

# Report for an application for resource consents under the Resource Management Act 1991



Discretionary activity – land use (s9)

Discretionary activity – subdivision (s11)

## 1. Application description

Application numbers:	BUN60386270 (Council Reference) LUC60386272 (s9 land use consent) SUB60386271 (s11 subdivision consent)
Applicant:	Marutūāhu Rōpū and the Waiohua-Tāmaki Rōpū
Site address:	1, 3, 3A, 81A, 119A, 119B and 139 Carrington Road, Mt Albert
Legal description:	Sect 3 SO 520006 – 1 Carrington Road Lot 2 DP 531494 – 3 Carrington Road Lot 1 DP 531494 – 3A Carrington Road Lot 2 DP 156226 – 81A Carrington Road Lot 1 DP 531496 – 119A Carrington Road Lot 2 DP 531496 – 119B Carrington Road Lot 1 DP 515021 – 139 Carrington Road
Site area:	49.8092ha

### Auckland Unitary Plan (Operative in part)

Zoning and precinct:	Business – Mixed Use Zone – 1, 3, 3A, 119A, 119B Carrington Road Special Purpose – Tertiary Education Zone – 1, 139 Carrington Road Special Purpose – Healthcare Facility and Hospital Zone – 81A Carrington Road Residential – Terrace Housing and Apartment Buildings Zone – 1, 119B Carrington Road Wairaka Precinct Wairaka Precinct: Sub-Precinct A - 81A Carrington Road Wairaka Precinct: Sub-Precinct C – 1,119B,139 Carrington Road
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Overlays, controls, special features, designations, etc:

### *1 Carrington Road*

Natural Resources: Quality-Sensitive Aquifer Management Areas Overlay [rp] - Auckland Isthmus Volcanic

Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - A13, Mount Albert, Viewshafts

Historic Heritage and Special Character: Historic Heritage Overlay Extent of Place [rcp/dp] - 1618, Oakley Hospital Main Building

Controls: Macroinvertebrate Community Index – Urban

Designations: Designations - 1713, Various - proposed shared path 2.4km in length connecting Alan Wood Reserve to Great North Road (near Alford Street)., Designations, Auckland Transport

Overland Flow Paths (varying sizes)

Flood Prone Areas

Flood Plains

Wairaka Stream

CHI Place – Historic Structures

### *3 Carrington Road*

Controls: Macroinvertebrate Community Index - Native

Controls: Macroinvertebrate Community Index – Urban

### *3A Carrington Road*

Natural Resources: Quality-Sensitive Aquifer Management Areas Overlay [rp] - Auckland Isthmus Volcanic

Controls: Macroinvertebrate Community Index - Native

Controls: Macroinvertebrate Community Index – Urban

Overland Flow Path

Flood Prone Area

### *81A Carrington Road*

Natural Resources: Significant Ecological Areas Overlay - SEA\_T\_6008, Terrestrial

Natural Resources: Quality-Sensitive Aquifer Management Areas Overlay [rp] - Auckland Isthmus Volcanic

Controls: Macroinvertebrate Community Index - Native

Controls: Macroinvertebrate Community Index - Urban

Overland Flow Path

Flood Prone  
Flood Plains  
Wairaka Stream  
CHI Place – Archaeological Sites

*119A and 119B Carrington Road*

Natural Resources: Significant Ecological Areas Overlay - SEA\_T\_6008, Terrestrial

Natural Resources: Quality-Sensitive Aquifer Management Areas Overlay [rp] - Auckland Isthmus Volcanic

Controls: Macroinvertebrate Community Index - Native

Controls: Macroinvertebrate Community Index – Urban  
Overland Flow Path

Flood Prone

Flood Plains

Wairaka Stream

CHI Place – Archaeological Sites

*139 Carrington Road*

Natural Resources: Quality-Sensitive Aquifer Management Areas Overlay [rp] - Auckland Isthmus Volcanic

Natural Heritage: Notable Trees Overlay - 173, Titoki, Brazilian Coral (3), Jacaranda, Maidenhair Tree, Unverified position of tree

Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - A13, Mount Albert, Viewshafts

Controls: Macroinvertebrate Community Index - Native

Controls: Macroinvertebrate Community Index - Urban

Designations: Designations - 1713, Various - proposed shared path 2.4km in length connecting Alan Wood Reserve to Great North Road (near Alford Street)., Designations, Auckland Transport

Overland Flow Path

Flood Prone

Flood Plains

Wairaka Stream

CHI Places – Historic Structure

CHI Place – Archaeological Sites



### 3. The proposal, site and locality description

Mr Ross Cooper of Tattico Limited has provided a description of the proposal and subject site on pages 7 - 31 of the Assessment of Environmental Effects (AEE) titled: Carrington Backbone Works Marutūāhu Rōpū and the Waiohua-Tāmaki Rōpū Application for Resource Consent and Assessment of Environmental Effects, dated November 2021.

Having undertaken various site visits I concur with that description of the proposal and the site. In summary the proposal is to:

- upgrade and modify the layout of the north-south road through the site and establish three east-west roads with intersections at Carrington Road. The works include roadways, footpaths, cycleways and stormwater management;
- establish an urban open space at the intersection of Farm Road, Spine Road and the Wairaka Stream;
- install infrastructure and modify existing networks to facilitate future development including providing two new stormwater outfalls to Wairaka Stream;
- demolish part of the Oakley Hospital historic heritage building to enable the northern east-west road;
- undertake earthworks and remove trees as necessary to facilitate the above works; and
- subdivision around the proposed transport network to ultimately vest the road with Auckland Council. Note the subdivision is not intended to create 'super lots' for future development, this will be subject to a separate and future resource consent process.

Since lodgement of the application the applicant has responded to various requests for further information including providing additional assessment, details and amendments to the design. In particular the applicant has confirmed by various emails (most recently 31 March 2022) that the road corridor can be designed to cater for a maximum 300mm flood depth during 1 in 100 year storms without any significant changes. The applicant has also confirmed that trees will only be removed where necessary, particularly those that are protected by the Precinct Plan.

On 25 March 2022 the applicant provided the Council with a letter of support from Heritage New Zealand Pouhere Taonga (HNZPT) regarding the proposed partial demolition of a Category 1 building (Oakley Hospital). On 2 June 2002 the applicant provided the written approval of the Waitemata District Health Board (WDHB) to the application, subject to the acoustic conditions that have been offered by the applicant. The WDHB are the owners of 81A Carrington Road which contains the Mason Clinic, works are proposed partially within this land and directly adjacent to some of the buildings.

Prior to the written approval of the WDHB being obtained additional assessment was provided regarding potential noise and vibration effects on the Mason Clinic. This has been reviewed by Council's Acoustic Specialist.

As part of the AEE the applicant has offered a number of conditions of consent to avoid, remedy or mitigate adverse effects. In addition by way of email of 15 March 2022 further conditions regarding development engineering and transport matters have been offered. The applicant has also reviewed the conditions of consent recommended by the Council specialists and on 23 March 2022 confirmed the principle of these conditions is accepted and offered, except in relation to some of the detailed design requirements of Auckland Transport which are more

appropriately addressed at Engineering Plan Approval (EPA) stage. In addition, the applicant has offered the noise and vibration conditions that have been accepted by the WDHB.

## 4. Background

### Specialist Input

The proposal has been reviewed and assessed by the following specialists:

- Chris Mallows, Team Leader Cultural Heritage Implementation;
- Rebecca Fox, Team Leader Built Heritage Implementation;
- Carol Bergquist, Senior Ecologist;
- Fiona Harte, Senior Specialist Earth, Streams and Trees;
- Jin Lee, Senior Development Engineer;
- Mark Iszard, Growth and Development Manager, Healthy Waters;
- Tim Price, Development Engineer, Watercare Services Ltd;
- Sarishka Gandhi, Council Traffic Engineer and Andrew Temperley, Consultant Traffic Engineer;
- Hannah Miln, Senior Development Planner, Auckland Transport;
- West Fynn, Senior Heritage Arborist;
- Paul Hansen, Arborist, Earth, Streams and Trees;
- Andrew Gordon, Specialist Contamination, Air & Noise;
- Richard Simonds, Consultant Senior Geotechnical Engineer; and
- Andreas Lilley, Consultant Parks Planner.

### Local Board

The Albert-Eden Local Board were advised of the application on 17 September 2021. On 30 September 2021 the Board provided a detailed response in a memo which is summarised as:

- requesting full notification of the application as the effects are more than minor and there are special circumstances;
- this is a nationally significant development with a high level of community interest and media attention;
- the roading layout requires removal of established trees and 7% of a Heritage NZ listed building, the Pumphouse should be protected, there will be sedimentation impacts on waterways and the harbour;
- the development could result in up to 4,000 dwellings and 10,000 new residents resulting traffic movement and safety impacts;
- specific effects are summarised as: need better cycle lane connection to Carrington Road existing and future cycle lanes; concerns with layout, width and design of proposed cycle lanes; seek pedestrian and cycling amenity and safety as part of design and 30km/hr speed limit of vehicles; the layout limits/precludes the location of open space opportunities, vehicles should be excluded from transiting civic spaces; extent of mature vegetation and riparian vegetation removal, Tree 39 (mature Totara) should be retained; do not support demolition of part of Building One and the open space provision to the north is not justification; the Pumphouse requires protection; noise and vibration effects on vulnerable residents at the

Mason Clinic; sedimentation effects need to be managed; ecological effects on native frog habitat

The resource management matters raised by the Local Board that are relevant and within the scope of this application are addressed in the assessment below.

