

## FEDERAL STREET RESIDENCES (65-71 FEDERAL STREET, AUCKLAND CENTRAL) - PROPOSED CONDITIONS OF CONSENT

### LAND USE CONSENT - GENERAL CONDITIONS

#### Definitions

Words used in the land use conditions have specific meanings as outlined in the table below.

Damage	Includes Aesthetic, Serviceability, Stability, but does not include Negligible Damage
Nominated Building Surveyor	Independent professional who is a member of the New Zealand Institute of Building Surveyors Incorporated and is suitably qualified to undertake cosmetic and structural damage assessment and reporting
Stage of construction	For the purpose of these conditions, 'Stage of construction' is a reference to one or more of the following: <ol style="list-style-type: none"><li>1. Demolition of the existing structure</li><li>2. "In-ground works" including excavation, contamination remediation and below ground structure</li><li>3. Above ground structure</li><li>4. "Architectural" including façade / architectural treatment, internal fitout, landscape treatment and public road upgrade</li></ol>

#### Activity in accordance with the application

1. The development must proceed in general accordance with the information and plans submitted with the application formally received by the Environmental Protection Authority on 22 February 2022, including all supporting and additional information submitted. In the event that any of the provisions of the following documents conflict with the requirements of these Conditions of consent, these Conditions must prevail.

*To insert tables of plans and reports*

#### Lapsing of consent

2. In accordance with clause 37(7) of Schedule 6 to the COVID-19 Recovery (Fast-Track Consenting) Act 2020, this consent lapses two years after the date it is granted unless the consent is given effect to prior.

#### Monitoring deposit

3. The Consent Holder shall pay Auckland Council an initial consent compliance monitoring charge of \$XXXX (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 these consents.

#### Advice 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 consents. 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 consents have been met, will the council issue a letter confirming compliance on request of the Consent Holder*

### PRE-COMMENCEMENT CONDITIONS

#### Construction Liaison Group (CLG)

4. No later than 3 months prior to the commencement of physical works, the Consent Holder must establish a Construction Liaison Group (CLG) and hold the first meeting in accordance with **Conditions 5 to 8**. The CLG shall cease following the completion of construction
5. The Consent Holder (or their appointed representative) must chair the meetings and invite each of the following parties to have a representative on the CLG:
  - a. Chair (or other appointed representative) of each of the Body Corporates for the following residential buildings:

- i. 34-36 Kingston Street
- ii. 77-85 Victoria Street West
- iii. 89-95 Victoria Street West
- b. Building manager (or other appointed representative) of the following commercial buildings:
  - i. 60 Federal Street
  - ii. 16 Kingston Street
  - iii. 60 Hobson Street
  - iv. 66 Hobson Street
  - v. 87 Victoria Street West
- c. Rydges Hotel (59 Federal Street)
- d. The appointed construction company for the Project

Invitations for the first CLG meeting shall be sent by post and email at least 10 working days prior to the first meeting, requesting advice as to whether the invited parties wish to attend the first meeting, their nominated attendee(s) and if they have an ongoing interest in attending future meetings. If any invited party declines to be involved in meetings (including those not responding after reasonable attempts to contact them), either from commencement or subsequently, then subsequent meetings may progress for the balance of the Project without further notice to those parties who by absence elected not to be involved in the CLG.

6. The objectives of the CLG are to:

- a. Provide a means for all parties to give and receive regular updates on progress with the construction of the project;
- b. Provide a regular forum through which information about the construction of the project can be provided by the Consent Holder;
- c. Enable opportunities for concerns and issues to be reported to the Consent Holder;
- d. Provide the means for the Consent Holder to respond to any concerns and issues; and
- e. Provide feedback on the development and performance of the Construction Management Plan (**CMP**), Construction Noise and Vibration Management Plan (**CNVMP**), Construction Traffic Management Plan (**CTMP**), Settlement Monitoring and Contingency Plan (**SMCP**) and Groundwater and Settlement Monitoring Contingency Plan (**GSMCP**) and any subsequent changes to the certified CMP, CNVMP, CTMP, and GSMCP;

7. The Consent Holder must:

- a. Arrange a regularly occurring meeting (at least one every two months until the end of the demolition and excavation phases of the project, and at least one every six months for the remainder of the construction phase) at a time agreed with the members of the CLG. The meeting time shall be communicated by email to parties who have indicated an ongoing interest at least 10 working days prior to the meeting, requesting an indication of attendance. If at least two responses indicating attendance are not received 48-hours prior to the CLG meeting, the meeting may be cancelled unless an alternative date and / or time is agreed by a majority of interested parties
- b. Consult with the CLG on the development and content of the CMP, CNVMP, CTMP and GSMCP, including providing a copy of the draft CMP, CNVMP, CTMP and GSMCP for feedback, considering any feedback received and providing reasons for any feedback not incorporated into the final version of the plan(s). The Consent Holder must provide the CLG ten (10) working days within which to provide feedback, and may submit the relevant management plan to Council ahead of receiving feedback from the CLG and may update the plan submitted to Council depending on feedback received from the CLG
- c. Provide reasonable administrative support for the CLG including:
  - i. Organising meetings at a local venue (or online);
  - ii. Subject to Clause 5, inviting all active members of the CLG to meetings at least 10 working days before that meeting is to be held.
- d. Provide an update at least once every two months from the date of the first CLG meeting until the end of the demolition and excavation phases of the project, and at least one every six months for the remainder of the construction phase (or as otherwise agreed by the CLG) during construction of the project setting out noise and vibration monitoring results and associated compliance with the consent Conditions and any other relevant requirements of the CMP, CNVMP, CTMP and GSMCP, including responses to compliance concerns raised by CLG members at the previous meeting
- e. Respond to all reasonable issues / queries / requests raised by the CLG including any comments received on the draft management plans in a timely manner and advise how their issues / queries / requests have been resolved and if not resolved, the reasons why
- f. Have a representative attend and chair all CLG meetings.

8. At the first meeting the CLG, the Consent Holder must advise the CLG of the independent and suitably qualified specialist appointed to act as the Nominated Building Surveyor for the Project. The Nominated Building Surveyor must be a member of the New Zealand Institute of Building Surveyors Incorporated (NZIBS) who is suitably qualified to undertake cosmetic and structural damage assessment and reporting required through these Conditions. At this time, the Nominated Building Surveyor must have provided confirmation of their availability to act as an independent assessor of any building damage that may occur as a result of the construction activity, and specifically for the work required by the Conditions of consent.

#### Certification of Plans or Further Detail

9. The Consent Holder must not commence any physical works until it has obtained certification from Auckland Council for the following plans. The Consent Holder may elect to prepare and submit separate plans for each Stage of construction:
- A Construction Noise and Vibration Management Plan (CNVMP) – refer **Conditions 11 to 13**
  - A Construction Management Plan (CMP) – refer **Conditions 14 to 16**
  - A Construction Traffic Management Plan (CTMP) – refer **Conditions 17 to 19**
  - A Settlement Monitoring and Contingency Plan (SMCP) – refer **Condition AA7**
  - A Groundwater and Settlement Monitoring Contingency Plan (GSMCP) – refer to **Condition 82**

Certification for any amendments to the abovementioned plans must be obtained from Auckland Council prior to implementation.

10. Prior to the issue of building consent / engineering plan approval for the relevant Stage of construction, the Consent Holder must obtain certification from Auckland Council to:
- the architectural treatment, colour and materials of the buildings - refer **Conditions 20 to 22**
  - the design and / or insulation of noise sensitive spaces - refer **Condition 23**
  - the ground floor landscape design drawings and supporting written documentation - refer **Condition 24**
  - the Federal and Kingston Street upgrade works proposed - refer **Condition 27**
  - the Waste Management Plan (WMP) – refer **Condition 25**
  - the Lighting Plan - refer **Condition 26**

#### Construction Noise and Vibration Management Plan (CNVMP)

11. The Consent Holder must prepare a Construction Noise and Vibration Management Plan (CNVMP) with reference to Annex E2 of NZS 6803:1999 Acoustics – Construction noise and submit it to Auckland Council for certification at least 10 working days prior to the commencement of works under any Stage of construction.
12. The objectives of the CNVMP are to:
- Identify the Best Practicable Option (within the limits set under the Conditions of consent) and define the procedures to manage and minimise construction noise and vibration effects.
  - Inform the duration, frequency and timing of the works to manage disruption; and
  - Require engagement with affected receivers and timely management of complaints.
13. The CNVMP must include specific details relating to avoiding, remedying or mitigating adverse noise and vibration effects on the environment and neighbouring properties from demolition and construction, and management of all works associated with this development as follows:
- Contact details of the appointed contractor or project manager (phone number, email, postal address)
  - A general outline of the construction programme for each Stage of construction
  - The applicable site noise and vibration criteria set out in these Conditions
  - Identification of surrounding noise and / or vibration sensitive receivers
  - Details about the works, including:

- i. When the higher noise and vibration levels can be expected
  - ii. The likely sources or causes of noise and vibration
  - iii. Methods for monitoring and reporting on noise and vibration
  - iv. Working hours
- f. The methodology for providing 3 days' advance written notice to the occupiers of all adjacent and opposite properties prior to commencement of demolition works on site.
- g. The procedure for monitoring construction noise and vibration at the most exposed surrounding buildings
- h. The process to record and investigate all reasonable construction noise and / or vibration complaints (received directly from neighbours or via Auckland Council) that includes the following steps being taken as soon as practicable:
  - i. Acknowledge receipt of the concern or complaint within 24 hours and record:
    - a. Time and date the complaint was received and who received it
    - b. Time and date of the activity subject to the complaint (estimated where not known)
    - c. The name, address and contact details of the complainant (unless they elect not to provide)
    - d. The complainants' description of the activity and its resulting effects; and
    - e. Any relief sought by the complainant (e.g. scheduling of the activity).
  - ii. Identify the relevant activity and the nature of the works at the time of the complaint including confirming setback distances from individual construction equipment relative to consented limits and / or predicted exceedances
  - iii. If a complaint relates to building damage, inform the on-duty site manager as soon as practicable in relation to the building survey process detailed **at Conditions 60 to 63 below.**
  - iv. Review the activity noise and / or vibration levels and the mitigation and management measures in place
  - v. Record the findings and recommendations in a complaints register that is provided to the Project Manager after each and every complaint and made available to the Auckland Council upon request; and
  - vi. Report the outcomes of the investigation to the complainant within 10 working days of the complaint being received, identifying where the relief sought by the complainant has been adopted or the reason(s) otherwise.
- i. The process for changing, and certifying any changes to, the CNVMP;
- j. Procedures for ensuring that all contractors and operators on site are aware of the requirement to minimise noise and vibration effects on neighbouring sites as far as practicable

#### Construction Management Plan (CMP)

14. The Consent Holder must prepare and submit a Construction Management Plan (CMP) to Auckland Council for certification at least 10 working days prior to the commencement of works any construction of each stage.
15. The objectives of the CMP are to:
  - a. Identify the Best Practicable Option (within the limits set under the Conditions of consent) and define the procedures to ensure adverse effects associated with construction activities are minimised
  - b. Inform the duration, frequency and timing of works to manage disruption
  - c. Requirement engagement with affected receivers; and
  - d. Require timely management of complaints.
16. The CMP must include specific details relating to avoiding, remedying or mitigating adverse effects on the environment and neighbouring properties from demolition and construction, and management of all works associated with this development (where they are not already managed by the CNVMP or CTMP) as follows:
  - a. Contact details of the appointed contractor or project manager (phone number, email, postal address)
  - b. A general outline of the construction programme for each Stage of construction
  - c. Applicable conditions relating to the management of construction matters (including but not limited to those on dust, erosion and sedimentation)

