

Colliers International  
Level 1, 129 Hurstmere Road  
Takapuna  
AUCKLAND 6022



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<b>Applicant</b>	Colliers International
<b>LIM address</b>	4 Fred Thomas Drive Takapuna 0622
<b>Application number</b>	8270007308
<b>Customer Reference</b>	Colliers International
<b>Date issued</b>	20-Jan-2017
<b>Legal Description</b>	Lot 2 DP 150159
<b>Certificates of title</b>	NA89B/719

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### Disclaimer

This Land Information Memorandum (LIM) has been prepared for the applicant for the purpose of section 44A of the Local Government Official Information and Meetings Act 1987.

The LIM includes information which:

- Must be included pursuant to section 44A of the Local Government Official Information and Meetings Act 1987
- Council at its discretion considers should be included because it relates to land
- Is considered to be relevant and reliable

This LIM does not include other information:

- Held by council that is not required to be included
- Relating to the land which is unknown to the council
- Held by other organisations which also hold land information

Council has not carried out an inspection of the land and/or buildings for the purpose of preparing this LIM. Council records may not show illegal or unauthorised building or works on the land.

The applicant is solely responsible for ensuring that the land or any building on the land is suitable for a particular purpose and for sourcing other information held by the council or other bodies. In addition, the applicant should check the Certificate of Title as it might also contain obligations relating to the land.

The text and attachments of this document should be considered together.

This Land Information Memorandum is valid as at the date of issue only.

## s44A(2)(a) Information identifying any special feature or characteristics of the land

This information should not be regarded as a full analysis of the site features of this land, as there may be features that the Council is unaware of. The applicant is solely responsible for ensuring that the land is suitable for a particular purpose including development.

### Site Contamination

No land contamination data are available in Council's regulatory records.

### Wind Zones

Wind Zone(s) for this property: High wind speed of 44 m/s

The wind zones are based on wind speed data specific to all building sites as outlined in NZS 3604:2011. Other factors such as topographic classes, site exposure and ground roughness determine the actual wind bracing demands and bracing elements required for the building.

For further information refer to NZS 3604:2011 Section 5 — Bracing Design

### Soil Issues

The Auckland Council is not aware of any soil issues in relation to this land. If any soil information/reports have been prepared in relation to this property, they will be available for viewing at an Auckland Council Service Centre or via the property file product services.

### Exposure Zones

New Zealand Standard 3604:2011 classifies all properties in New Zealand into zones based on environmental features including wind, earthquake, snow load and exposure. These zones are relevant to building requirements, such as strength of buildings, materials that should be used and maintenance. All building sites are classified as being in Exposure Zones Extreme Sea Spray, B, C, or D, depending on the severity of exposure to wind driven salt.

This property is classified as: Zone D

High — Coastal areas with high risk of wind-blown sea-spray salt deposits. This is defined as within 500m of the sea including harbours, or 100m from tidal estuaries and sheltered inlets. The coastal area also includes all offshore islands including Waiheke Island, Great Barrier Island. Within each of the zones there are different environmental locations that require fittings and fixtures appropriate to its designation as outlined Tables 4.1 to 4.3 in NZS 3604:2011 being either "closed", "sheltered" or "exposed".

For further information refer to NZS 3604:2011 Section 4 — Durability.

## s44A(2)(b) Information on private and public stormwater and sewerage drains

Information on private and public stormwater and sewerage drains is shown on the **underground services map** attached.

Note: Private drainage is the responsibility of the land owner up to and including the point of connection to the public sewer or drain.

#### s44(2)(ba) Information notified to Council by a drinking water supplier under Section 69ZH of the Health Act 1956

Prospective purchasers should be aware of other drinking water systems connected to this property. There may also be private drinking water supply systems such as rainwater tanks or private water bores. You are advised to clarify the drinking water supply with the current landowner.

No Information has been notified to Council.

#### s44A(2)(bb) Information Council holds regarding drinking water supply to the land

For metered water information, please contact **Watercare (09) 422 2222** for services provided to this property.

#### s44A(2)(c) Information relating to any rates owing in relation to the land

<b>Billing Number/ Rate Account:</b>	12341255870
<b>Rates levied for the Year 2016/2017 :</b>	\$135,627.45
<b>Total rates to clear for the current year (including any arrears):</b>	\$67,813.71

The rates figures are provided as at 8 a.m. 20/01/2017. It is strongly advised these are not used for settlement purposes.

#### Retrofit Your Home Programme

The Retrofit Your Home programme provides financial assistance, advice and information to householders wanting to create an improved home environment.

The scheme contributes to the achievement of the Air Quality National Environmental Standards encouraging the installation of clean heat and insulation in homes as well as supporting access to central government grants and subsidies. The programme offers homeowners a retrofit plan for their homes and financial assistance up to \$5000 repaid through a targeted rate.

 Auckland Council (09) 367 4305 if you require further information

 [retrofit@aucklandcouncil.govt.nz](mailto:retrofit@aucklandcouncil.govt.nz)

#### s44A(2)(d) Consents, Certificates, Notices, Orders or Requisitions affecting the land or any buildings on the land(da) the information required to be provided to a territorial authority under section 362T(2) of the Building Act 2004:s44A and (2)(e) Information concerning any Certificate issued by a Building Certifier pursuant to the Building Act 1991 or the Building Act 2004

Note: if the land is part of a cross lease title or unit title, consents and permits for the other flats or units may be included in this LIM. If the land has been subdivided there may be consents and permits included that relate to the original property.

It is recommended that the full property file is viewed and compared with the actual building and activities on the land to identify any illegal or unauthorised building works or activities.

## Financial / development contributions

Financial and development contributions are relevant for recently subdivided land, vacant lots, new residential unit(s) or where there is further development of a site. If any financial or development contribution has not been paid, Council can recover outstanding amount(s) from a subsequent owner of the land.

Please note that financial contributions and development contributions may be paid in land, cash or a combination of these. The form of payment of contributions may be subject to negotiation but final discretion remains with the Council.

## Resource Management

### Planning

4 Fred Thomas Drive Takapuna 0622

Application No.	Description	Decision	Decision Date
101088	To waiver the increased on-site parking requirement	Granted	10/10/1988
TP3118T	To operate a licensed child care facility	Granted	21/02/1991
130893	To establish a food bar	Granted	13/08/1993
R30721T	To refit the existing building	Granted	23/01/1998
LM12977	Education Facility	Granted	26/07/2002
LO-2134736	Land Use Consent Installation of 2 free standing signs and 2 naming signs. Amendments to approved landscaping and retrospective consent for an existing free standing sign.	Granted	02/03/2012
LN-2139905	Land Use Consent NRSI (Contamination) Construction and operation of a parking building incorporating retail tenancies	Granted(Construction Monitoring Underway)	09/03/2015
REG-2139906	Discharge Consent NRSI (Contamination) Construction and operation of a parking building incorporating retail tenancies	Granted	09/03/2015
LW-2141252	Change of Condition (s127) Change of LN-2139905 - increases to the height of the building	Granted	07/07/2015
LX-2142824	Tree Consent Proposed works within the root zone of 1 x protected pohutukawa tree	Granted	22/04/2016

### Subdivisions

There are **NO** Subdivision resource consents recorded.

## Engineering Approvals

There are **NO** Engineering approvals recorded.

If there are any conditions, then only that portion of the consent will be included in the attachments section. The applicant should satisfy themselves as to whether all conditions of resource consents for this property have been met.

## Further Information

The Council may hold additional information for this property, for example concerning resource consents for discharges to air, land or water issued by the former Auckland Regional Council prior to 1 November 2010. If you would like Auckland Council to search for this type of information, please contact us.

## Building

4 Fred Thomas Drive Takapuna 0622

Application No.	Description	Issue Date	Status
BD-1248316	Lapsed - owner no longer proceeding - Office fit out		Lapsed (See Note 8)
EL-4018661	Aon Building : Installation of new intertenancy wall and installation of one new sprinkler head and relocation of two existing mechanical grilles.		Issued (See Note 4)
EL-4018717	Aon Building : Chiller replacement and sundry works to chiller compound.		Issued (See Note 4)
E15738	Partitions	14/01/1988	Issued (See Note 1)
E16055	Commercial Building - stage 2 /Cannon	26/01/1988	Issued (See Note 1)
E16094	Office Partitions	15/02/1988	Issued (See Note 1)
F45407	Office Partitions	11/05/1988	Issued (See Note 1)
34167 / 34168	Plumbing and Drainage	23/05/1988	Issued (See Note 1)
F45407	Commercial Building	23/05/1988	Issued (See Note 1)
F58505	Erect Internal Screens	13/06/1988	Issued (See Note 1)
F57438	Mezzanine Floor/Gym	26/09/1988	Issued (See Note 1)
F56309	Sign/Gym	22/11/1988	Issued (See Note 1)

Application No.	Description	Issue Date	Status
F56492	Two Signs/Cannon	01/03/1989	Issued (See Note 1)
F56614	Interior work / wall extension	09/05/1989	Issued (See Note 1)
F56622	Partitioning	17/05/1989	Issued (See Note 1)
F57514	Partitioning	22/06/1989	Issued (See Note 1)
F57617	Partitioning	22/08/1989	Issued (See Note 1)
F57618	Partitioning	22/08/1989	Issued (See Note 1)
F56655	Partitioning	24/08/1989	Issued (See Note 1)
27.8.89	Partitioning	27/08/1989	Issued (See Note 1)
H9062	Partitioning	29/11/1989	Issued (See Note 1)
H9065	Partitioning	30/11/1989	Issued (See Note 1)
H9592	Commercial Alteration	02/03/1990	Issued (See Note 1)
H9619	Internal Partitions	31/08/1990	Issued (See Note 1)
H10541	New Fire Exits and Landings	12/10/1990	Issued (See Note 1)
H10656	Fire Egress and Partitions	30/11/1990	Issued (See Note 1)
J11244	Alterations and additions/Gym	24/06/1992	Issued (See Note 1)
4806	Plumbing	24/06/1992	Issued (See Note 1)
J11264	Alterations/Soundproofing/Fire exit 2nd Floor/Fire escape 1st Floor	08/07/1992	Issued (See Note 1)
T3072	Alterations/Gym Café	24/08/1993	CCC Not Issued (See Note 3)
T4687	Alterations	22/05/1995	CCC Issued 29/05/1996 (See Note 2)

Application No.	Description	Issue Date	Status
T10481	Amended plans - added 1 or 2 offices (internal partitioning) T10481	12/01/1996	CCC Not Issued (See Note 3)
T11664	Relocate wall and build two walls	09/01/1997	CCC Issued 01/08/1997 (See Note 2)
T11833	T11833 Dangerous goods store	09/05/1997	CCC Not Issued (See Note 3)
T12853 BCO10028180-A	Office Fitout T12853 Amended Plans to T12853 T13013 BCO-13013	07/01/1998	CCC Not Issued (See Note 3)
T12702 BCO10029742-A	Convert Gym to Office Space T12702 Amended Plans to T12702 T13009 BCO-13009	10/02/1998	CCC Not Issued (See Note 3)
T12986	Office Partitioning T12986	23/03/1998	CCC Not Issued (See Note 3)
T13034	Internal Office Alterations T13034	17/04/1998	CCC Not Issued (See Note 3)
T13387 BCO10027931-A	T13387 Install Microwave Dish Amended Plans to T13387 T13459 BCO-13459	31/07/1998	CCC Not Issued (See Note 3)
T13448	T13448 Internal Office Alterations	18/08/1998	CCC Not Issued (See Note 3)
T13413	T13413 Office Fitout	24/08/1998	CCC Not Issued (See Note 3)
T13866	T13866 Erect self supporting mezzanine floor	03/03/1999	CCC Not Issued (See Note 3)
T14553	T14553 Office fitout alteration	08/09/1999	CCC Not Issued (See Note 3)
T15159	Install landfill gas vent trenches & stacks T15159	17/05/2000	CCC Issued (See Note 2)
BD/06584/02	Commercial - internal alterations to existing bldg - Adult Education	03/07/2002	CCC Not Issued (See Note 3)
BD/07950/02	Commercial Alterations demolish existing partitioning & install new	23/09/2002	CCC Not Issued (See Note 3)
EL-4011741	Minor interior fitout works including demolition and construction of several offices	05/05/2011	Issued (See Note 4)
BM-1241856	Office fit out / level 1 ( mid floor)	03/06/2011	CCC Not Issued (See Note 3)
BD-1242891	Office fit out with structural work for seperating floors.	23/11/2011	CCC Not Issued (See Note 3)

Application No.	Description	Issue Date	Status
BD-1244830	New internal partitions and plumbing	03/07/2012	CCC Issued 04/10/2012 (See Note 2)
BD-1246213	Splitting existing tenancy	21/12/2012	CCC Refused (See Note 10)
COA-1242595	Internal partitioning to change office layout	08/05/2013	CoA Refused
BD-1248221	Office fit out	19/09/2013	CCC Not Issued (See Note 3)
EL-4015507	Minor interior works and demolition. Glazed panels/offices.	06/10/2014	Issued (See Note 4)
BD-1258151	Level 2 - AON Building - Office fit out.	19/11/2016	CCC Not Issued (See Note 3)

Note	Description
1	Permit issued prior to the Building Act 1991 taking effect. Code Compliance Certificates (CCC) were not required.
2	Code Compliance Certificate (CCC) for this consent was issued.
3	Consent approved but a final Code Compliance Certificate (CCC) for this consent has not been issued. To obtain a CCC an inspection to confirm compliance with the approved plans and standards may be sought.
4	Building Consent not required. Exemption for Building work has been granted under clause 2 of Schedule 1 of the Building Act.
8	No building work should have been carried out under this consent.
10	Code Compliance Certificate (CCC) refused as result of Building Industry Authority/Department for Building and Housing determination

Please note that prior to the Building Act 1991; Councils were not required to maintain full records of building consents [etc] issued under the Building Act. While Auckland Council has always endeavoured to maintain full records of pre-Building Act 1991 matters, not all records for this period have survived and in other cases where building work is documented, information may be incomplete. Council does not accept responsibility for any omission.

It is recommended that the Council property file is viewed and compared with the actual building and activities on site to identify any illegal or unauthorised building works or activities.

### Unauthorised Building Works

Prior to the Auckland Council amalgamation, legacy Councils had different processes for dealing with Unauthorised/Unconsented Work. These records are listed below.



From 1<sup>st</sup> August 2011, Independent Building reports or plans, for unauthorised work that was carried out without a permit prior to 1992, may be submitted to Council to be placed on the relevant Property File, subject to payment of a fee. These reports are not included in a LIM. Please contact us or visit one of our Service Centres if you wish to view the Property File.

Reference	Description	Note
A reference number is not recorded by Council for this type of record	Partitioned to change office layout	Refer to Property File for further information.

### Compliance Schedules (Building Warrant of Fitness)

4 Fred Thomas Drive Takapuna 0622

Reference number	BWOF expiry date
WOF-11898	13/07/2017

### Seismic Performance

The Building Act 2004 requires all councils to develop and implement a specific earthquake-prone, dangerous and insanitary building policy. Residential properties (unless they have two or more stories and contain three or more household units) are not subject to the earthquake-prone provisions of the Building Act.

The Auckland Council's Earthquake Prone, Dangerous and Insanitary Buildings Policy 2011-2016 requires the Council to maintain a seismic performance database of buildings that could be potentially earthquake prone. As part of this process, the Council is assessing and grading relevant buildings on their seismic performance. For more information on the Policy, please visit <http://www.aucklandcouncil.govt.nz/EN/planspoliciesprojects/councilpolicies/Pages/home.aspx>

Important: The initial evaluation of the seismic performance (IEP) rating for a building provides an indication of the likely seismic performance. A detailed engineering assessment (DEE) will be required to determine the true structural integrity of the building.

4 Fred Thomas Drive Takapuna 0622

Application No.	Description
SPR-4017073	Initial Evaluation Procedure Seismic performance rating is C

### Swimming/Spa Pool Fencing

The Council has no record of a swimming pool or spa pool being registered on this property. Swimming pools and spa pools must be fenced as required by the Fencing of Swimming Pools Act 1987.

## Licences

There are NO current licences recorded

### s44A(2)(ea) Information notified under Section 124 of the Weathertight Homes Resolution Services Act 2006

The Council has not been notified of any information under Section 124 of the Weathertight Homes Resolution Services Act 2006 relating to this property.

### s44A (2)(f) Information relating to the use to which the land may be put and any conditions attached to that use

Purchasers or those intending to develop the land should satisfy themselves that the land is suitable for any intended use or future development proposal. In addition to any site specific limitations recorded below, general restrictions that apply across the region may be relevant to any development proposals on this property.

<b>Zoning:</b>	Business 1 - 12 Business 9
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<b>Proposed Modifications</b>	No site specific modification recorded
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## Notified District Plan Changes

From time to time changes to the District Plan are proposed through Plan Changes. Plan changes are publicly notified so that people can make submissions on the proposed changes. These Plan Changes may propose to alter the zone or policies or rules that apply to land or sites in a particular locality. Plan changes may affect particular land, sites or development rights and obligations in many and varied ways. Please refer to the District Plan for information on any proposed Plan Changes or see the Auckland Council website at: <http://www.aucklandcouncil.govt.nz/EN/planspoliciesprojects/plansstrategies/DistrictRegionalPlans/Pages/proposedamendmentstoplans.aspx>.

District Plans (including appendices) and any proposed changes to them are available to view at all Council offices or on-line at Councils' website: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz). Please note the District Plan attached is relevant to the property of the LIM. Where a property abuts a Legacy Council boundary, only the District Plan details of that property are shown.

## Proposed Unitary Plan

**Please note** that the **Auckland Unitary Plan - Operative in part** applies to this property and should be carefully reviewed and considered, as it may have implications for how this property can be developed and/or used. As from 15 November 2016 parts of the Auckland Unitary Plan are operative. Where that is the case, those parts of the Auckland Unitary Plan replace the corresponding parts of legacy regional and district plans. Certain parts of the Auckland Unitary Plan have not become operative. Where this is the case, both the Auckland Unitary Plan and the legacy regional and district plans will need to be considered.

The relevant planning maps from the Auckland Unitary Plan and legacy district plans are attached.

The Auckland Unitary Plan can be viewed online at:

<http://www.aucklandcouncil.govt.nz/EN/planspoliciesprojects/plansstrategies/unitaryplan/Pages/home.aspx>

and the (legacy) regional and district plans can be viewed online at

<http://www.aucklandcouncil.govt.nz/EN/planspoliciesprojects/plansstrategies/DistrictRegionalPlans/Pages/Home.aspx>

Unitary plan documentation on last attachment.

Copies of the appeals to the Auckland Unitary Plan can be viewed online at:

<http://www.aucklandcouncil.govt.nz/EN/planspoliciesprojects/plansstrategies/unitaryplan/Pages/paupappeals.asp>

### **Information concerning Caveat, Bond, Encumbrance, Consent Notice and Covenant**

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For any information concerning Caveats, Bonds, Encumbrances, Consent Notices or Covenants, please refer to the Certificate of Title for this property.

#### **s44A(2)(g) Information regarding the land which has been notified to Council by another statutory organisation**

No information has been notified to Council.

#### **s44A(2)(h) Information regarding the land which has been notified to Council by any network utility operator pursuant to the Building Act 1991 or Building Act 2004**

Underground Services and District Plan maps are attached.

Please note: Height restrictions apply where overhead power lines cross the site. Works near water services utilities may require approval. Works near high-pressure Gas, Oil or LPG pipelines create risk of damage and must first be approved. Please contact the relevant Utility provider in your area for further information.

Any escape of gas or liquid from the pipelines is potentially dangerous and requires immediate action as soon as discovered (Dial 111 and ask for the Fire Service).

