

# Decision on a limited notified application for resource consent under the Resource Management Act 1991



## Discretionary Activity

<b>Application number(s):</b>	LUC60291662 (land use consent)
<b>Applicant:</b>	Manukau Trust Company Limited
<b>Site address:</b>	770R Great South Road
<b>Legal description:</b>	Section 1 Survey Office Plan 510598

### Proposal:

To erect a 10 storey (35m high), rectangular building to accommodate 85 hotel rooms (on half of the ground floor, levels 1 and 2, and half of level three), 101 residential apartments (10 x 2 bed, 57 x 1 bed, and 34 Studio on half of level 3 and all of levels 4 to 8), a restaurant/café and gym/healthcare facility on the ground floor, and a basement car park accommodating 82 car parking spaces.

The resource consents required are:

## Land use consents (s9)

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

#### District land use

- District Land use consent for the establishment of one hotel within the precinct with a footprint no greater than 2000m<sup>2</sup>. Restricted discretionary activity consent is required pursuant to Activity Table I427.4.1(A18).
- District Land use consent for the establishment of a new building for a compatible activity greater than 20m but up to 35m. A hotel is listed as a compatible activity and therefore restricted discretionary activity consent is required pursuant to Activity Table I427.4.1(A26).
- District Land use consent for the establishment of a new building for a compatible activity not meeting Standard I427.6.8 Interface control areas. Restricted discretionary activity consent is required pursuant to Activity Table I427.4.1(A29) as the building is 6m from the road frontage where the standard requires 20m.
- District land use consent for an activity not provided for in the precinct. The precinct does not provide for dwellings. Under the provisions of Rule C1.7(1) of the AUP (OP) discretionary activity consent is required.
- I427.4.1(A26) requires restricted discretionary activity consent for buildings greater than 20m but up to 35m in height for a primary, compatible or accessory activity. Dwellings and not listed as a primary, compatible or accessory activity. Under the provisions of Rule C1.7(1) of the AUP (OP) discretionary activity consent is required for the height associated with that part of the new building occupied by dwellings.

- District land use consent for earthworks greater than 2500m<sup>2</sup>. Restricted discretionary activity consent is required pursuant to Activity Table E12.4.1(A6) for earthworks over an area of 4595m<sup>2</sup>.
- District land use consent for earthworks greater than 2500m<sup>3</sup>. Restricted discretionary activity consent is required pursuant to Activity Table E12.4.1(A10) for 4,300m<sup>3</sup> of earthworks.
- District Land use consent for a restricted discretionary activity for comprehensive development signage pursuant to Activity Table E23.4.21(A53).
- District Land use consent for development of new impervious area greater than 50m<sup>2</sup> within Stormwater Management Area Control – Flow 1 complying with Standard E10.6.1 and Standard E10.6.4.1. Restricted Discretionary activity consent is required pursuant to Activity Table E10.4.1(A3) as the proposal involves redevelopment of existing impervious areas greater than 50m<sup>2</sup>.
- The proposal does not meet the minimum required bicycle parking spaces for both short-stay and long-stay bicycle parking under rule E27.6.2.5 (T81 &T82). The proposal includes 36 bicycle parking spaces and has a shortfall of 20 spaces. Restricted discretionary activity consent is required under rule E27.4.1(A2).
- Use of a vehicle crossing where a Vehicle Access Restriction (access onto an arterial road) applies, requires restricted discretionary consent in accordance with Rule E27.4.1(A5).

## **Introduction**

This decision is made on behalf of the Auckland Council by Independent Hearing Commissioner Dr Lee Beattie appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991.

In making this decision I am aware of the requirements of s.113. However, as there are now no areas of contention between all of the parties, in my view it is appropriate to set out some key background issues and then set out the reasons for my decision.

## **Background**

The application was limited notified on 21 November 2017 on the basis of minor shading effects on affected persons on the opposite side of Great South Road, being single storey residential dwellings.

A number of written approvals have been obtained and these are set out in the council officer's s.42 A report under the section: Written approval. The impacts upon these properties have not been considered.

One submission was received to the application, from Housing New Zealand. This submission was in general support, subject to the imposition of a Construction Traffic Management Plan condition. A Construction Traffic Management Plan condition has been included in the officer's s.42A report and has been circulated to both the applicant and Housing New Zealand. Housing New Zealand have reviewed the proposed conditions and advised in writing that this condition addresses their concerns and that they no longer wish to be heard.

