

**OFFICER'S REPORT FOR:**

**Independent Hearing Commissioners:**

**Trevor Robinson (Chair)**

**David McMahon**

**Mark St Clair**

**Julia Williams**

**SUBJECT:**

**Proposed Porirua District Plan: Special  
Purpose Zone (BRANZ)**

**PREPARED BY:**

**Torrey James McDonnell**

**REPORT DATED:**

**14 April 2022**

**DATE OF HEARING:**

**16 to 27 May 2022**

## Executive Summary

1. This report considers submissions received by Porirua City Council (the Council) in relation to the relevant provisions of the Proposed Porirua District Plan (PDP) as they apply to this Chapter. The report outlines recommendations in response to the issues that have emerged from these submissions.
2. There were a number of submissions and further submissions received on this Chapter. The submissions received were diverse and sought a range of outcomes. The following are considered to be the key issues in contention in the Chapter:
  - Tangata whenua values;
  - Community corrections activities; and
  - Permitted building height standard.
3. This report addresses each of these key issues, as well as any other issues raised by submissions.
4. This Chapter is also subject to a number of consequential amendments arising from submissions to the whole of the PDP and other chapters.
5. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the PDP not be amended. Accordingly, I have not undertaken a s32AA evaluation.

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## Interpretation

6. Parts A and B of the Officer's reports utilise a number of abbreviations for brevity as set out in Table 1 below:

**Table 1: Abbreviations**

<b>Abbreviation</b>	<b>Means</b>
the Act / the RMA	Resource Management Act 1991
the Council	Porirua City Council
the Operative Plan/ODP	Operative Porirua District Plan 1999
the Proposed Plan/PDP	Proposed Porirua District Plan 2020
GWRC	Greater Wellington Regional Council
NES	National Environmental Standard
NES-AQ	National Environmental Standards for Air Quality 2004
NES-CS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NES-ETA	National Environmental Standards for Electricity Transmission Activities 2009
NES-FW	National Environmental Standards for Freshwater 2020
NES-MA	National Environmental Standards for Marine Aquaculture 2020
NES-PF	National Environmental Standards for Plantation Forestry 2017
NES-SDW	National Environmental Standards for Sources of Drinking Water 2007
NES-TF	National Environmental Standards for Telecommunication Facilities 2016
NPS	National Policy Statement
NPS-ET	National Policy Statement on Electricity Transmission 2008
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-UD	National Policy Statement on Urban Development 2020
NPS-REG	National Policy Statement for Renewable Electricity Generation 2011
NZCPS	New Zealand Coastal Policy Statement 2010
PNRP	Proposed Wellington Natural Resources Plan (Decisions Version) 2019
RPS	Wellington Regional Policy Statement 2013

**Table 2: Abbreviations of Submitters' Names**

<b>Abbreviation</b>	<b>Means</b>
GWRC	Greater Wellington Regional Council
DOC	Department of Conservation
BRANZ	Building Research Association of New Zealand

# 1 Introduction

## 1.1 Purpose

7. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on the Special Purpose Zone – BRANZ, and to recommend possible amendments to the PDP in response to those submissions.
8. This report is prepared under section 42A of the RMA. It considers submissions received by the Council in relation to the relevant provisions as they apply to this Chapter in the PDP. The report outlines recommendations in response to the key issues that have emerged from these submissions.
9. This report discusses general issues, the original submissions received following notification of the PDP, makes recommendations as to whether or not those submissions should be accepted or rejected, and concludes with a recommendation for changes to the PDP provisions or maps based on the preceding discussion in the report.
10. The recommendations are informed by the evaluation undertaken by the author. In preparing this report the author has had regard to recommendations made in other related Section 42A reports, including the Section 42A Report - Part B Strategic Directions Rural Environment and UFD-O5 prepared by Gina Sweetman, and the Section 42A Report – Part A Overarching Report that addresses the higher order statutory planning and legal context.
11. This report is provided to assist the Hearings Panel in their role as Independent Commissioners. The Hearings Panel may choose to accept or reject the conclusions and recommendations of this report and may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.
12. This report is intended to be read in conjunction with Officers' Report: Part A – Overview which contains factual background information, statutory context and administrative matters pertaining to the district plan review and PDP.

## 1.2 Author

13. My name is Torrey James McDonnell. My qualifications and experience are set out in Appendix B of this report.
14. My role in preparing this report is that of an expert planner.
15. I was involved in the preparation of the PDP and authored the Section 32 Evaluation Reports for: Hongoeka and Papakāinga; Open Space and Recreation Zones, Rural Zones; Special Purpose Zone (BRANZ) and Hospital Zone; and the Overview to s32 Evaluation.
16. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court December 2014. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
17. The scope of my evidence relates to this topic. I confirm that the issues addressed in this statement of evidence are within my area of expertise as an expert policy planner.

18. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.
19. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

### **1.3 Supporting Evidence**

20. I have used and relied upon the McIndoe Urban (2016) Urban Design Advice on Major Facilities 2016 Report in support of the opinions expressed in this report.

### **1.4 Key Issues in Contention**

21. A number of submissions were received on the provisions relating to this Topic.
22. I consider the following to be the key issues in contention in the chapter:
  - Tangata whenua values;
  - Community corrections activities; and
  - Permitted building height standard.
23. I address each of these key issues in this report, as well as any other issues raised by submissions.

### **1.5 Procedural Matters**

24. At the time of writing this report there has not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.
25. Two submission points from Forest and Bird were allocated in the summary of submissions to objectives in this zone in error: 225.241 and 225.15. The following submission point was allocated to both SPZ-O1 and SPZ-O2: "Where other zones [not rural or residential zones] have SNA overlays, recognise this in the zone purpose character and value objectives."
26. This zone does not have SNA overlays, so this submission point is irrelevant.
27. For completeness, Gina Sweetman's Section 42A Report - Part B Natural Environment Strategic Objectives addresses similar submission points plan-wide under section 3.2.

## **2 Statutory Considerations**

### **2.1 Resource Management Act 1991**

28. The PDP has been prepared in accordance with the RMA and in particular, the requirements of:

- section 74 Matters to be considered by territorial authority, and
- section 75 Contents of district plans,

29. As set out in Section 32 Evaluation Report Part 1 - Overview to s32 Evaluation, there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP. These documents are discussed in detail within the Section 32 Evaluation Report Part 2: Special Purpose Zone (BRANZ) and Hospital Zone. There is further discussion in the Section 32 Evaluation Report Part 1 – Overview to the s32 Evaluation on the approach the Council has taken to giving effect to the NPS-UD and NPS-FM. This is also discussed in the Officer's Report: Part A.

### **2.2 Section 32AA**

30. No section 32AA evaluation was undertaken as there are no changes recommended to the notified provisions.

### **2.3 Trade Competition**

31. Trade competition is not considered relevant to this Chapter.

32. There are no known trade competition issues raised within the submissions.



### 3 Consideration of Submissions and Further Submissions

#### 3.1 Overview

33. There are eight original submission points on this Chapter, and no further submission points.

##### 3.1.1 Report Structure

34. Submissions on this Chapter raised three issues which have been grouped into sub-topics within this report.

35. I have undertaken the following evaluation on both an issues and provisions-based approach, as opposed to a submission by submission approach. Specific recommendations on each submission are contained in Appendix A.

36. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submission table in Appendix A. Where I have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report.

##### 3.1.2 Format for Consideration of Submissions

37. For each identified topic, I have considered the submissions that are seeking changes to the PDP in the following format:

- Matters raised by submitters;
- Assessment; and
- Summary of recommendations.

#### 3.2 General Submissions

##### 3.2.1 Matters raised by submitters

38. TROTR [264.68] seeks:

*Retain as notified subject to the following amendments:*

*Include:*

*Future urban zones should:*

*Tangata whenua values, mātauranga, tikanga and their ability to actively practice kaitiakitanga are recognised and reflected.*

*Cultural expertise to inform design not just provide cultural impact advice.*

39. The submitter considers:

*Te Rūnanga supports high quality, well planned developments and where and when identified should seek to reflect Tangata Whenua.*

### **3.2.2 Assessment**

40. I note that this submission point relates to the future urban zones, not the Special Purpose Zone. The Panel may wish to clarify with the submitter if this is the intent, otherwise I am unsure what relief is being sought in relation to this Chapter.

### **3.2.3 Summary of recommendations**

41. I recommend for the reasons given in the assessment, that the submission from TROTR [264.68] be **rejected**.

## **3.3 Community corrections activity**

### **3.3.1 Matters raised by submitters**

42. The Dept of Corrections [135.18] seeks “Amend the rules to include community corrections activities as a Discretionary Activity in all zones other than City Centre, Mixed Use, Local Centre and General Industrial zones.” The submitter considers: “In other zones, community corrections activities are appropriately provided for as discretionary activities.”

