

Before the Hearings Panel

At Porirua City Council

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Porirua District Plan

Between **Various**

Submitters

And **Porirua City Council**

Respondent

Council reply - Gina Sweetman – Future Urban Zone

Date: 28 July 2022

INTRODUCTION:

- 1 My full name is Gina Marie Sweetman. I am a consultant planner engaged by Porirua City Council.
- 2 I have read the evidence and tabled statements provided by submitters relevant to the Section 42A Report - Part B Future Urban Zone.
- 3 I have prepared this Council reply on behalf of the Porirua City Council (Council) in respect of matters raised through Hearing Stream 5.
- 4 Specifically, this statement of evidence relates to the matters in the Section 42A Report - Part B Future Urban Zone.
- 5 I am authorised to provide this evidence on behalf of the Council.

QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

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

SCOPE OF REPLY

- 8 This reply follows Hearing Stream 5 held between 16 May and 6 July 2022.
- 9 Minute 44 from the Panel dated 8 July 2022 allows for Council to submit a written right of reply for the Future Urban Zone chapter by 1pm on 28 July 2022.
- 10 This reply addressed specific questions put to me by the Panel through Minutes 44 and 45.
- 11 The reply also addresses other matters that were raised by submitters during the hearing, which I consider are necessary to respond to. These are:
 - a. The Panel’s question as to the area of land recommended to be excluded from the Judgeford Flat FUZ and the area of land recommended to be included;
 - b. The Panel’s question as to whether quarrying needs to be excluded from primary production in respect to the Future Urban Zone objectives and policies;

- c. The application of section 32 RMA;
- d. The use of indicative zones in Structure Plans that informed the Future Urban Zone;
- e. The status of Plimmerton Farm Zone in respect to the National Planning Standards;
and
- f. Mr Cody's statement dated 6 July 2022.

12 If I have not addressed a matter in this reply that was raised by a submitter throughout the hearings process, I have no further reply to add to what I have set out in the Section 42A Report or evidence given at the Hearing.

13 Appendix 1 of this reply contains a list of materials provided by submitters including expert evidence, legal submissions, submitter statements etc. This information is all available on the PDP (Proposed District Plan) hearings web portal at <https://pdportal.porirua.govt.nz>.

14 Appendix 2 contains recommended amendments to PDP provisions, with updated recommendations differentiated from those made in Appendix A of the Section 42A Report.

15 For ease of reference, I have shown any changes proposed through this right of reply as follows:

s42A Report	deletions/insertions
Right of Reply version	deletions/insertions

16 Other appendices are used for specific matters addressed in the body of this report.

Questions from the Panel through Minutes 44 and 45

17 The Panel has asked me to address several matters in relation to this Zone through Minute 44 dated 8 July 2022 and Minute 45 dated 18 July 2022, which are addressed in turn below.

Question from the Panel:

a) Please provide a map showing the Judgeford Hills FUZ area relative to the ODP Zone;

18 Pages 22 and 23 of the [Section 32 Evaluation Report Part 2 – Future Urban Zone](#) contain Figures 6 and Figures 9 which show the Judgeford Hills FUZ area relative to the ODP Zone. As can be seen from these maps, the Judgeford Hills Zone from the ODP covers the same area as the Future Urban Zone over Judgeford Hills from the PDP. I would also draw the Panel's attention here to the 2018 Concept Plan in Figure 7 on page 22 which informed the Growth Strategy 2019.

Question from the Panel:

b) Please provide larger scale (A3) maps of the Judgeford Flats FUZ showing cadastral boundaries with a key enabling addresses and landowners to be identified with and without the modelled flood hazard;

Also please advise what percentage of each property is subject to a modelled 1-100 flood risk of greater than 1 metre depth;

19 This question, including the provision of maps, is addressed in Mr Fountain's right of reply.

Question from the Panel:

c) Please comment specifically on the extent of the modelled flood hazard in areas recommended for RLZ zoning, and the appropriateness of that zoning in light of the flood risk;

20 This question is addressed in Mr Fountain's right of reply.

21 I addressed the submissions that raised flooding in section 3.5.2 of my section 42A report. The assessment is contained in section 3.5.2.2. I have reviewed Mr Fountain's right of reply. I have not changed my recommendations contained in my section 42A report.

Question from the Panel:

d) Please advise the recorded rainfall and peak stream flows in the Judgeford Flats area over the 24 hours to 9am on 9 June 2022 in a table also showing the current assessment of the 1/100AEP for both values.

22 This question is addressed in Mr Fountain's right of reply.

Question from the Panel:

e) Given the fragmented ownership of the Judgeford Flats FUZ, how does Council envisage a structure plan being prepared, and by whom- and what is the anticipated timescale for that?;

23 I requested Mr Stewart McKenzie, Manager Environment and City Planning, to respond to this question. He advises:

Council will play an active role in facilitating the preparation of a structure plan for the Judgeford Flats FUZ. Based on Council's recent experience in facilitating the development of a structure plan in the Northern Growth Area FUZ, there are several key steps involved, summarised as follows:

- Landowners and/or developers typically approach Council indicating their intention to develop within the FUZ. Council will then look to facilitate discussions between parties to inform them about the structure plan and variation/plan change process required in accordance with the FUZ policies, along with the benefits of taking an integrated and spatially comprehensive approach to development. To date, Council has fielded queries from several parties interested in developing within the Judgeford Flats FUZ.*
- When agreement in principle is reached between the parties to develop a structure plan and variation/plan change, Council will look to formalise this agreement through a Memorandum of Understanding (MoU), which Council will be a party to. The MoU covers matters such as background and context, process and inputs, consultation requirements, cost recovery (if applicable), legal matters and dispute resolution.*
- On the matter of cost recovery, this will be relevant if it is a Council led process in accordance with section 25 RMA, whereby the Council will lead the structure plan and variation process but all costs associated with its development will be passed onto the developers.*
- The structure plan and variation are then notified in accordance with Schedule 1 RMA, and all usual obligations in terms of consultation, information, notification etc are required to be met.*
- Running in parallel with the structure plan and variation/plan change development process will be the development of an infrastructure servicing plan and potentially a developer agreement that relates to the funding of necessary infrastructure.*
- Once the structure plan and variation/plan change is approved, applications for resource consent will need to be made for activities not permitted by the new planning framework.*
- In terms of timeframes for the above process, there is no expectation or certainty around this, nor does there need to be. The premise of the FUZ is that it takes a long-term approach to the identification of land to provide for future housing and business needs, and there is no clear threshold at which development will be triggered. Typically this will be a function of market forces, whereby the scarcity and price of land for housing or business is such that it becomes favourable to up-zone FUZ land in accordance with the above process. This is the case with the Northern Growth Development Area.*

Question from the Panel:

f) Produce demand/supply predictions for industrial land, noting the extent to which the recommended Judgeford Flats FUZ (i.e. as varied from the notified version) addressed demand, including commentary on the extent to which industrial development of the Judgeford Flats FUZ is both feasible and realistic;

24 This information is contained in sections 5.1, 5.2 and 5.3 of the Section 32 Evaluation Report Part 2 for the Future Urban Zone. The following links are to the background information which informed that section 32 evaluation report:

- [Porirua Growth Strategy 2048](#)
- [Porirua City Council \(2019\) Housing and Business Development Capacity Assessment for Wellington region](#)
- [Porirua City Council et al \(2019\) Regional Summary – Housing and Business Development Capacity Assessment](#)
- [Property Economics \(2019\) Business Land Assessment](#)
- [Property Economics \(2019\) Porirua City Industrial Land Supply Assessment](#)
- [Property Economics \(2018\) Porirua City Industrial Land Demand Assessment Part 2](#)
- [Land Matters \(2018\) Pāuatahanui-Judgeford Employment Land Review](#)

25 I also note that Judgeford Flat FUZ has been identified in the PDP in accordance with FUZ-P1-1. There are no submissions that seek, and therefore no scope, to amend that clause.

26 In terms of being feasible and realistic; these are not tests that apply to the requirement for local authorities to provide sufficient development capacity to meet the expected demand for business land. Rather these tests apply to sufficient development capacity for housing. The requirements for sufficient development capacity for business land are set out in Implementation Clause 3.3 of the NPS-UD as set out below.

3.3 Sufficient development capacity for business land

- (1) *Every tier 1, 2, and 3 local authority must provide at least sufficient development capacity in its region or district to meet the expected demand for business land:*

- (a) from different business sectors; and
 - (b) in the short term, medium term, and long term.
- (2) In order to be **sufficient** to meet expected demand for business land, the development capacity provided must be:
- (a) plan-enabled (see clause 3.4(1)); and
 - (b) infrastructure-ready (see clause 3.4(3)); and
 - (c) suitable (as described in clause 3.29(2)) to meet the demands of different business sectors (as described in clause 3.28(3)); and
 - (d) for tier 1 and 2 local authorities only, meet the expected demand plus the appropriate competitiveness margin (see clause 3.22).

27 Accordingly, the Council has not undertaken an evaluation of feasibility or being realistic. The suitability of the land has been evaluated in the reports I have already referred the Panel to above, and is also addressed in section 3.5.3 of my section 42A report.