- d. Programme of works and hours of operation
- e. Relevant details for the management of dust on site (as per the guidance of Appendix 4 of the Ministry for the Environment’s *Good Practice Guide for Assessment and Managing Dust, 2016*) including:
  - i. An objective that the Consent Holder must take all reasonable steps so that earthworks do not result in any airborne and deposited dust beyond the property boundary of the site that is determined to be noxious, objectionable or offensive
  - ii. A general description of the activities and main potential sources of dust emission
  - iii. Contact details for the person who will manage dust complaints on site to be made available to staff and the CLG
  - iv. A process to record and investigate any dust complaints that include the following steps being taken as soon as practicable:
    - a. Acknowledge receipt of the concern or complaint within 24 hours and record:
      - 1. Time and date the complaint was received and who received it
      - 2. Time and date of the activity subject to the complaint (estimated where not known)
      - 3. The name, address and contact details of the complainant (unless they elect not to provide)
      - 4. The complainants’ description of the resulting effects; and
      - 5. Any relief sought by the complainant.
    - b. Identify the relevant activity and the nature of the works at the time of the complaint
    - c. Review the mitigation and management measures in place, including whether it is necessary to undertake cleaning of neighbouring buildings / the streetscape.
    - d. Record the findings and recommendations in a complaints register that is provided to the Project Manager after each and every complaint and made available to the Auckland Council upon request; and
    - e. Report the outcomes of the investigation to the complainant within 10 working days of the complaint being received, identifying where the relief sought by the complainant has been adopted or the reason(s) otherwise; and
  - v. Measures to be adopted to maintain the site in a tidy condition in terms of disposal / storage of rubbish, unloading of building materials, waiting and storage areas and similar construction activities
  - vi. Location and servicing of workers’ conveniences (e.g. portaloos) and workers transport arrangements and car parking
  - vii. A site plan identifying material, plant and machinery storage areas as well as loading and unloading zones
  - viii. Location and height of site hoardings (if any)
  - ix. Proposed hours of work on the site; and
  - x. Monitoring procedures, including frequency and type of monitoring to be undertaken, records to be kept and any system review or reporting required.
- f. Management processes for earthworks on site to minimise erosion and sediment effects as per **Conditions 29** and as guided by Auckland Council’s guideline document *Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, 2016/005*.
- g. Details of the construction hoardings and other measures to be adopted to maintain areas of the site that are visible from public spaces and private property in a tidy condition.
- h. Details of the approach to be undertaken for the unloading and stockpiling of materials on site (including any necessary reference to the CNVMP or CTMP)
- i. Management of construction waste disposal on site, in order to ensure any waste is removed in a timely manner and areas of the site visible from neighbouring properties or public spaces are kept in a tidy condition;
- j. Measures to be put in place to ensure that, when working within 10 metres of the vertical elevation of the Kordia Link Path at RL 196.8, a 5-metre radius ‘exclusion zone’ is not impacted by crane operations during the demolition and construction phases of the project; and
- k. The process for changing, and certifying any changes to, the CMP.

#### **Construction Traffic Management Plan (CTMP)**

- 17. The Consent Holder must prepare a Construction Traffic Management Plan (CTMP) in accordance with Auckland Council’s requirements of CTMPs and Waka Kotahi’s Code of Practice for Temporary Traffic Management and submit it to Auckland Council for certification.
- 18. The objective of the CTMP is to ensure that during demolition, earthworks, and construction activities on the surrounding road network (including the footpaths) operate safely and efficiently for all road users including pedestrians.

19. The CTMP must include specific details relating to avoiding, remedying, or mitigating adverse effects on the environment from demolition, earthworks, construction and management of all works associated with this development, and setting out procedures to be followed which ensure compliance with the Conditions of consent, as follows:
- a. Contact details of the appointed contractor or project manager (phone number, email, postal address)
  - b. A general outline of the construction programme
  - c. Plans showing areas where stockpiles, and storage of equipment (including contractor parking) will occur so that any obstruction of public spaces (e.g. roads) is minimised
  - d. Plans showing the location of any site offices, worker facilities and worker car parking required (including the number of carparks) during the construction period
  - e. Details of how worker travel planning procedures including carpooling arrangements will be promoted to workers
  - f. An overview of measures that will be adopted to prevent unauthorised public access during the construction period
  - g. Location of traffic signs on surrounding streets and proposed signage for traffic management purposes during demolition and construction
  - h. Hours of operation and any restrictions on site access as certain times
  - i. Measures to ensure satisfactory vehicle and pedestrian access is maintained to adjacent properties at all times
  - j. Temporary protection measures to be installed to minimise any damage to public roads, footpaths, berms, kerbs, reserves or other public assets as a result of the demolition, earthworks and construction activities
  - k. The process to record and investigate all traffic complaints that includes the following steps being taken as soon as practicable:
    - i. Acknowledge receipt of the concern or complaint within 24 hours and record:
      - 1. Time and date the complaint was received and who received it
      - 2. Time and date of the activity subject to the complaint (estimated where not known)
      - 3. The name, address and contact details of the complainant (unless they elect not to provide)
      - 4. The complainants' description of the resulting effects; and
      - 5. Any relief sought by the complainant.
    - ii. Identify the relevant activity and the nature of the works at the time of the complaint
    - iii. Review the mitigation and management measures in place
    - iv. Record the findings and recommendations in a complaints register that is provided to the Project Manager after each and every complaint and made available to the Auckland Council upon request; and
    - v. Report the outcomes of the investigation to the complainant within 10 working days of the complaint being received, identifying where the relief sought by the complainant has been adopted or the reason(s) otherwise; and
  - l. Identification of haulage routes with Auckland Council and Auckland Transport prior to commencement of works;
  - m. Provide facilities to clean vehicles' wheels prior exiting the works area to minimise the chances of mud or other excavated material from being dropped on the road.;
  - n. Ensure the site access point(s) are clearly signposted;
  - o. For each construction phase, identify the location and duration of any road or lane closures associated with on-street loading zones for construction traffic (including the dimensions of loading zones) to ensure these are of sufficient size to accommodate the anticipated number of heavy vehicle movements, including during peak demand periods. Where road closures are proposed, details of road closure segments, duration of works in each closure, indication of detour routes for each closure and assessment of the effects on the Auckland Transport road network of any road closures and a plan to mitigate these effects;
  - p. Measures to ensure that loading zones for construction traffic will be managed to minimise congestion on Federal Street and the surrounding road network, which would exclude the use of the loading zones for construction works parking
  - q. Identify the relevant Auckland Transport approvals; and
  - r. The process for changing, and certifying any changes to, the CTMP

## Materials and Finishes

20. Prior to the issue of the building consent for the 'architectural' Stage of construction, the Consent Holder must prepare architectural drawings of the façade components and a Materials Schedule and Specifications for the proposed external cladding and glazing systems, including surface finishes and colour

scheme. The detailed drawings and Materials Schedule must be submitted to Auckland Council for certification that the proposed architectural treatment, colour, and depth / articulation of glazing is consistent with and does not compromise the design intent of the documentation listed in **Condition 1**. The detailed drawings and Materials Schedule and Specifications submitted must include written confirmation, from a suitably qualified expert, to confirm that the reflectivity of all specified external surfaces will not exceed 20% of white light (being the requirements of Standard H8.6.29 of the Auckland Unitary plan (Operative in Part) at the time of resource consent). Glass and other materials with reflectivity values that exceed 20% white light may only be used provided they are covered or screened in such a way that the external surfaces will still meet the abovementioned standard.

21. Prior to the issue of the building consent for the ‘architectural’ Stage of construction, the Consent Holder must provide details of any external rooftop services / plant, lift / stairwell structures and visual screening elements to Auckland Council for certification that screening / treatment of any external plant equipment does not undermine the design and architectural integrity of the development.
22. Prior to issue of the building consent for the ‘architectural’ Stage of construction, the Consent Holder must submit to Auckland Council a developed design plan for the new canopy above the Federal Street and Kingston Street footpath. In particular, this plan shall include the following details:
  - a. Drainage design that will be installed to control rain run-off;
  - b. Confirmation that the final width of the canopy in relation to the adjacent carriageway edge shall be no closer than 700mm; and
  - c. Materials, colours and specifications

**Advice Note:**

*The Consent Holder will be responsible for ensuring that a road encroachment licence or lease for the new canopy is obtained from Auckland Transport. See Auckland Transport’s website [www.aucklandtransport.govt.nz](http://www.aucklandtransport.govt.nz) for more information*

**Internal Noise**

23. Prior to issue of the architectural building consent, the Consent Holder must submit a report from a suitably qualified and experienced acoustic specialist confirming the building design achieves compliance with (a) and (b) to Auckland Council for certification.
  - a. Noise levels for bedrooms within the development shall comply with Auckland Unitary Plan (Operative in Part) Standard E25.6.10 (Noise levels for noise sensitive spaces in the Business - City Centre zone) based on external noise levels as per Standard E25.6.8 (Noise levels in the Business – City Centre zone).
  - b. Noise levels for living rooms within the development shall comply with the same standards except that the noise criterion for living room ventilation under Standard E25.6.10(3)(f) will be 40dBA

**Finalised Landscape Design Drawings, Specifications and Maintenance Requirements**

24. Prior to the issue of Building Consent for the “architectural” Stage of construction, the Consent Holder must provide to Auckland Council for certification, the detailed ground floor landscape drawings and supporting written documentation which have been prepared by a suitably qualified and experienced professional. Subject to Condition 27 below, the information must be consistent with Section 04 – The Public Domain “Street Context Plan - Baseline Streetscape Upgrade”, (Revision E) of the Architecture Report prepared by Woods Bagot + Peddle Thorp. At a minimum, this information must include landscape design drawings, specifications and maintenance requirements including:
  - a. Annotated cross-sections and / or design details with key dimensions to illustrate that adequate widths and depths are provided for the function of the space; and
  - b. Any mana whenua design elements incorporated into the ground floor landscape, including written commentary around how this might be expanded into the adjoining public realm.

**Waste Management Plan**

25. Prior to the issue of the building consent for ‘above ground structure’, the Consent Holder must provide a finalised Operational Waste Management Plan to Auckland Council for certification that the servicing requirements of the overall site are adequately provided for without causing odour / visual nuisance internally or to the public

### Certified Lighting Plan

26. Prior to issue of the architectural building consent, the Consent Holder must submit a certified lighting plan to Auckland Council demonstrating that the new canopy on the Federal and Kingston Street frontages if the Site will comply with the following:
- Lighting levels for the canopy shall be in accordance with standards H8.6.26 (6) & (7) in the Auckland Unitary Plan. Those parts of the Hobson Street building frontage that will not be covered by the new canopy shall include lighting that satisfies the same standards.
  - The plan and any accompanying technical specifications shall be certified by a suitably qualified and experienced lighting specialist.

### Engineering Plan Approvals

27. Engineering Plan Approval for all new public street assets including vehicle crossings, footpaths, street furniture and street trees must be obtained prior to construction of those public assets. All on-street works must be designed to provide the following:
- Proposed works within the road reserve shall be in general accordance with Section 04 – The Public Domain “Street Context Plan - Baseline Streetscape Upgrade”, (Revision E) of the Architecture Report prepared by Woods Bagot + Peddle Thorp and must take account of any feedback from Auckland Council and Auckland Transport
  - Any changes to public roads must retain a protected cycle lane on Federal Street, loading, mobility parking, and reserve police parking within the vicinity of the site (on Federal Street and Kingston Street)
  - Any changes proposed to Federal Street, including the use of footpaths in the road reserve, must ensure a pedestrian thoroughfare free of street furniture and on-street dining is provided and retained in accordance with the Auckland Transport Engineering Standards; and
  - Draft plans must have been consulted on with either the CLG or through other appropriate means as directed by both Auckland Council and Auckland Transport consistent with the requirements of **Conditions 27A below**. A report on the consultation is to be produced including the opinions expressed, amendments proposed or other information relevant to the consultation.

27A. Prior to the commencement of detailed design for the Baseline Street Upgrade Concept in Condition 24A (approximately 2 years following commencement of construction of the Federal Street Residences), Auckland Council must confirm whether a Council-led comprehensive upgrade of Federal Street and Kingston Street (Federal Street Upgrade project) will progress as currently anticipated, incorporating a shared zone concept. If so, then Auckland Council shall commence its own design and consultation process with the stakeholders in the area in lieu of the requirement for the Consent Holder under the Conditions of this consent to undertake design work and implementation of the Baseline Street Upgrade Concept.

27B. In the event that Auckland Council advises the Consent Holder under **Condition 27** above that the implementation of the streetscape works associated with the Project are replaced by Auckland Council’s Federal Street Upgrade project (incorporating Kingston Street) and those works are programmed to be completed such that the Federal Street Residences fronting both Federal and Kingston Streets can operate to a high standard as intended upon practical completion of the Federal Street Residences, the Consent Holder must make a financial contribution of \$500,000 to Auckland Council in lieu of implementation of the Baseline Streetscape Upgrade Concept. Such payment must be made on completion of the comprehensive Federal Street Upgrade works by Auckland Council.

