

# Report for an application to vary conditions of a resource consent under section 127 of the Resource Management Act 1991



Discretionary activity under section 127(3)

## 1. Application description

<b>Application number:</b>	LUC60104363-D
<b>Applicant:</b>	Wilberforce (Sale Street) Limited
<b>Original consent number:</b>	LUC60104363 (R/LUC/2015/2748)
<b>Site address:</b>	70 Sale Street, Auckland Central
<b>Legal description:</b>	Lot 2 Deposited Plan 74856
<b>Site area:</b>	1535m <sup>2</sup>
<b>Auckland Unitary Plan (Operative in part)</b>	
<b>Zoning and precinct:</b>	Business – City Centre Zone
<b>Overlays, controls, designations, special features etc:</b>	Regionally Significant Volcanic Viewshafts and Height Sensitive Areas - E16, Mount Eden
	Vehicle Access Restriction Control – Motorway Interchange
	Cook Street – Arterial Road

### Locality Plan



## 2. The proposal, site and locality description

Paul Arnesen of Planning Focus Limited (“the agent”) has provided in a form and manner that is accepted by the council:

- a description of the proposal,
- detailed the variations to the conditions of consent, and
- described the subject site and its surroundings.

This can be found in the Assessment of Environmental Effects (AEE) titled: ‘Variation Application to Land Use Consent R/LUC/2015/2748 Design Alterations’ by Paul Arnesen of Planning Focus Limited, dated December 2017.

In summary, the consent holder wishes to vary the conditions of resource consent LUC60104363 (R/LUC/2015/2748) as follows:

- Increasing the Floor Area Ratio of the building from 5.8:1 (7,795m<sup>2</sup>) to 5.13:1 (7,879m<sup>2</sup>);
- Alterations to the design of the two retail tenancies at ground level, including increasing the gross floor area (GFA) of Retail Tenancy 1 from 82m<sup>2</sup> to 130m<sup>2</sup>, and Retail Tenancy 2 from 64m<sup>2</sup> to 78m<sup>2</sup>;
- Removal of the building’s planter boxes on the balconies along its Sale Street elevation, and vertical fins on the balustrades of the internal breezeway within the site;
- Alterations to the approved landscape plan for the berm area along Sale Street;
- Removal of the loading zone within the building due to changes in the building’s clearance height as a result of detailed design changes within the building, and the installation of a new on-street loading zone outside the adjacent site at 68 Sale Street;
- Alterations to the layout and vehicle manoeuvring within the building’s carpark in the basement, ground and first floors, including reducing the number of carparks within the building from 102 to 90 spaces;
- Alterations to the Sale Street and Cook Street vehicle access gradients. The Sale Street vehicle access will have a gradient of 1 in 7, and a platform area with a gradient of 1 in 20 is proposed, and the Cook Street vehicle access will have a gradient lower than the previously consented gradient of 1 in 4, with a transition section of 1 in 8, 3.0m length prior to the adjacent footpath.
- Removal of Condition 57, which requires carparking space number 50 to be allocated as a ‘retail parking space’.

I agree with the accuracy of these and note the following in addition to the above:

- The proposal meets the AUP (OP)’s bicycle parking requirements, as the works include the provision of 108 storage lockers which will be sufficient in size to be used as bicycle parking, and as 5 visitor bicycle parking spaces will be provided within the main entrance to the building as part of the works. This is despite the consent holder not being subject to the new bicycle parking rules, as their consent was granted before these rules had legal effect.

- The proposed on-street loading zone will be located adjacent to the existing vehicle crossing in the road reserve adjacent to 68 Sale Street. The applicant has discussed the proposed option with Auckland Transport, who are supportive of the proposed on-street loading option.
- The proposed changes to the landscaping of the berm will be in keeping with Auckland Transport's "*vision for the landscape treatment of the wider Sale Street frontage*", and is not anticipated to adversely impact on the surrounding environment. It is noted that works within the road reserve are a permitted activity, providing they are undertaken by the applicant as an agent of Auckland Transport – as such, no assessment below is required.

### 3. Background

#### Specialist Review

This variation application has been reviewed by the following Council specialist:

- Hamish Speakman, Consultant Traffic Engineer (HGT2).

#### Consent History

The original consent was granted by a Duty Commissioner on the 23 December 2015. Three consent variations, one new resource consent, and one within scope letter have been granted since that date in relation to the approved development. In particular:

- **LUC60104363-A (R/VCC/2015/2748/1)** was approved in August 2016 to facilitate outlook space design changes to a few Level 1 accommodation units;
- **LUC60126267 (R/LUC/2016/3973)** was approved in October 2016 to provide for the removal of existing trees and vegetation within the road reserve to the west of the site and to remove a street tree on Sale Street;
- **LUC60104363-B (R/VCC/2015/2748/2)** and **DIS60083825-A (R/VCC/2015/2954/1)** were approved in October 2016 to provide for additional earthworks within the road reserve associated with the construction of the approved development at 70 Sale Street, Auckland Central;
- **LUC60104363-C (R/VCC/2015/2748/3)** was approved in December 2016 to provide for new plans showing two additional accommodation units – one within the existing void at the Cook Street entrance to the building (Level 2), and the other on top level of the building (comprising a built form extension to Level 10);
- A within scope confirmation letter was sent in September 2017 which confirmed that a reduction of the approved dwelling's carparking spaces from 102 to 90 as a result of detailed design process is within scope of the approved consent.

#### Cook Street vehicle crossing width

Condition 22 of the original resource consent (LUC60104363) states that the vehicle crossing width along Cook Street shall be limited to a maximum of 6.0 metres at the site boundary.

As noted in the initial application plans and confirmed in the applicant's section 92 response, this vehicle crossing was proposed under this variation application to be widened to 7.6m wide at the site boundary. As per the drawings submitted by the applicant, the vehicle crossing width

at the road carriageway would have been 10.6m wide. The applicant's section 92 response also stated that the internal accessway into the building has already been constructed, and as such, the width of the future crossing cannot comply with Condition 22. The applicant's traffic engineer also noted that complying with this width is not practicable due to the existing gradient along Cook Street.

The proposed enlarged crossing width has been reviewed by Hamish Speakman, Council's Consultant Traffic Specialist, and Vinh Bui, Council's Principal Traffic Engineer, who both consider it be unacceptable, with potential adverse effects on pedestrian safety and amenity.

Following an on-site meeting with both Council and the applicant's traffic engineers, the applicant has since revised the variation application to show compliance with Condition 22. The will also reduce the constructed vehicle accessway width to 6m. In addition, the applicant has also proposed to rebuild the existing footpath outside the subject site's Cook Street frontage, to allow a vehicle crossing width of 9.2m at the road boundary. The existing footpath along the subject site will also be widened to 1.8m.

#### **4. Status of the application**

##### **Application to vary resource consent conditions – LUC60104363 (R/LUC/2015/2748)**

The proposed changes to the resource consent to provide for the elements described in section 2 of this report, which consist of alterations to the building's exterior and retail tenancy design, increasing the building's GFA by 84m<sup>2</sup>, alterations to the approved landscape plan, removal of the approved loading zone from within the building basement and installation of a new on-street loading zone, and alterations to the approved parking arrangements are considered to fall within the scope of the original resource consent.

As an application for a variation to conditions under s127 of the Resource Management Act 1991 (RMA), it is treated as if it is a discretionary activity.

Sections 88 to 121 apply, though all references to resource consent and activity are replaced with reference to the change or cancellation of the condition, and the resultant effects.

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

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

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

No mandatory notification is required as:

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

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

The application is not precluded from public notification as:

- the activities are not subject to a rule or national environmental standard (NES) which precludes public notification (s95A(5)(a)), and
- the application does not involve one or more of the following activities exclusively: a controlled activity; a restricted discretionary or discretionary activity for a residential activity (as defined in s95A of the RMA) or a subdivision; a boundary activity; or a prescribed activity (s95A(5)(b)).

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

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

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

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

#### Effects that must be disregarded

##### **Effects on persons who are owners and occupiers of the land in, on or over which the application relates, or of land adjacent to that land**

The council is to disregard any effects on the land in, on, or over which the activity will occur, and on persons who own or occupy any adjacent land (s95D(a)). The land adjacent to the subject site includes the following (and any unit addresses in relation to these):

- 106 and 109 Cook Street,
- 4/1A Centre Street,
- 29, 31, 33-35, 41-45, 41A, 43 and 68 Sale Street, and
- 75 and 81 Union Street, Auckland Central.

##### **Any effect on a person who has given written approval to the application**

No person has given written approval to the application.

#### Effects that may be disregarded

##### **Permitted baseline**

The permitted baseline may be taken into account and the council has the discretion to disregard those effects (s95D(b)). In this case there is no permitted baseline as the proposal involves the variation of conditions for an existing resource consent.

## Assessment

### **Receiving environment**

The receiving environment beyond the subject site includes permitted activities under the relevant plans, lawfully established activities (via existing use rights or resource consent), and any unimplemented resource consents that are likely to be implemented. The effects of any unimplemented consents on the subject site that are likely to be implemented (and which are not being replaced by the current proposal) also form part of this reasonably foreseeable receiving environment. This is the environment within which the adverse effects of this application must be assessed.

The receiving environment is described in Section 3 of the AEE. In particular, the approved subject building which is currently under construction, forms part of the receiving environment. As noted in the AEE, "*construction works are progressing with the superstructure of the lower floors now complete*".

Other resource consents granted that are currently being implemented and therefore form part of the receiving environment include LUC60130560 (R/LUC/2015/1644) and LUC60130405 (R/LUC/2015/1994) for 44-46 Sale Street and 52-54 Sale Street respectively.

### **Adverse effects**

#### *Visual effects and effects on pedestrian amenity*

As per Section 6.1 of the AEE, the agent considers that the proposed design changes will have no more than minor adverse effects on visual amenity for the following reasons:

- The removal of the planter boxes will only affect the "*visual appeal of the northern elevation of the building*", and the changes to the balustrades are internal and will not be visible from the surrounding streetscape.
- The additional GFA of 84m<sup>2</sup> is limited to the ground level of the site due to the proposed retail changes, which will result in the retail street frontage being closer to the street. This will not result in any adverse effects in terms of dominance and shading. In addition, no changes to the overall building bulk or scale are proposed.
- In terms of pedestrian amenity, the works involve waste servicing from the street, as due to detailed design changes, the basement clearance height from Sale Street has been reduced to 2.2m, and waste collection vehicles can no longer access the basement. The agent notes that Rubbish Direct (the waste collectors for this proposal) have advised that "*their trucks could not enter the basement and that they were more than comfortable to undertake rubbish collection from the street*".

I concur with the agent's reasons and conclusion above that the visual amenity effects from the works will be no more than minor. In terms of pedestrian amenity, I consider that any effects will be temporary and no more than minor, as the bins will only be placed along Sale Street for collection during rubbish collection days. In addition, the applicant's waste management plan outlines who will be responsible for managing the bins, how waste will be collected, and the frequency and times of waste collections.

### *Effects relating to Parking*

The agent and the applicant's traffic engineer consider that the proposed variation will have less than minor effects on the surrounding environment in terms of traffic access arrangements and pedestrian safety for the following reasons:

- The proposed changes to the building will reduce the number of parking spaces from 102 to 90. The changes to the building's parking layout in terms of number of spaces or internal vehicle manoeuvring are contained within the site's basement, ground floor and first floor levels, and will not adversely affect the wider traffic network.
- The proposed changes to the Sale Street and Cook Street vehicle access gradients will have minimal impacts on the operation of the ramp and access into the site, as the changes are largely to reduce the steepness of the consented ramps into the site.

The proposed works have been reviewed by Hamish Speakman, Council's Consultant Traffic Specialist. In particular, Mr Speakman is supportive of the proposal from a traffic perspective for the following reasons:

- There are no minimum parking requirements under the AUP (OP), and *"the reduction in the number of car parking spaces will result in a decrease in traffic generation"*.
- The remaining parking spaces will continue to be used for residential activities, where *"traffic movements are predominantly outbound in the AM peak period and inbound in the PM peak period"*.
- The proposed changes to the building's parking levels generally meet the AUP (OP)'s requirements for regular user car parking spaces, however one of the spaces marked as a 'small car parking space' on the first floor does not comply with the requirements of the AUP (OP). Mr Speakman is not supportive of this parking space from a traffic perspective, and is *"unsure if it is feasible for a driver to enter the car parking space due to the proximity to the vehicle access and an adjacent column near the access"*. The applicant has proffered a condition of consent to ensure that this space is clearly identified and marked as a parking space for small cars only (no longer than 3.84m). In addition, the applicant has offered a covenant to be placed on the title to clearly indicate that this space will be used as a small carparking space only. Mr Speakman is supportive of this approach as a mitigation measure. I consider this option to be acceptable, with small car park spaces being regularly accepted for developments across the city without adverse effects.
- Although the gradients of the Sale Street and Cook Street vehicle accesses do not comply with the AUP (OP)'s requirements, the proposed gradient changes are less steep than those consented under the original resource consent, and will consequently have a lesser impact on traffic safety.

I adopt both the applicant and Council's traffic specialists' assessments, and concur with the agent that the proposed works will have less than minor traffic effects overall for the reasons above.

