

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



Discretionary activity

Application number:	LUC60361479 (s9 land use consent)
Applicant:	Marutuahu Ockham No.3 Limited Partnership
Site address:	1817 Great North Road, Avondale
Legal description:	Lot 1 DP 514556
Proposal:	To construct an apartment building containing of 117 residential apartments and removal of a Notable Macrocarpa tree.

Resource consent is required for the following reasons:

Land use consent (s9) – LUC60361479

Auckland Unitary Plan (Operative in part)

District land use (operative plan provisions)

H13 Business – Mixed Use Zone

- New buildings are a *restricted discretionary activity* under rule H13.4.1(A45).
- The proposal involves use and development under rules H13.4.1(A2) and H4.4.1(A45) that fails to meet the following standards and is a *restricted discretionary activity* under rule C.1.9(2):
 - The proposed total building and occupiable height is up to 28.03m, which exceeds the 19m occupiable building height and 21m total building height permitted under standard H13.6.1.
 - The proposed building of the eastern tower where it exceeds 27m is not setback 6m from the site frontage, which does not meet standard H13.6.3. A setback of 0m is proposed.
 - The outlook space for the principal living room of some units does not meet the minimum 4m width required (shortfall of 0.44m-0.65m) and the outlook space for the bedroom of some units does not meet the minimum 3m width required (shortfall of 0.28m-0.78m), which does not meet standard H13.6.9(3)¹.
 - The thirteen one-bedroom units proposed have a net internal area of 41m², which does not meet the minimum 45m² required under standard 13.6.10(1).

¹ Principal living rooms of units G01-G07, D103, D104, D107, D108, G105, G106, A111, B112, D113, E114, E101, D102, J103, G104, F105, C106-C110, 203-208, 201-212, 401-412, 601-608
Bedroom of units I109, I101, I102, 201, 202, 209

D13 Notable Trees Overlay

- The proposal involves pruning of one Poplar Tree. Tree trimming or alteration that does not comply with Standard D13.6.1, is a *restricted discretionary activity* under rule D13.4.1(A6).
- The proposal involves the removal of one Macrocarpa tree. Tree removal is a *discretionary activity* under rule D13.4.1(A7).
- The proposal involves works within the protected root zone of three Poplar trees. Work within the protected root zone not otherwise provided for, is a *restricted discretionary activity* under rule D13.4.1(A9).

E17 Trees in roads

- The proposal involves work within the protected root zone of a Swamp Cypress street tree. Works within the protected root zone that do not comply with Standard E17.6.3, is a *restricted discretionary activity* under rule E17.4.1(A8).
- The proposal involves removal of a mix of Taupata, Karo, Tree privet, Titoki, and Karaka street trees. Tree removal of any tree greater than 4m in height or greater than 400mm in girth, is a *restricted discretionary activity* under rule E17.4.1(10).

E27 Transport

- The proposal involves accessory parking and loading that does not meet the following parking and loading standards and is a *restricted discretionary activity* under rule E27.4.1(A2).
 - One loading space is required for the proposal. No loading space will be provided within the site (the applicant proposes to utilise the shared access to the south of the site (outside of the site)), and this therefore does not meet the requirements of Table E27.6.2.7(T113).
- Any activity which exceeds the trip generation standards set out in Standard E27.6.1, is a *restricted discretionary activity* under rule E27.4.1(A3).

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)

- Disturbing soil that does not meet the provisions of regulation 9 is a *restricted discretionary activity* under regulation 10(2).

Decision

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

Acting under delegated authority, under sections 104, 104B, and Part 2 of the RMA, the resource consent is **GRANTED**.

Preamble

This application has been referred to me because part of the proposal, being the removal of a Scheduled (Notable) Macrocarpa tree, is opposed by the Council's Arborist and Heritage Arborist. For completeness, the Whau Local Board and the Tree Council (as a third party)

provided correspondence seeking that the application be publicly notified. That has been addressed separately in a notification decision. The correspondence from these two parties was silent on whether or not consent should be granted or declined.

Weighting

To approach this difference of opinion I have first looked to the Auckland Unitary Plan: Operative in Part (“**AUP: OP**”) to ascertain whether the provisions of the Notable Trees overlay should enjoy any dominant weighting or prioritisation over the underlying zone provisions. In Chapter A1 of the AUP: OP, at A1.6 the types of provisions used in the Plan are identified. A1.6.2 relates to overlays and A1.6.4 relates to zones. Nothing in these suggests that the overlay provisions should enjoy more or less importance than the zone provisions. I regard this omission as relevant given that in A1.6.5 (Precincts), the Plan does state that “*the general approach is that overlays take precedence over a precinct*”. It follows that similar wording would have been used in either or both of A1.6.2 and A1.6.4 if that was intended.

I then considered chapter C1 to see if in the AUP: OP’s general rules any direction could be ascertained. C1.4 relates to applications on sites that include multiple zones, overlays or precincts. It does not indicate any prioritisation or precedence of overlay or zone provisions above the other. C1.6 (overall activity status) reiterates A1.6.5, at C1.6(3), that an activity status within an overlay takes precedence over an activity status within a precinct (unless otherwise specified by a rule within that precinct). This does not give any guidance to the matter of overlay and zone provisions.

