

Auckland Unitary Plan

# Standard Conditions Manual

## Subdivision Conditions – Urban and Regulatory Engineering

(external version)

### Disclaimer

*The information in this Standard Conditions Manual is, according to 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.*

## About these subdivision conditions

The conditions in this chapter of the Conditions Manual are specific to subdivision consents (section 11 of the RMA).

Any district and regional land use, water and discharge conditions (i.e., sections 9(1), 9(2) & 9(3), 13, 14 and 15 of the RMA) can only be imposed if these types of consents are triggered by the application for subdivision. For example, where regional earthworks are required in order to create stable lots suitable for subdivision, the regional earthworks consent can be assessed as part of the subdivision consent application. These other conditions are listed in the relevant sections of the Standard Conditions Manual.

All subdivision consent conditions (section 11) will be subject to the section 224(c) certificate. Please note that there cannot be any conditions of consent that require implementation after the s224c has been issued unless there is a bond, or a consent notice.

Consent conditions imposed as part of a subdivision (including district and regional consent conditions) may require monitoring, in particular where planting plans or management plans are required to be certified by Council and subsequently are implemented and 'checked' prior to an application for the section 224(c) certificate being made. Please refer to 'Council' instead of a job title in monitoring conditions (e.g., Team Leader Monitoring and Compliance), as these conditions will be monitored and/ or certified by a variety of teams (e.g., arborists, Regulatory Engineers, biodiversity team).

## Version table

Version	Description of change
V2	<ul style="list-style-type: none"> <li>• General updates to s223 conditions including wording and terminology</li> <li>• Formatting improvements, including fonts/colours/alignment, adding a number for each condition, and use of consistent nomenclature for names and references</li> <li>• Insertion of new links within guidance notes to Practice and Guidance Notes</li> <li>• Relocation of guidance notes to sit below conditions, rather than in front of them</li> <li>• Updated guidance note for hazard conditions</li> <li>• Revised approach to drafting of consent notice conditions</li> <li>• Deletion of conditions requiring consent notices for ongoing maintenance of private assets (as already managed under Stormwater Bylaw), and condition requiring neighbouring owner maintenance of kerb discharge outlet</li> <li>• New water, private outfall and on-site soakage reticulation conditions that set out different installation requirements dependent on whether subdivision is in association with an approved land use consent, or is vacant lot</li> <li>• Updated advice notes regarding addressing standards for private and public roads</li> <li>• Redrafting of some conditions to make clear as to what consent holder obligations are, in particular common infrastructure / asset and bond conditions</li> <li>• New 'subdivision in accordance with an approved land use resource consent' condition, requiring registration of a consent notice</li> <li>• Dedicated section to windfall development rights, change of name to 'Future Development Effects', and change to condition wording</li> <li>• Consent notice section of chapter now reads as advice on how to write consent notice conditions</li> <li>• Deletion of advice notes at end of chapter, as they were largely a duplicate of what sit in other Conditions Manual chapters. Other advice notes were shifted to sit with specific conditions.</li> </ul>
V1	Initial Version

## Preamble

All conditions contained in this decision must be complied with at time of s224(c). The conditions have been separated into 'General', 'section 223' and 'section 224(c)' conditions in order to assist the consent holder in identifying the conditions that must be completed at the respective stages of implementing the resource consent for subdivision.

### Guidance Note:

Please include this preamble above the first condition in your subdivision decision.

## General Conditions

### Activity in accordance with plans

1. The [insert details – be specific e.g. 31 residential lot subdivision] activity [and associated works, e.g. if s9 reasons triggered by s11] must be as described in the application form and assessment of environmental effects prepared by [name] dated [date] [and any other information relating to the description of the activity], and must be carried out in accordance with the plans and information detailed below, and all referenced by the Council as consent number [insert consent reference number SUB.../ SUB... of BUN...].

Report title and reference	Author	Rev	Dated

Plan title and reference	Author	Rev	Dated

Other additional information	Author	Rev	Dated

### Advice Note:

- *This consent has been granted on the basis of all the documents and information provided by the consent holder, demonstrating that the new lot(s) can be appropriately serviced (infrastructure and access).*
- *Details and specifications for the provision of infrastructure (e.g., public/ private drainage, location, and types of connections) and access (including drainage of*

accessways, construction standards etc) are subject to a separate Engineering Plan Approval (EPA) and/or Building Consent approval process.

- *Should it become apparent during the EPA and/or Building Consent process that a component of the granted resource consent cannot be implemented (e.g., detailed tests for soakage fail to achieve sufficient soakage rates, or sufficient gradients for drainage cannot be achieved in accordance with engineering standards/ bylaws etc), changes to the proposal will be required. This may require either a variation to this subdivision consent (under section 127 of the Resource Management Act 1991) or a new consent.*
- *Similarly, should the detailed design stage demonstrate that additional reasons for consent are triggered (e.g., after detailed survey the access gradient increases to now infringe or increase an approved infringement to a standard in the plan), a new or varied resource consent is required.*
- *It is the responsibility of the consent holder to ensure that all information submitted and assessed as part of the subdivision consent is correct and can be implemented as per the subdivision consent (without requiring additional reasons for consent). Any subsequent approval processes (such as the EPA) do not override the necessity to comply with the conditions of this resource consent.*

[The advice note below is only relevant for cross lease, company lease, or unit title subdivision. It can be deleted for other types of subdivision.]

- *This subdivision consent has not included any assessment with regards to section 224(f) of the Resource Management Act 1991 (as it relates to s116A of the Building Act) as this is outside of the matters of control under the AUP. A section 224(f) assessment will be initiated by the relevant Subdivision Advisor when application is made for section 223/s224(c) certificates. This may trigger fire rating requirements for any buildings shown on the survey plan, and this in turn may require you obtain a confirming report from a Fire Engineer. For more information, please contact your Licensed Cadastral Surveyor.*

**Guidance Note:**

*This condition is to be included on all subdivision consent decisions. Full reference should be given to all relevant plans and documents (including any section 92 information). Only include correspondence and emails that change the AEE and that you rely on in your assessment. Please refer to final versions of plans and documents.*

*For land use and subdivision consents processed together (BUN's) as well as applications involving regional consents that have separate decisions (e.g., land use decision, subdivision decision, stormwater permit decision etc), this condition should only include references to the documents relevant to the subdivision consent. The decisions associated with the other consents/ permits will contain documents/ plans associated with those consents only.*

*Please be mindful of the different requirements of subdivisions consents and EPA – the subdivision consent is more of a ‘concept’ approval whilst the EPA contains all the engineering details. The applicant may have to revise some of their plans to remove unnecessary details that cannot be assessed at subdivision consent stage, to ensure there is no confusion as to what has been approved as part of the subdivision.*

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### **Staging of subdivision**

2. The staging of the subdivision must be carried out in the following order:

**Stage 1:** Creation of Lot(s) X – Y

**Stage 2:** Creation of Lot(s) X – Y

The consent holder must provide a letter setting out how each relevant condition has been met at the time an application for a section 223 and a section 224(c) certificate for each stage is made.

#### *Guidance Note:*

*For staged subdivisions, all relevant conditions (other than the ‘general conditions’) should be listed separately for each stage (even if that appears as duplication of conditions).*

*If the applicant requests to stage the subdivision, the lot(s) to be created by each stage must be specifically identified. i.e., each stage must be independent of any subsequent stage.*

*The applicant may request the flexibility to undertake a number of consecutive stages at once or to undertake stages out of order. If the applicant requests flexibility to do this, please ask the subdivision specialist team for advice.*

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### **When the consent lapses**

3. Under section 125 of the RMA, this consent lapses five years after the date it is granted (“the lapse date”) unless:

- a. A survey plan is submitted to Council for approval under section 223 of the RMA before the lapse date, and that plan is deposited within three years of the date of approval of the survey plan in accordance with section 224(h) of the RMA; or
- b. An application under section 125 of the RMA is made to the Council before the lapse date to extend the period after which the consent lapses and the Council grants an extension.

