

OFFICERS' REPORT FOR:

Independent Hearing Commissioners:

Trevor Robinson (Chair)

Miria Pomare

David McMahon

Mark St Clair

Julia Williams

SUBJECT:

**Proposed Porirua District Plan: Part A –
Overarching Report**

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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 objectives, policies, rules, definitions, appendices and maps of the Proposed Porirua District Plan (PDP) relevant to Hearing Stream 7, including the relevant submissions received on Variation 1 and Plan Change 19 (PC19) to the Operative Porirua District Plan (ODP). The report outlines recommendations in response to the issues that have emerged from these submissions.
2. The report is divided into Part A and Part B. Part A of the report considers submissions received by Porirua City Council (the Council) in relation to overarching or plan-wide matters, whereas Part B considers submissions relating to particular topics (Part B is divided into seven reports).
 - Section 42A Report – District Wide Matters
 - Section 42A Report – FENZ and RNZ
 - Section 42A Report – FUZ, HOSZ and OSZ
 - Section 42A Report – NG-DEV-Northern Growth Development Area
 - Section 42A Report – Plan Change 19
 - Section 42A Report – Residential zones
 - Section 42A Report – Commercial and mixed use zones
3. Parts A and B of this report address both submissions on Variation 1/PC19, as well as remaining submission points on the PDP that have not yet been addressed in s42A reports for hearing streams 1 through 6 (i.e. submission points received in November 2020).
4. There were a number of submissions and further submissions received on overarching matters. The following are considered to be the key issues in contention:
 - Scope of the IPI;
 - Scope of the District Plan;
 - Tangata Whenua rights and interests;
 - Papakāinga;
 - Consultation;
 - Financial contributions;
 - General approach to intensification;
 - Freshwater management;
 - Biodiversity;
 - Climate change;
 - Natural hazards;
 - Flood hazard mapping;

- Notification of consents;
 - Definitions;
 - Plimmerton Farm;
 - Coastal margin;
 - Qualifying matters;
 - Heritage and Sites and Areas of Significance to Māori;
 - Strategic objectives; and
 - Other submissions.
5. This report addresses each of these key issues, as well as any other matters/issues raised by submissions relevant to Hearing Stream 7.
6. I have recommended some changes to provisions to address matters raised in submissions, which include:
- Changes to definitions;
 - Changes to the Tangata Whenua Chapter to provide information on land identified in Ngāti Toa's Deed of Settlement;
 - Changes to the Flood Hazard Overlay in the Planning maps;
 - Changes to the Historic Heritage Chapter; and
 - Changes to EP-O1 and consequential changes to planning maps.
7. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the PDP should be amended as set out in Appendix A of this report.
8. For the reasons set out in the Section 32AA evaluation included in this report, I consider that the proposed objectives and provisions considered in this report, with recommended amendments, will be the most appropriate means to:
- Achieve the purpose of the Resource Management Act 1991 (RMA) and otherwise give effect to relevant 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

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

Table 1: Abbreviations

| Abbreviation | Means |
|--------------------|--|
| the Act | Resource Management Act 1991 |
| the Council | Porirua City Council |
| the Operative Plan | Operative Porirua District Plan 1999 |
| the Proposed Plan | Proposed Porirua District Plan 2020 |
| ERP | Aotearoa New Zealand's First Emissions Reduction Plan |
| HBA | Housing and Business Development Capacity Assessment |
| IPI | Intensification Planning Instrument |
| LTP | Long Term Plan |
| MDRS | Medium Density Residential Standards |
| MfE | Ministry for the Environment |
| NAP | Aotearoa New Zealand's First National Adaptation Plan |
| NES | National Environmental Standard |
| NES-AQ | National Environmental Standards for Air Quality |
| NES-CS | National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health |
| NES-ETA | National Environmental Standards for Electricity Transmission Activities |
| NES-FW | National Environmental Standards for Freshwater |
| NESMA | National Environmental Standards for Marine Aquaculture |
| NES-PF | National Environmental Standards for Plantation Forestry |
| NES-SDW | National Environmental Standards for Sources of Drinking Water |
| NES-TF | National Environmental Standards for Telecommunication Facilities |
| NPS | National Policy Statement |
| NPS-ET | National Policy Statement on Electricity Transmission |
| NPS-FM | National Policy Statement for Freshwater Management |
| NPS-HPL | National Policy Statement for Highly Productive Land |
| NPS-UD | National Policy Statement on Urban Development |
| NPS-REG | National Policy Statement for Renewable Electricity Generation |
| NZCPS | New Zealand Coastal Policy Statement |
| ODP | Operative Porirua District Plan 1999 |
| PC19 | Plan Change 19 – Plimmerton Farm Intensification |
| PDP | Proposed Porirua District Plan 2020 |
| RLTP | Regional Land Transport Plan |
| RMA | Resource Management Act 1991 |
| RMA-EHS | Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 |
| RPS | Regional Policy Statement for the Wellington Region 2013 |
| WIP | Whaitua Implementation Plan |

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 |
| 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 |
| JEPS | Judgeford Environmental Protection Society |
| Kāinga Ora | Kāinga Ora - Homes and Communities |
| KiwiRail | KiwiRail Holdings Limited |
| NZDF | New Zealand Defence Force |
| Oil companies | Z Energy Limited & BP Oil NZ Limited & 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 of New Zealand Incorporated |
| 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 |

1 Introduction

1.1 Report Structure and Purpose

9. This Part A of the Officers' Report provides an overarching introduction to the purpose of a s42A evaluation, legislative requirements, and an overview of the process that the Council has undertaken to date through Variation 1 to the PDP and PC19 to the ODP, including consultation and engagement. It also considers submissions received by Council in relation to overarching or plan-wide matters.
10. This report addresses both submissions on Variation 1/PC19, as well as remaining submission points on the PDP that have not yet been addressed in s42A reports for hearing streams 1 through 6 (i.e. submission points received in November 2020).
11. This report considers submissions received by the Council in relation to the relevant objectives, policies, rules, definitions, appendices and maps as they apply to the PDP including Variation 1 and PC19 to the ODP¹. The report outlines recommendations in response to the key issues that have emerged from these submissions.
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. The recommendations are informed by the evaluation undertaken by the authors, including cultural advice from Te Rūnanga o Toa Rangatira (TROTR). The primary author of this report is outlined in section 1.2, where other authors have contributed their planning evaluation this is clearly marked throughout the report.
14. Part B of the evaluation report contains separate evaluations for each topic / chapter, which forms part of either the PDP or ODP. In preparing this report the author has had regard to recommendations made in the Part B s42A reports.
15. Each of these evaluations has been undertaken using a standard methodology, the purpose of which is to ensure that a consistent approach and level of rigour has been applied to each of the topic areas.
16. The evaluation reports reflect the topic areas contained in the PDP which are as follows:
 - Section 42A Report – District Wide Matters
 - Section 42A Report – FENZ and RNZ
 - Section 42A Report – FUZ, HOSZ and OSZ
 - Section 42A Report – NG-DEV-Northern Growth Development Area
 - Section 42A Report – Plan Change 19

¹ PC19 proposes the insertion of the MDRS and mandatory objectives and policies into the ODP Plimmerton Farm Zone (PFZ), as well as policy 3 of the NPS-UD. The Plimmerton Farm Zone is the only part of Porirua not subject to the PDP, therefore a change to the ODP is required to give effect to RMA as amended by the RM-EHS and policy 3 of the NPS-UD.

- Section 42A Report – Residential
- Section 42A Report – Commercial

1.2 Authors

17. My name is Torrey McDonnell. I am the primary author of this report unless specified.
18. I was involved in the preparation of Variation 1 and PC19 and I authored:
 - Section 32 Evaluation Report - Part A Overview to s32 Evaluation for Variation 1 and Plan Change 19; and
 - Section 32 Evaluation Report - Part B Proposed Plan Change 19 - Plimmerton Farm Intensification.
19. The scope of my evidence relates to overarching or plan-wide matters relating to Variation 1 and PC19.
20. Other authors who have contributed to this report include Michael David Rachlin, Caroline Rachlin and Rory Smeaton. Where they have contributed to this report is identified below and is also indicated at the start of each section by footnote. To avoid confusion, I note that we have all written our sections of this report in the first tense.
21. Mr Rachlin was involved in the preparation of the PDP and authored the 2022 Section 32 Evaluation Reports for Part B Urban Intensification – MDRS and NPS-UD Policy 3, and the 2020 Section Evaluation Reports for Residential Zones, Contaminated Land chapter, Hazardous Substances chapter, Temporary Activity chapter and General Industrial Zone chapter. He also co-authored the Section 32 Evaluation Report - Part A Overview to s32 Evaluation for Variation 1 and Plan Change 19.
22. The scope of Mr Rachlin's evaluation that has contributed to Part A of this report relates to:
 - Zone-based Papakāinga provisions (section 7.5);
 - Definitions (section 7.15);
 - Qualifying matters (section 7.18); and
 - Strategic objectives (section 7.20).
23. Ms Caroline Rachlin was involved in the preparation of Variation 1 including the development of height controls on sites adjacent to historic heritage sites as well as sites and areas of significance to Māori and the 2020 Section 32 Evaluation Reports for the Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, Natural Character and Public Access chapters.
24. The scope of Ms Rachlin's evaluation in Part A of this report relates to height controls (section 7.19).
25. Mr Rory Smeaton 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. He 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. He authored the section 42A reports and presented in previous PDP hearing streams for a number of topics. In relation to Variation 1, he 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.

26. The scope of Mr Smeaton's evaluation in Part A of this report relates to submissions on qualifying matters from Kiwirail, Waka Kotahi and Transpower (sections 7.18.8, 7.18.9, 7.18.10).
27. The authors' roles in preparing this report is that of expert planners. We each confirm that the issues addressed in this section 42A report re within our respective areas of expertise as expert policy planners. Our qualifications and experience are set out in Appendix E of this report.
28. Although this is a Council Hearing, we have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court December 2023. We have complied with that Code when preparing our written statements of evidence and we agree to comply with it when we give any oral evidence.
29. Any data, information, facts, and assumptions we have considered in forming our opinions are set out in the part of the report in which we express our opinions. Where we have set out opinions in our evidence, we have given reasons for those opinions.
30. We have not omitted to consider material facts known to us that might alter or detract from the opinions expressed.

1.3 Supporting Evidence

31. The expert evidence, literature, legal cases or other material which I have used or relied upon in support of the opinions expressed in this report includes the following:
 - Statement of Evidence by Alistair Osborne of Wellington Water (Flood Hazard Modelling)
 - Statement of Evidence of Graeme Robert McIndoe on behalf of Porirua City Council (Urban design)
 - Statement of Evidence of Gregory Vossler and Ian Bowman on behalf of Porirua City Council (Heritage)
 - Statement of Evidence of Philip Mark Osborne on behalf of Porirua City Council (Economics)

1.4 Key Issues in Contention

32. A number of submissions and further submissions were received on the provisions relating to overarching or plan-wide matters.
33. I consider the following to be the key issues in contention in the chapter:
 - Scope of the IPI;
 - Scope of the District Plan;

- Tangata Whenua rights and interests;
- Papakāinga;
- Consultation;
- Financial contributions;
- General approach to intensification;
- Freshwater management;
- Biodiversity;
- Climate change;
- Natural hazards;
- Flood hazard mapping;
- Notification of consents;
- Definitions;
- Plimmerton Farm;
- Coastal margin;
- Qualifying matters;
- Historic Heritage and Sites and Areas of Significance to Māori;
- Strategic objectives; and
- Other submissions

34. I address each of these key issues in this report, as well as any other issues raised by submissions.

2 Statutory Considerations

2.1 Resource Management Act 1991

35. The PDP, Variation 1 and PC19 have been prepared in accordance with the RMA and in particular, the requirements of:
- s74 Matters to be considered by territorial authority; and
 - s75 Contents of district plans
36. As set out in section 3 of the 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. This includes further discussion in the Overview to the s32 Evaluation on the approach the Council has taken to giving effect to the NPS-UD and NPS-FM.

2.2 Resource Management Amendment Act 2020

37. Section 21 of the Resource Management Amendment Act 2020 amends s74 of the RMA as follows:

21 Section 74 amended (Matters to be considered by territorial authority)

After section 74(2)(c), insert:

(d) any emissions reduction plan made in accordance with section 5Z1 of the Climate Change Response Act 2002; and

(e) any national adaptation plan made in accordance with section 5ZS of the Climate Change Response Act 2002.

38. To allow time for these plans to be published, s2 of the Amendment Act provided for delayed legal effect of s21 as follows:

(4) The Governor-General may, by Order in Council made before 31 December 2021, specify that sections 17 to 21, 35, and 36 come into force on a date no later than 30 November 2022.

39. This Order in Council was made on 20 December 2021 confirming this section would come into force on 30 November 2022². As such, councils must now 'have regard to' the first National Adaptation Plan (NAP)³ and the first national Emissions Reduction Plan (ERP)⁴ when they prepare or change a district plan.
40. This requirement was introduced to create a stronger link between the Climate Change Response Act 2002 and decision-making under the RMA. The 2020 amendments also repealed RMA sections 70A, 70B, 104E and 104F which prevented Councils from considering the effects of greenhouse gas discharges on climate change in certain situations.

² Resource Management Amendment Act 2020 Commencement Order 2021

³ Ministry for the Environment. August 2022. Aotearoa New Zealand's first national adaptation plan. Wellington. Ministry for the Environment

⁴ Ministry for the Environment. May 2022. Aotearoa New Zealand's first emissions reduction plan.

41. MfE released a guidance note⁵ to assist councils in implementing these new requirements, including 'having regard to' the NAP and ERP. This guidance has informed the assessment of how the PDP aligns with the NAP and ERP in the following sections.

42. This guidance note outlines the meaning of 'having regard to' and 'give effect to'⁶.

'Having regard to' a matter means giving the matter genuine attention and thought before deciding whether, or how, to reflect that matter in planning decisions. 'Having regard to' usually means the decision maker must give reasons for how they considered the matter....

...In relation to plans and policies prepared under the RMA, the requirement to 'give effect to' higher order documents such as a national policy statement is a stronger statutory requirement than 'have regard to'. Where possible, local government should consider giving effect to these higher order documents in a way that is consistent with relevant parts of the emissions reduction plan or national adaptation plan.

43. The PDP, Variation 1 and PC19 were all notified prior to these matters being relevant matters to have regard to in development of the planning documents. Although the notification predated the provisions coming into force, I have included analysis against the relevant parts of each document in sections 2.2.1 and 2.2.2.

44. However, the Panel is relatively limited in its ability to make changes to the PDP in response to the NAP and ERP through these hearings. Firstly, the Panel can only make decisions/recommendations in response to matters raised in submissions, and these submissions themselves must be within scope of submissions on the PDP including Variation 1 and PC19. Secondly, there is the principle of natural justice to consider, whereby there needs to be a real opportunity for participation by those potentially affected. If the PDP needs to be substantially altered in response to the ERP or NAP, I consider that this is best done through a separate plan change process so considered options can be developed based on an appropriate evidence base, and these options can be discussed with councillors, stakeholders and the community.

2.2.1 National adaptation plan

45. The NAP contains Government-led strategies, policies and proposals that will assist New Zealand to adapt to the changing climate and its effects.

46. Many of the actions set out in the NAP are directed at Government agencies and involve future national direction and guidance that will in turn require local government implementation. The lead agencies for various tasks are almost exclusively Government agencies such as MfE, the Ministry for Primary Industries, the Ministry for Business Innovation and Employment, the Ministry for Housing and Urban Development, Ministry of Transport, Waka Kotahi etc⁷.

⁵ Ministry for the Environment. 2022. National adaptation plan and emissions reduction plan: Resource Management Act 1991 guidance note. Wellington: Ministry for the Environment.

⁶ Page 6 in the above guidance note

⁷ Ministry for the Environment. 2022. Aotearoa New Zealand's first national adaptation plan: Table of actions. Wellington: Ministry for the Environment.

47. While the RMA already requires significant risks from natural hazards and the effects of climate change to be considered and prioritised⁸, the NAP provides more specific context for how these matters should be addressed.
48. MfE's guidance note says that "when having regard to the national adaptation plan, local government should consider how they can manage activities in a way that can contribute to meeting Aotearoa New Zealand's long-term adaptation strategy and goals". These goals are set out in Table 3 below along with commentary on how the PDP aligns with these.

