

**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**

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**Council reply - Torrey McDonnell – MPZ (Hongoeka), OSZ, SARZ and SPZ  
(BRANZ)**

**Date: 10 June 2022**

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**INTRODUCTION:**

- 1 My full name is Torrey James McDonnell. I am employed as a Principal Policy Planner for Porirua City Council.
- 2 I have read the evidence and tabled statements provided by submitters relevant to the:
- Section 42A Report – Hongoeka;
  - Section 42A Report - Open Space and Recreation Zones; and
  - Section 42A Report - Special Purpose Zone BRANZ; and
- 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 above listed Section 42A Reports.
- 5 I am authorised to provide this evidence on behalf of the Council.

**QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT**

- 6 The relevant appendices of the above Section 42A reports set 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 Monday 16 May and Wednesday 25 May 2022.
- 9 Minute 37 from the Panel dated 30 May 2022 allows for Council to submit a written reply for open space zones (OSZ and SARZ), MPZ (Hongoeka) and SPZ (BRANZ) by 1pm on 10 June 2022.

- 10 The matters addressed in this reply for each topic include:
- Questions put to me by the Panel through Minute 37;
  - Matters raised during my presentation to the Panel; and
  - Other relevant matters raised by submitters.
- 11 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 (including my Statement of Supplementary Planning Evidence - Torrey McDonnell - Hearing Stream 5).
- 12 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>.
- 13 Appendix 2 contains recommended amendments to PDP provisions, with updated recommendations differentiated from those made in Appendix A of the Section 42A Report.
- 14 Note that none of the changes proposed in Appendix 2 alter recommendations from those made in Appendix B of the s42A report.
- 15 For ease of reference, I have shown any changes proposed through this right of reply as follows:

s42A Report	<del>deletions/insertions</del>
Right of Reply version	<del>deletions/insertions</del>

## Māori Purpose Zone (Hongoeka)

### Questions from the Panel through Minute 27

16 The Panel has asked me to address several matters in relation to this topic through Minute 37 dated 30 May 2022:

*Question from the Panel:*

*(i) In relation to MPZ-02(5), is there more appropriate language to capture the vision that the Hongoeka Marae Committee gave us of the nature of the future development of the zone, which we perceive to be neither rural nor urban in nature?*

17 I have revisited the submissions received on MPZ-02 in light of the korero provided by the Hongoeka Marae Committee at the hearing, questioning from the Panel, and in further consultation with the Hongoeka Marae Committee after the hearing adjourned.

18 In relation to MPZ-02(5), the addition of the term “There is a village or papakāinga character...” would better articulate the character of the Zone. Further, the addition of “low impact sustainable development” to MPZ-02(4) better articulates the desired nature of future development. Low impact sustainable development is delivered through the Three Waters Chapter which requires hydraulic neutrality be achieved.

19 The Hongoeka Marae Committee recommend several other wording changes that better reflect character and amenity values of the Zone, including:

- Reference to mana whenua rather than tangata whenua<sup>1</sup>;
- Addition of “principal home” to MPZ-02;

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<sup>1</sup> This term is applied to the people who have authority over the land, whereas Tangata whenua is a general term for any Māori.

- Addition of “tikanga” and “sustainable management of resources” to MPZ-O3.

20 The above Te Reo terms are all in the glossary to the plan, and I consider that their use is appropriate in this context. The Hongoeka Marae Committee considers that mātauranga Māori should be informed by “modern western science”, I consider that “sustainable management of resources” is the equivalent to this term in an RMA context.

21 In my view, these changes are appropriate and are within scope of the submission point from Te Whānau Horomona [249.10] on this provision. I consider MPZ-O2 should be amended as follows and in Appendix 2:

#### **MPZ-O2 Character and amenity values of the Māori Purpose Zone (Hongoeka)**

The Māori Purpose Zone (Hongoeka) is a place where:

1. [Tangata Mana](#) whenua are able to exercise kaitiakitanga, [intergenerational wellbeing](#)<sup>5</sup>, and tikanga Māori;
2. The Marae and Wharehenui are the [principal home](#)<sup>6</sup>, cultural and spiritual centre of the community;
3. The whenua is managed in accordance with [tikanga and mātauranga Māori principles and sustainable management of resources](#);
4. The natural environment flourishes [alongside sustainable low impact development that supports the wellbeing of tangata mana whenua](#)<sup>7</sup>; and
5. There is a village [or papakāinga](#) character which is [less-serviced by urban semi-urban in nature, including infrastructure such as footpaths and street lights](#).<sup>8</sup>

*Question from the Panel:*

*(ii) Can the Council’s Reply please review Rules MPZ-R29 Industrial Activity and MPZ-R31 Intensive Indoor Primary Production to ensure that the definition of those activities accurately encompasses the scope of activities intended to have non-complying status;*

22 In my view, and in consultation with the Hongoeka Marae Committee, the definitions of these activities do accurately encompass the scope of these activities. My position on the submissions relevant to these rules has not changed from that outlined in section 3.10.9 of the Section 42A Report for this topic.

Matters raised during my presentation to the Panel

23 During the hearing, the Panel pointed out typographical errors in Appendix A of Section 42A report relating to MPZ-S1 and MPZ-S2.

