

**BEFORE THE ENVIRONMENT COURT**

Decision No. [2012] NZEnvC

240

**IN THE MATTER** of four appeals under section 120 of the  
Resource Management Act 1991

**BETWEEN** NEW ZEALAND RETAIL PROPERTY  
GROUP

(ENV-2010-AKL-000051)

MAGSONS HARDWARE LTD

(ENV-2010-AKL-000052)

CANAM CORPORATE HOLDINGS LTD  
& THE WHITBY TRUST

(ENV-2010-AKL-000053)

NEW ZEALAND TRANSPORT  
AGENCY

(ENV-2010-AKL-000058)

Appellants

**AND** AUCKLAND COUNCIL (FORMERLY  
WAITAKERE CITY COUNCIL)

Respondent

**AND** MAGSONS HARDWARE LTD

Applicant

Environment Judge M Harland sitting alone under section 279 of the Act



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## FINAL DECISION OF THE ENVIRONMENT COURT

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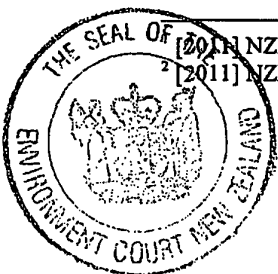
### Introduction

[1] On 1 September 2011, the Court issued an interim decision,<sup>1</sup> which allowed Magsons Hardware Ltd ("Magsons") a further opportunity to advance details of its proposed traffic mitigation with the Auckland Council ("the Council") and the New Zealand Transport Agency ("NZTA").<sup>2</sup>

[2] The discussions between the parties resulted in further traffic modelling being undertaken, and a number of documents were filed with the Court. Due to the amount of material filed and in the absence of a summary of it, a telephone conference was convened on 26 July 2012.

[3] Following the telephone conference the Court issued a Minute, dated 6 August 2012, recording that there were four remaining issues outstanding which related to:

- [a] the description of the activity;
- [b] the staging of development (proposed condition A4);
- [c] landscaping; and
- [d] how traffic effects are to be reviewed.



[4] As a result of these outstanding issues, counsel for Magsons, the Council and NZRPG were directed to file a joint memorandum by 31 August 2012 indicating whether agreement had been reached. If agreement had not been reached the memorandum was to list the points of disagreement and whether further hearing time was required.

[5] The parties have since filed a joint memorandum advising the Court that the outstanding issues have been resolved.

*Description of the Activity*

[6] The parties have agreed that the following description of the activity should be included in the Conditions of Consent before Condition A1.

The activity authorised by this consent is the construction and establishment of a Mitre 10 Mega retail outlet including areas allocated to "Gardener", "Retail", "Trade", a parking structure and the construction of 8,000m<sup>2</sup> of office above the structure.

[7] The parties have agreed that Condition A1 should be amended to read as follows:

Except as required by these conditions, the development must proceed and the activity undertaken in accordance with the following plans and documents referenced by the Council as RMA 2009-1096.

*Staging and Development*

[8] The parties have agreed that Condition A4 should be amended to read:

Prior to trading commencing at the new store, the consent holder must provide to the Manager, Western Resource Consenting and Compliance a copy of the code compliance certificate or certificate of public use under the Building Act 2004



relating to the two upper levels (as shown on Plan SK-04) in order to demonstrate that the office component of the development has been completed.

[9] The parties have agreed to amend Roof Plan SK-04 by deleting the word “future” from the office development. This removes any suggestion that the office component can be developed at a later date than the retail development. The parties have agreed to amend Condition A1 to reflect this change, so that it reads as follows:

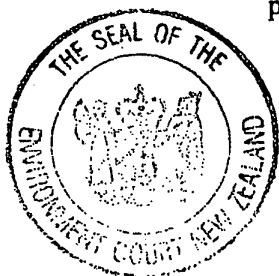
- Roof Plan drawing SK-04, dated 6 August 2012, job no. 554803.

### *Landscaping*

[10] The parties have agreed that condition G1 should be amended to provide for a landscaping plan and revised planting plan prior to the commencement of any works on the site. The parties propose to replace the condition as set out below:

Prior to the commencement of any works on the site, the consent holder must ensure that a Landscaping Plan and revised Planting Plan is prepared and submitted to the Manager, Western Resource Consenting and Compliance for approval. The plans must be prepared by a suitably qualified and independent landscape architect and must be consistent with the Landscape Site Cover Plan, SK-06, dated 15 June 2012 and the planting plan titled “Collards Mixed Use Development, Lot 2, Landscaped & Planted Area Summary, Plan Schedule with Grades”.

The planting in the approved Landscape Plan must be completed within the first planting season (May to September) following completion of construction. All planting must be maintained for a minimum of two further planting seasons with any plant losses within this time being replaced and maintained for a further planting season from the date of replacement.





*Intersection Review Condition*

[11] The condition regarding a review of the performance of intersections within six months of commencement of trading at the new store is no longer sought.

[12] The Court has considered the proposed conditions of consent and the amendments sought set out above. We are satisfied that they reflect an appropriate outcome.

[13] Accordingly, resource consent is granted to Magsons subject to the approved conditions of consent attached to this decision as attachment "A".

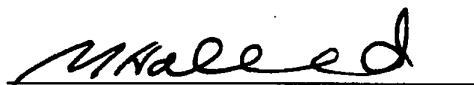
DATED at Auckland this

1<sup>st</sup>

day of

November

2012.



M Harland  
Environment Judge



11A"

## CONDITIONS OF CONSENT:

### A GENERAL

Pursuant to Section 108 of the Resource Management Act 1991, this consent is subject to the following conditions:

The activity authorised by this consent is the construction and establishment of a Mitre10 Mega retail outlet including areas allocated to "Gardener", "Retail", "Trade", a parking structure and the construction of 8000m<sup>2</sup> of office above the structure on the site at 297-309 Lincoln Road and 156 Central Park Drive, Henderson,

A1. Except as required by these conditions, the development shall proceed and the activity undertaken in accordance with the following plans and documents referenced by the Council as RMA 2009-1096.

- Masterplan drawing SK-01, dated 15 June 2012 job no. 554803.
- Site Plan drawing SK-02, dated 15 June 2012 job no. 554803.
- Site Plan/Site Areas drawing SK-02a, dated 15 June 2012 job no. 554803.
- Ground Floor Plan drawing SK-03, dated 15 June 2012 job no. 554803.
- Mezzanine Floor Plans drawing SK-03A, dated 15 June 2012 job no. 554803.
- Roof Plan drawing SK-04, dated, 6 August 2012 job no. 554803.
- Elevations drawing SK-05, dated 15 June 2012 job no. 554803.
- Cross Section & Signage drawing SK-05A, dated, 15 June 2012 job no. 554803.
- Landscape Site Cover Plan drawing SK-06, dated, 15 June 2012 job no. 554803.
- Lot 2 Vehicle and Pedestrian Circulation drawing SK-07, dated 15 June 2012 job no. 554803.
- Masterplan Vehicle and Pedestrian Circulation drawing SK-08, dated 15 June 2012 job no. 554803.
- Masterplan building use & Open Space Diagram drawing SK-09, dated 15 June 2012 job no. 554803.

and in accordance with plans prepared by TPC titled:

- Indicative Intersection Upgrade Measures, Lincoln Road, Project 11215 Sheet 3, 23.05.12;
- Indicative Intersection Upgrade Measures, Central Park Drive Approach, Project 11215 Sheet 2;



- Indicative Intersection Upgrade Measures, Central Park Drive/Soljan Drive, Project 11215 Sheet 1.

- A2. The maximum height of the southern wall of the Mitre 10 Mega building including parapets must be no more than 12m or RL 12.00 (plus or minus 100mm) as shown on the CPG NZ Limited Plan titled Elevations drawing SK-05, dated 14 June 2012 job no. 554803.
- A3. The building must be sited at least 5m from the southern boundary of the application site.
- A4. Prior to trading commencing at the new store, the consent holder shall provide to the Manager, Western Resource Consenting and Compliance a copy of the code compliance certificate or certificate of public use under the Building Act 2004 relating to the two upper levels (as shown on Plan SK-04) in order to demonstrate that the office component of the development has been completed.
- A5. Pursuant to section 125 of the Resource Management Act 1991, this consent will lapse after a period of 10 years after the commencement of the consent.
- A6. A consent compliance monitoring fee of \$728 (inclusive of G.S.T.) must be paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, on inspection all conditions have not been satisfactorily met, a re-inspection will be required at the relevant hourly rate applicable at the time the reinspection is carried out.

## **B PRE-START CONDITIONS**

- B1. **Prior to works commencing**, the consent holder shall organise a pre-start meeting onsite with Council's Environmental Monitoring Officer (West) (EMO) (Phone Council's Call Centre 3010101 to arrange an inspection) to discuss the following:

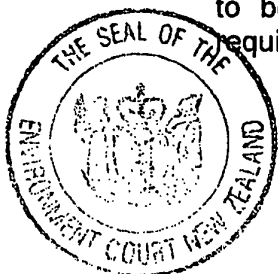
- The conditions of Resource Consent.
- The final location and design of the sediment and erosion controls.
- Provide the name, phone number and signed confirmation that a road sweeping contractor has been engaged to sweep the roads on an as-needed basis to ensure storm water quality is not affected.
- Designated site entry and stabilisation requirements.
- Stockpile locations.
- Earthworks Methodology.
- Location of tree protection fencing.



- Any other matters arising.

The Consent Holder's representative and chief site works Contractors are to be present. The Consent Holder's representative shall minute the meeting and circulate those minutes to all in attendance including the Council's EMO.

- B2. Prior to commencement of any construction activities on the site, the consent holder shall submit to Council a construction traffic management plan and temporary traffic management plan which has been approved by Auckland Transport, which includes but not limited to:
- (i) The temporary traffic management plan must be compliant with NZTA's Code of Practice for Temporary Traffic Management, or subsequent amendments or replacement codes or standards; and
  - (ii) Costs of the development of the Traffic Management Plan, reviews, and all construction works (including, but not limited to, modifications resulting from reviews) are to be borne by the consent holder.
- B3. Prior to works commencing and until completion of exposed site works, adequate sediment and erosion control measures in accordance with the Auckland Regional Council Technical Publication No. 90 "Erosion and Sediment Control Guideline for Earthworks" (latest edition) must be constructed and maintained by the consent holder. The consent holder shall notify Council's Environmental Monitoring Advisor when controls are in place. Work must not commence until approval has been gained in writing from the Manager Western Resource Consenting and Compliance. The control measures must be maintained until the site has been adequately stabilised against erosion and sediment-laden run off.
- B4. Prior to works commencing, the soils on site must be sampled and tested for arsenic, copper, lead and organo-chlorines to the standards set out in the ARC (2002) Draft Soil Sampling Protocol for Horticultural Sites, to show that the remaining soil on site meets ARC criteria for human health and discharge requirements as per the ARC Permitted Activity Criteria. The production of an approved Site Validation Report (SVR), as required by LUC-2009-969, must be deemed to satisfy this requirement.
- B5. See Condition G1 regarding the provision of a Landscaping Plan and revised Planting Plan prior to the commencement of any works on the Site.
- B6. See also Traffic and Parking Conditions F3 and F5 for other requirements to be met prior to works commencing on site and Condition F9 for requirements to be met prior to commencement of construction.



## **C CONSTRUCTION REQUIREMENTS**

- C1. All dirt tracked onto the surrounding roads as a result of the development covered by this consent must be cleaned by sweeping on a daily basis at the expense of the consent holder. The consent holder shall also nominate a road sweeping contractor and provide Council's EMA with the contact details. In the case of repeated non-compliance the road sweeping contractor may be engaged by Council's EMA at the consent holder's cost. Wheel wash facilities must also be employed by the consent holder if deemed necessary by Council at the time. At no time must any dirt on the roads be washed down with water.
- C2. Footpaths, berms and kerbs must be protected from damage by crossing or parking vehicles to the satisfaction of the Manager Western Resource Consenting and Compliance. Any damage which is attributed to the earthworks operation must be rectified at the cost of the consent holder and at the direction of Council.

## **D PUBLIC DRAINAGE INFRASTRUCTURE**

The consent holder shall:

- D1. Design, provide and install a complete public wastewater reticulation system to serve the Site in compliance with Councils Code of Practice for City Infrastructure and Land Development (Refer Section 5.0). Provide engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:
- (i) Provide the site with a separate public connection at the lowest point within the boundary.
  - (ii) Route public drains outside building platforms and large commercial buildings.
- D2. Design, provide and install a complete public stormwater drainage system to serve the Site in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 4.0). Provide engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:
- (i) Provide the Site with a separate public connection at the lowest point within the boundary.



The abandoned drainage must be either removed or grout filled under the supervision of a Chartered Professional Engineer. If removed, provide certification from Geotech engineer for trench

filling. In case of grout filling, certification must be provided by Chartered professional engineer for that.

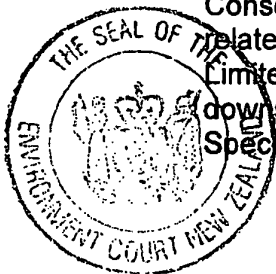
(iii) Reroute public drains outside building platforms.

D3. Design, provide and install a complete public stormwater quality treatment system for the catchment in accordance with the Auckland Regional TP10 'Stormwater Management Devices Design Guideline Manual' and Waitakere City Council Code of Practice for City Infrastructure and Land Development (refer Section 4). Provide a copy of the Regional consent conditions, engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:

- (i) Provide in the design of the catchment wide device (Stormwater 360 - Storm filter) for treatment of a fully developed upstream catchment.
- (ii) Provide a surveyed as-built plan of the device.
- (iii) Provide a maintenance manual for the treatment device.
- (iv) Provide a drainage easement in favour of Council over the entire area occupied by the catchment wide treatment device and all areas necessary to access and maintain the treatment device, unless already vested to Council as a utility reserve under the subdivision consent, SUB-2009-849.

D4. It is the consent holder's responsibility to obtain a stormwater discharge consent and all other necessary consents, or evidence of dispensation, from the Council, pay all associated costs and comply with any conditions imposed by the Council. Provide Council's Team Leader Development Engineering West with a copy of the Regional consent conditions. It may be necessary to apply for a variation to this consent if the documentation or consent conditions are conflicting in any way. The consent holder is required to obtain full sign off from Council stating that the pipe network, outfall, treatment device and any other items covered by the consent have been established in accordance with the consent conditions, and pay all fees and charges up-to-date. Once this has been achieved, apply to transfer ownership of the Regional discharge consent to Council, if the consent is for the entire site as existing at the time of the consent (LOT 1 DP 125187 & LOT 2 DP 131804). Provide copies of relevant documentation to demonstrate that this has been completed.

D5. Design, provide and install on-site stormwater management devices as proposed in the Report titled 'Magsons Hardware Limited – Resource Consent Application to provide an outlet for the sale of home supplies and related supporting facilities', dated September 2009, by CPG New Zealand Limited, to mitigate against adverse effects on the environment, increased downstream flooding, adverse effects on public infrastructure systems. Specific Requirements:



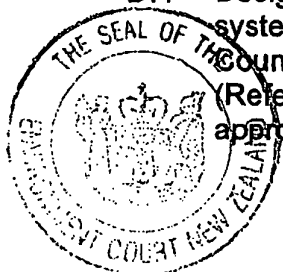
- (i) Maintain stormwater runoff flows, volumes, and timing to pre-development levels for the 100 year storm event.
- (ii) Construct the wetland and swales under an engineering approval.
- (iii) Rainwater runoff from the proposed building must be collected in 8 x 25000 litre tanks, and reused for toilet, and garden centre use. Tanks of suitable capacity are to be provided for stormwater detention and to enable reuse.
- (iv) Construction of private drainage requires a building consent. Provide a private drainage As-Built plan for the property, prepared by a Chartered Professional Engineer showing the stormwater management device(s) for each Site to the point of discharge.

D6. Pursuant to Section 108(2)(d) a covenant is to be entered into, in favour of Council, to record that to mitigate against adverse effects on the environment, increased downstream flooding, increased stream channel erosion, or adverse effects on public infrastructure systems, on-site stormwater management systems are required on a on-going basis, and meet the following specific requirements:

- (i) Maintain stormwater runoff flows, volumes, and timing to pre-development levels for the 100 year storm event(s).
- (ii) Rainwater runoff from the proposed building must be collected and reused for toilet, and garden centre use.
- (iii) As the stormwater mitigation measures are only for impermeable surfaces of 90% of the Site area, the Site must not have impermeable surfaces more than 90% of Site area.
- (iv) On the second anniversary of the date of this consent, and at two yearly intervals thereafter, the consent holder (at the consent holder's expense) shall provide to the Council a report from a Chartered Professional Engineer or Registered Drainlayer demonstrating that the stormwater management system, including mitigation measures and devices installed in accordance with Condition D5, for the proposed buildings, are functioning in accordance with their intended purpose.

Note: Council's Hazards and Special Features Register will be advised of the above requirements.

D7. Design, provide and install a complete public water supply reticulation system and fire fighting services to serve the site in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 6). Provide engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:

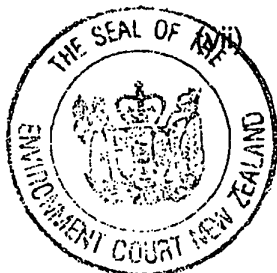


- (i) Construct 180OD water mains both sides of the proposed public road, to allow connection to the mains in Soljan Drive, and also construct a road crossing at the dead end of the proposed public road at Soljan Drive's side. Install new fire hydrants within the proposed road to service the proposed development.
- (ii) The water meter must be located at the road reserve boundary.
- (iii) Locate water connections at the same position as the power and telephone connections.
- (iv) Pay to the Council the cost of supervising the shut down of Council's water supply mains. This service includes Council providing written advice to all affected property owners and tenants.

D8. Engineering Approval and Quality Assurance Process: Public infrastructure works, as conditioned above, require Council's approval of engineering plans and specifications prepared by the consent holder's engineer in accordance with Council's Code of Practice for City Infrastructure and Land Development.

- (i) Submit full engineering plans, long sections and calculations, prepared in accordance with Council's Code of Practice, to Council for approval.
- (ii) Advise the name of the appointed developer's representative fulfilling engineering responsibilities as detailed in section 1.4.1 of the Code of Practice.
- (iii) After engineering approval has been given and prior to commencing construction, contact Council's Development Engineer West on 3010101 to arrange a QA pre-start meeting. Allow 3 working days for the QA pre-start meeting to be booked.
- (iv) The consent holder is required to ensure that the contracted drainlayer and developer's representative attend the QA pre-start meeting, and that construction materials are on-site for inspection.
- (v) The Council Development Engineer will then undertake random Site inspections throughout the construction process.
- (vi) Upon completion of construction the consent holder's surveyor is required to prepare as-built plans in accordance with the Code of Practice, and CCTV inspection of the drains are to be carried out.

The consent holder's representative is required to fully inspect the drainage including overseeing the drainage tests, view the CCTV's and check against the as-builts, and ensure that any remedial works are completed.





- (viii) When the consent holder's representative is satisfied that all works meet Council standards, they are required to complete the 'QA Final Inspection Request Form' and lodge this at Council together with as-builts, CCTV (all footage on one DVD), log sheets, chlorination certificate for watermain, and inspection reports.
- (ix) The Council's Development Engineer will check all information against the approved design and Code of Practice, then undertake a field check and testing of the new drainage systems in conjunction with Council's approved maintenance contractor.
- (x) When all public works and documentation are completed to Council's satisfaction the QA Completion Certificate will be issued to the consent holder.
- (xi) Submit a copy of the QA Completion Certificate with the application for s224c Certificate as evidence of compliance with the conditions of consent requiring construction of infrastructure to public standards.
- (xii) Pay all of Council's engineering fees and costs associated with engineering approvals, quality assurance site inspections, as-built and CCTV approvals, final inspections, testing and bond management.

D9. The application documents show drainage works are proposed through the neighbouring property. The granting of this resource consent does not authorise the consent holder to enter and construct drainage within neighbouring property, without first obtaining the agreement of all owners and occupiers of said land to undertake the proposed works. Any negotiation or agreement is the full responsibility of the consent holder, and is a private agreement that does not involve Council. Should any disputes arise between the private parties, these are civil matters which can be taken to independent mediation or disputes tribunal for resolution. It is recommended that the private agreement be legally documented to avoid disputes arising. To obtain sign-off for the resource consent, the services described by the conditions below are required to be in place to the satisfaction of Council.

