

CONDITIONS: LAND USE CONSENT

Under cl.35(3) Schedule 6 of the FTA and ss.108 and 108AA of the RMA, this consent is subject to the following conditions.

Definitions

“Applicant” means CPM 2019 Limited and its successors, as the party which has applied for and has been granted this consent;

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

“CAR” means Corridor Access Request;

“COAL” means Commonly Owned Access Lot;

“CMP” means Construction Management Plan;

“CNVMP” means Construction Noise and Vibration Management Plan;

“Commencement of Construction” means commencement of any construction works for the project. For the avoidance of doubt, it excludes site investigations, fencing, and any activities that do not need resource consent and/or are permitted activities;

“Commercial Facilities” means the privately-owned buildings located within Lots 1005 and 1007, notated as Business A to Business F on the BDC Architects plan 10-14 Rev B;

“Communal Facilities” means and includes:

- (i) the communal storage, waste management for residential purposes and bike storage facilities;
- (ii) COALs;
- (iii) any other land or property within the Site vested in the Incorporated Society from time to time and including any common facilities within the Site intended or able to be used for amenity or recreation purposes.

“Consent Holder” means the Applicant and its successors in title to land comprising the Site (such successors including, by way of example, the individual owners of residential, commercial and communal lots) from time to time, to whom this consent will apply on an ongoing basis;

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

“Council” means the Auckland Council and for the purpose of compliance with the conditions of consent means the Council’s monitoring officer unless otherwise specified.

“CTMP” means Construction Traffic Management Plan;

“FTA” means the Covid-19 Recovery (Fast-track Consenting) Act 2020;

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

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

“Incorporated Society” means the incorporated society described in Condition 14 of Consent SUB-A;

“LMP” means Landscaping Maintenance Plan;

“MMP” means Maintenance Management Plan;

“MUGA” means Multi-Use Games Area;

“RMA” means the Resource Management Act 1991;

“Site” means the land subject to the Integrated Residential Development described in this consent;

“SMP” means Stormwater Management Plan;

“SOMP” means Stormwater Operation and Maintenance Plan;

“TDM” means Traffic Design Manual; and

“WMP” means Waste Management Plan.

Advice Notes:

- (a) *The purpose of the distinction between “Applicant” and “Consent Holder” in this consent is to ensure that the differing responsibilities are clearly allocated including the construction of the development lying with the developer and not the Incorporated Society. The definitions are not intended to preclude CPM 2019 Ltd from assigning this consent to another developer, nor impliedly displace the operation of ss.3A and 134 of the RMA.*
- (b) *Any reference to number of days within this decision refers to working days as defined in s.2 of the RMA.*

GENERAL CONDITION

1. The proposed residential development to construct an Integrated Residential Development incorporating up to 236 residential units, carparking areas, communal storage facility bike storage facilities, waste management facilities, parks and communal open space including a MUGA, a communal orchard and a café, commercial buildings with all associated infrastructure must be carried out in general accordance with the plans and all information submitted with the application, as detailed in **Schedule A** to these conditions.

In the event of any conflict between the documents listed in Schedule A and the conditions of this consent, the consent conditions will prevail.

GENERAL INTERPRETATION AND APPLICATION OF CONDITIONS

2. To the extent that these conditions require an action to be taken by the Applicant or a successor as Consent Holder, it is generally intended for them to apply on a staged basis, consistent with SUB-A to SUB-E (Stages 1 – 5 respectively). Where the term “relevant” is used, it is expressly intended to relate to work of a specific stage.
3. Where compliance with a Code of Practice is referred to, it includes any dispensation granted pursuant to the Code, but otherwise means that Code of Practice in effect at the date of this consent.

Prior to commencement of Construction

4. Prior to the commencement of construction on the site under this consent (except the installation of underground infrastructure), the Applicant must hold an approved resource consent(s) authorising works under Chapter E11 and Chapter E12 of the AUP (and any related Chapters) and any related Rules which align and are consistent with the form and nature of the development authorised pursuant to this consent.

Advice Note:

The Applicant currently holds a resource consent from Auckland Council (ref BUN60368786) which may need to be varied pursuant to s.127 of the RMA to be consistent with the form of development authorised by this consent. Nothing in this condition should be interpreted to mean that the Applicant cannot implement BUN60368786 while also varying that consent.

Monitoring

5. The Applicant must pay the Council an initial consent compliance monitoring charge of \$5,000.00 (inclusive of GST), and the Consent Holder must pay any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

Commencement date

6. This consent shall commence in accordance with cl.37(9) of Schedule 6 of the FTA.

Lapse date

- 7. Under cls.37(7) and (8) of Schedule 6 of the FTA, this consent will lapse two years from the date of commencement unless:
 - (a) The consent is given effect to; or
 - (b) The Council extends the period after which the consent lapses under s.125 of the RMA.

Review under section 128

- 8. Under s.128 of the RMA the conditions of this consent may be reviewed by the Council at the Consent Holder’s cost. The reason for this review condition is to deal with any material adverse effect on the environment which may arise from the exercise of this consent and which it is appropriate to deal with at a later stage.
- 9. Without limiting Condition 8 (which is of general application), the conditions of this consent may be reviewed by the Council at the Consent Holder’s cost within six (6) months after completion of the Communal Facilities and of the Commercial Facilities, and subsequently at intervals of not less than one year, in order to vary the performance standards to take account of information, including the results of monitoring and changed environmental knowledge on:
 - (a) Noise generation from the Commercial Facilities; and
 - (b) Amenity, security and safety effects arising from the establishment and use of the Communal Facilities.

Management Plan Certification Process

- 10. Conditions 11 to 17 apply to the following Management Plans:

“CMP”	Construction Management Plan
“CNVMP”	Construction Noise and Vibration Management Plan
“CTMP”	Construction Traffic Management Plan
“SMP”	Stormwater Management Plan

- 11. All Management Plans specified in Condition 10 must be submitted to the Council for certification in writing with such certification only to be granted where the Council is satisfied that the relevant Management Plan accords with the requirements of this consent. Management Plans must be submitted at least twenty (20) working days prior to Commencement of Construction unless otherwise specified in the conditions. The Applicant must ensure that any changes to draft Management Plans are clearly identified.
- 12. Management Plans may be submitted in parts or in stages to address particular activities or to reflect a staged implementation of the Project, and when provided in part or for a stage must be submitted at least twenty (20) working days prior to

Commencement of Construction of that part or stage unless otherwise specified in the conditions. Management Plans submitted shall clearly show the linkage with plans for adjacent stages and interrelated activities.

