



DS1 – General Provisions

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DS1 General Provisions

1.1 Purpose

The purpose of this part of the Development Code Design Standards is to:

- i. Provide a set of minimum design standards which will allow those development proposals submitted to Council which comply with this Code to be efficiently approved for construction, while providing flexibility regarding the consideration of alternative methods of design and construction on a case by case basis.
- ii. The Code provides for the consideration of environmental, economic, and social factors and creates benefits for developers, property owners, and the community.

1.2 Scope

The Code provides a means of compliance when designing, constructing and maintaining engineering works that are required:

- to fulfill conditions imposed by a resource consent
- for works that fall within the requirements of the District Plan, if a consent is not required such as a permitted activity condition
- for capital or maintenance works commissioned by Council.

The Code provides standards for application in all zones in the District.

Alternative means of compliance submitted for approval (i.e. different design methods or philosophy or principles) will be considered on a case by case basis.

The standards outlined in this Code can be applied to:

- all assets that will be vested in Council
- any impact on existing or future planned Council assets from a proposed development
- physical works as required by a resource consent.
- land modification and associated works
- the installation and/or upgrade of network roading and utility services

1.3 Development Code Fees and Charges

Copies of the Code will be paid for by the recipient in accordance with Council's fees and charges bylaw. Amendments will be issued free of charge.



1.4 Document Control

The Development Code is to be reviewed and amended if required at intervals no greater than five years, from the date of original issue. At the time of review, comment from the users of the Code will be requested for consideration by Council.

Changes and revisions to the Code other than the five yearly interval, may be issued by Council to clarify issues which arise or to keep pace with industry advances and policy review.

All recorded hard copy holders will be sent copies of changes.

Amendments to the Code shall not become effective until all recorded copy holders have received notification of amendments.

1.5 Charges

The consent holder shall pay charges to Council during the period of consent application through to vesting of assets in Council. These charges shall be in accordance with Councils Fees and Charges Bylaw.

1.6 Statutory Requirements of the Code

The provisions and standards of the Development Code shall be read subject to the provisions of the District Plan and to any applicable statutes, regulations and bylaws including those referenced in this Code. Where any conflict between this Code and the District Plan exists, then the requirements of the District Plan shall prevail unless a resource consent to deviate from the District Plan rule in question has been first obtained.

This Code is a means of compliance with the District Plan rules and resource consent conditions.

The Code is designed to set a high standard of Engineering practice specifying minimum engineering standards for the design and construction of public services and by setting minimum engineering standards for the design and construction of private infrastructure services. In this way a uniform minimum engineering standard is achieved throughout the District.

1.7 Standards

Where any apparent conflict exists between any New Zealand Standard and the specific requirements outlined in this Code, the Code takes precedence at the discretion of the Chief Executive Officer.



1.8 Liability

The approval of plans or other construction details under this code means that, subject to any conditions specified, the design of infrastructure systems is accepted by Council as meeting the minimum design requirements specified in this Code for these infrastructural services.

It remains the consent holder's responsibility to comply with all statutes, regulations, bylaws, requirements, obligations, give all notices, obtain all necessary consents and provide for the protection of other property from damage resulting from the development.

Approval given by Council in accordance with this Code does not in any way free the consent holder from meeting any of their lawful requirements to all other parties including other Council operations and shall not be construed as such. It is the responsibility of the consent holder to ensure that all District Plan rules and standards including noise are complied with during construction.

1.9 Implementation of the Code

This Code is administered and coordinated by Council. The Assets and Engineering department has the major role within Council of policy and standard formulation in regard to asset management and infrastructure planning. This includes addressing matters of concern in their interest as asset owners in the capacity of a potentially affected party.

The Group Managers Assets & Engineering, and Customer and Business Services are responsible for co-ordination, and approval, of all matters relating to the District Plan, the resource consent process, and associated statutory requirements.

The Group Manager Customer and Business Services has the authority to enforce the provisions of this Code and may delegate such authority to:

- any officer of the Council or
- a suitably qualified person not directly employed by Council to determine matters requiring specialist expertise

1.10 Applicants Representative: Duties and Availability

The Consent Holder's Representative (also known as Applicant's Representative) shall undertake the responsibilities of:

- i. Designing the development, including preparing and obtaining the approval of engineering documents by Council;
- ii. Supervision or monitoring the construction and testing of the physical works;



- iii. Certification upon completion, as required in the District Plan, that the development has been carried out in accordance with Resource Consent conditions or any approved variations, subsequently approved engineering documents, and best practice engineering ethos.

The certification statement for engineering conditions shall be in accordance with Council's standard certification statement.

Notwithstanding the requirement of paragraph 1.13.5, step 4, the consent holder's representative shall be available for a meeting on the site within one working day of being so requested by the Authorised Officer.

