

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



Non-complying activity

Application numbers: BUN60369382 (council reference)
LUC60369384 (s9 land use consent)
DIS60369383 (s15 discharge permit)

Applicant: James Kirkpatrick Group Ltd

Site address: 538 Karangahape Road, Newton, Auckland 1010

Legal description: Lots 1-3 and Lots 8-9 Section 2 DP 5

Proposal:

Alterations to the ground floor and basement of the existing mixed-use building and construction of an additional three levels of offices, and associated signage.

Resource consents are required for the following reasons:

Land use consent (s9) – LUC60369384

Auckland Unitary Plan (Operative in part)

District land use (operative plan provisions)

Historic Heritage

- Modifications to an existing building on a non-contributing sites within a Historic Heritage Area is a controlled activity under rule D17.4.3 (A33).
- Signs on buildings on a non-contributing sites within a Historic Heritage Area is a controlled activity under rule D17.4.3 (A33).

Transport

- The proposal involves accessory parking and access that does not meet the following parking and access standards and is a restricted discretionary activity under rule E27.4.1(A2):
 - 23 parking spaces are provided on site whereas a maximum of 20 are permitted under table E27.6.2.1.
 - Car parking spaces numbers 7 and 13 do not comply with the minimum parking space and manoeuvring dimensions as identified in Table E27.6.3.1.1 (T120).
 - At the Gundry Street access for the inbound lane, the gradients vary from 1:8.25 (12.1%) at the southern edge to 1:10.3 (9.7%) at the northern edge. For the outbound

lane, the gradients vary from 1:10.3 (9.7%) at the southern edge to 1:13 (7.6%) at the northern edge. These fall short of the requirement of 1 :20 (5%) maximum gradient platform for a length of 6.0 metres for non-residential activity under Rule E27.6.4.4.1.

- An on-street loading space is provided whereas it is required to be located on the same site as the activity itself under E27.6.3.2.

Business – City Centre Zone

- The proposal involves a new building and is a restricted discretionary activity under rule H8.4.1(A32).
- The proposal involves part demolition of the existing building. This is a controlled activity under rule H8.4.1(A32A).
- The proposal involves alterations and additions to buildings not otherwise provided for. This is a restricted discretionary activity under rule H8.4.1(A36).
- The proposed development has a floor area ratio of 3.24:1 exceeding the maximum permitted of 3:1 in accordance with standard H8.6.21. This is a non-complying activity under rule H8.4.1(A45).
- The development fails to meet the following standards and is a restricted discretionary activity under rule C1.9(2):
 - The building infringes by 6.01m the maximum height of 15m under standard H8.6.2.

Karangahape Road Precinct

- The proposal involves alterations and additions to an existing building not otherwise provided for and is a restricted discretionary activity under rule I206.4.1(A2).

Built Environment – Signs

- The proposal includes signage on the Karangahape Road, Gundry Street and Abbey Street frontages. These signs fall under the definition of comprehensive development signage and are a restricted discretionary activity under rule E23.4.2 (A53).

Noise and Vibration

- The proposal involves construction vibration (including modification of a shared wall and excavation around existing piles) that does not meet the following standard and is a restricted discretionary activity under rule E25.4.1(A2):
 - The proposed construction vibration levels may exceed the vibration limits of 2mm/s PPV by up to 3mm/s PPV at 582 Karangahape Road during the daytime limit of 7am – 10pm as specified in Table E25.6.30.1.

National Environmental Standards: Contaminated Soils

- HAIL activities have occurred at the site and a DSI has not been submitted. The proposed soil disturbance activity is a discretionary activity under Regulation 11.

Discharge Permit (s15) – DIS60369383

Auckland Unitary Plan (Operative in part)

Regional land use (operative plan provisions)

- Contaminant discharges do not meet the controlled activity standards of E30.6.2.1 as a DSI has not been submitted. Consent is required as a discretionary activity under rule E30.4.1(A7).

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 adequate 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, 104D, 104B, 105 and 107 and Part 2 of the RMA, the resource consents are **GRANTED**.

Reasons

The reasons for this decision are:

1. In accordance with an assessment under ss104(1)(a) and (ab) of the RMA, the actual and potential effects from the proposal will be acceptable as:
 - a. Council's heritage specialist has assessed the application in light of the relevant plan provisions and the Heritage Impact Assessment and supports the proposal. The building has been carefully massed and modulated to avoid appearing dominant and is located such that the impact of the over height element will be mitigated in the context of the Karangahape Road Historic Heritage Area.
 - b. Council's urban designer also considers that the building's design mitigates exceedances of height and GFA. In summary, the upper level is set back 6 metres from the street façade and is a recessive colour, the building is horizontally modulated into a top, middle and bottom and the building steps down towards the rear of the site.
 - c. The signage is commensurate with the scale of development. The overall design will improve the streetscape. The removal of the at-grade car parking area on Gundry Street and its replacement with a glazed façade will improve the streetscape. Conditions will ensure the design quality of the building matches the intent of the plans.
 - d. Due to the number of car parking spaces exceeding the carpark standard only minimal additional vehicle movements will result and hence have a less than minor effects on the road network. The proposal adjoins a major bus route and the Karangahape Road cycleway, which is currently under construction. It is also close to the north western cycleway. This will support the uptake of other forms of transport and reduce car use.

