Table of Contents

2. GENERAL REQUIREMENTS 3
2.1 REFERENCED DOCUMENTS 3
2.2 LEGISLATION AND RELATIONSHIP TO OTHER COUNCIL DOCUMENTS 3
2.2.1 Resource Management Act 3
2.2.2 Local Government Act 4
2.2.3 Health & Safety at Work Act 4
2.2.4 Building Act 4
2.3 KEY RELEVANT DOCUMENTS 5
2.4 KEY ROLES 7
2.4.1 DESIGNERS TO BE SUITABLY QUALIFIED 8
2.5 CONSENTS, APPROVALS AND REQUIREMENTS 9
2.5.1 Fees 9
2.6 RESOURCE CONSENT 10
2.6.1 Pre-Application Meeting 11
2.6.2 Development Contributions 12
2.6.3 Cost Share Agreements 12
2.6.4 Issuing and Exercising Resource Consent 13
2.7 ENGINEERING APPROVAL 15
2.7.1 Advice vs Engineering Approval 15
2.7.2 Applying for Engineering Approval 16
2.7.3 Issuing of Engineering Approval 16
2.8 BUILDING CONSENT 17
2.8.1 When a Building Consent applies 17
2.8.2 Acceptable Design under a Building Consent 18
2.8.3 When building consent is not required 18
2.9 SECTION 224 CERTIFICATE 19
2.10 PRACTICAL COMPLETION 20
2.11 BONDS 21
2.11.1 Administration 21
2.12 SUBDIVISION WORKS BOND 22
2.12.1 Application for Subdivision Works Bond 22
2.12.2 Value of Subdivision Works Bonds 23
2.12.3 Duration of subdivision works bond 23
2.13 DEFECTS AND MAINTENANCE BOND 24

2.13.1 Value of Defects & Maintenance Bonds 24
2.13.2 Duration of defects and maintenance bonds 24
2.14 ASSET PROTECTION BONDS 25
2.14.1 Value of Asset Protection Bonds 25
2.14.2 Duration of asset protection bond 25
2.15 LARGE PROJECTS BONDS 26

2. GENERAL REQUIREMENTS

This section of the Engineering Code of Practice (ECOP) provides an outline of the consenting and approvals process for projects including subdivisions, developments, and capital projects. Technical guidance for specific asset types is set out separately in subsequent sections. This section is intended as guidance for applicants to refer to when planning projects.

2.1 REFERENCED DOCUMENTS

The documents referenced by this ECOP are listed in Part 1: Referenced Documents.

2.2 LEGISLATION AND RELATIONSHIP TO OTHER COUNCIL DOCUMENTS

The ECOP has several key relationships with Acts of Parliament and is given effect to through the planning framework. Figure 1 highlights examples of these key relationships.

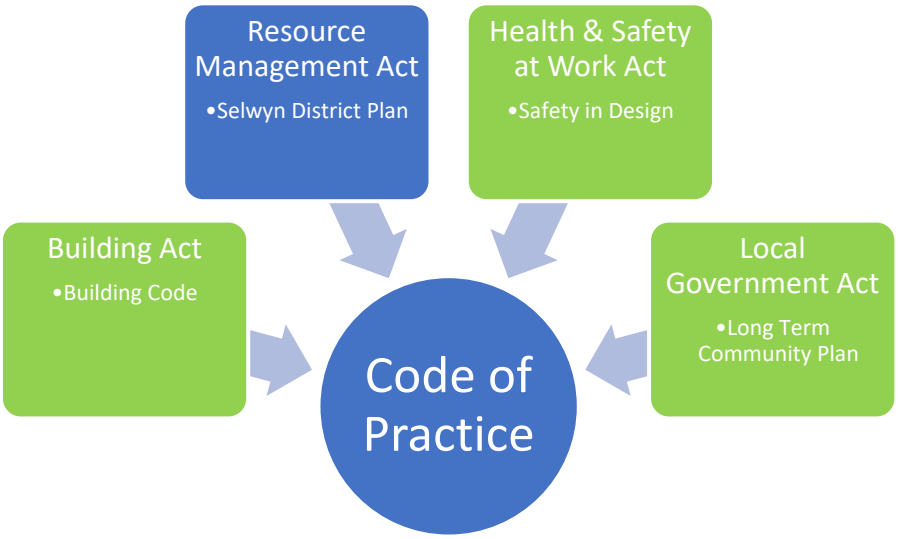

Figure 1 - Key relationships with legislation

2.2.1 Resource Management Act

The Resource Management Act (RMA) is the principal statute controlling the use and subdivision of land.

The Selwyn District Plan is an instrument under the RMA to achieve the promotion of sustainable management of natural and physical resources. This ECOP is referenced in the Selwyn District Plan and sets out the technical compliance requirements for work subject to resource consent, as well as Council's own capital works.

2.2.2 Local Government Act

The mechanism for requiring development contributions under the Local Government Act, through land or cash is set out in the Long Term Plan.

2.2.3 Health & Safety at Work Act

The Selwyn District Council requires that all work carried out to design, construct and maintain its assets complies with the Health & Safety at Work Act 2015 (HSWA). Where the Council is not a contracted party to the works, it still adopts a leadership position on workplace safety and expects that developers, designers, and their contractors operate satisfactory, compliant, and effective health and safety management systems. For assets to be vested in Council, Council requires that the safe operation, maintenance, and disposal of infrastructure assets is assured.

2.2.4 Building Act

The Building Act provides a national focus for building control to ensure that buildings are safe, sanitary and have suitable means of escape from fire. The Building Regulations made under the Act provide the mandatory requirements for building control in the form of the Building Code. The Building Code contains the objective, functional requirements and performance criteria that building works must achieve.

