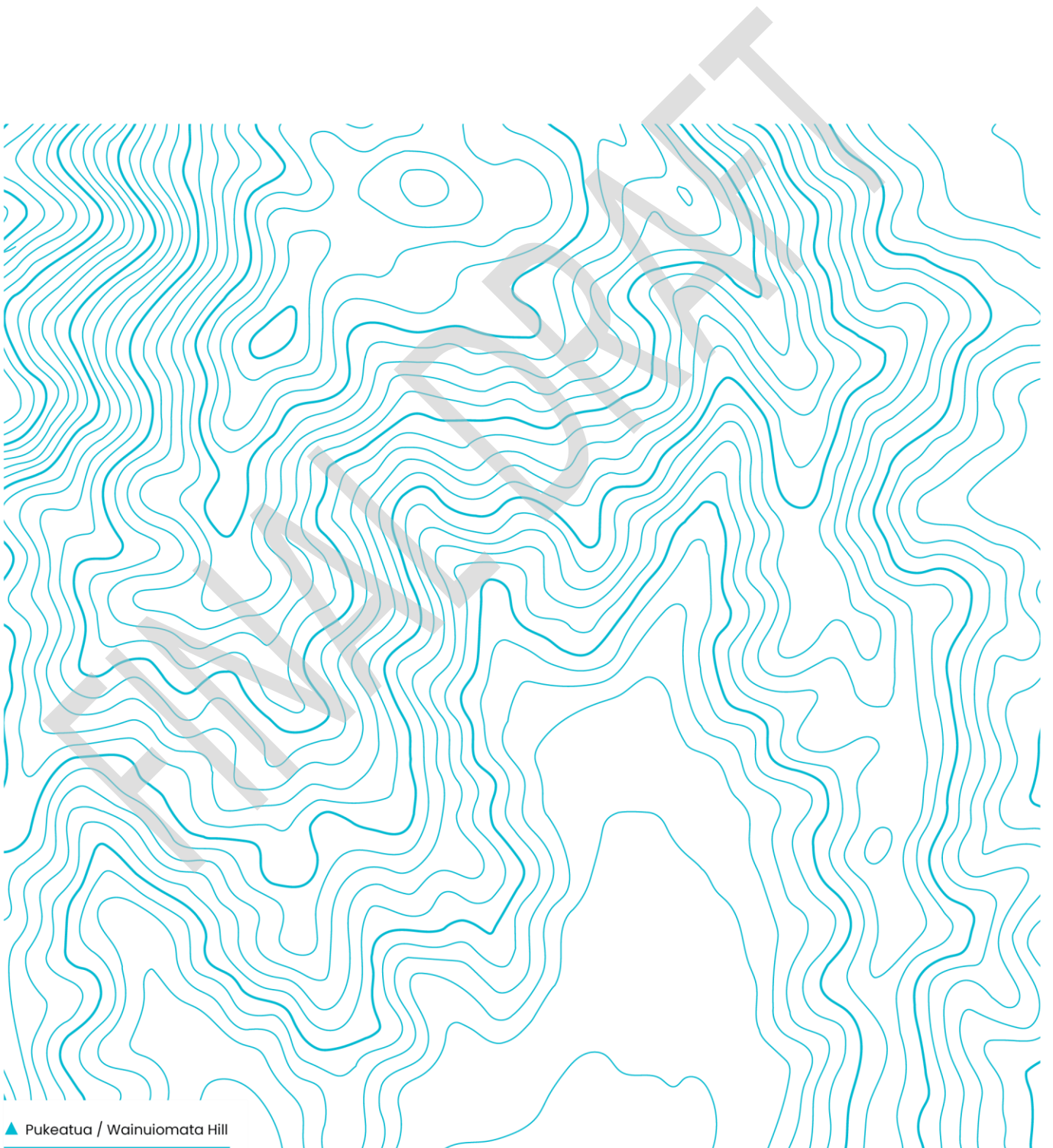


# Section 32 Evaluation SUBDIVISION



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## 2 Overview and Purpose

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- (1) Hutt City Council is reviewing the City of Lower Hutt District Plan. This is a full review of the District Plan, including a review of the approach to subdivision.
- (2) This report is a record of the review with regard to subdivision, and includes an evaluation of objectives and provisions for the Subdivision chapter of the proposed District Plan, in accordance with the requirements of s32 of the Resource Management Act 1991.
- (3) This report sits as one of a package of reports for the proposed Plan and should be read alongside the General evaluation report which covers matters common to all topics.

### **Introduction to Subdivision**

- (4) Subdivision involves the division of an allotment or building into multiple allotments, or the alteration of existing boundaries. Subdivision often results in a change in land ownership arrangements and is a factor that commonly determines future development potential for newly created allotments.
- (5) The way a site is subdivided can influence the future use and development of the land, its character and quality and can have an impact on adjacent sites. Subdivision can also affect the natural and physical environment and introduce long-term development patterns. Subdivision controls need to be flexible enough to facilitate future development and greater housing choice, whilst also ensuring adverse effects on people, communities and the wider environment can be appropriately managed.
- (6) Poorly designed subdivisions can limit neighbourhood connectivity and cohesion, resulting in longer travel times, greater reliance on private vehicle transport and associated increases in greenhouse gas emissions. In contrast, well-connected subdivisions can enhance community values and sense of place and promote greater uptake of active and public transport modes.

- (7) Where buildings and activities are lawfully established prior to subdivision, the subdivision process may be little more than a formalisation of new property or unit boundaries to provide for separate ownership. Where subdivision and related residential development are assessed concurrently, it enables a comprehensive understanding of the resulting pattern, scale and density of development. Therefore, the District Plan provides a more enabling framework for combined subdivision and land use application.
- (8) Where subdivision precedes land use, the creation of new undeveloped sites needs to ensure that newly created allotments and units are of a size, shape and orientation that are fit-for-purpose and that existing and future activities can be accessed and adequately serviced, either by reticulated services or on-site services including water supply, wastewater disposal, stormwater management, telecommunications and power supply.
- (9) Cost-effective servicing by infrastructure is an important consideration for greenfield developments and ensuring sufficient infrastructure capacity is a key consideration for the subdivision of already developed land.
- (10) Subdivisions adjacent to rivers and lakes and the Coastal Marine Area will generally require the establishment of esplanade reserves or esplanade strips to afford opportunities for better access to these features. Esplanade reserves and strips also help to maintain or enhance a range of values, including conservation values associated with ecological characteristics of surface water and the coast, and can assist with natural hazard mitigation.
- (11) The Subdivision chapter includes objectives, policies and rules that relate to subdivision generally. It also includes policies and rules that relate to subdivision in specific zones and subdivision of land affected by planning notations and overlays.
- (12) 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.

## Other relevant chapters

(13) This report should be read in conjunction with the s32 evaluation reports for the relevant zone chapters and the following s32 evaluation reports for district wide provisions and overlays.

- Infrastructure
- Renewable Electricity Generation
- Three Waters
- Transport
- Natural Hazards
- Historical Heritage
- Notable Trees
- Sites and Areas of Significance to Māori
- Natural Character
- Natural Features and Landscapes
- Public Access
- Coastal Environment
- Earthworks

## 3 Statutory and Policy Context

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- (14) The following sections discuss the national, regional and local policy framework that are particularly relevant to the statutory and policy context for subdivision for the District Plan Review.

### 3.1 Resource Management Act 1991

#### 3.1.1 Section 5 – Purpose and Principles

- (15) The purpose of the RMA is set out in Section 5. The purpose is to promote the sustainable management of natural and physical resources.
- (16) Under s5(2) of the Act, sustainable management means:

*managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being 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.*

#### 3.1.2 Section 6 – Matters of National Importance

- (17) Section 6 of the RMA sets out matters of national importance that all persons exercising functions and powers under the Act shall *recognise and provide for* in achieving the purpose of the RMA. The relevant s6 matters for subdivision are:

Section	Relevant Matter
6(a)	<p><i>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.</i></p> <p>Subdivision and subsequent use and development can impact the preservation of the natural character of the coastal environment, wetlands, lakes, and rivers.</p>
6(b)	<p><i>The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.</i></p> <p>Subdivision and subsequent use and development may result in adverse effects on the identified values of Outstanding Natural Features and Landscapes.</p>
6(c)	<p><i>The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.</i></p> <p>Subdivision and subsequent use and development may result in adverse effects on the value of significant indigenous biodiversity.</p>
6(d)	<p><i>The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers.</i></p> <p>The provision of esplanade reserves and/or esplanade strips may be required to maintain or enhance public access to and along the coastal marine area, lakes, and rivers</p>
6(e)	<p><i>The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.</i></p> <p>Subdivision and subsequent use and development has the potential to impact sites of significance and statutory acknowledgement areas</p>
6(f)	<p><i>The protection of historic heritage from inappropriate subdivision, use, and development.</i></p> <p>Subdivision and subsequent use and development can potentially impact historic heritage values of a place or site if not managed appropriately.</p>
6(h)	<p><i>The management of significant risks from natural hazards.</i></p> <p>Subdivision and subsequent use and development can increase the risk from natural hazards by allowing for more people, buildings, and activities in areas that are subject to natural hazards.</p>

### 3.1.3 Section 7 – Other Matters



- (18) Section 7 of the RMA sets out other matters that all persons exercising functions and powers under it shall *have particular regard to* in achieving the purpose of the RMA. The relevant s7 matters for subdivision are:

Section	Relevant Matter
7(a)	<i>Kaitiakitanga.</i> Subdivision can occur on sites of significance or on or near statutory acknowledgement areas and it is important that tangata whenua can exercise kaitiakitanga.
7(b)	<i>The efficient use and development of natural and physical resources.</i> Future use and development of natural and physical resources are further enabled by subdivision.
7(c)	<i>The maintenance and enhancement of amenity values</i> Subdivision can enable more development and uses to occur which can potentially impact amenity values.
7(f)	<i>Maintenance and enhancement of the quality of the environment.</i> The maintenance and enhancement of the quality of the environment can be influenced by subdivision and land fragmentation.
7(g)	<i>Any finite characteristics of natural and physical resources.</i> Urban and rural productive land are finite resources and their use and development should be undertaken in an efficient and sustainable way.
7(i)	<i>The effects of climate change.</i> Depending on the location, subdivision and creation of new sites may increase the effects of climate change if not managed appropriately.

### 3.1.4 Section 8 – Treaty of Waitangi

- (19) Section 8 of the RMA requires Council to *take into account* the principles of the Treaty of Waitangi when exercising functions and powers under the Act.
- (20) Council works in partnership with Taranaki Whānui ki te Upoko o te Ika (Port Nicholson Block Settlement Trust), Wellington Tenth Trust, Palmerston North Māori Reserve Trust, Te Rūnanganui o Te Āti Awa ki Te Upoko o Te Ika a Māui Incorporated and Te Rūnanga o Toa Rangatira Incorporated to actively provide for and protect their interests and

develop provisions to recognise and provide opportunities for tangata whenua to exercise kaitiakitanga.

### 3.1.5 Other sections

(21)

Other relevant sections of the RMA include:

- *Section 11: Restrictions on subdivision of land* outlines the restrictions on subdivision of land.
- *Section 31: Functions of territorial authorities under this Act* outlines the functions of territorial authorities under the RMA. Section 31(2) specifically mentions the control of subdivision as a method to carry out any functions described under subsection (1).
- *Section 106: Consent authority may refuse subdivision consent in certain circumstances* outlines circumstances in which subdivision consent may be refused or granted subject to conditions (i.e. significant risk from natural hazards or lack of sufficient legal and physical access).
- *Sections 218 to 246 (in Part 10: Subdivision and reclamations)* are of particular relevance. They:
  - Provide a definition for subdivision of land (s218),
  - Outline process matters that must be followed for subdivision consents (s219 to s228), and
  - Outline the purpose of and requirements for esplanade reserves and esplanade strips (s229 to s237)
- *Schedule 3A: MDRS to be incorporated by specified territorial authorities* contains the subdivision requirements in relations to Medium Density Residential Standards as introduced by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.

