

Decision following the hearing of an application for resource consent under the Resource Management Act 1991

Proposal

To construct and operate a retirement village on the subject site along with enabling works and necessary infrastructure. The retirement village would include 216 independent living units and 100 aged care units along with a range of ancillary and complementary activities, including a publicly accessible café in the station plaza area. 235 car parking spaces are proposed across a number of basement car park areas.

This resource consent is **GRANTED**. The reasons are set out below:

Application number	BUN60364362
Site address:	23 & 41 Cheshire Street, Ngahere Terrace and Cheshire Street Road Reserve, Parnell
Applicant:	Summerset Villages (Parnell) Limited
Hearing commenced:	Tuesday 6 April 2021, 9.30 a.m.
Hearing panel:	Karyn Sinclair David Mead Alan Pattle
Appearances:	<p><u>For the Applicant:</u> Summerset Villages (Parnell) Limited represented by:</p> <ul style="list-style-type: none"> - Francelle Lupis, Legal Counsel - Aaron Smail (Corporate) - Mat Brown (Architecture) - Rachel de Lambert (Landscape, Visual and Urban Design) - Daniel Kamo (Landscape Architecture) - John Burgess (Transport) - Chris Bradley (Noise and Vibration) - Steven James (Civil Engineering and Flooding) - Brett Black (Geotechnical) - Marcus Herrmann (Site Contamination) - Rodney Clough (Historic Heritage) <p>Craig McGarr (Planning)</p> <p><u>For the Submitters:</u></p> <ul style="list-style-type: none"> - Dr Joanna Boileau, Parnell Heritage - 11 Cheshire Street Body Corporate represented by Alan Webb, calling Colin Reynolds, and expert witnesses Jon Styles, Wes Edwards and Karyn Kurzeja - Terrence Dunn - Emerald Gilmour - Megan Too with witness Ilka Branstaetter

	<ul style="list-style-type: none"> - Adrian Fleming - Luke Niue, Parnell Community Committee (Inc) - Alan Galbraith - Joseph Cooper and Mary Langdon - Claire Marion Chambers - Dougal J Blyth - Michael Fox for Jane Fox Director, San Roque Farms Limited - Jenni Goulding-James speaking for Blair Lewis James, WJ James, James Group Ltd - Body Corporate 209444 represented by Paul Gunn - Penelope Baker - Quest Parnell - Chris Brown and others with David Wren as witness - 2RA Ltd and Chris Urry with David Wren as witness <p><u>For Council:</u> Tracey Grant, Team Leader Masato Nakamura, Planner Sarishka Gandi, Traffic Engineer Sheerin Samsudeen, Urban Designer Ainsley Verstraeten, Landscape Architect Jason Drury, Auckland Transport Andrew Gordon, Noise Consultant</p> <p>Laura Ager, Senior Hearings Advisor</p> <p><u>On Call</u> Jin Lee, Development Engineer Andrew Kalbarczk, Contamination Mark Izzard, Healthy Waters Richard Simmonds, Groundwater Zac Woods, Earthworks</p>
Hearing adjourned	Thursday 8 April 2021
Commissioners' site visit	Wednesday 7 April 2021
Hearing Closed:	Friday 30 April 2021

Introduction

1. This decision is made on behalf of the Auckland Council ("**the Council**") by Independent Hearing Commissioners Karyn Sinclair, David Mead and Alan Pattle, appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 ("**the RMA**").

2. This decision contains the findings from our deliberations on the application for resource consent and has been prepared in accordance with section 113 of the RMA.
3. The applications were publicly notified on 18 November 2020. A total of 108 submissions were received, with 15 in support, 3 were neutral and 89 in opposition. 1 did not state a position

Summary of proposal and activity status

4. The applicant proposes to construct and operate a retirement village on the subject site along with enabling works and necessary infrastructure. The retirement village would include 216 independent living units and 100 aged care units along with a range of ancillary and complementary activities, including a publicly accessible café in the station plaza area. 235 car parking spaces are proposed across a number of basement car park areas.
5. The proposed buildings will infringe the 18m height standard of the Business Mixed Use zone to varying degrees, with a maximum height of 29m proposed. Construction is expected to take up to 6 years.
6. The proposal requires consent under Sections 9 (1), (2) and (3), 14 and Section 15 of the RMA. These consents are triggered by the following matters and are set out in their entirety in the section 42A report.
 - The construction of new buildings (Integrated residential development) in the Business – Mixed Use Zone (S9(3)).
 - The proposal involves development that does not meet the following standards (S9(2) and/or (3));
 - Exceeding height limit under standard H13.6.1.
 - Infringements of outlook space
 - Earthworks
 - Land disturbance within the riparian yard of Waipapa stream and within the 100 year AEP flood plain
 - Temporary stockpiling of material within the 1% AEP flood plain and/or overland flow path
 - Signs
 - Noise & Vibration
 - Accessory parking, loading bays and access that do not meet the necessary standards
 - New buildings, below ground parking and underground flood conveyance / storage in the 1 percent AEP floodplain
 - Construct a new building and associated new infrastructure in and diversion of overland flow path
 - Temporary Activities exceeding 24 months.
 - National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) (S9(1)) where a Detailed Site

Investigation exists, which is not a permitted activity or a controlled activity but meets the requirements of Regulation 10(2).

- Water permit (s14) - WAT60364364 Taking, using, damming and diversion of water and drilling resulting from dewatering or groundwater level control associated with a groundwater diversion, diversion of groundwater caused by excavation.
- Discharge permit (s15) - DIS60364363 The discharge of contaminants onto or into land, air and water.

Overall, the proposal has been considered as a restricted discretionary activity.

Procedural matters

7. Under sections 37 and 37A of the RMA, the time limit for the receipt of submissions is waived to accept the late submission from G and N Bush for the following reason:
 - No party was prejudiced by the late submission which was received two days after submissions closed.

Relevant statutory provisions considered

8. In accordance with section 104 of the RMA, we have had regard to the relevant statutory provisions including the relevant sections of Part 2 and section(s) 104, 104C, 105 and 107.
9. In accordance with section 104(1)(b)(i)-(vi) of the RMA, we have had regard to the relevant policy statements and plan provisions of the following documents.
 - The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)
 - National Policy Statement on Urban Development (“NPS-UD”)
 - Auckland Unitary Plan Chapter B Regional Policy Statement
 - Auckland Unitary Plan (Operative in Part) (AUP OP) (in no particular order of relevance)
 - i. C General Rules
 - ii. H13 Business Mixed Use Zone
 - iii. E7 – Taking, using, damming and diversion of water and drilling
 - iv. E11 Land Disturbance – Regional
 - v. E12 Land Disturbance – District

- vi. E23 – Signs
- vii. E25 - Noise and Vibration
- viii. E27 – Transport
- ix. E30 – Contamination
- x. E36 – Natural Hazards and Flooding
- xi. E40 – Temporary Activities.

10. We also considered the following other matters to be relevant and reasonably necessary to determine the application in accordance with section 104(1)(c) of the RMA.

- Parnell Plan
- Waitemata Local Board Plan
- Submissions.

Local Board comments

11. The Waitemata Local Board provided comments on this application which are provided verbatim on page 14 of the agenda. The hearing panel have taken these into consideration.

Summary of evidence heard

- 12. The Council planning officer's recommendation report was circulated prior to the hearing and taken as read.
- 13. The evidence presented at the hearing responded to the issues and concerns identified in the Council planning officer's recommendation report, the application itself and the submissions made on the application.
- 14. The submissions and evidence presented by the applicant was taken as read, forms part of the record of the hearing and is summarised (in part) below.

Ms Lupis appeared as counsel for the applicant. She set out the statutory framework, including the relevance of the NPS UD. She noted that the height control of the AUP OP does not suggest any preference for "minor infringements" as has been noted by witnesses for submitters. In her submission the effects of activities are inevitable given the "upzoning" of the land as part of the AUP hearing process, and that the effects would be appropriately mitigated through conditions. She also submitted that the overall management of construction through Summerset would have a more positive outcome than might have been experienced by a number of third party contractors developing the site.

Mr Smail for the applicant noted that this proposal would only accommodate half of one years demand for placement in retirement villages. He noted the benefits of

this site with respect to size, being generally flat and appropriately zoned make it ideal, especially given its location adjacent to the Parnell Train Station and proximity to amenities found in the Parnell town centre and the Domain. Mr Smail confirmed that the gardens in the south of the site that have been subject to community maintenance over the past years will remain open to the public and that the maintenance will be undertaken by Summerset.

Mr Brown (architect) and Ms de Lambert (Landscape, visual and urban design) provided an overview of the development and spoke to their evidence in chief and supplementary statements prepared in response to expert evidence from submitters. They addressed issues including the proposed height exceedance of the 16 m plus 2 m standard which is provided for as a permitted activity in the zone (noting that new buildings require resource consent as a restricted discretionary activity irrespective of height). A new cross section was submitted with Mr Brown's supplementary evidence to address issues raised by the submitter at 41 Gibraltar Cres and in evidence of Mr Wren on the submitter's behalf.

Ms de Lambert noted the concerns expressed about the bland façade of the southern elevation of Buildings C and D, especially as these will be clearly distinguishable from the public walkway off Ngahere Terrace. To address these concerns Condition 38 (a) requires the façade treatment of the southern ends of Building C and D to be submitted to Council for certification¹ that the details are consistent with façade material palette prepared by Warren & Mahoney.

Mr Kamo, landscape architect, spoke to his evidence in chief. He confirmed that landscaping of the site will be undertaken progressively, in step with the staging of development. This will ensure that as the development is progressively occupied, residents will have safe and attractive outdoor spaces available to them. He confirmed that the current plantings of the south end of the site will be retained and that this area will reflect what is there rather than become ornamental as such.

Mr Burgess, traffic engineer, spoke to his evidence in chief and supplementary statements. He addressed traffic, parking, loading and construction traffic management. He confirmed that the parking to be provided was appropriate for the use, including that provided for visitors and that while the loading bay did not comply with dimensional standards, this would not generate any significant adverse effects.

Mr Burgess considered that 23 and 41 Cheshire Street to be a difficult site to access and construction traffic would have to be managed very carefully. The proposed construction traffic arrangements were appropriate (to be set out by way of a Construction Traffic Management Plan (CTMP)) and he did not see the need for alternative access arrangements. The Commissioners note that the application as lodged and considered did not offer any alternative vehicle access.

Mr Burgess provided a statement of evidence in reply to address Mr Edwards' evidence relating to visitor car parking dimensions, confirming that these were

¹ We note that the proposed conditions sought "Council approval" of the details, however certification is considered more appropriate as the details are clearly set out against which the detailed plans can be considered for certification

suitable for regular users which visitors are assumed to be. He considered these matters can be sorted at detailed design. Mr Burgess confirmed that any potential conflict of columns and loading bays could similarly be sorted at detailed design and submitted to Council for certification that the conditions are complied with. Mr Burgess detailed the likely (predicted) number of trucks that would access the site during the various stages of construction. He noted that it is these (reiterated) traffic movements on which he based his assessment.

Mr Bradley, noise and vibration expert, spoke to his evidence in chief and supplementary statement. He confirmed that once operational, the proposal will meet the necessary noise standards, including the use of any generators. Construction noise and vibration will require specific management via an appropriate management plan. In questioning, Mr Bradley set out how the construction noise and vibration that may result from multiple construction sources in the immediate vicinity will be distinguishable, especially as two sites adjacent have current resource consent applications for redevelopment. He addressed concerns raised in submissions relating to construction noise and vibration, including from residents on adjacent properties who are very concerned about the effects the construction activity will have on them.

In his statement of evidence in reply Mr Bradley set out the range of mitigations that the project has adopted to ensure that noise and vibration levels are managed appropriately and to illustrate how the best practicable option has been adopted to ensure that construction noise levels are reasonable.

Mr James, civil engineer, addressed his evidence in chief. He set out the engineering matters, including stormwater management given that the site is within the 1% AEP floodplain and is subject to localised flooding during rain events. He confirmed that the site can be adequately serviced with water and wastewater. He went on to address the flood mitigation measures, including flood water storage within the structure of the buildings.

Dr Clough, historic heritage, addressed his evidence in chief. He confirmed that there is no evidence of any significant historic heritage features within the site. He considered the issues raised in submissions relating to historic heritage, including the site's relationship with the Parnell Railway Station and the Domain and concluded that with appropriate conditions recording heritage features prior to construction the effects were appropriately mitigated.

Mr Black, geotechnical engineer, spoke to his evidence in chief. He addressed matters relating to potential ground settlement and groundwater. He concluded that the potential effects of the proposal on stability of adjacent buildings will be negligible.

Mr Hermann, contaminated site specialist, spoke to his evidence in chief. He noted submissions that raised concern about airborne contaminants during construction and contaminant and dust management. Mr Hermann confirmed that proposal can adequately manage the contaminated land as set out in the conditions of consent.

Mr McGarr, planner, spoke to his evidence in chief and supplementary statements. Mr McGarr set out his interpretation of the AUP OP provisions as they relate to height, given the evidence of Ms Kurzeja who stated her interpretation was that only height infringements of a minor nature were anticipated in the Mixed Use Zone. Mr McGarr identified the matters of discretion relevant to our determination, including the distinction within policy relating to activities and development, noting that integrated residential developments (including by definition retirement villages) are a permitted activity in the Mixed Use Zone.

Mr McGarr did not consider that any consent granted for the building heights proposed by the development would undermine the integrity of the AUP, as suggested by Ms Kurzeja. He went on to address issues raised by submitters especially in relation to the proposed conditions of consent.

In his opinion, Mr McGarr considered that comprehensive development of the site by one entity will result in a better outcome than would be achieved in a more piecemeal and independently consented development proposals that could be constructed either sequentially or cumulative. A complete and final recommended set of conditions was provided with the reply.

15. The submissions and expert evidence presented by submitters was taken as read, forms part of the record of the hearing and is summarised (in part) below.

Dr Joanna Boileau, and Julie Hill, Parnell Heritage submitted specifically in relation to heritage values, the Parnell Train Station, building heights and view shafts and traffic issues.

Parnell Heritage outlined the context of the site in relation to early European settlement, and noted that the first entrance to the Domain was via a footbridge over the Waipapa Stream near Birdwood crescent, and the second was from Ngahere Terrace steps, the path of which adjoins the site boundary in the south east.

They noted the historic relevance of the Depot that serviced the trains at the site from the mid 1950s. Dr Boilueu and Ms Hill disagreed with the findings of Dr Clough with respect to there being no restraints to development of the site. Parnell Heritage sought to be consulted in relation to planting and landscaping of the site to ensure the heritage of the site and its context is available through “storytelling, historic images and interpretive signage in the village and at the train station”.

Parnell Heritage are concerned that the development, and notably Building H, would block sight lines from Waipapa Lane to the Parnell train station building and other views of the station would be blocked by other buildings. In their submission they considered this would adversely affect the amenity values of the neighbourhood. Parnell Heritage sought to ensure the development did not exceed the “permitted” height of 18 metres. They considered the proposed heights of the buildings would have adverse effects on neighbouring properties and on the visual and spatial connection between Parnell and the Domain. They noted their support for the Parnell Community Committee submission regarding the public

values and amenity associated with Parnell and the Domain and they endorsed the evidence of Karyn Kurzeja, planner for 11 Cheshire St Body Corporate.

With respect to traffic effects, they were concerned about the maintenance of safe access to the train station especially during construction.

11 Cheshire Street Body Corporate was represented by Alan Webb, who called Colin Reynolds, and expert witnesses Jon Styles, Wes Edwards and Karyn Kurzeja.

Mr Webb submitted that there was an inference that the “submitters... have to expect disruptions to ensure the development ambitions of the AUP (supported by the NPS-UD) can be realised”². He submitted that this should not be at all costs. He set out provisions of the AUP he considered relevant to our consideration including within Chapters A and C. His submission in relation to Chapter A included observations about new buildings being anticipated, which are RDAs, a point we accept. His second was that the proposal generated a range of effects well beyond what can reasonably be anticipated.

Mr Webb submitted that a plan change to modify the zoning of the land would be more appropriate, to perhaps Business – Neighbourhood Centre zone, which provides in its description “development is expected to be in keeping with the residential development”.

Mr Reynolds, the chair of the 11 Cheshire St Body Corporate provided a statement on behalf of the Body Corporate and on a personal basis. He raised concerns about the over height buildings, construction traffic especially within Cheshire Street, the vibration and noise effects on adjacent properties, and the duration of the construction project, which he anticipated would exceed the planned 7 year period.

Mr Edwards (traffic engineer) talked to his statement in chief and supplementary statement. He noted some minor infringements relating to parking and loading spaces. He raised concerns about the lack of assessment from Mr Burgess in relation to general traffic using the wider network, but the key concerns were with construction traffic, how it might be managed (including temporary traffic lights) and the ensuing effect on other local roads, several of which are very narrow and/or heavily parked.

Mr Edwards came to the view that using Cheshire Street to access the site was not practical given the scale, intensity and duration of the construction activity, and that alternative access needed to be found, perhaps via Heather Street. His conclusions were that the proposal generated significant adverse effects from earthworks and construction and that the CTMP would not be able to adequately avoid, remedy or mitigate those effects.

Mr Styles, noise and vibration expert, talked to his evidence in chief, and elaborated on noise readings he had taken, of trucks entering and exiting the site.

² Mr Webb Submission point 11

In his opinion, the effects were not acceptable due to the duration of the activity, rather than the noise levels – noting that if works were only over a few months, it would be acceptable.

Mr Styles addressed potential noise effects from construction traffic in a supplementary statement, especially as they relate to trucks entering and exiting the site. He considered the sheer number of trucks to be the issue. He did acknowledge on questions from the Commissioners that the noise levels he expected regarding trucks was based on the current gradient of the Waipapa Lane entry to the site. With this being reformed at the commencement of the project the noise levels from trucks would decrease (by “a couple of dB”). His conclusion was based on the information available he considered the construction noise and vibration effects on receivers “will be significant”³.

Ms Kurzeja, planner, addressed building height, temporary effects, construction traffic, noise and vibration effects, earthworks, operational traffic effects and the objectives and policies of the AUP OP. Ms Kurzeja considered that the proposal would have unacceptable adverse effects on the adjoining residents including visual dominance and amenity effects from the over height buildings. She considered that the construction activity was over such a long period it could not be considered “temporary”. She noted that “This is well beyond the maximum 24 month timeframe for temporary activities”. Ms Kurzeja considered there would be unreasonable levels of noise and vibration over a six year period, and that construction related effects could not be appropriately managed through the construction noise and vibration or the construction traffic management plans. Overall, it was her opinion that the proposal was not consistent with the relevant objectives and policies of the AUP OP.

Ms Kurzeja was concerned that the granting of consent for buildings in excess of the permitted height would compromise the integrity of the planning provisions. She relied on the evidence of Mr Edwards and Mr Styles to come to the conclusion that the construction traffic, noise and vibration would result in significant adverse effects on adjacent residents. While Ms Kurzeja acknowledged the proposal was “generally consistent”⁴ with the objectives and policies of Chapter H13 of the AUP OP, she was of the opinion the proposal was not consistent with all of the policies of H13, on the basis that the “proposal is not consistent with the planning outcomes identified...” given the height of the buildings and as there was no height variation control on the subject site.

