



14 February 2014

Mt Hobson Group  
PO Box 37964  
Parnell  
Auckland 1151

Dear Sir/Madam

**RESOURCE CONSENT APPLICATION – ADVICE OF DECISION**

Application Number(s):	R/VCC/2006/7730/1
Applicant:	NDG Asia Pacific (NZ) Limited
Proposed Activity(s):	Change to hotel use and increase podium height for retail, cinema and ancillary hotel activities
Address:	106-108 Albert Street, Auckland Central, Auckland 1010

Following an assessment of your resource consent application under the Resource Management Act 1991 (RMA) and with reference the Auckland Council Plan (Auckland City Central Area Section), a decision has been made to **approve** your application.

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

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

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

Information on the appeal process can be found on the Environment Court website [www.justice.govt.nz/court/environment-court](http://www.justice.govt.nz/court/environment-court).

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

If you have any queries, please contact **Earl Brookbanks** on **09 352 2623** and quote the application number above.

Yours faithfully,

**Yasmin Tapiheroe | Assistant Planner**  
**City Centre Team**  
**Projects, Practice and Resolutions | Resource Consents**

# Decision on notification of an application to change/cancel conditions of a resource consent under section 127

Under the Resource Management Act 1991



Application no.:	R/VCC/2006/7730/1
Address:	106-108 Albert Street, Auckland Central
Legal description:	Lot 1 DP 339812 (CT - 163636)
Applicant:	NDG Asia Pacific (NZ) Limited
Proposal:	Discretionary activity land use consent application under section 127 of the Resource Management Act 1991 for a variation of a consented mixed use (retail and apartment) development to be replaced with a mixed use (retail, cinema, apartments, hotel & ancillary areas) development consisting of basement parking, a podium and tower.

Having read the application, supporting documents, and reports from council staff and/or its representatives, I am satisfied that I have sufficient information to consider the matters required by the Resource Management Act 1991 (RMA) and to make a decision.

Under section 95A of the RMA, this discretionary activity application shall not be publicly notified because:

1. The assessment of effects on the environment provided with the application, which compared the adverse effects from the activity in its original form with any adverse effects that might arise from the proposal in its varied form, concluded that any such effects would be minor or less. This was accepted by Council's peer reviewers. Mitigation of identified adverse effects is achieved, in part, by the imposition of conditions on the original consent, and by revised conditions and newly added conditions to ensure that aspects of the proposal such as the temporary effects of construction activity, the design and construction of the building, and the use of the building, are appropriately managed. Furthermore, positive effects related to the development having a better overall design, being of high quality, and having a different mix of commercial and accommodation activity displays creativity, innovation and responsiveness to the local, city centre context. In addition, the provision of high quality pedestrian facilities and defined entries along the eastern, northern and western edges of the building provide good connectivity and legibility within the locality.
2. There is no district or regional plan rule or national environment standard that requires public notification and the applicant has not requested it.
3. There are no other reasons to warrant notification.

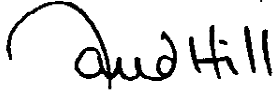
Under section 95B of the RMA, this application shall not be limited notified because:

1. Taking into consideration the existing consent and the relevant provisions of the District Plan, less than minor adverse effects will arise as a result of the changes to conditions sought on those persons identified as being potentially affected, particularly on those who made submissions on the original application. The proposal does not represent a material, adverse, departure from the original proposal consented therefore, while having reviewed those original submissions, I find that the issues raised by those original submitters are not further engaged. No specific person or site will be adversely affected by the proposal.

2. There are currently no protected customary rights groups or marine title groups in the region affected by this proposal.

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

David Hill  
Duty Commissioner



Date 4 February 2014

# Decision on an application to change/cancel a condition of a resource consent under section 127

Under the Resource Management Act 1991



Application no.: R/VCC/2006/7730/1  
 Address: 106-108 Albert Street, Auckland Central  
 Legal description: Lot 1 DP 339812 (CT – 163636)  
 Applicant: NDG Asia Pacific (NZ) Limited  
 Proposal: Discretionary activity land use consent application under section 127 of the Resource Management Act 1991 for a variation of a consented mixed use (retail and apartment) development to be replaced with a mixed use (retail, cinema, apartments, hotel & ancillary areas) development consisting of basement parking, a podium and tower.

Having read the application, supporting documents, and reports from council staff and/or its representatives, I am satisfied that I have sufficient information to consider the matters required by the Resource Management Act 1991 (RMA) and to make a decision.

Under sections 104, 104B and 127 of the RMA, this application for a discretionary activity to change/cancel conditions is **GRANTED** subject to the amended and new conditions that follow.

## Changes to condition wording

Pursuant to Section 127 of the RMA, conditions 1, 2, 4, 12, 14, 19, 20, 22, 23, 43, 46-53, 61-63, 64, 71, 73 and Appendix 3 of the existing consent referenced as R/LUC/2006/7730 are amended as follows:

1. Except where otherwise required by the conditions that follow, the proposal shall take place in accordance with the plans, assessment of effects and supplementary information submitted with the application, detailed below and all referenced by the Council as R/LUC/2006/7730 and as amended by the application for variation of conditions referenced by the Council as R/VCC/2006/7730/1:

- Application form and assessment of effects prepared by Mt Hobson Group, dated October 2013 and supporting information and images, including specialist reports as follow in the table below:

Specialist Report Title	Prepared by	Rev	Dated
NDG Asia Pacific Limited – Elliott Tower – Application to Change Existing Consent Conditions	Berry Simons	-	1 November 2013
Traffic Impact Assessment	Traffic Planning Consultants Ltd	-	1 November 2013
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External Lighting Memo	WSP New Zealand	-	11 September 2013

Letter of confirmation of reliance on Traffic Management Plan for construction by Scarborough Construction dated 26 September 2013.

The underlying documentation associated with resource consent LUC: 20060773001 except where it has been superseded by the plans and documents listed above.

Letter from Mt Hobson Group dated 31 January 2014 requesting further changes to conditions.

- Additional information as follows in the table below:

<b>Specialist Report Title</b>	<b>Prepared by</b>	<b>Rev</b>	<b>Dated</b>
Additional Traffic Information	Traffic Planning Consultants Ltd	-	22 November 2013
Additional Traffic Information	Traffic Planning Consultants Ltd	-	16 December 2013

- Drawings and rendered digital perspectives prepared by Paul Brown & Architects and referenced as follows in the table below:

<b>Drawing reference number</b>	<b>Title</b>	<b>Revision</b>
436-RC-101	Site Survey Plan	H
436-RC-199	Reference Plan Basement Level B6	C
436-RC-200	Reference Plan Basement Level B5	L
436-RC-201	Reference Plan Basement Level B4	O
436-RC-202	Reference Plan Basement Level B3	P
436-RC-203	Reference Plan Basement Level B2	Q
436-RC-204	Reference Plan Basement Level B1	R
436-RC-205	Reference Plan Level 1	J
436-RC-206	Reference Plan Level 2	N
436-RC-207	Reference Plan Level 3	R

436-RC-208	Reference Plan Level 4	J
436-RC-209	Reference Plan Level 5	S
436-RC-210	Reference Plan Level 6	O
436-RC-211	Reference Plan Level 7	P
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436-RC-218	Reference Plan Level 17-28 & 30-33 Hotel Rooms/Suites	K
436-RC-219	Reference Plan Level 29 Plant	J
436-RC-220	Reference Plan Level 42-43 Apartment/Hotel Rooms/VP Suite	I
436-RC-221	Reference Plan Level 44-45 Hotel Rooms/Presidential Suite	N
436-RC-222	Reference Plan Level 46 Plant	N
436-RC-223	Reference Plan Level 47 Restaurant	H
436-RC-224	Reference Plan Level 48 Restaurant	E
436-RC-225	Reference Plan Level 49 Roof/Plant	E
436-RC-226	Reference Plan Level 50 Plant	E
436-RC-227	Reference Plan Level 51 Plant	E
436-RC-228	Reference Plan Level 52 Roof	E
436-RC-250	Part Plan Level 2	F
436-RC-251	Part Plan Level 3	M
436-RC-301	East Elevation-Elliott Street	G
	West Elevation-Albert Street	
436-RC-302	North Elevation-Victoria Street	H