#### Advice note:

- Any changes to the road environment require assessment and approval through separate processes, including Engineering Plan Approval (EPA) and Corridor Access Requests.
  - Auckland Transport’s Transport Design Manual (TDM) sets out the engineering design requirements for works within public roads. Works within existing roads should be designed to comply with the TDM. Designs that cannot comply with the TDM will require a Departure from Standards (a third-party approval process), which is at the discretion of Auckland Transport to approve as part of the EPA process. Where Auckland Transport, as a road corridor asset owner, has not given support to a proposed departure through a resource consent and EPA process, the application is unlikely to be approved if any concerns exist. Accordingly, works should be designed in accordance with the TDM or any reasonable departure demonstrated as being appropriate.
28. Prior to issue of the building consent(s) for ‘above-ground structure’ Stage of construction, the Consent Holder must obtain Engineering Plan Approval from Auckland Council for all the stormwater, wastewater and water supply infrastructure required by **Conditions 67**.

### Erosion and Sediment Control

29. Prior to the commencement of earthworks, the Consent Holder must submit to Auckland Council a certificate signed by a suitably qualified and experienced person that certifies that the erosion and sediment controls have been constructed in accordance with the Erosion and Sediment Control Plan and Auckland Council's Guidance Document 2015/005, *Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region* (GD05) and the specific requirements of this consent.

Certification for the proposed measures must be supplied immediately upon completion of construction of those measures. Information supplied, if applicable, must include:

- a. Contributing catchment area
- b. Volume of the structure
- c. Shape of the structure (dimensions)
- d. Position of inlets / outlets; and
- e. Stabilisation of the structure

#### Notification of Works Commencing

30. The Consent Holder must at least 10 working days prior to the commencement of demolition works provide written advice, which may form part of the CLG communications, (via the relevant building manager or Body Corporate Chairperson) to the owners, occupiers and / or Body Corporate/Owners Corporation of the following properties:

- a. 77-85 Victoria Street West (City Apartments)
- b. 87 Victoria Street West
- c. 89-95 Victoria Street West (Wiltshire on Victoria)
- d. 66 Hobson Street
- e. 60 Hobson Street
- f. 34-36 Kingston Street (Altitude Apartments)
- g. 59 Federal Street (Rydges Hotel)
- h. 65-69 Albert Street (Auckland District Court)
- i. 60 Federal Street and 16 Kingston Street

that includes, as a minimum:

- i. A brief overview of the construction works
- ii. The commencement date, expected programme of works and working hours
- iii. An acknowledgement that some activities are predicted to generate high noise and / or vibration levels that may result in disturbance for short periods
- iv. The mitigation and management measures to be implemented
- v. Details of monitoring (as per Conditions 60 to 63) that will be undertaken where concerns about noise or vibration are raised
- vi. An email address and contact phone number for any concerns or complaints; and
- vii. Copies of the CMP, CNVMP, CTMP, and GSMCP, or an electronic link to the same

31. Prior to the commencement of any Stage of construction, the Consent Holder must erect site signage that includes working hours, an email address and a contact phone number for any concerns regarding noise and vibration, construction traffic, or any other matter associated with the works

#### Pre-commencement Meeting

32. Prior to the commencement of demolition works, the Consent Holder must hold a pre-start meeting that:

- a. Is located on the subject site
- b. Is scheduled not less than five (5) working days before the anticipated commencement of any enabling works, construction and / or earthworks
- c. Includes the relevant Auckland Council representative(s); and

- d. Includes representation from the contractors who will undertake the works and any suitably qualified professionals if required by other Conditions.

The purpose of the meeting is to discuss the demolition approach and management measures, erosion and sediment control measures, earthworks methodologies, stormwater management, relevant management plans, timeframes for the work and to ensure all parties are aware of and familiar with the necessary Conditions of this consent.

The following information must be made available at the pre-start meeting:

- i. Timeframes for key stages of the works authorised under this consent
- ii. Resource consent conditions
- iii. Erosion and Sediment Control Plan(s) listed in Condition 1
- iv. Construction Noise and Vibration Management Plan (CNVMP)
- v. Construction Management Plan (CMP)
- vi. Construction Traffic Management Plan (CTMP)
- vii. Groundwater and Settlement Monitoring Contingency Plan (GSMCP)
- viii. Contaminated Site Management Plan (CSMP)
- ix. Any archaeological authority granted for the works or the accidental discovery protocol (see Condition 64)

**Advice Note:**

*To arrange the pre-construction meeting please contact Auckland Council by email (monitoring@aucklandcouncil.govt.nz)*

**DURING PHYSICAL WORKS (DEMOLITION AND CONSTRUCTION PHASE)**

33. The Consent Holder must maintain and implement the certified CNVMP, CMP, CTMP, CSMP and GSMCP throughout all Stages of Construction. Any proposed changes to a certified Management Plan required by these Conditions must be prepared using the process set out Condition 9 above.
34. [DELETED]
35. [DELETED]

**Transfer of heritage floorspace**

36. Prior to the issue of building consent for the 'above-ground structure' Stage of construction (specifically for Level 7 and above), the Consent Holder must produce evidence that the registered owner of the donor site(s) (yet to be determined) has, at no cost to Auckland Council, prepared and entered into a covenant to the satisfaction of Auckland Council documenting the transfer of 1,530m<sup>2</sup> of bonus heritage floor space from the donor site(s) to the recipient site at 65-71 Federal Street, Auckland Central, being legally described as Lot 1 DP 100837. Prior to the issue of the abovementioned building consent, the Consent Holder must provide evidence to Auckland Council that the covenant(s) is registered against the record(s) of title for the donor site(s).
37. Prior to the issue of building consent for the 'above-ground structure' Stage of construction (specifically for Level 7 and above), the registered owner of the recipient site at 65-71 Federal Street (being legally described as Lot 1 DP 100837) must, as no cost to Auckland Council, have prepared and entered into a covenant to the satisfaction of Auckland Council documenting the transfer of 1,530m<sup>2</sup> of bonus heritage floor space from the donor site to the recipient site described above. Prior to issue of the abovementioned building consent, the Consent Holder must provide evidence to Auckland Council that the covenant is registered against the record of title for the recipient site.
- 37A. If there is a Plan Change which seeks to remove the bonus floor area / transferable heritage floor space from Chapter H8 (City Centre Zone) of the Auckland Unitary Plan, and it is made operative prior to the issue of the building consent for the 'above-ground structure' Stage of construction, then the requirements of Conditions 36 and 37 shall no longer apply.

**Geotechnical**

38. Earthworks and construction of retaining walls must be supervised by a suitably qualified geotechnical engineering professional (who is familiar with Geotechnical Desktop Study by WSP (reference: GS 2019/04, job number: 1-43855.00, issue: 1, dated: 25 January 2019) and Geotechnical Report for Consenting by WSP (reference)). In supervising the works, the suitably qualified geotechnical engineering professional must ensure that they are constructed and otherwise completed in accordance with the engineering plans and geotechnical recommendations, relevant engineering codes of practice and detailed plans forming part of the application. The supervising engineer's contact details must be provided in writing to Auckland Council at least 10 working days prior to earthworks-commencing on the Site
- AA1. All machinery associated with earthworks activity must be operated in a way, which takes all reasonable steps to prevent spillages of hazardous substances such as fuel, oil, grout, concrete products and any other contaminants.
- AA2. Prior to the commencement of earthworks and construction activities on site, the Consent Holder must provide a finalised geotechnical investigation report to the Council for certification. This information must be provided to the Council's satisfaction and no earthworks or construction works must proceed until certification is provided by the Council. The geotechnical investigation report must include but is not limited to:
- Desktop assessment
  - Intrusive testing
  - Calculations and detailed assessment of effects from mechanical settlement and groundwater dewatering and diversion as a result of proposed excavations and retaining including proximity, construction, depth and age of structures, infrastructure and paved surfaces
  - Confirmation of activity status and mitigation (if required) under E7 (Taking, using, damming and diversion of water and drilling) specifically E7.8.1(6)
  - Geotechnical risk including liquefaction
  - Geotechnical recommendations for the proposed works.
- AA3. The Consent Holder must provide a detailed construction methodology must take account of the recommendations provided within Geotechnical Desktop Study by WSP (reference: GS 2019/04, job number: 1-43855.00, issue: 1, dated: 25 January 2019) and Geotechnical Report for Consenting by WSP (reference)) or any other subsequent Council approved report and must be reviewed by a Chartered Geotechnical Engineer or Chartered Engineering Geologist for the contractor. This shall be required to ensure boundary stability is maintained throughout the civil works stage of the development. The construction methodology must be provided in writing to the satisfaction of the Council at least ten (10) working days prior to earthworks commencing on site. No works onsite are permitted prior to written approval that the construction methodology has been reviewed and accepted by the Council.
- AA4. Certification from suitably qualified Chartered Geotechnical Engineer or Chartered Engineering Geologist must be provided to the Council, confirming that the works have been completed in accordance with the approved construction methodology as required **by Condition AA3** above, within ten (10) working days following completion. Written certification must be in the form of a geotechnical completion report, or any other form acceptable to the Council.
- AA5. The Consent Holder must engage an engineer to advise the Council of timeframes for unsupported cuts adjacent to boundaries at least five (5) working days prior to excavations on boundaries being undertaken

Advice note:

*It is acknowledged that there is significant overlap regarding the management of potential effects associated with excavation induced ground movement (mechanical settlement) and those effects associated with groundwater drawdown. The requirements of **Conditions AA6 to AA18** essentially duplicate the corresponding Conditions of Water Permit WAT60399231 although it is noted that the Water Permit conditions include additional requirements relating to the management of groundwater drawdown effects. Accordingly, satisfaction of the requirements of the Water Permit may be deemed to satisfy the corresponding requirements of **Conditions AA6 to AA18** below.*

*For completeness, on the advice of a SQEP, earthworks down to the water table, being the level at which groundwater impacts are anticipated to be triggered, may be undertaken prior to the obligations set out in the Water Permit being satisfied where the geotechnical requirements set out in this land use consent have been satisfied.*

**Settlement Monitoring and Contingency Plan (SMCP)**

AA6. At least ten (10) working days prior to commencement of 'In-ground works' Stage of construction, the Consent Holder must submit a Settlement Monitoring Contingency Plan (**SMCP**) to Auckland Council for certification. The GSMCP must be prepared by a suitably qualified engineering professional in line with recommendations outlined in the Memo by WSP (dated: 17 December 2021) or any other subsequent Council approved reporting. Any proposed amendment to the SMCP must also be submitted to Auckland Council for written certification in accordance with the process set out in Condition 9. The SMCP must include, as a minimum, the following information:

- a. A monitoring location plan showing the layout and type of all Monitoring Stations and ground movement pins. The layout must ensure that all potentially affected areas of neighbouring property above proposed excavations are monitored for deformation
- b. The identification of services susceptible to damage and all building / service condition surveys undertaken to date and required by conditions in this consent
- c. The timing and frequency of condition surveys, visual inspections and survey of ground movement pins
- d. All Alert and Alarm Level triggers
- e. Details of the contingency actions to be implemented if Alert or Alarm Levels are exceeded

#### **Alert Level Actions**

AA7. In the event of any Alert Level being exceeded the Consent Holder must:

- a. Notify Auckland Council within 24 hours of the Alert Level exceedance being detected
- b. Re-measure all Monitoring Stations to confirm the extent of apparent movement
- c. Ensure the data is reviewed, and advice provided by a Suitably Qualified Engineering Professional (**SQEP**) on the need for mitigation measures or other actions necessary to avoid further deformation. Where mitigation measures or other actions are recommended those measures must be implemented
- d. Submit a written report, prepared by the SQEP responsible for overseeing the monitoring, to the Council within five (5) working days of Alert Level exceedance. The report must provide an analysis of all monitoring data relating to the exceedance, actions taken to date to address the issue, recommendations for additional monitoring (i.e., the need for increased frequency or repeat condition survey(s) of building or structures) and recommendations for future remedial actions necessary to prevent Alarm Levels being exceeded.
- e. Measure and record all Monitoring Stations every two days until such time as the written report referred to above has been submitted to the Council

#### **Alarm Level Actions**

AA8. In the event of any Alarm Level being exceeded at any ground deformation pin, retaining wall deflection pin or inclinometer Monitoring Station the Consent Holder must:

- a. Immediately halt construction activity, including excavation or any other works that may result in increased deformation, unless halting the activity is considered by a SQEP to likely be more harmful (in terms of effects on the environment) than continuing to carry out the activity.
- b. Notify Auckland Council within 24 hours of the Alarm Level exceedance being detected and provide details of the measurements taken.
- c. Undertake a condition survey (this could comprise either a detailed condition survey or an external visual inspection at the discretion of the SQEP responsible for overseeing the monitoring) by a SQEP or Suitably Qualified Building Surveyor (**SQBS**) of any building or structure located adjacent to any Monitoring Station where the Alarm Level has been exceeded.
- d. Take advice from the author of the SMCP on actions required to avoid, remedy or mitigate adverse effects on ground, buildings or structures that may occur as a result of the exceedance.
- e. Not resume construction activities (or any associated activities) halted in accordance with paragraph (a) above, until any mitigation measures (recommended in accordance with paragraph (d) above) have been implemented to the satisfaction of a SQEP.
- f. Submit a written report, prepared by the SQEP responsible for overseeing the monitoring, to the satisfaction of the Council, on the results of the condition survey(s), the mitigation measures implemented and any remedial works and / or agreements with affected parties within five (5) working days of recommencement of works.
- g. Re-measure all Monitoring Stations to confirm the extent of apparent movement.

