

9 June 2014

Beca Ltd
PO Box 6345
Wellesley Street
Auckland
1141

Attn: Lisa Ringleff

Dear Lisa,

RESOURCE CONSENT APPLICATION – ADVICE OF DECISION

Application Number(s):	R/LUC/2014/2043
Applicant:	Auckland Transport
Proposed Activity(s):	Works in proximity to historic heritage area, works within a conservation area, works in the dripline of a scheduled tree, removal of trees on roads and unzoned land, works in the dripline of trees on roads and unzoned land pursuant to the Auckland Council District Plan – Central Area (ACDP) and; earthworks up to 2500m ² or 2500m ³ within a historic heritage area, earthworks up to 2500m ² or 2500m ³ within the 100-year ARI flood plain, works in vicinity of Sites of Significance to Mana Whenua, Earthworks in vicinity of Sites of Significance to Mana Whenua, works in historic heritage site and Stormwater management – quality (redevelopment of existing, highuse roads) pursuant to the Proposed Auckland Unitary Plan (PAUP) and; consent pursuant to regulation 10 of the NES for Assessing and Managing Contaminants in Soil to Protect Human Health. Managing Contaminants in Soil to Protect Human Health.
Address:	ROAD Beach Road, Auckland Central, Auckland 1010

Following an assessment of your resource consent application under the Resource Management Act 1991 (RMA) and with reference to the relevant District Plan, Regional Plans and the Proposed Auckland Unitary Plan, a decision has been made to **approve** your application.

For your reference, a copy of the decision is attached. It outlines the basis for the decision and any associated conditions.

If you disagree with the decision, or parts of it, you can lodge an objection with us or file an appeal with the Environment Court within 15 working days of receiving this decision.

Objections should be addressed to the Principal Planner Hearings and Resolutions - Central, Auckland Council at 35 Graham Street, Auckland. Information on "The Objection Process" can be found on our website www.aucklandcouncil.govt.nz (select "Building, Property and Consents", "Resource Consent" then "The process from application to decision" and finally "Objections to Council").

Information on the appeal process can be found on the Environment Court website www.justice.govt.nz/court/environment-court.

A final invoice will be sent shortly. No work is allowed to commence until all outstanding fees have been paid, as stated in the conditions of your consent.

If you have any queries, please contact **Andrew Gysberts** at Andrew.gysberts@aucklandcouncil.govt.nz and quote the application number above.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'A Millar', written in a cursive style.

Adam Millar
Administrator | Major Infrastructure Projects
RESOURCE CONSENTS

Decision on notification of a resource consent application under the Resource Management Act 1991



Applicant's Name:	Auckland Transport
Site Address:	Beach Road (from the end of the Grafton Gully cycleway at Churchill Street to Britomart, including a link to The Strand and Quay Street via Mahuhu Crescent), Auckland Central for a distance of approximately 1.1km.
Legal Description:	Designation: Road Reserve #384
Site Area:	1.1km in length
Proposal:	<p>The creation of a dedicated two-way cycle facility within the existing road reserve on Beach Road, from the intersection with Churchill Street to the intersection with Britomart Place.</p> <p>A dedicated two-way cycle facility link from Beach Road to Quay Street, located within the existing road reserve on Mahuhu Crescent and Taporā Street to connect to the existing cycle facility on Quay Street.</p> <p>New single cycle lanes within the existing road reserve on Beach Road, between The Strand and Te Taou Crescent (South) on the eastern side of Beach Road, and The Strand and Churchill Street on the western side of Beach Road.</p> <p>The resource consent application (R/LUC/2014/2043) has been made pursuant to a number of statutory provisions: the NES Contaminated Soil, the works within the driplines of protected and scheduled trees, the removal of protected trees, works in the vicinity of sites of significance to Mana Whenua, works in a heritage area, earthworks in a floodplain and stormwater – quality.</p> <p>This resource consent application also covers a short term discharge of contaminants regional consent (R/REG/2014/2045) pursuant to the ACRP:ALW.</p>

Resource Consents:

Land Use Consent (R/LUC/2014/2043):

Auckland Council District Plan – Central Area (ACDP)

- Rule 10.9.11: The Council will consider as a restricted discretionary activity an application to conduct or execute any use or work to the site surrounds except work described in 10.9.10. This includes to position, construct, raise or excavate any structure or earthworks in a heritage property above or below the ground, or in any way modify the space or site surrounds around a scheduled item.
- Rule 10.10.6: The Council will consider as a restricted discretionary activity any application to demolish, construct a building, or make alterations or additions to any building or feature, including any works in the street environment, within a Conservation Area. Any application to place, fix, paint or extend a sign, attachment, flag, banner or lighting will be assessed in terms of the relevant sections of the Plan and the Consolidated Bylaw.
- Rule 10.11.9 (c): Any work within the rootzone area of any scheduled tree (irrespective of any legal boundary, fence or structure) shall be a discretionary activity.
- Rule 14.2B.5.1: Any removal of a tree on roads in public open spaces shall be way of an application for a restricted discretionary activity.
- Rule 14.2B.5.2: Where works are proposed to be carried out within the dripline of any tree, an application shall be made for a resource consent for a restricted discretionary activity.

