

Decision on application for resource consent under the Resource Management Act 1991



Discretionary activity

Application numbers:	LUC60318588 & DIS60318620
Applicant:	OP Trustee Limited ("OPT")
Site address:	236 Orakei Road, Remuera
Legal description:	Pt Lot 3 DP 112856 (CT NA63C/143)
Proposal:	

Resource consent to construct a new apartment building comprising 32 residential dwellings, associated earthworks, landscaping and car parking.

Resource consent is required for the following reasons:

Land use consent (s9)

Auckland Unitary Plan (Operative in Part)

In terms of the provisions of the Auckland Unitary Plan (Operative in Part) resource consent is required for the following reasons:

Unitary Plan – Mixed Use Zone

- (a) A **restricted discretionary activity** consent is required for a new building in the Mixed Use zone under A45 of Activity Table H13.4.1.

Unitary Plan – Orakei Point Precinct

- (b) A **restricted discretionary activity** consent is required under I328.6.11 as the proposed building does not comply with the number of storeys above podium level (as there is no podium at all) and as the Building Height is between RL 25.1 to 29.5 and 36.55 (parapet height) rather than RL 29.5 and RL 33, resulting in an infringement to maximum height. Please refer to sheet RC15B to RC22B for details of the height infringement.
- (c) A **restricted discretionary activity** consent is required under I328.6.12 as the floor to ceiling height on the ground floor is 3.3m rather than 4m.
- (d) A **restricted discretionary activity** consent is required as the proposed building does not provide the pedestrian link shown on Precinct Plan 3.
- (e) A **restricted discretionary activity** consent is required under I328.6.25 as some apartments do not meet the outlook space requirement. These apartments overlook the rail line to Hobson Bay.

- (f) A **restricted discretionary activity** consent is required under I3.28.6.29 as the staging requirements for infrastructure and public facilities has not been met.

Unitary Plan – Auckland Wide Rules

- (g) A **restricted discretionary activity** consent is required under A9 of Activity Table E11.4.1 for earthworks greater than 2,500m² within a sediment control protection area within the open space and business zones.
- (h) A **restricted discretionary** activity consent is required under A2 of E27.4.1 Activity Table as the access does not comply with the standards for access (gradient).
- (i) A **discretionary activity consent** is required for soil disturbance. This is because lead and nickel levels exceeded the permitted activity standard.

Natural Environmental Standard (Contamination)

- (j) A **discretionary activity** consent is required under the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health.

Overall, this proposal requires assessment as a **discretionary activity**.

Under sections 104, 104B, 105 & 107, I recommend that the application is **GRANTED**.

12. Reasons

The reasons for this recommendation are:

1. The granting of this resource consent is considered to be generally consistent with the expected environmental outcomes and strategic direction for the Orakei Precinct Plan and the Mixed Use zone as expressed through the relevant Objectives and Policies of the Auckland Unitary Plan (Operative in Part) which will provide for the establishment of Transit Oriented Development in this location.
2. In accordance with an assessment under s104(1)(a) of the RMA the actual and potential effects from the proposal will be acceptable as:
 - Following an extensive assessment of the actual and potential visual amenity and character effects, it is considered that the proposal will be acceptable. The proposal will provide for additional housing within a planned Mixed Use area that delivers a high quality architectural response while at the same time acknowledging the realities of enabling a commercially viable development. The applicant has offered a range of conditions to mitigate the effects of the proposal;
 - An extensive review of the traffic effects of this proposal has been undertaken on behalf of the Council and Auckland Transport. That review has confirmed that the proposal is acceptable, subject to conditions;

- It has been confirmed that subject to conditions, there is sufficient capacity within the infrastructure networks to accommodate the development, including wastewater, stormwater, water supply and network services;
 - Conditions of consent will ensure that any adverse effects on water quality are avoided;
 - Suitable conditions of consent will manage any contamination effects arising from the proposal;
 - The proposal will not exacerbate any flooding issues and any overland flows will be suitable managed;
 - Any noise and vibration effects arising from the proposal will be suitably managed and are in keeping with expectations of the I328 Ōrākei Point Precinct standards;
 - In terms of positive effects, the proposal will provide additional housing, restore the coastal edge and create employment opportunities and enable people and communities to provide for their social wellbeing and their economic needs;
3. In accordance with an assessment under s104(1)(b) of the RMA the proposal is generally consistent with the relevant statutory documents. In particular, the proposal will meet the relevant objectives, policies and assessment criteria of the Auckland Regional Policy Statement, the Auckland Council Auckland Unitary Plan (Operative in Part). The proposal is considered to achieve the key objectives and policies of the Ōrākei Point Precinct which seeks to achieve an integrated, comprehensive planned Transit Oriented Development that provides for a diverse range of activities and employment, and acts as a strong community focal point.
4. In accordance with an assessment under s104(1)(c) of the RMA, the following other matters are considered appropriate:
- The site will be subject to monitoring to ensure works are carried out in accordance with the approved plans and conditions;
 - The Auckland Urban Design Panel has reviewed the proposal;
 - The application will include a suite of conditions as offered by the applicant or suggested by various specialist reviewing the application, that will serve to avoid or mitigate the adverse effects of the proposal;
 - Development contributions will be imposed on the proposed that will serve to address the effects of the growth on the wider catchment;
5. The foregoing assessment has concluded that the proposal will result in effects on the environment that are minor. As such, the proposal satisfies the first gateway test of s104D(1), and can be determined by Council under s104B of the Act. Furthermore, it is noted the proposal is generally consistent the relevant objectives and policies of the PAUP and meets the second gateway test of s104D(2).

Under section 108 of the RMA, I recommend the following conditions:

Conditions - Applies to Landuse and Discharge Consents

The following conditions apply to all resource consents.

1. The activity shall be carried out in general accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Council as consent number LUC60318588 & DIS60318620 being:
 - Application Form, and Assessment of Environmental Effects prepared by Tattico, dated 16 April 2018, including the following:

Report title and reference	Author	Rev	Dated
Assessment of Environmental Effects and Statutory Analysis, including:	Tattico	-	
Attachment A - Application Form	Tattico		13 April 2018
Attachment B - Assessment of Environmental Effects)	Tattico		16 April 2018
Attachment C - Urban Design, Architecture and Landscape Design Report	Various	B	Various (see below)
Attachment D - Strategic review	(see below)		28 Nov 2016
Attachment E - Peer Review 2	Ree Anderson		4 Oct 2017
Attachment E - Peer Review	Jasmax		30 Nov 2017
Attachment F – Ecology	Jasmax		December 2017
Attachment G - Traffic s92	Wildlands		17 May 2017
Attachment G – Traffic	TDG		December 2016
Attachment H - Acoustic	TDG		2 Dec 2016
Attachment H - Acoustic s92	NDY		11 May 2017
Attachment H - Acoustic s92 (2)	NDY		5 Sept 2017
Attachment I - Infrastructure s92	NDY		May 2017
Attachment I – Infrastructure	GHD		Dec 2017
Attachment J – Contamination	GHD		1 Dec 2016
Attachment K – Geotech	Coffey		5 Dec 2016
Attachment L - Erosion & Sediment Control	Coffey		June 2017
Attachment M - RAP	GHD		28 April 2017
Attachment N – Wind	Coffey		3 July 2017
Attachment O - Letters in support	Uniservices Equinox Group		4 October 2017