13. Where consultation on a Management Plan is required by a condition of these consents including any change to a Management Plan contemplated by Condition 15 the Applicant must provide the following to the Council when submitting the Management Plan for certification:
 - (a) A summary of consultation during preparation of the Management Plan;
 - (b) Any feedback on the proposed text of the Management Plan from the party or parties that the condition requires consultation with; and
 - (c) A response to that feedback indicating the matters that were not incorporated into the text of the Management Plan submitted for certification and the reasons why.
14. Should the Council refuse to certify a Management Plan, or a part or stage of a Management Plan, in accordance with Condition 11 above, the Applicant must submit a revised Management Plan for certification as soon as practicable. If the refusal to certify is in relation to a revised plan, then the existing certified plan will continue to apply until a revised plan has been certified.
15. Any certified Management Plan may be amended if necessary, to reflect any changes in design, construction methods or management of effects. Any amendments are to be discussed with and submitted to the Council for confirmation in writing prior to implementation of the change, unless the Council determines in his or her discretion that those amendments once implemented would result in a materially different outcome to that described in the original plan.
16. Any changes to a certified Management Plan involving a materially different outcome under Condition 15 must be submitted to the Council to certify that they comply with the applicable requirements of these conditions. Any material change must be consistent with the purpose of the relevant Management Plan and the requirements of the relevant conditions of this consent. Where a Management Plan was prepared in consultation with affected parties, any material changes to that Plan must be prepared in consultation with those same parties.
17. All works shall be carried out in accordance with the certified Management Plans. No works or activities covered by an individual Management Plan shall commence until written certification of that Management Plan, unless otherwise approved in writing by the Council.

DESIGN

Architectural Design Plans

18. In order to achieve the design outcomes required by this consent:
- (a) Prior to the approval of a Building Consent relating to any buildings, a finalised set of architectural drawings must be submitted to the Council for written certification by the Council (in consultation with Council's Team Leader Design Review). This condition applies to all residential and non-residential buildings including Communal Facilities that are buildings.
 - (b) The information to be submitted under Condition 18(a) must include the following:
 - (i) details of the building's façade treatment / architectural features including the façade treatment and detailing for the "feature end wall" elevations in general accordance with the details denoted on the BDG Architectural Plans set out in **Schedule A** and the Architectural Design Statement dated 19 August 2021; and
 - (ii) a materials schedule including the palette of materials, colour schemes (including colour swatches); and
 - (iii) details of external / rooftop services / plant and visual / acoustic screening elements; and
 - (iv) acoustic fence location, specifications and design of acoustic fences recommended in the Urban Design Assessment (February 2021) specifically on the entire length of the shared boundary with the property at 458 West Coast Road and along the portion of the boundary with 446A–446D West Coast Road that contains a COAL; and
 - (v) design of the fit-out of the storage units in the communal storage facility which must be in a manner that is most likely to be suitable to serve the residential community, including as to the size and number of units, quality of construction, and appropriate lighting and ventilation; and
 - (vi) external design of the bicycle storage sheds and details of the internal fit out in accordance with Auckland Transport's Transport Design Manual – Cycle Infrastructure.
 - (c) The finalised set of drawings shall ensure that the buildings' proposed architectural treatment and finished appearance is in general accordance with the plans and information referenced at Condition 1, specifically the materials report / sheets in the BDG architectural plans listed in **Schedule A**.
 - (d) All works must then be carried out in accordance with the details certified by the Council.

- (e) The final configuration of the commercial space (excluding the café) may include up to five individual tenancies each with a minimum size of 50m² and a maximum size of 100m², provided that the total commercial GFA does not exceed 320m² (excluding the café).
- (f) The finalised set of drawings must identify where rooftop stormwater flows are diverted to another dwelling for detention and re-use and an associated engineering calculation confirming that the volume of water to be detained and reused by each dwelling is appropriate for the size of the dwelling.

Lighting and E-bike Charging Design Plans

19. Prior to the approval of a Building Consent relating to any building, the Applicant must provide a Lighting and E-bike Charging Design Plan and Certification/ Specifications prepared by a suitably qualified person to the Council for written certification, accompanied by a landscape architecture or urban design peer review confirming that:
- (a) The lighting design is in accordance with 'Crime Prevention Through Environmental Design' principles and will contribute to amenity and safety for residents, visitors and immediately adjoining sites; and
 - (b) That sufficient e-charge outlets are installed within bike storage facilities to enable charging within each facility.

The objective of (a) is to ensure that adequate lighting is provided to frequently used areas within the proposed development for the safety of users.

Advice Notes:

- (i) *Adequate lighting is the amount of lighting at eye level for a person with average eyesight so they can identify any potential threat approaching them from at least a 15m distance.*
 - (ii) *Given the scale of the development and number of communal elements proposed, the Council will engage a suitably qualified Lighting Consultant to review the proposed design at the cost of the Applicant.*
20. The Lighting and E-bike Charging Design Plan required under Condition 19 must include:
- (a) Lighting for all areas of the development including the, but not limited to the shared driveways, recreational and other Communal Facilities, building entrances, building frontages, car and bike parking facilities, communal storage and waste management facilities and footpaths; and
 - (b) Proposed locations, lux levels and design/types of lighting (i.e., manufacturer's specifications once a lighting style has been determined), support structures required to control timing, level of lighting, and measures to minimise light spill, glare, and loss of night-time viewing; and

- (c) Demonstration of compliance with the AS/NZS 1158 P requirements and clearly specify what 'P Category' the lighting design will achieve. The selection criteria for the chosen lighting category should also be presented (i.e. pedestrian/cycle activity, risk of crime etc.).

Advice Notes:

The following lighting design minimums are recommended:

- (i) *PR2 for driveways and accessways;*
 - (ii) *PC3 for car parking areas;*
 - (iii) *PP3 for pedestrian paths; and*
 - (iv) *PA3 for connecting elements, steps and stairways .*
- (d) Demonstration of the vertical illuminance by means of lux contours or a similar method to assess light spill on neighbouring properties where relevant; and
 - (e) Demonstration of compliance with the relevant standards in E24.6.1 Lighting of the AUP; and.
 - (f) The location and specifications of bike e-charging outlets; and
 - (g) An executive summary of the above information in plain English that outlines the relevant requirements to their application and their design, operation and maintenance response to them.

