

## **FNDC**

### **Resource Consent Standard Conditions**

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## Landscaping & Amenity

- 201 Within three months of the date of this consent, the consent holder shall provide, for the approval of the Council's Resource Consents Manager, or other duly delegated officer, a landscape/planting plan, to be prepared by a suitably qualified and experienced person, which details the means of reducing the visual impact of the building, and any earthworks, by way of suitable plantings and landscaping. The plan is to identify the species of plants to be used, their numbers and locations on the site, and the means of maintaining these plants for a minimum of one further planting season or one year, whichever is the longer, from the time of planting. The approved landscaping/planting is to be implemented within 12 months of the landscape/planting plan approval date, and is to be maintained for the duration of the consent. Any plants that are removed or damaged are to be replaced as soon as possible, or within the next planting season (1<sup>st</sup> May to 30<sup>th</sup> September).
- 202 Prior to the issue of a Code Compliance Certificate for the building, or within one month of its occupation (whichever comes first), provide a landscaping plan from a suitably-qualified and experienced person, for the approval of the Council's Resource Consents Manager, or other duly delegated officer, which indicates the means to lessen the visual impact of the building, its access and any earthworks. On approval of this plan, the landscaping specified is to be provided within six months and adequately maintained thereafter. Plants requiring removal due to damage, disease or other cause shall be replaced with a similar specimen before the end of the next following planting season (1<sup>st</sup> May to 30<sup>th</sup> September).
- 203 Submit, for the approval of the Council's Resource Consents Manager or other duly delegated officer, a detailed native revegetation and enhancement planting and maintenance plan, to be prepared by a suitably qualified and experienced person. The plan shall be prepared in accordance with the recommendations set out in the report entitled *[insert title of relevant report]* – prepared by \_\_\_\_\_ dated \_\_\_\_\_ and shall provide details of the areas to be replanted. The plan shall also provide for any enhancement planting required between building sites and to mitigate the visual effects of building sites and access ways taking into account the need to retain a cleared area around dwellings for fire hazard purposes. The plan shall detail the density of native plantings in stems per hectare and the required maintenance to ensure the ongoing health and survival of the revegetated areas. Where possible the revegetation shall be undertaken utilising eco sourced plant species.
- 204 When colour scheme already provided with the application:  
The cladding, roofing and windows shall be finished in the following schedule of colours and materials (as provided in the application):
- [list colours and/materials]
- The buildings are to be finished in accordance with this schedule [within six months of the occupation of the building] or [prior to occupation] and the approved schedule shall be adhered to for the duration of this consent.

When not provided with the application:

[In conjunction with a building consent] [within \_\_\_\_\_ month(s) *[specify an appropriate timeframe]* of receipt of this decision, provide for the approval of the Council's Resource Consents Manager or other duly delegated officer, a schedule of natural, recessive colours and textures to be utilised in finishing the buildings, including tinted or non reflective glass if necessary. The buildings are to be finished in accordance with this schedule [within six months of the occupation of the building] or [prior to occupation] and the approved schedule shall be adhered to for the duration of this consent.

- 205 No building, or part thereof, excavation or other work shall be left unfinished, or shall be allowed to fall into such a condition; and no land shall be allowed to deteriorate or to remain in such a condition that it would, in the opinion of the Council, visually detract from the amenities of the property, or adjoining properties, or the neighbourhood.
- 206 All earthworks for the building site and access thereto are to be trimmed and finished to blend into the existing contours, with bare ground vegetated as soon as possible.
- 207 All concreted surfaces (including access) required shall be tinted to remove any potential visual impacts.
- 208 That prior to the issue of a building consent for the proposed development, a landscape plan for the utility reserve area is to be provided. The landscape plan is to be prepared by a suitably qualified and experienced person and shall include the following components.
- (i) Permanent bollards to prevent all vehicles from using this access way.
  - (ii) Pedestrian seating
  - (iii) Appropriate plantings including maintenance and species types.
  - (iv) Details of any features proposed within this area
  - (v) Loading bay adjoining the existing service land being a minimum of 10m deep.

The landscape plan is subject to the approval of the Resource Consents Manager or other duly delegated officer. All work as detailed in the approved landscape plan is to be completed prior to the occupation of the building and maintained thereafter.