## 3.2 National Policy Statements

(22)

Section 75(3) of the RMA requires district plans to give effect to any national policy statement and the New Zealand Coastal Policy Statement.

(23)

The following national policy statements are particularly relevant for subdivision.

### 3.2.1 National Policy Statement for Electricity Transmission

(24) The National Policy Statement for Electricity Transmission 2008 (NPS-ET) aims to enable the development of the electricity transmission network and the management of effects. It recognises the benefits and the importance of the national grid while managing adverse environmental effects of the network as well as potential reverse sensitivity effects on the network. The objective of the NPS-ET is:

*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:*

- *managing the adverse environmental effects of the network; and*
- *managing the adverse effects of other activities on the network.*

(25) The full wording of relevant provisions can be found in Appendix 1 to this report.

### 3.2.2 New Zealand Coastal Policy Statement

(26) Section 75(3)(b) of the RMA requires district plans to give effect to any New Zealand coastal policy statement.

(27) The New Zealand Coastal Policy Statement 2010 (NZCPS) sets out objectives and policies to achieve the purpose of the RMA in relation to the coastal environment. It contains objectives and policies with guidance relating to subdivision, use and development in the Coastal Environment in general (policy 7) and in relation to:

- The protection of the natural character of the coastal environment (policy 13),
- The protection of natural features and landscapes of the coastal environment (policy 15),

- The protection of historic heritage in the coastal environment (policy 17),
- The avoidance of sedimentation (policy 22), and
- the management of coastal hazard risk (policy 25).

in particular.

- (28) The full wording of relevant provisions can be found in Appendix 1 to this report.

### **3.2.3 National Policy Statement for Renewable Electricity Generation**

- (29) The National Policy Statement for Renewable Electricity Generation 2011 (NPS-REG) requires decision makers to recognise and provide for the benefits of renewable electricity generation. The objective of the NPS-REG is:

*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.*

- (30) The full wording of relevant provisions can be found in Appendix 1 to this report.

### **3.2.4 National Policy Statement on Freshwater Management**

- (31) The National Policy Statement on Freshwater Management 2020 (NPS-FM) directs regional councils to set objectives for the state of freshwater bodies in their regions and set limits to meet these objectives. The NPS-FM is relevant for consideration for the district plan in regard to the integrated management of land use and freshwater, particularly given the effects

development and subdivision can have on freshwater bodies. The objective of the NPS-FM is:

*to ensure that natural and physical resources are managed in a way that prioritises:*

- (a) first, the health and well-being of water bodies and freshwater ecosystems*
- (b) second, the health needs of people (such as drinking water)*
- (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*

(32) The full wording of relevant provisions can be found in Appendix 1 to this report.

### **3.2.5 National Policy Statement on Urban Development**

(33) The National Policy Statement on Urban Development 2020 (NPS-UD) aims to support well-functioning urban environments that enable all people and communities to provides for their social, economic and cultural wellbeing and for their health and safety now and into the future. It requires RMA plans to provide opportunities for land development to meet housing and business needs, supported by adequate development capacity. The full wording of relevant provisions can be found in Appendix 1 to this report.

### **3.2.6 National Policy Statement for Highly Productive Land**

(34) The National Policy Statement for Highly Productive Land 2022 (NPS-HPL) seeks to ensure the availability of New Zealand's most favourable soils for food and fibre production, now and for future generations, including the management of subdivision, use and development of this non-renewable resource. Subdivision of highly productive land must generally be avoided to protect the productive capacity of land now and for future generations.

The full wording of relevant provisions can be found in Appendix 1 to this report.

### **3.2.7 National Policy Statement for Indigenous Biodiversity**

- (35) The purpose of the National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB) is to provide direction to councils to protect, maintain and restore indigenous biodiversity requiring at least no further reduction nationally. The NPS-IB puts a strong focus on the involvement of tangata whenua as partners and on the engagement with people and communities, including landowners.
- (36) The NPS-IB directs territorial authorities to identify SNA using prescribed criteria and include identified areas in their District Plans (location, description of values and map). They must manage the effects of new subdivision, use and development on identified SNA and indigenous biodiversity in general. The prescribed management approach is to avoid a number of identified adverse effects, while any other adverse effects must be managed by applying the effects management hierarchy.
- (37) There are a number of exceptions to the management of effects above. In particular these relate to specified nationally or regionally significant infrastructure, significant mining and quarrying, SNA on specified Māori land, geothermal SNA and plantation forestry.
- (38) The NPS-IB also requires the management of any adverse effects of new subdivision, use and development on indigenous biodiversity outside of SNA. Any significant adverse effects must be managed applying the effects management hierarchy and any other adverse effects must be managed to give effect to the objective and policy of the NPS-IB. The full wording of relevant provisions can be found in Appendix 1 to this report.

## **3.3 National environmental standards**

- (39) National Environmental Standards (NES) are regulations made under s43 of the RMA, and effectively function like rules in a district or regional plan. The NES for Assessing and Managing Contaminants in Soil to Protect

Human Health (NES-CS) is the only one considered relevant for subdivision.

- (40) The NES-CS manages activities and disturbance of contaminated soils. It applies to certain activities, including subdivision, if proposed to be carried out on land that is contaminated or potentially contaminated.

### 3.4 National Planning Standards

- (41) Section 75(3)(ba) requires district plans to give effect to national planning standards.
- (42) The National Planning Standards definition of 'subdivision' defines it as having the same meaning as 'subdivision of land' in section 218 of the RMA.
- (43) The National Planning Standards also include relevant definitions for 'allotment', 'boundary adjustment' and 'site'.
- (44) The National Planning Standards state that subdivision provisions must be located in one or more chapters under the Subdivision heading.

Topic & unique identifier	Location in DP structure	Elements included under that topic	Elements addressed under other topic areas
Subdivision SUB	Part 2 – District-Wide Matters  Subdivision	Any technical subdivision requirements from Part 10 of the RMA. Material incorporated by reference, such as Codes of Practice, under Part 3 of Schedule 1 of the RMA Cross references to any relevant provisions under the Energy, Infrastructure and Transport heading.	Subdivision provisions relating to Energy, Infrastructure and Transport are located in the relevant chapter.

### 3.5 Regional Policy Statement for the Wellington Region

- (45) Section 75(3)(c) of the RMA requires district plans to give effect to any regional policy statement.

- (46) The Regional Policy Statement for the Wellington Region (RPS) identifies the significant resource management issues for the region and outlines the policies and methods required to achieve the integrated sustainable management of the region's natural and physical resources.
- (47) The relevant objectives and policies of the RPS for subdivision are identified below. The full wording of relevant provisions below is attached as Appendix 2 to this report.

<b>Regional Policy Statement for the Wellington Region</b>	
<b>Section 3.2 Coastal Environment</b>	
<b>Objective 3</b>	<i>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.</i>
<b>Objective 4</b>	<i>The natural character of the coastal environment is protected from the adverse effects of inappropriate subdivision, use and development.</i>
<b>Objective 7</b>	<i>The integrity, functioning and resilience of physical and ecological processes in the coastal environment are protected from the adverse effects of inappropriate subdivision, use and development.</i>
<b>Objective 8</b>	<i>Public access to and along the coastal marine area, lakes and rivers is enhanced.</i>
<b>Policy 3</b>	<i>Protecting high natural character in the coastal environment</i>
<b>Policy 22</b>	<i>Protecting historic heritage value</i>
<b>Policy 24</b>	<i>Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values</i>
<b>Policy 26</b>	<i>Protecting outstanding natural features and landscape values</i>
<b>Policy 35</b>	<i>Preserving the natural character of the coastal environment</i>
<b>Policy 53</b>	<i>Public access to and along the coastal marine area, lakes, and rivers</i>



<b>Section 3.3 Energy, infrastructure and waste</b>	
<b>Objective 10</b>	<i>The social, economic, cultural and environmental, benefits of regionally significant infrastructure are recognised and protected.</i>
<b>Policy 8</b>	<i>Protecting regionally significant infrastructure</i>
<b>Policy 39</b>	<i>Recognising the benefits from renewable energy and regionally significant infrastructure</i>
<b>Policy 57</b>	<i>Integrating land use and transportation</i>
<b>Section 3.4 Freshwater (including public access)</b>	
<b>Objective 8</b>	<i>Public access to and along the coastal marine area, lakes and rivers is enhanced.</i>
<b>Policy 45</b>	<i>Using water efficiently</i>
<b>Policy 53</b>	<i>Public access to and along the coastal marine area, lakes and rivers</i>
<b>Section 3.5 Historic Heritage</b>	
<b>Objective 15</b>	<i>Historic heritage is identified and protected from inappropriate modification, use and development.</i>
<b>Policy 22</b>	<i>Protecting historic heritage values</i>
<b>Policy 46</b>	<i>Managing effects on historic heritage values</i>
<b>Section 3.6 Indigenous Ecosystems</b>	
<b>Objective 16</b>	<i>Indigenous ecosystems and habitats with significant biodiversity values are maintained and restored to a healthy functioning state.</i>
<b>Policy 24</b>	<i>Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values</i>
<b>Section 3.7 Landscape</b>	
<b>Objective 17</b>	<i>The region's outstanding natural features and landscapes are identified and their landscape values protected from inappropriate subdivision, use and development.</i>

<b>Objective 18</b>	<i>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.</i>
<b>Policy 26</b>	<i>Protecting outstanding natural features and landscape values</i>
<b>Policy 28</b>	<i>Managing special amenity landscape values</i>
<b>Policy 50</b>	<i>Managing effects on outstanding natural features and landscapes</i>
<b>Section 3.8 Natural Hazards</b>	
<b>Objective 19</b>	<i>The risks and consequences to people, communities, their businesses, property and infrastructure from natural hazards and climate change effects are reduced.</i>
<b>Objective 21</b>	<i>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.</i>
<b>Policy 29</b>	<i>Avoiding inappropriate subdivision and development in areas at high risk from natural hazards</i>
<b>Policy 51</b>	<i>Minimising the risks and consequences of natural hazards</i>
<b>Policy 52</b>	<i>Minimising adverse effects of hazard mitigation measures</i>
<b>Section 3.9 Regional Form, Design, and Function</b>	
<b>Objective 22</b>	<i>A compact well designed and sustainable regional form that has an integrated, safe and responsive transport network ...</i>
<b>Objective 22A</b>	<i>To achieve sufficient development capacity to meet expected housing demand in the short-medium and long term in any tier 1 urban environment within the Wellington Region, the housing bottom lines in Table 9A are to be met or exceeded in the short-medium and long term in the tier 1 urban environment.</i>
<b>Policy 31</b>	<i>Identifying and promoting higher density and mixed use development</i>
<b>Policy 55</b>	<i>Maintaining a compact, well designed and sustainable regional form</i>
<b>Policy 56</b>	<i>Managing development in rural areas</i>

<b>Policy 57</b>	<i>Integrating land use and transportation</i>
<b>Policy 58</b>	<i>Co-ordinating land use with development and operation of infrastructure</i>
<b>Section 3.10 Resource Management with Tangata Whenua</b>	
<b>Objective 24</b>	<i>The principles of Te Tiriti o Waitangi are taken into account in a systematic way when resource management decisions are made.</i>
<b>Objective 28</b>	<i>The cultural relationship of Māori with their ancestral lands, water, sites, wāhi tapu and other taonga is maintained.</i>
<b>Policy 49</b>	<i>Recognising and providing for matters of significance to tangata whenua</i>

### 3.5.1 Proposed RPS Change 1

- (48) On 19 August 2022, Greater Wellington Regional Council notified Proposed RPS Change 1. The Regional Council notified its decisions on the proposed change in October 2024. As of the writing of this report, these decisions are subject to potential appeals.
- (49) The table below lists the sections subject to change which are relevant for the Subdivision chapter, based on the notified version of RPS Change 1. The full wording of relevant provisions below is attached as Appendix 2 to this report.

