.19.4.17, 12.8.19.4.27
 12.8.19.5.1

Other Documents

Vision Rodney
Silverdale North Structure Plan
Silverdale North Catchment Management Plan

PREAMBLE

This application involves significant earthworks (238,000m³ of cut and 147,000m³ of fill) as part of the future development proposed in Precincts 4, 5 and 6 in Silverdale North. The application was fully notified attracting 4 submissions

- 1 seeking that the application be declined
- 1 seeking a decline or approval subject to a staging condition
- 2 in support

THE PRINCIPAL ISSUES THAT WERE IN CONTENTION:
(Section 113(1) (ac))

- (1) The amount of earthworks.
- (2) Impacts on the landform.
- (3) Short term effects.
- (4) Impacts on State Highway 1A.
- (5) Impacts on other sites.

SUMMARY OF THE EVIDENCE HEARD:
(Section 113(1) (ad))

EVIDENCE ON BEHALF OF THE APPLICANT WAS GIVEN BY:

Ms S. Simons - Counsel
Ms S. Ira - Environmental Consultants
Mr T. James - Surveyors
Mr R. Percy

Ms Simons

Ms Simons discussed the planning framework in which the sites were located. She advised that Variation 52 divided the land up into Precincts. There are eight such Precincts in all, but one is owned by the applicants. Works concerned involved bulk earthworks and were not site specific.

Overall 1,163,500.00m² of earthworks was involved in the Precinct of which nearly 700,000m² had been dealt with as separate applications. In total 46 consents had been sought and obtained by the applicant from both the Council and the Auckland Regional Council.

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In relation to appeals to Variation 52 most the appeals had been settled with the outstanding issue to be dealt with in a two week hearing scheduled for May 2008. This related to staging of the development.

She then explained that Transit's concerns had been addressed particularly in relation to vibration.

She was satisfied that the evidence would indicate that the effects of the proposal would be minor particularly in relation to impacts on air, land and water and visual impacts. Issues relating to vibration and possible effects on the Transit's roading network have been dealt with.

She then discussed the planning documents and considered that the application should be granted consent.

Miss Susan Ira an Environmental Scientist discussed the Silverdale North CNP Variation 52 and the Auckland Regional Council consents. She indicated that monitoring the effects of sediment phase has been undertaken. The Auckland Regional Council in relation Variation 52 in the absence of further modelling supported a precautionary approach to sediment management. Since the hearing process the Auckland Regional Council has granted a Silverdale North Network Discharge Consent which is largely responsible for the management stormwater discharges in the Silverdale North catchment.

She advised that the Auckland Regional Council consents have been granted for the development and included an adaptive environmental monitoring and management response plan.

It was her opinion the earthworks for this area were proceeding well and the adaptive site management as well as the sediment erosion control measures were working as designed. Heavy rain events indicated no adverse short term or cumulative effects on the seabed habitat or seabed biota as a result of the earthworks.

She was satisfied with the quality of the works, sediment and erosion control measures and environmental monitoring that was occurring. Holistic consents were granted to ensure that each part of the land was worked over only once thereby eliminating effects from secondary earthworks operations.

In conclusion she was satisfied that methods employed to date by the applicant had adequately mitigated the effects of sediment discharges in the Orewa Estuary.

Mr James a Registered and Licensed Surveyor discussed the development and the relationship with Variation 52. The key appeal relating to Variation 52 was not a land use or zoning issue but related to the staging of roading infrastructure before the release of stages of developed land for housing and business. He advised that the works in Precincts 4 and 6 would be completed this construction season, in preference to reopening the sites in the next year which would double the risk of a possible storm event that may have off site effects.

The subject earthworks application would create a general shape for future residential development but did not pre-empt a development concept plan process. The granting of consent for this application would complete the bulk earthworks operation. Future works would then be specific earthworks for walling and road construction. These future works would be limited and discreet and provide a low environmental risk.

In answer to questions from the Panel, Mr James advised that a 20 metre esplanade reserve is proposed around the coastal areas as well as a 10 metre riparian margin in relation to other waterways. The esplanade areas would be protected from development by a safety fence.

