

**BEFORE THE ENVIRONMENT COURT  
AT AUCKLAND**

**I MUA I TE KŌTI TAIAO O AOTEAROA  
KI TĀMAKI MAKĀURAU**

**Decision No. [2020] NZEnvC 211**

IN THE MATTER of the Resource Management Act 1991 (**the Act**)

AND of an appeal pursuant to s 120 of the Act

BETWEEN PANUKU DEVELOPMENT AUCKLAND LIMITED

(ENV-2018-AKL-000176)

Appellant

AND AUCKLAND COUNCIL

Respondent

AND R Peters and R Bannan  
R Dexter and A Modrow  
N Smith  
P Lange  
L Whiley

s 274 parties

Court: Environment Judge M Harland  
Commissioner K Edmonds  
Commissioner D Bunting

Hearing: On the papers

Date of Decision: 16 December 2020

Date of Issue:

**17 DEC 2020**

---

**FINAL DECISION OF THE ENVIRONMENT COURT**

---



A: The Court grants the following land use consents and discharge permits authorising the construction of a new multi-level mixed use development on 8 adjoining sites at 198-202, 214-222 Dominion Road and 113-117 Valley Road, Mt Eden subject to the conditions of consent set out in **Appendix A** to this decision:

- (a) Land use consent (section 9(1)) - LUC60303721;
- (b) Land use consent (section 9(3)) – LUC60303721;
- (c) Diversion and discharge permit (sections 14 and 15) – DIS60303722; and
- (d) Discharge permit (section 15) – DIS60303722.

B: The issue of costs is reserved.

## REASONS

### Introduction

[1] This case concerns an appeal by Panuku Development Auckland Limited (**Panuku**) against the decision of Auckland Council (**the Council**) refusing its application for resource consents to construct a new multi-level mixed-use development on eight adjoining sites located in Dominion Road and Valley Road, Mount Eden, Auckland.

### First interim decision

[2] In our Interim Reserved Decision dated 6 March 2020,<sup>1</sup> we set out our findings on the five main issues we had identified we were required to determine on appeal, one of which was whether any adverse construction noise and vibration effects on the s 274 parties' properties were able to be avoided, remedied or mitigated in terms of the relevant objectives, policies and assessment criteria in the Auckland Unitary Plan.

[3] In the absence of any form of social impact assessment having been undertaken, we found there was also a lack of evidence about the potential effects of construction noise and vibration on the residents of the retirement village.



---

<sup>1</sup> *Panuku Development Auckland Limited v Auckland Council* [2020] NZEnvC 024.

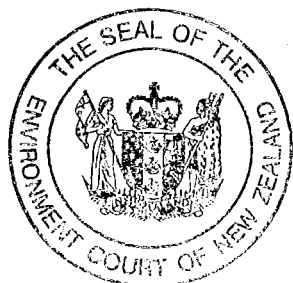
[4] We did not reach a final decision about whether the appeal should be allowed but concluded that consent could be granted subject to revised conditions.<sup>2</sup> We decided that the parties should be given an opportunity to reconsider what was proposed to avoid, remedy or mitigate adverse construction noise and vibration effects and to see if they could reach agreement about them.<sup>3</sup>

[5] We also directed a full and considered review of the proposed conditions (not just those related to noise and vibration).

### Second interim decision

[6] In our second interim decision<sup>4</sup> we addressed the conditions proposed to apply to the consents as a whole. Panuku was directed to advise the Court about the following matters including any revisions required to the relevant conditions as follows:<sup>5</sup>

- the process to be followed for the initial verification of the 20m trigger distance and if a greater distance is identified as being required through this process, how this will be reflected in the conditions;
- its position on the submitter request for ventilation/cooling to be provided in neighbouring homes during warmer summer months when windows need to be closed to provide acoustic mitigation of construction noise;
- further consideration of the noise and vibration monitoring requirements in conditions 65-67;
- what is intended under condition 14 for dealing with potential health effects from noise and vibration on the residents of the retirement village;
- a new noise condition specifying requirements for the offer of relocation of the occupants of Units 1 and 2 of the retirement village during the 20-week period nominated for the exemption from noise limits in Condition 44.
- with reasons, whether the 3-day period for exceedance of the 2mm/s PPV vibration level in condition 58 is intended to apply for a single 3-day period or multiple 3-day periods and if more than one, what time gap is proposed to apply between each 3-day period - the relevant condition must be clear on this even if the AUP is not.



<sup>2</sup> *Panuku Development Auckland Limited v Auckland Council* [2020] NZEnvC 024 at [397].

<sup>3</sup> *Panuku Development Auckland Limited v Auckland Council* [2020] NZEnvC 024 at [398].

<sup>4</sup> *Panuku Development Auckland Limited v Auckland Council* [2020] NZEnvC 186.

<sup>5</sup> *Panuku Development Auckland Limited v Auckland Council* [2020] NZEnvC 186 at [142].

[7] Panuku was also directed to provide an updated set of conditions responding to the issues about the other proposed conditions that had been identified by the Court.

### **Proposed conditions of consent**

[8] On 27 November 2020 Panuku filed an updated set of draft proposed conditions of consent for the Court's consideration. After careful consideration of them, the Court issued a Minute dated 4 December 2020 setting out the following:

[2] The Court concludes that there are conditions that still require attention in line with the second interim decision<sup>1</sup> and on further consideration of the Panuku review and revision.

[3] Condition 15(a) does not carry through the requirement (not a discretion) in our second interim decision. The third clause is to be amended to read:

The 20m distance shall be increased if the initial vibration monitoring under condition 70 finds that vibration at any of the units of 9-15 Carrick Place is expected to be greater than the 2mm/s peak particle velocity limit set out in condition 62.

[4] Condition 16 is a new condition added by Panuku and brought over from the draft CNVMP. In our second interim decision we intended to make it clear that this is not required by the Court. 3 Given the condition as worded is not clear, certain and enforceable we propose to delete it.

[5] In relation to condition 17 in our second interim decision, we made it clear that there should be no requirement for the CNVMP to be in accordance with the (or any draft). We find the reworded second sentence in the condition to be unnecessary and potentially misleading given the draft CNVMP is likely to need amendment to be in line with the approved conditions.

[6] Conditions 18(a) and 21(a) should refer to 'the' and not 'these' conditions to clarify it references the set of conditions of consent and not any individual condition.

[7] For condition 26(c) the word 'reasonable' is unnecessary and should be deleted given the reference to the building survey process detailed at conditions 64 to 69.

[8] For condition 63 for clarity and certainty the first clause is to be reworded to read:

A level of 2 mm/s PPV shall not be exceeded for more than three days in any 14 day period at any one occupied building, and must not exceed 5 mm/s PPV, unless agreed in writing with the owner and/or occupier. Those exceedance days are to be made known to the owner and/or occupier of the building, unless agreed in writing with the owner and/or occupier. Any such agreements shall be available to Council on request.

[9] The Court accepts the reasons given in Panuku's submission that a condition on ventilation or cooling in neighbouring homes to the site is not required.

[9] On 7 December 2020 Panuku filed revised proposed conditions of consent that addressed the issues raised by the Court above.

### **Decision**

[10] The Court has received and considered the further information provided by the parties at various times throughout the proceeding and the proposed conditions of consent supplied by Panuku. All the issues raised by the Court in the Minute of

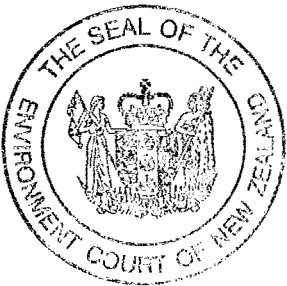


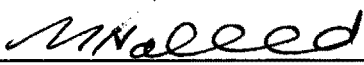
4 December have been addressed, and the Court is satisfied that the further information provided gives the conditions of consent certainty and clarity.

[11] On this basis, and in accordance with the reasons set out in our earlier decisions, the appeal is allowed and consent is granted for land use consents and discharge permits authorising the construction of a new multi-level mixed use development on 8 adjoining sites at 198-202, 214-222 Dominion Road and 113-117 Valley Road, Mt Eden. The consents granted are listed below, and are subject to the conditions of consent set out in **Appendix A** to this decision:

- (a) Land use consent (section 9(1)) - LUC60303721;
- (b) Land use consent (section 9(3)) – LUC60303721;
- (c) Diversion and discharge permit (sections 14 and 15) – DIS60303722; and
- (d) Discharge permit (section 15) – DIS60303722.

For the Court



  
\_\_\_\_\_  
**M Harland**  
**Environment Judge**

# Appendix A

## Conditions of consent

Land use consents and discharge permits are granted authorising the construction of a new multi-level mixed use development on 8 adjoining sites at 198-202, 214-222 Dominion Road and 113-117 Valley Road, Mt Eden. The proposal involves the demolition of all existing buildings on site, including two character supporting buildings, associated earthworks, development that will result in 92 residential units, and 9 retail units at ground floor, 104 basement car parks, an on-site loading bay accessible from Carrick Place, and 102 cycle parks.

The proposal requires the following resource consents:

- Land use consent under section 9(1) of the RMA
- Land use consent under section 9(3) of the RMA
- Diversion and discharge permit under sections 14 and 15 of the RMA
- Discharge permit under section 15 of the RMA

The above resource consents are required for the following reasons:

### Land use consent (section 9(1)) - LUC60303721

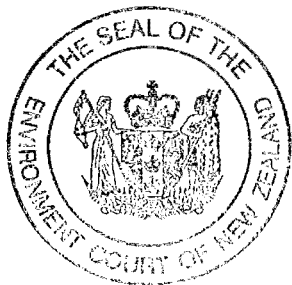
National Environmental Standard for assessing and managing contaminants in soil to protect human health

Regulation 10	Status
(a) Restricted discretionary activity resource consent is required under the NES:CS regulation 10(1) for work associated with potentially contaminated soil.	RD

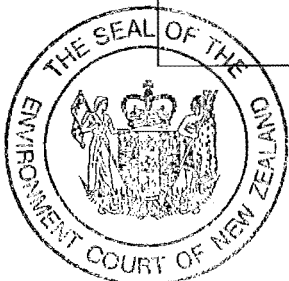
### Land use consent (section 9(3)) – LUC60303721

Auckland Unitary Plan (Operative in Part)

Local Centre Zone	Status
(b) Restricted discretionary activity consent is required for four new buildings in the Local Centre zone (H11.4.1 (A44))	RD



<p>(c) Restricted discretionary activity consent is required under rule C1.9(2) for the parts of the development that exceed the 13m (11m occupiable plus 2m for roof form) Building Height - Height Variation Control Standard for the Local Centre Zone (H11.6.1.2 and 3). The degree of exceedance for each building is outlined below:</p> <p>(i) Buildings A and B are between three and four storeys in height. While parts of the buildings comply with this height standard, the maximum height of building protrusion through this height plane is approximately 3.99m along its southern elevation.</p> <p>(ii) Building C varies between 3-5 levels in height. While parts of this building comply with the height standard, the maximum height of building protrusion through this height plane is approximately 7.5m on the central portions of its eastern and western elevations.</p> <p>(iii) Building D is three storeys in height and while parts of the building comply with the height standard, the maximum height of building protrusion through this height plane is 0.4m on the eastern elevation.</p>	<b>RD</b>
<p>(d) Restricted discretionary activity consent is required under rule C1.9(2) for infringement of standard H11.6.4 (Yards).</p> <p>The Local Centre Zone portion of the site to the east of Building A adjoins the THAB zone site of 9-15 Carrick Place. There is a side/rear yard requirement of 3m for any building on this boundary. The proposed carpark basement and podium above is located 1.5m from the common boundary and approximately 1.5m above ground level.</p>	<b>RD</b>
<p>(e) Restricted discretionary activity consent is required under rule C1.9(2) for infringement of standard H11.6.8 (Outlook Space). The standard is not met in relation to the following parts of the development:</p> <p>a. Unit B201 Bedroom (3m x 3m required, 1.8m x 3m proposed), B301 Bedroom (3m x 3m required, 1.8m x 4.9m proposed), B401 Bedroom (3m x 3m required, 1.8m x 4.9m proposed).</p> <p>b. Unit C303, C304, C305, C403 Living (6m x 4m required, 4m x 4.5m proposed).</p> <p>c. Unit C502 Living (6m x 4m required, 4m x 5.6m proposed).</p> <p>d. Unit D102, D103, D104 Bedroom (3m x 3m required, 1.2m x 3m proposed).</p>	<b>RD</b>



