

IN THE MATTER of two appeals under section 120 of the
Resource Management Act 1991 (the Act)

BETWEEN ARCH HILL RESIDENTS
INCORPORATED
NORFOLK POWELL PROPERTIES
LIMITED
MS A. AGGREY
(ENV-2013-AKL-000181)

KINDERCARE LEARNING CENTRES
LIMITED
(ENV-2013-AKL-000182)
Appellants

AND AUCKLAND COUNCIL
Respondent

AND BUNNINGS LIMITED
Applicant

BEFORE THE ENVIRONMENT COURT

Environment Judge Smith sitting alone under section 279 of the Act

IN CHAMBERS at Auckland

CONSENT ORDER

Under Section 279(1)(b) of the Act, the Environment Court by consent, orders
that:



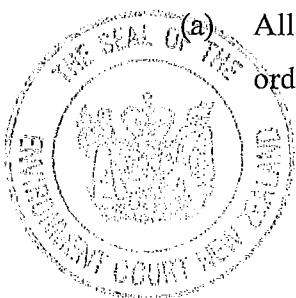
1. **The appeal is allowed subject to the amendments set out in Appendix 1 of this order.**
2. **The appeal is otherwise dismissed.**

B. Under Section 285 of the Act, there is no order as to costs.

Introduction

1. These two appeals are against the decision of the Auckland Council to grant Resource Consent to Bunnings Ltd to establish a Bunnings Building Improvement Centre and associated works and to divert groundwater at 272-276, 300 and 302 Great North Road, Grey Lynn, Auckland.
2. Lee Whiley has given notice of an intention to become a party under s274 in respect of ENV-2013-AKL-000181 and has signed the memorandum setting out the relief sought. As well as being an appellant in ENV-2013-AKL-000181, Norfolk Powell Properties Limited has given notice of an intention to become a party under s274 in respect of ENV-2013-AKL-000182 and has signed the memorandum setting out the relief sought.
3. Following discussions and two rounds of Court Assisted Mediation the parties of have now agreed to amend the conditions of consent which disposes of these appeals
4. In Making this order the Court has read and considered the appeals and the memorandum of the parties dated 3 September 2014.
5. The Court is making this order under s279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:

(a) All parties to the proceedings have executed the memorandum requesting this order;



- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Resource Management Act, including in particular Part 2.

Order

6. Therefore the Court orders, by consent, that:

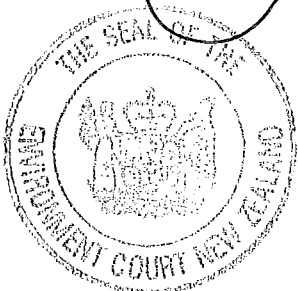
- (a) The Auckland Council decision granting resource consents for Bunnings Limited to establish and operate a Bunnings Building Improvement Centre, and to divert groundwater at 272-276, 300 and 302 Great North Road, Grey Lynn, Auckland, is approved, subject to the amendments to plans and conditions as set out in **Appendix 1** to this order.

- (b) There is no order as to costs.

DATED this 5th day of September 2014



Judge J A Smith
Environment Judge



APPENDIX 1

Resource Consents R/LUC/2012/4247 and 41146

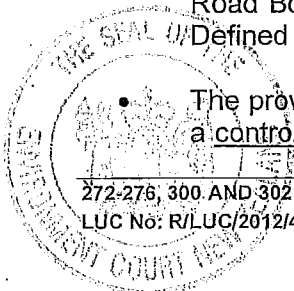
272-276, 300 and 302 Great North Road, Grey Lynn, Auckland 1021

Under sections 104, 104B and 104D and Part 2 of the Resource Management Act 1991 ("the RMA"), resource consent is granted to Bunnings Limited for a non-complying activity district land use consent (R/LUC/2012/4247) to establish and operate a building improvement centre and for a regional permit (41146) to take and divert groundwater at 272-276, 300 and 302 Great North Road, Grey Lynn, Auckland.

District land use consent R/LUC/2012/4247 is required for the following reasons:

Under the Operative Auckland Council District Plan (Auckland City Isthmus Section 1999):

- The proposed 'Building Improvement Centre' is not provided for in the activity table under Rule 8.7.7 for the Mixed Use zone and therefore requires consent as a non-complying activity. While the overall activity status is non-complying the following matters are also relevant and would have otherwise required consent.
- The development of a new building in the Mixed Use zone. Pursuant to Rule 8.7.7, this requires consent as a restricted controlled activity.
- The development of a new building located within 30m of a Residential 1 zone. Pursuant to Rule 8.7.7 any permitted or controlled activity listed in the table located within 30m of a Residential 1, 2a, 2b, 5, 6a, 7a, 7b or 7c zone requires consent as a restricted discretionary activity.
- Approximately 6,650m² of earthworks over an average slope of 9.4%, pursuant to Rule 4A.2B as a restricted controlled activity.
- Works within the dripline of three street trees, pursuant to Rule 5C.7.3B(b) as a restricted controlled activity.
- Excavation (defined in Part 13 as any "...digging out material from the ground, excluding normal gardening activities, digging of post holes or trenching for drains or utilities") pursuant to Rule 8.7.7 as a controlled activity.
- The proposed floor space requiring 422 parking spaces under Rule 12.8.1.1, where 218 parking spaces are provided with a shortfall of 204 spaces, that pursuant to Rule 12.9.1.1 requiring consent as a discretionary activity.
- A vehicle crossing to Great North Road exceeding the maximum 6 metre width under Rule 12.8.2.2 by 0.3 metres, pursuant to Rule 12.9.1. as a restricted discretionary activity.
- Vehicle crossings on Great North Road and King Street located within a Defined Road Boundary, where pursuant to Rule 12.9.1.1, the activity with access within a Defined Road Boundary is a restricted discretionary activity.
- The provision for parking for more than 100 vehicles, pursuant to Rule 12.9.1.1A as a controlled activity.



- An expected 10dB infringement to the applicable maximum construction noise limit of LAeq 70dB, pursuant to Rule 4A.1(ii) as a non-complying activity.

Under the National Environmental Standard for Contaminated Soils ("the NES"):

- The site is identified on the Council's records as being contaminated. Consent is therefore required pursuant to Regulation 8(3) of the NES for disturbance of land that may have accommodated an activity or industry described in the Hazardous Activities and Industries List.

Regional permit 41146 is required for the following reasons:

Under the Operative Auckland Council Regional Plan: Air, Land and Water ("the RP:ALW"):

- The diversion of groundwater in a manner not in accordance with the standards for a permitted activity under Rule 6.5.76, pursuant to Rule 6.5.77 as a restricted discretionary activity.

Under the Proposed Auckland Unitary Plan ("the PAUP"):

- The ground water diversion as a restricted discretionary activity (rule H.4.17.1).

The proposal has been assessed overall as a non-complying activity.

CONDITIONS – LAND USE CONSENT (R/LUC/2012/4247)

Pursuant to Section 108 of the Resource Management Act 1991 (RMA), the consents described above shall, except as specified, be subject to the following conditions:

General

Lapse Date

- (1) Pursuant to section 125 of the RMA this resource consent will lapse five years after the date of the commencement of this consent unless the consent is given effect to or the Council decides to grant an extension to the period after which the consent lapses.