- 209 Applicable to subdivisions:  
Provide to the satisfaction of Council's Resource Consent Manager or other duly delegated officer, a detailed planting plan prepared by a suitably qualified person. The plan shall be based on the revised subdivision integration concept plan reference \_\_\_ prepared by \_\_\_\_\_ submitted to Council in \_\_\_ and shall show shrub land, wetland edge and site amenity planting to be initiated by the applicant. It shall provide details on the following:
- (i) Size and species of proposed stock for planting\
  - (ii) Sources of proposed species
  - (iii) Locations and spacing of proposed plants, planting methods, details of staking of trees etc.
  - (iv) Details of proposed maintenance
  - (v) Details of proposed mulch, type, depth etc

- (vi) Planting programme
  - (vii) Compliance with the planting plan shall be a requirement of the management plan.
- 210 Implementation of the landscape plan is to be undertaken within the first two planting seasons (approximately March-September) directly following commencement of any of the works relating to the subdivision and maintained by the consent holder from that point onwards for a minimum period of 4 years, all to the satisfaction of the Far North District Council or duly delegated officer.
- 211 To ensure compliance with condition \_\_\_\_\_ herein, a bond shall be provided in favour of Council of 150% the value of the enhancement planting to be undertaken, such bond to be provided according to the following conditions:
- (i) The bond shall be arranged prior to a certificate being issued pursuant to section 224(c) of the act and shall be paid either in cash or secured by guarantee in accordance with Councils bonds and undertakings policy;
  - (ii) The bond is to be held for a maximum of 4 years from the date that the revegetation planting is initially completed and may be released within the 4 year period if (in the opinion of the council's monitoring officer) the planting is established to the extent that it does not need further replacement planting or regular maintenance.
  - (iii) The bond may be reduced and released on an annual basis proportionally on the satisfactory completion of the works and upon receipt from a qualified landscape architect of a certificate as to the extent of the completed works and their value relative to the bond.
  - (iv) The costs of preparing, executing and registering the bond shall be met by the consent holder.
  - (v) The form of the bond shall be approved by council's solicitor.

**Flora & Fauna & Habitat Protection (See practice note on significant indigenous flora and fauna)**

- 212 Submit to the Resource Consents Manager or other duly delegated officer, an animal pest and weed eradication programme detailing the methodology for animal pest and weed eradication. The plan shall be prepared by a suitably qualified and experienced person; addressing the matters set out in *[insert report name, title and date, and section, if appropriate]* and submitted with the application.
- 213 Provide for the approval of the resource consents manager or other duly delegated officer, a pest and weed eradication management plan for the proposed lots. The management plan shall include:
- Pest and weed eradication measures including ongoing maintenance
  - Appropriate signage
  - Details of the mechanism / arrangement to oversee the ongoing implementation of the plan in a coordinated manner.
  - Reporting mechanisms including progress weed and pest eradication
  - Any other relevant matter for the purposes of managing the allotments.
- 214 The pest and weed eradication management plan to protect the native vegetation and kiwi habitat shall be observed and continued by the landowners and the plan shall not cease or be amended without the express permission of Council.
- 215 Provide to the satisfaction of Councils resource consent manager or other duly delegated officer, a weed and pest management strategy prepared by a suitably qualified person. The management strategy shall apply to all of the land included in the application.  
Compliance with the weed and pest management strategy shall be a requirement of the management plan.
- 216 The owner shall preserve the indigenous trees and bush [now on the allotment] [as indicated on the survey plan, as area(s) X and X] and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.
- 217 The property has been identified as containing habitat that supports the North Island Brown Kiwi in medium or high density numbers. These habitats are to be protected by way of the following methods:

The living indigenous vegetation on the site shall not be cut down, damaged or destroyed (except for the preparation of one house site per allotment, approved accessory buildings, roadway and walking track maintenance, and tracks for pest control operations) without the prior written consent of the Council. Such consent may be given in the form of resource consent. The owner shall be deemed to be not in breach of this prohibition if any such vegetation dies from natural causes which are not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.

There shall be no intrusion of grazing stock (including horses, cows, sheep, goats, and pigs) into any areas of indigenous vegetation on the site.

Provide evidence to the satisfaction of Council's duly delegated officer that there is a continuous stock proof fence along Area (\_\_\_\_) as shown on the Survey Plan (See conditionn..).

- (a) Provide evidence to the satisfaction of Council's duly delegated officer that there is a continuous stock proof fence along the entire length of the vegetation dripline in the south eastern corner of lot 3.