Table 3: PDP alignment with NAP goals

| NAP goal | Example of how it can be addressed in MfE guidance | How PDP as amended by Variation 1 and PFZ as amended by PC19 aligns |
|---|--|--|
| Goal 1: Reduce vulnerability to the impacts of climate change | <ul style="list-style-type: none"> • Consider how the location of sensitive activities and vulnerable people impacts the level of risk. This could include services that provide support for communities and vulnerable populations in hazard events (such as schools, hospitals, emergency services and community services). • Implementing the NPS-FM is a key tool to improve the health and capacity of freshwater bodies to cope with longer, drier, wetter and warmer seasons. | <ul style="list-style-type: none"> • The PDP takes a risk-based approach to managing activities in hazard prone areas as outlined in the Natural Hazards Chapter, the Coastal Environment Chapter, Appendix 10 as outlined in the s32 Evaluation Report Part 2 - Natural Hazards and s32 Evaluation Report Part 2 - Coastal Environment. • Gives effect to the NPS-FM as outlined in section 2.4 of this Report (noting GWRC has primary responsibility for implementation). • The PFZ similarly takes a risk based approach to natural hazards, refer section 7. |
| Goal 2: Enhance adaptive capacity and consider climate change in decisions at all levels | <ul style="list-style-type: none"> • Develop long-term adaptation plans using Dynamic Adaptive Pathways Planning (DAPP)⁹ • Once developed, local government can use their long-term adaptation plan to inform the policies and plans they develop under the RMA. Under the new resource management system, they will also be able use | <ul style="list-style-type: none"> • Council adopted a Climate Change Strategy¹⁰ in December 2020. This strategy sets out a roadmap for adaptation, including DAPP focused on priority areas in Porirua. • Council has established a dedicated Climate Change Team within Council to |

⁸ Ss6(h) and 7(i)

⁹ Defined in the NAP as: "A framework that supports climate adaptation decision-making by developing a series of actions over time (pathways). It is based on the idea of making decisions as conditions change, before severe damage occurs, and as existing policies and decisions prove no longer fit for purpose" (Page 182, refer also section 9.9.3 of Coastal Hazards and Climate Change: Guidance For Local Government. Wellington: Ministry for the Environment.)

¹⁰ Rautaki o Te Ao Hurihuri - Porirua City Council's Climate Change Strategy 2021–2024 (December 2020)

| | | |
|--|--|---|
| | these plans to inform regional spatial strategies. | implement this strategy. This Team is setting out a forward programme to undertake DAPP for priority areas. It is possible the District Plan may need to be reviewed in the future to give effect to DAPP, including any new hazard modelling. |
| Goal 3: Strengthen resilience | <ul style="list-style-type: none"> • RMA plans and policy statements can consider a range of methods to avoid, accommodate and protect. Possible methods include: <ul style="list-style-type: none"> – setting infrastructure back from vegetation to reduce fire risk – raising floor levels above projected flood levels. – using adaptable types of buildings, such as amphibious or floating houses – maintaining or improving existing flood or coastal-protection structures • The NPS-UD and RMA-EHS provides an opportunity to strengthen resilience to climate change by giving councils discretion through qualifying matters to be less enabling of development where intensification may be inappropriate. • Implement the NPS-FM and NPS-UD and, once operative the NPS-IB. | <p>The PDP:</p> <ul style="list-style-type: none"> • Does not require infrastructure to be set back from vegetation for fire risk. • Requires floor levels on new buildings or additions to existing buildings to be above 1:100 flood level (NH-R2, NH-R6), provides consenting pathway where this breaches maximum building heights (RESZ-P8.6). • Does not restrict adaptable buildings as long as other building and structures rules met (noting floating buildings likely within the CMA and outside PCC jurisdiction since there are no lakes or navigable rivers). • Enables maintenance and improvement of flood and coastal protection structures (NH-R2, CE-R5). • Gives effect to the RMA-EHS, NPS-UD, and NPS-FM as outlined in sections 2.3 and 2.4 of this Report. • Includes Natural Hazard overlays to manage risk in intensification areas. • The PFZ takes a similar approach, refer section 7. |

49. The NAP sets out four immediate priorities for action from 2022 until 2028. MfE's guidance note says that councils should consider these four immediate priorities when they set their own planning priorities. These priorities are set out in Table 4 below along with commentary on how the PDP aligns with them.

Table 4: PDP alignment with NAP priorities

| NAP priority | Example of how it can be addressed in MfE guidance note | How PDP as amended by Variation 1 and PFZ as amended by PC19 aligns |
|---|--|--|
| Priority 1: Enabling better risk-informed decisions | <ul style="list-style-type: none"> • The Government has developed information, guidance and tools to help people understand climate risks. In using these tools and other existing resources, local government can assess, and make decisions related to, the climate risks in their regions. • As more data becomes available, local government can use it to inform their planning processes | <ul style="list-style-type: none"> • Natural hazard mapping and policy based on best practice approaches, sound evidence base and in line with MfE Guidance¹¹. • New information can be incorporated into future plan changes. |
| Priority 2: Driving climate-resilient development in the right locations | <ul style="list-style-type: none"> • Until RM system reformed, use existing powers to drive climate-resilient development in the right places. • Implement the NZCPS and NPS-FM • Make use of other opportunities including: <ul style="list-style-type: none"> – developing future development strategies that recognise climate risks as constraints on future development – working with Kāinga Ora – Homes and Communities to look for climate-resilient development opportunities, using the Urban Development Act 2020 – working with major infrastructure providers on long-term plans for new bulk infrastructure services, considering how the timing and location can be managed for improved climate resilience. | <ul style="list-style-type: none"> • Enables medium density across existing footprint, and higher density where services and public transport routes. The Natural hazards chapter also ensures that additional density isn't allowed in inappropriate locations. • Enables an urban form that creates more efficient movement and distribution of land use activities across the City. • Gives effect to the RMA-EHS, NPS-UD, and NPS-FM as outlined in sections 2.3 and 2.4 of this Report. • Parallel planning projects are underway including: <ul style="list-style-type: none"> – Development of a Future Development Strategy for the Wellington Region – Consideration of a Specified Development process for the Northern Growth Area |

¹¹ Ministry for the Environment (2017) Coastal Hazards and Climate Change: Guidance For Local Government. Wellington: Ministry for the Environment.

| | | |
|--|--|---|
| | | <ul style="list-style-type: none"> – Long term planning for infrastructure upgrades. |
| Priority 3: Considering adaptation options, including managed retreat | <ul style="list-style-type: none"> • The NAP outlines work planned to improve the legislative tools and information available to local government, and update their functions, so they can explore these options with communities. These changes will take time, but local government should continue planning for these options in the meantime, particularly for communities facing the greatest risks or likely to be affected sooner. | <ul style="list-style-type: none"> • As above, Council adopted a Climate Change Strategy in December 2020. This strategy sets out a roadmap for adaptation, including DAPP focused on priority areas in Porirua. |
| Priority 4: Embedding climate resilience across government | <ul style="list-style-type: none"> • The Government will embed climate resilience into all its strategies and policies related to the national adaptation plan's outcome areas. | <ul style="list-style-type: none"> • Any amended national strategies and policies can be considered in future plan reviews. |

50. In summary, the PDP as amended by Variation 1 and the PFZ as amended by PC19 largely aligns with the NAP. The only specific example from MfE's guidance note not addressed by the PDP is "setting infrastructure back from vegetation to reduce fire risk". This issue can be considered in future plan reviews as it was not sought through any submission that I am aware of. In the meantime, and depending on the proposal / relevant plan provisions, this could be taken into account as an "other matter" when considering a resource consent application under s104 or when making a recommendation on a NOR under s171.
51. Potential further work to align with the NAP may include reviewing plan settings following upcoming changes to national and regional policy including:
- The Future Development Strategy for the Wellington Region is published in 2023 as required by the NPS-UD;
 - GWRC giving full effect to the NPS-FM (this must be completed by 31 December 2024);
 - A scheduled update to the Coastal Hazards and Climate Change: Guidance for Local Government (Ministry for the Environment, 2017) in 2023; and
 - Any other amendments to regional or national policies and guidance.

2.2.2 Emissions Reduction Plan

52. The ERP contains strategies, policies and actions for achieving New Zealand's first emissions budget and contributing to global efforts to limit global temperature rise to 1.5°C above pre-industrial levels. It contains interim targets that step towards net zero emissions by 2050. For

example, reducing the total kilometres light vehicles travel by 20 per cent by 2035. The five principles are:

1. *Playing our part*
2. *Empowering Māori*
3. *Equitable transition*
4. *Working with nature*
5. *A productive, sustainable and inclusive economy*

53. MfE's guidance outlines the ways in which councils can support these principles in RMA plan development¹²:

- *When developing RMA-related plans, local government should consider climate change issues and the role that RMA plans have in reducing greenhouse-gas emissions.*
- *Elevate and enable tangata whenua participation, mātauranga Māori and kaitiakitanga in RMA and integrated non-RMA planning that relates to climate change. Examples include helping iwi and hapū authorities to access, collect and understand emissions data to support their roles under the RMA; working with iwi and hapū authorities to integrate their climate strategies and/or management plans into spatial and infrastructure planning; ensuring infrastructure planning for low-emission outcomes supports Māori aspirations for their land and water; and ensuring local mātauranga Māori informs biodiversity outcomes, policies and methods.*
- *Strategically plan for – and support – a transition that achieves equitable outcomes, seizes opportunities, and removes barriers for local climate action. Examples include planning urban forms that provide easy access to low-emission transport options and regulation that enables local small scale electricity generation.*
- *Prioritise and encourage nature-based solutions that reduce emissions and have multiple co-benefits. Examples include where a coastal environment affected by rising sea levels and severe weather events, restoring coastal wetlands or dunes rather than using a hard engineering solution, such as a seawall; and in an urban environment blue green infrastructure such as urban trees or water sensitive design.*
- *Integrate RMA-related plans with non-RMA strategies and spatial plans, and funding and financing decisions, so that decisions on reducing emissions have a meaningful impact.*
- *RMA-related plans should complement other initiatives in the emissions reduction plan, such as emissions pricing; funding and financing; planning and investment; research, science, innovation and technology; and circular economy and bio economy.*

54. The PDP and Variation1/PC19 were developed with consideration of climate change and reducing emissions. This was predominantly through the design of an urban form that creates more efficient movement and distribution of land use activities across the City. The PDP/PFZ seeks to achieve emissions efficiency in various ways including good urban design (through zone standards and use of urban design guides), intensification around rapid transit and centres, provision for local commercial centres (households can source convenience goods without travelling to a bigger centre) and enabling home business. The PDP/PFZ also seeks to enable multi-modal transport and renewable electricity generation (including small-scale generation).

¹² Page 18, MfE Guidance note

The Natural Hazards Chapter enables nature-based solutions to natural hazards (for example NH-P10 and NH-R3 in the PDP).

55. However, the district plan is only part of the solution. There are insufficient levers at a regional/local level to reduce emissions from the existing vehicle fleet for example, and many potential measures require national regulation such as subsidies for electric vehicles, increased fuel taxes etc. Further, district plans can only address future use, development and subdivision and cannot require change of existing use and development.
56. The ERP has chapters on seven sectors. Each chapter sets out what actions the sector can take to reduce emissions. MfE's guidance outlines examples of how the RMA can support initiatives in these sectors. These priorities are set out in Table 5 below along with commentary on how the PDP aligns with them.

Table 5: PDP alignment with ERP sector actions

| ERP sector | Example of RMA plans can support this sector in MfE guidance note | How PDP as amended by Variation 1 and PFZ as amended by PC19 aligns |
|-----------------------------------|---|--|
| Transport sector | <p>RMA-related plans can support strategic and spatial planning for low-emission transport by integrating land use, urban development or growth, transport planning and investment that:</p> <ul style="list-style-type: none"> • enables people to live in communities with access to convenient, affordable and frequent public transport, and safer walkways and cycle lanes • enables mixed-use, medium- and high-density zoning that supports the efficient use of public transport, walking and cycling infrastructure • reduces or discourages activities that can increase transport emissions • enables strategic planning for the development and effective operation of the transport infrastructure required to lower emissions • makes electric vehicle charging facilities and bicycle parking available in areas where people live and work • supports the transition to decarbonisation of freight, public transport, aviation, and maritime transport. | <ul style="list-style-type: none"> • As outlined above, the PDP and PFZ seek to achieve an urban form that creates more efficient movement and distribution of land use activities across the City Zoning pattern and centres hierarchy. It enables intensification around rapid transit and centres, multi-modal transport options. • Neither the PDP or PFZ specifically discourages activities that increase emissions. <p>Some of these matters are outside the scope of a district plan including:</p> <ul style="list-style-type: none"> • operation of transport infrastructure • making electric vehicle charging facilities available • decarbonisation of freight etc |
| Energy and industry sector | <ul style="list-style-type: none"> • Support enabling, and strategic and spatial planning for low-emission fuels, renewable electricity generation | <ul style="list-style-type: none"> • The PDP and PFZ enable renewable electricity generation (including small |

| | | |
|---|--|--|
| | <p>(including small scale generation) and transmission and distribution infrastructure.</p> <ul style="list-style-type: none"> • Support working towards a reduced reliance on fossil-fuel baseload electricity generation in an affordable way that maintains reliability. • Support the decarbonisation of Aotearoa industries by managing the discharge to air of emissions from the production of heat for industrial processes, and support working towards the managed phase out of fossil fuels in energy and industry. | <p>scale generation). The PDP also supports transmission infrastructure.</p> <p>Some of these matters are outside the scope of a district plan including:</p> <ul style="list-style-type: none"> • Development and operation of electricity generation facilities • Discharges to air which are a regional council function. |
| Building and construction sector | <ul style="list-style-type: none"> • Support removing or reducing barriers that prevent buildings being constructed and operated with lower emissions. This includes supporting appropriate building typologies, reusing or repurposing existing buildings, and supporting energy-efficient building design. • Support strategic and spatial plans that include infrastructure for minimising, recycling or reusing building, construction and deconstruction materials. | <ul style="list-style-type: none"> • The PDP and PFZ enable a range of housing typologies and requires good urban design (through zone standards and use of urban design guides). <p>Some of these matters are outside the scope of a district plan:</p> <ul style="list-style-type: none"> • The construction and operation of buildings • The management of construction waste. |
| Agriculture sector | <ul style="list-style-type: none"> • Support enabling adoption of mitigation technologies in farm practices. • Support farm planning as a tool to manage emissions from agriculture, and use of land for productive and more sustainable purposes. • Support enabling rural digital connectivity. | <p>These matters are outside the scope of a district plan.</p> |
| Forestry sector | <ul style="list-style-type: none"> • Support enabling afforestation, strategically planning and managing to achieve the right type and scale of forests in the right places. • Support encouraging native planting and the significant biodiversity benefits it brings. • Support forestry management that improves climate change resilience. | <ul style="list-style-type: none"> • The PDP and PFZ enable conservation activity, and protect significant biodiversity values. <p>Some of these matters are outside the scope of a district plan:</p> <ul style="list-style-type: none"> • Afforestation (NES-PF) |

| | | |
|---------------------------------|--|---|
| | <ul style="list-style-type: none"> • Support maintaining the extent of existing forests and their role as carbon sinks. • Support enabling the forestry and wood processing industry to transition producing low carbon products. | <ul style="list-style-type: none"> • Forestry management and wood processing |
| Waste sector | <ul style="list-style-type: none"> • Support enabling outcomes consistent with the circular economy. This includes, enabling the reuse of materials in buildings or infrastructure and providing for sufficient waste collection space in urban development. • Support enabling and strategically planning for the development of the waste facility infrastructure required, at pace and scale. • Support managing landfills in terms of their disposal of organic waste, separation of materials, and landfill gas capture. | These matters are outside the scope of a district plan. |
| Fluorinated gases sector | <ul style="list-style-type: none"> • Support efforts to reduce fluorinated gas emissions by enabling infrastructure required to reduce or remove fluorinated gas emissions | These matters are outside the scope of a district plan. |

57. In summary, the PDP as amended by Variation 1 and PC19 largely align with the ERP. The only specific example from MfE's guidance note not fully addressed by the PDP is "reduces or discourages activities that can increase transport emissions". As outlined above, Council does not know the emissions profile of the use, development and subdivision enabled, provided for or discouraged by the PDP/PFZ, let alone any alternatives. National direction or guidance would be required to assist in determining what activities should be discouraged and how all activities addressed in the PDP/PFZ directly or indirectly produce emissions to some extent. Even some of the more seemingly benign activities permitted in the PDP/PFZ have a carbon footprint, including conservation activity which involves vehicles.
58. There is potentially further work to align the PDP/PFZ with this ERP direction; however, this is best undertaken through a future plan change process.

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

59. 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 into all relevant residential zones (s77G(1));
 - Implementing the urban intensification requirements of the 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)).
60. The required plan changes and variations must be undertaken using an Intensification Planning Instrument (IPI) in accordance with 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 section 80F of the RMA, Council was required to notify its IPI by 20 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.
61. The primary focus of Variation 1 and PC19 is to achieve the above requirements of the RMA as amended by the RMA-EHS.

2.4 National Policy Statements Gazetted since PDP Notification

2.4.1 NPS-FM and NES-F

62. 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 Overview to 32 Evaluation (2020). 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.
63. The Government subsequently amended the NPS-FM on 8 December 2022 to:
- clarify the definition of a natural inland wetland;
 - provide consent pathways for certain activities;
 - make restoration and wetland maintenance easier to undertake; and
 - improve the clarity of policies, reduce the complexity of drafting and, in some cases correct errors.
64. The NES-F was also amended on 8 December 2022 so its wetland provisions no longer apply to wetlands in the coastal marine area.
65. These changes predominantly affect consenting processes with regard to wetlands, and I consider that there is no impact on recommendations made in response to submissions made in any of the s42A reports provided to the Panel.

