

North Shore City Council LH2126227

The application by Aptus Projects Limited to undertake residential development and associated earthworks at 83 Hinemoa Street, Birkenhead (being Lot 1 DP 2186) is granted consent **SUBJECT TO THE FOLLOWING CONDITIONS:**

GENERAL

- The development shall proceed in accordance with the activity submitted for this Land Use Consent, referenced as LH2126227 by the North Shore City Council (**Council**). This includes the following Court approved plans prepared by Francis Group Architects, Project 1102, dated June 2010:

Plan No.	Revision	Name
RC01	M	Drawing List & Locality
RC02	M	Roof Plan
RC03	M	Unit 1 Plan
RC04	M	Vehicle Courtyard & Entry to Unit 1
RC05	M	Ground Floor Plan
RC06	M	First Floor Plan
RC07	M	Second Floor Plan
RC08	M	Landscaping Concept
RC11a	M	Elevations – Hinemoa St
RC11b	M	Elevations – Corner
RC11c	M	Elevations – Maritime Tce
RC11d	M	Elevations – East
RC11e	M	Elevations – North
RC13	M	Sections 1 & 2
RC14	M	Section 3
RC15	M	Section (Elevation)
RC16	M	Section (Elevation)
RC17	M	Earthwork & Retaining
RC19	M	Area Analysis
RC20	M	Existing Usage
RC26	M	Unit 1 Entry Detail
RC27	M	Perspective – Maritime Tce

RC28	M	Perspective – Hinemoa St
------	---	--------------------------

In any instance where during development a variance arises or comes to light between information stated within the application (i.e. within the AEE or supporting documents) and information shown on the plans, the stated information shall have precedence.

2. That pursuant to section 108(1) of the Resource Management Act 1991, the Council's administrative charges for the receiving, processing or granting of an application, or for any specified or additional matter in accordance with Section 36 of the Act or any regulations under the Act, or as necessary to enable the Council to recover its actual and reasonable costs in respect of this application, must be paid in full within 30 days of the date of notification of the invoice.
3. External and internal lighting, in compliance with North Shore City District Plan (**District Plan**) controls, shall be installed at all communal driveway, manoeuvring and parking areas for surveillance and safety of pedestrians and cyclists.
4. All site works and development shall proceed and be implemented in accordance with the Council stamped and approved Land Management Plan prepared by MSC Consulting Group Ltd, Referenced 25905 and dated October 2008. This Plan must be amended to the satisfaction of Council's Development Engineer to respond to the development as reflected in the plans listed under condition 1.

BEFORE CONSTRUCTION STARTS

General

5. The Council's Monitoring Officer shall be advised, in writing, three working days prior to any site works, including earthworks and/or vegetation removal, and before construction commences that site works are to commence. Please fill out and return the attached form by fax or post to the Council's Monitoring Officer.

Site Management

6. Prior to the commencement of any earthworks on site, the consent holder shall, at their expense, install measures to control and/or mitigate any silt runoff, sedimentation or erosion that may occur. The consent holder shall ensure that no silt, sediment or water containing silt or sediment is discharged into stormwater pipes, drains, channels, soakage systems and/or overland into the adjacent bush. These measures shall remain in place, and be maintained by the consent holder, for the duration of the project. These measures shall be designed having regard to Technical Publication No.90 of the Auckland Regional Council, and be implemented to the satisfaction of the Council's Monitoring Officer.
7. Prior to the commencement of any site works, the consent holder shall, at their expense, install silt and sediment traps (e.g. construction pods) in all cesspits on the site and those within the road which may receive runoff from the subject site. These shall take into account the requirements of Auckland Regional Council's Technical Publication No.10 and be installed to the satisfaction of the Council's Monitoring Officer. The traps shall be maintained by the consent holder for the duration of all site works and construction activity on the site. The traps shall be removed, by the consent holder, upon completion of construction.

