

Standard Conditions Manual

Standard Conditions & Advice Notes

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: Activity in accordance with plans

The ... [insert details – be specific e.g. 31 residential unit development / discharge of xx to xx] activity must be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the council as consent number [insert consent reference number/s]

For ground water take applications

The take and use of groundwater from name of waterbody from bore ID# XX at map ref on land legally described as XX to supply state purpose e.g. potable/irrigation and irrigation area (if irrigation water) or number of people (if potable water) water to state type of activity on land legally described as XX must be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the council as consent number [insert consent reference number/s].

For surface water take applications

The take and use of surface water from name of waterbody at map ref on land legally described as XX to supply state purpose e.g. potable/irrigation and irrigation area (if irrigation water) or number of people (if potable water) water to state type of activity on land legally described as XX must be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the council as consent number [insert consent reference number/s].

- Application form, and assessment of environmental effects prepared by [name] ..., dated [date] ...

Report title and reference	Author	Rev	Dated

Plan title and reference	Author	Rev	Dated

Other additional information	Author	Rev	Dated

Guidance Note:

This condition is to be included on all consent applications. Full reference should be given to all relevant plans and documents (including any s92 information). Only document correspondence and emails that change the AEE and that you rely on in your assessment. Please refer to final versions of plans and documents. Information regarding hours of operation, or numbers of patrons/children/occupants should be included where appropriate.

For joint land use and subdivision consents as well as integrated consents, this condition is to be extended to include references to the documents relevant to the different consent / permit. In such situations, it is recommended that identifiers be put in place to differentiate each consent. Naturally, when the consent is not a joint land use / subdivision or integrated no additional references to land use / subdivision or regional permits would be required. Under all circumstances, it is essential that this condition identify all of the documentation that the consent relies on.

Water is a limited resource and needs to be used efficiently. As such, details on the purpose and activity (e.g. the actual horticultural crop being grown and area being irrigated) are required to ensure the allocation is appropriate and efficiently used.

Condition 2: When the consent lapses

Under section 125 of the RMA, this consent lapses five years [two years for tree only consents] after the date it is granted unless:

- a. The consent is given effect to; or
- b. The council extends the period after which the consent lapses.

Guidance Note:

*This condition is to be included **on all consent applications**. This condition helps the consent holder to understand their rights and ensure that they are informed appropriately so that they can apply for an extension of lapse date should that be necessary in the future.*

Condition 3: Duration of the consent

[permit name and number, e.g. stormwater diversion and discharge permit 12345] must expire on [expiry date] unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the RMA. [Repeat for each permit/consent]

Guidance Note:

This condition should be applied for all water, coastal and discharge permits, and can also be applied to regional earthworks and streamworks consents. Where multiple permits are required (e.g. relating to quarries) consideration should be given to standardising the expiry date of all permits.

*This condition should **only** be applied to land use consents if a particular reason has been identified (any reasons should be set out in the report and the decision). If there is no reason that a **land use activity** should have an expiry date then do not impose this condition. Most land use consents will either be given effect to or lapse after 5 years.*

When applying this condition to regional earthworks consents (e.g. tracking/roading and trenching works), 5 years is the default duration. This acknowledges that adverse effects associated with earthworks may be temporary in nature, and that, over time, the nature of operations may change with innovations in technology and research. Extensions beyond 5 years can be considered for cleanfill and forestry activities, as well as major projects (e.g. some NZTA or other major infrastructure applications), which may require a duration of up to 10 years. In all these cases, expiry dates should coincide with the end of the earthworks season of April 30 for the final year. For Regional streamworks and stormwater consents the standard is 35 years.

The duration condition only needs to specify the consents/permits that will expire, and not the ones that do not.

Wastewater Discharge to Land: *The discharge of wastewater to land will often have an impact on the quality of groundwater and/or surface water. Resource consent controls aim to limit impacts on water quality within acceptable parameters and consents are usually granted for a term of 15 to 20 years. A shorter term of consent should be considered if the discharge is unlikely to be needed in the future (e.g. because the area gets a reticulated wastewater scheme). For low risk systems, where reticulation is not likely, longer term consents (up to 35 years) may be appropriate. If 35 year consent is granted, the wastewater system is unlikely to function satisfactory for that entire period without appropriate inspection, servicing and maintenance. Therefore a 10 yearly audit (and upgrade if required) of the wastewater treatment and disposal systems should be required as an additional condition of consent for consents issued for 35 years.*

Condition 4: Monitoring charges

The consent holder must pay the council an initial consent compliance monitoring charge of \$330/\$660/\$990/\$ (delete as appropriate or insert higher amount based on the number of inspections multiplied by the hourly rate) inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to this consent/s.

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 consent. In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, must be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge(s). Only after all conditions of the resource consent have been met, will the council issue a letter confirming compliance on request of the consent holder.

