

OFFICER'S REPORT FOR:

Independent Hearing Commissioners:

Trevor Robinson (Chair)

Miria Pomare

David McMahon

Mark St Clair

Julia Williams

SUBJECT:

Proposed Porirua District Plan: FUZ, HOSZ and OSZ

PREPARED BY:

Rory Smeaton, Senior Policy Planner

REPORT DATED:

10 February 2023

DATE OF HEARING:

13 March 2023

Executive Summary

1. This report considers submissions received by Porirua City Council (the Council) in relation to the relevant objectives, policies, rules, definitions, appendices and maps of the Proposed Porirua District Plan (PDP) as they apply to the FUZ, HOSZ and OSZ chapters, including the relevant submissions received on Variation 1. The report outlines recommendations in response to the issues that have emerged from these submissions.
2. There were a number of submissions and further submissions received on the FUZ, HOSZ and OSZ chapters through the initial submissions on the PDP, and on the amendments proposed through Variation 1. The submissions received were diverse and sought a range of outcomes. The following are considered to be the key issues in contention in the chapter:
 - The zoning of the Silverwood and Landcorp site;
 - The inclusion of references to cultural values in the HOSZ; and
 - Zoning of land with historic or current reserve status.
3. This report addresses each of these key issues, as well as any other issues raised by submissions.
4. I have recommended two relatively minor changes to the PDP planning maps to address matters raised in submissions.
5. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that PDP should be amended as set out in Appendix A of this report.
6. For the reasons set out in the Section 32AA evaluation and included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
 - Achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives; and
 - Achieve the relevant objectives of the PDP, in respect to the proposed provisions.

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Interpretation

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

Table 1: Abbreviations

Abbreviation	Means
the Act / the RMA	Resource Management Act 1991
the Council	Porirua City Council
IPI	Intensification Planning Instrument
ISPP	Intensification Streamlined Planning Process
MDRS	Medium Density Residential Standards
NES	National Environmental Standard
NES-AQ	National Environmental Standards for Air Quality 2004
NES-CS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NES-ETA	National Environmental Standards for Electricity Transmission Activities 2009
NES-FW	National Environmental Standards for Freshwater 2020
NES-MA	National Environmental Standards for Marine Aquaculture 2020
NES-PF	National Environmental Standards for Plantation Forestry 2017
NES-SDW	National Environmental Standards for Sources of Drinking Water 2007
NES-TF	National Environmental Standards for Telecommunication Facilities 2016
NPS	National Policy Statement
NPS-ET	National Policy Statement on Electricity Transmission 2008
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-HPL	National Policy Statement for Highly Productive Land 2022
NPS-UD	National Policy Statement on Urban Development 2020
NPS-REG	National Policy Statement for Renewable Electricity Generation 2011
NZCPS	New Zealand Coastal Policy Statement 2010
the Operative Plan/ODP	Operative Porirua District Plan 1999
Proposed Change 1	Change 1 to the Regional Policy Statement for the Wellington Region 2013
PC19	Proposed Plan Change 19 to the Operative Porirua District Plan 1999
the Proposed Plan/PDP	Proposed Porirua District Plan 2020
PNRP	Proposed Wellington Natural Resources Plan Appeals Version – final 2022
RMA-EHS	Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021
RPS	Regional Policy Statement for the Wellington Region 2013
Variation 1	Variation 1 to the Proposed Porirua District Plan 2020

Table 2: Abbreviations of Submitters' Names

Abbreviation	Means
Dept of Corrections	Ara Poutama Aotearoa the Department of Corrections
DOC	Department of Conservation Te Papa Atawhai
FENZ	Fire and Emergency New Zealand
Foodstuffs	Foodstuffs North Island Limited

Abbreviation	Means
Forest and Bird	Royal Forest and Bird Protection Society
GWRC	Greater Wellington Regional Council
Harvey Norman	Harvey Norman Properties (N.Z.) Limited
Heritage NZ	Heritage New Zealand Pouhere Taonga
House Movers Association	House Movers section of the New Zealand Heavy Haulage Association Inc
KiwiRail	KiwiRail Holdings Limited
NZDF	New Zealand Defence Force
Oil companies	Z Energy, BP Oil NZ Ltd and Mobil Oil NZ Limited
Oranga Tamariki	Oranga Tamariki – Ministry of Children
QEII	Queen Elizabeth the Second National Trust
RNZ	Radio New Zealand
RVA	Retirement Villages Association
Silverwood	Silverwood Corporation Limited
Survey+Spatial	Survey+Spatial New Zealand (Wellington Branch)
Telco	Spark New Zealand Trading Limited, Chorus New Zealand Limited, Vodafone New Zealand Limited
Transpower	Transpower New Zealand Ltd
TROTR	Te Rūnanga o Toa Rangatira
Waka Kotahi	Waka Kotahi NZ Transport Agency
WE	Wellington Electricity Lines Limited
Woolworths	Woolworths New Zealand Limited

In addition, references to submissions includes further submissions, unless otherwise stated.

1 Introduction

1.1 Purpose

8. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on the FUZ, HOSZ and OSZ chapters and to recommend possible amendments to the PDP in response to those submissions.
9. This report is prepared under section 42A of the RMA. It considers submissions received by the Council in relation to the relevant strategic objectives, objectives, policies, rules, definitions, appendices and maps as they apply to the FUZ, HOSZ and OSZ chapters in the PDP. The report outlines recommendations in response to the key issues that have emerged from these submissions.
10. This report discusses general issues, the original and further submissions received following notification of the PDP and Variation 1, makes recommendations as to whether or not those submissions should be accepted or rejected, and concludes with a recommendation for changes to the PDP provisions or maps based on the preceding discussion in the report.
11. The recommendations are informed by the evaluation undertaken by the author. In preparing this report the author has had regard to recommendations made in other related s42A reports.
12. This report is provided to assist the Hearings Panel in their role as Independent Commissioners. The Hearings Panel may choose to accept or reject the conclusions and recommendations of this report and may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.
13. This report is intended to be read in conjunction with Officer's Report: Part A – Overview which contains factual background information, statutory context and administrative matters pertaining to the district plan review and the PDP.

