

Auckland Unitary Plan

Standard Conditions Manual

Subdivision - Rural

**Disclaimer**

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

* *Although the conditions are “standardised”, in the sense that they should be applied consistently where they are required, this does not mean that they should all be applied in every instance. Applicants need to consider the nature of the activity, and the characteristics of the site and its surroundings in considering whether to apply each and every condition.*
* *The standard conditions should be used with caution as a starting point from which appropriate conditions for the individual consent should be drafted to align with the requirements of ss108, 108AA and 220 of the Resource Management Act 1991.*
* *Further guidance as to whether to apply the conditions are included in the guidance notes that accompanies each condition.*
* *Users should take specific advice from qualified professional people before undertaking any action as a result of information obtained in this Standard Conditions Manual.*
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General Consent Conditions

Condition 1: Activity to be undertaken in accordance with application documents

The [insert details] subdivision must be as described in the application and assessment of environmental effects prepared by name dated xxxx (and any other information relating to description of activity) and must be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Council as consent number SUBxxxx and LUCxxxx (BUNxxxx).

* Application Form, and Assessment of Environmental Effects prepared by xxxx dated xxxx.

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| Report title and reference | Author | Rev | Dated |
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| Other additional information | Author | Rev | Dated |
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Advice Note:

* This consent has been granted on the basis of all the documents and information provided by the consent holder, demonstrating that the new lot(s) can be appropriately serviced (infrastructure and access).
* The engineering assessment of this resource consent is limited to an effects-based assessment allowed by the Auckland Unitary Plan. Operative in part ("AUP") Plans approved under Resource Consent do not constitute an Engineering Plan Approval ("EPA"). A separate engineering approval will be required for the design of any infrastructure that is to vest in Council.
* Details and specifications for the provision of infrastructure (e.g. public/ private drainage, location, and types of connections) and access (including drainage of accessways, construction standards etc) are subject to a separate EPA and/or Building Consent approval process.
* Should it become apparent during the EPA and/or Building Consent process that a component of the granted resource consent cannot be implemented (e.g. detailed tests for soakage fail to achieve sufficient soakage rates, or sufficient gradients for drainage cannot be achieved in accordance with engineering standards/ bylaws etc), changes to the proposal will be required. This may require either a variation to this subdivision consent or a new consent.
* Similarly, should the detailed design stage demonstrate that additional reasons for consent under the AUP are triggered (e.g. after detailed survey the access gradient increases to now infringe or increase an approved infringement to a standard in the plan), a new or varied resource consent is required.
* It is the responsibility of the consent holder to ensure that all information submitted and assessed as part of the subdivision consent is correct and can be implemented as per the subdivision consent (without requiring additional reasons for consent). Any subsequent approval processes (such as the EPA) do not override the necessity to comply with the conditions of this resource consent.

Guidance Note:

This condition is to be included on all consent applications. Full reference should be given to all relevant plans and documents. The Environment Court has commented in a number of recent appeals that there should be a distinction between the description of the activity in the application and AEE, etc and the carrying out of the activity in accordance with the plans.

For joint land use and subdivision applications, information regarding hours of operation, or numbers of patrons/children/occupants should be included where appropriate.

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

Condition 2: Lapse date

Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:

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

Guidance Note:

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

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

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

Please refer to [RC 2.3.20 Subdivision Resource Consents – Consideration of Lapse Date](https://aklcouncil.sharepoint.com/sites/regulatory-services-directorate/Document%20Management/RC%202.3.20%20Subdivision%20Resource%20Consents%20-%20Consideration%20of%20Lapse%20Date.pdf) for guidance about lapse dates and setting lapse dates for staged subdivisions as needed.

Subdivision Staging Condition

Condition 3: Staging of Subdivision

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

**Stage 1:** Creation of Lots x – x and the protection of areas A, B, and C (indigenous vegetation/revegetation planting/wetland and buffer)

**Stage 2:** Creation of Lots x - x and the protection of areas A, B, and C (indigenous vegetation/revegetation planting/wetland and buffer)

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

Guidance Note:

If the applicant requests to stage the subdivision as provided for in Standard E39.6.1.4, the lot(s) to be created by each stage and, where applicable, the environmental benefit required to create the sites created by each stage must be specifically identified. i.e. Each stage must be independent of any subsequent stage. For the avoidance of doubt, compliance with all relevant requirements of a rule, such as those for Transferable Rural Site Subdivision ("TRSS") (such as the protection of wetland or indigenous vegetation, amalgamation of lots or surrender of consented sites shown on an approved scheme plan of subdivision, etc) will need to be completed for each stage.

S223 Survey Plan Conditions

Condition 4: Survey Plan Approval (s223) Conditions

The consent holder must submit a survey plan in accordance with the approved resource consent subdivision scheme plan(s) titled ‘TITLE OF PLAN’, prepared by AUTHOR, dated DATE. The survey plan must show all lots to vest or dedicate to Council (including roads, parks and reserves), all easements, any amalgamation conditions, and any areas subject to covenant [delete / amend as necessary e.g. delete covenant areas where there are none] required by this subdivision consent.

Guidance Note:

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

Condition 5: Memorandum of Easements

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

Guidance Note:

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

Condition 6: Easements in gross

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

Guidance Note:

Include this condition if easements in favour of the Council are required. In some cases, an easement in gross may be required in favour of a utility provider, e.g., for water supply, electricity transformers or underground electricity or telecommunications cables, access to esplanade reserves etc. Please ask the specialist subdivision team for advice.

Condition 7: Reserves and/or land in lieu of reserves to vest

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

Guidance Note:

Include this condition if there are assets to be vested with Parks in the subdivision. Please make sure that you obtain the consent of the Council’s Parks team to the proposed reserve or land in lieu of reserve before granting the subdivision consent.

Please also note that under section239 of the RMA the consent holder cannot vest access ways, reserves and land in lieu of reserves (“the land”) subject to any existing easements, covenants or other instruments unless the Council (i.e., the future asset owner) has certified that it accepts the vesting of the land subject to the existing easements, covenants or other easements on the survey plan.

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

Condition 8: Cancellation of easements

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

**Advice Note:**

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

Guidance Note:

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

Condition 9: Areas to be subject to land covenant(s)

The survey plan must show and identify (including labelling) all the areas of wetland and buffer / existing indigenous vegetation / indigenous revegetation planting to be protected on Lot(s) xxxx (Areas xxxx and xxxx) as shown on the approved scheme plan(s) referred to in condition 1as “areas to be subject to land covenant”. The boundaries of the covenant areas must coincide with the approved location of the proposed fence lines and/or existing fence lines referred to in condition X(x).

Guidance Note:

This condition must be included where wetland and buffer, existing indigenous vegetation, indigenous revegetation planting is to be protected on the same site as the subdivision proposal (insitu subdivision or “slice and dice” subdivision where the applicant proposes to protect features).

Condition 10: Calculated areas of Areas to be subject to land covenant(s)

The consent holder must provide Council with the calculated area(s) of the wetland and buffer / existing indigenous vegetation / indigenous revegetation planting to be protected on Lot(s) xxxx as shown on the approved scheme plans referred to in condition 1 and defined by survey.

Guidance Note:

This condition must be included where wetland and buffer, existing indigenous vegetation, indigenous revegetation planting is to be protected on the same site as the subdivision proposal (insitu subdivision or slice and dice subdivision where the applicant proposes to protect features). This ensures for insitu subdivision purposes that the area of the feature to be protected meets the thresholds as stipulated in chapter E39 of the AUP.

