

# **Section 32 Evaluation Report**

## **Part 2: Subdivision**

## Contents

Table of acronyms.....	4
<b>1.0 Overview and Purpose.....</b>	<b>5</b>
1.1 Introduction to the resource management issue/s .....	5
<b>2.0 Reference to other evaluation reports .....</b>	<b>5</b>
<b>3.0 Strategic Direction.....</b>	<b>6</b>
<b>4.0 Regulatory and policy direction.....</b>	<b>9</b>
4.1 Section 6 .....	9
4.2 Section 7 .....	10
4.3 Section 8 .....	10
4.4 National Direction .....	10
4.4.1 National Policy Statements .....	10
4.4.2 Proposed National Policy Statements .....	14
4.4.3 National Environmental Standards .....	15
4.4.4 National Planning Standards .....	16
4.5 National Guidance Documents.....	16
4.6 Regional Policy and Plans.....	17
4.7 Iwi Management Plan(s).....	20
4.8 Relevant plans or strategies .....	21
4.9 Other relevant legislation or regulations.....	22
<b>5.0 Resource Management Issues Analysis.....</b>	<b>22</b>
5.1 Background.....	22
5.2 Evidence Base - Research, Consultation, Information and Analysis undertaken.....	22
5.2.1 Analysis of Operative District Plan provisions relevant to this topic.....	23
5.2.2 Analysis of other District Plan provisions relevant to this topic .....	25
5.2.3 Advice received from Taranaki Whānui and Ngāti Toa Rangatira .....	27
5.2.4 Consultation undertaken to date .....	28
5.3 Summary of Relevant Resource Management Issues.....	31
<b>6.0 Evaluation of the Proposal .....</b>	<b>33</b>
6.1 Scale and Significance .....	33
6.2 Quantification of Benefits and Costs .....	36
<b>7.0 Overview of Proposal/s .....</b>	<b>37</b>
<b>8.0 Evaluation of Proposed Objective/s.....</b>	<b>40</b>
8.1 Introduction .....	40
8.2 Evaluation of Objectives SUB-O1 & SUB-O2.....	40
<b>9.0 Evaluation of Reasonably Practicable Options and Associated Provisions .....</b>	<b>45</b>
9.1 Introduction .....	45
9.2 Evaluation method .....	45
9.3 Provisions to achieve Objective SUB-O1 and SUB-O2 .....	45

9.4	Further Explanation of Proposed Approach to Provisions .....	53
<b>10.0</b>	<b>Conclusion .....</b>	<b>53</b>

## Table of acronyms

<b>Abbreviation</b>	<b>Full term</b>
<b>NES</b>	National Environmental Standards
<b>NESCS</b>	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
<b>NPS</b>	National Policy Statements
<b>NPS-UD</b>	National Policy Statement on Urban Development
<b>NZCPS</b>	New Zealand Coastal Policy Statement 2010
<b>NZTA</b>	Waka Kotahi NZ Transport Agency
<b>PDP</b>	Proposed District Plan
<b>PNRP</b>	Proposed Natural Resources Plan
<b>RLTP</b>	Regional Land Transport Plan
<b>RMA</b>	Resource Management Act
<b>RPS</b>	Regional Policy Statement for the Wellington Region 2013
<b>SUB</b>	Subdivision

## 1.0 Overview and Purpose

### 1.1 Introduction to the resource management issue/s

This section 32 evaluation report is focussed on the subdivision of land. The purpose of the subdivision chapter is to assist the Council to carry out its functions relating to this topic under the RMA.

The subdivision provisions under the operative District Plan have generally been appropriate over the life of the Plan; however, some provisions are out of date and/or would benefit from refinement for practical reasons. Amendments are also required to align with more recent strategic direction from higher order national and regional direction that postdates the operative Plan. Some of the issues with the operative provisions that have been identified include:

- the existing policy direction is outdated and lacks clear guidance for plan users and decision-makers;
- the approach for enabling and managing different types of subdivision would benefit from greater consistency;
- amendments to the RMA in 2021 dictate the need for subdivision relating to housing in residential areas to be managed in a particular way;
- regulatory parameters would benefit from refinement, both to the scope of the parameters and to the limits applied; and
- the administration of the Plan may be improved through refinements to existing methods and adoption of new methods.

## 2.0 Reference to other evaluation reports

This report should also be read in conjunction with the following evaluation reports:

Report	Relationship to this topic
<i>Overview</i>	This report provides an overview of the background and policy approach including the proposed District Plan's response to the National Policy Statement on Urban Development requirements. It also provides an evaluation of the Strategic Direction chapters of the proposed Plan.
<i>Historic Heritage, Notable Trees, Sites and Areas of Significance to Māori</i>	Land subject to subdivision proposals may include archaeological sites and sites and areas of significance to Māori. Specific objectives and policies for the protection of these sites are located in the Sites and Areas of Significance to Māori Chapter and Historic Heritage Chapter.
<i>Infrastructure, Transport and Three Waters</i>	The subdivision chapter includes policies and rules that implement the objectives in the Infrastructure, Transport and Three Waters chapters.
<i>Natural Hazards</i>	The subdivision chapter includes policies and rules that implement the objectives in the Natural Hazards chapter where subdivision proposals affect land subject to identified natural hazards.
<i>Natural Character &amp; Natural features and landscapes</i>	The subdivision chapter includes policies and rules that implement the objectives in the Natural Character chapter where subdivision proposals affect riparian margins and objectives in the Natural Features and Landscapes chapter where subdivision proposals affect Outstanding

	Natural Features and Landscapes, Special Amenity Landscapes and Ridgelines and Hilltops.
<i>Ecosystems and indigenous biodiversity</i>	The subdivision chapter includes policies and rules that implement the objectives in the Ecosystems and Indigenous Biodiversity chapter where subdivision proposals affect Significant Natural Areas.
<i>Coastal Environment and Public Access</i>	The subdivision chapter includes policies and rules that implement the objectives in the Coastal Environment chapter where subdivision proposals affect land in the Coastal Environment and objectives in the Public Access chapter where subdivision proposals affect access to the coast and surface waterbodies.
<i>Earthworks</i>	The earthworks chapter manages the adverse effects of earthworks on the environment, including earthworks associated with subdivision proposals.
<i>Contaminated Land and Hazardous Substances</i>	The contaminated land chapter manages subdivision, use and development of contaminated land and potentially contaminated land for the purposes of protecting human health.

### 3.0 Strategic Direction

The following objectives in the Strategic Direction chapter of the Proposed District Plan that are relevant to this issue/topic are:

<b>Anga whakamua – Moving into the future</b>	
<b>AW-O2</b>	<i>The relationship of Tangata Whenua with their Lands and Traditions is recognised and provided for, including:</i> <ol style="list-style-type: none"> <li>1. <i>The use, development and expansion of Treaty Settlement land and any land that is subject to Deed of Settlement provisions relating to right of first refusal land, in a manner that recognises its commercial redress purposes; and</i></li> <li>2. <i>The use and development of all other land to provide for the social, economic, commercial, and cultural aspirations of Tangata Whenua.</i></li> </ol>
<b>AW-O4</b>	<i>The development and design of the City reflects mana whenua and the contribution of their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes, and other taonga of significance to the district's identity and sense of belonging</i>
<b>Capital City</b>	
<b>CC-O2</b>	<i>Wellington City is a well-functioning Capital City where:</i> <ol style="list-style-type: none"> <li>1. <i>A wide range of activities that have local, regional and national significance are able to establish.</i></li> <li>2. <i>Current and future residents can meet their social, cultural, economic and environmental wellbeing.</i></li> <li>3. <i>Mana whenua values and aspirations are visible, celebrated and an integral part of the City's identity.</i></li> <li>4. <i>Urban intensification is delivered in appropriate locations and in a manner that supports future generations to meet their needs.</i></li> <li>5. <i>Innovation and technology advances that support the social, cultural, economic and environmental wellbeing of existing and future residents are promoted.</i></li> </ol>

	6. Values and characteristics that are an important part of the City's identity and sense of place are identified and protected.
<b>CC-03</b>	<p>Development is consistent with and supports the achievement of the following strategic City goals:</p> <ol style="list-style-type: none"> <li>1. Compact: Wellington builds on its existing urban form with quality development in the right locations.</li> <li>2. Resilient: Wellington's natural and built environments are healthy and robust, and we build physical and social resilience through good design.</li> <li>3. Vibrant and Prosperous: Wellington builds on its reputation as an economic hub and creative centre of excellence by welcoming and supporting innovation and investing strategically to maintain our thriving economy.</li> <li>4. Inclusive and Connected: Wellington recognises and fosters its identity by supporting social cohesion and cultural diversity, and has world-class movement systems with attractive and accessible public spaces and streets.</li> <li>5. Greener: Wellington is sustainable and its natural environment is protected, enhanced and integrated into the urban environment.</li> <li>6. Partnership with mana whenua: Wellington recognises the unique role of mana whenua within the city and advances a relationship based on active partnership.</li> </ol>
<b>Historic Heritage and Sites and Areas of Significance to Māori</b>	
<b>HHSASM-01</b>	Significant buildings, sites, areas, places and objects that exemplify Wellington's historical and cultural values are identified, recognised and protected.
<b>HHSASM-03</b>	The cultural, spiritual and/or historical values associated with sites and areas of significance to Māori are protected.
<b>HHSASM-04</b>	Sites of significance to Māori are identified and mana whenua's relationships, interests and associations with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes, and other taonga of significance are recognised and provided for.
<b>Natural Environment</b>	
<b>NE-01</b>	The natural character, landscapes and features, and ecosystems that contribute to the City's identity and have significance for mana whenua as kaitiaki are identified, recognised, protected, and, where possible, enhanced.
<b>NE-02</b>	Future subdivision and development is designed to limit further degradation of the City's water bodies, and recognises mana whenua and their relationship to water (Te Mana o Te Wai).
<b>Strategic City Assets and Infrastructure</b>	
<b>SCA-01</b>	<p>Infrastructure is established, operated, maintained, and upgraded in Wellington City so that:</p> <ol style="list-style-type: none"> <li>1. The social, economic, cultural, and environmental benefits of this infrastructure are recognised;</li> <li>2. The City is able to function efficiently and effectively;</li> <li>3. The infrastructure network is resilient in the long term; and</li> <li>4. Future growth and development is enabled and can be sufficiently serviced.</li> </ol>
<b>SCA-02</b>	<p>New urban development occurs in locations that are supported by sufficient development infrastructure capacity, or where this is not the case the development:</p> <ol style="list-style-type: none"> <li>1. can meet the development infrastructure costs associated with the development, and</li> </ol>

	2. supports a significant increase in development capacity for the City.																				
<b>SCAO3</b>	Additional infrastructure is incorporated into new urban developments of a nature and scale that supports <a href="#">Strategic Objective UFD-O6</a> or provides significant benefits at a regional or national scale.																				
<b>SCA-O5</b>	Infrastructure operates efficiently and safely and is protected from incompatible development and activities that may create reverse sensitivity effects																				
<b>Sustainability, Resilience and Climate Change</b>																					
<b>SRCC-O3</b>	Development and land use activities: <ol style="list-style-type: none"> <li>1. Manage the risks associated with climate change and sea level rise effectively; and</li> <li>2. Support the City's ability to adapt over time to the impacts of climate change and sea level rise.</li> </ol>																				
<b>Urban Form and Development</b>																					
<b>UFD-O1</b>	Wellington's compact urban form is maintained with the majority of urban development located within the City Centre, in and around Centres, and along major public transport corridors.																				
<b>UFD-O2</b>	Urban development in identified greenfield areas: <ol style="list-style-type: none"> <li>1. Is environmentally and ecologically sensitive</li> <li>2. Makes efficient use of land</li> <li>3. Is well-connected to the public transport network, and</li> <li>4. Reinforces the City's compact urban form.</li> </ol>																				
<b>UFD-O4</b>	In order to achieve sufficient, feasible land development capacity to meet expected housing demand, the following housing bottom lines below are to be met or exceeded in the short-medium and long term in Wellington City as contained in the Wellington Regional Housing and Business Capacity Assessment (Housing Update 2022). <table border="1" data-bbox="507 1249 1238 1514"> <thead> <tr> <th></th> <th><b>2021-2024</b></th> <th><b>2024-2031</b></th> <th><b>2031-2051</b></th> </tr> <tr> <th></th> <th><b>Short</b></th> <th><b>Medium</b></th> <th><b>Long</b></th> </tr> </thead> <tbody> <tr> <td>Demand figures</td> <td>4, 148</td> <td>8, 426</td> <td>18, 724</td> </tr> <tr> <td>Competitiveness margin</td> <td colspan="2">20%</td> <td>15%</td> </tr> <tr> <td><b>Housing bottom line</b></td> <td colspan="2"><b>15, 089</b></td> <td><b>21, 532</b></td> </tr> </tbody> </table>		<b>2021-2024</b>	<b>2024-2031</b>	<b>2031-2051</b>		<b>Short</b>	<b>Medium</b>	<b>Long</b>	Demand figures	4, 148	8, 426	18, 724	Competitiveness margin	20%		15%	<b>Housing bottom line</b>	<b>15, 089</b>		<b>21, 532</b>
	<b>2021-2024</b>	<b>2024-2031</b>	<b>2031-2051</b>																		
	<b>Short</b>	<b>Medium</b>	<b>Long</b>																		
Demand figures	4, 148	8, 426	18, 724																		
Competitiveness margin	20%		15%																		
<b>Housing bottom line</b>	<b>15, 089</b>		<b>21, 532</b>																		
<b>UFD-O7</b>	Development supports the creation of a liveable, well-functioning urban environment that enables all people and communities to provide for their social, economic, environmental, and cultural wellbeing, and: <ol style="list-style-type: none"> <li>1. Is accessible and well-designed;</li> <li>2. Supports sustainable travel choices, including active and micromobility modes;</li> <li>3. Is serviced by the necessary infrastructure appropriate to the intensity, scale and function of the development and urban environment;</li> <li>4. Is socially inclusive;</li> <li>5. Is ecologically sensitive;</li> <li>6. Is respectful of the City's historic heritage;</li> <li>7. Provides for community well-being; and</li> </ol>																				



	8. <i>Is adaptable over time and responsive to its evolving, more intensive surrounding context.</i>
--	--

An evaluation of these objectives is contained in the companion Section 32 Evaluation Overview Report. It is noted that a number of the objectives forming part of the Plan’s Strategic Direction and referenced above inform the subdivision provisions but relate more directly to outstanding, significant and special areas and values. As the genesis for those provisions lie in other topics (e.g., landscape, mana whenua, indigenous biodiversity) they are also referenced in the relevant s32 Evaluation Reports relating to those topics.