	South Elevation	
436-RC-302_1	North Elevation – Victoria Street	B
	South Elevation	
436-RC-303	East Elevation-Elliott Street	G
436-RC-304	West Elevation-Albert Street	G
436-RC-305	North Elevation-Victoria Street	G
436-RC-306	South Elevation	H
436-RC-311	East Elevation – Elliott Street Podium	D
436-RC-312	West Elevation-Albert Street Podium	D
436-RC-313	North Elevation-Victoria Street Podium	E
436-RC-314	South Elevation - Podium	D
436-RC-350	Reference Sections	G
436-RC-352	Part Section	D
436-RC-352_1	Part Section	D
436-RC-353	Part Section	E
436-RC-353_1	Part Section	D
436-RC-354	Part Section	D
436-RC-355	Part Section	D
436-RC-356	Part Section	I
436-RC-357_1	Part Section	E
436-RC-360	Part Section	D

**Photomontages**

436-SK-010	Perspective West Elevation	D
436-SK-011	Perspective Eastern Elevation	D
436-SK-012	Perspective Northern Elevation	D
436-SK-015	Perspective View from corner of Elliott & Victoria Street	C
436-SK-016	Perspective View from North on Albert Street	D
436-SK-018	Perspective View from Darby & Queen Street	C

436-SK-019	Perspective View of Corner of Albert & Victoria Street	D
436-SK-020	Perspective Entry at Corner of Elliott & Victoria Street	C
436-SK-021	Perspective Through Site Link from Elliott Street	C
436-SK-027	Perspective Elliott Street Podium	A
436-SK-028	Perspective Exterior Entry	A

2. Deleted.
4. Both the final detailed design (i.e. before construction) and then the as-built construction plan of the porte cochere are to be approved by Council (Team Leader Compliance and Monitoring in consultation with Auckland Transport). These drawings are to show all geometric details within the road reserve and an area from the western side of the building to Albert Street and extending from the northern boundary of the site to the southern boundary of the site. The area in front of the Riflemans Building and the connection to the pedestrian link in front of the Crowne Plaza Hotel is also to be included. This will show the key pedestrian connections between the subject site and the pedestrian links to the south.
12. All vehicle crossings shall be designed and constructed as set out in the plans prepared by Paul Brown Architects reference 436-RC-206, Rev N. Any such designs shall integrate as far as practicable with any proposed Council footpath upgrades to the satisfaction of Council (Team Leader Compliance and Monitoring in conjunction with Auckland Transport) while aligning with the plans submitted to the Council.
14. The 300 parking spaces shall be assigned in accordance with the permitted standards of Rule 9.7.1.1 of the District Plan: The eight two bedroom units (>80m<sup>2</sup>) at two per apartment, the twenty eight one bedroom apartments (<79m<sup>2</sup>) at one per apartment, and the remainder (256) allocated to the use of the retail, cinema and hotel operations.
19. Prior to the approval of the relevant Architectural Building Consent for the development the consent holder shall provide final details of the footpath area and ramp along the Albert Street frontage and to the upper Albert Street plaza in terms of:
  - Providing a suitable grade for pedestrians, ensuring the footpath (pedestrian ramp) is continuous and excludes steps and any vehicle access must be over the footpath (refer Condition 12), to maintain pedestrian priority and convenience;
  - paving and the delineation of vehicle/pedestrian movement areas within the porte cochere & Albert St plaza spaces;; and
  - the means of achieving continuity of surface with adjacent street spaces.

The consent holder shall submit this information to the Council (Team Leader Compliance and Monitoring in conjunction with urban design staff) for approval.

20. Deleted.



22. The footpath on the subject site to the Albert St slip lane building edge shall be a minimum width of 3m. The vehicle crossing should comply with condition 12.
23. An easement in gross in favour of the Council (or an equivalent legal instrument to the same effect) is to be drafted by Council's nominated Solicitor at the consent holder's cost and is to be applied to that area of footpath within the site along the Albert Street frontage of the site as shown on the plan (436-RC-207, Rev R) prepared by Paul Brown Architects) to the satisfaction of the Council (Team Leader Compliance and Monitoring). This easement (or equivalent) is to provide for continuous and uninterrupted public pedestrian access, which shall be constructed and maintained by the consent holder to a public footpath standard.

The consent holder shall be responsible directly to Council's Solicitor for all legal fees, disbursements and other expenses incurred by Council in connection with the easement.

43. Prior to the issue of a S224(c) RMA certificate for any of the apartments within the building or the occupation of the hotel units, the consent holder shall prepare a management plan for the operation of the porte cochere (PCMP), to the satisfaction of the Council (Team Leader Compliance and Monitoring in conjunction with Auckland Transport). The PCMP shall include details of measures to enforce time restrictions on waiting vehicles, and will include a concierge being present on site at all times. Other items for inclusion in the plan are detailed in Appendix 2 to this consent.

If vehicle queues extend onto the road or if the operation of the porte cochere creates adverse effects on pedestrian movement, the operation of the intersection and road fronting the site, the Council will impose additional restrictions on the use of the porte cochere or require alterations to the PCMP. The PCMP is to be reviewed at three months, six months and one year following the opening of the hotel by the consent holder.

The porte cochere shall be managed in accordance with the approved plan and no changes shall be made to that plan without the prior written approval of the Council (Team Leader Compliance and Monitoring in conjunction with Auckland Transport).

46. Deleted.
47. The final design details and materials, finishes of the exterior roof features shall be submitted to the Council (Team Leader Compliance and Monitoring) for approval prior to the lodgement of a building consent application.
48. All rooftop projections as defined in section 6.6 of the District Plan shall be enclosed within the structure of the building form, to the satisfaction of the Council (Team Leader Compliance and Monitoring).

**Note:** Any future antennas located on the roof top area will require a further resource consent and should be designed to complement the approved roof design.

49. Deleted.
50. Deleted.

- 51. Deleted.
- 52. Deleted.
- 53. Deleted.
- 61. Prior to occupation of any residential or hotel unit on the site, the consent holder shall submit a report from a suitably qualified acoustic engineer that confirms to the satisfaction of the Council (Team Leader Compliance and Monitoring) that the building has been designed and constructed to achieve compliance with the permitted standards of Part 7 of the Auckland Council District Plan (Auckland City Central Area Section).
- 62. The building shall be designed to comply with the following rules of the District Plan Central Area Section 2004:
  - Rule 6.12 Wind Environment Control; and
  - Rule 6.13 Glare Control.
- 63. Deleted.

Under a new heading “**Lighting**”, a new Condition 63A is added:

- 63A. The maximum measurable luminance of any illuminated building façade should not exceed 50-150cd/m<sup>2</sup>. An area weighted average is also not to be exceeded of 30cd/m<sup>2</sup> for any single contiguous façade area greater than 700m<sup>2</sup>. Any illuminance generated from any light source associated with the development shall not exceed 50 lux at the property line of the nearest residential property or light sensitive receiver.
- 64. Prior to occupation of the building by retail tenants, the consent holder shall submit, for the approval of the Council (Team Leader Compliance and Monitoring in conjunction with urban design staff), a signage plan for the exterior of the building within which individual tenants may develop their respective signs programme. The plan shall be prepared on the basis that no signage is permitted above the podium level. The signs plan must show how sign placement integrates with architectural elements of the building.  
No sandwich boards are to be placed on any public pedestrian areas, inside or outside the building, including, for the avoidance of doubt, the plaza on the Albert Street frontage.

**Note:** *Signs can contribute to the amenity of the environment and in this respect the consent holder should demonstrate, through the signs plan, how signage will complement the architectural qualities, materials, details and colours of the building to which they relate.*

- 71. Deleted.
- 73. Deleted.

Pursuant to section 113 of the RMA, the reasons for this decision are:

- a) The assessment of effects on the environment provided with the application, which compared the adverse effects from the activity in its original form with any adverse effects that might arise from the proposal in its varied form, concluded that any such effects would be minor or less. This was accepted by Council's peer reviewers. Mitigation of identified adverse effects is achieved, in part, by the imposition of conditions on the original consent, and by revised conditions and newly added conditions to ensure that aspects of the proposal such as the temporary effects of construction activity, the design and construction of the building, and the use of the building, are appropriately managed. Furthermore, positive effects related to the development having a better overall design, being of high quality, and having a different mix of commercial and accommodation activity displays creativity, innovation and responsiveness to the local, city centre context. In addition, the provision of high quality pedestrian facilities and defined entries along the eastern, northern and western edges of the building provide good connectivity and legibility within the locality.

