RESOURCE MANAGEMENT ACT 1991

RECOMMENDATIONS ON:
NOTICES OF REQUIREMENT BY AUCKLAND TRANSPORT AND THE MINISTER OF EDUCATION PURSUANT TO SECTION 168, 171 AND 181 OF THE ACT

AND DECISIONS ON:
APPLICATIONS FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY AUCKLAND TRANSPORT AND THE MINISTER OF EDUCATION TO CONSTRUCT A NEW ROAD AT GLENVAR RIDGE ROAD AND NEW SPORTS FIELD AT LONG BAY PRIMARY SCHOOL

HEARING HELD ON 18 AND 19 MARCH 2015 AT TAKAPUNA SERVICE CENTRE, 1 THE STRAND, TAKAPUNA COMMENCING AT 9.30AM

<table>
<thead>
<tr>
<th>Hearing Panel:</th>
<th>The Notices of Requirement and applications were heard by the following Hearings Commissioners:</th>
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<tbody>
<tr>
<td>Ms Jenny Hudson</td>
<td>(Chairperson)</td>
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<tr>
<td>Mr Michael Parsonson</td>
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<td>Ms Rebecca Skidmore</td>
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<td>Mr Mark Farnsworth</td>
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<th>Council Staff:</th>
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<tr>
<td>Mr Peter Vari</td>
<td>Team Leader Planning - North/West</td>
</tr>
<tr>
<td>Mr Andrew Gysberts</td>
<td>Team Manager – Major Infrastructure Projects</td>
</tr>
<tr>
<td>Mr Nathan Te Pairi</td>
<td>Reporting Officer</td>
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<tr>
<td>Mr Tim Hegarty</td>
<td>Reporting Officer</td>
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<tr>
<td>Mr Gerald Collett</td>
<td>Arborist</td>
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<tr>
<td>Mr David Mitchell</td>
<td>Traffic Engineer</td>
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<tr>
<td>Mr Peter Anderson</td>
<td>Ecologist</td>
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<tr>
<td>Mr Ken Schmidt</td>
<td>Geotechnical Engineer</td>
</tr>
<tr>
<td>Mr John Cawley</td>
<td>Noise/Vibration Consultant</td>
</tr>
<tr>
<td>Name</td>
<td>Position</td>
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<tr>
<td>Ms Arsini Hanna</td>
<td>Stormwater Engineer</td>
</tr>
<tr>
<td>Mr Leo Jew</td>
<td>Landscape Architect</td>
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<tr>
<td>Ms Mica Plowman</td>
<td>Heritage Expert</td>
</tr>
<tr>
<td>Mr Colin Craig</td>
<td>Noise Expert</td>
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<tr>
<td>Ms Marguerite Nakielski</td>
<td>Contamination Expert</td>
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<tr>
<td>Mr Rob Burden</td>
<td>Contamination Expert</td>
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<tr>
<td>Ms Bridget Wild</td>
<td>Streamworks/Earthworks</td>
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<tr>
<td>Ms Emma Petrenas</td>
<td>Democracy Advisor - Hearings</td>
</tr>
</tbody>
</table>

For the applicants:  

Auckland Transport and the Ministry of Education (MoE) represented by:

**Gerald Lanning**  
Auckland Transport Legal submission - Simpson Grierson

**Janette Campbell**  
MoE Legal submission - Meredith Connell

**Howard Marshall**  
Auckland Transport Principal Engineer and Project Manager – Auckland Transport

**Mark Williams**  
Auckland Transport and MoE Engineering - Woods

**John Karl**  
Ministry of Education representative - MoE

**David Mead**  
Auckland Transport Planning – planning overview - Hill Young Cooper

**Andrew Benson**  
Arborist - Arborlab Consultancy Services Ltd

**John Jeffcock**  
Auckland Transport and MoE landscape planner - Boffa Miskell

**Dave Slaven**  
Auckland Transport and MoE – terrestrial ecology - Boffa Miskell

**Edward Sides**  
Auckland Transport and MoE – fresh water ecology - Boffa Miskell

**Mairi Joyce**  
Auckland Transport Transport - Flow transportation specialists

**Dr Caroline Phillips**  
Auckland Transport Archaeology -

Glenvar Ridge Road and Long Bay Primary School  
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
Glossary

The following abbreviations are used in this report:

AEE  Assessment of Environmental Effects
ACRP:ALW  Auckland Council Regional Plan: Air, Land and Water
CIA  Cultural Impact Assessment
ECEC  Early Childhood Education Centre
ECP  Environmental Compensation Plan
Flow  Flow Transportation Specialists Limited
LBSP  Long Bay Structure Plan
NZAA  New Zealand Archaeological Association
MoE  Ministry of Education
NES  National Environmental Standard
NoR  Notice of Requirement
NES  National Environmental Standard
OPW  Outline Plan of Works
PAUP  Proposed Auckland Unitary Plan
TTMP  Temporary Traffic Management Plan
1.0 INTRODUCTION

This report contains the recommendations of independent Hearing Commissioners on three inter-related Notices of Requirement ("NoRs") issued by Auckland Transport and the Minister of Education to the Auckland Council in accordance with sections 168, 171 and 181 of the RMA. The Auckland Transport NoR relates to the construction, operation and maintenance of a new road between Glenvar Road and development occurring at Long Bay. The new road is currently referred to as 'Glenvar Ridge Road' although it has not yet been formally named.

The principal NoR issued by the MoE is for a number of alterations to the existing designation for Long Bay Primary School (MoE27) to extend the school site over additional land. This will enable amongst other things, construction of a sports field and the future construction of an early childhood education centre. A further NoR by the MoE applies over part of Ashley Reserve and is intended to remain in effect temporarily, until construction of the sports field has been completed.

The reason for the concurrent lodgement and combined assessment of environmental effects in relation to the NoR's is that much of the surplus soil to be removed as part of the construction of Glenvar Ridge Road, is to be used for construction of the school sports field. Approximately 120,000 m³ of fill will be needed for the sports field.

Four associated applications for resource consent have also been lodged by the applicants, dealing with matters requiring consent pursuant to sections 9, 13, 14 and 15 of the RMA and the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (NES). These include earthworks, stream works, the diversion and discharge of stormwater, and management of contaminated soils, and must be determined overall as a non-complying activity.

The Requiring Authorities have requested that the works involved in constructing the new road and developing the school sports field be exempt from outline plan of works ('OPW') requirements. OPW requirements would however, be applicable if Long Bay Primary School undertakes other types of development not specifically related to the sports field project that is the main focus of the proposed designation.

The Commissioners have been delegated full responsibility to consider submissions and determine the Council's recommendations to the Requiring Authorities pursuant to Section 34 and 34A of the Resource Management Act 1991 (RMA). Accordingly, the recommendations in this report are made directly to Auckland Transport and MoE.

We also been delegated full responsibility under section 34 to make the decisions on the resource consent applications.

A public hearing was held in Auckland on 18 and 19 March 2015. The hearing was formally closed on 26 May 2015 following receipt (as evidence) of:

- a revised set of draft conditions mostly agreed between the applicants and Auckland Council, but identifying areas of differences;
- the applicants' written right of reply statements;
- further comments from the parties received on 22 May 2015 following circulation of the Commissioners' draft conditions.

Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
For convenience, we have referred to the individual parts of the Notices and resource consent applications in terms of 3 main 'sites', these being:

- Glenvar Ridge Road;
- the Long Bay Primary School land; and
- Ashley Reserve.

The individual Notices and resource consents contain a considerable amount of material that is relevant to all of the sites.

To maintain consistency with the approach adopted by the Requiring Authorities in presenting a joint case, and to avoid unnecessary duplication in this decision, we have considered the matters that are common to the combined Notices and projects under generic headings and then referred, as appropriate, to issues that are specific to the individual NORs and consent processes. For efficiency, and to ensure completeness, we have also incorporated into our report some of the descriptive material from the planners' reports prepared under s42A of the RMA.

We are required to consider whether the Requiring Authorities have satisfied the statutory tests under section 171 and 181 of the RMA, which we set out in section 11. Having had regard to these matters, under section 171(2) we may recommend to the Requiring Authorities that they confirm or modify the requirements, impose conditions, or withdraw the requirements.

For the reasons given later in this report, we have recommended that Auckland Transport and MoE confirm the Requirements subject to the recommended conditions for the designations set out at the end of this report. We have granted consent to the resource consent applications, again subject to a comprehensive suite of conditions.

The Requiring Authorities must make a decision within 30 working days of receiving these recommendations as to whether or not they are accepted, including the conditions that are annexed to it. Auckland Transport and MoE may only modify the requirements if the modification has been recommended in this report, or the modification is not inconsistent with the Notices of Requirement as notified. If their decisions on the recommendations are not appealed, the new and altered designations will then be included in the operative Auckland Council District Plan (North Shore Section) (the “District Plan”).

The need for the proposed road and the new sports field are not in dispute. The submissions mostly either support the project or seek that specific matters be resolved, to which we refer below. That said, it is also acknowledged in the environmental impact assessments undertaken by the applicants and reviewed by the Council’s staff and consultants, that some of the environmental impacts will be more than minor, when considered without mitigation. The issues in contention were mostly matters of disagreement between the applicants and the Council's advisors regarding the level of mitigation that should be provided. The issues relate to the conditions affecting:

- Planting to offset ecological effects arising from the proposed Stream 3 culverts;
- Planting to offset the loss of vegetation along the road alignment and, in particular, the ‘Group 1’ trees;
- Stormwater treatment;

Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
• Archaeological and cultural protocols;
• Construction noise.

Provision of appropriate access to one property on Glenvar Road at the intersection of Glenvar Ridge Road was also in contention\(^1\), but by the close of the hearing considerable progress had been made towards resolution of the issue. We discuss this further in our consideration of environmental effects.

Our overall conclusions and reasons for the recommendations being made to Auckland Transport and MoE are provided in Section 13. For a full understanding of the project, the background documents lodged on behalf of the Requiring Authorities and the planning report prepared under section 42A of the Act are relevant. Copies of those documents, as well as all of the evidence presented at the hearing, are held by the Council.

\(^1\) principally provision of access to the property owned by the JJ Crowe and M Butler Family Trust at 289 Glenvar Road

Glenvar Ridge Road and Long Bay Primary School

LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
## 2.0 PROPOSAL

The section 42A report summarises the applications as set out in the following table.

### TABLE 1: SUMMARY OF DESIGNATIONS AND CONSENTS SOUGHT

<table>
<thead>
<tr>
<th>Notices of Requirement</th>
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<tbody>
<tr>
<td><strong>Auckland Transport (ref: PA213)</strong></td>
</tr>
<tr>
<td>• Construction, operation and maintenance of a new road link and associated wetland and improvements to the existing Glenvar Road, approximately 1.1km long.</td>
</tr>
<tr>
<td>• The Minister of Education</td>
</tr>
<tr>
<td><strong>Long Bay Primary School (ref: PA214)</strong></td>
</tr>
<tr>
<td>Amend the designation area described in MoE27 to incorporate land at 35 Ashley Ave and land fronting Ralph Eagles Place.</td>
</tr>
<tr>
<td>Modify the purpose of the designation, to apply to whole designated site for Educational Purposes (years 0-8), sports fields for educational use (years 0-13) and Early Childhood Education Centre.</td>
</tr>
<tr>
<td>Add new conditions to apply to existing designation.</td>
</tr>
<tr>
<td><strong>Ashley Reserve (ref: PA215)</strong></td>
</tr>
<tr>
<td>Propose a new designation (temporarily) for the purpose of construction for Educational Purposes on part of Ashley Reserve to enable the temporary construction works including the placement and of fill.</td>
</tr>
<tr>
<td>The applicants seek full approval for works to construct the road, sports field and haulage route so that an <strong>Outline Plan of Works application is not required</strong> under s.176A of the RMA.</td>
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</tbody>
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### Resource consents

**Auckland Transport**

- Disturbance of land with contamination above NES standards (LQ-2140220).
- The disturbance of land for earthworks (LQ-2140220).
- The use of land for additional stormwater flow. (LQ-2140220).
- The generation of effects from stormwater quality. (LQ-2140220).
- Undertaking earthworks within a 1 in 100 ARI flood plain. (LQ-2140220).
- The discharge of contaminants to land. (REG – Glenvar Ridge Road and Long Bay Primary School LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220)
3.0 THE PROJECTS

GLENVAR RIDGE ROAD (ref: PA213)

Auckland Transport Project Objective - Glenvar Ridge Road

Auckland Transport has stated that the designation is necessary to achieve the following objectives:

(a) facilitating the expected growth and development in the Long Bay area
(b) provide an alternative direct route to and from both the new development at Long Bay and the new entrance to Long Bay Regional Park
(c) reduced queuing and travel times on existing roads associated with the increase in travel demand linked to the new development in Long Bay
(d) specific provision for cyclists who are not currently catered for on existing roads to enable them to access the new development at Long Bay and in time to access Long Bay Regional Park to reduce travel demand associated with motor vehicles
(e) reducing traffic volumes on Glenvar Ridge Road east of the proposed intersection
(f) improving safety for all road users using Glenvar Road and Ashley Ave, in particular the Long Bay College and Long Bay Primary School Communities and;
(g) providing significant regional benefits through providing a new direct and more legible route to and from the Long Bay Regional Park and motorway2”.

Proposed Glenvar Ridge Road Works

Key design features of the Glenvar Ridge Road project

The following is a summary of the design features of the proposed road, intersection and wetland.

- a new road corridor approximately 1.1 km long to provide for a 22m wide road consisting of 8.4m wide carriageway and 6.8m wide berms on the north and south sides of the road that provides for 3m wide shared cycle and pedestrian route

2 Section 42A report, section 3.1.1
Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
• construction of a new intersection/roundabout at Glenvar Road and associated and battering retaining walls
• temporary environmental mitigation such as erosion control measures
• reinstatement of existing services to properties where these are affected by the construction of the new road
• construction of two culverts within Stream 3 to enable the new road to cross over the stream
• construction of a new wetland known as ‘wetland E’ to capture and treat stormwater
• construction of new retaining walls and battering to support Glenvar Ridge Road the revised arrangement of Glenvar Road
• permanent relocation and construction of access ways to for the Long Bay Baptist Church and 287 and 289 Glenvar Road
• planting of vegetation and landscaping within the road and adjacent land

The construction aspects of the road are:

• site preparation works involving the removal of 189\(^3\) protected trees and 9690m\(^2\) of vegetation, provision of temporary construction areas and provision for access across private land to construction work areas
• earthworks involving areas of cut (approximately 150,000m\(^3\)) and fill (approximately 30,650m\(^3\)) over an 11 ha area
• construction of a temporary access route to the road corridor from Ralph Eagles Place
• cut, fill and retaining walls to enable the formation of the new intersection of Glenvar Road and Glenvar Ridge Road
• construction of new retaining walls and battering to support Glenvar Ridge Road
• upgrading the western side of the new intersection at Glenvar Road to provide for cycling and pedestrian access onto Glenvar Ridge Road
• regrading the alignment of carriage way from 280-286 Glenvar Road to provide for the new intersection at Glenvar Road
• removal of vegetation within the existing Glenvar Road designation
• temporary restrictions on access to private land from existing access ways during construction works, and permanent relocation of some access ways
• provision of safety and operational services and facilities related to the operation of the road network during and after the construction period.\(^4\)

Following completion of the works, Auckland Transport proposes to review the designation boundaries, which are expected to be reduced to encompass only those areas required for operational and maintenance purposes. Easements on the titles of some sites will be created to enable the Requiring Authority or its agent to maintain the integrity and condition

\(^3\) Revised in Mr Benson’s evidence to 188 trees
\(^4\) Section 42A report, section 3.1.1

Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
of the proposed new road, which will result in certain restrictions on the landowners' use of the land.\textsuperscript{5}

\textbf{LONG BAY PRIMARY SCHOOL}

\textit{Proposed Sports Field - Long Bay Primary School and Ashley Reserve (refs: PA214 and PA215)}

Material cut for the formation of the construction of the new road will be used as fill by the Ministry of Education (MoE) to establish a new sports playing field within the extended designation on land to be acquired, which is currently in Crown and Long Bay Communities Ltd ownership.

The site for the sports field is an existing vegetated gully. Batter slopes will extend into the Ashley Reserve to provide for a grassed link between the Reserve sports fields and the Long Bay Primary School.

The key works associated with the proposal, as described in the MoE Notice are:

- development of a temporary haul route to transfer cut and fill between the Glenvar Ridge Road and the Long Bay Primary School projects
- removal and filling of the stormwater pond that currently treats stormwater from a car park at Long Bay College
- vegetation removal along the haulage route, within the gully where the majority of the fill will be deposited
- deposition of approximately 120,000 m\textsuperscript{3} of fill to establish a suitable platform for full sized sports fields and associated earthworks to establish a walkable connection between the sport fields and Ashley Ave, for future education purposes such as an early childhood education centre
- extending the batter slopes from the sports field platform into the edge of the Ashley Road Reserve, enabling greater connectivity between the sites.
- Filling of an intermittent stream and riparian margins which are currently piped and are to be filled to enable the creation of the sports field platform.\textsuperscript{6}

\textbf{Long Bay Primary School (ref: PA214)}

At present, there are no conditions that apply to the existing designation for Long Bay Primary School. The MoE Notice states that the following changes are sought to the purpose and extent of existing designation, MoE27.

- \textit{Amend the designation area described in MoE27 to incorporate land at 35 Ashley Ave and land fronting Ralph Eagles Place.}
- \textit{Modify the purpose of the designation, to apply to the whole designated site, to Educational Purposes (years 0-8), Sports Fields for Educational Use (years 0-13) and Early Childhood Education Centre (ECEC).}
- \textit{Add new conditions to apply to the existing designation (MoE27).}

\textsuperscript{5} Application material, Hearing Agenda Volume 1 section 4, page 15
\textsuperscript{6} Application material, Hearing Agenda Volume 1 section 4, page 76

Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
It is explained in the Notice that the school intends to increase the roll to 650 students and provide an early childhood education centre for 50 children. It is also intended that the sports fields will in future be used by both Long Bay Primary School and Long Bay College.

As well, the Notice seeks to further clarify uses and activities envisaged within the meaning of 'Educational Purposes', an approach adopted by the Ministry to standardise designations for schools across Auckland in the proposed Auckland Unitary Plan (2013). The Notice states:

"The inclusion of “educational purposes” in the designation purpose shall, in the absence of any specific conditions to the contrary:

Enable the use of the facilities on the site by and for the educational benefit of any preschool and school age students regardless of whether they are enrolled at the institution located on the site.

Enable the provision of supervised care and study opportunities for students outside school hours in school facilities.

Include but not be limited to the provision of academic, sporting, social and cultural education including through:

Formal and informal recreational, sporting and outdoor activities and competitions whether carried out during or outside school hours;

Formal and informal cultural activities and competitions whether carried out during or outside school hours;

The provision of specialist hubs and units (including language immersion units) for children with particular educational requirements or special needs.

Enable the use of facilities for purposes associated with the education of students including school assemblies, functions, fairs and other gatherings whether carried out during or outside school hours.

Enable the provision of associated administrative services; car parking and vehicle manoeuvring; and health, social services and medical services (including dental clinics and sick bays).

Enable housing on site for staff members whose responsibilities require them to live on site (e.g. school caretaker)."

In making our recommendation that the Notice of Requirement be confirmed subject to conditions, we were mindful of a concern raised by Mr Te Pairi in the section 42A report that the range of activities could be considered to go beyond those associated with the core functions of the school. However, on balance and having regard to the separation of the school from existing residential development we have concluded that it is not necessary to recommend changes to the explanation of the designated purpose but that inclusion of the above explanation would add clarity.

**Ashley Reserve (ref: PA215)**

The Minister of Education seeks to:

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7 Application material, Hearing Agenda Volume 1 section 4, page 79

Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
• Add a new designation (temporarily) for the purpose of Construction for Educational purposes.

The Notice is generally supported by the Hibiscus and Bays Local Board which is responsible for the management of Ashley Reserve on behalf of the Council. The Council’s Parks Department has also been involved and has commented on the application.

4.0 RESOURCE CONSENT APPLICATIONS

The applicants have provided detailed descriptions of the proposed works and application sites. In particular, Appendix 4 (regional consents statutory assessment) of the application material provides a detailed breakdown of the matters requiring resource consent, as well as those matters which meet the relevant standards of both the operative and proposed plans. It is not necessary for us to repeat that detailed description.

The key matters for consideration through the resource consent assessment are:

• The undertaking of earthworks for both the new road and playing field within a 1 in 100 ARI flood plain. This includes the construction of the new culvert to serve Glenvar Ridge Road;

• The disturbance and possible discharge of contaminants associated with the construction of Glenvar Ridge Road through land at 275A Glenvar Road;

• Modifications to watercourses, including the addition of a new culvert in the streambed of “Stream 3” and the reclamation of an intermittent stream on MoE land; and

• Undertaking earthworks for both the Auckland Transport and MoE projects; and

• The generation of additional stormwater flows from both the MoE and Auckland Transport sites, as well as the level of stormwater treatment provided for the Glenvar Ridge Road.

Consent is required under the Regional Air Land Water and Sediment Control Plans, the NES and the Proposed Auckland Unitary Plan.

The areas affected by the designations are shown in Figure 1 below.
5.0 EXISTING AND FUTURE ENVIRONMENT

The area is undergoing rapid change from greenfields land to various forms of urban use, with approximately 160 hectares of land being progressively developed in accordance with the Long Bay Structure Plan (the “LBSP”) provisions of the District Plan. The Structure Plan provides for over 2,800 houses and a village centre to be established over the next 10 to 15 years. Glenvar Ridge Road is specifically provided for in the LBSP as a key part of the transport network needed to support the planned development in the Long Bay Area.8 The land on the northern side of Glenvar Road is currently in rural lifestyle blocks, whereas sites fronting the southern side of Glenvar Road are residential in character, typically 660-810m² in size and comprise a mix of single and multiple dwellings. A notable exception is a large site occupied by the Long Bay Baptist Church, directly opposite the proposed intersection of Glenvar Ridge Road and Glenvar Road.

Glenvar Ridge Road will commence at a bend in Glenvar Road approximately 200 metres west (uphill) of Stredwick Drive and follow a north-easterly alignment, terminating on the eastern side of Stream 3 at the north-western corner of Ashley Reserve.9 It will ultimately connect to the intersection of Vaughans Road extension and Beach Road extension. The section of roading required to connect Glenvar Ridge Road to Vaughans / Beach Road intersection and a future new access into the Regional Park will form part of the road network that will serve the future village centre and intensive housing surrounding the centre, and does not form part of the designation.

Future development along Glenvar Ridge Road will comprise large lot, rural-residential and suburban neighbourhood densities.

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8 Opening submissions of counsel for Auckland Transport, page 12
9 Long Bay Structure Plan Appendix 11A

Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
Long Bay Primary School, Long Bay College and Ashley Reserve are located on levelled (previously earthworked) areas of land at the existing edge of urban development amidst open fields and clusters of bush.

The MoE project works involves land to the east of the Glenvar Ridge Road project area and is focused on land located at 35 Ashley Avenue and a site fronting Ralph Eagles Place.

Ashley Reserve, located to the northeast of the primary school is accessed from Ashley Avenue. Both the primary school and the reserve have large flat platforms used for playing fields.

The project areas form part of the Long Bay Catchment and feed into Vaughans Stream, which discharges into the Long Bay coastal marine area.

Figure 2: aerial photograph showing locality of proposed works

6.0 AFFECTED LAND

The land subject to the Notice for Glenvar Ridge Road (ref: PA213) identifies that the affected properties are:

- The shared access to 275, 275A, 277, 279, 281, 283, 283A and 285 Glenvar Road;
- The land at 221, 231, 241, 275, 275A, 277, 279, 283, 285, 287 and 289 Glenvar Road;

Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
The land at 27 Ralph Eagles Place;
The land at 69 Ashley Avenue;
The land at 282 Glenvar Road (Long Bay Baptist Church); and
A section of Glenvar Road located between 289 and 273 Glenvar Road.

We understand that Auckland Transport is progressing negotiations for the purchase of land that is required for the final extent of the designation.

Beyond the road corridor, additional land is required for construction purposes, as identified by the blue dotted line on Figure 1 above.

The land subject to the Long Bay Primary School and Ashley Reserve (refs: PA214 and PA215) relates to an existing designation (MoE27) by the Minister of Education as well as two additional areas of land, one of which is owned by the Crown and one owned by Long Bay Communities Ltd. The reasons for the requirement of additional land are stated by the Requiring Authority as follows:

"The unused land beyond the school occupation area is not well located for development of a full sized sports field suitable for use by both Long Bay Primary School and the adjacent Long Bay College. The Crown holds a narrow piece of land adjacent to Ralph Eagles Place outside of the existing school designation.

Additional adjacent third party owned land is located 35 Ashley Avenue, which is owned by Long Bay Communities Ltd, a subsidiary of Todd Property Group.

The Ministry of Education, Long Bay Communities Ltd and Auckland Transport have devised a mutually beneficial project that will enable the Minister to redefine the designated land to include land at 35 Ashley Avenue to be acquired from Long Bay Communities Limited and the Crown's other adjacent land holding fronting Ralph Eagles Place, and for Auckland Transport to deposit its surplus cut material in a gully area to enable the development of this area for a sports field. The additional land to be designated would also be suitable for other educational related activities such as a future ECE."\(^{10}\)

Auckland Council owns Ashley Reserve, which is required for temporary construction purposes. We have been advised that the Parks Department has granted land owner approval for construction works on Ashley Reserve. The other land owner is Long Bay Communities Ltd, a party to the project.

MoE has advised that following construction, the land required on Ashley Reserve will ultimately be removed from the designation as provided for by Section 182 of the RMA.

7.0 NOTIFICATION AND SUBMISSIONS

The proposals were publicly notified and at the close of the submission period, a total of 15 submissions were received. The submission from the Long Bay Okura Great Parks Society was received after the close of submissions and a waiver granted under Section 37 of the RMA. It is therefore a valid submission.

The following is a summary of the submissions and clarifies whether they relate to the Notices and/or, the resource consents (or both).