### *Effects relating to Loading*

In terms of the proposed loading – the agent considers that this will not adversely impact on the wider environment for the following reasons:

- The proposed removal of the approved loading zone is due to changes to the building during detailed design, which have reduced the clearance height of the carpark entrance from Sale Street to 2.2m. As a result, trucks are no longer able to enter the basement.
- The proposed loading shortfall within the building will be mitigated through a new on-street loading zone, which the agent considers will have a negligible impact on the safety and efficiency of the surrounding roading network. The new loading zone will be used outside of peak traffic hours, and as noted in the AEE, there is a 3m clearance between the centre line of the road and the edge of the loading space which allows cars to “*pass stationary trucks without conflict with eastbound traffic*”. In addition, traffic speeds and volumes along Sale Street are relatively low, particularly east bound in front of the site where traffic comes in off Union Street.
- The proposed loading zone will be relocated to the east of the Sale Street vehicle crossing along the road reserve adjacent to 68 Sale Street. It is unclear whether these are legally established, as there is no consenting history for this site at 68 Sale Street which provides for the vehicle access and carparks. The applicant has also proposed that following the completion of the works, this crossing will be removed, with the road reserve reinstated as kerb and channel.
- The proposed loading zone location has been discussed with Kate Brill of Auckland Transport, who states that the proposed location can be supported, on the basis that the proposal is subject to consultation with the landowner of the adjacent site and the local businesses affected by the proposed loading zone. This consultation forms part of Auckland Transport’s resolution process, which will be undertaken by the applicant to install the loading zone prior to the occupation of the building.
- The installation of the loading zone is supported by Mr Speakman from a traffic perspective. In particular, he notes that the location of the loading zone is opposite to the Sale Street and Centre Street intersection however its location is not anticipated to impact on the operation of this intersection due to anticipated traffic volumes generated by this activity. It is considered that while the proposed loading zone is not exclusively for the use of the applicant and may be utilised by members of the public, given the existing and anticipated traffic volumes, any conflicts between vehicles utilising the loading space will be infrequent and have a less than minor impact on the wider traffic movements along Sale Street.

I adopt the agent and Mr Speakman’s assessment, and consider that the proposed loading arrangements will have no more than minor adverse effects on the wider environment.

#### **Adverse effects conclusions**

Overall, I concur with the AEE and both the applicant and Councils’ specialists, and conclude that the proposed variation will have or is likely to have no more than minor adverse effects on the environment based on the assessment above.

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

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



Special circumstances are those that are:

- exceptional or unusual, but something less than extraordinary
- outside of the common run of applications of this nature, or
- circumstances which makes notification desirable, notwithstanding the conclusion that the adverse effects will be no more than minor.

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

## Public notification conclusion

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

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

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

## **6. Limited notification assessment (sections 95B, 95E-95G, s127(4))**

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

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

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

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

Within the Auckland region the following statutory acknowledgements are relevant:

- Te Uri o Hau Claims Settlement Act 2002
- Ngāti Manuhiri Claims Settlement Act 2012
- Ngāti Whātua Ōrākei Claims Settlement Act 2012
- Ngāti Whātua o Kaipara Claims Settlement Act 2013
- Te Kawerau ā Maki Claims Settlement Act 2015

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

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

The application is not precluded from limited notification as:

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

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

As this application is not for a boundary activity or a prescribed activity, there are no affected persons related to those types of activities (s95B(7)).

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

In determining whether a person is an affected person:

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

In considering the variation to conditions of an existing resource consent, the council must consider in particular every person who made a submission on the original application and who may be affected by the change or cancellation of that consent (s127(4)).

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

No persons made a submission on the original application.

As per Section 10.2 of the AEE, no persons are considered to be adversely affected by the activities because:

- The additional GFA will not result in any dominance or overshadowing effects on any specific persons, as the additional floor space is located within the consented building footprint at ground level. In addition, no changes to the building's scale and overall height are proposed.
- The proposed building design changes will not visually affect any specific persons. The removal of the planter boxes and balustrade changes are due to these features being potential climbing hazards, and the changes to the breezeway are internal and not visible from street view.
- The proposed berm landscaping changes will not affect any specific persons. This has been designed in conjunction with Auckland Transport, the road network authority, and has been altered in accordance with their recommendations.

- The proposed parking and vehicle manoeuvring changes to the building are internal, with vehicle movements occurring within the basement, ground floor or first floor levels.
- The proposed absence of any on-site loading space will not impact on traffic operation or movements along Sale Street, as the loading zone will be utilised outside of peak hours to minimise or avoid traffic conflicts. As noted by the agent, the proposed loading zone location within the road reserve has been selected in consultation with Auckland Transport, the road network authority. The works involve the removal of the existing vehicle crossing adjacent to 68 Sale Street – however it is considered that the removal of this and reinstatement to kerb and channel will not adversely affected any persons at 68 Sale Street, given that this crossing is located within the road reserve and not within this adjacent site.

## Special circumstances

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

Special circumstances are those that are:

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

In this instance I have turned my mind specifically to the existence of any special circumstances under s95B(10) and conclude that there is nothing exceptional or unusual about the variation, and that the proposal has nothing out of the ordinary run of things to suggest that notification to any other persons should occur.

## Limited notification conclusion

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

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

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

## 7. Notification recommendation

### Non-notification

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

In addition under sections 95B and 127(4) limited notification is not required.

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



Sarah Wong  
Intermediate Planner  
Resource Consents

Date: 3/07/2018

### Approved for Release

Sections 95A, 95B and 127(4) recommendation approved for release to the duty commissioner for determination.



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Daniel Kinnoch  
Senior Planner City Centre  
Resource Consents

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Date: 3/07/2018

# Decision on an application to vary conditions of a resource consent under section 127 of the Resource Management Act 1991



Discretionary activity under section 127(3)

**Application number:** LUC60104363-D  
**Applicant:** Wilberforce (Sale Street) Limited  
**Site address:** 70 Sale Street, Auckland Central  
**Legal description:** Lot 2 Deposited Plan 74856

**Proposal:**

To change Condition 5A, cancel Condition 57, and impose three new conditions to enable changes to the approved building including increasing the gross floor area (GFA) of the building from 7,795m<sup>2</sup> to 7,879m<sup>2</sup> (84m<sup>2</sup>), alterations to building design, approved parking and berm landscaping, and removal of the loading zone within the building and replacement with an on-street loading bay, and removal of vehicle crossing servicing 68 Sale Street.

This discretionary activity under s127 of the Resource Management Act 1991 (RMA) is for changes to / cancellation of conditions of resource consent LUC60104363 involving the following amendments (with strikethrough for deletion, underline for insertions):

Land use consent (s9) – LUC60104363 (R/LUC/2015/2748)

Changes to condition 5A

**Section 127 – R/VCC/2015/2748/1 (LUC60104363-A), R/VCC/2015/2748/2 (LUC60104363-B), and R/VCC/2015/2748/3 (LUC60104363-C) and LUC60104363-D**

Except as amended by the conditions that follow, the activity shall be carried out in accordance with the plans and all information submitted with the application and detailed in Condition 1, with the exception of the plans and information detailed below, and all referenced by Council as consent numbers R/VCC/2015/2748/1 (LUC60104363-A), R/VCC/2015/2748/2(LUC60104363-B), or R/VCC/2015/2748/3 (LUC60104363-C) and LUC60104363-D which supplement and / or replace general condition 1 plans:

- Application Form, and Assessment of Effects prepared by Paul Arnesen of Planning Focus Limited, dated 10 August 2016 (for R/VCC/2015/2748/1 or LUC60104363-A).

Plan title and reference	Author	Rev	Dated
Level 1 Floor Plan A21-11 <i>(replaces Level 1 Floor Plan TP-21-11)</i>	Cox Architecture	40	19/07/2016
Level 1 Apartment Windows TP-50-04 <i>(replaces Revision A)</i>	Cox Architecture	C	08/08/2016

Level 1 Apartment Window Views Sht 1 of 2 TP-50-05 <i>(replaces Level 1 Apartment Windows TP-50-04)</i>	Cox Architecture	A	08/08/2016
Level 1 Apartment Window Views Sht 2 of 2 TP-50-06	Cox Architecture	A	08/08/2016

- Application Form, and email from Paul Arnesen of Planning Focus, dated 27 September 2016 (for R/VCC/2015/2748/2 or LUC60104363-B).

Plan title and reference	Author	Rev	Dated
Road Reserve Existing Vegetation, Dwg No L1501 <i>(shows the area of additional earthworks being undertaken within the road reserve, and the Swamp Cypress tree that is to be maintained. The tree removals are not subject to this resource consent).</i>	SOLA Landscape Architects	2	22/09/16

Other additional information	Author	Rev	Dated
Emails regarding Vector Approval for proposed works in proximity to their utility assets		-	08/06/2016 – 20/09/2016

- Application Form, and Assessment of Effects prepared by Paul Arnesen of Planning Focus Limited, dated 15 November 2016 (for R/VCC/2015/2748/3 or LUC60104363-C).

Plan title and reference	Author	Rev	Dated
Level 2 Floor Plan TP-21-12 <i>(replaces Rev H)</i>	Cox Architecture	K	02/11/2016
Level 10 Floor Plan TP-21-20 <i>(replaces Rev H)</i>	Cox Architecture	K	02/11/2016
Roof Plan TP-21-24 <i>(replaces Rev F)</i>	Cox Architecture	H	02/11/2016
North Elevation to Sale Street TP-30-01 <i>(replaces Rev F)</i>	Cox Architecture	H	02/11/2016
West Elevation TP-30-02 <i>(replaces Rev F)</i>	Cox Architecture	H	02/11/2016
South Elevation TP-30-03 <i>(replaces Rev E)</i>	Cox Architecture	F	02/11/2016
South West Elevation to Cook St TP-30-04 <i>(replaces Rev B)</i>	Cox Architecture	D	02/11/2016
East Elevation TP-30-05 <i>(replaces Rev D)</i>	Cox Architecture	F	02/11/2016
Resident's Lounge – 3D Views, ASK-040	Cox Architecture	1	24/10/2016

*Note: The only changes approved on the plans listed above are those depicted with a red outline. No other changes to materiality and design of the building are approved under this variation.*

- Application Form, and Assessment of Effects prepared by Paul Arnesen of Planning Focus Limited, dated 22 December 2017 (for LUC60104363-D).

Plan title and reference	Author	Rev	Dated
Drawing List & Location Plan, TP-01-00 <i>(replaces Rev D)</i>	Cox Architecture	G	30/10/2017

Conceptual Images TP-01-01	Cox Architecture	D	08/07/2015
<u>Site Plan TP-11-01</u> (replaces Rev G)	<u>Cox Architecture</u>	H	<u>30/10/2017</u>
<u>Basement Floor Plan TP-21-09</u> (replaces Rev H)	<u>Cox Architecture</u>	K	<u>30/10/2017</u>
<u>Ground Floor Plan TP-21-10</u> (replaces Rev H)	<u>Cox Architecture</u>	L	<u>30/10/2017</u>
<u>Level 1 Floor Plan TP-21-11</u> (replaces Rev 10)	<u>Cox Architecture</u>	K	<u>30/10/2017</u>
<u>Level 2 Floor Plan TP-21-12</u> (replaces Rev K)	<u>Cox Architecture</u>	M	<u>30/10/2017</u>
<u>Level 3 Floor Plan TP-21-13</u> (replaces Rev G)	<u>Cox Architecture</u>	L	<u>30/10/2017</u>
<u>Level 4 Floor Plan TP-21-14</u> (replaces Rev E)	<u>Cox Architecture</u>	G	<u>30/10/2017</u>
<u>Level 5 Floor Plan TP-21-15</u> (replaces Rev G)	<u>Cox Architecture</u>	J	<u>30/10/2017</u>
<u>Level 6 Floor Plan TP-21-16</u> (replaces Rev E)	<u>Cox Architecture</u>	G	<u>30/10/2017</u>
<u>Level 7 Floor Plan TP-21-17</u> (replaces Rev E)	<u>Cox Architecture</u>	G	<u>30/10/2017</u>
<u>Level 8 Floor Plan TP-21-18</u> (replaces Rev E)	<u>Cox Architecture</u>	G	<u>30/10/2017</u>
<u>Level 9 Floor Plan TP-21-19</u> (replaces Rev G)	<u>Cox Architecture</u>	J	<u>30/10/2017</u>
<u>Level 10 Floor Plan TP-21-20</u> (replaces Rev K)	<u>Cox Architecture</u>	L	<u>30/10/2017</u>
<u>Roof Plan TP-21-21</u> (replaces Rev H)	<u>Cox Architecture</u>	J	<u>30/10/2017</u>
<u>North Elevation To Sale Street TP-30-01</u> (replaces Rev H)	<u>Cox Architecture</u>	J	<u>30/10/2017</u>
<u>West Elevation TP-30-02</u> (replaces Rev H)	<u>Cox Architecture</u>	J	<u>30/10/2017</u>
<u>South Elevation TP-30-03</u> (replaces Rev F)	<u>Cox Architecture</u>	G	<u>30/10/2017</u>
<u>South West Elevation To Cook St TP-30-04</u> (replaces Rev D)	<u>Cox Architecture</u>	F	<u>30/10/2017</u>
<u>East Elevation TP-30-05</u> (replaces Rev F)	<u>Cox Architecture</u>	G	<u>30/10/2017</u>
<u>Materials Schedule TP-30-10</u> (replaces Rev B)	<u>Cox Architecture</u>	C	<u>30/10/2017</u>
<u>East-West Section TP-40-01</u> (replaces Rev D)	<u>Cox Architecture</u>	F	<u>30/10/2017</u>
<u>North-South Section TP-40-02</u> (replaces Rev D)	<u>Cox Architecture</u>	F	<u>30/10/2017</u>
<u>Proposed Roding Layout, Plan No. 301</u>	<u>Dodd Civil Consultants</u>	H	<u>10.17</u>
<u>Roding Sections, Plan No. 303</u>	<u>Dodd Civil Consultants</u>	G	<u>10.17</u>
<u>Proposed Loading Zone, Drawing No. 15047-01</u>	<u>Traffic Engineering &amp; Management Ltd</u>	R1	<u>December 2017</u>