National Environmental Standard ("NES") for Assessing and Managing Contaminants in Soil to Protect Human Health

- Regulation 5(3): An activity is sampling the soil of the piece of land, which means sampling it to determine whether or not it is contaminated and, if it is, the amount and kind of contamination.
- Regulation 5(4)(a): An activity is disturbing the soil of the piece of land which means disturbing the soil of the piece of land for a particular purpose.

Proposed Auckland Unitary Plan (PAUP)

- 3.H.4.2.1.2: (Activity Table) Historic Heritage: Earthworks up to 2500m² or 2500m³ are considered a restricted discretionary activity.
- 3.H.4.2.1.2: (Activity Table) 100-year ARI flood plain: Earthworks up to 2500m² or 2500m³ are considered a restricted discretionary activity.
- 3.H.4.14.3.1: (Activity Table) New, and redevelopment of existing, high-use public roads operated by a road controlling authority with impervious areas greater than 5,000m² where Stormwater quality management requirements are not met is considered a restricted discretionary activity.

- 3.J.5.1.1: (Activity table): Roading or footpath construction or replacement on or within 50m of a scheduled site or place of significance to Mana Whenua, where identified as a site exception in the schedule to the overlay is considered a restricted discretionary activity.
- 3.J.5.1.1: (Activity table): Earthworks on or within 50m of a scheduled site or place of significance to Mana Whenua is considered a discretionary activity.
- 3.J.2.1: (Activity table); Upgrading and replacement of network utilities in the vicinity of Category A and B places is considered a discretionary activity.

Discharge permit (R/REG/2014/2045)

Auckland Council Regional Plan – Air, Land and Water (ARCP:ALW)

- Rule 5.5.40 allows discharges from the disturbance of up to 200m³ of a contaminated site as a permitted activity. It is anticipated that this trigger volume will be exceeded during site works, and consent under the ARCP:ALW has been applied for. Because only indicative sampling has been undertaken, the activity cannot comply with the standards and terms of Rule 5.5.44, therefore the proposed excavation is a restricted discretionary activity under Rule 5.5.44A.

Note: As the presence of separate phase hydrocarbons being encountered during soil disturbance activities is considered unlikely, the proposal is assessed as a permitted activity as set out in H.4.5.2.1.1 of the Proposed Auckland Unitary Plan (PAUP). If separate phase hydrocarbons are encountered during site works, then consent under the PAUP is likely to be required.

Overall, the application is considered to be a **discretionary activity**.

Decision:

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

Under section 95A this application shall not be publicly notified because:

1. The adverse effects on the environment will be less than minor because:
 - The works within the vicinity of the heritage areas are less than minor and will not have any adverse effects. The works will be located within the road reserve and will not result in the loss or damage to the heritage asset.
 - The timber retaining wall proposed along the Churchill Street boundary will not have any adverse effects on the heritage area, as a timber retaining wall is considered to be appropriate in this location to allow for adequate and safe passage for pedestrians and cyclists. The alternative stone wall would result in a below-minimum standard width footpath and would impact on the users of the pedestrian and cycle link.

- The works are not considered to have any negative effects on the sites of significance to Mana Whenua. The proposed works will be wholly located within the road reserve and are of a small enough nature to ensure that the two sites of significance to Mana Whenua are not adversely affected by this proposal.
 - The applicant has contacted and consulted with all 13 Iwi in the Waitemātā Local Board area. The Iwi have all stated that no CIA is required for this proposal and the applicant will have ongoing consultation with these groups throughout the progress of the project.
 - The effects on the trees have been substantially reviewed by the Council's arboricultural team. With regard to the three scheduled trees, the works within the rootzone are considered to be suitable and with appropriate care and supervision there is not expected to be any adverse effects resulting from this work.
 - Regarding the works within the road reserve that affect 38 generally protected trees, the works in the driplines of these trees is considered to be suitable and will not compromise the health and safety of these trees.
 - With regard to the removal and relocation of 21 trees (taking into consideration that a number of these trees were damaged and subsequently removed following a storm on 10 June 2014), it is considered where appropriate these trees should be replanted. Where there is a loss of trees because of this proposal (most notably outside the Waldorf Hotel), Auckland Council is satisfied that the applicant is working in partnership with Auckland Council City Transformations for a wider landscape strategy to be implemented in April 2015. Therefore, the overall effects of this proposal are less than minor given the number of trees to be replanted in the road reserve and the applicant's commitment to future landscaping.
 - The proposal requires the relocation of and installation of new catchpits, resulting in a requirement to improve the quality of stormwater from the site. The proposal states that these catchpits will be fitted with Tetra Traps. This is considered to be the best practicable option at this stage and the effects of the proposal on stormwater will be less than minor.
 - The discharge of contaminants from the site due to the disturbance of the road is considered to be minimal and will have a less than minor effect on the receiving environment and human health.
 - The proposal and design of stormwater management will ensure that works within the 100-year ARI flood plain will result in no worse flooding effects than the existing situation.
2. There is no district or regional rule or national environment standard that requires public notification and the applicant has not requested it.
 3. There are no other reasons, including special circumstances, to warrant notification.

Under section 95B this application shall not be limited notified because:

1. There are no adversely affected persons because any adverse effects of the proposal will be less than minor.
2. There are no protected customary rights groups or marine title groups in the region affected by this proposal.

Accordingly, this application shall proceed on a **NON-NOTIFIED** basis.