Terrence Dunn spoke to the submission in relation to 19 and 21 Falcon Street (also occupying 24 and 26 Cheshire St), and the concerns he had with the long construction period, an ever increasing number of people living in the mixed use zone and considered this type of development more suited to greenfields sites. He sought to have the application declined, and if not, the height limits of 16 m plus 2m met, full occupation at completion, protection of pedestrians and compliance with Council standards relating to noise, dust, construction hours etc.

³ Mr Styles supplementary statement 7 April 2021.

⁴ Ms Kurzeja EIC para 13.8

Emerald Gilmour is a local resident, who was concerned about the prospect of construction traffic obstructing the vehicular access to her apartment building, pedestrian safety during construction and the noise from construction.

Megan Too spoke to her submission and then called Ms Branstaetter as a witness. Ms Too noted that she was in her apartment during the day and would not be able to escape from the construction activity. She noted that Cheshire Street was difficult to navigate as a pedestrian now, and that the Council had objectives that require priority for pedestrian safety and amenity. She noted that she was concerned about safety if the wind screens were designed in a way that would enable people to climb up them and on to the adjacent balconies of the apartments. She requested that construction traffic be limited on Saturday mornings to provide some respite.

Ms Too called Ilka Branstaetter who had made a video of trucks entering and exiting the site, which highlighted the difficulty in navigating both into and out of Waipapa Lane at the intersection with Cheshire Street. Ms Branstaetter noted that she worked from home and used video conferencing frequently, and highlighted her concern that the noise levels would impose on her work place as well as her home.

Adrian Fleming, chair of the 13 Cheshire St Body Corporate, spoke to his submission and recommended alternative vehicle access to Waipapa Lane. He was concerned about how noise and vibration would be managed and sought building wash down as a requirement to mitigate the dust nuisance from construction activities. He noted that the apartment complex has an outlook over the Parnell Railway Station to the Domain and estimated, on questioning, that 50% of the outlook would be taken.

Luke Niue, Parnell Community Committee (Inc) spoke to the submission of the Committee. He noted their involvement in the Parnell Railway Station, restoration of the Waipapa Stream and the Parnell Plan. He acknowledged that they have met with Summerset prior to lodgement. It was his submission that the height limit of 16m plus 2m represented the zoning expectations of the community⁵. Mr Niue considered the Domain ranked higher than provisions for intensification as provided for in the NPS UD and that the permitted height limits would maintain the Domain prominence, legibility and physical qualities that contribute to amenity⁶. He noted that the Ngahere Steps were very well used.

Alan Galbraith spoke to his submission, noting he had lived at number 2 Ngahere Terrace for 40 years, and is a supporter of the Parnell Community Committee. He was concerned that the visual connection of the upper part of Ngahere Terrace to the Domain would be lost and addressed the connection from the Domain across to Parnell, as a frequent runner of tracks in the Domain. He was concerned about the 3-4 metre high wall at the southern end of the development which would overlook the Ngahere Steps and walkway into the Domain. He noted that if the

⁵ Mr Niue written statement para 13

⁶ ibid

height of the development was reduced, the construction period would also be shorter.

Joseph Cooper and Mary Langdon are tenants at No 13 Cheshire St. They concurred with Ms Too in relation to vehicle turning constraints and were additionally concerned with the potential construction impacts of other developments. They currently have views to the Domain which will be lost.

Claire Chambers, a local resident, was also concerned about the height limits, scale of development and the resultant effects both during construction and for the potential for long term damage to buildings. She outlined her experience of the development on the opposite side of Parnell Road to her apartment building, and notes that it affected her mental health. She considered that Auckland Council had a duty under the Local Government Act to promote the wellbeing of the community.

Dougal J Blyth represented a group of local residents from the Gibraltar Crescent area. He noted that the views to the Domain would be lost, the loss of views from the Domain forest paths and to the Parnell Railway Station from all Parnell Streets. He raised concerns about the validity of visualisations undertaken for the applicant, and whether these allowed for the increase in ground level Summerset is proposing.

Michael Fox for Jane Fox, Director San Roque Farms Limited noted that from their position at No 13 Cheshire Street they had expected to maintain their outlook over top of buildings and that the development would result in a permanent loss of views. He considered the provisions of the AUP OP should be respected and noted his concern about the construction traffic and noise.

Jenni Goulding-James spoke for Blair Lewis James, WJ James, and James Group Ltd, noting that while she was an experienced planner, she was not giving expert evidence. She noted that there was too much emphasis about intensification around the railway station and that much of the residential amenity of the area was derived from the relationship with the Domain. She felt that the AUP provisions relating to the Domain were relevant and that the 16 m + 2m height limit of the site was a “planned transition” from the Domain to the Parnell special character area. She considered that the proposed building height infringements were excessive. She noted her agreement of the conclusions reached by Ms Kurzeja. She also addressed the potential privatisation of the public turn around area at the southern end of Cheshire, which will be used by Summerset to access their main entrance to the facility, noting that a truck turning circle needs to be maintained.

Body Corporate 209444 represented by Paul Gunn noted that while not opposed to development of the site, they were concerned about the over height buildings adversely affecting amenity, and exacerbating the construction effects, the vibration and noise effects, construction traffic and the excessive construction period.

Penelope Baker - Quest Parnell, was concerned about the impacts on her business, the Quest Hotel, including the access for parking which is off Cheshire

Street. She was concerned that construction traffic would idle in the street, block access to parking, result in disturbance to guests from as early as 6 am when workers started to arrive at the site and possible damage to the building itself.

Chris Brown represented 21 local residents affected by the proposal. He spoke to the work done by local residents to the rail corridor land that had been progressively weeded, pest controlled and replanted, to demonstrate the community investment in the area. He called David Wren as a witness.

Mr Wren addressed the provisions of the AUP(OP), noting the deliberate language that restricted discretionary activities “must comply with”, including height limits. He noted that unlike other aspects of the proposed development, Mr Chris Brown’s house at 41 Gibraltar Cres would not benefit from the building crenulation as his view would be of building D with building H in the background, therefore losing any through view of the site. He suggested that amenity and sunlight would not be maintained. In his opinion the dominance of the development would be exacerbated by the blank wall on Building C.

Mr Wren as witness for 2RA Ltd and Chris Urry addressed issues of the dual frontage of his client’s site. He acknowledged that he prepared his evidence prior to hearing Mr Edwards and that issues raised by Mr Edwards would be directly relevant to his client. The Cheshire St frontage contains a parking area accessed from Cheshire St and a car parking area that sits above Cheshire Street on a retaining wall along the Cheshire Street boundary of the site. Mr Wren noted the concern of his client in relation to the ongoing potential during construction of damage to the retaining wall, given it is immediately opposite Waipapa Lane. Mr Wren sought a review condition on the CTMP on an annual basis, along with other matters to adequately mitigate the construction traffic effects on his client.

16. The applicant’s right of reply was given by Ms Lupis and addressed the themes that are apparent in the summary of evidence set out above, namely
- a. Construction noise and vibration
 - b. Construction traffic
 - c. Height; and
 - d. Amenity.

Ms Lupis attached a proposed set of conditions, including amendments proposed by Summerset to address concerns and matters raised by submitters. Mr Bradley and Mr Burgess provided technical statements in reply to address matters raised by experts during the hearing. She confirmed that there would be some “limited exceedances” of the construction noise and vibration standards set out in the AUP(OP). She acknowledged that the site was within a business zone and that some form of construction on the site is inevitable⁷. She noted that the nature of the works meant that the effects generated would not be consistent and that the

⁷ Ms Lupis Reply Submission para 13(a)

exceedances were for limited time periods (days) over the six year construction period. In her opinion the conditions offered were appropriate to manage the effects of the project.

With respect to construction traffic Ms Lupis highlighted the amendments to previously proposed conditions including review of the CTMP at the beginning of each stage of works (or every 24 months), priority being afforded to pedestrians accessing the train station and private pedestrian and/or vehicular access, and a number of standards that must be met.

With respect to the height of buildings, Ms Lupis submitted that there is no expectation within the AUP(OP) that more than “minor” infringements should be achieved by way of a plan change, especially as a development standard infringement is an RDA. She also noted that there is no evidence on visual effects presented to the Commissioners that challenges those of the applicant.

With respect to effects on amenity, she submits that this is in relation to residential zones only, being the THAB and Residential - Single House zoning to the south of the site, and that the project aligns with the provisions of the Business - Mixed Use zone with respect to public streets and open spaces.

She noted that there is no specific provision to maintain visual sightlines between Cheshire Street and the Parnell Railway Station, and that views generally are considered in context, including the relevant planning provisions. Ms Lupis considered the NPS UD was relevant to our consideration under s104 “insofar as the objectives and policies are relevant to the particular matters of discretion”⁸.

Ms Lupis confirmed the proposed easement arrangements relating to Waipapa Lane and future connection along western boundary of the site, and to the southern underpass.

Principal issues in contention

17. After analysis of the application and evidence (including proposed mitigation measures), undertaking a site visit, reviewing the Council planning officer’s recommendation report, reviewing the submissions and the matters voiced during the hearing process, the proposed activity raises a number of issues for consideration. The principal issues in contention are.
 - Urban design and landscape effects – especially in relation to the height of buildings with respect to loss of aspect to and from the Domain, dominance and overshadowing and associated amenity effects
 - Noise and vibration effects during construction
 - Traffic effects during construction.

⁸ Ibid para 40

Main findings on the principal issues in contention

18. Our main findings on the principal issues that were in contention are set out below.

Urban design and landscape effects.

19. Urban design and landscape effects are relevant to the extent that the design of the building is subject to assessment as a restricted discretionary activity, while exceedance of height and outlook standards trigger specific assessment of these aspects.
20. The development involves eight interconnected buildings, which range in height from 3 to 8 storeys, with the main entrance from Cheshire Street. Space between the buildings is retained as a landscaped courtyard area. The 'finger' of the site extending south will be retained as landscaped area and enhanced with complementary planting.
21. As to the overall design strategy, the applicant pointed to the stepped height strategy with the taller elements of the design located to the west, with taller buildings being off-set by lower buildings creating a 'crenulated skyline'. The high quality of the public interfaces, the central landscaped courtyard, and the buildings being set back from southern and eastern site boundaries were all seen as positive features of the development.
22. Ms de Lambert's opinion was that the urban form and density of the proposal, as a comprehensive residential development, is appropriate given the site's location adjacent to the Parnell Rail Station and its relationship to Parnell. The village will come to be seen to be part of the western fringe of Parnell, with its collection of different building designs and forms. The low lying nature of the site within the valley and the topography of the surrounding land help to visually contain the buildings. Council's expert review largely accorded with this assessment.
23. The development would improve the public realm accessing the Parnell Rail Station and the CPTED qualities of that area. The re-formation of Waipapa Lane, the creation of a formalised pedestrian footpath and the associated urban plaza spaces that form part of the northern end of the development together will enhance the amenity of the urban environment. On Cheshire Street, the proposal presents a one to two storey scale that will maintain a visual connection to the Auckland Domain from the public realm, and form a legible public front door and entry to the retirement village.
24. In terms of the design of the development, there was some concern expressed as to the treatment of the interface with the pedestrian link from Ngahere Terrace to the Domain. This link presently crosses the application site and will be formalised by way of easement allowing public access. Currently the track dips down into the site before crossing under the rail line. The design for the site involves lifting the ground level by some metres, and as a result there will be a 2-3 metre high retaining wall on the north side of the new path where it is at its lowest point. This retaining wall will be set back from the path edge with space for planting. The applicant considered that visual and CPTED issues have been addressed. There

will be landscape treatment in front of the retaining wall, and an activities room will overlook part of the link. With the formalisation of the path, these features will result in an improved situation over the current arrangement.

25. The outlook infringements on the south-eastern corner of the site are of a minor nature and affect outlook from two rooms that are part of the managed care units. The applicant's assessment was that the infringements will not impinge on the amenity enjoyed by the adjoining site to the east, nor will it in some way constrain their redevelopment options. We agree with this assessment.
26. The additional height raised the most concerns amongst submitters. The additional height was linked to extended construction effects and we address that specific issue in our analysis of construction effects. In this part of the decision we concentrate on the urban design, landscape and visual effects of the additional height. Concerns fell into three general categories:
 - Effect of additional height on residentially zoned properties to the south
 - Effects on Mixed Use zoned properties to the east and north
 - Effects on public spaces (such as the Domain to the west).
27. Ms de Lambert's assessment was that these effects were not significant. The development stepped down in height to the south and there was adequate separation distance between the new buildings and existing houses so as to avoid domination of them. There will be some additional shading in the afternoon compared to the current situation, but houses to the south would still receive sunlight in the morning and midday periods.
28. As for the properties to the east and north, the new development was set back from the boundaries of the site to a greater extent than that possible under the development standards of the zone. The taller buildings were placed on the western edge of the site, away from the existing buildings on the eastern boundary. Views and outlook from the upper floors of the buildings to the east (running along Cheshire Street) would be affected (such as the loss of views of the Domain). However, this sort of effect was one that should be expected in a mixed use, inner city environment.
29. Submitters did not call expert urban design or landscape evidence. Planning experts for submitters pointed out that outlook from the properties to the south and east was an important component of the amenity of the area. A number of submitters mentioned the value to them of views from their homes to the Domain, for example.
30. In considering the effects of additional height, we were mindful of the need to work within the confines of the restricted discretionary activity consent that is triggered by the additional height. We note that the structure of the AUP OP does not make it an easy task to determine the extent of this discretion.
31. Starting with the purpose of the height standard in the Business Mixed Use zone, the following are listed, amongst other matters:

- manage the effects of building height;
 - manage shadowing effects of building height on public open space, excluding streets;
 - manage visual dominance effects
32. The AUP acknowledges that greater height is possible in areas identified for intensification through the Height Variation Control. No Height Variation Control applies to the site, but it does cover the land to the east that is zoned Business Mixed Use. A number of submitters pointed to the absence of a height variation control over the site as being a deliberate strategy to maintain a modest scale of buildings in the valley floor, adjacent to the Domain, while allowing taller buildings to the east, with outlook over the site. We can find no reference to such a strategy being the reason for no height variation control applying to the site.
33. In terms of the policy framework to assess the effects of additional height, Mr McGarr noted that particular attention is directed to development adjacent to residential zones, with specific regard to be had to dominance, overlooking and shadowing.
34. The AUP OP is less clear as to outcomes for sites in the Mixed Use Zone that are to the immediate east and north of the application site. Submitters pointed to the general policies for business zones and reference to development not creating significant adverse effects on residents (Policy 20). The applicant questioned the relevance of this policy given that the policy is not referenced in the assessment matters relevant to when considering additional height. In our view, the discretion reserved in the plan is wide enough to encompass all relevant objectives and policies, but having said that we do not place much weight on this general policy as we must read this general policy alongside the more specific mixed use zone policies which have more of a focus on effects of height on public spaces.
35. The Domain is zoned as Open Space. In addition, the Domain is subject to two Overlays - it is identified as an Outstanding Natural Feature and is a scheduled heritage item. The plan does not suggest any particular consideration of these specific Overlays when considering potential effects of additional height in the Mixed Use zone.
36. On the relationship of the proposed development to the residential sites to the south, having heard the evidence of the submitters and the applicant and visited the site we are satisfied that the development will not generate adverse effects in terms of dominance, overlooking and shadowing. The outlook of properties to the south will likely be modified by the taller buildings, with views towards the CBD skyline obscured to one degree or another, compared to a development that was within the 16m plus 2m height limit. This effect is an amenity effect, but one that is of relatively minor importance in terms of the AUP OP's emphasis on effects like overlooking and dominance. Additional shadowing effects are present but are of a minor nature when assessed against policies in the relevant zones (for example, the Residential - Single House and Residential Terrace Housing and Apartment Buildings zones) which refers to sites receiving 'reasonable levels of sunlight'.

That is, the AUP does not specify a minimum number of hours of sunlight access per day, for example.

37. As for the effect of the taller buildings on the amenity of the adjacent properties in the Mixed Use zone, submitters pointed to the reduction or loss of views of the Domain and that the buildings would be out of scale in the context of Parnell. On the issue of the likely loss of views of the Domain trees compared to a compliant building, the applicant stressed that within the context of the mixed use environment, the nature and extent of outlook from apartments and office buildings located to the east of the site was not an attribute managed by the plan.
38. While we understand that the modification of a view may be seen to be an adverse effect on the amenity that people enjoy, we can find no substantial support in the AUP OP that this effect must be seen as a significant effect. In our assessment, in the framework of the Mixed Use zone, the loss of views is not significant.
39. The height variation control applying to the land to the east of the site means that the plan contemplates taller buildings on the western flank of Parnell, and this development can be seen to be part of this approach.
40. In respect of the interface between the new building and existing buildings, we consider that the design has taken positive steps to provide a degree of separation between existing and new buildings, when this is not a required outcome under the AUP OP. This is a positive effect of the design relative to what may have otherwise eventuated.
41. The view of the Parnell train station from Cheshire Street, down Waipapa Lane will be lost, but this view is not secured by any policy or standard.
42. Finally, in terms of impacts on the amenity of the Domain and users of this valued resource, we do not consider the additional height creates effects that are over and above what might otherwise occur if development maintained the 16 plus 2m height limit along the western edge of the development site.

Noise and vibration effects during construction

43. The applicant, in their closing submissions acknowledged that the proposal would result in exceedance of the AUP OP construction noise standards. This is the obvious consequence of development opportunities on brown field sites within a built environment. Ms Lupis also acknowledged that the noise and vibration is unavoidable. The AUP OP provides guidance for breaches of permitted noise and vibration standards and provides for such breaches as a restricted discretionary activity.
44. Mr Bradley, noise expert for the applicant, stated that compliance with the AUP OP construction noise limits “will be achieved (as far as practicable)”, and where such standards are predicted to not be achieved, for certain construction activities, this would result in reasonable and acceptable noise effects⁹. The key standard is a 70

⁹ Bradley EIC, p3.14

dB LAeq noise limit between 0730 and 1800 hours between Monday and Saturday at (occupied) residential receivers.¹⁰

45. The primary noise generating activities associated with the construction of the Proposal are excavation, bored piling, craneage, compaction, and concreting activities.¹¹ The construction is proposed to be undertaken in a clockwise direction around the site with buildings A, B and C constructed first, acting as a buffer to some receivers during construction of buildings D, E, F and H.
46. At times, when construction is close to a noise sensitive receptor, it is predicted that up to a 10 dB exceedance of the AUP construction noise standards may occur. Properties further away from the construction activity will receive lower noise levels than those predicted, and the AUP construction noise limits will be complied with.¹²
47. Exceedances will stem mainly from piling which is a short-term activity close to the residences. Short term exceedances from excavation and compaction activities will also occur but not at the same time. The total duration of the exceedances is up to 168 hours spread over weeks and/or months¹³.
48. Physical mitigation measures have limited application due to the surrounding multi-level buildings. Managerial measures such as limiting the times for piling and excavation and providing pre-warning of noisy activities will provide the main form of mitigation.
49. Vibration levels are expected to meet AUP vibration standards, except when the source activity is less than 10m from an adjacent building.¹⁴ However, the levels are expected to be below the levels that produce building damage.¹⁵
50. Six buildings, all those abutting the site along the northern and eastern sides, are within the 10m zone. The reporting planner considers that short term exceedances of the construction noise limits are common and typically unavoidable for inner city construction activities due to the proximity and height of adjacent buildings¹⁶.
51. Mr Styles for submitters suggested that predictions of noise and vibration cannot be done meaningfully without involvement of the appointed contractor¹⁷. Mr Bradley does not consider this necessary and has drawn on experience from previous projects and adopted a “worst case scenario” approach¹⁸. Further, the CNVMP enables equipment to be substituted, provided that the maximum sound power levels and vibration levels are equal or lower than those on which the

¹⁰ Ibid, p3.17

¹¹ Ibid p3.18

¹² Ibid p3.23

¹³ S42A report, p37 of 69

¹⁴ Bradley EIC, p3.41

¹⁵ Ibid p3.43

¹⁶ S42A report p 38 of 69

¹⁷ Styles EIC, p8.1

¹⁸ Bradley, SE, p3.8

assessment has been based¹⁹. These limits are set out in conditions 90 and 91, including for those buildings where exceedances were predicted.