### **Iwi Engagement**

As part of the circulation of the Weekly Register of applications local iwi were advised of the application. On 7 October 2021 Gabriel Kirkwood of Ngāi Tai Ki Tāmaki requested a copy of the application material which was duly provided. No further response has been received.

### **Neighbours Correspondence**

On 15 October, Craig McGarr of Bentley & Co acting on behalf of the Waitemata District Health Board (WDHB) who own and operate the Mason Clinic contacted the Council. Some of the works subject of this application are within WDHB land including new Outfall #5 and associated works, while some works are in proximity of occupied Mason Clinic buildings. Mr McGarr has noted concern regarding the potential noise and vibration effects on residents at the Mason Clinic and at various intervals has requested updates on this application, and that for the Global Contamination consent.

It is understood that ongoing discussions between WDHB and the Ministry of Housing and Urban Development (MHUD) are occurring regarding the proposed works.

On 25 May 2022 the Council received an email from Chris Casey, the Chair of the Pt Chevalier Social Enterprise Trust advising they were aware from MHUD of the intention to demolish 7% of the Category A Carrington Hospital and that MHUD may also apply to demolish up to 30% of the building for more transport access. They advised that the community are deeply affected by this intention and request notification of any resource consent application made for the building and its heritage environs (ie Building 6, unscheduled). They also consider the proposal should be publicly notified. They support the retention of the community asset of the activation of the heritage spaces and support the Crown and mana whenua housing development aspirations.

I note that the application being assessed is only for the demolition of rear parts of the Carrington Hospital which is understood to be approximately 7% of the building. I am not aware of any future application or aspiration to demolish up to 30% of the building.

### **Project Background**

As described in Section 3.1 of the AEE this application is part of the first stage of works of a wider project. The subject land is right of first refusal under the Ngā Mana Whenua o Tamaki Makaurau Collective Redress Deed 2012 and Act 2014 providing mana whenua the opportunity to develop the land for housing. It has been agreed the overall development be undertaken by three Rōpū who represent 13 iwi/hapū parties to the Deed.

The following projects are also part of the first stage of works:

- non-notified resource consent has been granted to daylight part of an enclosed section of Wairaka Stream, realign parts of the stream, install a culvert under the existing road and undertake riparian planting (Council reference: BUN60373075);

- non-notified resource consent has been granted to establish a new open channel and stormwater outfall (#6) to manage existing and future stormwater disposal and undertake mitigation planting of 0.135ha (Council reference: LUC60376261); and
- resource consent is currently processing for a global contaminated land consent (both National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) and discharge of contaminants under the AUP(OP)) (Council reference: BUN60388418). This consent, if granted, will be utilised to undertake some soil remediation works separate of any other or future resource consent, it will also be utilised in conjunction with the current application and future resource consent applications which involve disturbing contaminated or potentially contaminated soils. The applicant has offered as part of the AEE that a condition be imposed on this consent to ensure they are appropriately linked.

Auckland Transport has previously approved an Integrated Transport Assessment (ITA) for the future development of the precinct, while the Stormwater Management Plan (SMP) for the Precinct was approved in March 2022 by Healthy Waters. Both of these documents are required by the Precinct rules for development of sites within this land holding. It is noted that now the SMP has been approved the proposal will connect to an authorised stormwater network and is subject to the Regionwide Network Discharge Consent. As such the stormwater discharged from the site will be a permitted activity under Chapter E8 of the AUP(OP).

It is understood that the ropu are likely to enable various developers to develop the individual superlots (or smaller areas) for housing. The layout and intensity of this housing development has not yet been progressed with Council and will be the subject of separate resource consent applications.

### **Groundwater take and diversion**

Mr Richard Simonds (email dated 4 November 2021) has reviewed the application and advises that a thorough assessment has been undertaken using appropriate site-specific groundwater level measurements. He concurs with the assessments and that the proposal is a permitted activity when assessed against the relevant AUP(OP) standards of E7.6.1.6 and E7.6.1.10. As such no further consideration of this matter is required.

## **5. Reasons for the application**

Resource consents are required for the following reasons:

### **Land use consent (s9) – LUC60386272**

#### Auckland Unitary Plan (Operative in part)

#### **District land use (operative plan provisions)**

##### *D17 Historic Heritage Overlay*

- To undertake modifications (partial demolition) of non-primary features of a Category A scheduled historic heritage place is a restricted discretionary activity under rule D17.4.1(A9).

## E25 Noise and vibration

- To undertake construction works that do not comply with the standards is a restricted discretionary activity under rule E25.4.1(A2). The following standards are not complied with:
  - Predicted construction noise levels will exceed the levels of Standard E25.6.27 by up to 15dBA at a number of the closest occupied buildings for earthworks and rock breaking activities.
  - Predicted construction vibration levels will exceed the levels of Standard E25.6.30 for a number of the closest occupied buildings.

## E26 Infrastructure

- To undertake vegetation alteration or removal within riparian margins that does not comply with Standards E26.3.5.2(1) to E26.3.5.2(4) is a restricted discretionary activity under rule E26.3.3.1(A77).
- To undertake the removal of a Flowering Cherry Tree in the Carrington Road reserve is of 4.1m height is a restricted discretionary activity under rule E26.4.3.1(A92).
- To undertake general earthworks over an area of 67,774m<sup>2</sup> and volume of 44,712m<sup>3</sup> (22,356m<sup>3</sup> cut and 22,356m<sup>3</sup> fill)<sup>1</sup>, as the earthworks are greater than 2,500m<sup>2</sup> and greater than 2,500m<sup>3</sup> in any zone, is a restricted discretionary activity under rules E26.5.3.1(A97) and (A97A) respectively.
- To undertake general earthworks that do not meet the following standards is a restricted discretionary activity under clause C1.9(2):
  - Earthworks of more than 10m<sup>2</sup> or 5m<sup>3</sup> within riparian yards infringing standard E26.5.5.2(12);
  - Earthworks of 48m<sup>3</sup> within a 100 year annual exceedance probability (AEP) floodplain where up to 10m<sup>3</sup> is permitted under standard E26.5.5.2(18)
- To undertake general earthworks of 707m<sup>3</sup> within an Historic Heritage Extent of Place Overlay, the earthworks is between 5m<sup>3</sup> and 2,500m<sup>3</sup> is a restricted discretionary activity under rule E26.6.3.1(A117).
- To undertake general earthworks of 8,273m<sup>2</sup> and 709m<sup>3</sup> within an Historic Heritage Extent of Place Overlay, is greater than 2,500m<sup>2</sup> is a discretionary activity under rule E26.6.3.1(A118).
- To undertake general earthworks within the Historic Heritage Extent of Place Overlay is within 20m of a building within the scheduled historic heritage place infringes Standard E26.6.5.2(17) is a restricted discretionary activity under clause C1.9(2).
- To relocate Gate 1 road within the Historic Heritage Extent of Place Overlay is a network utility not otherwise provided for and is a discretionary activity under rule E26.8.3.1(A131).

## E36 Natural hazards and flooding

- To establish infrastructure within land subject to instability, overland flowpaths and the 1% AEP flood plain not otherwise provided or is a restricted discretionary activity under rule E36.4.1(A56).

## I334 Wairaka Precinct

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<sup>1</sup> The agent has confirmed the extent of earthworks including the extent of fill to be stored on the sports fields in an email of 17 March 2022.

- To connect any roads to the Precinct with a public road is a restricted discretionary activity under rule I334.4.1(A29).
- To undertake development that is not otherwise listed in Table 1334.4.1 that is generally in accordance with the Precinct Plan is a restricted discretionary activity under rule I334.4.1(A31).
- To undertake removal, works in the dripline and pruning of trees identified in Table I334.6.7.1 does not comply with standard I334.6.7 is a restricted discretionary activity under rule C1.9(2). In particular it is proposed to remove a Ngaio (ID 19, Tree 21<sup>2</sup>) and potentially remove a Totara (ID 26, Tree 39) and a Golden Ash (ID 32, Tree 57). Works in the rootzone of a Golden Ash (ID 34, Tree 58) and tecomanthe climbers (ID 29, Tree 79) are also proposed.

### **Regional land use (operative plan provisions)**

#### *E26 Infrastructure*

- To undertake earthworks of approximately 62,774m<sup>2</sup> including some which has a slope of more than 10 degrees and some that is within the Sediment Control Protection Area is a restricted discretionary activity under rules E26.5.3.1(A106) and (A107).

The reasons for consent are considered together as a discretionary activity overall.