Cherie Lane

Date: 7th July 2014

Duty Commissioner

Decision on a resource consent application under section 88 of the Resource Management Act 1991



Applicant's Name:	Auckland Transport
Site Address:	Beach Road (from the end of the Grafton Gully cycleway at Churchill Street to Britomart, including a link to The Strand and Quay Street via Mahuhu Crescent), Auckland Central for a distance of approximately 1.1km.
Legal Description:	Designation: Road Reserve #384
Site Area:	1.1km in length
Proposal:	<p>The creation of a dedicated two-way cycle facility within the existing road reserve on Beach Road, from the intersection with Churchill Street to the intersection with Britomart Place.</p> <p>A dedicated two-way cycle facility link from Beach Road to Quay Street, located within the existing road reserve on Mahuhu Crescent and Taporā Street to connect to the existing cycle facility on Quay Street.</p> <p>New single cycle lanes within the existing road reserve on Beach Road, between The Strand and Te Taou Crescent (South) on the eastern side of Beach Road, and The Strand and Churchill Street on the western side of Beach Road.</p> <p>The resource consent application (R/LUC/2014/2043) has been made pursuant to a number of statutory provisions: the NES Contaminated Soil, the works within the driplines of protected and scheduled trees, the removal of protected trees, works in the vicinity of sites of significance to Mana Whenua, works in a heritage area, earthworks in a floodplain and stormwater – quality.</p> <p>This resource consent application also covers a short term discharge of contaminants regional consent (R/REG/2014/2045) pursuant to the ACRP:ALW.</p>

Resource Consents:

Land Use Consent (R/LUC/2014/2043):

Auckland Council District Plan – Central Area (ACDP)

- Rule 10.9.11: The Council will consider as a restricted discretionary activity an application to conduct or execute any use or work to the site surrounds except work described in 10.9.10. This includes to position, construct, raise or excavate any structure or earthworks in a heritage property above or below the ground, or in any way modify the space or site surrounds around a scheduled item.
- Rule 10.10.6: The Council will consider as a restricted discretionary activity any application to demolish, construct a building, or make alterations or additions to any building or feature, including any works in the street environment, within a Conservation Area. Any application to place, fix, paint or extend a sign, attachment, flag, banner or lighting will be assessed in terms of the relevant sections of the Plan and the Consolidated Bylaw.
- Rule 10.11.9 (c): Any work within the rootzone area of any scheduled tree (irrespective of any legal boundary, fence or structure) shall be a discretionary activity.
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- Rule 14.2B.5.2: Where works are proposed to be carried out within the dripline of any tree, an application shall be made for a resource consent for a restricted discretionary activity.

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Proposed Auckland Unitary Plan (PAUP)

- 3.H.4.2.1.2: (Activity Table) Historic Heritage: Earthworks up to 2500m² or 2500m³ are considered a restricted discretionary activity.
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- 3.H.4.14.3.1: (Activity Table) New, and redevelopment of existing, high-use public roads operated by a road controlling authority with impervious areas greater than 5,000m² where Stormwater quality management requirements are not met is considered a restricted discretionary activity.

- 3.J.5.1.1: (Activity table): Roading or footpath construction or replacement on or within 50m of a scheduled site or place of significance to Mana Whenua, where identified as a site exception in the schedule to the overlay is considered a restricted discretionary activity.
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Discharge permit (R/REG/2014/2045)

Auckland Council Regional Plan – Air, Land and Water (ACRP:ALW)

- Rule 5.5.40 allows discharges from the disturbance of up to 200m³ of a contaminated site as a permitted activity. It is anticipated that this trigger volume will be exceeded during site works, and consent under the ACRP:ALW has been applied for. Because only indicative sampling has been undertaken, the activity cannot comply with the standards and terms of Rule 5.5.44, therefore the proposed excavation is a restricted discretionary activity under Rule 5.5.44A.

Note: As the presence of separate phase hydrocarbons being encountered during soil disturbance activities is considered unlikely, the proposal is assessed as a permitted activity as set out in H.4.5.2.1.1 of the Proposed Auckland Unitary Plan (PAUP). If separate phase hydrocarbons are encountered during site works, then consent under the PAUP is likely to be required.

Overall, the application is considered to be a **discretionary activity**.

Decision

Having read the application, supporting documents, specialist comments and the report and recommendations on the application, I am satisfied I have sufficient information to consider the matters required by the Resource Management Act 1991 (the RMA) and make a decision.

Under sections 104, 104B, 105, 107 and 125 and Part 2, these resource consents are **GRANTED**. *The reasons for this decision are:*

1. The project meets the sustainable management purpose of Part 2, sections 5, 6, 7 and 8 of the RMA as the project will provide for the future transport needs of Auckland; improving the ability for pedestrians and cyclists to move along Beach Road and into the central city, while the actual and potential adverse effects of the project can be avoided, remedied and/or mitigated.
2. The project is in accordance with the Auckland Council Regional Policy Statement (ACRPS) and Part 1, Chapter B of the Proposed Auckland Unitary Plan (PAUP).
3. The project is in accordance with the relevant objectives and policies of the Auckland Council District Plan (Auckland City Central Area), the Auckland Council Regional Plan: Air, Land and Water (ACRP: ALW), and the PAUP.