Where infrastructural development associated with capital works and/or the subdivision and development of land involves the creation of structures with associated site works, compliance with the Building Act, demonstrated by compliance with the New Zealand Building Code, is required. Some elements of subdivisions and capital projects require building consent.

Subdivision and development of land must be done in manner that enables future building work to comply with the Building Act. Best practice subdivision design resolves the interface between the ECOP requirements for public infrastructure and Building Code requirements for private infrastructure.

2.3 KEY RELEVANT DOCUMENTS

This ECOP is regarded as an amendment to the CCC Infrastructure Design Standard (IDS) that is, SDC's requirements are generally those set out in the IDS, with differences and exceptions detailed in this ECOP. **However, SDC reserves the right to changes these criteria at any stage, including specific requirements on a project-by-project basis, and require compliance.**

In addition to its core relationships with CCC's IDS, the ECOP also has key relationships with other reference documents that designers, developers, and their contractors should be familiar Figure 2 (shown below).

For a list of all main documents referenced by this ECOP refer Section 1.

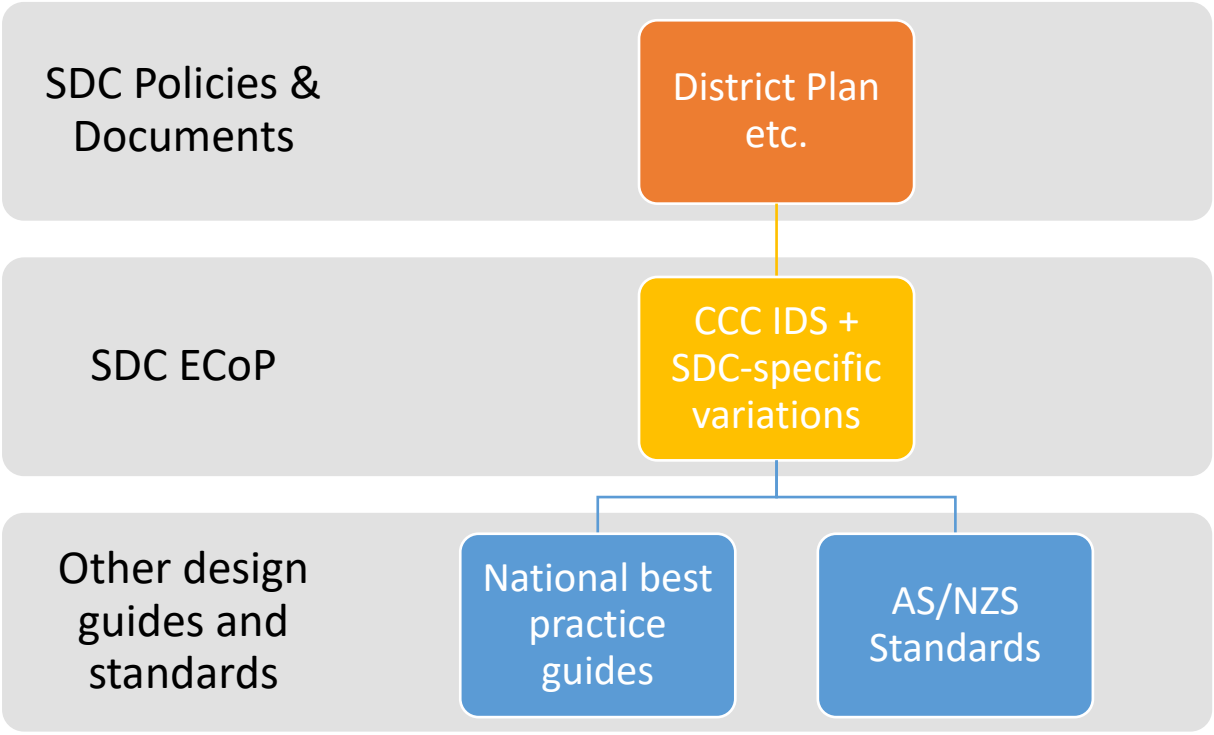

Figure 2 - Links with other key documents

Examples of relevant documents can be seen below in Table 1.

Table 1 - Examples of relevant documents

Type of document	Key Examples
SDC Policies & documents	District Plan Long Term & Annual Plan Activity Management Plan Urban Regeneration Plan Strategies: • Open Space strategy • Walking & Cycling strategy • 5Waters strategy • Infrastructure strategy Subdivision design guide
National best practice guides	CCC's Construction Standard Specifications (CSS) CCC Waterways Wetlands and Drainage Design Guide Auckland Council Design Manual- GD01 ECan's Erosion & Sediment Control Guidelines CCC's CPTED design guide
AS/NZS Standards (Current revisions are applicable)	NZS 4404 NZS 4431 NZS 3910 Austroads Design Manual NZTA Technical Specifications

2.4 KEY ROLES

The following roles are used in this document can be seen below in Table 2.

Table 2 - Key roles

ROLE	Description
Developer	Individual or organisation responsible for initiating and funding the new project. For capital and renewal projects, the developer is Council.
Project	The scope of works proposed.
Development Engineer	Selwyn District Council's Development Engineering Manager, or delegated member of the Development Engineering Team.
Applicant	Individual or organisation seeking approval from Council for an activity associated with the project. The applicant and developer may be the same party.
Consultant	Individual or organisation contracted by the developer to perform specific tasks related to professional services, such as providing advice, preparing consent submissions, carrying out design, and site inspections/observations.
Agent	Individual acting on behalf of the developer. An agent may be part of the developer's organisation, or may be the consultant, or may be an independent party.
Council officer	A member of Council staff appointed to carry out tasks on behalf of Council, such as review and approve documentation, provide advice, conduct inspections and liaise with project teams.
Project Manager	Individual responsible for the day-to-day liaison on the project, and expected to have overall control and coordination of the project.
SDC Development Engineer	Council-appointed staff member whose role is to review and approve all new subdivision developments
Designer	Party responsible for carrying out the design of a new asset. A designer will generally require a signatory from a qualified individual.
Contractor	Party responsible for compliant construction of a new asset. Also referred to as a constructor.
Construction manager	Individual responsible for the daily management of the safety and quality of construction on site. This may a consultant or a contractor.