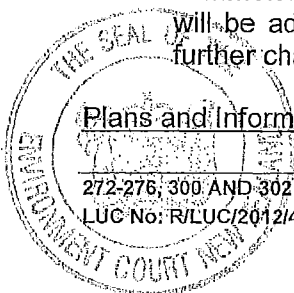
Monitoring Fee

- (2) The consent holder shall pay the Council a consent compliance monitoring deposit of \$2,500 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent. (This charge is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc, all being work to ensure compliance with the resource consent).

The \$2,500 (inclusive of GST) deposit charge shall be paid prior to the commencement of works as part of the resource consent fee and the consent holder will be advised of any further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice.

Plans and Information

272-276, 300 AND 302 Great North Road, Grey Lynn
LUC No: R/LUC/2012/4247 and 41146



- (3) (a) Except as amended by the conditions that follow, the project shall be undertaken in accordance with the plans and information submitted with the application

Application Reports

- The Assessment of Environmental Effects report titled, 'Proposed Bunnings Warehouse: 272-276, 300 and 302 Great North Road, Grey Lynn', prepared by Kay Panther Knight of Barker & Associates Limited, dated 26 November 2012;
- The Transportation Assessment and attached appendices prepared by Darryl Hughes of Traffic Design Group Limited, dated November 2012;
- The Urban Design Assessment prepared by Rebecca Skidmore, dated November 2012;
- The Acoustic Assessment prepared by Marshall Day Acoustics Limited, reference: Rp002 2012392A, dated 26 November 2012;
- The Land Management Plan, prepared by MSC Consulting Group Limited, reference 33088, dated November 2012;
- The Engineering Infrastructure report prepared by MSC Consulting Limited, dated 15 November 2012;
- The Detailed Site Investigation Report prepared by Tonkin and Taylor Limited, reference 27688.001, dated November 2012;
- The Assessment of Groundwater and Drawdown Effects, prepared by Tonkin and Taylor Limited, reference 27688.001, dated 26 November 2012; and
- The Arboricultural Assessment prepared by Richard Peers of Peers Brown Miller Ltd, dated 18 November 2012.

Plans

- The plans titled, 'Bunnings Warehouse Grey Lynn', prepared by Hume Architects Limited, drawing numbers: Title Page: Bunnings Warehouse Grey Lynn
RC01: Rev: - / June 2014
RC02: Rev: D / June 2014
RC03: Rev: D / June 2014
RC04: Rev: D / June 2014
RC05: Rev: A / June 2014
RC06: Rev: A / June 2014
RC07: Rev: B / June 2014
RC08: Rev: C / June 2014
RC09: Rev: C / June 2014
RC10: Rev: C / June 2014
RC11: Rev: A / June 2014
RC12: Rev: A / June 2014



RC13: Rev: A / June 2014
RC14: Rev: A / June 2014

- The Landscaping Plans prepared by Natural Habitats Limited, drawing numbers LA01 to LA03, subject to any alterations made further to condition (6)(b) below, which alterations shall be submitted to Team Leader Compliance and Monitoring – Central for approval prior to construction.

- Except that:

- The approved plans shall be modified to show no change to the kerbline around the King Street / Great North Road intersection adjacent to the site.

Letters and Correspondence

- The correspondence and attached appendices from Darryl Hughes of Traffic Design Group Limited, dated 5 February 2013;
- The letter and attached appendices from Darryl Hughes of Traffic Design Group Limited, dated 26 February 2013;
- The 'Section 92 Response' letter from Kay Panther Knight of Barker & Associates Limited, dated 18 January 2013 and attached specialist responses; and
- The second 'Section 92 Response' letter from Matt Norwell of Barker & Associates Limited, dated 26 July 2013 and attached specialist responses and site plan,

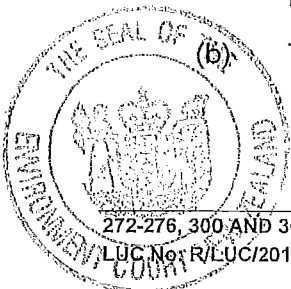
all referenced by the Council as R/LUC/2012/4247 and 41146.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

Pre-construction

Construction and Traffic Management Plan

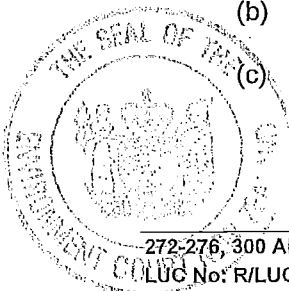
- (4) The Consent Holder shall provide a Construction and Traffic Management Plan ("CTMP") to the satisfaction of the Team Leader Compliance and Monitoring – Central, at least two weeks prior to the commencement of construction. The CTMP shall include specific details relating to the avoidance, remedying and mitigation of adverse effects from any demolition, earthworks, construction and management of all works associated with the development as follows:
- (a) Details of the site manager, including their contact details (phone, facsimile, postal address);
 - (b) The proposed hours of work;



- (c) Measures to be adopted to maintain the site in a tidy condition in terms of disposal / storage of rubbish, storage and the unloading of construction materials and similar construction activities;
- (d) Measures for waste management which includes designated sites for refuse bins, and recycling bins for glass, plastic and cans storage and collection in accordance with the Council's waste reduction policy;
- (e) Procedures for controlling sediment run-off, dust and the removal of soil, debris, demolition and construction materials (if any) from public roads or places adjacent to the work site;
- (f) Proposed numbers and timing of truck movements throughout the day including the identification of heavy vehicle routes which avoid residential streets and in particular Dean Street;
- (g) Proposed hours of work on the site (to correspond with any other condition in this consent relating to work hours);
- (h) Identification of ingress and egress locations to and from the site for construction vehicles, with all construction vehicles using Great North Road and not King and Dean Streets as far as is practicable;
- (i) Measures to avoid the obstruction of the adjacent bus lane during clearway hours;
- (j) Location of site hoardings;
- (k) Location of site infrastructure including site offices, site amenities, workers conveniences, contractors yards site access, equipment unloading and storage areas, contractor car parking, and security;
- (l) Procedures for ensuring that residents, road users and businesses in the immediate vicinity of construction areas are given prior notice of the commencement of construction activities and are informed about the expected duration and effects of the works;
- (m) Procedures for responding to complaints about construction activities.

Construction Noise and Vibration Management Plan

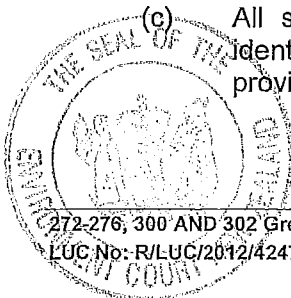
- (5) Prior to any works commencing on the site, the Consent Holder shall prepare a Construction Noise & Vibration Management Plan ("CNVMP") to the satisfaction of the Team Leader Compliance and Monitoring – Central. The CNVMP shall cover the following matters as a minimum, in addition to the requirements of Annex E of NZS6803:1999:
 - (a) Noise and vibration limits for the project;
 - (b) Hours of operation for construction activities;
 - (c) A list of plant that is likely to generate significant levels of noise and vibration, including predicted noise levels at 10m from the source and the minimum separation distance required to achieve compliance with the limits in (a) above;



