

Bronwyn Carruthers (Chairperson)  
Dominion Road Mixed-use Development  
c/o Environmental Protection Agency  
By email: Dominionroad.fasttrack Dominionroad.fasttrack@epa.govt.nz

13 September 2021

**RE: Dominion Road Mixed Use Development – Invitation to Comment on Draft Conditions**

We are responding to your invitation for comments on the draft conditions, received on 6 September 2021.

The draft conditions have been reviewed by the following agencies and senior specialists:

- Compliance monitoring officer
- Healthy Waters
- Watercare
- Landscape
- Regional stormwater
- Noise and vibration
- Contamination
- Lighting
- Subdivision

I note Auckland Transport have also reviewed the conditions, however their comments have been provided to the EPA separately.

**General comments**

The council's preferred approach to condition wording is to (generally) state "must" rather than "shall". It is recommended that conditions are amended to reflect this.

Rather than referring to the "Team Leader Monitoring and Compliance – Central", or to other Council departments such as Healthy Waters, conditions should refer to "the Council" and the following advice note should be included:

*For the purpose of compliance with the conditions of consent, "The Council" refers to the council's monitoring officer, unless otherwise specified. Please email [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) to identify your allocated officer.*

**Specific comments on conditions**

Please refer to the attached document which includes tracked changes and comments on the draft conditions. Should you require further clarification regarding these suggested changes then the council is able to make the relevant specialists available.

I also refer the Panel to the council's Resource Consent Conditions Manual, which can be accessed at the following URL: <http://www.aucklanddesignmanual.co.nz/regulations/consent-conditions-manual>

It is recommended that the Panel utilise these conditions where appropriate.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'I. Smallburn', written in a cursive style.

**Ian Smallburn**

General Manager – Resource Consents Auckland Council

# **DRAFT LAND USE CONDITIONS**

## **GENERAL CONDITIONS**

### **Activity in Accordance with Application**

1. The development shall proceed in general accordance with the information and plans submitted with the application formally received by the Environment Protection Agency on 30 April 2021, including all supporting additional information submitted except that:
  - a. On-site:
    - i. The scale and dimensions of Blocks A, C and D must be reduced and the gap between Blocks C and D must be increased in the manner outlined in Attachment 1 to the Memorandum of Counsel dated 3 September 2021.
    - ii. The elevation end wall along the eastern (rear) adjacent to the residential neighbours at 111 Grange Road and 1/86, 2/86, and 86A Prospect Terrace shall be divided into at least 8 sections of similar width, with colour or texture applied (such as an exposed aggregate finish) to each section to provide for a softening of the scale and length of the otherwise solid wall.
  - b. Dominion Road intersections: [detail to be added following conferencing and/or hearing]

In the event that any of the provisions of the following documents conflict with the requirements of these Conditions of consent, these Conditions of consent must prevail.

<b>Drawing Title and Reference</b>	<b>Architect / Author</b>	<b>Rev.</b>	<b>Dated</b>
A01.001 - Location Plan	Warren and Mahoney	C	03.06.21
A02.001 - Existing Site Plan	Warren and Mahoney	C	03.06.21
A03.001 - Proposed Site Plan	Warren and Mahoney	C	03.06.21
A09.000 - Master Floor Plan Level 00	Warren and Mahoney	C	03.06.21
A09.010 - Master Floor Plan Level 01	Warren and Mahoney	C	03.06.21
A09.020 - Master Floor Plan Level 02	Warren and Mahoney	C	03.06.21

A09.030 - Master Floor Plan Level 03	Warren and Mahoney	C	03.06.21
A09.040 - Master Floor Plan Level 04	Warren and Mahoney	C	03.06.21
A09.050 - Master Floor Plan Level 05	Warren and Mahoney	C	03.06.21
A19.020 - Apartment Plan Block A Level 02	Warren and Mahoney	C	03.06.21
A19.030 - Apartment Plan Block A Level 03	Warren and Mahoney	C	03.06.21
A19.040 - Apartment Plan Block A Level 04	Warren and Mahoney	C	03.06.21
A19.120 - Apartment Plan Block B Level 02	Warren and Mahoney	C	03.06.21
A19.130 - Apartment Plan Block B Level 03	Warren and Mahoney	C	03.06.21
A19.140 - Apartment Plan Block B Level 04	Warren and Mahoney	C	03.06.21
A19.230 - Apartment Plan Block C Level 03	Warren and Mahoney	C	03.06.21
A19.240 - Apartment Plan Block C Level 04	Warren and Mahoney	C	03.06.21
A19.250 - Apartment Plan Block C Level 05	Warren and Mahoney	C	03.06.21
A19.330 - Apartment Plan Block D Level 03	Warren and Mahoney	C	03.06.21
A19.340 - Apartment Plan Block D Level 04	Warren and Mahoney	C	03.06.21
A19.350 - Apartment Plan Block D Level 05	Warren and Mahoney	C	03.06.21
A19B.400 - Apartment Plan North Terraces Level 00	Warren and Mahoney	C	03.06.21
A19B.410 - Apartment Plan North Terraces Level 01	Warren and Mahoney	C	03.06.21
A19B.420 - Apartment Plan North Terraces Level 02	Warren and Mahoney	C	03.06.21

A19B.430 - Apartment Plan North Terraces Level 03	Warren and Mahoney	C	03.06.21
A19B.500 - Apartment Plan South Terraces Level 00	Warren and Mahoney	C	03.06.21
A19B.510 - Apartment Plan South Terraces Level 01	Warren and Mahoney	C	03.06.21
A19B.520 - Apartment Plan South Terraces Level 02	Warren and Mahoney	C	03.06.21
A19B.530 - Apartment Plan South Terraces Level 03	Warren and Mahoney	C	03.06.21
A19B.540 - Apartment Plan South Terraces Level 04	Warren and Mahoney	C	03.06.21
A20B.001 - External Elevations	Warren and Mahoney	C	03.06.21
A20B.002 - External Elevations	Warren and Mahoney	C	03.06.21
A30B.001 - Typical Sections	Warren and Mahoney	C	03.06.21
A30B.002 - Typical Sections	Warren and Mahoney	C	03.06.21
A30B.003 - Typical Sections	Warren and Mahoney	C	03.06.21
RC210 - External Signage Elevations	Wingate Architects	C	10.03.21
00010 - General Notes	Robert Bird Group	P01	08.03.21
01010 - General Arrangement Plan	Robert Bird Group	P01	08.03.21
81010 - Erosion and Sedimentation Control	Robert Bird Group	P01	08.03.21
81040 - Erosion and Sedimentation Control Details	Robert Bird Group	P01	08.03.21
82010 - Bulk Earthworks	Robert Bird Group	P01	08.03.21
82011 - Rock Excavation Plan	Robert Bird Group	P01	08.03.21
86010 - 3 Waters Plan	Robert Bird Group	P01	08.03.21
86040 - Stormwater Details	Robert Bird Group	P01	08.03.21
86041 - Wastewater Details	Robert Bird Group	P01	08.03.21

87010 - Soakhole Location and Test Result	Robert Bird Group	P01	08.03.21
87011 - Existing Catchment Plan	Robert Bird Group	P01	08.03.21
87012 - Proposed Catchment Plan	Robert Bird Group	P01	08.03.21
87020 - Overland Flow Culvert Long Section	Robert Bird Group	P01	08.03.21
89010 - Water Supply and Services Plan	Robert Bird Group	P01	08.03.21
89040 - Water Supply Details	Robert Bird Group	P01	08.03.21

### **Lapsing of Consent**

2. In accordance with clause 37(7) of Schedule 6 to the COVID-19 Recovery (Fast-Track Consenting) Act 2020, this consent shall lapse two years after the date it is granted unless the consent is given effect to prior.

### **Monitoring Deposit**

3. The consent holder shall pay the Auckland Council an initial consent compliance monitoring charge of \$3,000 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the Conditions attached to these consents.