Lastly I considered the provisions of chapters D13 (Notable Trees) and H13 (Business Mixed Use zone). There are no provisions within either of these that would establish a prioritisation or precedence of the D13 provisions ahead of the H13 ones.

I am therefore satisfied that I am to approach the relevant provisions relating to the matter in dispute (D13 and H13) on an equal footing.

Macrocarpa Tree

I am satisfied that the key provisions in chapter D13 relevant to the proposed Macrocarpa Removal are objective D13.2(1) and policy D13.3(2). The policy in particular sets out a series of considerations relevant to determining whether or not removal of a tree might be appropriate or inappropriate.

The Applicant’s experts, including an arborist and landscape architect, have concluded that consent should be granted and that the Macrocarpa Tree can be removed. The Council’s landscape architect, urban designer, and planner agree with the Applicant’s evidence that consent should be granted. As a part of this the Applicant’s planner and the Council’s planner have explicitly worked through the components of policy D13.3(2) and provided reasons why the tree removal is warranted.

The Council’s arborist and heritage arborist have not provided such helpful assessments. I find that each of them failed to properly understand the content of D13.3(2), such as by presuming that a Notable Tree could only be removed if there were arboricultural reasons to support it (i.e. very poor health). The provisions of chapter D13 do not go that far. I find that they each also strayed beyond their fields of expertise at times, such as Mr. Fynn (heritage arborist) expressing views on landscape and visual amenity effects, and Mr. Hansen (arborist) expressing views on

what alternative development outcomes on the Site may or may not be acceptably commercially viable as alternatives.

Having considered the information before me the argument in favour of the granting of consent is substantially more corroborated and persuasive. I accept that having regard to the matters set out in policy D13.3(2)(a) – (j), it would not be inappropriate to remove the Macrocarpa. This in turn means that the outcome sought by objective D13.2(1) would not be imperilled. In the context of the remainder of the proposal's merits under the AUP: OP, which are accepted and are not in dispute between the Applicant's experts and the Council's staff, I find that there are no reasonable grounds to withhold consent subject to the conditions that have been offered by the Applicant and otherwise recommended by the Council staff.

In the specific reasons that follow I have largely adopted the recommendations given to me by the Council's planner Mr. Pan in his s.42A report on the application.

Reasons

The reasons for this decision are:

1. In accordance with an assessment under s104(1)(a) of the RMA, the actual and potential effects from the proposal will be acceptable. In particular:
 - a. In terms of the proposed built form in the context of the streetscape and the wider area, the height, bulk and scale of the development will be appropriate given the shape of the site, and particularly due to the measures employed to visually soften the façades.
 - b. Shadowing, visual dominance, and daylight effects have been demonstrated to be appropriate for this environment where medium-rise buildings are generally anticipated by the AUP: OP.
 - c. The units are functional and of a sufficient size to provide for the day to day needs of future occupants, while the outlook spaces available are sufficient to ensure any on-site visual dominance or daylight effects will be acceptable.
 - d. With regard to the removal of the notable Macrocarpa tree, the streetscape would retain an overall 'well-treed' character due to the existing road reserve trees and three Poplars retained on site, as well as new planting proposed. The loss of the Notable Macrocarpa will not have significant visual amenity, landscape or local character effects on the environment and although replacement planting will take time to reach a large enough scale as to be able to mitigate the loss that will result, I find that this will be acceptable.
 - e. Pruning of the notable Poplar tree is limited in its extent and will not affect the form, structure or health of the tree. Works within the root zone of the Poplar trees are necessary for the establishment of the foundations/basement but based on arboricultural assessment is not anticipated to affect the health of the trees.
 - f. Any potential adverse effects on the removal of the street trees within the road reserve will be appropriately mitigated by 11 replacement street trees.

- g. In terms of traffic and pedestrian safety, the proposal will provide a shared vehicle access with the development site to the south (1825-1833 Great North Road) through a signalised intersection at Great North Road and Walsall Street. This removes the need for multiple vehicle crossings and will contribute to road user safety. With regard to traffic generation, it is considered that any additional demand can be accommodated within the existing road network environment.
 - h. The proposal includes a stormwater detention tank to ensure that the discharge of stormwater from the subject site will be managed. There is sufficient capacity within the existing stormwater network in the area to accommodate the proposed development's additional discharge.
 - i. The soil contamination levels do not pose a risk to human health. The implementation of the Site Management Plan will ensure adverse effects to human health will be appropriately mitigated and managed.
 - j. In terms of positive effects, the development will make an efficient use of a large site in a location close to a local centre and public amenities. The proposed buildings will provides a quality design outcome for future occupants and provides for a range of housing options within the wider area. In addition, the proposal will make a positive contribution to the streetscape of Great North Road.
2. In accordance with an assessment under s104(1)(b) of the RMA, the proposal is consistent with the relevant statutory documents, and in particular the objectives and policies of the AUP-OP. The following is noted:
- a. The proposal is consistent with the circumstances where Notable Trees do not need to be retained and protected in chapter D13. Having regard to the matters specified in policy D13.3(2)(a) to (j), removal of the tree will not be inappropriate. In particular:
 - i. Objective D13.2(1) and policy D13.3(2) both contemplate that there may be circumstances where removal of Notable Trees is not inappropriate. This differentiates the policy goal-post from one of seeking absolute protection in all circumstances.
 - ii. The key attribute for which the tree was scheduled was the visual amenity values it provides. The evidence before me from landscape architecture experts engaged by both the Applicant and the Council is that the overall visual and landscape effects of the proposal, including removal of the Macrocarpa, will not be significant. I find that removal of the tree is not likely to adversely affect the character or qualities of the area.
 - iii. The tree is in acceptable health and there are no arboricultural reasons why the tree should be removed in and of itself. But the AUP: OP does not go so far as to make that a pre-requisite to allow removal of a Notable Tree.
 - iv. I am satisfied that a range of alternatives were considered that might have allowed the tree to be retained. I have not found arguments made by the Applicant that retaining the tree would have resulted in unacceptable on-site shadowing effects relevant or at all convincing. But I have been satisfied that retaining the tree would notably lessen the Site's ability to provide housing and