The applicant has read the council officer's report, with proposed conditions of consent and have advised they support the council officer's recommended and proposed conditions. As a

result there is no need for a hearing. I consider I have sufficient information before me to make a decision without the need for a hearing and that it can be considered based on the applicant's AEE and supporting documents, officers reports and my site visits.

## Decision

I have:

- Read the application, AEE and supporting documents,
- The officers reports and recommendations on the application.
- Undertaken a site visit
- Reference to the relevant statutory documents

I am satisfied that I have sufficient information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application.

Acting under delegated authority, under sections 104, 104B, 104D, 105, 107 and Part 2 of the RMA, the application is **GRANTED**.

## 1. Reasons

The reasons for this decision are:

1. In terms of section 104(1)(a) of the RMA, the proposed development would result in actual and potential effects on the surrounding environment that will not be unduly adverse:
  - While the proposal will represent a change to the existing landscape and streetscape, when considered in the context of the changes to the landscape and planned urban built form in the vicinity, the visual effects are considered to be minor and in keeping with the anticipated Unitary Plan outcomes for the site;
  - The design and orientation of the apartments, combined with the landscape treatment and activities/outdoor space provided on site provides a good level of amenity for residents on site and maintain the privacy of residential properties on the opposite side of Great South Road;
  - The shading effects vary depending on the location and use of the shaded site. Overall, the shading effects are minor on single story residential dwellings at 779, 781 and 783 Great South Road and less than minor on those at 11R Inverall Ave, 5 Kerrs Road, and 792 Great South Road.
  - The effects of the removal and relocation of the Pohutukawa trees will be mitigated through appropriate construction measures and the comprehensive landscaping proposed by the applicant;
  - Conditions of consent are proposed to ensure appropriate internal noise levels for maintained for the existing and future residents;
  - The traffic generated by the proposal can be accommodated in the surrounding network and will not generate any adverse impacts ;

- Sufficient parking (including visitor and bike parking) has been provided on site to accommodate likely demand;
- The access arrange to the site have been designed to function safely and efficiently;
- There is sufficient capacity in the water supply and wastewater networks to accommodate the demand;
- Appropriate measures will be put in place to mitigate effects on water quality and the capacity of the network in relation to the disposal of stormwater;
- Measures will be put in place during construction mitigate and manage risks to human health, employees and off site receptors during the course of the proposed earthworks;
- Appropriate measures (conditions of consent) will be put in place during construction to mitigate adverse dust, noise, vibration and silt and sediment effects.
- Measures will be put in place during construction to mitigate the effects and associated with construction traffic;
- The proposal will not result in adverse reverse sensitivity effects on any sites in the wider environment. Reverse sensitivity effects on 770R Great South Road (Section 2 Survey Office Plan 510598) and 764R Great South Road cannot be taken into account as written approval of the owners and occupiers of these sites has been obtained.

In terms of positive effects:

- The hotel will enable visitors to stay overnight to attend events or for other purposes in the area and will therefore increase visitor and leisure offerings.
  - The apartments will provide accommodation in an area close to a range of facilities and transport routes and add to Auckland's housing supply.
2. In terms of section 104(1)(b) of the RMA, the proposed development is consistent with the relevant objectives and policies of the Auckland Unitary Plan (Operative in Part):
- The PECP has been identified as one of 20 recreation facilities in the Auckland Region that contribute significantly to Auckland's social and economic wellbeing, and its efficient use is of resource management importance to the region. The objectives and policies also recognise that the nature of activities that occur on the site can sometimes have effects that cannot be fully internalised, and that these effects need to be carefully managed and mitigated. In this situation the proposal, with the use of the appropriate conditions of consent can be mitigated to an acceptable level. This include the introduction of the residential element of the proposal. Moreover, the proposed of a hotel and associated activities are consistent and will support to the use of the PECP.
  - The proposed building signs will identify the hotel and site, and the directional signage will provide information for residents and visitors. The signage has been designed and located so that pedestrian safety is not adversely affected. The

signage will maintain the visual amenity values of the site and surroundings. The scale of the signage is suitable for a development of this nature and will not result in visual clutter.

