

Colliers International
Level 1, 129 Hurstmere Road
Takapuna
AUCKLAND 6022



Applicant	Colliers International
LIM address	2 Fred Thomas Drive Takapuna 0622
Application number	8270007284
Customer Reference	2 Fred Thomas Drive
Date issued	26-Jan-2017
Legal Description	Lot 1 DP 150159, Sec 1 SO 61394
Certificates of title	NA89B/718, NA88C/125

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

Council's regulatory records show that contaminants at this site have either been partially removed or properly contained and managed. As a result, any potential risks to human health and/or the environment are considered to have been appropriately mitigated and managed such that the site is suitable for its current land use. However, resource consent from Auckland Council may be required prior to any soil disturbance (including sampling soil), remediation, redevelopment, subdivision, or change of use of the site.

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

Soil issues recorded. The land may not be suitable for particular development or land use purposes. A soil report may be required to/must be submitted with any building and/or resource consent application.

Effective Date	Description	Details
21/05/2015	Geotechnical completion/ investigation report on file	Geotechnical Assessment by Riley consultants' ref 14167-1 dated 15 Dec 2014

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.

Exposure Zones

New Zealand Standard 3604:2011E 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: Unknown or Unassessed Corrosion Zone

Unknown or unassessed - No known information is available relating to these sites. Recommended that specific sites and/or product designed and to consult suppliers information for specific durability requirements.

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.

Effective Date	Description	Details
21/05/2015	Stormwater sewer build over	Building consent issued to build over 900 mm public storm water drain and 225mm dia public sewer 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


Billing Number/ Rate Account:	12341252537
Rates levied for the Year 2016/2017 :	\$101,809.68
Total rates to clear for the current year (including any arrears):	\$50,904.82

The rates figures are provided as at 8 a.m. 26/01/2017. 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

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

2 Fred Thomas Drive Takapuna 0622

Application No.	Description	Decision	Decision Date
TP-2328	To establish a licensed restaurant	Granted	25/08/1987
011195	To establish 4 additional bowling lanes	Granted	01/11/1995
LM/02977/02	Land Use Consent education facility	Granted	26/07/2002
LJ-2134202	Land Use Consent Proposal to undertake alterations to existing building, establish and operate a medical centre, retail tenancy and cafe.	Granted	17/10/2011
LW-2135006	Change of Condition (s127) Variation to condions of LJ2134202 (Proposal to undertake alterations to existing building, establish and operate a medical centre, retail tenancy and cafe)	Granted	16/03/2012
REG-2139906	Discharge Consent NRSI (Contamination) Construction and operation of a parking building incorporating retail tenancies	Granted	09/03/2015
LN-2139905	Land Use Consent NRSI (Contamination) Construction and operation of a parking building incorporating retail tenancies	Granted(Construction Monitoring Underway)	09/03/2015

Application No.	Description	Decision	Decision Date
LW-2141252	Change of Condition (s127) Change of LN-2139905 - increases to the height of the building	Granted	07/07/2015

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

2 Fred Thomas Drive Takapuna 0622

Application No.	Description	Issue Date	Status
E13911	Piling and Foundation Ground Floor Slab for Office	16/01/1987	Issued (See Note 1)
33417	Drainage	16/01/1987	Issued (See Note 1)
E14433	Commercial Building Office Block and Bowling Alley	24/04/1987	Issued (See Note 1)
33847 / 3848	Plumbing and Drainage	24/04/1987	Issued (See Note 1)
E14924	Signage	30/07/1987	Issued (See Note 1)
F57046	Partitions	03/08/1988	Issued (See Note 1)
F56400	Internal Partitions	24/01/1989	Issued (See Note 1)
J11089	Fire Wall	26/02/1992	Issued (See Note 1)
J11207	Fire Wall	27/05/1992	Issued (See Note 1)

Application No.	Description	Issue Date	Status
T2252	Alterations/Bowling Alley	25/01/1993	Issued (See Note 1)
T4321	Partitioning	16/11/1994	Issued (See Note 1)
T10044	Bowling Alley/Alterations	03/11/1995	Issued
T10497	T10497 Internal fitout	26/01/1996	CCC Not Issued (See Note 3)
T11284	Interior partition alteration T11284	05/09/1996	CCC Not Issued (See Note 3)
T14160	T14160 Office fitout	27/05/1999	CCC Not Issued (See Note 3)
T15159	Install Gas Vent Trenches and Stacks	27/04/2000	Issued
T15333	T15333 Internal office fitout / alteration	19/07/2000	CCC Not Issued (See Note 3)
BD/05106/02	Refurbishment	27/03/2002	CCC Not Issued (See Note 3)
BM/06756/02	Commercial - Office fitout to existing building - level 2	02/07/2002	CCC Issued (See Note 2)
BD-1221515	Commercial Office Additions & Alterations	23/03/2005	CCC Not Issued (See Note 3)
BM-1224215	Interior fitout alteration - existing use	24/11/2005	CCC Not Issued (See Note 3)
BD-1227334	2 new office partitions	29/08/2006	CCC Issued 02/11/2006 (See Note 2)
BD-1245288	Partial demolition of existing building and renovations	07/09/2012	CCC Issued 25/10/2013 (See Note 2)
BD-1246358	Internal alterations - refurbishment to existing building.	20/02/2013	CCC Issued 30/08/2013 (See Note 2)
BD-1246873	New internal partitions	16/04/2013	CCC Not Issued (See Note 3)
BD-1247176	Internal Fit out - Mercy and Accuron Radiology	10/05/2013	CCC Issued 16/08/2013 (See Note 2)
BD-1247746	Cafe fit out	12/08/2013	CCC Issued 25/10/2013 (See Note 2)

Application No.	Description	Issue Date	Status
BD-1248272	Office fit out	24/09/2013	CCC Issued 29/11/2013 (See Note 2)
EL-4014716	Modification to an existing fit out BC-1246358. Three wash-hand-basin to two. Sprinklers and smoke detectors to be modified	08/04/2014	Issued (See Note 4)
BE-1253071	Four storey car park and retail centre - Stage one: underground services, foundations and slab on-grade.	28/05/2015	CCC Not Issued (See Note 3)
BD-1254104	Interior office fit out with minor plumbing - Level 1 tenancy C	05/08/2015	CCC Issued 22/01/2016 (See Note 2)
BE-1253071/1 BCO10608770-1-A	COM 2: Stage 2: Carpark and retail superstructure, fasade and services Amendment - Installation of enclosed lift and stairway lobby on level 3A .	19/08/2015	CCC Not Issued (See Note 5)
BD-1253975	Level 2 - Interior fit-out including connections to existing plumbing system	21/08/2015	CCC Issued 23/12/2015 (See Note 2)
BD-1255394	Internal Fitout including hydraulic , emergency lighting and mechanical system	27/01/2016	CCC Not Issued (See Note 5)
BE-1253071	Four storey car park and retail centre - Stage one: underground services, foundations and slab on-grade.	26/10/2016	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.
5	For Consent number BE-1253071/1: A Certificate of Public Use was issued and will expire on 30/11/2016.

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.

Compliance Schedules (Building Warrant of Fitness)

2 Fred Thomas Drive Takapuna 0622

Reference number	BWOF expiry date
WOF-11897	13/07/2017
WOF-23201	30/05/2017

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.

2 Fred Thomas Drive Takapuna 0622

Application No.	Description
SPR-4017071	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

2 Fred Thomas Drive Takapuna 0622

Licence Type / Reference	Trading Name	Expiry Date	Status
SER – Site Entity Registration 52100008920	Luke's Cafe Takapuna	1/09/2017	Active

Licence Type / Reference	Trading Name	Expiry Date	Status
TFCP- Template Food Control Plan 52100008645	Luke's Cafe Takapuna	1/09/2017	Registered

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.

Zoning:	Business 1 - 12 Business 9
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Proposed Modifications	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. 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

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).

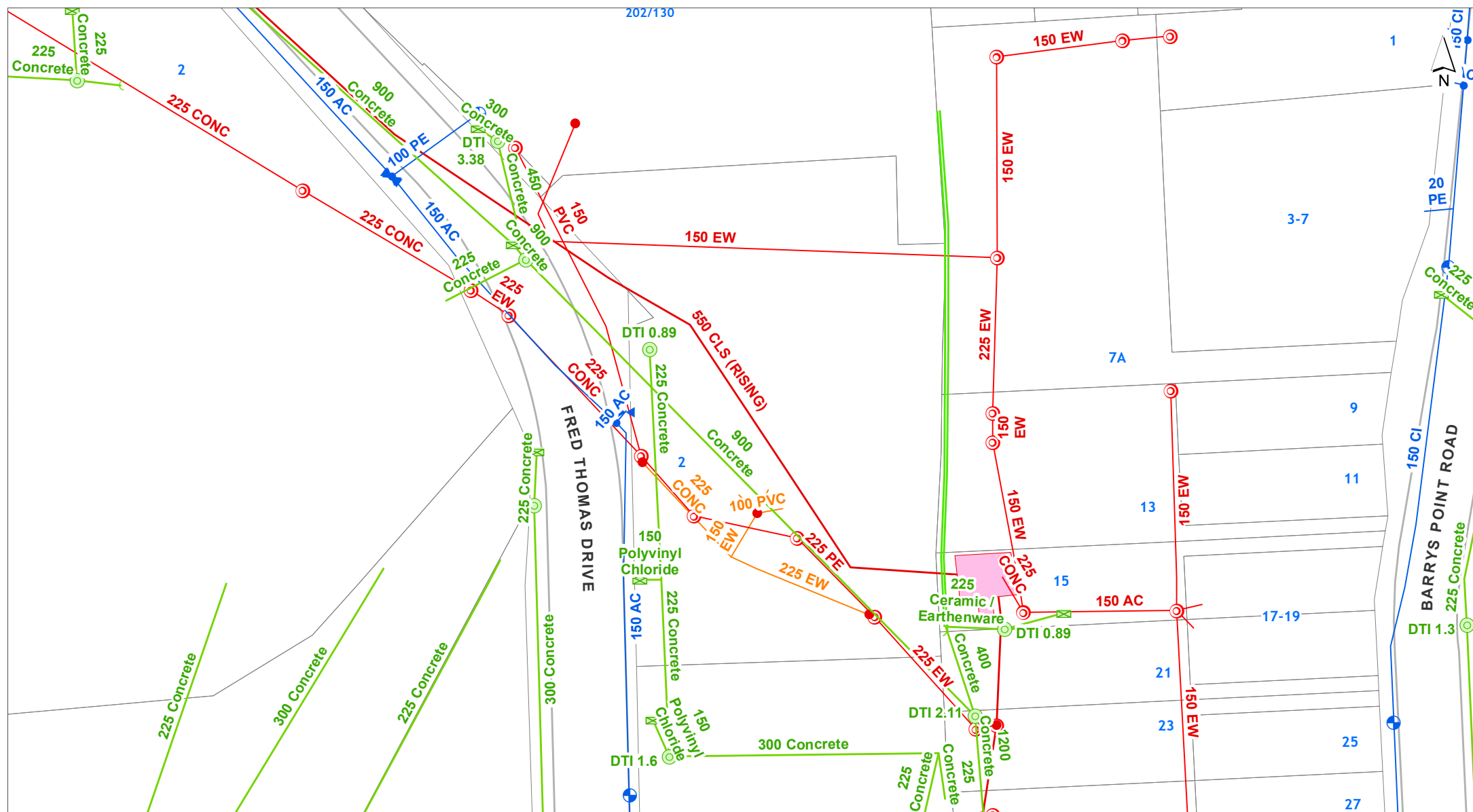
Attachments

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 : LM-02977-02_2 Fred Thomas Drive
- Consent Conditions : LN-2139905_2 Fred Thomas Drive
- Consent Conditions : LJ-2134202_2 Fred Thomas Drive
- Consent Conditions : LE-2141252_2 Fred Thomas Drive
- Consent Conditions : TP-2838_2 Fred Thomas Drive
- Consent Conditions : 011195_2 Fred Thomas Drive
- As Built Drainage Plan : As Built Plan_2 Fred Thomas Drive
- Consent Conditions : LW-213506_2 Fred Thomas Drive

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Underground Services

2 Fred Thomas Drive Takapuna 0622

Lot 1 DP 150159, Sec 1 SO 61394



Scale @ A4
= 1:1,000

Date Printed:
26/01/2017

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

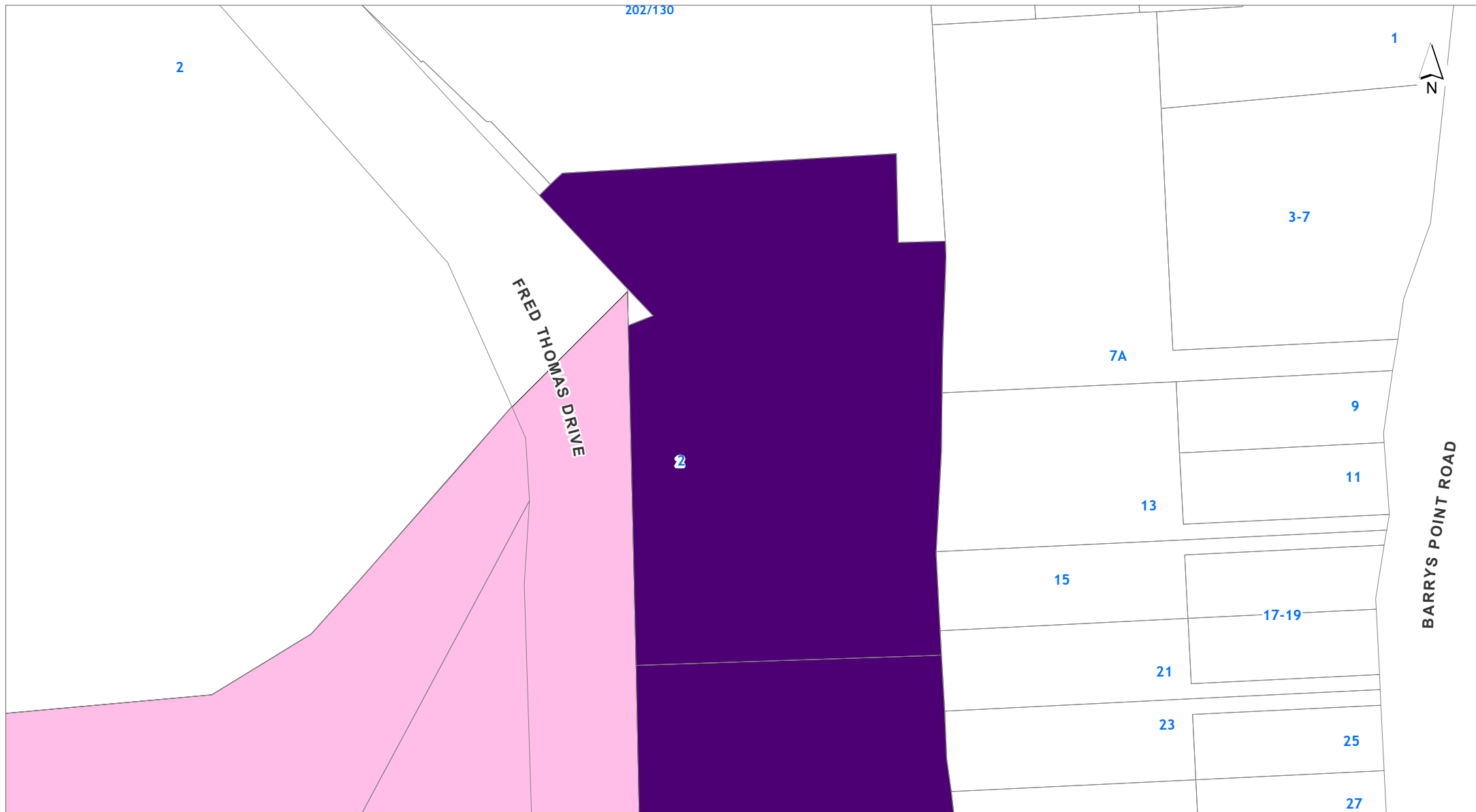
	Fitting
	Fitting (Non Watercare)
	Manhole
	Pipe (Non Watercare)
	Local Pipe (Main / Service Line)
	Local Pipe (Abandoned)
	Local Pipe (Future)
	Transmission Pipe (In Service)
	Transmission Pipe (Out Of Service)
	Transmission Pipe (Proposed)
	Chamber
	Structure (Non Watercare)
	Pump Station
	Wastewater Catchment
Waitakere (WCC) only:	
	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





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1 - Hazards

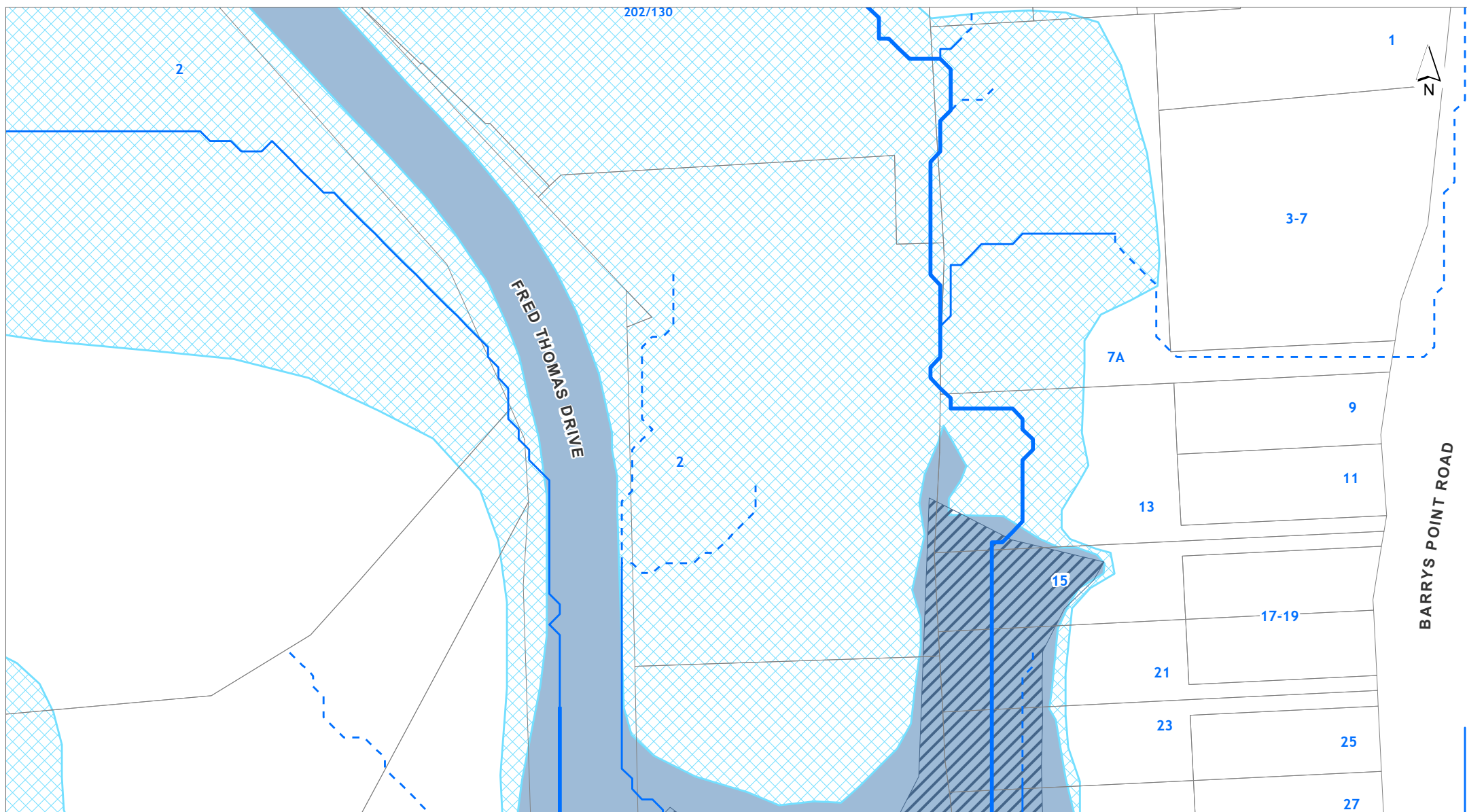
2 Fred Thomas Drive Takapuna 0622

Lot 1 DP 150159, Sec 1 SO 61394

0 6.5 13 19.5
 Meters

Scale @ A4
 = 1:1,000

Date Printed:
 26/01/2017



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2 - Natural Hazards

2 Fred Thomas Drive Takapuna 0622

Lot 1 DP 150159, Sec 1 SO 61394

0 6.5 13 19.5
 Meters

Scale @ A4
 = 1:1,000

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3 - Other

2 Fred Thomas Drive Takapuna 0622

Lot 1 DP 150159, Sec 1 SO 61394

0 6.5 13 19.5
 Meters

Scale @ A4
= 1:1,000

Date Printed:
26/01/2017

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
2 Fred Thomas Drive Takapuna 0622
Lot 1 DP 150159, Sec 1 SO 61394

0 7 14 21
Meters
Scale @ A4
= 1:1,000
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Built Heritage and Character

