

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



Application number: LUC60305961
Applicant: Waiwera Thermal Resort Ltd
Site address: 21-37 Waiwera Road, Waiwera
Legal description:
Lot 23 DP 46799
Lot 22 DP 46799
Lot 1 DP 64622
Lot 2 DP 64622
Lot 24 DP 46799

Proposal:

To upgrade and refurbishment of the existing facilities at Waiwera Thermal Resort at 21 – 37 Waiwera Road, Waiwera, including internal alterations and associated earthworks.

The resource consents required are:

Land use consents (s9) – LUC60305961

Auckland Unitary Plan

- **Rule I545.4.1 (A25)** – construction of a new building, being the proposed new café in the same location as the existing café (which is proposed to be demolished in its entirety) – **restricted discretionary** activity
 - **Rule I545.4.1 (A29)** – additions and alterations to existing buildings which are not otherwise provided for, being the following works:
 - a. Changes to the external façade of the existing building, amounting to a total change of 394.63m² on the northern elevation and 315.5m² on the eastern elevation.
 - b. Re-cladding of walls within the Resort
 - c. Replacement of shade/shelter structures and re-roofing
 - d. New water features and re-surfacing of pools
 - e. New timber decking
 - f. Repair and strengthening of the tower structure
 - g. Replacement of water slides
- **restricted discretionary** activity

- **Rule E36.4.1 (A37)** – new structures and buildings, being new timber decking areas and relocated building walls, within the 1% AEP flood plain which cumulatively amount to an excess of 100m² in area (for those buildings/structures accommodating flood tolerant activities) and 10m² in area (for those buildings/structures accommodating more vulnerable activities) – **restricted discretionary** activity. The site is technically located in a flood plain which principally relates to an OFP.
- **Rule E36.4.1(A42)** - any buildings or other structures, including retaining walls (but excluding permitted fences and walls) located within or over an overland flow path - **restricted discretionary** activity. The changes to the site include planter walls, stone walls, and decking which may be located within OFP1.
- **Rule E12.4.1(A6)** - earthworks greater than 2500m² – **restricted discretionary** activity. A total area of 2654m² is proposed.
- **Rule E12.4.1(A8)** - earthworks greater than 250m³ up to 1000m³ – **restricted discretionary** activity. A total volume of 416m³ is proposed.
- **Rule E12.6.2(11)** General Standards – for earthworks (including filling) within a 100 year annual exceedance probability (AEP) flood plain that raise the ground level more than 300mm, to a total fill volume up to 10m³, as a **restricted discretionary** activity. Fill will be placed through the north-western portion of the site and a small portion of the southern extent.
- **Rule E23.4.1(A53)** - Comprehensive development signage, including amendments or additions to existing approved comprehensive development signage – **restricted discretionary** activity.
- **Standard H13.6.2.** Height in relation to boundary - buildings which project beyond a recession plane that begins vertically above ground level along the zone boundary – **restricted discretionary** activity. The eastern elevation of the café will protrude through the recession plane by up to 1.60m over a length of 2.150m.

Decision

I have read the application, supporting documents, and the report and recommendations on the consent application. I am satisfied that I have sufficient information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application.

Acting under delegated authority, under sections 104, 104C the application is **GRANTED**.

1. Reasons

The reasons for this decision are:

1. The application/s are for restricted discretionary activity resource consent, as such under s104C only those matters over which council has reserved its control or restricted its discretion have been considered. Those matters are:
 - E12.8.1 – Earthworks
 - E23.8.1 – Comprehensive signage

- E36.8.1 – Works within the 1% AEP flood plain and overland flow path
- H13.8.1 – Height in Relation to Boundary
- I545.8.1 – new building and additions and alterations to an existing building within the Waiwera Precinct

In addition, conditions have only been recommended in relation to those matters.