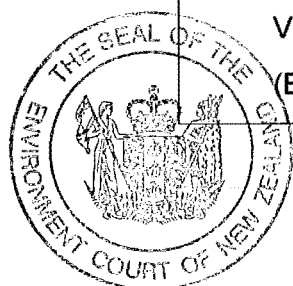
<b>Terrace House and Apartment Building Zone</b>	
(f) Restricted discretionary activity consent is required for dwellings within the Terrace Housing and Apartment Building ("THAB") zone and for new buildings (H6.4.1 (A3 + A35)).	<b>RD</b>
(g) Restricted discretionary activity consent is required for the utilisation of the Alternative Height in Relation to Boundary Standard within the THAB zone (H6.6.7) under (A34). Note, compliance is not required with H6.6.6 (the 3m + 45 degree height in relation to boundary control).	<b>RD</b>
(h) Restricted discretionary activity consent is required for modification of the Yard (side) standard for the THAB Zone (H6.6.9.1) to accommodate a roofed pergola structure within the 1m side yard on the northern boundary where it adjoins the THAB zone site (C1.9(2)).	<b>RD</b>

<b>Special Character Area – Business Overlay</b>	
(i) Restricted discretionary activity consent is required for the removal of two character supporting buildings and for other buildings within the Special Character Areas Overlay Residential and Business - Business Eden Valley (D18.4.2(A18 + A26)).	<b>RD</b>
(j) Restricted discretionary activity consent is required for new buildings in place of character supporting buildings and other new buildings within the Special Character Areas Overlay - Business - Eden Valley (D18.4.2(A20 + A27)).	<b>RD</b>
<b>Other Consent Requirements</b>	
(k) Restricted discretionary activity consent is required for modification of the Size and Location of Parking Spaces Standard within the Transportation Section (E27.6.3.1.1).	<b>RD</b>





<p>(l) Restricted discretionary activity consent is required for modification of the Minimum Loading Space Standard within the Transportation Section (E27.6.2.7 (T109)).</p>	<p><b>RD</b></p>
<p>(m) Restricted discretionary activity consent is required for modification of the number of retail carparking spaces required for the Valley Road retail units within the Transportation Section (E27.6.2.1).</p>	<p><b>RD</b></p>
<p>(n) Restricted discretionary activity consent is required for a vehicle crossing within a Vehicle Access Restriction Area within the Transportation Section (E27.6.4.1(3)(c)).</p>	<p><b>RD</b></p>
<p>(o) Restricted discretionary activity consent is required for earthworks greater than 2500m<sup>2</sup> in the Land Disturbance- District Section (E12.4.1 (A6)).</p>	<p><b>RD</b></p>
<p>(p) Restricted discretionary activity consent is required for a volume of earthworks greater than 2500m<sup>3</sup> in the Land Disturbance District Section (E12.4.1 (A10)).</p>	<p><b>RD</b></p>
<p>(q) Restricted discretionary activity resource consent is required for development in the 1% AEP area (E36.4.1 (A26) + (A38)) and building within an overland flow path (E36.4.1(A42)).</p>	<p><b>RD</b></p>
<p>(r) Restricted discretionary activity consent is required for the proposal exceeding the Construction Noise Standards in the Noise and Vibration Section (E25.6.27).</p>	<p><b>RD</b></p>
<p>(s) Restricted discretionary activity consent is required for the proposal potentially exceeding the Vibration Standards in the Noise and Vibration Section (E25.6.30).</p>	<p><b>RD</b></p>
<p>(t) Restricted discretionary activity consent is required for the proposal exceeding the Internal Sound Level Standards in the Noise and Vibration Section (E25.6.10).</p>	<p><b>RD</b></p>



(u) Restricted discretionary activity consent is required for removal of a street tree greater than 4m in height (E17.4.1(A10)).	<b>RD</b>
--	-----------

### **Diversion and discharge permit (sections 14 and 15) – DIS60303722**

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

<b>Stormwater – Discharge and diversion</b>	<b>Status</b>
(v) Controlled activity consent is required for diversion of stormwater into land in urban areas between 1000m <sup>2</sup> and 5000m <sup>2</sup> in the Stormwater-Discharge and Diversion Section (E8.4.1(A9)).	<b>C</b>

### **Discharge permit (section 15) – DIS60303722**

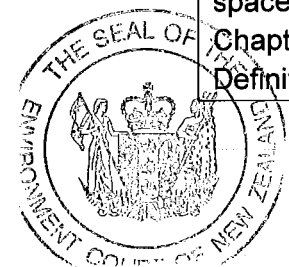
#### Auckland Unitary Plan (Operative in Part)

<b>Contaminated land</b>	<b>Status</b>
(w) Controlled activity consent is required for the volume of land disturbance of potentially contaminated soil exceeding 200m <sup>3</sup> in the Contamination Section (E30.4.1(A6)).	<b>C</b>

### **Definitions**

The following definitions apply to the conditions below.

<b>Term</b>	<b>Definition</b>
Activities sensitive to noise (from Chapter J Definitions of Auckland Unitary Plan)	Any dwelling, visitor accommodation, boarding house, marae, papakainga, integrated residential development, retirement village, supported residential care, care centres, lecture theatres in tertiary education facilities, classrooms in education facilities and healthcare facilities with an overnight stay facility.
Blasting	The process that includes drilling the holes into the rock, loading the holes with explosive and the firing of the blast itself
Noise sensitive space (from Chapter J Definitions of	Any indoor space within an activity sensitive to noise excluding any bathroom, water closet, laundry, pantry, walk in wardrobe, corridor, hallway, lobby, stairwell, clothes drying area, kitchens not part of a dwelling, garage or other space of a specialised nature occupied



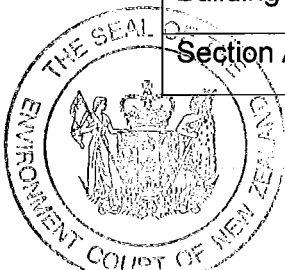
Auckland Unitary Plan)	neither frequently nor for extended periods.
Rock breaking	The activity involving one or more excavators working with hydraulic breaking attachments to fracture rock.
Occupied building	It will be assumed that all buildings are occupied by persons at the time of works for the purpose of these conditions, except where specific engagement or consultation with occupiers of properties under condition 25(d) indicates that the building will be unoccupied during the relevant works.

### General conditions

These conditions apply to all resource consents.

- The proposed activity (being a new mixed-use development comprising of four buildings of between 3 and 5 storeys at 198-202 Dominion Road, 214-222 Dominion Road and 113-117 Valley Road) shall be carried out in accordance with the final plans as modified through the Environment Court process being:

<b>Table 1: Final plans</b>			
<b>Plan title</b>	<b>Ref</b>	<b>Author</b>	<b>Dated</b>
Site Location Plan	1.3 Rev L	Isthmus	06/09/19
Existing Site Plan	1.4 Rev L	Isthmus	06/09/19
Proposed Site Plan	1.5 Rev L	Isthmus	06/09/19
Basement Plan	2.1 Rev L	Isthmus	06/09/19
Level 1 Floor Plan	2.2 Rev L	Isthmus	06/09/19
Level 2 Floor Plan	2.3 Rev L	Isthmus	06/09/19
Level 3 Floor Plan	2.4 Rev L	Isthmus	06/09/19
Level 4 Floor Plan	2.5 Rev L	Isthmus	06/09/19
Level 5 Floor Plan	2.6 Rev L	Isthmus	06/09/19
Existing Façade	3.0 Rev L	Isthmus	06/09/19
Street elevations	3.1 Rev L	Isthmus	06/09/19
Street elevations	3.2 Rev L	Isthmus	06/09/19
Buildings A & B Elevations	3.3 Rev L	Isthmus	06/09/19
Building C Elevations	3.4 Rev L	Isthmus	06/09/19
Building D Elevations	3.5 Rev L	Isthmus	06/09/19
Section A1 and A2	4.1 Rev L	Isthmus	06/09/19



Section A3 and A4	4.2 Rev L	Isthmus	06/09/19
Section A5 and A6	4.3 Rev L	Isthmus	06/09/19
Section A9 and A12	4.4 Rev L	Isthmus	06/09/19

2. The proposed activity shall also be carried out in accordance with the information included in the application documents, subject to any updated plans and reports outlined in Table 3 below, or as otherwise modified by these conditions of consent:

<b>Table 2: Application documents</b>			
<b>Report title</b>	<b>Author</b>	<b>Ref</b>	<b>Dated</b>
Application Form, and Assessment of Environmental Effects	Tattico Ltd		June 2017
Panuku Development Auckland Resource Consent – Acoustics	Marshall Day Acoustics	Rp 001 r10 2015475A	13 June 2017
Arboricultural Assessment	Peers Brown Miller Ltd		06.06.2017
Geotechnical Investigation Report	Tonkin & Taylor Ltd	30717.001.v5	June 2017
Preliminary Site Investigation	Tonkin & Taylor Ltd	30717.001.v4	May 2016
Detailed Site Investigation	Tonkin & Taylor Ltd	30717.002.v4	April 2017
Proposed Apartments, Dominion Road And Valley Road, Mt Eden, Auckland: Archaeological Assessment	Clough & Associates Ltd		June 2016
Proposed Mixed Use Development 198 – 222 Dominion Road & 113 – 117 Valley Road Mount Eden, Auckland Special Character Assessment	Plan.Heritage		June 2017
Dominion Road/Valley Road Development – Civil Infrastructure Report	Beca Ltd		7 June 2017
Design Report	Isthmus		8 June 2017
Site Management Plan for Ground Contamination	Tonkin & Taylor Ltd	30717.002.vF	April 2017
Transportation Assessment Report	TDG Ltd	13437 TA 170619.Docx	June 2017
Urban Design / Landscape / Visual Assessment Report	Isthmus		June 2017

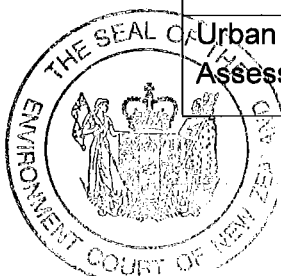


Table 3: Updated plans and reports which supersede application documents			
Other additional information	Author	Ref	Dated
Residential Complex – Valley Road, Mt Eden  Section 92 response	TDG Ltd	13437	30 November 2017
Site Management Plan for Ground Contamination	Tonkin & Taylor Ltd	30717.002.vG	August 2017
Valley Road Apartments – Section 92 Response	Marshall Day Acoustics	Lt 002 2015475A mjm (S92 Response).docx	23 August 2017
Updated Mediation Summary Report (Closing Design)	Isthmus		6 September 2020
Panuku Development Auckland Construction Noise And Vibration Management Plan	Marshall Day Acoustics	Rp 002 r06 2015475A	21 August 2020

3. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
- The consent is given effect to; or
  - The council extends the period after which the consent lapses.
4. The consent holder shall pay the council an initial consent compliance monitoring charge of \$990 (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 this consent/s.

**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. In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, shall 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 have been met, will the council issue a letter confirming compliance on request of the consent holder.*

### Specific conditions – LUC60303721

#### Pre-construction conditions

##### Community Liaison Group

5. No later than 3 months prior to the commencement of construction the consent holder shall establish a Community Liaison Group (CLG) and hold the first meeting in accordance with condition 8.

6. The consent holder shall invite each of the following parties to have a representative on the CLG: Auckland Council, Auckland Transport and each of the s274 parties.