4. The adverse effects on the environment are considered to be less than minor and the project will result in positive effects. These include improved safety for cyclists and pedestrians; improved accessibility to the CBD, waterfront and Parnell; provision for and enabling of growth in active modes of transport; and future proofing an important CBD arterial connection given that Beach Road provides access to the CBD and is an important transport infrastructure route.

Conditions

Under section 108 of the RMA, this consent is subject to the following conditions:

General Conditions for R/LUC/2014/2043 (Landuse District Plan Consent, NES Contaminated Soil Consent and Stormwater and Earthworks Consent under PAUP), R/REG/2014/2045 (Regional Contaminated Land Consent under ACRP: ALW).

1. The pedestrian and cycle link shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Council as consent numbers R/LUC/2014/2043 and R/REG/2014/2045.
 - Application Form, and Assessment of Environmental Effects prepared by Beca Ltd, dated 26 May 2014.
 - Specialist Reports as detailed below, and additional information.

<i>Specialist Report Title</i>	<i>Prepared by</i>	<i>Rev</i>	<i>Dated</i>
Arboricultural Assessment, Beach Road Cycle Way	Peers Brown Miller Ltd		22 May 2014
Beach Road Cycleway Supplementary Report – Assessment of Effects on Trees in Churchill Street	Peers Brown Miller Ltd		16 June 2014
Contamination Desk Study – Beach Road Walking and Cycling Improvements – Detailed Design	Beca Ltd		26 May 2014
Auckland Council – Discharge Consent Search	Auckland Council for Beca Ltd		19 May 2014
Contaminated Soils Management Plan – Beach Road Walking and Cycling Improvements – Detailed Design	Beca Ltd		26 May 2014
Beach Road upgrade: Feedback from consultation	Ben Parsons & Associates		November 2013
Response to further information request at lodgement – stormwater, heritage and landscape	Beca Ltd		06 June 2014
S92 further information provided – trees and heritage	Beca Ltd		10 June 2014
S92 further information provided – cycleway separator, trees, heritage and CIA	Beca Ltd		17 June 2014

S92 further information provided – contaminated land and HAIL sites	Beca Ltd	18 June 2014

Drawing number	reference	Title	Architect / Author	Dated
3818705-C-001		Site Locality Plan	Beca	09.05.14
3818705-C-003		Sheet Layout Plan	Beca	09.05.14
3818705-C-010		Detail Plans Sheet 1 of 7	Beca	09.05.14
3818705-C-011		Detail Plans Sheet 2 of 7	Beca	09.05.14
3818705-C-012		Detail Plans Sheet 3 of 7	Beca	09.05.14
3818705-C-013		Detail Plans Sheet 4 of 7	Beca	09.05.14
3818705-C-014		Detail Plans Sheet 5 of 7	Beca	09.05.14
3818705-C-015		Detail Plans Sheet 6 of 8	Beca	06.06.14
3818705-C-016		Detail Plans Sheet 7 of 7	Beca	09.05.14
3818705-C-017		Detail Plans Sheet 8 of 8	Beca	May 14
3818705-C-021		Tangihua Intersection Traffic Signals Sheet 1 of 2	Beca	09.05.14
3818705-C-022		Tangihua Intersection Traffic Signals Sheet 2 of 2	Beca	09.05.14
3818705-C-024		Mahuhu Crescent Intersection Traffic Signals Sheet 1 of 2	Beca	09.05.14
3818705-C-025		Mahuhu Crescent Intersection Traffic Signals Sheet 2 of 2	Beca	09.05.14
3818705-C-028		Te Taou East Traffic Signals Sheet 1 of 2	Beca	09.05.14
3818705-C-029		Te Taou East Traffic Signals Sheet 2 of 2	Beca	09.05.14
3818705-C-033		Quay Street Intersection Traffic Signals Sheet 1 of 2	Beca	No date
3818705-C-034		Quay Street Intersection Traffic Signals Sheet 2 of 2	Beca	No date
3818705-C-035		Typical Cross Sections Sheet 1 of 4 Beach Road	Beca	09.05.14
3818705-C-036		Typical Cross Sections Sheet 2 of 4 Beach Road	Beca	09.05.14
3818705-C-037		Typical Cross Sections Sheet 3 of 4 Beach Road/Churchill Street	Beca	10.06.14
3818705-C-038		Typical Cross Sections Sheet 4 of 4 Tapora St/Mahuhu Cres	Beca	09.05.14
3818705-C-040		Signage and Marking General Notes	Beca	09.05.14