Exotic vegetation which could adversely affect natural regeneration or local forest health is not to be introduced on the site. *This includes the introduction of invasive plant species, including those currently listed on the nationally-banned-for-sale list (see Northland Regional Pest Management Strategy). Planting of other exotic species should be confirmed to the immediate vicinity of dwellings. And species with berry-type fruits are to be grown within netting to prevent seed spread by birds.*

Dead wood may be removed by the owners for their own use on the site

Any predator / pest control work carried out is to be done in a manner which will not endanger kiwi.

218 Kiwi Habitat Protection: On all lots no occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids) which have the potential to be kiwi predators. Except that a maximum of two working farm dogs used for agricultural management are permitted on Lot X.

219 Management of activities on Lots \* , with respect to the natural wetland areas [indicated by drawing as per Condition ( ) ( ) above] is to be undertaken so that the natural range of water levels and the natural ecosystem of plants and animals they support do not change as a result of such activities, except by way of a consent from the Council.

220 The owner of the allotment is to submit, for the approval of Councils Resource Consents Manager or other duly delegated officer, a riparian management plan, prepared by a person with approved expertise. This plan shall address the existing state of the riparian and stream environments; identify areas where environmental enhancement may be achieved and propose management means and methods to accomplish such enhancement.

221 Any work to be undertaken on any part of the trees contained within the protected area is to be carried out by a qualified arborist, with Council to be advised in writing of the proposed work prior to commencement, and notification on completion of the work.

Kiwi Conditions (Subject to process improvement changes):

1. The Consent holder, visitors and/ or Contractors shall not keep or introduce on to the site carnivorous or omnivorous exotic animals (such as mustelids, cats or dogs), during the construction of the dwelling.
2. No occupier of the lot, contractor and/or visitor shall keep or introduce on to the site carnivorous or omnivorous exotic animals (such as mustelids, cats or dogs).
3. No more than one dog and one cat shall be introduced or kept on the lot at any time. Any dog must be micro-chipped and have a current kiwi aversion trained certification. Any dog must be within a dog-proof fenced area on the lot and be under effective control at all times when outside of the fenced area, e.g. on a lead. At night any dog must be kept inside or be tied up. Any cat is to be neutered/spayed, microchipped and kept inside at night.

Prior to the introduction or keeping of any dog or cat on either lot, the occupier must provide to the Resource Consents Monitoring Officer of Far North District council the following:

- i. A photograph of the cat or dog;
- ii. Written confirmation that the cat or dog has been microchipped
- iii. For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification ([planners discretion on this clause for pets](#))
- iv. For any dog a plan showing the extent to the dog proof fenced area.
- v. For any cat written confirmation that the cat has been neutered.

Note: This Consent Notice does not relate to the existing dogs on site currently, and will be put into effects once the existing dogs are no longer living and/or not kept on the lots ([see condition](#)).

4. Provide the Far North District Council's Resource Consent Monitoring Officer or duly delegated officer evidence of the existing dogs for Council's records, e.g. a photograph and proof of microchip, and other requirements ([see condition ...](#)).
5. The site [\[reference\]](#) is identified as being within a kiwi present zone. Any cats and/or dogs kept onsite must be kept inside and/or tied up at night to reduce the risk of predation of North Island brown kiwi by domestic cats and dogs.
6. No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids).  
A maximum of [\[two or more\]](#)\* working farm dogs as defined in the Dog Control Act 1996 are exempt from this condition if they are:
  - a) micro-chipped,
  - b) within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area,
  - c) kept in a kennel or tied up at night.
  - d) For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification

Prior to the keeping of introduction of any working dog to the site the occupier must provide the following to the Councils Resource Consent Monitoring Officer:-

- a) A photograph of the dog;
- b) Written confirmation that the dog(s) have been micro-chipped;
- c) A plan showing the extent of the dog proof fenced area;



\* Planners discretion on whether the number of working dogs is required or not. Eg: if the site is 4ha then it may need a 2 working dog restriction, whereas if it's a 30ha farm used for stock purposes then no restriction should apply to the number of working dogs.