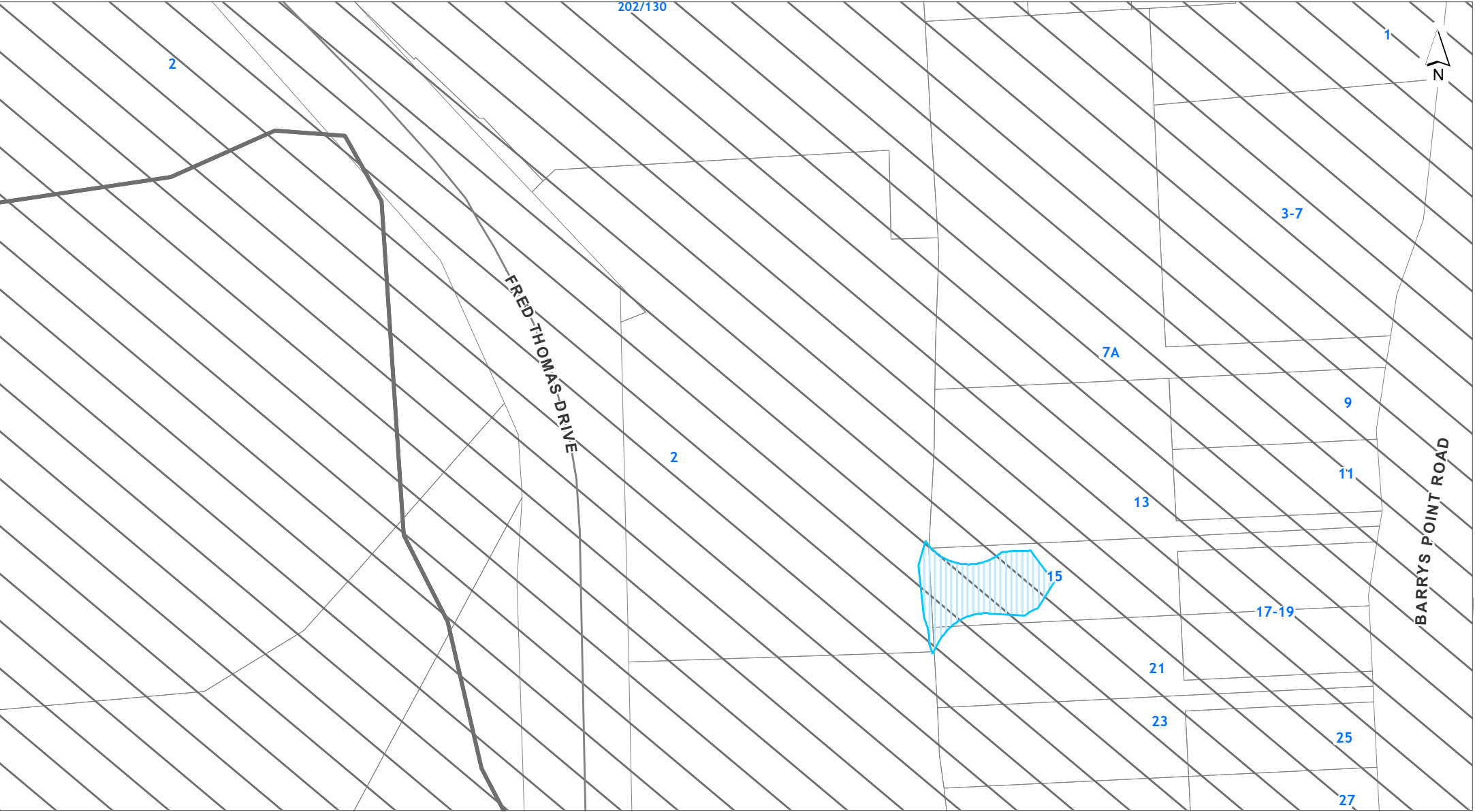
2 Fred Thomas Drive Takapuna 0622

Lot 1 DP 150159, Sec 1 SO 61394



Scale @ A4
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Date Printed:
26/01/2017



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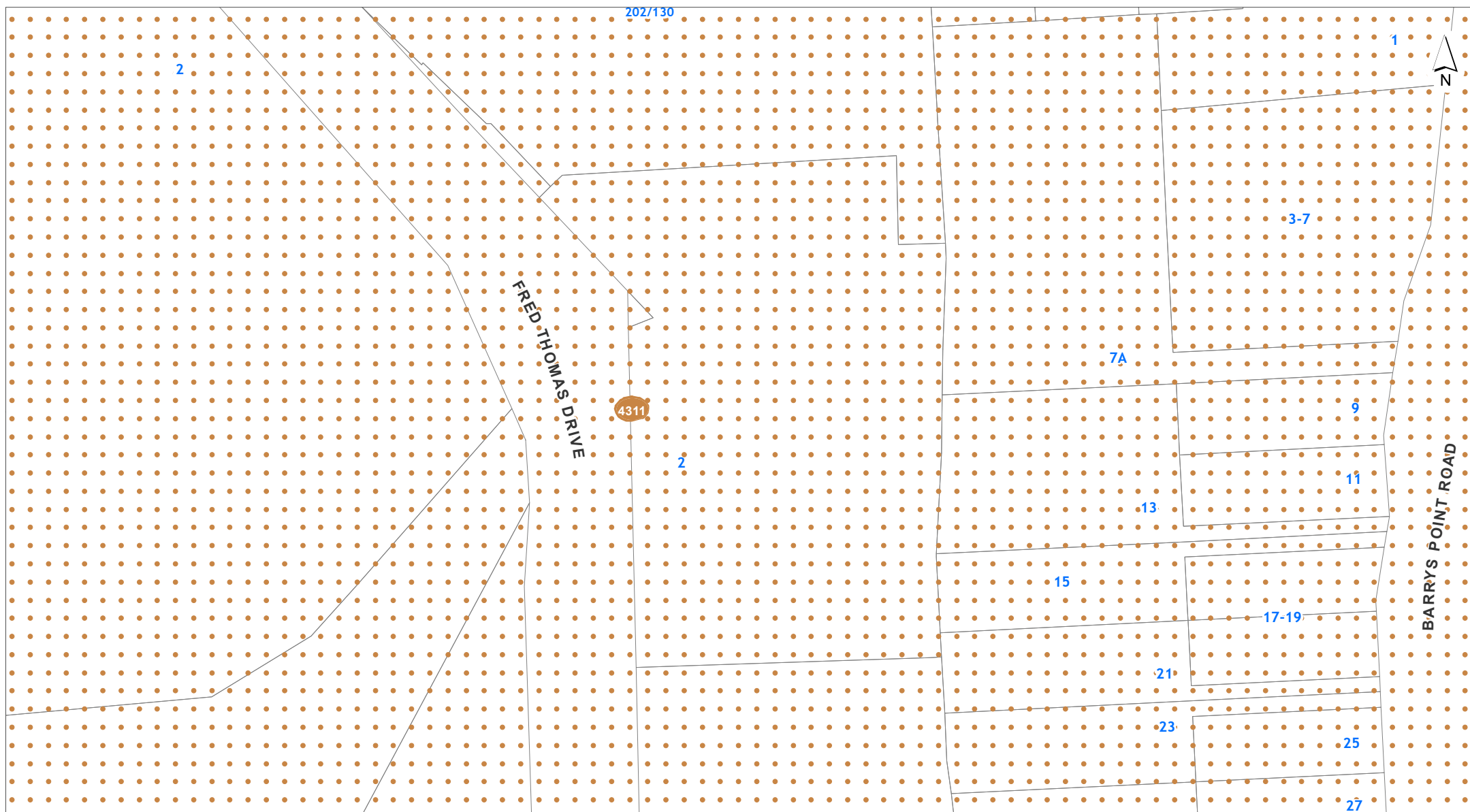
Controls
2 Fred Thomas Drive Takapuna 0622
Lot 1 DP 150159, Sec 1 SO 61394

0 7 14 21
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Designations

2 Fred Thomas Drive Takapuna 0622

Lot 1 DP 150159, Sec 1 SO 61394

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Infrastructure

2 Fred Thomas Drive Takapuna 0622

Lot 1 DP 150159, Sec 1 SO 61394

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Date Printed:
26/01/2017

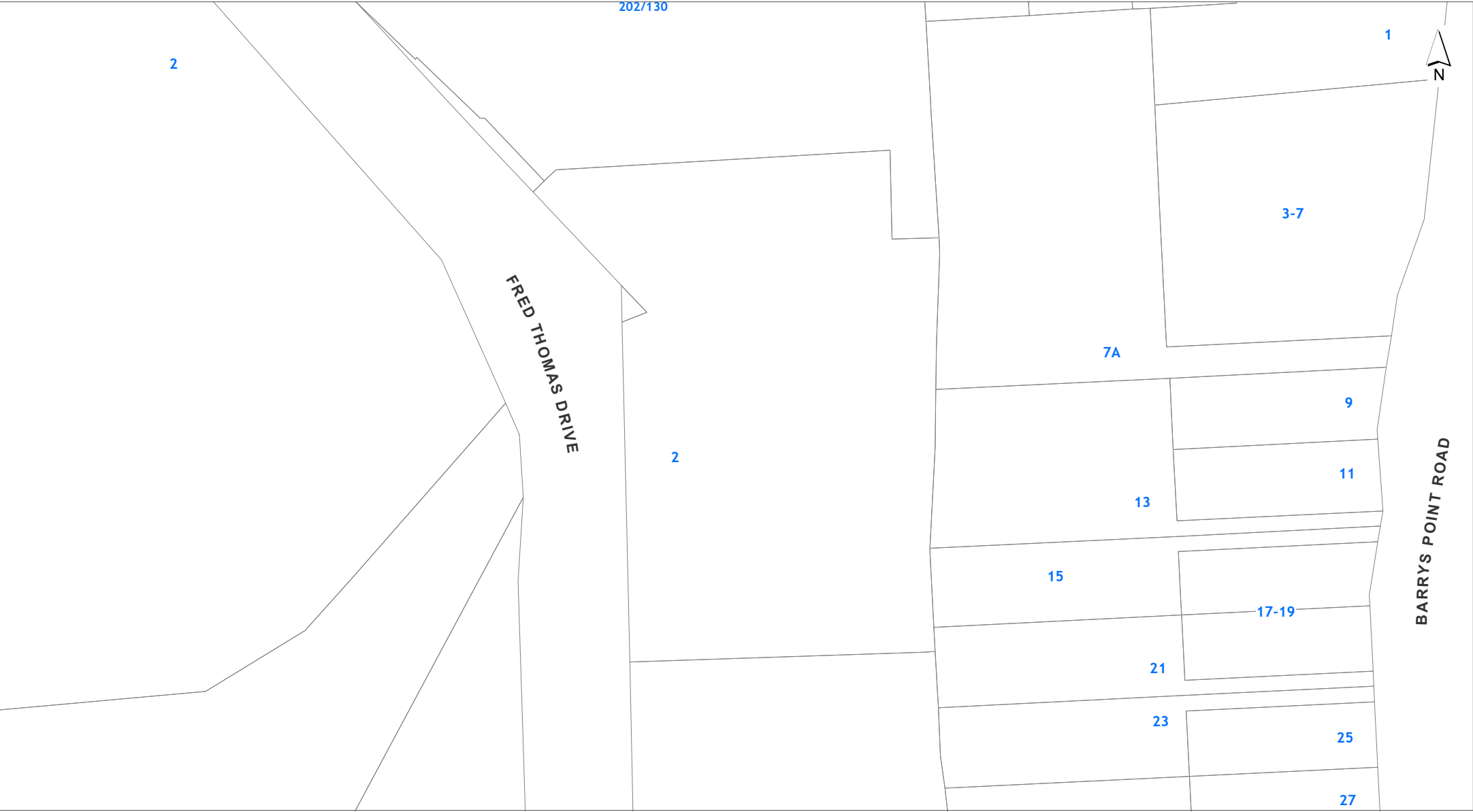


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Mana Whenua
2 Fred Thomas Drive Takapuna 0622
Lot 1 DP 150159, Sec 1 SO 61394

0 7 14 21
Meters
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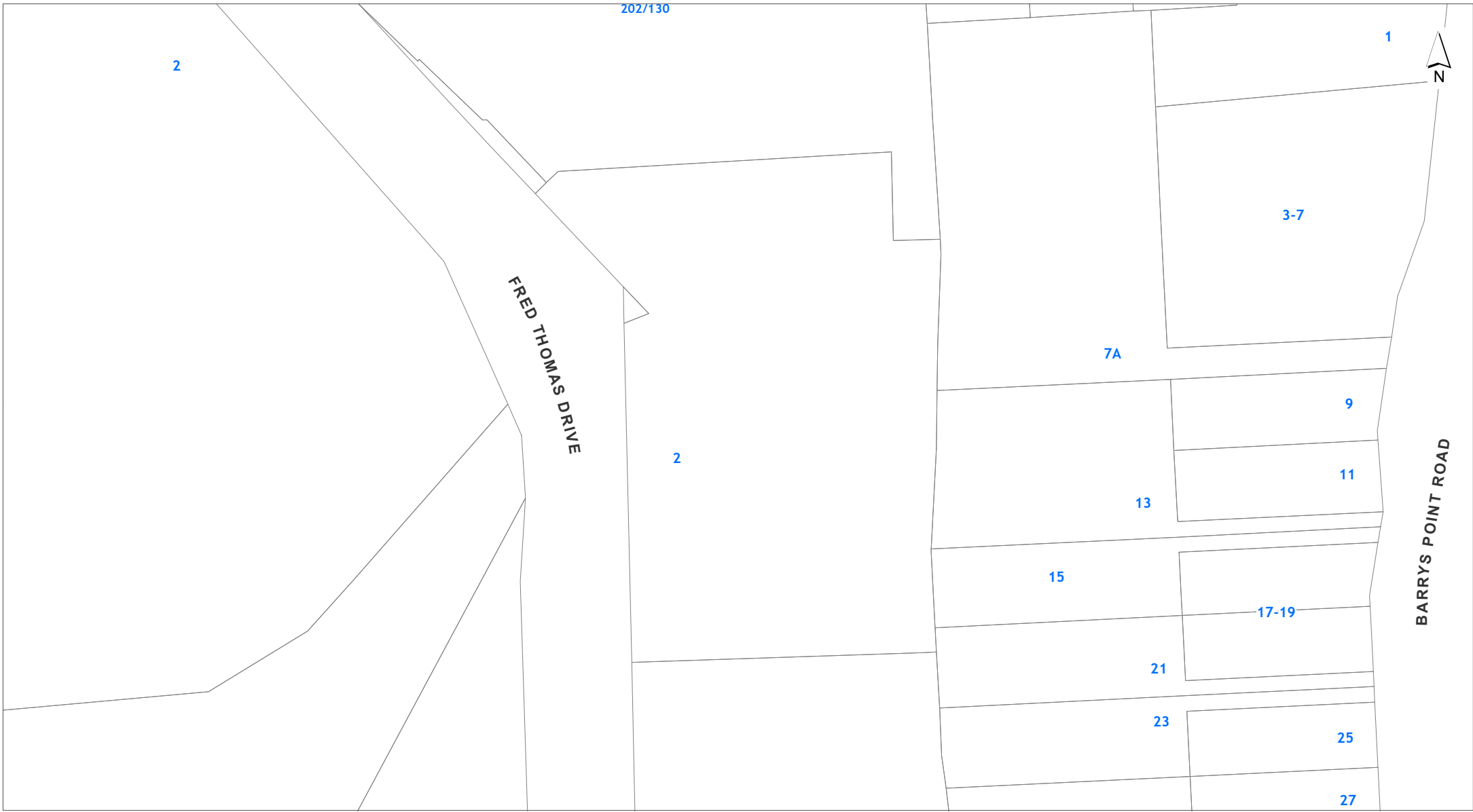
Natural Heritage
2 Fred Thomas Drive Takapuna 0622
Lot 1 DP 150159, Sec 1 SO 61394

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Meters

Scale @ A4
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Date Printed:
26/01/2017





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Natural Resources
2 Fred Thomas Drive Takapuna 0622
Lot 1 DP 150159, Sec 1 SO 61394

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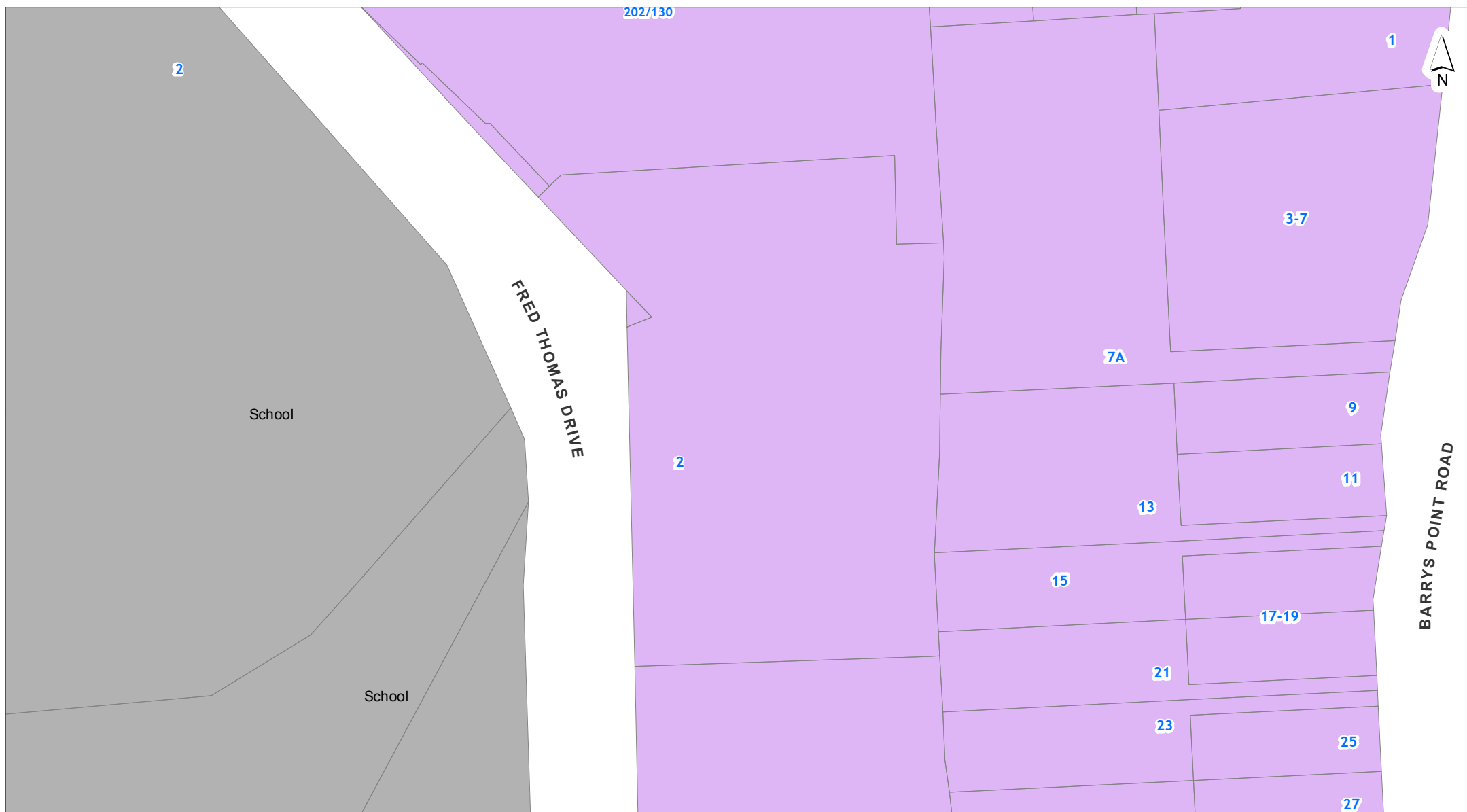
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2 Fred Thomas Drive Takapuna 0622
Lot 1 DP 150159, Sec 1 SO 61394

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Meters

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Zones and Rural Urban Boundary
2 Fred Thomas Drive Takapuna 0622
Lot 1 DP 150159, Sec 1 SO 61394


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

















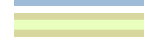


 Appeals seeking changes to zones or management layers

 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
[rcop] = Regional Coastal Plan
[rps] = Regional Policy Statement
[dp] = District Plan
(only noted when dual provisions apply)









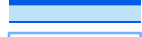


Airports & Airfields, Cemetery, Quarry, Healthcare Facility & Hospital, School, Tertiary Education, Maori Purpose, Major Recreation Facility

DESIGNATIONS

	Designations
	Airspace Restriction Designations








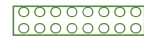







	Rural Urban Boundary (RUB)
	Indicative Coastline [i]
	Precincts

Natural Resources

	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

Natural Heritage

	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
	Subdivision Schedule
	Viewshafts
	Height Sensitive Areas
	Locally Significant Volcanic Viewshafts Overlay [rcp/dp]
	Modified
	Natural
	Local Public Views Overlay [rcp/dp]








OVERLAYS

Infrastructure


	Airport Approach Surface Overlay [rcp/dp]
	Aircraft Noise Overlay
	City Centre Port Noise Overlay
	National Grid Corridor [rcp/dp]
	National Grid Yard [rcp/dp]
	Quarry Buffer Area Overlay

National Grid Corridor Overlay

Built Heritage & Character

	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












Mana Whenua

	Sites & Places of Significance to Mana Whenua Overlay [rcp/dp]
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Built Environment