Standard 224(c) conditions applicable to most subdivisions

Condition 11: 224(c) Certificate

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

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

Guidance Note:

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

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

Guidance Note:

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

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

Guidance Note:

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

Guidance Note:

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

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

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

Condition 12: Electricity

Option A:

The consent holder must make provision for electricity to Lot(s) X, Y, Z in accordance with the requirements of the utility operator. Certification from the utility provider that works have been satisfactorily undertaken must be provided to the Council when applying for a certificate under section 224(c) of the RMA.

Guidance Note:

In rural areas, power is not required to be undergrounded as it is cost prohibitive and onerous given the longer distances from roads to proposed lots.

Option B:

The consent holder must make provision for electricity to Lot(s) X, Y, Z in accordance with the requirements of the utility operator. Certification from the utility provider that works have been satisfactorily undertaken must be provided to the Council when applying for a certificate under section 224(c) of the RMA; or

If an alternative power supply other than the public electricity network is utilised, the consent holder must provide suitable evidence from a suitably qualified and experienced person that practical and reliable alternative power, including back up supply for periods when alternative energy is insufficient, is available at the identified building sites, taking into account the size of the platform, shading created by any protected vegetation and any planting required by conditions of this consent for solar power. This must include confirmation from a solar power service provider, such as a building site specific quote, building site specific assessment information and a building site specific letter of confirmation.

**Advice note:**

Where the provision of a physical electric supply is not provided to Lot(s) X, Y, and Z, the below Consent Notice condition will be registered against the lot’s title advising the future owners of the lot that no physical power source as been provided to the lot.

“Future owners of all lots shall be advised that a physical power connection has not been provided to lot(s) X, Y, and Z, and if such services are required, the full cost of providing and maintaining these services will be met by the owners for the time being. This cost may include the installation of equipment to the requirements of the utility providers and Council requirements and any growth or other applicable charges.”

Guidance Note:

This condition is only to be included where alternative power supply has specifically been applied for by the applicants. Evidence that an alternative power supply (i.e. onsite solar) is deemed to be feasible and where connections to the public network are cost prohibitive must be supplied. This includes a specific quote from a supplier which includes solar panels, battery, and back up electricity generation (i.e. generator). Consideration will also need to be made as to the location of the proposed lots, its remoteness, and whether there will be any effects on other potential subdivisions, where additional costs may be born by future applicants for other subdivisions in the area. It is not appropriate to apply this condition to all subdivision applications.

Condition 13: Telecommunications

Option A

Written confirmation must be provided from a telecommunications network supplier, that provision of telephone services has been made available to Lot(s) X, Y, Z, and that all the network supplier’s requirements for making such services available have been met or satisfactory arrangements have been made with the Consent Holder to complete the provision of the service.

Option B

Written confirmation must be provided from a telecommunications network supplier, that provision of telephone services has been made available to Lot(s) X, Y, Z, and that all the network supplier’s requirements for making such services available have been met or satisfactory arrangements have been made with the Consent Holder to complete the provision of the service.

Where the provision of a physical telecommunications connection is not provided, the Consent Holder must provide suitable evidence that reliable wireless telecommunication coverage is available at the identified building sites on Lot(s) X, Y, Z to the Council. Suitable evidence must include any form of confirmation from a wireless/mobile service provider (e.g website information, email or similar.

**Advice note:**

The following Consent Notice condition will be registered against the title of Lot(s) X, Y, and Z if telecommunications are proposed via wireless means:

“Future owners of Lot(s) X, Y, and Z are advised that a physical telecommunication connection has not been provided to Lot(s) X, Y, and Z, and if such services are required, the full cost of providing and maintaining these services will be met by the owners. This cost may include the installation of equipment to the utility providers and Council requirements and any growth or other applicable charges.”

Guidance Note:

Refer to Chapter E39.6.1 General Standards for the basis of these conditions.

Condition 14: Confirmation of location of building sites

A plan certified and dated by a suitably qualified and experienced person, fixing the location and size of the identified building sites on Lot(s) X, Y, Z by offsets from surveyed boundary pegs must be provided to the Council.

Guidance Note:

General Standards E39.6.1.1(1) and E39.6.1.3(c) require that a specified building area must be clearly identified on every site on a subdivision scheme plan on which a building is to be constructed. This condition requires the fixing of the specified building area in relation to the surveyed boundaries of the site/s created as the scheme plans are not drawn to the same accuracy and do not provide for ready identification of the building area on the ground.

Section 224(c) Compliance Conditions

Condition 15: Final Planting and/or Maintenance Plan to be provided

An updated and finalised Planting Plan and/or Maintenance Plan from a suitably qualified and experienced ecologist, including an implementation and maintenance programme for a minimum of five years, must be submitted for certification by the Council prior to any works commencing on the site. Works may only commence once the Planting Plan and/or Maintenance Plan. The plan must be in accordance with the submitted Planting Plan and/or Maintenance Plan as referred to in Condition 1.

* 1. The plan must include details of all site planting, including species to be planted, size of plants and where they are to be planted within the overall areas of planting, density of planting, sourcing of plants, and fertilisers. All plants must be eco-sourced from the Otamatea / Rodney / Kaipara / Waitakere/ Tamaki / Awhitu / Manukau / Hunua Ecological District.
	2. The plan must include enrichment of the revegetation consistent with climax species commonly found in XX ecosystems.
	3. The plan must include all details necessary for the enhancement of wetland(s) and their buffers, and be in accordance with appendix 16 of the AUP, and the Resource Management (National Environment Standards for Freshwater) Regulations 2020. [Delete where no wetlands are proposed to be protected]
	4. The plan must identify the location of all planting areas and the area (m2/ha) of each planting area.
	5. The plan must update the details of the implementation methodology, timing, and duration of different activities (including site preparation, plant releasing, mulching, plant maintenance including as required, and pest plant eradication and pest animal control).
	6. The planting/revegetation plan must stipulate that any planting must be implemented in full within the recognised planting season (generally April-September).
	7. Any specific changes required for the planting plan that were not finalised as part of processing the consent…

**Advice note:**

When deciding the date to undertake the planting, the consent holder should take into account that the planting must establish and meet the minimum standards specified within other related consent conditions to enable the council to certify that all the relevant consent conditions relating to plant survival, density and canopy closure have been met.

The Planting Plan and/or Maintenance Plan must be supplied to Council by emailing monitoring@aucklandcouncil.govt.nz and will be assessed in consultation with the Team Leader Ecological Advice.

Guidance Note:

A Planting/Revegetation and Maintenance Plan should be submitted with the application and finalised before consent is granted. However, in those cases where a final Planting/Revegetation and Maintenance Plan was NOT submitted with the application and the planting is of a minor extent, or if a Planting/Revegetation and Maintenance Plan was submitted but requires minor changes use Condition 15 above.

The purpose of this condition is to require the consent holder to supply a planting/revegetation plan which must be assessed by a council ecologist before certification/approval by the appropriate Team Leader. Generally, a minimum of a five-year implementation and monitoring period is required however there may be specific situations where the monitoring period is reduced or extended for specific situations (e.g. small area of planting or specific monitoring requirements).

Condition 16: Final fencing plan to be provided

To ensure that all covenant areas are clearly identifiable and stock are excluded from those areas at all times the consent holder must submit a final fencing plan to the Council for certification illustrating: where stock proof fences, without any gate/s, capable of preventing browsing or other damage by farmed animals will be erected (minimum seven wire post and batten as specified within clauses 6, 7, or 8 in Schedule 2 of the Fencing Act 1978), areas subject to demarcation fencing, and any areas where stock will be excluded.