development in line with the expectations of the Business: Mixed Use zone and in light of the general absence of troubling adverse visual, amenity or landscape effects associated with the removal, I find it would be disproportionate and unreasonable to require the tree to be retained. In reaching this conclusion I have accepted the evidence in urban design terms that there are urban design benefits arising from allowing the tree to be removed.

- b. The proposal is well-designed and responds appropriately to the site and location. The redevelopment of the site will contribute positively to the public realm and liveability of the neighbourhood, and overall meets the objectives and policies and assessment criteria of Chapter H13: Business – Mixed Use Zone.
 - c. The proposal is consistent with the objectives and policies of chapter E27, having regard to the provision of parking on site, and the use of the adjacent intersection that will be constructed on the site at 1825-1833 Great North Road over which the applicant has an easement.
 - d. In addition, the proposal includes a methodology to avoid, mitigate and remediate the risk to human health and is consistent with the NES:CS.
3. In accordance with an assessment under s104(1)(c) of the RMA no other matters were relevant and reasonably necessary to determine the application.
4. In this instance I have found it appropriate to additionally consider the application in terms of Part 2 of the Act. There is no fundamental inconsistency or conflict between the different chapters of the AUP: OP that apply, specifically between C13 and H13. But there is something of a tension between a development outcome on the Site that could retain the tree (which is to my satisfaction possible), and an 'optimal' use of the Site, such as is proposed, that will entail removal of the tree. I find that the Notable Trees overlay is a creature of both RMA sections 6(f) (historic heritage) and 7(c) (amenity values). While I am satisfied that this particular *Macrocarpa* tree relates more to s.7(c) than s.6(f), I do not have sufficient information to make a formal finding in that regard, and I have considered the proposal in light of both sections. Having considered the relative merits of a scenario of only allowing development that retains the tree, and the scenario where the tree is permitted to be removed, I am satisfied that the overall promotion of sustainable management will in this instance be best served by enabling the more efficient use of land close to an identified centre for additional housing supply. This leads me to support the granting of consent.

Conditions

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

1. This consent shall be carried out in accordance with the documents and drawings and all supporting additional information submitted with the application, detailed below, and all referenced by the council as resource consent number LUC60361479.
 - Application Form and Assessment of Environmental Effects prepared by Jethro Joffe of Baseplan Limited, dated 7 August 2020.
 - Section 92 response letter prepared by Jethro Joffe, dated 18 September 2020.
 - Memorandum prepared by Bridget Gilbert Landscape Architecture Ltd, dated 16 September 2020.

- Section 92 response memo prepared by Harrison Grierson Consultants Ltd, dated 18 September 2020.
- Response to TAG review prepared by Ockham, dated 18 September 2020.
- Section 92 response prepared by Anchor Consulting Ltd, dated 18 September 2020.
- Section 92 response letter prepared by Jethro Joffe, dated 7 October 2020.

Report title and reference	Author	Rev	Dated
Urban Design Statement	Ockham Residential		August 2020
Visual Amenity Effects Assessment	Bridget Gilbert Landscape Architecture Ltd		August 2020
Infrastructure, Earthworks and Overland Flow Path Report	Anchor Consultants Ltd		August 2020
Geotechnical Assessment Report	Initia		July 2020
Ground Contamination Review	Williamson Water & Land Advisory		20 June 2019
Site Management Plan	Williamson Water & Land Advisory		21 July 2020
Detailed Site Investigation	Riley Consultants Ltd		24 June 2019
Traffic Impact Assessment	Harrison Grierson Consultants Ltd		5 August 2020
Acoustic Report	Earcon Acoustics Ltd		August 2020
Construction Noise and Vibration Assessment	Earcon Acoustics Ltd		5 August 2020
Arboricultural Assessment	Peers Brown Miller Ltd		6 August 2020
Wind Assessment	UniServices		7 August 2020