<b>Proposed RPS Change 1</b>	
<b>Section 3.1A Climate Change</b>	
<b>Objective CC.4</b>	<i>Nature-based solutions are an integral part of climate change mitigation and adaptation, improving the health and resilience of people, biodiversity, and the natural environment.</i>
<b>Policy CC.1</b>	<i>Reducing greenhouse gas emissions associated with transport infrastructure – district and regional plans</i>
<b>Policy CC.2</b>	<i>Travel demand management plans – district plans</i>
<b>Policy CC.4</b>	<i>Climate resilient urban areas – district and regional plans</i>
<b>Policy CC.9</b>	<i>Reducing greenhouse gas emissions associated with transport infrastructure – consideration</i>

<b>Policy CC.14</b>	<i>Climate-resilient urban areas – consideration</i>
<b>Section 3.2 Coastal Environment</b>	
<b>Objective 3</b>	<i>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.</i>
<b>Policy 3</b>	<i>Protecting high natural character in the coastal environment</i>
<b>Policy 24</b>	<i>Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans</i>
<b>Section 3.3 Energy, infrastructure and waste</b>	
<b>Policy 39</b>	<i>Recognising the benefits from renewable energy and regionally significant infrastructure</i>
<b>Policy 57</b>	<i>Integrating land use and transportation – consideration</i>
<b>Section 3.4 Freshwater (including public access)</b>	
<b>Objective 12</b>	<i>Natural and physical resources of the region are managed in a way that prioritises: (a) first, the health and well-being of water bodies and freshwater ecosystems (b) second, the health needs of people (such as drinking water) (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future; and Te Mana o te Wai encompasses six principles relating to the roles of tangata whenua and other New Zealanders in the management of freshwater, and these principles inform this RPS and its implementation ...</i>
<b>Policy FW.3</b>	<i>Urban development effects on freshwater and the coastal marine area – district plans</i>
<b>Policy FW.5</b>	<i>Water supply planning for climate change and urban development – consideration</i>
<b>Section 3.6 Indigenous Ecosystems</b>	

<b>Objective 16</b>	<i>Indigenous ecosystems and habitats with significant ecosystem functions and services and/or biodiversity values are protected, enhanced, and restored to a healthy functioning state.</i>
<b>Objective 16A</b>	<i>The region's indigenous ecosystems are maintained, enhanced, and restored to a healthy functioning state, improving their resilience to increasing environmental pressures, particularly climate change, and giving effect to Te Rito o te Harakeke.</i>
<b>Policy 24</b>	<i>Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans</i>
<b>Section 3.8 Natural Hazards</b>	
<b>Objective 19</b>	<i>The risks and consequences to people, communities, business, property, infrastructure and the environment from natural hazards and the effects of climate change are minimised.</i>
<b>Objective 21</b>	<i>The resilience of our communities and the natural environment to the short, medium, and long-term effects of climate change, and sea level rise is strengthened, and people are better prepared for the consequences of natural hazard events.</i>
<b>Policy 29</b>	<i>Managing subdivision, use and development in areas at risk from natural hazards – district and regional plans</i>
<b>Policy 51</b>	<i>Minimising the risks and consequences of natural hazards</i>
<b>Policy 52</b>	<i>Minimising adverse effects of hazard mitigation measures – consideration</i>
<b>Section 3.9 Regional Form, Design, and Function</b>	
<b>Objective 22</b>	<i>Urban development, including housing and infrastructure, is enabled where it demonstrates the characteristics and qualities of well-functioning urban environments ...</i>
<b>Objective 22B</b>	<i>Development in the Wellington Region's rural area is strategically planned and impacts on significant values and features identified in this RPS are managed effectively.</i>
<b>Policy 31</b>	<i>Identifying and enabling a range of building heights and density – district plans</i>
<b>Policy 32</b>	<i>Identifying and protecting key industrial-based employment locations – district plans</i>

<b>Policy 55</b>	<i>Providing for appropriate urban expansion – consideration</i>
<b>Policy 56</b>	<i>Managing development in rural areas – consideration</i>
<b>Policy 57</b>	<i>Integrating land use and transportation – consideration</i>
<b>Policy 58</b>	<i>Co-ordinating land use with development and operation of infrastructure – consideration</i>
<b>Policy UD.3</b>	<i>Responsive planning to developments that provide for significant development capacity – consideration</i>

### 3.6 Natural Resources Plan for the Wellington Region

- (50) Section 75(4)(b) of the RMA requires district plans to not be inconsistent with a regional plan for any matter specified in section 30(1) of the Act (regarding functions of regional councils under the Act).
- (51) The Natural Resources Plan (NRP) contains several objectives, policies and rules relating to subdivision within historic, cultural, natural environment, coastal environment and natural hazard overlays, natural character, infrastructure and renewable energy. These are addressed within the summary s32 assessments for the respective chapters. The other most relevant objectives and policies for subdivision are listed below. The full wording of relevant provisions below is attached as Appendix 2 to this report.

<b>Natural Resources Plan for the Wellington Region</b>	
<b><i>Ki uta ki tai: mountains to the sea</i></b>	
<i>Objective O1</i>	<i>Air, land, fresh water bodies and the coastal marine area are managed as integrated and connected resources; ki uta ki tai – mountains to the sea.</i>
<i>Objective O2</i>	<i>The importance and contribution of air, land, water and ecosystems to the social, economic and cultural well-being and health of people and the community are recognised in the management of those resources.</i>

Objective O3	<i>Mauri particularly the mauri of fresh and coastal waters is sustained and, where it has been depleted, natural resources and processes are enhanced to replenish mauri.</i>
<b>Beneficial use and development</b>	
Objective O7	<i>The recreational values of the coastal marine area, rivers and lakes and their margins and natural wetlands are maintained and where appropriate for recreational purposes, is enhanced.</i>
Objective O8	<i>Public access to and along the coastal marine area and rivers and lakes is maintained and enhanced, other than in exceptional circumstances, in which case alternative access is provided where practicable.</i>
<b>Policies</b>	
Policy P1	<i>Ki uta ki tai and integrated catchment management</i>
Policy P8	<i>Public access to and along the coastal marine area and the beds of lakes and rivers</i>
Policy P9	<i>Contact recreation and Māori customary use</i>
Policy P20	<i>Māori values</i>
Policy P83	<i>Minimising adverse effects of stormwater discharges</i>
Policy P84	<i>Managing land use impacts on stormwater</i>

### 3.6.1 Proposed NRP Change 1

- (52) On 30 October 2023 Greater Wellington Regional Council notified Proposed Change 1 to the Natural Resources Plan.
- (53) The purpose of Proposed NRP Change 1 is the implementation of regulatory and non-regulatory recommendations from the Te Awarua-o-Porirua and Te Whanganui-a-Tara Implementation Programmes. It also includes other regulatory amendments relating to air quality rules and beds of lakes and rivers rules and new sites with significant biodiversity values.
- (54) The most relevant amendments and additions of Proposed NRP Change 1 are listed below. The full wording of relevant provisions below is attached as Appendix 2 to this report.

<b>Proposed NRP Change 1</b>	
<b>Policy P36</b>	Restoring Te Awarua-o-Porirua Harbour, Wellington Harbour (Port Nicholson) and Wairarapa Moana
<b>8 Whaitua Te Whanganui-a-Tara</b>	
<b>Objective WH.01</b>	<u>The health of all freshwater bodies and the coastal marine area within Whaitua Te Whanganui-a-Tara is progressively improved and is wai ora by 2100.</u>
<b>Objective WH.02</b>	<u>The health and wellbeing of Te Whanganui-a-Tara's groundwater, rivers and natural wetlands and their margins are on a trajectory of measurable improvement towards wai ora, ...</u>
<b>Objective WH.03</b>	<u>The health and wellbeing of coastal water quality, ecosystems and habitats in Te Whanganui-a-Tara is maintained or improved to achieve the coastal water objectives set out in Table 8.1, ...</u>
<b>Objective WH.05</b>	<u>By 2040 the health and wellbeing of the Parangarahu Lakes and associated natural wetlands are on a trajectory of improvement towards wai ora, ...</u>
<b>Objective WH.09</b>	<u>Water quality, habitats, water quantity and ecological processes of rivers are maintained or improved ...</u>
<b>8.2.1 Ecosystem health and water quality</b>	
<b>Policy WH.P2</b>	<u>Management of activities to achieve target attribute states and coastal water objectives</u>
<b>8.2.2 Stormwater</b>	
<b>Policy WH.P10</b>	<u>Managing adverse effects of stormwater discharges</u>
<b>Policy WH.P14</b>	<u>Stormwater discharges from new and redeveloped impervious surfaces</u>
<b>Policy WH.P15</b>	<u>Stormwater contaminant offsetting for new greenfield development</u>
<b>Policy WH.P16</b>	<u>Stormwater discharges from new unplanned greenfield development</u>
<b>Policy WH.P19</b>	<u>Managing wastewater network catchment discharges</u>
<b>8.2.4 Rural land use and earthworks</b>	



<b><u>Policy WH.P29</u></b>	<u>Management of earthworks</u>
<b><u>Policy WH.P30</u></b>	<u>Discharge standard for earthworks</u>
<b><u>Policy WH.P31</u></b>	<u>Winter shut down of earthworks</u>

### 3.7 Iwi management plans

- (55) Section 74(2A) requires territorial authorities, when preparing or changing a district plan, to take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.
- (56) However, no Iwi Management Plans have been lodged with Hutt City Council.

### 3.8 Hutt City Council plans, policies, and strategies

- (57) Section 74(2)(b)(i) of the RMA requires that when preparing or changing a District Plan, a territorial authority shall have regard to any management plans and strategies prepared under other Acts.
- (58) In addition, there are other plans, policies and strategies of Council that, while not directly prepared under a specific Act, should be considered as part of the District Plan Review as they set Council's intentions on some matters that need to be addressed through the District Plan Review.
- (59) The following Council plans, policies and strategies are relevant for subdivision.

<b>Plan / Policy / Strategy</b>	<b>Relevant Provisions</b>
Urban Growth Strategy 2014	The Urban Growth Strategy was published in 2014 and is aimed at the 2012-2032 period.  This strategy was produced prior to the National Policy Statement on Urban Development 2020 and the Resource Management

	<p>(Enabling Housing Supply and Other Matters) Amendment Act 2021.</p> <p>The strategy focuses on the built environment and how this will change over time, including the amount of growth and where this growth can be accommodated. Subdivisions enable new developments and the relevant provisions/actions included in the strategy are summarised below. It is noted that since the publication of the strategy, some of the provisions/actions have been explored or undertaken.</p> <p><u>Greenfield Developments</u></p> <ul style="list-style-type: none"> <li>• Providing for residential developments at a number of sites including Upper Fitzherbert area above Wise Street, Upper Kelson.</li> <li>• Providing for rural/residential development in Normandale and Moores Valley.</li> <li>• Allowing development of smaller lifestyle sections of 5,000m<sup>2</sup>, and investigate reducing frontage and driveway requirements.</li> <li>• Allowing 1ha lots across the remaining rural residential areas in the city.</li> </ul> <p><u>Intensification</u></p> <ul style="list-style-type: none"> <li>• Provide for targeted infill intensification in Waterloo and Epuni.</li> <li>• Provide for low-rise apartment developments in key locations in the city.</li> <li>• Provide for targeted multi-unit developments rather than reducing lot sizes across the board.</li> <li>• The strategy noted that “the potential for infill to provide all of the land for additional growth is limited by the range of sections available, District Plan requirements, and the economic feasibility of construction given the surrounding property prices”, with the reference to District Plan requirements possibly referring to minimum lot size requirements.</li> </ul> <p><u>Other matters</u></p> <ul style="list-style-type: none"> <li>• Investigate the feasibility of development in the Shaftesbury Grove area in Stokes Valley.</li> <li>• Investigate the feasibility of low-rise apartments in the Eastbourne Village.</li> </ul>
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	<ul style="list-style-type: none"> <li>• Investigate the possibility of providing for rural residential development on rural land around Pencarrow, Coast Rd and other areas of these types.</li> <li>• Potential for development in current commercial areas of Wainuiomata.</li> </ul>
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### 3.9 District plans of adjacent territorial authorities

- (60) Section 74(2)(c) of the RMA requires territorial authorities, when preparing or changing a district plan, to have regard to the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.
- (61) The relevance of the district plans of these adjacent councils are summarised below.