Question from the Panel:

g) Please comment on the alternative areas (to Judgeford Flats) suggested by Mr Gwynn and Ms Johnstone [sp];

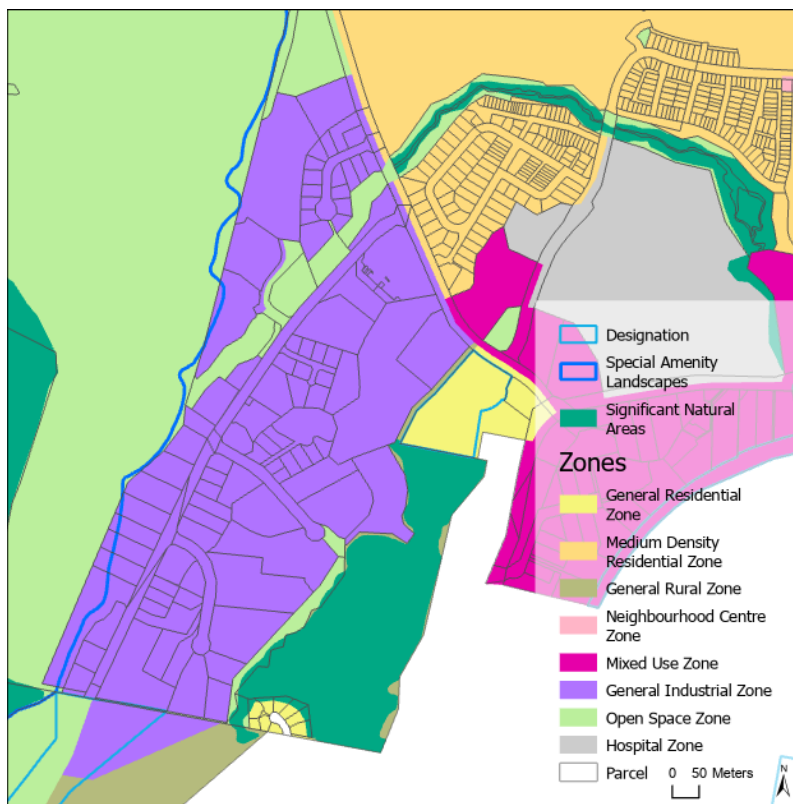
28 The Section 32 Evaluation Report Part 2 for the Future Urban Zone explains how Judgeford Flats was identified as a Future Urban Zone for Industrial purposes. The reports set out above informed the proposed zoning, and in particular the identified need to zone 63ha as a contiguous piece of land within proximity of a Transmission Gully Motorway interchange.

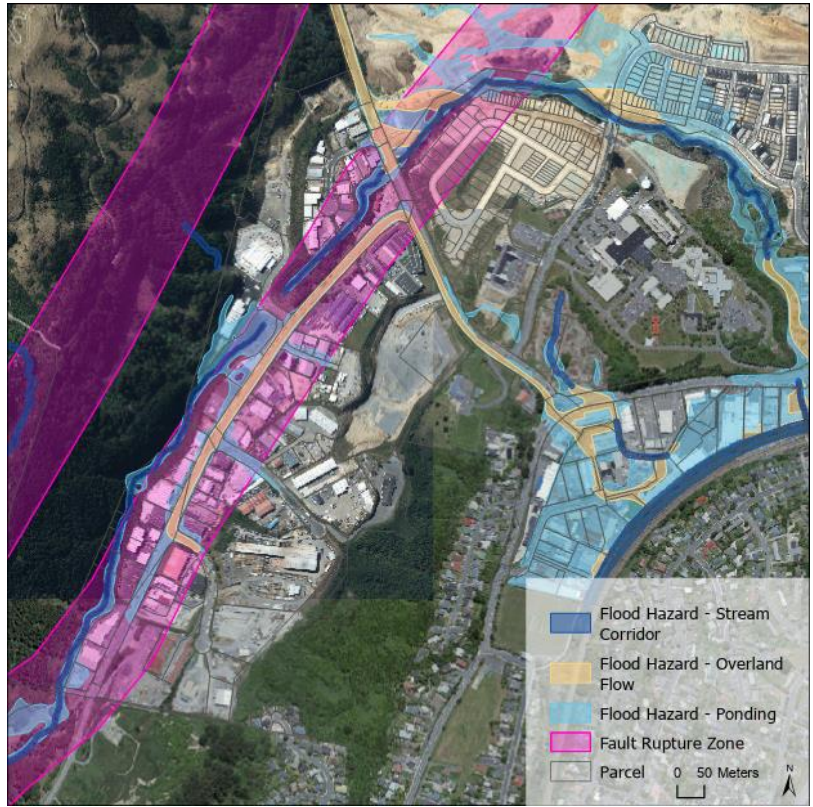
29 In the first instance, I note that Judgeford Flats has been identified as a Future Urban Zone, in accordance with FUZ-P1-1. As outlined above, there are no submissions that seek to amend FUZ-P1-1.

30 Secondly, I note that while Ms Johnston's submission suggested the Council should explore alternative sites for industrial activities, she did not specifically identify where these locations may be. This raises an issue of scope, natural justice and fair process should the Panel consider any rezoning to FUZ of other areas. I addressed this part of Ms Johnston's submission in 3.5.2.2 of my s42A report. I note Ms Johnston has not produced any specific evidence as to why other areas would be more appropriate.

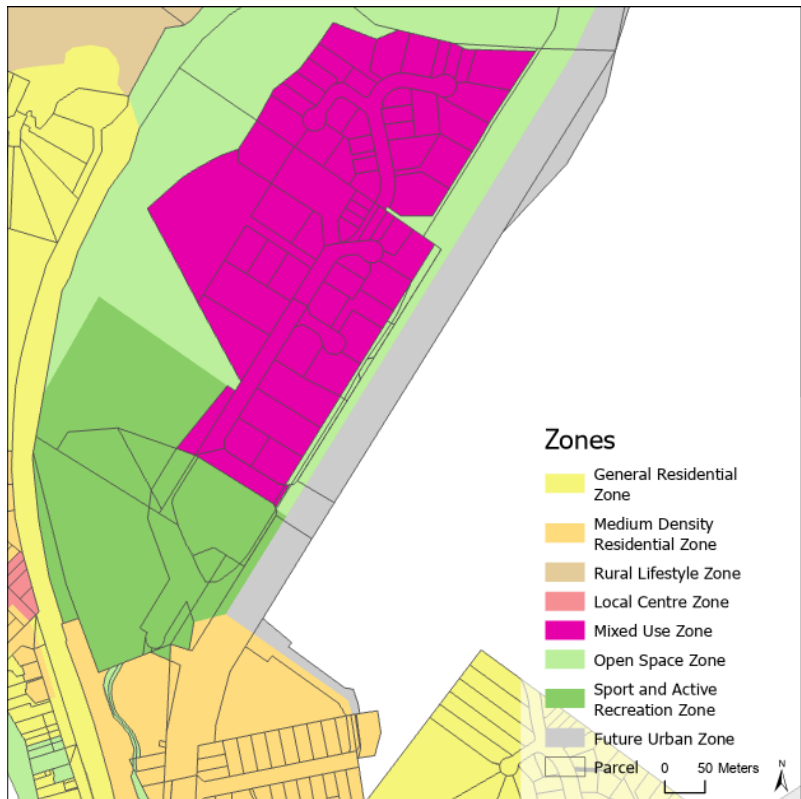
31 The availability of vacant land at Broken Hill and Ulric Street (I assume this is what Ms Johnston meant in terms of land in Plimmerton) is addressed in the 2019 Property Economics report on Industrial land supply, the link to which I have set out earlier. Simply put, there is not enough land in either area to meet projected demand and for the Council to meet its NPS-UD obligations and s31 RMA function. The Plimmerton Farm Zone was made operative on 19 May 2021, after going through a streamlined plan change to the Operative Porirua District Plan. The Plimmerton Farm Zone does not enable industrial activities to occur. The following plans sets out the zoning and overlays that apply to these areas:

