

Chairperson and Committee Members
REGULATORY MANAGEMENT COMMITTEE

27 OCTOBER 2011

Meeting Status: **Public**

Purpose of Report: For Decision

APPROVAL TO CONSULT ON DRAFT ENGINEERING DOCUMENTS FOR INCLUSION IN DISTRICT PLAN REVIEW

PURPOSE OF REPORT

1 This report seeks the Committee's approval to release the following draft documents for consultation as part of the District Plan Review:

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

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

SIGNIFICANCE OF DECISION

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

BACKGROUND

Subdivision and Development Principles and Requirements

3 The Council's *Subdivision and Development Principles and Requirements* (SDPR) was approved by the Council to replace the old '*Code for Subdivision and Development*' (April 1995) with effect from 1 July 2005.

4 Following its adoption, the SDPR was incorporated into the District Plan in 2006 and the degree of compliance with the SDPR became a matter the Council reserved control over for controlled subdivision applications.

5 The intention of the SDPR was to provide some flexibility in the consideration of proposed developments and subdivision whilst maintaining infrastructure integrity. Developers can use a more traditional approach and use the Council's minimum engineering standards based on NZS4404:2004, Land Development and Subdivision Engineering, or a design guide approach, or a combination of the two.

6 The SDPR is structured in a number of parts. Parts 1 & 2 cover Context and Process. Part 3 covers the Council's Development Requirements which includes performance criteria, design principles and minimum requirements. Part 4 covers

the Council's minimum requirements where our requirements differ from those of NSZ4404:2004, and Part 5 is the Design Guide section.

- 7 A review of the current SDPR commenced in 2008 including consultation with appropriate Council staff, local consultants and developers. A range of desirable amendments were identified and revision of the document commenced.
- 8 In the meantime, advice was received that NZS4404 was to be revised. As any amendments to NZS4404 would have implications for the SDPR, finalisation of the review was deferred to allow any changes made to NZS4404 to be incorporated. NZS4404:2010 was published in July 2010, and has been used as the base for Council's minimum engineering requirements.
- 9 NZS4404:2010 significantly changed the emphasis on how Councils should manage stormwater and transport. Key changes include a new emphasis on managing and treating stormwater 'before it gets into a pipe' by the use of low impact urban design features such as grassed swales, natural or artificial waterways, ponds and wetlands; and the promotion of a transport network that is consistent with community aspirations. While the changes were significant in terms of NZS4404, they merely brought national practice in line with what this Council had been doing for years under the guidance of Dale Wills. Dale Wills represented Local Government New Zealand on the committee which supervised the preparation of NZS4404:2010.

Low Impact Urban Design and Development (LIUDD) Stormwater Guideline

- 10 There are many LIUDD approaches to managing stormwater (e.g. rain gardens, swales, attenuation ponds, etc.). Inappropriate implementation, construction, operation and maintenance can mean that LIUDD elements are designed to fail or do not adequately integrate into the environment. It is critical that contractors and consultants understand the design objectives and select components that are fit for purpose, robust and effective in delivering that objective over the design life of the device.
- 11 The Low Impact Urban Design and Development (LIUDD) Stormwater Guideline complements existing resources and provides advice on design detail for LIUDD elements. These design procedures are intended to provide consistency, and ensure their integration into the built and natural landscape.

Kapiti Coast Rainwater and Greywater Code of Practice

- 12 The Kapiti Coast Rainwater and Greywater Code of Practice (the Code) is designed to provide performance solutions to meet the statutory requirements of the Water Demand Management provisions of the District Plan, the New Zealand Building Code and AS/NZ 1547:2000 On-site Domestic Wastewater Management.

CONSIDERATIONS

Issues

- 13 Following adoption of the SDPR in 2005, the Council has developed, consulted on and adopted a number of best practice design guides. These include the Medium Density Housing Guide, the Best Practice Subdivision Guide (which generally covers urban development), the Streetscape Strategy and Guideline, and the Best Practice Rural Subdivision Guide. It is proposed that these all now be incorporated into the Design Guide Section of the SDPR.
- 14 One of the issues concerning the design guides is how to give some regulatory effect to their principles. Under the current scenario, a developer who goes wholly with the traditional approach could potentially ignore the best practice principles contained in the guides.
- 15 It is therefore proposed that there be a fundamental change in the approach so that any development needs to meet the general requirements and design criteria set out in the SDPR, comply with the Council's minimum engineering requirements, and be consistent with the principles outlined in the design guides. This means that Council can require that developers pursue a design approach over a traditional hard engineering 'cookie cutter' approach, particularly for larger developments and environmentally sensitive sites.
- 16 The range of Council's design guides will be included in Part 5, the Design Guide section. It is also proposed to include two further guides. These are the *Rainwater and Greywater Code of Practice* and *Low Impact Urban Design and Development Stormwater Guidelines*. The full list of Design Guides would then be:
 - Subdivision Best Practice Guide
 - Rural Subdivision Best Practice Guide
 - Streetscape Strategy and Guideline
 - Medium Density Residential Guidelines
 - SNZHB 44:2001 Subdivision for People and the Environment
 - Low Impact Urban Design and Development (LIUDD) Stormwater Guidelines (*author: Joey Narvasa*)
 - Rainwater and Greywater Code of Practice (*author: Ben Thompson*)
 - Crime Prevention Through Environmental Design (CPTED) Guides
 - Kapiti & Horowhenua Environment Guidelines for Rural Living
 - Growing Native Plants in Kapiti
- 17 It is noted that other alternative designs based on appropriate Design Guides and with appropriate supporting detail may be acceptable.