7. The objectives of the CLG are to:
- (a) Provide a means for all parties to give and receive regular updates on progress with the construction of the project;
  - (b) Provide a regular forum through which information about the construction of the project can be provided by the consent holder;
  - (c) Enable opportunities for concerns and issues to be reported and responded to by the consent holder; and
  - (d) Provide feedback on the development of the Construction Noise and Vibration Management Plan (CNVMP), Blasting Management Plan (BMP), Construction Management Plan (CMP) and Construction Traffic Management Plan (CTMP).
8. The consent holder shall:
- (a) Consult with the CLG on the development and content of the CNVMP, BMP, CMP, and CTMP, including providing a copy of the draft CNVMP, BMP, CMP and CTMP (including indicative provisions for oversized vehicles entering and leaving the site) for feedback in advance of lodging with the Council.
  - (b) Arrange a regular monthly meeting on the same day of the week, which shall be agreed with the members of the CLG.
  - (c) Provide information at least 5 working days in advance of the meeting at which that information is to be discussed.
  - (d) Provide reasonable administrative support for the CLG including:
    - (i) Organising meetings at a local venue;
    - (ii) Inviting all members of the CLG to meetings at least 5 working day before that meeting is to be held.
  - (e) Provide an update at least every month (or as otherwise agreed by the CLG) during construction of the project setting out noise and vibration monitoring results and associated compliance with the consent conditions and any other relevant requirements of the CNVMP, BMP, CMP and CTMP, including responses to compliance concerns raised by CLG members at the previous meeting.
  - (f) Provide all updates to the CNVMP following certification of these updates by the Council.
  - (g) Respond to all issues/queries/requests raised by the CLG and advise how their issues/queries/requests have been resolved and if not resolved, the reasons why. The speed of the response shall be determined by the urgency of the matter as determined by the council.
  - (h) Attend all CLG meetings.
9. At the first meeting of the CLG, the consent holder shall provide a list of six registered members of the New Zealand Institute of Building Surveyors Inc who are suitably qualified to undertake cosmetic and structural damage assessment and reporting. All listed persons shall have provided confirmation of their availability to undertake the work required by conditions 64 - 68.
10. The purpose of the list is to provide the CLG an opportunity to agree (by majority) upon and nominate one of the listed Building Surveyors as an independent assessor of any building damage that may occur as a result of the construction activity.



11. The CLG shall, within 10 working days of the first meeting, advise the consent holder of the nominated Building Surveyor.
12. The consent holder shall, at the consent holder's expense, engage the nominated Building Surveyor for the duration of the construction activity until such time as the requirements of conditions 64 – 69 have been completed to the satisfaction of the Auckland Council Team Leader Central Monitoring.
13. The CLG shall continue until construction works including final inspections of neighbouring properties for damage are completed on the site, and Council sign-off has been provided confirming that all construction-related consent conditions have been met, including conditions 64 - 69.

9-15 Carrick Place Residents: Social Needs

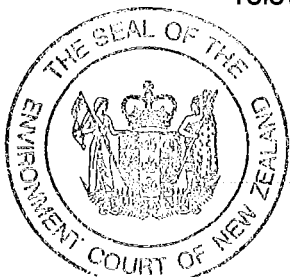
14. No later than 2 months prior to the commencement of construction the consent holder shall contact the occupiers of all the units at 9-15 Carrick Place and seek information on the following:
  - (a) Whether any residents are house-bound, have any special health needs or whether they have other places to go to during the day when rock breaking or blasting occurs; and
  - (b) Whether any resident has any health or medical issue that renders them more sensitive to the effects of construction noise and vibration.

*Advice Note*

*The information received as part of the social needs assessment is relevant to conditions 15, 18-19 and 21-22.*

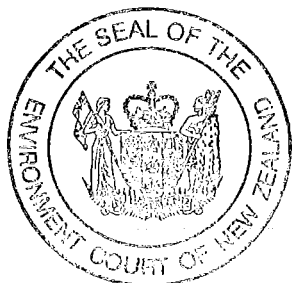
15. The consent holder shall make an offer of relocation no later than 4 weeks in advance of the following circumstances:
  - (a) Any proposed rock-breaking or blasting within 20m of the boundary of 9-15 Carrick Place. The consent holder shall offer to relocate any resident of 9-15 Carrick Place for the duration of rock breaking or blasting within 20m of the boundary of 9-15 Carrick Place. The 20m distance shall be increased if the initial vibration monitoring under condition 70 finds that vibration at any of the units of 9 – 15 Carrick Place is expected to be greater than the 2mm/s peak particle velocity limit set out in condition 62. This offer shall remain open for acceptance until such time as all rock-breaking and blasting has been completed on the site.
  - (b) The 20-week period provided for in condition 47. The consent holder shall offer to relocate the residents of Units 1 and 2 of 9-15 Carrick Place for the duration of the 20-week period. This offer shall remain open for acceptance for the duration of the 20-week period.

Where an offer of relocation is accepted in the above circumstances, the consent holder shall pay for the reasonable costs of relocation to a place which is generally equivalent to the relocating resident's current standard of accommodation, taking into account any relevant information obtained under condition 14.



Construction Noise and Vibration Management Plan (CNVMP)

16. Prior to commencement of construction, the consent holder shall prepare a Construction Noise and Vibration Management Plan (CNVMP) and submit it to Auckland Council Team Leader Central Monitoring for certification.
17. The objectives of the CNVMP are to:
- (a) identify the Best Practicable Option (within the limits set under the conditions of consent) and define the procedures to manage and minimise construction noise and vibration effects, including blasting;
  - (b) inform the duration, frequency and timing of works to manage disruption; and
  - (c) require engagement with affected receivers, taking into account any information obtained under condition 14, and timely management of complaints.
18. The CNVMP shall include specific details relating to avoiding, remedying or mitigating adverse noise and vibration effects on the environment and neighbouring properties from demolition and construction, and management of all works associated with this development as follows:
- (a) Contact details of the appointed contractor or project manager (phone number, e-mail, postal address)
  - (b) A general outline of the construction programme for each stage of development;
  - (c) Applicable site noise and vibration criteria set out in these conditions;
  - (d) Programme of works and hours of operation, with rock breaking and blasting works scheduled such that for at least 1 hour between 12pm – 2pm Monday to Friday no rock breaking or blasting occurs;
  - (e) Identification of surrounding noise and/or vibration sensitive receivers, taking into account any information gathered under condition 14;
  - (f) A vibration monitoring program to establish site specific setback distances for the avoidance of building damage per conditions 70 to 73;
  - (g) Details about the works, including:
    - (i) when the higher noise and vibration levels can be expected;
    - (ii) the likely sources or causes of noise and vibration;
    - (iii) methods for monitoring and reporting on noise and vibration;
    - (iv) working hours;
    - (v) a contact phone number for any concerns regarding noise and vibration, (and
    - (vi) when works could be scheduled to avoid the worst of the effects on the receivers.

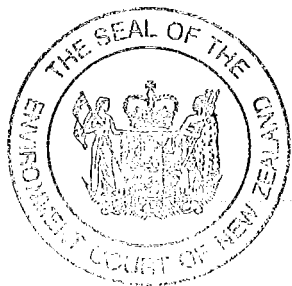




- (h) These details in 19(g) above shall be provided to the owners and occupiers of the following neighbouring properties:
- (i) All units at 9-15 Carrick Place
  - (ii) 111 Valley Road;
  - (iii) 109 Valley Road;
  - (iv) 107 and 107A Valley Road;
  - (v) 105 Valley Road;
  - (vi) 21A, 21B and 21C Carrick Place;
  - (vii) 18 Carrick Place;
  - (viii) 16 Carrick Place;
  - (ix) 14 and 14A Carrick Place;
  - (x) 12 Carrick Place.
  - (xi) All Units at 236, 240 and 242 Dominion Road;
  - (xii) All Units at 114, 116 and 120 Valley Road, and 262-270 Dominion Road;
  - (xiii) All Units at 191-217 Dominion Road;
  - (xiv) All Units at 219-223 Dominion Road;
  - (xv) All Units at 224-234 Dominion Road;
  - (xvi) All Units at 184-196 Dominion Road.
  - (xvii) 119 Valley Road.
- (i) Details of the management and mitigation measures required to comply with conditions 45 to 73 inclusive;
  - (j) A requirement to undertake building condition surveys of buildings in accordance with conditions 64 to 69;
  - (k) The requirement to monitor construction vibration at the most exposed surrounding buildings; and
  - (l) The process for changing, and certifying any changes to, the CNVMP.

The certified CNVMP (as certified by Auckland Council Team Leader Central Monitoring) shall be implemented and maintained throughout the entire demolition and construction period.

The CNVMP shall be prepared with reference to Annex E2 of NZS 6803:1999 Acoustics – Construction noise.

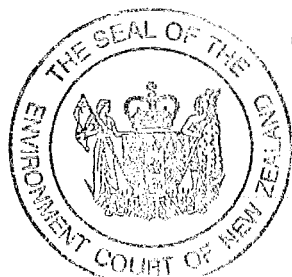


Construction Management Plan

19. The consent holder shall, at least 10 working days prior to the commencement of earthworks activity on the site, prepare and submit a Construction Management Plan (CMP) to the Auckland Council Team Leader Central Monitoring for approval, in a certifying capacity.
20. The objectives of the CMP are to:
- (a) identify the Best Practicable Option (within the limits set under the conditions of consent) and define the procedures to ensure adverse effects associated with construction activities are minimised;
  - (b) inform the duration, frequency and timing of works to manage disruption; and
  - (c) require engagement with affected receivers, taking into account any information obtained under condition 14, and timely management of complaints.

No earthworks activity shall commence until confirmation of the CMP is provided from the Council that the CMP is satisfactory. The certified CMP shall be implemented and maintained throughout the entire demolition and construction period.

21. The CMP shall include specific details relating to avoiding, remedying or mitigating adverse effects on the environment and neighbouring properties from demolition and construction, and management of all works associated with this development (where they are not already managed by the CNVMP, BMP or CTMP) as follows:
- (a) Contact details of the appointed contractor or project manager (phone number, e-mail, postal address);
  - (b) A general outline of the construction programme for each stage of development;
  - (c) Applicable conditions relating to the management of construction matters (including but not limited to those on dust, sediment and contamination);
  - (d) Programme of works and hours of operation;
  - (e) Relevant details for the management of dust on site (as per the guidance in Appendix 4 of the Good Practice Guide for Assessing and Managing Dust (Ministry for the Environment 2016)) including:
    - (i) an objective to ensure the consent holder shall ensure earthworks do not result in any airborne and deposited dust beyond the property boundary of the site that is determined to be noxious, objectionable or offensive (as per conditions 74 and 86);
    - (ii) a general description of the activities and main potential sources of dust emission;
    - (iii) contact details for the person who will manage dust complaints on site to be made available to staff, the CLG and the properties listed above at 19(h);
    - (iv) a full description of the dust mitigation system, including identifying relevant operating procedures and parameters, inventory of mitigating equipment and materials, details and reporting on maintenance programmes for this



- equipment and contingency procedures;
- (v) a description of the staff training required, including areas staff are to be trained in, mitigation methods to be used, frequency of training and where training records are to be kept;
  - (vi) monitoring procedures, including frequency and kind of monitoring to be undertaken, records to be kept and any system review or reporting required;
- (f) Management processes for earthworks on site to minimise contaminant, erosion and sediment effects as per conditions 126 – 134 and as guided by the Auckland Council guideline document GD05;
  - (g) Details of construction hoardings and other measures to be adopted to maintain areas of the site that are visible from public spaces and private property in a tidy condition;
  - (h) Details of the approach to be undertaken for the unloading and stockpiling of materials on site (including any necessary reference to the CNVMP or CTMP as required under conditions 17 – 19 and 24);
  - (i) Management of rubbish disposal on site, in order to ensure any rubbish is removed in a timely manner and areas of the site visible from neighbouring properties or public spaces are kept in a tidy condition

#### Restriction on truck movements for construction

22. Truck movements associated with the construction of the development (including the removal of existing buildings and fill) shall not queue to enter, enter or leave the site during the busy commuter peak hours of 8am to 9am and 3pm to 6pm weekdays; and shall not enter or leave the site between the hours of 6pm to 8am.

#### Construction Traffic Management Plan (CTMP)

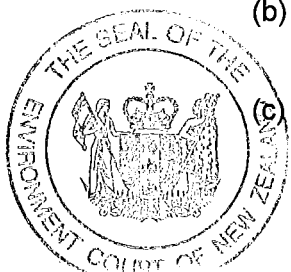
23. Prior to the commencement of construction, the consent holder shall submit a Construction Traffic Management Plan to Auckland Council Team Leader Central Monitoring for certification.

The objective of the CTMP is to ensure that during construction the surrounding road network (including the footpaths) operates safely and efficiently for all road users including existing residents and pedestrians.