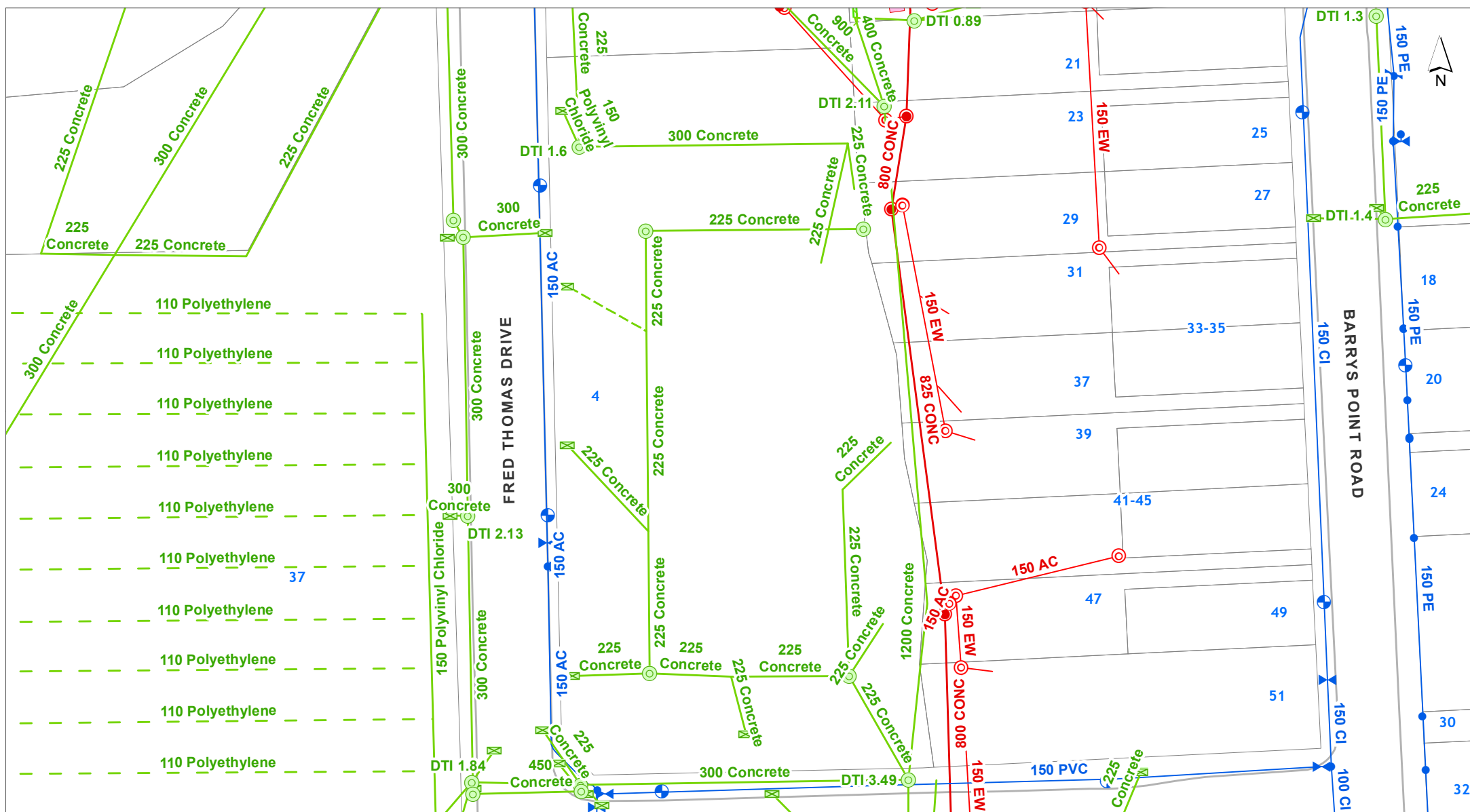
## Attachments

As the placement of the building/s on the attached maps is based on aerial photography we cannot guarantee the accuracy. A formal survey will indicate the exact location of the boundaries.

- Underground Services & Utilities Map and Map Legend
- Special Land Features Map and Map Legend
- The Proposed Auckland Unitary Plan - Decisions version
- District Plan Excerpt Map and Map Legend
- Proposed Auckland Unitary Plan Property Summary Report

Please note Map Legends have been created for use across the region and may contain features which were not captured by the previous legacy Councils; therefore the information may not be available for these maps. Please contact the Resource Management Planning Team in your area for further information on any features which may or may not appear on your map.

- Consent Conditions : LN-2139905\_2 Fred Thomas Drive
- Consent Conditions : Decision - LO-2134736
- Consent Conditions : LE-2141252\_2 Fred Thomas Drive
- Consent Conditions : Decision - LX-2142824
- Consent Conditions : Decision - 101088
- Consent Conditions : Decision - TP3118T
- Consent Conditions : Decision - 130893
- Consent Conditions : Decision - R30721T
- Consent Conditions : Decision - LM-02977-02

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**Underground Services**

4 Fred Thomas Drive Takapuna 0622

Lot 2 DP 150159



Scale @ A4  
= 1:1,000

Date Printed:  
20/01/2017

## Stormwater

Note: Unless otherwise specified, Stormwater feature status is represented by the following colour scheme:

**Public** , **Private** or **Abandoned**

	Treatment Device		Overland Flowpath (Public)
	Septic Tank		Overland Flowpath (Private)
	Septic Tank (Hi-Tech)		Forebay (Public)
	Soakage System		Forebay (Private)
	Inspection Chamber		Treatment Facility (Public)
	Manhole (Standard / Custom)		Treatment Facility (Private)
	Inlet & Outlet Structure		Pump Station
	Inlet & Outlet (No Structure)		Planting
	Catchpit		Embankment
	Spillway		Viewing Platform
	Safety Benching		Bridge
	Culvert / Tunnel		Erosion & Flood Control (Other Structure)
	Subsoil Drain		Erosion & Flood Control (Wall Structure)
	Gravity Main		
	Rising Main		
	Connection		
	Fence		
	Channel		
	Watercourse		

## Water

	Valve
	Hydrant
	Fitting
	Other Watercare Point Asset
	Other Watercare Linear Asset
	Local Pipe (Bulk)
	Local Pipe (In Service)
	Local Pipe (Abandoned)
	Transmission Pipe (In Service)
	Transmission Pipe (Out of Service)
	Transmission Pipe (Proposed)
	Pump Station
	Reservoir
	Other Structure (Local)
	Chamber (Transmission)
	Water Source (Transmission)
	Other Watercare Structures and Areas

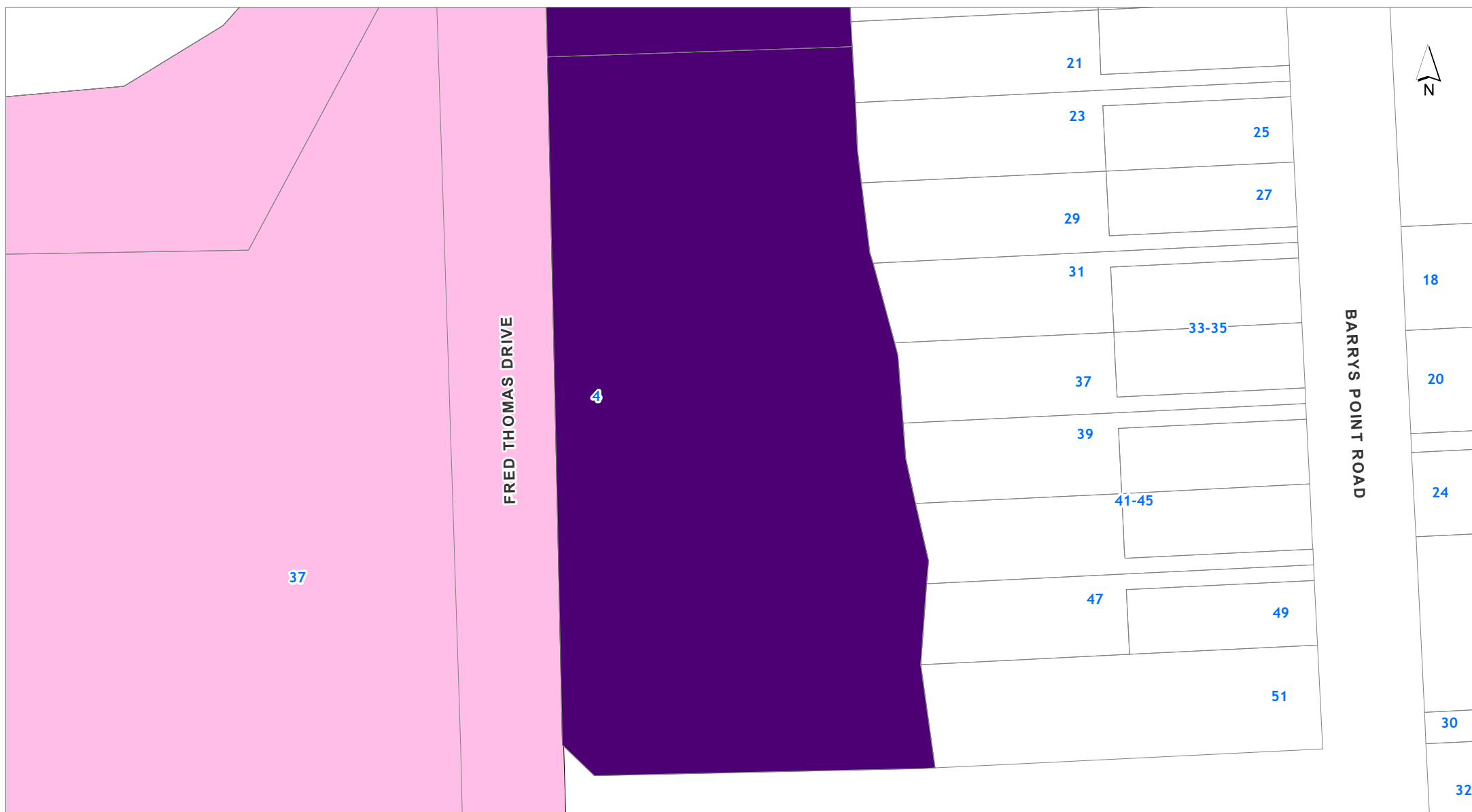
## Wastewater

	Fitting
	Fitting (Non Watercare)
	Manhole
	Pipe (Non Watercare)
	Local Pipe (Main / Service Line)
	Local Pipe (Abandoned)
	Local Pipe (Future)
	Transmission Pipe (In Service)
	Transmission Pipe (Out Of Service)
	Transmission Pipe (Proposed)
	Chamber
	Structure (Non Watercare)
	Pump Station
	Wastewater Catchment
<b>Waitakere (WCC) only:</b>	
	Septic Tank Hi-Tech
	Septic Tank Standard
	Caravan Dumping Point
	Chemical System
	Composting Toilet
	DEVONBLUE - Treatment Plant
	Recirculation Textile Filter
	Wastewater Disposal Bed or Field

## Utilities

	Transpower Site
	Pylon (Transpower)
	220kv Line (Transpower)
	110kv Line (Transpower)
	33kv Line (Transpower) & Underground Line (Mercury)
	Transmission Line (Vector)
	Oil Services Pipeline [Wiri]
	Liquid Fuels Pipeline [Wiri to Marsden]
	High-Pressure Gas Pipeline (Vector & Orion)
	Medium-Pressure Gas Pipeline (Vector & Orion)
	Indicative Steel Mill Slurry Pipeline
	Indicative Steel Mill Water Pipeline
	Fibre Optic Cable (ARTA)

Legend  
updated:  
30/11/2016

**DISCLAIMER:**

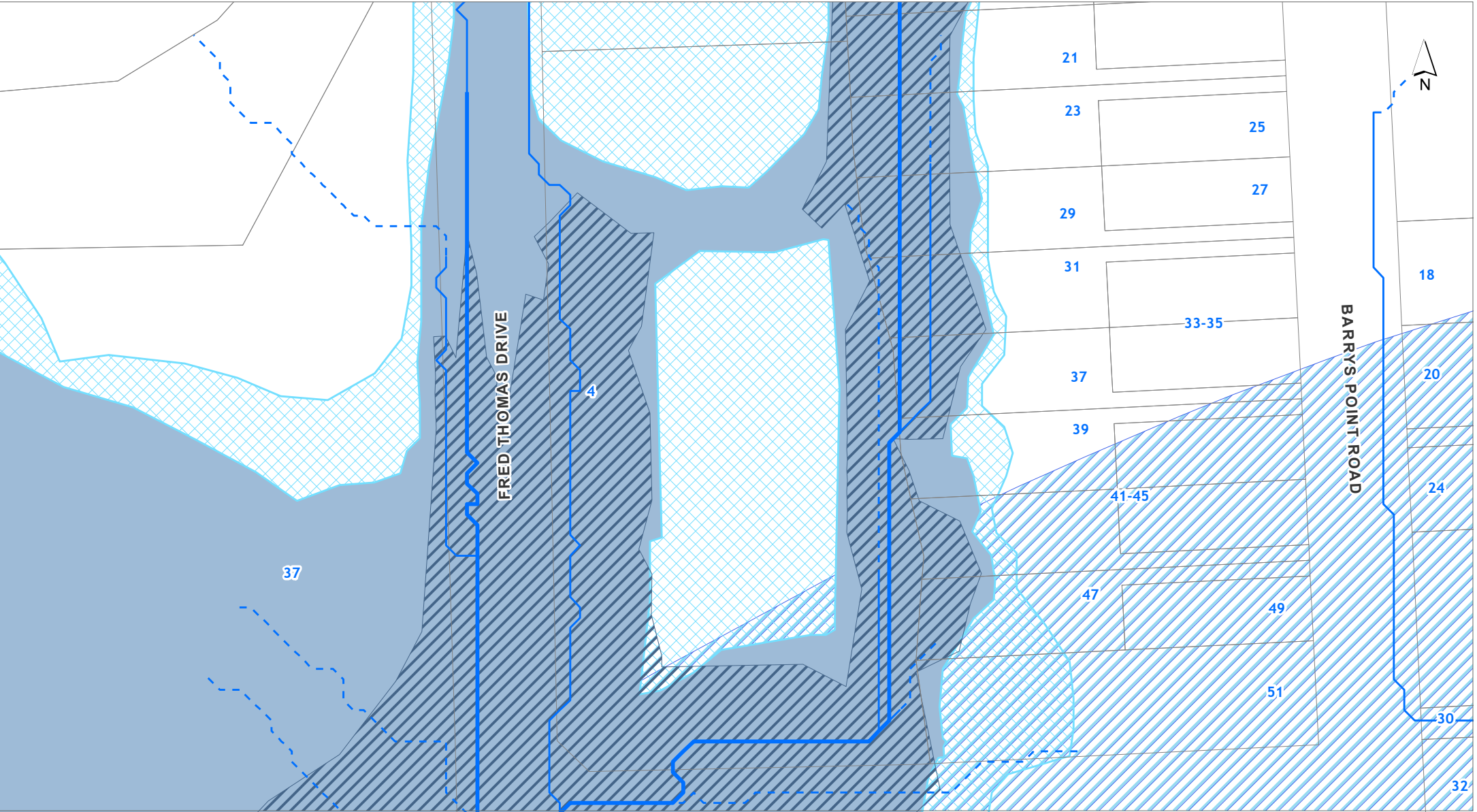
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**1 - Hazards****4 Fred Thomas Drive Takapuna 0622****Lot 2 DP 150159**

0 6.5 13 19.5  
Meters

Scale @ A4  
= 1:1,000

Date Printed:  
20/01/2017



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2 - Natural Hazards  
4 Fred Thomas Drive Takapuna 0622  
Lot 2 DP 150159

0 6.5 13 19.5  
Meters  
Scale @ A4  
= 1:1,000  
Date Printed:  
20/01/2017







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3 - Other  
4 Fred Thomas Drive Takapuna 0622  
Lot 2 DP 150159

0 6.5 13 19.5  
Meters  
Scale @ A4  
= 1:1,000  
Date Printed:  
20/01/2017



## Other



Special Housing Areas

### Cultural Heritage Index

- Archaeological Site
- Hayward and Diamond
- Historic Botanical Site
- Historic Structure
- Maori Heritage Area
- Maritime Site
- Reported Historic Site

## Natural Hazards

### Overland Flow Path

- 2000m2 to 4000m2
- 4000m2 to 3ha
- 3ha and above
- Flood Plains
- Flood Prone Area
- Flood Sensitive Area
- Coastal Inundation
- Sea Spray
- Volcanic Cones

## Hazards

### Soil Warning Area

- Fill (Franklin District only)
- Advisory (Franklin District only)
- Contamination (Franklin District only)
- Erosion (Franklin District only)
- Hazardous Activities & Industries List (HAIL) (Franklin District only)
- Inundation (Franklin District only)
- Rainfall Event (Franklin District only)
- Slippage (Franklin District only)
- Subsidence (Franklin District only)
- Slippage / Subsidence / Erosion etc (Auckland City and Papakura District only)
- Uncertified Fill (Auckland City and Papakura District only)
- Organic Soil (Auckland City and Papakura District only)
- Filled / Weak Ground (Auckland City and Papakura District only)
- Refuse Tips Site / Weak Area (Auckland City and Papakura District only)
- Unstable / Suspected Ground (Auckland City and Papakura District only)
- Allochthon Waitemata (Rodney District only)
- Motatau Complex (Rodney District only)
- Puriri Mudstone (Rodney District only)
- Mahurangi Limestone (Rodney District only)
- Mangakahia Complex (Rodney District only)
- Hukerenui Mudstone (Rodney District only)
- Whangai Formation (Rodney District only)
- Tangihua Complex (Rodney District only)
- within 150m of Northland Allochthon (Rodney District only)

## Hazards

### Soil Warning Area continued

- Soil D (Rodney District only)
- within 150m of Soil D (Rodney District only)
- Soil C (Rodney District only)
- within 150m of Soil C (Rodney District only)
- Soil B (Rodney District only)
- within 150m of Soil B (Rodney District only)
- Soil A (Rodney District only)
- Gas Main Pipeline
- Petroleum Pipeline
- Closed Landfill (Auckland Council owned)
- Closed Landfill (Privately owned)
- Air Discharge (Franklin District only)
- No Soakage (Franklin District only)
- Indicative Steel Mill Slurry Line 20m Buffer (Franklin District only)
- Indicative Steel Mill Water Line 20m Buffer (Franklin District only)

Legend updated: 9/03/2016

The information Council holds in relation to Special Land Features differs based on the area a property is located in. Those areas where information is held on a Special Land Feature is denoted in the legend above.