Figures 1 and 2: Zoning and Overlay Maps for Broken Hill

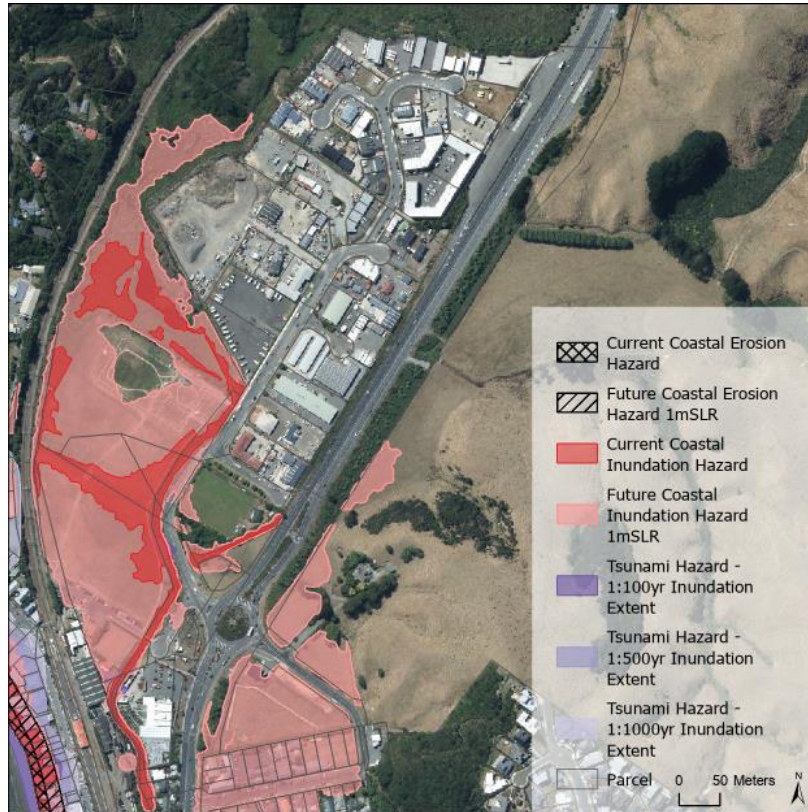




Figures 3 to 6: Zoning and Overlay Maps for Ulric Street, Plimmerton







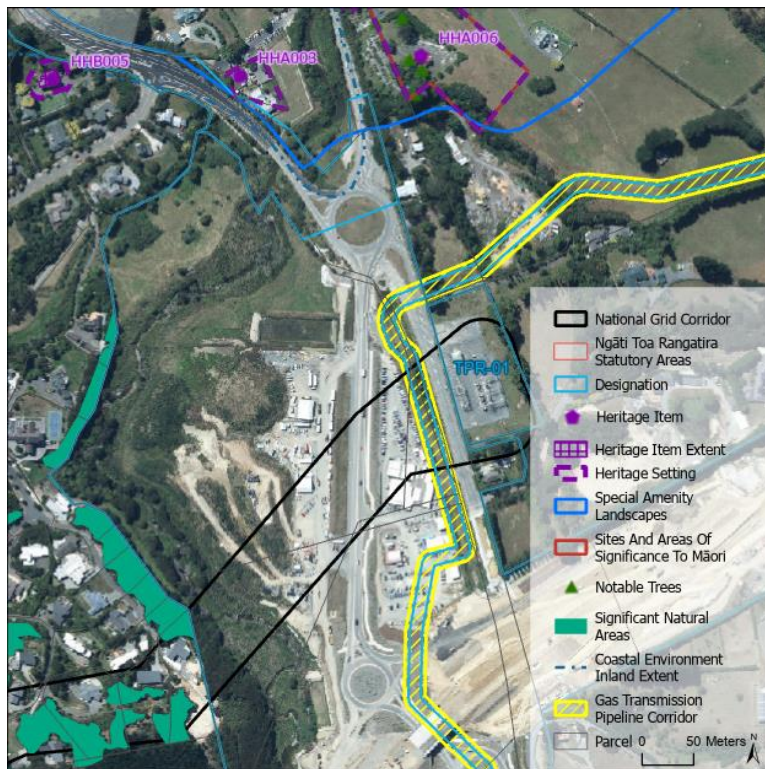
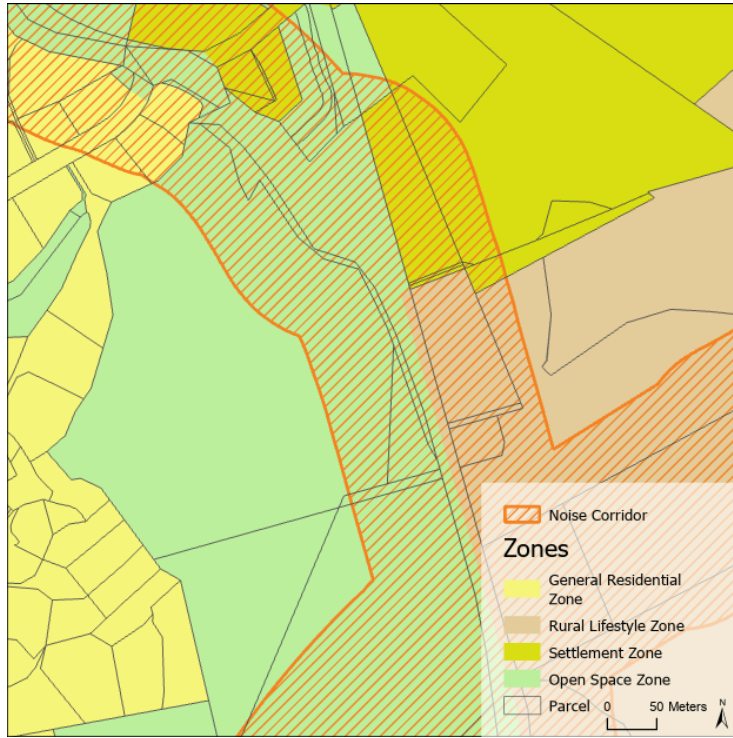
32 I assumed Ms Johnston was talking about the land on Lanes Flat that is being used by Ventia for the operation of the Transmission Gully Motorway. Attached as Appendix 3 is correspondence with Mr Craig Nicholson from Waka Kotahi which addresses the ongoing use and occupancy of Lanes Flat. Also attached as Appendix 4 is the approved Outline Plan design for the Lanes Flat area.

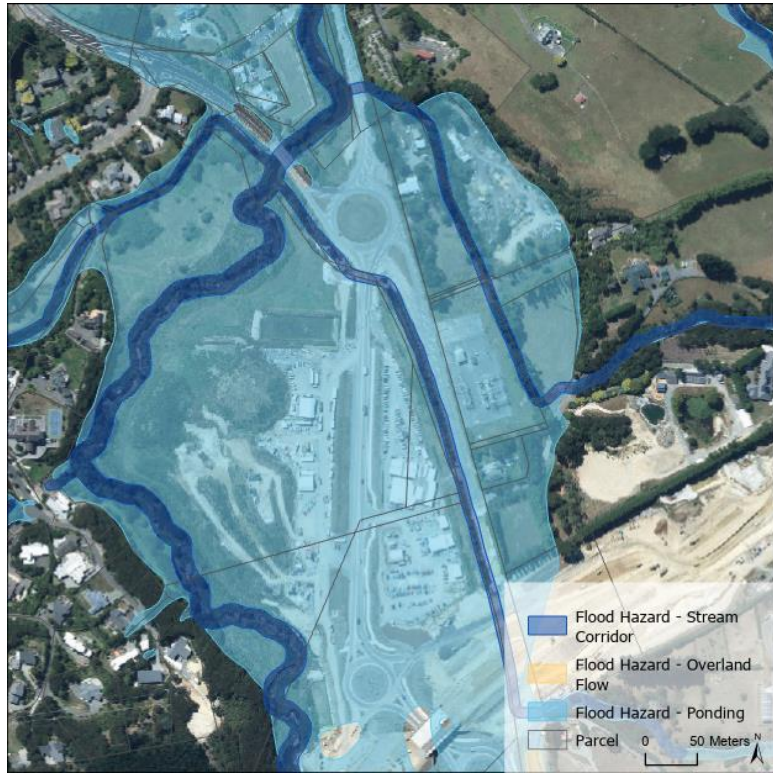
33 As the Panel will see from Mr Nicholson’s letter, there is only a limited area of land that would be available for any industrial use in the medium to long term. Given the presence of the wetland to the west of SH58 and the hazards that overlay this area, it is highly unlikely it would be able to be developed, and the Council Parks Team have a registered interest in securing it as reserve. This would be consistent with the approved Outline Plan. At approximately 0.84ha¹, the small area of land to the east of SH58 is not sufficient to address the projected demand for new industrial land in Porirua.

34 The following plans sets out the zoning and overlays that apply to this area:

Figures 7 to 9: Zoning and Overlay Maps for Lanes Flat, Pāuatahanui

¹ As calculated by the Council GIS team





35 During his presentation at the hearing, Mr Gwynn raised the matter of identifying an area around Waitangirua Link Road as FUZ for industrial purposes. This was not raised in his submission and is in my opinion out of scope. I assume he was referring to the land that is subject to the Silverwood submission, which I address later in this reply.

I addressed changes to the Judgeford Flat FUZ boundary in section 3.5.4 of my s42A report, and in particular, potential extensions into the Moonshine Road area. I note that the area that Mr Gwynn has identified (as shown in Figure 10 below) is mostly outside of the FUZ area and would extend beyond the land identified in the Growth Strategy (as shown in Figure 11 below) and into the General Rural Zone. This would therefore not meet the criteria contained in FUZ-P1-1.

