

**IN THE ENVIRONMENT COURT  
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA  
KI TAMAKI MAKAU**

**Decision No. [2023] NZEnvC 249**

IN THE MATTER OF an appeal under section 120 of the  
Resource Management Act 1991

BETWEEN

BAYSWATER MARINA BERTH-  
HOLDERS ASSOCIATION  
INCORPORATED

(ENV-2023-AKL-006)

BAYSWATER COMMUNITY  
COMMITTEE INCORPORATED

(ENV-2023-AKL-007)

Appellant

AND

AUCKLAND COUNCIL

Respondent

AND

BAYSWATER MARINA HOLDINGS  
LIMITED

Applicant

Court: Environment Judge J A Smith

Hearing: On the papers

Last case event: 9 November 2023

Appearances: P Mulligan for Bayswater Marina Berth-Holders Association  
Incorporated and Bayswater Community Committee  
Incorporated  
L Bielby and J Magrath for Auckland Council  
K Littlejohn and S Hiew for Bayswater Marina Holdings  
Limited

Date of Decision: 15 November 2023

Bayswater Community Committee Incorporated v Auckland Council



Date of Issue: 15 November 2023

---

## DETERMINATION OF THE ENVIRONMENT COURT

---

- A: The Court has very limited discretion in relation to the only remaining appeal on this matter, now limited to the concerns and changes addressed by the parties within the draft resource consent document.
- B: Although the resource consent is not in a form this Court would normally approve, the Court does not hold any discretion to alter its form. Accordingly, the resource consent now agreed is attached hereto as **A** and **B** including the changes agreed.
- C: The Court notes that the failure to identify separately the resource consent matters, resource consents obtained particularly those relating to regional and district plan matters, may prove problematic in due course. The failure to more clearly identify the provisions that are to be incorporated within condition 1 may also create difficulties in the future. Nevertheless, this Court has no jurisdiction to amend wording approved by the Commissioners for the Council. On this basis, the Court approves the changes to the provisions attached as **A** and **B**.
- D: The parties do not seek costs and it is not appropriate for there to be any order for costs.
- E: ENV-2023-AKL-000006 *Bayswater Marina Berth-Holders Association Incorporated v Auckland Council* is confirmed as withdrawn.

## REASONS

### Introduction

[1] This is an appeal from a grant by Commissioners for the Auckland Council for both regional and district consents enabling land use, subdivision and development

on reclaimed land at 21, 23 and 27 Sir Peter Blake Parade, Bayswater, Auckland (Lot 1 Deposited Plan 309604).

[2] The consents enable works, coastal disturbance, diversion and discharge in the adjoining coastal marine area associated with that development. The precise consents obtained and whether all conditions apply to all consents is unclear from the document or any other accompanying material.

### **The history**

[3] This is not the first time the Court has had to consider the Bayswater Marina. In 2009, the Court issued a decision<sup>1</sup> confirming the North Shore City Council provisions on Variation 65 with one amendment to the objective. The land itself was reclaimed under a special consent. It is “**A community and marina orientated place with a focus on recreation, open space and access to public transport, boating and maritime activities.**”

[4] North Shore City Council was amalgamated as part of the Auckland City. This also transferred regional authority to create a unitary council. Subsequently through 2010 to 2016, Auckland Council undertook a revision of the various plans which were within the area amalgamated, resulting in the adoption of the Auckland Unitary Plan in 2016.

[5] In reliance upon the change provisions of the Unitary Plan, Bayswater Marina Holdings Limited (**BMHL**) has now sought to develop the land in a largely similar way to that proposed in 2008 and 2009. Annexed hereto marked “**A**” is a general plan showing one view of the proposed development on the reclamation.

### **The Appeal**

[6] Four parties appealed the decision of the Council Commissioners. Two parties settled their concerns and withdrew before the Court.<sup>2</sup> Bayswater Marina Berth-

---

<sup>1</sup> *Bayswater Marina Holdings Limited v North Shore City Council* A018/2009.

<sup>2</sup> ENV-2023-AKL-000005 *Takapuna Grammar School Rowing Club Incorporated v Auckland Council*

Holders Association Incorporated<sup>3</sup> filed a notice of withdrawal shortly before this settlement agreement was received. Their withdrawal is noted and there is no issue as to costs. This leaves only this appeal<sup>4</sup> to determine.

[7] The Court has not received any direct evidence on this matter at this stage but notes that plan A filed as part of the agreement shows some public access. Given the fact that we have received no direct evidence on this, we are unable to comment further on their appropriateness in terms of public or vehicle access or otherwise.

[8] The appeal filed in this matter was filed by Bayswater Community Committee Incorporated and appears to reflect broader concerns of those residents living in the area. The appeal was a general appeal seeking refusal of consent, but it has clearly now narrowed in terms of the consent memorandum filed with this Court dated 9 November 2023.

[9] In *Simons Hill Station Ltd v Royal Forest and Bird Society of New Zealand Inc*<sup>5</sup> the High Court summarised the position regarding s 120 as follows:

an appealing party must have made submissions to the consenting authority if it is to have standing to appeal that decision; the Court's jurisdiction on appeal is limited by part 2 of the Act, the resource consent itself, the whole of the decision of the consenting authority (which includes all relevant submissions put before it, and not just those advanced initially by the appellant) and the notice of appeal; successive documents can limit the preceding ones, but are unable to widen them; and on appeal, arguments not raised in submissions to the originating tribunal may, with leave of the Court, be advanced by the appellant where there is no prejudice to other parties.[emphasis added]

[10] I conclude that the issues for the court are now narrowed to those relevant to the agreements reached.

---

and ENV-2023-AKL-000012 *Auckland Yacht and Boating Association Incorporated v Auckland Council*.

<sup>3</sup> ENV-2023-AKL-000006 *Bayswater Marina Berth-Holders Association Incorporated v Auckland Council*.

<sup>4</sup> ENV-2023-AKL-000007 *Bayswater Community Committee Incorporated v Auckland Council*.

<sup>5</sup> [2014] NZHC 1362 at [33].

## **The Settlement Proposal**

[11] We are told in the consent memorandum that the planner (Mr Shearer) suggested various amendments to the conditions approved by the Commissioners to address particular issues raised by the appellants, including in the detailed design and implementation of the development.

[12] The first was to refine the process and focus the objectives of construction planning and implementation to preserve access and use of BMHL's land for the public and other users (i.e., Takapuna Grammar School Rowing Club) to the greatest extent practicable.

[13] There was a question as to the legal status of the proposed extension to Sir Peter Blake Parade over BMHL's land. BMHL and Auckland Transport have agreed to the vesting of part of that area, being the extension to Sir Peter Blake Parade, as road reserve. This area to vest does not include the boat ramp/manoeuvring area, which will continue to be retained in private ownership by BMHL with public access secured by way of easement and esplanade strip covenant (modified to allow public vehicle use).

[14] The map relied on in that case is annexed as "A" and it is unclear how that demonstrates the matters that are raised. The red hatched area on that map is not explained but may be intended to be the existing 15 metre wide Coastal Access Strip and to allow access to both north and south for boats.

[15] There are a number of other drafting errors that were intended to be corrected by the parties.

## **Effect of the reduction of the extent of the appeal**

[16] Although the Court has concerns about the format of the consent and that it does not clearly separate the consents, the conditions applying to those consents, and whether these are regional or district consents, this no longer appears to be a matter of appeal subject to the jurisdiction of the Court.

[17] I can only note the Courts concerns that this may make it very difficult for any party to argue that a particular condition does not apply to all consents and any practical distinction between regional and district consents.

### **The changes made**

#### ***Minor or definitional terms***

[18] There are a number of changes within condition 2 which are of no particular moment and simply add parties or correct information.

[19] There is an addition of “reasonable construction management requirements” which:

are construction management requirements that arise from the location of the specific construction area and the need to ensure the health and safety of the public and contractors etc. during the construction works in question and which are unable to be undertaken at a time and in a manner that would limit restricting public access to the construction area.

[20] We make no particular comment about condition 2 definitions.

[21] These changes are clearly within jurisdiction and the parties consider they will be helpful.

#### ***Clarification changes***

[22] There has been a number of other changes which I will not go through in detail but are reflected in attached document “**B**” which simply clarify condition numbers which have changed as a result of the agreement or correct acts or party names.

#### ***Other changes***

[23] Condition 19(d) now includes a clause having representatives of various groups defined for the pre-start meeting.

[24] Condition 23 has been changed to add in a new (c) and (d) relating to disruption and minimising this as far as practicable, and in particular identifying the use by

Takapuna Grammar School Rowing Club prior to 9:00am on school days and 9:30am on all other days. Condition 23(g) provides for the provision of 20 temporary car and boat trailer parks for boat ramp users at the times during construction that the boat ramp is open and accessible for public use. This appears to be to assist with public access to the water. We make no further comment.

[25] There is a minor change to condition 28(d) to include, within monitoring and minimisation, dust damaging boats moored in the marina.

[26] Condition 29 requires the Construction Management Plan to provide details of how safe public access will be provided through the construction site to the boat ramp, ferry and marina berths where necessary. There is also a clarification as to the document involved.

[27] Condition 30(b) includes location for berth holder car parking during Site Development Works.

[28] Conditions 32 onwards are clarified to include public access and parking, and reiterates at (d) that 20 temporary car and boat trailer parking spaces will be provided for users of the boat ramp at the times during construction that the boat ramp is open and accessible.

[29] There is also a feedback loop provided for condition 33 which is unexceptional.

[30] At condition 39, there is an added set of objectives for the Construction Traffic Management Plan. These are addressed towards public safety and enabling access for road users, particularly during Site Development Works. Again, these provisions in themselves are unexceptional and simply clarify rather than change any provisions of the consent.

[31] Condition 39 carries on to include some additional issues such as a requirement for the Plan to include methods to avoid safety issues including controlling speed limits on public roads, including but not limited to Bayswater Avenue. We simply note that our understanding is that public roads are controlled by Auckland Transport and

this agreement does not bind them, as has been noted by parties. It also includes other content relating to methods for ensuring safe access by rowers travelling to and from Takapuna Grammar School facilities. There is also an added provision relating to feedback and consultation, including from Auckland Transport, and requiring explanation when no feedback is included.

[32] The changes to condition 41 are minor including technical changes and the clarification of (e), with the addition of (k) regarding the final design of the boat ramp manoeuvring area.

[33] Condition 42 invites the appellant to provide feedback on the landscape design proposals for the parks and inclusion of the feedback provided under this condition for the final design or an explanation as to its omission.

[34] Condition 46 relates to construction noise and vibration and this again invites one of the other parties, the Bayswater Marina Berth Holders' Association Incorporated, to provide feedback on the Construction Noise and Vibration Management Plan and summarise feedback or otherwise explain why that it is not included.

[35] The same type of provision applies in relation to the waste management at condition 54, involving berth holders again.

[36] There is a clarification at condition 60 that alternative access should be provided unless on reasonable grounds.

[37] Condition 61 regarding dust nuisance has been amended to include dust that is likely to settle on and damage boats moored in the marina.

[38] There are later clarifications, for example condition 87(g), but no particular comment needs to be made on these.

[39] The question of visitor carparks and the prospect of the land being transferred to Auckland Transport is addressed at condition 106 where the obligation to provide



visitor carparks only continues provided the land remains with the berth holder and is not vested as road reserve. Again, that seems a logical consequence of the acknowledgement that the land may be vested.

[40] Coming to some specific conditions relating to stormwater, the changes appear to be of a technical nature, as do those for the coastal permit and groundwater permit.

[41] In relation to the subdivision consent, there appears to be a new plan titled *(Scheme Plan A) Draft Unit Plan Proposed Units on Lot 1 DP 39604* dated September 2023.

[42] The Stage 1 at condition 160 refers to the area shaded in beige and marked as *Proposed Road to Vest (Lot 1)* on Scheme Plan A to vest as road reserve. It is unclear whether that is the same map as “A” and whether the beige criss-crossed area in that is the same area or different area. Clarification of the various plans needs to be finalised.

[43] Condition 164 acknowledges that road may vest also.

[44] Under condition 193, condition 107 has been added which reads:

The unit [PU 100] shall be retained and/or used at all times for marine related activities permitted in the Bayswater Marina Precinct (1504) provisions and the underlying Coastal – Marina Zone.

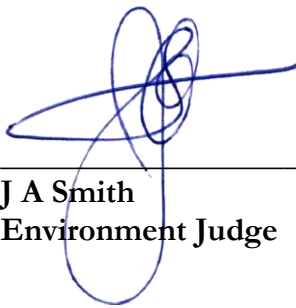
[45] Accordingly, it can be seen that the changes are relatively mild to the extent that they seek to preserve or improve public access, particularly to boat launching areas. This must be seen as within the general purpose of the Act.

### **Overall commentary**

[46] Given the lack of detailed analysis of these provisions, the Court is unable to take any further the issues and can only consider the scope of appeal currently before it. Although the Court is concerned at the wording of the conditions, particularly the generality of a number of provisions and the failure to clearly identify the consents granted, the Court has no discretion to revisit the consents granted beyond the scope of the appeal now remaining.

[47] Accordingly, the Court endorses the document without commenting on its contents beyond the current scope of the appeal. The Court has relied upon the parties reaching an agreement and the consent order filed with the Court dated 9 November 2023. It must therefore be considered that the Council is satisfied that the provisions are enforceable and that the other parties consider it addresses their concerns in relation to the matter.

[48] That being the case, the Court issues this as a determination rather than a consent order.



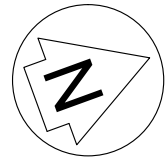
---

**J A Smith**  
**Environment Judge**



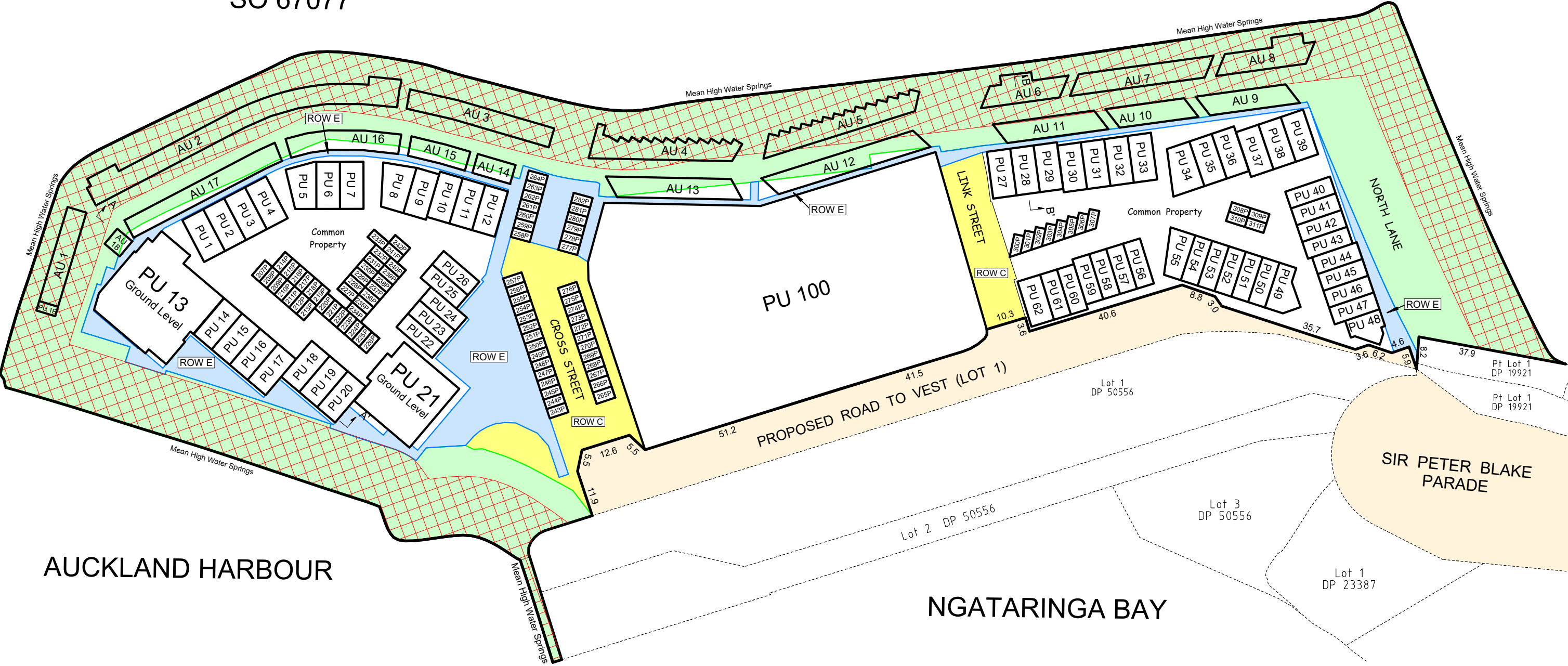
**"A"**

Notes:  
1)PU 13 & PU 21 are residential apartment buildings and subject to Subsidiary Unit Title Subdivision.  
2)There is no PU 2P to PU 206P or PU 281P to PU 299p on this plan.  
3)Car park layouts & building outlines shown hereon are in accordance with digital data supplied by Boffa Miskell on 25/10/2022 Revision D.



SHOAL BAY

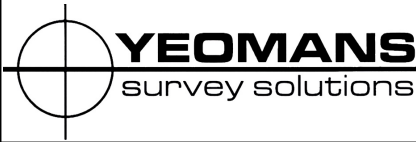
Pt HARBOUR BED  
SO 67077



Proposed Esplanade Strip  
Existing 15.0m wide Coastal Access Strip  
Proposed ROW C (Public Access Areas)  
Proposed ROW E (Public Pedestrian Access)

PLAN AT EXTERNAL GROUND LEVEL  
See Details on Sheets 3 to 5

Land District : North Auckland  
Firm : Yeomans Survey Solutions Limited  
Surveyor :



(SCHEME PLAN A)  
DRAFT UNIT PLAN  
PROPOSED UNITS ON LOT 1 DP 309604

Territorial Authority : Auckland Council  
Date : October 2023  
File : 8742 DUT

Supporting Document Title  
Plan Graphic Sheet 1 of 10  
Rev 20

## RESOURCE CONSENT

This Resource Consent authorises the Consent holder to:

- (a) Undertake land use, coastal disturbance, and water diversion and discharge activities at 21, 23 and 27 Sir Peter Blake Parade, Bayswater, Auckland (Lot 1 Deposited Plan 309604) and within the adjoining coastal marine area under sections 9, 12, 14 and 15 of the Resource Management Act 1991 (RMA); and
- (b) Subdivide Lot 1 Deposited Plan 309604 under section 11 of the RMA,

associated with the development of the Bayswater Maritime Precinct.

Under sections 108, 108AA and 220 of the RMA, this Resource Consent includes and is subject to the conditions in Schedule 1.

### Schedule 1

#### General conditions applying to all activities and consents

##### Activities in general accordance with plans and information

1. The Development must be carried out in general accordance with the plans listed in Appendix A and all supporting additional information submitted with the AEE, referenced by the Council as resource consent numbers BUN60373319, LUC60373250, SUB60373390, CST60373391, DIS60396944, DIS60373392, WAT60385597, WAT60406641, WAT60406642, DIS60406643, DIS60406644, WAT60406645, and also listed in Appendix A. In the event of any conflict between the plans and information referred in Appendix A and the conditions below, the conditions below prevail.

##### Defined Terms

2. The following terms used in these conditions have the following meanings:

“**AEE**” means the application and accompanying assessment of effects on the environment, and all additional materials submitted by BMHL in support of the Development as listed in Appendix A;

“**approve**”, “**approval**”, “**approved**”, “**certify**”, or “**certification**” in relation to actions required, plans or management plans means assessed by Council staff acting in a technical certification capacity, and in particular as to whether the action, document or matter is consistent with, or sufficient to meet, the conditions of these Resource Consents, and certified as such for the purposes of the conditions of these Resource Consents;

“**AUP**” means the Auckland Unitary Plan (Operative in Part);

“**AYBA**” means the Auckland Yacht & Boating Association Incorporated;

“**BCC**” means the Bayswater Community Committee Incorporated;

“**BMBHA**” means the Bayswater Marina Berth Holders’ Association Incorporated;

“**BMHL**” means Bayswater Marina Holdings Limited at Auckland;

**“Bulk Excavation”** means all excavation that affects groundwater excluding minor enabling works and piling less than 1.5m in diameter;

**“CAR”** means Corridor Access Request;

**“ChemTMP”** means the Chemical Treatment Management Plan referred to in Condition 111;

**“CMP”** means Construction Management Plan;

**“CNVMP”** means Construction Noise and Vibration Management Plan;

**“Commencement of Construction”** means commencement of any construction works on the Site for the Development;

**“Commencement of Dewatering”** means commencement of Bulk Excavation and/or the commencement of the taking or diversion of groundwater, other than for initial state monitoring purposes;

**“Commencement of Excavation”** means commencement of Bulk Excavation or excavation to create perimeter walls;

**“Completion of Dewatering”** means when the permanent drainage system(s) are in place;

**“condition”, “conditions”, “Condition” or “Conditions”** means the conditions of these Resource Consents imposed under ss.108, 108AA and 220 of the RMA, or offered by the consent holder, and included in Schedule 1 to the Resource Consents;

**“Condition Survey”** means an external visual inspection or a detailed condition survey (as defined in the relevant conditions);

**“consent holder”** for the purposes of the authorisations to undertake activities under ss.9 and 11 of the RMA, means BHML or its successors in title, and for the purposes of the authorisations to undertake activities under ss.12, 14 and 15 of the RMA, means BHML or its transferee in accordance with ss.134, 136 or 137 of the RMA;

**“COPTTM”** means Code of Practice for Temporary Traffic Management;

**“Council”** means the Auckland Council and for the purposes of compliance with these conditions refers to the Council’s monitoring Team Leader / Inspector (unless otherwise specified), the identity of whom can be found by emailing: [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz);

**“CTMP”** means Construction Traffic Management Plan;

**“Damage”** means Aesthetic, Serviceability and Stability Damage, but does not include Negligible Damage;

**“Design Manual for Terraced Housing” or “DMTH”** means Bayswater Maritime Precinct Design Manual for Terraced Housing (version 7, dated 10 November 2022);

**“Development”** means the Bayswater Maritime Precinct development on the Site comprising up to 78 dwellings, commercial units, marina berth holder and visitor car parking, boat trailer parking, public pedestrian walkways and esplanade areas, and

landscaping with all associated infrastructure, and the subdivision of the Site under the UTA as authorised by the Resource Consents;

**“Development & Construction Management Manual”** or **“DCMM”** means Bayswater Maritime Precinct Development & Construction Management Manual (V5, 11 November 2022);

**“Development Covenant”** means the land covenant to be registered on the Residential Units to be created under the UTA to manage the erection or alteration of buildings on the units under Condition 186;

**“Enabling Works”** means tree felling and removal (excluding grass cover which stabilises soils), building demolition and removal, tree stump removal (only where stumps are mulched in situ), site establishment, site fencing, construction access formation, and construction of erosion and sediment controls documented in the ESC Measures;

**“EPA”** means Engineering Plan Approval by the Council of final engineering designs for engineering works associated with the Development;

**“ESC Measures”** means the erosion and sediment control measures referred to in Condition 108;

**“Esplanade Strip”** means the esplanade strip(s) to be registered on the unit title plan as shown on plan ‘Draft Unit Plan – proposed Units on Lot 1 DP 309604, sheets 1-10, prepared by Hampson & Associates Limited, dated October 2023 and Rev 20 and subject to the terms included in the Instrument Creating Esplanade Strip included in Appendix B;

**“External visual inspection”** means a condition survey undertaken for the purpose of detecting any new external Damage or deterioration of existing external Damage and includes as a minimum a visual inspection of the exterior and a dated photographic record of all observable exterior Damage;

**“GD01”** means the Council’s Guidance Document 001 ‘*Stormwater Management Devices in the Auckland Region*’;

**“GD05”** means the Council’s Guidance Document 005 ‘*Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region*’;

**“LINZ”** means Land Information New Zealand;

**“LMP”** means Landscaping Maintenance Plan;

**“MMP”** means the Maintenance Management Plan;

**“NES:F”** means National Environmental Standard for Freshwater 2020;

**“NES:Soil”** means National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011;

**“No-objection Covenants”** means the land covenants to be registered on the Residential Units under Condition 189 to protect the Bayswater Marina and public boat ramp from potential reverse sensitivity effects;

**“Reasonable construction management requirements”** are construction management requirements that arise from the location of the specific construction area and the need to

ensure the health and safety of the public and contractors etc during the construction works in question and which are unable to be undertaken at a time and in a manner that would limit restricting public access to the construction area;

**“Residential Units”** means the 78 principal units to be created under the UTA for use as places of residence;

**“Resource Consents”** means the resource consents granted to BMHL under the RMA to undertake the activities authorised and includes the conditions;

**“RL”** means Reduced Level;

**“RMA”** means the Resource Management Act 1991;

**“RSA”** means Road Safety Audit;

**“Seasonal Low Groundwater Level”** means the annual lowest groundwater level – which typically occurs in summer;

**“Services”** means fibre optic cables, sanitary drainage, stormwater drainage, gas and water mains, power and telephone installations and infrastructure, road infrastructure assets such as footpaths, kerbs, catch-pits, pavements and street furniture.