Submissions in support were received from:

\(^{10}\) Notice of Requirement summary, Hearing Agenda Volume 1 section 4, page 73
Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
Fu-Mei Yeh NoR: for Glenvar Ridge Road NoR;

Shore Homes Ltd: all parts of the NoR for Glenvar Ridge Road and the resource consent applications;

Long Bay College: all parts of the NoR for Glenvar Ridge Road;

Signature Holmes: all parts of the NoR for Glenvar Ridge Road;

Long Bay Communities Ltd: all parts of the NoR for Glenvar Ridge Road and LBSP and the resource consent applications;

GJ Gardener Homes: The submission supports the application, stating the Glenvar Ridge Road is provided for in the Long Bay Structure Plan and will provide for a more direct and legible link from the northern motorway to Long Bay;

Jori Family Trust supports the resource consent applications for the development and construction of a new road based on the discussions between Auckland Transport on 10/12/2014;

Long Bay Okura Great Parks Society: has commented on the Notices and resource consents and is neutral provided the environmental provisions of the Long Bay Structure Plan are adhered to, in particular provisions relating to storm water run-off, sediment control and protection of native flora and fauna, and freshwater streams. The submission also sought that no collateral conditions outside the immediate project area should exist with respect to the nature of the joint venture between Todd Developments and Auckland Transport, particularly with regards to Long Bay Okura precincts in the PAUP;

Vector

The submission refers to both Notices and the resource consents. Vector’s primary concern was to ensure that its existing infrastructure in the area is recognised and provided for, that the functions and operations of Vector and its infrastructure in the area are not unreasonably compromised by the carrying out of proposed works, and that all costs incurred with respect to Vector’s infrastructure as a result of the work proposed is covered by the applicants.

MoE has advised that there is no Vector infrastructure within the area of its designation. Auckland Transport advised that they have been collaborating with Vector and a condition acceptable to Vector and Council officers has been incorporated into the proposed conditions.

Vector’s concerns have therefore been addressed and are not referred to elsewhere.

The JJ Crowe and JM Butler Family Trust opposes the NoR for Glenvar Ridge Road and resource consents applications as it relates to:

- proposed access to the property at 289 Glenvar Road as notified following changes to the road layout;
- stormwater and runoff effects from the proposed change and realignment of the road;
- concerns regarding the impact the change in access will have on the subdivision potential;
- the impacts of road works on large pine trees and the liability of the submitter for costs to ensure the trees are safe to members of the public.
8.0 STATUTORY CONSIDERATIONS

Notices of Requirement

Section 171 RMA sets out the matters to which a territorial authority must have regard when considering a requirement and any submissions received, and in making its recommendations to the requiring authority. Section 171 is subject to Part 2, which states the purpose and principles of the Act.

Section 181 deals with alterations to existing designations.

Resource Consent Applications

The relevant statutory considerations for these non-complying resource consent applications are Part 2 of the RMA (“Purposes and Principles” – sections 5 to 8), and sections 104, 104D, 105, 106, 107, and 108 of the RMA. The relevant clauses of the Act are set out more fully in section 6.0 of the section 42A report and we have had regard to all these provisions as appropriate, in reaching our findings.

9.0 ENVIRONMENTAL EFFECTS ASSOCIATED WITH NOTICES OF REQUIREMENT

The Requiring Authorities’ Assessments of Effects and the section 42A report comprehensively identified and addressed a number of potential effects the projects may have on the environment. These included positive effects, such as the provision of an additional road with pedestrian and cycle facilities to serve new development at Long Bay and an additional playing field for the Long Bay Primary School in a location which enables shared, integrated use of the existing fields on Ashley Ave Reserve by both Long Bay College and the Primary School. An incidental benefit is the availability of views of the Hauraki Gulf and Long Bay from the proposed road.

Other issues addressed in the reports (in no particular order) were land requirements and property effects, cultural matters, land suitability, traffic effects, landscape, arboriculture and visual effects, effects of vegetation removal, operational and construction noise, air quality effects, vibration, earthworks, streamworks, ecology, water quality, overland flow paths, stormwater and contaminants, site contamination, lighting, archaeology and heritage matters, and effects on public utilities.

It is not necessary for us to repeat the detailed discussion of all these effects. We are satisfied that the Requiring Authorities have identified all of the relevant environmental effects in the AEE reports and they have responded appropriately in evidence to the matters raised by submitters and by the Council. Following an adjournment at the end of the first day of the hearing, which provided an opportunity for the Council and applicants to continue working towards achieving agreement on conditions, and a subsequent adjournment at the end of the second hearing day, the issues that remained in contention had been narrowed considerably. Accordingly, we focus on the main issues that were raised in the submissions and section 42A report, noting that we have had regard to all of the detailed and comprehensive material provided in support of the Notices and resource consent applications.

11 Section 42A Report pages 263-4
Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
9.1 **Traffic Effects**

**Glenvar Ridge Road**

The Notice and application material contained a comprehensive transport assessment undertaken by Flow Transportation Specialists Limited (Flow). The Assessment set out the traffic and transportation effects of constructing and operating the section of Glenvar Ridge Road covered by the Notice of Requirement. Effects considered included:

- Traffic effects (peak traffic flows, daily traffic flows etc);
- Property access effects;
- Road safety effects;
- Public transport effects; and
- Pedestrian and cyclists effects.

The Requiring Authorities’ assessment of the traffic effects of the proposed designation concludes that these will be mostly positive. The benefits have also been acknowledged by the Council and supporting submissions, these being:

- The need for the new road to provide access into the areas under development within Long Bay;
- Provision of footpaths, cycle facilities and lighting which will facilitate safe pedestrian and cyclist movements and encourage alternative modes of transport;
- Buses being able to service the Long Bay development area.

The Section 42A Report noted that the assessment had been reviewed by Mr David Mitchell, the Council’s consultant traffic engineer, who was of the opinion that the proposed designation will enable the development of the Long Bay area and is in a form that should have less than minor impact on the surrounding roads.

Mr Mitchell sought clarification on a number of matters including the adequacy of the 22m cross section of Glenvar Ridge Road to cater for cyclists; and the need for a Temporary Traffic Management Plan (TTMP) to manage two site accesses on Ralph Eagles Place and Glenvar Road.

A submission in opposition to the resource consents had been received from the JJ Crowe and Butler Family Trust. Its primary concern relates to access to the property at 289 Glenvar Road as well as other matters identified in section 7 above.

The Section 42A Report records that the stormwater issues in relation to 289 Glenvar Road have been addressed and also commented on the options considered by Auckland Transport for access to properties at the intersection of Glenvar Ridge Road and Glenvar Road where a roundabout is to be constructed. At the time of lodging the NOR, access to 289 and 287 Glenvar Road was not fully resolved. Subsequently, Auckland Transport advised that it had developed a refinement of its preferred ‘Option 1’ after discussions with the affected landowners. This fourth option provides a new fourth leg road to the roundabout, with driveways for 289 and 287 Glenvar Road connecting to a new legal road. After this option was safety audited, Auckland Transport confirmed that ‘Option 4’ would be the one it
proceeded with. Mr Te Pairi, the reporting planner, endorsed Mr Mitchell’s subsequent advice that Option 4 would provide safe and efficient property access to the two properties and concluded that the traffic effects would be less than minor.

In relation to the effects of construction traffic, Ms Mairi Joyce's tabled evidence for Auckland Transport confirmed that effects will be regulated by a TTMP. The TTMP will be completed in accordance with the New Zealand Transport Agency’s Code of Practice for Temporary Traffic Management. Ms Joyce also advised that the access concerns for 289 and 287 Glenvar Road had been addressed, as had the stormwater effects; and the concerns on the impact of the proposed works on existing pine trees and native vegetation will be addressed by the TTMP (required by condition 36 of the resource consent conditions.)

We did not have the opportunity to hear from the owners of 289 Glenvar Road, who were unable to attend the hearing. On behalf of the Trust, Ms Julie Butler had sent an email stating that effort had been made by Auckland Transport to address some of the issues regarding access, but she and her partner remained uncertain of what was actually happening. They had seen plans of a stub road, but were not able to visualise from the plans how their new access would work, how the new driveway will meet the existing one and how many native trees will be taken to achieve the new layout. She was also still uncertain and concerned about the elderly pine trees, some of which are within their current boundary.

While we understand the submitters’ concerns we are confident that, as both Auckland Transport’s and the Council’s traffic experts are in agreement that the new option will be workable, the access issue has been addressed satisfactorily. Secondary issues relating to vegetation removal will be dealt with in detail as part of the Temporary Traffic Management Plan. Mr Mead’s evidence confirmed that there would be no detrimental effect on subdivision potential and in fact it was likely to be enhanced as a result of the site having frontage to the new stub road off the roundabout.12

With regard to cycling facilities, Mr G Lanning, in his opening submission for Auckland Transport, emphasised that Auckland Transport wishes to construct a road that is consistent with the LBSP provisions, including the 22m road width and reminded us that there is no scope in the hearing to compel Auckland Transport to designate more land.13

Ms Joyce responded to Mr Mitchell's concerns that the proposed cross section of Glenvar Ridge Road needed to make better provision for cyclists that would meet the cycle metro criteria, given that the proposed route was recently reclassified in the Auckland Regional Cycle Network to a Cycle Metro. This classification is intended to provide the greatest level of service for cyclists.14 She was of the opinion that the proposed cross section, which provides for a 3.0m wide shared walkway/cycleway is acceptable from a safety and operational perspective and the proposed design does not prevent alternative cycling facilities from being installed in the future. She also referred to Clause 17B.4.4.2 of the LBSP which specifically refers to parking not being permitted on either side of the carriageway to ensure the safety of cyclists, unless it can be indented and shown to operate safely.

As both traffic experts agreed that there is adequate provision for cyclists who can use the proposed shared path on the southern side of the road, we are in position to agree with Mr Lanning’s submission that Auckland Transport’s approach to its classification of the proposed new road on a “cycle metro” route is a policy matter to be determined by Auckland Transport and does not relate to any adverse effects on the environment.

12 Evidence of David Mead, paragraphs 9.5 - 9.9
13 Opening submissions of counsel for Auckland Transport paragraph 9.9(a)
14 Evidence of Mairi Joyce paragraph 9.1.
We are satisfied that the concerns of the submitters have been addressed and that the recommended conditions (as amended) for the Auckland Transport Notice and the resource consent conditions will ensure that traffic effects will be less than minor.

Long Bay Primary School and Ashley Reserve

A traffic assessment was also undertaken for the Notice for Long Bay Primary School and Ashley Reserve and this was reviewed by Mr Mitchell who sought clarification from MoE on the cumulative effects of increased traffic during the morning peak period; and the potential cumulative effects of the possible additional educational uses of the area outside school hours.

Following clarification obtained from MoE's planning consultants (Incite) via a letter dated 19 February 2015 from, Mr Mitchell confirmed that he was satisfied that the amended purpose of the designation would not result in any more than minor additional congestion on the local network and/or parking effects that could potentially occur through the existing designation. Mr Mitchell did, however, support the Flow recommendation of the need for a Travel Plan condition in order to manage the intensity of use occurring on the site, taking into account the school's involvement in the Travel Wise Programme.

Having considered the evidence, section 42A report and advice of Council's traffic consultant, we concur that the traffic effects generated by future school activities will be less than minor subject to the recommended condition for a school travel plan.

We find that traffic effects of both projects will be mostly positive, that any adverse effects will generally be localised and that these can be mitigated by conditions as agreed between Auckland Transport, MoE and Auckland Council.

9.2 Noise Effects

Glenvar Ridge Road

Auckland Transport's Assessment of Effects included reports from Marshall Day Acoustics and Styles Group that address general noise construction limits and vibration impacts and impacts on surrounding occupiers. Conditions are also proposed. The reports state that "Construction noise associated with the Glenvar Ridge Road Project is generally expected to comply with the relevant construction noise standards, with the exception of dwellings closer than 20m to the construction activity and during any Sunday works that may be required to construct the intersection of Glenvar Road and Glenvar Ridge Road. These noise effects are proposed to be managed through a Construction Noise Management Plan."

All but one of the dwellings will remain at noise levels within the most stringent category of the relevant NZ Standards. Any new dwellings constructed along the Glenvar Ridge Road frontage in future could have noise levels at the upper limits of acceptability (if no mitigations were provided by the design of the dwelling). Construction vibration is expected to comply with the relevant standards, and operational vibration effects are expected to be reasonable.\textsuperscript{15}

The council's noise and vibration consultant, John Cawley assessed the application and was in agreement with the reports provided with the NoR. Where exceedances of the construction noise limits are predicted for some activities, Mr Cawley recommended amendments to the conditions to minimise any such effects as far as practicable, or sought

\textsuperscript{15} Section 42A Report at page 49

Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
sufficient information to demonstrate that one or more of the amendments are either not required or can be modified to be more effective.

The Council and Auckland Transport subsequently agreed to the following amendments and/or new conditions:

- A new condition requiring advance notice to the occupants of all dwellings that could be affected by perceptible levels of vibration from the construction works as defined in Part 2 of BS 5228-2:2209.
- An amendment to ensure consultation with all affected properties where construction noise exceeds NZS6803:1999.
- Additional advice notes regarding noise and vibration levels.
- Alterations to the Stakeholder Communication and Consultation Plan

Long Bay Primary School and Ashley Reserve

MoE's Assessment of Effects also includes a Noise Report that addresses general noise construction limits, vibration impacts and impacts on surrounding occupiers. Conditions are also proposed.

In relation to construction works, the Notice states that air quality, noise and vibration impacts associated with construction are not predicted to be significant, but best practice measures will be adhered to as part of the construction methodology. These will include a dust management plan and conditions on the designation controlling ongoing noise impacts generated from the school's activities.

Mr Cawley has assessed the application and recommended minor changes to the proposed conditions to ensure the application of consistent noise limits for the protection of residential receivers. Agreement has been reached between the Requiring Authorities and the Council, and there are no submissions expressing any concerns regarding effects of noise from construction activities or land uses associated with the school.

We find that the adverse effects arising from noise and vibration during construction will be less than minor on the amenity of residential occupiers subject to the following amendments and/or new conditions.

- An amendment to ensure consultation with all affected properties where construction noise exceeds NZS6803:1999
- A new condition requiring a Construction Noise Management Plan to address noise effects on the schools

We find that there are no unusual noise or vibration effects and that these can be adequately managed by the conditions as agreed by Auckland Transport, MoE and Auckland Council to ensure that they are less than minor.

Resource consent applications

Conditions relating to a Dust Management Plan, Construction Management Plan and Construction Vibration Management are addressed by the regional consents and we accept that noise and vibration effects will be appropriately managed through these Plans and conditions applicable to the Notices and resource consents.

9.3 Landscape and Visual Effects

Glenvar Ridge Road and MoE projects

Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
The main landscape and visual amenity issue in contention was the adverse effects of vegetation removal and mitigation required affecting both the Glenvar Ridge Road and MoE land.

An arboriculture assessment of the vegetation to be removed was prepared on behalf of the requiring authorities by Andrew Benson of Arborlab and reviewed by the Council’s consultant arborist, Mr Gerald Collett. At the hearing, Mr Benson confirmed that as a worst case scenario the project will require the removal of 188 individual protected trees and the clearance of 9,690m² of protected native vegetation.16

There was largely agreement between the two experts that the adverse effects resulting from the removal of individual trees along the road corridor could be suitably mitigated through planting associated with the road corridor.

There was also agreement that the vegetation affected by the proposed sports field within the MoE land was of low ecological value with approximately 80% of this existing vegetation being pine forest “with a very depauperate understorey dominated by weeds”.17 Loss of this vegetation would be adequately mitigated by proposed replanting in accordance with the Landscape Framework Plan and terrestrial ecological effects (particularly the effects on the habitat of skinks and lizards) would be mitigated by implementation of a Native Lizard Management Plan.

However, there was considerable discussion during the hearing about the adverse effects arising from the clearance of protected vegetation and, in particular, the clearance of a stand of Kanuka trees identified as “Group 1 trees”. In his review, Mr Collett described the western edge of Group 1 as including a ridgeline copse of regenerating and maturing kanuka up to about 10m high, an area of between 780 – 950m².18 While it was Mr Collett’s preference that this vegetation be retained, in the event that this is not possible, he sought a greater area of mitigation planting than was proposed by Auckland Transport.

Mr David Slaven, ecologist for Auckland Transport, described the Group 1 trees as an isolated copse of kanuka with a weedy understorey. In his opinion, the stand is of low quality, being degraded by weed infestation and having low native species diversity.19

In terms of landscape and visual effects, Mr John Jeffcock, landscape architect for Auckland Transport, considered that the LBSP anticipates removal of vegetation in this area. In this context, he expressed the opinion that the vegetation is of a lower sensitivity to change than those areas identified within the landscape or ecological protection overlays. Therefore, he did not consider that the removal of the vegetation requires mitigation on a “like for like” basis. In his opinion, the planting proposed, will better connect with the landscape and ecological protection area around Stream 3, as opposed to being located within a zoning anticipated for suburban development.20 He did not consider additional mitigation planting was necessary.

While not resiling from the opinion of their experts that additional mitigation was not necessary, counsel for Auckland Transport indicated during the hearing that additional planting around Wetland E would assist to soften the hard edge of planting proposed and would provide additional mitigation. Discussions between Auckland Transport and Auckland

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16 Evidence of Andrew Benson, paragraph 7.2
17 Evidence of David Slaven, paragraph 7.5
18 Para 1.4.2, memo by Gerald Collett, 18 January 2015
19 Evidence of David Slaven, paragraph 5.5
20 Evidence of John Jeffcock, paragraph 3.9,
Council continued following the second day of the hearing. The written reply on behalf of Auckland Transport summarised the differing positions of Auckland Transport and Auckland Council. Auckland Transport considered that additional mitigation for the loss of the Group 1 trees was not required. However, as part of the planting mitigation package (shown in Figure 1: Overall Mitigation Plan, dated 19 March 2015) the additional planting around Wetland E was included.

It was Auckland Council's position that an additional area of approximately 500m² is necessary as mitigation. They recommended a condition requiring details of 500m² of additional planting to be located within an Ecological Stormwater Management Area overlay as identified by the Policy 17B.1.4.4 of the LBSP provisions or contiguous with other mitigation planting identified in the Overall Mitigation Plan (Rev. A, dated 19 March 2015).

Having considered all of the evidence and relevant documents, we were not persuaded that particular arboriculture, landscape or ecological values of the Group 1 trees were identified which justified the additional mitigation recommended by the Council's experts for the loss of this stand of trees. As discussed elsewhere in this decision, we find that the project will deliver a key transport linkage that is identified in the LBSP in the location shown. We agree with Mr Jeffcock that the removal of vegetation within this corridor is to be anticipated. We find that while the additional planting around Wetland E is not necessary to directly mitigate the loss of the Group 1 trees, it is beneficial as part of the overall mitigation package and will make a positive contribution to the landscape character of this area. The arrangement of planting will avoid the artificial, straight-line edge treatment that was previously proposed.

While vegetation loss within the MoE land is also extensive, the opportunity to develop an additional sports field in conjunction with the Glenvar Ridge Road project will enable the future needs of the Long Bay Primary School and Long Bay College to be met and vegetation replanting will mitigate these adverse effects.

One further matter relating to landscape and visual amenity effects concerned the prominence and visual sensitivity of retaining walls 2 and 3, raised by Mr Jew, landscape architect for Auckland Council in his review. Auckland Council recommended a condition specifying the material finish of these walls and sought a finish that would create the appearance of a domestic scale and character, and result in low reflectivity. Auckland Transport agreed with this condition except for the specification of the materials.

Having considered the evidence, we find that it is appropriate to include a condition relating to the design and finish of these structures. However, we agree that specifying the range of materials used for construction is too prescriptive and not necessary. We find that the reference to the various materials that are to be used or not used should be deleted from the condition and following circulation of our recommended conditions to the parties, accept a further refinement of condition 9 proposed by Auckland Transport which replaces "domestic scale and character" with "scale and character appropriate to a residential setting".

Conditions relating to vegetation clearance and protection of trees to be retained have been applied to the Notices and resource consents, as appropriate.

9.4 Ecological Effects

The NoR AEE included comprehensive assessments of effects resulting from the Glenvar Ridge Road and MoE projects on both terrestrial and aquatic ecology. These assessments were subsequently peer reviewed by Council specialists. We have had regard to the Council specialist reviews and the evidence of Messrs Slaven and Sides on behalf of the applicants.
We have considered the loss of habitat and other ecological values arising from the proposed culverting of Stream 3 in some detail below. In other respects we accept the conditions generally agreed between Auckland Transport, MoE and Auckland Council in relation to revegetation areas, native bird nesting monitoring, and capture and relocation of native skinks and geckos.

Having considered all the evidence before us, we concur that overall, with the mitigation that will take place in accordance with conditions forming part of the designation and resource consents, adverse effects on ecological values will be minor.

9.5 Effects resulting from Earthworks

Sediment

A considerable number of reports were submitted by the applicants in support of the proposed earthworks for both the Glenvar Ridge Road and sports field projects, and subsequently reviewed by Auckland Council’s specialists. The section 42A report summarised the main effects of the earthworks in section 6.2.2.2. While significant volumes of earthworks are involved (150,000m$^3$ cut and 30,000 m$^3$ fill for Glenvar Ridge Road and 120,000 m$^3$ for the sports field), we accept that the earthworks have been limited to that necessary to construct the road. Moreover, use of the surplus cut at the MoE site does significantly increase the efficiency of the project and eliminates the potential need for significant truck movements to export material to another location.

The key matters for consideration are the potential effects of erosion and sediment, and their control. The applicants and Auckland Council agreed throughout the hearing that the proposed erosion and sediment control methodology for each project was appropriate, as reflected in agreed conditions. We support that agreement and find that if managed in accordance with the proposed erosion and sediment control conditions (that were unchanged through the adjournment), adverse sediment-related effects from the proposed earthworks will be minor and temporary.

Water quality (other contaminants) and human health

A Preliminary Site Investigation and a Detailed Site Investigation have been undertaken and reported by Groundwater and Environmental Services Limited on behalf of Auckland Transport. These investigations have been assessed by Auckland Council with respect to environmental contamination and human health effects. Isolated areas of contamination have been identified that will be managed in accordance with a Remedial Action Plan prepared by Groundwater and Environmental Services Limited. An agreed set of conditions have been presented and on the basis of those, the parties agree that the potential adverse effects of the earthworks with respect to water quality and human health will be appropriately managed. We support that findings.

9.6 Archaeological Effects

As part of the Notice/application material, we were provided with an Heritage Impact Assessment prepared by Dr Caroline Phillips$^{21}$, which had been jointly commissioned by Auckland Transport and MoE. Dr Phillips concluded that three historic heritage sites lie in the path of the proposed road works and that all three sites are Category B historic heritage places that are significant, or have significant elements either locally, regionally or nationally. One of the sites will be destroyed while parts of the other two sites will be destroyed. These are:

$^{21}$ Application Material Volume Two at [502 - 569]  
Glenvar Ridge Road and Long Bay Primary School  
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
• R10/1137 prehistoric crop storage pit;
• R10/1138 the historic Cholmondeley-Smith homestead, tobacco manufacturing shed and winery; and
• R10/1137 a prehistoric crop storage pit.\textsuperscript{22}

Dr Phillips stated that the outlined works will also be within the buffer zones of four further sites and places of value to Mana Whenua. She considered that it was unlikely, but possible that other sites may be discovered during the works.

During the hearing Dr Phillips tabled a written statement of evidence confirming that authority had been granted from Heritage New Zealand Pouhere Taonga for archaeological excavation of the three sites described in her evidence. She pointed out that the section 42A Report agreed with the finding of the Heritage Report and the recommendations for mitigation.

Conditions specify requirements for:

- a Historic Heritage Management Plan or Site Instruction Plan that outlines management procedures and mitigation requirements;
- a contractors briefing to be held prior to the onset of earthworks as outlined in the Site Instruction
- Advice to be given to Auckland Council's Cultural Heritage Unit 5 working days prior to start of earthworks.
- Accidental Discovery Protocols to be in place to ensure work stops in the immediate vicinity of any exposed remains and that Heritage New Zealand and the Cultural Heritage Implementation Team are informed of any archaeological discoveries.

Auckland Council’s Principal Heritage Advisor Ms Mica Plowman confirmed that the above archaeological sites were in the immediate vicinity of the Notice and agreed with Dr Phillips’ opinion that the negative impacts stemming from the extensive modification of two of the sites and the destruction of crop storage are outweighed, given the wider public benefit of the proposal. Both heritage specialists agreed that mitigation is required, a matter which is addressed in the conditions.

In terms of Long Bay Primary School and Ashley Reserve Ms Plowman advised that the Heritage Unit concurred with Dr Phillips’ assessment of the effects on the heritage values of the proposed Long Bay Primary School project (affected site R10/1098 Pannill Farm Ditch and Bank boundary). Ms Plowman concluded that modification of site R10/1098 is unavoidable and accepted the proposed mitigation measures.

In addition to the conditions summarised above, Auckland Transport has agreed to commission the production of an educational pamphlet to be disseminated to relevant local organisations (libraries, schools, historic societies, iwi) on the settlement prehistory of the area and the relevant prehistoric and historic heritage sites including the Cholmondeley-Smith Homestead, prehistoric crop storage pit, and the Pannill farm, ditch and bank if found (refs: R10/1138, R10/1137, R10/1098); and any relevant information obtained during the archaeological investigations associated with the project (and previous excavations of the area). This is to occur following completion of any archaeological excavation associated with the project. Auckland Transport has also agreed to commission the preparation of any suitable historic material found for museum display, to ensure that the New Zealand Archaeological Association (NZAA) and Cultural Heritage Inventory site record forms are

\textsuperscript{22} Section 42A Report at page 59
updated and submitted to the Auckland Council Cultural Heritage Implementation Team and the NZAA and to provide a digital copy of any required final archaeological compliance report to the Auckland Council Cultural Heritage Implementation Team.

Auckland Council is in agreement with these conditions and we are satisfied that all the final proposed conditions are sufficient to address any archaeological issues associated with the Glenvar Ridge Road, Long Bay Primary School and Ashley Reserve notices and consents.

9.7 Maori Cultural Considerations

The Notices and application material fully outlined the consultation with Iwi.

Auckland Transport provided us with a summary of the history of the consultation (hui attended) with Iwi recording that they had consulted with:

- Ngati Tamaoho
- Te Kawerau a Maki
- Ngati Whatua o Orakei
- Ngati Paoa
- Ngati Tamatera
- Ngati Wai

- Ngati Te Ata
- Te Akitai Waiohua
- Ngati Whatua o Kaipara
- Ngati Whatua Runanga
- Ngati Manuhiri
- Te Patukirikiri

- Ngaitai ki Tamaki
- Te Uri o Hau
- Ngaati Whanaunga
- Ngati Rehua

The Ministry of Education also outlined their history of consultation with Iwi and the responses they had received from Iwi.

