

**Before the Hearings Panel
At Porirua City Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Porirua District Plan

Between **Various**

Submitters

And **Porirua City Council**

Respondent

**Statement of supplementary planning evidence of Rory Smeaton on behalf of
Porirua City Council**

Date: 9 March 2023

INTRODUCTION:

1 My full name is Rory McLaren Smeaton. I am employed as a Senior Policy Planner by the Porirua City Council.

2 I have read the respective evidence of:

- Ms Michelle Grinlinton-Hancock on behalf of KiwiRail Holdings Limited (KiwiRail);
- Mr Bryce Holmes on behalf of Pukerua Property Group Limited (PPGL);
- Mr Steve White on behalf of Radio New Zealand Limited (RNZ);
- Ms Sian Stirling on behalf of the Ministry of Education (MoE); and
- Ms Natalie Jade Webb on behalf of Firstgas Limited (Firstgas).

3 I have also read the various statements of evidence provided on behalf of the following submitters:

- Kāinga Ora, from:
 - Mr Brendon Liggett;
 - Mr Martin Gledhill; and
 - Ms Karen Williams;
- Waka Kotahi New Zealand Transport (Waka Kotahi), from:
 - Mr Akhylesh Babu Keshaboina;

- Mr Selwyn John Blackmore
- Ms Claudia Kirkbride; and
- Ms Catherine Lynda Heppelthwaite;
- Spark New Zealand Trading Limited Vodafone New Zealand Limited, from:
 - Joint Statement of Evidence of Graeme Ian McCarrison for Spark Trading New Zealand Ltd and Colin Clune for Vodafone New Zealand Ltd;
 - Mr Grant Wright; and
 - Ms Kathleen Haylock;
- Wellington Regional Council, from:
 - Ms Pamela Anne Guest;
 - Mr Stuart Farrant; and
 - Dr Iain Dawe.

4 I have also read the submitter statements from:

- BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, and Z Energy Limited (the Fuel Companies); and
- Transpower Limited.

5 I have prepared this statement of evidence on behalf of the Porirua City Council (Council) in respect of planning related matters arising from the submissions and further submissions on the Proposed Porirua District Plan (PDP).

6 Specifically, this statement of evidence relates to the matters in the DEV – NG – Northern Growth Development Area chapter.

7 I am authorised to provide this evidence on behalf of the Council.

QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

8 Appendix D of my section 42A report ‘Officer’s Report: Part B – Northern Growth Development Area’ sets out my qualifications and experience.

9 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court’s Practice Note 2023.

SCOPE OF EVIDENCE

10 My statement of evidence addresses:

- The need for an integrated transport strategy for the Northern Growth Development Area as raised by Waka Kotahi; and
- Other matters relating to the DEV – NG – Northern Growth Development Area chapter.

11 For clarity, I note that I have not changed my position from that set out in my section 42A reports as a result of any other submitter evidence.

TRANSPORT STRATEGY FOR THE NORTHERN GROWTH DEVELOPMENT AREA

12 The evidence of Ms Kirkbride provided on behalf of Waka Kotahi sets out that the key outstanding matter for Waka Kotahi is in relation to the DEV – NG Northern Growth Development Area and the need for an Integrated Transport Strategy. Ms Kirkbride refers to [OS81.7 and OS81.9] as Waka Kotahi’s relevant submission points.

13 I addressed submission points [OS81.7 and OS81.9] in section 3.17 of my section 42A report ‘Officer’s Report: Part B - Northern Growth

Development Area'. In that report I noted agreement with Waka Kotahi that an overarching transport strategy for the entire Northern Growth Area would be beneficial, but that this would sit outside of the PDP. I did not recommend any amendments to the PDP in response to the submission.

Evidence provided

14 Evidence has been provided from Mr Keshaboina, Mr Blackmore and Ms Kirkbride on this matter. The evidence sets out the need for a transport strategy to support the urban development of the Northern Growth Area, as sought by Waka Kotahi in its submission.

15 However, the evidence goes further than the requested relief in the submission, with Ms Kirkbride stating that

I consider that until such time that an integrated approach has been developed, it is inappropriate for development to go ahead within the Northern Growth Development Area, because as currently provided for, it will result in an urban form that is not consistent with the requirements of the NPS-UD, specifically Objective 3(b) and Policy 1(c).

