

Property Developers Forum Meeting

Agenda

8:30 – 10:30am, 2nd August 2018

Priority One Boardroom, 29 Grey Street, Tauranga

Welcome		
8:30am	1. Apologies	Chair
8:35am	2. Previous minutes and actions from 7 June 2018 (Paper A)	Chair
Key Council and Project Updates		
8:40am	3. Tauranga Urban Strategy and TUS Initiatives approved at the City Transformation Committee on 5 June 2018	Andy Mead
8:55am	4. IDC - Transport Provisions Project – Update	Greg Bassam
9:10am	5. Western Bay of Plenty District Council – Update	Phillip Martelli
9:20am	6. Regional Council activities – Update	Adam Fort
9:30am	7. Memorandum of Understanding for the Utility Alignment Tool <ul style="list-style-type: none"> - MoU (with signatures as of 25 July) Paper B - Utility Alignment Tool wording Paper C <p>Proposed Amendments to the T116, T117 & T118 Cross Sections Paper D</p>	Ché Hedges

	<p>The drawings themselves can be found at the following Links:</p> <p>T116 - http://www.tauranga.govt.nz/Portals/0/data/future/strategic_planning/idc/files/standard_drawings/t100/T116.pdf</p> <p>T117 - http://www.tauranga.govt.nz/Portals/0/data/future/strategic_planning/idc/files/standard_drawings/t100/T117.pdf</p> <p>T118 - http://www.tauranga.govt.nz/Portals/0/data/future/strategic_planning/idc/files/standard_drawings/t100/T118.pdf</p>	
Strategic Long Term SmartGrowth Planning		
10:10am	<p>8. SmartGrowth Partnership Bi-Monthly Report – For your information</p> <p>SmartGrowth Partnership Report May 2018 Tauranga City Council Growth Monitoring Report June 2018</p>	For reading
10:10am	9. Future Development Strategy – Verbal Update	Chair
General Business & Recommendations To SmartGrowth Leadership Group		
10:20am	10. Any other general business.	All
10:25am	11. Key message to SmartGrowth Leadership Group	All
10:30am	Meeting Close – Next Meeting Thursday 27 September 2018, Priority One Boardroom, 29 Grey Street, Tauranga	Chair

1. Purpose

The purpose of the Property Development Forum ('the forum') is to draw on existing experience and to positively contribute to the ongoing evolution and success of the SmartGrowth Strategy ('the strategy') as it undergoes its first full review and enters the second decade of its long term 50 year planning horizon. The forum will enable direct property industry participation in the strategy review and subsequent strategy implementation in order to provide vital private sector input, in collaboration with the strategy partners and lead agencies into the wide range of challenges faced in the sub-region, including specific input into:

- Land use and urban form, including the RPS and resulting City and District Plan responses.
- Infrastructure planning, funding and implementation.
- Housing affordability.
- Development viability.
- Economic growth.

2. Role

The role of the Property Development Forum ('the forum') is as follows:

a) Review of SmartGrowth Strategy

The forum will have direct input into the following aspects of the strategy review:

- The review project brief.
- The review scope.
- Research identification, scoping and implementation.
- Representation and participation in the various strategy review work streams and associated workshops.
- The Settlement Pattern Review.
- The draft Strategy Review.

b) On-going SmartGrowth Strategy Input

Following the strategy review the Forum will have ongoing input into the strategy implementation including the following specific aspects:

- Providing input and feedback in respect of partner projects relating to strategy actions where such input is sought by the SmartGrowth Strategic (Managers) Group (SSG) projects
- Monitoring of strategy actions.
- The development of statutory and non statutory policies by the SmartGrowth Partners that either arise from the strategy or have the potential to impact on the strategy.
- SmartGrowth representations to regional and national forums and central government.

3. Membership

The Property Development Forum ('the forum') membership consists of representation from the following property industry sectors:

- Property Industry Representative Organisations eg Property Council of New Zealand.
- Landowners / Developers.
- Land Developers and Subdividers.
- Property Developers – Residential and Commercial.
- Property Industry - Management Consultancies.
- Property Industry – Professional Services Consultancies.
- Building Contractors – Residential and Commercial.

4. Other SmartGrowth Forums and the SmartGrowth Strategic (Managers) Group (SSG) – Linkages and Reporting

In order to provide transparency, a member (an alternate can be appointed) of the other SmartGrowth Forums and the SSG (as selected by those groups) will be invited to attend and participate in the Property Development Forum meetings.

For consistency, only the members nominated by each individual forum / group shall attend these meetings. These members will be able to report back to their respective forum / groups on the Property Development Forum meetings.

A reciprocal arrangement will also apply allowing the Property Development Forum to appoint a member (alternate can be appointed) to attend and contribute to the Strategic Partner Forum. Meeting minutes and reports for each of the forums will be circulated to the other forums.

5. SmartGrowth Leadership Group (SLG) – Linkages and Reporting

The forum members are able to present to the SmartGrowth Leadership Group at any of the formal meetings with agreement of SLG Chair and at any agreed workshops, held between SLG and the forum. Every six months SLG has a workshop with the individual forums to discuss a range of matters and issues.

The minutes of the forum meetings are provided to SLG as part of the regular reporting process and any particular issues are drawn out and highlighted in the bi-monthly report presented to SLG by the Independent Chair and Implementation Adviser.

The minutes are also provided to the SmartGrowth Strategic (Managers) Group for information and for actioning of any particular matters.

6. Information Provision and Feedback

Relevant draft reports, ideas, submissions, and proposed initiatives are provided to the Forum for discussion and input prior to matters going to SLG. These may be part of a meeting agenda item, or if between meetings, circulated by email to the Forum Chair, for feedback.

7. Meeting Attendance and Presentations

The Independent Chair and Implementation Advisor may attend meetings from time to time, provide written reports, advice and seek input on various matters. There are also a range of presentations on matters of interest to SmartGrowth Leadership Group and to Forum members.

SLG members may also be invited to attend the Forum from time to time.