**Activities to be carried out in accordance with the Settlement Monitoring and Contingency Plan (SMCP)**

AA9. All construction, monitoring and contingency actions must be carried out in accordance with the approved SMCP. No bulk excavation activities shall commence until the SMCP is approved in writing by the Council.

#### **Pre-construction Condition Survey**

AA10. Prior to the commencement of any works onsite, a detailed pre-construction condition survey of the surrounding ground, driveways and neighbouring buildings and structures must be completed. This must be prepared by a SQEP and must be submitted for certification to the Council. The Consent Holder must allow a minimum of ten (10) working days for a response from the owner of the property(ies). This condition does not apply where written evidence is provided to the Council that the owner of a property has confirmed they do not require a condition survey. The pre-construction condition survey must include:

- a. A description of the type of structure foundations
- b. A description of internal and external levels of damage considered to be of an aesthetic or superficial nature
- c. A description of the internal and external existing levels of damage considered to affect the serviceability of the building where visually apparent without recourse to intrusive or destructive investigation.
- d. An assessment as to whether existing damage may or may not be associated with actual structural damage and an assessment of the susceptibility of the buildings / structures to further movement and damage, to the extent predicted.
- e. Photographic evidence of existing observable damage.

AA11. Prior to the commencement of any works on site, a pre-condition survey (CCTV) of potentially affected utilities must be undertaken in consultation with the relevant service provider. The CCTV must be provided to the satisfaction of Council.

#### **External Visual Inspections**

AA12. Regular external visual inspections must be undertaken of the surrounding ground, and neighbouring buildings and structures for the purpose of detecting any new external damage or deterioration of existing external damage. Inspections are to be carried out monthly from the commencement to completion of works. A photographic record is to be kept of the time and date of each inspection and all observations made during the inspection and must be of a quality standard that is fit for purpose. This condition does not apply to any land, building or structure where written evidence is provided to the Council confirming that the owner of the land, building or structure does not require visual inspections to be carried out.

AA13. Within 24 hours of the Consent Holder being made aware of any damage to neighbouring land and structures and / or existing services, which may have occurred as a result of the works on the site, the Consent Holder must notify the Council. If it is determined that this damage was caused by works on the subject site, the Consent Holder must rectify the damage at their cost and within an appropriate timeframe.

#### **Post- construction condition surveys**

AA14. Within 4 weeks following the completion of works, the Consent Holder must provide post-construction condition survey of the existing buildings, structures, land and / or services surveyed in the pre-condition survey and a written report prepared by the SQEP responsible for overseeing the surveys which must include comment on any changes to the existing building(s), structure(s) and / or service(s) within the area and completed remedial works to the satisfaction of the Council.

#### **Contingency Actions**

AA15. If the Consent Holder becomes aware of any damage to buildings, structures or Services potentially caused wholly or in part by the exercise of the Earthworks, the Consent Holder must:

- a. Notify the Council and the asset owner within two (2) working days of the Consent Holder becoming aware of the Damage
- b. Provide a report prepared by a SQEP (engaged by the Consent Holder at their cost) that describes the Damage and identifies the cause of the Damage.  
If it is determined that this Damage was caused by works on the subject site, the Consent Holder must identify and immediately implement

appropriate methods to remedy and / or mitigate the Damage that has been caused; identifies the potential for further Damage to occur and describes actions that will be taken to avoid further Damage.

- c. Provide a copy of the report prepared under (b) above, to the Council and the asset owner within ten (10) working days of notification under (a) above.

### Building, Structure, and Services Surveys and Inspections

AA16. A copy of all pre-excavations building, structure condition surveys, and Service condition surveys required by this consent must be submitted to the Council with the SMCP. All other records required by this consent must be provided to the Council upon request.

### Reporting of Monitoring Data

AA17. At two-monthly intervals (up until the completion of the 'In-ground works' Stage of construction, a report containing all monitoring data required by conditions of this consent must be submitted to the Council. This report must include a construction progress timeline, a summary interpretation the monitoring data recorded in that period, and a comparison of that data with previously recorded data and with the Alert and Alarm Levels for each Monitoring Station.

### Notice of Completion

AA18. The Council must be advised in writing within ten (10) working days of when excavation has been completed.

#### Advice Notes:

1. *Should temporary anchors under the road reserve be pursued, this will require Auckland Transport approval prior to works.*
2. *It is anticipated the Consent Holder will seek the permission of the damaged asset owner to access the property and asset to enable the inspection / investigation. It is understood that if access is denied the report will be of limited extent.*
3. *Additional geotechnical investigations and assessment may be required for final design for Building Consent*

### Erosion and Sediment Control

39. The earthworks must be undertaken in accordance with the plans and information referenced in **Condition 1**.
40. The erosion and sediment control measures must be constructed and maintained in accordance with Auckland Council Guideline Document 2016/005, *Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05)* and any amendments to that document, except where a higher standard is detailed in the documents referred to in the Condition of consent, in which case the higher standard applies. The excavation areas must be dampened during the day to suppress the generation of dust during the works. Filter cloths or cover mats must be installed over the stormwater cesspits in the vicinity of the excavation area. Vehicles will be inspected prior to leaving the works area and wheels brushed / cleaned, as required, to avoid the potential for sediment to leave the site on vehicle tyres and enter the existing stormwater network.
41. There must be no deposition of earth, mud, dirt or other debris on any public road or footpath resulting from earthworks activity on the Site. In the event that such deposition does occur, it must immediately be removed. In no instance may 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 and / or receiving waters.
42. Upon completion or abandonment of earthworks on the Site, all areas of bare earth must be permanently stabilised against erosion in accordance with GD05.
43. The Consent Holder must take all necessary measures to control silt contaminated stormwater at all times during the earthworks and during construction to the satisfaction of Auckland Council.
44. All earthworks must be managed to ensure that no debris, soil, silt, sediment, or sediment-laden water is discharged beyond the subject site to either land, stormwater drainage network, watercourses or receiving waters. In the event that a discharge occurs, works must cease immediately, and the discharge mitigated and / or rectified to the satisfaction of Auckland Council.

45. Any damage to public roads, footpaths, berms, kerbs, drains, reserves or other public asset as a result of the earthworks and construction activity must be repaired and restored to the original condition of the asset. The costs of rectifying such damage and restoring the assets to their original condition must be met by the Consent Holder.
46. There must be no obstruction of access to public footpaths, berms, private properties, public services / utilities, or public reserves, resulting from the demolition, earthworks and construction activity, unless otherwise authorised by Auckland Council and / or Auckland Transport. All materials and equipment must be stored within the Site’s boundaries, unless as otherwise authorised by Auckland Council and / or Auckland Transport

**Dust**

47. During earthworks, all necessary action must be taken to minimise dust generation and sufficient water must be available and used where needed to dampen exposed soil, and / or other dust suppressing measures must be available to minimise dust formation and discharge beyond the Site boundaries

**Construction Noise**

48. All noise generating activities associated with the implementation of this resource consent (which can include but are not limited to any enabling works, demolition, earthworks, and construction activities, etc):
- a. May only be carried on between the hours of 7:00am to 6:00pm Monday to Saturday; and
  - b. Must not be carried out on Sundays or public holidays

except that oversize plant equipment (such as cranes and large machinery) and building elements (such as pre-cast concrete) that would cause significant disruption to the surrounding road network may be brought onto or taken off the Site outside the above times and may exceed the relevant construction noise levels set out in **Condition 49**, subject to obtaining the prior written approval of Auckland Council and providing at least 5 working days’ notice to the parties listed in **Condition 30**.

**Advice Note:**

*For the avoidance of doubt, this condition does not apply to quiet activities such as administrative work, painting, etc*

49. Except as provided for in **either Condition 48 or 50** or in the Construction Noise and Vibration Management Plan, construction noise shall, as far as practicable, comply with Auckland Unitary Plan (Operative in Part) Standard E25.6.28 (Construction Noise in the City Centre Zone) limits as follows, when measured and assessed in accordance with NZS 6803:1999: *Acoustics – Construction Noise*:

CONSTRUCTION OF 15 CONSECUTIVE CALENDAR DAYS OR MORE (TOTAL DURATION OF WORKS)		
Time	L <sub>Aeq</sub> (30 mins)	L <sub>AFmax</sub>
Monday to Friday 6:30am-10:30pm	75 dB	90 dB
Saturday 7am-11pm	80 dB	90 dB
Sunday 9am-7pm	65 dB	85 dB
All other times (night-time)	60 dB	75 dB

50. Noise arising from piling works and pile head preparation works on the Site shall, as far as practicable, comply with the noise limits set out in **Condition 49**. Noise arising from piling works and pile head preparation works on the Site must not exceed the following limits when measured internally within the building of the relevant receiver. These limits will apply 9:00am to 5:00pm Monday to Friday:

CONSTRUCTION NOISE LIMITS FOR PILING ACTIVITIES			
Receivers	Activity	Internal Noise Limit	Duration
59 Federal Street	Piling	60 dBA	25 contiguous days
60 Federal Street / 16 Kingston Street	Piling	60 dBA	25 contiguous days

77-85 Victoria Street West / 87 Victoria Street West	Piling	72 dBA	25 contiguous days
34-36 Kingston Street	Piling	68 dBA	25 contiguous days
60 Hobson Street / 66 Hobson Street	Piling	68 dBA	25 contiguous days

51. Construction noise compliance measurements may be undertaken internally where this location more accurately captures the effects, using corrections for internal measurements as outlined in 7.2.7 of NZS 6803:1999 with a -20dB correction applied to external construction noise limits.
52. The Consent Holder must conduct noise monitoring at the start of identified noisy activities including piling to determine the actual noise levels compared to predictions. Noise measurements must be taken by a suitably qualified and experience acoustic specialist using calibrated sound meters in general accordance with NZS 6801:2008 “Acoustics – Measurement of environmental sound”.

### Construction Vibration

#### *Cosmetic Building Damage*

53. Except as provided for in **Condition 54**, construction vibration shall, as far as practicable, comply with the limits set out in German Industrial Standard DIN 4150-3 (1999): Structural Vibration – Part 3 Effects of vibration on structures when measure in accordance with that Standard on any structure not on the same site.
54. Where vibration from piling could exceed the standards from DIN 4150-3(1999), this activity shall be monitored at the relevant receiver, and the building cosmetic condition shall be monitored in accordance with the procedures set out in the certified CNVMP (**Condition 11**) if any DIN 4150-3(1999) exceedances are identified.