2.4.2 NPS-UD

66. 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 policies 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.
67. The City's urban zones represent key locations to achieve the above intensification and well-functioning urban environment outcomes. Variation 1 and PC19 has been promulgated to give effect to the NPS-UD, particularly the requirements to achieve greater intensification within urban environments. More evaluation of how the NPS-UD is given effect to is available in Section 32 Evaluation Report - Part B Urban Intensification - MDRS and NPS-UD Policy 3.
68. A later variation or plan change will be required to insert the housing bottom line as set out in clause 3.36(4). The relevant housing bottom lines were directly inserted into the Regional Policy Statement for the Wellington Region 2013 (RPS) on 19 August 2022 as Objective 22A and Table 9A under section 55(2) of the RMA.

2.4.3 National Policy Statement on Highly Productive Land

69. The NPS-HPL provides direction to councils on how to map and zone highly productive land, and manage the subdivision, use and development of this resource. It was gazetted on 12 September 2022 and came into force on 17 October 2022 (Variation 1 and PC19 were notified prior to the NPS-HPL either being gazetted or coming into force).
70. 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.
71. 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.

72. The LUC map attached as Appendix G was provided by GWRC to Council in September 2019 with the caveat that it was produced at a national scale and was potentially significantly inaccurate if applied at a property level. Therefore, a property accurate LUC map with the PDP overlaid will require a change to the RPS as outlined below. Notwithstanding this, in the Appendix G map:
- There is a pocket of LUC 2 soils in Judgeford Flats/Moonshine Road area. This covers approximately half of the Judgeford Future Urban Zone.
 - There is a similar size pocket of LUC 2 soils up Paekākāriki Hill Road in the Battle Hill area.
 - There is a smaller pocket of LUC 3 soils in the south-west corner of the Plimmerton Farm Zone in the ODP predominantly to the north of the High Density Sub Precinct in Precinct A (known as Precinct D in earlier plans).
 - Other pockets of LUC 3 soils are up the Kakaho Valley, Motukaraka Point, Paekākāriki Hill Road through to Battle Hill, Pāuatahanui Village area (Settlement Zone), the lower portion of Murphy's Road, and the upper portion of Mulhern Road.
73. Council's analysis of the NPS-HPL determines the relevant obligations to be as follows:
- By September 2025 GWRC must map in their RPS where LUC 1,2,3 soils are located, with the requirement that they are 'large and geographically cohesive areas' in our General Rural Zone (3.4(1)).
 - However, land 'identified for future urban development' at the commencement date must not be mapped as HPL (3.4(2)). This is defined as land identified in a Future Development Strategy or strategic planning document 'at a level of detail that makes the boundaries of the area identifiable in practice'.
 - After being mapped in the RPS, Council would then have six months to include maps of these HPL areas in the District Plan without using a Schedule 1 process (3.5(2)).
 - PCC also has two years to undertake a plan change (4.1) that seeks to avoid subdivision of HPL except in limited circumstances (3.8).
74. Further to this analysis, live zoned greenfield residential areas and areas identified as Future Urban Zone in the PDP are determined not to be HPL, specifically:
- Precinct A in the Plimmerton Farm Zone is residentially zoned so this cannot be considered HPL under clause 3.4 and 3.5.
 - The Future Urban Zone in Judgeford Flats is zoned for future urban development in the PDP, and it is also identified for future urban development in two other strategic planning documents: the PCC 2018 Growth Strategy and the Wellington Regional Growth Framework.
 - Further, it is unclear whether either pocket of soils could be considered to form a 'large and geographically cohesive area', and it would have been helpful to have a definition or policy guidance on this in the NPS-HPL. Councils may allow urban rezoning of highly

productive land where required to meet demand for housing and business land under the NPS-UD (3.6(1)), although there are some caveats to this.

75. With respect to rezoning of land to Rural Lifestyle Zone, councils must avoid rezoning highly productive land as rural lifestyle (3.7(1). It is worth noting that there is a significant overlap of the RLZ in the PDP with LUC 3 soils (in Kakaho Valley, Motukaraka Point, and Paekākāriki Hill Road through to Battle Hill), although these may not qualify as being 'large and geographically cohesive'.

76. However, the Panel should note clause 3.5(7)(b)(ii):

(7) Until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy Statement as if references to highly productive land were references to land that, at the commencement date:

(a) is

(i) zoned general rural or rural production; and

(ii) LUC 1, 2, or 3 land; but

(b) is not:

(i) identified for future urban development; or

(ii) subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.

77. This clause means that the NPS-HPL will not have any bearing on decisions on submissions before the Panel.

2.5 Section 32AA

78. I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA. 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).

79. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to overarching provisions 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 Regional Policy Statement

2.6.1 Wellington Regional Policy Statement 2013 (RPS)

80. The Overview to s32 Evaluation (section 3.6) and topic based s32 Evaluation reports¹³ give a detailed outline of how Variation 1 and PC19 give effect to the RPS where relevant.

2.6.2 Proposed Change 1 to the RPS

81. After Variation 1 and PC19 were notified on 11 August 2022, GWRC notified changes to the RPS through Proposed Change 1 on 19 August 2022.

82. According to GWRC¹⁴, these changes were to account for new national direction and include:

- *Enabling urban development and infrastructure in appropriate locations. Encouraging more intensive urban development that is sensitive to the environment and meets the needs of more people.*
- *Developing objectives with our mana whenua partners to protect our waterways, including:*
 - *How Te Mana o Te Wai applies to freshwater in the region.*
 - *Long-term visions for freshwater bodies in areas with completed whitua processes.*
- *Responding to the climate emergency:*
 - *Through provisions to reduce emissions.*
 - *By recognising the role that natural ecosystems play.*
 - *By reducing the impacts of climate change.*
- *Strengthening the existing provisions for indigenous ecosystems to maintain and restore ecosystem processes and biodiversity generally, not just significant biodiversity.*

83. Section 74(2)(a) of the RMA requires that Council “have regard to” a proposed RPS when changing a district plan.

2.6.2.1 Weighting

84. Proposed Change 1 is a substantial change in regional policy direction, and it comes during a period of extensive change to national direction including: amendments to the RMA (December 2021), introduction of the NPS-HPL (September 2022), amendments to NPS-FM and NES-F

¹³ Part B - Urban intensification section 4.7; Part B – Plimmerton Farm Intensification section 3.7; Part B – Flood Hazard Maps section 4.9; Part B – Northern Growth Area Development section 4.12.

¹⁴ GWRC webpage on Proposed RPS Change 1 - summary of changes (downloaded 13 December 2022)

(December 2022). It is likely therefore that Proposed Change 1 will need to be significantly revised through the Schedule 1 process to align with new national direction.

85. There are also a number of submissions challenging provisions within Proposed Change 1. In my opinion, the combination of both of these factors (national direction change and opposition) means that Change 1 should be given minimal weighting under s74(2) until it has progressed further through the Schedule 1 process.

2.6.2.2 *Scope*

86. GWRC has submitted seeking changes to Variation 1 and PC19 to give effect to Proposed Change 1 to the RPS (as notified). These submission points are addressed individually though this report and Part B topic-based reports.
87. GWRC has addressed scope in their submission, and appears to rely on the relief sought comprising 'related provisions'. However, no reasoning has been provided as to why or how the relief sought is related to any mandatory requirements. Because no clear link has been drawn between the relief sought and the mandatory requirements, I consider that many of these submission points may be out of scope. I anticipate that legal submissions will address this issue.

2.6.2.3 *Overarching issues with RPS*

88. A key concern for Council, as articulated in our submission on Proposed Change 1¹⁵, is that the Proposed Change 1 provisions, including definitions, have not been drafted in a way that readily provides for their efficient implementation. There is a lack of clarity with the drafting of those provisions which, in conjunction with broadly expressed submission points from GWRC, makes it challenging to understand what relief is being sought by GWRC. Some examples are given later in this Report. Council considers that the provisions need a major overhaul and redraft and has requested through its submission that GWRC either withdraw Proposed Change 1, or immediately commence a variation to redraft the provisions.

2.6.2.4 *Implementation timing*

89. Proposed Change 1 as notified will require Council to undertake a significant district plan review by 30 June 2025. I consider that it would be more efficient and effective to give effect to Proposed Change 1 through a future plan change(s) once decisions are made on the PDP and PC19.
90. Further, many of the provisions in Proposed Change 1 require actions by GWRC before they can be fully implemented. This is particularly the case for freshwater management where the GWRC is yet to give effect to the NPS-FM through setting freshwater objectives and limits in the PNRP. As district plans must be consistent with regional plans (s75(4)), it would be more efficient to align the PDP with the PNRP once it has been amended to give effect to the NPS-FM.

¹⁵ [Porirua City Council Submission on Proposed Change 1 \(14 October 2023\)](#)

2.7 Other statutory documents

2.7.1 Wellington Regional Growth Framework

91. Since the PDP was notified in August 2020, the Wellington Regional Growth Framework has been developed. This is addressed in detail in the overarching s32 Evaluation in section 3.7, including how Variation 1 and PC19 align with it.

2.7.2 Future Development Strategy for the Wellington Region (FDS)

92. Work has begun on the first FDS under the NPS-UD subpart 4. The FDS is effectively the next iteration of the Wellington Regional Growth Framework. It will set out a long-term plan to ensure a 'well-functioning' urban environment, showing where growth will be, in what form, and what infrastructure is needed to support that growth. Both the FDS and next HBA must be ready by June 2023, to inform the 2024-34 LTP.
93. While there is not yet a draft and it will not have a bearing on decisions on submissions, this work programme is noted for the Panel's information. A further plan change may be needed to give effect to the FDS, and it is likely that this would be combined with a wider review to give effect to Proposed Change 1 to the RPS and recently introduced or amended national direction.

2.8 Trade Competition

94. Trade competition is not considered relevant to the overarching provisions of the PDP.
95. There are no known trade competition issues raised within the submissions.

3 Public Notification

96. Variation 1 and PC19 were notified on 11 August 2022. In addition to the formal public notice, the notification communications strategy included:
- Writing to all ratepayers in the City, and other parties as required by Schedule 1. The letter provided instructions on how to access the ePlan and make a submission.
 - Writing to all individuals, groups and stakeholders who have previously submitted on the PDP.
 - Media releases through established Council social media channels advising of notification of Variation1/PC19 and instructions on how to make a submission.
 - Sending a media release to all mainstream news outlets, and newspaper adverts placed in all major daily newspapers in accordance with statutory requirements.
 - Council planning team officers were available via phone or email during business hours to respond to PDP queries.
 - A friend of the submitter service was provided through the submissions phase and will continue throughout the hearings process. This is an independent planning advisor who can assist members of the public and groups make submissions.
97. The PDP is displayed in ePlan format on the Isovist platform, which is accessible from the Council website. It complies with the National Planning Standards in terms of content and structure and being no more than 'three clicks' from the home page. The ePlan has GIS functionality that complies with planning standard requirements.

4 Submissions

4.1 Submissions Received

98. The submissions period for Variation 1 and PC19 ran from 11 August 2022 to 12 September 2022. Council received 118 submissions.
99. Summary of Decisions Requested reports were publicly notified on 20 October 2022. The summary report is in two parts: firstly by submitter and secondly by chapter/topic. Each submission was numbered, and every decision requested has been assigned a unique submission point reference number.
100. The further submissions period for Variation 1 and PC19 ran from 20 October 2022 to 3 November 2022. Council received a total of 25 further submissions.
101. All original and further submitters on Variation 1 and PC19 are set out in Appendix F.
102. There are also a number of submission points and further submission points remaining to be heard on the PDP. Appendices D and E have a full list of submitters, and Appendix B sets out the specific submission points still yet to be heard.

4.2 Submissions deemed to be on Variation 1

103. This report addresses both submissions on Variation 1/PC19, as well as remaining submission points on the PDP that have not yet been addressed in s42A reports for hearing streams 1 through 6 (i.e. submission points received in November 2020).
104. Throughout this report, original submission points on Variation 1/PC19 have the prefix of 'OS' in front of the submission point, whereas PDP submissions do not.
105. In relation to submissions on the PDP, the accept/reject table in Appendix B of parts A and B of this report identifies whether or not the submission point is deemed to be on Variation 1 under clause 16B(2) to Schedule 1 of the RMA.
106. Where they are deemed to be on Variation 1, they are considered within the scope and purpose of Variation 1.
107. There are only two submission points that officers consider should not be deemed to be on Variation 1, which are:
 - Robyn Smith [168.36]:

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).
 - Titahi Bay Residents Association [95.2] seeks a definition be added as follows:

Motor vehicle (coastal marine area) means a man-made device for land transport, including but not limited to cars, trucks, heavy machinery, motorbikes and bicycles, and does not include prams, strollers, wheelchairs or other mobility scooters used by persons

4.3 Late Submissions

108. There were four late submissions on Variation 1/PC19 in total as tabled below:

| Submission number | Submitter name | Date submission received |
|-------------------|-------------------------------|--------------------------|
| 96 | Joy Herbert and Frank Herbert | 13/10/22 ¹⁶ |
| 103 | Claire and Brad Keenan | 16/09/22 |
| 113 | Elizabeth Charlton | 14/09/22 |
| 114 | TROTR | 16/09/22 |

109. There was one late further submission as tabled below:

| Submission number | Submitter name | Date further submission received |
|-------------------|----------------|----------------------------------|
| 114 | TROTR | 11/11/22 |

110. All timeframe extensions requested by submitters were approved under delegated authority by the General Manager of Policy, Planning and Regulatory Services, Ms Nic Etheridge, under s37 of the RMA.

4.4 Incomplete Submissions

111. There were no incomplete submissions in terms of Form 5 or Form 6 requirements under the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

112. The further submission from Fiona Daniel [Submitter 119] appears to have a formatting issue on page 3 of their submission where some of the table runs off the right-hand side of the page. Attempts to contact the submitter to establish if any information was missing was unsuccessful.

4.5 Withdrawn Submissions

113. There have been no submissions or submission points withdrawn.

¹⁶ This submitter made a submission within the notified period, however the submitter thought the example text in the Form 5 was part of the proposal. Council officers contacted the submitter to clarify their submission point, and the submitter confirmed that they did not read the instructions carefully and wanted to amend their submission accordingly. As such, a s37 extension was considered to be necessary.

4.6 Consultation Processes Post-Notification

114. Council officers have undertaken further analysis in response to submissions made in order to inform both Part A and Part B s42A evaluation reports. This has included, where necessary, seeking expert evidence and direct consultation with submitters and their experts.

5 Decision Making Process

5.1 Appointment of a Hearings Panel

115. Council has appointed a Hearings Panel comprising a Chair and four commissioners to hear, consider and make decisions on submissions on the PDP including Variation 1 and PC19.
116. The Panel was selected via an Expression of Interest approach on the Government's Electronic Tender Service. The Panel was selected based on attributes and the relevance of their specific skills, knowledge and other attributes relevant for the PDP hearings process. The reason for the Expression of Interest approach was to give equal opportunity to the market and to encourage participation.
117. The Panel is comprised of independent RMA commissioners with both general and specific skills and knowledge relevant to the PDP and the submission points raised.
118. Council is required under s34A(1A) to consult iwi authorities about whether it is appropriate to appoint a commissioner who understands tikanga Māori and the perspectives of local iwi or hapū. Council consulted with TROTR in the process of appointing the Panel.
119. The Panel has been tasked with considering the submissions received, hear those submitters who wish to be heard, and make decisions on the matters raised in the submissions.

5.2 Procedures and Timeframes for Decision Making

120. Under Clause 10 of Schedule 1 of the RMA, Council has a period of two years in which to make decisions on submissions on the PDP. The ability to make these decisions was delegated to the Hearings Panel through a resolution by Te Puna Kōrero on 15 July 2021.
121. In response to the RMA-EHS, Council subsequently notified Variation 1 and PC19 meaning this two year time frame could not be met.
122. The Minister for the Environment issued a direction in the NZ Gazette on 27 April 2022 to a number of councils including Porirua requiring decisions on these submissions to be notified by 20 August 2023.
123. Council lodged an application with the Minister for the Environment for an extension of time (until 20 August 2023) to issue a decision on the PDP including Variation 1 as well as PC19 to the ODP.
124. The reasons for this requested extension include:
 - aligning with the timeframes for the IPI implementing the requirements under the RMA-EHS; and
 - providing procedural certainty to the Council, the Independent Hearing Panel, and all other parties.
125. The Minister for the Environment wrote to Council granting this extension on 7 October 2022. The extension was publicly notified on 20 October 2022.

5.3 Decisions process under IPI

126. Appendix B of Part A and Part B of this s42A Report sets out submission points that are either on Variation 1, or deemed to be on Variation 1. The Hearings Panel makes recommendations to each council on these submission points¹⁷.
127. Council then must consider these recommendations and notify a response. If Council decides to reject a recommendation, it must provide reasoning and may provide an alternative recommendation. The Minister for the Environment becomes the decision-maker on those matters¹⁸.
128. There is no right of appeal against any decision or action of the Minister, a specified territorial authority, or any other person.

