

Subject: Amendment to 'Key Issue 2 – Codes of Practice and Standards' in the Section 42A Report – Subdivision (General)

Central Hawke's Bay District Council (CHBDC) (S89.002, S89.003, S89.004, S89.007 and S89.009) request that all references in the SUB – Subdivision chapter to 'NZS4404:2004' or 'NZS 4404' be deleted and replaced with 'NZS4404:2010'. This includes the references to 'NZS4404:2004' in Assessment Matters SUB-AM5(7) and SUB-AM6(6). Hawke's Bay Regional Council (HBRC) (S11.033) request that SUB-AM5(7) be amended to refer to the 2010 version of the New Zealand Standard.

In paragraph 5.3.1 of 'Section 5.3 Analysis' of the section 42A report, I advised the following:

5.3 Analysis

- 5.3.1 CHBDC notes that the Proposed Plan refers to an earlier (2004) version of the New Zealand Standard on the Code of Practice for Urban Land Subdivision. They request that all references in the Proposed Plan to 'NZS 4404:2004' be deleted and replaced with the current version 'NZS 4404:2010'. They consider that there are no effects arising from this correction, nor any change to the extent to which the Proposed Plan meets relevant statutory obligations. James Bridge makes a similar request to refer to the current version of NZS 4404:2010 in Assessment Matters SUB-AM5(7) and SUB-AM6(6), and HBRC request that the 2010 version be referred to in Assessment Matter SUB-AM5(7). I concur with the submitters and agree that it is appropriate to replace the references to the 2004 version of the Code of Practice in the SUB – Subdivision chapter with the current 2010 version where it appears.

Since issuing the section 42A Report, I have identified an error in paragraph 5.3.1 insofar as I referred to James Bridge also requesting amendments to SUB-AM5(7) and SUB-AM6(6). Mr Bridge's submission points (S105.017 and S105.018) under Key Issue 2 were in fact limited to Assessment Matters SUB-AM5(4) and SUB-AM6(7).

With regard to the above CHBDC and HBRC submission points, while I concurred in my Analysis with the submitters, that it was appropriate to replace references to the 2004 version of NZ4404 with the current 2010 version, I have since identified errors in Section 5.4 Recommendations and Section 5.5 Recommended Amendments of the section 42A Report, whereby my advice in paragraph 5.3.1 was not correctly reflected in my recommendations in Sections 5.4 and 5.5 of the Report.

HBRC also requested in their submission that the full name of NZS 4404:2010 be amended to 'Land Development and Subdivision Infrastructure (New Zealand Standard NZS 4404:2010)' in Assessment Matter SUB-AM5(7). I concur that this amendment is appropriate.

I consider that the full name of the Standard should also be adopted wherever references to it appear in the Proposed Plan. I consider this to be a minor change that can be made pursuant to Clause 16(2) of the First Schedule of the Resource Management Act 1991.

I have also identified an error in the 'Note' requested by CHBDC (S89.006) to be added to SUB-AM6, which I recommended be accepted, but was added incorrectly in my Recommendations in Section 5.5 of the section 42A Report.

For the above reasons, I amend Paragraph 5.3.1 in my section 42A report to read as follows:

- 5.3.1 CHBDC notes that the Proposed Plan refers to an earlier (2004) version of the New Zealand Standard on the Code of Practice for Urban Land Subdivision. They request that all references in the Proposed Plan to 'NZS 4404:2004' be deleted and replaced with the current version 'NZS 4404:2010'. They consider that there are no effects arising from this correction, nor any change to the extent to which the Proposed Plan meets relevant statutory obligations. ~~James Bridge makes a similar request to refer to the current version of NZS 4404:2010 in Assessment Matters SUB-AM5(7) and SUB-AM6(6), and HBRC request that the 2010 version be referred to in Assessment Matter SUB-AM5(7).~~ I concur with the submitters and agree that it is appropriate to replace the references to the 2004 version of the Code of Practice in the SUB – Subdivision chapter with the current 2010 version where it appears.

I also amend my recommendations in Sections 5.4 and 5.5 of the Section 42A Report, as follows:

[Note: amendments are highlighted in yellow]

5.4 Recommendations

- 5.4.1 For the reasons outlined above, I recommend that the SUB – Subdivision chapter be retained, subject to the Recommended Amendments set out in Section 5.5 below and any specific amendments as a result of recommendations on subsequent Key Issues contained in this report.
- 5.4.2 I recommend that the following submission(s) be **accepted**:
- CHBDC, S89.002, S89.003, S89.004, S89.005, S89.006, S89.007, S89.009
 - HBRC, S11.033
 - James Bridge, S105.017,
 - Kāinga Ora, S129.112, S129.113, FS23.1, FS23.4
- 5.4.3 I recommend that the following submission(s) be **accepted in part**:
- FENZ, S57.076, S57.078, FS15.006,
 - CHBDC, S89.002, S89.003, S89.007
 - HBRC, S11.033
 - James Bridge, S105.018
 - Kāinga Ora, S129.112, S129.125
- 5.4.4 I recommend that the following submission(s) be **rejected**:
- FENZ, FS15.005, FS15.007

5.5 Recommended Amendments

- 5.5.1 On the basis of my assessment of the matters raised by submitters in Section 5.3 above, I recommend the following amendment(s) are made to the SUB – Subdivision chapter provisions:
- Replace the references to the 'NZS 4404:2004' version of the New Zealand Standard on the Code of Practice for Urban Land Subdivision in the SUB – Subdivision chapter with the current 'NZS 4404:2010' version where it appears.