16 I consider that there is some question as to the scope of the evidence provided in relation to the original submission points made by Waka Kotahi and the outcome now sought. When responding to the submission points in my section 42A report I reflected on the differentiation made in the wording of the submission to the area proposed to be zoned (the Northern Growth Development Area), and the wider Northern Growth Area (NGA). I also note that Waka Kotahi did not request any specific amendments to the DEV – NG – Northern Growth Development Area provisions in relation to the transport strategy issue.

17 However, as the relief sought in the submission is broadly expressed and there is some connection between the transport strategy informing an

integrated planning approach in relation to the NGA, I acknowledge that the relief now sought could potentially be argued to be a refinement of that relief. As such, I address the matter below on the assumption that there is scope for Waka Kotahi to seek the relief now sought.

18 Additionally, I note that as Variation 1 is being considered through the intensification streamlined planning process (ISPP) the Panel has the power, under clause 99(2)(b) of Schedule 1, to make recommendations that are beyond the scope of submissions on the IPI, where the matter is identified during the hearing.

Meeting with submitter

19 I met with Mr Blackmore, Ms Kirkbride and Ms Caitlin Kelly (Principal Planner - Central, Waka Kotahi), along with Council's transport planning expert Mr Tim Kelly and Mr Stewart McKenzie (Planning Advisor), on 3 March 2023 to discuss the matters raised in the evidence provided on behalf of Waka Kotahi.

20 At this meeting, it was generally agreed that a transport strategy for the area between Plimmerton and Pukerua Bay is required, and that it would be beneficial for this to be in place prior to future development of the NGDA so that it could assist in informing the connection of the transport network within the NGDA to the wider transport network.

Waka Kotahi suggested options

21 Ms Kirkbride identifies two potential options to address the issue, being

- Re-zoning the NGDA as a 'deferred zone'; or
- Including provisions in the NGDA that restrict subdivision, use and development until a transport strategy has been established.

22 However, I do not consider that either of the options suggested by Ms Kirkbride are viable for the following reasons:

- A ‘deferred zone’ would not be consistent with the requirements of part 8 Zone Framework Standard of the National Planning Standards. There are no ‘deferred’ zones included in Table 13 of the National Planning Standards;
- As set out in section 3.6.2 of my section 42A report, the development of the NGDA is expected to occur in stages, which may include development closer to Muri Road. I do not consider that it would be appropriate to restrict development across the entirety of the NGDA based on an as-yet unknown requirement for the future form of SH59 and connections from the site to that road; and
- There may be issues with the second option as the activity status of an activity cannot be dependent by a prior grant of consent (*Queenstown Airport Corporation Limited v Queenstown Lakes District Council* [2014] NZEnvC 93).

23 For these reasons, I do not recommend either of the options put forward by Ms Kirkbride.

Existing provisions

24 Provisions in the DEV – NG – Northern Growth Development Area already provide for consideration of the transport network. Additionally, there are provisions in the District-Wide chapters of the PDP that address transport matters in the TR – Transport and INF – Infrastructure chapters.

25 The subdivision rules in the DEV – NG – Northern Growth Development Area set up a framework where the initial subdivision of the site (based on the 3,000 square metre threshold for the allotment to be subdivided)

will require consent as a restricted discretionary activity. It is envisioned that this will enable the staged development of the site, while also ensuring that the urban form set out in the Structure Plan is not compromised. Where the subdivision is in accordance with the Structure Plan, this would be assessed against DEV-NG-P2. That policy includes matters relating to the transport network in clause four. Additionally, the provisions in the SUB – Subdivision chapter also apply. Relevantly, these include SUB-P4, which sets out requirements for maintaining the safe and efficient functioning of the transport network.

26 Any roads or other transport infrastructure proposed as part of development within the NGDA would be assessed against the provisions of the INF – Infrastructure chapter, including INF-P13. That policy sets out a number of requirements relevant to Waka Kotahi’s concerns, including:

- Integrating with the existing transport network and any other planned network upgrades or development;
- Not compromising the safe, efficient and effective functioning of the transport network;
- Pedestrian and cycling safety and connectivity; and
- Providing for high levels of connectivity within and between transport modes.

27 Additionally, I note that high trip generating activities require consent under the TR – Transport chapter of the PDP. This includes a requirement for an Integrated Transport Assessment (ITA) to be provided.¹ This therefore provides a consent process which would be triggered by

¹ In my section 42A report for the TR – Transport chapter heard in Hearing Stream 4, I recommended that the threshold for any activity accessing a national high-volume road or a regional road be 100 equivalent car movements per day.

proposed development within the NGDA, where the relevant threshold is exceeded. The relevant matters of discretion are the matters in TR-P1, which I consider to be a comprehensive list.