Guidance Note:

This condition is to be included on all consent applications.

Condition 5: Provide for a review under section 128

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:

On (state intervals for review- which may be one-off, annual, or less regular over time) following commencement of consent in order:

- i) (delete if not applicable) To deal with any adverse effect 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, in particular adverse effects on (describe).
- ii) (delete if not applicable) In the case of a discharge permit or a coastal permit to do something which would otherwise contravene section 15 or 15B of the RMA, to require the adoption of the best practicable option to remove or reduce any adverse effects on the environment, in particular adverse effects on (describe).

- iii) (delete if not applicable) In the case of (describe any other purpose for example to alter monitoring requirements as a result of ongoing monitoring outcomes).
- iv) (for water takes- delete if not applicable) In the case of a water take, to vary the quantities, monitoring, operating and reporting requirements, and performance standards in order to take account of information, including the results of previous monitoring and changed environmental knowledge, on:-
 - o water availability, including alternative water sources;
 - o actual and potential water use ;
 - o groundwater levels;
 - o stream water flow and level regimes;
 - o groundwater or stream water quality;
 - o efficiency of water use;
 - o (For surface takes only) Instream biota, including fish passage and the functioning of aquatic ecosystems.
- v) (for dewatering consents - delete if not applicable) In the case of a dewatering take or diversion, to 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:
 - o ground conditions
 - o aquifer parameters
 - o groundwater levels; and
 - o ground surface movement

Guidance Note:

This condition should only be imposed in specific cases where the nature of the activity is such that a review is required after the consent has been given effect. It is not required on all applications. Reasons for using this condition should always be outlined in the processing officers' assessment, and condition should be explicit on the timeframes for a review, the effects that are of concern, and any information requirements. If you are imposing this condition for the review of stormwater devices the condition should be modified to state that the intervals for review relate to the timing of the construction of the stormwater devices, which might not be at the same time as other works are carried out on site.

*For water takes, this condition should only be imposed in water take specific cases, it is not required on all water take applications. **Reasons for using this condition** should always be outlined in the processing officers' assessment, and condition should be explicit on the timeframes for a review, the effects that are of concern, and any information requirements. The matters listed for surface or*

groundwater takes are set out in the policies of the Auckland Unitary Plan (Operative in Part).

For dewatering consents the review condition should generally be used. Reasons for using this condition should always be outlined in the processing officers' assessment, and the condition should be explicit about the timeframes for a review, the effects that are of concern, and any information requirements.

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 in the following circumstances:

(delete if not applicable) In the case of a coastal, water or discharge permit, to provide compliance with rules in any regional plan relating to use of water, water or air quality etc. (refer section 128(1)(b) of the RMA) that have been made operative since the commencement of consent.

(delete if not applicable) In the case of a coastal, water or discharge permit, to provide compliance with any relevant national environmental standard that has been made since the commencement of consent.

(delete if not applicable) 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.

Guidance Note:

The RMA provides for the council to review conditions at any time or times specified for that purpose in the consent where there are any adverse effects that may arise from the exercise of the consent, or in relation to a coastal, water or discharge permit where a regional plan or NES has changed. In addition, the council can review other conditions (such as those outlined in the advice note above) without having to set out in a condition the timeframes within which it will review them. Therefore, these are more appropriate as an advice note rather than a condition. You can include this advice note on any consent which relates to one of the three examples; however speak with the relevant specialist to determine the likelihood of such a review being necessary.

Advice Notes

Guide to advice notes in the conditions manual

It is common practice to place advice notes on consents. They provide a useful customer service in that they can remind consent holders of other standards and requirements related to the consent and, of obligations as a consequence of the consent. Advice notes are legally part of a consent.

The council has adopted a process of including two types of advice notes:

- **'general' advice notes:** these provide general information to the consent holder. They are not related to specific conditions and are grouped after all of the conditions.
- **'specific' advice notes:** these specifically relate to a condition, and may include additional advice or contact information to assist the consent holder. Typically these are located immediately below the condition.

Advice notes are clearly labelled (and formatted differently) in the council's report template so that they are not misinterpreted as consent conditions. Within the SCM, 'general' advice notes are contained in their own section, and specific advice notes are located in the different sections conditions.

Advice Note 1: General information regarding working days

Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.

Guidance Note:

*The purpose of this advice to make the consent holder aware that any reference to days within any of the conditions refers to 'working days' as defined by the RMA. This advice note provides consistency with the way standard conditions are expressed and should be included **on all consent applications**.*

Advice Note 2: General information around who 'the council' refers to

For the purpose of compliance with the conditions of consent, "the council" refers to the council's monitoring inspector unless otherwise specified. Please contact XX [insert unit specific detail and/or general council #] on [insert phone number or email address or monitoring@aucklandcouncil.govt.nz] to identify your allocated officer.

