

**BEFORE AN INDEPENDENT HEARINGS PANEL OF
PORIRUA CITY COUNCIL**

IN THE MATTER

of the Resource
Management Act
1991 (the **Act**)

AND

IN THE MATTER

of hearing of
submissions and
further submissions
on the Proposed
District Plan (**PDP**),
Variation 1 to the
PDP, and Proposed
Plan Change 19 to
the Porirua District
Plan

COUNCIL'S RESPONSE TO INTERIM QUESTIONS FROM THE PANEL

DATED 22 March 2023



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MAY IT PLEASE THE PANEL

Introduction

1. At the conclusion of the first day of Hearing Stream 7, the Panel (via the hearings administrator) provided Council with a list of legal questions, and requests for the section 42A report writers.
2. The Council has responded separately to a number of the questions. This memorandum therefore responds to the legal questions
3. As was discussed with the Panel, this memorandum is intended to be an “interim” reply, with the Council to provide its formal reply evidence and closing legal submissions in due course.

Can we be provided with a comparison showing the differences between RMA sections 77I, 77J and 77L, on the one hand, and NPSUD 3.32 and 3.33?

4. A comparison of each of the provisions listed above is attached to this memorandum as **Attachment 1**.
5. For the purposes of this hearing, the Council submits that there is no substantive difference between the matters that may be identified as “qualifying matters” set out in the Resource Management Act 1991, as compared with the matters set out in the NPS-UD.
6. In addition, the requirement for an evaluation report to be prepared that justifies the use of a “catch-all” qualifying matter (i.e. a qualifying matter under section 77I(j) or clause 3.32(h) of the NPS-UD) is essentially the same under both section 77L of the RMA and clause 3.33(3) of the NPS-UD (save for slight differences in wording, which reflect the use of the IPI for section 77L).¹

Please supply a copy of the s32 appendix identifying IPI provisions in Variation 1 and PC19

7. We have attached as **Attachment 2** the relevant Appendix, being Appendix A, Section 32 Evaluation Report - Part B Urban Intensification - MDRS and NPS-UD Policy 3.

1 Clause 3.33(3) of the NPS-UD reflects RMA section 77L.

Can counsel please advise their comments on the Silverwood live zone relief - whether it is 'on' Variation 1?

Summary answer: No, the relief sought by Silverwood does not satisfy the applicable legal tests in relation to scope, and in addition it can be distinguished from the only other area of greenfield land proposed for rezoning through Variation 1.

Context

8. In its submission on the IPI, Silverwood has sought the live-zoning or rezoning of its land and the adjacent "Landcorp" site as Future Urban Zone (the **Silverwood land**). Silverwood has also sought the re-zoning of its land as Future Urban Zone through the PDP (this submission was considered during Hearing Stream 5).²
9. As notified, the IPI proposed no changes to the Silverwood land. More specifically, the Silverwood land was not identified as either Future Urban Zone or "live zoned" for residential use, instead remaining Rural Zone as per the notified PDP (and we acknowledge that the Panel will need to make a decision on that submission in due course).

The applicable legal tests

10. Section 6 of our opening legal submissions address the applicable legal test (for scope). We do not repeat that analysis here.
11. In our submission, the rezoning of the Silverwood land does not meet either of the *Clearwater* tests for the following reasons:
 - 11.1 The relief sought by Silverwood does not address Variation 1, as it relates to land that was intentionally excluded from the Variation, and which is proposed to be zoned Rural by the PDP;
 - 11.2 The rezoning of the Silverwood land was not contemplated by Variation 1, including in any of the supporting section 32 evaluation material or public notice. There is therefore a real

² During Hearing Stream 5, Silverwood provided the Panel with a proposed Structure Plan which it now seeks to rely on to enable the live zoning of its land.

risk that, were the submission accepted, potentially affected persons interested in the rezoning of the land would not be aware of its proposed rezoning. This would, of course, create natural justice issues; and

11.3 Silverwood's rezoning request is submitted to be similar to the rezoning request that was the subject of the *Motor Machinists* decision.³ Because of the targeted focus of Variation 1, and because the only rezoning notified as part of Variation 1 is for the Northern Growth Development Area (**NGDA**) (which is physically quite separate from the Silverwood land), it is submitted that the Silverwood land is an isolated island, and not "on" the IPI.

12. In making this submission we note once again that the scope of the Council's IPI is constrained by section 80E, with that provision informing the approach the Council took to developing and notifying its IPI.

Distinguishing the NGDA

13. The Council acknowledges that Variation 1 has proposed the rezoning of a greenfield area, namely the NGDA, but it is submitted that: this was provided for by the Amendment Act, and that it can be distinguished from the Silverwood land.

14. Sections 77G(4) and 77N(3) enable specified territorial authorities to create "new residential zones" and "new urban non-residential zones". Those provisions read (relevantly):

**77G Duty of specified territorial authorities to incorporate MDRS
and give effect to policy 3 or 5 in residential zones**

....

³ *Palmerston North City Council v Motor Machinists Ltd* [2013] NZHC 1290. That case considered a submission by Motor Machinists Ltd (MML) on Plan Change 1 ('PC1') to Palmerston North City District Plan. PC1 proposed, among other things, to rezone 7.63 ha land, mostly near the Palmerston North ring road, from Residential to Outer Business. MML owned land in five lots within one certificate of title; two lots zoned Residential, on Lombard St, and three zoned Outer Business on Taonui St. MML made submission to PC1 that residential lots on Lombard St be rezoned Outer Business. The High Court found the submission was not 'on' PC1 as the plan change proposed targeted rezonings within the ring road. MML's land was located in an "enclave" that was not the subject of PC1.

(4) *In carrying out its functions under this section, a specified territorial authority may create new residential zones or amend existing residential zones.*

77N Duty of specified territorial authorities to give effect to policy 3 or 5 in non-residential zones

...

(3) *In carrying out its functions under subsection (1), a specified territorial authority –*

(a) may create new urban non-residential zones or amend existing urban non-residential zones:...

15. It is submitted that this subsection provides for the Council's creation of this new residential zone, as part of carrying out its specific functions under sections 77G and 77N. The Council has proposed the rezoning of the NGDA to provide for additional residential development capacity and introduce a Structure Plan to guide future development within the site, which will enable additional development capacity for approximately 1,500 new homes. This approach is submitted as to meet the Council's functions in accordance with Policy 3(d) of the NPS-UD. The proposed rezoning is also considered to give effect to the NPS-UD more broadly. In particular it is submitted that the rezoning will contribute to a well functioning urban environment, and ensure that sufficient development capacity is provided to meet expected demand for housing and business land.⁴
16. If it cannot be established to the Panel's satisfaction that the rezoning of additional greenfield land (as requested by Silverwood) is required for the Council to properly carry out its functions under section 77G, then it is submitted that the rezoning cannot proceed. While Council is not suggesting that it is the ultimate arbiter of what is in scope or not, or what is required to respond to housing needs / demand by way of zoning, it is submitted that the scheme of the Amendment Act provides Council with a degree of initial control over what additional greenfield land may be required for residential zoning.
17. The NGDA can be distinguished from the Silverwood land on several grounds:

4 Refer to Policies 1 and 2 of the NP-UD.

- 17.1** First, it has been identified as a future urban growth area for Porirua City for some time. The Porirua Growth Strategy 2048 identified the NGDA as a “New Residential Area-Medium Term”. In the same document the Silverwood land is identified as “Potential Residential Area – Medium Term”, signalling that this additional land *may* be suitable for development if required.
- 17.2** Second, the notified PDP proposed rezoning the NGDA to Future Urban zone, indicating that the Council supported future residential development in this area. By contrast the PDP proposed a General Rural zoning for the Silverwood land.
- 17.3** The rationale for proposing to rezone the NGDA through Variation 1 is discussed in section 5.2 of the section 32 Evaluation Report – Variation 1 Part B – Northern Growth Development Area.⁵ The Silverwood land was not addressed in the Council’s section 32 reporting, despite the fact that Silverwood sought rezoning through the PDP.
- 18.** We submit a clear distinction can be drawn between the rezoning of the NGDA (being land the Council supports live zoning for) with the Silverwood land.

Scope to make recommendations that are not “on” Variation 1

- 19.** Mr Dawson made submissions to the Panel that, even if it finds that the Silverwood submission is not “on” Variation 1, it should exercise its broader recommendation powers to enable the site to be rezoned.⁶
- 20.** We disagree. While the Panel can make recommendations on matters that are beyond the scope of matters *raised in submissions*, this does not enable it to make submissions that go beyond the scope of the IPI. We discuss this matter at paragraphs [4.22] – [4.26] of our opening submissions, and seek to reserve leave to address this matter again in

⁵ https://storage.googleapis.com/pcc-wagtail-media/documents/FINAL_Section_32_Evaluation_Report_-_Variation_1_Part_B_-_Northern_Growth_Development_.pdf

⁶ Silverwood Opening submissions from paragraph [24].