#### *Advice Note:*

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

### **PRE-COMMENCEMENT CONDITIONS**

#### **Community Liaison Group**

4. No later than 3 months prior to the commencement of physical works the consent holder shall establish a Community Liaison Group (CLG) and hold the first meeting in accordance with **Condition 7**.
5. The consent holder shall invite each of the following parties to have a representative on the CLG:
  - (a) Auckland Council;

- (b) Auckland Transport;
  - (c) Watercare;
  - (d) Albert- Eden Local Board;
  - (e) Chair of Lot 1 DP 170042 Body Corporate Committee;
  - (f) Dominion Road Business Association;
  - (g) Nominated Mana Whenua Representatives; and
  - (h) Nominated representative of Eden We Love Society Incorporated.
6. The objectives of the CLG are to:
- (a) Provide a means for all parties to give and receive regular updates on progress with the construction of the project;
  - (b) Provide a regular forum through which information about the construction of the project can be provided by the consent holder;
  - (c) Enable opportunities for concerns and issues to be reported and responded to by the consent holder; and
  - (d) Provide feedback on the development of the Construction Noise and Vibration Management Plan (CNVMP), Construction Management Plan (CMP) and Construction Traffic Management Plan (CTMP).
7. The consent holder shall:
- (a) Consult with the CLG on the development and content of the CNVMP, CMP, and CTMP, including providing a copy of the draft CNVMP, CMP and CTMP (including indicative provisions for oversized vehicles entering and leaving the site) for feedback in advance of lodging with Auckland Council, considering any feedback received within 10 working days of the meeting at which the draft(s) is discussed, and providing reasons for any feedback not incorporated into the final version;
  - (b) Arrange a regular monthly meeting on the same day of the week, which shall be agreed with the members of the CLG;
  - (c) Provide information at least 5 working days in advance of the meeting at which that information is to be discussed;
  - (d) Provide reasonable administrative support for the CLG including:
    - (i) Organising meetings at a local venue;
    - (ii) Inviting all members of the CLG to meetings at least 10 working days before that meeting is to be held;
  - (e) Provide an update at least every month (or as otherwise agreed by the CLG) during construction of the project setting out noise and vibration monitoring results and associated

compliance with the consent Conditions and any other relevant requirements of the CNVMP, CMP and CTMP, including responses to compliance concerns raised by CLG members at the previous meeting;

- (f) Provide all updates to the CNVMP following certification of these updates by Auckland Council;
  - (g) Respond to all issues/queries/requests raised by the CLG in a timely manner and advise how their issues/queries/requests have been resolved and if not resolved, the reasons why. The speed of the response shall be determined by the urgency of the matter as determined by Auckland Council; and
  - (h) Have a representative attend all CLG meetings.
8. At the first meeting of the CLG, the consent holder shall provide a list of three registered members of the New Zealand Institute of Building Surveyors Inc who are suitably qualified to undertake cosmetic and structural damage assessment and reporting. All listed persons shall have provided confirmation of their availability to undertake the work required by **Conditions 70 - 75**.
9. The purpose of the list referred to in Condition **8**, is to provide the CLG an opportunity to agree (by majority) upon and nominate one of the listed Building Surveyors as an independent assessor of any building damage that may occur as a result of the construction activity.
10. The CLG shall, within 10 working days of the first meeting, advise the consent holder of the nominated Building Surveyor.

#### **Certification of Plans or Further Detail**

11. The consent holder shall not commence any physical works until it has obtained certification from Auckland Council to the following plans:
- a. A Construction Noise and Vibration Management Plan (CNVMP) – see **Conditions 13 - 15**;
  - b. A Construction Management Plan (CMP) – see **Conditions 16 - 18**;
  - c. A Construction Traffic Management Plan (CTMP) – see **Conditions 19 - 21**.
12. The consent holder shall not apply for building consent until it has:
- a. obtained certification from Auckland Council to:
    - i. the architectural treatment, colour, and visual depth of the buildings (see **Conditions 26 - 27**);
    - ii. the external rooftop services/plant, lift/stairwell structures and visual/ aural screening elements (see **Condition 28**);
    - iii. the design and/or insulation of noise sensitive spaces (see **Conditions 29 - 30**);



- iv. the detailed landscape design drawings and supporting written documentation (see **Condition 31**);
  - v. the Waste Management Plan (see **Condition 32**);
  - vi. the Lighting Plan (see **Condition 33**);
  - vii. the Bicycle Parking Plan (see **Condition 34**);
- b. Engineering Plan Approval from Auckland Council's Development Engineering for all the necessary pipes and ancillary equipment to divert and relay existing public stormwater and wastewater lines (see **Condition 36**).
  - c. Engineering Plan Approval from Auckland Council's Development Engineering for all stormwater and wastewater network connections.
  - d. Engineering Plan Approval from Auckland Transport to the detailed design of the intersection works and vehicle crossings (see **Conditions 22 - 25**).

#### **Construction Noise and Vibration Management Plan (CNVMP)**

- 13. The consent holder shall prepare a Construction Noise and Vibration Management Plan (CNVMP) with reference to Annex E2 of NZS 6803: 1999 Acoustics - Construction noise and submit it to Auckland Council for certification.
- 14. The objectives of the CNVMP are to:
  - (a) Identify the Best Practicable Option (within the limits set under the Conditions of consent) and define the procedures to manage and minimise construction noise and vibration effects;
  - (b) Inform the duration, frequency and timing of works to manage disruption; and
  - (c) Require engagement with affected receivers and timely management of complaints.
- 15. The CNVMP shall include specific details relating to avoiding, remedying or mitigating adverse noise and vibration effects on the environment and neighbouring properties from demolition and construction, and management of all works associated with this development as follows:
  - (a) Contact details of the appointed contractor or project manager (phone number, email, postal address);
  - (b) A general outline of the construction programme for each stage of development;
  - (c) Applicable site noise and vibration criteria set out in these Conditions;
  - (d) Identification of surrounding noise and/or vibration sensitive receivers;
  - (e) A vibration monitoring program to establish site specific setback distances for the avoidance of building damage per **Conditions 65 and 66**;
  - (f) Details about the works, including:

- (i) When the higher noise and vibration levels can be expected;
  - (ii) The likely sources or causes of noise and vibration;
  - (iii) Methods for monitoring and reporting on noise and vibration;
  - (iv) Working hours;
  - (v) A contact phone number and email address for any concerns regarding noise and vibration; and
  - (vi) When works could be scheduled to avoid the worst of the effects on the receivers.
- (g) The methodology for providing at least 4 weeks advance written notice to the occupiers of 86 Prospect Terrace, 86A Prospect Terrace and 111 Grange Road of any proposed rock-breaking within 20m, or piling within 30m, of the eastern site boundary and offering to relocate the occupier(s) for the duration of that work at the consent holder's cost.
- (h) The methodology for providing 3 days' advance written notice to the occupiers of all properties referenced in **Condition (g)** above of the commencement of rock breaking or piling activities.
- (i) Details of the management and mitigation measures required to comply with **Conditions 58 to 79**;
- (j) A procedure for undertaking building condition surveys of buildings in accordance with **Conditions 70 to 75**;
- (k) The procedure for monitoring construction noise and vibration at the most exposed surrounding buildings;
- (l) The process to record and investigate all construction noise and/or vibration complaints that includes the following steps being taken as soon as practicable:
- (i) Acknowledge receipt of the concern or complaint within 24 hours and record:
    - a. Time and date the complaint was received and who received it;
    - b. Time and date of the activity subject to the complaint (estimated where not known);
    - c. The name, address and contact details of the complainant (unless they elect not to provide);
    - d. The complainants' description of the activity and its resulting effects; and
    - e. Any relief sought by the complainant (e.g. scheduling of the activity).
  - (ii) Identify the relevant activity and the nature of the works at the time of the complaint.
  - (iii) If a complaint relates to building damage, inform the on-duty site manager as soon as practicable in relation to the building survey process detailed at **Conditions 70 to 75** below.

- (iv) Review the activity noise and/or vibration levels and the mitigation and management measures in place.
  - (v) Record the findings and recommendations in a complaints' register that is provided to the Project Manager after each and every complaint and made available to the Auckland Council on request.
  - (vi) Report the outcomes of the investigation to the complainant within 10 days of the complaint being received, identifying where the relief sought by the complainant has been adopted or the reason(s) otherwise; and
- (m) The process for changing, and certifying any changes to, the CNVMP.