Report/Plan title and reference	Author	Rev	Dated
Attachment C: Drawings			
Architectural Drawings			
RC01 Overall site + location plan	Hulena	C	11/04/18
RC02 Master plan	Hulena	C	11/04/18
RC03 Site plan	Hulena	D	11/04/18
RC04 Basement floor plan	Hulena	C	11/04/18
RC05 Ground floor plan	Hulena	C	11/04/18
RC06 Part basement/ground floor car ramp	Hulena	C	11/04/18
RC07 Level 1 floor plan	Hulena	C	11/04/18
RC08 Level 2 floor plan	Hulena	C	11/04/18
RC09 Level 3 floor plan	Hulena	B	11/04/18
RC10 Level 4 floor plan	Hulena	B	11/04/18
RC11 Level 5 floor plan	Hulena	C	11/04/18

RC12 Level 6 floor plan	Hulena	C	11/04/18
RC13 Level 7 floor plan	Hulena	C	11/04/18
RC14 Level 8 floor plan	Hulena	B	11/04/18
RC15 Coloured north elevation	Hulena	C	11/04/18
RC16 Coloured west elevation	Hulena	C	11/04/18
RC17 Coloured south elevation	Hulena	C	11/04/18
RC18 Coloured east elevation	Hulena	C	11/04/18
RC19 Section A	Hulena	B	11/04/18
RC20 Section B	Hulena	B	11/04/18
RC21 Section C	Hulena	B	11/04/18
RC22 Section D	Hulena	B	11/04/18
RC23 Ancillary buildings	Hulena	B	11/04/18
RC24 Rendered elevations	Hulena	B	11/04/18

Landscape Plans

Sheet 45 - Landscape plan	-	-	-
Sheet 46 - Coastal edge treatment	-	-	-
Sheet TA02 - Coastal edge tree survey	Thurlow	-	09/17
Sheet 52 - Planting plan	-	-	-
Sheet 53 – Fencing plan	-	-	-

Previous Section 92 Information

Acoustics – 236 Orakei Road – Acoustic Advice for Building & Resource Consent	NDY		17 Nov 17
Email Orakei Point Transportation Review	Tattico		25 Jan 18
Survey of electrified rail line/earthwork plan	Thurlow		08/17
Email from John Thurston	Thurston		4 Dec 2018
Extract from BS Piling noise levels			
Email from Victoria Rastelli	NDY		26 Jan 18
Response to Kiwirail letter	Tattico		7 Dec 17
Updated Landscape - Planting Plan	Reset		Undated
Updated Plan showing KiwiRail amendments RC07B	Hulena		19/07/17
Response to Local Board Queries	Tattico		30 October 17
Response to Queries from Mr Hayward	Tattico		31 October 17
TDG - Response to Flow Specialist Transport Input / Update on New Design Layouts	TDG		30 Nov 17
Sheet 14009A2B-Fig2 New Ground Level	TDG		13.12.17
Emails Orakei Point : Accessway	Tattico		7 June 18
Letter - Orakei Point apartments	Tattico		11 June 18
Emails FW: Landscape assessment	Tattico		14 June 18

Monitoring Charges

2. The consent holder shall pay the Council a consent compliance monitoring charge of \$2,000 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent. (This charge is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consent).
3. The \$2,000 (inclusive of GST) charge shall be paid as part of the resource consent fee and the consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice.

Advice note:

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

Term of Consent

4. Under section 125 of the Resource Management Act 1991, this consent lapses 5 years after the date it is granted unless:
 - The consent is given effect to; or
 - The Council extends the period after which the consent lapses.

Specific Conditions - Landuse Consent (LUC60318588)

Design Conditions

Architectural details

5. Prior to commencement of any works (prior to the approval of Building Consent for the building other than demolition, earthworks, foundations and structural works), a finalised set of architectural detail drawings and materials specifications shall be submitted to Council for written certification by Council's Team Leader Monitoring (Central). The information shall include the following:
 - a) details of the building's façade treatment / architectural features;
 - b) materials schedule and specification;
 - c) sample palette of materials, surface finishes, and colour schemes (including colour swatches); and
 - d) external / rooftop services / plants, and visual / aural screening elements.

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 – Central Monitoring.

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.*

Lighting

6. Prior to commencement of any works (prior to the approval of Building Consent for the building other than demolition, earthworks, foundations and structural works), the consent holder shall provide a Lighting Plan to Council for written certification by Council's Team Leader – Central Monitoring. This plan shall include proposed locations, lux levels and types of lighting (i.e. manufacturer's specifications once a lighting style has been determined).

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

The finalised design details certified by Council shall be established prior to the development hereby consented being first occupied, and thereafter retained and maintained, to the satisfaction of Council's Team Leader Monitoring (Central).

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.*

Landscaping

7. Prior to commencement of any works, a finalised set of **Hard and Soft Landscape Plans and a Landscape Management Plan** shall be submitted to Council for written certification by the Team Leader – Central Monitoring. The finalised plans shall be consistent with the landscape design intent / objectives identified in the resource consent plans and information referenced at condition 1 and shall include:
 - a) landscape plan and specifications as recommended by Wildlands (December 2016 report) including Specimen *Metrosideros excelsa* trees within the coastal edge (not cultivars). No exotic palms are to be planted and limited numbers of Nikau palms;
 - b) details of all proposed weed management and ongoing monitoring;
 - c) planting schedule (including planter boxes and green roof), detailing the specific planting species, the number of plants provided, locations, heights/Pb sizes;
 - d) all restoration works should be guided by a comprehensive Ecological Management Plan (EMP).

- e) pavement plan and specifications, detailing materiality and colour throughout the development site;
- f) Design of pedestrian paths and routes shall be reviewed to ensure that the objectives of integrating the development into the coastal environment and/or reflecting the natural and landscape values of the coastal environment are maintained, as well as meeting CPTED principles.
- g) planter box plan and specifications detailing location and materiality throughout the development site;
- h) irrigation details;
- i) annotated sections with key dimensions to illustrate that adequate widths and depths are provided for planter boxes, tree pits, and the podium planting beds;
- j) an ongoing management/maintenance programme, addressing in particular: details of maintenance methodology and frequency; and allowance for replacement of plants, including specimen trees in case plants are severely damaged / die over the first five years of the planting being established. The ongoing landscape maintenance and weed management requirements shall be incorporated into the body corporate rules for the building; and
- k) as a precautionary measure: vandalism eradication policies.

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 conditions and approved plans and information.*

The purpose of the condition is to update the October 2017 planting plan and ensure that the proposed landscape reflects the overall aim to provide a high quality environment that protects the natural and coastal character of the peninsula, including:

- *Establishment of green roofs to mitigate the loss of open space and maintain amenity values; proposed indicative roof garden plant species are:*

Acaena microphylla (Scarlet Piripiri)
Coprosma acerosa (sand coprosma)
Coprosma 'Taiko'
Disphyma australe (Native ice plant, Horokaka)
Festuca coxii (Chatham Is. Blue Grass)
Hebe pinguifolia
Libertia peregrinnans (NZ Iris)
Lobelia angulate (Panakenake)
Muehlenbeckia axillaris (Creeping pohuehue)
Muehlenbeckia complexa (Pohuehue)
Pimelia prostrata (NZ Daphne)
Selliera radicans (Remuremu)

- *Predominantly passive greenspace with limited buildings and structures*

8. All existing trees identified on the Coastal Tree Survey shall be retained and incorporated into the plan together with the proposed new Specimen trees; except that trees may be replanted in the same general location so as to manage land decontamination issues and site levels. Any trees proposed for removal shall be justified and subject to approval by the Team Leader Monitoring. Note that level changes for structures/paths shall not be considered adequate justification for the full removal of a tree.

Fencing/Security

9. Prior to commencement of any works, finalised design details of **security fencing and gate design**, including locations, heights, materials, shall be submitted to Council for written certification by Council's Team Leader Monitoring (Central). The finalised details shall be consistent with the plans and information referenced at condition 1. The finalised design details certified by Council shall be established prior to the development hereby consented being first occupied, and thereafter retained and maintained, to the satisfaction of Council's Team Leader Monitoring (Central).