Council’s reply (in the event that evidence is to be filed which legal submissions can draw on).

Please supply a list of ‘out of scope’ recommendations in the s42A reports, with paragraph numbers and subject matter.

21. Table 1 below identifies the suggested matters the Council considers the Panel could make recommendations on in accordance with clause 99(2)(b) of Schedule 1 (i.e. relating to matters that were not raised in submissions).

Table 1 – suggested recommendations ‘out of scope’ of submissions

S42A report	Section	Paragraph	Subject matter
Overarching	7.19	739	Historic heritage qualifying matters. Removal of wording from the introductions to the LCZ - Local Centre Zone and MUZ - Mixed-Use Zone
Overarching	7.19	755	Other submissions in relation to the HH-Historic Heritage Chapter. Submissions on HH-R6 and HH-R9
FENZ and RNZ	3.3.3.2	187	Amendments to LCZ and TEMP chapters to address the RNZ radio transmission effects (clause 99(2)(b))
District Wide Matters	3.2.2	77	Amendments to non-urban zone standards in INF-S3 to include exemption for lightning rods (clause 16)
Residential, Planning Maps and General Topics s42A	3.12.34	958	Recommend that a note be added to HRZ-S1 to exclude papakāinga from the standard. TROTR has requested this for MRZ-S1 but not HRZ-S1 and as such no scope.

Please provide a final view on the scope to remove overlays currently shown over the Plimmerton Farm land

22. As discussed in the Overarching section 42A report,⁷ the PDP planning maps incorrectly show various overlays on the Plimmerton Farm site, as a result of a mistake by Council’s geospatial analysts not “clipping out” the Plimmerton Farm Zone from the PDP maps, prior to notification of the PDP.
23. There are two submissions that provide scope to remove the overlays from the PDP maps, being:

7 Refer to paragraph [498].

23.1 Plimmerton Development Limited (submitter number 149), which submitted on the PDP Planning Maps seeking the following relief (emphasis added):

While no zoning is provided for the site, the following overlays are included on the planning maps:

- Significant Natural Areas
- Special amenity landscape (SAL006)
- Flood hazard – stream corridor
- Flood hazard – overland flow
- Flood hazard – ponding

It is proposed that these provisions be removed and replaced with the same overlays provided in the Council rebuttal maps of Plan Change 18.

23.2 Robyn Smith, who has sought:⁸

Opposed to any provision of the PDP by way of submissions by others, or by council officer evidence and/or recommendations, that would result in, or attempt to result in, the provisions of the PDP being applicable to subdivision, use and development of land within the Plimmerton Farm site (being Lot 2 DP 489799).

24. In our submission the relief sought by Plimmerton Development Limited is clearly directed at amending the overlays applied to the PFZ, which provides scope for the Panel to recommend the removal of any PDP overlays relative to the PFZ. The submission by Ms Smith seeks to ensure that the PDP does not apply to the PFZ in any way. While it does not expressly discuss the overlays it is clear that Ms Smith's submission opposes any part of the PDP to applying to the Plimmerton Farm site.

25. As noted by Mr McDonnell during the hearing, the intention is that the PFZ will be incorporated into the PDP by way of a future plan change. Until that time the PFZ will remain in the ODP framework, and it will not be appropriate for PDP overlays to apply to the site (as those overlays will not be supported by any provisions that will give the overlay regulatory effect relative to land use within the PFZ).

Please advise whether Variation 1 rezones any land not shown as zoned in the online maps, and if not, the implications of that for the scope for Warburton submission OS 64.6

26. As a starting point, Variation 1 does not rezone any land that is not shown as zoned in the proposed online planning maps.
27. Mr Warburton's submission [OS 64.6] is addressed in section 7.17 of the Council's Overarching section 42A Report for Hearing Stream 7. In summary, the submission seeks an amendment to Variation 1 to:
- (a) prevent buildings or structures regardless of height or density on any land within a coastal margin: and
 - (b) amend the definition of 'coastal margin' to include a reference to LINZ's NZ Coastlines GIS Polygon.
28. In respect of (a), 'coastal margin' is defined in the PDP as meaning "*all landward property which is within 20m of the line of MHWS*". Variation 1 applies to all land proposed to have a residential zoning in the district. In limited places this will include land within the "coastal margin" (as defined).
29. Variation 1 does not amend the application of the Natural Character chapter. Rule NATC-R1 will continue to apply to land that is within the "coastal margin" and restrict buildings within that area.
30. In response to (b), generally the land that is immediately adjacent to the coast (and therefore MHWS) is proposed to have an open space zoning under the PDP. However, in limited circumstances the cadastral boundary of the land with a proposed residential zoning adjoins the coast/MHWS. This means that there will be land zoned as residential that is defined as "coastal margin", due to it being within 20m of the line of MHWS. See Figure 1 below for an example.

Figure 1: sites proposed to be zoned Medium Density Residential immediately adjoining MHWS



31. In certain instances, Variation 1 will address land with a residential zoning that is immediately adjacent to MHWS. We therefore consider that there is scope for Mr Warburton's submission point [OS64.6], however the Council disagrees with this submission point on its merits.
32. The Council Officer's recommendation on the merits of Mr Warburton's submission is set out in section 7.17.2 of the Overarching section 42A Report. The issue regarding the appropriate mapping of MHWS has been well traversed in the PDP hearings to date (we understand most thoroughly in Hearing Stream 3).
33. For completeness, we note that at the hearing the Chair posed a slightly different question to Mr McDonnell, namely:

Does Variation 1 seek to rezone anything seaward of the cadastral boundary, so as to bring the submission within scope?

34. As noted above Variation 1 does include parcels of land that adjoin MWHS. Therefore Variation 1 may encompass land proposed to be have a residential zoning that is seaward of the cadastral boundary. Therefore, we do not consider that there is an issue of scope with submission [OS 64.6].

**Is the suggested change at para 739 of the Overarching report a minor error/
change within Clause 16?**

35. We understand that this question relates to Kainga Ora's request to remove words from the introductions to the LCZ-Local Centre Zone and MUZ – Mixed Use Zone. The Section 42A Report notes that the entire paragraph (rather than just one sentence) could be deleted to remove repetition, but queries whether there is scope to do so.
36. In our view, deletion of the entire paragraph (set out at paragraph [737]) could be deleted in reliance on clause 16(2) of Schedule 1. The paragraph that could be deleted is:

Specific sites have been identified where additional controls are necessary to mitigate the adverse effects of buildings and structures on the social, physical and surroundings heritage values of heritage items and heritage settings. They are identified on the planning maps as Height Controls – Heritage. They are qualifying matters under s770 of the RMA.

37. The deletion of that paragraph will have a minor effect only, as similar text is provided for elsewhere in the PDP.⁹ The alteration (by way of deletion) is submitted to be a technical correction with no regulatory effect (in terms of affecting (beneficially or adversely) any person), and will not change the application or implementation of the PDP in any way.

Please advise if the introductory text in residential zone chapters identifying provisions affecting density, and therefore not having immediate effect, falls away automatically at the end of the ISPP process, and if so, whether it would be useful to insert text to similar effect?

38. Usually the introductory text in the e-plan which explains the provisions that have immediate legal effect, and for the IPI the provisions that were to be treated as being operative in accordance with section 86BA, would fall away when the plan becomes operative.
39. In this instance we agree with the Panel that the opening text provides useful guidance to plan users that would be helpful to retain, particularly

9 Refer to paragraph [737] and [738] of the Overarching section 42A, and in particular footnote 106.

as it explains the qualifying matters that may apply, which will of course alter the density provisions in the MRZ and HRZ.

40. Two submissions can be relied on to provide scope to retain the explanation of how qualifying matters operate within the plan provisions:

40.1 Transpower New Zealand Limited's (**Transpower**) submission point OS53.6, which supported the explanatory text relating to legal effect and the application of qualifying matters, and sought that it be retained on the basis that the text assists with plan interpretation and application.

40.2 Radio New Zealand Limited(OS73.10) and Transpower (OS53.5), that both submitted seeking that a list or reference to "qualifying matters" be included in the plan, along with an explanation as to how, and when they will apply.

41. Retaining the existing text regarding legal effect will not be appropriate when the plan becomes operative. The Council is still considering whether there is merit in including or retaining introductory text that relates to qualifying matters at the start of the residential chapters, and will address this in its right of reply. The Council notes that there are other district wide matters, and/or overlays that may also apply to residential sites and therefore it may create additional confusion to only single out qualifying matters.