The updated fencing plan must include all areas of revegetation, indigenous vegetation, and wetland (with buffers as provided). The plan must also specify the staging of the fencing where applicable.

**Advice Note:**

The final Fencing Plan shall be supplied to Council by emailing monitoring@aucklandcouncil.govt.nz and will be assessed in consultation with the Team Leader Ecological Advice. Choice of fencing and minimum height of fences must be appropriate to exclude stock and exclude pest animals from the covenanted area.

Guidance Note:

A Fencing Plan should be submitted with the application and finalised before consent is granted. However, in those cases where a final Fencing Plan was NOT submitted with the application, or if a fencing plan was submitted but requires minor changes, then this condition must apply. The purpose of this condition is to require the consent holder to supply a fencing plan which must be assessed by a council ecologist to ensure adequate protection of the feature(s) to be covenanted.

Condition 17: Implementation of Protective fencing of wetland and buffer / existing indigenous vegetation / indigenous revegetation planting areas

The stock proof fences and/or demarcation must be constructed in accordance with the certified fencing plan, as required under condition 16 / as referenced in Condition 1 [delete where applicable] and maintained and retained thereafter. If fencing is constructed after the survey title plan has been approved under section 223, a certificate from a licensed cadastral surveyor must be provided to confirm that the fencing is located on the covenant boundaries.

[Include the below where stock proof fencing is proposed]

The fencing must be a permanent ungated continuous stock-proof fence, minimum seven wire post and batten fence as specified within clauses 6, 7, or 8 in Schedule 2 of the Fencing Act 1978 (with no gates), capable of preventing browsing or other damage by farmed animals, and must be constructed outside of the wetland and buffer, drip line of indigenous vegetation/revegetation planting, and streams and riparian margins [delete where not applicable] to be protected on Lot X.

[Include the below where demarcation is proposed]

Demarcation posts must be installed on the boundary of the covenant areas. The posts/fencing must be [Council’s Ecologist to specify the appropriate demarcation from the following options]:

a. wooden posts with a minimum diameter of 135mm (no. 1 fence post) installed with a minimum height of 1200mm above the ground and at a maximum separation distance of 10 metres and at each change in direction of the boundary; or

c. where the posts cannot be damaged by vehicles or mowers, wooden posts with a diameter no less than 85mm (no. 3 fence post) posts with a minimum height of 1200mm above the ground and at a maximum separation distance of 10 metres and at each change in direction of the boundary with the top 100mm of the posts painted white.

[Must include below]

If the stock-proof fence and/or demarcation posts is constructed after the survey title plan has been approved under section 223, a certificate from a licensed cadastral surveyor must be provided to confirm that the stock-proof fence and/or demarcation posts of the covenant areas is located on the covenant boundary.

Condition 18: Certification of stock proof fencing/demarcation

A plan showing that the erection of fencing/demarcation posts in accordance with Condition 17 must be prepared by a suitably qualified surveyor to confirm that the stock proof fencing/demarcation posts is located on the boundary of the covenanted area(s).

**Advice Note:**

The plan should be supplied to Council as part of the 224(c) process and will be assessed in consultation with the Team Leader Ecological Advice.

Guidance Note:

This condition is seeking to ensure that the fencing lines up with the covenant area as indicated on the survey plan.

Condition 19: Inspection of stock-proof fencing/demarcation

The consent holder must arrange with Council to inspect the stock-proof fence and/or demarcation posts which has been erected in accordance with Condition 17 and must have received written confirmation that the fencing meets the requirements of Condition 17.

Condition 20: Final Pest Plant and Pest Animal Management Plan

The consent holder must provide a Pest Plant and Pest Animal Management Plan or a Covenant Management Plan (written by a suitably qualified and experienced ecologist or professional pest management contractor), which addresses all areas of existing native vegetation, wetland and /or new native revegetation planting [delete as required] to be protected, for certification by the Council. The plan must be in accordance with the submitted Pest Plan and Animal Management Plan / Covenant Management Plan as referred to in Condition 1.

This plan must specify:

1. existing pest species as listed under the Auckland Regional Pest Management Plan 2019-2029 (RPMP) or subsequent versions, including but not limited to pest plants, possums, rats, mustelids, ungulates and pest fish (if appropriate);
2. methodologies of control including why these methodologies are suitable for the purpose and the environment in which they are being used;
3. any pathogens (e.g. kauri dieback, myrtle rust) which are present or may establish and proposed methodology for avoidance, containment and/or control as appropriate;
4. timeframes for control and eradication;
5. where pest management will be carried out on the site;
6. any chemical control proposed to be used and methodologies associated with this; and
7. details of record keeping and monitoring in terms of herbicides and vertebrate toxic agents used or other methods of control (e.g. shooting, trapping).
8. [Include any details of any other requirements]

Advice Note:

The Final Pest Plant and Pest Animal Management Plan should be supplied to Council by emailing monitoring@aucklandcouncil.govt.nz and will be assessed in consultation with the Team Leader Ecological Advice.

Guidance Note:

Only use this condition when a pest management plan was not approved as part of the consenting process, but is recommended by your ecologist, you can condition that one be supplied and certified by the Council.

The condition should set out all the things that the plan must contain in order to be certified. Your ecologist will detail what is required. They will also give a timeframe for maintenance of the weed and pest management (usually this is for five years). If using this condition, please ensure that you also include condition 21 below which requires that pest management is undertaken in accordance with the certified or approved plan.

Condition 21: Implementation of the Weed and Pest Management Plan

The consent holder must carry out pest plant and animal management in accordance with the approved Planting Plan / Pest Plant and Animal Management Plan and/or Covenant Management Plan, as certified under condition 20/as approved under condition 1. [Amend as required]

This must include but not be limited to:

* 1. That all invasive plant species as listed in the Auckland Regional Pest Management Plan 2020-2030 (or subsequent versions), must be eradicated within the covenant area(s) in accordance with, the approved Pest Plant and Animal Management Plan. Any chemical control (herbicides or toxins) must follow best practice methodology and be suitable for the purpose of the environment in which they are being used.
	2. That all pest animal species as listed in the Auckland Regional Pest Management Plan 2020-2030 (or subsequent versions) ("*ARPMP"*), must be controlled within the covenant in accordance with approved Pest Plant and Animal Management Plan. Any chemical control (herbicides or toxins) must follow best practice methodology and be suitable for the purpose of the environment in which they are being used.
	3. Any exotic / non-native vegetation, not listed within the ARPMP, must be identified within the plan, and the plan must identify whether the exotic / non-native vegetation is to be controlled or retained. Invasive exotic / non-native vegetation, not listed within the ARPMP must be controlled.

**Advice note:**

Pest plant eradication means, that there are no fruiting and / or flowering individuals of pest plant species present within the specified area and any mature pest plant species present are dead. In addition, there must be no areas where pest plant species are smothering and / or out-competing native vegetation including suppressing the natural regeneration processes.

Pest Animal Control means meeting Council’s minimum requirements and national standard best practice methods for control of these species to an acceptable level.

The invasion potential of exotic / non-native vegetation should be considered, regardless of its omission from the ARPMP.

Eradication and control must be demonstrated to the Council.