Property Developers Forum – Membership (PDF)

Name	Organisation	Name	Organisation
Jeff Fletcher	Bconn/Chair	Jason Rogers	
Puhirake Ihaka	CTWF	Jeff Hextall	S&L Consultants
Aaron Collier	Aurecon	Jim Lochhead	Carrus Corp
Andrew Collins	Harrison Grierson	Lyndon Marshall	

Andy Sutton	Tailor	Mangatawa Papamoa Blocks	
Annie Hill	Priority One	Mark Apeldoorn	
Bill Wasley	Independent Chair	Mark Day	Bluehaven Management
Belinda Taurau-Hill	Maven	Mark Maystone	Maniaroa
Bob Clarkson	Independent Landowner	Maru Tapsell	CTWF
Bob Thorne	Thorne Group	Matire Duncan	
Brian Goldstone	Goldstones	Matt Allott	Boffa Miskell
Brian Gillett	BGT Developments	Michael Kemeys	Veros Property Services
Brian Stevenson	Bluehaven	Mike Stott	Lysaght Consultants
Carl Salmons	Maven	Murray Beets	
Colin Booth		Nathan York	Bluehaven Management
Colin Reeder		Peter Cooney	Classic Builders
Craig Batchelar	Boffa Miskell	Petr Koch	Hawridge
Craig McGarr		Richard Coles	Mpad
Darryl Fox		Roku Mihinui	Te Arawa
Dave Macfarlane	Mantra Properties	Rowesdale	
David Page	Neil Group	Scott Adams	Carrus Corp
Daryl Edgecombe		Shae Crossan	Stratum
David Needham	Harrison Grierson	Shane McConnell	G.J Gardner Homes
Duarne Lankshear		Simon Maxwell	The Lakes
Dwayne Roper		Scott Hamilton	Quayside
Gary Scholfield	Thomas Consultants	Steve Short	Independent
Graham Clarke		Tauranga Registered Master Builders	
Grant Cowles	S&L Consultants	Tim McBride	S&L Consultants
Grant Downing	Element IMF	Victoria Kingi	
Howard Smith	Ngai Tahu Property		



SmartGrowth Property Developers Forum
Priority One Boardroom, 29 Grey Street, Tauranga
Thursday 7 June 2018, 8:30-10:30am

Forum Members Present	Jeff Fletcher (Chair), Grant Downing (Element IMF), David Needham (Harrison Grierson), Scott Adams (Carrus), Belinda Taurau-Hill (Maven), Craig Batchelar (Boffa Miskell), Puhirake Ihaka (Combined Tangata Whenua Forum), Maru Tapsell (Combined Tangata Whenua Forum), Michael Kemeys (Veros), Gary Scholfield (Thomas Consultants), Mike Stott (Lysaght Consultants)	
SmartGrowth	Megan Rumble (Minutes)	
Partner staff	Ché Hedges (TCC), Campbell Larking (TCC), Natalie Rooseboom (TCC) Apologies: Phillip Martelli (WBOPDC)	
Apologies (forum members)	Dave McFarlane (Mantra Properties), Jeff Hextall (S&L Consultants), Scott Hamilton (Quayside)	
Previous minutes and matters arising		The previous 5 April 2018 minutes were accepted by the forum with no matters arising. There were two spelling errors amended.
WBOPDC update		Nothing new to update.
	Action	
Risk & Resilience; CPT Data Collection Proposal		Campbell Larking & Ché Hedges discussed the sharing of geotechnical data on the NZ Geotechnical Database. This is a national initiative evolving from the Christchurch Earthquake recovery. It benefits Councils for risk investigations & benefits developers via reuse of information where it already exists. In this case it would result in savings for a developer as they won't have to pay to do a full range of tests.



		<p>Council holds historical information records in geotechnical reports. These are publicly available to read but Council does not own the report. Therefore, Council is requesting Developers to support this initiative by agreeing to allow the raw test data to be shared.</p> <p>Ché advised that the update to the IDC DS-10 section last year includes this as a requirement for new subdivisions.</p> <p>Response: The PDF agreed in principle but would like clarity over the data type/s intended to be shared and that this is stated clearly on any release documentation.</p>
Action		Cam to confirm & advise.
<p>Proposed Infrastructure Development Code Departures and Utility Tool</p> <p>Ché Hedges and Natalie Rooseboom</p>		<p>1. Timeline of Projects</p> <p>Summary of key IDC project timelines included in the PowerPoint – view here.</p> <p>2. Street Trees</p> <p>Amendments to clarify IDC</p> <ul style="list-style-type: none"> • IDC requirement to “space trees evenly” in residential areas will be removed. • IDC requirement to cluster trees in groups of 3 in commercial/industrial areas will be removed. • This gives designers a little more freedom to find more appropriate positioning for trees. • New drawings will be added to the IDC to educate on tree fundamentals. • The City Plan requires 1 tree per lot (with lot frontage).