Landscape Design Plans

- 21. Prior to the approval of a Building Consent relating to any building, the Applicant must provide to the Council for certification (in consultation with the Council's Parks Planning Team Leader and the Council's Specialist Landscape Architect) a finalised set of detailed soft and hard landscape design drawings and supporting written documentation prepared by a landscape architect or suitably qualified person. The submitted information must be in general accordance with the consented landscape concept plan(s) Ref 20-028-01 - 13, Revision 04 prepared by Helen Mellsop, dated 30 August 2021, and the consented architectural plans entitled 'Selo Development, Glen Eden for resource consent' illustrations numbered 21-06 to 21-09, 21-11 and 21-13 (Rev B) and 21-10 and 21-12 (Rev A) prepared by BDG Architects. The landscape design drawings and specifications requirements must, at a minimum, include the following matters:
 - (a) The location of all areas to be planted including rain gardens and all planting within future public road berms.
 - (b) A plant schedule based on the submitted planting plan(s) which details specific plant species, plant sourcing, the number of plants, height and/or grade (litre) / Pb size at time of planting, and estimated height / canopy spread at maturity. The plant schedule must ensure that:

- (i) All medium to large evergreen and deciduous trees are of a type which are able to grow to a height of at least 8m at maturity with a spread of at least 3m.
 - (ii) All specimen trees within the front yards of all lots that have front yards and within parking courts must be planted at no smaller than grade Pb12 or Pb 40 consistent with the consented landscape concept plan(s) Ref 20-028-01-13, Revision 04 prepared by Helen Mellsop, dated 30 August 2021.
 - (iii) Specimen trees within the rear yards must be planted at no smaller than grade Pb40.
- (c) All hedges within the front yards or planting to screen proposed retaining walls, rubbish refuse locations and storage facilities must be planted at no smaller than grade Pb3.
- (d) Details of draft specification documentation for any specific drainage, soil preparation, tree pits, staking, irrigation and mulching requirements.
- (e) Plans denoting the design of retaining walls (up to 3m), fences (up to 1.2m), and steps within the front and rear yards of dwellings and all recreational and community areas and to demonstrate that:
- (i) The final location, height, materiality and treatment of all retaining walls, both within private lots and communal parking spaces, must be stepped and screened with planting and have a recessive finish.
 - (ii) Parking courts and rubbish storage areas must be well screened from the roads by by fencing or planting.
 - (iii) All screen planting in front of retaining walls must be contained within the boundary of each lot, unless the written approval of Auckland Transport and Auckland Council's Parks department is provided.
- (f) Annotated cross-sections and/or design details with key dimensions to illustrate that adequate widths and depths are provided for planter boxes / garden beds and raingardens.
- (h) Annotated hard landscape and street and parks furniture plans including:
- (i) the selection of paving and surface treatments/materials and their related specifications;
 - (ii) proposed signage including that used to indicate the private ownership of those Communal Facilities within the Site intended or able to be used for recreation or amenity purposes, including Lots 503 and 504; and
 - (iii) the location and plans and specifications of the design/type of all seating, refuse bins, lighting, fences, walls/retaining walls, play equipment and

other structural landscape design elements; and which in respect of retaining walls and fences specifically demonstrates that:

- a) Any retaining walls, regardless of their overall height and which are visible from the public realm (existing and proposed roads and communal shared spaces) must be constructed from a high-quality material/finish; and
- b) Where retaining walls greater than 400mm in height are situated on road frontages, fences situated on top of the retaining walls must be restricted to 1.1m in height and be at least 50% visually permeable along their entire length; and
- c) Any retaining walls within rear yards not subject to the above must be stepped where space allows to have no wall higher than 1m, with planting of at least 500mm in front and / or must be stained/painted a dark recessive colour (e.g., black/ brown/grey); and
- d) For any retaining wall up to 800mm high where a fence is situated on top, the wall and fence must not exceed a combined height of 1.8m and the fence shall be visually permeable for 50% of its entire length; and
- e) Where retaining walls are over 1m in height, fences situated on top of the wall must be restricted to 1.1m in height, or up to 1.5m in height where it is demonstrated to the satisfaction of the Council that privacy to adjoining properties would be adversely affected by a lower height being permitted. In that case, the top 500mm must be 50% visually permeable along its entire length and planting is to be incorporated to mitigate the effects; and
- f) On the retaining walls north and south of Lot 503 between Blocks W and K to provide safety for cyclists using the adjacent paths fencing is to be visually permeable with a 1.1m railing height; and
- g) On the retaining wall on the northern and eastern sides of the open grassed area of Lot 504 fencing is to be visually permeable with a 1.1m railing height; and
- h) On the street and carpark frontages of the community orchard Lot 1004, fencing is to be visually permeable with a 1.1m railing height; and
- i) Around the MUGA in Lot 504, fencing on the north and south boundaries is to be 4.0m high black vinyl-coated chain link design with powder coated posts while fencing on the east and west boundaries is to be 2.5-3.0m high black vinyl-coated chain link design with powder coated posts.

- (j) On the entire length of the shared boundary with the property at 458 West Coast Road and along the portion of the shared boundary with 446A–446D West Coast Road that contains a COAL, an acoustic fence of not less than 2.0m high must be specified (in accordance with Condition 18(b)). It must have no gaps along its length or at its base, including where it is joined to any other structure. The surface density of the fence must be no less than 10 kg/m².

Advice Note:

The requirement to provide plans denoting landscaping in future public roads (road reserves) is also addressed in the subdivision consent (“SUB-A”) however it is also required to be addressed in the conditions of this consent in order to achieve alignment and provide a comprehensive set of plans covering all landscape elements within the development.

- 22. Prior to preparing the landscape design plans to be certified under Condition 21, the Applicant must seek to meet with Te Kawerau ā Maki for input and suggestions on the following matters and subsequently prepare a draft landscape plan incorporating feedback from Te Kawerau ā Maki as far as is reasonably practicable (and provide the draft landscape plan to Te Kawerau ā Maki for comment at least 15 working days prior to submitting it to the Council):
 - (a) Pathways and play items (consultation regarding street names is addressed in the subdivision consent SUB-A);
 - (b) Te Kawerau ā Maki design elements such as kōwhaiwhai and whakataukī;
 - (c) Labels, and small signs for indigenous rongoā plants and food in the reserves to provide information about their uses; and
 - (d) Design of the overland flow path area.
- 23. Prior to the issue of a building consent for a residential building, the Applicant must provide a LMP for the Communal Facilities prepared by a suitably qualified person contracted by and at the cost of the Applicant, for approval by the Council. The LMP must include, but not be limited to, the hard and soft landscaping, lighting within COALs, proposed open spaces, play spaces, MUGA, communal parking areas, furniture, BBQ area, bike racks, signage and rubbish bins. The LMP must also contain provisions addressing the upkeep, maintenance and management of these spaces in perpetuity including:
 - (a) Irrigation systems design and maintenance; and
 - (b) Weed and pest control programmes; and
 - (c) Plant replacement for any poorly performing, damaged, diseased or dead plants; and
 - (d) Maintenance methodology and frequency and any contractor responsibilities and warranties required; and

- (e) Cyclical maintenance regime required to ensure the quality of the spaces are retained for the lifetime of the development, including matters such as, graffiti removal, replacement of damaged / stolen elements.
 - (f) details of the person(s) responsible for the maintenance regimes and the duration of their responsibilities.
24. The maintenance of all Communal Facilities required under the approved LMP in Condition 23 must be carried out by and at the cost of the Applicant for a period of 5 years after the completion of each stage of the development to the satisfaction of the Council. After a period of five (5) years has elapsed, all Communal Facilities shall then transfer to and be maintained in perpetuity by the Incorporated Society in accordance with the LMP and any subsequent amendments to the LMP approved by the Council in writing.

