

8 October 2012

DCS
Attention Brooke Dales
38 Scarborough Terrace
Parnell
AUCKLAND 1052

Dear Brooke

RESOURCE CONSENT APPLICATION – ADVICE OF DECISION

Application Number(s):	LN-2135742
Applicant:	Panmure Trust LP
Proposed Activity(s):	Additions and alterations to existing commercial building and the establishment and operation of a boarding house facility.
Address:	194-198 Hinemoa Street Birkenhead 0626

Following an assessment of your resource consent application under the Resource Management Act 1991 (RMA) and with reference to the Auckland Council District Plan (North Shore Section) a decision has been made to **grant your application with conditions**.

For your reference a copy of the decision is attached. It outlines the basis for the decision and any associated conditions.

If you disagree with the decision, or parts of it, you can lodge an objection with us within 15 working days of receiving this decision.

Objections under section 357 of the Resource Management Act 1991 should be addressed to the Principal Planner Hearings and Resolutions, Auckland Council – Takapuna Service Centre, 1 The Strand, Takapuna 0622 within 15 working days of the receipt of the decision. Information on “The Objection Process” can be found on our website www.aucklandcouncil.govt.nz (type “Objections to decisions” in the search box and select same). Any objection to additional charges relating to the processing of the application, made under section 357B, shall be made in writing to council (the last mentioned address) within 15 working days of receipt of the invoice.

The applicant and/or any submitter may appeal the council decision under section 120 of the Resource Management Act 1991 to the Environment Court. If an appeal is lodged, any person who made a submission on the application may become a party to the proceedings by lodging a notice under section 274 of the Resource Management Act 1991. The information on objections and appeals in this letter is provided as a guide only and does not constitute legal advice. Information on the appeal process can be found on the Environment Court website www.justice.govt.nz/courts/environment-court.

A copy of the appeal must be served on the council (Private Bag 92300, Auckland 1142) within 15 working days of the receipt of the decision and on all submitters within 5 working days of lodging

the appeal with the Environment Court. Information on the appeal process can be found on the Environment Court website www.justice.govt.nz/court/environment-court.

A final invoice will be sent shortly. No work is allowed to commence until all outstanding fees have been paid, as stated in condition 3 of your consent.

If you have any queries, please contact Blair Telford on 484 8281 and quote the application number above.

Yours sincerely

Hayden Taylor
Senior Planner

Encl.

**EMAIL, POST OR FAX THIS COMPLETED PAGE
AT LEAST 7 WORKING DAYS BEFORE STARTING WORK**

The Monitoring Officer
Takapuna Service Centre
Auckland Council
Private Bag 92300
AUCKLAND 1142

Fax: (09) 301 0100

Email: Takapuna.RCCompliance@aucklandcouncil.govt.nz

Attention: Monitoring Officer (**HARBOUR**)

Application number: LN-2135742

Site Address: 194-198 Hinemoa Street Birkenhead 0626

Proposal: **Additions and alterations to existing commercial building and the establishment and operation of a boarding house facility.**

Work will start on: _____

Owner's contact details:

Name: _____

Telephone: _____

Mobile phone: _____

Postal address: _____

Contractor's contact details (e.g. builder, arborist)

Name: _____

Telephone: _____

Mobile phone: _____

**AUCKLAND COUNCIL
DECISION ON RESOURCE CONSENT
REFERENCE LN-2135742**

The application by Panmure Trust LP for additions and alterations to existing commercial building and the establishment and operation of a boarding house facility at 194-198 Hinemoa Street Birkenhead 0626 (being Pt Lot 3A DP 2922) was considered by Delegated Authority on 08/10/2012 whereby it was resolved:

- A.** That the application be dealt with as a **NON-NOTIFIED DISCRETIONARY** activity, pursuant to Sections 95A-E of the Resource Management Act 1991 for the reasons that:
- a) There is no basis for the Council to exercise its broad discretion to publicly notify the application because the proposal is conventional in nature and represents no significant deviation from the range of effects anticipated by the Plan.
- b) The activity will have adverse effects on the environment that are no more than minor. In particular:
- The Council's Arborist is satisfied that any potential adverse effects on the health of the Pohutukawa tree as a result of the construction of the new retaining wall would be less than minor. Therefore, the contribution the tree makes to the natural amenity values of the surrounding area will be maintained.
 - The Council's Development Engineer is satisfied that the implementation of the appropriate Construction Management Plan, including such details as key contacts and responsibilities, construction noise and vibration, dust management, erosion and sediment control, and traffic and pedestrian management, will ensure any short term adverse effects during construction phase are no more than minor.
 - The new retaining wall will not exacerbate flooding during extreme rainfall events as it will be designed and constructed in such a manner that will maintain the same flow velocity, route and entry and exist points of the overland flow path.
 - The District Plan envisages business activities within local centres that provide a service to the local community. In this particular instance, the proposed boarding house is considered to be an activity that will provide for the social well-being (accommodation needs) of the local community at an intensity that is not inherently detrimental to the predominantly commercial character of the wider environment.
 - Given that Hinemoa Street is an 'edge of town centre street', providing an active/ public use at the street front is not considered to be an absolute necessity. Significant glazing along the street façade at the ground level will allow for some interaction and relationship with the street that is appropriate to an 'edge of town centre street' and will not worsen the existing situation.
 - The provision of a continuous verandah along the building's street façade will ensure that the appearance of the building is consistent with the expectations of the District Plan and maintains the character and amenity of the town centre.
 - The design and appearance of the building is satisfactory and the scale of the building, in terms of bulk and height, is appropriate given the site's location and zoning and will not result in any adverse shadowing or dominance effects to the wider environment.
 - Compliance with the maximum permitted noise levels will ensure that the proposed activity will not result in any adverse aural effects to the wider environment.
 - The implementation of an appropriate Waste Management Plan will ensure refuse is appropriately stored, collected and disposed of to avoid any odour nuisance and the creation of an eyesore.
 - The Council's Traffic Engineer is satisfied that the on-site car parking provision is generally suitable for the needs of the facility. At worst, peak demand may result in a 2 space overspill to the surrounding streets, which can be accommodated without compromising the overall public supply. Loading can be undertaken in the basement. Further, traffic generation can be

comfortably accommodated by the existing roading network and will not compromise its safe and efficient operation.

- c) The Applicant has not requested public notification.
- d) There are no Rules in the District Plan that require notification.
- e) There are no special circumstances that warrant public notification.
- f) There are no persons considered to be adversely affected. In particular:
 - The implementation of the CMP will ensure the adverse short-term construction effects are appropriately managed.
 - Flow velocity, route and entry and exit points of the overland flow path will remain the same.
 - The building will be upgraded to a high quality and will not result in any adverse shadowing or dominance effects, nor will it detract from the character or amenities of the adjoining sites.
 - The activity itself is considered to be appropriate given the commercial setting and will not conflict with any adjoining property or activity.
 - The proposed landscaping will be an improvement on the existing situation and will soften the appearance of the site from the residential properties to the south.

B. That the application be **GRANTED** pursuant to Sections 104, 104A-D of the Resource Management Act 1991 for the following reasons:

- a) In terms of section 104(1)(a) of the RMA, the actual and potential effects on the environment of allowing the activity are considered to be adverse, but no more than minor. Conditions of consent have been recommended in order to ensure that the nature and degree of adverse effects determined are not exceeded, and are further mitigated.
- b) In terms of section 104(1)(b) of the RMA, the proposal is considered to be consistent with the relevant Objectives, Policies, and Assessment Criteria of the Auckland Council District Plan (North Shore Section). In particular:
 - The Council's Arborist is satisfied that the works within the root zone of the protected Pohutukawa tree, located on the adjoining property at 1/2A Rawene Road, will not impact upon the health of the tree provided the protection procedures outlined in the recommended conditions of consent are adhered to.
 - Proposed landscaping along the south-western boundary will be an improvement from the existing situation and will increase tree coverage in the city.
 - The Council's Development Engineer is satisfied that the implementation of an appropriate Construction Management Plan will ensure any short-term adverse effects during the construction phase are suitably managed and controlled to an acceptable level.
 - The design and construction of the retaining wall in the southern corner of the site will ensure that the flow velocity, route and entry and exit points of the overland flow path remain unchanged. Therefore, the proposed development will not exacerbate any flooding experienced during extreme rain fall events.
 - The Council's Traffic Engineer determined that the activity will generally have sufficient car parking provision to satisfy the demand of the activity. In terms of loading, this can be undertaken in the basement car parking area. Further, in terms of traffic generation, the roading network has sufficient capacity to accommodate the additional traffic movements associated with the facility and will not compromise the safe and efficient operation of the roading network.

- The installation of judder bars and mirrors will enhance pedestrian and vehicular safety at the site access.
 - The proposed development is located in close proximity to public transport, being buses and ferry, and the provision of bicycle parking will further reduce reliance for travel by private motor vehicle.
 - The proposed development is considered to represent the efficient reuse of an existing physical resource.
 - The high quality design will enhance the sites appearance and relationship with the Hinemoa Street streetscape and the bulk and location of the upgraded building will be such that no adverse shadowing or dominance effects will result.
 - The proposed materials are considered to be contextually appropriate and will be sympathetic to the existing development that surrounds the site.
 - The District Plan envisages business activities within local centres that provide a service to the local community. In this particular instance, the proposed boarding house is considered to be an activity that will provide for the social well-being (accommodation needs) of the local community at an intensity that is not inherently detrimental to the predominantly commercial character of the wider environment.
 - Pedestrian amenity along Hinemoa Street will be enhanced by the provision of a continuous verandah to the street façade.
 - There is sufficient separation distance between the rooms at the rear of the building and the adjoining residentially zoned properties to maintain the visual privacy of those sites.
 - Compliance with the applicable noise standards of the District Plan, and implementation of an appropriate Waste Management Plan, will ensure the activity will not create an aural or odour nuisance.
 - The establishment of the activity is anticipated to result in positive flow on effects for the surrounding businesses located in the Highbury Town Centre through natural human demand for shopping, entertainment and food services.
- c) In terms of section 104(1)© of the RMA, other relevant matters, including monitoring have been considered in the determining of the application. Monitoring will be undertaken to ensure no further breaches of the provisions of the District Plan or conditions of consent occurs.
- d) The proposal is consistent with Part 2 of the RMA as the proposal achieves the purpose of the RMA being the sustainable management of natural and physical resources.

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

GENERAL CONDITIONS

Implementation of Consent

1. This resource consent must not be implemented until such a time as an easement is created over the adjoining property's driveway (188-192 Hinemoa Street). A copy of the easement documentation shall be forwarded and sighted by the Council's Team Leader Compliance Monitoring North.

Activity in accordance with plans

2. The proposed development shall be carried out in accordance with the plans and all information submitted with the application, being:
 - Assessment of Environmental Effects prepared by DCS Ltd, dated 13 June 2012.
 - Further information provided by DCS Ltd, dated 30/0812.

- Plans prepared by Peddle Thorp – sheets 1286-1-001, 1286-2-100, 1286-2-101, 1286-2-102, 1286-2-103, and 1286-3-100, all Rev A dated August 2012.

All Charges Paid

3. This consent (or any part thereof) shall not commence until such time as the following charges, which are owing at the time the Council's decision is notified, have been paid in full:
 1. All fixed charges relating to the receiving, processing and granting of this resource consent under section 36(1) of the Resource Management Act 1991 (RMA); and
 2. All additional charges imposed under section 36(3) of the RMA to enable the Council to recover its actual and reasonable costs in respect of this application, which are beyond challenge.
4. The consent holder shall pay any subsequent further charges imposed under section 36 of the RMA relating to the receiving, processing and granting of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under section 36(3) of the RMA that are subject to challenge, the consent holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant decision.