*Guidance Note:*

*This condition is to be included in all subdivision 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.*

*Please note an extension under section 125 can only be applied for before the lapse date NOT the timeframe for depositing the survey plan with Land Information New Zealand ("LINZ") under section 224(h) RMA after Council approves the survey plan under section 223 RMA. BUT: multiple section 223 applications can be made while the subdivision consent is 'live (i.e., before the lapse date), with the timeframe for section 224(h) being taken from the date of the last section 223 certificate approval.*

*If the subdivision is a staged subdivision, you should specifically consider whether a lapse date of more than five years is required.*

*Please refer to [RC 3.3.13 Subdivision Resource Consents – Consideration of Lapse Date](#) for guidance about lapse dates and setting lapse dates for staged subdivisions as needed.*

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### **Monitoring charges**

*Guidance Note:*

*There is usually no need to impose a monitoring condition on a 'pure' subdivision consent in the urban area. However, monitoring may be required to confirm some conditions have been complied with prior to section 224(c), such as planting, earthworks etc, especially relevant for rural and large-scale developments where there are other consents involved. Use the standard monitoring condition in those instances, clearly identifying what monitoring relates to. Please note that the Team Leader Subdivision does not have a monitoring function and should not be referred to in any conditions.*

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## **Section 223 conditions**

### **Survey plan approval**

4. The consent holder must submit a survey plan in accordance with the approved resource consent subdivision scheme plan(s) titled '**TITLE OF PLAN**', prepared by **AUTHOR**, dated **DATE**. The survey plan must show all lots to vest in Council (including roads, parks and land in lieu of reserves), all easements, any amalgamation conditions, any amalgamation covenants, and any areas subject

to other covenants [delete / amend as necessary e.g., delete covenant areas where there are none] required by this subdivision consent.

*Guidance Note:*

*Include this condition for all subdivision consent applications. The information to be shown on the survey plan may vary from subdivision to subdivision – amend the condition accordingly.*

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### **Memorandum of easements**

5. The right(s)-of-way and any services easements *and/or* easements in gross over parts of Lot(s) X, Y & Z must be included in a memorandum of easements endorsed on the survey plan and must be created, granted or reserved as necessary. The consent holder must meet the costs for the preparation, review, and registration of the easement instruments on the relevant records of title.

*Guidance Note:*

*Include this condition if easements are necessary for rights of way, services, drainage, pedestrian access, etc.*

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### **Easements in gross**

6. Easements in gross in favour of the Council for the purpose of providing [public access / access for maintenance of services / overland flow of stormwater / other], must be created over parts of Lot(s) X, Y & Z and must be included in a memorandum of easements endorsed on the survey plan and be granted or reserved. The consent holder must meet the costs for the preparation, review, and registration of the easement instruments on the relevant records of title.

*Guidance Note:*

*Include this condition if easements in favour of the Council are required. In some cases, an easement in gross may be required in favour of a utility provider, e.g., for water supply, electricity transformers or underground electricity or telecommunications cables. If the latter applies, please ask the specialist subdivision team for advice.*

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### Amalgamation condition (COAL)

7. Pursuant to section 220(1)(b)(iv) of the RMA, the appropriate amalgamation condition for the COAL being held by Lot(s) X, Y & Z must be shown on the survey plan.

*Guidance Note:*

*Include this condition where commonly owned access lots are proposed in the subdivision. No LINZ approval is required for COALs during the processing of the resource consent, unless the application seeks to extend an existing COAL or add additional Lots to that COAL.*

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### Other amalgamation conditions

8. Pursuant to section 220(1)(b)(i) of the RMA, Lot(s) X, Y and Z must be transferred to the owner of Lot(s) [aa DP xxxxxx (RT yyyyyy)], and one record of title must be issued to include both / all parcels.

*Guidance Note:*

*Under this condition the specified lots are to be transferred to the owner of any other land and amalgamated.*

*LINZ approval of the amalgamation condition during processing of the application for subdivision consent may be required.*

*Please refer to [RC 6.29.08 Guidance on consulting on amalgamation conditions as needed.](#)*

9. Pursuant to section 220(1)(b)(ii) of the RMA, Lot(s) X, Y & Z must be endorsed on the survey plan to be held together, and one record of title must be issued to include all / both parcels.

*Guidance Note:*

*Under this condition, the specified lots are amalgamated.*

*LINZ approval of the amalgamation condition during processing of the application for subdivision consent may be required.*

*Please refer to [RC 6.29.08 Guidance on consulting on amalgamation conditions as needed.](#)*

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### Amalgamation covenant

10. For the purpose of section 220(1)(b) and pursuant to section 220(2)(a) of the RMA, a covenant must be entered into between the land owner and the Council that Lot X must not, without the consent of Council, be transferred, leased, or otherwise disposed of except in conjunction with Lot(s) aa DP xxxxxx (RT yyyyyy).

#### Guidance Note:

*Include one of these conditions where a lot(s) is / are proposed to be held together with another lot/s located within the subdivision utilising a covenant (where it is not legally possible to use an amalgamation condition, for example, if one title is limited as to parcels). Please ask the subdivision specialist team for advice.*

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### Cancellation of easements

11. The existing easement(s) for the purpose of xxxxxx created by the easement instrument zzzzzzz over Lot xx DP yyyyyy must be cancelled under section 243(e) of the RMA.

#### Advice Note:

*Certification will occur when it is demonstrated that the easement is no longer necessary. This requires a separate application under section 243(e) to the Council.*

#### Guidance Note:

*Include this condition if there are existing easement(s) affecting the subdivision site that should be cancelled. Please note that the s243(e) process is only for easements that have previously been required as a result of a condition on a subdivision consent (i.e., easements that are shown as being subject to s243(e) of the RMA on the relevant record(s) of title), not for private easements.*

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### Vesting

#### Guidance Note:

*Please note that under s 238 of the RMA the consent holder cannot vest public roads in the Council subject to any existing easements, covenants or other instruments.*

*Please also note that under s 239 of the RMA the consent holder cannot vest access ways, reserves and land in lieu of reserves (“the land”) subject to any existing easements, covenants or other instruments unless the Council (i.e., the future asset owner) has certified that it accepts the vesting of the land subject to the existing easements, covenants or other easements on the survey plan.*

*If the applicant for consent proposes to vest any roads, access ways, reserves or land in lieu of reserves in the Council subject to any existing easements, covenants or other instruments, please ask the specialist subdivision team for advice.*

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### **Roads to vest**

12. All of the proposed roads shown as Lot(s) X, Y & Z on the approved plan(s) **SCHEME PLAN REFERENCE** must vest in the Council as public roads. The consent holder must meet all costs associated with the vesting of the roads.

*Guidance Note:*

*Include this condition if there are public roads proposed in the subdivision.*

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### **Access ways to vest**

13. Proposed Lot(s) X, Y & Z must vest in the Council as access ways. The consent holder must meet all costs associated with the vesting of the access ways.

*Guidance Note:*

*Include this condition if there are public pedestrian access ways proposed in the subdivision.*

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### **Reserves and/or land in lieu of reserves to vest**

14. Proposed Lot(s) X, Y & Z must vest in the Council as local purpose (esplanade / recreation / scenic / drainage, as appropriate) reserve(s) OR as land in lieu of reserve(s). The consent holder must meet all costs associated with the vesting of the reserve(s) or the land in lieu of reserve(s).

*Guidance Note:*

*Include this condition if there are assets to be vested with Parks in the subdivision. Please make sure that you obtain the consent of the Council’s Parks*

*team to the proposed reserve or land in lieu of reserve before granting the subdivision consent.*

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## Section 224(c) conditions

### **Advice Note:**

*A certificate pursuant to section 224(c) of the Resource Management Act will not be issued until all conditions in the decision have been met and at the consent holder's expense.*

### *Guidance Note:*

*All subdivision conditions must be complied with when s224(c) is issued (either completion, consent notice or bond) noting that by default all s223 conditions must have been complied with when s224(c) is issued as s223 precedes s224(c). This includes condition 1 (in accordance with plans) – be careful what is included in that condition as there should not be any reference to LUC plans if (components of) the LUC are not required to be completed prior to s224(c) being issued.*

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## Section 224(c) certificate

15. The application for a certificate under section 224(c) of the RMA must be accompanied by certification from a suitably qualified and experienced surveyor or engineering professional that all the conditions of subdivision consent [Reference SUB](#) have been complied with, and identify all those conditions that have not been complied with and are subject to the following [\[delete those that are not relevant\]](#):

- a. a consent notice to be issued in relation to any conditions of this consent to which section 221 applies;

*Guidance Note: Use where the Council has agreed, or considers it necessary, to issue a consent notice in relation to condition/s of subdivision consent that is/are to be complied with on a continuing basis by the subdividing owner and subsequent owners (and as stated in the decision as a condition/s of subdivision consent).*

- b. a bond, as required by conditions of this consent, to be entered into by the subdividing owner in compliance with the relevant conditions of this subdivision consent.