Advice Notes:

- (i) *The conditions in SUB-A place requirements on the Applicant for the establishment and the initial maintenance period for landscaping within the legal road reserve.*
- (ii) *Condition 79 in this consent sets out separate obligations for the ongoing management of landscaping and lighting within the commercial areas of the development.*

CONSTRUCTION

Stormwater Management Plan

25. The Applicant must provide a SMP prepared by a suitably qualified person contracted by and at the cost of the Applicant, for approval by the Council complying with the requirements in Conditions 10 - 17 and which demonstrates that the development meets the performance requirements in Schedule 4 of the Council Regional Network Discharge Consent.

Construction Management Plan

26. The Applicant must provide a CMP prepared by a suitably qualified person contracted by and at the cost of the Applicant, for approval by the Council and which in order to comply with the requirements in Conditions 10-17, must give effect to the objectives in Condition 27 and comply with the requirements in Conditions 28 to 39.
27. The objectives of the CMP are to ensure that the construction works remain within the limits and standards approved under the consent and set out the management

procedures and construction methods to be undertaken in order to avoid, remedy or mitigate potential adverse effects arising from construction activities.

28. The CMP must provide details of the responsibilities, reporting frameworks, coordination and management required for effective site management. The CMP must provide information on the following matters:
- (a) Construction quality assurance; and
 - (b) Construction works programming including:
 - (i) an outline construction programme; and
 - (ii) confirmation of the proposed staging and sequence of construction; and
 - (iii) site management; and
 - (iv) consultation and communications; and
 - (v) for each stage of construction, details on the erosion and sediment control measures to be used with reference to the measures confirmed for the wider site in consent BUN60368786 and any variations thereto.

CMP Quality Assurance

29. This part of the CMP requires the establishment of management frameworks, systems and procedures to ensure quality management of all on-site construction activities and compliance with the conditions of this consent. This section must provide details on the following:
- (a) Contact details of the contractor's site supervisor or project manager and the Applicant's Project Liaison Person (phone, postal address, and email address);
 - (b) Confirmation of the construction methodology, including for both permanent and temporary structures;
 - (c) Location of construction site infrastructure including site offices/amenities, contractors' yard access, equipment unloading and storage areas, and security;
 - (d) Methods and systems to inform and train all persons working on the site of potential environmental issues and how to avoid remedy or mitigate any potential adverse effects;
 - (e) Procedures for ensuring that residents, businesses, network utility operators and road users in the immediate vicinity of construction areas are given prior notice of the Commencement of Construction and are informed about the expected duration and effects of the work;
 - (f) Procedures for responding to, recording and reporting complaints about construction activities, including the provision of contact details for persons responsible for managing complaints;
 - (g) Means of providing for the health and safety of the general public;
 - (h) Procedures for controlling sediment run-off, dust and the removal of soil, debris, demolition and construction materials (if any) from public roads or places adjacent to the work site/s;
 - (i) Contingency plans in case of unexpected sediment discharges during works;

- (j) Proposed temporary or permanent fencing or other structures along the boundary of the construction areas with adjacent sites in order to delineate site boundaries, maintain site security, prevent unauthorised access, ensure the safe and practical operation of adjacent sites, and to avoid intrusion of construction works beyond the construction area;
- (k) Measures to address the storage of fuels, lubricants, hazardous and/or dangerous materials, along with contingency procedures to address emergency spill response(s) and clean up;
- (l) Procedures for incident management, monitoring and reporting including review and corrective and preventative action;
- (m) Site clean-up following completion of works, including removal of construction materials, temporary structures;
- (n) Maintenance of plant in a good state of repair so as not to produce excessive fumes or leakage of contaminants when parked or in operation;
- (o) Measures to monitor and minimise discharges of dust so that any offensive or objectionable effects are immediately identified and are mitigated; and
- (p) Measures to protect and maintain the functioning of existing network utilities and infrastructure that traverses the site.

Construction Works Programme

30. This part of the CMP is to ensure that the Applicant has prepared a construction works programme that will enable construction in a manner that is timely, adequately co-ordinated and minimises the adverse effects of construction activities on the surrounding area. This section must, among other matters, provide details of the programme for the construction works throughout all stages of the development process.

Site Management

31. This part of the CMP is to ensure that procedures are in place to ensure that the site is managed safely and in a tidy condition throughout the entire construction process. This section must provide details on the following:
- (a) The provision of any site office, parking for workers' vehicles and workers' conveniences (e.g., portaloos);
 - (b) The location of construction machinery access and storage during the period of site works;
 - (c) The procedures for controlling sediment run off and the removal of any debris and construction materials from the surrounding environment, and
 - (d) The provision of any artificial lighting that may be associated with construction works and the effects of any such lighting.

Implementation

32. Construction activity must not commence until the CMP is certified by the Council and

all measures identified in the CMP as needing to be put in place prior to the start of works are in place.

33. All personnel working on the site must be made aware of the requirements contained in the CMP. A copy of the certified CMP must be held on the project site(s) at all times while any activity associated with construction is occurring. The certified CMP must be implemented and maintained throughout the entire period of the works.
34. The Applicant must notify the Council in writing of the proposed date of Commencement of Construction at least twenty (20) working days prior to the proposed start date.
35. Within fifteen (15) working days prior to Commencement of Construction, the Applicant must arrange a pre-start meeting that:
 - (a) Is located on the subject site; and
 - (b) Is scheduled not less than five (5) working days before the anticipated Commencement of Construction; and
 - (c) Includes Council representatives and representatives of Auckland Transport, Watercare Services Limited and any relevant network utility operators; and
 - (d) Includes representation from the contractors who will undertake the works.

Advice Note:

The Applicant is also encouraged to invite representatives of Te Kawerau ā Maki to the above meeting.

36. The pre-start meeting shall discuss the works methodology generally (including contaminants, water and wastewater services, erosion and sediment control measures, and earthworks methodology) and shall ensure all relevant parties are aware of and are familiar with the conditions of the resource consents.
37. The following information shall be made available at the pre-start meeting:
 - (a) Timeframes for key stages of the works authorised under this consent; and
 - (b) Resource consent conditions; and
 - (c) The CTMP and the CNVMP.
38. In the case that any of the invited parties, other than the representative of the Applicant, do not attend this meeting, the Applicant will have been deemed to have complied with this condition, provided ten (10) working days is given to the parties listed above.
39. The Consent Holder must notify the Council in writing of the date of completion within ten (10) working days of the completion of the last activity relating to works in any CMP.