Plan	Brief Summary
<p><b>Wellington Proposed District Plan (operative in part)</b></p>	<ul style="list-style-type: none"> <li>• Proposed District Plan notified on 18 July 2022.</li> <li>• Decisions on the IPI portion of the PDP were largely approved by Council on 14 March 2024 notified on 5 April 2024. Ministerial decisions on outstanding matters were announced on 08 May 2024.</li> <li>• Subdivision chapter is partially operative.</li> <li>• Two objectives relating to ‘Efficient pattern of development’ and ‘Esplanades’.</li> <li>• Overall 28 policies: <ul style="list-style-type: none"> <li>○ Ten policies categorised as relevant for all subdivision</li> <li>○ Five policies relevant for Historical and Cultural Values</li> <li>○ Six policies relating to Natural Environment Values</li> <li>○ Five policies relevant for the Coastal Environment</li> <li>○ Two policies relating to Natural Hazards</li> </ul> </li> <li>• Overall 31 rules <ul style="list-style-type: none"> <li>○ Five rules applying to all subdivision</li> <li>○ Five rules regulating subdivision in Historical and Cultural overlays</li> <li>○ Seven rules managing subdivision in Natural Environment and Coastal Environment overlays</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ Ten rules regulating subdivision in Natural and Coastal Hazard overlays</li> <li>○ Three rules managing subdivision in other overlays</li> <li>○ One catch all rule covering any other subdivision</li> <li>• Seven Standards regulating Access, Water Supply, Wastewater Disposal, Stormwater Management., Telecommunications and Power Supply, Number, Size and Shape of Allotments and Esplanade Reserves and Esplanade Strips</li> </ul>
<p><b>Porirua Proposed District Plan (decisions version – operative in part)</b></p>	<ul style="list-style-type: none"> <li>• Proposed District Plan notified on 28 August 2020.</li> <li>• Decision notified in December 2023.</li> <li>• Subdivision chapter is partially operative.</li> <li>• Four objectives relating to: <ul style="list-style-type: none"> <li>○ Subdivision Design</li> <li>○ Servicing of Allotments</li> <li>○ Esplanade reserves and Esplanade Strips</li> <li>○ Future Urban Zone</li> </ul> </li> <li>• Overall 12 policies: <ul style="list-style-type: none"> <li>○ Five policies relating to subdivision in general</li> <li>○ Five policies specific to zones</li> <li>○ Two policies relating to subdivision for infrastructure and Esplanade Strips and Reserves</li> <li>○ Subdivision policies relating to overlays are located in the relevant overlay chapters</li> </ul> </li> <li>• Overall 16 rules <ul style="list-style-type: none"> <li>○ Five general rules applying to subdivision</li> <li>○ Eleven specific rules relating to subdivision in Overlays and the Coastal Environment</li> </ul> </li> <li>• Eight Standards regulating Minimum allotment size and shape, Access, Roads; Water supply, Wastewater disposal, Stormwater management, Telecommunications and power supply, Esplanade Reserve.</li> </ul>
<p><b>Upper Hutt District Plan</b></p>	<ul style="list-style-type: none"> <li>• Subject to a rolling review</li> <li>• IPI became operative in December 2023 and introduced changes to Subdivision chapters.</li> <li>• Contains a Subdivision (SUB) Heading with various sub-chapters: <ul style="list-style-type: none"> <li>○ SUB-GEN - General Subdivision Provisions that Apply in All Zones</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ SUB-RES – Subdivision in the General Residential Zone</li> <li>○ SUB-HRZ – Subdivision in the High Density Residential Zone</li> <li>○ SUB-CMU – Subdivision in Commercial and Mixed Use Zones</li> <li>○ SUB-RUR – Subdivision in Rural Zones</li> <li>○ SUB-IND – Subdivision in Industrial Zones</li> <li>○ SUB-OSZ – Subdivision in the Open Space Zone</li> <li>○ SUB-SAZ – Subdivision in the Special Activity Zone</li> <li>○ SUB-DEV1 – Subdivision in Development Area 1</li> <li>○ SUB-DEV3 – Subdivision in Development Area 3</li> <li>○ FC – Financial Contributions</li> </ul>
<p><b>Kāpiti Coast District Plan</b></p>	<ul style="list-style-type: none"> <li>● IPI (PC2) became fully operative in November 2023 and introduced changes to the subdivision provisions.</li> <li>● Contains a Subdivision heading with various sub-chapters: <ul style="list-style-type: none"> <li>○ SUB-DW – District Wide Subdivision Matters</li> <li>○ SUB-RES – Subdivision in Residential Zones</li> <li>○ SUB-WORK – Subdivision in Working Zones</li> <li>○ SUB-RUR – Subdivision in Rural Zones</li> <li>○ SUB- OS – Subdivision in Open Space Zones</li> <li>○ SUB-DEV1 – Subdivision in the Ngārara Development Area</li> <li>○ SUB-DEV2 – Subdivision in the Waikanae North Development Area</li> </ul> </li> </ul>
<p><b>South Wairarapa Proposed District Plan</b></p>	<ul style="list-style-type: none"> <li>● Proposed District Plan notified on 11 October 2023.</li> <li>● Subdivision chapter contains three objectives relating to ‘Subdivision and development design’, ‘Servicing’ and ‘Future development’.</li> <li>● Overall eight policies: <ul style="list-style-type: none"> <li>○ Creation and design of allotments</li> <li>○ Provide integrated infrastructure at subdivision</li> <li>○ Subdivision containing natural features or sites or items with significant values</li> <li>○ Subdivision in areas with significant risks from natural hazards</li> <li>○ Rural character and amenity values of subdivision in the General Rural Zone</li> <li>○ Avoid inappropriate subdivision in the General Rural Zone</li> <li>○ Subdivision in the Future Urban Zone</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ Subdivision of highly productive land</li> <li>• Overall 14 rules covering general subdivision, subdivision for specific purposes and subdivision in overlays.</li> <li>• Ten standards regulating Minimum allotment size, Building platforms, Drinking water supply, Wastewater disposal, Stormwater management, Network utility services, Transport, access, and connectivity, Esplanade reserves, esplanade strips, and access strips, Financial contributions and Firefighting water supply.</li> </ul>
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### 3.10 Other statutory and non-statutory plan, policies, and strategies

- (62) In addition to Hutt City Council’s plans, policies and strategies (discussed above), there are regional and national plans, policies and strategies that, while not mandatory considerations for the District Plan Review, should still be considered as they form part of the management regime for natural and physical resources in the district, and considering these documents can aid integrated management.
- (63) The following other statutory and non-statutory plans, policies and strategies are relevant for subdivision.

Plan / Policy / Strategy	Relevance
<b>NZS 4404:2010 Land development and subdivision infrastructure - Standards New Zealand</b>	This standard provides criteria for design and construction of land development and subdivision infrastructure, addressing a range of topics including requirements for earthworks, geotechnical needs, roads, stormwater, wastewater, water supply, landscaping and network utilities. It is applicable for greenfield, infill and brownfield redevelopments.
<b>Regional Standard for Water Services December 2021</b>	The Regional Standard for Water Services introduces regionally consistent methods for the design and implementation of stormwater, wastewater, and water supply services to ensure safe and healthy water and resilient networks support our economy while being respectful of the environment.  The standards are relevant for the design and construction of proposed three waters infrastructure that will be vested in

	council, and also apply to the maintenance, renewal, upgrade or decommissioning of existing public infrastructure.
<b>Regional Specification for Water Services December 2021</b>	The Regional Specification for Water Services contains the minimum technical specifications for the materials, construction, installation, testing and commissioning of the stormwater, wastewater and water supply networks.
<b>Water Sensitive Design for stormwater: Treatment Device Design Guideline December 2019</b>	<p>The guideline is focused on delivering water quality outcomes through localising national and international Water Sensitive Design best practice to the Wellington region. The guideline covers four types of Water Sensitive Design stormwater treatment devices (also known as green infrastructure):</p> <ul style="list-style-type: none"> <li>• Constructed wetlands,</li> <li>• Bioretention (raingardens),</li> <li>• Vegetated swales, and</li> <li>• Pervious paving.</li> </ul> <p>This guideline provides the requirements for the design of stormwater treatment devices where these devices are going to be vested with councils and become publicly owned assets. It also provides best practice guidance for the design of stormwater treatment devices where devices are to remain privately owned.</p>

### 3.11 Other legislation or regulations

(64) In addition to the RMA, other legislation and regulations can be relevant considerations for a district plan, particularly where management of an issue is addressed through multiple pieces of legislation and regulatory bodies.

(65) The following other legislation and regulations are relevant for subdivision.

<b>Legislation</b>	<b>Relevance</b>
<b>Reserves Act 1977</b>	Section 3 of the Reserves Act 1977 sets out three main functions as part of the Act's general purpose which includes "the preservation of access for the public to the coastline, islands, lakeshore and riverbanks and to encourage the protection and preservation of the natural character of these areas." The Reserves Act requires the preparation of reserve management plans which govern in a detailed manner what can and cannot be carried out in the City's reserves. While the Reserves Act ultimately determines the types of

	<p>uses appropriate for reserve areas that are classified under the Act, the RMA governs environmental policy and management, minimising the adverse effects of use and development, which can include subdivision and/or vesting land as reserve land.</p>
<p><b>Te Ture Whenua Māori Act 1993</b></p>	<p>The Te Ture Whenua Māori Act 1993 sets out the laws relating to Māori land in accordance with its preamble, as summarised below:</p> <ul style="list-style-type: none"> <li>• Recognise land is a taonga to Māori</li> <li>• Promote the retention of that land in the hands of its owners / whānau / hapū</li> <li>• Protect wāhi tapu</li> <li>• Facilitate the occupation, development and utilisation of that land for the benefit of its owners / whānau / hapū</li> </ul> <p>The Te Ture Whenua Māori Act covers the partition of Māori land (Part 14) into parcels for various purposes, the equivalent of subdivision of general land. The partitioning of Māori land is exempt from the subdivision process under the RMA and must be undertaken through the Māori Land Court under Te Ture Whenua Māori Act.</p>
<p><b>Land Transfer Act 2017</b></p>	<p>The Land Transfer Act 2017 governs how land ownership is registered in New Zealand.</p> <p>The Land Transfer Act maintains the Torrens system of land title in New Zealand, providing a register of land that describes and records the ownership of estates and interests in land, and facilitates the transfer and vesting of dealings with estates and interests in land.</p> <p>It sets out a Registrar that is required to hold records of title in a register for freehold estates, leasehold estates and stratum estates, and provides a unique identifier for the record of title. The register can amalgamate or separate records of title.</p> <p>The Land Transfer Act covers registration of leases of title, as well as registering a mortgage of an estate or interest in land. Easements and covenants created under the Property Law Act and their registration on records of title are also managed in the Land Transfer Act, as well as the merging, variation to or extinguishing easements or covenants already registered. Access strips on titles are also covered under the Land Transfer Act.</p>
<p><b>Unit Titles Act 2010</b></p>	<p>The Unit Titles Act 2010 governs, amongst other things, the creation and dealings of unit title developments, cancellation of unit plans, conversion of existing schemes.</p> <p>The Unit Titles Act provides a legal framework for the ownership and management of land and associated buildings / facilities by</p>



