

# Resource Consents Team

## STANDARD SUBDIVISION CONDITIONS & ADVICE NOTES

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**Note – Conditions can either be imposed under Section 220 or Section 108 of the Resource Management Act 1991. If conditions are not imposed under Section 220, then at least one of the following under Section 108AA must apply:**

- **The applicant agrees to the condition; or**
- **The condition is directly connected to an adverse effect of the activity on the environment; or**
- **The condition is directly connected to a relevant rule or NES; or**
- **The condition relates to administrative matters essential for the efficient implementation of the consent.**

**There needs to be an evidential base for all conditions.**

## Document Revision

Version	Amendment	Amended by	Approved by	Approval date
V1	Final		Daniel Kinnoch	17 June 2024

## Guide to the conditions

What do the conditions cover and when should they be used?

This document contains subdivision conditions applied on a regular basis by Southland District Council that have been standardised. The standard conditions are only a guide and may need to be modified/adapted to suit the circumstances of a consent application.

Although the conditions are ‘standardised’, in the sense they should be applied consistently where they *are* required, **this does not mean they should *all* be applied in every instance**. Processing planners need to consider the nature of the activity, and the characteristics of the site and its surroundings in considering what conditions are required.

Please note that:

- Sole reliance on a standard condition requiring the ***activity to be carried out in accordance with plans*** is unlikely to be appropriate, except where the risks associated with the activity are very low.
- Where specific measures are required to ensure that the expected outcomes of the approved consent are met, these must be clearly set out as specifically worded conditions. There will be situations where conditions need to be drafted ‘from scratch’ to address the particular effects or risks associated with an activity and/or its surroundings. In such cases, custom-built conditions may need to substitute for the standard conditions set out in this list.
- All subdivision consent conditions will be subject to the section 224(c) certificate. 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.
- Conditions and advice notes have been standardised so that they simply refer to ‘Council’. Ideally, there should be a single point of contact for the consent holder with regard to conditions, this is usually Council’s Team Leader Consent Processing.

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## GENERAL

### GEN1 - Accordance with Plans

The [insert details – be specific e.g. 30 lot subdivision] activity [and associated works, e.g. if this is joint decision with a and use component then include land use activity details] must be undertaken in accordance with the application lodged with Southland District Council (Council) on XX/XX/XXXX, and all information submitted with the application as held on Council’s resource consent file referenced RMA/20##/53### and listed below, except as modified by the conditions of this consent.

Report title and reference	Author	Rev	Dated

Plan title and reference	Author	Rev	Dated

Other additional information	Author	Rev	Dated

**Advice note:**

*An electronic or hard-copy version of this resource consent should be kept on site at all times during the activity authorised by this resource consent. The consent holder is to ensure all workers and contractors on site are familiar with the conditions of consent.*

*Should it become apparent that a component of the granted subdivision consent cannot be implemented (e.g., sufficient gradients for access 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.*

#### GEN2 – Lapse of Consent

Under section 125 of the Resource Management Act 1991, this consent lapses [five/ X] years after the date it is granted unless:

- a) A survey plan is submitted to Council for approval under section 223 of the Resource Management Act 1991 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 Resource Management Act 1991; or
- b) An application under section 125 of the Resource Management Act 1991 is made to the Council before the consent lapses to extend the period after which the consent lapses and the Council grants an extension.

#### GEN3 – Staging of Subdivision

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.

GEN4 - Section 128 review

[State intervals for review- which may be one-off, annual, or less regular over time. I.e Within six months of the date of this decision; and/or upon the receipt of information identifying non-compliance with the conditions of this consent, and/or within ten working days of each anniversary of the date of this decision], in accordance with sections 128(1)(a) and 129 of the Resource Management Act 1991, the Council may serve notice on the consent holder of its intention to review the conditions of this resource consent for any of the following purposes:

- a) To deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage.
- b) [Include any particular purpose that needs to be specified in the consent – for example:
- c) To deal with any adverse effects on the environment which may arise from the exercise of the consent and which could not be properly assessed at the time the application was considered.
- d) To avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent and which have been caused by a change in circumstances or which may be more appropriately addressed as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the Resource Management Act 1991.]

The consent holder will incur all expenses related to the review of the conditions of this consent.

## PRE-COMMENCEMENT OF PHYSICAL WORKS

### PRE1 – Notice of Commencement of Works

At least [five] working days prior to the commencement of [condition X AND / OR the [activity]], the consent holder must provide a written “Notice of Commencement of Work” to the Council’s Team Leader Consent Processing which outlines the steps taken towards meeting the conditions of consent AND/OR notifies the Council of when the activity is intended to commence.

#### **Advice note:**

*A copy of the Notice of Commencement form can be found on Council’s website ([Forms and guides | Southland District Council](#) ([southlanddc.govt.nz](http://southlanddc.govt.nz))) or at Council’s service centres. The Notice should be emailed to [emailsdc@southlanddc.govt.nz](mailto:emailsdc@southlanddc.govt.nz), quoting RMA/XXXX/XXXXX and this consent condition number as the reference.*

### PRE2 – Performance and/or Maintenance Bond ([Section 108](#) or [Section 222](#))

Under sections [108 and 108A / 222](#) of the Resource Management Act 1991, prior to the commencement of [condition X OR the [activity]] / 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 as a cash deposit or a bank guaranteed bond (from a NZ registered bank) to the Council [or in the case of a cash deposit over \$XXXX - Council’s nominated solicitors].
- b) The Council’s solicitor will prepare the bond document for execution. All costs incurred by the Council in the preparation, execution, variation, administration or release of the bond must be paid by the consent holder. It is the consent holder’s responsibility to contact

the Council’s solicitor to arrange for the preparation of the bond document (AWS Legal – Attn: Trudy Conway, [trudy.conway@awslegal.co.nz](mailto:trudy.conway@awslegal.co.nz)).