'Give way' line markings have been conditioned to ensure exiting vehicles are held where the access narrows. Gradients of the access adjoining the road boundary will provide good inter-visibility between egress traffic and pedestrians on the footpath. Car parking spaces 7 and 13 have been conditioned for use by 'small car only'. A loading zone on the opposite side of Gundry Street will provide adequate loading for the development.

- e. Given the scale and nature of the works, screening effects from the existing building on the subject site and setback distances to neighbouring buildings, effects from construction noise and vibration will be acceptable. Appropriate conditions will mitigate adverse vibration effects on occupiers at 582 Karangahape Road.
 - f. With respect to contamination, soil sampling and a site validation report (SVR) will be carried out and will appropriately manage and mitigate effects on the environment.
 - g. The site is adequately serviced in terms stormwater, wastewater, water supply and firefighting.
 - h. In terms of positive effects, glazing will provide a visual connection with and passive surveillance of the street. The verandah will provide relief from the weather for pedestrians. The feature 'shell screen' will provide strong visual interest.
 - i. With reference to s104(1)(ab), there are no specific offsetting or environmental compensation measures proposed or agreed to by the applicant to ensure positive effects on the environment.
2. In accordance with an assessment under s104(1)(b) of the RMA, the proposal is consistent with the relevant statutory documents. The agent has assessed the proposal against the relevant plan provisions on pages 36-46 of the AEE including signage and contamination. This assessment is concurred with. In addition, the following is noted.

The relevant objectives and policies of chapter D17 Historic Heritage seek to enable development, while ensuring that modifications are compatible with the historic heritage values of the area. The objectives and policies of chapter I206 Karangahape Road Precinct focus on respecting the existing built form and character of the precinct and enhancing the streetscape. Council's heritage specialist has assessed the proposal with respect to the relevant plan provisions of chapters D17 and I206 and considers that the proposal generally meets the plan provisions, due to its location, context and careful attention to horizontal modulation. This assessment is concurred with.

With respect to the City Centre zone, policies H8.3 (3) to (5) and H8.3 (15) to (18) are relevant. In particular, policy (5) requires large-scale development to be of a design quality that is commensurate with the prominence and visual effects of the development. The building design mitigates exceedances of height and GFA (see 104(1)(a) assessment above) and the building makes a positive contribution towards the streetscape.

With respect to the relevant construction noise and vibration objectives and policies, objective E25.2(4) states that construction activities that cannot meet noise and vibration standards are enabled while controlling duration, frequency and timing to manage adverse effects. Policy E25.2(10) looks to avoid, remedy and mitigate adverse effects noting the sensitivity of the receiving environment, hours of operation, duration and the practicality of

complying with the standards. Prior consultation with neighbours and a pre-construction and post-construction building surveys will ensure that adverse effects relating to vibration are sufficiently mitigated, noting compliance with the noise standards.

Policy E27.3 (4) aims to support intensification and reduce car use. The site is close to the north western cycleway and also adjoins the Karangahape Road cycleway, currently undergoing construction and hence is easily accessible by bike. Karangahape Road is also a major bus route. These factors will help to reduce car use.

3. In accordance with an assessment under s104(1)(c) of the RMA, there are no other matters that are considered relevant.
4. In accordance with an assessment under ss105 and 107 of the RMA, the SVR will record any contamination levels for future reference and ensure that any contaminated soil is sealed. Council's specialist has noted that

"The sensitivity of the receiving environment to the adverse effects of the contaminant discharge will not be compromised given the level of the discharge, and appropriate on-site management techniques."

5. There is no prohibition under s104D of the RMA on granting this non-complying activity proposal. This is because the proposal is not contrary to the objectives and policies of the relevant plan and will have only minor adverse effects on the environment.
6. In the context of this non-complying activity application for land use and a discharge permit, where the objectives and policies of the relevant statutory documents were prepared having regard to Part 2 of the RMA, they capture all relevant planning considerations and contain a coherent set of policies designed to achieve clear environmental outcomes. They also provide a clear framework for assessing all relevant potential effects and there is no need to go beyond these provisions and look to Part 2 in making this decision as an assessment against Part 2 would not add anything to the evaluative exercise.
7. Overall, the actual and potential effects of the proposal are acceptable and the proposal is consistent with the relevant statutory documents.