Construction Noise and Vibration Management Plan

40. A final CNVMP must be prepared by a suitably qualified person in accordance with the requirements in Conditions 10 - 17. The CNVMP must confirm compliance with the relevant AUP permitted activity noise and vibration standards. The CNVMP must identify the Best Practicable Option for the management and mitigation of all construction noise and vibration and include all details specified in Annex E in New Zealand Standard NZS6803:1999 Acoustics – Construction noise and Appendix B of DIN 4150-3:1999 “Structural vibration – Part 3 Effects of vibration on structures”. The certified CNVMP must be implemented throughout the construction phase of the Project. The CNVMP must identify any changes from the draft Construction Noise and Vibration Management Plan dated 1 June 2021 (changes tracked with an explanation for the change) and also include:
- (a) The roles and responsibilities of the personnel in the contractor team with regard to managing and monitoring noise and vibration effects;
 - (b) Specific hours of operations set out in Condition 41;
 - (c) Construction machinery and equipment to be used and their predicted operating noise levels;
 - (d) Identification of construction activities that have a reasonable likelihood of creating adverse noise and vibration effects if un-mitigated and the location of these in the construction site areas;
 - (e) The timing of construction activities that have a reasonable likelihood of creating an adverse noise and vibration effect if un-mitigated;
 - (f) The proximity of neighbouring noise and vibration sensitive areas;
 - (g) The process of community liaison and consultation;
 - (h) Induction and training procedures for construction personnel;
 - (i) Methods and measures to mitigate adverse noise and vibration effects including, but not limited to, structural mitigation such as barriers and enclosures, the scheduling of high noise and vibration construction, use of low noise and vibration machinery, temporary relocation of affected receivers or any other measures agreed to by the contractor and the affected receiver;
 - (j) The proposed methods and frequency for monitoring construction noise and vibration to be undertaken by a suitably qualified person for the duration of construction works, including:
 - (i) the predicted noise and vibration levels based on the final methodology and construction activities;
 - (ii) identifying appropriate monitoring locations for receivers of construction noise and vibration;

- (iii) procedures to respond to complaints received on construction noise and vibration, including methods to monitor and identify noise and vibration sources;
- (iv) procedures for monitoring construction noise and vibration and reporting to the Council;
- (v) procedures for how remedial works will be undertaken should they be required as a result of the building condition surveys; and
- (vi) procedures and timing of reviews of the CNVMP.

Noise during construction

41. All noisy activities associated with the implementation of this resource consent on, or in the vicinity of, the subject site (which can include, but is not limited to, any demolition, earthworks and construction activities, and ancillary activities (such as deliveries, loading and unloading goods, transferring tools, etc) (quieter activities and internal works may be undertaken outside of these hours) are limited as follows:
- (a) Such activities may only be carried out between the hours of:
 - (i) 7:00am and 6:00pm, Monday to Friday; and
 - (ii) 9.30am and 1.00pm Saturday; and
 - (b) must not be carried out on any Sunday or public holiday (and any following Monday on which that public holiday is observed).
42. Noise from construction activities must be measured and assessed in accordance with NZS 6803:1999 and comply with the limits in Table E25.6.27.1 of the AUP when measured 1m from the facade of any building that contains an activity sensitive to noise and that is occupied during the works.
43. The CNVMP approved in accordance with Condition 40 must be implemented throughout the duration of the construction activity.

Vibration during construction

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

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

Construction Traffic Management Plan

45. Prior to the Commencement of Construction the Applicant must prepare a CTMP in accordance with Conditions 10 -17.
46. The CTMP must additionally be prepared in accordance with the Council's requirements for construction traffic management plans (as applicable) and the New Zealand Transport Authority's COPTTM and must address the surrounding environment including public transport, pedestrian and bicycle traffic and the control of the movement of construction vehicles to and from the site. The CTMP must include the following information:
 - (a) Control procedures for trucks unloading and loading, particularly the hours of operation and when restrictions on hours of delivery may be necessary to maintain access, network function or safety;
 - (b) The likely types of trucks and vehicles (i.e., that will be used to deliver machinery/materials to the site, to remove soil etc);
 - (c) The number of vehicle movements to and from the site per day, the frequency of the movements and how long vehicles will be on site;
 - (d) The routes that trucks and heavy vehicles will take, including access and egress points to the Site;
 - (e) Methods to avoid unnecessary truck waiting and queueing within any road(s);
 - (f) Wheel cleaning (soil removal) prior to egressing the site;
 - (g) Identification of parking for worker/contractor/subcontractor and any other visitor vehicles to maintain the availability of public on-street parking as far as practical;
 - (h) Measures to control pedestrian /cyclist movements and to provide for pedestrian/cyclist safety;
 - (i) Equipment to be used for traffic control and details of where traffic controls will be implemented;
 - (j) Details of all signage (to comply with COPTTM);
 - (k) On-street parking controls and liaison with Auckland Transport, with availability

of public parking being maintained as far as practicable without affecting the construction activity;

- (l) Impact on street lighting;
- (m) Liaison with emergency services; and
- (n) How to keep paths and roadway clean and uncluttered;
- (o) Any need for temporary road closures and/or other restrictions on the surrounding road network for the transportation of plant, machinery and materials or for other reasons relating to construction activities;
- (p) Detail what consultation and notice will be provided to adjacent businesses and residents with regard to construction traffic management; and
- (q) Measures to ensure satisfactory vehicle and pedestrian access is maintained to adjacent properties at all times.

Advice Note:

The conditions in Consent BUN60368786 also require the approval and implementation of a CTMP. Where relevant matters in (a)-(q) above have already been addressed under the terms of that consent, they do not need to be addressed here.

Site-Specific CTMP Requirements – Traffic Movements

47. Truck and trailer units and heavy construction vehicle movements to and from the site associated with the construction activity must be restricted to the following hours and frequency rate:

Day	Hours	Frequency rate
Monday to Friday	7:00am – 8:00am	A maximum of 6 truck and trailer units are permitted to enter and exit the site
Monday to Friday	9:30am – 4.00pm	None required
Saturday	9.30am – 1:00pm	None required
Sunday and public holidays	There must be no truck or heavy vehicle movements associated with the construction activity on Sundays or public holidays (and any following Monday on which that public holiday is observed.	None required

Site-Specific CTMP Requirements – Vehicle Crossings

48. The temporary vehicle crossing on West Coast Road must be designed and formed to TDM Technical Standards allowing for a minimum clearance of 1.0m at any point to any structure such as a power pole, street catchpit, a service lid or a manhole. This must be undertaken prior to any construction activity occurring and at the Applicant's expense and to the satisfaction of the Council.
49. The Applicant must provide a truck tracking assessment for approval by the Council demonstrating that the proposed width will be sufficient to accommodate the movement of truck and trailer units without affecting the refuge islands near the truck exit vehicle crossing on West Coast Road.
50. Right turns out of the Site must be prohibited at the car access on West Coast Road (east of the roundabout). The Applicant is required to install signs and road marking within the Site to that effect.
51. At the completion of the consented work all three vehicle crossings to the site must be removed and berm areas reinstated to acceptable standards at the Applicant's cost.