Overall, in terms of sections 104(1)(a) and 127(3) the actual and potential effects of the amended proposal are positive design refinements, generally minor, and are amenable to management through the changed, and additional, conditions.

- b) In terms of sections 104(1)(b) and 127(3) the Auckland Council District Plan (Auckland City Central Area Section) and the Auckland Council Regional Policy Statement are relevant. In relation to the Operative District Plan the proposal is in accordance with all relevant objectives, policies, assessment criteria and rules, including the relevant provisions of Part 3 – *Resource Management*, Part 4.1 – *Core Strategic Management Area*, Part 5 – *Activities*, Part 14.4 – *Queen Street Valley Precinct*, Part 9 – *Transportation*, and Part 15 – *General Provisions*, with particular attention to transportation, design and appearance and accommodation. In relation to the Regional Policy Statement the high quality urban design outcomes sought by the Plan are achieved in respect of the proposal.
- c) No material additional adverse effects arise as a result of the changes to conditions sought relating to the original consent.
- d) In terms of sections 104(1)(c) and 127(3) no additional matters are considered relevant reasonably necessary to determine the application. The condition relating to monitoring in relation to the consented development still stands. Comments on the design and development provided by the Urban Design Panel are acknowledged. The implications of Central Rail Link project designation for the proposed vehicle crossing are discussed and financial contributions are now addressed under Council's Development contribution policy.
- e) The activity is consistent with the provisions of Part 2 of the Act.

Pursuant to section 108 of the RMA this consent is **granted** subject to the above changed conditions and the following replacement / new conditions:

Condition 7 is deleted and a new Condition 7 is substituted:

7. Prior to the operation of the basement car parking, the following shall be implemented by the consent holder to the satisfaction of the Council (Team Leader Compliance and Monitoring in conjunction with Auckland Transport):

- i) Install a "car coming" pedestrian warning device and a speed hump at the basement car park entrance. The speed hump shall be constructed on the exit lane, 1 metre from the road boundary and a "Give Way to Pedestrians" warning sign shall be installed at an appropriate and easily visible (by exiting drivers) location on the exit lane.
- ii) Install an audio-visual sign at the vehicle crossing to the loading area.
- iii) The nose at the northern end of the Albert Street footpath shall be rebuilt in concrete to the satisfaction of Auckland Transport Traffic Operations Central.

Condition 18 is deleted and a new Condition 18 is substituted:

18. Should any damage occur in the course of development of the site resulting from the proposal, the consent holder shall bear all costs relating to the reinstatement of the affected footpath, street furniture and trees and/or affected services. All reinstatement work shall be carried out at the direction and to the satisfaction of the Council (Team Leader Compliance and Monitoring in conjunction with Auckland Transport).

Condition 45 is deleted and a new Condition 45 is substituted:

45. Prior to the approval of the relevant Architectural Building Consent for the development the consent holder shall:
  - Submit samples of external materials and colour swatches and finishes including glazing for approval; and,
  - provide final details on plans and elevation drawings with exterior cladding materials, finishes and colours being clearly notated for approval.

These drawings shall provide confirmation that the quality of design and architectural expression illustrated in the 3-dimensional photo-montage images presented at the AUDP meeting 26<sup>th</sup> November will be implemented. The images are presented in Photomontages 436-SK-015, Rev C, 436-SK-016, Rev D, 436-SK-018, Rev C, 436-SK-019, Rev D, 436-SK-020, Rev C, 436-SK-021, Rev C and 436-SK-027, Rev A.

The consent holder shall submit this information to the Council (Team Leader Compliance and Monitoring in conjunction with urban design staff) for approval.

A new Condition 46A is added:

- 46A. To maintain a sense of transparency, openness and visual connection with the street at all levels of the podium facades, all tenancies with glazed exterior walls on street frontages shall be required to ensure that the following elements of the internal fit-out are installed a minimum of 1.5m back from the exterior glazing:
  - Internal partitions of any height (permanent or temporary) to a maximum of 50% of the tenancy stall or compartment width;

- Storage, display or counter units (or any other internal furniture /fittings); and
- Any form of advertising (images or text).

This 1.5m wide zone parallel to the exterior glazing may be utilised for the display of merchandise and/or the movement of customers around merchandise. The zone is described on floor plan Drawings 436-RC-205 Rev J, 436-RC-206 Rev N, 436-RC-207 Rev R, 436-RC-208 Rev J and 436-RC-209 Rev S.

**Note:** *Maintaining transparency of the podium façade is a critical factor in the success of the podium façade design and accordingly the presence of the 1.5m zone is considered a vital element in the design of relevant tenancy floor plans. The consent holder may therefore consider the desirability of the foregoing requirements being written into any tenancy agreements.*

Condition 68 is deleted and a new Condition 68 is substituted:

68. The bicycle storage area and changing rooms indicated on Drawing 436-RC-203, Rev Q shall allow for a minimum of 36 bicycles and have a suitable lock to restrict access to authorised users only.

Condition 72 is deleted and new review conditions 72, 72A and 72B are substituted:

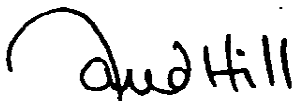
72. The Council in accordance with Section 129 of the Resource Management Act 1991 may serve notice on the consent holder of its intention to review, at any time within 5 years following the commencement of construction works and including the initial operation of the hotel, for the purpose of dealing with any adverse construction & construction traffic issues and, post-construction (upon occupation of the building) issues including porte cochere activity and podium glazing related effects on the environment which may arise from the exercise of the consent, in particular, in relation to Conditions 25, 29, 31, 43 and 46A. The review(s) are to ensure the effective working of the construction and traffic management plans, district plan noise provisions, the safe operation of the porte cochere and the management of podium glazed street frontage wall areas to ensure appropriate levels of transparency and visual connections are maintained. In the case of adverse traffic effects, in particular in relation to the disruption of peak traffic flows and bus operations, the Council may reconsider the adoption of the best practicable option to avoid, remedy or mitigate any adverse effects.
- 72A. The first review may occur one calendar month from the date of the first day of the month immediately following the commencement of construction works and thereafter occur at monthly intervals for an initial three month period, and thereafter for the remaining four year and nine month period, at three month intervals, commencing on the first day of the month and expiring at the end of that month.
- 72B. Reviews shall be independently carried out by suitably qualified experts in traffic engineering, acoustic engineering and urban design (as the case may be) at the request of the Council and be paid for by the consent holder. Should the review(s) conclude that the traffic and porte cochere, construction, noise and urban design management systems are failing to achieve the objectives of the respective plans or conditions the Council may then require the consent holder to provide alternative arrangements to those specified in conditions 25, 29, 31, 43 and 46A. The full cost of carrying out any mitigation measures so directed by the Council shall be borne by

the consent holder.

**Advice Notes**

1. *This consent is to be read in conjunction with the previously approved resource consent R/LUC/2006/7730 and does not negate the consent holder's requirement to continue to comply with the conditions of that original resource consent, subject to the amendments made above.*
2. *The applicant should note that the construction of the Central Rail Link is scheduled to commence at the end of 2015 and expected to be completed in 2021. If the construction of the development is expected to commence before and overlap with the construction of the CRL, the applicant is to liaise with AT to coordinate construction activities to ensure that the construction of the tower will not coincide with the cut-and-cover operation on Albert Street that would restrict access to and from the site. It is recommended that, the applicant contact the CRL team, Auckland Transport directly to discuss timeframes and strategies to address construction and construction traffic issues and develop a communications protocol to facilitate the exchange of information in a timely manner.*
3. *An Airspace Encroachment lease or licence will be required for the pedestrian bridge and vehicle ramp over Lower Albert Street, and canopies over the streets.*
4. *A Corridor Access Request will be required for all works within the road corridor.*
5. *Any original 'Mount Eden' basalt kerbstones that are removed as a consequence of any off-site street works that may be required shall be returned to Auckland Transport Road Corridor Maintenance.*
6. *Development contributions levied under the Local Government Act 2002 are payable in relation to this application. The consent holder will be advised of the development contributions payable separately from this resource consent decision. Further information about development contributions may be found on the Auckland Council website at [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz).*
7. *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 Council within 15 working days of notification of the decision.*

David Hill  
Duty Commissioner



Date 4 February 2014

**Attached: Complete set of amended consent conditions**

For completeness, the original conditions of Consent R/LUC/2006/7730, those varied conditions of the consent and new conditions are set out below. Also amended and updated are the numerous delegations referred to in conditions.