- c) Confirmation shall be provided to the Council by the Council’s solicitor that the bond has been fully signed, cash bond paid (where applicable) and Council’s solicitor’s costs in respect of the preparation and execution of the bond document paid, prior to work of any nature commencing on-site.
- d) The bond document will state that the bond sum (less any amounts deducted by the Council in the event of default) will be released once the conditions it safeguards the performance of have been satisfied to the Council’s satisfaction and the consent holder has paid all the Council’s costs in relation to the bond’s administration.
- e) [\[use only if bond more than \\$XXXX\]](#) The bond must be registered under section 109 of the RMA on the record(s) of title to be issued for the property [\[insert legal description\]](#) 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.

**Version A: not staged**

The bond sum will be released on the date the conditions it safeguards the performance of have been satisfied to the satisfaction of the Council’s Team Leader Consent Processing and the consent holder has paid all the Council’s costs in relation to the bond’s administration.

**Or:**

**Version B – staged.**

The bond sum will be released in two stages as follows:

- [\[50 or XX\]](#)% of bond amount when [\[insert trigger – timescale or stage of works to be completed\]](#) ...
- the balance when the condition it safeguards the performance of have been satisfied in full, to the satisfaction of the Council’s Team Leader Consent Processing.

The consent holder must also have paid all the Council’s outstanding costs in relation to the bond’s administration as at the time of that release.

**Advice note:**

*Pursuant to Section 108A and 109 of the Resource Management Act 1991, the Council may use the bond during (and following) the implementation of the works for the following purposes:*

*[Examples – 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.*

PRE3 – Construction Management Plan (CMP)

At least [15] working days prior to the commencement of [condition X OR the [activity]], the consent holder must provide the Council’s Team Leader Consent Processing a Construction Management Plan (CMP) prepared by a suitably qualified and experienced person to be certified by Council. The CMP must contain sufficient detail to address the following matters: [add matters that should be specifically addressed in this assessment e.g. measures to address noise, traffic, dust, vibration, stockpiling etc.]. The CMP must specifically address (but may not be limited to) the following:

[Delete or modify those matters not relevant to the proposal]

- a) General site establishment and management processes;
- b) Details of work phases planned (including both demolition and construction phases);
- c) Details of access for construction vehicles;
- d) Environmental controls, including dust, stormwater and sediment;
- e) Management of the storage and use of hazardous substances and the management of any spills;

- f) Management of construction noise in accordance with New Zealand Standard NZS 6803:1999 Acoustics – Construction noise;
- g) Management of waste materials;
- h) Management of public access and public health and safety,
- i) Management of potentially contaminated soil in accordance with regulation 8(s) of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011;
- j) Accidental discovery protocols (Archaeological/cultural);
- k) Contact details of key personnel;
- l) Complaints procedure;
- m) A Construction Traffic Management Plan that details how forecast construction traffic will be managed for each phase of the works, site access points, when temporary traffic management procedures may need to be implemented; and
- n) [Any other specifications].

Physical works must not commence until the CMP has been certified by Council.

#### PRE4 – Engineering Design Approval – Roading and Access

At least [15] working days prior to the commencement of construction works, the consent holder must submit full engineering design and construction documentation (including drawings, specifications and calculations) in accordance with Council’s Subdivision, Land Use and Development Bylaw 2012, to Council’s Strategic Transport Department for approval. The engineering design and construction documentation must include, but may not be limited to, the following:

- a) Design details of the upgrading/construction of the right of way/access/public road, including street lighting, in accordance with Sections 1.7, 1.8 and 3 of Council’s Subdivision, Land Use and Development Bylaw 2012;
- b) Design details of the upgrading/construction of the existing/proposed vehicle crossing to Lots XX, XX, XX, in accordance with Sections 1.7, 1.8 and 3.3 of Council’s Subdivision, Land Use and Development Bylaw 2012 and Council’s Roading Policy Procedures 10 (Vehicle Accessways).

Construction works covered under this condition must not commence until the engineering design and construction documentation has been approved by Council.

#### PRE5 – Engineering Design Approval – Three Waters

At least [15] working days prior to the commencement of construction works, the consent holder must submit full engineering design and construction documentation (including drawings, specifications and calculations) in accordance with Council’s Subdivision, Land Use and Development Bylaw 2012 to Council’s Water and Waste Department for approval. The engineering design and construction documentation must include, but may not be limited to, the following:

- a) Design details for connection to the reticulated water system to serve Lots x, y and z in accordance with Council’s Water Supply Bylaw 2017 and Sections 1 and 6 of Council’s Subdivision, Land Use and Development Bylaw 2012;
- b) Design details for connection to the reticulated wastewater system to serve Lots x, y and z in accordance with Council’s Wastewater Drainage Bylaw 2017 and Sections 1 and 5 of Council’s Subdivision, Land Use and Development Bylaw 2012;
- c) Design details for connection to the reticulated stormwater system to serve Lots x, y and z in accordance with Council’s Stormwater Drainage Bylaw 2017 and Sections 1 and 4 of Council’s Subdivision, Land Use and Development Bylaw 2012;
- d) Design details for the on-site stormwater management system to serve Lots x, y and z in accordance with the Building Code Clause E1 Surface Water, Council’s Stormwater Drainage Bylaw 2017 and Sections 1 and 4 of Council’s Subdivision, Land Use and Development Bylaw 2012;

Construction works covered under this condition must not commence until the engineering design and construction documentation has been approved by Council.



#### PRE6 – Works in Legal Road Reserve

Prior to any construction works being undertaken in Council’s legal road reserve, the consent holder must obtain all necessary approvals for the works from Council’s Strategic Transport Department.