#### *Amenity limits*

55. Except as provided for in **Condition 56** below, vibration levels arising from physical works on the Site must not exceed 2mm/s peak particle velocity in occupied buildings in any axis when measured in the corner of the floor of the storey of interest for multi-storey buildings, or within 500mm of ground level at the foundation of a single storey building as specified in Auckland Unitary Plan (Operative in Part) Standard E25.6.30(1)(b).
56. The limits set out in **Condition 55** above shall not apply to piling occurring during the daytime period, for up to 14 contiguous days per receiver provided that the owners and occupiers of buildings where exceedances are anticipated are advised of the timing and duration at least 3 working days prior to commencing. In such cases, the limits and procedures set out in **Conditions 53 and 54** shall apply.
- 56a. The Consent Holder must conduct vibration monitoring at the start of piling activity to determine the actual vibration levels compared to predictions. Vibration measurements must be undertaken by a suitably qualified and experienced vibration specialist in accordance with the Auckland Unitary Plan (Operative in Part) Standard E25.6.30 (Vibration).

#### *Building Condition Survey*

57. The Consent Holder must, at the Consent Holder’s expense, engage the Nominated Building Surveyor for all Stages of construction until such time as the requirements of **Conditions 58 to 63** have been completed to the satisfaction of Auckland Council.
58. The Consent Holder must request in writing the approval of the owners of the following properties for the Nominated Building Surveyor to undertake a building condition survey at the times listed **in Condition 59**:

- a. 77-85 Victoria Street West
- b. 87 Victoria Street West
- c. 34-36 Kingston Street

- d. 60 Hobson Street
- e. 66 Hobson Street

Where the above-listed properties have multiple owners, the approval of the building manager or Body Corporate Chair shall be considered acceptable.

59. Subject to property owner approval being provided under **Condition 58** above, the Nominated Building Surveyor must undertake a building condition survey for each of the properties listed in **Condition 58** at the following times:
- a. At least 10 working days prior to commencement of demolition
  - b. Within 10 working days of the completion of excavation; and
  - c. At the completion of construction.
60. Should any reasonable claim of property damage from construction vibration be received from a property owner listed in **Condition 58** during the course of the construction activity, a building condition survey of the property in question must be undertaken by the Nominated Building Surveyor within 10 working days of a claim or claims being received by the Consent Holder.
61. The Nominated Building Surveyor must invite the owner and any occupier, if different to the owner, to identify any concerns they wish to be considered in any condition survey.
62. Each building condition survey must:
- a. Provide a description of the building construction
  - b. Determine the appropriate structure type classification with respect to DIN 4150-3:1999 “Structural Vibration – Effects of Vibration on Structures” (i.e., historic / sensitive, residential, or commercial / industrial)
  - c. Document and photograph the condition of the building and any cosmetic and / or structural damage; and
  - d. Take into account any concerns identified by the owner and any occupier.
63. Within 10 working days following the identification of any structural damage under **Condition 62**, the Consent Holder must advise in writing any necessary remedial measures to reinstate the affected building to its previously surveyed appearance and structural integrity. The Consent Holder must provide Auckland Council and the affected property owner with a methodology for repair of the damage caused, including a timeframe, that has been approved by an independent Chartered Professional Engineer. The Consent Holder must undertake (subject to the owner’s approval on reasonable terms) such repairs in accordance with the approved methodology, at its costs unless written approval for this damage is provided from the owners stating alternative arrangements. Any cosmetic damage identified through a building condition survey undertaken **under Condition 62** shall be repaired by the Consent Holder following the completion of the vibration-generating works

#### **Accidental Discovery Protocol**

64. In the event that works expose suspected archaeological remains, the Auckland Unitary Plan (Operative in Part) Accidental Discovery Protocol (Standards E11.6.1 and E12.6.1) apply if an Archaeological Authority from Heritage New Zealand is not otherwise in place

#### **Geotechnical**

65. All earthworks must be managed to ensure that they do not lead to any uncontrolled instability or collapse affecting either the Site or adversely affecting any neighbouring properties. In the event that uncontrolled collapse or instability does occur, it must immediately be rectified and remediated at the Consent Holder’s expense to the satisfaction of Auckland Council

#### **New vehicle crossings**

- BB1. All new vehicle crossings shall be designed and formed to commercial vehicle crossing standards (GD019A) in accordance with Auckland Transport’s Transport Design Manual. This shall be undertaken at the Consent Holder’s expense and to the satisfaction of the Council.

## **CONDITIONS TO BE MET PRIOR TO OCCUPATION**

66. As is applicable to each of the following, the Consent Holder must satisfy all of **Conditions 67 to 73 and CC1, DD1, EE1 and EE2**:

- a. Prior to the occupation of any residential unit on the Site; and / or
- b. Prior to the operation or trading of any commercial or retail activity on the Site.

### **Advice Note:**

*Occupation of the residential and commercial / retail elements of the Project (or parts thereof) may happen independently. This condition seeks to enable either element to be occupied prior to the other where the relevant prerequisite conditions have been satisfied, and for the residential component to be delivered in separable portions.*

## **Traffic and Valet Parking Management Plan (TVPMP)**

CC1. A Traffic and Valet Parking Management Plan (TVPMP) is to be prepared by a suitably qualified professional that addresses the detailed operation of loading, valet parking, queuing, and management of associated effects. The TVPMP must include, but is not limited to, the following information:

- a. Trip generation and potential queuing effects based on an upper limit trip generation as identified in RTA Technical Direction TD13-04a
- b. Whether all queuing can be contained within the site and if a camera is necessary for valet staff to monitor any incoming vehicles and / or queuing on Kingston Street
- c. Operational effects and necessary management if queuing occurs on Kingston Street
- d. Number of valet staff and shift times for the 24/7 valet operation
- e. Where customers wait while their vehicles are being retrieved
- f. A breakdown of the valet service end to end, i.e. how a resident requests or deposits a car, waiting areas for customers, how loading spaces are utilised and whether this conflicts with the loading activities, the length of time for the operation of the car lift, how valet staff travel back to the basement (stairs of lift), whether the car lift waits at the floor the valet is on and where vehicle keys are stored
- g. Management of loading spaces, whether a booking system is required for deliveries and how to ensure loading does not coincide with PM peak hour movements, and, if necessary, details of any booking system
- h. The maintenance requirements to ensure the car lifts and loading turntable does not break down.
- i. Operational management in the event that the car lifts and / or turntable breakdown.

This TVPMP must be established and certified by Council prior to the residential occupation of the building. The TVPMP must be adhered to at all times for the operation and management of vehicle parking on the site. The TVPMP must be supplied to all owners / occupiers of the building and vehicle car parking spaces. Copies of the TVPMP are to be held in the valet office and by the body corporate.

## **Three waters infrastructure**

67. All the necessary pipes and ancillary equipment must be supplied and laid to divert, relay and upgrade existing public stormwater, wastewater and water supply lines and to provide the development with private stormwater, wastewater and water supply connections to the reticulated network in general accordance with the plans and information referenced in **Condition 1**

## **As-Built Plans for Public Infrastructure**

68. All as-built documentation must be provided to Auckland Council for all new public assets to be vested in Auckland Council.

### **Advice Note:**

*The documentation must be in accordance with Auckland Council's Development Engineering As-Built Requirements, The as-built information will require approval by Auckland Council's Development Engineering department. Vesting of public assets to Auckland Council and close off and completion of relating Engineering Approval consent will be required to be completed*

## **Auckland Transport Resolutions**

DD1. If streetscape upgrades are included as part of this consent, the Consent Holder must submit a Resolution Report for approval by Auckland Transport Traffic Control Committee to legalise the proposed traffic control devices (e.g. cycle lane, mobility parking, loading, reserved police parking) within the relevant roads. The Consent Holder must submit an approved copy of the Resolution Report to Council prior to the occupation of the building

#### Duty to make-good

EE1. Prior to the occupation of the building, all redundant vehicle crossings adjacent to the site must be removed and reinstated as footpath to Auckland Transport's Transport Design Manual requirements, including a re-grade of the footpath across the vehicle crossing to 2% cross-fall. This must be undertaken at the Consent Holder's expense and to the satisfaction of the Council

EE2. Unless specifically provided for by this consent, there shall be no damage to public roads, footpaths, berms, kerbs, drains, reserves or other public assets as a result of the consented activity. In the event that such damage does occur, the Consent Holder must notify the Council within 24 hours of its discovery. The costs of rectifying such damage and restoring the asset to its original condition must be met by the Consent Holder

#### Private Infrastructure

69. A copy of an updated private drainage "as-built" plan signed by a registered certifying drainlayer must be provided to Auckland Council.

##### **Advice Note:**

*The stormwater and wastewater connections will require engineering approval to be obtained from Auckland Council prior to applying for Building Consent. All stormwater and wastewater systems must be designed and constructed in accordance with Auckland Council standards. See Auckland Council's website ([www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz)) for more information on the engineering approval process, or call (09) 301 0101 and ask to speak to a Development Engineer from your local service centre*

#### Noise

70. The Consent Holder must submit a report prepared by a suitably qualified and experienced acoustic specialist to Auckland Council for certification. The report must demonstrate that:

- a. Noise from external commercial plant within the development complies with **Condition 23** operation noise limits; and
- b. Noise from external residential plant complies with **Condition 23** operational noise limits

#### Landscape Design

71. The landscaping set out in the approved Architectural Report and required to be fully detailed under Condition 24 must be fully implemented and a maintenance plan be put in place

#### Active Modes of Transport

72. The bicycle parking and associated facilities shown on the certified plans must be provided and operational.

72A. The following pedestrian safety mitigation measures must be implemented prior to occupation of the building, and maintained in good working order thereafter:

- a. Car coming flashing signs at the top of the access ramp, linking to sensors in the basement
- b. A convex mirror on the western side of the vehicle crossing
- c. A flashing sign linked to a sensor that can detect pedestrians approaching the vehicle crossing from the west; and
- d. A speed bump set back 2.5 metres from the road boundary, designed to reduce vehicle exit speeds to 10km/h

#### Lighting

73. The Lighting Plan certified under **Condition 26** must be implemented as part of the construction of the development and maintained thereafter

## POST-OCCUPATION CONDITIONS

### Refuse and Recycling Collection

74. The Waste Management Plan certified under **Condition 25** must be implemented at all times

### Street Trees

75. An aftercare period of two years is to be carried out following the planting of the new street trees (as required by **Condition 71**). Should the trees decline during this period to a point where they are no longer healthy (in the reasonable opinion of the Auckland Council arborist) then the trees must be replaced with similar trees of similar dimensions (as required **by Condition 71**). The aftercare period of two years must include any staking, mulching and watering during the summer periods to ensure the establishment and ongoing survival of the new street trees

### Review condition

FF1. In accordance with Section 128 of the Resource Management Act 1991, following the occupation of the building, Auckland Council may initiate a review of the effects and management requirements that relate to vehicle queuing onto Kingston Street and the TVPMP, as and when considered necessary. The review is to be undertaken at the Consent Holder's expense and shall deal with any adverse effects arising from the operation and management of the on-site loading, car lift, turn table and valet parking area. The findings of any such review are to be implemented at the Consent Holder's expense

## GROUNDWATER PERMIT - SPECIFIC CONDITIONS

### Definitions

Words used in the groundwater dewatering (take) and groundwater diversion consent conditions have specific meanings as outlined in the table below

Alarm Level	Specific levels at which actions are required as described in the relevant consent conditions
Alert Level	Specific levels at which actions are required as described in the relevant consent conditions
Bulk Excavation	Includes all excavation that affects groundwater excluding minor enabling works and piling and piling less than 1.5m in diameter.
Commencement of Construction Phase Dewatering	Means commencement of Bulk Excavation and / or the commencement of the taking or diversion of groundwater, other than for initial state monitoring purposes. Means commencement of Bulk Excavation and / or the commencement of the taking of any groundwater from the tunnel, trench or shaft excavation and / or any dewatering prior to excavation.
Completion of Construction Phase Dewatering	Means, in the case of building or structure construction, the stage when all the basement drainage works, external base slab and walls within an excavation are essentially watertight, the structures internal support mechanisms, including basement floors have been completed, any temporary retention removed, and no further groundwater is being taken/ diverted for the construction of the basement. Means, in the case of a drained building or structure, the stage the structures external and internal support mechanisms, including basement floors have been completed, the permanent drainage system(s) are in place and no further groundwater is being taken for the construction of the basement. Means, in the case of tunnels and shafts, when the tunnel and shafts have been constructed and effectively no further groundwater is being taken / diverted for the construction of the tunnel and shafts in accordance with the design. Means, in the case of pipe infrastructure, the stage when all pipework and pipe seals (and where required trench stops (collars)) have been installed and all back filling is completed within 50 meters of a building or structure and effectively no further groundwater is being taken for the construction of the network at that location.
Commencement of Excavation	Means commencement of Bulk Excavation or excavation to create perimeter walls. Means commencement of Bulk Excavation for shafts, trenches and tunnel.
Completion of Construction	Means when the Certificate of Completion (CCC) is issued by Auckland Council.

