

Chairperson and Committee Members
REGULATORY MANAGEMENT COMMITTEE

17 MAY 2012

Meeting Status: **Public**

Purpose of Report: For Decision

**APPROVAL FOR CONTENT OF DOCUMENTS AS PART OF
DISTRICT PLAN REVIEW**

PURPOSE OF REPORT

1 This report seeks the Committee's approval for the content of the following documents as part of the District Plan Review:

- Revised Subdivision and Development Principles and Requirements, 2012 (SDPR)
- Kāpiti Coast Rainwater and Greywater Code of Practice
- Low Impact Urban Design and Development Stormwater Guidelines (LIUDD)

It is intended that these documents will be referenced in the revised District Plan as engineering requirements for subdivision and development.

SIGNIFICANCE OF DECISION

2 This report does not trigger the Council's Significance Policy.

BACKGROUND

3 Since 2008, discussions have been held with relevant Council's technical staff and representatives of land consulting firms and developers regarding the proposed review of the Subdivision and Development Principles and Requirements, 2005. A range of desirable amendments were identified to ensure the SDPR:

- is better aligned with Council's various planning and strategic publications, including the Development Management Strategy, Sustainable Water Use Strategy, Coastal Management Strategy, Stormwater Management Strategy, Sustainable Transport Strategy and Open Space Strategy
- incorporated NZS4404:2010 as the base document for Council's minimum engineering requirements
- required greater quality assurance in relation to the construction of assets to be vested by Council, and
- included all of Council's best practice guides into Part 5, the Design Guide section, of the SDPR.

- 4 It is also proposed that two further design guides are included in Part 5. These are the *Kāpiti Coast Rainwater and Greywater Code of Practice* and *Low Impact Urban Design and Development Stormwater Guidelines*.
- 5 On 27 October 2011, the Regulatory Management Committee approved the release of the material in the Appendix 1 (*Subdivision and Development Principles and Requirements*), Appendix 2 (*Kāpiti Coast Rainwater and Greywater Code of Practice*) and Appendix 3 (*Low Impact Urban Design and Development Stormwater Guidelines*) of report SP-11-388 for public consultation.
- 6 As a result, ten submissions were received. Council's asset managers were given a further opportunity to comment during the submission period. Several omissions or corrections were identified. Because Council's asset managers sought the inclusion of a number of new clauses for inclusion in the SDPR, comment from submitters and the Developer Representatives list was sought on their submission. Three submitters provided further comment. All submissions are discussed below.

CONSIDERATIONS

Issues

- 7 A summary of each submission is presented below as it relates to the documents under discussion. All of the submissions have merit with the majority of points being extremely helpful. The concerns raised are noted and many of the suggestions have been recommended for inclusion in the revised documents. The draft response to each aspect of the submissions is presented in Appendix 2 (*Subdivision and Development Principles and Requirements*), Appendix 4 (*Low Impact Urban Design and Development Stormwater Guideline*) and Appendix 6 (*Rainwater and Greywater Code of Practice*). Appendices 1, 3 and 5 contain the original marked with the recommended changes (~~striketrough~~ indicates deletion, *underlined italics* indicates addition). Sections of the 'Low Impact Urban Design and Development Stormwater Guideline' and the 'Rainwater and Greywater Code of Practice' have been re-arranged or rewritten for clarity with all additions indicated by *underlined italics*. ~~Striketrough~~ has not been used where the content is unchanged but the section has been re-ordered. A full copy of the submissions is attached at Appendix 7.

Subdivision and Development Principles and Requirements, 2012

8. Cutriss Consultants Limited made a significant number of technical comments on specific aspects of the *Subdivision and Development Principles and Requirements* (SDPR). They also want clarity around items that sit outside the document e.g. the Approved Materials List and standard drawings, and a process to ensure that users are informed if there are any changes made.

Draft response

The majority of the suggestions have been recommended for inclusion in the revised document as detailed in Appendix 2.

The Council's asset managers are in the process of establishing an 'Approved Materials List' and set of 'Construction Specifications and Standard Drawings'. These will contain standard drawing details for such things as manholes, pipe connections, etc, and acceptable construction materials for assets that will be taken over and maintained by Council. There will be a process for officer approval of asset components onto the list which will include an invitation for stakeholder comment. It is proposed that a draft 'Approved Materials List', set of 'Construction Specifications and Standard Drawings', and the 'Kāpiti Coast Local Conditions' document (required under the National Code of Practice for Utility Operators' Access to Transport Corridors) will be available before the end of July 2012. The on-line version will be controlled and kept up to date with amendments as they occur with notification of amendments sent to interested parties on request.