2.4.1 DESIGNERS TO BE SUITABLY QUALIFIED

Selwyn District Council public assets must be designed by experienced, qualified, and accredited industry professionals. For assets to vest in Council, the asset designer must hold appropriate qualifications and be suitably experienced in the design of local government infrastructure. Designers shall be:

- Current Chartered Professional Engineers and
- Current members of Engineering New Zealand and ACE (NZ)

Producer Statements will only be accepted when signed by a Chartered Professional Engineer.

Exceptions may be considered by Council and must be approved in writing by the Infrastructure Service Delivery Manager.

2.5 CONSENTS, APPROVALS AND REQUIREMENTS

Design and construction of public infrastructure and utilities requires Council approval at various stages outlined in Figure 3.

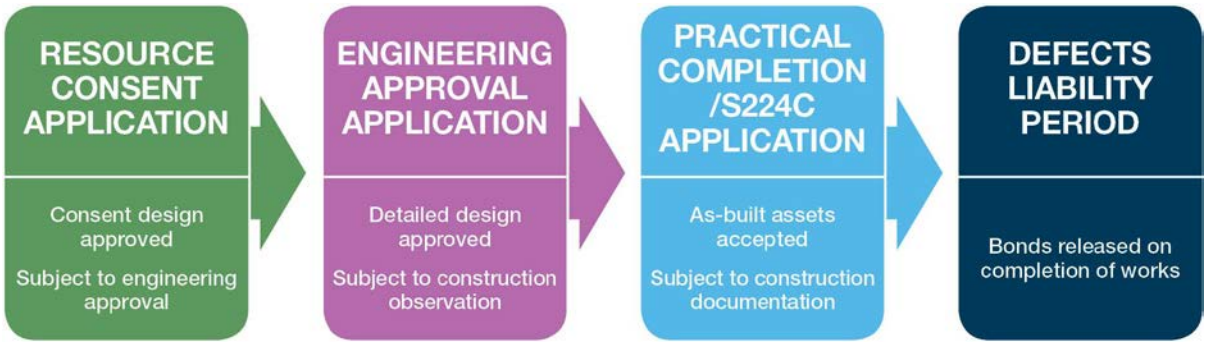

Figure 3 - Critical Approval Stages

More detailed information on the Subdivision Approval Process and responsibilities can be found here.

A general description of each stage from Figure 3 is summarised below:

- **Resource consents**: will be required where the construction or operation of the asset requires approval under the District Plan (which includes subdivision).
- **Engineering approval**: will be required either as a condition of resource consent, or as part of a project brief for a capital works project.
- **Practical completion / Section 224 Certificate**: will be required when assets are constructed and ready to vest in Council.
- **Defects Liability completion**: is the final acceptance by Council of the built asset.

In addition to the process above, some infrastructure will require a Building Consent as a separate approval to comply with the Building Act (see 2.8.1 below)

2.5.1 Fees

The Council has a set scale of fees covering most types of subdivision application, found in the Long Term Plan (see Schedule of Chargeable Costs for Environmental Services).

Applications are not accepted without the fee being paid. For those types of application not covered by the scale of fees a deposit is required. The balance of the full cost of processing the application is payable at the issue of the Section 224(c) certificate.

2.6 RESOURCE CONSENT

All subdivisions including boundary adjustments require a Resource Consent from SDC whether the proposed subdivision complies with the District Plan requirements. Other major projects may require resource consent from SDC. An outline of the process is shown below in Figure 4.