**Advice note:**

*It is the responsibility of the consent holder to ensure all documentation such as Traffic Management Plans (TMP) and Corridor Access Requests (CAR) are applied for and approved by Council. Prior to any construction works being undertaken in Council’s legal road reserve, the consent holder must make a separate application to Council’s Corridor Manager for approval and pay the appropriate fees and bond as set out in Council’s Schedule of Fees and Charges, current at time of application. Application for Traffic Management and Corridor Access are both via the MyWorkSites system with details on [Council’s website](#).*

#### PRE7 – Sites of cultural significance – notification to rūnanga

At least (15) working days prior to the commencement of earthworks, the consent holder must notify Te Ao Marama Incorporated (acting as representatives of Te Rūnanga o Waihōpai, Te Rūnanga o Awarua, Te Rūnanga o Oraka Aparima and Te Rūnanga o Hokonui) of the dates that the earthworks will be undertaken. If Te Ao Marama Incorporated request to be present while earthworks are undertaken, no earthworks must be undertaken in their absence. Any necessary fees for observation costs must be borne by the consent holder.

#### PRE8 – Sites of historic significance – archaeologist requirement

Prior to undertaking any earthworks, all contractors must be inducted by a suitably qualified and experienced archaeologist.

## DURING PHYSICAL WORKS

### WOR1 – CMP Implementation

All construction works must be undertaken in accordance with the certified Construction Management Plan (CMP) required by Condition X. The CMP must be available on-site at all times and all staff and contractors must be familiar with all the CMP requirements.

### WOR2 – Compliance with geotechnical report

All earthworks associated with this application must be undertaken in accordance with the findings and recommendations of the Geotechnical Report prepared by XX and lodged with this application ([name of report], dated XX/XX/XXXX).

### WOR3 – Tracking of mud / debris onto roads

The consent holder must ensure that no debris or other matter is tracked on Council roads or State Highway. Where this occurs the consent holder must remove all matter as soon as practicable and notify the Road Controlling Authority (Council's Strategic Transport Department or Waka Kotahi NZTA).

### WOR4 – Erosion and sediment control - general

The consent holder must install measures to control/and or mitigate any silt runoff and sedimentation that may occur during works. These measures must be implemented prior to the commencement of any earthworks on site and must remain in place for the duration of the works.

## WOR5 – Accidental Discovery Protocol

In the event of accidental discovery of archaeological material, the consent holder must immediately:

- a) Cease earthmoving operations in the affected area and mark off the affected area; and
- b) Advise Council and Environment Southland of the disturbance; and
- c) Advise Heritage New Zealand Pouhere Taonga of the disturbance; and
- d) Advise Te Ao Marama Incorporated (acting as representatives of Te Rūnanga o Waihōpai, Te Rūnanga o Awarua, Te Rūnanga o Oraka Aparima and Te Rūnanga o Hokonui) of the disturbance.

If the archaeological material is determined to be Kōiwi Tangata (human bones) by Heritage New Zealand Pouhere Taonga, the consent holder must immediately advise the New Zealand Police of the disturbance.

Work may recommence if Heritage New Zealand Pouhere Taonga and Te Ao Marama Incorporated provide a statement in writing to Council and Environment Southland that appropriate action has been undertaken in relation to the archaeological material discovered.

**Advice note:**

*The provisions of the Heritage New Zealand Pouhere Taonga Act 2014 confirm that any site with evidence of human occupation or activity prior to 1900 is considered an archaeological site. Many of these sites have not been formally identified through survey. The modification, damage or destruction of any known or unknown archaeological site by a landowner or contractor without an archaeological authority from Heritage New Zealand is a criminal offence under this Act. Please note this Consent is not an Archaeological Authority. It is recommended that the consent holder contact Heritage New Zealand's archaeologists for more information.*

#### WOR6 – Construction Noise – Larger scale works

All noise generating activities associated with the implementation of this resource consent on, or in the vicinity of, the subject site (which can include (but is not limited to) any demolition, earthworks and construction activities, and ancillary activities (such as deliveries, loading and unloading goods, transferring tools, etc)) must not exceed the following noise limits:

- a) stipulated within NZS 6803:1999 Acoustics - Construction Noise, and may only be carried out:
  - i) between the hours of 7:30 am and 18:00 pm, Monday to Saturday; and
  - ii) must not be carried out on any Sunday or public holiday (and any following Monday on which that public holiday is observed)

#### WOR7 – Construction Noise

All noise generating activities associated with the implementation of this resource consent on, or in the vicinity of, the subject site (which can include (but is not limited to) any demolition, earthworks and construction activities, and ancillary activities (such as deliveries, loading and unloading goods, transferring tools, etc)) must not exceed the noise limits:

- a) Daytime (7.00am – 10.00pm) – 50 dB (LAeq) / 75 dB (LAF, max)
- b) Night time (All other times) – 40 dB (LAeq) / 70 dB (LAF, max)

## SECTION 223 CONDITIONS

Prior to sealing of the survey plan pursuant to section 223 of the Resource Management Act 1991, the following conditions must be complied with:

### 223-1 - Survey plan approval

The consent holder must submit a survey plan to Council in general 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.

### Easements

#### 223-2 - Memorandum of easements

All necessary easements, easements in gross for utility services, access, drainage and overland flow paths, must be shown on the cadastral dataset in a Memorandum of Easements. The costs for the preparation and registration must be met by the consent holder.

#### 223-3 – Easement cancellation

The existing easement(s) for the purpose of xxxxxx created by the easement instrument zzzzzz over Lot xx DP yyyyyy must be cancelled under section 243(e) of the Resource Management Act 1991.

#### **Advice Note:**

*Certification will occur when it is demonstrated that the easement is no longer necessary.*

## Amalgamations

### 223-4 - Amalgamation conditions

Pursuant to section 220(1)(b)(i) of the Resource Management Act 1991, 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. (See Land Information New Zealand CSN:XXXXXXXXXX)

Pursuant to section 220(1)(b)(ii) of the Resource Management Act 1991, 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. (See Land Information New Zealand CSN:XXXXXXXXXX)

Pursuant to section 220(1)(b)(iv) of the Resource Management Act 1991, the appropriate amalgamation condition for the Commonly Owned Access Lot (COAL) being held by Lot(s) X, Y & Z must be shown on the survey plan.