This sits outside the SDPR and retains the ability to update locally modified components of NZS 4404:2010 (i.e. approved materials and construction specifications and standard drawings) on the Council's website from time to time, without a Plan Change.

9. NZ Utilities Advisory Group's submission considered that the SDPR enhanced the *National Code of Practice for Utility Operators' Access to Transport Corridors* (the mandatory code of practice for working within road reserve). They had no concerns.

Draft response

Note comments.

10. David Roil's submission expressed concern that focusing on surface ruptures as the most significant seismic hazard within the District was a misinterpretation of the seismic hazard risk assessment. He believed that damage to infrastructure is a major interruption to emergency services, a disaster for residents and the major economic cost to recovery. He recommended incorporating amendments to the *CCC Infrastructure Design Standards – Oct 2011* into the SDPR and suggests that the amended standards should also be applied in retrospect to all refurbishment or repair of the District's infrastructure.

Draft response

David Roil's concerns are noted. Although no change in the SDPR is proposed at this stage, Council is treating the risk associated with all aspects of a seismic event seriously. The natural hazards section of the District Plan Review addresses all aspects of seismic events (including fault rupture, tsunami and liquefaction). Council's asset managers are also working on standard drawings and will look at what has been learnt in Christchurch as part of that work. These sit outside the SDPR and retain the ability to update locally modified components of NZS 4404:2010 (i.e. approved materials and construction specifications and standard drawings) on the Council's website from time to time without a Plan Change.

Several references are made within the SDPR ensuring specific design for seismic resilience. It is acknowledged, however, that national standards / requirements may result from the re-build of Christchurch. Once national

standards are released, Council can vary the District Plan to reflect these requirements, if necessary.

11. Rachel Palmer enjoyed reading the information and found it valuable when relating it to their situation. She is concerned about drainage in general and particularly how it relates to own property and environs, and that some Low Impact Urban Design and Development (LIUDD) features may require more maintenance, are more prone to nuisance / public health issues and require more land to implement than traditional piped approaches. This may limit development (particularly commercial) and create on-going issues associated with herbicide and/or insecticide application. She assumes the piped network will be installed to resist seismic damage.

Draft response

Rachel Palmer's comments are noted. Although no change in the SDPR is proposed as a result of her submission, many of the concerns raised are also concerns shared by Council and were the motivation for many of the references within the SDPR ensuring adequate levels of supervision and quality assurance during each phase of implementing LIUDD from design to operation. LIUDD is not a 'one size fits all' approach and a more traditional approach may be appropriate in some locations. It is also acknowledged that some LIUDD features do require more land to implement or are more expensive to construct and maintain within the first couple of years of operation but this is off set by additional environmental benefits.

12. Kāpiti Coast Grey Power's submission generally supported the initiatives and trusts Council staff and consultants to have technical ability and skills to alter requirements. They do hope that facilitating a faster process for 'best practice' approaches does not affect a citizen's right to submit and be heard, and they raised some points for clarification relating to public transport.
13. New Zealand Fire Service Commission's submission commends Council on its proactive approach to fire safety and sought minor alterations relating to emergency vehicular access.
14. Greater Wellington Regional Council's submission generally regarded *Subdivision and Development Principles and Requirements* as being consistent with the proposed regional policy direction but sought additional reference to its *Regional Policy Statement* and some minor alterations in relation to public transport / provision of bus stops.
15. Regional Public Health's submission sought some minor alterations relating to traffic and wastewater matters.

Draft response

The majority of the suggestions from the above four submitters have been recommended for inclusion in the revised document as detailed in Appendix 2.

16. Council's asset managers sought minor changes for clarity or to correct typographic and other errors or omissions. Additional sections were suggested that relate to National Environmental Standards, Crime Prevention Through

Environmental Design (CPTED), renewable energy generating technologies, streetlights, sump detail, specifications for sub-base and rural fire water tanks.

Draft response

The majority of their suggestions have been recommended for inclusion in the revised document as detailed in Appendix 2. Because additional sections were proposed, the Asset Managers' submission was forwarded to all submitters and the Developers' Representatives list for further comment.

