

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



## Discretionary activity

**Application number:** LUC60324110  
**Applicant:** A to T Holdings  
**Site address:** 311 Manukau Road, Epsom  
**Legal description:** Pt Lot 17 DP 2332  
**Proposal:**

To construct a five-level residential apartment building which involves partial demolition of the existing scheduled heritage building on the site, and adaptation of the retained portion of the heritage building to be contain a café, main foyer and an apartment. A total of 25 new dwellings are proposed, a single garage, and associated earthworks and servicing are also proposed.

Resource consent is required for the following reasons:

## Land use consent (s9)

### Auckland Unitary Plan (Operative in part)

#### District land use

##### *Business – Mixed Use zone*

- To convert a part of an existing building to a dwelling is a **restricted discretionary** activity under H13.4.1(A3).
- To construct a new building is a **restricted discretionary** activity under H13.4.1(A45).
- To undertake additions and alterations to buildings not otherwise provided for under H13.4.1 is a **restricted discretionary** activity under H13.4.1(A50).
- The proposal involves use and development that fails to meet the following standards and is a **restricted discretionary** activity under rule C.1.9(2):
  - H13.6.9. Outlook space: Type A, B, C, E and F Apartments breach the outlook space requirements. There is a 1m shortfall in outlook space depth for a bedroom within Type A, B and E units. The outlook space of the secondary bedroom of Type F unit extends beyond the western site boundary. The principal living room outlook space for Type C studio units slightly extends beyond the boundary of the site in one corner, and for Type A unit the width is constrained by an external wall of the building.
  - H13.6.1. Building height: The proposed building complies with the total building height limit of 18m but exceeds the occupiable height limit of 16m by 984mm at the worst extent.

##### *Built heritage*

- Demolition or destruction of 30% or more, but less than 70%, by volume or footprint (whichever is the greater) of any feature within the scheduled extent of place of Category B places is a **discretionary activity** under D17.4.1(A2).
- Demolition of more than 30% of the building interiors, which is identified as an exclusion but connected to a scheduled feature (building itself), is a **controlled activity** under D17.4.1(A2).
- Maintenance and repair work (D17.4.1(A6)) that does not comply with the standards under D17.6.2, is a **restricted discretionary** activity under C1.9.(2).
- Modifications to a building within a scheduled historic heritage place not identified as exclusions, is a **restricted discretionary** activity under D17.4.1(A9).
- New buildings or structures within the scheduled extent of place of Category B places is a **restricted discretionary** activity under D17.4.1(A10).
- Modifications to buildings, structures or features of a scheduled historic heritage place for seismic strengthening is a **restricted discretionary** activity under D17.4.1(A12).

#### *Notable Tree*

- To undertake works within the protected root zone of a notable tree (being the palm tree - *Washingtonia robusta*) that stands on neighbouring property to the north of the subject site) not otherwise provided for under Table D13.4.1 is a **restricted discretionary** activity under D13.4.1(A9).

#### *Noise*

- Construction noise not complying with the permitted activity standards is a **restricted discretionary** activity under E25.4.1(A2):
  - Noise from bored piling will exceed the long-term construction noise limits (70dB LAeq) at 303-307 Manukau Road (by up to 9dBA) and 1 Kimberley Road (by up to 4dBA). Piling is proposed to be undertaken between 7.30am and 6pm for a total duration of three weeks.

**Note:** the maximum limit of 70 dBA Leq specified above takes into account standard E25.6.27(4) where the noise limits shall be decreased by 5dB where a project involves a total duration of construction work that is more than 20 weeks.

#### *Transport*

- The proposal involves accessory parking and access that does not meet the following parking and access standard and is a **restricted discretionary** activity under rule E27.4.1(A2).
  - E27.6.4.3.2(T152): The vehicle crossing to the proposed garage will have a width of 2.8m, which does not meet the required minimum width of 3.0m at the site boundary for a crossing in the Mixed Use zone.
  - E27.6.4.3(2): The proposed garage door location does not meet this standard which requires that access must be designed so that vehicles using or waiting to use entrance control mechanisms do not queue into the adjoining road reserve.