The CTMP shall include specific details relating to avoiding, remedying or mitigating adverse effects on the environment from demolition, construction and management of all works associated with this development, and setting out procedures to be followed which ensure compliance with the conditions of consent (such as condition 23), as follows:

- (a) Plans showing areas where stockpiles, equipment (including contractor parking) will occur so that there is no obstruction of public spaces (e.g. roads).
- (b) Plans showing the location of any site offices, staff facilities and staff car parking required during the construction period.

An overview of measures that will be adopted to prevent unauthorised public



access during the construction period.

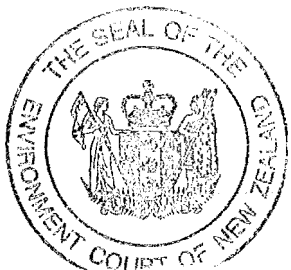
- (d) Location of traffic signs on surrounding streets and proposed signage for traffic management purposes during construction.
- (e) Measures to ensure satisfactory vehicle and pedestrian access is maintained to adjacent properties at all times.
- (f) Temporary protection measures that will be installed to ensure that there shall be no damage to public roads, footpaths, berms, kerbs, drains, reserves or other public assets as a result of the earthworks and construction activities.
- (g) Details on procedures to be followed during major sporting events at Eden Park, noting that pedestrian connectivity and safety requirements shall not significantly impact on the requirements of the respective Eden Park management plans.
- (h) Identification of haulage routes.
- (i) Details on the location of temporary bus stops and the protection of public transport users by measures such as shelters.

The above details shall be shown on a site plan and supporting documentation as appropriate. The certified Management Plan shall be implemented and maintained throughout the entire demolition and construction period.

#### Notification of Works Commencing to Neighbours

24. The consent holder shall:

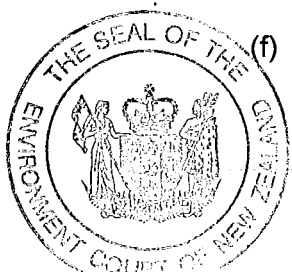
- (a) At least 10 working days prior to the commencement of earthworks on site, provide written advice of the proposed commencement date to owners and occupants of the following properties:
  - (i) All units at 9-15 Carrick Place;
  - (ii) 111 Valley Road;
  - (iii) 109 Valley Road;
  - (iv) 107 and 107A Valley Road;
  - (v) 105 Valley Road;
  - (vi) 21A, 21B and 21C Carrick Place;
  - (vii) 18 Carrick Place;
  - (viii) 16 Carrick Place;
  - (ix) 14 and 14A Carrick Place;
  - (x) 12 Carrick Place.
  - (xi) All Units at 236, 240 and 242 Dominion Road;
  - (xii) All Units at 114, 116 and 120 Valley Road, and 262-270 Dominion Road;
  - (xiii) All Units at 191-217 Dominion Road;
  - (xiv) All Units at 219-223 Dominion Road;



- (xv) All Units at 224-234 Dominion Road;
  - (xvi) All Units at 184-196 Dominion Road.
  - (xvii) 119 Valley Road; and
  - (xviii) All other properties within 100m of the site.
- (b) The written advice shall, as a minimum, include:
- (i) A brief overview of the construction works;
  - (ii) Acknowledgement that some activities are predicted to generate high noise and/or vibration levels that may result in disturbance for short periods
  - (iii) The mitigation and management measures to be implemented;
  - (iv) Details of monitoring (as per conditions 70 to 73) that will be undertaken where concerns about noise or vibration are raised;
  - (v) The working hours, a contact phone number for any concerns regarding noise and vibration, construction traffic, or any other matter associated with the works; and
  - (vi) Copies of the CNVMP, BMP, CMP and CTMP.
- (c) Public site signage shall include contact details for any concerns regarding the works.
- (d) At least monthly the consent holder shall communicate with the occupiers of all units detailed in condition 25(a) regarding upcoming construction works. This shall include written advice which sets out:
- (i) a brief overview of the upcoming construction works;
  - (ii) the duration of each phase of the project;
  - (iii) the anticipated significant events that will happen on site in the next month (for example, rock-breaking, blasting, the removal or importation of fill, concrete pouring, crane establishment or disestablishment, significant deliveries, etc.); and
  - (iv) a contact phone number for any concerns regarding noise and vibration, construction traffic, or any other matter associated with the works.

Where significant on-site events referenced in (d)(iii) above are predicted to result in increased noise or vibration levels on site, the consent holder shall confirm through engagement with the occupiers of those properties listed in condition 25(a) whether their properties will be occupied during the proposed period of each significant event.

- (e) The consent holder shall provide 5 days' advance written notice to the parties listed in condition 25(a) of the commencement of rock breaking activities onsite.
- (f) The consent holder shall provide 5 days advance written notice to the parties listed in condition 25 (a) of the time and number of any blasting activities undertaken



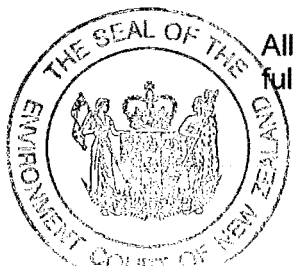
onsite. A second written notice will be provided 1 day in advance of blasting.

25. All construction noise and/or vibration complaints shall be recorded in a complaints file that is available to Council on request. For each complaint, an investigation should be undertaken involving the following steps as soon as practicable:
- (a) Acknowledge receipt of the concern or complaint within 24 hours and record:
    - (i) Time and date the complaint was received and who received it
    - (ii) Time and date of the activity subject to the complaint (estimated where not known)
    - (iii) The name, address and contact details of the complainant (unless they elect not to provide)
    - (iv) The complainants' description of the activity and its resulting effects.
    - (v) Any relief sought by the complainant (e.g. scheduling of the activity)
  - (b) Identify the relevant activity and the nature of the works at the time of the complaint.
  - (c) If a complaint relates to building damage, inform the on-duty site manager as soon as practicable in relation to the building survey process detailed at conditions 64 to 69 below.
  - (d) Review the activity noise and/or vibration levels and the mitigation and management measures in place. Report the findings and recommendations to the Project Manager.
  - (h) Report the outcomes of the investigation to the complainant, identifying where the relief sought by the complainant has been adopted or the reason(s) otherwise.

#### Consultation with Auckland Transport

26. Prior to giving effect to this consent, the consent holder shall provide details of any agreement with Auckland Transport to the Auckland Council Team Leader Central Monitoring on the following:
- (a) The proposed vehicle crossing on Valley Road with the dimensions marked including clearance from any light poles on Valley Road, and the time restricted parking space affected by the proposed crossing at Valley Road.
  - (b) Existing vehicle crossing on Carrick Place (to make sure the tracking curves from the proposed parking spaces will work) and which existing crossings are to be abandoned.
  - (c) Extent of proposed verandas including their setback from kerblines be clearly marked and shown.
  - (d) Bus stop alterations, covering bus stop seating, shelter, and other bus stop infrastructure.

All costs associated with resolutions required by the development shall be covered in full by the consent holder.



**Advice Note:** *The proposed verandah will require an airspace licence from Auckland Transport and encumbrances will need to be registered on the Unit Titles. The proposed verandah should comply with section 6 of Auckland Transport's encroachment guidelines.*

**Advice note:** *The bus stop should provide for shelter. If the verandah/canopy does not provide waiting bus passengers shelter, a bus stop shelter should be provided for.*

27. Prior to giving effect to this consent the consent holder shall provide details of any agreement with Auckland Transport to Auckland Council Team Leader Central Monitoring regarding changes to existing road markings and new road markings including No Stopping At All Times (NSAAT) markings, bus stops and on street parking spaces.

#### Geotechnical

28. The consent holder shall engage a suitably qualified engineer to supervise all excavations, retaining and foundation construction. The supervising engineer's contact details shall be provided in writing to Auckland Council Team Leader Central Monitoring at least two weeks prior to earthworks commencing on site.

#### Floor Plans

29. Prior to the lodgement of any architectural building consent, the consent holder shall provide architectural detail drawings of the floor plans and layout of each building. This shall include details of the internal and external floor areas of each residential unit, and their outdoor living areas as well as an accommodation schedule that includes the floor area and number of bedrooms for each residential unit within each building. This shall be submitted to the Auckland Council Team Leader Central Monitoring for certification.

"architectural building consent" means building consent for structure above the podium and excludes any building consents for demolition, the basement, detention tanks, earthworks, retaining walls and drainage.

#### Materials and Finishes

30. Prior to the lodgement of any architectural building consent, the consent holder shall provide architectural detail drawings of the façade components and a Materials Schedule and Specifications for the proposed external cladding and glazing. A sample palette of materials, surface finishes, and colour schemes shall accompany this. This shall be submitted to the council (Team Leader Central Monitoring, in consultation with Team Leader Urban Design and Team Leader Built Heritage) for certification. The purpose of this condition is to ensure that the proposed architectural treatment, colour, and visual depth indicated in the approved consent drawings is consistent with the documentation listed in condition 1 and will be provided without any compromise of their design intent.
31. Concrete used on Blocks A and B shall have a white or off-white finish, and shall not appear grey. This may be achieved through use of a coloured aggregate, lime wash, opaque paint, or other agreed method. Prior to the lodgement of any architectural building consent, a description and sample of the concrete finish shall be submitted to the council (Team Leader Central Monitoring, in consultation with Team Leader Urban Design and Team Leader Built Heritage) for certification. The purpose of this condition is because exposed grey concrete is not an appropriate material on the application site



in the Eden Valley Special Character area.

32. Prior to the lodgement of any architectural building consent that includes the following matters, the consent holder shall provide details of any external / rooftop services / plant, and visual / aural screening elements to the council (Team Leader Central Monitoring, in consultation with Team Leader Urban Design and Team Leader Built Heritage) for certification. The purpose of this condition is to ensure the appropriate screening/treatment of any external plant equipment in manner that does not undermine the design and architectural integrity of the proposed building(s).

### Universal Building

33. The consent holder shall document the demolition of the Universal Buildings. Measured "as-built" drawings shall be prepared before demolition commences, and a photographic record before, during, and after demolition shall be prepared. This demolition record shall be prepared by a suitably qualified Heritage Specialist, and shall be submitted to the council (Team Leader Central Monitoring, in consultation with Team Leader Built Heritage) for certification prior to the commencement of any other building work on the site.
34. Prior to lodgement of any architectural building consent, the consent holder shall provide an interpretive signage plan that includes the location, design, and content of interpretive material to be displayed on the site. This shall be submitted to council (Team Leader Central Monitoring, in consultation with Team Leader Built Heritage) for certification. The interpretive signage certified in the plan shall be installed prior to occupation of the site, and shall be maintained in perpetuity. The purpose of this condition is to ensure that the history of Dominion Road and the Eden Valley Special Character area are understood and appreciated by the public, despite the loss of the Universal Buildings.
35. Demolition of the Universal Building shall not take place until building consent applications for all of Buildings A and B have been approved. The purpose of this condition is to ensure these character buildings are not demolished without sufficient certainty that the consented replacement buildings will be constructed shortly after demolition of the Universal Buildings and in accordance with the design approved under this resource consent.

### Signage

36. Prior to commencement of signage on site the consent holder shall provide detailed information to illustrate the finalised design details of the proposed signage, including the proposed locations, dimensions, colours, materials, and surface finishes. The finalised design details certified by Council shall be established prior to the occupation of each commercial tenancy, and thereafter retained and maintained.