Condition 22: Implementation of native revegetation planting

The consent holder must carry out and establish, the new indigenous revegetation planting / wetland and buffer planting in accordance with the approved planting plan and associated details approved under condition 1 or 15 above. The following requirements must also be satisfied:

* 1. That all invasive plant species as listed in the Auckland Regional Pest Management Plan 2020-2030 (or subsequent versions), must be eradicated within the covenant in accordance with, but not limited to, the approved Pest Plant and Animal Management Plan. Any chemical control (herbicides or toxins) must follow best practice methodology and be suitable for the purpose of the environment in which they are being used.
	2. That all pest animal species as listed in the Auckland Regional Pest Management Plan 2020-2030 (or subsequent versions), must be controlled within the covenant in accordance with approved Pest Plant and Animal Management Plan. Any chemical control (herbicides or toxins) must follow best practice methodology and be suitable for the purpose of the environment in which they are being used.

**Advice note:**

Pest plant eradication means, that there are no fruiting and / or flowering individuals of pest plant species present within the specified area and any mature pest plant species present are dead. In addition, there must be no areas where pest plant species are smothering and / or out-competing native vegetation including suppressing the natural regeneration processes.

Pest Animal Control means meeting Council’s minimum requirements and national standard best practice methods for control of these species to an acceptable level.

* 1. All plants must be eco-sourced from the Otamatea / Rodney / Kaipara / Waitakere/ Tamaki / Awhitu / Manukau / Hunua Ecological District.
	2. Prior to any Myrtaceae species being delivered to the site, a signed Myrtle Rust Nursery Management Declaration that certifies that the plant producer has implemented the New Zealand Plant Producers Incorporated Myrtle Rust Nursery Management Protocol must be obtained by the consent holder. A copy of the declaration must be provided to the Council within 5 days of being obtained.
	3. Following establishment of the required planting, the consent holder must submit a planting completion report prepared by a suitably qualified and experienced person, to the Council. The survival rate of plants must not be measured any sooner than 12 months following planting.
	4. Plant maintenance in accordance with the details approved under condition 1 or 14, must occur until 80% canopy closure has occurred and a minimum survival rate of the plants (being 90% of the original density through the entire planting area(s)) has been achieved. The maintenance period must be a minimum of five years and must commence once the completion report has been submitted to the Council in accordance with condition 21(e). Plant maintenance includes the ongoing replacement of plants that do not survive, and all enrichment / climax species as required. All invasive pest plants and pest animals must be controlled.

**Advice Note:**

*The planting completion report and Myrtaceae certificate will be reviewed in conjunction with the Team Leader Ecological Advice.*

Guidance Note:

The purpose of this condition is to require the applicant to maintain all plantings for a minimum period to ensure survival and sustainability of the plantings, allowing the plantings to become self-sustaining over the long term and for natural successional processes to take over. Canopy closure is an important part of ensuring this survival, it should be achievable within five years in most circumstances but your ecologist will advise if other time periods are appropriate. The maintenance period should only commence once all planting, pest plant control and initial pest animal control has been completed.

Condition 23: Monitoring Reports

Following certification of the planting completion report required by Condition 22(e), the consent holder must submit a Monitoring Report, prepared by a suitably qualified and experienced Ecologist, to the Council annually for a minimum period of five years. The Monitoring Report must include but is not to be limited to the following information in respect of each lot:

* 1. Success rates, including growth rates and number of plants lost (including an analysis of the distribution of losses).
	2. Canopy closure, beginnings of natural ecological processes - natural regeneration in understorey, use by native birds, etc.
	3. A running record of fertilisation, animal and weed pest control and replacement of dead plants.
	4. Details on the condition of, and recommendations for maintenance of, the fencing and
	5. Recommendations for replacement of dead plants and implementation of these recommendations (remediation work). Any recommended remediation work must include a start date for replanting.
	6. In relation to the revegetation planting, the consent holder must:
	7. Undertake the remediation work within six months from when it was recognised as being necessary.
	8. Provide Council with a report confirming the remediation work has been undertaken. This report must be submitted to the Council within 6 months after the remediation Planting has been undertaken.

**Advice note:**

Should the s224c be issued prior to the receipt of the final monitoring report required by Condition 23, a consent notice condition must be imposed requiring the submission of any outstanding reports.

The monitoring reports will be assessed in consultation with the Team Leader Ecological Advice.

Guidance Note:

Insert this condition as a consent notice condition where bonding is proposed by the applicants.

Condition 24: Planting bond

Once Council has received the completion report referred to in condition 22(e), at least 12 months has elapsed since the planting was completed, and the planting has achieved growth of a minimum of 300mm, the consent holder may enter into a surety bond of $<> per hectare to allow the early release of the s224(c) certificate. The purpose of the bond is to ensure a minimum survival rate of the plants to 90% of the original density and 80% canopy closure is achieved through the entire planting area(s).

*Guidance Note:*

*The processing planner is to consult the Ecological Team to obtain the applicable bond amount per hectare for the particular area of planting. The bond amount detail will also be published in the ADM website. Before this condition is imposed the applicant must request the ability to enter into a bond rather than waiting until the end of the 5-year maintenance period before applying for issue of the s.224(c) certificate.*

Condition 25: Stock crossings and fish passage

The consent holder must submit to the Council for certification the detailed designs of stock and access crossing(s) to be installed within any riparian area. Appropriate provision must be made in the design of any stock or access crossing for the passage of fish past the device. Once certified, the stock or access crossing(s) must be installed in accordance with these certified designs.

**Advice Note:**

The consent holder is advised to refer to the Auckland Council’s Technical Publication 131 “Fish Passage Guidelines for the Auckland Region” and the NIWA publication “New Zealand Fish Passage guidelines for structures up to 4 metres (April 2018)” or subsequent versions of either document in the preparation of the design details.

These plans must be supplied to Council by emailing monitoring@aucklandcouncil.govt.nz and will be assessed in consultation with the Team Leader Ecological Advice.

Guidance Note:

This condition is only required where stock crossings or access is required through the covenanted area, or as an alternative means of access due to a proposed covenant. The location of any stock crossings, and also the areas to be excluded from an area to be subject to protection via a covenant, should be determined prior to the issue of consent.

Condition 26: Kauri Contamination Zone

As New Zealand Kauri Trees (Agathis Australis) (and soil and material surrounding them) may contain the pathogen that causes Kauri dieback disease (Phytophthora agathidicida (formerly PTA)) strict hygiene procedures are required when works occur on or around Kauri trees so as to avoid the spread of Kauri dieback disease. All vegetation, soil and other material from within a “Kauri contamination zone” (defined as 3 (three) x the radius of the canopy dripline of any Kauri Tree) must remain on site or be taken to a licenced landfill. For further information please contact the Kauri Dieback Programme on 0800 NZ KAURI (69 52874) or visit the website www.kauridieback.co.nz.

Guidance Note:

This condition is only required where Kauri has been identified on the site and within close proximity to any works required by the resource consent.

Condition 27: Removing material from the site

Any material (including soil) from within the “kauri contamination zone” which is to be removed to an approved landfill facility must then be buried within the ground. Where the material is to be loaded onto the back of an open top vehicle, the material must be covered with a tarpaulin (or similar) to prevent the material from leaving the vehicle whilst it is in motion. After the material has been emptied from the truck, the areas of the truck which were previously exposed to the material and the tarpaulin must be thoroughly washed with Sterigene (or other suitable agent) prior to the truck or tarpaulin being used for the transportation of any other material.

Guidance Note:

This condition is only required where Kauri has been identified on the site and within close proximity to any works required by the resource consent.

Condition 28: All equipment to be cleaned

All footwear, clothing, tools, vehicles and equipment used on site must be cleaned of all soil, vegetation, or other material that has, or may have, come from a Kauri contamination zone and must be sterilised with trigene disinfectant on entry and exit from the site, on every occasion, to avoid the spread of Kauri dieback disease (Phytophthora agathidicida (formerly PTA)).