Supervision or monitoring of construction work by the consent holders representative shall be undertaken in accordance with the scale and type of physical works required. The levels of construction monitoring service shall be in accordance with Section 3 Monitoring & Process, which follows the format of ACENZ/IPENZ Guideline "Briefing and Engagement of Consultants". Where assets are to be vested in Council, the appropriate level of construction monitoring shall be agreed with the Authorised Officer.

It shall be noted that Council considers the consequence of non-compliance for all vested infrastructure works to be either "serious" or "critical" when assessed under table 2 of Section 3 Monitoring & Process.

Calculation shall be provided with the resource consent application to show the proposed level of construction monitoring service required to complete the development.

The proposed monitoring service level shall be agreed with the Authorised Officer and evidence of the agreed monitoring will be required with certification statement.

The consent holder's representative will be accountable by way of their certification statement that the Representative was contracted and performed the monitoring at the agreed level.

1.11 Design Basis for Development

1.11.1 Standard Design Basis

Proposals submitted on a standard design basis shall conform to the requirements of this Code (at the time of engineering plan approval), and to any additional requirements made by Council in the Resource Consent decision to meet specific circumstances.

All developers and their representatives are encouraged to attend a pre-application meeting prior to initiating work on any proposed development. This initial meeting will outline the package of plans



approach to a successful development, and will enable appropriate lines of communication between all parties.

1.11.2 Alternative Design Basis

Developers who submit proposals using an alternative design basis shall request a meeting with Council prior to submitting an application for Resource Consent. This initial meeting will outline the package of plans approach to a successful development, and will enable appropriate lines of communication between all parties.

Alternative design shall be supported by a comprehensive report of the design basis and proposed construction method for approval in principle which shows that the alternative design will meet or exceed the expected minimum performance requirements of the standards presented in this Code and the District Plan. The aim is to provide flexibility for the designer to meet circumstances which may be peculiar to the site and as a means of encouraging innovative design which may provide additional benefit to the community that is improbable under the requirements of the Code. Alternative design will be considered on its merits in relation to the proposal.

Approval of an alternative design by Council does not set a precedent or confer approval in general by the Council to design criteria, construction technique or material forming part of the alternative design for other projects or developments.

1.11.3 Alternative Methods

The use of materials, jointing methods, construction techniques and their relevant operations and maintenance (O&M) practices that conform to this Development Code, either Design, or Construction, are recommended.

If an applicant wishes to propose an alternative to this standard they shall:

- Perform an effective net present value (NPV) calculation for the preferred and alternative material etc, using suitable analysis period and discount rate to be approved by Council
- Provide documented examples where the proposed alternative has been in service for an acceptable period of time
- Calculate the projected differential O&M costs between the current and the proposed practice for a period of no less than 20 years
- Provide accelerated testing data to prove a serviceable lifespan of at least 50 years

Once this information is assessed, and if an approval given, the Council will require the lump sum payment of any increase in O & M cost over an operational period of 10 years.



1.12 Minimum Requirements

1.12.1 Construction

The works shall be constructed in compliance with the approved plans, and any approved amendments to the original design.

1.12.2 Completed Works

The following shall be completed prior to the occupation of habitable dwellings in urban areas.

Where applicable all stormwater, sanitary sewer, water, electricity and telecommunications reticulation is to be inspected, tested and connected to the existing infrastructure by the appropriate controlling authority or designated representative

At the completion of the works 'As Built' plans and documentation shall be prepared and certified by the Consent Holder's Representative.

This certification shall describe any modification made to the design which shall have been previously accepted by Council during construction and shall be based on the Representative's monitoring of the work undertaken. It shall include quality compliance data gathered by the Representative, together with the contractor's compliance data, demonstrating compliance with the project drawings and specifications in a producer statement format.

All network utilities including electric power cables, telephone services, fibre optic broadband services, and gas reticulation shall be located underground in standard lay positions as shown in the drawing titled "Underground Services Location", in all areas except where overhead services already exist and the controlling authority specifies overhead connections or upgrades. A completion certificate shall be provided as defined in DS9 - Network Utilities

1.13 Procedures and Approvals

1.13.1 Package of Plans

The following procedures shall be followed for all development.

The process follows from pre-application through to vesting of assets in Council.

1.13.2 Step 1: Preliminary Consultation and Investigation (Freehand Contextual Framework)

The developer shall be fully conversant with the policies, management rules, and requirements of the District Plan, this Development Code, relevant Council policies, and the applicable New



Zealand Standards prior to application for resource consent. Where a representative is required by the District Plan to be engaged by the applicant then they shall be a professional person as described in Section 1: Introduction, of this Code.