**Advice note:** *As part of the certification process, Council's monitoring officers will liaise with members of the Council's Auckland Design Office to ensure that the submitted details are consistent with the approved plans and information.*

### Finalised landscape design drawings, specifications and maintenance requirements

37. Prior to lodgement of any architectural building consent, the consent holder shall provide to the Auckland Council Team Leader Central Monitoring for certification, a finalised set of developed and detailed landscape design drawings and supporting written

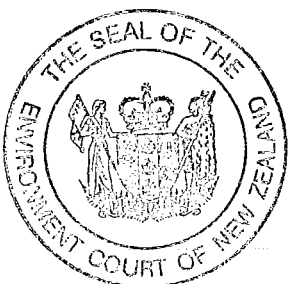




documentation which have been prepared by a landscape architect or suitably qualified professional. The submitted information shall be consistent with the consented landscape concept plan(s) as prepared by Isthmus Group Limited shown on the Mediation Summary Report and confirm that the planting within the internal courtyard areas (above the basement car park) will be able to achieve the anticipated outcome, in particular that there is enough depth of soil to accommodate the proposed tree (including Nikau) planting. At a minimum, this information shall include landscape design drawings, specifications and maintenance requirements including:

- (a) Annotated planting plans which communicate the proposed location and extent of all areas of planting
- (b) Annotated cross-sections and/or design details with key dimensions to illustrate that adequate widths and depths are provided for planter boxes / garden beds
- (c) A plant schedule based on the submitted planting plan(s) which detail 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
- (d) Details of draft specification documentation for any specific drainage, soil preparation, tree pits, staking, irrigation and mulching requirements
- (e) An annotated pavement plan and related specifications, detailing proposed site levels and the materiality and colour of all proposed hard surfacing
- (f) An annotated furniture plan and related specifications which confirm the location and type of all seats, bins, lights, fences, walls and other structural landscape design elements
- (g) A landscape maintenance plan (report) and related drawings and specifications for all aspects of the finalised landscape design, including in relation to the following requirements:
  - (i) Irrigation
  - (ii) Weed control
  - (iii) Plant replacement
  - (iv) Inspection timeframes
  - (v) Contractor responsibilities

**Advice notes:** *It is recommended that the consent holder consider a minimum three-year (and preferably five-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 three or five years of the planting being established and watering to maintain soil moisture.*



### Implementation and maintenance of approved landscape design

38. Prior to the development being first occupied and within an appropriate planting season, the consent holder shall implement the landscape design which has been approved by the council under condition 38 and thereafter retain and maintain this landscape (planting, pavement and furniture) in perpetuity to the satisfaction of the Auckland Council Team Leader Central Monitoring in accordance with the maintenance plan which has been approved under condition 35.

### Waste Management Plan

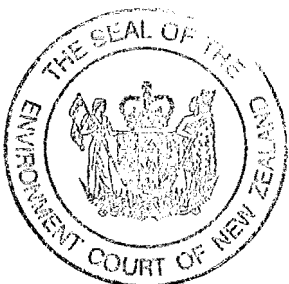
39. Prior to lodgement of any architectural building consent, a finalised Waste Management Plan shall be submitted to Council for certification by Auckland Council Team Leader Central Monitoring. The purpose of the plan is to outline the methodology for refuse and recycling storage and disposal from the site, including proposed days/frequency of collection, ensure that the servicing requirements of the overall site are adequately provided for without causing odour / visual nuisance internally or to the public.
40. Any waste collection including all movement of bins shall not be undertaken between 6.00pm and 7.00am, unless undertaken within the basement of the development.
41. The Waste Management Plan shall then be implemented at all times.

**Advice note:** *The waste management plan required by condition 40 above is also required for any multi-unit development, comprising ten or more units, under the Auckland Council Solid Waste Bylaw 2012. Assistance in determining the contents of the Waste Management Plan can be found within the Auckland Design Manual, [www.aucklanddesignmanual.co.nz](http://www.aucklanddesignmanual.co.nz) by searching for the Waste MUD Calculator. As part of the certification process, Council's monitoring officers will liaise with members of the Council's Auckland Design Office and Waste Solutions Team to ensure that the submitted details are consistent with the approved plans and information.*

### Lighting Plan

42. Prior to lodgement of any architectural building consent, the consent holder shall provide a Lighting Plan for certification by Auckland Council Team Leader Central Monitoring. This plan shall include proposed locations, lux levels and types of lighting (i.e. manufacturer's specifications once a lighting style has been determined). The lighting plan shall demonstrate that all lighting complies with the relevant AUP(OP) lighting standards and to avoid any light spill onto neighbouring properties.

**Advice note:** *The purpose of this plan is to demonstrate that adequate lighting will be provided, particularly at the entrances to the building; and any publicly accessible areas within and around the site for the visibility and safety of residents, occupants and visitors to the premises and passers-by outside the daylight hours. The lighting should be designed to prevent any glare or overspill to the neighbouring properties in compliance with the relevant bylaw provisions.*



43. The Lighting Plan certified by Auckland Council Team Leader Central Monitoring shall be implemented as part of the construction of the development and maintained thereafter.

**Advice note:** *As part of the condition monitoring process, Council's monitoring inspectors will liaise with members of the Council's Auckland Design Office to ensure that the submitted details are consistent with the approved plans and information.*

### During Construction Conditions

#### Construction Noise

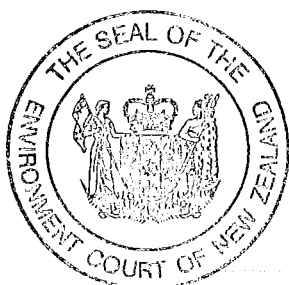
44. All noise generating activities associated with the implementation of this resource consent on, or in the vicinity of, the subject site (which can include (but are not limited to) any demolition, earthworks and construction activities, and ancillary activities (such as deliveries, loading and unloading goods, transferring tools, etc)):

- (a) may only be carried out between the hours of 8:00 am and 6:00 pm, Monday to Friday and 8:00 am and 1:00 pm Saturday; and
- (b) must not be carried out on any Sunday or public holiday (and any following Monday on which that public holiday is observed)

Oversize plant equipment (such as cranes and large machinery) and building elements (such as pre-cast steel) that would cause significant disruption to the surrounding road network may be brought onto, or taken off, site outside the above times and may exceed the relevant construction noise levels set out in condition 46, subject to at least 5 working days' notice being given to the parties listed in condition 25(a) and the approval of the Auckland Council Team Leader Central Monitoring.

45. Except as provided for in Conditions 47, 48 and 49, construction noise levels at occupied buildings shall comply with the following limits, when measured and assessed in accordance with NZS 6803:1999: *Acoustics – Construction Noise*.

Time of week	Time Period	Noise Limit, dB	
		L <sub>Aeq(30min)</sub>	L <sub>Amax</sub>
Weekdays	8:00 am – 6:00 pm	70	85
	6:00 pm – 10:00 pm	55	80
Saturdays	8:00 am – 1:00 pm	70	85
	1:00 pm – 10:00 pm	55	80
Sundays and public holidays	7:30 am – 6:00 pm	55	80
At all other times		45	70



46. Construction noise shall not exceed 75 dB  $L_{Aeq(30min)}$  when measured at 1m from the façade of any occupied building within 15m of the site boundary. This limit shall apply for a single continuous period of 20 weeks. This condition does not apply to the noise from hydraulic rock breaking or the air overpressure levels from blasting, which must comply with the limits prescribed in Conditions 48 and 49 respectively. The consent holder shall provide to the Council, the occupiers where construction noise is expected to exceed 70  $L_{Aeq(30min)}$ , and the CLG the start and finish dates for the single continuous 20-week period at least two weeks before the start of that period.

**Advice Note:** *For the avoidance of doubt, when conditions 47 applies, the compliance limit at any occupied building within 15m of the site boundary shall be 75 dB  $L_{Aeq(30min)}$ . The compliance limit at all other receiver will be in accordance with Condition 46, except during rock breaking activities.*

47. The following noise limits apply to rock breaking activities:
- (a) Noise generated by rock breaking activities shall not exceed the following external limits when measured 1m from the façade of any occupied buildings not on the same site, except as provided for in (b) and (c) below:
    - (i) 80 dB  $L_{Aeq(30min)}$  at 9-15 Carrick Place
    - (ii) 75 dB  $L_{Aeq(30min)}$  at 107A Valley Road, 21 Carrick Place, 111 Valley Road, 191-217 Dominion Road and 236 Dominion Road; and
    - (iii) 70 dB  $L_{Aeq(30min)}$  at all other buildings.
  - (b) Noise generated by rock breaking activities shall not exceed an internal limit of 60 dB  $L_{Aeq(30min)}$  when measured inside the following occupied buildings: 109 Valley Road and 184-196 Dominion Road.
  - (c) Noise generated by rock breaking activities shall not exceed an internal limit of 65 dB  $L_{Aeq(30min)}$  when measured inside the following occupied buildings: 224 – 234 Dominion Road.

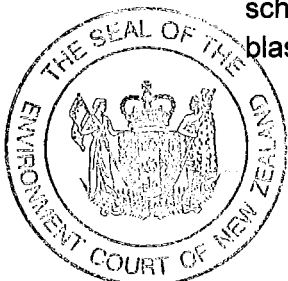
#### *Construction Blasting*

48. At occupied buildings, air over pressure from all blast events shall comply with a limit of 120 dB  $L_{Zpeak}$ .

At unoccupied buildings, the air over pressure from all blast events shall comply with a limit of 133 dB  $L_{Zpeak}$  when measured at any glazed element of any building and 140 dB  $L_{Zpeak}$  when measured at any façade not containing glazed elements.

Air over pressure levels shall be measured and assessed in accordance with Australian Standard AS2187.2-2006 *Explosives – Storage and Use – Use of Explosives*.

49. Blasting shall be undertaken only between 9am and 5pm, Monday to Friday, and within specifically set 30-minute time windows within this period. The specifically set windows for blasting shall be set out in the BMP required under condition 53. Blasting shall be scheduled such that for at least 1 hour between 12pm – 2pm Monday to Friday no blasting occurs.



50. Each blast window shall be communicated to occupiers of buildings within 100m of the application site at least 3 days in advance of the blast and again 1 day in advance of the blast.
51. An audible countdown sequence shall be given for each blast.
52. Prior to the commencement of any blasting, a finalised BMP prepared by a suitably qualified person in accordance with AS 2187 shall be submitted to Council for written certification by Auckland Council team Leader Central Monitoring.

The objective of the BMP is to minimise effects of blasting on neighbouring properties and occupants.

The BMP shall include specific details relating to avoiding, remedying or mitigating adverse effects on the environment and neighbouring properties from blasting works associated with this development as follows:

- (a) The proposed programme of dates and times of proposed blasting events;
  - (b) Frequency and timing of blasting events to minimise effects on neighbouring properties (as listed in Condition 64);
  - (c) Training of blasting operators;
  - (d) Procedures for designing each blast event in a way that minimises vibration and air over pressure off the site;
  - (e) The requirement to undertake signature hole analysis (small test blasts) to determine the minimum effective charge weight and effects radius;
  - (f) The requirement to undertake noise and vibration monitoring of signature hole analysis and production blasts; and
  - (g) Procedures and methods to communicate the blasting programme and noise/vibration levels on neighbouring properties (as listed in Condition 64).
53. Blasting shall comply with the vibration limits specified in condition 46.
  54. Rock breaking on site shall be minimised through removal of large basalt rocks from site, as far as practicable.

*Noise barriers*

55. An acoustic barrier with a minimum surface mass of 15kg/m<sup>2</sup> shall be erected along the full boundary of the site (except where site access is required or where there are existing concrete or concrete block walls already in place), prior to commencement of demolition activities and shall be in place until the completion of all construction activities.
  - (a) An acoustic barrier with a minimum height of 3.6m above the existing ground level of:
    - (i) 9-15 Carrick Place;
    - (ii) The Carrick Place street frontage of 216B Dominion Road; and



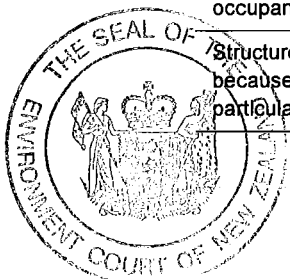
- (iii) 111 Valley Road.
- (b) An acoustic barrier with a minimum height of 2.4m above the existing ground level of:
- (i) The Dominion Road street frontage of the construction site;
  - (ii) The Valley Road street frontage not required for access; and
  - (iii) The north and west boundaries of 224-234 Dominion Road.
56. Prior to the commencement of excavation works, standard shipping containers (2.6m high) shall be placed two containers high along the full length of the site's boundary with 9-15 Carrick Place and extending 3m along the site's boundary with 184-196 Dominion Road. The containers shall be located within the application site at existing ground level and as close as practicable to the site boundary. The containers may only be removed to enable excavation works along the boundary of 9-15 Carrick Place. The excavation works immediately adjacent to 9-15 Carrick Place must be the last excavation works to take place.
57. In addition to the above, temporary noise barriers shall be investigated within the site, and in addition to the noise barriers required by Condition 56, where a construction noise limit would otherwise be predicted to be exceeded and the barriers would noticeably reduce the construction noise level. They should be installed prior to the relevant works commencing and maintained throughout those works.
58. A noise reduction shroud shall be fitted on all rock breaking equipment used at the site.