## **E FEES, BONDS & CONTRIBUTIONS – PUBLIC DRAINAGE INFRASTRUCTURE**

E1. Subject to the specific approval of the Team Leader Development Engineering West, Council may contribute towards the cost of the developer constructing catchment wide stormwater treatment devices and one of the 180dia water mains that are above the minimum standard required in the Council's Code of Practice for City Infrastructure and Land Development (Section 6) to service their subdivision, and where there are benefits to Council and community beyond the limits of their development. Based on

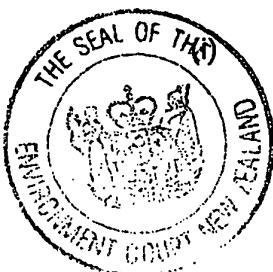


the information submitted with the application, Council will contribute 60.7% of the construction cost towards the catchment-wide treatment device and 50% of the construction cost (not on the design etc) 180dia water main on one side of the road (on the side of proposed Lot3 on the Water Supply Plan (Sheet: 600; Rev: B, dated October 09, by CPG New Zealand Ltd)), of providing the works specified in the conditions DE3 and DE7, above. The consent holder is required to obtain three separate quotes for the approved engineering works, and submit these quotes to Council for approval prior to commencing works. Council reserves the right to specify which quote the consent holder is required to accept. Upon issue of the QA Completion Certificate, , the consent holder is required to provide copies of all invoices relative to construction of the works that Council has agreed to contribute towards. The final contribution amount will be based on the actual invoiced costs of providing the agreed services, and payments will only be made after issue of the QA Completion Certificate.

- E2. Pursuant to Section 108(2)(b) and Section 108A, and in accordance with Council's Code of Practice for City Infrastructure and Land Development, the consent holder is required to provide a maintenance bond to Council, equivalent to 2½% (minimum \$2500.00) of the value of works being taken over by Council. The bond may be varied or cancelled or renewed at any time by agreement between the holder and Council. This maintenance bond will be held for six months from the date of 224c issue, or until 31 October, whichever is longer. Maintenance of these assets is the responsibility of the developer during the maintenance period. At the end of the maintenance period the Council Development Engineer will undertake a maintenance inspection to ascertain whether the assets are still in satisfactory condition and if so, will instruct the bond to be released, and Council will take over maintenance responsibilities from that time forward. Where defects occur during the developer's maintenance liability period, the costs of repairing such defects are the full responsibility of the developer. Where the developer does not repair the defects, Council will retain the bond monies for use in repairing the defects, and refund any residual monies held to the developer. The developer's liability is not limited to the amount of the maintenance bond, and any additional costs will be invoiced to the developer and will become a debt due to the Council.

## **F TRAFFIC AND PARKING**

- F1. Pursuant to section 128 of the Resource Management Act, the Council may serve notice on the consent holder of its intention to review the conditions of consent. The purpose of the review may be for any of the following purposes:



To deal with any adverse traffic effect on the environment which may arise from the exercising of the consent or upon which the exercise of the consent may have an influence and which becomes apparent, or is found appropriate, to deal with at a later stage;

- (ii) To review the adequacy of on-site parking (motorised and non-motorised) after the new store opens for trading, and should the review identify a problem that results in more than minor adverse effects on the safety and efficiency of operations on the adjacent arterial road network, to consider whether the design and installation of an electronic car park management system may be required;
- (iii) To review the crash record of the Lincoln Road access. If a more than minor crash pattern is in evidence, consideration may be given to the banning of right turns into the Site.

A notice of review may be served 6 months from commencement of trading and then at 24 and 36 months from commencement of trading.

All costs of the review and any required mitigation is to be borne by the consent holder.

- F2. The detailed design and construction of all related works (including, but not limited to, civil works) must comply with the Waitakere City Council Code of Practice - City Infrastructure and Land Development and applicable Austroads Guides to road design and traffic management or subsequent amendments or replacement standards or guidelines.
- F3. Prior to works commencing on Site, the consent holder must provide to the Manager, Western Resource Consenting and Compliance, written confirmation from Auckland Transport that the consent holder has been given all necessary engineering design, temporary traffic management plan and traffic and parking control approvals in relation to the Soljan Drive section of road. The following requirements shall apply to the Soljan Drive section of road:
  - (i) The road is to be vested in Council;
  - (ii) The road cross section design and boundaries must be designed to match that of the existing formed sections of Soljan Drive;
  - (iii) The road design must be safety audited by a suitably qualified independent Safety Auditor for both the detailed design and post-construction period prior to the road being opened to the public;
  - (iv) Soljan Drive must be built in accordance with the layout shown in Traffic Planning Consultants Ltd plan number 11215 dated 23 May 2012;
  - (v) Costs of the designs, reviews, Safety Audits, and all construction works (including, but not limited to, modifications resulting from reviews and Safety Audits) are to be borne by the consent holder.



- F4. Prior to commencement of trading of the new store or opening of office activities on Site, the Soljan Drive section of road described in condition F2 is to be designed, installed and commissioned and the consent holder shall provide to the Manager, Western Resource Consenting and Compliance written confirmation that the works have been carried out to the satisfaction of Auckland Transport.
- F5. Prior to the commencement of any works on Site, the consent holder must provide to the Manager, Western Resource Consenting and Compliance, written confirmation from Auckland Transport that the consent holder has been given all necessary engineering design, temporary traffic management plan and traffic and parking control approvals in relation to the proposed signalised intersection at Central Park Drive and Soljan Drive. The following requirements shall apply:
- (i) The intersection must be safety audited by a suitably qualified independent Safety Auditor for both the detailed design and post-construction period prior to commencement of retail activities on-site;
  - (ii) The consent holder is responsible for designing and constructing the intersection and the associated modifications to Central Park Drive for the entire Site frontage onto Central Park Drive, and all improvements shown in Traffic Planning Consultants Ltd plan number 11215 dated 23 May 2012, that are located to the east of the Site frontage on Central Park Drive;
  - (iii) The exiting cycle lanes, cycle paths and footpaths on Central Park Drive are to be retained or replaced. Advance cycle stop boxes are to be provided on all approaches to the signalised intersection;
  - (iv) The traffic movements from the Soljan Drive approach to the intersection must be controlled by a single signal group;
  - (v) The left turn traffic movement is to be accommodated with a single left turn traffic lane controlled by the traffic signals;
  - (vi) This intersection must be built in accordance with the layout shown in Traffic Planning Consultants Ltd plan number 11215 dated 23 May 2012; and
  - (vii) Costs of the designs, reviews, Safety Audits, and all construction works (including, but not limited to, modifications resulting from reviews and Safety Audits) are to be borne by the Consent holder.
- F6. Prior to commencement of trading of the new store or opening of office activities on Site, the signalised intersection at Central Park Drive and Soljan Drive described in condition F5 is to be designed, installed and commissioned and the consent holder shall provide to the Manager, Western Resource Consenting and Compliance written confirmation that the works have been carried out to the satisfaction of Auckland Transport.



F7. The following requirements shall apply to the signalised intersection at Lincoln Road, Triangle Road and Central Park Drive:

- (i) The intersection must be upgraded at the consent holder's cost to provide an additional lane on the Central Park Drive approach and an additional lane on the Triangle Road approach, as shown in Traffic Planning Consultants Ltd plan number 11215 dated 23 May 2012.
- (ii) The consent holder must make a financial contribution equal to the cost of additional works included in the upgrade of the Lincoln Road/Central Park Drive/Triangle Road intersection solely for the purpose of mitigating adverse traffic effects of the Mitre 10 Mega development. This contribution must include a proportional contribution to the costs of design and safety audits of the intersection upgrade and the whole of the costs of construction of mitigating works for the Mitre 10 Mega development included within the overall intersection upgrade. For costs relating to purchase of land, including any professional fees, necessary to achieve the design agreed, the cost of the land taken will be based on the principles as set out in the Public Works Act 1981 including any injurious affection.
- (iii) The costs described in (i) and (ii) above will be invoiced to the consent holder by Auckland Transport on a monthly progress payment basis for payment by the 20<sup>th</sup> day of the month following.

F8. Prior to commencement of trading of the new store or opening of office activities on Site, the Mitigation Works described in Condition F7 are to be designed, installed and commissioned, and the costs at (iii) above paid in full.

Note: The Court has recorded that conditions F7 and F8 have been offered in unequivocal terms by the Consent holder. Accordingly the condition is binding on the Consent Holder in accordance with the principles enunciated in *Augier v The Secretary of State of the Environment (1978) 38 P & CR 219 (QBD)* and *Fraser Papamoa Ltd v Tauranga City Council (2009) 15 ELRNZ 279*.

F9. The location of the access on to Lincoln Road must be provided in the location shown in Traffic Planning Consultants Ltd plan number 11215 dated 23 May 2012. The following requirements shall apply:

- (i) Prior to commencing construction activities, the consent holder must provide to Auckland Council plans showing the design of the access and the position of the relocated pedestrian refuge island which have been approved by Auckland Transport;

(ii) The access must be constructed in accordance with Waitakere City Council Code of Practice standard 3.14, High Volume Vehicle Crossing or subsequent amendments or replacement standards;



- (iii) The access must be designed to prohibit right turn movements out of the Site;
- (iv) An easement must be provided on the certificate of title for Lot 1 DP 131804 to secure access between Lincoln Road through to the Site;
- (v) The existing pedestrian refuge is to be relocated as shown in Traffic Planning Consultants Ltd plan number 11215 dated 23 May 2012, and be located such that it does not restrict movements into and out of accesses to adjacent properties;
- (vi) Prior to the opening of the Lincoln Road access, the consent holder must provide to the Manager, Western Resource Consenting and Compliance, written confirmation from Auckland Transport that the consent holder has been given all necessary approvals in relation to the relocation of the existing pedestrian refuge island; and
- (vii) Costs of the designs, reviews, Safety Audits, and all construction works (including, but not limited to, modifications resulting from reviews and Safety Audits) are to be borne by the consent holder.

F10. Prior to commencement of trading of the new store or opening of office activities on Site, the Lincoln Road access and pedestrian refuge island described in Condition F9 is to be designed, installed and commissioned and the consent holder shall provide to the Manager, Western Resource Consenting and Compliance written confirmation that the works have been carried out to the satisfaction of Auckland Transport.

F11. The following requirements shall apply to Site access points:

- (i) The accesses are to comply with the layout shown in Traffic Planning Consultants Ltd plan number 11215 dated 23 May 2012;
- (ii) The vehicular accesses must be constructed in accordance with the Waitakere Council Code of Practice standard details for vehicle crossings or subsequent amendments or replacement Standards;
- (iii) A pedestrian footpath designed to Waitakere City Council Code of Practice standards and specifications is to be provided from the Lincoln Road access into the Site;

F12. Within three months of office or retailing activities commencing at the Site the consent holder shall prepare and submit to Council a Workplace Travel Plan that has been approved by Auckland Transport. The consent holder must implement the Workplace Travel Plan. This Travel Plan must include, but not be limited to, the following:

Methods adopted to reduce reliance on private vehicles as a mode of transport to the Site;



- Targets set to reduce reliance on private vehicles; and
- When the targets will be monitored and by whom.

F13. The following modifications, alterations and additions to the car parking areas are required. Details are to be submitted to Council for approval:

- (i) All ramps must have gradients no steeper than 1:8 with 1:20 transitions at both ends; minimum head clearances must comply with the relevant design guidelines including, but not limited to, the NZ Building Code;
- (ii) Adequate vertical movement provisions for mobility card holders must be provided to the roof parking area;
- (iii) A contrasting pavement treatment (such as exposed aggregate concrete) must be used for the full length of the pedestrian route along the northern face of the building, to differentiate this from vehicle circulation areas;
- (iv) Motorcycle/scooter and bicycle parking equating to 2% of the total parking provision must be incorporated into the proposed parking layout for the development.

F14. Undercover bicycle racks and lockers sized to accommodate not less than 10 bicycles must be incorporated into the design of the office podium for the use of employees in a safe, secure and convenient location. The location and design of the bicycle racks/locker shall be submitted for the approval of Auckland Council prior to building consent.

Not less than ten visitor bicycle parks in a safe, secure and convenient location must be incorporated into the design of the future office podium. The preferred design of a bicycle stand is the "Sheffield" stand.

Staff facilities including lockers, showers and changing rooms must be incorporated into the design of the future office podium to support and encourage use of bicycles for travel to work.

## **G LANDSCAPING**

G1. Prior to commencement of any works on the Site, the consent holder shall ensure that a Landscaping Plan and revised Planting Plan is prepared and submitted to the Manager, Western Resource Consenting and Compliance for approval. The plans must be prepared by a suitably qualified and independent landscape architect and must be consistent with the Landscape Site Cover Plan, SK-06, dated 15 June 2012 and the planting plan titled "Collards Mixed Use Development, Lot 2, Landscaped & Planted Area Summary, Plant Schedule with Grades".



The planting in the approved Landscape Plan must be completed within the first planting season (May to September) following completion of construction. All planting must be maintained for a minimum of two further planting seasons with any plant losses within this time being replaced and maintained for a further planting season from date of replacement.

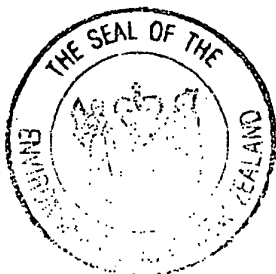
- G2. The length of the 5m building setback strip along the southern boundary must be bunded (built up) from the existing ground level at the boundary to 1m above the existing ground level at the boundary at the building.
- G3. The length of the 5m building setback strip along the southern boundary must be landscaped with trees, shrubs and groundcover plants. This landscaping must be completed within the first planting season (May to September) following completion of construction.

#### **RETAIL OF GENERAL MERCHANDISE**

- (R 1) General merchandise (non trade based or bulky goods) offered for sale from the Mitre 10 Mega outlet must be limited to housewares and household appliances, up to a maximum of 12% of the total retail floorspace.

#### **Advice Notes:**

- 1. Where indicated in the conditions it is the consent holders responsibility to inform the Environmental Monitoring Advisor when inspection is required. Inspections can be requested through the Call Centre on 3010101.





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



## Non-complying activity

**Application number:** LUC-2015-1850  
**Applicant:** Magsons Investments Ltd  
**Site address:** 156 Central Park Drive, Henderson  
**Legal description:** Lot 2 DP 464917 (618171)  
**Proposal:**

To develop and operate a homeware retail store on two levels with a gross floor area of 27,275m<sup>2</sup>

The resource consents required are:

### Auckland Council District Plan (Waitakere section)

#### Citywide Rules

##### Overland flowpath – Citywide Natural Hazards Rule 1.1(a) and 1.1(c)

Consent is required as a **limited discretionary activity** to build upon a site which is known by Council to be subject to inundation, and to undertake earthworks required by the Natural Area Rules to obtain a resource consent, where the Council has knowledge that the land is subject to a natural hazard for which the Council has primary responsibility in terms of the relevant provisions of the Auckland Regional Policy Statement.

##### Construction noise – Citywide General Noise Standards Rule 1.1

Consent is required as a **non-complying activity** to construct pile foundations that will generate noise in excess of the standards in NZS6803P:1984. The noise generated would be louder than permitted at the southern site boundary of the commercial properties at 287-289 Lincoln Road and 293-295 Lincoln Road.

#### Working Environment

##### Rule 4 – Landscape Treatment

Pursuant to Rule 4.2 the development of any site over 2000m<sup>2</sup> in area where the development incorporates planting of at least 10% of the net site area is controlled activity. In this instance the site has an area of 31,374m<sup>2</sup> and provides landscape planting of 12% of the net site area and as such requires consent as a **controlled activity**.

##### Rule 5 – Retailing

Pursuant to Rule 6.4, where there is retailing with a gross floor area in excess of 6,750m<sup>2</sup> this is required to be assessed as a non-complying activity. The proposed retail floor area is 19,392m<sup>2</sup> which requires consent as a **non-complying activity**.

### Rule 9 – Parking, Loading and Driveway Access

Pursuant to Rule 9.2 activities that cannot provided the required on-site car parking spaces are required to be assessed a Limited Discretionary Activity. In this instance 1180 car parking spaces are required and 354 are proposed, resulting in a shortfall of up to 826 spaces. This is requires consent as a **Limited discretionary activity**.

### Rule 10 –Vibration

Consent is required as a **discretionary activity** to construct pile foundations that will generate vibration in excess of the standards in AS2973: 1987. The vibration generated would be greater than permitted at the southern site boundary of the commercial properties at 287-289 Lincoln Road and 293-295 Lincoln Road.

### Rule 11 – Signs

Pursuant to Rule 11.2, freestanding signs are not provided for as permitted activities and require consent as a limited discretionary activity. In this instance a freestanding sign measuring 10m high x 3m in width is proposed which requires consent as a **Limited discretionary activity**.

### Transport Environment

#### Rule 7 – Vehicle Crossings

Pursuant to Rule 7.3, where more than one vehicle crossing is provided to the site requires consent as a limited discretionary activity. The proposal involves the construction of 3 vehicle crossings from Soljan Drive which is required to be assessed as a **limited discretionary activity**.

## Decision

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

Acting under delegated authority, under sections 104, 104B and 104D the application is **GRANTED**.

## 1. Reasons

The reasons for this decision are:

1. The proposal passes the tests under s104D for non-complying activities. As discussed below, the proposal is (consistent with the relevant objectives and policies and will have minor effects.
2. In accordance with an assessment under s104(1)(a) of the RMA the actual and potential effects from the proposal will be acceptable as:
  - Adverse effects relating to employment density and retail / distributional related effects are assessed to be less than minor.
  - It has previously established that retail type activities, in particular large format retail activities, are an appropriate activity to the site and location. The proposed large retail format homeware store will provide an appropriate nature and scale of retail

activity for the site. The proposal will not adversely impact the vitality, vibrancy and amenity of the nearby town centres.

- The proposed building and site layout has been designed in a manner that is appropriate to the Working Environment in which the site is located.
- The proposed building signage has been designed in a manner that is anticipated for the site with the external appearance, scale, bulk and massing being consistent with the type of building bulk that is sought in this location.
- The intensity and scale of the proposed works in terms of the site's overall development will not generate any effects on the local neighbourhood in terms of the potential overcrowding or the creation of an overly intensive development.
- The overall hard and soft landscaping is appropriate to the outcomes sought in this location.
- Adverse traffic effects will be acceptable and can be mitigated to an appropriate level by conditions of consent.
- The proposal can provide an appropriate level of car parking and loading on-site in a manner that does not adversely affect the safe and efficient operation of the road network or result in adverse traffic generation. The traffic and transportation effects have been reviewed and found to be acceptable.
- The construction effects can be appropriately managed to be less than minor in scale, noting the temporary nature of these effects and the management and controlling methodologies proposed in the application and further reinforced in the recommended conditions including construction noise and vibration conditions.
- Given the minimal extent of the earthworks for finished ground levels on any adverse effects associated with the earthworks will be negligible and can be managed as part of the construction traffic management plans and other condition of consent.

In terms of positive effects:

- The proposal will result in the positive effects in that it will provide a redevelopment of site in a manner that fits with the local context, maintaining the amenity values of the locale.
3. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents. Mr Warren of Planning Network Services has identified the relevant objectives and policies, and assessment criteria of the Auckland Council District Plan (Waitakere Section) and the objective and policies of the Auckland Regional Policy Statement. This assessment has had specific regard to earlier resource consent and in particular the Environment Court Decisions, and has stated that the proposal will be not be contrary to or inconsistent with the relevant objectives and policies. I am in agreement with this assessment.
  4. In accordance with an assessment under s104 (1)(c) of the RMA the following other matters are considered appropriate including monitoring of the application. There are no other matters that need to be considered in terms of this proposal.
  5. In respect to the objectives and policies of the Proposed Auckland Unitary Plan weighting only becomes relevant in the event different outcomes arise from assessments of objectives and policies under both the operative and proposed plans. Outcomes under both plans are different in this instance recognising the Light Industry zoning under the PAUP and the Working

Environment under the Auckland Council District Plan (Waitakere Section). In this instance, retail activities of the scale (GFA) proposed are not anticipated under both Plans. However, it is considered that the large format retail will be compatible with existing activities within the Working Environment/ Light Industrial zone with this area exhibiting a mixed use commercial / industrial area. Furthermore given the nature of the activity that is located within the building this will not create reverse sensitivity effects and constrain the establishment and operation of light industrial activities. On this basis, it is considered that the proposal is not contrary to the relevant provisions of the proposed plan (PAUP).

6. The application is considered to meet the relevant provisions of Part 2 of the Act as the proposal achieves the purpose of the Act being the sustainable management of natural and physical resources.

