

**Before the Hearings Panel
At Porirua City Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Porirua District Plan

Between **Various**

Submitters

And **Porirua City Council**

Respondent

**Council reply on SUB - Subdivision – Rory Smeaton on behalf of Porirua City
Council**

Date: 10 June 2022

INTRODUCTION:

- 1 My full name is Rory McLaren Smeaton. I am employed as a Senior Policy Planner for Porirua City Council.
- 2 I have read the evidence and tabled statements provided by submitters relevant to the Section 42A Report for the SUB – Subdivision chapter of the PDP.
- 3 I have prepared this Council reply on behalf of the Porirua City Council (**Council**) in respect of matters raised through Hearing Stream 5.
- 4 Specifically, this statement of evidence relates to the matters in the Section 42A Report for the SUB – Subdivision chapter of the PDP.
- 5 I am authorised to provide this evidence on behalf of the Council.

QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

- 6 Appendix C of my section 42A report sets out my qualifications and experience.
- 7 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2014.

SCOPE OF REPLY

- 8 This reply follows Hearing Stream 5 held on 16, 17, 23 and 25 May 2022. Minute 2 of the Hearing Procedures allows for s42A report authors to submit a written reply within 10 working days of the adjournment of the hearing.
- 9 The main topics addressed in this reply include:
 - Answers to questions posed by the Panel in Minute 37;

- Answers to other questions posed by the Panel during the hearing;
 - Matters remaining in contention; and
 - Changes to recommendations in the section 42A report.
- 10 Appendix 1 has a list of materials provided by submitters including expert evidence, legal submissions, submitter statements etc. This information is all available on the PDP Portal.
- 11 Appendix 2 has recommended amendments to PDP provisions, with updated recommendations differentiated from those made in Appendix A of the s42A report.
- 12 Appendix 3 has an updated table of recommended responses to submissions and further submissions, with updated recommendations differentiated from those made in Appendix B of the s42A report.

Answers to questions posed by the Panel in Minute 37

(i) Whether some qualification of the recommended SUB-P4(2) is required to provide for the situation where a small length of new road cannot provide the desired network connections;

13 On reflection, I agree that some qualification of the policy clause would be beneficial, so that applicants are not required to provide connections within and between communities where the costs of such connections would outweigh the benefits.

14 I consider that the following wording would provide better policy guidance for subdivision applicants and Council processing officers in relation to this matter:

Where new roads are proposed, identifying opportunities for transport network connections within and between communities and providing as far as practicable for those connections;

15 This recommended wording retains the threshold of applying where new roads are proposed, but re-incorporates the PDP wording of 'opportunities' for transport network connections and includes an additional step of identifying the opportunities. The wording then requires that these opportunities be provided for 'as far as practicable', which recognises that not all opportunities will be able to be practicably realised.

16 In terms of Section 32AA, I consider that this amended recommended wording provides greater benefits as it will direct applicants to clearly identify where opportunities for transport connections exist and, if these are not going to be provided for, to explain why it is not practicable to do so. This will reduce unnecessary costs to applicants. As connections that are practicable to be provided for will still be required, I consider that there will be relatively few costs associated with the amended wording compared to the existing policy.

(ii) Whether it is desirable to clarify whether SUB-P4(3) intends to require provision for all of the three listed transportation modes (walking, cycling and access to public transport) in every case;

17 I agree that the policy clause as recommended in my section 42A report could be clarified as to the apparent requirement to provide for walking, cycling and access to public transport within all zones.

18 The necessary clarification could be achieved in a number of ways without affecting the intended outcome of the clause, including by deleting the second part of the clause altogether. However, I consider that retaining the list is beneficial to clearly identify the importance of these travel modes.

19 As such, I consider that the clarification is best achieved by including the words 'where relevant' ahead of the listed modes, as below:

Providing for a variety of travel modes that reflect the purpose, character and amenity values of the zone, including, where relevant, walking, cycling and access to public transport.

20 In terms of Section 32AA, I consider that this amended recommended wording provides greater benefits as it will clearly articulate the need to consider providing for a variety of transport modes, while also reducing unnecessary costs to applicants as it will be clearer that provision for walking, cycling and public transport is not always necessarily required. I consider that there will be relatively few costs associated with the amended wording compared to the existing policy.

(iii) Whether the reference to reverse sensitivity in SUB-P7(4) requires clarification as to whose sensitivity is relevant i.e. the urban or non-urban development;

21 I note that there are no submissions that appear to be relevant to policy clause SUB-P7-4, either supporting or opposing or seeking amendments to the clause. The submissions that relate to SUB-P7 address matters that are not associated with clause four. As such, I do not believe that there is scope to make any amendments to clause four.

22 However, for completeness, I do not consider that any clarification is necessary as the policy wording essentially reflects that contained in FUZ-O3.

23 As further explanation, until such time as the zoning is amended through a variation or plan change, the FUZ – Future Urban Zone must be managed so that any development does not compromise the future intended use of the land, as expressed in FUZ-P5. This is reflected in the FUZ– Future Urban Zone rules being more restrictive for some activities than the GRUZ – General Rural Zone, including intensive indoor primary production, quarrying, mining and rural industry.

24 As such, SUB-P7 addresses potential reverse sensitivity effects from subdivision within the FUZ– Future Urban Zone on existing rural activities or infrastructure (SUB-P7-5), as well as the potential for subdivision and

associated development within the FUZ – Future Urban Zone to result in reverse sensitivity when urban development occurs.

25 In the latter case, to answer the question directly, it would be the non-urban activities that may experience the reverse sensitivity effects from the new urban development. That is, the new urban activities may be sensitive to existing non-urban activities within the zone. However, it is important to keep in mind that the intended long-term use of the FUZ – Future Urban Zone is for urban development, and therefore any reverse sensitivity issues need to be carefully managed.

(iv) Whether he has any further comment in relation to Mr Gibson’s reasoning pointing to the apparently circular nature of the cross reference from SUB-S2 and S3 to the relevant policies;

26 In relation to SUB-S2, I note that the matters of discretion for this standard do not refer back to any policies.

27 In relation to SUB-S3, the matters of discretion refer to INF-P13. As addressed in my section 42A report, given the amendments to the TR-Transport and INF – Infrastructure chapters recommended in my section 42A reports for Hearing Stream 4, I recommended that the focus of SUB-S3 be adjusted to more clearly be on the requirements for roads more generally. As such, I recommended that the matter of discretion be amended to refer to INF-P15 (as numbered in my section 42A report for INF – Infrastructure).

28 As INF-P15 sets out considerations for upgrade and development of the transport network and does not itself refer to any other policies or standards, I see no issues in relation to circularity as raised by Mr Gibson.

29 However, I believe Mr Gibson was concerned with the wording of SUB-P4-1 and SUB-P5-1 in relation to the wording referring to ‘minimum design standards’ and ‘Council standards’ respectively.

30 I addressed Survey + Spatial New Zealand’s submission point [72.15] on SUB-P4 in paragraph 207 of my section 42A report. I have not changed my position on that point following the hearing.

31 However, I note that Survey + Spatial New Zealand [72.13] requested amended wording for SUB-P5 including both clauses one and three, but my section 42A report identified that the whole submission point was to be deferred and therefore did not include analysis in section 3.9.3 of the requested amendment to clause one. As such, I have included amendments to the recommended responses to submission points for [72.13] in Appendix 3. In relation to this, similar submission points were raised by Carrus Corporation Ltd [68.21] and KLP [59.7] and analysed in paragraph 218 of my section 42A report, and I consider that analysis stands for [72.13] in relation to clause one.

32 Overall, I do not consider that any further amendments are required to respond to the issues raised by Mr Gibson.

(v) Assuming Mr McCarrison is able to provide a suggested minimum standard of service for telecommunication connections in non-urban areas, whether it is appropriate to adopt same, or some variation thereof in SUB-S7;

33 Mr McCarrison provided a response to the Panel’s questions on 30 May 2022. This response included recommended amended wording for SUB-S7. Mr McCarrison’s suggested amended wording for SUB-S7-2.b is:

Provision with any subdivision consent application of written confirmation from a telecommunication network operator confirming that connection (mobile and wireless, which includes satellite, but where a wireless connection is not available copper VDSL is minimum connection standard) to a telecommunications network can be provided to all new allotments and describing how this can be achieved.

34 Mr McCarrison also provided reasoning for his recommended wording.

35 I consider that the intent of Mr McCarrison’s suggested amended wording is appropriate and generally accept his reasoning, but consider

that the wording could be improved to make it clearer and more robust. As such, I consider that the amended wording below is more appropriate:

b. Provision with any subdivision consent application of written confirmation from a telecommunication network operator confirming that connection to a telecommunications network can be provided to all new allotments and describing how this can be achieved.

3. The written confirmation that connection to a telecommunications network can be achieved which is required under SUB-S7-2.b must include that the connection can be achieved to:

a. A broadband mobile or wireless network, including a satellite network, if connection to such a network is available;
or

b. A copper VDSL network as a minimum if no broadband mobile or wireless networks are available.

36 In terms of section 32AA, I consider that this amendment will provide benefits for plan interpretation and therefore administration and avoid potential costs for subdivision consent applicants. There are no identified additional costs associated with the recommended amendment.