### 223-5 - Amalgamation covenant

For the purpose of section 220(1)(b) and pursuant to section 220(2)(a) of the Resource Management Act 1991, a covenant must be entered into between the land owner and 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).

## Vesting

### 223-6 – Roads to Vest

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

#### 223-7 – Access ways to vest

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.

#### 223-8 - Reserves and/or land in lieu of reserves to vest

Proposed Lot(s) X, Y & Z must vest in the Council as (esplanade / recreation / historic/ nature/ scientific / government purpose / local purpose) 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).

**Advice note:**

*The records of title issued for the new recreation reserves to be vested in the Council and advice of the issue must be forwarded to Council upon receipt by the consent holder.*

#### 223-9 – Esplanade Strip

The survey plan must show a XXm wide esplanade strip in favour of the Council for the purposes of protection of conservation values, public access and recreational use.

#### Building Platforms and Covenants

#### 223-10 – Building Platforms / No Build Areas

The survey plan must show the identified building platforms on Lots x and y as indicated on the approved scheme plan, titled 'plan title', reference plan reference, dated date, and prepared by name. The survey plan is to include dimensions, areas and boundary references for accurate siting for the purposes of ongoing compliance with Condition XX (relevant consent notice condition) of this consent (RMA/xxxxxx).

The survey plan must show the identified ‘no-build’ area(s) on [Lots x and y](#) as indicated on the approved scheme plan, titled ‘[plan title](#)’, reference [plan reference](#), dated [date](#), and prepared by [name](#). The survey plan is to include dimensions, areas and boundary references for accurate siting for the purposes of ongoing compliance with Condition [XX \(relevant consent notice condition\)](#) of this consent (RMA/xxxxxx).

#### 223-11 – Conservation Covenant

The survey plan must show the proposed covenant(s) as indicated as [Areas “Y” and “Z”](#) on the approved scheme plan titled ‘[plan title](#)’, reference [plan reference](#), dated [date](#), and prepared by [name](#), as being land subject to Conservation Covenants pursuant to Section 77 of the Reserves Act, or Open Space Covenants pursuant to the Queen Elizabeth the Second National Trust Act 1977.

#### 223-12 – Landscape Covenant

The survey plan must show the [existing and / or proposed](#) landscaped areas as indicated as [Areas “Y” and “Z”](#) on the approved scheme plan titled ‘[plan title](#)’, reference [plan reference](#), dated [date](#), and prepared by [name](#), for the purposes of ongoing compliance with Condition [XX \(relevant consent notice condition\)](#) of this consent (RMA/xxxxx).

#### 223-13 – Fencing Covenant

A fencing covenant (as defined in section 2 of the Fencing Act 1978) must be registered against the records of title for all lots adjacent to the reserve areas, to the effect that Council will not be responsible for boundary fencing installation or future maintenance of this fencing including any costs. Copies of the relevant records of title must be provided to Council once the titles have been created and the necessary covenants registered.



## SECTION 224 CONDITIONS

Before a Certificate is issued pursuant to section 224(c) of the Resource Management Act 1991, all conditions in this decision must be met.

### PHYSICAL WORKS

#### Geotechnical / Construction

##### 224-1 – Geotechnical - Fill

For each stage of this subdivision, all areas of fill within that stage must be compacted to meet ‘good ground’ in accordance with *NZS 4431:1989, Code of practice for earth fill for residential development*, and must be certified as acceptable by a suitably qualified professional. The consent holder must supply evidence of compliance with this condition to Council’s Team Leader Consents Processing. All associated costs must be borne by the consent holder.

#### Landscaping

##### 224-2 – Landscape plan – simple consents

A landscape plan for the purpose of [XXXX](#) must be prepared by a suitably qualified and experienced person and submitted to Council’s Team Leader Consents Processing for certification. The landscape plan must identify the following:

- a) Planting locations, species, sizes and density;

#### 224-3 – Landscape plan – sensitive receiving environment

A landscape management plan for the purpose of **XXXXX** must be prepared by a suitably qualified and experienced person and submitted to Council's Team Leader Consents Processing for certification. The landscape management plan must identify the following:

- a) Purpose of landscaping and outcomes to be achieved, and how they will be achieved;
- b) Graded height of plants;
- c) Height at maturity;
- d) Plant species;
- e) Establishment, ongoing management and maintenance schedule;
- f) [Any other specifications].

#### 224-4 – Landscape plan – Implementation

All works described in the **landscape plan / landscape management plan**, certified under Condition **XX** of this consent, must be implemented to the satisfaction of the Council's Team Leader Consents Processing. The Consent Holder must provide a completion report, including photographic evidence, from a qualified landscape architect or tertiary qualified horticulturalist specialising in amenity horticulture to the satisfaction of the Council.

## Three Waters Services

### 224-5 – Reticulated wastewater connection

The consent holder must establish a new separate connection to the Council wastewater main in [insert street name] for Lot(s) X and X in accordance with the engineering design and construction documentation approved by Council's Water and Waste Department under Condition X of this consent, and Council's Subdivision, Land Use and Development Bylaw 2012 and Wastewater Drainage Bylaw 2017, including the following:

- a) The connection must be laid to the boundary of the net area of the site;
- b) The connection must be laid in a position to enable a G13 lateral connection to the building platform of any future residential dwelling;
- c) Laterals must be staked with a red stake or extended 500mm out of the ground and painted red on the inside and outside; and
- d) [Any other specifications].

**Advice note:**

*If there is a conflict between the engineering design and construction documentation approved by Council's Water and Waste Department, and Council's Subdivision, Land Use and Development Bylaw 2012 or Wastewater Drainage Bylaw 2017, the approved engineering design and construction documentation will prevail.*

### 224-6 – Removal of existing wastewater system

The existing wastewater system serving the [building/dairy shed etc.] on Lot X must be disconnected and removed, or filled in. The consent holder must supply evidence of compliance with this condition to Council's Team Leader Consents Processing.