### Construction Vibration

#### *Cosmetic Building Damage*

59. Construction generated vibration received on any structure not on the same site shall not exceed the guideline values set out in German Industrial Standard DIN 4150-3 (1999): Structural Vibration – Part 3 Effects of Vibration on Structures during construction in any circumstance, as set out below:

Type of Structure	Short-term Vibration			Long-term Vibration	
	Peak particle velocity (PPV), mm/s			PPV at horizontal plane of highest floor at all frequencies	PPV at horizontal plane of highest floor at all frequencies
	1 Hz-10 Hz	10 Hz-50Hz	50Hz-100 Hz		
Building used for commercial purposes, industrial buildings	20 mm/s	20-40 mm/s	40-50 mm/s	40 mm/s	10 mm/s
Dwellings and buildings of similar design and/or occupancy	5 mm/s	5-15 mm/s	15-20 mm/s	15 mm/s	5 mm/s
Structures that, because of their particular sensitivity to	3 mm/s	3-8 mm/s	8-10 mm/s	8 mm/s	2.5 mm/s



---

vibration, cannot be classified under the above two rows and are of great intrinsic value

---

60. Activities resulting in construction vibration beyond the site shall be limited to the hours of 8am to 6pm on weekdays and from 8am to 1pm on Saturdays.

*Amenity limits*

61. Except as provided for below, vibration levels arising from construction activity on the site shall not exceed, 2 mm/s peak particle velocity in occupied buildings in any axis when measured in the corner of the floor of the storey of interest for multi-storey buildings, or within 500 mm of ground level at the foundation of a single storey building as specified in AUP (OP) E25.6.30 (1) (b).

If measured or predicted vibration from construction activities exceeds 2 mm/s PPV at occupied buildings, the Consent Holder shall consult with the affected receiver to:

- (a) Discuss the nature of the works and the anticipated days and hours when the exceedances are likely to occur; and
- (b) Determine whether the exceedances could be timed or managed to reduce the effects on the receiver.

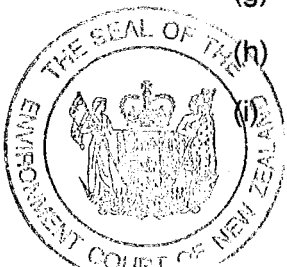
The Consent Holder shall maintain a record of these discussions and make them available to Council on its request.

62. A level of 2 mm/s PPV shall not be exceeded for more than three days in any 14 day period at any one occupied building, and must not exceed 5 mm/s PPV, unless agreed in writing with the owner and/or occupier. Those exceedance days are to be made known to the owner and/or occupier of the building, unless agreed in writing with the owner and/or occupier. Any such agreement shall be available to Council on request.

*Building condition survey*

63. The Consent holder shall request in writing the approval of the owners of the following properties to undertake a building condition survey at the times listed in condition 65:

- (a) 109 Valley Road, Mount Eden (Commercial)
- (b) 111 Valley Road, Mount Eden (Residential)
- (c) 184 - 196 Valley Road, Mount Eden (Commercial)
- (d) 198 Valley Road, Mount Eden (Commercial)
- (e) 13 Leamington Road, Mount Eden (Residential)
- (f) 21A, 21B and 21C Carrick Place, Mount Eden (Residential)
- (g) 16 Carrick Place, Mount Eden (Residential)
- (h) 3 Carrick Place, Mount Eden (Residential)
- (i) 105 Valley Road, Mount Eden (Residential)



- (j) The units at 9-15 Carrick Place, Mount Eden (Residential)
64. Subject to property owner approval being provided, the consent holder shall undertake a building condition survey for each of the properties listed in condition 64 at the following times:
- (a) At least 10 working days prior to construction commencing;
  - (b) Within 10 working days of the completion of excavation; and
  - (c) At the completion of construction.

Should any reasonable claim of property damage from construction vibration be received from a property owner listed in condition 64 during the course of the construction activity, a building condition survey of the property in question shall be undertaken within 5 working days of a claim or claims being received by the consent holder.

65. Each building condition survey shall:
- (a) Be undertaken by the Building Surveyor engaged in accordance with conditions 9 - 12;
  - (b) Provide a description of the building;
  - (c) Determine the appropriate structure type classification<sup>6</sup> with respect to DIN 4150-3:1999 "Structural Vibration - Effects of Vibration on Structures" (i.e. historic/sensitive, residential or commercial/industrial);
  - (d) Document and photograph the condition of the building, including any cosmetic and/or structural damage;
  - (e) The Building Surveyor shall invite the owner and any occupier, if different to the owner, to identify any concerns they wish to be considered in any condition survey, and these shall be taken into account in the preparation of the building condition survey; and
  - (f) The results shall be provided to the property owner and be available to Council on request.
66. If during any construction the building condition survey demonstrates that cosmetic or structural damage has occurred that has, in the opinion of the Building Surveyor, been caused by the activities authorised by this consent, the infringing vibration generating works shall cease until such time as alternative construction methods have been agreed in writing with the Auckland Council Team Leader Compliance Monitoring (in consultation with the Building Surveyor).
67. Within 5 working days following the identification of cosmetic or structural damage under condition 67, the Building Surveyor shall advise in writing any necessary remedial measures to reinstate the affected building to its previously surveyed appearance and structural integrity. The results shall be provided to the Consent Holder, property owner, the CLG and the Auckland Council Team Leader Central Monitoring as soon as

<sup>6</sup> Classifications with respect to Tables 1 and 3 of DIN 4150-3:1999 "Structural Vibration - Effects of Vibration on Structures" (i.e. historic/sensitive, residential or commercial/industrial)





practicable. The consent holder shall then offer to, and, if accepted by the property owner shall, at the consent holder's cost, rectify the damage as soon as practicable in accordance with the remedial measures set out in the building survey, in consultation with the property owner.

68. If the post-construction building condition survey demonstrates that damage has occurred that has been caused by the activities authorised by this consent, the consent holder shall offer to, and, if accepted by the property owner, shall rectify the damage at the consent holder's cost, as soon as practicable, in consultation with the property owner.

#### Monitoring

69. Attended noise and vibration monitoring shall be undertaken during the first occurrence of rock breaking, any on-site blasting (including signature hole analysis (test blasts) and production blasting) and during any other activities that are predicted to reach the noise or vibration limits.
70. Unattended continuous noise monitoring shall be undertaken during the times of construction when the noise limits of Conditions 47 and 48 apply to the works. Such monitoring shall be undertaken by placing one semi-permanent noise logging device at a building agreed by the CLG. This logging device shall be able to be moved to other buildings as agreed by the CLG, during the phase of works when Conditions 47 and 48 apply. Where monitoring shows that noise levels may exceed the limits of Conditions 47 and 48 at another building, an additional noise logging device shall be placed at that building when the exceedance is predicted to occur.
71. Unattended continuous vibration monitoring shall be undertaken during the excavation phase of the works. Such monitoring shall be undertaken by placing one semi-permanent vibration logging device at a building agreed by the CLG. This logging device shall be able to be moved to other buildings as agreed by the CLG, during the excavation phase. Where monitoring shows that vibration levels may exceed the limits of Conditions 60 or 62 at another building, an additional vibration logging device shall be placed at that building when the exceedance is predicted to occur.
72. The results of the monitoring shall be provided to Council and the CLG within 5 working days of completion of the monitoring. The results of the monitoring shall be used to verify the appropriateness of the methodology to undertake the works within the limits of conditions 46, 47, 48, 49, 60 and 62 of this consent

#### Dust

73. During earthworks all necessary action shall be taken to minimise dust generation and sufficient water shall be available and shall be used where needed to dampen exposed soil, and/or other dust suppressing measures shall be available to minimise dust formation.

#### Parking and loading

74. The consent holder shall provide 11 parking spaces accessible in the basement carpark that shall be reserved for staff of retail activities. These spaces shall be maintained thereafter.



75. The consent holder shall design and construct the Valley Road vehicle crossing so that the wall along the eastern site boundary (or within 2m of that boundary) is no higher than 0.5m for a length of at least 5m from the street boundary.
76. The consent holder shall provide a plan identifying a minimum of 95 long-term bicycle parking spaces internal to the development in a secure location to Auckland Council Team Leader Central Monitoring for certification. The certified plan shall be implemented to provide the bicycle parking and associated facilities and maintained thereafter.

The bicycle parking and associated facilities shall be provided prior to the commencement of occupation of the development.

**Advice note:** *The location of such bicycle parking spaces may include racks/hooks at the end of parking spaces where a wall exists, within bicycle racks and/or bicycle storage rooms. Bicycle storage areas should not be located in areas used by pedestrians.*

77. Prior to lodgement of any architectural building consent, the consent holder shall provide a plan identifying the location of at least seven visitor bicycle parking spaces in a location convenient to visitors to the development to Auckland Council Team Leader Central Monitoring for certification. The certified plan shall be implemented to provide the bicycle parking and associated facilities and maintained thereafter.
78. The consent holder shall provide one loading space on-site, accessible from Carrick Place.
79. The consent holder shall provide for refuse disposal loading within the basement only via private contractor.
80. No gates shall be placed at or within the pedestrian thoroughfare entranceways to the site for the entranceways fronting Dominion Road, Valley Road, and Carrick Place.

#### Stormwater

81. The consent holder shall ensure that the required freeboard to finished floor levels from overland flowpaths within and adjacent to the site is maintained for the 100yr ARI MPD flood.
82. The consent holder shall paint all metal surfaces and shall not use zinc or copper leaching surface treatments.

#### NES CS (Earthworks)

83. The consent holder shall implement all measures identified in the Site Management Plan for Contaminated Land (including the Remediation Action Plan (RAP)) prepared by Tonkin & Taylor Ltd, April 2017 during remediation and earthworks on the site. Any substantial revisions to the RAP must be provided to Auckland Council Team Leader Central Monitoring for certification.
84. The consent holder shall engage a suitably qualified and experienced contaminated land specialist to monitor the earthworks.
85. The consent holder shall ensure that the earthworks do not result in any airborne and deposited dust beyond the property boundary of the site that is determined to be noxious, objectionable or offensive.

86. The consent holder shall ensure excavated materials, when removed from the site, are disposed of in an appropriate landfill and provide landfill receipts to Auckland Council Team Leader Central Monitoring on completion of the earthworks.



87. If evidence of soil contamination or presence of asbestos which has not been identified, in the initial site investigations, is discovered during excavation, the consent holder shall immediately cease the works and notify Auckland Council Team Leader Central Monitoring and provide a site contamination report and a remedial action plan if necessary to Auckland Council Team Leader Central Monitoring. This condition is subject to the further directions on the management of contaminated soils contained within conditions 122 – 132 in the contamination discharge permit DIS60303722.
88. The consent holder must ensure that the contamination level of any imported soil complies with Auckland Council's clean fill criteria as outlined by MfE Guide for Managing Clean-fills 2002.

#### Street Trees

89. The consent holder shall engage a Council approved contractor to carry out the removal of the titoki located outside 113 Valley Road, Mt Eden. This must be carried out in accordance with current best arboricultural and safety practices.
90. Within the next planting season immediately following the tree removal, the consent holder shall plant two Titoki (*Alectryon excelsus*) specimen trees in the Valley Road reserve (berm) in a location between Dominion Road and Kenyon Avenue which has been certified as being appropriate by the Auckland Council Team Leader Central Monitoring, at the consent holder's expense. The trees shall be a minimum root grade of Pb95 and be staked, mulched and watered at the time of planting.

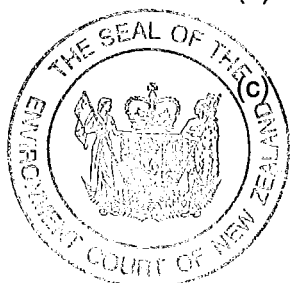
#### Geotechnical

91. The consent holder shall ensure that supplementary geotechnical investigations are undertaken by a suitably qualified engineer along the western site boundary, and any other boundary where excavation depths are greater than 2 m below current ground level, to determine temporary retention requirements and to assess the nature of the ground conditions for basement and retention tank design and construction purposes. This work shall be undertaken following demolition of the existing buildings but prior to commencement of any bulk excavation.
92. The consent holder shall provide verification in writing from an engineer to Auckland Council Team Leader Central Monitoring, that the temporary retention requirements identified under condition 92 have been implemented on site. This shall be provided no later than two weeks after foundation/retaining construction have been completed.
93. All earthworks shall 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 uncontrolled collapse or instability does occur, it shall immediately be rectified.