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**Built Environment**

**4 Fred Thomas Drive Takapuna 0622**

**Lot 2 DP 150159**

0 7 14 21  
Meters

Scale @ A4  
= 1:1,000

Date Printed:  
20/01/2017

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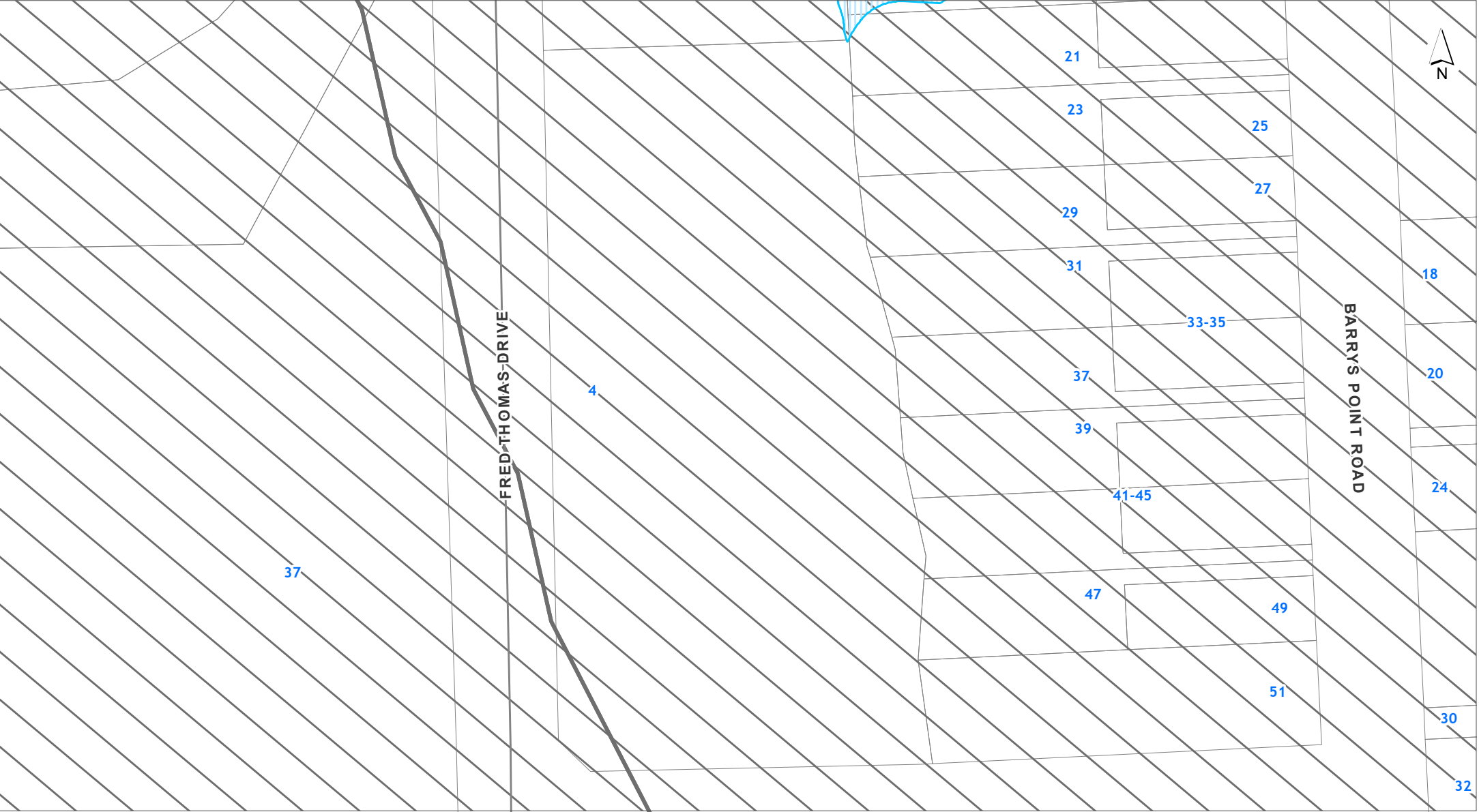
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**Built Heritage and Character****4 Fred Thomas Drive Takapuna 0622****Lot 2 DP 150159**

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Meters

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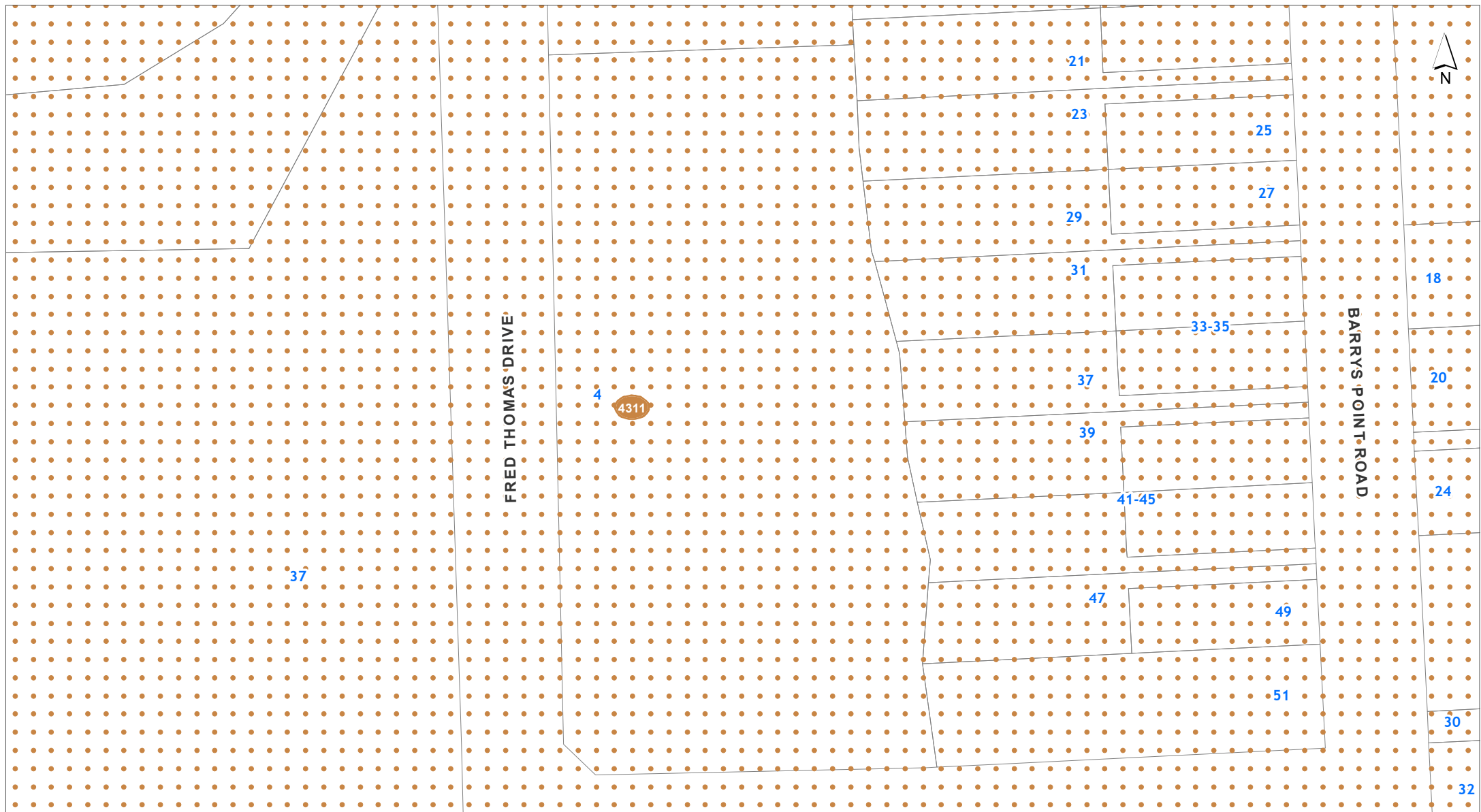


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**Controls**  
**4 Fred Thomas Drive Takapuna 0622**  
**Lot 2 DP 150159**

0 7 14 21  
Meters  
Scale @ A4  
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**Designations**

**4 Fred Thomas Drive Takapuna 0622**

**Lot 2 DP 150159**



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Infrastructure  
4 Fred Thomas Drive Takapuna 0622  
Lot 2 DP 150159

0 7 14 21  
Meters  
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Date Printed:  
20/01/2017





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Mana Whenua  
4 Fred Thomas Drive Takapuna 0622  
Lot 2 DP 150159

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20/01/2017







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**Natural Heritage**  
**4 Fred Thomas Drive Takapuna 0622**  
**Lot 2 DP 150159**

0 7 14 21  
Meters  
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**Natural Resources**  
**4 Fred Thomas Drive Takapuna 0622**  
**Lot 2 DP 150159**

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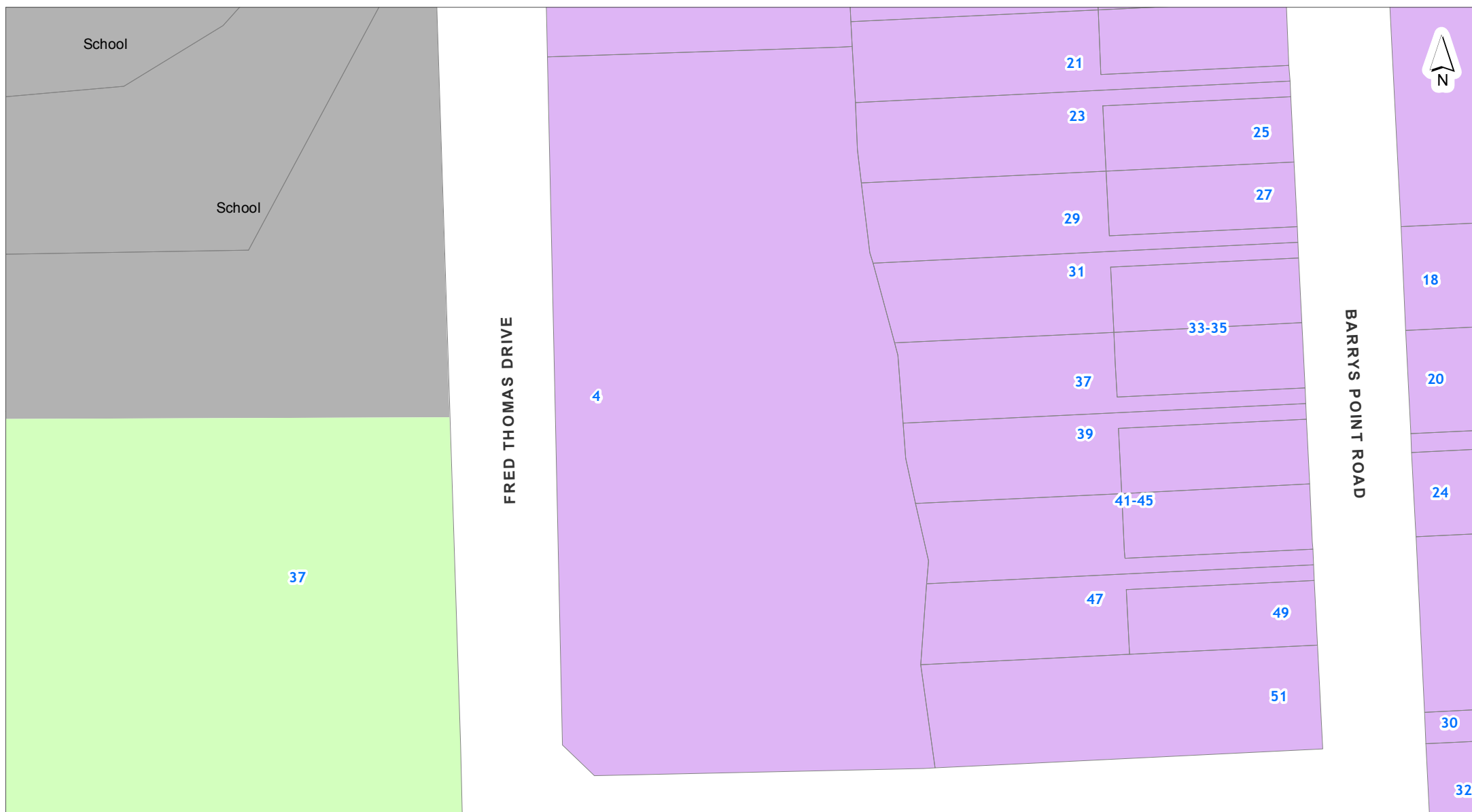


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Precincts  
4 Fred Thomas Drive Takapuna 0622  
Lot 2 DP 150159

0 7 14 21  
Meters  
Scale @ A4  
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**Zones and Rural Urban Boundary**

**4 Fred Thomas Drive Takapuna 0622**


**Lot 2 DP 150159**


0 7 14 21  
Meters



















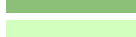


















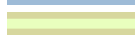











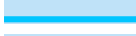
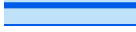



















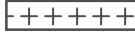




































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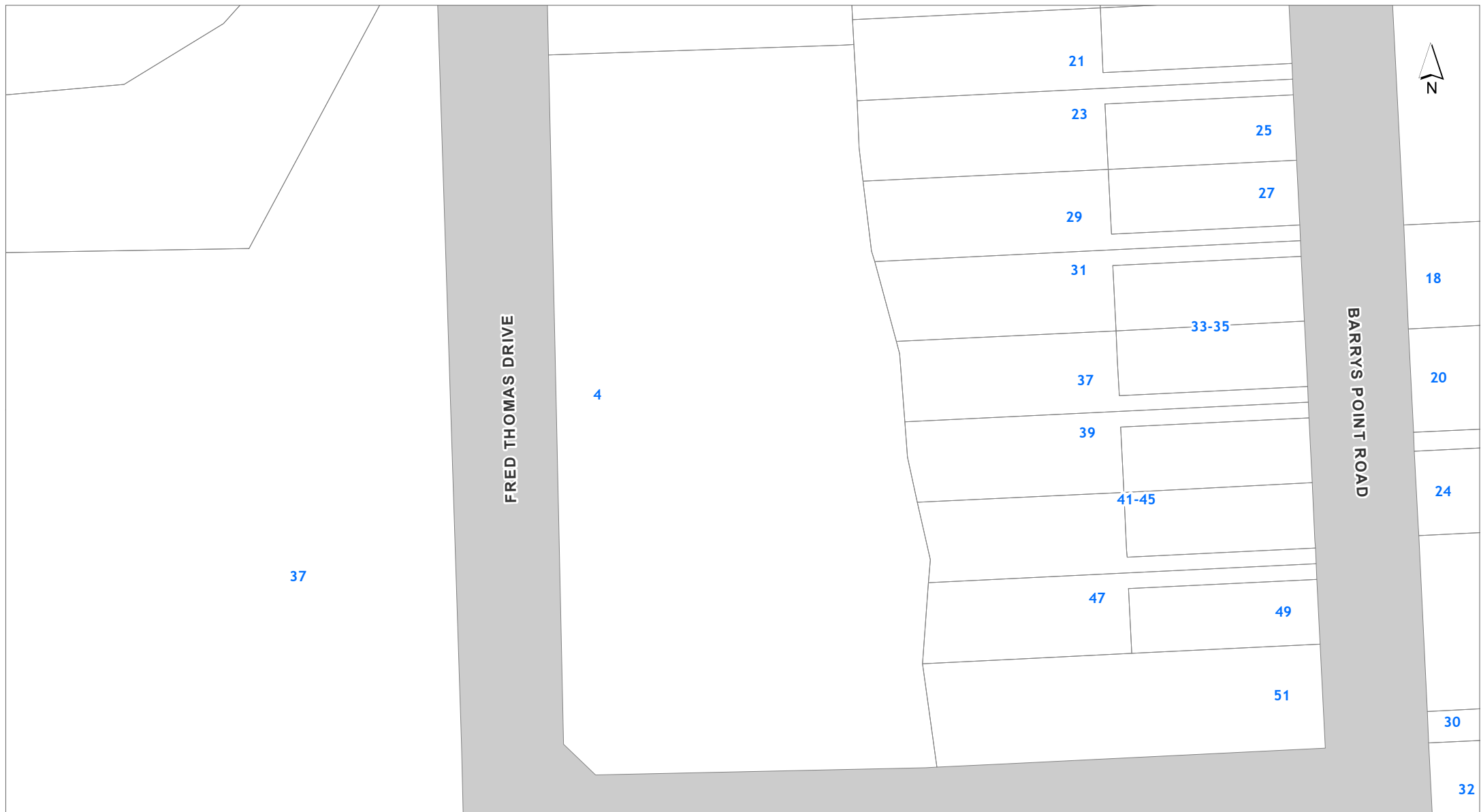
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# Auckland Unitary Plan Operative in part 15th November 2016 - LEGEND

 Appeals seeking changes to zones or management layers

 Appeals seeking reinstatement of management layers

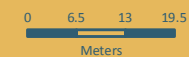
ZONES		Residential - Large Lot Zone		
		Residential - Rural and Coastal Settlement Zone		
		Residential - Single House Zone		
		Residential - Mixed Housing Suburban Zone		
		Residential - Mixed Housing Urban Zone		
		Residential - Terrace Housing and Apartment Buildings Zone		
		Business - City Centre Zone		
		Business - Metropolitan Centre Zone		
		Business - Town Centre Zone		
		Business - Local Centre Zone		
		Business - Neighbourhood Centre Zone		
		Business - Mixed Use Zone		
		Business - General Business Zone		
		Business - Business Park Zone		
		Business - Heavy Industry Zone		
		Business - Light Industry Zone		
		Open Space - Conservation Zone		
		Open Space - Informal Recreation Zone		
	Open Space - Sport and Active Recreation Zone			
	Open Space - Civic Spaces Zone			
	Open Space - Community Zone			
ZONES		Rural - Rural Production Zone		
		Rural - Mixed Rural Zone		
		Rural - Rural Coastal Zone		
		Rural - Rural Conservation Zone		
		Rural - Countryside Living Zone		
		Rural - Waitakere Foothills Zone		
		Rural - Waitakere Ranges Zone		
		Future Urban Zone		
		Green Infrastructure Corridor (Operative in some Special Housing Area)		
		Coastal - General Coastal Marine Zone [rcp]		
		Coastal - Marina Zone [rcp/dp]		
		Coastal - Mooring Zone [rcp]		
		Coastal - Minor Port Zone [rcp/dp]		
		Coastal - Ferry Terminal Zone [rcp/dp]		
		Coastal - Defence Zone [rcp]		
		Coastal - Coastal Transition Zone		
		Special Purpose Zone		
		Strategic Transport Corridor Zone		
	Water [i]			
Tagging of Provisions: [ i ] = Information only [ rp ] = Regional Plan [ rcp ] = Regional Coastal Plan [ rps ] = Regional Policy Statement [ dp ] = District Plan (only noted when dual provisions apply)				
DESIGNATIONS		Designations		
		Airspace Restriction Designations		
OVERLAYS		Terrestrial [rp/dp]	Significant Ecological Areas Overlay	
		Marine 1 [rcp]		
		Marine 2 [rcp]		
		Water Supply Management Areas Overlay [rp]		
		Natural Stream Management Areas Overlay [rp]		
		High-Use Stream Management Areas Overlay [rp]		
		Natural	Lake Management Areas Overlay (Natural Lake and Urban Lake)	
		Urban		
		High-Use Aquifer Management Areas Overlay [rp]		
		Quality-Sensitive Aquifer Management Areas Overlay [rp]		
		Wetland Management Areas Overlay [rp]		
	OVERLAYS		Rural Urban Boundary (RUB)	 Precincts
			Indicative Coastline [i]	
			Notable Trees Overlay	
			Locally Significant Volcanic Viewshafts Overlay Contours [i]	
			Regionally Significant Volcanic Viewshafts Overlay Contours [i]	
			Outstanding Natural Features Overlay [rcp/dp]	
			Outstanding Natural Landscapes Overlay [rcp/dp]	
		Outstanding Natural Character Overlay [rcp/dp]		
		High Natural Character Overlay [rcp/dp]		
		Extent of Overlay	Waitakere Ranges Heritage Area Overlay	
		Subdivision Schedule		
		Viewshafts	Regionally Significant Volcanic Viewshafts & Height Sensitive Areas Overlay [rcp/dp]	
		Height Sensitive Areas		
		Locally Significant Volcanic Viewshafts Overlay [rcp/dp]		
OVERLAYS			Modified	Ridgeline Protection Overlay
			Natural	
			Local Public Views Overlay [rcp/dp]	
			Historic Heritage Overlay Extent of Place [rcp/dp]	
		Historic Heritage Overlay Place [rcp/dp]		
		Special Character Areas Overlay Residential and Business		
		Auckland War Memorial Museum Viewshaft Overlay Contours [rcp/dp]		
		Auckland War Memorial Museum Viewshaft Overlay [rcp/dp]		
		Dilworth Terrace Houses Viewshaft Overlay Contours		
		Dilworth Terrace Houses Viewshaft Overlay		
	OVERLAYS		Hazardous Facilities	Emergency Management Area Control
			Infrastructure	
			Level Crossings With Sightlines Control	
			Macroinvertebrate Community Index [rcp/dp]	
			Parking Variation Control	
			Flow 1 [rp]	Stormwater Management Area Control
			Flow 2 [rp]	
			Subdivision Variation Control	
		Surf Breaks [rcp]		
CONTROLS			Arterial Roads	Building Frontage Control
			Key Retail Frontage	
			General Commercial Frontage	
			Adjacent to Level Crossings	Vehicle Access Restriction Control
			General	
			Motorway Interchange Control	
			Business Park Zone Office Control	
			Cable Protection Areas Control [rcp]	
			Centre Fringe Office Control	
		Coastal Inundation Control [rcp/dp]		
		Height Variation Control		
	CONTROLS		Arterial Roads	Building Frontage Control
			Key Retail Frontage	
			General Commercial Frontage	
			Adjacent to Level Crossings	Vehicle Access Restriction Control
			General	
			Motorway Interchange Control	
			Business Park Zone Office Control	
		Cable Protection Areas Control [rcp]		
		Centre Fringe Office Control		
		Coastal Inundation Control [rcp/dp]		
		Height Variation Control		