Grandfather clause for existing dogs

7. Within 2 months of consent being issued provide the Resource Consent Monitoring Officer with evidence for Council's records of the existing dogs on site, this shall include:
  - i. A photograph of the existing dog/s
  - ii. Written confirmation that the dog(s) have been micro-chipped

## Archaeological Site and Heritage Features

- 222 The consent holder, and subsequent owners of the land, should notify the New Zealand Historic Places Trust prior to commencing any work involving building, ground disturbance or tree planting, with regard to the historic (archaeological) site registered on the property, and should comply with the requirements and provisions of the Historic Places Act 1993.
- 223 Archaeological sites are protected pursuant to the Historic Places Act 1993. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority obtained from the Historic Places Trust. Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains). A copy of the Historic Places Trust's Accidental Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.
- 224 The consent holder, or subsequent owners of lots \_\_\_\_\_ and/or the \_\_\_\_\_, should notify the New Zealand Historic Places Trust one week prior to commencing an work involving building, ground disturbance or tree planting, on or within \_\_\_\_\_ meters of the archaeological sites registered on each lot, and should comply with the requirements and provisions of the Historic Places Act 1993.
- 225 Provide to the Council's resource consents manager or other duly delegated officer, an archaeological assessment of the site, prepared by a qualified archaeologist, in order to determine whether there is any archaeological material that may be damaged, removed or otherwise affected by the proposed development. Any recommendations made in the report are to be adhered to by the consent holder, including obtaining an authority from the NZ Historic Places Trust to modify, damage or destroy the archaeological site, if required.

## **Esplanades and Reserves**

- 226 Provide, to Council's satisfaction, an esplanade strip instrument in accordance with Section 232 of the Act, prepared to give effect to the esplanade strip shown on the survey plan. The instrument is to be drafted so as to provide for access and the maintenance and enhancement of the esplanade area and the riparian conservation values therein.
- 227 The survey plan shall show an Esplanade Strip in favour of Council, \* meters wide, along the \* River [ \* bank] frontages of the proposed allotments numbered Lots \* and \*; and negotiate with the Council as to the creation of the necessary esplanade strip instruments. All costs involved with the preparation and registration of the Esplanade Strip instruments shall be borne by the applicant.
- 228 Lot \* shall vest in the Far North District Council as \* Reserve.
- 229 Enter into and register a fencing covenant in perpetuity, pursuant to Sections 5 and 6(2) of the Fencing Act 1978 which indemnifies the Council from contribution to the costs of fencing Lot (the reserve), and from replacing and/or upgrading the fencing which borders the various pedestrian access-ways [refer to condition ( ) ( ) above] (To be registered on the new titles for the allotments which adjoin said Lot and the pedestrian access-ways reserves, at the consent holder's expense).

## **Sample Conditions**

### Prior to s223:

Provide to the satisfaction of Council's Reserves Teams, an esplanade strip instrument in accordance with Section 232 of the Act, prepared to give effect to the esplanade strip shown on the survey plan. The instrument is to be drafted so as to provide for access, maintenance and enhancement of the esplanade area. All costs involved with the preparation and registration of the Esplanade Strip instrument shall be borne by the applicant.

## Bonds

230 To ensure the performance of conditions \* herein, the consent holder shall arrange for a bond of \$\*.00 in favour of the Council, to be undertaken according to the following conditions:

- (a) The bond shall be arranged prior to the commencement of work on the site and shall be either paid in cash or secured by a guarantee, in accordance with the Council's "Bonds and Undertakings" Policy (# 3102)
- (b) The bond is to be held for a minimum of \* months from the date of its receipt by the Council, and shall be released when (in the opinion of the Council's Monitoring Officer) the specified conditions have been satisfied.
- (c) Any costs incurred in the preparation, checking, monitoring and release of the bond are to be met by the consent holder.

Advice Note: The current scheduled fee for the preparation and/or release of bonds / covenants is a *Fixed Fee* of [ insert correct fee]

## Noise

- 231 A Noise Assessment and Attenuation Plan, prepared by a suitably qualified acoustics engineer, is to be provided to the satisfaction of Council. This Plan should illustrate that the proposal will not exceed the specified noise levels specified in the District Plan, and that any tonal components will be addressed. Any recommendations made regarding physical works required (i.e. noise barriers) are to be adhered to and completed prior to the operation of the activity. Verification of completion of all works, and their suitability for noise dampening, is to be provided at the time of the initial monitoring of the activity as set down in the Noise Assessment and Attenuation Plan.
- 232 The proposed activity is to comply with the permitted noise levels as set out in the District Plan. Any issue of non-compliance with the prescribed levels will necessitate monitoring by council, the costs of which may be required to be recovered from the applicant.
- 233 In conjunction with the building consent application to be lodged for the proposed activity, provide certification from a suitably qualified acoustics engineer to verify that the proposed activity will comply with the noise level requirements as set down in the District Plan.
- 234 That an acoustic design report on the proposed apartments *[or other activity]* prepared by a suitably qualified person shall be submitted to council. The report shall detail measures to mitigate and/or attenuate noise effects, including those from traffic, on occupants of the apartments. Any noise mitigation measures recommended within the acoustic design report shall be implemented during the construction phase to the satisfaction of Council.
- 235 That all construction works on-site are to be carried out in accordance with the noise limits recommended for residential area in NZS6803P 1984. "Measurement and assessment of noise from construction, maintenance and demolition work".