**“Site”** means Lot 1 Deposited Plan 309604 located at 21 Sir Peter Blake Parade, Bayswater, Auckland;

**“Site Development Works”** means all site development, civil engineering and services installation works required to be completed to enable application for a s.224(c) certificate and Stage 1 of the subdivision of the Site to be completed;

**“SMP”** means Stormwater Management Plan;

**“SVR”** means a Site Validation Report;

**“SOMP”** means Stormwater Operation and Maintenance Plan;

**“SQEP”** means suitably Qualified Engineering Professional;

**“SQBS”** means Suitably Qualified Building Surveyor;

**“TCC”** means Traffic Control Committee;

**“TDM”** means Auckland Transport’s Transport Design Manual;

**“TGSRC”** means Takapuna Grammar School Rowing Club Incorporated;

**“unit”** or **“units”** has the same meaning as in the UTA:

**“UTA”** means Unit Titles Act 2020;

**“WMP”** means Waste Management Plan; and

**“WSL”** means Watercare Services Limited.

### **Interpretation**

3. Any reference to number of days within these Resource Consents refers to working days as defined in s.2 of the RMA.



4. Where compliance with a Code of Practice is referred to, it includes any dispensation granted pursuant to the Code, but otherwise means that Code of Practice in effect at the date these Resource Consents commenced.

#### **Commencement Date**

5. These Resource Consents commence in accordance with s.116 of the RMA.

#### **Lapse Date**

6. Under s.125 of the RMA, these Resource Consents lapse ten (10) years after the date they commence unless:
  - (a) They are given effect to; or
  - (b) The Council extends the period after which they lapse.

#### **Monitoring Fee:**

7. The consent holder must pay the council an initial consent compliance monitoring charge of \$5000 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to these consents.

##### *Advice note*

*The initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consent(s). In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, will be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge. Only after all conditions of the resource consent(s) have been met, will the council issue a letter confirming compliance on request of the consent holder.*

#### **Access to property**

8. Until all the conditions of this Resource Consent have been completed to the satisfaction of the Council, subject to adhering to the consent holder's Health and Safety Policy, servants or agents of the Council are to be permitted to have access to relevant parts of the Site at all reasonable times for the purpose of carrying out inspections, surveys, investigations, tests, measurements and/or to take samples.

#### **Review Condition**

9. Under s.128 of the RMA the conditions may be reviewed by the Council at the consent holder's cost within six (6) months of the completion of land use and building works authorised by these Resource Consents, and subsequently at intervals of not less than five (5) years, in order to deal with any adverse effect on the environment which may arise from their exercise and which it is appropriate to deal with at a later stage.

#### **Management Plan Conditions**

10. Conditions 11 to 17 apply to all management plans required by these conditions.

11. All management plans must be submitted to the Council for certification (or approval where this is explicitly stated in the relevant condition) in writing that the relevant management plan accords with the requirements of the consents. Management plans must be submitted at least twenty (20) working days prior to Commencement of Construction unless otherwise specified in these conditions. The consent holder must ensure that any changes to draft management plans are clearly identified.
12. Management plans may be submitted in parts or in stages to address particular activities, or to reflect a staged implementation of the Development, and when provided in part or for a stage must be submitted at least twenty (20) working days prior to Commencement of Construction of that part or stage unless otherwise specified in the conditions. Management plans submitted must clearly show the linkage with plans for adjacent stages and interrelated activities.
13. Where consultation on a management plan is required by a condition of these consents, including any change to a management plan contemplated by Condition 15 the Consent holder must provide the following to the Council when submitting the management plan for certification:
  - (a) A summary of consultation during preparation of the management plan;
  - (b) Any feedback on the proposed text of the management plan from the party or parties that the condition requires consultation with; and
  - (c) A response to that feedback indicating the matters that were not incorporated into the text of the management plan submitted for certification and the reasons why.
14. Should the Council refuse to certify (or approve where this is stated in a relevant condition) a management plan, or a part or stage of a management plan, in accordance with Condition 12, the consent holder must submit a revised Management Plan for certification as soon as practicable. If the refusal to certify is in relation to a revised plan, then the existing certified plan will continue to apply until a revised plan has been certified.

Advice note

*In the event of refusal to certify a management plan or revision to a management plan the Council shall provide reasons in sufficient detail to the consent holder to enable it to understand why the management plan or revision thereto has been refused by reference to these consent conditions.*

15. Any certified management plan may be amended, if necessary, to reflect any changes in design, construction methods or approaches to the management of effects. Any amendments must be discussed with and submitted to the Council for confirmation in writing prior to implementation of the change, unless the Council determines in its discretion that those amendments once implemented would result in a materially different outcome to that described in the original plan.
16. Any changes to a certified management plan involving a materially different outcome under Condition 15 must be submitted to the Council to certify that they comply with the applicable requirements of these conditions. Any material change must be consistent with the purpose of the relevant management plan and the requirements of the relevant conditions of this Resource Consent. Where a management plan was prepared in

consultation with affected parties, any material changes to that plan must be prepared in consultation with those same parties.

17. All works must be carried out in accordance with the certified management plans. No works or activities covered by an individual management plan must commence until written certification of that management plan, unless otherwise approved in writing by the Council.

Advice Note

*Certification of all the management plans by the Council relates only to those aspects of the management plan that are relevant under the RMA. The certification does not amount to an approval or acceptance of suitability by the council of any elements of the management plan that relate to other legislation, for example, but not limited to, the Building Act 2004, the Heritage New Zealand Pouhere Taonga Act 2014, or the Health and Safety at Work Act 2015.*

**Pre-commencement notification**

18. The Council must be notified at least 20 working days prior to earthwork activities commencing on the site.

**Pre-start Meeting**

19. Within fifteen (15) working days prior to the commencement of any construction activity, the consent holder must hold a pre-start meeting that:
  - (a) Is located at the Site;
  - (b) Is scheduled not less than 5 days before the anticipated Commencement of Construction;
  - (c) Includes all relevant Council officers including the compliance monitoring officer, and others who have been identified by the monitoring officers to attend;
  - (d) Includes a representative of each of the BCC, AYBA, TGSRC and the BMBHA, if they wish to have a representative present;
  - (e) Includes representation from the consent holder's contractors;
  - (f) Includes representation from the following supervising experts being:
    - i. Project civil engineer;
    - ii. Project arborist;
    - iii. Stormwater engineer;
20. The following information must be made available at the pre-start meeting:
  - (a) Timeframes for key stages of the works authorised under this consent;
  - (b) The conditions;
  - (c) Final CMP;
  - (d) Plans of the ESC Measures;
  - (e) Final ChemTMP;

- (f) Final CTMP;
- (g) Final CNVMP;
- (h) Confirmation from consent holder that its contractor has satisfactory Public Liability cover in place for the duration of the site works;
- (i) Contact details of all supervising specialists and contractors.

**Advice Note**

*To arrange the pre-start meeting required by Condition (5) please contact the Council on [monitoring@aucklandcouncilgovt.nz](mailto:monitoring@aucklandcouncilgovt.nz), or 09 301 01 01. The conditions of consent should be discussed at this meeting. All additional information required by the Council should be provided 2 days prior to the meeting.*

**Notice of Completion**

21. The consent holder must notify the Council in writing of the completion of the Site Development Works within ten (10) working days of completion.

**Construction Management Conditions (Site Development Works)**

**Construction Management Plan**

22. The consent holder must prepare a CMP for the Site Development Works to give effect to the objectives in Condition 23 and comply with the requirements in Conditions 24 to 29.
23. The objectives of the CMP are:
- (a) to ensure that all construction works required to complete the Site Development Works at the Site remain within the limits and standards approved under these Resource Consents;
  - (b) to set out the management procedures and construction methods to be undertaken in order to avoid, remedy or mitigate potential adverse effects arising from construction activities on the public and other users of the Site during those works;
  - (c) to minimise as far as practicable any disruption caused by construction works on public access to the boat ramp and ferry berth, berth holder access to the marina berths and the provision of 20 car and boat trailer parks for boat ramp users; and
  - (d) to minimise as far as practicable impeding access for the TGSRC to and use of the boat ramp prior to 9.00am on school days and 9.30am on all other days.
24. The CMP must be consistent with the CTMP, CNVMP, ESC Measures and ChemTMP.
25. The CMP must provide details of the responsibilities, reporting frameworks, coordination and management required for effective site management. The CMP must provide information on the following matters:
- (a) Construction quality assurance;
  - (b) Construction works programming and staging;
  - (c) Site management;

- (d) Health and Safety;
- (e) Temporary marina berth holder facilities and parking;
- (f) Public access during construction;
- (g) The provision of 20 temporary car and boat trailer parks for boat ramp users at the times during construction that the boat ramp is open and accessible for public use;
- (h) Record of consultation; and
- (i) Communications and complaints system.

### **CMP Quality Assurance**

26. This part of the CMP requires the establishment of management frameworks, systems, and procedures to ensure quality management of all on-site construction activities and compliance with the conditions. This section must provide details on the following:
- (a) Name(s), qualifications, relevant experience and contact details (phone, postal address, and email address) of:
    - i. an appropriately qualified and experienced site supervisor or project manager who will be responsible for overseeing compliance with the CMP, CTMP, CNVMP, ChemTMP and implementation of the ESC Measures;
    - ii. the consent holder's Project Liaison Person (if appointed);
    - iii. the principal staff employed by the consent holder and contractor, along with details of their roles and responsibilities;
  - (b) Methods and systems to inform and train all persons working on the site of potential environmental issues and how to avoid remedy or mitigate any potential adverse effects; and
  - (c) Suitable environmental risk management procedures to apply to the Site Development Works.

### **Construction Works Programme**

27. This part of the CMP is to ensure that the consent holder has prepared a construction works programme that will enable completion of the Site Development Works in a manner that is timely, adequately co-ordinated and minimises the adverse effects of construction activities on the surrounding area and other users of the Site. This section must provide details of:
- (a) The programme for the construction works throughout all stages of the Site Development Works, including the proposed staging and sequence of construction;
  - (b) The construction methodologies to be employed, including for both permanent and temporary structures; and
  - (c) Site management staging throughout the construction programme.

## **Site Management**

28. This part of the CMP is to set out the procedures to be employed to ensure that the Site is managed safely and in a tidy condition throughout the Site Development Works. This section must provide details on the following:
- (a) The provision of any site office, parking for workers' vehicles and workers' conveniences (e.g., portaloos);
  - (b) The location of construction machinery access, equipment unloading and storage areas during the various stages of the Site Development Works;
  - (c) Procedures for controlling sediment run-off (including contingency plans for managing unexpected sediment discharges), dust and the removal of soil, debris, demolition and construction materials (if any) from public roads or places adjacent to the Site;
  - (d) Measures to monitor and minimise discharges of dust so that any offensive or objectionable effects, including dust damaging boats moored in the marina, are immediately identified and are mitigated;
  - (e) For each stage of construction, details for the ESC Measures to be used;
  - (f) Proposed temporary or permanent fencing or other structures along the boundary of the construction areas with adjacent sites in order to delineate site boundaries, maintain site security, prevent unauthorised access, ensure the safe and practical operation of adjacent sites, and to avoid intrusion of construction works beyond the construction area;
  - (g) Measures to address the storage of fuels, lubricants, hazardous and/or dangerous materials, along with contingency procedures to address emergency spill response(s) and clean up;
  - (h) Procedures for incident management, monitoring and reporting including review and corrective and preventative action;
  - (i) Any artificial lighting to be installed in relation to the Site and the construction works and how it will be managed to avoid a nuisance to the public;
  - (j) Maintenance of plant in a good state of repair so as not to produce excessive fumes or leakage of contaminants when parked or in operation;
  - (k) Measures to protect and maintain the functioning of existing network utilities and infrastructure that traverses the site; and
  - (l) Procedures for Site reinstatement upon completion of the construction activities, including Site clean-up, removal of construction materials and temporary structures.

## **Health & Safety**

29. This part of the CMP is to include a detailed Health and Safety Plan to meet the requirements of the Health and Safety at Work Act 2015, specifically addressing control of works on and adjacent to public land, and the protection of the public when on the Site. This section must also provide details of how safe public access will be provided through the construction site to the boat ramp, ferry and marina berths, where necessary. For the avoidance of any doubt, any approval or certification by the Council of a Health and Safety Plan that forms part of any CMP only relates to the approval or certification of those aspects that are necessary and relevant to any requirements under the RMA, and

it is not an approval or certification that may be required under any other legislation.

### **Temporary marina berth holder facilities, access and parking**

30. This part of the CMP is to include:

- (a) Details of how temporary marina berth holder facilities (toilets, showers, laundry, lounge and waste collection) will be provided on Site for marina berth holders during all stages of the construction works until permanent replacement facilities are completed by the consent holder; and
- (b) Details of the location(s) that will be provided for berth holder car parking during Site Development Works and how vehicular access for marina berth holders to this car parking will be maintained during the Site Development Works.

31. The consent holder shall invite the BMBHA to provide feedback on this part of the CMP prior to its lodgement.

### **Public access and parking during construction**

32. This part of the CMP is to include details of how, subject to reasonable construction management requirements from time to time, the following activities will be provided during the Site Development Works:

- (a) Pedestrian and cycle access between the Bayswater ferry berth and existing park and ride located at 23-27 Peter Blake Parade;
- (b) Vehicle access to the park and ride located at 23-27 Sir Peter Blake Parade during construction works on Sir Peter Blake Parade;
- (c) Pedestrian, bicycle, and vehicle access to the TGSRC facilities and boat ramp;
- (d) 20 temporary car and boat trailer parking spaces for users of the boat ramp at the times during construction that the boat ramp is open and accessible for public use; and
- (e) Pedestrian access to the marina piers and breakwater as provided for in Coastal Permit 2138631.

33. The consent holder shall invite Auckland Transport, the BMBHA, the AYBA, the BCC and the Takapuna Grammar School Rowing Club to provide feedback on this part of the CMP prior to its lodgement. This process shall require the consent holder to summarise the feedback provided on the CMP under this condition (if any), and how it has been incorporated into the final CMP. Where feedback has not been incorporated an explanation as to why shall be included.

### **Record of consultation**

34. This part of the CMP shall summarise the feedback provided on the draft of the CMP under Conditions 30 and 32 (if any), and how it has been incorporated into the final CMP. Where feedback has not been incorporated an explanation as to why shall be included.

### **Communications and complaints system**

35. This part of the CMP is to include the following information:

- (a) Details of how communication will be managed and maintained during Site Development Works with the relevant stakeholders (Auckland Transport, the BMBHA, the BCC, the AYBA and TGSRC);

- (b) Procedures for ensuring that residents, businesses, berth holders, Auckland Transport, network utility operators and road users in the immediate vicinity of construction areas are given prior notice of the Commencement of Construction and are informed about the expected duration and effects of the work; and
- (c) Procedures for responding to, recording and reporting complaints about construction activities, including the provision of contact details for persons responsible for managing complaints.

### **CMP Implementation**

- 36. Construction activity must not commence until the CMP is certified by the Council and all measures identified in the CMP as needing to be put in place prior to the start of works are in place.
- 37. All personnel working on the site must be made aware of the requirements contained in the CMP. A copy of the certified CMP must be held on the Site at all times while any activity associated with construction is occurring.
- 38. The certified CMP must be implemented and maintained throughout the entire period of the works. A copy of the Health and Safety Plan shall be kept on the Site at all times. All measures for the protection of the public and other personnel set out in the Plan shall be maintained and complied with at all times until such time as the works are completed.

### **Construction Traffic Management Plan**

- 39. Prior to the Commencement of Construction, the consent holder must submit and have approved by Council, a Construction Traffic Management Plan (**CTMP**) (or plans where more than one CTMP is prepared to cover the different stages of Site Development Works). The objectives of the CTMP are to:
  - Protect public safety including the safe passage of pedestrians and cyclists and ensure 24-hour emergency access to lifeline utilities;
  - Minimise delays to road users, particularly during peak traffic periods;
  - Minimise interruption to property access;
  - Inform the public about any potential impacts on the road network; and
  - Subject to reasonable construction management requirements from time to time, ensure that the requirements of Conditions 23(c) and (d), 30(b) and 32 are achieved during Site Development Works.
  - Safeguard against obstruction of access to public footpaths, berms, private properties, public services/utilities, or public reserves resulting from the earthworks activity and ensure that there is no unreasonable obstruction of access through the Site to the boat ramp, marina berths, and ferry berth.



The CTMP must be prepared in accordance with the Council's requirements for construction traffic management plans (as applicable) and New Zealand Transport Authority's Code of Practice for Temporary Traffic Management. The CTMP must address the surrounding environment including pedestrian, boat and bicycle traffic and the control of the movement of earthmoving vehicles to and from the site. No construction activity may commence on site until a CTMP has been approved and all construction traffic shall be managed at all times in accordance with an approved CTMP.

The CTMP must include the following:

- (a) Details of the timing and duration of construction traffic management for each stage of the Site Development Works;
- (b) Control procedures for trucks unloading/loading, particularly hours of operation and when restrictions of hours on delivery may be necessary to maintain access, network function or safety;
- (c) The types of trucks/vehicles that will deliver machinery/materials to the Site/remove soil etc.);
- (d) The number of vehicle movements to and from the site per day, the frequency of the movements and how long vehicles will be on Site;
- (e) The routes that trucks/heavy vehicles will take;
- (f) Methods to avoid unnecessary truck waiting and queueing within public roads;
- (g) Methods to avoid safety issues including controlling speed limits on public roads including but not limited to Bayswater Avenue;
- (h) Provision for wheel cleaning (soil removal) prior to egressing the Site;
- (i) Identification of parking for worker/contractor/subcontractor vehicles to maintain the availability of public on-street parking as far as practical;
- (j) Details of the equipment to be used for traffic control;
- (k) Details of all signage (to comply with COPTTM);
- (l) Liaison procedures with emergency services;
- (m) Methods for keeping paths and roadways clean and uncluttered; and
- (n) Methods for ensuring safe access by rowers travelling to and from the TGSRC facilities.

The consent holder shall invite the BMBHA, the BCC, Auckland Transport, the AYBA and TGSRC to provide feedback on those parts of the CTMP intended to achieve Conditions 23(c) and (d), 30(b) and 32 prior to its lodgement. Prior to lodgement, the consent holder shall also invite Auckland Transport to provide feedback on those parts of the CTMP that are intended to achieve Condition 39, insofar as they relate to, or will impact, public roads. The CTMP shall summarise the feedback provided on the CTMP under this condition (if any), and how it has been incorporated into the final CTMP. Where feedback has not been incorporated an explanation as to why shall be included.

## **Road Safety Audit**

40. Prior to the Commencement of Construction the consent holder must commission a Road Safety Audit (**RSA**) to examine the proposed design of the extension of Sir Peter Blake Parade on the Site, its intersections with Link Street and Cross Street, and the operation of the boat ramp area (including its use by the Takapuna Grammar School Rowing Club). The results and recommendations of the RSA must be provided to the Council within 10 days of receipt by the consent holder.

## **Detailed Transport Design Plan**

41. Prior to Commencement of Construction, the consent holder must submit a detailed Transport Design Plan (**TDP**) for approval by Council. The TDP shall be consistent with the Bayswater Maritime Precinct Revised Masterplan November 2022 prepared by Boffa Miskell Limited and the parking and vehicle tracking plans prepared by Stantec Limited (November 2022). The TDP must also include:
- (a) The location, type, and quantum of cycle parking to be provided for berth holders (at the pier heads), ferry terminal users and other visitors to the public spaces within the finished Development;
  - (b) How the circulation of a rubbish truck within the South precinct will be provided for (Note: Access for this truck will require two parking spaces (225P and 226P) to be vacant during rubbish collection. Time restriction signage may be required to ensure these spaces are not used during times when access for rubbish collection is planned);
  - (c) Details of how the design and spacings of any traffic calming measures is in accordance with Auckland Transport's Transport Design Manual;
  - (d) Details of the incorporation of any recommendations made by the RSA completed under Condition 40;
  - (e) The location and design of the car and boat trailer parking area on PU100, which shall include no less than 20 car and boat trailer parking spaces of 16m length and 3m width;
  - (f) The final location and design of the nine proposed accessible car parks (seven for berth holders, two for visitors) undertaken in accordance with NZS4121:2001 and AS/NZS2890:2009);
  - (g) The final design and location of any barrier arms to control vehicle access to berth holder car parking areas, ensuring that they are located to avoid vehicle queuing over pedestrian crossings;
  - (h) A revised design of the curve of Sir Peter Blake Parade opposite units PU49 to PU55 to enable it to accommodate the simultaneous passing movement of the AT 10.3m refuse collection design vehicle and the AT 6.3m van design vehicle;
  - (i) Details of how the final design of the intersection of Link Street and Sir Peter Blake Parade provides for a simultaneous movement of the largest size of car + boat trailer (e.g. B85 vehicle plus trailer) (turning left out of Link Street) and the AT 6.3m van design vehicle turning right into Link Street;

- (j) How the final design of the primary pedestrian movement network (identified in the Boffa Miskell pedestrian movement network) will be equipped with tactile pavers, pram crossing points/ramps and not pass between parking spaces; and
- (k) The final design of the boat ramp manoeuvring area.

No works must commence on Site until the TDP is approved by Council.