2. In accordance with an assessment under s104(1)(a) of the RMA the actual and potential effects from the proposal will be acceptable as:
 - The proposed renovations include the complete upgrade to the existing Waiwera Road frontage of the subject site, with the design having a direct connect with the surrounding landscape as well as an improved connection with the road.
 - The Council's Urban Design Specialist is satisfied that the development is considered to be positive and will improve the existing façade.
 - The proposal involves earthworks over a total area of 2654m² with a volume of 416m³ in association with the project. It is considered that the proposed earthworks are suitable for the intended development in terms of the ground strength and stability. Overall, the proposed works are considered to have no more than minor adverse effects on on-site or off-site instability. The retaining structures will require certification from a suitably qualified engineer. It is considered that the implementation of suitable control measures and planning of works will minimise, if not avoid, the extent of sediment run-off into any waterways. Council's Development Engineer has assessed the application and has raised no concerns subject to the recommended conditions of consent.
 - Council's Development Engineer is satisfied that the proposal does not seek to change the ground levels, or create any new structures that will block, divert or change the existing flooding situation. The existing structures are all non-habitable commercial and there is no requirement in the building code for these buildings or structures to be outside of the 100 year flood hazard. In addition the proposal will not worsen or increase the flooding hazard on the neighbouring sites.
 - The signage proposed is considered appropriate for the development and will be in keeping with the existing signage to be removed and replaced.
 - The traffic specialist has confirmed that the traffic generation and parking is suitable for the proposal.
3. As a restricted discretionary activity no other matters can be considered under s104(1)(c).
4. Under the Auckland Unitary Plan – Operative in Part (AUP) the proposal is considered to be consistent with the relevant objectives and policies outline in sections E12.2 and E12.3 (earthworks), E23.2 and E23.3 (signage), E36.2 and E36.3 (Works within the 1% AEP flood plain and overland flow path), H13.2 and H13.3 (Business – Mixed Use Zone) and I545.2 and I545.3 (Waiwera Precinct). In particular the proposal is consistent with the relevant assessment criteria and overall direction of this document.

2. Conditions

Under section 108 of the RMA, the consent is subject to the following conditions:

General conditions

These conditions apply to all resource consents.

1. The land use activity shall be carried out in general accordance with the plans and all information submitted with the application, detailed below, and all referenced by the council as consent number LUC60305961:
 - Application Form, and Assessment of Environmental Effects prepared by Sentinel Planning Dated 8 August 2017, the response to section 92 queries dated 17 and 18 October 2017.

- Specialist Reports:

Report title and reference	Author	Rev	Dated
Section 92 Response – Referenced 23408	Fraser Thomas		13 October 2017
Flood Risk Assessment – Referenced 23408	Fraser Thomas		31 July 2017
Traffic Assessment Report – Referenced J00697	Commute Transportation Consultants		2 August 2017

- Plans signed by Consultant Planner Claire Phillips on 6-11-17.

Plan title and reference	Author	Rev	Dated
Cover Page – Sheet A0.00 – Referenced 2364	Studio Gascoigne		August 2017
Existing Site Plan – Sheet A1.00 2 – Referenced 2364	Studio Gascoigne		August 2017
Existing Building Coverage – Sheet A1.01 1 – Referenced 2364	Studio Gascoigne		August 2017
Proposed Building Coverage – Sheet A1.01 1 – Referenced 2364	Studio Gascoigne	1	August 2017
Proposed Site Plan – Sheet A1.02 – Referenced 2364	Studio Gascoigne	2	August 2017
Proposed Site Plan 1:400 – Sheet A1.03 2 – Referenced 2364	Studio Gascoigne		August 2017
Proposed Building Works Site Plan – Sheet A1.04 1 – Referenced 2364	Studio Gascoigne	Draft	August 2017
Zoning – Big Ideas – Sheet A1.05 – Referenced 2364	Studio Gascoigne	Draft	August 2017
Existing Main Pool Floor Plan – Sheet A2.0 1 – Referenced 2364	Studio Gascoigne		August 2017
Existing Movie Pool & Cabana Floor Plan – Sheet A2.01 1 – Referenced 2364	Studio Gascoigne		August 2017
Existing Adult Pools Floor Plan – Sheet	Studio Gascoigne	Draft	August