Conditions

Under sections 108 and 108AA of the RMA, these consents are 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 numbers LUC60369384 and DIS60369383.
 - Application Form and Assessment of Environmental Effects prepared by Rose Bayes-Powell of MHG, dated December 2020.

Report title and reference	Author	Rev	Dated
Preliminary Site Investigation	GHD		Dec 2020
Engineering Infrastructure Report	GWE		Nov 2020
Traffic Report	Commute		2 Dec 2020

Construction Noise and Vibration Assessment	SLR	Dec 2020
Waste Management Plan	Rubbish Direct	7 Dec 2020
Heritage Impact Assessment	MHG	Jan 2021

Drawing title and reference	Author	Rev	Dated
A01 Proposed Sub Basement Plan	JCY Architects	C	11/02/2021
A02 Proposed Basement Plan	JCY Architects	D	19/03/2021
A03 Proposed Ground Floor Plan	JCY Architects	B	30/11/2020
A04 Proposed Level 1 Plan	JCY Architects	A	15/10/2020
A05 Proposed Level 2 Plan	JCY Architects	A	15/10/2020
A06 Proposed Level 3 Plan	JCY Architects	A	16/10/2020
A07 Proposed Roof Plan	JCY Architects	A	15/10/2020
A08 Proposed Section	JCY Architects	B	25/01/2021
A09 Proposed Section	JCY Architects	B	25/01/2021
A10 Proposed North Elevation	JCY Architects	B	11/02/2021
A11 Proposed South Elevation	JCY Architects	B	11/02/2021
A12 Proposed East Elevation	JCY Architects	B	11/02/2021
A13 Proposed West Elevations	JCY Architects	B	25/01/2021
A14 Overall External Plan	JCY Architects	A	11/02/2021
A15 Proposed Materiality Images	JCY Architects	A	Feb 2021
A16 Proposed Materiality Images	JCY Architects	A	Feb 2021
A17 Proposed Materiality Example Images	JCY Architects	A	Feb 2021
1A vehicle tracking	Commute	E	11 Mar 2021

Other additional information	Author	Rev	Dated
Mains Flow and Pressure Report	Novatec Flow Services		23 Nov 2020
Section 92 response	Commute		18 Feb 2021
Section 92 response	MHG		23 Feb 2021
Email "RE: 538 K road car parking"	Rose Bayes-Powell		15 Apr 2021
Email "RE: BUN60369382 - 538 K-road - AT comments"	Rose Bayes-Powell		19 Mar 2021

2. Under section 125 of the RMA, these consents lapse five years after the date they were granted unless:
 - a. The consents are given effect to; or
 - b. The council extends the period after which the consent lapses.

3. The consent holder must 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 / these consent/s.

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(s). In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, must 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(s) have been met, will the council issue a letter confirming compliance on request of the consent holder.

Land use conditions

4. Prior to commencement of any work on site (prior to the approval of Building Consent for the building other than earthworks, foundations, and structural works), the consent holder must provide a finalised set of **Architectural Drawings**, including (but not be limited to) design details of the external cladding, glazing, and screens in general accordance with the approved consent drawing “*proposed building materiality images drawn by JCY architects dated Feb 2021, A15-17*”.

The consent holder must submit this information to the Resource Consent Monitoring Team Leader for written certification in liaison with urban design staff.

5. Prior to commencement of any work on site (prior to the approval of Building Consent), the consent holder must provide a **Materials Schedule and Specifications** for the proposed external cladding and glazing in general accordance with the approved consent drawings. A sample palette of materials, surface finishes, and colour schemes must accompany this. This information must be submitted to the Resource Consent Monitoring Team Leader for written certification in liaison with urban design staff.
6. Prior to commencement of any work on site (prior to the approval of Building Consent), the consent holder must provide detailed information to illustrate the design details of the proposed **Signs and Canopies**, in general accordance with the approved consent drawings, including the proposed locations, dimensions, colours, materials, surface finishes. This information must be submitted to the Resource Consent Monitoring Team Leader for written certification in liaison with urban design staff and staff from the built heritage implementation team.
7. The signage on the west elevation must display lettering only and must not be digital or internally illuminated. No advertising (on-site or third party) must be permitted as part of this sign.
8. Prior to commencement of any work on site, the consent holder must provide a final set of **Services Plans**, including details / locations of the proposed servicing for the building e.g. vents, transformers, A/C units, lift overruns, water meters, electric meters, fire hydrants / sprinkler valve controls, traffic warning devices (if any) etc. This information must be

submitted to the Resource Consent Monitoring Team Leader for written certification in liaison with urban design staff.