#### *Natural hazards and flooding*

- New structures and buildings within the 1 per cent annual exceedance probability (AEP) floodplain is a **restricted discretionary** activity under E36.4.1(A37).
- Use of new buildings to accommodate more vulnerable activities located within the 1 per cent annual exceedance probability (AEP) floodplain is a **restricted discretionary** activity under E36.4.1(A38).

#### *District land use*

- To undertake general earthworks greater than 50m<sup>2</sup> in area (being 567m<sup>2</sup>) within the Historic Heritage Overlay, is a **restricted discretionary** activity under rule E12.4.2(A30).
- The proposed earthworks will not comply with the following permitted earthworks standard; therefore consent is required as a **restricted discretionary** activity under rule C1.9.2:
  - E12.6.2.11(a): The proposal will raise ground levels within the flood plain by more than 300mm.

## Decision

I have read the application, supporting documents, and the report and recommendations on the application for resource consent. I am satisfied that I have adequate 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, and Part 2 of the RMA, the resource consent is **GRANTED**.

## Reasons

The reasons for this decision are:

1. In accordance with an assessment under ss104(1)(a) and (ab) of the RMA the actual and potential effects from the proposal will be acceptable overall, with adverse effects being appropriately avoided, mitigated, remedied or minimised as:
  - a. The new development proposed has been designed to ensure that it complements the heritage building and not to detract from its historic value, while having acceptable effects on the amenity values of the surrounding environment. Although the proposal is not exemplary in terms of urban design merits, the proposal achieves an appropriate balance between respecting the heritage building while providing sufficient visual interest to the new building facades, and also maintaining privacy to residents while providing an acceptable level of street activation, passive surveillance and minimised visual dominance to pedestrians. Overall, the development is of a bulk, form, scale and design quality that is consistent with the level of amenity expected in the zone and responds positively to the characteristics of the site.
  - b. The proposal allows for the retention of the original form of the historic building and enhances its on-going use. The proposed demolition will involve the removal of largely unoriginal fabric and upgrade works will enhance the durability of the historic building. The new apartment building is designed to intentionally contrast with the features of the historic building and breathing space between the historic building and the new building

is provided so that the heritage values are retained and clearly interpreted. While the new building is modern, it is of a form and appearance that will not detract from the heritage building. The proposed earthworks will also not adversely affect the heritage values on the site provided that the geotechnical recommendations are adhered to.

- c. An acceptable level of living amenity will be provided to the occupants of the new apartment dwellings. The main outlook space infringements are to the outlook space depths provided to a bedroom of some of the units. While these proposed outlook spaces are not ideal in terms of providing optimal internal living amenity to the bedrooms, the effects (based on the current building and activities on the adjoining sites) will be acceptable, at least in the medium-term. The neighbouring office buildings are set back from the boundaries by at least 4m and the non-compliant bedroom outlooks to the west are from high level windows designed to maintain privacy to these bedrooms.
- d. The construction is predicted to exceed construction noise limits during piling works. In the worst case this will be by 9dBA above the long-term construction noise limit to the façade of the building to the north, for a maximum duration of 3 weeks. The applicant has submitted a Construction Noise and Vibration Management Plan (CNVMP) which includes measures to reduce noise effects as far as practicable, and notice will be provided to persons on adjacent land and a complaints procedure implemented.
- e. The proposed earthworks and construction of the new building is anticipated to displace 14m<sup>3</sup> of flood volume from the floodplain within the site. Council's development engineer has agreed with the applicant's engineer that given the scale and size of the subject flood plain and the anticipated displacement volumes, the flooding effects from this displacement on the surrounding environment would be negligible. The finished floor level for the development is proposed to be 81.4m RL which is in excess of the required 500mm freeboard from the 1% AEP flood levels to ensure adequate protection from flood hazard.
- f. The proposed works within the protected root zone of the notable palm tree will be in accordance with best arboricultural practice to ensure that the tree is adequately protected during works and that unacceptable effects on the health of the tree are avoided.
- g. The new crossing will be to the width of the garage entry, which is 2.8m at the site boundary. This is short of the 3.0m minimum width required for crossings in the Mixed Use zone. Council's consultant traffic engineer has confirmed that the infringement is acceptable because the crossing will only serve one standard sized vehicle and will be safe and functional. Any effects on pedestrians and traffic will therefore be acceptable.
- h. In terms of positive effects, the proposal involves adaptive use of an existing heritage building and structural upgrade works to the heritage building, while allowing for a new residential apartment building to be developed on the site in an area that is currently used as a car park. This contributes towards additional housing in an area close to the city centre and public transport.
- i. With reference to s104(1)(ab), there are no specific offsetting or environmental compensation measures proposed or agreed to by the applicant to ensure positive effects on the environment.

2. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents. In particular, the relevant objectives, policies and assessment criteria in the AUP:

- a. Mixed Use Zone Objectives H13.2(1)-(9), Policies H13.3(16)-(22) and Assessment criteria H13.8.2(3), (6), (7)(a)&(e) which refers to the policies under H13.3(3):

The development provides for new apartment dwellings and a café in close proximity to the city centre, which is consistent with the objectives and policies to provide for a greater intensity of residential activity with a compatible business use at ground level. The new building will have acceptable effects on the residential amenity values of the adjacent residential zones and future occupants of the development, and is designed to be of appropriate visual quality and interest while respecting the heritage values on the site. Universal access is being provided via ramps and the development provides for the functional and operational requirements of the activities that will be established on the site. Overall, the development is of a quality and design that positively contributes to the planning and design outcomes sought for the zone, the visual quality and interest of streets and public open spaces, and pedestrian amenity and accessibility.

- b. Historic Heritage Objectives and policies under D17.2 and D17.3, and Assessment criteria under D17.8.2:

The proposal supports the protection, maintenance and restoration of the scheduled heritage building on the site that allows for the heritage values to be retained, as the portions of building that will be demolished are to the rear and are largely unoriginal fabric and will return the building to a form which is much closer to its original design intent. The new building will not detract from/ dominate the heritage values of the place and will not otherwise have significant adverse effects. Overall, the proposal is an appropriate use and development of a scheduled historic heritage place and supports the long-term viability, retention and ongoing use of the place. As recommended in the Heritage Impact Assessment, as part of the Construction Management Plan condition, the proposed construction methodologies are to be reviewed by a suitably skilled heritage professional to ensure that the works are undertaken in accordance with good practice conservation principles and methods appropriate to the heritage values of the place.

- c. Noise and vibration Objectives under E25.2 and Policies E25.3, and Assessment criteria E25.8.2(1):

The relevant objectives and policies direct us to consider whether people are protected from unreasonable levels of noise, and enables infringements to construction noise and vibration standards (Objective E25.2(4)) where the effects are managed, or mitigated or minimised to represent the best practicable option. The proposed extent of noise infringement is not unreasonable when having regard to the duration and frequency of the piling activity and the design of the building which is predicted to receive the greatest noise level infringement. Additionally, Council's Consultant Acoustic Specialist concurs that the best practicable option appears to have been adopted.

- d. Notable Tree Assessment criteria D13.8.2(1): The notable tree on the adjoining property will be adequately protected to ensure that adverse effects on the values of the tree are avoided. The proposed works within proximity to the notable tree will be undertaken in

accordance with best arboricultural guidelines and a Tree Protection Methodology, as reinforced by consent conditions.