- (d) Requirements for noise and vibration monitoring, including at the commencement of demolition;
 - (e) Requirements for pre-condition surveys on potentially affected properties prior to, during and after completion of the works (affected properties are as identified in condition 17);
 - (f) Notification requirements for potentially affected parties, including a continually manned phone number for complaints;
 - (g) monitoring and complaints reporting requirements;
 - (h) Roles and responsibilities of key personnel, together with contact details;
 - (i) Construction noise and vibration mitigation options required to ensure compliance with the limits identified in (a) above;
 - (j) Education of machinery operators on the effects of noise and vibration on neighbouring sites and ways to minimise it, including (for example) not dropping heavy items and careful use of machinery.
- (6) The consent holder shall prior to construction commencing provide to the representatives of the Arch Hill Residents Incorporated and Kindercare:
- (a) A copy of the Construction and Traffic Management Plan and Construction Noise and Vibration Management Plan referred to in conditions (4) and (5) above;
 - (b) A copy of the landscape plan. For the avoidance of doubt, it is recorded that the landscape plan will address the Dean Street frontage and King Street frontage. In preparing the plan the consent holder will consult with Arch Hill Residents Incorporated, and the residents of Dean Street and Kindercare. The plan will reflect the altered truck access arrangements (removing trucks from Dean Street).
 - (c) Direct contact details for the Construction and Site Managers to allow any concerns associated with the build to be addressed quickly.

Urban Design Approval

- (7) Prior to the commencement of the construction the Consent Holder shall provide to the Team Leader Compliance and Monitoring – Central the following details for review and approval by the Manager of the Council's Built Environment Unit:
- (a) Details of the mesh screen to be used around the nursery area on the corner of Great North Road and King Street;
 - (b) Details of the planted creeper and wire system on the King Street elevation and associated automatic watering system.
 - (c) All signage, noting that signage is limited to that shown on the plans identified in Condition 3(a). For the avoidance of doubt no signage is provided on the Dean Street façade.



- (d) Confirmation that the roof colour for the building improvement centre will be "Colorcote Bone White", and/or "NZ Steel Colorsteel Bone White" or equivalent Resene G79-015-099 or RGB 124 183 166.

Signage Approval

- (8) Prior to the commencement of the construction the Consent Holder shall provide to the Team Leader Compliance and Monitoring – Central for review and approval the following
- A detailed Signage and Line Marking Plan (SLMP). This shall detail all internal and external signage and line marking associated with the management of vehicle, pedestrian and cycle movements.
 - This Plan shall be implemented prior to commencement of the Bunnings store operation, and shall be implemented at the Consent Holder's expense.

Cycle Parking

- (9) Cycle parking (at a minimum of ten spaces for visitors and one space per 15 employees) shall be conveniently located in the vicinity of the Great North Road entrance to the development. The location of these spaces shall be indicated at the detailed design stage and shall take into account pedestrian movements to and from the development as well as along Great North Road. Appropriate shower and locker facilities shall be made available within the development for use by employees.

Street Trees

- (10) The Consent Holder shall ensure the protection of the street trees along the Great North Road footpath adjacent to the site and:
- (a) Shall enter into a bond in favour of Council in the sum of \$3,000 prior to the commencement of construction to ensure that no damage occurs during construction;
 - (b) Shall erect sturdy protective fencing around the trees during the whole of the construction period. These fences shall be placed so as to enclose all the open ground at the base of the trees.
 - (c) During construction:
 - (i) There shall be no deposition of materials, equipment, fuels and oils, or spoil within the areas enclosed by the protective fences.
 - (ii) If any branches of any of the three trees conflict with any of the protective fence panels, the required pruning shall only be carried out by a Council-approved arborist engaged by the Consent Holder, or by the Council's contracting arborist in response to a Request for Service ("RFP").
 - (iii) Washings from the production of concrete shall not be flushed onto the open ground at the base of the trees.



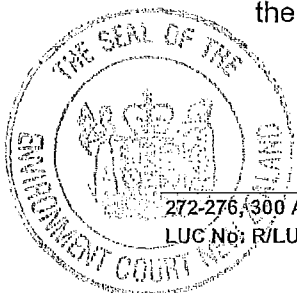
Auckland Transport Approvals

- (11) The following conditions relate to matters for which the Consent Holder will require the approval of Auckland Transport prior to the commencement of construction, and shall be implemented prior to operation, and shall be implemented at the Consent Holder's expense. Detailed design of all changes shall be submitted to Team Leader Compliance and Monitoring – Central for engineering plan approval. Note - These conditions were offered by the Consent Holder:
- (a) The Consent Holder shall install "No Stopping At All Times" lines for a length of 8 metres on the northern kerb line of Dean Street from the intersection with King Street.
 - (b) The existing length of flush median on Great North Road east of the Great North Road / King Street intersection shall be widened to at least 2 metres.
 - (c) Any changes to the street parking layout on adjacent roads shall be subject to the appropriate resolutions, submitted to Auckland Transport for approval, and implemented at the cost of the Consent Holder.
 - (d) All vehicle crossings shall be designed to ensure that the footpath is continuous across the crossing and at the same level as the footpath. The design of the vehicle crossings shall be submitted for approval by Auckland Transport at the detailed design stage by way of Engineering Plan Approvals.
 - (e) An Encroachment License shall be sought and obtained from Auckland Transport prior to the construction of the proposed canopies along Great North Road, and prior to the removal and replacement of existing street light standards.

During Construction

Construction Hours

- (12) Except as approved under condition (13) below, all external construction works, including demolition and earthworks, and any noisy activities on or in the vicinity of the site shall be limited to the hours of 7:30am to 6:00pm Monday to Friday and 8:00am to 3:30pm Saturdays. No noise generating construction work may be carried out on public holidays. Such works includes noise generating activities associate with the preparation for the commencement of works including deliveries, loading and unloading of goods and materials and the transferring of tools etc.
- (13) The consent holder may seek special permission to undertake limited works outside of the hours listed in condition (12) above, following consultation with the residential neighbours of Dean Street. The limited works relate specifically to the construction of the boundary wall to the proposal on Dean Street, where early construction of that wall may then act as a barrier between the residential neighbours on Dean Street and the construction site. The Team Leader Compliance and Monitoring – Central may grant such permission where satisfied that the works may have the result of reducing the overall duration and/or effect of the balance of construction activity on the residential neighbours.



Noise and Vibration

- (14) The noise from demolition works shall comply with the following noise limits as measured and assessed in accordance with NZS6803:1999 *Acoustics – Construction Noise*:
- L_{Aeq} 80dB and L_{Amax} 90dB
- (15) The noise from construction works shall comply with the following noise limits as measured and assessed in accordance with NZS6803:1999 *Acoustics – Construction Noise*:
- L_{Aeq} 70dB and L_{Amax} 85dB
- (16) Vibration arising from demolition and construction activities shall comply with the guideline vibration limits set out in DIN4150-3:1999 *Structural vibration - Effects of vibration on structures*. Vibration measurements shall be undertaken in accordance with that Standard. If access to neighbouring buildings and structures for the monitoring of vibration is not permitted to the Consent Holder, the Consent Holder may elect the Council to undertake the monitoring on its behalf. The Consent Holder shall meet all costs of the monitoring.
- (17) In order to ensure that construction activity does not damage properties on Dean Street, the consent holder shall prior to commencement of construction activities and subject to the agreement of individual property owners, undertake a property survey of each of the residentially owned and occupied properties and the Kindercare property on the southern side of Dean Street opposite the application site and prepare a condition report in respect of those properties. Copies of each report shall be provided to the respective property owners.
- (18) In the event that construction activity causes damage to properties on Dean Street, the consent holder shall remedy the damage to a standard that is equivalent to the level identified in the pre-build survey report for that property.