### 224-7 – Assess suitability of existing wastewater system

The consent holder must engage a suitably qualified and experienced person to assess the suitability of the existing onsite wastewater system on Lot X and upgrade or replace that system to comply with AS/NZS 1547:2012 On-site Domestic Wastewater Management, if deemed necessary by the suitably and experienced person. The consent holder must supply evidence of compliance with this condition to Council's Team Leader Consents Processing.

#### 224-8 – Reticulated water connection

The consent holder must establish a new separate connection to the Council reticulated water network in [\[insert street name\]](#) for Lot(s) X and X in accordance with the engineering design and construction documentation approved by Council’s Water and Waste Department under Condition X of this consent, and Council’s Subdivision, Land Use and Development Bylaw 2012 and Water Supply Bylaw 2017, including the following:

- a) Water toby;
- b) Restrictors/meters;
- c) Pumps;
- d) Treatment;
- e) Onsite storage (water tanks);
- f) Water saving technologies; and
- g) [Any other specifications].

**Advice note:**

*All connections to the existing Council infrastructure are to be undertaken by Council’s authorised maintenance and operations contractor.*

*If there is a conflict between the engineering design and construction documentation approved by Council’s Water and Waste Department, and Council’s Subdivision, Land Use and Development Bylaw 2012 or Water Supply Bylaw 2017, the approved engineering design and construction documentation will prevail.*

#### 224-9 – Reticulated stormwater connection

The consent holder must establish a new separate connection to the Council reticulated stormwater network in [\[insert street name\]](#) for Lot(s) X and X in accordance with the engineering design and construction documentation approved by Council’s Water and Waste Department under Condition X of this consent, and Council’s Subdivision, Land Use and Development Bylaw 2012 and Stormwater Drainage Bylaw 2017, including the following:

- a) Laterals must be staked with a green stake or extended 500mm out of the ground and painted green on the inside and outside;
- b) Treatment (onsite attenuation);

- c) Stormwater must be disposed of via a connection to the road sump located within the road reserve adjacent to the site, not via kerb outlet; and
- d) [Any other specifications].

**Advice note:**

*If there is a conflict between the engineering design and construction documentation approved by Council's Water and Waste Department, and Council's Subdivision, Land Use and Development Bylaw 2012 or Stormwater Drainage Bylaw 2017, the approved engineering design and construction documentation will prevail.*

224-10 – On-site stormwater management system

The consent holder must install the on-site stormwater management system for Lot(s) X and X in accordance with the engineering design and construction documentation approved by Council's Water and Waste Department under Condition X of this consent, and Council's Subdivision, Land Use and Development Bylaw 2012 and Stormwater Drainage Bylaw 2017, including the following:

- a) [Any other specifications].

Utilities

224-11 – Telecommunication connections

The consent holder must provide underground telecommunications connections to the boundary of Lot(s) X and X. The consent holder must provide written confirmation to Council's Team Leader Consents Processing from an authorised telecommunications provider confirming that telecommunications have been connected to the boundary of Lot(s) X and X.

#### 224-12 – Electricity connections

The consent holder must provide electricity to the boundary of **Lot(s) X and X**. The consent holder must provide written confirmation to Council's Team Leader Consents Processing from an authorised Electricity Distributor confirming that electricity has been connected to the boundary of **Lot(s) X and X**.

#### 224-13 – Disconnection of services

Any service connections no longer required must be disconnected and capped at the boundary or otherwise legally protected via legal instruments.

### Roading and Transportation

#### 224-14 – Vehicle accessway

The consent holder must **[construct/upgrade]** the **[proposed new/existing]** accessway to **[Lot(s) X and X]** in accordance with the engineering design and construction documentation approved by Council's Strategic Transport Department under Condition **X** of this consent, and Council's Subdivision, Land Use and Development Bylaw 2012 and Roding Policy Procedure 10 (Vehicle Accessways), and;

- a) The minimum dimensions of the accessway must be in accordance with Standard Construction Drawing ROX;
- b) **The accessway must have a concrete, asphalt or sealed finish**

**Advice note:**

*If there is a conflict between the engineering design and construction documentation approved by Council's Strategic Transport Department, and Council's Subdivision, Land Use and Development Bylaw 2012 or Roding Policy Procedure 10 (Vehicle Accessways), the approved engineering design and construction documentation shall prevail.*

#### 224-15 – Removal of accessway - rural

The existing accessway to **[legal description]** from **[name of road]** must be permanently closed by the removal of gates, erection of permanent fencing, and excavation of the open side drain through the accessway.

#### 224-16 – Removal of accessway - urban

The existing accessway to [legal description] from [name of road] must be permanently closed by the reinstatement of kerb and channel, as well as footpaths (if relevant).

#### 224-17 – Sightlines and vegetation removal

The consent holder must:

*[Delete or modify those matters not relevant to the proposal]*

- a) Remove the [Describe vegetation] that is adjacent to Lot X near the intersection of [name of road and name of road];
- b) Install a mirror [type of mirror, location]; and
- c) Warning traffic signs.

The consent holder must provide photographic evidence to Council's Team Leader Consents Processing to demonstrate compliance with this condition.

**Advice note:**

*Once installed and approved by Council, Council will maintain any mirror or signage within the road reserve.*

#### 224-18 – Vehicle crossing to State Highway

The consent holder must form the new crossing place to Lot XX in accordance with Waka Kotahi NZ Transport Agency's Diagram E standard formation as outlined in Appendix 5B of the Waka Kotahi NZ Transport Agency Planning Policy Manual (2007).

**Advice note:**

*Before the consent holder undertakes any physical work on the state highway, including the formation of any vehicle crossing, they need to apply to Waka Kotahi for a Corridor Access Request (CAR) and for that request to be approved.*

Please submit your CAR to the Waka Kotahi CAR Manager via [corridormanager@highwaysouth.co.nz](mailto:corridormanager@highwaysouth.co.nz) a minimum of fourteen working days prior to the commencement of any works on the state highway; longer is advised for complex works.

Contact Highways South, to discuss any such approval via [SNOAdmin@southroads.co.nz](mailto:SNOAdmin@southroads.co.nz) or Ph: 03 211 1561.