**Conditions of consent:**

Pursuant to section 108 of the Resource Management Act 1991, this consent is subject to the following conditions:

General

1. Except where otherwise required by the conditions that follow, the proposal shall take place in accordance with the plans, assessment of effects and supplementary information submitted with the application, detailed below and all referenced by the Council as R/LUC/2006/7730, as amended by the application for variation of conditions referenced by the Council as R/VCC/2006/7730/1:

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436-RC-218	Reference Plan Level 17-28 & 30-33 Hotel Rooms/Suites	K



436-RC-219	Reference Plan Level 29 Plant	J
436-RC-220	Reference Plan Level 42-43 Apartment/Hotel Rooms/VP Suite	I
436-RC-221	Reference Plan Level 44-45 Hotel Rooms/Presidential Suite	N
436-RC-222	Reference Plan Level 46 Plant	N
436-RC-223	Reference Plan Level 47 Restaurant	H
436-RC-224	Reference Plan Level 48 Restaurant	E
436-RC-225	Reference Plan Level 49 Roof/Plant	E
436-RC-226	Reference Plan Level 50 Plant	E
436-RC-227	Reference Plan Level 51 Plant	E
436-RC-228	Reference Plan Level 52 Roof	E
436-RC-250	Part Plan Level 2	F
436-RC-251	Part Plan Level 3	M
436-RC-301	East Elevation-Elliott Street West Elevation-Albert Street	G
436-RC-302	North Elevation-Victoria Street South Elevation	H
436-RC-302_1	North Elevation – Victoria Street South Elevation	B
436-RC-303	East Elevation-Elliott Street	G
436-RC-304	West Elevation-Albert Street	G
436-RC-305	North Elevation-Victoria Street	G
436-RC-306	South Elevation	H
436-RC-311	East Elevation – Elliott Street Podium	D
436-RC-312	West Elevation-Albert Street Podium	D
436-RC-313	North Elevation-Victoria Street Podium	E
436-RC-314	South Elevation - Podium	D
436-RC-350	Reference Sections	G
436-RC-352	Part Section	D

436-RC-352_1	Part Section	D
436-RC-353	Part Section	E
436-RC-353_1	Part Section	D
436-RC-354	Part Section	D
436-RC-355	Part Section	D
436-RC-356	Part Section	I
436-RC-357_1	Part Section	E
436-RC-360	Part Section	D

**Photomontages**

436-SK-010	Perspective West Elevation	D
436-SK-011	Perspective Eastern Elevation	D
436-SK-012	Perspective Northern Elevation	D
436-SK-015	Perspective View from corner of Elliott & Victoria Street	C
436-SK-016	Perspective View from North on Albert Street	D
436-SK-018	Perspective View from Darby & Queen Street	C
436-SK-019	Perspective View of Corner of Albert & Victoria Street	D
436-SK-020	Perspective Entry at Corner of Elliott & Victoria Street	C
436-SK-021	Perspective Through Site Link from Elliott Street	C
436-SK-027	Perspective Elliott Street Podium	A
436-SK-028	Perspective Exterior Entry	A

Development/Site

1. Prior to the commencement of any excavation or construction, the consent holder must obtain from the Auckland Transport an airspace lease over the Albert St (lower Albert St) road boundaries for the projections of the Plaza and associated area above Albert St.

Verandahs

2. Deleted
3. The street verandahs shall comply with Rule 6.9 of the District Plan (other than for the height exceedance along the Albert St frontage as granted by this consent) and prior to occupation of the building, and lighting shall be provided under the street verandahs in accordance with Rule 6.9 of the District Plan. Written confirmation from an electrical engineer that the proposal meets the minimum standards of the District

Plan shall be provided to the Council (Team Leader Compliance and Monitoring) prior to occupation of the building.

4. Both the final detailed design (i.e. before construction) and then the as-built construction plan of the porte cochere are to be approved by Council (Team Leader Compliance and Monitoring in consultation with Auckland Transport). These drawings are to show all geometric details within the road reserve and an area from the western side of the building to Albert Street and extending from the northern boundary of the site to the southern boundary of the site. The area in front of the Riflemans Building and the connection to the pedestrian link in front of the Crowne Plaza Hotel is also to be included. This will show the key pedestrian connections between the subject site and the pedestrian links to the south.
5. The pedestrian throughway on the south face of the building shall be kept lit and open for public access from 7am each morning until at least 10pm each night.

Traffic, Loading and Access

6. The vertical height clearance of the loading access shall be not less than 3.8m.
7. Prior to the operation of the basement car parking, the following shall be implemented by the consent holder to the satisfaction of the Council (Team Leader Compliance and Monitoring in conjunction with Auckland Transport):
  - i) Install a "car coming" pedestrian warning device and a speed hump at the basement car park entrance. The speed hump shall be constructed on the exit lane, 1 metre from the road boundary and a "Give Way to Pedestrians" warning sign shall be installed at an appropriate and easily visible (by exiting drivers) location on the exit lane. The solid central island between the entrance and exit lanes shall extend 4.0m from the road boundary.
  - ii) Install an audio-visual sign at the vehicle crossing to the loading area.
  - iii) The nose at the northern end of the Albert Street footpath shall be rebuilt in concrete to the satisfaction of Auckland Transport Traffic Operations Central.
8. No use of the loading bay (Albert St) for loading purposes shall be permitted on normal working days between the hours of 7am to 9am and 4pm to 6pm.
9. The required off-street loading space and manoeuvring areas shall be kept clear and available at all times, free of charge and impediment, for vehicles used in conjunction with the particular activity to which the loading spaces relate on the site, and shall not be used for the deposit or storage of any goods or materials or for any other purpose.
10. Both the porte cochere and loading area (off Albert Street) are to be provided with 24 hour surveillance, either by way of electronic surveillance or by such methods as described in the Porte Cochere Management Plan required by these conditions, to the satisfaction of the Council (Team Leader Compliance and Monitoring) prior to the occupation of the building.
11. Any existing vehicle crossings made redundant as a result of the development are to be reinstated as footpath, kerb and channel to comply with Rule 9.7.3.3 Footpath

Crossings in the District Plan and the cost of this is to be borne by the consent holder to the approval of the Council (Team Leader Compliance and Monitoring).

12. All vehicle crossings shall be designed and constructed as set out in the plans prepared by Paul Brown Architects reference 436-RC-206, Rev N. Any such designs shall integrate as far as practicable with any proposed Council footpath upgrades to the satisfaction of Council (Team Leader Compliance and Monitoring in conjunction with Auckland Transport) while aligning with the plans submitted to the Council.
13. Unless authorised by a separate resource consent, all car parking spaces to be provided within the building shall be used only ancillary to the permitted uses of the building and no parking spaces shall be leased or otherwise allowed to be used for activities not associated with the use on the site.
14. The 300 parking spaces shall be assigned in accordance with the permitted standards of Rule 9.7.1.1: The eight two bedroom units (>80m<sup>2</sup>) at two per apartment, the twenty eight one bedroom apartments (<79m<sup>2</sup>) at one per apartment, and the remainder (256) allocated to the use of the retail, cinema and hotel operations.

