

Council Policy

Policy Title:	Subdivision Policy
Responsibility:	Environmental Manager
First Adopted:	13 May 2014
Date:	Not applicable
Review Frequency:	Three yearly (next due 2017)



Policy Objectives

- To clarify when Council will require wastewater and stormwater infrastructure to be transferred from the developer to Council and thus be publicly-owned and maintained. Conditions regarding the provision, management and ownership of the Water Supply network are set out in Ruapehu District Council Water Supply Bylaw 2012
- To avoid problems that can arise from joint ownership of common private infrastructure, eg, disputes, delayed repairs and maintenance and uncertainty over responsibilities.
- To set out expectations of Council standards for engineering plans to ensure that the District Plan, industry standards and conditions of subdivision resource consent have been complied with.
- To ensure future land development is adequately provided with essential services.

Principles

This policy is based on the following principles:

- Each lot/dwelling should have a single connection to public wastewater and stormwater systems.
- Common private drains should be avoided.
- Approval is required from Council for common private drains shared by two or more dwellings.
- Proposals for common drains, and agreement on ownership, should occur as early as possible in a subdivision project.
- Ownership of common drains must be established prior to construction starting.
- Ownership of common drains must be by a clearly identifiable entity with defined responsibilities.
- Reticulated services and connections to existing services must be constructed to Council standards and approved prior to construction starting.
- Drawings should accurately and successfully communicate to Council what is planned so that compliance with NZS4404:2010 and this policy can be assessed.

Background

1.0 INTRODUCTION

- 1.1 Subdivisions change the ownership of land and redefine property rights. They require new infrastructure for water supply, stormwater and wastewater between lots and Council owned networks.

- 1.2 The District Plan, industry standards, legislation and bylaws contain policies and rules for subdivisions. These can be supplemented by specific policies and requirements of territorial authorities.
- 1.3 Ruapehu District Council relies on the District Plan (which incorporates NZS 4404:2010 Land Development and Subdivision Infrastructure) as the main document establishing the rules for subdivisions.
- 1.4 It has become apparent that further clarification is needed on Council's policies on:
- Common private ownership of drains.
 - Vesting of wastewater and stormwater pipes in Council.
 - Standards of plans to be provided to Council for engineering approval.

2.0 THE DISTRICT PLAN

- 2.1 The main sections of the District Plan relating to subdivisions are the Subdivision Policy (SU2) and Subdivision Rules (SU3).¹
- 2.2 The objective of the Subdivision Policy is to ensure all sites are provided with adequate services, which do not result in adverse environmental effects.² To achieve this all sites must be capable of being adequately serviced and have appropriate and safe access.³ NZS 4404:2010, discussed further below, has been incorporated in the District Plan. It is used as a guide for all subdivision engineering requirements. It also sets the standard for subdivision engineering requirements in relation to potable water, wastewater, and stormwater for publicly owned infrastructure. This helps ensure infrastructure integrity.⁴
- 2.3 In the residential zone, a subdivision will either be a controlled, discretionary or non-complying activity. If a controlled activity council must specify in the Plan the matters it will consider when assessing the application (matters of control) and can only impose conditions based on matters of control. Those matters include:
- Access.
 - Easements.
 - Whether the site can be adequately serviced in terms of sewage disposal, potable water, and stormwater disposal.⁵

3.0 NZS 4404:2010 LAND DEVELOPMENT AND SUBDIVISION INFRASTRUCTURE

- 3.1 NZS 4404:2010 is a widely used industry standard detailing requirements and engineering standards for all types of land modification and development where those activities are subject to the Resource Management Act 1991. The standard covers earthworks, roading, the provision of utility services including water supply, sanitary sewerage, storm water, electric power, telecommunication services and gas.
- 3.2 This standard can be used on its own or together with local codes of practice or guidance.
- 3.3 General requirements for drawings are covered in Section 1.8.2 – 1.8.3 of the standard. The standard notes that “design drawings shall be prepared in accordance with the LA’s

¹ Transport Infrastructure and Car Parking Policy (T12) and Rules(T13) are also relevant. The Council policy is that roads should be vested in council if they service more than five dwellings.