Dust Management

- (19) Dust generation shall be minimised during dry and windy conditions by dampening down exposed soil and trafficked areas with water spray. Dust controls during the earthworks period shall comply with the Ministry for the Environment *Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions*, 2001.
- (20) The consent holder shall, at its expense within four weeks of the completion of earthworks and foundation works and subject to the agreement of individual property owners, arrange for the washing of the residential buildings on Dean Street opposite the application site, the Kindercare building and numbers 7, 8, 10, 11 and 12 King Street. For the avoidance of doubt the cleaning of the houses and Kindercare building shall relate to the facades of the houses and Kindercare building that could reasonably be expected to have been affected by construction dust.
- (21) The consent holder shall, at its expense prior to the commencement of trade from the premises, and subject to the agreement of individual property owners, arrange for the washing of the residential buildings on Dean Street opposite the application site, the Kindercare building and numbers 7, 8, 10, 11 and 12 King Street. For the avoidance of doubt the cleaning of the houses shall relate to the facades of the

houses and Kindercare building that could reasonably be expected to have been affected by construction dust.

Earthworks Management

- (22) The Consent Holder shall provide silt control measures on site as detailed in the MSC Limited report dated November 2012. This shall be implemented on site to the satisfaction of the Team Leader Compliance and Monitoring – Central.
- (23) All earthworks shall be managed to ensure that they do not lead to any uncontrolled instability or collapse affecting either the site or adjacent properties or the adjacent road reserve. In the event that such collapse or instability does occur, it shall be immediately rectified.
- (24) The Consent Holder shall engage a suitably qualified engineer to supervise all excavations, foundation and retaining works. The supervising engineer's contact details shall be provided in writing to the Team Leader Compliance and Monitoring – Central at least two weeks prior to the commencement of works on site.
- (25) The Consent Holder shall provide a schedule of engineering inspections, prepared by a suitably qualified engineer that will be undertaken during the excavations, foundation and retaining stage of the development. This shall be provided to the Team Leader Compliance and Monitoring – Central, prior to the commencement of earthworks on site. Updates and modifications to the schedule shall be communicated in writing (email is acceptable) to the Council's Team Leader, Compliance and Monitoring - Central on a weekly basis during these stages of the development.

Contamination Management

- (26) The Consent Holder shall ensure that excavated soils are appropriately disposed of and shall provide evidence of the disposal method and location within one month of the completion of site preparation works to the Team Leader Compliance and Monitoring – Central.
- (27) The Consent Holder shall ensure that the contamination level of any imported soil is below the acceptance criteria for the protection of human health.
- (28) If evidence of contamination (unusually coloured or odorous material) is discovered during any earthworks the Consent Holder shall immediately cease the works and notify the Council's Team Leader: Central Resource Consents Monitoring, and provide a Site Contamination Report to the satisfaction of the Team Leader Compliance and Monitoring – Central within seven working days of the discovery.

Construction Traffic

- (29) Construction traffic shall as far as practicable use the Great North Road frontage and avoid using Dean Street for access to the site.
- (30) The Consent Holder shall at all times during construction comply with the CTMP and CNVMP as approved under conditions (4) and (5)

Post-construction / Pre-operation

Inwards Goods Management Plan

- (31) The Consent Holder shall maintain an inward goods management plan addressing the following:
- (a) Restrictions on truck sizes to the store being 5 to 9 tonne rated heavy goods delivery vehicles no larger than an 8m Medium Rigid Truck referred to as a "Truck".
 - (b) Restrictions on delivery times 9:00am to 5:00pm Monday to Friday only, with last "Truck" to arrive no later than 4:45pm. No service deliveries to the site shall occur on weekends or public holidays.
 - (c) Restriction on number of "Trucks" being 32 per day with allowance for 40 trucks per day on a maximum of four calendar days per month.
 - (d) A robust inward goods "Truck" arrival booking system.
 - (e) "Truck" queuing (including courier vehicles) to be internalised within the delivery dock.
 - (f) An adverse event mitigation plan to apply where the "Truck" queues can no longer be internalised including:
 - "Truck" arrival slot re-booking;
 - No queuing of "Trucks" in neighbouring residential streets.

Noise – Mechanical Plant

- (32) The Consent Holder shall ensure that the design and installation any external mechanical plant and mechanical plant with external intakes or exhausts is overseen by a suitably qualified and experienced acoustician to ensure that the noise limits in Condition (43) are met when assessed cumulatively with all other sources from the site.

Carpark Venting

- (33) Any mechanical extract system associated with the carpark or truck loading bay shall be designed to discharge away from Dean Street.

Lighting Plan

- (34) Prior to the commencement of operations on the site, the Consent Holder shall provide a lighting plan to confirm the location of lighting fixtures on the exterior of the building and the lighting levels to be achieved at the boundary of the site, to the satisfaction of the Team Leader Compliance and Monitoring – Central.

Landscaping Implementation

- (35) As soon as practical and within the first planting season the Consent Holder shall implement the landscaping plan referenced as modified by condition (6)(b). The planting shall be maintained thereafter to the satisfaction of the Team Leader Compliance and Monitoring – Central.

- (36) As soon as practicable in the construction program, the hard surfaces associated with the truck access way and forming part of the Dean Street landscape treatment; shall be constructed.

Waste Management

- (37) The Consent Holder shall ensure that any refuse collection (other than Council collection services) occurs only between the hours of 7am and 5pm Monday to Friday (excluding public holidays) to ensure the noise effects of such collections do not affect the amenity of adjacent residential areas.

Vehicle Crossings

- (38) The Consent Holder shall ensure that, prior to operation, all redundant vehicle crossings are removed and reinstated as kerb and verge to Auckland Transport standards at the Consent Holder's expense and to the satisfaction of the Team Leader Compliance and Monitoring – Central.

One area of dropped kerb and no parking shall be retained or established on Dean Street to provide a suitable turn around area for rubbish trucks (for example) as proposed in the TDG report listed in condition (3)(a).

Post-construction / Operation

Hours of Trade

- (39) The building improvements centre shall limit its hours of trade between the hours of 7:00am to 7:00pm Mondays to Fridays, and 8:00am to 6:00pm Saturdays, Sundays and public holidays. During 'summer' hours (1st December - 28th February), a closing time of 8:00pm may occur but not on Saturdays, Sundays or public holidays.

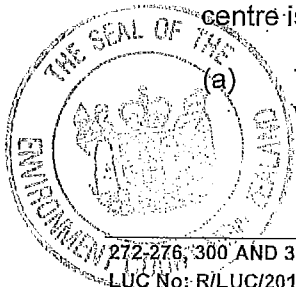
Hours of Operation of Inwards Goods and Receiving of Deliveries

- (40) There shall be no goods delivery vehicles delivering goods to the site on Saturdays, Sundays, or public holidays.
- (41) There shall be no more than 32 goods delivery vehicles (being a 5 to 9 tonne rated heavy commercial vehicle, being no larger than an 8 metre Medium Rigid Truck) to the site between 9.00am and 5.00pm on Monday to Friday, except that on four days per calendar month this can be increased to 40 goods delivery vehicles (being a 5 to 9 tonne rated heavy commercial vehicle, being no larger than an 8 metre Medium Rigid Truck) to the site each day.
- (42) The last goods delivery vehicle will arrive no later than 4:45pm. The Consent Holder shall at all times comply with the Inward Goods Management Plan.