Completion of Excavation	Means the stage when all Bulk Excavation has been completed and all foundation/footing excavations within 10 meters of the perimeter retaining wall have been completed.
Condition Survey	Means an external visual inspection or a detailed condition survey (as defined in the relevant conditions).
Damage	Includes Aesthetic, Serviceability, Stability, but does not include Negligible Damage. Damage as described in the table below.
External visual inspection	A condition survey undertaken for the purpose of detecting any ground instability, new external Damage or deterioration of existing external Damage. Includes as a minimum a visual inspection of the exterior of a building; and may include a dated photographic record of all observable exterior Damage.
GSMCP	Means Groundwater and Settlement Monitoring and Contingency Plan
Monitoring Station	Means any monitoring instrument including a ground or building deformation station, inclinometer, groundwater bore, retaining wall deflection station or other monitoring device required by this consent.
Seasonal Low Groundwater Level	Means the annual lowest groundwater level which typically occurs in summer.
Services	Include fibre optic cables, sanitary drainage, stormwater drainage, gas and water mains, power and telephone installations and infrastructure, road infrastructure assets such as footpaths, kerbs, catch-pits, pavements and street furniture.
SQEP	Means Suitably Qualified Engineering Professional
SQBS	Means Suitably Qualified Building Surveyor

Category of Damage	Normal Degree of Severity	Description of Typical Damage <i>(Building Damage Classification after Burland (1995), and Mair et al (1996))</i>	General Category <i>(after Burland – 1995)</i>
0	Negligible	Hairline cracks.	<b>Aesthetic Damage</b>
1	Very Slight	Fine cracks easily treated during normal redecoration. Perhaps isolated slight fracture in building. Cracks in exterior visible upon close inspection. Typical crack widths up to 1mm.	
2	Slight	Cracks easily filled. Redecoration probably required. Several slight fractures inside building. Exterior cracks visible, some repainting may be required for weather-tightness. Doors and windows may stick slightly. Typically, crack widths up to 5mm.	
3	Moderate	Cracks may require cutting out and patching. Recurrent cracks can be masked by suitable linings. Brick pointing and possible replacement of a small amount of exterior brickwork may be required. Doors and windows sticking. Utility services may be interrupted. Weather tightness often impaired. Typical crack widths are 5mm to 15mm or several greater than 3mm.	<b>Serviceability Damage</b>
4	Severe	Extensive repair involving removal and replacement of walls especially over door and windows required. Window and door frames distorted. Floor slopes noticeably. Walls lean or bulge noticeably. Some loss of bearing in beams. Utility services disrupted. Typical crack widths are 15mm to 25mm but also depend on the number of cracks.	<b>Stability Damage</b>
5	Very Severe	Major repair required involving partial or complete reconstruction. Beams lose bearing, walls lean badly and require shoring. Windows broken by distortion. Danger of instability. Typical crack widths are greater than 25mm but depend on the number of cracks.	

Table 1: Building Damage Classification

Note: In the table above the column headed ‘Description of Typical Damage’ applies to Masonry buildings only and the ‘General Category’ applies to all buildings.

#### Duration of the consent

76. The take (dewatering) and groundwater diversion consent WAT60399231 must expire 35 years after the grant of consent unless it has lapsed, been surrendered, or been cancelled at an earlier date pursuant to the RMA

### Provide for a review under section 128

77. Under section 128 of the RMA the conditions of this consent WAT60399231 may be reviewed by Auckland Council at the Consent Holder's expense. Within six months after Completion of Dewatering and subsequently at intervals of not less than five years thereafter in order to:

- Deal with any adverse effects on the environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage.
- Vary the monitoring and reporting requirements, and performance standards, in order to take account of information, including the results of previous monitoring and changed environmental knowledge on:
  - 1 ground conditions
  - 2 aquifer parameters
  - 3 groundwater levels; and
  - 4 ground surface movement

#### **Advice Note:**

*Under section 128 of the RMA the conditions of this consent may be reviewed by the Manager Resource Consents at the Consent Holder's cost at any time, if it is found that the information made available to the council in the application contained inaccuracies which materially influenced the decision and the effects of the exercise of the consent are such that it is necessary to apply more appropriate conditions*

### Extent of excavation

GG1. The Bulk Excavation must not extend below 12.95 RL for Basement 2.

### Pre-commencement

GG2. Prior to the commencement of the 'In-ground works' Stage of construction on site, the Consent Holder must provide a finalised Geotechnical Investigation Report to the Council for certification. This information must be provided to the Council's satisfaction and no earthworks or construction works must proceed until certification is provided by the Council. The Geotechnical Investigation Report must include but is not limited to:

- a. Desktop assessment
- b. Intrusive testing
- c. Calculations and detailed assessment of effects from mechanical settlement and groundwater dewatering and diversion as a result of proposed excavations and retaining including proximity, construction, depth and age of structures, infrastructure and paved surfaces.
- d. Confirmation of activity status and mitigation (if required) under E7 (Taking, using, damming and diversion of water and drilling) specifically E7.8.1(6)
- e. Geotechnical risk including liquefaction
- f. Geotechnical recommendations for the proposed works

GG3. The Auckland Council must be advised in writing at least ten (10) working days prior to the date of the Commencement of Construction Phase Dewatering.

GG4. The design and construction of the basement retaining walls must be undertaken in accordance with the specifications contained in the report titled "Memorandum – 65 Federal Street Development – Geotechnical Assessment of Proposed Basement Changes, prepared by WSP, Ref: GS 2021/57, dated 20/28/2021"

### **Damage avoidance**

78. All excavations, dewatering systems, retaining structures, basements and works associated with the diversion of groundwater, shall be designed, constructed and maintained so as to avoid Damage to Buildings, structures and Services on the Site or adjacent properties, outside that considered as part of the application process, unless otherwise agreed in writing with the asset owner.

### Alert and Alarm Levels

79. The activity shall not cause any settlement or movement greater than the Alarm Level thresholds specified in Schedule A below. Alert and Alarm Levels are triggered when the following Alert and Alarm Trigger thresholds are exceeded

Schedule A: Alarm and Alert Levels			
Movement		Trigger Thresholds (+/-)	
		Alarm	Alert
a)	Differential vertical settlement between any two Ground Surface Deformation Monitoring Stations (the <b>Differential Ground Surface Settlement Alarm or Alert Level</b> )	1:500	1:750
b)	Total vertical settlement between the pre-excavation baseline level and subsequent measurements at any Ground Surface Deformation Monitoring Station (the <b>Total Ground Surface Settlement Alarm or Alert Level</b> )	15mm	10mm
c)	Differential vertical settlement between any two adjacent Building Settlement Deformation Stations (the <b>Differential Building Settlement Alarm or Alert Level</b> )	1:750	1:1000
d)	Total vertical settlement between the pre-excavation baseline level and any Building Deformation Monitoring Station (the <b>Total Building Settlement Alarm or Alert Level</b> )	15mm	10mm
e)	Total lateral deflection between the pre-excavation baseline level at any retaining wall monitoring station (the <b>Retaining Wall Deflection Alarm or Alert Level</b> )	30mm	20mm
f)	Total lateral wall deflection from the pre-excavation baseline level and any subsequent reading at any Inclinometer (the <b>inclinometer Deformation Alarm or Alert Level</b> )	<u>30mm</u>	<u>20mm</u>
g)	Distance below the pre-dewatering Seasonal Low Groundwater Level and any subsequent groundwater reading at any groundwater monitoring bore (the <b>Groundwater Alert Levels 1 &amp; 2</b> )	<u>N/A</u>	(1) <u>XXm</u> (2) <u>YYm</u>

*Note: The locations of the Monitoring Stations listed in Schedule A should be provided with the GSMCP proposed.*

These levels may be amended subject to approval by the Council as part of the Groundwater Settlement Monitoring and Contingency Plan (GSMCP) approval process, and, after the receipt of pre-dewatering monitoring data, building condition surveys and recommendations from a suitably qualified engineering professional (SQEP), but only to the extent that avoidance of Damage to buildings, structures and Services can still be achieved.

**Advice Note:**

*There are conditions that follow that must be complied with when the Alert and Alarm Level triggers are exceeded. These include actions that must be taken immediately including seeking the advice of a suitably qualified and experienced person*

**Alert Level Actions**

80. In the event of any **Alert Level** being exceeded the Consent Holder must:

- a. Notify Auckland Council within 24 hours.
- b. Re-measure all Monitoring Stations within 50 metres of the affected monitoring location(s) to confirm the extent of apparent movement.
- c. Ensure the data is reviewed, and advice provided, by a suitably qualified engineering professional (SQEP) on the need for mitigation measures or other actions necessary to avoid further deformation. Where mitigation measures or other actions are recommended those measures shall be implemented.
- d. Submit a written report, prepared by the SQEP responsible for overseeing the monitoring, to Auckland Council within 5 working days of Alert Level exceedance. The report shall provide an analysis of all monitoring data (including wall deflection) relating to the exceedance, actions taken to date to address the issue, recommendations for additional monitoring (i.e. the need for increased frequency or repeat condition survey(s) of buildings or structures) and recommendations for future remedial actions necessary to prevent Alarm Levels being exceeded.
- e. Measure and record all Monitoring Stations within 50 metres of the location of any Alert Level exceedance every two days until such time the written report referred to above has been submitted to Auckland Council.

**Alarm Level Actions**

81. In the event of any **Alarm Level** being exceeded at any ground deformation pin, building deformation pin, retaining wall deflection pin or inclinometer Monitoring Station, the Consent Holder shall:

- a. Immediately halt construction activity, including excavation, dewatering or any other works that may result in increased deformation, unless halting the activity is considered by a SQEP to be likely to be more harmful (in terms of effects on the environment) than continuing to carry out the activity.

- b. Notify Auckland Council within 24 hours of the Alarm Level exceedance being detected and provide details of the measurements taken.
- c. Undertake a condition survey (this could comprise either a detailed condition survey or an external visual inspection at the discretion of the SQEP responsible for overseeing the monitoring) by a SQEP or a suitably qualified building surveyor (SQBS) of a building or structure located adjacent to any Monitoring Station where the Alarm Level has been exceeded.
- d. Take advice from the author of the Alert Level exceedance report (if there was one) on actions required to avoid, remedy, or mitigate adverse effects on ground, buildings or structures that may occur as a result of the exceedance.
- e. Not resume construction activities (or any associated activities), halted in accordance with paragraph (a) above, until any mitigation measures (recommended in accordance with (d) above) have been implemented, to the satisfaction of the SQEP.
- f. Submit a written report, prepared by the SQEP responsible for overseeing the monitoring, to the Auckland Council on the results of the condition survey(s), mitigation measures implemented and any remedial works and/or agreements with affected parties within 5 working days of recommencement of works

#### **Groundwater and Settlement Monitoring and Contingency Plan (GSMCP)**

82. At least ten (10) working days prior to the commencement of 'In-ground works' Stage of construction, the Consent Holder must submit a Groundwater and Settlement Monitoring and Contingency Plan (**GSMCP**) prepared by a SQEP to Auckland Council for certification. Any later proposed amendment of the GSMCP shall also be submitted to Auckland Council for written certification in accordance with the process set out in **Condition 9**.
83. The overall objective of the GSMCP must be to set out the practices and procedures to be adopted to ensure compliance with the consent conditions and shall include, at a minimum, the following information:
  - a. A monitoring location plan, showing the location and type of all Monitoring Stations including groundwater monitoring bores, ground and building deformation pins, inclinometers and retaining wall deflection–pins. The monitoring plan must be based on the updated assessment as a result of proposed ground dewatering and basement walls constructions.
  - b. Final completed schedules B to E (as per the conditions below) for monitoring of ground surface, building, and retaining wall deformation (including any proposed changes to the monitoring frequency) as required by conditions that follow.
  - c. All monitoring data, the identification of Services susceptible to Damage and all building/service condition surveys undertaken to date and required by conditions that follow.
  - d. A bar chart or schedule showing the timing and frequency of condition surveys, visual inspections and all other monitoring required by this consent, and a sample report template for the required 2 monthly monitoring.
  - e. All **Alert and Alarm Level Triggers** (including reasons if changes to such are proposed, for example as a result of recommendations in the building condition surveys or data obtained from pre-dewatering monitoring).
  - f. Details of the contingency actions to be implemented if **Alert** or **Alarm** Levels are exceeded
84. All construction, dewatering, monitoring, and contingency actions must be carried out in accordance with the approved GSMCP. No Bulk Excavation (that may affect groundwater levels) or other dewatering activities shall commence until the GSMCP is certified in writing by Auckland Council.