*As the property is proposed to gain access to a limited access road, once the works have been completed to the satisfaction of Waka Kotahi NZ Transport Agency's Network Manager, a crossing place notice per section 91 of the Government Roding Powers Act 1989 will be registered on the record of title[s] confirming the legal establishment of the crossing place.*

#### 224-19 – Vehicle crossing to State Highway - Completion

The consent holder must provide to Council, correspondence from Waka Kotahi NZ Transport Agency confirming that works in the State Highway, including the formation of [the new crossing place](#), have been completed in accordance with the conditions of this consent.

#### 224-20 – Waka Kotahi – Registration of new crossing place

The consent holder must provide to Council confirmation that Waka Kotahi NZ Transport Agency has been advised of the new record(s) of title or similar documentation (such as the draft LT (Land Transfer) plan, ML plan (for Māori Land) or SO (Survey Office) plan), to facilitate the registration of any new Crossing Place (CP) Notices against those new titles, under section 91 of the Government Roding Powers Act 1989. The consent holder must provide to Council, correspondence from Waka Kotahi NZ Transport Agency confirming that works in the State Highway, including the formation of the new crossing place, have been completed in accordance with the conditions of this consent.

#### 224-21 – Road naming

The consent holder must submit a proposed name for the private/public road in accordance with Section 3.3.12 of Council's Subdivision, Land Use and Development Bylaw 2012 and Council's Roding Policy Procedure 28: Road Naming, to Council's Strategic Transport Department.



#### 224-22 – Public road construction

The consent holder must construct the new public road(s), including street lighting, in accordance with the engineering design and construction documentation approved by Council’s Strategic Transport Department under Condition X of this consent, and Council’s Subdivision, Land Use and Development Bylaw 2012.

**Advice note:**

*If there is a conflict between the engineering design and construction documentation approved by Council’s Strategic Transport Department, and Council’s Subdivision, Land Use and Development Bylaw 2012, the approved engineering design and construction documentation shall prevail.*

#### 224-23 – Private way, private road or other private access construction

The consent holder must construct/upgrade right of way X / the private road shown as X / other private access in accordance with the engineering design and construction documentation approved by Council’s Strategic Transport Department under Condition X of this consent, and Council’s Subdivision, Land Use and Development Bylaw 2012.

**Advice note:**

*If there is a conflict between the engineering design and construction documentation approved by Council’s Strategic Transport Department, and Council’s Subdivision, Land Use and Development Bylaw 2012, the approved engineering design and construction documentation shall prevail.*

#### 224-24 – Remediation of damages

The consent holder must reinstate, to the standard required under Council’s Subdivision, Land Use and Development Bylaw 2012, the Council’s footpath, stormwater kerb and channel, road carriageway formation, street berm and any other roading asset or urban services damaged by the works associated with the subdivision, to the satisfaction of the Council’s Strategic Transport Department.

## CONSENT NOTICES

224-25 – Requirement for consent notices

Pursuant to section 221 of the Resource Management Act 1991, the following condition(s) must be registered as a consent notice on the record(s) of title for [Lot\(s\) X to X](#), to ensure they are complied with on a continuing basis:

### *Wastewater*

At the time of construction of any dwelling on the lot, the lot owner must install an on-site wastewater treatment and disposal system in accordance with AS/NZS 1547:2012 On-site Domestic Wastewater Management.

At the time of application for a building consent that includes a wastewater discharge to land on the lot, the lot owner must provide a design prepared by a suitably qualified and experienced person for the treatment and disposal of wastewater that must take into account the findings and recommendations of the document [prepared By: ##, Titled: ##, at ###, Reference: ###, Dated: ###](#).

### *Water supply*

At the time of construction of any dwelling on the lot, the lot owner must establish an onsite potable water supply for Lot(s) [X](#) and [X](#).

### *Water supply for firefighting*

At the time of construction of any dwelling on the lot, the lot owner must ensure that the firefighting requirements of the New Zealand Fire Service Firefighting Water Supplies Code of Practise SNZ PAS 4509:2008, including access to tanks and their ongoing maintenance, are complied with.

### *Stormwater*

At the time of application for a building consent that includes a stormwater discharge on the lot, the lot owner must provide a design prepared by a suitably qualified and experienced person for onsite stormwater management. The design must be in accordance with the Southland District Council's Subdivision, Land Use and Development Bylaw 2012 and the Southland District Council Stormwater Drainage Bylaw 2017.

### *Access*

Vehicle accessways to the lot must be maintained to allow safe entry and exit at all times. The lot owner must ensure that existing and new plantings and landscape features have a maximum height of X m for X m from the [site boundary].

### *Flooding*

Any dwelling on the lot must be built in accordance with the recommendations of the Flood Assessment Report provided by [name] ([Name of report], dated XX/XX/XXXX), specifically that:

- a) The dwelling must be constructed with a minimum finished floor level of XX RL level OR XXX mm above the [1% AEP flood level or XX RL level]; and
- b) No structural timber elements shall be less than XXX mm above the [1% AEP flood level or XX RL level]; and
- c) The dwelling must be maintained as a transportable building; and
- d) Any decorative features of the dwelling, including any design features to enclose the foundation, should be designed to not restrict the natural flow of inundation so that it increases any flood risk beyond the site; and
- e) [Any specific building requirements as identified in a Flood Hazard Assessment].

The owner of the lot must ensure that future development activities on the lot must take into account the flood risk and ensure that any structures, landscaping or earthworks do not create a barrier which redirects flood waters outside of the site or changes natural servitude.

### *Building*

Any development on the lot must be undertaken in accordance with the findings and recommendations identified in the Geotechnical Investigation Report prepared by [name] and dated XX/XX/XXXX.

Any dwelling, accessory buildings and water tanks on the lot, must be located entirely inside the defined building platform(s) as shown on the Plan ([name of plan], prepared by [name], dated XX/XX/XXXX) / survey plan.