24 I consider these minor errors should be addressed as follows and in Appendix 2:

MPZ-S1	Height
<p>1. All buildings and structures must comply with a maximum height above ground level of 8m, except that:</p> <p>a. An additional 1m can be added to the maximum height of any building with a roof pitch of between 15°<sup>11</sup> and 45°, which rises to a ridge that is centered or within the middle third of the building footprint, as illustrated in MPZ-Figure 1 below.</p> <p>This standard does not apply to:</p> <ul style="list-style-type: none"> <li>• <u>Cultural structures (such as pou and tekoteko)</u><sup>12</sup></li> </ul>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>1. Design and siting of the building or structure;</li> <li>2. Any shading of, or loss of privacy for, residential units on adjacent sites;</li> <li>3. Screening, planting, and landscaping of the building or structure;</li> <li>4. Whether an increase in building or structure height results from a response to natural hazard mitigation; and</li> <li>5. Whether topographical or other site constraints make compliance with the standard impractical.</li> </ol>
MPZ-S2	Height in relation to boundary
<p>1. All buildings and structures must be contained within a line of 45° measured from any point 3m vertically above ground level along site boundaries.</p> <p>Exemptions:</p> <ul style="list-style-type: none"> <li>• Where adjacent to a shared access in excess of 2.5m in width, the measurement shall be taken from the furthest side.</li> </ul>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>a. Design and siting of the building or structure;</li> <li>b. Any shading of, or loss of privacy for, residential units on adjacent sites;</li> <li>c. Screening, planting, and landscaping of the building or structure;</li> <li>d. Whether an increase in height in relation to boundary results from a response to natural hazard mitigation; and</li> <li>e. Whether topographical or other site constraints make compliance with the standard impractical.</li> </ol>

Other relevant matters raised by submitters

25 In their tabled statement, Te Ara Poutama Aotearoa Department of Corrections [135] pointed out the following:

*Please note that there is a minor drafting error in the new Rule MPZ-R26 recommended by the reporting officer (refer to paragraph 52 of the Hongoeka Zone report) – whereby “community corrections facilities” are referred to. This should instead refer to “community corrections activities” to be consistent with the definition provided for such under the PDP.*

26 I agree with the submitter and consider that it is within scope of their submission point 135.18. I consider this should be addressed as follows and in Appendix 2:

**MPZ-R26**

**Community Corrections Facilities Activities**

**1. Activity status: Discretionary<sup>10</sup>**

## Open space zones

### Questions put to me by the Panel through Minute 37

27 The Panel has asked me to address several matters in relation to this topic through Minute 37 dated 30 May 2022:

*Question from the Panel:*

*(i) Query how greater clarity might be provided as to the location of Te Rahui o Rangituhi for Plan readers;*

28 I consider that making this change would provide greater clarity to plan users, and it within the scope of submission point 11.67 from Porirua City Council.

29 I consider this should be addressed as follows and in Appendix 2:

<b>OSZ-P2</b>	<b>Primary production</b>
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Allow for primary production activities that are complementary to the purpose, character and amenity values of Battle Hill Farm Forest Park and Belmont Regional Park and [Te Rahui o Rangituhi \(Lot 1 DP 421065, Lot 1 DP 79014\)](#)<sup>15</sup>.

<b>OSZ-R10</b>	<b>Primary production, excluding quarrying activities, mining, intensive indoor primary production and rural industry</b>
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1. Activity status: **Permitted**

Where:

- a. The activity is undertaken within the Battle Hill Farm Forest Park, or the Belmont Regional Park and [Te Rahui o Rangituhi \(Lot 1 DP 421065, Lot 1 DP 79014\)](#)<sup>17</sup>

*Question from the Panel:*

*(ii) Please clarify which areas of OSZ are subject to the NPSUD 2020 (i.e. are located in an area intended to be predominantly urban in character);*

30 This analysis is being completed as part of the s32 Evaluation for Variation 1 and will be provided to the Panel in August with this report.

*Question from the Panel:*

*(iii) The Council Reporting Officer is also requested to consider whether some qualification of the suggested reference in OSZ-01 to relevant values is required to impose*



*a quality trigger, below which values are not sought to be conserved;*

- 31 I have given this submission point further thought and consider that the term “conservation of” is an unnecessary addition to this objective. The Zone simply supports these values, and any “conservation” of values is provided by overlays such as those within the Ecosystems and Indigenous Biodiversity Chapter, the Natural Features and Landscapes Chapter, the Historic Heritage Chapter etc.

Objectives	
OSZ-01	Purpose of the Open Space Zone
The Open Space Zone supports <a href="#">the conservation of natural, ecological, landscape and historic heritage values and</a> <sup>15</sup> a wide range of passive and active recreational and community activities.	

Other relevant matters raised by submitters

- 32 Submitter Robyn Smith [168] filed a submitter statement in advance of the hearing. There is one interpretation I issue I wanted to address in regard to Ms Smith’s commentary on submission point 168.124 on page 11 of this statement.

*...Belmont Park and Battle Hill Farm Forest Park where only two buildings each 50m2 in area are allowed (see OSZ-S3).*

- 33 The intent of OSZ-S3 is to permit a maximum gross floor area of 100m<sup>2</sup> for all buildings and structures at these two parks. However, unlike OSZ-S3-1, the term ‘individual’ does not precede ‘buildings and/or structures’. I consider that this qualifier would better reflect the policy intent.
- 34 The purpose of this increased permitted threshold is to allow for larger buildings at these particular parks to better allow for primary production activities at these two parks in line as required by OSZ-P2.
- 35 During my presentation, I expressed some hesitancy as to whether there was scope in submissions to correct this typographical error. Having

reflected further on this matter, I consider that OSZ-P2 clearly articulates the policy intent and the following recommend wording change is of a minor and technical nature, and can be made under clause 16.