3818705-C-041	Signage and Marking Plans Sheet 1 of 7	Beca	09.05.14
3818705-C-042	Signage and Marking Plans Sheet 2 of 7	Beca	09.05.14
3818705-C-043	Signage and Marking Plans Sheet 3 of 7	Beca	09.05.14
3818705-C-044	Signage and Marking Plans Sheet 4 of 7	Beca	09.05.14
3818705-C-045	Signage and Marking Plans Sheet 5 of 7	Beca	09.05.14
3818705-C-046	Signage and Marking Plans Sheet 6 of 7	Beca	09.05.14
3818705-C-047	Signage and Marking Plans Sheet 7 of 7	Beca	09.05.14
3818705-C-051	Pavement Plans Sheet 1 of 7	Beca	09.05.14
3818705-C-052	Pavement Plans Sheet 2 of 7	Beca	09.05.14
3818705-C-053	Pavement Plans Sheet 3 of 7	Beca	09.05.14
3818705-C-054	Pavement Plans Sheet 4 of 7	Beca	09.05.14
3818705-C-055	Pavement Plans Sheet 5 of 7	Beca	09.05.14
3818705-C-056	Pavement Plans Sheet 6 of 7	Beca	09.05.14
3818705-C-057	Pavement Plans Sheet 7 of 7	Beca	09.05.14
3818705-C-060	Drainage Plans Sheet 1 of 8	Beca	06.06.14
3818705-C-061	Drainage Plans Sheet 2 of 8	Beca	06.06.14
3818705-C-062	Drainage Plans Sheet 3 of 7	Beca	06.06.14
3818705-C-063	Drainage Plans Sheet 4 of 8	Beca	06.06.14
3818705-C-064	Drainage Plans Sheet 5 of 8	Beca	06.06.14
3818705-C-065	Drainage Plans Sheet 6 of 8	Beca	06.06.14
3818705-C-066	Drainage Plans Sheet 7 of 8	Beca	06.06.14
3818705-CK-0001	Catchment Plans Sheet 1 of 3	Beca	06.06.14
3818705-CK-0002	Catchment Plans Sheet 2 of 3	Beca	06.06.14
3818705-CK-0003	Catchment Plans Sheet 3 of 3	Beca	06.06.14
3818705-C-070	Drawing Key Notes and Luminaire Schedule	Beca	09.05.14
3818705-C-071	Lighting Plans Sheet 1 of 7	Beca	09.05.14
3818705-C-072	Lighting Plans Sheet 2 of 7	Beca	09.05.14
3818705-C-073	Lighting Plans Sheet 3 of 7	Beca	09.05.14
3818705-C-074	Lighting Plans Sheet 4 of 7	Beca	09.05.14
3818705-C-075	Lighting Plans Sheet 5 of 7	Beca	09.05.14
3818705-C-076	Lighting Plans Sheet 6 of 7	Beca	09.05.14
3818705-C-077	Lighting Plans Sheet 7 of 7	Beca	09.05.14
3818705-C-080	Civil Work Details Cycleway Separator	Beca	09.05.14
3818705-C-081	Civil Works Details Sheet 2 of 2	Beca	09.05.14
3818705-CK-02	General Layout Sheet 2 of 7	Beca	May 14

3818705-CK-03	General Layout Sheet 3 of 7	Beca	May 14
3818705-CK-04	General Layout Sheet 4 of 7	Beca	May 14
3818705-CK-05	General Layout Sheet 5 of 7	Beca	May 14
3818705-CK-07	General Layout Sheet 7 of 7	Beca	May 14

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 this resource consent 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 this application, which are beyond challenge.
 - c. All development contributions relating to the development authorised by this consent, unless the Manager Resource Consents has otherwise agreed in writing to a different payment timing or method.
3. The consent holder shall pay any subsequent further charges imposed under section 36 of the RMA relating to the receiving, processing and granting of this resource consent within 20 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 shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant decision.

Advice Note:

Development contributions levied under the Local Government Act 2002 are payable in relation to this application. The consent holder will be advised of the development contributions payable separately from this resource consent decision. Further information about development contributions may be found on the Auckland Council website at www.aucklandcouncil.govt.nz.

4. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
 - a. The consent is given effect to; or
 - b. 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 \$ 1,500 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

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 for R/LUC/2014/2043 (Landuse District Plan Consent, NES Contaminated Soil Consent and Stormwater and Earthworks Consent under PAUP)
Note – General conditions numbered 1-5 also apply to R/LUC/2014/2043

Heritage:

6. No variations to the proposal, as outlined in these consent documents, are to be made without the prior written approval of the Council (Team Leader Compliance and Monitoring Central, in consultation with the Principal Specialist Built Heritage (CBD), Built Heritage Implementation team).

Arboricultural and Landscape:

Works in vicinity of scheduled trees:

7. All works relating to the two scheduled kauri trees and one scheduled pin oak tree subject to this consent shall be undertaken in accordance with the arboricultural report prepared by Richard Peers of Peers Brown Miller Ltd (dated: 22 May 2014).
8. An arborist must be appointed for the supervision of any works within the root zone of the two scheduled kauri trees and one scheduled pin oak tree at the consent holder's expense. The consent holder shall supply the details of the arborist they wish to use for the supervision of this project to Councils Resource Consents Arborist (RC Arborist) for approval, specific to this consent. Upon approval, in terms of this consent the arborist shall herein be referred to as the Works Arborist. Details of the arborist are to be forwarded to the RC Arborist a minimum of 5 working days prior works commencing.
9. Prior to any site works commencing the consent holder shall organise a pre-commencement meeting with the following people invited to attend: the consent holder; the consent holders appointed works arborist; the Council's Monitoring Advisor – City Centre; Councils Heritage Arborist; Council's Arborist Advisor, Local Sports Parks. The consent holder shall give the Council at least five (5) working days notice of the intended time and date of the pre-commencement meeting. The purpose of the meeting shall be to identify areas of work requiring direct arboricultural monitoring, pruning requirements (if any), traffic management procedures and tree protection measures.

10. Prior to the commencement of any construction work on this site, (including site earth works) a continuous sturdy, 1.5m high, framed protective fence, incorporating appropriate silt control measures shall be erected in accordance with the supporting arboricultural report outlined in Condition 1.