In terms of Glenvar Ridge Road, Iwi contacted indicated a concern about the impact of stream disturbances and on the fauna and flora present. Both Ngati Maru Runanga and Ngati Manuhiri Kaitiaki Charitable Trust provided Cultural Impact Assessments (CIA).

In terms of Long Bay Primary School and Ashley Reserve MoE indicated that the only Mana Whenua group who have indicated any requirement for ongoing engagement is Ngati Manuhiri. No specific recorded features of significance to Maori have been identified to date within the MoE project area.

Auckland Council staff in the Section 42A Report addressed Section 6 – Matters of National Importance pointing out to us that only Ngati Manuhiri have provided a CIA on both projects, and that the Ngati Maru Runanga have provided a CIA on the Glenvar Ridge Road proposal. It is noted that from Auckland Transport’s perspective a position has not yet emerged on a suitable level of mitigation for the matters identified within the CIAs or the results of the discussions with other Iwi groups. However the Section 42A Report does record that the recommendations are generally addressed by the recommended conditions and we can find no reason to disagree with this statement.

Conditions require:

- A Site Instruction Plan that outlines management procedures and mitigation requirements;
- A Stakeholder Communication and Consultation Plan (SCCP) condition, coupled with conditions that specifically address Tangata Whenua consultation, to ensure on-going consultation with Iwi during the construction of Glenvar Ridge Road;
- The adoption of an Accidental Discovery Protocol for all sites to ensure work stops in the immediate vicinity of any exposed remains and that Heritage New Zealand and the Cultural Heritage Implementation Team are informed of any archaeological discoveries.

Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
We are satisfied that given the level of agreement, the recommended conditions can adequately address Maori cultural issues and values.

9.8 Effects of Stream Works

The extent of designation works includes land covered by an Ecology/Stormwater Management Area overlay of the Long Bay Structure Plan Area.

Stream 3, as identified on the LBSP maps, is directly affected by the works required for Glenvar Ridge Road and the sports field. The western tributary of the stream is intermittent in its upper reaches, within a vegetated gully running parallel with, and on the southern side of the proposed Glenvar Ridge Road. It has been piped within the Long Bay Primary School grounds and emerges as a permanent, natural watercourse into riparian vegetation and bush north of the school's existing field. The upper reaches of this tributary are not affected by the projects. The eastern tributary of the stream is diverted by a culvert that conveys water from an upstream bush area on the south side of Ralph Eagles Place.\(^{23}\) The two Stream 3 tributaries converge north of the existing primary school field and join Vaughans Stream further north. Parts of the eastern tributary of Stream 3 will be reclaimed during the construction of the new playing field and twin culverts of the stream are proposed where Glenvar Ridge Road crosses it, approximately 120 metres north of the tributaries' confluence.

Agreement was achieved between the MoE and Auckland Council at the start of the hearing regarding the mitigation proposed to off-set the reclamation of the intermittent stream channel within the MoE land. Again, we find in support of that agreement and do not comment further.

However, with respect to the Stream 3 culvert, while Auckland Transport and Auckland Council agreed on the extent of stream that will be lost through placement of the culvert and its wing walls, the quantum of mitigation proposed remained a point of contention throughout the hearing.

The positions held by the two parties throughout the hearing can be summarised as follows:

Agreed matters:

The culvert will comprise twin 1500mm diameter barrels with a total length of 29.4m and entry and exit wingwalls of approximately 4m length each. The total length of the structure will be 38m. Due to the sinuosity of the stream, the installation of the culvert and wingwalls will result in a loss of 47 lineal metres and 34m\(^2\) of stream bed.

During the hearing, Auckland Transport proposed environmental compensation comprising riparian planting of 1971m\(^2\) immediately upstream of the crossing and 1000m\(^2\) within grassed areas either side of the culvert outlet under the Long Bay Primary School fields\(^{24}\). This equates to 35% of the stream functions lost, based on the Auckland Council Stream Ecological Value (SEV) methodology\(^{25}\).

Auckland Transport suggested that the 30m permitted activity culvert length of Rule 7.5.5.2 of the Auckland Council Regional Plan: Air, Land and Water (ACRP:ALW) should be applied

\(^{23}\) Attachment to Sides evidence - Figure 1: Boffa Miskell stormwater plan
\(^{24}\) Evidence of Edward Sides, paragraph 4.18
\(^{25}\) Evidence of Edward Sides, paragraph 4.21

Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
as the permitted baseline\textsuperscript{26} and stated that no other riparian mitigation options are available in the project site.

Auckland Transport considered that when the above is assessed in conjunction with the anticipation of the road crossing within the Long Bay Structure Plan (LBSP), and the absence of any requirement for a bridge under the LBSP, the environmental compensation proposed is sufficient\textsuperscript{27}.

Auckland Council (during the hearing) considered that full (100\%) environmental compensation is necessary to off-set the 47m of stream channel that will be lost. If that cannot be achieved within the site, it should be identified and provided elsewhere.

The Council recommended inclusion of a condition requiring an Environmental Compensation Plan (ECP) that describes how full mitigation will be achieved and that it should be provided to Auckland Council for approval prior to works commencing.

After adjournment, and in consultation with Auckland Council, Auckland Transport proposed revised conditions that specifically refer to the two identified areas of planting (1971m\textsuperscript{2} and 1000m\textsuperscript{2}) plus an additional 3000m\textsuperscript{2} of riparian restoration within the Vaughans Stream catchment, or if no appropriate site can be found, equivalent works outside the catchment sufficient to off-set 11m\textsuperscript{2} of stream channel loss. The condition proposed submission of an Environmental Compensation Plan (ECP) to detail compliance with the additional planting offered. Notwithstanding the revised conditions, Auckland Transport continued to express concern regarding the need for additional environmental compensation.

In response to the Auckland Transport revised conditions, Auckland Council offered alternative revised consent conditions. These were based on the following reasons that we infer from the commentary provided by the Auckland Council in support of their conditions:

- The shortfall of 11m\textsuperscript{2} of stream channel should not be discounted at this stage. The condition should leave open the option of identifying opportunities to achieve full compensation.

- The 1971m\textsuperscript{2} area proposed by Auckland Transport upstream of the proposed culvert comprises an embankment and slope below stormwater Wetland E. Planting of species suitable for riparian enhancement to the ratios calculated by Auckland Transport would compromise the structural integrity of the wetland embankment. Suitable planting would be limited to smaller species.

While it was not clear to us whether Auckland Council accepted the applicability of the permitted baseline, it was stated that the works were significantly larger than those anticipated by the permitted activity rules (quoting both length and width infringements of the relevant ACRP:ALW rules).

\textbf{Findings}

\textit{Applicability of the permitted baseline}

Based on the response received from the Auckland Council during the adjournment, it appeared that the Council considered that the Stream 3 culverts fail to meet the relevant permitted rules of the ACRP:ALW on three counts (length, width and multiple culverts). Those rules state:

\begin{itemize}
  \item The shortfall of 11m\textsuperscript{2} of stream channel should not be discounted at this stage. The condition should leave open the option of identifying opportunities to achieve full compensation.
  \item The 1971m\textsuperscript{2} area proposed by Auckland Transport upstream of the proposed culvert comprises an embankment and slope below stormwater Wetland E. Planting of species suitable for riparian enhancement to the ratios calculated by Auckland Transport would compromise the structural integrity of the wetland embankment. Suitable planting would be limited to smaller species.
\end{itemize}

\textsuperscript{26} Evidence of David Mead, paragraph 8.22
\textsuperscript{27} Evidence of David Mead, paragraphs 8.23 – 8.25.

Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
7.5.5.1 (h) For any culverting or piping of a river or stream in Urban Areas the nominal internal culvert diameter shall not exceed 900 mm, the actual internal diameter shall not exceed 920 mm and the cross-sectional area of any box culvert shall not exceed 0.67m² and multiple culverts shall not be erected or placed across the bed;

7.5.5.2 (a) The length of any new structure shall not exceed 30 metres in total when measured parallel to the direction of water flow, and no new structure shall be erected or placed in individual lengths of 30 metres or less where this would progressively encase or otherwise modify the bed of a Permanent river or stream;

The Stream 3 crossing comprises two culverts, both of which exceed 900mm diameter. Consequently, we accept that the proposal does not comply with Rule 7.5.5.1.

However, we do find relevance in Mr Mead’s application of the permitted baseline with respect to culvert length. The two culverts will be installed in parallel such that the total culvert length will be 29.4m, as confirmed by Mr Williams. Rule 7.5.5.1(j) provides for erosion protection structures (wingwalls) as follows:

7.5.5.1 (j) If erosion or scour protection works are required to prevent erosion or scour upstream or downstream of the structure, they shall not exceed 5 metres in length each side of the structure (such works protruding into the bed shall not require a separate consent as they shall be authorised under this rule). All works shall comply with Rule 7.5.6(a) in relation to fish passage. Erosion and scour protection works required under this clause shall not be included in any assessment of structure length under Rule 7.5.5.2(a);

Accordingly, the stated total length of 38m would be a permitted activity for a single culvert of no greater than 900mm diameter.

We recognise that the outcomes sought by Rules 7.5.5.1 and 7.5.5.2 of the PAUP address both the extent of stream channel affected or lost through the installation of structures, and the scale of works necessary to install the structure. In this case the average channel width is quoted as 0.73m² and the quoted need for twin 1500mm diameter culverts is to accommodate upstream flows during the 100 year Annual Exceedance Probability (AEP) storm event. A single 1650mm diameter would comply with the 100 year requirement but twin 1500mm pipes are proposed to provide ‘redundancy’ if one became blocked. The requirement to meet the 100 AEP year event is based on the Infrastructure Design Standard.

We recognise that the need for the twin culverts is not due to the size of the stream, but rather the need to avoid adverse flooding effects upstream of the pipe, including avoidance of backwater flooding into Wetland E. The catchment has been modelled on an area of approximately 37ha and receives stormwater from the Auckland Council network including Ralph Eagles Place, parts of Ashley Avenue, Long Bay College and Long Bay Primary School.

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28 Evidence of Edward Sides, paragraph 3.5
30 Technical Note by Hill Young Cooper, dated 8 April 2014, section 2.2
31 Glenvar Ridge Road & Long Bay Primary School Flood Analysis Report (October 2014): section 6, prepared by Woods
32 Glenvar Ridge Road & Long Bay Primary School Flood Analysis Report (October 2014): sections 2 and 3, prepared by Woods
Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
Considering the factors noted above, in this instance we find that the 30m permitted baseline has relevance. The twin culverts plus wingwalls do fall within the permitted lengths afforded by Rules 7.5.5.1(j) and 7.5.5.2(a). Furthermore, the installation of the culvert does not trigger a consent under Chapter H4.13 of the PAUP. While little weight can be given to the provisions of the PAUP at the present time, we also note that the corresponding permitted activity rules of the PAUP do not, as notified, impose a restriction on the culvert diameter of multi-barrel culverts.

Suitability of the revegetation 1971m² area (adjacent to Wetland E)

Mr Williams addressed the concerns raised by Auckland Council, in the Auckland Transport response during the adjournment. His stated response was that:

There are no structural limitations on planting the wetland batter on the stream side. The wetland will be dry most of the time. The toe of the batter is approximately 10 m from the stream channel, with the batter tying in to the existing contour. There is one area where it extends almost to the stream, but this will be subject to change following detailed survey. The proposed vegetation would consist of native wetland vegetation in the valley floodplain and kanuka-dominated forest on the slopes, similar to existing vegetation types but without the weeds.

We accept Mr Williams’ view on this matter. Auckland Transport will retain ownership of the wetland with inherent responsibility to maintain its function. In the event that detailed design requires a change to the extent or location of planting adjacent to the wetland, Auckland Transport will need to seek a change of consent conditions to identify alternative mitigation options.

Quantum of mitigation

At the adjournment of the hearing, we requested Auckland Transport and Auckland Council to seek agreement, if possible, on the quantum of mitigation that is to be imposed in relation to the construction of the Stream 3 culvert. We explicitly stated that we did not seek conditions that deferred the determination of the extent of mitigation. This guidance was based on our interim determination that the overall mitigation package proposed by Auckland Transport and MoE across the combined projects was adequate. While we recognise the need to avoid “double dipping” in terms of allowing individual plantings to offset more than one consented effect, our conclusions were based on the following:

- The applicability of the permitted baseline, as discussed above;
- The identification of the road and stream crossing in the LBSP, and the reliance of the development anticipated by the LBSP on that transport route;
- The absence of any specification of a bridge at that crossing point, whereas other road crossings within the LBSP are specified as requiring bridges;
- The extensive stream and terrestrial restoration that is occurring under the LBSP, and the mapped extent of those areas that has been considered in detail through the LBSP process;
- The stated lack of additional riparian restoration opportunities within the Auckland Transport and MoE works sites.

For the reasons noted above, we do not accept that there is a need to require full environmental compensation for the Stream 3 culvert. In this case the Stream 3 mitigation must be considered in conjunction with, and in the context of the mitigation occurring across the two projects and within the wider Long Bay catchment.

Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
With respect to the installation of the Stream 3 culvert, in addition to relevant policies, Mr Mead identified the matters of discretion that apply under Rule 7.5.10 of the ACRP:ALW. In their respective reports, Mr Hegarty and Ms Wild focussed on the relevant objectives and policies. Further to our finding on the potential effects of the culvert, we particularly note the following matters and policies:

7.5.10(a) The actual and potential effects (including any cumulative effects) arising from any matters in the conditions of Rules 7.5.2 to 7.5.6 that the activity is unable to comply with, together with the following additional matters...

Given our finding in relation to the permitted baseline, we conclude that the proposed mitigation will appropriately off-set any minor additional cumulative effects that may result from the installation and operation of the culvert.

7.5.10(b) The method of diversion and discharge (inlet works, overland flow path, outlet works and erosion control works) and the effects arising from the method chosen.

Parties have agreed that the works methodology is appropriate.

7.5.10(c) The cumulative effects of culverts, pipes, channels and tunnels and other linear structures on the natural character of any Permanent river or stream, including effects on riparian vegetation having regard to the Urban River and Stream Management Framework where relevant

We accept Mr Sides’ assertion that the installation of the culvert will not create a ‘tipping point’ of effects in this catchment. We have not heard evidence to support a contrary view.

7.5.10(d) The degree to which the activity meets the outcomes of any structure plan, Integrated Catchment Management Plan, flood management plan or approved stormwater or wastewater network resource consent which has assessed whether the Permanent river or stream should be used, developed or protected.

As we have already noted, the road is identified in the LBSP and indeed, the outcomes sought by the plan are dependent on that route. The LBSP has adopted a catchment-wide approach to environmental protection and enhancement, and in contrast with the proposed road across Vaughans Stream, does not specify a bridge at the Glenvar Ridge Road crossing. The road itself is consistent with the Long Bay catchment network discharge consent.

Statutory assessment – Stream 3 Culvert

We also note the relevance of Policy 7.4.4 which requires that:

- In considering the matters listed in Policies 7.4.3, and 7.4.9 to 7.4.11 regard shall be had to whether they have already been addressed in, and are consistent with a structure plan, ICMP, flood management plan or approved stormwater or wastewater network resource consent.

Again, we are satisfied that the proposed road and stream crossing have been anticipated by the LBSP and the network discharge consent, which in reference to policy 7.4.5, must be accorded full weight. We are also satisfied that the proposal is consistent with Policy 7.4.3, when considered in the context of the permitted baseline. Providing for a public utility, it is also consistent with policy 7.4.7 and appropriately avoids or minimises the effects listed in policy 7.4.9.
Overall, we find the installation of the Stream 3 culvert in conjunction with the proposed mitigation to be consistent with relevant policies of the operative regional plan.

Revised Conditions

The revised conditions provided by Auckland Transport during the adjournment now incorporate the identified mitigation into the condition (1971m² + 1000m²), and provide for additional mitigation based on a quantum of 3000m² or other works equivalent to the off-set of 11m² of stream channel lost.

As discussed above, we did not seek conditions that deferred the determination of the extent of mitigation. To that end, we have made minor changes to the conditions now offered by Auckland Transport, such that Auckland Council will act as a certifier rather than approver in finalising of the mitigation package. These changes provide for the same outcome as the condition offered, but more explicitly recognise that TR2009/009 and TP48 define the methodology to be used to quantify additional mitigation, and that the 3000m² or equivalent of 11m² of stream channel off-set provide the outcome that the mitigation must achieve.

9.9 Effects resulting from Stormwater

The AEE submitted by the applicants and the section 42A report have identified the potential effects of stormwater as being:

- Effects on water quality
- Effects on water quantity/potential flooding
- Effects on overland flow paths

Mr Te Pairi and Mr Hegarty have undertaken a comprehensive analysis of the AEE and the Council's specialists' comments provided by Dr Arsini Hanna, Ms Bridget Wild and Mr Ken Schmidt having regard to the relevant objectives and policies, and assessment criteria in the ACRPS, the ALWP and PAUP. Evidence was also presented by Mr Williams on behalf of the applicants.

There was no disagreement regarding the methodologies for maintaining water quality, mitigating the effects on overland flow paths or addressing stormwater volumes which include implementation of erosion and sediment controls, riparian planting, vegetation replanting, and establishment of a new wetland ('E') for which an Operations and Maintenance Manual is to be prepared.

In addition, a stream rehabilitation mitigation plan is to be prepared and implemented in relation to the MoE consent for the Stream 3 reclamation, which addresses the wider effects of the reclamation including ecological effects.

We have discussed the specific issues relating to stream works and the issues relating to the Stream 3 culvert separately.

Auckland Council was concerned that an existing stormwater treatment pond would have to be removed from the new sports field area and sought inclusion of an advice note which made it clear that a new wetland ('A') must be constructed prior to any stormwater discharge from the new impervious surfaces of the Long Bay College carpark area, which it currently serves.

While Auckland Transport understood the intent, it pointed out that there would be legal difficulties with the advice note because it relates to the MoE designation, not Auckland Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
Transport whereas the matter relates to an Auckland Transport consent and MoE does not require stormwater consent. We were told that the discharge from Long Bay College carpark is covered by a separate consent. We agree that the advice note would create legal difficulties but nonetheless it is incumbent on the parties responsible to resolve the matter by ensuring that any changes affecting existing stormwater discharges obtain the necessary approvals or a variation to any applicable existing consent under s127 of the RMA, as appropriate. We find it is beyond our jurisdiction to require a condition or advice note in these circumstances.

9.10 Covenanting of Replanted Vegetation

Auckland Council also sought to have a covenant registered on any replanted vegetation located within an Ecology/Stormwater Management Area overlay or a Landscape Protection Overlay as shown on the LBSP Maps, to ensure its ongoing protection. However, the applicants considered this unnecessary as the LBSP already requires it and evidence supported that position. Although covenanting the land would provide an additional level of protection for such vegetation, on balance, we have determined that the conditions attached to the designations and resource consents will be adequate, and avoid any legal difficulties arising out of possible changes in ownership of the land following completion of the projects.

A further covenant over Ashley Reserve was recommended by the Council, to ensure the replanting that is proposed there following construction of the sports field, is maintained by the MoE for a suitable period of time until it becomes fully established. The Council considered that this was necessary because the designation will be removed once the sports field and associated works within the reserve is completed. Mr Horne considered that a covenant is not required for the reason that a maintenance condition is enforceable under the regional consents. We agree with Mr Horne and note that the Council, as landowner, should be in a position to negotiate an agreement with MoE regarding future maintenance.

9.11 Effects resulting from Contamination (Section 104(1)(b)(i) and (ii) Relevant Provisions of National Environmental Standards and other regulations relevant to the resource consents)

The effects of site contamination are required to be considered having regard to the NES for Assessing and Managing Contaminants in Soil to Protect Human Health. The section 42A report refers to Auckland Transport’s contamination reports which have identified the presence of heavy metals and asbestos at 275A Glenvar Road. Auckland Transport proposes to remediate this site during the construction of the new road. The contamination reports have been reviewed by Rob Burden, Council’s Consultant Contamination Specialist. Mr Burden has confirmed that consent under Regulation 10 can be granted, subject to the imposition of conditions.

We accept this advice and note that Auckland Transport and Auckland Council agree on the conditions.

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33 Evidence of Chris Horne that no new impervious surfaces are to be created, paragraph 26
34 Evidence of Chris Horne, paragraph 63

Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
10.0 EVALUATION OF NOTICES OF REQUIREMENT

10.1 Section 171(1)(a) – Any relevant provisions of a national policy statement, a New Zealand coastal policy statement, a regional policy statement or proposed regional policy statement, a regional plan, a district plan or proposed district plan.

Pursuant to section 171(1)(a), when considering the requirements we must, subject to Part 2, consider the effects on the environment of allowing the requirements, having particular regard to any relevant provisions of a national policy statement, the New Zealand Coastal Policy Statement, the regional policy statement, the proposed regional policy statement and the relevant regional and district plans and proposed plans. We must also have regard to any national environmental standards.

Collectively the Requiring Authorities' Notices of Requirement, the Council officers' hearing report and the evidence at the hearing provided an extensive commentary on the relevant national and regional policy statements, regional and district plans and the Proposed Auckland Unitary Plan as well as the NES for Assessing and Managing Contaminants in Soil to Protect Human Health. The analysis in Appendix 5 of the AEE alone is some 43 pages. We do not intend to repeat the bulk of this material in this decision; we have had regard to all the material before us and where different opinions were reached by experts we have referred to these as appropriate. We record that the following documents were considered of particular relevance in reaching our decision:

- New Zealand Coastal Policy Statement
- National Policy Statement for Freshwater Management
- NES for Assessing and Managing Contaminants in Soil to Protect Human Health
- Auckland Regional Policy Statement;
- Auckland Council Regional Plan: Air, Land and Water;
- Auckland Council District Plan (North Shore section)
- Proposed Auckland Unitary Plan.

We also note that the Hauraki Gulf Marine Park Act 2000 must also be taken into consideration for the reason that Sections 7 and 8 of that Act are treated as a NZ coastal policy statement in relation to the coastal environment of the Gulf.

The following provides a brief summary of the key matters to which we have had regard in relation to the above, having also considered the environmental effects which we have discussed in section 9.

New Zealand Coastal Policy Statement

Policy 22 (sedimentation) of the NZCPS is relevant as it requires the subdivision, use or development will not result in a significant increase in sedimentation in the coastal marine area, or other coastal water.

The Requiring Authorities have submitted erosion and sediment control plans which detail a range of management practices to avoid significant sediment runoff into the Long Bay catchment area. We accept the advice of the officers that the works enabled by the NoRs would generate less than minor sedimentation effects within the Long Bay coastal area.

Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
Auckland Regional Policy Statement

In considering the relevant objectives and policies of the Auckland Regional Policy Statement, we find that the effects on the environment of the proposed works are generally in accordance with the higher order Chapter 2 Strategic Objectives and Policies dealing with Land Use and Transport and Infrastructure, as well as Chapter 3 Matters of Significance to Iwi, Chapter 4 Transport, Chapter 6 Heritage, Chapter 8 Water Quality, Chapter 10 Air Quality, Chapter 12 Soil Conservation and Chapter 17.3 Contaminated sites. We accept the analysis and comments on these objectives and policies in section 6.3.3 of the section 42A report.

Auckland Council Regional Plan: Air, Land and Water

We have also considered the Auckland Council Regional Plan: Air, Land and Water (ACRP: ALW). In particular, the ACRP: ALW objectives 2.1.3.1, 2.1.3.2, 2.1.3.3, 2.1.3.4, 2.2.3.1, 2.2.3.2, 2.2.3.3 and 2.2.3.4 and supporting policies as well as the ACRP: SC objective 5.1 to maintain water quality and sustain the mauri of water in water bodies and coastal water, and related policies 5.1.1 and 5.2.1 were given consideration. These provisions are outlined in the section 42A report.

Auckland Council District Plan (North Shore Section)

There are several chapters of the District Plan with provisions that must be considered in relation to the Notices and resource consent applications. We have had particular regard to the following.

Section 8 - Natural Environment

Objective 8.3.2 Ecosystems and policies 6, 7, 14.

Objective 8.3.4 – Tree Management and policies 1 - 4 and 6

Objective 8.3.5 – Stormwater Management (along with more specific provisions in the Long Bay Structure Plan contained in Chapter 17B) and policies 4, 5, 7, 8, 9 and 11.

Rules relating to tree protection are particularly relevant in considering this Notice and these are:

- Rule 8.4.2 [Protection of Habitats and Streams (Riparian Margins)] – see above.
- Rules 8.4.6.1.2 a), c) and f) [Land zoned LB1B and LB2]
- Rule 8.4.6.1.3 a)iii [Consent Notice] – Not applied in this case as it is being considered in conjunction with application under s.221 to remove a consent notice that relates to vegetation protection
- Rule 8.4.6.1.3 a)iv [Riparian Margin and Ecology/Storm water Management Areas]
- Rule 8.4.6.1.3 b) [Works in the root zone of trees covered by rule 8.4.6.1.3]
- Rule 8.4.6.3 [Trees on Roads and Reserves]

Objective 8.3.7.1: Overland Flow Paths

Section 11: Cultural Heritage

Objective 11.3.2 Archaeological Sites and policies 1-3

35 Section 42A report, section 6.3.4

Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
Objective 11.3.3 Māori traditional sites.

In addition, to the above, the following rule and schedule with regards to heritage items is deemed particularly relevant in considering this Notice.

- Appendix 11B: Schedule of Archaeological Sites
- Rule 11.4.2.1 Activities on Sites in Appendix 11B
- Section 12- Transportation
- Objective 12.3.1: Transport system, effectiveness and safety
  - The first part of the objective seeks “to enable a transport system that avoids, remedies or mitigates the adverse effects of transport activity on the natural and physical environment” and “protects the amenity values and streets” while “maintaining the health and safety” and “the economic, social, cultural wellbeing of the people and community of North Shore City.” The objective specifically identifies adverse effects as including “noise, stormwater contamination of receiving waters and air quality degradation”.
  - The second part of the objective is “to facilitate integrated transport management and a multi-modal transport network” and “to integrate transport and land use provisions to support a quality, compact and contained urban form”.
- Objective 12.3.3: Cycleways and Walkways
  - To provide for cycling and walking in a safe and convenient manner within the city in a safe and convenient manner which, by establishing these as viable alternatives to the car, avoids, remedies or mitigates the adverse effects of motor vehicle use, including exhaust emissions, noise and contamination of receiving waters by stormwater.

