

CONSENTS REQUIRED

Auckland Unitary Plan (Operative in Part)

Reasons for consent under the Auckland Unitary Plan (Operative in Part) (**AUP**) in accordance with clause 5(1)(f) of Schedule 5 of the FTAA are as follows:

National Grid Corridor Overlay

- D26.4.3(A34) – The proposal involves the subdivision of land within the National Grid Subdivision Corridor overlay. This is a restricted discretionary activity.

Streams, Rivers, Streams and Wetlands

- E3.4.1(A1) – The proposal involves the construction of an arched culvert over Stream A approximately 20m in length where Road 5 crosses over Stream A in an east west direction. This activity is not otherwise provided for because the alignment of the arched culvert is not parallel to the direction of water flow. This is a discretionary activity.
- E3.4.1(A19) – The proposal involves the diversion of a section of Stream A to a new course and associated disturbance and stream discharge outside of the relevant overlays listed in Chapter E3. This is a discretionary activity.

Note: I450.4 of the Activity Table for Drury Centre Precinct states that all relevant overlay, Auckland-wide and zone activity tables apply unless the activity is listed in Activity Table I450.4.1 below. Therefore, non-complying consent is not required under E3.4.1(A49) for the new reclamation of Stream A proposed in this application because I450.4.1(A10) in the precinct provisions specifies that new reclamation or drainage within Stream A shown on Precinct Plan 2 required to construct Drury Boulevard is a discretionary activity and is therefore listed in Activity Table I450.4.1.

Stormwater Discharge and Diversion

- E8.4.1(A10) - The proposal involves the discharge of stormwater runoff from impervious areas not otherwise provided for by Table E8.4.1. This is a discretionary activity.
- E8.4.1(A11) – The proposal involves the diversion and discharge of stormwater runoff from a new stormwater network. This is a discretionary activity.

Stormwater quality – High contaminant generating car parks and high use roads

- E9.4.1(A6) – The proposal involves the development of a new high contaminant generating car park greater than 5,000m² with approximately 66,864m² of car parking and associated accessways proposed within the project area which complies with controlled activity standards E9.6.2.1. This is a controlled activity.
- E9.4.1(A7) – The proposal involves the development of a new high use road greater than 5,000m² with approximately 45,042m² of new high use road proposed which complies with controlled activity standards E9.6.2.2. This is a controlled activity.

Stormwater Management Area – Flow 1 and Flow 2

- E10.4.1(A3) – The proposal involves the development of new impervious area other than for a road greater than 50m² within the SMAF-1 control complying with standard E10.6.1 and E10.6.4.1. This is a restricted discretionary activity.
- E10.4.1(A6) – The proposal involves the development of new impervious area greater than 5,000m² for roads to be vested and operated by a road controlling authority within the

SMAF-1 control with approximately 66,864m² proposed and complying with Standard E10.6.1 and Standard E10.6.4.2. This is a restricted discretionary activity.

Land Disturbance – Regional

- E11.4.1(A5) - The proposal involves approximately 20.85 hectares of earthworks where land has a slope less than 10 degrees outside the Sediment Control Protection Area in the Business – Mixed Use Zone and Business – Metropolitan Centre Zone. This is a restricted discretionary activity.
- E11.4.1(A8) – The proposal involves greater than 2,500m² of earthworks where the land has a slope greater than 10 degrees on business zoned land with approximately 20.85 hectares of earthworks proposed. This is a restricted discretionary activity.
- E11.4.1(A9) – The proposal involves greater than 2,500m² of earthworks within the sediment control protection area on business zoned land with approximately 3.38 hectares proposed. This is a restricted discretionary activity.