- The earthworks have been designed and engineered to ensure the stability and safety of surrounding land, buildings and structures, and appropriate measures will be put in place during construction to ensure that noise, vibration, dust and traffic effects are also avoided or mitigated.
3. In accordance with an assessment under s104(1)(c) of the RMA no other matters are considered relevant.
  4. The application is considered to meet the relevant provisions of Part 2 of the RMA as the proposal achieves the purpose of the RMA being sustainable management of natural and physical resources.

## 2. Conditions

Pursuant to s.108 of the RMA, this consent is subject to the following conditions:

### General conditions

1. The proposed activity shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the council as consent number LUC60291662.
  - Application Form, and Assessment of Effects prepared by Planning Focus dated December 2016.
  - Section 92 Further Information letter and attachments information 19 May 2017.
  - Section 92 Additional Information letter and attachments dated 1 September 2017
  - Section 92 Landscape and Visual Assessment and Visual Simulations, updated 1 October 2017
  - Sun Shading Assessment (Drawing No's RC39-RC45 dated 11/09/2017)
  - Stormwater Retention Memo (including Plan 400 Rev 2), dated 7 July 2017  
Envelope Ref 1152-01

Plan title and reference	Author	Rev	Plot Date
RC01 –Aerial Site Plan	Studio37	-	2/10/2017
RC02 - Masterplan	Studio37	-	2/10/2017
RC03 – Site Plan	Studio37	-	2/10/2017
RC04 – Site Plan	Studio37	-	2/10/2017
RC05 – Signage and Traffic Management Plan	Studio37	-	2/10/2017
RC06 – Proposed Basement (updated with cycle parks)	Studio37	-	26/10/2017
RC07 – Proposed Ground Floor Plan (updated with cycle parks)	Studio37	-	26/10/2017

Plan title and reference	Author	Rev	Plot Date
RC08 – Proposed L1-2 Floor Plan	Studio37	-	2/10/2017
RC09 – Proposed L3 Floor Plan	Studio37	-	2/10/2017
RC10 – Proposed L4-8 Floor Plan	Studio37	-	2/10/2017
RC15 – Roof Plan	Studio37	-	2/10/2017
RC16 – Proposed North Elevation	Studio37	-	2/10/2017
RC17 – Proposed East Elevation	Studio37	-	2/10/2017
RC18 – Proposed South Elevation	Studio37	-	2/10/2017
RC19 – Proposed West Elevation	Studio37	-	2/10/2017
RC20 – Section 1	Studio37	-	2/10/2017
RC22 – View 2 Perspective	Studio37	-	2/10/2017
RC23 – View 3 Perspective	Studio37	-	2/10/2017
RC24 – View 4 Perspective	Studio37	-	2/10/2017
RC25 – Rendered North and East Elevations	Studio37	-	2/10/2017
RC26 – Rendered South and West Elevations	Studio37	-	2/10/2017
RC27 – Context Rendering	Studio37	-	2/10/2017
RC28 – Context Rendering	Studio37	-	2/10/2017
RC29 – Context Rendering	Studio37	-	2/10/2017
RC30 – Context Rendering	Studio37	-	2/10/2017
RC31 – Context Rendering	Studio37	-	2/10/2017
Landscape Plan LP01	LA4 Landscape Architects	F	31.08.17

2. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
  - a. The consent is given effect to; or
  - b. The council extends the period after which the consent lapses.
3. The consent holder shall pay the council an initial consent compliance monitoring charge of \$960 inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to this consent/s.

**Advice note:**

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

## Specific conditions

### Pre-development conditions

#### **Construction Traffic Management Plan**

4. Prior to the commencement of construction, the consent holder shall submit a Construction and Traffic Management Plan to the Team Leader Southern Monitoring for approval. The Management Plan shall include specific details relating to avoiding, remedying or mitigating adverse effects on the environment from demolition, construction and management of all works associated with this development as follows:
- Details of the site manager, including their contact details (phone, email, postal address);
  - Measures to be adopted to maintain the site in a tidy condition in terms of disposal / storage of rubbish, storage and unloading of building materials and similar construction activities;
  - 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 the Council's waste reduction policy;
  - Procedures for controlling sediment runoff and the removal of soil debris and construction materials from public roads;
  - Proposed numbers and timing of truck movements throughout the day,
  - A site plan identifying material, plant and machinery storage areas as well as loading and unloading zones within the site;
  - Location and height of site hoardings;
  - Procedures for managing construction traffic;
  - Proposed hours of work on the site (NB: hours shall correspond with any other condition in this consent relating to working hours).