Figure 10: Area identified by Mr Gwynn for rezoning to Future Urban

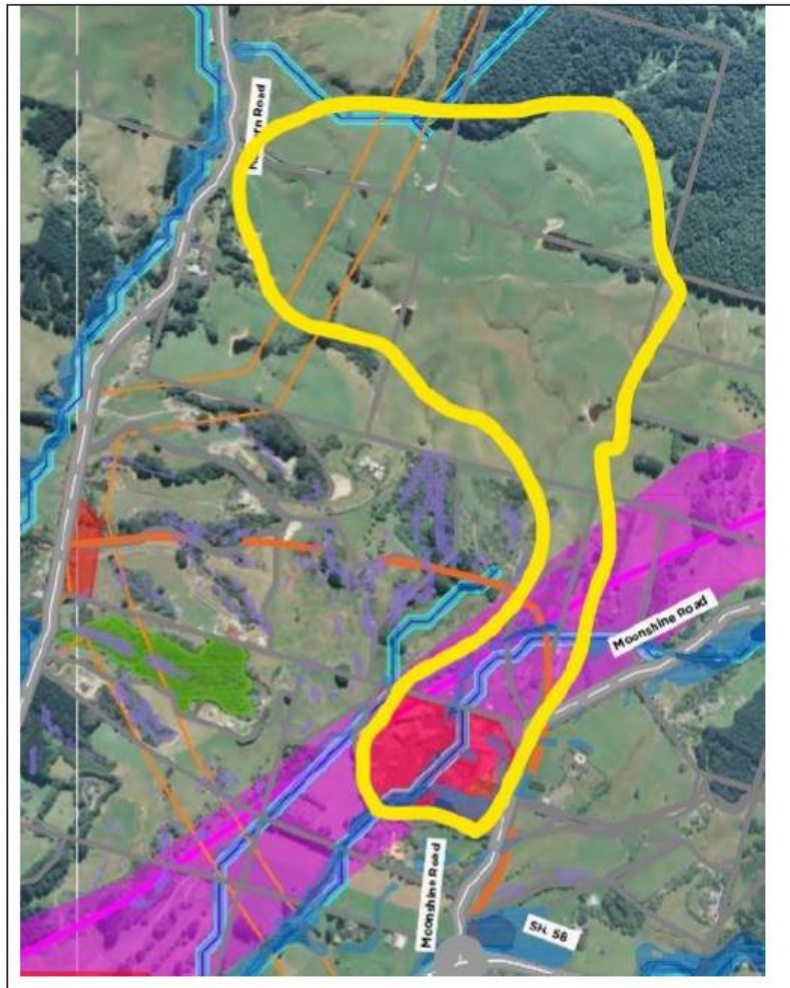
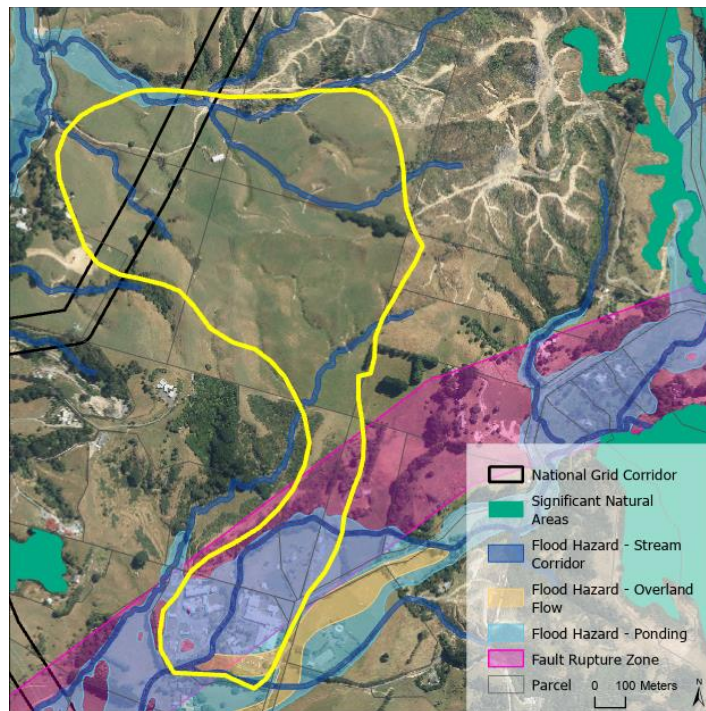
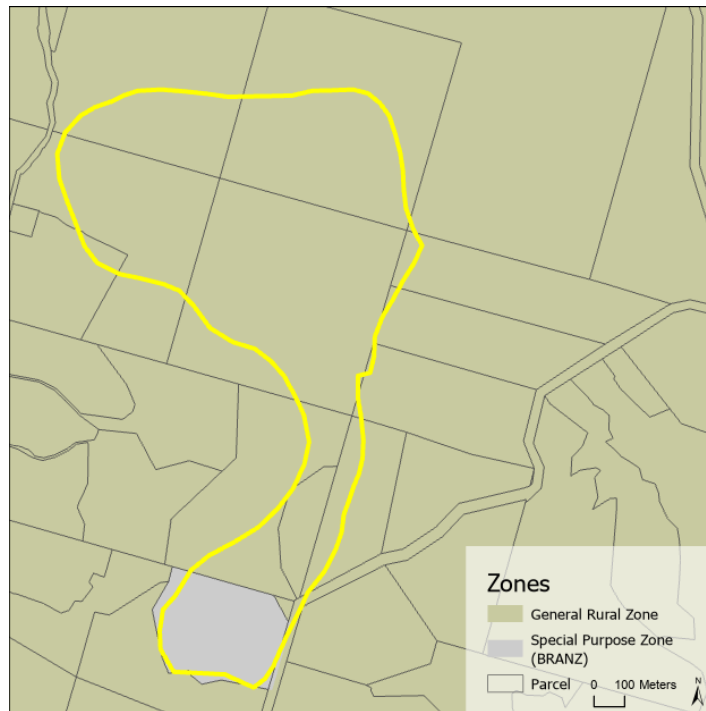


Figure 11: Future Urban Growth area in the Growth Strategy



- 37 In terms of the criteria contained in FUZ-P1-2:
- a. There is no proposal to service this land with infrastructure to support urban development in the Long-term plan;
 - b. Moonshine Road would need to be substantially upgraded, for the reasons set out in the Rural Zone section 42A in respect to submissions seeking Rural Lifestyle Zoning; and
 - c. The land is generally clear of any overlays, with the exception of the Moonshine Fault and the National Grid.
- 38 The area of land identified by Mr Gwynn is approximately 45.62ha. Of this, the southern portion comprises the already developed Special Purpose Zone – BRANZ. This area is not sufficient to meet the identified demand for industrial land. As is also evident, there would be significant issues with accessibility of the land, which is for the majority landlocked.
- 39 The following two figures show the zoning and the overlays that apply to this area.

Figures 12 and 13: Zoning and overlay maps for Mr Gwynn's suggested area



40 The boundary indicated by Mr Gwynn however does not follow site boundaries. While no further submissions were received in respect of Mr Gwynn's submission, I consider it is would be an issue of natural justice and fair process for such a rezoning to occur in

response of a submission, and it would be more appropriate for any potential rezoning to occur through a separate plan change process.

Question from the Panel:

h) Please comment on the merit of (and scope for) providing greater direction in FUZ-P2 as to when an area zoned FUZ will be upzoned e.g. to ensure that occurs at a time and extent that does not unduly disincentivise infill intensification;

41 I addressed this issue in section 3.3 of my section 42A report. In summary, the NPS-UD does not require intensification to be prioritised above greenfield development. However, following discussions at the hearing and reconsideration of the Kāinga Ora [81.944] and John Cody [184.5] submissions, I consider that it is appropriate for FUZ-P2 to be amended to require any plan change to rezone land will assist to ensure that there is sufficient development capacity to meet the NPS-UD requirements. In accordance with section 32AA, I consider that this amendment is in scope of these two submissions and would better achieve the overall objectives of the PDP and the NPS-UD. As I recommended both submissions be accepted in part, I have not updated the table of recommendations on submissions.

FUZ-P2	Urban development
<p>Only provide for urban development within a Future Urban Zone when:</p> <ol style="list-style-type: none"> 1. A comprehensive structure plan for the area has been developed in accordance with the guidelines contained in APP11 - Future Urban Zone Structure Plan Guidance and adopted by Porirua City Council; 2. The rezoning of land for urban development will assist to ensure that there is sufficient development capacity available to meet the requirements of the NPS-UD; and 3. The area has been rezoned as a Development Area which enables urban development. 	

Question from the Panel:

i) Whether the FUZ areas within walking distance of the Pukerua Bay Railway Station are required by the NPSUD to be upzoned for six storey development immediately if there are submissions seeking that relief;

42 There are no submissions that seek that relief. In addition, as required by the RMA as amended through the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021, the Council will be shortly notifying a Variation to the PDP to give effect to Policy 3 of the NPS-UD.

Question from the Panel:

j) Query whether the term “rural activities’ should be used in objectives and policies given the lack of clarity as to what the defined term actually encompasses.

- 43 I consider that there is no scope provided through the submissions on the Future Urban Zone to amend either the definition or the objectives and policies. The term is also used in other parts of the PDP. While the definition may be somewhat ambiguous, it is also preferable to include a defined term rather than not. Deleting rural use and not replacing it would limit both FUZ-O1 and FUZ-O3 to primary production activities which would not encompass all activities that typically occur in rural environments.

Question from the Panel:

k) Please advise the relative proportions of SAL land within the Judgeford Hill FUZ compared to the Silverwood/Landcorp land the subject of Silverwood’s submission;

- 44 The following table sets out these relative proportions.

Table 1: The relative proportions of SAL within Judgeford Hill FUZ and the Silverwood submission land.