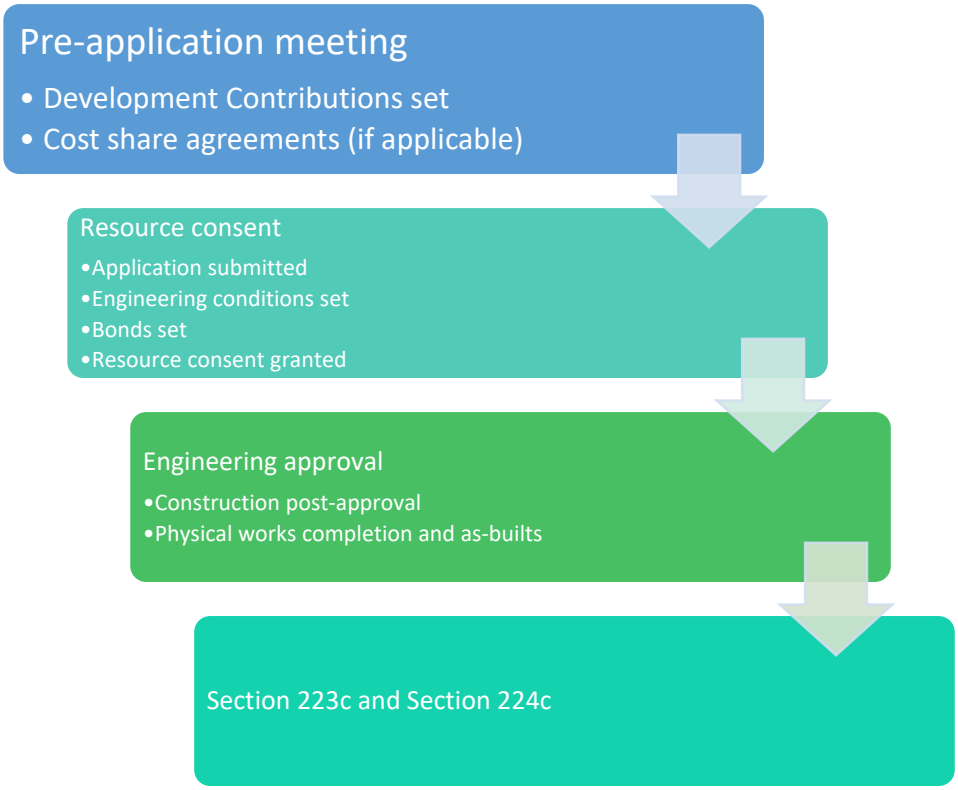

Figure 4 - Resource Consent Process

Developers must apply for Resource Consent from the Council. This stage of the Resource Consent process starts at with the Planning Team. The Planning Team will assess the proposed development against the District Plan and determine if, in principle, the development can proceed to the next stage of the application process. Depending on the complexity of the development applicants will either be encouraged to arrange a pre-application meeting to discuss the proposed development further, or the application will be sent through to the Infrastructure and Assets Team for comment. At this stage special consent conditions will be applied to the Resource Consent to ensure that the design of public assets is carried out in accordance with Council's requirements.

For most subdivisions this will include the following condition:

"*That the plans and specifications of all works, including water, irrigation, sewer, roading, stormwater*

Pre application meeting

A pre-application meeting is valuable to identify issues of interest to Council and to obtain guidance on Council's preferred approach.

Resolving these issues early will streamline both the Resource Consent and the Engineering Approval stages.

and landscaping, shall be submitted to the Council for approval. Engineering approval of complying documents shall be given in writing and work shall not commence until this has been received from the Council. Any subsequent amendments to the plans and specifications shall be submitted to Council for approval."

This condition requires applicants to apply for Engineering Approval to Council. **Engineering Approval must be granted by Council before any work commences on site.**

The Council may also set Development Contributions at this stage. For more information refer to the Council's Development Contributions Policy .

Tips to streamline Resource Consent approval:

- Submit a comprehensive application package with enough information to allow Council to assess the application quickly
- Arrange a pre-application meeting with Council to resolve key issues early

For more information about the Resource Consent Application Process refer to Council's website. See Section 3 of the ECOP for a more detailed explanation of engineering requirements to be addressed at the time of Resource Consent.

2.6.1 Pre-Application Meeting

A pre-application meeting (before Resource Consent is lodged) with Council is **strongly encouraged** for all developers and designers, to:

- Streamline the approvals process
- Discuss issues and options
- Secure early agreements
- Address development contributions, cost-share arrangements and/or covenants

Critical issues to address such as **development contributions** and **cost-share arrangements** are important to address at the pre-application stage, to avoid delaying consent processing later on.

Proposed covenants should be discussed with Council at pre-application stage. Subdivision covenants that may interact with Council assets such as road reserves or the road corridor, can create issues when vesting assets that can delay the issue of the Section 224 Certificate. Applicants should seek Council advice when drafting proposed covenants, to ensure that the proposal will not cause adverse issues with subsequent Council approvals.

To streamline the consent and approval process, designers are encouraged to submit a concept plan to Council in advance of this meeting.

Tips to streamline Resource Consents:

- Carry out a pre-application meeting
- Show a clear infrastructure strategy
- Show all connection points to Council services
- Show a clear earthworks strategy
- Show road corridor cross-sections

Confirming the best fit with the Outline Development Plan, including road corridor widths. To streamline approvals, concept plans should include:

- Road corridor cross-sections with indicative dimensions.
- Details of footpath location and widths.
- Infrastructure to be contained in the corridor.

Designers are also encouraged to include utility lot and reserves and landscaping of these areas in concept plans as early as possible. Engaging with this process early offers designers the best chance of a swift resource consent and Engineering approval.

Council will not produce formal minutes of these meetings; however, applicants are welcome to make notes and include these in subsequent applications to the Council.

2.6.2 Development Contributions

Council's Development Contributions Policy for new subdivisions is detailed here.

Payment of development contributions for subdivision roading must be received by 28 February if Council funding is being requested by the developer for the project. Lower contributions are more likely to be included in following financial year. Larger/major works contributions are likely to be included in the 10-year plan, in line with project works construction programme.

Where possible Council will accumulate contributions from adjoining subdivisions to ensure that larger, more cost-effective work contracts are used. This may affect the timing of any future proposed works.

2.6.3 Cost Share Agreements

Cost Share Agreements may apply to subdivisions where Council require works to be completed which are not required to directly service the proposed development. A cost-share agreement may be made between Council and the Developer to agree the reason for the cost share, the basis and proportion, the method, and the amount of the cost share arrangement.

Following the pre-application meeting and prior to Engineering Approval, the Developer shall:

- Prepare a formal Cost Share Agreement document using the Council's standard agreement (available from the Asset Manager or Development Engineering Manager).
- Secure written agreement and signature from the appropriate Council Asset Manager. The signed document must be provided to the Development Engineering Manager with the Engineering Approval submission package.

Where there is an agreement in place for Council to make a financial contribution to a part of the physical works then these shall be clearly identifiable and separated in contract tenders.