**Construction Management Plan (CMP)**

16. The consent holder shall prepare and submit a Construction Management Plan (CMP) to Auckland Council for certification.
17. The objectives of the CMP are to:
  - (a) Identify the Best Practicable Option (within the limits set under the conditions of consent) and define the procedures to ensure adverse effects associated with construction activities are minimised;
  - (b) Inform the duration, frequency and timing of works to manage disruption; and
  - (c) Require engagement with affected receivers and timely management of complaints.
18. The CMP shall include specific details relating to avoiding, remedying or mitigating adverse effects on the environment and neighbouring properties from demolition and construction, and management of all works associated with this development (where they are not already managed by the CNVMP or CTMP) as follows:
  - (a) Contact details of the appointed contractor or project manager (phone number, email, postal address);
  - (b) A general outline of the construction programme for each stage of development;
  - (c) Applicable conditions relating to the management of construction matters (including but not limited to those on dust, sediment and contamination);
  - (d) Programme of works and hours of operation;
  - (e) Relevant details for the management of dust on site (as per the guidance in Appendix 4 of the Ministry for the Environment's *Good Practice Guide for Assessing and Managing Dust*, 2016) including:
    - (i) An objective to ensure the consent holder shall ensure earthworks do not result in any airborne and deposited dust beyond the property boundary of the site that is determined to be noxious, objectionable or offensive;
    - (ii) A general description of the activities and main potential sources of dust emission;

- (iii) Contact details for the person who will manage dust complaints on site to be made available to staff and the CLG;
  - (iv) A full description of the dust mitigation system, including identifying relevant operating procedures and parameters, inventory of mitigating equipment and materials, details and reporting on maintenance programmes for this equipment and contingency procedures;
  - (v) Measures to be adopted to maintain the site in a tidy condition in terms of disposal/storage of rubbish, unloading of building materials, waiting and storage areas and similar construction activities;
  - (vi) Measures for waste management which include designated sites for refuse bins, and for recycling bins for glass, plastic and cans storage and collection in accordance with Auckland Council's waste reduction policy;
  - (vii) Location and servicing of workers' conveniences (e.g. portaloos) and worker transport arrangements and car parking;
  - (viii) A site plan identifying material, plant and machinery storage areas as well as loading and unloading zones;
  - (ix) Location and height of site hoardings (if any);
  - (x) Proposed hours of work on the site; and
  - (xi) Monitoring procedures, including frequency and kind of monitoring to be undertaken, records to be kept and any system review or reporting required.
- (f) Management processes for earthworks on site to minimise contaminant, erosion and sediment effects as per **Conditions 39 and 48 to 55** and as guided by Auckland Council's guideline document *Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, 2016/005*.
- (g) Details of construction hoardings and other measures to be adopted to maintain areas of the site that are visible from public spaces and private property in a tidy condition;
- (h) Details of the approach to be undertaken for the unloading and stockpiling of materials on site (including any necessary reference to the CNVMP or CTMP);
- (i) Management of rubbish disposal on site, in order to ensure any rubbish is removed in a timely manner and areas of the site visible from neighbouring properties or public spaces are kept in a tidy condition.

#### **Construction Traffic Management Plan (CTMP)**

19. The consent holder shall submit a Construction Traffic Management Plan (CTMP) to Auckland Council for certification.

20. The objective of the CTMP is to ensure that during demolition, earthworks and construction the surrounding road network (including the footpaths) operates safely and efficiently for all road users including pedestrians.
21. The CTMP shall include specific details relating to avoiding, remedying or mitigating adverse effects on the environment from demolition, earthworks, construction and management of all works associated with this development, and setting out procedures to be followed which ensure compliance with the conditions of consent, as follows:
- (a) Contact details of the appointed contractor or project manager (phone number, email, postal address);
  - (b) A general outline of the construction programme;
  - (c) Plans showing areas where stockpiles, equipment (including contractor parking) will occur so that there is no obstruction of public spaces (e.g. roads);
  - (d) Plans showing the location of any site offices, staff facilities and staff car parking required during the construction period;
  - (e) An overview of measures that will be adopted to prevent unauthorised public access during the construction period;
  - (f) Location of traffic signs on surrounding streets and proposed signage for traffic management purposes during construction;
  - (g) Measures to ensure trucks:
    - a. do not enter the site during the busy commuter peak hours of 8:00am to 9:00am and 4:30pm to 6:00pm weekdays;
    - b. do not enter or leave the site between the hours of 7:00pm to 7:30am; and
    - c. do not park or idle on Prospect Terrace, Grange Road, Burnley Terrace, King Edward Street or Paice Avenue at any timeunless prior written approval of Auckland Council and Auckland Transport is obtained;
  - (h) Measures to ensure satisfactory vehicle and pedestrian access is maintained to adjacent properties at all times;
  - (i) Temporary protection measures that will be installed to ensure that there shall be ~~is~~ no damage to public roads, footpaths, berms, kerbs, drains, reserves or other public assets as a result of the earthworks and construction activities;
  - (j) Details on procedures to be followed during major sporting events at Eden Park, noting that pedestrian connectivity and safety requirements shall not significantly impact on the requirements of the respective Eden Park management plans;
  - (n) The process to record and investigate all traffic complaints that includes the following steps being taken as soon as practicable:

- (vii) Acknowledge receipt of the concern or complaint within 24 hours and record:
  - a. Time and date the complaint was received and who received it;
  - b. Time and date of the activity subject to the complaint (estimated where not known);
  - c. The name, address and contact details of the complainant (unless they elect not to provide);
  - d. The complainants' description of the activity and its resulting effects; and
  - e. Any relief sought by the complainant (e.g. scheduling of the activity).
- (viii) Identify the relevant activity and the nature of the works at the time of the complaint.
- (ix) Review the mitigation and management measures in place.
- (x) Record the findings and recommendations in a complaints' register that is provided to the Project Manager after each and every complaint and made available to the Council on request.
- (xi) Report the outcomes of the investigation to the complainant within 10 days of the complaint being received, identifying where the relief sought by the complainant has been adopted or the reason(s) otherwise; and
- (k) Identification of haulage routes; and
- (l) Details on the location of any temporary bus stops.

The above details shall be shown on a site plan and supporting documentation as appropriate.

#### **Preliminary Design Road Safety Audit and Detailed Design**

- 22. The consent holder shall engage an independent and suitably qualified Safety Engineer to undertake and complete an independent, Preliminary Design Road Safety Audit of all site access points and road layout changes associated with the development.
- 23. The Preliminary Design Road Safety Audit shall be completed in accordance with the New Zealand Transport Agency Procedure Manual and shall address all transportation aspects of the development which shall include, but not be limited to, the following:
  - (a) The Dominion Road / Prospect Terrace signalised intersection;
  - (b) The Grange Road / Dominion Road intersection; and
  - (c) The vehicular accesses.
- 24. The consent holder shall implement the recommendations made in the Preliminary Road Safety Audit in the detailed design.

Advice Note:

*If any agreed mitigation measure(s) require a separate resource consent or third-party approval, it shall be the sole responsibility of the consent holder to obtain such consents and/or approvals prior to any construction works and implementation of such measure(s).*

25. The consent holder shall provide to Auckland Transport for Engineering Plan Approval, the detailed design which implements the recommendations of the Preliminary Road Safety Audit and includes consideration of:

- (a) Dominion Road / Prospect Terrace signalised intersection showing tracking of 12.6m trucks, signal infrastructure, parking, vehicle crossings, pedestrian crossings, footpath and associated works in accordance with Drawing 16316-SU-(1) prepared by Traffic Planning Consultants Ltd;
- (b) Grange Road / Dominion Road intersection showing tracking of 12.6m trucks and raised table;
- (c) Service relocation plans;
- (d) Extent of reinstatement works;
- (e) Regulatory and warning signage/markings (including those relevant to the bus lanes);
- (f) Visibility assessment, taking into account landscaping and signage;
- (g) Changes to the bus lane; and
- (h) Vehicle crossings.

**Materials and Finishes**

26. The consent holder shall prepare architectural detail drawings of the facade components and a Materials Schedule and Specifications for the proposed external cladding and glazing including surface finishes and colour scheme that reuses as much of the brick work and framed metal windows from the UDC Building on the Prospect Terrace and Grange Road frontages and laneway, as far as is practical.
27. The detailed drawings shall be submitted to Auckland Council for certification that the proposed architectural treatment, colour, and visual depth indicated in the consent drawings is consistent with and does not compromise the design intent of the documentation listed in Condition 1.
28. The consent holder shall provide details of any external rooftop services/plant, lift/stairwell structures and visual/ aural screening elements to Auckland Council for certification that screening/treatment of any external plant equipment does not undermine the design and architectural integrity of the development.