37 I note that Mr McCarrison also provided additional information relevant to question (vi) below.

(vi) Whether, as regards SUB-S7, it is appropriate to provide as an alternative to the relief sought by Spark NZ, an information requirement to ensure that applicants provide information as to the basis for their suggested provision for telecommunication services.

38 I agree that there is some ambiguity through the use of the term 'sufficient land' in the recommended addition to SUB-S7 as sought by Kāinga Ora [81.476]. I also agree that this is better to be addressed through an information requirement, rather than through a standard that requires consultation with network providers.

- 39 I have recommended in Appendix 2 additional wording that requires the land to be shown on any scheme plan and written confirmation that the land identified is sufficient for the intended purpose from a relevant network operator or other suitably qualified and experienced professional.
- 40 In terms of section 32AA, I consider that this amendment will provide benefits for plan interpretation and therefore administration and avoid potential costs for subdivision consent applicants. There are no identified additional costs associated with the recommended amendment.
- 41 As noted above, Mr McCarrison provided additional information in relation to this question following the hearing. My section 42A report advised that the areas of Porirua where subdivision of 100 allotments or more, or 200 premises/dwellings would occur, are generally identified as FUZ – Future Urban Zone. The telecommunication infrastructure needs of these areas will be addressed through a structure plan process outlined in APP11 – Future Urban Zone Structure Plan Guidance of the PDP.

(vii) Whether the officer intends that SUB-S8 should require an esplanade reserve if a stream of the required width only flows through or is adjacent to lots greater than 4 hectares, and if so, whether the recommended revised policy wording needs to be further amended;

- 42 It is not the intention of the standard to require esplanade reserves to be set aside where an allotment is greater than four hectares. The intention is to implement subsection 230 (3) of the RMA which states:

(3) Except as provided by any rule in a district plan made under section 77(1), or a resource consent which waives, or reduces the width of, the esplanade reserve, where any allotment of less than 4 hectares is created when land is subdivided, an esplanade reserve 20 metres in width shall be set aside from that allotment along the mark of mean high water springs of the sea, and along the bank of any river or along the margin of any lake, as the case may be, and shall vest in accordance with section 231.

43 As is made clear in section 230 of the RMA, it is any allotment that is less than four hectares in area from which an esplanade reserve is to be set aside.

44 As the standard itself refers to section 230 of the RMA, I consider that the standard is technically robust when read in conjunction with that section of the RMA. However, there is some ambiguity when the standard is read in isolation, as indicated by the question from the Panel. As such, I consider that a note clarifying the applicability of the standard would be beneficial, as below:

Note: For SUB-S8-1, the requirement to provide an esplanade reserve applies only to the creation of an allotment that is less than 4 ha.

45 In terms of section 32AA, I consider that this amendment will provide benefits for plan interpretation and therefore administration and avoid potential costs for subdivision consent applicants. There are no identified additional costs associated with the recommended amendment.

Answers to other questions posed by the Panel during the hearing

Decisions on deferred submissions

46 In Table 3 of my section 42A report I identified submissions that have been deferred to be considered at a later stage alongside the proposed variation to give effect to the NPS-UD and implement the RMA-EHS. The Panel questioned the exact process for making decisions on these submission points.

47 I note that 'Minute 2 Hearing Procedures' provided an outline of the hearing streams, with 'Subdivision (except urban zones)' allocated to Hearing Stream 5, and 'Subdivision (urban zones)' allocated to Hearing Stream 7.

48 The overarching reason for the later hearing stream for urban zones and associated subdivision provisions was the potential for these to be impacted by intentions to amend higher order documents and legislation signalled by central Government at the time. These intentions ultimately resulted in the RMA-EHS, which gained Royal assent on 20 December 2021.

49 Under section 80F of the RMA, Council must notify an intensification planning instruments (IPI) using the Intensification Streamlined Planning Process (ISPP) on or before 20 August 2022. The Resource Management (Direction for the Intensification Streamlined Planning Process to the First Tranche of Specified Territorial Authorities) Notice 2022 directs that decisions on the independent hearings panel's recommendations on the IPI must be notified by 20 August 2023.

50 As identified by the Chair, clause 16B (1) of Schedule 1 of the RMA states:

Every variation initiated under clause 16A shall be merged in and become part of the proposed policy statement or plan as soon as the variation and the proposed policy statement or plan are both at the same procedural stage; but where the variation includes a provision to be substituted for a provision in the proposed policy statement or plan against which a submission or an appeal has been lodged, that submission or appeal shall be deemed to be a submission or appeal against the variation.

51 I note that Schedule 1 Part 6 clause 95(2) sets out clauses of Schedule 1 Part 1 that apply to a specified territorial authority, to the extent that they are relevant, in relation to an IPI. This lists relevant clauses and includes 16A but does not specifically include clause 16B. However, as 16B itself references 16A it may be relevant for an IPI.

52 As such, the Panel will need to make a decision on the submissions identified in Table 3 of my section 42A report. All urban zone related SUB – Subdivision submissions and submissions on the IPI will be heard in Hearing Stream 7. Where an urban zone related SUB – Subdivision submission is on a provision that is to be substituted for a provision in the Variation, the submission is to be deemed to be a submission on the

Variation and decided through the ISPP. Where the submission is on a provision that it not affected by the Variation, a decision on the submission must be made under Clause 10 of Schedule 1.

Area for on-site services in the RLZ

53 The allotment area requirements for onsite wastewater disposal were questioned by the Panel. I note that GWRC have responsibility for controlling discharges of wastewater to land under the RMA. However, PCC consent onsite wastewater disposal systems on properties within Porirua under the Building Act 2004 and also administer a licencing regime for such systems.

54 In relation to onsite wastewater disposal, the section 32 report for the SUB – Subdivision chapter referred on page 83 to the Porirua City Council Rural-residential Rezoning Options report¹ which stated that:

Given it is generally uneconomic to connect rural lifestyle allotments to the reticulated wastewater network, new lots are likely to require on-site wastewater disposal, together with an adequately-sized discharge field. Our understanding is that in typical Porirua conditions, an area of 3,000m² would be required for adequate discharge.

55 I note that Mr Binns provided verbal evidence on behalf of Milmac Homes Limited which included noting that he considered that 2,000 square metres of allotment area would provide sufficient space of on-site servicing. While not doubting Mr Binns experience in this area, I would prefer to rely on the statement in the Rural-Residential Rezoning Options report.

¹ Land Matters, 2020

Examples of multi-stage subdivision

- 56 The Panel questioned whether there are any examples of multi-stage subdivision occurring as a result of an average allotment size standard as discussed in section 3.3.2.2 of my section 42A report.
- 57 As noted at the hearing, I am not aware of any examples. However, I note that *Edens v Thames-Coromandel District Council* [2020] NZEnvC 013 considered the issue in relation to subdivision rules in the Thames-Coromandel District Plan.
- 58 In that case, the issue was described as ‘repetitive subdivision’ and the Court agreed that the inclusion of a rule precluding subdivision of land subject to previous subdivision was appropriate to address the potential adverse effects of repetitive subdivision.

Technical landscape evidence for minimum allotment size in the RLZ

- 59 The Panel questioned whether there was any technical landscape evidence for the minimum allotment size in the RLZ – Rural Lifestyle Zone.
- 60 As noted at the hearing, the document ‘Porirua Landscape Management Strategy’ (2013) provided technical background information for the development of the PDP and was referred to in the Section 32 Evaluation Report for the SUB – Subdivision chapter.

Subdivision of allotments extending seaward of MHWS

- 61 In relation to the wording of SUB-S8, the Panel questioned subdivision of allotments extending seaward of MHWS.
- 62 As noted at the hearing, section 237A of the RMA is relevant, which states that:

237A Vesting of land in common marine and coastal area or bed of lake or river

(1) Where a survey plan is submitted to a territorial authority in accordance with section 223, and any part of the allotment being subdivided is the bed of a river or lake or is within the coastal marine area, the survey plan shall—

(a) show as vesting in the territorial authority—

(i) such part of the allotment as forms part of the bed of a river or lake and adjoins an esplanade reserve shown as vesting in the territorial authority; or

(ii) such part of the allotment as forms part of the bed of a river or lake and is required to be so vested as a condition of a resource consent:

(b) show any part of the allotment that is in the coastal marine area as part of the common marine and coastal area.

(2) Any requirement to vest the bed under subsection (1)(a)(i) shall be subject to any rule in a district plan or any resource consent which provides otherwise.

63 As such, any part of an allotment that is subdivided that is in the coastal marine area must be shown on a survey plan submitted to a territorial authority in accordance with section 223 as part of the common marine and coastal area.

Subdivision for infrastructure

64 The Panel questioned whether, reading the chapter as a whole, there is ambiguity as to whether SUB-R3 would also apply to an allotment created for infrastructure and which would therefore negate the apparent intention of SUB-R5.

65 I agree that clarification of the relationship between SUB-R3 and SUB-R5 would be beneficial. I have therefore included recommended amendments to SUB-R3 in Appendix 2 so that it reads:

SUB-R3 Subdivision that creates any vacant allotments, excluding new allotments for infrastructure

[...]