Higher order policy direction

- 28 In relation to higher order planning documents, the evidence provided by Mr Blackmore identifies the overarching policy direction of the NPS-UD for well-functioning urban environments and the integration of land use and transport. In addition, the RPS seeks through Objective 22 “A compact well designed and sustainable regional form that has an integrated, safe and responsive transport network” and at clause (j) of that objective “integrated land use and transportation”. This is supported by Policies 54 (relating to urban design principles) and 55 (relating to compact, well designed and sustainable regional form)
- 29 In relation to the Strategic Directions in the PDP, UFD-O3, UFD-O5 and FC-O1 assist in giving effect to the RPS objectives and policies. In addition, INF-O4 seeks an effective, accessible and integrated transport network.

Other processes

- 30 As identified in Waka Kotahi’s submission, the wider Northern Growth Area is being assessed as a potential Specified Development Project (SDP) by Kāinga Ora. If selected, this would provide an appropriate process through which the relevant parties would be involved and could develop and agree on a strategy for SH59 and other transport infrastructure in the area.
- 31 Additionally, I note that consultation material from Waka Kotahi on the future of SH59 post opening of Te Aranui o Te Rangihaeata (required under condition NZTA3.B of the relevant designation) states that:

Retaining the current alignment allows Waka Kotahi and Porirua City Council to prepare a strategic plan for the full SH59 corridor which will consider future growth projects. The strategic plan will consider increased future development and changes in population in and around northern Porirua.²

- 32 No timeframe for the development of the strategic plan is provided. However, this indicates Waka Kotahi’s intention to undertake such a strategic planning process.

Recommended amendments

- 33 Having considered the evidence provided on behalf of Waka Kotahi, the existing PDP provisions, and the other processes that are occurring separate from the PDP, I consider that amendments to the DEV – NG – Northern Growth Development Area are appropriate.

- 34 However, as noted above, I do not agree that either of the two options put forward by Ms Kirkbride are viable. Rather, I consider that it is appropriate to include additional policy direction in DEV-NG-P2 to require that a connection to SH59 is only included when a transport strategy adopted by Waka Kotahi has confirmed the future form of the road corridor. Additionally, this policy direction should also require that regard be given to the timing of that connection. As such, I consider that a new clause DEV-NG-P2.4.f should be included in the PDP, which reads:

[Only provides for a connection to SH59 once the planned future form of the road corridor is confirmed through a transport strategy adopted by Waka Kotahi - the New Zealand Transport Agency, and has regard to the timing of that connection to achieve safety and connectivity for all transport users and modes;](#)

² Waka Kotahi, 2023, Wellington Network Operational Readiness Programme – Transmission Gully Post Opening Consultation on NZTA3.B – Future of SH59 post opening of Te Aranui o Te Rangiahaeta

- 35 By including this clause, it will be considered in relation to subdivision consents that are in accordance with the Structure Plan. As such, this will continue to enable subdivision, use and development where it is not reliant on a connection to the State Highway, while also ensuring that strategic planning for the future form of the State Highway can be undertaken and provide guidance to the future development of the NGDA.
- 36 If a consent were to be lodged that is not in accordance with the Structure Plan, I consider that DEV-NG-P3 and DEV-NG-P4 already provide sufficient policy direction in relation to the transport network.
- 37 I note that the reference in the clause I recommend be included to a transport strategy being ‘adopted’ by Waka Kotahi may not necessarily be the correct term in relation to the legislative powers and strategic frameworks of the Agency. Waka Kotahi may wish to confirm the correct wording on that matter.
- 38 I have undertaken a section 32AA assessment of the recommended amendment below.

Section 32AA

- 39 I have assessed the efficiency and effectiveness of the recommended amended provisions in achieving the objectives, including identification and assessment of the costs and benefits anticipated from the implementation of the provisions below.