*Guidance Note: Use where a bond (section 108) will need to be entered into by the subdividing owner for the performance of condition/s such as the maintenance of a stormwater treatment facility, planting, remedial works etc.*

- c. a completion certificate has been issued in relation to any conditions to which section 222 applies.

*Guidance Note: Where, subsequent to the granting of subdivision consent, the Council has agreed to a bond (section 222) being entered into by the subdividing owner for the completion of work required by a condition/s of subdivision consent.*

*Guidance Note:*

*Please note that the section 224(c) is not an opportunity for a consent holder to choose how to comply with conditions of consent, i.e., which conditions they would like to be subject to a consent notice or a bond. In most instances, that should be considered at the resource consent stage.*

*There are instances where the Council may agree at section 224(c) stage to defer compliance with a condition of subdivision consent and to issue a consent notice instead or agree to a bonding arrangement.*

*You do not need to include this condition if the subdivision consent is not subject to any s224(c) conditions.*

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## **Engineering Conditions**

*Guidance Note:*

*The section 224(c) conditions indicate general conditions that the consent holder must undertake. In Engineering terms, the condition is a simple instruction to do something. The condition is not a detailed list of all requirements that may arise as part of the project (such as EPA or building consent) or a prescriptive description of the requirements. The details are to be picked up under Engineering Plan Approval and/or Building Consent. Remember, obtaining a resource consent is only one of several consents permits/ dispensations associated with a project, and only matters identified in the AUP(OP) or HGI Plan (as well as section 106 considerations) can be included in resource consent engineering conditions.*

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## **Geotechnical & Earthworks**

*Guidance Note:*

*General Earthworks conditions are covered under land use resource consents; however, there may be cause for some specific earthworks elements to be incorporated into the subdivision consent i.e., earthworks for creation of an overland flow path, landscaping works (especially rural lots) & building platform works (including palisade walls), infrastructure such as drainage pipes or roads involving earthworks to be constructed at the time of subdivision.*

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## **General Geotechnical**

16. The consent holder must construct retaining walls/ palisade wall/ soldier pile walls/ underfill drainage/ counterfort drainage [select relevant only] in accordance with the recommendations of the geotechnical report XX [insert reference] to ensure the site is stable and suitable for development. The consent holder must provide a Geotechnical Investigation Report from a suitably qualified engineering professional to confirm that Lot(s) X, Y, Z is/are stable and suitable for development when applying for a certificate under section 224(c) of the RMA.

### *Guidance Note:*

*Condition 16 may need to be accompanied by an additional condition requiring a consent notice. See Versions A and B below.*

#### **Version A – where the building foundation forms part of the site stability works:**

17. Development [or include specific type of development this may be limited to, i.e., all new buildings] on Lot(s) X, Y, Z must be undertaken in accordance with the recommendations of the Geotechnical Investigation Report/ Geotechnical Completion Report [select relevant] XX [insert reference] to ensure that geotechnical stability is maintained.

This condition must be registered as a consent notice on the record(s) of title to be issued for Lot(s) X, Y, Z to ensure that it is complied with on a continuing basis.

#### **Version B – vacant land that requires stabilisation:**

18. The construction of retaining walls/ palisade walls/ soldier pile walls/ underfill drainage/ counterfort drainage [select relevant only] on Lot(s) X, Y, Z must be undertaken in accordance with the recommendations of the Geotechnical Investigation Report/ Geotechnical Completion Report [select relevant] XX [insert reference] to ensure that geotechnical stability is maintained.

This condition must be registered as a consent notice on the record(s) of title to be issued for Lot(s) X, Y, Z to ensure that it is complied with on a continuing basis.

**Advice Note:**

*A building consent will be required for the construction or installation of retaining walls, palisade walls, soldier pile walls, counterfort drains, under fill drainage, and footings.*

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**Geotechnical for Soft Soils**

19. The site is subject to soft soil ground conditions. The consent holder must construct [soil consolidation/ groundwater recharge and stabilisation works \[select relevant only\]](#) in accordance with the recommendations of the geotechnical investigation report [XX \[insert reference\]](#) to ensure the site is stable and suitable for development.
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**Geotechnical Reports**

20. Development [\[or include specific type of development this may be limited to, i.e., construction of dwellings, increase in impervious surfaces and soil recharge systems\]](#) on [Lot\(s\) X, Y, Z](#) must be undertaken in accordance with the recommendations of the [Geotechnical Investigation Report/ Geotechnical Completion Report \[select relevant\] XX \[insert reference\]](#).

This condition must be registered as a consent notice on the record(s) of title to be issued for [Lot\(s\) X, Y, Z](#) to ensure that it is complied with on a continuing basis.

*Guidance Note:*

*Use Condition 20 where a [Geotechnical Investigation Report/ Geotechnical Completion Report](#) has been provided as part of processing of the application.*

21. A Geotechnical Completion Report from a suitably qualified and experienced geo-professional to confirm that [Lot\(s\) X, Y, Z is/are](#) stable and suitable for development must be provided when applying for a certificate under section 224(c) of the RMA.

Development [\[or include specific type of development this may be limited to, i.e., construction of dwellings, increase in impervious surfaces and soil recharge systems\]](#) on [Lot\(s\) X, Y, Z](#) must be undertaken in accordance with the recommendations of this Geotechnical Completion Report.

The preceding paragraph must be registered as a consent notice on the record(s) of title to be issued for [Lot\(s\) X, Y, Z](#) to ensure that it is complied with on a continuing basis. The specific name and date of the Geotechnical Completion Report provided must be referenced in the consent notice.

**Advice Note:**

*A building consent will be required for the construction or installation of counterfort drains, under fill drainage, and ground recharge systems.*

*Guidance Note:*

*Use Condition 21 where a Geotechnical Investigation Report/ Geotechnical Completion Report has not been provided as part of processing of the application but is required at time of s224(c).*

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## **Wastewater Reticulation**

### **Connection to Public Network**

22. The consent holder must design and construct connections to the public wastewater reticulation network to serve Lot(s) **X, Y, Z** in accordance with the requirements of the wastewater utility provider. Certification from the utility provider that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

**Advice Note:** *[choose relevant only]*

- *Acceptable forms of Evidence from the Utility Providers include a Certificate of Acceptance.*
- *Alterations to the public wastewater reticulation network require Engineering Plan Approval. Additional approval is required from Watercare/Veolia as part of the Engineering Plan Approval Process.*
- *Public connections are to be constructed in accordance with the Water and Wastewater Code of Practice.*
- *Plans approved under Resource Consent do not constitute an Engineering Plan Approval and **should not be used** for the purposes of constructing public reticulation works in the absence of that approval.*
- *The site is located within an area serviced via a pressurized wastewater Collection system. Consultation with the utility provider as to the specific design requirements will be required prior to the consent holder undertaking design or Engineering Plan Approval application.*

*Guidance Note:*

*The condition is applicable to the provision of connections to the public network only. Assessment of the application should give due consideration to the feasibility of getting connection to a public network whether a direct one or by extension; however, the technical detail is left until Engineering Plan Approval. This means a condition requiring a public network extension cannot be imposed as part of the resource consent.*

## Connection to the Combined Sewer Reticulation Network

23. The consent holder must design and construct connections to the public combined sewer reticulation network to serve Lot(s) X, Y, Z in accordance with the requirements of the wastewater utility provider. Certification from the utility provider that works have been satisfactorily undertaken must be provided when applying for a certificate under the section 224(c) of the RMA.