Note: New allotments for infrastructure are controlled under SUB-R5.

66 With these amendments I consider that there will be no ambiguity as to the relationship between SUB-R3 and SUB-R5. As the amendments are proposed to clarify the interpretation of the provisions, I consider that these can be made under Clause 16 of Schedule 1.

Meaning of ‘vacant allotment’

67 The Panel questioned the meaning of the term ‘vacant allotment’ used in the SUB – Subdivision chapter.

68 As I noted at the hearing, the RMA-EHS has introduced the same term into Schedule 3A of the RMA in relation to the MDRS. No definition is provided in the RMA of ‘vacant allotment’.

69 As I also discussed at the hearing, based on plain English reading of the term, an allotment that is proposed to be created through a subdivision would be considered to be vacant where no activities are being or are proposed to be undertaken, and no buildings are located or proposed to be constructed, on that part of the land.

Scope for recommended amendments to SUB-S2 and SUB-S3

70 The Panel questioned whether the amendments I recommended to SUB-S2 and SUB-S3 went beyond the scope provided by the submissions.

71 As noted at the hearing, I recommended referring generally to the provisions in the TR – Transport chapter in SUB-S2 as the rules differentiate between activities whether parking is and is not provided. I agree that this may be too broad, and have recommended in Appendix 2 that this standard instead refer to the rules and standards in the TR – Transport chapter.

72 In relation to SUB-S3, as noted at the hearing the submitter sought significant amendments to the INF – Infrastructure and TR – Transport chapters. I discussed the broad submissions points from Kāinga Ora on transport matters in my right of reply for Hearing Stream 4. Specific to SUB-S3, the submitter stated its reasons for submission point 81.472 as:

Kāinga Ora does not support the transport rules contained in the INF chapter of the PDP.

Deletion of the SUB-S3 as notified in the PDP is sought, with amendments being made to give effect to consequential changes resulting from the submission point(s) made by Kāinga Ora on the INF and TR chapters of the PDP.

73 A full review of the transport related provisions in the PDP was undertaken, including a recommendation that the standards for connection of vehicle accesses to roads be shifted to the TR – Transport chapter, as a result of submissions from Kāinga Ora. This affects the working of SUB-S3, as the rules and standards of the TR – Transport chapter are recommended to be dealt with by SUB-S2.

74 As such, I consider that the recommended amendments to SUB-S3 are within the scope of the submission from Kāinga Ora [81.472]. However, I agree that the wording should more specifically refer to ‘rules and standards’ rather than ‘provisions’ and have recommended a corresponding amendment in Appendix 2.

Heritage settings and SUB-R10

75 The Panel questioned whether I had misinterpreted the amendments to SUB-R10 proposed by Mr Raymond in his evidence for Heritage New Zealand Pouhere Taonga.

76 I acknowledge that I may have misinterpreted Mr Raymond’s proposed amendments. However, as I noted in the hearing, I consider that the wording as set out in my section 42A report is appropriate as there are relatively few instances where an allotment containing a heritage setting would itself be larger than the extent of that setting, and there may be

adverse effects from subdivision of such an allotment even if the setting itself was not proposed to be subdivided. For example, while the subdivision itself may not impact the heritage setting, requirements for access or other infrastructure services to the proposed lots may impact the heritage values. These effects would not be captured if the rule heading of SUB-R10 were to be worded as proposed by Mr Raymond, or by the rules in the HH - Historic Heritage chapter.

77 Additionally, as noted in my section 42A report, HH-P15 states:

Only allow subdivision of sites that have heritage items, heritage settings or historic heritage sites listed SCHED2 - Historic Heritage Items (Group A), SCHED3 - Historic Heritage Items (Group B), and SCHED4 - Historic Heritage Sites where it can be demonstrated that: [...]

78 Therefore, there is clear policy support for including the subdivision of an allotment that contains a heritage setting within the scope of SUB-R10 without any qualifier.

Matters remaining in contention

Size of RLZ minimum allotment size

79 I continue to support the minimum allotment size of two hectares in the RLZ – Rural Lifestyle Zone, for the reasons as set out in my section 42A report.

SUB-R12 matters of control

80 Ms Robyn Smith submitted on the matters of control included in SUB-R12 [168.95], seeking that these included:

- *controls over the use and control of pest plants;*
- *controls over the keeping of pest and predatory exotic animals; and*
- *mechanisms relating to monitoring, compliance, enforcement, penalty, prosecution provisions, etc.*

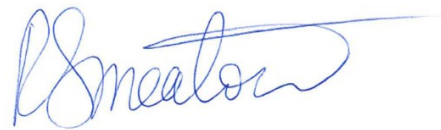
81 In my section 42A report, I noted that:

...these matters are not appropriate to be included within the SUB-Subdivision chapter as they relate to specific land use controls. I note that the matters of discretion include the matters in ECO-P4, which includes '[t]he provision of any protective covenants of the Significant Natural Area as part of the subdivision, use or development'.

82 Ms Smith stated in her submitter statement that 'The s.42A author's reason for rejection doesn't stand scrutiny'. I disagree. The matters of discretion for SUB-R12 are the matters in ECO-P2 and ECO-P4. This therefore requires the application of the effects management hierarchy approach in ECO-P2. ECO-P4 includes a comprehensive list of relevant matters, including, as noted in my section 42A report, a clause relating to protective covenants.

83 I consider that ECO-P2 and ECO-P4 provide sufficient scope for conditions on a subdivision consent under SUB-R12 to address the matters raised by Ms Smith if such conditions are appropriate and that no further matters of discretion are required.

Date: 10 June 2022



.....
Rory Smeaton

Appendix 1 – List of materials provided by submitters

Submitter evidence

- Adrienne Black (Corporate Evidence) For Waka Kotahi [82]
- Claudia Jones (Planning Evidence) For Waka Kotahi [82]
- Dean Raymond For Heritage NZ Pouhere Taonga [65]
- Graeme McCarrison For Spark Trading New Zealand Ltd
- Natalie Webb For Firstgas Limited [84]
- Peter Coop for BRANZ [116]
- Ray O'Callaghan For 1010 Homes Ltd [125]

Supplementary Statement of Evidence

- Peter Coop - BRANZ [116]

Submitter statements

- Pikarere Farm Limited [183]
- 1010 Homes [125]
- Judgeford Environmental Protection Society [246] - Supporting Materials Part 1
- Judgeford Environmental Protection Society [246] - Supporting Materials Part 2
- Milmac Homes [258]
- Robyn Smith [168]
- Submitter Tabled Statement - Ara Poutama Aotearoa Department of Corrections [135]

Submitter Tabled Statement

- Rural Contractors NZ [179]
- Transpower [60]

Memos from submitters to panel

- Graeme McCarrison For Spark Trading NZ Ltd - Response to Commissioner Questions (30 May 2022)
- Waka Kotahi [82] - Hearing Stream 5 Response to Hearing Panel (1 Jun 22)
- Waka Kotahi [82] - Request for Evidence to be Tabled (18 May 22)

Memorandum of Counsel

- Silverwood Corporation [172] (27 April 2022)

Submitter presentations

- 1010 Homes Ltd [125] - Information Provided to Panel
- Graeme McCarrison For Spark
- Jennifer Blake [17]
- Judgeford Environmental Protection Society [246]
- Pikarere Farm Ltd [183] - Copy of Document Referred to In Presentation
- Robyn Smith [168] - Additional Information Requested by Panel
- Survey and Spatial NZ (Wellington Branch) [72]
- Tracey Davies [10]

Submitter legal submissions

- BRANZ [116]

Supplementary Submission of Counsel

- BRANZ [116]

Appendix 2 – Recommended amendments to PDP provisions

In order to distinguish between the recommendations made in the s42A report and the recommendations that arise from this report:

- s42A recommendations are shown in red text (with underline and ~~strike-out~~ as appropriate);
and
- Recommendations from this report in response to evidence are shown in blue text (with underline and ~~strike-out~~ as appropriate).

SUB - Subdivision

This chapter contains provisions that have legal effect. They are identified with a



to the right hand side of the provision. To see more about what legal effect means please click here.

Subdivision is the process of dividing a site or building into one or more additional sites or units or changing an existing boundary location. The way a site is subdivided, including its size and shape, is important as it can be a factor on the future use and development of the land, its character and quality and any impacts on adjacent sites. Subdivision can also affect the natural and physical environment and introduce long-term development patterns that cannot be easily changed.

The subdivision process regulates the provision of services for development and activities, including reserves and infrastructure. The adverse effects of activities are generally controlled by the provisions for each zone at the time of development. However, some potential effects of those activities that may be undertaken on sites are most appropriately managed at the time of subdivision. For example, the formation of new connections to roads may have an impact on the amenity values of an area and the safety and efficiency of the transport network, and the most effective means of addressing such effects is through a subdivision consent. It is also important to ensure that new sites being created are of a size and shape that can accommodate future development and be adequately serviced, either by reticulated services or on-site.

The subdivision of land to create new sites on undeveloped land also creates expectations and property rights. It requires consideration of the need for public open space, esplanade reserves, community facilities and connections to and servicing by other infrastructure. Cost-effective servicing by infrastructure is an important consideration for greenfield developments. However, ensuring sufficient infrastructure capacity can also be an issue for the subdivision of already developed land.