Advice Note:

As part of the condition monitoring process, Auckland Council's Premium Resource Consents Team will liaise with members of Auckland Council's Urban Design Unit and Built Heritage Team to ensure that the submitted details are consistent with the design intent of the documentation listed in **Condition 1**.

**Noise**

- 29. The consent holder shall submit a report from a suitably qualified and experienced acoustic specialist confirming the building design complies with **Condition 30** to Auckland Council for certification.
- 30. Noise sensitive spaces must be designed and/or insulated so that the internal noise levels do not exceed the levels below based on the maximum level of noise permitted by the zone or precinct standards or any adjacent zone or precinct standards combined with the measured total noise at the site from other source such as Dominion Road traffic.

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

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

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

that achieves compliance with Auckland Unitary Plan Operative in Part E25.6.10(3)(b).

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

- 31. The consent holder shall provide to Auckland Council for certification, the detailed landscape design drawings and supporting written documentation which have been prepared by a suitably qualified and experienced professional. The information shall be consistent with the Landscape Concept Plan prepared by Boffa Miskell, dated 3 May 2021 and confirm that the planting within the internal courtyard areas will be able to achieve the anticipated outcome, in particular that there is enough depth of soil to sustain the proposed vegetation. At a minimum, this information shall include landscape design drawings, specifications and maintenance requirements including
  - (a) Annotated planting plans which communicate the proposed location and extent of all areas of planting;



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

#### **Waste Management Plan**

32. A finalised Waste Management Plan shall be submitted to Auckland Council for certification that the servicing requirements of the overall site are adequately provided for without causing odour/visual nuisance internally or to the public.

#### *Advice Note:*

*The waste management plan required by **Condition 32** is also required for any multi-unit development, comprising ten or more units, under the Auckland Council Solid Waste Bylaw 2012. Assistance in determining the contents of the Waste Management Plan can be found within the Auckland Design Manual, [www.aucklanddesignmanual.co.nz](http://www.aucklanddesignmanual.co.nz) by searching for the Waste MUD Calculator. As part of the certification process, Auckland Council's monitoring officers will liaise with members of Auckland Council's Urban Design Unit and Waste Solutions Team to ensure that the submitted details are consistent with the approved plans and information.*

#### **Lighting Plan**

33. The consent holder shall provide a Lighting Plan for certification by Auckland Council. This plan shall include proposed locations, lux levels and types of lighting (i.e. manufacturer's specifications once a lighting style has been determined). The lighting plan shall demonstrate

that all lighting complies with the relevant AUP(OP) lighting standards and to avoid any light spill onto neighbouring properties.

*Advice Note:*

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

### **Bicycle Parking Plan**

34. The consent holder shall provide a plan to Auckland Council for certification identifying the location of:
  - a. at least 10 short-term residential and 20 short-term commercial bicycle parking spaces in a location convenient to visitors to the development.
  - b. a minimum of 122 long-term residential and 5 long-term commercial bicycle parking spaces internal to the development in a secure location.

*Advice Note:*

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

### **Engineering Plan Approvals**

35. All new public assets including vehicle crossings, footpaths and street furniture shall be designed to Auckland Transport's relevant Engineering Standards.
36. The Consent Holder must obtain Engineering Plan Approval from Auckland Council's Development Engineering for all the necessary pipes and ancillary equipment to divert and relay existing public stormwater and wastewater lines.

### **Flooding**

37. The consent holder shall ensure that the development does not result in an increase in peak flows from the site resulting from a 1% AEP event.

*Advice Note*

*A 1% AEP event is the probability of exceeding a given threshold in relation to flooding within a period of one year. A one per cent AEP flood plain is the area that would be inundated in a storm event of a scale that has a one per cent or greater probability of occurring in one year. For the avoidance of doubt, a one per cent AEP = 100 year ARI.*

38. The consent holder shall ensure that the development does not increase peak flows and water levels of overland flowpaths on any other property in the vicinity of the site.

#### **Erosion and Sediment Control**

39. Prior to the commencement of earthworks, the consent holder shall submit to Auckland Council a certificate signed by suitably qualified and experienced person that certifies that the erosion and sediment controls have been constructed in accordance with the erosion and sediment control management plan and Auckland Council Guideline Document 2016/005 *Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region* (GD05) and the specific requirements of this consent.

Certified controls may include the decanting earth bund, silt fences, clean water diversions, dirty water diversions and stabilised construction entrances. The certification for the measures shall be supplied immediately upon completion of construction of those measures. Information supplied, if applicable shall include:

- (a) Contributing catchment area;
- (b) Volume of the structure;
- (c) Shape of structure (dimensions of structure);
- (d) Position of inlets/outlets; and
- (e) Stabilisation of the structure.

#### **Street Trees**

40. Prior to commencing any physical works, all trees within the road reserve that are to be protected must be fenced with 1.8m high, rigid-faced protective fencing on the dripline, securely fixed in place. This protective fencing shall be to the satisfaction of the works arborist. This fencing must not be moved except with the permission of the works arborist.

#### **Notification of Works Commencing**

41. The consent holder shall at least 10 working days prior to the commencement of physical works provide written advice to the Dominion Road Business Association, the Eden We Love Society Inc and the owners and occupiers of the following properties:
- (a) Lot 1 DP 170042;
  - (b) 84 Prospect Terrace;
  - (c) 84A Prospect Terrace;
  - (d) 86 Prospect Terrace;
  - (e) 86A Prospect Terrace;
  - (f) 85 Prospect Terrace;

- (g) 87 Prospect Terrace;
- (h) 87A Prospect Terrace;
- (i) 89-91 Prospect Terrace;
- (j) 93 Prospect Terrace;
- (k) 95 Prospect Terrace;
- (l) 109 Grange Road;
- (m) 111 Grange Road;
- (n) 124 Grange Road;
- (o) 126 Grange Road;
- (p) 128 Grange Road;
- (q) 130 Grange Road;
- (r) 132 Grange Road;
- (s) 342-346 Dominion Road;
- (t) 341-343 Dominion Road;
- (u) 349 Dominion Road;
- (v) 353-355 Dominion Road;
- (w) 357-359 Dominion Road;
- (x) 363-365 Dominion Road;
- (y) 371 Dominion Road;
- (z) 373-375 Dominion Road;
- (aa) 379 Dominion Road;
- (bb) 400 Dominion Road;

that includes, as a minimum:

- (i) A brief overview of the construction works;
- (ii) The commencement date, expected programme of works and working hours;
- (iii) An acknowledgement that some activities are predicted to generate high noise and/or vibration levels that may result in disturbance for short periods;
- (iv) The mitigation and management measures to be implemented;
- (v) Details of monitoring (as per **Conditions 76 to 79**) that will be undertaken where concerns about noise or vibration are raised;

- (vi) Details of the complaints process and the existence of a complaints register;
  - (vii) An email address and contact phone number for any concerns or complaints; and
  - (viii) Copies of the CNVMP, CMP and CTMP, or an electronic link to access the same.
42. Prior to the commencement of any physical works the consent holder shall erect site signage that includes working hours, an email address and a contact phone number for any concerns regarding noise and vibration, construction traffic, or any other matter associated with the works.

#### **Pre-Commencement Meeting**

43. Prior to the commencement of any physical works the consent holder shall hold a pre-start meeting that:
- (a) Is located on the subject site;
  - (b) Is scheduled not less than five (5) days before the anticipated commencement of any enabling works, construction and/or earthworks;
  - (c) Includes Auckland Council's Compliance Monitoring Officer
  - (d) Includes representation from the contractors who will undertake the works and any suitably qualified professionals if required by other conditions.

The purpose of the meeting shall be to discuss the erosion and sediment control measures, earthworks methodologies, stormwater management, relevant management plans, timeframes for the work 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 Plans listed in **Condition 1**;
- Construction Noise and Vibration Management Plan (CNVMP);
- Construction Management Plan (CMP);
- Construction Traffic Management Plan (CTMP); and
- Stormwater management.