**Advice Note:** *[choose relevant only]*

- *Acceptable forms of Evidence from the Utility Providers include a Certificate of Acceptance.*
- *The combined sewer operator is Watercare.*
- *Public connections are to be constructed in accordance with the Water and Wastewater Code of Practice and Stormwater Code of Practice.*
- *Alterations to the public combined sewer reticulation network require Engineering Plan Approval.*
- *Plans approved under Resource Consent do not constitute an Engineering Plan Approval and **should not be used** for the purposes of constructing public reticulation works in the absence of that approval.*

*Guidance Note:*

*The condition is applicable to the provision of connections to public combined network only. Assessment of the application should give due consideration to the feasibility of getting connection to a public combined network whether a direct one or by extension, however the technical detail is left until Engineering Plan Approval. This means a condition requiring a public network extension cannot be imposed as part of the resource consent. As a requirement of connecting to the combined line, reduction of stormwater flows will be required; however, this will be addressed as part of the EPA.*

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## Water Reticulation

### Connection to Public Network

24. The consent holder must design and construct connections to the public water reticulation network to serve Lot(s) X, Y, Z in accordance with the requirements of the water utility provider. Certification from the utility provider that works have been satisfactorily undertaken must be provided when applying for a certificate under the section 224(c) of the RMA.

**Advice Note:** *[choose relevant only]*

- *Acceptable forms of evidence from the Utility Providers include a Certificate of Acceptance.*
- *Alterations to the public water reticulation network require Engineering Plan Approval. Additional approval is required from Watercare/ Veolia as part of the Engineering Plan Approval Process.*
- *Public water supply is required to ensure an acceptable water supply for each lot, including for fire-fighting purposes.*
- *Public connections are to be constructed in accordance with the Water and Wastewater Code of Practice.*
- *Plans approved under Resource Consent do not constitute an Engineering Plan Approval and **should not be used** for the purposes of constructing public reticulation works in the absence of that approval.*

*Guidance Note:*

*Condition 24 is applicable to providing a connection to the public network where the future development on the lot is unknown (i.e., is approved as a vacant lot). Connections from the main to the lot are constructed at the time of subdivision, and a valve is installed inside a lockable box until a water meter is installed. Assessment of the application should give due consideration to the feasibility of getting connection to a public network whether a direct one or by extension; however, the technical detail is left until Engineering Plan Approval. That means a condition requiring the extension of the public network cannot be imposed as part of the subdivision consent.*

**Make Provision for a Connection to Public Network**

25. The consent holder must make provision for a water connection to be made to the public water reticulation network for Lot(s) X, Y, Z in accordance with the requirements of the water utility provider. Certification from a suitably qualified and experienced surveyor or engineering professional that this provision has been made must be provided when applying for a certificate under the section 224(c) of the RMA.

**Advice Note:** *[choose relevant only]*

- *Acceptable forms of evidence include an engineering plan showing the proposed location of the connection to the main and as-built plans of the service conduits and private service pipes including within a COAL.*
- *Public connections are to be constructed in accordance with the Water and Wastewater Code of Practice.*
- *Plans approved under Resource Consent do not constitute an Engineering Plan Approval and **should not be used** for the purposes of constructing public reticulation works in the absence of that approval.*

*Guidance Note:*

*Condition 25 is applicable to making provision for a connection to the public network and is used where the future development on the lot is already known (i.e., the lot is designed in accordance with an approved land use consent). A connection to the main is performed as part of the water meter installation process. Assessment of the application should give due consideration to the feasibility of getting connection to a public network whether a direct one or by extension; however, the technical detail is left until Engineering Plan Approval. That means a condition requiring the extension of the public network cannot be imposed as part of the subdivision consent.*

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### **On-site Water Supply**

26. The consent holder must design and construct an onsite potable water supply system to serve Lot(s) X, Y, Z. The water supply must provide for water for firefighting in accordance with NZ Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 [remove sentence if not applicable]. Certification that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

**Advice Note:**

- *Acceptable forms of evidence include Code Compliance Certificates.*
- *Construction of private water systems requires Building Consent.*

*Guidance Note:*

*This condition is applicable to the provision of on-site water reticulation (tanks) systems (predominantly for rural subdivisions). However, the installation of a water tank will be rarely required at time of subdivision, as it is related to occupied spaces, such as dwellings that may be built at a later stage. Condition 27 which requires a consent notice will be used instead in most instances.*

27. At the time any habitable building is located on Lot(s) X, Y, Z, an appropriate onsite potable water system must be provided within the relevant lot. The water supply must provide for water for firefighting in accordance with NZ Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 [remove sentence if not applicable].

This condition must be registered as a consent notice on the record(s) of title to be issued for Lot(s) X, Y, Z to ensure that it is complied with on a continuing basis.

*Guidance Note:*

*Condition 27 requiring a consent notice may be required instead of Condition 26 if a tank is only required once a building is constructed.*

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## **Stormwater Reticulation**

### **Connection to Public Network**

28. The consent holder must design and construct connections to the public stormwater reticulation network to serve Lot(s) X, Y, Z in accordance with the requirements of the stormwater utility service provider. Certification from the utility provider that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

**Advice Note:** *[choose relevant only]*

- *Acceptable forms of evidence include Engineering Approval Completion Certificates.*
- *Stormwater utility provider is the Auckland Council Healthy Waters Department.*
- *Public connections are to be constructed in accordance with the Stormwater Code of Practice.*
- *Alterations to the public stormwater reticulation network require Engineering Plan Approval.*
- *Plans approved under Resource Consent do not constitute an Engineering Plan Approval and **should not be used** for the purposes of constructing public reticulation works in the absence of that approval.*

*Guidance Note:*

*The condition is applicable to the provision of connections to the public network operated by Healthy Waters only (not the combined public network operated by Watercare). Assessment of the application should give due consideration to the feasibility of getting connection to a public network whether a direct one or by extension; however, the technical detail is left until Engineering Plan Approval. That means a condition requiring the extension of the public network cannot be imposed as part of the resource consent.*

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### **Connection to the Combined Sewer Network**

*Guidance Note:*

*See conditions under wastewater provisions – replace reference to ‘wastewater’ with reference to ‘stormwater’*

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## **Public Outfalls**

29. The consent holder must design and construct a stormwater outfall structure in accordance with the requirements of the utility service provider. Certification from the utility provider that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

**Advice Note:** *[choose relevant only]*

- *Acceptable forms of evidence include Engineering Approval Completion Certificates.*
- *Utility service provider is the Auckland Council Healthy Waters Department*
- *Construction of public outfall structures require Engineering Plan Approval.*
- *Engineering Plans approved under Resource Consent do not constitute an Engineering Plan Approval and **should not be used** for the purposes of constructing public reticulation works in the absence of that approval.*
- *Please be aware of any other conditions and requirements pertaining to this outfall, including regional consenting conditions and requirements.*

*Guidance Note:*

*This condition relates to public outfalls, such as to the coast or a stream, that will be publicly vested in the Council as part of the Healthy Waters stormwater network. Assessment of the application should give due consideration to the feasibility of extending a reticulation network from the outfall to allow connections to serve lots; however, the technical detail of extending public lines is left until Engineering Plan Approval.*

*Care should be taken identifying roles and responsibilities. In most cases a regional consent (e.g., coastal and/or stormwater discharge) will be required and conditions will be recommended by specialists and not DEs.*

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## **On-site Stormwater Disposal**

### **Disposal systems – Infiltration and soakage**

30. Lot(s) X, Y, X is/are reliant on infiltration/ soakage as means of stormwater disposal. The consent holder must design and construct an on-site stormwater management system as a disposal point for stormwater runoff from the lot(s) in

accordance with [guideline/ report contained in application or similar \[select relevant\] XX \[insert reference\]](#). Certification that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

**Advice Note:**

- *Acceptable forms of evidence include Code Compliance Certificates.*
- *A building consent for these works will be required.*

*Guidance Note:*

*This condition is applicable to the provision of on-site disposal systems such as infiltration and soakage systems only. Installation of the device may not be required at time of subdivision for vacant lots, and if no communal impervious surfaces triggering the requirement are proposed (e.g., ROWs), in which case Condition 31 should be used instead.*

31. Development on [Lot\(s\) X, Y, Z](#) must be served by an appropriate onsite infiltration / soakage system as a means of providing for stormwater disposal. The systems(s) must be designed and constructed to provide for stormwater runoff and disposal from impervious areas on the lot(s) in accordance with [guideline/ report contained in application or similar \[select relevant\] XX \[insert reference\]](#).