#### **Pre-Dewatering Building and Structure Condition Survey**

85. No more than six (6) months prior to the commencement of 'in-ground works' Stage of construction, the Consent Holder must submit a detailed condition survey of buildings and structures as specified in Schedule B below and undertaken by a SQEP or SQBS. A written report must be prepared and reviewed by the SQEP responsible for overseeing the monitoring. The report must be submitted for certification by Auckland Council in accordance with the process set out in **Condition 9**.

This condition does not apply where written evidence is provided to Auckland Council that the owner of a property has confirmed they do not require a detailed condition survey.

The detailed condition survey must include:

- a. Confirmation of the installation of building deformation stations as required in Schedule B below.
- b. A description of the type of foundations.
- c. A description of existing levels of Damage considered to be of an aesthetic or superficial nature.

- d. A description of existing levels of Damage considered to affect the serviceability of the building where visually apparent without recourse to intrusive or destructive investigation.
- e. An assessment as to whether existing Damage may or may not be associated with actual structural Damage and an assessment of the susceptibility of buildings/structures to further movement and Damage.
- f. Photographic evidence of existing observable Damage.
- g. A review of proposed Alarm and Alert Levels to confirm they are appropriately set and confirmation that any ground settlement less than the Alarm Level will not cause Damage.
- h. An assessment of whether the monitoring frequency is appropriate.
- i. An assessment of where the location and density of existing Deformation Monitoring Stations is adequate and appropriate for the effective detection of change to building and structure condition

Schedule B: Buildings / Structures that require Detailed Condition Survey and Installation of Deformation Stations			
Number	Address	Property known as	
1	66 Hobson Street	Commercial building	
2	60 Hobson Street	Commercial building	
3	34 Kingston Street	Apartment building	
4	89-95 Victoria Street West	Apartment building	
5	87 Victoria Street West	Commercial building	
6	77-85 Victoria Street West	Apartment building	

**Advice Note:**

*This condition does not apply where written evidence is provided to the Council that the owner of a property has confirmed they do not require a detailed condition survey.*

**Pre-Construction Phase Dewatering Services Condition Survey**

- 86. Prior to the commencement of ‘in-ground works’ Stage of construction, a condition survey of potentially affected stormwater and wastewater services must be undertaken in consultation with the relevant service provider.

**Advice Note:**

*This condition does not apply to any service where written evidence is provided to the Council that the owner of that service has confirmed they do not require a condition survey*

**External Visual Inspections during Construction Phase Dewatering**

- 87. External visual inspections of the surrounding ground and neighbouring buildings and structures must be undertaken for the purpose of detecting any new external Damage or deterioration of existing external Damage. Inspections are to be carried out weekly from the Commencement to Completion of Construction Phase Dewatering. A photographic record must be kept, including time and date of each inspection and all observations made during the inspection and shall be of a quality fit for purpose.

The results of the external visual inspections and an assessment of the results must be reviewed by the SQEP responsible for overseeing the monitoring and included in the bimonthly monitoring report for the relevant monitoring period.

**Advice Note:**

*This condition does not apply to any land, building or structure where written evidence is provided to the Council confirming that the owner of the land, building or structure does not require visual inspections to be carried out.*

**Completion of Dewatering - Building, Structure and Services Condition Surveys**

- 88. No later than twelve (12) months after Completion Construction Phase of Dewatering, a detailed condition survey of all previously surveyed buildings, structures and stormwater and wastewater Services shall be undertaken by a SQEP or SQBS, and a written report must be prepared and reviewed by the SQEP responsible for overseeing the monitoring. The report shall be submitted to the Council, within one month of completion of the survey.

The condition survey report shall report on those matters identified in the pre-Construction Phase Dewatering condition survey. It must also identify any new Damage that has occurred since the pre-Construction Phase Dewatering-condition survey was undertaken and provide an assessment of the likely cause of any such Damage.

**Advice Note:**

*This condition does not apply to any building, structure or Service where written evidence is provided to Auckland Council confirming that the owner of that building, structure, or service does not require a condition survey to be undertaken*

**Additional Surveys**

89. Additional condition surveys of any building, structure, or Service within the area defined by the extent of groundwater drawdown must be undertaken, if requested by the Council for the purpose of investigating Damage potentially caused by ground movement resulting from Construction Phase Dewatering or retaining wall deflection, and a written report must be prepared and/or reviewed by the SQEP responsible for overseeing the monitoring. The report must be submitted to the Council. The requirement for any such additional condition survey will cease three (3) months after the Completion of Construction Phase Dewatering unless ground settlement or building deformation monitoring indicates movement is still occurring at a level that may result in Damage to buildings, structures, or Services. In such circumstances the period where additional condition surveys may be required will be extended until monitoring shows that movement has stabilised and the risk of Damage to buildings, structures, and Services as a result of the dewatering is no longer present

**Ground Surface and Building Deformation Monitoring**

GG5. Ground Surface and Building Deformation Monitoring Stations must be established and maintained at the approximate locations shown in the certified GSMCP. The Monitoring Stations must be monitored at the frequency set out in Schedule D. The purpose of the Monitoring Stations is to record any vertical or horizontal movement. Benchmark positions must be established no less than 20 meters away from the excavated area.

Schedule D: Ground Surface and Building Monitoring			
Monitoring Station and type*	Frequency		
	Pre-Commencement Construction Phase Dewatering	Commencement to Completion of Construction Phase Dewatering	Post-Completion of Construction Phase Dewatering
<i>Ground: e.g. X Points (GS1 to GSX)*</i>	Twice to a horizontal and vertical accuracy of +/-2mm (achieved by precise levelling)	Weekly	Monthly for 6 months
<i>Buildings: e.g. X Points (BS1 to BSX)*</i>	Twice to a horizontal and vertical accuracy of +/-2mm (achieved by precise levelling)	Weekly	monthly for 6 months

**Note:** \* Asterisk in the above Schedule indicates that consideration must be given to embedded column type ground settlement marker where possible for improved accuracy, for instance where tree roots or construction traffic may affect settlement.

The monitoring frequency may be changed, if approved by the Council

**Retaining Wall Monitoring**

GG6. X no. retaining wall deflection stations (RW1 to RWZ), for the measurement of lateral wall movement, must be installed along the top of the retaining walls, and Y No inclinometers (IW1 to IWY) for the measurement of lateral displacement must be installed either within a retaining pile or immediately behind one and extending to the base of the retaining pile, as shown in the certified GSMCP. Monitoring of the retaining wall deflection stations and inclinometers must be undertaken and recorded in accordance with Schedule E below and must be carried out using precise levelling

**Access to Third Party Property**

90. Where any monitoring, inspection or condition survey in this consent requires access to property/ies owned by a third party, and access is declined or subject to what the Consent Holder considers to be unreasonable terms, the Consent Holder must provide a report to Auckland Council prepared by a SQEP identifying an alternative monitoring programme. The report must describe how the monitoring will provide sufficient early detection of deformation to enable measures to be implemented to prevent Damage to buildings, structures, or Services. Written certification of this report shall be obtained from Auckland Council before any alternative monitoring option is implemented.

For the purpose of the above, a reasonable attempt shall be where agreement with owners to enter their property/ies and undertake monitoring, inspection or a condition survey is not obtained within three (3) months of written request. In this instance, monitoring, inspection, or a condition survey is not required for the

property. All correspondence, communication and contact must be recorded by the Consent Holder and if access is not made available, the records must be provided to the Council when requested

### Contingency Actions

91. If the Consent Holder becomes aware of any Damage to buildings, structures or Services potentially caused wholly, or in part, by the exercise of this consent, the Consent Holder must:
- a. Notify Auckland Council and the asset owner within two (2) working days of the Consent Holder becoming aware of the Damage.
  - b. Prepare a report by a SQEP (engaged by the Consent Holder at their cost) that: describes the Damage; identifies the cause of the Damage; identifies methods to remedy and/or mitigate the Damage that has been caused; identifies the potential for further Damage to occur and describes actions that will be taken to avoid further Damage.
  - c. Provide a copy of the report prepared under (b) above, to Auckland Council and the asset owner within 10 working days of notification under (a) above

#### **Advice Note:**

*It is anticipated the Consent Holder will seek the permission of the damaged asset to access the property and asset to enable the inspection / investigation. It is understood that if access is denied the report will be of limited extent*

### Building, Structure, and Services Surveys and Inspections

92. A copy of all pre-construction phase dewatering building, structure condition surveys, and Service condition surveys must be submitted to Auckland Council with the GSMCP. All other condition surveys and photographic records required by this consent shall be provided to Auckland Council upon request

### Reporting of Monitoring Data

93. At two monthly intervals (up until the completion of the “In-ground works” Stage of construction), a report containing all monitoring data required by conditions of this consent must be recorded submitted to Auckland Council as required. This report must include a construction progress timeline, a summary interpretation of the monitoring data (including the results of condition surveys) recorded in that period, and a comparison of that data with previously recorded data, and with the Alert and Alarm Levels for each Monitoring Station.

Upon completion of construction of all “In-ground works” Stage of construction, one electronic data file (excel workbook) containing digital data for all groundwater monitoring bores must be provided to the Council. Data should include the monitoring bore name, type, location (NZTM easting / northing and elevation), screened depth for groundwater monitoring bores, absolute and relative readings (and their units of measure) and the date / time of each reading. The worksheets should contain data values only (no formulas, circular references or links to other sheets).

### Notice of Completion

94. The Consent Holder must advise Auckland Council in writing within ten (10) working days of when Construction Phase Dewatering has been completed.

### Permanent Drainage

95. After Completion of Construction, any permanent backfill drainage systems installed behind retaining walls must not cause groundwater levels adjacent to the site to be reduced below the pre-existing seasonal low levels, or, for the case of permanently drained basements must not cause groundwater levels adjacent to the site to be reduced below, the calculated design levels (as defined by the groundwater alert level (2)).

### Groundwater Maintenance Program

- GG7. At the Completion of Construction Phase Dewatering, the Council must be provided with a maintenance program for any permanent groundwater drainage system used to manage groundwater levels.

#### **Advice Note:**

*The Consent Holder is advised that the discharge of pumped groundwater to a stormwater system or waterbody will need to comply with any other regulations, bylaws or discharge rules that may apply*

#### Duration of consent

96. This consent shall expire 35 years following the grant of consent unless it has been surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991

#### LAND USE CONSENT AND CONTAMINATION DISCHARGE CONSENT – PRE-COMMENCEMENT CONDITIONS

##### Early notice of works

97. The Consent Holder must provide written notice to Auckland Council at least 10 working days prior to the anticipated start date of works authorised by this consent via the following email address ([monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz)). The following details should be provided at time of notification:

- name and telephone number of the project manager and the site owner
- site address to which the consents relate
- activity to which the consents relate; and
- expected duration of the works

##### Detailed Site Investigation

98. Prior to the commencement of soil disturbance, a Detailed Site Investigation (DSI) must be undertaken to determine the contamination status of the Site soils. The investigation must be undertaken by a suitably qualified and experienced engineering professional (SQEP) in accordance with *Contaminated Land Management Guidelines Nos 1 & 5 (Ministry for the Environment, 2021)*. The Consent Holder must provide the DSI to Auckland Council for certification at least 10 working days prior to any earthworks commencing on the Site

##### Contaminated Site Management Plan

99. Following completion of the DSI required under **Condition 98, the** Consent Holder must engage a SQEP to prepare a Contaminated Site Management Plan (CSMP) (if applicable) to incorporate the requirements stipulated in the Conditions of consent, and to ensure that the proposed management measures are adequate to mitigate the risks to human health and to the environment during the proposed soil disturbance works, based on the level of contamination identified in the DSI. The CSMP must be prepared in accordance with Contaminated Land Management Guidelines No. 1 (Ministry for the Environment, 2021) and provided to Auckland Council for certification at least 10 working days prior to any earthworks commencing on the Site

#### LAND USE CONSENT AND CONTAMINATION DISCHARGE CONSENT – DURING CONSTRUCTION CONDITIONS

100. Earthworks must be undertaken in accordance with the CSMP required under **Condition 99**. Any variations to the CSMP must be prepared by a SQEP and submitted to Auckland Council for certification prior to implementation.