	<ul style="list-style-type: none"> • Councils City Arborist is a supporter of better “situation specific” outcomes but what these could be will be defined at a later time. <p>3. Retaining Walls</p> <p>Introducing new drawings into IDC to help industry understanding of the issues with these walls</p> <p>PDF suggested extra drawings on more complex issues than those shown.</p> <p>Ché advised that the initial focus was on the basics or more frequent occurrences. Additional types can be added later however the drawings don’t remove the geotechnical (wall) designer from designing appropriately to the situation/ground conditions present.</p> <p>4. DS-10 Update for WBOPDC</p> <p>WBOPDC to like to fully align with updated IDC DS-10 Natural Hazards & Earthworks</p> <ul style="list-style-type: none"> - Formal consultation is not desired - TCC undertook this last year - Same market, would save cost & time - Re-aligns TCC / WBOPDC for this requirement <p>Question: Is the Property Developers Forum supportive for WBOPDC / TCC to move forward in this way?</p>
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	<p>Response: PDF advised that this is sensible and a good thing. It follows the concept of what SmartGrowth is about, working together across the region.</p> <p>Action: Ché to advise WBOPDC on next steps for them to work toward alignment.</p> <p>5. T116/T117 Perspective Drawings</p> <p>These do not work well in practice.</p> <p>Question: Is the Property Developers Forum willing to work with TCC & agree to:</p> <p>Option 1: Remove T116/T117 until IDC Project 2 can resolve this.</p> <p>Option 2: Agree to upsize to a 7m Carriageway for T116 .</p> <p>Option 3: Add Yellow No Parking Lines to drawing as a temporary solution.</p> <p>Option 4: Do nothing</p> <p>Response: PDF were appreciative of the issues but not fully comfortable with the options. PDF felt that a 6m carriageway may still be appropriate in some circumstances & wouldn't want to lose it outright.</p> <p>Ché advised that Council know in practice that the cross section T116 in particular is not working so as an industry we can't sit by & allow this to keep happening. Ché recommended a "meet in the middle" approach where the issues Council are experiencing when the roads are in operation, are brought forward into the design requirements to encourage better outcomes when a developer is considering T116, T117, T118 as their proposed Road Zone.</p>
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	<p>PDF agreed.</p> <p>Action: Ché to work with Council Transportation staff & provide the alternative to PDF for review, working toward agreement to use until IDC Project 2: Med/High Density Subdivision provides confirmed outcomes.</p> <p>6. Utility Alignment Tool</p> <p>This is a temporary tool to assist placement of utilities & appropriate sizing of Road Zones by considering the utility space required.</p> <p>This will be replaced by the outcomes of IDC Project 2 High/Medium Density, due late 2019.</p> <p>Question: Is the Property Developers Forum willing to work with TCC & agree to:</p> <p>Part 1: Support the use of the Utility Alignment Tool as a temporary process until IDC Project 2: Med/High Density Subdivision replaces it?</p> <p>Part 2: Agree to use; and promote the use of, the Utility Alignment Tool by their Consultants until IDC Project 2: Med/High Density Subdivision replaces it?</p> <p>Part 3: Co-Sign a Memorandum of Understanding with other parties e.g. Key Utility Operators, Council, to share the responsibility of providing safer outcomes until IDC Project 2: Med/High Density Subdivision replaces it?</p> <p>Response: Part 1 – Yes. Part 2 – Yes. Part 3 – Yes, as long as all other parties also sign & respect the tool.</p> <p>Action: Ché to complete MOU wording & supply to Jeff for review.</p>
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		<p>7. IDC Departures</p> <p>Natalie Rooseboom discussed a detailed application process where:</p> <ol style="list-style-type: none"> 1. The IDC cannot be used due to site specific constraints. 2. The IDC is silent on any issue. 3. New methods, techniques or technology is proposed. <p>Next step will be informal consultation via the IDC Register.</p> <p>Response: PDF agreed with the concept. Some comment received on timing of applications, timeframes to decision.</p> <p>PDF requested worked examples to help them understand the workings of the process.</p> <p>Action: Natalie to review next steps & advise.</p>
	<p>Action</p>	<ul style="list-style-type: none"> • Ché to advise WBOPDC on next steps for them to work toward alignment re: IDC DS-10 Natural Hazards & Earthworks. • Ché to work with Council Transportation staff & provide the alternative to PDF for review, working toward agreement to use until IDC Project 2: Med/High Density Subdivision provides confirmed outcome re: T116/T117. • Ché to complete MOU wording & supply to Jeff for review. • Natalie to review next steps of IDC departures application process & advise.
<p>General Business</p>		<p>Nothing to note</p>



	Action	
Key message for SmartGrowth Leadership Group		Nothing to note

Meeting Closed: 10:36 am

Next Forum meeting: 8:30am – 10:30am on Thursday 2nd August 2018, Priority One Boardroom.

Memorandum of Understanding

Between

Tauranga City Council (TCC); and,
Smartgrowth Property Developers Forum (SPDF); and,
Powerco (PCO); and,
Ultrafast Fibre (UFF); and,
Chorus (CHO); and,
Firstgas Limited (FGL).

1 AUGUST 2018

INTRODUCTION

Tauranga City Council (TCC) is responsible for the growth and servicing of Tauranga City and has a responsibility to act in the best interests of the local community. Tauranga City is growing at a fast pace. *TCC* is required to act on the changing demands and outcome evolution as a result of this speed of growth. This includes considering the needs of all co-stakeholders, law / standards changes, industry best practice, advances in technology and the provision of safe working environments for all.

TCC also undertake the role of *Utility Operator* for the provision of the following networks: Transportation, Stormwater, Wastewater, Water Supply; as well as green assets such as parks, trees, gardens and structures.

The role of the *SmartGrowth Property Developers Forum* is to inform SmartGrowth governance of the issues and concerns at the grassroots of development. SmartGrowth provides a unified vision, direction and voice for the future of the western Bay of Plenty, helping to develop a great place to live, learn, work and play considering a range of environmental, social, economic and cultural matters. This forum group includes property developers and design consultancies.

The role of Powerco is that of the *Utility Operator* for the provision of Energy (power) network and structures.

The role of Ultrafast Fibre is that of the *Utility Operator* for the provision of telecommunications network and structures.

The role of Chorus is that of the *Utility Operator* for the provision of telecommunications network and structures.

The role of First Gas Limited is that of the *Utility Operator* for the provision of gas network and structures.

SIGNED below on behalf of each organisation as stated:

Howard Severinsen
Manager:
Infrastructure Delivery
Tauranga City Council



Natalie Rooseboom
Manager:
Asset Planning and Information
Tauranga City Council



Darach Cassidy
Manager:
Health, Safety & Wellbeing
Tauranga City Council



Jeff Fletcher
Chair:
Property Developers Forum
SmartGrowth



Craig Webby
Design
Manager
Powerco



Tony Horne
Capability Delivery Manager
UFB & Subdivisions
Chorus



Damian Williams
Quality & Standards
Manager
Ultrafast Fibre



Steve Shirley
Distribution Project
Engineer
First Gas Ltd



Warren Aitken
Team Leader:
Parks and Environment
Tauranga City Council



Martin Parkes
Manager:
Transportation
Tauranga City Council



Steve Burton
Manager:
City Waters
Tauranga City Council



SCHEDULE 1

1. Background

- 1.1 A Utility Alignment Tool has been developed by *TCC* in collaboration with *PCO*, *UFF*, *CHO* and *FGL*. The tool provides:
- Updated alignment envelopes and agreed separations for each utility service for a typical situation.
 - A process for negotiating an outcome when the typical situation cannot be achieved.
 - Defined responsibilities within this negotiation process.
 - An escalation requirement when the affected parties cannot agree on a negotiated outcome.
- 1.2 The Utility Alignment Tool was developed in order to:
- Provide for safer, collaborative outcomes within a design environment where individual industry sector standards cannot be met, in part or full.
 - Reduce increasing relationship tensions / frustrations between co-stakeholders.
 - Provide a means to ensure all co-stakeholder issues are considered.
 - Reduce inappropriate time and cost wastage to achieve a best-fit decision.
 - Act faster in response to utility alignment issues.
 - Be the temporary requirement for handling utility alignment issues until the completion of *TCC's "IDC - Transport Provision Project"*.
- 1.3 The intention of producing a Utility Alignment Tool was discussed with the *SPDF* as the need for the tool increased. A presentation was provided by *TCC* to *SPDF* to explain the use of the tool and gain support for this initiative.
- 1.4 It is intended that the lead Act of Law for the Utility Alignment Tool will be the *Health and Safety at Work Act 2015* with emphasis on supporting the intentions of "*Subpart 2 Duties of PCBU's*".