### **3.3.2 Assessment**

43. This activity would be a discretionary activity under the catch-all rule SPZ-R9. Considering the nature of this zone and the activities that take place, I consider a bespoke rule for the activity is unnecessary and the catch-all rule will suffice.

### **3.3.3 Summary of recommendations**

44. I recommend for the reasons given in the assessment, that the submission from the Dept of Corrections [135.18] be **accepted in part**.

## **3.4 Permitted building height standard**

### **3.4.1 Matters raised by submitters**

45. BRANZ [116.2] seeks:

*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.*

46. The submitter considers:

*The proposed amendment to SPZ- S1 will better provide for the sustainable management of the Zone and permit nationally important testing and research activities to be undertaken within the required height of the Structures Laboratory building, Shared Storage building and Fire Laboratory building.*

### **3.4.2 Assessment**

47. As outlined in the Section 32 Evaluation for this topic, existing buildings within the BRANZ campus range from 2.2m to 11.2m in height, with three buildings over the existing Operative District Plan height limit of 10m. The report notes in section 5 that:

*While the BRANZ buildings are often larger than the rural and rural-residential buildings around, they remain unobtrusive, in part because of the informality of their layout and low scale. A recent renovation of one of the BRANZ buildings is of very high architectural quality.*

48. Council sought urban design advice from McIndoe Urban which recommended that the maximum permitted height limit from the Rural Zone of the ODP be retained<sup>1</sup>.

49. BRANZ subsequently gained resource consent in 2020 to build a 22m high fire laboratory building. This resource consent was processed as a limited notified consent due to the potential effects on adjacent properties from the building. The resource consent has a number of consent conditions that attempt to address the adverse effects through landscaping and design requirements, including restrictions of the type of cladding that can be used on the building.

50. The fact that this went to a hearing, and that numerous conditions of consent were placed on it to manage adverse effects, indicates that 22m is inappropriate as a permitted height standard.

51. I disagree with the submitter and consider 10m is an appropriate permitted height standard as outlined in the Section 32 Evaluation for this topic.

### **3.4.3 Summary of recommendations**

52. I recommend for the reasons given in the assessment, that the submission from BRANZ [116.2] be **rejected**.

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<sup>1</sup> See section 5.2 of the Section 32 Evaluation for this topic

## 4 Conclusions


53. Submissions have been received in support of, and in opposition to provisions in the Chapter.
54. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that PDP should remain as notified.

### Recommendations:

I recommend that:

1. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in A of this report; and

### Signed:

Name and Title		Signature
Report Author	Torrey McDonnell Principal Policy Planner, Porirua City Council	

## **Appendix A. Recommended Responses to Submissions and Further Submissions**

The recommended responses to the submissions made on this topic are presented in Table A 1 below.

Table A 1: Recommended responses to submissions and further submissions

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
81.814	Kāinga Ora	Whole chapter	Retain as notified.	N/A	Accept	Agree with submitter	No
116.1	BRANZ	Retain Zoning	Confirmation of SPZ-Special Purpose Zone (BRANZ).	N/A	Accept	Agree with submitter	No
264.68	TROTR	General	Retain as notified subject to the following amendments: Include: Future urban zones should: Tangata whenua values, mātauranga, tikanga and their ability to actively practice kaitiakitanga are recognised and reflected. Cultural expertise to inform design not just provide cultural impact advice.	3.2	Reject	See body of report	No
134.34	Ministry of Education	SPZ-R9	Retain as proposed.	N/A	Accept	Agree with submitter	No
135.18	Dept of Corrections	Whole plan	Amend the rules to include community corrections activities as a Discretionary Activity in all zones other than City Centre, Mixed Use, Local Centre and General Industrial zones.	3.3	Accept in part	See body of report	No
116.2	BRANZ	SPZ-S1	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. [Refer to original submission for full decision requested, including attachments]	3.4	Reject	See body of report	No

## Appendix B. Report Author's Qualifications and Experience

### Torrey McDonnell – Principal Policy Planner, Porirua City Council

I hold the following qualifications:

- Bachelor of Science (Majoring in Geography), Otago University
- Master of Planning, Otago University
- New Zealand Certificate in Te Reo Māori (Level 4), Te Wānanga o Aotearoa

I have 12 years' experience working as a planner for local and central government organisations.

My work experience includes working as a planner for the Transit New Zealand Otago/Southland regional office (consent processing and plan advocacy), and as a Senior Analyst for the Ministry for the Environment (developing national direction under the RMA).

I have been employed by the Porirua City Council since May 2017 as a Principal Policy Planner within the Environment and City Planning Team.

I am a full member of the New Zealand Planning Institute.