A pre-consent application consultation with Council staff is advised in all cases to address any foreseeable non-complying issues prior to application. Resource Consent applications that are received by Council which are incomplete or in which un-resolved non-compliances are identified will be rejected and will be required to be re-submitted at the developers cost. Pre-consent application consultation is compulsory if alternative designs are being considered by the developer.

Subsequent to the initial meeting, the developer may request additional pre-consent application consultation meetings with Council staff to address on-going issues. These additional meetings will be at the developer's expense. Discussions may include:

Conceptual discussions:

- How proposed development will acknowledge community and council documents, (e.g. structure plans, and built environment strategy)
- Project feasibility and viability requirements, (e.g. land use and required floor areas)
- Compensation if qualifying

Development Framework:

- What developers would like to achieve
- Broad development guidelines for development

Precinct Plans:

- More detail per precinct (e.g. building height, coverage and set back)
- Role of precinct within the development
- Assets to be vested
- An outline list or indication
- A general discussion on construction monitoring levels

Note: Council will not charge for the first hour of an application consultation. Council may however charge, at the rates set out in Council Fees and Charges, for any additional time spent by Council staff consulting on the particular development. Waiving of fees will be at the discretion of the Authorised officer.

1.13.3 Step 2: Resource Consent Application

Resource consent applications shall follow the process and information requirements outlined in the District Plan and the provisions of the RMA 1991 and amendments. They shall also include additional specific information where required by this code. It is the responsibility of the Applicant's Representative to ensure that all information relevant to their specific development is provided with the application. Council reserves the right to reject any application under section 88(3) of the RMA



that does not include all required information. Consents shall be obtained from other authorities and Regional Councils by the Applicant if necessary.

Where compensation from Council is required, an agreement shall be completed at this step of the process, and referenced in an advice note. The agreement shall be as defined in section 1.13.10 below.

1.13.4 Step 3: Engineering Plan Approval of Engineering, Landscape and Earthwork Plans

- i. It will be a condition of the resource consent that before any development can proceed, the consent holder must submit engineering and landscape plans (where applicable), together with specifications to the Authorised Officer for approval, in accordance with Section 1.13 of this Code.

Site development plans will typically include:

- More detail than a precinct plan
 - Detailed development guidelines
 - Detailed design calculation with construction plans and specifications in accordance with this Code
 - Construction Standards shall be those taken from or referenced to the Development Code: Construction
 - Where assets are vested, a copy of the Construction Monitoring Agreement
- ii. Council will assess the engineering plans for compliance with the Development Code: Design and Construction, and the resource consent conditions. Processing will be suspended if any aspect of the information supplied for approval has not been sufficiently addressed. Council reserves the right to return the application in whole to the Applicant's Representative. Council may choose to address the deficiencies in the information supplied directly with the Applicant's Representative. Additional effort to resolve deficiencies shall be at the Applicant's expense.
 - iii. When engineering plans comply with the Development Code and where applicable alternative designs are supported with all details required by the resource consent, this code, and any conditions specified by Council at the pre-application consultation meeting, demonstrating that the performance standards can be achieved, approval will be granted within 20 working days.

1.13.5 Step 4: Construction and Monitoring

All construction monitoring shall be performed at not less than the agreed monitoring level.

Additionally, the Consent Holder's Representative shall notify the Authorised Officer at minimum of 48 hours in advance prior to the following stages of the project commencing and such other phases as the Council may determine, to allow an opportunity to observe:

- Establishment
- Subsoil drainage prior to filling



- Completed earthworks and prepared subgrade
- Commencement of utilities construction
- Prior to backfilling utilities and combined services trenches
- Pressure testing of utility services
- Finished basecourse
- Prior to any work taking place on a public road (Road Opening Notice procedure to be followed)
- Prior to road sealing
- Commencement of landscape works
- Completion of landscape works
- Final overall walkover with 'As Built' plans

Observation may be carried out by Council's representative within one working day of receiving notification of the above construction phases. Work shall not proceed until Councils' observations have been made. Alternatively if Council deems a site meeting is not necessary authorisation shall be given to proceed.

Note: Notwithstanding any observation visit made by Councils representative during construction the Applicants Representative shall retain full responsibility for the certification of the works as specified in the Resource Consent Conditions

Council reserves the right to may make additional random observations of any or all of the works during construction.

1.13.6 Step 5: Construction Compliance and Certification

The developer shall submit all quality assurance documentation including CCTV records and as-built drawings to the standards as required by this Code.

This information is required as part of an application for Section 224 Certificate.

Applicants are advised to submit as-built drawings prior to Section 224 application due to the processing time.

With prior approval, other QA data can also be submitted prior to Section 224 application for Council review.

Where a financial compensation agreement is in place, and compensation payment is expected, documentation in accordance with clause 1.13.10.2 shall be submitted.