*Advice Note:*

*To arrange the pre-construction meeting please contact Auckland Council to arrange this meeting on email at [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz).*

## **DURING PHYSICAL WORKS CONDITIONS**

44. The consent holder shall maintain and implement the certified CNVMP, CMP and CTMP and the ESMP throughout the entire demolition, earthworks and construction period.
45. The consent holder shall continue the CLG until construction works including final inspections of neighbouring properties for damage are completed on the site, and Auckland Council sign-off has been provided confirming that all construction-related consent conditions have been met.
46. At least monthly the consent holder shall communicate with the occupiers of all properties referenced in **Condition 41** above regarding upcoming construction works. This shall include written advice which sets out:
  - (i) A brief overview of the upcoming construction works;
  - (ii) The duration of each phase of the project;
  - (iii) The anticipated significant events that will happen on site in the next month (for example, rock-breaking, the removal or importation of fill, concrete pouring, crane establishment or disestablishment, significant deliveries, etc.); and
  - (iv) A contact phone number and email address for any concerns regarding noise and vibration, construction traffic, or any other matter associated with the works.

## **Geotechnical**

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

## **Erosion and Sediment Control**

48. The earthworks shall be undertaken in accordance with the plans and information referenced in **Condition 1**.
49. The erosion and sediment control measures shall be constructed and maintained in accordance with Auckland Council Guideline Document 2016/005 *Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region* and any amendments to this document, except where a higher standard is detailed in the documents referred to in the conditions above, in which case the higher standard shall apply. 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. Vehicles will be inspected prior to leaving works area and wheels brushed/cleaned, as required, to avoid the potential for sediment to leave the site on vehicle tyres and enter the existing stormwater system.

50. There shall be no deposition of earth, mud, dirt or other debris on any public road or footpath resulting from earthworks activity on the subject site. In the event that such deposition does occur, it 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.
51. Upon completion or abandonment of earthworks on the subject site all areas of bare earth shall be permanently stabilised against erosion in accordance with Auckland Council Guideline Document 2016/005 *Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region*.
52. The consent holder shall take all necessary measures to control silt contaminated stormwater at all times during the earthworks and during building development in general accordance with plans and information referenced in **Condition 1**, and in accordance with Auckland Council's Guideline Document 2016/005 *Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region* and to the satisfaction of Auckland Council.
53. All earthworks shall be managed to ensure that no debris, soil, silt, sediment or sediment-laden water is discharged beyond the subject site to either land, stormwater drainage systems, watercourses or receiving waters. In the event that a discharge occurs, works shall cease immediately and the discharge shall be mitigated and/or rectified to the satisfaction of Auckland Council.
54. Unless specifically provided for by this consent, there shall be no damage to public roads, footpaths, berms, kerbs, drains, reserves or other public asset as a result of the earthworks and construction activity. In the event that such damage does occur Auckland Council, shall be notified within 24 hours of its discovery. The costs of rectifying such damage and restoring the asset to its original condition shall be met by the consent holder.
55. There shall be no obstruction of access to public footpaths, berms, private properties, public services/utilities, or public reserves, resulting from the construction and earthworks activity unless otherwise authorised by Auckland Council and/or Auckland Transport. All materials and equipment shall be stored within the site's boundaries.

#### **Dust**

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

#### **Imported Fill**

57. All imported fill used shall:
  - (a) Comply with the definition for 'cleanfill' in the Ministry for the Environment publication *A Guide to the Management of Cleanfills (2002)*;
  - (b) Be solid material of a stable, inert nature; and

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

*Advice Note:*

*In addition to the characteristics for imported fill outlined in the above condition, please refer to the relevant New Zealand Standard (e.g. NZS 4431:1989 'Code of Practice for Earth Fill for Residential Development') to ensure that all fill used is of an acceptable engineering standard.*

### **Construction Noise**

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

- (a) May only be carried out between the hours of 7:30am and 6:00pm, Monday to Saturday; and

- (b) Must not be carried out on any Sunday or public holiday

Except that oversize plant equipment (such as cranes and large machinery) and building elements (such as pre-cast concrete) that would cause significant disruption to the surrounding road network may be brought onto, or taken off, site outside the above times and may exceed the relevant construction noise levels set out in **Condition 59**, subject to obtaining the prior written approval of Auckland Council and providing at least 5 working days' notice to the parties listed in **Condition 41**.

*Advice Note:*

*For the avoidance of doubt, this condition does not apply to quiet activities such as administrative work.*

59. Except as provided for in either **Condition 58, 60 or 61**, construction noise levels at occupied buildings shall comply with the following limits, when measured and assessed in accordance with NZS 6803:1999: *Acoustics- Construction Noise*.

Time of Week	Time Period	Noise Limit, dB	
		L <sub>Aeq(30min)</sub>	L <sub>Amax</sub>
Weekdays	7:30 am - 6:00 pm	70	85
	6:00 pm - 8:00 pm	65	80
	8:00pm – 10:00pm	40	70
Saturdays	7:30am - 6:00 pm	70	85
	6:00 pm - 10:00 pm	55	80
Sundays and public holidays	7:30 am - 6:00 pm	55	80
At all other times		45	70



60. For a single continuous period of 20 weeks, Construction noise may exceed the daytime limits in **Condition 59** provided the construction noise shall not exceed 75 dB  $L_{Aeq(30min)}$  when measured at 1 m from the facade of any occupied building within 15m of the site. The consent holder shall provide to Auckland Council, the occupiers (where construction noise is expected to exceed 70 dB  $L_{Aeq(30min)}$ ), and the CLG the start and finish dates for the single continuous 20-week period at least two weeks before the start of that period.
61. During certain identified noisy activities, construction noise may exceed the daytime limits in **Condition 59** at the properties listed below provided that, unless the occupants of the building have been relocated in accordance with **Condition 69**, the noise generated shall not exceed the following external limits when measured 1m from the facade of the buildings at:
- (i) 111 Grange Road: Levels up to 80dB  $L_{Aeq(30min)}$  from the rock breaker, piling rig and concrete cutting only;
  - (ii) 128 Grange Road: Levels up to 80dB  $L_{Aeq(30min)}$  from concrete cutting only;
  - (iii) 378-388 Dominion Road: Levels up to 80dB  $L_{Aeq(30min)}$  from piling and 85dB  $L_{Aeq(30min)}$  from any rock breaking; and
  - (iv) 86 and 86A Prospect Terrace: Levels up to 75dB  $L_{Aeq(30min)}$  from rock breaking and piling.
62. Rock breaking on site shall be minimised through removal of large basalt rocks from site, as far as practicable, or moving them away from the boundary prior to breaking.
63. A noise reduction shroud shall be fitted on all rock breaking equipment used at the site.
64. A 2.4m high acoustic barrier with a minimum surface mass of 15kg/m<sup>2</sup> shall be erected along the affected boundaries of the site (except where site access is required or where there are existing concrete or concrete block walls already in place), prior to commencement of demolition activities and shall be maintained in place until the completion of all construction activities.

### **Construction Vibration**

#### *Cosmetic Building Damage*

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

Type of Structure	Short-term Vibration			PPV at horizontal plane of highest floor at all frequencies	Long-term Vibration
	Peak particle velocity (PPV), mm/s				
	1Hz - 10Hz	10Hz - 50Hz	50Hz - 100Hz		
Building used for commercial purposes, industrial buildings	20 mm/s	20-40 mm/s	20-50 mm/s	40 mm/s	10 mm/s
Dwellings and buildings of similar design and/or occupancy	5 mm/s	5-15 mm/s	15-20 mm/s	15 mm/s	5 mm/s
Structures that because of their particular sensitivity to vibration, cannot be classified under the above two rows and are of great intrinsic value	3 mm/s	3-8 mm/s	8-10 mm/s	8 mm/s	2.5 mm/s

66. Activities resulting in construction vibration beyond the site shall be limited to the hours of 7:30am to 6:00pm on weekdays and Saturdays.