	<p>communities of individual owners. In particular, the Unit Titles Act allows for the subdivision of land and buildings into unit title developments, comprising units that are owned in stratum estate in freehold / stratum estate in leasehold, and common property that is owned by the body corporate on behalf of the unit owners. The Unit Titles Act also creates bodies corporate to operate and manage unit title developments and creates a regime for the governance of unit title developments.</p>
<p><b>Local Government Act 1974</b></p>	<p>Section 348 of the Local Government Act 1974 (Powers of council with respect to private roads and private ways) is relevant to this topic. Under this section the council may require the owner of land to enter into a bond to comply with any conditions imposed in relation to forming any private road or private way. The bond is considered an instrument that creates an interest in each parcel of land to which the conditions apply and is then registered with the title under section 51 of the Land Transfer Act.</p>
<p><b>Building Act 2004</b></p>	<p>The Building Act 2004 has limited applicability to subdivisions. However, section 75 and 76 of the Building Act 2004 do not allow for individual titles to be sold if a building straddles two titles.</p>

# 4 Resource management issues

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## 4.1 Introduction to resource management issues

- (66) Subdivision is the process of dividing a site or building into one or more additional sites or units or changing the location of an existing boundary. Subdivisions can range in scale from two-lot infill subdivisions through to the creation of new suburbs, with numerous properties. 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. This impacts on how people and communities provide for their social, economic and cultural wellbeing. Subdivision can also affect the natural and physical environment and introduce long-term development patterns that cannot be changed easily. While subdivision itself has a minor impact on land, the creation of new parcels of land is generally accompanied by expectations for associated land use and development.
- (67) The RMA is the primary piece of legislation that manages subdivision and its resulting impacts on the environment. The relevant sections of the RMA are set out earlier.
- (68) Given the requirements under the Act, most subdivisions are required to go through a resource consent process to allow for the relevant effects to be assessed and to allow for conditions to be imposed on the consent to address the resulting effects. Due to the impact of subdivision on natural values, there are often more restrictive provisions in the environmental overlays to protect the identified values.

## 4.2 Evidence base

- (69) The development of the proposed District Plan has included a review of the operative District Plan, commissioning of technical advice and assistance from various internal and external experts and utilised this review and expert advice, along with internal workshops and community feedback, to assist with developing the proposed District Plan, including for the identification of resource management issues.
- (70) Key aspects for subdivision have included an evaluation of the review of the approach of the operative District Plan, reviews of district plans of other councils in the Wellington region, a review of relevant guidance documents, and engagement.

### 4.2.1 Existing approach of City of Lower Hutt District Plan

- (71) The operative District Plan includes a Subdivision chapter (Chapter 11) that contains the relevant objectives, policies and rules for the management of subdivision in Hutt City. Further references to the management of effects from Subdivision are contained in several other chapters of the operative District Plan.

#### Chapter 11: Subdivision

- (72) The key provisions in the operative District Plan relating to subdivision are summarised below.

Operative District Plan – Chapter 11: Subdivision	
<b>Chapter 11: Subdivision</b>	<b>Issues, Objectives, Policies and Explanation and Reasons</b> The Subdivision chapter identifies issues, objectives, policies and explanation and reasons for the following topics: <ul style="list-style-type: none"><li>• Allotment Standards;</li><li>• Engineering Standards;</li><li>• Natural Hazards (Faultline, Flooding, Slope Instability);</li><li>• Special Areas (Coastal Environment and Areas of Ecological Value);</li><li>• General Rural and Rural Residential Activity Areas; and</li></ul>

## Operative District Plan – Chapter 11: Subdivision

- Retail Leasing.

### **Permitted Activities**

The only permitted subdivision activities are:

- Minor boundary adjustments; and
- Subdivision of existing retail premises by way of leasing in commercial activity areas.

### **Controlled Activities**

Subdivision is a controlled activity in most activity areas, subject to compliance with standards and terms relating to:

- Allotment Design (by Activity Area), generally relating to:
  - Minimum size of allotment;
  - Minimum frontage; and
  - Shape factor.
- Engineering Design
  - Access
  - Service Lanes, Private Ways, Pedestrian Accessways and Walkways
  - Street Lighting
  - Stormwater
  - Wastewater
  - Water Supply
  - Telecommunications and Electricity
  - Earthworks
- Contamination
- Esplanade Reserves, Strips and Access Strips
- Earthworks
- Other Provisions

The chapter then identifies a list of matters of control and assessment criteria.

### **Restricted Discretionary Activities**

- Where a subdivision does not comply with the controlled activity standards for engineering design, contamination and earthworks it becomes a restricted discretionary activity.
- Subdivision within a National Grid Corridor is a restricted discretionary activity where it complies with the standards and terms for controlled activities and building platforms can be located outside the National Grid Yard.

## Operative District Plan – Chapter 11: Subdivision

- Any subdivision located within close proximity to consented and existing renewable energy generation activities is also a restricted discretionary activity.
- The chapter then identifies matters of discretion for each of the identified restricted discretionary activities.

### **Discretionary Activities**

- Subdivision in certain activity areas (Avalon Business AA, Special Commercial AA 1 and 2, Special Commercial AA 1 and 2; Rural Residential Activity Area - Liverton Road; Historic Residential AA; General Recreation AA, Special Recreation AA, River Recreation AA, Passive Recreation AA, Extraction AA, Community Health AA) has a discretionary activity starting point.
- Subdivision within the identified coastal environment and subdivision that does not comply with the controlled activity standards for Allotment Design, Esplanade Reserves, Strips and Access Strips or Other Provisions are also identified as discretionary activities.
- Any subdivision that is not otherwise listed in the chapter is also a restricted discretionary activity.

### **Non-Complying Activities**

- Any subdivision within the National Grid Corridor that does not comply with the relevant standards and terms is a non-complying activity.

(73) Overall, the subdivision provisions of the operative District Plan provide a functioning and well-tested framework with reasonably comprehensive policy support. The main issues are a lack of policy guidance for Esplanade requirements, the lack of rules and standards regulating subdivision in areas with identified values or constraints and the number of site-specific appendices and provisions. The reference to and requirement for subdivision to comply with earthworks standards at the subdivision stage rather than as a separate land use consent is unusual.

(74) The Subdivision chapter of the operative District Plan was updated by Plan Change 56 to reflect the requirements of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. However, these amendments did not include a comprehensive review of the chapter.

## **Site-specific provisions and subdivision appendices**

- (75) The Subdivision chapter of the operative District Plan contains nine appendices that identify scheduled sites and areas with site-specific provisions.
- (76) The site-specific provisions have been reviewed in detail. The majority of issues addressed by site specific provisions have either been addressed by previous consents or will be addressed through the comprehensive framework of the Proposed District Plan.
- (77) A detailed assessment of the site-specific appendices is attached as Appendix 4 to this report.

## **4.2.2 Analysis of other District Plans**

- (78) The approaches of the district plans of other territorial authorities in the Wellington region are outlined in section 3.9 above.
- (79) In summary, all district plans in the Wellington region contain a Subdivision chapter. The most recently notified proposed district plans, being for Wellington, Porirua and Wairarapa all share a very similar structure and format with provisions that apply to all subdivision policies and rules grouped into general subdivision and specific subdivision provisions that apply only in specific zones and overlays or to subdivision for a specific purpose.
- (80) The Upper Hutt District Plan and the Kāpiti Coast District Plan share a similar approach but apply a different format. Both plans contain various sub-chapters under a Subdivision heading. These sub-chapters address and manage district-wide subdivision in general and subdivision in different zones and development areas.

## **4.2.3 National guidance documents**

- (81) The following national guidance documents are considered relevant to this topic.

Document	Relevant Provisions
<p><b>New Zealand Urban Design Protocol (2005)</b></p>	<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:</p> <ul style="list-style-type: none"> <li>• creation of a national cross-sector commitment to good design;</li> <li>• providing a national resource of tools, actions and experiences;</li> <li>• setting up partnerships between public, private, government and professional sectors; and</li> <li>• increasing awareness about quality urban design and its value.</li> </ul> <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: seeing buildings, places and spaces as part of whole towns and cities.</li> <li>• Character: reflecting and enhancing the distinctive character, heritage and identity of our urban environment.</li> <li>• Choice: ensuring diversity and choice for people.</li> <li>• Connections: enhancing how different networks link together for people.</li> <li>• Creativity: encouraging innovative and imaginative solutions.</li> <li>• Custodianship: ensuring design is environmentally sustainable, safe and healthy.</li> <li>• Collaboration: communicating and sharing knowledge across sectors, professions and with communities.</li> </ul>
<p><b>National Guidelines for Crime Prevention Through Environmental Design (2005)</b></p>	<p>The CPTED guidelines outline how urban planning, design and place management strategies can reduce the likelihood of crime and deliver numerous social and economic benefits in the long-term. They are based on the philosophy that proper design and effective use of the built environment can lead to a reduction in the incidence and fear of crime, as well as an improvement in quality of life.</p> <p>There are four key overlapping CPTED principles. They are:</p> <ol style="list-style-type: none"> <li>1. Surveillance – people are present and can see what is going on.</li> <li>2. Access management – methods are used to attract people and vehicles to some places and restrict them from others.</li> <li>3. Territorial reinforcement – clear boundaries encourage community 'ownership' of the space.</li> </ol>

Document	Relevant Provisions
	2. Quality environments – good quality, well maintained places attract people and support surveillance.
<b>Quality Planning Guidance Note on Subdivision</b>	The subdivision guidance note provides an introduction to subdivision and the subdivision process under the Resource Management Act 1991 (RMA). It provides an overview of how subdivision can be managed in a district plan, including the development of objectives, policies and rules, and addresses the application of subdivision controls to address strategic planning issues

#### 4.2.4 Advice from mana whenua

- (82) Council has engaged with mana whenua as part of the District Plan Review, particularly through the Kāhui Mana Whenua engagement group.
- (83) In particular, Mana Whenua have provided us on the sites and areas of significance to Māori in Lower Hutt, their locations, and the narratives and values associated with the sites/areas
- (84) Land use and development for these sites and areas are addressed through the Sites and Areas of Significance to Māori chapter of the proposed District Plan. However, the Subdivision chapter includes provisions to address potential subdivision of these sites/areas.

#### 4.2.5 Stakeholder and community engagement

- (85) In late 2023 the Draft District Plan was released for public feedback. The feedback and suggestions received were taken into consideration and informed the proposed provisions.
- (86) The feedback received largely supports the approach of the Subdivision chapter that was included in the draft, while seeking changes relating to:
- Allotment size requirements in rural zones;
  - Telecommunication connection requirements;
  - Stormwater management requirements and overlap with the Three Waters;
  - Provision for emergency vehicles;



- Subdivision in Natural Hazard overlays;
- Road and access requirements; and
- Subdivision of land within the National Grid Subdivision Corridor and the Gas Transmission Pipeline Corridor.

### 4.3 Summary of issues analysis

(87) Based on the research, analysis and consultation outlined above the following issues have been identified.