Prior to construction of any dwelling, accessory building or water tank on the lot, the owner must engage a licensed cadastral surveyor to physically define the position of the [building platform(s)].

No buildings or structures are permitted on the lot within the defined 'no-build' area as shown on the Plan ([name of plan], prepared by [name], dated XX/XX/XXXX) / survey plan.

The exterior of any dwelling on the lot must be designed and finished in:

- a) the [wall and/or roof] [specify cladding material];
- b) the [wall and/or roof] [specify colour]; and
- c) the [wall and/or roof] must have a light reflectance value of X% or less and thereafter maintained accordingly.

The maximum height of any building or structure on the lot must not exceed X metres from natural ground level, [excluding chimney stack not exceeding X m diameter and aerials].

Any above ground water tank on the lot must be partly buried and finished in a recessive colour with a light reflectivity of X% or less; OR to be within the tones of greys, blacks, brown or colours similar to other built structures on site to ensure that the tanks blend with the receiving environment.

### Landscaping

All landscape and amenity planting on the lot shall be maintained in accordance with the [landscape plan / landscape management plan](#), dated [XX](#), prepared by [XX](#), and certified under resource consent [RMA/xxxx/xxxx](#). All planting areas must be maintained to ensure a live coverage of 80% of plants at all times, and any dead or diseased plants must be removed and replaced within the following planting season.

A minimum [X](#) metre deep landscaped area must be provided along the [\[specify location i.e. 'frontage of the site adjoining \[name of road\]'](#) [excluding the areas required for providing vehicle and pedestrian access](#). Within the first planting season following construction of a [\[dwelling/building\]](#) on the lot this landscaped area must be planted with vegetation meeting the following requirements:

- a) Have a minimum height of [X](#) m;
- b) Have a maximum height of [X](#) m at maturity;
- c) Include plant species from the applicable ecological district;
- d) [\[any specific requirements\]](#).

Photographs of the landscaped area and planting must be provided to Council's Monitoring and Enforcement Team within five (5) days of completion.

### Fencing

At the time of construction of a [dwelling/building](#) on the lot, a [\[close boarded, or X design\]](#) fence, must be erected along the [\[northern\]](#) boundary of the [\[Lot X\]](#). The fencing must be in accordance with the following:

- a) Have a minimum height of [X](#) m;
- b) Have a maximum height of [X](#) m;
- c) The fence must be reduced in height on an angle to a maximum height of [X](#) m within the first [X](#) m of the property to ensure visibility is not restricted for vehicles exiting the carpark; and
- d) [\[Any other specifications\]](#)

All fencing on the lot is restricted to post and wire fencing only.

### *Lighting*

All external lighting on the lot must be fixed no higher than X metres above finished ground level and must be capped, filtered and directed downwards to reduce visibility from any point off-site of light sources and to minimise visibility of lit areas.

### *Telecommunications*

There are no reticulated telecommunication services connected to the boundaries of Lot X to Lot X, and only wireless broadband is available. Southland District Council will not be responsible for ensuring nor providing telecommunication connections and any costs related to the installation of telecommunication services will be the responsibility of the lot owners.

### *Electricity*

There are no reticulated electricity services connected to the boundaries of Lot X to Lot X. Southland District Council will not be responsible for ensuring nor providing telecommunication connections and any costs related to the installation of telecommunication services will be the responsibility of the lot owners.

### 224-26 – Consent notice – cancellation in part

Clause (ii), (iii), (iv) and (v) of Consent Notice XXXXXXXX in respect of the property at XXXX, XXXXXX being legally described as Lot X DP XXXXXXXX (RT XXXXXXXX) shall be cancelled.

A solicitor's undertaking must be provided to Council confirming that the cancellation of parts of the consent notice under Condition X of this consent will be lodged in conjunction with the registering of the new consent notices required under Condition X of this consent.

### 224-27 – Consent notice – cancellation in full

Consent Notice XXXXXXXX in respect of the property at XXXX, XXXXXX being legally described as Lot X DP XXXXXXXX (RT XXXXXXXX) shall be cancelled.

A solicitor's undertaking must be provided to Council confirming that the cancellation of parts of the consent notice under Condition X of this consent will be lodged in conjunction with the registering of the new consent notices required under Condition X of this consent.

## CONSERVATION COVENANT

224-28 – Requirement for conservation covenant

A conservation covenant(s) in accordance with Section 77 of the Reserves Act 1977, or an open space covenant under the Queen Elizabeth the Second National Trust Act 1977, must be prepared for registration against the records of title of the land depicted on the Survey Plan as being subject to a conservation/open space covenant. A conservation covenant must require compliance with [the provisions listed in Schedule 2 of the approved Council conservation covenant document](#), or an open space covenant shall require compliance with the QEII Trust.

## FINANCIAL CONTRIBUTIONS

224-29 – Reserves contribution

The consent holder must pay a Financial Contribution for Reserves for [Lot X and X in accordance with Rule FIN-R1 of the Operative Southland District Plan \(2018\)](#). The Financial Contribution shall be based on [1%](#) of the market value (exclusive of GST) of [Lot X and Lot X](#), calculated pro-rata on the value of an area of 1,000m<sup>2</sup>.

## COMPLETION DOCUMENTATION / CERTIFICATION

224-30 – Engineering completion documentation

The consent holder must submit completion documentation in accordance with Section 1.8.10 of Council’s Subdivision, Land Use and Development Bylaw 2012 to Council’s Team Leader Consents Processing for certification. The completion documentation must address the following works:

- a) Upgrading/construction of the right of way/access/legal road, including street lighting, as required by Condition X of this consent.
- b) Upgrading/construction/removal of the existing/proposed vehicle crossing to Lots XX, XX, XX as required by Condition X of this consent.
- c) Connection to the reticulated water system to serve Lots x, y and z as required by Condition X of this consent.
- d) Connection to the reticulated wastewater system to serve Lots x, y and z as required by Condition X of this consent.
- e) Connection to the reticulated stormwater system to serve Lots x, y and z as required by Condition X of this consent.
- f) Construction of the on-site stormwater management system to serve Lots x, y and z as required by Condition X of this consent.