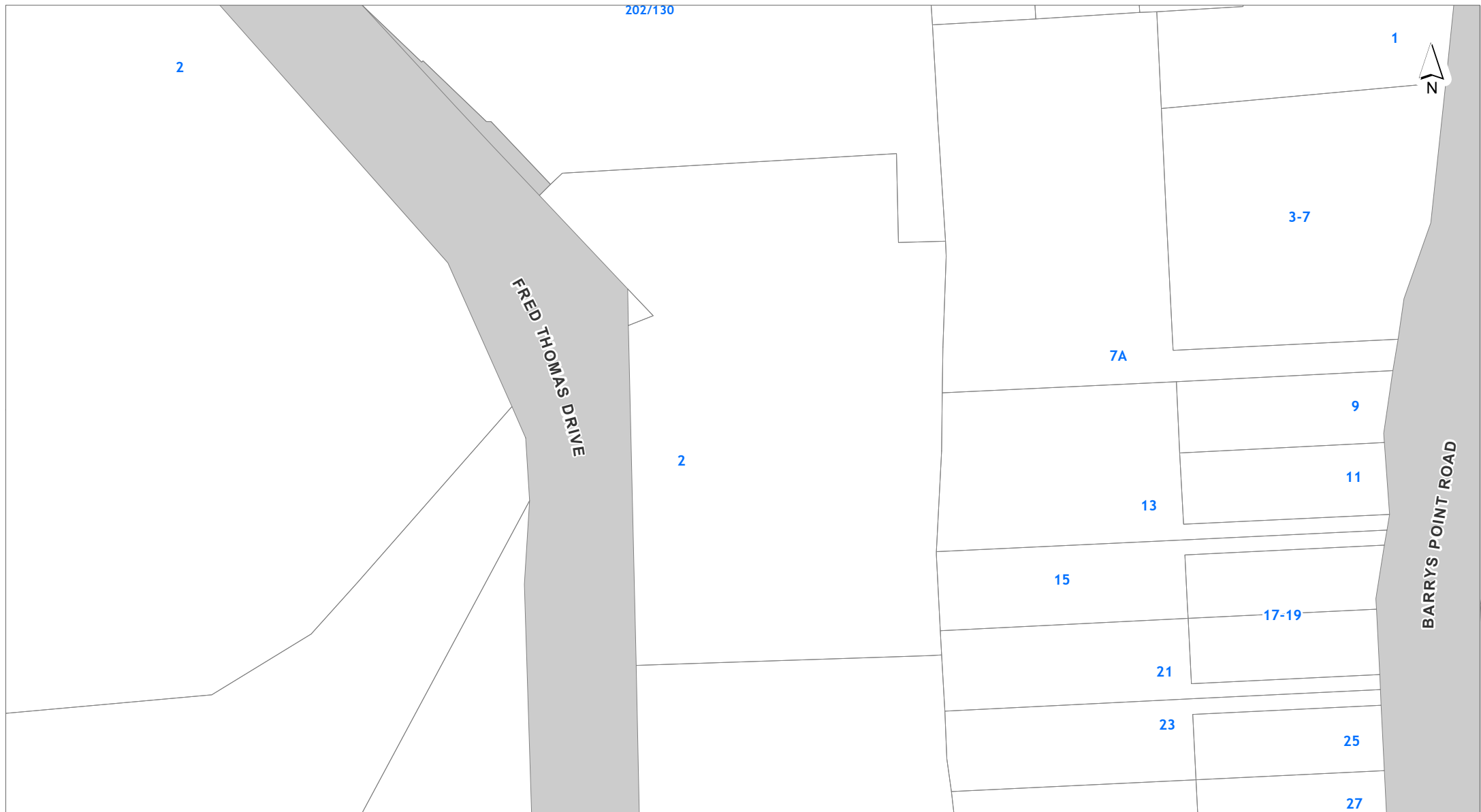
	Identified Growth Corridor Overlay
---	------------------------------------

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

	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]	



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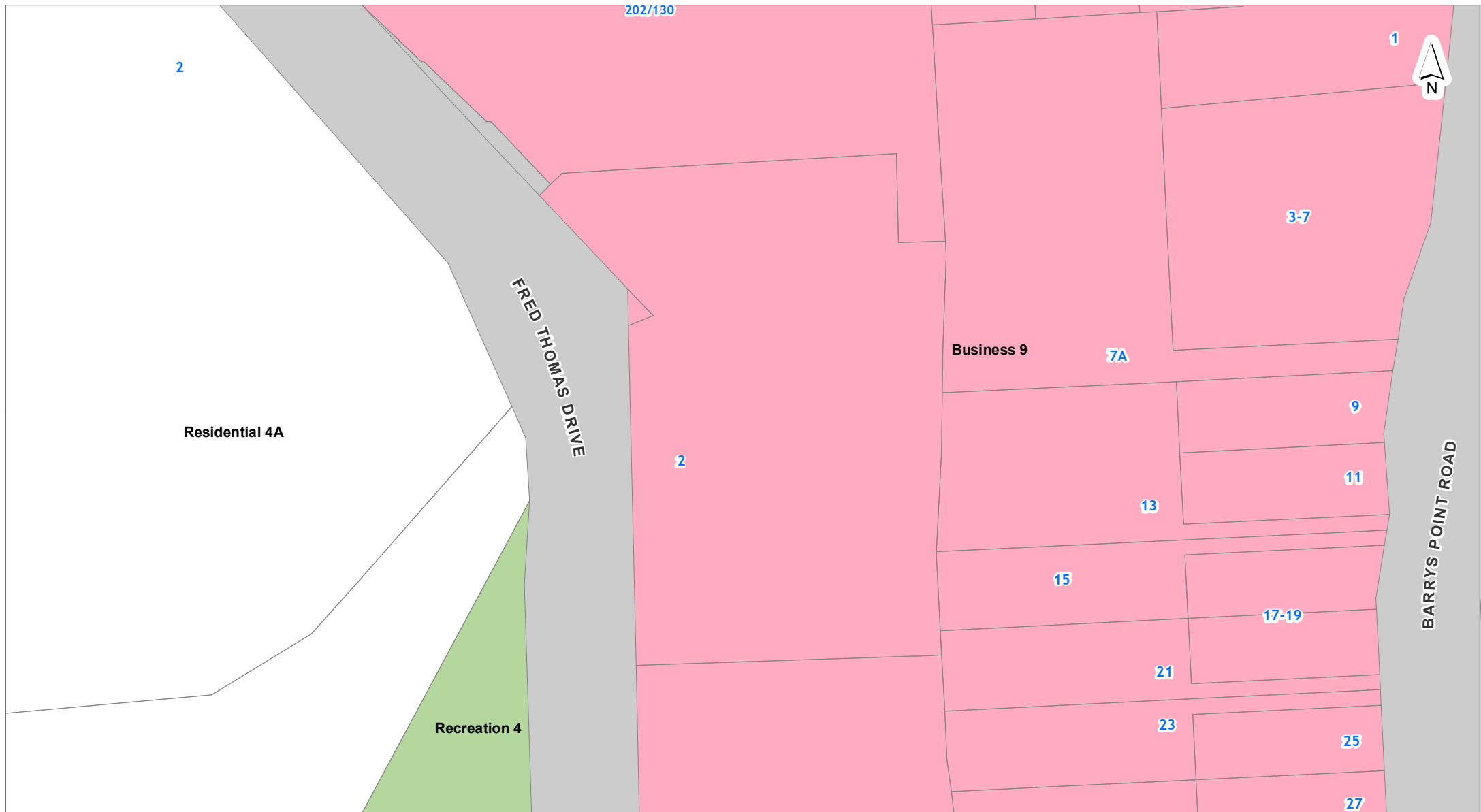
2 Fred Thomas Drive Takapuna 0622

Lot 1 DP 150159, Sec 1 SO 61394

0 6.5 13 19.5
Meters

Scale @ A4
= 1:1,000

Date Printed:
26/01/2017



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Lot 1 DP 150159, Sec 1 SO 61394

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







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

2 Fred Thomas Drive Takapuna 0622

Legal Description

Lot 1 DP 150159, Sec 1 SO 61394

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

**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 26th 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 27th 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: 26th July 2004.

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 1,000m² 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 2,500m² 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 1,520m² 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: 9th 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 1,000m² 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 2,500m² 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 1,520m² 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:

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, 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 200m² 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 300m² 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 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: 9th March 2015

Notification determination and resource consent decision report for a Discretionary activity resource consent application

Under the Resource Management Act 1991



1.0 APPLICATION DESCRIPTION

The establishment and operation of a medical centre, pharmacy and café.

Application and Property Details

Consent Application Number(s): LJ-2134202

Reporting Officer: Blair Telford

Site Address: 2 Fred Thomas Drive, Takapuna

Applicant's Name: Fred Thomas Drive Investments Ltd

Agent's Details: Bentley & Co Ltd

Lodgement Date: 06/09/11

Legal Description: Lot 1 DP 150159, Sec 1 SO 61394

Site Area: 5932m²

Operative Plans Applying: Auckland Council District Plan (North Shore Section)

Zoning: Business 9

Proposed Plans Applying: Plan Change 24

Proposed Zoning: -

District Plan special features, overlays or limitations: Flood Plain, Flood Sensitive Area, Major Overland Flow Path, Stormwater Management Area SMA5, Historic Landfill

Designations: -

Other Acts of National Environmental Standards: -

Map Reference (NZTM) / GPS Ref: -

Date of Site Visit: 26/09/11

Section 95 requests dates:

Date Requested

Date Received

23/09/11

11/10/11

Section 37:

Date Agreed

Time Period

Special Circumstances

-

-

-

1.1 Locality Plan



1.2 Application Documents (Plans and Reference Documents)

The following relevant supporting documents are contained within the application:

- Assessment of Environmental Effects prepared by Bentley and Co Ltd, dated September 2011
- Plans prepared by – sheets A19-01 Rev F, dated 01/09/11; A50-01 and A50-02, both Rev B, both dated 09/08/11 and A60-51 Rev A, dated 09/08/11
- Landscape Plan prepared by Boffa Miskell Ltd – sheet 0004 Rev A, dated 27/09/11
- Certificate of Title and Easement Information
- Site Contamination Report prepared by Golder Associates (NZ) Ltd, dated 30/08/11, ref: 1178503068_R001_RevA
- Land Fill Gas Management Report prepared by URS New Zealand Ltd, dated 29/06/2009, ref: 42066778
- Acoustic Report prepared by Marshall Day Acoustics, dated 01/09/11
- Traffic Impact Assessment prepared by Parlane & Associates Ltd, dated September 2011

The information above has been reviewed and assessed by the following person(s):

- Blair Telford – Land Use Planner
- Melvyn Moraes – Development Engineer
- Peter Nagels – Stormwater Asset Engineer
- Gavin Donaldson – Arborist
- Warren Budd – Traffic Engineer
- John Stenberg – Urban Design
- Bin Qiu and Russell Hoban – Environmental Health Officers
- Huia Kingi – Parks and Recreation Advisor North

2.0 THE PROPOSAL, SITE AND LOCALITY DESCRIPTION

2.1 Site, Locality, Catchment and Environs Description

Bentley and Co Ltd have provided a comprehensive site and locality description in Paragraphs 7 to 17 of the accompanying AEE. After visiting the site on 26/09/11, I concur with that description and add that it is both comprehensive and factual and therefore it is considered appropriate to reference this description and adopt it for the purposes of this report.

"The site is located within the Takapuna Business Park, which relates to two land parcels, 2 and 4 Fred Thomas Drive. 2 Fred Thomas Drive is located on the eastern side of Fred Thomas Drive mid-way in the block between Anzac Street to the north, Des Swann Drive to the south and Barry's Point Road to the west.

The existing building is occupied by a range of tenancies, with office activity and a tertiary education facility on the first and second levels, and a bowling alley and café at ground level.

Parking is a combination of allocated marked spaces associated with the various tenants within the business park, and in the order of 90-100 communal parking spaces. In total, the building has consent for 96 allocated and communal parking spaces.

The site has an existing vehicle crossing towards the south of the site. The site also has right of way access to the apartment building complex located on 130 Anzac Street. This right of way enables access to the building.

The landscaping on-site corresponds to the approved landscaping plans from the 1980s, and is limited to the street frontage and to the perimeter of the car parking areas. Some 16.4% of 2 Fred Thomas Drive is planted with a mixture of trees, shrubs and lawn of varying scale, form and condition. The site is located within Stormwater Management Area SMA5.

There are a number of free standing signs (primarily associated with the bowling alley) located within the front yard, together with multiple wall signs along both the western (street) and southern elevations of the building. No documentation relating to these signs has been found on Council records, and it is assumed for the purposes of this application that no existing use rights can be applied to these signs.

The site is an irregular shape, and is generally flat, with ground level rising gently as Fred Thomas Drives curves to the east to meet Anzac Street.

Fred Thomas Drive is a Regional Arterial Road in the District Plan.

The site and surrounding land to the north, south and east is zoned Business 9. This is a general business zoning that provides for a wider range of non-residential activities ranging from industry to retail to commercial activity.

The surrounding environment is eclectic in nature. Medium intensity industrial, retail and commercial activity (consistent with the land's underlying zoning) is located to the east on Barry's Point Road, whilst the Barry's Point Reserve and St Joseph's School are located to the west on the opposite side of Fred Thomas Drive.

A five storey (with basement) apartment complex is located to the north of the site on 130 Anzac Street. This complex accommodates 134 residential units. As noted previously, the right of way used to access the residents' basement car parking also provides access to the site. This site is zoned Business 9. As a consequence conditions relating to the installation of a forced ventilation system and sound insulation materials were required to ensure that there would be no sound related reverse sensitivity issues in relation to surrounding Business 9 zoned sites."

2.2 Proposal

The proposal concerns the departure of the bowling alley from the existing ground level of the building, and the establishment of a medical centre, a retail tenancy (pharmacy) and café. In order to facilitate these activities, the following works are proposed:

- The demolition of the existing lean-to structure accommodating the bowling lanes associated with Tenpin Takapuna;
- Restoration of the ground floor cladding with a combination of curtain wall glazing and aluminium cladding consistent with the existing built form, and the installation of glass canopies over the entrances of the various tenancies;
- The creation of 68 additional at-grade parking spaces to the north and west of the building;
- The installation of associated signage, including naming right signs, a signage strip for the ground floor tenancies and a free-standing directory sign; and
- The removal and replacement of landscaping features such as trees and shrubs and a new paving/foot path along the perimeter of the building up to 4.66m in width.

The medical centre will primarily provide general practice services, with ancillary medical services such as radiology and physiotherapy also proposed. Including administration areas, waiting areas and consulting rooms, the medical centre will occupy the majority of the ground floor with a total floor area of 1200m². The general practice service represents the consolidation of two existing practices in the area: Shakespeare Medical Centre, located on Shakespeare Road, Milford; and Hauraki Medical Centre, located on Lake Road, Takapuna. At this stage, the patient hours for all medical services will be 7am to 9pm Monday to Friday and 8am to 2pm Saturday and Sunday.

The medical centre will be supported by an independent pharmacy in a separate retail tenancy. This pharmacy will have a floor area of 200m²; and can be access externally and directly from the medical centre waiting area. It is anticipated that the pharmacy will generally have similar opening hours to the medical centre, albeit with the potential of closing some half an hour to an hour later in order to dispense any prescriptions associated with the medical centre's end of day patients.

The 150m² café will be located in the south-western corner of the building. The café will have two external entries, in addition to an entry from within the building's main lobby. Glass canopies along the southern and western elevations of the café will provide for outdoor dining opportunities on the new paved footpath. The café will cater for a maximum total of 98 customers.

The additional 68 car parking spaces will primarily be located within the footprint of the demolished bowling alley lean-to structure. These new spaces will be shared by all three ground floor tenancies. This parking area will be managed by a 'Magic Eye' sensor system that can monitor the use of the car park and to allow the management to set reasonable visitor time limits.

An illuminated signage package has been designed for the site and will include:

- A 0.7m deep signage strip along the top of the ground floor tenancies;
- Two naming right signs 9.7m wide by 1.2m in height on the southern and western elevations;
- Two wall signs associated with the medical centre – one 4.3m wide by 1.8m high between the first and second floors on the western elevation of the building; and one 6.5m wide by 1.2m high on the western elevation of the existing northern ground floor extension;
- One free-standing directory sign located towards the street frontage. The sign will be 5.1m high, 1.5m wide and 0.5m deep with a total area of 6.5m².

The landscaping plan will retain those existing trees of good form and condition, remove those of poor quality and introduce a number of additional specimen trees and groundcover. The landscaping plan also includes the incorporation of different paved surfaces, which will also emphasise pedestrian thoroughfares from Fred Thomas Drive to the building's entries.

2.3 Background

The building was constructed in the 1980s on the site of a remediate landfill. Whilst no specific details of a resource consent decision were found on Council's property file, an approved landscaping plan was. Since this time a number of resource consents have been obtained relating to internal works within the building. Most recently, in July 2002, a resource consent (LM/02977/02) was obtained for the establishment of the Northern Business College on level two. This consent also legally established the parking arrangements between 2 Fred Thomas Drive and the neighbouring property at 4 Fred Thomas Drive as follows – 2 Fred Thomas Drive: 96 parking spaces; 4 Fred Thomas Drive: 156 parking spaces.

Of the 96 parking spaces provided for 2 Fred Thomas Drive, the specific allocation of spaces was consented as follows: 2 spaces for the bowling alley and café (ground level); 10 spaces for the offices on level one; 9 spaces for the tertiary facility on level two; and 4 spaces for the offices on level two. The remaining 71 spaces were deemed to be 'communal'.

3.0 REASONS FOR THE APPLICATION

Resource consent is required under the provisions of the following District Plan.

3.1 District Plans

3.1.1 Operative District Plan: Auckland Council District Plan (North Shore Section)

3.1.1.1 Landscaping

Rule 8.4.6.1.3(a)(iii) requires that the trimming, alteration or removal of any tree which is the subject of a condition of consent be considered as a Discretionary activity.

The proposed involves the removal of planting that formed part of an approved landscaping plan approved by Council in 1987; thereby requiring consideration as a Discretionary activity.

3.1.1.2 Site Works/ Flood Hazard

Rule 9.4.1.4(b)(v) requires that site works involving the disturbance of an area of 100m² or more, either wholly or partially, within a 1%AEP flood plain, be considered as a Discretionary activity.

The proposal will involve the disturbance of an area greater than 100m² located partially within a 1% AEP flood plain; thereby requiring consideration as a Discretionary activity.

Rule 9.4.1.4(n) requires that the erection of any structure within an identified flood hazard area or 1%AEP flood plain be considered as a Discretionary activity.

The proposal involves additions and alterations to an existing building that is located within a 1% AEP flood plain and flood sensitive area; thereby requiring consideration as a Discretionary activity.

3.1.1.2 Contamination

Rule 10.8.3 requires that activities on contaminated sites be considered as Controlled activities.

The development will occur on a site that was previously a historic landfill; thereby requiring consideration as a Controlled activity.

3.1.1.3 Car Parking Shortfall

Rule 12.4.2.1 via Table 12.1 requires that all activities comply with the minimum car parking requirements established in Table 12.1. A reduction in the number of parking spaces required is available by means of a Limited Discretionary activity application.

The combined floor area of all currently consented activities, and those proposed; require a total of 170 car parking spaces. The subject site currently provides 96 car parking spaces and a further 66 parking spaces and 2 disabled parking spaces will be established to provide a total of 162 car parking spaces. The activities will operate with an 8 space car parking shortfall; thereby requiring consideration as a Limited Discretionary activity.

3.1.1.4 Vehicle Trip Generation

Rule 12.4.1.2 requires that activities which generate in excess of 100 vehicle trips per day, be considered as a Limited Discretionary activity.

The proposed activities may generate up to 88 vehicle trips per hour during peak periods which will be greater than 100 per day; thereby requiring consideration as a Limited Discretionary activity.

3.1.1.5 Signage

Rule 13.4.2(a) requires that any sign of a type which differs in kind or which is additional in number from those specified as a Permitted activity be considered as a Discretionary activity.

Rule 13.4.2(c) requires that any sign of which the area is in excess of the maximum specified for a permitted activity or its Control Flexibility be considered as a Discretionary activity.

The proposed illuminated signage package will be additional in number and greater in size than that provided for as a permitted activity; thereby requiring consideration as a Discretionary activity.

3.1.1.6 High Traffic Generating Activity

Rule 15.6.1.3(e) via Table 15.1 requires that any activity in the Business 9 zone that classified as a high traffic generating activity and either by itself, or in combination with other high traffic generating activities listed under Table 15.1 within a 500m radius of the site, exceeds a gross floor area of 2500m² be considered as a Discretionary activity.

The proposed activities are classified as high traffic generating activities in the Business 9 zone and in combination with other high traffic generating activities within 500m of the site will exceed a gross floor area of 2500m²; thereby requiring consideration as a Discretionary activity.

3.1.2 Proposed District Plan: Plan Change 24

3.1.2.1 Site Works/ Flood Hazard

Rule 8.4.9.1.2(a) requires that buildings within the flood sensitive areas be considered as a Controlled activity.

The proposal involves additions and alterations to an existing building that is located within a flood sensitive area; thereby requiring consideration as a Controlled activity.

Rule 8.4.9.1.3(a) requires that buildings and structures or alterations and additions to existing buildings within the 1% AEP flood plain be considered as a Discretionary activity.

The proposal involves additions and alterations to an existing building that is located within a 1% AEP flood plain; thereby requiring consideration as a Discretionary activity.