A2.02 1 – Referenced 2364			2017
Existing Café Floor Plan – Sheet A2.03 1 – Referenced 2364	Studio Gascoigne		August 2017
Proposed Café Floor Plan – Sheet A2.04 1 – Referenced 2364	Studio Gascoigne		August 2017
Existing Entry & Offices – Sheet A2.05 – Referenced 2364	Studio Gascoigne		August 2017
Proposed Family and Hub Zone – Sheet A2.06 1 – Referenced 2364	Studio Gascoigne		August 2017
Proposed Entry and Hub Zone – Sheet A2.07 – Referenced 2364	Studio Gascoigne		August 2017
Proposed Entertainment Zone – Sheet A2.08 1 – Referenced 2364	Studio Gascoigne		August 2017
Proposed Kids Zone – Sheet A2.09 – Referenced 2364	Studio Gascoigne	Draft	August 2017
Proposed Adult Zone – Sheet A2.10 – Referenced 2364	Studio Gascoigne	Draft	August 2017
Proposed Adventure Zone – Sheet A2.11 1 – Referenced 2364	Studio Gascoigne		August 2017
Hydroslide Tower - Existing – Sheet A3.0 – Referenced 2364	Studio Gascoigne		August 2017
Hydroslide Tower - Proposed – Sheet A3.01 1 – Referenced 2364	Studio Gascoigne		August 2017
Existing Exterior Elevations – Sheet A4.0 1 – Referenced 2364	Studio Gascoigne	Draft	August 2017
Proposed Exterior Elevations – Sheet A4.01 2 – Referenced 2364	Studio Gascoigne		August 2017
Proposed Exterior Elevations – Sheet A4.02 3 – Referenced 2364	Studio Gascoigne		August 2017
North & East Elevations – Sheet A4.03 2 – Referenced 2364	Studio Gascoigne		August 2017
Proposed Interior Elevations – Sheet A05.0 – Referenced 2364	Studio Gascoigne		August 2017
Proposed Interior Elevations – Sheet A5.01 1 – Referenced 2364	Studio Gascoigne		August 2017
Proposed North Perspective – Sheet A6.0 – Referenced 2364	Studio Gascoigne		August 2017
Proposed Entry Perspective – Sheet A6.01 – Referenced 2364	Studio Gascoigne		August 2017
Proposed 3D Perspectives – Sheet A6.02 – Referenced 2364	Studio Gascoigne		August 2017
Proposed 3D Perspectives – Sheet A6.03 – Referenced 2364	Studio Gascoigne		August 2017
Proposed 3D Perspectives – Sheet A6.04 – Referenced 2364	Studio Gascoigne		August 2017

2. Under section 125 of the RMA, 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.
3. The consent holder shall pay the council an initial consent compliance monitoring charge of \$320 inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to this consent.

Note: The initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge. Only after all conditions of the resource consent have been met, will the council issue a letter confirming compliance on request of the consent holder.

Pre-Development Conditions

4. The Team Leader, Northern Monitoring Orewa, shall be notified at least seven (7) working days prior to earthwork activities commencing on the subject site.

Note: Condition (4) requires the consent holder to notify Council of their intention to begin earthworks a minimum of seven working days prior to commencement. Please contact the Team Leader, Northern Monitoring Orewa to advise of the start of works, resourceconsentadmin@aucklandcouncil.govt.nz.

5. Erosion & sediment controls - Prior to the commencement of earthworks activity, all required erosion and sediment control measures on the subject site shall be constructed and carried out in accordance with the TP90.
6. Dust Control - All necessary actions shall be taken to prevent a dust nuisance to neighbouring properties and public roads.
7. All earthworks shall be managed to ensure that no debris, soil, silt, sediment or sediment-laden water is discharged beyond the subject site either to land, stormwater drainage systems, watercourses or receiving waters. In the event that a discharge occurs, works shall cease immediately and the discharge shall be mitigated and/or rectified to the satisfaction of the Team Leader, Compliance Monitoring, Orewa
8. There shall be no deposition of earth, mud, dirt or other debris on any public road or footpath resulting from earthworks activity on the subject site. In the event that such deposition does occur, it shall immediately be removed. In no instance shall roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters.
9. Traffic Management Plan to be provided – Prior to the commencement of the activities subject to this land use consent activity on the subject site, a Traffic Management Plan (TMP) shall prepared and submitted to the Team Leader Northern Monitoring. No activities on the subject site shall commence until confirmation is provided from the council that the TMP satisfactorily

meets the requirements of approved TMP and any required measures referred to in that plan have been put in place [include if required].

10. Detailed Design Plans – Prior to commencement of any works, a finalised set of architectural detail drawings and materials specifications (including details of the building's façade treatment / architectural features; materials schedule and specification; sample palette of materials, surface finishes, and colour schemes shall be submitted to Council for written certification by Council's Team Leader Monitoring (North). The finalised set of drawings shall ensure that the building's proposed architectural treatment and finished appearance is consistent with the plans and information prepared by Studio Gascigne, dated August 2017. All works shall then be carried out with the details certified by council, and thereafter retained and maintained, to the satisfaction of Council's Team Leader Monitoring (North).

Note: As part of the condition monitoring process, Council's monitoring inspectors will liaise with members of the Council's Auckland Design Office to ensure that the submitted details are consistent with the approved plans and information.

3. 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. *The consent holder shall obtain all other necessary consents and permits, including those under the Building Act 2004, and the Heritage New Zealand. 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.*
3. *A copy of this consent should be held on site at all times during the establishment and construction phase of the activity.*
4. *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.*
5. *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.*

6. *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.*

Delegated decision maker:

Name: Steve Seager

Title: Team Leader, Resource Consents

Signed:



Date:

8/11/17