

Report to Statutory Management Committee

Date: 7 November 2016

Councillors

WHANGANUI DISTRICT COUNCIL

Subject:	Section 42a Officers Report Proposed Plan Change 52 – Appendix I – NZS4404:2010 Update
Meeting Date:	30 November 2016
Prepared for Chief Executive by:	Sara Cook (Contract Planner)

1.0 SUMMARY

- 1.1 Council is presently reviewing the District Plan in phases. This Plan Change relates to Appendix I and consequential changes to provisions in Chapters 12, 13 and 23.
- 1.2 The purpose of Proposed Plan Change 52 (PC52) is to update Appendix I which comprises the Council's Engineering Document 2012. Council recently revised and updated its Engineering Document 2012 to reference NZS4404:2010. This enabled deletion of much of the Engineering Code 2012 where it duplicated provisions in the NZS4404:2010. The new document is titled Engineering Document 2016. PC52 proposes to delete the Engineering Document 2012 and insert the Engineering Document 2016 as Appendix I.
- 1.3 As a result of the amendment of the Engineering Document, a number of provisions contained in Chapters 12, 13 and 23 need to be amended to be consistent with the changes.
- 1.4 Assessment criteria contained in Chapter 23 which relate to those matters contained in the NZS4404 and the Engineering Document have been deleted, and minor amendments proposed to objectives, policies and performance standards in Chapter 13. These changes are to ensure that the intent of the assessment criteria are still reflected through either NZS4404, the Engineering Document or provisions in Chapter 13. This is consistent with PC51 which reviews and proposes to delete the rest of Chapter 23 Assessment Criteria.

RECOMMENDATIONS (Of the Statutory Management Committee)

That the Council:

1. receives the report.
2. adopts the Decisions Report including the evaluation required under section 32 of the Resource Management Act 1991.
3. accepts, accepts in part or rejects the submissions as set out in Section 7 of the Report for the reasons given.
4. adopts Proposed Plan Change 52 to the Whanganui District Plan.

Appendices:

- 1. Copy of the Public Notice**
- 2. Submissions Received**
- 3. Proposed provisions**
- 4. Section 32 Evaluation**

Contents Page			
Section No./ Topic		Submission No.	Page
2.0	INTRODUCTION		4
3.0	PROPOSED PLAN CHANGE		4
3.1	Purpose		
3.2	Background Research		
4.0	PROCEDURAL MATTERS		5
4.1	Consultation Summary		
4.2	Key Statistics		
5.0	STATUTORY & LEGISLATIVE FRAMEWORK		5
5.1	Resource Management Act 1991		
5.2	National Policy Statements & Environmental Standards		
5.3	Regional Policy Statement & Regional Plan		
6.0	SECTION 32 EVALUATION		9
7.0	SUBMISSION ANALYSIS		10
7.1	Horizons Regional Council	1.1-1.7	10
7.2	New Zealand Transport Authority	2.1	12
7.3	Powerco Limited	3.1 – 3.2	12
7.4	Officer Comments		14
7.5	Officer Recommendations		15

2.0 INTRODUCTION

This Plan Change is one of a series of changes proposed as part of Phase 8 of the wider District Plan review which address general provisions and NZS4404:2010.

3.0 PROPOSED PLAN CHANGE

3.1 Purpose

Since the operative District Plan was drafted in the 1990s, there have been significant changes to NZS4404. Appendix I includes Whanganui specific engineering land development requirements over and above those contained in the relevant NZ Standard. The Engineering Document contained in Appendix I was last updated in 2012. This revision attempted to include many of the new approaches and specifications incorporated in the NZS4404:2010 whilst still formally referencing the 2004 version of the NZ Standard.

Council has recently revised and updated its Engineering Document 2012 to reference NZS4404:2010. This has enabled deletion of much of the Whangnaui specific material in the Engineering Code 2012 which essentially duplicated provisions in the NZS4404:2010.

The purpose of PC52 is to update the provisions of Appendix I and related provisions contained in Chapters 12, 13 and 23.