#### 4.0 Regulatory and policy direction

In carrying out a s32 analysis, an evaluation is required of how the objectives of the proposal achieves the purpose and principles contained in Part 2 of the RMA.

Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources.

Sustainable management ‘*means managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety, while -*

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment’.*

In achieving this purpose, all persons exercising functions and powers under the RMA also need to:

- Recognise and provide for the matters of national importance identified in s6
- Have particular regard to the range of other matters referred to in s7
- Take into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi in s8.

#### 4.1 Section 6

The s6 matters relevant to this topic are:

Section	Relevant Matter
6(a) – (f) and 6(h)	<p>The subdivision chapter includes specific provisions that relate to:</p> <ul style="list-style-type: none"> <li>– the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development is relevant to subdivision;</li> <li>– the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;</li> <li>– the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;</li> <li>– the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;</li> <li>– the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;</li> </ul>

	<ul style="list-style-type: none"> <li>– the protection of historic heritage from inappropriate subdivision, use, and development; and</li> <li>– the management of significant risks from natural hazards.</li> </ul>
--	--

## 4.2 Section 7

The s7 matters that are relevant to this topic are:

Section	Relevant Matter
7(a) & (aa)	The subdivision chapter includes provisions that relate to kaitiakitanga and the ethic of environmental stewardship as key tenets of sustainable resource management.
7(b)	This clause relates to the efficient use and development of natural and physical resources. There are severe natural and physical resources managed by the subdivision provisions, including land, water, ecosystem health, landscapes and coastal areas.
7(c)	Provisions in the subdivision chapter also relate directly to the maintenance and enhancement of amenity values.
7(f)	This clause relates to the maintenance and enhancement of the quality of the environment. Provisions in the subdivision chapter address these matters through various policies, rules and other methods.

## 4.3 Section 8

Reflecting Te Tiriti o Waitangi principles with respect to partnership, participation and protection, the Council and Taranaki Whānui ki te Upoko o te Ika and Ngāti Toa Rangatira have worked in partnership to develop provisions that recognise and protect sites and areas of significance, that have informed the subdivision provisions.

## 4.4 National Direction

### 4.4.1 National Policy Statements

There are five National Policy Statements (NPS) currently in force:

- NPS for Electricity Transmission 2008
- New Zealand Coastal Policy Statement 2010
- NPS for Renewable Electricity Generation 2011
- NPS for Freshwater Management 2020
- NPS on Urban Development 2020

The instrument/s and associated provisions relevant to this topic are:

NPS	Relevant Objectives / Policies
<i>NPS for Electricity Transmission 2008 (NPSET)</i>	NPSET was developed to recognise the national significance of the electricity transmission network, while managing the network's

	<p>environmental effects and the adverse effects of other activities on the network.</p> <p>The NPSET includes one objective:</p> <p><i>To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:</i></p> <ul style="list-style-type: none"> <li>• <i>managing the adverse environmental effects of the network; and</i></li> <li>• <i>managing the adverse effects of other activities on the network.</i></li> </ul> <p>To implement the objective, the NPSET contains 14 policies, with the following being of greatest relevance to the management of subdivision:</p> <ul style="list-style-type: none"> <li>• Policy 1 directs decision-makers to recognise and provide for the benefits of electricity transmission at national, regional and local levels.</li> <li>• Policies 2 - 9 guide the management of the environmental effects of transmission. Policy 2 states that: <p style="margin-left: 40px;"><i>In achieving the purpose of the Act [RMA], decision-makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network.</i></p> </li> <li>• Policies 10 and 11 seek that decision-makers, and specifically local authorities manage adverse effects on the transmission network which may result from third parties. Policy 10 of the NPSET sets out: <p style="margin-left: 40px;"><i>In achieving the purpose of the Act [RMA], decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.</i></p> </li> </ul>
<p><i>New Zealand Coastal Policy Statement 2010 (NZCPS)</i></p>	<p>The policy framework for the protection and management of the coastal environment of New Zealand makes reference to subdivision in several contexts.</p> <p>Objective 2 is to preserve the natural character of the coastal environment and protect natural features and landscape values, including through identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities.</p> <p>Objective 4 sets the national aims for open space and recreational aspects of the coastal environment. This includes the maintenance and enhancement of public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area.</p>

Objective 5 is to ensure that coastal hazard risks are managed by (among other means) locating new development away from areas prone to such risks, taking account of climate change.

Objective 6 enables people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that (among other matters):

- the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;
- some uses and developments which depend upon use of resources in the coastal environment are important to well-being
- functionally some uses and developments can only be located on the coast or in the coastal marine area;
- the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;
- historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development

The NZCPS includes 29 policies to implement its objectives. The direction of most relevance to the management of subdivision includes the following policies.

Policy 2 sets out specific direction in taking account of Te Tiriti o Waitangi and the exercise of kaitiakitanga in the coastal environment. This includes the identification, assessment and protection of sites and areas of significance to Māori.

Policy 3 directs that a precautionary approach is to be adopted for proposals in the coastal environment where uncertainties exist, particularly in relation to climate change effects.

Policy 4 is enabling of the integrated management of natural and physical resources in the coastal environment, and activities that affect the coastal environment. Among other means, this requires particular consideration of situations where public use and enjoyment of public space in the coastal environment is affected, or is likely to be affected.

Policy 6 sets out specific direction for various activities in the coastal environment. For example, consideration is to be given to the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment. Existing coastal settlements and urban areas are encouraged to be consolidated where this contributes to the avoidance or mitigation of sprawling or sporadic patterns of development. Policy 6 also requires that consideration is given to where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character

	<p>would be acceptable. Buffers and setbacks from the coastal marine area and waterbodies are also to be used where appropriate.</p> <p>Policy 7 provides guidance and direction about strategic planning of development in the coastal environment.</p> <p>Policy 11 sets out direction on biodiversity values in the coastal environment and the need to avoid, remedy or mitigate the effects of subdivision and other activities on those values.</p> <p>Policies 13-15 relate to the preservation, restoration and/or protection of natural character, natural features and natural landscapes in the coastal environment. Policy 17 similarly relates to the identification and protection of historic heritage in the coastal environment.</p> <p>Under Policy 18, recognition is to be given to the need for public open space within and adjacent to the coastal marine area, including (among other matters) the important role of esplanade reserves and strips.</p> <p>The maintenance and enhancement of public walking access to, along and adjacent to the coastal marine area is a key direction of Policy 19. This includes avoiding, remedying or mitigating any loss of public walking access from the subdivision of land.</p> <p>Policy 25 sets out specific direction for subdivision, use, and development in areas of coastal hazard risk.</p>
<p><i>NPS for Renewable Electricity Generation 2011 (NPSREG)</i></p>	<p>The NPSREG contains one objective and 13 policies to enable the sustainable management of renewable electricity generation under RMA.</p> <p>Broadly, the NPSREG directs decision-makers to recognise the benefits to be derived from the use and development of renewable electricity generation and provide for the development, operation, maintenance and upgrading of new and existing infrastructure through the integration of provisions in regional policy statements and any regional or district plan.</p> <p>There are two matters of national significance to which the NPSREG applies, being:</p> <ul style="list-style-type: none"> <li>• the need to develop, operate, maintain and upgrade renewable electricity generation activities throughout New Zealand; and</li> <li>• the benefits of renewable electricity generation.</li> </ul> <p>The NPSREG's sole objective is:</p> <p><i>“To recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand’s electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government’s national target for renewable electricity generation.”</i></p> <p>The NPSREG objective is implemented by a number of key policy themes which are grouped and labelled A-H.</p>

	<p>Policy groups A-D provide high level direction to decision-makers in requiring that they recognise and provide for the benefits of renewable electricity generation activities whilst also having particular regard to:</p> <ul style="list-style-type: none"> <li>• the practical implication of achieving renewable generation targets;</li> <li>• the practical constraints of the development operation, maintenance and upgrading of renewable electricity generation activities; and</li> <li>• the management of reverse sensitivity effects on existing renewable electricity generation activities.</li> </ul> <p>The balance of policies in the NPSREG are relevant to other aspects of the proposed District Plan.</p>
<p><i>National Policy Statement for Urban Development 2020 (NPSUD)</i></p>	<p>The NPSUD sets out the objectives and policies for planning for well-functioning urban environments under the RMA. Subdivision plays a direct role in facilitating relevant aims of the NPSUD as summarised below.</p> <p>Objective 1 of the NPSUD is the primary aim for well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.</p> <p>Under Objective 3, the proposed Plan is to enable more people to live in, and more businesses and community services to be located in, relevant identified areas of an urban environment.</p> <p>Policy 3 sets out minimum density requirements for Wellington. In the City Centre, density is to be maximised to realise as much development capacity as possible. The density in the balance of the City is driven by demand and accessibility to commercial and community services and public transport. These density requirements can be departed from under Policy 4, where relevant qualifying matters apply.</p> <p>Policy 6 sets out a range of considerations for decision-makers on planning matters that affect the urban environment. Some of these matters relate directly to subdivision – such as the contribution that can be made to the realisation of theoretical development capacity – whereas other matters are more indirectly relevant – such as consideration of climate change effects.</p>

#### **4.4.2 Proposed National Policy Statements**

In addition to the five NPSs currently in force there are also two proposed NPSs under development, noting that these are yet to be issued and have no legal effect:

- Proposed NPS for Highly Productive Land
- Proposed NPS for Indigenous Biodiversity

Both proposed NPSs in their draft form addressed subdivision directly as it relates to the respective topics. It is envisaged that, once finalised, the substance of the two proposed NPSs will affect the subdivision provisions in the proposed Plan to some degree.

#### 4.4.3 National Environmental Standards

In addition to the NPSs there are nine National Environmental Standards (NES) currently in force:

- NES for Air Quality 2004
- NES for Sources of Human Drinking Water 2007
- NES for Electricity Transmission Activities 2009
- NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
- NES for Telecommunication Facilities 2016
- NES for Plantation Forestry 2017
- NES for Freshwater 2020
- NES for Marine Aquaculture 2020
- NES for Storing Tyres Outdoors 2021

There is one NES of relevance to subdivision, as follows:

NES	Relevant Regulations
<p><i>NESCS 2011</i></p>	<p>The NESCS applies to certain activities – including subdivision – proposed to be carried out on land that is contaminated or potentially contaminated (where an activity listed in HAIL is being undertaken, has been undertaken or is more likely than not to have been undertaken on that ‘piece of land’).</p> <p>The NESCS classifies the subdivision of land as permitted where the following requirements are met:</p> <ul style="list-style-type: none"> <li>• a preliminary site investigation of the land or piece of land must exist;</li> <li>• the report on the preliminary site investigation must state that it is highly unlikely that there will be a risk to human health if the activity is done to the piece of land;</li> <li>• the report must be accompanied by a relevant site plan to which the report is referenced; and</li> <li>• the consent authority must have the report and the plan.</li> </ul> <p>Any subdivision that fails to comply with one or more the above falls as a controlled activity under Regulation 9, provided that:</p> <ul style="list-style-type: none"> <li>• a detailed site investigation of the piece of land must exist;</li> <li>• the report on the detailed site investigation must state that the soil contamination does not exceed the applicable standard in regulation 7;</li> <li>• the consent authority must have the report; and</li> <li>• conditions arising from the application of the relevant matters of control, if there are any, must be complied with.</li> </ul> <p>Any subdivision that fails to comply with one or more the above falls as a restricted discretionary activity under Regulation 10, provided that:</p> <ul style="list-style-type: none"> <li>• a detailed site investigation of the piece of land must exist;</li> <li>• the report on the detailed site investigation must state that the soil contamination exceeds the applicable standard in regulation 7;</li> <li>• the consent authority must have the report; and</li> </ul>

	<ul style="list-style-type: none"> <li>• conditions arising from the application of the relevant matters of discretion, if there are any, must be complied with.</li> </ul> <p>Any subdivision that is not permitted, controlled or restricted discretionary must be assessed as a discretionary activity under Regulation 11.</p>
--	--

#### 4.4.4 National Planning Standards

The National Planning Standards require that where the following matters are addressed, they must be included in the Subdivision (**SUB**) section in Part 2 – District-Wide Matters of the District Plan:

- Subdivision provisions (generally);
- any technical subdivision requirements from Part 10 of the RMA; and
- material incorporated by reference, such as Codes of Practice, under Part 3 of RMA Schedule 1.

The National Planning standards also require that the chapters under the Subdivision heading must include cross-references to any relevant provisions under the Energy, Infrastructure and Transport headings.

Definitions are included in the National Planning Standards that have particular relevance for subdivision, including:

- ‘allotment’, which has the same meaning as expressed in s218 of the RMA;
- ‘boundary adjustment’, which is defined as a subdivision that alters the existing boundaries between adjoining allotments without altering the number of allotments;
- ‘ground level’ and ‘site’ which reference subdivision among a context of wider contributors to the definitions; and
- ‘subdivision’, which has the same meaning as ‘subdivision of land’ in s218 of the RMA.

All of the above terms have been applied in the proposed Plan.