Photographic evidence of construction of items such as vehicle crossings, right of ways, connection points prior to backfilling, pipe bedding etc, shall be submitted in support of certification of compliance statements.



1.13.7 Step 6: Section 224c Certificates

Council shall Issue a certificate pursuant to Section 224c of the RMA 1991 as acceptance of the "Section 224 Certification Statement" and as confirmation that all conditions of resource consent have been met or shall be met by way of un-completed works bond including photographic evidence and as-built and quality assurance records in the formats contained within this Code.

1.13.8 Step 7: Un-completed Works Bond requirements and release

Where Council has allowed an "Un-completed Works Bond" all works shall be completed within the period stated on the agreement" (Usually three months from issue of the certificate pursuant to S224 of the RMA 1991). "Uncompleted Works Bonds" shall be in accordance with this Code.

1.13.9 Step 8: Maintenance period and Maintenance Bond requirements

The applicant shall enter into a Maintenance Bond agreement with Council that shall be in accordance with this Code.

1.14 Compensation Policy and Process

1.14.1 Compensation Policy

i. Introduction

Where development requires the provision of infrastructure, it may be necessary or more efficient that the Developer or his agents provide infrastructure for the wider community or for the benefit of developers of adjacent properties.

Typically this would occur when council requires additional capacity to serve a wider catchment or extensions in the infrastructure to serve areas beyond the development in question.

This policy is intended to form an equitable basis for the apportionment of costs between the Developer, other potential developers who contribute through financial contributions and the community at large who contribute in the form of rates and charges.

Where payment is to be made, negotiation and agreement is required with the Authorised officer, on the scope of works, on costs, and on timing. Agreement shall be completed before consent approval, to ensure effects of development on community infrastructure can be satisfactorily mitigated and to ensure that funds are available, and to ensure there is an ability to withdraw from the process if agreement is not reached.



ii. Definitions

Financial Contributions

Financial Contributions are those funds paid by a Developer to Council, payable as a result of the impact that the development has on existing infrastructure. Contributions are paid in accordance with Council financial policy.

Financial Compensation

Compensation are those funds paid by Council to the Developer, as a result of an infrastructure works programme agreed between the Authorised Officer and a Developer, and then completed by the Developer on behalf of Council.

Agreed Infrastructure Works (Infrastructure)

Agreed infrastructure works are those works which are identified in a written agreement between the Authorised Officer and the Developer for construction by the Developer at the time of development. Typically these are works, or identified deficiencies, described in documents such as Council's Structure Plans, Annual Plan, Management Plans, or various other Council documents. It does not include works required to be completed by a Developer to serve the development.

iii. Policy Requirements

The compensation policy for the construction of infrastructure is required to be equitable as follows:

- a. The portion of agreed infrastructure costs funded by the Developer must represent what would be required to meet the minimum requirements of the development plus any agreed betterment required by the Developer for an increased level of service for that particular development. Financial Compensation will not be paid by Council for additional works required specifically for the development.
- b. The portion funded by Council must represent the actual additional costs accrued by the Developer beyond that required by the development to provide the agreed infrastructure works to the wider community. Compensation shall be Agreed and paid in accordance with the Compensation Process defined in clause 1.14.2 of the Development Code.
- c. Note Injurious affection, time costs, or compensation for other miscellaneous issues , will not be paid by Council.

iv. Basis of Apportionment

The Council Financial Compensation (funded from rates and Financial Contributions portions) will cover only portions of infrastructure relevant to and required by the community at large and identified in the agreement document negotiated between the Authorised Officer and the Developer.



The following rules shall apply:

- a. Where a road is built with added width and strength to meet the requirements of through traffic in accordance with the requirements of a structure plan, Council will fund the difference in pavement width (construction and land costs, plus 10% of the construction value in recognition of design fee), increased depth of pavement (if any), additional footpaths, and additional street lights. All other costs are to be funded by the Developer.
- b. Where a road is built only for the benefit of Council (rates and Financial Contributions portions) and at the specific request of Council, and provides no benefit to the Developer, the Council's funding portion will be limited to those portions of road required for Council (rates and Financial Contributions portions).
- c. The Developers minimum road layout shall follow the layout of the Structure Plan. Council will fund the difference between that which is required to serve the development and that which is actually required by the structure plan. Compensation shall not be assessed on a hypothetical subdivision basis.
- d. Betterment to the development may be taken into account in the assessment of compensation for any land acquired by Council for a public work.
- e. All earthworks shall be funded by the Developer, unless otherwise agreed with the authorized officer as part of a compensation agreement.
- f. A similar analogy to the above shall be applied to Utilities and Reserves infrastructure.

v. Timing

Council's payment for works meeting the criteria of this policy will be paid when the following actions have been completed:

- a. Council has budgeted the full amount of compensation for the development in question in the year that payment is to be made
- b. The Developer and Authorised Officer have completed an agreement document in accordance with the Development Code and consent

After the works have been vested in Council, compensation payment(s) will be made no earlier than the date shown in the agreement document and no escalation shall be paid unless specifically provided for in the agreement.