3.2 Background Research

The 2016 version of the Engineering Document deletes duplications and updates requirements as appropriate for sustainable land development. The changes are summarised as being:

1. Deletion of provisions that are contained or covered off in NZS4404:2010;
2. Re-ordering of sections to be consistent with the order of sections in NZS4404:2010;
3. Removal of sections which were in NZS4404:2004 but that are no longer carried through to NZS4404:2010; and
4. Inserting new Whanganui specific requirements to update the engineering document. These requirements are to be applied in addition to those specified in NZS4404:2010.

As a result of the update of the Engineering Document, a number of provisions contained in Chapters 12, 13 and 23 need to be amended to be consistent with the changes.

Assessment criteria contained in Chapter 23 which relate to those matters contained in the NZS4404 and the Engineering Document have been deleted, and minor amendments proposed to objectives, policies and performance standards in Chapter 13. These changes ensure that the intent of the assessment criteria are still reflected through either NZS4404, the Engineering Document or provisions in Chapter 13.

The on-the-ground implications for proposed developments of the change, by Council Infrastructure team, to assess all proposals against the Engineering

Document 2016 rather than the 2012 document is minimal. The process is more streamlined as duplication of provisions already covered by the NZ Standard are removed from the Council's Whanganui specific supplementary document.

4.0 PROCEDURAL MATTERS

4.1 Consultation Summary

Consultation with a range of stake holders, in accordance with the requirements of Schedule 1, was undertaken as part of formulating the proposed Plan change.

Consultation undertaken:

- 15 April 2016, a summary report of the proposed changes to the Engineering Code made available online for comment, via Council's Shaping Whanganui website page.
- 18 April 2016, letters were sent to key stakeholders with an interest in the Engineering Document, including all local builders and surveyors, and those who have regular dealings with Council in relation to land development or subdivision. Links to the proposed changes to the Engineering Document were provided along with summary information about those changes.
- Notification as required by Clause 5, 1st Schedule RMA following Council's decision to notify.

4.2 Key Statistics

PC52 was publicly notified in accordance with Clause 5 of the 1st Schedule of the RMA on 23 July 2016, with the period for submissions closing on 23 August 2016. A copy of the public notice is included as Appendix 1.

A total of 3 submissions, were received at the close of submissions, including one late submission. Copies of submissions received are included in Appendix 2.

All submissions received were summarised and the decisions requested by submitters were publicly notified in accordance with Clause 7 of the First Schedule of the RMA. The further submission process closed on 23 September 2016. No further submissions were received.

5.0 STATUTORY AND LEGISLATIVE FRAMEWORK

5.1 Resource Management Act 1991

Section 74 of the Act requires the Council to change the District Plan in accordance with its functions under Section 31, the purpose of the Act in section 5 and the other matters under sections 6, 7 and 8.

Territorial authorities have the following functions under the Act:

31 Functions of territorial authorities under this Act

1. *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*

- a. *The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources.*
- b. *The control of any actual or potential effects of the use, development, or protection of land...*
- 2. *The methods used to carry out any of the functions under subsection (1) may include the control of subdivision.*

The Council is given these functions for the purpose of promoting the sustainable management of natural and physical resources, which is defined:

5(2) In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while:

- a. *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- b. *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- c. *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

In accordance with Section 5 of the RMA, PC52 has been developed with a focus on avoiding, remedying or mitigating adverse effects of activities.

Further guidance and direction on the way in which resources are to be managed is provided in sections 6, 7 and 8 of the RMA.

5.2 National Policy Statements and Environmental Standards

The Act requires that District Plans give effect to any relevant National Environmental Standards (NES). A NES is a document prepared under the Act and NPS to ensure that the same standards are enforced by each Council. There are no National Environmental Standards relevant to this Plan change. The New Zealand Coastal Policy Statement is relevant to the extent identified below.

New Zealand Coastal Policy Statement

The New Zealand Coastal Policy Statement (NZCPS) has been considered and given effect to. Its purpose is to detail national policies to achieve the purpose of the Act in relation to the coastal environment of New Zealand. As Whanganui District adjoins the Tasman Sea, it is a relevant document to consider, particularly when assessing infrastructure.