52. Condition 93 sets an amenity vibration limit of 2mm/s peak particle velocity for more than three (3) days in occupied buildings, as is set out in E25.6.30.1 of the AUP as a permitted activity.
53. Conditions 94 to 99 cover building condition surveys for five properties on Cheshire St, four properties on Falcon St and one property on Ngahere Tce, and provided the owners agree to undertake pre and post construction surveys and allow any remediation of any damage caused by the construction activities. In addition, should the construction coincide with the exercise of existing consents at adjacent sites in Cheshire St, there is provision to ensure that construction vibration will be attributed appropriately to the construction site responsible.
54. Mr Styles did not agree with the WSP assessment of noise levels on Waipapa Lane due to truck movements. He undertook his own measurements to check Mr Bradley's predictions²⁰ – those exceeded the AUP levels based on 15 truck movements per half hour. He conceded at the hearing that the proposed regrading of the lane as part of the early development stage would likely lower his measurements to around the AUP permitted level of L_{Aeq} 70 dB. Mr Bradley noted that the proposed truck movements were 12 per hour²¹. Condition 29A(b) sets a cap on heavy vehicle movements consistent with this number.
55. Mr Styles considered that the applicant has not addressed the adverse effects of construction noise and vibration on people²² as required by E25.8.1 (a) of the AUP. Mr Bradley responded that consideration of individual reactions to increased noise and vibration levels is an inherent aspect of any acoustic assessment²³. He acknowledged that construction noise levels over the AUP standards may require sound levels to be raised for activities such as phone conversations and TV and radio devices, even if windows are closed²⁴.
56. Ms Kurzeja stated her disagreement that the construction activity could be considered "temporary"²⁵ under the provisions of Chapter E40. However, the Commissioners note that temporary activities up to 24 months are provided for as a permitted activity and otherwise fall to being an RDA under E40.4(A24). Furthermore, there is no clause relating to temporary activities within E25 Noise and Vibration. The Construction Noise Standard sets out the noise for construction, making a distinction between short and long term. Nevertheless, the matters for discretion in E40 for construction activities that exceed 24 months in duration include managing the effects of the activity on traffic generation, resident wellbeing and other matters (E40.8.1). Given the duration of construction (6 years), the

¹⁹ Bradley, SE, p3.9

²⁰ Styles SE, p4.2

²¹ Bradley EIR, p3.3

²² Styles, EIC p12.8

²³ Bradley SE, p3.28

²⁴ Bradley SE, Appendix 1

²⁵ Kurzeja, EIC p 4.5

Commissioners have imposed a condition limiting access to the site by heavy construction vehicles to after 9 am on Saturdays, to provide some respite from the early starts that will be experienced during the working week.

57. Several submitters expressed concern about their perceived need to keep windows closed to reduce the noise, especially in hot weather. Some do not have air-conditioning. Mr Gunn noted this was the situation with 25 Cheshire St on the south side of Waipapa Lane. Others like Miss Too work from home and do not have the ability to be absent during the day when trucks are passing up and down Waipapa Lane or noise generating activities are occurring on the site proper.
58. Conditions 10 to 13 set requirements for consultation with residents through the CLG and in particular Condition 12(d) provides for monthly updates on noise and vibration monitoring results. Condition 26 further sets requirements for consultation with neighbouring properties including information on noise generating activities, mitigation measures to be undertaken and how to contact the site manager to lay a complaint.
59. Mr Gordon noted in the closing reply from the Council²⁶ that through the neighbour communication, consultation and engagement process any special needs of neighbours should be considered. Specifically, in regard to the most exposed buildings containing residential activity at 25 and 27 Cheshire Street and 1 Ngahere Terrace, additional management measures which were not identified in the applicant's acoustic assessment should be considered namely:
- installation of mechanical ventilation where external windows must be closed to avoid significant adverse noise effects and no alternative ventilation system is present
 - temporary relocation where all practicable noise management and mitigation measures have been implemented but significant adverse noise effects are predicted
60. In our view, such additional measures as proposed by Mr Gordon are not unreasonable but are not a requirement of the AUP and are a matter for consultation between the parties. We would endorse serious consideration of these matters during such consultation.
61. Mr Bradley, in his reply statement on behalf of the Applicant set out the range of measures to be used, as follows (noting numbering relates to recommended conditions at closing):
- (a) Restricting hours/days of construction activity to provide respite periods to surrounding noise sensitive properties (condition 53).
 - (b) Restricting the number of truck movements (condition 29A(b)).

²⁶ Gordon Reply, p16,17

- (c) Selection of quiet plant equipment and construction methodologies to reduce noise emissions, where practicable (condition 23(h)(iii)).
- (d) Procedures to ensure that all contractors and operators on site are aware of the requirement to minimise noise and vibration effects as far as practicable on neighbouring sites (condition 23(k)).
- (e) Management of the location of construction activities and the placement of plant equipment to avoid significant cumulative impacts and provide lower noise emissions to surrounding receptors, where practicable. This will also include the provision of specific setback distances from key noise generating activities (condition 23(h)(iv)).
- (f) Maintaining plant throughout the construction process such that the equipment operates in accordance with the manufacturers noise data and within the maximum noise levels set out within the management plan (CNVMP).
- (g) Where safe to do so, select and operate machinery with broadband reversing sounders, to avoid tonal reversing alarms (CNVMP and condition 23(h)(iii)).
- (h) Implementing a construction noise monitoring programme to monitor construction noise emissions (condition 25).
- (i) Additional mitigation and management measures may be identified and adopted through liaison with local residents as part of the Community Liaison Group (conditions 10 - 13).

62. As set out above, the Applicant has applied restrictions to the construction activity to manage effects on neighbours, whilst being able to progress construction at a reasonable rate. The Commissioners acknowledge that this will not satisfy submitters who sought compliance with permitted standards for construction effects. There is no evidence in front of us that would suggest that any substantial development of the site could be achieved without consents to exceed noise and vibration. We accept that the taller buildings may extend the construction period, compared to if development kept within the 16m+2m height standard. However, our assessment is that this is a marginal effect.

63. The Applicant has addressed management of noise and vibration generation, including the restriction of piling activities and the number of trucks entering and exiting the site, as set out in the conditions of consent attached to this decision. Our consideration of the matters over which we have discretion, as set out in E25.8.1 and 2 of the AUP finds that the proposal has addressed these matters to the extent practicable. We find that the construction noise and vibration can be appropriately managed.

64. Turning to the relevant objectives and policies, Policy 10 of Chapter 25 (construction noise and vibration) refers to construction activities avoiding,

remedying or mitigating the adverse effects of noise and vibration from construction, while having regard to:

- (a) the sensitivity of the receiving environment; and
- (b) the proposed duration and hours of operation of the activity; and
- (c) the practicability of complying with permitted noise and vibration standards.

65. We consider that the application has given due regard to these matters.

Traffic effects during construction

66. Many of the submitters raised issues of vehicle and pedestrian safety, the adequacy of construction traffic to the site and general disruption effects from construction traffic on the local network.

67. The application material contained an assessment of the potential traffic effects from construction. As set out in Mr Burgess's reply statement a "realistic prediction" of these are as follows:

- (a) 15 trucks/day for 12 months in Enabling Stage.
- (b) 45 trucks/day for 5 months when the Enabling Stage and Stage 1 overlap.
- (c) 30 trucks/day for 23 months in Stage 1.
- (d) 45 trucks/day for 7 months when Stage 1 and Stage 2 overlap.
- (e) 60 trucks/day for 2 months when Stage 1, Stage 2 and Stage 3 overlap.
- (f) 30 trucks/day for 3 months when Stage 2 and Stage 3 overlap.
- (g) 15 trucks/day for 4 months in Stage 3.
- (h) 25 trucks/day for 6 months when Stage 3 and Stage 4 overlap.
- (i) 10 trucks/day for 9 months in Stage 4.
- (j) 5 trucks/day for 1 month when Disestablishing the site.

68. The Commissioners acknowledge that, for certain periods, there will be a significant level of truck movement in and out of the site. However, these periods will ebb and flow, as construction activity changes.

69. Mr Burgess confirmed that his numbers were based on about 40,000 trucks (ie 80,000 "movements" being entering and then exiting the site).

70. The draft CTMP is premised on Mr Burgess's numbers. Mr Edwards, for submitters, raised concerns about the level of truck movements, including how traffic would be managed with respect to queuing as not all trucks would have immediate access into the site. In addition, Mr Edwards confirmed the tracking curve necessary for a 12.6m long rigid truck would take the whole width of

Cheshire Street to turn into the site and that such movements would likely require multiple manoeuvres.

71. The video provided by Ms Too graphically illustrated the problems of trucks turning into and out of Waipapa Lane, including disruption to through traffic and pedestrians.
72. Mr Burgess noted in his supplementary statement that a formal agreement has been reached with the owner of No 21 Cheshire Street to allow temporary tracking through that property to “avoid the need for any vehicles to make multiple manoeuvres to enter or leave Waipapa Lane”²⁷.
73. Subsequently the applicant, in their reply version of conditions, has offered condition 29A which requires, among other matters, a maximum of 12 heavy vehicle movements per hour. Additionally, there is to be no queuing or double parking on Cheshire and Heather Streets, and all vehicle movements to and from Cheshire Street must be forward movements only. There are several other conditions offered up by the applicant to ensure pedestrian and private vehicle access is maintained.
74. The conditions offered by the applicant at closing generally addressed Mr Edwards’ reservations about the proposal, and the Commissioners find that the potential construction traffic effects can be adequately mitigated.
75. For completeness we note that Mr Edwards raised two technical issues relating to parking and loading. As noted by Ms Lupis in her closing submission, these are matters that can be addressed at the time of detailed design. We agree with that position and do not, for the purposes of this decision, see that these technical non-compliances raise issues that would suggest the proposal cannot be granted consent.
76. Our consideration of the matters over which we have discretion (as they pertain to traffic) finds that the proposal has addressed the relevant matters to the extent practicable.

Decision

77. In exercising our delegation under sections 34 and 34A of the RMA and having regard to the foregoing matters, sections 104, 104C, 105, 107 and Part 2 of the RMA, we determine that resource consent for the construction and operation of a retirement village at 23 and 41 Cheshire Street, Parnell is granted for the reasons and subject to the conditions set out below.

²⁷ Mr Burgess, Supplementary statement of evidence para 15

Reasons for the decision

1. In accordance with an assessment under ss104(1)(a) and (ab) of the RMA, the actual and potential effects from the proposal are found to be acceptable and can be adequately managed by the conditions of consent.
2. The proposal is consistent with the relevant matters over which the hearing panel has discretion to consider, specifically the relevant objectives, policies and assessment criteria of the Auckland Unitary Plan (Operative in part)
3. With reference to s105 of the RMA, the receiving environment is not considered sensitive, being a developed site, and there are no alternative methods of discharge, noting the application proposes the only practicable choice. In terms of s107, the proposal would not give rise to any of the effects listed in s107(1) due to the site management measures outlined.

Conditions

General conditions

These conditions apply to all resource consents.

1. The construction and operation of the retirement village at 23 and 41 Cheshire Street, Parnell must be carried out in accordance with the plans and all information submitted with the application (except where amended by any other condition of this consent). The relevant plans and supporting information are detailed below, and all referenced by the Council as consent number BUN60364362, LUC60363416, WAT60364364 and DIS60364363.

Title	Author	Rev	Dated
Assessment of Environmental Effects	Bentley & Co.	-	09.09.2020
Landscape and Visual Effects Assessment	Boffa Miskell	5	04.09.2020
Urban Design Assessment	Boffa Miskell	1	02.09.2020
Transport Assessment	Traffic Planning Consultants (TPC)	5	21.07.2020
Construction Traffic Management Plan (Indicative)	Traffic Planning Consultants (TPC)	B	07.2020
Wind Assessment	WSP	4	03.09.2020
Civil Engineering and Earthworks Assessment	Riley Consultants	1	07.08.2020
Detailed Site Investigation	Riley Consultants	1	21.07.2020
Remedial Action Plan and Site Management Plan (Draft)	Riley Consultants	5	03.03.2021
Flood Assessment and	Riley Consultants	1	06.08.2020

Proposed Mitigation			
Geotechnical Investigation Report	Riley Consultants	1	07/08/2020
Noise and Vibration Assessment	WSP	4	09.09.2020
Draft Construction Noise & Vibration Management Plan	WSP	4	09.09.2020
Waipapa Stream Ecological Effects Assessment	Boffa Miskell	D	29.07.2020
Historic Heritage Assessment	Clough & Associates	-	06.2020
Letter titled "Response to 'Resource Consent Application - Further information request' relating to the Summerset Villages proposal at 23 & 41 Cheshire Street, Parnell (BUN60364362)"	Bentley & Co.	-	15.10.2020
Letter titled: "Response to Soil and Water Contamination Items - S92 Request Application BUN60364362"	Riley Consultants	-	15.10.2020
Letter titled "Response to Engineering (Flooding) Items - S92 Request Application BUN60364362"	Riley Consultants	-	20.10.2020
Letter titled "Response to Earthworks Items - S92 Request Application BUN60364362"	Riley Consultants	-	15.10.2020
Letter titled "Response to Groundwater Queries - S92 Request Application BUN60364362"	Riley Consultants	-	20.10.2020
Groundwater and Settlement Monitoring and Contingency Plan	Riley Consultants	-	15.10.2020
Settlement and Groundwater Monitoring Report	Riley Consultants	-	16.10.2020
Letter titled "Response to Request for Further Information – Section 92 Requests Noise and Vibration"	WSP	-	16.10.2020
Letter titled "Summerset Parnell Responses in Respect of Suggested UD Changes / Recommendations - Not Pursuant to Section 92 of the RMA"	Boffa Miskell	-	12.10.2020
Letter titled "Response to the transportation related items raised in the Council's request for further information - letter dated 1 October 2020".	Traffic Planning Consultants (TPC)	2	13.10.2020

Letter titled ""Response to 'Resource Consent Application - Further information request' relating to the Summerset Villages proposal at 23 & 41 Cheshire Street, Parnell (BUN60364362) – Suggested Changes / Recommendations"	Bentley & Co.	-	14.10.2020
Letter titled "Response to 'Resource Consent Application - Further information request' relating to the Summerset Villages proposal at 23 & 41 Cheshire Street, Parnell (BUN60364362) – Additional Traffic Queries"	Bentley & Co.	-	21.10.2020
Letter titled "Response to 'Resource Consent Application - Further information request' relating to the Summerset Villages proposal at 23 & 41 Cheshire Street, Parnell (BUN60364362) - Section 92 Matters - Urban Design, Landscape and Visual (Points 42 - 51)"	Bentley & Co.	-	21.10.2020
Letter titled "Summerset Parnell S92 Matters - Landscape & Visual Effects"	Boffa Miskell	-	21.10.2020
Email Correspondence titled "RE: BUN60364362 - Summerset (Healthy Waters)"	Bentley & Co.	-	28.10.2020
Email Correspondence titled "RE: Summerset - UD Initial Comments"	Bentley & Co.	-	11.01.2021
Email Correspondence titled "RE: Summerset Parnell - Traffic"	Bentley & Co.	-	14.01.2021
Letter titled "Post-Section 92 Further Information"	Bentley & Co.	-	12/02/2021
Letter titled "Response to Request for Further Information - Predicted duration where excavation exceeds construction noise limits"	WSP	-	16.02.2021
Email correspondence titled "RE: SS Parnell - Contamination Activity Status"	Bentley & Co.	-	24.02.2021
Email correspondence titled "RE: Summerset – UD/LVA"	Bentley & Co.	-	17.02.2021

Letter titled “Summerset Parnell - Additional Visual Material Commentary (17.02.2021)”	Boffa Miskell	-	17.02.2021
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Ref	Title	Author	Rev	Date
Sheet 30	Architectural Design Statement: Apartment Metrics	Warren and Mahoney	C	01.09.2020
Sheet 31	Architectural Design Statement: Parking Metrics	Warren and Mahoney	C	01.09.2020
Sheet 32	Architectural Design Statement: Site + Landscape Plan	Warren and Mahoney	C	01.09.2020
Sheet 33	Architectural Design Statement: Plans – Basement	Warren and Mahoney	C	01.09.2020
Sheet 34	Architectural Design Statement: Plans – Level 00 (Ground Floor)	Warren and Mahoney	C	01.09.2020
Sheet 35	Architectural Design Statement: Plans – Level 01	Warren and Mahoney	C	01.09.2020
Sheet 36	Architectural Design Statement: Plans – Level 02	Warren and Mahoney	C	01.09.2020
Sheet 37	Architectural Design Statement: Plans – Level 03	Warren and Mahoney	C	01.09.2020
Sheet 38	Architectural Design Statement: Plans – Level 04	Warren and Mahoney	C	01.09.2020
Sheet 39	Architectural Design Statement: Plans – Level 05	Warren and Mahoney	C	01.09.2020
Sheet 40	Architectural Design Statement: Plans – Level 06	Warren and Mahoney	C	01.09.2020
Sheet 41	Architectural Design Statement: Plans – Level 07	Warren and Mahoney	C	01.09.2020

Sheet 42	Architectural Design Statement: Plans – Roof	Warren and Mahoney	C	01.09.2020
Sheet 43	Architectural Design Statement: Elevations – East Elevation	Warren and Mahoney	D	15.02.2021
Sheet 44	Architectural Design Statement: Elevations – South Elevation	Warren and Mahoney	D	15.02.2021
Sheet 45	Architectural Design Statement: Elevations – Station Elevation	Warren and Mahoney	D	15.02.2021
Sheet 46	Architectural Design Statement: Elevations – Waipapa Lane Elevation	Warren and Mahoney	D	15.02.2021
Sheet 47	Architectural Design Statement: Elevations – Central Courtyard Western Elevation	Warren and Mahoney	D	15.02.2021
Sheet 48	Architectural Design Statement: Elevations – Central Courtyard Eastern Elevation	Warren and Mahoney	D	15.02.2021
Sheet 49	Architectural Design Statement: Sections – Site Section A	Warren and Mahoney	D	15.02.2021
Sheet 50	Architectural Design Statement: Sections – Site Section B	Warren and Mahoney	D	15.02.2021
Sheet 51	Architectural Design Statement: Sections – Site Section C	Warren and Mahoney	D	15.02.2021
Sheet 52	Architectural Design Statement: Sections – Number 6 Ngahere Terrace	Warren and Mahoney	C	01.09.2020
Sheet 53	Architectural Design Statement: Sections – Number 2 Ngahere Terrace	Warren and Mahoney	C	01.09.2020
Sheet 54	Architectural Design Statement: Sections –	Warren and Mahoney	C	01.09.2020

	Number 7 Ngahere Terrace			
Sheet 55	Architectural Design Statement: Sections – Number 1 Ngahere Terrace	Warren and Mahoney	C	01.09.2020
Sheet 56	Architectural Design Statement: Renders – Main Entry	Warren and Mahoney	C	01.09.2020
Sheet 57	Architectural Design Statement: Renders – Northern Plaza	Warren and Mahoney	C	01.09.2020
Sheet 58	Architectural Design Statement: Renders – Central Courtyard (South End)	Warren and Mahoney	C	01.09.2020
Sheet 59	Architectural Design Statement: Renders – Central Courtyard (North End)	Warren and Mahoney	C	01.09.2020
Sheet 60	Architectural Design Statement: Renders – Ngahere Terrace	Warren and Mahoney	C	01.09.2020
Sheet 61	Architectural Design Statement: Renders – Central Courtyard (South End)	Warren and Mahoney	C	01.09.2020
Sheet 62	Architectural Design Statement: Height Study - Overall	Warren and Mahoney	C	01.09.2020
Sheet 63	Architectural Design Statement: Height Study – 16m Height Plane	Warren and Mahoney	C	01.09.2020
Sheet 64	Architectural Design Statement: Height Study – 16m + 2m Height Plane	Warren and Mahoney	C	01.09.2020
Sheet 65	Architectural Design Statement: Height Study – 27m Height Plane	Warren and Mahoney	C	01.09.2020

Sheet 67	Architectural Design Statement: THAB Setback	Warren and Mahoney	C	01.09.2020
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Lapse period

2. Under section 125 of the RMA, this consent lapses seven (7) 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. *This condition has intentionally been left blank*

Monitoring fee

4. The consent holder shall pay the council an initial consent compliance monitoring charge of \$1,500 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to these consents.