#### Footpath Treatment

15. The design and final built form of the verandah and canopy structures and building edge shall take into account and integrate with CBD street upgrades including: the location of proposed trees, any street lighting provided by the development, bus stops and pedestrian crossings associated with the development, all to the satisfaction of the Council (Team Leader Compliance and Monitoring).
16. Footpaths affected by the Elliott Tower development shall be reinstated by the consent holder in accordance with the design and standards as documented in the Auckland City Council's proposals for CBD streetscape upgrades of Victoria and Albert Streets. Any basalt kerbstones that are damaged by the consent holder or its activities are to be replaced at the consent holder's cost with basalt kerbing in the original chiselled format (as currently survives on the majority of the Elliot and Victoria Street frontages) including straight and radiused sections as appropriate.
17. Prior to any works commencing on the site, the consent holder shall obtain the approval of the Council (Team Leader Compliance and Monitoring in conjunction 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. Generally the laying of timber planks or the provision of a reinforced concrete overlay will not be acceptable due to the high pedestrian volumes. Temporary commercial vehicle crossings constructed in accordance with Standard Engineering Detail 12908/302/1 shall be provided unless otherwise agreed with the Council (Team Leader Compliance and Monitoring in conjunction with Auckland Transport). The protection method selected will depend on how the footpath and footpath users will be impacted by vehicles. All temporary crossing areas shall be reinstated to the satisfaction of both the Council (Team Leader Compliance and Monitoring in conjunction with Auckland Transport).
18. Should any damage occur in the course of development of the site resulting from the proposal, the consent holder shall bear all costs relating to the reinstatement of the affected footpath, street furniture and trees and/or affected services. All

reinstatement work shall be carried out at the direction and to the satisfaction of the Council (Team Leader Compliance and Monitoring in conjunction with Auckland Transport).

19. Prior to the approval of the relevant Architectural Building Consent for the development the consent holder shall provide final details of the footpath area and ramp along the Albert Street frontage and to the upper Albert Street plaza in terms of:
- providing a suitable grade for pedestrians, ensuring the footpath (pedestrian ramp) is continuous and excludes steps and any vehicle access must be over the footpath (refer Condition 12), to maintain pedestrian priority and convenience;
  - paving and the delineation of vehicle/pedestrian movement areas within the porte cochere & Albert St plaza spaces; and
  - the means of achieving continuity of surface with adjacent street spaces.

The consent holder shall submit this information to the Council (Team Leader Compliance and Monitoring in conjunction with urban design staff) for approval.

20. *Deleted.*

21. The two truck docks and the parking garage entry and exit of Albert St shall be redesigned to provide adequate footpath refuge for pedestrians between the entry and exit points, to the satisfaction of the Council (Team Leader Compliance and Monitoring in conjunction with Auckland Transport).
22. The footpath on the subject site to the Albert St slip lane building edge shall be a minimum width of 3m. The vehicle crossing should comply with condition 12.
23. An easement in gross in favour of the Council (or an equivalent legal instrument to the same effect) is to be drafted by Council's nominated Solicitor at the consent holder's cost and is to be applied to that area of footpath within the site along the Albert Street frontage of the site as shown on the plan (436-RC-207, Rev R) prepared by Paul Brown Architects) to the satisfaction of the Council (Team Leader Compliance and Monitoring). This easement (or equivalent) is to provide for continuous and uninterrupted public pedestrian access, which shall be constructed and maintained by the consent holder to a public footpath standard.

The consent holder shall be responsible directly to Council's Solicitor for all legal fees, disbursements and other expenses incurred by Council in connection with the easement.

24. The consent holder shall pay to the Council, in bank cheque or electronic transfer, a financial contribution of \$100,000 (GST inclusive) prior to the issue of the building consent for the development of appropriate traffic management options to address any adverse traffic implications on the intersection of Albert Street (including the lower part of Albert Street) and Victoria Street West and arising from the development. If the Council agrees, the consent holder may undertake all or some of the works required.

#### Construction Traffic, Other Construction and Excavation

25. Prior to any works commencing on site, the consent holder shall submit to the satisfaction of the Council (Team Leader Compliance and Monitoring in conjunction with Auckland Transport), a Construction Traffic Management Plan (CTMP). All work on the site and excavation and construction traffic movements to and from the site shall be carried out in accordance with the approved CTMP required by this condition and also in accordance with the Construction Management Plan drawing Option 4 – No. 04163.52. The CTMP is required to include address all traffic management details listed in appendix 1 to this decision. The CTMP shall include an appropriate means of demonstrating consultation and ongoing liaison with affected adjoining property owners, the Council and Auckland Transport.
26. The CTMP shall define all road routes of heavy vehicle excavation and construction traffic to and from the site, including those to the motorway system as well as the routes within the vicinity of the site. These routes shall not include the use of Elliott St south of its intersection with Darby St or the use of Darby St unless agreed by the Council (Team Leader Compliance and Monitoring in conjunction with Auckland Transport), and:
  - Entry and exit crossing sites to be excavated and relaid as commercial crossings (SED 12908/302/1) are to provide flush footpath transition, rather than overlaid
  - Pram crossings shall be provided in cut back of kerb on the eastern side of Elliott Street
  - Manual pedestrian control is to be provided on the eastern and western approaches to the Elliott and Victoria Streets intersection during truck entry
  - Pedestrian warning signs are to be installed either side of the site exit crossing on Elliott Street. The consent holder is to monitor the effectiveness of these signs. Should this monitoring demonstrate concerns about pedestrian safety, the consent holder will notify the Council (Team Leader Compliance and Monitoring in conjunction with Auckland Transport) and manual pedestrian control will be required for this exit to the satisfaction of the Council (Team Leader Compliance and Monitoring in conjunction with Auckland Transport).
27. The consent holder shall appoint a suitably qualified person as a Site Traffic Management Supervisor for the construction period with the responsibility and accountability for controlling traffic matters and also ensuring that the agreed Construction Traffic Management Plan is adhered to at all times.
28. With the exception of a maximum of 5 trucks pre-loaded with excavation material which may have been held on the site overnight, there shall be no movement of heavy vehicles to and from the site during the peak traffic periods of normal working days between the hours of 7.00am to 9.00am, and 4.00pm to 6.00pm unless otherwise approved by the Council (Team Leader Compliance and Monitoring in conjunction with Auckland Transport) having regard to any condition in this consent restricting hours of work.
29. The consent holder shall provide an Excavation and Construction Management Plan to the satisfaction of the Council (Team Leader Compliance and Monitoring in

conjunction with Auckland Transport) prior to any works commencing. This Plan is to specify:

- name and contact details of the site manager (phone, facsimile, postal address)
- 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
- procedures for controlling sediment runoff and the removal of soil debris and construction materials from public roads or places
- procedures for controlling and removal of construction materials from public roads or places
- proposed numbers and timing of truck movements throughout the day
- ingress and egress to and from the site for demolition and construction vehicles and wheel washing treatment facilities
- on-site sediment control
- dust control measures
- tree protection measures (i.e. trees on site as well as street trees)
- parking arrangements for subcontractors and workers vehicles for each stage of the development
- location of workers' conveniences (e.g. portaloos)
- all pedestrian safety and traffic management measures required for construction activity where a separate CTMP is not required (Refer to Appendix 1).

30. All work on the site and excavation and construction traffic movement to and from the site shall be carried out in accordance with the approved Construction Traffic Management Plan and Excavation and Construction Management Plan required by the above conditions 25 (including Appendix 1) and 29.
31. The consent holder shall provide to the satisfaction of the Council (Team Leader Compliance and Monitoring) a Construction Noise Management Plan (CNMP) prior to any construction commencing on the site. The CNMP shall contain information relating to the demolition and construction methodologies and specify particular machinery to be used, stating clear noise reduction and elimination measures for machinery that has potential to breach the construction noise levels as set out in Rule 7.6.4 of the District Plan. Rock breaking or any other similar percussive techniques shall be specifically mentioned along with the tower crane type and noise specification. Noise monitoring procedures, consultation and notification of affected parties and any possible alternatives to noisy equipment shall be addressed in the CNMP in detail. A detailed programme of works shall be included.
32. All work on the site must be carried out in accordance with the approved Construction Noise Management Plan required by the above condition.
33. All construction works including mechanical digging equipment and/or commercial earth moving equipment and construction activities shall be restricted to the hours between 7.30am to 6.00pm Monday to Friday, and 8.00am to 5.00pm Saturday. No works shall be undertaken on Sundays and public holidays. This is to ensure amenity is maintained for surrounding neighbours. A number of activities (including crane erection and dismantling, concrete curing and finishing) may be undertaken outside of these hours but only with the express prior written approval of the Council (Team Leader Compliance and Monitoring). Internal finishing and internal fit outs, complying with Rule 7.6.4 in the Auckland City Operative District Plan Central Area

Section 2004, may take place at other times. All worker vehicles during any approved extended working hours shall be parked off street and no radios, hammering or power tools that are audible off site, shall be permitted during these extended hours.