36 I recommend OSZ-S3 is amended as follows and outlined in Appendix 2:

<b>OSZ-S3</b>	<b>Scale of buildings and structures</b>
<p>1. All individual buildings and/or structures on a site must not exceed a maximum gross floor area of 50m<sup>2</sup>, except:</p> <p>a. All <u>individual</u><sup>18</sup> buildings and/or structures on a site within the Battle Hill Farm Forest Park or Belmont Regional Park must not exceed a maximum gross floor area of 100m<sup>2</sup>.</p> <p>This standard does not apply to:</p> <ul style="list-style-type: none"> <li>• Playground equipment; or</li> <li>• Boardwalks.</li> </ul>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>1. Design and siting of the building or structure;</li> <li>2. Any shading of, or loss of privacy for, residential units on adjacent sites;</li> <li>3. Screening, planting, and landscaping of the building or structure; and</li> <li>4. Whether topographical or other site constraints make compliance with the standard impractical.</li> </ol>

## Special Purpose Zone (BRANZ)

### Questions put to me by the Panel through Minute 37

37 The Panel has asked me to address several matters in relation to this topic through Minute 37 dated 30 May 2022:

*Question from the Panel:*

*(i) Can the Reporting Officer comment on the advice we received from Mr Coop providing examples of height standards applying to specific sites, and whether they are comparable to the relief sought by BRANZ;*

38 I consider that the examples given by Mr Coop from other district plans are comparable and within scope of the original relief sought by BRANZ:

*“Amend SPZ-S1 to provide for permitted building heights for the Structures Laboratory building, Shared Storage building and Fire Laboratory building. Such other consequential amendments, additions or refinements to the SPZ-Special Purpose Zone (BRANZ) deemed necessary to give effect to this submission.[BRANZ 116.2]”*

39 However, my position has not changed on this matter from that which is outlined in Section 3.4 of the Section 42A Report for this topic and my Statement of Supplementary Planning Evidence dated 12 May 2022.

40 I do not agree with the problem statement as articulated by the submitter. I do not consider that there is uncertainty around the ability of BRANZ to replace these buildings in the future as:

- under sections 123 and 125 of the RMA, a resource consent for a land use does not lapse once it has been given effect to and has unlimited duration; and
- the RMA specifically allows for existing use rights.

41 Further, I do not agree with the relief sought by the submitter as I do not consider that it is in line with best planning practice. If it was, we should be amending all the bulk and location standards in all zones throughout

the Plan to reflect resource consents for any building that has resource consent to exceed the permitted activity height standard.

*Question from the Panel:*

*(ii) Can the Reporting Officer please review the initial wording of SPZ-P5 “Minimise the effects of use and development in the Special Purpose Zone (BRANZ) on the adjacent to the General Rural Zone by...” and advise what meaning should be given to the highlighted words. The Hearing Panel notes that in the Resource Consent Decision on the recent BRANZ application provided to us, a very experienced Hearing Panel expressed themselves distinctly unclear about the meaning to be given to the word ‘adjacent’ in this context (and whether the Council’s interpretation was correct). The Reporting Officer is requested to consider whether that might suggest a need to provide some clarification, and if so, whether there is jurisdiction for the Panel to provide that clarification;*

- 42 There are no submissions on this policy, however this is a typographical error which I consider can be amended using clause 16 of Schedule 1 as below and in Appendix 2:

SPZ-P5	Effect on adjacent General Rural Zone
	Minimise the effects of use and development in the Special Purpose Zone (BRANZ) on the adjacent <del>to the</del> General Rural Zone by: <ol style="list-style-type: none"><li>1. Ensuring buildings are of a height and/or design that minimises dominance effects on the adjacent rural character; and</li><li>2. Requiring separation distances to reduce dominance effects of buildings from public places and property boundaries and to allow for landscaping.</li></ol>

*Question from the Panel:*

*(iii) Please review the additional material provided by BRANZ following the hearing;*

- 43 I have reviewed the Material provided by Mr Gordon and Mr Coop on 26 May 2022. My position has not changed on this matter from that which is outlined in Section 3.4 of the Section 42A Report for this topic and my Statement of Supplementary Planning Evidence dated 12 May 2022.

**Date:** 10/06/2022

*W. Donald*

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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:

<b>Submitter evidence</b>	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]
<b>Submitter statements</b>	Submitter Statement - Pikarere Farm Limited [183] Submitter Statement - 1010 Homes [125] Submitter Statement - Milmac Homes [258] Submitter Statement - Robyn Smith [168] Submitter Tabled Statement - Ara Poutama Aotearoa Department of Corrections [135] Submitter Tabled Statement - Rural Contractors NZ [179] Submitter Tabled Statement - Transpower [60]
<b>Memos from submitters to panel</b>	Memo To Panel - Graeme McCarrison For Spark Trading NZ Ltd - Response To Commissioner Questions (30 May 2022) Memo to Panel - Hearing Stream 5 - Waka Kotahi [82] Memorandum of Counsel - Silverwood Corporation [172] (27 April 2022)
<b>Submitter presentations</b>	Submitter Presentation - 1010 Homes Ltd [125] - Information Provided to Panel Submitter Presentation - Graeme McCarrison For Spark Submitter Presentation - Jennifer Blake [17] Submitter Presentation - Judgeford Environmental Protection Society [246] Submitter Presentation - Pikarere Farm Ltd [183] - Copy of Document Referred to in Presentation Submitter Presentation - Robyn Smith [168] - Additional Information Requested by Panel Submitter Presentation - Survey and Spatial NZ (Wellington Branch) [72] Submitter Presentation - Tracey Davies [10]
<b>Submitter legal submissions</b>	Submitter Legal Submissions - BRANZ [116] - Attachment Submitter Legal Submissions - BRANZ [116] Supplementary Submission of Counsel for BRANZ [116]