After a contract is tendered and before works commence, Council's calculated share of these works shall be submitted to Council for approval along with supporting details such as tendered rates and prices. The basis of calculation shall be clearly set out as a fixed price, with a breakdown of pricing

provided. Council reserves the right to have these rates and prices independently reviewed, and to negotiate with developers to agree on a share.

2.6.4 Issuing and Exercising Resource Consent

Once Council is satisfied with the Resource Consent proposal and all matters associated with the development have been suitably addressed Resource Consent draft conditions will be issued to the applicant. Once draft conditions are agreed upon, a final decision will be issued to the applicant by the Planning Team.

The next step for the applicant to take is to prepare for the Construction Phase by obtaining Engineering Approval from Councils Development Engineers because under the current District Plan **work must not commence on site** unless and until:

- A resource consent for the work has commenced (except when no such consent is required)
- The Council has granted Engineering Approval for works carried out under a subdivision consent (where applicable)
- The Council has accepted a Contract Quality Plan (if requested) as required by good Quality Assurance practice, incorporating all inspections required for 224c.
- Any other consent required has been granted (e.g., NZ Railways Corporation, Environment Canterbury, Department of Conservation, adjacent landowner).

Work may commence in specific circumstances earlier, **only with specific written agreement** by Council. In these circumstances the developer accepts that they are undertaking the work wholly at **the developer's own risk** as there is no guarantee that the other conditions or final acceptance by Council will occur.

There are two ways that a Resource Consent will subject a new Development to Engineering Approval. If the following Conditions of Consent have been applied to a Resource Consent:

- *All work shall adhere to the conditions set in the **engineering approval** letter as agreed between the applicant and Selwyn District Council at the time of approval and be constructed to the approved engineering plans.*
- *All work shall comply with the Engineering ECOP, except as agreed with Council*
- *That the plans and specifications of all works, including water, irrigation, sewer, roading, stormwater and landscaping, shall be submitted to the Council for approval. **Engineering approval of complying documents shall be given in writing and work shall not commence until this has been received from the Council.** Any subsequent amendments to the plans and specifications shall be submitted to Council for approval.*

The Applicant is required to submit an Engineering Design Package directly to the Development Engineering Manager (via development.engineer@selwyn.govt.nz) for review and approval.

If, however, the following condition of consent has been applied to the Resource Consent:

- *The Consent holder or Consent holder's agent shall contact the Development Engineer Team via development.engineering@selwyn.govt.nz prior to any work taking place to discuss infrastructure*

requirements. This includes but is not limited to location and configuration of water and sewer connections.

The Applicant will be contacted by one of the Development Engineers to discuss their proposed development and an approval to proceed with the development will be issued. Depending on the nature of the development the Development Engineer may request a pre-start meeting. At the pre-start meeting any Engineering associated issues can be addressed and the Development Engineer will set out Council's expectations and hold point inspection requirements. Pre-start meetings and inspections are necessary and do incur a cost that will be charged back to the applicant.

2.7 ENGINEERING APPROVAL

Engineering Approval is a condition of subdivision consent for most land development projects. A letter of Engineering Approval issued by Council's Development Engineering Manager and is required before construction on site can commence.

Retrospective Engineering Approval will not be given for infrastructure already constructed.

The Engineering Approval process allows Council to ensure that assets which will become Council owned (vested to Council) are designed and constructed to meet Council's standards of performance. Council will provide specific advice and guidance to applicants and designers through the design and construction process, to secure good asset outcomes.

Engineering Approval is granted once Council is satisfied the engineering design of the development will meet its requirements for **infrastructure performance, safety, and amenity**.

Tips to streamline Engineering Approval:

- Refer to Council's design guidance for design and drawings
- Engage early with Council (pre-application meeting)
- Direct all queries and correspondence through Development.Engineer@selwyn.govt.nz
- Provide a full and complete set of information
- Provide a project timeline / programme

Where a project has been dormant for more than **12 months** previously issued Engineering Approvals will be considered out of date. The developer/designer shall re-check infrastructure network requirements and capacities as well as any existing approvals. Before progressing with further design or construction of the proposed subdivision the developer/designer will need to resubmit engineering plans for Engineering Approval.

2.7.1 Advice vs Engineering Approval

Infrastructure that will not be owned and operated by Council (privately owned assets) will not be issued with Engineering Approval by Council. Assets that will remain in private ownership and operation will be designed fully by applicants and designers. Advice on those assets from Council staff may be available to applicants at an hourly rate to be advised by the Development Engineer.

Where such advice is provided throughout the design and/or the construction phase, it shall be taken as early guidance advice only, and does not replace formal approval under the Building Consent process.

2.7.2 Applying for Engineering Approval

Developers must apply for Engineering Approval by submitting a package in electronic format to Development.Engineer@selwyn.govt.nz. The application package shall contain as a minimum:

- Engineering plans (developed to Detailed Design as per CIC guidelines)
- A Design Report addressing the features and performance of infrastructure design and including a technical specification that describes the proposed quality assurance process
- A Producer Statement 1 (Design)
- Copies of resource consents issued by Environment Canterbury
- Supporting information such as geotechnical reports, traffic impact assessment reports and whole of life costs.

Council's Development Engineering Team will assess the application for compliance with Council's requirements. Further information may be sought from the applicant during this process, and amendments to design may be required to achieve Council's requirements. See Section 3 and the specific Asset Type Sections of the ECOP for more detailed advice about Engineering Approval Applications and required information.

2.7.3 Issuing of Engineering Approval

Once Engineering Approval is granted, Council will issue a formal letter of approval to the developer/applicant. This Engineering Approval letter will typically contain a set of standard conditions, including the following key ones:

*1.1 The Development Engineer **shall be informed** when work on the subdivision commences.*

1.2 The Development Engineer shall be supplied with the contact details for the Consultant, the Developer and the Primary Contractor prior to work commencing on site.