Guidance Note:

*This advice note outlines who 'the council' refers to for the purpose of compliance with the conditions of consent, and should be included **on all consent applications**.*

This advice (which is replicated in the decision letter (TBC)) is essential to provide the consent holder with details about who to contact in the first instance. This advice note assists in reducing repetition of the monitoring and compliance officer titles etc. in each condition. This can be modified to reflect service centre specific titles and contacts.

Advice Note 3: General information on the resource consent process

For more information on the resource consent process with Auckland Council see the council's website 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.

Guidance Note:

*The purpose of this advice is to provide the consent holder with details around where they can go to find additional information relating to the consent process. It should be included **on all consent applications**.*

Advice Note 4: Advice on the objection process

If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of notification of the decision.

Guidance Note:

*This advice note provides essential information regarding the right of objection to any of the conditions of consent or the additional charges relating to the processing of the application and should be included **on all consent applications**.*

Advice Note 5: Advice to obtain all other consents, permits, or licences

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.

Guidance Note:

*This is a comprehensive advice note that provides information on the requirement to obtain all other necessary consents, permits, or licences (e.g. under bylaws) including those under other legislation. It should be included **on all consent applications**. Where the nature of the activity necessitates the reference of another act (i.e. the Prostitution Reform Act) the advice note should be expanded to include this reference. Separate advice notes have been provided for the signs bylaw and engineering approvals due to their implications.*

Advice Note 6: Other consents required

A building consent will be required for the erection of [insert option e.g. any gantry].

Guidance Note:

It may be appropriate at times to be specific about certain aspects of a development to draw attention to additional requirements, a building consent for example. This advice note should only be used where a specific matter can be identified in the advice note.

Advice Note 7: Construction of drainage on neighbouring properties

The granting of this resource consent does not in any way allow the applicant to enter and construct drainage within neighbouring properties, without first obtaining the agreement of all owners and occupiers of said land to undertake the proposed works. Any negotiation or agreement is the full responsibility of the applicant, and is a private agreement that does not involve the council. Should any disputes arise between the private parties, these are civil matters which can be taken to independent mediation or the

disputes tribunal for resolution. It is recommended that the private agreement be legally documented to avoid disputes arising.

Guidance Note:

*Where an application proposes drainage that will require a consent holder to enter and construct drainage on a neighbouring property this advice note **should always be included**. Ensuring the right to access and construct the drainage is a civil issue, and the approval of the resource consent does not provide the authority to enter the neighbouring property. The inclusion of this advice note is therefore necessary to outline this position.*

Advice Note 8: Management Plan conditions

The council acknowledges that the [XX specify] Management Plan(s) are intended to provide flexibility both for the consent holder and the council for the management of the [insert activity]. Accordingly, the Management Plan(s) 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.

Guidance Note:

This advice note is intended to bring to the attention to the consent holder that there is an element of flexibility to Management Plans.

Where a number of Management Plans are required, this advice note should refer to all of them.

Additionally, where any updates to the Management Plan would require approval (i.e. Management Plans associated with Industrial Trade Activities) a condition would need to specifically state that any updates would require approval and this advice note should not be used.

Advice Note 8A: Certification of management plans

Certification of the XXX 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 in Employment Act 1992.

Guidance Note:

The certification of management plans may in some circumstances raise liability issues for the council. For example management plans that include matters that are not relevant under the RMA such as a Health and Safety Plan or transport controls covered under other legislation applicable to NZTA or Auckland Transport. In these cases the above advice note 8A should be added after the relevant management plan condition.

Advice Note 9: Advice where a site is limited as to parcels

As this site is limited as to parcels, it is recommended that the property owner remove this limitation. This limitation is a civil issue and does not involve the council. The process to remove the limitation can be discussed with a licensed cadastral surveyor. Due to this limitation on the site, the application has been assessed on the basis of the survey information provided with the application.

Guidance Note:

Where a site is identified on the record of title as being limited as to parcels it is good practice to include this advice note.

Advice Note 10: Requirements under previously approved consents

This consent is to be read in conjunction with any other relevant approved resource consent(s) and does not negate the consent holder's requirement to continue to comply with the conditions of any previously granted resource consents that have been implemented.

Guidance Note:

*This advice note brings to the attention of the consent holder that there is also a responsibility to comply with any conditions of previously granted consents that have been implemented. This advice note should be included **on all s127 applications**. This advice note **may also be appropriate** where a development is staged with multiple consents relevant to the wider development.*

Advice Note 11: AT permissions: CAR permits/road encroachment licences and leases

Version A:

The consent holder will be responsible for ensuring all necessary permits, such as Corridor Access Requests (CAR) permits for [specify aspect of the development], are obtained from Auckland Transport. See Auckland Transport's website www.aucklandtransport.govt.nz for more information.