1.14.2 Compensation Process

Where assets are to be vested in Council and compensation is due (e.g. as a result of a Structure Plan, or additional works otherwise to be completed by Council) the compensation process shall be as follows:



An agreement shall be formed in accordance with Council Development Infrastructure Compensation Policy. The agreement shall include a schedule of works for which Council is responsible, the amount(s) due, and the timing of the payment(s). The amounts due may be an estimate, but shall be confirmed at the time of vesting and payment, as set out below.

The Developer shall:

- i. Notify Council that compensation may be required. This notification shall be delivered at the time of consent application (see Step 2 above).
- ii. A compensation agreement document shall be prepared. It shall be referenced in an advice note to the resource consent.
- iii. All costs for preparing and completing the agreement for compensation shall be the Applicant's.
- iv. The agreement documentation shall be completed with the Authorised Officer prior to issue of a consent (see Step 2 above).

Agreement Documentation

Agreement documentation shall comprise a schedule of compensation items which includes:

- i. The value of the land.
 - The value shall be agreed on a per square metre rate. Land cost will be determined on the unimproved value of the land at the date of issue of the consent, as assessed by a registered valuer
- ii. The quantity of the land.
 - The quantity shall be estimated from the survey plans, or the development proposal at the time of creating the agreement.
 - The final amount at the time of payment shall be based on an as built survey. Where land is required for a Structure Plan works, this is the additional quantity of the land required for the works, over and above the amount of land required by the Developer for the development.
 - It shall be noted, the minimum road layout for the Developer, shall meet the requirements of the structure plan layout.
- iii. The quantity of the works for which Council is responsible.

e.g. The quantity of the road works will be the additional works, over and above the minimum road works, necessary to meet the requirements of the structure plan road works. The minimum road works shall follow the alignment of the structure plan, but meet the Code requirements for the proposed development.
- iv. An estimate of costs for the works for which Council is responsible.
 - The value for professional services costs for the additional works may be added where these costs can be separately identified.
 - Where professional services costs can not be separately identified, a fee of 10% of the physical works costs may be claimed.



- Additional costs for bulk earthworks will not be paid except where these costs are included in Council's Financial Contributions calculation.
- v. The timing of the works and consequent payments.
 - The timing for completion of the works shall be set out in a programme.
 - An estimate of the date at which payment will be required shall be shown on the programme. These dates shall align with known Council programmed works dates.
 - Compensation payment amounts will be estimated in the programme.
 - Compensation payments will be identified in Council's Annual Plan, or LTCCP.
- vi. The agreement shall be signed off by GMAE for Council

Compensation Payments Documentation

All works for compensation payment shall be completed on a competitive tender basis. On completion of the works, a compensation claim may be made, based on the agreement.

Documents to be submitted shall include:

- i. The Developer's contract documents with as built works schedules, and with certified invoices. (These may be included as part of CI 1.13.6 Step 5 above).
- ii. Where the Developer's own forces/ plant are used, an equivalent rate and compensation may be negotiated, based on known industry rates.
- iii. Where development is staged, compensation will be paid as a percentage of the full completed development area, and in accordance with the agreement, as each stage is completed and 224c issued.
- iv. Payments will be finalised in accordance with the agreement. The final compensation payment shall not exceed the estimated compensation agreement by more than 10%, unless approved by the Authorised Officer.
- v. Timing for payment will be made in accordance with the Council financial systems, and only after 224c issuance and vesting of assets (Step 6 above).
- vi. Compensation payment will not be made if uncompleted works are bonded (Clause 1.13.8 Step 7 above).

1.15 Documentation Submitted for Engineering Plan Approval

The Applicant's Representative shall submit engineering documents to Council for approval that shall include the following as a minimum:

1.15.1 Engineering Document Approval Submission Technical Requirements

Drawing Sizes

Engineering plans submitted for approval:

- 1 x set of A1/A2
- 1 x set of plans at A3 (reduced)



to clearly show how the proposed physical works are to be planned to provide complying infrastructure to each stage.

Detail Drawings: Reference shall be made to standard drawings in this Code provided that such drawings are included as part of the contract specification. Where work is proposed as Alternative design, drawings are to be provided to a level of detail as agreed with the Authorised Officer.

An Earthworks and Silt Control Plan: The plan shall show final contours, areas of cut and fill together with depths relative to original ground level and detail of silt control.