Operational Noise

- (43) The Consent Holder shall ensure that the operation of the building improvements centre is conducted within the following noise limits:

(a) The activity shall comply with the following noise limits when measured at or within the boundary of any residential zoned site:



- (i) L_{A10} 50dB between the hours of 7:00am and 10:00pm Monday to Saturday and between 9:00am and 6:00pm on Sundays and public holidays; and
 - (ii) L_{A10} 40dB and L_{Amax} 75dB at all other times.
- (b) The activity shall comply with the following noise limits when measured at or within the boundary of any Mixed Use zoned site:
- (i) L_{A10} 60dB between the hours of 7:00am and 10:00pm; and
 - (ii) L_{A10} 55dB and L_{Amax} 75dB between the hours of 10:00pm and 7:00pm.
- (44) The PA system shall be designed such that all speakers are positioned and installed to face away from Dean Street.
- (45) There shall be no PA system in the outdoor area.

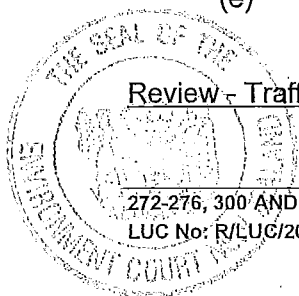
Staff Parking

- (46) The consent holder shall ensure that all Bunnings staff are instructed in writing:
- (a) Not to park their vehicles on King Street or Dean Street; and
 - (b) To utilise the on-site carparks or to travel to the site by means other than private motor vehicle.

Monitoring - Traffic

- (47) Pursuant to section 128 of the RMA, and at a period no sooner than six months following the opening of the building improvements centre, and at annual intervals for a minimum of three years, the Consent Holder shall provide a traffic impact assessment (by a qualified traffic engineer) to assess the operation and safety of traffic associated with the building improvements centre. In undertaking this review, regard shall be given to:
- (a) The then existing traffic environment, identifying any changes in the local traffic environment since the opening of the building improvements centre;
 - (b) The amount of traffic undertaking turning movements during peak times of traffic generation associated with the building improvement centre;
 - (c) The safety record for the section of Great North Road between Ariki Street and Bond Street, and with an emphasis on merge, manoeuvring and turning crashes; and
 - (d) The operation of the right turn into King Street with regard to the impact of any queuing on Great North Road on the operation and safety of through-traffic on Great North Road.
 - (e) Whether the queuing of vehicles on King Street exceeds seven vehicles for any continuous five minute period during Saturday 11am – 2:00pm.

Review - Traffic



- (48) Should the monitoring identify a significant effect on traffic efficiency attributable to the Bunnings activity, the Council may require the Consent Holder, by notice in writing, to implement changes to the traffic management measures and/or the conditions of this consent. These changes may include (but are not limited to) a reconfiguration of King Street Great North Road intersection, including the treatment of pedestrian crossing movements along Great North Road (subject to approval from Auckland Transport).
- (49) If the review indicates queue lengths in excess of those referred to in condition (47)(e), the consent holder shall forthwith implement traffic management measures designed to avoid queues equal to or in excess of those referred to in condition (47)(e). Measures may include:
- Implementation of measures to ensure that customers are advised at the checkout of the availability of alternative egress via Great North Road;
 - Establishment of automated visual signage in the carpark area advising and directing customers to the Great North Road egress;
 - Deploying staff in the carpark area to advise and direct customers to the Great North Road egress;
 - Temporarily closing the southern King Street egress from the site and directing customers to the upper level egress to King Street, thereby containing any queues within the site.
 - Design modification to the kerb build out on the western side of King Street at the intersection with Great North Road and associated pedestrian movement across King Street.

Section 128 Review Condition - Noise

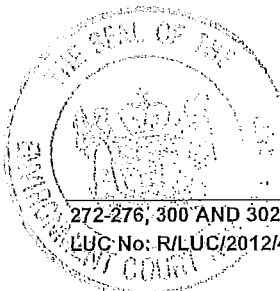
- (50) Pursuant to section 128 of the RMA one month after opening of the building improvements centre, the Consent Holder shall undertake monitoring of the noise associated with trucks within the site in order to establish:
- (a) Whether the use of trucks is in accordance with the noise limits specified in condition (43) above, particularly at residential boundaries along Dean Street and King Street.
- (51) If the review referred to in condition (50) above shows any non-compliance with the operational noise requirements, appropriate measures (possibly including the complete closing of the roof) shall be implemented forthwith in order to ensure ongoing compliance with the operational noise requirement.



CONDITIONS – REGIONAL CONSENT 41146

Definitions

Council:	Means the Auckland Council
Commencement of Dewatering:	Means excavation below the groundwater table and/or commencing taking any groundwater from the basement excavation after construction of the pile walls
Completion of Excavation	When all bulk excavation below groundwater level has been completed and all foundation/footing excavations within 10m of the retaining wall have been completed.
Completion of Dewatering:	Means when all the external base slab and walls are essentially watertight, the structures internal support mechanisms, including basement floors have been completed and effectively no further groundwater is being taken for the construction of the basement.
Completion of Construction	Means when the Certificate of Completion is issued by the Council
Significant damage	When damage is considered to affect serviceability or structural integrity.
Serviceability damage	For example when doors and windows start sticking
Damage	Includes aesthetic, serviceability and significant damage
Alert Level	is the Differential and Total Settlement Limits set at a threshold less than the Alarm Level, at which the Consent Holder shall implement further investigations and analyses as described in the M&CP to determine the cause of settlement and the likelihood of further settlement.
Alarm Level	is the Differential and Total Settlement Limits set in Condition 37, or which has the potential to cause damage to buildings, structures and services, at which the Consent Holder shall immediately stop dewatering the site and cease any activity which has the potential to cause deformation to any building or structure or adopt the alternative contingency measures approved by the Manager.
Manager:	Means the Team Manager, Consents and Consent - Central, Auckland Council, or nominated Council staff acting on the Manager's behalf.
RL:	Means Reduced Level
Services:	Includes for example fibre optic cables, sanitary drainage, gas and water mains, power and telephone, road infrastructure assets such as footpaths, kerbs, catch-pits, pavements and street furniture.