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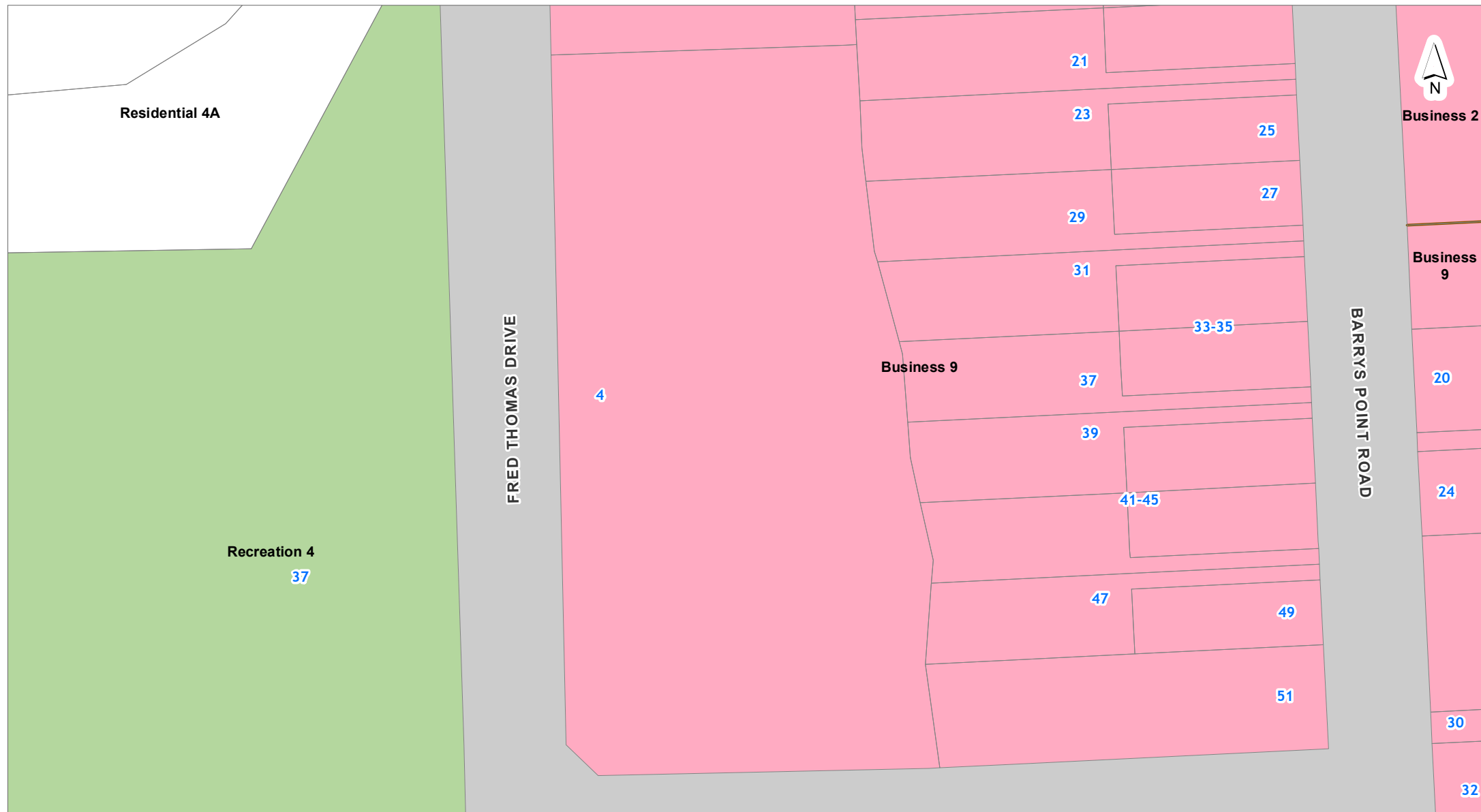
**4 Fred Thomas Drive Takapuna 0622**

**Lot 2 DP 150159**



**Scale @ A4**  
**= 1:1,000**

**Date Printed:**  
**20/01/2017**



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4 Fred Thomas Drive Takapuna 0622







Lot 2 DP 150159









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20/01/2017

## Zones

-  Business 1 - 12
-  Recreation 1 - 4
-  Residential 1 - 8
-  Residential Expansion
-  Rural 1 - 4
-  Wharf
-  Special Height Restriction
-  Special Purpose 1 - 15
-  Zone Boundary  
(Indicates the boundary between two different zones of the same type, or; where a zone does not follow a cadastral boundary)

## General Overlays

-  Building Line Restriction
-  Designation
-  Road, Service Lane, Accessway
-  Road to be Closed
-  Preferred Road
-  Dairy Flat Runway Approach

## Natural Features

## Reserve / Open Space

-  Stream
-  Stormwater Ponds (location indicative)
-  Reserve / Open Space Linkages
-  Proposed Reserve
-  Small Geological Site
-  Large Geological Site
-  Site of Special Wildlife Interest
-  Significant Landscape Features
-  Coastal Conservation Area
-  Coastal Marine Area Boundary
-  Foreshore Yard (Measured from either; Mean High Water Spring or a surveyed reference line)

















## Long Bay

-  Ridgeline Height Control
-  Long Bay Streams
-  Riparian Margin (Long Bay 6 Zone)
-  Service Utility (location indicative)
-  10m Vaughans Road Setback
-  Piripiri Point Protection Area
-  Park Interface Protection Area
-  Landscape Protection Area - Conservation
-  Landscape Protection Area - Enhancement
-  Landscape Protection Area - Restoration
-  Heritage Management Plan Area
-  Ecology / Stormwater Management Area
-  Stream Interface Management Area
-  Proposed Road or Service Lane

## Heritage

-  Archaeological Site
-  Historic Building, Object or Place
-  Notable Trees
-  Notable Grove of Trees

## Structure Plan Zones

-  - Area A : Environmental Protection (Albany)
-  - Area A : Environmental Protection (Greenhithe)
-  - Area B : Environmental Protection (Albany)
-  - Area B : Environmental Protection (Greenhithe)
-  - Area C : Standard Residential (Albany & Greenhithe)
-  - Area D : Standard Residential (Albany & Greenhithe)
-  - Area MX : Mixed Use Overlay Area (Albany & Greenhithe)
-  - Long Bay 1A (Large Lot Residential 2500m2)
-  - Long Bay 1B (Rural Residential 5000m2)
-  - Long Bay 1C (Piripiri Point Rural)
-  - Long Bay 2 (Suburban Neighbourhood)
-  - Long Bay 3A & 3B (Urban Neighbourhood)
-  - Long Bay 4 (Urban Village)
-  - Long Bay 5A & 5B (Village Centre)
-  - Long Bay 7 (Heritage Protection)
-  - Long Bay 6 (Stormwater Management)

Legend updated: 4/11/2016

This property may be affected by designations not shown on this map due to scaling or represented on this Legend. Please refer to the Auckland Council District Plan (North Shore Section)



## Auckland Unitary Plan Operative in part (15th November 2016) Property Summary Report

### Address

4 Fred Thomas Drive Takapuna 0622

### Legal Description

Lot 2 DP 150159

### Appeals

### Modifications

### Zones

Business - Mixed Use Zone

### Precinct

### Controls

Controls: Coastal Inundation Control [rcp/dp] - 1m sea level rise

Controls: Macroinvertebrate Community Index [rcp/dp] - Urban

### Overlays

### Designations

Designations: Airspace Restriction Designations - ID 4311 - Defence purposes - protection of approach and departure paths (Whenuapai Air Base) - Minister of Defence

# Decision on notification of a resource consent application under the Resource Management Act 1991



Discretionary activity under the operative plans

Discretionary activity under the PAUP

**Application number:** LN-2139905 (land use consents)  
REG-2139906 (discharge permits)

**Applicant:** Fred Thomas Drive Investments Limited

**Site address:** 2 and 4 Fred Thomas Drive, Takapuna

**Legal description:** Lots 1 and 2 DP 150159, Section 1 Survey Office Plan 61394

## **Proposal:**

To construct a new multi-storey building containing retail/medical centre uses and parking, including associated site works and discharge of contaminants

## **District Land use consents (s9) – LN-2139905**

### Auckland Council District Plan (North Shore Section)

- Rule 8.4.9.1.2 – a new building located partially within a flood sensitive area, as a controlled activity.
- Rule 8.4.9.1.3 – a new building located partially within a 1% AEP flood plain, as discretionary activity.
- Rule 9.4.1.3 – exposing approximately 1,000m<sup>2</sup> of bare earth, as a limited-discretionary activity.
- Rule 9.4.1.4 – excavations within an approved building platform that exceed the horizontal distance to the closest site boundary, as discretionary activity consent is required.
- Rule 9.4.1.4 – site works within a 1% AEP flood plain, as a discretionary activity.
- Rule 12.4.1.1 – an activity that has to Fred Thomas Drive as a collector road and Des Swann Drive as a local road, as a controlled activity is required.
- Rule 12.4.1.2 – the generation of more than 100 vehicle trips per day (approximately 350), as a limited discretionary activity.
- Rule 12.4.2.4 – the non-provision a loading space, as a limited discretionary activity.
- Rule 12.4.2.6 (c) – car parking and manoeuvring space that does not comply with the requirements of Appendix 12A and Appendix 12B, as a limited discretionary activity.
- Rule 13.4.2 – the provision of façade and directory signage that does not comply with the permitted requirements of rule 13.4.1.4, as a discretionary activity.

- Rule 15.5.1.3 – development within the site that results in changes visible from and within 30m of a road within a residential buffer strip, as a controlled activity.
- Rule 15.6.2.2 – the construction of a building with a maximum height of 14m, as a limited discretionary.
- Rule 15.6.1.3.1 e) – the provision of retail and medical facilities on a Business 9 zoned site whereby more than 2,500m<sup>2</sup> of such space is already present within 500m of the site, as a discretionary activity.

#### Proposed Auckland Unitary Plan

- Rule H.4.12.1 – buildings within a 100 year ARI flood plains for the purpose of establishing less vulnerable activities, as a discretionary activity.

#### National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

- Earthworks on a contaminated site that do not meet the permitted, controlled or restricted discretionary, as a discretionary activity.

#### **Regional land use consents (s9) – LN-2139905**

#### Proposed Auckland Unitary Plan

- Rule H.4.2.1.2 – earthworks within a 100 year ARI flood plain, as a restricted discretionary activity.
- Rule H.4.14.3.1 – the redevelopment of uncovered parking with an area of 1,520m<sup>2</sup> in a manner that does not meet the controlled activity stormwater quality management requirements, as restricted discretionary activity.

#### **Discharge permits (s15) – REG-2139906**

#### Auckland Council Regional Plan: Air, Land & Water

- Rule 5.5.44 - the discharge of contaminants to land containing elevated levels of contaminants that do not meet the permitted requirements of rule 5.5.40, as a controlled activity is required.

#### Proposed Auckland Unitary Plan

- Rule H.4.4.1 - activities and associated discharges on a closed landfill that perforate or penetrate the cap and expose the underlying fill of the landfill, as a controlled activity.
- Rule H.4.5.1 – the discharge of contaminants to land that do not meet the permitted requirements of Rule H.4.5.2.2.2, as a controlled activity.

#### **Decision:**

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 under delegated authority on notification.

### Public notification

Under section 95A of the RMA this application shall proceed without public notification because:

1. The adverse effects on the environment will be less than minor because:
  - a. The environment against which the effects are to be assessed includes the existing on-site development and in particular the office and medical uses of the buildings and their bulk, scale, location and design. In this context, the proposed development would be entirely consistent with the established pattern of development. Measures would be implemented to ensure that the potential for uncontrolled discharges from contaminated soils, both during construction and in the long term, are suitably minimised.
  - b. The implementation of health and safety measures would ensure that the risk of adverse human health effects from contaminant exposure during construction is minimised to as great an extent as possible.
  - c. The implementation of design features within the building and on-going monitoring would ensure that future occupants are suitably safeguarded from any long term contamination exposure.
  - d. The risk of land instability issues would be suitably minimised through compliance with recommended geotechnical methodologies and engineering supervision during construction.
  - e. The nature of the development is such that adverse visual effects as a consequence of the earthworks proposed would not result.
  - f. The level of traffic generated would be commensurate with that reasonably expected and would not result in adverse congestion or traffic safety related effects.
  - g. The actual demand for parking would be met on-site with the additional parking proposed addressing historical shortfalls and ensuring a suitable supply of parking for existing on-site uses.
  - h. Adverse parking effects during construction would be temporary in nature and would be mitigated through the implementation of a travel management plan.
  - i. The layout and design of the parking building would be appropriate given that they would be utilised by regular users who are familiar with any accessibility restrictions, which are not significant in the first instance.
  - j. Any loading activities would be infrequent in occurrence and short in duration and would generally be made by small trucks and vans, which could readily be undertaken from the adjoining parking spaces.
  - k. The location and design of the proposed building and associated signage would be consistent with that of the two adjacent on-site buildings, which in conjunction with its appropriate bulk and scale ensures that it would not result in adverse built form dominance or visual amenity effects with respect to the Fred Thomas Drive streetscape environment.
  - l. There is sufficient distance between the proposed building and the rear boundaries of those sites which adjoin the site to the east (and which have access to Barrys Point Road), to ensure that potential effects of building dominance are less than minor in this immediate environment.

- m. Subject to limits on the type and quantum of retail activities, the existing patronage of services within established business centres would not be reduced to any noticeable degree by the proposed development on either a standalone or cumulative basis, let alone to the point whereby their vitality and viability could be considered to be undermined.
  - n. The proposed building would be designed to ensure that it is suitably elevated above flood plain levels, with the scale of the works being such that they would not adversely affect the function of the flood plain or increase its overall extent.
  - o. The implementation of appropriate levels treatment measures would ensure that adverse stormwater discharge quality related effects do not result.
  - p. The development would be undertaken in a manner that takes into account existing infrastructure and provides for its long term maintenance and provision.
  - q. The implementation of a construction noise and vibration management plan and recommended mitigation measures would ensure that nuisance effects associated with noise and vibration emissions are reduced to appropriate levels.
2. There is no district or regional rule or national environment standard that requires public notification and the applicant has not requested it.

There are no other reasons, including special circumstances, to warrant notification.

#### Limited notification

Under section 95B of the RMA this application shall proceed without limited notification because:

- 1. There are no adversely affected persons because:
  - a. Site management measures would be implemented to ensure that contamination is managed in a manner that ensures that adverse environmental or human health effects would not result with respect to workers or sites within the immediate environment.
  - b. Site works would be undertaken in accordance with appropriate geotechnical recommendations and methodologies, which ensures that adverse land stability effects would not result with respect to sites within the immediate environment.
  - c. The level of additional traffic generated would be commensurate with that reasonably expected and would access the development through existing access points, which ensures that adverse congestion or traffic safety related effects would not result with respect to sites within the immediate environment.
  - d. The actual demand for parking would be fully met on-site such that sites within the immediate environment would not be adversely affected by overspill parking onto the immediate road network. A travel management plan would be implemented during the construction period to ensure that adverse overspill effects are suitably during this time.
  - e. The non-provision of a dedicated loading space and the layout of the parking and manoeuvring arrangements would have no adverse effects beyond the subject site.
  - f. The proposed retail/medical facility uses would not have any adverse socio-economic effects on business sites within the immediate environment as they are all zoned Business 9 and do not form part of an existing or proposed business centre.

- g. The proposed building would be suitably separated from Fred Thomas Drive, which along with its appropriate overall bulk and scale and design and the screening provided by the existing on-site buildings ensures that it would not adversely affect the visual amenity value expectations of sites within the immediate environment, to the north, south or west.
  - h. Following on from the above, it is noted that the immediately adjoining sites to the east along Barrys Point Road are all zoned Business 9 and are used for a mixture of light industrial, office and wastewater substation uses. These industrially zoned sites would not be considered to be sensitive to a minor increase in building height in this location or the potential adverse effects associated with loss of light and outlook and built form dominance. Noting this, the relatively minor nature of the infringement and the fact that the portion of the building closest to these sites would be open in design, any adverse built form effects on sites within the immediate environment to the east of the application site would be less than minor.
  - i. The proposed signage would accord with that reasonably anticipated within a business environment and would not result in adverse visual amenity or traffic effects with respect to the immediate environment.
  - j. The proposed development would be undertaken in a manner that ensures that adverse flooding effects are not exacerbated or intensified with respect to sites within the immediate environment.
  - k. The proposed stormwater management system would ensure that sites within the immediate environment are not adversely affected by stormwater discharges from the site in respect of water quality.
  - l. The nature of the development, with suitable connections to all services proposed along with measures to ensure that they are suitable safeguarded, is such that adverse infrastructure related effects with respect to sites within the immediate environment would not result.
  - m. The implementation of a detailed construction management plan and suitable mitigation measures would ensure that adverse noise and vibration effects during the construction period are managed appropriately with respect to sites within the immediate environment.
2. There are no protected customary rights groups or marine title groups in the region affected by this proposal.

Accordingly, this application shall proceed on a **NON-NOTIFIED** basis.



**Cherie Lane**  
**Duty Commissioner**

Date: 9<sup>th</sup> March 2015

# Decision on resource consent application under section 88 of the Resource Management Act 1991



Discretionary activity under the operative plans

Discretionary activity under the PAUP

**Application number:** LN-2139905 (land use consents)  
REG-2139906 (discharge permits)

**Applicant:** Fred Thomas Drive Investments Limited

**Site address:** 2 and 4 Fred Thomas Drive, Takapuna

**Legal description:** Lots 1 and 2 DP 150159, Section 1 Survey Office Plan 61394

## **Proposal:**

To construct a new multi-storey building containing retail/medical centre uses and parking, including associated site works and discharge of contaminants

## **District Land use consents (s9) – LN-2139905**

### Auckland Council District Plan (North Shore Section)

- Rule 8.4.9.1.2 – a new building located partially within a flood sensitive area, as a controlled activity.
- Rule 8.4.9.1.3 – a new building located partially within a 1% AEP flood plain, as discretionary activity.
- Rule 9.4.1.3 – exposing approximately 1,000m<sup>2</sup> of bare earth, as a limited-discretionary activity.
- Rule 9.4.1.4 – excavations within an approved building platform that exceed the horizontal distance to the closest site boundary, as discretionary activity consent is required.
- Rule 9.4.1.4 – site works within a 1% AEP flood plain, as a discretionary activity.
- Rule 12.4.1.1 – an activity that has to Fred Thomas Drive as a collector road and Des Swann Drive as a local road, as a controlled activity is required.
- Rule 12.4.1.2 – the generation of more than 100 vehicle trips per day (approximately 350), as a limited discretionary activity.
- Rule 12.4.2.4 – the non-provision a loading space, as a limited discretionary activity.
- Rule 12.4.2.6 (c) – car parking and manoeuvring space that does not comply with the requirements of Appendix 12A and Appendix 12B, as a limited discretionary activity.
- Rule 13.4.2 – the provision of façade and directory signage that does not comply with the permitted requirements of rule 13.4.1.4, as a discretionary activity.

- Rule 15.5.1.3 – development within the site that results in changes visible from and within 30m of a road within a residential buffer strip, as a controlled activity.
- Rule 15.6.2.2 – the construction of a building with a maximum height of 14m, as a limited discretionary.
- Rule 15.6.1.3.1 e) – the provision of retail and medical facilities on a Business 9 zoned site whereby more than 2,500m<sup>2</sup> of such space is already present within 500m of the site, as a discretionary activity.

#### Proposed Auckland Unitary Plan

- Rule H.4.12.1 – buildings within a 100 year ARI flood plains for the purpose of establishing less vulnerable activities, as a discretionary activity.

#### National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

- Earthworks on a contaminated site that do not meet the permitted, controlled or restricted discretionary, as a discretionary activity.

#### **Regional land use consents (s9) – LN-2139905**

#### Proposed Auckland Unitary Plan

- Rule H.4.2.1.2 – earthworks within a 100 year ARI flood plain, as a restricted discretionary activity.
- Rule H.4.14.3.1 – the redevelopment of uncovered parking with an area of 1,520m<sup>2</sup> in a manner that does not meet the controlled activity stormwater quality management requirements, as restricted discretionary activity.

#### **Discharge permits (s15) – REG-2139906**

#### Auckland Council Regional Plan: Air, Land & Water

- Rule 5.5.44 - the discharge of contaminants to land containing elevated levels of contaminants that do not meet the permitted requirements of rule 5.5.40, as a controlled activity is required.

#### Proposed Auckland Unitary Plan

- Rule H.4.4.1 - activities and associated discharges on a closed landfill that perforate or penetrate the cap and expose the underlying fill of the landfill, as a controlled activity.
- Rule H.4.5.1 – the discharge of contaminants to land that do not meet the permitted requirements of Rule H.4.5.2.2.2, as a controlled activity.