34. Prior to the commencement of excavation, the consent holder shall erect and maintain in place a screen wall of a minimum height of 1.8m along the boundaries of the site. This wall shall be constructed using either solid materials or heavy gauge wire mesh. It is to remain in place until the cessation of excavation works on the site.
35. The loading and unloading of all vehicles and storage of materials, plant and equipment associated with excavation and the building construction, shall take place within the site boundaries unless otherwise approved by the Council (Team Leader Compliance and Monitoring in conjunction with Auckland Transport) by way of an approved TMP.
36. A wheel wash and stabilised construction entrance shall be installed and used on the site during the full period of excavation and construction to ensure that loose material associated with excavation, removal of soil and debris and delivery of construction materials is not carried by vehicle tyres and deposited on public roads (note shall be taken of Annexure 8 of the City of Auckland Central Area Operative District Plan 2004, and ARC Publication TP90, when designing these). During such times the road carriageway adjacent to the site shall be hosed down at the end of each working day.
37. To prevent contamination of drains with water containing soil sediments there shall be no stock piling of excavated material on the site. Any surplus excavated material (except where this is to be reused on the site and retained to a reasonable standard) shall be removed from the site and deposited in an approved landfill.
38. The consent holder shall implement suitable sediment control measures during all earthworks to ensure that all stormwater runoff from the site is managed and controlled to ensure that no silt, sediment or water containing silt or sediment is discharged into stormwater pipes, channels or soakage systems in accordance with Annexure 8 Earthworks of the District Plan. These measures shall remain in place until the completion of the development. This includes the installation of approved Enviropods in all cesspits downhill, and/or adjacent to, the site.
39. 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 trees and/or affected services. All reinstatement work shall be carried out at the direction and to the satisfaction of the Council (Team Leader Compliance and Monitoring in conjunction with Auckland Transport).
40. All site works shall be carried out so as not to create a dust nuisance on the site and the surrounding area. In order to prevent the dispersal of dust and other particles from adversely affecting other sites, the consent holder shall dampen the area of earthworks so that the emission of dust and other particles is minimised and implement the use of scrim netting and daily clean-up of work areas on each floor as well as regular wetting of bins positioned under construction debris chutes.



41. All construction activities carried out on the site shall be designed and conducted in a manner such that any noise from the site shall not exceed the noise limits in Rule 7.6.4 of the District Plan.

Miscellaneous

42. Prior to occupation of the building, the consent holder is to provide the Council (Team Leader Compliance and Monitoring) with the details of a plaque, interpretive panel or similar recognition of the historic associations of the site, to be placed in the development in a location generally accessible to the public during business hours.
43. Prior to the issue of a S224(c) RMA certificate for any of the apartments within the building or the occupation of the hotel units, the consent holder shall prepare a management plan for the operation of the porte cochere (PCMP), to the satisfaction of the Council (Team Leader Compliance and Monitoring in conjunction with Auckland Transport). The PCMP shall include details of measures to enforce time restrictions on waiting vehicles, and will include a concierge being present on site at all times. Other items for inclusion in the plan are detailed in Appendix 2 to this consent.

If vehicle queues extend onto the road or if the operation of the porte cochere creates adverse effects on pedestrian movement, the operation of the intersection and road fronting the site, the Council will impose additional restrictions on the use of the porte-cochere or require alterations to the PCMP. The PCMP is to be reviewed at three months, six months and one year following the opening of the hotel by the consent holder.

The porte cochere shall be managed in accordance with the approved plan and no changes shall be made to that plan without the prior written approval of the Council (Team Leader Compliance and Monitoring in conjunction with Auckland Transport).

44. The consent holder is to provide a brief written report to the Council (Team Leader Compliance and Monitoring) on the operation of the porte cochere, the loading bay, and access and egress arrangements after Elliot Tower has been in operation for two years. This report is to include details (including the time, date, persons involved, and any injuries to persons or property) of any incidents or complaints with respect to the management and operation of the porte cochere, and any changes made as a consequence of such events.

Urban Design

45. Prior to the approval of the relevant Architectural Building Consent for the development the consent holder shall:

- Submit samples of external materials and colour swatches and finishes including glazing for approval; and
- provide final details on plans and elevation drawings with exterior cladding materials, finishes and colours being clearly notated for approval.

These drawings shall provide confirmation that the quality of design and architectural expression illustrated in the 3-dimensional photo-montage images presented at the AUDP meeting 26<sup>th</sup> November will be implemented. The images are presented in Photomontages 436-SK-015, Rev C, 436-SK-016, Rev D, 436-SK-018, Rev C, 436-SK-019, Rev D, 436-SK-020, Rev C, 436-SK-021, Rev C and 436-SK-027, Rev A.

The consent holder shall submit this information to the Council (Team Leader Compliance and Monitoring in conjunction with urban design staff) for approval.

46. Deleted.

46A To maintain a sense of transparency, openness and visual connection with the street at all levels of the podium facades, all tenancies with glazed exterior walls on street frontages shall be required to ensure that the following elements of the internal fit-out are installed a minimum of 1.5m back from the exterior glazing:

- Internal partitions of any height (permanent or temporary) to a maximum of 50% of the tenancy stall or compartment width;
- Storage, display or counter units (or any other internal furniture /fittings); and
- Any form of advertising (images or text).

This 1.5m wide zone parallel to the exterior glazing may be utilised for the display of merchandise and/or the movement of customers around merchandise. The zone is described on floor plan Drawings 436-RC-205 Rev J, 436-RC-206 Rev N, 436-RC-207 Rev R, 436-RC-208 Rev J and 436-RC-209 Rev S.

*Note: Maintaining transparency of the podium façade is a critical factor in the success of the podium façade design and accordingly the presence of the 1.5m zone is considered a vital element in the design of relevant tenancy floor plans. The consent holder may therefore consider the desirability of the foregoing requirements being written into any tenancy agreements.*

Roof

47. The final design details and materials, finishes of the exterior roof features shall be submitted to the Council (Team Leader Compliance and Monitoring) for approval prior to the lodgement of a building consent application.

48. All rooftop projections as defined in section 6.6 of the District Plan shall be enclosed in within the structure of the building form, to the satisfaction of the Council (Team Leader Compliance and Monitoring). Note: Any future antennas located on the roof top area will require a further resource consent and should be designed to complement the approved roof design.

*Note: Any future antennas located on the roof top area will require a further resource consent and should be designed to complement the approved roof design.*

Sky Gardens

- 49. Deleted.
- 50. Deleted.
- 51. Deleted.
- 52. Deleted.
- 53. Deleted.

Contamination and Dust Management

54. Prior to excavation and construction works, the consent holder shall submit a contamination remediation action plan, to the satisfaction of Council (Team Leader

Compliance and Monitoring), and then undertake remediation works in accordance with the approved remediation plan.

55. Prior to excavation and removal of any contaminated material, the consent holder shall submit a Health and Safety Plan, to the satisfaction of the Council (Team Leader Compliance and Monitoring), for the workers involved in the excavation, providing details of how the effects of the contaminated material will be minimised, in accordance with 'The Cleanup of Contaminated Sites, Occupational Safety & Health Service, Department of Labour, 1994' to the satisfaction of Council (Team Leader Compliance and Monitoring).
56. Following completion of remediation works, the consent holder shall undertake a validation exercise to confirm the performance of the remediation works and to identify residual contamination at the site. It is then to provide, to the satisfaction of the Council (Team Leader Compliance and Monitoring) a Site Validation Report, which must include but not be limited to:
  - Soil test results for the excavated areas and capping materials (if any)
  - Scaled plans (plan and elevation views) showing the location and containment details (if any) of any contaminated materials relocated on the site
  - An on-going monitoring and management plan (if needed)
  - Evidence of disposal of contaminated materials in a licensed facility.
57. The consent holder must ensure that the contamination level of any imported soil complies with Section 5.5.48 of the Proposed Auckland Regional Plan: Air, Land and Water, and The Ministry for Environment (MfE) 'A Guide to the Management of Cleanfills', January 2002, Ref. ME418.
58. The consent holder shall at all times control any dust in accordance with the Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions, published by the Ministry for the Environment (2001).