*Amenity Limits*

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

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

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

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

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

69. The consent holder shall offer to relocate any resident of 86 Prospect Terrace, 86A Prospect Terrace and 111 Grange Road for the duration of rock breaking within 20m or drilling within 30m of the site's eastern boundary. The consent holder shall make an offer of relocation at least 4 weeks in advance of any proposed rock-breaking within 20m, or piling within 30m, of the site's eastern boundary. This offer shall remain open for acceptance until such time as all rock-breaking and piling has been completed on the site. Where an offer of relocation is accepted in

the above circumstances, the consent holder shall pay for alternative accommodation of a size and standard which is generally equivalent to the relocating resident's current standard of accommodation and in a location that is convenient for the relocating resident. The specified distances shall be increased if the initial vibration monitoring under Condition 78 finds that vibration at any of the dwellings under consideration is expected to be greater than the 2mm/s peak particle velocity limit set out in Condition 67 with offers of relocation to be made to any affected receiver.

*Building Condition Survey*

70. The consent holder shall, at the consent holder's expense, engage the CLG nominated Building Surveyor for the duration of the physical works until such time as the requirements of Conditions 71 to 75 have been completed to the satisfaction of Auckland Council.
71. The Consent holder shall request in writing the approval of the owners of the following properties for the CLG nominated Building Surveyor to undertake a building condition survey at the times listed in Condition 72:
  - (a) 82A Prospect Terrace
  - (b) 84 Prospect Terrace
  - (c) 84A Prospect Terrace
  - (d) 86 Prospect Terrace;
  - (e) 86A Prospect Terrace;
  - (f) 109 Grange Road
  - (g) 111 Grange Road;
  - (h) 342-346 Dominion Road
  - (i) 378 – 388 Dominion Road and
  - (j) Lot 1 DP 170042 Body Corporate Retail Shops on Dominion Road.
72. Subject to property owner approval being provided, the CLG nominated Building Surveyor shall undertake a building condition survey for each of the properties listed in Condition 71 at the following times:
  - (a) At least 10 working days prior to construction commencing;
  - (b) Within 10 working days of the completion of excavation; and
  - (c) At the completion of construction.

Should any reasonable claim of property damage from construction vibration be received from a property owner listed in Condition 71 during the course of the construction activity, a building condition survey of the property in question shall be undertaken by the CLG nominated Building Surveyor within 5 working days of a claim or claims being received by the consent holder.

73. The CLG nominated Building Surveyor shall invite the owner and any occupier, if different to the owner, to identify any concerns they wish to be considered in any condition survey.
74. Each building condition survey shall:
- (a) Provide a description of the building;
  - (b) Determine the appropriate structure type classification with respect to DIN 4150-3:1999 "Structural Vibration - Effects of Vibration on Structures" (i.e. historic/sensitive, residential or commercial/industrial);
  - (c) Document and photograph the condition of the building, including any cosmetic and/or structural damage;
  - (d) Take into account any concerns identified by the owner and any occupier; and
  - (e) Identify any necessary remedial measures to reinstate the affected building to its previously surveyed appearance and structural integrity.
75. If a building condition survey demonstrates that cosmetic or structural damage has occurred that has, in the opinion of the CLG nominated Building Surveyor, been caused by the activities authorised by this consent, the infringing vibration generating works shall cease until such time as the consent holder obtains written approval from Auckland Council to utilise alternative construction methods.
76. Within 5 working days following the identification of any cosmetic or structural damage under **Condition 74**, the CLG nominated Building Surveyor shall advise in writing any necessary remedial measures to reinstate the affected building to its previously surveyed appearance and structural integrity. The Consent Holder shall provide the Council and the affected property owner with a methodology for repair of the damage caused, including a timeframe, that has been approved by an independent Chartered Professional Engineer and shall undertake (subject to the owners approval on reasonable terms) such repairs in accordance with the approved methodology, at its cost unless written approval for this damage is provided from the owners stating alternative arrangements.

### **Monitoring**

77. **Att**ended noise and vibration monitoring shall be undertaken during the first occurrence of rock breaking and during the first occurrence of any other activities that are predicted to reach the noise or vibration limits.
78. Unattended continuous noise monitoring shall be undertaken during the times of construction when the noise limits of **Conditions 59 to 61** apply to the works. Such monitoring shall be undertaken by placing one semi-permanent noise logging device at a building agreed by the CLG. This logging device shall be able to be moved to other buildings as agreed by the CLG, during the phase of works when **Conditions 60 and 61** apply. Where monitoring shows that noise levels may exceed the limits of **Condition 60** at a building not listed in **Condition 61**, an additional noise logging device shall be placed at that building when the exceedance is predicted to occur.

79. Unattended continuous vibration monitoring shall be undertaken during the excavation phase of the works. Such monitoring shall be undertaken by placing one semipermanent vibration logging device at a building agreed by the CLG. This logging device shall be able to be moved to other buildings as agreed by the CLG, during the excavation phase. Where monitoring shows that vibration levels may exceed the limits of **Conditions 67 or 68** at another building, an additional vibration logging device shall be placed at that building when the exceedance is predicted to occur.
80. The results of the monitoring shall be provided to Auckland Council and the CLG within 5 working days of completion of the monitoring. The results of the monitoring shall be used to verify the appropriateness of the CNVMP and CMP.

#### **Stormwater**

81. The consent holder shall ensure that the required freeboard to finished floor levels from overland flowpaths within and adjacent to the site is maintained for the 100yr Average Recurrence Interval (ARI) flood (1% AEP).
82. The consent holder shall not use surface treatments with the potential to leach zinc or copper.

#### **Accidental Discovery Protocol**

83. Should earthworks on the site result in the identification of any previously unknown archaeological site, the Accidental Discovery Rule (outlined in Standards E11.6.1 and E12.6.1) set out in the Auckland Unitary Plan Operative in Part shall be applied.

#### *Advice Notes:*

*Please refer to the requirements of the standards outlined above in the event that any sensitive material is encountered at the result of the works.*

#### **NES CS (Earthworks)**

84. The consent holder shall implement all measures identified in the Site Management Plan (Issue A) prepared by Tonkin & Taylor Ltd, 16 December 2020 during earthworks on the site. Any substantial revisions to the Remedial Action Plan must be provided to Auckland Council for certification.
85. The consent holder shall engage a suitably qualified and experienced contaminated land specialist to monitor the earthworks.
86. The consent holder shall ensure that the earthworks do not result in any airborne and deposited dust beyond the property boundary of the site that is determined to be noxious, objectionable or offensive.
87. The consent holder shall ensure excavated materials, when removed from the site, are disposed of appropriately in an approved fill and provide receipts to Auckland Council on completion of the earthworks.

88. If evidence of soil contamination or presence of asbestos which has not been identified, in the initial site investigations, is discovered during excavation, the consent holder shall immediately cease the works and notify Auckland Council and provide a site contamination report and a remedial action plan if necessary to Auckland Council.
89. The consent holder must ensure that the contamination level of any imported soil complies with Auckland Council's clean fill criteria as outlined by MfE Guide for Managing Clean-fills 2002.

#### **Street Trees**

90. The consent holder shall engage an Auckland Council approved contractor to carry out the removal of one Melia tree located on Prospect Terrace (as identified in the Arboricultural Assessment prepared by Peer Brown Miller dated 26 March 2021). This must be carried out in accordance with current best arboricultural and safety practices.
91. Within the next planting season immediately following the tree removal, the consent holder shall plant two Puriri or Kohekohe specimen trees in the Prospect Terrace reserve (berm) and one Puriri or Kohekohe specimen tree in the Grange Road reserve (berm) in a locations which has have been certified as being appropriate by the Auckland Council and will not interfere with the overhead power lines, at the consent holder's expense. The trees shall be a minimum root grade of Pb95 and be staked, mulched and watered at the time of planting.

#### **Trees on Neighbouring Sites**

- 92A. Subject to access permission from the landowners of the neighbouring properties, the tree protection measures shall be implemented in accordance with the measures detailed in Section 7 of the Arboricultural Assessment, prepared by Peers Brown Miller Ltd, and dated 18 March 2021 relating effects of site works on trees on neighbouring properties. All costs shall be met by the consent holder.

#### **Geotechnical**

92. All earthworks shall be managed to ensure that they do not lead to any uncontrolled instability or collapse affecting either the site or adversely affecting any neighbouring properties. In the event that uncontrolled collapse or instability does occur, it shall immediately be rectified and remediated at the consent holder's expense.