## Subdivision consent (s11) – SUB60386271

### Auckland Unitary Plan (Operative in part)

#### **Subdivision (operative plan provisions)**

##### *D17 Historic Heritage Overlay*

- To subdivide land within the scheduled extent of place of a Category A historic heritage building is a discretionary activity under rule D17.4.1(A17).

##### *Subdivision - Urban*

- To subdivide a site with two or more zones is a restricted discretionary activity under rule E38.4.1(A7).
- To subdivide land within the 1% AEP flood plain and land that may be subject to instability is a restricted discretionary activity under rule E38.4.1(A11).
- To subdivide around existing buildings and development within business zones complying with Standard E38.9.2.2 is a restricted discretionary activity under rule E38.4.3(A34). All lots contain existing lawfully established buildings excluding Lot J.
- To undertake vacant site subdivision in a business zone complying with Standard E39.9.2.3 is a restricted discretionary activity under rule E38.4.3(A35). Lot J will be a vacant site.

The reasons for consent are considered together as a discretionary activity overall.

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<sup>2</sup> Note: The ID number refers to the Identification Number of the tree in Table I334.6.7.1 of the AUP(OP), the Tree number refers to the reference number the tree has been given within the Arbor Connect Arboriculture Assessment Report submitted by the applicant.

## 6. Status of the resource consents

Where a proposal:

- consists of more than one activity specified in the plan(s); and
- involves more than one type of resource consent or requires more than one resource consent; and
- the effects of the activities overlap;

the activities may be considered together.

Where different activities within a proposal have effects which do not overlap, the activities will be considered separately.

In this instance, the applicant has proposed subdivision as a result of the proposed land use component. The land use needs to be granted and given effect to for the subdivision to be able to proceed.

The effects of the two resource consent types do not overlap. The land use consent could be given effect to without a subsequent subdivision. While the subdivision as applied for is reliant on the land use consent being granted, it is not a pre-requisite to apply for the two consents concurrently, and they could be applied for and considered separately.

Therefore, the activities will be considered separately for notification under s95 and decision-making under s104.

The activity status of the activities are as follows:

- Land use (s9): discretionary activity
- Subdivision (s11): discretionary activity

### Land use consent (s9) – LUC60386272

All references below to application shall be taken as relating only to the proposed land use consent.

## 7. Public notification assessment (sections 95A, 95C-95D)

Section 95A specifies the steps the council is to follow to determine whether an application is to be publicly notified. These steps are addressed in the statutory order below.

### Step 1: mandatory public notification in certain circumstances

No mandatory notification is required as:

- the applicant has not requested that the application is publicly notified (s95A(3)(a));
- there are no outstanding or refused requests for further information (s95C and s95A(3)(b)); and
- the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977 (s95A(3)(c)).

## Step 2: if not required by step 1, public notification precluded in certain circumstances

The application is not precluded from public notification as:

- the activities are not subject to a rule or national environmental standard (NES) which precludes public notification (s95A(5)(a)); and
- the application does not exclusively involve one or more of the activities specified in s95A(5)(b).

## Step 3: if not precluded by step 2, public notification required in certain circumstances

The application is not required to be publicly notified as the activities are not subject to any rule or a NES that requires public notification (s95A(8)(a)).

The following assessment addresses the adverse effects of the activities on the environment, as public notification is required if the activities will have or are likely to have adverse effects on the environment that are more than minor (s95A(8)(b)).

## Adverse effects assessment (sections 95A(8)(b) and 95D)

The agent has provided, in accordance with schedule 4 of the RMA, an assessment of adverse environmental effects in such detail as corresponds with the scale and significance of the effects that the activities may have on the environment. This can be found on pages 48 – 79 and 111 - 112 of the AEE.

The AEE concludes that *“any actual or potential adverse effects arising from the proposal are able to be offset or mitigated by conditions of consent and are less than minor overall”*.

Overall, I generally agree with the AEE, I also make the following assessment:

Since the preparation of the AEE the written approval of the WDHB has been obtained, therefore any potential adverse effects on the Mason Clinic activity are to be disregarded.

The permitted baseline is of limited relevance to the proposal as taking into account the reasons for consent and the scale of the project there is little or useful comparison that can be made to activities that are permitted. Notwithstanding this, Section 5.2.1 of the AEE has set out the various aspects of the proposal that are permitted activities under the AUP(OP) which I agree with. This includes the establishment of a road, the removal of trees that are not protected by either the precinct rules or their proximity to a watercourse, underground network utilities, and groundwater dewatering and diversion. As such the effects of these aspects of the proposal do not require any further consideration.

The receiving environment is as described in Section 3.2 of the AEE, and also includes the resource consents granted for the daylighting of the stream and the new stormwater outfall. It is against this environment that the application is assessed.

### Adverse effects

## Ecological effects

The proposed works require the removal of vegetation and soil disturbance within the riparian margin of Wairaka Stream. This has the potential to result in adverse effects particularly on vegetation and terrestrial fauna. The application has been supported by an Ecological Assessment by Boffa Miskell that assesses the existing vegetation and terrestrial fauna. The assessment concludes that “*vegetation within the site is not representative of any indigenous ecosystem and its primary functional ecological value is in its value as refuge and connective habitat for mobile fauna*”. They also conclude that the terrestrial ecological values are low to moderate with no indigenous ecosystem of note. They recommend that if vegetation removal occurs in spring/summer that a management plan be implemented to minimise mortality of birds including a bird nesting survey and vegetation clearance protocols. Due to the lizard habitat being poor they do not consider the areas require lizard management. In addition, the works area is not an area that provides habitat for native frogs. In regard aquatic ecology, Wairaka Stream has a diverse fish community, and the aquatic ecological values are moderate to high.

Ms Carol Bergquist, in her memo dated 3 October 2021, has assessed the proposal. She confirms her agreement with the findings and recommendations by the applicant’s ecological assessment, except she considers prior to works commencing lizard scouting should be undertaken to confirm whether or not they are definitely present, and a lizard management plan prepared if found. The applicant has subsequently confirmed their agreement to this. Ms Bergquist also considers the Arboricultural Assessment submitted is appropriate and that the Tree Protection Methodology will ensure that ecological and biodiversity effects on trees that are to remain will be minor. In addition, she agrees that mitigation for the loss of amenity trees is provided by the submitted landscape plan. Overall Ms Bergquist considers “*the potential ecological effects of the Carrington Backbone Works Project will be adequately managed*”.

Taking into account the specialist assessments and the offered conditions of consent, I consider that the proposal will result in less than minor adverse effects on ecological values.

## Effects of land disturbance

The proposal requires earthworks over approximately 6.77ha and a total volume of 44,712m<sup>3</sup>, some of which is within riparian areas, involves filling within a 100% AEP flood plain (48m<sup>3</sup>) and some on land with greater than 10 degree slope. The applicant proposes to undertake a cut/fill balance across the site, with only contaminated soil (subject to the separate Global Remediation Consent) removed off site. As there will be more cut (22,356m<sup>3</sup>) than fill (5,463m<sup>3</sup>) required for the works the excess fill of 16,893m<sup>3</sup> will be stored on the sports fields. The application has been supported by indicative erosion and sediment control plans (ESCPs) setting out how sediment discharges during the earthworks will be managed.

Ms Fiona Harte, in a memo dated 11 November 2021, has assessed the proposal and the adequacy of the ESCP controls. Ms Harte notes that there are potential adverse environmental effects due to potential discharge of sediment laden water to the adjacent stormwater network, then Wairaka Stream and subsequently Oakley Creek. Ms Harte concurs with the applicant that due the long linear nature of the works limited discharge is expected to occur, and that the undertaking of works in stages will further limit the amount of sediment that could be discharged. The proposed dewatering of the trenches using suitable devices is considered appropriate and in accordance with best practice. Stockpiling of excess soil will be managed, and the use of a decanting earth bund (DEB) designed to meet GD05 standards is also

appropriate. The applicant proposes chemical treatment and Ms Harte confirms that a chemical treatment management plan should be submitted prior to works commence to ensure that the chemicals proposed, and dosing are appropriate and used effectively and sparingly. Ms Harte advises that the works should be restricted to the summer works season only (unless specific approval given) due to the proximity of the sensitive receiving environment. Overall Ms Harte considers that the works can be undertaken appropriately in accordance with the application material, GDO5 guidance and recommended conditions of consent that are accepted by the applicant, as such she concludes *“the resulting effects on the receiving environment from potential sediment discharges during the earthworks will be appropriately managed and mitigated”*.

Ms Jin Lee in her memo dated 12 May 2022 has also considered the proposed earthworks particularly in regard to potential effects on overland flow paths (OLFPs) and floodplains as well as in relation to stability. Ms Lee considers that the imposition of a construction management plan as a condition of consent will ensure that works onsite, particularly earthworks, are appropriately managed and will minimise effects.

Due to the presence of OLFPs and to ensure adverse effects on upstream and downstream capacity outside of the site do not result, Ms Lee has recommended a consent condition requiring the applicant ensure the entry and exit points are not altered and the capacity not reduced. The applicant has addressed these matters in various responses to further information and agreed to the conditions of consent proposed.