This chapter contains rules and standards relating to subdivision of land within Overlays, the Coastal Environment and the National Grid Corridor. The Overlay chapters contain the objectives and policies that also apply to any subdivision application.

The partitioning of Māori land is exempt from the subdivision provisions of the Act and is primarily controlled by the Te Ture Whenua Māori Act 1993 and administered by the Māori Land Court.

Objectives

SUB-01 Subdivision design

Subdivision creates allotments and patterns of land development that:

1. Are compatible with the anticipated purpose, character and amenity values of each zone;
2. Provide for the health and wellbeing of communities; and
3. Maintain the safety and efficiency of the transport network.

SUB-02 Servicing of allotments

Subdivisions in Urban Zones are serviced by the Three Waters Network with sufficient capacity to accommodate any proposed or anticipated development and subdivisions in non-urban areas are able to be serviced through on-site measures.	
SUB-O3	Esplanade reserves and esplanade strips
Esplanade reserves and esplanade strips created through subdivision contribute to the maintenance, enhancement and protection of ecological, amenity, public access, recreational values and hazard management values of rivers with an average width of 3m or more and the coast.	
SUB-O4	Future Urban Zone
Subdivision within the Future Urban Zone does not result in the fragmentation of sites that would compromise the potential of: <ol style="list-style-type: none"> 1. The Judgeford Hills and Northern Growth Area of the Future Urban Zone to accommodate integrated serviced and primarily residential urban development; and 2. The Judgeford Flats area of the Future Urban Zone to accommodate integrated, serviced and primarily industrial development. 	
Policies	
SUB-P1	Creation of allotments
Provide for subdivision where it results in allotments that: <ol style="list-style-type: none"> 1. Reflect the intended pattern of development and are consistent with the purpose, character and amenity values of the zone; and 2. Are of a size and dimension that are sufficient to accommodate the intended development form for that zone; 3. Protect stands of significant <u>Maintains</u> indigenous vegetation that are <u>is</u>² not located within an identified Significant Natural Area; 4. Ensure the safe operation, maintenance and access to any Regionally Significant Infrastructure on or adjacent to the site, taking into account the outcome of consultation with the Regionally Significant Infrastructure owner, <u>and the matters in INF-P5³</u>; 5. Minimise natural hazard risk to people's lives and properties; 6. Within Urban Zones, are adequately served by public open space that is accessible, useable and well-designed; 7. Have legal and physical access to each allotment created by the subdivision; 8. Create esplanade reserves where land adjoins MHWS and/or rivers whose bed has an average width of 3m or more; and 9. For subdivision around buildings that have been approved by way of resource consent, ensure that the staging of the subdivision relative to building construction is efficient and appropriate to the scale and complexity of the overall development. 	
SUB-P2	Boundary adjustments
Control boundary adjustments to ensure that:	

² Forest and Bird [225.42]

³ Porirua City Council [11.58]

1. The size, design and layout of the allotments is sufficient to accommodate existing development on or proposed development of the site; and
2. The design of the allotments will ensure the safe operation, maintenance and access to any Regionally Significant Infrastructure on or adjacent to the site, taking into account the outcome of consultation with the Regionally Significant Infrastructure owner.

SUB-P3 Update of cross-lease titles

Control the update of cross-lease titles to ensure that:

1. The size, design and layout of the covenant areas are sufficient to accommodate existing development on or proposed development of the site; and
2. The allocation of covenant areas to leased areas complies with or does not increase the degree of non-compliance with any permitted standards.

SUB-P4 Functioning of the transport network

Provide for subdivision where it maintains the safe and efficient functioning of the transport network by:

1. Ensuring roads and any vehicle access to sites meet minimum design standards to allow for safe and efficient traffic movements and can safely accommodate the intended number of users;
2. Where ~~new roads are proposed opportunities exist~~⁴, identifying opportunities for including transport network connections within and between communities and providing as far as practicable for those connections⁵;
3. ~~Where consistent with the zone, providing~~⁶ for a variety of travel modes that reflect the purpose, character and amenity values of the zone, including, where relevant⁷, walking, cycling and access to public transport; and
4. Achieving safe ~~and efficient~~ access onto and from state highways, taking into account the capacity of the network.⁸

SUB-P5 Integration with infrastructure

Require infrastructure to be provided in an integrated and comprehensive manner by:

1. Ensuring infrastructure meets Council standards for the provision of water supply, wastewater and stormwater management and has the capacity to accommodate the development or anticipated future development in accordance with the purpose of the zone,⁹ and is in place at the time of allotment creation;
2. Ensuring that subdivisions in Urban Zones, Settlement Zone and Māori Purpose Zone (Hongoeka) are hydraulically neutral;
3. Requiring reticulated wastewater, reticulated water and stormwater management systems in all Urban Zones to meet the performance criteria of the Wellington Water's Regional Standard for Water Services Standard May 2019;¹⁰

⁴ Waka Kotahi [82.136]

⁵ Ibid

⁶ Ibid

⁷ Ibid

⁸ Ibid

⁹ Porirua City Council [11.59]

¹⁰ Clause 16 minor amendment

<p>4. Where reticulated services are not available, ensuring allotments are of a sufficient size and shape with appropriate soil conditions to accommodate on-site wastewater, stormwater and water supply infrastructure, and that there is sufficient water supply capacity for firefighting purposes; and</p> <p>5. Ensuring telecommunications and power supply is provided to all allotments.</p>
<p>SUB-P6 Subdivision in the Residential Zones and Māori Purpose Zone (Hongoeka)</p>
<p>Provide for vacant lot subdivision within the Medium Density Residential, General Residential Zone and Māori Purpose Zone (Hongoeka) where it can be demonstrated that the proposed lots are able to accommodate a residential unit that is of a size, scale and location that is anticipated for the Zone.</p>
<p>SUB-P7 Subdivision in the Future Urban Zone</p>
<p>Avoid subdivision within the Future Urban Zone that may result in one or more of the following:</p> <ol style="list-style-type: none"> 1. The <u>safe</u>,¹¹ efficient and effective operation of the local and wider transport network being compromised; 2. The need for significant upgrades, provisions or extensions to the reticulated wastewater, reticulated water supply or stormwater networks, or other infrastructure in advance of integrated urban development; 3. The efficient provision of infrastructure being compromised; 4. Reverse sensitivity effects when urban development occurs; 5. Reverse sensitivity effects on existing rural activities or infrastructure; or 6. Fragmentation of sites in a manner that may compromise the appropriate form or nature of future urban development.
<p>SUB-P8 Subdivision in the General Industrial Zone</p>
<p>Only allow for subdivision that creates sites of a size and shape that can accommodate industrial activities.</p>
<p>SUB-P9 Subdivision in the General Rural Zone, Rural Lifestyle Zone and Settlement Zone</p>
<p>Provide for subdivision where it does not compromise the purpose, character and amenity values of the Zone, having particular regard to:</p> <ol style="list-style-type: none"> 1. Enabling cluster development, where it ensures the retention of a large balance lot; 2. Discouraging the layout of lots in a linear pattern along roads; 3. Ensuring any building platforms are sited to be sympathetic to existing landform and vegetation; 4. Opportunities to obtain public access to rivers and the coastal marine area, other than through esplanade reserves or strips; 5. Opportunities to undertake planting and fencing of erosion-prone land, areas of indigenous vegetation, wetlands and riparian areas; and 6. Avoiding, remedying or mitigating reverse sensitivity effects.
<p>SUB-P10 Inappropriate subdivision in the General Rural Zone</p>

¹¹ Waka Kotahi [82.137]

Avoid subdivision in the General Rural Zone that will result in sites that are of a size and scale that is contrary to the anticipated purpose, character and amenity values of the zone.

SUB-P11 Subdivision for infrastructure

Control the creation of allotments for the purposes of infrastructure to ensure that:

1. Any allotments are of a size,¹² sufficient design and layout to accommodate its required use;
2. There is adequate access to any proposed allotments; and
3. Infrastructure with sufficient capacity is provided to service any proposed allotment.

SUB-P12 Reductions or waivers of Esplanade Reserves and Provision of Esplanade Strips

Only allow for the provision of an esplanade strip, or a reduction or waiver in the width or provision of any esplanade reserve or esplanade strip, where it can be demonstrated, where relevant, that:

1. Safe public access and recreational use is already possible and can be maintained for the future;
2. An esplanade strip would better provide for public and customary access, recreation, hazard management, stormwater management and ecological values;
3. The ecological values and landscape features of the land adjoining the coast or other waterbody will not be adversely affected;
4. Any scheduled historic heritage places and sites and areas of significance to Māori will not be adversely affected;
5. The reduced width of the esplanade reserve or strip is sufficient to manage the risk of adverse effects resulting from natural hazards, taking into account the likely long term effects of climate change;
6. A full-width esplanade reserve or esplanade strip is not required to maintain the natural character and amenity of the coastal environment; and
7. A reduced width in certain locations is offset by an increase in width in other locations or areas which would result in a positive public benefit, in terms of public and customary access, recreation, hazard management, stormwater management and ecological values.