Design Drawings

8. The consent holder must ensure complete engineering drawings, accompanied with a design certificate in the form of Schedule 1A of NZS 4404:2004, detailing proposed new or altered public assets including details of proposed silt detention measures are prepared and submitted as an Engineering Works Application (Major) for assessment and written approval by the Environmental Services Development Engineer before the commencement of any works unless otherwise specified within this consent.

Advice Note:

All engineering drawings shall be prepared in accordance with the Council's Infrastructure Design Standards Manual, Issue 10.

9. The consent holder must arrange for inspections in accordance with the North Shore City Council's Environmental Services Quality Assurance Manual, Issue 9 to be carried out by a suitably qualified person during construction of all works on the site to ensure that those works are constructed in accordance with the approved engineering drawings or any approved amendments to those drawings, Council's standard requirements for the construction of land development projects, and sound engineering practice.
10. The consent holder must ensure that inspections undertaken in accordance with condition 9 above are recorded in the North Shore City Council's Environmental Services Quality Assurance Manual. The Manual, including the Certificate of Practical Completion, is to be completed and forwarded to the Council's Environmental Services at the completion of construction of all works.
11. Accurate as-built plans must be submitted for all public services, including roading, and water supply, in accordance with the Council's Asset Data Standards Manual. The as-built plans must be approved by Data Bureau prior to the public service becoming operational.

Earthworks, Erosion and Sediment Control, Dust and Noise

12. The consent holder must comply with an approved Erosion and Sediment Control Plan (**ESCP**) prior to the commencement of earthworks. The Plan must be lodged for Council's approval as part of the building consent application.

The consent holder must ensure all necessary measures proposed in the plan have been implemented and provide a Certificate of Establishment to the Council prior to the commencement of any construction works.
13. All site works including any bulk earthworks shall be carried out in accordance with the approved engineering drawings, the ESCP and in accordance with section 9 of the District Plan. The work must take full account of the Geotechnical Report dated 16 November, by Tonkin and Taylor Ltd, entitled Apartment Development - 83 Hinemoa Street Birkenhead Geotechnical Investigation, reference 25059 together with the letter from Tonkin Taylor, referenced 25059.001 dated 16 December 2008.
14. All personnel working on the site shall be made aware of the ESCP and its requirements. The ESCP shall be kept on site for inspection by Council's Compliance Officer.
15. The consent holder shall institute appropriate measures to control or mitigate any potential dust nuisance. All such measures initiated shall be maintained throughout the entire duration of the construction period.
16. The consent holder shall implement, to the satisfaction of Council's Development Engineer, suitable measures to prevent depositing of earth on surrounding streets by trucks moving fill and other materials to and from the site. In the event that any material is deposited on the street, the consent holder shall take immediate action, at their expense, to clean the street. The loading of earth, fill and other materials shall be confined to the subject site.

Geotechnical

17. All earthworks, retaining walls and foundations shall take account of the recommendations of Geotechnical Engineering report for the site undertaken by Tonkin and Taylor Ltd, dated 16 November 2007 reference 25059, and the addendum thereto, reference 25059.001 dated 16 December 2008 entitled "Apartment Development – 83 Hinemoa Street Birkenhead Geotechnical review for lower basement".
18. The consent holder shall engage Tonkin and Taylor Ltd to review the final building and the temporary work designs for the development as shown on the plans referred to in condition 1, and shall provide a Supplementary Investigation Report which generally meets the requirements of the IDS Phase 3 Table 2.1 under clause 2.1. The Supplementary Investigation Report must be lodged at the time the building consent application is lodged.
19. A Monitoring Plan shall also be provided and reviewed by Tonkin and Taylor Ltd at the time of building consent application. Review of methodologies in the Monitoring Plan shall include consideration of temporary or permanent works needed in respect to the placement of detention tanks. A geotechnical engineer, who is a member of the IPENZ geotechnical Practice College, shall be engaged to monitor and control the excavation and related temporary and permanent earthworks.