Drawing title and reference	Author	Rev	Dated
Site Plan A002	Ockham Residential		23.07.2020
Lower Ground Floor Plan A101	Ockham Residential	2	17.09.2020
Ground Floor Plan A102	Ockham Residential	2	17.09.2020
First Floor Plan A103	Ockham Residential	2	17.09.2020
Second & Third Floor Plan A104	Ockham Residential	2	17.09.2020
Fourth & Fifth Floor Plan A105	Ockham Residential	2	17.09.2020
Sixth Floor Plan A106	Ockham Residential	2	17.09.2020
Apartment Typologies A110	Ockham Residential		23.07.2020
Apartment Typologies A111	Ockham Residential		23.07.2020
L0 Outlook Plan A120	Ockham Residential	2	17.09.2020

L1-L5 Outlook Plan A121	Ockham Residential	2	17.09.2020
L6 Outlook Plan A122	Ockham Residential	2	17.09.2020
Bike Storage A130	Ockham Residential		23.07.2020
Locker Design A131	Ockham Residential		23.07.2020
Ramp Details A132	Ockham Residential		23.07.2020
Internal Bedrooms & Heatpump Covers A134	Ockham Residential		23.07.2020
Heatpump Cover Details A135	Ockham Residential		23.07.2020
Elevations A201	Ockham Residential	2	17.09.2020
Elevations A202	Ockham Residential	2	17.09.2020
Elevations A203	Ockham Residential	2	17.09.2020
Great North Road Elevation A204	Ockham Residential		23.07.2020
Materials A205	Ockham Residential		23.07.2020
Materials A206	Ockham Residential		23.07.2020
Materials A207	Ockham Residential	2	17.09.2020
Cross Sections A301	Ockham Residential		23.07.2020
Cross Sections A302	Ockham Residential		23.07.2020
Cross Sections A303	Ockham Residential		23.07.2020
Additional RC Sections A304	Ockham Residential		23.07.2020
3D View A501	Ockham Residential	2	17.09.2020
3D View A502	Ockham Residential	2	17.09.2020
3D View A503	Ockham Residential	2	17.09.2020
3D View A504	Ockham Residential		23.07.2020
3D View A505	Ockham Residential	2	17.09.2020
Great North Road Entry A506	Ockham Residential	2	17.09.2020
Ash Street Entry A507	Ockham Residential	2	17.09.2020
Podium Courtyard A508	Ockham Residential	1	23.07.2020
Additional Renders A511	Ockham Residential		23.07.2020
Landscape Concept Plan 01	Bridget Gilbert Landscape Architecture Ltd	4	October 2020
Landscape Concept Plan 03	Bridget Gilbert Landscape Architecture Ltd	4	October 2020
Plant Images 04	Bridget Gilbert Landscape Architecture Ltd	4	October 2020
Plant Images 05	Bridget Gilbert Landscape Architecture Ltd	4	October 2020

Landscape Concept Plan 06	Bridget Landscape Architecture Ltd	Gilbert	4	October 2020
Plant Images 07	Bridget Landscape Architecture Ltd	Gilbert	4	October 2020
Plant Schedules 08	Bridget Landscape Architecture Ltd	Gilbert	4	October 2020
Typical Cross Sections 09	Bridget Landscape Architecture Ltd	Gilbert	4	October 2020
Typical Cross Sections 10	Bridget Landscape Architecture Ltd	Gilbert	4	October 2020
Typical Cross Sections 11	Bridget Landscape Architecture Ltd	Gilbert	4	October 2020
Topographical Plan of Lot 1 DP 514556 RC-01	Anchor Ltd	Consulting	A	31/07/20
Erosion & Sediment Control Plan RC-02	Anchor Ltd	Consulting	A	31/07/20
Earthworks Plan RC-04	Anchor Ltd	Consulting	B	18/09/20
Cut & Fill Plan RC-05	Anchor Ltd	Consulting	B	18/09/20
Drainage & Access Plan RC-06	Anchor Ltd	Consulting	C	30/09/20
Detention Tank Details RC-07	Anchor Ltd	Consulting	B	30/09/20
Utility Plan RC-08	Anchor Ltd	Consulting	A	31/07/20
OLFP Plan RC-09	Anchor Ltd	Consulting	B	18/09/20

2. Under section 125 of the RMA, this consent lapse 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 lapse.
3. The consent holder shall pay the council an initial consent compliance monitoring charge of \$1,020 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to this consent.

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

consent. In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge. Only after all conditions of the resource consent have been met, will the council issue a letter confirming compliance on request of the consent holder.

Predevelopment Conditions

Pre-commencement meetings

4. Prior to the commencement of 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 construction and earthworks
 - c) includes Auckland Council Monitoring Inspector
 - d) includes representation from the contractors who will undertake the works.

The meeting shall discuss the erosion and sediment control measures, the earthworks methodology and shall ensure all relevant parties are aware of and familiar with the necessary conditions of this consent.

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

- Resource consent conditions,
- Tree protection measures; and
- The Construction Traffic Management Plan (**condition 6**)

Advice Note: To arrange the pre-start meeting required by above condition, please contact the Council email monitoring@aucklandcouncil.govt.nz. The conditions of consent should be discussed at this meeting. All information required by the council and listed in that condition should be provided 2 days prior to the meeting.