Note: Where applicable the Applicant's Representative shall provide a copy of the earthworks and silt control plan which has been submitted to, and approved by, the Regional Council (Environment Bay of Plenty).

1.15.3 **Roading**

A Road Layout Plan showing all Traffic services such as road signs and marking layouts and landscaping including street names (if available).

A Streetlighting Design Plan shall be provided in accordance with the streetlighting section of this code. Where non-standard streetlights are proposed the design shall be submitted under alternative design of this code and shall be subject to Council's fees and charges.

General Roading Works Plan to show as a minimum:

- Plans showing horizontal alignment, kerbs, footpaths and proposed benchmark positions
- Detailed plans of intersections, cul-de-sac heads, parking bays etc
- Long-section showing at minimum 20 metre chainage intervals existing ground levels, proposed final levels, cuts and fills, grades, vertical curve details, horizontal curves and drainage services, with critical levels
- Typical structural and berm cross sections

1.15.4 **Road Cross Sections Urban and Rural**

Cross sections drawn at regular intervals not exceeding 20 metres along the road centreline, to show formations at least between road reserve boundaries, and extended where construction work will occur beyond these boundaries. Cross sections shall also be drawn at points of maximum cut and/or fill.

Road pavement design Calculations shall be provided together with all aforementioned drawings and plans.

Structural drawings (to be submitted for Building Consent where applicable).

Note:



- Traffic engineering design shall meet or exceed the industry best practice in all cases.
- A Traffic Impact Report shall be submitted where required by DS 4 Transportation of this code.
- Road Safety Audits shall be submitted where required by DS 4 Transportation of this code.

1.15.5 Utility Infrastructural Services

i. Stormwater

A **Stormwater Layout Plan** showing the location of all proposed private and public infrastructural assets and their relative position to existing assets.

ii. Sanitary Sewer

A **Sanitary Sewer layout Plan** of proposed private and public infrastructural assets and their relative position to existing assets.

iii. Water Supply Reticulation

A **Water Supply Layout Plan** of proposed private and public infrastructural assets and their relative position to existing assets.

A **Combined Services Layout Plan** shall show electric power, street lighting, telephone, broadband fibre, gas (if applicable) reticulation, the location of street trees, and ducting layout showing ducts for broadband telecommunications, electricity, traffic lights, water connections etc.

A Landscape Plan shall show as a minimum:

- The location of street trees, gardens, and landscape structures
- Common names, botanical names, grades, quantities and mature height of species chosen and distances between plant centres for ground cover species
- Details of street gardens shall be provided at a minimum scale of 1:100 (but no greater than 1:250)
- Location of street lights, street signs, sumps and street furniture
- Lot numbers
- Plant species and locations must be clearly and concisely represented (ie by use of a key)

A Health and Safety Plan shall be provided in accordance with relevant sections this Code.

1.15.6 Quality Assurance and As Built Documentation

Asset Register/Schedule of Constructed Engineering/Landscape values in the format shown in the drawings in the Development Code: Drawings.



1.16 'As-Built' data submitted to Council

1.16.1 'As Built' (Utilities):

As built engineering data shall be submitted to Council in the format described in the relevant section of the Development Code: Construction. The WBOPDC Utilities As-Built Data Specification.

1.16.2 'As Built' (Roading)

As built engineering data shall be submitted to Council in the format described in the relevant section of the Development Code: Construction. The WBOPDC Roading As-Built Data Specification.

1.16.3 'As Built' (Landscaping)

As built engineering data shall be submitted to Council in the format described in the relevant section of the Development Code: Construction. The WBOPDC Landscaping As-Built Data Specification.

1.16.4 'As-Built' Fees & Charges

All as-built data submitted to Council is subject to the fees and charges advertised in Council's up-to-date fees and charges for Resource Consents pamphlet.

1.16.5 'As-Built' data processing

The As built data is required to be approved by Council prior to the issue of a Certificate of Practical Completion or a certificate under section 224 (c) of the Resource Management Act. Applicants shall allow a minimum of 10 working days for the approval process which shall commence when the data supplied has been accepted as complying with the requirements of the as-built section of this code.

Council's receipt and acceptance of 'As Built' plans does not absolve the Consent Holders representative of any responsibility for their accuracy.

In the event of a connection not being found where shown on the 'As Built' plan, Council will verify the 'As Built' information with the Consent Holders Representative and give the consent holders representative 48 hours to rectify the situation.

If 'As Built' information is incorrect and no action is taken by the consent holder within 48 hours notification, Council will arrange for location of the connection and/or a new connection installed, the cost of which will be charged to the consent holder.



