

# Standard Conditions Manual

## Height & Height in Relation to Boundary (HIRB)

### Disclaimer

*The information in this Standard Conditions Manual is, according to the Auckland Council's best efforts, accurate at the time of publication. Auckland Council makes every reasonable effort to keep it current and accurate. However, users of the Conditions Manual are advised that:*

- Although the conditions are “standardised”, in the sense that they should be applied consistently where they are required, this does not mean that they should all be applied in every instance. Applicants need to consider the nature of the activity, and the characteristics of the site and its surroundings in considering whether to apply each and every condition.*
- The standard conditions should be used with caution as a starting point from which appropriate conditions for the individual consent should be drafted to align with the requirements of ss108, 108AA and 220 of the Resource Management Act 1991.*
- Further guidance as to whether to apply the conditions are included in the guidance notes that accompanies each condition.*
- Users should take specific advice from qualified professional people before undertaking any action as a result of information obtained in this Standard Conditions Manual.*
- Auckland Council does not accept any responsibility for, or liability whatsoever whether in contract, tort, equity or otherwise (including negligence) arising from the use of, or reliance on, this Standard Conditions Manual. This includes, without limitation, any liability arising from any error, or inadequacy, deficiency, flaw in or omission from the information provided.*

# Conditions

## Condition 1: Surveyor foundation check

No building works/ (insert specified building works) [delete one] must proceed beyond the foundation stage until a registered surveyor or licensed cadastral surveyor, engaged by the consent holder, has provided written certification to the Team Leader Compliance Monitoring [specify area] that the works completed:

- have been completed in accordance with the approved plans as referred to in condition 1 of this consent; or
- do not exceed the vertical or horizontal extent of any breach, infringement, or non-compliance approved under this consent.

### Advice Note:

The person providing the written certification should ensure that the finished floor level is clearly marked on the subject site before the foundations are put in place.

The purposes of certification at the foundation stage of construction are to:

- provide assurance that the building works, to that point, have been undertaken in accordance with the consent
- reduce the risk of non-compliance as the works continue.

Written certification should include the following:

- the finished ground level is clearly marked on the subject site
- the relevant consent reference number and site address
- levels, calculations, plans and drawings of the structure(s) that are the subject of certification
- the quantification of the extent of any breach, infringement or non-compliance identified at the time of survey, where this has occurred.

Written certification is to be provided directly to the officer specified in this condition.

## Condition 2: Surveyor roof framing check

No building works / *(insert specified building works) [delete one]* must proceed beyond the roof framing stage until a registered surveyor or licensed cadastral surveyor, engaged by the consent holder, has provided written certification to the Team Leader Compliance Monitoring *[specify area]* that the works completed:

- have been completed in accordance with the approved plans as referred to in condition *XX* of this consent, or
- do not exceed the vertical or horizontal extent of any breach, infringement, or non-compliance approved under this consent.

### Advice Note:

The purposes of certification at the roof framing stage of construction are to:

- provide assurance that the building works, to that point, have been undertaken in accordance with the consent
- reduce the risk of non-compliance as the works are completed.

Written certification should include the following:

- the finished ground level is clearly marked on the subject site
- the relevant consent reference number and site address
- levels, calculations, plans and drawings of the structure(s) that are the subject of certification
- the quantification of the extent of any breach, infringement or non-compliance identified at the time of survey, where this has occurred.

Written certification is to be provided directly to the officer specified in this condition.

## Guidance Note

Requiring certification at particular stages of the construction process is one way of ensuring that the risks of works potentially leading to significant, unauthorised infringements and high costs of rectification are managed.

The nature of the building works and the risk profile they present are factors you can consider in determining whether to impose a requirement of certification and, if so, at what stage of construction. These circumstances are set out in the following table, which also provides guidance on selecting an appropriate condition. The circumstances described in the table are purely illustrative and do not account for all situations. Conditions must not be 'cherry-picked' from the table. A full assessment of the proposal, site and surroundings is required to determine whether certification is warranted at any stage, or at all.

Circumstances (illustrative only)	Stage of works	Condition #
relatively low to medium risk profile minor height or HIRB infringement (e.g. tip of gable) minor alterations and additions reasonably significant height or HIRB infringement (e.g. whole side of wall) no height or HIRB infringement but building works are within 200mm of the height or HIRB limits imposed by the district plan flat to gently sloping site no ground level modifications relatively close proximity to site boundary and sensitive receptors	roof framing	(2)
high risk profile significant height or HIRB infringement new building steeply sloping site very close proximity to site boundary and sensitive receptors ground level modifications	Foundation AND Roof framing	(1)  (2)

As indicated in the table above, there may be circumstances where there is no height or HIRB infringement, but where certification may be warranted due to the proximity of the building works to the height or HIRB limits imposed by the Auckland Unitary Plan, and a need to ensure that the risks of infringement associated with otherwise permitted building works are suitably managed. Bear

in mind that your ability to impose such a condition will be constrained by the consent status of the activity for which consent has been sought.

In practice, due to the realities of the building process, the actual levels and dimensions of finished works may infringe plan controls to a lesser extent than that approved under the consent. This can be seen as a positive outcome. Accordingly, the following conditions provide flexibility i.e. either the finished works must be in accordance with the approved plans OR, if this proves not to be the case, at the very least the works must not exceed the breach, infringement or non-compliance approved under the consent. The conditions allow you to specify whether they should apply to all building works on the subject site or only some (thereby allowing any works not associated with the infringement in question to proceed).