Advice Note:

As access to the existing crib wall will be restricted after construction of the proposed buildings, Tonkin and Taylor Limited have pointed out that the crib wall should be reviewed with respect to the effects of the proposed construction on the wall and its ongoing stability and maintenance. Any remediation requirements, and methodologies to protect or remediate the crib wall, should be considered in the Supplementary Investigation Report and integrated into the building consent drawings.

Vehicular Access / Works within public road

20. The consent holder must design the vehicle crossing and vehicular access-way, inclusive of any associated retaining walls, in compliance with Council's Infrastructure Design Standards – Issue 10. These plans must make adequate provision for the drainage of surface water and must be submitted to Council for Engineering Works Approval.
21. The vehicle crossing and vehicular access-way shall be constructed in accordance with the approved plans and a Certificate of Practical Completion shall be provided to Council as set out in the North Shore City Council Quality Assurance Manual, Issue 6, Appendix 6.
22. The existing vehicle crossing and vehicular access-way at Maritime Terrace must be removed and reinstated with a new kerb and sidewalk in compliance with the Council's Infrastructure Design Standards of Council – Issue 10.

Advice Note:

A building consent application must also be made for any associated retaining walls.

A Road Opening Notice application must be made in respect of the removal of the old vehicle crossing and construction of new one or any temporary crossing.

The consent holder's attention is drawn to the following in relation to the design of accessways:

- the maximum driveway gradient is 1 in 5, except where vehicles are required to turn off the driveway to a parking garaging or manoeuvring area where it is 1 in 8.
- No cut or fill is permitted on the road reserve.
- Due allowance must be made for vertical curves.

- The maximum recommended cross fall is 6%.

23. The vehicular accessway is to be lit over the entire length in accordance with AS/1158.3:1999, Lighting Category P5, Luminaire classification Type 4 with upward waste light ratio not exceeding 6%.

Stormwater, Wastewater and Water Supply

24. The consent holder shall provide a stormwater drainage and on-site stormwater management system, the design of which shall be presented to Council for approval at the time the building consent application is submitted.
25. The consent holder shall take note of any existing overland flows on the proposed development site and provide suitable means to eliminate control or mitigate these flows to the satisfaction of the Council's Development Engineer, the designs of which shall be presented to the Council for approval at the time the building consent application is submitted.
- 23 The consent holder shall install the entire water reticulation system for the development, the design of which shall be presented to Council for approval as part of the building consent application. In the event of parts of the reticulation being public, for example, because of fire fighting requirements, an application for Engineering Works Approval for such public works must be made together with the building consent application. This reticulation system shall be designed and installed in accordance with Council's Infrastructure Design Standards – Issue 10, which includes fire fighting requirements. The service and pressure levels of the water supply shall not be compromised and the consent holder shall carry out all tests required by the New Zealand Fire Service and by the Council in regard to water pressure and flow testing. The testing shall be done at the consent holder's expense.

Soil contamination remediation

26. Prior to commencement of any excavation and construction work, the consent holder shall submit for approval to the Team Leader Environmental Health, North Shore City Council the following documents:
- a) The report of site investigation with soil or groundwater testing results as was carried out by Environmental Earth Sciences Ltd in January 2008 or later time.
 - b) A contamination Remediation Action Plan.
 - c) A Health and Safety Plan for remediation workers.
27. All contaminated materials that require off-site disposal must be disposed of in a landfill or a facility licensed to accept contaminated material. Evidence of disposal shall be provided to the Council in the Site Validation Report (**SVR**).
28. The site remediation and validation criteria must be soil and groundwater acceptance criteria for all exposure pathways for residential land use selected according to Contaminated Land Management Guidelines No 2, Hierarchy and Application in New Zealand of Environmental Guideline Values, Ministry for the Environment, 2003.
29. That the consent holder shall, within three months of completion of the remediation works, undertake a validation exercise to confirm the performance of the remediation works, to identify residual contamination at the site, and to provide to satisfaction of the Team Leader Environmental Health, North Shore City Council a SVR. The SRV shall include the following where applicable:
- a) soil test results for the excavated soil and for the final excavation bases and wall surfaces; and
 - b) any monitoring results and actions undertaken for protection of remediation workers; and
 - c) scaled plans (plan and elevation views) showing the location and containment details (if any) of any contaminated materials remaining on site; and

- d) evidence of disposal of contaminated materials and ground water in a licensed facility; and
- e) on-going site management and monitoring plan, if necessary.