## Subdivision Management Plans

236 That prior to the approval under section 223 of the Act of the survey plan, the subdividing owner shall:

- (a) Provide to the satisfaction of Council's Resource Consent Manager or other duly delegated officer, a further more detailed Management plan document consistent with, and building on, the draft document, dated \_\_\_\_\_, and attached to this consent together with the plans required under conditions \_\_\_\_ and \_\_\_\_\_ below. In the event of a conflict between these conditions and the future final version of the management plan these conditions shall prevail.

The Document shall include *[delete or add as required]*:

- Fencing Details
- Details of pest and weed control management measures and ongoing management
- Areas to be planted for landscape integration, amenity and habitat reasons.
- Protection measures for archaeological sites
- Details of areas to be retired
- Measures for the site management during construction
- Details of bonds for planting maintenance
- Draft consent notices prohibiting further subdivision on all lots and controlling sale of lot \*
- Protection measures for fore dunes and wetlands
- Methods of assisting public access.
- Building height and material controls
- An updated \_\_\_\_ Engineering Report reflecting the approved survey plan;
- Ongoing maintenance of roads, access ways and other shared facilities
- Management of the balance allotment;
- Building guidelines
- Walkways to beach and fencing
- Any other matters relevant for the management of the allotments.

237 The management plan shall also contain the following conditions:

- (i) Prior to seeking resource consent for any building on an allotment the lot owner shall have prepared, by a suitably qualified person, individual building and landscape plans for the allotment.
- (ii) Building foundations shall comply with the foundation design requirements set out in the report by \_\_\_\_\_ dated \_\_\_\_\_ to be updated to reflect the approved survey plan or as detailed in advice from a chartered professional engineer as to foundation design.
- (iii) All buildings and structures to be limited to a maximum height of 6 meters above the ground level existing at the time the certificates of title issue other that lots \* and \* which shall be limited to a maximum height of 5 meters above such ground level.
- (iv) All buildings and structures on a lot to be located within the identified building envelope shown on the survey plan.
- (v) The exterior of all dwellings and other structures shall have a reflective value of not more than 35% according to the BS5252 colour chart.

- (vi) Roof pitch should not exceed 25° and roof design should avoid large unbroken expanses or areas of glazing and must comply with requirements for colours and reflectivity.
- (vii) Wastewater disposal shall comply with the wastewater disposal requirements set out in the report by \_\_\_\_\_ dated \_\_\_\_\_ updated to reflect the approved survey plan.
- (viii) The proposed earthworks for the road and building platforms are to be undertaken in accordance with the approved plans and information submitted in the application.

238 Provide evidence that the \_\_\_\_\_ has been established under the Incorporated Societies Act 1908 with a form of constitution and rules which are approved by Councils solicitor prior to lodging with the registrar. The form of rules must provide that the \_\_\_\_\_ will be responsible for the ongoing maintenance of the common areas, including the roading and, where relevant, the stormwater systems and enhancement planting and bush protection areas and weed and pest control. The rules must require the owner of each allotment and the \_\_\_\_\_ to adhere to the conditions of the approved management plan at all times. The rules must provide that the \_\_\_\_\_ will fulfil the conditions of the management plan, in the event of default of any site owner on any obligations under the conditions. The consent holder must demonstrate how the owner of each allotment within the subdivision will be required to be a member of the \_\_\_\_\_. The rules must specify that, with the prior written approval of the Far North District Council of duly delegated officer, the constitution wording may be changed to meet any requisition of the registrar of incorporated societies.