Relevant sections include:

Objective 6

To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:

- *the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;*

Comment: The proposed amendment of Appendix I, amendment of associated objectives and policies and performance standards, and the removal of assessment criteria will not adversely affect the coastal environment. Rather it provides appropriate limits and standards for development.

Policy 6: Activities in the coastal environment

1. In relation to the coastal environment:

- a. *recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities;*
- b. *consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;*

...

Comment: The proposed changes through this Plan change recognise the importance of the provision of infrastructure to the well-being of people and

communities but also provides performance standards to ensure that infrastructure required by development is provided in an appropriate manner.

5.3 Regional Policy Statement and Regional Plan (the One Plan)

The One Plan is relevant to Plan Change 52 as it includes requirements relating to infrastructure as well as the requirement for the Council to be consistent with the document.

An assessment of how the provisions in Plan Change 52 compare with the objectives and policies of the One Plan are considered in Table 1 below.

One Plan – Infrastructure, Energy, Waste, Hazardous Substances and Contaminated Land		Proposed Plan Change 52
Objectives	Policy	Evaluation
Objective 3-1: <i>Infrastructure</i> [^] and other physical resources of regional or national importance	Policy 3-1: Benefits of infrastructure and other physical resources of regional or national importance	The proposed amendment of Appendix I, amendment of associated objectives, policies and performance standards, and the removal of assessment criteria will have no effect on the implementation of the One Plan. There are no identified effects for the Council to consider, as the regional council already covers them.

There are no other relevant sections of the One Plan to consider as part of this Plan change.

5.4 Other Plans & Strategies

Another matter to which Council must have particular regard is other management plans and strategies. Those which are relevant to the District's District Wide provisions are discussed below. They have informed the preparation of this analysis.

Regional Pest Strategy

The Manawatu-Wanganui Regional Council has prepared the Regional Plant Pest Management Strategy 2015-2016. The Strategy outlines how each pest plant will be managed over a five year period. There are new provisions proposed in Appendix I which require identification of weeds, and site biosecurity including cleaning of machinery and ensuring material does not contain seeds and vegetation. These specific provisions are consistent with the aims of the Regional Pest Strategy.

Iwi Settlement Process

Schedule 11 of the Act requires Councils to consider any Treaty Settlements within their District. Relevant settlements include:

- Ngati Apa Claims Settlement Act 2010
- Whanganui River Deed of Settlement

The proposed amendments will not affect either of these Treaty Settlements.

The Tree Strategy 2016

A number of amendments to Appendix I include provisions taken from the recently operative Tree Strategy 2016. These changes to Appendix I will ensure consistency between the two documents.

6.0 Section 32 Evaluation

- 6.1 The Act requires that when a Council undertakes a plan change that it produce a report evaluating the costs and benefits of primary options considered. This is known as a Section 32 evaluation. (Refer to Appendix 4)
- 6.2 A re-evaluation as required by s32AA of the Act, has not been completed as no significant amendments are proposed as a result of submissions.

7.0 SUBMISSION ANALYSIS

The following are the assessment of submissions and further submissions with recommendations by the Planning Officer.

7.1 Submitter Name: Horizons Regional Council

Submission No: 1.1

Provision Affected: Appendix I – Part 1. General (1.8.2.5.2)

Summary:

Supports the deletion of the note that referred to recognised datums. The new clause is much clearer.

Decision Sought:

That proposed clause 1.8.2.5.2 is retained as drafted in PC52.

Submitter Name: Horizons Regional Council

Submission No: 1.2

Provision Affected: Appendix I – Part 2. (2.5.1- Plant Pest Management)

Summary:

Supports the proposed new paragraph as the reduction in potential for introduction of weeds through good site biosecurity is consistent with the objectives of Horizons Regional Pest Strategy and the Proposed Combined Pest Management Plan and Strategy 2015 – 2035.

Decision Sought:

That the typo be corrected in section 2.5.1 heading and the new paragraph added to section 2.1.5 is retained as drafted in PC52.