#### 4.5 National Guidance Documents

The following national guidance documents are considered relevant to this topic:

Document	Relevant provisions
<i>New Zealand Urban Design Protocol (2005)</i>	<p>The vision of the Urban Design Protocol is that New Zealand towns and cities are made more successful through quality urban design. It implements this vision through: creation of a national cross-sector commitment to good design; providing a national resource of tools, actions and experiences; setting up partnerships between public, private, government and professional sectors; and increasing awareness about quality urban design and its value.</p> <p>The core principles of the Protocol are codified in the ‘Seven Cs’. These principles relate to good design – including subdivision design – at the site, neighbourhood, suburb, city and regional level and are defined as:</p>



	<ul style="list-style-type: none"> <li>• context;</li> <li>• character;</li> <li>• choice;</li> <li>• connections;</li> <li>• creativity;</li> <li>• custodianship; and</li> <li>• collaboration.</li> </ul>
<i>National Guidelines for Crime Prevention Through Environmental Design (2005)</i>	<p>The Guidelines are based on the philosophy that proper design and effective use of the built environment leading to a reduction in the incidence and fear of crime, as well as an improvement in quality of life.</p> <p>This has a fundamental relationship with subdivision design and the layout, orientation, size, shape and purpose of newly created allotments.</p>
<i>National Policy Statement on Electricity Transmission: Implementation Guidance for Local Authorities (2010)</i>	<p>The purpose of the guidance document is to provide local authorities with direction on how NPSET, which came into effect on 10 April 2008, can best be incorporated into regional and district planning instruments. Several of the methods and model provisions specifically reference subdivision controls as a means of implementing NPSET Policy 10 and its focus on the avoidance of reverse sensitivity effects on the National Grid, and on ensuring operation, maintenance, upgrading and development of the Grid are not compromised by other activities.</p>

#### 4.6 Regional Policy and Plans

##### Regional Policy Statement for the Wellington Region 2013 (RPS)

The table below identifies the relevant provisions and resource management topics for subdivision contained in the RPS.

<b>Coastal Environment</b>	
<b>Section</b>	<b>Relevant matters</b>
<p><i>Objectives 3, 4 &amp; 8</i></p> <p><i>Policies 3, 22, 24, 26, 35, 36 &amp; 53</i></p>	<p>Objective 3: Habitats and features in the coastal environment that have significant indigenous biodiversity values are protected; and Habitats and features in the coastal environment that have recreational, cultural, historical or landscape values that are significant are protected from inappropriate subdivision, use and development.</p> <p>Objective 4: The natural character of the coastal environment is protected from the adverse effects of inappropriate subdivision, use and development.</p> <p>Objective 8: Public access to and along the coastal marine area, lakes and rivers is enhanced (objective 8 is shared for the coastal environment and fresh water).</p> <p>Relevant policy direction includes:</p> <ul style="list-style-type: none"> <li>• protecting high natural character in the coastal environment;</li> <li>• protecting historic heritage values in the coastal environment;</li> <li>• protecting indigenous ecosystems and habitats with significant indigenous biodiversity values of the coastal environment;</li> </ul>

	<ul style="list-style-type: none"> <li>• protecting outstanding natural features and landscape values of the coastal environment;</li> <li>• preserving the natural character of the coastal environment, and managing associated adverse effects; and</li> <li>• considerations for enhancing public access to and along the coastal marine area.</li> </ul>
<b>Infrastructure, Energy &amp; Waste</b>	
<b>Section</b>	<b>Relevant matters</b>
Objective 10 Policies 7 & 39	<p>Objective 10: The social, economic, cultural and environmental benefits of regionally significant infrastructure are recognised and protected.</p> <p>Relevant policy direction includes:</p> <ul style="list-style-type: none"> <li>• recognising the benefits from renewable energy and regionally significant infrastructure; and</li> <li>• protecting regionally significant infrastructure.</li> </ul>
<b>Historic Heritage</b>	
<b>Section</b>	<b>Relevant matters</b>
Objective 15 Policies 22 & 46	<p>Objective 15: Historic heritage is identified and protected from inappropriate modification, use and development.</p> <p>Relevant policy direction relates to the protection of, and management of adverse effects on, historic heritage values.</p>
<b>Indigenous ecosystems</b>	
<b>Section</b>	<b>Relevant matters</b>
Objective 16 Policies 24 & 47	<p>Objective 16: Indigenous ecosystems and habitats with significant biodiversity values are maintained and restored to a healthy functioning state.</p> <p>Relevant policy direction relates to the protection of, and management of adverse effects on, indigenous ecosystems and habitats with significant indigenous biodiversity values.</p>
<b>Landscape</b>	
<b>Section</b>	<b>Relevant matters</b>
Objective 17 & 18 Policies 26, 28 & 50	<p>Objective 17: The region's outstanding natural features and landscapes are identified and their landscape values protected from inappropriate subdivision, use and development.</p> <p>Objective 18: The region's special amenity landscapes are identified and those landscape values that contribute to amenity and the quality of the environment are maintained or enhanced.</p> <p>Relevant policy direction includes:</p> <ul style="list-style-type: none"> <li>• the protection of outstanding natural features and landscapes; and</li> <li>• management of adverse effects on outstanding natural features and landscapes and on special amenity landscape values.</li> </ul>

<b>Natural Hazards</b>	
<b>Section</b>	<b>Relevant matters</b>
<p><i>Objective 19 &amp; 21</i></p> <p><i>Policies 29 &amp; 51</i></p>	<p>Objective 19: The risks and consequences to people, communities, their businesses, property and infrastructure from natural hazards and climate change effects are reduced.</p> <p>Objective 21: Communities are more resilient to natural hazards, including the impacts of climate change, and people are better prepared for the consequences -of natural hazard events.</p> <p>Relevant policy direction includes:</p> <ul style="list-style-type: none"> <li>• include policy direction and rules to avoid inappropriate subdivision in areas identified at high risk from natural hazards; and</li> <li>• consequences of natural hazards are to be minimised, with consideration given to a range of matters for decision-making, including: frequency and magnitude of hazards, impacts of climate change and sea level rise, potential consequences on people and property, and available mitigation.</li> </ul>
<b>Regional Design &amp; Function</b>	
<b>Section</b>	<b>Relevant matters</b>
<p><i>Objective 22</i></p> <p><i>Policies 30, 31, 54-56, 58</i></p>	<p>Objective 22: compact well designed and sustainable regional form that has an integrated, safe and responsive transport network and:</p> <ol style="list-style-type: none"> <li>a. a viable and vibrant regional central business district in Wellington city;</li> <li>b. an increased range and diversity of activities in and around the regionally significant centres to maintain vibrancy and vitality;</li> <li>c. sufficient industrial-based employment locations or capacity to meet the region's needs;</li> <li>d. development and/or management of the Regional Focus Areas identified in the Wellington Regional Strategy;</li> <li>e. urban development in existing urban areas, or when beyond urban areas, development that reinforces the region's existing urban form;</li> <li>f. strategically planned rural development;</li> <li>g. a range of housing (including affordable housing);</li> <li>h. integrated public open spaces;</li> <li>i. integrated land use and transportation;</li> <li>j. improved east-west transport linkages;</li> <li>k. efficiently use existing infrastructure (including transport network infrastructure); and</li> <li>l. essential social services to meet the region's needs.</li> </ol> <p>Relevant policy direction includes:</p> <ul style="list-style-type: none"> <li>• enable and manage a range of activities that maintain or enhance the vibrancy of the City Centre and Metropolitan Centres; and</li> <li>• include policies, rules and methods to encourage higher density and/or mixed use development in and around Centres and locations with good access to the strategic transport network;</li> <li>• give particular regard to the 7Cs embedded in the New Zealand Urban Design Protocol;</li> </ul>

	<ul style="list-style-type: none"> <li>• have particular regard to a range of matters when considering urban development beyond the region's urban areas, including consistency with Council's urban growth strategies and whether structure plans are provided;</li> <li>• have particular regard to a range of matters when managing development in rural areas, including impacts on rural amenity and productive potential of land, reverse sensitivity effects, consistency with Council's urban growth strategies and whether structure plans are provided;</li> <li>• have particular regard to whether subdivisions are located and sequenced to make efficient and safe use of existing infrastructure capacity and/or coordinate with development and operation of new infrastructure</li> </ul>
<b>Tangata Whenua</b>	
<b>Section</b>	<b>Relevant matters</b>
Objective 25 & 26  Policy 49	<p>Objective 25: The concept of kaitiakitanga is integrated into the sustainable management of the Wellington region's natural and physical resources.</p> <p>Objective 26: Mauri is sustained, particularly in relation to coastal and fresh waters.</p> <p>Relevant policy direction includes:</p> <ul style="list-style-type: none"> <li>• recognise and provide for: <ul style="list-style-type: none"> <li>– the exercise of kaitiakitanga;</li> <li>– mauri; and</li> <li>– places, sites and areas with significant spiritual or cultural historic heritage value to tangata whenua.</li> </ul> </li> </ul>

## Regional Plans

There are currently five operative regional plans and one proposed regional plan for the Wellington region:

- Regional Freshwater Plan for the Wellington Region, 1999
- Regional Coastal Plan for the Wellington Region, 2000
- Regional Air Quality Management Plan for the Wellington Region, 2000
- Regional Soil Plan for the Wellington Region, 2000
- Regional Plan for discharges to the land, 1999
- Proposed Natural Resources Plan, appeals version 2021

The proposed Natural Resources Plan (PNRP) replaces the five operative regional plans, with provisions in this plan now largely operative, with the exception of those that are subject to appeal.

None of the operative or proposed regional plans are relevant to subdivision.

### 4.7 Iwi Management Plan(s)

There are no Iwi Management Plans that are applicable to Wellington City.

#### 4.8 Relevant plans or strategies

The following plans and strategies are relevant to this topic:

Plan / Strategy	Organisation	Relevant Provisions
<a href="#"><u><i>Our City Tomorrow – He Mahere Mokowā mō Pōneke - A Spatial Plan for Wellington City 2021</i></u></a>	Wellington City Council	The Spatial Plan is the Council's 30-year growth strategy to guide growth and development, including the coordination of associated infrastructure, services and development. It lays the foundation to inform future land use, transport and infrastructure planning and expenditure through Council regulatory plans and strategies such as the District Plan, Long Term Plan and Infrastructure Strategy.
<a href="#"><u><i>Wellington Regional Growth Framework 2021 – 30 year spatial plan for the Wellington-Horowhenua Region</i></u></a>	Carterton District Council, Horowhenua District Council, Kāpiti Coast District Council, Hutt City Council, Masterton District Council, Porirua City Council, South Wairarapa District Council, Upper Hutt City Council, Wellington City Council and Waka Kotahi (NZTA).	<p>The Wellington Regional Growth Framework is a spatial plan that has been developed by local government, central government and iwi partners in the Wellington-Horowhenua region<sup>1</sup> to provide councils and iwi in the region with an agreed regional direction for growth and investment and deliver on the Urban Growth Agenda objectives of the Government.</p> <p>Its objectives include increased housing supply and improved housing affordability &amp; choice, and sustainable, resilient urban forms that make efficient use of existing infrastructure and resources.</p> <p>Key implementation measures include review of council zoning and other levers to enable higher densities within existing and new urban areas in appropriate locations identified in the regional growth framework.</p>
<a href="#"><u><i>Wellington Region Natural Hazards Strategy 2019</i></u></a>	Greater Wellington Regional Council, Kāpiti Coast District Council, Hutt City Council, Porirua City Council, Upper Hutt City Council, Wellington City Council and Wellington Region Emergency Management Office	<p>The purpose of the Wellington Region Natural Hazards Management Strategy is to help create a region resilient to the impacts from natural hazard events through a focus on the reduction component of the 4 R's (reduction, readiness, response, recovery) of the Civil Defence Emergency Management Act. It provides a framework that will allow the partner councils in conjunction with key stakeholders and the community to develop consistent responses to the challenging natural hazards that we face including coastal erosion and inundation, sea level rise, flooding, earthquakes, landslides and storms.</p> <p>Directions for achieving the strategy include: aiming to achieve region-wide consistency in policy and planning regulations for managing risks from natural hazards; and prioritising the investigation of natural hazards and the preparation of policy</p>

		responses for managing the risks from these using a risk based approach.
<a href="#"><u>Wellington City Council Draft Financial and Infrastructure Strategy 2021-51</u></a>	Wellington City Council	<p>The purpose of this Financial and Infrastructural Strategy is to provide a decision-making framework that enables the Council to make informed, prudent and sustainable investment decisions that balance the funding of the City's strategic wants and needs.</p> <p>It notes that subdivision controls in the District Plan are required to better manage stormwater impacts and achieve hydraulic neutrality.</p>
<a href="#"><u>Wellington Heritage Policy 2010</u></a>	Wellington City Council	<p>The policy was prepared to reinforce Council's continued commitment to the city's heritage for current property/land owners, mana whenua, the community, visitors to the city and future generations. It provides direction to Councillors and Council staff in their day-to-day role in heritage management. It is implemented through the development and review of the Council's planning tools and processes, including the District Plan and Annual Plan as well as the Council's relationships with mana whenua, the owners of heritage places and the wider community.</p> <p>Its objectives take a lead from s6 of the RMA, seeking to protect the city's heritage from adverse effects that may compromise the heritage values of a place, including physical deterioration, earthquake risk and inappropriate subdivision, development and use.</p>
<a href="#"><u>Our Natural Capital: Wellington's biodiversity strategy and action plan 2015</u></a>	Wellington City Council	<p>This Strategy and Action Plan is the Council's vision for the city's indigenous biodiversity. The strategy outlines Council's vision, goals and objectives, and sets the priorities that give its work direction and purpose, underpinned by a set of guiding principles. The aim of the strategy is to protect and restore Wellington's indigenous biodiversity.</p> <p>Its aims include the identification and protection of all areas of ecological significance on public and privately owned land via district plan policies, rules and methods – including for subdivision.</p>

#### 4.9 Other relevant legislation or regulations

There is no other legislation or regulations relevant to this topic.

### 5.0 Resource Management Issues Analysis

#### 5.1 Background

This part of the report identifies and analyses the key issues relevant to this topic.