1.2 Author

14. My name is Rory McLaren Smeaton. My qualifications and experience are set out in Appendix C of this report.
15. My role in preparing this report is that of an expert planner.
16. I was involved in the preparation of the PDP and authored the Section 32 Evaluation Reports for the INF-Infrastructure, AR-Amateur Radio, REG-Renewable Electricity Generation, and SIGN-Signs chapters. I also authored the Section 32 Evaluation Report for the Noise and Light topic, and assisted in the preparation of the Section 32 Evaluation Report for the TR-Transport chapter. I authored the section 42A reports and presented in previous PDP hearing streams for a number of topics. In relation to Variation 1, I prepared the chapter provisions and authored the evaluation report for the DEV - NG - Northern Growth Development Area chapter, as well as preparing the amendments to the HOSZ – Hospital Zone, INF – Infrastructure, and SUB – Subdivision chapters.
17. The scope of my evidence relates to the FUZ – Future Urban Zone, HOSZ – Hospital Zone and OSZ – Open Space Zone chapters. I confirm that the issues addressed in this statement of evidence are within my area of expertise as an expert policy planner.

18. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court in December 2023. I have complied with that Code when preparing written statements of evidence and I agree to comply with it when I give any oral evidence.
19. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.
20. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

1.3 Supporting Evidence

21. I have not used or relied upon any expert evidence, literature, legal cases or other material in support of the opinions expressed in this report.

1.4 Key Issues in Contention

22. A number of submissions and further submissions were received on the provisions the FUZ, HOSZ or OSZ chapters. The submissions received were diverse and sought a range of outcomes; including for example rezoning of certain sites, and changes to the HOSZ to include references to cultural values.
23. I consider the following to be the key issues in contention in the chapter:
 - The zoning of the Silverwood and Landcorp site;
 - The inclusion of references to cultural values in the HOSZ; and
 - Zoning of land with historic or current reserve status.
24. I address each of these key issues in this report, as well as any other issues raised by submissions.

1.5 Procedural Matters

25. At the time of writing this report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this FUZ, HOSZ or OSZ chapters.

2 Statutory Considerations

2.1 Resource Management Act 1991

26. The PDP and Variation 1, and the associated Plan Change 19 to the ODP, have been prepared in accordance with the RMA and in particular, the requirements of:
- Section 74 Matters to be considered by territorial authority; and
 - Section 75 Contents of district plans.
27. As set out in Section 32 Evaluation Report Part 1 - Overview to s32 Evaluation, there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP. These are discussed in detail in the Section 42A report Part A – Overview, including the approach the Council has taken to giving effect to the NPS-UD.
28. The sections below provide a brief discussion on the relevant matters of the higher order planning documents relevant to the FUZ, HOSZ and OSZ chapters.

2.2 Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021

29. The RMA-EHS gained Royal assent on 20 December 2021. Tier 1 councils are required by the RMA-EHS to make changes to their operative and/or proposed district plans for the purposes of:
- Incorporating Medium Density Residential Standards (MDRS) into all relevant residential zones (s77G(1));
 - Implementing the urban intensification requirements of Policy 3 of the National Policy Statement on Urban Development (NPS-UD) (s77G(2)) and give effect to policy 3 in non-residential zones (s77N); and
 - Including the objectives and policies in clause 6 to Schedule 3A of the RMA (s77G(5)).
30. The required plan changes and variations must be undertaken using Intensification Planning Instruments (IPIs) under sections 80E to 80H of the RMA. Councils must use the Intensification Streamlined Planning Process (ISPP) set out in Part 6 of Schedule 1 of the RMA. In accordance with the statutory timeframe in s80F of the RMA, Council was required to notify its IPI by 20 August 2022. The Council notified the IPI on 11 August 2022. The Minister for the Environment's Direction, gazetted on 27 April 2022, specifies that decisions on Council's IPI must be notified by 20 August 2023.
31. The primary focus of Variation 1 to the PDP is to achieve the above requirements of the RMA as amended by the RMA-EHS.

2.3 National Policy Statements Gazetted since PDP Notification

2.3.1 National Policy Statement on Freshwater Management

32. The NPS-FM 2020 came into force on 3 September 2020 and from that date replaced the NPS-FM 2017. The NPS-FM is addressed in the Section 32 Evaluation Report Part 1 - Overview to 32 Evaluation (2020). Additionally, a provision-by-provision analysis of PDP provisions against the Whaitua Implementation Plan and the Ngāti Toa Statement was provided in the Council's reply on Hearing Stream 1.
33. The NPS-FM 2020 is discussed in detail in relation to the approach to Variation 1 and Plan Change 19 in the Section 42A report Part A – Overview.