We accept that the proposal will provide significant transport benefits to the community at large by improving the overall functioning, safety and access to the wider transport network.

The NoR is also consistent with the relevant transport policies, in particular:

(a) policy 2 “encourage the most efficient and safe use of transportation infrastructure within the city”;

(b) policy 8 “encourage the use of fuel-efficient and less polluting modes of travel, particularly passenger transport, cycling and walking”;

(c) policy 10 “avoid, remedy or mitigate the significant adverse effects of new and reconstructed transport infrastructure, including loss of visual amenity and the adverse effects of stormwater discharges on the quality of receiving waters”;

Section 14 Network Utilities and Designations of the District Plan sets out the following objectives:

- To meet the needs of the community and recognise the reverse sensitivity effects of other users located in close proximity;

- To avoid, remedy or mitigate any adverse environmental effects of network utilities, including effects on amenity, landscape, streetscape and heritage values;

- An environment where the health and safety of the community is not adversely affected by the construction, operation and maintenance of network utilities.

Long Bay Structure Plan

Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
Particularly relevant is the Long Bay Structure Plan, its formulation being the subject of lengthy proceedings in the Environment Court. The Structure Plan is tailored to achieve specific environmental outcomes having regard to the sensitivity of the area in terms of Mana Whenua values, heritage values, landscape and landform, vegetation, ecological values and water quality, while enabling Long Bay to transform into urban use.

The Glenvar Ridge Road project will provide essential transport infrastructure necessary to enable Long Bay to develop in a co-ordinated, integrated and planned manner. The Structure Plan establishes in considerable detail the fundamental principles to be adhered to so that adverse effects are appropriately avoided, remedied or mitigated.

We record the following provisions in the Structure Plan, to which we have had particular regard. Analysis of these provisions is set out more fully in the applications made by the Requiring Authorities and in the section 42A report\textsuperscript{36}. Mr Mead’s evidence also evaluated these provisions as they related to the Glenvar Ridge Road project.

Overlays and map references

- Ecology/Storm water management (Appendix 11A)
- Landscape Protection area (see Appendix 11A)
- Riparian Margins (in Appendix 11B)
- Stream 3 and associated riparian margins and tributaries (see Appendix 11A and Appendix 11B)

Objective 17B 1.2.1: Integrated and Sustainable Management

To create a new community where natural and physical resources are managed in an integrated and sustainable way in accordance with the Land Use Strategy (Appendix 11A to the District Plan Maps), so that the natural environment is protected and enhanced, there is a high degree of liveability and amenity for future residents, and infrastructure provision is co-ordinated with development.

Objective 17B 1.2.4: (i) Streams and Waterways

4 (i) To protect and enhance the water quality, level and flows, habitat values and fauna of the Vaughan Stream, including its tributary waterways in the upper valley, identified waterways in the lower valley, and their margins, and to avoid adverse effects on the recreational values of the Long Bay beach and the ecological values of the Long Bay Okura Marine Reserve.

Objective 17B 1.2.5: Sediment/Earthworks

To ensure that sediment discharges to the Vaughan and Awaruku Streams and the Long Bay-Okura Marine reserve and wider Hauraki Gulf are minimised to limit risks to the ecological, amenity and recreational value of these environments.

Objective 17B 1.2.6: Ecology

To protect native vegetation remnants and habitats from subdivision, use and development and to extend native vegetation to link together isolated stands of bush to form a viable ecological system.

\textsuperscript{36} Section 42A report, section 6.3.4.6

Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
Objectives 17B 1.2.7: Urban Form

To achieve a compact urban area in the lower valley that provides choice in living environments, creates safe, integrated living areas of high amenity with a sense of identity and community, promotes access to local services and connectivity to surrounding areas and where the built environment is integrated with the natural environment.

To ensure that the upper valley develops a large lot and rural residential character where bush areas are protected and enhanced over-time

Policy 17B.1.3.1.3 - Natural Environment

3. Within the Stream Protection A area:

a) All streams, waterways and their riparian margins are to be retained in their natural state, and site works, subdivision and/or development is to identify and protect existing stormwater overland flow paths.

Policy 17B.1.3.1.11 (ii) - Natural Environment

Management Areas (overlays) are used to mitigate the adverse impact of development on important features and resources in and around the Long Bay Structure Plan area. They are to be applied to

ii) Areas where revegetation is to be encouraged for landscape and/or ecological purposes, as defined by the Ecology/Stormwater Management Area and Landscape Enhancement Area.

Policy 17B.1.3.1.13 - Natural Environment

Subdivision and development is to contribute to extending the areas of native bush in the Structure Plan area, helping to develop over time the Vaughan Stream as an ecological corridor linking the lower valley with the existing bush areas in the upper valley as defined by Ecology/Stormwater Management Areas, the Landscape Enhancement Area and the Landscape Protection Area - Restoration.

Policy 17B.1.3.1.6 - Natural Environment

Riparian margins are identified on the Structure Plan maps (Appendix 11B to the District Plan Maps) to protect the ecological and amenity values of the Vaughan and Awaruku Streams within the Long Bay Structure Plan area. These margins are to be kept free of development and earthworks, except as provided for in policies 17B.1.4.2 (1) and 17B.1.4.3 (9). They are to be made stock proof and replanted.

Section 17B.1.3.1 Policies - Structure Plan wide

Regard is had to the relevant provisions policies 1, 2, 3, 4, 5, 6, 7, 10, 11, 13, 16, 17, 19, 20.

Specifically regard is had to:

Policy 1.3.1.16
To avoid the risks of the adverse effects of sedimentation on the receiving environment, control of sediment is to involve a limit on the area exposed at any one time (30 hectares total of bulk earthworks and permitted site works) across the whole of the structure plan area; as well as enhanced sediment control measures. Allocation of the 30 hectare limit between the zones in the Stream Protection A and B areas (see Appendix 17B/A - Long Bay Development Areas) is to be on the basis of the proportion of likely total earthworking within each zone as follows:

(c) Up to twenty one hectares may be exposed at any one time in the Long Bay 2-7 zones, with this extended to twenty eight hectares where the seven hectare allocation for the Long Bay 1 zone has not been taken up in an earthworks season.

**Policy 1.3.1.3 (b)**

Imperviousness is to be limited to no more than 15% in Long Bay 1 zone and 50% in Long Bay 2 zone', and:

**Policy 1.3.1.3(c)**

‘Development is to incorporate on-site stormwater mitigation measures that mitigate the adverse water quality and quantity effects from the following areas of impervious surfaces:’

(iii) Long Bay 2 Zone, all other stream catchments, 80% of impervious surfaces.’

**Policy 17B.1.3.1.1 - Natural Environment**

Subdivision and development is to be designed to achieve the land use strategy which represents an integration of all of the objectives and policies for the Long Bay Structure Plan area. Where alternative outcomes to those of the land use strategy are proposed then the benefits need to be demonstrated with regard to all of the objectives and policies.

**Policy 17B.1.3.2: Development Intensity and Form**

In particular, regard is also had to the relevant provisions of policies 1, 10, 11, 17, 19 and 20.

**Policy 17B.1.3.2.11 - Natural Environment**

For lots containing Ecology/Stormwater Management Area, development (such as building sites and access ways) may be located within these areas, provided that it is located outside of the riparian margins (as shown on Appendix 11B to the District Plan Maps), does not result in the clustering of development and is subject to replanting requirements.

**Policy 17B.1.3.2.19 – Development Intensity and Form**

Roads and access ways are to create high quality public spaces. They are to incorporate storm water treatment and management devices, quality amenity features such as tree planting, berms and high quality footpath paving. There is to be a balance between transport, storm water and amenity features. In appropriate situations, shared street designs should be favoured.

**Policy 17B.1.4.3 Precinct 3: Awaruku**

In particular, regard is also had to the relevant provisions of policy 5.

Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
Policies 1 & 4 of 17B.1.4.4 – Precinct Glenvar

1. All earthworking/geotechnical devices are to be kept clear of the Landscape Protection Areas identified on the Structure Plan maps.

4. Development is to set aside and protect the Landscape Protection Area - Conservation and revegetate the Ecology/Stormwater Management Area that applies to stream 3.

In addition to the above, a number of rules are applicable to storm water and earthworks are particularly relevant to the Notices as outlined in the section 42A report.

Proposed Auckland Unitary Plan

We have also considered the relevant provisions of the Proposed Auckland Unitary Plan, which was publicly notified on 30 September 2013. The Proposed Unitary Plan includes the proposed Regional Policy Statement, as well as regional and district plan provisions. Chapter B sets out the Proposed Auckland Regional Policy Statement while Chapter C deals with the Regional and District Objectives. We note that the proposed zonings of the area subject to the NoR's are similar to those in the District Plan.

Having reviewed these provisions we agree with the comments in the officers' report that the NoRs and resource consents are generally consistent with the objectives and policies of the Proposed Auckland Unitary Plan, in particular:

Part One: Chapter B2.2 A Quality Built Environment, objective 1a, 1b and 1c, policies 1 - 7;

Part One: Chapter B2.7 Social Infrastructure

Part One: Chapter B3.2 Significant Infrastructure and Energy, Objectives 3 and 5;

Part One: Chapter B3.3 Transport, objectives 1-4 and policies 2 and 7-15

Part One: Chapter B4.1 Historic and natural heritage, objectives 1 and 2, and policies 6, 8 9 and 11;

Part One: Chapter B4.3.3 Trees and vegetation, objectives 1, 2 and 3, and policies 2, 3, 4and 5;

Part One: Chapter B4.3.4 Biodiversity, objectives 2 and 5, and policies 7 and 8

Part One: Chapter B5.2 Mana whenua objectives 1 - 4 and policies 7, 10 -12;

Part One: Chapter B5.4 Mana whenua values and cultural heritage, objectives 1 and 4, and policies 2, 4, 7, 11 and 13.

Part Two: Chapter C Regional and District Objectives and Policies:

Part 2 Chapter C1.1 Infrastructure, objectives 1-3 and supporting policies;

Part 2 Chapter C1.2 Transport, objective 5;

Part 2 Chapter C5.1 Air quality, objectives 1 - 3;

Part 2 Chapter C5.2 Earthworks objectives 1 - 3;

Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
Part 2 Chapter C5.6 Contaminated land; objective 1 and policies 2 and 3

Part 2 Chapter C5.13 Auckland-wide flooding, objectives 1 and 2 and policies 2, 4, 7, 12, 14 and 15;

Part 2 Chapter D8.9 Special purpose zone, objectives 1 - 4 and policies 1 - 3 and 6;

Part 2 Chapter E2 Historic heritage objectives 1 and 2 and policies 1 - 3;

Part 2 Chapter E5 Sites and places of value to Mana Whenua objective 1 and policies 1 - 3;

Part 2 Chapter J2.1 Historic heritage activity table;

Part 2 Chapter J5.1 Sites and places of significance to Mana Whenua activity table

10.2 Section 171(1)(b) – Adequate consideration has been given to alternative sites, routes, or methods of undertaking the work or that it is likely that the work will have a significant adverse effect on the environment.

Where a Requiring Authority does not have an interest in the land, Section 171(1)(b) requires a determination by the Territorial Authority as to whether adequate consideration has been given to alternative sites, routes or methods to achieve the project objectives. Section 171(b)(ii) also requires an assessment of alternatives if there are “significant” adverse effects arising from the designation.

Auckland Transport has set out its detailed consideration of these matters in section 4 of the AEE and provided a summary in section 6 of the Notice.37

The summary confirms that the proposed road is identified in the LBSP following lengthy and detailed consideration by the former North Shore City Council and the Environment Court, and that following a review it has been confirmed as still being necessary to ensure that there is a direct link to and from the Long Bay area via East Coast Road and the northern motorway. Its alignment has also been reviewed, resulting in slight adjustments from that shown in the District Plan, to reduce direct impacts on adjacent land. Alternative options were also considered in relation to specific aspects of the project, in particular the intersection of the new road with Glenvar Road, the crossing of Stream 3, and the form of the road.

The integrated nature of the proposal to enable surplus earthworks to be used for formation of a school playing field was a direct outcome of consideration of options for disposal of surplus soil. This avoids the impacts of large numbers of truck movements travelling through the wider area to an approved clean fill site elsewhere and provides benefits to the school.

The Notice also describes the consideration given to alternative enabling methods for delivering the road, such as incremental formation as private development progressed.

The MoE Notice also describes the consideration given to alternative sites and methods. The specific fill site within the extended designation area is considered to be the most appropriate option owing to its location between the two schools (Long Bay Primary School and Long Bay College) that will be using it. Other locations within the existing designation would not have been as readily accessible to both schools, and none of the other options enable safe and accessible connectivity to Ashley Reserve from the primary school. The

37 Auckland Transport Notice of Requirement, Application material, Hearing Agenda Volume 1, Chapter 1, section 6, page 18
Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
MoE have also identified other benefits of the proposed location, such as the opportunity for a future ECE.\textsuperscript{38}

Having reviewed the detailed material submitted in support of the Notices and associated resource consents and considered the effects on the environment as discussed below, we find that the Requiring Authorities have given adequate consideration to alternative sites, routes or methods as required by section 171(1)(b).

### 10.3 Section 171(1)(c) - Whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought.

In having regard to whether the ‘work or project which is subject to the designation’ is necessary, Mr Lanning submitted\textsuperscript{39} on behalf of Auckland Transport that we must consider the Requiring Authority’s objectives, which we have outlined above and were discussed in the evidence of Mr Marshall, the applicant's Principal Engineer and Project Manager.

Mr Lanning submitted that the works to be constructed will achieve the objectives by providing a critical part of the transportation infrastructure planned for Long Bay, which will provided for future urban growth and facilitate improved access to the Regional Park. It will also generate "\textit{significant long term positive transportation benefits including cycle and pedestrian benefits}". \textsuperscript{40} We have had regard to those documents and agree with the conclusions in those documents.

The necessity for the MoE designation is referred to in the Notice, in which the purpose of designation is described as a tool specifically provided in the RMA for the planning and delivery of public works and projects and which enable their development outside the normal planning provisions of a district plan and allows the public work to be undertaken in a comprehensive and integrated manner. The alternative planning methods available are plan changes to the District Plan and/or obtaining land use resource consents. The designation of the required land and lodging the necessary resource consent applications was identified as the method that would best achieve the Minister's objectives in a timely and integrated manner.

There has been no challenge to the necessity for the designations or the works themselves, and we accept that the designations are reasonably necessary to achieve the objectives of both Requiring Authorities in accordance with section 171(1)(c) of the Act.

### 10.4 Section 171(1)(d) Other matters considered reasonably necessary in order to make a recommendation on the requirement.

#### Outline Plan of Works

We have considered the Requiring Authority’s request that the requirement for an outline plan be waived for the proposed works on the grounds that there is sufficient information contained with the Notice and the AEE. Having had regard to the scope of the NoR and information provided, we agree that an outline plan is not required for the proposed works as described in the Notice.

\textsuperscript{38} MoE Notice of Requirement, Application material, Hearing Agenda Volume 1 Chapter 2, section 5, page 82

\textsuperscript{39} Opening submissions of counsel for Auckland Transport, paragraph 7.1.

\textsuperscript{40} Opening submissions of counsel for Auckland Transport, paragraph 7.3

Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
Lapse period for designations

The default period for the lapse of a designation is 5 years after its inclusion in a plan unless it has been given effect to or an application is made to extend the period, or a longer period is confirmed as part of the designation process41.

Auckland Transport has sought a lapse period of 10 years for the reason that:

‘While the intention of Auckland Transport is to complete the works as soon as possible, provision is made for a ten year lapse period to ensure that adequate time is provided to complete the both acquisition and construction processes required to implement the project’.42

Case law43 has established the principles to be considered where a longer lapse period is sought, which recognise that in exercising discretion, there must be a balance between the need to secure the property for future infrastructure development, and the prejudicial effects of such a designation on property owners. These principles require consideration of:

- The timeframe in which the project is likely to be constructed;
- The need to safeguard the alignment from inappropriate use and development;
- Certainty for affected landowners and the local community; and
- The ability to implement the designation in due course.

We concur with the Requiring Authorities' request, as agreed by Council officers, that to address any potential issues associated with planning processes including appeals to the Environment Court and the process of land acquisition, a lapse date of 10 years is appropriate. As MoE’s Notice for Long Bay Primary School and Ashley Road Reserve is contingent on the project for Glenvar Ridge Road, a 10 year period is also appropriate for the School and the temporary designation over Ashley Reserve.

11.0 STATUTORY MATTERS RELATING TO RESOURCE CONSENT APPLICATIONS

We are required to consider (subject to Part 2 of the RMA) the matters set out in sections 104, 104D, 105 and 107 in determining whether or not consent should be granted to the resource consent applications.

Section 104D (Particular Restrictions for Non-Complying Activities) applies to the MoE’s proposal to reclaim a 120m length of an intermittent stream, which is identified by the PAUP as a non-complying activity. We note and accept Mr Lanning's submission that it is not appropriate to 'bundle' the resource consents needed for the Glenvar Ridge Road project with those required for the MoE project for the reason that "the road project does not generate the need to obtain a non-complying resource consent".44

We have accordingly considered whether the proposed reclamation passes either of the gateway tests, these being whether adverse effects of the activity on the environment will be no more than minor (under section 104D(1)(a)) or whether proposal would be contrary to the objectives and policies of a plan or a proposed plan (104D(1)(b)).

41 Section 184(1) of the RMA
42 Section 3.2.4 of the Notice
43 Beda Family Trust v Transit NZ (EnvC A139/04) and Hernon v Vector Gas [2010] NZEnvC 203
44 Opening submissions by counsel for Auckland Transport, paragraph 5.7

Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
We have determined that the effects of the stream reclamation without mitigation would be more than minor. However, these effects can be adequately mitigated by the imposition of conditions of consent requiring replacement plantings and similar mitigation actions. We find that with mitigation, the effects are no more than minor.

Having passed one of the gateway tests, it is not strictly necessary to consider whether the proposal is contrary to the objectives and policies under section 104D(1)(b), but find that with the imposition of appropriate conditions requiring mitigation of the stream reclamation, the proposed activity is not contrary to the objectives and policies relating to stream works and environmental protection. We agree with Mr Hegarty's and Mr Te Pairi's conclusion that the proposed reclamation is a key component of the MoE project. It enables the development of Long Bay Primary School and College and supports the strategic objectives and policies of the PAUP, given its role in supporting the social wellbeing of the community.

In terms of the broader consideration of both the Auckland Transport and MoE resource consent applications under section 104(1)(a), we have had regard to the comprehensive analysis of the effects resulting from earthworks, contamination, stormwater, as well as stream works, that has been undertaken by Mr Te Pairi and Mr Hegarty in the section 42A report, as well as the evidence presented at the hearing.

During the hearing, it was agreed between the parties, and we concur, that a clear distinction should be made between the conditions relating to proposed works (construction of Glenvar Ridge Road and sports field, and the associated haul route) and the designations that would remain in place during and after the completion of those specific projects. This distinction is most relevant to the school and reserve designations, but also applies to the construction of Glenvar Ridge Road as opposed to the operation of the road once construction is completed. However, most of the environmental effects associated with the proposed designations are intrinsically linked to the works. Accordingly, we have considered the evidence and made findings in respect of those effects in section 9 above. That discussion includes consideration of conditions to be applied to the resource consent applications to ensure that the identified effects are appropriately avoided, remedied or mitigated. In so doing, we have also had regard to the relevant objectives, policies, rules and methods set out in the various planning instruments whether or not they have been explicitly referenced.

In responding to the Long Bay Okura Great Parks Society's submission that development should be in accordance with the LBSP, we note that the section 42A report and the evidence of expert witnesses have paid particular attention to the LBSP provisions both in regard to the Notices and resource consent applications.

We have determined that regional consents for stormwater and earthworks can be approved subject to conditions under the Regional Plan (ALW) (ref: LQ-2140220) which also included an assessment of the relevant site wide earthworks provisions of the Long Bay Structure Plan.

With respect to the Glenvar Ridge Road Notice, conditions requiring a detailed landscape plan and others are recommended to secure mitigation planting to comprehensively address vegetation and habitat loss in protected areas. This includes replanting within Landscape Protection and Ecology/Stormwater Management overlay areas as required by the LBSP.

With regard to the Notices for Long Bay Primary School, conditions that protect the Ecology/Stormwater Management Areas and Riparian Margins have also been accepted by the Requiring Authority. The Notice for Ashley Reserve is not affected by any overlays of the LBSP.

45 Section 42A report, section 6.5.5
Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
While the intermittent section of Stream 3 affected by the proposed sports field is not protected by the operative plans, including the Regional Plan (ALW), and will result in the loss of a small portion of the Ecology/Stormwater Management Area overlay, mitigation planting is a condition of earthworks consent and will be undertaken within land in other Ecology/Stormwater Management overlay areas.

In this instance, we find that the redevelopment of this land is appropriate and aligns with the MoE’s objectives to use the land for educational purposes as provided for by the designation process.

In terms of section 104(b) the plan provisions relating specifically to the resource consent applications have been set out in detail in the section 42A report. We also heard evidence from Mr Mead in regard to the provisions which are relevant to both the resource consents and the Auckland Transport Notice. Mr Mead paid particular attention to the plan provisions relating to vegetation removal and the Stream 3 culvert (as well as two other permanent negative effects being archaeological sites and landscape change). Mr Mead also considered the overall effects of the Glenvar Ridge Road project in relation to the regional plans and the ARPS. We adopt Mr Mead’s evidence in respect of those matters. While it was acknowledged by all of the experts that both projects would result in significant change to the landscape, Mr Mead summed the degree of change as “envisaged under the LBSP.”

We have considered the provisions of sections 105 and 107 of the RMA and adopt sections 6.7 and 6.8 of the section 42A report.

Our overall finding in regard to the resource consent applications is that they meet the statutory tests including the Part 2 matters discussed below and, subject to conditions, can be granted.

12.0 PART 2 OF THE ACT

Part 2 of the Act sets out its purpose and principles and our assessments under sections 104, 104D, 105 and 107 above are subject to Part 2. In making a Part 2 assessment a broad, overall, judgement is required of whether the proposals will promote the sustainable management of natural and physical resources.

In terms of section 5 the potential adverse effects of the proposals on the environment have been comprehensively addressed and we are satisfied that with the proposed conditions they will be no more than minor.

We accept that the Glenvar Ridge Road works will provide for the community’s social and economic well-being and its health and safety by providing a safe and convenient route to developing areas in Long Bay. The road is identified in the LBSP and it is a critical element of the infrastructure required to unlock the development potential envisaged by the LBSP.

The project supports alternative forms of transport and will ensure that pedestrians, cyclists and buses as well as motor vehicles are appropriately accommodated on the new road and the intersection with Glenvar Road.

While there will be permanent changes to the landscape these are anticipated and are an inevitable consequence of providing additional areas of greenfields land for urban expansion. The changes to the landscape character will be set within a wider environment that will also undergo considerable transformation as envisaged by the LBSP.

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46 Evidence of David Mead, paragraph 4.2
Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
In terms of the alteration to the Long Bay Primary School designation, the Notices will enable the development of a new sports field that is in a location that promotes its use by both the Primary School and Long Bay College, and directly adjoins Ashley Reserve. The sports field will support the recreational needs of the expanding community. The ability to create the sports field utilising surplus soil from the Glenvar Ridge Road project is an efficient use of resources, and the temporary designation over Ashley Reserve will facilitate both projects in a way that benefits the wider community.

The Requiring Authorities are proposing to undertake remediation and mitigation of those effects that cannot be avoided, to the extent that is practicable. Accordingly, we conclude that the Requirements achieve the purpose of the Act by enabling the local community to provide for its health and safety while avoiding, remediying or mitigating adverse effects on natural and physical resources to the extent that is practicable in the circumstances.

In terms of section 6, Matters of National Importance, the following are considered relevant:

(a) The preservation of the natural character of the coastal environment, rivers and their margins and the protection of them from inappropriate subdivision, use and development;

(e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

The Requiring Authorities have explained that the design of the road, which will involve culverting part of Stream 3 as well as proposed stormwater mitigation, will have ecological effects that are to be mitigated by riparian planting and revegetation within areas that are permanently protected. Riparian planting and mitigation planting is also to be undertaken to offset the reclamation of an intermittent section of Stream 3 within the MoE designation.

Translocation of indigenous fauna is to be undertaken prior to construction to avoid effects on skinks and lizards.

In regard to 6(e), 7(a) and 8 of the RMA, the Requiring Authorities have contacted and consulted with the relevant iwi holding mana whenua in the area. As a result of this consultation, conditions have been accepted by which include an obligation for ongoing engagement with them.

In addition, there are other matters to which we must have regard under Section 7 of the RMA.

Of relevance to the proposed designation are the following:

(a) Kaitiakitanga;

[(aa) The ethic of stewardship;]

(b) The efficient use and development of natural and physical resources;

(c) The maintenance and enhancement of amenity values;

(d) Intrinsic values of ecosystems;

(e) Recognition and protection of the heritage values of sites, buildings, places, or areas;

(f) Maintenance and enhancement of the quality of the environment;

Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
Any finite characteristics of natural and physical resources.

Proposed conditions to be attached to the designations will ensure that adverse effects are avoided or mitigated to the extent that is practicable, and address the maintenance and enhancement of amenity values and quality of the environment, such as ecological, visual and landscape effects and stormwater effects.

In addition, conditions have been accepted by the Requiring Authorities which enable iwi holding Mana Whenua to exercise kaitiakitanga and which address the protection of any archaeological sites, remains or koiwi that may be found during the construction phase of the proposed works.

It is our overall assessment that the proposal will contribute to sustainable management of natural and physical resources of this area of Long Bay and will actively contribute to the community’s social and economic well-being and its health and safety.

Section 8 - Treaty of Waitangi

Section 8 of the RMA states:

“In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).”

In this particular case, we accept that consultation by the Requiring Authorities with iwi holding Mana Whenua in the areas in which the proposed works are to be undertaken and a commitment to ongoing engagement is sufficient to meet the requirements of section 8, and have been appropriately responded to.