DURING CONSTRUCTION

General

- 30. A copy of the consent conditions, the Council stamped, approved plans and the Council stamped, approved site management plan shall be kept on site at all times and all contractors and sub-contractors shall be aware of and advised to work in accordance with them. It is the responsibility of the consent holder to ensure that this happens.
- 31. All services shall be placed underground.

Site Management

- 32. Washings from building activity (e.g. concrete products, wheelbarrows, paint or plastering) shall not be directed/discharged/deposited into any road, gutter, drain or stormwater system. If such material is discharged into one of the abovementioned features, the consent holder shall, at their expense take all necessary measures to remove the contaminant from the feature.
- 33. The consent holder shall institute appropriate measures to control or mitigate any potential dust nuisance. All such measures initiated shall be maintained throughout the entire duration of the construction period. The Council reserves the right at all times to stop the works in and during periods of high winds.

Advice Note:

No burning of any rubbish, vegetation or other material will be permitted except with the appropriate Fire Permit.

- 34. Construction activity shall occur on the site in accordance with the following noise limits:

Weekdays:

6.30am - 7.30am	less than an L ₁₀ level of 60 dBA
7.30am - 6pm	less than an L ₁₀ level of 75 dBA
6pm - 8pm	less than an L ₁₀ level of 70 dBA

Saturdays:

7.30am - 6pm	less than an L ₁₀ level of 75 dBA
--------------	--

Sunday, Public Holidays and all other times:

No noise permitted on site above the normal background level, i.e. no heavy machinery or noise producing equipment, where the L₁₀ is a noise level which is equalled or exceeded for 10% of any 15-minute measurement period.
The site is to comply with **NZS 6803P** at all times.

Advice Note:

The intent of the standard is that all noisy construction work will take place between 7.30am and 6pm, Monday to Saturday.

- 35. The consent holder shall implement, to the satisfaction of the Council’s Monitoring Officer, suitable measures to prevent depositing of earth on surrounding streets by trucks moving fill and other materials to and from the site. In the event that any material is deposited on the

street, the consent holder shall take immediate action, at their expense, to clean the street. The loading of earth, fill and other materials shall be confined to the subject site.

36. The consent holder shall engage a suitably qualified engineer to monitor the vibration levels and to provide a report with monitoring results confirming that the development works comply with the vibration limits as described in Part 10.7 of the District Plan as follows:
- a) within one week of commencement of the proposed excavation works and bored piling; and
 - b) within 24 hours of notification by the Council of receiving public complaints.

Parking & Access

37. Prior to occupation of the dwelling, all parking spaces, accessways and manoeuvring areas must be formed and finished:
- a) in accordance with the Council stamped, approved plans; and
 - b) with an all-weather dust-free surface, drained and marked out to the satisfaction of the Council's Monitoring Officer.
38. To ensure the proposed driveway is constructed with no part of the gradient in excess of 1:4 and with an average gradient of 1:5, the consent holder shall employ a registered surveyor at their own expense who shall, prior to the concrete for the driveway being poured, certify to the Council's Monitoring Officer in writing that no part of the driveway exceeds a gradient of 1:4 and that the average gradient is no steeper than 1:5.

Surveyor's Certificate

39. In order to ensure the approved building is built in accordance with the Council stamped, approved plans does not exceed the degree of infringement applied for, and elsewhere complies with the Maximum Height and Height in Relation to Boundary control(s) of the District Plan, the consent holder shall employ a registered surveyor at their own expense who shall:
- a) Set out the foundations of the proposed structure; and
 - b) Prior to the foundations being poured, certify in writing to the Council's Monitoring Officer that the foundations have been set out in accordance with the Council stamped, approved plans in terms of levels and position; and confirm that if built in accordance with the approved plans, the building will meet the control/s above;
- AND**
- c) At the pre-lining stage:
 - (i) check that the entire building under construction does not exceed the degree of infringement applied for and elsewhere will meet the control/s above; and
 - (ii) certify in writing to the Council's Monitoring Officer that the entire building under construction does not exceed the degree of infringement applied for and elsewhere will meet the control/s above.
- AND**
- d) Upon completion of construction, certify in writing to the Council's Monitoring Officer that the completed building does not exceed the degree of infringement applied for and elsewhere complies with the control/s above.