*Note: The only changes approved on the plans listed above are those depicted with a red outline. No other changes to materiality and design of the building are approved under this variation.*

<b>Other additional information</b>	<b>Author</b>	<b>Rev</b>	<b>Dated</b>
<u>Traffic letter titled '70 SALE STREET - RESPONSE TO DANIEL KINNOCH QUERIES'</u>	<u>Traffic Engineering &amp; Management Ltd</u>	<u>1504</u> <u>7</u>	<u>23/11/2017</u>
<u>Traffic letter titled 'Re: Response to S92 Queries for 70 Sales Street'</u>	<u>Traffic Engineering &amp; Management Ltd</u>	<u>1504</u> <u>7</u>	<u>01/03/2018</u>
<u>Email titled 'RE: s92 queries - LUC60104363-D - 70 Sale Street'</u>	<u>Planning Focus Limited</u>	-	<u>02/03/2018</u>
<u>Waste Management Plan titled 'Re: 70 Sales Street; amendment to Rubbish Direct Report (dated 05/08/18)</u>	<u>Rubbish Direct Limited</u>	-	<u>07/03/2018</u>
<u>Email titled 'RE: LUC60104363-D - 70 Sale Street'</u>	<u>Planning Focus Limited</u>	-	<u>13/6/2018</u>

### Cancellation of condition 57

Condition 57 is cancelled in its entirety.

### New condition 57A

Prior to occupation of the visitor accommodation units, the consent holder shall install 5 visitor cycle parks, as per the traffic letter entitled 'Re: Response to S92 Queries for 70 Sales Street' by Traffic Engineering & Management Ltd dated 01/03/2018, to the satisfaction of the Council (Team Leader Central Monitoring).

### New condition 57B

The consent holder shall enter into a section 108 Resource Management Act 1991 covenant in favour of Auckland Council [the council] for Lot 2 DP 74856, or any successor in title, in particular any future primary unit to which the small car space is an accessory unit. The consent holder shall contact the council's Team Leader Central Monitoring to initiate the preparation of the covenant. A copy of the updated Computer Register (certificate of title) showing that the covenant has been registered shall be provided to the Council's Team Leader Central Monitoring prior to occupation of the building.

The covenant shall:

- record that the parking space labelled as 'Small CP 1.01' on the approved plan entitled 'Level 1 Floor Plan' (Drawing Number TP-21-11 Revision K) shall be assigned/used by small cars (no longer than 3.84m) only, and that this shall be complied with on a continuing basis; and
- be drafted by the council's nominated Solicitor at the consent holder's cost; and
- be registered against the Computer Register(s) (certificate(s) of title) to the affected land by the consent holder at their cost; and
- require the consent holder to:
  - (i) be responsible for all legal fees, disbursements and other expenses incurred by the



council in connection with the covenant, and procure its solicitor to give an undertaking to the council for payment of the same; and

- (ii) indemnify the council for costs, fees, disbursements and other expenses incurred by the council as a direct or indirect result of the council being a party to this covenant.

### New condition 57C

Prior to the occupation of the building, the new on-street loading zone shall be legally established, and the adjacent vehicle crossing currently serving 68 Sale Street shall be removed and reinstated as kerbing and verge/footpath in accordance with the Auckland Transport Code of Practice 2013. All work shall be undertaken at the consent holder's expense and to the satisfaction of the Council (Team Leader Central Monitoring).

### **Advice note:**

Works within the road reserve require prior approval from Auckland Transport. This includes vehicle crossings, reinstatement of kerbing and temporary occupation of the footpath/ verge/ berm during construction, and the establishment of the on-street loading zone. The consent holder should contact Auckland Transport as soon as possible to ensure any required approvals are issued prior to construction.

### Recommendation

I recommend under sections 104, 104B, 127 and Part 2 of the RMA that this application for a variation to conditions of a resource consent is **GRANTED**.

### Reasons

The reasons for this decision are:

1. The proposal is appropriately considered under s127 as the changes will not result in a fundamentally different activity or materially different effects.
2. In accordance with an assessment under ss104(1)(a), 104(1)(ab) and 127(3) of the RMA the actual and potential effects from the variation will be acceptable as:
  - a. The proposed building design changes are due to safety audit failures, and will not visually impact on the building or its surrounding streetscape. The removal of the planter boxes will be visually mitigated by the building's timber finish elements which will still remain; and the proposed balustrade changes will not be visible from beyond the site.
  - b. The 84m<sup>2</sup> additional gross floor area within the building is limited to the building's ground level retail tenancies on the Sale Street frontage, with no changes to the building's overall height or scale proposed. Although the front of the building will extend closer to the street, the changes will continue to be within the subject site.
  - c. Any effects generated by the proposed reduction of car parking spaces and changes to vehicle manoeuvring will be acceptable, as the changes will reduce traffic volumes generated within the site, and the proposed parking spaces will generally comply with the AUP (OP)'s parking standards. In addition, arrow pavement markings around a

- column near the vehicle entrance will be installed to guide vehicle movements within the car park.
- d. Although one of the proposed car parking spaces will not comply with the AUP (OP) parking standard, this carpark will be utilised as a 'small car parking' space, and adequate signage and markings will be in place to ensure this. A legal instrument will also be placed on the property title of the subject site, to flag the small car parking space dimensions and maximum vehicle size to prospective purchasers.
  - e. The proposed gradients for the building's two vehicle access ramps are less steep than the existing approved gradients, and speed bumps will be installed 1m from the site entry to reduce vehicle speeds entering and existing the site. In addition, no changes to the building's vehicle crossing widths are proposed. Any potential traffic effects associated with the vehicle access gradients are therefore acceptable.
  - f. Due to structural limitations revealed during detailed building design, sufficient clearance for loading vehicles cannot be provided to or within the basement. Any potential effects from the proposed on-street loading zone on the wider street network in terms of traffic operations or pedestrian amenity are acceptable, as the proposed loading zone will be utilised outside of peak traffic and pedestrian hours.
  - g. Although rubbish collections may result in poor pedestrian amenity as bins will be located along the street, any effects on the surrounding amenity will be temporary and will be mitigated through the applicant's waste management plan, which includes how waste will be managed and collected from the street.
  - h. In terms of positive effects, the proposed variations will enable any design, safety and vehicle manoeuvring issues to be addressed, to enable the development of a high quality residential building.
  - i. With reference to s104(1)(ab), there are no specific offsetting or environmental compensation measures proposed or agreed to by the applicant to ensure positive effects on the environment.
3. In accordance with an assessment under s104(1)(b) and s127(3) of the RMA the variation is consistent with the relevant statutory documents. In particular:
- a. The proposed works are consistent with the Auckland Unitary Plan (Operative in Part) objectives, policies and assessment criteria under E27.2, E27.3, E27.8.2(6)-(8) and (11) (Transport) and H8.2, H8.3, H8.8.2(1) (Business – City Centre Zone) for the following reasons:
    - o The proposed development will continue to enhance the vitality, vibrancy and amenity of the City Centre through the provision of a residential building with associated services.
    - o The changes to the building's ground floor retail frontages will continue to positively address the surrounding street. In addition, the additional floor area proposed does not change the overall bulk or scale of the building.
    - o The proposed design changes are cosmetic, and will not change the overall articulation or residential character of the building.

- The reduced number of parking spaces will reduce the overall traffic generation within the area, and the proposed loading zone location onto the street will not result in the loss of any on-street parking within the surrounding area.
  - The relocation of the loading zone onto the street will not adversely impact on the traffic operations of the surrounding streets, and the applicant has a waste management plan which will be in place to mitigate any effects that waste collections from the loading zone will have on the surrounding pedestrian amenity of the street.
  - There are no existing traffic safety concerns within the subject area, and it is not anticipated that the proposed traffic and loading arrangements will result in any new traffic safety issues.
4. In accordance with an assessment under s104(1)(c) of the RMA no other matters are considered relevant.
5. This variation achieves the sustainable management purpose of the RMA in Part 2 because the proposed changes will continue to maintain the amenity of the consented development, while ensuring that any adverse effects on the surrounding environment are appropriately avoided or mitigated. The variation is not contrary to any matters of national importance or any of the principals of the Treaty of Waitangi, and there are no 'other matters' to consider in regards to the works.
6. Overall the proposed variation is acceptable and consistent with the relevant statutory documents, in particular – the Auckland Unitary Plan (Operative in Part) for the reasons above. As such, it is recommended that this variation is granted subject to the varied conditions.

## Advice notes

1. *A copy of the consolidated set of conditions of consent as amended is included as attachment 1 to this section 127 decision.*
2. *This consent is to be read in conjunction with any other relevant approved resource consents and variation consents and does not negate the consent holder's requirement to continue to comply with the conditions of any previous granted resource consents that have been implemented.*

Recommendation prepared by:



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Sarah Wong  
Intermediate Planner  
Resource Consents

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Date: 3/07/2018

## Approved for Release

Recommendation approved for release to the duty commissioner for determination.



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Daniel Kinnoch

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Date: 3/07/2018

Senior Planner

City Centre

Resource Consents

## Attachment 1: Consolidated conditions of consent as amended

### General conditions

These conditions apply to all resource consents.

1. Except as amended by the conditions that follow, the activity shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the council as consent numbers R/LUC/2015/2748, R/REG/2015/2954 and R/REG/2015/3464.
  - Application Form, and Assessment of Effects prepared by Planning Focus Limited, dated July 2015

Report title and reference (Located as Attachment A)	Author	Rev	Dated
70 Sale Street Apartments – Design Statement	Cox Architecture	-	No Date
70 Sale Street Landscape Concept 112462	Sola	-	31/08/2015
Landscape Statement	Sola	-	July 2015
Civil Engineering and Infrastructure Report DCC REF:468/01	Dodd Civil Consultants	2	July 2015
Geotechnical Assessment REF: 4454	Argo Thomson Consulting Engineers	-	06/07/2015
Traffic Assessment	Traffic Engineering & Management Ltd	-	July 2015
Acoustic Assessment of Effects Rp 001 r02 2015174A	Marshall Day Acoustics	-	08/06/2015
Wind Assessment: 70 Sale Street, Auckland (Opus Research Report 15-529F50.00	Opus	-	16/07/2015
Preliminary Site Investigation (PSI) REP-0615/PSI/MAY15	Geosciences Limited	-	14/05/2015

Plan title and reference	Author	Rev	Dated
Drawing List & Location Plan TP-01-00	Cox Architecture	D	15/09/2015
Conceptual Images TP-01-01	Cox Architecture	D	08/07/2015
Site Plan TP-11-01	Cox Architecture	G	08/07/2015
Basement Floor Plan TP-21-09	Cox Architecture	H	14/07/2015
Ground Floor Plan TP-21-10	Cox Architecture	H	14/07/2015
Level 1 Floor Plan TP-21-11	Cox Architecture	H	24/08/2015
Level 2 Floor Plan TP-21-12	Cox Architecture	H	24/08/2015

Level 3 Floor Plan TP-21-13	Cox Architecture	G	08/07/2015
Level 4 Floor Plan TP-21-14	Cox Architecture	E	08/07/2015
Level 5 Floor Plan TP-21-15	Cox Architecture	G	08/07/2015
Level 6 Floor Plan TP-21-16	Cox Architecture	E	08/07/2015
Level 7 Floor Plan TP-21-17	Cox Architecture	E	08/07/2015
Level 8 Floor Plan TP-21-18	Cox Architecture	E	08/07/2015
Level 9 Floor Plan TP-21-19	Cox Architecture	G	08/07/2015
Level 10 Floor Plan TP-21-20	Cox Architecture	H	15/09/2015
Roof Plan TP-21-21	Cox Architecture	F	15/09/2015
North Elevation To Sale Street TP-30-01	Cox Architecture	F	15/09/2015
West Elevation TP-30-02	Cox Architecture	F	15/09/2015
South Elevation TP-30-03	Cox Architecture	E	14/07/2015
South West Elevation To Cook St TP-30-04	Cox Architecture	B	08/07/2015
East Elevation TP-30-05	Cox Architecture	D	08/07/2015
Materials Schedule TP-30-10	Cox Architecture	B	08/07/2015
East-West Section TP-40-01	Cox Architecture	D	08/07/2015
North-South Section TP-40-02	Cox Architecture	D	08/07/2015
Entry Details TP-50-01	Cox Architecture	B	08/07/2015
Façade Details TP-50-02	Cox Architecture	D	24/08/2015
Breezeway Details TP-50-03	Cox Architecture	C	08/07/2015
Level 1 Apartment Windows TP-50-04	Cox Architecture	A	24/08/2015
Roof Canopy TP-50-05	Cox Architecture	A	15/09/2015
Perspective Views From Sale Street TP-90-10	Cox Architecture	B	14/07/2015
Perspective Views – Courtyard & Breezeway TP-90-11	Cox Architecture	A	08/07/2015
Section Through CP1 Ramp TP-50-06	Cox Architecture	B	30/09/2015