Land Disturbance – District

- E12.6.2(1) (12) and (13) – The proposal requires restricted discretionary activity consent for earthworks which do not comply with the general standards under E12.6.2 for the following reasons which requires consideration as a restricted discretionary activity pursuant to standard C1.9(2):
 - Land disturbance within the 10m riparian yards will exceed 5m² and 5m³ for general earthworks with 8m³ of cut and 251m² of fill proposed within the riparian margins of the Hingaia Stream, and 3,200m³ of cut and 7,150m² of fill within the riparian margins of Stream A; and
 - Earthworks within the 100-year AEP flood plain onsite will raise ground levels more than 300mm and the fill volume will exceed 10m³.
- E12.4.1(A6) – The proposal involves greater than 2,500m² of earthworks on business zoned land with approximately 20.85 hectares of earthworks proposed across the project area. This is a restricted discretionary activity.
- E12.4.1(A10) – The proposal involves greater than 2,500m³ of earthworks on business zoned land to facilitate development of the project. The proposed approximate earthworks volumes are approximately 212,225m³ of cut and approximately 195,873m³ of fill. This is a restricted discretionary activity.

Vegetation management and biodiversity

- E15.4.1(A18) – The proposal involves vegetation alteration or removal within 20m of a natural wetland. This is a restricted discretionary activity.
- E15.4.1(A19) – The proposal involves vegetation alteration or removal within 10m of urban streams. This is a restricted discretionary activity.

Signs

- E23.4.2(A53)– The proposal involves the establishment of comprehensive development signage associated with Drury Centre and the various activities and buildings proposed. This is a restricted discretionary activity.

Noise and Vibration

- E25.6.27 – The proposal is predicted to involve exceedances to the permitted construction noise standards in Table E25.6.27.1 by up to 10dB that apply to receivers in the Business Mixed Use zone during the excavation and building foundation establishment/construction phases of the proposal. This is a restricted discretionary activity pursuant to standard E25.4.1(A2).
- E25.6.28 – The proposal is predicted to involve exceedances to the permitted construction noise standards in Table E25.6.28.2 by up to 5dB that apply to receivers in the Business Metropolitan Centre zone during the excavation and building foundation establishment/construction phases of the proposal. This is a restricted discretionary activity pursuant to standard E25.4.1(A2).
- E25.6.30(1)(b) – The proposal is predicted to involve exceedances to the permitted vibration amenity limits in Table E25.6.30.1 during construction phases of the project. This is a restricted discretionary activity pursuant to standard E25.4.1(A2).

Infrastructure

- E26.2.3(A55) – The proposal involves the construction of two stormwater detention/retention ponds (Wetland 2-1 and Wetland 2-2) within the Metropolitan Centre zone. This is a controlled activity.

Transport

- E27.4.1(A2) – The proposal involves the following parking, loading and access which is an accessory activity but which does not comply with the standards for parking, loading and access thereby requiring consideration as a restricted discretionary activity:
 - Standard E27.6.2(8) – The loading space provision for Lots A, B, C, D, E and G does not meet the minimum requirement (as summarised in Table 10 of the AEE).
 - E27.6.3.5(1) – Insufficient manoeuvring space is provided on site because in order to access the on-street loading space serving Lot H, the design vehicle will turn into the accessway serving H2, and reverse onto the road corridor before accessing the loading space.
 - E27.6.4.2(1) – The vehicle crossing serving the customer carpark on Lot A and the entry access into the loading zone does not comply with the minimum separation distance requirements.
 - E27.6.4.2(2) – The vehicle crossings serving Lot A, B, C, D and E do not comply with the vehicle crossing width requirements.
- E27.4.1(A5) – The vehicle crossing serving Lot C and Lot H does not comply with the Vehicle Access Restriction minimum requirements for separation from an adjacent intersection as they only achieve 0m and 7m separation from the nearest intersections, as required in standard E27.6.4.1(3). This is a restricted discretionary activity.

Contaminated Land

- E30.4.1(A6) – The proposal involves the discharge of contaminants into land and water from disturbing soil on land containing elevated levels of contaminants which exceed background concentrations and do not meet permitted standards E30.6.1.4, as a controlled activity. This consent is sought on a precautionary basis with respect to the ongoing additional investigation works at 108 Flanagan Road.

- E30.4.1(A7) – The proposal involves the discharge of contaminants into land and water from disturbing soil on land containing elevated levels of contaminants which exceed background concentrations and do not meet controlled activity standard E30.6.2.1, as a discretionary activity. This consent is sought on a precautionary basis with respect to the ongoing additional investigation works at 108 Flanagan Road.