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.

Pre-Commencement

Erosion and Sediment Control Management Plan

10. Prior to the commencement of earthworks activity on the subject site, a finalised Erosion and Sediment Control Plan (ESCP) shall be prepared in general accordance with the application documents referred to under condition 1, and in accordance with GD05 and shall include, but is not limited to:
- a) Specific erosion and sediment control works for the earthworks (location, dimensions, capacity) in accordance with GD05;
 - b) Methodologies for dewatering the site's excavations;
 - c) supporting calculations and design drawings;
 - d) details of construction methods;
 - e) monitoring and maintenance requirements;
 - f) catchment boundaries and contour information;
 - g) details regarding the discharge locations; and,
 - h) details relating to the management of exposed areas (e.g. grassing, mulching).

This finalised ESCP shall be submitted to the Team Leader – Central Monitoring on monitoring@aucklandcouncil.govt.nz. No earthworks activity on the subject site shall commence until confirmation from council is provided that the ESCP is satisfactory

11. Prior to the commencement of earthworks at the site, a Chemical Treatment Management Plan (CTMP) shall be submitted for the written approval of the Team Leader – Central Monitoring. The plan shall include as a minimum:
- a) Specific design details of the chemical treatment system based on a rainfall activated methodology for the site's Decanting Earth Bund or a flow based methodology for any dewatering device used;
 - b) Monitoring, maintenance (including post storm) and contingency programme (including a record sheet);
 - c) Details of optimum dosage (including assumptions);
 - d) Results of initial chemical treatment trial;
 - e) A spill contingency plan; and

- f) Details of the person or bodies that will hold responsibility for long term operation and maintenance of the chemical treatment system and the organisational structure which will support this system.
12. Notwithstanding condition 11, no discharge from the subject site to the receiving environment until a clarity of 100mm has been reached. For the avoidance of doubt, the 100mm clarity will be taken from the surface of any impounded water surface.

Engineering

13. The consent holder shall provide a statement from an engineer to Auckland Council Team Leader Compliance and Monitoring – Central stating that the pumped wastewater rate to the public wastewater network from the on-site private wastewater pump station does not exceed a peak rate of 7.7 litre/second. This shall be provided prior to occupancy.
14. A copy of an updated private drainage "asbuilt" plan signed by a registered certifying drainlayer shall be provided to Auckland Council Team Leader Compliance and Monitoring – Central at the completion of the building works. The "Asbuilt" plan shall show that private stormwater drains to outfalls to the harbour.
15. The consent holder shall be advised that where mains pressure is unsuitable for consumption requirements then alternative private plumbing requirements such as pumps and storage tanks, may be required at the applicants own cost. Details shall be provided with the building consent application.

Transportation Design

16. The consent holder shall install a pedestrian and cycling refuge consistent with that required adjacent to shared use paths, at the access with Orakei Road, in a location to be agreed with Auckland Transport and in general accordance with Figure 5 of the Traffic Design Group response to further information requests, dated 30 November 2017. The central refuge is to be supported by all necessary shared path crossings located on either side of the access. All costs associated with the implementation of the refuge, shared path crossings and tie-in works shall be met by the consent holder. Prior to commencement of any works (prior to the approval of Building Consent for the building other than demolition, earthworks, foundations and structural works), the consent holder shall submit a final design for the certification of Team Leader Compliance Monitoring, Central.
17. The consent holder shall ensure there is a pedestrian connection available from the Peninsula building to any future shared path constructed on or immediately adjacent to the site by the Council or its CCO's as part of the Hobson Bay shared path/cycleway/walkway network. A plan showing the design, and location and termination point of this path shall be submitted for the certification of Team Leader Compliance Monitoring, Central prior to its construction. If the shared path has not been designed by the time of the construction of the Peninsula building a termination point of the pedestrian connection shall be agreed with Council.
18. The consent holder shall ensure that access to the building at 234B Orakei Road shall be kept clear at all times.

19. The consent holder shall provide a plan identifying a minimum of 35 cycle parks internal to the development in a secure location. Should the secure cycle storage facility be shared with the storage of other equipment, sufficient space shall also be made available for the other equipment, such as stand up paddle boards. This plan shall be provided with the Engineering Plan Approval (EPA). The cycle parking and associated facilities shall be provided prior to the commencement of the activity.
20. No more than 70 parking spaces shall be provided within The Peninsula building.
21. The consent holder shall submit a plan for certification to the Team Leader Compliance Monitoring, Central identifying the location of at least 2 visitor cycle parking spaces in a location convenient to visitors to the apartment (in close proximity to the plaza and with a high level of surveillance). The cycle parking and associated facilities shall be provided prior to the occupation of residential units.
22. The two mobility spaces and loading bay shall be located as shown on Sheet RC03. These two mobility spaces and loading bay shall be retained in this location in perpetuity unless they need to be relocated to enable further redevelopment of the site. If they are to be relocated, the new location shall not be more than 50m from the Peninsula building.

Contaminated Land

23. The Team Leader Compliance Monitoring, Central, shall be informed in writing, at least ten (10) working days prior to the start date of the works authorised by this consent.
24. The procedures in the Remedial Action Plan (RAP), Orakei Bay Village Site Development, 228, 234, 234A, 234B and 236 Orakei Road, Remuera (Coffey, 7 June 2017) shall be implemented during the further investigation, remediation and development earthworks on the site. The RAP shall be updated with the results of additional sampling to be undertaken prior to earthworks, and the corresponding implications for soil management and/or remediation. Any revisions to the RAP shall be provided to the Team Leader Compliance Monitoring, Central for review and approval prior to earthworks.
25. During earthworks all necessary action shall be taken to prevent dust generation and sufficient water shall be available to dampen exposed soil, and/or other dust suppressing measures shall be available to avoid dust formation. The consent holder shall ensure that dust management generally complies with the Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions, MfE (2001).
26. In the event of the accidental discovery of contamination which has not been previously identified, including asbestos material, underground tanks, buried drums and non-aqueous phase liquids, the consent holder shall immediately cease the works in the area of the discovery, notify the Team Leader Compliance Monitoring, Central, and engage a Suitably Qualified and Experienced Professional (SQEP) to assess the situation (including possible sampling and testing) and decide in conjunction with a council compliance officer on the best option for managing the material.
27. Soil shall only be re-used on site if it complies with the high density residential Soil Contaminant Standard in the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

28. Any material excavated during the earthworks which is not re-used on site, shall be disposed of at an appropriate facility, licensed to accept the levels of contamination identified. The consent holder shall ensure that the contamination level of any imported soil complies with cleanfill criteria as outlined in the Ministry for the Environment Guide for Managing Cleanfills (2002).
29. Documentation that the remedial and development earthworks works have been carried out according to the Remedial Action Plan (RAP), Orakei Bay Village Site Development, 228, 234, 234A, 234B and 236 Orakei Road, Remuera (Coffey, 7 June 2017) and conditions of consent shall be prepared by a Suitably Qualified and Experienced Professional (SQEP) in the form of a Site Validation Report (SVR) and provided to the Team Leader Compliance Monitoring, Central for review and approval within 3 months of completion of the works, and prior to further site development. The SVR will include the following items as a minimum:
- A summary of all works undertaken, with a photographic log and confirmation on whether the works complied with the RAP;
 - Site plans showing areas of cut and fill;
 - Site plans showing the location of any remaining soil contamination;
 - Details and results of all testing undertaken and interpretation of the results in the context of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health;
 - The volume of soil disposed off-site and evidence of landfill disposal; and Reports of any complaints, health and safety incidents related to contamination, and/or contingency events during the remediation.