Rules

Note: There may be a number of provisions that apply to an activity, building, structure or site. Resource consent may therefore be required under rules in this chapter as well as other chapters. Unless specifically stated in a rule, resource consent is required under each relevant rule. The steps to determine the status of an activity are set out in the General Approach chapter.

SUB-R1 to SUB-R5 are the general rules that apply to subdivisions. SUB-R6 to SUB-R16 set out specific rules relating to subdivisions in Overlays and the Coastal Environment. SUB-R6 to SUB-R16 apply in addition to SUB-R1 to SUB-R5. For instance, a subdivision to create a vacant allotment in a Special Amenity Landscape will require consent under SUB-R3 and SUB-R7.

Wastewater:

¹² Porirua City Council [11.61]

- All wastewater generated on any land that is not connected to the Council's public sewer network must be treated and be disposed of within the confines of that land, in compliance with Porirua City Council General Bylaw 1991 - Part 25 Wastewater. This Bylaw requires that all on-site wastewater systems within Porirua, such as a septic tank or aerated wastewater treatment system, must be licensed by Porirua City Council.
- Any on-site wastewater system must also meet the requirements outlined in Wellington Regional Council's Proposed Natural Resources Plan (PNRP). The PNRP has requirements around discharges to land, including design of systems and setbacks from boundaries and waterways.

SUB-R1 Boundary adjustments

All zones 1. Activity status: **Controlled**

Where:

- a. Compliance is achieved with
 - i. SUB-S1;
 - ii. SUB-S2;
 - iii. SUB-S3;
 - iv. SUB-S4;
 - v. SUB-S5;
 - vi. SUB-S6; and
 - vii. SUB-S7.

Matters of control are limited to:

1. The matters in SUB-P2; and
2. The matters in SUB-P4.

All zones 2. Activity status: **Restricted discretionary**

Where:

- a. Compliance is not achieved with SUB-S2, SUB-S3, SUB-S4, SUB-S5 SUB-S6 or SUB-S7.

Matters of discretion are restricted to:

1. The matters of discretion of any infringed standard.
2. The matters in SUB-P2;
3. The matters in SUB-P4; and
4. The matters in SUB-P5.

Residential Zones 3. Activity status: **Restricted discretionary**

Where:

- a. Compliance is not achieved with SUB-S1;

Māori Purpose Zone (Hongoeka)

Matters of discretion are restricted to:

1. The matters in SUB-P2;
2. The matters in SUB-P4;
3. The matters in SUB-P5; and
4. The matters in SUB-P6.

Rural Lifestyle Zone 4. Activity status: **Discretionary**

Where:

<p>Settlement Zone</p> <p>Commercial and Mixed Use Zones</p> <p>General Industrial Zone</p> <p>Open Space and Recreation Zones</p> <p>Special Purpose Zone (BRANZ)</p> <p>Hospital Zone</p>	<p>a. Compliance is not achieved with SUB-S1.</p>
<p>General Rural Zone</p>	<p>5. Activity status: Discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with SUB-S1; and</p> <p>b. Any resulting allotment is between 5ha and 40ha in area.</p>
<p>General Rural Zone</p>	<p>6. Activity status: Non-complying</p> <p>Where:</p> <p>a. Compliance is not achieved with SUB-S1; and</p> <p>b. Any resultant allotment is less than 5ha in area.</p>
<p>Future Urban Zone</p>	<p>7. Activity status: Non-complying</p> <p>Where:</p> <p>a. Compliance is not achieved with SUB-S1.</p>
<p>SUB-R2 Updating of an existing crosslease title</p>	
<p>All zones</p>	<p>1. Activity status: Controlled</p> <p>Where:</p> <p>a. The update complies with, or does not increase any¹³ existing or previously approved non-compliance with:</p> <p>i. SUB-S1;</p>

¹³ Clause 16 Minor Amendment

	<ul style="list-style-type: none"> ii. SUB-S2; iii. SUB-S3; iv. SUB-S4; v. SUB-S5; vi. SUB-S6; and vii. SUB-S7. <p>Matters of control are limited to:</p> <ul style="list-style-type: none"> 1. The matters in SUB-P3; 2. The matters in SUB-P4; and 3. The matters in SUB-P5.
	<p>All zones 2. Activity status: Restricted discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance is not achieved with SUB-S2¹⁴, SUB-S3, SUB-S4, SUB-S5, SUB-S6 and or¹⁵ SUB-S7. <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> 1. The matters of discretion of any infringed standard; 2. The matters in SUB-P3; 3. The matters in SUB-P4; and 4. The matters in SUB-P5.
	<p>All zones 3. Activity status: Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance is not achieved with SUB-S1.
<p>SUB-R3 Subdivision that creates any vacant allotments, <u>excluding new allotments for infrastructure</u>¹⁶</p>	
	<p>All zones 1. Activity status: Controlled</p> <p>Where:</p> <ul style="list-style-type: none"> a. Compliance is achieved with: <ul style="list-style-type: none"> i. SUB-S1; ii. SUB-S2; iii. SUB-S3; iv. SUB-S4; v. SUB-S5; vi. SUB-S6; and vii. SUB-S7; b. Where the site shares a boundary with, or contains, a river whose bed has an average width of 3m or more or adjoins MHWS, compliance is achieved with SUB-S8. <p>Matters of control are limited to:</p>

¹⁴ Clause 16 Minor Amendment

¹⁵ Clause 16 Minor Amendment

¹⁶ [Clause 16 Minor Amendment](#)

	<ol style="list-style-type: none"> 1. The matters in SUB-P1; 2. The matters in SUB-P4; and 3. The matters in SUB-P5. <p><u>Note: New allotments for infrastructure are controlled under SUB-R5.¹⁷</u></p>
	<p>All zones</p> <p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> a. Compliance is not achieved with SUB-S2, SUB-S3, SUB-S4, SUB-S5 SUB-S6 or SUB-S7. <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The matters of discretion of any infringed standard; 2. The matters in SUB-P1; 3. The matters in SUB-P4; and 4. The matters in SUB-P5.
	<p>Residential Zones</p> <p>Māori Purpose Zone (Hongoeke)</p> <p>3. Activity status: Restricted discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> a. Compliance is not achieved with SUB-S1; <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The matters in SUB-P1; 2. The matters in SUB-P4; 3. The matters in SUB-P5; and 4. The matters in SUB-P6.
	<p>Rural Lifestyle Zone</p> <p>Settlement Zone</p> <p>Commercial and Mixed Use Zones</p> <p>General Industrial Zone</p> <p>Open Space and Recreation Zones</p> <p>Special</p> <p>4. Activity status: Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> a. Compliance is not achieved with SUB-S1.

¹⁷ [Clause 16 Minor Amendment](#)

Purpose Zone (BRANZ)	
Hospital Zone	
All zones	<p>5. Activity status: Discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with SUB-S8.</p>
General Rural Zone	<p>6. Activity status: Discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with SUB-S1; and</p> <p>b. Any resulting allotment is between 5ha and 40ha in area.</p>
General Rural Zone	<p>7. Activity status: Non-complying</p> <p>Where:</p> <p>a. Compliance is not achieved with SUB-S1; and</p> <p>b. Any resultant allotment is less than 5ha in area.</p>
Future Urban Zone	<p>8. Activity status: Non-complying</p> <p>Where:</p> <p>a. Compliance is not achieved with SUB-S1.</p>
SUB-R4	Unit title subdivision and Ssubdivision¹⁸ of land around existing lawfully established buildings (excluding accessory buildings) or buildings (excluding accessory buildings) approved or part of a resource consent application and no vacant allotments are created
All zones	<p>1. Activity status: Controlled</p> <p>Where:</p> <p>a. Compliance is achieved or any existing or previously approved non-compliance is not increased with:</p> <ol style="list-style-type: none"> i. SUB-S2; ii. SUB-S3; iii. SUB-S4; iv. SUB-S5; v. SUB-S6; and vi. SUB-S7; <p>b. Where the site shares a boundary with, or contains, a river whose bed has an average width of 3m or more or adjoins MHWS, compliance is achieved with SUB-S8.</p> <p>Matters of control are limited to:</p> <ol style="list-style-type: none"> 1. The matters in SUB-P1;

¹⁸ Survey and Spatial [72.3]

	<p>2. The matters in SUB-P4; and</p> <p>3. The matters in SUB-P5.</p>
All zones	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with SUB-S2, SUB-S3, SUB-S4, SUB-S5 SUB-S6 or SUB-S7.</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters of discretion of any infringed standard;</p> <p>2. The matters in SUB-P1;</p> <p>3. The matters in SUB-P4; and</p> <p>4. The matters in SUB-P5.</p>
All zones	<p>3. Activity status: Discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with SUB-S8.</p>
General Rural Zone	<p>4. Activity status: Discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with SUB-S1; and</p> <p>b. Any resulting allotment is between 5ha and 40ha in area.</p>
General Rural Zone	<p>5. Activity status: Non-complying</p> <p>Where:</p> <p>a. Compliance is not achieved with SUB-S1; and</p> <p>b. Any resultant allotment is less than 5ha in area.</p>
Future Urban Zone	<p>6. Activity status: Non-complying</p> <p>Where:</p> <p>a. Compliance is not achieved with SUB-S1.</p>
SUB-R5	Subdivision of land to create new allotment(s) for Infrastructure
All zones	<p>1. Activity status: Controlled</p> <p>Where:</p> <p>a. Any balance allotment complies with SUB-S1;</p> <p>b. The new allotments for infrastructure comply with:</p> <p>i. SUB-S2; and</p> <p>ii. SUB-S3.</p> <p>Matters of control are limited to:</p> <p>1. The matters in SUB-P11.</p>
All zones	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with SUB-S2 or SUB-S3.</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters of discretion of any infringed standard; and</p>