13.0 CONCLUSION AND RECOMMENDATION ON NOTICES OF REQUIREMENT - REFS: PA213, PA214 AND PA215

We have concluded that the proposed designations and associated works are reasonably necessary for the Requiring Authorities to achieve their objectives. The designation method is appropriate for both the Glenvar Ridge Road and MoE works identified in the Notices. We are satisfied that alternative options have been appropriately and adequately considered by the Requiring Authorities and that the Notices are consistent with the relevant regional and district plan provisions. On balance, the sustainable management purpose of the Act is achieved by enabling the community to provide for safe and convenient road access to the developing Long Bay area and by making efficient use of a resource (surplus soil) from road construction works to create a new sports field at the Long Bay Primary School. Conditions on the designations are recommended to avoid, remedy or mitigate adverse effects to the extent that is practicable in the circumstances, including the temporary effects of construction of the works.

The actual and potential effects have been considered in making these decisions. The proposals have been found to have minor adverse effects on the environment. These effects are adequately mitigated by the conditions recommended for the Notices and the conditions apply to the associated resource consents.

In terms of section 104(1)(b) of the Act, the proposal is considered to be generally consistent with the relevant National Environmental Standards, National Policy Statements, ACRPS, ACRP (ALW, ACRP (SC)) and PAUP.

Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
In terms of section 104(1)(c) of the Act, other relevant matters have been considered in the determination of the application. These include the Hauraki Gulf Marine Park Act, the Local Board Plan, the National Infrastructure Plan and the Auckland Plan.

The proposals meet the relevant provisions of Part 2 of the Act for the reasons set out in section 12.0 above.

**Recommendations on Notices of Requirement**

(i) pursuant to section 168 and 171(2) of the Resource Management Act 1991, Auckland Transport's Notice of Requirement for Designation PA213 – “The construction, operation and maintenance of a new road link and associated wetland and improvements to the existing Glenvar Road” be confirmed subject to the conditions as recommended and attached to this report.

(ii) pursuant to sections 168, 171(2) and 181 of the Resource Management Act 1991, the Minister of Education's Notice of Requirement for Designation PA214 (Long Bay Primary School), the altered designation and modified purpose of the designation described as "Educational Purposes (years 0 - 8), Sports Field for Educational Purposes (years 0 - 13) and Early Childhood Education Centre", and amended designation area described in MoE27 to incorporate land at 35 Ashley Ave and land fronting Ralph Eagles Place, be confirmed subject to the conditions as recommended and attached to this report.

(iii) pursuant to sections 168 and 171(2) of the Resource Management Act 1991, the Minister of Education's Notice of Requirement for Designation PA215 (Ashley Reserve) being a temporary designation for the purpose of "Construction for Educational Purposes" on part of Ashley Reserve to enable temporary construction works including the placement of fill, be confirmed subject to the conditions as recommended and attached to this report.

(iv) That the necessary amendments be made to the Auckland Council District Plan (North Shore Section) incorporating:

- Amendments to the District Plan maps to show the areas of land to be designated.
- Amendments to the Designation Schedule, including insertion of the final version of the conditions.

**The reasons for these recommendations are:**

1. The designations are reasonably necessary for achieving the objectives of the Requiring Authorities and to enable the community to provide for its social and economic well-being. At the same time any adverse effects will be avoided, remedied or mitigated, subject to the recommended conditions.

2. Adequate consideration has been given, as appropriate to each project, to alternative sites, routes, or methods of achieving the Requiring Authorities' objectives.

3. The use of sections 168 and 181 of the RMA to designate land and alter an existing designation will secure the additional land required for the proposed works. The inclusion of the new and amended designations in the District Plan will clearly indicate the boundaries in which the proposed works will occur and to which the conditions apply.

Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
4. The designations are in general accordance with the relevant regional and district planning documents.

5. The designations are generally in accordance with Part 2 of the Resource Management Act 1991.

14.0 DECISIONS ON RESOURCE CONSENT APPLICATIONS

Auckland Transport

That pursuant to sections 9, 13, 14, 15, 104, 104C, 105, 107 and 108 of the RMA, consent is granted to the following applications by Auckland Transport for works associated with construction, operation and maintenance of Glenvar Ridge Road and associated structures, subject to the conditions that follow:

Disturbance of land with contamination above NES standards (LQ-2140220).

The disturbance of land for earthworks (LQ-2140220).

The use of land for additional stormwater flow. (LQ-2140220).

The generation of effects from stormwater quality. (LQ-2140220).

Undertaking earthworks within a 1 in 100 ARI flood plain. (LQ-2140220).

The discharge of contaminants to land. (REG –2140221).

The use, placement and erection of structures within a stream bed, including stream bed disturbance. (REG – 2140222).

The reasons for this decision are as follows:

a) Pursuant to section 104(1)(a) of the Act, the actual and potential effects have been considered in making this decision. There are positive effects associated with the new road which have been considered as a part of the Notice of Requirement. Further to this, any adverse stormwater, earthworks, soil contamination, and effects of structures within a stream bed will be appropriately avoided, remedied or mitigated and will be less than minor. Overall, the proposed works will result in positive effects.

b) Pursuant to section 104(1)(b) of the Act, the proposal is consistent with the relevant National Environmental Standards, National Policy Statements, ACRPS, ACRP (ALW, ACRP (SC) and ACDP (North Shore Section).

c) Pursuant to section 104(1)(c) of the Act, other relevant matters have been considered in the determination of the application.

d) The application achieves the sustainable management purpose of the Act set out in Part 2 for the reasons set out in section 12 of this decision.

Ministry of Education

Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
That pursuant to sections 9, 13, 14, 15, 104, 104D, 105, 107 and 108 of the RMA, consent is granted to the following applications by the Ministry of Education for works associated with the construction, use and maintenance of a sports field and associated structures, subject to the conditions that follow:

The disturbance of land for earthworks (LQ-2140220).

The use of land for additional stormwater flow. (LQ-2140220).

Undertaking earthworks within a 1 in 100 ARI flood plain. (LQ-2140220).

Reclamation of an intermittent stream (REG-2140451).

The reasons for this decision are as follows:

a) Pursuant to section 104D, the application passes the gateway tests under both section 104D(1)(a) and 104D(1)(b) in relation to the non-complying proposal under the PAUP for reclamation of an intermittent stream, as the adverse effects will be mitigated by revegetation planting so that they are no more than minor and by so doing, the proposal is not contrary to the objectives and policies of the plan or proposed plan.

b) Pursuant to section 104(1)(a) of the Act, the actual and potential effects have been considered in making this decision. There are positive effects associated with the new sports field which have been considered as a part of the Notice of Requirement. Further to this, any adverse stormwater, earthworks, loss of intermittent stream bed and vegetation within an stormwater/ecological overlay will be appropriately avoided, remedied or mitigated and will be no more than minor. Overall, the proposed works will result in positive effects.

c) Pursuant to section 104(1)(b) of the Act, the proposal is consistent with the relevant National Environmental Standards, National Policy Statements, ACRPS, ACRP (ALW, ACRP (SC) and ACDP (North Shore Section) and PAUP.

d) Pursuant to section 104(1)(c) of the Act, other relevant matters have been considered in the determination of the application. These include the Hauraki Gulf Marine Park Act, the Local Board Plan, the National Infrastructure Plan and the Auckland Plan.

e) The application achieves the sustainable management purpose of the Act set out in Part 2 for the reasons set out in section 12 of this decision.

Jenny Hudson, Chairperson

Independent Hearings Commissioner

Date: 11 June 2015

Encl: ATTACHMENT 1
ATTACHMENT 2

Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
DESIGNATION CONDITIONS AUCKLAND TRANSPORT
REF: PA 213

Designation Purpose

Construction, operation and maintenance of a new road link and associated wetland and improvements to the existing Glenvar Road

General Conditions

1. Except as modified by the conditions below, construction shall be undertaken in general accordance with the plans provided by the Requiring Authority, as listed in Annexure 1.

   Advice note: An Outline Plan of Works shall not be required for the works detailed in the plans in Annexure 1 to these conditions.

2. The designation shall lapse on the expiry of 10 years from the date this designation is inserted into the Auckland Council District Plan (North Shore Section).

3. A copy of these conditions and the documents listed in Annexure 1 must be kept on site at all times during the construction period.

Engagement

Stakeholder Communication and Consultation Plan (SCCP)

4. The Requiring Authority shall, at least 10 working days before commencement of works, prepare a Stakeholder Communication and Consultation Plan (SCCP). The objective of the SCCP is to set out a framework to ensure appropriate communication and consultation is undertaken with affected parties during the construction of Glenvar Ridge Road.

The SCCP shall include but not be limited to:

(a) A communications framework that details:

   - the Requiring Authority’s communication methods;
   - the frequency of communications and consultation;
   - monitoring and review procedures for designation conditions (including procedures for addressing matters of non-compliance with Council, as well as monitoring, and informing owners and occupiers located adjacent to proposed construction works of such matters); and
   - any other relevant communication matters;

(b) The Communication and Consultation Manager for the Project and person to contact for any queries, concerns and complaints including their contact details (phone, email and postal address);
(c) A summary log of the communication and consultation undertaken between the Requiring Authority and Network Utility Operators;

(d) Methods to provide for advance notification to owners and occupants of all properties identified to be potentially affected by noise and vibration from the construction work;

(e) Methods for communicating and consulting in advance about temporary traffic management measures to owners and occupiers located adjacent to proposed construction works, including the provision of suitable vehicle access to affected sites during construction works and provision of appropriate notice periods in cases when access will be unavailable;

(f) Methods for communicating and consulting with owners and occupiers located adjacent to proposed construction works regarding the management of work around protected vegetation to be retained, vegetation to be removed, and the transplanting of protected vegetation, where practicable;

(g) Methods for communicating and consulting with owners and occupiers located adjacent to the proposed construction works regarding the preparation of the Detailed Landscape Plan, Construction Noise Management Plan, and any site-specific Construction Vibration Management Plan; and

(h) Methods to ensure ongoing communication with Mana Whenua who have expressed an interest through this process.

**Mana Whenua Engagement**

5. Within three months of the confirmation of the designation the Requiring Authority must commence project-specific communication and consultation with Mana Whenua consistent with the Auckland Transport Māori engagement framework.

The role of the Mana Whenua consultation may include (but is not limited to) the following:

(a) Input into the preparation of the Detailed Landscape Plan required by condition 10;

(b) Providing Māori names for consideration in regard to the new road name;

(c) Involvement of Mana Whenua in removal and/or replanting of any native tree species, or use of any removed native vegetation for customary purposes;

(d) Development of a protocol between Mana Whenua and the Requiring Authority relating to archaeological matters;

(e) Undertaking kaitiakitanga responsibilities associated with the Glenvar Ridge Road Project, including ceremonial, monitoring/surveying of native fauna, pest control, assisting with discovery procedures, and providing mātauranga Māori input in the relevant stages of the Project;

(f) Input into any matters requiring consultation with Mana Whenua under these conditions; and

(g) Any other matters agreed between the Requiring Authority and Mana Whenua that are within the scope of the Glenvar Ridge Road project.
6. Provision for cultural monitors of the Maori storage pit archaeological investigation (R10/1137) shall be made if requested by Mana Whenua who have expressed an interest through this process. The Requiring Authority shall provide the opportunity for on-site training of Mana Whenua monitors in the recognition of archaeological features and introduction to archaeological field methods.

Geotechnical

7. A Geotechnical Design Report relating to the final design of proposed road and the intersection works shall be provided to the Team Leader, (North - Takapuna), Development Engineering, Natural Resources and Specialist Input, Auckland Council at least 20 working days before the commencement of works.

All proposed bulk earthworks and mitigation shall be implemented taking full account of the supporting Geotechnical Investigation Report dated 26 June 2014 and the Geotechnical Design Report to be provided as set out above.

On completion of earthworks a draft Geotechnical Completion Report shall be provided to the Team Leader (North - Takapuna) Development Engineering and a final edition shall be tabled with Council taking account of any comments provided by the Council to the Requiring Authority within twenty working days of provision of the draft Report.

**Advice Note:** Reporting standards are set out in the Auckland Council Code of Practice for Land Development Section 2, Earthworks and Geotechnical Requirements.

Network Utility Operations

8. The Requiring Authority shall:

   a. Work collaboratively with Network Utility Operators during the development of the design for the Glenvar Ridge Road intersection with Glenvar Road to provide for ongoing operation and access to Network Utility operations;

   b. Work collaboratively with Network Utility Operators during the preparation and implementation of the Construction Methodology in relation to remedying or mitigating any adverse effects on existing infrastructure and Network Utility Operations.

Retaining Wall Design and Appearance

9. Retaining walls 2 & 3 as shown on plan10352-01-EW-202 shall be constructed or faced to create a scale and character appropriate to a residential setting. The retaining walls shall be finished to achieve low reflectivity, with a reflective value (RV) of less than 30% (where flat black has a reflectance value of 0% and white has a reflectance value of 100%) unless otherwise agreed by the Team Leader - Northern Monitoring, Auckland Council.

Detailed Landscape Plan

10. Prior to commencing any earthworks or vegetation clearance the Requiring Authority shall submit a Detailed Landscape Plan (DLP) for the approval of the Team Leader – Northern Monitoring. The DLP shall be prepared by suitably qualified persons, in consultation with the Team Leader, Parks and Open Spaces. Matters to be addressed in the DLP include (but are not limited to) the following:

Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
a) Details of landscaping and replanting in those areas identified in the Boffa Miskell Landscape Framework Plan Sheets 1, 2 & 3 of 3 (dated 09 Oct 2013) and the Overall Mitigation Plan Rev A (dated 19 March 2015).

b) The detail of any landscaping and planting on land immediately adjacent to the road that has been agreed in writing between the Requiring Authority and owners of the land.

Advice note: Approval of the DLP cannot in any way affect the landscaping and planting specified in subclause (b) unless otherwise agreed by the Requiring Authority.

c) Details of all landscaped areas within the road corridor (including berms and street trees), bio-retention planting, wetland planting and planting around the proposed culverts.

d) Details of the culvert outlet. All exposed concrete (including the wing walls, apron, wing wall base, the channel and the reno mattress) shall be softened by a mix of planting, rock and colouring to ensure the concrete has a dark grey appearance, unless otherwise agreed in writing by the Team Leader Parks and Open Space.

e) A detailed methodology for planting and site preparation prior to planting, including but not limited to:

(i) Plant species, spacing and size.
(ii) Depth of topsoil (including in particular street tree plantings).
(iii) Preparation of planting sites prior to planting, including treatment of any compacted or otherwise disturbed sub-base beneath the topsoil such that the newly planted trees have access to a sufficient volume of good quality un-compacted soil appropriate for the growing location and species selection.
(iv) Tree staking, fertilising, mulching, watering, fencing.
(v) Proposed timing of all planting with regard to the construction period and optimal annual planting periods (typically April to September/October).

f) Details of a Pest and Weed Management Plan (PWMP). The PWMP shall include:

(i) A methodology, time frames and programme of works for removal and control of targeted pest and weed species (stage, seasonal time frames, weed type, action required and control method with reference to Auckland Regional Pest Management Strategy – 2007 – 2012) during the vegetation maintenance period under condition 12.
(ii) Monitoring (time frames for follow up treatment and success of control).

Advice Notes

Auckland Transport is advised to consult the Team Leader: Parks Open Space Specialist Council’s Parks Department (North West), regarding the Council
Auckland Transport is advised to contact the council’s ecologist (Northern Consenting) landscape architect (Auckland Design Office), and arborist (Northern Consenting) prior to submitting the Detailed Landscape Plan.

Kowhai and Cherry trees are not considered suitable species for this road corridor. Further advice should be sought from the Team Leader Parks and Open Space Specialist.

11. The DLP shall be implemented in accordance with the approved methodology and the PWMP, within the planting season following completion of works, and maintained thereafter in accordance with the approved plans. The PWMP shall be implemented at the cost of the Requiring Authority.

12. A minimum 5 year monitoring and maintenance period for all planted areas and ‘stand-alone’ specimen trees shall apply (vegetation maintenance period). For native revegetation areas this timeframe may be reduced if 95% canopy cover closure is achieved and compliance is confirmed in writing by the Team Leader - Northern Monitoring. For the avoidance of doubt, the vegetation maintenance period shall apply to all areas within the current designation boundaries whether or not an application is made in the future under section 182 of the RMA to reduce the extent of the designation.

13. An audit of tree condition shall be provided to the Council’s Team Leader – Northern Monitoring every six months during the vegetation maintenance period described in condition 12. During the vegetation maintenance period, trees that die or fail to perform to the satisfaction of Auckland Council’s Arboricultural and/or Landscape Advisor shall be replaced.

**Tree protection and monitoring during works**

14. A suitably qualified arborist (works arborist) shall be engaged by the Requiring Authority at the Requiring Authority’s expense to monitor, supervise and direct all works in the vicinity of trees to be retained.

a) The Requiring Authority shall arrange a pre-start site meeting with:

(i) Council’s Arboricultural & Landscape Advisor

(ii) Council’s Compliance Monitoring Officer

(iii) the works arborist, and

(iv) the project manager / primary contractor.

The purpose of the pre-start meeting is to confirm protection measures for vegetation to be retained.

b) All works and activities associated with the designation shall be undertaken as directed by the works arborist in relation to the protection of trees and their root zones.
c) All works and activities associated with the designation shall be undertaken in a manner that, as far as practical, ensures that any protected tree abutting the designation boundary is not compromised.

d) All works and activities shall be undertaken in a manner that ensures the long term health and viability of any trees that can be retained, is not compromised.

This shall include any trees categorised as ‘DoS’ trees (Determine on Site) in the tree inventory of the Glenvar Ridge Road Arboricultural Report dated 7 November 2014.

When determining if a DoS tree is able to be viably retained, the works arborist must consider the following non-exhaustive criteria:

(i) Species’ known tolerance to root pruning/disturbance
(ii) Overall condition of the tree (vigour/vitality)
(iii) Actual confirmed distance between the tree and the proposed alterations
(iv) Any known previous root pruning/disturbance
(v) Numbers and diameters of roots which are required to be pruned
(vi) Size of the tree.

15. All vegetation clearance and tree removals shall be undertaken by suitably trained and experienced persons, and in a manner that ensures any damage or disturbance to the retained/protected vegetation/trees and their root zones is sufficiently minor that the retained vegetation/trees are not compromised.

16. The works arborist shall undertake regular site audits and shall submit monthly compliance memos to the Team Leader Northern Monitoring Auckland Council, for the duration of all works, including a final memo issued within 14 working days of the completion of the works.

**Advice note:** Any instance of non-compliance or more-than-minor damage with the agreed tree protection methodology shall be reported in the memo, and may be liable to remedial action to the satisfaction of Council, at the Requiring Authority’s expense.

17. Any pruning of retained vegetation shall be carried out in accordance with currently accepted arboricultural best practice, and so that the long term health and viability of the vegetation is not compromised. All pruning shall be conducted in a manner that ensures any damage or disturbance to all retained protected vegetation/trees and their root zones is sufficiently minor that the vegetation/trees are not compromised.

**Biosecurity**

18. Prior to commencing any works or activity on site, and prior to bringing any material, machinery, vehicles or plant to the site, the Requiring Authority shall confirm with the Biosecurity Team Leader, Auckland Council, the biosecurity controls in force at the time the works will be occurring, and shall ensure these controls are complied with during the project.
Advice Note: Biosecurity controls applicable at the time of including this designation condition (June 2015) relate to kauri dieback disease (Phytophthora agathadicida, or PTA) and dutch elm disease.

Herpetofauna

19. Prior to the commencement of any vegetation clearance or earthworks, a Native Lizard Management Plan (NLMP) shall be submitted to, and approved by, the Manager Northern Resource Consents. The NLMP shall include a capture-and-relocation operation for native skinks and geckos and release of rescued individuals to suitable protected sites in the locality. If necessary, the sites are to have wood debris or other natural refuges provided. The NLMP shall include at least the following:

a) Recommendations for salvage techniques and actions suitable for different lizard species.

b) Prior to the commencement of vegetation clearance, details of an intensive search and trapping programme of at least four weeks in total, to be undertaken only in favourable seasonal and weather conditions by an experienced and Department of Conservation permitted herpetologist, together with the presence of the same during actual vegetation clearance.

c) Identified release sites and any associated habitat restoration to sustain numbers and recruitment of both resident and rescued animals if required.

d) Details of any rodent control (pre and post release) to sustain lizard numbers of both resident and rescued animals together with details of monitoring the effectiveness of rodent control.

The NLMP shall be implemented as approved unless otherwise agreed by the Team Leader Northern Monitoring, Auckland Council.

Native bird nesting season

20. Should vegetation removal be proposed to take place during the native bird nesting period, which is between 1 September and 28 February, a suitably qualified ornithologist shall complete a survey at least one week before any vegetation is to be cleared, to ensure that there is no active native bird nesting occurring at that time.

Should any active nesting be found, then a 10m wide radius of vegetation, or buffer area, shall be retained around the nest until such time that all eggs have hatched and nestlings have naturally left the natal nesting tree/trees.

Temporary Traffic Management Plan

21. Prior to the commencement of work, a Temporary Traffic Management Plan (TTMP) shall be submitted to the Team Leader, Northern Monitoring. The TTMP shall be in accordance with the New Zealand Transport Agency’s Code of Practice for Temporary Traffic Management and include the following:

(a) consideration of general road users and construction traffic servicing the project.
(b) details of consultation or notice to be provided to affected property owners and occupiers, and the wider community as part of the Stakeholder Communication and Consultation Plan.

(c) management of (and if necessary, restrictions on) the use of the Ralph Eagles Place for construction access during the morning and afternoon primary school peaks.

(d) plans to maintain vehicle access to all properties at all times. However, if accessibility is not able to be provided for short periods, prior consultation with owners and occupiers shall be undertaken and adequate notice given in accordance with the Stakeholder Communication and Consultation Plan.

(e) suitable locations for off-road construction worker parking.

Archaeology

22. Prior to the commencement of any earthworks, the consent holder shall ensure that a Site Instruction that outlines management procedures and mitigation requirements for heritage be submitted to and approved by the Auckland Council Cultural Heritage Implementation Team. All earthworks shall be undertaken in accordance with this plan.

23 Prior to the onset of earthworks, the project archaeologist shall provide a contractors' briefing to all contractors as outlined in the Site Instruction.

24 Auckland Council's Cultural Heritage Unit shall be advised 5 working days prior to start of earthworks.

25 The Requiring Authority shall have Accidental Discovery Protocols in place to ensure work stops in the immediate vicinity of any exposed remains and that Heritage New Zealand and the Cultural Heritage Implementation Team are informed of any archaeological discoveries.

If previously unrecorded material (koiwi, taonga, sites) of prehistoric Maori settlement and activities are uncovered during site works, the Mana Whenua cultural heritage accidental discovery protocol as set out in Annexure 2, shall apply.

26 Following completion of any archaeological excavation associated with the project, the following shall apply:

• Auckland Transport shall commission the production of an educational pamphlet to be disseminated to relevant local organisations (libraries, schools, historic societies, iwi) on the settlement prehistory of the area and the relevant prehistoric and historic heritage sites including the Cholmondeley Smith Homestead, prehistoric crop storage pit, and the Pannill farm, ditch and bank if found (refs: R10/1138, R10/1137, R10/1098); and any relevant information obtained during the archaeological investigations associated with the project (and previous excavations of the area).

• Auckland Transport shall commission the preparation of any suitable historic material found for museum display

• The NZAA and Cultural Heritage Inventory site record forms are updated and submitted to the Auckland Council CHI team and the NZAA.
• A digital copy of any required final archaeological compliance report is provided to the Auckland Council CHI Team.

**Advice note:** All earthworks must comply with the conditions of Archaeological Authority no. 2015/629 granted by Heritage New Zealand Pouhere Taonga, and adhere to the approved Site Instruction.

**Construction Hours**

27 The hours of construction and earthworks activities shall be restricted to:

a. Monday through Friday: 0700 to 1830

b. Saturday: 0800 to 1700

c. Sunday and public holidays: 0800 to 1700 (for works associated with the Glenvar Road intersection only).

For the avoidance of doubt, no work associated with any other part of the project shall take place on Sundays or public holidays.

**Advice note:** This condition does not restrict low impact activities such as implementing the native lizard management plan or site survey work that would otherwise meet district plan noise standards.

**Construction noise**

28 Prior to the commencement of any works, a Construction Noise Management Plan (‘CNMP’) shall be submitted to, and approved by the Team Leader, Northern Monitoring, Auckland Council. The CNMP shall be prepared for the project setting out how construction noise will meet, as far as practicable, the long term limits of NZS6803:1999. The CNMP shall identify the best practicable option for management and mitigation of all construction noise, including where compliance with the long term limits of NZS 6803:1999 cannot be met. The CNMP shall, as a minimum, include the information required by Annexure E2 of NZS6803:1999, and address:

(a) Construction sequence;

(b) Machinery and equipment to be used, including the use of non-percussive machinery where practicable;

(c) Times and days when noisy construction work will occur;

(d) The design of noise mitigation measures such as temporary barriers or enclosures;

(e) Construction noise limits for specific areas;

(f) Development of alternative strategies where full compliance with NZS6803:1999 cannot be achieved, including consultation with residents of all affected properties to achieve the best practicable option to minimise the effects of any exceedance of the standard;

(g) Methods for monitoring and reporting on construction noise;
(h) Methods for receiving and responding to complaints about construction noise. The approved CNMP must be implemented and maintained throughout the entire construction period.

The CNMP shall be implemented unless otherwise agreed in writing by the Team Leader, Northern: Development Engineering.

Vibration

29. Vibration generated by construction activities associated with the works shall comply with the requirements of German Standard DIN 4150:1999 Structural vibration – Effects of Vibration on Structures in its entirety.

30. Advance notification shall be provided to the occupants of all dwellings that could be affected by perceptible levels of vibration from the construction works as defined in Part 2 of BS 5228-2:2209.

31. Where compliance with the guideline limits it is not practicable, the Requiring Authority shall demonstrate to the Team Leader Northern Monitoring through the preparation of a site specific Construction Vibration Management Plan that the subject structure is capable of withstanding higher levels of vibration without sustaining damage, or that it has reached agreement with the owner for other limits to apply. Any such Management Plan shall be prepared by a suitably qualified and experienced engineer.

32. All measurement procedures undertaken shall comply with the provision of DIN 45669-2 Measurement of Vibration Emission – Part 2: Measuring method.