#### 5.2 Evidence Base - Research, Consultation, Information and Analysis undertaken

The Council has reviewed the operative District Plan, commissioned technical advice and assistance from various internal and external experts and utilised this, along with internal workshops and community feedback to assist with setting the plan framework. This work has been used to inform the identification and assessment of the environmental, economic, social

and cultural effects that are anticipated from the implementation of the provisions. This advice includes the following:

Title	Author	Brief synopsis
<p><i>Planning for Growth: Issues &amp; options to inform the Wellington District Plan review of subdivision provisions (March 2021)</i></p>	<p>Resource Management Group Ltd</p>	<p>The information sources reviewed by the authors suggested that the operative subdivision provisions are generally appropriate; however, some provisions are out of date or would benefit from refinement for practical reasons.</p> <p>Amendments were also required to align with strategic direction from higher order national and regional direction that postdates the operative Plan.</p> <p>In summary, the key issues with the operative provisions identified were:</p> <ul style="list-style-type: none"> <li>• policy direction is outdated and lacks clear guidance for plan users and decision-makers;</li> <li>• the approach for enabling and managing different types of subdivision would benefit from greater consistency;</li> <li>• regulatory parameters would benefit from refinement, both to the scope of the parameters and to the limits applied; and</li> <li>• the administration of the Plan may be improved through refinements to existing methods and adoption of new methods.</li> </ul>

In the time since the Issues & Options paper was prepared, the Government amended the RMA to enable an increased supply of housing in Wellington and other jurisdictions. This has further driven the need to refine the existing approach to subdivision under the operative Plan.

### 5.2.1 Analysis of Operative District Plan provisions relevant to this topic

For the purposes of this report the key provisions in the Operative Wellington District Plan of relevance to this topic are summarised below.

Topic	Summary of relevant provisions
<p>Subdivision</p>	<p>In the operative Plan, subdivision objectives, policies and rules are embedded in each of the chapters relating to particular zones and in city-wide chapters for matters such as heritage, contaminated land and utilities.</p> <p><i>Zone-based content</i></p> <p>The subdivision policy frameworks for most zones are headed by a commonly-worded objective: 'to ensure that the adverse effects of new subdivisions are avoided, remedied or mitigated', although for the rural area this is supplemented by the intent that 'subdivision is consistent with the approach to containment of the urban area in this Plan'</p> <p>The subdivision policy frameworks for all zones include a commonly-worded policy relating to: 'sound design, development and appropriate servicing'. Remaining policies for the zones tend to be more differentiated. For example:</p>

Topic	Summary of relevant provisions
	<ul style="list-style-type: none"> <li>• residential policies emphasise optimisation of resource / energy use and accessibility , provide for future land use flexibility through the control of lot size and design, while ensuring surrounding character and adjoining amenity are not adversely impacted; discourage fragmentation of parcels in medium density areas; and seek to control greenfield subdivision to address adverse effects, create ‘high amenity’ neighbourhoods and integrate with infrastructure.</li> <li>• rural policies also seek to control greenfield subdivision to address adverse effects, create ‘high amenity’ neighbourhoods and integrate with infrastructure; minimise land fragmentation and maintain a compact city; and protect conservation values, provide public access and recreational use through the provision of esplanade areas.</li> </ul> <p>No other subdivision-related policies other than the general servicing direction referred to above apply in Business Areas.</p> <p>In most cases, subdivision policies in the zones are accompanied by lengthy explanations.</p> <p>All policies are accompanied by lists of methods. Other than rules, these include ‘advocacy’, ‘information’ (e.g., ‘promotion of good subdivision practice’), ‘national standard access design criteria’, the ‘Northern Growth Management Framework’, ‘WCC bylaws’, and reference to the Subdivision Design Guide and other zone-based design guides.</p> <p>To summarise the regulatory approach for implementing the policies:</p> <ul style="list-style-type: none"> <li>• subdivision is provided for as a controlled activity (except in business zones, where it assumes permitted activity status, and rural zone, where it assumes discretionary activity status);</li> <li>• the default status for subdivision not compliant with relevant standards or otherwise not provided for is generally as a restricted discretionary activity or discretionary activity, except in the Rural Zone, where the default status is non-complying;</li> <li>• certain forms of subdivision, such as boundary adjustments and lease-based or unit title subdivision, are explicitly or implicitly provided for in some zones, but not others;</li> <li>• standards relating to minimum lot size, shape factor, yards, access, parking, esplanades, servicing and other requirements are set down and applied differently across zones;</li> <li>• detailed matters of control and discretion, and assessment criteria to guide consideration of discretionary activities, are provided for all rules;</li> <li>• notification statements accompany subdivision activities assuming controlled and restricted discretionary activity status;</li> <li>• information requirements are set out in a general section in the operative Plan and in some situations, information requirements are also phrased as activity standards;</li> <li>• certain terms used in the subdivision provisions are defined in the operative Plan; and</li> <li>• the Subdivision Design Guide and other zone-based design guides are attached as appendices to the operative Plan – these contain overall design</li> </ul>



Topic	Summary of relevant provisions
	<p>objectives to be achieved, with associated guidelines provided to assist Plan users and decision-makers.</p> <p><i>District-wide content</i></p> <p>Objectives, policies and rules relating to subdivision are also included in the Contaminated Land and Heritage chapters of the operative Plan.</p> <p>For contaminated land, the existing provisions include:</p> <ul style="list-style-type: none"> <li>• one objective to manage the remediation, use, development and subdivision of contaminated and potentially contaminated land so as to avoid or mitigate the risk of adverse effects on human health and the environment;</li> <li>• policy direction to minimise and control the adverse effects that may arise from the use, development and subdivision of any contaminated or potentially contaminated land;</li> <li>• permitted activity rule for use, development or subdivision of potentially contaminated land that has been confirmed as not contaminated by site investigations; and</li> <li>• restricted discretionary rule for subdivision of all other potentially contaminated or contaminated land, with discretion limited to the nature and extent of contamination, the methods proposed to address human health risks, amenity, soil quality and ecological effects, and the overall approach to mitigation and remediation</li> </ul> <p>For historic heritage, the existing provisions include:</p> <ul style="list-style-type: none"> <li>• one objective to recognise the City’s historic heritage and protect it from inappropriate subdivision use and development;</li> <li>• policy direction to protect the heritage values of listed buildings and objects by ensuring that the effects of subdivision and development on the same site as any listed building or object are avoided, remedied and mitigated;</li> <li>• policy direction to ensure any subdivisions within a heritage area avoid, remedy or mitigate the adverse effects on the heritage values of the heritage area; and</li> <li>• Discretionary activity rules for the subdivision of any site containing a listed heritage item, or of any site within a heritage area.</li> </ul> <p>The key issues identified with the existing approach have been summarised in the preceding table in reference to the Issues and Options paper.</p>

### 5.2.2 Analysis of other District Plan provisions relevant to this topic

Current practice has been considered in respect of this topic, with a review undertaken of the following District Plans. It is noted that some of these plans have been prepared in accordance with the National Planning Standards and the National Policy Statement for Urban Development.

Plan	Local Authority	Description of approach
<i>Auckland Unitary Plan 2016</i>	Auckland Council	Refer to <b>Appendix 1</b> in <i>Planning for Growth: Issues &amp; options to inform the Wellington District</i>

<i>Christchurch District Plan 2017</i>	Christchurch City Council	<i>Plan review of subdivision provisions (March 2021).</i>
<i>Proposed New Plymouth District Plan 2019</i>	New Plymouth District Council	
<i>Proposed Porirua District Plan 2020</i>	Porirua City Council	

The above Plans were selected on the basis that:

- the cities or districts concerned are of a scale broadly commensurate with Wellington and/or are subject to similar resource management issues; and
- they are second-generation plans prepared under the RMA, and either made operative relatively recently or recently publicly notified.

The findings of the comparative review can be summarised as follows:

- **Structure:** Subdivision provisions (inclusive of objectives, policies and rules) are commonly located in a single specific chapter, which aligns with the formatting requirements of the National Planning Standards.
- **Policy context:** Policy frameworks for subdivision generally comprise a succinct number of objectives and policies (in the order of 3 to 5 objectives and 10 to 15 policies) which are written in an expressive style and contain both directive and broad assessment elements. As such, they substitute for lengthy explanations and may be directly employed through exercise of reserved matters of control or discretion. Assessment criteria may still be specified at the rule level to guide consideration of particular infringing activities.
- **Approach to particular forms of subdivision:** Most commonly, a controlled activity status is employed as a starting point for subdivision, although in some areas (e.g., business zones), a permitted activity status may be preferred. Common and explicit provision is usually made for boundary adjustments, lease-based and unit title subdivision, subdivision around existing buildings, and for network utilities, irrespective of the zone in which they are located, and subject to selected standards.
- **Parameters and standards:** Standards relating to minimum lot size or net site area, shape factor, yards or boundary setbacks, access, esplanade and servicing requirements are commonly applied, with a variety of approaches evident. Compliance with zone-based standards is usually required by cross-reference to those chapters, rather than via the embedding of such provisions within subdivision chapters. External codes of practice and standards relating to engineering and servicing requirements are incorporated by reference and are variously framed as conditions that must be met or as considerations over the extent of compliance, as matters for control or discretion.
- **Notification statements:** Explicit non-notified statements are common.

- **Key definitions:** National Planning Standard-mandated definitions are increasingly employed, with Plans developing additional definitions only as and where required, or where the Plan was developed prior to the Standards coming into force.
- **Non-regulatory methods:** Plans do not contain lengthy method descriptions but, in the New Plymouth Plan, an external Subdivision Design Guide is referenced in policies and rules, and consistency with that guide is made a matter of control or discretion. The Porirua, New Plymouth and Auckland Plans also contain references in subdivision policies to other external design guides for particular zones or forms of development. Auckland Council, in addition to its promotion of the Auckland Design Manual, also makes available on-line guidance relating to the subdivision process and desired outcomes. None of the other Councils incorporated design guides within their respective Plan.

Overall, the comparative analysis found the other examples provided alternative ways in which the operative subdivision provisions could be refined, to aid reader comprehension and support the consenting and decision-making processes.

### **5.2.3 Advice received from Taranaki Whānui and Ngāti Toa Rangatira**

Under Clause 4A of Schedule 1 of the RMA local authorities are required to:

- Provide a copy of any draft policy statement or plan to any iwi authority previously consulted under clause 3 of Schedule 1 prior to notification;
- Allow adequate time and opportunity for those iwi authorities to consider the draft and to supply advice; and
- Have particular regard to any advice received before notifying the plan.

As an extension of this s32(4A) requires evaluation reports prepared in relation to a proposed plan to include a summary of:

- All advice received from iwi authorities concerning the proposal; and
- The response to that advice, including any proposed provisions intended to give effect to the advice.

The District Plan Review has included significant engagement with our mana whenua partners - Taranaki Whānui ki te Upoko o te Ika and Ngāti Toa Rangatira. This has included over 100 hui and wānanga attended by Council officers over the last 12 months. This has provided a much greater understanding of mana whenua values and aspirations as they relate to the PDP.

The PDP elevates the consideration of mana whenua values in resource management processes, including:

- A new Tangata Whenua chapter which provides context and clarity about who mana whenua are and what environmental outcomes they are seeking.
- A new Sites and Areas of Significance to Māori chapter that provides greater protection for sites and areas of significance than the current District Plan.
- Integrating mana whenua values across the remainder of the plan where relevant.

This is consistent with both the City Goal of ‘Partnership with mana whenua’ in the Spatial Plan; and the recently signed Tākai Here (2022), which is the new partnership agreement between the Council and our mana whenua partners, Rūnanga o Toa Rangatira, Taranaki Whānui ki Te Upoko o Te Ika and Te Rūnanganui o Te Āti Awa.

A full copy of the advice received is attached as an addendum to the complete suite of Section 32 reports as Addendum A – Advice received from Taranaki Whānui and Ngāti Toa Rangatira.

#### 5.2.4 Consultation undertaken to date

The following is a summary of the primary consultation undertaken in respect of this topic:

Who	What	When	Relevant Issues Raised
General Public	Feedback on discussion documents	Draft Spatial Plan consultation from August 2020 to October 2020	<ul style="list-style-type: none"> <li>The Draft Spatial Plan process was the precursor to the Draft District Plan process.</li> <li>Consultation on the Draft Spatial Plan did not specifically address subdivision in a technical manner.</li> <li>Topics related to subdivision (e.g. intensified land use, affordable housing, managing natural hazard risks and natural environment values) were open for discussion.</li> </ul>
Councillors	Draft Plan workshops	Late 2020 to Mid 2022	<ul style="list-style-type: none"> <li>There have been regular workshops with Councillors throughout the course of preparing the Draft and Proposed District Plans. These workshops covered a wide range of topics and allowed Councillors to provide feedback on key policy directions and to input into the development of the Draft and Proposed District Plans.</li> </ul>
Council staff	Feedback on Issues & Options and initial draft chapter	March – June 2021	<ul style="list-style-type: none"> <li>Technical clarification around defined and undefined terms (i.e. ‘units’ and ‘allotments’, ‘access allotment’ &amp; ‘access strip’)</li> </ul>

Who	What	When	Relevant Issues Raised
			<ul style="list-style-type: none"> <li>• Editorial changes to introduction for clarity</li> <li>• Refinement to objective SUB-O1 for greater clarity &amp; specificity</li> <li>• Refinements to esplanade policies and rules to better align with the RMA and to expand esplanade requirements relative to the operative plan</li> <li>• Editorial changes suggested to rules relating to access, and technical non-compliances with associated land use rules</li> <li>• Substantive changes suggested to rules &amp; standards regarding setbacks and privacy, lot size and shape, servicing requirements</li> </ul>
Integration Team	Feedback on draft chapters & amendments to align with wider plan drafting & integration with other chapters.	June – August 2021	<ul style="list-style-type: none"> <li>• Minor amendment to objective SUB-O1 to align with revised Strategic Direction provisions</li> <li>• Minor amendments to various policies to align with active language used in other chapters in the plan</li> <li>• Incorporation of all domain-specific policies and rules relating to subdivision into the subdivision chapter, with consequential changes to active language for consistency</li> </ul>
Feedback on Draft Plan	Feedback on Draft Plan, through submissions, and feedback from	November – December 2021	<ul style="list-style-type: none"> <li>• Request for subdivision standards and conditions in the Large Lot Residential Zone to be</li> </ul>

Who	What	When	Relevant Issues Raised
	Council departments / advisors		<p>decoupled from the General Rural Zone and made less stringent</p> <ul style="list-style-type: none"> <li>• Request for increased regulatory stringency for subdivision in Character Areas</li> <li>• Request for less stringent subdivision standards and conditions in the General Rural Zone</li> <li>• Opposition to servicing requirements for new lots created by subdivision</li> <li>• Requests for exemptions from hydraulic neutrality requirements in identified catchments</li> <li>• Requests for reduced regulatory stringency for subdivision in the Spenmoor Street residential area</li> <li>• Requests for subdivision controls to apply in the airnoise boundary to manage reverse sensitivity effects on the Airport</li> <li>• Request for greater clarity on subdivision provisions applying in the Airport Zone</li> <li>• Proposed amendments to policy direction with greater emphasis on public transport connectivity</li> <li>• General support, and support for specified provisions identified in feedback</li> <li>• Requests for various changes to policies, rules and standards for subdivision relating to network utilities</li> </ul>

Who	What	When	Relevant Issues Raised
			<ul style="list-style-type: none"> <li>• New subdivision provisions to protect existing network utilities from reverse sensitivity effects</li> <li>• Recommendations for structural changes to the plan, including moving policies and rules from domain chapters to subdivision chapter (eg SASM provisions)</li> <li>• Proposed amendments to draft provisions to better recognise the expectation that urban areas will evolve and change over time</li> <li>• Requests for greater use of non-notification clauses for subdivisions that fall as restricted discretionary activities</li> <li>• Requests for design guides to be removed from the proposed plan</li> </ul>

A summary of specific feedback on this topic received during consultation on the Draft District Plan is contained in Appendix 1, including how it has been responded to in the Proposed District Plan. Additional detail concerning the wider consultation undertaken in preparing the Proposed District Plan is contained in the companion Section 32 Evaluation Overview Report.