## 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).

## MPZ - Māori Purpose Zone (Hongoeaka)

Hongoeka is situated at the northern, coastal end of Plimmerton. It consists of a residential area, including the marae and whareniui, surrounded by six large land blocks, with the area extending from the urupā boundary at the end of Moana Road, to Haukōpua (commonly known as Big Bay). The residential area is situated in Hongoeka Bay itself, in an area of flat land and lower hillsides. It is bordered by bush-clad hills and farmland, and looks out over a broad sweep of rugged coastline towards landmarks Whitireia and Mana Island.

Hongoeka is the last remnant of 10,000 acres (approximately 4,000ha) of native land set aside as a reserve for Ngāti Toa's perpetual benefit by Governor Grey in 1846, while holding Te Rauparaha to ransom. Hongoeka is mostly made up of Māori land blocks with some general land ownership. Many whānau members still live in the area but others have aspirations to come back and live as a whānau unit.

Hongoeka is unique, not only in its history and environment, but also because it is one of the very few places where tangata whenua - the home people - are able to live on their land in close proximity to their home marae. It is also the largest area of Māori owned land in Porirua.

### Objectives

Note: provisions relating to MPZ-O5 are:

- [NFL-P12 - Māori Purpose Zone \(Hongoeaka\) and Takapūwāhia Precinct](#)
- [NFL-P13 - Earthworks, vegetation removal and buildings and structures in the Māori Purpose Zone \(Hongoeaka\) and Takapūwāhia Precinct](#)
- [NFL-R5 - Earthworks or land disturbance associated with the development of papakāinga within a Special Amenity Landscape and residential development within the Māori Purpose Zone \(Hongoeaka\) and the Takapūwāhia Precinct](#)
- [NFL-R6 - Indigenous vegetation removal associated with the development of papakāinga within a Special Amenity Landscape and residential development in the Māori Purpose Zone \(Hongoeaka\) and the Takapūwāhia Precinct](#)
- [NFL-R7 - Buildings and structures for papakāinga development in a Special Amenity Landscape and residential development in the Māori Purpose Zone \(Hongoeaka\) and the Takapūwāhia Precinct](#)
- [ECO-P10 - Māori Purpose Zone \(Hongoeaka\) and Takapūwāhia Precinct](#)
- [ECO-R6 - Removal of indigenous vegetation within a Significant Natural Area within the Māori Purpose Zone \(Hongoeaka\) and the General Residential Zone within the Takapuwahia precinct<sup>2</sup>](#)

### MPZ-O1 Purpose of the Māori Purpose Zone (Hongoeaka)

The Māori Purpose Zone (Hongoeaka) provides for a range of activities that specifically meet Māori cultural needs, including social, cultural and economic development, and

<sup>2</sup> Clause 16 minor amendment (consequential amendment - refer Appendix 5, page 1 of Council Reply on Ecosystems and Indigenous Biodiversity - Hearing Stream 2 - Torrey James McDonnell on behalf of Porirua City Council)



allows Hongoeka whānau to **establish and**<sup>3</sup> maintain an ongoing relationship with their ancestral land, **waahi tapu and taonga**<sup>4</sup>.

#### **MPZ-O2 Character and amenity values of the Māori Purpose Zone (Hongoeka)**

The Māori Purpose Zone (Hongoeka) is a place where:

1. **Tangata Mana** whenua are able to exercise kaitiakitanga, **intergenerational wellbeing**<sup>5</sup>, and tikanga Māori;
2. The Marae and Wharehenui are the **principal home**<sup>6</sup>, cultural and spiritual centre of the community;
3. The whenua is managed in accordance with **tikanga and** mātauranga Māori **principles and sustainable management of resources**;
4. The natural environment flourishes **alongside sustainable low impact development that supports the wellbeing of tangata mana whenua**<sup>7</sup>; and
5. There is a village **or papakāinga** character which is **less serviced by urban semi-urban in nature. including infrastructure such as footpaths and street lights.**<sup>8</sup>

#### **MPZ-O3 Hongoeka is a unique kāinga**

Hongoeka retains its unique character as the largest area of Māori-owned land in the City where tangata whenua are able to live in close proximity to their home Marae.

#### **MPZ-O4 Use and development**

Use and development of land is undertaken in a way that maintains the values of the natural environment, **respects the unique history of Hongoeka, and is consistent with tikanga Māori.**<sup>9</sup>

#### **MPZ-O5 Recognition of natural environmental overlays**

The significant coverage of identified natural environmental overlays across the Māori Purpose Zone (Hongoeka) and the contribution their values make to the wider community is recognised, and the appropriate use and development of the Zone, including papakāinga, is provided for.