In regard to stability the applicant has supplied various geotechnical reports and slope stability analysis within the works area. Cuts of up to 3.5m deep and fills of up to 1.5m deep are required in areas, with the most work needed in the northern part of the site. Ms Lee confirms that the submitted geotechnical report is generally suitable and that the site can be safely developed from a geotechnical/stability perspective (subject to conditions) and no other properties are likely to be affected from soil instability issues.

Taking into account the measures and conditions offered by the applicant, together with the specialist assessments I consider that the proposal will result in less than minor adverse effects in regard to land disturbance on the receiving environment.

### **Effects on built heritage**

To enable Road 1, the northernmost road, the rear most part of two wings of a Category A historic heritage building being the former Oakley Hospital are required to be demolished. The areas proposed to be removed were constructed in 1904/05 and are not identified in the AUP(OP) as being the primary feature. (The primary feature relates to the older part of the buildings, parts of which were constructed in 1864.) The application has been supported by a Heritage Impact Assessment (HIA) by Dave Pearson Architects which assesses the heritage value of the building and its setting, and the effects of the proposed works. The HIA also proposes measures to partly mitigate the loss of heritage values. These are proposed by the applicant as conditions of consent being:

- imposing a covenant that requires the retention and restoration of the former pump house on the wider site. This building has historic heritage value but is not protected;
- the relandscaping of the area in front (north) of the building.

Overall the HIA concludes that the proposed development will have a minor impact on the heritage values of the place.

Ms Rebecca Fox (memo dated 30 November 2021) has reviewed the proposal and the HIA and advises she agrees with the majority of the analysis and conclusions. She considers that while the loss of historic fabric is not ideal the heritage values of the former hospital are maintained. In particular:

- the distinctive E-shaped plan and the Category A heritage values of the building will still be legible and appreciated;
- the works subject of the overall application will enable a significant quantum of development that could not be achieved with the retention of these parts of the building;
- the new development will provide funding for the seismic upgrading and restoration of the building contributing to its ongoing survival; and
- the mitigation proposed with the covenanting of the former pumphouse, the landscaping, as well as photographic recording, careful construction management and oversight by a qualified heritage specialist are considered appropriate and lessen the impact to an acceptable level.

Overall, taking into account the specialist assessments, I consider that while the removal of part of this Category A building is not ideal, the area of the works (ie the newer part of the building), and the mitigation measures proposed by the applicant mean there will be no more than minor adverse effects on heritage values.

### **Effects on archaeology**

The wider site area contains a number of known archaeological sites relating to both Maori occupation and early European occupation. The proposed works will likely directly impact on two sites (shell midden site R11/3313 and drystone retaining wall R11/2473<sup>3</sup>). Works are also proposed on and around the historic heritage Oakley/Carrington Hospital which was mainly established pre-1900 and the northern end of Building 28 (former milking sheds and not protected); both are not recognised as having additional archaeological controls under the AUP(OP).

The applicant's archaeologist (CFG Heritage) confirms that the proposed works have the potential to affect these sites, and also unrecorded sites. The works will be monitored by an archaeologist to mitigate the potential loss of heritage and works undertaken in accordance with standard archaeological procedure when archaeological contexts are exposed. In addition, a suitable buffer and/or alternative methods to minimise or eliminate vibration will be undertaken for rock breaking near historic buildings. They confirm an Authority to Modify will be obtained from Heritage New Zealand prior to works commencing.

The proposal has been reviewed by Mr Chris Mallows (memo dated 11 November 2021) who accepts the assessment and findings reached by the applicant's archaeologist. He agrees with the proposed archaeologist site monitoring and the conditions offered within the AEE. Overall, Mr Mallows concludes "*the conditions of consent, offered up on behalf of the applicant, will*

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<sup>3</sup> References are those from the New Zealand Archaeology Association

*minimise potential effects on known archaeological sites within the application area to give effect to s6(f) of the RMA”.*

Taking into account the specialist assessments and the offered conditions, I consider that the proposal will have at the most minor adverse effects on archaeology.

### **Effects on vegetation**

The proposal requires the removal of trees and vegetation within the site as well as one street tree.

Since lodgement the agent has confirmed that the intent is to minimise the number of trees to be removed. They are applying on a worst-case scenario basis for the removal of a totara and golden ash, however, as part of the detailed design phase being undertaken at present it is expected that these particular trees will be able to be retained.

The precinct provides specific protection to a large number of identified trees, of these one, (Tree ID 19) a Ngaio will need to be removed, while as noted above the totara (Tree ID 39) and the golden ash (Tree ID 32) are more likely to be retained than be removed. In addition, some trees and vegetation within riparian areas will need to be removed, as well as a street tree (a Flowering Cherry) within Carrington Road, which is over 4m in height. Works within the rootzone of two precinct protected trees and a number of trees including some within riparian areas is also necessary.

The works have been assessed by ArborConnect on behalf of the applicant and a tree methodology proposed for works in or near the rootzone of trees to be retained. Consistent streetscape landscaping is proposed within the new road corridor, along with a landscaped area to the north of the Oakley Hospital Main Building and the Civic Square at the junction of Spine Road and Farm Road around Building 28. As part of the future development of the land further planting and landscaping is envisaged that will be consistent with the concepts being established under this application.

Mr West Fynn (emails dated 27 October and 14 December 2021) has considered the proposed removals and advises based on the information provided he does not support the removal of the totara tree as there is insufficient justification. The tree is assessed as being in fair condition. This opposition is understood to be because it is worthy of being retained and could be through the detailed design process and arboricultural sensitive design. Mr Fynn has raised concerns with the extent of tree removal proposed (being generally unprotected trees and vegetation) and that the landscaping proposed is native when the existing character of the area is of exotic species. Mr Fynn has confirmed that works in the rootzone of various trees is acceptable providing appropriate arboriculture methodologies are utilised. He also advises he accepts the removal of the Ngaio tree.

Mr Paul Hansen (email dated 17 December 2021) has also assessed the proposed tree removals excluding those specifically protected by the Precinct tree protection rules (which are assessed by Mr Fynn). Mr Hansen concludes that *“overall the trees to be removed are not singularly significant and for those trees which may be retained (subject to design flexibility) the tree protection measures prescribed in Section 7.0 of the Arboricultural report provided with the application will mitigate any adverse effects”*.

Mr Lilley (memo dated 17May 2022), has reviewed the proposed streetscape planting as part of the Engineering Plan Approval (EPA) process on behalf of Community Facilities (Parks). Mr

Lilley advises that the extent of landscaping proposed is not supported and a reduction to only consist of street trees, raingarden planting and grass berms is more appropriate. This is due to the landscaping becoming a costly asset Council (and therefore ratepayers) have to maintain, it may be utilised as off-site mitigation for future development reducing on-site amenity of private land; potential safety issues between road users and pedestrians and avoiding reduced storage capacity and safe function of the road corridor. It is understood the applicant, through the EPA process, is addressing this with the relevant parties.

I recognise the strong opposition from Mr Fynn to the removal of the totara tree, due to it being able to be retained. I note that the applicant intends to retain the tree if they can. I note that many of the trees to be removed are not protected and removal can be undertaken as of right. I consider taking into account the large number of trees within the site (excluding the number proposed for removal), the overall new planting and landscaping proposed and the need to provide a road that meets specific standards in terms of widths and gradients the effect of the removal of this tree on the overall vegetative cover and biodiversity will be no more than minor.

I consider, as confirmed by Mr Hansen the tree methodology proposed by the applicant's arborist is reasonable for works in the rootzone of retained trees and will ensure that the health and vitality of these trees is retained.

While the EPA process is requiring a reduced extent of streetscape landscaping, street trees and raingarden planting will certainly be implemented, along with a consistent and cohesive treatment of the streetscape and public spaces. Ultimately the extent of landscaping and vegetation as envisaged in the resource consent application may not result, however there will still be a significant number of quality native trees planted that will ensure a quality and comprehensive landscape treatment compared to what currently exists. As discussed in more detail below I consider that the attributes of the precinct are retained and in fact enhanced, by the cohesive landscaping. This will enable open space and linkages throughout the precinct and beyond and provide ecological benefits. As such I consider that the landscaping concept proposed is appropriate for the proposal and while the submitted concept of extensive planting would be of significant amenity benefit to the area, the proposal does not require this extent of landscaping to mitigate potential adverse effects.

Overall, taking into account the specialist assessments of both the applicant and the Council, I am of the opinion that the extent of tree removals and the works in the dripline are reasonable and will result in no more than minor adverse effects on the wider environment.

### **Effects on character and amenity**

The proposal has the potential to result in adverse character and amenity effects due to the extent of works proposed, including the loss of a part of a historic heritage building and the removal of vegetation. As assessed above, the works to the old Carrington Hospital still ensure the overall form and integrity of the building remain, in particular the main frontage will not be altered. The applicant also proposes to upgrade the landscaping outside the main frontage that will, in future, enhance the setting. The trees to be removed, that are protected, are generally of poor quality or poor specimen, while the proposed landscaping across the streetscape will be cohesive and include a large number of street trees. While there will be a change from mainly exotic to mainly native trees, which is not supported by Mr Fynn, this will provide improved ecological and biodiversity values within the area. The cohesive landscaping will also enhance the visual qualities of the site. Overall, I do not consider that the proposal (and taking into

account the mitigation measures) will result in adverse effects on character and amenity for the wider environment.