In summary, the key findings arising from the consultation undertaken on this topic are:

- the operative provisions provide a reasonable starting point, but extensive amendments are required to align with National Planning Standards, and substantive direction in national and regional planning instruments advanced over the intervening period;
- clear cross references are required between domain-specific chapters and the subdivision chapter to clarify relationships and implementation approach; and
- effective administration of the plan can be enhanced through structural and substantive amendments as suggested by various parties

### 5.3 Summary of Relevant Resource Management Issues

Based on the research, analysis and consultation outlined above the following issues have been identified:

Issue	Comment	Response
Issue 1: Structural and substantive alignment with National Planning Standards	<ul style="list-style-type: none"> <li>Operative Plan houses subdivision provisions within zone chapters and city-wide chapters for Heritage and Contaminated Land</li> <li>Planning Standards require subdivision provisions to be located under Subdivision heading</li> <li>Planning standards introduce new defined terms (eg 'boundary adjustment') and revise definitions for existing defined terms (eg 'building') relative to the operative Plan</li> </ul>	<ul style="list-style-type: none"> <li>Objectives, policies and rules for subdivision contained in subdivision chapter, with cross references to other district-wide chapters to the extent relevant (some objectives in other chapters also refer to subdivision)</li> <li>Adopt new and revised definitions for terms as per the National Planning Standards</li> </ul>
Issue 2: General legibility of, and substantive direction in, objectives & policies	<ul style="list-style-type: none"> <li>Operative objectives and policies are not particularly expressive or directive, which does not assist with clear and effective administration of the Plan</li> <li>Lengthy explanations under policies, matters of control and assessment criteria tend to either mirror (without benefit) or even conflict with substantive direction in policies</li> </ul>	<ul style="list-style-type: none"> <li>Reduce duplication, conflict, and overall volume of source material in objectives, policies, matters of control/discretion and assessment criteria to assist with clear, consistent decision-making and administration of the Plan</li> <li>Use cross references to clearly establish relationships between related material without duplicating the material itself</li> </ul>
Issue 3: Scope of city-wide provisions	<ul style="list-style-type: none"> <li>The operative Plan lacks specific policy direction and regulatory methods for a range of city-wide issues</li> <li>Many of these issues – such as sites and areas of significance to Māori, natural hazards, the coastal environment and significant natural areas – are of national or regional significance and subject to higher-order direction that the proposed Plan must implement</li> </ul>	<ul style="list-style-type: none"> <li>Incorporate new city-wide subdivision provisions to: <ul style="list-style-type: none"> <li>better achieve the purpose of the Act as it relates to matters of national importance under s6 of the RMA;</li> <li>better implement relevant direction in the NZCPS, NPSs, RPS and 2021 RMA Amendments regarding housing intensification</li> </ul> </li> </ul>
Issue 4: Consistency	<ul style="list-style-type: none"> <li>Operative regulatory approach to enabling and managing different types of</li> </ul>	<ul style="list-style-type: none"> <li>Incorporate more enabling provisions for boundary adjustments, subdivisions around existing lawfully established</li> </ul>



Issue	Comment	Response
of regulatory approach	<p>subdivision is not clear or consistent</p> <ul style="list-style-type: none"> <li>Some forms of subdivision which are of a more administrative nature can be subject to lower regulatory stringency without compromising relevant objectives</li> <li>Amendments required to the standards for lot size and shape to implement changes arising from NPS-UD and 2021 RMA Amendment Act</li> </ul>	<p>buildings that create no additional vacant lots, and for network utility purposes in most zones.</p> <ul style="list-style-type: none"> <li>Simplify approach to activity status, including where necessary to implement 2021 RMA Amendment Act requirements.</li> <li>Refine operative standards for size and shape to implement NPS-UD and 2021 RMA Amendment Act requirements</li> </ul>

## 6.0 Evaluation of the Proposal

This section of the report evaluates the objectives of the proposal to determine whether they are the most appropriate means to achieve the purpose of the RMA, as well as the associated policies, rules and standards relative to these objectives. It also assesses the level of detail required for the purposes of this evaluation, including the nature and extent to which the benefits and costs of the proposal have been quantified.

### 6.1 Scale and Significance

Section 32(1)(c) of the RMA requires that this report contain a level of detail that corresponds with the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal.

The level of detail undertaken for this evaluation has been determined by assessing the scale and significance of the environmental, economic, social and cultural effects anticipated through introducing and implementing the proposed provisions (i.e. objectives, policies and rules) relative to a series of key criteria.

Based on this the scale and significance of anticipated effects associated with this proposal are identified below:

Criteria	Scale/Significance			Comment
	Low	Medium	High	
Basis for change	✓			<ul style="list-style-type: none"> <li>Need to address implications of National Planning Standards and higher-order direction from National and Regional Planning Instruments enacted since current Plan was made operative.</li> <li>Mostly relatively minor changes of a technical nature recommended in the</li> </ul>

Criteria	Scale/Significance			Comment
	Low	Medium	High	
				relevant issues and options paper, and flowing from consultative processes.
Addresses a resource management issue	✓			<ul style="list-style-type: none"> <li>The management of subdivision is a relevant issue for Council under its s31 RMA functions.</li> <li>Implements higher order direction from National and Regional Planning instruments, and retains aspects of the operative Plan that have proved effective and efficient over time</li> <li>Addresses matters of national importance under s6 RMA, albeit with the substantive evaluation of these matters contained in other s32 Reports (historic heritage, natural hazards, coastal environment, etc).</li> </ul>
Degree of shift from the status quo		✓		<ul style="list-style-type: none"> <li>Policy and regulatory direction are comparable to status quo, albeit simplified, reformatted and comprising some different metrics necessary to implement direction in the NPS-UD and 2021 RMA Amendment Act</li> <li>Anticipated outcomes under the proposed Plan are more enabling of urban intensification</li> <li>Domain-specific subdivision controls are more prominent in the proposed Plan relative to the status quo – again evaluated in other s32 Reports</li> </ul>
Who and how many will be affected/ geographical scale of effect/s			✓	<ul style="list-style-type: none"> <li>New provisions are proposed to implement the NPS-UD and 2021 RMA Amendment Act requirements throughout the urban area – this will affect the majority of the City's residents</li> <li>New city-wide domain-specific subdivision controls will also affect a broader group of people than the operative plan for matters such as natural hazards, the coastal environment and sites/areas of significance to Māori – these topics are primarily the focus of other s32 Reports</li> </ul>

Criteria	Scale/Significance			Comment
	Low	Medium	High	
				<ul style="list-style-type: none"> <li>Existing domain-specific provisions (historic heritage and contaminated land) are comparable to the status quo</li> </ul>
Degree of impact on or interest from iwi/Māori	✓			<ul style="list-style-type: none"> <li>Council and Taranaki Whānui ki te Upoko o te Ika and Ngāti Toa Rangatira have worked in partnership to develop provisions that recognise and protect sites and areas of significance, and these have informed the subdivision provisions.</li> </ul>
Timing and duration of effect/s		✓		<ul style="list-style-type: none"> <li>For the more enabling provisions applying in urban areas, the increased intensification that may result is unlikely to be widespread over the short term – the change in character and amenity anticipated will be more gradual and long-term across the city as a whole, though there will be punctuated changes over the short term where intensification proposals are implemented</li> <li>For new domain-specific provisions imposing limitations on subdivision, these will have enduring implications</li> <li>Existing domain-specific provisions (historic heritage and contaminated land) are comparable to the status quo</li> </ul>
Type of effect/s		✓		<ul style="list-style-type: none"> <li>For the more enabling provisions, the level of intensification enabled by the proposed plan is substantial – it will change the character and amenity values of urban areas, albeit this will be a gradual, long-term change overall.</li> <li>For domain-specific provisions imposing limitations on subdivision, these relate directly to the management of effects on matters of national/regional importance.</li> <li>Enabling provisions are anticipated to have positive effects on the supply of housing, business and infrastructure activities, while new controls are anticipated to benefit the protection of important, valued sites and areas from inappropriate subdivision and subsequent use and development</li> </ul>

Criteria	Scale/Significance			Comment
	Low	Medium	High	
				<ul style="list-style-type: none"> <li>Existing domain-specific provisions (historic heritage and contaminated land) are comparable to the status quo</li> </ul>
Degree of risk and uncertainty	✓			<ul style="list-style-type: none"> <li>There is a high level of information to inform decision-making on subdivision, and a correspondingly low risk associated with the proposed provisions</li> </ul>

Overall, the scale and significance of the proposed provisions is considered to be low to medium for the following reasons:

- for *general* management of subdivision, the proposed approach is not substantively different to the status quo in scope or substance – though the opportunity has been taken to simplify the policy direction and regulatory approach for clarity and effective administration;
- while the more enabling approach to urban subdivision represents a more substantial departure from the status quo and affects a large proportion of the city, there is a strong imperative to adopt such an approach under the NPS-UD and the 2021 RMA Amendment Act – the net environmental result is anticipated to involve a marked change in the urban fabric of the city, albeit experienced gradually and to the overall benefit of increased supply and choice for housing and business activities;
- likewise, the introduction of new controls to protect nationally and regionally significant values represents a higher degree of regulatory stringency for affected persons and communities – however, this is in direct response to national and/or regional policy imperatives as evaluated further in other s32 Reports (see coastal environment, significant natural areas, sites and areas of significance to Māori for example); and
- existing subdivision controls under the operative plan for other domain-specific matters (heritage and contaminated land) are generally retained under the proposed Plan, albeit with refinements to accord with National Planning Standards and to integrate with the proposed Plan as a whole.

Consequently, a high-level evaluation of these provisions has been identified as appropriate for the purposes of this report.

## 6.2 Quantification of Benefits and Costs

Section 32(2)(b) requires that, where practicable, the benefits and costs of a proposal are to be quantified.

Based on the assessment of the scale and significance of the proposed provisions in section 6.1, specific quantification of the benefits and costs in this report is considered neither necessary, beneficial nor practicable in relation to this topic for the following reasons:

- the structural and substantive changes from the status quo are mostly owing to strong (if not mandatory) direction from higher order instruments, including the RMA (as amended in 2021), NPSs, the RPS and National Planning Standards;
- many of the values affected by provisions subject to an increased level of stringency are not quantifiable or easily monetised – for example, spiritual values for Tangata Whenua, biodiversity values, landscape values, or values associated with recreational access to surface water bodies and the coast;
- the proposal would not see the introduction of a more permissive regime that could result in significant adverse effects on s6 matters;
- the proposal will result in significant increases in development opportunities relative to the status quo in urban areas; and
- there is a reasonable level of certainty around the proposal, its effects, and the availability of relevant information

Instead, this report identifies more generally where any additional costs or cost may lie.

## 7.0 Overview of Proposal/s

The proposed provisions relevant to this topic are set out in detail in the ePlan and should be referenced to in conjunction with this evaluation report.

