

Response to Comments Received on Draft Conditions

Condition number	Comments received requesting changes to conditions (requested tracked changes in red)	Applicant Response
Infrastructure		
1	Council queries whether the engineering drawings relating to wastewater options should be included in Condition 1.	Council's practice is to include all documents in Condition 1. However, the issue with specific inclusion of the wastewater options with the drawings in Condition 1 (Activity in Accordance with Application) is acknowledged. Precinct proposes moving reference to the wastewater options from the 'approved drawings' set (Attachment 2) to the 'supporting documents' list (Attachment 1), noting that the conditions of consent prevail where any documents conflict with the requirements of the conditions.
77	An additional advice note is recommended by Council with respect to condition 77 as follows: Wastewater <i>77. The consent holder must ensure that connections to the public wastewater reticulation network to serve the development in accordance with the requirements of the wastewater utility service provider are in place prior to occupation of the building. Certification from a suitably qualified civil engineer that works have been satisfactorily undertaken must be provided at the completion of the works to the Council.</i> Advice note: <i>The consent holder must obtain written approval from Watercare on the wastewater servicing infrastructure to be submitted as part of the application for engineering plan approval with Auckland Council.</i> <i>Acceptable forms of Evidence from the Utility Providers include a Certificate of Acceptance.</i> <i>Alterations to the public wastewater reticulation network require Engineering Plan Approval <u>and may require additional resource</u></i>	Precinct accepts this additional advice note.

	<u>consents of which the timing for designing, submitting and securing those consents should be given due regard by the consent holder, when managing the delivery of the development with particular reference to condition 77.</u> Additional approval is required from Watercare/Veolia as part of the Engineering Plan Approval Process. - Public connections are to be constructed in accordance with the Water and Wastewater Code of Practice. - Plans approved under Resource Consent do not constitute an Engineering Plan Approval and should not be used for the purposes of constructing public reticulation works in the absence of that approval. - A build-over application and approval may be required prior to the Building Consent for the development. - Work Over Approval may be required.	
M Social Engagement Protocol		
N/A	MCK reiterates previous concern about the need for a specific engagement protocol as a condition of consent.	Precinct supports the Panel's draft decision and does not agree with the inclusion of this condition for the reasons previously given as part of Precinct's s55 response and response to RFI 3.
Review Condition		
20A	AT seeks amendments to the review condition to specifically include a review of the CTMP.	Precinct supports the Panel's draft decision wording of the Review Condition and does not agree with the inclusion of the CTMP in this condition for the reasons previously given as part of Precinct's s55 response and response to RFI 3.
CTMP		
26	AT reiterates previous concern about "avoid" vs "minimise" wording as it relates to the objective of the CTMP.	Precinct supports the Panel's draft decision and does not agree with use of the word "avoid" in this condition for the reasons previously given as part of Precinct's s55 response and response to RFI 3.

27c and 27d	AT reiterates previous concern about the inclusion of “unless closure is required for health and safety reasons”.	Precinct supports the Panel’s draft decision for the reasons previously given as part of Precinct’s s55 response and response to RFI 3.
28e	<i>e. Details of measures to manage how contractors will travel to and from the Site for work, including measures to promote alternative travel modes to driving, such as carpooling, using public transport, or cycling/walking where feasible, avoiding the use of the dedicated vehicle access beneath the flyover at the intersection of Sturdee Street / Customs Street West unless arranged within designated arrival windows that do not conflict with truck movements <u>and do not exceed a maximum of 24 vehicles per hour (for the avoidance of doubt, this includes non-construction vehicles and construction vehicles)</u>, providing a shuttle bus from off-site parking, and identifying nearby public car park facilities where workers can park. All staff are to be advised that parking in time-restricted or residential areas is not permitted;</i>	Precinct accepts AT’s amendment to Condition 28e.
28ii	AT seeks the following amendments: <i>ii. A maximum number of 24 construction vehicles (48 vehicle movements) per hour across all hours of works accessing the <u>subject site or</u> construction zone via a right turn from <u>the intersection of</u> Sturdee Street / <u>Lower</u> Hobson Street <u>/ Customs Street West into Customs Street West</u> beneath the Lower Hobson Street flyover, except that a greater number may be expressly approved as part of the CTMP where supported by a transport assessment prepared by a SQEP and otherwise certified by Council. For the purposes of this condition, “Construction vehicles” includes heavy construction vehicles; trucks and vans for the purpose of loading or unloading of construction materials; but excludes cars;</i>	Precinct supports the Panel’s draft decision wording. AT seeks application of the 24 vehicle/hour construction vehicle limit to the entirety of the site (including the service lane). Applying the limit to all construction vehicle movements is not necessary and this was not the intention of this condition. The limit is specifically intended to apply to construction vehicle movements “via a right turn from the intersection of Sturdee Street / Lower Hobson Street / Customs Street West into Customs Street West beneath the Lower Hobson Street flyover”. This aligns with the assessment provided with the application, where 24 construction vehicles per hour were assessed using the construction zone via that right turn. The modelling undertaken by Flow had an additional and separate allowance for vehicles using the service lane and therefore are not part of the limit. For reference, the assessment of vehicle movements using the service lane during construction can be found in:

		- Appendix 40: Construction and demolition transport assessment. - As outlined in Section 13.1 of this report, 50 additional vehicles per hour were included in the service lane for modelling of all construction and demolitions phases. - This allowance is separate to the ‘construction truck trips’. In the same section of this report, construction truck trips have been modelled as 24 trucks per hour or 48 truck movements per hour. <u>All demolition / construction phase models (Scenarios A to C)</u> - Removed all trips from the Downtown Carpark - Closed the Lower Hobson Street southbound lane adjacent to the Site - Added construction truck trips. Construction truck trips have been modelled as 24 trucks per hour, or 48 truck movements per hour. This is outlined in Section 12.1 - Added light vehicle construction trips. In this regard, we assumed 50 vehicles per hour as per Section 12.2, noting that this assumption was made for modelling purposes only. These were added to the AON/HSBC service lane to simulate travelling to and from the Site - In the s55 transport response, this information was repeated for reference and in response to comments received from AT.
Flyover Visual Screening Barrier		
N/A	AT reiterates previous concern about a need for a flyover visual screening barrier as a condition of consent.	Precinct supports the Panel’s draft decision and does not agree with the inclusion of this condition for the reasons previously given as part of Precinct’s s55 response and response to RFI 3.
Construction Noise and Vibration		
31	MCK seeks amendments to Condition 31(g) and addition of Condition 31(i) to impose additional engagement, reporting and liaison obligations on Precinct in the context of the CNVMP.	Precinct supports the Panel’s draft decision wording. The draft CNVMP referenced in Condition 1s and 29 appropriately addresses the matters in Conditions 31(g) and 31(i) as requested by MCK.
69-72	Council seeks amendments to clarify the timeframes and for ease of monitoring.	Precinct accepts the Panel’s ‘three-tier’ approach, notes Council’s comments, and proposes specific changes to the conditions to ensure they apply appropriately to the Project.

		Precinct's proposed changes are detailed in the conditions attached, with explanations in comments boxes. The following is noted in particular: - Condition 69 is updated to include: - other construction activities where exceedances are predicted in the acoustic report accompanying the application (the two items in the draft decision were included in the MCK s53 comments but omit other predicted exceedances); and - provision in Condition 69f. for other activities that do not comply with conditions 65 and 67 but are not specifically listed in the conditions, as was intended as the third tier but for which there would be no mechanism for a CNVMP schedule unless added. - Deletion of Condition 69e. (relating to consultation with and feedback from identified receivers), as this is repeated in Conditions 70A and 71AA(a) for the respective exceedances/CNVMP exceedances tiers.
Groundwater Settlement and Monitoring Contingency Plan (GSMCP)		
40d, 70ddd, 162(g), 163-164, 171-173.	MCK reiterates previous concern regarding continuous monitoring in respect of geotechnical and structural matters.	Precinct supports the Panel's draft decision in relation to continuous monitoring for the reasons previously given as part of Precinct's s55 response and response to RFI 3.
39 and 163	MCK seeks an amendment to the objective of condition 39 in line with condition 163.	Precinct supports the Panel's draft decision in relation to the amendment to the GSCMP objective in Condition 39 (General Conditions). The equivalent Condition 163 (WAT Conditions) has been amended accordingly to include these words.

166	MCK seeks amendments to the number of deformation monitoring stations from 8 to 20.	Precinct supports the Panel's draft decision in relation to condition 166 for the reasons previously given as part of Precinct's response to RFI 3.
Wind Mitigation		
107	Council have requested that the listed wind mitigation be inserted into Condition 107 for ease of reference for monitoring.	Precinct maintains its position that all wind mitigations do not need to be expressly listed in the conditions for the reasons previously given as part of Precinct's response to RFI 3. However, to assist administration of the condition by Council monitoring officers, reference to the reports accompanying the application that contain wind mitigation measures is proposed in Condition 107.
Managed Access and Service Access Plan		
53B	AT reiterates previous concern about "avoid" vs "minimise" wording as it relates to queuing back into the Lower Hobson Street and two trucks arriving to use the M Social service driveway.	Precinct supports the Panel's draft decision wording. "Avoid" could be applied to require no queueing, whereas "minimise" is the appropriate planning response given the MASAP is reliant at least in part on MCK scheduling their vehicles, which is outside of Precinct's direct control. It is further noted that servicing volumes are very low, which makes the likelihood of two vehicles arriving at once very low. The MCK loading area itself is also only sized for one vehicle.
Flood Barrier Management Plan and Land Covenant		
79C	Council also seeks amendments to Condition 79C to clarify further information to be provided within the Flood Barrier Management Plan.	Precinct supports the Panel's draft decision wording.
N/A	Council reiterates previous concern that a land covenant condition is necessary to address hazard mitigation.	Precinct maintains its position that a land covenant is not required for the reasons provided in the response to RFI 3. Further, the cited policy proposed in PC120 (E36.3(4B)) is untested in the statutory process and does not identify a land covenant as a method to address residual risk. The conditions in the draft decision adequately address the policy.