5.4 Decisions process for other submission points

129. There are a number of submission points that are not on the IPI but are yet to be heard by the Panel. These points are clearly identified in Appendix B of both Part A and Part B of this s42 Report. The ability to make these decisions was delegated to the Hearings Panel and are not subject to the IPI. The usual rights of appeal remain available on these decisions.

¹⁷ This process is outlined in clauses 99 and 100, Part 6, Schedule 1 of the RMA,

¹⁸ This process is outlined in clauses 101 to 106, Part 6, Schedule 1 of the RMA,

6 Hearings

130. There are seven hearing streams in total. At this stage, six of the seven hearing streams have taken place as outlined in the below table:

| | |
|---|---|
| Hearing Stream 1 27 September to 1 October 2021 | Over-arching matters, Plan-wide structural issues, Definitions applying across more than one hearing stream |
| Hearing Stream 2 29 October to 15 November 2021 | Natural Environment Values, Tangata Whenua, Papakāinga |
| Hearing Stream 3 3 December to 10 December 2021 | Hazards and Risks, Historic and Cultural Values |
| Hearing Stream 4 8-9, 11, 14 - 15 February 2022 | Energy, Infrastructure and Transport, General District-Wide Matters |
| Hearing Stream 5 16, 17, 18, 20, 23, 24 and 25 May 2022 | Subdivision, Rural Zones, Open Space and Recreation Zones, Special Purpose Zones, Future Urban Zone |
| Hearing Stream 6 27 and 28 June 2022 | Designations |
| Hearing Stream 7 Commencing 13 March 2023 | Variation 1, Plan Change 19, Residential Zones, Commercial and Mixed-Use Zones |

131. The Hearings Panel released Minute 1 which sets out the draft hearings procedures. A hearings procedures conference was held to discuss the procedures at Te Rauparaha Arena on Monday 2 August 2021. Approximately 60 submitters attended the hearings procedures conference.
132. Based on feedback from submitters, Minute 2 was released on 17 August 2021 which set out the finalised hearings procedures.
133. The Panel most recently provided an update on hearings arrangements through Minute 52 released 16 November 2022. This set out key dates and procedures for the final hearing stream.
134. The Hearings Administrator is the key point of contact with submitters for all hearings related matters.
135. An independent 'Friend of the Submitter' service is available for the duration of the hearings if any submitters need assistance preparing for a hearing or speaking to their submissions.

7 Submissions on Part 1 and overarching matters

7.1 Overview

136. This Part A s42A evaluation report considers submissions received by Council in relation to Part 1 of the PDP, as well as any overarching or plan-wide matters that do not “fit” as part of a topic or chapter. Part B considers submissions relating to particular topics/chapters as follows:

- Section 42A Report – District Wide Matters
- Section 42A Report – FENZ and RNZ
- Section 42A Report – FUZ, HOSZ and OSZ
- Section 42A Report – NG-DEV-Northern Growth Development Area
- Section 42A Report – Plan Change 19
- Section 42A Report – Residential zones
- Section 42A Report – Commercial and mixed use zones

7.1.1 Report Structure

137. Submissions on Part 1 and overarching or plan-wide matters that did not “fit” within another topic or chapter (which raised a number of issues) have been grouped into sub-topics within this report. 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.

138. 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.

139. Due to the number of submission points, this evaluation does not make specific recommendations on each submission point, but instead discusses the issues and themes raised. 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.

140. 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.

7.1.2 Format for Consideration of Submissions

141. 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 assessment.
142. The recommended amendments to the relevant chapters are set out in Appendix A of this report where all text changes are shown in a consolidated manner.
143. I have undertaken a s32AA evaluation where there are recommended amendments to provisions in my assessment.

7.2 Scope of the IPI

7.2.1 Matters raised by submitters

144. Ian McKeown [OS44.2] seeks a deferral of the IPI until the next LTP in July 2024 so “all relevant issues can be dealt with and considered as a whole rather than a piece meal approach as per the current pathway.”
145. He Ara Pukerua [OS57.1, OS57.2] nominate two features with historic value for protection at 310 State Highway 59, including a trench and horse trough used by the home guard in World War Two.

7.2.2 Assessment

146. The deferral of the IPI sought by Ian McKeown is not an option open to Council. Council was required to notify its IPI by 20 August 2022 under s80F(1) of the RMA, and is required to make decisions by 20 August 2023 under direction by the Minister for the Environment.
147. The site referred to by He Ara Pukerua at 310 State Highway 59 is located to the north of Plimmerton Farm and south of the Northern Growth Development Area as shown in Figure 1 below. The land is zoned rural in the ODP, and a combination of FUZ-Future Urban Zone, RLZ-Rural Lifestyle Zone and GRZ-General Rural Zone in the PDP.

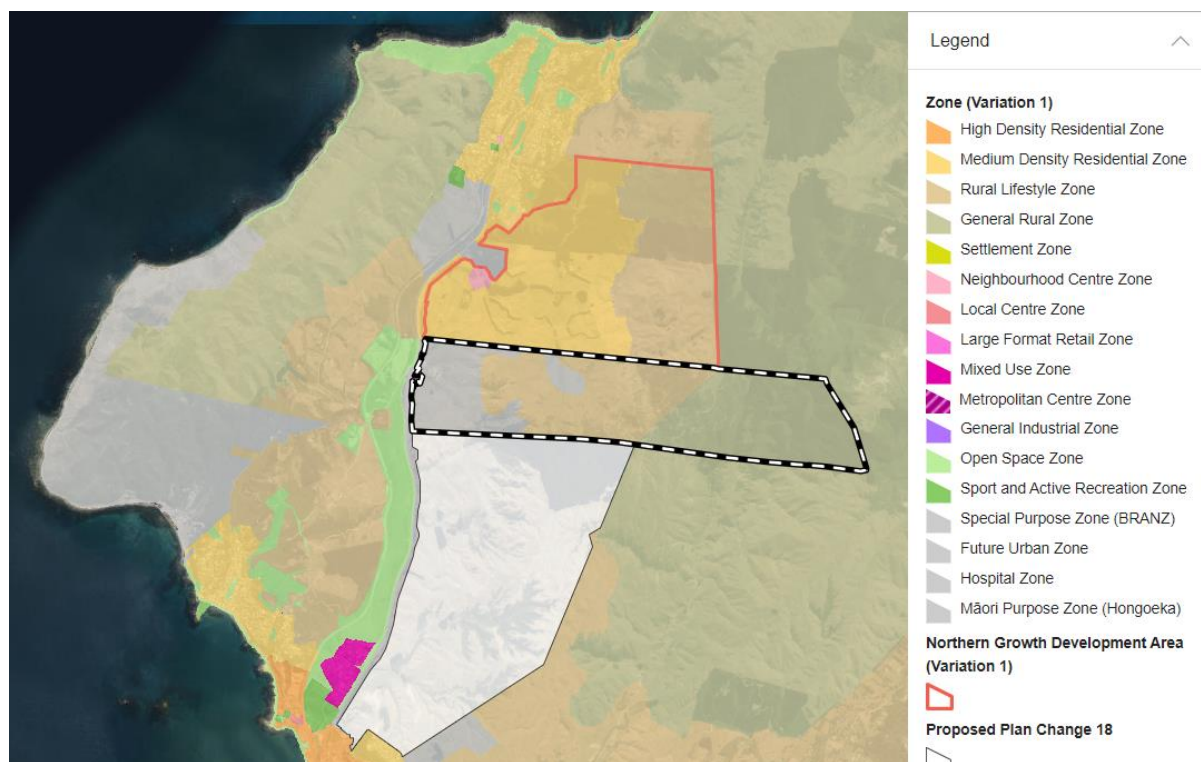


Figure 1: Location of 310 State Highway 59, Pukerua Bay (Part Haukopua East Block)

148. The IPI can only apply to “relevant residential zone”. As none of these zones are residential zones¹⁹, the entire site is therefore outside the urban environment and therefore scope of the IPI. Council will keep record of this submission to consider the matter in future plan changes. I note that submitter did not seek relief seeking that the heritage matters be recognised by submitting on the PDP.

7.2.3 Summary of recommendations

149. I recommend for the reasons given in the assessment, that the submissions from Ian McKeown [OS44.2] and He Ara Pukerua [OS57.1, OS57.2] **be rejected**.

7.3 Scope of the District Plan

7.3.1 Matters raised by submitters

150. A number of submitters raised matters and/or sought decisions that I consider are outside the scope of what can be validly addressed in a District Plan under the RMA.

151. Andrew Wellum raises matters including:

- a. *Developers should meet 100% of the costs of their development, including PCC-related infrastructure costs [OS16.1]*
- b. *The densification developer must purchase immediately adjacent (in front, beside and behind) properties, if requested by those owners, before starting any work, at agreed valuation, or failing*

¹⁹ Residential zones are set out in Standard 4 of the National Planning Standards, Table 4, page 16.

agreement, the average of three registered valuations, two valuers appointed by the seller, and one by the developer. All PCC consents will be subject to this process having been concluded, with owners having received full payment. No full settlement – no consent. [OS16.3]

- c. All new structures, and extensions to existing structures, which use lightweight roofing materials to use white or silver roof colours. All new structures, and extensions to existing structures, to use light coloured cladding (no black or dark colours). [OS16.4]*
 - d. Elected PCC officials and employed PCC staff, must declare (and publish) any potential and actual conflicts of interest, before consents or District Plan changes are considered. PCC, elected PCC officials and PCC staff will have unlimited liability for any harm as a result of directly or indirectly breaching this requirement. [OS16.5]*
 - e. A densified property on a street, will trigger a vehicle speed reduction to 30kmph for the entire street, effective from the consent being granted. [OS16.6]*
 - f. PCC liable to compensate for 25 years from the date of consent or occupancy, whichever is later, for all new structures, and extensions to existing structures (including site works), deemed to have harmed or contributed to harm, of surrounding land and buildings, in particular land slippage / movement. Compensation to be paid to said owners at agreed valuation, or failing agreement, the average of three registered valuations, two valuers appointed by the owner, and one by PCC. [OS16.9]*
152. Charmaine Thomson [OS36.5] seeks “Quality assurance of the tender process and ethical tika environmental considerations e.g., resourcing and assuring replanting where developers might unintentionally damage land, water tables etc.”
153. Amos Mann raises matters including:
- a. Providing incentives for lifts in multi-storey developments [OS38.3]*
 - b. Working with central government to improve accessibility and building performance requirements in the Building Code [OS38.4]*
 - c. Multifunctional community spaces within centres as Climate Action Hubs to support the circular economy, provide space for innovation, education and behaviour change and create a tangible vision of a low carbon future. [OS38.7]*
 - d. Circular economy principles being integrated into the district plan so that waste is minimised and designed out of construction projects, and that resource recovery infrastructure is put in place to manage any remaining waste. [OS38.8]*
 - e. Green spaces that are recreational, food producing, and support biodiversity. Community gardens and green stormwater infrastructure should maximise their value across all these outcomes and the District Plan should support the creation of a sustainable and resilient local food and biodiversity network system. [OS38.9]*
 - f. Support combined / pooled resources for consenting, design review, and other permitting functions, that mean multiple small councils can enjoy high-calibre expertise and economies of scale. [OS38.24]*
154. Pukerua Bay Residents Association [OS47.21] seeks that Council:
- ...allocate dedicated resources to monitoring and evaluating the works to ensure compliance with the DP, resource consents and the provision of medium density housing with a variety of housing types, sizes and tenures envisaged in the DP.*

155. John Cody seeks:

- *Policies and rules that enable the region and neighbourhoods to achieve the public objectives. For example moving to harmonise active provisions across the region, or at least within the metropolitan area, such as inclusionary zones in the vicinity of public transport hubs and minimum density requirements.*

The Panel could also focus the application of policies and rules by providing direction on the content required in the next HBA so the report relates directly to the Objectives of the Variation and NPS-UD 3.23(2). [OS56.1]

- *have the work [initiated by McIndoe URBAN (2020) 'Indicators of Health & Wellbeing '] completed in a form that can be used to assess contributions to the Objectives of the Variation having regard to the scope of related projects e.g. the Wellington Region Genuine Progress Index. [OS56.4]*

156. Benjamin Colbert [OS66.1] and T.C. Papakainga Properties Ltd [OS110.1] seek similar relief in regard to the potential for adjacent landowners to purchase Council land at 97 Conclusion Street that is subject to proposed rezoning from open space to residential through Variation 1.

157. GWRC [OS74.26] seeks the addition of “a rule and associated standard that requires end of trip cycling facilities for staff (showers and lockers). The standard should be scaled for the number of staff cycle parks provided.”

158. Isabella G F Cawthorn [OS83.16, OS83.19] raises matters relating to vehicle congestion and on street parking, as well as seeking that Council better resource its teams.

159. Amos Mann, Rosie Gallagher and Frances Cawthorn seek:

- *Universal accessibility, and active and sustainable travel, must be prioritised for access to public transport...so that people don't need to drive to stations, nor traverse inhospitable park-and-rides once they get there. [OS38.23, OS60.6, OS104.11]*
- *Add a standard requiring that developments adequately accommodate active travel as the building users' first-best choice for accessing it, with universal accessibility as a non-negotiable. [OS38.19, OS60.3, OS104.7]*

160. Vanessa Jackson [OS87.1] raises the following matters:

How do you make my street safe? Provide enough parking for existing residents and new with housing intensification? Will you create drive on for the high side that doesn't have it like on Te Pene at the councils expense? Therefore creating access to new houses off of the road side???

161. Russell Morrison [OS91.5, OS91.6] considers:

...there will also be many other pressures put on community by the extra northern population. Some of these will be welcomed by businesses and shops, etc. Others, however, may well require significant expenditure by the community (via rates) to allow for the additional numbers to be coped with. For instance, it is likely that there will be a need for extra boat launching and trailer parking facilities. Extra parking for commuters will need to be catered for. Dog exercise areas and enforcement resources will also be put under pressure. [Assurances] should be sought from PCC that these sorts of matters can be provided for in a timely manner without damaging the character of our existing communities and the environment.

...there will also be many other pressures put on community by the extra northern population. Assurances should be sought from PCC that these sorts of matters can be provided for in a timely manner without damaging the character of our existing communities and the environment.

162. Alfaaz Lateef [OS93.1] seeks:

...that the council express their views on existing covenants on the Navigation Drive subdivision, and that the Council contributes and supports to either varying the covenant or amending it to enable further housing intensification.

Submitter would like to understand if anyone else from the Navigation Drive subdivision has requested the covenant to be varied considering the proposed and operative district plan.

163. Frances Cawthorn raises the following matters:

- *Traffic congestion and parking effects viewed as an interim contributor to traffic calming and safer streets, and used tactically as such. [OS104.9]*
- *Make transport and landuse work in synergy. Seeks changes to council's Network Operating Framework, Parking Policies, street maintenance systems and so forth that actively support, and definitely don't undermine, the better places created by more density done well and proximity to daily amenities. [OS104.10]*
- *Supports more rates being used for resourcing these teams vs for maintaining large sections of road seal to a high standard for driving and parking private vehicles. Councils' planning teams and consent enforcement teams are already vastly under-resourced. These need proper resourcing otherwise all this good change won't be worth the paper it's written on. [OS104.12]*
- *Supports combined / pooled resources for consenting, design review, and other permitting functions, that mean multiple small councils can enjoy high-calibre people and economies of scale. [OS104.13]*

164. Pukerua Bay School BOT seeks:

- *That careful planning and management of Muri Road and the surrounding roads be undertaken for this project such as creating a clear division on the road for pedestrians, and/or having no vehicle movement one hour prior to school or one hour after school. [OS111.4]*
- *Provide a public transport link so those children in the eastern most areas who are out of walking distance have a safe way to get to and from school. [OS111.5]*

165. D Suzi Grindell [OS115.4] considers that "It would help if the capacity of Papakowhai Road drains, waterways, and tidal cut-offs restored or repaired."