Advice notes:

If you are demolishing any building that may have asbestos containing materials (ACM) in it:

- *You have obligations under the relevant regulations for the management and removal of asbestos, including the need to engage a Competent Asbestos Surveyor to confirm the presence or absence of any ACM.*
- *Work may have to be carried out under the control of person holding a WorkSafe NZ Certificate of Competence (CoC) for restricted works.*
- *If any ACM is found, removal or demolition will have to meet the Health and Safety at Work (Asbestos) Regulations 2016.*
- *Information on asbestos containing materials and your obligations can be found at www.worksafe.govt.nz.*

If ACM is found on site following the demolition or removal of the existing buildings you may be required to remediate the site and carry out validation sampling. Dependent on the amount of soil disturbance a further consent application may be required.

30. Prior to commencement of earthworks activity, a final Site Management Plan (SMP) shall be prepared to the approval of the Team Leader Compliance Monitoring, Central. The SMP shall include the following points:
- a) A suitably qualified and experienced contaminated land specialist shall be engaged to monitor the earth works.
 - b) All earth works shall be managed to avoid potential cross contamination of the materials to occur, in particular movement of contaminated soil around the site and/or deposition of contaminated soil on other parts of the site shall be avoided.

- c) If evidence of new contamination, including the presence of asbestos containing material is discovered during the earth-works the consent holder shall immediately cease work and provide a site contamination report to the satisfaction of the Team Leader Compliance Monitoring, Central.
- d) The mixing of top soils and underlying natural soils shall be avoided.
- e) Where soils are identified for off-site disposal, they shall be loaded directly for removal and all materials shall be covered during transportation.
- f) Soil take away in the course of the activity shall be disposed of to an authorised facility/landfill site.
- g) No contaminated material from the site shall be used as fill material.
- h) Imported fill materials shall be tested in compliance with clean fill criteria as outlined in the Ministry for the Environment Guide for Managing Clean fills (2002), and evidence thereof provided to the Team Leader – Central Monitoring
- i) The consent holder shall at all times control any dust from the site in accordance with the Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions, Ministry for the Environment (2001).
- j) Stockpiling shall be avoided if possible. If required, stockpiles shall be placed within the excavation foot print and fully covered with polythene or equivalent impermeable material and anchored at the edges.
- k) Good housekeeping of the works site shall be maintained to avoid the spread of potentially contaminated material outside the construction site boundary, including tracking and spilling on roadways.
- l) Erosion and sediment controls shall be put in place to ensure that the generation of potentially contaminated sediment and storm water is minimised and managed, according to a site specific erosion and sediment control plan.
- m) Following completion of earth works, the consent holder shall provide to the satisfaction of the Team Leader – Central Monitoring, a site validation report, which shall include but not limited to the following.
 - i. Soil test results for any imported soils
 - ii. Total Volume of excavated soil disposed off-site
 - iii. Waste transfer notes of soils disposed to a licensed facility/landfill
- n) All necessary Work-Safe NZ approvals and requirements relating to health and safety of workers should be obtained from Work-Safe NZ and kept on site all the time.

31. Any perched groundwater, or surface water encountered within the excavation area requiring removal shall be considered potentially contaminated, and shall either:

- a. be disposed of by a licenced liquid waste contractor; or
- b. pumped to sewer, providing the relevant permits are obtained; or
- c. discharged to the stormwater system or surface waters provided testing demonstrates compliance with the Australian and New Zealand Environment Conservation Council (ANZECC) Guidelines for Fresh and Marine Water Quality (2000) for the protection of 80 percent of marine water species, with the exception of benzene where the 95 percent level shall apply.

32. Upon the completion of the proposed excavation/remediation works, site validation testing shall be undertaken in the areas identified for remediation in accordance with the Remedial Action Plan (RAP), Orakei Bay Village Site Development, 228, 234, 234A, 234B and 236 Orakei Road, Remuera (Coffey, 7 June 2017). It shall include testing of the soil and groundwater remaining within the excavation area for lead, nickel and any other contaminant of concern identified during the additional soil sampling required by condition 29. The site validation testing shall be undertaken in accordance with the Ministry for the Environment's Contaminated Land Management Guidelines, No.5: Site Investigation and Analysis of Soils, revised 2011.
33. Within three months of the completion of the soil disturbance and remediation activities on site, a Site Validation Report (SVR) shall be provided to the Team Leader Central Monitoring, Compliance, Auckland Council. The SVR shall be prepared by a suitably qualified and experienced contaminated land practitioner in accordance with the Contaminated Land Management Guidelines No. 1: Reporting on contaminated sites in New Zealand, revised 2011.
34. The Site Validation Report required shall contain sufficient detail to address the following matters:
 - i. a summary of the works undertaken, including a statement confirming whether the excavation of the site has been completed in accordance with the application reports listed in Condition 1.
 - ii. the location and dimensions of the excavations carried out, including a relevant site plan.
 - iii. a summary of any testing undertaken, including tabulated analytical results, and interpretation of the results in the context of the contaminated land rules of the Auckland Unitary Plan (Operative in Part).
 - iv. copies of the disposal dockets for the material removed from the site.
 - v. evidence that all imported fill material complies with the definition of 'cleanfill material', as per the definition set out in the Auckland Unitary Plan (Operative in Part).

Construction Noise Management Plan

35. At least 10 days prior to construction works commencing, the consent holder shall prepare and submit, to the satisfaction of Team Leader Compliance Monitoring, Central, a Construction Noise Management Plan (CNMP). The CNMP shall include details of all proposed screening and mitigation measures to ensure compliance with the relevant consent conditions and noise limits in Rule E25.6.27. The CNMP shall be prepared with reference to Annex E of NZS 6803:1999 Acoustics – Construction Noise and shall also address the following matters:
 - i. The construction noise limits for the project;
 - ii. Specifications and locations for acoustically effective barriers on site;
 - iii. Procedures for response to neighbour's concerns and dealing with any complaints;
 - iv. Procedures for noise and monitoring during works close to neighbouring buildings;
 - v. Details of further noise mitigation measures to be used (which may vary depending on the final construction methods and plant being used);
 - vi. A process for facilitating the timing of high noise and / or vibration works to coincide with the least sensitive times for proximate receivers;

- vii. Details for ensuring the machinery operators are aware of the potential for noise and vibration effects on neighbours and procedures for the minimisation of noise and vibration as far as practicable.
36. The consent holder shall advise the occupants (businesses and residences) of all neighbouring sites within 100 m of the site, in writing, 10 days prior to the commencement of earthworks on site. The written advice shall set out a brief overview of the construction works, the expected duration of the project, the mitigation to be implemented, availability of monitoring where concerns about noise or vibration are raised, the working hours, and a contact phone number for any concerns regarding noise and vibration.
37. Noise monitoring shall be undertaken when any piling rig/crane mounted auger is first used on site (or beforehand if practicable) to confirm that the noise emissions of the equipment does not exceed the reference sound level of Leq 79 dBA at 10 metres or if it does how else noise levels can be mitigated to comply with the noise limits under Rule E25.6.27 Construction Noise of the Auckland Unitary Plan – Operative in Part. All construction noise shall be measured and assessed in accordance with the Standard NZS 6803:1999 Acoustics – Construction Noise.
38. Prior to the issuing of Building Consent, the consent holder shall provide a detailed design report prepared by a suitably qualified and experienced acoustic expert demonstrating that the bedrooms and habitable rooms have been designed so that they can comply with the acoustic requirements under the Auckland Operative Plan – Operative in Part, Orakei Point Precinct Rule I328.6.19 (1) based on train noise as detailed under part (2)(a) of the same rule and noise emissions from other properties within the Orakei Point Precinct under Table I328.6.20.1.; whichever is the greater.
Note: a like-for-like conversion between measurement metrics is to be applied for LA10/L10 to LAeq/Leq i.e. LA10 60 dB = LAeq 60 dB.
39. Where a habitable room is constructed and the internal noise limits in condition 38 can only be complied with when doors or windows to those rooms are closed, those rooms must as a minimum:
1. Be mechanically ventilated and/or cooled to achieve an internal temperature no greater than 25°C based on external design conditions of dry bulb 25.1°C and wet bulb 20.1°C. Mechanical cooling must be provided for all habitable rooms with at least one mechanical cooling system servicing every level of a dwelling that contains a habitable room; or
 2. Provide a high volume of outdoor air supply to all habitable rooms with an outdoor air supply rate of no less than:
 - i. 6 air changes per hour for rooms with less than 30% of the facade area glazed;
 - ii. 15 air changes per hour for rooms with greater than 30% of the facade area glazed;
 - iii. 3 air changes per hour for rooms with facades only facing south (between 120 degrees and 240 degrees) or where the glazing in the façade is not subject to any direct sunlight.
 3. All habitable rooms shall be provided with relief for equivalent volumes of spill air;
 - i. Mechanical ventilation and / or cooling systems must be individually controllable across the range;