42. For completeness, if the introductory text regarding qualifying matters is to be retained it will need to be re-drafted, as it is currently focused on provisions taking legal effect (which will not be relevant when the plan becomes operative).

Mike Wakefield, Katherine Viskovic, Elizabeth Neilson
Counsel for Porirua City Council

22 March 2023

Attachment 1 – comparison between relevant RMA and NPS-UD provisions

Comparison between clause 3.32 of the NPS-UD, and section 770 of the RMA

3.32-770 Qualifying matters in application of intensification policies to urban non-residential areas

A specified territorial authority may modify the requirements of policy 3 in an urban non-residential zone to be less enabling of development than provided in those policies only to the extent necessary to accommodate 1 or more of the following qualifying matters that are present:

~~(1)~~ ~~In this National Policy Statement, **qualifying matter** means any of the following:~~

(a) a matter of national importance that decision-makers are required to recognise and provide for under section 6 of the Act;

(b) a matter required in order to give effect to ~~any other National Policy Statement, including a national policy statement (other than the NPS-UD) or the New Zealand Coastal Policy Statement 2010:~~

(c) a matter required to give effect to Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River:

(d) a matter required to give effect to the Hauraki Gulf Marine Park Act 2000 or the Waitakere Ranges Heritage Area Act 2008:

~~(e)~~(e) any a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure;

~~(d)~~(f) open space provided for public use, but only in relation to ~~the~~ land that is open space;

~~(e)~~(g) an area subject the need to give effect to a designation or heritage order, but only in relation to ~~the~~ land that is subject to the designation or heritage order;

~~(f)~~(h) a matter necessary to implement, or to ensure consistency with, iwi participation legislation;

~~(g)~~(i) the requirement in the NPS-UD to provide sufficient business land suitable for low density uses to meet expected demand ~~under this National Policy Statement~~;

~~(h)~~(j) any other matter that makes higher density development as directed by Policy 3 provided for by policy 3, as the case requires, inappropriate in an area, but only if ~~the requirements of clause 3.33(3) are met~~ section 77R is satisfied.

Comparison between section 77O and clause 3.32 of the NPS-UD

~~77O~~3.32 **Qualifying matters**~~in application of intensification policies to urban non-residential areas~~A specified territorial authority may modify the requirements of policy 3 in an urban non-residential zone to be less enabling of development than provided in those policies only to the extent necessary to accommodate 1 or more of the following qualifying matters that are present:

(1) In this National Policy Statement, **qualifying matter** means any of the following:

- (a) a matter of national importance that decision-makers are required to recognise and provide for under section 6: of the Act
- (b) a matter required in order to give effect to ~~a national policy statement (other than the NPS-UD)~~ or any other National Policy Statement, including the New Zealand Coastal Policy Statement~~2010~~:
- ~~(c) a matter required to give effect to Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River:~~
- ~~(d) a matter required to give effect to the Hauraki Gulf Marine Park Act 2000 or the Waitakere Ranges Heritage Area Act 2008:~~
- ~~(e)~~(c) a any matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure:
- ~~(f)~~(d) open space provided for public use, but only in relation to the land that is open space:
- ~~(g)~~(e) ~~the need to give effect~~ an area subject to a designation or heritage order, but only in relation to the land that is subject to the designation or heritage order:
- ~~(h)~~(f) a matter necessary to implement, or ~~to~~ ensure consistency with, iwi participation legislation:
- ~~(i)~~(g) the requirement ~~in the NPS-UD~~ to provide sufficient business land suitable for low density uses to meet expected demand: under this National Policy Statement
- ~~(j)~~(h) any other matter that makes higher density development as ~~provided for by policy 3, as the case requires,~~ directed by Policy 3 inappropriate in an area, but only if ~~section 77R is satisfied~~ the requirements of clause 3.33(3) are met.

COMPARISON BETWEEN SECTIONS 77J AND 77L, AND CLAUSE 3.33 OF THE NPS-UD

~~77J~~ 3.33 Requirements ~~in relation to evaluation report~~ if qualifying matter applies

~~(1)~~ (1) ~~This section~~ This clause applies if a territorial authority is amending its district plan ~~(as and intends to rely on Policy 4 to justify a modification to the direction in Policy 3 in relation to a specific area, provided for in section 77G).~~

~~(2)~~ (1) The evaluation report ~~from the specified territorial authority referred to in section 32 must, in addition to the matters in that section, consider the matters in subsections (3) and (4).~~ (3) The evaluation report must, prepared under section 32 of the Act in relation to the proposed amendment to accommodate a qualifying matter, —must:

(a) demonstrate why the territorial authority ~~considers~~ considers that:

- (i) ~~that~~ the area is subject to a qualifying matter; and
- (ii) ~~that~~ the qualifying matter is incompatible with the level of development ~~permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy directed by Policy 3~~ directed by Policy 3 for that area; and

(b) assess the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity; and

(b)(c) assess the costs and broader impacts of imposing those limits.

~~(4)~~ (4) ~~The evaluation report must include, in relation to the provisions implementing the MDRS, —~~

~~(a) — a description of how the provisions of the district plan allow the same or a greater level of development than the MDRS;~~

~~(b) — a description of how modifications to the MDRS as applied to the relevant residential zones are limited to only those modifications necessary to accommodate qualifying matters and, in particular, how they apply to any spatial layers relating to overlays, precincts, specific controls, and development areas, including —~~

~~(i) — any operative district plan spatial layers; and~~

~~(ii) — any new spatial layers proposed for the district plan.~~

~~(5) — The requirements set out in subsection (3)(a) apply only in the area for which the territorial authority is proposing to make an allowance for a qualifying matter.~~

~~(6) — The evaluation report may for the purposes of subsection (4) describe any modifications to the requirements of section 32 necessary to achieve the development objectives of the MDRS.~~

~~77L~~ Further requirement about application of section 77I(j)

(2) A matter is not a qualifying matter under ~~section 77I(j)~~ clause 3.32(1)(h) in relation to an area unless the evaluation report ~~referred to in section 32 also —~~ also:

(a) identifies the specific characteristic that makes the level of development ~~provided by the MDRS (as specified in Schedule 3A or as provided for by policy 3)~~ directed by Policy 3 inappropriate in the area; ~~and justifies why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD~~ justifies why that is inappropriate in light of the national significance of urban development and the objectives of this National Policy Statement; and

~~(b)~~ (e) includes a site-specific analysis that:

(i) _____ identifies the site to which the matter relates; and

(ii) _____ evaluates the specific ~~characteristic~~ characteristics on a site-specific basis to determine the ~~geographic area~~ spatial extent where intensification needs to be compatible with the specific matter; and

(iii) evaluates an appropriate range of options to achieve the greatest heights and densities ~~permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3~~ directed by Policy 3, while managing the specific characteristics.

COMPARISON BETWEEN CLAUSE 3.33 OF THE NPS-UD AND SECTIONS 77J AND 77L OF THE RMA

3.33-77J Requirements ~~if qualifying matter applies~~ in relation to evaluation report

~~(1) This clause~~ This section applies if a territorial authority is amending its district plan ~~and intends to rely on Policy 4 to justify a modification to the direction in Policy 3 in relation to~~ (as provided for in section 77G), a specific area.

~~(2)~~(1) The evaluation report from the specified territorial authority referred to in section 32 must, in addition to the matters in that section, consider the matters in subsections (3) and (4), prepared under section 32 of the Act

(3) The evaluation report must, in relation to the proposed amendment ~~must to~~ accommodate a qualifying matter,—

- (a) demonstrate why the territorial authority ~~considers that~~ considers—
 - (i) that the area is subject to a qualifying matter; and
 - (ii) that the qualifying matter is incompatible with the level of development ~~directed by Policy permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy~~ 3 for that area; and
- ~~(b)~~ assess the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity; and

~~(c)~~(b) assess the costs and broader impacts of imposing those limits.

(4) The evaluation report must include, in relation to the provisions implementing the MDRS,—

- (a) a description of how the provisions of the district plan allow the same or a greater level of development than the MDRS:
- (b) a description of how modifications to the MDRS as applied to the relevant residential zones are limited to only those modifications necessary to accommodate qualifying matters and, in particular, how they apply to any spatial layers relating to overlays, precincts, specific controls, and development areas, including—
 - (i) any operative district plan spatial layers; and
 - ~~(i)~~(ii) any new spatial layers proposed for the district plan.

(5) The requirements set out in subsection (3)(a) apply only in the area for which the territorial authority is proposing to make an allowance for a qualifying matter.

(6) The evaluation report may for the purposes of subsection (4) describe any modifications to the requirements of section 32 necessary to achieve the development objectives of the MDRS.