### **Transport effects**

The proposal involves the establishment of new public roads that intersects with Carrington Road at three locations (Gate 1, Gate 2, and Farm Road) generally in the location of existing private roads that access the existing site. The roads are designed with two lane traffic, on street parking, footpaths and a dedicated two-lane cycleway. The applicant confirms that the speed limit of the new roads will be 30km/hr. It is noted that separately to the works that are subject of this application, Auckland Transport will be upgrading and widening Carrington Road to four lanes. As part of future development applications, further public roads will be established.

Mr Andrew Temperley in his memo dated 15 March 2022 has reviewed the proposal. He advises that *“overall, the design characteristics for the Backbone Roads are acceptable for fulfilling a collector road function within the Wairaka Precinct, whilst also accommodating good provision for pedestrian and cycle movement and good local access opportunities for existing and future development along the roads”*. Mr Temperley also confirms that the design has appropriate sightlines at the proposed intersections however this will need to be further assessed once signalisation and Carrington Road improvement works are undertaken. The separation distances between future vehicle crossings proposed as part of the Landscape drawings package that will be installed on the proposed roads are appropriate and exceed minimum standards of the AUP(OP). In regard to vertical alignment requirements, while at two places these are not met due to existing topographical constraints, Mr Temperley has confirmed that the gradient exceedance is acceptable.

Ms Hannah Miln on behalf of Auckland Transport has assessed the proposal in her memo dated 18 March 2022. She confirms that the intersection designs are in general accordance with the requirements of the Integrated Transport Assessment (ITA) that has been prepared for the precinct and that the design accounts for the future widening of Carrington Road. The widths of the roads are considered sufficient except for the eastern portion of Road 2, which requires stormwater lines under the road and is not able to provide rear berms. Rear berms are considered necessary so that utility service lids are not located in footpaths and cycleways and that rear berms create a pedestrian priority and amenity. While I agree that it would be beneficial to provide a greater width to enable this, I understand there are some site constraints, and the corridor width exceeds the minimum dimensions for a local road. I therefore do not consider this is a matter that is relevant for the resource consent. Instead I consider that this is matter that can be appropriately addressed at detailed design stage, that is though the Engineering Plan Approval (EPA) stage when the final layouts of the roads must be formally accepted by Auckland Transport before construction and vesting can occur. Ms Miln advises that the exceedance of gradients is acceptable and the design of the civic space roading area is generally acceptable but can be further addressed through EPA. In addition, she confirms the final layout and design of the cycleways can be addressed at EPA stage to ensure they are safe and appropriate sight distances are provided.

It is noted that the intersection capacity and the vehicle tracking within the road corridor have been unable to be assessed by Mr Temperley, however I consider from the assessments undertaken by Auckland Transport and that there is the EPA process these matters can be suitably confirmed at EPA stage.

In summary, Mr Temperley considers that the proposal has been “*designed to an appropriate form commensurate with their functional requirements*”. Auckland Transport is generally accepting of the road layout from a transport perspective, except for Road 2 (and stormwater matters which are addressed below). I consider that the matters raised by Auckland Transport can be more appropriately addressed through the EPA process. Overall taking into account the application, specialist assessments and the scope of the resource consent process I consider that the proposal will result in less than minor adverse transport safety and operation effects.

### **Effects in regard to flooding and overland flow paths**

The works area includes a number of overland flow paths (OLFPs) and areas of flooding. The applicant has provided a flooding assessment, flood risk assessment and catchment analysis which has been reviewed by Healthy Waters and Ms Lee. Ms Lee advises that overall the entry and exit points of existing OLFPs will not be altered and the capacity not affected as a result of the proposed works. She confirms as advised by the applicant that the proposed modifications including the installation of a new outfall (#5) within WDHB land (119A Carrington Road) will improve the current overland flow that discharges to an existing outfall (#3) and improve existing freeboard levels. Ms Lee advises that the extent of potential flooding is generally within the road corridor and to the south of the works area. Overall, Ms Lee concludes that “*there is no anticipated effects on the upstream or downstream properties as a result of the development*”.

Ms Miln has also reviewed the potential effects of flooding within the proposed road corridor. The design as currently shown on the drawings submitted to Council result in a potential flooding depth of 570mm during a 1 in 100-year flooding event. Ms Miln advises that such a depth is not accepted by Auckland Transport with potential issues of aquaplaning of vehicles, impassable roads including for emergency services and the potential accidents by vulnerable road users. Ms Miln considers that the proposal will result in “*an adverse flood risk effect that is low probability with high potential impact*” and that a maximum flood depth of 300mm must be provided. Ms Miln considers there is the potential for subdivision boundary changes or road level changes to achieve the 300mm depth and that therefore the resource consent should not proceed until resolved. The applicant has confirmed by various emails, most recently on 31 March 2022, that they are able to undertake some small tweaks to the design of the road corridor that will ensure a 300mm flood depth can be achieved, however such changes will be provided at EPA stage rather than at this point of the resource consent. The changes relate to road grading and stormwater inlet levels but are not anticipated to require more earthworks or changes to the subdivision boundaries. The applicant also notes that due to the proposed works there is a reduction in flood risk compared to what currently exists – though I note the roads are not currently public. Taking into account the offered condition of consent (that 300mm flood depth within the road corridor is able to be achieved and will be confirmed at EPA stage) which therefore amends the application to meet the Auckland Transport requirement, I am of the opinion that the level of anticipated flooding in the road corridor (ie. 300mm in a 1 in 100 year event) could be considered acceptable to Auckland Transport and will therefore result in less than minor adverse effects in regard to flood risk.

Overall, taking into account the assessments of the applicant and specialists, together with the consent condition offered by the applicant, I consider that the proposal will result in less than minor adverse effects in regard to flooding and overland flow paths.

### **Infrastructure effects**

The project includes the installation of new infrastructure including three waters, power and telecommunications. A new trunk sewer network is proposed within the road corridor that will enable servicing of future development and the Unitec site, the existing private sewer network will be retained until such time as buildings are demolished or connected to the new network. A new public water network will be installed with its single bulk supply point on Carrington Road, this will service some of the existing activities and future development.

Due to the nature of the works that are the subject of this consent, ie infrastructure only, there will be no increase in usage of water or discharge of wastewater from the site. Watercare Services Ltd (WSL) in an email of 26 January 2022 have confirmed they '*support sizing [your] water and wastewater infrastructure to future proof for the higher density proposal provided there are no operational issues with the network design*'. It is noted by both WSL and Ms Lee that further assessment will be necessary as part of the future development of the wider site to ensure there is sufficient capacity and connections for such development. In particular, WSL noted that '*the current wastewater infrastructure doesn't have capacity for any new connections or additional flow. Future upgrades, including the Central Interceptor project, will provide capacity and enable development. However, diversions from the Orakei Main are also required and business cases are not in place yet. Approvals may be required to comply with our discharge consent if your development precedes capital works to provide capacity. For this reason, we'd like to note that investment in water and wastewater infrastructure in the absence of yield, staging and timing information is at your own risk*'. The applicant has been informed of WSL comments and are aware of this risk and have accepted it.

A Stormwater Management Plan (SMP) for the Precinct has recently been approved by Healthy Waters and the proposal relies on the requirements of this SMP as part of its stormwater management. The proposal results in a likely increase of 128m<sup>2</sup> of impervious area from an existing 267,004m<sup>2</sup>. As such there will be no real change in the extent of impervious area on the site as a result of the proposal (with demolished buildings being effectively replaced by the wider roads). Treatment will be provided for the runoff from all the roads that are part of this application, this will involve swales, raingardens and a wetland/raingarden as well as gross pollutant traps (GPTs) where discharge is to an open watercourse. New outfalls to Wairaka Stream and Oakley Creek (outfall #5 and outfall #1 respectively) will be established within land owned by WDHB (and which is part of the land area of the subject application). However at this stage only outfall #5 is being developed as outfall #1 is not required in the short term. Healthy Waters have confirmed the proposed stormwater disposal methods are in line with the SMP, however an easement in favour of Council will be required over a private stormwater line contained within WDHB land (which is part of the application site). As part of their ongoing discussions with WDHB, MHUD on behalf of the applicant has advised them of this matter and is assisting in preparation of the draft easement agreement that will be between WDHB and the Council. Ms Miln has advised that Auckland Transport does not support the proposal to locate stormwater lines under the road of Road 2.

I am of the opinion that given Mr Temperley has confirmed the road corridor meets the required width dimensions that the location of services (and the ultimate road layout) are matters that are more appropriately addressed as part of the EPA process than the resource consent, particularly as the corridor is of sufficient width to allow for alternative layouts.