Advice note: *The initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource 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.

Review under section 128

5. Under section 128 of the RMA the conditions of this consent may be reviewed by the Manager Resource Consents at the consent holder's cost.

The reason for this review condition is to deal with any adverse effect on the environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage.

6. Within six (6) months after completion of dewatering and subsequently at intervals of not less than five (5) years thereafter the consent may be reviewed by the Manager Resource Consents in order:
 - (a) To deal with any adverse effects on the environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage.
 - (b) To vary the monitoring and reporting requirements, and performance standards, in order to take account of information, including the results of previous monitoring and changed environmental knowledge on:
 - (i) ground conditions;
 - (ii) aquifer parameters;
 - (iii) groundwater levels; and
 - (iv) ground surface movement.

Management Plan certification process

7. In accordance with condition 9 below, the consent holder must submit all management plans specific to the construction phase of the development required by these conditions to be certified/approved to the Council at least 20 working days prior to the commencement of construction (excluding site investigations, and establishment of site entrances and fencing). Prior to the submission of any management plan, the consent holder must provide the Council with 10 working days' notice of the document(s) being submitted.
8. The management plans may be subject to amendment through the life of the project. The consent holder must submit the updated or revised document to the Council for certification/approval as soon as practicable following identification of the need for an update or revision by either the consent holder or the Council. Prior to the submission of any amendment to a management plan, the consent holder must provide the Council with 5 working days' notice of the document(s) being submitted. Any amendments are to be agreed by the Council in writing prior to implementation of any changes. Any changes must be within scope of the consent, and once

implemented would result in an outcome that is similar to, or better than that described in the original plan.

Advice note: *The purpose of the requirement in Conditions 7 and 8 for advance notice to be provided by the consent holder to the Council prior to a management plan or amendment to a management plan being submitted to the Council is to ensure that the Council can allocate appropriate resources for the timely review of the management plan / management plan amendment.*

9. (i) The management plans to be submitted to the Council for certification under these consents include:
 - (a) Construction Management Plan.
 - (b) Construction Noise and Vibration Management Plan.
 - (c) Construction Traffic Management Plan.
 - (d) Pavement Plans / Site & Landscape Management Plans.
 - (e) Remedial Action Plan and Site Management Plan.
 - (f) Erosion and Sediment Control Plan.
 - (g) Chemical Treatment Management Plan.
 - (h) Loading and Servicing Management Plan.
 - (i) Stormwater Operation and Maintenance Plan.
 - (j) Ground Gas/Vapour Risk Assessment and Management report and associated Long Term Monitoring and Management Plan.
- (ii) No works shall occur in respect of each stage of development on site prior to the certification/approval of the relevant Management Plans required by Condition 7. All works must be implemented and maintained throughout the duration of the construction activity in accordance with the certified/approved management plans to the satisfaction of Council and at the expense of the consent holder.

Specific conditions – Land Use Consent LUC60303311 and Discharge Consent DIS60364363

The below conditions apply to either LUC60303311 and/or DIS60364363 as relevant.

PRIOR TO EARTHWORKS / CONSTRUCTION ACTIVITY

Community Liaison Group

10. No later than three (3) months prior to the commencement of construction the consent holder shall:

- (a) invite those persons who made submissions on the application; and
- (b) circulate (by letter drop) a similar invite all properties with frontage to Cheshire Street and Heather Street (between Parnell Road and Cracroft Street) to attend the first meeting of the Community Liaison Group (CLG). Where those properties are apartment buildings, invitation shall be via the body corporate.

At the first meeting (if not arranged beforehand), those attending shall nominate up to four (4) persons to attend future meetings, as representatives of the wider group. Future meetings of the CLG shall be held in accordance with condition 12.

11. The objectives of the CLG are to:

- (a) provide a means for all parties to give and receive regular updates on progress with the construction of the project;
- (b) provide a regular forum through which information about the construction of the project can be provided by the consent holder;
- (c) enable opportunities for concerns and issues to be reported and responded to by the consent holder; and
- (d) provide copies of the Construction Management Plan (CMP), Construction Traffic Management Plan (CTMP), Landscape Plans (LP) and Construction Noise and Vibration Management Plan (CNVMP) and subsequent amendments and versions of these plans at each stage. The CLG will have the opportunity to provide comments on the effectiveness of these plans.

12. The consent holder must:

- (a) Arrange regular meetings at three (3) monthly intervals, or at more or less frequent intervals as agreed by the members of the CLG.
- (b) Provide information at least five (5) working days in advance of the meeting at which that information is to be discussed.
- (c) Provide reasonable administrative support for the CLG by:
 - (i) organising meetings at a local venue; and
 - (ii) inviting all members of the CLG to meetings at least five (5) working days before that meeting is to be held.
- (d) Provide a monthly update (or as otherwise agreed by the CLG) during construction of the project setting out noise and vibration monitoring results and associated compliance with the consent conditions and other relevant requirements of the CMP, CTMP, LMP and CNVMP, including responses to compliance concerns raised by CLG members at the previous meeting.
- (e) Respond to all reasonable queries raised by the CLG and advise how their queries have been resolved and, if not resolved, the reasons why.

- (f) Attend all CLG meetings.
 - (g) Ensure a log of all complaints made through the CLG is kept, along with resolutions that have been actioned. The log must be available to Council on request.
13. The CLG shall continue until construction works are completed on the site, and Council sign-off has been provided confirming that all construction-related consent conditions have been met.

Pre-start meeting

14. Prior to the commencement of the earthworks activity on the site, the consent holder must hold a pre-start meeting that:
- (a) Is located on the subject site.
 - (b) Is scheduled not less than ten (10) days before the anticipated commencement of any earthworks and / or installation of any erosion and sediment control devices on site.
 - (c) Includes the Council including the Development Engineer.
 - (d) Includes representation from the contractors who will undertake the works and the appointed Ecologist and Civil Engineer.

The following matters shall be discussed at the meeting:

- (a) Erosion and sediment control measures.
- (b) Earthworks methodologies.
- (c) Conditions of consent.
- (d) All Monitoring Stations and protection measures in relation to the works.
- (e) Construction Traffic Management measures.
- (f) Construction Management Plan as required by condition 15.

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

- (a) Timeframes for key stages of the works authorised under this consent.
- (b) Resource consent conditions.
- (c) Erosion and Sediment Control Plan as required by condition 18.
- (d) Chemical Treatment Management Plan as required by condition 83.
- (e) Construction Management Plan as required by condition 15.
- (f) Timescale of unsupported cuts / fills adjacent to the property boundary.

- (g) Construction Traffic Management Plan as required by condition 27.
- (h) Contact details of the site contractor and site civil engineer.
- (i) Construction plans approved (signed/stamped) by Council, care of the Council's Development Engineer.

Advice note: *To arrange the pre-start meeting required by condition 14 please contact the Council to arrange this meeting on 09 3010101 or email monitoring@aucklandcouncil.govt.nz. The conditions of consent should be discussed at this meeting. All information required by the council and listed in that condition should be provided 2 days prior to the meeting. A pre start meeting must be held prior to the commencement of the earthworks activity in each period between October 1 and April 30 that this consent is exercised.*

The Council, must be informed, in writing, at least ten (10) working days prior to the start date of the works authorised by this consent.

Construction Management Plan

- 15. At least 20 working days prior to the commencement of any works on site the consent holder must submit to Council, a Construction Management Plan (CMP) for certification in accordance with conditions 7-9.
- 16. The objectives of the CMP are to:
 - (a) identify the Best Practicable Option (within the limits set under the conditions of consent) and define the procedures to ensure adverse effects associated with construction activities are minimised;
 - (b) inform the duration, frequency and timing of works to manage disruption; and
 - (c) require engagement with affected receivers and timely management of complaints.
- 17. The CMP must include specific details relating to avoiding, remedying or mitigating adverse effects on the environment and neighbouring properties from construction, and management of all works associated with this development (where they are not already managed by the other management plans required by these conditions of consent) as follows:
 - (a) providing a construction timetable;
 - (b) programme of works and hours of operation;
 - (c) details of the site manager, including their contact details, cell phone, email and postal address;
 - (d) the location of a large notice board on the site that clearly identifies the name, telephone number and address for service of the site manager;

- (e) measures to be adopted to maintain the land in a tidy condition in terms of disposal / storage of rubbish, storage and unloading of building materials and similar construction activities;
- (f) dust management regime to minimise dust on the adjoining properties to comply with condition 63;
- (g) maintenance of safe access to immediately adjoining private properties;
- (h) the proposed location of wheel-wash facilities;
- (i) details of how pedestrian safety along public footpaths or road edges will be managed;
- (j) site perimeter security;
- (k) maintenance of land stability at the site boundaries in accordance with conditions of this consent;
- (l) advising adjoining land owners and occupiers of the programme of the planned construction activities;
- (m) assessing any special measures for protection of buildings or infrastructure on adjacent sites;
- (n) management processes for earthworks on site to minimise contaminant, erosion and sediment effects as per conditions 54 to 82 and as guided by the Auckland Council guideline document GD05;
- (o) details of how complaints will be handled and addressed; and
- (p) provision for all contractors to be made aware of the conditions of this consent and of the need to comply with them at all times.

The certified CMP must be implemented and maintained throughout the construction period.

Advice note: *The CMP may be subject to amendment through the life of the project. Any subsequent amendment of the certified CMP which comprises changes to proposed construction methodology must be tracked and the revised CMP submitted to the Council for certification.*

Erosion and Sediment Control Plan

18. At least 20 working days prior to the commencement of the earthworks activity on the site, an Erosion and Sediment Control Plan (ESCP) detailing each stage as defined in the draft erosion and sediment control plans, must be prepared in accordance with Auckland Council Guideline Document 2016/005: "Erosion and Sediment Guide for Land Disturbing Activities in the Auckland Region" (GD05) and submitted to the Council for written certification.
19. The final ESCP must contain sufficient detail to address the following matters:

- (a) specific details regarding the management of contaminated surface water runoff;
 - (b) specific erosion and sediment control measures (location, dimensions, capacity);
 - (c) supporting calculations and design drawings;
 - (d) catchment boundaries and contour information;
 - (e) location of any stockpiles and details of how runoff from the stockpiles will be controlled and managed;
 - (f) details of construction methods including any staging details;
 - (g) the management of potentially contaminated impounded water consistent with the finalised Remedial Action Plan/Site Management Plan required by condition 54;
 - (h) specific details and procedures for dewatering excavations;
 - (i) details of how water pumped will achieve a water clarity of >100mm and a pH between 5.5 and 8.5 prior to discharge to the receiving environment;
 - (j) a record sheet, including details of personnel managing the dewatering operations;
 - (k) timing and duration of construction and operation works;
 - (l) details relating to the management of exposed areas (e.g. grassing, mulching) in accordance with condition 66;
 - (m) contingency for incidences and emergencies; and
 - (n) monitoring and maintenance requirements.
20. Prior to earthworks commencing, a certificate signed by an appropriately and experienced person must be submitted to the Council, to certify that the erosion and sediment controls have been constructed in accordance with the final Erosion and Sediment Control Plan (including any subsequent amendments) required by condition 18 and Auckland Council Guideline Document 2016/005: "Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region".

Certified controls must include the decanting earth bunds, sediment retention ponds (if constructed) clean water and dirty water diversions, silt fences and stabilised construction entrances. The certification of these measures must be supplied immediately upon completion of construction of those measures. Information supplied, if applicable, must include:

- (a) contributing slope length and gradient and/or contributing catchment area;
- (b) volume of the structure, including dead and live storage;

- (c) shape of structure (dimensions of structure);
- (d) position of inlets/outlets; and
- (e) size and stabilisation of diversion bunds.

Construction Noise and Vibration Management Plan

21. A final version of the Construction Noise and Vibration Management Plan (CNVMP) must be prepared by a suitably qualified person and submitted to the Council for approval prior to the commencement of any construction works onsite. The CNVMP must be generally consistent with the draft CNVMP prepared by WSP and referenced in condition 1.
22. The objectives of the CNVMP are to:
 - (a) identify the Best Practicable Option (within the limits set under the conditions of consent) and define the procedures to ensure adverse effects associated with construction activities are minimised;
 - (b) inform the duration, frequency and timing of works to manage disruption; and
 - (c) require engagement with affected receivers and timely management of complaints.
23. The CNVMP must include specific details relating to avoiding, remedying or mitigating adverse noise and vibration effects on the environment and neighbouring properties from construction, and management of all such works associated with this development as follows:
 - (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) applicable site noise and vibration criteria in accordance with conditions 90 to 93;
 - (d) programme of works and hours of operation;
 - (e) identification of surrounding noise and/or vibration sensitive receivers;
 - (f) details about the works, including:
 - (i) when the higher noise and vibration levels authorised by conditions 90 and 93 can be expected;
 - (ii) the likely sources or causes of noise and vibration;
 - (iii) methods for monitoring and reporting on noise and vibration;

- (iv) working hours authorised by condition 53;
 - (v) a contact phone number for any concerns regarding noise and vibration; and
- (g) the details in condition 23(f) must be provided to the owners and occupiers of the following neighbouring properties, being those properties identified in condition 91 for which specific maximum noise limits have been set:
- (i) 11, 13, 15, 17, 19, 21, 25, 27, 31 and 45 Cheshire Street;
 - (ii) 1, 2, 4 and 6 Ngahere Terrace; and
 - (iii) 7 and 41 Gibraltar Crescent.
- (h) details of the management and mitigation measures required to comply with conditions 90 to 99 inclusive, including:
- (i) scheduling piling between the hours of 9am and 4pm Monday to Friday as required by condition 53;
 - (ii) using acoustic attachments to piling equipment where practicable to reduce noise levels;
 - (iii) equipment selection to ensure that quieter and less vibration emitting construction methods are used where feasible and reasonable;
 - (iv) management of the placement and siting of multiple plant;
 - (v) directing noise-emitting plant away from sensitive receivers where possible;
 - (vi) ensuring that all engine and enclosure panels are kept closed; and
 - (vii) neighbour consultation as required by condition 26.
- (i) a requirement to undertake building condition surveys of buildings in accordance with conditions 94 to 99;
- (j) the requirement to monitor construction vibration at the most exposed surrounding buildings, as set out in condition 94;
- (k) procedures for ensuring that all contractors and operators on site are aware of the requirement to minimise noise and vibration effects as far as practicable on neighbouring sites;
- (ka) the requirement to carry out an investigation specific to complaints received from neighbours. The investigation should include confirming setback distances from individual plant to ensure compliance is being achieved with consented limits or predicted exceedances. The investigation may include complying with Council monitoring staff requests to temporarily cease

specific works to assist with identifying the source of the noise/vibration as required; and

(l) the process for changing, and certifying any changes to, the CNVMP.

24. The CNVMP must be prepared with reference to Annex E2 of NZS 6803:1999 Acoustics – Construction noise and Appendix B DIN 4150-3:1999 Structural Vibration – Part 3 Effects of vibration on structures.

Construction noise and vibration monitoring

25. The consent holder must ensure noise and vibration monitoring is carried out at the commencement of earthworks, piling works and compaction works to ensure the project noise and vibration limits (refer conditions 90 to 93) are not exceeded. Noise and vibration monitoring must be carried out by a Suitably Qualified Acoustic Engineer and the results provided to the Council within five (5) working days of completing the monitoring. Details of the subsequent monitoring programme during the construction activity must be specified in the CNVMP.

Neighbour consultation

26. The consent holder must advise, in writing, the occupants of all neighbouring sites within 50m of the works setting out an overview of the construction works, the expected duration and working hours, mitigation measures, expected levels of noise and vibration and the contact details of the site manager to call regarding concerns about the construction noise and vibration. Where those properties are apartment buildings, the written advice shall be via the body corporate. The advice must be provided at least twenty working (20) days before the construction works start.

Construction Traffic Management Plan

27. Prior to any works commencing on site, and subsequently every 24 months or prior to the beginning of each stage of construction (whichever is the lesser), the consent holder must submit a Construction Traffic Management Plan (CTMP) to the Council, for review and approval. The purpose of the CTMP is to address any temporary adverse effects of construction traffic related to the redevelopment of the site. The CTMP must be generally in accordance with the draft CTMP prepared by Traffic Planning Consultants Ltd (referenced in condition 1) and comply with the Auckland Transport Code of Practice requirements and the New Zealand Transport Agency's Code of Practice for Temporary Traffic Management.
28. The objective of the CTMP is to ensure that during construction the surrounding road network (including footpaths) operates safely and efficiently for all road users, including pedestrians, with particular regard to traffic and pedestrian movements on Cheshire Street and Heather Street.

The CTMP must prioritise:

- (a) Pedestrian access to the train station to be provided for in a safe and legible way at all times.