#### **PRIOR TO OCCUPATION**

93. The consent holder shall satisfy **Conditions 94 – 110** prior to any building being occupied.

#### **Dominion Road Intersections**

94. Signalisation of the Prospect Terrace/Burnley Ave/Dominion Road intersection, and the associated works to the Prospect Terrace/Burnley Terrace/Dominion Road and Grange

Road/Dominion Road intersections, shall be implemented, as described in, and illustrated on the plans attached as Attachment 5 to, the evidence of Todd Langwell, dated 13 August 2021.

95. The consent holder shall provide an engineering completion certificate certifying that all works in the road reserve have been constructed in accordance with the Engineering Plan Approval requirements.
96. All signal hardware for the Prospect Terrace/Burnley Ave/Dominion Road intersection shall be vested in Council. The consent holder shall meet all costs of vesting these assets.

#### **Site Validation Report**

97. The consent holder shall provide to the Auckland Council for certification a site validation report which shall include but not limited to the following:
  - (a) Confirmation of the remediation works being conducted in accordance with an approved remedial action plan;
  - (b) The location and dimensions of the remediation carried out, including a site plan;
  - (c) Soil test results for remaining soil, imported fill if any and any other soil testing;
  - (d) Total volume of excavated soil disposed off-site; and
  - (e) Receipts from the approved fill locations.

#### **Public Stormwater**

98. All the necessary pipes and ancillary equipment shall be supplied and laid to divert and relay existing public stormwater lines within the site in general accordance with plans and information referenced in Condition 1.

#### **Private Stormwater**

99. All the necessary pipes and ancillary equipment shall be supplied and laid to provide private stormwater connection to the proposed Lots and connect them to the existing stormwater network.

#### **Public Wastewater**

100. All the necessary pipes and ancillary equipment shall be supplied and laid to divert and relay existing public wastewater lines within the site in general accordance with plans and information referenced in Condition 1.

#### **Water Supply**

x

#### **Private Wastewater**

101. All the necessary pipes and ancillary equipment shall be supplied and laid to provide private wastewater connection to the proposed Lots and connect them to the existing wastewater network.

#### **As-Builts for Public Infrastructure**

102. All as-built documentation shall be provided to Auckland Council for all new public assets to be vested in Auckland Council.

#### *Advice Note:*

*The documentation shall be in accordance with Auckland Council's Development Engineering As-built Requirements. The as-built information will require approval by Auckland Council's Development Engineering. Vesting of public assets to Auckland Council and close off and completion of related Engineering Approval consent will be required to be completed.*

#### **Private Infrastructure**

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

#### *Advice Note:*

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

#### **Noise**

104. The consent holder shall submit a report prepared by a suitably qualified and experienced acoustic specialist to Auckland Council for certification. The report shall demonstrate that noise from external plant and the commercial activities with the development complies with **Conditions 120 to 122** operational noise limits.

#### **Landscape Design**

105. The landscaping set out in the approved landscape design shall be fully implemented and a maintenance plan shall be in place.

#### **Vehicle Crossings**

106. All redundant vehicle crossings shall be removed and reinstated as kerb and channel and footpath to Auckland Transport's relevant Standard requirements. This shall be undertaken at the consent holder's expense and to the satisfaction of Auckland Council.

107. 'Authorised vehicles only' signage shall be installed at the easternmost Prospect Terrace vehicular access.



### **Active modes of transport**

108. The bicycle parking and associated facilities shown on the certified plan shall be provided and operational.

*Advice Note:*

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

109. A shower and change area for end-of-trip facilities for the commercial activity shall be provided and operational.

### **Lighting**

110. The certified Lighting Plan shall be implemented as part of the construction of the development and maintained thereafter.

*Advice Note:*

*As part of the condition monitoring process, Auckland Council's Premium Resource Consents Team will liaise with members of Auckland Council's Urban Design Unit to ensure that the submitted details are consistent with the approved plans and information.*

## **POST-OCCUPATION CONDITIONS**

### **Supermarket Operations**

111. The trading hours of the supermarket shall be limited to 6:30am to 10:00pm, seven days a week.

112. New World signage shall be implemented, as detailed in the plans referenced at **Condition 1**. Any proposed changes to the location, dimensions, colours, materials and illumination of the signage shall be submitted to Auckland Council for certification.

*Advice notes:*

*As part of the condition monitoring process, **Council's** Premium Resource Consents Team will liaise with members of the Council's Auckland Urban Design Unit to ensure that the submitted details are consistent with the approved plans and information. All illuminated signage shall comply with the levels outlined within Section E24 – "**Lighting**".*

113. The easternmost Prospect Terrace vehicular access shall be restricted to supermarket and general service vehicles only.

114. No heavy vehicles (8m or longer) associated with supermarket deliveries shall arrive or depart from the site between the hours of 6:00pm and 7:00am the following day.

115. No heavy vehicles longer than 12.6m shall enter, exit or service the site.

## Refuse and Recycling Collection

116. The certified Waste Management Plan shall be implemented at all times.
117. No waste collection including any movement of bins shall be undertaken between 6.00pm and 7.00am the following day, unless undertaken within the internal car parking or loading bays of the development.

## Laneway

118. There shall be no east-facing retail or commercial frontages trading to the north-south laneway behind the Lot 1 shops.

### *Advice note:*

*For the avoidance of doubt, the purpose of this condition is to maintain Dominion Road as the primary retail frontage supporting pedestrian flows, retail amenity and street activation. Any Lot 1 retail or commercial activities that have a frontage to the laneway must continue to provide their primary trading frontage to the public street and any laneway frontage shall only be a service or secondary trading frontage.*

## Operational Noise

119. Noise levels arising from operational activities must be measured and assessed in accordance with New Zealand Standard NZS 6801 :2008 *Measurement of environmental sound* and New Zealand Standard NZS 6802:2008 *Acoustics - Environmental noise*.
120. The following noise limits are not to be exceeded by any activities occurring on the site when measured or assessed as the incident level on the facade of any building on any other site in the *Business - Local Centre zone*.

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

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

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

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

Unit Affected	Time	Noise Limit
In all units except those containing activities sensitive to noise	At all times	50 dB L <sub>Aeq</sub>
In bedrooms and sleeping areas within units containing activities sensitive to noise	10:00 pm - 7:00 am	35 dB L <sub>Aeq</sub> 45 dB L <sub>eq</sub> at 63 Hz 40 dB L <sub>eq</sub> at 125 Hz
	7:00 am - 10:00 pm	40 dB L <sub>Aeq</sub>
Other noise sensitive spaces	At all times	40 dB L <sub>Aeq</sub>

### Site Travel Management Plan

123. Within 2 months of the occupation of the first building, a Site Travel Management Plan (STMP) for the commercial and residential activities shall be provided to Auckland Council for certification. The objective of the STMP is to show how the commercial and residential activities will be managed and encouraged to minimise private car travel to and from the site. The monitoring assessments that need to be provided as part of the STMP should focus all trips generated by the development including deliveries, pick up/drop off trips, etc. In addition, modal split data should be compiled with in order to give effect to the STMP.

124. Every 24 months, for the first six years from the date of occupancy of the first building, a report outlining the effectiveness of the proposed measures to achieve the objective of the STMP required by **Condition 123** shall be submitted by the consent holder (in consultation with building occupiers) to the Auckland Council.

### Flood Storage Volume

125. Within 3 months of completion of all works an as-built post construction flood storage plan certified by the supervising engineer detailing the flood storage volume and confirming capacity with supporting calculations and testing shall be provided to Auckland Council.

126. The consent holder shall preserve and divert the exit point of the overland flow path in accordance with Infrastructure Report prepared by Robert Bird Group, dated 29 April 2021.

### Street Trees

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

the establishment and ongoing survival of the new street trees. Replaced trees shall have the same after care provisions.

## ADDITIONAL CONDITIONS

### Wastewater conditions

**XX** The developer shall extend a new public wastewater line to either the 825mm VC combined line on Burnley Terrace or the 600mm VC on King Edward Street. The design needs to be confirmed prior to the Engineering Plan Approval.

#### *Advice Note*

*Diversion of the entire upstream wastewater catchment to the 825mm VC combined line on Burnley Terrace is subject to confirmation of the levels, ensuring flow diversion will work hydraulically.*

**XX** All sections of the existing 225mm wastewater network crossing through the property shall be redirected clear of the existing/proposed buildings unless otherwise agreed with Watercare at Engineering Plan Approval stage.

