

Planning Report

Plan Change 59 – Definition of Soils Engineer

1.0 Introduction

- 1.1 The purpose of this report is to provide recommendations on submissions to Plan Change 59 – Definition of Soils Engineer.
- 1.2 Plan Change 59 introduces a definition of soils engineer to clear up issues surrounding what persons are considered to have training and qualifications, competency, professionalism and experience to undertake specific geotechnical assessments.
- 1.3 For a full background to the Plan Change and the proposed provisions please refer to the Section 32 Report. For a list of the proposed provisions only, please refer to the document titled 'Summary of Recommendations – All Section 32 Reports'.
- 1.4 Any recommended amendments to rules in this report will be shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in red, and recommendations as a result of this Planning Report in blue.

2.0 Topic 1: Definition of Soils Engineer

2.1 Background

Plan Change 59 introduces the following definition of soils engineer into Section 3 – Definitions;

"Soils Engineer" means a geotechnical engineer or engineering geologist who has particular training, qualification and relevant local experience with the soil conditions of the District and who has been subjected to an interview by an independent expert geotechnical panel to ensure they have the necessary training and qualifications, competency, professionalism and experience to undertake geotechnical assessments."

2.2 Submission Points

- 2.2.1 Aurecon (Tauranga) support the definition in part. They point out that Council's current practice as outlined in the Development Code has been to adopt the list of approved soil engineers in the "TCC/WBOPDC Specialist Report document". They say it is critically important that the high standard currently in place is upheld and seek that the definition be specifically amended to refer to "accredited" and the Category 1 and 2 geotechnical engineers qualifying under the definition.

2.3 Option 1 – As notified - retain the “soils engineer” definition with no reference to the list of approved soil engineers in the “TCC/WBOPDC Specialist Report document”

Benefits	<ul style="list-style-type: none"> ▪ Adequately defines which persons meet the standard of a soils engineer. ▪ Avoids debate in the engineering community as to who is suitably qualified. ▪ Provides some assistance to those people who require a soils engineer report and certification to engage the right persons to do the work.
Costs	<ul style="list-style-type: none"> ▪ The definition does not refer to the list of approved soil engineers in the “TCC/WBOPDC Specialist Report document”. For those familiar with this list, its non-inclusion in the definition may lead to confusion over whether it still applies. For those not aware of the list, they will not be entirely clear on which persons to engage. This may continue to result in people engaging a person that does not meet Council’s standard.
Effectiveness/ Efficiency	<ul style="list-style-type: none"> ▪ Partly effective as it adequately defines which persons meet the standard of a soils engineer but doesn’t fully assist people in engaging the right persons. ▪ Not entirely efficient as it may lead to confusion about who is suitably qualified and result in unnecessary time and costs for an applicant.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	<ul style="list-style-type: none"> ▪ N/A – sufficient information is available.

2.4 Option 2 – Retain the “soils engineer” definition but add references to “accredited” and the Category 1 and 2 geotechnical engineers qualifying under the definition i.e. refer to the list of approved soil engineers in the “TCC/WBOPDC Specialist Report document”

Benefits	<ul style="list-style-type: none"> ▪ In addition to Option 1, makes people aware that there is a list of approved soil engineers. This provides greater assistance to those who require a soils engineer report and certification to engage the right persons to do the work.
Costs	<ul style="list-style-type: none"> ▪ There is some risk in referring to specific documents which sit outside the District Plan as they could be renamed, deleted or superseded.
Effectiveness/ Efficiency	<ul style="list-style-type: none"> ▪ Effective at assisting people in engaging the right persons until any such time that the list is renamed, deleted or superseded. ▪ Efficient until any such time that the list is renamed,

	deleted or superseded. Further amendments to the definition will then need to be made.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	<ul style="list-style-type: none"> ▪ N/A – sufficient information is available.

2.5 Option 3 – Retain the “soils engineer” definition but add a note advising that Council holds a list of persons who meet the definition (without specifically naming the list)

Benefits	<ul style="list-style-type: none"> ▪ In addition to Option 1, makes people aware that Council holds a list of persons who meet the definition. This provides greater assistance to those who require a soils engineer report and certification to engage the right persons to do the work. ▪ Does not specifically refer to a document that sits outside the District Plan that may be renamed, deleted or superseded.
Costs	<ul style="list-style-type: none"> ▪ Not entirely clear that the list being referred to is the approved soil engineers in the “TCC/WBOPDC Specialist Report document”. May still lead to some confusion.
Effectiveness/ Efficiency	<ul style="list-style-type: none"> ▪ Effective at assisting people in engaging the right persons even if the list gets renamed, deleted or superseded. ▪ Largely efficient. Further amendments will not need to be made to the definition if the list gets renamed, deleted or superseded. However, plan users will need to make further contact with Council staff to obtain the current list.
Risks of Acting/ Not Acting if there is uncertain or insufficient information about the subject matter	<ul style="list-style-type: none"> ▪ N/A – sufficient information is available.

2.6 Discussion

2.6.1 Council’s current practice is to use the list of approved soil engineers in the “TCC/WBOPDC Specialist Report document” to identify those persons suitably qualified to undertake geotechnical assessments. This includes a list of accredited Category 1 and 2 engineers. The proposed definition of “soils engineer” is not intended to replace this list, but rather to clearly define what standards must be met in order to be considered a soil engineer for the purposes of the District Plan.

2.6.2 The Section 32 Report gave consideration to including a reference to, or incorporating, this list in the District Plan. The reason a reference was not added was because this can only be done where it relates to technical matters and the material is too large or impractical to include. The reason the list was not incorporated is because it could quickly become outdated.

2.6.3 With these reasons in mind, a solution to the submitter's request would be to add an advice note under the definition of "soils engineer" to make plan users aware that Council has a list of those who meet the definition, without specifically naming the list. Plan users may then contact Council staff for further advice if they choose.

2.7 Recommendation

That the definition of "soils engineer" is amended as follows;

"Soils Engineer" means a geotechnical engineer or engineering geologist who has particular training, qualification and relevant local experience with the soil conditions of the District and who has been subjected to an interview by an independent expert geotechnical panel to ensure they have the necessary training and qualifications, competency, professionalism and experience to undertake geotechnical assessments.

Note: Council holds a current list of persons who meet this definition.

The following submission is therefore:

Accepted in part

Submission	Point Number	Name
23	4	Aurecon (Tauranga)

2.8 Reasons

2.8.1 An advice note is proposed to be added to the definition of "soils engineer" to let plan users know that Council holds an updated list of persons who meet that definition. This will further assist people in engaging the right person to undertake geotechnical assessments for the purpose of the District Plan.

2.8.2 The list of approved soil engineers in the "TCC/WBOPDC Specialist Report document" which Council currently uses is not recommended to be specifically referred to as there is a risk that this document could be renamed, deleted or superseded. This could lead to the reference becoming invalid and will require further changes to the District Plan.

3.0 Plan Change 59 - Recommended Changes to the District Plan First Review

- 3.1** The purpose of this part of the report is to show the Proposed Plan Change in full including any recommended changes in response to the submissions and further submissions.
- 3.2** Recommended changes to the District Plan First Review are shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in red, and recommendations as a result of this Planning Report in blue.
- 3.3 That the definition of “soils engineer” is amended as follows;**

“Soils Engineer” means a geotechnical engineer or engineering geologist who has particular training, qualification and relevant local experience with the soil conditions of the District and who has been subjected to an interview by an independent expert geotechnical panel to ensure they have the necessary training and qualifications, competency, professionalism and experience to undertake geotechnical assessments.

Note: Council holds a current list of persons who meet this definition.