Table 1: Assessment of efficiency and effectiveness recommended amendment

Costs	Benefits
<p><i>Environmental</i></p> <p>There are no direct or indirect environmental costs of the recommended amendment.</p> <p><i>Economic</i></p>	<p><i>Environmental</i></p> <p>There are no direct environmental benefits of the recommended amendment.</p> <p>Indirect environmental benefits would likely accrue from better</p>

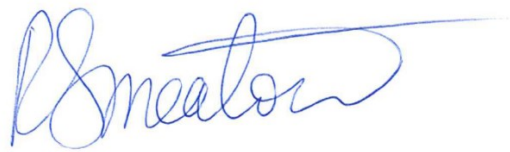
<p>The new clause may potentially delay the development of the NGDA where this is dependent on a connection to SH59 while the future form of the state highway is determined by Waka Kotahi. However, given that a strategic plan for the corridor is already planned to be progressed, and the anticipated timeframe for development of the NGDA, I do not consider that this would be a significant delay.</p> <p><i>Social</i></p> <p>Indirect social costs may accrue from delays to the development of the NGDA, therefore resulting in limits to the supply of housing in the district. However, as noted above any delay is not anticipated to be significant.</p> <p><i>Cultural</i></p> <p>There are no direct or indirect cultural costs of the recommended amendment.</p>	<p>active and public transport infrastructure integration with urban development in the area, leading to reduced reliance on private vehicles and their associated adverse environmental effects.</p> <p><i>Economic</i></p> <p>The new clause would ensure that any proposed future development of the NGDA will not result in drawn-out and expensive consenting process due to an unknown future form of the State Highway.</p> <p><i>Social</i></p> <p>The recommended amendment will have indirect social benefits associated with a well-functioning urban environment through any future development of the NGDA being well integrated with the future planned form of the State Highway, and because the connection of the NGDA to the wider transport network will be well considered and planned for ensure safe and efficient functioning of that infrastructure.</p> <p><i>Cultural</i></p> <p>There are no direct or indirect cultural benefits of the recommended amendment.</p>
Efficiency	The benefits will outweigh the costs, and therefore the recommended amendment is considered to be more efficient than the notified provisions.
Effectiveness	The additional clause will result in better integrated land use planning and transport infrastructure. The clause therefore better gives effect to DEV-NG-O2, particularly clauses 1 and 7, INF-O4, as well as Strategic objectives UFD-O3, UFD-O5 and FC-O1. Objective 22(j) of the RPS is also better given effect to by the recommended amendment.
Summary	

Overall, I consider that the recommended amendment will be more efficient and effective than the PDP as amended through Variation 1, in giving effect to the relevant PDP objectives and the relevant higher order documents, and are consistent with the purpose of the RMA.

OTHER MATTERS

40 I consider that minor amendments are required to DEV-NG-R3-1.a and DEV-NG-R3-2.a to clarify that the clause is referring to the allotment being subdivided. I recommend the rule is amended to ensure that the rule is applied as intended when the Variation 1 was notified. This amendment could have been made after Variation 1 was notified through the RMA process to correct minor errors, but I recommend the amendment is made as part of the Hearing Panel’s recommendations for completeness and clarity. The amendment is set out in Appendix A.

Date: 9 March 2023



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Rory Smeaton

Appendix A. Recommended Amendments to DEV – NG – Northern Growth Development Area Chapter

Where I recommend changes to the text of the chapter these are shown as follows:

- Text recommended to be added to the PDP is in blue and underlined.
- Text recommended to be deleted from the PDP is in blue and ~~struckthrough~~.

DEV - NG - Northern Growth Development Area

The Northern Growth Development Area has been identified as an area that is suitable for urban growth where this is in accordance with the Structure Plan developed for the area.

This chapter contains objectives, policies and rules which relate to the Development Area. The rules in this chapter apply in addition to the underlying zone rules and the rules contained in the Part 2: District-Wide Matters chapters. Where there is a conflict between the two sets of rules, the more restrictive activity status will apply.

The Development Area covers approximately 323 hectares of greenfield land to the south of Pukerua Bay. The key elements that define the Development Area as shown on the Structure Plan are:

- Identification of the areas zoned Medium Density Residential, Rural Lifestyle and Neighbourhood Centre;
- Identification of proposed Freshwater Management Areas;
- The protection of Significant Natural Areas and identification of ecological connections to be created between them;
- Identification of an indicative transport network including roads, bus routes and cycling/pedestrian tracks, and connections at Development Area boundaries; and
- Identification of reserves to serve the new community and the existing community of Pukerua Bay, including a neighbourhood community park and neighbourhood reserves.