2.3.2 National Policy Statement on Urban Development

34. The NPS-UD was gazetted on 23 July 2020 and came into effect on 20 August 2020. It replaced the National Policy Statement on Urban Development Capacity 2016 (the NPS-UDC). The NPS-UD objectives and intensification policies in the RMA introduced by the RMA-EHS aim to ensure that local authorities through their planning activities, including the district plan:
 - Achieve a well-functioning urban environment;
 - Recognise and provide for change in the built environment, as demand for housing in terms of numbers, types of housing and location for housing change over time;
 - Align urban development with infrastructure supply;
 - Enable increased building heights or densities in defined locations:
 - Walkable catchment of a Metropolitan Centre Zone;
 - Walkable catchment of a rapid transit stop; and
 - Areas of high demand and/or well-served by existing or planned active and public transport.
35. The City's urban zones represent key locations to achieve the above intensification and well-functioning urban environment outcomes. Variation 1 to the PDP and Plan Change 19 to the ODP have been promulgated to give effect to the NPS-UD, particularly the requirements to achieve greater intensification within urban environments.
36. A later variation or plan change will be required to insert the housing bottom line as set out in clause 3.36(4) of the NPS-UD. The relevant housing bottom lines were directly inserted into the Regional Policy Statement for the Wellington Region 2013 (RPS) as Objective 22A and Table 9A under section 55(2) of the RMA.

2.3.3 National Policy Statement on Highly Productive Land

37. The NPS-HPL was approved on 12 September 2022. It seeks to ensure highly productive land is protected for use in land-based primary production.
38. The NPS-HPL sets out a process that requires regional councils to map highly productive land in its region. The criteria for this land include that the land is in a general rural zone or rural production zone, is predominantly LUC 1, 2, or 3 land, and forms a large and geographically

cohesive area. After these maps are included in the RPS, the territorial authorities must identify within its district plan the mapped highly productive land in its district.

39. The NPS-HPL sets out requirements for territorial authorities to include objectives and policies in district plans for:
- Restricting urban rezoning of highly productive land;
 - Avoiding rezoning of highly productive land for rural lifestyle;
 - Avoiding subdivision of highly productive land;
 - Protecting highly productive land from inappropriate use and development;
 - Exemption for highly productive land subject to permanent or long-term constraints;
 - Continuation of existing activities;
 - Supporting appropriate productive use of highly productive land; and
 - Managing reverse sensitivity and cumulative effects;
40. The approach to the NPS-HPL 2022 is discussed in the Section 42A report Part A – Overview.

2.4 Proposed Change 1 to the RPS

41. GWRC notified Proposed Change 1 to the RPS on 19 August 2022, after the notification of Variation 1 to the PDP and Plan Change 19 to the ODP. The focus of Proposed Change 1 is to implement and support the NPS-UD and to start the NPS-FM process. The proposed change also aims to address issues related to climate change, indigenous biodiversity and high natural character.
42. The Section 42A report Part A – Overview provides a detailed discussion on the implications of Proposed Change 1 to the RPS to Variation 1 to the PDP and Plan Change 19 to the ODP.
43. Objective 22 and the associated policies as included or amended by Proposed Change 1 are relevant to the FUZ, HOSZ or OSZ chapters.
44. These provisions are discussed where relevant in relation to the amendments sought to Variation 1 of the PDP in section 3 below.

2.5 Section 32AA

45. I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA of the RMA. Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations

(1) A further evaluation required under this Act—

(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and

(b) must be undertaken in accordance with section 32(1) to (4); and

(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and

(d) must—

(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or

(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

46. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to the FUZ, HOSZ or OSZ chapters is contained within the assessment of the relief sought in submissions in section 3 of this report, as required by s32AA(1)(d)(ii).

2.6 Trade Competition

47. No consideration of trade competition has been given with respect to the FUZ, HOSZ or OSZ chapters.
48. There are no known trade competition issues raised within the submissions.

3 Consideration of Submissions and Further Submissions

3.1 Overview

49. Five submissions were received on the PDP relating to the HOSZ chapter. Three of these [225.243, 225.17 and 51.78] were heard in hearing streams one to six. The two remaining submissions from TROTR [264.70] and Kāinga Ora [81.859] are deemed to be on Variation 1. These were generally supportive of the chapter. Three submissions were received on the HOSZ chapter following notification of Variation 1, with two associated further submissions.
50. Six submissions from four submitters were received in relation to the zoning of land as OSZ, with an associated three further submission points. Four submission points sought land zoned OSZ be rezoned MRZ, while two sought land zoned MRZ be rezoned OSZ.
51. A submission point from Silverwood Corporation Limited was received on Variation 1 seeking that land be rezoned FUZ. A related submission point was also received from the same submitter seeking that the same site be rezoned and a Development Area incorporated into the PDP.

3.1.1 Report Structure

52. Submissions on the FUZ, HOSZ or OSZ chapters raised a number of issues which have been grouped into sub-topics within this report. Some of the submissions are addressed under a number of topic headings based on the topics contained in the submission. I have considered substantive commentary on primary submissions contained in further submissions as part of my consideration of the primary submission(s) to which they relate.
53. In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on both an issues and provisions-based approach, as opposed to a submission by submission approach. I have organised the evaluation in accordance with the layout of chapters of the PDP as notified.
54. Due to the number of submission points, this evaluation is generic only and may not contain specific recommendations on each submission point, but instead discusses the issues generally. This approach is consistent with Clause 10(2)(a) of Schedule 1 to the RMA. Specific recommendations on each submission / further submission point are contained in Appendix B.
55. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submission table in Appendix B. Where I have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report. I have provided a marked-up version of the Chapter with recommended amendments in response to submissions as Appendix A.
56. This report only addresses definitions that are specific to this topic. Definitions that relate to more than one topic have been addressed in Hearing Stream 1.

