



Application to establish an Engineering Bond

Right of Way
Consent No.

.....

Section 348 of the Local Government Act 1974

Applicant's details:

.....
(first name) (middle name) (surname)

.....
(company name / trust name)

.....
(street address)

.....
(postal address if different from above)

.....
(phone number)

.....
(fax number)

.....
(e-mail address)

Note : A trust will not be accepted as an applicant; if the trust wishes to apply for consent, it must be an application by the trustees and the application should state that they are applying as trustees. In the case of an unregistered company, please provide the name of a natural person. In the case of a registered company, the director's name and signature are required.

Agent's details: (will receive correspondence on behalf of the applicant)

.....
(name of applicant's professional advisor / firm name)

.....
(contact person)

.....
(postal address , must be within New Zealand)

.....
(phone number)

.....
(fax number)

.....
(e-mail address)

Site details:

.....
(street address)

.....
(legal description)

Payment method:

Direct debit

YES / NO

Bank bond

YES / NO

Conditions to be bonded:

.....
 (condition numbers)

.....
 (brief description of conditions to be bonded)

.....

.....

.....

Reason for bonding:

.....
 (reason)

.....

.....

.....

.....
 (expected date of completion, max 24 months from granting of the bond agreement)

Note: Timaru District Council reserves the right to not allow for the establishment of a bond.

Fees:

An administration fee of \$350.00 to process this bond must be paid to the Timaru District Council at lodgement of this application. Please note that additional costs may be incurred where appropriate.

Amount of bond:

A minimum of 50% contingency over and above the value of the uncompleted work to cover additional costs that may be incurred by the Timaru District Council in the event of default is required.

Note: The applicant is not required to pay the total amount of the bond at this stage but will be required to do so prior to Timaru District Council endorsement of the bond agreement.

Required information:

I/we (the applicant/s) understand that this application must include the following items: (please tick)

- Two quotes from independent Timaru District Council approved contractors on their company letterhead.
- A copy of the Timaru District Council accepted Private Way Design / Engineering Plans. (if required as a condition of resource consent)
- A copy of the Timaru District Council Service Approval for the works. (should approval be required)

Acceptance of responsibility:

I/we (the applicant/s) understand that when entering into a bond agreement with the Timaru District Council I/we agree to all of the following: (please tick)

- Incomplete application forms will be not be processed.
- The applicant agrees to carry out the bonded works to the satisfaction of the Timaru District Council within the stipulated time frame, regardless of ownership of the affected property, and agrees to inform future or prospective owners of the nature of any bonded works.
- The applicant agrees to supply the Timaru District Council with right of entry to complete the works from all future owners of the property, until such a time as the terms of this agreement have been met.
- The applicant may be liable for all costs incurred by Timaru District Council and its agents as a result of processing and administering this bond. This sum may be deducted from the bonded amount if deemed necessary by the Timaru District Council.
- The bond agreement (if approved) is not transferable.

Declaration:

I/we (the applicant/s) request the Timaru District Council accept a bond pursuant to Section 348(2)(b) of the Local Government Act 1974.

Applicant/s:

.....
(signature/s)

.....
(date)

See overleaf for further information on the Completion Certificate / Bond Agreement process.

General information on Engineering Bond Agreements:

The typical process for establishing a Bond is as follows:

- The applicant/s applies for a Bond Agreement using this form.
- Providing all required information is provided, the Timaru District Council will prepare the Bond Agreement and determine the value of the bond.
- Two copies of the Bond Agreement will be sent to the applicant for signing.
- Once signed, both copies are to be returned to the Timaru District Council for signing, payment of the bond is usually made at this time and is required prior to the Timaru District Council signing the Bond Agreement.
- Once signed by the Timaru District Council and provided payment of the bond is made, one of the copies of the Bond Agreement will be returned to the applicant/s and one will be kept on the resource consent file.

Typical Terms and Conditions of a Bond Agreement are as follows:

1. Interest will not be paid on the bond deposited with the Timaru District Council.
2. If the applicant completes all the work set on in the First Schedule (*this schedule details the works to be bonded*) to the satisfaction of the Timaru District Council within twenty four months of the date of the establishment of the Bond, the Bond shall be refunded to the consent holder in full upon request.
3. If the consent holder fails to carry out the works set on in the First Schedule to the satisfaction of the Timaru District Council within twenty four months of the date of the completion certificate, the Timaru District Council may apply the bond towards the completion of the works, or such portion of those works that require completion. Any surplus after completion by the Timaru District Council shall be refunded by the Timaru District Council to the applicant upon request.
4. The Timaru District Council's rights under this Bond Agreement will not be affected or prejudiced by any delay, neglect or forbearance on the Timaru District Council's part, in exercising any of those rights.
5. Where the bond is not sufficient to fully pay all the Timaru District Council's actual costs under this agreement, then the difference between the actual costs and the bond shall be a debt owing by the applicant, and the applicant is hereby bound to pay those additional costs.

Note: *These terms and conditions are subject to change.*

The typical process for obtaining a refund of the bond is as follows:

- The applicant/s applies for the refund of the Bond using the enclosed form (*additional copies of this form are available from the Timaru District Council*).
- Providing all outstanding works have been completed, the Timaru District Council will prepare the refund and a cheque for the bonded amount will be sent the applicant/s.