- e. Land disturbance Assessment criteria E12.8.2: The reasons for consent relating to earthworks are due to the Historic Heritage Overlay and the flood plain on the site. The adverse effects of land disturbance on historic heritage will be avoided, and the flood displacement due to the earthworks will not increase the flood hazard within the site or surrounding sites to a more than negligible level.
  - f. Transport Assessment criteria E27.8.2(8): The proposed vehicle crossing width being short of the required minimum crossing width by 0.2m and its location will not adversely affect the safe and efficient operation of the adjacent transport network, given that the crossing will only be used by one vehicle, it is of a sufficient width for safe and efficient access, and will not be accessed from a busy road.
  - g. Flooding Assessment criteria E36.8.2(9) and (10): The proposed building will only be located in the edge of the flood plain within the site which has a maximum depth of 0.25m. The proposal will result in a flood displacement that would have negligible adverse flood effects on the surrounding environment. The building will be constructed to have more than 500mm of freeboard to ensure that people are adequately protected from flood hazard risks.
3. In accordance with an assessment under s104(1)(c) of the RMA, no other matters are considered relevant or reasonably necessary to determine the application.
  4. This proposal achieves the sustainable management purpose of the RMA under Part 2 because the site is being utilised to develop a new apartment building where a car park is currently situated, while retaining the original heritage building fabric on the site and incorporating the building into the overall development. This is a sustainable use of resource to provide for social and economic well-being while avoiding, remedying or mitigating adverse effects on the environment. Historic heritage is recognised as a matter of national importance that shall be protected from inappropriate use and development. The proposal retains the heritage values of the place, and involves maintenance, restoration and seismic strengthening of the heritage building, and adaptive use of the building. Overall, the proposal better utilises the site, and achieves a good balance between developing the site to an intensity that is expected in the Mixed Use Zone to provide additional residential dwellings and a café, respecting the heritage values on the site and integrating the heritage building into the development.
  5. Overall the proposal is acceptable for the site, as assessed against the relevant sections of the RMA, and therefore consent can be granted subject to conditions.

## Conditions

Under sections 108 and 108AA of the RMA, this consent is subject to the following conditions:

1. The activities shall be carried out in accordance with the documents and drawings and all supporting additional information submitted with the application, detailed below, and all referenced by the council as resource consent number LUC60324110.
  - Application Form and Assessment of Environmental Effects prepared by Mount Hobson Group, dated July 2018.

Report title and reference	Author	Rev	Dated
311 Manukau Road Epsom Auckland Heritage Impact Assessment for new building and additions & alterations to a category B scheduled building	Archifact	A	July 2018
Arboricultural Implication Report	Arbor Connect	Ver2	25/02/2019
Geotechnical Investigation Report	Geotek Services Limited	A	13/02/2019
New Apartments 311 Manukau Road Epsom Transport Assessment	Flow Transportation Specialists		12/06/2018
Waste Management Plan 311 Manukau Road, Epsom	Rubbish Direct		23/11/2018
Concept Strengthening Design for Epsom Post Office Building (Former)	Harrison Grierson		24/07/2018
Land Management Plan for 311 Manukau Road at Epsom for A to T Holdings Ltd Issued for Resource Consent	MSC Consulting Group Ltd	B	22/02/2019
Engineering Infrastructure Report for 311 Manukau Road at Epsom for A to T Holdings Ltd Issued for Resource Consent	MSC Consulting Group Ltd	E	21/02/2019
Flood Risk Assessment for 311 Manukau Road at Epsom for A to T Holdings Ltd Issued for Resource Consent	MSC Consulting Group Ltd	A	12/09/2018
Acoustic Assessment Report Proposed Development at 311 Manukau Road, Epsom	SLR	V0.1	Nov 2018

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Drawing title and reference	Author	Rev	Dated
Site Plan RC01	Hulena Architects	E	15/04/2019
Existing Plan + Elevations RC02	Hulena Architects	A	15/04/2019
Demolition Plan RC03	Hulena Architects	A	15/04/2019
Ground Floor Plan RC04	Hulena Architects	E	15/04/2019
First Floor Plan RC05	Hulena Architects	C	15/04/2019
Second Floor Plan RC06	Hulena Architects	C	15/04/2019
Third Floor Plan RC07	Hulena Architects	B	15/04/2019
Fourth Floor Plan RC08	Hulena Architects	B	15/04/2019
Roof Plan RC09	Hulena Architects	B	15/04/2019
Elevations RC10	Hulena Architects	E	15/04/2019
Sections A + B RC11	Hulena Architects	B	15/04/2019
Sections C, D, E + F RC12	Hulena Architects	C	15/04/2019
Manukau Road photo montage RC13	Hulena Architects		15/04/2019
Kimberley Road photo montage RC14	Hulena Architects	A	15/04/2019
Café Entrance Detail Concept	Hulena Architects		10/09/2018