<b>Other additional information (Located as Attachment B)</b>	<b>Author</b>	<b>Rev</b>	<b>Dated</b>
70 Sale Street – S92 Request (Noise Response)	Marshall Day Acoustics	-	27/07/2015
Waste Management Plan 70 Sale Street	Shon Smith of Rubbish Direct	-	05/08/2015
Response to Further Information Request – 70 Sale Street, Auckland Central (Letter)	Planning Focus	-	02/09/2015
Level 1 Apartment Windows Drawing No. TP- 50-04	Cox Architecture & Opus Architecture	A	24/08/2015
Assessment of Landscape and Visual Effects – Residential Apartments – 70 Sale Street Freemans Bay Auckland	LA4 Landscape Architects	-	September 2015

Draft Balcony Landscape Specification, establishment and Maintenance Plan	SOLA Landscape Architects	-	August 2015
Response to S92 Queries for 70 Sale Street (Letter)	Traffic Engineering & Management Ltd	-	31/08/2015
Remediation Action Plan (RAP) 70 Sale Street, Auckland (REP-0615A/RAP/MAY15)	Geosciences Limited	-	04/06/2015
Health and Safety Guidelines on the Cleanup of Contaminated Sites	Occupational Safety and Health Service	-	Published March 1994
Contaminated Soil Discovery Guidelines	Geosciences Limited	-	Received 03/09/2015
Groundwater Drawdown and Settlement. Monitoring and Contingency Plan	Tonkin & Taylor Ltd	-	October 2015
Re: 70 Sale Street – Response to s92 request – Settlement to adjacent buildings (letter)	John Bolland of BGT Structures (Auckland) Limited	-	08/10/2015
GFA allowance (email)	Paul Arnesen of Planning Focus	-	16/10/2015
Site Plan (as annotated in relation to GFA allowance email)	Cox Architecture	N/A	Date Received 16/10/2015
70 Sale Street – Additional Shading Information (email)	Paul Arnesen of Planning Focus	-	20/10/2015
RE: 70 Sale Street (email)	Paul Arnesen of Planning Focus	-	27/10/2015
Retaining Wall Design and Groundwater Drawdown Report	Tonkin & Taylor Ltd	-	November 2015

2. This consent (or any part thereof) shall not commence until such time as the following charges, which are owing at the time the council's decision is notified, have been paid in full:
  - a. All fixed charges relating to the receiving, processing and granting of this resource consent under section 36(1) of the Resource Management Act 1991 (RMA); and
  - b. All additional charges imposed under section 36(3) of the RMA to enable the council to recover its actual and reasonable costs in respect of this application, which are beyond challenge.
3. The consent holder shall pay any subsequent further charges imposed under section 36 of the RMA relating to the receiving, processing and granting of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under section 36(3) of the RMA that are subject to challenge, the consent holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant decision.

**Advice note:**

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

4. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
  1. The consent is given effect to; or
  2. The council extends the period after which the consent lapses.
5. The consent holder shall pay the council an initial consent compliance monitoring charge of \$845 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

**Advice note:**

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

## **Specific conditions – land use consent R/LUC/2015/2748**

**Section 127 – R/VCC/2015/2748/1 (LUC60104363-A), R/VCC/2015/2748/2 (LUC60104363-B), R/VCC/2015/2748/3 (LUC60104363-C) and LUC60104363-D**

- 5A. Except as amended by the conditions that follow, the activity shall be carried out in accordance with the plans and all information submitted with the application and detailed in Condition 1, with the exception of the plans and information detailed below, and all referenced by Council as consent numbers R/VCC/2015/2748/1 (LUC60104363-A), R/VCC/2015/2748/2 (LUC60104363-B), R/VCC/2015/2748/3 (LUC60104363-C) and LUC60104363-D which supplement and / or replace general condition 1 plans:
  - Application Form, and Assessment of Effects prepared by Paul Arnesen of Planning Focus Limited, dated 10 August 2016 (for R/VCC/2015/2748/1 or LUC60104363-A).

<b>Plan title and reference</b>	<b>Author</b>	<b>Rev</b>	<b>Dated</b>
Level 1 Apartment Windows TP-50-04 (replaces Revision A)	Cox Architecture	C	08/08/2016
Level 1 Apartment Window Views Sht 1 of 2 TP-50-05 (replaces Level 1 Apartment Windows TP-50-04)	Cox Architecture	A	08/08/2016
Level 1 Apartment Window Views Sht 2 of 2 TP-50-06	Cox Architecture	A	08/08/2016

- Application Form, and email from Paul Arnesen of Planning Focus, dated 27 September



2016 (for R/VCC/2015/2748/2 or LUC60104363-B).

Plan title and reference	Author	Rev	Dated
Road Reserve Existing Vegetation, Dwg No L1501 <i>(shows the area of additional earthworks being undertaken within the road reserve, and the Swamp Cypress tree that is to be maintained. The tree removals are not subject to this resource consent).</i>	SOLA Landscape Architects	2	22/09/16

Other additional information	Author	Rev	Dated
Emails regarding Vector Approval for proposed works in proximity to their utility assets		-	08/06/2016 – 20/09/2016

- Application Form, and Assessment of Effects prepared by Paul Arnesen of Planning Focus Limited, dated 15 November 2016 (for R/VCC/2015/2748/3 or LUC60104363-C).

Plan title and reference	Author	Rev	Dated
Resident's Lounge – 3D Views, ASK-040	Cox Architecture	1	24/10/2016
<i>Note: The only changes approved on the plans listed above are those depicted with a red outline. No other changes to materiality and design of the building are approved under this variation.</i>			

- Application Form, and Assessment of Effects prepared by Paul Arnesen of Planning Focus Limited, dated 22 December 2017 (for LUC60104363-D).

Plan title and reference	Author	Rev	Dated
Drawing List & Location Plan, TP-01-00 <i>(replaces Rev D)</i>	Cox Architecture	G	30/10/2017
Conceptual Images TP-01-01	Cox Architecture	D	08/07/2015
Site Plan TP-11-01 <i>(replaces Rev G)</i>	Cox Architecture	H	30/10/2017
Basement Floor Plan TP-21-09 <i>(replaces Rev H)</i>	Cox Architecture	K	30/10/2017
Ground Floor Plan TP-21-10 <i>(replaces Rev H)</i>	Cox Architecture	L	30/10/2017
Level 1 Floor Plan TP-21-11 <i>(replaces Rev 10)</i>	Cox Architecture	K	30/10/2017
Level 2 Floor Plan TP-21-12 <i>(replaces Rev K)</i>	Cox Architecture	M	30/10/2017
Level 3 Floor Plan TP-21-13 <i>(replaces Rev G)</i>	Cox Architecture	L	30/10/2017
Level 4 Floor Plan TP-21-14 <i>(replaces Rev E)</i>	Cox Architecture	G	30/10/2017
Level 5 Floor Plan TP-21-15 <i>(replaces Rev G)</i>	Cox Architecture	J	30/10/2017
Level 6 Floor Plan TP-21-16 <i>(replaces Rev E)</i>	Cox Architecture	G	30/10/2017
Level 7 Floor Plan TP-21-17 <i>(replaces Rev E)</i>	Cox Architecture	G	30/10/2017
Level 8 Floor Plan TP-21-18 <i>(replaces Rev E)</i>	Cox Architecture	G	30/10/2017

Level 9 Floor Plan TP-21-19 <i>(replaces Rev G)</i>	Cox Architecture	J	30/10/2017
Level 10 Floor Plan TP-21-20 <i>(replaces Rev K)</i>	Cox Architecture	L	30/10/2017
Roof Plan TP-21-21 <i>(replaces Rev H)</i>	Cox Architecture	J	30/10/2017
North Elevation To Sale Street TP-30-01 <i>(replaces Rev H)</i>	Cox Architecture	J	30/10/2017
West Elevation TP-30-02 <i>(replaces Rev H)</i>	Cox Architecture	J	30/10/2017
South Elevation TP-30-03 <i>(replaces Rev F)</i>	Cox Architecture	G	30/10/2017
South West Elevation To Cook St TP-30-04 <i>(replaces Rev D)</i>	Cox Architecture	F	30/10/2017
East Elevation TP-30-05 <i>(replaces Rev F)</i>	Cox Architecture	G	30/10/2017
Materials Schedule TP-30-10 <i>(replaces Rev B)</i>	Cox Architecture	C	30/10/2017
East-West Section TP-40-01 <i>(replaces Rev D)</i>	Cox Architecture	F	30/10/2017
North-South Section TP-40-02 <i>(replaces Rev D)</i>	Cox Architecture	F	30/10/2017
Proposed Rooding Layout, Plan No. 301	Dodd Civil Consultants	H	10.17
Rooding Sections, Plan No. 303	Dodd Civil Consultants	G	10.17
Proposed Loading Zone, Drawing No. 15047-01	Traffic Engineering & Management Ltd	R1	December 2017
<i>Note: The only changes approved on the plans listed above are those depicted with a red outline. No other changes to materiality and design of the building are approved under this variation.</i>			

<b>Other additional information</b>	<b>Author</b>	<b>Rev</b>	<b>Dated</b>
Traffic letter titled '70 SALE STREET - RESPONSE TO DANIEL KINNOCH QUERIES'	Traffic Engineering & Management Ltd	1504 7	23/11/2017
Email titled ' <i>RE: s92 queries - LUC60104363-D - 70 Sale Street</i> '	Planning Focus Limited	-	02/03/2018
Traffic letter titled ' <i>Re: Response to S92 Queries for 70 Sales Street</i> '	Traffic Engineering & Management Ltd	1504 7	01/03/2018
Waste Management Plan titled 'Re: 70 Sales Street; amendment to Rubbish Direct Report (dated 05/08/18)	Rubbish Direct Limited	-	07/03/2018
Email titled ' <i>RE: LUC60104363-D - 70 Sale Street</i> '	Planning Focus Limited	-	13/6/2018

### **Works within Road Reserve**

- 5B. All references in this resource consent to site, property, property boundary, and/or 70 Sale Street shall be taken to also include the area of works proposed within the road reserve, shown

as 'Extent of Earthworks' on the plan titled 'Road Reserve Existing Vegetation', Dwg No L1501, Revision 2, prepared by SOLA Landscape Architects LTD, dated 22.09.2016.

**Advice note:**

*The purpose of this condition is to make it clear that the conditions of this resource consent apply to the entire area of the proposed works, which includes the road reserve, and not just works within the site boundaries of 70 Sale Street, Auckland Central.*

**Pre-Commencement**

**Earthworks**

6. The earthwork activity shall be carried out in accordance with the plans and all information submitted with the application and under section 92, outlined below and all referenced by Council as R/LUC/2015/2748 and R/VCC/2015/2748/2.
  - Report: “*Civil Engineering and Infrastructure Report*”, Ref: 468/01, Revision 2, dated July 2015, prepared by Dodd Civil Consultants Limited.
  - *Application for Land Use Resource Consent, Residential Apartment Building, Planning Report District Plan and Statutory Assessment, 70 Sale Street Auckland Central*, dated July 2015, prepared by Planning Focus Limited.
  - Plan: ‘*Road Reserve Existing Vegetation*’, Dwg No L1501, Revision 2, prepared by SOLA Landscape Architects LTD, dated 22.09.2016.

**Advice note:**

*In the event that minor amendments to the erosion and / or sediment controls are required, any such amendments should be limited to the scope of this consent. Any amendments which affect the performance of the controls may require an application to be made in accordance with section 127 of the RMA. Any minor amendments should be provided to the Team Leader Central Monitoring prior to implementation to confirm that they are within the scope of this consent.*

**Management Plans**

7. Prior to the commencement of earthworks activities on the subject site, a finalised Erosion and Sediment Control Plan (ESCP) shall be submitted for approval by Council (Team Leader – Central Monitoring). No earthworks activities on the subject site shall commence until confirmation from Council (Team Leader – Central Monitoring) is provided indicating that the ESCP is satisfactory.

The Erosion and Sediment Control Plan shall, as a minimum, be prepared in accordance with Auckland Council Technical Publication 90, and shall address the following matters:

- Specific erosion and sediment control measures including cleanwater diversions, sediment control measures, and stabilised entranceway and other measures (such as a wheel wash) to avoid tracking of sediment from the site;
- Dewatering methodology;
- Catchment boundaries and contour information (where necessary);

- Details of construction methods;
- Incorporation of any requirements of a Contamination Management Plan or methods that may also be required for the site. and,
- Monitoring and maintenance requirements.