- (b) Pedestrian and vehicle access to private sites to be maintained at all times.
29. The CTMP must include specific details relating to avoiding, remedying or mitigating adverse construction traffic effects on the environment from the construction and management of all works associated with the development, and setting out procedures to be followed which ensure compliance with the conditions of consent, including:
- (a) the hours of heavy vehicle movements for earthworks and other construction works, consistent with condition 53;
 - (b) ingress and egress routes to/from the site for vehicles associated with construction and delivery of materials and equipment and construction machinery during each stage of the site works and construction periods, including heavy vehicle routes;
 - (c) estimated numbers and timing of heavy truck movements throughout the day on the proposed heavy vehicle routes;
 - (d) details of access and egress points for construction traffic from Cheshire Street. All heavy vehicle movements to and from Cheshire Street must be forward movements only;
 - (e) on-site parking for contractors and workers so that at all times during construction there is sufficient on-site parking for all construction related vehicles and workers cars;
 - (ea) measures to encourage workers to use public transport to access the construction site;
 - (f) any need for temporary road closures and/or other restrictions on the surrounding road network for the transportation of plant, machinery and materials or for other reasons relating to construction activities;
 - (g) location of traffic signs on surrounding streets and proposed signage for traffic management purposes during construction;
 - (h) twenty (20) working days prior to works starting, notice to be provided to adjacent businesses and residents (where those properties are apartment buildings, notice shall be via the body corporate) with regard to construction traffic management (such notice is to include details of the site manager);
 - (i) measures to ensure the safe and efficient movement of the travelling public (pedestrians, cyclists; vehicle occupants, etc.) with a specific focus on maintaining safe and convenient access to the train station, including the southern underpass, throughout the duration of the construction period. This is to include:
 - (i) the provision of a temporary footpath between Cheshire Street and the train station; and

- (ii) the provision of a temporary footpath between the train station and the southern underpass which is physically separated from construction activity.

In both instances, these temporary footpaths are to be appropriately illuminated;

- (j) measures to ensure satisfactory vehicle and pedestrian access is maintained to adjacent properties at all times;
- (ja) include a record of complaints, comments and feedback received regarding construction traffic from the CLG and any other members of the public;
- (k) detail the timing and duration of the temporary removal of the on-street parking spaces on Cheshire Street; and
- (l) include a practice of regular reviewal of the management practices in place.

No construction activity shall commence until the CTMP has been approval by the Council.

Advice notes: *The Council should consult with Auckland Transport Corridor Access Request team when reviewing the CTMP. Regardless of this consent the CTMP will be required to be submitted to Auckland Transport as part of the Corridor Access Request process.*

The CTMP may be subject to amendment through the life of the project. Any subsequent amendment of the approved CTMP must be tracked and the revised CTMP submitted to the Council for certification.

As part of the approval process Council's monitoring inspectors will liaise with members of the Council's Design Review Unit to review the proposed pedestrian access to the train station and to ensure that pedestrian accessibility to Waipapa Lane and the station plaza space provides an appropriate level of amenity at all times, particularly after dark.

29A. The following standards shall be achieved by the CTMP:

- (a) All parking of vehicles transporting workers shall be contained within the subject site and outside of the width of Waipapa Lane.
- (b) Heavy vehicle movements must be generally consistent with that indicated in section 3.2 of the draft CTMP prepared by Traffic Planning Consultants Ltd (referenced in Condition 1) and must not exceed 12 per hour.
- (c) There must be no queuing or double parking of heavy vehicles on Cheshire Street and Heather Street.
- (d) All heavy vehicle movements to and from Cheshire Street must be forward movements only.

- (e) No heavy vehicles shall access the site before 9am on any Saturday.
- (f) Pedestrian and vehicle access to other sites on Cheshire Street must be retained at all times and shall not be obstructed by parked vehicles or traffic management devices.
- (g) A pedestrian route of a minimum 1.8m in width along Waipapa Lane between Cheshire Street and the train station must, for the duration of the construction activity, be kept available, be safe, and be legible as public access. The 1.8m space must be separated from vehicle movements and must not be obstructed by traffic management devices.

Advice note: *To comply with (e) and (f) this may include ensuring that vehicle movements or traffic management devices do not conflict with pedestrian movements at the same time, noting that vehicles will need to cross the pedestrian route to access the site which will necessitate the temporary management of pedestrian movements.*

- (h) Construction related heavy vehicle access along Cheshire Street between Akaroa Street and Waipapa Lane must be restricted to one way truck movement.

Waipapa Lane traffic calming

- 30. Prior to the commencement of any works on the site, the consent holder must submit to Council for approval, a design for traffic calming measures along Waipapa Lane. The approval will confirm that the traffic calming measures proposed will achieve a design speed of no greater than 10km/h for the entire length of Waipapa Lane.

Advice note: *The Auckland Transport Design Manual (TDM) can provide guidance as to the appropriate traffic calming measures and spacing required to achieve design speeds.*

The traffic calming devices design will need to consider stormwater runoff.

- 31. The traffic calming measures on Waipapa Lane must be installed at the consent holder's expense.

Advice note: *Council must consult with Auckland Transport Development Planning. The traffic calming measures are to mitigate risk to pedestrians posed by the steep gradient of the access road and lack of berm separating the carriageway and foot path and provide for a safe on road cycle environment. These works relate to the finished carriageway, rather than requiring implementation during construction.*

Avoid damaging assets

- 32. Unless specifically provided for by this consent approval, there must be no damage to public roads, footpaths, berms, kerbs, drains, reserves or other public asset as a result of the earthworks and construction activity, including truck movements. In the event that such damage does occur, Council will be notified within 24 hours of its

discovery. The costs of rectifying such damage and restoring the asset to its original condition must be met by the consent holder.

Assessment and Maintenance Management (RAMM) Assessment

33. To establish a baseline, at least two weeks prior to the commencement of works on site, the consent holder must submit to Council a RAMM visual condition assessment, including a High Definition video and the results of Benkelman Beam testing of the heavy vehicle construction route identified in the CTMP.
- 33A. The consent holder shall arrange a meeting with Council and Auckland Transport to discuss the findings of the RAMM visual condition assessment and the Benkelman beam testing.

***Advice note:** The purpose of the meeting is to agree on the existing condition of the identified heavy vehicle route(s) (as required by Condition 29(b)). Council Officers will take minutes of the meeting and these minutes detailing agreement will be circulated to attendees within 5 working days of the meeting taking place.*

- 33B. A final inspection shall be undertaken 1 week after the end of construction activities requiring heavy vehicle movements and the report shall be submitted to Council no later than the fifth (5th) working day following the final inspection.
- 33C. If the final inspection required by condition 33B identifies that a road has been damaged as a consequence of heavy vehicle movements associated with the construction of the approved development, the consent holder shall arrange for the repair of the road surface to the baseline standard established by the assessments undertaken in accordance with condition 33. Such repair shall be at the expense of the consent holder and be undertaken to a timeframe agreed by Council.

Stormwater Operation and Maintenance Plan

34. Prior to any works commencing on site, the consent holder must submit a Stormwater Operation and Maintenance Plan (SOMP) to the Council for certification. The SOMP must include (but is not limited to):
- (a) Maintenance of flood resistant items and structures.
 - (b) Regular inspections and inspections post significant storm events.
 - (c) Removal of any debris or obstructions which may reduce the functionality of the swale, concrete channel and flood conveyance system.

The approved SOMP must be implemented and maintained in perpetuity.

Geotechnical

35. An engineer's excavation and retaining work method statement must be provided to the Council in writing prior to earthworks commencing on site. The work method statement must include excavation time frames, temporary propping/weatherproofing and/or sequencing of boundary works.

36. At the time the building consent application for basement construction is lodged the consent holder must provide details of the location of the proposed foundations to the Council for certification that the foundations will meet the Council's standard clearance requirements from public pipes.

Detailed design plans

37. The consent holder must consult with the Body Corporate of 25 Cheshire Street prior to final design of the Landscape Plan (Condition 42) as it relates to the proposed decorative steel fin arrangement and landscaping adjacent to 25 Cheshire Street on the southern side of Waipapa Lane in order to ensure that these elements are not climbable and to manage any other security issues raised by the Body Corporate relating to the proposed design.
38. Prior to lodgement of building consent for each stage of the development, a finalised set of architectural detail drawings and materials specifications must be submitted to Council for certification by the Council. This information shall be submitted concurrently with that required by condition 42, relative to the stage of work. The information must include the following:
- (a) details of the façade treatment / architectural features of the buildings, including specifically the final façade treatment of the southern end of Buildings C and D and the north wall of Building F. These details and the extent of façade relief must be consistent with the intent expressed on VB30, Façade Material Palette, Rev A prepared by Warren & Mahoney dated 15.03.2021 and must include sufficient depth and three-dimensional relief to ensure readability / interest;
 - (b) external / rooftop services / plant, and visual / aural screening elements;
 - (c) Waipapa Lane wind screen details;
 - (d) signage and wayfinding strategy in respect of directing access to the village, train station and public realm for the public from outside of the village;
 - (e) Station Plaza hard landscape details;
 - (f) details of the proposed footpath to the southern underpass required by condition 121A; and
 - (g) details of the hard landscaping adjacent Ngahere Terrace including retaining walls, basement walls, and service structures.
39. All works must be carried out in accordance with Condition 38, and thereafter retained and maintained, to the satisfaction of the Council.

Advice note: As part of the condition monitoring process, Council's monitoring inspectors will liaise with members of the Council's Design Review Unit to ensure that the submitted details are consistent with the approved plans and information.

Building acoustic design

40. Noise sensitive spaces must be designed and/or insulated so that the internal noise levels do not exceed the levels below, consistent with Standard E25.6.10(1), (2), and (3) of the Unitary Plan:

Unit	Time	Noise level
Bedrooms and sleeping areas	Between 11:00pm to 7:00am	35 dB L _{Aeq} 45 dB L _{eq} at 63 Hz 40 dB L _{eq} at 125 Hz
Other noise sensitive spaces	At all other times	40 dB L _{Aeq}

Where the noise levels above can only be achieved when windows and/or external doors to rooms are closed, those rooms must have installed a mechanical ventilation system which does not generate a noise level greater than 35 dB L_{Aeq} in bedrooms and 40 dB L_{Aeq} in other spaces when measured 1m from the diffuser at the minimum air flows required to achieve the design temperatures and air flows in AUP OP E25.6.10(3)(b)(i) or (ii) or an alternative temperature control system approved by the Council.

Building acoustic design certificate

41. At the time the building consent application for above-ground (non-basement) construction is lodged the consent holder must provide written certification from a Suitably Qualified Acoustic Engineer to the Council confirming that the building has been designed to ensure internal noise levels in noise-sensitive spaces in condition 40 can be met. Written certification must be in the form of a report or any other form acceptable to the Council. Compliance with this condition may be staged relative to each building containing noise-sensitive spaces and its respective building consent.

Advice notes: *Noise sensitive space is defined as “Any indoor space within an activity sensitive to noise excluding any bathroom, water closet, laundry, pantry, walk in wardrobe, corridor, hallway, lobby, stairwell, clothes drying area, kitchens not part of a dwelling, garage or other space of a specialised nature occupied neither frequently nor for extended periods”.*

Measures to mitigate the effects of noise are likely to include the use of insulation materials, and ventilation systems that enable habitable rooms 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/or air supply requirements for noise sensitive spaces, for purposes of thermal comfort. Should these requirements be unable to be complied with, a further resource consent may be required.

Landscape treatment and maintenance – finalised details

42. Prior to commencement of each stage of landscape works a finalised set of Landscape and Pavement Plans / Site & Landscape Management Plans for that stage must be submitted to the Council, for approval, in conjunction with the Design Review Unit. The finalised plans must be consistent with the landscape design intent

/ objectives identified in the plans and information referenced at Condition 1 and shall include:

- (a) landscape plan and specifications, including specific references and details in relation to the following;
 - (i) Planting in between the southern façade of Buildings B and C and the Ngahere Terrace walkway needs to include large scale trees (where possible, while maintaining the overland flow path and avoiding the shading of habitable rooms) and shrubs that are able to grow up to 2m – 4m in order to appropriately mitigate the building walls along this edge. The use of climbers would also be supported. Plant selection shall be shade tolerant species.
 - (ii) Planting adjacent to 45 Cheshire Street and the 7.8m high retaining wall shall include a mix of large-scale trees and shrubs and climbers to mitigate visual amenity effects of this blank façade.
 - (iii) Planting within the 3m yard along the eastern edge of Building B and along the boundary with 45 Cheshire Street shall include a mix of large-scale trees (where possible, while maintaining the overland flow path and avoiding the shading of habitable rooms) and shrubs in order to assist in screening views to the more blank portions of this building wall. Any trees in these areas shall be planted at a minimum grade of 45L.
 - (iv) The details of planting within the southern gardens area with specific reference to existing native plans along this edge.
- (b) planting schedule, detailing the specific planting species, the number of plants provided, locations, heights/Pb sizes;
- (c) details of draft specification documentation for any specific drainage, soil preparation, tree pits, staking, irrigation and mulching requirements
- (d) height/type/material/colours of any fence and retaining wall along and near the site boundaries;
- (e) pavement plan and specifications, detailing materiality and colour throughout the development site and as required to meet conditions 43 and 45 to 47;
- (f) annotated sections with key dimensions to illustrate that adequate widths and depths are provided for planter boxes / garden beds;
- (fa) an annotated street furniture plan and related specifications which confirm the location and type of all seats, bins, lights, and other structural landscape design elements including the wind barriers and decorative steel fins along Waipapa Lane;
- (g) a management/maintenance programme, in particular details of maintenance methodology and frequency, irrigation, weed and pest control, allowance for replacement of plants, including specimen trees in case plants

are severely damaged / die over the first five (5) years of the planting being established;

- (h) as a precautionary measure: vandalism eradication policies;
- (i) lighting plan and specifications, including locations, lux levels and types of lighting (i.e. manufacturer's specifications once a details have been determined) and as required to be meet Conditions 44 and 48; and
- (j) consultation with the community (through the CLG established via Condition 10) prior to the final design of the Landscape Plan to receive feedback as to the finalised design of the southern taper of land and the maintenance regime for this area.

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

Prior to the redevelopment / construction of the Cheshire Street cul-de-sac, the final design will require approval from Auckland Transport.

As part of the development of the final design of the hard and soft landscape elements, the consent holder has advised it will consider the opportunity to recognise the history of the site, in an interpretive sense, in terms of the former alignment of the Waipapa Stream, and previous land uses.

South end path surface material and lighting

- 43. The consent holder must form the foot path surfaces connecting Ngahere Terrace to the southern underpass in accordance with the TDM requirements for surface materials outlined in the Auckland Transport TDM, while noting the requirement for this surface to accommodate heavy vehicle (emergency) manoeuvring.
- 44. The consent holder must install lighting to achieve the Auckland Transport TDM standards for lighting of public foot paths for the foot paths connecting to the Southern underpass.

Waipapa Lane foot path design, surface and lighting

- 45. The Waipapa Lane footpath must be formed to be a continuous level connection from Cheshire Street to the train station. The foot path must be separated from any vehicle carriageway by a vertical raised kerb and located on the southern side of Waipapa Lane. At all points of the foot path the design must be visibly clear to all users that public pedestrians have priority, in particular at the vehicle access points into the development which cross the foot path. The vehicle crossing points over the foot path must be designed in accordance with Auckland Transport Standard GD019A-1B.

Advice note: *In accordance with GD019A-1B to manage traffic speeds crossing the foot path, a ramp of no greater than 900mm in depth at 15% gradient is required,*

with a level through route foot path of the remainder of the path at 2-3% cross gradient.

Continuous level surface in this case is to define that there will be no step change and maintain a gradient as regular as possible for the foot path.

46. The shared space at Waipapa Lane turning head shall be appropriately differentiated through use of contrasting paving materials in order to emphasise pedestrian priority.
47. The Waipapa Lane pedestrian foot path must be formed using surface materials that achieve the surface material outcomes outlined in the Auckland Transport TDM.

Advice note: *Surface material guidance in the Auckland Transport TDM is to achieve surfaces with the appropriate slip resistance in all weather conditions, and considers whole of life costs.*

48. The consent holder must install lighting of Waipapa Lane consistent with Auckland Transport lighting standards for public foot paths prior to the first occupation of the development. Specifications can be found in the street lighting chapter for full details of street lighting including lighting levels, performance standards and lighting types. The lighting must be located outside of the space allocated to the foot path through way and must be maintained for the life of the development.

Advice note: *The consent holder can refer to the Auckland Transport TDM for guidance on AT public lighting requirements.*

Parking space lighting

49. Prior to the occupation of each stage of the development, the consent holder must provide suitable lighting in the car parking spaces required to service that stage of the development, in compliance with Section E24 of the AUP(OP).

Signage

50. Prior to installation of signage on site the consent holder must provide detailed information to illustrate the finalised design details of the proposed signage, including the proposed locations, dimensions, colours, materials and surface finishes for written approval by the Council.

Advice note: *As part of the approval process, Council's monitoring officers will liaise with members of the Council's Design Review Unit to ensure that the submitted details are consistent with the approved plans and information and to consider the opportunity to recognise the history of the site, in terms of the former alignment of the Waipapa Stream, and previous land uses.*

Heritage

51. The consent holder must record the remains of the former railway workshops on the site prior to, and during, their removal as part of the project. The records must consist of an annotated survey plan and photographic records and will be provided to the Council.

Advice note: The consent holder has been granted an Archaeological Authority No. 2020/453 pursuant to section 48 of the Heritage New Zealand Pouhere Taonga Act 2014 in respect of the proposed earthworks at the site.

Wind

52. Prior to its construction, the consent holder must submit to the Council, to meet the requirements of condition 38, the final design of the porous wind screen (measuring 3m high and 30m long) that is to be constructed on the southern side of Waipapa Lane, for certification that the proposed wind screen will ensure that mean wind speeds are no greater than Category C in Waipapa Lane.

DURING CONSTRUCTION

Construction hours

53. The construction works must be restricted to hours between 7:30am and 6:00pm, Monday to Saturday except for works using piling equipment which must be further restricted to between 9am and 4pm, Monday to Friday. No construction works are permitted on Sundays or public holidays.

Advice note: This restriction shall not apply to low noise creating activities such as site set up, painting, electrical works or landscaping, which may occur outside of these hours Monday to Saturday only.

Earthworks – contaminated land

54. The procedures in the document titled: “DRAFT” “Remedial Action Plan and Site Management Plan Summerset Parnell 23 and 41 Cheshire Street, Parnell” prepared by Riley Consultants, reference 150788-AC dated 3 March 2021 and those referred to in the memo prepared by Riley Consultants dated 15 October 2020 in response to Council’s S92 Request, must be incorporated into a final RAP/SMP for Council approval prior to earthworks commencing. Any subsequent revisions to the RAP/SMP during the works must be provided to the Council for review and approval.
55. The proposed land-disturbance works and temporary stockpiling of the excavated material must be undertaken in accordance with the procedures set out in the document titled: “DRAFT” “Remedial Action Plan and Site Management Plan Summerset Parnell 23 and 41 Cheshire Street, Parnell” prepared by Riley Consultants, reference 150788-AC dated 3 March 2021. Any variations to the RAP/SMP procedures must be submitted to the Council for review and approval prior to their implementation.
56. A revised version of the RAP/SMP must be provided to the Council for review and approval prior to the commencement of the proposed land-disturbance activity. The revised version of the RAP/SMP must incorporate the outcomes of a forthcoming water quality pilot study and subsequent discussions to be held with Council’s senior contamination specialist, regarding ponded water testing and suitable acceptance criteria for discharges to the stormwater system/final receiving environment (i.e. the ocean).