As a 221 Consent Notice condition:

239 Management plan: The owner of each lot shall be required at all times to comply with all aspects of the final management plan approved under condition \_\_\_\_\_ of RC \_\_\_\_\_ which includes, without limitation the following:

- Prior to seeking resource consent for any building on an allotment the lot owner shall have prepared, by a suitably qualified person, individual building and landscape plans for the allotment.
- Building foundation shall comply with the foundation design requirements set out in the report by \_\_\_\_\_ dated \_\_\_\_\_ to be updated to reflect the approved survey plan or as detailed in advice from a Chartered professional Engineer.
- All buildings and structures on a lot to be located within the identified building envelope shown on the survey plan.
- All buildings and structures to be limited to a maximum height of 6 meters above the ground level existing at the time the certificates of title issue other than lots \* and \* meters which shall be limited to a maximum height of \* meters above such ground level.
- The exterior of all dwellings and other structures shall have a reflective value of not more than 35% according to the BS5252 colour chart.
- Roof pitch should not exceed 25° and roof design should avoid large unbroken expanses or areas of glazing and must comply with requirements for colours and reflectivity.
- Waste water disposal shall comply with the waste water disposal requirements set out in the report by \_\_\_\_\_ dated \_\_\_\_\_ updated to reflect the approved survey plan.

- The proposed earthworks for driveways and building platforms are to be undertaken in accordance with the approved plans and information submitted in the application including the \_\_\_\_\_ report.
- 240 Residents' Association: The owner of each allotment within the subdivision shall be required to be a member of the \_\_\_\_\_ and both the owner of each allotment and the \_\_\_\_\_ shall adhere to the conditions of the approved management plan.
- 241 In the event of default of any site owner on any obligations under these conditions, Council will call upon the \_\_\_\_\_ to fulfil these conditions.



## **Signs & Lighting**

- 242 That all security lighting required for the apartments is to be directed away from the adjoining sites. The locations and height of lighting is to be subject to the approval of Council.

**Amalgamation covenant and condition wording:**

- 243 The endorsement of the following conditional amalgamation, pursuant to Section 220(1)(b)(i) of the Resource Management Act 1991;

That Lot \* hereon be transferred to the owner of Lot \* DP \*\*\*\*\* [insert appropriate legal description] and that one computer register be issued to include both parcels. See [request number] .

- 244 The endorsement of the following conditional amalgamation, pursuant to Section 220(1)(b)(ii) and (iii) of the Resource Management Act 1991;

That Lot \* hereon and Lot \* hereon be held in the same computer register. See [request number].

- 245 The endorsement of the following conditional amalgamation, pursuant to Section 220(1)(b)(iv) of the Resource Management Act 1991;

That Lot \* hereon [legal access] be held as to \*\* undivided one-\*\* shares by the owners of Lots \*\* hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.

- 246 Prepare and submit a covenant drafted at the applicant's expense, executed prior to approval of the survey plan and registered on the affected titles, such that, pursuant to Sections 220(2)(a) and 240 of the Resource Management Act 1991, the owner(s) of the land shown in Plan [plan number] has/have entered into an amalgamation covenant pursuant to section 220(2)(a) of the Resource Management Act 1991. See [request number].

## Miscellaneous Compliance

### 247 Review Clause:

In accordance with section 128 of the Resource Management Act 1991, the Far North District Council may serve notice on the consent holder of its intention to review those ongoing conditions of this consent that are subject to consent notices, annually during the month of July *[or specify which conditions]*. The review may be initiated for any one or more of the following purposes:

- (i) To deal with any adverse effects on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a latter stage, or to deal with any such effects following assessment of the result of the Far North District Council of duly delegated Council Officer monitoring the state of the environment in the area.
- (ii) To require the adoption of the best practicable option to remove or reduce any adverse effect on the environment.
- (iii) To deal with any inadequacies or inconsistencies the Far North District Council or duly delegated Council Officer considers there to be, in the conditions of the consent, following the establishment of the activity the subject of this consent.
- (iv) To deal with any material inaccuracies that may in future be found in the information made available with the application (notice may be served at anytime for this reason).
- (v) The consent holder shall meet all reasonable costs of any such review.

### 248 Compliance with sunlight and height rules:

A registered Surveyor shall certify to Council in writing prior to the commencement of construction / prior to the issuing of a building consent that the building will comply with the sunlight / height rules specified in the District Plan.

### 249 Hours of Operation

The proposed activity / development is not to operate outside the hours of 7.00am to 8.00pm, Monday to Friday (inclusive), and 8.00am to 8.00pm Saturday, Sunday and Public Holidays.

Other

### 250 All storage of materials and loading and unloading of equipment and plant associated with the development shall take place within the site boundaries unless otherwise approved by Council.

### 251 That a copy of this consent complete with a set of approved plans be held on site for the duration of the construction works.