3.1.2 Format for Consideration of Submissions

57. For each identified topic, I have considered the submissions that are seeking changes to the PDP in the following format:
 - Matters raised by submitters;

- Assessment;
 - Summary of recommendations; and
 - Section 32AA evaluation.
58. The recommended amendments to the relevant chapters are set out in in Appendix A of this report where all text changes are shown in a consolidated manner.
59. I have undertaken a s32AA evaluation in respect to the recommended amendments in my assessment.
60. Note that there are further submissions that support submissions in their entirety:
- The further submission from Leigh Subritzky [FS17] supports original submissions OS 1, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 24, 25, 26, 29, 30, 31, 32, 33, 34, 35, 39, 40, 41, 42, 43, 44, 47, 48, 51, 52, 55, 58, 60, 61, 62, 63, 64, 65, 66, 68, 69, 70, 72, 73, 74, 77, 79, 80, 85, 86, 87, 88, 89, 90, 91, 97, 98, 99, 100, 102, 104, 105, 106, 107, 109, 110, 111, 114, 115, 116, and 117. Original submissions OS 2, 5, 19, 20, 21, 27, 28, 53, 54, 56, 67, 71, 75, 76, 78, 81, 82, 83, 84, 94, 95, 96, 101 and 113 were opposed by the further submitter.
 - The further submission from Alan Collett [FS64] opposes the submission from Kāinga Ora [OS76];
 - The further submission from Brian Warburton [FS99] opposes the submission from KM & MG Holdings Ltd [OS54];
 - The further submission from Ryman Healthcare Limited [FS67] opposes the submission from Retirement Village Association [OS118];
 - The further submission from Friends of Taupō Swamp and Catchment Inc [FS68] opposes the submission from KM & MG Holdings Ltd [OS54]; and
 - The further submission from Rebecca Davis [FS127] supports the submissions OS 11, 32, 58, 68, 79, 82, 111 and 114 and opposes submissions OS 59 and 76.
61. In these cases, recommendations in relation to these further submissions reflect the recommendations on the relevant primary submission.

3.2 Future Urban Zone

3.2.1 Matters raised by submitters

62. Silverwood [OS71.1] seeks that the 'Silverwood and Landcorp sites' be rezoned from GRUZ to FUZ. The submitter states that the reasons are set out in submission 172 and further submission 34 to the PDP. The reasons include that greenfield residential areas can be included within an IPI under sections 77G(4) and 80E(b)(iii) of the RMA.
63. Silverwood [OS71.3] also seeks that:
- (i) A Structure Plan is incorporated in the District Plan for the Site; and/or*
 - (ii) The site is live-zoned to Medium Density Residential Zone or any other appropriate zone/s informed by the structure plan; and/or*

(iii) A Silverwood/Landcorp Development Area chapter is incorporated into the District Plan that includes site -specific provisions that seek to manage subdivision, use and development of the site in line with identified opportunities and constraints of the Site for residential purposes; and/or

(iv) RETAIN existing overlay controls that seek to manage activities in specific areas of the Site (including any landscape protection areas, SNA's, national grid and natural hazard overlay areas or AMEND with any specific modifications that are most appropriate to address the particular circumstances of the Site; and

(v) Make any other such modifications that are necessary to implement points (i) – (iv)

64. The reasons for these requests include that:

- There is considerable understanding of the constraints and opportunities for urban and residential development on the Site, while also recognising its sensitivities;
- Variation 1 seeks to rezone the NGDA from FUZ and approximately 80 hectares of RLZ to a live residential zone;
- Rezoning of several other sites in Porirua to residential zones and up-zoning of existing residential land is also proposed;
- A Structure Plan and live zoning provisions would be consistent with the intent and justification for Variation 1; and
- This would be an efficient use of resources.

3.2.2 Assessment

65. In relation to the submission from Silverwood [OS71.1] seeking that the land be zoned as FUZ, this was considered in detail through Hearing Stream 5. In section 3.14 of the Section 42A Report: Part B – Future Urban Zone and UFD-O4, HO-O3 and CEI-O8, Ms Gina Sweetman recommended that the submission from Silverwood [171.2, 172.3 and 172.4] be rejected.

66. Ms Sweetman's assessment of the PDP submission from Silverwood in relation to the appropriateness to rezone to FUZ concluded that:

... while there are many merits to rezoning the Silverwood site to Future Urban and some parts of FUZ-P1 are achieved, I consider on balance that its rezoning would be inconsistent with the relevant strategic objectives of the PDP and the NPS-UD. Further, due to the particular site constraints and the concerns raised by Ms Armstrong and the potential identification of a site and or area of significance to Māori, I consider that more work would be required to determine the appropriate zoning across the site, rather than the blanket FUZ – Future Urban Zone sought by the submitter.

67. As the request for rezoning to FUZ has already been comprehensively considered through Hearing Stream 5, I agree with Ms Sweetman's recommendation and see no reason to reconsider the same request through consideration of Variation 1.

68. In relation to the submission from Silverwood [OS71.3] seeking a Development Area with 'live' MRZ zoning, I consider that as this request is essentially 'leap-frogging' the request above in terms of the process for zoning new urban areas under the PDP. That is, while [OS71.1] seeks a FUZ be applied to the land, [OS71.3] seeks MRZ or other 'appropriate zones' along with an associated Development Area chapter. Under the framework set out in the PDP, this step would

occur after an area is identified as FUZ. As such, I consider that the same response applies. Further to this, the submitter has not provided a proposed Development Area chapter or fully developed structure plan. I am therefore unable to adequately assess whether such a chapter, or the more detailed provisions that would be included in such a chapter, would be appropriate.