5. Prior to any works commencing on the site in the vicinity of any notable or protected trees, a meeting must be held at the site to discuss all issues pertaining to the protection of the trees and to gain a common understanding of the relevant conditions of consent applicable to the works. Present at the meeting shall be:
 - a) The consent holder
 - b) The site foreman or project manager
 - c) The consent holders appointed worksite supervisory arborist
 - d) Council's Heritage Arborist
 - e) Council's Community Facilities Arborist (where applicable)
 - f) Any other relevant personnel

Discussed at the pre commencement meeting will be the following matters:

- Trees to be retained and protected
- Levels of permitted pruning of notable trees
- The methodology and timing of the works
- Site access and areas for manoeuvring vehicles and machinery
- Location of tree protection fencing and rules around its use
- Areas for storing and/or stockpiling materials, spoil and equipment
- The care needed when working around trees
- The conditions of this approval
- Activities that require direct works arborist supervision
- Landscaping and replanting programme and supervision under poplar trees

Construction Traffic Management Plan

6. Prior to the commencement of construction or demolition works, the consent holder shall submit a detailed Construction Traffic Management Plan (CTMP) to Council for approval. The CTMP shall include the following aspects of the construction process:
- a) Provide hours of work, staging of the development and construction period.
 - b) Provide parking management plan for visitors and construction traffic. Parking must be contained within the site.
 - c) Provide location of loading / working areas. Provide the information how deliveries would be made to the site.
 - d) Construction loading or unloading from the street is to be permitted only with the approval of Auckland Transport.
 - e) The CTMP is to prohibit truck and trailer deliveries to or from the site from 7am to 9am and 4pm to 6pm on weekdays. Exemption: vehicles delivering large concrete pours are exempt from this limitation.
 - f) The CTMP must provide a specific management plan for large concrete pour vehicles.
 - g) Provide cleaning facilities within the site to thoroughly clean all vehicles prior to exit to prevent mud or other excavated material from being dropped on the road. In the event that material is dropped on the road resources should be on hand to clean-up as soon as possible.
 - h) The CTMP needs to address the transportation and parking of oversize vehicles such as cranes.
 - i) Provide traffic management plans in compliance with the latest edition of the NZTA “Code of Practice for Temporary Traffic Management” (COPTTM) document.
 - j) Provide pedestrian management plan including temporary pedestrian routes which must be easily traversable, well-marked and safely separated from moving vehicles.

- k) The traffic/pedestrian management plans must be approved by Auckland Transport prior to the commencement of construction works.
- l) The site access point must be clearly signposted and ensuring that access to neighbouring properties is not compromised.

Detailed Design Plans

- 7. Prior to the lodgement of a separate Building Consent for Building Superstructure, Façade and Services, a finalised set of architectural detail drawings and materials specifications shall be submitted to Council for written certification. The information shall include the following:
 - a) details of the building's façade treatment / architectural features;
 - b) materials schedule and specification including sample palette of materials, surface finishes, and colours;
 - c) internal bedroom details including plans and elevations;
 - d) details of condenser unit to be located within balconies;
 - e) podium screening details including the artwork to the southern wall; and
 - f) any external / rooftop services / plants, and visual / aural screening elements.

The finalised set of drawings shall ensure that the building's proposed architectural treatment and finished appearance in accordance with the plans and information referenced at condition 1. All works shall then be carried out with the details certified by council, and thereafter retained and maintained, to the satisfaction of Council.

Advice note: As part of the condition monitoring process, Council's monitoring officers will liaise with members of the Council's urban design team to ensure that the submitted details are consistent with the approved plans and information.

Advice Note: Building consent will be submitted in stages, Condition 6 only needs to be satisfied in prior to lodgement of secondary stages of building consent which will incorporate details stipulated in this condition above.

Finalised landscape design

- 8. Prior to the lodgement of a separate Building Consent for Building Superstructure, Façade and Services, the consent holder shall provide to the Council for certification, a finalised set of detailed landscape design drawings and supporting written documentation which have been prepared by a landscape architect or suitably qualified professional. The submitted information shall be in accordance with the consented landscape concept plan prepared by BGLA, dated September 2020 and, at a minimum, shall include landscape design drawings, specifications and maintenance requirements including:
 - a) An annotated planting plan(s) which communicate the proposed location and extent of all areas of planting. Planting around the perimeter of the 'summer woodland' shall consist of species able to provide a sense of privacy for residents including climbers or shrubs able to reach at least 1m tall.

- b) Annotated cross-sections and/or design details with key dimensions to illustrate that adequate widths and depths are provided for raised garden beds.
- c) A plant schedule based on the submitted planting plan(s) which details specific plant species, plant sourcing, the number of plants, height and/or grade (litre) / Pb size at time of planting.
- d) Details of draft specification documentation for any specific drainage, soil preparation, tree pits, staking, irrigation and mulching requirements
- e) An annotated pavement plan and related specifications, detailing proposed site levels and the materiality and colour of all proposed hard surfacing
- f) An annotated street furniture plan and related specifications which confirm the location and type of all seats, bins, lights, fences, walls and other structural landscape design elements
- g) A landscape maintenance plan (report) and related drawings and specifications for all aspects of the finalised landscape design, including in relation to the following requirements:
 - i. Irrigation
 - ii. Weed and pest control
 - iii. Plant replacement
 - iv. Inspection timeframes
 - v. Contractor responsibilities

The finalised landscape design shall be consistent with the landscape design intent identified in the conceptual plans and information referenced at condition 1 and confirm responsibilities for ongoing maintenance requirements.