This condition must be registered as a consent notice on the record(s) of title to be issued for [Lot\(s\) X, Y, Z](#) to ensure that it is complied with on a continuing basis.

*Guidance Note:*

*Condition 31 requiring a consent notice may be required instead of Condition 30 if construction of the on-site disposal system is only required once a building is constructed (i.e., for vacant lots).*

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**Private Outfall**

32. Stormwater from [Lot\(s\) X, Y, X](#) is discharged via a private outfall. The consent holder must design and construct a stormwater outfall structure as a disposal point for stormwater runoff from [Lot\(s\) X, Y, X](#) in accordance with [XX \[insert reference of report\]](#). Certification that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

**Advice Note:**

- *Acceptable forms of evidence include Code Compliance Certificates.*
- *A building consent for these works will be required.*
- *Please be aware of any additional conditions and requirements pertaining to this private outfall, such as regional consenting conditions and requirements.*

*Guidance Note:*

*Private outfalls are considered to be within the site and are ones that Healthy Waters will not vest or maintain. The condition for private stormwater works under subdivision is applicable to the provision of the outlet only. Other private drainage works are the responsibility of the owner under the requirements of the Building Act. If the private outfall is not required to be constructed at time of applying for the s224(c) certificate (such as for vacant lots), Condition 33 can be used as an alternative.*

33. Development on Lot(s) X, Y, Z must be served by an appropriate private outfall as a means of providing for stormwater disposal. The outfall must be designed and constructed to provide a disposal point for stormwater runoff from the lot(s) in accordance with XX [insert reference of report].

This condition must be registered as a consent notice on the record(s) of title to be issued for Lot(s) X, Y, Z to ensure that it is complied with on a continuing basis.

*Guidance Note:*

*Condition 33 requiring a consent notice may be required instead of Condition 32 if construction of the private outfall is only required once a building is constructed (i.e., for vacant lots).*

## **Kerb Discharge**

34. The lot is reliant on stormwater disposal to the roadside kerb and channel. The consent holder must design and construct a disposal point for stormwater runoff from Lot(s) X, Y, X in accordance with XYZ [insert report reference]. Evidence that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

**Advice Note:**

- *Acceptable forms of evidence include Code Compliance Certificates. Other forms of evidence provided by Auckland Transport may also be acceptable.*
- *A building consent for these works will be required.*
- *The standard detail for construction of a kerb outlet will need to be agreed to with Auckland Transport at the time of construction.*

- *This resource consent has been granted on the provision that stormwater will be discharged to the kerb. A separate kerb discharge approval from Auckland Transport is required prior to construction of the kerb discharge outlet. If this approval cannot be obtained, a different stormwater management method is required and requires a s127 approval from Council. If there is no alternative method for discharging of stormwater (or the s127 is not granted), this resource consent cannot be implemented.*

*Guidance Note:*

*As part of a subdivision consent, Council has to be satisfied that the new lot(s) can be appropriately serviced, including in terms of stormwater management.*

*Kerb discharge approval from Auckland Transport is required in order to construct a kerb discharge outlet. If this approval is obtained prior or during the resource consenting process, the above condition without the further advice note in that regard can be imposed. If no AT approval is obtained prior to issuing the resource consent, then the customer must be advised in an advice note that this approval is required, and if that approval cannot be obtained, they must provide a different method for discharging of stormwater (with a s127 being required), or they cannot otherwise implement their resource consent.*

*Please note that if kerb discharge is the only option, e.g., due to gradient of lot(s) or soil type preventing soakage, but AT approval cannot be obtained (either prior, during or after the resource consent), the lot(s) cannot be serviced and the subdivision may not be able to be granted/ implemented. As such, it is in the interest of the applicant to ascertain whether AT would grant their approval for a kerb discharge as early as possible. Any risks regarding a non-approval should be clearly communicated via email and documented on the application record.*

*It is recommended that the applicant provides as part of the resource consent applications design calculations to justify why alternative options cannot be implemented (as per the Auckland Transport Kerb discharge policy).*

*Note that this condition requires the provision of evidence of installation as opposed to certification. This is deliberate, as there is no formal certification process for the construction and installation of kerb discharge points.*

*Note that any condition for private stormwater works under subdivision is applicable to the provision of the outlet only. Other private drainage works are the responsibility of the owner under the requirements of the Building Act.*

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## **Stormwater Hydrological Mitigation (includes SMAF)**

*Guidance Note:*

*These are a land use consideration and therefore do not require any conditions on a subdivision consent. However, where works are required as part of the subdivision (e.g., a common accessway) that trigger land use reasons for consent for SMAF, then a subdivision condition needs to be included that will require evidence of the SMAF land use consent conditions having been complied with prior to a s224(c) certificate being issued.*

*Please refer to [RC 5.2.22 Stormwater Management Area Conditions \(Flow 1 & 2\)](#).*

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## **Utilities**

35. The consent holder must make provision for telecommunications and electricity to Lot(s) X, Y, X in accordance with the requirements of the respective utility operators. If reticulated, these utilities must be underground. Certification from the utility providers that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

### **Advice Note:**

*The consent holder may also provide gas servicing to the lot(s), but this is not a requirement and no proof is required at time of section 224(c). Any gas lines are required to be installed underground, or they may otherwise require a further resource consent.*

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## **Natural Hazards (Flooding & Overland Flow)**

### *Guidance Note:*

*The natural hazard conditions below seek to protect the functioning of flood plains and overland flow paths and to avoid, remedy or mitigate adverse effects from the proposed alteration or placement of impediments within flood plains and overland flow paths on other sites and activities in the vicinity. Additional conditions that will avoid, remedy or mitigate adverse effects on people, land and/or property resulting from other natural hazards will be added in the future. These future conditions will address other hazards managed in the AUP including coastal erosion, coastal inundation, land instability and wildfire as well as flooding and overland flow paths.*

*Where development is subject to a natural hazard, the applicant should have provided a hazards risk assessment including recommendations on how that risk will be managed. If this is acceptable including input from our specialists, include conditions (including consent notices if applicable) requiring development to be undertaken in accordance with those recommendations.*

*Please note, easements in gross may or may not be required to ensure the future function of an OLFP. Please discuss with your DE and/or Principal Planner.*

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## Overland Flow

36. Lot(s) X, Y, Z are subject to 1 in 100-year overland flow. A means of conveying unobstructed overland flow through Lot(s) X, Y, Z in accordance with X [report reference] must be provided and maintained. There must be no obstruction of the overland flow with any fencing, object, impermeable landscaping, building, or structure.

This condition must be registered as a consent notice on the record(s) of title to be issued for Lot(s) X, Y, Z to ensure that it is complied with on a continuing basis.

### *Guidance Note:*

*Use Condition 36 where there is a reason for consent but no reason for requiring construction of overland flow path at time of 224(c) or demonstrated to be required pursuant to section 106.*

37. The consent holder must construct the overland flow path on Lot(s) X, Y, Z in accordance with the recommendation of XX [insert reference] to ensure continuity of overland flow is maintained and contained through designed channels, and that the stability of the site and neighbouring properties is protected. The following evidence must be provided when applying for a certificate under section 224(c) of the RMA:
- The consent holder must provide an as-built plan, long section, and cross-sections, prepared by a Licensed Cadastral Surveyor and/ or suitably qualified engineering professional to demonstrate that the completed overland flow path meets the design requirements.
  - The consent holder must provide a Geotechnical Completion Report from a suitably qualified and experienced engineering professional to confirm that Lot(s) X, Y, Z is/are stable and suitable for development.