Area	Area	Area covered by SAL	Percentage of land in SAL
Judgeford Hills FUZ	1,460,440m ²	317,688m ²	21.75%
Silverwood land	1,127,398m ²	665,315m ²	59.01%
Silverwood land – Isthmus rec ²	1,127,398m ²	374,776m ²	33.24%

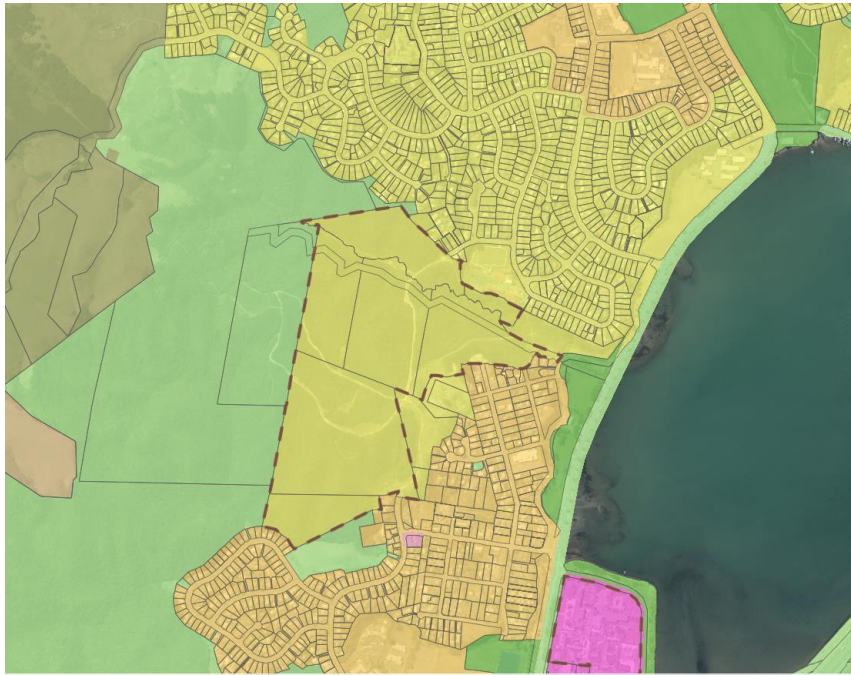
Question from the Panel:

l) Please describe the regulatory regime at Takapūwāhia as notified in the PDP, and as proposed to be amended by the forthcoming variation.

- 45 The Takapūwāhia Precinct is located in the General Residential Zone in the PDP. The following screenshot from the PDP planning maps shows it outlined with hatched lines.

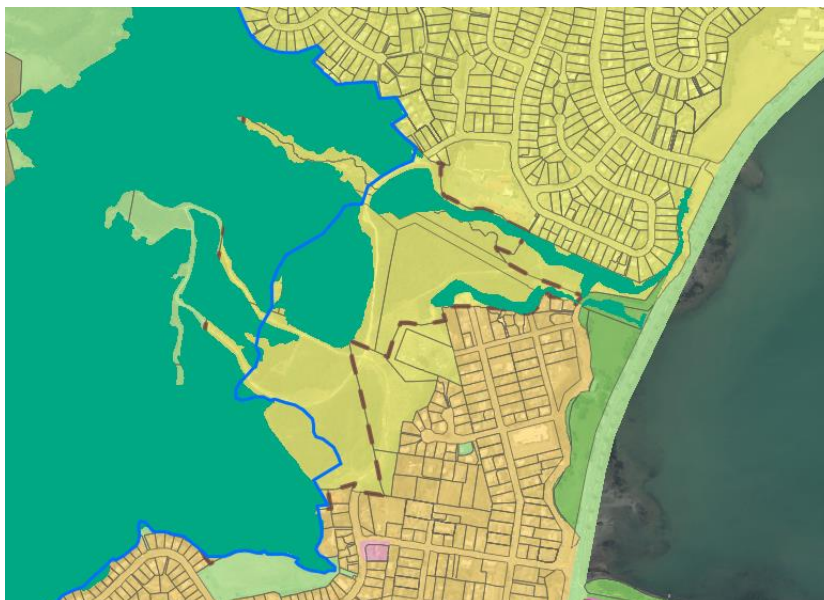
² This is based on the area of avoidance set out in Ms Armstrong’s evidence

Figure 14: Map showing the Takapūwāhia Precinct



46 The following screenshot from the PDP planning maps shows the Significant Natural Area and Special Amenity Landscapes Overlays that apply to the precinct.

Figure 15: Map showing the Significant Natural Area and Special Amenity Landscapes that apply to the Takapūwāhia Precinct



47 The Takapūwāhia Precinct is discussed in the [Section 32 Evaluation Report Part 2 – Residential Zones](#). The following is a succinct summary of the purpose of the Precinct:

The use of a precinct at Takapūwāhia to enable papakāinga and general residential development in an area of undeveloped land, previously zoned Suburban under the ODP, while recognising the significant coverage of identified natural environmental overlays across the area. This approach is intended to strike a balance between recognising kaitiakitanga and cultural relationships with the land on the one hand and, on the other, not allowing adverse effects that would undermine higher order planning documents and identified natural environmental values. Alongside the policies and rules of the General Residential Zone, policies and rules in the Ecosystems and indigenous biodiversity chapter, and the Natural Features and Landscapes chapter implement the relevant zone and natural environment objectives. Together they create a rules framework that provide consent pathways for the appropriate development of land within the precinct while recognising the identified natural environment values. The precinct provisions adopt a similar approach to the development of land in the Māori Purpose Zone (Hongoeka)³.

48 In summary, the PDP includes the following rules which reflect the special nature of the Precinct:

Table 2: The special rules applying to the Takapūwāhia Precinct

Rule	Status	Scope
ECO-R6	Controlled	Removal of vegetation for: <ul style="list-style-type: none"> • Development of papakāinga in SNAs • residential development in the Precinct No more than 3,000m ² vegetation removed Removal outside of the coastal environment
NFL-R5	Controlled	Earthworks for: <ul style="list-style-type: none"> • Development of papakāinga in a SAL • residential development in the Precinct Must be located outside of a coastal high natural character area or ONFL Must not exceed 3,000m ² in a SAL Height of cut/fill must not exceed 3m
NFL-R7	Controlled	Buildings and structures for: <ul style="list-style-type: none"> • Development of papakāinga in a SAL • residential development in the Precinct

³ Section 9.1

		<p>Must be located outside of a coastal high natural character area or ONFL</p> <p>Buildings within a Special Amenity Landscape must:</p> <ol style="list-style-type: none"> a. Comply with the permitted activity standards for the underlying zone, except that any building must not exceed one storey and must not exceed a maximum height of 5m; and b. Not exceed a reflectance value of 30% within Groups A, B or C within BS5252 standard colour palette for the exterior finish of the building or structure; and <p>All buildings must not exceed a cumulative total building footprint of 2000m² per existing title that existed at 26 August 2020.</p>
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49 At this point in time, I consider it would be inappropriate to advise the Panel of the provisions proposed in the Variation. These will be made available separately to the Panel after the Variation is publicly notified.

Question from the Panel:

m) Can Ms Armstrong please provide a map showing the area she identified where development on the Silverwood site should be avoided.

50 Ms Armstrong has provided this map in her Right of Reply. She has also provided commentary to assist the Panel as to how she has identified this area. I rely on Ms Armstrong’s expertise in this area; particularly based on her work for the Council in further evaluation of the landscapes identified in the Natural Features and Landscapes chapter of the PDP.

51 Having reviewed Ms Armstrong’s Right of Reply, I have not changed my recommendation in my section 42A report and my supplementary report in respect to the appropriateness of rezoning the whole of the Silverwood site as Future Urban. After hearing evidence presented by and responses to Panel questions from Silverwood experts at the hearing⁴, my concerns about the appropriateness of the extent of rezoning to Future Urban sought have increased.

52 Ms White in particular talked about areas of the site that were not suitable for urban development, and were more appropriate for a rural lifestyle form of development. Given the recent amendment to the RMA to introduce the MDRS as a default for residential development, I consider that if the Panel was of a mind that rezoning to

⁴ Mr Hudson and Ms White

Future Urban was appropriate, that more work is necessary to ensure that only areas suitable for urban development are so zoned. I note that during the hearing I acknowledged that urban development would encompass open space for the use of the local community; however, I do not agree with Ms Blick that a majority of over 50% of a site being appropriate for urban development would be consistent with applying a Future Urban Zone over an entire site. Instead, I recommend a more nuanced approach that reflects what realistically would be viable for urban development and what is not. In my view, the presence of the SAL and the issues identified by Ms Armstrong as to the compatibility of urban development with the SAL values requires further evaluation.

53 To assist the Panel, Ms Armstrong has also addressed the following other matters in her Right of Reply:

- a. Landscape comparisons which could be made between SAL Belmont Hills (in respect to the Judgeford Hills FUZ) and SAL Cannons Creek (in respect to the Silverwood submission);
- b. The extent of development which would be able to maintain and enhance SAL values; and
- c. Development areas in the draft Silverwood structure plan identified as being suitable for medium density zoning and development.

Question from the Panel:

n) Can Mr Osborne please provide a table showing the theoretical, feasible and realisable housing supply numbers as per the 2019 HBA, the 2021 revision, and the work supporting the forthcoming Variation.

54 Mr Osborne has responded to this question in his right of reply. He has also responded to matters raised by Mr Thompson during the hearing.

Question from the Panel:

o) Can Council please advise if it has any documented policy as to the desired proportions of infill and greenfield residential development.

55 I requested Mr Stewart McKenzie, Manager Environment and City Planning, to respond to this question. He advises:

Council does not have a documented policy that seeks to determine the proportion of infill and greenfield residential development, nor should it. Instead, Council is required in accordance with NPS-UD Policy 2 to provide at all times at least sufficient development capacity to meet expected demand for housing over the short, medium, and long term in both existing and new urban areas, and for both standalone and more dense forms of living. This is discussed in detail in the Porirua City Council Housing and Business Development Capacity Assessment – Housing update (May 2022) (HBA Report). Amongst the key findings of the HBA report is that Porirua will need a combination of current and future urban zoned greenfield land and brownfield land with sufficient development capacity to meet the City’s housing and business needs in the short, medium and long term.

Question from the Panel:

j) The Environment Court’s decision in High Quality Limited v Auckland Council [2022] NZEnvC 117 has since come to our attention. Although focussed on the provisions of the Auckland Unitary Plan related to a FUZ, as they applied to a specific development proposal in the South Auckland area, the decision comments more broadly on direction given by the National Policy Statement for Urban Development 2020 in relation to such zones- see for example paragraphs [30]-[35]. Ms Sweetman is requested to discuss this decision in her reply, addressing its potential relevance to the matters before us.