Advice Note:

*Elements of the above document will be reviewed by officers from both Auckland Council and Auckland Transport.*

**Landscape Design Drawings, Specifications, and Maintenance Requirements**

42. Prior to the Commencement of Construction, the consent holder shall provide to the Council for approval, a finalised set of detailed landscape design drawings and supporting written documentation (i.e., specifications and maintenance requirements) for all areas of the Site that will be common property upon completion of the Development and for the landscaping works within the Esplanade Strip. The detailed landscape design drawings for the Revised Masterplan November 2022, must be prepared by a landscape architect or similar SEQP and be consistent with the designs shown in the Boffa Miskell Limited Bayswater Maritime Precinct Landscape Concept, Rev 3, dated July 2022. The submitted detailed landscape design information must also include:
- (a) A timetable and staging timeframes for implementation of the landscape elements;
  - (b) Evidence of consultation with Mana Whenua on the final landscape design and incorporation of Te Aranga Design Principles;
  - (c) Annotated planting plan(s) that identify the proposed location and extent of all areas of planting, including any revegetation, reinstatement planting, mitigation planting and natural revegetation (if relevant);
  - (d) Annotated cross-sections and/or design details with key dimensions to illustrate that adequate widths and depths are provided for garden beds;
  - (e) A plant schedule based on the submitted planting plan(s) which details specific plant species, plant sourcing, the number of plants, height and/or grade (litre) / Pb size at time of planting, and estimated height / canopy spread at maturity;
  - (f) Details of any specific drainage, soil preparation, tree pits, staking, irrigation, and mulching requirements;
  - (g) An annotated boardwalk and pavement plan and related specifications, detailing proposed site levels and the materiality and colour of all proposed hard surfacing;
  - (h) An annotated street / open space / park furniture plan and related specifications confirming the location and type of all cycle stands, seats, bins, lights, fences, walls and other structural landscape design elements;
  - (i) Details of suitable public sculptures/play equipment and public toilets to be provided within South Park;

- (j) Details of the seating, play features, public toilets and incorporation of the OLFP swale (refer Drawing 430 and 435 Rev C prepared by Airey Consultants) within North Park;
- (k) The final design for the improved boat ramp access works and associated signage, road markings and bollard lighting to be installed adjacent to the boat ramp (per the Boffa Miskell Bayswater Marina Boat Ramp Improvement Plan (November 2022)) (referred to in Appendix A); and
- (l) A landscape establishment plan and related drawings and specifications for all aspects of the finalised landscape design, in relation to the following requirements:
  - i. Irrigation;
  - ii. Weed and pest control;
  - iii. Plant replacement;
  - iv. Inspection timeframes; and
  - v. Contractor responsibilities.

The consent holder shall invite the BCC to provide feedback on the detailed landscape design proposals for North and South Parks before they are submitted to the Council for approval. The final landscape design package shall summarise the feedback provided under this condition (if any), and how it has been incorporated into the final design. Where feedback has not been incorporated an explanation as to why shall be included.

**Advice note:**

*It is recommended that the consent holder consider a minimum three-year management / maintenance programme for plant establishment and provide, in particular, details of maintenance methodology and frequency, allowance for fertilising, weed removal / spraying, replacement of plants, including specimen trees in case plants are severely damaged / die over the first five years of the planting being established and watering to maintain soil moisture. As part of the approval process, the council's monitoring team will liaise with landscape architects from the council's Auckland Design Office to ensure that the submitted drawings and related information are consistent with the originally consented landscape concept plan(s).*

**Lighting Design Strategy - Seabirds**

- 43. Prior to Commencement of Construction, a Lighting Design Strategy (**LDS**) shall be submitted to Council's ecological advice team (ecologicaladvice@aucklandcouncil.govt.nz) for approval. The LDS shall outline and confirm how the public realm illumination associated with the Development (including construction and post-development) has been designed to reduce potential impacts on seabirds. The LDS shall be completed in consultation with a suitably qualified and experienced avifauna ecologist and have the objective of reducing the impacts of lighting on seabirds. The LDS shall also take account of the guidance within the Commonwealth of Australia, 2020. National Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds and Migratory Shorebirds.

## Lighting Plan

44. Prior to Commencement of Construction, the consent holder must provide to the Council for approval, a Lighting Plan (**LP**) with appropriate certifications and specifications prepared by a qualified Lighting Engineer. The objective of the LP condition is to ensure adequate lighting is provided for the safety of people residing, working, or visiting the site and its immediate environs outside of daylight hours. The LP shall:
- (a) include all accessible areas of the site where movement of people are expected. Such locations include, but are not limited to the open space parks, marina piers entrances, ferry terminal, coastal boardwalk, mews lanes, Link Street, Sir Peter Blake Parade, South Street and North Lane, building entrances, building frontage, outdoor carparking, footpath or common access areas;
  - (b) include proposed locations, lux levels and types of lighting (i.e., manufacturer's specifications once a lighting style has been determined) and any light support structures required to control timing, level of lighting, or to minimise light spill, glare, and loss of night-time viewing;
  - (c) demonstrate compliance with the relevant standards in E24.6.1 Lighting of the AUP;
  - (d) demonstrate compliance with the AS/NZS 1158 P requirements and clearly specify what P Category the lighting design will achieve. The selection criteria for the chosen lighting category should also be presented (i.e., pedestrian/cycle activity, risk of crime etc);
  - (e) include an executive summary of the above information in plain english that outlines the relevant requirements to their application and their design response to them; and
  - (f) demonstrate how the lighting design is in accordance with 'Crime Prevention Through Environmental Design' principles and will contribute to amenity and safety for residents, visitors and immediately adjoining sites.

The approved LP shall be implemented on the Site prior to the completion of Site Development Works and thereafter retained and maintained to the satisfaction of Council.

### Advice Note:

*The purpose of this condition is to ensure that adequate lighting is provided to frequently used areas within the proposed development for the safety of users. Adequate lighting is the amount of lighting at eye level for a person with average eyesight so they can identify any potential threat approaching them from at least a 15-metre distance.*

## Signage Plan

45. Prior to the erection or installation of any signs on the Site, the consent holder must prepare a Signage Plan (**SP**) for the approval of Council. The objective of the SP is to ensure that all proposed Site signage is cohesive and does not detract from the architectural quality of the buildings and immediate surrounding area and avoids visual clutter and/or obstruction. The SP must include the following information:
- (a) details of all exterior building signs, including tenancy identification and building naming signs;

- (b) details of all exterior directional, way finding, traffic and parking signs associated with the management of vehicle access to and from the Site;
- (c) provision and detail of signage to ensure traffic circulation through the site, the shared space and the boat ramp are clear and legible;
- (d) a wayfinding plan to ensure clear location of different parking areas, ferry terminal and public boat ramp;
- (e) information about the location, dimensions, placement, materiality, colour, and method of attachment or placement of each sign.

#### **Construction Noise and Vibration Management Plan**

46. The consent holder shall submit a Construction Noise and Vibration Management Plan (**CNVMP**) to the Council for certification a minimum of ten working days prior to Commencement of Construction. The objective of the CNVMP is to determine and require the adoption of the Best Practicable Option for the management of all construction noise and to ensure that the construction noise levels are compliant with the noise limits set out in Condition 79 and vibration limits set out in Condition 82. The CNVMP shall address the requirements of Annex E of NZS6803:1999 as a minimum. Construction works shall not commence until certification has been received in writing from the Council.

The consent holder shall invite the BMBHA to provide feedback on the CNVMP, and particularly those which may relate to noise and vibration mitigation relevant to the use of the Marina, before it is submitted to the Council for approval. The CNVMP shall summarise the feedback provided under this condition (if any), and how it has been incorporated into the CNVMP. Where feedback has not been incorporated an explanation as to why shall be included.

#### **Road Pavement Impact Survey**

47. Prior to Commencement of Construction, a walkover or video survey of Sir Peter Blake Parade extending 50m from the boundary of the Site northwards must be undertaken by the consent holder and Council to identify defects (if any) of the roadway. Details of these existing defects must be submitted to the Council, including a description of the defect (including photographs) and identification of its location.
48. If, taking into account the road pavement impact survey required by Condition 47, the Council determines the road surface surveyed has been damaged by the earthworks/construction activity, the consent holder must repair the road surface at its own expense.

#### **Augier Conditions – Auckland Transport**

49. During construction works for the Development, BMHL agrees to ensure that safe pedestrian access to the ferry berth is available at all reasonable times for ferry passengers and that a temporary waiting shelter and cycle racks for passengers are available as close as possible to berth H7 during the construction works. BMHL agrees to consult with Auckland Transport (**AT**) during the preparation of its CMP (refer Condition 31) in relation to these matters.

50. The consent holder agrees to stage its Development works to delay for as long as reasonably possible the need to terminate AT's lease of parts of the Site for car parking and bus services, and in any event will give AT at least nine months' notice of termination of its lease.
51. Prior to the expiry of the notice period referred to in Condition 50, but subject to AT's approval as to final design, the consent holder agrees to mark out a temporary bus-turn-around route on the AT land in general accordance with the plan attached to the Transportation Joint Witness Statement dated 9 September 2022.
52. Upon completion of the Development, the consent holder agrees to offer AT:
- (a) space to lease for use as a ferry office/waiting room (on commercial terms) within the Southern Apartment building ground floor;
  - (b) in the event that the offer in (a) is not taken up, a right to install a shelter for waiting ferry passengers within the proposed esplanade area in the vicinity of berth H7, subject to the consent holder's approval as to the bulk, design and location of the shelter structure; and
  - (c) a right to install new electronic signage on the Site for the ferry service, subject to the consent holder's approval as to the design and location of the signage.

#### **Ecological Survey**

53. Prior to Commencement of Construction, the consent holder shall complete a further ecological survey of the rock rip-rap wall to determine whether kororā (little penguin) are using crevices in the wall for burrows. The survey shall be completed by a suitably qualified and experienced seabird ecologist and its results provided to the Council within 10 working days of completion. The recommendations of the report shall be incorporated into the CMP.

#### **Site Wide Waste Management Plan (Marina and Open Spaces)**

54. Prior to Commencement of Construction, the consent holder must submit a detailed Site Waste Management Plan (**SWMP**) for the approval of the Council in writing. The SWMP must cover the refuse facilities for both the open space areas accessible to the public and the marina berths, and must include details of the following:
- (a) refuse storage and the designated areas for all refuse bins;
  - (b) storage of recycling collection;
  - (c) frequency of the waste collection; and
  - (d) details of the vehicle(s) used for collection.

The consent holder shall invite the BMBHA to provide feedback on the SWMP before it is submitted to the Council for approval. The SWMP shall summarise the feedback provided under this condition (if any), and how it has been incorporated into the SWMP. Where feedback has not been incorporated an explanation as to why shall be included.

#### **Site Development Works - Development in Progress Conditions**

### **Stability of the Site/Neighbouring Site**

55. All earthworks must be managed to ensure that they do not lead to any uncontrolled instability or collapse affecting either the Site or adversely affecting any neighbouring properties. In the event that such collapse or instability does occur, it shall immediately be rectified.

### **Prevent Damage to Assets or Property**

56. There must be no damage to public roads, footpaths, berms, kerbs, drains, reserves, or other public asset as a result of the earthworks activity. In the event that such damage does occur, the Council will be notified within 24 hours of its discovery. The costs of rectifying such damage and restoring the asset to its original condition will be met by the consent holder.

#### Advice Note:

*In order to prevent damage occurring during the earthwork activity, the consent holder should consider placing protective plates over footpaths, kerbs, and drains. Where necessary, prior to works commencing, photographing or video recording of roads, paths and drains may be appropriate.*

### **Accidental Discovery Protocol**

57. If, at any time during Site Development Works, potential koiwi (human remains) or archaeological artefacts are discovered, then the earthworks or land disturbance (outside of preliminary earthworks) or any activity associated with earthwork or land disturbance must comply with the Accidental Discovery rules (E11.6.1 & E12.6.1) set out in the AUP.

#### Advice Note:

*Accidental Discovery Protocol: If any “sensitive material” as per the standards and procedures set out in the rules E11.6.1 & E12.6.1 of the Auckland Unitary Plan (Operative in part) are discovered on the site, works should cease and the [Council, Team Leader Cultural Heritage Implementation (09 301 0101), Heritage New Zealand Pouhere Taonga (09 307 9920), the New Zealand Police (if the discovery is of human remains or koiwi), and Mana Whenua should be notified immediately.*

### **Geotechnical Supervision**

58. The earthworks must be undertaken in a manner which ensures that the land within the Site and the land on adjoining properties remain stable at all times. In this regard, the consent holder shall employ a suitably qualified civil / geotechnical engineer to investigate, direct and supervise all construction works, particularly in close proximity to neighbouring properties to ensure that an appropriate design and construction methodology is carried out to maintain the short- and long-term stability of the site and surrounds.
59. Any required retaining walls and/or temporary stabilising works must be constructed in a timely manner under engineering design and supervision. The consent holder shall ensure that all necessary approvals for retaining walls are obtained and that sufficient resources are available to construct the required retaining walls as directed by the geotechnical engineer, prior to commencement of any significant excavation works. The construction methodology shall take full account of the recommendations of the Chartered Professional



Engineer observing or directing the works, and the Geotechnical Investigation Report prepared by KGA Geotechnical Ltd, Ref No: K200265-2, dated 18 Feb 2021 as referenced in Appendix A.

### **Maintain Access to Site**

60. There shall be no obstruction of access to public footpaths, berms, private properties, public services/utilities, or public reserves resulting from the earthworks activity and no unreasonable obstruction of access through the Site to the boat ramp, marina berths, and ferry berth without providing alternative access. All materials and equipment shall be stored wholly within the Site.

### **Dust Nuisance**

61. There must be no airborne or deposited dust beyond the subject site as a result of the earthworks activity, that in the opinion of the Council is noxious, offensive, or objectionable or that is likely to settle on and damage boats moored in the marina.

#### Advice Note:

*In order to manage dust on the site consideration should be given to adopting the following management techniques:*

- a. stopping of works during high winds*
- b. watering of haul roads, stockpiles, and manoeuvring areas during dry periods*
- c. installation and maintenance of wind fences and vegetated strips*
- d. grassing or covering of stockpiles*
- e. retention of existing shelter belts and vegetation*
- f. positioning of haul roads, manoeuvring areas and stockpiles or the staging of works (in relation to sensitive receptors such as dwellings)*

*In assessing whether the effects are noxious, offensive, or objectionable, the following factors will form important considerations:*

- g. The frequency of dust nuisance events*
- h. The intensity of events, as indicated by dust quantity and the degree of nuisance*
- i. The duration of each dust nuisance event*
- j. The offensiveness of the discharge, having regard to the nature of the dust*
- k. The location of the dust nuisance, having regard to the sensitivity of the receiving environment.*

*It is recommended that potential measures be discussed with Council's monitoring officer who will guide you on the most appropriate approach to take. Alternatively, please refer to the Ministry for the Environment publication "Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions".*

### **Stormwater Overland Flow Path**

62. The consent holder must construct the overland flow path in accordance with the design set out in the Engineering & Infrastructure Report by AIREY Consultants Ltd, dated Feb 2021 and:
- (a) Stormwater Catchment Plan – Overland Flow, Drawing No: 430, Rev D, dated 01.11.2022; and
  - (b) Overland Flow Path Cross-Sections, Drawing No: 435, Rev D, dated 01.11.2022.

### **Protection of Nesting Birds**

63. All vegetation clearance shall occur outside the native birds nesting season (early September until the end of February) to minimise any disturbance risk that vegetation removal would have on nesting birds. If vegetation clearance is unavoidable during the native birds nesting season, an SEQP shall visually inspect all trees and shrubs proposed for removal within 24 hours of felling to identify any active nests. This includes checking tree cavities and hollows for nesting birds (e.g., morepork, kingfisher). Should any nesting be observed, a minimum 10-metre buffer of vegetation shall be required to remain around the nest site - the size of the buffer is to be determined by the project ecologist and considered best practice for the species being protected. This buffer will remain in place until an SEQP has confirmed that the nest has failed, or the chicks have hatched and naturally left the natal site.

#### Advice Note:

*Almost all native bird species are protected under the Wildlife Act 1953. It is an offence to deliberately disturb or destroy them, their eggs, or nests. By restricting vegetation clearance to outside of the native bird breeding season the risk of disturbing nesting birds is significantly reduced; however, vegetation should still be checked for obvious signs of nesting activity prior to clearance works being undertaken.*

### **Wastewater Connections**

64. The consent holder must design and construct connections to the public wastewater reticulation network to serve the development in accordance with the requirements of the wastewater utility provider. Certification from the utility provider that works have been satisfactorily undertaken must be provided to Council as part of consent monitoring.

#### Advice Note:

- a. *Acceptable forms of Evidence from the Utility Providers include a Certificate of Acceptance.*
- b. *Alterations to the public wastewater reticulation network require Engineering Plan Approval. Additional approval is required from Watercare as part of the Engineering Plan Approval Process.*
- c. *Public connections are to be constructed in accordance with the Water and Wastewater Code of Practice.*

- d. *Plans approved under Resource Consent do not constitute an Engineering Plan Approval and should not be used for the purposes of constructing public reticulation works in the absence of that approval.*

### **Water Connections**

65. The consent holder must design and construct connections to the public water reticulation network to serve the development in accordance with the requirements of the water utility provider. Certification from the utility provider that works have been satisfactorily undertaken must be provided to Council as required.

#### Advice Note:

- a. *Acceptable forms of evidence from the Utility Providers include a Certificate of Acceptance.*
- b. *Alterations to the public water reticulation network require Engineering Plan Approval. Additional approval is required from Watercare as part of the Engineering Plan Approval Process.*
- c. *Public water supply is required to ensure an acceptable water supply for each lot, including for fire-fighting purposes.*
- d. *Public connections are to be constructed in accordance with the Water and Wastewater Code of Practice.*
- e. *Plans approved under Resource Consent do not constitute an Engineering Plan Approval and should not be used for the purposes of constructing public reticulation works in the absence of that approval.*

### **Arborist appointment and supervision**

66. Prior to Commencement of Construction, the consent holder shall engage the services of a qualified and competent arborist experienced in site development activities in close proximity to mature trees to direct, supervise and monitor all excavation and construction activity that occurs in the rootzone of protected trees for the duration of the project.
67. Prior to the Commencement of Construction, a meeting must be held at the Site to discuss all issues pertaining to the protection of the trees to be retained and to gain a common understanding of the proposed tree protection measures and the relevant conditions of consent in that regard. The following persons should be present at the meeting:
- The site foreman or project manager.
  - The monitoring officer.
  - The Works Arborist.
  - Other relevant subcontractors.
68. The consent holder must ensure that all contractors, sub-contractors, and workers engaged in all activities covered by the Resource Consents are advised of the tree protection measures in the conditions and operate in accordance with them.
69. Protective fencing shall be put in place within the Site to protect the root zone areas of Trees 41-46 & 72-76. This fencing shall consist of 1.8 metre steel mesh fencing placed

- beyond the canopy extents and must remain in place for the duration of the Site Development Works. If any works are required within the fenced off areas, the works arborist is required to be onsite for direct supervision.
70. The following activities shall not take place within the protective fences or the root zone of any tree that is proposed for retention:
- (a) No storage of materials, spoil, or equipment of any sort;
  - (b) No discharge or washings from fuels, oils or other toxic liquids including paint and concrete; and
  - (c) No passage of vehicles or machinery – unless approved by the works arborist and appropriate ground protection measures are put in place to reduce compaction of the ground (e.g. trackmatts and/or a layer of mulch).
71. Any excavations required within the root zones of trees proposed for transplanting or retention shall be supervised by the works arborist. Roots shall be treated by the works arborist in accordance with modern arboricultural practice, with all roots greater than 35mm retained where practicable. Retained roots shall be prevented from drying out with a layer of hessian and protected from concrete with a barrier of polythene.
72. All tree work proposed must be undertaken in accordance with the recommendations in the arboricultural assessment by Chris Scott-Dye of Peers Brown Miller Ltd, dated 19 May 2021. A copy of this tree report must be kept on site at all times.
73. The consent holder must ensure that any pruning of the trees shall be carried out by a qualified and Council approved arborist in consultation with the Works Arborist. The pruning must be carried out in accordance with the AUP E16 Permitted Pruning Standards.
74. An onsite monitoring log shall be kept by the Works Arborist, logging the tree protection consent conditions and the details of any site visits.
75. The transplanting of all trees must be undertaken in accordance with currently accepted standards and practices by a suitably experienced contractor who is proficient in the transplanting of trees. The details of the transplanting contractor shall be provided to the Council prior to the work being carried out.
76. The transplanting shall be undertaken during the autumn/winter planting season.
77. Transplanted trees shall be located in such a position so that their long-term growth and development is taken into consideration and must be maintained three years following transplanting in accordance with best arboricultural practice, including irrigation, mulching, and formative pruning, as necessary.
78. The growth and development of transplanted trees shall be monitored and documented for the duration of their containerised storage and for three years following planting. If a transplanted tree dies or declines beyond recovery during this period, it shall be replaced by the consent holder with a new specimen of no less than 400L pb and of the same species.

### Construction Noise Limits

79. Construction noise shall not exceed the following noise limits. A lower noise limit may be set in the CNVMP.

Day	Time	LAeq (30min)	LAFmax
Monday to Friday	6:30 am – 7:30 am	55	70
	7:30 am – 6:00 pm	70	85
	6:00 pm – 8:00 pm	65	80
	8:00 pm – 6:30 am	45	75
Saturday	6:30 am – 7:30 am	45	70
	7:30 am – 6:00 pm	70	85
	6:00 pm – 7:30 am	45	70
Sunday & Public Holidays	7:30 am – 6:00 pm	55	80
	6:00 pm – 6:30 am	45	70

Noise from construction work must be measured 1m from the façade of any building that contains an activity sensitive to noise and that is occupied during the works in accordance with the requirements of NZS6803:1999 without any adjustment for duration as in E25.6.27(3).

80. The noise limits in condition 79 shall apply to noise received at vessels occupied by persons on a long-term basis (i.e., for more than two consecutive nights). The daytime noise limits applying at vessels occupied by persons on a short-term basis (i.e., for no more than two consecutive nights) shall be those in condition 79 plus 10 decibels.

### Construction hours

81. Construction works shall be limited to between 7.30am and 6.00pm from Monday to Saturday. Specific construction activities may be permitted outside these hours provided that the CNVMP provides for them and includes appropriate management or mitigation measures to ensure that the noise limits in condition 79 are complied with.

### Construction Vibration Limits

82. Vibration from construction activities must comply with:
- (a) the limits set out in German Industrial Standard DIN 4150-3 (1999): Structural vibration - Part 3 Effects of vibration on structures when measured in accordance with that Standard on any structure not on the same site; and
  - (b) the limits in AUP Table E25.6.30.1 below in buildings in any axis when measured in the corner of the floor of the storey of interest for multi-storey buildings, or within 500mm of ground level at the foundation of a single storey building:

Receiver	Period	Peak Particle Velocity Limit
Occupied activity sensitive to noise	Night time 10pm to 7am	0.3 mm/s
	Daytime 7am to 10pm	2mm/s
Other occupied buildings	At all times	2mm/s

#### Post Development Conditions – Site Development Works

##### **Implementation and Maintenance of Approved Landscape Design**

83. The consent holder must implement the landscape design certified under condition 42 prior to the completion of Site Development Works. Thereafter, this landscaping (planting, seating, play equipment, pavement, and street furniture) shall be maintained in perpetuity to the satisfaction of Council in accordance with the Maintenance Management Plan (MMP) approved under condition 170.

##### **Implementation and Maintenance of Transport Plan**

84. The consent holder must implement the features of the transport plan approved under condition 41 prior to the completion of Site Development Works. Thereafter, these transport features, shall be maintained in perpetuity to the satisfaction of Council.

##### **Geotechnical Certification**

85. Within 10 working days following the completion of all earthworks, a suitably qualified engineer (as required by Condition 58 and 59), shall provide to the Council written evidence that the construction of any permanent earth bunds, retaining walls including foundations, the placement and compaction of fill material, and excavation have been completed in accordance with the approved plans and geotechnical report referred to in Appendix A. Written certification shall be in the form of a Geotechnical Completion Report, producer statement or any other form acceptable to Council.