AT Asset Damage / Retaining Wall		
N/A	AT reiterates previous concern regarding the need for a specific condition relating to the reinstatement of Fanshawe Street retaining wall and balustrade.	Precinct supports the Panel's draft decision and does not agree with the inclusion of this condition for the reasons previously given as part of Precinct's response to RFI 3.
88	AT seeks to include an advice note to clarify its reference to "other assets".	Precinct supports the inclusion of the advice note sought by AT.
Structural Design		
N/A	MCK reiterates previous concern regarding the need for structural design condition.	Precinct supports the Panel's draft decision and does not agree with the inclusion of this condition for the reasons previously given as part of Precinct's s55 response and response to RFI 3.
Glare		
108	Council seeks deletion of Condition 108.	Precinct accepts proposed deletion of Condition 108 as the glare requirement is already covered through the material certification condition (i.e. Condition 46d).
Public Access / Easements		
116A, 116B	Council reiterates previous concern that easements to secure ongoing 24 hour public access to the Urban Room and the pedestrian connections are necessary and appropriate as a condition of consent.	Precinct does not agree with the inclusion of this condition. An easement condition is not necessary or appropriate as, unlike the former planning regime for floor area bonuses, this is not a requirement of the AUP. Further, easement requirements are addressed in the Integration Agreement between Precinct, AC and AT and a consent condition would duplicate and potentially conflict with its implementation. Instead, Precinct proposes a consent condition requiring 24/7 access including a 5m minimum clear pedestrian movement width. The proposed condition clarifies that tables, chairs and landscaping elements may be acceptable provided the 5m clear width is maintained. The proposed wording of the condition is as follows:

		Urban Room and East-West Pedestrian Connections (Laneways) x. <i>The consent holder must ensure that a clear pedestrian movement width of at least 5 metres is provided within the Urban Room and the east-west Pedestrian Connection (Laneway) as identified at Section 2.2 Public Realm as 'Movement – 24Hr Access' on Page 17 within the Architecture & Landscape Report, listed in Condition 1.</i> <i>Advice Note:</i> <i>The provision of tables, chairs and other landscaping elements within the Urban Room and east-west Pedestrian Connection (Laneway) may be acceptable provided the 5m clear width is maintained.</i> x. <i>The Urban Room and Pedestrian Connections (Laneways) as identified at Section 2.2 Public Realm as 'Movement – 24Hr Access' on Page 17 within the Architecture & Landscape Report, listed in Condition 1 must be available for use by the public 24 hours per day, seven days per week, except during emergencies or for maintenance purposes when public access may need to be restricted for safety reasons.</i>
Hotel Pickup / Drop-off		

N/A	AT seeks more robust reporting and monitoring in the conditions.	Precinct supports the Panel's draft decision and does not agree with the inclusion of these conditions for the reasons previously given as part of Precinct's s55 response and response to RFI 3.
N/A	AT want a contingency condition should the activity change, or the hotel cease to exist. AT want the PUDO to be removed and be reinstated as footpath.	Precinct supports the Panel's draft decision and does not agree with the inclusion of this condition for the reasons previously given as part of Precinct's s55 response and response to RFI 3. It is noted that any changes of this scale would require a consent variation which would require a re-assessment of the hotel PUDO. The operation of the PUDO is specifically tied to a hotel PUDO management plan and therefore AT's recommended condition is not needed, as other processes would allow a re-assessment to occur.
Authority to Modify Conditions		
5, 6 and 11	Ngāti Whātua Ōrākei seeks amendments to the Draft Archaeological Conditions as set out in their letter.	Precinct supports Ngāti Whātua Ōrākei's comments.
General condition references / numbering		
Various	Council have requested minor edits/updates throughout the condition set to correct clerical errors, for readability, remove duplication and/or for ease of monitoring.	Condition cross-references and numbering have been corrected and any duplications have been removed for internal consistency.