#### **Decision:**

Having read the application, supporting documents, specialist comments and the council consultant planner's report and recommendations on the 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, 105 and 107 and Part 2 of the RMA, these resource consents are **GRANTED**. The reasons for this decision are:

1. The actual and potential effects from the proposal will be of an acceptable nature and scale in this environment. This is because the positive effects in terms of developing the site in a manner that accords with its zoned Business 9 purpose and addresses historical parking shortfalls would suitably offset the adverse effects in terms of contamination, site works, flooding, stormwater, traffic, signage, development control infringements and out of centre retailing. Such adverse effects would be further mitigated by the nature of the works, the site management measures proposed, the suitable relationship of the development with respect to the local road network and the appropriate bulk, scale, location and design of the proposed building with respect to the surrounding environment.
2. The proposal will be consistent with the relevant statutory documents. In particular, the proposal is consistent with the strategic framework set out in the Auckland Council Regional Policy Statement, the relevant provisions of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health, the objectives and policies contained in sections 8.3.7.1, 9.3.1, 12.3.1, 12.3.4, 12.3.5, 13.3, 15.3.1, 15.3.2, 15.3.3, 15.3.4 and 15.3.5 of the North Shore Section of the Auckland Council District Plan and the objectives and policies in section 5 of the Air, Land and Water Section of the Auckland Council Regional Plan for the following reasons:
  - a. The proposed building would be elevated above the flood plain, which ensures that it is suitably protected from flooding, while the minimal scale of the works within the flood plain would ensure that adverse flooding effects are not intensified with respect to the surrounding environment.
  - b. A comprehensive range of construction management and health and safety measures would be implemented during construction to ensure that environmental and worker safety in respect of contaminated material is provided for, with all contaminated soil and water to be suitably disposed of offsite.
  - c. The proposed building would be designed in a manner that suitably safeguards it from vapour migration, which along with on-going monitoring would ensure that adverse long term contamination exposure effects would not result.
  - d. The risk of land instability issues would be suitably minimised through compliance with site specific geotechnical recommendations.
  - e. The number of vehicles generated would be consistent with that reasonably anticipated, which in conjunction with the provision of all required parking on-site and their appropriate size, dimension and location ensures that adverse traffic safety effects would not result.
  - f. Loading could be undertaken by small trucks and vans from the parking spaces in front of the proposed retail/medical facility uses, which is commensurate with the size and scale of these uses and considered appropriate given their short duration and general occurrence outside periods of peak demand.
  - g. The proposed signage is consistent with that established along Fred Thomas Drive and would be proportionate to the size of the site and the overall scale of the proposed building. As such it would be visually appropriate with respect to the site's business setting.

Furthermore, it would be located in a manner that would not cause distraction or nuisance to road and footpath users or detract from the effective functioning of traffic related signage.

- h. Subject to appropriate restrictions, the retail elements would not be of a nature or scale that would compromise or adversely affect the amenity values of existing or proposed business centres.
  - i. The high quality design of the proposed building in combination with its set in from Fred Thomas Drive, its compatible relationship with the adjacent buildings to the north and south and the lack of adjoining sensitive adjoining land uses to the east are such that the bulk, scale and design of the proposed building is considered appropriate in this environment.
3. The proposal will be consistent with the relevant objectives and policies within sections C.5.2, C.5.6, C.5.11 and C.5.15 of the Proposed Auckland Unitary Plan because:
- a. The nature of the works within the floodplain is such that they would not adversely affect the way in which the flood plain operates, which ensures that adverse flooding related effects would not result over and above that of the existing situation.
  - b. The implementation of the proposed construction management measures would ensure that adverse environmental effects as consequence of the discharge or contaminants to land would not result and that the long term discharge effects associated with the closed landfill beneath the site would not be altered or intensified.
  - c. The implementation of stormwater treatment devices would ensure that adverse water quality effects would be suitably mitigated.
4. While the proposal retail/medical facility uses may result in some inconsistencies with the objectives and policies within D.3.10 of the Proposed Auckland Unitary Plan relating to the Light Industry zone, very little weight can be afforded to them such that the development could not be considered unacceptable as a consequence.
5. The application is considered to meet the relevant provisions of Part 2 of the RMA as the proposal achieves the purpose of the RMA being the sustainable management of natural and physical resources by allowing the applicant to develop their business zoned site in a manner that accords with zone expectations and existing site demands without unacceptably adversely affecting the quality of the receiving environment, the safe and efficient operation of the local road network and the amenity values of the local and wider environments and local business centres.

#### **Conditions:**

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

#### **CONDITIONS SPECIFIC TO ALL RESOURCE CONSENTS (LN-2139905 AND REG-2139906)**

##### General

- 1. The consented development 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 LN-2139905 and REG-2139906:

- a. Application Form and Assessment of Environmental Effects, prepared by Vaughan Smith Planning Limited, dated 2 September 2014.
- b. Section 92 responses, prepared by Vaughan Smith Planning Limited, dated 22 October 2014, 6 November and 16 December 2014.
- c. Correspondence from Vaughan Smith Planning Limited, dated 30 January 2015
- d. Architect's Design Statement, prepared by Wardle Architects, not dated.
- e. Engineering Assessment Report No. 1, prepared by Riley Consultants Limited, reference 14167-F, dated 21 August 2014.
- f. Engineering Assessment Report No. 2, prepared by Riley Consultants Limited, reference 14167-I, dated 15 December 2014.
- g. Section 92 response, prepared by Riley Consultants Limited, reference 14167-K, dated 15 December 2014.
- h. Assessment of Traffic Effects, prepared by Parlane and Associates Limited, dated August 2014.
- i. Supplementary Traffic Assessment, prepared by Parlane and Associates Limited, dated 22 January 2015.
- j. Retail Overview, prepared by Property Economics, dated 26 August 2014.
- k. Construction Noise and Vibration Assessment, prepared by Marshall Day Acoustics Limited, dated 2 February 2015.
- l. Plans as detailed below:

<b>Drawing No.</b>	<b>Title</b>	<b>Prepared by</b>	<b>Dated</b>
A01-01, RC2	Site and Location Plan	Wardle Architects	15 December 2014
A10-01, RC	Level G – Site Plan – Existing – North	Wardle Architects	1 September 2014
A10-02, RC	Level G – Site Plan – Existing – South	Wardle Architects	1 September 2014
A10-05, RC2	Level G – Site Plan – Proposed – North	Wardle Architects	15 December 2014
A30-00, RC	Level G – Floor Plan – Existing	Wardle Architects	1 September 2014
A30-01, RC2	Level G – Floor Plan – Proposed (Retail)	Wardle Architects	15 December 2014
A30-01, RC3	Level G – Floor Plan – Proposed (Medical Facility)	Wardle Architects	15 December 2014
A30-02, RC2	Level 1 – Floor Plan – Proposed	Wardle Architects	15 December 2014
A30-03, RC2	Level 2 – Floor Plan – Proposed	Wardle Architects	15 December 2014
A30-04,	Level 3 – Floor Plan –	Wardle Architects	15 December 2014

RC2	Proposed		
A30-05, RC2	Level 4 – Floor Plan – Proposed	Wardle Architects	15 December 2014
A50-01, A	Proposed – Elevations – West – North	Wardle Architects	8 October 2014
A50-02, RC	Proposed – Elevations – East – South	Wardle Architects	1 September 2014
A50-03, RC	Proposed – Pylon Signage Elevations	Wardle Architects	1 September 2014
A50-04	Street Elevation – Fred Thomas Drive	Wardle Architects	8 October 2014
A50-05, RC	Proposed – Elevations – West +Site Elevation	Wardle Architects	8 October 2014
A50-06, RC	Existing Elevation – 2 and 4 Fred Thomas Drive	Wardle Architects	8 October 2014
A60-01, RC	Cross Section A-A and B-B – Proposed	Wardle Architects	1 September 2014
A60-02, RC	Cross Section C-C and D-D – Proposed	Wardle Architects	1 September 2014
A60-03, RC	Cross Section E-E – Proposed	Wardle Architects	1 September 2014
001, revision I	Landscape Plan	Boffa Miskell Limited	20 June 2014
14167-0, REV. 1	Drawing List and Locality Plan	Riley Consultants Limited	15 December 2014
14167-20, REV. 1	Historical Geotechnical Investigation Locality Plan	Riley Consultants Limited	15 December 2014
14167-21, REV. 1	Existing Site Plan	Riley Consultants Limited	15 December 2014
14167-22, REV. 1	Proposed Development Plan	Riley Consultants Limited	15 December 2014
14167-23, REV. 1	Subsurface Investigation Plan	Riley Consultants Limited	15 December 2014
14167-24, REV. 1	Subsurface Investigation – Sections along Gridlines 3, 4	Riley Consultants Limited	15 December 2014
14167-25, REV. 1	Subsurface Investigation – Sections along Gridlines 5, 6	Riley Consultants Limited	15 December 2014
14167-26, REV. 1	Subsurface Investigation – Sections along Gridlines 7, G	Riley Consultants Limited	15 December 2014
14167-27, REV. 1	Subsurface Investigation – Sections along Gridlines E, F	Riley Consultants Limited	15 December 2014

14167-28, REV. 1	Subsurface Investigation – Sections along Gridlines D	Riley Consultants Limited	15 December 2014
14167-40, REV. 1	Proposed Services Plan	Riley Consultants Limited	15 December 2014
14167-41, REV. 1	Proposed Foundation Plan	Riley Consultants Limited	15 December 2014
14167-42, REV. 1	Proposed Earthworks Plan	Riley Consultants Limited	15 December 2014
14167-43, REV. 1	Proposed Pile Construction Sequence and Landfill Cap Reinstatement Details	Riley Consultants Limited	15 December 2014
14167-44, REV. 1	Existing 225mm Dia. Sewer Long Section	Riley Consultants Limited	15 December 2014
14167-45, REV. 1	Proposed 225mm Dia. Sewer Re-Alignment Long Section	Riley Consultants Limited	15 December 2014
14167-47, REV. 1	Proposed Watermain Connection Plan	Riley Consultants Limited	15 December 2014
14167-48, REV. 1	Proposed Services Details – Sheet 1 of 3	Riley Consultants Limited	15 December 2014
14167-49, REV. 1	Proposed Services Details – Sheet 2 of 3	Riley Consultants Limited	15 December 2014
14167-60, REV. 1	Gas Management Area 1 – Plan	Riley Consultants Limited	15 December 2014
14167-61, REV. 1	Gas Management Area 1 – Sections 1 of 2	Riley Consultants Limited	15 December 2014
14167-62, REV. 1	Gas Management Area 1 – Sections 2 of 2	Riley Consultants Limited	15 December 2014
14167-65 REV. 1	Gas Management Area 2 – Plan	Riley Consultants Limited	15 December 2014
14167-66, REV. 1	Gas Management Area 1 – Sections 1 of 2	Riley Consultants Limited	15 December 2014
14167-67, REV. 1	Gas Management Area 1 – Sections 2 of 2	Riley Consultants Limited	December 2014

2. This consent (or any part thereof) shall not commence until such time as the following charges, which are owing at the time the Council's decision is notified, have been paid in full:
  - a. All fixed charges relating to the receiving, processing and granting of this resource consent under section 36(1) of the Resource Management Act 1991 (RMA); and
  - b. All additional charges imposed under section 36(3) of the RMA to enable the Council to recover its actual and reasonable costs in respect of this application, which are beyond challenge.

3. The consent holder shall pay any subsequent further charges imposed under section 36 of the RMA relating to the receiving, processing and granting of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under section 36(3) of the RMA that are subject to challenge, the consent holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant decision.
4. 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.
5. The consent holder shall pay the Council an initial consent compliance monitoring charge of \$810 (exclusive 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.

#### Before Construction Starts

6. The Council's Monitoring Inspector and the Team Leader, Earthworks and Contaminated Land, Natural Resources and Specialist Input, shall be advised, in writing, a minimum of five working days prior to any works commencing.
7. The consent holder shall prepare a site specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Team Leaders, Earthworks and Contaminated Land, Natural Resources and Specialist Input and Compliance and Monitoring, Northern. The CEMP shall include the mitigation measures contained in Sections 7, 8 and 9 (including health and safety mitigation measures) of Engineering Assessment Report No. 2, prepared by Riley Consultants Limited, dated 15 December 2014. The CEMP shall be approved prior to the commencement of works.

#### During Construction

8. If considered necessary by the Council's Monitoring Inspector in respect of matters relating to contamination, the applicant shall engage a Suitably Qualified Professional to provide advice, undertake site inspections, conduct sampling and associated reporting. All sampling shall be undertaken in accordance with Contaminated Land Management Guidelines number 5 – Site Investigation and Analysis of Soils, Ministry for the Environment, revised 2011.
9. All earthworks shall be managed to minimise any discharge of debris, soil, silt, sediment or sediment-laden water from beyond subject site to either land, stormwater drainage systems, watercourses or receiving waters. All stormwater cesspits and inlets shall be protected using filter socks/bags. Measures such as covering excavations overnight and during rainfall, diverting overland flow around the works area, and disposal of any collected water in an excavation may also be required to comply with this condition.
10. All excavations shall be managed to avoid the potential for further contamination. Material excavated for off-site disposal shall be loaded directly into sealed containers for removal and all material shall be covered during transportation off site.
11. To control the migration of vapours (landfill gases) during the development works the controls outlined in the approved CEMP shall be implemented.

## CONDITIONS SPECIFIC TO LAND USE CONSENTS LN-2139905

### General

12. The following restrictions shall apply to retail activities within the consented development:
  - a. ANZSIC 51 activities up to a maximum of 200m<sup>2</sup> gross floor area per unit.
  - b. Department stores (5210), clothing (5221), footwear (5222) and jewellery (5255) stores are not permitted.
  - c. Any other ANZSIC 52 activities shall cumulatively occupy no more than 300m<sup>2</sup> of the lettable area of the proposed retail floor space.

No restrictions shall apply to other uses, including those otherwise contained within Table 15.1 of the Auckland Council District Plan – North Shore Section.
13. From the commencement of works that result in the loss of existing parking spaces until the consented parking building becomes fully operational, the consent holder shall implement a travel management plan with respect to those persons impacted by the temporary unavailability of parking. Such a plan may include the utilisation of surplus parking at other nearby sites under the control of the consent holder, the promotion of other forms of transport, including public transport, cycling and walking or other such initiatives that ensure that parking demands are suitably met on site.
14. The mobility space to the rear of Shop 1 on approved drawing A30-01 RC2 shall be relocated in such a manner that it does not overlap with the adjoining pedestrian walkway.
15. The six signs associated with the retail tenancies or medical facility shall either be located within the top glazed sections of each tenancy or suspended beneath the canopy and not on the first floor façade as shown on approved drawing A50-01 Revision A. Alternatively, one sign identifying a business within the building may be installed on the façade of the building with maximum dimensions of 8m wide by 2m high.
16. Construction/structural design is to be carried out by a suitably qualified Chartered Professional Engineer taking full account of the recommendations and limitations outlined in Engineering Assessment Reports 1 and 2, prepared by Riley Consultants Limited, dated 21 August 2014 and 15 December 2014.
17. In addition to the requirements of any other applicable conditions, the design of works shall take full account of the geotechnical constraints and methodologies outlined in the Engineering Assessment Reports 1 and 2, prepared by Riley Consultants Limited, dated 21 August 2014 and 15 December 2014.
18. All buildings, structures and retaining walls shall be designed and constructed in such a manner that the building loads are not imposed on any part of the public wastewater and stormwater reticulation and any private wastewater and stormwater connection drain servicing an adjacent property.
19. The public wastewater network shall be diverted to ensure that minimum clearances to adjacent structures can be achieved in accordance with Watercare Services Limited engineering standards. Design and construction of the public wastewater realignment works shall take full account of the requirements set out in Watercare Services Limited's Peer Review Application 34557.

20. Stormwater runoff from the proposed building and the adjoining redeveloped external parking spaces and accessways shall be treated by stormwater quality treatment devices designed by a suitably qualified Chartered Professional Engineer to remove 75% of total suspended solids.
21. Concentrated contaminated stormwater runoff from covered parking areas is to connect into the public wastewater reticulation.

Before Construction Starts

22. Prior to the commencement of any construction works on site, the consent holder shall submit a Construction Traffic Management Plan (CTMP) to the satisfaction of Team Leader, Compliance and Monitoring, Northern. This plan shall detail how all construction traffic will be managed so as to ensure that it does not conflict with the use of sites within the surrounding environment that it does not adversely affect the safe and efficient operation of the local road network during construction. All contractor vehicles shall be parked on-site.
23. Prior to the commencement of any construction works on site, the consent holder shall submit a Construction Noise and Vibration Management Plan (CNVMP), prepared by a suitably qualified acoustic specialist, to the satisfaction of Team Leader, Compliance and Monitoring, Northern. The plan shall be prepared according to the requirements outlined in New Zealand Standard NZS 6803:1999 "Acoustics – Construction Noise" and as a minimum, shall describe the measures adopted to address the following:
  - a. Identification of any affected premises where there exists the potential for noise and vibration effects;
  - b. Construction noise and vibration criteria;
  - c. Description and duration of the works, anticipated equipment and the processes to be undertaken;
  - d. Hours of operation, including specific times and days when construction activities causing noise would occur;
  - e. Schedule and methods for reporting on construction noise;
  - f. Monitoring shall be undertaken in the event of any noise and vibration complaints received and the results of such monitoring shall be submitted to council within one week of receiving the complaint;
  - g. Precondition surveys on properties identified as potentially being susceptible to damage (if any);
  - h. Construction operator training procedures;
  - i. Contact numbers for key construction staff responsible for the implementation of the CNVMP and complaint investigation.

The approved CNVMP shall be implemented throughout the construction phase of the Project.

24. A Landfill Gas Risk Assessment, specifically for workers during construction, shall be documented, with associated health and safety measures provided in a specific Landfill Gas Health and Safety Plan for the works. Mitigation measures shall be provided as well as staff training. These documents shall be provided to the Team Leader, Compliance and Monitoring, Northern for review and approval prior to works commencing.



25. The consent holder shall incorporate a Landfill Gas Management System into the building design. The design of the landfill gas control system shall be provided as part of the Building Consent documentation and will be subject to a peer review.
26. The consent holder shall provide a wastewater drainage system at Building Consent stage. Any part of the reticulation to become part of the public wastewater reticulation shall be submitted as an Engineering Approval application to the Development Engineer, Takapuna.
27. The consent holder shall provide a stormwater drainage and management system at Building Consent stage. Any part of the reticulation to become part of the public stormwater water reticulation shall be submitted as an Engineering Approval Application to the Development Engineer, Takapuna.
28. The consent holder shall install all water reticulation for the development, which shall take account of the requirements set out in Watercare Services Limited's Peer Review Application 34557. All private reticulation shall be presented to Auckland Council for approval with the Building Consent application except for those portions to vest as public assets. The reticulation system shall be designed and installed in accordance with Watercare Services Limited Code of Practice Chapter 6 (including firefighting) such that service and pressure levels are not compromised.
29. The consent holder shall provide complete engineering drawings, accompanied by a design certificate in the form of Schedule 1A of NZS 4404:2010, detailing all proposed new or altered public assets including stormwater wastewater, water-supply services and any works affecting the public road carriageway or berm. Details of proposed silt control measures shall be shown. These drawings shall be submitted Development Engineering Team for Engineering Approval and written approval received before commencement of works. Design of the works shall be in accordance with the Infrastructure Design Standards Manual: Issue 10 January 2009 and the Auckland Council Code of Practice.
30. Prior to the commencement of the construction (including earthworks) activity, 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 excavation works; and
  - c. includes representation from:
    - i) Representatives from Auckland Council's Compliance and Monitoring, Northern team;
    - ii) The responsible geotechnical engineer; and
    - iii) The contractors who will undertake excavation works.

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

- d. Timeframes for key stages of the works authorised under this consent;
- e. Resource consent conditions;
- f. Stamped approved Engineering Approval plans;

- g. Approved Watercare Services Limited applications for 'Works Over' and 'construction in close proximity to a trunk sewer';
- h. The Erosion and Sediment Control Plan, Construction Environmental Management Plan, Construction Traffic Management Plan, Construction Noise and Vibration Management Plan and Landfill Gas Risk Assessment.