Overall the proposal meets the provision set out in section 104, 104B and 104D of the RMA and is acceptable.

## 2. Conditions

Under section 108 of the RMA, this consent is subject to the following conditions:

### General conditions

1. The proposed homeware large format retail activity shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the council as consent number LUC-2015-1850
  - Application Form, and Assessment of Environmental Effects prepared by Planning Network Services , dated 7 October 2015

Report title and reference	Author	Rev	Dated
Proposed Furniture & Homewares Large Format Retail 159 Central Park Drive Integrated Transport Assessment	Team Traffic		September 2015.
Home Products Superstore Retail Impact Overview	Property Economics		August 2015
Construction Noise and Vibration Management Plan	Marshall Day Acoustics		12 June 2013
Lincoln Road Mixed Use Development	Marshall Day Acoustics		29 September 2015
Proposed New Homewares Retail and Office Development Reticulated Services	ACH Consulting Engineers		15 September 2015
Site Validation of Proposed Lot 3 of 297-307 Lincoln Road	Geosciences		20 March 2015
Proposed Commercial Development 297-307 Lincoln Road, Henderson	Soil and Rock Consultants		12 August 2009
Plan title and reference	Author	Rev	Dated

Proposed Site Plan Drawing A1-01	Mak and Associates	00	Aug. 2015
Proposed Vehicle and Pedestrian Circulation A1-02	Mak and Associates	00	Aug. 2015
Proposed Level 1 Floor Plan A2-01	Mak and Associates	00	Aug. 2015
Proposed Level 2 Floor Plan A2-02	Mak and Associates	00	Aug. 2015
Proposed Elevations 1 A2-04	Mak and Associates	00	13.11.12
Proposed Elevations 2 A2-05	Mak and Associates	00	13.11.12
Proposed Roof Plan A2-03	Mak and Associates	00	Aug 2015
Landscape Concept: Concept Plan LA01	Natural Habitats	5	02.10.15
Landscape Concept: Elevation LA02	Natural Habitats	5	02.10.15
Landscape Concept: Photo Imagery LA03	Natural Habitats	5	02.10.15
Stormwater Drainage Layout E410	ACH Consulting Engineers		29.09.15
Proposed Water Treatment and Detention	ACH Consulting Engineers		3.11.15
Private Water Treatment and Detention Long section and Cross Section	ACH Consulting Engineers		3.11.15
Proposed Water Treatment and Sections 1 & 2	ACH Consulting Engineers		3.11.15
<b>Other additional information</b>	<b>Author</b>	<b>Rev</b>	<b>Dated</b>
S92 response LUC-2015-1850 with attachments (as referenced above)	Vern Warren		9 November 2015
Project Everest, Central Park, Lincoln Road, Henderson	Property Economics		31 March 2016

2. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
  - a. The consent is given effect to; or
  - b. The council extends the period after which the consent lapses.
3. The consent holder shall pay the council an initial consent compliance monitoring charge of \$1000 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

**Advice note:**

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

**Building Setback**

4. The building must be sited at least 5m from the southern boundary of the application site.

**Pre-start Meeting**

5. Prior to the commencement of the earthworks activity required under this consent, the consent holder shall hold a pre-start meeting that:
  - a. is located on the subject site
  - b. is scheduled not less than 5 days before the anticipated commencement of earthworks
  - c. includes all concern officer[s] e.g. Monitoring officer, Arborist and etc.
  - d. includes representation from the contractors who will undertake earthworks and suitably qualified professionals
  - e. The following information shall be made available at the pre-start meeting including specific references to all relevant documentation, such as resource consent conditions, Sediment Control Plan.

**Advice Note:**

*To arrange the pre-start meeting required by Condition 5 please contact the Team Leader West Monitoring & Incidents to arrange this meeting +64 9 301 0101. The conditions of consent should be discussed at this meeting. All additional information required by the Council should be provided 2 days prior to the meeting*

**Landscape treatment:**

Earthworks landscape:

6. The length of the 5m building setback strip along the southern boundary must be bunded (built up) from the existing ground level at the boundary to 1m above the existing ground level at the boundary of the building. –

**Advice Note:** *This condition is carried over from Environment Court final decision No 240 of 1<sup>st</sup> November 2012*

Soft Landscape Treatment:

7. All garden areas shall be in accordance with the approved plans and in accordance with the following and shall be completed to the satisfaction of the Team Leader West Monitoring and Incidents:
  - a. shall have good quality garden mix (50:50 well-rotted compost :clean topsoil) to 300mm minimum depth, and

- b. for any trees planted, soil depth shall be to 1.5 x the depth of the rootball,
  - c. shall be weed-free, debris-free and litter-free
  - d. shall be manually graded (raked) to an even surface at the final stage of earthworks to meld with adjacent hard surfaces, retaining walls or undisturbed ground and stabilised against erosion with a well-rotted organic mulch (eg wood chips) applied to 40mm – 60mm depth to all planting areas shall be flush with adjacent hard surfaces (e.g. concrete nib wall that defines the garden area associated with the planting bays in the car park).
8. Prior to the commencement of any work on the site the consent holder shall provide an amended Landscape Concept plan for Council approval that provides the following additions or changes:
- Amendment to the Planting Schedule to show the grades at planting time, planting density and number required of each species and total overall number of plants required for the stormwater planting and the shrub and ground cover planting.
  - Reduction of the number of Podocarpus totara (totara) specimen trees and replacement of at least 12 of these with a species selected from the following, or as agreed with Council, all alternative trees to be at Pb95 grade minimum: Metrosideros x "Mistral", (natural hybrid between pohutukawa and southern rata), Pouteria costata, (tawapou), Nestigis montana (oro oro), Nestigis apetala (coastal maire).
9. Soft Landscape treatment (planting) shall be set in place in the first planting season (May until 7th September), following completion of construction and final preparation of garden areas and as far as possible prior to use of the building, shall be to the satisfaction of the Team Leader West Monitoring and Incidents and shall be in accordance with the following:
- Approved plans titled Henderson Retail Development 279-309 Lincoln Road Henderson Hob No 1843 by Natural Habitats,
- Sheet LA01 Landscape Concept Plan, as amended and approved as per condition above.
  - Sheet LA02 Landscape Concept Elevations Amendment 5, Amendment dated 02.10.15.
  - Sheet LA 03 Landscape Concept imagery Amendment 5, Amendment dated 02.10.15.
10. Maintenance: All planting and planting areas shall be maintained for three years from time of initial planting with garden areas kept weed-free and litter-free and with plants watered as necessary to facilitate establishment in the first two summers. Any plant losses within this time shall be replaced and maintained for the remainder of the maintenance period, all to the satisfaction of the Team Leader West, Monitoring and Incidents.

Hard Landscape Treatment:

11. Hard landscape treatment shall be in accordance with the following and shall be to the satisfaction of the Team Leader West Monitoring and Incidents:
- Plan: Drawing A1-03 Rev 00 Proposed New Retail 156 Central Park Drive, Henderson Client Magsons Investments Ltd. Sheet title "Proposed Hard Landscaping" dated August 2015 by mak & associates.
  - With regards to this approved, "Proposed Hard Landscaping" plan, the concrete paving (pedestrian surfaces) shall be either exposed aggregate finish or with a pigment; - (to reduce glare).
  - All garden areas or planting areas adjacent to vehicular areas shall have a concrete nib wall

100mm height x 100mm width (with gaps as necessary where overland stormwater flow is required) to define gardens and protect them from vehicle damage.

**Earthworks Conditions:**

12. The Team Leader West Monitoring & Incidents shall be notified at least two (2) working days prior to earthwork activities commencing on the subject site.

**Advice Note:**

*In order to comply with Condition 12, please fill out the "Notice of Works Commencing" form supplied with your Resource Consent pack and forward this to Council as noted on the form to advise of the start of works.*

13. Prior to the commencement of earthworks activity, all required erosion and sediment control measures on the subject site shall be constructed and carried out.

**Advice Note**

*It is recommended that you discuss any potential measures with Council's monitoring officer who will guide you on the most appropriate approach to take. Please contact the Team Leader West Monitoring & Incidents on +64 9 301 0101 for more details. Alternatively, please refer to "Auckland Regional Council, Technical Publication No. 90, Erosion & Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region".*

14. All earthworks shall be managed to ensure that no debris, soil, silt, sediment or sediment-laden water is discharged from the subject site either to land, stormwater drainage systems, watercourses or receiving waters. In the event that a discharge occurs, works shall cease immediately and the discharge shall be mitigated and/or rectified to the satisfaction of the Team Leader West Monitoring & Incidents.
15. The site shall be progressively stabilised against erosion at all stages of the earthwork activity.
16. All earthworks activity on the subject site shall comply with the New Zealand Standard 6803:1999 for Acoustics – Construction Noise.
17. The use of noise generating motorised equipment and vehicle movements to and from the site associated with earthworks activity on the subject site shall be restricted to between the following hours:

Monday to Friday: 7:30 a.m. to 7p.m.

Saturday: 8:00am to 5:30pm

There is to be no operation of noise-generating, motorised equipment and vehicles associated with earthworks activity on the subject site on Sundays or public holidays.

18. There shall be no obstruction of access to public footpaths, berms, private properties, public services/utilities, or public reserves resulting from the earthworks activity. All materials and equipment shall be stored within the subject site's boundaries.
19. There shall be no airborne or deposited dust beyond the subject site as a result of the earthworks activity that in the opinion of the Team Leader West Monitoring & Incidents is noxious, offensive or objectionable.

**Advice Note:**

*It is recommended that potential measures as discussed with Council's monitoring officer who will guide you on the most appropriate approach to take. Please contact the Team Leader West Monitoring & Incidents on +64 9 301 0101 for more details. Alternatively, please refer to the*



*Ministry for the Environment publication "Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions".*

20. There shall be no damage to public roads, footpaths, berms, kerbs, drains, reserves or other public asset as a result of the earthworks activity. In the event that such damage does occur, the Team Leader West Monitoring & Incidents, will be notified within 24 hours of its discovery. The costs of rectifying such damage and restoring the asset to its original condition will be met by the consent holder.

**Advice Note:**

*In order to prevent damage occurring during the earthwork activity, the consent holder should consider placing protective plates over footpaths, kerbs, and drains. Where necessary, prior to works commencing, photographing or video recording of roads, paths and drains may be appropriate.*

*If you would like further details or suggestions on how to protect public assets during the earthwork phase, please contact the Team Leader West Monitoring & Incidents on +64 9 301 0101*

21. Notice shall be provided to the Team Leader West Monitoring & Incidents, at least two (2) working days prior to the removal of any erosion and sediment control works.

**Geotechnical Conditions:**

22. The construction of buildings foundations, retaining structures and all associated earthworks shall be supervised by a suitable qualified engineering professional. In supervising the works, the suitable qualified engineering professional shall ensure that they are constructed and otherwise completed in accordance with NZS 4431:1989 Code of Practice for Earthfill for residential Development or NZS4404:2004 Code of Practice for Urban Land Development & Subdivision Engineering and "Section 2 of the Code of Practice: City Infrastructure and Land Development" and the following reports:

- a. Geotechnical Investigation Report prepared by Soil & Rock Consultants, Titled: Proposed Commercial Development 297-301 Lincoln Road, Henderson, Job Number: 08223 and Dated: 12 August 2009

23. All associated earthworks must not result in any reductions of on-site flood storage capacity, must be contained within the subject site and must not change the flood characteristics beyond the boundary of the subject sites for a range of flood events in ways that result in:

- a. Loss of flood storage
- b. Increase in flood depth or frequency
- c. Loss of/changes to flow paths including overland flow paths
- d. Acceleration or retardation of flows; or
- e. Any reduction in flood warning times elsewhere on the flood plain

24. Within 10 working days following the completion of earthworks, the suitable qualified engineering professional responsible for supervising the works shall provide to the Team Leader West Monitoring & Incidents, written evidence that all fill used on the subject site has the characteristics set out below:

- a. be solid material of a stable, inert nature and
- b. not contain contaminants and

- c. not be subject to biological breakdown

Written evidence shall be in the form of a receipt, compaction certificate(s), producer statement or similar.

- 25. Where excess soil or waste materials resulting from earthworks activity is to be removed from the subject site, it shall be deposited at an approved disposal site. Written evidence confirming this action shall be provided to the Team Leader West Monitoring & Incidents within 10 working days of the completion of the earthworks activity. Written evidence shall be in the form of a receipt, producer statement or similar.
- 26. One (1) month on completion of earthworks, a Certificate, signed by the suitable qualified engineering professional who supervised the works, shall be provided to the Team Leader West Monitoring & Incidents. The certificate shall determine if the earthworks have been carried out in accordance with the conditions of consent and that the site has been left in a condition suitable for its intended use. The written evidence shall be in the form of a receipt, producer statement or similar.

#### **Wastewater**

- 27. Provide a separate connection to the public wastewater system to serve the development in accordance with Watercare Service Limited (WSL) standards; refer Water and Wastewater Code of Practice for Land Development and Subdivision.

- (a) Provide separate connection and provide an as built plan of the new public connection or a WSL Completion Certificate. Note: Installation of a public wastewater connection requires separate approval from Watercare Service Limited.

**Advice Note:** connection to public network is not permitted until Quality Assurance Certificate has been issued on Stage 2 ENG-2013-1188

#### **Stormwater**

- 28. Provide a separate connection to the public stormwater system to serve each unit in accordance with Auckland Council standards: refer Auckland Council Code of Practice for Land Development and Subdivision.
  - a. All drainage work onsite shall be undertaken as per the scheme plan prepared by ACH Consulting Engineers, Drawing Titled: Stormwater Drainage Layout, Job No: 150655, Drawing No: E410 and Dated: 29/09/2015. **Note:** the above system will be private therefore prior commencing work on this network system obtain Building consent.

**Advice Note:** connection to public network is not permitted until Quality Assurance Certificate has been issued on Stage 2 ENG-2013-1188

- 29. Design, provide and install a private on-site stormwater management system (stormwater detention pond) in accordance with Auckland Council standards from the point of collection to the point of discharge. The system shall maintain stormwater runoff flows, volumes, and timing to pre-development levels to the capacity of the downstream stormwater network system.
  - a. Stormwater management system to be constructed as per the scheme plan prepared by ACH Consulting Engineers, Drawing Titled: Proposed Water Treatment & Detention, Job No: 150655, Drawing No: E423 and Dated: 03/11/2015.
  - b. Provide an as-built plan prepared by a certifying Surveyor signed as sighted and approved by a Council Inspector. Note: Construction of private drainage requires building consent.

#### **Covenants**

30. Pursuant to Section 108(2) (d) a covenant is required to be entered into, in favour of Council, to record and advise any future owners of the need to comply with this condition on an ongoing basis.

a. There is an on site stormwater management system on the affected lot.

- i) The owner must operate, monitor and maintain the stormwater management system (specify) in accordance with the conditions below:
- ii) Regular maintenance (as specified in the Operation and Maintenance Manual) of the stormwater management system shall be carried out by the owner as required to ensure efficient operation.
- iii) Auckland Council may at any time upon prior written notice by its officers, employees, agents or contractors enter the property; to inspect or test the stormwater management system and; to inspect the owner's records in relation to the operation, monitoring and maintenance of the system.
- iv) Auckland Council may, by notice in writing, instruct the owner to carry out any actions or works in relation to the operation, monitoring and maintenance of the stormwater management system. If the owner fails to carry out those actions or works within 7 working days of receiving Auckland Council's Notice, Auckland Council may carry out said work itself and enter the property to execute the work. Council may recover all costs of carrying out said work from the owner.
- v) The owner must not modify or remove the stormwater management system without express written permission of Auckland Council.

**Advice Note:** Council's Hazards and Special Features Register will be advised of the above requirements.

#### **Covenant Instrument**

31. The Covenant Instrument will be prepared by Auckland Council's solicitors at the cost of the consent holder. The owner or the consent holder's solicitor should contact Team Leader, Compliance Monitoring (West) to request the Covenant Instrument to be prepared and registered. The following should accompany that request:

A copy of the consent condition;

A recent copy of the Certificate of Title.

#### **Construction traffic management plan**

32. Prior to the commencement of demolition and construction, the consent holder shall submit for the approval of the Council (Team Leader – West Monitoring) a construction traffic management plan ("CTMP"). The purpose of the CTMP is to avoid, mitigate or remedy any temporary adverse effects of traffic related to the redevelopment of the site. The following details shall be shown on a site plan and supporting documentation as part of the CTMP:

- a) Ingress and egress to/from the site for vehicles associated with demolition/ construction and delivery of materials and equipment and construction machinery during the site works and demolition/construction periods.
- b) Proposed numbers and timing of truck movements throughout the day and the proposed routes. This shall include the identification of heavy vehicle routes that avoid residential streets.

- c) Parking for contractors and workers.
- d) Details of how construction traffic will be managed.
- e) Location of traffic signs on surrounding streets and proposed signage for traffic management purposes during construction.
- f) Contact details of the site manager.

The approved CTMP shall be implemented and maintained throughout the entire period of the construction works.

#### **Additional Lane on Central Park Drive**

- 33. Engineering Plan Approval (EPA) showing the design of the additional lane on the Central Park Drive approach to the Lincoln Road/Triangle Road/ Central Park Drive intersection shall be submitted to Council (Team Leader – West Monitoring) for approval. The EPA shall be accompanied by a Stage 3 Road Safety Audit undertaken by a suitably qualified independent traffic engineer, and the design domain shall extend from the intersection of Lincoln Road/Triangle Road/Central Park Drive to and including the Central Park Drive/Soljan Drive signalised intersection. Any concerns raised in the Road Safety Audit shall be addressed by the consent-holder at their cost.

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

- 34. Prior to the commencement of trading all access, parking and manoeuvring areas shall be formed, sealed with an all-weather surface, marked out, sign posted and drained in accordance with the approved plans to the satisfaction of the Team Leader Western Monitoring & Incidences.

#### **Homestore Retail**

- 35. The consented retail activity shall provide for a homeware retail activity only and shall not provide other retail type activities other than those ancillary activities such as the café that have been approved under this consent.

#### **Construction Noise and Vibration Conditions**

- 36. Construction (including earthworks and piling) may not commence until the Consent Holder has demonstrated to the satisfaction of the Council how all construction works will be undertaken whilst complying with the requirements of conditions 37 and 38. Compliance must be demonstrated to the satisfaction of the Council in a report (or several reports if necessary) prepared by suitably qualified and experienced person(s).
- 37. The noise from all construction works shall comply with the noise limits set out in Tables 2 and 3 of NZS6803:1999 (long term duration) when measured 1m from the facade of any occupied building, or indoors but only in accordance with Clause 7.2.7 of NZS6803:1999. Construction noise shall be measured and assessed in accordance with the requirements of NZS6803:1999 Acoustics – Construction Noise.
- 38. Vibration from all demolition, earthworks and construction shall not at any time exceed:
  - i. The **Line 2** limits for structures set out in Tables 1 and 3 of German Standard DIN 4150 Part 3: 1999 "Structural Vibration in Buildings – Effects on Structures" (the DIN standard) at any building that is **occupied** during the works; and

- ii. the relevant structure-specific limits set out in Tables 1 and 3 of the DIN standard at any building, swimming pool or structure (occupied or not) at any time.

For the purpose of conditions 37 and 38, an occupied building is one where people occupy the space whilst the works are in progress, i.e. if the building (or the affected part of it) is not occupied (i.e. a residential dwelling during the day or office space at night) then the noise limits in condition 36 and the Line 2 restriction in condition 38(i) do not apply to the unoccupied space. The noise limits in condition 37 and the Line 2 restriction in condition 38(i) do not apply where the consent holder has written confirmation from the occupier(s) of the affected building (or space within a building) approving noise and / or vibration levels above noise limits in condition 37 and the Line 2 restriction in condition 38(i) for a specified period of works within specified timeframes within that building or occupied space. The written confirmation(s) shall be provided to the Council at least 7 days prior to the specified works commencing.