Rule 9.4.1.4(b)(v) requires that site works within the 1% AEP flood plain that are not associated with flood protection works required to protect the existing buildings from flooding hazards be considered as a Discretionary activity.

The proposal requires site works within the 1% AEP flood plain that are not required for flood protection works; thereby requiring consideration as a Discretionary activity.

3.2 Status of the Application

3.2.1 Applications affected by plan changes

Section 88A of the Resource Management Act 1991 ("RMA") specifies that a plan change must be had regard to if the application for consent was made after the notification of a plan change. In this instance the Decision Notice for Plan

Change 24 was released on: 01/10/09. This application was lodged at Council on 06/09/11; therefore it is necessary to have regard to the plan change in considering this application.

3.2.2 Overall, the application is considered to be a discretionary activity

Bundling of applications is good practice and consistent with an integrated resource management approach. Bundling should be considered on a case by case basis. Generally applications should be bundled except where:

- separate but concurrent applications have been made and one of the consents involves a controlled or restricted discretionary activity; and
- the Council's discretion is limited; and
- the effects of exercising the two or more consents would not overlap.

3.3 Notes

The proposed development has not been assessed against and is considered to comply with the provisions and rules contained within Section 8.4.9.2 of Plan Change 24, which relate to diverting, altering and forming an obstruction to an overland flow path. The reason being is that where an overland flow path is indicated on Council's GIS as being within a flood plain it becomes rather meaningless as the flow paths are in effect now the flood plain. Hence assessment against the provisions for flood plains should take precedence over those for overland flow paths.

The Applicant has applied for an infringement in regards to the site being located within a buffer strip (Rule 15.5.1.3(e)). However, this has not been included as an infringement as only a very small portion of the western extremity of the site is located within 30m of the residentially zoned St Josephs School that is located opposite the site on Fred Thomas Drive. The actual proposed activities and altered built form will be located outside the buffer strip (approximately 40m from the school) and therefore the changes to the building and proposed activities are not considered to be subject to this control.

Similarly, the Applicant has also applied for an outdoor activity infringement (Rule 15.6.1.8) as the café intends to locate tables and chairs on the footpath outside the specific activity. However, this has not been included as an infringement as the activity does not fall within 30m of a residential zoned site. Consent for an on-licence in terms of the Sale of Liquor Act 1989 or for the congregation of more than 10 persons for social purposes (Rule 15.5.1.5(c)) is also not required for the same reason, being that the activity will be located further than 30m from the nearest residential zoned site.

4.0 NOTIFICATION ASSESSMENT (SECTIONS 95A, 95C-95D)

4.1 Public Notification Assessment

4.1.1 Statutory Considerations

A consent authority has the discretion whether to publicly notify an application unless a rule or NES precludes public notification (in which case the consent authority must not publicly notify) or section 95A(2) applies, which states that an application **must be publicly notified** if:

- a) the activity will have, or is likely to have, adverse effects on the environment that are more than minor;
- b) the applicant requests public notification of the application; or
- c) a rule in a plan or a national environment standard requires public notification.

Section 95D requires that in determining whether an activity will have, or is likely to have, adverse effects on the environment that are more than minor, the consent authority must disregard:

- effects on persons who own and occupy the land in, on or over which the application relates, or land adjacent to that land
- any effect on a person who has given written approval to the application.
- trade competition and the effects of trade competition.

The consent authority may also disregard an adverse effect of the activity on the environment if a rule or NES permits an activity with that effect.

Notwithstanding all the above, including whether a rule or NES precludes public notification or the applicant has not requested notification, a consent authority has the discretion to publicly notify an application if it decides there are special circumstances in relation to the application.

An application must also be publicly notified if the consent authority has not made a determination in regards to either limited or full notification and information requested under section 92 has not been provided within the statutory and/or agreed timeframe or the applicant has refused to provide the information.

4.1.2 Request for Public Notification (Section 95A(2)(b))

The applicant has not requested that the application be publicly notified.

4.1.3 Plan or National Environmental Standard requires Public Notification (Section 95A(2)(c))

In terms of section 95A(2)(c) there are no rules in the relevant District Plan/Regional Plan/NES which require public notification of the application.

4.1.4 Plan or National Environmental Standard precludes Public Notification (Section 95A(3)(a))

In terms of section 95A(3)(a) there are no rules in the relevant District Plan/Regional Plan/NES that would preclude public notification of the application.

4.1.5 Adverse Effects on the Environment (Section 95A Assessment)

Effects that must be disregarded

A) Effects on persons who own and occupy the land in, on or over which the application relates, or land adjacent to that land

In this case, it is considered that adjacent land includes the following properties because they either adjoin the application site, or are directly across the road. The effects on the owners of the following sites have been disregarded:

- 130 Anzac Street, Takapuna
- 7A Barry's Point Road, Takapuna
- 13 Barry's Point Road, Takapuna
- P15 Barry's Point Road, Takapuna
- 21 Barry's Point Road, Takapuna
- 4 Fred Thomas Drive, Takapuna
- R37 Fred Thomas Drive, Takapuna
- 2 Taharoto Road, Takapuna



B) Any effect on a persons who has given written approval to the application

No persons have provided their written approval to the development.

Effects that must be disregarded – Permitted Baseline Assessment

In this case the type and or complexity of effects associated with the proposed activity are such that the permitted baseline does not provide a useful comparison for the purpose of discounting effects.

4.1.6 Adverse Effects Assessment

Having regard to the above and after an analysis of the application, including any proposed mitigation measures and specialist reports, the following assessment addresses the adverse effects of the activity on the environment. As a **Discretionary** activity the full range of adverse effects must be considered.

Site Works/Flooding

The proposal requires approximately 2000m² of site works to establish and form the new accessways, parking areas and the undertaking of landscaping. Although the scale of the earthworks appears significant, in reality the potential adverse effects associated with it are not, given the predominantly flat topography of the site. In spite of this, the Applicant has proposed to install appropriate site management techniques which will ensure any adverse effects associated with silt and sediment generation are contained wholly within the site. Conditions of consent will ensure these preventative measures are put in place prior to and for the entire duration of the works and will ensure those methods are in accordance with ARC-TP90, which is widely regarded as the best practicable option for controlling the potential effects related to silt and sedimentation.

The proposed earthworks will also be undertaken within an identified flood hazard area. The Council's Asset and Development Engineers, Mr Nagels and Mr Moraes, have assessed the proposal and are both satisfied that the proposed works for this particular development will not have an adverse effect on the functioning of the flood plain, exacerbate flooding during extreme rainfall events or reduce flood plain storage.

Contamination

The Council's Environmental Health Officer, Mr Qiu, who has assessed the proposed development, including the accompanying Contamination Report, and offers the following comments:

"The application site is located in the Barry's Point closed landfill. The site and existing building is subject to impact of landfill gas as the closed landfill is still producing landfill gases. The applicant has provided a report assessing the effect of closed landfill within the application. The report is prepared by Golders Associated dated 31 August 2011.

This Golders report is a review of a landfill gas management status report prepared by URS NZ Ltd dated on 29 June 2009. The URS report indicates that the existing buildings on site have been protected from the landfill gas with mitigations including:

- *In ground passive venting trenches, gas collecting pipe works and vent stacks*
- *Gas alarm system*
- *Ground sealing*

The Golders report concludes that the potential risks associated with LFG require appropriate management during the redevelopment works and recommends a construction and environmental management plan to be prepared and implemented. However the report states that it does not provide the assessment of the risks associated with the on-going use of the site for commercial use.

The URS report indicates that the site had been subject for ongoing landfill gas monitoring from 2000 to 2008, only negligible level of methane was detected within the building. This implies that the existing mitigation measures have worked properly and effectively protecting land fill gas from entering the building.

As the proposed development is alternation of the existing building and the land fill gas mitigation systems will be retained, the potential risk for this redevelopment is likely to be less than minor. The Golders report proposes the risk of contamination during redevelopment work will be controlled by implementing the Construction and Environmental Management Plan and the material required removal will be tested. I consider that implementation of the management plan is adequate to address the contamination issue. The risk associated with the closed landfill can be managed to a less than minor level provided appropriate conditions area adhered to."

I concur with Mr Qiu in that the contamination issue will be adequately addressed and managed to ensure the development does not result in any adverse contamination effects.

Operational Aspects/Noise

It should be noted that as the activities will be located further than 30m from the nearest residentially zoned property, there are no specific restrictions on the hours of operation. However, in light of this, the operating hours for the proposed activities are still considered to be reasonable and are to be expected given their nature and underlying zoning. The Applicant has noted that all waste will be stored in a manner that will not result in waste being deposited beyond the site and adversely affecting the environment. Noise related effects to the wider environment are also not considered to be an issue given the nature of the activities, being a medical centre, pharmacy and café. The application is accompanied by an Acoustic Report which demonstrates that the development can, and will, comply with the noise requirements contained within Section 10 of the District Plan. Overall, it is considered that the day-to-day operational aspects of the medical centre, pharmacy and café, in particular hours of operation, waste management and noise, will not create a nuisance to the wider environment.

Character/Amenity

As outlined in the background section of this report above, commercial activities have operated from the subject site for a number of years and its business zoning is considered to be a key component of the character of the surrounding area. For these reasons, the establishment and operation of the medical centre, pharmacy and cafe from the existing commercial space, is not considered to adversely detract from the character of the wider environment.

The external appearance of the building will be upgraded to modernise its appearance and provide a more attractive street frontage to Fred Thomas Drive. These changes will improve the proportions of the building and place it within an open space context. The works concern the removal of the blank pre-cast concrete panel elevations of the bowling alley and its replacement with glazed frontages and detailing consistent with the exterior of the remainder of the building. Overall, the changes to the existing built form are not considered to detract from the character and amenity of the surrounding environment.

A new outdoor lighting system will be designed and installed in compliance with Section 10.6 of the District Plan. This lighting package will enhance the safety of the site at night and will not result in adverse effects relating to light spill and glare.

The existing cluttered, ad-hoc signage scheme will be replaced with a new signage package, predominantly featured on the southern and western façades of the building. The signage is intended and required to clearly identify the new activities within the building. The majority will be set away from the road against the building facade and display a clear, legible message and the luminance levels will comply with the requirements of the District Plan. In the context of the highly modified and visually busy landscape of Fred Thomas Drive and the underlying business zoning, the proposed signage package is considered to be appropriate. The proposed signage package will not detract from the character and amenity values of Fred Thomas Drive or the wider environment.

The Council's Urban Designer, Mr Stenberg, has assessed the proposed development and has no issues regarding the proposed built form and signage package.

Landscaping

The application involves the removal of vegetation from within the site that was the subject of an approved Landscaping Plan in 1987. The existing vegetation, in terms of the more mature trees, will be retained where practicable and when they are not of poor condition and form. The potential adverse effects from this aspect of the proposal is considered to be minimal as the existing vegetation on site is generally of poor form and appearance, and in turn, offers little in terms of visual amenity. A comprehensive Landscaping Plan has been submitted as part of the application which seeks to mitigate the potential effects associated with the proposed vegetation removal. Features of this proposed plan include two Pohutukawa, six Pin Oak, and ten Tulip trees, low level planting and paved areas. Some of the specimen trees will be located in the road reserve to also enhance the streetscape amenity along Fred Thomas Drive. It is considered that the proposed landscaping will more than mitigate any short-term adverse ecological and visual amenity effects from the removal of the existing landscaping. The Council's Parks Advisor, Ms Kingi, has assessed and approved the proposed Landscaping Plan.

Traffic

The proposed development is considered to be high traffic generating due to the ANZSIC classification and location within the Business 9 zone and due to its ability to generate up to 88 vehicle trips per hour. Due to the floor area of the existing building and associated existing and proposed activities, a total of 170 car parking spaces are required, while only 162 will be provided. Aside from the above, the proposal seeks to install a signage package that will be visible from the surrounding roading network.

The Council's Traffic Engineer, Mr Budd, has assessed the application, including the accompanying and comprehensive Traffic Impact Assessment. Mr Budd has provided a detailed report outlining the relevant traffic matters associated with the proposal, which is referred to for the purposes of this report and assessment. In summary, Mr Budd is satisfied that:

- The car parking provision will adequately serve the activities and the eight space car parking shortfall is considered to be acceptable in this particular instance, especially given the close proximity to the Akoranga Bus Station, resulting in regular bus routes/services travelling along Fred Thomas Drive.
- The parking dimensions and the manoeuvring aisles for the new parking area meets the District Plan requirements
- The location of the mobility spaces at the main entrances of the building is appropriate.
- The existing vehicle crossings are in appropriate locations and will adequately serve this development.
- There is adequate provision for loading activities.
- The vehicle trips generated by the activities would be similar to that generated by the Tenpin Bowling complex and can be comfortably accommodated by the existing roading network.

I concur with Mr Budd and add that the differentiated paving as part of the landscaping proposal will enhance pedestrian safety for the users of the site. Additionally, 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.

Socio-Economic

The primary activity in this proposal is the medical centre. Although it will be providing a service to the wider community, the specialised nature of the service is such that its day-to-day operation will not provide for their daily needs, thereby by not acting as a draw card luring people away from existing business centres. For this reason it is considered to be a supplementary activity to the function and operation of existing business centres, as the wider community will still rely on

them to provide for their daily social and economic needs. Similarly, the proposed pharmacy and café are considered to be of a minor scale and ancillary to the medical centre that their operation will not impact on any existing or proposed business centre.

It is acknowledged that there are other high traffic generating activities under the District Plan and clarified in the ANZSIC code within 500m of the site. However, for the same reasons outlined above, the cumulative effects of both the proposed activities, when coupled with those existing, are not considered to be significant enough to adversely impact on the vitality or viability of any existing or proposed business centre.

Summary

In summary, having assessed the adverse effects of the activity on the environment, it is considered that the activity will have less than minor adverse effects on the environment.

4.1.7 Special Circumstances (Section 95A(4))

Section 95A(4) states that a council may publicly notify an application for resource consent if it considers that special circumstances exist, notwithstanding that a rule or NES precludes notification and the application has not requested notification.

"Special circumstances" have been defined by the Court of Appeal as those that are unusual or exceptional, but they may be less than extraordinary or unique (Peninsula Watchdog Group (Inc) v Minister of Energy [1996] 2 NZLR 529). With regards to what may constitute an unusual or exceptional circumstance, Salmon J commented in Bayley v Manukau CC [1998] NZRMA 396 that if the district plan specifically envisages what is proposed, it cannot be described as being out of the ordinary and giving rise to special circumstances.

In Murray v Whakatane DC [1997] NZRMA 433, Elias J stated that circumstances which are "special" will be those which make notification desirable, notwithstanding the general provisions excluding the need for notification. In determining what may amount to "special circumstances" it is necessary to consider the matters relevant to the merits of the application as a whole, not merely those considerations stipulated in the tests for notification and service.

There are no special circumstances surrounding this application.

4.1.8 Public Notification Assessment Conclusion

It is considered that this application can be processed without public notification for the following reasons:

- The adverse effects on the environment of the activity for which consent is sought will be no more than minor because of the reasons expressed in Section 4.1.6 of this report.
- There are no special circumstances that would act as a basis for Council to exercise its discretion under section 95A(4).

4.2 Limited Notification Assessment (Sections 95B, 95E-95F)

4.2.1 Statutory Considerations

As concluded above the application does not need to be publicly notified. The consent authority must decide if there are any affected persons or affected order holders in relation to the proposed activity.

A person is considered to be an affected person if the adverse effects of the activity on the person are minor or more than minor (but are not less than minor).

In considering whether a person is an affected person in relation to an activity, the consent authority in its assessment:

- may disregard an adverse effect on a person if a rule or NES permits an activity with that effect;
- must have regard to every statutory acknowledgement made in accordance with the RMA specified in Schedule 11;
- must disregard those persons who have provided their written approval (and this has not been withdrawn in writing at the point of this decision); and
- must disregard persons, if it is unreasonable in the circumstances to seek that person's written approval.

If the consent authority decides that there are affected persons or "affected order holders" in relation to the proposed activity, then the application requires limited notification to those affected persons unless a rule or NES precludes limited notification of the application.

4.2.2 Requirements of a Rule or National Environmental Standard

There are no rules in the relevant District Plan/Regional Plan/NES that would preclude limited notification of the application.

4.2.3 Limited Notification / Adversely Affected Persons Assessment

No persons are considered to be adversely affected by the activity because the car parking provision is considered to be sufficient to adequately cater for the anticipated use associated with the existing and proposed activities on the subject site and will not result in overspill along Fred Thomas Drive. Additionally, the vehicle trips generated by the existing and proposed activities can be comfortably accommodated by the existing roading network and will not detract from the efficient operation of the surrounding roading network or further nuisance any adjoining or adjacent site.

The modernising of the buildings external appearance, in particular the southern and western elevations and proposed signage package, is considered to be appropriate and not detract from the visual pleasantness of the immediate vicinity or compromise pedestrian and vehicular safety. Furthermore, the proposed landscaping will enhance the amenity of the site and immediate vicinity.

The potential adverse effects in terms of silt and sedimentation run-off will be appropriately managed and mitigated by the implementation of appropriate site management techniques, ensuring that the any associated adverse effects are internalised. The redevelopment of the site will also not contribute to, divert flows, or exacerbate flooding during extreme rainfall events.

The nature of the proposed activities, being a medical centre, pharmacy and café that will serve the local community, are considered to be conducive to the surrounding area, appropriate given the underlying business zoning and sympathetic to the adjoining and adjacent land uses, especially in comparison to the previously consented uses on the ground floor of the building being a bowling alley and café. The proposed development, in regards to the hours of operation, odours, waste management, outdoor lighting, noise generation and contamination issues, is not considered to nuisance or endanger any persons or adjoining and adjacent sites, particularly the apartments located at 130 Anzac Street. This is due to a number of factors including the development complying with the noise, outdoor lighting and contamination requirements of the District Plan; the activities appropriately managing waste and odour generation; the activities limited and reasonable hours of operation; the layout of the building which ensures the café and it's associated outdoor activity are located on the opposite side of the building and orientated away from the apartments; and the high ambient background noise associated with the high traffic volumes traversing Fred Thomas Drive, Taharoto Road, Barry's Point Road, Anzac Street and the nearby motorway network. Furthermore, the Applicant has also endorsed the use of conditions of consent to ensure compliance is achieved with the outdoor lighting, noise and contamination requirements of the District Plan, which will further ensure that the development will not adversely affect any person or neighbouring property.

4.2.4 Limited Notification Assessment Conclusion

It is considered that this application may be processed without limited notification because there are no adversely affected persons.

5.0 NOTIFICATION RECOMMENDATION

Non-Notification


Pursuant to sections 95A-E of the RMA, this application may be processed without public notification or limited notification because:

a. The activity will have adverse effects on the environment that less than minor. In particular:

- The vegetation to be removed contributes little to the amenity of the wider environment and will be adequately mitigated by the proposed landscaping.
- Factors including the flat topography of the subject site, and the implementation of appropriate site management techniques, will ensure that the potential adverse effects of silt and sedimentation on the wider environment are avoided or mitigated as far as reasonably practicable.
- The Council's Asset and Development Engineers, Mr Nagels and Mr Moraes, have assessed the proposal and deemed the earthworks appropriate for the subject site and are both satisfied that this particular development 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 Council's Environmental Health Officer, Mr Qiu, is satisfied that the Construction and Environmental Management Plan and continued landfill gas monitoring will adequately address and manage the development to ensure it does not result in any adverse hazardous substances or contamination effects
- The establishment and operation of the medical centre, pharmacy and café will be from within an existing commercial space on a business zoned site and is considered to be appropriate for, and in keeping with the character of the surrounding area.
- The day-to-day operational aspects of the medical centre, pharmacy and café, in particular hours of

- operation, waste management, odour and noise, will not create a nuisance to the wider environment will be appropriately managed to ensure the development will not nuisance the wider environment.
- The modernising of the external appearance of the building, including the signage package, will not detract from the amenity values of Fred Thomas Drive or the wider environment.
 - The nature of the existing and proposed activities on the subject site will ensure there are no cumulative effects that will adversely impact on the vitality or viability of any existing or proposed business centre.
 - The Council's Traffic Engineer is satisfied that the car parking provision for the activities is sufficient and the additional vehicle trips generated can be comfortably accommodated by the existing roading network.
- b. There are no special circumstances that would act as a basis for Council to exercise its discretion under section 95A(4).
- c. There are no persons considered to be adversely affected by the activity. In particular:
- The car parking provision is considered to be sufficient to adequately cater for the anticipated use associated with the existing and proposed activities on the subject site and will not result in overspill along Fred Thomas Drive or to neighbouring sites.
 - The vehicle trips generated by the existing and proposed activities will not detract from the efficient operation of the surrounding roading network or further nuisance any adjoining or adjacent site.
 - The addition and alterations to the existing built form will improve the external appearance of the building and immediate vicinity.
 - The proposed signage package is considered to be appropriate in design, location, size and type and will not detract from the visual pleasantness of the immediate vicinity or compromise pedestrian and vehicular safety.
 - The nature of the proposed activities, being a medical centre, pharmacy and café that will serve the local community, are considered to be both appropriate given the underlying business zoning and sympathetic to the adjoining and adjacent land uses, especially in comparison to the previously consented uses of a bowling alley and café.
 - The proposed development, in regards to the hours of operation, odours, waste management, outdoor lighting, noise generation and contamination issues, is not considered to nuisance or endanger any persons or adjoining and adjacent sites, particularly the apartments located at 130 Anzac Street.
 - Conditions of consent endorsed by the Applicant will ensure the activities comply with the outdoor lighting, odour, noise and contamination requirements of the District Plan.