SUB-S5 Water Supply	
All Zones	<p>1. All new lots for any activity that will require a water supply must be connected to a public reticulated water supply, where one is available.</p> <p>2. Where the new lots will not be connected to a public reticulated water supply, or where an additional level of service is required that exceeds the level of service provided by the reticulated system, the subdivider must demonstrate how an alternative and satisfactory water supply can be provided to each lot.</p> <p><i>Note: The above does not replace regional rules which control the taking and use of groundwater and surface water. These rules must be complied with prior to the activity proceeding.</i></p> <p><u>Further advice and information about how an alternative and satisfactory firefighting water supply can be provided to each lot can be obtained from Fire</u></p>

and Emergency New Zealand and the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.

Any lot created for a special purpose, as provided for in SUB-R3, is exempt from this standard where the lot is created for a purpose that does not require the provision of a water supply, including a firefighting water supply.

SUB-AM5 Water Supply, Wastewater Disposal, Stormwater Disposal

1. The location and capacity of reticulation facilities to allow suitable servicing of the lot(s) and reasonable access for the maintenance of the facilities.
2. The need for **Whether** a local purpose reserve **is needed** to be set aside and vested in the Council as a site for a public utility.
3. Where the lot(s) is/are not proposed to be connected to a public water supply, the ability to effectively and efficiently meet firefighting requirements and the ability to show how the lot(s) will be serviced by a water supply, for which consent has been obtained from the Hawke's Bay Regional Council (if required).
4. The provisions of the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.
5. Where the lot(s) is/are not proposed to be connected to a public wastewater system or public stormwater system, how the lot(s) will be serviced by an on-site wastewater and stormwater treatment and disposal system causing no environmental contamination on or beyond the subdivision site.
6. The objectives, policies, and methods in the SSB – Sustainable Subdivision and Building chapter of the District Plan.
7. The provisions of the Code of Practice for Urban Land Subdivision **Land Development and Subdivision Infrastructure** (New Zealand Standard NZS 4404: 201004).
8. The provisions of the current Hastings District Council Engineering Code of Practice for the design and construction of water supply, wastewater disposal and stormwater disposal servicing.
9. The protection of any historic heritage items or notable trees (listed in HH-SCHED2 and TREE-SCHED4), wāhi tapu, wāhi taonga, and sites of significance (listed in SASM-SCHED3), or risk to archaeological sites.

Note: The Hastings District Council Engineering Code of Practice provides detailed technical standards on the design and construction of water supply, wastewater disposal and stormwater disposal servicing which may provide an acceptable means of compliance.

SUB-AM6 Property Access

1. The provision, location, design, and construction of access for vehicles, pedestrians and cyclists.
2. Whether the road frontage is of sufficient width to cater for the expected traffic generated by the possible land uses that will be established on the lots being created, and whether there is any need to widen and/or upgrade the frontage road.
3. Where any proposed subdivision in any zone has frontage to any existing road(s) that is/are not constructed to the relevant vehicle access standards set out in the TRAN – Transport chapter of the District Plan and/or where road widening is required, whether the land uses that will be established on the proposed lots will increase the use of that road(s) to the degree that forming or upgrading the existing road(s) is required.
4. Any impact of roading and access on waterways, ecosystems, drainage patterns or the amenities of adjoining properties, and the need for tree planting in the open space of the road to enhance the character and identity of the neighbourhood.
5. The effect of any new intersections or accesses created by the subdivision on traffic safety and efficiency, including the availability of adequate, unobstructed sight distances from intersections and adequate spacing between intersections.
6. The provisions of the Code of Practice for Urban Land Subdivision **Land Development and Subdivision Infrastructure** (New Zealand Standard NZS 4404: 201004) for the design and construction of roads.
7. The provisions of the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008 with respect to **Whether** the width of the legal road, right of way, vehicle access lot or vehicle access leg required **is sufficient** for fire appliances to access the lot(s).
8. The provisions of the current Hastings District Council Engineering Code of Practice for the design and construction of roading.
9. The requirements of New Zealand Transport Agency and Part IV of the Government Roadway Powers Act 1989 with regard to vehicle entrances onto state highways.
10. The need to provide alternative access for car-parking and vehicle loading in the COMZ – Commercial Zone and GIZ – General Industrial Zone by way of vested service lanes at the rear of properties having regard to alternative means of access and performance standards for activities within such zones.
11. Any need to require provision to be made in a subdivision for the vesting of road reserves for the purpose of facilitating connections to future roading extensions to serve surrounding land, or planned road links that may need to pass through the subdivision and the practicality of creating such easements at the time of subdivision application in order to facilitate later development.
12. Any need to require subdividers to enter into agreements that will enable the Council to require the future owners to form and vest roads when other land becomes available.
13. The need to provide for appropriate standards of street lighting or private vehicular access lighting.
14. The need to provide distinctive names for private vehicular accesses – the name to be agreed to by the Council.

15. The protection of any historic heritage items or notable trees (listed in HH-SCHED2 and TREE-SCHED4), wāhi tapu, wāhi taonga and sites of significance (listed in SASM-SCHED3), or risk to archaeological sites.

Note: The Hastings District Council Engineering Code of Practice provides detailed technical standards on the design and construction of water supply, wastewater disposal and stormwater disposal servicing roading which may provide an acceptable means of compliance.

An updated 'tracked changes version' of the SUB – Subdivision chapter (attached as Appendix A to the s42A Report) and the Summary of Recommended Responses to Submissions and Further Submissions (attached as Appendix B to the s42A Report) will be provided with my Right of Reply for this hearing topic which will include the above amendments.

Prepared by:



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Approved by:



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