57. The consent holder must submit a Ground Gas/Vapour Risk Assessment and Management Report to the Council prior to the commencement of buildings constructions. The report must be prepared in accordance with the international guidelines and standards based on the document titled: "Detailed Site Investigation Contaminated Land Summerset Parnell 23 and 41 Cheshire Street, Parnell" prepared by Riley Consultants, reference 150788-AA dated 23 February 2021 (the DSI) and include consideration of the following matters:
- (a) discussions on landfill gas/vapour generation potential and gas migration pathways;
 - (b) justifications of monitoring well locations in relation to the building positions and site conditions;
 - (c) details of gas monitoring;
 - (d) records and discussions of factors which may influence monitoring data, including atmospheric pressures, rainfalls, groundwater levels and selected response zone;
 - (e) risk assessment for buildings according to BS 8485:2015: Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings;
 - (f) proposed gas protection measures for buildings to achieve the required gas protection scores;
 - (g) other mitigation measures in consideration of gas migration pathways;
 - (h) evaluation of short-term exposure risk during deep excavations.
58. The consent holder must incorporate the approved ground gas mitigation mechanisms as per the approved Ground Gas/Vapour Risk Assessment and Management Report into building designs. Any changes to the gas mitigation measures in the approved Ground Gas/Vapour Risk Assessment and Management Report must be approved in writing by the Council.
59. A certified engineer must be engaged to supervise and certify that the approved gas protection measures have been appropriately installed for the new buildings to achieve the required minimum gas protection score, and provide a certification to the acceptance of Council at least ten (10) working days prior to occupation of each stage of the development.
60. The consent holder must update the document titled: "DRAFT" "Remedial Action Plan and Site Management Plan Summerset Parnell 23 and 41 Cheshire Street, Parnell" prepared by Riley Consultants, reference 150788-AC dated 3 March 2021 based on the findings from the Ground Gas/Vapour Risk Assessment and Management Report required by condition 57 and must at least ten (10) working days prior to commencement of earthworks, provide a final RAP/SMP to the acceptance of the Council. Any changes to the plan must be approved in writing by the Council.

61. The consent holder must undertake continuous gas monitoring during deep excavations and implement the control measures as per the approved RAP/SMP to protect site workers from exposure to ground gas/vapour risk.
62. Prior to occupancy of each stage of the development the consent holder must provide to the acceptance of the Council a Long-term Monitoring and Management Plan to ensure the gas protection measures for the building(s) within that stage of the development are functioning properly.
63. During soil disturbance and remediation works, all necessary action must be taken to prevent dust generation and sufficient water must be available to dampen exposed soil, and/or other dust suppressing measures must be available to avoid dust formation. The consent holder must ensure that dust management during the excavation works generally complies with the Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions, MfE (2016).

Advice note: WorkSafe statutory requirements for management of asbestos containing dust (ACD) will be referenced within the licensed asbestos removalist's Asbestos Removal Control Plan (ARCP) that will be submitted to WorkSafe under Class B notification. If more stringent dust management procedures are required under the ARCP the consent holder will be required to comply with these requirements in addition to meeting the conditions of consent.

64. If evidence of hazardous materials which have not been identified in the initial site investigations is discovered during excavation, the consent holder must immediately cease the works, and engage a Suitably Qualified and Experienced Practitioner (SQEP) to assess the discovery, carry out testing as needed and advise Council of the intended remediation or management actions.
65. In the event of an incidental discovery of contamination during the land-disturbance works, which has not been previously identified, the works in the vicinity of the contamination hotspot must immediately be ceased and the procedures set out in the Contingency Plan, contained within the finalised RAP/SMP, referenced in condition 55 must be followed. Those procedures must include notifying the Council and engaging a suitably qualified and experienced practitioner (SQEP) to assess the situation (including possible sampling and testing) and advise Council of the intended remediation or management actions.
66. Excavated material must only be used for future grassed areas on site if it meets with the requirements in the NESCS for the protection of human health for high density residential land use.
67. Any material excavated during the earthworks which is not re-used on site must be disposed of at an appropriate facility, licensed to accept the levels of contamination identified. Excavated soil must not be disposed of as 'cleanfill' unless it has been appropriately tested and characterised by a SQEP as meeting the 'Cleanfill material' definition, set out in the Auckland Unitary Plan (Operative in Part) (AUP OP).
68. *This condition has intentionally been left blank.*

69. The consent holder must ensure that the contamination level of any imported soil complies with the definition of 'Cleanfill material', as per the AUP OP. Any imported material must be solid material of an inert nature and must not contain hazardous substances or contaminants above natural background levels of the receiving site.
70. All temporary stockpiles of the excavated material designated for re-use on site must be managed to minimise the generation of dust and contaminant discharges. In accordance with the procedures set out in the "DRAFT" RAP/SMP, referenced in condition 55. Management measures may include but are not necessarily limited to anchored cover (tarpaulins or similar material), capping and bunding.
71. All temporary stockpiles of the excavated material designated for re-use on site must be inspected by a suitably qualified geotechnical engineer and contaminated land specialist at weekly intervals to confirm the integrity of the cap/cover layer and the satisfactory state of repair of the erosion and sediment controls put in place. Any identified damage to the stockpile capping/cover layer or erosion and sediment controls must be repaired within a week of the inspection. Records of the stockpile inspections and repairs, if applicable, must be submitted to the Council at six-monthly intervals and made available to the Council's compliance monitoring advisor upon a request.
72. All sampling and testing of contamination on the site must be overseen by a SQEP. All sampling must be undertaken in accordance with the Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils (Ministry for the Environment, revised 2011).
73. Within three months of the completion of each stage of the proposed land-disturbance works, a Works Stage Completion Report must be submitted to the Council for review and certification. The Works Stage Completion Report must be prepared by a SQEP in accordance with the *Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand* (Ministry for the Environment, revised 2011) and contain sufficient detail to address the following matters:
 - (a) A summary of the works undertaken within the relevant stage, including the location and dimensions of the excavations carried out and the volume of soil excavated.
 - (b) Details and results of any additional testing, if undertaken, including any validation testing undertaken as a result of unexpected discovery of contamination, and interpretation of the results in the context of the NES:CS and the AUP(OP).
 - (c) Records of the appropriate disposal of any material removed from the site.
 - (d) Records of testing any material imported into the site, in order to confirm it meets the definition of 'Cleanfill material', set out in the AUP(OP).
 - (e) Records of any unexpected contamination encountered during the works and relevant response actions, if applicable.

- (f) Conditions of the ground surface upon the completion of the relevant stage of works.
 - (g) Reports of any complaints or health and safety incidents related to contamination, and/or contingency events during the earthworks.
 - (h) A statement confirming whether all works have been carried out in accordance with the requirements set out in the consent conditions, otherwise providing details of relevant breaches, if applicable.
74. Within three months of the completion of all land-disturbance works on site, a Site Validation Report (SVR) must be submitted to the Council for review and certification. The SVR must be prepared by a SQEP in accordance with the *Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand* (Ministry for the Environment, revised 2011).
75. *This condition has intentionally been left blank.*

Earthworks – erosion and sediment control

76. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required as a condition of resource consent must be maintained throughout the duration of earthworks activity, or until the site is permanently stabilised against erosion.
77. There must 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 must 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; and*
- *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 Council for more details.

Alternatively, please refer to Auckland Council's Guidance Document 005, Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region.

78. All land-disturbance activity on site must be managed to minimise any discharge of debris, soil, silt, sediment or sediment-laden water from the subject site to land, stormwater drainage systems, watercourses or receiving waters.
79. Erosion and sediment controls must be installed within the boundaries of the disturbance areas in accordance with the RAP/SMP, referenced in condition 55, and Auckland Council guidance document 2016/005: Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region. The excavation areas must be dampened during the day to suppress the generation of dust during the works. Any stormwater cesspits in the vicinity of the excavation areas must be efficiently protected from contaminant discharges. Vehicles must be inspected prior to leaving the works area and wheels brushed/cleaned as required to avoid the potential for sediment to leave the site on vehicle tyres and enter the existing stormwater system.

Advice note: *Discharge from the site includes the disposal of water (e.g. perched groundwater or ponding surface water runoff) from the land-disturbance area.*

80. The sediment and erosion controls at the site of the works must 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 must be maintained of the date, time and any maintenance undertaken in association with this condition which must be forwarded to the Council on request.
81. Upon completion or abandonment of earthworks on the subject site all areas of bare earth must be permanently stabilised against erosion in accordance with *Auckland Council Guideline Document 2016-005 Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region.*

Advice note: *In accordance with Condition 81 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; and*
- *aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward.*

Seasonal Restriction

82. No land disturbing activities on the site must be undertaken between 01 May and 30 September in any year, without the submission of a 'Request for winter works' for approval by the Council. All requests must be renewed annually prior to the approval expiring and no works must occur until written approval has been received from the Council. All winter works will be re-assessed monthly or as required to ensure that adverse effects are not occurring in the receiving environment and approval may be revoked by Council upon written notice to the consent holder.

Chemical Treatment Management Plan

83. At least 20 working days prior to the commencement of the earthworks, a Chemical Treatment Management Plan (Chem TMP) must be submitted to the Council for the written certification. The plan must include as a minimum:
- (a) specific design details of the chemical treatment system based on a rainfall activated dosing methodology for the site's sediment retention pond and decanting earth bunds;
 - (b) batch dose rate and procedure;
 - (c) monitoring, maintenance (including post storm) and contingency programme (including a record sheet);
 - (d) details of optimum dosage (including assumptions);
 - (e) results of initial chemical treatment trial;
 - (f) a spill contingency plan;
 - (g) 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; and
 - (h) treatment of any water discharges during earthworks and proposed mitigation to ensure that it is suitably 'clean' from sediments.

Advice note: *In the event that minor amendments to the Chem TMP are required, any such amendments should be limited to the scope of this consent. Any amendments which affect the performance of the Chem TMP may require an application to be made in accordance with section 127 of the RMA. Any minor amendments should be provided to the Council, prior to implementation to confirm that they are within the scope of this consent.*

84. All decanting earth bunds and sediment retention ponds must be chemically treated by a rainfall activated system in accordance with the Chemical Treatment Management Plan certified under condition 83.
85. Until such time that the contaminated soils have been removed from the site, or stabilised, the site must have sufficient impoundment storage to contain stormwater runoff from the contributing catchment for the 1% annual exceedance probability (AEP) storm event, plus a freeboard of 300mm.
86. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required by the final Erosion and Sediment Control Plan, required by Condition 18, must be maintained throughout the duration of the earthworks activity, or until the site is permanently stabilised against erosion. A record of any maintenance work must be kept and be supplied to the Council on request.

87. The site must be progressively stabilised against erosion in accordance with Auckland Council Guideline Document 2016/005 *Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region* as soon as practicable as earthworks are finished over various areas of the site.

Geotechnical and Stability Conditions

88. All earthworks must be managed to ensure that they do not lead to any uncontrolled instability or collapse affecting either the site or adversely affecting any neighbouring properties. In the event that such collapse or instability occurs, it must be rectified by the consent holder immediately.
89. The consent holder engage an engineer (who is familiar with the Geotechnical Report prepared by Riley and referenced in Condition 1) to monitor all excavations, retaining and foundation construction. The supervising engineer's contact details must be provided in writing to the Council, at least two weeks prior to earthworks commencing on the site.

Construction Noise

90. Noise from construction activities must be measured and assessed in accordance with NZS 6803:1999 and, except as provided for in Condition 91, comply with the following limits when measured 1m from the façade of any building that contains an activity sensitive to noise that is occupied during the works:

Time of week	Time period	Maximum noise level (dB)	
		L _{Aeq}	L _{Amax}
Monday to Friday	6:30am - 7:30am	55	70
	7:30am - 6:00pm	70	85
	6:00pm - 8:00pm	65	80
Saturdays	6:30am - 7:30am	40	70
	7:30am - 6:00pm	70	85
	6:00pm - 8:00pm	40	70
Sundays and public holidays	6:30am - 7:30am	40	70
	7:30am - 6:00pm	50	80
	6:00pm - 8:00pm	40	70
Night time	8:00pm - 6:30am	40	70

91. The following noise limits apply to excavation, compaction of fill and piling activities to be carried out within the construction hours specified in Condition 53:
- (a) noise generated by excavation activities must not exceed the following external limits when measured 1m from the façade of any occupied buildings not on the same site:

- (i) 75 dB $L_{Aeq(30min)}$ at 11, 13 and 45 Cheshire Street; and
 - (ii) 80 dB $L_{Aeq(30min)}$ at 21, 25, 27 and 31 Cheshire Street and 1 Ngahere Terrace;
- (b) noise generated by compaction of fill must not exceed the following external limit when measured 1m from the façade of any occupied buildings not on the same site:
- (i) 75 dB $L_{Aeq(30min)}$ at 25, 27 and 31 Cheshire Street and 1 Ngahere Terrace; and
- (c) noise generated by piling activities must not exceed the following external limits when measured 1m from the façade of any occupied buildings not on the same site:
- (i) 75 dB $L_{Aeq(30min)}$ at 11, 19, 21, and 45 Cheshire Street, 2 and 6 Ngahere Terrace and 41 Gibraltar Crescent; and
 - (ii) 80 dB $L_{Aeq(30min)}$ at 13, 25, 27 and 31 Cheshire Street and 1 Ngahere Terrace.

LAF_{max} levels must not exceed the L_{Aeq} levels + 15 dBA.

Construction vibration – structural limits

92. Vibration levels arising from construction activity on the site received on any structure not on the same site must not exceed the guideline values set out in German Industrial Standard DIN 4150-3 (1999): Structural Vibration – Part 3 Effects of Vibration on Structures during construction in any circumstance, as set out below:

Type of Structure	Short-term Vibration			PPV at horizontal plane of highest floor at all frequencies	Long-term vibration
	Peak particle velocity (PPV), mm/s				PPV at horizontal plane of highest floor at all frequencies
	1Hz-10Hz	10Hz-50Hz	50Hz-100Hz		
Building used for commercial purposes, industrial buildings	20 mm/s	20-40 mm/s	40-50 mm/s	40 mm/s	10 mm/s
Dwellings and buildings of similar design and/or occupancy	5 mm/s	5-15 mm/s	15-20 mm/s	15 mm/s	5 mm/s
Structures that, because of their	3 mm/s	3-8 mm/s	8-10 mm/s	8 mm/s	2.5 mm/s

particular sensitivity to vibration, cannot be classified under the above two rows and are of great intrinsic value					
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Construction vibration – amenity limit

93. Vibration levels arising from construction activity on the site must not exceed, unless otherwise provided for in the CNVMP (referenced in Condition 21), a limit of 2mm/s peak particle velocity for more than three (3) days in occupied buildings in any axis when measured in the corner of the floor of the storey of interest for multi-storey buildings, or within 500mm of ground level at the foundation of a single storey building as specified in AUP(OP) Table E25.6.30.1.

If measured or predicted vibration from construction activities exceeds 2mm/s PPV for more than three (3) days at an occupied building, the consent holder must consult with occupants to:

- (a) Discuss the nature of the work and the anticipated days and hours when the exceedances are likely to occur.
- (b) Determine whether the exceedances could practicably be timed or managed to reduce the effects on the receiver and, if so, to do so.
- (c) Provide in writing, no less than three days prior to the vibration-generating works commencing, details of the location of the works, the duration of the works, a phone number for complaints and the name of the site manager.

The consent holder must maintain a record of these discussions and make them available to the Council on its request.

Advice note: *If the building is not occupied then the above noise limits and vibration amenity limit (2mm/s PPV) do not apply. This allows high noise or vibration creating work to be scheduled when receivers are not present, subject to compliance with structural guideline limits and compliance with the vibration limits at other nearby buildings that are occupied. The consent holder must maintain a record of these discussions and make them available to the Council on its request.*

Building condition survey

94. The consent holder must request in writing the approval of the owners of the following properties to undertake a building condition survey at the times listed in Condition 95:
- (a) 13 Cheshire Street.
 - (b) 21 Cheshire Street.
 - (c) 25 Cheshire Street.

- (d) 27 Cheshire Street.
- (e) 31 Cheshire Street.
- (f) 1 Ngahere Terrace.
- (g) 7-9 Falcon Street.
- (h) 11-13 Falcon Street.
- (i) 17 Falcon Street.
- (j) 19 Falcon Street.

95. Subject to property owner approval being provided, the consent holder must undertake a building condition survey for each of the properties listed in Condition 94 at the following times:

- (a) at least 10 working days prior to construction commencing;
- (b) within 10 working days of the completion of piling nearest to the above properties; and
- (c) at the completion of Building A and Building B.

Should any reasonable claim of property damage from construction activities be received from a property owner listed in Condition 94 during the course of the construction activity, a building condition survey of the property in question shall be undertaken within five (5) working days of a claim or claims being received by the consent holder.

96. Each building condition survey must:

- (a) be undertaken by a registered member of the New Zealand Institute of Building Surveyors Inc who is suitable qualified to undertake cosmetic and structural damage assessment and reporting (Building Surveyor);
- (b) provide a description of the building;
- (c) determine the appropriate structure type classification with respect to DIN 4150-3:1999 "Structural Vibration – Effects of Vibration on Structures" (i.e. historic/sensitive, residential or commercial/industrial);
- (d) document and photograph the condition of the building, including any cosmetic and/or structural damage;
- (e) the Building Surveyor shall invite the owner and any occupier, if different to the owner, to identify any concerns they wish to be considered in any condition survey, and these must be taken into account in the preparation of the building condition survey; and

(f) the results must be provided to the property owner and be available to Council on request.

97. If during any construction the building condition survey demonstrates that cosmetic or structural damage has occurred, that has, in the opinion of the Building Surveyor, been caused by the activities authorised by this consent, the infringing construction works must cease until such time as alternative construction methods have been agreed in writing with the Council (in consultation with the Building Surveyor).
98. Within twenty (20) working days following the identification of cosmetic or structure damage under Condition 97, the Building Surveyor must advise in writing any necessary remedial measures to reinstate the affected building to its previously surveyed appearance and structural integrity. The results must be provided to the consent holder, property owner, and the Council as soon as practicable. The consent holder must then offer to, and, if accepted by the property owner must, at the consent holder's cost, rectify the damage as soon as practicable in accordance with the remedial measures set out in the building survey, in consultation with the property owner.
99. If the post-construction building condition survey demonstrates that damage has occurred that has been caused by the activities authorised by this consent, the consent holder must offer to and, if accepted by the property owner, rectify the damage at the consent holder's cost, as soon as practicable, in consultation with the property owner.

Maintenance report – stormwater management system

100. Details of all inspections and maintenance for the stormwater management system, for the preceding three (3) years, in accordance with the SOMP required by Condition 34, must be retained. A maintenance report must be provided to the Council on request.
101. The maintenance report must include the following information:
- (a) details of who is responsible for maintenance of the stormwater management system and the organisational structure supporting this process;
 - (b) details of any maintenance undertaken; and
 - (c) details of any inspections completed.

AFTER CONSTRUCTION

Post-construction meeting

102. A post-construction meeting must be held by the consent holder within twenty (20) working days of completion of each stage of development. The post-construction meeting shall:
- (a) be located on the subject site;

- (b) include the Auckland Council Team Leader Compliance Monitoring Central and Development Engineer; and
- (c) include representation from the contractors who have undertaken the works and the appointed Civil Engineer.

Advice Note: *To arrange the post-construction meeting required by Condition 102 please contact the Council on 09 3010101 or email monitoring@aucklandcouncil.govt.nz.*

Certification of stormwater management works (As-built plans)

103. As-Built certification and plans of the stormwater management works, which are certified (signed) by a Chartered Professional Engineer as a true record of the stormwater management system, must be provided to the Council for approval., including evidence of completion of the flowpath as shown in the “Flood Assessment and Proposed Mitigation Report”, prepared by Riley Consultants, dated 6 August 2020, Ref 150788-AB”, including cross-sections of the overland flow path channel. This must be provided to the satisfaction of the Council within 20 working days from the completion of works and prior to occupancy of the building(s).