Advice notes: Operational road traffic noise levels are expected to comply with the New Zealand Standard NZS 6806:2010 Acoustics – Road traffic noise – New and altered roads Category A limits at all existing receivers except 285 Glenvar Road where the Category B limit for New Roads shall apply.

Operational road traffic vibration levels are expected to comply with the Norwegian Standard NS 8176.E.2005 Vibration and Shock – Measurement of vibration in buildings from landbased transport and guidance to evaluation of its effects on human beings Class C limits in all residential buildings.

Lighting

33. The use of temporary construction floodlighting shall be minimised. When such lighting is used, it shall be located and directed to minimise potential glare effects to occupants of residential buildings.

34. Permanent road lighting shall be designed to comply with AS/NZS 1158.1.1:2005 and Chapter 19 ATCoP: Street lighting Design Requirements and any subsequent amendment of those documents.
Annexure 1: List of drawings and documents recommended for approval

<table>
<thead>
<tr>
<th>Report title and reference</th>
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<th>Rev</th>
<th>Dated</th>
</tr>
</thead>
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<td>N/a</td>
<td>2014</td>
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<td>3</td>
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<td>Arborlab</td>
<td>5</td>
<td>7 November 2014</td>
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<td>October 2014</td>
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<td>15 October 2014</td>
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- 10352-01-GE-001 Rev 2 EXTENT OF WORKS / DESIGNATION PLAN
- 10352-01-GE-002 Rev 7 CUT AND FILL CONTOURS
- 10352-01-GE-003 Rev 2 PRIVATE DRIVEWAYS TRACKING PLAN - SHEET 1 OF 2
- 10352-01-GE-004 Rev 5 PRIVATE DRIVEWAYS TRACKING PLAN - SHEET 2 OF 2
- 10352-01-GE-005 Rev 5 AERIAL OVERLAY (SHEET 1 OF 8)
- 10352-01-GE-006 Rev 5 AERIAL OVERLAY (SHEET 2 OF 8)
- 10352-01-GE-007 Rev 4 AERIAL OVERLAY (SHEET 3 OF 8)
- 10352-01-GE-008 Rev 4 AERIAL OVERLAY (SHEET 4 OF 8)
- 10352-01-GE-009 Rev 4 AERIAL OVERLAY (SHEET 5 OF 8)
- 10352-01-GE-010 Rev 4 AERIAL OVERLAY (SHEET 6 OF 8)
- 10352-01-GE-011 Rev 4 AERIAL OVERLAY (SHEET 7 OF 8)
- 10352-01-GE-012 Rev 4 AERIAL OVERLAY (SHEET 8 OF 8)
• 10352-01-GE-014 Rev 4 PROPOSED DESIGNATION - LAND REQUIREMENT PLAN - 27 RALPH EAGLES PL

• 10352-01-GE-015 Rev 3 PROPOSED DESIGNATION - LAND REQUIREMENT PLAN - 69 ASHLEY AVE

• 10352-01-GE-016 Rev 7 PROPOSED DESIGNATION - LAND REQUIREMENT PLAN - 285 GLENVAR ROAD

• 10352-01-GE-017 Rev 8 PROPOSED DESIGNATION - LAND REQUIREMENT PLAN - 283 GLENVAR ROAD

• 10352-01-GE-018 Rev 6 PROPOSED DESIGNATION - LAND REQUIREMENT PLAN - 275A GLENVAR ROAD

• 10352-01-GE-019 Rev 6 PROPOSED DESIGNATION - LAND REQUIREMENT PLAN - 221 GLENVAR ROAD

• 10352-01-GE-020 Rev 6 PROPOSED DESIGNATION - LAND REQUIREMENT PLAN - 231 GLENVAR ROAD

• 10352-01-GE-021 Rev 8 PROPOSED DESIGNATION - LAND REQUIREMENT PLAN - 241 GLENVAR ROAD

• 10352-01-GE-022 Rev 7 PROPOSED DESIGNATION - LAND REQUIREMENT PLAN - LOT 7 JOAL

• 10352-01-GE-023 Rev 7 PROPOSED DESIGNATION - LAND REQUIREMENT PLAN - 289 GLENVAR ROAD

• 10352-01-GE-024 Rev 7 PROPOSED DESIGNATION - LAND REQUIREMENT PLAN - 287 GLENVAR ROAD

• 10352-01-GE-025 Rev 7 PROPOSED DESIGNATION - LAND REQUIREMENT PLAN - 282 GLENVAR ROAD

• 10352-01-GE-027 Rev 4 PROPOSED DESIGNATION - LAND REQUIREMENT PLAN - 279 GLENVAR ROAD

• 10352-01-GE-028 Rev 4 PROPOSED DESIGNATION - LAND REQUIREMENT PLAN - 277 GLENVAR ROAD

• 10352-01-GE-029 Rev 4 PROPOSED DESIGNATION - LAND REQUIREMENT PLAN - 275 GLENVAR ROAD

• 10352-01-GE-030 Rev 4 TRACKING PLAN - TOUR COACH 12.6m

• 10352-01-GE-031 Rev 4 TRACKING PLAN - SEMI-TRAILER 17.9m

• 10352-01-GE-032 Rev 3 TRACKING PLAN AND DESIGN CRITERIA

• 10352-01-GE-033 Rev 3 PRIVATE ACCESS SIGHT DISTANCE REQUIREMENTS (SHEET 1 OF 3)

• 10352-01-GE-034 Rev 1 PRIVATE ACCESS SIGHT DISTANCE REQUIREMENTS (SHEET 2 OF 3)
Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
• 10352-01-EW-213 Rev 5 PROPOSED DESIGN - SLOPE ANALYSIS (SHEET 4 OF 4)

• 10352-01-EW-220 Rev 2 EROSION AND SEDIMENT CONTROL CATCHMENT PLAN - PRIMARY EARTHWORKS

• 10352-01-EW-221 Rev 2 EROSION AND SEDIMENT CONTROL CATCHMENT PLAN - SECONDARY EARTHWORKS/CIVILS

• 10352-01-EW-222 Rev 2 EROSION AND SEDIMENT CONTROL CATCHMENT PLAN PRIMARY EARTHWORKS - SSF CATCHMENT

• 10352-01-EW-223 Rev 2 EROSION AND SEDIMENT CONTROL CATCHMENT PLAN PRIMARY EARTHWORKS - SRP Y CATCHMENT

• 10352-01-EW-224 Rev 2 EROSION AND SEDIMENT CONTROL CATCHMENT PLAN SECONDARY EARTHWORKS/CIVILS - UPPER CATCHMENT

• 10352-01-EW-225 Rev 2 EROSION AND SEDIMENT CONTROL CATCHMENT PLAN SECONDARY EARTHWORKS/CIVILS - LOWER CATCHMENT

• 10352-01-EW-250 Rev 1 EROSION AND SEDIMENT CONTROL USLE SLOPES - PRE EARTHWORKS

• 10352-01-EW-251 Rev 1 EROSION AND SEDIMENT CONTROL USLE SLOPES - POST EARTHWORKS

• 10352-01-DR-311 Rev 5 PROPOSED STORMWATER PLAN (SHEET 1 OF 7)

• 10352-01-DR-312 Rev 5 PROPOSED STORMWATER PLAN (SHEET 2 OF 7)

• 10352-01-DR-313 Rev 5 PROPOSED STORMWATER PLAN (SHEET 3 OF 7)

• 10352-01-DR-314 Rev 5 PROPOSED STORMWATER PLAN (SHEET 4 OF 7)

• 10352-01-DR-315 Rev 5 PROPOSED STORMWATER PLAN (SHEET 5 OF 7)

• 10352-01-DR-316 Rev 5 PROPOSED STORMWATER PLAN (SHEET 6 OF 7)

• 10352-01-DR-317 Rev 5 PROPOSED STORMWATER PLAN (SHEET 7 OF 7)

• 10352-01-DR-320 Rev 1 STORMWATER LONGITUDINAL SECTIONS - SHEET 1 OF 6

• 10352-01-DR-321 Rev 1 STORMWATER LONGITUDINAL SECTIONS - SHEET 2 OF 6

• 10352-01-DR-322 Rev 1 STORMWATER LONGITUDINAL SECTIONS - SHEET 3 OF 6

• 10352-01-DR-323 Rev 1 STORMWATER LONGITUDINAL SECTIONS - SHEET 4 OF 6

• 10352-01-DR-324 Rev 1 STORMWATER LONGITUDINAL SECTIONS - SHEET 5 OF 6
• 10352-01-DR-325 Rev 1 STORMWATER LONGITUDINAL SECTIONS - SHEET 6 OF 6
• 10352-01-DR-331 Rev 4 PROPOSED CULVERT DETAILS
• 10352-01-DR-332 Rev 1 CULVERT DETAILS - STREAM DIVERSION METHODOLOGY
• 10352-01-DR-333 Rev 1 CULVERT DETAILS - WINGWALLS AND SECTION
• 10352-01-DR-350 Rev 3 OVERLAND FLOW PATH PLAN AND SECTIONS
• 10352-01-DR-370 Rev 2 WETLAND E CATCHMENT PLAN
• 10352-01-DR-371 Rev 2 WETLAND E LAYOUT PLAN
• 10352-01-DR-372 Rev 2 WETLAND E OUTLET DETAILS
• 10352-01-DR-373 Rev 1 WETLAND E TYPICAL CROSS SECTIONS - SECTION A
• 10352-01-DR-374 Rev 1 WETLAND E TYPICAL CROSS SECTIONS - SECTION B
• 10352-01-DR-375 Rev 1 WETLAND E TYPICAL CROSS SECTIONS - SECTION C
• 10352-01-DR-376 Rev 1 WETLAND E TYPICAL INLET & OUTLET DETAILS
• 10352-01-DR-377 Rev 1 WETLAND E TYPICAL DETAILS
• 10352-01-UT-400 Rev 2 SURVEY AND EXISTING SERVICES PLAN - SHEET 1 OF 3
• 10352-01-UT-401 Rev 1 SURVEY AND EXISTING SERVICES PLAN - SHEET 2 OF 3
• 10352-01-UT-402 Rev 1 SURVEY AND EXISTING SERVICES PLAN - SHEET 3 OF 3
• 10352-01-UT-420 Rev 1 UTILITIES PLAN - SERVICES RELOCATION (POWER) - SHEET 1 OF 2
• 10352-01-UT-425 Rev 1 UTILITIES PLAN - SERVICES RELOCATION (POWER) - SHEET 2 OF 2
• 10352-01-SD-820 Rev 1 STANDARD DETAILS - EROSION & SEDIMENT CONTROL TYPICAL POND DETAILS
• 10352-01-SD-821 Rev 1 STANDARD DETAILS - EROSION & SEDIMENT CONTROL TYPICAL DECANT DETAILS
• 10352-01-SD-822 Rev 1 STANDARD DETAILS - EROSION & SEDIMENT CONTROL TYPICAL FLOCCULATED DECANT DETAILS
• 10352-01-SD-823 Rev 1 STANDARD DETAILS - EROSION & SEDIMENT CONTROL TYPICAL DIVERSION DRAIN DETAILS
Annexure 2: Mana Whenua Accidental Discovery Protocol

If, at any time during site works, potential koiwi, archaeology or artefacts of Māori origin are discovered, then all site works, including earth moving machinery must stop around the location of the find and the following accidental discovery protocol must be followed:

- The site owner or the site manager must immediately advise the kaitiaki and kaumatua of the relevant Mana Whenua, Team Leader Cultural Heritage (Implementation) and Heritage New Zealand Pouhere Taonga (HNZPT).

- Mana Whenua will determine the tikanga for appropriate preservation, management and handling of the koiwi, archaeology or artefacts of Māori origin that are uncovered, which may include removal of the koiwi, archaeology or artefacts of Māori origin from the site by Mana Whenua or preservation within the site.

- Preservation of the koiwi, archaeology or artefacts of Māori origin that are uncovered may require amendments to the site works to avoid adverse effects on sites of significance to Mana Whenua and Maori values.

- Works within the identified area must not recommence until approval has been granted by HNZPT in consultation with Mana Whenua.

- Any final archaeological reporting resulting from an accidental discovery shall be submitted to the council’s the Cultural Heritage Team (Implementation) for the purposes of record keeping within 30 days of an updated report being provided to HNZPT.
Resource Consent Conditions

General Conditions

These conditions apply to each resource consent, referenced as LQ-2140220, REG-2140221, REG-2140222 and REG-2140451, as if each condition were replicated at the beginning of each individual resource consent.

1. The proposed activities shall be carried out in general accordance with the plans and all information submitted with the application detailed below, except as modified by the conditions below, and all referenced by the Council as LQ-2140220, REG-2140221, REG-2140222 and REG-2140451.

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LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
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LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
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Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
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Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
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2. This consent (or any part thereof) shall not commence until such time as the following charges, which are owing at the time the Council's decision is notified, have been paid in full:

   a) All fixed charges relating to the receiving, processing and granting of these resource consents under section 36(1) of the Resource Management Act 1991 (RMA); and

   b) All additional charges imposed under section 36(3) of the RMA to enable the Council to recover its actual and reasonable costs in respect of these applications, which are beyond challenge.

3. The consent holder(s) shall pay any subsequent further charges imposed under section 36 of the RMA relating to the receiving, processing and granting of these resource consents within 20 working days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under section 36(3) of the RMA that are subject to challenge, the consent holder(s) shall pay such amount as is determined by that process to be due and owing, within 20 working days of receipt of the relevant decision.

4. Under section 125 of the RMA, and unless otherwise specified, this consents lapses ten years after the date it is granted unless:

   i) The particular consent is given effect to; or

   ii) The Council extends the period after which the consent lapses.

5. The consent holder shall pay the Council an initial consent compliance monitoring charge of $540 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to each consent.

   **Advice Note:** The initial monitoring charge is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc, all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice. Only after all conditions of the resource consent have been met, will Council issue a letter confirming compliance on request of the consent holder.

   **Specific conditions – land use consent LQ-2140220**

6. Upon abandonment or completion of earthworks on the subject site all areas of bare earth shall be permanently stabilised against erosion to the satisfaction of the Council (Team Leader, Northern Monitoring).

   **Advice Note:** Should the earthworks be completed or abandoned, bare areas of earth shall be permanently stabilised against erosion. Measures may include:
i) the use of mulching

ii) top-soiling, grassing and mulching of otherwise bare areas of earth

iii) aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward

The on-going monitoring of these measures is the responsibility of the consent holder. It is recommended that you discuss any potential measures with the Council’s monitoring officer who will guide you on the most appropriate approach to take. Please contact the Auckland Council (Team Leader – Northern Monitoring) for more details. Alternatively, please refer to Auckland Regional Council, Technical Publication No. 90, Erosion & Sediment Control: Guidelines for Land Disturbing Activities in the Auckland Region.

Specific Earthworks Conditions LQ-2140220 relevant to both Glenvar Ridge Road and School Sports Field works

7. This earthworks consent shall expire on X June 2025 unless it has lapsed, been surrendered, or cancelled at an earlier date.

8. At least five working days before earthworks commence, the consent holder shall submit a Chemical Treatment Management Plan (CTMP) for the written approval of Team Leader, Northern Monitoring. The CTMP shall include as a minimum:

i) Specific design details of the chemical treatment system based on a rainfall activated system

ii) methodology for the site’s sediment retention ponds and decanting earth bunds and shall include a batch dosing methodology;

iii) Monitoring, maintenance (including post storm) and contingency programme (including a record sheet);

iv) Details of optimum dosage (including assumptions);

v) Results of initial chemical treatment trial;

vi) A spill contingency plan; and

vii) Details of the person or bodies that will hold responsibility for long term operation and maintenance of the chemical treatment system and the organisational structure which will support this system.

9. The CTMP referred to under condition 8 above shall be implemented prior to the start of any bulk earthworks at the site. Any amendments to the CTMP shall be submitted in writing to the Auckland Council (Team Leader – Northern Monitoring) prior to implementation.

Advice note: The CTMP may be based on existing CTMPs for the remaining Long Bay development with confirmation of treatment design dosage rates. In the event that minor amendments to the CTMP are required, any such amendments should be limited to the scope of this consent. Any amendments which affect the performance of the CTMP may require an application to be made in accordance with section 127 of the RMA. Any minor amendments should be provided to the Auckland Council (Team Leader – Northern Monitoring) prior to implementation.
Leader – Northern Monitoring) prior to implementation to confirm that they are within the scope of this consent.

10. The Auckland Council (Team Leader – Northern Monitoring) shall be notified as soon as practicable following identification of any new contamination found at the site, including contaminated soil, perched water or groundwater, which was not identified in the documentation submitted in support of this application.

Commencement of Earthworks Activities

11. Prior to the commencement of the earthworks activity taking place in each season of works, the consent holder shall hold a pre-start meeting that:

   i) Is located on the subject site

   ii) is scheduled not less than five working days before the anticipated commencement of earthworks

   iii) includes relevant Auckland Council officer[s]

   iv) includes representation from the contractors who will undertake the works

The meeting shall discuss the erosion and sediment control measures, the earthworks methodology and shall ensure all relevant parties are aware of and familiar with the necessary conditions of this consent.

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

   i) Timeframes for key stages of the works authorised under this resource consent

   ii) Erosion and Sediment Control Plan (required by Condition 1)

12. A pre-start meeting shall be held prior to the commencement of the earthworks activity in each period between October 1 and April 30 that this consent is exercised.

   Advice Note: To arrange the pre-start meeting required by Condition (12) please contact the Auckland Council (Team Leader – Northern Monitoring) kerry.flynn@aucklandcouncil.govt.nz or 09 301 0101. The conditions of consent should be discussed at this meeting. All additional information required by the Council should be provided 2 working days prior to the meeting.

13. Prior to bulk earthworks commencing on any part of the earthworks site, a certificate signed by an appropriately qualified and experienced person shall be submitted to the Auckland Council (Team Leader – Northern Monitoring) to certify that the erosion and sediment controls for that part of the site have been constructed in accordance with the Erosion and Sediment Control Plan as specified in condition 1 of this consent or as otherwise approved by the Auckland Council (Team Leader – Northern Monitoring) or their representative.

14. Erosion and sediment control measures shall be constructed and maintained in general accordance with TP90 and any amendments to this document, except where a higher standard is detailed in the documents referred to in Condition 1 above, in which case the higher standard shall apply.
15. The consent holder shall inspect sediment control measures to ensure effective operation on a weekly basis and immediately after any significant storm event during construction.

16. The consent holder shall maintain the operational effectiveness and efficiency of all erosion and sediment control measures throughout the duration of each stage of earthworks activity, or until the site is permanently stabilised against erosion.

Seasonal restrictions on Earthworks

17. No earthworks on the subject site shall be undertaken between 30 April and 1 October in any year, without the written approval of Council (Team Leader – Northern Monitoring).

18. The consent holder shall advise Council (Team Leader – Northern Monitoring) by 1 August in any year if the bulk earthworks authorised by this consent will be undertaken or undertaken in part in the upcoming earthworks season (i.e. whether the consent is "live" for the purposes of Rule 17B.3.1(b) of the Operative District Plan).

19. Re-vegetation/stabilisation is to be completed by 30 April in the year of bulk earthworks in accordance with measures detailed in TP90 and any amendments to this document, unless a later date is approved in writing by the Council (Team Leader – Northern Monitoring), at least two weeks before 30 April.

20. The site shall be progressively stabilised against erosion as soon as practicable, as earthworks are finished over various areas of the site. Site stabilisation shall mean when the site is covered by a permanent erosion-proof ground cover such as aggregate and includes vegetative cover which has obtained a density of more than 80% of a normal pasture sward.

Glenvar Ridge Road Works - Earthworks specific conditions

21. Earthworks authorised by this consent shall not expose more than 1.5 hectares of surface area within the Long Bay 1 zoned area of the subject site at any one time.

22. Earthworks authorised by this consent shall not expose more than 5.1 hectares of surface area within the Long Bay 2-7 zoned areas of the subject site at any one time.

23. Auckland Council Cultural Heritage Unit shall be advised 5 working days prior to the start of earthworks.

Advice note:

All earthworks must comply with the conditions of Archaeological Authority no. 2015/629 granted by Heritage New Zealand Pouhere Taonga, and adhere to the approved Site Instruction.

Dust Control

24. There shall be no noxious, dangerous, offensive or objectionable dust, particulate, smoke, or fume emissions caused by the exercise of this consent. In assessing whether the effects are noxious, offensive or objectionable, the following factors will be taken into account:

   i) The frequency of dust nuisance events
ii) The intensity of events, as indicated by dust quantity and the degree of nuisance

iii) The duration of each dust nuisance event

iv) The offensiveness of the discharge, having regard to the nature of the dust

v) The location of the dust nuisance, having regard to the sensitivity of the receiving environment.

25. The consent holder shall ensure that adequate water supply is available on the site for the purpose of dust control at all times during the earthwork periods.

Adaptive Environmental Monitoring and Management Response Plan

26. The consent holder shall prepare an Adaptive Environmental Monitoring and Management Response Plan (AEMMRP) which shall set out a monitoring programme including downstream receiving-environment inspections and how the outflows from the sediment treatment devices will be monitored for water quality, to assist in understanding any effects that may result from the earthworks operation. The AEMMRP shall specify criteria for when adaptations to sediment treatment devices need to occur, and allow for the modification of devices to achieve compliance with the Erosion and Sediment Control Plan. The AEMMRP shall be submitted to Council (Team Leader – Northern Monitoring) for approval prior to works commencing.

27. In the event that AEMMRP monitoring indicates exceedance of the criteria for management action (as approved in the AEMMRP), the consent holder shall notify the Auckland Council (Team Leader – Northern Monitoring) within 3 working days detailing the types of changes identified and the subsequent action taken.

Advice Note: The AEMMRP may be based on the existing AEMMRP for the remaining Long Bay development.

Conditions 28 to 51 are MoE specific conditions.

Long Bay Primary School Sports Field Works - Earthworks specific conditions

28. Earthworks authorised by this consent shall not expose more than 0.6 hectares of surface area within the Long Bay 1 zoned area of the subject site at any one time.

29. Earthworks authorised by this consent shall not expose more than 3.5 hectares of surface area within the Long Bay 2-7 zoned areas of the subject site at any one time.

30. The consent holder shall inspect sediment control measures to ensure effective operation on a weekly basis and immediately after any significant storm event during construction.

31. The consent holder shall maintain the operational effectiveness and efficiency of all erosion and sediment control measures throughout the duration of each stage of earthworks activity, or until the site is permanently stabilised against erosion.

Detailed Landscape Plan

32. Prior to commencing any earthworks or vegetation clearance associated with development of the sports field, the Requiring Authority shall submit a Detailed Glenvar Ridge Road and Long Bay Primary School
LUC No.: PA213, PA214, PA215, REG2140221, REG2140222 and LQ2140220
Landscape Plan (DLP) to the Team Leader Northern Monitoring, Auckland Council for approval. The Detailed Landscape Plan shall be prepared by suitably qualified persons. Matters to be addressed in the DLP include (but are not limited to) the following:

a) Details of landscaping and replanting in those areas identified in the Boffa Miskell Landscape Framework Plan Sheets 1, 2 & 3 of 3 (dated 09 Oct 2013) and the Overall Mitigation Plan Rev A (dated 19 March 2015).

b) A detailed planting methodology for pre-planting site preparation, planting, and maintenance. Matters to be covered include but are not limited to:

(i) Plant species, spacing and size;
(ii) Depth of topsoil;
(iii) Preparation of planting sites, including treatment of any compacted or otherwise disturbed sub-base beneath the topsoil;
(iv) Planting methodology;
(v) Tree staking, fertilizing, mulching, watering, fencing;
(vi) Proposed timing of all planting with regard to the construction period and to optimal annual planting periods (typically April to September/October);
(vii) A minimum 5 year monitoring and maintenance period for all plantings of 'stand-alone' specimen trees. An audit of tree condition shall be sent to the Consent Authority every six months during the maintenance period. During the 5 year maintenance period, trees that die or fail to perform to the satisfaction of Auckland Council’s Arboricultural and Landscape Advisor shall be replaced. Monitoring and maintenance shall be extended beyond the minimum 5 years if deemed necessary by Council's Arboricultural and Landscape Advisor at the 5-year inspection;
(viii) A minimum 5 year monitoring and maintenance period for all 'mass-planted' areas, extended if necessary to achieve 95% canopy cover across each 'mass-planted' area. An audit of tree/plant condition shall be sent to the Consent Authority every six months during the maintenance period. During the maintenance period, trees/plants that die or fail to perform to the satisfaction of Auckland Council’s Arboricultural and Landscape Advisor shall be replaced as/if necessary to achieve the 95% performance standard.

c) Details of a landscape design statement that details:

(i) How the proposed planting contributes to Crime Prevention Through Environmental Design (CPTED) in particular, providing access from Ashley Reserve to the school;
(ii) How overland flows paths will be managed following the re-contouring of the land to provide the sports field.
d) Details of a Pest and Weed Management Plan. The PWMP shall be carried out within the areas identified at the expense of the Requiring Authority, and implemented for a period of at least 5 years. The PWMP shall include:

(i) a methodology, time frames and programme of works and for removal and control of targeted weed species (stage, seasonal time frames, weed type, action required and control method with reference to Auckland Regional Pest Management Strategy (2007 – 2012);

(ii) Monitoring (time frames for follow up treatment and success of control).

All details shall be implemented as approved by the Team Leader Northern Monitoring, Auckland Council, unless otherwise agreed in writing by the Team Leader Northern Monitoring, Auckland Council.

Advice Note:

Consultation the above condition should occur with the council’s arborist, ecologist, landscape architect and the council’s Park Department prior to submitting details.

The Ministry of Education is advised to contact Ken Schmidt, Development Engineer of the Northern Resource Consenting for advice regarding the management of stormwater overland flow paths over the sports fields.

The Ministry of Education is advised to consult the Council’s Parks Department for any works in the council road corridor in conjunction with the above.

Vegetation and Ecology

33. Should vegetation removal be proposed to take place during the native bird nesting period which is between 1 September and 28 February, a suitably qualified ornithologist shall complete a survey at least one week before any vegetation is to be cleared to ensure that there is no active native bird nesting occurring at that time.

Should any active nesting be found, then a 10m wide radius of vegetation, or buffer area, shall be retained around the nest until such time that all eggs have hatched and nestlings have naturally left the natal nesting tree/trees.