Method Statements / Detailed Design

9. The following information must be prepared by the consent holder and submitted to the Council (Team Leader Central Monitoring in consultation with the Team Leader Built Heritage) for written certification. This must occur prior to the lodgement of any building consent application for each element. The purpose of this information is to ensure that the final design solutions avoid, mitigate or remedy adverse effects on heritage values. At a minimum, finalised detailed design drawings and specifications must be provided for the following elements:
- a. Final seismic upgrade design;
 - b. Final detailed design of all elevations;
 - c. Final detailed design of the joinery of the *base*;
 - d. Final detailed design of the new verandah;
 - e. Final detailed design of the joinery of the *middle*;
 - f. Final detailed design of the shell-screen;
 - g. Final detailed design of the joinery of the *upper*;
 - h. Final detail design of the balustrade of the upper;
 - i. Final detailed design of the roof, including the lift overrun and plant platform;
 - j. Final material palette, and including samples, of all external materials;
 - k. Final exterior colour scheme;
 - l. Final external lighting concept;
 - m. Final landscape/access plan at street level;
 - n. A suitable signage protocol is to be drawn up for the whole building and all tenancies, including the final design details for the location, fixing and lighting of the signage.

Modifications approval

10. In the event that any changes to the approved consent drawings/documents are required, as a result of new information and/or site discovery, the following information must be provided to the Council prior to carrying out those works:
- a. Plans and drawings outlining the details of the changes; and
 - b. Supporting information that details whether the proposed changes will result in any difference and/ or increase in adverse effects on the heritage values of the place.

Only after all the information has been certified by the Council (Team Leader Central Monitoring, in consultation with Team Leader Built Heritage Implementation) as being within scope of this resource consent, must those changes be implemented.

Construction noise limits

11. Noise arising from construction work activities on the site must not exceed the noise limits specified in Table E25.6.28.2 of the AUP(OP) when measured 1m from the most exposed façade of any building that is occupied during the works. Noise from construction work activity must be measured and assessed in accordance with the requirements of New Zealand Standard NZS 6803:1999 Acoustics – Construction noise.

Advice Note:

Where external measurement of construction noise is impractical or inappropriate, the upper limits for the noise measured inside the building will be 20dB less than the relevant levels specified in the condition.

Construction vibration – structural limits

12. Construction generated vibration received on any structure not on the same site must not exceed the guideline limits set out in German Industrial Standard DIN 4150-3 (1999): Structural Vibration – Part 3 Effects of Vibration on Structures during construction in any circumstance, as set out below and specified in AUP (OP) E25.6.30 (1) (a): -

Type of Structure	Short-term Vibration			Long-term Vibration	
	Peak particle velocity (PPV), mm/s			PPV at horizontal plane of highest floor at all frequencies	PPV at horizontal plane of highest floor at all frequencies
	1 Hz-10 Hz	10 HZ-50Hz	50Hz-100 Hz		
<i>Building used for commercial purposes, industrial buildings</i>	20 mm/s	20-40 mm/s	40-50 mm/s	40 mm/s	10 mm/s
<i>Dwellings and buildings of similar design and/or occupancy</i>	5 mm/s	5-15 mm/s	15-20 mm/s	15 mm/s	5 mm/s
<i>Structures that, because of their particular sensitivity to vibration, cannot be classified under the</i>	3 mm/s	3-8 mm/s	8-10 mm/s	8 mm/s	2.5 mm/s

above two rows
and are of great
intrinsic value

Construction vibration – amenity limits

13. Vibration levels arising from construction activity on the site must not exceed 2 mm/s Peak Particle Velocity for more than three (3) days but must comply with a limit of 5 mm/s Peak Particle Velocity in occupied buildings in any axis when measured in the corner of the floor of the storey of interest for multi-storey buildings, or within 500 mm of ground level at the foundation of a single storey building as specified in E25.6.30 (1)(b) of the AUP (OP).
14. If measured or predicted vibration from construction activities exceeds 2 mm/s PPV at occupied buildings, the Consent Holder must consult with the affected receiver to:
 - a. Discuss the nature of the works and the anticipated days and hours when the exceedances are likely to occur; and
 - b. Determine whether the exceedances could be timed or managed to reduce the effects on the receiver.

The Consent Holder must maintain a record of these discussions and make them available to Council on its request.

Building condition survey

15. The Consent Holder must request in writing the approval of the owners of 582 Karangahape Road to undertake a building condition survey at the times listed below.

Subject to property owner approval being provided, the consent holder must undertake a building condition survey for the above property at the following times:

- At least 10 working days prior to construction commencing;
- Within 10 working days of the completion of south western boundary wall modification works; and
- At the completion of construction.