**Advice note:**

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

8. Prior to any works commencing on the site the consent holder shall provide to the satisfaction of the Council (Team Leader – Central Monitoring) a Demolition and Construction Management Plan ("DCMP"). The DCMP shall include specific details relating to avoiding, remedying or mitigating adverse effects on the environment of the demolition, earthworks, construction and management of all works associated with the development, including but not limited to the following:
  - Who the site or project manager is and contact details (phone, facsimile, postal address).
  - The location of notice boards that clearly identify the name, telephone number and address for service of the site or project manager.
  - Measures to be adopted to ensure that pedestrian access past the works is provided and that such access is safe.
  - The location and design of all hoardings and gantries.
  - Measures to be adopted to maintain the site in a tidy condition in terms of disposal/storage of rubbish, storage and unloading of building materials and similar construction activities.
  - Control procedures for delivery and removal of construction materials from public roads or places.
  - Location of workers conveniences (eg portaloos).
  - Ingress and egress to and from the site for construction vehicles.
  - Hours of operation and days of the week for construction activities.
  - Measures to control dust deposition and nuisance.
9. Prior to any works commencing on the site the consent holder shall provide a Demolition and Construction Noise & Vibration Management Plan (DCNVMP) to the satisfaction of the Council (Team Leader – Central Monitoring). The DCNVMP shall as a minimum, address the following:
  - Construction noise/vibration criteria;
  - Identification of the most affected premises where there exists the potential for noise/vibration effects;

- Description and duration of the works, anticipated equipment and the processes to be undertaken;
- Hours of operation, including specific times and days when construction activities causing noise/vibration would occur;
- Mitigation options where noise/vibration levels are predicted or demonstrated to approach or exceed the relevant limits. Specific noise/vibration mitigation measures must be implemented which may include, but not limited to, acoustic screening, pre-construction building condition surveys, time management procedures, alternative construction/excavation/piling method technologies and equipment/processes;
- The erection of temporary construction noise barriers where appropriate. The noise barriers should be a minimum height of 2 metres, with no gaps and a minimum density of 10kg/m<sup>2</sup>;
- Schedule and methods for monitoring and reporting on construction noise/vibration;
- Details of noise/vibration monitoring to be undertaken or in the event of any complaints received. The results of such monitoring shall be submitted to council within one week of receiving the complaint;
- Implementation of a complaint management system with contact numbers for key construction staff responsible for the implementation of the DCNVMP and complaint investigation. This system should include procedures for maintaining contact with stakeholders, notifying of proposed construction activities and handling of noise/vibration complaints;
- Specific notification shall be provided to the owners and occupiers of 68 Sale Street/109 Cook Street before demolition and piling activities commence on the site; and
- Construction operator training procedures.

10. Prior to any works commencing on the site the consent holder shall provide to the satisfaction of the Council (Team Leader – Central Monitoring in consultation with Auckland Transport) a Demolition and Construction Traffic Management Plan (DCTMP). The purpose of the DCTMP is to avoid, mitigate or remedy any temporary adverse effects of traffic related to the redevelopment of the site. The following details shall be shown on a site plan and supporting documentation:

- Ingress and egress to/from the site for vehicles associated with demolition, earthworks and delivery of materials and equipment and construction machinery during the site works and construction periods.
- Proposed numbers and timing of truck movements throughout the day and the proposed routes. This shall include the identification of heavy vehicle routes that avoid residential streets.
- Location of parking for contractors and workers.
- Details of how construction traffic will be managed.
- Wheel washing.

- Location of traffic signs on surrounding streets and proposed signage for traffic management purposes during construction.
- Contact details of the site manager.
- Confirmation of where the crane will be located on-site. It will not be permitted within the street.
- Management of loading areas during large vehicle movements, including schedule of deliveries and any measures that may be employed to ensure the safety for all users in this area.
- Maintenance of pedestrian access.
- Maintaining access for neighbouring sites.

11. Prior to works commencing, a meeting shall be arranged so that all tree protection measures are explained by the works arborist to all contractors, sub-contractors and work site supervisory staff who are carrying out any works associated with the project within close proximity of the Swamp Cypress street tree adjacent to the site. Present at this meeting will be the Council's arborist advisor (ph: 0272-448-4993) and Team Leader – Central Monitoring who shall be given at least five (5) working days' notice of the intended time and date of the pre commencement meeting.

**Advice note:**

*The purpose of this pre-commencement meeting is to confirm the precise position of protective fencing around the Swamp Cypress tree and to determine the initial extent of any pruning required to demolish the building, along with any gantry, scaffolding or other requirements for the demolition to proceed.*

12. Prior to any site works commencing, protective barrier fencing consisting of 1.8 metre high pole/wire mesh fencing material with ground anchor spikes (or an accepted alternative approved by the Council arborist, or representative), shall be erected around the protected rootzone / dripline of the Swamp Cypress within the road reserve to totally exclude access or the storage of any materials.
13. The building shall be designed, and such changes made to the buildings as are necessary, to comply with the following rules of the Auckland Council District Plan (Auckland City Central Area Section 2004):
- Rule 6.12 Wind Environment Control.
  - Rule 6.13 Glare Control.

**Urban Design**

14. [condition cancelled]
15. Prior to the approval of Building Consent for the building (excluding earthworks, foundations and structural works), the consent holder shall provide a finalised set of architectural drawings of the building, including (but not be limited to) design details of the external cladding, glazing, architectural features such as vertical fins, screens and visual relief treatment to the eastern boundary concrete precast panels in general accordance with the approved consent drawings with the exception of the following design amendments:

- i. Notwithstanding the approved plans as referenced in Condition 1, final architectural plans and (northern and western) elevations to demonstrate that the arrangement and number of aluminium screens to the northern and western elevations are consistent (no less in number than) with that illustrated in Architectural Drawings # TP-30-01 Revision 5 – North Elevation to Sale Street, dated 25.05.2015 and TP-30-02 Revision 5 – West Elevation, dated 25.05.2015 (submitted to Council at pre-application stage). This is to satisfy the Auckland Urban Design Panel recommendation to minimise the ‘corporate’ appearance by introducing greater articulation and richer materiality to the façade;
- ii. Amended architectural plans and elevations to illustrate the deletion of the roof-top space frame canopy structure; and
- iii. Detailed design of:
  - a) The Cook Street ground level frontage, including the design of security fencing, pedestrian entrance gate and automatic security door for vehicle access; and
  - b) The Sale Street automatic security door for vehicle access.

The consent holder shall submit this information for approval to Council (Team Leader – Central Monitoring in consultation with Urban Design team).

16. Prior to the approval of Building Consent for the building (excluding earthworks, foundations and structural works), the consent holder shall provide a report from a suitably qualified expert to verify that adequate day light, natural ventilation and visual awareness of outside will be provided to the rear (breezeway facing) bedrooms of Unit Types 1D, 1F, 2A-B and 2A-A on level 1 without creating undue visual privacy issues for these units. The information shall include finalised architectural plans, sections and (internal courtyard / breezeway facing) elevations of these units. The consent holder shall submit this report for approval to the Council (Team Leader – Central Monitoring in consultation with Urban Design team).
17. Prior to the approval of Building Consent for the building (excluding earthworks, foundations and structural works), the consent holder shall provide a Materials Schedule and Specifications for the proposed external cladding and glazing in general accordance with the approved consent drawings. A sample palette of materials, surface finishes, and colour schemes shall accompany this. This information shall be submitted for approval to the Council (Team Leader – Central Monitoring in consultation with Urban Design team).
18. Prior to the approval of Building Consent for the building (excluding earthworks, foundations and structural works), the consent holder shall provide a finalised set of Landscape and Pavement Plans in general accordance with the approved consent drawings and prepared by a suitably qualified landscape architect. Those final plans shall include:
  - a) Landscape / planting plan and specifications, planting schedule, detailing the specific planting species, the number of plants provided, locations, heights/Pb sizes;
  - b) Pavement plans and specifications, detailing materiality, surface finishes and colour throughout the development site; and
  - c) Annotated sections with key dimensions to illustrate that adequate widths & depths are provided for tree pits / planter boxes.

The plans shall address the following detailed design matters:

- i. Selection of suitable vegetation species (e.g. succulents, climbers etc.); and
  - ii. Irrigation requirements for vegetation within the planter boxes.
19. Prior to the approval of Building Consent for the building (excluding earthworks, foundations and structural works), the consent holder shall submit a Landscape Management Plan, including vegetation maintenance policies for the proposed planting, in particular details of maintenance methodology and frequencies by the appointed contractor with arboricultural experience for approval to the Council (Team Leader – Central Monitoring in consultation with Urban Design team). This shall include cyclical landscape maintenance programme, outlining a specific cycle proposed and allowance for replacement of plants / trees, in case plants are severely damaged / die etc.; an irrigation system; and vandalism response and graffiti eradication policy and methodology.
20. Prior to the approval of Building Consent for the building (excluding earthworks, foundations and structural works), the consent holder shall provide a Lighting Plan for approval to the Council (Team Leader – Central Monitoring in consultation with Urban Design team). This plan shall include proposed locations, lux levels and types of external lighting (i.e. manufacturer's specifications once a lighting style has been determined). The purpose of this plan is to demonstrate that adequate lighting will be provided, particularly at the building entrances, open plazas, vehicle entries, car parking areas, internal circulation (breezeway) and any publicly accessible spaces for the visibility and safety of residents / occupants and visitors to the premises and passers-by outside the daylight hours.
21. Prior to the approval of Building Consent for the building (excluding earthworks, foundations and structural works), the consent holder shall provide a final set of Services Plans, including details / locations of the proposed servicing for the building  
  
e.g. vents, transformers, A/C units, lift overruns, water meters, electric meters, fire hydrants / sprinkler valve controls, traffic warning devices (if any) etc. This information shall be submitted for approval to the Council (Team Leader – Central Monitoring in consultation with Urban Design team).
22. The width of the Cook Street vehicle access at the road boundary and where ramp meets the footpath shall be no more than 6 metres wide and shall be shown on the Building Consent drawings.

### **Footpath Protection**

23. Prior to any of the demolition or construction works authorised by this consent, the consent holder shall obtain the approval of the Council (Team Leader – Central Monitoring in consultation with Auckland Transport) for the proposed method of protection of footpaths and underlying services affected by the movement of vehicles to and from the site and by works being carried out on the site. Proposed methods may include the laying of timber planks or the provision of a reinforced concrete overlay. The method selected will depend on how the footpath will be impacted by vehicles.

### **Hoarding**

24. Prior to any of the demolition or construction works authorised by this consent commencing, the consent holder shall ensure a screen wall of a minimum height of 1.8m is erected along the external boundaries of the site to the satisfaction of the Council (Team Leader – Central



Monitoring). This wall shall be constructed using solid materials, such as painted plywood and the materials, colour and finishing of the external screen wall hoarding shall be to the satisfaction of the Council (Team Leader – Central Monitoring). Unless approved by the Council (Team Leader – Central Monitoring), the external wall shall remain in place until the cessation of demolition and construction works on the site.

25. Prior to the commencement of the earthworks activity, the consent holder shall hold a pre-start meeting that:
- Is located on the subject site
  - Is scheduled not less than five days before the anticipated commencement of earthworks
  - Includes Auckland Council officer[s]
  - includes representation from the contractors who will undertake the works

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

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

- Timeframes for key stages of the works authorised under this consent
- Resource consent conditions
- Erosion and Sediment Control Plan (as required by condition 7)

**Advice note:**

*To arrange the pre-start meeting required by Condition 25, please contact Council (Team Leader – Central Monitoring) to arrange this meeting on [adam.duncan@aucklandcouncil.govt.nz](mailto:adam.duncan@aucklandcouncil.govt.nz) or 09 301 0101. The conditions of consent should be discussed at this meeting. All additional information required by the Council should be provided 2 days prior to the meeting.*

**During Construction Activities**

**During Works Requirements**

26. The approved DCMP, DCNVMP and DCTMP shall be implemented and maintained throughout the entire construction/demolition period.
27. Unless otherwise approved by the Council, all construction works including mechanical equipment, except for the delivery, installation, breakdown and removal of tower cranes to the site, shall be restricted to the hours of between 7.30am to 6.00pm Monday to Friday, and 8.00am to 4.00pm Saturday. No works shall be undertaken on Sundays and public holidays. Non-noisy work may be undertaken outside these hours, on written approval of Council (Team Leader – Central Monitoring).

**Noise and Vibration**

28. With the exception of piling, construction noise shall comply with the noise limits outlined in the table below. Construction noise shall be measured and assessed in accordance with the New Zealand Standard NZS 6803:1999 “Acoustics – Construction Noise”.

Time Period	LAeq dBA	LAmx dBA
Monday to Friday 6.30am to 10.30pm	75	90
Saturday 7am to 11.00pm	80	90

29. Vibration levels arising from any activity on the site shall at all times comply with the German Standard DIN 4150:1999 Part 3, "Structural Vibration - Effects of Vibration on Structures" criteria, when measured and assessed in accordance with that standard to the satisfaction of Council (Team Leader – Central Monitoring).
30. Unless otherwise approved by the Council, all construction related traffic shall be restricted to access the site between the hours of 7am to 9am and 4pm to 6pm on weekdays.
31. There shall be no deposition of earth, mud, dirt or other debris on any road or footpath resulting from earthworks activity on the subject site. In the event that such deposition does occur, it shall immediately be removed. In no instance shall roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters.
32. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required as a condition of resource consent or by the Erosion and Sediment Control Plan referred to in Condition 7 shall be maintained throughout the duration of earthworks activity, or until the site is permanently stabilised against erosion.
33. A suitably qualified and experienced contaminated land specialist shall be engaged to monitor the earthworks.
34. The earthworks shall not result in any airborne and deposited dust beyond the property boundary of the site that is determined to be noxious, objectionable or offensive. Good practice measures, such as those described in Section 8 of the Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions, Ministry for the Environment (2001), shall be adopted at all times.
35. The consent holder shall ensure excavated materials, when removed from the site, are disposed of in an appropriate landfill and provide landfill receipts to Council (Team Leader – Central Monitoring), on completion of the earthworks.
36. If evidence of soil contamination, presence of asbestos and any underground storage tanks or pipe works which has not been identified, in the initial site investigation, is discovered during excavation, the consent holder shall immediately cease the works and notify Council (Team Leader – Central Monitoring) and provide a site contamination report and a remedial action plan if necessary to the satisfaction of Council (Team Leader – Central Monitoring).
37. The consent holder shall 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.