#### Archaeology

94. In addition to any requirements under the Heritage New Zealand Pouhere Taonga Act 2014, preliminary earthworks shall be monitored by the Project archaeologist to:
- (a) Establish whether early 20th century archaeological remains associated with the shops at 224 and 228 Dominion Road and the villas previously fronting Valley Road are present.
  - (b) If present, any significant early 20th century archaeological remains shall be recorded and analysed using accepted archaeological techniques.

The results will be reported to the Auckland Council Cultural Heritage Inventory



within 12 months after the completion of onsite works

### Post-Construction Conditions

#### Operational Noise

95. Noise levels arising from operational activities must be measured and assessed in accordance with New Zealand Standard NZS 6801:2008 *Measurement of environmental sound* and New Zealand Standard NZS 6802:2008 *Acoustics - Environmental noise*.

96. The following noise limits are not to be exceeded by any activities occurring on the site when measured or assessed as the incident level on the façade of any building on any other site in the *Business – Local Centre* zone.

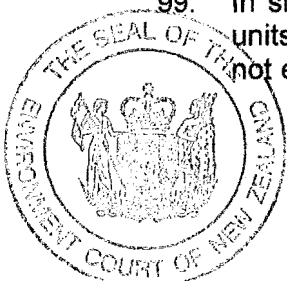
Period	Noise Limit
7:00 am - 10:00 pm	60 dB L <sub>Aeq</sub>
10:00 pm – 7:00 am	50 dB L <sub>Aeq</sub>
	60 dB L <sub>eq</sub> at 63 Hz
	55 dB L <sub>eq</sub> at 125 Hz
	75 dB L <sub>AFmax</sub>

97. The following noise limits are not to be exceeded by any activities occurring on the site when measured or assessed within the boundary of a site in a *Residential* zone.

Period	Noise Limit
Monday to Saturday 7:00 am-10:00 pm	55 dB L <sub>Aeq</sub>
Sunday 9:00 am – 6:00 pm	
At all other times	45 dB L <sub>Aeq</sub>
	60 dB L <sub>eq</sub> at 63 Hz
	55 dB L <sub>eq</sub> at 125 Hz
	75 dB L <sub>AFmax</sub>

98. Prior to occupation of the buildings, the consent holder shall submit a report prepared by a suitably qualified and experienced acoustic specialist to Auckland Council Team Leader Central Monitoring for certification. The report shall demonstrate that noise from external plant and the commercial activities with the development complies with Conditions 97 and 98 operational noise limits.

99. In situations where common building elements such as floors and walls connect two units, the noise (rating) level arising from any activity measured in any adjacent unit must not exceed the limits below.



Unit affected	Time	Noise Limit
In all units except those containing activities sensitive to noise	At all times	50 dB LAeq
In bedrooms and sleeping areas within units containing activities sensitive to noise	Between 10:00 pm – 7:00 am	35 dB LAeq
		45 dB Leq at 63 Hz
		40 dB Leq at 125 Hz
	Between 7:00 am – 10:00 pm	40 dB LAeq
Other noise sensitive spaces	At all other times	40 dB LAeq

100. At Building Consent stage, the consent holder shall submit a report confirming the building design complies with condition 100 to Auckland Council Team Leader Central Monitoring. The report must be prepared by a suitably qualified and experienced acoustic specialist.

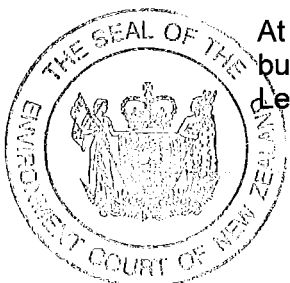
101. (a) Noise sensitive spaces must be designed and/or insulated so that the internal noise levels do not exceed the levels below based on the maximum level of noise permitted by the zone or precinct standards or any adjacent zone or precinct standards.

Unit affected	Time	Noise Limit
Bedrooms and sleeping areas	Between 10:00 pm – 7:00 am	35 dB LAeq
		45 dB Leq at 63 Hz
		40 dB Leq at 125 Hz
	Between 7:00 am – 10:00 pm	40 dB LAeq
Other noise sensitive spaces	At all other times	40 dB LAeq

(b) Where the above internal noise levels can only be complied with when doors or windows to those rooms are closed, those rooms must provide sufficient ventilation either via:

- (i) a mechanical ventilation and/or cooling system that generates a noise level no greater than 35 dB LAeq when measured 1 m from the diffuser at the minimum design airflows; or
- (ii) providing sufficient ventilation via alternate means, such as acoustically treated trickle ventilation, designed to meet the above internal noise level requirements.

At building consent stage, the consent holder shall submit a report confirming the building design complies with condition 102(a) and 102(b) to Auckland Council Team Leader Central Monitoring. The report must be prepared by a suitably qualified and



experienced acoustic specialist.

### Flooding

102. The consent holder shall ensure that the development does not result in an increase in peak flows from the site resulting from a 1% AEP event.
103. The consent holder shall ensure that the development does not increase peak flows and water levels of overland flowpaths on other properties in the vicinity of the site, including Dominion and Valley Roads.

### Site validation report

104. Following completion of any remediation works, the consent holder shall provide to the Auckland Council Team Leader Central Monitoring for certification a site validation report which shall include but not limited to the following:
- (a) confirmation of the remediation works being conducted in accordance with an approved remedial action plan
  - (b) the location and dimensions of the remediation carried out, including a site plan
  - (c) soil test results for remaining soil, imported fill if any and any other soil testing
  - (d) total volume of excavated soil disposed off-site
  - (e) landfill receipts.

### Street Trees

105. An aftercare period of two years is to be carried out following the planting of the new street trees (as required by condition 91). Should the trees decline during this period to a point where they are no longer healthy (in the opinion of the Auckland Council Team Leader Central Monitoring) then the trees shall be replaced with similar trees of similar dimensions (as required by condition 91). The aftercare shall include any staking, mulching and watering during the summer periods to ensure the establishment and ongoing survival of the new street trees.

### Infrastructure

106. A copy of an updated private drainage "as-built" plan signed by a registered certifying drainlayer shall be provided to Auckland Council Team Leader Central Monitoring at the completion of the building works.

**Advice Note:** *The stormwater and wastewater network connections will require engineering approval to be obtained from Auckland Council prior to applying for Building Consent. All stormwater and wastewater systems shall be designed and constructed in accordance with Council standards. See the council's website ([www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz)) for more information on the engineering approval process, or call (09) 301 0101 and ask to speak to a Development Engineer from your local service centre.*

## **Specific conditions – stormwater discharge permit – DIS60303722**

### Expiry date

Stormwater diversion and discharge permit shall expire 35 years from the decision date of this consent unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the RMA.



**Pre-construction Conditions**

Maintenance responsibility

108. Prior to the commencement of any works, the consent holder shall secure the long term operation and maintenance of the stormwater management devices for owner of the units through an appropriate level mechanism. Evidence shall be provided to Auckland Council Team Leader Central Monitoring within one month of the legal document being created and the devices shall be maintained thereafter.

**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 DIS60303722 for the diversion and discharge of stormwater should be transferred to this entity.*

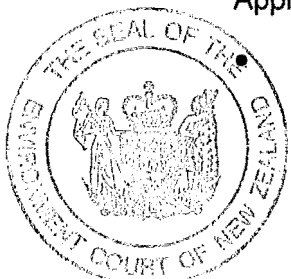
Stormwater management works

109. 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:

Works to be undertaken	Catchment area - impervious	Design requirement(s)
Soakholes (5)	Approximately 4,656m <sup>2</sup>	<ul style="list-style-type: none"> <li>In accordance with TR2013/040 - Stormwater Disposal via Soakage in the Auckland Region</li> <li>Soakage rate of at least 27L/s</li> <li>Drilled at a 10° incline to vertical</li> </ul>
Storage tank 1		<ul style="list-style-type: none"> <li>Storage volume of at least total 1,211m<sup>3</sup></li> </ul>
Storage tank 2		
Stormwater quality treatment device	Vehicle parking manoeuvring areas	<ul style="list-style-type: none"> <li>75% TSS removal in accordance with GD01</li> </ul>

110. Detailed designs for the stormwater quality treatment devices including any relevant drawings, plans and calculations shall be submitted for certification to the Auckland Council Team Leader Central Monitoring, at the time of application for Engineering Plan Approval for the following:

Stormwater quality treatment device to achieve 75% TSS removal on a long term average basis in accordance with GD01.



111. In the event that any modifications to the stormwater management system are required, the following information shall be provided to Auckland Council Team Leader Central Monitoring for certification prior to implementation of the modifications:

- (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.

**Advice Note:** *Any changes to the proposal which will affect the capacity or performance of the stormwater management system may 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 may have to be varied (s127 under the RMA).*

112. A pre-construction meeting shall be held by the consent holder, prior to commencement of the construction of any stormwater devices onsite, that:

- (a) is arranged five working days prior to initiation of the construction of any stormwater devices on the site;
- (b) is located on the subject area;
- (c) includes representation from Auckland Council Team Leader Central Monitoring; and
- (d) includes representation from the site stormwater engineer, contractors who will undertake the works and any other relevant parties.

113. The following information shall be made available prior to, or at the pre-construction meeting:

- (a) timeframes for key stages of the works authorised under this consent;
- (b) erosion and sediment control measures during construction;
- (c) contact details of the site contractor and site stormwater engineer; and
- (d) construction plans, including design details of the soakholes

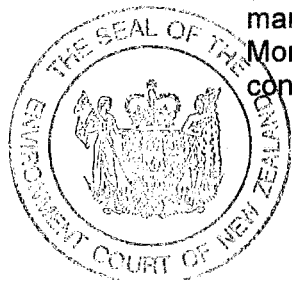
### **Post-construction conditions**

114. 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 subject area;
- (b) includes representation from Auckland Council Team Leader Central Monitoring; 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 Team Leader – Compliance Monitoring Central on 09 301 0101 or [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz)*

115. 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 Auckland Council Team Leader Central Monitoring for certification 5 days prior to the post-construction meeting required by this consent.

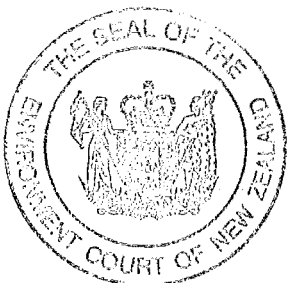




116. The As-Built plans shall display the entirety of the stormwater management system, and shall include:
- (a) the surveyed location (to the nearest 0.1m) and level (to the nearest 0.01m) of the stormwater management devices, with co-ordinates expressed in terms of NZTM and LINZ datum;
  - (b) plans and cross sections of all stormwater management devices, including confirmation of the Water Quality Volume, storage volumes and levels of any outflow control structure;
  - (c) the surveyed locations of all soak holes installed for the management of stormwater discharges to ground shall be measured to the nearest 0.1 metre with co-ordinates expressed in terms of NZTM;
  - (d) the soakage capacities of the soak holes; and
  - (e) documentation of any discrepancies between the design plans and the As-Built plans made under condition 113 above.

Operation and Maintenance Plan

117. A finalised Operation and Maintenance Plan shall be submitted to Auckland Council Team Leader Central Monitoring for certification 5 days prior to the post-construction meeting required by this consent.
118. The Operation and Maintenance Plan shall set out how the stormwater management system is to be operated and maintained to ensure that adverse environmental effects are minimised. The plan 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) a copy of any current maintenance contract.
119. The stormwater management system shall be managed in accordance with the approved Operation and Maintenance Plan.
120. Any amendments or alterations to the Operation and Maintenance Plan shall be submitted to, and approved by Auckland Council Team Leader Central Monitoring, in writing prior to implementation.
121. The Operation and Maintenance Plan shall be updated and submitted to Auckland Council Team Leader Central Monitoring for certification, on request.



### Maintenance Report

122. Details of all inspections and maintenance for the stormwater management system, for the preceding three years, shall be retained.
123. A maintenance report shall be provided to Auckland Council Team Leader Central Monitoring on request.
124. The maintenance report shall include the following information:
  - (a) details of who is responsible for maintenance of the stormwater management system and the organisational structure supporting this process;
  - (b) details of any maintenance undertaken; and
  - (c) details of any inspections completed.