**Advice note:**

Further advice can be found within the guidelines titled ‘Hygiene Procedures for Kauri Dieback’ and ‘Procedures for Tree Removal and Pruning’ published by the Ministry for Primary Industries Kauri Dieback Management Programme which can be found at www.kauridieback.co.nz or copies can be obtained from Auckland Council.

Guidance Note:

This condition is only required where Kauri has been identified on the site and within close proximity to any works required by the resource consent.

Condition 29: Queen Elizabeth II Trust Open Space (QEII) or Reserves Act Covenant

The areas of existing indigenous vegetation identified in accordance with Condition 9 must be protected via registration of a consent notice in accordance with Condition 39(a) or via registration of a Queen Elizabeth II National Trust Open Space Covenant in accordance with Condition 30 or Reserves Act Covenant in accordance with Condition 31.

Guidance Note:

If this condition is utilised, then the following QE II Trust covenant consent condition must also be imposed.

Condition 30: Queen Elizabeth II Trust Open Space (QEII) Covenant

Evidence that a Queen Elizabeth II Trust Open Space (QEII) Covenant has been registered on the title(s) of Lot xx DP xxxxxx to achieve ongoing protection and management of the areas of indigenous vegetation and/or wetland areas to be protected, Areas x, x, & x as defined by survey in accordance with condition x(x), must be provided to the Council. Prior to the registration of the covenant, the wording of the covenant must be provided to the Council for certification. The covenant must include at a minimum, the following:

* 1. The covenant must, as a minimum, provide for ongoing pest plant eradication and pest animal control, management of the indigenous vegetation and/or wetland, and the fully stockproof fencing (with no gates) of the areas to be protected via the covenant.
	2. The covenant must not allow activities or works that would prejudice the health or ecological value of the areas to be protected, their long-term viability and/or sustainability, including but not limited to:
	3. Not cut down, damage or destroy, or permit the cutting down, damage or destruction of the vegetation or wildlife habitats within the areas to be protected;
	4. Not locate or permit to be placed any wastewater or stormwater disposal field and/or device within any covenant area(s).
	5. Maintain the protected area free from earthworks or land modification.
	6. Not place any building and/or structure within the covenant area/s nor undertake any recreational or other activity that would affect the integrity of the covenanted area.
	7. The covenant must also provide for the regular monitoring of the protected areas of indigenous vegetation and/or wetland to ensure the following matters are being appropriately addressed:
1. Effectiveness of fencing, including details of any repairs undertaken;
2. Health of the indigenous vegetation;
3. Presence of pollutants;
4. Vegetation loss, or clearance, and any remediation;
5. Presence of pest animals and plants;
6. Evidence that pest plants are being effectively eradicated;
7. Evidence that pest animals are being effectively managed and controlled;
8. An assessment of natural processes including regeneration; and
9. Providing appropriate access to any sites and places of significance to Mana Whenua, if applicable.

Guidance Note:

This condition should be used when a consent holder decides to protect the indigenous vegetation, wetland or indigenous revegetation planting via registration of a covenant with the Queen Elizabeth II Trust.

Condition 31: Reserves Act Covenant

Evidence that a Reserves Act Covenant under s77 of the Reserves Act 1977 has been registered on the title(s) of Lot xx DP xxxxxx to achieve ongoing protection and management of the areas of indigenous vegetation and/or wetland areas to be protected, Areas x, x, & x as defined by survey in accordance with condition x(x), must be provided to the Council. Prior to the registration of the covenant, the wording of the covenant must be provided to the Council for certification. The covenant must include at a minimum, the following:

* 1. The covenant must, as a minimum, provide for ongoing pest plant eradication and pest animal control, management of the indigenous vegetation and/or wetland, and the fully stockproof fencing (with no gates) of the areas to be protected via the covenant.
	2. The covenant must not allow activities or works that would prejudice the health or ecological value of the areas to be protected, their long-term viability and/or sustainability, including but not limited to:
1. Not cut down, damage or destroy, or permit the cutting down, damage or destruction of the vegetation or wildlife habitats within the areas to be protected;
2. Not locate or permit to be placed any wastewater or stormwater disposal field and/or device within any covenant area(s).
3. Maintain the protected area free from earthworks or land modification;
4. Not place any building and/or structure within the covenant area/s nor undertake any recreational or other activity that would affect the integrity of the covenanted area.
	1. The covenant must also provide for the regular monitoring of the protected areas of indigenous vegetation and/or wetland to ensure the following matters are being appropriately addressed:
5. Effectiveness of fencing, including details of any repairs undertaken;
6. Health of the indigenous vegetation;
7. Presence of pollutants;
8. Vegetation loss, or clearance, and any remediation;
9. Presence of pest animals and plants;
10. Evidence that pest plants are being effectively eradicated;
11. Evidence that pest animals are being effectively managed and controlled;
12. An assessment of natural processes including regeneration; and
13. Providing appropriate access to any sites and places of significance to Mana Whenua, if applicable.

Section 224(c) compliance conditions: Transferable Rural Sites Subdivision -
Donor Site (Indigenous Vegetation, Revegetation Planting, and/or wetland and buffer)

Conditions from the section above will also be applicable to TRSS applications, and those conditions should also be imposed in conjunction with the covenant conditions below. No consent notice conditions are able to be imposed with TRSS applications as generally no subdivision of the Donor site will occur. However, where applications are made together to undertake TRSS subdivision and an in-situ subdivision of the donor site, the applicant should advise in what form i.e. consent notice or registration of covenant they will utilise to protect the feature/s at the Donor site and the consent conditions imposed on the consents issued should reflect that method or both a consent notice and covenant if the TRSS consent is likely to obtain a certificate under s.224(c) first.

Monitoring report conditions should therefore also form part of the covenant document to be registered on the Record of Title for the donor site.

Guidance Note:

The applicants may choose to place a covenant as per condition 32 below, a QEII covenant as per condition 28, or Reserves Act conservation covenant as per condition 31.

Condition 32: Donor Site Covenant

The consent holder must submit a covenant document to achieve the protection in perpetuity of the indigenous vegetation / wetland / indigenous revegetation planting [delete any that aren’t applicable] at the “Donor Site” to the Council for approval. The covenant document must contain, but is not limited to, the following (insert relevant conditions listed below):

1. A schedule of the calculated areas(s) of the indigenous vegetation / wetland / indigenous revegetation planting identified within the “Plan of Proposed Protection Areas” prepared by xxxx to be protected on xxxx as referred to in Condition 1.
2. A covenant plan (Land Transfer Plan) accurately depicting the area/s of indigenous vegetation / wetland and buffer area/s / indigenous revegetation planting identified within the *“*Plan of Proposed Protection Areas” prepared by xxxx as “areas to be subject to land covenant” on xxxx as referred to in Condition 1.
3. Inclusion, as a minimum, of the following clauses requiring the owner, or their successors in title to:
4. Preserve in perpetuity the indigenous flora and fauna, wildlife habitats and the natural landscape within the “areas to be subject to land covenant”.
5. Maintain any stock crossings and / or fish passage(s) in accordance with any easement(s) through the covenant areas.

Guidance Note:

This covenant condition is only required if the applicant seeks to maintain stock crossings through the covenant areas and has included this in the application. Delete where not applicable.