7.3.2 Assessment

166. In regard to the submission from Andrew Wellum, none of the matters raised are within the scope of a District Plan. I deal with each of the matters raised by the submitter in turn:

- a. As outlined in section 5.5. of Part A – Overview to s32 Evaluation, Council's infrastructure planning approach consists of several components including the LTP, development contributions, and PDP provisions (predominantly the Three Waters Chapter). I consider that this approach ensures that there is sufficient development capacity for developments. The degree to which the total development costs are met by the developer is not regulated by the District Plan.
- b. Notwithstanding that a District Plan cannot compel people to purchase land, and the RMA and the NPS-UD do not require that there be no effects on adjacent neighbours from intensification, rather that the effects are appropriately managed. The MDRS are mandatory under the RMA and are designed to manage such effects on adjacent landowners. The MDRS can only be made less enabling of development where necessary

- to accommodate a qualifying matter under s77I of the RMA, and this needs to be justified as required under s77I(j) and s77O(j). This has not been done by the submitter.
- c. Building materials are generally regulated by the Building Act, however District Plans can regulate materials if there is a relevant resource management issue such as regulating reflectiveness or colour palettes to protect landscape values. As no reason is given by submitter in this instance, the Panel may want to ask the submitter at the hearing to explain why this relief is sought.
 - d. The management of actual or potential conflicts of interest are operational matters for Council and are not regulated through the District Plan.
 - e. The management of vehicles on roads is an operational matter for Council and is not regulated through the District Plan. Speed limits are set through bylaws under the Land Transport Act 1998.
 - f. Compensation for damage caused by landslips is covered by Property Law Act 2007 and the Earthquake Commission (EQC).
167. Charmaine Thomson, Pukerua Bay Residents Association, John Cody, Isabella G F Cawthorn and Frances Cawthorn raise issues related to the need to sufficiently resource Council teams to implement the PDP including undertaking monitoring, compliance and enforcement. While I agree that this is a critical part of the resource management system, it is an operational matter for Council rather than something that can be directed through a district plan.
168. In addition to the Resource Consents Team, Council has a dedicated Monitoring, Compliance and Enforcement Team that is responsible for district plan compliance, and they undertake enforcement action where appropriate. Increases in team budgets would be a matter for the LTP and activity management plans.
169. Further, Council is required to monitor the effectiveness of the PDP under s35 of the RMA. Council is developing a monitoring framework alongside the PDP which will assess the effectiveness of objectives, including those relating to health and wellbeing in residential zones.
170. In regard to the submission from Amos Mann, none of the matters raised are within the scope of a District Plan. I deal with each of the matters raised by the submitter in turn:
- a. I am unsure what incentives Council could offer providing lifts in multi-storey developments or what the purpose of this would be. The Building Act 2004 largely regulates the design and performance of buildings, including a requirement for lifts in buildings of four storeys or more.
 - b. How Council engages with central Government on legislation is an operational matter for Council and is not regulated through the District Plan.
 - c. The management of reserves and community facilities is an operational matter for Council and is not regulated through the District Plan. Funding additional community facilities on reserves would need to be addressed through the LTP, asset management plans, and reserve management plans.
 - d. The management of waste is an operational matter for Council and is not regulated through the District Plan. Funding resource recovery projects would need to be addressed through the LTP, asset management plans, and waste minimisation plans.

- e. The management of reserves and community facilities is an operational matter for Council and are not regulated through the District Plan. Funding additional community facilities and services on reserves would need to be addressed through the LTP, asset management plans, and reserve management plans.
- f. Implementation of the District Plan is an operational matter for Council. Sharing or transferring functions between councils would require actions outside the District Plan including but not limited to:
- Transfers of functions, powers, duties and delegations under s33, 34 and 34A of the RMA;
 - Changes in Terms of Reference and Delegations under the Local Government Act 2002; and
 - Changes to the Long Term Plan and activity management plans.
171. In regard to the submissions from Benjamin Colbert and T.C. Papakainga Properties Ltd, the sale of Council-owned land is a commercial matter for Council to consider and is not regulated through the District Plan.
172. I agree in principle with John Cody in terms of the need for the Region to explore tools to enable better housing affordability, including potentially the use of inclusionary zoning. In my view, this would best be done through regional policy such as a regional spatial strategy, and ideally following some national guidance on the matter or preferably regulations. There are risks with undertaking implementation of market interventions such as inclusionary zoning at a local level. One risk is that it can make the non-affordable homes in the zone more expensive to offset the price point of the affordable homes that must be provided. Another risk is that it discourages developers out of the inclusionary zone to another part of the City, or to another jurisdiction. This could result in a perverse outcome of development being directed away from areas where density is needed close to services and public transport as sought by the submitter. Approaching this type of market intervention regionally and ideally nationally would assist in ameliorating these risks.
173. In regard John Cody's relief sought in terms of the HBA, the process and content of the HBA is set in Subpart 5 of the NPS-UD and therefore out of scope of the District Plan.
174. GWRC seeks rules and standards for end of trip cycling facilities that would be contained within a building such as showers and lockers. While the District Plan does contain standards for cycle parking, I consider that the design of rooms inside buildings should not be regulated by the District Plan. This more detailed interior design usually takes place after resource consent (if any) is processed, and is largely regulated by the Building Act 2004.
175. Isabella G F Cawthorn, Vanessa Jackson, Frances Cawthorn, and Pukerua Bay School BOT all raise matters related to the impact of the PDP on traffic and parking (albeit from different perspectives of congestion and lost parking capacity being desirable or not). The submitters call for various measures such as modal filters, traffic calming, public transport upgrades, changes to maintenance programmes, parking policies, Council-provided parking etc. The management of traffic and parking are operational matters for Council and are not regulated through the District Plan rather:
- Council as a Road Controlling Authority undertakes safety audits and invests in interventions as required.

- Any additional investment needs to be programmed through the RLTP, LTP, Infrastructure Strategy and associated asset management plans.
 - Bylaws can be used to regulate issues like parking and speed limits.
 - Public transport is operated by the GWRC.
176. Amos Mann, Rosie Gallagher and Frances Cawthorn raise matters around accessibility and multi-modal transport. I agree with the submitters that it is important to prioritise intensification where people can use activities and sustainable modes of transport to meet their daily needs, and I consider that Variation 1 does seek to do this through its approach to zoning around centres and public transport routes. However, it is not clear exactly what changes are being sought to provisions in the PDP. If the submitters are seeking changes to district-wide matters in the PDP, these matters are outside the scope of the IPI. The IPI does not amend the Transport Chapter, and while there are some changes proposed to the Infrastructure Chapter, these are limited to INF-S3 which relates to the height of masts, antennas, lines and single pole support structures, anemometers and extreme weather devices.
177. In regard to the matters raised by Russell Morrison, the management of reserves is an operational matter for Council and is not regulated through the District Plan. Funding additional facilities for boat launching and dog walking on reserves would need to be addressed through the LTP, asset management plans, and reserve management plans.
178. In regard to the submission from Alfaaz Lateef, private covenants (imposed by developers or as civil agreements) are not monitored or enforced by Council, nor is Council required to have regard for private covenants when assessing resource consents.
179. In regard to the submission from D Suzi Grindell, maintenance of roads and drains are operational matters for Council and Wellington Water and are not regulated through the District Plan. Some waterways are on Council land and managed through Reserve Management Plans, but activities within waterways are regulated by GWRC. Council and Waka Kotahi manage road corridors. Any increased investment towards upgrades of the above infrastructure is addressed outside the District Plan, including through the LTP, asset management plans, and reserve management plans.

7.3.3 Summary of recommendations

180. I recommend for the reasons given in the assessment, that the submissions from Charmaine Thomson [OS36.5], Amos Mann [OS38.19, OS38.23], Pukerua Bay Residents Association [OS47.21], John Cody [OS56.1, OS56.4], Rose Gallagher [OS60.3, OS60.6], Isabella G F Cawthorn [OS83.19] and Frances Cawthorn [OS104.7, OS104.11, OS104.12] be **accepted in part**.
181. I recommend that the submissions from Andrew Wellum [OS16.1, OS16.3, OS16.4, OS16.5, OS16.6, OS16.9], Amos Mann [OS38.3, OS38.4, OS38.7, OS38.8, OS38.9, OS38.23, OS38.24], John Cody [OS56.1], Benjamin Colbert [OS66.1], GWRC [OS74.26], Isabella G F Cawthorn [OS83.16], Vanessa Jackson [OS87.1], Russell Morrison [OS91.5, OS91.6], Alfaaz Lateef [OS93.1], Frances Cawthorn [OS104.9, OS104.10, OS104.13], Pukerua Bay School BOT [OS111.4, OS111.5], T.C. Papakainga Properties Ltd [OS110.1] and D Suzi Grindell [OS115.4] be **rejected**.
182. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

7.4 Tangata Whenua Rights and Interests

7.4.1 Matters raised by submitters

183. Submissions were received from both TROTR and GWRC relating to tangata whenua rights and interests on the PDP. Both submitters sought different relief on similar issues under Variation 1 as outlined below.

184. *Matters raised by submitters (PDP Submissions)*

185. TROTR [264.38] and GWRC [137.22] sought that the UFD strategic objectives be retained as notified in the PDP. GWRC considered that these strategic objectives are consistent with Objective 22 of the RPS.

186. TROTR [264.21] sought the CEI-Centres, Employment and Industry strategic objectives be retained as notified subject to amending “objectives CEI-01 - CEI-08 to adequately reflect Strategic Objectives TW-01 and TW-03”.

187. *Matters raised by submitters (Variation 1 Submissions)*

188. GWRC [OS74.52] seeks that “Deed of Settlement areas are not subject to the District Plan, as this will most effectively provide for the exercise of tino rangatiratanga by Ngāti Toa Rangatira.” The submitter considers:

...there is a role for additional provisions in Variation 1 to have regard to Proposed RPS Change 1 direction in providing for urban intensification and development. The relevant Proposed RPS Change 1 policies are Policy UD.1 and Policy UD.2. Papakāinga provisions are in scope of IPIs under RMA section 80E(1)(b)(ii) which allows for provisions to enable Papakāinga housing in the district. Further, provisions related to marae and development of Māori land may be within scope as a qualifying matter (s6 relationship with ancestral lands).

189. TROTR [OS114.5] seeks:

...new overlays in relation to High Density Residential and MDRS zoning and lands returned under the Ngāti Toa Deed of Settlement Act (2014). Council to identify all such land and create overlay of ‘Ngāti Toa Zone’ by defining this overlay as: is a zone where Ngāti Toa has uninhibited Tino Rangatiratanga and Mana as the Tangata Whenua.

190. The submitter considers:

Te Rūnanga are concerned that giving effect to NPS-UD by up-zoning areas in Porirua to enable high intensification and implementing MDRS rules, create an issue for Rūnanga for the lands returned under the Ngāti Toa Deed of Settlement Act (2014). This concern is valid also for any land that Ngāti Toa will or may purchase as part of their cultural redress and first right of refusal processes.

This is a major risk for Rūnanga and its people in terms of upholding their Tino rangatiratanga over the whenua they claimed back.

Te Rūnanga observe that the arbitrary requirements coming from the IPI and MDRS implementation mean that Ngāti Toa will end up with zoning that it may not be desirable for the future use of their land. Since Te Rūnanga have not received or claimed these lands yet, Te Rūnanga would like these areas to be exempt from an imposed District Plan zoning.

191. TROTR [OS114.43] seek an additional UFD strategic objective:

“Add another objective indigenising urban form and development in which at the moment its visibility is minimal and the acknowledgement of whakapapa in these spaces are a much-needed objective. In a way (UFD) could give priority to this and acknowledge as an objective”.

192. They consider that *“There is not any material or reference in the UFD that shows how urban form and development will take its inspirations from Te Ao Māori especially Ngāti Toa Rangatira as the Tangata Whenua”.*

193. GWRC [FS74.170], support this submission and state that:

Greater Wellington support amendments to the UFD chapter which require new development to enable Māori to express their cultural and traditional norms by providing for mana whenua / tangata whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga. This would have regard to Proposed RPS Change 1.

194. TROTR [OS114.31] raise the following matters in relation to the Metropolitan Centre Zone:

Policy MCZ-P7 Large Scale Built Development is expected to follow design guides only where applicable enhances the connection to the Porirua Stream and addresses potential impacts on the openness and historical and cultural values of the stream. Given that all Porirua, especially some parts of MCZ is very significant sites to Tangata Whenua, and the shoreline wasn't where it was today, it is important the clause 3 is stronger and every large scale built development has assessed how they are meeting the aspirations of iwi and Tangata Whenua.

195. TROTR [OS114.56] seeks the following in relation to the General Industrial Zone:

Expand on the Objectives and Policies of the General Industrial Zone that speaks to the interactions with the Sites and Areas of Significance to Māori (SASMs) located in the General Industrial Zone, i.e., the streams.

196. TROTR [OS114.6] seeks the redrafting of this objective GIZ-O2 “so that it does not lack the articulation of environmental connections and interface with Te Taiao”.

7.4.2 Assessment

197. I disagree that Deed of Settlement Areas should be exempted from the District Plan as sought by GWRC. These areas, identified in the maps in Appendix H of this Report, cover a significant portion of Porirua’s urban area, including Kainga Ora’s significant holdings through Eastern and Western Porirua. In my view, exempting these areas from the District Plan would be inconsistent with:

- Sections 5, 6 and 7 of the RMA;
- National direction including NZCPS, NPS-UD, NPS-FM;
- Regional policy and plans including the RPS and the PNRP;
- Established planning conventions and best practice; and
- Natural justice for potentially affected landowners.

198. The submitter does not provide any reasoning or evidence for suggesting such a substantial change to the PDP.
199. TROTR seeks similar relief, although rather than seeking that the district plan not apply, they seek an “overlay of ‘Ngāti Toa Zone’ which is “a zone where Ngāti Toa has uninhibited Tino Rangatiratanga and Mana as the Tangata Whenua”.
200. Council officers contacted the submitter to clarify which land constitutes “lands returned under the Ngāti Toa Deed of Settlement Act (2014)” where it is sought that this zone/overlay would apply. TROTR provided a copy of the Deed and clarified that this land includes both land currently owned by Ngāti Toa as well as land they may own in the future (known as deferred selection properties), or land where Ngāti Toa has a right of first refusal to purchase. These are mapped in Appendix H. These maps were put on Council’s website as outlined in Figure 2 below prior to the call for further submissions to inform potential further submitters due to the large number of properties that the submission applied to.

Significant requests for changes to zoning

A number of submissions have requested significant changes to the Proposed District Plan. In particular, there are two submissions that have requested changes that could affect a large number of properties in the City.

[View this online map](#) to see where Kāinga Ora has requested changes to zoning.

Te Runanga o Toa Rangatira has requested a number of properties be rezoned as ‘Ngāti Toa Zone’ which they define as ‘a zone where Ngāti Toa has uninhibited Tino Rangatiratanga and Mana as the Tangata Whenua.’

[View this map](#) to see where Te Runanga o Toa Rangatira has requested changes to zoning.

Figure 2: Information put on Council’s website prior to calling for further submissions

201. Under the RMA there is no ability to grant uninhibited Tino Rangatiratanga and Mana as the Tangata Whenua, and therefore the Council does not have the ability to make the changes sought. The Council considers that negotiations with the Crown are the most appropriate forum for these matters to be discussed. I consider their submission point OS114.5 should not be accepted.
202. Unfortunately, officers have not been able to arrange a hui with TROTR to discuss their submission in detail. TROTR may wish to provide further information in advance of the hearing.
203. As an alternative, I consider that the Tangata Whenua Chapter could be updated to acknowledge the importance of these sites to Ngāti Toa. There is already a section in this Chapter titled “Information regarding the Ngāti Toa Deed of Settlement”. I consider that a factual statement about the importance of these sites and map would provide useful information for the plan user.
204. In regard to submission points on strategic objectives, MCZ-P7 and on the GIZ-General Industrial Zone from GWRC and TROTR [OS114.6, OS114.43, OS114.31, OS114.56, FS74.170], there is

insufficient detail provided on exactly how the objectives and policies, and the regulatory framework should be amended, to achieve “indigenising urban form and development”, and “every large scale built development has assessed how they are meeting the aspirations of iwi and Tangata Whenua”. This lack of detail includes justification in terms of s32 and s77J of the RMA. For similar reasons as outlined for OS114.5 above, I consider these submission points should be rejected. GWRC and TROTR may wish to provide further information in advance of the hearing.

205. I note that these submission points are inconsistent with original submission points from TROTR [264.38, 264.21] and GWRC [137.22] on the PDP where the strategic objectives are largely sought to be retained as notified. The Panel may wish to clarify this with TROTR and GWRC at the hearing.
206. In regard to OS114.56, I also note that streams are not scheduled as sites and areas of significance to Māori in the PDP.

7.4.3 Summary of recommendations

207. I recommend for the reasons given in the assessment, that the Hearings Panel:
- a. **Amend** the Tangata Whenua Chapter as set out in Appendix A:

Information regarding the Ngāti Toa Deed of Settlement

The Ngāti Toa Rangatira Claims Settlement Act 2014 came into force on 23 April 2014. Settlement date was 1 August 2014. The effective date was 1 February 2015.

This Act requires a statutory acknowledgement of statutory areas, and of the statements of association and statements of coastal values made by Ngāti Toa Rangatira in respect of those statutory areas. These are listed in:

1. APP12 - Ngāti Toa Rangatira Statutory Acknowledgement Areas
2. APP13 - Ngāti Toa Rangatira Coastal Statutory Acknowledgement Areas

A number of Crown properties were vested in Ngāti Toa through their settlement. In addition, the Deed of Settlement also specified parcels of land which the Crown will transfer to Ngāti Toa in the future (known as deferred selection properties), as well as land where Ngāti Toa has a right of first refusal to purchase.

These properties are set out in the property redress schedule of the Deed of Settlement and shown below in Figure 1.

This land is culturally significant to Ngāti Toa, who seek to assert Tino Rangatiratanga and Mana over the whenua as the Tangata Whenua.