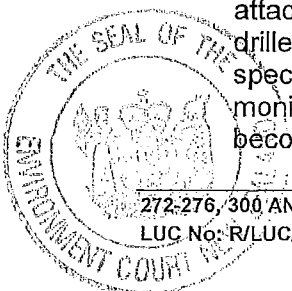


General Conditions

- (1) This consent shall expire 35 years from the date of commencement of this consent, unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the RMA.
- (2) That the taking and diversion of groundwater at 272-276, 300 and 302 Great North Road, Grey Lynn, for dewatering purposes during construction and the diversion of groundwater in the long term, shall be in accordance with the plans and information submitted with the application and numbered 41146 by the Auckland Council, subject to such amendments as may be required by the following conditions of this consent.
- (3) The servants or agents of the Council shall be permitted access to the relevant parts of the property at all reasonable times for the purpose of carrying out inspections, surveys, investigations; tests, measurements or taking of samples whilst adhering to the Consent Holder's health and safety policy.
- (4) The basement construction and related drainage works shall be designed, constructed and operated in a manner in which the risk of adverse effects (i.e. damage) due to lowering of the groundwater levels is less than minor. This condition shall apply to the following structures; adjacent neighbouring buildings, structures and services road infrastructure asset such as footpaths, kerbs, catch-pits, pavements and street furniture) surrounding the site.
- (5) If any damage to buildings, structures and/or services is caused wholly or in part by the exercising of this consent as determined by survey, the Manager shall be notified as soon as practical, and provided with a methodology for repair of the damage that has been approved by an independent Chartered Professional Engineer. This engineer is to be approved by the Manager prior to the appointment.
- (6) Any damage to buildings, structures and services, caused wholly or in part by the exercise of this consent shall be repaired by the Consent Holder as soon as practicable. Any such repairs shall be undertaken in accordance with an approved methodology pursuant to Condition (5) above.
- (7) The bulk basement excavation is not to extend below 58.5m RL.
- (8) Any permanent drainage installed behind retaining walls once tanking of the basement is complete, will not cause groundwater levels to significantly change from pre-construction groundwater levels.
- (9) At least 10 working days prior to the Commencement of Dewatering, the Consent Holder shall advise the Manager, in writing, of the date of the proposed Commencement of Dewatering.

Groundwater Monitoring

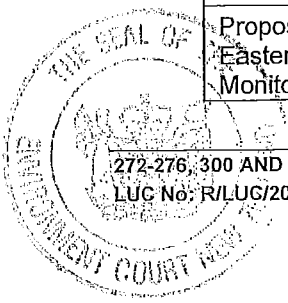
- (10) The two proposed monitoring bores located approximately adjacent to the north-west and north-east corners of the subject site, and shown on the annotated plan entitled 'Bunnings Ltd - 276-302 Great North Road, Auckland - Proposed Monitoring Locations', Figure 3, prepared by Tonkin & Taylor, dated Nov 2012 (annotated and attached to the further information response letter dated 5 February 2013), are to be drilled in the appropriate geological units to allow groundwater monitoring as specified in this consent. The bores are to be maintained to ensure ongoing monitoring data is obtainable. Should any of the monitoring bores be damaged and become in-operable, then the Manager is to be informed and a new monitoring bore,



to the same depth, is to be drilled at a nearby location in consultation with the Manager. The holes should be drilled at least two months prior to the Commencement of Dewatering.

- (11) The Manager shall be provided with as-built details of monitoring bores required under Condition 10 (location map, construction/geological log, RL at top of bore casing to an accuracy of 10mm), prior to the Commencement of Dewatering.
- (12) The groundwater level, to an accuracy of 10mm, shall be measured in the monitoring bores, at a minimum of monthly intervals, from the construction of the boreholes until one month before the Commencement of Dewatering.
- (13) The groundwater level shall be measured in the Monitoring bores, at a minimum of weekly intervals in the month prior to the Commencement of Dewatering, and weekly until Completion of Dewatering. At least three groundwater level measurements must be obtained prior to Commencement of Dewatering. If the water level readings vary significantly then further readings must be taken to obtain confidence (-/+ 200mm) in the groundwater level/trend prior to Commencement of Dewatering.
- (14) The groundwater level shall be recorded in the Monitoring bores at a minimum of monthly intervals from the Completion of Dewatering until 3 months after Completion of Dewatering, subject to a consistent pattern of groundwater records having been obtained in this period in which no evidence of adverse effects is apparent. The monitoring period may be extended at the discretion of Auckland Council where the records are not consistent.
- (15) The Consent Holder shall determine the groundwater Alert and Alarm Level, which cannot be lower than the drawdown predicted by the groundwater modelling presented in the AEE and subsequent revisions. The Alert and Alarm Level for each borehole are to be detailed in the Monitoring and Contingency Plan, required by Condition 18, for approval by the Manager. The consent holder shall use the groundwater level data provided in the AEE and from the groundwater levels measured as required in Conditions 12 and 13, to establish the seasonal low groundwater levels.
- (16) All Alert and Alarm Levels are to be agreed with the Manager prior to the commencement of significant excavation and/or ground dewatering.
- (17) The Provisional Alert Level and Alarm Levels are listed in Schedule A below for proposed monitoring bores. The Monitoring and Contingency Plan when lodged and approved may amend provisional Alert and Alarm levels in Schedule A.

Schedule A: Provisional Groundwater Alert and Alarm Levels					
Bore Name	Bore ID	Easting (mE) estimated	Northing (mN) estimated	Alert Level (metres below seasonal low level)	Alarm Level (metres below seasonal low level)
Proposed Western Monitoring Bore BH1	TBA	1755545	5918645	1.50	2.50
Proposed Eastern Monitoring	TBA	1755650	5918690	1.50	2.50



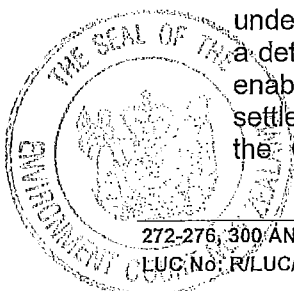
Bore BH2					
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Monitoring and Contingency Plan

- (18) Before Commencement of Dewatering, the consent holder shall prepare a Monitoring and Contingency Plan addressing groundwater, and settlement monitoring.
- (a) This Plan shall include the requirements of this resource consent including but not limited to:
- (i) An "as built" plan of all Deformation monitoring marks, inclinometer and location of monitoring bores based on approximate positions located on the plan entitled '*Bunnings Ltd – 276-302 Great North Road, Auckland – Proposed Monitoring Locations*', 27688.001-Figure 3, prepared by Tonkin & Taylor, dated Nov 2012 (annotated and attached to the further information response letter dated 5 February 2013).
 - (ii) Full details of the groundwater monitoring programme required by this consent.
 - (iii) Full details of the ground surface, building and inclinometer deformation monitoring required by this consent.
 - (iv) Proposed groundwater Alert and Alarm Levels, including methodology for their determination which should be based on data collected under Conditions 12 and 13 and the groundwater model. Groundwater Alert and Alarm Levels should also take into account seasonal variability.
 - (v) All Alert and Alarm levels for each Ground and Building Deformation Mark and inclinometer as determined by conditions of consent or from ground settlement predictions presented in the consent application 41146 documentation.
 - (vi) Details of the contingency measures to be implemented if Alert or Alarm Levels are exceeded.
- (b) The Monitoring and Contingency Plan shall be submitted to the Manager for approval prior to the Commencement of Dewatering.
- (c) The Monitoring and Contingency Plan may be varied on request of the consent holder, subject to the written approval of the Manager, should information collected, by requirements of the conditions of this consent, indicate that the monitoring requirements of this consent may require modification.