Submitter Name: Horizons Regional Council

Submission No: 1.3

Provision Affected: Appendix I – Part 3. Roads (3.4.1.1)

Summary:

Supports the proposed section 3.4.1.1 as the reduction in potential for introduction of weeds through good site biosecurity is consistent with the objectives of Horizons Regional Pest Strategy and the Proposed Combined Pest Management Plan and Strategy 2015 – 2035.

Decision Sought:

That section 3.4.1.1 is retained as drafted in PC52.

Submitter Name: Horizons Regional Council

Submission No: 1.4

Provision Affected: Appendix I – Part 5. Wastewater (5.6.1 and 5.6.2)

Summary:

Supports section 5.6.1 and 5.6.2 as notified which accepts informal feedback from Horizons.

Decision Sought:

That section 5.6.1 and 5.6.2 are retained as notified in PC52.

Submitter Name: Horizons Regional Council

Submission No: 1.5

Provision Affected: Appendix I – Part 6. Water Supply (6.6)

Summary:

Supports section 6.6 as notified which accepts informal feedback from Horizons.

Decision Sought:

That the advice note in section 6.6 be retained as notified in PC52.

Submitter Name: Horizons Regional Council

Submission No: 1.6

Provision Affected: Appendix I – Part 7. Landscape (7.2.4 and 7.3.4)

Summary:

Supports inclusion of a new paragraph in section 7.2.4 as notified as any environmental enhancement that this planting provides is encouraged.

Supports inclusion of a new paragraph in section 7.3.5 as notified with particular support for reference to the needs to consider alternative planting techniques to ensure the integrity of swales, given the importance of stormwater management.

Decision Sought:

That the new paragraphs in sections 7.2.4 and 7.3.5 be retained as notified in PC52.

Submitter Name: Horizons Regional Council

Submission No: 1.7

Provision Affected: Appendix I – Appendix I (Technical Specifications)

Summary:

Supports clauses Section 1.7(b) and (c). Horizons seeks to ensure substances do not enter water or become entrained in stormwater. Any discharge of contaminants would require a discharge permit from Horizons.

Supports section 2.6 as it is consistent with One Plan requirements for small and large scale land disturbance in One Plan Rules 13-1 and 13-2.

Decision Sought:

That the proposed addition to section 1.5 Appendix I – (Technical Specifications) be retained as notified.

That Section 1.7(b) and (c) Appendix I – (Technical Specifications) be retained as notified.

That the new paragraph in section 2.6 Appendix I – (Technical Specifications) be retained as notified.

7.2 Submitter Name: New Zealand Transport Agency

Submission No: 2.1

Provision Affected: Appendix I – Part 3. Roads (3.3.17 Crossings)

Summary:

Performance standard 13.5.9(i) in Chapter 13 of the Plan adequately deals with the issue of crossings on state highways. Inclusion of 3.3.17 in Appendix I could create unnecessary confusion and duplication.

Decision Sought:

Delete section 3.3.17 or if retained delete reference to the 'Planning Policy Manual' and replace with "Transport Agency's current Guidelines". That the District Plan be approved subject to the above amendments (or amendments to the same effect).

7.3 Submitter Name: Powerco Limited (late submission)

Submission No: 3.1

Provision Affected: Chapter 13 – Policy 13.3.5B

Summary:

Proposed policy 13.3.5B is opposed. It reads:

"Infrastructure shall provide for the maximum potential demand arising from the development of allotments, including future land uses as anticipated by the District Plan, unless that land is constrained by hazards."

The intent to ensure that new infrastructure is building to an appropriate capacity allowing for future demand on that infrastructure can be supported. But the requirement that all development shall provide for the maximum potential demand is too absolute and not necessary or appropriate for all types of infrastructure. For example, elements of the electricity network would typically be constructed incrementally over time as an area develops, and do not necessarily need to be constructed ahead of the demand arising. With respect to the capacity of new reticulated water, wastewater and stormwater infrastructure, appropriate policy is already provided by Policy 13.3.13 and proposed new policy 13.3.5B is considered to be unnecessary.