Accordingly, it is recommended that the application proceed on a non-notified basis.


Reporting Officer

13/10/11
Date

6.0 SECTION 95A AND 95B NOTIFICATION DETERMINATION (LN-2134202)

Acting under delegated authority, and for the reasons set out in the above assessment and recommendation, this application LN-2134202 by Fred Thomas Drive Investments Ltd for resource consent to establish and operate a medical centre, pharmacy and café at 2 Fred Thomas Drive, Takapuna being Lot 1 DP 150159, Sec 1 SO 61394 shall be considered on the following basis:

- ☒ Non -Notified
- ☐ Limited Notified
- ☐ Notified


Delegated Officer

17/10/2011
Date

7.0 CONSIDERATION OF APPLICATION

7.1 Statutory Considerations

When considering an application for a discretionary or non complying activity the consent authority must have regard to Part 2 of the RMA ("Purposes and Principles" – sections 5 to 8), and sections 104, 104B, 104D, and where relevant sections 105, 106, 107, 107A – E and 108 of the RMA.

Subject to Part 2 of the RMA, when considering an application for resource consent and any submissions received a council must, in accordance with section 104(1) of the RMA have regard to:

- any actual and potential effects on the environment of allowing the activity;
- any relevant provisions of a NES, other regulations, national policy statement, a New Zealand coastal policy statement; a regional policy statement or proposed regional policy statement; a plan or proposed plan; and
- any other matter a council considers relevant and reasonably necessary to determine the application.

Section 104(2) allows any effects that may arise from permitted activities set out in a NES or a plan to be excluded from the assessment of effects related to the resource consent. This is known as the permitted baseline test. The 'baseline' constitutes the existing environment (excluding existing use rights) against which a proposed activity's degree of adverse effect is assessed. Generally it is only the adverse effects over and above those forming the baseline that are relevant when considering whether the effects are minor. It is at the Council's discretion whether to apply the assessment of the permitted baseline to any proposal. Essentially, the Council may disregard an adverse effect of any activity on the environment if a NES or an operative plan (or an operative rule in a proposed plan) permits an activity with that effect.

When considering an application for resource consent, the Council must not have regard to trade competition or the effects of trade competition [section 104(3)(a)(i)] or any effect on a person who has given their written approval to the application [section 104(3)(a)(ii)].

Under section 104B a consent authority may grant or refuse consent for a discretionary activity or non complying activity and, if it grants the application, may impose conditions under section 108 of the RMA.

Section 108 provides for consent to be granted subject to conditions and sets out the kind of conditions that may be imposed.

All considerations are subject to Part 2 of the RMA, which sets out the purpose and principles that guide this legislation. This means the matters in Part 2 prevail over other provisions of the RMA or provisions in planning instruments (e.g. regional plans) in the event of a conflict. Section 5 states the purpose of the RMA and sections 6, 7 and 8 are principles intended to provide additional guidance as to the way in which the purpose is to be achieved.

The application of section 5 involves an overall broad judgement of whether a proposal will promote the sustainable management of natural and physical resources. The RMA's use of the terms "*use, development and protection*" are a general indication that all resources are to be managed in a sustainable way, or at a rate which enables people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, while sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations, safeguarding the life-supporting capacity of air, water, soil and ecosystems, and avoiding, remedying and mitigating any adverse effects of activities on the environment. The enabling and management functions found in section 5(2) should be considered of equal importance and taken as a whole.

Sections 6, 7 and 8 of the RMA provide further context and guidance to the constraints found in section 5(2)(a),(b) and (c). The commencing words to these sections differ, thereby laying down the relative weight to be given to each section.

Section 6 of the RMA sets out the matters of national importance which need to be recognised and provided for and includes among other things and in no order of priority, the protection of outstanding natural features and landscapes, the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, and the protection of historic heritage. Any relevant matters are considered in the evaluation section of this report.

Section 7 of the RMA requires the consent authority to give particular regard to those matters listed in the section. Section 7 matters are not expressly ranked in order of priority. Therefore, all aspects of this section are to be considered equally. Any relevant matters are considered in the evaluation section of this report.

Section 8 of the RMA requires the consent authority to take into account the principles of the Treaty of Waitangi. This section of the RMA recognises the relationship of Tangata Whenua with natural and physical resources and encourages active participation and consultation with Tangata Whenua. Any relevant matters are considered in the evaluation section of this report.

7.2 Section 104(1)(a) Actual and potential effects on the environment

Section 104(1)(a) of the RMA requires that a council have regard to any actual and potential effects on the environment of allowing the activity.

Pursuant to section 104(2), when forming an opinion for the purposes of section 104(1)(a) a council may disregard an adverse effect of the activity on the environment if the plan or a NES permits an activity with that effect (i.e. a council may consider the "permitted baseline"). In this case, no relevant Permitted Baseline effects were identified to be discounted.

Having regard to the Permitted Baseline and the existing environment, including the future environment as modified by consents granted but not yet implemented, there are positive and balancing effects that are considered relevant to determining the actual and potential effects of the proposal. These include the improved visual amenity of the site in terms of the building upgrade and new landscaping; the illness prevention, health promotion, and disease prevention roles undertaken by General Practitioners; reduced health and safety risks in terms of hazardous substances and site contamination from the implementation of the Construction and Environmental Management Plan and continued landfill gas monitoring; and enhanced pedestrian safety on-site from the dedicated paving/footpaths and lighting scheme. In short, the proposal is considered to promote the 'four well-beings' of the Act for both the Applicant and local community.

The assessment of effects in section 4.0 above concluded that the adverse effects on the environment are likely to be less than minor.

In summary, it is considered that actual and potential effects on the environment of this activity are **acceptable**.

7.3 Section 104(1)(b)(i) and (ii) Relevant provisions of National Environmental Standards and other regulations

There are no NES or other regulations in effect that apply to this application.

7.4 Section 104(1)(b)(iii) Relevant provisions of National Policy Statements

There are no National Policy Statements relevant to this application.

7.5 Section 104(1)(b)(iv) Relevant provisions of the New Zealand Coastal Policy Statement (NZCPS)

The NZCPS is not applicable to this application.

7.6 Section 104(1)(b)(v) Relevant provisions of the Auckland Regional Policy Statement

The Auckland Regional Policy Statement ("ARPS") is not applicable to this application.

7.7 Section 104(1)(b)(vi) Relevant provisions of the relevant regional/district plan(s) objectives, policies and rules

The Plans applying to this proposal are the Auckland Council District Plan (North Shore Section) and Plan Change 24.

7.7.1 Weighting of Plan Change 24

The RMA requires that before a Plan Change becomes operative, any resource consent application is considered in terms of the provisions of both the Operative Plan and the Plan Change. The matters for which resource consent is required, in terms of the Operative District Plan and the Plan Change have been outlined in section 4 - Reasons for the application, of this report.

With regard to the assessment of an application for resource consent and the decision making process, where an application is being assessed under both the Operative District Plan and the Plan Change, it is standard practice to establish a weighting of the Plans.

Based on case law, more weight should be placed on the provisions of the Operative District Plan until such time as the Plan Change has made sufficient advances through the public notification and hearing process that a governing degree of weight can be placed on its controls.

The Council released the Decision Notice for Plan Change 24 on 1 October 2009. Although a weighting exercise should be undertaken, it is considered to be irrelevant in this particular instance in relation to this specific development proposal because the Discretionary activity status is unchanged and the relevant objectives, policies and assessment criteria remain

7.7.2 Relevant Rules

Refer to Part 3 of this report.

7.7.3 Relevant Assessment Criteria

In deciding whether to grant or refuse consent and if granted, deciding on conditions to be imposed, the Council must have regard to these criteria and any relevant matters in sections 104 and 104A to 104D of the RMA. The following comments provide an assessment against the relevant assessment criteria in the District Plan at Sections 8, 9, 10, 12, 13 and 15:

Landscaping

8.4.6.6.1 General Assessment Criteria

- a) *Where the removal or destruction of a tree (or trees) is proposed, the Council must be satisfied that circumstances exist to warrant removal, which may include dangerous, diseased or damaged conditions; compliance with any statutory or legal obligation; or undue interference with the reasonable enjoyment of land and/or adjoining land of residential zoning for residential purposes.*
- b) *The extent of the trimming and maintenance of the tree(s).*
- c) *The extent to which the viability of the native bush would be adversely affected, including cumulative effects.*
- d) *Any alternative methods which may be available to the applicant in the achievement of his/her objectives including consideration of an application for flexibility in respect of any development control where this would encourage retention and enhancement of existing large trees on the site.*
- e) *Whether the tree(s) can be relocated.*
- f) *Whether or not the proposed activities within the root zone are, in the opinion of the Council, likely to damage the tree(s) or endanger its (their) health.*
- g) *The extent to which the tree(s) or area of bush contributes to the amenity of the neighbourhood, both visually and physically, including as a habitat for birds and other animals.*
- h) *Any function the tree(s) or area of bush may have in conservation of water and soil.*
- i) *Whether proposed landscaping or revegetation can compensate for any loss envisaged.*
- j) *The extent to which the tree(s) or vegetation contributes to the historical, social and/ or cultural attributes of a site and surrounding environment.*

Comment:

The removal of the majority of the vegetation is not only required to facilitate the reasonable development of the site, but also due to the poor form and condition of the trees. The existing vegetation to be removed was established as part of a historical landscaping plan to suit the layout of the existing site and soften the appearance of the hard surfaces. In other words, the vegetation is not naturally occurring on the subject site and has been poorly maintained to the point where, in my opinion, it offers little in terms of amenity value. The proposed landscaping, which includes the planting of a number of specimen trees (two Pohutukawa, six Pin Oak and ten Tulip trees), is considered to be effective mitigation for the vegetation removal. It should be noted that no vegetation on the subject site is scheduled in the District Plan; therefore, their contribution to the historical, social and cultural attributes of the locality are not specifically unique.

Earthworks/Flood Plain

8.4.9.11 General Assessment Criteria for Discretionary Activities (Plan Change 24)

- *Whether redevelopment of existing buildings and structures can be undertaken in a way that reduces flood hazards for the site, as well as downstream or upstream sites, using techniques such as reducing building coverage and increasing on-site flood storage space.*
- *Whether development proposed to be located in the 1% AEP flood plain is required to be located in the flood plain for operational reasons (such as infrastructure) and involves activities that do not place people at risk of adverse affects.*
- *Whether green areas, parking areas or buildings and structures that are less susceptible to effects of flooding or prone to exacerbating effects of flooding can be located in the flood plain.*
- *Whether the retention of vegetation or addition of new vegetation will;*
 - i) *benefit the hydrology of the flood plain*
 - ii) *benefit the ecology of the flood plain and streams*
 - iii) *contribute to green linkages.*
- *The extent to which the amenity of the development will be affected by flooding, including the likely frequency of flooding.*

9.7.1.1 General Assessment Criteria (Operative District Plan)

- *Design and implementation of site works;*
- *Bulk, height, location, foundations, height of floor levels;*
- *Location and design of building platforms;*
- *Reinstatement and landscaping.*
- *Drainage*

9.7.3.11 Works within a Flood Plain (Operative District Plan)

- *The extent to which any works within a 1% AEP flood plain:*
 - i) *Avoids adverse effects on the hydrologic or hydraulic capacity of a waterway;*

- ii) Will create adverse effects on the waterway or compromise its natural values, including but not limited to modification which results in:
 - Reduction of waterway area; or
 - Loss of flood plain storage.
- iii) Provide appropriate treatment and measures for sediment control and stormwater discharge quality.
- iv) Is necessary to enable the development to occur, and no other design options are available.

Comment:

A significant portion of the site is located within an identified flood hazard area and as such the construction and associated earthworks trigger the need for consent. In other words, it is not possible to undertake any development on the site while avoiding works within the flood hazard area. The Council's Asset and Development Engineers, Mr Nagels and Mr Moraes, have assessed the proposal and are satisfied that the proposal will not exacerbate or contribute to flooding, extend the flood plain, divert flows onto neighbouring sites or reduce flood plain storage. The finished floor levels of the building will be sufficiently higher than the 1% AEP flood level to avoid inundation.

The site works are required for the demolition of the existing lean-to structure and to create and form accessways and the new parking area. An Erosion and Sediment Control Plan will be developed in accordance with ARC-TP90, which is very effective for silt control mitigation, ensuring the adverse effects from the development are internalised. The site will retain an adequate amount of open space for future landscaping opportunities. Furthermore, the Council's Development Engineer, Mr Moraes, has assessed the proposal and is satisfied the proposed earthworks will not create adverse engineering or stability effects.

Contamination

10.8.6.2 Assessment Criteria for Discretionary Activities

- a) That the applicant can satisfactorily demonstrate that the matters relating to risk and site management required by Section 10.8.4 can be achieved.
- b) That appropriate mitigation and monitoring measures are proposed for the activity.

Comment:

Prior to any earthwork and construction work commencing the Applicant will engage a suitably qualified professional Environmental Engineer or Scientist, experienced in closed landfill management, to prepare and provide a Construction and Environmental Management Plan outlining measures to address the risks associated with landfill gas and contaminated materials, in accordance with the accompanying Contamination Report submitted by the Applicant. An Engineers Report will also be provided with observations and as-built plans to certify the on-site landfill gas mitigation measures have remained in-situ or have been reinstated so that the building, post construction, is adequately protected from the risk of landfill gas. The Council's Environmental Health officer, Mr Qiu, is satisfied that these measures will fulfil the requirements of the District Plan.

Car Parking Shortfall and Vehicle Trip Generation

12.5.1.1 General Assessment Criteria for Control Flexibility

- a) The proposal falls within the limits of control flexibility
- b) Any adverse effects can be mitigated through the imposition of conditions
- c) The proposal meets the intent of the controls explanation

12.5.1.2 Additional Assessment Criteria for Control Flexibility

- a) Reductions in Parking Spaces: General
- f) Design of Parking and Loading Spaces

12.5.1.3 Assessment Criteria for Limited Discretionary Activities

- a) Vehicle and pedestrian access and design
- f) Parking area grade and form, landscaping and internal manoeuvring

12.5.2.1 Access Requirements for High Vehicle Generating Activities

For the purpose of these criteria a high vehicle generating activity shall be any activity that generates more than 200 vehicle manoeuvres per day. Any high vehicle generating activity shall be assessed against the following criteria:

- a) The extent to which the minimum separation distance of crossings from intersections complies with the following:
 - i) For a crossing providing for left turns only:
 - 25 metres on any arterial frontage
 - 15 metres on any collector or local road frontage.
 - ii) For a driveway providing for any right turns:
 - 30 metres on any arterial frontage
 - 25 metres on any collector or local road frontage.
- b) The extent to which the minimum sight distances for any access points complies with the following:

85 Percentile Speed (kph)	MINIMUM SIGHT DISTANCE (metres)	
	Frontage Road Classification	
	Local	Collector/Arterial
40	30	70
50	40	90
60	55	115
70	85	140
80	105	175
90	130	210

85 Percentile Speed (kph)	MINIMUM SIGHT DISTANCE (metres)	
	Frontage Road Classification	
	Local	Collector/Arterial
100	160	250
110	190	290
120	230	330

For crossings providing for right turns, visibility along the road shall be measured from a point 1.15 metres above the roadway in the middle of each approach lane opposite each proposed entrance, in both directions, to points 1.15 metres above the roadway at the centre of the appropriate lane. Visibility for exiting traffic shall be measured from a point 1.15 metres above each proposed exit, 5 metres from the centre of the lane nearest the driveway, to points 1.15 metres above the roadway in the middle of each approach lane.

Comment:

The Council's Traffic Engineer, Mr Budd, has assessed the application, including the accompanying and comprehensive Traffic Impact Assessment. Mr Budd has provided a detailed report outlining the relevant traffic matters associated with the proposal, which is referred to for the purposes of this report and assessment. In summary, Mr Budd is satisfied that:

- The car parking provision will adequately serve the activities and the eight space car parking shortfall is considered to be acceptable in this particular instance, especially given the close proximity to the Akoranga Bus Station, resulting in regular bus routes/services travelling along Fred Thomas Drive.
- The parking dimensions and the manoeuvring aisles for the new parking area meets the District Plan requirements
- The location of the mobility spaces at the main entrances of the building are appropriate.
- The existing vehicle crossings are in appropriate locations and will adequately serve this development.
- There is adequate provision for loading activities.
- Pedestrian safety will not be compromised.
- The vehicle trips generated by the activities would be similar to that generated by the Tenpin Bowling complex and can be comfortably accommodated by the existing roading network.

Signage

13.5.1 Assessment Criteria for Discretionary Activities:

- Impact on residential amenity
- Impact on pedestrian, vehicle and traffic safety
- Impact on the effective functioning of traffic warning and regulatory signage
- Design
- Impact on safety for state highways and motorways

13.5.2 Assessment Criteria for Specific Discretionary Activities:

- Illumination of Any Signs
 - The illumination of any sign should generally be restricted to the Business 2-10 [11] zones.
 - In any zone except rural zones, a sign should not produce more than 1000 cds/m² for a sign of area less than 10m², and not more than 800 cds/m² for a sign of area equal to or greater than 10m².

- iii) *In rural zones a sign should not produce more than 600 cds/m² for signage areas less than 5m² and 400 cds/m² for signage areas equal to or greater than 5m².*
- iv) *All signs within 6 metres of any road boundary should comply with luminance levels for the Rural zones.*
- v) *The luminance of any sign must be assessed as specified in The Institute of Lighting Engineers' Technical Report No. 5 (Second Edition).*

Comment:

Although, the site is located within close proximity to residentially zoned land, it is in fact a school, specifically the bottom playing field; thereby ensuring the signage will not visually nuisance any residential dwelling on residentially zoned land. The proposed signage will integrate cohesively with the existing building facades and will be viewed in context of the entire building which is the dominant built form on the site. Furthermore, Fred Thomas Drive is a visually busy streetscape which features above ground utilities, traffic and business signage; thereby ensuring the signs will not create a visual nuisance to any nearby residential zoned land (St Josephs School) or be a distinguishing feature of the immediate vicinity or surrounding environment. The proposed signs will not adversely affect the surrounding traffic environment given their proposed dimensions, locations, form illumination level complying with the District Plan requirements. The signs are proposed in strategic locations to avoid any potential conflict with pedestrian movements. The subject site is located alongside a regional arterial road, set away from the outstanding natural features of the city. The site is suitably separated from any State Highway or motorway to ensure that their safe and efficient operation would not be adversely affected.

High Traffic Generating Activity

15.7.3.5 High Traffic Generating Activities

- a) *Effect on commercial and community services and facilities of existing and proposed business centres*
- b) *Maintenance of the overall availability and accessibility of commercial and community services and facilities in existing business centres*
- c) *Effect on the character, heritage and amenity values of any existing or proposed centre*
- d) *The extent to which the benefits of new development are able to mitigate any adverse effects in a), b) or c) above*

15.7.4.1 High Traffic Generating Activities

- a) *The extent to which any adverse effects of the activity on efficiency, safety and operational aspects of the adjacent and local road network, and in particular, the avoidance of adverse traffic effects on residential amenity, are able to be avoided, remedied or mitigated.*
- b) *The extent to which the activity has adverse effects on private and public transport patterns, and in particular, the extent to which the proposal: - Results in an increase (or reduction) in overall travel distances - Encourages the use or maintains the integrity of the public transportation network.*
- c) *Criteria listed under Clause 12.5.1.3 of the Transportation Section of the Plan.*

Comment:

The activities seek to establish themselves within existing commercial tenancies. While the proposed development is classified as high traffic generating, this is a result of having such a large commercial premise available in the Business 9 zone. Given the nature of the actual activities, being a medical centre, pharmacy and cafe, they are not considered to be significant enough to result in cumulative effects that will compromise the social and economic viability of existing business centres.

Summary

In summary, the proposal has satisfied the relevant Assessment Criteria and is considered to be suitable for its environment.

7.7.4 Relevant Objectives and Policies

The relevant Objectives and their supporting Policies are located at Sections 8, 9, 12, 13 and 15 of the District Plan and Plan Change 24. These provisions are set out as follows:

Section 8: Natural Environment

Section 8 relates directly to the purpose and principles of the Resource Management Act 1991 (RMA). In short it is concerned with the sustainable management of natural resources including air, water, soil, vegetation and eco-systems.

Objectives 8.3.4 (Tree Management) seek *"To promote amenity values in both the urban and rural areas by maintaining and enhancing the tree cover present in the city; To retain trees that contribute to the amenity, landscape and ecological values in the urban area; and To promote appropriate tree planting and maintenance."*

- Relevant are supporting Policies 4 and 6 by encouraging the Council to plant and maintain trees on Council owned land; and by ensuring the retention of trees that contribute to amenity, landscape and ecological values of the area, including by general tree protection, a Schedule of Notable Trees and conditions of consent on subdivision and resource consents.

Objective 8.3.7.1 (Flood Plains – Plan Change 24) seeks to *"protect the integrity of the 1% AEP Flood Plain to provide for the storage and safe conveyance of flood waters during extreme rainfall events; maintain the functioning of the 1% AEP Flood Plain; and avoid adverse effects on other properties as a result of building in the 1% AEP Flood Plain."*

- Relevant are supporting Policies 1, 3, 4 and 6 which tries to avoid building within the Flood Plain; requiring demonstration that buildings cannot be located elsewhere and any adverse effects would be avoided or mitigated; and that floor levels are above the level of the Flood Plain.