² SU2.2.1(b)

³ SU2.2.2(c)

⁴ SU2.2.2(c)

⁵ SU3.3.3.1(b)

practices. Except where otherwise notified, the requirements are as set out in this section and in accordance with 2 to 8 of this standard.” This document elaborates on this Council’s standards for design drawings.⁶

- 3.4 Construction of infrastructure cannot commence until resource consents have been issued and local authorities have approved the drawings, specifications and calculations for specific infrastructure.⁷
- 3.5 NZS4404:2010 does not address in any detail ownership of assets. It does state, in relation to wastewater that it is normal practice for there to be one wastewater connection per lot, with the private system extending through to the public system.⁸

3.6 OTHER POLICY LINKS

- The Building Act 1991 and Building Code⁹
- Ruapehu District Council Water Supply Bylaw 2012

Policy Statement

1.0 DEFINITIONS

Common drains are drains that are shared between two or more properties.

Common private drain means a private drain serving more than one property.

Drain means a pipe normally laid below ground level, including fittings and equipment and intended to convey wastewater or stormwater to an outfall.

Drainage easement is the right of a property owner or Council to enter other property to lay, repair or maintain drainage reticulation.

Drainage plan is a sketch plan lodged with the local council which shows where private wastewater and stormwater drains are laid and where they connect to the main wastewater and stormwater sewer respectively.

A lateral drain is a pipeline branch which connects a private property to the public system.

Private drains are drains that are constructed by or vested in private ownership and are not managed or maintained by Council but connect to the Ruapehu District Council public drainage system. Property owners are responsible for their private drainage up to and including the connection to the public line.

⁶ The standard notes LAs may require, for example:

1. Scales to be used other than 1:500 (NZS4404:2010, s1.8.2.3)
2. Design drawings to be in a certain format, suitable for later addition of as-built information and inclusion in the LA asset map base. (s1.8.2.5)
3. Electronic plans (s1.8.2.5)
4. Alternative design basis from the standard is permitted – explanation of the design basis must be submitted for approval (s1.8.3.2)

⁷ NZS4404:2010 section 1.8.4.3

⁸ The standard notes:

“Alternatively, if authorised by the TA, developers have the option of providing wastewater facilities to the individual titles or tenements in new development by:

- (a) Constructing individual connections which shall be owned and maintained by the body corporate, tenants in common or the company; or
- (b) Extending the public line into the lot and providing a separate connection to each unit.” [5.3.10.3 p 150]

⁹ The provision of water, stormwater and sewer reticulation within private land requires consent under the Building Act. Evidence of compliance is provided by obtaining a building consent, carrying out the works and council issuing a code of compliance.

Public drains are drains that service several sites, which are owned and maintained by Council.

Subdivision means any division of land allowing separate ownership (for example, Cross-Lease, Freehold Subdivision, Unit Title, Company Lease)

2.0 POLICY ON COMMON PRIVATE DRAINS

- 2.1 Council policy is for each dwelling or unit to have its own lateral drain connected to the public drainage system. Any proposal for a common private drain must be approved by Council.
- 2.2 Council will not approve common private drains serving more than one property unless an arrangement to own, operate and maintain the drainage system by a management entity has been approved by Council. This will generally only apply to multiple occupancies (unit title, cross lease or company lease).
- 2.3 Common drains to be vested in Council must be constructed using the standards set out in NZS 4404:2010 Land Development and Subdivision Engineering as a guide.
- 2.4 Wastewater and stormwater systems to be vested in Council that are not contained within public roads shall be within reserves vested in Council or easements in gross in favour of Council.

3 QUALITY AND CONTENT OF ENGINEERING PLANS

- 3.1 Where engineering plans are required to be submitted to Council for approval of detailed engineering design, those plans are to be in accordance with Section 1.8.2 NZS 4404:2010, the other relevant sections of NZS 4404:2010 relating to approval of proposed infrastructure including Section 4.4 (water Infrastructure), 5.4 (Wastewater Infrastructure) and 6.4 (Stormwater Infrastructure) and meet the following requirements:
 - (a) Are legible, clear, readable and complete. Plans that are handwritten are not suitable for assessment of compliance with NZS4404:2010 or subsequent construction.
 - (b) Are readable, on A3 sized paper, preferably using an 11pt font and a scale of 1:500 or similar.
 - (c) .PDF files and .jpegs are acceptable.
 - (d) Are of sufficient detail to meet the requirements of NZS4404:2010 including the design, layout and construction detail for water, wastewater and stormwater.
 - (e) Indicate the sections of infrastructure that are to be vested in Council.
 - (f) Include sufficient information for the District Engineer to substantiate that servicing capacity for any subsequent development beyond the subdivision (whether that development is a future stage of the same development or is a development to potentially be undertaken by another party) has been catered for.

4 ADMINISTRATION

- 4.1 The effectiveness of this policy will be reported on within three years following its adoption then reviewed triennially thereafter.

Annotations

Date	Description
13 May 2014	Policy first adopted by Council