Building Inspection

- (19) The Consent Holder shall consult with the owners of buildings listed in Schedule B and (subject to the owner's approval on terms acceptable to the Consent Holder) undertake as a minimum an external survey, where listed in Schedule B, or as listed a detailed condition survey of these structures to confirm their existing condition and enable the sensitivity of the buildings to damage caused by groundwater and ground settlement changes to be accurately determined. The survey shall be conducted prior the Commencement of Dewatering. Major features of the buildings and site



developments shall be recorded including location, type, construction, age and present condition, including defects. The survey shall include but not be limited to:

- (a) Type of foundations
- (b) Existing levels of aesthetic damage
- (c) Existing levels of serviceability damage
- (d) Existing level of structural damage
- (e) Susceptibility of structure to further movement
- (f) Photographic evidence of (b), (c) and (d)

Schedule B: Building Settlement Marks and Inspection				
Building	Address	Detailed Inspection	Settlement Pins (yes/No)	Legal Title
1	308-310 Great North Road, Grey Lynn	yes	yes	Pt Lot 16 DP17393
2	4 Bond Street	yes	yes	Lot 1 DP72604

- (20) The consent holder shall carry out a visual inspection of the surrounding ground and neighbouring buildings (listed in Schedule B) to monitor any deterioration or cracking. This is to be carried out at least twice per week from the Commencement of Dewatering until completion of excavation and then at least weekly until Completion of Dewatering. A record is to be maintained of the time, date and any observations for each inspection. This record is to be maintained on site and submitted to the Manager in accordance with Condition 29.
- (21) The Consent Holder shall (subject to the owner(s) approval on terms acceptable to the Consent Holder) ensure that within 6 months of Completion of Construction, a post-construction survey covering the matters identified in Condition 19 be completed of any building that had a pre-construction survey as identified in Condition 19. The survey report shall include a determination of the cause of damage identified (if any) since the pre-construction or previous survey and steps to repair it as provided for in Conditions 5 and 6. The requirements of this condition need not be fulfilled for any particular building where the Consent Holder can provide reasonable evidence to the Manager that the current owner of that building has agreed they do not require such a survey.
- (22) The Consent Holder shall, without delay, at the reasonable request of the Manager (subject to the owner's approval on terms acceptable to the Consent Holder) undertake an additional survey on any building (within the area defined by the groundwater monitoring, settlement monitoring and modelling undertaken pursuant to the conditions of this consent potentially affected by the excavation) for the purpose of checking for damage and for following up on a report of damage to that building. The requirement for any such survey will cease 6 months after the Completion of Construction unless the requirements of Condition 21 have not been met
- (23) The Consent Holder shall ensure that the building survey reports (required by this consent) be undertaken by an independent Chartered Professional Engineer approved by the Manager and shall, within 15 working days of completion of the reports, provide the Council with a certificate from the engineer who has certified that

the survey has been completed in a professional manner and is an accurate assessment of the condition of the buildings concerned.

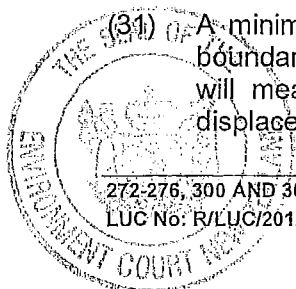
- (24) The Consent Holder shall ensure that a copy of the pre, post-construction and any additional building survey reports (required by this consent) for each building be held on file by the independent Chartered Professional Engineer and forwarded to the Manager within 15 working days of completing the reports.

Ground and Building Deformation Monitoring

- (25) Ground and Building Deformation monitoring marks (or settlement monitoring pins) shall be established and maintained at the approximate locations shown on the annotated plan entitled '*Bunnings Ltd – 276-302 Great North Road, Auckland – Proposed Monitoring Locations*', Figure 3, prepared by Tonkin & Taylor, dated Nov 2012 (annotated and attached to the further information response letter dated 5 February 2013), to detect any vertical and horizontal movements.
- (26) The consent holder shall survey and record deformation at each Ground and Building Deformation Monitoring Mark at least twice prior to Commencement of Dewatering to establish a baseline elevation. All monitoring mark surveys shall be to a horizontal and vertical accuracy of at least ± 2 mm or as otherwise achieved by precise levelling. These records shall be compiled and submitted to the Manager prior to the Commencement of Dewatering.
- (27) The consent holder shall survey and record the deformation at each Ground and Building Deformation Monitoring Mark at a minimum frequency of weekly intervals from the Commencement of Dewatering until the Completion of Dewatering. Survey measurements recorded shall be compiled and submitted to the Manager in accordance with Condition 29.
- (28) The consent holder shall survey and record the deformation at each Ground Deformation Mark and Building Deformation Monitoring Mark, at least at monthly intervals from the Completion of Dewatering until the Completion of Construction. Survey measurements recorded shall be compiled and submitted to the Manager in accordance with Condition 29.
- (29) All data collected as required by conditions of this consent are to be compiled, compared with the settlement and groundwater models (Tonkin & Taylor 25 October 2012 and subsequent reviews) and submitted to the Manager, at two monthly intervals from granting of consent, unless otherwise specified in this consent, setting out the previous results and providing an explanation for any trends.

Retaining Wall Deformation Monitoring

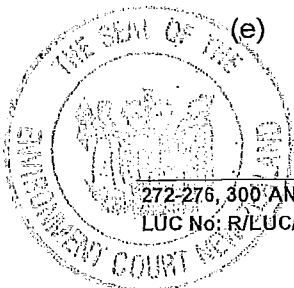
- (30) The detailed design of the basement wall and any retention along the western boundary of the subject site shall be undertaken in accordance with the recommendations contained in the report entitled "*Assessment of Groundwater Drawdown and Effects*", prepared by Tonkin & Taylor, dated 26 November 2012, and subsequent further information response letters dated 22 January 2013 and 5 February 2013.
- (31) A minimum of three Wall Deformation pins shall be installed along the top of the boundary wall between 302 and 306-310 Great North Road. These monitoring pins will measure both vertical and lateral wall movement (combined settlement and displacement pins).



- (32) The consent holder shall survey and record readings at each Retaining Wall Deformation Mark, at least twice prior to Commencement of Dewatering to establish a baseline reading. All monitoring mark surveys shall be to a horizontal and vertical accuracy of at least ± 2 mm or as otherwise achieved by precise levelling. These records shall be compiled and submitted to the Manager prior to the Commencement of Dewatering.
- (33) The Consent Holder shall survey and record, as required in Condition 32, the readings of each Retaining Wall Deformation Mark, at an average of each 2 metres depth of excavation, and at a minimum frequency of weekly intervals from the Commencement of Dewatering for a period of one month after the Completion of Excavation, thence fortnightly until the Completion of Dewatering. The consent holder may request the Managers approval for this monitoring to be extended to monthly periods, subject to the level of deformation that has occurred on site. Survey measurements recorded shall be compiled and submitted to the Manager in accordance with Condition 29.
- (34) A single inclinometer shall be installed either within a retaining pile or immediately behind one and extending to the base of the retaining pile adjacent to the western boundary. The inclinometer is to be located approximately as shown on the annotated plan entitled '*Bunnings Ltd – 276-302 Great North Road, Auckland – Proposed Monitoring Locations*', Figure 3, prepared by Tonkin & Taylor, dated Nov 2012 (annotated and attached to the further information response letter dated 5 February 2013). Measurement accuracy shall be to best practice.
- (35) The Consent Holder shall survey and record the readings of the inclinometer, at an average of each 2 metres depth of excavation, and at a minimum frequency of fortnightly intervals from the Commencement of Dewatering for a period of one month after the Completion of Excavation, thence monthly until the Completion of Dewatering. Survey measurements recorded shall be compiled and submitted to the Manager in accordance with Condition 29.