Advice Note:

All 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.

Road pavement impact survey

52. Prior to the commencement of construction, a walkover survey or video survey of the road 50m either side of the construction site entrance/exit (i.e., the Glengarry Road entrance and the West Coast Road exit) where trucks with earth /construction traffic are entering and leaving the site in accordance with the CTMP (required by Condition 45) must be undertaken by the Applicant and submitted to the Council identifying any existing defects of the roadway pavement. Details of these existing defects must be submitted to the Council including a description of the defect (including photographs) and identification of their location.
53. If, taking into account the survey of the road required by Condition 52 the Council determines the road surface 50m either side of the construction site entrance has been damaged by the earthworks /construction activity, the relevant Network Service Provider or a Council-approved contractor (being a contractor that the Council has approved in advance and in writing) must repair the road surface to the Council's satisfaction. Such repair must be at the expense of the Applicant.
54. Unless specifically provided for by this consent there must 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, the

Council must be notified within 24 hours of its discovery. The cost of rectifying such damage and restoring the asset to its original condition must be met by the Applicant.

Geotechnical

55. The construction of building foundations, retaining structures and all associated earthworks must be supervised by a suitably qualified person. In supervising the works, the suitably qualified person must ensure that they are constructed and otherwise completed in accordance with NZS 4431:1989 (Code of Practice for Earthfill for Residential Development) and Section 2 (Earthworks and Geotechnical Requirements Version 1.6) of the Auckland Council Code of Practice for Land Development and Subdivision and the following reports:
- (a) Geotechnical Investigation Report dated 21 August 2020 prepared by EN GEO Limited; and
 - (b) Addendum Geotechnical Investigation report dated 5 February 2021 ref: 17569.000.000-05 prepared by EN GEO Limited.

Services

56. Roding, water supply, wastewater, stormwater, power and telecommunication services must be provided in accordance with the plans referred to in Condition 1.

Advice Note:

The specific conditions relating to the design and implementation of these networks are primarily set out in SUB-A and SUB-E, however operational conditions relating to effects from land use are contained in this consent.

Construction works – accidental discovery protocol

57. If, at any time during works, sensitive material (kōiwi/human remains, an archaeological site, a Māori cultural artefact/taonga tuturu, a protected New Zealand object as defined in the Protected Objects Act 1975, evidence of contaminated land, or a lava cave greater than 1m in diameter on any axis) are discovered, then the standards and procedures set out in Standards E11.6.1 and E12.6.1 Accidental discovery rule of the AUP apply. In summary these are:
- (a) All works must cease in the immediate vicinity (at least 20m from the site of the discovery) and the area of the discovery must be secured including a buffer to ensure all sensitive material remains undisturbed.
 - (b) The Applicant must immediately advise the Council, Heritage New Zealand Pouhere Taonga and the Police (if human remains are found) and arrange a site inspection with these parties.
 - (c) If the discovery contains kōiwi, archaeology or artefacts of Māori origin, representatives from Te Kawerau ā Maki and other groups with mana whenua interests in the area are to be provided information on the nature and location of the discovery.

- (d) The Applicant must not recommence construction works until the steps set out in the above-mentioned standards have been followed and re-commencement of works approved by the Council.

Surveyor certification

58. No building construction works for Units O07, P08 and T16 as denoted on Architectural Plan 40-01, Rev D, may proceed beyond the foundation stage until a registered surveyor or licensed cadastral surveyor, engaged by the Applicant, has provided written certification to the Council that the foundation works have been completed in accordance with the approved plans as referred to in Condition 1 and detailed in Schedule A of this consent.

Advice Notes:

- (i) *The suitably qualified person providing the written certification should ensure that the finished floor level is clearly marked on the subject site before the foundations are put in place.*
- (ii) *The purposes of certification at the foundation stage of construction are to:*
- *provide assurance that the building works, to that point, have been undertaken in accordance with the consent; and*
 - *reduce the risk of non-compliance as the works continue.*
- (iii) *Written certification should include the following:*
- *the finished ground level is clearly marked on the subject site;*
 - *the relevant consent reference number and site address; and*
 - *levels, calculations, plans and drawings of the structure(s) that are the subject of certification.*

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

PRIOR TO OCCUPATION

59. Occupation of the dwellings on the residential lots must not occur unless the Incorporated Society required by SUB-A has been established pursuant to the Incorporated Societies Act 1908.

Advice Note:

The purpose of this condition and of Condition 59 is to ensure that the Incorporated Society which owns and operates Communal Facilities and COALs (and infrastructure) as well as consent notices relating to the whole development is established before any occupation of the dwellings or commercial buildings.

Land use covenants

60. Prior to occupation of the relevant dwellings or use of commercial buildings, the Applicant must enter into a s.108 RMA covenant in favour of the Council regarding

the on-going obligations contained in Condition 61. The Applicant must contact the Council to initiate the preparation of the covenant. A copy of the updated Record of Title showing that the covenant has been registered must be provided to the Council prior to occupation or use.

61. Unless the Council confirms in writing that the following matters have been satisfactorily addressed through conditions governing Consent Notices in SUB-A - SUB-E, the covenant must:
- (a) address the requirements of Condition 18(v) and (vi) (Communal Facilities fit-outs);
 - (b) address the requirements of Condition 24 (landscaping);
 - (c) address the requirements of Condition 63 (lighting);
 - (d) address the requirements of Conditions 64 -73 (stormwater);
 - (e) address the requirements of Conditions 74- 76 (waste management);
 - (f) be drafted by the Council's nominated solicitor at the Applicant's cost; and
 - (g) be registered against the Records of Title to the affected land by the Applicant at their cost; and
 - (h) require the Consent Holder to:
 - (i) be responsible for all legal fees, disbursements and other expenses incurred by the Council in connection with the covenant, and procure its solicitor to give an undertaking to the Council for payment of the same; and
 - (ii) indemnify the Council for costs, fees, disbursements and other expenses incurred by the Council as a direct or indirect result of the Council being a party to this covenant.

Advice Note:

The purpose of this condition is to ensure that ongoing conditions are registered against the land and bind successors in title, but do not duplicate matters otherwise addressed by way of consent notices.

POST CONSTRUCTION WORKS

Landscape Plans - Implementation

- 62 The Applicant must implement the relevant landscape design which has been certified by the Council under Condition 21 immediately following completion of construction works and prior to the occupation of any dwelling within a stage to which the landscape design relates.