77L Further requirement about application of section 77I(i)

- (3) A matter is not a qualifying matter under ~~clause 3.32(1)~~(section 77L(j)) in relation to an area unless the evaluation report ~~also referred to in section 32 also—~~
- (a) identifies the specific characteristic that makes the level of development ~~directed by Policy 3 provided by the MDRS (as specified in Schedule 3A or as provided for by policy 3)~~ inappropriate in the area, ~~and justifies why that is inappropriate in light of the national significance of urban development and the objectives of this National Policy Statement~~
 - (b) justifies why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD; and
- (d) (c) includes a site-specific analysis that—
- (i) identifies the site to which the matter relates; and
 - (ii) evaluates the specific ~~characteristics~~characteristic on a site-specific basis to determine the ~~spatial extent~~geographic area where intensification needs to be compatible with the specific matter; and
 - (iii) evaluates an appropriate range of options to achieve the greatest heights and densities ~~directed by Policy 3, permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3~~ while managing the specific characteristics.

COMPARISON BETWEEN SECTIONS 77I AND 77O OF THE RMA

77I-77O **Qualifying matters in ~~applying medium density residential standards and policy 3 to relevant residential zones~~ application of intensification policies to urban non-residential areas**

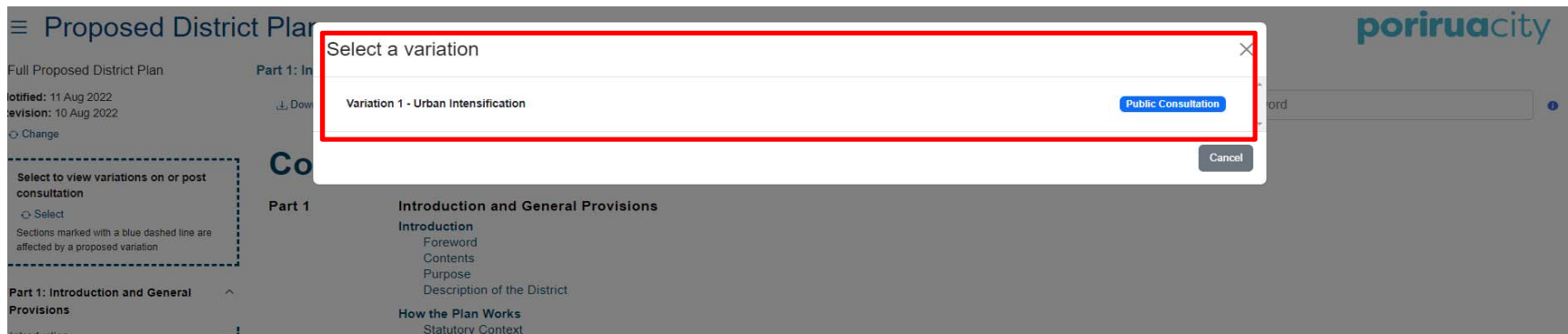
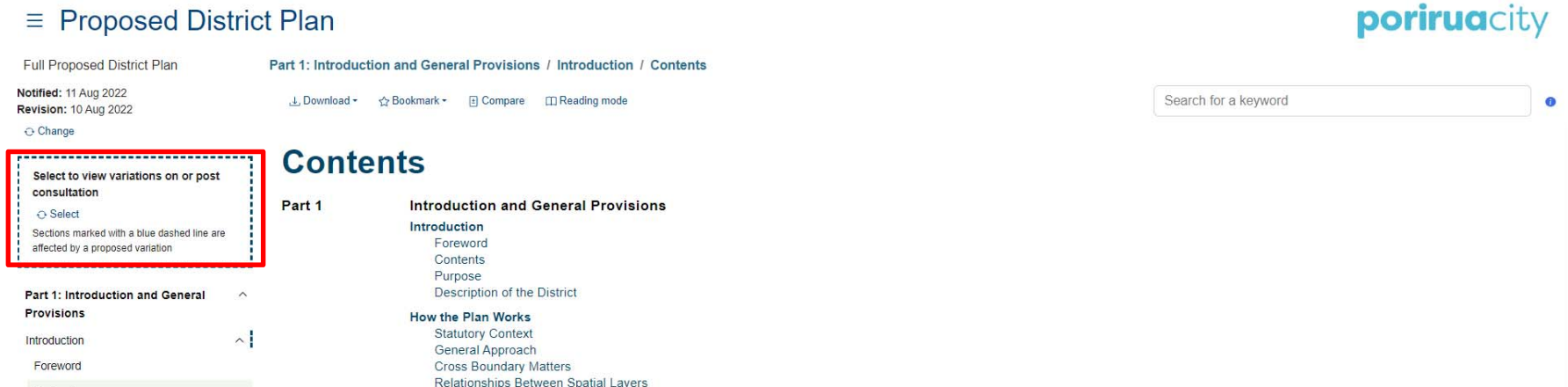
A specified territorial authority may ~~make the MDRS and the relevant building height or density~~ modify the requirements ~~under of~~ policy 3 ~~in an urban non-residential zone to be~~ less enabling of development ~~in relation to an area within a relevant residential zone than provided in those policies~~ only to the extent necessary to accommodate 1 or more of the following qualifying matters that are present:

- (a) a matter of national importance that decision makers are required to recognise and provide for under [section 6](#):
- (b) a matter required in order to give effect to a national policy statement (other than the NPS-UD) or the New Zealand Coastal Policy Statement 2010:
- (c) a matter required to give effect to Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River:
- (d) a matter required to give effect to the [Hauraki Gulf Marine Park Act 2000](#) or the [Waitakere Ranges Heritage Area Act 2008](#):
- (e) a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure:
- (f) open space provided for public use, but only in relation to land that is open space:
- (g) the need to give effect to a designation or heritage order, but only in relation to land that is subject to the designation or heritage order:
- (h) a matter necessary to implement, or to ensure consistency with, iwi participation legislation:
- (i) the requirement in the NPS-UD to provide sufficient business land suitable for low density uses to meet expected demand:
- (j) any other matter that makes higher density, development as provided for by ~~the MDRS or policy 3, as the case requires, inappropriate in an area, but only if section 77R is satisfied.~~ policy 3, inappropriate in an area, but only if section 77L is satisfied.

**Attachment 2 – copy of section 32 appendix identifying provisions in
Variation 1 and PC19**

Note that when viewing the e-plan, there is an ability to “turn on” tracking. This will show the changes referred to in the section 32 table below. The steps to enable this are as follows:

1. To view Variation 1, when on the PDP page press “select” in the blue hash-line box on the left-hand side, and then select “Variation 1 – Urban Intensification” (as shown by the red boxes below):



- Select one of the chapters in Variation 1. The blue hash-line indicates provisions that have been amended by Variation 1. To turn on tracking, select “Show Variation Changes”, as shown in the red box below:

Variation 1 - Urban Intensification selected
 Back to plan
 Sections marked with a blue dashed line are affected by a proposed variation

Part 1: Introduction and General Provisions
 Part 2: District-Wide Matters
 Strategic Direction
 Energy, Infrastructure and Transport
 INF - Infrastructure
 Historical and Cultural Values
 Subdivision
 General District-Wide Matters
 Part 3: Area Specific Matters
 Residential Zones
 Commercial and Mixed Use Zones

Part 3: Area Specific Matters / Commercial and Mixed Use Zones / MUZ - Mixed Use Zone
 Download - Bookmark - **Show Variation Changes** - Reading mode
 Search for a keyword

This section is subject to the following proposed variation (s) - Variation 1 - Urban Intensification. Click [here](#) to view current variations and select from the list to see changes to this and other sections.

MUZ - Mixed Use Zone

The Mixed Use Zone provides for a compatible range of activities, including residential, light industrial, commercial, recreational and community activities.

The mixture of activities in the zone and its built form create an attractive, vibrant and safe environment for workers, residents and the community it serves.

Some areas have been identified as being suited to a more intensive built form through increased building heights than the standard zone height. These areas are located within a walkable catchment of the Metropolitan Centre Zone or a train station. They are identified on the planning maps as Height Increase A and Height Increase B.

Specific sites have been identified where additional controls are necessary to mitigate the adverse effects of buildings and structures on the social, physical, and surroundings heritage values of heritage items and heritage settings. They are identified on the planning maps as Height Controls – Heritage. They are qualifying matters under s770 of the RMA.

As well as enabling a range of residential and non-residential activities, the Mixed Use Zone also provides for light industrial activities. However, these light industrial activities will be assessed on a case by case basis through a resource consent process to address their suitability for the zone and any potential adverse effects on existing activities.

The Mixed Use Zone enables residential activities and provides employment opportunities. Due to the wide range of non-residential activities provided for and the potential for light industrial activities to establish, this zone may have fewer day-to-day conveniences and different amenity levels for residents than other commercial or residential zones.