### **Policies**

#### **MPZ-P1 Appropriate activities**

Enable activities that are compatible with the purpose, character and amenity values of the Māori Purpose Zone (Hongoeka).

#### **MPZ-P2 Buildings and structures**

Enable buildings and structures that are compatible with the purpose, character and amenity values of the Māori Purpose Zone (Hongoeka) including residential units, ~~po~~

<sup>3</sup> Ema Pomare [219.2]

<sup>4</sup> TROTR [264.111]

<sup>5</sup> Te Whānau Horomona [249.10]

<sup>6</sup> Te Whānau Horomona [249.10]

<sup>7</sup> Te Whānau Horomona [249.10]

<sup>8</sup> Ema Pomare [219.3] and Te Whānau Horomona [249.10]

<sup>9</sup> TROTR [264.112]

cultural markers (such as pou), small-scale commercial, community and educational facilities<sup>10</sup>, marae and accessory buildings.

#### **MPZ-P3 Potentially inappropriate activities**

Only allow activities that are potentially incompatible with the purpose, character and amenity values of the Māori Purpose Zone (Hongoeka), where it can be demonstrated that they are appropriate, having regard to:

1. The site design, layout and scale of the activity;
2. Whether there is adequate infrastructure and services available to service the activity, including on-site servicing where reticulated services are not available;
- ~~3. The retention of areas of indigenous vegetation where practicable; The management of the natural environment in accordance with tangata whenua values and mātauranga;~~
4. The benefits, such as intergenerational wellbeing for tangata whenua the planting and fencing of erosion-prone land and the protection of areas of cultural or spiritual significance to tangata whenua,<sup>11</sup> indigenous vegetation, wetlands and riparian areas;
5. Avoiding constraints on the establishment of activities otherwise anticipated within the Māori Purpose Zone (Hongoeka); and
6. Any measures to internalise effects and avoid conflict and potential reverse sensitivity effects on activities anticipated in the zone, including sensitive activities.

#### **MPZ-P4 Avoiding inappropriate activities**

Avoid activities which are incompatible with the purpose, character and amenity values of the Māori Purpose Zone (Hongoeka).

#### **Rules**

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

Rules relating to subdivision, including minimum allotment sizes for each zone, are found in the Subdivision chapter.

Wastewater:

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

<sup>10</sup> Te Whānau Horomona [249.13]

<sup>11</sup> Te Whānau Horomona [249.14]

requirements around discharges to land, including design of systems and setbacks from boundaries and waterways.

**MPZ-R1 Buildings and structures, including additions and alterations, excluding fences and standalone walls**

1. Activity status: **Permitted**

Where

1. Compliance is achieved with:
  - a. MPZ-S1;
  - b. MPZ-S2;
  - c. MPZ-S3;
  - d. MPZ-S4; and
  - e. MPZ-S5.

Except that this rule does not apply to fences and standalone walls which are subject to MPZ-R3.

2. Activity status: **Restricted discretionary**

Where:

- a. Compliance is not achieved with MPZ-S1, MPZ-S2 or MPZ-S3.

Matters of discretion are restricted to:

1. The matters of discretion of any infringed standard.

**Notification:**

An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.

3. Activity status: **Discretionary**

Where:

- a. Compliance not achieved with MPZ-S4 and MPZ-S5.

**Notification:**

- An application under this rule where compliance is not achieved with MPZ-S5 is precluded from being publicly or limited notified in accordance with sections 95A and 95B of the RMA.
- An application under this rule where compliance is not achieved with MPZ-S4 is precluded from being publicly notified in accordance with section 95A of the RMA.
- When deciding whether any person is affected in relation to non-compliance with MPZ-S4 for the purposes of section 95E of the RMA, the Council will give specific consideration to any adverse effects on Fire and Emergency New Zealand.

**MPZ-R2 Rainwater tanks**

1. Activity status: **Permitted**

**MPZ-R3 Fences and standalone walls**

	<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <p>a. Compliance is achieved with MPZ-S6.</p>
	<p>2. Activity status: <b>Restricted discretionary</b></p> <p>Where:</p> <p>a. Compliance is not achieved with MPZ-S6.</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters of discretion of the infringed standard.</p> <p><b>Notification:</b> An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.</p>
<b>MPZ-R4 Construction activity</b>	
	<p>1. Activity status: <b>Permitted</b></p>
<b>MPZ-R5 Customary activity</b>	
	<p>1. Activity status: <b>Permitted</b></p>
<b>MPZ-R6 Conservation activity</b>	
	<p>1. Activity status: <b>Permitted</b></p>
<b>MPZ-R7 Residential activity and residential unit</b>	
	<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <p>a. There are no more than three residential units per site.</p>
	<p>2. Activity status: <b>Discretionary</b></p> <p>Where:</p> <p>a. Compliance is not achieved with MPZ-R7-1.a</p> <p><b>Notification:</b> An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.</p>
<b>MPZ-R8 Home business</b>	
	<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <p>a. The home business is undertaken within a residential unit or accessory building;</p> <p>b. There is no more than one staff member who lives off-site; and</p> <p>c. No more than 100m<sup>2</sup> of total gross floor area per site is used for the home business.</p>