### *Guidance Note:*

*Use Condition 37 where there is a reason for consent and a reason for requiring construction of overland flow path at time of section 224(c). This condition must be used in conjunction with Condition 38 below.*

38. Lot(s) X, Y, Z are subject to 1 in 100-year overland flow. There must be no obstruction of the constructed overland flow path with any fencing, object, impermeable landscaping, building, or structure in accordance with X [report reference].

This condition must be registered as a consent notice on the record(s) of title to be issued for Lot(s) X, Y, Z to ensure that it is complied with on a continuing basis.

*Guidance Note:*

*Use Condition 38 in conjunction with Condition 37.*

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## **Flooding**

39. Lot(s) X, Y, Z are subject to a 1 in 100-year floodplain, which must be maintained (provided for) in accordance with the recommendations of X [report reference].

This condition must be registered as a consent notice on the record(s) of title to be issued for Lot(s) X, Y, Z to ensure that it is complied with on a continuing basis.

*Guidance Note:*

*Use Condition 39 where there is a reason for consent but no reason for requiring construction of the floodplain at time of section 224(c).*

40. The consent holder must construct the floodplain on Lot(s) X, Y, Z in accordance with the recommendation of X [insert report reference]. This is to ensure that continuity of the floodplain is maintained and that the stability of the site and neighbouring properties is protected. An as-built plan, prepared by a Licensed Cadastral Surveyor demonstrating the extent of the floodplain after construction and that the completed earthworks in the floodplain meet the design requirements of the above report, must be provided when applying for a certificate under section 224(c) of the RMA.

*Guidance Note:*

*Use Condition 40 where there is a reason for consent, and a reason for requiring construction of floodplain at time of section 224(c). This condition must be used in conjunction with Condition 41 below.*

41. Lot(s) X, Y, Z are subject to a 1 in 100-year floodplain, which must be maintained in accordance with the recommendations of X [report reference].

This condition must be registered as a consent notice on the record(s) of title to be issued for Lot(s) X, Y, Z to ensure that it is complied with on a continuing basis.

*Guidance Note:*

*Use Condition 41 in conjunction with Condition 40.*

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## Roading and Transportation (Accessways and Vehicle Crossings)

### Vehicle Access

42. The consent holder must design and construct a vehicle accessway to serve Lot(s) X, Y, Z in accordance with the approved plans noted in Condition 1 [include specific plan reference where possible]. Certification from a suitably qualified and experienced surveyor or engineering professional that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

#### Advice Note:

- *Right of ways, Commonly Owned Access Lots and common access ways require a Common Access Way Plan Approval prior to construction. For more details refer to [Common access way approval \(aucklandcouncil.govt.nz\)](http://aucklandcouncil.govt.nz)*
- *Please contact the Council to obtain the current engineering requirements for the construction of the type of vehicle accessway proposed.*
- *Plans approved under Resource Consent do not constitute a Common Access Way/ Engineering Plan Approval and should not be used for the purposes of constructing common access ways.*
- *The consent holder is advised that the New Zealand Addressing Standard (AS/NZS 4819:2011) and the LINZ Guidelines for Addressing In-fill Developments 2019 – LINZ OP G 01245 require consideration to be given to the naming of any private roads (rights of way or Commonly Owned Access Lots / common access ways) that serve six or more lots that are being created under a subdivision consent. All road names must be approved by the Council. In order to minimise disruption to construction and survey works, the consent holder is advised to take advice from their surveyor as to whether a road name will be required for any private roads and obtain any road name before applying for a section 223 certificate.*

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### Vehicle Crossing

43. The consent holder must provide new vehicle crossing(s) [edit depending on whether one or more crossings are required] to serve Lot(s) X, Y, Z. The crossing(s) must be designed and formed in accordance with the requirements of Auckland Transport under [insert most recent version and date of Auckland Transport Code of Practice]. The new crossing(s) must maintain an at-grade (level) pedestrian footpath across the length of the crossing, using the same materials, kerbing, pavings, patterns and finish as the footpath on each side of

the crossing. Certification that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

**Advice Note:** *[choose relevant only]*

- *An approval letter and completion certificate from Auckland Transport is required to be submitted to the Council as a verification that Auckland Transport has completed approval and a final vehicle crossing inspection before this condition is considered fulfilled.*
  - *Works within the road reserve require prior approval from Auckland Transport. The consent holder should contact Auckland Transport as soon as possible to ensure any required approvals are issued prior to construction.*
  - *A vehicle crossing approval permit is required to be obtained from Auckland Transport for these works. For more details refer to [Vehicle crossing application \(Auckland Transport\)](#)*
  - *Please note that any redundant vehicle crossings are required to be reinstated as berm and/or footpath and the kerbs replaced.*
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#### **Other AUP(OP) Chapter E27 conditions**

Other conditions may be relevant if application for subdivision consent triggers specific consent requirements under Chapter E27 (e.g., as a standalone vacant lot subdivision that is not land use consent led). Refer to [RC 5.2.15 Traffic and Parking conditions](#).

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#### **Public Roads**

44. The consent holder must design and construct a new public road [\[insert Road number/ reference\]](#) in accordance with the requirements of Auckland Transport under [\[insert most recent version and date of Auckland Transport Code of Practice\]](#). Certification from Auckland Transport that the works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

**Advice Note:** *[choose relevant only]*

- *Acceptable forms of evidence include Engineering Approval Completion Certificates.*
- *Construction of public roading requires an Engineering Plan Approval.*

- *Design of public roads must include (but is not limited to), road pavement, pedestrian footpaths, cycle ways, street lighting, street furniture, road marking, traffic calming devices, road stormwater drainage, raingardens, etc. where required.*
- *Plans approved under Resource Consent do not constitute an Engineering Plan Approval and should not be used for the purposes of constructing public works in the absence of that approval.*
- *The consent holder is advised that the New Zealand Addressing Standard (AS/NZS 4819:2011) requires all new public roads and all extensions to existing roads to have a road name. All road names must be approved by the Council. In order to minimise disruption to construction and survey works, the consent holder is advised to obtain any road name approval before applying for a section 223 certificate.*

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## Common infrastructure / assets

### Guidance Note:

*Where privately-owned common infrastructure is proposed as part of a subdivision application, the Council must ensure that appropriate consent conditions are in place to ensure the continued operation and maintenance of the privately-owned common infrastructure over its lifetime. As the infrastructure is providing a direct benefit to the beneficiaries it is appropriate that this ongoing responsibility is assumed by the beneficiaries, with checks in place to avoid the Council, as far as is practicable, having to step in and remediate at a later date and/or to take responsibility for the infrastructure.*

*There are a range of legal mechanisms available to establish an arrangement for the ownership, operation, and maintenance of privately-owned common infrastructure. Such arrangements may involve either direct or indirect ownership of the infrastructure by the beneficiaries. The nature of the infrastructure, the risk to the environment of non-performance of the infrastructure, and the overall scale and complexity of the infrastructure will dictate which ownership arrangement is best suited to the particular development.*

*The nature of the arrangement will vary depending on the particular circumstances and infrastructure involved, but in every case consideration should be given to ensuring that the arrangement will be enduring, be adequately resourced, have appropriate powers, have the correct functions, and appropriately prescribed duties and obligations.*

*The type of privately-owned common infrastructure that can be subject to such an arrangement includes (but is not limited to):*

- *Access ways and private roads*
- *Street lighting*
- *Water supply*
- *Stormwater*
- *Wastewater*
- *Open space*
- *Retaining walls*
- *Fire hydrants*
- *Sub soil drainage*

*Three options are available that provide for different legal mechanisms associated with the privately-owned common infrastructure:*

1. *Single ownership*
2. *Common ownership*
3. *Incorporated society (at least 15 lot owners or members)*

*Note that alternative options may be available in some circumstances. Please discuss with the subdivision specialist team if you are unsure or an applicant proposes a different legal mechanism.*

*Conditions for any of these mechanisms will usually require a consent notice to be registered on the record(s) of title as there will be a continuous requirement for owners to remain part of the entity and the ownership entity will have ongoing responsibilities associated with this, e.g., maintenance requirements.*

*Note that if common infrastructure is not located within a shared lot (e.g., a COAL), then easements are required to allow access into the private lot for the other parties. These must be shown on the scheme plan.*

*If there are common assets that have an associated regional consent associated with them, such as a coastal permit, discharge consent, or stormwater permit, the legal mechanisms under No 2 and 3 above are preferred, as this enables the establishment of a legal 'person' that these regional consents can later be transferred to under ss135 to 137 of the RMA. You should have specific regard to future transferability when using these conditions and use appropriate advice notes to draw this to the attention of the consent holder.*

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### **Single ownership of common infrastructure / asset(s)**

45. Lot(s) X, Y, Z contain individual [soakage devices](#) [or other infrastructure – insert relevant] that provide a shared benefit to Lot(s) X, Y, Z. The owners of Lot(s) X, Y, Z are responsible and liable for the ongoing operation, maintenance and repair of the [asset](#) [specify] located within their individual site.