- 39. Prior to works commencing, the consent holder shall prepare and submit, to the satisfaction of the Team Leader, Compliance and Monitoring Western, a Construction Noise and Vibration Management Plan (CNVMP) prepared by a suitably qualified person. The CNVMP shall include specific details relating to the control of noise and vibration associated with all project works, and the objective of the CNVMP is to set out the measures required to minimise the construction noise and vibration levels and effects. The CNVMP shall, as a minimum, address the following matters:
  - a. a description of noise sources, including machinery, equipment and construction techniques to be used;
  - b. compliance with conditions 37 & 38
  - c. predicted construction noise levels;
  - d. specific hours of operation, including times and days when noisy construction work and rock breaking would occur;
  - e. Physical noise mitigation measures, including prohibition of tonal reverse alarms, maintenance of access roads (to ensure they are smooth), acoustic screening around the site, plant selection and maintenance procedures, site layout etc.
  - f. construction noise limits;
  - g. the identification of activities and locations that will require the design of noise mitigation measures such as temporary barriers or enclosures and the details of such measures where (without them) the noise limits are predicted to be exceeded;
  - h. the measures that will be undertaken by the Consent Holder to communicate noise management measures to affected stakeholders;
  - i. methods for monitoring and reporting on construction noise;
  - j. methods for receiving and responding to complaints about construction noise; and
  - k. construction operator training procedures.
- 40. The CNVMP shall also describe measures adopted to meet the requirements of German Standard DIN4150-3:1999 *Structural Vibration - Effects of Vibration on Structures*; (the DIN standard), and as a minimum shall address the following construction vibration matters:

- (i) Notification process to inform the project manager and relevant contractor when vibration is predicted or measured to exceed 75% of the relevant building damage risk thresholds, with reference to Figure 1 of the DIN standard;
- (ii) provision for the use of building condition surveys to determine the sensitivity of the building(s) on the adjacent sites to ground movement in terms of the Line 1-3 criteria of the DIN standard;
- (iii) provision for the use of engineering surveys to confirm the applicability of the Line 1 (highest) criteria from the DIN standard;
- (iv) identification of buildings and structures requiring pre-condition surveys;
- (v) the measures that will be undertaken by the Consent Holder to communicate vibration management measures to all affected stakeholders within 50m of the extent of earthworks and piling between 2 and 3 weeks prior to earthworks and piling commencing;
- (vi) methods for monitoring and reporting on construction vibration; and
- (vii) methods for receiving and responding to complaints about construction vibration;
- (viii) procedures and requirements to ensure that the piling design minimises construction vibration as far as practicable; and
- (ix) provision for the determination of buildings that require post-condition surveys to be undertaken following the conclusion of earthworks and foundation construction.

41. Prior to earthworks and foundation construction commencing, the consent holder shall engage a suitably qualified and experienced structural engineer to undertake a survey of the properties identified in the approved CNVMP where the property owner has given their written consent. If the property owner does not respond within four weeks of the request having been made, the consent holder need not undertake a survey of that property. The survey shall assess the current condition of the ground and exterior and interior of the buildings on the properties listed above (additional properties to be surveyed at the consent holder's discretion). All surveys shall be at the consent holder's cost. The methodology shall be approved by the Council's Team Leader Compliance Monitoring prior to the survey's being undertaken.

A copy of each survey shall be provided to the Council's Team Leader Compliance and Monitoring – Western and a copy as it relates to the relevant property shall be made available to those property owners who participate in the survey and request a copy of the results.

### **3. Advice notes**

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

- (4) *If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of notification of the decision.*
- (5) *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety in Employment Act 1992), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.*
- (6) *Any changes to parking and traffic controls shall be approved by Auckland Transport's Traffic Control Committee. The resolution report shall be prepared by a suitably qualified traffic engineer. No construction works shall be undertaken on site prior to approval of the resolution by the TCC. As part of this process, Auckland Transport may require consultation to be undertaken with the public. It is advised that the resolution report be submitted at least 8 weeks prior to construction being undertaken.*

**Delegated decision maker:**

Name: Matthew Wright

Title: Team Leader, Resource Consents

Signed:



21<sup>st</sup> June 2016

Date:

# Decision on an Application for a Change / Cancellation of Consent Condition(s) under the Resource Management Act 1991



**Application Number:** LUC-2013-1413

**Applicant's Name:** Magsons Hardware Ltd

**Site Address:** 291-301 Lincoln Road, Henderson

**Legal Description:** Lot 2 DP 131804  
Lot 1 DP 125187

**Proposal:** Variation of conditions of SUB-2009-849 and LUC-2009-847 to enable the staging of the subdivision.

I have read the application, supporting documents, and the report and recommendations on the section 127 application. I am satisfied that I have sufficient information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on this application.

Acting under delegated authority, under sections 104, 104B and 127 this application to change conditions is **GRANTED**.

## Reasons

Under section 113 of the RMA the reasons for this decision are:

- Any actual and potential effects on the environment by the proposal will be acceptable for the following reasons:
  - The proposed variation would only affect the staging of a consented subdivision and would not create any new adverse effects on the environment, beyond those already consented under the original subdivision.
  - The proposed servicing and roading arrangements for stages 1 and 2 of the subdivision are supported by Council's specialists.
- The proposal would be consistent with the relevant Objectives and Policies of the Auckland Council District Plan (Waitakere Section), and regard has been had to the relevant assessment criteria.
- The proposal would be consistent with Part II of the Resource Management Act 1991.



## Conditions

Under section 108 of the RMA, the consent, as varied, is subject to the following conditions:

### All Charges Paid

1. Pursuant to section 116 of the RMA, this consent (or any part thereof) shall not commence until such time as all charges pursuant to section 36 of the RMA, owing at the time the Council's decision is notified are paid in full to the Council.

Delegated decision maker:

Name: MATTHEW WEIGHT

Title: Team Leader, Resource Consents

Signed: 

Date: 11/12/13

## **Appendix A**

The conditions of LUC-2009-847 and SUB-2009-849, as amended by LUC-2013-1413, are reproduced as follows:

### **LUC-2009-847**

#### **GENERAL**

(GN 1) The development shall proceed in accordance with the plans titled:

- Titled 'Lots 1 & 5 being a Subdivision of Pt. Lot 1 DP 125187 & Lot 2 DP 131804 Magsons Hardware Ltd Section 127 Variation Application Stages 1 & 2', Project No: 13171, Drawing No RC03.
- Titled 'Lot 1 & 5 Proposal', prepared by ACH Consulting Engineers, Job No 09125.
- Titled 'Lots 1 to 4 being a proposed Subdivision of Lot 1 DP 125187 & Lot 2 DP 131804', Project No: 554803-002 Sheet 1..

and all referenced by Council as LUC 2009 – 847, as varied by LUC-2013-1413, and the information, including further information, submitted with the application.

(GN 2) A copy of this Resource Consent shall be held on site throughout the period of work. Prior to works commencing, it shall be the responsibility of the consent holder to **explain the Conditions of Consent to all contractors, sub-contractors and work site supervisory staff who are carrying out any works associated with the project.**

#### **MONITORING CHARGE**

(MN 1) A consent compliance monitoring fee of \$728.00 (inclusive of G.S.T.) has been paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, on inspection all conditions have not been satisfactorily met, a reinspection shall be required at the relevant hourly rate applicable at the time the reinspection is carried out.

#### **PRE-START CONDITIONS**

(P 1) **Prior to works commencing**, organise a Pre-Start meeting onsite with Council's Environmental Monitoring Officer (EMO) (Phone Council's Call Centre 839 0400 to arrange an inspection) to discuss the following:

- The conditions of Resource Consent
- The final location and design of the sediment and erosion controls.
- Provide the name, phone number and signed confirmation that a road sweeping contractor has been engaged to sweep the roads on an as-needed basis to ensure storm water quality is not affected.
- Designated site entry and stabilisation requirements.
- Stockpile locations.

- Earthworks Methodology
- Location of tree protection fencing (See condition 23)
- Any other matters arising

The Consent Holder's representative works arborist and chief site works Contractor are to be present. The Consent Holder's representative shall minute the meeting and circulate those minutes to all in attendance including the Council's EMO.

- (P 2) **Prior to works commencing**, a Traffic Management Plan (TMP) shall be submitted to Council's Roading Officers for approval. The TMP must be prepared by a qualified and experienced Site Traffic Management Supervisor (STMS) and shall be approved in writing prior to works commencing.
- (P 3) **Prior to works commencing** a contaminated soils Remediation Action Plan (RAP) is to be provided to the satisfaction of the Manager Resource Consents. This is to detail the methodologies for dealing with the contamination on site and should include the specific provisions and recommendations identified in the report by Groundwater & Environmental services, dated 9th August 2009 'Preliminary Environmental Site Investigation, 297 Lincoln Rd, Henderson'.

#### **EARTHWORKS (REFER TO LUC-2009-969)**

- (E 1) Before commencement of any works and until completion of exposed site works, adequate sediment and erosion control measures in accordance with the Auckland Regional Council Technical Publication No. 90 "Erosion and Sediment Control Guideline for Earthworks" (latest edition) shall be constructed and maintained by the consent holder. The consent holder shall notify Council's Monitoring Officer – Resource Management (ph 8390400) when controls are in place. Work shall not commence until approval has been gained in writing from the Manager Resource Consents. The control measures must be maintained until the site has been adequately stabilised against erosion and sediment-laden run off.
- (E 2) The consent holder shall submit a certificate signed by an appropriately qualified and experienced professional engineer, or provide documented evidence from the ARC, to certify that the erosion and sediment controls have been constructed in accordance with the Auckland Regional Council Technical Publication No. 90 "Erosion and Sediment Control Guideline for Earthworks" (latest edition) within 7 days following the construction of the controls. Certified controls shall include sediment retention ponds, diversion channels/bunds and check dam structures. This requirement shall also apply to sediment retention facilities that are constructed during the site development as specified above.
- (E 3) At all stages of work, copies of all the documentation as specified in the recommendation shall be given to the contractor(s). The contractor(s) shall hold a copy of the documentation on site and shall make all employees (including subcontractors) aware of their legal obligations to carry out all

works in accordance with this documentation at all times. A copy shall be available for viewing in the site

- (E 4) All dirt tracked onto the surrounding roads as a result of the development covered by this consent shall be cleaned by sweeping on a daily basis at the expense of the applicant. The applicant shall also nominate a road sweeping contractor and provide Council's EMO with the contact details. In the case of repeated non-compliance the road sweeping contractor maybe engaged by Council's EMO at the applicants cost. Wheel wash facilities must also be employed by the applicant if deemed necessary by Council at the time. At no time shall any dirt on the roads be washed down with water
- (E 5) Footpaths, berms and kerbs shall be protected from damage by crossing or parking vehicles to the satisfaction of the Manager Resource Consents. Any damage which is attributed to the earthworks operation shall be rectified at the cost of the consent holder and at the direction of Council.

#### **CONTAMINATION (REFER TO LUC2009-969)**

- (C 1) Dust mitigation shall be utilised onsite for the entire duration of the earthworks and shall include but not be limited to:
  - the use of wheel wash facilities
  - the watering of all haul roads
  - the immediate mulching/grassing of stockpiled materials
  - staging of works where necessary
  - watering of any trouble spots identified onsite by Council staff
  - location of haul roads and stockpiles away from residential properties all to the satisfaction of the Manager, Resource Consents.
- (C 2) All areas of exposed earth shall be top-soiled and grassed or otherwise stabilised against erosion as soon as practicable and in a progressive manner as works are complete but no later than one week following the completion of works.
- (C 3) Any material to be removed from site shall be stockpiled, covered and tested for horticultural contaminants (As, Cu, Pb, and Organo-chlorines) prior to disposal. Soils containing contaminant concentrations exceeding the ARC Permitted Activity Criteria shall be sent to a specialised wastes landfill. Soils containing contaminant concentrations within the ARC Permitted Activity Criteria may be disposed of to another registered landfill. Evidence of correct disposal by way of invoices or tip receipts are to be provided to the satisfaction of the EMO.
- (C 4) All vehicles shall have the tyres checked and cleaned if required prior to leaving the site to prevent deposition of material beyond the site boundaries. Any material inadvertently deposited on the street in the vicinity of the site shall be removed immediately and disposed of appropriately, at the expense of the consent holder, to the satisfaction of the Manager, Resource Consents. It cannot be washed into Council's stormwater drains.

- (C 5) At the completion of all earthworks at the site, a Site Validation Report (SVR) shall be provided to the satisfaction of the Manager Resource Consents. The remaining soils shall be sampled and tested for arsenic, copper, lead and organo-chlorines to the standards set out in the ARC (2002) Draft Soil Sampling Protocol for Horticultural Sites, to show that the remaining soil on site meets ARC criteria for human health and discharge requirements as per the ARC Permitted Activity Criteria.

## **INFRASTRUCTURE**

- (I 1) All infrastructure (including financial contributions) relating to stormwater treatment and disposal, wastewater disposal, and water supply shall be to the satisfaction of Eco-Water. Compliance with the Waitakere City Council Code of Practice for City Infrastructure and Land Development is deemed to be in accordance with this condition. Refer to Subdivision Conditions below in the associated subdivision SUB-2009-849 for further details.

## **FEEES, BONDS & CONTRIBUTIONS**

- (FC 1) Pursuant to Section 108(2)(b) and Section 108A, and in accordance with Council's Code of Practice for City Infrastructure and Land Development, the applicant is required to provide a maintenance bond to Council, equivalent to 2½% (minimum \$2500.00) of the value of works being taken over by Council. Maintenance of these assets are the responsibility of the developer during the maintenance period. At the end of the maintenance period the QA Supervisor will undertake a maintenance inspection to ascertain whether the assets are still in satisfactory condition and if so, will instruct the bond to be released, and Council will take over maintenance responsibilities from that time forward. Where defects occur during the developer's maintenance liability period, the costs of repairing such defects are the full responsibility of the developer. Where the developer does not repair the defects, Council will retain the bond monies for use in repairing the defects, and refund any residual monies held to the developer. The developer's liability is not limited to the amount of the maintenance bond, and any additional costs will be invoiced to the developer and will become a debt due to the Council.

### **Advice Notes:**

- (AV 1) Where indicated in the conditions it is the consent holder's responsibility to inform the Environmental Monitoring Officer when inspection is required. Inspections can be requested through the Call Centre on 839 0400.
- (AV 2) Pursuant to section 125 of the Resource Management Act 1991, this consent shall lapse after a period of five years after the commencement of the consent.
- (AV 3) Subject to the specific approval of the Senior Drainage Engineer and Senior Water Engineer, Council may contribute towards the cost of the

developer constructing catchment wide stormwater treatment devices and one of the 180dia water mains that are above the minimum standard required in the Code of Practice to service their subdivision, and where there are benefits to Council and community beyond the limits of their development. Based on the information submitted with the application, Council will contribute 60.7% of the construction cost towards the catchment-wide treatment device and 50% of the construction cost (not on the design etc) 180dia water main on one side of the road (On the side of proposed Lot 3 on the Water Supply Plan (Sheet: 600; Rev: B, dated October 09, by CPG New Zealand Ltd)), of providing the works specified in the subdivision conditions (DE 3) and (DE 5). The applicant is required to obtain three separate quotes for the approved engineering works, and submit these quotes to Council for approval prior to commencing works. Council reserves the right to specify which quote the applicant is required to accept. Upon issue of the QA Completion Certificate, or application for 224c certificate, the applicant is required to provide copies of all invoices relative to construction of the works that Council has agreed to contribute towards. The final contribution amount will be based on the actual invoiced costs of providing the agreed services, and payments will only be made after issue of the QA Completion Certificate.

**STAGE 1 – LOT 1 AND LOT 5**

**1: SECTION 223 REQUIREMENTS**

A survey plan of the subdivision will be approved pursuant to Section 223 of the Act provided that the survey plan signing fee has been paid and that the following conditions have been complied with to the satisfaction of Council.

- (a) The Survey Plan shall be in accordance with the plans titled Lots 1 & 5 being a Subdivision of Pt. Lot 1 DP 125187 & Lot 2 DP 131804 Magsons Hardware Ltd Section 127 Variation Application Stages 1 & 2', Project No: 13171, Drawing No RC03 and all referenced by Council as SUB 2009-847, as amended by LUC-2013-1413, and the information submitted with the application (including further information).
- (b) Provide drainage easements (for the services through Lots to protect the existing or proposed connections) in a Memorandum of Easements endorsed on the survey plan. Include in the Section 223 approval on the plan, "subject to the granting or reserving of the easement(s) set out in the Memorandum hereon." Refer condition DE5(vi) below.
- (f) Provide Right of Way access over Lot 1 in favour of Lot 5 for future access arrangements.
- (g) Where required provide for Underground Services easements for Lots 1 and 5 in the Memorandum of Easements endorsed on the survey plan.
- (h) Define the 1 in 100 year overland flowpaths and floodplains of the streams through the site as required by the s224 condition (DE 1) below, and provide a drainage easement(s) in gross in favour of Council in a Memorandum of Easements endorsed on the survey plan. Include on the survey plan, "subject to the granting or reserving of the easement(s) set out in the Memorandum hereon." Specific requirements:
  - 1. The easement document will be prepared by Council's Solicitor at the applicant's cost.
  - 2. The easement document shall advise the owner of their responsibilities:
    - (i). to maintain the overland flowpath in its approved state; and
    - (ii). to not allow the construction of any buildings within the easement area; and
    - (iii). to keep it unobstructed by earthworks, landscaping, solid walls or fences, or any other impediments to the free flow of water through the easement area; and
    - (iv). to ensure that any buildings located on the land have a finished floor level of 500mm above the highest adjacent flood level.

*Advice Note: Council's Hazards and Special Features Register will be advised of the above requirements.*

**Advice Notes**

Take note that street numbers for the lots on the survey plan will be allocated by Council subsequent to Section 223 approval, and these numbers must be used for future applications for building consent. A copy of the survey plan with the Council allocated numbers will be provided.

The application requesting the 223 certification shall be in writing, shall state the LINZ allocated number, shall have attached a cheque for the advertised S223 processing fee, shall address how each of the following conditions have been satisfied. The Landonline documentation shall include the S223 and any other TA Certificates applicable. Note that the TA Ref. is SUB 2009-847.

The applicant must ensure that placement of the services and driveway/s occurs entirely within the easement/s and/or lot boundaries as shown.

## **2: SECTION 224C REQUIREMENTS**

Prior to the release by the Council of the Section 224(c) compliance certificate for this subdivision the applicant shall comply with the following conditions to the satisfaction of Council:-

Note: The application requesting the 224 release shall be in writing, shall include the advertised processing fee, shall address how each of the following conditions have been satisfied, and shall be accompanied with Compliance Certificates from each of Council section(s) named below.

### **PUBLIC DRAINAGE INFRASTRUCTURE**

- (DE 1) The consent holder shall identify and provide engineering designs for all 1 in 100 year overland flowpaths within and through the site. Provide engineering plans and calculations to Council for separate engineering approval prior to commencing works. Specific Requirements:
- (i) Keep overland flowpaths to driveways and roads and discharge to either, a pond, drainage reserve or stream in the shortest distance possible and with the minimum of nuisance.
  - (ii) The maximum 1 in 100 year flood depth permitted shall be 200mm on any driveway or road. Where overland flowpaths pass through private property provide a drainage easement(s) in gross in favour of Council.
  - (iii) Properties containing, or that are adjacent to, such a drainage easement shall be advised of the following associated restrictions as determined to be applicable on a site by site basis at the completion of earthworks and road construction.
  - (iv) No building shall be located within any area defined as a 1 in 100 year floodplain or overland flowpath, and
  - (v) Minimum finished floor level not less than 200mm above the 1 in 100 year flood level of any overland flowpath with a contributing catchment of less than 2 hectares, and
  - (vi) Minimum finished floor level not less than 500mm above the 1 in 100 year flood level of any natural stream, and any constructed pond or wetland, and any overland flowpath with a contributing catchment of 2 hectares or greater, and



- (vii) No solid structure, fence, landscaping or other object shall be placed within any area defined as a 1 in 100 year floodplain or overland flowpath in such a manner that it would alter, obstruct or divert the flow of flood waters.

The above will be monitored by Council to assess the ongoing compliance with this condition. Pursuant to Section 221 a **consent notice** is required to be entered into, in favour of Council, to record and advise any future owners of the need to comply with this condition on an ongoing basis.

- (DE 2) The consent holder shall design, provide and install a complete wastewater reticulation system to serve all Lots in compliance with Watercare Service Ltd's Water and Wastewater Code of Practice for Land Development and Subdivision. Specific requirements:

- (i) Provide each Lot with a separate public connection at the lowest practical in the boundary.

*Advice Notes:*

- *Reroute the existing public wastewater drain outside building platform within Lot 1, particularly medium density, apartments and large commercial buildings.*
- *Connections to the public wastewater system can only be carried out by Watercare Services Limited's (WSL) contractor. Apply for new connections at WSL, by completing the application form. Pay all costs associated with providing the new connections.*

- (ii) Provide a copy of the private drainage As-Built plan for the property, prepared by a Registered Drainlayer, showing the separate private drains from each Unit to the point of connection to the public wastewater drain.