69. While Silverwood refers to the zoning of the NGDA including approximately 80 hectares of RLZ to a live residential zone as a reason for the request, I note that the inclusion of the RLZ land was considered through section 5.2.5 of the Section 32 Evaluation Report - Part B Northern Growth Development Area. This considered the costs and benefits of including the additional land, including offsetting loss of development capacity as a result of the protection of natural areas and provision of network and social infrastructure within the proposed new urban area, and the marginal costs of providing additional infrastructure capacity to service the additional land. I also note that the proposed rezoning south of Pukerua Bay is generally consistent with the Porirua Growth Strategy 2048 in relation to the identification of New Residential Area – Medium Term. Ms Sweetman noted in her assessment for Hearing Stream 5 that, in her opinion, the identification of the Silverwood site in the Porirua Growth Strategy 2048 as 'Potential Residential Area – Medium Term' means that it is not subject to clause 1 of FUZ-P1, and therefore considered it against clause 2 of that policy. I agree with Ms Sweetman on this matter and therefore I do not consider that the two areas are directly comparable.
70. Additionally, I note that the 'Silverwood and Landcorp sites' are not affected by any amendments to the PDP under Variation 1 in relation to proposed changes to zoning. As such, the submission is potentially not 'on' Variation 1, and therefore may be outside of the scope of the variation and any amendments able to be recommended in response to submissions.

3.2.3 Summary of recommendations

71. I recommend for the reasons given in the assessment that the submissions from Silverwood Corporation Limited [OS71.1 and OS71.3] be **rejected**.
72. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

3.3 Hospital Zone

3.3.1 PDP submissions

3.3.1.1 Matters raised by submitters

73. TROTR [264.70] seeks that the chapter be retained as notified subject to tangata whenua values, mātauranga, tikanga and their ability to actively practice kaitiakitanga are recognised and reflected, and cultural expertise used to inform design not just provide cultural impact advice. The reasons stated are that high quality, well planned developments are supported and where and when identified should seek to reflect Tangata Whenua values.
74. Kāinga Ora [81.859] seeks that the chapter be retained as notified, for the reason that it supports the chapter as proposed.

3.3.1.2 Assessment

75. In relation to both TROTR [264.70] and Kāinga Ora [81.859] seeking that the chapter be retained as notified, the chapter as proposed did not reflect the requirements of Policy 3 of the NPS-UD, and as such it is not appropriate to retain the chapter as notified in the PDP.
76. In relation to the submission from TROTR [264.70] seeking recognition and reflection of tangata whenua values, mātauranga, tikanga and their ability to actively practice kaitiakitanga, these matters are addressed in the PDP across the whole of the district through the Tangata Whenua chapter and the strategic directions under TW – Tangata Whenua. As such, I do not consider that any amendments are required to the HOSZ – Hospital Zone chapter in response to this submission.

3.3.1.3 Summary of recommendations

77. I recommend for the reasons given in the assessment that the submissions from TROTR [264.70] and Kāinga Ora [81.859] be **rejected**.

3.3.2 Variation 1 submissions

78. I note that Harbour Trust & Guardians of Pāuatahanui Inlet [OS32.22 and OS32.23] seeks amendments to HOSZ-O3 and HOSZ-P5. These are addressed in Section 42A Report – Part A: Overarching.

3.4 Open Space Zone

3.4.1 Matters raised by submitters

79. Mark Neeson [OS42.1] seeks that the part of Penryn Reserve (Lot 20 DP 81419) at the intersection of St Ives Drive and Padstow Place be rezoned from MRZ to OSZ. The reasons stated include that the land remains as a reserve and subject to the Reserves Act 1977.
80. Benjamin Colbert [OS66.2] does not seek any specific relief, but states that the rezoning to MRZ is opposed, specifically in relation to 97 Conclusion Street, formerly Limerick Reserve. The reasons include that the shape, topography, and orientation of the land does not lend itself well to viable residential development, and it currently provides an essential link between Conclusion Street and Limerick Grove which supports the walkability of the neighbourhood.
81. Kāinga Ora [OS76.16, OS76.54 and OS76.160] seeks that the land at 8-10 Champion Street and the adjacent legal road is rezoned from OSZ to MRZ. No specific reasons are provided.

3.4.2 Assessment

82. The submission from Mark Neeson [OS42.1] relates to land identified as 'Site 29' in the report 'Rezoning Report – Surplus land for Disposal' published by Council in support of the PDP as notified in 2020. That report recommended that the site be rezoned from Open Space Zone under the ODP to General Residential Zone in the PDP.
83. I understand from Council officers that the initial revocation application for part of the land legally described as Lot 20 DP 81419 was declined by DOC in 2021 and that PCC is no longer

seeking revocation of the reserve status. As such, I agree with the submitter that the appropriate zoning of the land is OSZ, consistent with the zoning of the rest of Penryn Reserve.

84. In relation to the submission from Benjamin Colbert [OS66.2], the reserve status of the land legally described as Lot 101 DP 31876 was revoked through the Gazetted notice dated 10 March 2021, notice number 2021-In889.¹ This site was considered in the Rezoning Report noted above, identified as Site 19. Due to the revocation of the reserve status of the land, I agree with the assessment in that report that the site is better zoned for residential purposes. The applicable zone under Variation 1 of the PDP is MRZ.
85. In relation to the submission points from Kāinga Ora [OS76.16, OS76.54 and OS76.160] the land at 8 and 10 Champion Street forms a small area (approximately 1,016 square metres) of publicly accessible land owned by the PCC. The submitter has not provided any reasons for seeking rezoning of the land. As such, I do not consider that it would be appropriate to rezone the land to MRZ as sought.
86. I note that, as set out in Appendix B, I agree with the reasons in the submission from Porirua City Council [OS95.2] to rezone Lot 74 DP 50599 at the north-west corner of 87 Pikarere Street from OSZ to MRZ.