Further, it is uncertain what the 'maximum potential demand' will be or how it would be calculated, particularly when required to take into account future land

uses as anticipated by the District Plan. It is uncertain what ‘future land uses anticipated by the Plan’ would comprise. For example, if that would be based on activities that are identified as permitted activities in the District Plan, or permitted development densities. It is noted that any subdivision proposal to create new lots will require, at least, a restricted discretionary activity consent, which could be refused by the Council, meaning it may be difficult to identify what level of development is anticipated by the Plan.

Decision Sought:

1. Delete proposed new Policy 13.3.5B on the basis that it is unnecessary and lacks clarity and certainty.

As an alternative, a new policy could also be included, to replace the notified version, along the following lines:

“13.3.5B Require subdivision to provide servicing:

(a) to be coordinated, integrated and compatible with the existing infrastructure network; and

(b) to enable the existing network to be expanded or extended to adjacent land where that land is zoned for urban development.”

2. In giving effect to the specific outcomes set out in the following schedules, the following general relief is sought:
 - (a) Achieve the purpose and principles of the Resource Management Act 1991 (RMA) and consistency with the relevant provisions in Sections 6 - 8 RMA;
 - (b) Give effect to the relevant provisions of the Horizons One Plan;
 - (c) Assist the Council to carry out its functions of achieving the integrated management of the effect of the use, development or protection of land;
 - (d) Implement the statutory tests in section 32 and the requirements in the First Schedule RMA;
 - (e) Address, as relevant, the considerations identified by the Environment Court for planning instruments in decisions such as Long Bay-Okura Great Park Society Inc v North Shore City Council (and subsequent case law);
 - (f) Avoid, remedy or mitigate any relevant and identified environmental effects;
 - (g) Make any consequential relief as required to give effect to this submission, including any consequential relief required in any other sections of the District Plan Review that are not specifically subject of this submission but are required to ensure a consistent approach is taken throughout the document; and
 - (h) Any other relief required to give effect to the issues raised in this submission.

Submitter Name: Powerco Limited (late submission)

Submission No: 3.2

Provision Affected: Chapter 13 – Policy 13.3.44

Summary:

The intent and need for the policy is uncertain. It is unclear what costs might be considered to be significant and who the policy anticipates might bear those costs. In relation to electricity infrastructure, the cost of creating a new connection from

the street to a new customer (e.g. a dwelling or commercial building) is typically covered by the new customer. A policy indicating that there should be no costs involved in connecting to network utilities following the issue of a s224 certificate is potentially misleading.

In lieu of the Council identifying a clear need for or benefit to the policy, Powerco considers it should be deleted.

Decision Sought:

1. Delete proposed new Policy 13.3.44 as it lacks clarity and certainty.
2. In giving effect to the specific outcomes set out in the following schedules, the following general relief is sought:
 - (a) Achieve the purpose and principles of the Resource Management Act 1991 (RMA) and consistency with the relevant provisions in Sections 6 - 8 RMA;
 - (b) Give effect to the relevant provisions of the Horizons One Plan;
 - (c) Assist the Council to carry out its functions of achieving the integrated management of the effect of the use, development or protection of land;
 - (d) Implement the statutory tests in section 32 and the requirements in the First Schedule RMA;
 - (e) Address, as relevant, the considerations identified by the Environment Court for planning instruments in decisions such as Long Bay-Okura Great Park Society Inc v North Shore City Council (and subsequent case law);
 - (f) Avoid, remedy or mitigate any relevant and identified environmental effects;
 - (g) Make any consequential relief as required to give effect to this submission, including any consequential relief required in any other sections of the District Plan Review that are not specifically subject of this submission but are required to ensure a consistent approach is taken throughout the document; and
 - (h) Any other relief required to give effect to the issues raised in this submission.