**xx** The connection to the combined wastewater line must be above the soffit of the line. Any proposal that may create a potential risk of backwater from a combined system to wastewater system must be reviewed and, if a risk or problem is identified, an alternative solution must be found.

**Xx** A CCTV inspection is required to confirm the wastewater line status, condition, invert levels and depths of the 825mm VC line or the 600mm VC before progressing with the design and the engineering plan approval .

#### *Advice Notes:*

- *An Engineering Plan Approval application for this work is required to be submitted to the Auckland Council's Development Engineering and approved prior to the works commencing.*
- *Reassessment for water and wastewater capacity will be required if the construction of this development has not commenced within 2 years of the date of this response.*
- *The developer must produce under the engineering plan approval stage a completed design of the proposed water supply and wastewater infrastructure, including infrastructure to vest in Auckland Council and thereafter in Watercare (public water supply and wastewater works), in accordance with the current Watercare Water and Wastewater*

*Code of Practice for Land Development and Subdivision (Code of Practice) as well as Watercare's standards for material supply, construction and asset data capture.*

- *All public water supply and wastewater works required to service this subdivision/development shall be designed and constructed by the developer at no cost to Watercare.*
- *Works over application will be required for the pipe sections where the cover/backfill is less than 900mm.*

## **WATER**

Xx The proposed water connections shall be as follows:

- 200mm water main along Dominion Road
- 100mm water main (proposed network extension) along Grange Road
- 100mm water main along Prospect Terrace.

Any change will require Watercare approval.

Xx Only FW2 fire flow classification can be provided through the public network. Any additional demand needs to be provided through private measures such as onsite storage tanks.

*Advice Notes:*

- *An Engineering Plan Approval application for this work is required to be submitted to the Auckland Council's Development Engineering and approved prior to the works commencing.*
- *The developer must produce under the engineering plan approval stage a completed design of the proposed water supply and wastewater infrastructure, including infrastructure to vest in Auckland Council and thereafter in Watercare (public water supply and wastewater works), in accordance with the current Watercare Water and Wastewater Code of Practice for Land Development and Subdivision (Code of Practice) as well as Watercare's standards for material supply, construction and asset data capture.*
- *All public water supply and wastewater works required to service this subdivision/development shall be designed and constructed by the developer at no cost to Watercare.*

## 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, "Auckland Council" refers to the Auckland Council's monitoring inspector unless otherwise specified. Please email [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) to identify your allocated officer.
3. For more information on the resource consent process with Auckland Council see Auckland Council's website: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz). General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment's website: [www.mfe.govt.nz](http://www.mfe.govt.nz).
4. The Construction Management/Construction Traffic Management Plan is intended to provide flexibility both for the consent holder and Auckland Council for the management of the earthworks and construction activity. Accordingly, the Management Plan 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.
5. Certification of the Construction Management/Construction Traffic Management Plan by Auckland 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 Auckland 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.
6. Engineering Plan Approval (EPA stage): Detailed design of all proposed intersection improvements, vehicle accesses, pedestrian footpaths, cycling infrastructure and associated gradients will be reviewed and approved by Auckland Transport, at the Engineering Plan Approval stage, prior to any construction works.
7. Where any vehicle crossings or accessways from public roads are to be modified or removed or where any new vehicle crossings or accessways from public roads are proposed or where road widening works are proposed approval must be obtained from Auckland Transport.
8. If any public wastewater or stormwater pipe lines require relaying or diversion due to additional road widening works or access upgrading works, additional Engineering Approval Applications will be required to be lodged with Auckland Council.
9. All water supply connections to the Watercare Services Ltd All water supply connections to the Watercare Services Ltd (Watercare) supply main shall be designed in accordance with Watercare's "Standards" and be made by a Watercare approved contractor. For details, please contact Watercare.
10. It will be the responsibility of the applicant to determine the presence of any underground services that may be affected by the applicants work in the road reserve. Should any services exist, the

applicant shall contact the owners of those and agree on the service owners' future access for maintenance and upgrades. Services information may be obtained from [www.myworksites.co.nz](http://www.myworksites.co.nz)

11. All work in the road reserve shall be carried out in accordance with the general requirements of The National Code of Practice for Utility Operators' Access to Transport Corridors <http://nzuaq.org.nz/nationalcode/ApprovedNationalCodeFeb13.pdf> and Auckland Transport Design Manual <https://at.govt.nz/aboutus/manuals-guidelines/transport-design-manual/>
12. Applications for temporary use of the road reserve during construction must be submitted to Auckland Transport as a Corridor Access Request (CAR). Applications are to be submitted electronically via <https://www.submitica.co.nz/Applications> and 15 working days should be allowed for approval.
13. Prior to the construction of any road signage, road markings or traffic control devices within the legal road the consent holder is required to submit a Resolution report for approval by Auckland Transport Traffic Control Committee to legalise the proposed traffic control devices (e.g. traffic signs, road marking and traffic calming devices).

The resolutions, prepared by a qualified traffic engineer, will need to be approved 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 Auckland Transport for review and approval. It is recommended that the resolution process be initiated at least 8 weeks prior to the installation permanent traffic and parking controls. No installation of any road markings will be permitted before the resolution is approved by the Auckland Transport Traffic Control Committee (TCC).

14. The consent holder will be responsible for ensuring any road encroachment licence(s) or lease(s) for any private structure that projects into legal road are obtained from Auckland Transport. Encroachment licenses are not a Resource Management Act matter, and acceptance or rejection of any application is at Auckland Transport's sole discretion. See Auckland Transport's website for more information <https://at.govt.nz/about-us/working-on-the-road/road-processes-for-property-owners/road-encroachment-licences-or-leases/>
15. Engineering Plan Approval (EPA stage): Detailed design of all proposed vehicle accesses, pedestrian footpaths, cycling infrastructure and associated gradients will be reviewed and approved by Auckland Transport, at the Engineering Plan Approval stage, prior to any construction works.
16. The provision of traffic control devices require a resolution under s330 of LGA1974 from Auckland Transport and a minimum of 45 working days should be allowed for approval.
17. The consent holder is liable for the payment of development contributions applicable to the development. For more information regarding the payment of development contributions, please email through to Central - Development Contributions on [ACE-ContributionTeam@aucklandcouncil.govt.nz](mailto:ACE-ContributionTeam@aucklandcouncil.govt.nz).

- 16A *The Heritage New Zealand Pouhere Taonga Act 2014 provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. It is an offence under this Act to destroy, damage or modify any archaeological site without an authority from Heritage New Zealand Pouhere Taonga. An archaeological site is defined as a place associated with pre-1900 human activity where there may be evidence relation to history of New Zealand.*
- 16B *Archaeological features cover the whole spectrum of past human activity. They may include sites of Maori origin such as old whaling stations, ship wrecks, shell middens, hangi or ovens, moa hunting sites, earthworks associated with pa sites or kainga, pit depressions, defensive ditches, artefacts, or koiwi tangata (human skeletal remains). They also include, etc. 19th century building foundations, wells and cesspits, rubbish dumps of pottery and glass bottles or other artefacts, transport and infrastructure remains such as bridges, dams and old railways, sites of industrial activity such as pottery kilns, mining, sawmills etc. In the coastal area shipwrecks, wharf remains, whaling sites or other marine structures may be archaeological sites. For guidance and advice on archaeological assessments, obtaining an authority to modify under the HNZPTA and managing the discovery of archaeological features contact the relevant Heritage New Zealand regional office [www.heritage.org.nz](http://www.heritage.org.nz).*
18. *If any archaeological features are uncovered on the site, works should cease and Auckland Council and Heritage New Zealand Pouhere Taonga (09 307 9920) should be notified immediately. If suspected archaeological remains are exposed during the works, the Accidental Discovery Rule (E11.6.1; E12.6.1) set out in the Auckland Council Auckland Unitary Plan Operative in Part (updated 2 November 2017) must be complied with if an Authority from Heritage New Zealand is not in place. For advice on the Accidental Discovery Rule, contact the Auckland Council Team Leader Cultural Heritage Implementation on 09 301 0101.*
19. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.*
20. *If you disagree with any of the above conditions, and/or disagree with the additional charges relating to the processing of the application(s), you have a right of objection pursuant to section 13 of Schedule 5 of the COVID-19 Recovery (Fast-track Consenting) Act 2020.*