- ii. The mechanical ventilation and/or cooling systems must generate a noise level no greater than L_{Aeq} 35 dB when measured 1m from the diffuser at the minimum air flows required to achieve the design temperatures and air flows in (1) and/or (2) above.
40. Prior to the occupation of the residential dwellings the consent holder shall submit a report, prepared by a suitably qualified acoustics specialist, to the satisfaction of Team Leader Compliance Monitoring, Central, demonstrating that the units have been constructed to comply with conditions 38 and 39.
41. Prior to the issuing of Building Consent for the building, the consent holder shall provide a detailed design report prepared by a suitably qualified and experienced acoustic expert demonstrating that the winter gardens have been designed so that they can comply with the acoustic requirements of Orakei Point Precinct Rule I328.6.19 (5) under the Auckland Unitary Plan – Operative in Part whilst concurrently maintaining a maximum internal temperature no greater than 25°C based on external design conditions of dry bulb 25.1°C and wet bulb 20.1°C in accordance with the requirements of condition 39.

Note: The design shall assume that the windows of the winter gardens are closed at all times, that the provision of ventilation and air conditioning to the winter gardens shall not compromise the noise limits for habitable rooms and that the ventilation and air conditioning system(s) provide sufficient fresh air for occupants of the winter gardens.

42. The consent holder shall engage a suitably qualified and experienced person to undertake vibration measurements on the completed pile caps (at the completion of piling works) to determine the vibration levels arising from at least 20 freight train passbys on the NIMT. The results of the measurements shall be used to inform the design of the building to ensure that the vibration limits in Rule I328.6.26 of the AUP-OP are achieved. Compliance with these limits shall take into account the potential for vibration levels to increase as a result of foreseeable variations in and degradation of the condition of the rail track between track maintenance events. The results of the vibration measurements and consultation with KiwiRail to determine the current and future condition of the track and the concomitant factor of safety in the building design shall be provided to the satisfaction of the Team Leader Compliance Monitoring, Central prior to Building Consent being issued.

Construction Traffic Management Plan

43. Prior to commencement of construction, a Construction Traffic Management Plan (CTMP) shall be prepared and submitted to Team Leader Compliance Monitoring, Central. The CTMP shall contain specific details relating to the construction and management of the approved works, including:
 - a) Contact details of the appointed contractor or project manager (phone number, e-mail, postal address).
 - b) A general outline of the construction programme for each stage of development.
 - c) Measures to be adopted to maintain areas of the site that are visible from public spaces and private property in a tidy condition in terms of rubbish disposal, storage and unloading of materials, etc.

- d) Plans showing areas where stockpiles, equipment (including contractor parking) will occur so that there is no obstruction of public spaces (e.g. roads).
- e) Plans showing the location of any site offices, staff facilities and staff car parking required during the construction period.
- f) An overview of measures that will be adopted to prevent unauthorised public access during the construction period.
- g) Procedures for controlling sediment run-off, dust, and the removal/ introduction of soil, debris, and materials. (See Condition 51).
- h) Dust mitigation/ suppression measures to ensure that there is no airborne or deposited dust beyond the subject site as a result of the earthworks activity that is noxious, offensive or objectionable.
- i) Procedures for ensuring that the owners and/ or occupants in the immediate vicinity of the construction area are given prior notice of the commencement of construction activities and are informed about the expected duration of works and potential effects of the works (e.g. noise and temporary traffic associated with construction activities, timings of temporary partial and full closures of the access way). Access to adjacent properties and business shall be safely maintained throughout the construction period during retail and business hours.
- j) Temporary protection measures that will be installed to ensure that there shall be no damage to public roads, footpaths, berms, kerbs, drains, reserves or other public assets as a result of the earthworks and construction activities.

The approved CTMP shall be implemented to the satisfaction of Team Leader Compliance Monitoring, Central.

Pre-Construction Meeting

44. Prior to the commencement of the earthworks activity, the consent holder shall hold a pre-start meeting that:

- is located on the subject site;
- is scheduled **not less than five days** before the anticipated commencement of earthworks;
- includes Auckland Council Monitoring Advisor(s); and,
- includes representation from the contractors who will undertake the works.

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

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

- Timeframes for key stages of the works authorised under this consent;
- Resource consent conditions;
- Erosion and Sediment Control Plan (required by condition 10);
- Chemical Treatment Management Plan (required by condition 11);
- Site Management Plan (Required by condition 30).
- Construction Noise Management Plan (required by condition 35)
- Construction Traffic Management Plan (required by condition 43);

Advice Note: To arrange the pre-start meeting required by Condition (44) please contact the Team Leader Compliance Monitoring, Central to arrange this meeting on monitoring@aucklandcouncil.govt.nz, or 09 301 0101. The conditions of consent should be discussed at this meeting. All additional information required by the Council should be provided 2 days prior to the meeting.

Development in Progress Conditions

Erosion and Sediment Control

45. Prior to earthworks commencing, a certificate signed by a suitably qualified person shall be submitted to the Team Leader Compliance Monitoring, Central, to certify that the erosion and sediment controls have been constructed in accordance with the approved Erosion and Sediment Control Plan (condition 10) and GD05.
46. Certified controls shall include the stabilised construction entrance, clean water diversion bunds, and decanting earth bunds. The certification for these measures shall be supplied immediately upon completion of their construction. Information supplied if applicable, shall include:
 - a) Contributing catchment area;
 - b) Volume of structure (dimensions of structure);
 - c) Position of inlets/outlets;
 - d) Stabilisation of the structure; and,
 - e) Retention volume of the structure (measured to the invert of the emergency spillway).
 - f) Stabilisation of the structure.
47. All decanting earth bunds utilised during earthworks shall be designed to ensure that they:
 - a) Have at a minimum one percent storage capacity, being at least one cubic metre of impoundment volume for every 100m² of contributing catchment;
 - b) Have a level invert and two layers of geotextile covering and pinned securely to the emergency spillway to prevent erosion;
 - c) Use floating decant devices that discharge at a rate of 3 litres per second, per hectare of contributing catchment;

Advice Note: The decanting earth bunds required by condition (48) should be constructed in accordance with Auckland Regional Council, Technical Publication No. 90, Erosion & Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region.

48. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required as a condition of resource consent or by the Erosion and Sediment Control Plan referred to in Condition 10 shall be maintained throughout the duration of earthworks activity, or until the site is permanently stabilised against erosion.
49. There shall be no deposition of earth, mud, dirt or other debris on any road or footpath resulting from earthworks activity on the subject site. In the event that such deposition does occur, it shall immediately be removed. In no instance shall roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters.