The completion documentation must include, but may not be limited to, the following:

- d) All Quality Assurance Tests undertaken and supporting documentation;
- e) As-built plans in accordance with Section 1.8.2.5 of Council’s Subdivision, Land Use and Development Bylaw 2012;
- f) A completed Schedule 1B (*Contractors Certificate upon Completion of Land Development and/or Subdivision*) from the Council’s Subdivision, Land Use and Development Bylaw 2012; and
- g) A completed Schedule 1C (*Certification upon Completion of Land Development/Subdivision*) from the Council’s Subdivision, Land Use and Development Bylaw 2012.



224-31 – 224(c) Certification

The application for a certificate under section 224(c) of the Resource Management Act 1991 must be accompanied by certification from a suitably qualified and experienced surveyor or engineering professional that all the conditions of subdivision consent Reference [RMA/202X/XXXXX] 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;
- 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.
- c. a completion certificate has been issued in relation to any conditions to which section 222 applies.

## GENERAL ADVICE NOTES

A1	<p><b>Monitoring Charges</b></p> <p>The consent holder must pay to Council all required administration charges fixed by the Council pursuant to section 36 of the Resource Management Act 1991 in relation to the administration, monitoring and inspections relating to this consent.</p>
A2	<p><b>Compliance with conditions</b></p> <p>It is the consent holder's responsibility to comply with any conditions imposed on the resource consent prior to and during (as applicable) exercising the resource consent.</p>
A3	<p><b>Council's Subdivision, Land Use and Development Bylaw 2012</b></p> <p>Council's Subdivision, Land Use and Development Bylaw 2012 can be found on Council's website (<a href="https://www.southlanddc.govt.nz/Bylaws">Bylaws   Southland District Council (southlanddc.govt.nz)</a>) or is available from Council's service centres.</p>
A4	<p><b>Fees to connect to Council services</b></p> <p>When the consent holder is ready to make connection to Council assets, they will need to make an Application to Connect to Council Services. The application fee is set out in the Southland District Council's Fees and Charges Schedule. This resource consent does not constitute any approval to undertake any of the works to connect to Council infrastructure. The application to connect to Council services is the only means by which access may be granted to existing infrastructure. Any instance where this is not complied with may result in the disconnection of any non-approved connections and the responsible parties be sought for cost recovery by Council.</p> <p>Application forms are available on Council's website (<a href="https://www.southlanddc.govt.nz/Forms-and-guides">Forms and guides   Southland District Council (southlanddc.govt.nz)</a>) and must be submitted to <a href="mailto:sdcsouthlanddc.govt.nz">sdcsouthlanddc.govt.nz</a>.</p>
A5	<p><b>Alterations to existing service connections</b></p> <p>If any alterations are for the existing sewer, stormwater and water assets, a building consent may be required. A building consent may also be required for the installation of any new service infrastructure.</p>

A6	<p>Overhead powerlines – close permit approach</p> <p>[PowerNet Limited] advises that the consent holder may need to submit an application for a close approach permit when work could affect power poles or powerlines.</p>
A7	<p>Flooding – Council liability</p> <p>In granting this consent, Southland District Council does not accept any liability for flood damage to the lots (or subsequent buildings) and acknowledges that flood damage may occur in the event of inundation of the site. In spite of any mitigation works, the property is still subject to residual risk from flooding, including risk to access to and from the property and buildings during flood events.</p>
A8	<p>Building Act – section 73 notice</p> <p>A Section 73 Building Notice may be imposed on any future building consent for land that is subject to risk from natural hazards [can specify hazards].</p>
A9	<p>Compliance with Building Act and Code</p> <p>Future construction or built development on the lot(s) will need to comply with the Building Act 2004 or its successor. Building work must comply with the building code to the extent required by the Building Act 2004 whether or not a building consent is required in respect of that building work.</p>
A10	<p>Building Act requirements</p> <p>The consent holder is advised of their obligations under section 114 of the Building Act 2004 which requires the owner to give written notice to Council’s Building Department of any subdivision of land which may affect buildings on the site. It is the consent holder’s responsibility to ensure that the subdivision does not result in any non-compliances with the building regulations. The consent holder is also advised of their obligations under the Building Act 2004 to obtain the necessary consents for conducting plumbing and sanitary drainage work.</p>
A11	<p>Other consents/licenses/permits</p> <p>The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including land use consents under the Resource Management Act 1991, and 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</p>

	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.
A12	<p>Regional discharge requirements</p> <p>In addition to the requirements of Southland District Council and the Building Act 2004, there may be a need for a discharge consent from Environment Southland. It is recommended the consent holder contact Environment Southland for further information on discharge consent requirements.</p>
A13	<p>Wetlands</p> <p>Works in and around wetlands including discharges, earthworks and vegetation removal are restricted under the Resource Management (National Environmental Standard for Freshwater) Regulations 2020 (NES-F). Resource consent may also be required from Environment Southland and it is the responsibility of the consent holder to ensure such consents are obtained.</p>
A14	<p>Sediment entering a watercourse</p> <p>Where there is a risk that sediment may enter a watercourse at any stage during the site works, it is advised that Environment Southland be consulted before works commence and obtain a discharge permit if required.</p>
A15	<p>Uncompleted Works Bond</p> <p>In accordance with section 108(2)(b) of the Resource Management Act 1991 and Council's Subdivision, Land Use and Development Bylaw 2012, an uncompleted works bond (at Council's discretion) may be entered into by the consent holder where works required by the conditions of this consent have not been completed due to unforeseen circumstances out of the consent holder's control. The amount of the bond shall be the estimated value of the uncompleted work plus 50% to cover additional costs estimated to be incurred by Council in the event of default, and must be agreed with Council prior to lodging the bond. The liability of the consent holder shall not be limited to the amount of the bond.</p>