	<p>2. Activity status: <b>Restricted discretionary</b></p> <p>Where:</p> <p>a. Compliance is not achieved with MPZ-R8-1.a, MPZ-R8-1.b or MPZ-R8-1.c.</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters in MPZ-P3.</p>
<b>MPZ-R9 Visitor accommodation</b>	
	<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <p>a. The maximum number of all guests per night does not exceed ten people; and</p> <p>b. The gross floor area per activity does not exceed 200m<sup>2</sup> per site.</p>
	<p>2. Activity status: <b>Restricted discretionary</b></p> <p>Where:</p> <p>a. Compliance is not achieved with MPZ-R9-1.a or MPZ-R9-1.b.</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters in MPZ-P3.</p>
<b>MPZ-R10 Community facility</b>	
	<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <p>a. The gross floor area per activity does not exceed 200m<sup>2</sup> per site.</p>
	<p>2. Activity status: <b>Restricted discretionary</b></p> <p>Where:</p> <p>a. Compliance is not achieved with MPZ-R10-1.a.</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters in MPZ-P3.</p>
<b>MPZ-R11 Healthcare activity</b>	
	<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <p>a. The gross floor area per activity does not exceed 200m<sup>2</sup> per site.</p>
	<p>2. Activity status: <b>Restricted discretionary</b></p> <p>Where:</p> <p>a. Compliance is not achieved with MPZ-R11-1.a.</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters in MPZ-P3.</p>

<b>MPZ-R12 Educational facility</b>	
	<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <p>a. The gross floor area per activity does not exceed 200m<sup>2</sup> per site.</p>
	<p>2. Activity status: <b>Restricted discretionary</b></p> <p>Where:</p> <p>a. Compliance is not achieved with MPZ-R12-1.a.</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters in MPZ-P3.</p>
<b>MPZ-R13 Entertainment facility</b>	
	<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <p>a. The gross floor area per activity does not exceed 200m<sup>2</sup> per site.</p>
	<p>2. Activity status: <b>Restricted discretionary</b></p> <p>Where:</p> <p>a. Compliance is not achieved with MPZ-R13-1.a.</p> <p>Matters of discretion are restricted to:</p> <p>a. The matters in MPZ-P3.</p>
<b>MPZ-R14 Food and beverage activity</b>	
	<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <p>1. The gross floor area per activity does not exceed 200m<sup>2</sup> per site.</p>
	<p>2. Activity status: <b>Restricted discretionary</b></p> <p>Where:</p> <ul style="list-style-type: none"> <li>• Compliance is not achieved with MPZ-R14-1.a.</li> </ul> <p>Matters of discretion are restricted to:</p> <p>1. The matters in MPZ-P3.</p>
<b>MPZ-R15 Office</b>	
	<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <p>a. The gross floor area per activity does not exceed 200m<sup>2</sup> per site.</p>
	<p>2. Activity status: <b>Restricted discretionary</b></p>

	<p>Where:</p> <p>a. Compliance is not achieved with MPZ-R15-1.a.</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters in MPZ-P3.</p>
<b>MPZ-R16 Primary production, excluding quarrying activities, mining, intensive indoor primary production and rural industry</b>	
	1. Activity status: <b>Permitted</b>
<b>MPZ-R17 Rural activities other than primary production</b>	
	1. Activity status: <b>Permitted</b>
<b>MPZ-R18 Papakāinga</b>	
	<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <p>a. The site is held under Te Ture Whenua Māori Act 1993;</p> <p>b. The gross floor area of all commercial activities does not exceed 100m<sup>2</sup> per site; and</p> <p>c. The gross floor area of all community facilities does not exceed 200m<sup>2</sup> per site.</p>
	<p>2. Activity status: <b>Restricted discretionary</b></p> <p>Where:</p> <p>a. Compliance is not achieved with MPZ-R18-1.a.</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters in PK-P2.</p> <p><b>Notification:</b></p> <p>An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.</p>
	<p>3. Activity status: <b>Discretionary</b></p> <p>Where:</p> <p>a. Compliance is not achieved with MPZ-R18-1.b or MPZ-R18-1.c.</p> <p><b>Notification:</b></p> <p>An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.</p>
<b>MPZ-R19 Commercial service activity</b>	
	1. Activity status: <b>Discretionary</b>
<b>MPZ-R20 Emergency service facility</b>	
	1. Activity status: <b>Discretionary</b>
<b>MPZ-R21 Hospital</b>	

	1. Activity status: <b>Discretionary</b>
<b>MPZ-R22</b>	<b>Pet animal boarding and breeding</b>
	1. Activity status: <b>Discretionary</b>
<b>MPZ-R23</b>	<b>Retail activity</b>
	1. Activity status: <b>Discretionary</b>
<b>MPZ-R24</b>	<b>Retirement village</b>
	1. Activity status: <b>Discretionary</b>
<b>MPZ-R25</b>	<b>Rural industry</b>
	1. Activity status: <b>Discretionary</b>
<b>MPZ-R26</b>	<b>Community Corrections Facilities Activities</b>
	1. Activity status: <b>Discretionary</b> <sup>12</sup>
<b>MPZ-R2627</b>	<b>Any activity not provided for as a permitted, discretionary or non-complying activity</b>
	1. Activity status: <b>Discretionary</b>
<b>MPZ-R2728</b>	<b>Drive-through activity</b>
	1. Activity status: <b>Non-complying</b>
<b>MPZ-R2829</b>	<b>Industrial activity</b>
	1. Activity status: <b>Non-complying</b>
<b>MPZ-R2930</b>	<b>Large format retail activity</b>
	1. Activity status: <b>Non-complying</b>
<b>MPZ-R3031</b>	<b>Intensive indoor primary production</b>
	1. Activity status: <b>Non-complying</b>
<b>MPZ-R3132</b>	<b>Quarrying activities and mining</b>
	1. Activity status: <b>Non-complying</b>
<b>Standards</b>	
<b>MPZ-S1</b>	<b>Height</b>
1. All buildings and structures must comply with a maximum height above ground level of 8m, except that:	Matters of discretion are restricted to: 1. Design and siting of the building or structure;