Advice Note:

The purpose of the fence is to protect trees from the effects of earthworks including demolition/soil scrape/excavation/fill and construction works on the site. The area inside the protective fencing is considered a 'no-go' zone and no work shall be carried out within the protected areas. No building or fill materials shall be stored or placed within the protected areas, either on a temporary or permanent basis.

11. All excavations and construction works within the root zone of the scheduled trees, shall be undertaken under Works Arborist supervision and in accordance with the following:
- a. As near to existing contour/grade as possible;
 - b. With care so as to avoid/minimise root disturbance / damage / severance / contamination;
 - c. Where mechanical excavator or other machinery is required, such machinery / vehicles, shall be situated on an impermeable surface, at the greatest possible distance from the base / root zone of the subject tree;
 - d. To ensure soil and spoil generated by excavation works is immediately removed, where it cannot be appropriately incorporated into the site.
 - e. Pruning of roots shall only be undertaken where unavoidable and in accordance with documented Arboricultural standards including:
 - All roots measuring less than 40mm in diameter, whose removal is required only in order to affect reasonable access to an excavated area shall be clean cut back to the edge of excavations with a sharp implement, such as a handsaw or a pair of secateurs.
 - All tree roots measuring 40mm or greater in diameter shall be retained, carefully worked around and protected. In any instance where this is not feasible, the removal of such roots shall be carried out where the Works Arborist is satisfied that the health and safety of the subject trees will not be compromised.
 - Where a root that measures 40mm in diameter stands within the line of works and all other alternatives have been exhausted, the consent holder should contact the Council's Heritage Arborist (ph: 0272-444-652) to assess the proposed root removal, prior to any root severance taking place.
 - Immediately following root pruning it shall be the responsibility of the Works Arborist to ensure that the disturbed area is covered with damp hessian sacking until the excavated area is backfilled (where deemed necessary by the Works Arborist).

12. The consent holder shall provide further detail on the works that are currently in concept design phase for any works that are to take place around the Scheduled Pin Oak tree at the intersection of Beach Road and Britomart Place. This should include detail on any works that are going to introduce new surfaces within the dripline/root zone area of the tree, any modification to the existing ground conditions, and clarification on how the area is to be treated in terms of new landscaping works, including any new lighting, infrastructure upgrade (kerbing area around tree) and drainage work that may be necessary.
13. Pruning of the scheduled pin oak tree shall be limited to minor crown lift pruning to provide sufficient overhead clearance to cyclists. No branch exceeding 75mm in diameter shall be removed. Crown lift pruning of the entire canopy should be carried out to ensure that the tree maintains a balanced appearance. The pruning shall be carried out by Council contractors under the direct guidance of the Auckland Council Heritage Arborist.

Specific tree protection for street trees on Council Road reserve and in the driplines of Council owned trees:

14. All civil construction works that take place within the dripline/root zone areas of all protected trees within the project area shall be directly supervised where necessary by the approved consent holder's arborist.
15. The consent holder's arborist and the contractors project manager shall consult with the Council's arborist advisor on significant damage or disturbance to any of the protected trees within the project area.
16. No equipment or materials shall be positioned or stored within the planter pit at any time once it has been backfilled with the planting media. No washing of equipment or machinery shall occur within the dripline of the protected council trees. Special attention shall be paid to concrete and petrol/diesel operated machinery to avoid contaminating the soil within the dripline of any protected tree.
17. The consent holder's arborist should involve the Council's arborist advisor in the decision making process where any tree roots over 50mm are to be severed as works progress.
18. There should be consideration in the design to include cut outs in the new kerb line wherever possible to provide for passive water ingress into the planted areas.
19. The arborist advisor should be provided with a copy of the methodology statement; and is to be invited to attend on site discussions where machinery is to be set up and operated.
20. Should there be a need to install new underground services, where possible they shall be located outside of the dripline areas of the protected trees that are being retained.
21. Any new planting under or close to the drip lines of any protected trees shall be supervised by the consent holder's arborist. Soil shall be added where possible to reduce the depth of planting holes.

Design detailing

22. The consent holder shall, prior to any final design plans being confirmed (including an engineering consent), liaise directly with the Council's arborist and landscape advisor, in respect of and pertaining to landscape treatments; planting specifications; and the final species selection. Council's arborist advisor (Local Sports Parks) should provide approval of the final plans prior to implementation.
23. The final construction of the paved areas within the dripline of protected trees by the consent holder shall require the Council's arborist advisor to inspect construction as it progresses.
24. The Council's arborist advisor may request on site changes to minimise the effect of the construction work on the protected trees. On site amendments shall be discussed and agreed to where practical solutions are available that result in a lesser effect on the protected tree. This will be site specific and as works progress.
25. The installation of lighting shall take account of the position of existing protected trees to ensure future conflict is avoided. The final design layout and placement of lighting columns shall be reviewed on site with the Council's arborist advisor to ensure that major conflict with tree canopies is avoided wherever possible.
26. The installation of any new structures, seating, art work, litter bins, and signage within the dripline of protected trees shall be orientated to minimise future conflict.
27. The arborist advisor, Local Sports Parks, shall be included in the specific design (by way of consultation and onsite meetings where appropriate) of:
 - The paved areas around the specimen trees. The arborist advisor should approve the design measures.
 - The root bridging detailed design works (should this construction detail be necessary), and approve its final alignment and construction detail on site.
 - The type and placement of the protective fencing.
28. The final placement of drainage, utilities and any other structures within the dripline areas of the protected vegetation shall be inspected and approved by the Council's arborist and landscape advisor to ensure that best practice principles are incorporated to minimise adverse effects on the protected trees.
29. All new planting holes shall be backfilled with drainage material (if required), root barrier where deemed necessary and a high quality, nutrient rich soil mix to the satisfaction of the Council arborist and landscape advisor.
30. All newly planted trees in soft landscape areas shall be mulched with an aged nutrient rich material to a minimum depth of 150mm, with the 'mulch ring' being no smaller than 1 metre in diameter. This shall be maintained for a minimum period of at least 24 months. All newly planted trees shall be irrigated as required during the 12 month maintenance period.