#### Noise and Vibration

59. All construction activities carried out on the site shall be designed and conducted in a manner such that any noise from the site shall not exceed the noise limits in Rule 7.6.4 of the Auckland City Operative District Plan 2004 Central Area Section.
60. All construction activities carried out on the site shall be designed and conducted in accordance with vibration Rule 7.6.5 of the Auckland City Operative District Plan 2004 Central Area Section.
61. Prior to occupation of any residential or hotel unit on the site, the consent holder shall submit a report from a suitably qualified acoustic engineer that confirms to the satisfaction of the Council (Team Leader Compliance and Monitoring) that the building has been designed and constructed to achieve compliance with the permitted standards of Part 7 of the Auckland Council District Plan (Auckland City Central Area Section).

#### Wind and Glare

62. The building shall be designed to comply with the following rules of the District Plan Central Area Section 2004:
  - Rule 6.12 Wind Environment Control; and
  - Rule 6.13 Glare Control.

63. Deleted

Lighting

63A. The maximum measurable luminance of any illuminated building façade should not exceed 50-150cd/m<sup>2</sup>. An area weighted average is also not to be exceeded of 30cd/m<sup>2</sup> for any single contiguous façade area greater than 700m<sup>2</sup>. Any illuminance generated from any light source associated with the development shall not exceed 50 lux at the property line of the nearest residential property or light sensitive receiver.

Signs

64. Prior to occupation of the building by retail tenants, the consent holder shall submit, for the approval of the Council (Team Leader Compliance and Monitoring in conjunction with urban design staff), a signage plan for the exterior of the building within which individual tenants may develop their respective signs programme. The plan shall be prepared on the basis that no signage is permitted above the podium level. The signs plan must show how sign placement integrates with architectural elements of the building.

No sandwich boards are to be placed on any public pedestrian areas, inside or outside the building, including, for the avoidance of doubt, the plaza on the Albert Street frontage.

**Note:** Signs can contribute to the amenity of the environment and in this respect the consent holder should demonstrate, through the signs plan, how signage will complement the architectural qualities, materials, details and colours of the building to which they relate.

Archaeological

65. The consent holder shall employ at its expense a qualified archaeologist who is to:

- i) Provide 10 working days' notice to the Council (Manager, Heritage) of a pre-commencement site meeting with all contractors, sub-contractors and construction staff involved in earthworks, including moving and relaying kerbstones. At this meeting the archaeologist is to outline the procedure if any archaeological features are found and provide to the Council (Manager, Heritage) minutes of this meeting once it has been held, including the names of those in attendance;
- ii) Monitor earthworks on the site until such works reach at least 2 metres below any building foundations, including the monitoring of surface stripping of the site, in order to establish whether any sub-surface archaeological features are present.
- iii) Certify to the Council (Manager: Heritage) in writing within one month of the completion of earthworks whether or not any archaeological features have been discovered.

66. If any archaeological sites, including human remains are exposed during site works then the following procedures shall apply:

- a. Immediately when it becomes apparent that an archaeological or traditional site has been exposed, all site works shall cease.
- b. The site supervisor shall immediately secure the area in a way that ensures that any artefacts or remains are untouched and arrange for the archaeologist to visit the site (if not already present).
- c. The site supervisor shall notify tangata whenua, the New Zealand Historic Places Trust, the Department of Conservation, City Planning at the Auckland City Council and in the case of human remains the Police, that an archaeological or traditional site has been exposed, so that appropriate action can be taken. This includes such persons being given a reasonable time as determined by the Council (Team Leader Compliance and Monitoring) to record and recover archaeological features discovered before work may recommence on the site.

#### Refuse

67. Prior to construction commencing, a copy of a waste management plan shall be lodged with the Council (Team Leader Compliance and Monitoring) by the consent holder that shall include designated sites for refuse bins for the collection and storage of glass, paper, plastic and metal cans and collection details. The required plan shall be prepared to the satisfaction of the Council (Team Leader Compliance and Monitoring in conjunction) and shall be in accordance with the Council's waste reduction policy.

Prior to issue of the Code Compliance Certificate, facilities for the storage, collection and disposal of refuse associated with the proposed activity shall be provided on the site in accordance with the approved waste management plan and shall continue to be provided at all times thereafter.

#### Bicycle Storage

68. The bicycle storage area and changing rooms indicated on Drawing 436-RC-203, Rev Q shall provide for a minimum of 36 bicycles and have a suitable lock to restrict access to authorised users only.

#### Height and site intensity

69. The building shall be designed, including any changes that result from any of these conditions, to comply with the following rules of the District Plan:
- Rule 6.2.1 and 6.3 maximum height (Special height control - sunlight admission to Aotea Square). A certificate from a registered surveyor confirming compliance with this control shall be submitted to the Council (Manager: Central Area Planning) prior to construction commencing
  - Rule 6.7.3 Maximum Total Floor Area Ratio.

#### Number and Layout of Apartments

70. Prior to the occupation of the building following completion of construction, details of the number and layout of residential units shall be provided to the Council (Team Leader Compliance and Monitoring). Unless authorised by another resource consent, the area of units shall not be less than that required under Rule 9.7.1.1A of the Auckland City District Plan - Central Area Section 2004 and the layout of each unit shall comply with Rule 6.15 and/or appendix 12.

71. Deleted.

Review

72. The Council in accordance with Section 129 of the Resource Management Act 1991 may serve notice on the consent holder of its intention to review, at any time within 5 years following the commencement of construction works and including the initial operation of the hotel,, for the purpose of dealing with any adverse construction & construction traffic issues and, post-construction (upon occupation of the building) issues including porte cochere activity and podium glazing related effects on the environment which may arise from the exercise of the consent, in particular, in relation to Conditions 25, 29, 31, 43 and 46A. The review(s) are to ensure the effective working of the construction and traffic management plans, district plan noise provisions, the safe operation of the porte cochere and the management of podium glazed street frontage wall areas to ensure appropriate levels of transparency and visual connections are maintained. In the case of adverse traffic effects, in particular in relation to the disruption of peak traffic flows and bus operations, the Council may reconsider the adoption of the best practicable option to avoid, remedy or mitigate any adverse effects.

72A The first review may occur one calendar month from the date of the first day of the month immediately following the commencement of construction works and thereafter occur at monthly intervals for an initial three month period, and thereafter for the remaining four years and nine month period, at three month intervals, commencing on the first day of the month and expiring at the end of that month.

72B Reviews shall be independently carried out by suitably qualified experts in traffic engineering, acoustic engineering and urban design (as the case may be) at the request of the Council and be paid for by the consent holder. Should the review(s) conclude that the traffic and porte cochere, construction, noise and urban design management systems are failing to achieve the objectives of the respective plans the Council may then require the consent holder to provide alternative arrangements to those specified in conditions 25, 29, 31, 43 and 46A. The full cost of carrying out any mitigation measures so directed by the Council shall be borne by the consent holder.

Financial Contribution

73. Deleted.

Monitoring

74. The consent holder shall pay a consent compliance monitoring charge of \$10,000 (GST exclusive) to the Council, plus any additional monitoring charge or charges to recover the actual and reasonable costs that are incurred to ensure compliance with the conditions attached to this consent. (This 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).

75. The consent compliance monitoring charge must be paid as part of the resource consent fee and the consent holder will be advised of the additional monitoring charge or charges as they fall due. Such additional charges are to be paid within one month of the date of invoice.

Administrative Charges

76. The consent holder shall pay any administrative charge fixed in accordance with section 36(1) of the Resource Management Act 1991 or any additional charge required pursuant to section 36(6) of the Resource Management Act 1991, wherever appropriate.
77. This resource consent will expire seven (7) years after the date of commencement of consent unless:
  - (a) it is given effect to before the end of that period; or,
  - (b) Upon an application made prior to the expiry of that period. The statutory considerations that apply to extensions are set out in section 125(1)(b) of the Resource Management Act 1991.