34. The consent holder shall, at least 5 working days before construction commences, arrange a site meeting between the Council (Team Leader – Northern Monitoring) and the Works Arborist, and any relevant employees and the primary contractor of the consent holder, to confirm protection measures for vegetation to be retained.

35. Prior to the commencement of any vegetation clearance or earthworks, a Native Lizard Management Plan (NLMP) shall be submitted to, and approved by, the Manager Northern Resource Consents. The NLMP shall include a capture-and-relocation operation for native skinks and geckos and release of rescued individuals to suitable protected sites in the locality. If necessary, the sites are to have wood debris or other natural refuges provided. The NLMP shall include at least the following:

a) Recommendations for salvage techniques and actions suitable for different lizard species.
b) Prior to the commencement of vegetation clearance, details of an intensive search and trapping programme of at least four weeks in total, to be undertaken only in favourable seasonal and weather conditions by an experienced and Department of Conservation permitted herpetologist, together with the presence of the same during actual vegetation clearance.

c) Identified release sites and any associated habitat restoration to sustain numbers and recruitment of both resident and rescued animals if required

d) Details of any rodent control (pre and post release) to sustain lizard numbers of both resident and rescued animals together with details of monitoring the effectiveness of rodent control.

The NLMP shall be implemented as approved, unless otherwise agreed by the Team Leader Northern Monitoring, Auckland Council.

Construction Traffic Management

36. Prior to the commencement of work on site, a Temporary Traffic Management Plan (TTMP) shall be submitted to the Team Leader, Northern Monitoring. The TTMP shall be in accordance with the New Zealand Transport Agency’s Code of Practice for Temporary Traffic Management and include the following:

(i) consideration of general road users and construction traffic servicing the project.

(ii) details of what consultation or notice will be provided to adjacent residents and schools

(iii) management of (and if necessary, restrictions on) the use of the Ralph Eagles Place for construction access during the morning and afternoon primary school peaks

(iv) plans to maintain vehicle access to all properties at all times. However, if accessibility is not able to be provided for short periods, prior consultation with owners and occupiers shall be undertaken and adequate notice given

(v) suitable locations for off-road construction worker parking.

Engineering

37. A detailed Geotechnical Design Report (GDR) shall be prepared by a suitably qualified and experienced geotechnical engineer to confirm that the earthworks design is fit for purpose, and submitted for the approval of Auckland Council (Team Leader – Northern Monitoring) prior to the commencement of earthworks on the site.

38. Bulk earthworks and public drainage works shall be designed, constructed and completed (with completion documentation):

i) in accordance with the requirements of the Auckland Council Code of Practice for Land Development and Subdivision, and

ii) to an earthworks standard allowing construction of a timber-framed building (in accordance with NZS3604) where the finished slope is flatter than 1V to 4H.
iii) Any land where the final contour is steeper than 1V to 3H, or, as recommended by the Geotechnical Investigation Report, required to support the application for Engineering Approval for the bulk earthworks, is to be vegetated and mulched to the general density requirements for vegetation of public land.

Archaeology

39. Prior to works commencing at the former Pannill and Cholmondeley-Smith property boundary where it intersects with the haul route, an archaeological investigation under the requirements of the Heritage New Zealand - Pouhere Taonga Act shall be undertaken to determine if Pannill’s ditch and bank (R10/1098) existed along the boundary. The archaeological investigation analysis and recording shall be undertaken in accordance with the Archaeological Assessment of Effects Report submitted with the application. The results of the investigation shall be made publicly accessible.

40. If previously unrecorded material (kiwi, taonga, sites) of prehistoric Maori settlement and activities are uncovered during site works, the Mana Whenua cultural heritage accidental discovery protocol as set out in Annexure 1, shall apply.

Advice note: All earthworks must comply with the conditions of Archaeological Authority no.2015/629 granted by Heritage New Zealand Pouhere Taonga, and adhere to the approved Site Instruction.

Hours of operation

41. The hours of construction and earthworks activities shall be restricted to:

i) Monday through Friday: 0700 to 1830

ii) Saturday: 0800 to 1700

There shall be no works on Sundays or public holidays.

Advice note: This condition does not restrict low impact activities such as implementing the lizard management plan or site survey work that would otherwise meet district plan noise standards

Construction Noise

42. Noise from construction shall not exceed the limits recommended in, and shall be measured in accordance with, New Zealand Standard NZS 6803:1999 “Acoustics – Construction Noise”.

Quality of Fill

43. All material borrowed from or imported to the site to become part of any engineered fill shall:

i) be solid material of a stable, inert nature; and

ii) not contain contaminants above levels suitable for residential development; and

iii) not be subject to biological breakdown.

44. An appropriately qualified and experienced geotechnical engineer shall be engaged for the period of the bulk earthworks to provide specialist advice and design direction
to the head civil consultants and the contractors engaged in earthworks and related sediment and erosion control works and structures.

**Dust Control**

45. There shall be no noxious, dangerous, offensive or objectionable dust, particulate, smoke, or fume emissions caused by the exercise of this consent. In assessing whether the effects are noxious, offensive or objectionable, the following factors will be taken into account:

i) The frequency of dust nuisance events

ii) The intensity of events, as indicated by dust quantity and the degree of nuisance

iii) The duration of each dust nuisance event

iv) The offensiveness of the discharge, having regard to the nature of the dust

v) The location of the dust nuisance, having regard to the sensitivity of the receiving environment.

46. The consent holder shall ensure that adequate water supply is available on the site for the purpose of dust control at all times during the earthwork periods.

**Post construction**

47. Re-vegetation/stabilisation is to be completed by 30 April in the year of bulk earthworks in accordance with measures detailed in TP90 and any amendments to this document, unless a later date is approved in writing by the Auckland Council (Team Leader – Northern Monitoring) at least two weeks before 30 April.

48. The site shall be progressively stabilised against erosion as soon as practicable, as earthworks are finished over various areas of the site. Site stabilisation shall mean when the site is covered by a permanent erosion proof ground cover such as aggregate and includes vegetative cover which has obtained a density of more than 80% of a normal pasture sward.

**Certification of Completed Bulk Earthworks**

49. Within 40 working days following the completion of earthworks, the suitably qualified engineering professional responsible for supervising the works shall provide a Geotechnical Completion Report compliant with the requirements of the reporting standards set out in the Auckland Council Code of Practice for Land Development and Subdivision Section 2, Earthworks and Geotechnical Requirements. The report shall attest to the suitability of the completed bulk earthworks for their intended purpose. One bound copy and a pdf copy of this report are to be submitted to the Auckland Council (Team Leader – Northern Monitoring).

**Adaptive Environmental Monitoring and Management Response Plan**

50. The consent holder shall prepare an Adaptive Environmental Monitoring and Management Response Plan (AEMMRP) which shall set out a monitoring programme including downstream receiving environment inspections and how the outflows from the sediment treatment devices will be monitored for water quality to assist in understanding any effects that may result from the earthworks operation.
AEMMRP shall specify criteria for when adaptations to sediment treatment devices need to occur, and allow for the modification of devices to achieve compliance with the Erosion and Sediment Control Plan. The AEMMRP shall be submitted to Auckland Council (Team Leader – Northern Monitoring) for approval prior to works commencing.

51. In the event that AEMMRP monitoring indicates exceedance of the criteria for management action (as approved in the AEMMRP), the consent holder shall notify the Auckland Council (Team Leader – Northern Monitoring) within 3 working days detailing the types of changes identified and the subsequent action taken.

**Advice Note:** The AEMMRP may be based on the existing AEMMRP for the remaining Long Bay development.

**Stormwater Conditions**

52. The following stormwater management works shall be constructed for the following catchment areas and design standards and they shall be completed prior to the road being opened for traffic.

<table>
<thead>
<tr>
<th>Works to be undertaken</th>
<th>Catchment area-</th>
<th>Design requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bio – retention (Rain – gardens)</td>
<td>Approximately 1.42ha</td>
<td>TP10, 75% TSS removal on a long term average basis</td>
</tr>
<tr>
<td>Wetland E</td>
<td>2.37ha</td>
<td>TP10, 75% TSS removal</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2, 10 ARI peak flows to be maintained at pre-development levels in accordance with TP10, and designed to provide compensation for overall site post-development condition.</td>
</tr>
</tbody>
</table>

53. In the event that any minor modifications to the stormwater management system are required, the following information shall be provided:

i) Plans and drawings outlining the details of the modifications; and

ii) Supporting information to demonstrate that the proposal will not affect the capacity or performance of stormwater management system.

iii) All information shall be submitted to, and verified by the Team Leader - Northern Monitoring, prior to implementation.

54. The stormwater discharge from the new road shall be carried out in accordance with the conditions of the Long Bay Network Discharge Consent 39800 issued on 10 December 2012.
55. The consent holder shall plant Wetland E and maintain that planting in accordance with the Detailed Landscape Plan required by condition 10 of Auckland Transport Designation PA 213.

56. The consent holder shall provide complete engineering drawings detailing Wetland E and the bio-retention devices for engineering approval before construction commences.

Construction meetings

57. Five working days prior to initiation of any construction of stormwater devices on the site, a pre-construction site meeting between Council (Team Leader - Northern Monitoring) and all relevant parties, including the site stormwater engineer, shall be arranged.

58. The following information shall be provided at the pre-construction meeting:
   i) Timeframes for key stages of the works authorised under this consent;
   ii) Contact details of the site contractor and site stormwater engineer; and
   iii) Approved (signed/stamped) construction plans.

   Any resulting modifications to the stormwater management system may be reviewed by Auckland Council at this time and shall be verified in accordance with Condition 53 above.

59. Within 30 working days of practical completion of the stormwater management works, a post construction site meeting shall be arranged and conducted between Council (Team Leader – Northern Monitoring) and all relevant parties, including the site stormwater engineer. As-Built certification and plans shall be available for this meeting, as specified in Condition 61.

Certification of construction works

60. Within 30 working days of practical completion, As-Built certification and plans of the stormwater management works, which are certified (signed) by a suitably qualified registered surveyor or engineer as a true record of the stormwater management system, shall be provided to the Auckland Council (Team Leader – Northern Monitoring).

61. The As-Built plans shall include, but not be limited to:
   i) The surveyed location (to the nearest 0.1m) and level (to the nearest 0.01m) of the discharge structure, with co-ordinates expressed in terms of NZTM and LINZ datum;
   ii) Plans and cross sections of all stormwater management devices, including confirmation of the storage volumes and levels of any outflow control structure;
   iii) Documentation of any discrepancies between the design plans and the As-Built plans.
Operation and maintenance

62. A final updated Operation and Maintenance Plan for the stormwater management and treatment system shall be submitted to the Auckland Council (Team Leader – Northern Monitoring) within 6 months of completion of the installation of the stormwater works set out in Condition 52 of this consent.

63. The Operation and Maintenance Plan shall set out how the stormwater management and treatment system is to be operated and maintained to ensure adverse environmental effects are minimised. The plan shall include, but not be limited to:

   i) A programme for regular maintenance and inspection of the stormwater management system;

   ii) A programme for the collection and disposal of debris and sediment collected by the stormwater management devices or practices;

   iii) A programme for post storm maintenance;

   iv) General inspection checklists for all aspects of the stormwater management system, including visual checks;

   v) Details of who will hold responsibility for long-term maintenance of the stormwater management system and the organisational structure which will support this process.

64. The stormwater management and treatment system shall be managed in accordance with the approved Operation and Maintenance Plan.

65. Any amendments to the Operation and Maintenance Plan shall be submitted to and approved by the Auckland Council (Team Leader – Northern Monitoring), in writing prior to implementation.

66. Notwithstanding Conditions 53 and 63, the stormwater management system shall be maintained to minimise erosion.

Reporting

67. Details of all inspections and maintenance for the stormwater management system for the preceding three years shall be retained and made available to Auckland Council upon request.

Contamination Conditions for NES

68. The Team Leader Northern Monitoring, Auckland Council, shall be informed, in writing, at least ten (10) working days prior to the start date of the works authorised by this consent.

69. The remedial earthworks shall be carried out in accordance with the Remedial Action Plan, Groundwater and Environmental Services Ltd, 30 June 2014.

70. Bulk earthworks shall be carried out in accordance with the Site Management Plan, Groundwater and Environmental Services Ltd, 25 September 2014.
71. Asbestos air monitoring shall be carried out prior to and during the remedial works and any exceedances above an asbestos trigger level of 0.01 fibres/ml shall be immediately reported to the Auckland Council (Team Leader – Northern Monitoring) all work shall cease immediately, corrective action shall be undertaken and no further work shall be carried out until approved by Auckland Council (Team Leader – Northern Monitoring).

72. The remedial works shall not result in any airborne and deposited dust beyond the property boundary of the site that is determined to be noxious, objectionable or offensive. Good practice measures, such as those described in Section 8 of the Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions, Ministry for the Environment (2001), shall be adopted at all times.

73. The contamination levels of any imported soil/fill shall comply with Auckland Council’s clean fill criteria.

74. Excavated material removed from the contaminated site shall be disposed of in an appropriately licensed/consented disposal facility and written evidence of the disposal shall be retained.

75. Work shall stop and the Council (Team Leader – Northern Monitoring) shall be notified immediately of the identification of any contamination at the site which was not identified in the reports submitted in support of this application, including contaminated soil, surface water or groundwater.

76. Should the Remedial Action Plan and/or Site Management Plan be required to be updated as a result of identifying new contamination, the updated documents shall be submitted to the Auckland Council (Team Leader – Northern Monitoring) prior to implementation, for confirmation that they comply with the Contaminated Land Management Guidelines number 5 – Site Investigation and Analysis of Soils, Ministry for the Environment, revised 2011, and the conditions of this consent.

i) Updates to the Plans shall not be implemented until confirmation has been received;

ii) Notwithstanding (i), updates to the Plans may be implemented if 10 working days have passed since the documents were submitted and no correspondence has been received from the Auckland Council regarding the updates; and

iii) All confirmed updates shall be incorporated into respective replacement documents.

77. Within three months following completion of the remedial works, a Site Validation Report to confirm the performance of the remediation works shall be provided to the satisfaction of Council (Team Leader – Northern Monitoring). The Site Validation Report shall include, but not be limited to:

i) confirmation of performance of the remediation works

ii) test results of any imported soil

iii) evidence of landfill disposal of soil

iv) scaled plans (plan and elevation views) showing locations and containment details of any contaminated materials remaining on site.
Specific conditions – Streamworks R/REG/2140222

78. This stream works consent shall expire 35 years from the date of its commencement unless it has lapsed, been surrendered, or cancelled at an earlier date.

79. Subject to condition 80, the consent holder shall undertake the riparian planting and stream restoration works set out in the Overall Mitigation Plan prepared by Boffa Miskell dated 19 March 2015 and in accordance with condition 10 (Detailed Landscape Plan) of the Auckland Transport designation PA 213.

80. The works set out in condition 79 may be delayed or staged so as to co-ordinate the planting or works with other stream related remedial works that may occur within the stream 3 catchment, with the prior written approval of the Council (Team Leader, Specialist Integration - Compliance).

81. The details of the planting and stream rehabilitation works (and their maintenance) required by condition 82 shall be set out in the detailed landscape plan required by condition 10 of Auckland Transport designation PA 213.

82. In addition to the mitigation required by condition 79 and prior to the opening of the road for public use, the consent holder shall identify either:

   a) 3000m² of additional riparian planting within the Vaughans Stream catchment

   or, if no appropriate site can be found,

   b) other works (e.g. riparian planting, daylighting, naturalisation or instream habitat enhancement) to mitigate the effect of a loss of 11m² of natural stream bed of stream 3, based on TR2011/009 and TP148. This off-site mitigation may be outside the Vaughans Stream catchment in the Auckland Region.

The off-site mitigation required by condition 82 shall be set out in an Environmental Compensation Plan (ECP) and off-site compensation works, as detailed in the ECP, shall be completed within 12 months of the road being opened for public use.

83. The ECP shall set out details of required offset compensation to be undertaken and the location of it. This ECP shall include:

   a. Final location details of the mitigation and/or compensation site or sites

   b. Full calculations in accordance with TR2011/009 and TP148 to determine the required amount of offset compensation, including SEV of stream 3 and ECR calculations, if condition 82(a) is not implemented;

   c. Plans in A3 format showing the proposed mitigation and/or compensation works. Where riparian planting of streams is to be carried out:

      i) a list of species, numbers to be planted, their common and botanical names;

      ii) method of planting, planting locations and densities;

      iii) suitable weed and plant management measures for a period of 5 years or until 95% canopy closure is achieved within the mitigation/ compensation site;
d. Details of the timing of mitigation and/or compensation works. e. If on private land, details as to how the mitigation and/or compensation works will be protected in perpetuity and/or vested in Auckland Council.

84. The ECP shall be submitted to the Council (Team Leader, Specialist Integration – Compliance) for certification at least 20 working days prior to the works addressed in the ECP commencing. Within 10 working days of receipt of the Plan, the Council shall provide certification or detail, in writing, any aspects of conditions 82 and 83 that the ECP does not satisfy. Any such modifications may only relate to measures necessary to ensure that the outcomes specified in condition 90 are achieved.

85. Any amendments to the approved ECP shall be approved by the Council (Team Leader, Specialist Integration – Compliance) in writing prior to any amendment being implemented.

86. Written confirmation shall be provided to the Council (Team Leader, Specialist Integration – Compliance), within 60 working days of the mitigation works having been undertaken, confirming that the mitigation works have been completed in accordance with the ECP.

Advice note: Auckland Council will assist Auckland Transport to identify opportunities for offsite mitigation (if required in accordance with 90(b)).

87. The consent holder shall, at least 5 working days before construction commences, hold a meeting with Auckland Council representatives and the primary contractor. This meeting shall form the basis of communication and details of the Construction Methodology and proposed streamworks management and associated methodologies and ensure that all contractors are aware of and familiar with the proposed construction methodologies.

88. Prior to the culvert construction works commencing, a finalised stream diversion methodology shall be submitted to the Council (Team Leader, Specialist Integration – Compliance) for approval, which shall include the following:

   i) Proposed timing of the works and diversion
   ii) What machinery is proposed and how the machinery is to be managed and checked to avoid contamination of water with fluids and fuel
   iii) How sediment controls will be installed and removed
   iv) Any stockpiling locations
   v) Methods for de-fishing
   vi) Relocation Plan for indigenous species

89. The consent holder shall remove and relocate indigenous fish from any sections of stream (permanent and intermittent) to be disturbed. Appropriate relocation sites are to be assessed, and included in a written report, by a suitably qualified and experienced freshwater ecologist. A copy of the report shall be forwarded to the Council (Team Leader, Specialist Integration – Compliance)

Advice Note: An indigenous fish recovery and relocation plan shall include but not be limited to: fishing methodology, transportation of fish, timing of
relocation, identification of the relocation site, and a freshwater ecologist shall be present at the time of dewatering to insure all remaining fish are relocated.

90. The works in a watercourse shall be undertaken only during a period where all flows can be diverted around the area of works, throughout the duration of the works. The works in a watercourse shall avoid the annual whitebait runs and spawning period from 1 April to 30 November.

91. No machinery shall enter the flowing watercourse at any time.

92. Servants or agents of Auckland Council shall be permitted to have access to relevant parts of the site at all reasonable times for the purpose of carrying out inspections, surveys, investigations, tests, measurements and/or to take samples.

93. All machinery shall be operated in a way, which ensures that spillages of fuel, oil and similar contaminants are prevented, particularly during stabilisation and machinery servicing and maintenance. Refuelling and lubrication activities shall be carried out away from any water body such that any spillage can be contained so it does not enter the watercourse associated with this consent. The use of grouts and concrete products shall also be limited adjacent to the watercourse with all mixing of products carried out outside the 100 year floodplain area such that any spillage can be contained so it does not enter the watercourse (Stream 3) associated with this consent.

94. When dewatering the area of works, no sediment laden water shall be discharged directly into a watercourse. Any sediment laden discharge pumped or otherwise removed from the works area must be disposed of via suitable sediment treatment system.

95. All exposed areas, including the bed of the stream and the area within the 1% AEP floodplain, are to be stabilised at the end of each construction day.

96. The culvert shall be set below the invert level of the existing stream bed to ensure adequate fish passage for the duration of this consent.

97. The consent holder shall provide complete engineering drawings detailing the culvert for engineering approval before construction commences.

**Conditions 98 - 101 are MoE specific**

**Specific conditions – Stream Reclamation R/REG/21404521**

98. The consent holder shall prepare a Stream Rehabilitation Mitigation Plan (SRMP) for the approval of the Council (Team Leader, Specialist Integration – Compliance) prior to the commencement of earthworks on the site for the retained section of the intermittent stream (approximately 25m length) immediately below the works footprint. The SRMP shall be in general accordance with the recommendations in Section 6.5 of the Ecological Report prepared by Boffa Miskell Limited, dated 1 October 2014 and forming part of the application materials. This shall include removal of debris and concrete piles from the stream, weed removal and planting in riparian areas. Rehabilitation of the retained section of intermittent stream (approximately 25m in length) immediately below the works footprint shall be undertaken in general accordance with the SRMP within 12 months of the completion of works.
99. If stream flows require, prior to the reclamation works commencing, a finalised stream diversion methodology shall be submitted to the Auckland Council (Team Leader, Specialist Integration – Compliance) for approval, which shall include the following:

i) Proposed timing of the works and diversion

ii) What machinery is proposed and how the machinery is to be managed and checked to avoid contamination of water with fluids and fuel

iii) How sediment controls will be installed and removed

iv) Any stockpiling locations

v) Methods for de-fishing.

100. Riparian planting shall be undertaken in accordance with the Overall Mitigation Plan (dated 19 March 2015). Prior to the commencement of replanting, the consent holder shall provide the following information:

i) Plant species, spacing and size.

ii) Depth of topsoil.

iii) Preparation of planting sites, including treatment of any compacted or otherwise disturbed sub-base beneath the topsoil.

iv) Planting methodology.

v) Tree staking, fertilizing, mulching, watering, fencing.

vi) Method of planting, planting locations and densities; and

vii) Weed and plant management measures.

101. The riparian planting required by condition 101 shall have:

(i) A monitoring and maintenance period for all riparian planting shall be no less than 5 years or, unless otherwise agreed in writing by the Team Leader - Northern Monitoring, Auckland Council. An audit of tree/plant condition shall be sent to the Consent Authority every six months during the maintenance period. During the maintenance period, trees/plants that die or fail to perform to the satisfaction of Team Leader - Northern Monitoring, Auckland Council shall be replaced as/if necessary to achieve a 95% performance standard.

(ii) Proposed timing of all planting with regard to the construction period and to optimal annual planting periods (typically April to September/October).

Specific conditions – Discharge of Contaminants – R/REG/20140221

102. The discharge from remediation of contaminated soil at 275A Glenvar Road, Long Bay shall be carried out in accordance with the plans and all information submitted with the application, particularly:

i) The report Remedial Action Plan, 275A, Glenvar Road, Glenvar Ridge Road, Long Bay, dated 30 June 2014 and prepared by Groundwater and Environmental Services Limited,

**Advice note:** The Council acknowledges that the Remediation Action Plan and Site Management Plan Reports are intended to provide flexibility of the management of the works and contaminated site discharge. Accordingly, the Plan may need to be updated. Any updates should be limited to the scope of this consent and consistent with the conditions of this consent. If you would like to confirm that any proposed updates are within scope, please contact Council (Team Leader Earthworks and Contaminated Land, Natural Resources and Specialist Input, Auckland Council on (09) 301 0101).

103. All sampling and testing of contamination on the site shall be overseen by a suitably qualified and experienced contaminated land practitioner. All sampling shall be undertaken in accordance with Contaminated Land Management Guidelines, No.5 - Site Investigation and Analysis of Soils, Ministry for the Environment, revised 2011.

**Advice Note:** Sampling and testing required by Condition 103 is to comply with the Contaminated Land Management Guidelines, No.5 - Site Investigation and Analysis of Soils, Ministry for the Environment, revised 2011. All testing and analysis should be undertaken in a laboratory with suitable experience and ability to carry out the analysis. For more details on how to confirm the suitability of the laboratory please refer to Part 4: Laboratory Analysis, of Contaminated Land Management Guidelines No.5.

104. Auckland Council (Team Leader Earthworks and Contaminated Land, Natural Resources and Specialist Input) shall be notified at least two (2) working days prior to the remediation works commencing on site.

**Advice Note:** Condition 104 requires the consent holder to notify the Council of their intention to begin remediation works a minimum of two working days prior to commencement. Please contact the Team Leader Earthworks and Contaminated Land, Natural Resources and Specialist Input, Auckland Council at david.hampson@aucklandcouncil.govt.nz to advise of the start of works. The following details should also be provided:

i) the name and telephone number of the project manager and the site owner;

ii) the site address to which the consent relates;

iii) the activity to which the consent relates, and;

iv) the expected duration of the works.

105. All excavation in the remediation area shall be managed to minimise any discharge of debris, soil, silt, sediment or sediment-laden water from the subject site to either land, stormwater drainage systems, watercourses or receiving waters.

106. A silt fence shall be installed along the boundaries of the remediation areas in accordance with the Auckland Regional Council Guidelines for Land Disturbing Activities in the Auckland Region, Technical Publication TP90. The excavation areas shall be dampened during the day to suppress the generation of dust during the works. Filter cloths or cover mats shall be installed over the stormwater cesspits in the vicinity of the excavation areas.
Advice Note: Discharge from the site includes the following:

i) infiltration of surface run-off water into the contaminated soils within the excavation area.

ii) disposal of water (e.g. perched groundwater or collected surface water) from the remediation area.

107. All excavation in the remediation area shall be managed to avoid the potential for cross-contamination of materials to occur, in particular movement of contaminated soil around the site and/or deposition of contaminated soil on other parts of the site shall be avoided. The soils identified for off-site disposal shall be predominantly loaded directly for removal in to trucks and all material shall be covered with close fitting tarpaulins during transportation off site. If temporary stockpiles are needed, they shall be covered with tarpaulins anchored at the edges outside working hours and during periods of heavy rain. All soil removed from the remediation area shall be deposited at a disposal site that holds a consent to accept the relevant level of contamination.

108. Where it can be demonstrated that the soil has been fully characterised in accordance with the Ministry for the Environment’s ‘A Guide to the Management of Cleanfills’ (2002) and meets the definition of ‘cleanfill’, the removal to a consented disposal site is not required. In such circumstances, Auckland Council (Team Leader Earthworks and Contaminated Land, Natural Resources and Specialist Input) shall be advised prior to the removal of this cleanfill from the subject site.