Lighting Plan

- 9. A lighting plan shall be prepared by a suitably qualified person and submitted to the Council for certification before commencement of construction of the building. The lighting plan shall provide lighting in accordance with standard E27.6.3.7 of the Auckland Unitary Plan. This plan shall be supported by specifications that describe and demonstrate how the lighting complies with the relevant standards in section E24.6.1 of the Auckland Unitary Plan.

Development in Progress Conditions

Surveyor roof framing check

- 10. No building works on the Eastern Tower shall proceed beyond the roof framing stage until a registered surveyor or licensed cadastral surveyor, engaged by the consent holder, has provided written certification to the Council that the works completed:
 - have been completed in accordance with the approved plans as referred to in condition 1 of this consent

Advice Note: The purposes of certification at the roof framing stage of construction are to:

- *provide assurance that the building works, to that point, have been undertaken in accordance with the consent*
- *reduce the risk of non-compliance as the works are completed.*
- *Written certification should include the following:*
- *the finished ground level is clearly marked on the subject site*
- *the relevant consent reference number and site address*
- *levels, calculations, plans and drawings of the structure(s) that are the subject of certification*
- *the quantification of the extent of any breach, infringement or non-compliance identified at the time of survey, where this has occurred.*

Written certification is to be provided directly to the officer specified in this condition

Stormwater management

11. The Council shall be provided with written certification and a certified drainage as-built plan from a suitably qualified engineering professional to demonstrate that the stormwater works with mitigation have been completed and detention tank has been installed.

Advice Note: a portion of detention volume may be re-used for garden and landscape irrigation subject to detailed specification being provided at time of building consent.

12. The consent holder shall provide an Operation and Maintenance Plan to the Council prior to the installation of the stormwater mitigation device. This Operation and Maintenance Plan shall be to the satisfaction of the Council. The Operation and Maintenance Plan shall set out how the stormwater management system is to be operated and maintained.
13. The consent holder shall ensure that the stormwater management system is managed in accordance with the approved Operation and Maintenance Plan as required under condition 12.

Public and Private Stormwater/ Wastewater and Water System

14. On completion of all stormwater, wastewater and water drainage works, the consent holder shall submit to the Council either a Code Compliance certificate has been issued for the work OR a copy of the Auckland City Council's Inspections Officer's passed final drainage inspection sheet and the drainlayer's signed "as-built" drainage plan be provided to confirm that the drainage work has been completed and inspected by Council.

Traffic

15. Prior to the occupation of residential units, all redundant vehicle crossings shall be removed and reinstated as kerbing and verge/footpath to Transport Design Manual requirements. This shall be undertaken at the consent holder's expense and to the satisfaction of the Council. Documentation to show this has occurred to shall be provided to Council.
16. Prior to the occupation of residential units, all access, parking and manoeuvring areas shall be formed, sealed with an all-weather surface and drained in accordance with the approved plans, to the satisfaction of the Council.
17. The occupation of the residential units shall not occur until the intersection access to Great North Road has been constructed and is operational. The signalisation of the intersection

may not need to be fully operative prior to occupation, only in the scenario where this is agreed between Council and the consent holder.

18. Prior to the occupation of residential units, the 104 car parking spaces shall be marked to the satisfaction of Council.
19. Prior to construction of any bicycle parking areas, confirmation shall be provided to the Council that the consented layout, quantity (6 visitor spaces and 117 secure spaces), design and security of bicycle parking facilities located either in public or private areas, meet the minimum requirements of the Auckland Unitary Plan.
20. Prior to occupation of residential units, a convex mirror (600mm diameter) shall be installed at the northern 90-degree corner of the Lower Ground Floor Plan ramp (reference Sheet A101, Rev 2, Ockham Residential, 17.9.20) within the basement as directed by the consent holder's traffic engineer to the satisfaction of the Council.
21. The consent holder shall ensure the rubbish collection for the site shall be limited to between the hours of 7-9am and 4-6pm, Monday to Friday.

Waste management plan

22. Prior to occupation of the units the consent holder shall provide a Waste Management Plan to outline the methodology for refuse and recycling storage and disposal from the site, including proposed days/frequency of collection. This information shall be submitted to the Council for approval.
23. The consent holder shall ensure the rubbish collection for the site shall be limited to be outside of the peak hours of 7-9am and 4-6pm, Monday to Friday.

Arboricultural matters

24. The consent holder must ensure that all contractors, sub-contractors, and workers engaged in any activities covered by this consent are advised of the tree protection measures contained in the conditions of this consent and that they operate in accordance with them.
25. The consent holder's appointed arborist shall be present during all excavations through the root zones of the notable Poplar trees and the Swamp Cypress street trees to be retained on site. Any scraping of soil within the dripline of protected trees to be retained within areas outside that aforementioned in the Arboricultural report written by Mathew Paul (Peers Brown Miller Ltd) dated 6 August 2020 shall be discussed with and approved by the consent holders works arborist prior to works commencing.
26. If any significant roots are encountered during excavation in the root zone of the scheduled Poplar trees and Swamp Cypress street trees, the root must be accommodated unless the consent holder's appointed arborist is satisfied that severance of such a root would not cause a deterioration in the health of the tree. No roots in excess of 35mm are to be severed without arborist approval. All root severance is to be undertaken by the works arborist.
27. All canopy pruning of trees to be retained must be undertaken by a Council approved contractor. All pruning must be carried out in accordance with best arboricultural practice and procedure and be limited to what is outlined within the Arboricultural report written by Mathew Paul (Peers Brown Miller Ltd dated 6 August 2020) in agreement with the Heritage Arborist and /or street tree asset owner from Community Facilities, Auckland Council.