In accordance with the National Planning Standards, the District Plan takes an integrated approach to the sustainable management of natural and physical resources within individual zones and across Porirua. As such other chapters in this Plan have provisions that apply to this Zone, including in Part 2: District-Wide chapters.

See [How the District Plan works](#) for more information.

3. The tracking will then show up, as shown in the screenshot below. To turn off the tracking function, select “Hide Variation Changes”, as shown in the red box below:

The screenshot shows a web application interface for a planning document. On the left is a sidebar with a tree view of sections: 'Part 1: Introduction and General Provisions', 'Part 2: District-Wide Matters', 'Strategic Direction', 'Energy, Infrastructure and Transport', 'INF - Infrastructure', 'Historical and Cultural Values', 'Subdivision', and 'General District-Wide Matters'. The 'Part 2: District-Wide Matters' section is expanded, and 'Variation 1 - Urban Intensification selected' is highlighted with a blue dashed border. The main content area is titled 'Part 3: Area Specific Matters / Commercial and Mixed Use Zones / MUZ - Mixed Use Zone'. At the top of this area are buttons for 'Download', 'Bookmark', 'Hide Variation Changes' (highlighted with a red box), and 'Reading mode'. A search bar is also present. Below the navigation is a notification: 'Please note: This view of the proposed variation gives additional guidance on the changes between Proposed District Plan and the proposed variation. Click on 'Hide variation changes' in order to return to the final view of the proposed variation.' The main heading is 'MUZ - Mixed Use Zone'. The text below describes the zone's purpose, mentioning 'widecompatible' range of activities, 'light industrial', 'medium-scale' built form, and 'environmentenvironment'. It includes several green-highlighted sentences: 'Some areas have been identified as being suited to a more intensive built form through increased building heights than the standard zone height. These areas are located within a walkable catchment of the Metropolitan Centre Zone or a train station. They are identified on the planning maps as Height Increase A and Height Increase B.', 'Specific sites have been identified where additional controls are necessary to mitigate the adverse effects of buildings and structures on the social, physical, and surroundings heritage values of heritage items and heritage settings. They are identified on the planning maps as Height Controls – Heritage. They are qualifying matters under s770 of the RMA.', and 'In accordance with the National Planning Standards, the District Plan takes an integrated approach to the sustainable management of natural and physical resources within individual zones and across Porirua. As such other chapters in this Plan have provisions that apply to this Zone, including in Part 2: District-Wide chapters. See How the District Plan works for more information.'

Appendix A. Provisions amended or added by Variation 1

Table 1 – Amendments to How the Plan Works subject to Variation 1 and included in IPI

Content	Part subject to Variation 1 and IPI
General approach	Those changes shown in green or red and underlined or crossed through
How the District Plan works	Those changes shown in green or red and underlined or crossed through
Legal effect of rules	Those changes shown in green or red and underlined or crossed through

Table 2 – Strategic directions subject to Variation 1 and included in IPI

Provision	Part subject to Variation 1 and IPI
UFD-O3 – Urban Form	Only those changes shown in red and underlined or crossed through
UFD-O6 – Quality urban design and place making	Only those changes shown in red and underlined or crossed through
UFD-O7 – Well-functioning urban environment	Whole objective
HH-O2 – Housing density	Deletion of whole objective

Table 3 – Provisions subject to Variation 1 and included in IPI for residential zones

Provision	Part subject to Variation 1 and IPI
Withdrawal of GRZ-General Residential Zone chapter	Whole chapter and zoning on planning maps
Introduction of RESZ-General Objectives and Policies for residential zones chapter	Whole chapter
Introduction of HRZ-High Density Residential Zone chapter	Whole chapter and zoning on planning maps
Introduction of MRZ-Residential Precinct on planning maps	Planning maps
Deletion of Eastern Porirua Residential Intensification Precinct	Planning maps

Table 4 - Provisions subject to Variation 1 and included in IPI for Medium Density Residential zone

Provision	Part subject to Variation 1 and IPI
Planning maps showing MRZ	Spatial extent of zone on maps
Re-numbering of identifiers for objectives, policies, rules, standards, tables, or figures.	Those changes shown in green or red and underlined or crossed through
Chapter introduction	Those changes shown in green or red and underlined or crossed through
MRZ-O1	Those changes shown in green or red and underlined or crossed through

MRZ-PREC02-O1	Whole objective
MRZ-PREC02-O2	Whole objective
MRZ-PREC03-O1	Whole objective
MRZ-P1 to MRZ-P10	Deletion of whole policies
MRZ-PREC02-P1 to MRZ-PREC02-P3	Deletion of whole policies
MRZ-R1 (buildings and structures, including additions and alterations, but excluding fences and standalone walls)	Whole Rule
MRZ-R3, MRZ-R4, MRZ-R5, MRZ-R8 to MRZ-R15, MRZ-R19 to MRZ-R28	Those changes shown in green or red and underlined or crossed through Activity status not included in Variation
New Rules: MRZ-R6 – conservation activity MRZ-R7 – customary harvesting MRZ-R16 – buildings and structures in national grid yard MRZ-R17 – activities in National Grid Yard MRZ-R18 – activities within the Gas Transmission Pipeline corridor	Whole rule

Table 5 – Density and development standards subject to Variation 1 and included in IPI for Medium Density Residential zone

Provision	Part subject to Variation 1 and IPI
MRZ-S1 - Number of residential units per site	Whole standard
MRZ-S2 - Height	Whole standard
MRZ-S3 – Height in relation to boundary	Whole standard
MRZ-S4 – Building coverage	Whole standard
MRZ-S5 – Setbacks	Whole standard
MRZ-S6 – Landscaped areas	Whole standard
MRZ-S7 – outdoor living space	Whole standard
MRZ-S8 – Outlook space (per unit)	Whole standard
MRZ-S9 – Windows to street	Whole standard
MRZ-S10 – Rainwater tanks MRZ-S11 – Fences and standalone walls	Those changes shown in green or red and underlined or crossed through
MRZ-Figure 1 – diagram showing additional height allowance	Deletion of Figure
MRZ-Figure 2 – diagram showing northern boundary	Deletion of Figure
MRZ-Figure 3 – diagram showing height in relation to boundary	Deletion of Figure
MRZ-Figure 4 – alternative height in relation to boundary in the Eastern Porirua Residential Intensification Precinct.	Deletion of Figure
MRZ-Figure 5 – diagram showing complying outdoor living space	Deletion of Figure

Table 6 – Introduction, objectives and policies subject to Variation 1 and included in IPI for City Centre Zone, renamed Metropolitan Centre Zone

Provision	Part subject to Variation 1 and IPI
Re-numbering of identifiers for objectives, policies, rules, standards, tables, or figures.	Those changes shown in green or red and underlined or crossed through
Chapter introduction	Those changes shown in green or red and underlined or crossed through
MCZ-O1 – Purpose of zone	Those changes shown in green or red and underlined or crossed through
MCZ -O2 – Planned urban built environment	Those changes shown in green or red and underlined or crossed through
MCZ -P1 – Appropriate activities	Those changes shown in green or red and underlined or crossed through
MCZ -P2 – Location of residential activity	Those changes shown in green or red and underlined or crossed through
MCZ -P3– Health and wellbeing	Whole policy
MCZ -P4 – Other activities	Those changes shown in green or red and underlined or crossed through
MCZ -P5 – Inappropriate activities	Those changes shown in green or red and underlined or crossed through
CCZ-P5 built development	Deletion of policy
MCZ -P6 – Small scale built development	Whole policy
MCZ -P7 – Large scale built development	Whole policy
MCZ -P8 – Public space interface	Those changes shown in green or red and underlined or crossed through
MCZ -P9 – car parking and parking lots	Those changes shown in green or red and underlined or crossed through

Table 7 – Rules subject to Variation 1 and included in IPI for Metropolitan Centre Zone

Provision	Part subject to Variation 1 and IPI
MCZ-R1-New buildings, alterations, additions	Those changes shown in green or red and underlined or crossed through
MCZ-R2 -Construction activity	Whole rule
MCZ-R11 – Visitor accommodation	Those changes shown in green or red and underlined or crossed through Removal of RDIS activity status
MCZ-R12 – residential activity	Those changes shown in green or red and underlined or crossed through
MCZ-R13 - supported residential care	Whole rule
MCZ-R14 - community corrections activities	Whole rule
MCZ-R15 - conservation activity	Whole rule
MCZ-R16 - customary harvesting	Whole rule
MCZ-R17 - papakāinga	Whole rule
MCZ-R18 – large format retailing	Those changes shown in green or red and underlined or crossed through
MCZ-R19 - supermarket	Whole rule