Lapsing of Consent

5. This consent lapses five years after the date it is granted unless:
 - (a) The consent is given effect to; or
 - (b) The council extends the period after which the consent lapses.

Monitoring Charges

6. The consent holder shall pay the Council a consent compliance monitoring charge of \$384 (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).
7. The \$384 (inclusive of GST) charge shall be paid as part of the resource consent fee and the consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice.

Retaining Wall Design

8. The retaining wall in the southern corner of the site, required to form car park number 13, shall be designed and constructed in a manner that maintains the same flow velocity and entry and exit points of the overland flow path.

Pedestrian Access

9. Full pedestrian access to the lift area from the basement level shall be provided and the minimum pedestrian walkway leading to the lift shall be 1.2m wide.

Gate/ Garage Door

10. The gate/ garage door to the basement car parking area shall be kept open between the hours of 6.00am and 10.00pm every day to ensure there is sufficient manoeuvring area for vehicles utilising the on-site car parking spaces.

11. A full width verandah on the building's Hinemoa Street frontage shall be provided. The final design and detailing of which shall be submitted to and approved by the Council's Principal Specialist Urban Design, prior to any works commencing on the site.
12. A detailed Construction Management Plan, including such details as key contacts and responsibilities, construction noise and vibration, dust management, erosion and sediment control, and traffic and pedestrian management, shall be submitted to and approved by the Council's Team Leader Compliance Monitoring North, prior to any works commencing on the site.
13. A detailed Waste Management Plan, including such details as proposed methods and location for the disposal, storage and collection of refuse, shall be submitted to and approved by the Council's Team Leader Compliance Monitoring North, prior to any works commencing on the site. Note: No refuse is to be stored on, or collected from, the footpath along Hinemoa Street.

Landscaping Plan

14. Prior to commencement of any work on site the consent holder shall provide a detailed Landscape and Planting Plan identifying total number, species and size of all plants, and an implementation and maintenance programme. This information shall be submitted to the Team Leader Compliance Monitoring North for approval.

The landscaped areas shall include a selection of specimen trees at 5m intervals along the length of the landscaped area. Beneath the specimen trees the garden beds shall be planted with lower growing shrubs and ground cover to provide full coverage.

Tree Protection

15. An arborist must be appointed for the supervision of all works within the root zone of the protected pohutukawa tree at the consent holders expense. The consent holder shall supply the details of the arborist they wish to use for the supervision of this project to the Councils Consents Arborist for approval, specific to this consent. Upon approval, in terms of this consent the arborist shall herein be referred to as the Appointed Arborist. Details of the arborist are to be forwarded to the Environmental Services Arborist a minimum of 5 working days prior to the start of works.
16. The location for the building piles is at the discretion of the appointed arborist and shall be determined using probing techniques involving hand tools only. No roots greater than 50mm shall be damaged or removed during pile installation.
17. All initial excavation works within the vicinity of the protected pohutukawa tree shall be carried out using hand tools and no use of machinery shall be allowed up to a depth of 500mm below ground level. Machinery may be utilised once the excavations are deeper than 500mm.
18. All roots encountered less than 50mm in diameter shall be cleanly cut to the face of the pit using secateurs or handsaws and is to be undertaken either by the Appointed Arborist or under the guidance and direction of the Appointed Arborist.