56 This decision relates to a resource consent to establish and operate a manufacturing activity assembling mobile cabins on an existing rural lifestyle lot within the mixed rural area of Drury zoned as Future Urban Zone (FUZ). A key point through the Court proceeding was who should pay for infrastructure, when it has not planned to be provided for by the Council.

57 Firstly, I reiterate that the decision relates to a resource consent. I also note that the Auckland Unitary Plan was promulgated and made operative in part⁵ prior to the National Planning Standards which came into effect in April 2019. Auckland Council has until April 2029 to give effect to the National Planning Standards, unless they notify a proposed combined plan before that time. The Zone description in the Auckland Unitary Plan is:

The Future Urban Zone is applied to greenfield land that has been identified as suitable for urbanisation. The Future Urban Zone is a transitional zone. Land may be used for a range of general rural activities but cannot be used for urban activities until the site is rezoned for urban purposes.

58 Paragraphs 30 to 35 of the decision is titled “who pays for infrastructure”. I understand that these paragraphs, and others relating to infrastructure in the decision, discuss

⁵ 15 November 2016

whether the ability to provide infrastructure to any area may properly justify it being rezoned or not, as well as the pressure for development in Auckland, which is being constrained by the cost of infrastructure.

59 As this case relates to a resource consent for an industrial activity in a Future Urban Zone, I do not consider that it is directly relevant to the consideration of submissions on the Future Urban Zone in the PDP.

Other matters

60 There are matters raised during the hearing that I consider relevant to respond to in assisting the Panel in their deliberations. I also respond to Mr Cody's statement dated 6 July 2022.

The Panel's question as to the area of land recommended to be excluded from the Judgeford Flat FUZ and the area of land recommended to be included

61 In 3.5.4.2 of my section 42A report I recommend amendments to the Judgeford FUZ boundary. I can confirm that the area I have recommended for exclusion is 10.90ha and the area I have recommended for inclusion is 9.16ha. In my opinion, these amendments would have little impact on the overall yield from the Judgeford Flat FUZ.

The Panel's question as to whether quarrying needs to be excluded from primary production in respect to the Future Urban Zone objectives and policies.

62 I do not consider that quarries need to be specifically excluded. Quarries are a non-complying activity and I consider that the objectives and policies are sufficiently robust to provide clear direction. Further, there were no submission that sought this relief.

The Panel's question as to what development areas are and how they work with underlying zoning.

63 Table 18 of 12. District Spatial Layers Standard of the National Planning Standards sets out the following definition for a development area:

A development area spatially identifies and manages areas where plans such as concept plans, structure plans, outline development plans, master plans or growth area plans apply to determine future land use or development. When the associated development is complete, the development areas spatial layer is generally removed from the plan either

through a trigger in the development area provisions or at a later plan change.

64 The development area spatial layer sits “on top” of the underlying zoning, in the same way as overlays used in the PDP. Once the development is complete, the development area may be “removed” through a subsequent process. The underlying zonings and any overlays will continue to apply following removal of the development area.

65 The Panel will be provided with a copy of the Variation when it is notified, which will include rezoning and provisions for development of the Northern Growth Area. Given this Variation is being prepared in accordance with the National Planning Standards and FUZ-P2 and Appendix 11, it will comprise a Development Area, with underlying zonings and overlays, and a structure plan.

The application of section 32 RMA to the Silverwood submission

66 In my view, the Panel needs to take a broad view to the evaluation as to the requested rezoning in the Silverwood submission. In my view, as I have already addressed in my section 42A report, consideration is not limited to FUZ-P1.

67 What is sought by the submission is a rezoning to Future Urban. The submitter has not sought to apply a Structure Plan or up-zone it to a residential zone now. Given the zoning of a site is in effect a method, the Panel’s consideration is whether rezoning the site to Future Urban is the most appropriate means of achieving the objectives of the Plan.

68 In my view, this evaluation needs to consider a plan as a whole, and how it achieves the purpose of the Act as a whole including in relation to how that purpose is articulated through national and regional direction. Mr Osborne and I have taken a macro consideration of the submission seeking rezoning, in terms of the impact on the Plan and its overall objectives.

69 Having done so and as set out in section 3.14 of my section 42A report, I remain of the view that while there are certainly elements of the requested rezoning to Future Urban that are positive, it is not appropriate for the site to be rezoned at this point in time. This is because there is more than sufficient development capacity already provided for by the PDP, which will further increase with the forthcoming Variation to give effect to the changes introduced through the RMA-EHS and Policy 3 of the NPS-UD. As I have

outlined, in my view and based on Mr Osborne’s advice, providing more land could compromise achieving the relevant strategic objectives in the PDP, which give effect to the RPS, and the objectives of the NPS-UD.

70 Further, I note that managing the amount of greenfield land available for urban growth is a commonly used planning tool, to ensure the efficient use of resources, including the provision of infrastructure. More well-known examples include the Auckland Unitary Plan, the Bay of Plenty Regional Policy Statement, and the Canterbury Regional Policy Statement.

The use of indicative zones in Structure Plans that informed the Future Urban Zone

71 Ms Blick advised the Panel that previous structure plans that had informed the Growth Strategy had not shown indicative zoning.

72 I can confirm that the [Northern Growth Area Structure Plan 2014](#) that informed the Growth Strategy and the PDP did include indicative zoning. This is shown below:

Figure 16: Northern Growth Area Structure Plan



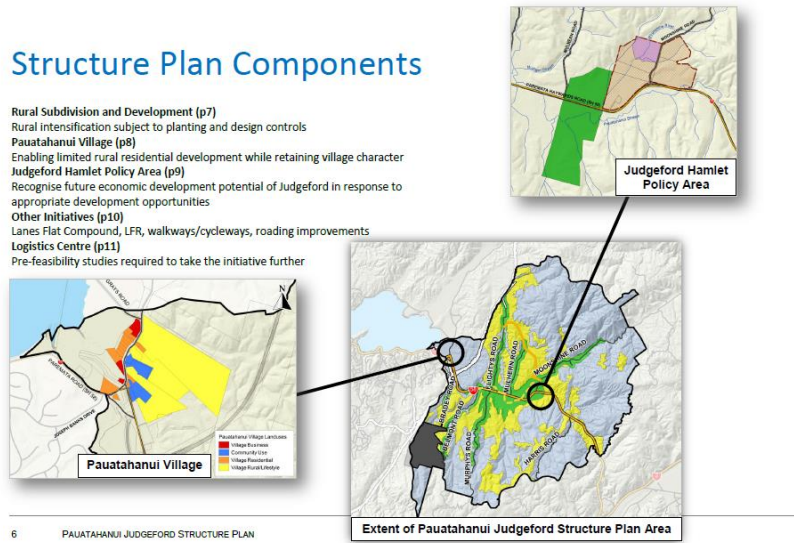
The composite Northern Growth Area Structure Plan

8 Porirua City Council Northern Growth Area Structure Plan

73 The FUZ boundary as it applied to the Northern Growth Area was then further amended and reduced through the development of the Growth Strategy. The PDP boundary for the Northern Growth Area is consistent with the Growth Strategy boundary.

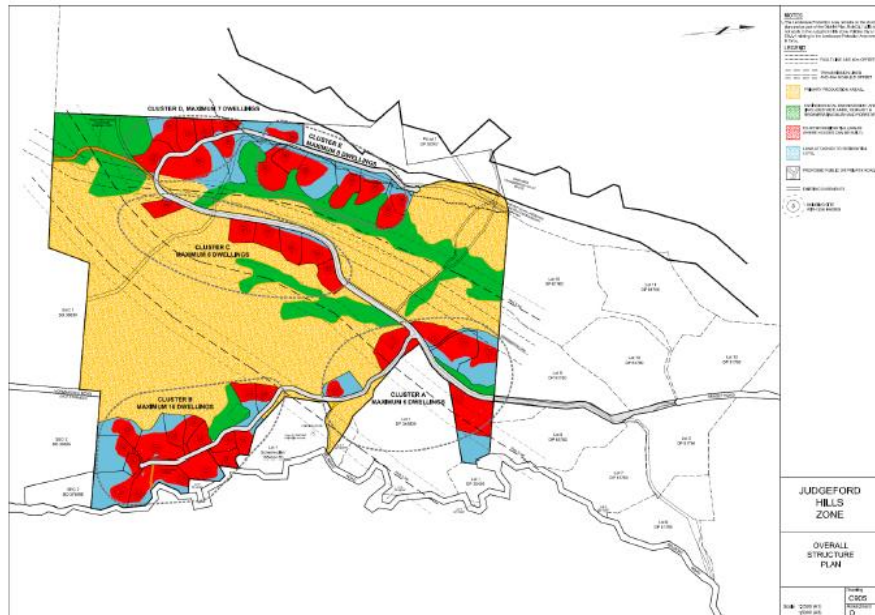
The [Pāuatahanui-Judgeford Structure Plan 2012](#) shows the Judgeford Hamlet Policy Area which informed the Judgeford Flat Future Urban Zone.

Figure 17: Pāuatahanui – Judgeford Structure Plan Structure Plan Components



The Judgeford Heights Future Urban Zone was informed by the [Judgeford Hills Zone](#) in the ODP, as well as the Concept Plan prepared in 2018 (see Figure 7 in the Section 32 Evaluation Report Part 2 – Future Urban Zone).