Section 9: Subdivision and Development

Section 9 is concerned with managing the effects of development and site works on the physical environment.

Objective 9.3.1(Protection of the Environment) seeks *"To avoid, remedy or mitigate the adverse effects of development on the environment, including the physical environment, biota, amenity values and landscape."*

- Relevant are supporting Policies 2, 4 and 5 which ensures soil/sediment run-off resulting from vegetation clearance and earthworks is controlled in order to avoid, remedy or mitigate adverse effects on amenity; and that new development is compatible with the character and amenity values of existing development; and ensures development is designed and located such that it does not cause or contribute to natural hazards such as flooding.

Section 10: Pollution, Hazardous Substances and Waste Management

Section 10 is concerned with managing the effects of development and site works on the physical environment.

Objective 10.3.5 (Hazardous Facilities and Contaminated Sites) seeks *"To minimise potential for adverse effects to people and the environment from the use, storage, transport, disposal or accidental release of hazardous substances."*

- Relevant are supporting Policies 6, 7 and 8; by identifying sites known to be contaminated or with potential to be affected by contamination; by requiring remedial action within an agreed time-frame to remove or mitigate the effects of contamination based on the sensitivity of the immediate environment and intended use of the contaminated site; and by promoting excellence in the management operation of hazardous facilities in handling of substances so as to enhance the protection of the environment within the city.

Section 12: Transportation

Section 12 is concerned with the management of transportation facilities in a manner that avoids, remedies or mitigates the adverse effects of transportation activity and infrastructure on the environment.

Objective 12.3.1 (Transport System Effectiveness and Safety) seeks *"To enable a transport system that avoids, remedies or mitigates the adverse effects of transport activity on the natural and physical environment and protects the amenity value of open spaces and streets, while maintaining the health and safety and the economic, social and cultural well-being of the people and community of North Shore City. These adverse effects include noise, stormwater contamination of receiving waters and air quality degradation."*

- Relevant are supporting Policies 1, 3 and 6; by reducing the need for travel by private motor vehicle within the city; to maintain a balance between changes in activities and the transportation system from the sub-regional through to the local level, so that there is a reasonable match between the trip generating capacity of the pattern of activities and trip carrying capacity of the transportation system; and to protect all busy roads, together with State Highways, from adverse effects of adjacent activities and developments, including those which are high traffic generators of pedestrian or vehicle traffic or may have adverse effects on the safety of motorists.

Objective 12.3.4 (Car Parking) seeks *"to ensure that adequate and efficient provision is made for on-site car parking for all activities"*

- Relevant are supporting Policies 1, 5, 7, 8 and 9, by ensuring that parking requirements for each activity is related to the number of occupants and visitors expected to bring a motor vehicle to the site and that occupants have priority of on-site parking; ensuring that exclusive parking spaces for Operation Mobility Cardholders are made available and conveniently accessible to the destination point; ensuring that car parks are screened from adjacent sites and larger car parks are landscaped; ensuring that specifications for parking facilities are based on the length and turning circle of the 90th percentile motor car, and that these specifications be applied so that all vehicle manoeuvring can be carried out within the site; and by requiring parking areas to be properly located, designed, formed, screened and landscaped.

Section 13: Signage

Section 13 is concerned with the management of signs, in particular traffic safety and visual amenity.

Objective 13.3 (Signs) seeks *"to ensure that signage does not create a traffic hazard and to ensure that signs do not adversely affect the visual amenity of the surrounding environment."*

- Relevant are supporting Policies 1 and 2 which require signs to be designed and located so that they do not detrimentally affect traffic safety; and seek to control the adverse effects of signs, having regard to the amenity standards and context of the particular environment in which they are located, on the basis of the various zones defined in the Plan.

Section 15: Business

Section 15 is concerned with integrated management of resources, in so far as they relate to all kinds of commercial and industrial activities, including retailing, servicing, offices, warehousing, manufacturing and research orientated activities.

Objective 15.3.2 (Transportation Network) seeks *"To manage the effects of business activities so as to maintain a transportation network capable of effectively servicing business activities, the needs of through traffic, and the wider transport and traffic needs of the city."*

- Relevant is supporting Policy 4 by recognising the potential for some retail activity to establish in business zones outside the existing and proposed business centres and requiring this development to be subject to thorough evaluation in terms of effects on the roading network, existing centres, character and amenity of the surrounding area and pedestrian amenity.

Objective 15.3.4 (Control of Adverse Effects) seeks *"To ensure that the adverse environmental effects of business activities are avoided, remedied or mitigated."*

- Relevant are supporting Policies 1, 2, 3 and 4 which require business activities to avoid, remedy or mitigate adverse environmental effects; requiring activities to adequately provide for vehicular and pedestrians safety and convenience; ensure business activities do not detract from the visual amenity of the area in which they are located; and ensuring that potential adverse effects from noise, illumination, pollution and odour associated with business activities are avoided, remedied or mitigated.

Objective 15.3.5 (Business Amenity) seeks *"To maintain or enhance levels of amenity within the different zones and for residential and recreation zones that are in close proximity to business zones, and achieve high levels of amenity, consistent with the nature of activities permitted within the zone."*

- Relevant are supporting Policies 1 and 11 which seek to prevent development out of scale with or insensitive in character to the area in which it is to be located, in order to avoid adverse effects on the amenity of business and surrounding areas; and ensure that those potential adverse effects of activities in business areas on adjoining residential areas are avoided, remedied or mitigated.

Objective 15.4.7 (General 9 zone) seeks *"To manage the effects of activities in the city's general business areas in a manner which: provides opportunities for a wide range of employment-generating business activities to establish in the city; maintains a moderate level of visual and environmental amenity; and makes efficient use of natural and physical resources."*

- Relevant are supporting Policies 1 and 2 by enabling a wide range of moderate to low intensity business activities to locate in the general business areas; and by discouraging activities which have a high traffic generating characteristic from locating in the city's general business areas, unless an assessment of traffic effects can demonstrate that adverse effects on residential amenity, on pedestrian amenity in the vicinity of the proposed activity, and on the road network can be avoided, remedied or mitigated to ensure that they will not be significant.

Comment:

Because of the hierarchical relationship between Objectives, Policies and Assessment Criteria, satisfaction of the relevant Assessment Criteria is considered sufficient to fulfil the intent of the Objectives and Policies. For the reasons outlined in the assessment of environmental effects and based on the application satisfying the relevant District Plan Assessment Criteria, it is considered that the proposal is consistent with the intent of these Objectives and Policies, which are effects based in their approach.

7.8 Section 104(1)(c) Any other matters considered relevant and reasonably necessary to determine the application

Section 104(1)(c) requires that any other matter the consent authority considers relevant and reasonably necessary to determine the application be considered. In this case the following matters are considered relevant:

7.8.1 Monitoring

Section 35(2)(d) of the RMA requires every council to monitor resource consents that have effect in its region or district, as the case may be, and take appropriate action (having regard to the methods available to it under this RMA) where this is shown to be necessary. Monitoring will be undertaken to ensure no further breaches of the provisions of the District Plan or conditions of consent occur, as specified in Section 3.9.4 of the Auckland Council District Plan (North Shore Section).

7.9 Consideration of Part 2 (Purpose and Principles) of the RMA

Section 5 in Part 2 identifies the purpose of the RMA as being the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

Section 6 of the Act sets out a number of matters of national importance which need to be recognised and provided for, and includes among other things and in no order of priority, the protection of outstanding natural features and landscapes, the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, and the protection of historic heritage.

Section 7 identifies a number of "other matters" to be given particular regard by a council in the consideration of any assessment for resource consent, and includes the efficient use of natural and physical resources, and the maintenance and enhancement of amenity values. Section 8 requires a council to take into account the principles of the Treaty of Waitangi.

Overall 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.

7.10 Lapsing of Consent

Section 125 of the RMA provides that if a resource consent is not given effect to within five years of the date of the commencement (or any other time as specified) it automatically lapses unless the consent authority has granted an extension. In this case, it is considered five years is an appropriate period for the consent holder to implement the consent due to the nature and scale of the proposal.

7.11 Conclusion

Overall, it is considered that the actual and potential effects of the proposal are acceptable. The proposal satisfies the relevant Objectives, Policies and Assessment Criteria of the District Plan and accordingly is considered to be appropriate for its environment.

8.0 RECOMMENDATION AND CONDITIONS

8.1 Recommendation

It is recommended that pursuant to sections 104, 104B and 108 of the RMA, consent is Granted to the Discretionary activity application by Fred Thomas Drive, Takapuna to authorise resource consent for the establishment and operation of a medical centre, pharmacy and café at 2 Fred Thomas Drive, Takapuna being Lot 1 DP 150159, Sec 1 SO 61394 (Consent Application LJ-2134202).

The reasons for this decision are as follows:

- (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 removal of the majority of the vegetation is not only required to facilitate the reasonable development of the site, but also due to the poor form and condition of the trees.
 - The proposed landscaping, which includes the planting of a number of specimen trees (two Pohutukawa, six Pin Oak and ten Tulip trees), is considered to be effective mitigation for the vegetation removal.
 - It should be noted that no existing vegetation on the subject site is scheduled in the District Plan; therefore, their contribution to the historical, social and cultural attributes of the locality are not specifically unique.
 - The Council's Asset and Development Engineers, Mr Nagels and Mr Moraes, have assessed the proposal and are satisfied that the proposal will not exacerbate or contribute to flooding, extend the flood plain, divert flows onto neighbouring sites or reduce flood plain storage.
 - The finished floor levels of the building will be sufficiently higher than the 1% AEP flood level to avoid inundation.
 - An Erosion and Sediment Control Plan will be developed in accordance with ARC-TP90, ensuring the adverse effects from the development are internalised.
 - The site will retain an adequate amount of open space for future landscaping opportunities.
 - The Council's Development Engineer, Mr Moraes, has assessed the proposal and is satisfied the proposed earthworks will not create adverse engineering or stability effects.
 - The Council's Environmental Health officer, Mr Qiu, is satisfied that the Construction and Environmental Management Plan and on-going landfill gas monitoring will fulfil the hazardous substances and site contamination requirements of the District Plan.
 - The car parking provision is considered to be an accurate reflection of the actual demand anticipated for the associated uses on-site and will adequately serve their needs without adversely impacting on the adjoining sites or surrounding roading network.
 - The design and layout of the existing and proposed car parking areas meet the gradient, dimension and manoeuvring requirements of the District Plan.
 - There is adequate provision for loading activities.
 - Pedestrian safety will not be compromised.
 - The proposed signage is in keeping with that of the surrounding environment and will not result in driver distraction.
 - The vehicle trips generated by the activity can be comfortably accommodated by the existing roading network.
 - The proposed signage will integrate cohesively with the existing building facades.
 - The signage package is not considered to not create a visual nuisance to any nearby residential zoned land or be a distinguishing feature of the immediate vicinity and surrounding environment.
 - The luminance levels will comply with the requirements of the District Plan and 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 cosmetic changes to the building will improve the visual amenity and aesthetical values of the immediate and wider environment.
 - Given the nature of the actual activities, being a medical centre, pharmacy and cafe, they are not considered to be significant enough to result in cumulative effects that will compromise the social and economic viability of existing business centres.
- (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.

8.2 Conditions

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

GENERAL CONDITIONS

Activity in accordance with plans

1. The establishment and operation of the medical centre, pharmacy and cafe shall be carried out in accordance with the plans and all information submitted with the application, being:
 - Assessment of Environmental Effects prepared by Bentley and Co Ltd, dated September 2011
 - Plans prepared by – sheets A19-01 Rev F, dated 01/09/11; A50-01 and A50-02, both Rev B, both dated 09/08/11 and A60-51 Rev A, dated 09/08/11
 - Landscape Plan prepared by Boffa Miskell Ltd – sheet 0004 Rev A, dated 27/09/11
 - Site Contamination Report prepared by Golder Associates (NZ) Ltd, dated 30/08/11, ref: 1178503068_R001_RevA
 - Acoustic Report prepared by Marshall Day Acoustics, dated 01/09/11
 - Traffic Impact Assessment prepared by Parlane & Associates Ltd, dated September 2011

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 \$550 (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 \$550 (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.

Car Parking Shortfall

5. The extent of the car parking shortfall associated with the development shall be limited to that applied for being a maximum of 8 parking spaces.

Signage

6. The illuminated signage package for the development shall be limited to that applied for being:
 - a 0.7m deep signage strip along the top of the ground floor tenancies;
 - Two naming right signs 9.7m wide by 1.2m in height on the southern and western elevations;
 - Two wall signs associated with the medical centre – one 4.3m wide by 1.8m high between the first and second floors on the western elevation of the building; and one 6.5m wide by 1.2m high on the western elevation of the existing northern ground floor extension;
 - One free-standing directory sign located towards the street frontage. The sign will be 5.1m high, 1.5m wide and 0.5m deep with a total area of 6.5m².

Contamination

7. Prior to any earthwork and construction work commencing the consent holder shall engage a suitably qualified professional Environmental Engineer or Scientist, experienced in closed landfill management, to prepare a Construction and Environmental Management Plan (CEMP) outlining measures to address the risks associated with landfill gas and contaminated materials, according to the report prepared by Golder Associates entitled 'Assessment of Potential Contamination and Landfill Gas Risks – 2 Fred Thomas Drive, Takapuna', dated 29 June 2011. A copy of this CEMP shall be provided to the satisfaction of the Council's Takapuna Environmental Protection Team Leader.
8. All contaminated material excavated must be disposed of in a facility that is licensed to accept contaminated materials.
9. Prior to issuing a Certificate of Code Compliance for the development, the consent holder must provide an Engineers Report with observations and as-built plans to certify the on-site landfill gas mitigation measures have remained in-situ or have been reinstated so that the building, post construction, is adequately protected from the risk of landfill gas.

Noise

10. The activities shall at all times comply with noise requirements set out in Section 10.5 of the District Plan.

11. In the event of the Council receiving any reasonable and legitimate noise complaint relating to the establishment of the food outlet, the consent holder shall be required to engage an Acoustic Engineer to monitor noise emission levels from the premises to determine compliance with the District Plan. The results of such monitoring and on professional recommendation to maintain/achieve compliance shall be provided to the Council within 30 days of the Council's request.

Odours

12. Should on-site cooking occur then an effective commercial extraction system shall be provided and constructed and sited in a manner that removes odours, smoke and condensates from all areas of cooking and outlets them in a position that does not create a nuisance as defined under the Health Act 1956 to any residential or commercial neighbours.

Waste Management

13. The collection and disposal of refuse generated by the activities shall be carried out so as not to create a noise, odour or health nuisance. The consent holder shall ensure that the exterior storage of refuse shall be in a tidy manner in a rodent proof area.

Outdoor Lighting

14. The outdoor lighting scheme shall be designed to, and at all times, comply with the requirements contained within Section 10.6 of the District Plan.

Parking

15. The previous resource consent traffic and parking conditions pertaining to the existing office and tertiary activities for 2 Fred Thomas Drive shall be retained.

BEFORE CONSTRUCTION STARTS

Pre-Construction Advice to Monitoring

16. The Council's Monitoring Officer shall be advised, in writing, seven (7) working days prior to any site works, including earthworks, and before construction commences. Please fill out and return the attached form by fax or post.

Erosion and Sediment Control

17. An Erosion and Sediment Control Plan shall be provided to the Council's Takapuna Development Engineer for approval prior to the commencement of works.
18. The consent holder shall install measures approved by Council to control and/or mitigate any silt runoff, sedimentation or erosion that may occur. A certificate of establishment shall be provided to Council prior to the commencement of any construction works including excavation, earthworks or other site works. Erosion and Sediment Controls approved by Council shall be maintained and remain in place for the duration of the project. These measures are to be at the consent holder's sole expense. The consent holder shall ensure that no silt, sediment or water containing silt or sediment is discharged into stormwater pipes, drains, channels, soakage systems. These measures shall be designed having regard to Technical Publication No. 90 of the Auckland Regional Council, and be implemented to the satisfaction of the Council's Takapuna Monitoring Officer or Development Engineer.

Wastewater Drainage

19. The consent holder shall provide a wastewater drainage system (sanitary sewer), the design of which shall be presented to the Council with the building consent application. Any part of the reticulation to become part of the public wastewater reticulation shall be submitted as an Engineering Works Application to the Council's Takapuna Development Engineer.
20. The consent holder shall meet any costs of Council Controlled Organisation Watercare Services (WSL) in respect to the proposed wastewater works.

Stormwater Drainage

21. The consent holder shall provide a stormwater drainage and on-site stormwater management system, the design of which shall be presented to the Council with the building consent application, or (if public), as an Engineering Works Application.
22. The stormwater system design shall make adequate provision for the drainage of surface water, including from existing or proposed public or private carriageways.

Overland Flow Path

23. The consent holder shall preserve the existing overland flow path.

Stormwater Discharge

24. The consent holder shall install and maintain all necessary silt and sediment traps or pits to control any discharge of stormwater. This system shall take into account the requirements of the Auckland Regional Council Technical Publication No.90.

DURING CONSTRUCTION

Work in Accordance with Approved Plans

25. 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.

Paving of Parking and Access

26. All parking spaces, access-ways and manoeuvring areas shall be formed, drained and finished with an all-weather dust-free surface, in accordance with the Council stamped, approved plans. This shall be to the satisfaction of the Council's Monitoring Officer, and be completed prior to the commencement of the activity.

Noise Limits

27. 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 ₁₀ level of 60 dBA
7.30am - 6pm	less than an L ₁₀ level of 75 dBA
6pm - 8pm	less than an L ₁₀ level of 70 dBA

Saturdays:

7.30am - 6pm	less than an L ₁₀ 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 L₁₀ 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.

Erosion and Sediment Control Plan – During Construction

28. All personnel working on the site shall be made aware of the Erosion and Sediment Control Plan and its requirements. The approved Erosion and Sediment Control Plan shall be kept on site for inspection by the Council's Monitoring Officer.

Discharge of Washings

29. Washings from building activity (e.g. concrete products, wheelbarrows, paint or plastering) shall not be directed/discharged/deposited into any road, gutter, drain or stormwater system. If such material is discharged into one of the abovementioned features, the consent holder shall, at their expense take all necessary measures to remove the contaminant from the feature.

Dust Nuisance

30. The consent holder shall institute appropriate measures to control or mitigate any potential dust nuisance. All such measures initiated shall be maintained throughout the entire duration of the construction period. The Council reserves the right at all times to stop the works in and during periods of high winds. Note: No burning of any rubbish, vegetation or other material will be permitted except with the appropriate Fire Permit.

Avoidance of Befouling of Public Roads

31. The consent holder shall implement, to the satisfaction of the Council's Monitoring Officer, suitable measures to prevent depositing of earth on surrounding streets by trucks moving fill and other materials to and from the site. In the event that any material is deposited on the street, the consent holder shall take immediate action, at their expense, to clean the street. The loading of earth, fill and other materials shall be confined to the subject site.

FOLLOWING COMPLETION OF CONSTRUCTION

Post-Construction Advice to Monitoring

32. The consent holder shall inform the Council's Monitoring Officer, in writing, upon:

- a) The completion of the building.
- b) The commencement of the activities.
- c) The completion of the landscaping.

Post Construction DVDs

33. The consent holder shall provide a post construction DVD of any public wastewater line within 1m of piling, within 300mm of a subgrade and for any buildover of an existing or proposed public line. The DVD shall be provided to the Council's Takapuna Development Engineer.
34. The consent holder shall provide a post construction DVD of any public stormwater line within 1m of piling, within 300mm of a carriageway subgrade and for any buildover of an existing or proposed public line. The DVD shall be provided to the Council's Takapuna Development Engineer

8.3 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 Trust 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.RCCCompliance@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. The granting of this resource consent does not in any way allow the applicant to enter and construct drainage within neighbouring property, without first obtaining the agreement of all owners and occupiers of said land to undertake the proposed works. Any negotiation or agreement is the full responsibility of the applicant, and is a private agreement that does not involve Council. Should any disputes arise between the private parties, these are civil matters which can be taken to independent mediation or disputes tribunal for resolution. It is recommended that the private agreement be legally documented to avoid disputes arising. To obtain sign-off for the resource consent, the services described by the conditions above are required to be in place to the satisfaction of Council.
7. 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.
8. This development is situated close to, or over, a Council drain (public asset) and, as such, may require the Council drains to be re-laid around the proposed building(s). Furthermore, special foundations may need to be designed and presented with the building consent application. In respect of wastewater drains which are part of the Watercare Services Ltd network, their website www.watercare.co.nz provides further advice, contacts and forms.
9. Due to this development being within 10m of a trunk sewer, a Section 35 form will need to be submitted with any building consent.

9.0 DECISION UNDER DELEGATED AUTHORITY

9.1 Adequacy of Information

It is considered that the information submitted with the application is sufficiently comprehensive to enable the consideration of the above matters on an informed basis:

- a) The level of information provides a reasonable understanding of the nature and scope of the proposed activity as it relates to the relevant district and/or regional plan(s).
- b) The extent and scale of any adverse effects on the environment are able to be assessed.
- c) Persons who may be adversely affected are able to be identified.