Alert and Alarm Level Notification

- (36) The Manager shall be notified within 24 hours should any of the following monitoring results eventuate:
- (a) Total ground settlement exceeds 10mm (the Total Ground Settlement Alert Level); or
 - (b) Firstly if groundwater levels drop below the Alert Level in monitoring bores as defined in Condition 16 and 19, and secondly if groundwater levels drop below the Alarm levels, due to the operation of dewatering the basement construction at 272-276, 300 & 302 Great North Road; or
 - (c) Total Building Settlement exceeds 5mm (Building Settlement Alert Level); or
 - (d) The differential ground settlement between any Ground Settlement Marks or Building Monitoring Mark exceeds 1:700 (The Differential Ground Settlement Alert Level); or
 - (e) The differential settlement between any two building monitoring Marks exceed 1:1000 (The Differential Building Settlement Alert Level); or



- (f) Inclinator Deformation exceeds 10mm (The Inclinator Deformation Alert level).
- (37) The activity shall not cause:
- (b) Greater (steeper) than 1:500 differential settlement (the Differential Ground Settlement Alarm Level) between any two Ground Settlement Monitoring Mark or any Building Settlement Marks required under this consent;
 - (c) Greater than 15 mm total settlement (the Total Ground Settlement Alarm Level) at the Ground Settlement Monitoring Marks;
 - (d) Greater (steeper) than 1:700 differential settlement (the Differential Building Settlement Alarm Level) between any two adjacent Building settlement monitoring marks required under this consent;
 - (e) Greater than 10 mm total settlement (the Total Building Settlement Alarm Level) at any Building Settlement Monitoring Mark required under this consent; or
 - (f) Greater than 15mm total deflection (the Inclinator Deformation Alarm Level) at any inclinometer required under this consent

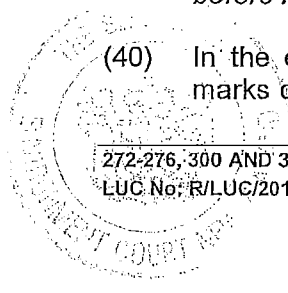
Trigger Levels, Contingency and Reporting

- (38) The Consent Holder shall provide an Alert Level and Alarm Level for each Ground and Building Deformation mark, inclinometer and for each borehole. Responses to exceedance of these limits are to be detailed in the Monitoring and Contingency Plan, required by Condition 18, for approval by the Manager.
- (39) In the event of any Alert Level exceedance of Ground and Building Deformation monitoring marks or inclinometer deformation and/or Alarm Level exceedance of groundwater levels in the monitoring bores, associated with construction at 272-276, 300 and 302 Great North Road, Grey Lynn, then the Consent Holder must:
- (a) Re-measure all Deformation marks within 50 metres of the affected monitoring mark(s) to confirm the extent of deformation and exceedance of the Alert Trigger.
 - (b) Submit a written report by the independent Chartered Professional Engineer to the Manager for approval, within one week of trigger Level exceedance, which provides analyses of all monitoring data, including wall deflection monitoring, relating to the exceedance of any of the Trigger levels and any recommendations for remedial actions which may include additional monitoring.
 - (c) Once approved, the recommendations shall be implemented.

Note:

The Manager may require initiation of the response detailed in Condition 40 below before receiving the written report requested in this condition.

- (40) In the event of any Alarm Trigger exceedance of Ground deformation monitoring marks or inclinometer deformation associated with construction at 272-276, 300 and



302 Great North Road, Grey Lynn, then the Consent Holder must stop dewatering the site or any other construction activity which has the potential to cause deformation to minimise any further exceedance of triggers, investigate the causes and allow for any mitigation to be instigated. Dewatering and/or construction may be resumed when the Manager provides written notice to the Consent Holder that the Manager is satisfied that damage to buildings, structures and services is unlikely, with or without any additional mitigation measure or that the Manager is satisfied that owners of potentially affected buildings, structures and services have given written approval for dewatering and/or construction to continue.

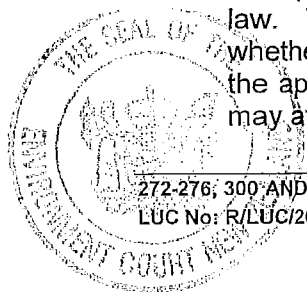
- (41) The consent holder, shall within 10 working days of completion of construction, advise the Manager in writing, of the date of completion.

Review Conditions

- (42) The conditions of this consent may be reviewed by the Manager pursuant to section 128 of the RMA, by the giving of notice pursuant to section 129, within six months after Commencement of Dewatering and subsequently at intervals of not less than one year thereafter in order:
- (a) to vary the quantities, monitoring and reporting requirements, and performance standards in order to take account of information, including the results of previous monitoring and changed environmental knowledge, on:-
 - (i) ground conditions
 - (ii) aquifer parameters
 - (iii) groundwater levels; and
 - (iv) ground surface deformation
 - (b) to deal with any adverse effect on the environment arising or potentially arising from the exercise of this consent, and in particular effects on buildings, structures and services.

ADVICE NOTES FOR LAND USE CONSENT (R/LUC/2012/4247) AND REGIONAL CONSENT 41146

1. Subject to section 198 of the Local Government Act 2002 and Auckland Council's Policy on Development Contributions, a development contribution may be payable on this consent. A notice of assessment will be sent out which outlines the quantum of the contribution payable for this consent. Please note that with respect to this development, building consents will not be released, code of compliance certificates will not be issued and section 224(c) certificates for subdivision will not be issued until the development contribution is paid.
2. The consent holder shall obtain all other necessary consents and permits, 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), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004. Please note that the approval of this resource consent, including consent conditions specified above, may affect a previously issued building consent for the same project, in which case a



new building consent may be required. If not all resource consents have been applied for and the Council has not required these consents be sought as part of the consent applications for this proposal, it remains the responsibility of the consent holder to obtain any and all necessary resource consents required under the relevant requirements of the RMA.

3. The granting of this resource consent does not in any way allow the applicant to enter and construct drainage within neighbouring properties, without first obtaining the agreement of all owners and occupiers of said land to undertake the proposed works. Any negotiation or agreement is the full responsibility of the applicant, and is a private agreement that does not involve the Council. Should any disputes arise between the private parties, these are civil matters, which can be taken to independent mediation or disputes tribunal for resolution. It is recommended that the private agreement be legally documented to avoid disputes arising. To obtain sign-off for the resource consent, the services described by the conditions above are required to be in place to the satisfaction of the Council.
4. Compliance with the consent conditions will be monitored by the Council in accordance with section 35(d) of the RMA. This will typically include site visits to verify compliance (or non compliance) and documentation (site notes and photographs) of the activity established under the resource consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time. Only after all conditions of the resource consent have been met, will the Council issue a letter on request of the Consent Holder.
5. Changes to the road reserve including will require to be approved by Auckland Transport. Removal of parking and installation of parking restrictions as a result of the development will require Traffic Control Committee resolutions prepared by a qualified Traffic Engineer. These will need to be passed so that changes to the road reserve can be legally enforced. This may require public consultation to be undertaken in accordance with Auckland Transport's standard procedures (see also Condition 11 of the land use consent).
6. Any road, airspace or subsoil encroachment by the proposed development (e.g. the proposed canopies on Great North Road frontage) will require the appropriate Encroachment License / Lease to be sought from Auckland Transport (see also Condition 11 of the land use consent).
7. Construction Traffic Management Plans need to be submitted to Auckland Transport for approval via a Corridor Access Request.