208. I recommend for the reasons given in the assessment, that the submission from TROTR [OS114.5] be **accepted in part**.
209. I recommend that the submissions from TROTR [264.21, 264.38, OS114.31, OS114.43, OS114.6, OS114.56] and GWRC [137.22, FS74.170, OS74.52] be **rejected**.
210. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission made by these submitters.

7.5 Papakāinga²⁰

7.5.1 Matters raised by submitters

211. TROTR [OS114.8, OS114.27, OS114.38, OS114.22, OS114.16, OS114.33, OS114.34] oppose the controls in the zone-based papakāinga rules restricting the scale of commercial activities and community facilities, and express concern that they vary between the different zones. They seek that the inconsistencies be amended. The submitter says that they do not understand why there are such variations and note that in the Metropolitan Centre Zone there are no such restrictions. TROTR consider that the floor space controls are too low in some zones, such as the High Density Residential Zone.

7.5.2 Assessment

212. Variation 1 introduced papakāinga as a permitted activity in the HRZ-High Density Residential Zone, commercial and mixed use zones subject to controls on the scale of commercial activities and community facilities²¹. It carried over the MRZ-Medium Density Residential Zone papakāinga rule (renumbered MRZ-R13 instead of MRZ-R12), including the same controls over commercial activities and community facilities²².

213. In Table 6, I identify the relevant zone based papakāinga rules, their associated gross floor space thresholds for commercial activities and community facilities, and any zone-based thresholds for these same activities:

Table 6: Papakāinga rules and thresholds

| Papakāinga rule | Commercial activities threshold | Community facilities threshold | Zone-based activity control for commercial activities | Zone-based activity control for community facilities |
|-----------------|---------------------------------|--------------------------------|---|--|
| MRZ-R13 | 100sqm | 200sqm | DIS | RDIS |
| HRZ-R13 | 100sqm | 200sqm | DIS | RDIS |
| MCZ-R17 | No threshold | No threshold | No threshold ²³ | No threshold |
| LFRZ-R12 | 100sqm | 200sqm | PER - supermarkets and large format retail (no threshold control) All other commercial | RDIS |

²⁰ This section was authored by Michael Rachlin

²¹ No submissions were received on the 2020 PDP seeking this extension of papakāinga provisions into these zones.

²² TROTR did not submit on MRZ-R12

²³ Commercial activity is not included in the commercial and mixed use zones. Activities are instead separated out into retail activity, food and beverage, offices, commercial service activity – all of these are commercial activities. The stated zone-based gross floor space threshold applies to each.

| | | | | |
|---------|--------|--------|---|--------------------|
| | | | activities are RDIS ²⁴ . | |
| MUZ-R18 | 450sqm | 450sqm | PER - retail activities (no threshold control), 1,500sqm for supermarkets and large format retail, 200sqm for offices. PER - All other commercial activities are 450sqm. ²⁵ | PER – up to 450sqm |
| LCZ-R15 | 450sqm | 450sqm | PER - retail activities ²⁶ (no threshold control), 200sqm for offices, PER - all other commercial activities are 450sqm. ²⁷ | PER – up to 450sqm |
| NCZ-R13 | 200sqm | 200sqm | 200sqm ²⁸ | PER – up to 200sqm |

PER = Permitted DIS = discretionary activity RDIS = restricted discretionary activity

214. Controls on the scale of various land use activities are used to manage scale effects of these activities on the planned purpose of a zone and help to implement strategic objectives CEI-O1 to CEI-O7. There is a sliding scale of threshold controls between the zones to reflect their purpose and role in the centres hierarchy, set out in CEI-O1 to CEI-O7.
215. This is considered necessary to ensure that the centres, including the MCZ-Metropolitan Centre Zone, achieve their purpose and contribute to a well-functioning urban environment. For example, Property Economics²⁹, make the following comments on this matter:

The development of these centre and their associated economic and social benefits must, however, be balanced with the potential impact they will have on existing centres, the catchments they support, and their role and functions in the community. It is not considered appropriate to sacrifice the vitality within existing centres for increased convenience for smaller sections of the community. As such it is necessary to compare,

²⁴ Such as retail activity, commercial service activity, office, food and beverage activity.

²⁵ Such as food and beverage activity and commercial service activity

²⁶ Except supermarkets, which are a restricted discretionary activity

²⁷ Such as food and beverage activity and commercial service activity

²⁸ Ibid.

²⁹ Porirua Commercial Centres Network Assessment, Property Economics, March 2019

even at a general level, the likely distributional costs associated with new retail developments and their benefits to the community.

Centres sizes are a function of the catchment they serve, and if a centre grows at a level disproportionate with the catchment (households) it provides those services for, it will potentially do so to the detriment of an adjoining centre, reducing the economic vitality and amenity of that centre and its ability to provide functional and social amenity for its community.

216. The land use activity thresholds contained in the PDP were informed by this report. The papakāinga commercial activities and community facilities controls are intended to reflect those applied on non-papakāinga development, to achieve the outcomes described in paragraph 181 above.
217. In relation to the thresholds on papakāinga commercial activities and community facilities in the residential zones, I note that these are more permissive than for non-papakāinga developments. I consider this is appropriate and necessary given the definition of papakāinga³⁰ and the range of activities it can involve.
218. In relation to the threshold controls in the commercial and mixed use zones, I note that in relation to commercial activities they have been simplified and provide a gross floor area for “commercial activities”³¹ rather than for a range of separate commercial activities such as retail activity, offices, and commercial services activity as applied to non-papakāinga development. As a result of this approach, I note that for some commercial activities the threshold is less permissive than for the zone and for others, more permissive. In particular:
- LFRZ – the papakāinga controls are less permissive in relation to supermarkets and large format retail, but more permissive for all other commercial activities.
 - MUZ - the papakāinga controls are less permissive in relation to supermarkets and large format retail, more permissive in relation to offices, and the same for all other commercial activities.
 - LCZ - the papakāinga controls are less permissive in relation to retail activities, more permissive in relation to offices, and the same for all other commercial activities.
219. I consider, for the reasons I have described earlier, that there is a need to control the scale of papakāinga commercial activities and community facilities on a zone-based sliding scale, similar to those for non-papakāinga development. This is necessary to enable the Metropolitan Centre, Local Centres and Neighbourhood Zones, and the Mixed Use Zone and Large Format Retail Zones to fulfil their purpose and roles, and in so doing contribute to a well-functioning urban environment. It is appropriate that out of scale commercial activities and community facilities are the subject of a resource consent and assessed for their economic and distributional effects.

³⁰ PDP definition: means any activity undertaken in the traditional rohe of tangata whenua to sustain themselves, which is on land held under Te Ture Whenua Māori Act 1993, or on land where there is an ancestral connection to the land and the land will remain in Māori ownership in the long term. Papakāinga may include (but not be limited to) residential, social, cultural, economic, conservation and recreation activities, marae, wāhi tapu and urupā.

³¹ PDP definition: means any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices). This a mandated definition under the National Planning Standards

220. In view of the above, I consider the issue is whether the controls should be simplified as “commercial activities” as contained in the notified wording, or more nuanced and based on specific activities as per the wider zone provisions. The latter approach would involve linking the activities to the thresholds and activity status for those same activities in the zone provisions. This would result in a more permissive setting for some, but a less permissive setting for others, as I have described above.
221. On balance, I believe the notified approach and settings are the most appropriate to achieve objectives of the PDP. I consider it provides a more flexible framework within which differing commercial activities can be developed, including those that would otherwise not be a permitted activity in the relevant zone, while ensuring that the scale is appropriate to the purpose and role of that zone. This would implement the centres hierarchy in CEI-O1 to CEI-O7, the zone purpose objectives³², and TW-O1, and TW-O3.
222. I recommend that these submissions be accepted in part as this recognises that there are differences in the zone settings for papakāinga commercial activities and community facilities, but that these settings are appropriate for the reasons I have set out above.

7.5.3 Summary of recommendations

223. I recommend for the reasons given in the assessment, that the submission from TROTR [OS114.8, OS114.16, OS114.22, OS114.27, OS114.33, OS114.34, OS114.38] be **accepted in part**.
224. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

7.6 Consultation

7.6.1 Matters raised by submitters

225. Charmaine Thomson [OS36.2, OS36.3] raises issues about the consultation period and the accessibility of information to different audiences. The submitter seeks a three-month consultation period on Variation 1.
226. Rita Hunt [OS45.10] raises similar issues with the length of consultation materials and lack of a summary.
227. John Cody [OS56.6] seeks “a policy that requires the City Council to respond to residents of communities or neighbourhoods willing to consider local options for meeting the objectives of the Variation.”
228. Brian Warburton [64.8] raises various matters in relation to the development of Variation 1 including that there was insufficient advice from officers to councillors in the lead up to notification of Variation 1.
229. Kāinga Ora [OS76.62] seeks that “the hearing process for the Variation 1 follows that of Proposed Change 1 (PC1) to the Wellington Regional Policy Statement”. The submitter considers:

³² MCZ-O1, LFRZ-O1, MUZ-O1, LCZ-O1, and NCZ-O1.

So that consistency can be provided across the Wellington region and RMA s73 can be met which requires district plans to “give effect” to the Regional Policy Statement. Similarly, s74(2) also anticipates regional consistency including with matters such as the Regional Land Transport Plan. It is unclear how this has been achieved as PC1 was notified after the Variation and there appears to be misalignment between other plans of the region.

230. Titahi Bay Residents Assn Inc [OS77.1, OS77.2] seeks “a recommencement of the submission process with a comprehensive drafting of all the additions and deletions proposed as variations to the Proposed District Plan made public so the overall resultant plan can be seen and considered properly in its entirety.” The submitter considers:

The disjointed, fragmented approach to supply of proposed changes via Internet links and consultant endorsements has made it impossible, in the short time frame, to consult our members, consider overall effects and make an informed submission....

The formal, legal council approval process is required before officers are authorised to call for public submissions. Apparently that has not happened. The proper process allows public debate, councillor accountability and correction of any misunderstandings within the council prior to the submission process. That has not happened and the whole quasi-judicial process has been prejudiced by a confusing trail of conflicting public comment and misinformation from the Councillors and Mayor prior to submissions.

231. The Porirua Chamber of Commerce [136.3] seeks: “Protect and ensure that Mana Esplanade maintains two general traffic lanes in each direction and does not revert to one general traffic lane in each direction.” The submitter considers:

Strongly advocates for Mana Esplanade to maintain a productive throughput of traffic by maintaining two lanes of general traffic in each direction. This gives residents and businesses options for getting around and increases journey time reliability. Any attempts to discourage traffic mobility by reverting Mana Esplanade to just one lane each way will provide for little amenity uplift but introduce significant travel time delays and lower productivity for the people using this route.

Residential zones require servicing with adequate transport links so people can move around. Mana Esplanade runs through both the general and medium density zones.

7.6.2 Assessment

232. Council has undertaken an extensive consultation programme above and beyond the minimum Schedule 1 requirements as outlined in section 3 of this report and in:

- Section 32 Evaluation Report Part 1: Overview to s32 Evaluation 2020 (refer section 5.7)
- Section 32 Evaluation Report Part A: Overview to Section 32 Evaluation 2022 (refer section 5.7)

233. I acknowledge that the RMA plan making process and district plans are complex and technical in nature. This is why Council’s engagement and communication strategy involved a range of techniques to clearly communicate that the processes were being initiated and the reasons behind that. Engagement on Variation 1 did involve more short, concise and informal summaries of the proposals (these are still available on [Council’s website](#)³³). It is possible that the submitters above did not find their way to these summaries and instead relied on the formal

³³ <https://porirua.govt.nz/your-council/city-planning-and-reporting/district-plan/proposed-district-plan/variation-proposed-district-plan/>

notification letter to ratepayers and the public notice. While these documents were summaries of the proposal, they were written in a more formal style to meet notification requirements including adequately outlining the entire scope of the proposal.

234. The dates of the consultation period are driven to a large extent by the December 2021 RMA-EHS amendments which required Tier 1 councils to notify their IPIs by 20 August 2022. The Minister for the Environment has directed Council to reach decisions by 20 August 2023.
235. In regard to the submission from John Cody, I consider that a policy is not necessary or appropriate as Schedule 1 of the RMA sets out the process that must be followed when plan making.
236. I disagree with Kainga Ora that it is appropriate to delay hearings on the PDP due to the RPS change process. While the RMA plan making process would ideally follow a top down sequence, national and regional policy is constantly evolving and it is difficult to anticipate if or when changes may be required. No time has been set yet for the hearings on Proposed Change 1 to the RPS, which I note does not have the same time constraints as the IPI. I also note that part of the RPS must go through RMA freshwater planning process which has its own complexities.
237. Overall, it is my view that the PDP would not meet statutory timeframes if hearings were delayed until after the RPS hearings had concluded, and decisions issued.
238. I disagree with the characterisation of the Council PDP approval process by Brian Warburton and the Titahi Bay Residents Assn Inc. I have personally attended dozens of Council workshops and meetings which culminated in the notification of the PDP and subsequently Variation 1 and Plan Change 19. All notification formalities were completed, and Council has regularly complemented officers on their comprehensive advice. All additions and deletions proposed through Variation 1 are clear on the ePlan as tracked changes³⁴, as well as in pdf format for PC19.
239. In regard to the submission from the Porirua Chamber of Commerce, I consider the management of State Highway 59 is an operational matter for Waka Kotahi. I note that this matter is being actively addressed under Designation K0408 in the ODP and NZTA-01 in the PDP where Waka Kotahi is required to consult on a range of matters including the continuation of maintaining four lanes of traffic on this road now that Transmission Gully is open (refer NZTA.3B).

7.6.3 Summary of recommendations

240. I recommend for the reasons given in the assessment, that the submissions from Charmaine Thomson [OS36.2, OS36.3], Rita Hunt [OS45.10], John Cody [OS56.6], Brian Warburton [OS64.8], Kāinga Ora [OS76.62] and Titahi Bay Residents Assn Inc [OS77.1, OS77.2] be **rejected**.
241. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

³⁴ Instructions on how to access Variation 1 are in a pop-up box when the ePlan is opened in a web browser, as well as in the newsfeed on the left of the screen. A tracked change version of provisions can be accessed by clicking “compare” at the top of each chapter in the Variation.

7.7 Financial contributions

7.7.1 Matters raised by submitters

242. GWRC [OS74.54, OS74.55, OS74.56] seeks:

- *Include a permitted, controlled or restricted discretionary activity rules with an associated permitted standard, matter of control or matter of discretion that requires payment of the financial contribution (where not already collected as development contribution) (separate or part of subdivision rule conditions). The method for determining the costs of the contribution may need to be a schedule or appendix. The rule must meet requirements of s77E(2).*
- *Include discretionary, non-complying or prohibited activity rule where any required financial contribution is not paid.*
- *A policy that requires financial contributions to be paid where stormwater treatment and management is provided offsite under a Stormwater Management Plan.*

243. The submitter considers “there is a role for additional provisions in Variation 1 to give effect to the NPS-FM and have regard to Proposed RPS Change 1 direction in providing for urban intensification and development. The relevant Proposed RPS Change 1 policy is Policy FW.4.”

7.7.2 Assessment

244. I do not agree that financial contributions are necessary as a regulatory tool in the PDP. In my view they duplicate Council’s existing approach of requiring development contributions under the Local Government Act 2002, and negotiating and administering developer agreements. These processes are set out in section 5.5 of the Part A Overview to s32 Evaluation. A council is not able to take financial contributions and development contributions for the same reason; it has to be one or the other.

245. Depending on the size and location of a particular development, stormwater treatment and management could be provided either on or outside a site, and on either private or public land. Small developments will typically pay a development contribution which reflects their contribution to the three waters network. For larger developments that provide significant new housing capacity, development contributions are used as a proxy to determine either the total development contribution and/or the quantum of infrastructure the developer will be responsible for providing directly.

246. For larger developments the stormwater infrastructure will most likely be on public land, and is typically within either road corridors or reserves that are either already owned by Council, or will be vested in Council. This is all negotiated through developer agreements by a dedicated team within Council. Developer agreements are a tool that is used to ensure that the costs of developments are borne by developers and not the ratepayer, and that any assets to be vested in Council are constructed to an appropriate standard before they are handed over. The maintenance of these assets then becomes an operational expense for Council covered largely through rates.

247. Where stormwater infrastructure remains on private land, the construction and maintenance can be required through resource consent conditions. Easements could also be registered in titles to enable Council inspection and maintenance where appropriate.

248. No evidence has been provided by the submitter that clearly explains why the development contributions regime under the Local Government Act is inadequate, and a separate financial contributions regime in the District Plan is more appropriate.

7.7.3 Summary of recommendations

249. I recommend for the reasons given in the assessment, that the submissions from GWRC [OS74.54, OS74.55, OS74.56] be **rejected**.
250. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

7.8 General approach to intensification

7.8.1 Matters raised by submitters - general

251. Susan Price [OS49.1] raises issues including:

...if these changes do mean developers can move in and change that character then this seems wrong...the designations that permit 6 storey buildings should instead be medium density ie 3 storey maximum and the areas designated 3 storey not changed at all.