Report Prepared by:

Blair Telford

Title:

Planner

Signed:

BT

Date:

13/10/11

Report Reviewed by:

Sarah Peterken

Title:

Planner

Signed:

SP

Date:

17/10/11

9.2 Decision

Acting under delegated authority and as recommended in section 8.1 Consent Number LJ-2134202 shall be granted subject to the conditions of consent specified in section 8.2 or refused

Delegated Officer:

Jon Seppes

Title:

Senior Planner

Signed:

Jon Seppes

Date:

17/10/2011

to Signs 4 Fred Thomas North & South on Plan 1960 51 are not included in the application.

SECTION E DEFINITIONS

COUNCIL:	means The Auckland Council
DISTRICT PLAN:	means any operative or proposed plan administered by any of the following former Territorial Authorities as at to 1 November 2010. Rodney District Council North Shore City Council Waitakere City Council Auckland City Council Manukau City Council Papakura City Council Franklin District Council
REGIONAL PLAN:	means any regional plan administered by the former Auckland Regional Council prior to 1 November 2010. Auckland Regional Plan; Sediment Control Auckland Regional Plan; Coastal Proposed Auckland Regional Plan; Air, Land and Water Auckland Regional Plan; Farm Dairy Discharges Transitional Auckland Regional Plan
ARPS:	means Auckland Regional Policy Statement
HGMPA:	means Hauraki Gulf Marine Park Act
LGAAA:	means Local Government Amendment Act 2004
Manager:	means an Auckland Council manager or nominated Auckland Council staff acting on the Managers behalf
NZCPS:	means New Zealand Coastal Policy Statement 1994
RMA:	means Resource Management Act 1991 and all amendments
WRHAA:	means Waitakere Ranges Heritage Area Act 2008

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 25m²) 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:

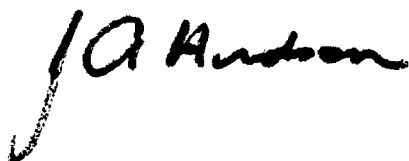
Drawing No.	Title	Prepared by	Dated
A01-01, RC2	Site and Location Plan	Wardle Architects	15 December 2014
A10-01, RC	Level G – Site Plan – Existing – North	Wardle Architects	1 September 2014
A10-02, RC	Level G – Site Plan – Existing – South	Wardle Architects	1 September 2014
A10-05, RC2 RC3	Level G – Site Plan – Proposed – North	Wardle Architects	15 December 2014 20 May 2015
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 RC3	Proposed – Elevations – West – North	Wardle Architects	8 October 2014 20 May 2015
A50-02, RC RC3	Proposed – Elevations – East – South	Wardle Architects	1 September 2014 20 May 2015
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

TAKAPUNA CITY COUNCIL

Application for:

Change of Use	Section 54
Conditional Use	Section 72 or 73
Specified Departure	Section 74
Dispensations and Waivers	Section 76

REFERENCE NUMBER: TP 2838

FILE NUMBER: W/6/2

NAME OF APPLICANT: KERRIDGE ODEON BOWLING CENTRES LTD

ADDRESS OF PROPERTY: 12 FRED THOMAS DRIVE

LEGAL DESCRIPTION: Lot 4 117066 D.P. 8038

MINUTE BOOK REFERENCE: Date of Decision 25/8/87 Minute No. 1300

DECISION: That the application by Kerridge Odean Bowling Centres Limited for the consent of Council to a Specified Departure to establish a Licensed Restaurant within the Kerridge Odeon Bowling Centre at 12 Taharoto Road extension (Fred Thomas Drive), being described as Lot 1 DP 8038, be granted pursuant to Section 74 of the Town & Country Planning Act 1977 on the grounds that -

1. The effect of the departure will not be contrary to the public interest.
2. The departure will have little town and country planning significance beyond the immediate vicinity of the land concerned.
3. The provisions of the Scheme can remain without change or variation.

The reasons for this decision are -

1. The proposal does not offend the objectives of the District Scheme.
2. The proposed use is unique in that this is the only parcel of industrial zoned land where recreation uses are provided for and therefore constitutes an exception to the Scheme.

This consent is subject to the following conditions -

1. The proposed development be undertaken in accordance with the plans submitted.
2. That all relevant town planning and Bylaw requirements are complied with.

COPY

07 November 1995

B MacFarlane
Mac & Co
Box 32-048
Devonport
NORTH SHORE CITY

Dear Sir/Madam

**LAND USE CONSENT (DISCRETIONARY ACTIVITY)
4-6 FRED THOMAS DRIVE, TAKAPUNA**

The above application was considered by a Commissioner under delegated authority on 1 November 1995 whereby it was resolved:

That the Discretionary Activity application by Go Bowling Centres Ltd for alterations to the centre to establish 4 additional bowling lanes (for corporate events) at 4-6 Fred Thomas Drive, Takapuna being Lot 1 DP 117066 (A) **NOT BE NOTIFIED** and (B) **BE GRANTED** pursuant to Rule 2.4.6.2 (viii) of the Operative District Plan, and Sections 104, 105 and 108 of the Resource Management Act 1991 for the reasons that:

1. There will be no adverse effect on any person beyond the site as the alterations are internal only and unlikely to create any additional adverse effects.
2. The traffic generation for the additional bowling lanes will be no greater than the video games room and storage loading bay area that it replaces.
3. The loading access is not presently used by any tenants of the building. If the additional bowling lane area is not required in the future, the loading access doors will remain in place and the area can be easily converted back to its original intended use.

Consent is granted subject to the following conditions:

1. That development proceed in accordance with the plans submitted.
2. That development comply with Council's Bylaws and other relevant requirements including the obtaining of all necessary Building Consents before the commencement of any work.
3. If the loading bay area is not required for this activity in the future it should be re-established or a further resource consent for a future use approved.

MacFarla\cb

The 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 engineering, building and bylaw requirements are met.

Your attention is drawn to the provisions of Sections 383 and 125 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.


If you have any queries regarding this matter, please do not hesitate to contact Robert Andrews in the Resource Consents Department of the Development Services Office, telephone 486-8400.

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

Yours faithfully

Robert Andrews
SPECIALIST RESOURCE CONSENT PLANNER



1. SEE PLAN M08-002 - C2 TOP EX LEVELS.
2. FIND LEVELS THIS.  TOP OF SEAL
CONTOURS
3. ALL EX. PIPES & MANHOLE TO BE EXPOSED
& SET OUT CHECKED BEFORE COMMENCING
EXCAVATION.
4. SEALED AREAS TOTAL METAL DEPTH 250mm
25mm HOTMIX.
5. ALL SERVICES TO BE LOCATED & CLEARLY
MARKED BEFORE EXCAVATING.

**ALL DRAINAGE AND PLUMBING
WORK TO COMPLY WITH THE
DRAINAGE & PLUMBING REGS.
(1978) & TAKAPUNA CITY
COUNCIL BY-LAWS.**

PLANS
AND SPECIFICATIONS
APPROVED

SUBJECT TO SUCH
CONDITIONS AS ARE TO
BE ENDORSED OR
APPENDED TO
BUILDING PERMIT

SIGNED: *[Signature]*
Building Inspector

DATE: 12. 3 - 57

SIGNED: *[Signature]*
Plumbing & Drainage
Inspector

DATE: 11 / 13 / 57

E	ADDITIONAL STORMWATER	25/2/87
D	3.80 Ø PIPES	23/2/87
C	AMENDED LINE 4, ADDED 80 Ø DRAINPIPE & GULLEY TEAP SUMP	12/2/87
	DESIGNER AMENDED LINE 1. ISSUE CHANGED DETAILS, CHANNEL DETAILS.	18/12/86.
B.		
A.	CAPPIRE, DRAINAGE	3/12/86
O	NEW ISSUE	11/86
ISSUE	revision	date

**ROBERTS MITCHELL
ASSOCIATES LTD**
Auckland 1, 8 The Esplanade, Tel: 412 22 44, Auckland 1
30 Mokuia Road, Pukekohe, Tel: 419 51 24

**THORBURN
DAVIDSON**
CONSULTING CIVIL & STRUCTURAL ENGINEERS
135 Vincent St., Auckland 1
PO Box 5780 Auckland 1, Telephone 395 339

drawn : G. N. GAYLOR *ADAMS*
checked :
date : NOVEMBER '86

ASDA GROUP
DEVELOPMENT
AT TAKAPUNA
STAGE ONE

sheet title

SITE PLAN
DRAINAGE AND
CARPARK DETAILS

scales 1:200

project number M08-002

C4 sheet number

E
C revision

Assessment Of An Application To Change Resource Consent Conditions



TO Delegated Authority

ON 15/03/12

FROM Senior Planner

SUBJECT Application to Change Conditions 1 and 6 of Approved Resource Consent LJ-2134202 at 2 Fred Thomas Drive, Takapuna

Summary & Application Details

The consent holder has made an application under section 127 of the Resource Management Act 1991 ("the Act") to change conditions 1 and 6 of approved resource consent LJ-2134202. The application is considered a **Discretionary** activity. The application is supported by the Council's officers.

Address:	2 Fred Thomas Drive, Takapuna
Legal Description:	Lot 1 DP 150159, Sec 1 SO 61394
Applicant:	Fred Thomas Drive Investments Ltd
Application Number:	LJ-2134202
Processing Planner:	Blair Telford – Senior Planner
Date Received:	14/02/12
Further Information Requested:	28/02/12
Further Information Received:	06/03/12
Zone:	Business 9
Designations/Limitations:	Historical Landfill Flood Plain Flood Sensitive Area Overland Flow Path SMA5
Site Area:	5932m ²

Please refer to the attached sheet at the end of this report which addresses the relevant matters required to be considered under the Local Government Act 2002 for any Council decision.

1.0 Proposal and Background

1.1 Background

The Council granted the consent for establishment and operation of a medical facility, retail tenancy (pharmacy) and cafe on 17/10/11. In order to facilitate these activities, the following works were consented to:

- The removal and replacement of landscaping protected by an approved landscaping plan
- Site works in excess of 300m² within a flood plain and on a contaminated site
- A comprehensive signage package
- A car parking shortfall of 8 spaces
- A high traffic generating activity.

The Discretionary activity application proceeded on a non-notified basis as the adverse effects on the environment were deemed to be less than minor; no special circumstances warranted notification; and no person were considered to be adversely affected.

The application was subsequently granted as the adverse effects were deemed to be less than minor; the proposal satisfied the relevant objectives, policies and assessment criteria of the Plan; and also achieved the purpose of the RMA, being the sustainable management of natural and physical resources.

A copy of the approved land use consent, original application and the Council officer reports are attached to this report for the information and consideration of the Delegated Officer.

1.2 Relief Sought

The consent holder has made an application under Section 127 of the Act to change conditions 1 and 6. The application is attached to this report for the information and consideration of the Commissioners.

Condition 1 as contained within the decision issued by the Council reads:

Activity in accordance with plans

1. *The establishment and operation of the medical centre, pharmacy and cafe shall be carried out in accordance with the plans and all information submitted with the application, being:*

- *Assessment of Environmental Effects prepared by Bentley and Co Ltd, dated September 2011* ✓
- *Plans prepared by Stephenson Turner Ltd – sheets A19-01 Rev F, dated 01/09/11; A50-01 and A50-02, both Rev B, both dated 09/08/11 and A60-51 Rev A, dated 09/08/11* ✓
- *Landscape Plan prepared by Boffa Miskell Ltd – sheet 0004 Rev A, dated 27/09/11* ✓
- *Site Contamination Report prepared by Golder Associates (NZ) Ltd, dated 30/08/11, ref: 1178503068_R001_RevA* ✓
- *Acoustic Report prepared by Marshall Day Acoustics, dated 01/09/11* ✓
- *Traffic Impact Assessment prepared by Parlane & Associates Ltd, dated September 2011* ✓

The consent holder seeks this condition be changed to read:

Activity in accordance with plans

1. *The establishment and operation of the medical centre, pharmacy and cafe shall be carried out in accordance with the plans and all information submitted with the application, being:*

- *Assessment of Environmental Effects prepared by Bentley and Co Ltd, dated September 2011 and February 2012*
- *Plans prepared by Stephenson Turner Ltd – sheets A19-01 Rev I, dated 01/02/12; A50-01 and A50-02, both Rev B, both dated 09/08/11 and A60-51 Rev A, dated 09/08/11, and sheets A61-01 and A61-02, both Rev A, dated 01/02/12*
- *Landscape Plan prepared by Boffa Miskell Ltd – sheet 0004 Rev C, dated 07/02/12*
- *Site Contamination Report prepared by Golder Associates (NZ) Ltd, dated 30/08/11, ref: 1178503068_R001_RevA*
- *Acoustic Report prepared by Marshall Day Acoustics, dated 01/09/11*
- *Traffic Impact Assessment prepared by Parlane & Associates Ltd, dated September 2011*
- *Pylon Signage Concepts prepared by Global Signage Concepts, drawing 01-V01, dated November 2011.*

Condition 6 as contained within the decision issued by the Council reads:

Signage

6. *The illuminated signage package for the development shall be limited to that applied for being:*

- *a 0.7m deep signage strip along the top of the ground floor tenancies;*
- *Two naming right signs 9.7m wide by 1.2m in height on the southern and western elevations;*
- *Two wall signs associated with the medical centre – one 4.3m wide by 1.8m high between the first and second floors on the western elevation of the building; and one 6.5m wide by 1.2m high on the western elevation of the existing northern ground floor extension;*
- *One free-standing directory sign located towards the street frontage. The sign will be 5.1m high, 1.5m wide and 0.5m deep with a total area of 6.5m².*

The consent holder seeks this condition be changed to read:

Signage

6. *The illuminated signage package for the development shall be limited to that applied for being:*

- *a 0.7m deep signage strip along the top of the ground floor tenancies;*
- *Two naming right signs 9.7m wide by 1.2m in height on the southern and western elevations;*
- *Two wall signs associated with the medical centre – one 4.3m wide by 1.8m high between the first and second floors on the western elevation of the building; and one 6.5m wide by 1.2m high on the western elevation of the existing northern ground floor extension;*
- *One free-standing directory sign located towards the street frontage. The sign will be 5.1m high, 1.05m wide and 0.3m deep with a total area of 5m².*

The consent holder has requested these conditions be changed because progression of the design phase determined that the complete removal of the suspended floor and subsequent earthworks were not practically or financially feasible. As a consequence the car parking, landscaping and paving areas are proposed to be located on the retained suspended floor system. Additionally, detailed design of the previously approved free-standing illuminated sign resulted in an amended sign with smaller dimensions being proposed for constructability purposes.

2.0 **Site and Locality**

2.1 **Visual Aids**

An aerial photograph and site photographs are included with this report. These are intended to assist the Delegated Officer in forming an understanding of the wider neighbourhood context of the site, and to provide an accurate impression of the site's current appearance.

2.2 **Site, Locality, Catchment and Environs Description**

The subject site and surrounding environment have not changed since the granting of land use consent LJ-2134202. Therefore, it is considered appropriate to adopt the previous site description for the purposes of this report.

"The site is located within the Takapuna Business Park, which relates to two land parcels, 2 and 4 Fred Thomas Drive. 2 Fred Thomas Drive is located on the eastern side of Fred Thomas Drive mid-way in the block between Anzac Street to the north, Des Swann Drive to the south and Barry's Point Road to the west.

The existing building is occupied by a range of tenancies, with office activity and a tertiary education facility on the first and second levels, and a bowling alley and café at ground level.

Parking is a combination of allocated marked spaces associated with the various tenants within the business park, and in the order of 90-100 communal parking spaces. In total, the building has consent for 96 allocated and communal parking spaces.

The site has an existing vehicle crossing towards the south of the site. The site also has right of way access to the apartment building complex located on 130 Anzac Street. This right of way enables access to the building.

The landscaping on-site corresponds to the approved landscaping plans from the 1980s, and is limited to the street frontage and to the perimeter of the car parking areas. Some 16.4% of 2 Fred Thomas Drive is planted with a mixture of trees, shrubs and lawn of varying scale, form and condition. The site is located within Stormwater Management Area SMA5.

There are a number of free standing signs (primarily associated with the bowling alley) located within the front yard, together with multiple wall signs along both the western (street) and southern elevations of the building. No documentation relating to these signs has been found on Council records, and it is assumed for the purposes of this application that no existing use rights can be applied to these signs.

The site is an irregular shape, and is generally flat, with ground level rising gently as Fred Thomas Drives curves to the east to meet Anzac Street.

Fred Thomas Drive is a Regional Arterial Road in the District Plan.

The site and surrounding land to the north, south and east is zoned Business 9. This is a general business zoning that provides for a wider range of non-residential activities ranging from industry to retail to commercial activity.

The surrounding environment is eclectic in nature. Medium intensity industrial, retail and commercial activity (consistent with the land's underlying zoning) is located to the east on Barry's Point Road, whilst the Barry's Point Reserve and St Joseph's School are located to the west on the opposite side of Fred Thomas Drive.

A five storey (with basement) apartment complex is located to the north of the site on 130 Anzac Street. This complex accommodates 134 residential units. As noted previously, the right of way used to access the residents' basement car parking also provides access to the site. This site is zoned Business 9. As a consequence conditions relating to the installation of a forced ventilation system and sound insulation materials were required to ensure that there would be no sound related reverse sensitivity issues in relation to surrounding Business 9 zoned sites."

3.0 Statutory Context

3.1 Process

Section 127 of the RMA enables a consent holder to make an application to change or cancel one or more conditions of a resource consent (other than any condition as to the duration of the consent). It also requires that any such application is subject to sections 88 to 121 of the Act as if it were an application for a **Discretionary** activity. The references in these sections to a resource consent and to the activity are references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.

The Council must assess applications for Land Use Consent in two broad steps under the Act. Initially, a "notification" decision must be made, with the option for each application to be heard on a notified, limited notified, or non-notified basis. Each carries with it a different level of public involvement in the second phase, determination, where a decision must be made as to the granting or refusing of the consent.

3.2 Notification

Pursuant to s95A(1) notification of an application is at the discretion of the consent authority.

Pursuant to s95A(2) an application must be publicly notified if the consent authority decides that the activity will have or is likely to have more than minor adverse effects on the environment; if the applicant requests public notification or a rule or national environmental standard requires public notification. Under section 95C an application must also be publicly notified if a s92 request for information or for the commissioning of a report is refused or not complied with within the required timeframe. A consent authority may also publicly notify an application if it considers special circumstances exist (s95A(4)).

When considering under section 95D whether the adverse effects on the environment of the proposed activity will be or are likely to be more than minor, the potential adverse effects upon the owner or occupier of the subject site and adjacent land must be disregarded. Trade competition and the effects of trade competition; and the effect of the proposed activity on any person who has given written approval (that approval having not been withdrawn) must also be disregarded. The consent authority must only consider those effects that relate to matters for which the consent authority (or a national environmental standard) has reserved control (for a controlled activity) or discretion (for a restricted discretionary activity). The permitted baseline, ie. disregarding an effect where a national environmental standard, plan or proposed plan permits an activity with that effect, may be applied.

Notwithstanding this, Section 95A(4) of the Act allows the Council to fully notify an application if it believes there are special circumstances. The Courts have determined that "special circumstances" are those that are unusual or exceptional, but less than extraordinary or unique.

Pursuant to s95B and s95E, if full public notification is not required then a consent authority must determine if there are any adversely affected persons. The consent authority must give limited notification of the application to any affected persons, unless a rule or national environmental standard precludes limited notification of the application.

A person is adversely affected for the purposes of section 95E if the consent authority determines that the adverse effects of the activity on them are minor or more than minor. In making its decision on whether there are affected persons, the consent authority must disregard the adverse effects of the application on the person that do not relate to a matter for which the consent authority (or a national environmental standard) has reserved control (for a controlled activity) or its discretion (for a restricted discretionary activity). The consent authority may apply the permitted baseline (namely disregarding an effect where a plan, proposed plan or national environmental standard permits an activity with that effect).

Section 95E(3) provides that a consent authority must decide that a person is not an affected person if the person has given written approval to the activity and has not withdrawn that approval, or if it is unreasonable in the circumstances to seek that person's written approval. Accordingly limited notification of the application must only be given to those persons identified as affected persons and who have not provided written approval for the activity, unless a rule or a national environmental standard precludes limited notification.

If a rule or national environmental standard precludes public or limited notification, the application can be processed non-notified.

3.3 Determination

The Council must assess the application against Section 104(1) of the Resource Management Act 1991 ("the Act"), which sets out those matters to be considered (subject to Part 2 of the Act). Essentially, this includes:

- Any actual or potential environmental effects (including positive effects).
- The provisions of any relevant Plan or proposed Plan, national or regional policy statements, national environmental standards and other regulations.
- Any other matter considered relevant and necessary in making a determination.

The Council may grant or refuse the consent, and may impose any conditions considered necessary to avoid, remedy or mitigate adverse effects, pursuant to Sections 104B, 108 and 108A.

3.4 Permitted Baseline

Section 104(2) of the Act states that the Council may disregard an effect if the Plan or national environmental standard permits an activity with that effect.

4.0 Specialist Comments

4.1 Development Engineer

A report from the Council's Development Engineer, Mr Moraes, is included for the Delegated Officer's information and consideration. The Officer is supportive of the proposal.

4.2 Urban Design

A report from the Council's Urban Design Specialist, Mr Stenberg, is included for the Delegated Officer's information and consideration. The Officer is supportive of the proposal.