1. Not do anything that would prejudice the health or ecological value of the areas to be protected, their long-term viability and / or sustainability. Including but not limited to:
2. The land owner or their successors in title must 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, or permit the cutting down, damage or destruction of the vegetation or wildlife habitats within the areas to be protected;
3. Not (without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council) locate or permit to be placed any wastewater or stormwater disposal field and/or device within any covenant area(s).
4. The landowner or their successors in title must maintain the protected area free from earthworks or land modification.
5. The landowner or their successors in title must not place any building and/or structure within the covenant area/s nor undertake any recreational or other activity that would affect the integrity of the covenanted area.
6. Eradicate all pest plants and control pest animals within the “areas to be subject to land covenant” in accordance with, but not limited to, the *“Assessment and Management report for SEA protection and/or the indigenous revegetation planting management plan”* prepared by xxxx to be protected on xxxx as referred to in Condition 1.

Advice Note:

 Pest Plant Eradication means, that there are no mature, fruiting and / or flowering individuals of weed species present within the covenant area and any weed species present are dead. In addition there shall be no areas where weed species are smothering and / or out competing native vegetation including suppressing the natural regeneration processes. Upon request eradication and control must be demonstrated to the Council.

1. Maintain a permanent continuous stock-proof fence (minimum seven wire post and batten fence with no gates) and other fencing (including demarcation posts) as approved by the Council in perpetuity around the perimeter of the area to be protected and keep stock out of these areas.
2. Not be in breach of this covenant if any of the areas of planting to be protected die as a result of fire and/or natural causes not attributable to any act or default on their part for which they are not responsible.
3. Pay the Council the fair and reasonable costs incurred by the Council in monitoring this condition. The owners will be advised of the costs, assessed under the Council’s Schedule of Fees and Charges, as they fall due.
4. No stock must be grazed on Lot/s x & y DP xxxx.

Guidance Note:
May be used where the consent holder has demonstrated the external boundaries of a site are fenced to a stock proof standard and the covenant boundary/ies is demarcated to an appropriate standard

1. Within one month of the end of every 3-year period following the legal protection of the indigenous vegetation and wetland (including buffers) within Lot X the owners of the respective lots must submit a Monitoring Report, prepared by a suitably qualified and experience ecologist, of the areas of protected indigenous vegetation, wetland and buffer, indigenous revegetation planting to Council. The Monitoring Report must include but is not limited to the following information:
2. Effectiveness of fencing.
3. Presence of pest animals and plants.
4. Health of the indigenous revegetation planting. [Delete where no planting was undertaken]
5. Presence of pollutants.
6. Vegetation loss, or clearance, and any remediation; and
7. Evidence that pest plants are being effectively eradicated ; and
8. Evidence that pest plants are being effectively managed and controlled .

Advice Note

*The three-year monitoring period must begin once the s224(c) certificate has been issued.*

1. The land owner must submit a Monitoring Report for all Indigenous Revegetation Planting Area(s) prepared by a suitably qualified and experienced ecologist to the Council for approval annually for a minimum period of five years following the certification of the planting completion report referred to in condition 22(e) above. The Monitoring Report must include but is not to be limited to the following information in respect of each lot:
2. Success rates, including growth rates and number of plants lost (including an analysis of the distribution of losses). A minimum survival rate of 90% is to be achieved;
3. Canopy closure, beginnings of natural ecological processes - natural regeneration in understorey, use by native birds. A minimum canopy closure of 80% is to be achieved;
4. A running record of fertilisation, animal and weed pest control and replacement of dead plants;
5. Details on the condition of, and recommendations for maintenance of, the fencing;
6. Recommendations for replacement of dead plants and implementation of these recommendations (remediation work). Any recommended remediation work must include a start date for replanting.
7. If remediation work is recommended, the land owner must:
	1. Undertake this remediation work within six months from the start date.
	2. Provide Council with a report from a suitably qualified and experienced ecologist confirming the remediation work has been undertaken. This report must be submitted to the Council within 6 months after the remediation work has been undertaken.

**Advice Note:**

*The monitoring report will be reviewed in consultation with the Team Leader Ecological Advice.*

*Guidance Note:*

*Where revegetation planting AND bonding is proposed, this condition must also be included.*

Condition 33: Registration of the covenant

The consent holder must provide evidence to the Council that the land covenant required by Condition 32 above has been be registered on the title of Lot x DP x.

Section 224(c) compliance conditions: Transferable Rural Sites Subdivision -
Amalgamation of donor sites

Condition 34: New Survey Plan for Donor Sites

The consent holder must provide evidence to the Council that a new Survey Title Plan has been prepared showing the Donor Sites x and x as a single lot and that a new record of title has been issued for that single lot.

Guidance Note:

If the amalgamation involves guaranteed and limited titles this would need to be dealt with by section 220 (2a) covenant which should be conditioned to be presented at the time section 223 is requested, discuss with the Subdivision Advisor if necessary.

Condition 35: Covenant to be registered on donor site

The consent holder must prepare and submit a covenant document to the Council for approval. This document must contain the following:

1. The residential development rights attaching to the donor sites, which have been amalgamated, have been used to create a transferable rural sites subdivision opportunity under the Auckland Unitary Plan and the new site, created through the amalgamation, must not accommodate any further residential development unless it is allowed as a permitted activity subject to the relevant zone rules or by the granting of a resource consent.
2. The new site cannot be further subdivided other than by amalgamation with another qualifying site or by boundary adjustment.

Guidance Note:
This condition is required as the development right associated with the site/lot being surrendered through the amalgamation is being transferred to the Receiver site.
3. The new site has no further potential to be used for the purpose of a transferable rural sites subdivision, except where amalgamated with another qualifying donor site.

Once certified, the covenant document must be registered against the new computer freehold register and evidence of such supplied to the Council.

**Advice Note:**

Subdivision consent application number/s x [NOT YET DETERMINED] and Subdivision consent/s x Granted will utilise the <?> other transferable rights generated by the amalgamation of < Lot/s X DP … and Lot/s Y DP ….> in the Land Amalgamation Incentivised Area.

In the event that the yet to be determined application referenced as x does not proceed the Transferable Rural Site Subdivision (TRSS) rights generated by the amalgamation of x. that would have been used by this yet to be determined application (SUB/BUNxxxx) will be available for substitution to a new TRSS application, provided that the unsuccessful application/consent is officially withdrawn/surrendered.  In relation to this issue please be aware of the following:

* A subsequent receiver site TRSS application would be considered on a case by case basis and assessed on its own merits.
* The indication provided in this advice note should not in any form be interpreted as confirmation that resource consent will be granted to any particular TRSS application lodged in substitution of the yet to be determined application referenced above (SUB/BUNXXXXXXX). This will be determined through the resource consent process.

Section 224(c) compliance conditions: Transferable Rural Sites Subdivision - Amalgamation via approved scheme plan

Condition 36: Subdivision amalgamation based on an approved scheme plan

The consent holder must provide evidence that the approved scheme plan of consent SUBXXX has been amended with the council’s approval under section 127 of the RMA 1991 to reflect the amalgamation of Lots X and Y via those lots being shown as one lot or that the council has accepted the surrender under section 138 of the RMA 1991 the ability to create one of the lots shown on the approved scheme plan of SUBXXX.