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*
- *catchpits*

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 officer who may be able to provide further guidance on the most appropriate approach to take. Please contact the Team Leader Compliance Monitoring, Central for more details.

50. The site shall be progressively stabilised against erosion at all stages of the earthwork activity, and shall be sequenced to minimise the discharge of contaminants to groundwater or surface water in accordance with Erosion and Sediment Control Plan.

Advice Note: *In accordance with condition (30) earthworks shall be progressively stabilised against erosion during all stages of the earthwork activity. Interim stabilisation measures may include:*

- *the use of waterproof covers, geotextiles, or mulching*
- *top-soiling and grassing of otherwise bare areas of earth*

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 Compliance Monitoring, Central or email 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.

51. No bulk earthworks on the subject site shall be undertaken between 30 April and 1 October in any year, without the submission of a 'Request for winter works' to the Team Leader Compliance Monitoring, Central. All requests must be renewed annually, and must be submitted at least 10 days prior to 30 April each year. No works shall occur until written approval has been received from the Team Leader Compliance Monitoring, Central. All winter works will be assessed monthly to ensure that adverse effects are not occurring in the receiving environment.

Advice Note: *Any 'Request for winter works' submitted in accordance with condition (28) will be assessed against criteria in line with the information required to assess a comprehensive application. Principally that will focus on the level of risk, the propensity to manage that risk with contingency planning and a 'track record' of good compliance with consent requirements. Each 'Request for winter works' submitted, should include the following:*

- *Description of works proposed to be undertaken between 30 April and 1 October and the duration of those works.*

- *Details of proposed measures to prevent sediment discharge from these specific works, particularly during periods of heavy rainfall.*
- *Details of area(s) already stabilised.*
- *Revised erosion and sediment control plan detailing stabilisation to date and time line/staging boundaries showing proposed progression of stabilisation.*
- *Contact details for contractor who will undertake stabilisation of the site including date(s) expected on site.*
- *Alternatives/contingencies proposed if the contractor referred to above becomes unavailable.*
- *Details of site responsibilities, specifically who is responsible for erosion and sediment controls and stabilisation processes over the specified period.*

52. The sediment and erosion controls at the site of the works shall be inspected on a regular basis and within 24 hours of each rainstorm event that is likely to impair the function or performance of the erosion and sediment controls. A record shall be maintained of the date, time and any maintenance undertaken in association with this condition which shall be forward to the Team Leader Compliance Monitoring, Central.

Dust Control

53. There shall be no airborne or deposited dust beyond the subject site as a result of the earthworks/construction activity, that in the opinion of the Senior Compliance Advisor, DPO, is noxious, offensive or objectionable.

Construction (Geotechnical) Standards

54. Prior to the commencement of any earthworks, the Team Leader Compliance Monitoring, Central, shall be provided with written certification from a suitably qualified professional that all permanent earth bunds, retaining walls, excavations and building foundations have been designed in accordance with the recommendations of the following report Coffey – The peninsula residential apartment building at Orakei Village, 236 Orakei Road, Remuera - GENZAUCK16524AC – Dated 5 December 2016.

A registered engineer shall be responsible for the supervision of all construction to ensure that all works are carried out in accordance with approved plans and report under condition 1 of the consent. Site monitoring and inspections may be delegated to a suitably qualified engineering professional.

The engineer or his representative shall carry out sufficient and regular inspections and shall provide to the Council certification that the works have been carried out in accordance with the standards as required by this consent, and in accordance with the conditions of approved Engineering Plans and good engineering practice.

This may be in the form of a Producer Statement – PS4 Construction Review or Engineer Statement outlining the level and details of Construction Monitoring undertaken (as defined by IPENZ).

55. All earthworks and excavations 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. If a collapse or instability does occur, it shall immediately be rectified.

Construction (Lighting) Standards

56. During construction any temporary artificial lighting shall meet the Unitary Plan lighting standards.

Contaminated Land

57. All site works shall be undertaken in accordance with the approved Site Management Plan (refer condition 30).

Construction Noise

58. The approved CNMP (refer condition 36) shall be implemented throughout the construction phase of the Project.
59. 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:
1. between the hours of 7:30 am and 6:00 pm, Monday to Friday, and
 2. 8:30 am and 2:00 pm Saturday; and
 3. must not be carried out on any Sunday or public holiday (and any following Monday on which that public holiday is observed).
60. Piling activities associated with the implementation of this resource consent shall only be carried out between the hours of 7.30 am and 6.00pm, Monday to Friday and Saturday 8.30am to 2.00pm.
61. The applicant shall adopt the best practicable option to address appropriate acoustic mitigation during the construction period. This shall include the erection of temporary acoustic walls as required in advance of construction.
62. If works on the site create vibrations, that may exceed the noise limits stipulated within NZS 6803:1999 Acoustics - Construction Noise (or any subsequent revision), the consent holder shall engage a suitably qualified expert 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."
63. The consent holder shall engage a suitably qualified acoustic engineer (at the consent holder's expense) to monitor the vibration levels to determine compliance or otherwise with the provisions of DIN 4150-3:1999 "Structural vibration – Effects of vibration on Structures".
64. Noise monitoring shall be performed when the first piling works are undertaken on the site. The results of these measurements shall be used to establish what, if any, mitigation is required for subsequent piling. If impact piling is to take place, vibration monitoring shall also be performed.

Construction Traffic

65. The approved Construction Traffic Management Plan (refer condition 43) shall be implemented throughout the construction phase of the Project.
66. Prior to the commencement of earthworks activity warning the public of vehicle movements shall be erected. This shall include methods to protect pedestrians. These measures shall remain in place for the duration of the construction activity.

Ecological

67. A suitably qualified and experienced ecologist/herpetologist acceptable to the Team Leader Compliance Monitoring, Central, shall be onsite to supervise all and any habitat removal in order to search for and rescue any native lizards found and relocate them to a suitable alternative location on the site.
68. Upon completion of works, all findings resulting from the search and rescue during habitat removal (condition 67) shall be recorded by a suitably qualified and experienced ecologist/herpetologist approved by the council on an Amphibian/Reptile Distribution Scheme (ARDS) Card (or similar form that provides the same information) and sent the Team Leader Monitoring (Central).

Advice note: All native lizards are totally protected under the Wildlife Act 1953. It is an offence to deliberately disturb or destroy native lizards and their habitat.

Accidental Discovery Protocol

69. If, at any time during site works, potential koiwi (human remains), archaeology or artefacts are discovered, then the following discovery protocol is to be followed:
 - a. All earthworks will cease in the immediate vicinity (at least 10m from the site of the discovery) while a suitably qualified archaeologist is consulted to establish the type of remains.
 - b. If the material is identified by the archaeologist as human, archaeology or artefact, earthworks must not be resumed in the affected area (as defined by the archaeologist). The consent holder must immediately advise the Team Leader Compliance Monitoring Central, Heritage New Zealand Pouhere Taonga and Police (if human remains are found) and arrange a site inspection with these parties.
 - c. If the discovery contains koiwi, archaeology or artefacts of Maori origin, representatives from the relevant Mana Whenua group are to be provided information on the nature and location of the discovery.
 - d. The consent holder shall not recommence works until approved by the Team Leader Compliance Monitoring Central.

Post-construction and ongoing conditions

Stormwater

70. Prior to occupation, the consent holder shall provide an Operation and Maintenance Manual for any private storm-water device to Team Leader Compliance Monitoring, Central.

71. A copy of an updated private drainage "Asbuilt" plan signed by a registered certifying drainlayer shall be provided to Team Leader Compliance Monitoring, Central at the completion of the building works. The "Asbuilt" plan shall show that private stormwater drains to outfalls to the harbour.