Overall, taking into account the specialist assessments and support from Watercare and Healthy Waters, I consider that the proposed infrastructure provision is acceptable and there will be at most less than minor adverse effects.

### **Adverse effects conclusions**

Overall I consider when taking into account the application as currently proposed, the offered conditions of consent and specialist assessments that the proposal will result in no more than minor adverse effects on the environment.

### **Step 4: public notification in special circumstances**

If an application has not been publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified (s95A(9)).

Special circumstances are those that are:

- Exceptional, abnormal, or unusual, but something less than extraordinary or unique;
- outside of the common run of applications of this nature; or
- circumstances which make notification desirable, notwithstanding the conclusion that the activities will not have adverse effects on the environment that are more than minor.

In this instance I have turned my mind specifically to the existence of any special circumstances and conclude that there is nothing exceptional or unusual about the application, and that the proposal has nothing out of the ordinary run of things to suggest that public notification should occur.

The establishment of new roads through large urban sites that are a prelude to future development is not considered out of the ordinary or unusual such that it would be a special circumstance. Public, including local community, interest in a project is not in itself a reason to establish special circumstances. While the proposal may be the prelude to a larger development, it is establishing some of the internal roading access and infrastructure and does not in itself provide the intensity, layout, type or style of development that may occur and as such does not predetermine this future development. Overall I do not consider there are special circumstances in regard to this application.

### **Public notification conclusion**

Having undertaken the s95A public notification tests, the following conclusions are reached:

- Under step 1, public notification is not mandatory.
- Under step 2, there is no rule or NES that specifically precludes public notification of the activities, and the application is for activities other than those specified in s95A(5)(b).
- Under step 3, public notification is not required as the application is for activities that are not subject to a rule that specifically requires it, and it is considered that the activities will not have adverse effects on the environment that are more than minor.
- Under step 4, there are no special circumstances that warrant the application being publicly notified.

It is therefore recommended that this application be processed without public notification.

## **8. Limited notification assessment (sections 95B, 95E-95G)**

If the application is not publicly notified under s95A, the council must follow the steps set out in s95B to determine whether to limited notify the application. These steps are addressed in the statutory order below.

### **Step 1: certain affected protected customary rights groups must be notified**

There are no protected customary rights groups or customary marine title groups affected by the proposed activities (s95B(2)).

In addition, the council must determine whether the proposed activities are on or adjacent to, or may affect, land that is subject of a statutory acknowledgement under schedule 11, and whether the person to whom the statutory acknowledgement is made is an affected person (s95B(3)).

Within the Auckland region the following statutory acknowledgements are relevant:

- Te Uri o Hau Claims Settlement Act 2002
- Ngāti Manuhiri Claims Settlement Act 2012
- Ngāti Whātua Ōrākei Claims Settlement Act 2012
- Ngāti Whātua o Kaipara Claims Settlement Act 2013
- Te Kawerau ā Maki Claims Settlement Act 2015
- Ngāti Tamaoho Claims Settlement Act 2018
- Ngāi Tai Ki Tāmaki Claims Settlement Act 2018

In this instance, the proposal is not on or adjacent to and will not affect land that is subject to a statutory acknowledgement and will not result in adversely affected persons in this regard.

### **Step 2: if not required by step 1, limited notification precluded in certain circumstances**

The application is not precluded from limited notification as:

- the application is not for one or more activities that are exclusively subject to a rule or NES which preclude limited notification (s95B(6)(a)); and
- the application is not exclusively for a controlled activity, other than a subdivision, that requires consent under a district plan (s95B(6)(b)).

### **Step 3: if not precluded by step 2, certain other affected persons must be notified**

As this application is not for a boundary activity, there are no affected persons related to that type of activity (s95B(7)).

The following assessment addresses whether there are any affected persons that the application is required to be limited notified to (s95B(8)).

In determining whether a person is an affected person:

- a person is affected if adverse effects on that person are minor or more than minor (but not less than minor);
- adverse effects permitted by a rule in a plan or NES (the permitted baseline) may be disregarded;
- the adverse effects on those persons who have provided their written approval must be disregarded; and
- as a restricted discretionary activity, only those effects that fall within the matters of discretion restricted under the plan can be considered. These matters are listed in the public notification assessment section of this report.

## Adversely affected persons assessment (sections 95B(8) and 95E)

The agent has provided in accordance with schedule 4 of the RMA, an assessment of adversely affected persons in such detail as corresponds with the scale and significance of the effects that the activities may have on persons in the surrounding environment, with a summary provided at Section 11.2.

The AEE concludes that Heritage New Zealand is an affected person due to the partial demolition of a listed building. However, no other person is affected, they have discounted the effects on Unitec due to the approval provided in Attachment O of the application.

Overall, I generally agree with the AEE and make the following assessment:

- As Unitec have not completed the council's affected person's form effects on them cannot be discounted.
- The area of proposed works is separated from any residentially zoned property by Carrington Road, the western motorway corridor, Oakley Creek Reserve or Unitec such that apart from increased construction traffic along Carrington Road there will be no noticeable or discernible change nor therefore potential adverse effect on owners and occupiers of residential properties within the wider environment. The works do, however, have the potential to result in adverse effects on the owners and occupiers of land within the Wairaka Precinct and to an extent those on the opposite side of Carrington Road.
- In regard construction traffic, this is able to be suitably controlled by a construction traffic management plan, offered by the applicant, and given Carrington Road is an arterial road the level of construction traffic specifically attributed to this site will not be readily apparent in the wider environment such that specific adverse effects would result on any person.
- In regard to persons on the opposite side of Carrington Road there will be visible changes due to the new roads and landscaping however the changes will not detract from the streetscape character and instead they will result in improved visual amenity and safer intersections.
- *Noise and Vibration*  
The proposed construction works have the potential to result in adverse noise and vibration, particularly for those persons who own or occupy land in close proximity to the works area. Marshall Day on behalf of the applicant has assessed the likely noise and vibration levels of the works, which include rock breaking due to the underlying basalt. While the overall construction period is lengthy (up to three years) due to the linear nature of the works individual receivers will experience noise and potentially vibration for shorter periods, and at

times there will be no noise due to the separation from the construction works. Generally, the proposed works will comply with the relevant construction noise and vibration standards, as such while there will be some disruption and disturbance this has to be anticipated within an urban area and the noisiest works will be of short duration due to the linear nature of works.

There will be some instances where the construction noise and vibration standards will be exceeded in relation to buildings that are occupied and sensitive to noise, for example the residents of the Mason Clinic and teaching spaces of Unitec. Marshall Day have assessed this and consider that potential noise effects will be reduced through the implementation of a Construction Noise and Vibration Management Plan (CNVMP) including regular communication with occupants of adjacent sites. To minimise potential cosmetic damage from vibration particularly for the historic heritage buildings, vibration monitoring is proposed. This monitoring is also necessary for works in close proximity to sensitive neighbours of the Mason Clinic and Unitec to minimise vibration effects as far as practicable. The applicant has undertaken consultation with the WDHB regarding the works in proximity of the Mason Clinic and have proposed a set of conditions which include specific monitoring, agreed noise limits, pre- and post- building surveys, and involvement of the WDHB through the preparation and implementation of the CNVMP. The WDHB have as a result of this provided their written approval to the project and therefore any effects on the Mason Clinic activity are to be disregarded.

Mr Andrew Gordon (final memo of 12 May 2022) has assessed the proposal prior to the written approval of the WDHB being provided and has therefore also considered potential effects on persons at the Mason Clinic as well as other persons on the wider site, for example those using the teaching spaces of Unitec and the industrial activity of Taylors Laundry. Mr Gordon advises that *“Although the total project duration is estimated to be 2 to 3 years, as the works cover a large geographical area I agree any individual receiver would only be exposed to high noise levels for a very short duration relative to the total duration”*. He also confirms his agreement with the following statement from Marshall Day *“It is considered that the noise effects would be reduced through implementation of a Construction Noise and Vibration Management Plan (CNVMP) including regular communication with occupants of adjacent sites. Consultation will be required with the worst affected receivers to manage noise and vibration effects.”* Overall, Mr Gordon considers that the conditions offered by the applicant are appropriate to ensure that adverse construction noise and vibration effects are appropriately managed and overall acceptable.

I accept Mr Gordon’s assessment and note that in regard to the other persons on the site, for example the occupiers of the Unitec teaching spaces and the industrial Taylors Laundry activity that in general the proposed works, particularly rock breaking, are sufficiently separated such that adverse noise and vibration levels will not result. In regard to the closest Unitec buildings while some of these are occupied they are not identified as being occupied by sensitive activities (eg residential). The works in close proximity will mainly be earthworks and not for a continuous period. While the noise level exceedance is up to 10dBA (due to the project being over 20 weeks in duration), the actual effect on these persons and buildings will be for much shorter durations and generally for intermittent periods. As Mr Gordon has advised through the implementation of the CNVMP, including the ongoing consultation with the site occupants potential adverse effects will be able to be appropriately managed to minimise disruption.