Landscape Plan

40. The consent holder shall submit to the Council's Monitoring Officer, at the time the building consent application is lodged, a detailed Landscape Plan for the site, inclusive of a maintenance schedule, in general accordance with the concept Landscape Plan by Boffa Miskell, referenced under the Paul Francis Group Architects drawing RC.08, Revision M, Project 1102, and dated June 2010.
41. Prior to occupation of any one of the dwelling units, the consent holder shall, at their expense, fully implement the Council approved Landscape Plan.

FOLLOWING COMPLETION OF CONSTRUCTION

Revegetation

42. Those areas of excavation not covered by buildings, parking or access-ways shall be re-vegetated (e.g. by re-grassing) within one month of the completion of site works, or as soon as practicable thereafter, to the satisfaction of the Council's Monitoring Officer.
43. The consent holder shall submit a Tree Report to the Council's Monitoring Officer 12 months following completion of all works on the site. The purpose of this report is to determine the health of the newly planted trees required by this consent as well as any damage that may have occurred to such trees over the previous 12 months. This report shall also itemise any remedial actions that may be required to those trees and shall be submitted for approval to the Council's Monitoring Officer.
44. At any time over the next two planting seasons following the first planting all newly planted trees and/or shrubs required by this consent that die or decline to a point that, in the opinion of the Council's Monitoring Officer, they are of no value (having regard to their intended purpose) shall be replaced by the consent holder. The replacement tree or shrub shall be of the same type, grade and size as the one it replaces and shall be planted no later than the following planting season (i.e. Autumn to Spring) following instruction to do so by the Council's Monitoring Officer.
45. The approved landscaping implemented shall be maintained as described in the maintenance schedule accompanying the Landscaping Plan to the satisfaction of the Council's Monitoring Officer.
46. Prior to applying for a Code of Compliance Certificate under the Building Act 2004, the consent holder shall construct a new solid timber fence, of not less than 1.8 metres in height, along the common boundary between the properties at 83 Hinemoa street and 2 Maritime Terrace. The cost of construction of the fence shall be payable by the consent holder.

Conditions requiring Encumbrances

47. Non-transparent glazing (or film) shall be used for the windows shown as "obscured glass" on the stamped and approved Plan RC.16 M and dated June 2010 to enhance visual privacy while allowing light to enter the building. The glazing (or film) shall remain non-transparent at all times. An encumbrance to establish this restriction is to be registered against the Certificate of Title for this property.
48. No planting of more than 600mm above ground level is permitted in the area south of the Vehicle Site Line as shown on plan RC.05 M and dated June 2010. An encumbrance to establish this restriction is to be registered against the Certificate of Title for this property.
49. No rubbish/ recycling collection bins shall be permitted in the courtyards to any units, where such courtyards front onto either Hinemoa Street or Maritime Terrace. An encumbrance to establish this restriction is to be registered against the Certificate of Title for this property.
50. The encumbrances referred to in this consent shall be registered against the Certificate of Title of this property within three months of obtaining the Code of Compliance Certificate under the Building Act 2004. Should the development be subdivided into unit titles, the

encumbrances required under this consent are to be transferred to the relevant unit titles. The expense associated with the encumbrances is the responsibility of the consent holder.

Lapse condition

51. This consent shall lapse 8 years after the commencement of the consent unless, before the consent lapses:
- a) the consent is given effect to; or
 - b) an application is made to extend the period of consent and the Council decides to grant the extension under section 125(1)(b) of the Resource Management Act 1991.