

Submitter Name: AdamsonShaw

Submitter Number: 137

Hearing Stream 5: PDP Submission – Frank Sutton for AdamsonShaw

Background to submission:

AdamsonShaw is a land development consultancy including surveyors and planners. A lot of our work is residential subdivisions in Wellington City.

AdamsonShaw submitted on three of the Subdivision Standards – SUB2 – SUB4 as we will be working with these standards on a day to day basis under the new plan.

Under the current/operative Wellington District Plan, AdamsonShaw has an excellent understanding of how the subdivision process is carried out in Wellington City and the conditions of consent that are likely to be imposed on the subdivision. This allows us to confidently advise clients of the likely process and most importantly, an estimate of costs, at the subdivision feasibility stage.

Over the past two years, Wellington Water Limited and the City Council have attempted to capture upgrades to existing services (serving existing buildings/dwellings) as part of conditions of the subdivision consent for **fee simple** subdivisions. There is no argument to the fact that new vacant allotments created by a subdivision need to be provided with three water services which meet the current standards.

After months and months of deliberation with Wellington City Council I was able to successfully argue that under section 108AA(1)(b)(i) of the RMA, the conditions of consent were not able to be enforced as the activity (in this case subdivision) **did not** create an **adverse effect** on the existing services (be it water supply, wastewater drainage or stormwater drainage) which needed to be avoided, remedied or mitigated by a condition attached to the subdivision consent.

Aside from a few minor wording changes, Section 108AA of the RMA (**Requirements for conditions of resource consents**) is unchanged within the incoming Natural and Built Environments Act (NBA) (**section 231 – General requirements before conditions may be included**)

Under both the RMA and the NBA the requirement is that a consent authority must not include a condition unless it is related to an adverse effect of the proposal (in this case, subdivision).

Instead, we were receiving conditions of consent requiring that existing services, serving existing dwellings needed to be assessed for compliance with the **Current Standards**, which of course they could not meet. This would have added massive cost to our client's developments which we hadn't been able to advise on at the beginning of the process. The subdivisions will have failed. Thankfully I was successful in my argument.

Under the Proposed District Plan:

Also in those sections of the RMA and the NBA it says that a consent authority can include a condition if it is directly connected to a rule in the District Plan.

The Wellington City Proposed District Plan introduces specific standards in relation to Water Supply (SUBS2), Wastewater disposal (SUBS3) and Stormwater management (SUBS4) which will be tied to the subdivision rules. Each of these standards requires that **all new allotments must** be provided with a connection which meets the level of service in the Wellington Water Regional Standard for Water Services May 2019.

I agree that any new **vacant** allotment (not containing an existing building) should be provided with services that meet the current standards.

However, the standards do not allow for new allotments that contain existing buildings/dwellings with existing services. Under the RMA, the existing services cannot be required to be upgraded if the subdivision does not create an adverse effect.

My concern is that with the introduction of the current wording of SUB-S2 – SUB-S4, the consent authority will have the power to require upgrades to existing services as there will be a rule and a standard in the District Plan which specifically requires it. This will greatly increase the cost of infill subdivision and development in Wellington and likely result in the subdivisions being un-feasible.

Changes sought:

SUB-S2 and SUB-S3 should refer to new **vacant** allotments. An allotment created around an existing dwelling (ie. not a vacant allotment) will not create an adverse effects on the existing water supply or wastewater arrangements currently serving the existing house. Therefore, upgrades to the existing arrangements (to meet current standards by Wellington Water Limited) should not be required.

Subdivision Standard SUB-S4 Stormwater management - Like the two points above, SUB-S4 should refer to new vacant allotments. An allotment created around an existing dwelling (ie. not a vacant allotment) will not create an adverse effects on the existing stormwater system/connection currently serving the existing house. Therefore, upgrades to the existing arrangements (to meet current standards by Wellington Water Limited) should not be required.

Subdivisions can involve creating allotments around existing dwellings. Allotments that contain existing dwellings do not need to be provided with hydraulic neutrality. This is because the dwelling existing prior to the subdivision and the subdivision is not increasing the stormwater runoff on this allotment. I think that a point could also be added to state that existing dwellings do not require hydraulic neutrality.

This is because in the recent past I have received draft conditions of subdivision consents that have attempted to require SW neutrality on existing buildings in the subdivision. In the past, my push back/argument was successful. However, the new standard if unchanged would not allow for this argument to be successful.

Result of the changes:

Despite what the 42A report says, there is no risk in adding the word “vacant” to the standards. The 42A report raised concern about the level of service for cross lease and unit title subdivisions. The consent authority will still have the ability (as they are doing currently) to argue that the cross lease (I don’t think that people are doing new cross lease subdivisions anymore, AdamsonShaw certainly isn’t) or unit title subdivisions where they are around existing dwellings, will create an adverse effect if services are shared between lots/principle units/leased areas. This allows council to attach a condition of consent that will mitigate the adverse effect (require upgrades or separate services or separate water shut off valves for each unit).

The positive result of the change for AdamsonShaw is that we will continue to have certainty about the subdivision process in Wellington City so that we can advise people of the costs and help to promote infill subdivision and development in Wellington City. This will ensure successful and efficient development in the city.

My submission on SUBS2 was supported by Survey Spatial New Zealand Branch in further submission 116.

The further submission agreed that where an existing house is retained on a new lot, that the existing water supply does not need to be replaced.