This condition must be registered as a consent notice on the record(s) of title to be issued for Lot(s) X, Y, Z to ensure that it is complied with on a continuing basis.

#### *Guidance Note:*

*This arrangement can be suitable for infrastructure with minimal on-going operation and maintenance where it is logical for the particular element of infrastructure to be located within an individually owned lot. This may include retaining / revetment walls, sub soil drains, esplanade strips etc.*

### **Common ownership of infrastructure / asset(s)**

46. Lot(s) X, Y, Z share a common [stormwater/ wastewater device](#) which connects to the respective public networks; other common property/ asset [select relevant], which is/are located within Lot(s) X, Y, Z. To ensure that Lot(s) X, Y, Z remain adequately serviced and connected, the consent holder must create a [common entity](#) to represent and ensure that future owners of Lot(s) X, Y, Z are

jointly responsible and liable for the ongoing operation, maintenance and repair of the [shared drainage systems](#).

A copy of the document(s) describing the functions, powers, duties and liabilities of the [common entity](#) must be provided to the Council for certification. The document(s) must evidence that the ongoing operation, maintenance and repair obligations of this condition will be adequately provided for.

Further, to ensure that future owner(s) maintain membership of the [common entity](#), the following must be registered as a consent notice on the record(s) of title to be issued for [Lot\(s\) X, Y, Z](#):

*“[Lot\(s\) X, Y, Z](#) are served or serviced by a common [stormwater/ wastewater device which connects to the respective public networks; other common property/ asset \[select relevant\]](#), which is located within [Lot\(s\) X, Y, Z](#). For so long as they are a registered proprietor of that Lot, the owners of [Lot\(s\) X, Y, Z](#) must be members of the established [common entity](#) that is jointly responsible and liable for the ongoing operation, maintenance and repair of the [shared common asset \[specify\]](#) located within [Lot\(s\) X, Y, Z](#).”*

**Guidance Note:**

*This arrangement is generally suitable for infrastructure with minimal on-going operation and maintenance such as commonly owned access ways (COALs), stormwater and wastewater systems, soakage devices etc. It is relatively low cost to establish and there is no risk of a separate ownership entity ceasing to exist. Financial liabilities and other responsibilities need to be agreed between the owners, and there needs to be a degree of Council oversight of the details involved in this to ensure that respective functions, powers, duties, and liabilities are clearly and coherently described.*

**Asset(s) owned by Incorporated Society**

47. [Lot\(s\) X, Y, Z](#) share a common [asset\(s\)](#) [e.g., private road, stormwater collection, treatment and detention system, all lighting infrastructure located within the private road, the water main and associated fittings, communal open space etc], which is/are located within [Lot\(s\) X, Y, Z](#). To ensure that [Lot\(s\) X, Y, Z](#) remain adequately [serviced and connected \[edit if necessary\]](#), an Incorporated Society must be created by the consent holder to own, and be responsible and liable for the ongoing operation, maintenance and repair of the [common asset\(s\)](#) within [Lot\(s\) X, Y, Z](#).

The following requirements must be met in order to satisfy this condition:

- a. Ownership of the common [asset\(s\)](#) [\[specify\]](#) must be transferred to the Incorporated Society before any [Lot\(s\) X, Y, Z](#) are transferred to new owners. The assets are required to remain in the ownership of the Incorporated Society, except with the prior approval of the Council.

- b. The Incorporated Society must not be disestablished without the prior written consent of the Council.
- c. The structure, functions and rules of the Incorporated Society must include provision for the following items [include relevant only]:
- Requirements for all lot owners to automatically be and remain a member of the Incorporated Society for so long as they are a registered proprietor of a Lot;
  - Requirement that the Incorporated Society must not be disestablished without the prior written consent of the Council;
  - Requirements for all lot owners to fulfil the obligations of a member, as set out in the Rules of the Incorporated Society;
  - Details of how the common asset(s) (e.g., access way and private stormwater infrastructure) will be managed and maintained, including reference to any operation manuals or management plans;
  - Ongoing compliance with the relevant resource consent, bylaw, or other requirements of Auckland Council;
  - An acceptable method of management of the Incorporated Society's future affairs, and for the raising of funds from members from time to time to adequately finance any future maintenance and renewal obligations. The Rules should identify a process for setting, collecting and enforcing the payment of levies;
  - Other [specify]
- d. All costs associated with the establishment and maintenance of the Incorporated Society must be borne by the consent holder.
- e. A copy of the document(s) describing the functions, powers, duties and liabilities of the Incorporated Society must be provided to the Council for certification. The document(s) must evidence each of the requirements above and that the ongoing operation, maintenance and repair obligations of this condition will be adequately provided for.

Further, to ensure that future owner(s) maintain membership of the Incorporated Society, the following must be registered as a consent notice on the record(s) of title to be issued for Lot(s) X, Y, Z:

*“Lot(s) X, Y, Z are served or serviced by a **common asset [describe the type of asset(s)]**, which is located within Lot(s) X, Y, Z. For so long as they are a registered proprietor of that Lot, the owners of Lot(s) X, Y, Z must be members of the established Incorporated Society that jointly owns and is responsible and liable for the ongoing operation, maintenance and repair of the **common asset [describe the type of asset(s)]** located within Lot(s) X, Y, Z.”*

*Guidance Note:*

*This is a separate legal entity created for the purposes of continuity and ease of dealings with third parties. Lot owners as members ultimately control and fund the Incorporated Society. This arrangement will be suitable for more complex and critical infrastructure where there will be at least 15 lot owners or members.*

*This needs a condition requiring the establishment and maintenance of an Incorporated Society, as well as a requirement for a consent notice to be recorded on titles (stating the individual lot's membership of and including the Society's Responsibilities).*

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## Bond conditions

### Requirement for Bond – section 222

48. Under section 222 of the RMA, and before the issue of the section 224(c) certificate, the consent holder must provide a bond of \$ [specify amount] (incl. GST) (bond sum) to the Council.

The bond is to ensure the performance of condition(s) [insert condition numbers].

The following requirements must be met in order to satisfy this condition:

- a. The bond required must be paid to the Council as a cash deposit or a bank guaranteed bond (and being a NZ registered bank).
- b. The Council's solicitor will prepare and execute the bond document. All costs incurred by the Council in the preparation execution, variation, administration or release of the bond must be paid by the consent holder. The bond document will state that the bond sum will be released once the conditions it safeguards the performance of have been satisfied and the consent holder has paid all the Council's costs in relation to the bond's administration.
- c. [use only if bond more than \$X – check bond policy for limits and discuss with the Subdivision Specialist team] The bond must be registered on the record(s) of title to be issued for Lot(s) X, Y, Z [insert legal description/ identify new Lot to be created] by the consent holder and at their expense, and a copy of the registration documents must be provided to the Council within five working days of registration.

#### Advice note:

*The Council may use the bond during (and following) the implementation of the works for the following purposes:*

*[Examples only – tailor to your specifics:]*

- Any remedial works (by a qualified arborist engaged by the Council) to trees as a result of damage during works.
- Any identified tree requiring replacement, for the replanting of an equivalent specimen and associated maintenance for twelve months.
- Any landscaping (calculated at \$x per m<sup>2</sup>), whether from failure to provide or replacement upon failure of provided during the maintenance period. This covers the cost of replacement and associated maintenance for x months / years.