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

#### **Advice Note:**

*It is the responsibility of the applicant to seek approval for the Traffic Management Plan from Auckland Transport. Please contact Auckland Transport on (09) 355 3553 and review [www.beforeudig.co.nz](http://www.beforeudig.co.nz) before you begin works.*

#### **Detailed Design Plans**

5. Prior to commencement of building works (excluding below ground works), a finalised set of **architectural detail drawings** and materials specifications (including details of the building's façade treatment / architectural features; materials schedule and specification; sample palette of materials, surface finishes, and colour schemes (including colour swatches); and external / rooftop services / plants, mail boxes, and visual / aural screening elements shall be submitted to Council for written certification by Council's Team Leader Monitoring South. The finalised set of drawings shall ensure that the building's proposed architectural treatment and finished appearance is consistent with the plans and information referenced at condition 1. All works

shall then be carried out with the details certified by council, and thereafter retained and maintained, to the satisfaction of Council's Team Leader Compliance Monitoring South.

**Advice note:**

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

**Detailed Landscape Plans**

6. Prior to construction, the applicant shall provide a report prepared by a suitably qualified and experienced arborist setting out the methodology for the relocation of the 7 Pohutukawa trees to be transplanted and their successful establishment to satisfaction of the Team Leader Southern Compliance Monitoring. These works shall be carried out by a suitably qualified and experienced arborist. Where the trees do not successfully transplant; replacement species are required to be implemented in the next planting season at a minimum grade of Pb 300.
7. Within six months of the issue of consent, a set of final detailed Landscape Planting and Management Plans shall be prepared by a landscape architect or suitably qualified professional and submitted to Council for written certification by the Team Leader Southern Compliance Monitoring (in consultation with the Auckland Design Office). The finalised plans shall be consistent with the approved landscape concept plan and shall include:
  - Detailed landscape plan and specifications;
  - Detailed design of the children's play area;
  - Details of the proposed Pou designs;
  - Details of letterbox location;
  - A plan of the planted area detailing the proposed plant species, plant sourcing, plant sizes at time of planting, plant locations, density of planting, and timing of planting. The planting schedule shall include an additional two Pohutukawa or three Nikau, in order to decrease the space between the transplanted Pohutukawa trees;
  - Pavement plan and specifications, detailing materiality and colour throughout the development site;
  - Annotated sections with key dimensions to illustrate that adequate widths and depths are provided for planter garden beds;
  - Irrigation details;
  - The construction details of all hard landscape elements (paving, fencing, retaining walls, lighting, pergola, screens for wind protection, green walls etc);
  - The details of drainage, soil preparation, tree pits, staking, irrigation;
  - A programme of establishment and post establishment protection and maintenance (fertilising, weed removal/spraying, replacement of dead/poorly performing plants, watering to maintain soil moisture, length of maintenance programme).

## Development in progress conditions

### Landscaping

8. The landscaping as detailed on the approved landscape plan referred to in condition 7 above shall be implemented prior to occupation of a dwelling or hotel room (whichever comes first). The landscaping shall be maintained thereafter in accordance with the maintenance programme submitted with the approved landscape plan for the life of the consented building, to the satisfaction of the Team Leader Southern Compliance Monitoring.

### Lighting

9. Prior to the occupation of any hotel suite or apartment, the consent holder shall provide Auckland Council (Team Leader Southern Compliance Monitoring) with a report prepared by a suitably qualified and experienced lighting engineer confirming that at all times the building shall comply with AUP(OP) Standard E27.6.3.6 Lighting and Standard I427.6.2 Lighting.

### Wind

10. Prior to the occupation of any hotel suite or apartment, the consent holder shall provide Auckland Council with a report prepared by a suitably qualified and experienced wind engineer confirming that at all times the building shall comply with AUP(OP) Standard H13.6.8 Wind (Category B requirements in relation to the public open space area to the immediate north of the building).

If the plans approved in condition 5 and 7 do not achieve compliance with Standard H13.6.8 Wind, and minor changes to the canopies or screens are required, the amended design shall be submitted to Council for written certification by the Team Leader Southern Monitoring (in consultation with the Auckland Design Office to ensure they integrate with the overall design and streetscape).