	2. The matters in SUB-P11.
Residential zones Māori Purpose Zone (Hongoeaka)	3. Activity status: Restricted discretionary Where: a. Any balance allotment does not comply with SUB-S1; Matters of discretion are restricted to: 1. The matters in SUB-P4; 2. The matters in SUB-P5; and 3. The matters in SUB-P11.
Rural Lifestyle Zone Settlement Zone Commercial and Mixed Use Zones General Industrial Zone Open Space and Recreation Zones Special Purpose Zone (BRANZ) Hospital Zone	4. Activity status: Discretionary Where: a. Any balance allotment does not comply with SUB-S1.
General Rural Zone	5. Activity status: Discretionary Where: a. Any balance allotment does not comply with SUB-S1, and b. Any resulting allotment is between 5ha and 40ha in area.
General Rural Zone	6. Activity status: Non-complying Where: a. Any balance allotment does not comply with SUB-S1; and b. Any resultant allotment is less than 5ha in area.
Future Urban Zone	7. Activity status: Non-complying Where:

a. Any balance allotment does not comply with SUB-S1.

SUB-R6 Subdivision that creates building platforms for Less-Hazard-Sensitive Activities within the Low, Medium or High Hazard Areas of the Natural Hazard Overlay and Coastal Hazard Overlay

All zones 1. Activity status: **Controlled**

Where:

a. Compliance is achieved with:

- i. SUB-S2;
- ii. SUB-S3;
- iii. SUB-S4;
- iv. SUB-S5;
- v. SUB-S6; and
- vi. SUB-S7;

b. The building platform is not located within an identified Flood Hazard - Overland Flow or Flood Hazard - Stream Corridor Overlay.

Matters of control are limited to:

1. The matters in SUB-P1;
2. The matters in SUB-P4;
3. The matters in SUB-P5;
4. For allotments in a Natural Hazard Overlay, the matters in NH-P3; and
5. For allotments in a Coastal Hazard Overlay the matters in CE-P10.

Note: this rule applies in addition to SUB-R1 to SUB-R5.

All zones 2. Activity status: **Restricted discretionary**

Where:

a. Compliance is not achieved with SUB-S2, SUB-S3, SUB-S4, SUB-S5, SUB-S6 or SUB-S7.

Matters of discretion are restricted to:

1. The matters of discretion of any infringed standard;
2. The matters in SUB-P1;
3. The matters in SUB-P4;
4. The matters in SUB-P5;
5. For allotments in a Natural Hazard Overlay, the matters in NH-P3;
6. For allotments in a Coastal Hazard Overlay the matters in CE-P10.

All zones 3. Activity status: **Restricted discretionary**

Where:

a. The building platform is located in an identified Flood Hazard - Overland Flow Overlay.

Matters of discretion are restricted to:

1. The matters contained in NH-P6.

All zones 4. Activity status: **Non-complying**

Where:

- a. The building platform is located in an identified Flood Hazard - Stream Corridor Overlay.

SUB-R7 Subdivision within a Special Amenity Landscape

Rural Lifestyle Zone

1. Activity status: **Controlled**

Where:

- a. Compliance is achieved with:
 - i. SUB-S2;
 - ii. SUB-S3;
 - iii. SUB-S4;
 - iv. SUB-S5;
 - v. SUB-S6; and
 - vi. SUB-S7;
- b. The minimum allotment size is no less than 5ha within the Rural Lifestyle Zone; and
- c. A proposed building platform is identified for each proposed allotment that is capable of accommodating a building that complies with the permitted activity standards for the underlying zone.

Matters of control are limited to:

1. The matters in SUB-P1;
2. The matters in SUB-P4;
3. The matters in SUB-P5;
4. The matters in NFL-P5.

Note: This rule applies in addition to SUB-R1 to SUB-R5.

Rural Lifestyle Zone

2. Activity status: **Restricted discretionary**

Where:

- a. Compliance is not achieved with SUB-S2, SUB-S3, SUB-S4, SUB-S5, SUB-S6 or SUB-S7.

Matters of discretion are restricted to:

1. The matters of discretion of any infringed standard;
2. The matters in SUB-P1;
3. The matters in SUB-P4;
4. The matters in SUB-P5;
5. The matters in SUB-P3.

Rural Lifestyle Zone

3. Activity status: Restricted discretionary¹⁹

Where:

- a. Compliance is not achieved with SUB-R7-1.b.**

¹⁹ Porirua City Council [11.60]

Matters of discretion are restricted to:

1. The matters of discretion of any infringed standard;
2. The matters in SUB-P1;
3. The matters in SUB-P3;
4. The matters in SUB-P4;
5. The matters in SUB-P5;
6. The matters in NFL-P5.

All zones except the Rural Lifestyle Zone

~~34~~²⁰. Activity status: **Restricted discretionary**

Where:

- a. A proposed building platform is identified for each proposed allotment that is capable of accommodating a building that complies with the permitted activity standards for the underlying zone.

Matters of discretion are restricted to:

1. The matters in NFL-P3; and
2. The matters in NFL-P8.

Note: This rule applies in addition to SUB-R1 to SUB-R5.

All zones

~~35~~²¹. Activity status: **Discretionary**

Where:

- a. Compliance is not achieved with ~~SUB-R7-1.b~~,²² SUB-R7-1.c or SUB-R7-3.a.

SUB-R8

Subdivision that creates building platforms for Hazard-Sensitive Activities or²³ Potentially-Hazard-Sensitive Activities within the Low, Medium or High Hazard Areas of the Natural Hazard Overlay or Coastal Hazard Overlay

All zones

1. Activity status: **Restricted discretionary**

Where:

- a. The building platform is entirely located within an identified Low Hazard Area of either the Natural Hazards Overlay or the Coastal Hazard Overlay.

Matters of discretion are restricted to:

1. For allotments in a Natural Hazard Overlay, the matters in NH-P~~34~~²⁴; and
2. For allotments in a Coastal Hazard Overlay the matters in CE-P12.

²⁰ Porirua City Council [11.60]

²¹ Porirua City Council [11.60]

²² Porirua City Council [11.60]

²³ Kāinga Ora [81.459]

²⁴ Clause 16 minor amendment

	<p><u>Notification:</u></p> <p><u>An application under this rule is precluded from being publicly notified in accordance with sections 95A of the RMA.</u>²⁵</p> <p>Note: This rule applies in addition to SUB-R1 to SUB-R5.</p>
All zones	<p>2. Activity status: Discretionary</p> <p>Where:²⁶</p> <p>a. All subdivisions where the building platform would be located within an identified Medium Hazard Area of either the Natural Hazard Overlay or the Coastal Hazard Overlay.</p>
All zones	<p>3. Activity status: Non-complying</p> <p>Where</p> <p>a. All subdivisions where the building platform would be located within an identified High Hazard Area of either the Natural Hazard Overlay or the Coastal Hazard Overlay.</p>
SUB-R9	<p>Subdivision that creates building platforms for Hazard-Sensitive Activities within the Low, Medium or High Hazard Areas of the Natural Hazard Overlay or Coastal Hazard Overlay²⁷</p>
All zones	<p>1. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. The building platform is entirely located within an identified Low Hazard Area of either the Natural Hazards Overlay or the Coastal Hazard Overlay.</p> <p>Matters of discretion are restricted to:</p> <p>1. For allotments in a Natural Hazard Overlay, the matters in NH-P3; and</p> <p>2. For allotments in a Coastal Hazard Overlay, the matters in CE-P12.</p> <p>Note:</p> <p>This rule applies in addition to SUB-R1 to SUB-R5.</p>
All zones	<p>2. Activity status: Discretionary</p> <p>Where</p>

²⁵ Ibid

²⁶ Clause 16 Minor Amendment

²⁷ Kāinga Ora [81.459]

	<p>a. All subdivisions where the building platform would be located within an identified Medium Hazard Area of either the Natural Hazard Overlay or the Coastal Hazard Overlay.</p>
All zones	<p>3. Activity status: Non-complying</p> <p>Where:</p> <p>a. All subdivisions where the building platform would be located within an identified High Hazard Area of either the Natural Hazard Overlay or the Coastal Hazard Overlay.</p>
SUB-R910²⁸	<p>Any subdivision <u>of land</u> within <u>a the</u> heritage setting <u>of or which contains</u>²⁹ a heritage item listed in SCHED2 - Historic Heritage Items (Group A) or SCHED3 - Historic Heritage Items (Group B), or a historic heritage site listed in SCHED4 - Historic Heritage Sites</p>
All zones	<p>1. Activity status: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters in HH-P15.</p> <p>Note: This rule applies in addition to SUB-R1 to SUB-R5.</p>
SUB-R101³⁰	<p>Any subdivision within a site listed in SCHED6 - Sites and Areas of Significance to Māori</p>
All zones	<p>1. Activity Status: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters in SASM-P6; and</p> <p>2. The matters in SASM-P8.</p> <p>Note: This rule applies in addition to SUB-R1 to SUB-R5.</p>
SUB-R112³¹	<p>Subdivision of an <u>allotment</u>³² containing a Significant Natural Area</p>
All zones	<p>1. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. A future building platform to contain a residential unit, <u>areas for access to the building platform, and alignments for</u></p>