63. The Consent Holder must retain and maintain the lighting within the Communal Facilities (excluding those in the commercial node) in perpetuity in accordance with the plan which has been certified under Condition 19, or any amendment to that plan approved in writing by the Council.

Stormwater Operation and Maintenance Plan – Stormwater Management System

64. Prior to the approval of a Building Consent for the construction of any residential building, the Applicant must submit a SOMP to the Council for approval. The SOMP must set out the details of the location and nature of the stormwater management system, and how the stormwater management system is to be operated and maintained on an ongoing basis to ensure that adverse environmental effects are minimised. In particular, the SOMP must include:
- (a) details of who will hold responsibility for long-term maintenance of the stormwater management system and the legally effective organisational structure with responsibility for such maintenance, repair, and remediation on an ongoing basis;
 - (b) a programme for regular maintenance and inspection of the stormwater management system;
 - (c) a programme for the collection and disposal of debris and sediment collected by the stormwater management devices or practices;
 - (d) a programme for post storm inspection and maintenance;
 - (e) a programme for inspection and maintenance of the outfall;
 - (f) details of how these programmes and maintenance will be funded and implemented on an ongoing basis;
 - (g) details of how any failure to comply with these maintenance and other obligations by the legal entity, and how any failure of the stormwater management system, will be addressed;
 - (h) to the extent the stormwater management system will be within COALs or other areas owned by the Incorporated Society referred to in Condition 1 of SUB-A – SUB-E, details of legal arrangements with the Incorporated Society for access for maintenance;
 - (i) general inspection checklists for all aspects of the stormwater management system, including visual checks of the area downstream of the overland flowpath discharge points; and
 - (j) details of the proposed obligations in relation to receiving, detaining and re-using stormwater from other dwellings in accordance with the plan and calculations prepared pursuant to Condition 18(f), and the legal arrangements that will support these obligations.

Advice Note:

The specific legal structure for the stormwater management system is not yet known. In the absence of a suitable legal structure being approved by the Council as provided for in Condition 64 it is anticipated that the Incorporated Society described in Condition 14 of SUB-A will own, manage, and maintain the stormwater management system on an ongoing basis.

Amendments to the Stormwater Operation and Maintenance Plan

65. Any amendments or alterations to the SOMP must be submitted to, and approved by, the Council, in writing prior to implementation. The SOMP must be updated and submitted to the Council for certification, upon request.

Maintenance contract

66. Prior to the issue of a Building Consent for the construction of a residential building, a written maintenance contract for the on-going maintenance of the device(s) specified in the SOMP must be entered into with an appropriate stormwater management system operator, prior to the operation of the proprietary stormwater management device(s). This written maintenance contract must be in place and maintained for the duration of the system (including by having renewals or replacement contracts where necessary). A copy of any proposed maintenance contract is to be provided by the Applicant to the Council at least ten (10) days prior to signing (in order for the Council to have the opportunity to raise any concerns with the contract). A signed copy of the contract required must be forwarded to the Council.

Overland flow paths to be provided

67. The SOMP must include measures to provide for and manage stormwater flows in excess of the capacity of the primary drainage systems via overland flow paths including measures to manage the overland flow path from the existing low point on Glengarry Road, through the development to discharge at the existing low point on the boundary of 458 West Coast Road and / or to West Coast Road. These overland flow paths must be maintained to allow surplus stormwater from critical storms (up to the 100-year ARI event) to discharge with the minimum of nuisance and damage. Overland flow paths must be kept free of all obstructions.

Advice Note:

Condition 6 in SUB-A provides for the approval of the stormwater design via the EPA phase and includes the need to incorporate the overland flow paths into engineering design for certification by the Council prior to construction works commencing.

Build Overs

69. Public pipelines must not be built over other than where prior written permission is given by the relevant asset owner (i.e., Auckland Council / Watercare / Healthy Waters as appropriate).

Maintenance report - stormwater management system

70. Details of all inspections and maintenance for the stormwater management system, for the preceding three years, must be retained by the Consent Holder or party responsible for maintenance specified under Condition 71. A maintenance report must be provided to the Monitoring Team Leader on request.

Contents of maintenance report

71. The maintenance report must include the following information:
- (a) details of who is responsible for maintenance of the stormwater management system and the organisational structure supporting this process;
 - (b) details of any maintenance undertaken; and
 - (c) details of any inspections completed.

Modifications approval

72. In the event that any modifications to the stormwater management system are required, the following information must be provided:
- (a) plans and drawings outlining the details of the modifications; and
 - (b) supporting information that details how the proposal does not affect the capacity or performance of the stormwater management system; and
 - (c) supporting documentation that confirms that the maintenance contract has been amended to deal with those modifications.
73. All information must be submitted to, and certified by the Council, prior to implementation.

Waste Management Plan

74. Prior to the approval of a Building Consent for the construction of any residential or commercial building, within a particular stage (identified in SUB-A to SUB-E), the Applicant must submit a finalised WMP for approval by the Council (in consultation with Council's WasteWise Advisor). The purpose of the WMP is to outline the methodology for refuse and recycling storage and disposal from the development, including proposed days and frequency of collection, ensure that the servicing requirements of the overall site are adequately provided for without causing odour or visual nuisance internally or to the public.
75. The WMP must then be implemented:
- (a) in relation to residential buildings and improvements, and Communal Facilities, by the Incorporated Society; and
 - (b) in relation to commercial buildings and improvements, by the owners of those buildings and improvements,

at all times to the satisfaction of the Council with any amendments to that plan to be certified in writing by the Council.

76. Each designated communal waste enclosure must be provided with a wash-down tap and a convenient drainage point by the Applicant.

Solar power canopies and electric vehicle charging

77. At least 30 working days prior to installing electric vehicle chargers and solar power canopies, the Applicant must submit to the Council design plans showing the location of charging facilities and provide documentation to confirm that such structures if positioned within the COAL will not block vehicle access, sightlines, manoeuvring or impede safe pedestrian access.

Advice Note:

This condition manages the provision of electric vehicle charging stations. Condition 19 encompasses the provision of electric power outlets for the charging of E-bikes within bike storage facilities.

NON-RESIDENTIAL COMPONENTS (CAFÉ/COMMERCIAL LANDUSES)

Landscaping and Lighting

78. The landscaping and lighting details specified under the relevant plans required under Conditions 19 - 21 must be implemented by the Applicant prior to the operation of the Commercial Facilities to the satisfaction of the Council.
79. The Consent Holder must maintain the buildings, lighting and landscaping (hard and soft) in a good condition and in a manner consistent with the approved designs and approved maintenance plans. Any trees which are dead or dying, or any hard landscaping and buildings, lights or windows which are broken, must be replaced promptly.