Should any reasonable claim of property damage from construction vibration be received from the above property owner during the course of the construction activity, a building condition survey of the property must be undertaken within 5 working days of a claim or claims being received by the consent holder.

Each building condition survey must:

- i. Be undertaken by the suitably qualified Building Surveyor engaged by the Consent Holder;
- ii. Provide a description of the building;
- iii. Determine the appropriate structure type classification with respect to DIN 4150-3:1999 “Structural Vibration - Effects of Vibration on Structures” (i.e. historic/sensitive or commercial/industrial);

- iv. Document and photograph the condition of the building, including any cosmetic and/or structural damage;
- v. The Building Surveyor must invite the owner and any occupier, if different to the owner, to identify any concerns they wish to be considered in any condition survey, and these must be taken into account in the preparation of the building condition survey; and
- vi. The results must be provided to the property owner and be available to Council on request.

If during any construction the building condition survey demonstrates that cosmetic or structural damage has occurred that has, in the opinion of the Building Surveyor, been caused by the activities authorised by this consent, the infringing vibration generating works must cease until such time as alternative construction methods have been agreed in writing with the Council (in consultation with the Building Surveyor).

Within 5 working days following the identification of cosmetic or structural damage the Building Surveyor must advise in writing any necessary remedial measures to reinstate the affected building to its previously surveyed appearance and structural integrity. The results must be provided to the Consent Holder, property owner and the Council as soon as practicable. The consent holder must then offer to, and, if accepted by the property owner must, at the consent holder's cost, rectify the damage as soon as practicable in accordance with the remedial measures set out in the building survey, in consultation with the property owner.

If the post-construction building condition survey demonstrates that damage has occurred that has been caused by the activities authorised by this consent, the consent holder must offer to, and, if accepted by the property owner, must rectify the damage at the consent holder's cost, as soon as practicable, in consultation with the property owner.

Neighbour consultation

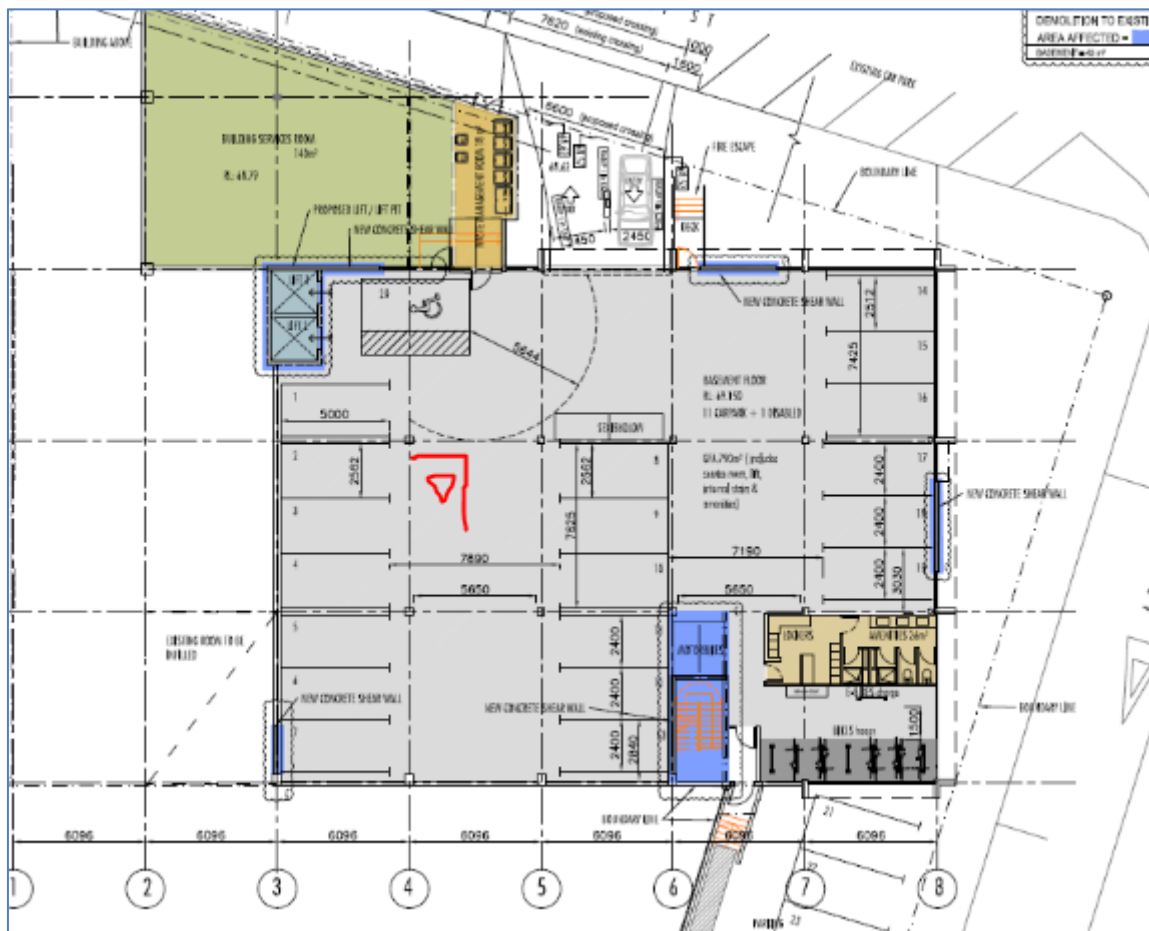
16. The consent holder must ensure that all neighbours within 50m of the subject site boundary are advised in writing no less than three (3) days prior to the construction works (includes demolition) commencing; and the written advice must include a brief description of the works, the timing and duration of the works, mitigation measures, and contact details for any concerns about noise and vibration.