Existing Site Plan RC100	MSC Consulting Group Ltd	B	21/02/2019
Proposed Contour Plan RC110	MSC Consulting Group Ltd	B	21/02/2019
Proposed Cut/ Fill Plan RC111	MSC Consulting Group Ltd	B	21/02/2019
Proposed Site Plan RC300	MSC Consulting Group Ltd	C	21/02/2019
Sediment & Erosion Control Plan RC200	MSC Consulting Group Ltd	B	21/02/2019
Sediment & Erosion Control Details RC210	MSC Consulting Group Ltd	A	18/06/2018
Proposed Drainage Plan RC400	MSC Consulting Group Ltd	C	21/02/2019
Other additional information	Author	Rev	Dated
Alteration of Development Proposal: 311 Manukau Road, Epsom	Flow Transportation Specialists		26/11/2018
RE: Section 92 further information request application LUC60324110 – 311 Manukau Road, Epsom	Mt Hobson Group		18/10/2018
Response to flood plain query	MSC Consulting Group Ltd		21/02/2019
311 Manukau Road, Epsom Response to request for further information (Acoustic)	SLR		22/02/2019

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 \$990 (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.

**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.*



## Pre-Development Conditions

### Pre-start meeting

4. Prior to any site works commencing, including demolition works, the consent holder shall hold a pre-start meeting that:
  - a. Is located on the subject site;
  - b. Is scheduled not less than 5 days before the anticipated commencement of demolition works;
  - c. Includes Council's monitoring officer, heritage specialist and heritage arborist;
  - d. Includes representation from the contractors who will undertake the works and the supervising professionals (builder, architect, nominated heritage specialist, nominated arborist).

The purpose of the meeting is to discuss the conditions of consent, and predominantly to ensure that all pre-construction measures required by the Heritage Construction Management Plan (HCMP) and the conditions of consent that pertain to protecting the notable tree have been implemented, and that the correct heritage and tree protection process is understood and followed. A copy of the resource consent conditions, HCMP and Tree Protection Methodology shall be provided at the meeting.

### Construction Noise and Vibration Management Plan

5. Prior to the commencement of any earthworks on site, a finalised Construction Noise and Vibration Management Plan (CNVMP) shall be prepared by an appropriately qualified and experienced acoustic and vibration specialist and submitted to Council (Team Leader Central Monitoring) for certification at least 20 days prior to the commencement of works. The overall objective of the CNVMP shall be to set out the practices and procedures to be adopted to ensure that the works do not exceed the noise and vibration standards of the AUP(OP) during the proposed construction works, unless as otherwise approved under this resource consent. The CNVMP shall be prepared with reference to Annex E of *NZS 6803:1999 Acoustics – Construction noise* and shall include as a minimum:
  - a. Construction program and methodology;
  - b. Identify the predicted noise and vibration levels at neighbouring receivers during each stage of the works;
  - c. Provide a detailed description of the measures to be put in place during the works to meet the established construction noise and vibration controls and the means by which their efficacy will be checked particularly where noise levels are predicted to exceed the long-term duration limits, noting in particular the on-time restrictions within 30-60 minute periods for both bored piling and excavation activities;
  - d. A vibration monitoring program to establish in-situ vibration levels at nearby buildings and confirm the likelihood of compliance, or otherwise;
  - e. General management procedures including: consultation with surrounding receivers, dealing with complaints, pre-condition building surveys, monitoring, liaison with Council etc.

No construction activity shall commence until confirmation is provided from the Council that the CNVMP satisfactorily meets the requirements above, and all measures identified in that plan as needing to be put in place prior to commencement of works have been implemented.