Natural Hazards

- E36.4.1(A56) – The proposal involves the construction of infrastructure such as roads and reticulation system for water supply and drainage on parts of the site which are located within the 1% AEP flood plain and on land which may be subject to instability. This is a restricted discretionary activity.

Subdivision – Urban

- E38.4.1(A7) – The proposal involves the subdivision of a site with two or more zones being Metropolitan Centre and Mixed Use zones in the Stage 1 and 2 area. This is a restricted discretionary activity.
- E38.4.1(A8) – The proposal involves subdivision establishing an esplanade reserve adjacent to the Hingaia Stream. This is a restricted discretionary activity.
- E38.4.1(A10) – The proposal involves subdivision with a reduction of the esplanade reserve to 19.5m at the pinch point abutting Lot 507 as a road to vest. This is a discretionary activity.
- E38.4.1(A11) – The proposal involves the subdivision of land within the natural hazard areas of the 1% AEP flood plain and land which may be subject to instability. This is a restricted discretionary activity.
- E38.4.1(A12) – The proposal involves the subdivision of land in the Stage 2 area that does not meet the standards in E38.6 General standards for subdivision with respect to E38.6.4 Staging due to the proposed flexibility sought in relation to staging. This is a discretionary activity.
- E38.4.1(A13) – The proposal involves the subdivision of land in the Stage 2 area which does not meet subdivision for specific purposes standard E38.7.1.2 Subdivision for a network utility because the two stormwater wetlands require controlled activity consent in Chapter E26 and are therefore not permitted activities. This is a discretionary activity.
- E38.4.1(A13) – The proposal involves the subdivision of land in the Stage 2 area that does not meet the standards in E38.6 General standards for subdivision with respect to E38.6.4 Staging due to the proposed flexibility sought in relation to staging. This is a discretionary activity.
- E38.4.3(A35) – The proposal involves the subdivision of land in the Stage 1 area complying with standard E38.9.2.3 with respect to the minimum net site area of 200m² for vacant sites in the Mixed Use Zone. This is a restricted discretionary activity.
- E38.4.3(A37) – The proposal involves the subdivision of land in the Stage 2 area with Business zoning that does not meet the standards in E38.6 General standards for subdivision with respect to E38.6.4 Staging due to the proposed flexibility sought in relation to staging. This is a discretionary activity.
- E38.4.3(A39) – The proposal includes subdivision for open spaces, reserves, and roads which are not otherwise provided for in Business zones. This is a discretionary activity.

- E38.4.4(A42) - The proposal involves the subdivision of land in the Stage 2 area with Open Space zoning that does not meet the standards in E38.6 General standards for subdivision with respect to E38.6.4 Staging due to the proposed flexibility sought in relation to staging. This is a discretionary activity.
- E38.4.4(A43) - The proposal involves the subdivision of business zoned land for the purposes of creating local purpose drainage reserves to be vested which is not otherwise provided for in Tables E39.4.1 and E38.4.4. This is a discretionary activity.

Temporary Activities

- E40.4.1(A24) - The proposal will involve temporary activities associated with building and construction (including structures and buildings that are accessory activities) for a duration of more than 24 months as provided or in E40.4.1(A20). These temporary activities include construction of the various buildings and associated enabling works such as bulk earthworks and the proposed roading. This is a restricted discretionary activity.

Business – Metropolitan Centre Zone

- H9.4.1(A33) - The proposal involves the development of new buildings in the Metropolitan Centre Zone. This is a restricted discretionary activity.
- H9.4.1(A34) - The proposal involves the demolition of buildings in the Metropolitan Centre Zone to enable construction of the project. This is a controlled activity.
- H9.6.5 - The proposal involves the development of residential activity at ground floor in the form of an integrated residential development (apartments) and terrace dwellings within the Metropolitan Centre Zone where there is frontage to public open space. This does not comply with standard H9.6.5 and requires consent as a restricted discretionary activity under C1.9(2).
- H9.6.6 - The proposal involves an infringement to the 10m riparian yard at Stream A with respect to a corner of the cantilevered deck of the hotel building ('H2'), a public shelter structure and Building G1 (hotel) extending into the riparian yard. This does not comply with standard H9.6.6 and requires consent as a restricted discretionary activity under C1.9(2).