Advice Note:

For the avoidance of doubt, the lighting and landscaping pertaining to non-residential activities is to be designed in accordance with Condition 78.

Operational Noise

80. All commercial activities authorised by this resource consent (other than construction activities and the café) must comply with the following noise limits within any site zoned for residential purposes (other than a site on which the commercial activity is located) as measured and assessed in accordance with NZS6801:2008 Acoustics – Measurement of Environmental Sound and NZS6802:2008 Acoustics – Environmental Noise:
- (a) Monday to Saturday 7am to 10pm: 50dB $L_{Aeq(15 \text{ min})}$.
 - (b) Sunday 9am to 6pm: 50dB $L_{Aeq(15 \text{ min})}$.
 - (c) All other times: 40dB $L_{Aeq(15 \text{ min})}$, 75dB $L_{AF \text{ max}}$.

Café Noise and Land-use Limitations

81. The café activity authorised by this resource consent must comply with the following noise limits within any site zoned for residential purposes (other than the café site itself) as measured and assessed in accordance with NZS6801:2008 Acoustics – Measurement of Environmental Sound and NZS6802:2008 Acoustics – Environmental Noise:
- (a) Monday to Saturday: 7am to 10pm 50dB $L_{Aeq(15\text{ min})}$.
 - (b) Sunday 7am to 9am: 40dB $L_{Aeq(15\text{ min})}$.
 - (c) Sunday 9am to 6pm: 50dB $L_{Aeq(15\text{ min})}$.
 - (d) All other times: 40dB $L_{Aeq(15\text{ min})}$, 75dB $L_{AF\text{ max}}$.
82. Prior to applying for a building consent for the café, the Consent Holder must submit an acoustic design and management plan for approval by the Council, prepared by a suitably qualified person, identifying the necessary design and management controls to achieve compliance AUP noise levels. The management controls must include:
- (a) Prior to establishing any rooftop mechanical plant and/or equipment, confirmation that the noise generated by the plant will comply with the noise limits in Condition 81;
 - (b) The café must not have opening windows on the eastern side;
 - (c) Restrictions on the opening of doors to the east and doors/windows to the south (particularly early in morning and in the evening);
 - (d) Design of kitchen and internal areas to have sufficient ventilation with any doors or windows facing east and south being closed;
 - (e) The inclusion of acoustically absorptive panels or furniture in the café design to ensure that the reverberation time does not exceed 1 second when there are no people in the café;
 - (e) The construction of a fence not less than 2m high along the eastern boundary of the café site;
 - (f) No use of the outdoor seating or play area shall occur after 6pm;
 - (g) No use of the outdoor seating or play area shall occur before 9am on Sundays;
 - (h) Music may be played inside the café only;
 - (i) No amplified music shall be played inside the café before 10am or after 6pm;
 - (j) No outdoor speakers are to be installed or used at any time;
 - (k) The bin area must be screened from public view and any adjoining residential units;

- (l) Restrictions on access to the waste area (access between 7am – 10pm Monday to Saturday, and 9am - 6pm on Sundays);
 - (m) Restrictions on the collection of waste from the café (between 7am – 10pm Monday to Saturday, and 9am - 6pm on Sundays); and
 - (n) Outdoor play spaces are not to have climbing structures greater than 1m in height.
83. The Consent Holder must design, construct and operate the café in accordance with the acoustic design and management plan and provide a report from a suitably qualified person to the Council confirming that the café has been designed and constructed in accordance with the acoustic design and management plan prior to opening to the public.
84. The café is restricted to the following opening hours, as follows:
- (a) Monday to Saturday: 7am to 10pm.
 - (b) Sunday: 7am to 9am, patrons inside only and northerly outdoor area to be closed off.
 - (c) Sunday: 9am to 6pm.
 - (d) After-hours access to the Café by staff or contractors (i.e., for cleaning or food preparation) may occur, provided that:
 - (i) doors and windows are closed.
 - (ii) staff and contractors are aware of the requirement to minimise noise emissions at all times.
 - (iii) the Café must not open to the public or for private functions after hours.
85. Within sixty (60) working days of the opening of the cafe, and upon a written request being received from the Council, a suitably qualified person engaged by the Consent Holder must provide to the Council, a report that:
- (a) measures and assesses noise emitted from the trading activity of the cafe;
 - (b) undertakes measurements at the following times:
 - (i) Sunday 7am to 9am; and
 - (ii) Saturday 10am to midday;
 - (c) determines the extent of any compliance or breach of the noise limits specified in Condition 81;
 - (d) recommends specific actions, in the event of a breach, that will ensure compliance with the noise limits specified in Condition 81. In the event of a breach, all specific actions outlined in the report provided by the suitably qualified person in accordance with Condition 82 must be implemented, to the satisfaction

of the Council, within twenty (20) working days from the provision of that report. In the event that the specific actions referred to above are not implemented within the period specified in this condition, the activity directly associated with the source of the noise must cease until such time that the specific actions are implemented.

Advice Note:

Noise levels are measured in accordance with the provisions of NZS 6801:2008 Acoustics – Measurement of environmental sound and assessed in accordance with NZS 6802:2008 Acoustics – Environmental noise.

Provision of Carparking

86. Prior to opening to the public, all relevant parking and loading spaces allocated to commercial buildings must be paved, formed and marked out in accordance with the Traffic Planning Consultants Ltd drawing 20278 - VTF - (1), and signage setting out parking time restrictions for publicly accessible carparks must be installed.

Servicing and waste storage

87. Prior to the first commercial unit commencing trading, the Consent Holder must submit a Servicing Management Plan to the Council for approval, which details how deliveries and service yards will be managed to minimise any potential conflict with customer access and vehicle traffic.
88. Any external storage of waste from commercial buildings must occur in the relevant service area which is to be screened from public view and any adjoining residential units.

Odour

89. All commercial activities must be operated in a manner that does not discharge an objectionable odour to any residential properties.

Signage

90. Prior to applying for building consent for the commercial buildings or any change in signage, the Consent Holder must submit to the Council for approval a signage report, prepared by a suitably qualified person, confirming that the proposed signs comply with the following standards:
- (a) Each sign shall be located on the front façade and one side of the associated building if necessary.
 - (b) Signs must not occupy more than 50% of the longest façade length, with the same dimensions or less for any additional side wall sign.
 - (c) Signs shall have a maximum height of 800mm.

- (d) The colour palette for the signs shall be visible and attractive but not consist of overly bright colours which may unreasonably distract the public including those driving vehicles on the road, or which are unattractive in appearance.
- (e) Lighting of signs must not consist of neon-type lighting (i.e., must not emit light in their own right), and must be directed toward the signs only and not toward roads or other public spaces, or toward private properties in the vicinity. All such lighting must comply with the relevant standards of the AUP.