### **Detailed Design Plans**

6. Prior to construction of the new building (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 (Team Leader Central Monitoring) for written certification. The finalised set of drawings shall ensure that the building's proposed architectural treatment and finished appearance is in general accordance with the plans and information referenced in condition 1. The information shall include the following:
  - a. details of the building's façade treatment / architectural features;
  - b. details of boundary treatment;
  - c. materials schedule and specification;
  - d. sample palette of materials , surface finishes, and colour schemes (including colour swatches); and
  - e. external stairs and plants, rooftop services and privacy screening.

All works shall then be carried out in accordance with the details certified by council, and thereafter retained and maintained, to the satisfaction of 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.*

### **Historic Heritage**

#### Heritage Construction Management

7. The consent holder shall engage and require a suitably qualified and experienced heritage specialist (referred to in these conditions as 'the nominated heritage specialist') to supervise all heritage related works on site, to ensure that the proposal is carried out in accordance with the conditions of this consent. The name and qualifications of this specialist shall be provided to the Council (Team Leader Central Monitoring in consultation with the Team Leader Built Heritage) prior to construction commencing.
8. Prior to the lodgement of any building consent application for demolition/ deconstruction and in all cases prior to the commencement of demolition and/or deconstruction works, a finalised Heritage Construction Management Plan (HCMP) shall be prepared by the consent holder and submitted to the Council (Team Leader Central Monitoring in consultation with the Team Leader Built Heritage) for certification.

The HCMP shall be provided to the Council (Team Leader Central Monitoring in consultation with the Team Leader Built Heritage) for certification at least 10 working days prior to construction commencing. The Council will have 5 working days to provide a response to the HCMP.

The HCMP shall outline the management processes that will be put in place to guide the demolition and construction works in relation to heritage, to ensure that the works are undertaken in accordance with good practice conservation principles and methods, so as to avoid, mitigate or remedy adverse effects. The HCMP shall at a minimum include the following:

- a. Contact details of project stakeholders, including contractor(s), architects, heritage specialist, and the applicant;
- b. Construction schedule, with approximate timing for each phase of construction;
- c. Work plan for each construction activity, detailing demolition/deconstruction methods for each component of the building;
- d. Outline of measures that will be taken to protect existing heritage fabric from damage during construction (including façade temporary support and vibration management);
- e. Plan for communication with the Council Heritage Specialist, including a schedule for meetings, inspections, and correspondence; and
- f. Emergency response and project change procedures, including establishing clear lines of communication and response times.

All works shall then be carried out in accordance with the certified HCMP.

9. Prior to the erection of any scaffolding for access to the exterior of the existing building, a temporary scaffold design shall be prepared by the consent holder and submitted to the Council (Team Leader Central Monitoring in consultation with the Team Leader Built Heritage) for certification. It is understood that scaffolding will likely be clamped to the building parapet and window openings. The purpose of this condition is to ensure that the scaffolding does not damage the heritage fabric of the existing building.

#### Method Statements/Detailed Design

10. The following information shall be prepared by the consent holder (in consultation with the nominated heritage specialist) and submitted to the Council (Team Leader Central Monitoring in consultation with the Team Leader Built Heritage) for certification. This shall occur prior to the lodgement of any building consent application for each element. The purpose of this information is to ensure that the final design solutions avoid, mitigate or remedy adverse effects on heritage values. At a minimum, finalised detailed design drawings and specifications shall be provided for the following elements:
  - a. Historic building repair methodologies.
  - b. Detailed final design of the new entry from Manukau Road, into the cafe.
  - c. Detailed final design for the steel portals in the entry corridor and café.
  - d. All interconnection details between the historic fabric and new build elements (Floor, walls and roof connections).
  - e. Mechanical plant, extract and ventilation systems.
  - f. Colour scheme for both the historic building and the new building works.
  - g. Signage final details for both of the Street frontages.

Any additional method statements deemed necessary as the design develops shall be prepared by the consent holder in consultation with the nominated heritage specialist and submitted to

the Council (Team Leader Central Monitoring in consultation with the Team Leader Built Heritage) for certification.

#### Heritage Interpretation

11. The consent holder shall prepare an interpretive panel display that includes details of design and content. This panel information shall be submitted to the Council (Team Leader Central Monitoring in consultation with the Team Leader Built Heritage) for certification. The interpretive display shall be installed in an appropriate public space within the ground floor area prior to occupation of the building.