3.4.3 Summary of recommendations

87. I recommend for the reasons given in the assessment, that the Hearings Panel:
- a. **Amend** the planning maps as set out in Appendix A;
88. I recommend that the submissions from Mark Neeson [OS42.1] be **accepted**.
89. I recommend that the submissions from Kāinga Ora [OS76.16, OS76.54 and OS76.160] and Benjamin Colbert [OS66.2] be **rejected**.
90. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

3.4.4 Section 32AA evaluation

91. In my opinion, the amendments to the planning maps to rezone part of Penryn Reserve (Lot 20 DP 81419) from MRZ to OSZ and Lot 74 DP 50599 from OSZ to MRZ, are more appropriate in achieving the objectives of the PDP than the notified provisions. In particular, I consider that:
- They will ensure that the appropriate zoning is applied to identified land parcels, consistent with the anticipated use of that land. Consequently, they will enable appropriate development and use of the land while discouraging inappropriate development, and are more efficient and effective than the notified provisions in achieving the objectives of the PDP.
 - The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

¹ This notice replaced the notice dated 24 January 2020 and published in the New Zealand Gazette, 4 February 2020, Notice No. 2020-In346 due to an error made in the 2020 notice.

4 Conclusions


92. Submissions have been received in support of, and in opposition to the PDP and Variation 1. While most of these submissions relate to the FUZ, HOSZ and OSZ chapters as notified, some submissions seek zoning amendments, and changes to the HOSZ to include references to cultural values.
93. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that PDP should be amended as set out in Appendix A of this report.
94. For the reasons set out in the Section 32AA evaluation included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
- Achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
 - Achieve the relevant objectives of the PDP, in respect to the proposed provisions.

Recommendations:

I recommend that:

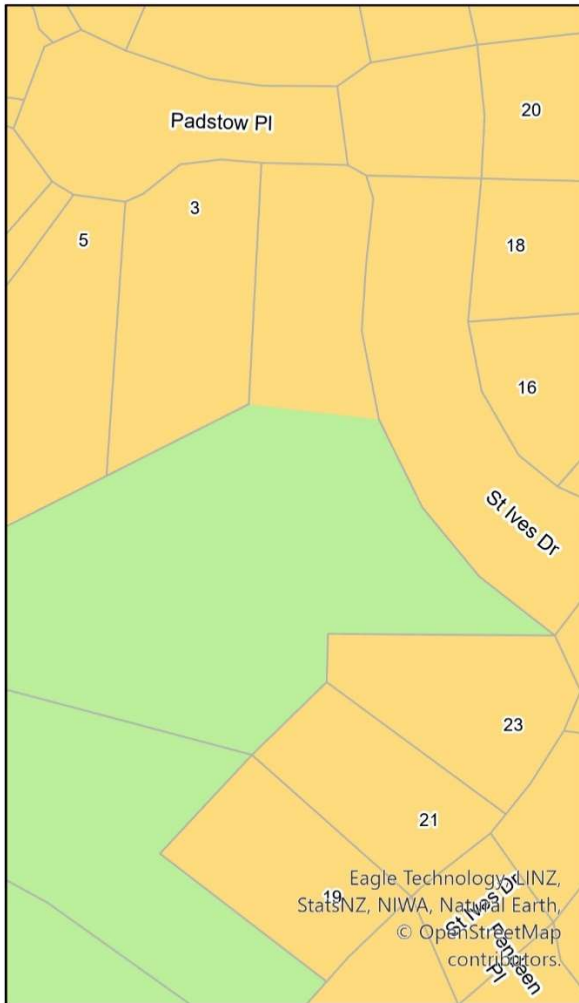
1. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report; and
2. The PDP is amended in accordance with the changes recommended in Appendix A of this report.

Signed:

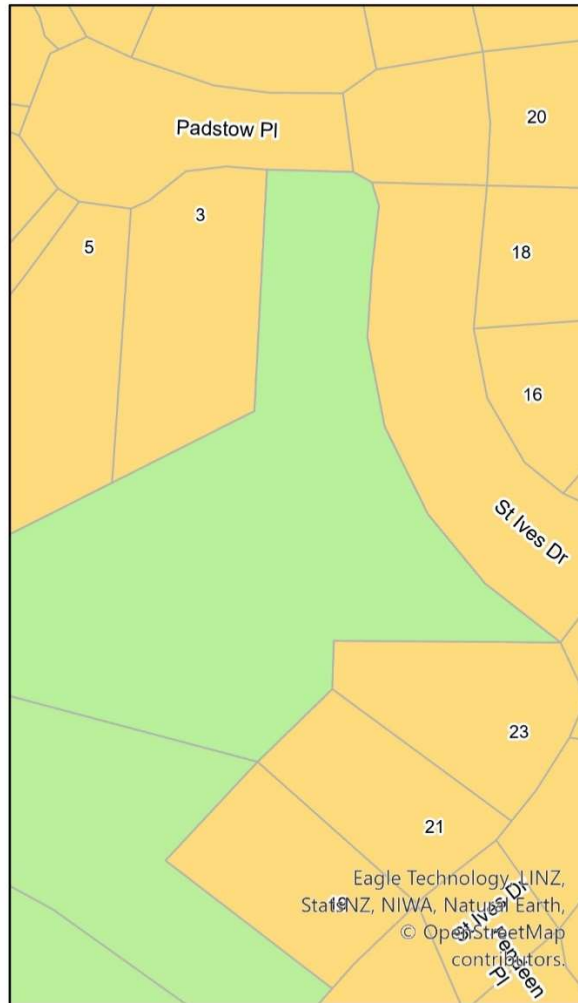
Name and Title		Signature
Report Author	Rory Smeaton Senior Policy Planner	