17. Three further Submissions were received from Kāpiti Coast Grey Power Association Inc, New Zealand Fire Service and David Roil. Kāpiti Coast Grey Power and the New Zealand Fire Service submissions supported the inclusion of the suggested additions and sought a number of further corrections, which have been included in the revised document as detailed in Appendix 2. David Roil was disappointed that no discussion or thought was applied from the lessons learnt from the Christchurch earthquake. No change to the SDPR is recommended at this stage for the reasons outlined in the draft response to his initial submission.

Low Impact Urban Design and Development Stormwater Guidelines

18. Cuttriss Consultants Limited and Kāpiti Coast Grey Power Association Inc sought minor changes for clarity or to correct errors or omissions.
19. Greater Wellington Regional Council commented that Section 2 is confusing and difficult to read and suggested that the majority of Section 2 should be in a separate Rainwater Tank Guideline.
20. Rachel Palmer was concerned that some LIUDD features may require more maintenance, are more prone to nuisance / public health issues and create on-going issues associated with herbicide and/or insecticide application.

Draft response

The majority of the suggestions from the above four submitters have been recommended for inclusion in the revised document as detailed in appendix 4.

No change in the LIUDD guideline is proposed at this stage as a result of Rachel Palmer's submission as the document has been developed to ensure best practice is followed and to address many of her concerns [see previous comments re Rachel Palmer].

Section 2 (Rainwater tanks) has been rewritten to provide greater clarity, but is retained in the document for completeness.

Kāpiti Coast Rainwater and Greywater Code of Practice

21. Rachael Palmer was supportive but believed detailed planning was needed to utilise runoff for irrigation purposes.
22. Kāpiti Coast Grey Power Association sought some minor changes for clarity but supported the document.

23. Greater Wellington Regional Council noted there was no inclusion of their Greater Wellington Discharge to Land requirements. They wanted Council to ensure the document included reference to their plan.
24. Regional Public Health noted that this is the first New Zealand policy that manages greywater reuse in urban areas. They want to make sure that it meets a high benchmark. They believe the Code of Practice in its current format needs adjusting to protect public health from risks associated with rainwater and greywater reuse. They have made a number of recommendations on how Council can improve the document including more detail on risks; a new section on home owners' responsibility to maintain systems and Council enforcement; and updated information to reflect current standards. They also believe it is important Council consider alternatives such as metering and requiring water efficient appliances in reducing demand. Finally, they want to know how Council will ensure that these systems will be maintained to protect public health and the environment.
25. Watersmart believe Council needs to require more pre-treatment of rainwater (first flush, calmed inlets, etc) to ensure pumps run effectively and to reduce the risk of water leakage. They would also like to see a more 'water balance approach' (i.e. a closer match between source and irrigation requirement) when selecting what sources of greywater are used as plumbing all sources can be a disincentive. They are also concerned that new homes are avoiding the water demand management provisions of the District Plan by installing illegal cross connections. Watersmart wants better auditing and monitoring to ensure no cross connections occur.

Draft response

The majority of the five submitters' recommendations have been included in the revised document as detailed in Appendix 6. The suggestions recommended for inclusion relate principally to ensuring consistency with regional planning documents, the water demand management provisions of the District Plan and the latest version of relevant standards.

The consideration of metering and requiring water efficient appliances in reducing water demand, and the treatment of greywater for re-use is beyond the scope of this document. The document's purpose is to ensure best practice is followed when implementing rainwater and/or greywater re-use as a source of non-potable water for outdoor irrigation and indoor toilets.

The Water Demand Management provisions of the District Plan (Plan Change 75) are seen as complementary to other water demand management tools (such as water metering) rather than as an alternative. The Kāpiti Coast District Council Sustainable Water Use Strategy sets the foundation for the Water Demand Management provisions of the District Plan. Two important water demand management strands of the Strategy are using a price signal to reduce demand and encourage wide scale uptake of non-potable water sources to offset the use of reticulated water for every day use.

In the 2008 Three Water Plan by Watercare, when considering how it would meet the growth of Auckland over the next 50 years, even after almost 20 years

of water pricing, Watercare acknowledged the role of on-site systems in creating long term security of supply.

No change is recommended in response to Watersmart's request for more flexibility around choosing greywater sources by balancing available volumes against amount of water required for outdoor irrigation. Although the suggestion has merit, it would require changing the wording of the District Plan. It is recommended that this be considered as part of the District Plan Review.

