

## Prohibited Activities Analysis:

No prohibited activities apply to this proposal as assessed below.

### Zone Chapters:

- Consent is required under the Business – Local Centre Zone (LCZ) for the new buildings. There are no prohibited activities in this chapter under Table H11.4.1. Non-compliance with any standards to be complied with is a restricted discretionary activity.

### Auckland Wide Chapters

- Consent is required under Chapter E7 for groundwater diversion and dewatering. There are no prohibited activities under this chapter in Table E7.4.1.
- Consent is required under Chapter E12 for land disturbance (earthworks). There are no prohibited activities under the chapter, and in particular Table E12.4.1 noting that the site is not subject to any overlays.
- Consent is required under Chapter E17 for works affecting street trees. There are no prohibited activities in Table E17.4.1. Non-compliance to any standards to be complied with is a restricted discretionary activity.
- Consent is required under Chapter E25 for construction noise and vibration that do not comply with the permitted activity standards. Activity table E25.4.1 only has two activities; permitted for compliance with standards, and restricted discretionary for non-compliance with standards.
- Consent is required under Chapter E27 for non-compliance with parking and access standards. Any non-compliance with accessory parking, loading and access standards is a restricted discretionary activity under E27.4.1(A3). There are also no prohibited activities under Table E27.4.1.
- Consent is required as a controlled activity under Chapter E30 for contaminated land as discharges of contaminants into air, or into water, or onto or into land, if activities do not meet the permitted activity standards. There are no prohibited activities under Table E30.4.1.
- Consent for the unit title subdivision is required under Chapter E38 Subdivision – Urban. Any cross lease company lease, unit title and strata-title subdivision is a controlled activity. The subdivisions in Table E38.4.1 that are Prohibited are subdivisions relating to minor dwelling and converted dwelling. While the proposal does involve the removal / relocation / demolition of buildings, the prohibited activities under E8.4.1 are not applicable as these relate to minor and converted dwelling.
- Consent is required under the national environmental standards for assessing and managing contaminants in soil to protect human health (“NESCS”). The Preliminary and Detailed Site Investigation prepared by ENGEO (**Appendix 15**) states that the permitted soil disturbance volume will not be complied with and a controlled activity consent will be required for the site *“under Regulation 9 of the NESCS, as the permitted soil removal and disposal volumes in Regulation 8(3) of the NESCS will be exceeded due to the proposed basement carparking”*. Furthermore, due to the presence of asbestos concentrations above the adopted human health criteria at one location, future land development is likely to be considered a restricted discretionary activity under Regulation 10 of the NESCS, where a detailed site investigation has been prepared, and the activity is not permitted or controlled under the NESCS.

Notwithstanding this, there are no prohibited activities under Table E30.4.1 for Contaminated Land.

- While no detailed lighting plan has been prepared, it is expected that this application will comply with the standards of AUP Chapter E24 Lighting. Notwithstanding this, there are no prohibited activities under Table E24.4.1 for Lighting.
- Under PC79 Chapter E27 Transportation, consent is needed for trip generation for more than 60 dwellings as a restricted discretionary activity. Other activities are unknown in relation to compliance as they are subject to detailed design, but will all be restricted discretionary activities if they do not comply. Notwithstanding this, there are no prohibited activities in Activity table E27.4.1 for Transport.

The site is not subject to any AUP Overlay or Precinct provisions (although it is adjacent to a heritage overlay) and therefore would not be subject to any prohibited activities that apply to any overlay or precincts. A designation applies to part of the site, but designations cannot impose a prohibited activity status on other activities.

The site is also not subject to any natural hazards based on Council's GeoMaps. Notwithstanding this, there are no prohibited activities under Chapter E36 Natural hazards and flooding.