Issue	Comment	Response
<p><b>Issue 1:</b> Provide for subdivision that allows for and supports urban growth in alignment with relevant legislation and policy direction</p>	<ul style="list-style-type: none"> <li>• Current subdivision provisions have a strong focus on maintaining and preserving existing character and amenity values.</li> <li>• Recent legislative changes have shifted the focus of from the protection of existing character and amenity values to the provision for urban growth and development at a density and scale that meets current and future needs.</li> <li>• Stronger emphasis on well-functioning urban environments and development that aligns with the planned urban built form.</li> <li>• Subdivision provisions must align with the underlying urban zone intentions and provide for the anticipated development densities.</li> </ul>	<ul style="list-style-type: none"> <li>• Include objectives, policies and rules that specifically relate to the provision for urban growth and intensification in urban environments.</li> </ul>
<p><b>Issue 2:</b></p>	<ul style="list-style-type: none"> <li>• Subdivision and development in rural areas</li> </ul>	<ul style="list-style-type: none"> <li>• Introduction of provisions managing rural subdivision.</li> </ul>

Issue	Comment	Response
Managing rural subdivision	<p>can result in further fragmentation, loss of open spaces and rural character and loss of productive land.</p> <ul style="list-style-type: none"> <li>• There is potential for reverse sensitivity effects of new development on existing rural activities.</li> <li>• NPS-HPL requires protection of highly productive land from fragmentation and development.</li> </ul>	<ul style="list-style-type: none"> <li>• Introduction of provisions for the subdivision of highly productive land.</li> <li>• Identification of natural environment values and introduction of specific provisions by way of overlays.</li> </ul>
<p><b>Issue 3:</b> Integration of subdivision with infrastructure in general and three waters in particular.</p>	<ul style="list-style-type: none"> <li>• Intended growth must be supported by sufficient infrastructure capacity.</li> <li>• Make efficient use of existing infrastructure and require new infrastructure where necessary to meet future demand.</li> <li>• Development patterns and connections should encourage and provide for a variety of travel modes.</li> </ul>	<ul style="list-style-type: none"> <li>• Include provisions that address and require infrastructure integration.</li> </ul>
<p><b>Issue 4:</b> Managing subdivision in Natural Hazards overlays</p>	<ul style="list-style-type: none"> <li>• Requirement to identify and manage risk from natural and coastal hazards, taking into consideration the effects of climate change.</li> <li>• The need for intensification and additional urban development may conflict with the necessary management of natural hazards risks.</li> </ul>	<ul style="list-style-type: none"> <li>• Introduction of specific provisions that restrict or manage development in identified natural hazard risk areas.</li> </ul>
<p><b>Issue 5:</b> Managing subdivision in natural</p>	<ul style="list-style-type: none"> <li>• Requirement to identify and protect historic, cultural and natural environment</li> </ul>	<ul style="list-style-type: none"> <li>• Introduction of specific provisions that allow for an assessment of potential adverse effects on identified values and, where</li> </ul>

Issue	Comment	Response
environment overlays and heritage and cultural values overlays	<p>(including coastal environment) values.</p> <ul style="list-style-type: none"> <li>• Manage conflicting requirements regarding the protection of identified values, and the provision for use and development enables and anticipated by the underlying zoning.</li> </ul>	<p>necessary, restrict subdivision and development.</p>
<p><b>Issue 6:</b> Managing public and customary access to and along waterbodies and the coast</p>	<ul style="list-style-type: none"> <li>• Public access to and along waterbodies and the coast is a matter of national importance.</li> <li>• Reserve Esplanades and strips as well as the management of coastal and riparian margins can support the protection of indigenous biodiversity and natural character, the provision of public access and the management of natural hazard risk.</li> </ul>	<ul style="list-style-type: none"> <li>• Introduce requirements for the provision of Esplanade Reserves and Strips for sites containing waterbodies or adjoining the coast.</li> <li>• Introduce provisions for subdivision within coastal and riparian margins.</li> </ul>

# 5 Scale and significance assessment

(88) In writing this evaluation report we must provide a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects anticipated from the implementation of the proposal.

(89) In assessing that scale and significance we have had regard to:

<p><b>Matters of national importance</b></p>	<p>Moderate. While no matters of national importance (in s6 of the RMA) relate specifically to subdivision, subdivision can occur in a wide range of locations, including locations with the features identified in s6 as matters of importance.</p>
<p><b>Other matters</b></p>	<p>Moderate. No other matters (in s7 of the RMA) relate specifically to subdivision. However, there are matters in s7 that apply to development in general, which includes development enabled by subdivision.</p>
<p><b>Degree of change from the operative plan</b></p>	<p>Moderate. The range of matters addressed through the proposed Subdivision chapter are largely unchanged from those addressed in the operative District Plan. However, there would be updates to objectives, policies and rules to address identified issues and give effect to higher order guidance. This includes a more detailed approach to provisions that address overlays.</p>

<b>Geographic scale of effects and number of people affected</b>	High. Subdivision has the potential to affect every property in the city.
<b>Duration of effects</b>	High. Effects from subdivision are ongoing and can result in a long-term change to the character of an area.
<b>Economic impacts</b>	Moderate. The Subdivision chapter has the potential to have an economic impact through the extent that it provides for development and new business opportunities, including business opportunities that requires allotments that can only be provided for through new subdivision (either due to location or design requirements).
<b>Social and cultural impacts</b>	Moderate. Development enabled by subdivision has the potential to have positive and negative social and cultural impacts, although this depends on the forms of development that are enabled.
<b>Environmental impacts</b>	Moderate. Development enabled by subdivision has the potential to have positive and negative social and cultural impacts, although this depends on the forms of development that are enabled.
<b>Health and safety impacts</b>	The proposed Subdivision chapter addresses health and safety primarily through regulating subdivision in natural hazard areas.

<p><b>Degree of interest from mana whenua</b></p>	<p>Mana Whenua have an interest in subdivision, particularly when undertaken on, near or adjacent to sites and areas of significance to them.</p>
<p><b>Degree of interest from the public</b></p>	<p>Moderate. While the Lower Hutt community has not expressed much interest in this chapter during community engagement, a relatively high level of interest has been expressed in a number of issues that subdivision plays a role in, including issues on development in natural hazard overlays, landscape overlays, and in rural areas.</p>
<p><b>Degree of risk or uncertainty</b></p>	<p>The degree of risk and uncertainty is low. The proposed approach is well understood and widely applied through district plans around the country.</p>

- (90) The overall scale and significance of the effects of subdivision are moderate.

# 6 Proposed District Plan objectives and provisions

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(91) The proposed provisions relevant to this topic are set out in detail in the proposed District Plan and should be referenced to in conjunction with this evaluation report.

## 6.1 Overall Approach

(92) In summary, the proposed Subdivision chapter objectives, policies and rules that:

- Direct the subdivision design to reflect the planned form and function of the various zones and overlays,
- Address the servicing of allotments and the provision of esplanade strips and reserves, and
- Set a starting point of subdivisions being a controlled activity, with the matters of control covering the relevant matters over which conditions can be imposed in associated with a subdivision, and
- Within areas identified by overlays, require a stricter level of assessment that is tailored to the outcomes sought for those areas.

(93) Where buildings and activities are lawfully established prior to subdivision, the subdivision process may be little more than a formalisation of new property or unit boundaries to provide for separate ownership. Where subdivision and related residential development are assessed concurrently, it enables a comprehensive understanding of the resulting pattern, scale and density of development. Therefore, the Proposed District Plan provides a more enabling framework for combined subdivision and land use application.

### 6.1.1 Subdivision, servicing and infrastructure

(94) Where subdivision precedes land use, the creation of new undeveloped sites needs to ensure that newly created allotments and units are of a size,

shape and orientation that are fit-for-purpose and that existing and future activities can be accessed and adequately serviced, either by reticulated services or on-site services including water supply, wastewater disposal, stormwater management, telecommunications and power supply.

- (95) The rules of the proposed Subdivision chapter ensure that these matters are considered both by the applicant for a subdivision consent and by Council when considering the application.

### **6.1.2 Subdivision in Overlays**

- (96) Subdivision of land affected by planning notations and overlays is subject to specific policies and rules that address and manage the potential effects of subdivision within overlays on the identified values and constraints. Generally, the proposed provisions for subdivision on overlays and precincts are more restrictive and have a narrower focus on the protection of values or the management of risks.

### **6.1.3 Esplanade Reserves and Esplanade Strips**

- (97) Subdivisions adjoining rivers lakes and the Coastal Marine Area will generally require the establishment of esplanade reserves or esplanade strips to provide opportunities for better access to these features. Esplanade reserves and strips also help to maintain or enhance a range of values, including conservation values associated with ecological characteristics of surface water and the coast, and can assist with natural hazard mitigation.

## **6.2 Summary of the proposed Subdivision chapter**

- (98) The following tables summarises the objectives and policies of the proposed Subdivision chapter:

<b>Objectives</b>	
<b>SUB-01</b>	<b>Subdivision</b>



Subdivision results in a well-functioning environment that enables all people and communities to provide for their social, economic, and cultural wellbeing while safeguarding the life-supporting capacity of the environment.

#### **SUB-O2 Subdivision Design**

Subdivision results in development patterns and allotments that:

1. Maintain or enhance Lower Hutt's compact urban form;
2. Are compatible with the purpose, scale and intensity anticipated for the underlying zone;
3. Enable appropriate future use and development of land and buildings;
4. Provide for and protect identified natural and coastal environment values and historical and cultural values; and
5. Manages the risk from natural hazards, including coastal hazards.

#### **SUB-O3 Servicing of Allotments**

Development enabled through subdivision is adequately serviced and supported by infrastructure and the transport network.

#### **SUB-O4 Esplanades**

The network of Esplanade Reserves and Esplanade Strips is progressively increased and contributes to the maintenance, enhancement and protection of public access, ecological values, amenity values and recreational values.

### **Policies**

The policies of the proposed Subdivision chapter are general subdivision policies (relevant for all subdivision), zone-specific policies, and overlay/precinct specific policies. They are:

#### **SUBDIVISION - GENERAL**

- SUB-P1 Benefits of Subdivision
- SUB-P2 Boundary Adjustment
- SUB-P3 Update of Cross-lease Titles
- SUB-P4 Subdivision Design and Layout
- SUB-P5 Integration of Subdivision and Development
- SUB-P6 Transport Network.
- SUB-P7 Servicing and Access

- SUB-P8 Esplanade Requirements
- SUB-P9 Subdivision for Infrastructure

#### **SUBDIVISION – ZONES**

- SUB-P10 Subdivision in Residential Zones
- SUB-P11 Subdivision in Rural Zones
- SUB-P12 Subdivision in Commercial and Mixed Use Zones
- SUB-P13 Subdivision in Industrial Zones
- SUB-P14 Subdivision in Open Space and Recreation Zones

#### **SUBDIVISION – OVERLAYS AND PRECINCTS**

##### **Subdivision in Historical and Cultural Value Overlays**

- SUB-P15 Subdivision of Land Containing a Site or Area of Significance to Māori
- SUB-P16 Subdivision of Land Containing Heritage Buildings or Heritage Structures
- SUB-P17 Subdivision of Land within Heritage Areas
- SUB-P18 Subdivision of Land Containing a Notable Tree

##### **Subdivision in Natural Environment Overlays and Coastal Environment Overlays**

- SUB-P19 Subdivision of Land within Outstanding Natural Features and Landscapes
- SUB-P20 Subdivision of Land Containing Coastal Margins or Riparian Margins
- SUB-P21 Subdivision of Land within the Coastal Environment provides a policy framework that:
  - SUB-P22 Subdivision of Land within SNA

##### **Subdivision in Natural Hazard Overlays**

- SUB-P23 Subdivision of Land Affected by Natural Hazards

##### **Subdivision in Other Precincts and Overlays**

- SUB-P24 Subdivision of Land within the Highly Productive Land Overlay
- SUB-P25 Subdivision of Land with Access from Severely Constrained Roads
- SUB-P26 Subdivision of Land within the National Grid subdivision Corridor
- SUB-P27 Subdivision of land within the Gas Transmission Pipeline Corridor

- (99) The following table lists the rules of the proposed Subdivision chapter, with the activity statuses for activities under each rule.