1.17 Other Requirements

1.17.1 Bench Marks

- i. Standard Council bench marks will be supplied free of charge to the consent holder's representative by the Council and shall be placed in the kerb channel at not more than 200 m spacing.
- ii. This work shall be certified by a Registered Surveyor.
- iii. The 'As Built' plans shall show the position and level in Moturiki Datum of the bench marks, and a benchmark record which complies with the drawings shall be supplied to Council.
- iv. Where there is no kerb and channel a standard Council benchmark will be set in a block of concrete as shown in the drawings.
- v. The concrete block will be within the road reserve, within 1m of the legal boundary, where possible.

1.17.2 Damage

- i. Damage caused to Council infrastructure as a result of construction of the new works shall be the liability of the consent holder and shall be repaired on the instruction of the Authorised Officer.
- ii. If remedial work is not commenced within two working days, the Authorised Officer may carry out the work at the consent holder's cost. This provision includes the removal of mud and debris from existing roads, removal of which may be required daily in the interest of traffic safety.

1.17.3 Declaration of Public Drains

- i. All new public drains shall be declared public drains in accordance with Section 462 of the Local Government Act 1974.

1.17.4 Uncompleted Works Bonds and Charges

- i. Bonds to cover the completion of installation of underground services will not be accepted.
- ii. Bonds for uncompleted work shall be an agreed cash deposit, refundable upon completion of the works. A bank bond will not be acceptable. The value of the bond shall be equal to:
 - a. The value of the uncompleted engineering works based on the works contract rates plus
 - b. An additional charge of 25% of item (1) for each 3 month period of the bond
 - c. Goods and Services Tax for items (1) and (2).



1.18 Construction Maintenance Requirements and Maintenance Bonds

1.18.1 Construction Maintenance Requirements (Defects Liability Requirements)

The consent holder shall maintain the construction works after completion approval by Council by the issue of the Section 224 Certificate or other written acknowledgment for the following periods.

- For a period of 12 months, to allow for the remedy of design or construction defects and the stabilisation of grassed surfaces and batters and table drains and water channels. The Consent Holder/ Representative shall ensure that this period is included in the construction contract; refer Section 11 - Defects Liability of NZS 3910 and as varied in the First Schedule clause 11.1.1.
- Subsequent damage caused by builders, developers and road users or through fair wear and tear shall not be subject to the consent holders' maintenance obligations provided that evidence of such damage is demonstrated as being beyond the control of the consent holder.
- At the end of the maintenance (Defects Liability) period the consent holder shall arrange for the mowing of berms and batters, the cleaning of table drains, sweeping of kerb and channel, clean out of sumps, drop structures and the removal of temporary works associated with silt runoff control as well as the repair of other construction defects before the release of the maintenance bond.
- For the purpose of clarity, general maintenance of the assets shall remain the responsibility of the developer.

1.18.2 Construction Maintenance Bond calculation

The value of the construction maintenance bond for developments to be vested in Council shall be equal to:

- i. 5% of the value of the construction work based on the agreed supply and installation costs for the vested assets. The Consent Holders Representative shall present evidence from the contract schedule in support of the bond value submitted (except that this value shall increase to 10% for roading where cut or fill batters exceed 4.5 metres in height).
- ii. An escalation sum of 12.5% of the value of (i).
- iii. Goods and Services Tax.

1.18.3 Landscaping Streetscape Maintenance Requirements

Landscape Streetscape work shall be maintained for a period of 18 months as defined in Section 11, Defects Liability of NZS3910.

The maintenance bonds shall take the form of a cash payment refundable at the completion of the maintenance period.



1.18.4 Landscape/Streetscape Maintenance Bond calculation

The value of the Landscape/Streetscape maintenance bond for landscape, or streetscape developments to be vested in Council shall be equal to:

- i. The value of the uncompleted landscape/streetscape works based on the works contract rates multiplied by a factor of 1.25 plus
- ii. Goods and Services Tax

Note: Bonds for landscape/streetscape work shall be an agreed cash deposit, refundable upon completion of the works. A bank bond will not be acceptable.

1.18.5 Contractor's Obligations

Council recommends that the Applicants representative incorporates in contract documents for the development construction work that the contract defects liability periods are for the same duration as the periods quoted above.

1.19 Health and Safety

1.19.1 Protection of Persons and Property

The consent holder shall be responsible for the provision of watchmen/flagmen and the provision, erection, maintenance and, when no longer required, the removal of all barricades, fencing, temporary roadways and footpaths, signs and lighting necessary for the effective protection of property, for control of traffic and for the safety of all others.

The Council's minimum requirements for traffic control are those standards and rules set out in the Transit New Zealand publication "Code of Practice for Temporary Traffic Management" and Western Bay of Plenty District Council/Tauranga City Council supplement and its revisions. When relevant, requirements in excess of these will be set out in the consent conditions or the engineering plan approval.