Plimmerton - sea side is a small community with limited infrastructure particularly as regards storm water - there are also issues with the sea walls - moving more people into this confined area with threats of climate change seems shortsighted. These concerns also extend to the proposed extensive building at Plimmerton Farm - with significant flooding already experienced around the Palmers area and state highway 59 one wonders if adequate precautions have been put upon the developers to address these issues - where will the stormwater go from thousands of new homes? Councils are encouraged to think ahead - this does not seem to have happened as regards the considerable impact on our 3 waters let alone the impact on schools, roads and other community services.

252. Amos Mann [OS38.22] seeks that: “the District Plan must support a diverse range of housing alternatives more fully with specific planning that incentivises and attracts co-housing, tiny-housing, and Papakāinga projects”. The submitter considers:

The District Plan has a tremendous causal effect on housing affordability and housing/transport economics. Increasingly, in large part to combat housing/transport affordability barriers, we are seeing larger number of people turn to alternative housing solutions that include co-housing, tiny-housing, long-term flatting and group-purchasing, and Papakāinga.

These alternatives are not only excellent viable solutions to housing affordability barriers, but also, if well planned for by council, are solutions to reducing the climate change and environmental impacts of single family traditional housing because these alternatives can use much less land per occupant and less building materials per occupant.

In addition, well-planned co-living is a viable solution for increasing social-cohesion, with residences providing multi-generational support networks for each other in good times, and providing vital care at times of natural disaster and emergency.

Tiny-housing also has a resiliency advantage over single dwelling permanent housing, in that a tiny-housing community can relocate relatively easily as climate change impacts increase.

253. Plimmerton Residents' Association [OS79.4] seek “the strengthening and active monitoring of controls on Subdivision and Earthworks to mitigate the adverse effects of intensification.” The submitter considers:

Given the steep topography and previous events with subsidence in cut & fill subdivisions, significant slips and sedimentation. Recent weather and continuing climate change effects should be acknowledged and used as a trigger both to strengthen requirements on developers and more broadly to exclude low lying and unstable areas from the intensification envisaged by the Act altogether.

254. Vanessa Jackson raises the following matters:

How do existing residents get to protect their right to direct sunlight on their property and passive heating it creates as they currently have? [OS87.2]

How do existing residents get to protect their right to quiet enjoyment and privacy as they currently have? [OS87.4]

255. Gary Lewis [248.3] considers that: “Rezoning Porirua east will more than likely displace the families that have helped form Porirua. Zoning change to intensify this area will have devastating effects on this whole community.”

7.8.2 Assessment

256. In regard to the issues raised by Rita Hunt and Susan Price, including their preference for MRZ over HRZ. I consider that introduction of the HRZ is appropriate as part of a package of amendments that give effect to intensification provisions as required by s77G of the RMA as outlined in the s32 Evaluation. The matters raised by these submitters are important considerations for how this Zone develops, but I consider that there are mechanisms in place or proposed that adequately address these matters as follows:

- Natural hazards – addressed by the Natural Hazards Overlay and related provisions.
- Infrastructure capacity – addressed by a combination of the LTP, Development Contributions Policy and the PDP including the Three Waters Chapter as outlined in section 5.5. of the Part A Overview to s32 Evaluation.
- Community infrastructure – although these matters largely sit outside the PDP, for example school capacity is a matter for the Ministry of Education to consider, the HRZ provides for educational facilities and community facilities provided the effects can be managed.

257. I agree with Amos Mann that the PDP should enable and incentivise a wide range of housing types. I consider the PDP as varied by Variation 1 does this by enabling medium density development across the City, higher density along public transport corridors, and different housing typologies such as papakāinga across the City. The Panel may wish to ask the submitter at hearing if there is a specific way(s) in which this can be done “more fully”.

258. While I agree with Plimmerton Residents' Association that active monitoring is important for the successful implementation of the PDP, I do not consider subdivision and earthworks controls need to be strengthened. No specific examples are given as to how these provisions are insufficient, and these matters predominantly sit outside the scope of the IPI as minimal

changes are proposed to the Subdivision Chapter through this Variation and no changes are proposed to Earthworks Chapter. I agree with the submitter that monitoring and compliance is a critical component of resource management. The LTP 2021-2051 provides for an increased monitoring and compliance resource of 2.5 Full Time Equivalent staff members.

259. In regard to the submission from Vanessa Jackson I consider that access to sunlight was appropriately considered in the development of Variation 1, including the use of height control areas as outlined in Section 11 of the s32 Evaluation Report - Part B Urban Intensification - MDRS and NPS-UD Policy 3. In regard to the submitter's desire to preserve the "quiet enjoyment and privacy" of their street, I acknowledge that the approach to intensification in Variation 1 will potentially alter the character of some streets, but that potential change in character is inevitable with the requirement to give effect to intensification provisions as required by s77G of the RMA as outlined in s32 Evaluation.
260. In regard to the PDP submission from Gary Lewis, I am unsure which zoning the submitter was opposing in Porirua East as the PDP introduced a range of commercial and residential zones and precincts. Variation 1 has altered the zoning pattern entirely so I am unsure what the submitters position is on the current zoning. The submitter may wish to address this at the hearing.

7.8.3 Summary of recommendations

261. I recommend for the reasons given in the assessment, that the submissions from Plimmerton Residents' Association [OS79.7] and Amos Mann [OS38.22] be **accepted in part**.
262. I recommend that the submission from Susan Price [OS49.1] and Vanessa Jackson [OS87.2, OS87.4] and Gary Lewis [248.3] be **rejected**.
263. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

7.8.4 Approach to intensification – GWRC submission³⁵

264. Matters raised by submitters

265. GWRC [OS74.23] seek the addition of a policy that prioritises development where there are public transport links. They consider that there is a role for additional provisions in Variation 1 to have regard to Proposed RPS Change 1 direction in providing for urban intensification and development.
266. They also seek [OS74.50] the following:

Ensure all Zone provisions have regard to the qualities and characteristics of well functioning urban environments as articulated in Objective 22 of Proposed RPS Change 1, by including necessary objectives, policies, permitted standards and rules that provide for these qualities and characteristics.

267. The stated reasons include providing for areas that are climate resilient, contribute to the protection of the natural environment and transition to a low-emission region, are compact and

³⁵ This section was authored by Michael Rachlin

well connected, support housing affordability and choice, and enable Māori to express their cultural and traditional norms.

7.8.4.1 Assessment

268. I have a number of concerns with the request for a policy that prioritises development where there are public transport links. In my opinion it lacks specificity and clarity required for a District Plan and would not appropriately implement Policy 3 of the NPS-UD. In particular:

- I am unclear what is meant by a “public transport link”. For example, does it include any bus stop and if so, what is the spatial area to which the policy applies in relation to that bus stop?
- Is there a threshold in terms of the level of service and frequency of the public transport service that triggers this policy requirement?
- How does this policy implement Policy 3 of the NPS-UD, which directs where the most intensive level of development is to be enabled (or put another way where development is to be prioritised). In Porirua this is the Metropolitan Centre Zone, followed by locations within a walkable catchment of that centre and/or a train station.

269. I would also note that the pattern of zoning introduced by Variation 1 already “prioritises” development in areas that are within a walkable catchment of a train station through High Density Residential zoning for these areas, and in Eastern Porirua and Titahi Bay along the route of the 220 bus (Titahi Bay-city centre-Ascot) through the MRZ-Residential Intensification Precinct. This route has the highest frequency of bus trips in Porirua.

270. I also do not agree with the submitter’s request for all zone provisions to have regard to the qualities and characteristics of well-functioning urban environments as articulated in Objective 22 of Proposed RPS Change 1. While the submission refers to, by including necessary objectives, policies, permitted standards and rules that provide for these qualities and characteristics, no specific details of these have been provided or consideration of whether other parts of the PDP already provide for them in accordance with the requirements of the National Planning Standards.

271. I consider that the submission, by requiring the zone provisions to provide for these matters, would not appropriately implement the requirements of the National Planning Standards for District Plans. This requires that district wide matters such as natural environment, natural hazards, energy, infrastructure and transport be contained in their own chapters. For example³⁶:

- *If provisions relating to natural hazards are addressed (except coastal hazards), they must be located in the Natural hazards chapter.*
- *If the following matters are addressed, they must be located in the Ecosystems and indigenous biodiversity chapter: a. identification and management of significant natural areas, including under s6(c) of the RMA b. maintenance of biological diversity c. intrinsic values of ecosystems and indigenous biodiversity.*

³⁶ See Mandatory directions in Part 7 to National Planning Standards

- *Provisions relating to energy, infrastructure and transport that are not specific to the Special purpose zones chapter or sections must be located in one or more chapters under the Energy, infrastructure and transport heading.*
- *If provisions to protect the natural character of wetlands, lakes and rivers and their margins are addressed, they must be located in the Natural character chapter.*

7.8.4.2 Summary of recommendations

272. I recommend for the reasons given in the assessment, that the submissions from GWRC [OS74.23, OS74.50] be **rejected**.

7.9 Freshwater management

7.9.1 Freshwater Management - general

7.9.1.1 Matters raised by submitters

273. Harbour Trust & Guardians of Pāuatahanui Inlet [OS32.1] and Friends of Taupo Swamp & Catchment Inc [OS68.1] seek:

...that Variation 1 adopts controls and limits to development in such a way that any resulting development:

- *Avoids the incursion of sediment, contaminants and nutrients into the water bodies and Te Awarua-o-Porirua; and that*
- *The ecological integrity and functioning of Te Awarua-o-Porirua is at least preserved and preferably enhanced.*

274. These submitters consider that there is a need for:

Amendments designed to control and limit run off and its adverse effects, specifically including:

- *The effects of sediment, contaminants and nutrients entering water bodies*
- *The risks of excess and contaminated run off from stormwater and sewerage systems, and*
- *The adverse and potentially irreversible effects on the harbour and coastal environment from sediment, contaminants and nutrients.*

The Government's requirements for Porirua City to apply the provisions in this amendment will inevitably risk undesirable patchwork development that will:

- *Lead to an increase in sediment, contaminants and nutrients entering water bodies and then Te Awarua o Porirua;*
- *Have adverse consequences on the city's infrastructure and especially stormwater, sewerage, roading and transport systems; and*
- *Lead to progressive deterioration in the level and quality of the built environment and the level and quality of amenity that it supports.*

275. Harbour Trust & Guardians of Pāuatahanui Inlet [OS32.2] raises issues with the absence of mandated off-street parking, which the submitter considers “is totally inappropriate for the Porirua urban area” which “will not only result in streets being progressively congested but will increase vehicle-based contaminants (such as oil, grease, zinc and accumulated dirt), entering water bodies and Te Awarua-o-Porirua.”
276. Harbour Trust & Guardians of Pāuatahanui Inlet [OS32.4] and Friends of Taupo Swamp & Catchment Inc [OS68.2] seek a new objective be added as RES-O4:

RES-O4: A Sustainable and Healthy Environment

The intensity, form and design of use and development in Residential Zones sustains a healthy and safe natural environment that maintains and protects and, where possible, enhances ecological values and the health and wellbeing of receiving waterbodies including Te Awarua-o-Porirua Harbour and other downstream catchments.

277. The submitters consider there is:

No reference in these objectives and policies to protecting or enhancing natural resources and especially fresh and marine water ecosystems. This is in stark contrast to provisions in the Northern Growth Area. The only indirect reference is to amenity values in RESZ O2, plus the mention in RESZ P2 of limiting development where it (presumably adversely) affects Māori and their culture and traditions, including water.

These [proposed RES O4] words are copied from DEV NG O2 - proposals for the Northern Growth Area. [These are the] most appropriate and relevant. They must be adopted as a requirement for all development in the city.

278. Harbour Trust & Guardians of Pāuatahanui Inlet [OS32.5, OS32.11, OS32.13, OS32.15, OS32.17, OS32.19, OS32.21, OS32.23] seeks the following item be added to RESZ-P5, NCZ-P7, LCZ-P10, LFRZ-P5, MPZ-P5, MCZ-P5, GIZ-P1 “to have requirements that minimise the run-off of sediment, contaminants and nutrients into water bodies and which eventually risks entering Te Awarua-o-Porirua”:

Minimise adverse effects on natural resources including:

- The effects of sediment, contaminants and nutrients entering water bodies
- The risks of excess and contaminated run off from stormwater and sewerage systems, and
- The adverse and potentially irreversible effects on the harbour and coastal environment from sediment, contaminants and nutrients.

279. The submitter also seeks the following item be added to NCZ-O3, LCZ-O3, LFRZ-O3, MUZ-O3, MCZ-O2, GIZ-O1, HOSZ-O3 for the same reason above [OS32.10, OS32.12, OS32.14, OS32.16, OS32.18, OS32.20, OS32.22]:

sustains a healthy and safe natural environment that maintains and protects and, where possible, enhances ecological values and the health and wellbeing of receiving waterbodies including Te Awarua-O-Porirua Harbour and other downstream catchments.

280. Friends of Taupo Swamp & Catchment Inc [OS68.3] raise the following issues:

Strongly support GOPI/ PHAACT points made for each residential zone re site coverage and hydraulic neutrality. We also note the lack of site coverage statement for the High Density Zone and support the notion that a requirement of no more than 80% should be imposed, with the stated implications for precinct design.

7.9.1.2 Assessment

281. The PDP aims to maintain and enhance the well-being of Te Awarua-O-Porirua Harbour through various chapters including managing the effects of: subdivision (SUB), development (THWT), and earthworks (EW), and protecting biodiversity (ECO), natural character (NC), landscapes (NFL) and the Coastal Environment (CE). For example, the EW – Earthworks chapter includes EW-O1 which includes earthworks being undertaken in a manner that '[m]inimises erosion and sediment effects beyond the site and assists to protect receiving environments, including Te Awarua-o-Porirua Harbour'.
282. The THWT – Three Waters chapter specifically sets out requirements for new development in relation to connection to and performance of stormwater and wastewater networks. It also requires developments to be hydraulically neutral.
283. I consider that the PDP, including Variation 1, appropriately seeks to maintain and enhance Harbour health within the Council's jurisdictional responsibilities, noting GWRC is primarily responsible for the management of water quality including the discharge of contaminants such as sediment and nutrients under s30 of the RMA. I therefore disagree that the PDP should seek to avoid discharges of contaminants as sought by Harbour Trust & Guardians of Pāuatahanui Inlet and Friends of Taupo Swamp & Catchment Inc, including setting a standard for maximum impervious surface coverage on a site.
284. The requirement to prevent further degradation of Te Awarua-o-Porirua Harbour and its catchment, and maintain and where possible enhance its health and wellbeing, are addressed in strategic objectives NE-O3 and NE-O4 respectively. I consider that adding this as an additional item to the objectives and policies as sought by the Harbour Trust & Guardians of Pāuatahanui Inlet is not necessary. The plan should be read as a whole, and I consider that repeating an objective throughout the plan would be duplication and would unnecessarily lengthen the plan.
285. I note that Ms Gina Sweetman addressed similar submission in Section 42A Report – Part B Natural Environment Strategic Objectives heard in Hearing Stream 2. In relation to those submissions, MS Sweetman noted that:

Forest and Bird in particular has sought amendments through the PDP to include specific consideration of indigenous biodiversity and SNAs throughout the Zone chapters. While I appreciate their concern about this "slipping through the cracks", the submitters should be assured that the PDP is to be read as a whole. This is clearly explained in the "How the Plan Works – General Approach" chapter in Part 1, which is referenced directly in the introduction to the NE strategic objectives. For instance, any development on a site in the General Rural Zone which has a SNA located on it will be subject to the rules in both the General Rural Zone and Ecosystems and Indigenous Biodiversity chapters, and any resource consent application would require consideration of the relevant objectives and policies from both chapters.

286. I agree with Ms Sweetman's assessment, and consider that it equally applies to the amendments sought by Harbour Trust & Guardians of Pāuatahanui Inlet.
287. Harbour Trust & Guardians of Pāuatahanui Inlet and Friends of Taupo Swamp & Catchment Inc also seek an additional objective be added to RESZ. The submitters have adapted their proposed objective RESZ-O4 from DEV-NG-O2 which they consider would be appropriate to apply to the rest of the City. I disagree, in addition to the reasons listed above, I consider that DEV-NG-O2 is a bespoke objective developed for a specific site and it would be inappropriate to incorporate

it into the RESZ Chapter. This is because it is linked to a specific framework outlined in DEV-NG - Northern Growth Development Area, which includes a specific approach to freshwater management through the use of Freshwater Management Areas identified on the Structure Plan. This approach was informed by detailed technical advice that addressed specific resource management issues for this particular site, and it would be inappropriate to apply this City-Wide without the same analysis.

288. Finally, I consider mandating off-street parking is outside the scope of the IPI. Parking provisions are contained within the Transport Chapter which is not part of the IPI. Further, under Clause 3.38 of the NPS-UD a district plan cannot require a minimum number of car parks be provided.