<b>Rule / Activity</b>	<b>CON</b>	<b>RDIS</b>	<b>DIS</b>	<b>NC</b>
<b>General Subdivision</b>				
SUB-R1 Boundary Adjustments	✓	✓		
SUB-R2 Updating of an Existing Cross-lease Title	✓	✓		
SUB-R3 Unit title subdivision and subdivision that does not result in the creation of any new vacant allotments	✓	✓		
SUB-R4 Subdivision that creates any vacant allotments	✓	✓	✓	
SUB-R5 Subdivision that creates a new allotment for infrastructure	✓	✓		
<b>Subdivision in Overlays and Precincts</b>				
<b>Subdivision in Historical and Cultural Value Overlays</b>				
SUB-R6 Subdivision of land containing a Site or Area of Significance to Māori (Placeholder)		✓		
SUB-R7 Subdivision of land containing Heritage Buildings or Heritage Structures or land within a Heritage Area		✓		
SUB-R8 Subdivision of land containing a Notable Tree		✓		
<b>Subdivision in Natural Environment Overlays and Coastal Environment Overlays</b>				
SUB-R9 Subdivision of land within Outstanding Natural Features and Landscapes	✓	✓	✓	
SUB-R10 Subdivision of land containing Coastal Margins or Riparian Margins	✓		✓	
SUB-R11 Subdivision of land within the Coastal Environment	✓		✓	✓
SUB-R12 Subdivision of land within SNA (Placeholder)				
<b>Subdivision in Natural Hazard Overlays and Coastal Hazard Overlays</b>				
SUB-R13 Subdivision within the Wellington Fault Overlay	✓		✓	✓

SUB-R14 Subdivision within the Liquefaction Overlay	✓			
SUB-R15 Subdivision within the Inundation Area of the Flood Hazard Overlay	✓	✓		
SUB-R16 Subdivision within the Overland Flow Path of the Flood Hazard Overlay		✓	✓	
SUB-R17 Subdivision within the Stream Corridor of the Flood Hazard Overlay				✓
SUB-R18 Subdivision within the Low Hazard Areas of the Coastal Hazard Overlays	✓	✓		
SUB-R19 Subdivision within the Medium Hazard Areas of the Coastal Hazard Overlays	✓	✓	✓	
SUB-R20 Subdivision within the High Hazard Areas of the Coastal Hazard Overlays	✓	✓		✓
<b>Subdivision in Other Precincts and Overlays</b>				
SUB-R21 Subdivision of land in the Riverbank Precinct of the City Centre Zone		✓		
SUB-R22 Subdivision of land within the Highly Productive Land Overlay		✓		
SUB-R23 Subdivision of land adjoining roads identified in the Severely Constrained Roads Overlay			✓	
SUB-R24 Subdivision of land within the National Grid Subdivision Corridor		✓		✓
SUB-R25 Subdivision of land within the Gas Transmission Pipeline Corridor and/or within 30m of any above-ground station site forming part of the Gas Transmission Network		✓		✓

(100) These rules are supported by standards. Non-compliance with a standard typically elevates the activity status of a proposed subdivision to a higher activity status.

(101) The standards are:

- SUB-S1 Allotment Size
- SUB-S2 Access
- SUB-S3 Roads
- SUB-S4 Water Supply
- SUB-S5 Wastewater Disposal
- SUB-S6 Stormwater Management
- SUB-S7 Power Supply
- SUB-S8 Telecommunications
- SUB-S9 Esplanade Reserves and Esplanade Strips

FINAL DRAFT

# 7 Evaluation of objectives

- (102) This section is the evaluation of objectives, as required through s32(1)(a) of the RMA.
- (103) An objective is a statement of what is to be achieved through the resolution of a particular resource management issue. A district plan objective should set out a desired end state to be achieved through the implementation of policies and rules.
- (104) Under s75(1)(a) of the Resource Management Act, a district plan must state the objectives for the district.
- (105) Under s32(1)(a) of the Resource Management Act, an evaluation report required under the Act must examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA. The purpose of the RMA, as stated in s5(1) of the Act, is to promote the sustainable management of natural and physical resources. The relevant status quo objectives and other reasonably practicable alternatives have been included with a brief assessment.

<b>Evaluation of Objectives</b>	
<b>Proposed Objectives</b>	
<b>SUB-O1</b>	<b>Subdivision</b>
Subdivision results in a well-functioning environment that enables all people and communities to provide for their social, economic, and cultural wellbeing while safeguarding the life-supporting capacity of the environment.	
<b>SUB-O2</b>	<b>Subdivision Design</b>
Subdivision results in development patterns and allotments that:	
<ol style="list-style-type: none"> <li>1. Maintain or enhance Lower Hutt's compact urban form;</li> <li>2. Are compatible with the purpose, scale and intensity anticipated for the underlying zone;</li> <li>3. Enable appropriate future use and development of land and buildings;</li> <li>4. Provide for and protect identified natural and coastal environment values and historical and cultural values; and</li> <li>5. Manages the risk from natural hazards, including coastal hazards.</li> </ol>	
<b>SUB-O3</b>	<b>Servicing of Allotments</b>

Development enabled through subdivision is adequately serviced and supported by infrastructure and the transport network.

#### **SUB-04 Esplanades**

The network of Esplanade Reserves and Esplanade Strips is progressively increased and contributes to the maintenance, enhancement and protection of public access, ecological values, amenity values and recreational values.

#### **Relevance**

The proposed objectives are relevant as they:

- Respond to identified resource management issues, particularly by seeking:
  - Well-functioning environments,
  - The planned form and function of the zone through appropriate subdivision design and density,
  - Protection of site or area-specific values and management of natural hazard risk.
  - That future developments are either serviced by infrastructure with sufficient capacity or have sufficient capacity for on-site service and management; and
  - Esplanade Reserves and Esplanade Strips.
- Assist the Council to undertake its functions under s31 RMA in relation to subdivision; and
- Seek outcomes that ensure the chapter can give effect to higher level documents, including sections 5, 6, 7 and 8 of the RMA, the NPS-UD, the NZCPS, the NPS-FM, the NPS-IB, the NPS-HPL and the RPS.

#### **Usefulness**

The proposed objectives are useful as they outline the outcomes sought for subdivision and would guide decision making when considering subdivision consent applications.

#### **Reasonableness**

The proposed objectives would not set outcomes that would result in unjustifiably high costs being imposed on the community (or parts of the community).

The proposed objectives will enable appropriate and planned development density in urban environments while limiting subdivision where necessary to protect identified values or to manage identified risks and constraints.

The proposed objectives may result in additional costs where land is affected by an overlay or precinct and additional consenting requirements apply. The proposed provisions provide clear guidance and certainty and therefore additional costs are not unjustifiably high.

The proposed objectives will not impose unjustifiably high costs in relation to Esplanade Reserves and Esplanade Strips. The requirement for Esplanade Reserves and Strip are well established in the operative District Plan and are engrained in the RMA. The proposed objectives provide additional clarity around the purpose of Esplanade Reserves and Esplanade Strips and the values they are seeking to maintain.

As such, many of the costs incurred by the proposed objectives are already being realised by the development community and any additional costs are reasonable and justified.

#### **Acceptable level of uncertainty and risk**

The proposed objectives are sufficiently certain and set clear outcomes sought in relation to subdivision. The approach is well established and is consistent with objectives of other recently developed and proposed district plans in the Wellington region.

#### **Achievability**

The outcomes sought in the proposed objectives are able to be achieved under Council's statutory powers and within Council's resources.

### **Other Potential Objectives**

#### **Operative District Plan Objectives – Status Quo**

While the objectives of the operative District Plan for subdivision respond to some of the identified issues, other issues have not been addressed and overall the operative objectives are less clear than the proposed objective. The status quo objectives do not provide the same level of direction and guidance as the proposed objectives.

While the status quo objectives implement higher-order direction in part, they pre-date all relevant NPS, the NZCPS and the RPS, and do not fully give effect to them.

While the status quo objectives address most of the identified resource management issues, they are rather vague in some parts and specific and narrow in others.

There is no objective relating to the provision and purpose of Esplanade Reserves and Esplanade Strips.

#### **Zone and overlay specific objectives**

Zone and overlay specific objectives could be included, but this would be overly detailed and would create duplication with the objectives of the relevant chapters for the zones and overlays.

### **Summary**

The proposed objectives are the most appropriate way to achieve the purpose of the RMA. They best implement all relevant strategic direction from higher order planning instruments. The proposed objectives are drafted as clear measurable outcomes to assist the effective administration of the proposed plan. They provide greater certainty and clarity around the outcomes sought and respond better to the identified issues and strategic directions than the status quo and other alternatives considered.



The status quo objectives do not achieve the same level of consistency with higher order direction or the strategic directions of the proposed District Plan. While the status quo objectives do not result in unjustifiably high costs, the outcomes sought under the existing objectives are less clear than the proposed objectives.

## 8 Evaluation of Policies and Rules

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- (106) Policies and rules implement, or give effect to, the objectives of a plan.
- (107) Policies of a district plan are the course of action to achieve or implement the plan's objective (i.e. the path to be followed to achieve a certain, specified, environmental outcome). Rules of a district plan implement the plan's policies, and have the force and effect of a regulation.
- (108) Under s32(1)(b) of the Resource Management Act, an evaluation report required under the Act must examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by:
- (i) *identifying other reasonably practicable options for achieving the objectives; and*
  - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
  - (iii) *summarising the reasons for deciding on the provisions.*
- (109) Under s32(2) of the Resource Management Act, the assessment of the efficiency and effectiveness of the provisions must:
- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for –*
    - (i) *economic growth that are anticipated to be provided or reduced; and*
    - (ii) *employment that are anticipated to be provided or reduced; and*

- (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*
- (110) Reasonably practicable alternatives for implementing the objectives have been included with a brief assessment and reasons why they have not been adopted.
- (111) As outlined earlier in this report the Subdivision chapter not only includes objectives, policies and rules that relate to subdivision in general, but also includes policies and rules that relate to subdivision in specific zones and provisions that specifically address subdivision of land affected by planning notations and overlays and the related protection of identified values or management of identified risks. While the below evaluation addresses the subdivision provisions relating to natural hazards, historical and cultural values and natural and coastal environment values a more detailed evaluation of the proposed District Plan approach to these topics is provided in the specific evaluation reports for these chapters. This evaluation of provisions should therefore be read in conjunction with the evaluations provided in those evaluation reports.

### **Note on quantification of benefits and costs**

- (112) Section 32(2)(b) requires that, where practicable, the benefits and costs of a proposal are to be quantified.
- (113) Based on the assessment of the scale and significance of the proposed provisions above, specific quantification of the benefits and costs in this report would be beneficial. However, specific quantification of the benefits and costs beyond the information and evidence outlined in this report is not readily available or practicable at a detailed level. As such, a qualitative approach has been undertaken when considering the potential costs and benefits associated with this proposal and, where relevant, in the assessment of policies, rules and other methods contained in this report.

**Note on risk of acting or not acting if there is uncertain or insufficient information**

- (114) Under Section 32(2)(c) of the RMA, an assessment of the efficiency and effectiveness of the proposed provisions must assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
- (115) For subdivision, there is certain and sufficient information on which to base the proposed policies and methods as:
  - The proposed provisions allow Council to undertake its functions under Section 31(b)(i) of the RMA.
  - The proposed provisions address the relevant impacts from subdivision on the local environment and will ensure that future development aligns with proposed objectives.
  - The risk of not acting is greater than the risk of acting, particularly in relation to sites and areas with particular values or constraints that are not currently managed.