1.3 Selwyn District Council reserves the right to request or require alterations to the engineering plans after engineering approval has been granted.

1.4 Any work required within an existing road reserve requires a C.A.R (Corridor Access Request). Applications shall be made online through "BeforeUDig".

1.5 Where sewer mains, water mains and stormwater systems in private property are to be vested in Council, a separate written request shall be submitted for Council approval. Easements in gross favour of Council shall be provided.

1.6 Development Engineering Services are chargeable as of 01 July 2013.

Approval of suitably detailed landscaping for utility lots and reserves will be included as a condition of Engineering Approval.

Additional conditions will be included on a project-specific basis.

Physical works undertaken by the applicant prior to the issuing of the Engineering Approval Letter by the Development Engineering Manager are done so at their own risk.

2.8 BUILDING CONSENT

Building consent may be required for parts of a subdivision, land development or a capital works project.

Where a building consent applies, requirements are set out in the New Zealand Building Code and compliance is enforced by Council's Building department. Because of the interface between the requirements of the building code and the ECOP, guidance is included here to inform good design.

2.8.1 When a Building Consent applies

Information on building consents can be found here.

Designers should confirm the requirement for building consent with Council's Building Consents team.

The Building Act Part 1 Section 8 includes within its definition of a building "*a mechanical, electrical or other system*" but only if:

- the system is **attached to a temporary or permanent movable or immovable structure** and
- "The **system is required** by the Building Code, or if installed, is required to comply with the Building Code."

Generally, the following rules apply:

- Infrastructure such as pipework, drainage and utilities that will be owned and operated by SDC does not require building consent. This would normally cover work carried out within the public road corridor as part of a subdivision, including private service connection laterals. This infrastructure must comply with the Engineering ECOP.
- Infrastructure that will be under private ownership and located within private property will generally require a building consent. This infrastructure must comply with the Building Code.
- Specific elements of infrastructure that will be SDC-owned and operated may require building consent. This would normally cover elements of construction that are considered 'buildings' under the Building Act, such as building structures, bridges, retaining walls and septic tanks. These elements must comply with the Building Code.

Examples of project infrastructure that typically requires a building consent:

- Retaining walls over 1.5m high or that have a surcharge
- removal of septic tanks
- water reticulation on private land such as an access lot
- pump station sheds

Examples of project infrastructure that typically do not require building consent:

- private domestic sewer pump stations,
- footpaths,
- stormwater systems located in the road corridor,
- individual property laterals up to 600mm inside the private boundary

Consult with the SDC's Infrastructure and Building teams for confirmation.

When assets are going to be vested in Council, developers must submit a written request to Council as part of the resource consent application.

When assets in private property are to vest in Council:

- Appropriate easements in gross in favour of Council shall be provided for vested assets in private property, including required approvals.
- Plans for approval must show the demarcation point between private and public assets.

2.8.2 Acceptable Design under a Building Consent

Evidence of compliance is provided by obtaining a building consent, carrying out the works in accordance with that consent and the issue of a code compliance certificate by the Council.

The Council may accept the ECOP as an alternative design solution under a Building Consent but only for reticulation which is not covered by an acceptable solution in the Building Code, and where the designer can demonstrate performance. This enables the ECOP to be used to design both private and public systems, removing inconsistencies in standards between these ownership types.

2.8.3 When building consent is not required

Exceptions to the requirement for building consent that commonly occur:

- **Infrastructure lateral connections within private property**
  A lateral laid from a main 1.0 m into a lot. The portion that is private (i.e., the 1.0m over the legal boundary and within the lot), does not require installation under a building consent.
- **Infrastructure in ROWs**
  Where subdivision work involves sewer, water and stormwater works on private rights of ways, and all 100mm and greater diameter sewer work is completed by a registered drainlayer, then these works may not require a building consent.
- **Council-operated infrastructure within private property**
  Systems owned or operated by a network operator (e.g., the Council) that are external to a building and are connected to - or intended to be connected to - the building to provide for the successful functioning of the network utility operator's system in accordance with the system's intended design and purpose. These are not included in the definition of a building and therefore are exempt from the provisions of the Building Act. Authorisation to carry out this work is provided through the conditions of a subdivision consent. An example of this is private domestic sewer pump stations. Evidence of compliance is provided through certification in accordance with this ECOP.

Written confirmation from Council's Building Team shall be obtained in all cases.

2.9 SECTION 224 CERTIFICATE

A Section 224(c) Compliance Certificate (S224c) is a document that states all the conditions of approval that are imposed on a Resource Consent for a subdivision have been met. It is Council's acceptance of the finished assets. Once S224c has been issued Council will take ownership of all vested assets and enter into the Defects Liability period with the Developer.

Once construction is complete, D**evelopers can apply for a S224c** from Council. Applications and all supporting documentation will be sent directly to the Subdivisions Officers (subdivisions@selwyn.govt.nz) and the Development Engineering Team (development.engineer@selwyn.govt.nz) for review.

Tips to streamline s224 Certificate compliance:

- Submit a full and complete application package
- Ensure records of testing and CCTV footage are included and are complete
- Submit good quality accurate As-Built plans in the format required

Council requires the Development Engineering Team to formally accept the completed subdivision. This will require the applicant to provide a full set of Completion Documentation including (but not limited too) the following documents:

- Fully complete As-Built Plans
- Confirmation all required Council inspections have been completed
- Site reports, Witness testing and completion records (refer specific requirements for each type of asset)
- Schedule of assets to vest (refer requirements)
- Contractors Producer Statement
- Engineers Completion Certificate
- Fully compliant Compliance Monitoring Report (where resource consents from Environments Canterbury apply)
- Any other information required to fulfil the conditions of consent (see Section 4 and sections associated with each Asset Type for more specific information)

The issue of S224c may also be subject to execution of bond agreements. Where Council requires the implementation of bonds, these will be fully agreed and executed in writing and included in the application for S224c.