#### During Construction

- 31. Construction activity shall be restricted to 7.30am to 6.00pm Monday to Saturday. No noisy construction work shall be undertaken on Sundays or Public Holidays.
- 32. Construction vibration shall be assessed in accordance with DIN 4150-3:1999 'Structural Vibration - Effects of Vibration on Structures' and 'BS 5228-2:2009 Code of practice for noise and vibration control on construction and open sites Part 2: Vibration'.
- 33. The piling activity shall comply with the short-term noise limit of NZS 6803:1999 for a maximum period of 14 calendar days. The Council's Monitoring Inspector shall be advised of these works at least five working days prior to them occurring.
- 34. Prior to the commencement of each stage of piling, and when the piling is taking place within 10m of a neighbouring building, the consent holder shall engage a Suitably Qualified Professional to measure and assess the noise and vibration levels in accordance with the noise and vibration limits set out in the applicable conditions of consent.
- 35. The operational effectiveness and efficiency of all required erosion and sediment control measures shall be maintained throughout the duration of earthworks activity, or until the site is permanently stabilised against erosion.
- 36. The methodology of drainage works carried out beneath the landfill cap and approved under the associated Engineering Approval Applications are to take account of the hazard minimisation procedures outlined within the Engineering Assessment Report 2, prepared by Riley Consultants Limited, dated 15 December 2014 and CEMP.
- 37. The consent holder shall arrange for inspections in accordance with the Auckland Council's Development Engineering Quality Assurance Manual Version 1.0, April 2012 (QAM) to be carried out by a suitably qualified person during construction of all works on site relating to public assets. These inspections are to ensure that the works are constructed in accordance with the approved engineering drawings or any approved amendments to those drawings, the Council's standard requirements for the construction of land development projects, and sound engineering practice.
- 38. The consent holder must ensure that inspections undertaken in accordance with Condition 37 above are recorded in the QAM.
- 39. A suitably qualified Chartered Professional Engineer experienced in geotechnics and familiar with the Engineering Assessment Reports 1 and 2, prepared by Riley Consultants Limited, dated 21 August 2014 and 15 December 2014 is to observe ground conditions exposed during site excavations and foundation construction. The observation shall be to level CM5 for the installation and construction of gas protection measures and CM3 for other elements of the foundation construction, in accordance with the IPENZ practice note on Construction Monitoring.

40. All earthworks shall be managed to ensure that they do not lead to any uncontrolled instability or collapse affecting either the site or adversely affecting any neighbouring properties. In the event that such collapse or instability does occur, it shall immediately be rectified.
41. 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.
42. 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 Council's Monitoring Inspector 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.
43. Continuous gas monitoring of methane, carbon dioxide, carbon monoxide, hydrogen sulphide and oxygen shall be carried out in the working environment for the duration of the works, in accordance with the alarm levels and short term exposure limits, namely:
  - a. Methane: not greater than 1% by volume;
  - b. CO2: not greater than 1.5% by volume and
  - c. Oxygen: not less than 19.5% by volume under normal atmospheric pressure, and
  - d. Any other gases associated with gasworks waste and other hydrocarbons
44. The consent holder shall ensure that the proposed development is in accordance with Auckland Council's "Code of Practice for Design and Construction of Works on Refuse Landfill Sites" and Closed Landfill Asset Management Plan (CLAMP).
45. The consent holder shall ensure that all service ducting entering the building from under the foundation is sealed to prevent gas migration into the building.
46. Prior to commissioning of the building, the consent holder shall carry out representative gas monitoring to ensure that no measurable methane gas has accumulated in the building's interior and provide a report to the satisfaction of Team Leader, Compliance and Monitoring, Northern.
47. All necessary action shall be taken to prevent dust generation and sufficient water shall be available to dampen exposed soil, and/or other dust suppressing measures shall be available to avoid dust formation. The consent holder shall ensure that dust management during the excavation works generally complies with the Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions, MfE (2001).
48. The consent holder shall ensure that all work areas are closed at the end of each working day and that odour suppressants sprays and heavy tarpaulins are available on-site and used whenever necessary.
49. Imported fill materials shall be tested in compliance with clean fill criteria as outlined in the Ministry for the Environment Guide for Managing Cleanfills (2002) and evidence thereof provided to the Team Leader, Compliance and Monitoring, Northern.

#### Following Completion of Construction

50. The consent holder shall inform the Council's Monitoring Inspector, in writing, upon the completion of the development.

51. The stormwater management and treatment system required by condition 20 shall be managed by the consent holder in accordance with an Operation and Maintenance Plan. This Plan shall set out how the stormwater management system is to be operated and maintained to ensure that the design requirement of the removal of 75% of total suspended solids is continually achieved.
52. QAM completion shall include a Statement of Certification: Engineering Approval, Schedule of Vested Assets and where applicable Schedule of Abandoned Assets (respectively Appendices A, C and E of the Development Engineering as-built requirements Version 1.2 September 2012) and be forwarded with other QAM completion documentation to Takapuna Development Engineering Team at the completion of construction of all works.
53. Accurate as-built plans shall be submitted to the Council for all public services, including underground services, roading, street lighting and landscaping, in accordance with the Development Engineering As Built requirements Version 1.2 September 2012. One set of A3 prints is required as part of the QAM documentation. These plans are to be exported in dxf or dwg format. A pdf file is also requested. RAMMS data shall be included with the completion documents. As-Built must show all new or altered lot connections (termed “point of supply” for Watercare Services Limited assets).
54. Prior to first use of the building, the consent holder shall prepare an on-going gas monitoring and maintenance plan and submit it for approval to Council’s Resource Consent Monitoring Leader. The plan shall include procedures to:
  - a. Maintain the integrity of the building's floors.
  - b. Control penetration of the building floor by future operations or redevelopment.
  - c. Control future ground breaking activity
  - d. Maintain the landfill gas control, ventilation, gas monitoring and gas monitoring systems in working order and in good repair.
55. The consent holder shall submit to Council a Site Closure Report within three months following completion of the construction works to confirm the performance of soil excavation, disposal and containment works to the satisfaction of the Team Leader, Compliance and Monitoring, Northern. The Site Closure Report shall include, but not be limited to:
  - a. a summary of works undertaken and demonstration of compliance with the contamination and landfill gas related consent conditions;
  - b. the volume/weight of soil/refuse excavated, with copies of disposal documentation for all excavations taken off site;
  - c. validation testing of imported soils;
  - d. conditions of the final re-instated ground surface;
  - e. reports of any complaints and investigation thereof;
  - f. reports of any health and safety incidents in relation to contamination and landfill gas;
  - g. evidence of the appropriate construction and integrity of the building and monitoring systems with regards to minimising landfill gas related hazards, by a certified engineer.

## CONDITIONS SPECIFIC TO DISCHARGE PERMITS REG-2139906

### General

56. Discharge permits REG-2139906 shall expire on 31 January 2020 unless they have been surrendered or cancelled at an earlier date pursuant to the Resource Management Act 1991.

### During Construction

57. Where contaminants are identified that have not been anticipated by the application, works in the area containing the unexpected contamination shall cease until the contingency measures outlined in the approved CEMP have been implemented and have been notified to the Team Leader, Earthworks and Contaminated Land, Natural Resources and Specialist Input. Any unexpected contamination and contingency measures shall be documented in the Site Closure Report required by condition 60.
58. Excess soil or waste materials removed from the subject site shall be deposited at a disposal site that holds a consent to accept the relevant level of contamination. Copies of the disposal dockets for the material removed from the site shall be kept and provided to Auckland Council in the Site Closure Report required by condition 60.
59. Any perched groundwater, leachate, or surface run-off encountered within the excavation area requiring removal shall be considered as contaminated and shall be disposed of by a licensed liquid waste contractor.

### Following Completion of Construction

60. Within three months of the completion of earthworks on the site, a Site Closure Report (SCR) shall be provided to the Team Leader, Earthworks and Contaminated Land, Natural Resources and Specialist Input. The SCR shall be prepared by a suitably qualified contaminated land professional in accordance with the Contaminated Land Management Guidelines No. 1 Guidelines for Reporting on Contaminated Sites in New Zealand, Ministry for the Environment, 2011. If practical and considered appropriate to do so by the Team Leaders, Earthworks and Contaminated Land, Natural Resources and Specialist Input and Compliance and Monitoring, Northern, this report may be combined with that required by condition 53 and submitted as one document.

### **Advice notes:**

1. *Condition 2 means that this Consent cannot be exercised until all charges owing are paid in full. This condition does not serve to extend the lapsing period of this Consent, which shall lapse five years from the date this notice of the decision was served on the consent holder, unless given effect to before that date or an extension is given in terms of Section 125(1)(b).*
2. *Condition 6 requires the consent holder to notify the Council of their intention to begin works in contaminated areas a minimum of five working days prior to commencement. The following details should also be provided:*
  - *Name and telephone number of the project manager and the site owner;*
  - *Site address to which the consents relate;*
  - *Activity to which the consents relate; and*

- *Expected duration of the works.*
3. *The council acknowledges that the Construction Environmental Management Plan required by condition 7 is intended to provide flexibility of the management of the works and contaminated site discharge. Accordingly, the Plan may need to be updated. Any updates should be limited to the scope of this consent and consistent with the conditions of this consent. If you would like to confirm that any proposed updates are within scope, please contact the Team Leaders, Earthworks and Contaminated Land, Natural Resources and Specialist Input and Compliance and Monitoring, Northern.*
  4. *Any sampling and testing required by condition 8 shall be carried out in accordance with the Ministry for the Environment's Contaminated Land Management Guidelines (revised 2011), all testing and analysis should be undertaken in a laboratory with suitable experience and ability to carry out the analysis. For more details on how to confirm the suitability of the laboratory please refer to Part 4: Laboratory Analysis, of Contaminated Land Management Guidelines No.5.*
  5. *In accordance with condition 57 any unexpected contamination may include contaminated soil, perched water, groundwater, or underground tanks. The consent holder is advised that where unexpected contamination is significantly different in extent and concentration from that anticipated in the original site investigations, handling the contamination may be outside the scope of this consent. Advice should be sought from the Team Leader, Earthworks and Contaminated Land, Natural Resources and Specialist Input, prior to carrying out any further work in the area of the unexpected contamination to ensure this is within scope of this consent.*
  6. *The Site Closure Report (SCR) required by condition 60 should contain sufficient detail to address the following matters:*
    - *a summary of the works undertaken, including a statement confirming whether the excavation of the site has been completed in accordance with the approved CEMP;*
    - *the location and dimensions of the excavations carried out, including a relevant site plan;*
    - *a summary of any testing undertaken, including tabulated analytical results, and interpretation of the results in the context of the Permitted Activity Criteria of the Auckland Council Regional Plan: Air, Land and Water (Schedule 10);*
    - *information on any intrusive activities and/or removal and importation of soil/fill from or to the site;*
    - *information on any removal of contaminated groundwater;*
    - *copies of the disposal dockets for all contaminated material removed from the site;*
    - *records of any unexpected contamination encountered during the works, if applicable;*
    - *details regarding any complaints and/or breaches of the procedures set out in the approved CEMP and the conditions of this consent;*
    - *results of visual inspection of the completeness and integrity of the site surface seal on completion of the works;*
    - *details of any ongoing monitoring and/or management requirements for the site following the completion of the redevelopment works.*

7. *Prior to commencement of any earthworks, it is recommended that advice be sought from the Auckland Council Closed Landfill and Contaminated Site Response team in Infrastructure and Environmental Services regarding Asset Owner Approval and their requirements regarding the proposed works.*
8. *This development is situated within close proximity and over several public drains and, as such, special foundations will need to be designed and presented for the approval of Council with the building consent application. In respect of wastewater drains which are part of the Watercare Services Limited network, their website [www.watercare.co.nz](http://www.watercare.co.nz) provides further advice, contacts and forms.*
9. *Dispensation to undertake construction works within 10m of a trunk sewer must be granted by Watercare Services Limited prior to the commencement of construction works. A 'Works Over' application must also be submitted to Watercare Services Limited for the proposed build-over of the realigned public wastewater network and approval will need to be granted prior to the issue of building consent by Auckland Council.*
10. *Recovery of Watercare Services Limited costs or fees would be part of Council "Engineering Approval" invoicing except for any Infrastructure Growth Charges or works not related to alterations to or new public assets, which would be directly invoiced by Watercare Services Limited.*
11. *If development limitations in respect to stormwater flooding issues are to apply, depending on the extent of the limitations, a Section 73 notification under the Building Act may be required at the time of issue of a future building consent.*
12. *The applicant is advised that the placement of parking spaces at the rear doors of the retail units may not meet the requirements of the Building Code and they may need to be modified accordingly.*
13. *The design standards are set out in the legacy NSCC Infrastructure Design Standards Issue 10 January 2009 (IDS) and the Auckland Council Code of Practice for Land Development and Subdivision (C of P), noting that documents below supersede the IDS*
  - *Section 2, C of P Earthworks and Geotechnical Requirements Version 1.6 September 2013*
  - *Section 3 Transportation – the Auckland Transport Code of Practice 2013 \**
  - *Section 4 C of P, Stormwater, version 1.00 dated 01 October 2013\**
  - *Sections 5 & 6, Water & Wastewater Code of Practice for Land Development and Subdivision, September 2013 (superseding respectively IDS Sections 6 & 5)*

*\* in the legacy NSCC area there may remain some gaps of guidance or details for the designer; in such circumstances the legacy IDS will have application. Examples would include, for Transportation, requirements for private carriageways, for Stormwater, limitations on kerb discharge flow rates. Where both the Code of Practice documents and IDS are silent, NZS4404:2010 may be referred to.*
14. *It is the responsibility of the consent holder to ensure that all necessary building consents have been obtained, and that these are consistent with the plans and information approved as part of this consent.*

15. *The development is required to comply with the Council's Bylaws.*
16. *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 Council issue a letter confirming compliance on request of the consent holder.*
17. *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.*



**Cherie Lane**  
**Duty Commissioner**

Date: 9<sup>th</sup> March 2015



**AUCKLAND COUNCIL  
DECISION ON RESOURCE CONSENT  
REFERENCE LO-2134736**

The application by Fred Thomas Drive Ltd for the installation of a new signage package, retrospective consent for an existing free-standing sign and the removal and replacement of existing landscaping at 4 Fred Thomas Drive Takapuna 0622 (being Lot 2 DP 150159) was considered by Delegated on 02/03/12 whereby it was resolved:

- A.** That the application be dealt with as a **NON-NOTIFIED DISCRETIONARY** activity, pursuant to Sections 95A-E of the Resource Management Act 1991 for the reasons that:
- a. The activity will have adverse effects on the environment that less than minor and no persons are considered to be adversely affected. In particular:
    - Given the small scale of the works and nature of the structures, the proposal will not have an adverse effect on the functioning of the flood plain, exacerbate flooding during extreme rainfall events or reduce flood plain storage.
    - The signage is considered to be appropriate in the context of the highly modified and visually busy landscape of both Fred Thomas and Des Swann Drives, and given the underlying business zoning.
    - The site and surrounding area will remain well treed and the proposed replacement planting will more than mitigate any short-term adverse ecological and visual amenity effects from the removal of the Golden Elm and three Water Gum trees.
    - The Council's Traffic Engineer is satisfied that the design, location, size and type of the proposed signage package is such that it is not considered to result in driver distraction or compromise pedestrian and vehicular safety.
  - b. There are no special circumstances that would act as a basis for Council to exercise its discretion under section 95A(4).
- B.** That the application be **GRANTED** pursuant to Sections 104, 104A-D of the Resource Management Act 1991 for the following reasons:
- (a) In terms of section 104(1)(a) of the RMA, the actual and potential effects on the environment of allowing the activity are considered to be insignificant. Conditions of consent have been recommended in order to ensure that the nature and degree of adverse effects determined are not exceeded, and are further mitigated.
  - (b) In terms of section 104(1)(b) of the RMA, the proposal is considered to be consistent with the relevant Objectives, Policies and Assessment Criteria of the District Plan. In particular:
    - The vegetation to be removed is not naturally occurring on the subject site.
    - The proposed replacement planting of one Pohutukawa, one Tulip and eight Pin Oak trees is considered to be effective mitigation for the vegetation removal of the Golden Elm and three Water Gum trees.
    - None of the trees to be removed are scheduled in the District Plan; therefore, their contribution to the historical, social and cultural attributes of the locality is not specifically unique.
    - Due to the very minor scale and nature of the works, the proposal will not exacerbate or contribute to flooding, extend the flood plain, divert flows onto neighbouring sites or reduce flood plain storage.

- The signage will not visually nuisance any residential dwelling on residentially zoned land.
  - The signage will integrate cohesively with the existing building facades.
  - The signage will not create a visual nuisance or be a distinguishing feature of the immediate vicinity or surrounding environment.
  - The signage will not adversely affect the surrounding traffic environment given their proposed dimensions, locations, a form and illumination level.
  - The site is suitably separated from any State Highway or motorway to ensure that their safe and efficient operation would not be adversely affected.
  - The free-standing signs will not conflict with pedestrian movements.
- (c) In terms of section 104(1)(c) of the RMA, other relevant matters, including monitoring have been considered in the determination of the application. Monitoring will be undertaken to ensure no further breaches of the provisions of the District Plan or conditions of consent occurs.
- (d) The proposal is consistent with Part II of the RMA as the proposal achieves the purpose of the RMA being the sustainable management of natural and physical resources.

C. That pursuant to Sections 108 and 108A of the Resource Management Act 1991 this consent is **SUBJECT TO THE FOLLOWING CONDITIONS:**

## **GENERAL CONDITIONS**

### **Activity in accordance with plans**

1. The works shall be carried out in accordance with the plans and all information submitted with the application, being:
  - Assessment of Environmental Effects prepared by Bentley & Co Ltd, dated 13 December 2011
  - Sign Plan prepared by Global Signage Concepts Ltd – sheet 01-V01, dated November 2011
  - Elevation Plan prepared by Roberts Mitchell, dated 1 December 1987 and further annotated by Celia Wong of Bentley & Co Ltd, dated 12 December 2011
  - Landscape Master Plan, prepared by Boffa Miskell Ltd, sheet 0005 Rev A, dated 8 February 2012

### **All Charges Paid**

2. 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.

### **Advice Note**

The afore-mentioned condition means that this Consent can not be exercised until all charges owing are paid in full. This condition does not serve to extend the lapsing period of this Consent, which shall lapse five years from the date this notice of the decision was served on the consent holder, unless given effect to before that date or an extension is given in terms of Section 125(1)(b).

### **Monitoring Charges**

3. The consent holder shall pay the Council a consent compliance monitoring charge of \$220 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent. (This charge is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc, all being work to ensure compliance with the resource consent).

4. The \$220 (inclusive of GST) charge shall be paid as part of the resource consent fee and the consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice.

**Free-standing Sign Location**

5. The location of the illuminated free-standing directory signs provided for by this resource consent approval shall be located no closer than 300mm to the footpath along Fred Thomas Drive.

**Landscaping**

6. The removal of protected trees shall be limited to that applied for being one Golden Elm and three Water Gum trees along the site's Fred Thomas Drive frontage.
7. Within the current or next planting season (i.e. autumn to spring) immediately following completion of work provided for by this resource consent approval, the consent holder shall implement the proposed landscaping in accordance with the plans submitted as part of this application.
8. Council's Takapuna Monitoring Officer shall be notified by the consent holder upon the completion of the landscape work in order to ensure compliance with the Landscaping Master Plan. Further monitoring at 24 months from that date shall take place to ensure a maintenance programme is undertaken. This maintenance programme must extend for a minimum of two years following the completion of the initial planting. All newly planted trees and/or shrubs that die or decline, to a point that in the opinion of the Council's Takapuna Monitoring Officer they are of no value, at any time over the next two years following the initial planting, must be replaced. The replacement trees and/or shrubs must be of the same type, grade and size and planted no later than the following planting season (May to August), following instruction by Council to do so.

**DURING CONSTRUCTION**

**Work in Accordance with Approved Plans**

9. A copy of the consent conditions, the Council stamped, approved plans shall be kept on site at all times. All contractors and sub-contractors shall work in accordance with them. It is the responsibility of the consent holder to ensure that this happens.

**Noise Limits**

10. The consent holder is to note the provisions of the District Plan, which limits the hours of all noise-related activity on, and emitting from, the site.