In summary, the proposed provisions include (\* denotes mandatory requirement from National Planning Standard):

- Definitions
  - A set of relevant definitions, including for:
    - access, access allotment and access strip;
    - allotment\*;
    - boundary adjustment\*;
    - building\*;
    - esplanade reserve and esplanade strip;
    - hydraulic neutrality;
    - infrastructure;
    - land;
    - natural hazard;
    - residential activity\*;
    - river;
    - site\*;
    - stormwater\*;
    - subdivision\*;
    - wastewater\*
- Two objectives that aim for:
  - an efficient development pattern that maintains or enhances a compact urban form, is compatible with surrounding context, enables appropriate future use; and is supported by necessary infrastructure (SUB-O1); and
  - a progressive increase in the network of esplanade reserves and esplanade strips over time (SUB-O2).
- Twenty-six policies that include:
  - Seven policies relating to subdivision *generally*, including the benefits it entails for facilitating supply and variety of housing, business and other

activities, design matters, integration of subdivision and land use, and servicing requirements (SUB-P1 – SUB-P7);

- One policy relating to requirements for esplanades (SUB-P8);
- Eighteen domain-specific policies (SUB-P9 – SUB-P26) that implement objectives in the subdivision chapter and other chapters, including those dedicated to:
  - sites and areas of significance to Māori;
  - historic heritage;
  - natural character;
  - ecological and biodiversity values;
  - landscapes and natural features;
  - the coastal environment; and
  - natural hazards.
- A rule framework that manages subdivision as follows:

<b>Rule ref.</b>	<b>Activity</b>	<b>Consent Status</b>
<b>General subdivision rules</b>		
SUB-R1	Subdivision for construction and use of residential units in the residential zones	<b>C</b>
SUB-R2	Subdivision around lawfully established buildings creating no new undeveloped allotment	<b>P*</b> ; <b>R<sup>^</sup></b> or <b>D<sup>^</sup></b>
SUB-R3	Boundary adjustments	<b>P*</b> ; <b>C<sup>^</sup></b> or <b>R<sup>^</sup></b>
SUB-R4	Subdivision for new infrastructure	<b>C*</b> ; <b>R<sup>^</sup></b>
SUB-R5	General subdivision that creates new allotment(s)	<b>C*</b> ; <b>R<sup>^</sup></b> or <b>D<sup>^</sup></b>
SUB-R31	Any subdivision not otherwise <b>P</b> , <b>C</b> , <b>R</b> or <b>N</b>	<b>D</b>
<b>Domain-specific subdivision rules</b>		
SUB-R6	Subdivision within, or within 50m of, SASM	<b>R</b>
SUB-R7	Subdivision on site containing scheduled heritage building or object	<b>D</b>
SUB-R8	Subdivision on site within heritage area	<b>D</b>
SUB-R9	Subdivision on scheduled archaeological site	<b>D</b>
SUB-R10	Subdivision on site with notable tree	<b>D</b>
SUB-R11	Subdivision within SNA	<b>R*</b> ; <b>N<sup>^</sup></b>
SUB-R12	Subdivision within SAL	<b>R*</b> ; <b>N<sup>^</sup></b>
SUB-R13	Subdivision within ONFL	<b>C*</b> ; <b>R<sup>^</sup></b> or <b>D<sup>^</sup></b>
SUB-R14	Coastal environment subdivision outside high natural character areas and coastal and riparian margins	<b>C*</b> ; <b>R<sup>^</sup></b> or <b>D<sup>^</sup></b>
SUB-R15	Coastal environment subdivision in coastal or riparian margins	<b>C*</b> ; <b>R<sup>^</sup></b> or <b>D<sup>^</sup></b>

<b>Rule ref.</b>	<b>Activity</b>	<b>Consent Status</b>
<b>General subdivision rules</b>		
SUB-R16	Coastal environment subdivision in areas of high/very high natural character	<b>R*</b> ; <b>D<sup>^</sup></b> or <b>N<sup>^</sup></b>
SUB-R17 – SUB-R26	Subdivision of land affected by natural hazards and/or coastal hazards	<b>C</b> , <b>R</b> , <b>D</b> , <b>N</b> – lowest stringency corresponds with lowest hazard risk, and greatest stringency with highest risk
SUB-R27	Subdivision in the National Grid substation buffer	<b>C*</b> ; <b>D<sup>^</sup></b>
SUB-R28	Subdivision in the National Grid subdivision corridor	<b>R*</b> ; <b>N<sup>^</sup></b>
SUB-R29	Subdivision in Gas Transmission Pipeline corridor	<b>C*</b> ; <b>R<sup>^</sup></b> or <b>D<sup>^</sup></b>
SUB-R30	Subdivision with the Air Noise Boundary	<b>D</b>

For table above: 'P' means permitted activity, 'C' means controlled activity, 'R' means restricted discretionary activity, 'D' means discretionary activity, and 'N' means non-complying activity.  
\* denotes status is subject to compliance with conditions/standards, ^ denotes default status where conditions/standards not met.

- A complementary set of effects standards that address requirements for:
  - access (SUB-S1);
  - water supply (SUB-S2);
  - wastewater disposal (SUB-S3);
  - stormwater management (SUB-S4);
  - telecommunication and power supply (SUB-S5);
  - allotment number, size and shape (SUB-S6); and
  - esplanades (SUB-S7).
- Supporting Design Guide that comprises outcome statements and guidelines for the management of subdivision throughout the City.

There are also a number of other objectives in the Proposed Plan that have shaped the provisions in the Subdivision Chapter, particularly where they relate to outstanding, significant or special areas and values, or to particular constraints. In summary, these objectives include:

- The Strategic Objectives referred to in section 3 of this report;
- INF-O3 relating to the protection of infrastructure, and INF-O4 relating to infrastructure availability;
- THWT-O1 relating to three waters infrastructure, and THWT-O3 relating to hydraulic neutrality;
- CL-O1 relating to the identification and management of contaminated land;
- NH-O1 to NH-O4 relating to natural hazards;
- HH-O2 relating to the protection of historic heritage;
- TREE-O2 relating to the protection of notable trees;
- SASM-O2 relating to the protection of Sites and Areas of Significance to Māori;
- ECO-O1 and ECO-O2 relating to the protection of Significant Natural Areas;
- NATC-O1 relating to the preservation and protection of natural character;

- NFL-O1 to NFL-O3 relating to the protection of Outstanding Natural Features and Landscapes and the maintenance of Special Amenity Landscapes and Ridgelines and Hilltops, respectively;
- PA-O1 relating to the maintenance and enhancement of public access to the coast and waterbodies; and
- CE-O2 and CE-O3 relating to values associated with the Coastal Environment.

Objectives in the zone chapters that describe the outcomes sought for each zone (for example MRZ-O1 to MRZ-O3) also have informed the provisions in the Subdivision chapter to ensure the integration management of subdivision, use and development of land.

## **8.0 Evaluation of Proposed Objective/s**

### **8.1 Introduction**

Section 32(1)(a) of the RMA requires that the evaluation report examine the extent to which the objectives of the proposal are the most appropriate way to promote the sustainable management of natural and physical resources.

An examination of the proposed objectives along with reasonable alternatives is included below, with the relative extent of their appropriateness based on an assessment against the following criteria:

1. Relevance (i.e. Is the objective related to addressing resource management issues and will it achieve one or more aspects of the purpose and principles of the RMA?)
2. Usefulness (i.e. Will the objective guide decision-making? Does it meet sound principles for writing objectives (i.e. does it clearly state the anticipated outcome?)
3. Reasonableness (i.e. What is the extent of the regulatory impact imposed on individuals, businesses or the wider community? Is it consistent with identified tangata whenua and community outcomes?)
4. Achievability (i.e. Can the objective be achieved with tools and resources available, or likely to be available, to the Council?)

### **8.2 Evaluation of Objectives SUB-O1 & SUB-O2**

While not specifically required under s32, it is appropriate to also consider alternative objectives to those currently included in the Proposed District Plan, so as to ensure that the proposed objective(s) are the most appropriate to achieve the purpose of the RMA.

For the purposes of this evaluation, the Council has considered three potential objectives:

1. The proposed objective;
2. The current most relevant objectives – the status quo; and
3. A reasonable alternative objective – to maximise the efficient use of land through subdivision



Proposed objectives:			
<b>SUB-01</b>			
<i>Subdivision achieves an efficient development pattern that:</i>			
<ol style="list-style-type: none"> <li>1. <i>Maintains or enhances Wellington's compact urban form;</i></li> <li>2. <i>Is compatible with the nature, scale and intensity anticipated for the underlying zone and local context;</i></li> <li>3. <i>Enables appropriate future development and use of resulting land or buildings; and</i></li> <li>4. <i>Is supported by development infrastructure and additional infrastructure for existing and anticipated future activities.</i></li> </ol>			
<b>SUB-02</b>			
<i>The network of esplanade reserves and esplanade strips in Wellington is progressively increased.</i>			
General intent:			
The proposed approach balances development efficiency with contextual factors that may otherwise justify a more constrained response to subdivision and/or subsequent use and development. The objectives emphasise the need for more intensive development patterns to be supported by necessary infrastructure, and underscore the need to enhance the network of esplanades across the City as a whole.			
Other potential objectives			
<b>Status quo:</b> Common outcome stated in each zone to avoid, remedy or mitigate adverse effects of subdivision; additional aim in the Rural Zone to ensure subdivision is consistent with urban containment objectives; and city-wide aims relating to protection of historic heritage from inappropriate subdivision and the management of subdivision of contaminated and potentially contaminated land.			
<b>Alternative:</b> Subdivision maximises efficient use and development of land			
	Preferred objective	Status quo	Alternative
<i>Relevance:</i>			
Addresses a relevant resource management issue	This option addresses subdivision, which is a relevant resource management matter as reflected in the RMA and various national and regional statutory planning instruments.	This option addresses subdivision, which is a relevant resource management matter as reflected in the RMA and various national and regional statutory planning instruments.	This option addresses subdivision, which is a relevant resource management matter as reflected in the RMA and various national and regional statutory planning instruments.
Assists the Council to undertake its functions under s31 RMA	Council's functions under s31 include the control of subdivision, which this option addresses.	Council's functions under s31 include the control of subdivision, which this option addresses.	Council's functions under s31 include the control of subdivision, which this option addresses.
Gives effect to higher level documents	Specifically designed to implement national and regional direction, including from the NPS-UD, the NZCPS and the RPS.	Implements higher-order direction in part, but pre-dates all NPSs, the NZCPS and the RPS, and	Particular emphasis on implementing the NPS-UD as relates to development capacity and efficient use of land. Failure

		accordingly does not fully implement all relevant direction.	to temper that with corresponding outcomes to manage particular effects of subdivision on certain values may undermine the proposed plan's ability to effectively implement other higher order direction, particularly from the NZCPS and RPS.
<b>Usefulness:</b>			
Guides decision-making	Establishes a clear intent for the management of subdivision generally. Assisted by National Planning Standard format to establish corresponding aims for domain-specific matters that apply across the City.	General outcomes for subdivision do not assist decision-makers' understanding as to when effects of subdivision should be avoided, versus when they should be mitigated or remedied. Outcomes for heritage and contaminated land are generally helpful for decision-making as they are less vague.	A singular objective to maximise development efficiency is clear and would assist with consistent decision-making.
Meets best practice for objectives	The two aims are certain, measurable and achievable. They are drafted as clear outcome statements, consistent with best practice.	The status quo objectives are measurable and achievable, but lack specificity. They are generally drafted more as policy direction rather than outcome statements.	A singular objective to maximise development efficiency would be clear as to intent; however, measurability and achievability may be less certain depending on context. The alternative could be drafted as a clear outcome statement consistent with best practice.
<b>Reasonableness:</b>			
Will not impose unjustifiably high costs on the community/parts of the community	No unjustifiable costs are anticipated in relation to subdivision generally. The proposed objectives will enable an overall increase in development intensity apart from	There is no evidence to suggest that the status quo has imposed unjustifiably high costs over the life of the operative Plan.	No unjustifiably high costs would be anticipated for the alternative option. It is the most 'enabling' of the three options considered.

	areas subject to identified values or constraints. Costs associated with the latter are considered in other s32 reports and have been shown to be reasonable and justified.		
Acceptable level of uncertainty and risk	The objectives are sufficiently certain. There is no ambiguity in their subject matter such that any associated risks are likely to arise.	There is some uncertainty in the substance of the objectives generally as relates to the avoidance, remediation or mitigation of adverse effects. The status quo also entails some risk to areas characterised by identified values and/or site constraints – this could result in high consequence outcomes for peoples’ health and safety (for example, owing to natural hazard effects) and for sensitive parts of the environment (for example, significant natural areas, coastal environment).	The alternative carries elevated risk associated with areas characterised by identified values and/or site constraints.
<i>Achievability:</i>			
Consistent with identified tangata whenua and community outcomes	No specific tāngata whenua or community outcomes have been identified.	No specific tāngata whenua or community outcomes have been identified.	No specific tāngata whenua or community outcomes have been identified.
Realistically able to be achieved within the Council’s powers, skills and resources	The objectives can be achieved through ongoing management of consent processes, non-regulatory methods and monitoring of plan and consent outcomes and the state of the environment.	The objectives have been achieved through ongoing management of consent processes, non-regulatory methods and monitoring of plan and consent outcomes and the state of the environment.	The alternative could be achieved through ongoing management of consent processes, non-regulatory methods and monitoring of plan and consent outcomes and the state of the environment.

**Summary**

The proposed objectives are the most appropriate means to achieve the purpose of the RMA. They best implement all relevant strategic direction from higher order planning instruments. The proposed objectives are well-aligned with the relevant direction in the National Planning Standards, and are drafted as clear measurable outcomes to assist the effective administration of the proposed plan, consistent with best practice.

## **9.0 Evaluation of Reasonably Practicable Options and Associated Provisions**

### **9.1 Introduction**

Under s32(1)(b) of the RMA, reasonably practicable options to achieve the objectives associated with this proposal need to be identified and examined. This section of the report evaluates the proposed policies and rules, as they relate to the associated objective(s).

Along with the proposed provisions, the Council has also identified through the research, consultation, information gathering and analysis undertaken in relation to this topic a reasonably practicable alternative option to achieve the objective/s.

The technical and consultation input used to inform this process is outlined in section 5 of this report.

### **9.2 Evaluation method**

For each potential approach an evaluation has been undertaken relating to the costs, benefits and the certainty and sufficiency of information (as informed by section 5 of this report) in order to determine the effectiveness and efficiency of the approach, and whether it is the most appropriate way to achieve the relevant objective(s).

This evaluation is contained in the following sections.

### **9.3 Provisions to achieve Objective SUB-O1 and SUB-O2**

For the purpose of this evaluation, the Council has considered the following potential options:

1. The proposed provisions
2. The status quo
3. A reasonable alternative adopting a higher level of regulatory stringency

As set out in section 7 of this report, there are a series of objectives in the Proposed Plan, beyond SUB-O1 and SUB-O2, particularly those relating to outstanding, significant or special areas or values, that the options above also seek to implement. The options covered in the following table are therefore evaluated with these broader objectives in mind. Additional detail on these matters can be accessed in the relevant s32 reports addressing those related matters.

**SUB-01**

Subdivision achieves an efficient development pattern that:

1. Maintains or enhances Wellington's compact urban form;
2. Is compatible with the nature, scale and intensity anticipated for the underlying zone and local context;
3. Enables appropriate future development and use of resulting land or buildings; and
4. Is supported by development infrastructure and additional infrastructure for existing and anticipated future activities.

**SUB-02**

The network of esplanade reserves and esplanade strips in Wellington is progressively increased.