Advice note: *A peer review is recommended for the inlet grill design at Engineering Plan Approval stage to minimise potential of blockages.*

104. The consent holder must provide a statement from a SQEP to the Council five (5) days prior to the post-construction meeting required by this consent certifying that any openings (such as windows) along Building B where it is adjacent to the overland flow path as shown in the “Flood Assessment and Proposed Mitigation Report”, prepared by Riley Consultants, dated 6 August 2020, Ref 150788-AB” are at a minimum of 500 mm above the top of the water level for the overland flow path.
105. Five (5) days prior to the post-construction meeting required by this consent, the consent holder must provide to Council plans to accompany an easement in favour of the Council in respect of the overland flow paths. Any easement documentation must be prepared by the consent holder’s solicitors to the satisfaction of Council’s solicitors. The terms of the easement must prevent buildings, structures or other obstructions being erected in the overland flow paths, and must require the landowner to maintain, weed and clean the overland flow paths to ensure an unobstructed flow of stormwater.

Contents of as-built plans

106. As-Built Plans must be provided to the Council five (5) days prior to the post-construction meeting required by this consent.

The As-Built Plans must display the entirety of the stormwater management system, and must include:

- (a) location, dimensions and levels of any overland flowpaths and overland flowpath discharge structures including cross sections and long sections;

- (b) plans and cross sections of all stormwater management devices, including confirmation of the storage volumes and levels and dimensions of any outflow control structure; and
- (c) documentation of any discrepancies between the design plans and the As-Built Plans approved by the Modifications Approval condition.

Overland flow path

107. The consent holder must provide a statement from an engineer or building professional certifying the capacity of, and entry and exit points to, the overland flow path, as identified in the “Memorandum: Response to Engineering (Flooding) Items – S92 Request Application BUN60364362”, prepared by Riley Consultants Limited, dated 20 October 2020, Ref: 150788-AF, and keep the overland flow path free of all obstructions at these locations (e.g. buildings and solid fences).

Landscape treatment – implementation

108. All hard and soft landscaping must be implemented, as detailed on the approved Landscape and Pavement Plans / Site & Landscape Management Plans required by Condition 42 of this consent, prior to the end of the first planting season immediately following the completion of the relevant stage of building works to which they practically relate. In particular, the landscaping proposed between Buildings B and C and the pedestrian access between Ngahere Terrace (shown on Sheet 23, South End – Landscape Plan prepared by Kamo Marsh dated August 2020 referenced in Condition 1) must be complete within the first planting season after the completion of Buildings B and C. The landscaping must be maintained thereafter in accordance with the maintenance programme approved under Condition 42 above to the satisfaction of the Council.

Acoustic operations / Operational noise standards

109. Prior to occupation of each stage of the development, the consent holder must submit evidence to the Council, from a Suitably Qualified Acoustic Engineer, demonstrating that the noise (rating) level and maximum noise level from external plant, traffic and any other noise sources associated with that stage of the activity, in combination with any already operational stages of the activity, complies with the following noise limits within the boundary of an adjacent site when measured in accordance with the provisions of NZS 6801:2008 Acoustics – Measurement of environmental sound and assessed in accordance with NZS 6802:2008 Acoustics – Environmental noise:
- (a) in the Business – Mixed Use zone:

Time	Noise Level
7am to 11pm	65dB L _{Aeq}
11pm to 7am	55dB L _{Aeq} 65 dB L _{eq} at 63 Hz

Time	Noise Level
	60 dB L _{eq} at 125 Hz 75 dB L _{AFmax}

(b) in the Residential – Terrace Housing and Apartment Buildings zone:

Time	Noise Level
Monday to Saturday, 7am to 10pm	55dB L _{Aeq}
Sunday 9am to 6pm	
All other times	45dB L _{Aeq} 60 dB L _{eq} at 63 Hz 55 dB L _{eq} at 125 Hz 75 dB L _{AFmax}

Advice note: When measured in accordance with NZS 6801:2008 “Acoustics – Measurement of Environmental Sound” and assessed in accordance with NZS 6802:2008 “Acoustics - Environmental Noise”

110. Trucks and commercial vehicles accessing the site for the purpose of making any delivery or collection (including refuse and recycling) may only do so between the hours of 0700 and 2200 Monday to Friday and 0900 and 1800 Saturday and Sunday.
111. To ensure the permitted noise levels specified in Condition 109 are met at all times, the selection, design and installation of mechanical equipment on site, including the emergency generator, must be overseen by a Suitably Qualified Acoustic Engineer during the design stages of the project. A copy of the acoustic assessment must be provided to the Council within ten (10) working days of a written request.
112. Within one month of the commencement of occupation of the entire retirement village approved by this consent a report prepared by a Suitably Qualified Acoustic Engineer must be provided to the Council demonstrating that noise arising from mechanical plant and equipment complies with the permitted noise levels specified in Condition 109.

Access, parking and manoeuvring

113. Prior to the occupation of each stage of the development all access, parking and manoeuvring areas required to service that stage of the development must be formed, and sealed with an all-weather surface and drained in accordance with the approved plans to the satisfaction of the Council.
114. Prior to the occupation of each stage of the development the car parking spaces required to service that stage of the development (including accessible spaces and visitor parking spaces) must be marked and/or identified through signage to the satisfaction of the Council.

115. Prior to the occupation of the final stage of the development the car parking spaces must be marked and/or identified through signage to the satisfaction of the Council.
116. Prior to construction of any bicycle parking area/s, confirmation must be provided to the Council that the layout, quantity (minimum 16), design and security of bicycle parking facilities located either in public or private areas, meet the minimum requirements of the Auckland Transport Code of Practice 2013, Part 13.6 for Cycle Parking.
117. Prior to occupation, the consent holder must install appropriate signage and line marking at the loading space to deter others from parking in the area.
118. Prior to occupation of Building A the consent holder must install a traffic signal system at the ramp connection Level 1 and Level 0 (G) to the parking spaces in Building A in order to ensure safe two-way movement of opposing vehicles along the ramp. This must be undertaken to the satisfaction of the Council.

Loading and servicing management plan

119. Prior to occupation of each stage of the development the consent holder must prepare a loading management plan. The loading management plan must identify management practices for loading and servicing of the site to be implemented. The purpose of the loading and servicing management plan must be to undertake loading and servicing in a way that is least disruptive to the operation of the train station and pedestrian access to the train station. The loading management plan must be provided to Council for certification prior to occupation of each stage of the development. The loading management plan must also demonstrate that the formal loading spaces identified on the consent drawings comply with AUP standards for manoeuvring and height, relative to the types of vehicles that they are to service.

Traffic calming for vehicles entering Waipapa Lane from site

120. Within the driveway space prior to vehicles traversing the Waipapa Lane footpath, traffic calming measures must be installed to lower vehicle speeds to no greater than 10 km/hr.

Staff parking area

121. Access to the staff parking area at the northern end of the site (adjacent to the Waipapa Lane turning head) is to be restricted via the installation of a barrier arm. The barrier arm must be closed at all times, except where it is opened intermittently to provide entry and exit to vehicles.

Access to Southern Underpass

- 121A. The consent holder must ensure that the pedestrian access way along the western side of the site between Parnell Train Station and the southern underpass (as shown on Sheet 21, West Edge – Landscape Design prepared by Kamo Marsh dated August 2020 referenced in Condition 1) is maintained until such time a new northern pedestrian underpass is delivered.

Certification of Earthworks

121B. Earthworks, foundations and retaining construction shall follow the recommendations of Geotechnical Investigation Report Summerset Parnell 23 and 41 Cheshire Street, Parnell by Riley Consultants (reference: 150788-A, Issue: 1.0, dated: 7 August 2020). The consent holder shall provide verification in writing from an engineer to the Council, that the recommendations of the Geotechnical Investigation Report Summerset Parnell 23 and 41 Cheshire Street, Parnell by Riley Consultants (reference: 150788-A, Issue: 1.0, dated: 7 August 2020) have been implemented on site. This shall be provided no later than two weeks after foundation/retaining construction have been completed. All details in the written statement shall be to the satisfaction of the Council.

Specific conditions – Discharge Consent DIS60364363

Disposal and Temporary Stockpiling

121C. The soils identified for off-site disposal must primarily be loaded directly into trucks and must be covered during transportation off site. If required, temporary stockpiles of material free from separate phase hydrocarbons or odorous petroleum hydrocarbons must be managed in accordance with the “DRAFT” RAP/SMP referenced in Condition 55 or its revised version, referenced in condition 58. Stockpiling of material containing separate phase hydrocarbons or odorous petroleum hydrocarbons must not take place, unless such short-term stockpiles are intended for expeditious removal by covered trucks to a suitable offsite facility.

121D. Consent DIS60364363 shall expire seven (7) years after the date it is granted unless it has been surrendered or cancelled at an earlier date pursuant to the RMA.

Specific conditions – Regional Land Use Consent LUC60303311

121E. Regional Land Use Consent LUC60363416 will expire 7 years from the date of issue unless it has been surrendered or cancelled at an earlier date pursuant to the RMA.

SPECIFIC CONDITIONS – WATER PERMIT WAT60364364

Advice note: definitions

Words in the following conditions have specific meanings as outlined in the table below:

Word / phrase	Definition
Alarm Level	Specific levels at which actions are required as described in the relevant conditions.
Alert Level	Specific levels at which actions are required as described in the relevant conditions.
Bulk Excavation	Includes all excavation that affects groundwater excluding minor enabling works and piling less than 1.5m in diameter.

Word / phrase	Definition
Commencement of Construction Phase Dewatering	Means commencement of Bulk Excavation and/or the commencement of the taking or diversion of groundwater, other than for initial state monitoring purposes.
Completion of Construction Phase Dewatering	Means, in the case of a drained building or structure, the stage when the structure's external and internal support mechanisms, including basement floors, have been completed, the permanent drainage system(s) are in place and no further groundwater is being taken for the construction of the basement.
Commencement of Excavation	Means commencement of Bulk Excavation or excavation to create perimeter walls.
Completion of Construction	Means when the Code Compliance Certificate (CCC) is issued by Auckland Council.
Completion of Excavation	Means the stage when all Bulk Excavation has been completed and all foundation/footing excavations within 10 metres of the boundary retaining wall have been completed.
Condition Survey	Means an external visual inspection or a detailed condition survey (as defined in the relevant conditions).
Damage	Includes Aesthetic, Serviceability, Stability, but does not include Negligible Damage. Damage as described in the table below.
External visual inspection	A condition survey undertaken for the purpose of detecting any new external Damage or deterioration of existing external Damage. Includes as a minimum a visual inspection of the exterior and a dated photographic record of all observable exterior Damage.
GSMCP	Means Groundwater and Settlement Monitoring and Contingency Plan.
Monitoring Station	Means any monitoring instrument including a ground or building deformation station, inclinometer, groundwater monitoring bore, retaining wall deflection station, or other monitoring device required by this consent.
RL	Means Reduced Level.
Seasonal Low Groundwater Level	Means the annual lowest groundwater level – which typically occurs in summer.

Word / phrase	Definition
Services	Include fibre optic cables, sanitary drainage, stormwater drainage, gas and water mains, power and telephone installations and infrastructure, road infrastructure assets such as footpaths, kerbs, catch-pits, pavements and street furniture.
SQEP	Means Suitably Qualified Engineering Professional.
SQBS	Means Suitably Qualified Building Surveyor.

Category of Damage	Normal Degree of Severity	Description of Typical Damage <i>(Building Damage Classification after Burland (1995), and Mair et al (1996))</i>	General Category <i>(after Burland – 1995)</i>
0	Negligible	Hairline cracks.	Aesthetic Damage
1	Very Slight	Fine cracks easily treated during normal redecoration. Perhaps isolated slight fracture in building. Cracks in exterior visible upon close inspection. Typical crack widths up to 1mm.	
2	Slight	Cracks easily filled. Redecoration probably required. Several slight fractures inside building. Exterior cracks visible, some repainting may be required for weather-tightness. Doors and windows may stick slightly. Typically crack widths up to 5mm.	
3	Moderate	Cracks may require cutting out and patching. Recurrent cracks can be masked by suitable linings. Brick pointing and possible replacement of a small amount of exterior brickwork may be required. Doors and windows sticking. Utility services may be interrupted. Weather tightness often impaired. Typical crack widths are 5mm to 15mm or several greater than 3mm.	Serviceability Damage

Category of Damage	Normal Degree of Severity	Description of Typical Damage <i>(Building Damage Classification after Burland (1995), and Mair et al (1996))</i>	General Category <i>(after Burland – 1995)</i>
4	Severe	Extensive repair involving removal and replacement of walls especially over door and windows required. Window and door frames distorted. Floor slopes noticeably. Walls lean or bulge noticeably. Some loss of bearing in beams. Utility services disrupted. Typical crack widths are 15mm to 25mm but also depend on the number of cracks.	
5	Very Severe	Major repair required involving partial or complete reconstruction. Beams lose bearing, walls lean badly and require shoring. Windows broken by distortion. Danger of instability. Typical crack widths are greater than 25mm but depend on the number of cracks.	Stability Damage

Table 1: Building Damage Classification

Note: In the table above the column headed “Description of Typical Damage” applies to masonry buildings only and the column headed “General Category” applies to all buildings.

122. The take (dewatering) and groundwater diversion consent WAT60364364 must expire 35 years from the grant of consent unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the RMA.

Notice of commencement of construction phase dewatering

123. The Council must be advised in writing at least ten (10) working days prior to the date of the commencement of dewatering.

Design of basement walls and retaining

124. The design and construction of the basement retaining walls must be undertaken in accordance with the specifications contained in the report titled:
- (a) “Geotechnical Investigation Report - Summerset Parnell – 23 and 41 Cheshire Street, Parnell”, prepared by Riley Consultants (RC) , dated 7 August 2020, Ref 150788-A.

The consent holder must provide verification in writing from an engineer to the Council, that the recommendations have been implemented on site. This must be provided no later than two (2) weeks after foundation/retaining construction have been completed.

All details in the written statement must be to the satisfaction of the Council.

Excavation limit

125. The Bulk Excavation (excluding isolated excavations for pile caps and footings, lift pits, removal of underground obstructions, undercutting of poor ground etc.) must not extend below the following levels:

- (a) 18.30 mRL - Building A,
- (b) 15.50 mRL – Building B,
- (c) 15.15 mRL – Buildings C to G.

Performance Standards

Damage avoidance

126. All excavation, dewatering systems, retaining structures, basements and works associated with the diversion or taking of groundwater, must be designed, constructed and maintained so as to avoid Damage to buildings, structures and Services on the site and adjacent properties, outside that considered as part of the application process unless otherwise agreed in writing with the asset owner.

Alert and Alarm Levels

127. The activity must not cause any settlement or movement greater than the Alarm Level thresholds specified in Schedule A below. Alert and Alarm Levels are triggered when the following Alert and Alarm Trigger thresholds are exceeded:

Schedule A: Alarm and Alert Levels

Movement		Trigger Thresholds (+/-)	
		Alarm	Alert
a)	Differential vertical settlement between any two Ground Surface Settlement Monitoring Stations (the Differential Ground Surface Settlement Alarm or Alert Level): • S4 to GS8	1:500	1:700
b)	Total vertical settlement between the pre-excavation baseline level at any Ground Surface Deformation Station (the Total Ground Surface Settlement Alarm or Alert Level): • S4 to GS8	20mm	14mm

Movement		Trigger Thresholds (+/-)	
		Alarm	Alert
c)	Differential vertical settlement between any two adjacent Building Deformation Stations (the Differential Building Settlement Alarm or Alert Level): <ul style="list-style-type: none"> • 1 to B25 	1:700	1:1000
d)	Total vertical settlement between the pre-excavation baseline level at any Building Deformation Station (the Total Building Settlement Alarm or Alert Level): <ul style="list-style-type: none"> • 1 to B25 	10mm	7mm
e)	Total lateral deflection between the pre-excavation baseline level at any retaining wall deflection station (the Retaining Wall Deflection Deformation Alarm or Alert Level): <ul style="list-style-type: none"> • D1 to WD4 (RW1 – Section AA) • D5 to WD8 (RW2 – Section CC) • D9 to WD11 (RW3 – Section DD) • D12 to WD14 (RW5 – Section EE) 	25mm 38mm 25mm 25mm	23mm 27mm 10mm 14mm
f)	Distance below the pre-dewatering Seasonal Low Groundwater Level and any subsequent groundwater reading at any groundwater monitoring bore (the Groundwater Alert Levels 1 & 2):	N/A	(1) 1m (2) 1.5m

Note: The locations of the Monitoring Stations listed in Schedule A are shown on the plan titled:

- (a) “Cheshire Street Parnell - Proposed Village – Preliminary Monitoring Layout Plan”, prepared by Riley Consultants Ltd, dated 16 October 2020, Drawing No. 150788-1009 Rev 1.

128. These levels may be amended subject to approval by the Council as part of the Groundwater Settlement Monitoring and Contingency Plan (GSMCP) approval process, and, after the receipt of pre-dewatering monitoring data, building condition surveys and recommendations from a suitably qualified engineering professional (SQEP), but only to the extent that avoidance of Damage to building, structures and Services can still be achieved.

Advice note: *There are conditions below that must be complied with when the Alert and Alarm Level triggers are exceeded. These include actions that must be taken immediately including seeking the advice of a SQEP.*

Alert Level actions

129. In the event of any Alert Level being exceeded the consent holder must:
- (a) Notify the Council within twenty-four (24) hours.
 - (b) Notify KiwiRail Holdings Limited within forty-eight (48) hours if the Alert Level exceedance relates to land in the immediate vicinity of the rail corridor.
 - (c) Re-measure all Monitoring Stations within twenty (20) metres of the affected monitoring location(s) to confirm the extent of apparent movement.
 - (d) Ensure the data is reviewed, and advice provided, by a SQEP on the need for mitigation measures or other actions necessary to avoid further deformation. Where mitigation measures or other actions are recommended those measures must be implemented.
 - (e) Submit a written report, prepared by the SQEP responsible for overseeing the monitoring, to the Council within five (5) working days of Alert Level exceedance. The report must provide an analysis of all monitoring data (including wall deflection) relating to the exceedance, actions taken to date to address the issue, recommendations for additional monitoring (i.e. the need for increased frequency or repeat condition survey(s) of building or structures) and recommendations for future remedial actions necessary to prevent Alarm Levels being exceeded.
 - (f) Measure and record all Monitoring Stations within twenty (20) metres of the location of any Alert Level exceedance every two days until such time the written report referred to above has been submitted to the Council.

Alarm Level actions

130. In the event of any Alarm Level being exceeded at any ground deformation pin, building deformation pin or retaining wall deflection pin the consent holder must:
- (a) Immediately halt construction activity relevant to the location of Alarm Level exceedance, including excavation, dewatering or any other works that may result in increased deformation, unless halting the activity is considered by a SQEP to be likely to be more harmful (in terms of effects on the environment) than continuing to carry out the activity.
 - (b) Notify the Council within twenty-four (24) hours of the Alarm Level exceedance being detected and provide details of the measurements taken.
 - (c) Notify KiwiRail Holdings Limited within forty-eight (48) hours if the Alarm Level exceedance relates to land in the immediate vicinity of the rail corridor.