*Guidance Note:*

*A bond under section 222 may be given for the performance of one or more subdivision conditions requiring work to be completed after the issue of the section 224(c) certificate.*

*The quantum of bond is calculated at 1.5 times the actual estimated cost at the time of imposition. A higher multiplier may be appropriate depending on the risk of con-compliance or if a longer term is appropriate.*

*Bonds should be there to manage risk and ensure necessary and significant mitigation / remediation works are done if the consent holder is not in the frame – such as where the other works enabled by the consent may have been completed (e.g., maintenance of landscaping). Bonds are not imposed to punish non-compliance.*

*These conditions set out the substance of the bond requirements. You should always use them in conjunction with the ‘process for administering bond condition’ that sets out the procedural obligations for administration of the bond condition.*

*As it is linked to performance of another condition, that other condition should be explicit regarding scope of works – and the advice note links into the particular trigger points detailed in the condition it safeguards. As needed, reflect in the detail of the purposes and the structure for any partial releases.*

## **Subdivision in accordance with an approved land use resource consent**

### **Subdivision in accordance with an approved land use resource consent**

49. The subdivision of Lot(s) X, Y, Z must be undertaken in accordance with the land use resource consent referenced as BUNXXXXXXXXX and/or LUCXXXXXXXXX.

To ensure that this condition is complied with on a continuing basis, the following must be registered as a consent notice on the record(s) of title to be issued for Lot(s) X, Y, Z:

*“This Lot has been created in accordance with approved land use resource consent [BUNXXXXXXXXX](#) and/or [LUCXXXXXXXXX](#). All development on this lot must be in accordance with the approved land use resource consent referenced as [BUNXXXXXXXXX](#) and/or [LUCXXXXXXXXX](#), including all its conditions. If this land use resource consent lapses prior to being given effect to, then a new land use resource consent will be required, unless the proposed use and development of the lot is otherwise able to be undertaken as a permitted activity.”*

**Guidance Note:**

*For concurrent land use and subdivision applications, or subdivision applications made following the approval of a separate land use consent, there must be a link between the subdivision consent and the land use consent, noting the rule being relied upon in Chapter E38 of the AUP(OP), e.g., rule E38.4.1(A14). This is provided for by a consent condition that is then subsequently registered as a consent notice.*

*If following creation of new titles, the original consent holder or a future landowner wishes to change the land use proposal, they can apply to do so under a section 127 application against the land use consent, and hence avoid changes via s221 (variation of a consent notice).*

*Please refer to [RC 3.2.28 Urban Subdivision – Residential Practice and Guidance Note](#) for further guidance.*

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## Future development effects

### Future Development

50. Lot(s) X, Y, Z are created as part of a subdivision of parent site X [insert legal reference here]. In order to avoid future adverse [amenity/ stormwater generation etc – select/ insert relevant] effects related to impervious area/ building coverage/ landscaped area [select relevant], the impervious area/ building coverage/ landscaped area [select relevant] on Lot(s) X, Y, Z must not exceed (for impervious area and building coverage)/ be maintained at a minimum of (for landscaped area) [select relevant] X% or X sqm.

To ensure that this condition is complied with on a continuing basis, the following must be registered as a consent notice on the record(s) of title to be issued for Lot(s) X, Y, Z:

*“The impervious area/ building coverage [select relevant] on Lot(s) X, Y, Z*

*must not exceed X% or X sqm.”*

**AND/ OR**

*“The landscaped area on Lot(s) X, Y, Z must be maintained at a minimum of X% or X sqm.”*

*Guidance Note:*

*Sometimes a subdivision will create a lot (or lots) that contain existing/approved development that is above and beyond what would otherwise be enabled by district plan standards as permitted. The flipside of this is that a lot (or lots) may also contain development following subdivision that is substantially below what would be permitted by plan standards.*

*The types of standards involved usually include impervious area, building coverage or landscaped area.*

*A potential future effect of the proposed design and layout of the subdivision can arise where a lot owner would have the ability to undertake additional development without the need for resource consent, where that additional development would have otherwise exceeded the relevant standard over the parent lot.*

*A consent condition controlling the extent of future development is one possible approach to managing these potential future effects. This condition applies in perpetuity and is required to be registered as a consent notice. This however may not always be necessary or appropriate, particularly if the permitted development rights would be very small or they could be suitably mitigated by other measures. Please speak to your TL and/ or Principal Planner.*

*Please note that the condition will need to apply to the lot(s) that will be ‘under-developed’, in order to ensure overall development on the parent lot does remains ‘balanced’.*

*Please refer to [RC 3.2.28 Urban Subdivision – Residential Practice and Guidance Note](#) for further guidance.*

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## **Guidance on the use of consent notices**

*Guidance Note:*

*Consent notices create an interest in land that may be registered on the record(s) of title. The conditions that are the subject of consent notices bind the consent holder and subsequent owners of the land and should be used for conditions that are to be complied with on a continuing basis.*

*Conditions that are to be the subject of consent notices should clearly identify what is required, how it is to be undertaken and when and with what frequency.*

*It is preferable to include consent notice requirements within the specific condition that is to apply on an ongoing basis, rather than having specific 'consent notice conditions' at the end of a decision.*

*The planner/ decision maker will require a consent notice to ensure a specific outcome under the RMA; it must not be left up to the subdivision team or legal team to identify what the requirement in detail should be. It should be clear from what the wording of the condition as to what must be registered as a consent notice.*

*Be careful to identify whether consent for certain matters was actually required, or could be addressed by matters of discretion/ control as part of the application for subdivision; e.g. consent notices should not refer to future investigations for flooding levels to ascertain whether a lot can be safely developed - this was actually required to be assessed as part of the subdivision application in order to determine whether it triggers a reason for consent or would be a ground for refusal under section 106.*

*Matters that may be suitable for a condition requiring a consent notice also include s106 matters, as well as matters considered relevant under section 220.*

*Examples of matters where conditions that may be appropriate for consent notices include:*

- ✓ *Geotechnical requirements for design and construction of future buildings where the site may be subject to soil instability and certain design is required in order to safely develop the lot (also a section 106 matter)*
- ✓ *On-going maintenance of drains, stormwater devices, retaining walls to ensure the new lot remains adequately serviced (also a section 106 matter)*
- ✓ *Protection of native bush, including control of weeds*
- ✓ *Minimum floor level/s to ensure adverse effects to habitable buildings, people and their chattels are avoided*

*There are many examples of 'consent notice conditions' throughout this chapter of the Conditions Manual, however the standard structure has been set out below for when drafting non-standard conditions.*

### **Conditions with a consent notice requirement**

*Use this version where the requirement to be registered as a consent notice is effectively just what is written in the text of the condition itself.*

51. [Describe condition requirement here first, i.e., what is required, how it is to be undertaken, as you would for any other condition]

This condition must be registered as a consent notice on the record(s) of title to be issued for Lot(s) X, Y, Z to ensure that it is complied with on a continuing basis.

*Use this version where the requirement to be registered as a consent notice is different from what the condition itself specifies.*

52. [Describe condition requirement here first, i.e., what is required, how it is to be undertaken, as you would for any other condition]

To ensure that this condition is complied with on a continuing basis, the following must be registered as a consent notice on the record(s) of title to be issued for Lot(s) X, Y, Z:

*“[Write the specific consent notice text here, which may be expressed differently than the text of the condition.]”*

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## Other conditions

### *Guidance Note:*

*Additional conditions may be required if subdivision triggers (i.e., are a direct result of the subdivision, e.g., earthworks to install services, roads, stabilisation etc) sections 9 /14/15 reasons for consent (incl. NES) without requiring a separate consent/ permit (and separate decision). Please see SCM for standard land use conditions. Please ensure that these conditions are worded in a way that requires compliance with the condition when applying for a section 224(c), i.e., no ‘on-going’ conditions (unless included as a consent notice, no conditions requiring review of management plans at section 224(c) (this should have occurred before applying for the section 224(c)) and the like. If in doubt, please discuss with the subdivision specialist team.*