Urban form

The way the Development Area is subdivided will introduce long-term development patterns and will therefore determine the quality and

character of the area. Ensuring that subdivision is well-designed is therefore integral to achieving a well-functioning and high quality living environment for future residents. Inclusion of the structure plan within the District Plan will assist in achieving a well-functioning urban environment, and the Development Area provisions will ensure that the Structure Plan is implemented. Underlying zoning provisions and district-wide provisions will also help ensure that subdivision, use and development, including any associated earthworks, are appropriate.

Land use

The residential areas within the Development Area are zoned Medium Density Residential. This recognises the requirements of the NPS-UD and the Medium Density Residential Standards introduced through the RMA-EHS. A commercial area located within the Development Area near State Highway 59 is zoned Neighbourhood Centre, consistent with the hierarchy of commercial centres in Porirua. This area will provide services and amenities to meet the day-to-day needs of residents. The balance of the site remains Rural Lifestyle Zone.

Ecological values

There are areas of native vegetation within the Development Area which are Significant Natural Areas and are protected by the relevant Ecosystem and Indigenous Biodiversity provisions in the District Plan. The provisions seek to maintain and enhance these areas to ensure the integrity of the Significant Natural Areas on the site are not compromised through future development. The creation of new ecological connections between the Significant Natural Areas will also assist in enhancing these areas and indigenous biodiversity values across the Development Area.

Recreation areas

The Structure Plan identifies a network of neighbourhood parks that enable residents to easily access a park or reserve close to their home. The Structure Plan also identifies a neighbourhood community park next to the neighbourhood centre, which will provide a large recreational space with good accessibility from road and active transport networks that service both the Development Area and the wider Pukerua Bay urban area. Additionally, four indicative neighbourhood reserve areas are identified to provide amenity and day-to-day recreational opportunities for residents.

Freshwater Management Areas

The Freshwater Management Areas identify opportunities to maintain and enhance terrestrial and freshwater ecology and improve water quality. They can also provide for water sensitive design approaches to stormwater management including catchment scale detention devices; provide increased resilience to flood hazards; connect the community to water and provide for passive recreation, and; create high quality amenity for the community. Other activities may also need to locate or be undertaken within these areas to enable the wider development of the area, such as infrastructure or earthworks.³ The Freshwater Management Areas also acknowledge provisions that already apply to subdivision, use

³ Pukerua Property Group Limited [OS59.4]

and development in these areas under the District Plan, Natural Resources Plan, NPS-FM and the NES-F.

Connectivity

To promote active and sustainable transport modes, and enhanced recreational experiences, indicative walking and cycling connections have been identified on the Structure Plan. The exact locations of these connections will need to be determined at subdivision stage and created through the development of the site. These also provide open space connectivity through providing linkages between Significant Natural Areas, recreation reserves and along waterways.

The Structure Plan provides indicative access locations, road layouts and bus routes. These have been identified primarily taking account of the topography of the Development Area, the location of water bodies and Significant Natural Areas, and the potential for longer-term connectivity to adjacent areas. The main connection of the internal road layout to the wider road network is via a new access onto State Highway 59.

Objectives

DEV-NG-O1 Purpose of the Northern Growth Development Area

The Northern Growth Development Area contributes to achieving feasible development capacity to meet Porirua City’s medium to long-term housing needs.

DEV-NG-O2 Planned urban built environment of the Northern Growth Development Area

Subdivision, use and development in the Medium Density Residential Zone and Neighbourhood Centre Zone of the Northern Growth Development Area achieves:

1. A well-functioning urban environment consistent with the Northern Growth Development Area Structure Plan;
2. A built urban form that responds to the natural landform;
3. A quality living environment that is connected, accessible and safe;
4. A high quality public open space and recreation network that is easy to access and meets the needs of the local community;
5. Medium density housing with a variety of housing types, sizes and tenures;
6. A neighbourhood centre that serves the needs of the local community;
7. An urban form that is integrated with the transport network, and encourages **public and** active transport modes **while minimising reliance on private vehicles**⁴; and
8. Development that maintains and protects and, where possible, enhances ecological values,⁵ and the health and wellbeing of receiving waterbodies including Te Awarua-O-Porirua Harbour and other downstream catchments.

DEV-NG-O3 Provision of infrastructure

⁴ GWRC [OS74.63]

⁵ QEII National Trust (QEII) [OS82.3]

Infrastructure with sufficient capacity is provided at the time of subdivision for urban use and is developed in an integrated, efficient and comprehensive manner to meet the planned needs of the Northern Growth Development Area.