### **Construction Maintenance**

38. Should any damage occur in the course of development of the site, the consent holder shall bear all costs relating to the reinstatement of the affected footpath, street furniture, and/or affected services. All reinstatement work shall be carried out at the direction and to the

satisfaction of Council (Team Leader – Central Monitoring in consultation with Auckland Transport).

39. Where footpath intersects a new vehicle crossing, the overlapped area shall be designed and constructed to the same levels, using the same materials, kerbing, pavings, patterns and finish as the footpath, on each side of the crossing. Where entrance locations altered, crossings no longer required shall be re-instated as verge and/or footpath and kerbs replaced to the satisfaction of Council (Team Leader – Central Monitoring in consultation with Auckland Transport).
40. The loading and unloading of all vehicles and storage of plant and equipment associated with the building construction work, shall take place within the site boundaries of this application unless otherwise allowed by the approved CTMP or the written approval of the Council (Team Leader – Central Monitoring in consultation with Auckland Transport).
41. There shall be no storage (or temporary storage) of any description (i.e. no products, no fluids, no machinery, no tools, etc) in the permeable drip line and root zone area of the Swamp Cyprus street tree. Special attention shall be paid to any petrol/diesel operated machinery to avoid contaminating the soil in the root zone of the protected tree.

### Prior to Occupation

#### **Site Validation Report**

42. Within 3 months of any remediation works, the consent holder shall provide to the satisfaction of Council (Team Leader – Central Monitoring), 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.

#### **Landscaping Implementation**

43. Prior to occupation of the building, the landscaping works, as required by Condition 18, shall be undertaken in accordance with the approved landscape plan and maintained thereafter in accordance with the Landscape Management Plan, as required by Condition 19, to the satisfaction of Council (Team Leader – Central Monitoring in consultation with the Urban Design team).

#### **Design**

44. Prior to occupation of any of the residential units, the consent holder shall provide information to confirm that the prospective purchasers / occupants of the units with balcony planters (between Grid Lines C and D) have been made aware of the access and maintenance requirements for the vegetation on the balcony planter boxes and the nature of body corporate controls formulated to ensure the access and maintenance requirements are met. This information shall

be submitted for approval to the Council (Team Leader – Central Monitoring in consultation with Urban Design team).

45. Prior to occupation of the building, the consent holder shall provide detailed information to illustrate the design details of any proposed signs, including the proposed locations, dimensions, colours, materials, surface finishes. This information shall be submitted for approval to the Council (Team Leader – Central Monitoring in consultation with Urban Design team).
46. A final waste management plan shall be provided for approval to Council (Team Leader – Central Monitoring) prior to the occupation of the building and shall remain implemented in perpetuity unless otherwise updated by the consent holder and approved by Council (Team Leader – Central Monitoring).
47. Prior to occupation of the building, appropriate signage shall be provided within the basement ramp (Sale Street entrance) to advise the exiting vehicles that they need to slow down and look out for pedestrians while exiting. This information shall be submitted to the Council (Team Leader – Central Monitoring) for approval.

### **Noise**

48. Prior to occupation of any of the residential units the consent holder shall submit a report, prepared by a suitably qualified acoustic specialist, to the Council (Team Leader – Central Monitoring) confirming that the residential units have been designed and constructed to meet the internal noise requirements of Rule 14.10.8.7(a) of the Auckland Council District Plan (Auckland City Central Area Section).
49. Bedrooms and habitable spaces that are reliant upon closure of windows to meet the indoor noise levels stipulated in Rule 14.10.8.7(a) of the Auckland Council District Plan (Auckland City Central Area Section) must be adequately ventilated in accordance with clause G4 of the NZ Building Code.
50. Operational noise levels from the occupied apartment block, including all mechanical plant, shall comply with the noise limits of Rule 14.10.8.7(b) of the Auckland Council District Plan (Auckland City Central Area Section) at all times.
51. All noise from the “retail/café” units on the ground floor shall comply with the noise limits of Rules 14.10.8.7 (b) & (c) of the Auckland Council District Plan (Auckland City Central Area Section) all times. Music played within the café shall be limited to low level background type for ambience purposes only and no music of any type shall be played within any outdoor seating area.
52. The outdoor seating area at the ground floor level shall not be used before 7.00am or after 6pm.
53. The disposal of any empty bottles, cans and general waste from the “retail/café” units into the rubbish room as indicated on Drawing Number TP-21-10 Revision H shall only occur between 7am and 6pm on any day.

### **Car Parking**

54. Prior to submitting a vehicle crossing application for the new vehicle crossing along Sale Street, the consent holder shall submit finalised design details of the footpath and vehicle crossing interface Council (Team Leader – Central Monitoring in consultation with Urban Design team) for approval.

**Advice Note:**

*The purpose of this condition is to ensure a continuity of the footpath design (i.e. levels, materials, surface finishes, colours etc.) over vehicle crossings along the Sale Street frontage.*

55. All stacked pairs of parking spaces shall be allocated to individual units only.
56. No parking spaces shall be allocated, leased or sold such that they can be used by any other sites or activity.
57. [condition cancelled]
- 57A. Prior to occupation of the visitor accommodation units, the consent holder shall install 5 visitor cycle parks, as per the traffic letter entitled 'Re: Response to S92 Queries for 70 Sales Street' by Traffic Engineering & Management Ltd dated 01/03/2018, to the satisfaction of the Council (Team Leader Central Monitoring).
- 57B. The consent holder shall enter into a section 108 Resource Management Act 1991 covenant in favour of Auckland Council [the council] for Lot 2 DP 74856, or any successor in title, in particular any future primary unit to which the small car space is an accessory unit. The consent holder shall contact the council's Team Leader Central Monitoring to initiate the preparation of the covenant. A copy of the updated Computer Register (certificate of title) showing that the covenant has been registered shall be provided to the Council's Team Leader Central Monitoring prior to occupation of the building.

The covenant shall:

- record that the parking space labelled as 'Small CP 1.01' on the approved plan entitled 'Level 1 Floor Plan' (Drawing Number TP-21-11 Revision K) shall be assigned/used by small cars (no longer than 3.84m) only, and that this shall be complied with on a continuing basis; and
  - be drafted by the council's nominated Solicitor at the consent holder's cost; and
  - be registered against the [Computer Register\(s\)](#) (certificate(s) of title) to the affected land by the consent holder at their cost; and
  - require the consent holder to:
    - (i) be responsible for all legal fees, disbursements and other expenses incurred by the council in connection with the covenant, and procure its solicitor to give an undertaking to the council for payment of the same; and
    - (ii) indemnify the council for costs, fees, disbursements and other expenses incurred by the council as a direct or indirect result of the council being a party to this covenant.
- 57C. Prior to the occupation of the building, the new on-street loading zone shall be legally established, and the adjacent vehicle crossing currently serving 68 Sale Street shall be removed and reinstated as kerbing and verge/footpath in accordance with the Auckland Transport Code of Practice 2013. All work shall be undertaken at the consent holder's expense and to the satisfaction of the Council (Team Leader Central Monitoring).

**Advice note:**

*Works within the road reserve require prior approval from Auckland Transport. This includes vehicle crossings, reinstatement of kerbing and temporary occupation of the footpath/ verge/*

*berm during construction, and the establishment of the on-street loading zone. The consent holder should contact Auckland Transport as soon as possible to ensure any required approvals are issued prior to construction.*

## **Specific Conditions – Discharge of Contaminants R/REG/2015/2954**

### **Contamination**

58. This consent shall expire on 30 September 2020 unless it has been surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.
- 58A. All references in this resource consent to site, property, property boundary, and/or 70 Sale Street shall be taken to also include the area of works proposed within the road reserve, shown as 'Extent of Earthworks' on the plan titled 'Road Reserve Existing Vegetation', Dwg No L1501, Revision 2, prepared by SOLA Landscape Architects LTD, dated 22.09.2016.

#### **Advice note:**

*The purpose of this condition is to make it clear that the conditions of this resource consent apply to the entire area of the proposed works, which includes the road reserve, and not just works within the site boundaries of 70 Sale Street, Auckland Central.*

59. The discharge from disturbance of contaminated soil at 70 Sale Street, Auckland Central shall be carried out in accordance with the plans and all information submitted with the application. In particular, the following documents referenced by Auckland Council as R/REG/2015/2954:
- Application for Land Use Resource Consent, Residential Apartment Building, Planning Report, District Plan & Statutory Assessment, 70 Sale Street, Auckland Central, dated July 2015, prepared by Planning Focus Ltd.
  - Preliminary Site Investigation (PSI), 70 Sale Street, Auckland, dated 14 May 2015, prepared by Geosciences Ltd.
  - Remediation Action Plan (RAP), 70 Sale Street, Auckland, dated 4 June 2015, prepared by Geosciences Ltd.

And the following plan, referenced by Auckland Council as R/VCC/2015/2954/1, showing the location of additional soil disturbance within the road reserve:

- Plan: 'Road Reserve Existing Vegetation', Dwg No L1501, Revision 2, prepared by SOLA Landscape Architects LTD, dated 22.09.2016.

#### **Advice note:**

*The Council acknowledges that the Remediation Action Plan is intended to provide flexibility of the management of the works and contaminated site discharge. Accordingly, it may need to be updated, any updates should be limited to the scope of this consent and consistent with the conditions of this consent. If you would like to confirm that any proposed updates are within scope, please contact Team Leader Earthworks and Contaminated Land, NRSI on (09) 301 0101.*

60. All remediation works shall be supervised by a suitably qualified and experienced contaminated land practitioner, who shall ensure that all management options and contingency measures

outlined in the report “Remediation Action Plan (RAP), 70 Sale Street, Auckland”, dated 4 June 2015, and prepared by Geosciences Ltd and all relevant consent conditions are adhered to.

61. Following the demolition of the onsite building and prior to bulk earthworks, soil sampling of the areas not previously characterized shall be undertaken as outlined in the report “Remediation Action Plan (RAP), 70 Sale Street, Auckland”, dated 4 June 2015, and prepared by Geosciences Ltd.
62. 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. 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.49.*

63. The Team Leader, Earthworks and Contaminated Land, Natural Resources and Specialist Input shall be informed in writing about the commencement of the works at least two (2) working days prior to commencement.

**Advice note:**

*Condition 63 requires the consent holder to notify the Council of their intention to begin land disturbance activity works a minimum of two working days prior to commencement. Please contact the Team Leader Earthworks and Contaminated Land, NRSI at david.hampson@aucklandcouncil.govt.nz to advise of the start of works. The following details should also be provided:*

- *name and telephone number of the project manager and the site owner;*
- *site address to which the consents relate;*
- *activity to which the consents relate; and*
- *expected duration of the works.*

64. All excavation in the work areas shall be managed to minimise any discharge of debris, soil, silt, sediment or sediment-laden water from beyond subject site to either land, stormwater drainage systems, watercourses or receiving waters.
65. Erosion and sediment controls shall be installed in accordance with the Auckland Regional Council Guidelines for Land Disturbing Activities in the Auckland Region, Technical Publication TP90. The excavation areas shall be dampened during the day to suppress the generation of dust during the works. Filter cloths or cover mats shall be installed over the stormwater cesspits in the vicinity of the excavation areas.

**Advice note:**

*Discharge from the site includes the disposal of water (eg. perched groundwater or collected surface water) from the remediation area.*

66. The soils identified for off-site disposal shall primarily be loaded directly into trucks and shall be covered during transportation off site. If required, temporary stockpiles shall be located within an area protected by a silt fence or equivalent method, and be covered with tarpaulins anchored at the edges outside working hours and during periods of heavy rain. All soil removed from the land disturbance area shall be deposited at an authorised disposal site that holds a consent to accept the relevant level of contamination.

Where it can be demonstrated that the soil has been fully characterised in accordance with the Ministry for the Environment's '*A guide to the management of cleanfills*' (2002) and meets the definition of 'cleanfill', the removal to a consented disposal site is not required. In such circumstances, the Team Leader Earthworks and Contaminated Land, NRSI, shall be advised prior its removal from the subject site.

67. 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 the protection of 95 percent of freshwater species.
68. All imported fill shall:
- a) Comply with the definition of 'cleanfill', as per '*A Guide to the Management of Cleanfills*', Ministry for the Environment (2002); 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 Auckland Regional Council technical publication "TP153, Background concentrations of inorganic elements in soils from the Auckland Region", (2001).*

69. Within three months of the completion of the soil disturbance activities on site, a Site Validation Report (SVR) shall be provided to the Team Leader Earthworks and Contaminated Land, NRSI. The SVR shall be prepared by a suitably qualified and experienced contaminated land practitioner and shall include details of any soil sampling undertaken.