4.3 Environmental Health Officer

A report from the Council's Environmental Health Officer, Mr Qiu, is included for the Delegated Officer's information and consideration. The Officer is supportive of the proposal.

4.4 Other

No other specialist comments were deemed relevant or necessary to the assessment of this application.

5.0 Assessment

5.1 Permitted Baseline

The permitted baseline is a concept designed to disregard effects on the environment that are permitted by a plan or have been consented to (see *Queenstown Lakes District Council v Hawthorn Estate Limited* [2006] CA45/2005). In *Lloyd v Gisborne District Council* [2005] W106/05, the Court summed up the three categories of activity that needed to be considered as part of the permitted baseline (further developed through cases such as *Bayley and Arrigato*) as being:

1. What lawfully exists on the site at present;
2. Activities (being non-fanciful activities) which could be conducted on the site as of right; i.e. without having to obtain a resource consent (see for example *Barrett v Wellington City Council* [2000] CP31/00).
3. Activities which could be carried out under a granted, but as yet unexercised, resource consent.

In this case, there are no activities permitted by the Plan or any relevant national environmental standard on this site as they may relate to this particular application.

However, there is an approved but unimplemented Land Use Consent (Council ref: LJ-2134202) that is likely to be implemented. It is considered relevant to this current application as it provided for the redevelopment of the site which included earthworks, landscaping, demolition / additions and alterations to the existing built form, formation of car parking areas and signage. Therefore its effects must be considered as a part of the existing environment as modified by unimplemented resource consents.

This constitutes the permitted baseline and these adverse effects may be discounted as the level of adverse effect arising from those permitted activities is deemed to be acceptable. It is only any other or further adverse effects arising from the proposal over and above the permitted baseline which are to be assessed.

5.2 Adverse Effects On The Environment

After considering the scope of the previously approved consent, the potential effects of the changes are considered to be limited to earthworks, landscaping and signage.

By locating the northern car parking areas on the retained suspended floor of the bowling alley, the total amount of exposed earth will be reduced. By reducing the area and volume of earthworks within a flood plain and contaminated site, this aspect of the change will not introduce any new effects and will actually result in reduced potentially adverse effects when compared to those previously approved under land use consent LJ-2134202.

By locating the car parking and landscaping on the retained suspended floor, the load bearing capacity of the floor system will no longer be able to withstand the level of landscaping previously approved. A 2.2m landscaping strip between the northern car parking areas was to contain 8 Tulip trees and low level plantings. However, this amount of planting is no longer feasible and a wire/steel mesh fence with climbing plants will now take their place. While a net loss in specimen trees will result, the potential adverse effects of this are considered to be no more than minor. This is because the most significant visual amenity gains from the new landscaping will be provided by the large specimen Pohutukawa and Pin Oak trees located along the Fred Thomas Drive frontage, which will be retained. Overall, it is considered that a mesh fence with climbing plants is an appropriate design response when considering the load bearing constraints of the suspended floor.

Replacing paved areas with new ECO-DECKING is not considered to introduce any new effects.

The change to the previously approved free-standing sign is not considered to result in any adverse effects as the replacement will be smaller in dimensions.

The Council's Development Engineer, Urban Design Specialist and Environmental Health Officer have assessed the proposed and have not raised any objections to the changes. It should be noted that the Council's Urban Design specialist, Mr Stenberg, noted that steps from the northern car parking area would help improve pedestrian access and safety but would require the removal of a car parking space. I do not believe that this measure is necessary as the situation being proposed does not introduce any different effects that were not already consented to under land use consent LJ-2134202. Mr Stenberg also noted that the ECO-DECKING to replace the paved areas around the building façade should be slip resistant; in regards to this I can confirm that, through research, ECO-DECKING is a non-skid product.

Summary

Therefore, having regard to the permitted baseline, and existing environment, including the future environment as modified by consents granted and likely to be implemented but not yet implemented, the adverse effects on the environment would be less than minor.

5.3 Special Circumstances

There are no special circumstances that warrant public notification because the proposal is conventional in nature and represents no significant deviation from the range of effects anticipated by the Plan. Therefore the provisions of sections 95A, 95B, 95D and 95E are considered sufficient to appropriately determine the notification of this application.

5.4 Adversely Affected Persons

Where an application is not publicly notified, the Council must determine whether there are any affected persons.

There are no persons considered to be affected persons for the purposes of sections 95B and 95E for the reasons stated in Part 5.2 above, that concluded that the resulting adverse effects on the environment will be less than minor, which is also the threshold test when determining whether any persons are adversely affected.

6.0 Recommendation

A. That pursuant to sections 95A, 95B, 95D and 95E this application for a **Discretionary** activity should proceed on a **NON-NOTIFIED** basis as:

1. The change of conditions will have or is likely to have adverse effects on the environment that are less than minor and no persons are considered to be adversely affected. This is because the changes are relatively minor and do not introduce any new adverse effects not already considered and provided for under previously approved land use consent LJ-2134202.
2. There are no special circumstances that warrant notification because the proposal is conventional in nature and represents no significant deviation from the range of effects anticipated by the Plan.

7.0 Determination Assessment

7.1 Actual or Potential Effects on the Environment

7.1.1 Written Approvals

No person has given their written approval to the application.

7.1.2 Permitted Baseline

The Permitted Baseline relevant to this application has been identified earlier in Part 5.0 of this report. In summary, the visual, environmental and amenity effects associated with the previously approved Land Use Consent LJ-2134202 were identified to be discounted.

7.1.3 Adverse Effects

The adverse effects of the proposed change, having regard to the Permitted Baseline, have been examined in Part 6.1 of this report. In summary they were found to be less than minor.

7.1.4 Positive Effects

Having regard to the Permitted Baseline, there are no positive effects that are considered relevant to determining the actual and potential effects of the proposal.

7.1.5 Balancing Effects

Having regard to the Permitted Baseline, there are no balancing effects that are considered relevant to determining the actual and potential effects of the proposal.

7.1.6 Actual or Potential Effects on the Environment

Therefore, on balance, the actual or potential effects on the environment as a result of the change would be **adverse** but **less than minor**.

7.2 Relevant Provisions of the District Plan

No document beyond the Auckland Council District Plan (North Shore Section) is considered relevant or necessary to the determining of this application.

7.2.1 Rules

Refer to part 3.0 of the attached Notification Report.

7.2.2 Assessment Criteria

The relevant Objectives and their supporting Policies are located at Sections 8, 9, 10 and 13 of the Plan. These provisions are summarised below:

Landscaping

8.4.6.6.1 General Assessment Criteria

- a) *Where the removal or destruction of a tree (or trees) is proposed, the Council must be satisfied that circumstances exist to warrant removal, which may include dangerous, diseased or damaged conditions; compliance with any statutory or legal obligation; or undue interference with the reasonable enjoyment of land and/or adjoining land of residential zoning for residential purposes.*
- b) *The extent of the trimming and maintenance of the tree(s).*
- c) *The extent to which the viability of the native bush would be adversely affected, including cumulative effects.*
- d) *Any alternative methods which may be available to the applicant in the achievement of his/her objectives including consideration of an application for flexibility in respect of any development control where this would encourage retention and enhancement of existing large trees on the site.*
- e) *Whether the tree(s) can be relocated.*
- f) *Whether or not the proposed activities within the root zone are, in the opinion of the Council, likely to damage the tree(s) or endanger its (their) health.*
- g) *The extent to which the tree(s) or area of bush contributes to the amenity of the neighbourhood, both visually and physically, including as a habitat for birds and other animals.*
- h) *Any function the tree(s) or area of bush may have in conservation of water and soil.*
- i) *Whether proposed landscaping or revegetation can compensate for any loss envisaged.*
- j) *The extent to which the tree(s) or vegetation contributes to the historical, social and/ or cultural attributes of a site and surrounding environment.*

Comment:

Removing the 2.2m wide landscaping strip and 8 Tulip trees from the proposed landscaping is due to the load bearing constraints of the retained suspended floor system. The Although the mesh fence with climbing plants will not offer the same level of amenity, it is considered to be an appropriate design response and will still help to beautify the site. Overall, the site will still be well landscaped and a visually attractive environment will be created.

Earthworks/Flood Plain

8.4.9.11 General Assessment Criteria for Discretionary Activities (Plan Change 24)

- *Whether redevelopment of existing buildings and structures can be undertaken in a way that reduces flood hazards for the site, as well as downstream or upstream sites, using techniques such as reducing building coverage and increasing on-site flood storage space.*
- *Whether development proposed to be located in the 1% AEP flood plain is required to be located in the flood plain for operational reasons (such as infrastructure) and involves activities that do not place people at risk of adverse affects.*
- *Whether green areas, parking areas or buildings and structures that are less susceptible to effects of flooding or prone to exacerbating effects of flooding can be located in the flood plain.*
- *Whether the retention of vegetation or addition of new vegetation will;*
 - i) *benefit the hydrology of the flood plain*
 - ii) *benefit the ecology of the flood plain and streams*
 - iii) *contribute to green linkages.*
- *The extent to which the amenity of the development will be affected by flooding, including the likely frequency of flooding.*

9.7.1.1 General Assessment Criteria (Operative District Plan)

- *Design and implementation of site works;*

- Bulk, height, location, foundations, height of floor levels;
- Location and design of building platforms;
- Reinstatement and landscaping.
- Drainage

9.7.3.11 Works within a Flood Plain (Operative District Plan)

- The extent to which any works within a 1% AEP flood plain:
 - i) Avoids adverse effects on the hydrologic or hydraulic capacity of a waterway;
 - ii) Will create adverse effects on the waterway or compromise its natural values, including but not limited to modification which results in:
 - Reduction of waterway area; or
 - Loss of flood plain storage.
 - iii) Provide appropriate treatment and measures for sediment control and stormwater discharge quality.
 - iv) Is necessary to enable the development to occur, and no other design options are available.

Comment:

The total amount of earthworks will be less than that previously approved. Furthermore, the majority of the conditions associated with consent LJ-2134202 still apply which will still ensure that any potential effects associated silt and sedimentation are either avoided or mitigated. As the suspended floor system will be retained, the current functioning of the flood plain will not alter. The Council's Development Engineer, Mr Moraes, has assessed the application and is satisfied that the works are suitable for the subject site.

Contamination

10.8.6.2 Assessment Criteria for Discretionary Activities

- a) That the applicant can satisfactorily demonstrate that the matters relating to risk and site management required by Section 10.8.4 can be achieved.
- b) That appropriate mitigation and monitoring measures are proposed for the activity.

Comment:

The amount of disturbed contaminated soil will be reduced by the change. Furthermore, the majority of the conditions associated with consent LJ-2134202 still apply and will ensure that any potential contamination effects are either avoided or mitigated. The Council's Environmental Health Officer, Mr Qiu, has assessed the application and is satisfied that the works are suitable for the subject site.

Signage

13.5.1 Assessment Criteria for Discretionary Activities:

- a) Impact on residential amenity
- b) Impact on pedestrian, vehicle and traffic safety
- c) Impact on the effective functioning of traffic warning and regulatory signage
- d) Design
- e) Impact on safety for state highways and motorways

13.5.2 Assessment Criteria for Specific Discretionary Activities:

- b) Illumination of Any Signs
 - i) The illumination of any sign should generally be restricted to the Business 2-10 [11] zones.
 - ii) In any zone except rural zones, a sign should not produce more than 1000 cds/m² for a sign of area less than 10m², and not more than 800 cds/m² for a sign of area equal to or greater than 10m².
 - iii) In rural zones a sign should not produce more than 600 cds/m² for signage areas less than 5m² and 400 cds/m² for signage areas equal to or greater than 5m².
 - iv) All signs within 6 metres of any road boundary should comply with luminance levels for the Rural zones.
 - v) The luminance of any sign must be assessed as specified in The Institute of Lighting Engineers' Technical Report No. 5 (Second Edition).

Comment:

The change from the previously approved free-standing illuminated sign to a smaller sign will not cause any visual nuisance to any residential dwelling on residentially zoned land. The proposed signage will still be viewed in context of the entire building which will remain the dominant built form on the site. Furthermore, Fred Thomas Drive is a visually busy streetscape which features above ground utilities, traffic and business signage; thereby ensuring that the sign will not be a distinguishing feature in the surrounding environment. The previous sign was deemed not to adversely affect the surrounding traffic environment, so too is the new sign given their similarity, albeit smaller in dimension. The sign will not conflict with pedestrian movements. The site is suitably separated from any State Highway or motorway to ensure that their safe and efficient operation would not be adversely affected by the new sign.

7.2.3 Objectives and Policies

The relevant Objectives and their supporting Policies are located at Sections 8, 9, 10, 13 and 15 of the Plan. These provisions are summarised below:

Section 8: Natural Environment

Section 8 relates directly to the purpose and principles of the Resource Management Act 1991 (RMA). In short it is concerned with the sustainable management of natural resources including air, water, soil, vegetation and eco-systems.

Objectives 8.3.4 (Tree Management) seek *"To promote amenity values in both the urban and rural areas by maintaining and enhancing the tree cover present in the city; To retain trees that contribute to the amenity, landscape and ecological values in the urban area; and To promote appropriate tree planting and maintenance."*

- Relevant are supporting Policies 4 and 6 by encouraging the Council to plant and maintain trees on Council owned land; and by ensuring the retention of trees that contribute to amenity, landscape and ecological values of the area, including by general tree protection, a Schedule of Notable Trees and conditions of consent on subdivision and resource consents.

Objective 8.3.7.1 (Flood Plains – Plan Change 24) seeks to *"protect the integrity of the 1% AEP Flood Plain to provide for the storage and safe conveyance of flood waters during extreme rainfall events; maintain the functioning of the 1% AEP Flood Plain; and avoid adverse effects on other properties as a result of building in the 1% AEP Flood Plain."*

- Relevant are supporting Policies 1, 3, 4 and 6 which tries to avoid building within the Flood Plain; requiring demonstration that buildings cannot be located elsewhere and any adverse effects would be avoided or mitigated; and that floor levels are above the level of the Flood Plain.

Section 9: Subdivision and Development

Section 9 is concerned with managing the effects of development and site works on the physical environment.

Objective 9.3.1(Protection of the Environment) seeks *"To avoid, remedy or mitigate the adverse effects of development on the environment, including the physical environment, biota, amenity values and landscape."*

- Relevant are supporting Policies 2, 4 and 5 which ensures soil/sediment run-off resulting from vegetation clearance and earthworks is controlled in order to avoid, remedy or mitigate adverse effects on amenity; and that new development is compatible with the character and amenity values of existing development; and ensures development is designed and located such that it does not cause or contribute to natural hazards such as flooding.

Section 10: Pollution, Hazardous Substances and Waste Management

Section 10 is concerned with managing the effects of development and site works on the physical environment.

Objective 10.3.5 (Hazardous Facilities and Contaminated Sites) seeks *"To minimise potential for adverse effects to people and the environment from the use, storage, transport, disposal or accidental release of hazardous substances."*

- Relevant are supporting Policies 6, 7 and 8; by identifying sites known to be contaminated or with potential to be affected by contamination; by requiring remedial action within an agreed time-frame to remove or mitigate the effects of contamination based on the sensitivity of the immediate environment and intended use of the contaminated site; and by

promoting excellence in the management operation of hazardous facilities in handling of substances so as to enhance the protection of the environment within the city.

Section 13: Signage

Section 13 is concerned with the management of signs, in particular traffic safety and visual amenity.

Objective 13.3 (Signs) seeks *"to ensure that signage does not create a traffic hazard and to ensure that signs do not adversely affect the visual amenity of the surrounding environment."*

- Relevant are supporting Policies 1 and 2 which require signs to be designed and located so that they do not detrimentally affect traffic safety; and seek to control the adverse effects of signs, having regard to the amenity standards and context of the particular environment in which they are located, on the basis of the various zones defined in the Plan.

Section 15: Business

Section 15 is concerned with integrated management of resources, in so far as they relate to all kinds of commercial and industrial activities, including retailing, servicing, offices, warehousing, manufacturing and research orientated activities.

Objective 15.3.4 (Control of Adverse Effects) seeks *"To ensure that the adverse environmental effects of business activities are avoided, remedied or mitigated."*

- Relevant are supporting Policies 1, 3 and 4; which require business activities to avoid, remedy or mitigate adverse environmental effects; ensure business activities do not detract from the visual amenity of the area in which they are located; and ensuring that potential adverse effects from noise, illumination, pollution and odour associated with business activities are avoided, remedied or mitigated.

Objective 15.3.5 (Business Amenity) seeks *"To maintain or enhance levels of amenity within the different zones and for residential and recreation zones that are in close proximity to business zones, and achieve high levels of amenity, consistent with the nature of activities permitted within the zone."*

- Relevant are supporting Policies 1 and 11; which seek to prevent development out of scale with or insensitive in character to the area in which it is to be located, in order to avoid adverse effects on the amenity of business and surrounding areas; and ensure that those potential adverse effects of activities in business areas on adjoining residential areas are avoided, remedied or mitigated.

Comment:

Because of the hierarchical relationship between Objectives, Policies and Assessment Criteria, satisfaction of the relevant Assessment Criteria is considered sufficient to fulfil the intent of the Objectives and Policies. For the reasons outlined in the assessment of environmental effects and based on the application satisfying the relevant District Plan Assessment Criteria, it is considered that the proposal is consistent with the intent of these Objectives and Policies, which are effects based in their approach.

7.3 Other Relevant Matters

7.3.1 Relevant to Determination of Consent

There are no other matters considered relevant to making an appropriate determination on whether to grant or refuse this application. The matters covered by sections 104(1)(a) and 104(1)(b) are considered sufficient.

8.0 Determination Recommendation

B. That the application to change conditions 1 and 6 of approved resource consent LJ-2134202 be **GRANTED** pursuant to sections 104, 104B and 127 of the Resource Management Act 1991 for the following reasons:

1. The actual and potential effects on the environment as a result of the change would be adverse but less than minor for the reasons discussed in Part 6.1 of this report.
2. The proposed change is consistent the relevant objectives, policies and assessment criteria of the District Plan at Sections 8, 9, 10, 13 and 15. In particular:
 - The site will still be well landscaped and a visually attractive environment will be created.

- The total amount of earthworks and disturbance of contaminated soil will be less than that previously approved under consent LJ-2134202.
- As the as the existing suspended floor system will be retained, the functioning of the flood plain will not alter.
- The change from the previously approved free-standing illuminated sign to a smaller one will not cause any visual nuisance to any residential dwelling on residentially zoned land.
- Fred Thomas Drive is a visually busy streetscape which features above ground utilities, traffic and business signage; thereby ensuring that the new sign will not be a distinguishing feature in the surrounding environment.
- The new sign will be in the same location but features smaller dimensions and is not considered to compromise the safe and efficient operation of the surrounding roading network.

C. That condition 1 of approved resource consent LJ-2134202 be **CHANGED** pursuant to Section 127 of the Resource Management Act 1991 to read:

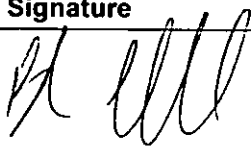
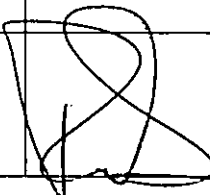
Activity in accordance with plans

1. *The establishment and operation of the medical centre, pharmacy and cafe shall be carried out in accordance with the plans and all information submitted with the application, being:*
 - *Assessment of Environmental Effects prepared by Bentley and Co Ltd, dated September 2011 and February 2012*
 - *Plans prepared by Stephenson Turner Ltd – sheets A19-01 Rev I, dated 01/02/12; A50-01 and A50-02, both Rev B, both dated 09/08/11 and A60-51 Rev A, dated 09/08/11, and sheets A61-01 and A61-02, both Rev A, dated 01/02/12*
 - *Landscape Plan prepared by Boffa Miskell Ltd – sheet 0004 Rev C, dated 07/02/12*
 - *Site Contamination Report prepared by Golder Associates (NZ) Ltd, dated 30/08/11, ref: 1178503068_R001_RevA*
 - *Acoustic Report prepared by Marshall Day Acoustics, dated 01/09/11*
 - *Traffic Impact Assessment prepared by Parlane & Associates Ltd, dated September 2011*
 - *Pylon Signage Concepts prepared by Global Signage Concepts, drawing 01-V01, dated November 2011.*

D. That condition 6 of approved resource consent LJ-2134202 be **CHANGED** pursuant to Section 127 of the Resource Management Act 1991 to read:

Signage

6. *The illuminated signage package for the development shall be limited to that applied for being:*
 - *A 0.7m deep signage strip along the top of the ground floor tenancies;*
 - *Two naming right signs 9.7m wide by 1.2m in height on the southern and western elevations;*
 - *Two wall signs associated with the medical centre – one 4.3m wide by 1.8m high between the first and second floors on the western elevation of the building; and one 6.5m wide by 1.2m high on the western elevation of the existing northern ground floor extension;*
 - *One free-standing directory sign located towards the street frontage. The sign will be 5.1m high, 1.05m wide and 0.3m deep with a total area of 5m².*

	Name and title of signatories	Signature	Date
Prepared by	Blair Telford: BPlan Grad.NZPI Senior Planner		14/03/12
	Confirmation of statutory compliance In accordance with section 76 of the Local Government Act 2002, this report is approved as: <ul style="list-style-type: none"> (a) containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and, (b) is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision. 		
Reviewed by	Name: <u>Paul Sousa</u> Position: <u>Consultant Planner</u>		15/3/12

Date: 14/03/12