### Advice Note:

*There is no wind standard in the Pacific Event Centre Precinct. In order to ensure appropriate amenity levels in the public realm, and the outdoor living area to the immediate north of the building, compliance with the wind standard applying to the Business- Mixed Use zone standard which applies to the land immediately to the south is considered appropriate. Where minor changes to the design of the canopies and/or screens are required to achieve compliance these are required to be carried out in consultation with the Auckland Design Office to ensure they integrate with the overall design and streetscape.*

### Noise

11. Noise from the consented operational activities shall comply with the limits set out in AUP(OP) Rule E25.6.19 within the boundaries of any residential zoned property when measured and assessed in accordance with New Zealand Standards NZS 6801:2008 Acoustics – Measurement of environmental sound and NZS 6802:2008 Acoustics – Environmental Noise, except where more specific requirements apply.

12. Prior to the occupation of any hotel suite or apartment, the consent holder shall provide Auckland Council with a report prepared by a suitably qualified and experienced acoustic specialist confirming that at all times, other than during the Pacific Events Centre Precinct special noise events as defined under AUP(OP) I447.6.1, noise levels from all sources, including but not limited to ventilation systems, do not exceed the following:
- bedrooms and sleeping areas between 23:00-07:00 - 35 dB L<sub>Aeq</sub>; and
  - other noise sensitive spaces at any time and bedrooms and sleeping areas between 07:00-23:00 - 45 dB L<sub>Aeq</sub>.

### Construction

#### **General sediment control condition**

13. 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 the Team Leader Southern Compliance Monitoring.

#### **Advice Note:**

*In accordance with above condition all earthworks shall be undertaken to ensure that all potential sediment discharges are appropriately managed. Such means and measures may include:*

- Catchpit protection
- run-off diversions
- silt and sediment traps
- decanting earth bunds
- silt fences

*During excavation, the ingress and accumulation of surface run-off water and/or perched groundwater can be minimised by:*

- maintaining a waterproof cover over any excavation trenches and pits outside of working hours,
- diversion of surface water flow around the works area, and
- regular disposal of the water into an appropriate sediment control device, if ponding occurs within the excavation.

*Please note that the diversion of stormwater and/or groundwater may require consent in accordance with Auckland Unitary Plan Operative in Part.*

*It is recommended that you discuss any potential measures with the council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Please contact the Team Leader Southern Compliance Monitoring on [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) for more details. Alternatively, please refer to "Auckland Regional Council, Technical Publication No. 90, Erosion & Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region".*

### **Noise associated with construction activities.**

14. All noise generating activities associated with the implementation of this resource consent on, or in the vicinity of, the subject site (which can include (but is not limited to) any demolition, earthworks and construction activities, and ancillary activities (such as deliveries, loading and unloading goods, transferring tools, etc)) shall not exceed the noise limits stipulated within NZS 6803:1999 Acoustics - Construction Noise (or any subsequent revision), and may only be carried out:
- between the hours of 7:30 am and 18:00 pm, Monday to Saturday; and
  - must not be carried out on any Sunday or public holiday (and any following Monday on which that public holiday is observed)

### **Ensure construction and earthworks activities do not obstruct access**

15. 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. All materials and equipment shall be stored within the subject site's boundaries.

### **Vibration during earthworks and construction**

16. Where works on the site are creating vibrations, that in the opinion of the Team Leader Southern Compliance Monitoring, constitute an unreasonable disturbance beyond the boundaries of the subject site, the consent holder shall cease works until a suitably qualified expert has been engaged to undertake monitoring of the works and provide confirmation that peak particle velocities measured on any foundation or uppermost full storey of any building not located on the subject site, do not exceed the limits set out in Table 1 of German Standard DIN 4150 Part 3:1986 "Structural Vibration in Buildings – Effects on Structures."

### **Ensure dust does not cause adverse effects**

17. There shall be no airborne or deposited dust beyond the subject site as a result of the earthworks and construction, which in the opinion of the Team Leader Southern Compliance Monitoring, is noxious, offensive or objectionable.