Appendix A. Recommended Amendments to Planning Maps

Lot 20 DP 81419



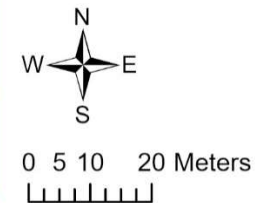
PDP Variation 1 as notified



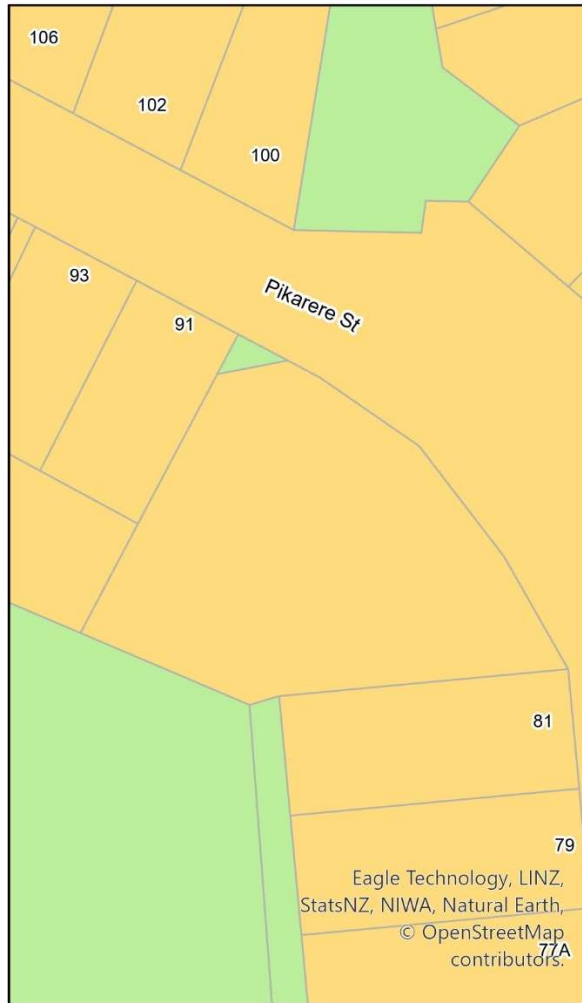
Recommended rezoning of Lot 20 DP 81419

Legend

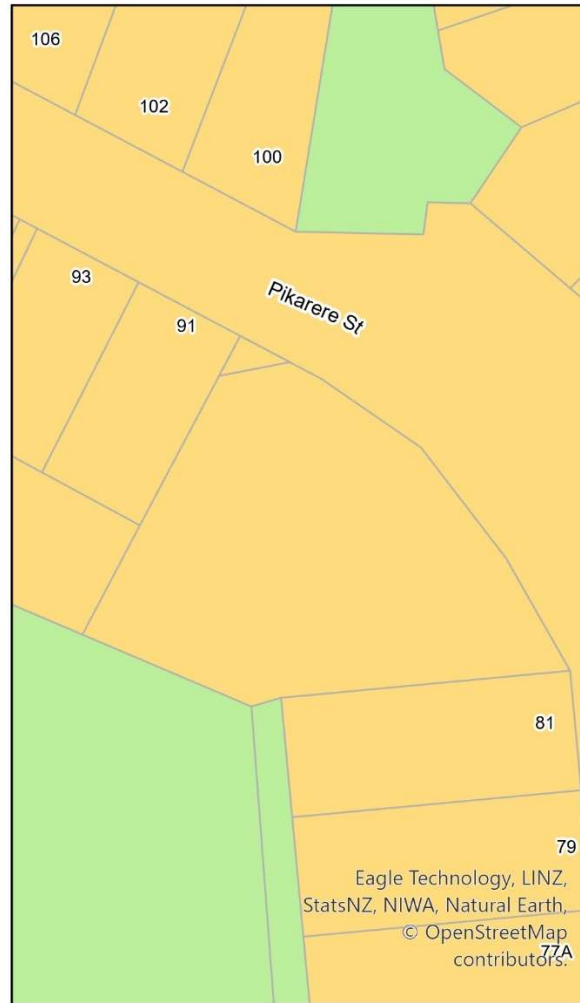
- Parcel
- Zone (Variation 1)
 - Medium Density Residential Zone
 - Open Space Zone



Lot 74 DP 50599



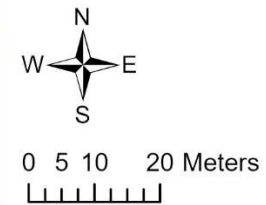
PDP Variation 1 as notified



Recommended rezoning of Lot 74 DP 50599

Legend

- Parcel
- Zone (Variation 1)
 - Medium Density Residential Zone
 - Open Space Zone



Appendix B. Recommended Responses to Submissions and Further Submissions

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

Table B 1: Recommended responses to submissions and further submissions on the PDP

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?	Deemed to be on Variation 1
Hospital Zone								
264.70	Te Rūnanga o Toa Rangatira	General	Retain as notified subject to the following amendments: Include: Future urban zones should: Tangata whenua values, mātauranga, tikanga and their ability to actively practice kaitiakitanga are recognised and reflected. Cultural expertise to inform design not just provide cultural impact advice.	3.3	Reject	See body of report	No	Yes
81.859	Kāinga Ora	General	Retain as notified.	3.3	Reject	See body of report	No	Yes

Table B 2: Recommended responses to submissions and further submissions on Variation 1 to the PDP

Note: Further submitter Leigh Subritzky (FS17) supported original submissions 1, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 24, 25, 26, 29, 30, 31, 32, 33, 34, 35, 39, 40, 41, 42, 43, 44, 47, 48, 51, 52, 55, 58, 60, 61, 62, 63, 64, 65, 66, 68, 69, 70, 72, 73, 74, 77, 79, 80, 85, 86, 87, 88, 89, 90, 91, 97, 98, 99, 100, 102, 104, 105, 106, 107, 109, 110, 111, 114, 115, 116, and 117. Original submissions 2, 5, 19, 20, 21, 27, 28, 53, 54, 56, 67, 71, 75, 76, 78, 81, 82, 83, 84, 94, 95, 96, 101 and 113 were opposed by the further submitter. Due to size, these further submission points are not included in the table below.