Figure 18: Judgeford Hills Zone Structure Plan



The status of Plimmerton Farm Zone in respect to the National Planning Standards

77 The Panel asked Ms Blick if the National Planning Standards allow councils to use different zones other than the National Planning Standards allow.

78 In response, Ms Blick advised the Panel that the National Planning Standards enable the use of Special Purpose Zones to cover other zones not otherwise contained in them. She advised that the Plimmerton Farm Zone is an example of such a Special Purpose Zone.

79 Direction 1 of 8. Zone Framework Standard in the National Planning Standards states that a district plan must only contain the zones listed in table 13 consistent with the description of those zones, except for:

a. A special purpose zone when direction 3 is followed.

80 Under direction 3 of 8. Zone Framework Standard in the National Planning Standards, an additional special purpose zone must only be created when the proposed land use activities or anticipated outcomes of the additional zone meet all of the following criteria:

a. Are significant to the district, region or country

b. Are impractical to be managed through another zone

c. Are impractical to be managed through a combination of spatial layers.

81 Under the mandatory directions in 4. District Plan Structure Standard of the National Planning Standards, all parts and their titles in table 4 must be included. If a chapter in table 4 is included, its associated hearing must also be included.

82 I can advise the Panel that the Plimmerton Farm Zone is not a Special Purpose Zone as defined under the National Planning Standards. Paragraphs 86 and 87 of the [section 32 evaluation report for the Plimmerton Farm Zone](#) states that the National Planning Standards are not directly relevant to the proposed Plan Change, as it is a change to the Operative District Plan. It is not prefixed by a Special Purpose Zone as is required by the National Planning Standards and it is not contained in a Special Purpose Zone Chapter of the Operative District Plan.

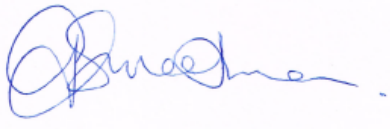
Mr Cody's statement dated 6 July 2022

83 I have read Mr Cody's statement.

84 In respect of the matter of Future Regeneration Zones, I have not changed my recommendation from my section 42A.

85 I have carefully considered his commentary in respect to intensification and making this explicit in any structure plan. I have addressed this earlier in this right of reply.

Date: 28/07/2022



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Appendix 1 – List of materials provided by submitters

The following table contains all material provided by submitters through Hearing Stream 5, some of which cover topics addressed in other replies:

<p>Submitter evidence</p>	<p>Statement of Evidence - Adam Thompson (Economics Evidence) For Silverwood [172] Statement of Evidence - Adrienne Black (Corporate Evidence) for Waka Kotahi [82] Statement of Evidence - Claudia Jones (Planning Evidence) for Waka Kotahi [82] Statement of Evidence - Dean Raymond For Heritage NZ Pouhere Taonga [65] Statement of Evidence - Graeme McCarrison for Spark Trading New Zealand Ltd Statement of Evidence - Natalie Webb for Firstgas Limited [84] Statement of Evidence - Peter Coop for BRANZ [116] - Appendix - Controlled Activity Height Standards Drawing Statement of Evidence - Peter Coop for BRANZ [116] Statement of Evidence - Ray O'Callaghan for 1010 Homes Ltd [125] Supplementary Statement of Evidence - Peter Coop - BRANZ [116] - Appendix 1 Supplementary Statement of Evidence - Peter Coop - BRANZ [116]</p>
<p>Submitter statements</p>	<p>Submitter Statement - Pikarere Farm Limited [183] Submitter Statement - 1010 Homes [125] Submitter Statement - Judgeford Environmental Protection Society [246] - Supporting Materials Part 1 Submitter Statement - Judgeford Environmental Protection Society [246] - Supporting Materials Part 2 Submitter Statement - Milmac Homes [258] Submitter Statement - Robyn Smith [168] Submitter Tabled Information - Silverwood Corporation Limited [172] - Submission On Growth Strategy Submitter Tabled Information - Judgeford Environmental Protection Society [246] - Photos Of Flooding In Judgeford Submitter Tabled Information - Sandra Johnston [89] - Photos Of Flooding In Judgeford Submitter Tabled Information - Silverwood Corporation Limited [172] - Clarification from Adam Thompson Submitter Tabled Statement - Ara Poutama Aotearoa Department of Corrections [135] Submitter Tabled Statement - John Cody [185] Submitter Tabled Statement - Rural Contractors NZ [179] Submitter Tabled Statement - Transpower [60]</p>
<p>Memos from submitters to panel</p>	<p>Memo to Panel - Graeme McCarrison for Spark Trading NZ Ltd - Response to Commissioner Questions (30 May 2022) Memo to Panel - Judgeford Environmental Protection Society [246] - Response to Minute 39 (13 July 2022) Memo to Panel - Julian Dawson on Behalf Of Silverwood Corporation Limited [172] - Response To Hearings Panel Request Memo to Panel - Waka Kotahi [82] - Hearing Stream 5 Response to Hearing Panel (1 Jun 22) Memo to Panel - Waka Kotahi [82] - Request For Evidence To Be Tabled (18 May 22)</p>

	<p>Memorandum of Counsel - Silverwood Corporation [172] (27 April 2022)</p> <p>Memorandum of Counsel - Silverwood Corporation [172] (29 June 2022)</p> <p>Memorandum of Counsel - Silverwood Corporation [172] (30 June 2022)</p> <p>PCC Memo - HS5 Requested Adjournment For Silverwood Submission (29 June 2022)</p>
Submitter presentations	<p>Submitter Presentation - 1010 Homes Ltd [125] - Information Provided to Panel</p> <p>Submitter Presentation - Graeme McCarrison For Spark</p> <p>Submitter Presentation - Jennifer Blake [17]</p> <p>Submitter Presentation - Judgeford Environmental Protection Society [246]</p> <p>Submitter Presentation - Pikarere Farm Ltd [183] - Copy of Document Referred to In Presentation</p> <p>Submitter Presentation - Robyn Smith [168] - Additional Information Requested by Panel</p> <p>Submitter Presentation - Stephanie Blick for Silverwood Corporation Limited [172]</p> <p>Submitter Presentation - Summary Statement of Adam Thompson for Silverwood Corporation Limited [172]</p> <p>Submitter Presentation - Survey and Spatial NZ (Wellington Branch) [72]</p> <p>Submitter Presentation - Tracey Davies [10]</p>
Submitter legal submissions	<p>Submitter Legal Submissions - BRANZ [116] - Attachment</p> <p>Submitter Legal Submissions - BRANZ [116]</p> <p>Submitter Legal Submissions - Silverwood Corporation [172] (1 July 2022)</p> <p>Supplementary Submission of Counsel for BRANZ [116]</p>

Appendix 2 – Recommended amendments to PDP provisions

In order to distinguish between the recommendations made in the Section 42A Report and the recommendations that arise from this report:

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

FUZ - Future Urban Zone

Council's Housing and Business Capacity Assessment (2019) identified a need for additional land for housing and business purposes over the next thirty-years. The Future Urban Zone applies to Greenfield land that has been identified as being suitable for these purposes. It is a holding zone where land can continue to be used for a range of rural activities, and subdivision and urban development are discouraged until a structure plan is prepared and the land rezoned. Structure planning helps achieve an optimal type, form and extent of urban development, and demonstrates how future development can be adequately serviced by infrastructure.

Rural-lifestyle subdivision, use and development, non-farming related industry and commercial activities are discouraged in the Future Urban Zone along with ad hoc urban development. Subdivision and development is restricted to limit fragmentation of land and to maintain the land's character, amenity and productive capability in the interim.

The Future Urban Zone applies to the Northern Growth Area, Judgeford Hills and Judgeford Flat. The Northern Growth Area and Judgeford Hills are identified as being needed and suitable for residential development. Judgeford Flats is identified as being needed and suitable for industrial use.

Exception:

The Proposed Porirua District Plan does not apply to the land known as Plimmerton Farm, being Lot 2 DP 489799, 18 State Highway 1, Plimmerton, which is identified on the planning maps. Lot 2 DP 489799 is subject to Proposed Plan Change 18 to the Operative Porirua District Plan.

Objectives

FUZ- Purpose of the Future Urban Zone O1

The Future Urban Zone allows for the continued operation of existing activities and the establishment of new primary production, rural ~~use~~ activities⁶ and development that does not compromise the potential of:

1. The Judgeford Hills and Northern Growth Area to accommodate integrated, serviced and primarily residential urban development;

⁶ Fulton Hogan [262.31]

2. The Judgeford Flats area to accommodate integrated, serviced and primarily industrial urban development; and
3. Any other areas that have been subsequently included in the Future Urban Zone, and are able to accommodate integrated and serviced urban development.

FUZ- O2 Character and amenity values of the Future Urban Zone

The Future Urban Zone supports appropriate rural use and development, and maintains the character and amenity values of the General Rural Zone until such time as it is rezoned for urban purposes.

FUZ- O3 Maintaining the development potential of the Future Urban Zone

Use and development in the Future Urban Zone does not result in any of the following:

1. Structures and buildings of a scale and form that will restrict or prevent future urban development;
2. The efficient and effective operation of the local and wider transport network being compromised;
3. The need for significant upgrades, provisions or extensions to the wastewater, water supply or stormwater networks, or any other infrastructure in advance of future urban development;
4. The efficient operation, maintenance, upgrade or development⁷ ~~provision~~ of infrastructure being compromised;
5. Reverse sensitivity effects when urban development occurs;
6. Reverse sensitivity effects on existing rural activities, primary production activities⁸ or infrastructure; or
7. The form or nature of future urban development being compromised.