*Advice Note: Construction of private drainage requires a building consent.*

- (DE 3) The consent holder shall design, provide and install a complete public stormwater drainage system to serve all Lots in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 4.0). Provide engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:

- (i) Provide each Lot with a separate public connection at the lowest practical point in the boundary.
- (ii) Provide in the design of services for the reticulation of the upstream catchment and install such reticulation to the boundary of the upstream properties.

- (DE 4) The consent holder shall design, provide and install a complete public water supply reticulation system and fire fighting services to serve all Lots in compliance with Watercare Service Ltd's Water and Wastewater Code of Practice for Land Development and Subdivision. Provide engineering

plans and calculations to Council for approval prior to commencing works.  
Specific requirements:

- (i) All Lots are to be individually metered at the road reserve boundary. Ducting of private lines is recommended where they cross driveways.
- (ii) Locate all water connections at the same position as the power and telephone connection to each Lot.
- (iii) Provide in the design of services for the reticulation of the upstream catchment and install such reticulation to the boundary of the upstream properties.
- (iv) Pay to Watercare Services Limited (WSL) the cost of supervising the shut down of public water supply mains. This service includes WSL providing written advice to all affected property owners and tenants.
- (v) If required, apply to Watercare Services Limited for installing a new fire hydrant on the existing water main. Provide fire hydrants within 135m of the furthest point on any property.
- (vi) Where the required public system is on private property, easements over the course of such system in favour of Council will be necessary.

(DE 5) The consent holder shall submit engineering plans and specifications for the proposed public infrastructure works, as conditioned above, in accordance with Council's Code of Practice for City Infrastructure and Land Development. Specific requirements:

- (i) Submit full engineering plans, long sections and calculations, prepared in accordance with Council's Code of Practice, to Council for approval.
- (ii) Advise the name of the appointed developer's representative fulfilling engineering responsibilities as detailed in section 1.4.1 of the Code of Practice.
- (iii) After engineering approval has been given and prior to commencing construction, contact Council's Call Centre on 301 0101 to arrange a QA Pre-Start Meeting. Allow 3 working days for the QA Pre-Start Meeting to be booked.
- (iv) The applicant is required to ensure that the contracted drainlayer and developer's representative attend the QA Pre-Start Meeting, and that construction materials are on-site for inspection.  
Advice Note: Council's Development Engineer (QA Supervisor) will then undertake random site inspections throughout the construction process.
- (v) Upon completion of construction the applicant's surveyor is required to prepare As-Built plans in accordance with the Code of Practice, and CCTV inspection of the drains are to be carried out.
- (vi) The developer's representative is required to fully inspect the drainage including overseeing the drainage tests, view the cctv's and check against the as-builts, and ensure that any remedial works are completed.
- (vii) When the developer's representative is satisfied that all works meet Council standards, the consent holder is required to complete the 'QA Final Inspection Request Form' and lodge this at Council together with As-Builts, CCTV (all footage on one DVD), log sheets, chlorination certificate for water mains, and inspection reports.

*Advice Notes:*

- *Council's Development Engineer (QA Supervisor) will check all information against the approved design and Code of Practice, then undertake a field check and testing of the new drainage systems in conjunction with Council's approved maintenance contractor.*
- *When all public works and documentation are completed to Council's satisfaction the QA Completion Certificate will be issued to the applicant.*
  - (i) *Submit a copy of the QA Completion Certificate with the application for s224c Certificate as evidence of compliance with the conditions of consent requiring construction of infrastructure to public standards.*
  - (ii) *Pay all of Council's engineering fees and costs associated with engineering approvals, quality assurance site inspections, as-built & cctv approvals, final inspections, testing and bond management.*

## **LEGAL DOCUMENTATION**

These conditions will be signed off by Consent Services.

- (LD 1) The Consent Notice required by Conditions (DE 1) and the drainage easement in gross required by section 223 condition 1(e) above will be prepared by the Council Solicitor at the consent holders cost when the following information has been received:
- (i) All necessary technical information.
  - (ii) A copy of the Land Transfer plan showing the Deposited Plan and Certificate(s) of Title numbers allocated by Land Information New Zealand, and
  - (iii) The name and address of the solicitor acting for the owner.
- (LD 2) Where any condition imposed upon this consent to subdivision is to be complied with on an ongoing basis by the subdividing owner and subsequent owners after the deposit of a survey plan (not being a condition in respect of which a Bond is required to be entered into by the subdividing owner of a completion certificate is capable of being or has been issued) the subdividing owner shall pay the Council's Solicitors legal costs and disbursements relating to the preparation and registration of a Consent Notice pursuant to Section 221 of the Resource Management Act 1991, and shall do all acts and things necessary to enable registration of such Notice to be completed.

## **GENERAL**

These conditions are to be signed off by Consent Services, fees will be charged on an hourly basis.

- (GL 1) Satisfy all requirements of the Inland Revenue Department in respect of Goods and Services Tax including any requirements that may be made in respect of proposed public services and land to vest in and be transferred to the Council.

- (GL 2) Advise Council the name of the Consultant and/or person/s who will be the developers representative fulfilling engineering responsibilities as detailed in section 1.4.1 of Councils Code of Practice for City Infrastructure and Land Development.
- (GL 3) Provide confirmation from a Licensed Cadastral Surveyor that all services and driveways have been located entirely within easement/s and/or lot boundaries to the satisfaction of the Manager: Resource Consents.
- (GL 4) Liaise with the Electricity Network Owner & Council and install for the subdivision site, an 'extension of the network' to a 'point of supply', acceptable to the Network Operator & Council. If required, install the reticulation of electric power to the lot boundary of Lot 1 and 5 by underground methods.

1. The completed installation is to be installed in compliance with the requirements of the Electricity Network Owner and the requirements of the NZ Electrical Supply Regulations.
2. Within the site, the supply lines, plinths are to be contained within the Lot(s) being served and/or located within a service easement referred to in a Memorandum of (service) easements on the survey plan.
3. Provide to Council a copy of :-
  - (i) Electrician's- 'Electrical Certificate of Compliance' for supply lines, stating what work has been carried out and to which lot(s), and-
  - (ii) "s224(c) Letter Completion Certificate" from Vector (Vector- for Vector new connections & quote's- ph, 0800 948100 option 4), OR certification from any other recognised Electricity Network Owner, and-
  - (iii) an as-built plan (including any existing power poles, overhead lines and the proposed Lot boundaries/numbers), of the installed reticulation.

- (GL 5) If required, install the reticulation of telecommunication services to the lot boundary of Lot 1 and Lot 5 by underground methods. The completed installation is to be installed in compliance with the requirements of the Telecommunications Network Owner.

1. Within the site, the supply lines are to be contained within the Lot(s) being served and/or located within a service easement referred to in a Memorandum of (service) easements on the survey plan.
2. Provide to the Council satisfactory confirmation that the completed installation has been installed in compliance with the requirements of the Telecommunications Network Owner.
3. Provide to Council a copy of :-
  - (i) Electrician's- 'Electrical Certificate of Compliance' for supply lines confirming where applicable, the installing of green conduit / telephone lines, and -

- (ii) "Telephone Network Provisioning Subdivision Sign Off" letter issued by Chorus OR certification from any other recognised Telecommunications Network Owner, and-
- (iii) An as-built plan (including any existing power poles, overhead lines and the proposed Lot boundaries/numbers), of the installed reticulation.

Note ; ph. Chorus 0800 782386 for quotes re subdivision - 'extension of network OR email request with a plan to - 'tsg@chorus.co.nz'

## **FEES, BONDS & CONTRIBUTIONS**

Invoices will be prepared by Consent Services. If paying by personal/company cheque the standard 5 days clearance will apply. If you require the 224C certificate immediately, you must provide a bank cheque.

- (FC 1) Pay to Council any engineering, works supervision, monitoring, 224(c) processing and administrative fees as incurred which will be charged at Councils advertised schedule of fees.
- (FC 2) Pursuant to Section 108(2)(b) and Section 108A, and in accordance with Council's Code of Practice for City Infrastructure and Land Development, the consent holder is required to provide a maintenance bond to Council, equivalent to 2½% (minimum \$2500.00) of the value of works being taken over by Council. The bond may be varied or cancelled or renewed at any time by agreement between the holder and Council. This maintenance bond will be held for six months from the date of 224c issue. Maintenance of these assets is the responsibility of the developer during the maintenance period. At the end of the maintenance period the Development Engineer (QA Supervisor) will undertake a maintenance inspection to ascertain whether the assets are still in satisfactory condition and if so, will instruct the bond to be released, and Council will take over maintenance responsibilities from that time forward. Where defects occur during the developer's maintenance liability period, the costs of repairing such defects are the full responsibility of the developer. Where the developer does not repair the defects, Council will retain the bond monies for use in repairing the defects, and refund any residual monies held to the developer. The developer's liability is not limited to the amount of the maintenance bond, and any additional costs will be invoiced to the developer and will become a debt due to the Council.

## **STAGE 2 – LOTS 2, 3 AND 4**

### **1: SECTION 223 REQUIREMENTS**

A survey plan of the subdivision will be approved pursuant to Section 223 of the Act provided that the survey plan signing fee has been paid and that the following conditions have been complied with to the satisfaction of Council.

- (a) The Survey Plan shall be in accordance with the plans titled '*Lots 1 to 4 being a proposed Subdivision of Lot 1 DP 125187 & Lot 2 DP 131804, Project No: 554803 - 002 Sheet 1*' and all referenced by Council as SUB 2009-847, as amended by LUC-2013-1413, and the information submitted with the application (including further information).
- (b) Provide drainage easements (for the services through Lots to protect the existing or proposed connections) in a Memorandum of Easements endorsed on the survey plan. Include in the Section 223 approval on the plan, "subject to the granting or reserving of the easement(s) set out in the Memorandum hereon." Refer condition (DE5)(vi) below.
- (c) Provide for Underground Services easements for Lots 2, 3 and 4 in the Memorandum of Easements endorsed on the survey plan.

### **2: SECTION 224C REQUIREMENTS**

Prior to the release by the Council of the Section 224(c) compliance certificate for this subdivision the applicant shall comply with the following conditions to the satisfaction of Council:-

Note: The application requesting the 224 release shall be in writing, shall include the advertised processing fee, shall address how each of the following conditions have been satisfied, and shall be accompanied with Compliance Certificates from each of Council section(s) named below.

#### **PUBLIC DRAINAGE INFRASTRUCTURE**

- (DE 1) The consent holder shall design, provide and install a complete public wastewater reticulation system to serve Lots 2 and 3 in compliance with Watercare Service Ltd's Water and Wastewater Code of Practice for Land Development and Subdivision. Specific requirements:
  - (i) Provide each Lot with a separate public connection at the lowest practical point within the boundary.
- (DE 2) The consent holder shall design, provide and install a complete public stormwater drainage system to serve all Lots in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 4.0). Provide engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:
  - (i) Provide each Lot with a separate public connection at the lowest practical point within the boundary.

- (ii) Provide in the design of services for the reticulation of the upstream catchment and install such reticulation to the boundary of the upstream properties.
- (DE 3) Pursuant to Section 221 a **consent notice** is to be entered into for Lot 2, in favour of Council, to record that to mitigate against adverse effects on the environment, increased downstream flooding, increased stream channel erosion, or adverse effects on public infrastructure systems, on-site stormwater management systems are required on a on-going basis to meet the following specific requirements:
- (i) Maintain stormwater runoff flows, volumes, and timing to pre-development levels to the capacity of the downstream stormwater network system.
  - (ii) The consent notice shall state that:
    - a) There is a stormwater detention system on the affected property
    - b) The owner must operate, monitor and maintain the stormwater management system in accordance with the conditions below:
      - Regular maintenance (no less than once every two years) of the detention system shall be carried out by the owner as required to ensure efficient operation.
      - Auckland Council may at any time upon prior written notice by its officers, employees, agents or contractors enter the property to inspect or test the detention system and to inspect the owner's records in relation to the operation, monitoring and maintenance of the system.
      - Auckland Council may, by notice in writing, instruct the owner to carry out any actions or works in relation to the operation, monitoring and maintenance of the detention system. IF the owner fails to carry out those actions or works within 7 working days of receiving Auckland Council's Notice, Auckland Council may carry out said work itself and enter the property to execute the work. Council may recover all costs of carrying out said work from the owner.
    - c) The owner must not modify or remove the detention system without express written permission of Auckland Council.

*Advice Note: Council's Hazards and Special Features Register will be advised of the above requirements.*

Consent Notice:

The Consent Notice will be prepared by Auckland Council's solicitors at the cost of the consent holder and will contain the terms and conditions the solicitors usually include in such documents. The owner or the consent holder's solicitor should contact Team Leader, Compliance Monitoring (West) to request the Consent Notice be prepared and registered. The following should accompany that request:

- A copy of the consent condition;
- A recent copy of the Certificate of Title.

- (DE 4) The consent holder shall design, provide and install a complete stormwater quality treatment system to serve Lots 2, 3 and 4 in accordance with the Auckland Regional Council's TP10 'Stormwater Management Devices Design Guideline Manual', and Council's Code of Practice for City Infrastructure and Land Development (refer Section 4). Provide engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:
- (i) Provide in the design of the device for treatment of a fully developed upstream catchment.
  - (ii) Provide a maintenance manual for the treatment device.
  - (iii) Provide a drainage reserve / utility reserve / easement over the entire area occupied by the treatment device and all areas necessary to access and maintain the treatment device.
- (DE 5) The consent holder shall design, provide and install a complete public water supply reticulation system and fire fighting services to serve Lots 2 and 3 in compliance with Watercare Service Ltd's Water and Wastewater Code of Practice for Land Development and Subdivision. Provide engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:
- (i) All Lots are to be individually metered at the road reserve boundary. Ducting of private lines is recommended where they cross driveways.
  - (ii) Locate all water connections at the same position as the power and telephone connection to each Lot.
  - (iii) Provide in the design of services for the reticulation of the upstream catchment and install such reticulation to the boundary of the upstream properties.
  - (iv) Pay to Watercare Services Limited (WSL) the cost of supervising the shut down of public water supply mains. This service includes WSL providing written advice to all affected property owners and tenants.
  - (v) If required, apply to Watercare Services Limited for installing a new fire hydrant on the existing water main. Provide fire hydrants within 135m of the furthest point on any property.
  - (vi) Where the required public system is on private property, easements over the course of such system in favour of Council will be necessary.
- (DE 6) The consent holder shall submit engineering plans and specifications for the proposed public infrastructure works, as conditioned above, in accordance with Council's Code of Practice for City Infrastructure and Land Development. Specific requirements:
- (i) Submit full engineering plans, long sections and calculations, prepared in accordance with Council's Code of Practice, to Council for approval.
  - (ii) Advise the name of the appointed developer's representative fulfilling engineering responsibilities as detailed in section 1.4.1 of the Code of Practice.
  - (iii) After engineering approval has been given and prior to commencing construction, contact Council's Call Centre on 301 0101 to arrange a QA Pre-Start Meeting. Allow 3 working days for the QA Pre-Start Meeting to be booked.



- (iv) The applicant is required to ensure that the contracted drainlayer and developer's representative attend the QA Pre-Start Meeting, and that construction materials are on-site for inspection.

*Advice Note: Council's Development Engineer (QA Supervisor) will then undertake random site inspections throughout the construction process.*

- (v) Upon completion of construction the applicant's surveyor is required to prepare As-Built plans in accordance with the Code of Practice, and CCTV inspection of the drains are to be carried out.
- (vi) The developer's representative is required to fully inspect the drainage including overseeing the drainage tests, view the cctv's and check against the as-builts, and ensure that any remedial works are completed.
- (vii) When the developer's representative is satisfied that all works meet Council standards, the consent holder shall complete the 'QA Final Inspection Request Form' and lodge this at Council together with As-Builts, CCTV (all footage on one DVD), log sheets, chlorination certificate for watermain, and inspection reports.

*Advice Notes:*

- *Council's Development Engineer (QA Supervisor) will check all information against the approved design and Code of Practice, then undertake a field check and testing of the new drainage systems in conjunction with Council's approved maintenance contractor.*
- *When all public works and documentation are completed to Council's satisfaction the QA Completion Certificate will be issued to the applicant.*
- (viii) Submit a copy of the QA Completion Certificate with the application for s224c Certificate as evidence of compliance with the conditions of consent requiring construction of infrastructure to public standards.
- (ix) Pay all of Council's engineering fees and costs associated with engineering approvals, quality assurance site inspections, as-built & cctv approvals, final inspections, testing and bond management.

## **TRANSPORT ASSETS**

Please contact the Transportation Engineer on 836-8000 (extension 8793) to book an inspection.

- (TA 1) Before commencement of work, obtain the approval of Council to engineering plans and specifications prepared in accordance with Council's "Code of Practice for City Infrastructure and Land Development" detailing the nature and extent of any proposed work; and pay the Engineering Approval Fee.
- (TA 2) Before commencement of work, obtain the approval of Council to a traffic management plan (TMP) and apply for a road opening notice (RON). These approvals are provided by the Field Services unit.

## **ROADING**

- (RD 1) Take note that the street intersection geometry, street furniture and safety features will be finalised through the engineering plan approval process.
- (RD 2) Design, form and completely construct the proposed new road (Lot 4) in accordance to Council's Code of Practice for City Infrastructure and Land Development to the satisfaction of the Council and at the full costs of the applicant.
- Notes:
- (1) Street tree planting shall be carried out (subject to prior approval of a plan showing the location and the species to be used) to the satisfaction of the Service Manager: Parks & Open Spaces.
  - (2) The intersection geometry, street furniture and safety features will be finalised through the engineering plan approval process.
  - (3) Footpath and grassed berm shall be provided full length on both sides of the road.
  - (4) Design a basic future traffic signalisation layout for the intersection with Central Park Drive to the satisfaction of the Manager Transport Services and provide agreed underground cable ducting only as part of the road construction.
- (RD 3) Ensure, where practicable, that not less than a 150mm deep layer of topsoil free of deleterious material is replaced on all allotments to the satisfaction of the Council.

## **ROAD TO VEST**

- (RD 4) Take note that Lot 4 shall vest in the Waitakere City Council as road pursuant to Section 238 of the Act.

Advice Note: Road naming will need to be determined in accordance with Council's Road Naming Policy

- (RD 5) Provide to Council prior to the release of the 224 Certificate, all RAMM as-built plans & data for the new road formed (electronic and compatible with WCC GIS system). This will be inclusive of kerb lines, cesspits, street lighting, footpaths, intersection control devices, pavement markings and signs, street furniture, landscaping and property boundaries.

## **PARKS/STREET TREES**

- (PK 1) A Street Tree Plan is to be provided to the Parks Consent Planner for approval at least two months prior to landscape works commencing. All trees will be located in accordance with the requirements of the Code of Practice and tree species should be selected from the tree selected provide in section 7 of the Code of Practice and final species to be

approve by the Parks Consent Planner. The following tree species are considered to be most appropriate for the proposed new road:

- *Alectryon excelsus*, Titoki;
- *Magnolia grandifolia*
- *Metrosideros excelsa*, Pohutukawa (near the intersection with Central Park Drive)

- (PK 2) The consent holder is to ensure there is sufficient space within the berm to allow for planting street trees to the satisfaction of the Parks Consent Planner and must provide cross section drawings showing the location of the berm, underground services and street trees to be provided to the Parks Consent Planner together with the street tree plan.
- (PK 3) A pre-start meeting shall be held on site with the Parks Consent Planner prior to landscape works commencing. This meeting will discuss the site layout, species and works methodology. At the same time please advise the name of the nursery where plants are to be sourced and arrange for a pre-planting inspection to ensure the plant stock complies with the requirements of section 7 of the Code of Practice.
- (PK 4) All landscape works carried out in respect of this consent must comply with the relevant specifications of section 7 of the Council's Code of Practice and the Council's Native to the West publication. All plants must be staked and tied (if specimen trees), mulched (with aged wood mulch), eco-sourced (where possible), of healthy nursery stock and irrigated if required, to the satisfaction of the Parks Consent Planner. As well all edges within the road berm must be completed and finished to a level contour in line with the footpaths and will be grassed or vegetated up to the edge of the footpaths to the satisfaction of the parks consent planner.
- (PK 5) All areas of the road and reserve that have been grassed under this consent must be, on the completion of the works required under this consent and prior to the issue of a certificate under section 224(c) of the Resource Management Act 1991, mowed and weed free and have an 80% grass rate strike to the satisfaction of the parks consent planner.
- (PK 6) The consent holder is to be responsible for the maintenance of all street trees for a period of two years (from the date of its certified establishment from Council) including the replacement of any dead or dying vegetation, to the satisfaction of the Parks Consent Planner.
- (PK 7) The consent holder will pay to the Council a refundable maintenance bond in respect of all landscape planting approved under this consent and rubbish removal as well as a maintenance bond for weed management prior to the Issue of a section 224(c) certificate. The bond, based on \$7 per sq metre per annum for gardens/shrubbery, and \$75 per tree per annum, will be required to ensure the satisfaction of this condition. The consent applicant is to advise the Parks Consent Planner of a maintenance schedule and the name of the qualified person/company responsible for the planting maintenance.