MCZ-R20 – emergency service facility MCZ-R21 – retirement village	Those changes shown in green or red and underlined or crossed through Removal of DIS activity status for retirement villages
MCZ-R22 – parking lot	Whole rule
MCZ-R23 – integrated retail activity	Whole rule
Rules being deleted	
CCZ-R2 – additions to existing buildings	Whole rule
CCZ-R3 – minor ancillary buildings	Whole rule
CCZ-R4 – demolition	Whole rule
CCZ-R15 – new buildings and structures	Whole rule

Table 8 – Density and development standards subject to Variation 1 and included in IPI for Metropolitan Centre Zone

Provision	Part subject to Variation 1 and IPI
MCZ-S1 - height	Those changes shown in green or red and underlined or crossed through
MCZ-S2 – active street frontages	Those changes shown in green or red and underlined or crossed through
MCZ-S3 – addressing Porirua Stream	Matters of discretion
MCZ-S4 – location of residential units	Those changes shown in green or red and underlined or crossed through
MCZ-S5 – location of car parking	Those changes shown in green or red and underlined or crossed through
MCZ-S6 – service areas	Those changes shown in green or red and underlined or crossed through

Table 9 – Introduction, objectives and policies subject to Variation 1 and included in IPI for Large Format Retail Zone

Provision	Part subject to Variation 1 and IPI
Re-numbering of identifiers for objectives, policies, rules, standards, tables, or figures.	Those changes shown in green or red and underlined or crossed through
Chapter introduction	Those changes shown in green or red and underlined or crossed through
LFRZ-O1 – Purpose of zone	Those changes shown in green or red and underlined or crossed through
LFRZ-O2 – Planned urban built environment	Those changes shown in green or red and underlined or crossed through
LFRZ-O3 – Zone interface	Those changes shown in green or red and underlined or crossed through
LFRZ-P1 – Appropriate activities	Those changes shown in green or red and underlined or crossed through
LFRZ-P2 – Location of residential activity	Those changes shown in green or red and underlined or crossed through
LFRZ-P3– Health and wellbeing	Whole policy

LFRZ-P4 – Other activities	Those changes shown in green or red and underlined or crossed through
LFRZ-P5 – Inappropriate activities	Those changes shown in green or red and underlined or crossed through
LFRZ-P6 – Small scale built development	Whole policy
LFRZ-P7 – Larger scale built development	Those changes shown in green or red and underlined or crossed through
LFRZ-P8 – Public space interface	Those changes shown in green or red and underlined or crossed through
LFRZ-P9 – Zone interface	Those changes shown in green or red and underlined or crossed through

Table 10 – Rules subject to Variation 1 and included in IPI for Large Format Retail Zone

Provision	Part subject to Variation 1 and IPI
LFRZ -R1- new buildings, alterations, additions	Those changes shown in green or red and underlined or crossed through
LFRZ -R2 - construction activity	Whole rule
LFRZ -R3 – large format retail activity	Those changes shown in green or red and underlined or crossed through Removal of RDIS activity status
LFRZ -R4 - supermarket	Whole rule
LFRZ -R5 – drive through activity	Those changes shown in green or red and underlined or crossed through Removal of RDIS activity status
LFRZ -R6 – trade supplier	Those changes shown in green or red and underlined or crossed through Removal of RDIS activity status
LFRZ -R7 – residential activity	Whole rule
LFRZ -R8 - supported residential care	Whole rule
LFRZ -R9 - community corrections activities	Whole rule
LFRZ -R10 - conservation activity	Whole rule
LFRZ -R11 - customary harvesting	Whole rule
LFRZ -R12 - papakāinga	Whole rule
LFRZ -R13 – retail activity	Those changes shown in green or red and underlined or crossed through Removal of DIS activity status
LFRZ -R14 – commercial service activity	Those changes shown in green or red and underlined or crossed through Removal of DIS activity status
LFRZ -R15 – office	Those changes shown in green or red and underlined or crossed through Removal of DIS activity status

LFRZ -R16 – entertainment facility	Those changes shown in green or red and underlined or crossed through Removal of DIS activity status
LFRZ -R17 – food and beverage	Those changes shown in green or red and underlined or crossed through Removal of DIS activity status
LFRZ -R18 – visitor accommodation	Those changes shown in green or red and underlined or crossed through Removal of DIS activity status
LFRZ -R19 – healthcare activity	Those changes shown in green or red and underlined or crossed through Removal of DIS activity status
LFRZ-R20 – educational facility	Those changes shown in green or red and underlined or crossed through Removal of DIS activity status
LFRZ -R21 – community facility	Those changes shown in green or red and underlined or crossed through Removal of DIS activity status
LFRZ -R22 – emergency service facility	Removal of DIS activity status
LFRZ -R23 – integrated retail activity	Whole rule
Rules being deleted	
LFRZ-R2 – additions to existing buildings	Whole rule
LFRZ-R3 – minor ancillary buildings	Whole rule
LFRZ-R4 – demolition	Whole rule
LFRZ-R8 – new buildings and structures	Whole rule

Table 11 – Density and development standards subject to Variation 1 and included in IPI for Large Format Retail Zone

Provision	Part subject to Variation 1 and IPI
LFRZ-S1 - height	Those changes shown in green or red and underlined or crossed through
LFRZ -S2 – height in relation to boundary	Those changes shown in green or red and underlined or crossed through
LFRZ -S3 – setback	Those changes shown in green or red and underlined or crossed through
LFRZ -S4 – active street frontages	Those changes shown in green or red and underlined or crossed through
LFRZ -S5 – Addressing Te Awarua-o-Porirua Harbour and Porirua Stream	Those changes shown in green or red and underlined or crossed through
LFRZ -S6 – Screening of parking areas	Those changes shown in green or red and underlined or crossed through

LFRZ -S7 – Service areas and outdoor screening	Those changes shown in green or red and underlined or crossed through
LFRZ -S8 – Location of residential units	Those changes shown in green or red and underlined or crossed through
LFRZ-S9 – outdoor living space (for residential units)	Those changes shown in green or red and underlined or crossed through

Table 12 – Introduction, objectives and policies subject to Variation 1 and included in IPI for Mixed Use Zone

Provision	Part subject to Variation 1 and IPI
Re-numbering of identifiers for objectives, policies, rules, standards, tables, or figures.	Those changes shown in green or red and underlined or crossed through
Chapter introduction	Those changes shown in green or red and underlined or crossed through
MUZ-O1 – Purpose of zone	Those changes shown in green or red and underlined or crossed through
MUZ-O2 – Planned urban built environment	Those changes shown in green or red and underlined or crossed through
MUZ-O3 – Zone interface	Those changes shown in green or red and underlined or crossed through
MUZ-P1 – Appropriate activities	Those changes shown in green or red and underlined or crossed through
MUZ-P2 – Location of residential activity	Those changes shown in green or red and underlined or crossed through
MUZ-P3– Health and wellbeing	Whole policy
MUZ-P4 – Other activities	Those changes shown in green or red and underlined or crossed through
MUZ-P5 – Inappropriate activities	Those changes shown in green or red and underlined or crossed through
MUZ-P6 – Small scale built development	Whole policy
MUZ-P7 – Larger scale built development	Those changes shown in green or red and underlined or crossed through
MUZ-P8 – Height increase	Whole policy
MUZ-P9 – Public space interface	Those changes shown in green or red and underlined or crossed through
MUZ-P10 – Zone interface	Those changes shown in green or red and underlined or crossed through

Table 13 – Rules subject to Variation 1 and included in IPI for Mixed Use Zone

Provision	Part subject to Variation 1 and IPI
MUZ -R1- new buildings, alterations, additions	Those changes shown in green or red and underlined or crossed through
MUZ -R3 – retail activity	Those changes shown in green or red and underlined or crossed through Removal of RDIS activity status

MUZ -R4 – commercial service activity	Those changes shown in green or red and underlined or crossed through
MUZ -R5 – office	Those changes shown in green or red and underlined or crossed through
MUZ -R6 – entertainment facility	Those changes shown in green or red and underlined or crossed through
MUZ -R7 – food and beverage	Those changes shown in green or red and underlined or crossed through
MUZ -R8 – visitor accommodation	Those changes shown in green or red and underlined or crossed through
MUZ -R9 – educational facility	Those changes shown in green or red and underlined or crossed through
MUZ -R10 – food and beverage	Those changes shown in green or red and underlined or crossed through
MUZ -R11 – community facility	Those changes shown in green or red and underlined or crossed through
MUZ-R12 – large format retailing and supermarket	Those changes shown in green or red and underlined or crossed through Includes supermarket in rule
MUZ -R13 – drive through activity	Those changes shown in green or red and underlined or crossed through
MUZ -R14 - supported residential care	Whole rule
MUZ -R15 - community corrections activities	Whole rule
MUZ -R16 - conservation activity	Whole rule
MUZ -R17 - customary harvesting	Whole rule
MUZ -R18 - papakāinga	Whole rule
MUZ -R19 – residential activity	Those changes shown in green or red and underlined or crossed through
MUZ -R20 – retirement village	Those changes shown in green or red and underlined or crossed through Removal of DIS activity status
MUZ -R21 – trade supplier	Those changes shown in green or red and underlined or crossed through
MUZ -R22 – light industrial activity	Those changes shown in green or red and underlined or crossed through
MUZ -R23 – emergency service facility	Those changes shown in green or red and underlined or crossed through Removal of DIS activity status
MUZ -R24 – integrated retail activity	Whole rule