##### **Arborist Completion Report**

86. A completion report prepared by a suitably qualified and experienced arborist must be supplied to the Council within one month of completion of Site Development Works. The completion report shall confirm that: the works have been undertaken in accordance with the tree protection measures contained in the conditions; the works were completed under the direction of a suitably qualified and experienced arborist; and the impact of the works on the protected trees has been no greater than that permitted by the conditions.

#### Apartments and Terrace Houses – Pre-construction

##### **Final Architectural Drawings (Apartment Buildings)**

87. Prior to the construction of the apartment buildings, a finalised set of architectural detail drawings for the apartment buildings must be submitted to Council for certification. The information to be provided shall include:

- (a) details of the building's façade treatment / architectural features;
- (b) a materials schedule and specification, sample palette of materials, surface finishes, and colour schemes (including colour swatches) referenced on the architectural elevations; and
- (c) details of all external / rooftop services and plant, and how they will be visually screened/incorporated into the final design (if visible from the surrounding street level);
- (d) details of the accessible waste storage areas to be provided within the basements of the buildings and any associated collection areas;
- (e) detailed drawings of the vehicle turn-tables to be installed to facilitate access to car parking spaces and car park ramps in the apartment block in the central residential precinct;
- (f) design details and supporting information (in accordance with AS/NZS2890.1:2004 Appendix A, Section A4 (description) and Appendix B (dimensions)) showing that the B99 vehicle can enter and exit the basement ramps for each apartment basement in a single movement;
- (g) details of the final location of the berth holder lounge and related facilities (including toilets, showers and laundry facilities) to be provided by the consent holder within the Southern Apartment building; and
- (h) details of the location of the 100m<sup>2</sup> (minimum) of leasable building space that will be available for lease as marine retail and/or marine industry within the apartment buildings.

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

#### **Acoustic Insulation of Noise Sensitive Spaces**

88. All Noise Sensitive Spaces within buildings must be designed, constructed, and maintained so that the internal noise level arising from external noise sources do not exceed the limits in the following table:

<b>Unit affected</b>	<b>Indoor noise limit</b>
<b>Bedrooms and sleeping areas</b>	35 dB L <sub>Aeq</sub> 45 dB L <sub>eq</sub> at 63 Hz 40 dB at 125 Hz
<b>Other noise sensitive spaces</b>	40 dB L <sub>Aeq</sub>

The design must be based on a levels of 60dB LAeq, 65dB Leq at 63Hz and 60dB Leq at 125Hz, incident on the façade of all Noise Sensitive Spaces.

Noise Sensitive Space is defined in Chapter J of the AUP.

### **Mechanical ventilation and cooling**

89. All Noise Sensitive Spaces in residential dwellings must be designed, constructed, and maintained to comply with the requirements of AUP Chapter E25.6.10(b), (d), (e) and (f). All other Noise Sensitive Spaces shall be designed, constructed, and maintained to comply with the requirements of AUP Chapter E25.6.10(c)-(f).

### **Acoustic Design**

90. At the time a building consent application is lodged for any building containing Noise Sensitive Spaces, the consent holder shall provide to the Council written certification from a suitably qualified and experienced acoustic specialist that the building has been designed to ensure the requirements of these conditions.
91. In situations where common building elements such as floors and walls connect two units in any single building, the requirements of AUP Chapter E25.6.9 shall apply as if the building was in the Business Mixed-Use Zone.

### **Waste Management Plan**

92. Prior to the commencement of construction works the consent holder must submit a Waste Management Plan (**WMP**) to the Council for approval in writing setting out how all waste generated from residential development will be collected, stored and disposed of off-site without interference to the manoeuvring of cars into and out of garages/parking spaces. Any subsequent review of the WMP must also be submitted to Council for approval in writing waste shall then be collected in accordance with this plan thereafter to the satisfaction of Council.

### **Bayswater Maritime Precinct Design Manual for Terraced Housing**

93. Prior to the certification of any terraced house design in accordance with Conditions 94 – 97, the Bayswater Maritime Precinct Design Manual for Terraced Housing shall be amended to incorporate the following, and an updated version incorporating these amendments shall be submitted to the Council:
- i. clause In.2 shall read: Each terrace house development must comply with the stated rules of the Design Manual. Any failure to comply with one or more rules will trigger a requirement for a resource consent (likely a s. 127 variation) and an application will need to be made to Auckland Council. In addition, each terrace house development must respond to the stated guidelines in a manner satisfactory to the Design Committee, and which shall be the sole arbiter on this matter.
  - ii. clause In.3 shall read: Any departure from the rules must be approved by Auckland Council as identified in In.2. Any application for resource consent made to the Council must be accompanied by written confirmation from the Design Committee that the rule departure:
    - a. will result in an enhanced design and public amenity outcome (compared to if the rule had been complied with);
    - b. will result in an enhanced design and amenity outcome on the particular site compared to if the rule had been complied with); and



- c. is overall supported by the Design Committee as otherwise achieving the outcomes sought by the Bayswater Maritime Precinct Design Manual for Terraced Housing.
  - iii. rule 3.1 shall read: Ensure each individual unit has a discrete identity and is noticeably different from its immediate neighbours (the closest two dwellings on either side) by employing variation in form, façade composition, detail, roof treatment and use of materials.
- Note 1:** Except as provided for in Note 2: this rule shall only apply where at least one dwelling on either side of a proposed dwelling has been previously certified by the Design Committee.
- Note 2:** Notwithstanding Note 1, where immediately neighbouring dwellings (being dwellings within two dwellings distance of a neighbour on either side) are being considered simultaneously by the Design Committee, the Committee shall require the designs to achieve this rule, and shall invite each of the designers to collaborate in achieving it.
- iv. guidance G3.9 shall become a rule and be re-numbered R3.11.

#### **Bayswater Maritime Precinct Design Committee (Design Panel for Terrace Houses)**

- 94. All terrace houses must be designed in accordance with the Design Manual for Terraced Housing.
- 95. Prior to the commencement of construction of any terrace house in the Development, the consent holder must establish a Design Committee (**DC**). The function of this DC is to review the design of terrace houses and to confirm to the Council that they comply with the DMTH.

The DC is to be made up of three suitably qualified experts in the field of architecture and/or urban design/landscape design. The consent holder must invite Council's Team Leader Design Review to nominate one panel member and to jointly appoint a second panel member with the Consent Holder. The third panel member must be nominated by the consent holder.

At least 10 working days prior to the first panel meeting, the consent holder shall provide to the Council, the name, contact details and accreditations / qualifications of the final appointed DC members.

The DC must conduct its processes in accordance with the provisions of the DCMM. All costs associated with the DC are to be met by the consent holder.

- 96. Prior to the commencement of construction of any terrace house, the consent holder must provide detailed design drawings for the terrace house and a memorandum prepared by the DC confirming that the design complies with the DMTH to the Council for certification that the proposed terrace house has been designed in accordance with the DMTH. Construction must not commence until Council certification is received.
- 97. All terrace houses must be built in accordance with the detailed design drawings certified under Condition 96. Any proposed amendments to the detailed design drawings must be submitted to the Council for re-certification, which request must include detailed plans of

the amendments and an updating memorandum from the DC confirming that the amendment complies with the DMTH.

### Apartments and Terrace Houses – During Construction

#### **Construction Management**

98. All apartment building and terrace house construction works must be managed in accordance with the DCMM.

#### **Speed Signs**

99. Prior to occupation of any dwellings in each stage of the Development, speed signs must be installed advising of a 30km/h speed limit within the Development and any other measures required to reinforce a 30km/h speed limit. The final location and number of signs and physical measures to slow speeds (such as speed tables) are to be submitted to Council for certification in the final Transport Design Plan (Condition 41) and Signage Plan (Condition 45).

#### **Apartment Roof Top Structures**

100. The consent holder must ensure that any ancillary structures (e.g., umbrellas) to be fixed to the apartment roof terraces are able to be removed or retracted when not in use.

#### **Surveyor foundation check**

101. No apartment building or terrace house building works shall proceed beyond the foundation stage until a registered surveyor or licensed cadastral surveyor, engaged by the consent holder or owner, has provided written certification to Council that the works:
- (a) have been completed in accordance with the levels shown on the approved plans in Appendix A; or
  - (b) do not exceed the vertical or horizontal extent of any breach, infringement, or non-compliance approved under these Resource Consents.

#### Advice Note:

*The person providing the written certification should ensure that the finished floor level is clearly marked on the subject site before the foundations are put in place.*

*The purposes of certification at the foundation stage of construction are to:*

- a. provide assurance that the building works, to that point, have been undertaken in accordance with the consent*
- b. reduce the risk of non-compliance as the works continue.*

*Written certification should include the following:*

- c. the finished ground level is clearly marked on the subject site*
- d. the relevant consent reference number and site address*
- e. levels, calculations, plans and drawings of the structure(s) that are the subject of certification*

- f. the quantification of the extent of any breach, infringement or non-compliance identified at the time of survey, where this has occurred.*

*Written certification is to be provided directly to the officer specified in this condition.*

#### **Surveyor roof framing check**

102. No apartment building or terrace house building works shall proceed beyond the roof framing stage until a registered surveyor or licensed cadastral surveyor, engaged by the consent holder, has provided written certification to Council that the works completed:
- (a) have been completed in accordance with the consented envelope shown on approved plans included in Appendix A; or
  - (b) do not exceed the vertical or horizontal extent of any breach, infringement, or non-compliance approved under these Resource Consents.

#### Advice Note:

*The purposes of certification at the roof framing stage of construction are to:*

- a. provide assurance that the building works, to that point, have been undertaken in accordance with the consent*
- b. reduce the risk of non-compliance as the works are completed.*

*Written certification should include the following:*

- a. the finished ground level is clearly marked on the subject site*
- b. the relevant consent reference number and site address*
- c. levels, calculations, plans and drawings of the structure(s) that are the subject of certification*
- d. the quantification of the extent of any breach, infringement or non-compliance identified at the time of survey, where this has occurred.*

#### Public Carparking

#### **Boat Trailer Parks**

103. No less than 20 car and boat trailer parking spaces (16m in length and 3m in width) must be made available on PU100 at all times for public use for the parking of cars with boat trailers attached. Use of the parking spaces may be made subject to the payment of a charge for that use at the discretion of the owner of PU100. Any charge levied by the owner of PU100 must be reasonable.
104. Of the 20 car and boat trailer parking spaces to be provided under Condition 103, nine may be made available for the parking of cars without boat trailers attached during the period from 1 May to 30 September (at all times) and outside that period, between the hours of 8pm to 6am. Use of these parking spaces may be made subject to the payment of a charge for that use at the discretion of the owner of PU100. Any charge levied by the owner of PU100 must be reasonable.

## **Visitor Carparks**

105. No less than 10 car parks must be made available on PU100 at all times for visitor use for the parking of cars. Use of these parking spaces may be made subject to the payment of a charge for that use at the discretion of the owner of PU100. Any charge levied by the owner of PU100 must be reasonable.
106. No less than 5 visitor car parks must be made available within ROW "C" at all times for visitor use for the parking of cars, unless the land where the carparks are located is vested as road reserve, in which case this obligation is at an end.

## **Area of land set aside for Marine Related Activities**

107. The area of land identified as PU100, shall, in addition to the Boat Trailer Parks and Visitor Carparks in Conditions 103 – 105~~6~~, be retained and/or used at all times for marine related activities permitted in the Bayswater Marina Precinct (1504) provisions and the underlying Coastal – Marina Zone.

## **Specific conditions – Earthworks (s9) LUC60373250, (s14) WAT60406641 (NES-FW Regulation 42 (2)), (s14) WAT60406642 (NES-FW Regulation 54(b)), (s15) DIS60406643 (NES-FW Regulation 54(b))**

### Pre-development Conditions

#### **Erosion & Sediment Control**

108. Prior to the commencement of earthworks activity in each relevant stage of the earthworks, all required erosion and sediment control measures on the subject site must be constructed and carried out in accordance with the erosion and sediment control plans referred to in Appendix A.
109. Within ten (10) working days following implementation and completion of the specific erosion and sediment control works required by Condition 108, and prior to the commencement of earthworks on the Site, a SQEP must provide written certification to the Council that the erosion and sediment control measures have been constructed and completed in accordance with the Resource Consents and GD05 guidelines.

#### Advice Note:

*Suitable documentation for certification of erosion and sediment control devices, can be obtained in Appendix C of Guidance Document 005, Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016, Incorporating Amendment 1 (GD05): Erosion and Sediment Control construction quality checklists.*

*Certification of the sediment and erosion control structure(s) should contain sufficient details to address the following matters:*

- a. *Details on the contributing catchment area*
- b. *Retention volume of structure (dead storage and live storage measured to the top of the primary spillway)*
- c. *Dimensions and shape of structure*
- d. *Position of inlets/outlets*

e. *Details regarding the stabilisation of the structure*

110. Notice must be provided to the Council at least two (2) working days prior to the removal of any significant erosion and sediment control device specifically required as a condition of these Resource Consents or by the erosion and sediment control plans referred to in Condition 108.

**Chemical Treatment Management Plan**

111. Prior to the commencement of land disturbance at the site, a Chemical Treatment Management Plan (**ChemTMP**) for implementation during earthworks on the Site must be submitted for the written approval of the Council. The ChemTMP must include as a minimum:
- (a) Specific design details of a chemical treatment system based on a rainfall activated methodology for the site's sediment retention ponds and decanting earth bund;
  - (b) Specific details for chemical treatment of any pumped flows to the site's sediment retention ponds and decanting earth bund;
  - (c) Monitoring, maintenance (including post storm) and contingency programme (including a record sheet);
  - (d) Details of optimum dosage (including assumptions);
  - (e) Results of initial chemical treatment trial;
  - (f) A spill contingency plan; and
  - (g) Details of the person or bodies that will hold responsibility for long term operation and maintenance of the chemical treatment system and the organisational structure which will support this system.

*Advice Note:*

*In the event that minor amendments to the ChemTMP are required, any such amendments must be limited to the scope of this consent. Any amendments which affect the performance of the ChemTMP may require an application to be made in accordance with section 127 of the RMA. Any minor amendments should be provided to the Council prior to implementation to confirm that they are within the scope of this consent.*

**Sediment Retention Ponds**

112. All sediment retention pond(s) and decanting earth bund utilised as part of the earthworks must be chemically treated in accordance with the approved ChemTMP.

**Development in Progress Conditions**

**Seasonal Restriction**

113. No earthworks shall be undertaken on the Site between 01 May and 30 September in any year without the submission of a 'Request for winter works' for approval by the Council. All requests must be renewed prior to the approval expiring and no works must occur until written approval has been received from the Council. All winter works will be re-assessed monthly or as required to ensure that adverse effects are not occurring in the receiving

environment and approval may be revoked by Council upon written notice to the consent holder.

### **Progressive stabilisation**

114. The site must be progressively stabilised against erosion throughout the earthworks phase of the project and must be sequenced to minimise the discharge of contaminants to surface water in accordance with the certified Erosion and Sediment Control Plans.

#### Advice Note:

*Stabilisation measures may include:*

- a. the use of waterproof covers, geotextiles, or mulching*
- b. top-soiling and grassing of otherwise bare areas of earth*
- c. aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward*

*It is recommended that you discuss any potential measures with the Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Alternatively, please refer to Auckland Council Guideline Document 005, Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016, Incorporating Amendment 1 (GD05).*

### **Operational Effectiveness**

115. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required by these Resource Consents must be maintained throughout the duration of earthworks activity, or until the site is permanently stabilised against erosion. A record of any maintenance work must be kept and supplied to the Council on request.
116. Earthworks must be managed to avoid deposition of earth, mud, dirt or other debris on any public road or footpath resulting from earthworks activity on the subject site. In the event that such deposition does occur, it must immediately be removed. In no instance must roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters.

#### Advice Note:

*In order to prevent sediment laden water entering waterways from the road, the following methods may be adopted to prevent or address discharges should they occur:*

- a. provision of a stabilised entry and exit(s) point for vehicles*
- b. provision of wheel wash facilities*
- c. ceasing of vehicle movement until materials are removed*
- d. cleaning of road surfaces using street-sweepers*
- e. silt and sediment traps*
- f. catchpit protection*

*In no circumstances should the washing of deposited materials into drains be advised or otherwise condoned. It is recommended that you discuss any potential measures with the Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Alternatively, please refer to Auckland Council Guideline Document 005, Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016 (GD05).*

#### Post development conditions

##### **Post Work Stabilisation**

117. Immediately upon abandonment or completion of earthworks on the Site all areas of bare earth associated with the works must be permanently stabilised against erosion to the satisfaction of the Council.

##### Advice Note:

*Should the any earthworks be completed or abandoned, bare areas of earth associated with the works must be permanently stabilised against erosion. Measures may include:*

- a. The use of mulching or natural fibre matting.*
- b. Top-soiling, grassing and mulching of otherwise bare areas of earth.*
- c. Aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward.*

*The on-going monitoring of these measures is the responsibility of the consent holder. It is recommended that you discuss any potential measures with the Council's monitoring officer who will guide you on the most appropriate approach to take. Alternatively, please refer to Auckland Council Guidance Document 005, Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016 (GD05).*

#### Expiry Date

118. The resource consent that relates to regional earthworks (referenced by Council as LUC60373250, WAT60406641, WAT60406642 and DIS60406643), shall expire 10 years from their date of commencement unless they have been surrendered or cancelled at an earlier date pursuant to the RMA.

### **Specific conditions – Contamination (s9) LUC60373250**

#### Pre-development Conditions

##### **Certification of Detailed Site Investigation**

119. At least 10 working days prior to the commencement of earthworks a Detailed Site Investigation (**DSI**) must be submitted to the Council for review and certification. The DSI must:
- (a) Be undertaken as outlined in the Interim Site management plan (Ground Contamination), Bayswater Marina residential development, 21 Sir Peter Blake Parade, Davenport, prepared by Williamson Water & Land Advisory, dated 7 July 2019 (**Interim SMP**);

- (b) Be prepared by a SQEP in contaminated management in accordance with the Contaminated Land Management Guidelines No.1 & No. 5 (Ministry for the Environment, 2021); and
- (c) Include an interpretation of the sampling results against the Soil Contaminant Standards (SCShealth) for the protection of human health as set out in the NES:Soil and the Permitted Activity soil acceptance criteria detailed by Standard E30.6.1.4 of the AUP.

#### **Update of Site Management Plan**

120. Following the outcome of the DSI required by Condition 119, the Interim SMP must be updated to reflect the outcome of the sampling. The updated SMP (**Final SMP**) must be provided to the Council for certification prior to the commencement of earthworks.

##### Advice Note:

*The Council acknowledges that the site management plan is intended to provide flexibility of the management of the works and contaminant discharges. Accordingly, the plan may need to be updated following the results of the additional soil sampling. Any updates should be limited to the scope of this consent and be consistent with the conditions of this consent. If you would like to confirm that any proposed updates are within scope, please contact the council. The Council's certification of the SMP relates only to those aspects of the plans that are relevant under the RMA. The certification does not amount to an approval or acceptance of suitability by the Council of any elements of the management plan that relate to other legislation, for example, the Building Act 2004 or the Health and Safety at Work Act 2015.*

#### **Development in Progress Conditions**

##### **Activity in accordance with Final SMP**

121. Earthworks must be undertaken in accordance with the Final SMP. Any variations to the Final SMP shall be submitted to the Council for certification that it appropriately manages actual and potential soil contamination effects and is within the scope of the Resource Consents.

##### **Accidental Discovery**

122. In the event of the accidental discovery of contamination during earthworks which has not been previously identified, the unexpected contamination protocols in the Final SMP must be implemented and the consent holder's Contaminated Land Specialist must inspect and advise on remedial actions. In the event that the contamination identified is outside the scope of this consent, the Council must be notified and advised of the remedial actions proposed.

##### Advice Note

*Where unanticipated contamination is discovered during the works, a revision of the SMP may be required to ensure that the contamination is appropriately managed. Any revision of the SMP is required to be submitted to Council for certification prior to its implementation.*



## **Clean Fill**

123. Any excavated material that is not re-used on site must be disposed of at an appropriate facility or site authorised to accept the levels of contamination identified. Evidence of the locations where excavated material has been disposed of must be retained by the consent holder during the works and made available to the Council on request.
124. The contamination level of any soil imported to the site must comply with the definition of 'Cleanfill material', as set out in the AUP. Evidence of the locations from where imported material has been sourced must be retained by the consent holder during the works and made available to the Council on request.

## **Post Development Conditions**

### **Site Validation Report**

125. Within three months of the completion of earthworks on the site, a Site Validation Report (**SVR**) must be submitted to the Council for certification. The SVR must be prepared by a suitably qualified and experienced practitioner, in accordance with the Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand, Ministry for the Environment (revised 2021) and must contain sufficient detail to address the following matters:
  - (a) A summary of the works undertaken, including the locations and dimensions of excavations and the volume of soil excavated;
  - (b) Conditions of the final site contamination profile, including details and results of any validation testing undertaken (with a map of sampling locations and tabulated sampling results) and interpretation of the results in the context of the NES:Soil and the AUP;
  - (c) Details and results of any other contamination testing undertaken during the works (including any sampling undertaken on materials re-used on site or imported to site);
  - (d) Records/evidence of the volumes and disposal locations for any material containing elevated levels of contaminants removed from the site;
  - (e) Records of any unexpected contamination encountered during the works and response actions, if applicable;
  - (f) Any on-going monitoring and/or management measures required to minimise risks to human health or the environment as a result of the final site contamination profile;
  - (g) Reports of any complaints, health and safety incidents related to contamination, and/or contingency events during the earthworks; and
  - (h) A statement certifying that all works have been carried out in accordance with the requirements of the SMP and consent, otherwise providing details of relevant approved variations or breaches, if applicable.

### **Advice Note**

*The SVR enables the council to update the property file information relating to soil contamination. Until an SVR is submitted and certified by the council, the Land Information*

*Memorandum for the property will not be updated to reflect any soil contamination remediation work undertaken.*

**Advice Note**

*If you are demolishing any building that may have asbestos containing materials (ACM) in it:*

- a. You have obligations under the relevant regulations for the management and removal of asbestos, including the need to engage a Competent Asbestos Surveyor to confirm the presence or absence of any ACM.*
- b. Work may have to be carried out under the control of a person holding a WorkSafe NZ Certificate of Competence (CoC) for restricted works.*
- c. If any ACM is found, removal or demolition will have to meet the Health and Safety at Work (Asbestos) Regulations 2016.*
- d. Information on asbestos containing materials and your obligations can be found at [www.worksafe.govt.nz](http://www.worksafe.govt.nz).*

*If ACM is found on site following the demolition or removal of the existing buildings you may be required to remediate the site and carry out validation sampling. Dependent on the amount of soil disturbance a further consent application may be required.*

**Specific conditions – Stormwater Discharge Permit (s14 and s15)  
DIS60373392 (Section E8) and DIS60406644 (NES-FW Regulation  
54(c))**

**Stormwater management works**

126. The following stormwater management works shall be constructed for the following catchment areas and design requirements, and shall be completed prior to discharges commencing from the Site:

<b>Works to be undertaken</b>	<b>Catchment area – maximum impervious m<sup>2</sup></b>	<b>Design requirement(s)</b>
<i>Bioretention rain gardens X 12</i>	RG1 = 2500 RG2 = 1350 RG3 = 850 RG4 = 900 RG5 = 1150 RG6 = 720 RG7 = 860 RG8 = 1600 RG 9 = 1500 RG10 = 800 RG11 = 800 RG12 = 650 <b>Total = 13,680</b>	75% TSS removal, on long term average basis (GD01).  Details at the Engineering Plan Approval stage
<i>Stormwater 360Stormfilter X 7</i>	SF1 = 1760.0 SF2 = 2390.0 SF3 = 3600.0 SF4 = 450.0 SF5 = 820.0 SF6 = 2050.0 SF7 = 1100.0  <b>Total = 12,170</b>	Installed in all stormwater cesspits as per manufacturers' specifications 75% TSS removal Offline configuration/Peak flow diversion manhole  Details at the Engineering Plan Approval stage
<i>Swales</i>	Overflows from 9 sub-catchments 9,920	As conveyers

<i>Outlets</i>	25,850	Erosion protection measures to minimise scour and erosion potential and accordance with Auckland Council TR2013/018. Precast wingwall structure  Details of the proposed outlet will be provided with the Building Consent application.
<i>Roof materials</i>	Building roof impervious area	Inert materials

127. Detailed designs, including any relevant drawings, plans and calculations must be submitted to and approved by the Council, at the time of application for Building Consent.