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EVIDENCE ON BEHALF OF THE SUBMITTERS WAS GIVEN BY:**Mr David Greig Transit New Zealand**

This included a written submission and oral comments. He discussed Transit's main concerns which related to the effects of vibration resulting from the proposed earthworks and structure integrity of the surrounding road network including State Highway 1A.

He advised that the applicant had provided an assessment of likely vibrations on the State Highway 1A from earthworks in Precinct 6 of the development. This assessment indicated that the earthworks would not cause any damage to the existing motorway. Of these, three conditions were acceptable to the applicant which would deal with its concerns.

At the hearing the Auckland Regional Council consents for the area were tabled.

Before the right reply Ms Madsen the Reporting Planner indicated that she stood by her recommendation that the application be approved.

Ms Simons in her right of reply indicated that the application should be consented to subject to the amended conditions.

**THE MAIN FINDINGS OF FACT:
(Section 113(1) (ae))**

The main findings of fact determined by the Hearings Panel that have led to the above decision and the reasons for that decision are as follows. They have been reached after considering the application, visiting the site, the evidence and submissions heard at the hearing, the report prepared by the reporting planner, all the relevant statutory and planning provisions, as well as the principal issues that were in contention.

This application involves earthworks in Precincts 4, 5 and 6 in Silverdale North. Various consents have already been granted and were outlined by both the applicant and in the Planning Report. The application is a non complying activity.

The land concerned relates to three Precincts and is located at the northern end of Silverdale adjacent to the Orewa Estuary. The land concerned is currently being earthworked in terms of various consents. The land concerned is rural with an undulating topography with limited vegetation. There is some exotic and native vegetation along the Orewa River.

In terms of the Planning Documents the Proposed Plan is considered to be the most relevant document.

VISUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT**CHARACTER AND VISUAL LANDSCAPE VALUES**

The proposal will bring with it visual changes to the land which are a result of the zoning of the land mainly for future urban development. Variation 52 sets out the pattern for the future development of the Silverdale North area including roads, areas for development and a network of open green spaces.

The works involve significant changes to the visual appearance and character of the area. As seen in the site inspection and from the visual material supplied the land concerned is currently vacant and has largely been exposed to vegetation removal, stormwater retention works and geotechnical remedial works.

The works will involve the transition towards an urban form but the rural character in the interim will be retained and no development is proposed at this stage. The works involve "*smoothing*" a landscape rather than major changes. As a result the works will have only a minor effect on the character of the

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area. The Panel are satisfied that the depth of the cut and fill will have only minor effect on the character of the sites.

The Panel also notes that the works do not involve vegetation removal or works within the rivers, the latter are already protected as discussed above by esplanade reserves and in riparian margins.

VISUAL LANDSCAPE

These are looked at in terms of temporary and permanent effects.

There will be temporary effects on the land to be worked with the removal of grass and vegetation however this matter can be dealt with by way of conditions including regrassing. The earthworks can be seen as part of the development process with the land being ultimately developed in terms of the provisions of Variation 52. As a consequence there will be some short term effects.

The proposal will permanently alter the existing landscape however the Panel accept the advice of the Reporting Planner and the applicant that the works are necessary to prepare the site for urban development within the constraints of the existing landform. They will not significantly change the contours. The effects will be not noticeably different when viewed from a distance.

An independent visual assessment by Mr Leo Jew a well known Auckland landscape architect confirmed the view that impacts of the earthworks and the visual landscape in the long term will be no more than minor. These effects can be mitigated by way of consent conditions.

ECOLOGICAL AND ENVIRONMENTAL VALUES

The Panel notes that the land is not overlaid with a significant natural area status. It is largely bare pasture and lacks vegetation. No vegetation removal is proposed as part of this proposal.

Conditions are recommended to deal with the fencing of remaining trees.

BIRD AND WILDLIFE

A bird surveyor survey has been prepared over Precinct 6 and part of Precinct 5. The report indicates that the natural ecosystems of any wildlife or bird habitats will not be affected by the proposed works in any more than a minor degree.

OREWA ESTUARY AND PERENNIAL STREAMS

The esplanade reserves and riparian margins will deal with most of the impacts on these areas. There are three streams on the subject site. The works in relation to these streams have already been dealt with by way of a previous consent from Auckland Regional Council. A coastal consent has also obtained by the applicant.