### 252 Written Approval

Council has no responsibility for the enforcement of the conditions agreed to as part of the written approval provided by \* and agreed to by the applicant. Any breach of the said conditions will need to be considered as a civil matter.

### 253 Sewer Lines

This proposal indicates existing and/or new sewer lines which run across portions of the site(s) upon which the District Plan rules indicate that it would be possible to build without resource consent (i.e. outside setbacks). However,

Asset Management policies of the Council indicate that building over public sewer and stormwater lines is not to be permitted except in the most special of circumstances (and then only after consideration of all possible options for relocation of the line(s) and then of compaction / surcharge loading and pipe access reports by a Registered Engineer).

254 Bulk and Location

At 224(c) stage: Satisfy the Council that the existing building(s) which breach setback / sunlight rules in relation to the new subdivision boundary(ies) have either been removed relocated or that landuse consent for the breach(es) have been granted and given effect to.

255 Use of building:

The proposed building is not to be used as a separate residential unit without prior consent from the Council.

## Statutory Information and Advice Notes

- 256 Onsite stormwater retention with a flow attenuated outflow will be required on all sites where stormwater flow generated by impermeable surfaces exceed the District plan permitted activity standard and the design capacity of the Stormwater Reticulation System.
- 257 If construction or construction traffic affects the normal operation condition of the State Highway, approval will be required to be sought from NZTA's Network Manager (Works Infrastructure Ltd) to work on/adjacent to the State Highway. As part of this process the consent holder is required to submit a Traffic Management Plan in accordance with NZTA's 'Code of Practice for Temporary Traffic Management' at least 10 working days prior to the commencement of works. No work can commence on site until this written approval is received.
- 258 Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act. Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains). A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.
- 259 Drainage District:  
The consent holder and any prospective purchasers are to be informed that the Far North District Council Land Drainage Bylaw 2009 applies to the boundary of Lot \* (describe position) which states in part as follows;  
*"Without prior consent of the Council and then only subject to such conditions as Council shall impose, no owner of any land on the banks of any drainage channel shall plant or permit to grow any tree, shrub or hedge, or erect or maintain any fence, building, bridge or other construction or make any excavation in such a position as to interfere with or obstruct the free access of Council's workmen or agents, plant or machinery along such drain or to any part thereof, for a distance of 10 meters from the edge of the drain, or such other distance as Council may specify in respect to any particular drain or part thereof."*
- 260 The applicant and any prospective purchaser should be informed that if the driveway is to become an impermeable surface resource consent for land use will be required.
- 261 Any prospective purchaser should be informed that any buildings intended to be erected on the new allotment will be subject to [at least] a Restricted Discretionary Activity resource consent application because of restrictions contained in the zoning of the subdivision site.
- 262 The use of the private way which will provide access to certain lots within this subdivision will be controlled by a private covenant which is part of the agreement to transfer the access to the various owners. Control, use and maintenance of the access and the resolution of disputes which may arise in respect of these matters are all to be covered by this document. Accordingly, the Council will not intervene or take action in future private access issue resolution.

263 The consent holder is advised that the site is within an area identified by the Department of Conservation as a medium density kiwi area. Therefore, mustelids should not be introduced or kept on site and it is recommended that care should be taken with the keeping of cats and dogs, as these animals may cause adverse effects on the kiwi population that may inhabit the area. For more information on these areas please contact the Department of Conservation.

264 Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

As part of this consent, the application included a report, provided under Clause 8(4) of the above regulations. The report is entitled....., prepared by ....., signed by ....., and dated ....., The report can be found within the Resource Consent application file.

265 Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

In support of this consent, the application included a report, pursuant to the above regulations. The report is entitled....., prepared by ....., signed by ....., and dated ....., The report can be found within the Resource Consent application file.

266 Electricity Safety Distances Between Buildings, Structures and Electric Lines

The consent holder's attention is drawn to the requirements of Sections Two and Three of the Electrical Code of Practice 34: 2001. This requires any persons intending to carry out construction, of either temporary or permanent structures, which may encroach within the minimum distances set out in Table 2 of Section 3 of the Code, to gain consent from the line owner before the commencement of such works. A copy of ECP34 can be viewed or downloaded from <http://www.energysafety.govt.nz> . The Top Energy website <http://www.topenergy.co.nz> has details of the process for gaining line owner consent.