#### **Minor Modifications approval**

128. In the event that any minor modifications not requiring a variation to these resource Consents under s. 127 of the RMA, the following information shall be provided:

- (a) Plans and drawings outlining the details of the modifications; and
- (b) Supporting information that details how the proposal does not affect the capacity or performance of the stormwater management system.

All information shall be submitted to, and approved by the Council, prior to implementation.

#### *Advice Note:*

*All proposed changes must be discussed with the Council, prior to implementation. Any changes to the proposal which will affect the capacity or performance of the stormwater management system will require an application to Council pursuant to Section 127 of the RMA. An example of a minor modification can be a change to the location of a pipe or slight changes to the site layout. If there is a change of device type (even proprietary), the consent will have to be varied (s127 under the RMA).*

#### **Post Development Conditions**

##### **Post Construction Meeting**

129. A post-construction meeting shall be held by the consent holder, within 20 working days of completion of the stormwater management works, that:

- (a) is located on the Site;

- (b) includes representation from the Council; and
- (c) includes representation from the site stormwater engineer, contractors who have undertaken the works and any other relevant parties.

Advice Note:

*To arrange the construction meetings required by this consent, please contact the Council on 09 301 0101 or [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz)*

**Certification of stormwater management works (As-Built Plans)**

- 130. As-Built certification and plans of the stormwater management works, which are certified (signed) by a suitably qualified registered surveyor as a true record of the stormwater management system, shall be provided to the Council for approval 5 days prior to the post-construction meeting required by this consent.
- 131. The As-Built plans shall display the entirety of the stormwater management system, and shall include:
  - (a) the surveyed location (to the nearest 0.1m) and level (to the nearest 0.01m) of the stormwater management devices, with co-ordinates expressed in terms of NZTM and LINZ datum;
  - (b) plans and cross sections of all stormwater management devices, including confirmation of any storage volumes and levels of any outflow control structure; and
  - (c) documentation of any discrepancies between the design plans and the As-Built plans approved in accordance with Condition 128.

**Stormwater Operation and Maintenance Plan**

- 132. A Stormwater Operation and Maintenance Plan (**SOMP**) must be submitted to the Council for approval 5 days prior to the post-construction meeting required by Condition 129.
- 133. The SOMP must set out how the stormwater management system is to be operated and maintained to ensure that adverse environmental effects are minimised. The SOMP shall include:
  - (a) details of who will hold responsibility for long-term maintenance of the stormwater management system and the organisational structure which will support this process;
  - (b) a programme for regular maintenance and inspection of the stormwater management system;
  - (c) a programme for the collection and disposal of debris and sediment collected by the stormwater management devices or practices;
  - (d) a programme for post storm inspection and maintenance;
  - (e) general inspection checklists for all aspects of the stormwater management system, including visual checks; and
  - (f) details of how these programmes and maintenance will be funded and implemented on an ongoing basis;

- (g) details of how any failure to comply with these maintenance and other obligations by the legal entity, and how any failure of the stormwater management system, will be addressed;
  - (h) to the extent that any components of the stormwater management system within the Site are not within common property, details of legal arrangements with the applicable body corporate for access for maintenance; and
  - (i) a copy of any current maintenance contract.
134. The stormwater management system shall be managed in accordance with the approved SOMP.
135. Any amendments or alterations to the SOMP shall be submitted to, and approved by the Council, in writing prior to implementation.
136. The SOMP shall be updated and submitted to the Council for approval, on request.

#### **Maintenance Responsibility**

137. At the time of issue of the Certificates of Title for the units, a covenant or other legal instrument to the satisfaction of the Council shall be registered on the titles of the units requiring that the long-term operation and maintenance of the stormwater management devices will remain the joint responsibility of the owner(s) of the units.

#### Advice Note:

*If a Body Corporate or similar legal entity is formed with responsibility for the ongoing operation and maintenance of the stormwater management system, consent DIS60373715 for the diversion and discharge of stormwater should be transferred to this entity.*

#### **Maintenance Report**

138. Details of all inspections and maintenance for the stormwater management system, for the preceding three years, must be retained and provided to the Council on request.

#### Expiry Date

139. Stormwater discharge permit DIS60373392 will expire after 35 years from the commencement of these Resource Consents, unless it has lapsed, been surrendered, or been cancelled at an earlier date pursuant to the RMA.

### **Specific conditions – Contamination (s15) DIS60396944**

#### Development in Progress Conditions

#### **Activity in accordance with certified SMP**

140. The disturbance of soils containing elevated levels of contaminants must be managed in accordance with the Final SMP approved under Condition 120 to minimise the discharge of contaminants (including debris, soil, silt, sediment, or sediment-laden water) from the subject site to either land, stormwater drainage systems, watercourses or receiving waters:

- (a) Erosion and sediment controls must be installed along the boundaries of the disturbance areas in accordance with the SMP and Auckland Council guidance document 2016/005: Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region;
- (b) The excavation areas must be maintained in a damp state while works are occurring to suppress the generation of dust during the works;
- (c) Filter cloths or cover mats must be installed over the stormwater cesspits in the vicinity of the excavation areas;
- (d) Vehicles must be inspected prior to leaving the works area and wheels brushed/cleaned as required to avoid the potential for sediment to leave the site on vehicle tyres and enter the stormwater system; and
- (e) Any truck-loads of excess excavated material leaving the site must be covered during transportation.

*Advice Note: Contaminant discharges*

*Discharges from the site include the disposal of water (including groundwater or collected surface water) from the land-disturbance area.*

**Minimise Stockpiling**

141. Stockpiling of excavated soils containing elevated levels of contaminants on Site is to be minimised. If required, temporary stockpiles of excavated soils containing elevated levels of contaminants must be located within an area protected by erosion and sediment controls and be covered outside working hours and during periods of heavy rain. Stockpiling of material containing separate phase hydrocarbons or odorous petroleum hydrocarbons must not take place.

*Advice Note: Stockpiles*

*To minimise contaminant discharges, soils containing elevated levels of contaminants should primarily be loaded directly into trucks for any off-site disposal.*

**Perched Groundwater**

142. Any perched groundwater or surface run-off water encountered within excavation areas where soils containing elevated levels of soil contaminants are present that require removal must be considered potentially contaminated, and must either:
- (a) Be disposed of by a licenced liquid waste contractor; or
  - (b) Pumped to sewer, providing the relevant permits are obtained; or
  - (c) Discharged to the stormwater system or surface waters provided a SQEP verifies compliance with the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (Water Quality Policy Sub-Committee and National Water Reform Committee, 2018) (or any updates to this document) for the protection of 80 percent of species, with the exception of benzene where the 95 percent protection level applies, and that it is free from Separate Petroleum Hydrocarbons and hydrocarbon sheen.

Advice Note: Retained soil contamination

*If any contamination exceeding the Permitted Activity soil acceptance criteria, set out in Chapter E30 of the AUP(OP), is retained within the Site upon the completion of the proposed land-disturbance activity, a long-term contaminant discharge consent under Chapter E30 of the AUP(OP) may be required for the Site.*

Expiry

143. Discharge consent DIS60373392 expires 10 years from the date of commencement of these Resource Consents unless it has been surrendered or been cancelled at an earlier date pursuant to the RMA.

## **Specific conditions – Coastal Permit (s12) CST60373391**

Development in Progress Conditions

**NES-F**

144. The earthworks (disturbance of the foreshore and seabed) must be undertaken only for as long as necessary to achieve its purpose.
145. Before the disturbance activity commences, a record must be made (for example, by taking photographs) of the original condition of the natural wetland's bed profile and hydrological regime that is sufficiently detailed to enable compliance with the requirement in Condition 146 to be verified.
146. The bed profile and hydrological regime of the natural wetland must be returned to their original condition no later than 30 days after the start of the activity.

Post Development Conditions

**Notice of completion and As-Built Plans**

147. Notice of completion of the foreshore and seabed disturbance activities must be given to the Council and the consent holder must provide a complete set of "as built" plans to the Council within one month of the activities being completed.
148. The consent holder must provide a copy of the "as built" plans to the Hydrographic Office (Chief Hydrographer, National Topo/Hydro Authority, Land Information New Zealand, Private Box 5501, Wellington) within one month of the completion of the construction activities.

**Maintenance Requirements**

149. The three new stormwater outfalls and viewing platforms within the CMCA shall be maintained in a good and sound condition, and any repairs that are necessary shall be made, subject to obtaining any necessary resource consents (if required).

Duration

150. The consent to occupy the CMCA with the outfalls and viewing platforms and use the structures will expire 35 years after the commencement of the Resource Consents unless it has lapsed, been surrendered, or been cancelled at an earlier date pursuant to the RMA.



151. Coastal permit CST60373391 for the works required to upgrade existing infrastructure and construct the viewing platforms will expire 10 years from the commencement of these Resource Consents unless it has lapsed, surrendered, or been cancelled at an earlier date pursuant to the RMA.

### **Specific conditions – Groundwater permit (s14) WAT60385597 and WAT60406645 (NES-F Regulation 54(c))**

#### **Development in Progress Conditions**

##### **Extent of Earthworks and Construction of Building Platforms and Retaining Structures**

152. The design and construction of the retaining structures must be undertaken in accordance with the specifications contained in the report titled “Geotechnical Investigation Report, Bayswater Maritime Precinct, 21 Sir Peter Blake Parade, Bayswater” prepared by KGA Geotechnical Consultants, Reference K200265-2, dated 18 February 2021.

##### **Excavation Limit**

153. Bulk Excavation must not extend below the levels noted in the Plan “Cut and Fill Overview,” prepared by Airey Consultants Ltd, File No: 12582-01-210, Rev D, Dwg No: 210, dated 1 November 2022.

#### **Performance Standards**

##### **Damage Avoidance**

154. All excavation, dewatering systems, retaining structures, building platforms and works associated with the diversion or taking of groundwater, shall be designed, constructed, and maintained so as to avoid Damage to buildings, structures and Services on the site or adjacent properties, outside that considered as part of the application process, unless otherwise agreed in writing with the asset owner.

##### **Contingency Actions**

155. If the consent holder becomes aware of any Damage to buildings, structures or Services potentially caused wholly, or in part, by the exercise of these Resource Consents, the consent holder must:
- (a) Notify Council and the asset owner within two working days of the Consent Holder becoming aware of the Damage;
  - (b) Provide a report prepared by a SQEP (engaged by the Consent Holder at their cost) that describes the Damage; identifies the cause of the Damage; identifies methods to remedy and/or mitigate the Damage that has been caused; identifies the potential for further Damage to occur and describes actions that will be taken to avoid further Damage; and
  - (c) Provide a copy of the report prepared under (b) above to Council and the asset owner within 10 working days of notification under (a) above.

#### **Advice Note:**

*It is anticipated the Consent Holder will seek the permission of the damaged asset to access the property and asset to enable the inspection/investigation. It is understood that if access is denied the report will be of limited extent.*

### **Notice of Completion**

156. Council shall be advised in writing within 10 working days of Completion of Dewatering.

### **Duration**

157. The take (dewatering) and groundwater diversion consent WAT6038597 shall expire 35 years after the commencement of these Consents, unless it has lapsed, been surrendered, or been cancelled at an earlier date pursuant to the RMA.

## **Specific conditions – subdivision consent (s11) SUB60373390**

### **General Subdivision Conditions**

#### **Lapse Date – Subdivision**

158. Under s. 125 of the RMA, this subdivision consent lapses ten years after the date it commences unless:

- (a) A survey plan is submitted to Council for approval under s. 223 of the RMA before the lapse date, and that plan is deposited within three years of the date of approval of the survey plan in accordance with s. 224(h) of the RMA; or
- (b) An application under s. 125 of the RMA is made to the Council before the lapse date to extend the period after which the consent lapses and the Council grants an extension.

### **Staging**

159. The unit title subdivision shall proceed in three stages. Stage 1 comprises the Plan titled: “(Scheme Plan A) Draft Unit Plan Proposed Units on Lot 1 DP 39604” and dated September 2023 (**Scheme Plan A**) (refer Appendix A). Stages 2 and 3 comprise the subsidiary unit title subdivision of Principal Units 13 and 21 created by Stage 1. Stage 1 must proceed first. Stages 2 and 3 may proceed in any order, or simultaneously.

#### **Stage 1**

160. Stage 1 of the subdivision of the Site shall be generally in accordance with Scheme Plan A and shall comprise:

- (a) The area shaded in beige and marked “Proposed Road to Vest (Lot 1)” on Scheme Plan A to vest as road reserve;
- (b) No more than 62 Principal Units for use as places of residence (two of which will be further subdivided in Stages 2 and 3);
- (c) Principal Unit 206P and AU1 to AU18 carparking and refuse collection areas;
- (d) Principal Units 207P to 311P for car parks;
- (e) PU100;
- (f) The balance land as common property;
- (g) The Esplanade Strip; and

- (h) The public Rights of Way (general and pedestrian) shown as “C” and “E” and “E1”.

### **Stages 2 and 3**

161. Stages 2 and 3 comprise the subsidiary subdivision of Principal Units 13 and 21 as shown on Scheme Plan B.

#### Esplanade Strip

162. The terms of the esplanade strip instrument shall be as set out in Appendix B to these Resource Consents. The purpose of the esplanade strip shall be for public access and recreation. The final form of instrument document will be prepared by Council's solicitor at the consent holder's cost.
163. The consent holder will provide a copy of the new certificate of title to the Council following its issue by LINZ.

#### Survey plan approval (s223) conditions

##### **Stage 1**

164. The consent holder must submit a survey plan in general accordance with approved Scheme Plan A (referred to in Appendix A). The survey plan must show all relevant interests including principal units, accessory units, esplanade strips, easements, common properties and road to vest required by these Resource Consents. The survey plan shall also show the location of MHWS clearly defined and located by recent survey.
165. Rights-of-way and any services easements must be included in a memorandum of easements endorsed on the survey plan and must be created, granted, or reserved as necessary. The consent holder must meet the costs for the preparation, review, and registration of the easement instruments on the relevant records of title.

### **Stages 2 and 3**

166. The consent holder must submit survey plans in general accordance with approved Scheme Plan B (referred to in Appendix A) (showing the subsidiary subdivision of Principal Units 13 and 21). The survey plan must show all relevant interests including principal units, accessory units, easements and common areas required by these Resource Consents and each of the units shall contain no more than nine Principal Units for places of residence.

#### Section 224(c) compliance conditions

##### **Stage 1**

167. The application for a certificate under s. 224(c) of the RMA must be accompanied by certification from a suitably qualified and experienced surveyor or engineering professional that all the conditions of subdivision consent SUB60373390 have been complied with, and identify all those conditions that have not been complied with and are which are to be subject to the following:
- (a) a consent notice to be issued in relation to any conditions of this consent to which s. 221 applies; and

- (b) a completion certificate that has been issued in relation to any conditions to which s. 222 applies.

### **Implementation of Landscaping**

- 168. Prior to issue of a certificate under s.224(c), all landscape development works and planting within the common areas and Esplanade Strip must be completed in accordance with the plans approved under Condition 42. Final landscaping must be completed in accordance with the Council's latest specifications or relevant Code of Practice for green assets and landscaping.
- 169. The Consent Holder must apply for a practical completion certificate from the Council prior to the issue of the s.224(c) certificate confirming that development works and planting have been satisfactorily implemented.

### **Maintenance Management Plan**

- 170. Prior to the issue of a certificate under s.224(c), the consent holder must provide to the Council for certification a Maintenance Management Plan (**MMP**) for all planting and landscaping to be established in the common property and Esplanade Strip, as well as all amenities to be installed in accordance with Condition 83. The MMP must include:
  - (a) A landscaping maintenance regime including details of maintenance methodology and frequencies including watering regimes, weeding, trimming, cultivation, pest and disease control, checking of stakes and ties, pruning, plant replacement and other accepted horticultural operations to ensure normal and healthy plant growth;
  - (b) Procedures in the event of intentional and accidental damage to planting; and
  - (c) Details of the maintenance regime and methods for all seating, play equipment, pavements, boardwalks, balustrades, rubbish bins, and hard landscaping features.
- 171. The consent holder must undertake maintenance of all amenities in accordance with the approved MMP in perpetuity.

### **Maintenance bond**

- 172. Prior to the issue of a certificate under s.224(c) and in accordance with s.108(2)(b) of the RMA, the consent holder may provide the Council with a refundable bond in respect of the maintenance of the landscape planting works during the establishment phase as required by Condition 42. The maintenance bond will be held for a period of two years from the issue of a practical completion certificate. The amount of the bond will be 1.5 x the contracted rate for maintenance and must be agreed in consultation with the Council. The liability of the consent holder shall not be limited to the amount of the bond.

### **Wastewater Connections**

- 173. The consent holder must design and construct connections to the public wastewater reticulation network to serve the Residential Units in accordance with the requirements of the wastewater utility provider. Certification from the utility provider that works have been satisfactorily undertaken must be provided to council as part of consent monitoring.

#### **Advice Note:**

- a. Acceptable forms of Evidence from the Utility Providers include a Certificate of*

*Acceptance.*

- b. Alterations to the public wastewater reticulation network require Engineering Plan Approval. Additional approval is required from Watercare/Veolia as part of the Engineering Plan Approval Process.*
- c. Public connections are to be constructed in accordance with the Water and Wastewater Code of Practice.*
- d. Plans approved under Resource Consent do not constitute an Engineering Plan Approval and should not be used for the purposes of constructing public reticulation works in the absence of that approval.*

**Water Connections**

174. The consent holder must design and construct connections to the public water reticulation network to serve the Residential Units in accordance with the requirements of the water utility provider. Certification from the utility provider that works have been satisfactorily undertaken must be provided to Council as required.

Advice Note:

- a. Acceptable forms of evidence from the Utility Providers include a Certificate of Acceptance.*
- b. Alterations to the public water reticulation network require Engineering Plan Approval. Additional approval is required from Watercare/ Veolia as part of the Engineering Plan Approval Process.*
- c. Public water supply is required to ensure an acceptable water supply for each lot, including for fire-fighting purposes.*
- d. Public connections are to be constructed in accordance with the Water and Wastewater Code of Practice.*
- e. Plans approved under Resource Consent do not constitute an Engineering Plan Approval and should not be used for the purposes of constructing public reticulation works in the absence of that approval.*

**Circulation and parking areas**

175. Prior to the issue of a certificate under s.224(c), the consent holder must design and construct all vehicle circulation and parking areas in accordance with the final Transport Design Plan approved under Condition 41 in accordance with the Council's Code of Practice for City Infrastructure and Land Development.
176. The design required by Condition 175 must provide for stormwater catchpits and/or slot drains. Where necessary, the provision of kerbing or similar devices/barriers to prevent water flowing on to other properties must be provided.
177. Prior to the issue of a certificate under s.224(c), the consent holder must provide and install road name signage in accordance with Council standards for private laneways and the signage plan approved under condition 45. Names must be as approved by the Council.

Advice notes:

*LINZ requires that private roads within common access lots or lot accesses comprising panhandle access strips and / or reciprocal rights of way easements that serve six (6) or more lots are to be named. LINZ has indicated that a name for the road or private road should be in place before the survey plan of subdivision is approved by the Council under s.223 of the RMA and advises that if no name is in place this could be problematic when titles are later requested.*

*The Consent Holder should obtain evidence of acceptance from LINZ that the proposed names are not duplicated within the Council area before submitting the names to the Council for reporting to the relevant Local Board for approval. In giving its approval, the Local Board will have regard to the relevance of the road names to the locality or determine that the names are otherwise appropriate.*

### **Stormwater Management**

178. The consent holder must install a stormwater system to service all of the impervious surfaces to be developed on the Site including a connection to each of the Residential Units. The design of this system shall be in accordance with the Auckland Council Code of Practice for Land Development and Subdivision.
179. Certification from the utility provider or the Council that works have been satisfactorily undertaken must be provided when applying for a certificate under s.224(c) of the RMA.

### **Service connection - electricity supply**

180. The consent holder must install a reticulated underground electricity supply system to service all the Residential Units with sufficient capacity to service the full extent of development enabled by the Resource Consents. The electrical supply system must be installed in accordance with the requirements of the Auckland Code of Practice for Land Development and Subdivision and the relevant network utility operator. The consent holder must provide confirmation from the network utility operator that the system has been satisfactorily installed in accordance with their requirements when applying for a certificate under s.224(c) of the RMA.

### **Service connection - telecommunications services**

181. The consent holder must install a reticulated underground telecommunications and digital data system to service all the Residential Lots with sufficient capacity to service the full extent of development enabled by the Resource Consents. The system must be installed in accordance with the requirements of the Auckland Code of Practice for Land Development and Subdivision and the relevant network utility operator. The consent holder must provide confirmation from the network utility operator that the system has been installed in accordance with their requirements when applying for a certificate under s.224(c) of the RMA.

### **Unit Title Act Requirements**

182. Prior to the deposit of the unit plan the consent holder shall provide to Council details of how the requirements of the UTA relating to the deposit of a unit plan have been complied with (see s.224(e) of the RMA).
183. Prior to the deposit of the unit plan the consent holder shall provide to the Council all necessary information to satisfy the Council on reasonable grounds that all buildings or

parts of buildings (including buildings under construction) to which the unit title plan relates comply with or will comply with the provisions of the building code described in s.116A of the Building Act 2004 (see s.224(f) of the RMA).

### **Esplanade Strip undertaking**

184. Prior to the deposit of the unit plan, the consent holder shall provide to the Council an irrevocable solicitor's undertaking that the instrument to create the Esplanade Strip will be lodged for registration with the registrar-General of land contemporaneously with the deposit of the unit plan.

### **As Built Plans**

185. Prior to the issue of 224(c), the consent holder will provide to the Development Engineer and Parks Planning Team Leader as built plans for landscape works (hard and soft) within the Esplanade Strip in CAD and pdf form including the following details;

- (a) Asset names.
- (b) All finished hard and soft landscape asset locations and type, and any planted areas must be shown to scale with the square metres of planting, species and number of plants.
- (c) All underground services, irrigation and drainage.
- (d) All paint colours, graffiti coatings, pavers and concrete types with names of products to be included on the assets schedule.

### **Development Covenant**

186. All units on which buildings are to be erected must be subject to a land covenant in gross (building design and construction) in the form included as Appendix 4 to the Bayswater Maritime Precinct Development Summary (Hornabrook Macdonald Lawyers, 14 November 2022). A final form of the land covenant incorporating the following additional matters shall be submitted to the Council for approval prior to the commencement of any building development activities on the Residential Units proposed unit titles.
187. The Development Covenant must include a requirement that the erection or alteration of all buildings on the Residential Units shall be undertaken in accordance with the Development & Construction Management Manual.
188. The Development Covenant must include a requirement that the design of all Terraced Housing Residential Units shall be undertaken in accordance with the Design Manual for Terraced Housing.