2. Purpose

The purpose of this Memorandum of Understanding is to:

- 2.1 Record the principles and objectives that the parties expect to underpin their ongoing relationship and describe, in general terms, how issues arising within this relationship are agreed to be handled.
- 2.2 Provide for an agreed, collaborative self-governance mechanism of all parties relating to the principles of the tool.
- 2.3 Improve and maintain collaborative relationships between parties.

3. Parties Objectives

- 3.1. To provide the best collaborative outcome, understanding the difficulties all other parties face, for the benefit of the Tauranga City community.
- 3.2 To support the use of the Utility Alignment Tool.

- 3.3 To use and promote the use of, the Utility Alignment Tool by their Consultants / Designers.
- 3.4 To support and act within an agreed self-governance protocol, facilitated by TCC. This allows agreed protocols to manage improvements to the Utility Alignment Tool or issues of non-compliance. It also provides for a common sense approach to be undertaken so the *Health & Safety at Work Act* infringement procedures are not the first and only method of handling non-compliance where appropriate.
- 3.5 The parties agree to sign this Memorandum of Understanding with other parties.
- 3.6 Contact TCC's nominated representative should any review and / or amendment opportunities arise in relation to the Utility Alignment Tool.

4. Parties Principles

- 4.1 The parties agree to:
 - Work proactively and collaboratively together.
 - Act in good faith.
 - Display a high level of ethical behaviour.
 - Solve problems, not cause them.
 - Respect all other parties, their opinions and needs.
 - Not operate for self-interest or self-gain.
 - Communicate honestly and openly.
- 4.2 The parties acknowledge and understand that the TCC City Plan, IDC, various industry Acts of Law and standards do not provide for simple to achieve outcomes in all instances.
- 4.3 The parties commit to producing the best collaborative outcome possible for each design environment for the benefit of the Tauranga City community.

5. Applicability

- 5.1 The Utility Alignment Tool is applicable to use for outcomes associated with:
 - Subdivision / Land Use projects subject to a Resource Consent.
 - TCC Capital Works projects where the Utility Alignment Tool is specified as an appropriate mechanism for the design of the works.*
 - TCC Operational / Maintenance Works project where the Utility Alignment Tool is specified as an appropriate mechanism for the design of the works.*
 - Work associated with a Building Consent where the Utility Alignment Tool is specified as an appropriate mechanism for the design of the works.*

*In general, these works will be subject to the requirements of the *Utilities Access Act*. Where instances occur where the Utility Alignment Tool is identified by the affected parties as a sensible tool to use, it can be used for projects such as these.

6. Role of Parties

- 6.1 TCC agree to provide:
 - Commitment within the organisation regarding the use of and compliance with the Utility Alignment Tool.

- Utility Alignment Tool quality assurance and compliance monitoring.
- Asset Managers to undertake the role of *Utility Operator* for each *TCC* owned asset discipline.
- Processing & Compliance staff for Resource and Building Consent processes.
- Project Managers for Council Projects.
- Attendance at meetings where negotiated outcomes are required.

6.2 SPDF agree to provide:

- Promotion within the development community e.g. developers, design consultants, regarding the use of and compliance with the Utility Alignment Tool.
- Assistance with any non-compliance issues involving their members.
- Assistance with any non-compliance issues involving others where appropriate.
- Attendance at meetings, where requested, where negotiated outcomes are required.

6.3 *PCO, UFF, CHO* and *FGL* will provide:

- Promotion within the design and installation sectors of their industry regarding the use of and compliance with the Utility Alignment Tool.
- Assistance with any non-compliance issues involving their design and installation industry.
- Assistance with any non-compliance issues involving others where appropriate.
- Attendance at meetings where negotiated outcomes are required.

7. Term

7.1 This memorandum is effective from 1 August 2018 and expires on 31 December 2019.

7.2 The expiration date may be automatically extended or reduced where:

- All parties agree to this; or
- Recommendation is made via the *IDC - Transport Provision Project* to do so.

8. Relationship Management and Communication

8.1 The parties nominate the following persons to act as the first point of contact for the topics listed.

Process & Tool Advice

Name	Organisation	Topic/s
Ché Hedges	TCC	Tool management, advice, resolutions.
Simon Fitzpatrick	TCC	Development Engineering issues, advice.
Richard Conning	TCC	TCC Project issues, advice.
Jeff Fletcher	SPDF	Developer issues, queries.

It is typical that the assigned *TCC* Development Engineer or Project Manager will be the day to day contact person relating to specific developments / projects.

Utility Operator Representatives

Craig Aplin	PCO	Energy (electricity)
Tama Tawhai	CHO	Telecommunications for CHO
Damian Williams	UFF	Telecommunications for UFF
Steve Shirley	FGL	Gas
Phill Lodge	TCC	Street Trees
Phil Consedine	TCC	Transportation

Phil Bourke	TCC	Stormwater / Wastewater
Barry Sarjeant	TCC	Water Supply
Michael Jones	TCC	Public Lighting

- 8.2 It is the responsibility of these contact people to:
- Work collaboratively.
 - Keep all parties fully informed.
 - Act as the first point of contact between parties and as liaison persons for external contacts e.g. design consultants.
 - Delegate issues outside of their control to appropriate personnel.
 - Communicate on matters of interest that arise affecting any / all parties or the overall process.
 - Attend forum group meetings.
 - Work to solve the challenges in the most proactive way possible.

8.3 If the contact person changes, all other parties shall be notified and the contact list shall be updated.

8.4 No party can speak on behalf of another unless given formal agreement to do so.

9. Management Agreements and Contractual Arrangements

9.1 For the avoidance of doubt, the relationship of the parties under this Memorandum is not one of legal partnership, joint venture or agency.

- 9.2 All legal processes that govern the requirements for each project type shall be followed unless a method of departure is:
- Agreed to by all affected parties.
 - Agreed to by a majority of parties and approved by *TCC's* Tool Manager / facilitator or professional assign to resolve escalation from the negotiated outcome process.
 - Provided by *TCC* as part of its *IDC*.

10. Dispute Resolution

10.1 Any dispute concerning the subject matter of this document is to be settled by full and frank discussion and negotiation between the parties.

10.2 Where a resolution cannot be achieved, *TCC's* Manager: Asset Planning and Information shall decide and communicate the outcome.

SCHEDULE 2

1. Definitions

Health and Safety at Work Act 2015

The operative version of the Health and Safety at Work Act at the time of project.

Utilities Access Act 2010

The operative version of the Utilities Access Act at the time of the project.

Utility Operator

The party responsible for the operation and maintenance of the utility service.