Policies

DEV-NG-P1 Use and development

Enable use and development that is in accordance with the Northern Growth Development Area Structure Plan.

DEV-NG-P2 Subdivision

Provide for subdivision that is in accordance with the Northern Growth Development Area Structure Plan, and where the design and layout of the subdivision:

1. Integrates the topographical, natural and physical characteristics, constraints and opportunities of the Development Area;
2. Minimises landscape and visual effects of development both within the site and on views of the site from transport corridors, the existing Pukerua Bay urban area, and Whenua Tapu cemetery, through:
 - a. Minimising earthworks and the modification of landform where practicable;
 - b. Integrating the transport network with the existing landform to the extent practicable;
 - c. Providing landscaping within road corridors;
 - d. Creating open space linkages and networks; and
 - e. Retaining existing indigenous vegetation;
3. Provides adequate and integrated infrastructure to service the needs of the development;
4. Provides a transport network layout and design that:
 - a. Is safe for all transport users;
 - ab. Recognises and provides for transport connections at the boundaries of the Development Area where opportunities exist;
 - bc. Provides for roads shown as indicative bus routes as Collector Roads, and other roads as Access Roads;
 - ed. Provides for pedestrian active transport⁶ and open space connectivity, including by incorporating legal public access along indicative track routes identified on the Structure Plan, and providing for opportunities to create recreational and open space linkages; and
 - e. Only provides for a connection to SH59 once the planned future form of the road corridor is confirmed through a transport strategy adopted by the New Zealand Transport Agency, and has regard to the timing of that connection to achieve safety and connectivity for all transport users and modes;⁷
5. Recognises and enhances ecological values of the Development Area, including by:
 - a. Creating buffer areas around the edges of Significant Natural Areas identified in SCHED7 – Significant Natural Areas; and

⁶ Waka Kotahi NZ Transport Agency [OS81.33]

⁷ Waka Kotahi NZ Transport Agency [OS81.7 and OS81.9]

- b. Creating ecological corridors in the locations identified on the Structure Plan which will, over time, become dominated by indigenous vegetation, with a sufficient width, scale, and appropriate mitigation of any severance caused by roads, to connect and enhance Significant Natural Areas;
- 6. Minimises adverse effects on waterbodies;
- 7. Minimises natural hazard risk to people's lives and properties;
- 8. Demonstrates that use and development within the Freshwater Management Areas identified on the Structure Plan:
 - a. Considers regional plan provisions and the regulations in the NES-F;
 - b. Is consistent with Water Sensitive Urban Design principles and Wellington Water's 'Water Sensitive Design for Stormwater: Treatment Device Design Guideline' (Version 1.1, 2019) for the design of any relevant stormwater treatment devices;
 - c. Recognises and provides opportunities to enhance freshwater ecology, public access to and along freshwater bodies, and resilience to flood risk;
- 9. Incorporates stormwater management measures for the treatment and disposal of stormwater at catchment and allotment scales, and achieve hydraulic neutrality;
- 10. Provides parks, reserves, pathways and open space areas including a neighbourhood community park and neighbourhood parks, and gully and hilltop reserves where opportunities exist; and
- 11. Minimises the potential for reverse sensitivity effects and other effects at the interface of different zones within the Development Area.

DEV-NG-P3 Potentially appropriate development

Only allow subdivision, use and development that is potentially not in accordance with the Northern Growth Development Area Structure Plan where it is demonstrated that it is appropriate for such subdivision, use or development to occur within the Development Area, having regard to whether:

- 1. The purpose and effects of the subdivision, use or development are likely to constrain, limit or compromise the intended development and use of the Development Area as set out in the Structure Plan, including consideration of:
 - a. The compatibility of the type, location and density of the development with the planned urban form of the Northern Growth Development Area;
 - b. The integration of topographical, natural and physical characteristics, constraints and opportunities;
 - c. Risks from natural hazards to people, property and the environment;
 - d. Maintaining and enhancing ecological values within and adjacent to⁸ the Development Area;
 - e. The need for adequate, coordinated and integrated infrastructure to meet the planned urban needs of the area;

⁸ QEII [OS82.5]