### **Advice Note:**

*In accordance with above condition in order to manage dust on the site consideration should be given to adopting the following management techniques:*

- *stopping of works during high winds*
- *watering of haul roads, stockpiles and manoeuvring areas during dry periods*
- *installation and maintenance of wind fences and vegetated strips*
- *positioning of haul roads, manoeuvring areas and stockpiles or the staging of works ( in relation to sensitive receptors such as dwellings)*

*In assessing whether the effects are noxious, offensive or objectionable, the following factors will form important considerations:*

- *The frequency of dust nuisance events*
- *The intensity of events, as indicated by dust quantity and the degree of nuisance*
- *The duration of each dust nuisance event*

- *The offensiveness of the discharge, having regard to the nature of the dust*
- *The location of the dust nuisance, having regard to the sensitivity of the receiving environment.*

*It is recommended that potential measures as discussed with the council's monitoring officer who will guide you on the most appropriate approach to take. Please contact the Team Leader Southern Compliance Monitoring on [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) for more details. Alternatively, please refer to the Ministry for the Environment publication "Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions".*

**Ensure stability of the site/neighbouring sites.**

18. All earthworks shall be managed to ensure that they do not lead to any uncontrolled instability or collapse either affecting the site or adversely affecting any neighbouring properties. In the event that such collapse or instability does occur, it shall immediately be rectified.

**Ensure supervision and certification of geotechnical works.**

19. The construction of permanent earth bunds, retaining walls and building foundations shall be supervised by a suitably qualified engineering professional. In supervising the works, the suitably qualified engineering professional shall ensure that they are constructed and otherwise completed in accordance with approved plans listed in Condition 1.

Certification from a suitably qualified engineering professional responsible for supervising the works shall be provided to the Team Leader Southern Compliance Monitoring, confirming that the works have been completed in accordance with approved plans listed in Condition 1, within ten (10) working days following completion. Written certification shall be in the form of a producer statement acceptable to the Council.

**Prevent sediment-laden water in stormwater/ waterways from roads**

20. 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.

**Advice Note:**

*In order to prevent sediment laden water entering waterways from the road, the following methods may be adopted to prevent or address discharges should they occur:*

- *provision of a stabilised entry and exit(s) point for vehicles*
- *provision of wheel wash facilities*
- *ceasing of vehicle movement until materials are removed*
- *cleaning of road surfaces using street-sweepers*
- *silt and sediment traps*

- *In no circumstances should the washing of deposited materials into drains be advised or otherwise condoned.*

*It is recommended that you discuss any potential measures with the council's Monitoring Inspector who may be able to provide further guidance on the most appropriate approach to take. Please contact the Team Leader Southern Compliance Monitoring on email [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) for more details.*

*Alternatively, please refer to Auckland Regional Council, Technical Publication No. 90, Erosion & Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region.*

### **Ensure effectiveness of sediment and erosion controls**

21. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required as a condition of resource consent or by the approved Erosion and Sediment Control Plan shall be maintained throughout the duration of earthworks activity, or until the site is permanently stabilised against erosion. A record of any maintenance work shall be kept and be supplied to the Team Leader Southern Compliance Monitoring on request.

#### **Advice note:**

*As a guide, maintenance of the erosion and sediment control measures required by above condition should seek to ensure that the accumulated sediment be removed from sediment retention devices prior to reaching 20% storage live storage capacity. Sediment removed from treatment devices should be placed on stable ground where it cannot re-enter the device or be washed into any watercourse.*

*Where maintenance work is required to ensure the effectiveness of these erosion and sediment control measures, the record should include the date, time and details on the nature of any maintenance. The site manager (or equivalent) will need to ensure regular inspections of these measures, and particularly within 24 hours after any rainstorm event. Where it is identified that erosion and sediment control measure have become ineffective and maintenance is required, the Team Leader Southern Compliance Monitoring should be contacted on email [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz)*

### Transport

#### **Completion of Parking Areas**

22. Prior to the occupation of residential units, commencement of trade or the operation of the activity all access, parking and manoeuvring areas shall be formed, sealed with an all-weather surface, marked out, sign-posted and drained in accordance with the approved plans, to the satisfaction of the Team Leader South Compliance Monitoring.

#### **Parking Layout**

23. The required hotel, shop, residential and visitor parking spaces shall be marked or identified through signage to the satisfaction of the Team Leader South Compliance Monitoring, prior to the occupation of any residential units, commencement of trade or the operation of any activity on site.