### **No-objection Covenants**

189. All units on which buildings are to be erected must be subject to the land covenants in gross (no-objection) in the form included in Appendices 5 and 6 to the Bayswater Maritime Precinct Development Summary (Hornabrook Macdonald Lawyers, 14 November 2022).

### **Stages 2 and 3**

190. Prior to the deposit of the unit plan the consent holder shall provide to Council details of

how the requirements of the UTA relating to the deposit of a unit plan have been complied with (see s. 224(e) of the RMA).

191. Prior to the deposit of the unit plan the consent holder shall provide to the Council all necessary information to satisfy the Council on reasonable grounds that all buildings or parts of buildings (including buildings under construction) to which the unit title plan relates comply with or will comply with the provisions of the building code described in s. 116A of the Building Act 2004 (see s. 224(f) of the RMA).

#### Consent notice conditions

##### **Conditions to be complied with by Body Corporate(s)**

192. The following conditions of land use consent LUC60373250 shall be complied with and registered by way of Consent Notice pursuant to s. 221 of the RMA on the Supplementary Record Sheet for the unit title subdivision (or such other legal mechanism to the satisfaction of the Council so as to bind the Body Corporate(s) in perpetuity):

*The following conditions of LUC60373250 shall be complied with:*

- (a) *Maintenance of lighting plan (Condition 44).*
- (b) *Maintenance of landscaping (Condition 83).*
- (c) *Maintenance of transport features (Condition 41).*
- (d) *Implementation of the WMP (Condition 92).*
- (e) *Implementation of the SOMP (Condition 134).*
- (f) *Implementation of the MMP (Condition 170).*

##### **Conditions to be complied with by specific principal units**

193. The following conditions of LUC60373250 shall be complied with (in respect of the principal units specified below) in perpetuity and shall be registered on the records of title for the principal unit by way of Consent Notice pursuant to s.221 of the RMA, or such other legal mechanism as approved by the Council:

#### All Residential Units (PU1-PU62)

##### *Condition 101*

*No building works shall proceed beyond the foundation stage until a registered surveyor or licensed cadastral surveyor, engaged by the consent holder or owner, has provided written certification to Council that the works:*

- (a) *have been completed in accordance with the approved plans; or*
- (b) *do not exceed the vertical or horizontal extent of any breach, infringement, or non-compliance approved under these Resource Consents.*

##### *Condition 102*

*No building shall proceed beyond the roof framing stage until a registered surveyor or licensed cadastral surveyor, engaged by the consent holder, has provided written certification to Council that the works completed:*

- (c) *have been completed in accordance with the approved plans; or*



- (d) *do not exceed the vertical or horizontal extent of any breach, infringement, or non-compliance approved under these Resource Consents.*

*Condition 89*

*All Noise Sensitive Spaces in residential dwellings must be designed, constructed, and maintained to comply with the requirements of AUP Chapter E25.6.10(b), (d), (e) and (f). All other Noise Sensitive Spaces shall be designed, constructed, and maintained to comply with the requirements of AUP Chapter E25.6.10(c)-(f).*

*PU 13 and 21 (Apartments)*

*Condition 87*

*Apartment building development on the units must be in accordance with the final apartment building design plans approved under Condition 87.*

*Condition 100*

*All ancillary structures (e.g., umbrellas) fixed to the apartment roof terraces must be capable of removal or retraction when not in use.*

*PU1-12, PU14-20, PU22-62 (Terraced Houses)*

*Condition 95*

*All building development on the units must proceed in accordance with the Development & Construction Management Manual and the Design Manual for Terraced Housing as modified by Condition 93.*

*Condition 96*

*Prior to the commencement of construction of any terrace house, the unit holder must provide detailed design drawings for the terrace house and a memorandum prepared by the Design Committee confirming that the design complies with the DMTH to the Council for certification that the proposed terrace house has been designed in accordance with the DMTH. Construction must not commence until Council certification is received.*

*Condition 97*

*All terrace houses must be built in accordance with the detailed design drawings certified by the Council. Any proposed amendments to the detailed design drawings must be submitted to the Council for re-certification, which request must include detailed plans of the amendments and an updating memorandum from the Design Committee confirming that the amendment complies with the DMTH.*

*PU100*

*Condition 103*

*The unit must be available at all times:*

- (a) for the parking of no less than 20 cars with boat trailers attached (spaces to be 16m in length and 3m in width) by users of the boat ramp (provided that up to 9 may be used for the parking of cars only during the period from 1 May to 30 September (at all times) and outside that period, between the hours of 8pm to 6am); and*
- (b) for the parking of no less than 10 cars by visitors to the Bayswater Maritime Precinct,*

*The unit owner is entitled to charge a fee for the use of the spaces for parking. Any charge levied by the owner of the units must be reasonable.*

**Condition 107**

*The unit shall be retained and/or used at all times for marine related activities permitted in the Bayswater Marina Precinct (1504) provisions and the underlying Coastal – Marina Zone.*

## **Advice notes**

### **General Advice Notes**

1. *Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.*
2. *For the purpose of compliance with the conditions of consent, “the council” refers to the council’s monitoring officer unless otherwise specified. Please email [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) to identify your allocated officer.*
3. *For more information on the resource consent process with Auckland Council see the council’s website: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz). General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment’s website: [www.mfe.govt.nz](http://www.mfe.govt.nz).*
4. *If you disagree with the additional charges relating to the processing of the application(s), you have a right of objection pursuant to sections 357A and/or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of your receipt of the council invoice (for s357B).*
5. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.*

### **Engineering Advice Notes**

#### **Building Consents**

6. *It is the responsibility of the consent holder to ensure that all necessary building consents have been obtained, and that these are consistent with the plans and information approved as part of this consent. Building consents are needed as required by the Building Act 2004, including for private wastewater and stormwater works and stormwater mitigation devices.*

*(Engineering Approval is required for any connection to or extension of public services.)*

#### **Engineering Plan Approvals**

7. *Prior to commencement of any public works related on site, the consent holder is required to provide design plans and specifications detailing the following works required in respect to this Land use, to the satisfaction of the Council.*

8. *The engineering plans submitted for approval shall detail all works associated with, and be in accordance with current Council Engineering Standards, including but not limited to;*

- a. *Public Stormwater Reticulation*
- b. *Public Wastewater Reticulation*
- c. *Public Water Reticulation*
- d. *Public Roading works including Private common accessways*

*The Engineering Plan Application forms including lodgement and fees can be found at the following Auckland Council website:*

*<https://www.aucklandcouncil.govt.nz/building-and-consents/engineering-approvals/Pages/default.aspx>*

*Groundwater Advice Note*

9. *The Consent Holder is advised that the discharge of pumped groundwater to a stormwater system or waterbody will need to comply with any other regulations, bylaws or discharge rules that may apply.*

## Appendix A

### Development Plans

Plan Title	Author	Rev	Dated
Plan titled: "(Scheme Plan A) Draft Unit Plan Proposed Units on Lot 1 DP 39604"	Hampson & Associates Ltd	20	October 2023
Plan titled: "(Scheme Plan B) Subsidiary Unit Title Subdivision of Units 13, 21 & 46 As Shown on Scheme Plan A"	Hampson & Associates Ltd	20	October 2023
Plan titled: "BAYSWATER MARITIME PRECINCT – LANDSCAPE MASTERPLAN OCTOBER 2023"	Boffa Miskell	-	October 2023
Plan titled: "BAYSWATER MARITIME PRECINCT – AREAS PLAN"	Boffa Miskell	E	07/11/2022
Plan titled: "South Apartment Plans   200 GA Plans  " (839-RC350)	PB&A Architects	H	09/11/2022
Plan titled: "South Apartment Plans   200 GA Plans  " (839-RC351)	PB&A Architects	E	13/07/2022
Plan titled: "Central Apartment Plans   200 GA Plans  " (839-RC360)	PB&A Architects	H	09/11/2022
Plan titled: "Central Apartment Plans   200 GA Plans  " (839-RC361)	PB&A Architects	E	13/07/2022
Plan titled: "Central Apartment Plans   200 GA Plans  " (839-RC362)	PB&A Architects	E	13/07/2022
Plan titled: "South Apartment Elevations   300 Elevations & Sections  " (839-RC450)	PB&A Architects	C	13/07/2022
Plan titled: "South Apartment Elevations   300 Elevations & Sections  " (839-RC451)	PB&A Architects	C	13/07/2022
Plan titled: "Central Apartment Elevations   300 Elevations & Sections  " (839-RC460)	PB&A Architects	C	13/07/2022
Plan titled: "Central Apartments Elevations   300 Elevations & Sections  " (839-RC461)	PB&A Architects	C	13/07/2022
Plan titled: "EXISTING CONDITIONS & DEMOLITION OVERVIEW" DWG No. 100	Aireys Consultants Ltd	C	01/11/2022
Plan titled: "EXISTING CONDITIONS & DEMOLITION 1 OF 4" DWG No. 101	Aireys Consultants Ltd	C	01/11/2022
Plan titled: "EXISTING CONDITIONS & DEMOLITION 2 OF 4" DWG No. 102	Aireys Consultants Ltd	C	01/11/2022
Plan titled: "EXISTING CONDITIONS & DEMOLITION 3 OF 4" DWG No. 103	Aireys Consultants Ltd	C	01/11/2022

Plan titled: <i>"EXISTING CONDITIONS &amp; DEMOLITION 4 OF 4"</i> DWG No. 104	Aireys Consultants Ltd	C	01/11/2022
Plan titled: <i>"TYPICAL TERRACE HOUSE CONNECTION ARRANGEMENT"</i> DWG No. 120	Aireys Consultants Ltd	C	01/11/2022
Plan titled: <i>"EXISTING FUEL LINE LONGSECTION"</i> DWG No. 130	Aireys Consultants Ltd	A	01/11/2022
Plan titled: <i>"PROPOSED OVERALL STAGING PLAN"</i> DWG No. 150	Aireys Consultants Ltd	D	01/11/2022
Plan titled: <i>"COASTAL INUNDATION PLAN – PROPOSED LEVELS"</i> DWG No. 180	Aireys Consultants Ltd	D	01/11/2022
Plan titled: <i>"COASTAL INUNDATION PLAN – EXISTING LEVELS"</i> DWG No. 181	Aireys Consultants Ltd	D	01/11/2022
Plan titled: <i>"PROPOSED CONTOURS OVERVIEW"</i> DWG No. 200	Aireys Consultants Ltd	D	01/11/2022
Plan titled: <i>"PROPOSED CONTOURS 1 OF 4"</i> DWG No. 201	Aireys Consultants Ltd	D	01/11/2022
Plan titled: <i>"PROPOSED CONTOURS 2 OF 4"</i> DWG No. 202	Aireys Consultants Ltd	D	01/11/2022
Plan titled: <i>"PROPOSED CONTOURS 3 OF 4"</i> DWG No. 203	Aireys Consultants Ltd	D	01/11/2022
Plan titled: <i>"PROPOSED CONTOURS 4 OF 4"</i> DWG No. 204	Aireys Consultants Ltd	D	01/11/2022
Plan titled: <i>"CUT AND FILL OVERVIEW"</i> DWG No. 210	Aireys Consultants Ltd	D	01/11/2022
Plan titled: <i>"CUT AND FILL 1 OF 4"</i> DWG No. 211	Aireys Consultants Ltd	D	01/11/2022
Plan titled: <i>"CUT AND FILL 2 OF 4"</i> DWG No. 212	Aireys Consultants Ltd	D	01/11/2022
Plan titled: <i>"CUT AND FILL 3 OF 4"</i> DWG No. 213	Aireys Consultants Ltd	D	01/11/2022
Plan titled: <i>"CUT AND FILL 4 OF 4"</i> DWG No. 214	Aireys Consultants Ltd	D	01/11/2022
Plan titled: <i>"EARTHWORKS CROSS-SECTIONS"</i> DWG No. 220	Aireys Consultants Ltd	D	01/11/2022

Plan titled: "TERRACE HOUSE EXCAVATION – TEMPORARY TIMBER POLE RETAINING WALL" DWG No. 221	Aireys Consultants Ltd	C	01/11/2022
Plan titled: "GABION BASKET RETAINING WALL" DWG No. 222	Aireys Consultants Ltd	C	01/11/2022
Plan titled: "GANGWAY PLATFORM TYPICAL DETAILS" DWG No. 223	Aireys Consultants Ltd	C	01/11/2022
Plan titled: "PLATFORM BALUSTRADE DETAILS" DWG No. 224	Aireys Consultants Ltd	C	01/11/2022
Plan titled: "MARINA GANGWAY TYPICAL SECTION" DWG No. 228	Aireys Consultants Ltd	A	01/11/2022
Plan titled: "EROSION & SEDIMENT OVERVIEW" DWG No. 230	Aireys Consultants Ltd	D	01/11/2022
Plan titled: "EROSION & SEDIMENT 1 OF 4" DWG No. 231	Aireys Consultants Ltd	D	01/11/2022
Plan titled: "EROSION & SEDIMENT 2 OF 4" DWG No. 232	Aireys Consultants Ltd	D	01/11/2022
Plan titled: "EROSION & SEDIMENT 3 OF 4" DWG No. 233	Aireys Consultants Ltd	D	01/11/2022
Plan titled: "EROSION & SEDIMENT 4 OF 4" DWG No. 234	Aireys Consultants Ltd	D	01/11/2022
Plan titled: "EROSION & SEDIMENT STANDARD DETAILS 1 OF 2" DWG No. 235	Aireys Consultants Ltd	C	01/11/2022
Plan titled: "EROSION & SEDIMENT STANDARD DETAILS 2 OF 2" DWG No. 236	Aireys Consultants Ltd	C	01/11/2022
Plan titled: "PROPOSED RETAINING WALL OVERVIEW" DWG No. 240	Aireys Consultants Ltd	D	01/11/2022
Plan titled: "PROPOSED RETAINING WALL 1 OF 4" DWG No. 241	Aireys Consultants Ltd	D	01/11/2022
Plan titled: "PROPOSED RETAINING WALL 2 OF 4" DWG No. 242	Aireys Consultants Ltd	D	01/11/2022
Plan titled: "PROPOSED RETAINING WALL 3 OF 4" DWG No. 243	Aireys Consultants Ltd	D	01/11/2022
Plan titled: "PROPOSED RETAINING WALL 4 OF 4" DWG No. 244	Aireys Consultants Ltd	D	01/11/2022

Plan titled: " <i>PROPOSED ROADING</i> " DWG No. 300	Aireys Consultants Ltd	D	01/11/2022
Plan titled: " <i>PROPOSED ROADING 1 OF 4</i> " DWG No. 301	Aireys Consultants Ltd	D	01/11/2022
Plan titled: " <i>PROPOSED ROADING 2 OF 4</i> " DWG No. 302	Aireys Consultants Ltd	D	01/11/2022
Plan titled: " <i>PROPOSED ROADING 3 OF 4</i> " DWG No. 303	Aireys Consultants Ltd	D	01/11/2022
Plan titled: " <i>PROPOSED ROADING 4 OF 4</i> " DWG No. 304	Aireys Consultants Ltd	D	01/11/2022
Plan titled: " <i>NORTH STREET LONGSECTION</i> " DWG No. 305	Aireys Consultants Ltd	D	01/11/2022
Plan titled: " <i>LINK STREET &amp; CROSS STREET LONGSECTION</i> " DWG No. 306	Aireys Consultants Ltd	D	01/11/2022
Plan titled: " <i>SIR PETER BLAKE PARADE LONGSECTION</i> " DWG No. 307	Aireys Consultants Ltd	D	01/11/2022
Plan titled: " <i>SOUTH STREET LONGSECTION</i> " DWG No. 308	Aireys Consultants Ltd	D	01/11/2022
Plan titled: " <i>NORTHERN MEWS PLAN AND LONGSECTION</i> " DWG No. 309	Aireys Consultants Ltd	D	01/11/2022
Plan titled: " <i>SOUTHERN MEWS PLAN AND LONGSECTION</i> " DWG No. 310	Aireys Consultants Ltd	D	01/11/2022
Plan titled: " <i>OVERALL STORMWATER PLAN</i> " DWG No. 400	Aireys Consultants Ltd	D	01/11/2022
Plan titled: " <i>STORMWATER PLAN 1 OF 4</i> " DWG No. 401	Aireys Consultants Ltd	D	01/11/2022
Plan titled: " <i>STORMWATER PLAN 2 OF 4</i> " DWG No. 402	Aireys Consultants Ltd	D	01/11/2022
Plan titled: " <i>STORMWATER PLAN 3 OF 4</i> " DWG No. 403	Aireys Consultants Ltd	D	01/11/2022
Plan titled: " <i>STORMWATER PLAN 4 OF 4</i> " DWG No. 404	Aireys Consultants Ltd	D	01/11/2022
Plan titled: " <i>STORMWATER TYPICAL DETAILS</i> " DWG No. 420	Aireys Consultants Ltd	C	01/11/2022

Plan titled: "STORMWATER CATCHMENT PLAN - OVERLAND FLOW" DWG No. 430	Aireys Consultants Ltd	D	01/11/2022
Plan titled: "STORMWATER CATCHMENT PLAN - PIPE NETWORK" DWG No. 431	Aireys Consultants Ltd	D	01/11/2022
Plan titled: "OVERLAND FLOW PATH CROSS-SECTIONS" DWG No. 435	Aireys Consultants Ltd	D	01/11/2022
Plan titled: "OVERALL WASTEWATER PLAN" DWG No. 500	Aireys Consultants Ltd	D	01/11/2022
Plan titled: "WASTEWATER PLAN 1 OF 4" DWG No. 501	Aireys Consultants Ltd	D	01/11/2022
Plan titled: "WASTEWATER PLAN 2 OF 4" DWG No. 502	Aireys Consultants Ltd	D	01/11/2022
Plan titled: "WASTEWATER PLAN 3 OF 4" DWG No. 503	Aireys Consultants Ltd	D	01/11/2022
Plan titled: "WASTEWATER PLAN 4 OF 4" DWG No. 504	Aireys Consultants Ltd	D	01/11/2022
Plan titled: "WASTEWATER LONGITUDINAL SECTIONS 1 OF 2" DWG No. 510	Aireys Consultants Ltd	D	01/11/2022
Plan titled: "WASTEWATER LONGITUDINAL SECTIONS 2 OF 2" DWG No. 511	Aireys Consultants Ltd	D	01/11/2022
Plan titled: "WASTEWATER PUMP STATION" DWG No. 520	Aireys Consultants Ltd	C	01/11/2022
Plan titled: "OVERALL WATER SUPPLY PLAN" DWG No. 600	Aireys Consultants Ltd	D	01/11/2022
Plan titled: "WATER SUPPLY PLAN 1 OF 4" DWG No. 601	Aireys Consultants Ltd	D	01/11/2022
Plan titled: "WATER SUPPLY PLAN 2 OF 4" DWG No. 602	Aireys Consultants Ltd	D	01/11/2022
Plan titled: "WATER SUPPLY PLAN 3 OF 4" DWG No. 603	Aireys Consultants Ltd	D	01/11/2022
Plan titled: "WATER SUPPLY PLAN 4 OF 4" DWG No. 604	Aireys Consultants Ltd	D	01/11/2022
Plan titled: "PROPOSED PARKING ALLOCATION SHEET 1 OF 1"	Stantec	B	07/11/2022



Plan titled: "BOAT AND TRAILER MANOEUVRING – CENTRAL PRECINCT" Figure 1.1	Stantec	A	07/11/2022
Plan titled: "BOAT AND TRAILER MANOEUVRING – CENTRAL PRECINCT" Figure 1.2	Stantec	A	07/11/2022
Plan titled: "BOAT RAMP MANOEUVRING – BAYSWATER REVISED PROPOSAL" Figure 2.1	Stantec	A	07/11/2022
Plan titled: "BOAT RAMP MANOEUVRING COMPARISONS – TAKAPUNA" Figure 3.1	Stantec	A	07/11/2022
Plan titled: "BOAT RAMP MANOEUVRING COMPARISONS – BUCKLANDS BEACH" Figure 3.2	Stantec	A	07/11/2022

<b>Report title and reference</b>	<b>Author</b>	<b>Rev</b>	<b>Dated</b>
Application Form and Assessment of Environmental Effects prepared by Craig Shearer of Shearer Consulting Limited and dated 31 <sup>st</sup> August 2021.	-	-	-
Report titled: <i>"Engineering &amp; Infrastructure Report to Support A Resource Consent Application for the Proposed Bayswater Maritime Precinct Development 21 Sir Peter Blake Parade, Bayswater"</i>	Airey Consultants Ltd	A	February 2021
Report titled: <i>"Wastewater Servicing Assessment for the Proposed Bayswater Maritime Precinct Development 21 Sir Peter Blake Parade, Bayswater"</i>	Airey Consultants Ltd	B	December 2020
Report titled: <i>'Bayswater Maritime Precinct Transportation Assessment'</i>	Stantec	04	February 2021
Report titled: <i>"Transport Response to Section 92 Further Request Bayswater Marina"</i>	Stantec	V4	January 2022
Report titled: <i>'Bayswater Maritime Precinct Addendum Transportation Assessment'</i>	Stantec	3	July 2022
Report titled: <i>'Bayswater Maritime Precinct Acoustic Assessment'</i>	Marshall Day Acoustics	05	24 February 2021
Report titled: <i>'Bayswater Maritime Precinct Landscape Concept Package Updated In Response to Council Further s92 Requests'</i>	Boffa Miskell	3	July 2022
Report titled: <i>"Bayswater Marina – Landscape, Natural Character and Visual Assessment"</i>	Boffa Miskell	1	February 2021
Report titled: <i>"Bayswater Marina – Landscape and Visual Effects Assessment – Graphic Supplement"</i>	Boffa Miskell	-	August 2021
Report titled: <i>'Bayswater Maritime Precinct Urban Design Report'</i>	McIndoe Urban	-	24/02/2021
Report titled: <i>'Bayswater Maritime Precinct Design Manual for Terraced Housing'</i>	McIndoe Urban	7	10/11/2022

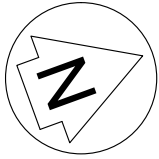
Report titled: <i>'Urban Design Response Bayswater Maritime Precinct'</i>	McIndoe Urban	-	21/12/2021
Memorandum titled: <i>"Urban Design Memo"</i>	McIndoe Urban	-	30/06/2022
Report titled: <i>'Geotechnical Investigation Report – Bayswater Maritime Precinct'</i>	KGA Geotechnical	-	18/02/2021
Report titled: <i>'Cultural Impact Assessment – Empire Capital Limited Bayswater Marina'</i>	Ngāi Tai Ki Tāmaki	-	27/04/2018
Report titled: <i>"Bayswater Marina Economic Response to s92 RFI"</i>	Property Economics Ltd	-	January 2022
Report titled: <i>"Construction Management Plan for the Proposed Bayswater Maritime Precinct Development 21 Sir Peter Blake Parade, Bayswater"</i>	Aireys Consultants Ltd	C	December 2021
Memorandum titled: <i>"Re: BUN603733119 Bayswater Marina"</i>	Aireys Consultants Ltd	-	13/12/2021
Memorandum titled: <i>"Re: BUN603733119 – Bayswater Maritime Village – Updated Civil Engineering Drawings"</i>	Aireys Consultants Ltd	-	21/06/2022
Memorandum titled: <i>"Bayswater Marina Ecology Input"</i>	4Sight Consulting Ltd	-	21/01/2022
Report titled: <i>"Arboricultural Assessment of the Proposed Bayswater Marine Precinct Development"</i>	Peers Brown Miller Ltd	-	19/05/2021
Report titled: <i>"Section 92 Response for the Proposed Bayswater Marine Precinct Development"</i>	Peers Brown Miller Ltd	-	20/08/2021
Report titled: <i>"Development Summary"</i>	Hornabrook Macdonald Lawyers	-	14/11/2022