**Advice note:**

*The Site Validation Report required by Condition 69 should contain sufficient detail to address the following matters:*

- i. *a summary of the works undertaken, including a statement confirming whether the excavation of the site has been completed in accordance with the application reports listed in Condition 59.*



- ii. *the location and dimensions of the excavations carried out, including a relevant site plan.*
- iii. *a summary of any testing undertaken, including tabulated analytical results, and interpretation of the results in the context of the contaminated land rules of the Auckland Council Regional Plan: Air, Land, and Water and the Proposed Auckland Unitary Plan (PAUP).*
- iv. *copies of the disposal dockets for the material removed from the site.*
- v. *evidence that all imported fill material complies with the definition of 'cleanfill', as per 'A Guide to the Management of Cleanfills', Ministry for the Environment (2002).*
- vi. *records of any unexpected contamination encountered during the works, if applicable.*
- vii. *details regarding any complaints and/or breaches of the procedures set out in the Remediation Action Plan, and the conditions of this consent.*

70. Where contaminants are identified that have not been anticipated by the application, works in the area containing the unexpected contamination shall cease and be notified to the Team Leader Earthworks and Contaminated Land, NRSI. Works shall not recommence until confirmation has been received from the Team Leader Earthworks and Contaminated Land that disturbance of the unexpected contamination is within the scope of this consent. Any unexpected contamination and contingency measures shall be documented in the Site Validation Report required by Condition 69.

**Advice note:**

*In accordance with Condition 70 any unexpected contamination, may include contaminated soil, perched water or groundwater. The consent holder is advised that where unexpected contamination is significantly different in extent and concentration from that anticipated in the original site investigations, handling the contamination may be outside the scope of this consent. Advice should be sought from the Team Leader Earthworks and Contaminated Land as to whether carrying out any further work in the area of the unexpected contamination is within scope of this consent.*

**Specific Conditions – Take and Diversion of Groundwater –  
R/REG/2015/3464  
Groundwater**

**DEFINITIONS:**

- |                             |  |
|-----------------------------|--|
| AC:                         | Means the Auckland Council   |
| Commencement of Dewatering: | Means commencement of bulk excavation and/or commencing taking any groundwater   |
| Completion of Dewatering:   | Means when all the external base slab and walls are essentially watertight, the structure's internal support mechanisms, including basement floors have been completed, any temporary retention removed and no further groundwater is being taken for the construction of the basement in accordance with the design |

Commencement of Excavation	Means commencement of bulk excavation
Completion of Excavation:	When all bulk excavation has been completed and all foundation/footing excavations within 10m of the perimeter retaining wall have been completed
Completion of Construction:	Means when the Certificate of Completion is issued by AC
Damage:	Includes aesthetic, serviceability and significant damage
Significant Damage:	When damage is considered to affect serviceability or structural integrity
Serviceability Damage (Burland 1995 and Mair et al 1996):	<p><u>Moderate:</u> Cracks may require cutting out and patching. Recurrent cracks can be masked by suitable linings. Brick pointing and possible replacement of a small amount of exterior brickwork may be required. Doors and windows sticking.</p> <p>Utility services may be interrupted. Weather tightness often impaired. Typical crack widths are 5mm to 15mm or several greater than 3mm.</p> <p><u>Severe:</u> Extensive repair involving removal and replacement of walls especially over doors and windows required. Window and door frames distorted. Floor slopes noticeably. Walls lean or bulge noticeably. Some loss of bearing in beams. Utility services disrupted. Typical crack widths are 15mm to 25mm but also depend on the number of cracks.</p>
Aesthetic Damage (Burland 1995 and Mair et al 1996):	<p><u>Very Slight Damage:</u> Fine cracks easily treated during normal redecoration. Perhaps isolated slight fracture in building. Cracks in exterior visible upon close inspection. Typical crack widths up to 1mm.</p> <p><u>Slight Damage:</u> Cracks easily filled. Redecoration probably required. Several slight fractures inside building. Exterior cracks visible, some repainting may be required for weather tightness. Doors and windows may stick slightly. Typical crack widths up to 5mm.</p>
Negligible Damage (Burland 1995 and Mair et al 1996):	Hairline cracks

Alert Level:	Monitored parameter reaches a level close to, or equal to the design value, which is below the level where damage is expected to occur unless movement continues unchecked, and requires review of available monitoring information (plus other information) to assess the future trend
Alarm Level:	Monitored parameter reaches the value and/or level close to which damage could occur, and requires immediate action including the cessation of ground dewatering and other construction activities that may have an effect on ground deformation
NRSI:	Means Natural Resources and Specialist Input, AC
RL:	Means Reduced Level
Services:	Includes for example fibre optic cables, sanitary drainage, stormwater drainage, gas and water mains, power and telephone, road infrastructure assets such as footpaths, kerbs, catch-pits, pavements and street furniture, all existing ground and building settlement marks and groundwater monitoring bores.

### **General Conditions**

71. That the taking and diversion of groundwater for dewatering purposes during construction and in the long term shall be in accordance with the plans and information submitted with the application and numbered R/REG/2015/2954 by the Council, subject to such amendments as may be required by the following conditions of this consent.
72. This consent shall expire on 31 October 2050, unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the RMA.

### **Performance Standards**

73. The Consent Holder shall ensure that all excavation, dewatering systems, retaining structures and associated works for the basement construction and associated works shall be designed, constructed and maintained so as to avoid any damage to buildings, structures and services on the site or adjacent properties.
74. The bulk basement excavation is not to extend below RL 15.7 m (excluding lift shaft).
75. Any permanent drainage installed behind retaining walls shall not cause groundwater levels adjacent to the site to reduce from pre-construction seasonal low levels as specified in the M&CP.
76. The activity shall not cause:-
  - (i) Greater (steeper) than 1:500 differential settlement between any two adjacent Ground Surface Settlement Monitoring Marks required under this consent (the **Differential**

### **Ground Settlement Surface Alarm Level)**

- (ii) Greater than the following total settlement at the Ground Settlement Monitoring Marks required under this consent (the **Total Ground Settlement Alarm Level**):
  - a) G11: 15mm
  - b) G1 to G10: 20mm
  - c) G12 to G16: 8mm
- (iii) Greater (steeper) than 1:700 differential settlement between any two adjacent Building Settlement Monitoring Marks required under this consent (the **Differential Building Settlement Alarm Level**)
- (iv) Greater (steeper) than 1:400 differential settlement between the Building Settlement Monitoring Marks on the power transformer (B12 & B15) by the north west corner of the site (the **Differential Power Transformer Settlement Alarm Level**)
- (v) Greater than the following total settlement at any Building Settlement Monitoring Mark required under this consent (the **Total Building Settlement Alarm Level**):
  - a) B2 to B12: 15mm
  - b) B1 & B13: 8mm
- (vi) Greater than the following total Retaining Wall Deflection at the monitoring points for the retaining wall (the **Retaining Wall Deflection Alarm Level**):
  - a) W1, W3, & W6 to W8: 10mm
  - b) W2, W4, & W5: 25mm

### **Groundwater and Settlement Monitoring and Contingency Plan (GSMCP)**

77. At least 10 days prior to the Commencement of Dewatering, the Consent Holder shall prepare by a Chartered Professional Engineer and submit a Groundwater and Settlement Monitoring and Contingency Plan (GSMCP) to Council (Team Leader Water Allocation, NRSI) for approval. No bulk excavation and/or dewatering activity on the subject site shall commence until approval from Council is provided.

This Plan shall include the requirements of this resource consent, including but not limited to:-

- i. An “as built” location plan, including all monitoring locations and monitoring bores based on approximate positions located on the plan entitled “Location Group Ltd, 70 Sale Street Auckland Central, Contingency and Monitoring Plan, Figure 2, Rev. 1, Project No. 31135, Tonkin & Taylor Ltd, October 2015”.
- ii. Full details of the groundwater, ground surface, building and retaining wall deformation monitoring programme and condition surveys required by this consent including as-built details of monitoring wells (construction, geological log, reduced level, coordinates).
- iii. Identification of any adjacent services susceptible to damage and details of any proposed pre and post construction monitoring or inspection.

- iv. A bar chart, such as a Gantt chart, showing the timing and frequency of the condition surveys and monitoring required by this consent relative to the Commencement of Dewatering and the Completion of Dewatering.
- v. Proposed groundwater Alert and Alarm Trigger Levels, including methodology for their determination. Groundwater Alert and Alarm Trigger Levels should also take into account seasonal variability.
- vi. All Alert and Alarm Trigger levels for each Ground Surface, Building and Retaining Wall Deformation Mark as determined by conditions of consent, varied following building condition survey or as otherwise approved by the GSMCP.
- vii. Details of the contingency measures to be implemented if Alert or Alarm Trigger Levels are exceeded, including a response plan.
- viii. Reporting requirements.
  - a) The GSMCP may be varied, including frequency of monitoring, subject to the written approval of the Team Leader Water Allocation, NRSI.
  - b) The GSMCP once approved shall be implemented.

78. Where the consent holder is required to access property owned by a third party, (including buildings or structures) to undertake monitoring, construction of a bore, condition surveys or inspections and that access is declined or subject to what the Consent Holder considers to be unreasonable terms, the Consent Holder shall notify the Team Leader Water Allocation, NRSI, of that circumstance, and provide an alternative monitoring plan in accordance with Condition 77.

## Monitoring

### Groundwater

79. The proposed monitoring bores (BH1 and BH2) located approximately as shown on the annotated plan entitled “*Location Group Ltd, 70 Sale Street Auckland Central, Contingency and Monitoring Plan, Figure 2, Rev 1, Project No. 31135, Tonkin & Taylor Ltd, October 2015*” are to be installed to allow groundwater monitoring as specified in Schedule A of this consent. Alternative locations may be accepted subject to review and approval by the Team Leader Water Allocation, NRSI. The Team Leader Water Allocation, NRSI must be informed of any monitoring bore damaged or made inoperable immediately and a new monitoring bore, to the same depth and specification, is to be drilled at a nearby location.

Schedule A: Borehole Monitoring Frequency						
Bore Name	Location		Establishment	Monitoring Frequency (to an accuracy of 10mm)		
	Easting (mE) est.	Northing (mN) est.		From bore construction to one month before Commencement of Dewatering	One month before Commencement of Dewatering to Completion of Dewatering	Completion of Dewatering to three months after Completion of Dewatering

BH1 & BH2	TBC	TBC	The hole should be drilled at least two months prior to the Commencement of Dewatering	Monthly	Weekly <sup>1</sup>	Monthly <sup>2</sup>
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<sup>1</sup> If the water level readings vary significantly then further readings must be taken to obtain confidence (-/+ 200mm) in the groundwater level/trend prior to Commencement of Dewatering.

<sup>2</sup> Subject to a consistent pattern of groundwater records having been obtained in this period in which no evidence of adverse effects is apparent. The monitoring period may be extended at the discretion of Team Leader Water Allocation, NRSI, where the records are not consistent.

80. The **Provisional Groundwater Alert Trigger Level** and **Alarm Trigger Level** will be set at 3.0m and 4.0m respectively below the seasonal low level or RL for the monitoring bores. The Monitoring and Contingency Plan when lodged and approved may amend provisional Alert and Alarm Trigger Levels.

**Building Inspections**

81. Prior to the commencement of perimeter piling adjacent to the buildings listed in Schedule B and/or Commencement of Dewatering, the Consent Holder shall employ a suitably qualified person (Chartered Professional Engineer or Chartered Building Surveyor) to undertake as a minimum an external condition survey or a detailed condition survey of buildings and structures as specified in Schedule B to confirm their existing condition, prior to the lodgement of the GSMCP. The survey shall include but not be limited to:

- a) Any information about the type of foundations
- b) Existing levels of damage considered to be of an aesthetic or superficial nature
- c) Existing levels of damage considered to affect the serviceability or function of the building where visually apparent without recourse to intrusive or destructive investigation
- d) A professional opinion as to whether observed damage may or may not be associated with actual structural damage
- e) Susceptibility of structure to further movement
- f) Photographic evidence of (b) and (c)
- g) Review of the proposed Alert/Alarm Trigger Levels to confirm they are appropriately set and any ground settlement less than the Alarm Trigger Level will not cause damage, and whether the monitoring frequency and locations are adequate.