#### Modifications approval

12. In the event that any modifications to the proposed works are required, as a result of new information and/or site discovery, that will not result in an application under section 127 of the RMA, the following information shall be provided:
  - a. Plans and drawings outlining the details of the modifications; and
  - b. Supporting information that details how the proposed changes do not result in any increase in adverse effects on the heritage values of the place.

All information shall be submitted to, and certified by the Council (Team Leader Central Monitoring in consultation with Team Leader Built Heritage Implementation) as being within scope of this resource consent, prior to implementation.

#### Advice note:

*All proposed changes must be discussed with the Team Leader Built Heritage Implementation, prior to implementation. Any changes to the proposal which will result in a change in the conditions of this resource consent and/ or are not within the effects consented within the scope of this resource consent will require an application to the council under section 127 of the RMA.*

#### **Acoustic Design**

13. Prior to the lodgement of any building consent application relating to the construction of the new building, certification that all noise sensitive spaces (habitable rooms) have been designed to meet the internal noise, ventilation and cooling requirements of standard E25.6.10 (Business – Mixed Use Zone) of the Auckland Unitary Plan shall be provided to the Council (Team Leader Central Monitoring). This certification shall be in the form of a report or any other form acceptable to the Council, prepared by a suitably qualified acoustic and mechanical ventilation design specialist(s).

#### Advice note:

*Measures to mitigate the effects of noise are likely to include the use of insulation materials, and ventilation systems that enable noise sensitive spaces to be occupied without the need to open windows or external doors. Note that Standard E25.6.10 (3) of the Auckland Unitary Plan outlines the ventilation, mechanical cooling and air supply requirements for noise sensitive spaces, for the purpose of thermal comfort. Should these requirements be unable to be complied with, a further resource consent may be required.*

#### **Earthworks**

14. The Consent Holder shall engage an engineer (who is familiar with Geotechnical Investigation Report by Geotek Services Limited (reference: 7114, dated: 13 February 2019)) to monitor all excavations, filling works, retaining and foundation construction. The supervising engineer's contact details shall be provided in writing to Team Leader Central Monitoring at least two weeks prior to earthworks commencing on site.
15. The Consent Holder shall provide an engineer's work method for the contractor to undertake the earthworks with reference to Geotechnical Investigation Report by Geotek Services Limited (reference: 7114, dated: 13 February 2019). The work method statement shall ensure the preservation of the existing heritage building onsite such that no damage is caused to the building as a result of the works. The work method statement shall include filling methods, excavation time frames, temporary propping/weatherproofing and/or sequencing of works. This shall be required to ensure fills are suitably compacted and stability is maintained throughout the civil works stage of the development. The work method shall be provided in writing to the satisfaction of Team Leader Central Monitoring at least two weeks prior to earthworks commencing on site. No works onsite are permitted prior to written certification that the engineer's work method has been reviewed and accepted by Team Leader Central Monitoring.

## Development in Progress Conditions

### Implementation of Certified Documents

16. The proposed works shall be undertaken in accordance with plans, methodologies and design details that have been certified by Council in the above conditions.

### Notable Tree

17. The proposed works shall be undertaken in accordance with Section 10 *Tree Protection Methodology* contained in the Arboricultural Implication Report by Stuart Barton of Arbor Connect Ltd dated 25 June 2018.

### Heritage

18. The nominated heritage specialist shall record and log the on-going compliance with the Historic Heritage conditions of this consent. This log shall be provided to the Council (Team Leader Central Monitoring in consultation with Team Leader Built Heritage) at monthly intervals, or upon request.

### Noise and vibration

19. Noise from construction work shall comply with the limits set out in E25.6.27 of the Auckland Unitary Plan Operative in part (AUP) when measured and assessed in accordance with New Zealand Standard *NZS 6803:1999 Acoustics - Construction Noise*. Except that for a total duration of no more than three calendar weeks, noise from piling works shall not exceed 79dB LAeq at 1 m from the facade of any building that contains an activity sensitive to noise and is occupied during the works.