<sup>12</sup> Department of Corrections [135.18]



- a. An additional 1m can be added to the maximum height of any building with a roof pitch of between 15°<sup>13</sup> and 45°, which rises to a ridge that is centered or within the middle third of the building footprint, as illustrated in MPZ-Figure 1 below.

This standard does not apply to:

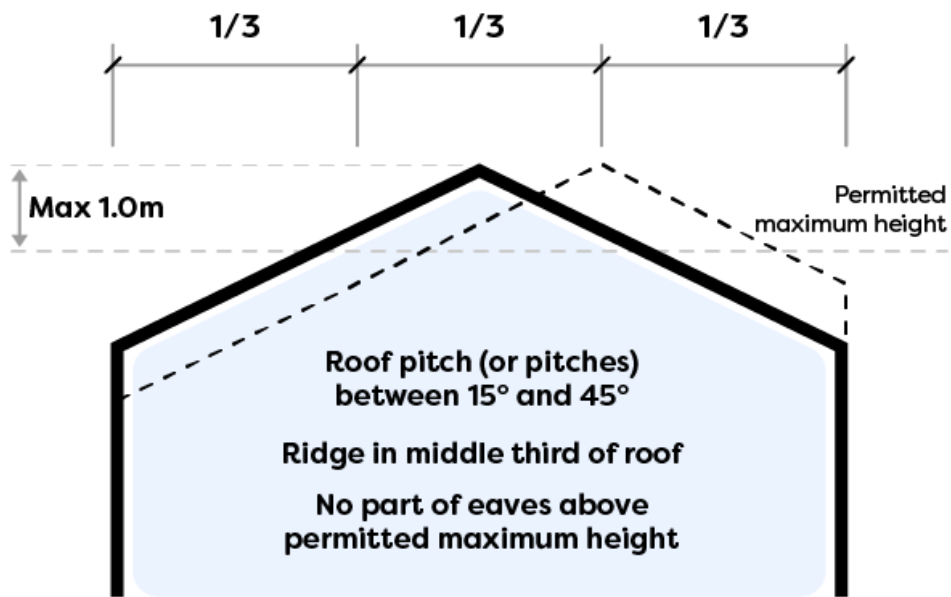
- Cultural structures (such as pou and tekoteko)<sup>14</sup>
- Solar water heating components provided these do not exceed the height by more than 500mm;
- Chimney structures not exceeding 1.1m in width on any elevation and provided these do not exceed the height by more than 1m;
- Antennas, aerials, and flues provided these do not exceed the height by more than 1m; or
- Satellite dishes (less than 1m in diameter) and architectural features (e.g. finials, spires) provided these do not exceed the height by more than 1m.

2. Any shading of, or loss of privacy for, residential units on adjacent sites;
3. Screening, planting, and landscaping of the building or structure;
4. Whether an increase in building or structure height results from a response to natural hazard mitigation; and
5. Whether topographical or other site constraints make compliance with the standard impractical.

**MPZ-Figure1**      **Diagram showing additional height allowance**

<sup>13</sup> Typographical error in Section 42A Report – Hongoeka (Proposed District Plan is correct as notified)

<sup>14</sup> Te Whānau Horomona [249.25]



**MPZ-S2                      Height in relation to boundary**

1. All buildings and structures must be contained within a line of 45° measured from any point 3m vertically above ground level along site boundaries.

Exemptions:

- Where adjacent to a shared access in excess of 2.5m in width, the measurement shall be taken from the furthest side.

Matters of discretion are restricted to:

- a. Design and siting of the building or structure;
- b. Any shading of, or loss of privacy for, residential units on adjacent sites;
- c. Screening, planting, and landscaping of the building or structure;
- d. Whether an increase in height in relation to boundary results from a response to natural hazard mitigation; and
- e. Whether topographical or other site constraints make compliance with the standard impractical.

**MPZ-S3                      Setback of buildings and structures**

1. Buildings and structures must not be located within 1m from a side boundary.

This standard does not apply to:

1. Fences and standalone walls;
2. Buildings and structures that are no more than 2m<sup>2</sup> and 2m in height above ground level; or
3. Eaves up to a maximum of 600mm in width and external gutters or

Matters of discretion are restricted to:

1. Design and siting of the building or structure;
2. Any shading of, or loss of privacy for, residential units on adjacent sites;
3. Screening, planting, and landscaping of the building or structure; and
4. Whether topographical or other site constraints make compliance with the standard impractical.