Note: The consent holder may alternatively elect, rather than paying a maintenance bond, to pay a maintenance fee to the Council and the Council will carry out all maintenance work once the works are completed under the landscape plan and the street tree planting plan.

The consent holder will have no ongoing maintenance responsibility if this is elected.

## **LEGAL DOCUMENTATION**

These conditions will be signed off by Consent Services.

- (LD 1) The Consent Notice required by Condition (DE 3) above will be prepared by the Council Solicitor at the consent holders cost when the following information has been received:
- (i) All necessary technical information.
  - (ii) A copy of the Land Transfer plan showing the Deposited Plan and Certificate(s) of Title numbers allocated by Land Information New Zealand, and
  - (iii) The name and address of the solicitor acting for the owner.
- (LD 2) Where any condition imposed upon this consent to subdivision is to be complied with on an ongoing basis by the subdividing owner and subsequent owners after the deposit of a survey plan (not being a condition in respect of which a Bond is required to be entered into by the subdividing owner of a completion certificate is capable of being or has been issued) the subdividing owner shall pay the Council's Solicitors legal costs and disbursements relating to the preparation and registration of a Consent Notice pursuant to Section 221 of the Resource Management Act 1991, and shall do all acts and things necessary to enable registration of such Notice to be completed.

## **GENERAL**

These conditions are to be signed off by Consent Services, fees will be charged on an hourly basis.

- (GL 1) Satisfy all requirements of the Inland Revenue Department in respect of Goods and Services Tax including any requirements that may be made in respect of proposed public services and land to vest in and be transferred to the Council.
- (GL 2) Advise Council the name of the Consultant and/or person/s who will be the developers representative fulfilling engineering responsibilities as detailed in section 1.4.1 of Councils Code of Practice for City Infrastructure and Land Development.
- (GL 3) Provide confirmation from a Licensed Cadastral Surveyor that all services and driveways have been located entirely within easement/s and/or lot boundaries to the satisfaction of the Manager: Resource Consents.
- (GL 4) Liaise with the Electricity Network Owner & Council and install for the subdivision site, an 'extension of the network' to a 'point of supply', acceptable to the Network Operator & Council. If required, install the reticulation of electric power to the lot boundary of Lots 2 and 3 by underground methods.

1. The completed installation is to be installed in compliance with the requirements of the Electricity Network Owner and the requirements of the NZ Electrical Supply Regulations.
2. Within the site, the supply lines, plinths are to be contained within the Lot(s) being served and/or located within a service easement referred to in a Memorandum of (service) easements on the survey plan.
3. Provide to Council a copy of :-
  - (i) Electrician's- 'Electrical Certificate of Compliance' for supply lines, stating what work has been carried out and to which lot(s), and-
  - (ii) "s224(c) Letter Completion Certificate" from Vector (Vector- for Vector new connections & quote's- ph, 0800 948100 option 4), OR certification from any other recognised Electricity Network Owner, and-
  - (iii) an as-built plan (including any existing power poles, overhead lines and the proposed Lot boundaries/numbers), of the installed reticulation.

(GL 5) If required, install the reticulation of telecommunication services to the lot boundary of Lot 2 and Lot 3 by underground methods. The completed installation is to be installed in compliance with the requirements of the Telecommunications Network Owner.

1. Within the site, the supply lines are to be contained within the Lot(s) being served and/or located within a service easement referred to in a Memorandum of (service) easements on the survey plan.
2. Provide to the Council satisfactory confirmation that the completed installation has been installed in compliance with the requirements of the Telecommunications Network Owner.
3. Provide to Council a copy of :-
  - (i) Electrician's- 'Electrical Certificate of Compliance' for supply lines confirming where applicable, the installing of green conduit / telephone lines, and -
  - (ii) "Telephone Network Provisioning Subdivision Sign Off" letter issued by Chorus OR certification from any other recognised Telecommunications Network Owner, and-
  - (iii) An as-built plan (including any existing power poles, overhead lines and the proposed Lot boundaries/numbers), of the installed reticulation.

Note ; ph. Chorus 0800 782386 for quotes re subdivision - 'extension of network OR email request with a plan to - 'tsg@chorus.co.nz'

## FEES, BONDS & CONTRIBUTIONS

Invoices will be prepared by Consent Services. If paying by personal/company cheque the standard 5 days clearance will apply. If you require the 224C certificate immediately, you must provide a bank cheque.

- (FC 1) Pay to Council any engineering, works supervision, monitoring, 224(c) processing and administrative fees as incurred which will be charged at Councils advertised schedule of fees.
- (FC 2) Pay to Council a street damage bond of \$5000 prior to the commencement of work. This bond shall be refunded in full after inspection by Council's Construction Supervisor confirms no damage to Council's roading assets has occurred. The inspection is to take place once all work is completed.
- (FC 3) Pursuant to Section 108(2)(b) and Section 108A, and in accordance with Council's Code of Practice for City Infrastructure and Land Development, the consent holder is required to provide a maintenance bond to Council, equivalent to 2½% (minimum \$2500.00) of the value of works being taken over by Council. The bond may be varied or cancelled or renewed at any time by agreement between the holder and Council. This maintenance bond will be held for six months from the date of 224c issue. Maintenance of these assets is the responsibility of the developer during the maintenance period. At the end of the maintenance period the Development Engineer (QA Supervisor) will undertake a maintenance inspection to ascertain whether the assets are still in satisfactory condition and if so, will instruct the bond to be released, and Council will take over maintenance responsibilities from that time forward. Where defects occur during the developer's maintenance liability period, the costs of repairing such defects are the full responsibility of the developer. Where the developer does not repair the defects, Council will retain the bond monies for use in repairing the defects, and refund any residual monies held to the developer. The developer's liability is not limited to the amount of the maintenance bond, and any additional costs will be invoiced to the developer and will become a debt due to the Council.

# Decision on an application to change and cancel conditions of a resource consent under section 127 under the Resource Management Act 1991



**Application number:** LUC-2014-0056  
**Consent holder:** Magsons Hardware Limited  
**Site address:** 297-301, 303-305 and 307 Lincoln Road, and 150-154 Central Park Drive, Henderson  
**Legal description:** Lot 2 DP 131804 and Lot 1 DP 125187

## Proposal:

To change conditions A, A1, A2, F4, F5(vi), F7, F8, F10, F12, and G1 and cancel conditions A4, F13(i) and (ii), and F14 of resource consent LUC-2009-1096 which will involve the deletion of two levels of office space (comprising 8,000m<sup>2</sup> GFA), the associated car parking podium, and an internal mezzanine retail floor (6,773m<sup>2</sup> GFA) and corresponding changes to the design of the building.

Having read the application, supporting documents, specialist comments and the council consultant planner's report and recommendations on the application, I am satisfied I have sufficient information to consider the matters required by the Resource Management Act 1991 (the RMA) and to make a decision on the application.

The application was limited notified in accordance with the notification decision dated 22 April 2014. No submissions were received. The applicant's agent has stated it does not request a hearing. In those circumstances, in terms of section 100 of the RMA, I have determined that a hearing for the application is not necessary.

## Decision

Under sections 104, 104B, 127 and Part 2 of the RMA this application to change and cancel conditions of resource consent LUC-2009-1096 is **GRANTED**. The reasons for this decision are:

- a) The actual and potential adverse effects associated with the change are acceptable with the effects on the environment being the same, or less, in the context of the consented development LUC-2009-1096 on the site which was approved by the Environment Court on 1 November 2012. Given the reduction to the overall scale, bulk and gross floor area of the proposed building, the adverse effects including but not limited to traffic, parking, urban design and visual amenity will be the same, or less, in comparison with the consented development (LUC-2009-1096) on the site. The potential adverse effects that could be considered to arise from the employment density and retail components of the proposal being less than earlier approved are assessed as being acceptable.

In relation to traffic and parking effects it is relevant to record that the written approval of the New Zealand Transport Agency has been provided given its interests in the neighbouring motorway and the strategic road network. The reduction in the scale of the proposal means traffic and parking effects are less than those earlier considered acceptable in consent being granted to the proposal in 2012. Similarly, urban design, visual and landscape effects are acceptable. The retail component is less than originally approved and therefore the retail/distributional effects will be less than for the originally approved proposal. The employment density will also be less and not achieve the density sought by the regional planning documents. However, the proposal will still provide a density of employment that is consistent with the warehousing, service industries and distribution industry activities in this area. The potential adverse effects of the proposal have been the subject of consideration and reports by specialists on behalf of the Council and their conclusions are that these effects are acceptable.

The proposal will result in positive effects in terms of the services it will provide for the community and the associated employment.

- b) The proposal is consistent with the relevant objectives and policies of the Auckland Council District Plan (Waitakere Section). Objective 11 and Policy 11.7 relating to retailing activities are relevant to the assessment of this application. The proposal will continue to provide a level of retail activity on the site that provides for the social and economic wellbeing of the community at a level that is compatible with this location. There are no specific objectives or policies in the Auckland Council District Plan (Waitakere Section) relating to office activities and specifically in respect to achieving minimum employment densities on individual sites (or within certain defined town centres or other areas). Notwithstanding the above the proposal will provide additional employment that is compatible with the employment densities in the surrounding environment and which has social and economic benefits for the community.
- c) The proposal is generally consistent with the Auckland Council Regional Policy Statement. It will not achieve the employment densities sought for this location at Lincoln Road, which is identified as an "intensive corridor" for future urban intensification. However, it is the case that the densities stated in the Auckland Council Regional Policy Statement are not mandatory and the proposal will still provide a density of employment that is consistent with the warehousing, service industries and distribution industry activities in this area. In addition, it will provide a retail development that is consistent with surrounding activities.
- d) The proposal is consistent with the relevant provisions of Part 2 of the RMA. It achieves the purpose of the RMA, being the sustainable management of natural and physical resources, because it will provide for an efficient use of the existing land resource which provides for the community to meet its reasonably foreseeable needs and in a manner that avoids and mitigates any potential adverse effects. It will maintain and enhance local amenity values and the quality of the local environment.

## Changes

Under section 127 of the RMA conditions A, A1, A2, F4, F5(vi), F7, F8, F10, F12, and G1 of resource consent LUC-2009-1096 are changed and conditions A4, F13(i) and (ii), and F14 of resource consent LUC-2009-1096 are cancelled as set out below. **Bold underlined text** denotes new text. *Strikethrough text* denotes deleted text.



**Amended condition A1:**

- A1. Except as required by these conditions, the development shall proceed and the activity undertaken in accordance with the following plans and documents referenced by Council as RMA-2009-1096.

- ~~○ Masterplan drawing SK-01, dated 15 June 2012 job no. 554803.~~
- ~~○ Site Plan drawing SK-02, dated 15 June 2012 job no. 554803.~~
- ~~○ Site Plan/Site Areas drawing SK-02a, dated 15 June 2012 job no. 554803.~~
- ~~○ Ground Floor Plan drawing SK-03, dated 15 June 2012 job no. 554803.~~
- ~~○ Mezzanine Floor Plans drawing SK-03A, dated 15 June 2012 job no. 554803.~~
- ~~○ Roof Plan drawing SK-04, dated 6 August 2012 job no. 554803.~~
- ~~○ Elevations drawing SK-05, dated 15 June 2012 job no. 554803.~~
- ~~○ Cross Section & Signage drawing SK-05A, dated 15 June 2012 job no. 554803.~~
- ~~○ Landscape Site Cover Plan drawing SK-06, dated 15 June 2012 job no. 554803.~~
- ~~○ Lot 2 Vehicle and Pedestrian Circulation drawing SK-07, dated 15 June 2012 job no. 554803.~~
- ~~○ Masterplan Vehicle and Pedestrian Circulation drawing SK-08, dated 15 June 2012 job no. 554803.~~
- ~~○ Masterplan building use & Open Space Diagram drawing SK-09, dated 15 June 2012 job no. 554803.~~

Plans prepared by MAK & Associates

- Proposed Site Plan job no 599, sheet A1.01, Rev01 19.12.13
- Proposed Site Accessibility Plan job no 599, sheet A1.02, Rev01 19.12.13
- Proposed Landscape Plan job no 599, sheet A1.03, Rev01 19.12.13
- Proposed Ground Floor Plan job no 599, sheet A2.01, Rev01 19.12.13
- Proposed Elevations job no 599, sheet A2.02, Rev01 19.12.13

and in accordance with plans prepared by TPC titled:

- Indicative Intersection Upgrade Measures, Lincoln Road, Project 11215 Sheet 3, 23.05.12
- ~~○ Indicative Intersection Upgrade Measures, Central Park Drive Approach, Project 11215 Sheet 2~~
- Indicative Intersection Upgrade Measures, Central Park Drive/Soljan Drive, Project 11215 Sheet 1.

and in accordance with plans prepared by ACH Engineers

- Lincoln Road Option B DWG Job No. 19125, C912, Rev C
- Lincoln Road, Central Park Drive Intersection Job No. 19125, C960, Rev A

**Amended condition A2:**

- A2. The maximum height of the southern wall of the Mitre 10 Mega building including parapets must be no more than 42m 10.7m or RL 42.00 29.00 (plus or minus 100mm) as shown on the ~~CPG NZ Limited Plan titled Elevations drawing SK-05, dated 14 June 2012 job no. 554803.~~ MAK & Associates Plan titled Proposed Elevations job number 599 sheet A2-02 Rev 00

**Cancelled condition A4:**

- ~~A4. Prior to trading commencing at the new store, the consent holder shall provide to the Manager, Western Resource Consenting and Compliance a copy of the code compliance certificate or certificate of public use under the Building Act 2004 relating to the two upper levels (as shown on Plan SK-04) in order to demonstrate that the office component of the development has been completed.~~

**Amended condition F5:**

- F5 Prior to the commencement of any works on Site, the consent holder must provide to the Manager, Western Resource Consenting and Compliance, written confirmation from Auckland Transport that the consent holder has been given all necessary engineering design, temporary traffic management plan and traffic and parking control approvals in relation to the proposed signalised intersection at Central Park Drive and Soljan Drive. The following requirements shall apply:
- ...
- (vi) This intersection must be built in accordance with the layout shown in ACH Plans numbered 09125 C912 Rev C and C960 Rev A dated 27.06.13 and 12.11.13 Traffic Planning Consultants Ltd plan number 11215 dated 23 May 2012; and ...

**Amended condition F7:**

- F7. The following requirements shall apply to the signalised intersection at Lincoln Road, Triangle Road and Central Park Drive:
- (i) The intersection must be upgraded at the consent holder's cost to provide an additional lane on the Central Park Drive approach and an additional lane on the Triangle Road approach, as shown in Traffic Planning Consultants Ltd plan number 11215 dated 23 May 2012 and in ACH plan number C960 Rev A.
  - (ii) The consent holder must make a financial contribution equal to the cost of additional works included in the upgrade of the Lincoln Road/Central Park Drive/Triangle Road intersection solely for the purpose of mitigating adverse traffic effects of the Mitre 10 Mega development. This contribution must include a proportional contribution to the costs of design and safety audits of the intersection upgrade and the whole of the costs of construction of mitigating works for the Mitre 10 Mega development included within the overall intersection upgrade. For costs relating to purchases of land, including any professional fees, necessary to achieve the design agreed, the cost of the land taken will be based on the principles as set out in the Public Works Act 1981 including any injuries affection.
  - (iii) The costs described in (i) and (ii) above will be invoiced to the consent holder by Auckland Transport on a monthly progress basis for payment by the 20<sup>th</sup> day of the month following.

**Amended condition F8:**

- F8. Prior to commencement of trading of the new store ~~or opening of office activities on Site~~, the Mitigation Works described in Condition F7 related to Central Park Drive are to be designed, installed and commissioned, ~~and the costs at (iii) above paid in full.~~

*Note: The Court has recorded that conditions F7 and F8 have been offered in unequivocal terms by the Consent Holder. Accordingly the condition is binding on the Consent Holder in accordance with the principles enunciated in **Augier v The Secretary of State of the Environment (1978) 38 P & CR 219 (QBD)** and **Fraser Papamoa Ltd v Tauranga City Council (2009) 15 ELRNZ 279**.*

**Amended condition F10:**

- F10. ~~Prior to commencement of trading of the new store or opening of office activities on Site, the Lincoln Road access and pedestrian refuge island described in Condition F9 is to be designed, installed and commissioned and the consent holder shall provide to the Manager, Western Resource Consenting and Compliance written confirmation that the works have been carried out to the satisfaction of Auckland Transport.~~

**Amended condition F13:**

- F13. The following modifications, alterations and additions to the car parking areas are required. Details are to be submitted to Council for approval:
- ~~(i) All ramps must have gradients no steeper than 1:8 with 1:20 transitions at both ends; minimum head clearances must comply with the relevant design guidelines including, but not limited to, the NZ Building Code;~~
  - ~~(ii) Adequate vertical movement provisions for mobility card holders must be provided to the roof parking area;~~
  - ~~(iii) (i) A contrasting pavement treatment (such as exposed aggregate concrete) must be used for the full length of the pedestrian route along the northern face of the building, to differentiate this from vehicle circulation areas;~~
  - ~~(iv) (ii) Motorcycle/scooter and bicycle parking equating to 2% of the total parking provision must be incorporated into the proposed parking layout for the development.~~

**Cancelled condition F14:**

- ~~F14. Undercover bicycle racks and lockers sized to accommodate not less than 10 bicycles must be incorporated into the design of the office podium for the use of employees in a safe, secure and convenient location. The location and design of the bicycle racks/locker shall be submitted for the approval of Auckland Council prior to building consent. Not less than ten visitor bicycle parks in a safe, secure and convenient location must be incorporated into the design of the future office podium. The preferred design of a bicycle stand is the "Sheffield" stand. Staff facilities including lockers, showers and changing rooms must be incorporated into the design of the future office podium to support and encourage use of bicycles for travel to work.~~

**Amended condition G1:**

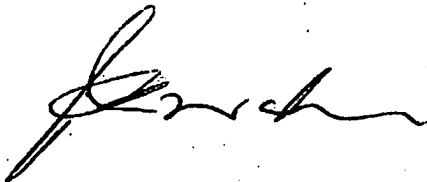
- G1. Prior to commencement of any works on the Site, the consent holder shall ensure that a Landscaping Plan and revised Planting Plan is prepared and submitted to the Manager, Western Resource Consenting and Compliance for

approval. The plans must be prepared by a suitably qualified and independent landscape architect and must be consistent with the ~~Landscape Site Cover Plan, SK-06, dated 15 June 2012 and the planting plan titled "Collards Mixed Use Development, Lot 2, Landscaped & Planted Area Summary, Proposed Landscape Plan job number 599, Sheet A1-03, Rev 01, 19.12.13. Plant Schedule with Grades".~~

All other conditions of resource consent LUC-2009-1096 remain unchanged and in effect.

### **Advice notes**

- 1: This consent is to be read in conjunction with the previously approved resource consent LUC-2009-1096 and does not negate the consent holder's requirement to continue to comply with the conditions of that original resource consent, subject to the amendments approved above.



**Alan Watson**  
**Duty Commissioner**  
4 December 2014

# Decision on an application to change/ cancel consent condition(s) under the Resource Management Act 1991



**Application number(s):** LUC60019071-A  
**Applicant's name:** Magsons Investments Limited  
**Original Consent Number:** 158-164 Central Park Drive, Henderson  
**Site address:** Lot 2, DP464917, CT NA 618171  
**Legal description:** 31374m2

## Proposal

To vary consent conditions 1, 4 and 7 established under resource consent application LUC-2015-1850, resulting in the following changes;

- Two additional external fire escape stairs and fire escape doors.
- Changes to the internal location of stairs and escalators.
- Toilets adjacent to southern wall relocated more centrally and increased in size
- Café/kitchen relocated from southern wall to a central location but same area;
- Second floor level lowered from RL23.675 to RL23.375.
- The height of the 3 level section of the building remains at 16m. However the ridge and parapet height for the main building (retail part) has been reduced from 13m to 12.5m.
- The landscaping strip between the building and the southern boundary has been changed to accommodate the fire escape stairs.
- Changes to activity areas (as detailed in figure 2).