7.4 Officer Comments:

1. The comments of Powerco Limited, New Zealand Transport Agency and Horizons Regional Council are noted and appreciated.
2. The submission remedies sought are supported, except where commented on below:
 - Policy 13.3.5B was proposed to be deleted by Powerco. Powerco offered an alternative wording should Council not wish to delete the policy in its entirety. While Policy 13.3.13 does cover new reticulated water, wastewater and stormwater infrastructure, this is only with regard to the Rural Lifestyle Zone. Therefore, it is recommended that the proposed wording by Powerco is accepted, rather than deletion of the Policy in its entirety.
 - Policy 13.3.44 was proposed to be deleted by Powerco. This request is accepted, and policy 13.3.44 is recommended to be deleted.
 - Section 3.3.17 of Appendix I (Engineering Document) was proposed to be deleted by NZ Transport Agency due to the potential for creation of

unnecessary confusion and duplication. Section 3.3.17 is a direct copy from the previous version of Appendix I at 3.3.22.2. It is recommended that Section 3.3.17 of Appendix I is deleted, as Chapters 12 and 13 of the Plan cover off the same information and requirements.

7.5 Officer Recommendations:

That submissions 1.1 – 1.7 from Horizons Regional Council, submission 2.1 from New Zealand Transport Agency, and submissions 3.1 – 3.2 from Powerco Limited be **accepted**.

The following amendments are recommended as a result of these submissions.

Appendix I – Part 2 – Earthworks and Geotechnical Requirements - (2.5.1- Plan Pest Management)

2.5.1 Plant Pest Management

Appendix I – Part 3 - Roads (3.3.17 Crossings)

~~3.3.17 Crossings~~

~~The requirements of Chapter 12 of the District Plan shall be met.~~

~~Add the following new clause:~~

~~Property Access~~

~~New vehicle crossings, and existing vehicle crossings serving a new activity, shall meet the design standards in NZ Transport Agency Planning Policy Manual when all the following circumstances exist:~~

- ~~i) The road is a National route, (State Highway) primary arterial or secondary arterial (as defined on the Planning Maps); and~~
- ~~ii) The road has a speed limit of 100km/hr or more at the access location; and~~
- ~~iii) The activity concerned is a high traffic generating activity which, for the purpose of this standard, shall be defined as an activity which generates more than 30 car equivalent movements per day (24 hour period) averaged over a normal week, where:~~

~~☐ 1 car to and from the site = 2 car equivalent movements~~

~~☐ 1 truck to and from the site = 6 car equivalent movements~~

~~☐ 1 truck and trailer to and from the site = 10 car equivalent movements~~

~~☐ 1 single residential dwelling = 8 car equivalent movements~~

~~NZ Transport Agency Planning Policy Manual – For Integrated Planning and Development of State Highways – Appendix 5B.3; Accessway geometric design should be used in the above circumstances.~~

~~Generally, Diagrams D & E will be used depending on Table App 5B/4~~

~~– Accessway types.~~

~~NZ Transport Agency standards for State Highway access design aims, to allow most new crossing places to be permitted activities, which requiring specific access design only in relation to high traffic generating activities seeking access to high speed arterial roads. The alternative of not having any controls over access for high traffic generating activities to high speed arterials is not appropriate for traffic safety and efficiency reasons. At the other extreme, the alternative of requiring a resource consent for all new accesses to state highways (regardless of nature and location of activity) is also not considered to be necessary or appropriate).~~

~~Note: That the WDC have rural vehicle crossings drawings which apply for vehicle movements less than 30 on minor rural roads.~~

~~Note: NZ Transport Agency approval is required for access onto State Highways under section 51 of the Government Roading Powers Act 1989.~~

Chapter 13 – Policy 13.3.5B

~~13.3.5B — Infrastructure shall provide for the maximum potential demand arising from the development of allotments, including future land uses as anticipated by the District Plan, unless that land is constrained by hazards.~~

13.3.5B Require subdivision to provide servicing:
(a) to be coordinated, integrated and compatible with the existing infrastructure network; and
(b) to enable the existing network to be expanded or extended to adjacent land where that land is zoned for urban development.”

Chapter 13 – Policy 13.3.44

~~13.3.44 — Subdivision development shall avoid significant costs to connect to network utilities, including any requirement to provide for additional capacity, after the issue of a Certificate pursuant to Section 224 of the Resource Management Act 1991.~~