SITE SUITABILITY

Geotechnical reports have been prepared and assessed by Council's Development Engineer and subject to these recommendations of the geotechnical report and certification at the completion; any adverse effects will be minor.

VIBRATION

This was of considerable concern to Transit in relation to the potential effects by vibration on State Highway 1A. As advised at the hearing by Mr Greig, subject to conditions which are acceptable to the applicant these matters can be satisfactorily dealt with. The Panel appreciates that this matter has been resolved by way of consent.

SERVICES

No issues arise at this stage because no installation of services is proposed.

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AMENITY VALUES

It is clear that the proposal will change the amenity values of the area as the area will alter over time from one of rural activity and a rural landscape to one of an urban / residential development. It noted that the Orewa Creek and Estuary will be protected by an esplanade reserve and appropriate trees on the site will be protected.

OPERATION EFFECTS

This includes noise, dust and hours of operation. These matters can be dealt with by way of conditions of consent similar to those previously imposed by the Council.

TRAFFIC AND ROADING

The Traffic Impact Assessment indicates that the effects will be minor on any public road because the proposed works will be contained on site by the use of haul roads. A traffic management plan is however required and this has been submitted. This is a condition of consent.

CULTURAL AND HERITAGE ITEMS

These are satisfied in that:

1. The historic Stoney Homestead will be fenced off and protected.
2. Appropriate consents have been obtained from the Historic Places Trust in relation to archaeological sites.

It is noted that the local Iwi have been consulted in relation to the proposal.

DISTRICT PLAN ISSUES

As already indicated the relevant documents are Plan Change 55 and to a greater extent the Proposed Plan and Variation 52.

In terms of the Operative Plan the development can be seen as reasonably consistent with the General Rules, Objectives and Policies. This is because

1. The area does not have a distinctive and special character.
2. Heritage items have been recognised and protected or dealt with by previous consents conditions.
3. The works will avoid the risk of erosion.

In relation to the Future Urban Zone this proposal is consistent with the General Objective which indicates that such land may be developed in the future for urban purposes of one form or another.

In relation to the Proposed Plan, the Future Urban Zone anticipates that such land is available for future urban growth. Earthworks are clearly a precursor to making such land available for development.

Other Objectives are concerned with protecting key natural features and the distinctive character of the area, avoiding adverse effects on the estuary and the river catchments, and to avoid, remedy or mitigate the adverse effects of residential development on the natural environment. This application is considered consistent with these provisions in that the development is generally in accordance with the Outline Plan for Silverdale North in the District Plan and adverse effects can be mitigated.

Variation 52 anticipates the work as a precursor to urban development.

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ASSESSMENT CRITERIA

The Panel was satisfied that they are complied with.

THE REGIONAL POLICY STATEMENT

The proposal is consistent with the Policy Statement as the land is located within the Metropolitan Limits in an area which has been designed for intensification. The proposal will also respect the Region's Coastline by the Esplanade Reserve and riparian margins.

OTHER DOCUMENTS

The proposal can be seen as consistent with the Silverdale North Structure Plan and the Silverdale North Catchment Management Plan. In terms of Vision Rodney the proposal is consistent with this document particularly in relation to bullet point two

- *"we will not let our towns and villages sprawl"*
- *"We will maintain our lifestyle and look after the environment".*

PART II MATTERS

This application can be seen as sustainable management in that the works are a precursor to the land being developed for urban purposes as anticipated by the various changes to the District Plan. No matters of national importance arise. The coastal marine area is already protected by way of previous conditions.

SECTION 104D

As a non complying activity one of two tests must be met. In this case the Panel are satisfied that subject to conditions the adverse effects of the activity on the environment will be minor. In relation to the District Plan, the planning situation is somewhat complicated with three Planning Documents. The proposal is generally consistent with the Objectives and Policies of the relevant Planning Documents and in particular the proposal prepares land ultimately for development anticipated particularly by Variation 52.

CONCLUSION

Consent is therefore **granted** subject to conditions these include additional conditions as required by Transit New Zealand.