Construction activity shall occur on the site in accordance with the following noise limits:

**Weekdays:**

6.30am - 7.30am	less than an L <sub>10</sub> level of 60 dBA
7.30am - 6pm	less than an L <sub>10</sub> level of 75 dBA
6pm - 8pm	less than an L <sub>10</sub> level of 70 dBA

**Saturdays:**

7.30am - 6pm	less than an L <sub>10</sub> level of 75 dBA
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**Sunday, Public Holidays and all other times:**

No noise permitted on site above the normal background level, i.e. no heavy machinery or noise producing equipment (where the L<sub>10</sub> is a noise level which is equalled or exceeded for 10% of any 15-minute measurement period).

The site is to comply with **NZS 6803P** at all times.

Note: The intent of the standard is that all noisy construction work will take place between 7.30am and 6pm, Monday to Saturday.

## ADVICE NOTES

1. *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.*
2. *This resource consent will lapse five years after the date of Council's decision unless:*
  - (a) *it is given effect to before the end of that period. To give effect to this consent, the activity allowed by this consent must be established and the conditions contained in the consent complied with. Please note that there must be compliance with all of the consent conditions once the land use has been established, or*
  - (b) *an application is made and granted prior to the expiry of that period for a time extension. The statutory considerations that apply to extensions are set out in section 125 of the RMA.*

*N.B – all charges owing at the time council's decision is notified must be paid before a consent can commence.*

3. *The consent holder shall obtain all other necessary consents and permits, including those under the Building Act 2004, and the Historic Places Act 1993. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004. Please note that the approval of this resource consent, including consent conditions specified above, may affect a previously issued building consent for the same project, in which case a new building consent may be required.*
4. *A copy of this consent should be held on site at all times during the establishment and construction phase of the activity. The consent holder is requested to notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencement. Such notification should be sent to the Takapuna Resource Consent Compliance and Monitoring Team, by Email [Takapuna.RCCompliance@aucklandcouncil.govt.nz](mailto:Takapuna.RCCompliance@aucklandcouncil.govt.nz), Fax (09) 301 0100 or post Private Bag 92300, Auckland 1142 and include the following details:*
  - \* name and telephone number of the project manager and the site owner;*
  - \* site address to which the consent relates;*
  - \* activity to which the consent relates; and*
  - \* expected duration of works.*
5. *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.*
6. *Compliance with the consent conditions will be monitored by Council in accordance with section 35(d) of the Resource Management Act. This will typically include site visits to verify compliance (or non compliance) and documentation (site notes and photographs) of the activity established under the Resource Consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time. Only after all conditions of the Resource Consent have been met, will Council issue a letter on request of the consent holder.*

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



**Application number:** LW-2141252  
**Applicant:** Fred Thomas Drive Investments Limited  
**Site address:** 2 and 4 Fred Thomas Drive, Takapuna  
**Legal description:** Lots 1 and 2 DP 150159, Section 1 Survey Office Plan 61394

## **Proposal:**

To change condition 1 of approved resource consents LN-2139905 and REG-2139906 dated 9 March 2015 that allows for the construction a new multi-storey building containing retail/medical centre uses and parking, including associated site works and discharge of contaminants.

The proposed change is required to increase the height of the northwestern lift core and southeastern stair core by 850mm, resulting in a maximum total height of 14.85m above the mean ground level along Fred Thomas Drive.

## **Decision:**

The changes are within the scope of the original consent as the consented building infringes the maximum permitted building height allowance of 12m by 2m, such that the additional areas of height would not result in materially different adverse effects.

Having read the application, supporting documents, specialist comments and the council consultant planner's report and recommendations on the 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.

Under sections 104, 104B, 127 and Part 2 of the RMA this application to change condition 1 of approved resource consents LN-2139905 and REG-2139906 is

**GRANTED**. The reasons for this decision are:

1. The changes to the approved building to enable provision of functional lift and stair cores will have less than minor adverse built form and visual amenity effects, which are acceptable in this environment.
2. The proposal is consistent with the relevant statutory documents. In particular, the proposal is consistent with the strategic framework set out in the Auckland Council Regional Policy Statement and the objectives and policies contained in sections 15.3.4, 15.3.5 and 15.4.7 of the North Shore Section of the Auckland Council District Plan because the relatively small differences in bulk and scale between the approved and revised buildings (850mm additional height over a total area of 25m<sup>2</sup>) would be difficult to detect, having regard to their location.

The two areas are well separated from one another, and do not concentrate additional building mass in any one area. Further visual mitigation will be provided by the use of creepers, which will serve to break up the building mass and provide visual relief. While residential and recreation uses are located to the north and west, they are well separated from the site by intervening buildings and the road width respectively. The industrial uses to the east are less sensitive to adverse effects from building height, with any adverse effects in respect of them being of an acceptable nature and scale. Accordingly, the bulk, scale and design of the consented building will continue to respect the nature and character of the surrounding environment and will ensure that appropriate built form and visual amenity outcomes are achieved.

3. The proposal will be consistent with the relevant objectives and policies within section D.3.10 of the Proposed Auckland Unitary Plan as they relate to mitigating adverse effects associated with built form development within the Light Industry zone, particularly noting the proposed permitted maximum height of 20m. While some of the activity objectives and policies are not consistent with the consented activity, these aspects will not be altered by the proposed building height modifications and do not need to be considered.
4. The application is considered to meet the sustainable management purpose of Part 2 of the RMA as the proposal will allow for the consented building to be modified in a manner that allows it to function appropriately without unacceptably adversely affecting the built form and visual amenity values of, and the wellbeing of people within, the surrounding environment.

#### Changes:

Under section 127 of the RMA condition 1 of approved resource consents LN-2139905 and REG-2139906 is changed as set out below. **Bold underlined** text denotes new text. *Strikethrough* text denotes deleted text.

1. *The consented development 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 LN-2139905 and REG-2139906:*
  - a. *Application Form and Assessment of Environmental Effects, prepared by Vaughan Smith Planning Limited, dated 2 September 2014, **except where varied by the Assessment of Environmental Effects, prepared by Vaughan Smith Planning Limited, dated 28 May 2015.***
  - b. *Section 92 responses, prepared by Vaughan Smith Planning Limited, dated 22 October 2014, 6 November and 16 December 2014.*
  - c. *Correspondence from Vaughan Smith Planning Limited, dated 30 January 2015*
  - d. *Architect's Design Statement, prepared by Wardle Architects, not dated.*
  - e. *Engineering Assessment Report No. 1, prepared by Riley Consultants Limited, reference 14167-F, dated 21 August 2014.*
  - f. *Engineering Assessment Report No. 2, prepared by Riley Consultants Limited, reference 14167-I, dated 15 December 2014.*
  - g. *Section 92 response, prepared by Riley Consultants Limited, reference 14167-K, dated 15 December 2014.*
  - h. *Assessment of Traffic Effects, prepared by Parlane and Associates Limited, dated August 2014.*

- i. Supplementary Traffic Assessment, prepared by Parlane and Associates Limited, dated 22 January 2015.
- j. Retail Overview, prepared by Property Economics, dated 26 August 2014.
- k. Construction Noise and Vibration Assessment, prepared by Marshall Day Acoustics Limited, dated 2 February 2015.
- l. Plans as detailed below:

Drawing No.	Title	Prepared by	Dated
A01-01, RC2	Site and Location Plan	Wardle Architects	15 December 2014
A10-01, RC	Level G – Site Plan – Existing – North	Wardle Architects	1 September 2014
A10-02, RC	Level G – Site Plan – Existing – South	Wardle Architects	1 September 2014
A10-05, <b>RC2 RC3</b>	Level G – Site Plan – Proposed – North	Wardle Architects	<del>15 December 2014</del> <b>20 May 2015</b>
A30-00, RC	Level G – Floor Plan – Existing	Wardle Architects	1 September 2014
A30-01, RC2	Level G – Floor Plan – Proposed (Retail)	Wardle Architects	15 December 2014
A30-01, RC3	Level G – Floor Plan – Proposed (Medical Facility)	Wardle Architects	24 February 2015
A30-02, RC2	Level 1 – Floor Plan – Proposed	Wardle Architects	15 December 2014
A30-03, RC2	Level 2 – Floor Plan – Proposed	Wardle Architects	15 December 2014
A30-04, RC2	Level 3 – Floor Plan – Proposed	Wardle Architects	15 December 2014
A30-05, RC2	Level 4 – Floor Plan – Proposed	Wardle Architects	15 December 2014
A50-01, A <b>RC3</b>	Proposed – Elevations – West – North	Wardle Architects	<del>8 October 2014</del> <b>20 May 2015</b>
A50-02, RC <b>RC3</b>	Proposed – Elevations – East – South	Wardle Architects	<del>1 September 2014</del> <b>20 May 2015</b>
A50-03, RC	Proposed – Pylon Signage Elevations	Wardle Architects	1 September 2014
A50-04	Street Elevation – Fred Thomas Drive	Wardle Architects	8 October 2014
A50-05, RC	Proposed – Elevations – West + Site Elevation	Wardle Architects	8 October 2014
A50-06, RC	Existing Elevation – 2 and 4 Fred Thomas Drive	Wardle Architects	8 October 2014
A60-01, RC	Cross Section A-A and B-B – Proposed	Wardle Architects	1 September 2014
A60-02, RC	Cross Section C-C and D-D – Proposed	Wardle Architects	1 September 2014
A60-03, RC	Cross Section E-E – Proposed	Wardle Architects	1 September 2014
001, revision 1	Landscape Plan	Boffa Miskell Limited	20 June 2014

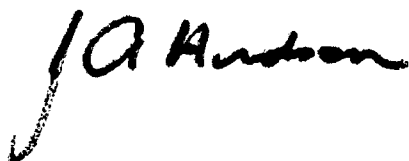
14167-0, REV. 1	Drawing List and Locality Plan	Riley Consultants Limited	15 December 2014
14167-20, REV. 1	Historical Geotechnical Investigation Locality Plan	Riley Consultants Limited	15 December 2014
14167-21, REV. 1	Existing Site Plan	Riley Consultants Limited	15 December 2014
14167-22, REV. 1	Proposed Development Plan	Riley Consultants Limited	15 December 2014
14167-23, REV. 1	Subsurface Investigation Plan	Riley Consultants Limited	15 December 2014
14167-24, REV. 1	Subsurface Investigation – Sections along Gridlines 3, 4	Riley Consultants Limited	15 December 2014
14167-25, REV. 1	Subsurface Investigation – Sections along Gridlines 5, 6	Riley Consultants Limited	15 December 2014
14167-26, REV. 1	Subsurface Investigation – Sections along Gridlines 7, G	Riley Consultants Limited	15 December 2014
14167-27, REV. 1	Subsurface Investigation – Sections along Gridlines E, F	Riley Consultants Limited	15 December 2014
14167-28, REV. 1	Subsurface Investigation – Sections along Gridlines D	Riley Consultants Limited	15 December 2014
14167-40, REV. 1	Proposed Services Plan	Riley Consultants Limited	15 December 2014
14167-41, REV. 1	Proposed Foundation Plan	Riley Consultants Limited	15 December 2014
14167-42, REV. 1	Proposed Earthworks Plan	Riley Consultants Limited	15 December 2014
14167-43, REV. 1	Proposed Pile Construction Sequence and Landfill Cap Reinstatement Details	Riley Consultants Limited	15 December 2014
14167-44, REV. 1	Existing 225mm Dia. Sewer Long Section	Riley Consultants Limited	15 December 2014
14167-45, REV. 1	Proposed 225mm Dia. Sewer Re-Alignment Long Section	Riley Consultants Limited	15 December 2014
14167-47, REV. 1	Proposed Watermain Connection Plan	Riley Consultants Limited	15 December 2014
14167-48, REV. 1	Proposed Services Details – Sheet 1 of 3	Riley Consultants Limited	15 December 2014
14167-49, REV. 1	Proposed Services Details – Sheet 2 of 3	Riley Consultants Limited	15 December 2014
14167-60, REV. 1	Gas Management Area 1 – Plan	Riley Consultants Limited	15 December 2014
14167-61, REV. 1	Gas Management Area 1 – Sections 1 of 2	Riley Consultants Limited	15 December 2014
14167-62, REV. 1	Gas Management Area 1 – Sections 2 of 2	Riley Consultants Limited	15 December 2014
14167-65 REV. 1	Gas Management Area 2 – Plan	Riley Consultants Limited	15 December 2014
14167-66, REV. 1	Gas Management Area 1 – Sections 1 of 2	Riley Consultants Limited	15 December 2014



14167-67, REV. 1	Gas Management Area 1 – Sections 2 of 2	Riley Consultants Limited	December 2014
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All other conditions of resource consent LN-2139905 and REG-2139906 remain unchanged and in effect.

The consent holder is reminded that the decision on this section 127 application does not affect the lapse period for the resource consent.



**Jenny Hudson**

**Duty Commissioner**

26 June 2015

# Arboricultural Assessment

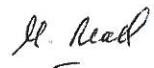



GREENSCENENZ

ENGINEERING AND PROTECTING  
LIVING ENVIRONMENTS

**Project Name:** Fred Thomas Drive Wastewater Project  
**Site Address:** No.4 Fred Thomas Drive, Takapuna  
**Proposed Works:** Wastewater upgrade



<b>Report Compiled by:</b>	Mark Read	
<b>Report Reviewed by:</b>	Craig Webb	
<b>Date of Report:</b>	April 2016	

## 1.0 Introduction

- 1.1 *GreensceneNZ Limited* has been commissioned by *Watercare Services Limited* to carry out an arboricultural assessment relating to a proposed installation of wastewater main within the scope of the project area.
- 1.2 The project area is shown on plans by *GHD*, provided to *GreensceneNZ Limited* by *Watercare Services Limited* for the purpose of assessing potentially affected trees. This assessment and the arboricultural survey is based on the following plans supplied to *GreensceneNZ Limited*:
- *Watercare Services Limited* 'Fred Thomas Drive Pump Station Local Network Gravity Main' dated 30/10/2015. Drawing No.51-31804-SK.
- 1.3 An arboricultural assessment was carried out on 5 April 2016 to assess the effects the proposed wastewater installation works may have on protected trees within the vicinity of the works. A plan showing the location of the tree within the site is included within Appendix A of this report.

## 2.0 Arboricultural Planning Assessment

- 2.1 An arboricultural planning assessment has been carried out to determine the protection status of the subject tree growing in the road reserve outside the subject property.
- 2.2 The subject tree is protected under the Auckland District Plan – North Shore Section; 8.4.6.3 – Protection of Trees in Roads and reserves.
- 2.3 The subject tree is located within the road reserve and is council-owned. Resource consent for works within the root zone is therefore required.

## 3.0 Proposed Works

- 3.1 *Watercare Services Limited* proposes to install a new wastewater pipe within the southern access road to No.4 Fred Thomas Drive, Takapuna. The proposed works will involve excavation within the root zone of a protected pohutukawa tree located within the road reserve.
- 3.2 The subject property has a private road situated on the southern car park, accessible from Des Swann Drive. The eastern aspect of the road, i.e. the 'exit' measures approximately 3.7 metres in width, from the eastern kerb to a traffic barrier in the centre. The subject tree is located approximately 3.2 metres from the eastern kerb.
- 3.3 It is proposed to excavate within the 'exit' portion of the private car park road. Excavations required for the installation of the new wastewater main shall measure approximately 1.7 metres in width and up to 4.5 metres deep. At the closest point, the edge of the excavation shall be located approximately 4.5 metres from the stem of the subject pohutukawa tree. The trench shall remain approximately 1.3 metres from the kerb on the eastern aspect of the 'exit' road.
- 3.4 A 23.5 tonne excavator shall be used, which is likely to come within close proximity of the western aspect of the tree's crown, due to the height of the main body of the vehicle.





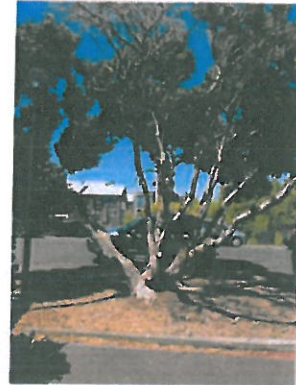
## 4.0 Arboricultural Assessment

- 4.1 One early-mature pohutukawa tree is identified to be potentially affected by the proposed wastewater main installation works. The tree is a multi-stemmed specimen, located within a mulched planting area between the footpath and private car park of No.4 Fred Thomas Drive. The tree is assessed to be of fair health and condition overall.

TREE SPECIES: Common Name: Pohutukawa  
Botanical Name: *Metrosideros excelsa*

DIMENSIONS: Height: 3m  
Girth: 1300mm  
Canopy Spread: 5m

Age Class: Early-mature  
Structural Character:  
Pruning History: Multi-stem, spreading  
Root Zone: Crown raised, removal of single leaders  
Moderately compromised



	GOOD	FAIR	POOR	DECLINING	DEAD	HAZARDOUS
Form	✓					
Crown		✓				
Limbs		✓				
Trunk	✓					

- 4.2 The root zone of the tree is restricted on all sides by hard standing; the footpath and carriageway of Des Swann Drive on the southern aspect, and the car park and 'exit' road to the north and eastern aspects respectively. The tree has approximately 1.5 metres of undisturbed root zone on all sides of the stem, with unplanted soil and a thin mulch layer.
- 4.3 Five main stems originate from the base of the tree, with a sixth having been removed historically. The stems are in good condition, with no significant wounding or defects present. The crown is exhibiting dieback on the northern aspect, with two structural limbs being almost completely defoliated.
- 4.4 The area of the tree that may be potentially affected by the excavation works is limited to the western aspect of the crown and root zone. The tree's crown overhangs the exit road at approximately 2.5 metres above ground level. This may conflict with the main body of the excavator, although only the extremities of the crown are expected to contact the vehicle, if at all. This portion of the crown may be manually held or tied away from the mechanical excavator during works, or pruned without significantly affecting the health or form of the tree, if necessary.

- 4.5 The western aspect of the tree's root zone may be affected by the excavation works, although the number and size of tree roots expected to be found within the exit carriageway is low. The growing medium beneath the carriageway surface is unlikely to be favourable for root growth and as such, conflict between the tree and proposed excavation is expected to be minimal. In addition to this, the distance of proposed excavation from the base of the tree is approximately 4.5 metres, and will therefore be highly unlikely to come into conflict with roots of significant size.

## 5.0 Tree Protection Methodology

1. A suitably qualified arborist ('appointed arborist') shall be employed by the applicant to direct tree protection measures, monitor and supervise all works within the dripline of the subject pohutukawa for the duration of the works.
2. Any tree pruning works required shall be carried out by Council approved arborists in accordance with correct arboricultural practices.
3. Prior to works commencing, there shall be a pre-commencement meeting on site with the consent holder, the project manager/site foreman and the consent holder's appointed arborist. This meeting shall discuss and confirm the proposed work, works methodologies, conditions of consent and tree protection requirements.
4. The Council Arborist responsible for the tree asset shall be invited to the pre-start meeting. The consent holder shall give Council's Arborists ten (10) working days prior notice of the intended date of the meeting.
5. Where construction and excavation works are proposed within the vicinity of protected trees the trees shall be excluded from the works area by the perimeter fencing and the discretion of the appointed arborist or Council Arborist. This will consist of 1.8 metre high pole/wire mesh fencing material.
6. The tree protection fencing shall effectively exclude vehicles, equipment, and materials from the permeable area within the dripline of all affected trees.
7. Additional protection measures will be necessary where the dripline of protected trees overhangs the perimeter fence including for the proposed site access routes. This will include ground protection measures, such as geotextile fabric, mulch, track-mats or similar materials to the satisfaction of the appointed arborist.
8. When undertaking machine excavation works within the dripline of the trees, the machine excavator shall be fitted with a straight blade bucket, unless use of an alternative bucket is agreed to by the appointed arborist. The consent holder shall only undertake excavation works (machine excavation or otherwise) within the dripline of trees under the supervision and direction of the appointed Arborist.
9. All machinery shall operate only from, and remain fully on, existing impermeable hard surfaces. The appointed arborist is to determine the excavation methodology to be used when working in close proximity to any affected tree.
10. Root remediation associated with the works within the dripline of the protected trees shall be undertaken in the following manner:



- a) Any tree roots encountered that measure 35mm or greater in diameter are to be retained, carefully worked around and protected from damage where possible.
  - b) Any roots that measure less than 35mm in diameter, the removal of which is unavoidable, shall be cleanly cut back by the appointed arborist to the edge of excavations with a sharp implement such as a handsaw or a pair of secateurs.
  - c) Excavations containing tree roots shall be lined with plastic prior to any concrete pour. The plastic is to remain in place as a permanent root barrier.
  - d) All roots that require retention shall be protected from drying out by a covering of hessian or similar material that is to be kept damp until the excavated area can be backfilled.
11. No washing of equipment or machinery shall be undertaken within the dripline or within seepage range of any protected tree. Special attention shall be paid to concrete products and petrol/diesel operated machinery so as to not contaminate the soil within the dripline of any protected tree.