downpipes (including their brackets) up to an additional width of 150mm.	
<b>MPZ-S4 Firefighting water supply and access</b>	
1. All new buildings must comply with New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.	There are no matters of discretion for this standard.
<b>MPZ-S5 On-site services</b>	
<p>1. Where a connection to Council's reticulated <u>water and/or</u><sup>15</sup> wastewater systems is not available, all water supply and wastewater treatment and disposal systems must be contained within the site that the supply or system serves, and be connected to a septic tank or soakage field or an approved alternative means to dispose of sewage in a sanitary manner in accordance with Section 5.2.6 of the Wellington Water Regional Standard for Water Services May 2019.</p> <p>2. Where a connection to Council's reticulated wastewater systems is not available and sewage is to be disposed to ground, that area must not be subject to instability or inundation or used for the disposal of stormwater.</p>	There are no matters of discretion for this standard.
<b>MPZ-S6 Fences and standalone walls</b>	
1. All fences and standalone walls must not exceed a maximum height above ground level of 2m.	Matters of discretion are restricted to: <ol style="list-style-type: none"> <li>1. Design and siting of the fence or standalone wall;</li> <li>2. Any shading of, or loss of privacy for, residential units on adjacent sites where the fence or stand-alone wall is located on their boundary; and</li> <li>3. Whether topographical or other site constraints make compliance with the standard impractical.</li> </ol>

<sup>15</sup> Porirua City Council [11.68]

# OSZ - Open Space Zone

## Objectives

### OSZ-O1 Purpose of the Open Space Zone

The Open Space Zone supports ~~the conservation of~~ [natural, ecological, landscape and historic heritage values](#) and<sup>16</sup> a wide range of passive and active recreational and community activities.

### OSZ-P2 Primary production

Allow for primary production activities that are complementary to the purpose, character and amenity values of Battle Hill Farm Forest Park ~~and~~ Belmont Regional Park and [Te Rahui o Rangituhi \(Lot 1 DP 421065, Lot 1 DP 79014\)](#)<sup>17</sup>.

OSZP4	Potentially inappropriate activities
	<p>Only allow potentially inappropriate activities in the Open Space Zone where they can demonstrate that they are:</p> <ol style="list-style-type: none"><li>1. Consistent with Porirua City Reserves Management Plan 2013, the Greater Wellington Parks Network Plan 2020, Whitireia Park Management Plan and Whitireia Park Bylaws 2016 or the Wellington Conservation Management Strategy 2019 (whichever applies to the site);</li><li>2. Compatible with the purpose, character and amenity values of the Zone;</li><li>3. Ancillary to and/or support open space activities;</li><li>4. Of an appropriate scale and location;</li><li>5. Not constraining the establishment and operation of open space activities or restrict public access to and across open space;</li><li><a href="#">6. Undertaken in a manner that minimises the loss of indigenous biodiversity, where located on privately-owned land;</a><sup>18</sup></li><li>7. Of a form, scale, location and nature that will not compromise established and planned open space activities and result in any conflict; and 8. Able to be serviced with adequate on-site infrastructure and services</li></ol>

### OSZ-R10 Primary production, excluding quarrying activities, mining, intensive indoor primary production and rural industry

<sup>16</sup> Forest and Bird [225.257]

<sup>17</sup> Porirua City Council [11.66]

<sup>18</sup> Forest and Bird [225.42] (note – this is a consequential change – refer Gina Sweetman’s Hearing Stream 2 Reply)

1. Activity status: **Permitted**

Where:

- a. The activity is undertaken within the Battle Hill Farm Forest Park, ~~or~~ the Belmont Regional Park and Te Rahui o Rangituhi (Lot 1 DP 421065, Lot 1 DP 79014).<sup>19</sup>

2. Activity status: **Restricted discretionary**

Where:

- a. Compliance not achieved with OSZ-R10-1.a.

Matters of discretion are restricted to:

1. The matters in OSZ-P3 and OSZ-P4.

<b>OSZ-S3 Scale of buildings and structures</b>	
<p>1. All individual buildings and/or structures on a site must not exceed a maximum gross floor area of 50m<sup>2</sup>, except:</p> <ol style="list-style-type: none"><li>a. All <u>individual</u><sup>20</sup> buildings and/or structures on a site within the Battle Hill Farm Forest Park or Belmont Regional Park must not exceed a maximum gross floor area of 100m<sup>2</sup>.</li></ol>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"><li>1. Design and siting of the building or structure;</li><li>2. Any shading of, or loss of privacy for, residential units on adjacent sites;</li><li>3. Screening, planting, and landscaping of the building or structure; and</li><li>4. Whether topographical or other site constraints make compliance with the standard impractical.</li></ol>
<p>This standard does not apply to:</p> <ul style="list-style-type: none"><li>• Playground equipment; or</li><li>• Boardwalks.</li></ul>	

<sup>19</sup> Porirua City Council [11.67]

<sup>20</sup> Clause 16 minor amendment

# SPZ - Special Purpose Zone (BRANZ)

SPZ-P5	Effect on adjacent General Rural Zone
<p>Minimise the effects of use and development in the Special Purpose Zone (BRANZ) on the adjacent <del>to the</del><sup>21</sup> General Rural Zone by:</p> <ol style="list-style-type: none"><li data-bbox="252 607 1362 674">2. Ensuring buildings are of a height and/or design that minimises dominance effects on the adjacent rural character; and</li><li data-bbox="252 680 1362 748">3. Requiring separation distances to reduce dominance effects of buildings from public places and property boundaries and to allow for landscaping.</li></ol>	

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<sup>21</sup> Clause 16 minor amendment