2. Abbreviations

CHO

Chorus Limited - Company

FGL

Firstgas Limited - Company

IDC

The Tauranga City Council Infrastructure Development Code.

PCBU

A person conducting a business or undertaking as defined in the Health & Safety at Work Act.

PCO

Powerco - Company

SPDF

Smartgrowth Property Developers Forum

TCC

Tauranga City Council – Local Authority

UFF

Ultrafast Fibre - Company

DS-1.21 Putting it all Together

For each *design* there will be different parameters for the *design* rationale based on a range of variables such as the context, climatic conditions, ground conditions, site opportunities, density and constraints. As such, the weighting of the core *design* principles will also vary. The intention of *DS-1 Putting it all Together* is to ensure that each principle is considered as part of the *design* rationale and that the *design* reflects the best combination of these as appropriate to the site and desired outcome.

DS-1.21.1 Positioning of Infrastructure within the Road Zone

Where activity related to *DS-1.21 Putting It All Together* is proposed for an existing *Road Zone*, these requirements shall be used in conjunction with *DS-11 Road Zone Occupancy*. For this situation, if any conflict arises between these sections, *DS-11 Road Zone Occupancy* shall take precedence.

Where the *Road Zone* does not exist at the time of *design* e.g. it is being *designed* and vested to *Council* ownership as part of a subdivision, *Designers* shall ensure that all components within the *Road Zone* are located considering:

- a) Potential for harm to people and property, relating to any component/s:
 - i) At the time of installation.
 - ii) During its use i.e. operations, maintenance, connection.
 - iii) At the time of its replacement/renewal.

- b) Effects on all other installations within the Road Zone, whether:
 - i) Already existing and in place.
 - ii) Installed at the same time.
 - iii) Proposed for future installation.

To ensure the above matters are provided for, *Designers* shall use the *Utility Alignment Design Tool* to select appropriate alignments within the *Road Zone* and use it as a guide for installations within Privateways, Right of Ways etc. For clarity, the use of the *Utility Alignment Design Tool* shall include the provision of all infrastructure, trees, gardens, furniture, structures and the like.

Where *Council* is not the future owner of the *Road Zone* e.g. *NZTA*, *KiwiRail*, the *designer* shall provide a copy of a written agreement from the future owner to demonstrate the *design* is acceptable to their requirements.

Explanatory Note:

As development intensification increases and evolves within Tauranga City, the pressures associated with servicing developments has become more difficult. Recent health & safety concerns, issues raised by industry co-stakeholders, the 2017 New Zealand fuel crisis caused by the striking of a major pipeline and difficulties experienced by all parties to resolve multi-asset clashes have shown this to be an issue requiring both a quick and longer-term response. This design tool was developed to respond to the concerns above as a temporary measure only. It will be updated or replaced by the outcomes derived from the IDC Transportation Provisions Project. This longer-term project will investigate this issue in more detail for a range of defined environments.

DS-1.21.2 Provision of a Utility Alignment Design Tool

Council developed the *Utility Alignment Design Tool* in collaboration with representatives from major Utility Operators from within the local area. The tool was developed considering the:

- a) *Health and Safety at Work Act*, with specific emphasis on *s36-46* of the Act.

- b) *Utilities Access Act* and supporting documentation.
- c) *Resource Management Act* and the *City Plan*.
- d) *Electricity Act* and supporting documentation.
- e) *Telecommunications Act* and supporting documentation.
- f) *Gas Act* and supporting documentation.
- g) *Health (Drinking Water) Amendment Act*.
- h) *IDC*.

The *Utility Alignment Design Tool* shall be used to meet the requirements of the *Health and Safety at Work Act* as the intended primary empowerment legislation. *Council* determines that this Act shall be the lead requirement over any other Act for the provision of outcomes related to this multifaceted situation.

Explanatory Note:

Emphasis has been placed on s36-46 of the Health and Safety at Work Act as these sections specifically cover:

Subpart 2 – Duties of PCBUs (a person conducting a business or undertaking)

s36 Primary duty of care

s37 Duty of PCBU who manages or controls workplace

s38 Duty of PCBU who manages or controls fixtures, fittings, or plant at workplaces

s39 Duty of PCBU who designs plant, substances, or structures

s40 Duty of PCBU who manufactures plant, substances, or structures

s41 Duty of PCBU who imports plant, substances, or structures

s42 Duty of PCBU who supplies plant, substances, or structures

s43 Duty of PCBU who installs, constructs, or commissions plant or structures

Subpart 3 – Duties of officers, workers and other persons

s44 Duty of officers

s45 Duties of workers

s46 Duties of other persons at workplace

Emphasis on the above sections of the Act does not negate any other section of the Act. Health and safety is of the highest priority to Council. Safety in design is a vital part of ensuring Designers produce designs that are considerate of the full lifecycle of the components / assets that make up any design outcome and activities associated with them during their lifecycle.

DS-1.21.3 Sizing Infrastructure

Prior to using the *Utility Alignment Design Tool*, the sizing of all infrastructure shall be completed as required by:

- a) The appropriate *design* section of the *IDC*.
- b) The *design* requirements of the *Utility Operator* for non-*Council* assets.

Explanatory Note:

It is not the intention of the *Utility Alignment Design Tool* to define the size of infrastructure. The *Utility Alignment Design Tool* provides clarity on the location of infrastructure and whilst it may influence how a designer chooses to service a development, this is not its primary function or intention.

DS-1.21.4 Using the Utility Alignment Design Tool

Once the *Designer* has established the services required for the project and these have been sized using the appropriate *design* methods and calculations, the following steps shall apply:

- a) Select the appropriate Perspective Drawing cross-section for use as the template for the design outcome & selection of initial carriageway width.
- b) Position the utility mains (pipes, ducting and cables) within the alignment envelopes as provided. Ensure these are all located against the *leading edge* of the envelope. Refer to [DS-1.21.6 Utility Alignment Design Tool](#) for a definition of *leading edge*.
- c) Position the service connections. This shall be specifically designed considering:
 - i) The effect of a connection failure on other services.
 - ii) The frequency of access to connections over the lifecycle of the utility. Where possible it is advisable that connections likely to be accessed more frequently are positioned shallower than other connections / mains where possible.
 - iii) Agreed separation distances from other assets to reduce the possibility of harm to people and damage to other utility services.

Explanatory Note:

Service connection locations are not shown on the Utility Alignment Tool. This is because the final depth for each main is not confirmed until part b) above is undertaken. Different size and depth requirements for each design situation will result in differences in how and where connections are provided. As trends develop for certain situations, Council will update the Utility Alignment Tool to reflect better outcomes.