<b>Schedule B: Building Inspection and Deformation Marks</b>				
<b>Building Settlement Marks ID</b>	<b>Address</b>	<b>Detailed Structural Condition Survey</b>	<b>Settlement Pins (Yes/No)</b>	<b>Legal Title</b>

B1 to B6, B8 & B10 (8 marks)	68 Sale Street	Yes	Yes	Lot 1 DP 74856
B7, B9, B11 to B13 (5 marks)	109 Cook Street	Yes	Yes	Lot 1 DP 74856
B14 & B15 (2 marks)	Power Transformer, north west corner of 70 Sale Street	No	Yes	Legal Road (Sale Street)

82. The consent holder shall carry out a Visual Inspection of the surrounding ground and neighbouring buildings and structures (listed in Schedule B) to monitor any deterioration of existing damage or cracking. Inspections are to be carried out at least twice per week from the Commencement of Dewatering until completion of excavation and then at least weekly until Completion of Dewatering. A record is to be maintained of the time, date and any observations for each inspection and submitted to the Team Leader Water Allocation, NRSI, in accordance with Condition 97.
83. No earlier than 6 months after Completion of Dewatering and within 6 months of Completion of Construction, the consent holder must complete a post-construction condition survey as identified in Condition 81 of any building that had a pre-construction survey as identified in Condition 81. The condition survey report shall include a determination of the cause of damage identified (if any) since the pre- construction or previous survey. A copy of the survey shall be provided to the Team Leader Water Allocation, NRSI. The requirements of this condition need not be fulfilled for any particular building where the consent holder can provide written evidence to the Team Leader Water Allocation, NRSI, that the current owner of that building has agreed they do not require such a survey.
84. The consent holder shall, without delay, at the reasonable request of the Team Leader Water Allocation, NRSI, undertake an additional condition survey on any building (within the area defined by the extent of groundwater drawdown) for the purpose of checking for damage and for following up on a report of damage to that building. The requirement for any such condition survey will cease 6 months after the Completion of Construction unless the requirements of Condition 78 (1 above) have not been met and subject to a consistent pattern of deformation records having been obtained in this period in which no evidence of adverse effects is apparent.

#### **Ground and Building Deformation Monitoring**

85. Ground Surface and Building Deformation monitoring stations shall be established, maintained, monitored and reported as per Schedule C at the approximate locations shown on the annotated plan entitled "*Location Group Ltd, 70 Sale Street Auckland Central, Contingency and Monitoring Plan, Figure 2, Rev 1, Project No. 31135, Tonkin & Taylor Ltd, October 2015*" to record any vertical and horizontal movements. Benchmark positions shall be established no less than 50 metres away from the works.

<b>Schedule C: Deformation Monitoring Survey</b>
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Location		Pre-Excavation/ Baseline	Commencement of Dewatering to Completion of Dewatering	Post Completion of Dewatering
As shown on location plan 31135 Figure 2, Rev 2	<b>Frequency</b>	Twice to a horizontal and vertical accuracy of +/-2mm achieved by precise levelling	At an average of each 2m depth of excavation and when changes to the propping system are being carried out, and at a minimum frequency of <b>fortnightly</b> intervals <sup>1</sup>	Monthly for 6 months or for a shorter period if written approval is obtained from the Team Leader, Water Allocation, NRSI
	<b>Reporting</b>	Submitted to the Team Leader Water Allocation, NRSI, prior to the Commencement of Excavation	As per Condition 977	As per Condition 97

<sup>1</sup> The Consent Holder may request the Team Leader Water Allocation, NRSI, approval for this monitoring to be extended up to monthly periods, subject to the level of deformation that has occurred on site.

### Retaining Wall Deformation Monitoring

86. The detailed design of the basement wall and any retention shall be undertaken in accordance with the recommendations contained in the reports entitled: “*Geotechnical Assessment for Proposed Residential / Commercial Development, 70 Sale Street Auckland City*, Ref. 4454, Argo Thomson Ltd, 6 July 2015” and “*70 Sale Street, Auckland CBD, Geotechnical and Groundwater Investigation Report*, Ref 31135, Tonkin & Taylor Ltd, September 2015”.
87. A minimum of 8 Retaining Wall Deformation pins shall be installed along the top of the pile walls as shown on “*Location Group Ltd, 70 Sale Street Auckland Central, Contingency and Monitoring Plan*, Figure 2, Rev. 1, Project No. 31135, Tonkin & Taylor Ltd, October 2015”. These monitoring pins will measure both vertical and lateral wall movement (combined settlement / deformation and displacement pins).w
88. The consent holder shall survey, record and report the readings of each Retaining Wall Deformation Mark as per Schedule D below.

<b>Schedule D: Retaining Wall Deformation Monitoring ( Measurement accuracy shall be to best practice)</b>			
	<b>Baseline: Prior to Commencement of Dewatering</b>	<b>Commencement of Dewatering to one month after Completion of Excavation</b>	<b>One month after Completion of Excavation to Completion of Dewatering</b>
	<b>Retaining Wall pins</b>	<b>Retaining Wall pins</b>	<b>Retaining Wall pins</b>



<b>Frequency:</b> <i>All retaining wall marks</i>	Twice to a horizontal and vertical accuracy of +/- 2mm achieved by precise levelling	At an average of each 2 metres depth of excavation and when changes to the propping system are being carried out, and at a minimum frequency of <b>weekly</b> intervals. <sup>1</sup>	Monthly
<b>Reporting</b>	Submitted to the Team Leader Water Allocation, NRSI, prior to the Commencement of Dewatering	As per Condition 97	As per Condition 97

<sup>1</sup> The consent holder may request the Team Leader Water Allocation, NRSI, approval for this monitoring to be extended up to fortnightly periods, subject to the level of deformation that has occurred on site.

### **Services Monitoring**

89. The consent holder shall identify the adjacent services (including gas, water, sewerage, telecoms, stormwater fibre optics and power) and undertake a condition survey of the neighbouring services in consultation with the relevant service providers (water and sewer as a minimum) immediately adjacent to the site before the Commencement of Dewatering.
90. A condition survey of services immediately adjacent to the site must be completed by the Consent Holder no earlier than 6 months after Completion of Dewatering and no later than Completion of Construction to confirm in writing to the Team Leader Water Allocation, NRSI and the asset owner the results of the survey. The survey shall include a determination of the cause of any damage identified since the condition survey provided for in Condition 89. The post condition survey need not be completed where the consent holder has written evidence that a post condition survey was not required by the service provider.

### **Contingency**

91. If any damage to buildings, structures or services is caused wholly or in part by the exercising of this consent, the consent holder shall:
- i. Notify the Team Leader Water Allocation NRSI and the asset owner as soon as practical; and
  - ii. Engage a Chartered Professional Engineer to prepare a report as soon as practical describing the damage, ascertaining its cause, identifying methods to avoid, remedy and mitigate any damage caused and identify the potential for causing further damage. Provide a copy of the report to the Team Leader Water Allocation NRSI and the asset owner.

### **Alert and Alarm Level Notification**

92. The Team Leader Water Allocation, NRSI, shall be notified within 24 hours should any of the following monitoring results eventuate:
- i. Total Ground Surface Settlement exceeds the following (the **Total Ground Surface Settlement Alert Level**):

- a) G11: 10mm
- b) G1 to G10: 15mm
- c) G12 to G16: 5mm; or

ii. Groundwater levels drop below the **Alert Level** in monitoring bores and secondly if groundwater levels drop below the **Alarm Level**, due to the operation of dewatering the basement construction; or

iii. Total Building Settlement exceeds the following (the Building Settlement Alert Level):

- a) B2 to B12: 10mm
- b) B1 & B13: 5mm; or

iv. The differential settlement between any two Ground Surface Monitoring Marks exceeds 1:700 (The **Differential Ground Surface Settlement Alert Level**); or

v. The differential settlement between any two Building Settlement Monitoring Marks exceeds 1:1000 (The **Differential Building Settlement Alert Level**); or

vi. The differential settlement between the Building Settlement Monitoring Marks on the power transformer (B14 & B15) by the north west corner of the site exceeds 1:600 (The **Differential Power Transformer Settlement Alert Level**); or

vii. Total Retaining Wall Deflection at the monitoring points exceeds the following (the **Retaining Wall Deflection Alert Level**):

- a) W1, W3, W6 to W8: 8mm
- b) W2, W4, W5: 20mm.

93. In the event of any **Alert Trigger Level** exceedance of Ground Surface, Building, Retaining Wall Deformation and/or Alarm or Alert Level exceedance of groundwater levels in the monitoring bores associated with construction at 70 Sale Street, then the Consent Holder must:-

- i. Notify the Team Leader Water Allocation, NRSI within 24 hours.
- ii. Re-measure all Monitoring Stations within 50 metres of the affected monitoring location(s) to confirm the extent of apparent movement and exceedance of the Alert Trigger Level.
- iii. Ensure the data is reviewed by a suitably qualified Chartered Professional Engineer and seek advice on the need for mitigation measures or other actions and implement such recommendations as appropriate.
- iv. Commission and submit a written report by the suitably qualified Chartered Professional Engineer responsible for overview of the monitoring to the Team Leader Water Allocation, NRSI, within one week of Alert Trigger Level exceedance, which provides analyses of all monitoring data, including wall deflection monitoring, relating to the exceedance of any of the Alert Trigger levels and any recommendations for remedial actions which may include additional monitoring and what actions will be or have already been taken to address the alert level or potentially triggered alarm level.
- v. Ensure all monitoring pins within 50 metres are to be measured every two days until such time the written report in (iv) above has been submitted to the Team Leader, Consents and Compliance, Water Resources, NRSI.

- vi. Ensure that the recommendations of the report required under clause iv are implemented.
94. In the event of any **Alarm Trigger Level** exceedance of Ground Surface, Building or Retaining Wall Deformation associated with construction at 70 Sale Street, then the consent holder must take advice from the Chartered Professional Engineer providing the report in Condition 93 (iv) on actions to avoid, remedy or mitigate effects, taking into account any monitoring information subsequent to the report provided and:-
- i. Immediately halt construction activity, including excavation, dewatering and any works contributing to increasing deformation, unless this is considered more harmful than continuing.
  - ii. Review construction activities which have the potential to cause deformation to minimise any further exceedance of triggers, investigate the causes, and allow for any mitigation to be instigated. Once the mitigation measures have been implemented and considered to be effective in avoiding further damage to the satisfaction of the Chartered Professional Engineer, then construction activities can recommence.
  - iii. Notify the Team Leader Water Allocation, NRSI, within 24 hours of the Alarm exceedance.
  - iv. Ensure that the results of mitigation measures and any remedial works and/or agreements with affected parties shall be reported to the Team Leader Water Allocation, NRSI, within one week of recommencement of works.

### **Reporting**

95. The consent holder shall advise the Team Leader Water Allocation, NRSI, in writing at least 10 working days prior, of the date of the proposed Commencement of Dewatering.
96. The consent holder shall ensure that a copy of all building condition survey reports (required by this consent) be held on file by the consent holder and a copy forwarded to the Team Leader Water Allocation, NRSI, within 15 working days of completion of the survey.
97. All data collected as required by conditions of this consent from Commencement of Dewatering to completion of monitoring are to be compiled, compared with the relevant trigger levels and submitted to the Team Leader, Water Allocation, NRSI, at two monthly intervals, unless otherwise specified in this consent, setting out the previous results, providing an explanation for any trends and providing a construction progress timeline. All reports required by Conditions for consent R/REG/2015/3464 must identify if differential settlement Alert and Alarm Levels between any deformation monitoring marks were exceeded and if so provide an explanation and details of any remedial actions taken.
98. The consent holder, shall within 10 working days of completion of construction, advise the Team Leader Water Allocation, NRSI, in writing, of the date of completion.

### **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 [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) to identify your allocated officer.*

3. *For more information on the resource consent process with Auckland Council see the council's website [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz). General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment's website: [www.mfe.govt.nz](http://www.mfe.govt.nz).*
4. *If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of notification of the decision.*
5. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety in Employment Act 1992), 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.*
6. *Further private drainage upgrades and discharge points shall be addressed further with the building consent application. All details shall be to the satisfaction of Council on advice from Watercare.*
7. *The council acknowledges that the DCMP, DCNVMP and DCTMP (Management Plans) are intended to provide flexibility both for the consent holder and the council for the management of the development approved by this consent. Accordingly, the Management Plans may need to be reviewed over time. Any reviews should be in accordance with the stated objectives of the management plan and limited to the scope of this consent.*
8. *Certification of the DCMP, DCNVMP and DCTMP (Management Plans) by the council relates only to those aspects of the management plan that are relevant under the Resource Management Act 1991. The certification does not amount to an approval or acceptance of suitability by the council of any elements of the management plan that relate to other legislation, for example, but not limited to, the Building Act 2004, the Heritage New Zealand Pouhere Taonga Act 2014, or the Health and Safety in Employment Act 1992.*
9. *The consent holder will be responsible for ensuring all necessary permits, such as Corridor Access Requests (CAR) permits for the development approved by this consent, are obtained from Auckland Transport. See Auckland Transport's website [www.aucklandtransport.govt.nz](http://www.aucklandtransport.govt.nz) for more information.*
10. *The consent holder will be responsible for ensuring that all necessary approvals are obtained under section 176 of the RMA from Auckland Transport for works within the road reserve, including but not limited to undertaking earthworks, and using the road reserve as a construction support area.*
11. *Should the residential units be proposed to be subdivided in the future, fire rating requirements of buildings will apply.*
12. *If any changes to traffic and parking controls on the road reserve are required, this will require Traffic Control Committee (TCC) resolutions. The resolutions, prepared by a qualified traffic engineer, will need to be passed so that the changes to the road reserve can be legally implemented and enforced. The resolution process may require public consultation to be undertaken in accordance with Auckland Transport's standard procedures. It is the responsibility*

*of the consent holder to prepare and submit a permanent Traffic and Parking Changes report to AT TCC for review and approval.*

13. *Vehicle crossing permits will need to be obtained prior to works commencing.*
14. *Where retaining or structures are proposed within the road reserve an encroachment license will be required from Auckland Transport, and for a license to be approved Encroachment guidelines will need to be met as per the Encroachment Policy: <https://at.govt.nz/about-us/working-on-the-road/road-processes-for-property-owners/road-encroachment-licences-or-leases/>.*