LAPSING OF CONSENT

Pursuant to Section 125 of the Resource Management Act 1991, this resource consent will expire 5 years after the date of commencement of consent unless, before the consent lapses;

- (a) the consent is given effect to; or
- (b) an application is made to the Council to extend the period of consent, and the Council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Resource Management

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CONDITIONS OF CONSENT:

Pursuant to Section 108 of the Resource Management Act 1991, this consent is subject to the following conditions:

1. (**general**) Except as amended by conditions below, the development shall proceed in general accordance with the application submitted, and the plans drawn by Wood & Partners Ltd, dated 06/09/07, numbered 100 – 102, 103/46, 103/47, P6/ARC/111 and signed by Processing Planner Kate Madsen, dated 26th October 2007.
2. (**resource consent and monitoring charges**) The resource consent holder shall pay to the Council within one month of the issue of this consent or prior to the activity commencing (whichever is earlier) the cost, including specialist services, staff time and administration for the processing of this application together with initial charges for the following inspections:

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| Engineering | 1 | x site visit; |
| Environmental Protection | 2 | x site visit. |
| Ecology Advisor | 1 | x site visit |

Monitoring deposits will be invoiced by the Council together with the consent processing charges.

Should further monitoring be required to ensure compliance, the Council will recover the actual and reasonable costs that are incurred for this monitoring as set out in the Council's Schedule of Fees and Charges.

3. (**notification of commencement**) At least 7 days prior to the work commencing the resource consent holder shall notify the Council's RMA Compliance Administrator by telephone (0800 426 5169) the expected date of work commencing.
4. (**earthworks design/supervision**) All earthworks shall be specifically designed and programmed to the "Standards for Engineering Design and Construction" and NZS 4431 by a Chartered Professional Engineer experienced in soil mechanics, who shall be retained to supervise the execution of the works. The work shall be designed and executed in compliance with the recommendations contained in the geotechnical reports, prepared by Tonkin & Taylor, reference 21854.004, dated May 2007 and Tonkin & Taylor, reference 21854.002 dated September 2006.
5. (**Traffic Management Plan**). A detailed Traffic Management Plan in accordance with the Code of Practice for Temporary Traffic Management specifically addressing control of construction access to the site and traffic control adjacent to the site, and the protection of the public, shall be submitted to the Consents Engineer. Verification that it meets the Council's requirements shall have been received in writing, prior to the commencement of any works on the site (refer s.109.2 of the "Standards for Engineering Design and Construction".) A copy of the Traffic Management Plan, together with the verification letter shall be kept on the site at all times. All measures for the protection of the public and other personnel set out in the verified Plan shall be maintained and complied with at all times until such time as the works are completed.
6. (**protection of roads**) All necessary measures shall be taken to prevent the deposition of slurry, clay or other materials on the roads by vehicles leaving the site. Should material be deposited on the road it shall be removed immediately, and the site shall be closed until it can operate without material being carried onto any road, to the satisfaction of the Consents Engineer.

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7. (**developer's representative**) Prior to the commencement of engineering works, the Consent Holder shall nominate, in writing, its Developer's Representative in terms of Council's "Standards for Engineering Design and Construction" to be the first point of contact for all engineering matters. Any subsequent change to the nominated Developer's Representative shall be immediately notified in writing to the Consents Engineer.
 8. (**engineering works**) The engineering works required by this consent shall comply with the Council's "Standards for Engineering Design and Construction" as may be amended from time to time.
 9. (**pre-construction meeting**) The Developer's Representative shall give the Consents Field Supervisor at least 5 working days notice of the on-site pre-construction site meeting (refer section 103.15 of the "Standards for Engineering Design and Construction"). Construction work shall not commence on the site until such meeting has been held and all necessary documentation presented.

Note: Attention is drawn to the requirements of section 103.15.3 "Standards for Engineering Design and Construction" for the following documentation to be presented at the preconstruction meeting:

- Health and Safety Plan;
 - Traffic Management Plan;
 - The relevant Resource or Subdivision Consent (and all conditions attached thereto);
 - Copies of any Auckland Regional Council Consents necessary for the works.
10. (**silt retention**) Before the commencement of any work on site, adequate silt retention structures as detailed in the Auckland Regional Council Technical Publication No. 90 "Erosion and sediment Control Guidelines for Land Disturbing Activities in the Auckland Region" shall be installed. These structures shall be maintained and cleaned out as necessary until such time as complete grass cover, or other non-erodible surfacing, has been established or re-established over the site.
 11. (**dust control**) All necessary actions shall be taken to prevent a dust nuisance to neighbouring properties and public roads; including, but not limited to:
 - The staging of areas of the works;
 - The retention of any existing shelter belts and vegetation;
 - The installation and maintenance of wind fences and vegetated strips;
 - Watering of all haul roads and manoeuvring areas during dry periods;
 - Spraying of load dumping operations;
 - Suspension of all operations if necessitated by the prevailing conditions.
 12. (**completion of earthworks**) On completion of the bulk earthworks covered by this consent, an Earthworks Completion Report signed by the Chartered Professional Engineer who designed and supervised the works, shall be provided to the Consents Engineer.
 13. (**grass cover**) All areas affected by the works shall be re-grassed and protected from wind and water erosion within two months of the completion of the works. Areas to remain un-worked for more than two months shall be re-grassed, or otherwise sealed against wind and water erosion, even if further works are intended at a later date. This condition may be waived if subsequent consents override it.
 14. (**exposure of archaeological**) If any artefact, including human remains is exposed during any site works the following procedures shall apply:
 - (a) Immediately when an artefact has been exposed, all site works shall cease; and
 - (b) The site supervisor shall immediately secure the area in a way that ensures that any artefacts or remains are untouched; and

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- (c) The site supervisor shall notify tangata whenua, the New Zealand Historic Places Trust, the Department of Conservation and the Council's RMA Compliance Administration Officer (telephone 0800 426 5169) and in the case of human remains the Police, that an archaeological site has been exposed, so that appropriate action can be taken. This includes such people being given a reasonable time as determined by the Council to record and recover the archaeological features discovered before work may recommence on the site.
15. **(archaeology notification)** Ngati Manuhiri and the NZ Historic Place Trust must be informed 10 days prior to any earthworks commencing on the site to allow Ngati Manuhiri to monitor the earthworks and establish whether any sub surface archaeological features might be present.
16. **(construction noise)** Noise from construction activities shall not exceed the limits recommended in, and shall be measured and assessed in accordance with, New Zealand Standard NZS 6803:1999 "Acoustics – Construction Noise"
17. **(hours of operation)** The activity shall be restricted to operating between the hours of:
- Monday to Friday 8.00 a.m. to 5.30 p.m.
 - Saturday 8.30 a.m. – 1.00 p.m.
 - No work authorised with this consent shall take place on Sundays or Public Holidays or outside the hours specified above.
18. **(protection of trees)** The dripline area of the trees and vegetated areas to be retained shall be protected by a suitable buffer zone. The buffer zone shall be provided by cordoning off the trees and vegetated areas to be retained from the remainder of the property by a suitable fence/barrier. The precise location and design of the fence/barrier shall be agreed with Council's Ecological Advisor and shall be erected prior to the commencement of any work on site. The fence/barrier shall be strong and appropriate to both the degree of the construction works taking place and the vegetation or tree that requires protection as determined by Council's Ecological Advisor. This fence/barrier shall remain until all the work on the site has been completed. The fence/barrier shall be constructed to a standard that will prevent:
- Construction personnel from entering the protected area
 - vehicular traffic over the root zone;
 - the area being used for the temporary storage of building materials;
 - the modification of the area's existing contour;
 - excavations within the area such as trenching or alteration of the soil grade
 - the lighting of fires within the area.
 - cement/concrete washing and leaching of chemicals
- Accordingly none of the above listed works shall occur within those areas demarcated by the fence/barrier.
19. **(effects on highway)** To avoid any adverse effects on the State Highway to the west of the area of the earthworks, the following requirements shall be complied with:
- Similar construction plant and methodologies as used in previous investigations will be used for both excavation and placing of fill during the earthworks (e.g. no blasting will be used);
 - The closest distance between the limit of the earthworks and the Highway (designation boundary) shall be 60 metres;

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- **No plant heavier than 70 tonnes for bulldozer/scoops and 40 tonnes for non-vibratory compactors shall be used unless a monitoring trial is carried out to confirm that the plant will not cause vibrations that will have an adverse effect on the Highway. The results of such a trial shall be submitted to the Councils Development Control Engineer for approval prior to the heavier plant being used.**

Carried

The meeting closed at 3.00 p.m.

CONFIRMED AS A TRUE AND CORRECT RECORD THIS 24TH DAY OF APRIL 2008MAYOR

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