101. All soil disturbance works shall be managed to minimise any discharge of debris, soil, silt, dust, sediment, or sediment-laden water from beyond subject site to either land, stormwater drainage systems, watercourses or receiving waters.

Erosion and sediment controls shall be installed along the boundaries of the disturbance areas in accordance with the Guidance Document *'Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region'* referenced as GD05 (revised 2007). The excavation areas shall be dampened during the day to suppress the generation of dust during the works. Filter cloths or cover mats shall be installed over the stormwater cesspits in the vicinity of the excavation areas. Vehicles shall be inspected prior to leaving the works area and wheels brushed / cleaned as required to avoid the potential for sediment to leave the site on vehicle tyres and enter the existing stormwater system.

##### Advice Note:

*Discharge from the site includes the disposal of water (e.g. perched groundwater or collected surface water) from the remediation area*

##### Unexpected contamination

102. Where contaminants are identified during soil disturbance that have not been anticipated by the application, a SQEP shall advise of any necessary management measures to be implemented on site. Any unexpected contamination and contingency measures shall be documented in the Works Closure Report required by **Condition 107**.

**Advice Note:**

Unexpected contamination may include contaminated soil, perched water, or groundwater. The Consent Holder is advised that where unexpected contamination is significantly different in extent and concentration from that anticipated in the original site investigations, handling the contamination may be outside the scope of this consent. Advice should be sought from the Council (Team Leader Central Monitoring) as to whether carrying out any further work in the area of the unexpected contamination is within scope of this consent

**Works supervision**

103. All soil disturbance works shall be overseen by a SQEP who shall ensure that all management options and contingency measures outlined in the CSMP (or any approved updated version) listed in **Condition 99**, and all other relevant consent conditions are adhered to

**Imported fill**

104. All imported fill (if any) shall:

- a. Comply with the definition of 'Cleanfill material', as described in the Auckland Unitary Plan
- b. Be solid material of an inert nature; and
- c. Not contain hazardous substances or contaminants above natural background levels of the receiving site

**Stockpiling and disposal of soil**

105. The contaminated soils and / or fill material identified for off-site disposal shall primarily be loaded directly into trucks and shall be covered during transportation off site. Stockpiling of the excavated material shall be avoided. If required, temporary stockpiles of material free from separate phase hydrocarbons or odorous petroleum hydrocarbons shall be located on an impermeable surface within an area protected by erosion and sediment controls and be covered with tarpaulins anchored at the edges outside working hours and during periods of heavy rain. Stockpiling of material containing separate phase hydrocarbons or odorous petroleum hydrocarbons shall not take place. All soil removed from the soil disturbance area shall be deposited at a disposal site that holds a consent to accept the relevant level of contamination.

Where it can be demonstrated that the soil has been fully characterised in accordance with *A Guide to the Management of Cleanfills*, Ministry for the Environment (2002), and meets the definition of 'Cleanfill material', as described in the Auckland Unitary Plan, removal to a consented disposal site is not required. In such circumstances, Auckland Council shall be advised prior to its removal from the subject site

**Disposal of perched groundwater or surface water**

106. Any perched groundwater, or surface water encountered within the excavation area requiring removal shall be considered potentially contaminated, and shall either:

- a. be disposed of by a licenced liquid waste contractor; or
- b. pumped to sewer, providing the relevant permits are obtained; or
- c. discharged to the stormwater system or surface waters provided testing demonstrates compliance with the Australian and New Zealand Environment Conservation Council (ANZECC) Guidelines for Fresh and Marine Water Quality (2000) for the protection of 80 percent of marine species, with the exception of benzene where the 95 percent protection level shall apply

**Works Closure Report**

107. Within three (3) months of the completion of the soil disturbance activities on site, the Consent Holder must provide a Works Closure Report (**WCR**) to Auckland Council. The WCR must be prepared by a SQEP in accordance with the *Contaminated Land Management Guidelines No. 1: Reporting on contaminated sites in New Zealand*, Ministry for the Environment (revised 2011).

The Works Closure Report shall contain sufficient detail to address the following matters, at a minimum:

- A summary of the works undertaken, including a statement confirming whether the soil disturbance has been completed in accordance with the relevant reports certified under this consent;
- The location and dimensions of the excavations carried out, including a relevant site plan;

- A summary of all testing undertaken, including validation testing (if applicable), including tabulated analytical results, and interpretation of the results in the context of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011, and the contaminated land rules of the Auckland Unitary Plan (Operative in Part), and any contamination remaining onsite requiring ongoing management;
- Copies of the disposal docket for the material removed from the site.
- Evidence that all imported fill material complies with the definition of 'Cleanfill material', as described in the Auckland Unitary Plan;
- Records of any unexpected contamination encountered during the works, if applicable; and
- Details regarding any complaints and/or breaches of the procedures set out in the Site Management Plan, and the conditions of this consent

**Advice notes:**

1. Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.
2. For the purpose of compliance with the conditions of consent, "Auckland Council" refers to the council's monitoring inspector unless otherwise specified. Please contact the Team Leader Central Monitoring at [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) to identify your allocated officer.
3. For more information on the resource consent process with Auckland Council see the council's website: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz). General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment's website: [www.mfe.govt.nz](http://www.mfe.govt.nz).
4. If you as the applicant 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 Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of your receipt of this decision (for s357A) or receipt of the council invoice (for s357B).
5. The Consent Holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), 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.
6. The Consent Holder is reminded that a waste management plan (WMP) is required to be prepared for any multi-unit development, comprising ten or more residential and/or commercial units, under the Auckland Council Solid Waste Bylaw 2012 ('the Bylaw'). Assistance in determining the contents of the WMP as required by the Bylaw can be found within the Auckland Design Manual located at this link: <http://www.aucklanddesignmanual.co.nz/>
7. The Consent Holder is reminded that any proposed landscape upgrade work within the Federal Street and Kingston Street road reserve will require separate approval from Auckland Transport on behalf of Auckland Council as landowner. This resource consent is not 'approving' these works, noting that they are a permitted activity providing they are being undertaken by the Consent Holder as an 'agent' of Auckland Transport.
8. The Council acknowledges that the management plans referred to in the consent conditions are intended to provide flexibility both for the Consent Holder and the council for the management of the relevant activities. Accordingly, the management plans may need to be reviewed over time. Any reviews should be in accordance with the stated objectives of the management plan and limited to the scope of this consent.
9. Certification of any management plan by the Council relates only to those aspects of the management plan that are relevant under the Resource Management Act 1991. The certification does not amount to an approval or acceptance of suitability by the council of any elements of the management plan that relate to other legislation, for example, but not limited to, the Building Act 2004, the Heritage New Zealand Pouhere Taonga Act 2014, or the Health and Safety at Work Act 2015.
10. The Consent Holder will be responsible for ensuring any road encroachment licence(s) or lease(s) are obtained from Auckland Transport for the new verandah over the Hobson Street footpath. See Auckland Transport's website [www.aucklandtransport.govt.nz](http://www.aucklandtransport.govt.nz) for more information
11. This development may involve new connections to Watercare's water and wastewater networks. The Consent Holder will be responsible for contacting Watercare regarding the connection, construction and acceptance testing. See Watercare's website ([www.watercare.co.nz](http://www.watercare.co.nz)) for more information.
12. The proposal may require engineering approval to be obtained from the council. See the council's website ([www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz)) for more information on the engineering approval process, or call (09) 301 0101 and ask to speak to a Development Engineer from your local service centre.
13. Pumping and/or boosting of the public water supply may be required for internal plumbing design. Details will be required with the building consent application.
14. The adequacy of the public water supply to provide for firefighting, as required by SNZ PAS 4509:2008, will need to be tested prior to lodgement of a building consent application for the proposal. Confirmation of adequacy should be in the form of a written report from the NZ Fire Service. Any shortfalls in the adequacy of the public supply should be addressed.
15. Best practice erosion and sediment control measures should be implemented for the duration of the land disturbance. Those measures should be installed prior to the commencement of land disturbance and maintained until the site is stabilised against erosion. This is a requirement (amongst others) of Chapter E11 of the Auckland Unitary Plan.
16. Any outdoor lighting required as part of the development, including during demolition, earthworks and construction, is required to comply with the requirements of Chapter E24 of the Auckland Unitary Plan.
17. In relation to operational noise, any future activities in the building (including but not limited to noise generated from the retail tenancies, roof terrace activities/events, and any mechanical plant) should be designed/managed to comply with standards E25.6.8 (external) and E25.6.9 (between units) of the Auckland Unitary Plan, at all times, except as otherwise provided for by the Conditions of consent.

18. *The accidental discovery rule under standard E12.6.1 of the Auckland Unitary Plan must be complied with at all times. If any archaeological features are uncovered on the site, works should cease and the Team Leader Central Monitoring and Heritage New Zealand Pouhere Taonga (09 307 9920) should be notified immediately. The Heritage New Zealand Pouhere Taonga Act 2014 provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. It is an offence under this Act to destroy, damage or modify any archaeological site without an authority from Heritage New Zealand Pouhere Taonga. You should contact Heritage New Zealand to determine whether an authority is required. An archaeological site is defined as a place associated with pre-1900 human activity where there may be evidence relation to history of New Zealand. Archaeological features' may include old whaling stations, ship wrecks, shell middens, hangi or ovens, pit depressions, defensive ditches, artefacts, or koiwi tangata (human skeletal remains), etc. For guidance and advice on managing the discovery of archaeological features, contact the Team Leader Cultural Heritage Implementation on 09 301 0101.*
19. *The Consent Holder is advised that the discharge of pumped groundwater to a stormwater system or waterbody will need to comply with any other regulation, bylaw or discharge rule that may apply.*
20. *In the event that the Consent Holder discovers asbestos containing materials (ACM) on the site:*
  - *You have obligations under the relevant regulations for the management and removal of asbestos, including the need to engage a Competent Asbestos Surveyor to confirm the presence or absence of any ACM.*
  - *Work may have to be carried out under the control of person holding a WorkSafe NZ Certificate of Competence (CoC) for restricted works.*
  - *If any ACM is found, removal or demolition will have to meet the Health and Safety at Work (Asbestos) Regulations 2016.*
  - *Information on asbestos containing materials and your obligations can be found at [www.worksafe.govt.nz](http://www.worksafe.govt.nz).*
  - *If ACM is found on site, you may be required to remediate the site and carry out validation sampling. Dependent on the amount of soil disturbance a further resource consent application may be required*
21. *Reassessment for water and wastewater capacity will be required if the construction of this development has not commenced within 2 years of the date of Watercare's assessment.*
22. *The Consent Holder is advised that under the engineering approval stage, a completed design of the proposed water supply and wastewater infrastructure will be required, including infrastructure to vest in Auckland Council and thereafter in Watercare (public water supply and wastewater works), in accordance with the current Watercare Water and Wastewater Code of Practice for Land Development and Subdivision (Code of Practice) as well as Watercare's standards for material supply, construction and asset data capture.*
23. *All public water supply and wastewater works required to service this development shall be designed and constructed by the developer at no cost to Watercare Services Limited.*
24. *Works over application will be required for the pipe sections where the cover / backfill is less than 900mm.*
25. *It is recommended that the Consent Holder liaises with Watercare on the potential interim solution prior to submitting the Engineering Plan Approval application*