

Alternatives considered to including the *Land Development Minimum Requirements, April 2022* as a document incorporated by reference

Option	Example	Advantages	Disadvantages	Costs	Benefits
Option 1 (the proposed approach): Update minimum design and engineering requirements for land development and update reference in district plan to reflect the changed document.	Updated version of the approach already adopted by the Kāpiti Coast District Plan	Provides clear standards that are suitable to Kāpiti, whilst still allowing some flexibility. Document incorporated by reference has legal effect as part of the district plan.	Changes to the document needs to be incorporated as part of a District Plan Change process.	Some cost to update reference in the district plan to newer version of document. Can be incorporated into Urban Development Intensification Plan Change.	Design and engineering standards for infrastructure assets are fit for purpose and suitable for increasing amount of medium density residential development.
Option 2 (the status quo): Minimum engineering & design requirements for subdivision and land development are a separate document and are 'incorporated by reference' into the District Plan.	Kāpiti Coast District Plan	No plan change process is required. Document incorporated by reference has legal effect as part of the district plan. Greater range of compliance and enforcement options available under the RMA.	Document is out of date and not prepared for increasing levels of medium density intensification. Assets handed over to Council are unlikely to be up to an appropriate standard.	Nil.	Nil.
Option 3: Rely on national minimum standards NZS 4404:2010 'Land Development and Subdivision Infrastructure' as the only requirement for infrastructure design in	Ruapehu District Plan	Applies a baseline minimum national standard to infrastructure in the district.	Does not allow for local context or respect locally sought outcomes for the Kāpiti district. Not effective as a response to significant growth and development pressures and more	Neutral: Compliance would still be required with NZS 4404:2010 national standards. Using minimum standards that are not fit for purpose for Kāpiti context could negatively	National minimum standards (without local variation) are generally well understood by the development community so could lead to more efficient plan design and compliance.

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Kapiti (i.e. without any local variations).			<p>medium density developments.</p> <p>Allows for minimum standard only with limited flexibility.</p>	<p>impact on Council's existing asset network leading to additional costs maintenance and upgrade to the Council.</p> <p>To incorporate NZS 4404:2010 by reference into the district plan would trigger a plan change the process set out in Part 3 of Schedule 1 of the RMA.</p>	
Option 4: Use of bylaw to introduce a code of practice for land development.	<p>Invercargill City Council Bylaw 2016/1</p> <p>Southland District Council</p>	<p>Provides clear minimum standards through regulation.</p> <p>Clear offences and penalties.</p>	<p>Sits outside of Resource Management Act process for subdivision. Potential for duplication in the process, e.g. resource consent and also bylaw approval may be required for subdivision.</p> <p>Special Consultative Procedure process triggered under the Local Government Act.</p> <p>Inflexible to amend and compulsory bylaw reviews are required.</p> <p>Technical requirements are lengthy and could lack flexibility in a bylaw</p>	<p>Significant additional costs in developing a bylaw, using the special consultative procedure and ensuring compliance and enforcement of the bylaw.</p>	<p>Infringement offences with financial penalties could incentivise greater compliance with minimum standards leading to reduced compliance costs. However, infringement offences under the LGA should be reserved for the prohibition of conduct that is of concern to the community, but doesn't justify a criminal conviction, significant fine, or imprisonment.</p>

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			<p>format (example bylaw is 126 pages long).</p> <p>The Local Government Act 2002 limits the scope to a universal set of infringement offences and fees that may not be suitable for all bylaws for all Councils.</p>		
<p>Option 5: Incorporate all minimum infrastructure standards directly into the District Plan.</p>	<p>Timaru Draft District Plan</p>	<p>A more integrated approach means that engineering design can influence the design outcome of a subdivision under the RMA.</p> <p>Greater range of compliance and enforcement options available under the RMA.</p>	<p>Prescribed minimum standards can often address health and safety issues which do not achieve the purpose of the RMA in managing environmental effects.</p> <p>Engineering codes are not always the best way for providing for innovative planning approaches.</p> <p>Lack of flexibility once put into district plan format. It may be possible for effects to be managed in a way different to prescribed standards.</p> <p>Engineering standards once in the plan can only be changed by variation or plan change. It is not</p>	<p>Engineering standards can increase the size and complexity of the plan leading to additional cost.</p> <p>Greater time delays can be incurred when updating the engineering standards in the plan to reflect changes in practice leading to greater costs for the plan development process.</p>	<p>Provides greater clarity and certainty of all subdivision requirements within one document (the district plan) that could lead to increased compliance and reduced compliance costs.</p>

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			<p>doubtful whether there are benefits to developing technical standards of this nature through a Schedule 1 process.</p>		
<p>Option 6: Provide an 'advice note' in the District Plan, noting that Council also has minimum engineering standards that need to be adhered to.</p>	<p>Christchurch District Plan</p>	<p>Greater flexibility to update and amend the content of the land development requirements without triggering a plan change process under the district plan.</p> <p>Cross referencing between both documents is useful for plan users.</p> <p>Issues of asset transfer from a developer to a council may be best managed outside of the plan.</p>	<p>Minimum engineering standards do not have any legal effect through the district plan.</p> <p>To change the existing reference to the SDPR as an 'advice note' would require a plan change process under the RMA.</p>	<p>To add in an advice note cross-referencing the document into the district plan text will still require a one-off plan change under the RMA - leading to plan development costs for the district plan.</p>	<p>Greater flexibility to keep the engineering requirements up to date and current through a quick process.</p> <p>Less on-going plan change requirements if the content of the document is updated in the future.</p>