Advice note:

*This may be achieved by providing a copy of the section 127 consent which varies the conditions of SUBXXX to remove Lots X and Y from the scheme plan and amalgamating these lots to create Lot Z, and/or providing evidence that the ability to create that/those lot/s has been surrendered pursuant to s.138 of the Act.*

*The consent holder is advised that resource consent SUBXXXX (Donor Site) will lapse on <insert date>. The s224(c) for this current application SUBXXXX (Receiver Site) must be issued prior to the lapse of SUBXXX.*

Condition 37: Subdivision amalgamation based on an approved scheme plan

All relevant section 224(c) conditions of the subdivision consent, referenced by Council as SUBXXX, relating to the physical and legal protection of the <wetland and buffer, indigenous vegetation, or indigenous revegetation planting areas> to warrant the creation of <Lot X, Lots X and Y> to be subject to the amalgamation at the Donor Site must be complied with. Following the physical protection of the <wetland and buffer, indigenous vegetation, or indigenous revegetation planting areas>, the consent holder must provide evidence that legal protection of those natural areas has occurred either via registration of a consent notice or a land covenant, prepared with council approval, on the relevant record of title for the donor site.

Condition 38: Surrender of Resource Consent: BUNXXXXXXX

A letter must be provided from the consent holder of resource consent/s SUBXXX / LUCXXX / BUNXXX confirming that pursuant to Section 138 of the Act those consents have been surrendered.

Guidance Note:

This condition is only required should the new application supersede the old.

Ongoing Conditions / Consent Notices

Condition 39: Consent Notice

The following conditions of consent must be complied with in perpetuity and must be registered on the relevant Record of Titles by way of Consent notices pursuant to s.221 of the RMA:

Condition a): Protection of wetland and buffer / indigenous vegetation / indigenous revegetation planting

The areas of indigenous vegetation / indigenous revegetation planting / wetland and buffer to be protected as illustrated within the scheme plan/s (insert reference to approved scheme plan) and identified by survey in accordance with condition 9 must be protected in perpetuity.

The owners of the respective lots or their successors in title must:

1. Preserve in perpetuity the indigenous flora and fauna, wildlife habitats and the natural landscape within the areas of indigenous vegetation / indigenous revegetation planting / wetland and buffer to be protected on Lots X and X (Areas X, X, X).
2. Monitor the health of the areas of protected indigenous vegetation / wetland and buffer / indigenous revegetation planting in accordance with the Planting and Pest Plant and Animal Management Plan/Covenant Management Plan. Monitoring reports must be prepared and submitted to Council every three years in accordance with condition 39(b).
3. Maintain any stock crossings and / or fish passage(s) in accordance with any easement(s) through the covenant areas; [Delete where not required]
4. Not do anything that would prejudice the health or ecological value of the areas to be protected, their long-term viability and/or sustainability - Including but not limited to:
5. 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, or permit the cutting down, damage or destruction of the vegetation or wildlife habitats within the areas to be protected;
6. Not (without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council) locate or permit to be placed any wastewater or stormwater disposal field and/or device within any covenant area(s).
7. Maintain the protected area free from earthworks or land modification.
8. Not place any building and/or structure within the covenant area(s) nor undertake any recreational or other activity that would affect the integrity of the covenanted area.
9. Eradicate all pest plants and control all pest animals within the areas to be protected, in accordance with, but not limited to, the approved Pest Plant and Pest Animal Control Plan referred to in conditionX of SUBXXXXX

**Advice Note:**

*Pest Plant Eradication means, that there are no mature, fruiting and / or flowering individuals of weed species present within the covenant area and any weed species present are dead. In addition, there must be no areas where weed species are smothering and / or out competing native vegetation including suppressing the natural regeneration processes. Eradication and control must be demonstrated to the Council.*

1. Maintain a permanent continuous stock-proof fence (minimum seven wire post and batten fence with no gates) and other fencing (including demarcation posts) as approved by the Council in perpetuity around the perimeter of the areas to be protected and keep stock out of these areas.
2. Not be in breach of this covenant if any of the areas of planting to be protected die as a result of fire and/or natural causes not attributable to any act or default on their part for which they are not responsible.

Condition b): Monitoring Reports for indigenous revegetation planting area(s)

The consent holder must submit a Monitoring Report, prepared by a suitably qualified and experienced ecologist, to the Council for audit, annually for a minimum period of five years starting when the planting completion report has been submitted to Council.

The Monitoring Report must include but is not to be limited to the following information in respect of each lot:

1. Success rates, including growth rates and number of plants lost (including an analysis of the distribution of losses).
2. Canopy closure, beginnings of natural ecological processes - natural regeneration in understorey, use by native birds, etc.
3. A running record of fertilisation, animal and weed pest control and replacement of dead plants.
4. Details on the condition of, and recommendations for maintenance of, the fencing and
5. Recommendations for replacement of dead plants and implementation of these recommendations (remediation work). Any recommended remediation work must include a start date for replanting.
6. If remediation work is recommended, the consent holder must:
7. Undertake this remediation work within six months from the start date as recommended in accordance with Condition 38(b)(v).
8. Provide the Council with a report prepared by a suitably qualified and experienced ecologist confirming that the remediation work has been undertaken. This report must be submitted to the Council within 6 months after the remediation work has been undertaken.
9. [Delete where no wetland enhancement planting is proposed or required] In relation to the Wetland Enhancement Planting, the consent holder must:
10. Undertake the remediation work within six months from when it was recognised as being necessary.
11. Provide Council with a report confirming the remediation work has been undertaken. This report must be submitted to the Council within 6 months after the Enhancement Planting has been undertaken.

**Advice Note:**

The monitoring report will be reviewed in consultation with the Team Leader Ecological Advice.

Guidance Note:

This consent notice is not required if the sites are created more than 6.5 years after planting and reflects the requirements of E39.6.4.5 and Appendices 15 & 16.

Condition c): Three yearly monitoring of indigenous vegetation / indigenous revegetation planting / wetland and buffer

Within one month of the end of every 3-year period following the legal protection of the indigenous vegetation and wetland (including buffers) within Lot X the owners of the respective lots must submit a Monitoring Report, prepared by a suitably qualified and experience ecologist, of the areas of protected indigenous vegetation, wetland and buffer, indigenous revegetation planting [delete as required] to the Council for audit.

The Monitoring Report must include but is not limited to the following information:

1. Effectiveness of fencing.
2. Presence of pest animals and plants.
3. Health of the indigenous revegetation planting. [Delete where no planting was undertaken]
4. Presence of pollutants.
5. Vegetation loss, or clearance, and any remediation; and
6. Evidence that pest plants are being effectively eradicated;
7. Evidence that pest plants are being effectively managed and controlled; and
8. Providing appropriate access to any sites and places of significant to Mana Whenua. (Include where appropriate)

**Advice Note:**

The three-year monitoring period will begin once the s224(c) certificate has been issued.

The monitoring report will be reviewed in consultation with the Team Leader Ecological Advice.

Guidance Note:

Subdivisions in rural and urban areas require Significant Ecological Areas to be identified on a plan and legally protected and maintained (e.g. stock proof fencing, weed and pest animal control) in accordance with AUP(OP) Appendix 15. Appendix 15 requires three yearly monitoring of the critical determinants of the health of the SEA. See below for Monitoring condition for Subdivision based on Enhancement Planting/ Revegetation Planting. See above for Monitoring condition for applications based on Enhancement Planting/ Revegetation Planting.

Condition d): Pet free condition

The owners of Lot(s) XXX and any occupiers, are not permitted to own, house, care for, or feed any domesticated cats or any pests listed the Auckland Regional Pest Management Plan 2020-2030, or any successive Pest Management Plans, on these sites. Any domesticated dog(s) must be kept on a lead and under the supervision of the owner, whilst outside within the boundary of Lot(s) X and Y any right of way or jointly owned access, and must be excluded from all covenant areas. Where kiwi have been recorded on the parent property, dogs must be excluded from all properties.