The consent holder wishes to vary the conditions of resource consent LUC-2015-1850 as follows (with ~~strike through~~ for deletion, underline for insertions):

- Under conditions 1, 4 and 7 of LUC-2015-1850

## General conditions

1. The proposed homeware large format retail activity shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the council as consent number LUC-2015-1850.

Application Form, and Assessment of Environmental Effects prepared by Planning Network Services, dated 7 October 20.

Report title and reference	Author	Rev	Dated
Proposed Furniture & Homewares Large Format Retail 159 Central Park Drive Integrated Transport Assessment	Team Traffic		September 2015.
Home Products Superstore Retail Impact Overview	Property Economics		August 2015

Construction Noise and Vibration Management Plan	Marshall Day Acoustics		12 June 2013
Lincoln Road Mixed Use Development	Marshall Day Acoustics		29 September 2015
Proposed New Homewares Retail and Office Development Reticulated Services	ACH Consulting Engineers		15 September 2015
Site Validation of Proposed Lot 3 of 297-307 Lincoln Road	Geosciences		20 March 2015
Proposed Commercial Development 297-307 Lincoln Road, Henderson	Soil and Rock Consultants		12 August 2009
<b>Plan title and reference</b>	<b>Author</b>	<b>Rev</b>	<b>Dated</b>
<del>Proposed Site Plan Drawing A1-01</del>	<del>Mak and Associates</del>	00	<del>Aug. 2015</del>
Proposed Vehicle and Pedestrian Circulation A1-02	Mak and Associates	00	Aug. 2015
<del>Proposed Level 1 Floor Plan A2-01</del>	<del>Mak and Associates</del>	00	<del>Aug. 2015</del>
<del>Proposed Level 2 Floor Plan A2-02</del>	<del>Mak and Associates</del>	00	<del>Aug. 2015</del>
<del>Proposed Elevations 1 A2-04</del>	<del>Mak and Associates</del>	00	<del>13.11.12</del>
<del>Proposed Elevations 2 A2-05</del>	<del>Mak and Associates</del>	00	<del>13.11.12</del>
Proposed Roof Plan A2-03	Mak and Associates	00	Aug 2015
Landscape Concept: Concept Plan LA01	Natural Habitats	5	02.10.15
Landscape Concept: Elevation LA02	Natural Habitats	5	02.10.15
Landscape Concept: Photo Imagery LA03	Natural Habitats	5	02.10.15
Stormwater Drainage Layout E410	ACH Consulting Engineers		29.09.15
Proposed Water Treatment and Detention	ACH Consulting Engineers		3.11.15
Private Water Treatment and Detention Long section and Cross Section	ACH Consulting Engineers		3.11.15
Proposed Water Treatment and Sections 1 & 2	ACH Consulting Engineers		3.11.15
<b>Other additional information</b>	<b>Author</b>	<b>Rev</b>	<b>Dated</b>
S92 response LUC-2015-1850 with attachments (as referenced above)	Vern Warren		9 November 2015
Project Everest, Central Park, Lincoln Road, Henderson	Property Economics		31 March 2016

## Building Setback

4. The building must be sited at least 5m from the southern boundary of the application site.

## Landscape treatment:

### Soft Landscape Treatment:

7. All garden areas shall be in accordance with the approved plans and in accordance with the following and shall be completed to the satisfaction of the Team Leader West Monitoring and Incidents:
  - e. shall have good quality garden mix (50:50 well-rotted compost :clean topsoil) to 300mm minimum depth, and
  - f. for any trees planted, soil depth shall be to 1.5 x the depth of the rootball,
  - g. shall be weed-free, debris-free and litter-free
  - h. shall be manually graded (raked) to an even surface at the final stage of earthworks to meld with adjacent hard surfaces, retaining walls or undisturbed ground and stabilised against erosion with a well-rotted organic mulch (e.g. wood chips) applied to 40mm – 60mm depth to all planting areas shall be flush with adjacent hard surfaces (e.g. concrete nib wall that defines the garden area associated with the planting bays in the car park).

**Except as varied by LUC60019071-A**

## General conditions

1. The proposed homewares large format retail activity shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the council as consent number LUC-2015-1850
  - Application Form, and Assessment of Environmental Effects prepared by Planning Network Services, dated 7 October 2015; and
  - S.127 change of conditions Application Form and Assessment of Environmental Effects prepared by Planning Network Services, dated 07 February 2017

Report title and reference	Author	Rev	Dated
Proposed Furniture & Homewares Large Format Retail 159 Central Park Drive Integrated Transport Assessment	Team Traffic		September 2015.
Home Products Superstore Retail Impact Overview	Property Economics		August 2015
Construction Noise and Vibration Management Plan	Marshall Day Acoustics		12 June 2013
Lincoln Road Mixed Use Development	Marshall Day Acoustics		29 September 2015
Proposed New Homewares Retail and Office Development Reticulated Services	ACH Consulting Engineers		15 September 2015

Site Validation of Proposed Lot 3 of 297-307 Lincoln Road	Geosciences		20 March 2015
Proposed Commercial Development 297-307 Lincoln Road, Henderson	Soil and Rock Consultants		12 August 2009
<b>Plan title and reference</b>	<b>Author</b>	<b>Rev</b>	<b>Dated</b>
<u>Site Plan Stage 2 Building Consent Preliminary (A 001)</u>	<u>Architectural Room</u>	-	<u>31/01/17</u>
Proposed Vehicle and Pedestrian Circulation A1-02	Mak and Associates	00	Aug. 2015
<u>Level 1 Floor Plan; Stage 2 Building Consent Preliminary (A 101)</u>	<u>Architectural Room</u>	B	<u>31/01/17</u>
<u>Level 2 Floor Plan; Stage 2 Building Consent Preliminary (A 102)</u>	<u>Architectural Room</u>	B	<u>31/01/17</u>
<u>Level 3 Floor Plan; Stage 2 Building Consent Preliminary (A 103)</u>	<u>Architectural Room</u>	B	<u>31/01/17</u>
<u>Elevations; Stage 2 Building Consent Preliminary (A 301)</u>	<u>Architectural Room</u>	-	<u>31/01/17</u>
Proposed Roof Plan A2-03	Mak and Associates	00	Aug 2015
<u>Landscape Concept: Concept Plan (LA01-1843)</u>	<u>Shane Wiles of Natural Habitats</u>	-	<u>08.02.2017</u>
<u>Landscape Concept: Elevation (LA02-1843)</u>	<u>Shane Wiles of Natural Habitats</u>	-	<u>08.02.2017</u>
<u>Landscape Concept: Photo Imagery (LA03-1843)</u>	<u>Shane Wiles of Natural Habitats</u>	-	<u>08.02.2017</u>
Stormwater Drainage Layout E410	ACH Consulting Engineers		29.09.15
Proposed Water Treatment and Detention	ACH Consulting Engineers		3.11.15
Private Water Treatment and Detention Long section and Cross Section	ACH Consulting Engineers		3.11.15
Proposed Water Treatment and Sections 1 & 2	ACH Consulting Engineers		3.11.15
<b>Other additional information</b>	<b>Author</b>	<b>Rev</b>	<b>Dated</b>
S92 response LUC-2015-1850 with attachments (as referenced above)	Vern Warren		9 November 2015
Project Everest, Central Park, Lincoln Road, Henderson	Property Economics		31 March 2016



## Building Setback

4. The building must be sited at least 5m from the southern boundary of the application site except that this building set back does not apply to any open (non-enclosed) exterior fire escape stairs.

## Landscape treatment:

### Soft Landscape Treatment:

7. All garden areas shall be in accordance with the approved plans and in accordance with the following and shall be completed to the satisfaction of the Team Leader West Monitoring and Incidents:
  - a. shall have good quality garden mix (50:50 well-rotted compost :clean topsoil) to 300mm minimum depth, and
  - b. for any trees planted, soil depth shall be to 1.5 x the depth of the rootball,
  - c. shall be weed-free, debris-free and litter-free
  - d. shall be manually graded (raked) to an even surface at the final stage of earthworks to meld with adjacent hard surfaces, retaining walls or undisturbed ground and stabilised against erosion with a well-rotted organic mulch (e.g. wood chips) applied to 40mm – 60mm depth to all planting areas shall be flush with adjacent hard surfaces (e.g. concrete nib wall that defines the garden area associated with the planting bays in the car park).
  - e. The foregoing may be modified to the extent necessary to accommodate external open fire escape stairs and paths on the southern side of the building.

I have read the application, supporting documents, and the report and recommendations on the consent application. I am satisfied that I have sufficient information to consider the matters required by the RMA and make a decision under delegated authority on the application.

Acting under delegated authority, under sections 104, 104B, s127 and 105 the application for variation is GRANTED.

## 1. Reasons

The reasons for this decision are:

1. The proposal is appropriately considered under s127 as the changes will not result in a fundamentally different activity or materially different effects.
2. In accordance with an assessment under s104(1)(a) and s127(3) of the RMA the actual and potential effects from the variation will be acceptable as:
  - A GFA increase of 1.19% will not be discernible if viewed from the surrounding environment, nor will it be discernible to occupiers and owners on adjacent properties.
  - Whilst the additional fire escape stairs will be visible they will not be bulky, forming a very small part of the wall area, furthermore the landscaped area will remain continuous and will provide partial screening.
  - Landscaping has been amended to allow for the stairs and path; however the proposed changes will result in a high level of amenity. Furthermore, buildings on adjoining properties are set well back from the boundary, whereby proposed landscaping will complement and improve visual amenity of these properties.

- Building bulk effects will be reduced due to the reduction of building height by 0.5m for most of the building.
3. In accordance with an assessment under s104(1)(b) and s 127(3) of the RMA the variation is consistent with the relevant statutory documents. In particular,
- In terms of section 104(1)(b)(vi) of the Resource Management Act 1991, the proposal would be consistent with the objectives and policies of the Auckland Council Legacy District Plan (Waitakere Section) and the Auckland Unitary Plan (Operative in Part) (AUP (OP)). In addition, the relevant assessment criteria of the Plan have been considered and do not raise any issues that would militate against the granting of this consent.
4. In accordance with an assessment under s104(1)(c) of the RMA no other matters are considered relevant.
5. Overall the application is considered to meet the relevant provisions of Part 2 of the RMA, the Auckland Council District Plan (Waitakere Section) and the Auckland Unitary Plan (Operative in Part) (AUP (OP)), as the proposal will have less than minor effects on the environment whilst providing for the wellbeing of applicants.

## 2. Conditions

Under section 108 of the RMA, this variation is subject to the following amendments to existing conditions:

### General conditions

1. The proposed homewares large format retail activity shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the council as consent number LUC-2015-1850.
- Application Form, and Assessment of Environmental Effects prepared by Planning Network Services, dated 7 October 2015; and
  - S.127 change of conditions Application Form and Assessment of Environmental Effects prepared by Planning Network Services, dated 07 February 2017

Report title and reference	Author	Rev	Dated
Proposed Furniture & Homewares Large Format Retail 159 Central Park Drive Integrated Transport Assessment	Team Traffic		September 2015.
Home Products Superstore Retail Impact Overview	Property Economics		August 2015
Construction Noise and Vibration Management Plan	Marshall Day Acoustics		12 June 2013
Lincoln Road Mixed Use Development	Marshall Day Acoustics		29 September 2015
Proposed New Homewares Retail and Office Development Reticulated Services	ACH Consulting Engineers		15 September

			2015
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Proposed Commercial Development 297-307 Lincoln Road, Henderson	Soil and Rock Consultants		12 August 2009
<b>Plan title and reference</b>	<b>Author</b>	<b>Rev</b>	<b>Dated</b>
<del>Proposed Site Plan Drawing A1-01</del>	<del>Mak and Associates</del>	<del>00</del>	<del>Aug. 2015</del>
<u>Site Plan Stage 2 Building Consent Preliminary (A 001)</u>	<u>Architectural Room</u>	<u>-</u>	<u>31/01/17</u>
Proposed Vehicle and Pedestrian Circulation A1-02	Mak and Associates	00	Aug. 2015
<del>Proposed Level 1 Floor Plan A2-01</del>	<del>Mak and Associates</del>	<del>00</del>	<del>Aug. 2015</del>
<u>Level 1 Floor Plan; Stage 2 Building Consent Preliminary (A 101)</u>	<u>Architectural Room</u>	<u>B</u>	<u>31/01/17</u>
<del>Proposed Level 2 Floor Plan A2-02</del>	<del>Mak and Associates</del>	<del>00</del>	<del>Aug. 2015</del>
<u>Level 2 Floor Plan; Stage 2 Building Consent Preliminary (A 102)</u>	<u>Architectural Room</u>	<u>B</u>	<u>31/01/17</u>
<u>Level 3 Floor Plan; Stage 2 Building Consent Preliminary (A 103)</u>	<u>Architectural Room</u>	<u>B</u>	<u>31/01/17</u>
<del>Proposed Elevations 1 A2-04</del>	<del>Mak and Associates</del>	<del>00</del>	<del>13.11.12</del>
<del>Proposed Elevations 2 A2-05</del>	<del>Mak and Associates</del>	<del>00</del>	<del>13.11.12</del>
<u>Elevations; Stage 2 Building Consent Preliminary (A 301)</u>	<u>Architectural Room</u>	<u>-</u>	<u>31/01/17</u>
Proposed Roof Plan A2-03	Mak and Associates	00	Aug 2015
<del>Landscape Concept: Concept Plan LA01</del>	<del>Natural Habitats</del>	<del>5</del>	<del>02.10.15</del>
<u>Landscape Concept: Concept Plan (LA01-1843)</u>	<u>Shane Wiles of Natural Habitats</u>	<u>-</u>	<u>08.02.2017</u>
<del>Landscape Concept: Elevation LA02</del>	<del>Natural Habitats</del>	<del>5</del>	<del>02.10.15</del>
<u>Landscape Concept: Elevation (LA02-1843)</u>	<u>Shane Wiles of Natural Habitats</u>	<u>-</u>	<u>08.02.2017</u>
<del>Landscape Concept: Photo Imagery LA03</del>	<del>Natural Habitats</del>	<del>5</del>	<del>02.10.15</del>
<u>Landscape Concept: Photo Imagery (LA03-1843)</u>	<u>Shane Wiles of Natural Habitats</u>	<u>-</u>	<u>08.02.2017</u>
Stormwater Drainage Layout E410	ACH Consulting Engineers		29.09.15
Proposed Water Treatment and Detention	ACH Consulting Engineers		3.11.15
Private Water Treatment and Detention Long section and Cross Section	ACH Consulting Engineers		3.11.15

Proposed Water Treatment and Sections 1 & 2	ACH Consulting Engineers	3.11.15
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Other additional information	Author	Rev	Dated
S92 response LUC-2015-1850 with attachments (as referenced above)	Vern Warren		9 November 2015
Project Everest, Central Park, Lincoln Road, Henderson	Property Economics		31 March 2016

## Building Setback

4. The building must be sited at least 5m from the southern boundary of the application site except that this building set back does not apply to any open (non-enclosed) exterior fire escape stairs.

## Landscape treatment:

### Soft Landscape Treatment:

7. All garden areas shall be in accordance with the approved plans and in accordance with the following and shall be completed to the satisfaction of the Team Leader West Monitoring and Incidents:
  - a. shall have good quality garden mix (50:50 well-rotted compost :clean topsoil) to 300mm minimum depth, and
  - b. for any trees planted, soil depth shall be to 1.5 x the depth of the rootball,
  - c. shall be weed-free, debris-free and litter-free
  - d. shall be manually graded (raked) to an even surface at the final stage of earthworks to meld with adjacent hard surfaces, retaining walls or undisturbed ground and stabilised against erosion with a well-rotted organic mulch (e.g. wood chips) applied to 40mm – 60mm depth to all planting areas shall be flush with adjacent hard surfaces (e.g. concrete nib wall that defines the garden area associated with the planting bays in the car park).
  - e. The foregoing may be modified to the extent necessary to accommodate external open fire escape stairs and paths on the southern side of the building.

## 3. Advice notes

1. *A copy of the consolidated set of conditions of consent as amended is included as appendix 1 to this section 127 decision.*
2. *This consent is to be read in conjunction with the previously approved resource consent LUC-2015-1850 and does not negate the consent holder's requirement to continue to comply with the conditions of that original resource consent, subject to the amendments approved above.*
3. *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 RMA. Any objection must be made in writing to Council within 15 working days of notification of the decision.*
4. *Please read the conditions of this resource consent carefully and make sure that you understand all the conditions that have been imposed before commencing the development.*

Delegated decision maker:

Sonja Lister

Title: Team leader Resource Consents

Signed:

A handwritten signature in black ink, appearing to read 'Sonja Lister', written over a horizontal line.

Date:

8/3/17



## Appendix One

### Consolidated Conditions

#### General conditions

1. The proposed homewares large format retail activity shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the council as consent number LUC-2015-1850 as amended by LUC60019071-A.
  - Application Form, and Assessment of Environmental Effects prepared by Planning Network Services, dated 7 October 2015; and
  - S.127 change of conditions Application Form and Assessment of Environmental Effects prepared by Planning Network Services, dated 07 February 2017

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Proposed Furniture & Homewares Large Format Retail 159 Central Park Drive Integrated Transport Assessment	Team Traffic		September 2015.
Home Products Superstore Retail Impact Overview	Property Economics		August 2015
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Site Validation of Proposed Lot 3 of 297-307 Lincoln Road	Geosciences		20 March 2015
Proposed Commercial Development 297-307 Lincoln Road, Henderson	Soil and Rock Consultants		12 August 2009
Plan title and reference	Author	Rev	Dated
Site Plan Stage 2 Building Consent Preliminary (A 001)	Architectural Room	-	31/01/17
Proposed Vehicle and Pedestrian Circulation A1-02	Mak and Associates	00	Aug. 2015
Level 1 Floor Plan; Stage 2 Building Consent Preliminary (A 101)	Architectural Room	B	31/01/17
Level 2 Floor Plan; Stage 2 Building Consent Preliminary (A 102)	Architectural Room	B	31/01/17
Level 3 Floor Plan; Stage 2 Building Consent Preliminary (A 103)	Architectural Room	B	31/01/17

Elevations; Stage 2 Building Consent Preliminary (A 301)	Architectural Room	-	31/01/17
Proposed Roof Plan A2-03	Mak and Associates	00	Aug 2015
Landscape Concept: Concept Plan (LA01-1843)	Shane Wiles of Natural Habitats	-	08.02.2017
Landscape Concept: Elevation (LA02-1843)	Shane Wiles of Natural Habitats	-	08.02.2017
Landscape Concept: Photo Imagery (LA03-1843)	Shane Wiles of Natural Habitats	-	08.02.2017
Stormwater Drainage Layout E410	ACH Consulting Engineers		29.09.15
Proposed Water Treatment and Detention	ACH Consulting Engineers		3.11.15
Private Water Treatment and Detention Long section and Cross Section	ACH Consulting Engineers		3.11.15
Proposed Water Treatment and Sections 1 & 2	ACH Consulting Engineers		3.11.15
<b>Other additional information</b>	<b>Author</b>	<b>Rev</b>	<b>Dated</b>
S92 response LUC-2015-1850 with attachments (as referenced above)	Vern Warren		9 November 2015
Project Everest, Central Park, Lincoln Road, Henderson	Property Economics		31 March 2016

2. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
  - a. The consent is given effect to; or
  - b. The council extends the period after which the consent lapses.
3. The consent holder shall pay the council an initial consent compliance monitoring charge of \$1000 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

**Advice Note:**

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



## **Building Setback**

4. The building must be sited at least 5m from the southern boundary of the application site except that this building set back does not apply to any open (non-enclosed) exterior fire escape stairs.

## **Pre-start Meeting**

5. Prior to the commencement of the earthworks activity required under this consent, the consent holder shall hold a pre-start meeting that:
  - a. Is located on the subject site
  - b. Is scheduled not less than 5 days before the anticipated commencement of earthworks
  - c. Includes all concern officer[s] e.g. Monitoring officer, Arborist and etc.
  - d. Includes representation from the contractors who will undertake earthworks and suitably qualified professionals
  - e. The following information shall be made available at the pre-start meeting including specific references to all relevant documentation, such as resource consent conditions, Sediment Control Plan.