28. No heavy machinery or equipment or materials shall be stored or deposited within the rootzone (dripline) area of any protected tree/s to be retained. If any materials do need to be deposited within the dripline of any protected tree a sheet of plastic, plywood (minimum 9mm) or a tarpaulin shall be laid down first, to the satisfaction of Council.
29. When machinery is to be used beneath the dripline of any protected tree to be retained, tracking movement must be kept to a minimum, with materials installed progressively from the previously metalled surface.
30. Equipment movement must not be undertaken on newly cut ground unless geotextile cloth or metal has been installed to prevent any unnecessary compaction of the trees' root systems. Any tracking of machinery on open ground must be undertaken on trak-mats or plywood if not on a metalled surface.
31. Protective fencing shall be installed at an appropriate point on the edge of the dripline, under the guidance of the appointed works arborist. This fencing shall remain in place for the duration of the project. The fencing is to be rent-o-style 1.8 metre steel mesh sections fixed. The location of this fencing is to be confirmed and approved at the pre-commencement meeting.
32. Temporary relocation of the fencing can be undertaken at any point (by the consent holder's appointed Arborist only) when specific works are to be carried out within the dripline of the subject trees, with the fencing to be re-erected following that specific activity.
33. The consent holder shall provide to the Council's Urban Forester/s for the area, a detailed landscape design plan showing the size, location, number and species of trees to be reinstated in the road berm. As a minimum, One Swamp Cypress (400L) and 11 (400L Silver Cloud) street trees must be planted along Ash Street and Great North Road. The final design details to be implemented (including final tree pit design and size) will be discussed and agreeable to Community Facilities, Auckland Council, as future asset owner of street trees to be planted.
34. If the consented works are completed during a planting season (1 April to 30 September of any year) and there is sufficient time to undertake replanting before the end of that planting season then replanting must be undertaken during the current planting season. If the consented works are completed outside a planting season, then replanting must occur during the next planting season to the satisfaction of Council. If the planting works are completed outside of the planting period stipulated above, then a maintenance plan will be provided to Auckland Council for approval.
35. The new/replacement tree's (outside of the subject site) growth and development shall be monitored by the consent holder for three years following planting. If any tree dies or declines beyond recovery during this period, it shall be replaced by the consent holder at their expense with a new tree of the same size.
36. On completion of the project, a completion report/statement from the consent holders appointed arborist shall be provided to Council that includes; a statement of effects of the works on the trees, confirmation that works were carried out in accordance with all conditions of consent, as well as any recommendations for any further remedial work that may be required. The dates and times the consent holder's appointed Arborist was present on site shall also be clearly documented.

Contamination

37. Earthworks shall be undertaken in accordance the *Site Management Plan for Ground Contamination, 1817 Great North Road, Avondale*, prepared by Williamson Water & Land Advisory Ltd and dated 21/07/2020 ('the CSMP'). Any variations to the CSMP shall be submitted to the Council for certification that it appropriately manages actual and potential soil contamination effects and is within the scope of this consent.

Advice Note: Contaminated Site Management Plan

The Council acknowledges that the CSMP are intended to provide flexibility of the management of the works. Accordingly, the plans may need to be updated. Any updates should be limited to the scope of this consent and be consistent with the conditions of this consent. If you would like to confirm that any proposed updates are within scope, please contact the Council.

38. During earthworks 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 minimise dust discharges as far as practicable. The consent holder shall ensure that dust management during the excavation works generally complies with the *Good Practice Guide for Assessing and Managing Dust* (Ministry for the Environment, 2016).
39. In the event of the accidental discovery of contamination during earthworks which has not been previously identified, including asbestos material, the consent holder shall immediately cease the works in the vicinity of the contamination, implement the contingency measures of the CSMP, and engage a Suitably Qualified and Experienced Professional (SQEP) to assess the situation (including possible sampling and testing) and decide on the best option for managing the material. Auckland Council shall be notified should the unexpected contamination be outside the scope of the CSMP, and a remedial plan provided.
40. Any excavated material that is not re-used on site shall be disposed of at an appropriate facility licensed to accept the levels of contamination identified.
41. Within three months of the completion of earthworks on the site, a Works Completion Report shall be submitted to the Council for certification. The Works Completion Report shall be prepared by a SQEP and contain sufficient detail to address the following matters:
- a. A summary of the works undertaken, including the location and dimensions of the excavations carried out and the volume of soil excavated;
 - b. Details and results of any testing, including validation testing, undertaken and interpretation of the results in the context of the NES:CS and the AUP(OP);
 - c. Records/evidence of the appropriate disposal for any material removed from the site;
 - d. Records of any unexpected contamination encountered during the works and response actions, if applicable;
 - e. Conditions of the final site ground surface and details of any sampling undertaken on materials imported to site;
 - f. Reports of any complaints, health and safety incidents related to contamination, and/or contingency events during the earthworks; and

- g. A statement certifying that all works have been carried out in accordance with the requirements of the CSMP and consent, otherwise providing details of relevant breaches, if applicable.