Mixed Use Zone

- H13.4.1(A21) - The proposal involves retail greater than 200m² GFA per tenancy by way of the retail building on Lot C which has a GFA of 6,000m². This is a discretionary activity.
- H13.4.1(A45) - The proposal involves the development of a new building on Lot C in the Mixed Use Zone. This is a restricted discretionary activity.

Drury Centre Precinct

- I450.4.1(A1) - The proposal involves the subdivision of land including private roads in the Drury Centre Precinct. This is a restricted discretionary activity.
- I450.4.1(A3) - The proposal involves the development of new buildings in the Precinct. This is a restricted discretionary activity.
- I450.4.1(A5) - The proposal involves subdivision and development in the Precinct that does not comply with Standard I450.6.2 Staging of Subdivision and Development with Transport Upgrades with respect to the transport upgrades in rows (a) and (b) of Table I450.6.2.1. This is a non-complying activity.

- To specify what is being approved per Condition 85 (if possible)? i.e., "In particular, the proposal involves ..."
- I450.4.1(A6) – The proposal involves subdivision and development in the Precinct that does not comply with Standard I450.6.2 Staging of Subdivision and Development with Transport Upgrades with respect to the transport upgrades in rows (c) and (d) to (f) of Table I450.6.2.1. This is a discretionary activity.
- To specify what is being approved per Condition 85 (if possible)? i.e., "In particular, the proposal involves ..."
- I450.4.1(A10) – The proposal involves new reclamation within Stream A as shown on I450.10.2 Precinct Plan for the construction of Drury Boulevard. This is a discretionary activity.
- I450.6.7(1)(b) – The proposed landscape design surrounding Stream A includes walkways within the 10m riparian planting area. This does not comply with the standard and requires consent as a restricted discretionary activity under C1.9(2).

Overall, the application is a non-complying activity under the AUP.

Plan Change 79 (Decisions Version) to the AUP

- E27.4.1(A2) – The proposal involves the following parking, loading and access which is an accessory activity but which does not comply with the standards for parking, loading and access thereby requiring consideration as a restricted discretionary activity:
 - E27.6.3.2(A) - Accessible parking spaces have been provided in accordance with the requirements outlined in Table 1, AUP [reference?] and NZS4121:2001, however the provisions do not comply with Appendix 23 of PC79 (DV).

National Environmental Standard for Assessment and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS)

Resource consent is required under the NES-CS regulations as follows:

- Regulation 10 – The proposal involves the subdivision of land, change of land use and soil disturbance to a piece of land whereby soil contaminants exceed human health criteria within the earthworks area. This is a restricted discretionary activity.

National Environmental Standards for Freshwater 2020 (NES-F)

Resource consent is required under the NES-F regulations as follows:

- Regulation 45C(1) – The proposal involves vegetation clearance within Stream A wetland and within a 10m setback of Wetlands 1 and 2 and Channel D wetland for the purpose of constructing urban development. This is a restricted discretionary activity.
- Regulation 45C(2) – The proposal involves earthworks or land disturbance within a 10m setback of Wetlands 1 and 2 and Channel D wetland for the purpose of constructing urban development. Earthworks are also proposed within the Stream A wetland that will result in the complete drainage and reclamation of this wetland. This is a restricted discretionary activity.
- Regulation 45C(3) - The proposal involves earthworks or land disturbance within a 100m setback of Wetlands 1 and 2 and Channel D wetland for the purpose of constructing urban development and is likely to result in the partial drainage of those wetlands. This is a restricted discretionary activity.

- Regulation 45C(4) - The proposal involves the diversion of water within a 100m setback of Wetlands 1 and 2 and Channel D wetland for the purpose of constructing urban development and is likely to change the water level range or hydrological function of the wetlands. This is a restricted discretionary activity.
- Regulation 45C(5) - The proposal involves the discharge of water within a 100m setback of Wetlands 1 and 2 and Channel D wetland for the purpose of constructing urban development and is likely to change the water level range or hydrological function of the wetlands. This is a restricted discretionary activity
- Regulation 57 – The proposal involves the reclamation of the reclamation of 66m of existing stream length of which 10m is currently culverted (118m² stream bed area) in the upstream reach of Stream A. This is a discretionary activity.

