

BEFORE THE PROPOSED PORIRUA DISTRICT PLAN HEARINGS PANEL  
IN PORIRUA

IN THE MATTER OF

The Resource Management Act 1991

AND

IN THE MATTER OF

the Proposed Porirua District Plan – Hearing Stream 5

BETWEEN

**PORIRUA CITY COUNCIL**

Local Authority

AND

**SILVERWOOD CORPORATION LIMITED**  
**(Submitter #172)**

Submitter

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Memorandum of Counsel for Silverwood Corporation Limited  
Responding to Minute #48

DATED 3 October 2022

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**MAY IT PLEASE THE HEARINGS PANEL:**

1. This memorandum is filed on behalf of Silverwood Corporation Limited (“Silverwood”) addressing Minutes 43, 44 and 48. There are two issues.
2. First, Council’s reply evidence from Ms Armstrong introduced material to which Silverwood may wish to respond further.
3. Second, the public notification of Variation 1 to the Proposed District Plan (August 2022) which gives effect to the NPS – UD and RMA-EHS, introduced an unforeseen complication, specifically around its relationship with Silverwood’s submission to the Proposed District Plan, which requested a Future Urban Zone.
4. Ms Armstrong’s further comments arise in the event that a live zoning is pursued in future. They are not, relevant to a Future Urban Zoning, because that is a transitional zone, requiring further steps to a live zone. This is addressed below.
5. Silverwood has now lodged a submission to Variation 1. In summary, that submission requests that the site now has a Structure Plan and live zoning provisions, reflecting the Draft Structure Plan and expert assessment incorporated in its submission on the PDP.
6. In due course, Variation 1 will be heard by the Hearings Panel. Silverwood is content that any residual issues in its evidence on the PDP, such as around economics, can appropriately be dealt with then. For that reason, Silverwood does not intend producing any further evidence supporting its submission to the PDP.
7. The Panel has asked for comment on one issue:

*The specific issue on which we would invite Silverwood to provide us with more input is whether, in light of the 2021 Amendment Act (and in particular its specification of a limited range of permitted activity standards on residential development in the Porirua Urban Area), we can have confidence that the nuanced development concept described by Mr Hudson (and Ms White) in their evidence is an outcome that can be directed as part of the upzoning of the Silverwood/Landcorp properties in future (assuming they are zoned FUZ as part of this process).*

8. My view is that if a Future Urban Zone is granted, then because a further structure planning and plan change process is required to implement a live zoning, then the opportunity exists in that process for bespoke provisions, irrespective of the MDRS standards to be proposed. Regardless, though, provision for Open Space is a qualifying matter<sup>1</sup> as is any other matter Council considers appropriate (with the appropriate evaluation)<sup>2</sup>.
9. Part A of the Section 32 Report for Variation 1 includes Table 1 (at page 16) which outlines qualifying matters in the current PDP and how these will be addressed. These include specific subdivision, height controls and dwelling restrictions for land within an SAL overlay (namely Takapuwahia). The report states that V1 is planning on retaining these restrictions (including reduced height controls in SAL areas).
10. Given this, as well as the opportunity to incorporate bespoke provisions, there is ability to secure, under a live zoning, the nuanced, site specific controls that may be necessary. In any event, that is not a consideration for a Future Urban Zone, but only for a live zoning, once evaluated in future.
11. I trust this assists.

A handwritten signature in blue ink, appearing to read 'J.C. Dawson', with a stylized flourish above the name.

J.C Dawson – Counsel for Silverwood Corporation Limited

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<sup>1</sup> S77L(f) Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021

<sup>2</sup> S77L(j) Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021