<b>Correspondence</b>	<b>Author</b>	<b>Rev</b>	<b>Dated</b>
Letter titled: <i>"Bayswater Marina Holdings Limited – Application for additional resource consents and assessment of environmental effects"</i>	Shearer Consulting	-	17/01/2022
Letter titled: <i>"Bayswater Marina Holdings Limited BUN60373319S92 – Submission Points Further information"</i>	Shearer Consulting	-	21/01/2022
Letter titled: <i>"Bayswater Marina Holdings Limited (BMHL) – Application and assessment of environmental effects"</i>	Shearer Consulting	-	30/06/2022
Letter titled: <i>"Resource Consent Application number: BUN603733119, Bayswater Marina Holdings Limited (BMHL)"</i>	Shearer Consulting	-	01/07/2022
Letter titled: <i>"Unit Title Subdivision for Bayswater Maritime Village Over Lot 1 DP 309604 Bayswater Marina for Bayswater Marina Holdings Ltd"</i>	Rogan Hampson, Hampson & Associates Ltd	-	01/02/2021

Letter titled: <i>"BUN603733119 – Bayswater Marina Development Request For More Information: Piling Noise"</i>	Curt Robinson, Marshall Day Acoustics	-	11/01/2022
Email titled: <i>"Bayswater Marina – Seabird Peer Review"</i>	Gerry Kessels, Bluewattle Ecology	-	21/01/2022
Letter titled: <i>"Bayswater Marina Coastal Assessment Letter"</i>	Craig Davis, Davis Coastal Consultants	-	30/05/2022

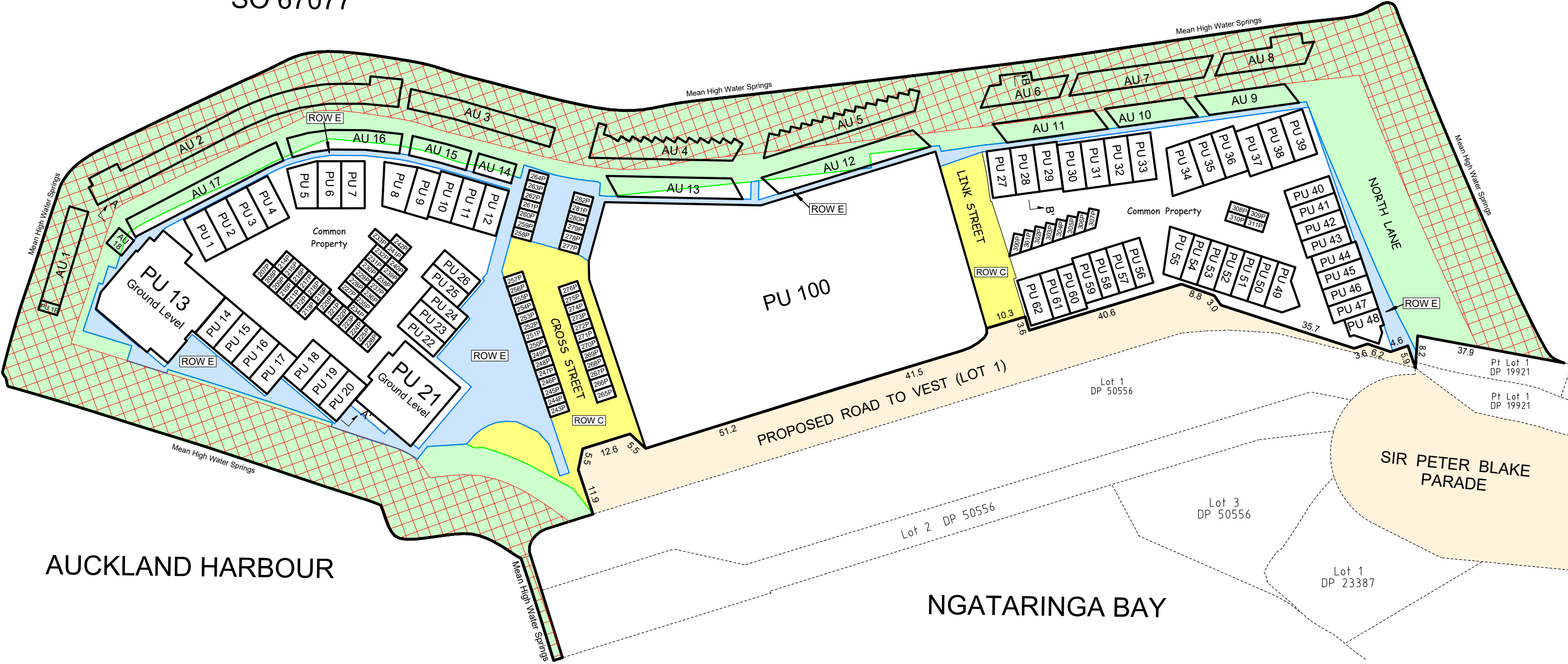
Appendix B

- Notes:
- 1)PU 13 & PU 21 are residential apartment buildings and subject to Subsidiary Unit Title Subdivision.
  - 2)There is no PU 2P to PU 206P or PU 281P to PU 299p on this plan.
  - 3)Car park layouts & building outlines shown hereon are in accordance with digital data supplied by Boffa Miskell on 25/10/2022 Revision D.



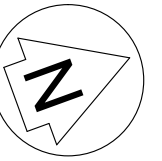
SHOAL BAY

Pt HARBOUR BED  
SO 67077



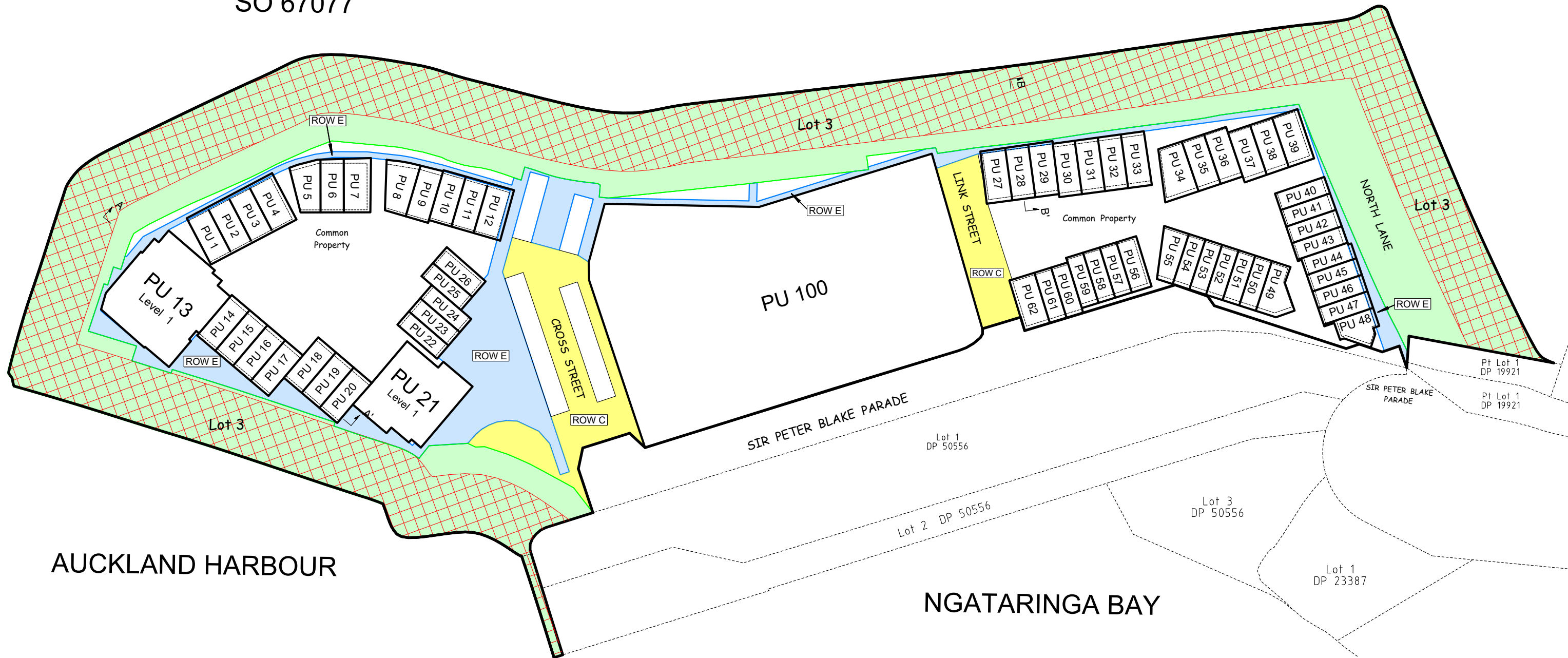
- Proposed Esplanade Strip
- Existing 15.0m wide Coastal Access Strip
- Proposed ROW C (Public Access Areas)
- Proposed ROW E (Public Pedestrian Access)

PLAN AT EXTERNAL GROUND LEVEL  
See Details on Sheets 3 to 5



SHOAL BAY

Pt HARBOUR BED  
SO 67077



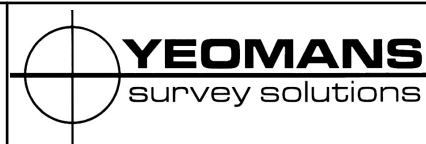
AUCKLAND HARBOUR

NGATARINGA BAY

**PLAN AT EXTERNAL GROUND LEVEL  
+2.0m AND ABOVE**

See Details on Sheets 6 to 8

Land District : North Auckland  
Firm : Yeomans Survey Solutions Limited  
Surveyor :

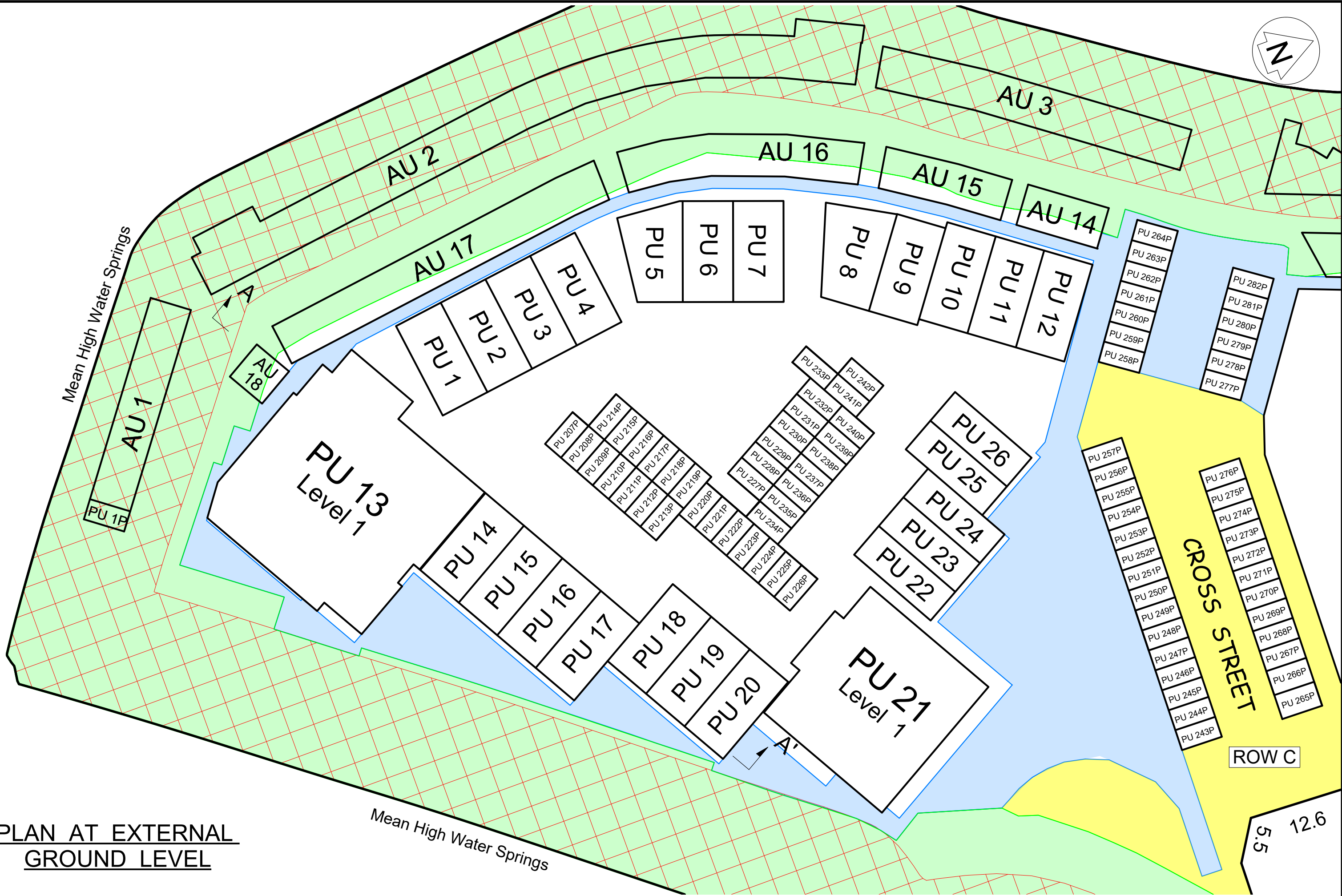


(SCHEME PLAN A)  
DRAFT UNIT PLAN  
PROPOSED UNITS ON LOT 1 DP 309604

Territorial Authority : Auckland Council  
Date : October 2023  
File : 8742 DUT

Supporting Document Title  
Plan Graphic Sheet 2 of 10  
**Rev 20**



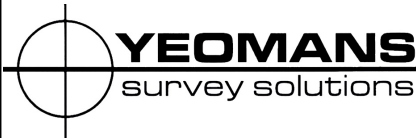


PLAN AT EXTERNAL  
GROUND LEVEL

Land District : North Auckland

Firm : Yeomans Survey Solutions Limited

Surveyor :



(SCHEME PLAN A)  
DRAFT UNIT PLAN  
PROPOSED UNITS ON LOT 1 DP 309604

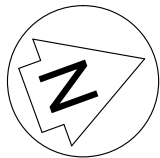
Territorial Authority : Auckland Council