<ul style="list-style-type: none"> f. Safe and Conected transport networks that allow ease of movement <u>for all modes</u> to, from and within the Development Area;⁹ and g. Integrated and accessible open space networks and reserves; <ol style="list-style-type: none"> 2. The effects on the landscape and visual amenity from earthworks, the modification of landform, and the location and design of the transport network will be minimised; 3. It will compromise any cultural, spiritual and/or historical values, interests or associations of importance to Ngāti Toa Rangatira that are associated with the Northern Growth Development Area and if so, the outcomes of any consultation with Ngāti Toa Rangatira, in particular with respect to mitigation measures and/or the incorporation of mātauranga Māori principles into the design and development of the activity; 4. It would provide for or support the future needs of the Development Area; 5. Its scale, design and layout is compatible with the planned urban built environment of Development Area as it transitions and once urbanised as set out in the Structure Plan; 6. Any adverse visual effects can be appropriately avoided, remedied or mitigated through screening, planting, building design, siting, and the retention of existing vegetation; and 7. Staging is appropriate to ensure development occurs logically and achieves good urban form.
<p>DEV-NG-P4 Inappropriate development</p>
<p>Avoid subdivision, use or development that is not in accordance with the Northern Growth Development Area Structure Plan, where these:</p> <ol style="list-style-type: none"> 1. Constrain, limit or compromise the intended development and use of the Development Area as set out in the Structure Plan; 2. Result in adverse effects on the planned urban built environment of <u>the</u>¹⁰ Development Area, which cannot be appropriately avoided, remedied or mitigated; or 3. Do not provide sufficient infrastructure to service its needs and/or constrain, limit or compromise the efficient provision of infrastructure to service the Structure Plan.
<p>Rules</p>
<p>Note: There may be a number of provisions that apply to an activity, building, structure or site. Resource consent may therefore be required under rules in this chapter as well as other chapters. Unless specifically stated in a rule, resource consent is required under each relevant rule. The steps to determine the status of an activity are set out in the General Approach chapter.</p> <p>Additional rules relating to subdivision, including minimum allotment sizes for each zone, are found in the Subdivision chapter.</p>
<p>DEV-NG-R1 Activities (excluding subdivision) that are permitted activities in the underlying zone</p>

⁹ Waka Kotahi [OS81.34]

¹⁰ Clause 16 minor amendment

	All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The activity is in accordance with DEV-NG-Figure 1 Northern Growth Development Area Structure Plan.</p> <p>Note: The provisions of the relevant zone chapters also apply to any activities within the Northern Growth Development Area.</p>
	All zones	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with DEV-NG-R1.a.</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters in DEV-NG-P3.</p> <p>Notification: An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.</p>
DEV-NG-R2		Earthworks that are permitted activities in the EW – Earthworks chapter
	All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The activity is in accordance with DEV-NG-Figure 1 Northern Growth Development Area Structure Plan.</p> <p>Note: The provisions of the EW- Earthworks chapter also apply to any earthworks within the Northern Growth Development Area.</p>
	All zones	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with DEV-NG-R2.a.</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters in DEV-NG-P3.</p> <p>Notification: An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.</p>
DEV-NG-R3		Subdivision of land within the Northern Growth Development Area
	Medium Density Residential Zone	<p>1. Activity status: Controlled</p> <p>Where:</p>

- a. The allotment being subdivided¹¹ is less than 3,000m² in area;
- b. Any subdivision of an allotment containing or directly adjoining¹² a Significant Natural Area identified in SCHED7-Significant Natural Areas must include:
 - i. A scheme plan which identifies a buffer area of at least 5m wide around that part of the perimeter of the Significant Natural Area which is located within or directly adjoining¹³ the allotment;
 - ii. A planting plan and monitoring and maintenance programme for the buffer area which meets the requirements set out in Parts B and C of Appendix 17 Ecological Corridors and SNA Buffer areas; and
 - iii. Details of how the buffer area will be legally protected in perpetuity in accordance with Part A of Appendix 17 Ecological Corridors and SNA Buffer areas;
- c. Any subdivision of an allotment which includes an ecological corridor identified on DEV-NG-Figure 1 Northern Growth Development Area Structure Plan must include:
 - i. A scheme plan which identifies the ecological corridor as being no less than 50 metres wide and connecting the Significant Natural Areas which it is located between;
 - ii. A planting plan and monitoring and maintenance programme for the ecological corridor which meets the requirements set out in Parts B and C of Appendix 17 Ecological Corridors and SNA Buffer areas; and
 - iii. Details of how the ecological corridor will be legally protected in perpetuity in accordance with Part A of Appendix 17 Ecological Corridors and SNA Buffer areas;
- d. The design and layout of the subdivision is in accordance with DEV-NG-Figure 1 Northern Growth Development Area Structure Plan.