Earthworks

72. Upon completion or abandonment of earthworks on the subject site all areas of bare earth shall be permanently stabilised against erosion to the satisfaction of Team Leader Compliance Monitoring, Central.

Advice Note: *Should the earthworks be completed or abandoned, bare areas of earth shall be permanently stabilised against erosion. Measures may include:*

- *the use of mulching*
- *top-soiling and grassing of otherwise bare areas of earth*
- *aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward*

Transportation

73. Prior to the occupation of residential units, a Traffic Management Plan (TMP) shall be prepared and submitted to the Council (Team Leader Compliance Monitoring, Central). The TMP shall contain specific details relating to the management of transport matters on site, including:
- a. Details on refuse collection times, highlighting the need for refuse trucks to reverse manoeuvre on the ground floor and the safety impacts of this to users of the ground floor during collection times.
 - b. Details of the bike storage facility, highlighting the need for the facility to remain secure and for the use of residents only.
 - c. Details of the loading bay, including procedures on how the loading bay is to be used for periods greater than 5 minutes
 - d. Operational arrangement of the basement access. Entering vehicles will have right of way. Exiting vehicles shall wait when signalled in the designated waiting area. The speed limit internal to the building shall be 5 km/hr.
 - e. All motorists entering and leaving the apartment parking areas are to ensure the safety of all Precinct users, in particular about the Precinct car park and internal car park; and
 - f. A review methodology.
74. As part of the operation of the basement car park, signage and a warning system shall be provided to the satisfaction of the Council (Resource Consents Monitoring Leader) that ensure the safety of all users of the basement parking area. The basement car park shall include the following safety measures:
- a. 5 km/hr speed limit signs
 - b. Signs warning motorists to look out for pedestrians
 - c. A warning light to inform exiting vehicles that a vehicle is entering the basement
 - d. Road markings for exiting vehicles to safely wait and allow an entering vehicle to pass
 - e. A convex mirror and lighting to improve visibility for vehicles entering and leaving the basement car park

All activities associated with the use of the apartments shall be in accordance with the approved NMP.

Landscaping

75. All hard and soft landscaping shall be implemented, as detailed on the approved **Hard and Soft Landscape Plans** and the approved **Landscape Management Plan** required by condition 7 above, in the first planting season immediately following the completion of works. The landscaping shall be maintained thereafter in accordance with the maintenance programme approved under condition 7. above to the satisfaction of Team Leader Compliance Monitoring, Central.
76. The consent holder shall ensure that planter boxes or private garden terrace plantings shown on the approved plans are maintained as detailed in the approved Hard and Soft Landscape Plans and in accordance with the approved Landscape Management Plan.
77. The consent holder shall ensure that the 32 apartments within the building shall only be used for residential purposes and not for retail, office or other business purposes, or other non-residential activity (other than a permitted home occupation).
78. The consent holder shall enter into a section 108 Resource Management Act 1991 covenant in favour of Auckland Council for the application site. The consent holder shall contact the council's Team Leader Compliance Monitoring, Central 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 Team Leader Compliance Monitoring, Central prior to commencement of the activity.

The covenant shall:

- (a) Require ongoing compliance with:
 - (i) the residential activity condition 77; 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.

Easement in gross for public access

79. An easement in gross instrument in favour of Auckland Council for public access shall be prepared by Applicant's solicitor in consultation with Auckland Council's Legal Team, and shall be registered against the Certificate of Title for 228 and 236 Orakei Road (or any successor in title) at the cost of the consent holder. The easement instrument shall include but not be limited to:

- a) The easement shall ensure that safe public access is provided from the southern coastal walkway through 228 and 236 Orakei Road to the Rail Main Line train station and Orakei Road.
- b) The consent holder shall also obtain an agreement from the owner of 228 Orakei Road to enable the Council to connect any future boardwalk across Hobson Bay from the 'Shore Road to Orakei Road' boardwalk and to connect into the western end of 228 Orakei Road and further connect through to the rail station.
- c) This agreement shall ensure that any such future work will provide a safe, legible walkway. This walkway can also connect to the residential and retail activity on Orakei Point.
- d) The owner of 228 and 236 Orakei Road can determine the final alignment of the walkway within the site, provided it is a dedicated path, external to any buildings (but maybe under a verandah cover), in a logical reasonably direct alignment, and provides a safe connection overlooked by active uses for CPTED reasons. The path maybe through or alongside a carpark provided the path is clearly demarcated from vehicle areas.
- e) The owner(s) of the lot is responsible for the maintenance of this easement.
- f) The easement shall be registered against the title prior to occupation of the building.

No Complaints Covenant (Noise)

80. Prior to the occupation of the building, the consent holder shall register a restrictive encumbrance on the title to the property or a binding agreement of encumbrance, in favour of New Zealand Railways Corporation and Ports of Auckland Limited, by the landowner (and binding successors in title) not to complain as to the effects generated by the lawful operation of the North Island Main Trunk railway, all to the satisfaction of Council's solicitor.

Review Condition

81. The Council may review the conditions of this consent pursuant to sections 128 of the Resource Management Act 1991 for the any of the following reasons. The actual and reasonable costs of any review undertaken will be charged to the consent holder in accordance with s36(1) of the Resource Management Act.

Reasons for review:

- 1) To deal with any adverse effect on the environment which may arise from the exercise of this consent, which it is appropriate to deal with at that time, or which became evident after the date of issue. This may include effects on the safety and efficiency of the transport network from regular informal loading along the frontage of Orakei Road associated with the activity and to review pedestrian safety for users of the shared drive.
- 2) To require the adoption of the best practicable option to remove or reduce any effects on the environment relating stormwater and vegetation management.
- 3) To modify any monitoring programme, or to require additional monitoring if there is evidence that current monitoring requirements are inappropriate or inadequate.

Specific Conditions - Discharge Consent (DIS60318620)

82. At least ten (10) days prior to earthworks and remediation commencing on site, further sampling as described in the document titled Orakei Bay Village Site Development, 228, 234, 234A, 234B and 236 Orakei Road, Remuera, Remedial Action Plan, dated 7 June 2017, prepared by Coffey Services (NZ) Ltd shall be undertaken.
83. At least ten (10) days prior to remediation earthworks commencing on site, the results of the additional soil investigation required by Condition 82. shall be provided to the Team Leader Compliance Monitoring, Central for review.
84. At least ten (10) days prior to earthworks and remediation commencing on site, either an updated Remedial Action Plan or confirmation of the adequacy of the Remedial Action Plan shall be provided to the Team Leader Compliance Monitoring, Central for review.
85. All disturbance and remediation works shall be overseen by a suitably qualified and experienced contaminated land practitioner, who shall ensure that all management options and contingency measures outlined in the document titled Orakei Bay Village Site Development, 228, 234, 234A, 234B and 236 Orakei Road, Remuera, Remedial Action Plan, dated 7 June 2017, prepared by Coffey Services (NZ) Ltd or any updated version as required by Condition 84 and all relevant consent conditions are adhered to.
86. All sampling and testing of contamination on the site, shall be overseen by a suitably qualified and experienced contaminated land practitioner. All sampling shall be undertaken in accordance with Contaminated Land Management Guidelines, No.5 - Site Investigation and Analysis of Soils, Ministry for the Environment, revised 2011.

Advice Note:

All testing and analysis should be undertaken in a laboratory with suitable experience and ability to carry out the analysis. For more details on how to confirm the suitability of the laboratory please refer to Part 4: Laboratory Analysis, of Contaminated Land Management Guidelines No.5.

87. The Team Leader Compliance Monitoring, Central, shall be informed in writing about the commencement of the works at least two (2) working days prior to commencement.