Guidance Note:

Please consider the use of pet free covenants where subdivision may consist of more than ten lots and involves the protection indigenous vegetation or the protected areas may be impacted by the introduction of domesticated pets or animals in areas of sparse population and the applicant agrees to imposition of the condition.

Condition e): No livestock

The owners of Lot(s) XXX, and any occupiers, are not permitted to own, house, care for or feed any livestock (i.e. all grazing animals) within the boundaries of Lot(s) X, Y, Z.

Guidance Note:

This condition is to be used where an applicant has stated that no stock are to be kept within the proposed sites so only the external boundaries of the site/s need to be fenced to a stock proof standard and the other covenant boundaries may be demarcated to an acceptable standard

Condition f): Stock free area

The owners of Lot X, and any occupiers, are not permitted to own, house, care for or feed any livestock (i.e. all grazing animals) within the boundaries of covenants X and Y, where stock are to be excluded from being kept, as identified by survey and depicted on the relevant survey title plan.

Guidance Note:

The Subdivision Team will have ensured at the issue of the section 223 certificate that these areas correspond to those areas shown on the scheme plan listed in condition 1 of the subdivision consent granted.

Condition g): Firefighting water supply – Lots X-X

At the time a building consent application is submitted for the dwellings in Lot/s X, X and X, it must be demonstrated that fire-fighting water supply will be provided in accordance with NZFS Fire Fighting Water Supplies CoP SNZ 4509:2008If an alternative fire-fighting water supply is to be provided, written approval of that system from Fire and Emergency New Zealand must be provided with the building consent application. The fire-fighting water supply provided must be maintained and retained as long as a habitable building is located within the site.

Condition h): Specified Building Areas (SBAs)

Any dwelling and any associated accessory building to be constructed on Lots X and X, must be located entirely within the proposed building area shown on the approved plan prepared by XXXXXXXXX titled ‘Scheme Plan’, job. no. XXXXXX, held on Council file SUBXXXXXXX.

Guidance Note:

This condition relates to the requirements of General Standard E39.6.1.1(3)(c) as well as any recommendation made by the council DE and/or geotechnical specialist.

Condition i): Colour palette

The exterior of any dwelling located within Lots X and X must have a natural timber finish or be painted in recessive colours with a reflective value of 30 percent or less as defined within the BS5252 standard colour palette. The proposed colours must be submitted to the Council for certification when either building consent or resource consent is sought to construct a dwelling on Lot X and X. The exterior finishes must be maintained thereafter in the certified scheme. Any changes proposed to colour scheme must also be certified by Council.

Condition j): External Lighting

External lights associated with any building located within Lot/s X & Y must be fitted with covers and orientated downwards.

Condition k): Height

Option A

The maximum height of any dwelling or accessory building to the dwelling located within Lots X, X and X must be limited to single level and must not exceed XX metres above existing ground level. Any farm accessory buildings within Lot/s X, X and X must not exceed a height of X metres above existing natural ground level.

Option B

The maximum building height of any building located within Lot X must not exceed RL.XXX (Auckland 1946 datum) or Xm from the existing natural ground level whichever is lesser**.**

Condition l): Landscaping plan

A Landscape Planting Plan must be submitted to the Council for certification by the Council when either building consent or resource consent is sought to construct a dwelling within Lots X and X. The Landscaping Planting Plan must include details of species, methods of ground preparation for the planting, plant numbers, plant densities and plant sizes at the time of planting and likely maximum heights. The purpose of the Landscaping Planting Plan is to mitigate the potential adverse visual effects of future buildings and ensure they recede into with the natural environment.

The Landscape Planting Plan must also include an on-going maintenance programme to ensure that adequate care of the landscaping is undertaken through to establishment. This programme must make provision for replacement of newly planted trees and/or shrubs that die or decline.

Planting must occur within the first planting season following completion or occupation of the dwelling. The Council must be notified upon completion of the landscape planting in order to ensure compliance with the approved Landscape Planting Plan.

The consent holder must undertake monitoring of the landscape planting at 12 and 24 months from the date the Council has been advised of the completion of the planting to ensure that the maintenance programme is fulfilled. All replacement trees and/or shrubs must be of the same type, grade and size as that initially planted, and all replacements must be planted no later than the current or following planting season (May to August), following instruction to do so by the Council. The planting must be retained and maintained thereafter.

**Advice Note:**

*The landscape planting plan will be assessed in consultation with the Team Leader Urban Design.*

Condition m): Building restrictions – geotechnical

Any buildings located within Lots X and X must be subject to the requirements of the geotechnical report entitled: XXXXXX prepared by XXXXXX, ref: XXXX, dated XXXXXX, and any subsequent reports. The foundations for any buildings to be located within the Lots are subject to specific design and further site-specific subsoil investigation prior to building consent stage. Copies of the said plan and report(s) will be held at the offices of the Council.

Guidance Note:
This condition relates to the requirements of General Standard E39.6.1.1(3).

Condition o): Building restrictions - stormwater control

All stormwater from driveways, roof, and water tank overflow on Lots X to X must be collected and disposed of in accordance with the requirements of the stormwater report entitled: XXXXXX prepared by XXXXXX, ref: XXXX, dated XXXXXX, and any subsequent reports approved in writing by the Council. Copies of the report(s) are held at the offices of the Council.

**Advice Note:**

The application for a Building Consent will be required to demonstrate compliance with the requirements of the New Zealand Building Code Clause E1 Surface Water.

Guidance Note:
This condition relates to the requirements of General Standard E39.6.1.3(a).

Condition p): Building restrictions – wastewater disposal

All wastewater disposal from any buildings on Lots X to X must be of the design specified within, and installed and operated in accordance with the requirements of, the wastewater disposal report titled: XXXXXX prepared by XXXXXX, ref: XXXX, dated XXXXXX, and any subsequent reports approved in writing by the Council. Copies of the report(s) are held at the offices of the Council.

**Advice Note:**

The report referred in this condition demonstrated that wastewater disposal installed and operated in accordance with the report would be a permitted activity in terms of the provisions of the Auckland Unitary Plan (Operative in Part). Installation of a wastewater disposal system of another design may require resource consent if the relevant AUP (OP) permitted activity standards cannot be complied with.

Guidance Note:

It is not appropriate to refer to TP58 or any other document produced by Council as these documents are required to be complied with to maintain permitted activity status. Additionally, these documents are updated and replaced from time to time and a specific condition may require consent holders to design to an obsolete standard.

Condition q): Provision of telecommunication services

Future owners of Lots X, X and X are advised that a physical telecommunication connection has not been provided to Lots X, X and X and if such services are required, the full cost of providing and maintaining these services must be met by the owners. This cost may include the installation of equipment to the utility providers and Council requirements and any growth or other applicable charges.

Guidance Note:

This condition should only be used in conjunction with the Option B version of Condition 5(r). Its imposition relates to requirements of General Standard E39.6.1.3(e).

Condition r): Electricity

Future owners of all lots must be advised that a physical power connection has not been provided to Lot(s) X, Y, and Z, and if such services are required, the full cost of providing and maintaining these services will be met by the owners for the time being. This cost may include the installation of equipment to the requirements of the utility providers and Council requirements and any growth or other applicable charges.

Guidance Note:

This condition should only be used in conjunction with the Option B version of Condition 5(r). Its imposition relates to requirements of General Standard E39.6.1.3(e).

Condition s): Monitoring charges

The respective owners of Lots X, X and X must pay the Council monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

The consent holder will be advised of the monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice.

Guidance Note:

This condition must be imposed where ongoing monitoring is required as part of any consent notice condition (i.e. covenanted bush/wetland).