109. Site validation testing shall be undertaken by a suitably qualified and experienced contaminated land professional. It shall include post-remediation testing of the soil intended to be retained on site at the base and walls of the excavation area upon the completion of the works, as prescribed in the report entitled Remedial Action Plan, 275A Glenvar Road, Glenvar Ridge Road, Long Bay, dated 30 June 2014 and prepared by Groundwater and Environmental Services Limited.

110. In case an extended scope of the remediation is required, the site validation testing shall also include additional testing, as prescribed in the report entitled Remedial Action Plan, 275A Glenvar Road, Glenvar Ridge Road, Long Bay, dated 30 June 2014 and prepared by Groundwater and Environmental Services Limited.

111. All imported fill shall:

i) Comply with the definition of ‘cleanfill’, as per ‘A Guide to the Management of Cleanfills’, Ministry for the Environment (2002); and

ii) Be solid material of an inert nature; and

iii) Not contain hazardous substances or contaminants above natural background levels of the receiving site.

Advice note: Background levels for the Auckland Region can be found in the Auckland Regional Council technical publication “TP153, Background concentrations of inorganic elements in soils from the Auckland Region”, (2001).
112. Indicative testing of the un-verified fill material that has been historically placed in various areas on site shall carried out prior to its reuse onsite. This fill material shall be tested for heavy metals, Polycyclic Aromatic Hydrocarbons (PAHs), and Organochlorine Pesticides (OCPs). Fill material will only be defined as suitable for reuse on site if testing results show concentrations of the above listed contaminants to be below the Permitted Activity (PA) Discharge Criteria of the Auckland Council Regional Plan: Air, Land and Water (ACRP:ALW) and the Proposed Auckland Unitary Plan (PAUP). Any material found to be contaminated above the PA Discharge Criteria cannot be reused on site and must be disposed of to a suitable facility licensed to accept the level of contamination identified.

113. Within three months of the completion of the remediation works on site, a Site Validation Report (SVR) shall be provided to the Auckland Council (Team Leader Earthworks and Contaminated Land, Natural Resources and Specialist Input). The SVR shall be prepared by a suitably qualified contaminated land professional in accordance with Schedule 13 (A5) of the Auckland Council Regional Plan: Air, Land and Water (ACRP:ALW) and include details of the validation sampling undertaken.

Advice Note: The Site Validation Report required by Condition 113 should contain sufficient detail to address the following matters:

i) a summary of the works undertaken, including a statement confirming whether the excavation of the site has been completed in accordance with the report entitled Remedial Action Plan, 275A Glenvar Road, Glenvar Ridge Road, Long Bay, dated 30 June 2014 and prepared by Groundwater and Environmental Services Limited, and the report entitled Site Management Plan, Glenvar Ridge Road, Long Bay, dated 25 September 2014, prepared by Groundwater and Environmental Services Limited

ii) the location and dimensions of the excavations carried out, including a relevant site plan.

iii) a summary of any testing undertaken, including tabulated analytical results, and interpretation of the results in the context of the contaminated land rules of the ACRP:ALW the Proposed Auckland Unitary Plan (PAUP).

iv) copies of the disposal dockets for the material removed from the site.

v) records of any unexpected contamination encountered during the works, if applicable.

vi) details regarding any complaints and/or breaches of the procedures set out in the Detailed Site Investigation, Remediation Action Plan, Assessment of Environmental Effects Report, and the conditions of this consent.

vii) details of the validation sampling within the remediation area and sampling of fill material to be reused on site (if applicable).

114. Where contaminants are identified that have not been anticipated by the application, works in the area containing the unexpected contamination shall cease and be notified to the Team Leader Earthworks and Contaminated Land, Natural Resources and Specialist Input, Auckland Council. Works shall not recommence until confirmation has been received from the Team Leader Earthworks and Contaminated Land that disturbance of the unexpected contamination is within the scope of this consent. Any
unexpected contamination and contingency measures shall be documented in the Site Validation Report required by condition 113.

**Advice Note:** In accordance with Condition 114 any unexpected contamination, may include contaminated soil, perched water or groundwater. The consent holder is advised that where unexpected contamination is significantly different in extent and concentration from that anticipated in the original site investigations, handling the contamination may be outside the scope of this consent. Advice should be sought from the Team Leader Earthworks and Contaminated Land as to whether carrying out any further work in the area of the unexpected contamination is within scope of this consent.

115. This consent shall expire on **11 June 2025** unless it has been surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.

**General Advice notes**

1. The consent holder shall obtain all other necessary consents and permits, including those under the Building Act 2004, and comply with all relevant Council Bylaws. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004. Please note that the approval of this resource consent, including consent conditions specified above, may affect a previously issued building consent for the same project, in which case a new building consent may be required.

2. The consent holder is requested to notify Council, in writing, of their intention to begin works, a minimum of seven working days prior to commencement. Such notification should be sent to the Resource Consent Monitoring Team Leader (email: rcmadmin@aucklandcouncil.govt.nz or fax: 353 9186 and include the following details:

   i) name and telephone number of the project manager and the site owner

   ii) site address to which the consent relates

   iii) activity to which the consent relates

   iv) expected duration of works

3. This consent does not relieve the consent holder of his/her responsibility to apply for any other consents which may be required. This consent is issued under the Resource Management Act 1991 and does not remove the need to comply with all other applicable Acts (including the Property Law Act), regulations, Bylaws, and rules of law.

4. The scope of this resource consent is defined by the application made to Auckland Council and all documentation supporting that application.

5. If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application you have a right of objection pursuant to sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to Council within 15 working days of notification of the decision.
The initial monitoring charge is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc, all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice. Only after all conditions of the resource consent have been met, will Council issue a letter confirming compliance on request of the consent holder.
Annexure 1: Mana Whenua Accidental Discovery Protocol

If, at any time during site works, potential koiwi, archaeology or artefacts of Māori origin are discovered, then all site works, including earth moving machinery must stop around the location of the find and the following accidental discovery protocol must be followed:

- The site owner or the site manager must immediately advise the kaitiaki and kaumatua of the relevant Mana Whenua, Team Leader Cultural Heritage (Implementation) and Heritage New Zealand Pouhere Taonga (HNZPT).

- Mana Whenua will determine the tikanga for appropriate preservation, management and handling of the koiwi, archaeology or artefacts of Māori origin that are uncovered, which may include removal of the koiwi, archaeology or artefacts of Māori origin from the site by Mana Whenua or preservation within the site.

- Preservation of the koiwi, archaeology or artefacts of Māori origin that are uncovered may require amendments to the site works to avoid adverse effects on sites of significance to Mana Whenua and Maori values.

- Works within the identified area must not recommence until approval has been granted by HNZPT in consultation with Mana Whenua.

- Any final archaeological reporting resulting from an accidental discovery shall be submitted to the council’s the Cultural Heritage Team (Implementation) for the purposes of record keeping within 30 days of an updated report being provided to HNZPT.
RECOMMENDED PURPOSE AND CONDITIONS FOR THE NOTICE OF REQUIREMENT FOR LONG BAY PRIMARY SCHOOL (REF: PA214)

Designation Purpose for ‘MoE27’

Educational Purposes (years 0-8), Sports Field for Educational Purposes (years 0-13) and Early Childhood Education Centre

Explanation of purpose

The inclusion of “educational purposes” in the designation purpose means, in the absence of any specific conditions to the contrary:

- Enable the use of the facilities on the site by and for the educational benefit of any preschool and school students regardless of whether they are enrolled at the institution located on the site.

- Enable the provision of supervised care and study opportunities for students outside school hours in school facilities.

- Include but not be limited to the provision of academic, sporting, social and cultural education including through:
  
  (i) Formal and informal recreational, sporting and outdoor activities and competitions, whether carried out during or outside school hours;

  (ii) Formal and informal cultural activities and competitions whether carried out during or outside school hours;

  (iii) The provision of specialist hubs and units (including language immersion units) for children with particular educational requirements or special needs.

- Enable the use of facilities for purposes associated with the education of students including school assemblies, functions, fairs and other gatherings whether carried out during or outside school hours.

- Enable the provision of associated administrative services; car parking and vehicle manoeuvring; and health, social services and medical services (including dental clinics and sick bays).

- Enable housing on site for staff members whose responsibilities require them to live on site (e.g. school caretaker).
Designation Conditions

General

1. The designation shall lapse on the expiry of 10 years from the date on which it is included in the Auckland Council District Plan (North Shore Section) if it has not been given effect to before the end of that period.

2. Any new building or building extension (excluding goal posts and similar structures, except for flood lights) shall comply with the height in relation to boundary controls (Annexure 1 to these conditions) from any adjoining land zoned primarily for a residential purpose or rural residential purpose, or zoned for an open space/outdoor recreation purpose.

Operational noise of the school

3. The operation of the primary school shall comply with the following noise limits, when measured at or within the boundary of any adjacent residentially zoned property or in the case of a rural zone, at a point 20m from the facade of any dwelling, or the site boundary, whichever is closest:

<table>
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<tr>
<th>Time</th>
<th>Noise Limit</th>
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<tr>
<td>Monday to Saturday 7:00am to 10:00 pm</td>
<td>55 dB L_{Aeq(15 min)}</td>
</tr>
<tr>
<td>All other times</td>
<td>45 dB L_{Aeq(15 min)} 75 L_{Amax}</td>
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These noise levels do not apply to noise from standard school outdoor recreational activities occurring between 0800 and 1800 hours Monday to Saturday. Noise levels shall be measured and assessed in accordance with the New Zealand Standard on the Measurement of Environmental Sound (NZS 6801: 2008) and the New Zealand Standard on Acoustics - Environmental Noise (NZS 6802: 2008).

Car Parking

4. On-site car parking shall be provided at the rate of two car parks per new classroom or classroom equivalent, except where the Council accepts, on the basis of a specifically commissioned parking study by an appropriately qualified engineer and/or transportation planner, that a lesser level is appropriate. For the avoidance of doubt, this condition shall only apply where there is a net increase in the number of classrooms or classroom equivalents.

5. In addition to any car parking required for the school, on-site car parking for early childhood education (preschool) shall be provided at the rate of one car park per every 10 children the facility is licensed or designed to accommodate, plus one for each full time equivalent staff member required for the licence or design capacity of the centre, except where the Council accepts, on the basis of a specifically commissioned parking study by an appropriately qualified engineer and/or transportation planner, that a lesser level is appropriate.
Works exempt from an Outline of Works

6. An outline plan of works shall not be required for:

a) Construction activity including placement of fill and creation of a temporary haul road associated with the formation of a sports field in general accordance with the plans and information submitted with the Notice of Requirement and associated regional consent applications as listed in Annexure 2 to these conditions (note: any future building platform development or bulk earthworks over and above the extent of earthworks specifically identified in the Notice of Requirement shall require an Outline Plan of Works).

b) Any internal building works other than those that result in a net increase in the number of classrooms or classroom equivalents;

c) General building maintenance and repair work, including but not limited to re-painting, re-cladding and re-roofing;

d) Installing, modifying and removing playground furniture and sports structures (e.g. goal posts).

e) Amending any internal pedestrian circulation routes/pathways outside of Riparian Margins, and the Ecology/Stormwater Management Areas overlays as defined in the Long Bay Structure Plan of the Auckland Council District Plan (North Shore Section) or equivalent controls in any future operative district plan (including the Auckland Unitary Plan), and outside of mitigation planting as required by any other condition on this designation.

f) Installing, maintaining or repairing any in-ground infrastructure services such as stormwater, sewerage and water lines and connections, including any ancillary earthworks, except for development in any Riparian Margin Ecology/Stormwater Management Areas overlays as defined in the Long Bay Structure Plan of the Auckland Council District Plan (North Shore Section) or equivalent controls in any future operative district plan (including the Auckland Unitary Plan) and/or watercourse and/or, outside areas of mitigation planting as required by any other condition on this designation.

g) Provision of landscaping and gardens, provided that it does not conflict with any designation condition or alter landscaping required as mitigation as part of an outline plan or resource consent for other works; or;

h) General site maintenance and repair work, or boundary fencing otherwise permitted by the District Plan.

Advice Note: The above condition should be read alongside Condition 22 which seeks to restrict development in Ecology/Stormwater Management Areas and Riparian Margins, except for those exceptions provided for in parts e) and f) of the above condition through an Outline Plan of Works process.

Tree protection and monitoring during construction of the sports field
7. A suitably qualified arborist (works arborist) shall be engaged by the Requiring Authority to monitor, supervise and direct all sports field development works in the vicinity of trees.

a) The Requiring Authority shall arrange a pre-start site meeting with

(i) Council’s Arboricultural & Landscape Advisor
(ii) Council’s Parks Officer (in relation to Ashley Reserve)
(iii) Council’s Compliance Monitoring Officer
(iv) the works arborist, and
(v) the project manager / primary contractor.

The purpose of the pre-start meeting is to confirm protection measures for vegetation to be retained in the vicinity of the sports field development.

b) All works and activities associated with the sports field development shall be undertaken as directed by the works arborist in relation to the protection of trees and their root zones.

c) All works and activities associated with the sports field development shall be undertaken in a manner that ensures the long term health and viability of any tree outside the defined Extent of Works is not compromised.

d) The following trees shown within (or straddling) the defined Extent of Works shall be retained during the construction of the sports field:

(i) Trees 2, 3, 4, and 20a of the 07 Nov 2014 Arborlab report.
(ii) The row of some 32 similar-sized small/young pohutukawa lined along the crest of the mown bank at the edge of the existing sports field (along the proposed haul road for the sports field development), except that removal of the eastern-most six pohutukawa of the row is permitted.

e) Removal of the following trees is permitted:

(i) Removal of pines 5, 6, 7 and 8 (outside the defined Extent of Works).
(ii) Removal of trees 26 to 31 along the Ashley Avenue boundary (even if they are located outside the defined Extent of Works).
(iii) Removal of all trees within the defined Extent of Works other than those identified for retention in the above condition.
For clarification, the defined Extent of Works is identified in the following Appendices (or as otherwise noted) of the Arborlab report (Arboricultural Assessment: Long Bay Primary School Notice of Requirement dated 07 November 2014, Revision 5):

Appendix 4: Tree Location Plan (showing part of the Extent of Works) Woods drawing 10352-02-GE-040, Rev 1 dated 21.10.14 (refer also to the subsequent amendment Rev 2 dated 08.01.15 of this drawing (a realignment along the Ashley Road boundary))

Appendix 6: Extent of Works / Designation Plan Woods drawing 10352-02-GE-010, Rev 1 dated 21.10.14 (refer also to the subsequent amendment Rev 2 dated 08.01.15 of this drawing (a realignment along the Ashley Road boundary)).

8. All vegetation clearance and tree removals shall be undertaken by suitably trained and experienced persons, and in a manner that ensures any damage or disturbance to the retained protected vegetation/trees and their rootzones is sufficiently minor that the vegetation/trees are not compromised.

9. During the bulk earthworks to enable development of the sports field, the project works arborist shall undertake regular site audits and shall submit monthly compliance memos to the Manager Northern Resource Consents, Auckland Council for the duration of the works, including a final memo issued within 14 working days of the completion of works. These memos shall provide confirmation that in the opinion of the works arborist, the completed works (or works completed to date) have been undertaken without compromising the long term health and viability of the retained protected trees within and alongside the Extent of Works (or as otherwise assessed by the works arborist, in which case any instance of non-compliance or more-than-minor damage shall be reported in the memo, and shall be liable to remedial action to the satisfaction of Council, at the Requiring Authority's expense).

10. Any pruning of retained vegetation shall be carried out in accordance with currently accepted arboricultural best practice, and so that the long term health and viability of the vegetation is not compromised. All pruning shall be conducted in a manner that ensures any damage or disturbance to other retained protected vegetation/trees and their rootzones is sufficiently minor that the vegetation/trees are not compromised.

**Noise and construction**

11. Prior to the commencement of works to construct the sports field, a construction noise management plan (CNMP) shall be submitted to the Team Leader Northern Monitoring, Auckland Council. The CNMP shall provide specific details on the following matters:

- controls to meet the relevant noise limits identified in New Zealand Standard NZS 6803:1999 Acoustics – Construction noise taking into account cumulative effects such as from the Glenvar Ridge Road construction works;
how construction will be scheduled to avoid noisy activities taking place during school hours where practicable; and

how construction noise will achieve the recommended school noise standards set out in Designing Quality Learning Spaces: Acoustics, MoE, 2007.

Vibration

12. Prior to the commencement of earthworks to construct the sports field, advanced notification shall be provided to the school and occupants of any dwellings if they are predicted to be affected by perceptible levels of vibration as defined in Part 2 of British Standard BS 5228-2:2009 by placement of fill and construction of the haul road.

13. Vibration generated by the construction activities associated with the works to construct the sports field shall comply with the requirements of German Standards DIN 4150:1999 Structural Vibration – Effects of Vibration on Structures in its entirety.

Biosecurity

14. Prior to commencing any works or activity on site, and prior to bringing any material, machinery, vehicles or plant to the site, the Requiring Authority shall confirm with the Biosecurity Team Leader, Auckland Council, the biosecurity controls in force at the time the works will be occurring, and shall ensure these controls are complied with during the project.

Advice Note: Biosecurity controls applicable at the time of including this designation condition (June 2015) relate to kauri dieback disease (Phytophthora agathadicida, or PTA) and dutch elm disease.

Impervious Surface Coverage and Stormwater

15. In the event that new impervious surfaces or buildings are constructed on Pt Lot 1 DP 65039 (CT NA22D/801) or Pt Lot 2 DP 174359 (CT NA107A/200) which are located within Stormwater Area A of the Long Bay Structure Plan, the following shall apply;

- Impervious areas of the land subject to this condition shall be limited to a maximum of 50% of the land area.

- Development is to incorporate on-site stormwater mitigation measures that mitigate the adverse water quality and quantity effects from 80% of impervious surfaces.

Explanation: This rule reflects the combined limits imposed by Policy 17B.1.3.1.3(b) and 17B.1.3.3(c)(iii) of the Long Bay Structure Plan of the Auckland Council District Plan (North Shore Section) which applies site-wide limits for impervious surfaces and on-site stormwater mitigation in the Long Bay 2 zone.
Geotechnical

Prior to the commencement of any future building on areas of land that have been subject to earthworks filling associated with the construction of the sports field in accordance with the documents attached in Annexure 1, a Geotechnical Design Report, limited in scope to confirming suitable land stability will be achieved, shall be submitted to the Team Leader (North-Takapuna), Development Engineering, Natural Resources and Specialist Input, Auckland Council. In undertaking the works, the Requiring Authority shall take account of the Geotechnical Design Report and any prior related geotechnical reports.

If requested, a Geotechnical Completion Report shall be provided for the records of Council no later than 40 working days from vegetation cover being completed on the modified landform.

The report shall be prepared by a suitably qualified person for the final design.

*Advice Note:* Reporting standards are set out in the Auckland Council Code of Practice for Land Development Section 2, Earthworks and Geotechnical Requirements. The Team Leader (North - Takapuna) may elect to provide comment to the Requiring Authority within 20 working days of the submission of the Geotechnical Design Report for the records of Council. It is requested that the Requiring Authority refer such comments for consideration by the Geotechnical Consultant acting in respect of the project works.

Archaeology

16. All works to construct the sports field shall be undertaken in accordance with the project’s approved Site Instruction that outlines management procedures and mitigation requirements for heritage throughout the duration of the project.

17. Prior to the commencement of earthworks to construct the sports field, the project archaeologist shall provide a contractors briefing to all contractors as outlined in the Site Instruction.

18. The project shall have procedures in place to ensure work stops in the immediate vicinity of any exposed remains and that Heritage New Zealand and the Council’s Cultural Heritage Implementation Team are informed of any archaeological discoveries.

19. If previously unrecorded material (koiwi, taonga, sites) of prehistoric Maori settlement and activities are uncovered during site works, the Mana Whenua cultural heritage accidental discovery protocol as set out in Annexure 2 shall apply.

*Advice note:* All earthworks must comply with the conditions of Archaeological Authority no. 2015/629 granted by Heritage New Zealand Pouhere Taonga, and adhere to the approved Site Instruction.
Travel Plan

20. Prior to the opening of the sports field, a Travel Plan shall be submitted to the Team Leader Northern Monitoring, Auckland Council. The Travel Plan shall have regard to the following.

(i) Encouraging the use of sustainable transport modes such as walking and cycling through ongoing communication with parents through the provision of an ongoing School Travel Plan.

(ii) The need for additional traffic management measures during school times such as patrolled school crossings and the need for staff members to manage cars during the busy afternoon peak.

(iii) Monitoring of the performance of the pick-up/drop off area and if necessary consider increasing the extent of the restricted parking on Ralph Eagles Place, thereby increasing the capacity of the pick-up/drop off area. This could be done in consultation with Auckland Transport.

Ecology/Stormwater Management Area overlay and Riparian Margins

21. Following the completion of the works to construct the sports field and create a grassed access from the Primary School to Ashley Reserve (as listed in Annexure 1 to these conditions), no buildings or other development shall be located within the Ecology/Stormwater Management Area overlays (see Appendix 11A of the Long Bay Structure Plan Maps of the Auckland Council District Plan (North Shore section)) and, Riparian Margins as identified by the Long Bay Structure Plan of the Auckland Council District Plan (North Shore Section) or equivalent controls in any future operative district plan (including the Auckland Unitary Plan) except for those works that require an Outline Plan of Works as outlined in condition 6.

Explanation: To encourage revegetation as intended by the Ecological Stormwater Management Area overlay as provided for in the Long Bay Structure Plan.

22. The Requiring Authority shall not remove any replanted vegetation described in the Overall Mitigation Plan Rev A by Boffa Miskell dated 19 March 2015 that is located within an Ecology/Stormwater Management Area Overlay and/or Riparian Margin, as defined in Appendix 11A of the Long Bay Structure Plan maps of the Auckland Council District Plan (North Shore Section) or equivalent controls in any future operative district plan (including the Auckland Unitary Plan).

This condition shall not apply to the replacement of dead or dying plants, or to minor works such as minor tracks to encourage revegetated areas to be used as part of the school curriculum, provided that an Outline Plan of Works is submitted for any such works and any plants removed are replaced at a ratio of 1:1.
**Recommended purpose and conditions for the Notice of Requirement for Ashley Reserve (ref: PA215)**

**Designation Purpose**

*Construction for Educational Purposes on Ashley Reserve*

**Designation Conditions**

1. An outline plan of works shall not be required for construction activity associated with formation of the sports field, including placement of fill and creation of a temporary haul road that is in general accordance with the plans and information submitted with the Notices of Requirement (PA214 and PA215) as listed in Annexure 1, and associated regional consents applications (ref: LQ-2140220 and subsequent amendments), unless otherwise agreed in writing by the Team Leader Northern Monitoring.

2. Noise from construction shall not exceed the limits recommended in, and shall be measured in accordance with, New Zealand Standard NZS 6803:1999 “Acoustics – Construction Noise”.

3. Prior to the commencement of works, the following shall be submitted to, and approved by the Team Leader Parks and Open Spaces North/West;
   a) A detailed landscape plan. The plan should allow for connectivity between the reserve and the primary school. A detailed landscape plan shall address the requirements of Planting and Lawn Specifications Version 8 and, shall be maintained for a period no less than 5 years following the practical completion of planting. For the avoidance of doubt, the vegetation maintenance period shall continue to apply when an application is made in the future under section 182 of the RMA to remove the designation as required by condition 8.
   b) a dust proof fence and dust methodology to protect the existing sports pitches on Ashley Reserve,

Details shall be submitted as approved unless otherwise agreed in writing by the Team Leader Parks and Open Spaces North/West, Auckland Council.

*Advice note:*

Consultation on the above condition should occur with [Job Title] of the council's Parks Department prior to submitting details.

4. All works to construct the sports field shall be undertaken in accordance with the project's approved Site Instruction that outlines management procedures and mitigation requirements for heritage throughout the duration of the project.
5. Prior to the commencement of earthworks to construct the sports field, the project archaeologist shall provide a contractors briefing to all contractors as outlined in the Site Instruction.

6. The project shall have procedures in place to ensure work stops in the immediate vicinity of any exposed remains and that Heritage New Zealand and the Council's Cultural Heritage Implementation Team are informed of any archaeological discoveries.

7. If previously unrecorded material (koiwi, taonga, sites) of prehistoric Maori settlement and activities are uncovered during site works, the mana whenua cultural heritage accidental discovery protocols set out in Annexure 2 shall apply.

   Advice note: All earthworks must comply with the conditions of Archaeological Authority no. 2015/629 granted by Heritage New Zealand Pouhere Taonga, and adhere to the approved Site Instruction.

8. The Requiring Authority shall apply to reduce the extent of designation under s.182 following the completion of the sports fields and grassed access to Ashley Reserve.

Annexure 1: List of drawings recommended for approval

<table>
<thead>
<tr>
<th>Report title and reference</th>
<th>Author</th>
<th>Rev</th>
<th>Dated</th>
<th>Relevant application</th>
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<td>Hill Young Cooper &amp; Incite</td>
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<td>28 October 2014</td>
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<td>Dr Caroline Phillips</td>
<td>N/A</td>
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Annexure 2: Mana Whenua Accidental Discovery Protocol

If, at any time during site works, potential koiwi, archaeology or artefacts of Māori origin are discovered, then all site works, including earth moving machinery must stop around the location of the find and the following accidental discovery protocol must be followed:

- The site owner or the site manager must immediately advise the kaitiaki and kaumatua of the relevant Mana Whenua, Team Leader Cultural Heritage (Implementation) and Heritage New Zealand Pouhere Taonga (HNZPT).

- Mana Whenua will determine the tikanga for appropriate preservation, management and handling of the koiwi, archaeology or artefacts of Māori origin that are uncovered, which may include removal of the koiwi, archaeology or artefacts of Māori origin from the site by Mana Whenua or preservation within the site.

- Preservation of the koiwi, archaeology or artefacts of Māori origin that are uncovered may require amendments to the site works to avoid adverse effects on sites of significance to Mana Whenua and Maori values.

- Works within the identified area must not recommence until approval has been granted by HNZPT in consultation with Mana Whenua.

Any final archaeological reporting resulting from an accidental discovery shall be submitted to the council’s the Cultural Heritage Team (Implementation) for the purposes of record keeping within 30 days of an updated report being provided to HNZPT.