Noise

19. The noise emitted from the facility shall not exceed the maximum permitted noise levels as set out in the table below:

	Mon-Sat Inclusive 0700hrs - 2000hrs	Mon-Sat Inclusive 2000hrs - 2300hrs	Sun & Public Holidays 0700hrs - 2400hrs	All Other Times
As measured at any residential	50 dBA L10	45 dBA L10	45 dBA L10	40 dBA L10 and 75 dBA Lmax

zone boundary				
As measured at any site boundary zoned Business 1, 2, 3, 4, 5, 6, 7, 8 and 11	65 dBA L10	65 dBA L10	65 dBA L10	65 dBA L10
As measured at any site boundary zoned Business 9 and 10	70 dBA L10	70 dBA L10	70 dBA L10	70 dBA L10

BEFORE CONSTRUCTION STARTS

Pre-Construction Advice to Monitoring

20. The Team Leader, Compliance Monitoring North, shall be notified t least two (2) working days prior to earthwork activities commencing on the site.

Stormwater Drainage

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

Geotechnical

22. A Chartered Professional Engineer experienced with Geomechanics should inspect the site shall be engaged to inspect foundation conditions to be satisfied that the foundations will reach good ground soil that will provide adequate means of support.

DURING CONSTRUCTION

Work in Accordance With Approved Plans

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

FOLLOWING COMPLETION OF CONSTRUCTION

Post Construction Advice to Monitoring

24. The Team Leader, Compliance Monitoring North shall be notified upon the completion of the building.

Advice notes

1. *Please read the conditions of this resource consent carefully and make sure that you understand all the conditions that have been imposed before commencing the development.*
2. *This resource consent will lapse five years after the date of Council's decision unless:*
 - a) *it is given effect to before the end of that period. To give effect to this consent, the activity allowed by this consent must be established and the conditions contained in the consent complied with. Please note that there must be compliance with all of the consent conditions once the land use has been established, or*

- b) *an application is made and granted prior to the expiry of that period for a time extension. The statutory considerations that apply to extensions are set out in section 125 of the RMA. N.B – all charges owing at the time council's decision is notified must be paid before a consent can commence.*

Other Legislation

3. *The consent holder shall obtain all other necessary consents and permits, including those under the Building Act 2004, and the Historic Places Act 1993. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004. Please note that the approval of this resource consent, including consent conditions specified above, may affect a previously issued building consent for the same project, in which case a new building consent may be required.*

Compliance with the North Shore City Council Bylaws

4. *The development is required to comply with the Council's Bylaws.*

Copy of consent on site

5. *A copy of this consent should be held on site at all times during the establishment and construction phase of the activity. The consent holder is requested to notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencement. Such notification should be sent to the Takapuna Resource Consent Compliance and Monitoring Team, by email, Takapuna.RCCCompliance@aucklandcouncil.govt.nz, (09) 301 0100 or post to Private Bag 92300, Auckland 1142 and include the following details:*

- (i) name and telephone number of the project manager and the site owner;*
- (ii) site address to which the consent relates;*
- (iii) activity to which the consent relates; and*
- (iv) expected duration of works.*

Right of objection

6. *If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application you have a right of objection pursuant to sections 357A or 357B of the RMA. Any objection must be made in writing to Council within 15 working days of notification of the decision.*

Neighbouring property

7. *The granting of this resource consent does not in any way allow the applicant to enter and construct drainage within neighbouring property, without first obtaining the agreement of all owners and occupiers of said land to undertake the proposed works. Any negotiation or agreement is the full responsibility of the applicant, and is a private agreement that does not involve Council. Should any disputes arise between the private parties, these are civil matters which can be taken to independent mediation or disputes tribunal for resolution. It is recommended that the private agreement be legally documented to avoid disputes arising. To obtain sign-off for the resource consent, the services described by the conditions above are required to be in place to the satisfaction of Council.*

Compliance monitoring

8. *Compliance with the consent conditions will be monitored by Council in accordance with section 35(d) of the Resource Management Act. This will typically include site visits to verify compliance (or non compliance) and documentation (site notes and photographs) of the activity established under the Resource Consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time. Only after all conditions of the Resource Consent have been met, will Council issue a letter on request of the consent holder.*

Development Contributions

9. *A Development Contribution is payable for this land use consent. This Development Contribution must be paid prior to the granting of a building consent. The Development Contribution will be assessed at the time of payment.*