1.19.2 Health and Safety in Employment Act

Where work is being undertaken on Council owned land, the consent holder, their representative, their contractors and any subcontractors shall comply with all the requirements of the Health and Safety in Employment Act 1992, including any Regulations made pursuant to Section 21 of the Act, and with Council Policy H&S 112.

The consent holder shall ensure that their contractors submit to the Authorised Officer site specific Health and Safety Plans for any part of the works on or adjoining public land (including roads) or



private property not in the ownership of the consent holder for verification prior to the commencement of works.

The plans shall address all known hazards and other health and safety aspects that are particular to the places of work involved. Such aspects include the work practices and work methods that a contractor processes to use to execute the works as they affect both the contractor's employees and the public in general. The plan shall include traffic management and control procedures to be implemented on adjacent road land and site access points. The plans shall be updated as works progress to incorporate hazards unforeseen at the commencement.

The Council reserves the right to inspect the place(s) of work and may perform a Health and Safety audit from time to time to ensure the consent holder's/contractor's compliance with the Act. The inspection and the outcomes there from shall be appropriately recorded. The consent holder and contractor shall be represented at such inspections and shall provide the Council, upon request, with the accident/incident reports and statistics maintained for the place(s) of work. The consent holder shall be liable for any costs incurred in complying with the Act following such inspections.

If the consent holder becomes aware that their contractors or subcontractors are or may be in breach, or are likely to be in breach, of any of the requirements of the Act, then the consent holder shall immediately notify the Council of such a breach or anticipated breach and, in relation to any breach or anticipated breach in connection with the contract works or subcontract works the consent holder shall follow (at its sole cost) the directions, if any, of the Council (without being under any obligation to give any such directions) to avoid, remedy or mitigate such breach or anticipated breach.

1.20 Subdivision/Land Use Certification Compliance – Escalation Procedure

1.20.1 Minor or Major Mis-certification:

In terms of assessing applications for compliance, the following definitions shall apply.

Minor mis-certifications – are mis-certifications that do not warrant the level of escalation and consequences attributed to a major mis-certification and includes but is not limited to:

- i. Inaccurate descriptions.
- ii. Cumulative typing errors.
- iii. Lack of supporting information to prove the certification statement(s).
- iv. As built documentation for underground services or other works not involving public assets are incorrect or not to Council standards.

Major mis-certifications – are mis-certifications that warrant a level of escalation that provides for subsequent applications submitted by the certifier being subject to increased scrutiny, visibility and cost and includes but is not limited to:



- i.. Sight distance measurements are incorrect (ie: the physical sight distances do not comply despite the certification statement to the contrary) – applications.
- ii. Sight distance measurements are incomplete (ie: the four ‘legs’ of the sight line envelope have not been measured) – applications.
- iii. Grossly misleading information supplied in an application report.
- iv. Vehicle crossing or private way construction not to Council standard - 224.
- v. Underground services not installed to Councils standards.
- vi. Any assets to be vested in Council that have not been installed to or do not comply with Councils standards.

- vii. Re-instatement or tie in works not to Council standards.
- viii. As built documentation for underground services or other works involving public assets to be vested are incorrect or not to Council standards.

1.20.2 Mis-certification Escalation Procedure:

A mis-certification is identified.

If the mis-certification is resolvable by way of a phone call and clarification of information then no further action or additional charges will apply.

If further action or assessment is required which may include site visits or written requests undertaken by Council staff, Council appointed consultants, or Council appointed asset management contractors to confirm the error and obtain compliance then all additional staff and consultation costs will be charged over and above the standard application fees and charges. Such additional charges shall be separately identified as additional costs on the invoice.

If Council determines that the mis-certification warrants a ‘major’ definition the certifier is advised immediately in writing of the mis-certification issue and the proposed penalties of the mis-certification. Penalties may include subsequent applications (up to a maximum of 5) being audited to an increased degree with such additional scrutiny subject to additional charges as outlined.

Where miscertification is found prior to the issue of a 224C Certificate, significant process delays will result to the issue of the certificate while investigation and rectification work are completed.

Where miscertification is found after the issue of a 224C Certificate, Council will seek full compensation for all work required to remedy the miscertification.

Note: Council reserves the right to advise the appropriate professional institute of the mis-certification, and to seek compensation, correction, or mitigation of the mis-certified asset.

The certifier shall be given 10 working days to respond to the mis-certification and penalties. If the mis-certification or penalties are disputed, then the matter will be referred to a Council established



board. Such board will consist of such representatives as the Chief Executive Officer directs and shall generally include professional representation from outside Council.

Note: Alternative Designs that have been approved by Council are exempt from compliance with this Code, however the designs shall meet with alternative design and construction standards, agreed at the time of consent approval.