Transport

17. Prior to the operation of the activity, all access, parking and manoeuvring areas must be formed, sealed with an all-weather surface and drained in accordance with the approved plans, to the satisfaction of the Council.
18. Prior to the operation of the activity, the 20 car parking spaces on the basement level must be marked out in accordance with the approved plan (Proposed Basement B1 Floor Plan), to the satisfaction of the Council.
19. Prior to the operation of the activity, parking spaces 7 and 13 as marked on the approved plans must meet the dimensional requirements for 'spaces for small cars' per clause

2.4.1(a)(ii) of AS/NZS 2890.1 2004 and must be marked out and/or sign posted for use by 'small car only'.

20. Prior to construction of any bicycle parking area/s, confirmation must be provided to the Council that the layout, quantity (24), design and security of bicycle parking facilities located either in public or private areas, meet the minimum requirements of the Auckland Transport Design Manual.
21. Prior to the operation of the activity, the consent holder must provide suitable lighting in compliance with Section E24 of the AUP (OP).
22. Prior to the operation of the activity, all redundant vehicle crossings must be removed and reinstated as kerbing and footpath to Auckland Transport Code of Practice 2013. This must be undertaken at the consent holder's expense and to the satisfaction of the Council.
23. Prior to the operation of the activity, line markings must be marked out in general accordance with the red markings in diagram below to hold exiting vehicles from the basement in position to allow vehicles to enter the basement car parking area safely, to the satisfaction of the Council.



Construction Traffic Management Plan

24. Prior to the commencement of construction or demolition, a finalised Construction Traffic Management Plan (TMP) must be prepared in accordance with the items listed below and must be submitted to Council for written certification.

- Provide hours of work, staging of the development and construction period.
- Provide parking management plan for visitors and construction traffic. Parking must be contained within the site.
- Provide location of loading / working areas.
- Construction loading or unloading from the street is to be permitted only with the approval of Auckland Transport.
- Truck operation time including picking up and dropping off machinery must be limited to outside the peak hours, between 9am and 3pm on Monday to Friday.
- The CTMP is to prohibit truck and trailer deliveries to or from the site from 7am to 9am and 4pm to 6pm on weekdays.
- 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.
- The CTMP needs to address the transportation and parking of oversize vehicles such as cranes.
- Provide traffic management plans in compliance with the latest edition of the NZTA “Code of Practice for Temporary Traffic Management” (COPTTM) document.
- Provide pedestrian management plan including temporary pedestrian routes which must be easily traversable, well-marked and safely separated from moving vehicles.
- The traffic/pedestrian management plans must be approved by Auckland Transport prior to the commencement of construction works.
- The site access point must be clearly signposted and ensuring that access to neighbouring properties is not compromised.

Earthworks, demolition or construction work on the subject site must not commence until confirmation is provided from the council that the TMP satisfactorily meets the requirements listed above and any required measures referred to have been put in place. The certified TMP must then be implemented for the duration of the development.

Contamination Pre-Works Requirements

Advance notice of works

25. The Council must be informed, in writing, at least ten working days prior to the start date of the works authorised by this consent (refer advice note 8.)

Contamination During Works Requirements

Soil contamination management

26. Earthworks must be undertaken in accordance with the Contaminated Land Management Plan (CLMP), prepared by GHD and referenced in Condition 1. Any variations to the CLMP must 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, prior to implementation.

Advice Note: Contaminated Land Management Plan

The Council acknowledges that the Contaminated Land Management Plan is intended to provide flexibility of the management of the works and contaminant discharges.