#### Advice note:

*In accordance with NZS 6803:1999 Section 6.3, the duration of individual construction noise compliance measurements shall not exceed one hour.*

20. Vibration from construction work shall comply with the limits set out in E25.6.30 of the Auckland Unitary Plan Operative in part (AUP) when measured and assessed in accordance with German Standard DIN 4150-3:1999 Structural Vibration - Effects of Vibration on Structures.

### **Vehicle crossing**

21. The new vehicle crossing shall be designed and formed in accordance with the Auckland Transport TDM Technical Standards GD017A. The new crossing shall maintain an at-grade (level) pedestrian footpath across the length of the crossing, using the same materials, kerbing, pavings, patterns and finish as the footpath on each side of the crossing.

#### *Advice note:*

*Works within the road reserve require prior approval from Auckland Transport. The consent holder should contact Auckland Transport as soon as possible to ensure any required approvals are issued prior to construction.*

## **Prior to Occupation Conditions**

### **Acoustic Design**

22. No residential unit shall be occupied or otherwise used for their intended purpose until a suitably qualified acoustic and mechanical ventilation design specialist(s) has provided written certification to the Council (Team Leader Central Monitoring) that they have been constructed in accordance with the operational noise requirements of standard E25.6.10 (Business – Mixed Use Zone) of the Auckland Unitary Plan (Operative in Part). Written certification shall be in the form of a report or any other form acceptable to the Council.

#### *Advice note:*

*Noise levels arising from operational activities must be measured and assessed in accordance with 'NZS 6801:2008 Measurement of environmental sound and NZS 6802:2008 Acoustics - Environmental noise'.*

### **Heritage**

23. At completion of the construction work, the consent holder shall submit a report to Council (Team Leader Central Monitoring in consultation with Team Leader Built Heritage) that includes the log required by Condition 18 and certifies that all works that have been completed in accordance with the requirements of this resource consent. The report shall be prepared by the nominated heritage specialist appointed in accordance with Condition 7.
24. The consent holder in consultation with the nominated heritage specialist shall prepare a conservation policy document that outlines a set of conservation policies for the ongoing management & maintenance of the place, in accordance with the ICOMOS NZ Charter (2010). The purpose of this condition is to ensure that the heritage values of this scheduled historic heritage place are maintained in the future. This plan shall be submitted to the Council (Team Leader Central Monitoring in consultation with the Team Leader Built Heritage) for certification. The conservation policy shall be submitted prior to occupation of the building.

### **Flooding**

25. The Consent Holder shall provide to Team Leader Central Monitoring at the completion of the building works and prior to the occupation of the new building, a statement from an engineer or building professional certifying that the finished floor levels are a minimum of 81.40 m RL.

### **Reinstatement of Kerbing**

26. Prior to the occupation of the new building, all redundant (or redundant parts of) vehicle crossings shall be removed and reinstated as kerbing and berm/footpath in accordance with the Auckland Transport TDM Technical Standards GD017A. This shall be undertaken at the consent holder's expense and to the satisfaction of the Team Leader Central Monitoring.

#### Advice note:

*Works within the road reserve require prior approval from Auckland Transport. This includes vehicle crossings, reinstatement of kerbing and temporary occupation of the footpath/verge/berm during construction. The consent holder should contact Auckland Transport as soon as possible to ensure any required approvals are issued prior to construction.*

*These works must also comply with the permitted standards under E17.6.3(1) for permitted works within the protected root zone of street trees, and should be supervised by the applicant's appointed arborist.*

## **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.*
6. *The council acknowledges that Management Plans are intended to provide flexibility both for the consent holder and the council for the management of effects from the approved activity. Accordingly, the Management Plan(s) may need to be reviewed over*

*time. Any reviews should be in accordance with the stated objectives of the management plan and limited to the scope of this consent.*

**Delegated decision maker:**

Name: Ben Cunningham

Title: Team Leader, Resource Consents

Signed:

A handwritten signature in black ink, appearing to read 'B. Cunningham', is written over a horizontal dotted line.

Date: 8 May 2019