- 31. The current growing environment of the protected trees to be retained once the civil works are complete, shall be assessed for enrichment of the existing soil to improve their long term health and vitality. Sufficient quantities of fertiliser, compost, and where required new top soil shall be added to areas assessed as being of low soil quality. This principle shall also be applied where the removal of significant quantities or large size tree roots have been removed to facilitate the construction work.
- 32. The consent holder shall supply a record of all aftercare maintenance that has been undertaken by the landscape contractor to council parks department. This record to be supplied annually.

Discharge of Contaminants – NES:

- 33. The consent holder shall carry out the proposed works according to the Contaminated Soils Management Plan – Beach Road Walking and Cycling Improvements Detailed Design prepared by Beca Ltd dated 26 May 2014 and the descriptions in Beca's response to the Council's Section 92 request dated 18 June 2014.
- 34. The consent holder shall ensure that all excavated soil from the works area is to be disposed of in a facility that is consented to receive contaminated material.
- 35. Within three months of completion of the earthworks, the consent holder shall provide a letter from an environmental engineer confirming the earthworks have been carried out according to the above Contaminated Soils Management Plan and that all contaminated soil removed from work area has been disposed of in a licensed facility, with landfill receipts provided.

Stormwater – Quality:

- 36. The following stormwater management works are to be constructed for the following catchment areas and design guidelines and are to be completed when each catchpit is constructed.

<i>Works to be undertaken</i>	<i>Design guideline(s)</i>
Tetra Trap x 12	Installed in catchpits 1,2,3,4,6,10,11,15,16,17,18 and 19

- 37. In the event that any minor modifications to the stormwater management system are required, the following information shall be provided:
 - Plans and drawings outlining the details of the modifications; and
 - Supporting information that details how the proposal does not affect the capacity or performance of stormwater management system.

All information shall be submitted to, and verified by, the Team Leader - Stormwater, Natural Resources and Specialist Input, **prior to implementation.**

Advice note: All proposed changes must be discussed with the Team Leader – Stormwater, Natural Resources and Specialist Input, prior to implementation. Any changes to the proposal which will affect the capacity or performance of the stormwater system or will result in a change to the conditions of this consent will require an application to be made in accordance with Section 127 of the RMA.

Certification of construction works

38. Within 30 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 Team Leader - Stormwater, Natural Resources and Specialist Input.

39. 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 12 new or relocated catchpits, with co-ordinates expressed in terms of NZTM and LINZ datum;
- ii) Documentation of any discrepancies between the design plans and the As-Built plans.

Review condition

40. The conditions of this consent may be reviewed by the Auckland Council pursuant to Section 128 of the Resource Management Act 1991, (with the costs of the review process being borne by the consent holder), by giving notice pursuant to Section 129 of the Act, in one or more of the following times:

- Within one year of construction of the stormwater works
- And/or at five yearly intervals after that time.

The purpose of the review may be for any of the following purposes, namely:

41. To deal with any adverse effect on the environment which may arise from the exercise of the consent or upon which the exercise of the consent may have an influence and which becomes apparent, or is found appropriate, to deal with at a later stage, and in particular but without limiting the ambit of this clause to:

- a) Insert conditions, or modify existing conditions, to require the consent holder to identify the character or nature of any discharges authorised by this consent and to report the results of that monitoring to the Auckland Council; and/or
- b) Insert conditions, or modify existing conditions to require the consent holder to monitor the effects of any discharges authorised by this consent on the local receiving environment and to report the results of that monitoring to the Auckland Council; and / or
- c) Insert conditions, or modify existing conditions, requiring the consent holder to adopt the Best Practicable Option to remedy, mitigate or minimise any

adverse effects on the environment resulting from the discharges authorised by this consent, including remedying or mitigating any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage.

Specific conditions for R/REG/2014/2045 (Regional Contaminated Land Consent under ACRP: ALW).

Note – General conditions numbered 1-5 also apply to R/REG/2014/2045

42. This consent shall expire on 30 June 2019 unless it has been surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.
43. The disturbance of contaminated soil for the proposed upgrade and construction works shall be carried out in accordance with the plans and all information submitted with the application, being the report "Beach Road Walking and Cycling Improvements Project – Assessment of Environmental Effects", dated 26 May 2014, prepared by Beca Limited, the report "Contaminated Soils Management Plan – Beach Road Walking and Cycling Improvements – Detailed Design", dated 26 May 2014, prepared by Beca Limited and the letter "Beach Road Walking and Cycling Improvements – Response to Further Information Request (Contamination)", dated 18 June 2014, prepared by Beca Limited.