### **Specific conditions – contamination discharge permit – DIS60303722**

#### Expiry date

125. Pursuant to Section 123 of the Resource Management Act 1991 (RMA), discharge consent DIS60303722 shall expire five years from the date of granting, unless it has been surrendered or been cancelled at an earlier date pursuant to the RMA.

#### **Pre-construction conditions**

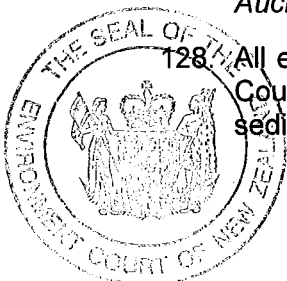
126. Auckland Council Team Leader Central Monitoring shall be notified at least five (5) days prior to the commencement of the proposed remedial works commencing on the subject site at [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz), or 09 301 0101. The following details shall also be provided:
  - (a) name and telephone number of the project manager and the site owner
  - (b) site address to which the consents relate;
  - (c) activity to which the consents relate; and
  - (d) expected duration of the works.

#### **During construction conditions**

127. The discharge of contaminants to land and water from the proposed remedial works shall be carried out in accordance with the revised Site Management Plan titled "Site Management Plan for Ground Contamination Valley Road Apartments, Mt Eden", prepared by Tonkin & Taylor Ltd, and dated August 2017, and to the satisfaction of Auckland Council Team Leader Central Monitoring.

**Advice Note:** *The Council acknowledges that the revised Site Management Plan is intended to provide flexibility of the management of the works and contaminant discharge. Accordingly, the plan may need to be further updated. Any updates should be limited to the scope of this consent and consistent with the conditions of this consent. If you would like to confirm that any proposed updates are within scope, please contact Team Leader Compliance Monitoring, Central, Licensing and Regulatory Compliance, Auckland Council on (09) 301 0101.*

128. All excavation in the work areas shall be managed to the satisfaction of the Auckland Council Team Leader Central Monitoring to minimise any discharge of debris, soil, silt, sediment or sediment-laden water from beyond the subject site to either land,



stormwater drainage systems, watercourses or receiving waters.

129. Erosion and sediment control shall be installed in accordance with the guideline document titled *Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region* (GD05) (Auckland Council, 2016). The excavation areas shall be dampened during the day to suppress the generation of dust during the works. Filter cloths or cover mats shall be installed over the stormwater cesspits in the vicinity of the excavation areas. Stabilised exits shall be established to avoid the potential for sediment to leave the site on vehicle tyres and enter the existing stormwater system.

**Advice Note:** *Discharge from the site includes the disposal of water (e.g. perched groundwater or collected surface water) from excavations.*

130. Any soils and/or fill material identified for off-site disposal shall primarily be loaded directly into trucks and shall be covered during transportation off site. Stockpiling of material excavated for off-site disposal shall be avoided. If required, temporary stockpiles of material free from separate phase hydrocarbons or odorous petroleum hydrocarbons shall be located on an impermeable surface within an area protected by erosion and sediment controls, and be covered with tarpaulins anchored at the edges outside working hours and during periods of heavy rain. Any stockpile shall be protected from transfer of dust by wind at all times. Stockpiling of material containing separate phase hydrocarbons or odorous petroleum hydrocarbons shall not take place. All soil removed from the remedial area shall be deposited at a disposal site that holds a consent to accept the relevant level of contamination.

**Advice Note:** *Where it can be demonstrated that the soil has been fully characterised and found to meet definition of 'Cleanfill material', set out in the Auckland Unitary Plan (Operative in Part), the removal to a consented disposal site is not required.*

131. Any perched groundwater, or surface water encountered within the excavation area requiring removal shall be considered potentially contaminated, and shall either:

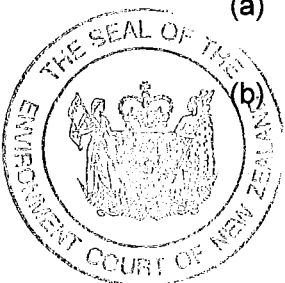
- (a) be disposed of by a licenced liquid waste contractor; or
- (b) pumped to sewer, providing the relevant permits are obtained; or
- (c) discharged to the stormwater system or surface waters provided testing demonstrates compliance with the Australian and New Zealand Environment Conservation Council (ANZECC) *Guidelines for Fresh and Marine Water Quality* (2000) for protection of 80 percent of marine water species, except for benzene where the criterion for protection of 95 percent of species shall apply.

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

**Advice Note:** *All testing and analysis should be undertaken in a laboratory with suitable experience and ability to carry out the analysis. This should include all pesticides and herbicides. For more details on how to confirm the suitability of the laboratory please refer to Part 4: Laboratory Analysis, of Contaminated Land Management Guidelines No.5.*

133. All imported fill shall:

- (a) Comply with the definition of 'Cleanfill material', as per definition set out in the Auckland Unitary Plan (Operative in Part); and
- (b) Be solid material of an inert nature; and



- (c) Not contain hazardous substances or contaminants above natural background levels of the receiving site.

**Advice Note:** *Background levels for the Auckland Region can be found in the technical publication TP153, Background concentrations of inorganic elements in soils from the Auckland Region, Auckland Regional Council (2001). Under the AUP (OP) Definitions, Cleanfill material cannot contain more than 5% by volume of inert manufactured materials (e.g. concrete, brick, tiles).*

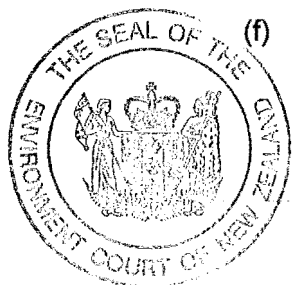
134. Where contamination that has not been anticipated by the application is identified, works in the area containing the unexpected contamination shall cease and be notified to Auckland Council Team Leader Central Monitoring and all neighbouring properties listed in condition 19(h). Relevant contingency procedures, outlined in the Site Management Plan referenced in Condition 128 shall be implemented. Any unexpected contamination and contingency measures shall be overseen by a suitably qualified contaminated land practitioner and documented in the Site Validation Report required by Condition 136.

**Advice Notes:** *In accordance with this consent any unexpected contamination may include contaminated soil, perched water, groundwater, or underground tanks. The consent holder is advised that where unexpected contamination is significantly different in extent and concentration from that anticipated in the original site investigations, handling the contamination may be outside the scope of this consent. Advice should be sought from the Auckland Council Team Leader Central Monitoring prior to carrying out any further work in the area of the unexpected contamination to ensure this is within scope of this consent.*

*Details of the likely contamination levels can be found in the Preliminary Site Investigation and Detailed Site Investigation included in condition 2.*

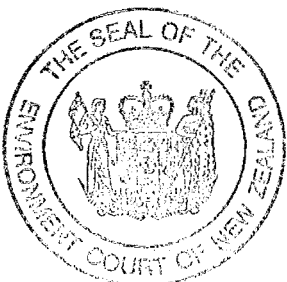
#### **Post-construction conditions**

135. Within three months of the completion of the proposed remedial works on site, a Site Validation Report (SVR) shall be provided to Auckland Council Team Leader Central Monitoring for certification. The SVR shall be prepared by a suitably qualified and experienced contaminated land practitioner. The SVR shall contain sufficient detail to address the following matters:
- (a) a summary of the remedial works undertaken, including a statement confirming whether the remedial works have been completed in accordance with the revised Site Management Plan referenced in Condition 128;
  - (b) the location and dimensions of the excavations carried out, including a relevant site plan;
  - (c) records of any unexpected contamination encountered during the works, if applicable;
  - (d) copies of the disposal dockets for the material removed from the site and cleanfill imported onto the site;
  - (e) a summary of the unexpected contaminated material sampling (if applicable) and validation sampling, tabulated analytical results, and interpretation of the results in the context of the Contaminated Land Rules of the Auckland Unitary Plan (Operative in Part);
  - (f) details regarding any complaints and/or breaches of the procedures set out in the revised Site Management Plan and the conditions of this consent.



## 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 inspector unless otherwise specified. Please contact Team Leader Central Monitoring on 09 301 0101 or [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. 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.
5. Approval must be sought from Watercare Ltd for the wastewater and water supply connections.
6. The proposed inlet and outlet grates be designed in accordance with the Auckland Council Design Manual, including allowance for blockage and appropriate safety grilles.
7. The diversion of the wastewater line appears to not be in accordance with Watercare Ltd design standards and Watercare Ltd will need to approve the diversion detailed design.
8. Should earthworks on the site result in the identification of any previously unknown archaeological site, the land disturbance – Regional Accidental Discovery rule [E12.6.1] set out in the Auckland Unitary Plan Operative in part (November 2016) shall be applied. Heritage New Zealand Pouhere Taonga Act 2014 - The Heritage New Zealand Pouhere Taonga Act 2014 (hereafter referred to as the Act) provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. All archaeological sites are protected by the provisions of the Act (section 42). It is unlawful to modify damage or destroy an archaeological site without prior authority from Heritage New Zealand Pouhere Taonga. An Authority is required whether or not the land on which an archaeological site may be present is designated, a resource or building consent has been granted, or the activity is permitted under Unitary, District or Regional Plans. According to the Act (section 6) archaeological site means, subject to section 42(–
  - a) any place in New Zealand, including any building or structure (or part of a building or structure), that –
    - I. was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and
    - II. provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and



b) includes a site for which a declaration is made under section 43(1)

*It is the responsibility of the consent holder to consult with Heritage New Zealand Pouhere Taonga about the requirements of the Act and to obtain the necessary Authorities under the Act should these become necessary, as a result of any activity associated with the consented proposals.*

*For information please contact the Heritage New Zealand Pouhere Taonga Northern Regional Archaeologist – 09 307 0413 / archaeologistMN@historic.org.nz.*

9. *Māori artefacts such as carvings, stone adzes, and greenstone objects are considered to be tāonga (treasures). These are taonga tūturu within the meaning of the Protected Objects Act 1975 (hereafter referred to as the Act).*

*According to the Act (section 2) taonga tūturu means an object that –*

- a) *relates to Māori culture, history, or society; and*
- b) *was, or appears to have been –*
  - i. *manufactured or modified in New Zealand by Māori; or*
  - ii. *brought into New Zealand by Māori; or*
  - iii. *used by Māori; and*
- c) *is more than 50 years old*

*The Act is administered by the Ministry of Culture and Heritage. Tāonga may be discovered in isolated contexts but are generally found within archaeological sites. The provisions of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to the modification of an archaeological site should to be considered by the consent holder if tāonga are found within an archaeological site, as defined by the Heritage New Zealand Pouhere Taonga Act 2014.*

*It is the responsibility of the consent holder to notify either the chief executive of the Ministry of Culture and Heritage or the nearest public museum, which shall notify the chief executive, of the finding of the taonga tūturu, within 28 days of finding the taonga tūturu; alternatively provided that in the case of any taonga tūturu found during the course of any archaeological investigation authorised by Heritage New Zealand Pouhere Taonga under section 48 of the Heritage New Zealand Pouhere Taonga Act 2014, the notification shall be made within 28 days of the completion of the field work undertaken in connection with the investigation.*

*Under section 11 of the Act, newly found tāonga tūturu are in the first instance Crown owned until a determination on ownership is made by the Māori Land Court.*

- 10. *Prior to demolishing existing buildings on site, attention of the consent holder is drawn to the provisions of the Health and Safety at Work Act (Asbestos) Regulations 2016 and the current New Zealand Guidelines for the Management and Removal of Asbestos, New Zealand Demolition and Asbestos Association;*
- 11. *The consent holder should engage a person hold a Certificates of Competence (CoC) for restricted work to inspect existing buildings (demolishing is proposed), to confirm the presence or absence of asbestos containing materials within the buildings;*
- 12. *If asbestos containing materials are identified within any buildings, the consent holder should prepare a site specific asbestos management plan detailing asbestos identification process, removal and disposal procedures, risk assessment and its mitigation measures, air monitoring, health and safety procedures for protection of site workers and the public;*



13. *Attention of the consent holder is drawn that should asbestos containing materials are found on site following the demolishing/removal of existing buildings, remediation and validation sampling for asbestos are likely to be required.*