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
FUZ – Future Urban Zone							
OS71.1	Silverwood Corporation Limited	Rezoning	Seeks that the 'Silverwood and Landcorp sites' be rezoned from Rural to 'Future Urban Zone'. See reasons set out in submission 172 and further submission 34 [to the Proposed District Plan].	3.2	Reject	See body of report	No
OS71.3	Silverwood Corporation Limited		Amend to include the Silverwood/Landcorp Site identified in submission 172 and further submission 34 ("the Site") so that: (i) A Structure Plan is incorporated in the District Plan for the Site; and/or (ii) The site is live-zoned to Medium Density Residential Zone or any other appropriate zone/s informed by the structure plan; and/or (iii) A Silverwood/Landcorp Development Area chapter is incorporated into the District Plan that includes site -specific provisions that seek to manage subdivision, use and development of the site in line with identified opportunities and constraints of the Site for residential purposes; and/or (iv) RETAIN existing overlay controls that seek to manage activities in specific areas of the Site (including any landscape protection areas, SNA's, national grid and natural hazard overlay areas or AMEND with any specific modifications that are most appropriate to address the particular circumstances of the Site; and (v) Make any other such modifications that are necessary to implement points (i) – (iv)	3.2	Reject	See body of report	No
HOSZ – Hospital Zone							

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
OS94.1	Te Whatu Ora - Health New Zealand, Capital, Coast and Hutt Valley	General	Submitter is a is supportive of the proposed objectives, policies, and rules, including where thresholds are set for planning involvement.	n/a	Accept	Agree with submitter	No
OSZ – Open Space Zone							
OS42.1	Mark Neeson	MRZ	Amend to change the zoning of that part of Penryn Reserve (Pt Lot 20 DP 81419 and on the intersection of St Ives Drive and Padstow Place) shown as Medium Density Residential Zone to Open Space Zone.	3.4	Accept	See body of report	Yes
OS66.2	Benjamin Colbert	MRZ	[Not specified, refer to original submission] <i>Objects to the rezoning to Medium Density Residential, within a precinct that enables 18m high buildings as a permitted activity (no resource consent required), specifically for 97 Conclusion Street, Formerly Limerick Reserve. The shape, topography, and orientation of the land does not lend itself well to viable residential development in isolation. It would be a very unusual type of development and is not suited to the character of the area. It currently provides an essential link between Conclusion St and Limerick Grove which supports the walkability of the neighborhood and it is unsuitable for further development. The residents of Limerick Grove and Conclusion street, and parents and students of Rangikura school will be adversely affected by proposed changes, including an increased risk to children at school pick up and drop off times, including requiring the removal of a Bus Stop. The proposed height limit is unsuitable. It means adjoining residential sections would be affected by shading from tall buildings in the morning, as would the school in the afternoons. Privacy of current residential properties and the school would be severely compromised. Has only just as of 12th of September, been alerted to this proposal and feeling under pressure on this issue. This has been not as effectively communicated as has been done previously. Made a proposal on Limerick Reserve in 2016 when this disposal was first investigated.</i>	3.4	Reject	See body of report	Yes
OS76.16 ²	Kāinga Ora	MRZ	Seek rezoning of land at 8-10 Champion Street to MRZ.	3.4	Reject	See body of report	No
OS76.54 ³	Kāinga Ora	MRZ	Rezone land at 8-10 Champion Street (and adjoining legal road) from Open Space to Medium Density Residential Zone.	3.4	Reject	See body of report	No
OS76.160 ⁴	Kāinga Ora	MRZ	Rezone land at 8-10 Champion Street (and adjoining legal road) from Open Space to Medium Density Residential Zone.	3.4	Reject	See body of report	No
OS95.2	Porirua City Council	MRZ	Rezone Lot 74 DP 50599 at the north-west corner of 87 Pikarere Street from OSZ to MRZ. [Refer to original submission for full decision requested, including map]	n/a	Accept	Agree with the submitter for the reasons stated.	Yes

² Opposed by Roger Gadd [FS75.65], Alan Collett [FS99.49] and Rebecca Davis [FS127.23]

³ Opposed by Harbour Trust & Guardians of Pāuatahanui Inlet [FS32.66 and FS32.80], Greater Wellington Regional Council [FS74.146], Roger Gadd [FS75.28], Alan Collett [FS99.87] and Rebecca Davis [FS127.61]

⁴ Opposed by Greater Wellington Regional Council [FS74.152], Alan Collett [FS99.193] and Rebecca Davis [FS127.167]

Appendix C. Report Author's Qualifications and Experience

My name is Rory McLaren Smeaton. I hold the following qualifications:

- Bachelor of Science in Geography (University of Canterbury);
- Postgraduate Diploma in Science in Geography (with Distinction) (University of Canterbury);
and
- Master of Planning Practice (First Class Honours) (University of Auckland).

I am a full member of the New Zealand Planning Institute. I have more than ten years' experience in working as a planner for local and central government organisations, and a multi-disciplinary consultancy.

I have been employed by the Porirua City Council since April 2020 as a Senior Policy Planner within the Environment and City Planning Team. My work at PCC has included finalising PDP chapters and preparing the associated section 32 reports, summarising submissions, and preparing section 42A reports.