- d) For any utility, where the alignment envelope space is not:
 - i) Utilised in full.
 - ii) Identified for future use (as justified and supported in writing by the *Utility Operator*), the unused envelope space shall be removed. This shall be confirmed at the time of application for [Development Works Approval](#).
- e) The minimum separation distances between the service mains shall be maintained unless a smaller separation distance has been negotiated and written agreement is provided at the time of application for [Development Works Approval](#).

Explanatory Note:

Alignment 'banking' by any Utility Operator will not be accepted by Council. As the future Road Zone land owner and Corridor Manager, Council reserves the right to decide whether protection of future alignment space is appropriate or not.

- f) Position the structures e.g. cabinets, gyro boxes, access pits, manholes & the like.
- g) Application for [Development Works Approval](#) shall not commence until one of the following has been undertaken:
 - i) All components are located within the envelopes provided, envelope adjustments are completed as per d) above and all other information required by [QA-3 Development Works Approval](#) is completed.
 - ii) A negotiated outcome as per [DS-1.21.5 Negotiated Outcome](#) is completed and all other information required by [QA-3 Development Works Approval](#) is completed.

DS-1.21.4.1 Design Considerations

Designers shall ensure that transition from existing infrastructure layouts / alignments are included as part of the *design*. In addition to the standard design requirements for each asset discipline, further considerations for *designers* include:

a) Excavation

- i) *Worksafe*, under the regulations associated with *Health and Safety at Work Act*, require notification of excavations greater than 1.5m deep.
- ii) *Utility Operators* may require stand over attendance when working in close proximity to their services. Please liaise directly with the *Utility Operators* for advice on these circumstances.

b) Energy (Power)

- i) Separation from the boundary is important to protect the infrastructure from private fence/wall/mailbox construction.
- ii) Cables have a bend radius that requires space for the bend to occur.
- iii) Cables can emit a heat radiance that can de-rate the current carrying capacity of the cables.

c) Communications

- i) The envelope provided is to cater for all telecommunication ducting / cabling mains.
- ii) Preference for 450mm omnidirectional separation from high voltage power.

d) Gas

- i) Where Gas is not proposed to be installed as part of a subdivision etc., this envelope shall remain in place for future service installation unless written confirmation is provided by the Gas Utility Operator that it is not required for future service installation. This confirmation shall be provided to Council when detailed design is provided.

e) Water Supply

- i) The Water Supply infrastructure operates under pressure. This means that any damage to this can be a risk to other services.
- ii) The Water Supply and Wastewater separation distance is significant to reduce the chance of contamination to the Water Supply (for public safety).
- iii) Water supply pipelines require approximately 100mm under the pipe for the purpose of connecting fittings.
- iv) Where possible, typically where there is a wider berm, Water Supply shall be located so it is not located under the footpath.

f) Wastewater (option)

- i) The wastewater envelope shown is an option if the *Designer* can demonstrate that the pipeline can fit within this envelope.
- ii) The envelope applies only to the pipe infrastructure.
- iii) *Designers* shall ensure that the positioning and installation of manholes does not affect other services.
- iv) If fi)-iii) above do not apply, the Wastewater shall be positioned within the carriageway unless the *Designer* can provide for a *design* that positions it appropriately elsewhere. This requires a negotiated outcome as per *DS-1.21.5 Negotiated Outcome*.

g) Trees / Gardens

- i) Species selection shall be made considering the available space, growing environment e.g. soil conditions and overshadowing of carriageways.

ii) Some species and soil conditions will result in shallow and wide root growth rather than deep and narrow.

iii) Where the use of tree-pits or similar are approved for installation within the carriageway area, the Shared Zone envelope can be reduced to suit the requirements of the Streetlights and/or Street Sumps.

h) Streetlights

i) Streetlights shall be positioned as required by the Streetlight *design* and so not to damage other services or cause intrusion to sight lines.

ii) Details regarding the supply of power to each streetlight shall be provided with the *design* information.

i) Sumps

i) Sump selection and spacing shall not adversely affect shared zone services such as Trees and Streetlights.

j) Pathways

i) High pedestrian areas e.g. CBD, Commercial areas etc. generally require a wider or full berm width pathway where appropriate e.g. CBD, Shopping Centres etc.

k) Stormwater

i) Stormwater shall typically be positioned within the carriageway unless the designer can provide for a *design* that positions it within the berm. This requires a negotiated outcome as per *DS-1.21.5 Negotiated Outcome* where there is potential effect to other services.

l) Carriageway

i) The carriageway shall be sized using the requirements of *DS-4 Transportation* and *T100 Perspective Drawings*. Where appropriate to the design situation, the carriageway width may need widening to accommodate operations vehicles, safe manoeuvrability e.g. considering topographic influence on the geometry of the carriageway layout.

ii) Subsoil drains shall be provided where required by *DS-4 Transportation*.

iii) Parking shall be provided for where required by *DS-4 Transportation*.

m) Structures / Street Furniture

i) The provision of large structures that may affect underground services or above ground activity e.g. sight lines, require a negotiated outcome as per *DS-1.21.5 Negotiated Outcome*.

n) Retaining Walls

i) Where a retaining wall is proposed within or adjacent to the *Road Zone*, the provision and location of utility services shall be included as a part of the design philosophy for the retaining wall.

ii) The presence of a retaining wall requires a negotiated outcome as per *DS-1.21.5 Negotiated Outcome* to confirm all constraints and outcomes.

o) Connections

i) *Designers* shall ensure that the positioning of connections to/from underground services considers the positioning of other underground services and reduces, as much as is practically possible, future risks to workers or other services and connections.

Explanatory Note:

These design considerations are provided to help designers to undertake an appropriate level of due diligence however, they are not exclusive. Where unclear, or where other issues arise, designers shall communicate and collaborate with all affected parties to achieve the best possible outcome considering all issues.

In turn, all affected parties are expected to communicate and share information to help achieve good collaborative outcomes.

DS-1.21.5 Negotiated Outcome

The following shall apply:

- a) Where any of the following conditions exist, a negotiated outcome is required:
 - i) Proposed pipes, ducting, cables do not fit within the appropriate utility envelope.
 - ii) Service chambers/pits encroach within any envelope.
 - iii) A retaining wall is present or proposed to be located on either side of the *Road Zone* boundary.
 - iv) Positioning of street furniture.
 - v) Larger separation distances are required, typically for larger main sizes.

- b) A negotiated outcome involves a discussion & agreement between all affected parties. It shall be facilitated by the *designer*. This discussion shall also include:
 - i) A *Council* Development Engineer where related to development works.
 - ii) A *Council* Project Manager where related to *Council* project works.