Table 14 – Density and development standards subject to Variation 1 and included in IPI for Mixed Use Zone

Provision	Part subject to Variation 1 and IPI
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MUZ-S1 - height	Those changes shown in green or red and underlined or crossed through
MUZ -S2 – height in relation to boundary	Those changes shown in green or red and underlined or crossed through
MUZ -S3 – setback	Those changes shown in green or red and underlined or crossed through
MUZ -S4 – active street frontages	Those changes shown in green or red and underlined or crossed through
MUZ-S5 – outdoor living space (for residential units)	Those changes shown in green or red and underlined or crossed through
MUZ -S6 – Screening of parking, service, and outdoor areas	Those changes shown in green or red and underlined or crossed through

Table 15 – Introduction, objectives and policies subject to Variation 1 and included in IPI for Local Centre Zone

Provision	Part subject to Variation 1 and IPI
Re-numbering of identifiers for objectives, policies, rules, standards, tables, or figures.	Those changes shown in green or red and underlined or crossed through
Chapter introduction	Those changes shown in green or red and underlined or crossed through
LCZ-O1 – Purpose of zone	Those changes shown in green or red and underlined or crossed through
LCZ -O2 – Planned urban built environment	Those changes shown in green or red and underlined or crossed through
LCZ -O3 – Zone interface	Those changes shown in green or red and underlined or crossed through
LCZ -P1 – Appropriate activities	Those changes shown in green or red and underlined or crossed through
LCZ -P2 – Location of residential activity	Those changes shown in green or red and underlined or crossed through
LCZ -P3– Health and wellbeing	Whole policy
LCZ -P4 – Other activities	Those changes shown in green or red and underlined or crossed through
LCZ -P5 – Inappropriate activities	Those changes shown in green or red and underlined or crossed through
LCZ -P6 – Small scale built development	Whole policy
LCZ -P7 – Larger scale built development	Those changes shown in green or red and underlined or crossed through
LCZ -P8 – Height increase	Whole policy
LCZ -P9 – Public space interface	Those changes shown in green or red and underlined or crossed through
LCZ -P10 – Zone interface	Those changes shown in green or red and underlined or crossed through

Table 16 – Rules subject to Variation 1 and included in IPI for Local Centre Zone

Provision	Part subject to Variation 1 and IPI
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LCZ -R1- new buildings, alterations, additions	Those changes shown in green or red and underlined or crossed through
LCZ -R3 – retail activity	Those changes shown in green or red and underlined or crossed through Removal of RDIS activity status
LCZ -R4 – commercial service activity	Those changes shown in green or red and underlined or crossed through
LCZ -R5 – office	Those changes shown in green or red and underlined or crossed through
LCZ -R6 – food and beverage	Those changes shown in green or red and underlined or crossed through
LCZ -R7 – healthcare activity	Those changes shown in green or red and underlined or crossed through
LCZ -R8 – educational facility	Those changes shown in green or red and underlined or crossed through
LCZ -R9 – community facility	Those changes shown in green or red and underlined or crossed through
LCZ -R10 – visitor accommodation	Those changes shown in green or red and underlined or crossed through
LCZ -R11 - supported residential care	Whole rule
LCZ -R12 - community corrections activities	Whole rule
LCZ -R13 - conservation activity	Whole rule
LCZ -R14 - customary harvesting	Whole rule
LCZ -R15 - papakāinga	Whole rule
LCZ -R16 – residential activity	Those changes shown in green or red and underlined or crossed through
LCZ -R17 – supermarket	Those changes shown in green or red and underlined or crossed through Removal of DIS activity status
LCZ -R18 – emergency service facility	Those changes shown in green or red and underlined or crossed through Removal of DIS activity status
LCZ -R19 – retirement village	Those changes shown in green or red and underlined or crossed through Removal of DIS activity status
LCZ -R20 – integrated retail activity	Whole rule
LCZ -R22 – large format retailing	Those changes shown in green or red and underlined or crossed through

Table 17 – Density and development standards subject to Variation 1 and included in IPI for Local Zone

Provision	Part subject to Variation 1 and IPI
LCZ -S1 - height	Those changes shown in green or red and underlined or crossed through

LCZ -S2 – height in relation to boundary	Those changes shown in green or red and underlined or crossed through
LCZ -S3 – setback	Those changes shown in green or red and underlined or crossed through
LCZ -S4 – active street frontages	Those changes shown in green or red and underlined or crossed through
LCZ-S5 – location of residential activity	Those changes shown in green or red and underlined or crossed through
LCZ -S6 – outdoor living space (for residential units)	Those changes shown in green or red and underlined or crossed through
LCZ -S7 – Screening of parking, service, and outdoor areas	Those changes shown in green or red and underlined or crossed through

Table 18 – Introduction, objectives and policies subject to Variation 1 and included in IPI for Neighbourhood Centre Zone

Provision	Part subject to Variation 1 and IPI
Re-numbering of identifiers for objectives, policies, rules, standards, tables, or figures.	Those changes shown in green or red and underlined or crossed through
Chapter introduction	Those changes shown in green or red and underlined or crossed through
NCZ-O1 – Purpose of zone	Those changes shown in green or red and underlined or crossed through
NCZ -O2 – Planned urban built environment	Those changes shown in green or red and underlined or crossed through
NCZ -O3 – Zone interface	Those changes shown in green or red and underlined or crossed through
NCZ -P1 – Appropriate activities	Those changes shown in green or red and underlined or crossed through
NCZ -P2 – Location of residential activity	Those changes shown in green or red and underlined or crossed through
NCZ -P3– Health and wellbeing	Whole policy
NCZ -P4 – Other activities	Those changes shown in green or red and underlined or crossed through
NCZ -P5 – Inappropriate activities	Those changes shown in green or red and underlined or crossed through
NCZ -P6 – Built development	Those changes shown in green or red and underlined or crossed through
NCZ -P8 – Zone interface	Those changes shown in green or red and underlined or crossed through

Table 19 – Rules subject to Variation 1 and included in IPI for Neighbourhood Centre Zone

Provision	Part subject to Variation 1 and IPI
NCZ -R1- new buildings, alterations, additions	Those changes shown in green or red and underlined or crossed through
LCZ -R3 – retail activity	Those changes shown in green or red and underlined or crossed through

NCZ -R4 – commercial service activity	Those changes shown in green or red and underlined or crossed through
NCZ -R5 – food and beverage	Those changes shown in green or red and underlined or crossed through
NCZ -R6 – healthcare activity	Those changes shown in green or red and underlined or crossed through
NCZ -R7 – educational facility	Those changes shown in green or red and underlined or crossed through
NCZ -R8 – community facility	Those changes shown in green or red and underlined or crossed through
NCZ -R9 – visitor accommodation	Those changes shown in green or red and underlined or crossed through
NCZ -R10 - supported residential care	Whole rule
NCZ -R11 - conservation activity	Whole rule
NCZ -R12 - customary harvesting	Whole rule
NCZ -R13 - papakāinga	Whole rule
NCZ -R14 – residential activity	Those changes shown in green or red and underlined or crossed through
NCZ -R15– emergency service facility	Those changes shown in green or red and underlined or crossed through Removal of DIS activity status
NCZ-R21 – integrated retail activity	Whole rule

Table 20 – Density and development standards subject to Variation 1 and included in IPI for Neighbourhood Centre Zone

Provision	Part subject to Variation 1 and IPI
NCZ -S1 - height	Those changes shown in green or red and underlined or crossed through
NCZ -S2 – height in relation to boundary	Those changes shown in green or red and underlined or crossed through
NCZ -S3 – setback	Those changes shown in green or red and underlined or crossed through
NCZ -S4 – active street frontages	Those changes shown in green or red and underlined or crossed through
NCZ-S5 – location of residential activity	Those changes shown in green or red and underlined or crossed through
NCZ -S6 – outdoor living space (for residential units)	Those changes shown in green or red and underlined or crossed through
NCZ -S7 – Screening of parking, service, and outdoor areas	Those changes shown in green or red and underlined or crossed through

Table 21 – Introduction, objectives and policies subject to Variation 1 and included in IPI for General Industrial Zone