### **Advice Note:**

*To arrange the pre-start meeting required by Condition 5 please contact the Team Leader West Monitoring & Incidents to arrange this meeting +64 9 301 0101. The conditions of consent should be discussed at this meeting. All additional information required by the Council should be provided 2 days prior to the meeting*

## **Landscape Treatment**

### **Earthworks landscape:**

6. The length of the 5m building setback strip along the southern boundary must be banded (built up) from the existing ground level at the boundary to 1m above the existing ground level at the boundary of the building. –

### **Advice Note:**

*This condition is carried over from Environment Court final decision No 240 of 1st November 2012.*

### **Soft Landscape Treatment:**

7. All garden areas shall be in accordance with the approved plans and in accordance with the following and shall be completed to the satisfaction of the Team Leader West Monitoring and Incidents:
  - a. shall have good quality garden mix (50:50 well-rotted compost :clean topsoil) to 300mm minimum depth, and
  - b. for any trees planted, soil depth shall be to 1.5 x the depth of the rootball,
  - c. shall be weed-free, debris-free and litter-free
  - d. shall be manually graded (raked) to an even surface at the final stage of earthworks to meld with adjacent hard surfaces, retaining walls or undisturbed ground and stabilised against erosion with a well-rotted organic mulch (e.g. wood chips) applied to 40mm – 60mm depth to all planting areas shall be flush with adjacent hard surfaces (e.g. concrete nib wall that defines the garden area associated with the planting bays in the car park).

- e. The foregoing may be modified to the extent necessary to accommodate external open fire escape stairs and paths on the southern side of the building.
8. Prior to the commencement of any work on the site the consent holder shall provide an amended Landscape Concept plan for Council approval that provides the following additions or changes:
- Amendment to the Planting Schedule to show the grades at planting time, planting density and number required of each species and total overall number of plants required for the stormwater planting and the shrub and ground cover planting.
  - Reduction of the number of Podocarpus totara (totara) specimen trees and replacement of at least 12 of these with a species selected from the following, or as agreed with Council, all alternative trees to be at Pb95 grade minimum: Metrosideros x "Mistral", (natural hybrid between pohutukawa and southern rata), Pouteria costata, (tawapou), Nestigis montana (oro oro), Nestigis apetala (coastal maire).
9. Soft Landscape treatment (planting) shall be set in place in the first planting season (May until 7th September), following completion of construction and final preparation of garden areas and as far as possible prior to use of the building, shall be to the satisfaction of the Team Leader West Monitoring and Incidents and shall be in accordance with the following:
- Approved plans titled Henderson Retail Development 279-309 Lincoln Road Henderson Hob No 1843 by Natural Habitats,
- Landscape Concept: Concept Plan (LA01-1843), Shane Wiles of Natural Habitats, dated 08.02.2017
  - Landscape Concept: Elevation (LA02-1843), Shane Wiles of Natural Habitats, dated 08.02.2017
  - Landscape Concept: Photo Imagery (LA03-1843), Shane Wiles of Natural Habitats, dated 08.02.2017
10. Maintenance: All planting and planting areas shall be maintained for three years from time of initial planting with garden areas kept weed-free and litter-free and with plants watered as necessary to facilitate establishment in the first two summers. Any plant losses within this time shall be replaced and maintained for the remainder of the maintenance period, all to the satisfaction of the Team Leader West, Monitoring and Incidents.

Hard Landscape Treatment:

11. Hard landscape treatment shall be in accordance with the following and shall be to the satisfaction of the Team Leader West Monitoring and Incidents:
- Plan: Drawing A1-03 Rev 00 Proposed New Retail 156 Central Park Drive, Henderson Client Magsons Investments Ltd. Sheet title "Proposed Hard Landscaping" dated August 2015 by mak & associates.
  - With regards to this approved, "Proposed Hard Landscaping" plan, the concrete paving (pedestrian surfaces) shall be either exposed aggregate finish or with a pigment; - (to reduce glare).
  - All garden areas or planting areas adjacent to vehicular areas shall have a concrete nib wall 100mm height x 100mm width (with gaps as necessary where overland stormwater flow is

required) to define gardens and protect them from vehicle damage.

## **Earthworks**

12. The Team Leader West Monitoring & Incidents shall be notified at least two (2) working days prior to earthwork activities commencing on the subject site.

### **Advice Note:**

*In order to comply with Condition 12, please fill out the "Notice of Works Commencing" form supplied with your Resource Consent pack and forward this to Council as noted on the form to advise of the start of works.*

13. Prior to the commencement of earthworks activity, all required erosion and sediment control measures on the subject site shall be constructed and carried out.

### **Advice Note**

*It is recommended that you discuss any potential measures with Council's monitoring officer who will guide you on the most appropriate approach to take. Please contact the Team Leader West Monitoring & Incidents on +64 9 301 0101 for more details. Alternatively, please refer to "Auckland Regional Council, Technical Publication No. 90, Erosion & Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region".*

14. All earthworks shall be managed to ensure that no debris, soil, silt, sediment or sediment-laden water is discharged from the subject site either to land, stormwater drainage systems, watercourses or receiving waters. In the event that a discharge occurs, works shall cease immediately and the discharge shall be mitigated and/or rectified to the satisfaction of the Team Leader West Monitoring & Incidents.
15. The site shall be progressively stabilised against erosion at all stages of the earthwork activity.
16. All earthworks activity on the subject site shall comply with the New Zealand Standard 6803:1999 for Acoustics – Construction Noise.
17. The use of noise generating motorised equipment and vehicle movements to and from the site associated with earthworks activity on the subject site shall be restricted to between the following hours:

Monday to Friday: 7:30 a.m. to 7p.m.

Saturday: 8:00am to 5:30pm

There is to be no operation of noise-generating, motorised equipment and vehicles associated with earthworks activity on the subject site on Sundays or public holidays.

18. There shall be no obstruction of access to public footpaths, berms, private properties, public services/utilities, or public reserves resulting from the earthworks activity. All materials and equipment shall be stored within the subject site's boundaries.
19. There shall be no airborne or deposited dust beyond the subject site as a result of the earthworks activity that in the opinion of the Team Leader West Monitoring & Incidents is noxious, offensive or objectionable.

**Advice Note:**

*It is recommended that potential measures as discussed with Council's monitoring officer who will guide you on the most appropriate approach to take. Please contact the Team Leader West Monitoring & Incidents on +64 9 301 0101 for more details. Alternatively, please refer to the Ministry for the Environment publication "Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions".*

20. There shall be no damage to public roads, footpaths, berms, kerbs, drains, reserves or other public asset as a result of the earthworks activity. In the event that such damage does occur, the Team Leader West Monitoring & Incidents, will be notified within 24 hours of its discovery. The costs of rectifying such damage and restoring the asset to its original condition will be met by the consent holder.

**Advice Note:**

*In order to prevent damage occurring during the earthwork activity, the consent holder should consider placing protective plates over footpaths, kerbs, and drains. Where necessary, prior to works commencing, photographing or video recording of roads, paths and drains may be appropriate.*

*If you would like further details or suggestions on how to protect public assets during the earthwork phase, please contact the Team Leader West Monitoring & Incidents on +64 9 301 0101*

21. Notice shall be provided to the Team Leader West Monitoring & Incidents, at least two (2) working days prior to the removal of any erosion and sediment control works.

**Geotechnical Conditions**

22. The construction of buildings foundations, retaining structures and all associated earthworks shall be supervised by a suitable qualified engineering professional. In supervising the works, the suitable qualified engineering professional shall ensure that they are constructed and otherwise completed in accordance with NZS 4431:1989 Code of Practice for Earthfill for residential Development or NZS4404:2004 Code of Practice for Urban Land Development & Subdivision Engineering and "Section 2 of the Code of Practice: City Infrastructure and Land Development" and the following reports:
- a. Geotechnical Investigation Report prepared by Soil & Rock Consultants, Titled: Proposed Commercial Development 297-301 Lincoln Road, Henderson, Job Number: 08223 and Dated: 12 August 2009
23. All associated earthworks must not result in any reductions of on-site flood storage capacity, must be contained within the subject site and must not change the flood characteristics beyond the boundary of the subject sites for a range of flood events in ways that result in:
- a. Loss of flood storage
  - b. Increase in flood depth or frequency
  - c. Loss of/changes to flow paths including overland flow paths
  - d. Acceleration or retardation of flows; or
  - e. Any reduction in flood warning times elsewhere on the flood plain
24. Within 10 working days following the completion of earthworks, the suitable qualified engineering professional responsible for supervising the works shall provide to the Team

Leader West Monitoring & Incidents, written evidence that all fill used on the subject site has the characteristics set out below:

- a. be solid material of a stable, inert nature and
- b. not contain contaminants and
- c. not be subject to biological breakdown

Written evidence shall be in the form of a receipt, compaction certificate(s), producer statement or similar.

- 25. Where excess soil or waste materials resulting from earthworks activity is to be removed from the subject site, it shall be deposited at an approved disposal site. Written evidence confirming this action shall be provided to the Team Leader West Monitoring & Incidents within 10 working days of the completion of the earthworks activity. Written evidence shall be in the form of a receipt, producer statement or similar.
- 26. One (1) month on completion of earthworks, a Certificate, signed by the suitable qualified engineering professional who supervised the works, shall be provided to the Team Leader West Monitoring & Incidents. The certificate shall determine if the earthworks have been carried out in accordance with the conditions of consent and that the site has been left in a condition suitable for its intended use. The written evidence shall be in the form of a receipt, producer statement or similar.

## **Wastewater**

- 27. Provide a separate connection to the public wastewater system to serve the development in accordance with Watercare Service Limited (WSL) standards; refer Water and Wastewater Code of Practice for Land Development and Subdivision.
  - a. Provide separate connection and provide an as built plan of the new public connection or a WSL Completion Certificate. Note: Installation of a public wastewater connection requires separate approval from Watercare Service Limited.

**Advice Note:** *connection to public network is not permitted until Quality Assurance Certificate has been issued on Stage 2 ENG-2013-1188.*

## **Stormwater**

- 28. Provide a separate connection to the public stormwater system to serve each unit in accordance with Auckland Council standards; refer Auckland Council Code of Practice for Land Development and Subdivision.
  - a. All drainage work onsite shall be undertaken as per the scheme plan prepared by ACH Consulting Engineers, Drawing Titled: Stormwater Drainage Layout, Job No: 150655, Drawing No: E410 and Dated: 29/09/2015. **Note:** the above system will be private therefore prior commencing work on this network system obtain Building consent.

**Advice Note:** *connection to public network is not permitted until Quality Assurance Certificate has been issued on Stage 2 ENG-2013-1188*

- 29. Design, provide and install a private on-site stormwater management system (stormwater detention pond) in accordance with Auckland Council standards from the point of collection to the point of discharge. The system shall maintain stormwater runoff flows, volumes, and timing to pre-development levels to the capacity of the downstream stormwater network system.



- a. Stormwater management system to be constructed as per the scheme plan prepared by ACH Consulting Engineers, Drawing Titled: Proposed Water Treatment & Detention, Job No: 150655, Drawing No: E423 and Dated: 03/11/2015.
- b. Provide an as-built plan prepared by a certifying Surveyor signed as sighted and approved by a Council Inspector. Note: Construction of private drainage requires building consent.

#### **Covenants**

30. Pursuant to Section 108(2) (d) a covenant is required to be entered into, in favour of Council, to record and advise any future owners of the need to comply with this condition on an ongoing basis.
  - c. There is an onsite stormwater management system on the affected lot.
    - i The owner must operate, monitor and maintain the stormwater management system (specify) in accordance with the conditions below:
    - ii Regular maintenance (as specified in the Operation and Maintenance Manual) of the stormwater management system shall be carried out by the owner as required to ensure efficient operation.
    - iii Auckland Council may at any time upon prior written notice by its officers, employees, agents or contractors enter the property; to inspect or test the stormwater management system and; to inspect the owner's records in relation to the operation, monitoring and maintenance of the system.
    - iv Auckland Council may, by notice in writing, instruct the owner to carry out any actions or works in relation to the operation, monitoring and maintenance of the stormwater management system. If the owner fails to carry out those actions or works within 7 working days of receiving Auckland Council's Notice, Auckland Council may carry out said work itself and enter the property to execute the work. Council may recover all costs of carrying out said work from the owner.
    - v The owner must not modify or remove the stormwater management system without express written permission of Auckland Council.

#### **Advice Note:**

*Council's Hazards and Special Features Register will be advised of the above requirements.*

#### **Covenant Instrument**

31. The Covenant Instrument will be prepared by Auckland Council's solicitors at the cost of the consent holder. The owner or the consent holder's solicitor should contact Team Leader, Compliance Monitoring (West) to request the Covenant Instrument to be prepared and registered. The following should accompany that request:
  - a. A copy of the consent condition;
  - b. A recent copy of the Certificate of Title.

#### **Construction traffic management plan**

32. Prior to the commencement of demolition and construction, the consent holder shall submit for the approval of the Council (Team Leader – West Monitoring) a construction traffic management plan ("CTMP"). The purpose of the CTMP is to avoid, mitigate or remedy any temporary adverse effects of traffic related to the redevelopment of the site. The following details shall be shown on a site plan and supporting documentation as part of the CTMP:

- a. Ingress and egress to/from the site for vehicles associated with demolition/ construction and delivery of materials and equipment and construction machinery during the site works and demolition/construction periods.
- b. Proposed numbers and timing of truck movements throughout the day and the proposed routes. This shall include the identification of heavy vehicle routes that avoid residential streets.
- c. Parking for contractors and workers.
- d. Details of how construction traffic will be managed.
- e. Location of traffic signs on surrounding streets and proposed signage for traffic management purposes during construction.
- f. Contact details of the site manager.

The approved CTMP shall be implemented and maintained throughout the entire period of the construction works.

#### **Additional Lane on Central Park Drive**

33. Engineering Plan Approval (EPA) showing the design of the additional lane on the Central Park Drive approach to the Lincoln Road/Triangle Road/ Central Park Drive intersection shall be submitted to Council (Team Leader – West Monitoring) for approval. The EPA shall be accompanied by a Stage 3 Road Safety Audit undertaken by a suitably qualified independent traffic engineer, and the design domain shall extend from the intersection of Lincoln Road/Triangle Road/Central Park Drive to and including the Central Park Drive/Soljan Drive signalised intersection. Any concerns raised in the Road Safety Audit shall be addressed by the consent-holder at their cost.

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

34. Prior to the commencement of trading all access, parking and manoeuvring areas shall be formed, sealed with an all-weather surface, marked out, sign posted and drained in accordance with the approved plans to the satisfaction of the Team Leader Western Monitoring & Incidences.

#### **Homestore Retail**

35. The consented retail activity shall provide for a homeware retail activity only and shall not provide other retail type activities other than those ancillary activities such as the café that have been approved under this consent.

#### **Construction Noise and Vibration Conditions**

36. Construction (including earthworks and piling) may not commence until the Consent Holder has demonstrated to the satisfaction of the Council how all construction works will be undertaken whilst complying with the requirements of conditions 37 and 38. Compliance must be demonstrated to the satisfaction of the Council in a report (or several reports if necessary) prepared by suitably qualified and experienced person(s).
37. The noise from all construction works shall comply with the noise limits set out in Tables 2 and 3 of NZS6803:1999 (long term duration) when measured 1m from the facade of any occupied building, or indoors but only in accordance with Clause 7.2.7 of NZS6803:1999. Construction

noise shall be measured and assessed in accordance with the requirements of NZS6803:1999 Acoustics – Construction Noise.

38. Vibration from all demolition, earthworks and construction shall not at any time exceed:
- i. The Line 2 limits for structures set out in Tables 1 and 3 of German Standard DIN 4150 Part 3: 1999 "Structural Vibration in Buildings – Effects on Structures" (the DIN standard) at any building that is occupied during the works; and
  - ii. the relevant structure-specific limits set out in Tables 1 and 3 of the DIN standard at any building, swimming pool or structure (occupied or not) at any time.

For the purpose of conditions 37 and 38, an occupied building is one where people occupy the space whilst the works are in progress, i.e. if the building (or the affected part of it) is not occupied (i.e. a residential dwelling during the day or office space at night) then the noise limits in condition 36 and the Line 2 restriction in condition 38(i) do not apply to the unoccupied space. The noise limits in condition 37 and the Line 2 restriction in condition 38(i) do not apply where the consent holder has written confirmation from the occupier(s) of the affected building (or space within a building) approving noise and / or vibration levels above noise limits in condition 37 and the Line 2 restriction in condition 38(i) for a specified period of works within specified timeframes within that building or occupied space. The written confirmation(s) shall be provided to the Council at least 7 days prior to the specified works commencing.

39. Prior to works commencing, the consent holder shall prepare and submit, to the satisfaction of the Team Leader, Compliance and Monitoring Western, a Construction Noise and Vibration Management Plan (CNVMP) prepared by a suitably qualified person. The CNVMP shall include specific details relating to the control of noise and vibration associated with all project works, and the objective of the CNVMP is to set out the measures required to minimise the construction noise and vibration levels and effects. The CNVMP shall, as a minimum, address the following matters:
- a. a description of noise sources, including machinery, equipment and construction techniques to be used;
  - b. compliance with conditions 37 & 38
  - c. predicted construction noise levels;
  - d. specific hours of operation, including times and days when noisy construction work and rock breaking would occur;
  - e. Physical noise mitigation measures, including prohibition of tonal reverse alarms, maintenance of access roads (to ensure they are smooth), acoustic screening around the site, plant selection and maintenance procedures, site layout etc.
  - f. construction noise limits;
  - g. the identification of activities and locations that will require the design of noise mitigation measures such as temporary barriers or enclosures and the details of such measures where (without them) the noise limits are predicted to be exceeded;
  - h. the measures that will be undertaken by the Consent Holder to communicate noise management measures to affected stakeholders;
  - i. methods for monitoring and reporting on construction noise;



- j. methods for receiving and responding to complaints about construction noise; and
- k. construction operator training procedures.

40. The CNVMP shall also describe measures adopted to meet the requirements of German Standard DIN4150-3:1999 Structural Vibration - Effects of Vibration on Structures; (the DIN standard), and as a minimum shall address the following construction vibration matters:
- (i) Notification process to inform the project manager and relevant contractor when vibration is predicted or measured to exceed 75% of the relevant building damage risk thresholds, with reference to Figure 1 of the DIN standard;
  - (ii) provision for the use of building condition surveys to determine the sensitivity of the building(s) on the adjacent sites to ground movement in terms of the Line 1-3 criteria of the DIN standard;
  - (iii) provision for the use of engineering surveys to confirm the applicability of the Line 1 (highest) criteria from the DIN standard;
  - (iv) identification of buildings and structures requiring pre-condition surveys;
  - (v) the measures that will be undertaken by the Consent Holder to communicate vibration management measures to all affected stakeholders within 50m of the extent of earthworks and piling between 2 and 3 weeks prior to earthworks and piling commencing;
  - (vi) methods for monitoring and reporting on construction vibration; and
  - (vii) methods for receiving and responding to complaints about construction vibration;
  - (viii) procedures and requirements to ensure that the piling design minimises construction vibration as far as practicable; and
  - (ix) provision for the determination of buildings that require post-condition surveys to be undertaken following the conclusion of earthworks and foundation construction.

41. Prior to earthworks and foundation construction commencing, the consent holder shall engage a suitably qualified and experienced structural engineer to undertake a survey of the properties identified in the approved CNVMP where the property owner has given their written consent. If the property owner does not respond within four weeks of the request having been made, the consent holder need not undertake a survey of that property. The survey shall assess the current condition of the ground and exterior and interior of the buildings on the properties listed above (additional properties to be surveyed at the consent holder's discretion). All surveys shall be at the consent holder's cost. The methodology shall be approved by the Council's Team Leader Compliance Monitoring prior to the survey's being undertaken.

A copy of each survey shall be provided to the Council's Team Leader Compliance and Monitoring – Western and a copy as it relates to the relevant property shall be made available to those property owners who participate in the survey and request a copy of the results.

### **3. Advice notes**

- (1) *Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.*
- (2) *For the purpose of compliance with the conditions of consent, "the council" refers to the*

council's monitoring inspector unless otherwise specified. Please contact [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) to identify your allocated officer.

- (3) For more information on the resource consent process with Auckland Council see the council's website [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz). General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment's website: [www.mfe.govt.nz](http://www.mfe.govt.nz).
- (4) If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of notification of the decision.
- (5) The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety in Employment Act 1992), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.
- (6) Any changes to parking and traffic controls shall be approved by Auckland Transport's Traffic Control Committee. The resolution report shall be prepared by a suitably qualified traffic engineer. No construction works shall be undertaken on site prior to approval of the resolution by the TCC. As part of this process, Auckland Transport may require consultation to be undertaken with the public. It is advised that the resolution report be submitted at least 8 weeks prior to construction being undertaken.