Both Regional Public Health and Watersmart want a more thorough audit and monitoring process. Although this is beyond the scope of the document, Council does need to ensure that the water demand management provisions of the District Plan are complied with. There are financial implications associated with permitted activity monitoring. While Council reacts to complaints, on-going permitted activity monitoring by Council staff is not possible unless significant additional resources were to be allocated to the job.

In order to monitor, facility locations must be known. Since 2008, Council receives a declaration in support of all building consents for new dwellings that details how the applicant will comply with the water demand management provisions of the District Plan. It is proposed that this information be collated and presented in a GIS layer so that the presence of a greywater system can be reported when a LIM is requested. The installation of water saving devices to land rezoned from rural to residential has been required since July 2002. The water saving devices as proposed by the developer are outlined on the certificates of title for each subdivision. It is recommended that a generalised maintenance schedule be included in the Code of Practice and all compliant system providers are required to supply a maintenance schedule for their product to the homeowner.

All systems are inspected during the execution of a building consent and signed off as part of the code of compliance certificate. Where water demand management is associated with the conditions of consent, the monitoring is scheduled in the same way as other land use consents.

Financial Considerations

26. There are no financial considerations.

Legal Considerations

27. The Resource Management Act (RMA) sets out the process for including and updating reference documents in the District Plan Review. This consultation on the draft documents was consistent with RMA requirements.
28. Once the content of the draft documents is adopted by Council, it will be subject to further public consultation as part of the District Plan Review process on whether it can be a document referenced in the proposed District Plan.

Delegation

29. The Regulatory Management Committee may make a decision under the following delegation:

Paragraph 7.2.9 of section B.2 of the Governance Structure 2010-2013 approved by Council on 26 January 2012.

Authority to review, prepare and adopt the Council's Subdivision Development Principles and Requirements.

Consultation

30. The draft documents were released for community feedback in November 2011. All submitters on Council's 'Essential Services' discussion document, Developers Representatives, local environmental groups and Iwi, network providers and other key stakeholders were notified that copies were available on Council's website or via its service centres and invited to make submissions.
31. The consultation period ran from 10 November 2011 to 17 February 2012. The documents were available for inspection and comment, with further workshops offered to anyone who wished to meet.
32. A developers' representative meeting was held on 1 February 2012 to discuss the proposed documents.
33. Because additional sections were proposed, the Asset Managers' submission was forwarded to all submitters and the Developers' Representatives list on 2 April 2012 with a return date of 23 April 2012 for any comments.

Policy Implications

34. The documents reinforce the Council's strategic directions as outlined in the various Council strategic documents, including the Development Management Strategy, Sustainable Water Use Strategy, Coastal Management Strategy, Stormwater Management Strategy, Sustainable Transport Strategy and Open Space Strategy.

Tāngata Whenua Considerations

35. Comments received from Te Whakaminenga o Kāpiti working party around the provision of infrastructure have been considered as part of the draft SDPR.

Publicity Considerations

36. A media release was prepared at the time the draft documents were released for consultation and key stakeholders were invited to comment.

RECOMMENDATIONS

37. That the Committee approves the three documents:

- a) *Subdivision and Development Principles and Requirements, 2012,*
- b) *Kāpiti Coast Rainwater and Greywater Code of Practice, and*
- c) *Low Impact Urban Design and Development Stormwater Guidelines*

presented in Appendix 1, Appendix 3 and Appendix 5 of report SP-12-504, and notes that the inclusion of these in the District Plan as documents by reference will be subject to further consultation as part of the District Plan Review.

Report prepared by:

Approved for submission by:

Rita O'Brien

Gael Ferguson

Sustainable Design Team Leader

Group Manager, Strategy & Partnership

ATTACHMENTS:

- Appendix 1 Subdivision and Development Principles and Requirements, 2012
- Appendix 2 Summary of submissions to Subdivision and Development Principles and Requirements
- Appendix 3 Kāpiti Coast Rainwater and Greywater Code of Practice
- Appendix 4 Summary of submissions to Kāpiti Coast Rainwater and Greywater Code of Practice
- Appendix 5 Low Impact Urban Design and Development Stormwater Guidelines
- Appendix 6 Summary of submissions to Low Impact Urban Design Development Stormwater Guidelines
- Appendix 7 Copy of Full Submissions