The Subdivisions Team are responsible for ensuring that all legal and financial matters pertaining to a Resource Consent are resolved and the Development Engineering Team are responsible for signing off physical works. Once Physical Works have been accepted and the Engineering Document review has been completed by the Development Engineering Team an approval letter will be issued to the Subdivisions Team. The Subdivisions Team will issue S224c once the letter of approval has been received and all legal and financial obligations have been met.

For further guidance on the construction phase and securing S224c approval refer to Section 4 and the specific Asset Type sections of the ECOP. Where any item is incomplete, Council will not grant a S224c.

2.10 PRACTICAL COMPLETION

Practical Completion is like S224c.Once construction is complete, a developer can apply to Council for Practical Completion. The purpose of Practical Completion is to confirm that the asset is operational and fit for purpose. Once Practical completion is issued Council will take ownership of all vested assets and enter into a Defects Liability Period with the Developer.

The Practical Completion process is specific to Capital Works projects and Maintenance Works; however, there are instances where this process is utilised by Resource Consent holders. Resource Consent holders that require the installation of Sewer Pumpstations and Stormwater Management Systems, etc. (assets that have long defects periods) will also be required to undertake Practical Completion once construction has been completed.

The Practical Completion Process is:

- Completion Documents received, reviewed, and accepted
- Practical completion inspection (commissioning) undertaken – SDC, CORDE, Developer preset
- Defects are resolved or bought into the Defects Liability Period
- Practical completion letter issued – SDC take over the Asset
- CORDE monitor the Asset – issues raised with SDC but resolved by the Developer while in the Defects Liability Period
- Final inspection – SDC, CORDE, Developer preset
- All defects are resolved
- Final compliance from ECan issued – specific to Stormwater Assets
- SDC takes over ECan consent – specific to Stormwater Assets
- Hand-over letter issued

Applications for Practical Completion associated with Capital Works and Maintenance Works need to be made to the SDC Project Manager. Practical Completion applications for works associated with a Resource Consent need to be made to the Development Engineering Team.

For more guidance on Completion Documents refer to Section 3 and the specific asset type section of the ECOP.

2.11 BONDS

SDC uses bonds for the following situations outlined in Table 3 (shown below).

Table 3 - Types of Bonds

Type of bond	Applicable situation
Subdivision Works bonds	For incomplete works, Council will hold a bond after 224c issue until the works have been completed.
Defects & Maintenance bonds	Council will hold a bond to ensure defects are remediated and maintenance is carried out.
Asset protection bonds	Council may hold bonds to protect vested assets from damage by subsequent development and building activities within subdivisions, particularly by third parties.
Major project bonds	Council may hold bonds to ensure the acceptable delivery and performance of a major project.

The bond must reflect the terms of the bond agreement. Irrespective of the type of bond, the bond document must contain the following information:

- What is to be bonded
- When the bond is to be provided to Council
- The amount of the bond, or how the quantum is to be fixed
- How the bond is to be reviewed
- The essential terms of the bond
- That the form, content, guarantor and quantum must be acceptable to Council
- What happens if the consent is transferred while works are outstanding or incomplete

2.11.1 Administration

Bank guaranteed bonds must be issued from a bank acceptable to Council. The Developer is responsible for all costs associated with the bonding, including the fees from independent valuations.

The Council will charge actual and reasonable costs for the administration of each bond including for the discharge or partial discharge of each caveat or bond. All written bonds will include the Council's ability to register a mortgage over each and every lot of the subdivision.

All written bonds will be registered by way of caveat or by way of Memorandum of Understanding on each lot of the subdivision or development.

2.12 SUBDIVISION WORKS BOND

If applicants seek a Section 224(c) Certificate in advance of subdivision works being completed, and where in the opinion of the Council it is appropriate, the Council may approve this subject to satisfactory Subdivision Works Bonds being arranged.

2.12.1 Application for Subdivision Works Bond

A Developer seeking a bond for incomplete consent conditions must provide a written application to Council which shall include the following:

(a) Explanation for why the resource consent condition/s and the works related to that condition cannot be complied with or satisfied prior to Council issuing a s 224(c) Certificate.

(b) The specific conditions the Developer proposes to bond.

(c) A detailed description of works to be completed for the proposed bonded conditions.

(d) When the Developer anticipates the works will be completed.

(e) A written detailed quote assessing the complexity of the remaining works proposed, providing an estimated duration for the remaining works and costing to complete the works. This quote is to be provided by a suitably qualified and experienced contractor who is independent of the Developer and who is acceptable in all respects to Council.

(f) Written confirmation from the Developer's bank that it has agreed to provide the bond on the terms and conditions required by Council.

Council will only consider accepting applications for bonds for uncompleted subdivision works if all the following conditions are met:

(a) The subdivision works once completed are to be vested in Council.

(b) The works are approximately 95 % complete and only a minimal amount of work is to be bonded.

(c) The Developer demonstrates one of the following circumstances apply:

  (i) Adverse weather does not allow the subdivision works or consent conditions to be completed

  (ii) Damage is likely to occur to infrastructure during the completion of subdivision works

  (iii) It is more practical to complete works at a later date, as it will result in better long-term assets for the community

(d) The Council considers a bond is acceptable in the circumstances, having regard to;

  (i) The cost of the uncompleted subdivision works, as provided for in the quote required.