- c) Where agreement between parties cannot be obtained, the resolution decision shall escalate to an adjudicator appointed by *Council*, who will consider all opinions and make the decision in order to move the issue and therefore, the project, forward. Escalation issues shall be referred to *Councils Manager: Asset Planning and Information*.

The negotiated outcome process shall be completed, along with the final agreed design, prior to *Development Works Approval* application.

Explanatory Note:

Council will manage the situation where co-stakeholders cannot agree on the outcome for proposed Council owned Road Zones. Council is assigned this role because Council will become the owner of the Road Zone & therefore has responsibilities to manage activities associated with the Road Zone after it is vested to Council ownership.

DS-1.21.6 Utility Alignment Design Tool

The *Utility Alignment Design Tool* is shown below:

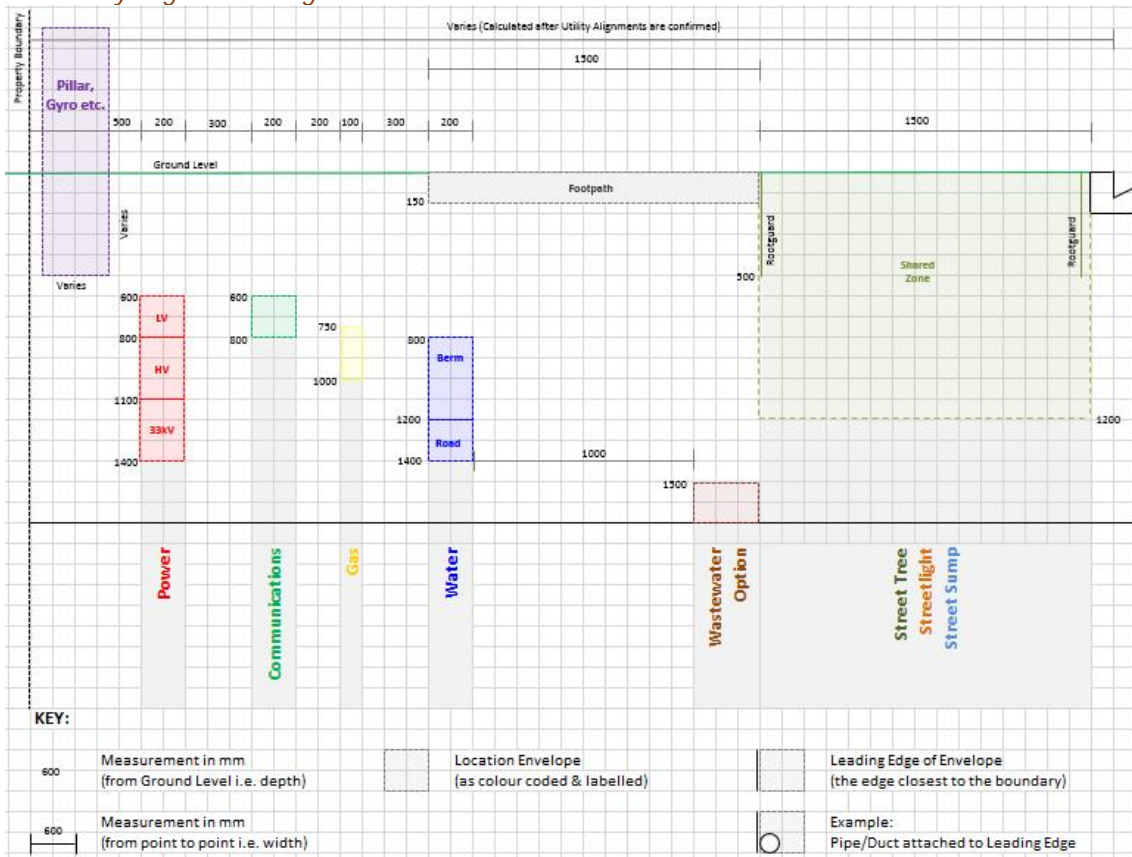


Table 1.1: Design Envelopes for Utility Location

Utility Type	Width (mm)	Min. Cover ⁱ (mm)	Max. Depth ⁱⁱ (mm)
Energy (Power) - Low Voltage	200	600	800
Energy (Power) - High Voltage	200	801	1100
Energy (Power) - 33kV Voltage	200	1101	1400
Telecommunications	200	600	800
Gas	100	750	1000
Water Supply - Berm	200	800	1200
Water Supply - Road Crossing	200	1201	1400
Wastewater – Carriageway alignment	Specific Design		
Wastewater – Berm Alignment	300	300 vertical separation from bottom of Water Supply main.	
Stormwater	Specific Design		
Tree / Streetlight / Street Sump Zone	1500	n/a	1200mm

Explanatory Note:

- ⁱ Minimum cover is measured from ground level to the top of the pipe/duct/cable
- ⁱⁱ Maximum depth is measured from ground level to bottom of the pipe/duct/cable

Table 1.2: Utility Separation Distances

Start Point	End Point	Minimum Distance (mm)
Property Boundary	Leading Edge of Power Envelope	500
Trailing edge of Power Utility	Leading Edge of Telecommunication Envelope	300
Trailing edge of Telecommunications Utility	Leading Edge of Gas Envelope	200
Trailing edge of Gas Utility	Leading Edge of Water Supply Envelope	300
Trailing edge of Water Supply Utility	Leading Edge of Wastewater Envelope	1000

Where the associated *Perspective Drawing* cross-section requires a wider berm e.g. collector, arterial roads, or larger sized mains are required, larger separation distances may be required. These shall be agreed & confirmed as per *DS-1.21.5 Negotiated Outcome*.

Explanatory Note:

The Leading Edge is the edge of the utility envelope that is closest to the property boundary. All utility pipes/ducts/cables shall be aligned against the Leading Edge of the envelope. The Trailing Edge is the point of the actual pipe/duct/cable that is furthest from the property boundary. The separation distance is measured from the trailing edge of one service, to the leading edge of the next service.