Provision	Part subject to Variation 1 and IPI
Re-numbering of identifiers for objectives, policies, rules, standards, tables, or figures.	Those changes shown in green or red and underlined or crossed through

Chapter introduction	Those changes shown in green or red and underlined or crossed through
GIZ-O1 – Purpose of zone	Those changes shown in green or red and underlined or crossed through
GIZ -O2 – Planned urban built environment	Those changes shown in green or red and underlined or crossed through
GIZ -P1 – Appropriate use and development	Those changes shown in green or red and underlined or crossed through
GIZ -P4 – Landscaping of specified frontages	Those changes shown in green or red and underlined or crossed through

Table 22 – Rules subject to Variation 1 and included in IPI for General Industrial Zone

Provision	Part subject to Variation 1 and IPI
GIZ -R1- new buildings, alterations, additions	Those changes shown in green or red and underlined or crossed through
GIZ -R4 – Industrial activity excluding ancillary activities	Those changes shown in green or red and underlined or crossed through
GIZ -R5 – Office activity	Those changes shown in green or red and underlined or crossed through Deletion of restricted discretionary activity
GIZ -R6 –retail activity	Those changes shown in green or red and underlined or crossed through Deletion of restricted discretionary activity
GIZ -R8 – residential activity	Those changes shown in green or red and underlined or crossed through
GIZ -R10 – other activity	Those changes shown in green or red and underlined or crossed through Deletion of restricted discretionary activity
GIZ -R12 – service station	Those changes shown in green or red and underlined or crossed through
GIZ -R13 – trade supplier	Those changes shown in green or red and underlined or crossed through
GIZ -R14– emergency service facility	Those changes shown in green or red and underlined or crossed through Removal of DIS activity status
GIZ-R16 - supermarket	Whole rule
GIZ-R17 – integrated retail activity	Whole rule

Table 23 – Density and development standards subject to Variation 1 and included in IPI for General Industrial Zone

Provision	Part subject to Variation 1 and IPI
GIZ -S1 - height	Those changes shown in green or red and underlined or crossed through

GIZ -S2 – height in relation to boundary	Those changes shown in green or red and underlined or crossed through
GIZ-S5 – Screening of parking, service, and outdoor areas	Those changes shown in green or red and underlined or crossed through

Table 24 – Introduction, objectives and policies subject to Variation 1 and included in IPI for Hospital Zone, plus planning maps

Provision	Part subject to Variation 1 and IPI
Introduction of Hospital Southern Development Precinct	Planning maps
Chapter introduction	Those changes shown in green or red and underlined or crossed through
HOSZ-O2 – Planned urban built environment	Those changes shown in green or red and underlined or crossed through
HOSZ-PREC04-O1 – Purpose of Hospital Southern Development Precinct	Whole objective
HOSZ-PREC04-O2 - Planned urban built environment of Hospital Southern Development Precinct	Whole objective
HOSZ-PREC04-O3 – Precinct interface	Whole objective
HOSZ-P1 – hospital and healthcare activity	Those changes shown in green or red and underlined or crossed through
HOSZ-P2 – Appropriate activity	Those changes shown in green or red and underlined or crossed through
HOSZ-P3– Appropriate buildings and structures	Those changes shown in green or red and underlined or crossed through
HOSZ-P4 – Potentially inappropriate activities	Those changes shown in green or red and underlined or crossed through
HOSZ-PREC04-P1 – Buildings and structures in the Hospital Southern Development Precinct	Whole policy
HOSZ-PREC04-P2 – Hospital Southern Development Precinct interface	Whole policy
HOSZ-PREC04-P3– Built development in the Hospital Southern Development Precinct	Whole policy
HOSZ-PREC04-P4 – Residential activity in the Hospital Southern Development Precinct	Whole policy

Table 25 – Rules subject to Variation 1 and included in IPI for Hospital Zone

Provision	Part subject to Variation 1 and IPI
HOSZ -R1- new buildings, alterations, additions	Those changes shown in green or red and underlined or crossed through
HOSZ -R3 – fences and standalone walls	Those changes shown in green or red and underlined or crossed through
HOSZ -R6 – community facility	Those changes shown in green or red and underlined or crossed through
HOSZ -R8 – sport and recreation	Those changes shown in green or red and underlined or crossed through

HOSZ -R9 – residential activity i	Whole rule
Rules being deleted	
HOSZ-R11 (as in PDP version of chapter) – residential activity	Whole rule

Table 26 – Density and development standards subject to Variation 1 and included in IPI for Hospital Zone

Provision	Part subject to Variation 1 and IPI
HOSZ -S1 - height	Those changes shown in green or red and underlined or crossed through
HOSZ -S2 – height in relation to boundary	Those changes shown in green or red and underlined or crossed through
HOSZ -S4 – setback	Those changes shown in green or red and underlined or crossed through
HOSZ -S5 – setbacks for Hospital Southern Development Precinct	Those changes shown in green or red and underlined or crossed through

Table 27 – Rules subject to Variation 1 and included in IPI for Subdivision chapter

Provision	Part subject to Variation 1 and IPI
SUB-R1 – boundary adjustments	Those changes shown in green or red and underlined or crossed through
SUB-R2 – Updating of an existing crosslease title	Those changes shown in green or red and underlined or crossed through
SUB-R3 – Subdivision that creates any vacant allotments	Those changes shown in green or red and underlined or crossed through
SUB-R4 – Subdivision of land around existing lawfully established buildings (excluding accessory buildings) or buildings (excluding accessory buildings) approved or part of a resource consent application and no vacant allotments are created	Those changes shown in green or red and underlined or crossed through
SUB-R17	Those changes shown in green or red and underlined or crossed through

Table 28 – Subdivision standards subject to Variation 1 and included in IPI for Subdivision chapter

Provision	Part subject to Variation 1 and IPI
SUB-Table 1	Those changes shown in green or red and underlined or crossed through

Table 29 – Standards subject to Variation 1 and included in IPI for Infrastructure chapter and Noise chapter

Provision	Part subject to Variation 1 and IPI
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INF-S3 - Height – Masts, antennas, lines and single pole support structures, anemometers and extreme weather devices (not regulated by the NESTF)	Those changes shown in green or red and underlined or crossed through
NOISE- R4 – New buildings, change of use of existing buildings, and additions to existing buildings over 50m ² , for use as residential units, supported residential care activities, retirement village, or visitor accommodation in Commercial and Mixed Use and Industrial Zones	Those changes shown in green or red and underlined or crossed through
NOISE-S5 - Residential units, supported residential care activities, retirement village and visitor accommodation – Indoor noise design levels	Those changes shown in green or red and underlined or crossed through
NOISE-S6 - Residential units, supported residential care activity, retirement village and visitor accommodation – Mechanical ventilation	Those changes shown in green or red and underlined or crossed through

Table 30 – Policies subject to Variation 1 and included in IPI for Historic Heritage (HH) chapter and Site and Areas of Significance to Māori (SASM) chapter

Provision	Part subject to Variation 1 and IPI
Introduction to HH chapter	Those changes shown in green or red and underlined or crossed through
HH-P16 height controls	Whole policy
HH-P17 increased heights	Whole policy
Introduction to SASM chapter	Those changes shown in green or red and underlined or crossed through
SASM-P9 height controls	Those changes shown in green or red and underlined or crossed through
SASM-P10 increased heights	Those changes shown in green or red and underlined or crossed through

Table 31 – Definitions subject to Variation 1 and included in IPI

Definition	Part subject to Variation 1 and IPI
Apartments	Those changes shown in green or red and underlined or crossed through
Integrated retail activity	Those changes shown in green or red and underlined or crossed through
Juliet balcony	Whole definition
Parking lot	Whole definition
Medium density residential standards or MDRS	Whole definition
Qualifying matter	Whole definition
Well-functioning urban environment	Whole definition
Deleted definitions	Part subject to Variation 1 and IPI
Multi-unit housing	Whole definition

Table 32 – Amendments to Design Guides subject to Variation 1 and included in IPI

Provision	Part subject to Variation 1 and IPI
City Centre Zone Design Guide	Renamed, Metropolitan Centre Zone Design Guide Only those changes shown in red and underlined or crossed through
Large Format Zone Design Guide	Only those changes shown in red and underlined or crossed through
Mixed Use Zone Design Guide	Only those changes shown in red and underlined or crossed through
Local Centre Zone Design Guide	Only those changes shown in red and underlined or crossed through
Multi-unit Housing Design Guide	Renamed, Residential Design Guide Only those changes shown in red and underlined or crossed through

Table 33 – Planning maps (not otherwise listed in Tables 1 to 32) subject to Variation 1 and included in IPI

Provision	Part subject to Variation 1 and IPI
35 Kenepuru Drive	Removal of active street frontage
Identification of new residential zones	Identified on planning maps