- 18 The revised SDPR is better aligned with the Council's various planning and strategic publications. These include the Development Management Strategy, Sustainable Water Use Strategy, Coastal Management Strategy, Stormwater Management Strategy, Sustainable Transport Strategy and draft Open Space Strategy (currently being consulted on).
- 19 In particular, direct references are made to the principles and the roading network hierarchy contained in the Sustainable Transport Strategy and to the issues identified in the Stormwater Management Strategy. See section D(i) & (ii) and E(i) in the attached draft SDPR.
- 20 The requirement for quality assurance to apply to the construction of all assets is also new. Each project will require the implementation of a project quality system, with documentation and certification presented to the Council at both the design and construction stages. The comprehensiveness of the plan will be proportional to the scale of the proposal. The introduction of a structured audit-based system does not replace the traditional Council role of 'Clerk of Work' type inspections.
- 21 The seismic resilience of subdivision and development has been addressed to a limited extent. It is likely that information will be released in the next few years following the Christchurch earthquakes, which may necessitate a plan change to incorporate this information.
- 22 Also being developed are Construction Specifications and Standard Drawings (including an Approved Materials List), and a '*Kapiti District Naturally Occurring Native Plant Species List*'. It is important that Council has the ability to update standard drawings and approved materials / species as new technologies / materials / species are advanced without the cost of undertaking a plan change. I do not believe this will introduce any uncertainty into the cost of compliance for developers.
- 23 Other proposed changes are generally in the technical engineering requirements and are minor in nature.
- 24 A copy of the revised SDPR, Low Impact Urban Design and Development (LIUDD) Stormwater Guidelines, and Rainwater and Greywater Code of Practice are included as attachments 1 through to 3 respectively.

Financial Considerations

- 25 At this stage the main resource being expended is staff time used to undertaking the revision. There is likely to be some minor expenditure for publicity and consultation during the 2011-2012 financial year. There will be a cost for printing the revised SDPR once the District Plan has been approved. All expenditure can be met from existing budgets.

Legal Considerations

- 26 The SDPR is Council's Code of Practice for developments within the District. It sets out Council requirements for subdivision and other developments within the District. The Resource Management Act sets out the process for including and updating reference documents in the District Plan Review. This consultation on

the draft documents is consistent with RMA requirements. The documents must be available for consultation for a period of at least 1 month.

Delegation

- 27 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 21 April 2011.

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

Consultation

- 28 Since 2008, discussions have been held with relevant Council staff and representatives of local consulting firms and developers regarding the proposed changes. These workshops reviewed each of the sections within the current SDPR and suggested amendments, which have been considered as part of this draft.
- 29 The proposed consultation period will run from 10 November 2011 to 27 January 2012. The documents will be available for inspection and comment, with further workshops to be held with all key stakeholders during the consultation period. This is expected to involve environment and community groups, network utility service providers, consultants, developers, Council asset managers, material suppliers and iwi. Following this consultation process, the documents will be finalised.
- 30 Once the final SDPR 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. This process was used for the 2005 version of the SDPR.

Policy Implications

- 31 The proposed revised SDPR will reinforce the Council's strategic directions as outlined in the various Council strategic documents, including Development Management Strategy, Sustainable Water Use Strategy, Coastal Management Strategy, Stormwater Management Strategy, Sustainable Transport Strategy and the draft Open Space Strategy.

Tāngata Whenua Considerations

- 32 Although the Te Whakaminenga o Kapiti working party has not had an opportunity to comment directly, comments received as a result of discussions around the provision of infrastructure have been considered as part of the draft SDPR.
- 33 Iwi are identified as being a key stakeholder whose comments will be sought. Specific hui may be held with tangata whenua as part of the consultation process.

Publicity Considerations

- 34 A media release will be prepared at the time the draft documents are released for consultation and key stakeholders will be directly contacted.

RECOMMENDATIONS

- 35 That Committee approves the release of the material presented in Appendix 1, Appendix 2 and Appendix 3 of report SP-11-388 for public consultation.

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ATTACHMENTS:

- Appendix 1 Subdivision and Development Principles and Requirements
Appendix 2 Rainwater and Greywater Code of Practice
Appendix 3 Low Impact Urban Design and Development Stormwater Guidelines