Option 1: Proposed approach (recommended)	Costs	Benefits	Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions
<p><b>Policies:</b></p> <p>Twenty-six policies that:</p> <ul style="list-style-type: none"> <li>• provide broad direction for general subdivision (SUB-P1 through SUB-P7);</li> <li>• establish requirements for esplanades (SUB-P8);</li> <li>• provide direction for the implementation of subdivision and domain-specific objectives (SUB-P9 through SUB-P26)</li> </ul> <p><b>Rules:</b></p> <p>Thirty rules comprising:</p> <ul style="list-style-type: none"> <li>• one subdivision rule to implement the requirements of schedule 3A of the RMA relating to subdivision for residential uses;</li> <li>• three city-wide rules for subdivision based on subdivision type (boundary adjustment, creation of new vacant lots, creation of new non-vacant lots);</li> <li>• one rule for subdivision to create new lots for</li> </ul>	<p><b>Environmental</b></p> <p>Direct costs: The provisions enable substantial intensification to occur throughout the urban area. Subsequent development will impact on the surrounding environment, including changes to sunlight access, outlook and privacy. Amenity values associated with character, townscape and landscape characteristics of a given area may also be impacted. For the residential area, the approach is mandated under schedule 3A of the RMA.</p> <p>Indirect costs: no indirect costs have been identified.</p> <p><b>Economic</b></p> <p>Direct costs: The proposed approach entails compliance costs for subdividers. Those will generally be greater for areas subject to specific identified values and/or constraints owing to greater stringency and/or specialist input to inform proposals.</p> <p>New limitations on subdivision of land subject to identified values and/or constraints will also represent an opportunity cost on development potential in many cases. Those costs will vary depending on the context for any given proposal.</p> <p>Indirect costs: The substantial intensification enabled in urban areas may place high demands on existing services that require significant investment in infrastructure upgrades, repairs and development.</p> <p><b>Social</b></p> <p>Direct costs: No direct costs have been identified.</p> <p>Indirect costs: There is intrinsic social value in the urban (and non-urban) fabric of the City at the townscape, neighbourhood and site level. The provisions will enable</p>	<p><b>Environmental</b></p> <p>Direct benefits: The provisions will enable a considerable increase in development capacity for urban activities in support of a well-functioning urban environment.</p> <p>Sites and areas of particular environmental sensitivity will benefit from provisions that limit or preclude adverse effects on associated values.</p> <p>Indirect benefits: The provisions support the City's compact urban form, with indirect benefits derived from greater concentration of people living in and around centres and near public and active transport infrastructure.</p> <p><b>Economic</b></p> <p>Direct benefits: The provisions will enable a considerable increase in development capacity for urban activities. Some groups and individuals will realise capital gain through subdivision and/or subsequent development and sale or rent of subdivided land. Others may benefit through cost savings – for example existing homeowners subdividing land to provide housing opportunities for family members who are otherwise unable to afford housing themselves.</p> <p>Enabling provisions required by Schedule 3A of the RMA also entail compliance cost savings for residential developments relative to other general subdivision. The provisions are also designed to enhance competitive land development markets, with theoretical flow-on effects for housing supply, choice and affordability.</p> <p>Indirect benefits: The increase in development capacity enabled by the provisions may enhance employment opportunities for the construction sector and related service industries.</p> <p>Providing for increased residential development capacity in and around commercial areas provides increased</p>	<p>It is considered that there is certain and sufficient information on which to base the proposed policies and methods as:</p> <ul style="list-style-type: none"> <li>• the evidence base for acting is comprehensive; and</li> <li>• overall, the risk of not acting is considered to be greater than the risk of acting, particularly in relation to sites and areas with particular values or constraints that are not currently managed.</li> </ul>

<p>infrastructure purposes; and</p> <ul style="list-style-type: none"> <li>• twenty-five domain-specific rules for subdivision affecting land with identified values and/or constraints (historic heritage, landscapes, natural hazards, proximity to significant infrastructure etc).</li> </ul> <p>Standards relating to access, water supply, wastewater disposal, stormwater management, telecommunications and power supply, lot number, size and shape, and esplanades apply to the general city-wide rules and subdivision relating to infrastructure.</p> <p><b><u>Other Methods:</u></b></p> <p>The subdivision design guide is a matter of discretion for certain subdivision activities and will be assessed to the extent relevant for subdivision proposals that fall as discretionary or non-complying activities.</p>	<p>changes to that intrinsic value over time that may be deemed as positive for some and negative for others.</p> <p><b><i>Cultural</i></b></p> <p>No direct or indirect costs have been identified.</p>	<p>opportunity for utilisation of goods and services by local residents within those centres.</p> <p><b><i>Social</i></b></p> <p>Direct benefits: The collective resilience of the City will be enhanced by new controls limiting subdivision of land subject to natural hazard effects. Esplanade requirements have been expanded, with the expectations being that public accessibility to waterbodies and the coast will be enhanced over the life of the plan.</p> <p>Indirect benefits: Increased intensification will enable increases in resident populations in and around the City's centres, with flow-on effects on the vitality and vibrancy of those areas owing to more activity generally.</p> <p><b><i>Cultural</i></b></p> <p>Direct effects: sites and areas of significance to Māori have been identified and will be subject to an appropriate level of protection under the proposed provisions. Subdivision provisions also seek to enhance access to the coast, waterbodies and other areas with significance to Māori.</p>	
--	--	--	--

<b>Effectiveness and efficiency</b>	<p><b>Effectiveness</b></p> <p>The proposal implements the general 'efficiency' aim of SUB-O1, as well as its component parts relating to urban form and context, and integration with necessary infrastructure. It balances the proposed Plan's aims for well-functioning urban areas and ready access to commercial and residential development capacity with the aims requiring subdivision, use and development to be constrained in sensitive environments.</p>	<p><b>Efficiency</b></p> <p>For general subdivision, the proposal entails a relatively low level of regulatory stringency, and is particularly enabling of residential subdivision and minor subdivision that is of a more administrative nature (i.e. boundary adjustments). Greater stringency is applied to subdivision in sensitive areas, but the associated costs are not anticipated to be high or unreasonable, particularly when weighed against the (unquantifiable) benefits that will result from implementation of the provisions. Overall, the benefits of the proposal are anticipated to outweigh costs.</p>	
<b>Overall evaluation</b>	This is the most appropriate option. It will provide for effective implementation of the objectives with anticipated benefits outweighing costs overall.		
<b>Option 2: Status Quo</b>	<b>Costs</b>	<b>Benefits</b>	<b>Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions</b>
<p><b>Policies:</b></p> <p>Direction includes:</p> <ul style="list-style-type: none"> <li>commonly-worded policy in each zone relating to 'sound design, development and appropriate servicing';</li> <li>specific policies in the residential area relating to: resource/energy efficiency; balancing land use flexibility with effects on surrounding character; discouraging land fragmentation in medium density areas; greenfield subdivision that is well designed and integrated with infrastructure;</li> <li>rural area policies to: minimise land fragmentation; maintain compact urban form; protect conservation values; enhance public accessibility through esplanades;</li> <li>specific policy direction for subdivision affecting</li> </ul>	<p><b>Environmental</b></p> <p>Direct costs: The provisions lack express controls to manage the effects of subdivision on many areas with identified values of significance, including ecological, natural character, or landscape values.</p> <p>The provisions are also incompatible with the demands of the NPS-UD and 2021 RMA amendment Acts for more intensive urban environments.</p> <p>Indirect costs: no indirect costs have been identified.</p> <p><b>Economic</b></p> <p>Direct costs: The existing provisions entail compliance costs for subdividers. Those will generally be greater for areas subject to specific identified values and/or constraints owing to greater stringency and/or specialist input to inform proposals.</p> <p>Existing limitations on subdivision of land in urban parts of the city represent an opportunity cost on development potential in many cases. Those costs will vary depending on the context for any given proposal.</p> <p>Indirect costs: no indirect costs have been identified.</p> <p><b>Social</b></p> <p>Direct costs: The provisions lack a comprehensive suite of controls to manage the effects of subdivision in areas subject to natural hazards.</p> <p>Indirect costs: no indirect costs have been identified.</p> <p><b>Cultural</b></p>	<p><b>Environmental</b></p> <p>Direct benefits: The provisions will enable an increase in development capacity for urban activities in support of a well-functioning urban environment.</p> <p>Some sites and areas of particular environmental sensitivity benefit from provisions that limit or preclude adverse effects on associated values – including with respect to heritage and contaminated land.</p> <p>Indirect benefits: no indirect benefits have been identified.</p> <p><b>Economic</b></p> <p>Direct benefits: The provisions enable an increase in development capacity for urban activities. Some groups and individuals will realise capital gain through subdivision and/or subsequent development and sale or rent of subdivided land.</p> <p>Indirect benefits: The increase in development capacity enabled by the provisions may enhance employment opportunities for the construction sector and related service industries.</p> <p>Providing for increased residential development capacity in and around commercial areas provides increased opportunity for utilisation of goods and services by local residents within those centres.</p> <p><b>Social</b></p> <p>Direct costs: No direct costs have been identified.</p> <p>Indirect costs: The existing provisions are largely designed to maintain or enhance the intrinsic social value in the urban (and non-urban) fabric of the City at the townscape,</p>	<p>It is considered that there is certain and sufficient information on which to base the proposed policies and methods as:</p> <ul style="list-style-type: none"> <li>the evidence base for acting is comprehensive; and</li> <li>overall, the risk of not acting is considered to be greater than the risk of acting, particularly in relation to sites and areas with particular values or constraints that are not currently managed.</li> </ul>



<p>historic heritage or contaminated land.</p> <p>In most cases, policies are relatively brief, but accompanied by lengthy explanations.</p> <p><b>Rules:</b></p> <p>Zone-based and city-wide rules as follows:</p> <ul style="list-style-type: none"> <li>• zone-based subdivision is provided for as a controlled activity (except in business zones, where it assumes permitted activity status, and rural zone, where it assumes discretionary activity status);</li> <li>• the default status for zone-based subdivision not compliant with relevant standards or otherwise not provided for is generally as a restricted discretionary activity or discretionary activity, except in the Rural Zone, where the default status is non-complying;</li> <li>• certain forms of subdivision, such as boundary adjustments and lease-based or unit title subdivision, are explicitly or implicitly provided for in some zones, but not others;</li> <li>• standards relating to minimum lot size, shape factor, yard, access, parking, esplanades, servicing and other requirements are set down and applied differently across zones;</li> <li>• discretionary activity classification for</li> </ul>	<p>Direct effects: sites and areas of significance to Māori are identified; however, these are not fully representative and are not subject to an appropriate level of protection under the operative provisions.</p>	<p>neighbourhood and site level. Perpetuation of the characteristics that underpin that intrinsic value may be deemed as positive for some and negative for others.</p> <p><b>Cultural</b></p> <p>No direct or indirect costs have been identified.</p>	
---	---	---	--

<p>subdivision affecting historic heritage;</p> <ul style="list-style-type: none"> <li>restricted discretionary activity classification for subdivision affecting contaminated land;</li> <li>detailed matters of control and discretion, and assessment criteria to guide consideration of discretionary activities, are provided for all rules.</li> </ul> <p><b>Other Methods:</b></p> <p>The subdivision design guide is a matter of discretion for certain subdivision activities and is assessed to the extent relevant for subdivision proposals that fall as discretionary or non-complying activities.</p>			
<p><b>Effectiveness and efficiency</b></p>	<p><b>Effectiveness</b></p> <p>The status quo provisions would be largely effective at implementing the proposed objectives for general subdivision but are poorly suited to most of the domain-specific objectives for subdivision in sites or areas with identified significant values or subject to specific constraints. The provisions relating to esplanades would only be partly effective given the relatively narrow geographic application of esplanade requirements under the operative plan. The provisions would fail to enable a level of development capacity necessary to implement the NPS-UD or 2021 RMA Amendment Act.</p>		<p><b>Efficiency</b></p> <p>For general subdivision, the proposal entails a moderate level of regulatory stringency. The lack of express provisions to implement aims for sites and areas with identified values of significance and/or subject to particular constraints is likely to result in increased uncertainty, with unnecessary compliance and regulatory costs flowing from that.</p>
<p><b>Overall evaluation</b></p>	<p>This option is the least preferred option. It would only be partially effective at implementing the relevant aims in the proposed objectives, and is anticipated to have a low efficiency overall.</p>		
<p><b>Option 3: Alternative approach to provisions</b></p>	<p><b>Costs</b></p>	<p><b>Benefits</b></p>	<p><b>Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions</b></p>
<p>Policies with a focus on a higher level of management/oversight to ensure outcomes are achieved; rules and standards require consent for all general subdivision, with restricted discretionary activity status being the minimum level of regulatory</p>	<p><b>Environmental</b></p> <p>Direct costs: This option represents the lowest environmental cost, owing to the elevated management focus and regulatory stringency.</p> <p>The provisions enable substantial intensification to occur throughout the urban area. Subsequent development will impact on the surrounding environment, including changes to sunlight access, outlook and privacy. Amenity values associated with character, townscape and landscape characteristics of a given area may also be</p>	<p><b>Environmental</b></p> <p>Direct benefits: The provisions will enable a considerable increase in development capacity for urban activities in support of a well-functioning urban environment.</p> <p>The approach for managing subdivision in the remainder of the City is based on a high level of scrutiny being applied to proposals to ensure adverse environmental effects are minimal.</p>	<p>It is considered that there is certain and sufficient information on which to base the proposed policies and methods as:</p> <ul style="list-style-type: none"> <li>the evidence base for acting is comprehensive; and</li> <li>overall, the risk of not acting is considered to be greater than the risk of acting, particularly in relation to sites and areas with particular values or constraints that are not currently managed.</li> </ul>