### **Specific Entry/Exit Signage**

24. Prior to the occupation of residential units, commencement of trade and the operation of the activity, the consent holder shall install directional signage at all entry and/or exit points in order to ensure that vehicle movements are controlled. This shall be undertaken to the satisfaction of the Team Leader South Compliance Monitoring.

### **Bicycle Parking Areas**

25. Prior to construction of any bicycle parking areas, confirmation shall be provided to the Team Leader South Monitoring that the layout, design and security of the bicycle 36 parking facilities located either in public or private areas, meet the minimum requirements of the Auckland Transport Code of Practice 2013, Part 13.6 for Cycle Parking.

### **Pedestrian Crossing on Access Road**

26. Prior to the occupation of residential units, commencement of trade or the operation of the activity, a pedestrian crossing shall be designed (in consultation with the Auckland Design Office) to the satisfaction of Auckland Council and marked out and sign-posted in accordance with the approved plans, to the satisfaction of the Team Leader South Compliance Monitoring.

## **Post Development conditions**

### **Ground floor glazing fronting Great South Road**

27. Window signage, advertising, or frosted glazing on the ground floor of the gym/healthcare facility, must not account for more than 50 per cent of the width of windows/doors and 50 per cent of its height where it fronts Great South Road.

### **Glass balustrades**

28. The glass balustrades on the decks of the dwellings shall be frosted glass so that the mechanical ventilation units and deck furniture is not visible from public places.

### **Covenant for land use consent**

29. The consent holder shall enter into a section 108 Resource Management Act 1991 covenant in favour of Auckland Council [the council] for Section 1 Survey Office Plan 510598. The consent holder shall contact the council's Team Leader Southern Compliance Monitoring to initiate the preparation of the covenant. A copy of the updated Computer Register (certificate of title) showing that the covenant has been registered shall be provided to the Council's Team Leader Southern Compliance Monitoring prior to commencement of the activity.

The covenant shall:

- a) Require the protection and maintenance of a 7m<sup>3</sup> Stormwater detention tank; and
- b) be drafted by the council's nominated Solicitor at the consent holder's cost; and
- c) be registered against the Computer Register(s) (certificate(s) of title) to the affected land by the consent holder at their cost; and
- d) 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.

#### **Vehicle Entrance Number Four**

30. The existing gate on Vehicle Entrance Four is to be removed and this vehicle crossing is to be available at all times for the use of the proposed hotel and apartments.

#### **Non-complaint Covenant**

31. Prior to the first occupation of a residential dwelling the consent holder shall register, at their cost, a restrictive non-complaint covenant on the Computer Register (certificate(s) of title) to the property, in favour of all owners and leasees of the Pacific Events Centre at 770R Great South Road (Section 2 Survey Office Plan 510598) and 764R Great South Road. The restrictive non-complaint covenant shall bind the owners and occupiers of any residential dwelling at Section 1 Survey Office Plan 510598 (and any successors in title) not to complain as to effects generated by the lawful operation of the Pacific Events Centre in perpetuity.

The covenant shall also require the consent holder to 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 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.

A copy of the updated Computer Register (certificate of title) showing that the covenant has been registered on all titles shall be provided to the Council's Team Leader Southern Monitoring prior to occupation of the first residential dwelling.

#### **Advice notes**

1. *Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.*
2. *For the purpose of compliance with the conditions of consent, "the council" refers to the council's monitoring inspector unless otherwise specified. Please contact [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) to identify your allocated officer.*
3. *For more information on the resource consent process with Auckland Council see the council's website [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz). General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment's website: [www.mfe.govt.nz](http://www.mfe.govt.nz).*
4. *If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to*

*sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of notification of the decision.*

5. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety 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.*

If any archaeological features are uncovered on the site, works should cease and the Team Leader Southern Monitoring and Heritage New Zealand Pouhere Taonga (09 307 9920) should be notified immediately. 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. Archaeological features' may include old whaling stations, ship wrecks, shell middens, hangi or ovens, pit depressions, defensive ditches, artefacts, or koiwi tangata (human skeletal remains), etc. For guidance and advice on managing the discovery of archaeological features, contact the Team Leader Cultural Heritage Implementation on 09 301 0101.



**Name**

**Commissioner**

Date: 26 Jan 2018