Accordingly, the plan may need to be updated, particularly following the results of additional soil sampling. 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. The council's certification of the plan relates only to those aspects of the plans that are relevant under the RMA. The certification does not amount to an approval or acceptance of suitability by the council of any elements of the management plan that relate to other legislation, for example, the Building Act 2004 or the Health and Safety at Work Act 2015.

27. The consent holder must engage a Suitably Qualified and Experienced contaminated land Practitioner (SQEP) to oversee any works involving the disturbance of potentially contaminated material and ensure the procedures and control measures in the CLMP are adhered to throughout these works. The SQEP must undertake sampling of excavated soil in accordance with the CLMP. The samples must be analysed for asbestos, total petroleum hydrocarbons (TPH), polyaromatic hydrocarbons (PAH), and heavy metals. All sampling is to be undertaken in accordance with the *Contaminated Land Management Guidelines No. 5*, (Ministry for the Environment, revised 2011).

Advice Note: Soil contamination sampling

In order to comply with the Contaminated Land Management Guidelines No.5 (Ministry for the Environment, revised 2011), all sample analysis should be undertaken in a laboratory with suitable experience and ability to carry out the analysis.

28. Discharges of dust must not cause offensive or objectionable effects at any location beyond the boundary of the Site, in the opinion of an enforcement officer when assessed in accordance with the *Good Practice Guide for Assessing and Managing Dust* (Ministry for the Environment, 2016). The consent holder must ensure that dust management during the works generally complies with the recommendations of this Good Practice Guide and minimises dust generation as far as practicable. This must include having sufficient water to dampen exposed soil and unsealed areas, and/or other dust suppressing measures, available as necessary.
29. The disturbance of soils where asbestos has been found to be present must avoid discharges of dust beyond the boundary of the site and be undertaken in accordance with the *NZ Guidelines for Assessing and Managing Asbestos in Soil* (BRANZ, 2017) or any updates to this document and the CLMP.

Advice Note: Asbestos Containing Materials

If you are demolishing or altering any building that may have asbestos containing materials (ACM) in it:

- *You have obligations under the relevant regulations for the management and removal of asbestos, including the need to engage a Competent Asbestos Surveyor to confirm the presence or absence of any ACM.*
 - *Work may have to be carried out under the control of a person holding a WorkSafe NZ Certificate of Competence (CoC) for restricted works.*
 - *If any ACM is found, removal or demolition will have to meet the Health and Safety at Work (Asbestos) Regulations 2016.*
 - *Information on asbestos containing materials and your obligations can be found at www.worksafe.govt.nz.*
30. In the event of the accidental discovery of contamination during earthworks which has not been previously identified as a risk by the SQEP, the consent holder must immediately cease the works in the vicinity of the contamination, notify the council, and engage a SQEP to assess the situation (including possible sampling and revision of the CLMP) and decide on the best option for managing the material.
31. Excavated material that is not re-used on site must be disposed of at an appropriate facility licensed to accept the levels of any identified contamination. Soil sampling results and evidence of the locations where excavated material has been disposed of must be retained by the consent holder during the works and made available to an enforcement officer on request.
32. The contamination level of any soil imported to the site must comply with the definition of 'Cleanfill material', as set out in the AUP(OP).

Contamination Post-Works Requirements:

Site Validation Report

33. Within three months of the completion of earthworks on the site, a Site Validation Report (SVR) must be submitted to the council for certification. The SVR must be prepared by a SQEP in accordance with the *Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand* (Ministry for the Environment, revised 2011) 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. Conditions of the final site contamination profile, including details and results of any validation testing undertaken (with a map of sampling locations and tabulated sampling results) and interpretation of the results in the context of the NES:CS and the AUP(OP);
 - c. Details and results of any other contamination testing undertaken during the works (including any sampling undertaken on materials re-used on site or imported to site and/or asbestos air monitoring)
 - d. Records/evidence of the appropriate disposal for any material removed from the site;

- e. Records of any unexpected contamination encountered during the works and response actions, if applicable;
- f. Any on-going monitoring and/or management measures required to minimise risks to human health or the environment as a result of the final site contamination profile;
- g. Reports of any complaints, health and safety incidents related to contamination, and/or contingency events during the earthworks; and
- h. A statement certifying that all works have been carried out in accordance with the requirements of the CLMP and consent, otherwise providing details of relevant approved variations or breaches, if applicable.

Advice Note: Site Validation Report

The SVR must enable the council to update the property file information relating to soil contamination. Until an SVR is submitted and certified by the council, the Land Information Memorandum for the property must not be updated to reflect any soil contamination remediation work undertaken.