Matters of control are limited to:

¹¹ Clause 16 minor amendment

¹² QEII [OS82.7]

¹³ QEII [OS82.7]

	<p>1. The matters in DEV-NG-P2.</p> <p>Note: The provisions of the SUB - Subdivision chapter also apply to any subdivision within the Northern Growth Development Area.</p>
<p>Medium Density Residential Zone</p>	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. The allotment <u>being subdivided</u>¹⁴ is 3,000m² or greater in area; b. Any subdivision of an allotment containing <u>or directly adjoining</u>¹⁵ a Significant Natural Area identified in SCHED7-Significant Natural Areas must include: <ul style="list-style-type: none"> i. A scheme plan which identifies a buffer area of at least 5m wide around that part of the perimeter of the Significant Natural Area which is located within <u>or directly adjoining</u>¹⁶ the allotment; ii. A planting plan and monitoring and maintenance programme for the buffer area which meets the requirements set out in Parts B and C of Appendix 17 Ecological Corridors and SNA Buffer areas; and iii. Details of how the buffer area will be legally protected in perpetuity in accordance with Part A of Appendix 17 Ecological Corridors and SNA Buffer areas; c. Any subdivision of an allotment which includes an ecological corridor identified on DEV-NG-Figure 1 Northern Growth Development Area Structure Plan must include: <ul style="list-style-type: none"> i. A scheme plan which identifies the ecological corridor as being no less than 50 metres wide and connecting the Significant Natural Areas which it is located between; ii. A planting plan and monitoring and maintenance programme for the ecological corridor which meets the requirements set out in Parts B and C of Appendix 17 Ecological Corridors and SNA Buffer areas; and iii. Details of how the ecological corridor will be legally protected in

¹⁴ Clause 16 minor amendment

¹⁵ QEII [OS82.7]

¹⁶ QEII [OS82.7]

	<p>perpetuity in accordance with Part A of Appendix 17 Ecological Corridors and SNA Buffer areas;</p> <p>d. The design and layout of the subdivision is in accordance with and gives effect to DEV-NG-Figure 1 Northern Growth Development Area Structure Plan.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The matters in DEV-NG-P2.
<p>Rural Lifestyle Zone</p> <p>Neighborhood Centre Zone</p>	<p>3. Activity status: Restricted discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> a. Any subdivision of an allotment containing <u>or directly adjoining</u>¹⁷ a Significant Natural Area identified in SCHED7-Significant Natural Areas must include: <ol style="list-style-type: none"> a. A scheme plan which identifies a buffer area of at least 5m wide around that part of the perimeter of the Significant Natural Area which is located within <u>or directly adjoining</u>¹⁸ the allotment; b. A planting plan and monitoring and maintenance programme for the buffer area which meets the requirements set out in Parts B and C of Appendix 17 Ecological Corridors and SNA Buffer areas; and c. Details of how the buffer area will be legally protected in perpetuity in accordance with Part A of Appendix 17 Ecological Corridors and SNA Buffer areas; b. The design and layout of the subdivision is in accordance with and gives effect to DEV-NG-Figure 1 Northern Growth Development Area Structure Plan. <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The matters in DEV-NG-P2.
<p>All zones</p>	<p>4. Activity status: Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> a. Compliance is not achieved with DEV-NG-R3-1.b, DEV-NG-R3-1.c or DEV-NG-R3-1.d;

¹⁷ QEII [OS82.7]

¹⁸ QEII [OS82.7]

- b. Compliance is not achieved with DEV-NG-R3-2.b, DEV-NG-R3-2.c or DEV-NG-R3-2.d; or
- c. Compliance is not achieved with DEV-NG-R3-3.

DEV-NG-R4 Activities that are not otherwise provided for in this table

All zones

1. Activity status: **Restricted discretionary**

Where:

- a. The activity is in accordance with DEV-NG-Figure 1 Northern Growth Development Area Structure Plan.

Matters of discretion are restricted to:

- 1. The matters in DEV-NG-P3.

Notification:

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

All zones

2. Activity status: **Discretionary**

Where:

- a. Compliance not achieved with DEV-NG-R4-1.a.

DEV-NG-Figure 1 Northern Growth Development Area Structure Plan