²⁸ Consequential renumbering

²⁹ Heritage New Zealand [65.52]

³⁰ Consequential renumbering

³¹ Consequential renumbering

³² Clause 16 Minor Amendment

	<p><u>infrastructure customer connections, is are</u>³³ identified for each new undeveloped <u>allotment</u>³⁴ that:</p> <ol style="list-style-type: none"> Comply<u>ies</u> with the underlying zone <u>and district-wide</u>³⁵ provisions; and is <u>Are</u> located outside of the Significant Natural Area. <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> The matters in ECO-P2; and The matters in ECO-P4. <p>Note: This rule applies in addition to SUB-R1 to SUB-R5.</p>
All zones	<p>2. Activity status: Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> Compliance is not achieved with SUB-R12-1.a.
SUB-R123³⁶	Subdivision within an Outstanding Natural Feature and Landscape
All zones	<p>1. Activity status: Restricted discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> The minimum allotment size is no less than 40ha; and A building platform is identified for each proposed allotment that is capable of accommodating a building that complies with the permitted activity standards for the underlying zone. <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> The matters in NFL-P3. <p>Note: This rule applies in addition to SUB-R1 to SUB-R5.</p>
All zones	<p>4. Activity status: Non-complying</p> <p>Where:</p> <ol style="list-style-type: none"> Compliance is not achieved with SUB-R13-1.a or SUB-R13-1.b.
SUB-R134³⁷	Subdivision of a site containing a Coastal High Natural Character Area
All zones	<p>1. Activity status: Restricted discretionary</p> <p>Where:</p>

³³ Robyn Smith [168.94]

³⁴ Clause 16 Minor Amendment

³⁵ Robyn Smith [168.94]

³⁶ Consequential renumbering

³⁷ Consequential renumbering

	<p>a. A proposed building platform is identified for each proposed allotment that is capable of accommodating a building that complies with the permitted activity standards of the underlying zone.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The matters in CE-P3. <p>Note:</p> <ul style="list-style-type: none"> • This rule applies in addition to SUB-R1 to SUB-R5; • The provisions of ECO and NFL chapters also apply where relevant.
All zones	<p>2. Activity status: Non-complying</p> <p>Where:</p> <ol style="list-style-type: none"> a. Compliance is not achieved with SUB-R14-1.a.
SUB-R145 ³⁸	<p>Subdivision of land to create new allotment(s) within the National Grid <u>Subdivision</u>³⁹ Corridor or National Grid Pāuatahanui Substation Yard</p>
All zones	<p>1. Activity status: Restricted discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> a. A proposed building platform is identified for each proposed allotment, <u>other than allotments for access or infrastructure</u>,⁴⁰ that is capable of accommodating a building which is located entirely outside of the National Grid Yard and National Grid Pāuatahanui Substation Yard. <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The matters in INF-P56⁴¹. <p><u>Note: This rule applies in addition to SUB-R1 to SUB-R5.</u>⁴²</p> <p><u>Notification:</u>⁴³</p> <ul style="list-style-type: none"> • <u>An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.</u> • <u>When deciding whether any person is affected in relation to this rule, for the purposes of section 95E of the RMA, the Council will</u>

³⁸ Consequential renumbering

³⁹ Transpower [60.86]

⁴⁰ Transpower [60.86]

⁴¹ Consequential renumbering

⁴² Clause 16 Minor Amendment

⁴³ Transpower [60.86]

		<u>give specific consideration to any adverse effects on Transpower New Zealand Limited.</u>
All zones	2. Activity status: Non-complying	
	Where:	
	a. Compliance is not achieved with SUB-R15-1.a ⁴⁴	
	<u>Notification:</u> ⁴⁵	
	<ul style="list-style-type: none"> • <u>An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.</u> • <u>When deciding whether any person is affected in relation to this rule, for the purposes of section 95E of the RMA, the Council will give specific consideration to any adverse effects on Transpower New Zealand Limited.</u> 	
SUB-R156 ⁴⁶	Subdivision of land to create new allotment(s) within the Gas Transmission Pipeline Corridor and/or within 30m of a site containing any above-ground station site forming part of the Gas Transmission Network	
All zones	1. Activity status: Restricted discretionary	
	Where:	
	a. A proposed building platform is identified for each proposed allotment that is capable of accommodating a building which is located entirely outside of the Gas Transmission Pipeline Corridor or more than 30m of a site containing any above-ground station forming part of the Gas Transmission Network.	
	Matters of discretion are restricted to:	
	1. The matters in INF-P5.	
	<u>Note: This rule applies in addition to SUB-R1 to SUB-R5.</u> ⁴⁷	
All zones	2. Activity status: Non-complying	
	Where:	
	a. Compliance is not achieved with SUB-R16-1.a	
SUB-R167 ⁴⁸	Subdivision adjoining existing General Residential Zone settlements within the Coastal Environment	

⁴⁴ Clause 16 Minor Amendment

⁴⁵ Transpower [60.86]

⁴⁶ Consequential renumbering

⁴⁷ Clause 16 Minor Amendment

⁴⁸ Consequential renumbering

General Rural Zone	<p>1. Activity status: Discretionary</p> <p>Where:</p> <p>a. The subdivision is of a General Rural Zone site that is adjacent to a site in the General Residential Zone in the Coastal Environment and is parallel to the coastline; or</p> <p>b. Compliance is not⁴⁹ achieved with SUB-S1.</p>
General Rural Zone	<p>2. Activity status: Non-complying</p> <p>Where:</p> <p>a. Compliance is not achieved with SUB-R17-1.a or SUB-R17-1.b.</p>

Standards

SUB-S1	Minimum allotment size and shape	
All zones	1. All allotments created must comply with the minimum allotment size and allotment shape set out in SUB-Table 1.	There are no matters of discretion for this standard.
SUB-Table 1	Minimum allotment size and shape	
Zones	Minimum allotment size	Minimum allotment shape
General Rural Zone Future Urban Zone	All allotments created must have a minimum allotment size of 40ha.	n/a
Rural Lifestyle Zone	All allotments created must have a minimum allotment size of 2ha.	n/a
Settlement Zone	All allotments created must have a minimum allotment size of 3000m ² with a 1ha minimum average allotment size being achieved across the site.	n/a
<u>General</u> ⁵⁰ Industrial Zone	All allotments created must have a minimum allotment size of 1,000m ² .	n/a
General Residential Zone and	All vacant allotments created must have a minimum allotment size of 400m ² .	All vacant allotments must be able to contain a rectangle measuring 10m x 15m clear of

⁴⁹ Kāinga Ora [81.486]

⁵⁰ Clause 16 Minor Amendment

Māori Purpose Zone (Hongoeka)		any yards, access allotments and right-of-way.
Medium Density Residential Zone	All vacant allotments created must have a minimum allotment size of 300m ² .	All vacant allotments must be able to contain a rectangle measuring 9m x 14m clear of any yards, access allotments and right-of-way.
Other zones	n/a	n/a
All zones	No minimum allotment size.	No minimum allotment shape.
All allotments created for infrastructure		
SUB-S2	Access	
All zones	1. All new allotments created must have legal and physical access to a formed road in accordance with TR S1 – TR S4 , <u>the provisions rules and standards in the TR – Transport chapter.</u> ⁵¹	Matters of discretion are restricted to: <ol style="list-style-type: none"> 1. The safe, efficient and effective functioning of any private way, including firefighting access and the safety of pedestrians and cyclists; 2. The suitability of any alternative design options. 3. The safe, efficient and effective functioning of the transport network; and 4. Site and topographical constraints.
SUB-S3	Connections to rRoads	
All zones	1. All new roads and intersections-connections to roads must comply with <u>the provisions rules and standards in the INF – Infrastructure chapter INF-R23-1.a and INF-R23-1.b.</u> ⁵²	Matters of discretion are restricted to: <ol style="list-style-type: none"> 1. The matters in INF-P145.
SUB-S4	Water supply	
All zones	1. Where a connection to Council's reticulated water	Matters of discretion are restricted to:

⁵¹ Survey + Spatial New Zealand [72.33]

⁵² Kāinga Ora [81.472]