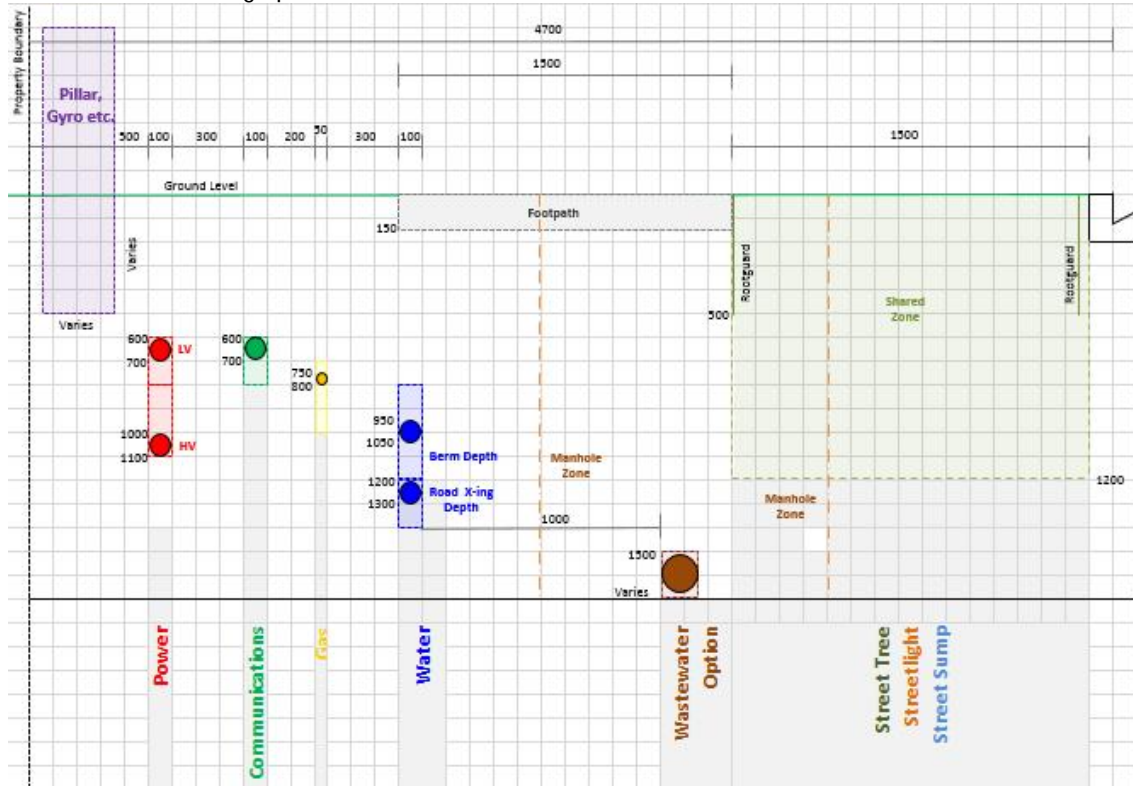
DS-1.21.7 Example of How to Use the Design Tool

The following represents a typical (and fictional) example.

Consider that, via the various design and calculation methods for each service, the following outcomes were derived:

Project: Travis Subdivision	
Power:	100mmØ High Voltage Cable 100mmØ Low Voltage Cable 300mm Separation between Cables
Communications:	100mmØ Fibre Optic Duct
Gas:	50mmØ PE Pipe
Water Supply:	100mmØ uPVC Piped Main (LHS berm from Chainage 0.00m) 63mmØ PE Pipe Piped Ridermain (RHS berm from Chainage 0.00m)
Footpath:	1500mm wide x 150mm thick (Both Sides)
Wastewater:	150mmØ uPVC Piped Main
Stormwater:	450mmØ – 750mmØ Concrete Piped Main
Streetlight:	Standard Oclyte
Sump:	Standard 675mm x 450mm x 1200mm
Trees:	Yes, within berm.
Carriageway:	6.0m (per drawing T116)

Given the above design parameters, the outcome would be as shown below:



Summary Location of Services: Travis Subdivision

Service	Proposed	Size	Distance: (Boundary to Centre of Service)	Cover (to Top of Service)
Power (Low Voltage)	Yes	100mmØ	550mm	600mm
Power (High Voltage)	Yes	100mmØ	550mm	600mm
Communications	Yes	100mmØ	950mm	600mm
Gas	Yes	50mmØ	1225mm	750mm
Water Supply (Berm-LHS)	Yes	100mmØ	1600mm	950
Water Supply (Berm-RHS)	Yes	63mmØ	1600mm	950
Water Supply (Road Crossing-LHS)	Yes	100mmØ	1600mm	1200
Water Supply (Road Crossing-RHS)	Yes	63mmØ	1600mm	1200
Wastewater	Yes	150mmØ	2725mm	1500-2100mm
Stormwater	Yes	450-750mmØ	6200mm	1400-1900mm

Cross Section Profile: Travis Subdivision

Berm Width - LHS (m)	Carriageway (m)	Berm Width - RHS (m)	Total (m)
4.70	6.00	4.70	15.40

Explanatory Note:

The example above is indicative only. Its purpose is to show designers how to use the tool and trim the excess unused design envelope. It assumes the placement of the Stormwater is in the centre of the driving lane within the carriageway. Although the Water Supply Ridermain is smaller than the main, it is not practical to alter the berm size where the Ridermain is located.

On the designers proposed plan the service connection alignments would also be displayed.

Addendum to IDC Perspective Drawings T116, T117, T118

Where a Developer chooses to use IDC Perspective Drawings T116, T117 or T118 as the design template for a Road Zone, design information shall be provided confirming that the final layout has considered and will provide a Road Zone that:

- a) Includes an integrated property frontage plan to demonstrate that the design is safe and all design components have been considered as a combined outcome.
- b) Considers the geometry and topography of the final Road Zone alignment resulting in safe manoeuvrability for all Road Zone users with emphasis on:
 - i) Pedestrian and cycle movements.
 - ii) Operational vehicles such as emergency vehicles, refuse collection vehicles, road sweepers and the like.
 - iii) Building construction vehicles, house content delivery/removal vehicles and the like.
 - iv) Vehicles manoeuvring into and out from each property, particularly when parking is included in the proposed design.
 - v) Sight lines and visibility.
- c) Includes safe Utility Service alignments and location of Road Zone features e.g. trees, street furniture etc., demonstrating agreement from Utility Operators.
- d) Provides safe & logical locations for vehicle crossings.
- e) Provides an outcome with good connectivity between any new and existing design features and infrastructure.

Explanatory Note:

As the density of development increases, the safety & servicing of the sites becomes even more important than that of more traditional subdivisions. Higher density generally requires service provision for more people, living in a smaller area. This can result in larger utility service mains and a higher number of vehicle movements because more people are living in the area. Off-site parking can also increase because there is generally less ability to provide parking within the private properties due to their reduced size. It cannot be assumed that smaller lot sizes results in smaller servicing provisions. For the most part, the outcome is the opposite of this.