267 The site is adjacent/ accessed off/ in close proximity (wording dependant on the layout of the lot) to an unsealed road. Unsealed roads have been shown to create a dust nuisance from vehicle usage. It is advised that the dwelling is either located as far as possible or at least 80m from the road, and/or boundary planting within the site is utilised to assist with this nuisance. Alternatively the applicant may consider sealing their road frontage to remove the issue.

## **National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011**

### **Production Land remaining as Production Land**

- 266 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011

Land within this lot has been identified as land that will potentially be covered by the above legislation. As it was production land at time of subdivision, and the subdivision did not remove the land from being production land, the developer did not address the regulations at time of subdivision. It will be the responsibility of the lot owner to address the regulations if proposing any development on the site. Activities covered by the regulations include the removing or replacing of a fuel storage system; soil sampling, disturbance and/or removal; subdivision; and changing the use of the land.

[note – the above consent notice is for use in specific circumstances. It is to be used in conjunction with the advice notes where a report has been supplied with the application to address other lots within the subdivision].

### **Soil Disturbance**

- 267 Controls to minimise the exposure of humans to mobilised contaminants must:-
- a. be in place when the activity begins
  - b. be effective while the activity is done:
  - c. be effective until the soil is reinstated to an erosion-resistant state.
- 268 The soil must be reinstated to an erosion-resistant state within 1 month after the serving of the purpose for which the activity was done.
- 268 The volume of the disturbance of the soil of the piece of land must be no more than 49m<sup>3</sup>.
- 269 The applicant shall submit a Remedial Action Plan to the Council for approval prior to remedial works taking place and include provision for stormwater, sediment and erosion control, noise and odour control, dust control contingency measures.
- 270 Prior to the occupation of the dwelling onsite, the applicant shall submit a Site Validation Report to the Council on completion of the remedial works and before occupation of the site.
- 271 The duration of the activity must be no longer than 2 months.
- 272 Soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind.

### **RAP Not provided with DSI**

- 1 Prior to remediation commencing, the consent holder shall provide for the approval of Council's Resource Consents Manager or duly delegated officer a

Remediation Action Plan (RAP) and Site Management Plan (SMP) prepared by a suitably qualified and experienced practitioner (SQEP).

The RAP and SMP should identify and provide details of the chosen remedial methodologies as outlined within the Detailed Site Investigation report (DSI) entitled "Detailed Site Investigation Report: 7046B State Highway 1, Pakaraka" dated December 2018, reference 18 232 submitted with RC 2190565. The SRP and SMP shall be prepared in accordance with guidelines set out within Contaminated Land Management Guideline No. 1.

*Note: If in-situ capping is the chosen remediation method, the location and details of this must be recorded on the Certificate of Title by way of consent notice condition to advise future landowners of the presence of soil contaminants and provide details of any on-going management requirements. Conditions 2(c) and 3(e)(ix) address these requirements.*

- 2 The consent holder shall undertake the proposed remediation and validation works in accordance with all provisions of the approved RAP and SMP.
- 3 Should the chosen remediation option involve excavation and removal of soil, all soil removed over the course of the activity must be disposed of at a facility authorised to receive soil of that kind, unless testing confirms that the soil meets clean fill standards.
- 4 Upon completion of the remediation works the consent holder shall provide for the approval of Council's Resource Consents Manager or duly delegated officer a Site Validation Report (SVR) prepared by a SQEP.

The SVR report prepared shall confirm that contaminant levels within Lot 2 where remediation works have taken place are compliant with the Residential/Lifestyle Block 10% produce Soil Contaminant Scenario standards. All testing shall be undertaken in accordance with guidelines set out within Contaminated Land Management Guideline No. 5.

The SVR shall include the following, where applicable, but not necessarily limited to:

- (a) Conditions of the final site ground surface.
  - (b) Volume and nature of any soil removed from site, including disposal dockets to confirm it has been removed to a suitably licensed facility.
  - (c) Any complaints or incidences during works.
  - (d) A log of any unknown or suspicious materials encountered during the earthworks.
  - (e) An ongoing site monitoring and management plan (SMMP) and location details, if contaminated soils are being managed on site.
  - (f) Full analytical results for residual soil contamination.
- 5 Excavation or soil disturbance in areas of known or potentially contaminated land shall be managed to minimise the generation of dust and odour.



- 6 Should contaminants be identified that have not been anticipated by the RAP, works in the area containing the unexpected contamination shall cease until the contingency measures outlined in the certified RAP have been implemented, and the discovery and contingency measures undertaken have been notified to the Resource Consents Manager or duly delegated officer.