Policies

FUZ- P1 Identifying future urban areas

Identify areas for future urban development as the Future Urban Zone where these:

1. Are consistent with the Porirua Urban Growth Strategy 2048 (2019); and
 - a. Avoid significant adverse effects and avoid, remedy or mitigate any other adverse effects on the identified characteristics and values of any areas identified in SCHED9 - Outstanding Natural Features and Landscapes, SCHED7 - Significant Natural Areas, SCHED11 - Coastal High Natural Character Areas and SCHED10 - Special Amenity Landscapes; and
 - b. Will not result in an increase in risk to people's lives and properties within any area located in a Natural Hazard Overlay or a Coastal Hazard Overlay; or
2. Are of a size, scale and location which could accommodate comprehensive and integrated future development that:
 - Is serviced by infrastructure, ~~or~~ planned to be serviced by infrastructure in the Council's Long Term Plan or has been agreed to be serviced and funded through a formal agreement between the landowner and the Council⁹;

⁷ Transpower [60.117]

⁸ Aggregate and Quarry Association [104.4]

⁹ John Carrad [231.26], Jason Alder [232.13], The Neil Group Limited and Gray Family [241.24], Pukerua Property Group Limited [242.15]

<ul style="list-style-type: none"> • Is connected to or planned to be connected to the transport network; • Avoids significant adverse effects and avoids, remedies or mitigates any other adverse effects on the identified characteristics and values of any areas identified in SCHED9 - Outstanding Natural Features and Landscapes, SCHED7 - Significant Natural Areas, SCHED11 - Coastal High Natural Character Areas and SCHED10 - Special Amenity Landscapes; and • Will not result in an increase in risk to people's lives and properties within any area located in a Natural Hazard Overlay or a Coastal Hazard Overlay.
<p>FUZ- Urban development P2</p>
<p>Only provide for urban development within a Future Urban Zone when:</p> <ol style="list-style-type: none"> 1. A comprehensive structure plan for the area has been developed in accordance with the guidelines contained in APP11 - Future Urban Zone Structure Plan Guidance and adopted by Porirua City Council; 2. The rezoning of land for urban development will assist to ensure that there is sufficient development capacity available to meet the requirements of the NPS-UD¹⁰; and 3. The area has been rezoned as a Development Area which enables urban development.
<p>FUZ- Intended use of future urban areas P3</p>
<p>Recognise that the intended use of the Northern Growth Area and Judgeford Hills is primarily for residential purposes, while Judgeford Flats is primarily for industrial purposes.</p>
<p>FUZ- Appropriate use and development P4</p>
<p>Provide for use and development of land in the Future Urban Zone where it supports the policies of the General Rural Zone, except where that use and development is inconsistent with FUZ-P5 and FUZ-P6.</p>
<p>FUZ- Potentially inappropriate activities P5</p>
<p>Only allow activities that are potentially incompatible with the purpose, character and amenity values of the Future Urban Zone where it can be demonstrated that:</p> <ol style="list-style-type: none"> 1. The site design, layout and scale of the activity is compatible with the character and amenity values of the Future Urban Zone; 2. There is no more than one principal residential unit and one minor residential unit per site; 3. There is adequate infrastructure available to service the activity, including on-site servicing where reticulated services are not available; 4. Areas of indigenous vegetation are retained where practicable; 5. It does not compromise the future intended use of the Future Urban Zone; 6. It avoids constraining the establishment of activities otherwise anticipated within the Future Urban Zone; and

¹⁰ Kāinga Ora [81.944] and John Cody [184.5]

7. There are measures to internalise effects and avoid conflict and potential reverse sensitivity effects on activities anticipated in the Future Urban Zone.

**FUZ- Inappropriate use and development
P6**

Avoid use and development that may result in the future development potential of the Future Urban Zone being compromised.

Appendix 3 – Correspondence from Waka Kotahi on Lanes Flat

CONCEPT AREA B: DESIGN DEVELOPMENT

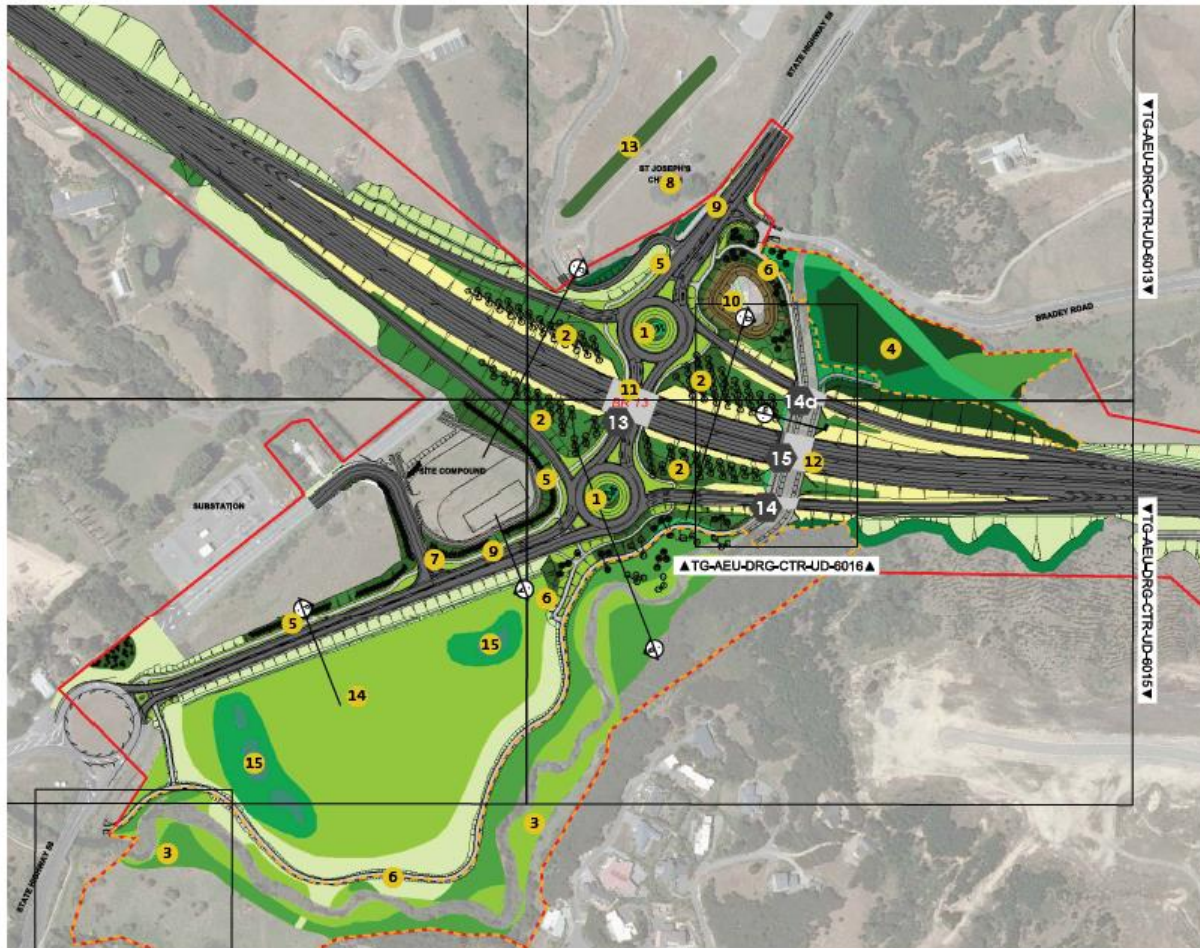


Figure 4 Concept Diagram for Area B

● Bridge Location

- 1 A simple palette of plant types in large blocks is proposed in roundabouts and highway embankments to reflect the broad scale of the landscape
- 2 Emphasising the existing landscape patterns perpendicular to the highway - bands of native trees reference shelter belt planting
- 3 Ecological mitigation planting along the Pauatahanui stream, a mixture of swamp forest, saline wetland and Raupo. Refer to EMMP for details.
- 4 Revegetation planting - Kanuka sp.
- 5 3m wide shared path on the northern side of the roundabouts to facilitate a safe cycling route. Design of the shared path ensures good sight lines and safe crossing points
- 6 3m wide shared path along the stream corridor that has the potential to link the Pauatahanui Village 'The Meandering Path' with the historic St. Josephs Church
- 7 Perimeter planting around the construction compound and permanent maintenance area for visual mitigation.
- 8 Location of existing St. Josephs Church
- 9 Road cycling on the road shoulder on both sides of SH58 through the designated area
- 10 Wetland ponds and stream planting respond to the proposed mitigation planting for Pautahanui Stream with informal mixes of saline wetland and wetland species
- 11 Bridge 13 - cruciform panel with Ashlar finish, single tone
- 12 Bridges 14, 14a & 15 - the shared path passes under these bridges, a straight path alignment with clear sightlines is proposed. The stream diversion is softened and naturalised through pocket planting with rock riprap and the creation of a low flow channel, pools and riffles. Cruciform panel with Ashlar finish, single tone
- 13 Visual mitigation planting - location and scale to be agreed with the landowner
- 14 Wetland planting (flax & shrubs) on flat terrace to provide visual/landscape connection with Pauatahanui Inlet saline wetland
- 15 Low lying depressions planted with Raupo and saline wetland species - sedges, grasses