Date : October 2023

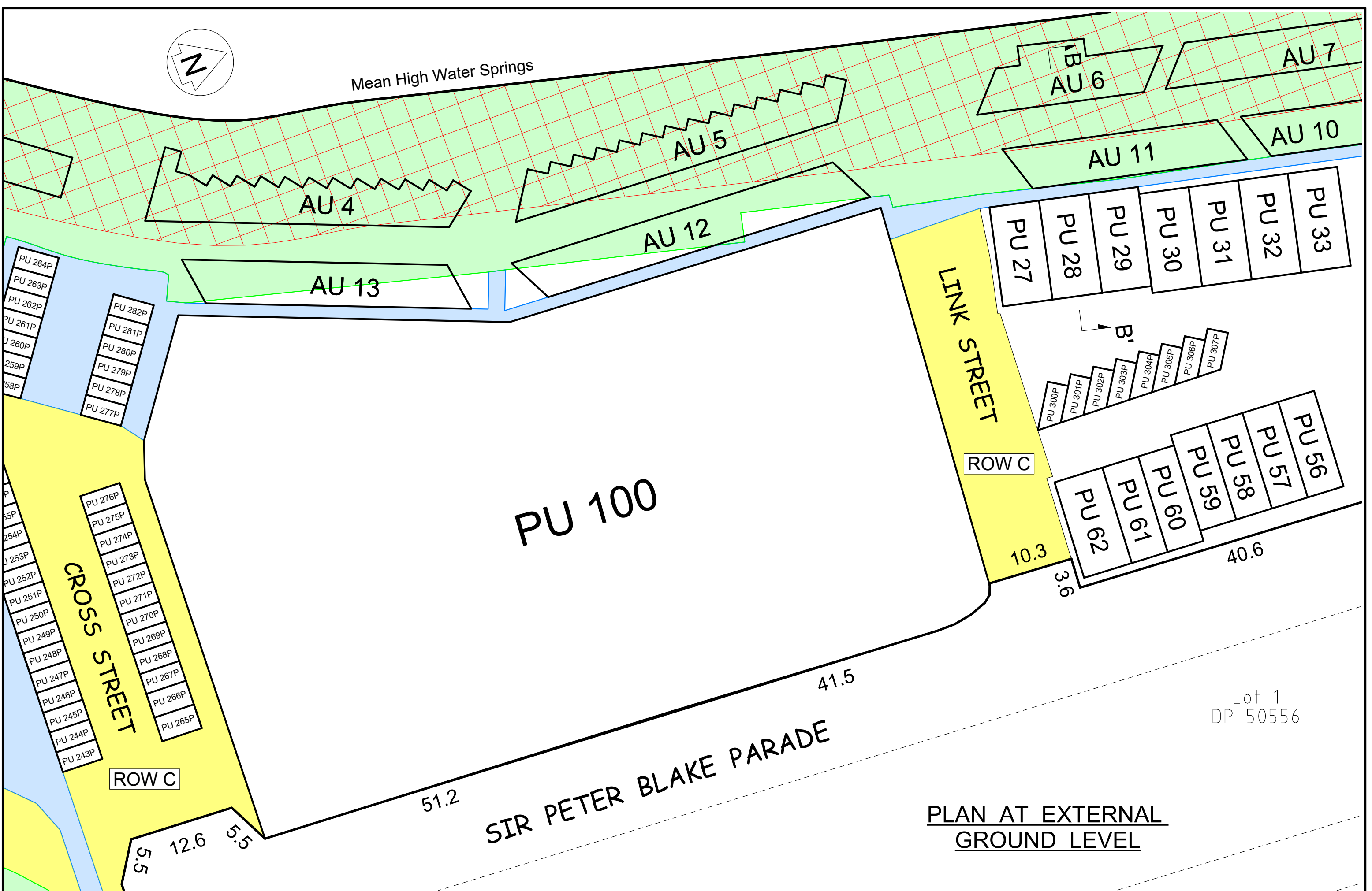
File : 8742 DUT

Supporting Document Title  
Plan Graphic Sheet 3 of 10

Rev 20



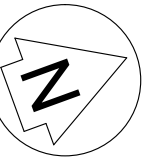
Mean High Water Springs



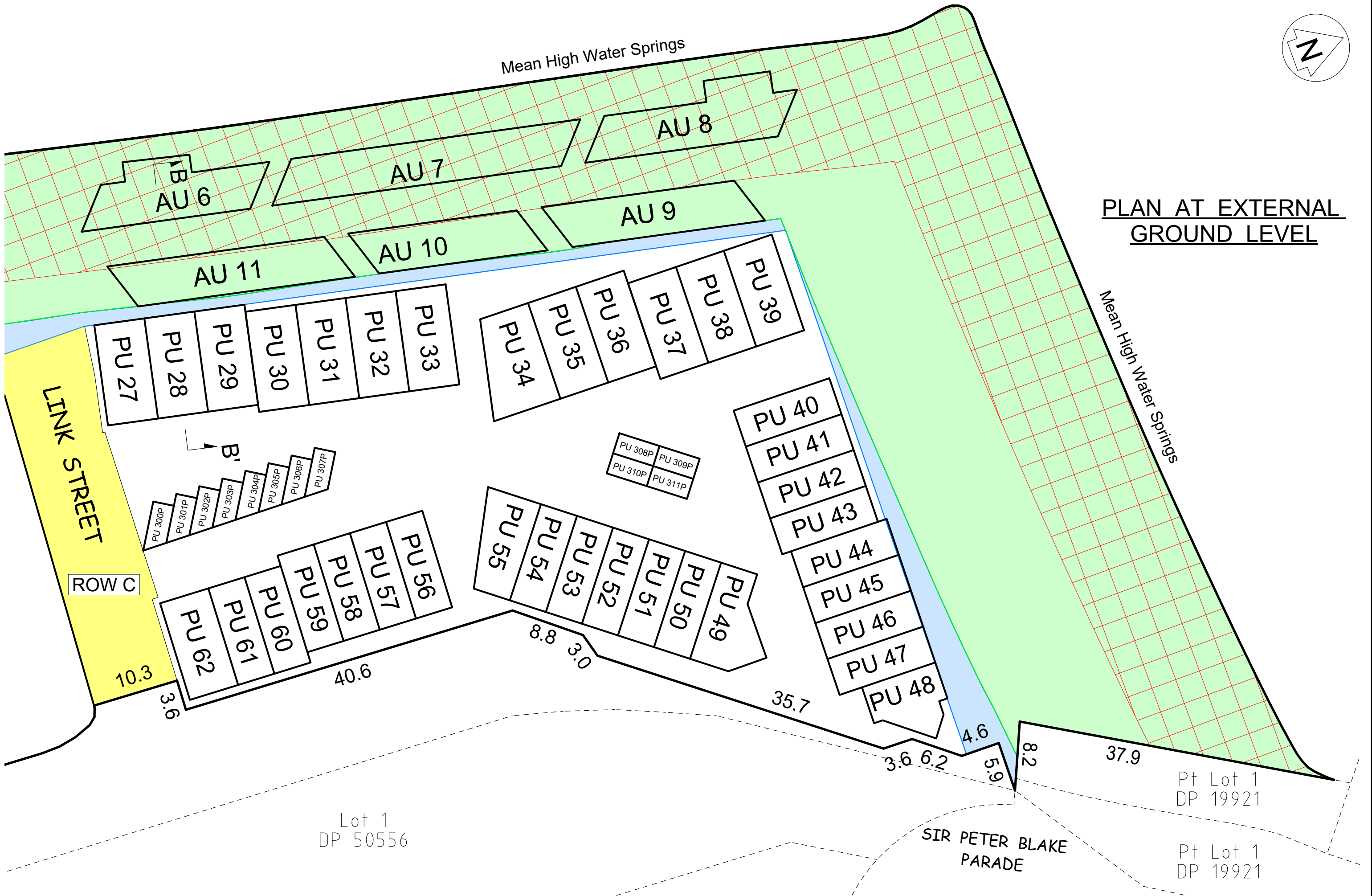
Lot 1  
DP 50556

PLAN AT EXTERNAL  
GROUND LEVEL

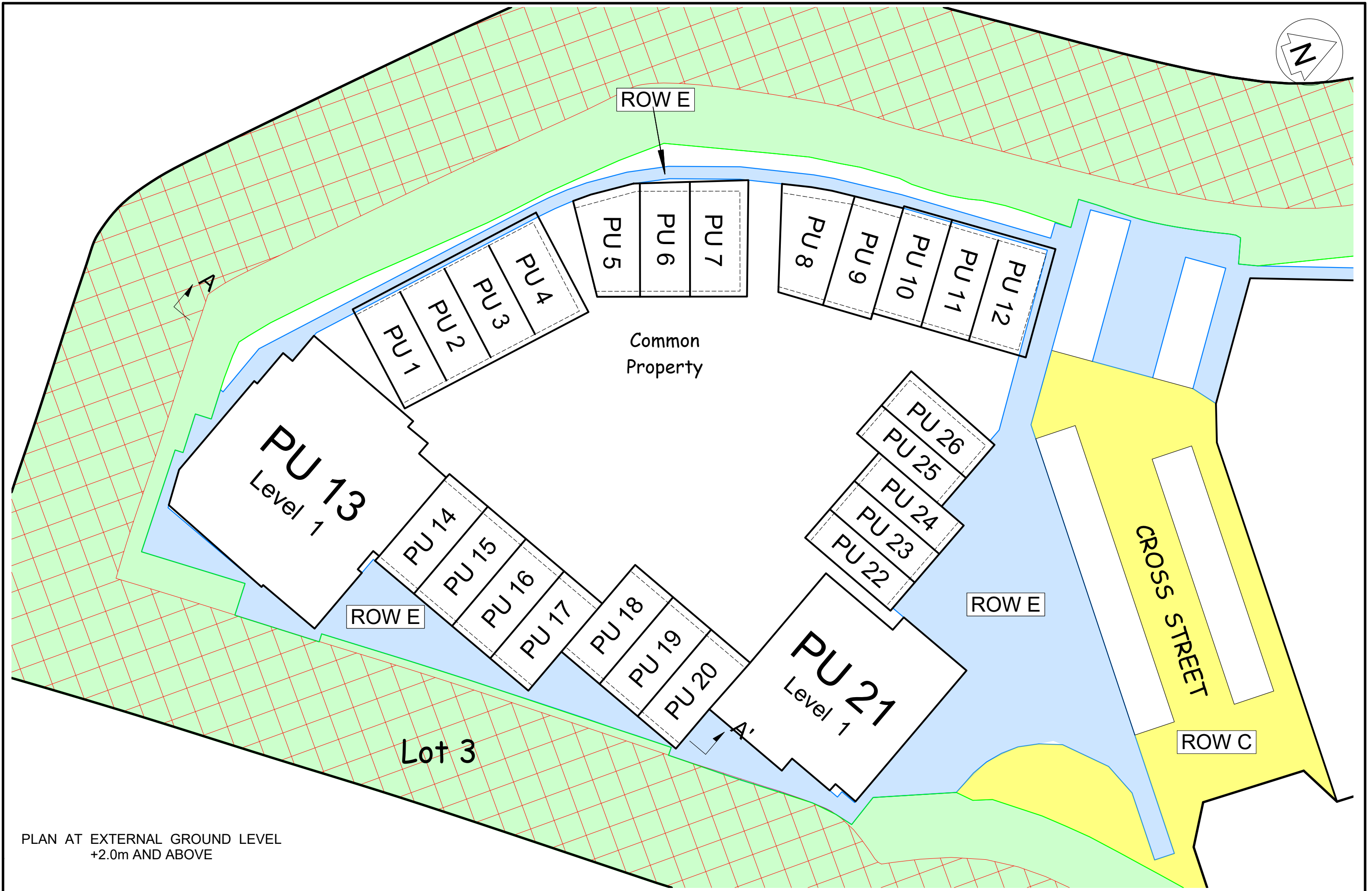




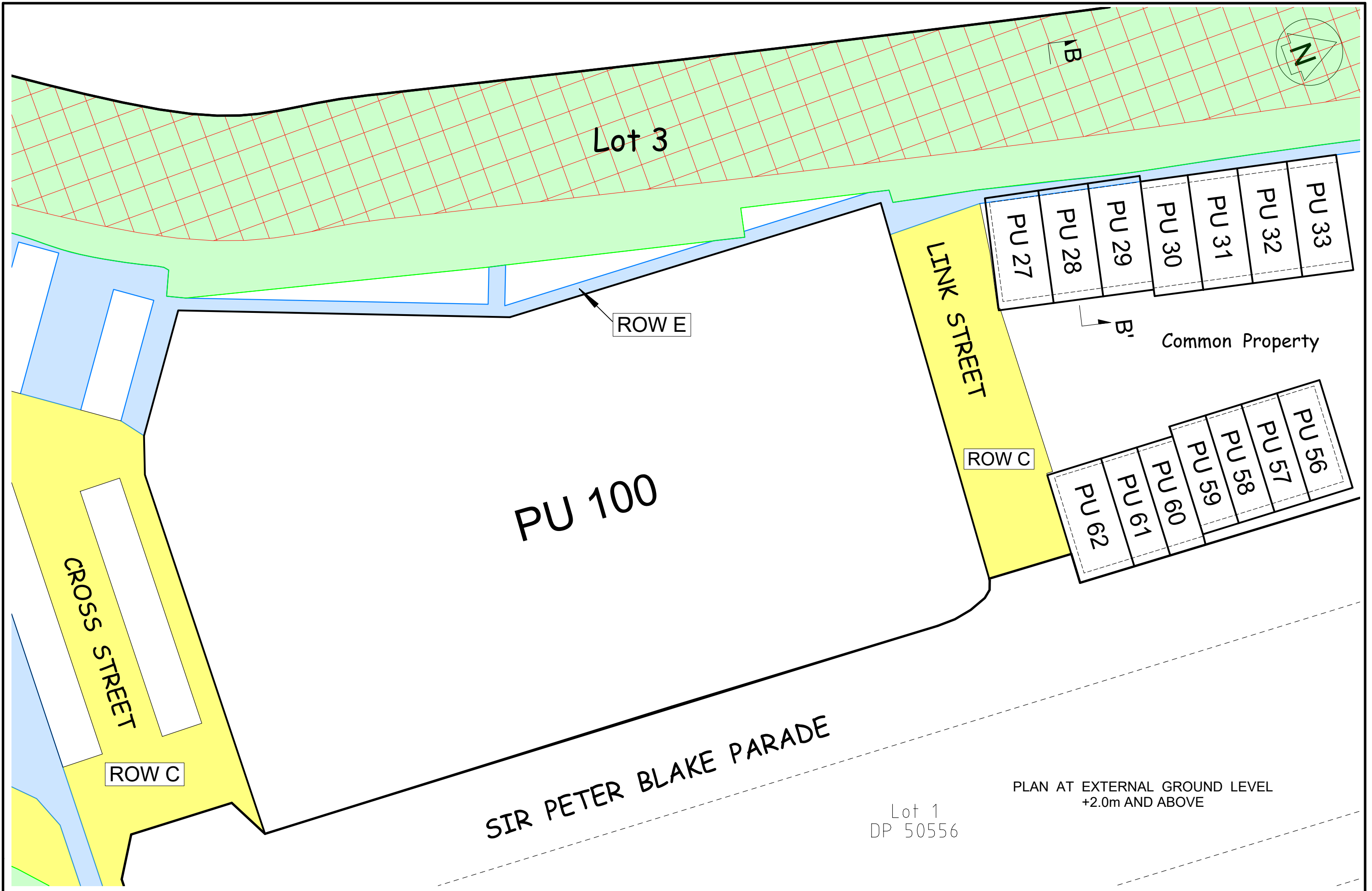
**PLAN AT EXTERNAL  
GROUND LEVEL**

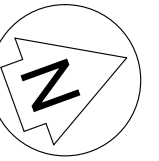




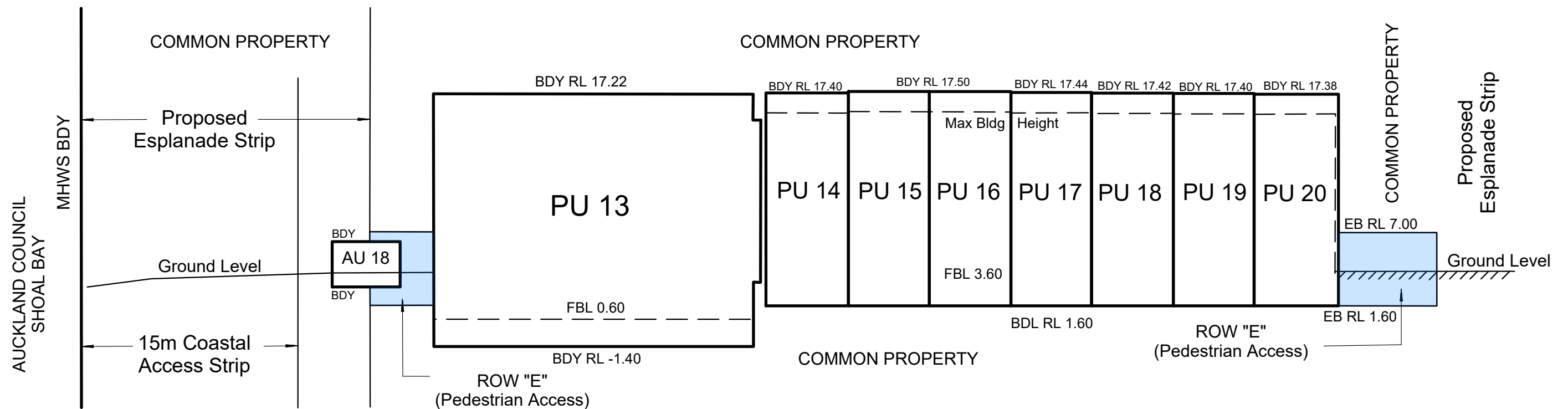
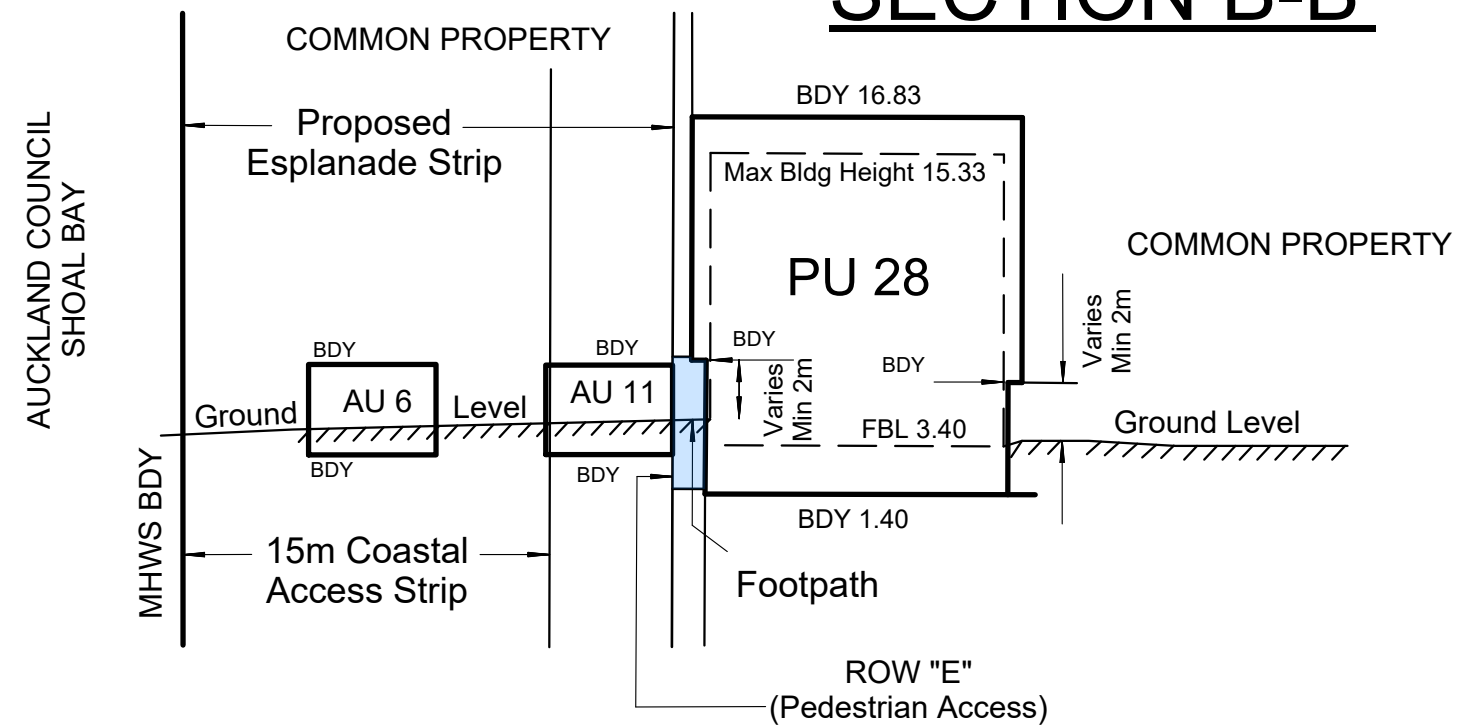


PLAN AT EXTERNAL GROUND LEVEL  
+2.0m AND ABOVE





## SECTION B-B'



## SECTION A-A'



Bayswater Maritime Village - BUILDING HEIGHT CONTROLS

Note: Levels are in Terms of Auckland Vertical datum 1946

Unit Number	Proposed Design FBL (Lowest FL)	Proposed Lower Unit Boundary Limit (FBL - 2m)	Average Ground Level Calculated	Permitted Height (+12m) AUP	Upper Unit Boundary Limit (AUP +1.5m)
PU 1	3.60	1.60	3.57	15.57	17.07
PU 2	3.60	1.60	3.50	15.50	17.00
PU 3	3.60	1.60	3.45	15.45	16.95
PU 4	3.60	1.60	3.38	15.38	16.88
PU 5	3.50	1.50	3.25	15.25	16.75
PU 6	3.50	1.50	3.28	15.28	16.78
PU 7	3.50	1.50	3.31	15.31	16.81
PU 8	3.40	1.40	3.35	15.35	16.85
PU 9	3.40	1.40	3.44	15.44	16.94
PU 10	3.40	1.40	3.48	15.48	16.98
PU 11	3.40	1.40	3.49	15.49	16.99
PU 12	3.40	1.40	3.50	15.50	17.00
Block 13	0.60	-1.40	3.72	15.72	17.22
PU 14	3.60	1.60	3.90	15.90	17.40
PU 15	3.60	1.60	4.00	16.00	17.50
PU 16	3.60	1.60	4.00	16.00	17.50
PU 17	3.60	1.60	3.94	15.94	17.44
PU 18	3.60	1.60	3.92	15.92	17.42
PU 19	3.60	1.60	3.90	15.90	17.40
PU 20	3.60	1.60	3.88	15.88	17.38
Block 21	0.70	-1.30	4.11	16.11	17.61
PU 22	3.40	1.40	4.19	16.19	17.69
PU 23	3.40	1.40	4.15	16.15	17.65
PU 24	3.40	1.40	4.04	16.04	17.54
PU 25	3.40	1.40	4.03	16.03	17.53
PU 26	3.40	1.40	3.96	15.96	17.46
PU 27	3.40	1.40	3.31	15.31	16.81
PU 28	3.40	1.40	3.33	15.33	16.83
PU 29	3.40	1.40	3.32	15.32	16.82
PU 30	3.50	1.50	3.31	15.31	16.81
PU 31	3.50	1.50	3.32	15.32	16.82
PU 32	3.50	1.50	3.34	15.34	16.84
PU 33	3.50	1.50	3.38	15.38	16.88
PU 34	3.60	1.60	3.55	15.55	17.05
PU 35	3.60	1.60	3.53	15.53	17.03
PU 36	3.60	1.60	3.49	15.49	16.99
PU 37	3.70	1.70	3.44	15.44	16.94
PU 38	3.70	1.70	3.40	15.40	16.90
PU 39	3.70	1.70	3.38	15.38	16.88
PU 40	4.00	2.00	3.75	15.75	17.25
PU 41	4.00	2.00	3.78	15.78	17.28
PU 42	4.00	2.00	3.83	15.83	17.33
PU 43	4.00	2.00	3.90	15.90	17.40

Bayswater Maritime Village - BUILDING HEIGHT CONTROLS

Note: Levels are in Terms of Auckland Vertical datum 1946

Unit Number	Proposed Design FBL (Lowest FL)	Proposed Lower Unit Boundary Limit (FBL - 2m)	Average Ground Level Calculated	Permitted Height (+12m) AUP	Upper Unit Boundary Limit (AUP +1.5m)
PU 44	4.00	2.00	4.00	16.00	17.50
PU 45	4.00	2.00	4.09	16.09	17.59
PU 46	4.00	2.00	4.13	16.13	17.63
PU 47	4.00	2.00	4.16	16.16	17.66
PU 48	4.00	2.00	4.21	16.21	17.71
PU 49	3.60	1.60	4.15	16.15	17.65
PU 50	3.60	1.60	4.05	16.05	17.55
PU 51	3.60	1.60	4.03	16.03	17.53
PU 52	3.60	1.60	4.01	16.01	17.51
PU 53	3.60	1.60	3.92	15.92	17.42
PU 54	3.60	1.60	3.84	15.84	17.34
PU 55	3.60	1.60	3.82	15.82	17.32
PU 56	3.50	1.50	3.73	15.73	17.23
PU 57	3.50	1.50	3.73	15.73	17.23
PU 58	3.50	1.50	3.72	15.72	17.22
PU 59	3.50	1.50	3.72	15.72	17.22
PU 60	3.40	1.40	3.80	15.80	17.30
PU 61	3.40	1.40	3.78	15.78	17.28
PU 62	3.40	1.40	3.77	15.77	17.27

NOTES:

1./  
THE ESPLANADE STRIP IS AREAS "A" & "D"  
THE OFFSET (WIDTH) DIMENSIONS ARE SHOWN ON DP 549556

2./  
RIGHT OF WAY "C" & RIGHT OF WAY "E"  
ARE WITHIN COMMON PROPERTY

3./  
RIGHT OF WAY "E" IS THREE DIMENSIONAL IN NATURE  
ADJACENT PU's 10 - 12, 27 - 29, 39 & 44 - 48..  
(SEE SECTION B-B') FOR TYPICAL.

4./  
THE BUILDING FOOTPRINT SHAPE SHOWN AS PECKED LINES  
FOR THE TERRACED HOUSES ARE AS FOLLOWS:

PU1 - PU4, PU6 - PU7, PU9 - PU12, PU14 - PU20, PU27 - PU33  
PU35 - PU39 & PU62.  
(ARE 6.0m X 12.0m)

PU 61 (IS 10.50m X 12.0m)

PU22- PU26, PU40 - PU47, PU50 - PU54, PU56 - PU61  
(ARE 4.5m X 12.0m)

PU's 5, 8, 34, 48, 49 & 55  
ARE IRREGULAR SHAPES.

5./  
PU 13 & PU21  
ARE APARTMENT BLOCKS AND SUBJECT TO  
SUBSIDIARY UNIT TITLE SUBDIVISION.

6./  
UPPER LIMITS OF PU & AU CAR PARKS & REFUSE AREAS  
ARE TO BE GENERALLY 2.3m ABOVE THE FINISHED  
PAVED SURFACE.  
LOWER LIMITS OF PU & AU CAR PARKS & REFUSE AREAS  
ARE TO BE GENERALLY 1.0m BELOW THE FINISHED  
PAVED SURFACE.

Schedule of Existing Easements In Gross					
(Note: Easement C to become Existing upon LT 549556 Being Deposited)					
Purpose	Shown	Servient Tenement (Burdened Land)	Grantee	Height Limits	
				Upper	Lower
Right of Way	C	Lot 1 DP 309604	Auckland Council	None	None
Right of Way (Pedestrian Access)	E & E1	Common Property	Auckland Council	7.00	1.60

Land District : North Auckland  
Firm : Yeomans Survey Solutions Limited  
Surveyor :



(SCHEME PLAN A)  
DRAFT UNIT PLAN  
PROPOSED UNITS ON LOT 1 DP 309604

Territorial Authority : Auckland Council  
Date : October 2023  
File : 8742 DUT

Supporting Document Title  
Plan Graphic Sheet 10 of 10  
Rev 20

## **Bayswater Marina**

### **Instrument Creating Esplanade Strip**

*Section 232 and 235, Resource Management Act 1991*

#### **1. Background**

- 1.1. Bayswater Marina Holdings Limited, a company registered in New Zealand with company number 199875 (**the Grantor**) is registered as proprietor of the Land described in Schedule A (**the Land**).
- 1.2. Auckland Council (**the Grantee**) is a local authority (within the meaning of the Local Government Act 2002) in whose district the Land is located.

#### **2. Creation of Esplanade Strip**

- 2.1. The Grantor creates in favour of the Grantee in perpetuity from the date of this Instrument, the esplanade strips described in Schedule B (each a **Strip** and collectively the **Strips**) on the Land for the purpose of enabling public access to the Strips and to Waitemata Harbour, Auckland on the following terms.

#### **3. Covenants**

- 3.1. The Grantor and Grantee covenant as follows:
  - 3.1.1. The following acts are prohibited on the Strips:
    - (a) wilfully endangering, disturbing, or annoying a lawful user of the Strips (including the owner or occupier of the Strips);
    - (b) wilfully damaging or interfering with a structure adjoining or on the Strips (including a building, fence, gate, stile, marker, bridge, or notice).
  - 3.1.2. The prohibitions in clause 3.1.1(b) do not apply to the owner or occupier of the Strips or to employees or agents authorised by the owner or occupier.
  - 3.1.3. The following acts are also prohibited on the Land over which the Strips have been created:
    - (a) lighting a fire;
    - (b) carrying a firearm;
    - (c) discharging or shooting a firearm;
    - (d) camping;
    - (e) taking an animal on to, or having charge of an animal on, the Strips, other than domestic pets on a leash;
    - (f) wilfully damaging or removing a plant (unless acting in accordance with the Biosecurity Act 1993);

- (g) laying poison or setting a snare or trap (unless acting in accordance with the Biosecurity Act 1993).

3.1.4. The following other permissions and restrictions apply to the Strips:

- (a) for Strip 'A'

- (i) The Grantor is permitted:

- (aa) vehicular access over those parts of the Strips which are constructed for vehicular access;

- (bb) to park vehicles on those parts of the Strips constructed for vehicle parking and delineated as separate principal or accessory units or lots on the Plan (**Carparks**).

- (ii) The Grantee and general public are prohibited from having vehicular access to those Strips.

- (b) for Strip 'D' the Grantor, the Grantee and general public are permitted to have vehicular access over the Strip but are prohibited from parking any vehicles on the Strip.

3.1.5. Subject to the provisions of this instrument, access to the Strips is on the following terms:

- (a) Any person shall have the right, at any time, to pass and re-pass over and along the Strips, subject to any other provisions of this Instrument.
- (b) Nothing in this Instrument shall prevent the Grantor from using the Strips for the purposes of vehicular circulation and parking pursuant to clause 3.1.4.

3.1.6. The Strips may be closed to public access from time to time for security and maintenance purposes provided that at no time shall any Strip be closed to the public while the Grantor is entitled to continue to use that Strip (except in relation to parking by the Grantor in accordance with clause 3.1.4 which rights shall continue to apply notwithstanding any closure of the Strip to public access).

3.2. References to the Grantor in this Instrument include the Grantor's successors, tenants, licensees, employees, agents and invitees.

#### 4. **Maintenance and Management of the Strip**

4.1. The Grantor shall be responsible for the maintenance and management of the Strips at the Grantor's cost. The Grantor shall use all reasonable endeavours to:

- 4.1.1. keep the Strips clean; and

- 4.1.2. repair damage to structures or facilities on the Strips.

4.2. The obligations of the Grantor under clause 4.1 may be performed by or on behalf of the Grantor.

**5. Restrictions on Buildings and Structures within the Strip**

- 5.1. The Grantor shall not construct any buildings or structures on the Strips without first obtaining all necessary consents and permissions from the Grantee.

**Signed** for and on behalf of **Bayswater  
Marina Holdings Limited**

---

Director

---

Director/Authorised Person

**Executed** by **Auckland Council** common  
seal or by 2 officers, as provided by the  
territorial authority's rules

---

Authorised Person

---

Authorised Person

**Date:** \_\_\_\_\_

**Schedule A - Land**

An estate in fee simple being Lot 1 Deposited Plan 309604 comprised in record of title 639741.

**Schedule B – Esplanade Strips A, D and E** as shown on Deposit Plan [       ] **(Plan)**.