Advice Note: Retained soil contamination

If any contamination exceeding the Permitted Activity soil acceptance criteria, set out in Chapter E30 of the AUP(OP), is retained within the site upon the completion of the proposed land-disturbance activity, a long-term contaminant discharge consent under Chapter E30 of the AUP(OP) may be required for the site.

Specific conditions – discharge permit DIS60369383

Duration of consent

- 34. Consent DIS60369383 must expire five years from the date of commencement unless it has been surrendered or been cancelled at an earlier date pursuant to the RMA.

During Works Requirements

Management of contaminant discharges

- 35. The disturbance of soils containing elevated levels of contaminants must be managed in accordance with the CLMP to minimise the discharge of contaminants (including debris, soil, silt, sediment or sediment-laden water) from the subject site to either land, stormwater drainage systems, watercourses or receiving waters:
 - a. Erosion and sediment controls must be installed along the boundaries of the disturbance areas in accordance with the CLMP and Auckland Council guidance document 2016/005: *Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region*;
 - b. The excavation areas must be maintained in a damp state while works are occurring to suppress the generation of dust during the works;

- c. Filter cloths or cover mats must be installed over the stormwater cesspits in the vicinity of the excavation areas;
- d. Vehicles must be inspected prior to leaving the works area and wheels brushed/cleaned as required to avoid the potential for sediment to leave the site on vehicle tyres and enter the stormwater system; and
- e. Any truck-loads of excess excavated material leaving the site must be covered during transportation.

Advice Note: Contaminant discharges

Discharges from the site includes the disposal of water (including perched groundwater or collected surface water) from the land-disturbance area.

- 36. *Stockpiling of excavated soils containing elevated levels of contaminants must be minimised. If required, temporary stockpiles must be located within an area protected by erosion and sediment controls and be covered outside working hours and during periods of heavy rain. Stockpiling of material containing separate phase hydrocarbons or odorous petroleum hydrocarbons must not take place.*

Advice Note: Stockpiles

To minimise contaminant discharges, soils containing elevated levels of contaminants should primarily be loaded directly into trucks for any off-site disposal.

- 37. Any perched groundwater or surface run-off water encountered within excavation areas where soils containing elevated levels of soil contaminants are present that require removal must be considered potentially contaminated, and must either:
 - a. Be disposed of by a licenced liquid waste contractor; or
 - b. Pumped to sewer, providing the relevant permits are obtained; or
 - c. Discharged to the stormwater system or surface waters provided a SQEP verifies compliance with the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (Water Quality Policy Sub-Committee and National Water Reform Committee, 2018) (or any updates to this document) for the protection of 80 percent of species, with the exception of benzene where the 95 percent protection level must apply, and that it is free from Separate Petroleum Hydrocarbons and hydrocarbon sheen. The SQEP's verification must include sampling taken at a minimum frequency of one sample per day of dewatering in accordance with the Guidelines for Assessing and Managing Petroleum Hydrocarbon Contaminated Sites in New Zealand (Ministry for the Environment, revised 2011). The samples must be tested by an accredited laboratory for concentrations of polycyclic aromatic hydrocarbons and heavy metals.

Advice notes

- 1. *If existing stormwater connections are used, these should be proven to be in good condition. CCTV report can reveal the condition of the connection. If found to be of poor condition, a new connection or upgrade of the existing connection may be required.*

2. *If new connection to the public line is required:*
 - i. *Abandoned private drainage are to be sealed off to the satisfaction of the Council. Details are to be supplied with the Building Consent application.*
 - ii. *An Engineering Plan Approval application for this work is required to be submitted to the Council's Development Engineering and approved prior to the works commencing.*
 - iii. *The finalised location of connections shall be confirmed at Engineering Plan Approval stage.*
 - iv. *A survey of the public line and levels should be completed prior to lodgement of Engineering Plan Approval /to confirm levels and location.*
3. *Existing wastewater connections should be proven to be in good condition. CCTV report can reveal the condition of the connection. If found to be of poor condition, a new connection or upgrade of the existing connection may be required with Building Consent.*
4. *Any new or additional modifications to wastewater discharge or changes to internal configurations will need to be assessed at Building Consent stage.*
5. *Please refer to: Letter RE: Council Resource Consent number (BUN60369382), 538 Karangahape Road, Newton 1010, Watercare Application Number – RC-66034 from Watercare Services Limited to Auckland Council (dated: 1 April 2021)*
6. *Watercare's approval is valid for 2 years from 1 April 2021. Network upgrades may be required after 1 April 2023.*
7. *Pumping and boosting of water supply may be required for upper floor servicing. Details shall be provided with the Building Consent.*
8. *Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.*
9. *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.*
10. *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.*
11. *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).*
12. *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.

Delegated decision maker:

Name: Karen Long

Title: Team Leader, Resource Consents

Signed:



Date: 23 April 2021

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.