<b>Evaluation of Provisions to Achieve Objectives SUB-01, SUB-02, SUB-03 and SUB-04</b>	
<b>SUB-01</b>	<b>Subdivision</b>
<i>Subdivision results in a well-functioning environment that enables all people and communities to provide for their social, economic, and cultural wellbeing while safeguarding the life-supporting capacity of the environment.</i>	
<b>SUB-02</b>	<b>Subdivision Design</b>
<i>Subdivision results in development patterns and allotments that:</i>	
1.	<i>Maintain or enhance Lower Hutt's compact urban form;</i>
2.	<i>Are compatible with the purpose, scale and intensity anticipated for the underlying zone;</i>
3.	<i>Enable appropriate future use and development of land and buildings;</i>
4.	<i>Provide for and protect identified natural and coastal environment values and, historical and cultural values; and</i>
5.	<i>Manages the risk from natural hazards, including coastal hazards.</i>

**SUB-03 Servicing of Allotments**

*Development enabled through subdivision is adequately serviced and supported by infrastructure and the transport network.*

**SUB-04 Esplanades**

*The network of esplanade reserves and esplanade strips is progressively increased and contributes to the maintenance, enhancement and protection of public access, ecological values, amenity values and recreational values.*

**Proposed provisions**

<b>Policies</b>	<b>Costs</b>	<b>Benefits</b>
<p>Twenty-six policies that:</p> <ul style="list-style-type: none"> <li>• Provide guidance and direction for general subdivision (SUB-P1 to SUB-P9)</li> <li>• Provide specific guidance for subdivision based on the underlying zoning (SUB-P10 to SUB-P14)</li> <li>• Provide specific guidance for subdivision in overlays and precincts:               <ul style="list-style-type: none"> <li>○ Subdivision in Historical and Cultural Value Overlays (SUB-P15 to SUB-P18)</li> </ul> </li> </ul>	<p><b>Environmental</b></p> <p>The provisions provide for the subdivision of land. Subsequent development enabled by subdivision can result in impacts on and changes to the surrounding environment, including changes to sunlight access, outlook and privacy and amenity values. Identified values including those associated with historic heritage, sites of cultural significance or landscape characteristics may also be impacted.</p>	<p>The provisions will enable development capacity for urban activities in support of a well-functioning urban environment.</p> <p>The provisions ensure that subdivision is appropriate for the planned form and function of the respective zones.</p> <p>Sites and areas of particular environmental sensitivity will benefit from provisions that limit or preclude adverse effects on associated values.</p> <p>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>	

<ul style="list-style-type: none"> <li>○ Subdivision in Natural Environment Overlays and Coastal Environment Overlays (SUB-P19 to SUB-P21)</li> <li>○ Subdivision in Natural Hazard Overlays (SUB-P22)</li> <li>○ Subdivision in Other Precincts and Overlays (SUB-P23 to SUB-P26)</li> </ul> <p><b>Rules</b></p> <p>Twenty-four rules comprising:</p> <ul style="list-style-type: none"> <li>• Four rules for general subdivision based on subdivision type (SUB-R1 Boundary adjustment, SUB-R2 Updates of cross-lease titles, SUB-R3 Creation of no vacant lots, SUB-R4 Creation of new vacant lots)</li> <li>• One rule for subdivision that creates a new allotment for infrastructure (SUB-R5)</li> </ul>	<p>The proposed approach entails compliance costs for subdividers. Those will generally be greater for areas subject to specific identified values or constraints due to provisions being more restrictive or requiring specialist input to inform proposals.</p> <p>For some properties, the ability to subdivide will be reduced when compared to the existing situation. New limitations applying to subdivision of land subject to identified values or constraints will represent an opportunity cost on development potential in some cases. Those costs will vary depending on the context for any given proposal.</p> <p>There will be increased costs to developments from the need to incorporate mitigation measures into some development forms, especially in relation to three waters infrastructure, natural and coastal hazard overlays, historical and cultural value overlays and natural and coastal environment value overlays.</p> <p>Intensification enabled in urban areas may require significant investment in physical and social infrastructure upgrades and development to support a growing population.</p>	<p>The proposed provisions allow for properties to be subdivided and for applicants to realise the financial benefits from undertaking this process. Subdivision can provide for new business opportunities, particularly through subdivision in commercial and industrial areas for new land use.</p> <p>There are a number of economic and employment benefits associated with the proposed provisions and the enabled subdivision and subsequent development (e.g. planning, construction).</p> <p>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>		

<ul style="list-style-type: none"> <li>• Three rules for subdivision of sites affected by historical or cultural value overlays (SUB-R6 Sites or areas of significance to Māori, SUB-R7 Heritage buildings, structures and areas, SUB-R8 Notable Trees)</li> <li>• Three rules for subdivision of sites affected by natural or coastal environment overlays (SUB-R9 ONFL, SUB-R10 Coastal and riparian margins, SUB-R11 CE)</li> <li>• Eight rules regulating subdivision in natural and coastal hazard overlays (SUB-R12 Wellington fault overlay, SUB-R13 Liquefaction Overlay, SUB-R14 to SUB-R16 Flood hazard overlays, SUB-R17 to SUB-R19 Coastal hazard overlays)</li> <li>• Five rules for subdivision in other precincts and</li> </ul>	<p>The social costs are those associated with the new land use that would be enabled by subdivision provided by the proposed Subdivision chapter. No direct social costs have been identified.</p>	<p>New controls limiting subdivision of land subject to natural hazard effects will increase overall resilience and safety.</p> <p>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>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>
	<b>Cultural</b>	
	<p>The cultural costs are those associated with the new land use that would be enabled by subdivision provided by the proposed Subdivision chapter. No direct social costs have been identified.</p>	<p>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>The proposed provisions are considered to be the most effective means to achieve the proposed objectives because:</p> <ul style="list-style-type: none"> <li>• They balance the proposed aim for well-functioning urban environments and enabling commercial and residential development capacity with the requirement for subdivision, use and development to be constrained in sensitive environments.</li> </ul>	

<p>overlays (SUB-R20 Riverbank precinct, SUB-R21 Highly productive land, SUB-R22 Severely constrained roads, SUB-R23 National Grid, SUB-R24 Gas Transmission Pipeline Corridor)</p> <p><b>Standards</b></p> <p>Nine standards relating to</p> <ul style="list-style-type: none"> <li>• Allotment Size</li> <li>• Access</li> <li>• Roads</li> <li>• Water Supply</li> <li>• Wastewater Disposal</li> <li>• Stormwater Management</li> <li>• Power Supply</li> <li>• Telecommunications</li> <li>• Esplanade Reserves and Strips</li> </ul>	<ul style="list-style-type: none"> <li>• They address the relevant effects associated with subdivision and ensure that Council is able to impose the required conditions of consent for controlled activities.</li> <li>• The proposed provisions ensure that the planned form and function of the zones are not compromised by and can be achieved through future subdivision.</li> <li>• The proposed provisions give effect to and implement higher order direction (e.g. NPS-UD, NZCPS and RPS).</li> </ul> <p>The proposed provisions are considered to be the most efficient means to achieve the proposed objectives because:</p> <ul style="list-style-type: none"> <li>• The proposed provisions are more nuanced and ensure a more logical consent elevation when standards are not met than the status quo.</li> <li>• The level of regulatory stringency increases with the level of sensitivity of the affected environment.</li> <li>• While the proposed provisions will result in some additional economic costs, it is considered that the resulting benefits to future occupants of the city outweigh these costs.</li> <li>• The proposed provisions take a consistent approach across development in the city and therefore is a simple framework to apply.</li> <li>• Overall, the benefits of the proposal are anticipated to outweigh costs.</li> </ul> <p><b>Other reasonably practicable options for achieving the objective</b></p> <p><b>Status Quo</b></p> <p>The status quo provisions do not sufficiently or effectively control or manage the effects of subdivision on areas with identified values or constraints (e.g. historical and cultural values, natural environment and coastal environment values, natural hazards). They do implement either the relevant status quo objectives or the proposed objectives.</p> <p>The status quo provisions do not address all new zones proposed as part of the full review. As such, there are uncertain environmental outcomes from these new zones not having subdivision provisions that relate to the outcomes sought within these zones.</p>
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**Include policies relating to overlays and precincts in the relevant chapters**

The location of policies relating to subdivision in overlays and precincts within the relevant chapter rather than the subdivision chapter has been considered but found to be less user friendly. The preferred approach is to contain all objectives, policies, rules and standards relating to subdivision in the subdivision chapter for ease of access and to align with the National Planning Standards.

**No policies or rules for subdivision in areas with identified values or constraints**

Under this option, there would be no specific policies and rules for subdivision in areas with identified values or constraints, such as identified landscape, heritage and natural hazard areas.

Under this option, the District Plan would rely on land use rules in other chapters to manage impacts on the identified values and constraints, including impacts from intensification enabled through subdivision.

This option is not recommended as controlling subdivision is an appropriate tool to manage impacts of new land use, particularly more intense land use that often follows subdivision. In addition, there is an expectation that new development and land use will be able to occur on new allotments created through subdivision, and under this option there would be the potential that subdivision could result in the creation of allotments where anticipated use is prevented through the land use rules in other chapters of the plan.

**Provide for boundary adjustments and updates of cross lease titles as permitted activities**

The provision for minor subdivision such as boundary adjustments and updates of cross-lease titles as a permitted activity has been considered but found to be inappropriate. A permitted activity status subject to standards and conditions is not considered sufficient to address all potential variations and underlying restrictions such as the protection of easements. Permitted activity standards and conditions need to be certain as there is no element of discretion. A controlled activity status gives certainty while allowing for the control of and imposition of conditions over identified matters.

**Overall evaluation**

Having considered the proposed provisions and the alternative options it is considered that the proposed provisions are the most appropriate way to achieve the objectives.

The proposed provisions ensure that the level of subdivision and subdivision design align with the planned characteristics and built development outcomes for the underlying zone. Within identified overlays and precincts, they provide for the assessment of effects at a level that appropriately addresses the identified values or limitations.

The proposed provisions ensure that servicing constraints are considered and managed at the time of subdivision and thereby give effect to higher order direction.

Overall, the proposed provisions are considered to be the most appropriate way to achieve the objectives. They will provide for effective implementation of the objectives with anticipated benefits outweighing costs.

## 9 Summary

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(116) This evaluation has been undertaken in accordance with section 32 of the RMA in order to identify the need, the benefits and costs and the appropriateness of the proposal and 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:

- Best gives effect to higher order documents, including the RPS, NPS-UD, NPS-HPL, NPS-REG, NZCPS and National Planning Standards;
- Recognises that subdivision has an impact on future land use expectations and the proposal strikes the appropriate balance between being enabling subdivision in urban areas but where appropriate providing greater restrictions on subdivision, such as in overlays where there are natural hazards or identified natural or cultural values;
- Appropriately addresses and responds to the identified resource management issues; and
- Is the most effective and efficient way to achieve the purpose of the RMA and the strategic objectives of the Proposed District Plan.

# 10 Attachments

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Appendix 1: Relevant provisions of National Policy Statements and the New Zealand Coastal Policy Statement

Appendix 2: Relevant provisions of the Regional Policy Statement for the Wellington Region (including Proposed RPS Change 1)

Appendix 3: Relevant provisions of the Natural Resources Plan for the Wellington Region (including Proposed NRP Change 1)

Appendix 4: Assessment of appendices of the operative Subdivision chapter, including associated provisions

FINAL DRAFT