- (d) Undertake a condition survey (this could comprise either a detailed condition survey or an external visual inspection at the discretion of the SQEP responsible for overseeing the monitoring) by a SQEP or suitably qualified building surveyor (SQBS) of any building or structure located adjacent to any Monitoring Station where the Alarm Level has been exceeded.
- (e) Take advice from the author of the Alert Level exceedance report (if there was one) on actions required to avoid, remedy or mitigate adverse effects on ground, buildings or structures that may occur as a result of the exceedance.
- (f) Not resume construction activities (or any associated activities), halted in accordance with paragraph (a) above, until any mitigation measures (recommended in accordance with paragraphs (d) above) have been implemented to the satisfaction of a SQEP.
- (g) Submit a written report, prepared by the SQEP responsible for overseeing the monitoring, to the Council, on the results of the condition survey(s), the mitigation measures implemented and any remedial works and/or agreements with affected parties within five (5) working days of recommencement of works.

Groundwater Settlement Monitoring and Contingency Plan (GSMCP)

- 131. At least ten (10) working days prior to the commencement of Construction Phase Dewatering, a Groundwater and Settlement Monitoring and Contingency Plan (GSMCP) prepared by SQEP, must be submitted to the Council for written approval. Any later proposed amendment of the GSMCP must also be submitted to the Council for written approval.
- 132. The overall objective of the GSMCP must be to set out the practices and procedures to be adopted to ensure compliance with the consent conditions and must include, at a minimum, the following information:
 - (a) A monitoring location plan showing the location and type of all Monitoring Stations including ground and building deformation pins, retaining wall deflection pins, and groundwater monitoring piezometers. The monitoring plan should be based on the plan titled: "Cheshire Street Parnell – Proposed Village – Preliminary Monitoring Layout Plan", prepared by Riley Consultants Ltd, dated 16 October 2020, Drawing No. 150788-1009 Rev 1.

In any case where the location of a Monitoring Station differs substantively from that shown on the plan titled "Cheshire Street Parnell – Proposed Village – Preliminary Monitoring Layout Plan", prepared by Riley Consultants Ltd, dated 16 October 2020, Drawing No. 150788-1009 Rev 1, a written explanation for the difference must be provided at the same time that the GSMCP is provided.
 - (b) Final completed schedules B to E (as per the conditions below) for monitoring of ground surface, building and retaining wall deformation (including any

proposed changes to the monitoring frequency) as required by conditions below.

- (c) All monitoring data, the identification of Services susceptible to Damage and all building / Service condition surveys undertaken to date, and required by conditions below.
 - (d) A bar chart or a schedule, showing the timing and frequency of condition surveys, visual inspections and all other monitoring required by this consent, and a sample report template for the required two (2) monthly monitoring.
 - (e) All Alert and Alarm Level triggers (including reasons if changes to such are proposed, for example as a result of recommendations in the building condition surveys or data obtained from pre-dewatering monitoring).
 - (f) Details of the contingency actions to be implemented if Alert or Alarm Levels are exceeded.
133. All construction, dewatering, monitoring and contingency actions must be carried out in accordance with the approved GSMCP. No Bulk Excavation (that may affect groundwater levels) or other dewatering activities must commence until the GSMCP is approved in writing by the Council.

Pre-dewatering building and structure survey

134. No more than six (6) months prior to the commencement of Construction Phase Dewatering a detailed condition survey of buildings and structures as specified in Schedule B below must be undertaken by a SQEB or SQBS and a written report must be prepared and reviewed by the SQEP responsible for overseeing the monitoring. The report must be submitted for written approval by the Council.

This condition does not apply where written evidence is provided to the Council that the owner of a property has confirmed they do not require a detailed condition survey or where a property owner has not responded within four (4) weeks to a request to undertake a detailed condition survey.

The detailed condition survey must include:

- (a) Confirmation of the installation of deformation pins as required in Schedule B below in the locations to be specified on updated plan titled: "Cheshire Street Parnell - Proposed Village – Preliminary Monitoring Layout Plan", prepared by Riley Consultants Ltd, dated 16 October 2020, Drawing No. 150788-1009 Rev 1.
- (b) A description of the type of foundations.
- (c) A description of existing levels of Damage considered to be of an aesthetic or superficial nature.

- (d) A description of existing levels of Damage considered to affect the serviceability of the building where visually apparent without recourse to intrusive or destructive investigation.
- (e) An assessment as to whether existing Damage may or may not be associated with actual structural Damage and an assessment of the susceptibility of the buildings/structures to further movement and Damage.
- (f) Photographic evidence of existing observable Damage.
- (g) A review of proposed Alarm and Alert Levels to confirm they are appropriately set and confirmation that any ground settlement less than the Alarm Level will not cause Damage.
- (h) An assessment of whether the monitoring frequency is appropriate.
- (i) An assessment of whether the locations and density of existing building deformation stations are adequate and appropriate for the effective detection of change to building and structure condition.

Schedule B: Buildings/Structures that require Detailed Condition Survey and Installation of Deformation Stations		
Building Address	Description	Number of building deformation stations required
3 & 5 Cheshire Street	Car Park and Tennis Court Building	3No. (B1 to B3)
13 Cheshire Street	Southern Portion of Apartment Building	3No. (B4 to B6)
25 Cheshire Street	Apartments	3No. (B7 to B9)
27 Cheshire Street	Apartments	3No. (B10 to B12)
31 Cheshire Street	Commercial Building	4No. (B13 to B16)
45 Cheshire Street	Dwelling	None
1 Ngahere Terrace	Dwelling	4No. (B17 to B20)
23 Cheshire Street	Parnell Station	5No. (B21 to B25)

Pre-Dewatering Services Condition Survey

135. Prior to the commencement of Construction Phase Dewatering, a condition survey of potentially affected stormwater and wastewater services must be undertaken in consultation with the relevant service provider. This condition does not apply to any service where written evidence is provided to the Council that the owner of that service has confirmed they do not require a condition survey.

External visual inspections during construction phase dewatering

136. External visual inspections of the surrounding ground and the neighbouring buildings and structures (as listed in Schedule B) must be undertaken for the purpose of

detecting any new external Damage or deterioration of existing external Damage. Inspections are to be carried out weekly from the commencement to Completion of Construction Phase Dewatering. A photographic record is to be kept, including time and date, of each inspection and all observations made during the inspection, and should be of a quality that is fit for purpose.

The results of the external visual inspections and an assessment of the results are to be reviewed by the SQEP responsible for overseeing the monitoring and included in the bimonthly monitoring report for the relevant monitoring period required by condition 146.

This condition does not apply to any land, building or structure where written evidence is provided to the Council confirming that the owner of the land, building or structure does not require visual inspections to be carried out or where a property owner has not responded within four (4) weeks to a request to carry out visual inspections.

Completion of Construction Phase Dewatering – Building, Structure and Services Condition Surveys

137. Between six (6) and twelve (12) months after Completion of Construction Phase Dewatering a detailed condition survey of all previously surveyed buildings, structures and Services, must be undertaken by a SQEP or SQBS and a written report must be prepared. The report is to be reviewed by the SQEP responsible for overseeing the monitoring and then submitted to the Council, within one month of completion of the survey.

The condition survey report must make specific comment on those matters identified in the pre-dewatering condition survey. It must also identify any new Damage that has occurred since the pre-dewatering condition survey was undertaken and provide an assessment of the likely cause of any such Damage.

This condition does not apply to any building, structure or Service where written evidence is provided to the Council confirming that the owner of that building, structure, or Service does not require a condition survey to be undertaken or where a property owner has not responded within four (4) weeks to a request to undertake a condition survey.

Additional surveys

138. Additional condition surveys of any building, structure, or Service within the area defined by the extent of groundwater drawdown or ground movement (as defined in the report titled “Geotechnical Investigation Report - Summerset Parnell – 23 and 41 Cheshire Street, Parnell”, prepared by Riley Consultants (RC), dated 7 August 2020, Ref 150788-A must be undertaken, if requested by the Council, for the purpose of investigating any Damage potentially caused by ground movement resulting from Construction Phase Dewatering or retaining wall deflection. A written report of the results of the survey must be prepared and/or reviewed by the SQEP responsible for overseeing the monitoring. The report must be submitted to the Council.

The requirement for any such additional condition survey will cease six (6) months after the Completion of Construction Phase Dewatering unless ground settlement or building deformation monitoring indicates movement is still occurring at a level that may result in Damage to buildings, structures, or Services. In such circumstances the period where additional condition surveys may be required will be extended until monitoring shows that movement has stabilised and the risk of Damage to buildings, structures and Services as a result of the dewatering is no longer present.

Groundwater monitoring

139. Groundwater monitoring is to be undertaken at the groundwater monitoring bore locations shown on the plan titled: “Cheshire Street Parnell - Proposed Village – Preliminary Monitoring Layout Plan”, prepared by Riley Consultants Ltd, dated 16 October 2020, Drawing No. 150788-1009 Rev 1, or in the approved GSMCP. Groundwater level monitoring is to be undertaken in accordance with Schedule C below:

Schedule C: Groundwater Monitoring Frequency					
Bore Name	Location		Groundwater level monitoring frequency (to an accuracy of 10mm)		
	Easting (mE)	Northing (mN)	From bore construction until one month before Commencement of Excavation	One month before Commencement of Excavation to Completion of Excavation	From Completion of Excavation until 3 months later
P1	401,198.8283	802,824.4997	Monthly (with a minimum of three-monthly readings)	Weekly	Monthly
P2	401,313.7081	802,719.3475			
P3	401,328.9079	802,662.4293			
P4	401,222.5280	802,705.7092			

140. The monitoring frequency may be changed if approved by the Council. Any change must be specified in the GSMCP. In addition, the three (3) month monitoring period post Completion of Excavation may be extended, by the Council, if measured groundwater levels are not consistent with inferred seasonal trends or predicted groundwater movement.

Advice note: *If groundwater level measurements show an inconsistent pattern immediately prior to the Commencement of Construction Phase Dewatering (for example varying more than +/-200mm during a month), then further readings may be required to ensure that an accurate groundwater level baseline is established before Construction Phase dewatering commences.*

Ground surface and building deformation monitoring

141. Ground surface and building deformation Monitoring Stations must be established and maintained at the approximate locations shown on the plan titled: “Cheshire Street Parnell - Proposed Village – Preliminary Monitoring Layout Plan”, prepared by Riley Consultants Ltd, dated 16 October 2020, Drawing No. 150788-1009 Rev 1. The Monitoring Stations will be monitored at the frequency set out in Schedule D. The purpose of the Monitoring Stations is to record any vertical or horizontal movement. Benchmark positions must be established no less than twenty (20) metres away from the excavated area.

Schedule D: Ground Surface and Building Monitoring			
Monitoring Station and type	Frequency		
	Pre-Commencement of Excavation	Commencement to Completion of Excavation	Post-Completion of Excavation
<i>Ground: Eight Points (GS1 to GS8)</i>	Twice to a horizontal and vertical accuracy of +/- 2mm (achieved by precise levelling)	Weekly	Monthly for 6 months
<i>Buildings: Twenty-five Points (B1 to B25)</i>	Twice to a horizontal and vertical accuracy of +/- 2mm (achieved by precise levelling)	Weekly	Monthly for 6 months

The monitoring frequency may be changed, if approved by the Council.

Retaining wall monitoring

142. Twelve retaining wall deflection stations (WD1 to WD12), for the measurement of lateral wall movement, must be installed along the top of the retaining walls for the measurement of lateral displacement, as shown on the plan titled: “Cheshire Street Parnell - Proposed Village – Preliminary Monitoring Layout Plan”, prepared by Riley Consultants Ltd, dated 16 October 2020, Drawing No. 150788-1009 Rev 1. Monitoring of the retaining wall deflection stations must be undertaken and recorded in accordance with Schedule E below and must be carried out using precise levelling.

Schedule E: Retaining Wall Monitoring		
Frequency		
Pre-Commencement of Excavation	Commencement of Excavation to one month after Completion of Excavation	Three months after Completion of Excavation
Retaining Wall Deflection Stations	Retaining Wall Deflection Stations	Retaining Wall Deflection Stations

Twice to a horizontal and vertical accuracy of +/-2mm	Once for every 2 metres depth (on average) of excavation, and, in any case, at a minimum of once weekly.	Fortnightly
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The monitoring frequency may be changed, if approved by the Council, through the GSMCP.

Access to third party property

143. Where any monitoring, inspection or condition survey in this consent requires access to property/ies owned by a third party, and access is declined, subject to what the consent holder considers to be unreasonable terms, or where a property owner has not responded within four (4) weeks of the request for access being made, the consent holder must provide a report to the Council prepared by a SQEP identifying an alternative monitoring programme. The report must describe how the monitoring will provide sufficient early detection of deformation to enable measures to be implemented to prevent Damage to buildings, structures or Services. Written approval from the Council must be obtained before an alternative monitoring option is implemented.

Contingency actions

144. If the consent holder becomes aware of any Damage to buildings, structures or Services potentially caused wholly, or in part, by the exercise of this consent, the consent holder must:
- (a) Notify the Council and the asset owner within two (2) working days of the consent holder becoming aware of the Damage.
 - (b) Provide a report prepared by a SQEP (engaged by the consent holder at their cost) that describes the Damage, identifies the cause of the Damage, identifies methods to remedy and/or mitigate the Damage that has been caused, identifies the potential for further Damage to occur, and describes actions that will be taken to avoid further Damage.
 - (c) Provide a copy of the report, prepared under (b) above, to the Council and the asset owner within ten (10) working days of notification under (a) above.
 - (d) Where the report provided by the SQEP in accordance with (b) above identifies the cause of the Damage to be activities authorised by this consent, the consent holder must offer to and, if accepted by the asset owner, rectify the Damage at the consent holder's cost, as soon as practicable, in consultation with the asset owner.

Advice Note: *It is anticipated the consent holder will seek the permission of the damaged asset owner to access the property and asset to enable the inspection/investigation. It is understood that if access is denied the report will be of limited extent.*

Building, Structure, and Services Surveys and Inspections

145. A copy of all pre-dewatering building, structure condition surveys, and Service condition surveys and photographic records of external visual inspections required by this consent must be submitted to the Council with the GSMCP. All other condition surveys and photographic records required by this consent must be provided to the Council upon request.

Reporting of monitoring data

146. At two monthly intervals, until the Completion of Construction Phase Dewatering, a report containing all monitoring data required by conditions of this consent must be submitted to the Council. This report must include a construction progress timeline, the monitoring data (including the results of condition surveys) recorded in that period, and, a comparison of that data with previously recorded data and with the Alert and Alarm Levels for each Monitoring Station.

Upon Completion of Construction Phase Dewatering, one electronic data file (excel workbook) containing digital data for all groundwater monitoring bores must be provided to the Council. Data should include the monitoring bore name, type, location (NZTM easting / northing and elevation), screened depth for groundwater monitoring bores, absolute and relative readings (and their units of measure) and the date / time of each reading. The worksheets should contain data values only (no formulas, circular references or links to other sheets).

Notice of completion

147. The Council must be advised in writing within ten (10) working days of when excavation and Construction Phase Dewatering has been completed.

Advice Note: *The consent holder is advised that the discharge of pumped groundwater to a stormwater system or waterbody will need to comply with any other regulations, bylaws or discharge rules that may apply.*

Groundwater maintenance program

148. At the Completion of Construction Phase Dewatering, the Council must be provided with a maintenance program for any permanent groundwater drainage system used to manage groundwater levels.

Advice Note: *The consent holder is advised that the discharge of pumped groundwater to a stormwater system or waterbody will need to comply with any other regulations, bylaws or discharge rules that may apply.*

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 the

Team Leader Central Monitoring (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. 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.
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.

AT permissions: CAR permits/road encroachment licences and leases

6. The consent holder will be responsible for ensuring all necessary permits, such as Corridor Access Requests (CAR) permits, Temporary anchors, etc. are obtained from Auckland Transport. See Auckland Transport's website <http://www.aucklandtransport.govt.nz> for more information.
7. The consent holder will be required to submit a resolution report for approval by Auckland Transport Traffic Control Committee to legalise the proposed traffic control devices (e.g. proposed public parking along Cheshire Street). Further information on the resolution process can be found in the following link: <https://at.govt.nz/about-us/working-with-at/traffic-and-parking-controls>.

Watercare approvals: 'Works Over' and new connections

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.

Advice that engineering approval required

9. The proposed connections to the stormwater and wastewater network will require engineering approvals to be obtained from the council prior to applying for a Building Consent. See the council's website <http://www.aucklandcouncil.govt.nz> for more information on the engineering approval process, or call (09) 301 0101 and ask to speak to a Development Engineer from your local service centre. In particular, the engineering approval applications will be required for:

- (a) *The proposed stormwater pipe diversion including a 900 mm dia SW to be abandoned and replaced with 1050 mm dia, at depth between 6 and 12m in un-engineered fill.*
 - (b) *All private SW connections to the existing 900 mm dia from upstream neighbouring properties. All these will need to be located and re-routed to the proposed public SQ system. The CCTV of the existing 900 mm dia should have identified all private connections, if not then these shall be identified at EPA time.*
 - (c) *Any pile foundations for the buildings to be bridged over the public drains. Further structural details will be checked at Building Consent stage.*
 - (d) *Abandoned private drainage which is to be sealed off to the satisfaction of the Council. Details are to be supplied with the Building Consent application.*
 - (e) *The finalised location of connections and manholes which shall be confirmed at Engineering Plan Approval stage. Healthy Waters input at Engineering Plan Approval stage will be required.*
 - (f) *The flood detention tanks, catch pits, scruffy domes and culvert which should be private assets and remain the responsibility of the consent holder.*
10. *A survey of the public line and levels should be completed prior to lodgement of Engineering Plan Approval / Works Over to confirm levels and location.*
 11. *The new public stormwater line and diversions shall be constructed and designed to ensure all existing operational lateral connections to the existing public stormwater line are maintained.*
 12. *The Stormwater Management Plan is subject to review and approval by Healthy Waters. This is a requirement under the Local Government Act.*

Natural hazards

13. *The site is subject to section 71-74 of the Building Act Limitations and restrictions on building consents: Construction of building on land subject to natural hazards. Council recommends that the consent holder seeks financial, legal and insurance advice on this.*
14. *Future subdivision of the land will require an encumbrance on the titles regarding the flood hazard extent and overland flow path locations.*

Asbestos

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

The consent holder has 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.

16. *If asbestos containing material is found on site following the demolition or removal of the existing buildings the Consent Holder may be required to remediate the site and carry out validation sampling. Dependent on the amount of soil disturbance a further application for resource consent may be required.*

Contamination

17. *If the site contamination status exceeds the Permitted Activity soil acceptance criteria, set out in Standard E30.6.1.4 of the AUP(OP) upon the completion of the development works, a long-term contaminant discharge consent will likely be required for the site. Also required will likely be regular groundwater monitoring to determine the nature and extent of any relevant contaminant discharges within the site. Further advice can be obtained from Contaminated Land Specialists at Resource Consents via email to contaminatedsites@aucklandcouncil.govt.nz*



Karyn Sinclair

Chairperson

20 May 2021