**Note:** Deleted.

### **ADVICE NOTES**

1. *This consent is to be read in conjunction with the previously approved resource consent R/LUC/2006/7730 and does not negate the consent holder's requirement to continue to comply with the conditions of that original resource consent, subject to the amendments made above.*
2. *The consent holder needs to obtain all other necessary consents and permits, including those under the Building Act 2004, and to comply with all relevant Council Bylaws.*
3. *This consent does not constitute building consent approval. Please check as to whether or not a building consent is required under the Building Act 2004. If a building consent application is already lodged with Council or has already been obtained you are advised that unless otherwise stated, the use shall not commence until conditions of this resource consent have been met.*
4. *Prior to the commencement of any construction or excavation, the consent holder shall have been granted all requisite regional council consents.*
5. *The consent holder is required to obtain any necessary authorisations that may be required under the Historic Places Act.*
6. *A copy of this consent should be held on site at all times during the establishment and construction phase of the activity and drawn to the attention of those working on the site.*
7. *The consent holder is requested to notify the Council, in writing, of its intention to begin works, a minimum of seven days prior to commencement. Such notification should be sent to the Team Leader Compliance Monitoring and include the following details:*
  - *name and telephone number of the project manager and site owner*
  - *site address to which the consent relates*
  - *activity to which the consent relates*
  - *expected duration of works.*

8. *Development contributions levied under the Local Government Act 2002 are payable in relation to this application. The consent holder will be advised of the development contributions payable separately from this resource consent decision. Further information about development contributions may be found on the Auckland Council website at [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz).*
9. *Any site contamination reports and plans should be prepared in accordance with the Contaminated Site Management Guidelines No. 1 Guidelines for Reporting on Contaminated Sites in New Zealand, Ministry for the Environment, 2003.*
10. *A geo-technical report with supporting documentation of construction techniques/methods will be required with any building consent application.*
11. *Final points of connection for drainage and water supply will need to be consented under a building consent application on the advice of Metrowater. The consent holder is required to be advised of Council requirements outlined in the Metrowater Development and Connection Standards issued Feb 2005.*
12. *Detail of on-site separation of private drainage reticulation, clearance requirements for works in relation to construction activities and water supply connections will be provided as part of the building consent application.*
13. *There may be limits in the water pressure available from the public water supply. Booster pumps and/or header tanks may be required for providing water for internal use by the development. Details are to be provided with the building consent application. All costs are to be met by the consent holder.*
14. *Any alteration of public assets e.g. road reserve and footpath requires Engineering Approval from Auckland City Environments Development Engineering prior to a building consent being issued. Abandoned private drainage shall be sealed off to the satisfaction of the Council. Details shall be supplied with the building consent application. A network utility charge may be applied with any application for connections of drainage and water supply services, refer Metrowater regarding advice on this.*
15. *If street works take place, the street kerbing surrounding the site on the two levels of Albert Street, Victoria Street West and Elliot Street frontages is to be replaced or reinstated with basalt kerbing in the original chiselled format (as currently exists on the majority of the Elliot and Victoria Street frontages), including straight and radiused sections as required. Any original "Mount Eden" basalt kerbing that is removed as a consequence of any off-site street works that may be required shall be retained by the Council and re-used in consultation with the Council's Chief Advisor, Heritage and/or its Heritage Manager.*
16. *The proposal is to be integrated into the Auckland City Council's CBD streetscape upgrades of Victoria and Albert Streets. Preliminary design for both streets will include the location of proposed trees, street lighting, bus stops and pedestrian crossings, and these design elements must be co-ordinated with the building form / canopy structure as proposed by the Council's Footpath Upgrade Project Manager*
17. *Clear responsibility for management of amenities and areas common to the building and parts thereof including the porte cochere, loading bay, podium roof garden and the sky gardens should be addressed as part of any future subdivision consent application.*



18. *The consent holder should provide opportunities for the public to view the excavation and construction process from safe locations around the site that do not unduly convenience vehicular or pedestrian movement or construction works.*
19. *The consent holder should consider the use of names, for example of the retail area, that link the current use to past uses of the site – for example the Royal Hotel and Royal International Hotel.*
20. *If you disagree with any of the above conditions or with any additional charges relating to the processing of the application, you have a right of objection pursuant to section 357 of the Resource Management Act 1991 which shall be made in writing to the Council within 15 working days of notification of the decision. As soon as practicable the Council will consider the objection at a hearing.*
21. *The applicant should note that the construction of the Central Rail Link is scheduled to commence at the end of 2015 and expected to be completed in 2021. If the construction of the development is expected to commence before and overlap with the construction of the CRL, the applicant is to liaise with AT to coordinate construction activities to ensure that the construction of the tower will not coincide with the cut-and-cover operation on Albert Street that would restrict access to and from the site. It is recommended the applicant contact the CRL team, Auckland Transport, directly to discuss timeframes and strategies to address construction and construction traffic issues and a communications protocol to facilitate the exchange of information in a timely manner.*
22. *An Airspace Encroachment lease or licence will be required for the pedestrian bridge and vehicle ramp over Lower Albert Street, and canopies over the streets.*
23. *A Corridor Access Request will be required for all works within the road corridor.*
24. *Any original 'Mount Eden' basalt kerbstones that are removed as a consequence of any off-site street works that may be required shall be returned to Auckland Transport Road Corridor Maintenance.*

## **APPENDIX 1 (TO CONSENT CONDITIONS)**

### **CONSTRUCTION TRAFFIC MANAGEMENT PLAN FOR EXCAVATION AND CONSTRUCTION ACTIVITIES (CTMP)**

The CTMP shall address all traffic management details as listed below to these conditions of consent. In addition, the CTMP is to include specific provision for site management, edge treatment and site amenity as required by Rule 5.6.1 of the Auckland City District Plan (Central Area).

- ingress/egress to/from site
- materials storage
- truck unloading/loading, particularly hours of operation and that truck movements shall be outside of peak hours unless otherwise approved by the Operations Manager Transport.
- concrete deliveries
- rubbish removal
- truck movements to and from the site
- truck waiting
- truck cleaning
- subcontractors' vehicles
- workers' vehicles
- carnage
- cherry pickers
- pedestrian movements and pedestrian control/safety
- all weather protection for pedestrians
- needs of other property owners/occupiers affected by the works and how those needs will be met (including parking, servicing, access requirements).
- equipment to be used for control of traffic
- details of all signage
- on-street parking controls and liaison with Parking Services
- impact on street lighting

- liaison with emergency services
- liaison with public transport and road transport organisations
- how to keep footpaths and roadway clean and uncluttered
- site sheds (on or over the street)
- the proposed method of protection of footpaths and underlying services potentially affected by the movement of vehicles to and from the site and by works being carried out on the site. Generally the laying of timber planks or the provision of a reinforced concrete overlay will not be acceptable due to the high pedestrian volumes. Temporary commercial vehicle crossings constructed in accordance with Standard Engineering Detail 12908/302/1 shall be provided unless otherwise agreed with the Operations Manager Transport. The method selected will depend on how the footpath and footpath users will be impacted by vehicles. All temporary crossing areas shall be reinstated to the satisfaction of the Operations Manager Transport.
- Note: The CTMP needs to take account of the full potential effects of the activity on the public space (road, footpath, etc).

The contractor will need to have evaluated:

- the traffic conditions
- existing traffic and parking controls
- physical features
- visibility restrictions
- requirements of other properties re: access etc

## **APPENDIX 2 (TO CONSENT CONDITIONS)**

### **PORTE COCHERE MANAGEMENT PLAN**

Essential components of the porte cochere management will include:

- A preamble stating the objectives of the PCMP. The preamble should include that: there are to be no queues extending beyond the pedestrian crossing at the entrance to the porte-cochere; no vehicle is to stop on the pedestrian crossing; a clear way is to be maintained through the porte-cochere at all times to enable vehicles to enter and exit the porte-cochere; and no part of any vehicle is to encroach over a dedicated pedestrian path or area.
- The porte-cochere is to be manned by a concierge at all times.
- No vehicles are to be left unattended within the confines of the porte-cochere.
- No vehicle will be permitted to park in the porte-cochere for more than five minutes.
- Buses and coaches will be permitted a maximum loading/unloading time of 10 minutes. Bus and coach arrivals for pick-ups are to be managed so that a bus or coach only arrives when all passengers have assembled in the hotel foyer or porte-cochere.
- If there are no buses in the porte-cochere, a bus may be parked in the designated loading space for no more than 10 minutes prior to loading.
- For items that are delivered by courier and are not required to be delivered personally to any occupant, the item is to be collected by the concierge for later delivery to the occupant.
- For items delivered by courier and need to be delivered personally to an occupant, the courier vehicle is to be parked in the loading dock off Lower Albert Street.
- All service deliveries are to be made in the loading dock/service area off Lower Albert Street