

25 May 2022

**Porirua City Council
Proposed District Plan
Hearing Stream 5**

Submission to Hearings Commissioners

1. Submitters Details

Name: Survey & Spatial New Zealand (Wellington Branch) - Submitter #72

Address: PO Box 588

Wellington 6140

Email: nzisplanning.wgtn@gmail.com

Phone: (021) 976 498

2. Introduction

This written submission to the Hearings Panel is structured on the various separate Section 42A Reports.

3. Subdivision

SUB-R4 & SUB-R3:

Our submission was that unit title subdivision had not be clearly provided for under either rule as a controlled activity.

The Officer's Report recommends changes SUB-R4 to explicitly refer to unit title subdivision, which is accepted.

SUB-P4: Functioning of the transport network

Our submission was that policy SUB-P4 should not use the phrase ‘*meeting minimum design standards*’.

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 opportunities exist, including transport network connections within and between communities;
3. Where consistent with the zone, providing for a variety of travel modes that reflect the purpose, character and amenity values of the zone, including walking, cycling and access to public transport; and
4. Achieving safe and efficient access onto and from state highways.

The Officer’s Report rejects our submission. The report notes at para 207 that where standards SUB-S2 and SUB-S3 are not met there are clear criteria for Council to be able to consider alternatives.

However, the matters for discretion under SUB-R3 (for example) include policy **SUB-P4** as well as ‘*the matters of discretion of any infringed standard*’. As seen above policy SUB-P4 refers to meeting minimum standards, which is contrary to the concept of exercising discretion even if the discretion under SUB-S2 is purportedly to consider the suitability of any alternative design options.

Thus we consider that SUB-P4 should be amended as follows:

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;

SUB-P5: Integration with infrastructure

Similarly to our submission on SUB-P4 above, our submission was that policy SUB-P5 should not use the phrase “*meets Council standards*” and should not use the phrase “*meet the performance criteria*”.

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

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 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 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.

The Officer’s Report rejects our submission.

As we have mentioned previously, the matters for discretion under SUB-R3 and SUB-R4 (for example) include policy **SUB-P5** as well as ‘*the matters of discretion of any infringed standard*’. As seen above SUB-P5 refers to meeting Council standards, which is contrary to the concept of exercising discretion. We also note that the purported discretion under SUB-S4 & SUB-S5 (for example) refer to policies THWT-P2 and THWT-P3. Again, under these policies the wording is ‘*meet the Council standards*’ and ‘*meet the performance criteria*’.

As such a policy “to meet standards” cannot then be used a matter of discretion to depart from those standards. Hence our comment that there is a circular situation between the policies and the matters for discretion.

Thus we consider that SUB-P5 should be amended as follows:

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. Requiring reticulated wastewater, reticulated water and stormwater management systems in all Urban Zones ~~to meet the performance criteria of~~ **to be assessed against** the Wellington Water's Regional Water Standard May 2019;

SUB-S2: Access

Our submission sought changes to the standard where it cross-references to the transport standards. In particular, a cross reference to TR-S3 (design of vehicle access) since on-site parking is no longer required as a result of the NPS-UD 2020.

The Officer's Report accepts our submission in part and makes the following changes:

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 in the TR - Transport chapter.</u>	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.

While we are pleased that the principal of our submission is accepted, we are not convinced that the proposed changes will achieve a clear and unambiguous outcome.

Our submission was that a subdivision standard that refers to multiple transport standards, may be seeking compliance with transport matters that are not relevant. In particular, compliance with TR-S3 (design of vehicle access) would not be relevant where the subdivision does not propose on-site parking and vehicle access to some lots.

The recommended changes, while not specifically referencing the transport standards, now appears to be too vague by referencing the '*provisions in the TR-Transport chapter*'.

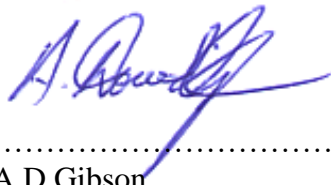
Thus we consider that SUB-S2 should be amended as follows:

1. All new allotments created must have legal and physical access to a road in accordance with TR-S1 **where no vehicle access is proposed and with TR-S2 - TR-S4 where vehicle access is proposed.**

4. Summary of Decision Sought

That the Commissioners amend the provisions of the proposed district plan as suggested in our submission.

Signature of person making submission.



.....
A D Gibson

Date 25 / 5 / 2022

On behalf of Survey and Spatial New Zealand (Wellington Branch)