	<p>supply systems is available, all new allotments must:</p> <ol style="list-style-type: none"> a. Be provided with a water supply connection at the allotment boundary, that provides the level of service in Chapter 6, Tables 6.1 and 6.2 of the Wellington Water Regional Standard for Water Services May 2019; b. Comply with water supply requirements in the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008; and c. Be fitted with a water metering device that meets the requirements of Sections 6.4.10.2 and Section 6.4.11 of the Wellington Water Regional Standard for Water Services May 2019. <p>2. Where a connection to Council's reticulated water supply systems is not available, all allotments must:</p> <ol style="list-style-type: none"> a. Be provided with access to a self-sufficient potable water supply with a minimum volume of 10,000L; and b. Comply with the water supply requirements of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008. 	<ol style="list-style-type: none"> 1. For Urban Zones and the areas of the Settlement Zone and Māori Purpose Zone (Hongoeka) serviced by all or part of the three waters network: <ol style="list-style-type: none"> a. The matters in THWT-P2; b. The matters in THWT-P3. 2. For sites that are not within Urban Zones and the areas of the Settlement Zone and Māori Purpose Zone (Hongoeka) serviced by all or part of the three waters network: <ol style="list-style-type: none"> a. The provision of an alternative water supply; b. The potability of the alternative water supply; c. Measures to maintain the health and safety of users of the water; d. The ability for the proposal to provide for fire safety; and e. Any mitigation measures to reduce the impact of the demand from the subdivision on the water network.
<p>SUB-S5 Wastewater disposal</p>		
<p>All zones</p>	<p>1. Where a connection to Council's reticulated wastewater systems is available, all new allotments must be provided with a connection at the allotment boundary that provides the level of service in Chapter 5, section 5.2.3 of the Wellington Water Regional Standard for Water Services May 2019.</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. For Urban Zones and the areas of the Settlement Zone and Māori Purpose Zone (Hongoeka) serviced by all or part of the three waters network: <ol style="list-style-type: none"> a. The matters in THWT-P3;

	<p>2. Where a connection to Council's reticulated wastewater systems is not available, all allotments must be provided with a septic tank or soakage field or an approved alternative means to dispose of sewage in a sanitary manner within the net site area of the allotment in accordance with Section 5.2.6 of the Wellington Water Regional Standard for Water Services May 2019.</p> <p>3. Where a connection to Council's reticulated wastewater systems is not available and sewage is to be disposed to ground, that area must not be subject to instability or inundation or used for the disposal of stormwater.</p>	<p>2. For sites that are not within Urban Zones and the areas of the Settlement Zone and Māori Purpose Zone (Hongoeka) serviced by all or part of the three waters network:</p> <ol style="list-style-type: none"> a. The wastewater demand generated by the proposal and the need for wastewater connections; b. The alternative wastewater system proposed and its long term effectiveness in providing for the wastewater management of the development; c. The effects of the proposed wastewater system and disposal on the health and safety of people; d. The capacity of the wastewater network and the impact of the development on the capacity of the system; and e. Any mitigation measures to reduce the impact of the demand from the subdivision on the wastewater network.
<p>SUB-S6 Stormwater management</p>		
<p>All zones</p>	<p>1. Where a connection to Council's stormwater management systems is available, all new allotments must be provided with a connection at the allotment boundary, that provides the level of service in Chapter 4 Stormwater Table 4.1, Table 4.2 and 4.3 of the Wellington Water Regional Standard for Water Services May 2019.</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. For Urban Zones and the areas of the Settlement Zone and Māori Purpose Zone (Hongoeka) serviced by all or part of the three waters network: <ol style="list-style-type: none"> a. The matters in THWT-S2; and b. The matters in THWT-P3; 2. For sites that are not within Urban Zones and

	<p>2. All subdivisions within Urban Zones and the Māori Purpose Zone (Hongoeka) must achieve hydraulic neutrality.</p> <p>3. Where a connection to Council's stormwater systems is not available and the means of stormwater disposal is to ground, that area must not be subject to instability or inundation or be used for the disposal of wastewater.</p>	<p>the areas of the Settlement Zone and Māori Purpose Zone (Hongoeka) serviced by all or part of the three waters network:</p> <ol style="list-style-type: none"> a. Any potential impacts on any downstream flooding hazard from the proposed stormwater disposal from the site; and b. The size and scale of the development and the additional stormwater that the proposal will generate compared to the existing situation.
SUB-S7 Telecommunications and power supply		
<p>All zones⁵³ <u>Residential Zones</u></p> <p><u>Commercial and Mixed Use Zones</u></p> <p><u>General Industrial Zone</u></p> <p><u>Sport and Active Recreation Zones</u></p> <p><u>Hospital Zone</u></p>	<p>1. All new allotments must have provision for fibre optic cable connections to the legal boundary of the allotments.</p> <p>2. All new allotments must have provision for electricity connections to the legal boundary of the allotments.</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Alternative provision of telecommunication and power supply.
<p><u>Rural Zones</u></p> <p><u>Open Space Zone</u></p> <p><u>Special Purpose Zone (BRANZ)</u></p>	<p><u>2. All new allotments must have provision for connection to telecommunication infrastructure. This may be achieved by either:</u></p> <ol style="list-style-type: none"> <u>a. Provision for fibre optic cable connections to the legal boundary of the allotments; or</u> 	<p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <u>1. Alternative provision of telecommunication and power supply.</u>

⁵³ Kāinga Ora [81.476]

<p><u>Future Urban Zone</u></p> <p><u>Māori Purpose Zone (Hongoeke)</u></p>	<p><u>b. Provision with any subdivision consent application of written confirmation from a telecommunication network operator confirming that connection to a telecommunications network can be provided to all new allotments and describing how this can be achieved.</u>⁵⁴</p> <p><u>3. The written confirmation that connection to a telecommunications network can be achieved which is required under SUB-S7-2.b must include that the connection can be achieved to:</u></p> <p><u>a. A broadband mobile or wireless network, including a satellite network, if connection to such a network is available; or</u></p> <p><u>b. A copper VDSL network as a minimum if no broadband mobile or wireless networks are available.</u>⁵⁵</p>	
<p><u>All zones</u></p>	<p><u>34. All new allotments must have provision for electricity connections to the legal boundary of the allotments.</u></p> <p><u>45. At the time of subdivision, sufficient land for telecommunication network infrastructure, transformers and any associated ancillary services for telecommunication and electricity supply must be set aside.</u>⁵⁶ <u>Any subdivision</u></p>	<p><u>Matters of discretion are restricted to:</u></p> <p><u>1. Alternative provision of telecommunication and power supply.</u></p>

⁵⁴ Telcos [63.1]

⁵⁵ Ibid

⁵⁶ Kāinga Ora [81.476]

	<p><u>consent application must include:</u></p> <p><u>a. Identification of the land on any subdivision scheme plans; and</u> <u>b. Written confirmation that the land identified is sufficient for the intended purpose from a relevant network operator or other suitably qualified and experienced professional.</u>⁵⁷</p>	
<p>SUB-S8 Esplanade Reserve</p>		
<p>All zones</p>	<p>1. Any subdivision involving the creation of one or more sites allotments⁵⁸ less than 4ha which adjoins:</p> <p>a. The line of MHWS; or b. The bank of a river whose bed has an average width of 3m or more where the river flows through or adjoins an allotment⁵⁹</p> <p>must provide a minimum 20m wide esplanade reserve in accordance with section 230 of the RMA.</p> <p>2. The esplanade reserve must be measured in a landward direction at 90° to the line of MHWS, or the bank of a river.</p> <p><u>Note: For SUB-S8-1, the requirement to provide an esplanade reserve applies only to the creation of an allotment that is less than 4 ha.</u>⁶⁰</p>	<p>There are no matters of discretion for this standard.</p>

⁵⁷ Kāinga Ora [81.476]

⁵⁸ Clause 16 minor amendment

⁵⁹ Robyn Smith [168.93]

⁶⁰ Ibid

Appendix 3 – Recommended responses to submissions and further submissions

In order to distinguish between the recommended responses in the s42A report and the recommended responses that arise from this report:

- Recommendations from this report in response to evidence are shown in blue text (with underline and ~~strike-out~~ as appropriate).

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
72.13 ⁶¹	Survey + Spatial New Zealand (Wellington Branch)	SUB-P5	<p>Amend: Require infrastructure to be provided in an integrated and comprehensive manner by:</p> <ol style="list-style-type: none"> 1. Ensuring infrastructure meets Council standards and has the capacity to accommodate the development or anticipated future development in accordance with the purpose of the zone, and is in place at the time of allotment creation; 2. Ensuring that subdivisions in Urban Zones, Settlement Zone and Maori Purpose Zone (Hongoeka) are hydraulically neutral; 3. Requiring reticulated wastewater, reticulated water and stormwater management systems in all Urban Zones to meet the performance criteria of <u>to be assessed against</u> the Wellington Water's Regional Water Standard May 2019; 4. Where reticulated services are not available, ensuring allotments are of a sufficient size and shape with appropriate soil conditions to accommodate on-site wastewater, stormwater and water supply infrastructure, and that there is sufficient water supply capacity for firefighting purposes; and 5. Ensuring telecommunications and power supply is provided to all allotments. 	<u>SUB-P5-1</u>			
				NA	<u>Reject</u>	<u>Refer to reasons set out in paragraph 218 of the section 42A report for SUB – Subdivision.</u>	<u>No</u>
				<u>SUB-P5-3</u>	Deferred		

⁶¹ Supported by Kenepuru Limited Partnership (KLP) [FS20.45] and Kāinga Ora – Homes and Communities [FS65.261]; opposed by Fire and Emergency New Zealand [FS54.35]