Advice note:

The council acknowledges that the Contaminated Soils Management Plan is 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 the Team Leader, Earthworks and Contaminated Land, Natural Resources and Specialist Input, Auckland Council.

44. All disturbance of potentially contaminated soil shall be supervised by a suitably qualified contaminated land professional, who shall ensure that all soil sampling, management options and contingency measures outlined in the report "Contaminated Soils Management Plan – Beach Road Walking and Cycling Improvements – Detailed Design", dated 26 May 2014, prepared by Beca Limited and the letter "Beach Road Walking and Cycling Improvements – Response to Further Information Request (Contamination)", dated 18 June 2014, prepared by Beca Limited, and all relevant consent conditions are adhered to. Certification from the suitably qualified contaminated land specialist responsible for supervising the contamination works shall be provided within the summary of works report required by condition 52.
45. All soil disturbance works shall be managed to minimise any discharge of debris, soil, silt, sediment or sediment-laden water from beyond the subject site to either land, stormwater drainage systems, watercourses or receiving waters.

Advice Note:

Discharge from the site includes the following:

- *infiltration of stormwater into open excavations that may be contaminated.*
- *disposal of water (eg. perched groundwater or collected stormwater) from excavations.*

Measures such as covering excavations overnight and during rainfall, diverting overland flow around the works area, and disposal of any collected water in an excavation may be required to comply with this condition.

46. Where soils are identified for off-site disposal, they shall be loaded directly for removal where possible and all material shall be covered during transportation off site.
47. To minimise the spread of contaminated material, all stockpiles of excavated potentially contaminated material shall be located within the catchment of erosion and sediment controls for the site. All stockpiles shall be covered with either polythene or an equivalent impermeable material when the site is not being worked and during periods of heavy rain.
48. Excess soil or waste materials removed from the subject site shall be deposited at a disposal site that holds a consent to accept the relevant level of contamination.
49. If it cannot be infiltrated via excavations within the site, any groundwater or surface runoff encountered within the excavation area shall be considered as potentially contaminated, and shall either:
- a. be disposed of by a licensed liquid waste contractor; or
 - b. discharged to the stormwater system or surface waters provided testing demonstrates compliance with the Australian and New Zealand Environment Conservation Council (ANZECC) Guidelines for Fresh and Marine Water Quality (2000) for the protection of 95 percent of freshwater species and is free of petroleum hydrocarbons.
50. Where contaminants are identified that have not been anticipated by the application, works in the area containing the unexpected contamination shall cease until the contingency measures outlined in the report titled "Contaminated Soils Management Plan – Beach Road Walking and Cycling Improvements – Detailed Design", dated 26 May 2014, prepared by Beca Limited and the letter "Beach Road Walking and Cycling Improvements – Response to Further Information Request (Contamination)", dated 18 June 2014, prepared by Beca Limited have been implemented, and have been notified to the Team Leader, Earthworks and Contaminated Land, Natural Resources and Specialist Input, Auckland Council. Any unexpected contamination and contingency measures shall be documented in the summary of works report required by condition.

Advice Note:

In accordance with Condition 56 any unexpected contamination, may include separate phase hydrocarbons, 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, handling the contamination may be outside the scope of this consent. Advice should be sought from the Team Leader, Earthworks and Contaminated Land, Natural Resources

and Specialist Input, Auckland Council, prior to carrying out any further work in the area of the unexpected contamination to ensure this is within scope of this consent.

51. Within three months of the completion of earthworks on the site, a Summary of Works Report shall be provided to the Team Leader, Earthworks and Contaminated Land, Natural Resources and Specialist Input, Auckland Council. The summary of works report 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.

Advice Note:

The Summary of Works report required by Condition 52 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 "Contaminated Soils Management Plan – Beach Road Walking and Cycling Improvements – Detailed Design", dated 26 May 2014, prepared by Beca Limited and the letter "Beach Road Walking and Cycling Improvements – Response to Further Information Request (Contamination)", dated 18 June 2014, prepared by Beca 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 Auckland Council Regional Plan: Air, Land and Water and Proposed Auckland Unitary Plan*
- 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 Environmental Management Plan and the conditions of this consent*
- vii. details of the validation sampling undertaken, if applicable, on materials re-used and and/or remaining on site*

Advice notes

- 1. Please read the conditions of this resource consent carefully and make sure that you understand all the conditions that have been imposed before commencing the development.*
- 2. 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 RMA. Any objection must be made in writing to Council within 15 working days of notification of the decision.*

3. *All archaeological sites are protected under the provisions of the Historic Places Act 1993 (HPA). It is an offence under this Act to destroy damage or modify any archaeological site, whether or not the site is entered on the New Zealand Historic Places Trust (NZHPT) Register of Historic Places, Historic Areas, Wāhi Tapu and Wāhi Tapu Areas. Under sections 11 and 12 of the Act, applications must be made to the NZHPT for an authority to destroy, damage or modify an archaeological site(s) where avoidance of effect is not practicable. It is the responsibility of the applicant (consent holder) to consult with the NZHPT about the requirements of the HPA and to obtain the necessary Authorities under the HPA should these become necessary, as a result of any activity associated with the proposed development. For information please contact the NZHPT Northern Regional Archaeologist – Beverley Parslow (09) 307 0413.*



Cherie Lane

Date: 7th July 2014

Duty Commissioner