I therefore consider that the proposal will result in less than minor adverse effects on any persons including the owners and occupiers of Unitec and Taylors Laundry.

- *Built Heritage*

The former Oakley Hospital is registered as a Category 1 building by Heritage New Zealand Pouhere Taonga (HNZPT). The proposed works involve the demolition of part of two of the rear wings of what is a significant historic building. On 22 March 2022 HNZPT provided a letter of support regarding the proposed works and advised that “*HNZPT is not opposed to the Council processing this application on a non-notified basis*”, providing MHUD/the Ropu continue to collaborate and seek agreement from HNZPT with regard the works. The letter also stipulated conditions/requirements by HNZPT being: that the extent of demolition accepted was only the fabric from 1905 of the rear of two wings of the building (being the same as that which is applied for in this resource consent); that a conservation architect (Dave Pearson) be appointed to undertake the detailed design of the reinstatement of the walls and monitoring; there is a commitment to reinstate the walls as close as possible to original design; and a seismic engineer be involved to ensure necessary strengthening is undertaken. The applicant has confirmed by way of email on 25 March 2022 that they agree with these requirements. HNZPT also confirm their support for the conditions of consent that were recommended by Ms Fox and that have been accepted by the applicant. Ms Fox in an email of 30 March 2022 advises she is “*happy to proceed non-notified on the basis of HNZPT’s letter*”. Taking into account the above, and in particular the applicant confirming they accept and offer the conditions required by HNZPT, I consider that the potential adverse effects on HNZPT as the heritage protection body of New Zealand will be less than minor. While it is recognised that other persons, such as the Pt Chevalier Social Enterprise Trust, are interested in the potential demolition of the building the works are only a small part of the building and the newer portions of that building. The works also enable the building to be seismically upgraded for adaptive reuse and allow the landscaping of the public space in front (north) of the building. In addition, as addressed above both the Council Heritage Team and NZHPT, the qualified heritage bodies, are accepting of the extent of works proposed. Therefore while other persons may consider themselves affected by the proposal I do not consider there are adverse effects due to the overall small scale of the demolition works and the acceptance by the qualified heritage bodies regarding the works.

- *Land disturbance*

The proposed earthworks will be undertaken in accordance with an ESCP that contains appropriate measures to avoid the dispersal of dust and potential discharges such that there will not be adverse effects on any particular person including those who own or occupy the land adjacent. Ms Lee has confirmed that providing works are undertaken in accordance with the submitted geotechnical report and proposed conditions of consent that there will not be any soil instability effects on any property. In addition, the provision of a construction management plan and a construction traffic management plan will ensure that the works are undertaken without undue disturbance or inconvenience to persons who own or occupy dwellings in the wider area, particularly on the eastern side of Carrington Road.

- *Flooding and stormwater effects*

As addressed in the section 95A assessment above the proposal has been designed to ensure that there will be no upstream or downstream adverse flooding effects from the

proposed works. In particular, the proposal includes the provision of a new outfall (and associated earthworks) within WDHB land, this outfall has been designed, together with the other stormwater infrastructure in the works area such that there will be reduced potential flooding effects on WDHB land, and in particular around existing Outfall #3. As such the WDHB and the occupiers of the land are not considered to be adversely affected in regard to any potential flooding. Healthy Waters have confirmed that a Council easement is required over the private stormwater pipe in WDHB land (rather than vesting the pipe as public). The mechanics of the easement are a separate property ownership matter and are being worked through outside of the resource consent process. Given the nature of the easement required (to access infrastructure) and the advice from MHUD that they are engaging with WDHB regarding this matter, I do not consider WDHB are adversely affected in regard any particular resource management matter in terms of stormwater. In regard to the proposed roads, as the proposal is able to provide a maximum flood depth of 300mm in a 1 in 100 year event, which is considered appropriate by Auckland Transport, there will not be any adverse effects on any particular person in regard to this matter.

- *Effects on amenity*

The proposed works will result in obvious visual change to the site, particularly through the removal of trees and the cohesive planting proposed in the new road corridors. As assessed by the applicant's arborist and confirmed by Mr Hansen, the majority of the generally protected vegetation to be removed is of low quality or not significant specimens. The loss of this vegetation can be appropriately mitigated by streetscape landscaping including street trees such that while there will be adverse visual effects these will be temporary and overall, less than minor for any person.

The works themselves will also result in disruption and disturbance which may affect the amenity for particularly the owners and occupiers of the land surrounding the works. For the reasons discussed in the preceding assessments, including the offered management plans and accepted conditions of consent, the works can be undertaken in a manner that while likely resulting in temporary disruption and inconvenience can be suitably managed so they result in less than minor effects on amenity for the owners and occupiers of surrounding land including Unitec and Taylors Laundry.

The loss of some of the fabric of Oakley Hospital will be visible to persons within the wider precinct and on the opposite side of Carrington Road, however this will result in less than minor visual effects on these persons as the primary building form and heritage features will be retained and as such the overall visual qualities of the building will be retained.

- *Effects on transport*

As addressed in the section 95A assessment above, the proposed roads have been designed with separate footpaths and cycle ways along with appropriate sightlines at intersections. The detailed design of these including internal layout can be appropriately addressed at EPA stage to ensure this. As such the proposed roading network will not result in adverse pedestrian safety effects on any particular person.

- From the assessment above I do not consider that any person is adversely affected by the proposal.

## Step 4: further notification in special circumstances

In addition to the findings of the previous steps, the council is also required to determine whether special circumstances exist in relation to the application that warrant it being notified to any other persons not already determined as eligible for limited notification (excluding persons assessed under section 95E as not being affected persons).

Special circumstances are those that are:

- Exceptional, abnormal, or unusual, but something less than extraordinary or unique;
- outside of the common run of applications of this nature; or
- circumstances which make limited notification to any other person desirable, notwithstanding the conclusion that no other person has been considered eligible.

In this instance I have turned my mind specifically to the existence of any special circumstances under s95B(10) and conclude that there is nothing exceptional or unusual about the application, and that the proposal has nothing out of the ordinary run of things to suggest that notification to any other persons should occur. In addition, the effects on any person were able to be considered as part of Step 3 above.

## Limited notification conclusion

Having undertaken the s95B limited notification tests, the following conclusions are reached:

- Under step 1, limited notification is not mandatory.
- Under step 2, there is no rule or NES that specifically precludes limited notification of the activities, and the application is for activities other than that specified in s95B(6)(b).
- Under step 3, limited notification is not required as it is considered that the activities will not result in adversely affected persons.
- Under step 4, there are no special circumstances that warrant the application being limited notified to any other persons.

It is therefore recommended that this application be processed without limited notification.

## 9. Notification recommendation – LUC60386272

### Limited notification

For the above reasons under section 95A this application may be processed without public notification.

- In addition, under section 95B, limited notification is not required.

Accordingly, I recommend that this application is processed non-notified.



Jennifer Valentine  
Consultant Planner  
Resource Consents

Date: 9 June 2022

## 10. Notification determination – LUC60386272

Acting under delegated authority, and for the reasons set out in the above assessment and recommendation, under sections 95A and 95C to 95D, and 95B and 95E to 95G of the RMA this application shall be processed non-notified.



Tracey Grant  
Premium Project Lead  
Resource Consents

Date: 9 June 2022

## **Subdivision consent (s11) – SUB60386271**

All references below to application shall be taken as relating only to the proposed subdivision consent.

### **11. Public notification assessment (sections 95A, 95C-95D)**

Section 95A specifies the steps the council is to follow to determine whether an application is to be publicly notified. These steps are addressed in the statutory order below.

#### **Step 1: mandatory public notification in certain circumstances**

No mandatory notification is required as:

- the applicant has not requested that the application is publicly notified (s95A(3)(a));
- there are no outstanding or refused requests for further information (s95C and s95A(3)(b)); and
- the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977 (s95A(3)(l)).

#### **Step 2: if not required by step 1, public notification precluded in certain circumstances**

The application is not precluded from public notification as:

- the activities are not subject to a rule or national environmental standard (NES) which precludes public notification (s95A(5)(a)); and
- the application does not exclusively involve one or more of the activities specified in s95A(5)(b).

#### **Step 3: if not precluded by step 2, public notification required in certain circumstances**

The application is not required to be publicly notified as the activities are not subject to any rule or a NES that requires public notification (s95A(8)(a)).

The following assessment addresses the adverse effects of the activities on the environment, as public notification is required if the activities will have or are likely to have adverse effects on the environment that are more than minor (s95A(8)(b)).

#### **Adverse effects assessment (sections 95A(8)(b) and 95D)**

The agent has provided, in accordance with schedule 4 of the RMA, an assessment of adverse environmental effects in such detail as corresponds with the scale and significance of the effects that the activities may have on the environment. This can be found at Section 6.9 of the AEE.

The AEE concludes that the proposed subdivision is consistent with effects anticipated by the AUP(OP).