## 6.0 Conclusion

- 6.1 Watercare Services Limited proposes to excavate within the dripline of one protected street tree located within the road reserve outside No.4 Fred Thomas Drive, Takapuna. Excavations are proposed to be limited to the carriageway 'exit' road of the above property, and at a distance of 4.5 metres from the subject tree.

As the proposed excavations are confined to the carriageway, and are at an acceptable distance away from the subject tree, any adverse effects on tree health resulting from the works are likely to be less than minor.



## APPENDIX A – Tree Location Plan

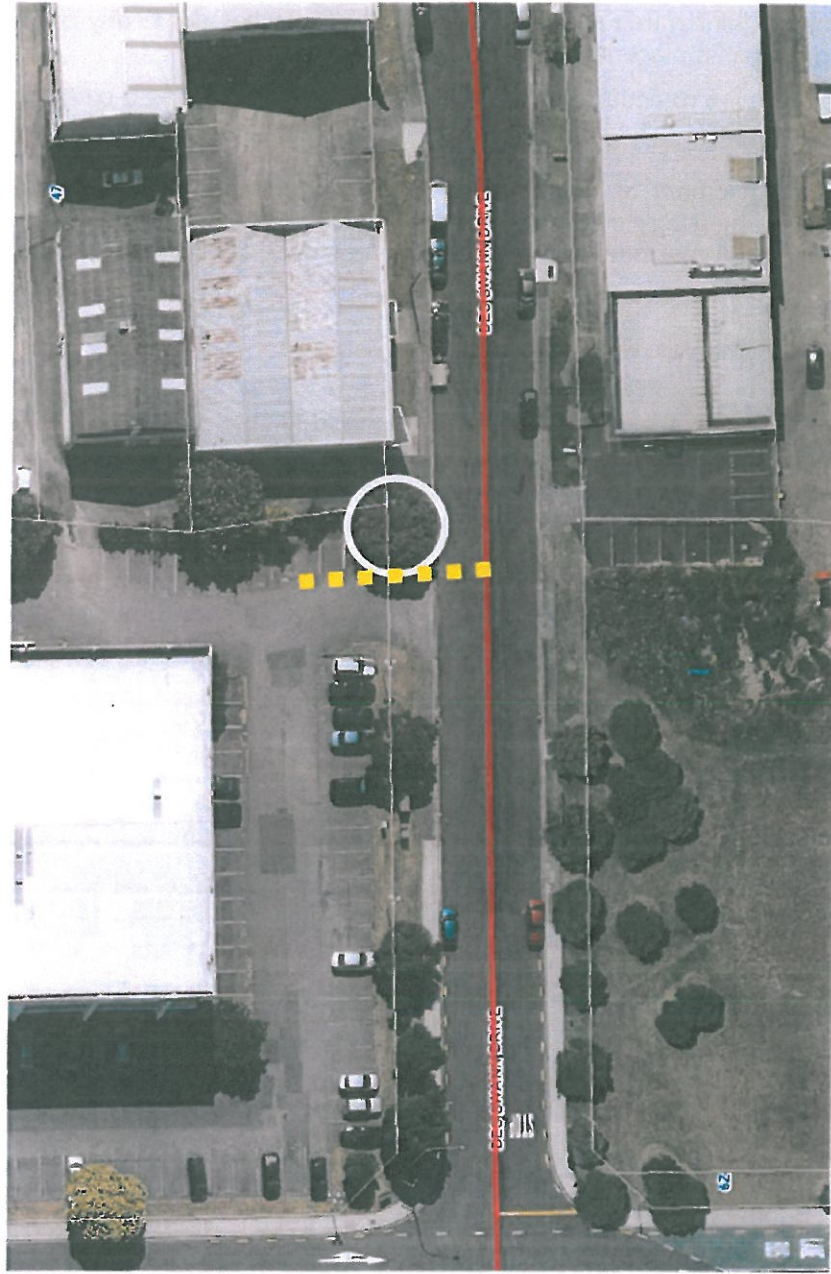


Figure 1: Subject pohutukawa tree (circled) and proposed location of excavations (dotted line).

TAKAPUNA CITY COUNCIL  
CONTROLLED USE APPLICATION

Val No: 2700-407-1b

X4 FREOTH.

Application Date: 10-10-88

Operative Zoning: IND1A

Proposed Zoning: EMPLOY1

ADDRESS- Street: FRED THOMAS DRIVE  
No: 4

APPLICANT - Name: D.D.DAVIDSON

Address: c/THORBURN DAVIDSON LTD, BOX 5780 AK1

DETAILS OF APPLICATION: TO DECREASE PARKING ENTITLEMENT UNDER  
SECTION 18.3 (OPERATIVE SCHEME) & SECTION  
13.3.3(2) PROPOSED SCHEME.

COMMENTS:

THE PROPOSAL INVOLVES THE PROPOSED CONSTRUCTION OF A  
80M2 MEZZININE FLOOR AT AN EXISTING WAREHOUSE LOCATED  
ON THE ARTERIAL ROAD OF FRED THOMAS DRIVE. THE  
PROPOSAL CONSTITUTES A MINOR CHANGE TO THE COMBINED  
TWO STAGE OFFICE, WAREHOUSE AND RECREATIONAL  
DEVELOPMENT UPON THE SITE. AN ON-SITE PARKING  
REQUIREMENT OF 266 VEHICLES HAS BEEN ASSESSED WHERE  
ALLOWANCE IS MADE FOR USES WITH PARKING DEMAND PEAKS  
THAT SELDOM COINCIDE.

DECISION:

THAT THE NON-NOTIFIED APPLICATION BY D. DAVIDSON FOR  
THE CONSENT OF COUNCIL TO WAIVER THE INCREASED  
ON-SITE PARKING REQUIREMENT AT 4 FRED THOMAS DRIVE BE  
GRANTED PURSUANT TO ORDINANCE 13.3.3(2) OF THE  
PROPOSED DISTRICT SCHEME AND SECTION 75 OF THE TOWN  
AND COUNTRY PLANNING ACT 1977 FOR THE FOLLOWING  
REASONS,

- 1 THE MEZZININE IS PART OF THE EXISTING WAREHOUSING  
SPACE WHILE THE ADDITIONAL 80M2 OF MEZZININE FLOOR  
WILL ONLY INCREASE THE EFFICIENCY OF THE WAREHOUSE  
WITHOUT INCREASING THE STAFFING NEEDS
- 2 IT WOULD BE UNREASONABLE TO ENFORCE THE ONE  
ADDITIONAL VEHICLE SPACE REQUIREMENT CONSIDERING THE  
EXISTING ON-SITE PROVISION OF 266 SPACES AND THE  
GENERALITY ALREADY INVOLVED IN ASSESSING THE COMBINED  
DEMANDS OF AN UNUSUAL MIX OF USES ON A GROSS FLOOR  
RATIO SYSTEM.
- 3 THE CONSENT DOES NOT NEGATE THE POLICIES OF  
ENCOURAGING THE JOINT USE OF PARKING FACILITIES WHERE  
POSSIBLE.

THIS CONSENT IS GRANTED SUBJECT TO THE FOLLOWING  
CONDITIONS;

THAT THE MEZZININE FLOOR IS TO REMAIN OPEN TO THE  
WAREHOUSE AND UTILISED FOR STORAGE ASSOCIATED WITH  
THE WAREHOUSE AT ALL TIMES.



REPORTING OFFICER:

R. ANDREWS

APPROVING OFFICERS:

S. DIETSCH

SENIOR PLANNER

G. McKITTERICK

SENIOR PLANNER

**NORTH SHORE CITY COUNCIL**

**DECISION ON NOTIFIED APPLICATION FOR PLANNING CONSENT -**  
**TOWN AND COUNTRY PLANNING ACT 1977**

COMMUNITY BOARD : TAKAPUNA  
Town Planning Committee

Application:

Conditional Use - Section 72

REFERENCE AND FILE NOS:	TP 3118 T
NAME OF APPLICANT:	WAREHAMS HEALTH CENTRE (TAKAPUNA) LTD.
SITE ADDRESS:	3A/4 FRED THOMAS DRIVE, TAKAPUNA
LEGAL DESCRIPTION:	LOT 1 DP 117066
MINUTE BOOK REFERENCE:	Date of Decision - 21 February 1991 Minute No. -

THAT CONSENT BE GRANTED TO THE PROPOSAL TO OPERATE A LICENSED CHILD CARE FACILITY IN ASSOCIATION WITH WAREHAMS HEALTH CENTRE, BEING SITUATED AT 4 FRED THOMAS DRIVE, TAKAPUNA, AND BEING LOT 1 DP 117066, PURSUANT TO THE PROVISIONS OF SECTION 75 AND 72 OF THE TOWN AND COUNTRY PLANNING ACT 1977, ON THE GROUNDS THAT:

THE SITE IS SUITABLE FOR THE USE BY REFERENCE TO THE PROVISIONS OF THE PROPOSED DISTRICT SCHEME

THERE WILL BE NO SIGNIFICANT EFFECT ON THE EXISTING AND FORESEEABLE FUTURE AMENITIES ON THE NEIGHBOURHOOD, AND ON THE HEALTH, SAFETY, CONVENIENCE, AND THE ECONOMIC, CULTURAL, SOCIAL, AND GENERAL WELFARE OF THE PEOPLE OF THE DISTRICT.

THE REASONS FOR THIS DECISION ARE:

1. THE PROPOSED FACILITY IS GENERALLY CONSISTENT WITH THE DISTRICT SCHEMES OBJECTIVES FOR THE ZONE.
2. THE AMENITIES OF THE NEIGHBOURHOOD ARE NOT REDUCED AS THE USE IS COMPLEMENTARY TO, RATHER THAN ADDITIVE, IN RESPECT OF THE NUMBER OF PERSONS AND TRAFFIC EXPECTED TO BE ATTRACTED TO THE SITE.
3. THE EXPANSIVE ON SITE PARKING AREA PROVIDES A SAFE AREA FOR CHILDREN LEAVING VEHICLES THAT IS WELL REMOVED FROM THE PRIMARY ROAD.
4. THE EXISTING SITE LAYOUT OF BUILDINGS, PARKING AND LIMITED ACCESS POINTS ARE NOT EXPECTED TO PROVIDE ANY TRAFFIC IMPACTS TO THE FUNCTIONING OF FRED THOMAS DRIVE NOW OR IN THE FORESEEABLE FUTURE.

THIS CONSENT IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE PROPOSED CHILD CARE CENTRE SHALL TAKE PLACE WITHIN THE AREA SHOWN ON THE PLANS PROVIDED WITH THE APPLICATION.

2. COMPLIANCE WITH ALL RELEVANT CITY BYLAWS AND HEALTH REQUIREMENTS.
3. THE CHILD CARE CENTRE SHALL ONLY OPERATE AT THOSE TIMES THAT THE HEALTH CENTRE IS OPEN AND SHALL ONLY BE USED BY PARENTS OR GUARDIANS THAT ARE USING THE CENTRES FACILITIES.
4. THAT NO MORE THAN 25 CHILDREN ARE CATERED FOR IN ANY ONE SESSION.

16 August 1993

## FILE COPY

The Manager  
Warehams Takapuna  
2A/4 Fred Thomas Drive  
Takapuna  
**NORTH SHORE CITY**

Dear Sir/Madam

### **LANDUSE CONSENT (CONTROLLED ACTIVITY) APPLICATION**

Your application for a controlled activity to establish a food bar within the Warehams Gym was considered on 13th August 1993 by the Planning Sub-Committee.

The controlled activity has been GRANTED, pursuant to Ordinance 2.4.2 and 6.4.3 of the Proposed District Plan, and pursuant to Section 104 and 105 of the Resource Management Act 1991.

The Committee is satisfied that the use of the food bar facilities will be by patrons of the Gymnasium. Therefore it will not attract further persons to the site nor increase the demand for on site parking.

Restrictions have been placed on the operation so as to prevent any increase in the demand for parking.

Planning consent is subject to the following conditions:

1. That the establishment of the food bar be in accordance with the plans lodged for building consent.
2. The food bar shall only be in operation at times when the gymnasium is open and only serve patrons of Wareham's gymnasium.
3. Site development shall comply with all other planning requirements of the District Plan.

This planning consent is not an authority to commence work. To proceed further you will be required, if you have not already done so, to lodge a building consent application which can only be granted providing that the New Zealand Building Code requirements are met.

97/586/decision

# INVOICE

27 January, 1998

Hauraki Design  
PO Box 56-488  
Dominion Road  
Mt Eden  
AUCKLAND

Dear Sir/Madam

LAND USE CONSENT (NON-COMPLYING ACTIVITY)  
4 FRED THOMAS DRIVE, TAKAPUNA  
RC No: R30721T

The above application was considered by the Takapuna Community Board Planning Sub-Committee on 23 January 1998 whereby it was resolved:

That the non-complying activity application by Herpa Properties to refit the existing building at 4 Fred Thomas Drive for office use (being Lot 2 DP 150159) (A) NOT BE NOTIFIED pursuant to section 94 of the Resource Management Act 1991 and (B) BE GRANTED pursuant to rules 15.5.1.3 and 15.7.1.1 of the North Shore City Proposed District Plan and rule 6.4.1 of the North Shore City Transitional District Plan (Takapuna Section) and sections 104, 105 and 108 of the Resource Management Act 1991 for the reasons that:

1. No persons outside the site are considered adversely affected by the proposal.
2. Any adverse effects on the environment will be no more than minor as:
  - i) There will be no adverse effects on nearby reserve land.
  - ii) It is considered that there is sufficient car parking to cope with anticipated demand from the redevelopment of the building.



90 Bentley Avenue  
Glenfield

Postal Address  
Private Bag 93500  
Takapuna  
North Shore City  
New Zealand

Telephone  
0-9-486 8400  
Facsimile  
0-9-486 8404

3. The proposal is not considered to be contrary to the objectives and policies of either the Proposed District Plan and is consistent with the relevant assessment criteria.
4. The proposal allows for the practical use of existing Infrastructure.

Consent is granted subject to the following conditions:

1. The development shall proceed in general accordance with the plans and/or description of the activity submitted unless varied by other conditions of consent.
2. The development shall comply with Council's Bylaws and other relevant requirements including the obtaining of all necessary building consents before the commencement of any work.

#### Charges

3. Pursuant to Section 108(1)(d) of the Resource Management Act 1991, the administrative charge, being the Council's actual and reasonable costs incurred in processing this application, shall be paid within one month of receiving an invoice for any such charges.

#### Advice Notes

1. It is the responsibility of the consent holder to ensure that all necessary building consent have been obtained and any geotechnical issues have been addressed to Council's satisfaction prior to the commencement of earthworks.

The planning consent is not an authority to commence work. To proceed further you may be required, if you have not already done so, to lodge a building consent application which can only be granted providing that the engineering, building and bylaw requirements are met.

That unless a specific time is stated in the conditions imposed by the Council when granting this consent, all conditions must be complied with before the use to which the consent relates is established.

In accordance with Section 108(6)(c) of the Resource Management Act 1991, the holder of this consent remains liable under this Act for any breach of conditions of the consent which occur before the expiry of the

consent and for any adverse effects on the environment which become apparent during or after the expiry of the consent.

Your attention is drawn also to the provisions of Section 120 of the Resource Management Act 1991, that the consent shall lapse after the expiration of two years from the date when the consent was given unless the use has been established within that period or an application has been made to the Council under Section 125 of the Resource Management Act 1991.

Your attention is drawn also to the provisions of Section 120 of the Resource Management Act 1991 which sets out the rights of appeal against the Council's decision.

Please note that the final cost of processing the application will be assessed shortly. This may result in an invoice being sent to you detailing additional charges if the cost exceeds the deposit paid.

If you have any queries regarding this matter, please do not hesitate to contact Neil Donnelly at Burton Consultants Limited, telephone (09) 488 3305.

Would you kindly present this letter when applying for any necessary building consent.

Yours faithfully  
**Burton Consultants Limited**



**Neil Donnelly**  
Resource Management Consultant

for North Shore City Council

**NORTH SHORE CITY COUNCIL**  
**DECISION ON RESOURCE CONSENT REFERENCE LM/02977/02**

The application by the Northern Business College for an education facility being a high traffic generating activity in a buffer strip area replacing an existing office at 2 Fred Thomas Drive, Takapuna (being Lot 1 DP 150159) was considered by the Takapuna Hearing Commissioners on the 26<sup>th</sup> July 2002 whereby it was resolved:

That the application has been dealt with as a non-notified **Limited Discretionary**, activity, pursuant to Section 94 of the Resource Management Act 1991 for the reasons that:

1. The adverse effect on the environment of the activity for which consent is sought will be no more than minor because:
  - There is no change in the external appearance of the building.
  - The proposed activity is in character with the Business 9 zone.
  - The proposal is deemed to meet all parking requirements.
2. There are no persons considered to be adversely affected by the granting of this resource consent because:
  - Fred Thomas Drive has the capacity to accommodate the 180-210 vehicle movements expected from the proposal.
  - It is considered that the parking spaces onsite will suffice the requirement of the NBC if all parking spaces are marked out for the exclusive use of the NBC during its hours of operation. Thus no on street parking will result.
  - The change in activity will result in no noticeable effect on the residential area nearby being St Josephs School.
3. There are no special circumstances to warrant notification.



That the application **BE GRANTED** pursuant to Sections 104, 105 and 108 of the Resource Management Act 1991 for the following reasons:

1. The proposal satisfies the specific provisions of the District Plan over which North Shore City Council has restricted the exercise of its discretion in assessing the application.
2. The proposal satisfies the relevant assessment criteria set out at section 12.5.1.1, 12.5.1.2 15.7.1.1 and 15.7.1.6. In particular:
  - The change in activity is similar in character in regard to vehicle and people movements and numbers as the previous activity.
  - The existing road has the capacity to contain the vehicle movements of the activity.
  - The effects of the activity will be minor and are mitigated by the marking out of all parking spaces, whilst meeting the intent of the rule which is to provide adequate on site parking and maintain or increase road efficiency.
3. Any actual or potential effects on the surrounding environment will be no more than minor as all parking will be provided for on site and the activity fits the character of the area.
4. The proposal is not considered to be contrary to the objectives and policies of the District Plan.

**CONSENT IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:****General Conditions**

1. The development shall proceed in general accordance with the plans in the application prepared by SFH Consultants dated 27<sup>th</sup> May 2002 attachment C and the description of the activity.
2. A copy of the consent conditions shall be kept on site at all times and all contractors and sub-contractors shall be aware of and work in accordance with them. It is the responsibility of the consent holder to ensure that this happens.
3. The extent of the infringements shall be limited to that applied for being as per the plans and the application of condition 1. Any increase in the numbers of students or teachers on the site will require a further consent.

**Parking & Access**

4. That 33 car park spaces be reserved and marked out for the proposed Business College use between the hours of 0800 to 1630 hours, and that the spaces be made available to other uses outside business hours and in the weekends.
5. All parking spaces must be marked out to the satisfaction of the Council's Monitoring Officer prior to the occupation of the dwelling by the NBC).
6. That three parking spaces in total (including the two existing spaces) for operation mobility card holders be provided for common use by all tenancies at 2 Fred Thomas Drive, and that they be signed and marked as such.

**Charges**

7. That pursuant to Section 108(1) of the Resource Management Act 1991, the Council's administrative charges for the receiving, processing or granting of an application, or for any specified or additional matter in accordance with Section 36 of the Act or any regulations under the Act, or as necessary to enable the Council to recover its actual and reasonable costs in respect of this application, must be paid in full within 30 days of the date of notification of the invoice.

Notwithstanding the ability to apply for an extension under section 125 of the Resource Management Act 1991, this consent will lapse on: 26<sup>th</sup> July 2004.