  (ii) Timeframes required to complete uncompleted works, as estimated by a suitably qualified and experienced contractor who is independent of the developer and who is acceptable in all respects to Council.

  (iii) The scale of works still to be completed having regard to already completed works.

  (iv) The complexity of the remaining works.

(v) The risks to the Council and the community and those with an interest in the subdivision if the remaining works are not completed by the Developer and the bond is required to be called upon.

Council is not required to accept the Developer's application even if all conditions listed are satisfied.

2.12.2 Value of Subdivision Works Bonds

Uncompleted works bonds for a value that exceeds $1,000,000 shall be at the discretion of the Council.

Examples of items that may be considered for bonding are listed below.

(a) Final sealing of roads, footpaths, and access where physical and practical access is available to the site

(b) Final seeding of berms

(c) Street trees where the timing of the completion of the works occurs outside of the planting season

The Council may re-evaluate the value of the subdivision works bonds for the following reasons:

(d) Inflation

(e) Delays in works being completed

(f) Price escalations.

Cash bonds[1]	at 150% plus GST of the value of the works based on the quote required in Clause (e).
Non-cash bonds	200% (plus GST) of the value of uncompleted work required to be completed. The value of the uncompleted works is based on the quote required from the Developer at clause (e) above.

[1]All uncompleted works bonds with a value of works to be completed of less than $100,000 shall be in the form of a cash bond. Uncompleted works bonds for a value of the works to be completed that exceeds $100,000 but is less than $1,000,000 shall also be in the form of a cash bond unless an alternative method is requested by the developer and approved by the Planning Manager.

2.12.3 Duration of subdivision works bond

The Developer must comply with the bonded conditions within 6 months of the Council issuing the section 224(c) certificate unless an extension is approved by the Planning Manager.

When the Developer complies with the bonded conditions; the Developer must make a written request to discharge the bond. Upon receiving the discharge request from the Developer, the Council will inspect the works. If the Council is satisfied with the completed works and the condition of, the Council will discharge the bond.

2.13 DEFECTS AND MAINTENANCE BOND

The purpose of defects and maintenance bonds is to protect the Council against design failures and construction faults following asset acceptance.

Defects and maintenance bonds must be provided for the following infrastructure:

a) Road assets
b) Water assets
c) Sewer assets
d) Storm water assets
e) Landscaping
f) Reserve assets.

Defects and maintenance bonds must include the following terms:

a) The form of the bond
b) Terms of the bond
c) Value of the bond
d) How the bond will be paid to Council
e) How Council will notify the Developer when defects repair and maintenance is required
f) Variation, cancellation or renewal of the bond
g) Security for the bond
h) Dispute resolution processes
i) Value of defects and maintenance bonds

2.13.1 Value of Defects & Maintenance Bonds

Defects and maintenance bonds shall be valued at 5% of the total value of works (plus GST). Defects and Maintenance bonds shall be cash bonds.

The Developer shall provide costings and estimates for the total value of works from an independent quantity surveyor, acceptable to Council, at the Developer's expense.

The Council may re-evaluate the value of the defects and maintenance bonds for the following reasons:

- Inflation
- Delays in works being completed
- Price escalations

2.13.2 Duration of defects and maintenance bonds

Defects and maintenance bonds shall commence at the issuance of the s 224(c) certificate. The bonding period will align with the Defects Liability period for the asset (refer 2.8.4 Defects Liability Duration **Error! Bookmark not defined.**)

The Council may, at the Developer's expense, appoint independent experts to assess the quality of the bonded infrastructure. If the Council is satisfied with the state of the infrastructure, Council will discharge the bond.

2.14 ASSET PROTECTION BONDS

Asset protection bonds must be provided for each stage of the subdivision development.

The purpose of asset protection bonds is to provide the Council with protection against damage or alterations of infrastructure by the Developer's contractors for assets vested with Council after a s224(c) Certificate has been issued for a subdivision development. If Council assets are damaged or altered following issue of the s224(c) certificate, the Council will deduct the amount required to restore the damaged or altered assets from the bond.

2.14.1 Value of Asset Protection Bonds

Asset protection bonds shall be paid as a set lump-sum to Council when the section 224(c) Certificate has been issued. To determine the value of the bond, the Developer will provide quotes to the Council for the costs of the vested assets and infrastructure. The Council shall appoint an independent contractor, at the Developer's expense, to confirm the total value of works which shall be taken as the value of the bond.

If the cost of remedial work to fix the assets is more than bonded for, the Council will invoice the Developer for the amount outstanding.

2.14.2 Duration of asset protection bond

Before the section 224(c) Certificate is issued, the Council will inspect Council assets to determine Council's assets are fit for purpose. The Developer is required to pay the asset protection bond to the Council when the section224(c) Certificate has been issued to the Developer.

The Council will refund the bond to the Developer when:

- The Council has inspected and confirmed that no damage has occurred to Council assets
- The Council has received and accepted the as-built information for all approved service connections.

2.15 LARGE PROJECTS BONDS

The purpose of the Large Projects bond is to protect Council against the risk of non-completion and/or non-compliance of large assets or critical infrastructure with the conditions of resource consent.

Where determined by Council that a Large Projects bond is required, the Developer must make a bond agreement with the Council for large project developments.

The value of Large Project bonds will be determined on a case-by-case basis by the Council.

The terms of the bond agreement must include:

- The duration of the bond
- The form of the bond
- The bonded conditions of the Developer's resource consent
- Method to fix the value of the bond
- Dispute resolution process
- What will happen if the consent is transferred
- Method to release the bond.