I generally concur with the agent's assessment, though note that while the proposed subdivision for the network utility (ie the road to vest) is permitted, consent is required for a number of other subdivision matters including around a heritage item. I therefore make the following additional assessment:

- The proposal involves a subdivision to enable the road to vest and become public road. This results in a number of changes to the existing lots due to the boundary needing to be aligned with the road corridor, results in some new lots the majority of which contain existing lawfully established buildings, and one (Lot J) being vacant. The proposed subdivision occurs across the multiple zones of the precinct but does not implicate nor challenge this zoning pattern as the lot boundaries are still generally in line with what currently exists. Future development of this split zoned land will not be affected by the new lot boundaries.
- The proposed vacant lot is adjacent the lot containing Building 28 and may in the future be vested as public open space, but currently is being retained in private ownership. As this area of land will be developed as an open space there are no effects resulting in terms of being a vacant lot.
- The subdivision is within an extent of place of an historic heritage item. The subdivision boundary will follow that of the proposed road alignment. As such for the same reasons as assessed in the land use section 95A assessment the subdivision enables the future use and long-term viability of the place. The proposal overall was considered to affect the heritage values of the building to a minor degree, however as the subdivision does not include physical works I do not consider it, in itself, will result in adverse effects on the heritage values of the building.
- The proposal includes the installation of utility services to provide for future development including water, wastewater and stormwater. As addressed in the s95A land use assessment above, WSL have confirmed that they consider the proposed water and wastewater infrastructure is acceptable, and together with Ms Lee advise that as part of the future built development of the site the applicant will need to ensure there is sufficient capacity and connections for that development. Healthy Waters have confirmed that the stormwater proposal for the site is acceptable subject to a Council held easement over a private stormwater line within WDHB land. This will ensure that there is appropriate discharge of water from the site. Overall, from the assessment provided by the specialists, I consider that the infrastructure provision is appropriate for the subdivision that is currently being proposed, i.e. facilitating a future road, and will enable future development to occur on the site.
- The proposed subdivision is to enable the vesting of the proposed roads. These have been assessed by Mr Temperley and Auckland Transport to be generally appropriate and subject to the Engineering Plan Approval process are considered appropriate to vest (assuming the layout of Road 2 is suitably designed). The subdivision in itself does not generate or facilitate additional traffic. Such traffic will be addressed as part of the future development of the land and has been considered in the required and approved Integrated Transport Assessment for the wider site.

- In terms of natural hazards, there is no change from that which was assessed under the land use application. Ms Lee confirms that the works will not result in undue instability and that there will be no upstream or downstream capacity adverse effects. The flood levels on site are suitable for the nature of the works.
- Overall, I consider that the proposed subdivision does not result in any adverse effects on the wider environment, as it is necessary to facilitate the vesting of the proposed road.

#### Step 4: public notification in special circumstances

If an application has not been publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified (s95A(9)).

Special circumstances are those that are:

- Exceptional, abnormal, or unusual, but something less than extraordinary or unique;
- outside of the common run of applications of this nature; or
- circumstances which make notification desirable, notwithstanding the conclusion that the activities will not have adverse effects on the environment that are more than minor.

In this instance I have turned my mind specifically to the existence of any special circumstances and conclude that there is nothing exceptional or unusual about the application, and that the proposal has nothing out of the ordinary run of things to suggest that public notification should occur. In particular, subdivision as a result of vesting of a new road is not considered unusual.

#### Public notification conclusion

Having undertaken the s95A public notification tests, the following conclusions are reached:

- Under step 1, public notification is not mandatory.
- Under step 2, there is no rule or NES that specifically precludes public notification of the activities, and the application is for activities other than those specified in s95A(5)(b).
- Under step 3, public notification is not required as the application is for activities that are not subject to a rule that specifically requires it, and it is considered that the activities will not have adverse effects on the environment that are more than minor.
- Under step 4, there are no special circumstances that warrant the application being publicly notified.

It is therefore recommended that this application be processed without public notification.

## 12. Limited notification assessment (sections 95B, 95E-95G)

If the application is not publicly notified under s95A, the council must follow the steps set out in s95B to determine whether to limited notify the application. These steps are addressed in the statutory order below.

## Step 1: certain affected protected customary rights groups must be notified

There are no protected customary rights groups or customary marine title groups affected by the proposed activities (s95B(2)).

In addition, the council must determine whether the proposed activities are on or adjacent to, or may affect, land that is subject of a statutory acknowledgement under schedule 11, and whether the person to whom the statutory acknowledgement is made is an affected person (s95B(3)).

Within the Auckland region the following statutory acknowledgements are relevant:

- Te Uri o Hau Claims Settlement Act 2002
- Ngāti Manuhiri Claims Settlement Act 2012
- Ngāti Whātua Ōrākei Claims Settlement Act 2012
- Ngāti Whātua o Kaipara Claims Settlement Act 2013
- Te Kawerau ā Maki Claims Settlement Act 2015
- Ngāti Tamaoho Claims Settlement Act 2018
- Ngāi Tai Ki Tāmaki Claims Settlement Act 2018

In this instance, the proposal is not on or adjacent to and will not affect land that is subject to a statutory acknowledgement, and will not result in adversely affected persons in this regard.

## Step 2: if not required by step 1, limited notification precluded in certain circumstances

The application is not precluded from limited notification as:

- the application is not for one or more activities that are exclusively subject to a rule or NES which preclude limited notification (s95B(6)(a)); and
- the application is not exclusively for a controlled activity, other than a subdivision, that requires consent under a district plan (s95B(6)(b)).

## Step 3: if not precluded by step 2, certain other affected persons must be notified

As this application is not for a boundary activity, there are no affected persons related to that type of activity (s95B(7)).

The following assessment addresses whether there are any affected persons that the application is required to be limited notified to (s95B(8)).

In determining whether a person is an affected person:

- a person is affected if adverse effects on that person are minor or more than minor (but not less than minor);
- adverse effects permitted by a rule in a plan or NES (the permitted baseline) may be disregarded; and
- the adverse effects on those persons who have provided their written approval must be disregarded.

## Adversely affected persons assessment (sections 95B(8) and 95E)

The subdivision proposed is a result of the land use works and is within the extent of place of the Oakley Hospital due to the demolition of part of the rear wings of this building. As addressed in the section 95B assessment of the land use application HNZPT have given their support to the proposal subject to requirements that have been accepted and adopted by the applicant. Based on this I consider that the proposed subdivision, which merely facilitates the vesting of the road and does not alter any aspect of the building or its surrounds that HNZPT will be affected to a less than minor degree.

No other person is considered adversely affected by the proposed subdivision. While it will result in modification to lot boundaries as well as new lots these do not in themselves result in a change to the development potential of the site. The proposed subdivision does not result in adverse effects on the amenity of any person as no physical works are proposed. While it will result in the road being publicly accessible, by its current nature servicing a tertiary institute and providing access to a Shared Path, there is already public access through the site. The effects of greater public use of this road on the surrounding landowners such as Mason Clinic, Taylors Laundry and Unitec will not be felt until there is housing development or further subdivision that facilitates such development, which will be considered at that time. As addressed above there is no change to the infrastructure provision, nor road or transport matters as a result of the proposed subdivision, and therefore no effect on any particular person.

Overall, I consider there are no adversely affected from the proposed subdivision.

## Step 4: further notification in special circumstances

In addition to the findings of the previous steps, the council is also required to determine whether special circumstances exist in relation to the application that warrant it being notified to any other persons not already determined as eligible for limited notification (excluding persons assessed under section 95E as not being affected persons).

Special circumstances are those that are:

- Exceptional, abnormal, or unusual, but something less than extraordinary or unique;
- outside of the common run of applications of this nature; or
- circumstances which make limited notification to any other person desirable, notwithstanding the conclusion that no other person has been considered eligible.

In this instance I have turned my mind specifically to the existence of any special circumstances under s95B(10) and conclude that there is nothing exceptional or unusual about the application, and that the proposal has nothing out of the ordinary run of things to suggest that notification to any other persons should occur. In addition, effects on any person were able to be considered in the Step 3 assessment above.

## Limited notification conclusion

Having undertaken the s95B limited notification tests, the following conclusions are reached:

- Under step 1, limited notification is not mandatory.

- Under step 2, there is no rule or NES that specifically precludes limited notification of the activities, and the application is for activities other than that specified in s95B(6)(b).
- Under step 3, limited notification is not required as it is considered that the activities will not result in adversely affected persons.
- Under step 4, there are no special circumstances that warrant the application being limited notified to any other persons.

It is therefore recommended that this application be processed without limited notification.

### **13. Notification recommendation – SUB60386271**

#### **Non-notification**

For the above reasons under section 95A this application can be processed without public notification.

In addition, under section 95B, limited notification is not required.

Accordingly, I recommend that this application is processed non-notified.



Jennifer Valentine  
Consultant Planner  
Resource Consents

Date: 9 June 2022

### **14. Notification determination – SUB60386271**

Acting under delegated authority, and for the reasons set out in the above assessment and recommendation, under sections 95A and 95C to 95D, and 95B and 95E to 95G of the RMA this application shall be processed on a non-notified basis.



Tracey Grant  
Principal Project Lead  
Resource Consents

Date: 9 June 2022