Version B:

The consent holder will be responsible for ensuring any road encroachment licence(s) or lease(s) are obtained for [specify aspect of the development that projects into legal road], are obtained from Auckland Transport. See Auckland Transport's website www.aucklandtransport.govt.nz for more information.

Guidance Note:

In addition to the requirements of the resource consent, a consent holder may also require permission from Auckland Transport (AT) before they can give effect to their consent. The advice notes below can be used to ensure that the consent holder is aware of these obligations.

*The two options cover the most common requirements, a Corridor Access Request (CAR) for works on the legal road, and Road Encroachment Licences or Leases for projections in to the legal road (including on the surface, beneath (subsoil) or above (airspace)). These advice notes **should only be** included where the development is likely to require them being obtained, and this requirement should be raised with the applicant during the processing of the consent.*

AT's website (www.aucklandtransport.govt.nz) is the best source of information; see either the [working on the road section](#) for more detail on CARs, or search road encroachment for more detail on licences or leases to occupy the road.

These advice notes can be modified to cover any other specific requirement for permission from AT that falls outside of the consent process.

Advice Note 12: Watercare approvals: 'Works Over' and new connections

Version A:

This development involves building or other construction works [insert specific distance/ in close vicinity / over] of Watercare's water and wastewater network. A 'works over approval' may be required for these works. The consent holder will be responsible for ensuring all necessary approvals are obtained from Watercare. See Watercare's website (www.watercare.co.nz) for more information.

Version B:

This development involves 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) for more information.

Guidance Note:

In addition to the requirements of the resource consent, a consent holder may also require approval from Watercare. The advice notes below can be used to ensure that consent holders are aware of these obligations.

*There are two options provided to cover the most common requirements for approval; compliance and construction of new connections, and works over approval (for works near or over a Watercare asset). These advice notes **should only be** included where the development is likely to require them being obtained. Although in many cases, network extensions will be approved either prior to resource consent, or as part of the consent process, these requirements should be raised with the applicant during the processing of the consent.*

*These advice notes can be modified to cover any other specific requirement for permission from Watercare that falls outside of the consent process. For example Advice note A can be used as a base for relocation of Watercare services as this is also covered by a 'works over' approval. This advice note **should also be modified in Papakura**, where Veolia Water hold a contract to manage the water and wastewater networks.*

Watercare's website (www.watercare.co.nz) is the best source of information; see "development and connections" section.

In some cases, these advice notes will not be required and specific conditions will take their place. Any situation that involves Watercare approval and also requires engineering approval from the council should also include the general engineering approval advice note (LINK) and specifically refer to the works requiring both approvals.

Advice Note 13: Advice that engineering approval required

The [insert specific works – list all applicable i.e. stormwater system / common access] will require engineering approval(s) to be obtained from the council prior to the [applying for / the issuing of] Building Consent. All [stormwater systems / common access] shall be constructed in accordance with XX [insert standard]. See the council's website (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.

Guidance Note:

In addition to the requirements of the resource consent under the RMA, when a development includes public drainage, water or road work, creates a public park, or involves the construction of access ways/driveways servicing multiple lots, or a private road, the development will also require an Engineering Approval from the council.

*The advice note below can be used for any of the options, and can list all that are approvals that are required. This advice note **should only be** included where the development is likely to require engineering approval being obtained. These advice notes should be specific about the aspect of the development that requires engineering approval. Where possible, if an engineering standard applies, this should be included for the consent holders information. These advice notes **may not be required under the Manukau** legacy plan, due to the engineering requirements associated with the consent.*

Advice Note 14: General advice regarding fire rating requirements

Should the [residential units] be proposed to be subdivided in the future, fire rating requirements of buildings will apply.

Guidance Note:

This advice note can be a useful reminder of future fire rating requirements in certain circumstances, i.e. where an application proposes infill, or more than one residential unit within the same building and subdivision is not proposed. This advice note can be modified for other activities that require advice around future fire rating requirements.

Advice Note 15: Updating a cross lease title

The proposed building alteration will change the footprint of the building. When building works have been completed the existing cross lease title will no longer accurately show the footprint of the building. If you wish to update your cross lease title, you will need to obtain a subdivision resource consent. If you require more information on the costs of this, or whether a cross lease update is required, please consult your surveyor or lawyer.

Guidance Note:

This advice note can be added to a land use consent if the proposed building alterations will alter the footprint of a building on a cross lease title. It can also be copied and put in an email to a building consent or resource consent customer. A cross lease update requires a subdivision consent but the council does not require the cross lease title to be updated. This is a civil matter and we advise the applicant about this to provide good customer service. It can become an issue for a property owner if it is not done but it is up to the property owner to decide if they want to update their title. Hence the purpose of this advice note is to inform the applicant that a cross lease update will require a subdivision resource consent and the applicant may want to seek advice on that.