Advice Note:

Please contact the Team Leader Compliance Monitoring, Central at monitoring@aucklandcouncil.govt.nz to advise of the start of works. The following details should also be provided:

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

88. All excavation in the work areas shall be managed to minimise any discharge of debris, soil, silt, sediment or sediment-laden water from beyond subject site to either land, stormwater drainage systems, watercourses or receiving waters. Erosion and sediment controls shall be installed along the boundaries of the disturbance areas in accordance with the Auckland Regional Council Technical Publication No. 90 Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region. The excavation areas shall be dampened during the day to suppress the generation of dust during the works. Filter cloths or cover mats shall be installed over the stormwater cesspits in the vicinity of the excavation areas.

Advice Note:

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

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

Where it can be demonstrated that the soil has been fully characterised and found to meet definition of 'Cleanfill material', set out in the Auckland Unitary Plan (Operative in Part), the removal to a consented disposal site is not required. In such circumstances, the Team Leader Compliance Monitoring, Central shall be advised prior its removal from the subject site.

90. Any perched groundwater, or surface water encountered within the excavation area requiring removal shall be considered potentially contaminated, and shall either:
- a. be disposed of by a licenced liquid waste contractor; or
 - b. pumped to sewer, providing the relevant permits are obtained; or
 - c. discharged to the stormwater system or surface waters provided testing demonstrates compliance with the Australian and New Zealand Environment Conservation Council (ANZECC) Guidelines for Fresh and Marine Water Quality (2000) for the protection of 80 percent of marine water species, with the exception of benzene where the 95 percent level shall apply.

91. All imported fill shall:
- a. Comply with the definition of 'Cleanfill material', as per definition set out in the Auckland Unitary Plan (Operative in Part); and
 - b. Be solid material of an inert nature; and
 - c. Not contain hazardous substances or contaminants above natural background levels of the receiving site.

Advice Note:

Background levels for the Auckland Region can be found in the Auckland Regional Council technical publication TP153, Background concentrations of inorganic elements in soils from the Auckland Region, (2001).

Under the AUP (OP) Definitions, cleanfill cannot contain more than 5% by volume of inert manufactured materials (e.g. concrete, brick, and tiles).

92. Upon the completion of the proposed excavation/remediation works, site validation testing shall be undertaken in the areas identified for remediation. It shall include testing of the soil and groundwater remaining within the excavation area for lead, nickel and any other contaminant of concern identified during the additional soil sampling required by condition 84. The site validation testing shall be undertaken in accordance with the Ministry for the Environment's Contaminated Land Management Guidelines, No.5: Site Investigation and Analysis of Soils, revised 2011.

93. Within three months of the completion of the soil disturbance and remediation activities on site, a Site Validation Report (SVR) shall be provided to the Team Leader Central Monitoring, Compliance, Auckland Council. The SVR shall be prepared by a suitably qualified and experienced contaminated land practitioner in accordance with the Contaminated Land Management Guidelines No. 1: Reporting on contaminated sites in New Zealand, revised 2011.

The Site Validation Report required shall contain sufficient detail to address the following matters:

- i. a summary of the works undertaken, including a statement confirming whether the excavation of the site has been completed in accordance with the application reports listed in Condition 1.
- ii. the location and dimensions of the excavations carried out, including a relevant site plan.
- iii. a summary of any testing undertaken, including tabulated analytical results, and interpretation of the results in the context of the contaminated land rules of the Auckland Unitary Plan (Operative in Part).
- iv. copies of the disposal dockets for the material removed from the site.
- v. evidence that all imported fill material complies with the definition of 'cleanfill material', as per the definition set out in the Auckland Unitary Plan (Operative in Part).
- vi. records of any unexpected contamination encountered during the works, if applicable.
- vii. details regarding any complaints and/or breaches of the procedures set out in the Remedial Action Plan, and the conditions of this consent.

94. Where contaminants are identified that have not been anticipated by the application, works in the area containing the unexpected contamination shall cease and be notified to the Team Leader Compliance Monitoring, Central. Works shall not recommence until confirmation has been received from the Team Leader Central Monitoring that disturbance of the unexpected contamination is within the scope of this consent. Any unexpected contamination and contingency measures shall be documented in the Site Validation Report required by Condition 93.

Advice Note:

In accordance with Condition (93) any unexpected contamination, may include contaminated soil, perched water or groundwater. The consent holder is advised that where unexpected contamination is significantly different in extent and concentration from that anticipated in the original site investigations, handling the contamination may be outside the scope of this consent. Advice should be sought from the Team Leader Central Monitoring as to whether carrying out any further work in the area of the unexpected contamination is within scope of this consent.

Advice Notes (applies to all consents)

1. *The consent holder shall obtain all other necessary consents and permits, including those under the Building Act 2004, and the Historic Places Act 1993. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007), 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. Please note that the approval of this resource consent, including consent conditions specified above, may affect a previously issued building consent for the same project, in which case a new building consent may be required.*
2. *A copy of this consent should be held on site at all times during the establishment and construction phase of the activity. The consent holder is requested to notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencement. Such notification should be sent to the Team Leader Central Monitoring and include the following details:*
 - name and telephone number of the project manager and the site owner;
 - site address to which the consent relates;
 - activity to which the consent relates; and
 - expected duration of works.
3. *The granting of this resource consent does not in any way allow the applicant to enter and construct drainage within neighbouring properties, without first obtaining the agreement of all owners and occupiers of said land to undertake the proposed works. Any negotiation or agreement is the full responsibility of the applicant, and is a private agreement that does not involve Council. Should any disputes arise between the private parties, these are civil matters which can be taken to independent mediation or disputes tribunal for resolution. It is recommended that the private agreement be legally documented to avoid disputes arising. To obtain sign-off for the resource consent, the services described by the conditions above are required to be in place to the satisfaction of Council.*
4. *Compliance with the consent conditions will be monitored by Council. This will typically include site visits to verify compliance (or non-compliance) and documentation (site notes and photographs) of the activity established under the Resource Consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time. Only after all conditions of the Resource Consent have been met, will Council issue a letter on request of the consent holder.*
5. *Development contributions levied under the Local Government Act 2002 are payable in relation to this application. The consent holder will be advised of the development contributions payable separately from this resource consent decision. Further information about development contributions may be found on the Auckland Council website at www.aucklandcouncil.govt.nz.*
6. *All new applications for new water and wastewater connections shall be lodged through connections@water.co.nz in conjunction with the building consent. Watercare Services Limited have advised that at the time of application for a water and/or wastewater connection (or application for demand increase), completed in conjunction with a building consent, a water and wastewater Infrastructure Growth Charge per additional equivalent unit shall apply. Details of the charge are available on the website, www.watercare.co.nz.*

7. *Any amendments made to any of the existing or proposed public lines on site will require the submission of an engineering plan approval to Council for approval in writing.*
8. *This development involves new connections to Watercare's water and wastewater networks. The consent holder will be responsible for contacting Watercare regarding the connection, construction and acceptance testing. See Watercare's website (www.watercare.co.nz) for more information.*
9. *If any archaeological features are uncovered on the site, works should cease and the Team Leader Central 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.*
10. *Myrtle Rust (*Austropuccinia psidii*) has been found in New Zealand and it is now necessary to take all practicable measures to prevent the establishment and spread of myrtle rust. Under the Biosecurity Act it has legal status as a Notifiable and Unwanted Organism. Myrtle Rust affects the Myrtaceae family; including pohutukawa. NZ Plant Producers Inc (see <http://www.nzppi.co.nz/news/4-681/myrtle-rust-update>) have comprehensive, authoritative advice on protocols and precautions for growing, transporting and planting Myrtaceae species. Please ensure that your nursery supplier, transporter, site planting and management follows this advice.*

Delegated decision maker:

Name: Quentin Budd

Title: Principal Project Lead, Premium, Resource Consents



Date: 12th July 2018