Advice notes

1. *The consent holder is advised that the street trees are assets managed by the Parks Department – Auckland Council, and the granting of the resource consent alone does not authorise the removal and works within the root zone. Asset Owner Approval must be obtained by the consent holder prior to the removal and works within the root zone of street trees.*
2. *The proposed works within the road reserve requires the approval of the relevant asset owner, and the granting of this resource consent does not authorise works within the road reserve.*
3. *Any signage proposed for the development shall comply with the Signage Bylaw 2015. The granting of this resource consent alone does not authorise any proposed signage.*
4. *A Corridor Access Request (CAR) application is required from Auckland Transport for any works within the road reserve that affects the normal operation of the road, footpath or berm.*
5. *All applications for temporary use of the road reserve during construction must be submitted to Auckland Transport as a Corridor Access Request (CAR). Applications are to be submitted electronically via <https://www.submitica.co.nz/Applications> and 15 working days should be allowed for approval.*
6. *The FFL of the building has to comply with 1.2 m head requirement of Watercare standards for wastewater connection. If this is not complying, private wastewater pump may be required at building consent stage.*
7. *All water supply connections to the Water Care supply main and shall be designed in accordance with Water Care Ltd's "Standards" and be made by a Water Care Services Ltd approved contractor. For details, please contact Water Care Services.*
8. *Any provision being made for telecommunications, power or gas are to be underground and are to be to the requirements of the respective utility services.*
9. *Under the building consent stage, any building structure in close proximity to the public wastewater drain, needs works over approval, which is required to be submitted to Watercare Services Limited for assessment and or approval.*
10. *Engineering Plan Approval (EPA stage): Detailed design of the signalised vehicle access intersection with Great North Rd and Walsall Street, pedestrian footpath, and associated gradients will need to be reviewed and approved by Auckland Transport, at the detailed design and Engineering Plan Approval stage, prior to construction works and prior to the occupation of the development.*
11. *It will be the responsibility of the applicant to determine the presence of any underground services that may be affected by the applicants work in the road reserve. Should any services exist, the applicant shall contact the owners of those and agree on the service owners' future access for maintenance and upgrades.*

12. *The consent holder must accurately locate all existing services (including water, drainage and utility services) affected by the proposed construction work and notify the appropriate authorities of the details of construction prior to the commencement of any work on site.*
13. *Except as specifically provided for by this consent approval, there shall be no damage to public roads, footpaths, berms, kerbs, drains, reserves or other public asset as a result of the earthworks and construction activity. In the event that such damage does occur, the Council will be notified within 24 hours of its discovery. The costs of rectifying such damage and restoring the asset to its original condition shall be met by the consent holder.*
14. *Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.*
15. *For the purpose of compliance with the conditions of consent, “the council” refers to the council’s monitoring officer unless otherwise specified. Please email monitoring@aucklandcouncil.govt.nz to identify your allocated officer.*
16. *For more information on the resource consent process with Auckland Council see the council’s website: www.aucklandcouncil.govt.nz. General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment’s website: www.mfe.govt.nz.*
17. *If you disagree with any of the above conditions, and/or disagree with the additional charges relating to the processing of the application(s), you have a right of objection pursuant to sections 357A and/or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of your receipt of this decision (for s357A) or receipt of the council invoice (for s357B).*
18. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.*



Ian Munro

Duty Commissioner

16 November 2020

Resource Consent Notice of Works Starting

Please email this form to monitoring@aucklandcouncil.govt.nz at least 5 days prior to work starting on your development or post it to the address at the bottom of the page.

Site address:				
AREA (please tick the box)	Auckland CBD <input type="checkbox"/>	Auckland Isthmus <input type="checkbox"/>	Hauraki Gulf Islands <input type="checkbox"/>	Waitakere <input type="checkbox"/>
Manukau <input type="checkbox"/>	Rodney <input type="checkbox"/>	North Shore <input type="checkbox"/>	Papakura <input type="checkbox"/>	Franklin <input type="checkbox"/>
Resource consent number:			Associated building consent:	
Expected start date of work:			Expected duration of work:	

Primary contact	Name	Mobile / Landline	Address	Email address
Owner				
Project manager				
Builder				
Earthmover				
Arborist				
Other (specify)				

Signature: Owner / Project Manager (indicate which)	Date:
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Once you have been contacted by the Monitoring Officer, all correspondence should be sent directly to them.

SAVE \$\$\$ minimise monitoring costs!

The council will review your property for start of works every three months from the date of issue of the resource consent and charge for the time spent. You can contact your Resource Consent Monitoring Officer on 09 301 0101 or via monitoring@aucklandcouncil.govt.nz to discuss a likely timetable of works before the inspection is carried out and to avoid incurring this cost.