<p>stringency where standards are met.</p> <p>The exception to this would be for residential subdivision that must be assessed as a controlled activity pursuant to Schedule 3A of the RMA.</p> <p>Subdivision of land affecting sites or areas with identified significant values and/or subject to particular constraints would be subject to greater use of non-complying activity status where restricted discretionary standards/conditions are not met.</p>	<p>impacted. For the residential area, the approach is mandated under schedule 3A of the RMA.</p> <p>Indirect costs: no indirect costs have been identified.</p> <p><b>Economic</b></p> <p>Direct costs: This represents the option with the highest net economic cost, owing to the elevated management focus and regulatory stringency.</p> <p>The proposed approach entails compliance costs for subdividers. Those will generally be greater for areas subject to specific identified values and/or constraints owing to greater stringency and/or specialist input to inform proposals.</p> <p>New limitations on subdivision of land subject to identified values and/or constraints will also represent an opportunity cost on development potential in many cases. Those costs will vary depending on the context for any given proposal.</p> <p>Indirect costs: The substantial intensification enabled in urban areas may place high demands on existing services that require significant investment in infrastructure upgrades, repairs and development.</p> <p><b>Social</b></p> <p>Direct costs: No direct costs have been identified.</p> <p>Indirect costs: There is intrinsic social value in the urban (and non-urban) fabric of the City at the townscape, neighbourhood and site level. The provisions will enable changes to that intrinsic value over time that may be deemed as positive for some and negative for others.</p> <p><b>Cultural</b></p> <p>No direct or indirect costs have been identified.</p>	<p>Sites and areas of particular environmental sensitivity will benefit from provisions that limit or preclude adverse effects on associated values, including through greater use of non-complying activity status.</p> <p>Indirect benefits: The provisions support the City's compact urban form, with indirect benefits derived from greater concentration of people living in and around centres and near public and active transport infrastructure.</p> <p><b>Economic</b></p> <p>Direct benefits: The provisions will enable a considerable increase in development capacity for urban activities. Some groups and individuals will realise capital gain through subdivision and/or subsequent development and sale or rent of subdivided land. Others may benefit through cost savings – for example existing homeowners subdividing land to provide housing opportunities for family members who are otherwise unable to afford housing themselves.</p> <p>Enabling provisions required by Schedule 3A of the RMA also entail compliance cost savings for residential developments relative to other general subdivision. The provisions are also designed to enhance competitive land development markets, with theoretical flow-on effects for housing supply, choice and affordability.</p> <p>Indirect benefits: The increase in development capacity enabled by the provisions may enhance employment opportunities for the construction sector and related service industries.</p> <p>Providing for increased residential development capacity in and around commercial areas provides increased opportunity for utilisation of goods and services by local residents within those centres.</p> <p><b>Social</b></p> <p>Direct benefits: The collective resilience of the City will be enhanced by new controls limiting subdivision of land subject to natural hazard effects. Esplanade requirements have been expanded, with the expectations being that public accessibility to waterbodies and the coast will be enhanced over the life of the plan.</p> <p>Indirect benefits: Increased intensification will enable increases in resident populations in and around the City's centres, with flow-on effects on the vitality and vibrancy of those areas owing to more activity generally.</p> <p><b>Cultural</b></p> <p>Direct effects: sites and areas of significance to Māori have been identified and will be subject to an appropriate level of protection under the proposed provisions. Subdivision</p>	
---	---	---	--

		provisions also seek to enhance access to the coast, waterbodies and other areas with significance to Māori.	
<b><u>Effectiveness and efficiency</u></b>	<p><b><i>Effectiveness</i></b></p> <p>The alternative proposal would implement the general 'efficiency' aim of SUB-O1, as well as its component parts relating to urban form and context, and integration with necessary infrastructure. It balances the proposed Plan's aims for well-functioning urban areas and ready access to commercial and residential development capacity with the aims requiring subdivision, use and development to be constrained in sensitive environments. It would be the most effective option for achieving the proposed objectives.</p>		<p><b><i>Efficiency</i></b></p> <p>For general subdivision, the proposal entails an unnecessarily high level of regulatory stringency, and is unjustifiably disabling of minor subdivision that is of a more administrative nature (i.e. boundary adjustments). The elevated management focus and regulatory stringency would represent the highest cost option overall. The benefits of the alternative are anticipated to outweigh costs, however, efficiency would be relatively low in this respect.</p>
<b><u>Overall evaluation</u></b>	<p>This is the second most appropriate option. It would be effective at implementing the proposed objectives, but fails to optimise efficiency to that end. Overall, the elevated management focus and increased regulatory stringency is unjustified.</p>		

## 9.4 Further Explanation of Proposed Approach to Provisions

The following provides some additional detail on the rationale for the proposed approach to subdivision in the Proposed Plan and the manner in which the provisions are applied to subdivision activities in different locations, with particular reference to those features that differ from the status quo:

- The general approach for residential subdivision in the residential zones reflects the requirements of Schedule 3A of the RMA, except where qualifying matters apply.
- Subdivision of a largely administrative nature – boundary adjustments and subdivisions that create no vacant allotments – are provided for as permitted or controlled activities in most cases. This amounts to a change from the status quo for some zones, but not others.
- Other general subdivision is controlled in non-residential urban areas, provided that standards/conditions are met, while subdivision in rural areas is generally restricted discretionary or discretionary in recognition of its greater sensitivity to change.
- Domain-specific policies and rules for subdivision (and the objectives in the proposed plan they implement) generally respond to direction in s6 of the RMA, and/or in national or regional planning instruments.

## 10.0 Conclusion

This evaluation has been undertaken in accordance with section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option as it:

- Includes objectives that are the most likely to achieve the purpose of the Act, higher order statutory documents, and the direction under the RPS.
- Is enabling of subdivision and its benefits for future use and development to residential intensification of the City, and for other subdivision where adverse effects are not anticipated to be more than minor.
- Retains (or refines) operative provisions that remain appropriate, providing a degree of continuity and familiarity for existing resource users, while also adopting changes necessary to align with National Planning Standards and higher order direction in national and regional planning instruments.
- Ensures subdivision provisions are catered to the particular sensitivities of outstanding, significant and special areas.
- Establishes reasonable default settings and, where applicable, targeted matters of discretion for activities that infringe activity standards/conditions.

## Appendix 1: Feedback on Draft District Plan 2021

Who	Feedback Received	Response
Landowner	Request for 100m setback for building platforms and 5-year restriction on re-subdivision be removed for subdivision of land in the Large Lot Residential Zone.	<p>Amendments made to delete requirements for LLR Zone.</p> <p>The minimum building setback is too stringent and unnecessary given the associated 3,500m<sup>2</sup> minimum lot size requirement for the zone. The issues of privacy and outlook are not the same in the LLR Zone as they are in the GRZ, and the GRZ controls are accordingly not appropriate.</p> <p>Likewise, the 5-year limit is unnecessary. The peri-urban character of the zone will be managed principally by the 3,500m<sup>2</sup> minimum lot size requirement. This is different to the GRZ where limits on the rate of change are inherent in the proposed Plan's management of urban form and rural character.</p>
WCC Environmental Reference Group	Request to add subdivision rule for character area protection	<p>No change adopted.</p> <p>Subdivision has not historically been a relevant matter for character areas. Insufficient justification for the proposed change in the submission, particularly in the context of the associated land use rules.</p>
Landowner	General opposition to GRZ standards and conditions relating to lot size and connections to telecommunication services.	<p>No change adopted.</p> <p>Reducing minimum lot size requirements not sufficiently justified such that the plan's aims for compact urban form and rural character can be shown to be achieved.</p> <p>Alternatives for telecommunication connections can be considered on a case-by-case basis through the consent process.</p>

Who	Feedback Received	Response
Landowner	Request for exemption to hydraulic neutrality requirements upstream of Stebbings Dam or Seton Nossitor Dam	<p>No change adopted</p> <p>Advice from Wellington Water does not support the request:</p> <ul style="list-style-type: none"> <li>- <i>In order to exempt development from providing hydraulic neutrality WWL would need evidence that the Dam design had made detention allowance for the level of development proposed under the draft district plan for storm events of up to 1 in 100 years with climate change.</i></li> <li>- <i>WWL does not currently have that evidence and it would require significant work (both in terms of time and costs) to get this information.</i></li> <li>- <i>The Regional Standards for Water Services has been updated December 2021 Version 3.0.</i></li> </ul>
Telco company	General support for conditions requiring connections to telecommunication services	No change requested
General public, Electricity Services provider	General support for SUB-O1	No change requested
Landowner	Request to reduce regulatory stringency associated with minimum lot size requirements in Spenmoor Street development area	<p>Amendments made to delete minimum lot size requirements for Spenmoor Street area.</p> <p>2021 RMA amendments regarding subdivision for residential activities in residential areas support this approach.</p>
Airport interests	Request for intensification provisions to be limited in areas affected by airnoise boundary for the Wellington International Airport	Amendment made: the Noise chapter limits the degree of intensification within the Inner Air Noise Overlay (the outer edge of this is the 65 dB contour / Air Noise Boundary). It does so by requiring consent as a

Who	Feedback Received	Response
		discretionary activity for three or more units.
GWRC	Request for stronger policy direction regarding public transport opportunities associated with subdivision	<p>No change adopted</p> <p>The concept of linking public transport accessibility to subdivision is supported, and the draft policy does this via advocacy (“Provide for subdivision...that..supports walking cycling and public transport opportunities”).</p> <p><i>Requiring</i> all subdivision to be readily accessed by public transport as sought by the submission is an unreasonable expectation for many parts of the City where subdivision may occur. Furthermore, integration with PT services is reliant upon Regional Council decisions and funding as to routes, services etc.</p>
Electricity Services Provider	Request for policy and rules relating to subdivisions being served by adequate electricity supply to expressly predate issue of title	<p>No change adopted</p> <p>The policy and supporting standard need not link the provision of services to s224 certification. The consent process can administer the timing on a case-by-case basis, and the wording of the policy and standard are considered appropriate.</p>
Heritage New Zealand Puhere Taonga	Support for policies relating to sites and areas of significance, but recommends rehousing subdivision-related material in the subdivision chapter.	Amendments made as requested. No substantive change made to provisions, but the structural change requested better aligns with the direction in the National Planning Standards.
Heritage New Zealand Puhere Taonga	Support for Policies SUB-P10 – P12, and Rules SUB-R5-R7.	No change requested
KiwiRail	Requests amendment to Objective SUB-O1 to support focus on function of the transport network. Requests corresponding amendments to SUB-P4 and matters of discretion for all restricted discretionary activities.	<p>No change adopted</p> <p>This aim is already set out in SCA-O5, INF-O4 and supporting policies. Including an additional aim in the subdivision</p>



Who	Feedback Received	Response
		<p>chapter is redundant, and in conflict with the direction in the National Planning standards that “Provisions relating to energy, infrastructure and transport...must be located in one or more chapters under the Energy, Infrastructure and Transport heading...and may include...the management of reverse sensitivity effects between infrastructure and other activities.”</p> <p>Similarly, requested change to policy already addressed by Policy INF-P7. Blanket application of matter of discretion is not appropriate in the absence of evidence to justify otherwise.</p>
KiwiRail	Support for Policy SUB-P3	No changes requested
Waka Kotahi NZTA	Request that all subdivision in proximity to state highway network is restricted discretionary to enable management of effects on function of the network	<p>No change adopted</p> <p>Insufficient justification to support as a blanket approach across the city as a whole. Certain parts of the city may benefit from this method; however, the land use approach of requiring noise attenuation for sensitive users in proximity to the network is considered appropriate to the Wellington context.</p>
Waka Kotahi NZTA	Request for amendment to SUB-O1 to ensure subdivision is well-connected to the existing transport network	<p>No change adopted.</p> <p>Subdivision provisions apply to all parts of the City, including remote, rural areas. Some parts of the City will be better connected to existing transport networks than others and this proposed aim should not be uniformly anticipated everywhere.</p> <p>The objective as proposed in the draft plan is more</p>

Who	Feedback Received	Response
		appropriate as a reflection of the link between subdivision and transport outcomes on a city-wide basis. The objective will work in conjunction with other aims in the Plan aligned with the submission, including INF-O5 for example.
Waka Kotahi NZTA	Request additional clause to Policy SUB-P3 to provide for new local centres in subdivisions to support reduced travel demand.	No change adopted  This direction is better catered to Urban Development Areas where new centres are anticipated. Blanket support of new centres may undermine centres hierarchy and result in poorly-located new centres that have other social, cultural or economic effects on existing centres and their surrounding communities.
Kāinga Ora	Support for Policies SUB-P1, P2, P4, P5, P25 & Rule SUB-R22	No changes requested
Kāinga Ora	Request amendment to Objective SUB-O1 to better reflect the changing nature of development intensity and character anticipated across the urban area.	Amendment made to clause 2 of SUB-O1 as sought. Will better align with the future state of the urban area as anticipated in the Spatial Plan, the NPS-UD and 2021 RMA Amendment Act.  Amendments sought to clause 3 not adopted. More suited to policy direction as already reflected in SUB-P4.
Kāinga Ora	Request amendment to Policy SUB-P3 to include qualifiers and soften policy direction	No change adopted  The policy as originally drafted is enabling. It does not require subdivisions to achieve all of the matters listed in order to be approved. Amending the policy to apply an even lower stringency and qualifying identified matters would reduce the efficacy of the policy.
Kāinga Ora	Request deletion of 'consent notices, covenants, easements or other legal instruments' from matters of discretion for restricted discretionary activities.	No change adopted  The listed instruments are appropriate considerations for consent conditions. Not

Who	Feedback Received	Response
		uncommon as matters of control/discretion in other plans.
Kāinga Ora	Request deletion of all reference to the Subdivision Design Guide	<p>No change adopted</p> <p>Council has long used design guides as a method to achieve good design outcomes for subdivision and development. It will continue to be used for relevant activities across the plan.</p>
Kāinga Ora	Request several changes to standard SUB-S6	<p>No change adopted</p> <p>The max number of new lots created remains appropriate trigger for assessment as per operative plan. Does not conflict with 2021 RMA Amendment Act changes.</p> <p>The other changes sought relating to the exclusion of lots containing existing buildings creates a redundancy and conflict with SUB-R1. That specifically relates to subdivision around existing lawfully established buildings that do not create any new undeveloped lot, and Standard S6 already does not apply to that rule.</p> <p>For reasons discussed above, the two changes sought to matters of discretion not supported.</p>