7.9.1.3 Summary of recommendations

289. I recommend for the reasons given in the assessment, that the submissions from Harbour Trust & Guardians of Pāuatahanui Inlet [OS32.1] and Friends of Taupo Swamp & Catchment Inc [OS68.1, OS68.3], be **accepted in part**.
290. I recommend that the submission from Harbour Trust & Guardians of Pāuatahanui Inlet [OS32.2, OS32.4, OS32.5, OS32.11, OS32.13, OS32.15, OS32.17, OS32.19, OS32.21, OS32.23, OS32.10, OS32.12, OS32.14, OS32.16, OS32.18, OS32.20, OS32.22], Taupo Swamp & Catchment Inc [OS68.2], be **rejected**.
291. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

7.9.2 Freshwater management – GWRC submission

292. GWRC raises a range of matters related to freshwater management which are addressed in turn in this section.

7.9.3 Ngāti Toa statement and Te Awarua o Porirua Whaitua Implementation Programme

7.9.3.1 Matters raised by submitter

293. GWRC [OS74.1] seeks:

Include objectives, policies, and methods (including rules) to give effect to RPS Objective 12, NPS-FM section 3.5(4), have regard to Proposed RPS Objective 12 and implement the Ngāti Toa statement and Te Awarua o Porirua Whaitua Implementation Programme. This is particularly in relation to how the District Plan can promote positive effects of urban development on the health and well-being of water bodies and freshwater ecosystems, which PCC should do through its RMA Section 31 functions. Te Mana o te Wai is a fundamental shift in approach which should be embedded in the District Plan, and drive an integrated management approach to freshwater in accordance with the principle of ki uta ki tai. Connections should be made between all freshwater-related chapters to ensure an integrated approach as required by the NPS-FM, and freshwater direction should be woven throughout the PDP from policy direction through to rules and assessment matters.

Adding policies along the lines of DEV-NG-P2 to apply district-wide, by amending the PDP as necessary, would go some way to satisfy the relief sought.

294. The submitter considers:

Variation 1 does not promote positive effects and avoid, remedy, or mitigate adverse effects, including cumulative effects, of urban development on the health and wellbeing of water bodies and freshwater ecosystems. It is Greater Wellington's view that this request is within scope given district plans must give effect to all relevant national direction (such as relevant parts of the NPS-FM) and therefore the relevant policies in the Proposed RPS Change 1 and operative RPS which seeks to give effect to national direction. Greater Wellington supports provisions, including the strategic objectives, that aim to protect and improve the environmental quality of Te Awarua o Porirua Harbour and its catchments. Every opportunity must be taken to reduce contaminant loads from the existing urban footprint where possible. Greater Wellington look forward to continuing to work with PCC on regulatory and nonregulatory changes for Whaitua implementation

7.9.3.2 Assessment

295. This matter was traversed in Hearing Stream 1, and my general response has not changed from that which is set out in the Section 42A Report - Part A Overarching Report and Council Right of Reply - Torrey McDonnell - Hearing Stream 1.
296. Council's Reply contains in Appendix 3 an analysis of PDP provisions against the WIP and the Ngāti Toa Statement. The Report finds that the PDP does positively respond to both the WIP and the Ngāti Toa Statement.
297. DEV-NG-P2 is a bespoke policy for a specific Development Area. It was informed by detailed technical advice that addressed specific resource management issues for this particular site, and it would be inappropriate to apply this City-Wide without the same analysis.
298. For example, DEV-NG-P2 requires the creation of buffer areas around SNAs where a number of actions take place through the subdivision process including: identification of the buffer area, implementing a planting plan, undertaking monitoring and maintenance, and creating additional legal protection in perpetuity. This response was determined to be appropriate for this site based on ecological evidence and planning evaluation, as well as the fact that the NGDA consists of a small number of large allotments. There is no evidence base or evaluation supporting the application of an approach like this across Porirua, plus no consideration of the spatial extent of SNAs throughout the City where the buffer area may sit on another site entirely where the SNA boundary aligns with a property boundary.
299. I also note that much of the content of DEV-NG-P2 is already applied at a district-wide level as well as managed through overlays. Below are some examples:
- Minimising earthworks – EW-P1
 - Providing adequate and integrated infrastructure – THWT-P2 and THWT-P3
 - Minimising natural hazard risk – all policies in NH Chapter
 - Minimising potential for reverse sensitivity effects at zone boundaries – various zone objectives and policies, e.g. NCZ-O3, LCZ-O3
300. Outside seeking “policies along the lines of DEV-NG-P2 to apply district-wide”, the above submission point is very broad and lacks sufficient specificity for me to know exactly what relief is being sought. The submitter has not provided detail on exactly which provisions should be amended or how, where new provisions should go, or what they should look like. The submitter

has also not included any evaluation that would satisfy the requirements of s32AA for any of the above relief sought.

7.9.3.3 Summary of recommendations

301. I recommend for the reasons given in the assessment, that the submission from GWRC [OS74.1], be **rejected**.
302. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

7.9.4 Strategic direction

7.9.4.1 Matters raised by submitter

303. GWRC seeks:

- a. *Include a strategic direction objective and/or policies to provide direction regarding ki uta ki tai, partnering with mana whenua, upholding Māori data sovereignty, and making decision with the best available information including Mātauranga Māori. Include a strategic direction objective and / or policy to require regard is had to equity and inclusiveness issues in decision making. [OS74.2]*
- b. *Include a strategic objective and supporting policies to achieve management of the natural resources of the district or city in an integrated manner, recognising ki uta ki kai and the interrelationships between land, freshwater, the coast (Proposed RPS Change 1 Policy FW.3(e) and (g)). [OS74.6]*

304. GWRC considers:

...there is a role for additional provisions in Variation 1 to give effect to the NPS-FM and have regard to Proposed RPS Change 1 direction in providing for urban intensification and development.

The relevant Proposed RPS Change 1 policies are:

Policy IM.1: Integrated management - ki uta ki tai – consideration

Policy IM.2: Equity and inclusiveness – consideration.

In regard to scope, matters addressed in the policy are related to district-wide matters which can be addressed in an IPI. Giving effect to this policy would also include how the IPI is developed and implemented.

7.9.4.2 Assessment

305. The above submission points are very broad and lack sufficient specificity for me to know exactly what relief is being sought. The submitter has not provided detail on exactly which provisions should be amended or how, where new provisions should go, or what they should look like, apart from they need to include strategic objectives.

306. Not only is the submission point vague, but the proposed RPS provisions to which the submitter refers are, in my view, not very well drafted and unclear. For example, Policy IM.2 is worded as follows:

When considering an application for a notified resource consent, notice of requirement, or a change, variation or review of a regional and district plan particular regard shall be given to achieving the objectives and policy outcomes of this RPS in an equitable and inclusive way, by:

(a) avoiding compounding historic grievances with iwi/Māori; and

(b) not exacerbating existing inequities, in particular but not limited to, access to public transport, amenities and housing; and

(c) not exacerbating environmental issues; and

(d) not increasing the burden on future generations.

307. This policy lacks the necessary precision to enable its meaningful implementation, directs district plans to address matters which are outside the scope of their functions under s31 of the RMA, and due to its drafting and scope represents a high regulatory requirement. For example, as noted in Council's submission on Proposed Change 1 to the RPS:

- *It does not achieve the purpose of the RMA. The purpose is to promote the sustainable management of natural and physical resources. This is to be done in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while meeting the three environmental bottom lines set out in s5 to the RMA. The purpose does not require that this is done in an equitable or inclusive way.*
- *It does not identify how potential tensions between having to give effect to other objectives and policies of the RPS and ensuring an "equitable and inclusive way" are to be reconciled if they arise.*
- *It requires a common understanding and agreed baseline on what existing inequities exist. Without this it cannot be determined when a resource consent, variation or plan change would exacerbate an existing inequity. There are examples of inequities, but not an exclusive list. This could be construed very broadly to address social inequities that are well beyond the ability of any RMA decision to address. This needs to be more clear, certain and defined to avoid legal challenges on things that cannot be managed through the RMA.*
- *Regional council or territorial authorities cannot manage access to public transport, amenities and housing through a resource consent or a plan change. This is quite a step change to be requiring a council through a consent to consider how a housing development in one area for example is not exacerbating lack of access to housing in another.*
- *There is no definition of "environmental issues" provided for this policy. The definition of "environment" in the RMA is broad and includes all natural and physical resources, amenity values, ecosystems and their constituent parts. This needs to be more certain, including specifying the degree to which "environmental issues" should not be exacerbated.*
- *The requirement not to exacerbate "environmental issues" is both uncertain and draconian given the RMA broad definition of "environment" and lack of any policy*

guidance on what an “issue” is nor any direction of degree of exacerbation to be considered before a resource consent, variation or plan change would fail this test.

- *Section 5 of the RMA requires that the needs of future generations are met, so “not increasing the burden” could be seen as a lower bar. However, the policy does not provide any direction on guidance on what is meant by “burden” in clause (d), burden of what exactly? This needs to be more clear and certain.*
- *Unlike IM.1, this refers to just notified consents. It is unclear why there is a discrepancy between notified and non-notified consents in these policies.*

308. The submitter has also not included any evaluation that would satisfy the requirements of s32AA for any of the above relief sought.

309. In regard to 76.2, partnering with Mana Whenua, as a principle of the Treaty of Waitangi is a matter to be taken into account under s8 of the RMA. Council has partnered with Ngāti Toa Rangatira on the development of the PDP, including Variation 1 and PC19 as outlined in section 4 of the Part A – Overview to s32 Evaluation. This is stated in the PDP itself in the Tangata Whenua Chapter within Part 1.

310. In regard to 76.6, the PDP aims to maintain and enhance the well-being of Te Awarua-O-Porirua Harbour through various chapters including managing the effects of: subdivision (SUB), development (THWT), and earthworks (EW), and protecting biodiversity (ECO), natural character (NC), landscapes (NFL) and the Coastal Environment (CE).

7.9.4.3 Summary of recommendations

311. I recommend for the reasons given in the assessment, that the submissions from GWRC [OS74.2, OS76.6], be **accepted in part**.

312. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

7.9.5 Additional freshwater provisions

7.9.5.1 Matters raised by submitter

313. GWRC seeks:

- a. *A policy to recognise, protect and enhance the Māori freshwater values. Amendments to matters of control or discretion where required to enable considerations of the policy. [OS74.2]*
- b. *In relevant policies and rules, for example indigenous vegetation clearance and earthworks, include as a matter of control or discretion, the adverse effects on mahinga kai, other customary uses and access for these activities (Proposed RPS Change 1 Policy FW.3(b)). [OS74.5]*
- c. *Amend or include new controlled and restricted discretionary activity rules and include appropriate policy direction to manage any actual or potential effects of land use, development or subdivision and the effects of surface water activities on water quality (Proposed RPS Change 1 Policy FW.3(e)). [OS74.7]*

- d. *Include a policy that requires the use, development and subdivision of land to consider effects on the harbour, rivers, lakes, wetlands, springs and riparian margins, including any relevant water quality attribute targets in a regional plan, ecosystem values and drinking water sources (Proposed RPS Change 1 Policy FW.3(h), (k), (l), (p) and (q)). [OS74.8]*
- e. *Include a policy and amend relevant rules that requires hydrological controls as defined in Proposed RPS Change 1 for use, development and subdivision of land (Proposed RPS Change 1 Policy FW.3(j)). [OS74.9]*
- f. *Include a policy and amend relevant rules to include triggers for consent and matters of control or discretion which requires the application of water sensitive urban design principles, including sustainable stormwater design to minimise impacts on the natural environment and achieves outcomes additional to stormwater treatment such as providing amenity spaces, ecological habitat etc. (Proposed RPS Change 1 Policy FW.3(i) and (f)). [OS74.10]*
- g. *Retain policies and rules and/or rule requirements that restrict the use of copper/zinc building materials and the extent of impervious surfaces i.e 50% (required by MDRS) (Proposed RPS Change 1 Policy FW.3(i)). [OS74.11]*
- h. *Amend policies and rules to control subdivision, vegetation clearance and earthworks and prevent inappropriate activities and buildings in riparian margins (Proposed RPS Change 1 Policy FW.3(l)). [OS74.12]*
- i. *Include a policy and objective to protect and enhance the health and well-being of water bodies and freshwater ecosystems, including wetlands [OS74.13]*
- j. *As a matter of control or discretion for subdivision and any other applicable activity, include:*
- *the extent to which the subdivision, use or development effects water quality, waterway values including hydrological and ecosystem processes, riparian margins, water users and cultural values.*
 - *the location, scale, construction and environmental effects of stormwater infrastructure and the extent to which the stormwater infrastructure contributes to amenity, recreational, cultural, ecological and climate values in addition to its engineering purpose*
 - *any financial contribution or development contribution required for any offsite stormwater quality and quantity treatment. [OS74.14]*
- k. *Amend the subdivision policy to encourage subdivision design to achieve efficient water use. [OS74.15]*
- l. *Amend the matters of control or discretion in earthworks provisions regarding the potential for adverse effects on water quality of any waterbody, wahi tapu, wahi taonga and habitat of any significant indigenous species. [OS74.16]*
- m. *Include a policy on directing matters to consider when determining the effects of a proposal on indigenous biodiversity which includes impacts on wetlands and their functions, including wider functions such as water quality treatment (i.e., nature-based solution). [OS74.40]*

314. GWRC considers:

...there is a role for additional freshwater provisions in Variation 1 to give effect to the NPS-FM and have regard to Proposed RPS Change 1 direction in providing for urban intensification and development. The relevant Proposed RPS Change 1 policies are: Policy FW.2; Policy FW.3, and Policy 15.

Amendments may be required across the plan to address the relief requested. Scope is available to do this through the ISPP, as a qualifying matter applies, being section 6 of the RMA. Stormwater management and infrastructure, including water supply, are also included as related provisions in the scope of an IPI as related provisions under section 80E(2).

7.9.5.2 Assessment

315. The above submission points are very broad and lack sufficient specificity for me to understand exactly what relief is sought. For example, where the submitter seeks “Amend or include new controlled and restricted discretionary activity rules and include appropriate policy direction...”, there is no further detail provided on exactly which rules should be amended or how, where new rules or policies should go, or what they should look like. It is also unclear why the submitter is seeking a specific activity status for such broad relief. The submitter has also not included any evaluation that would satisfy the requirements of s32AA for any of the above relief sought.
316. The submitter has stated that these provisions are *related* provisions but has not provided reasoning that explains why. Further, as no clear link is made between the relief sought and any of the proposed new provisions in Variation 1, I consider that these submission points are likely all out of scope.
317. The submitter may seek to clarify these submission points through the hearings process and provide some justification; however even if they were to do so, I consider that it is highly unlikely any submitters would have reasonably known exactly what relief was sought, which raises a natural justice issue.
318. Another issue is that these submission points generally represent regulatory overreach in terms of s30 and s31 functions of the respective councils. Discharges to water bodies or onto land where it may enter a waterway are a s30 function, and are already managed under the PNRP. Likewise, Māori freshwater values would be identified and protected in a regional plan rather than a District Plan. For example, schedules B and C of the PNRP. The Panel may wish to question the submitter as to the extent to which matters are not considered to be addressed in the NRP which have resulted in there being gaps that need to be filled by the district plan, or otherwise request clarification as to why they consider the duplication is necessary.
319. In regard to OS74.8, it is important that controls in District Plans do not duplicate those in the Regional Plan. Unlike District Plans, Regional Plans can control both land uses and discharges and as such are the primary tool for achieving target attribute states for water bodies. It is also worth noting that target attribute states have not yet been set in the PNRP, so despite these jurisdictional issues, there is insufficient evidence to justify new provisions in terms of s32AA. In regard to OS74.13, these matters are out of scope of the District Plan as the maintenance and enhancement of ecosystems and the quality of water bodies and wetlands is a regional council function under s30(1)(c).

320. The relief sought by OS74.9 and OS74.10 are covered by THWT to a large extent including the requirement for hydrological neutrality, as this is a resource management matter within our jurisdiction.
321. In regard to OS74.11, I am unclear which policies or rules are being referred to as there are no controls in the PDP relating to the use of copper or zinc building materials nor any controls on impervious surfaces in terms of a maximum site coverage standard. The MDRS does contain a 50% maximum building coverage standard which has been incorporated into residential zones.
322. In regard to OS74.12, it is unclear which policies and rule the submitter seeks amendment, or how existing provisions in the PDP are insufficient including: NATC (riparian setback), ECO (vegetation clearance), or SUB (esplanade reserves).
323. In regard to OS74.14 and OS74.16, it is not clear which rules the submitter is seeking additional matters of discretion or control for; (k) does not specify which subdivision policy is sought to be amended; and OS74.40 does not specify where a policy should go, nor what the “matters to consider” should be.
324. Regardless, I consider that the PDP including Variation 1 appropriately seeks to maintain and enhance Harbour and catchment health within our jurisdictional responsibilities, noting GWRC is primarily responsible for the management of water quality including the discharge of contaminants such as sediment and nutrients.
325. I note that both the SASM and ECO chapters contain earthworks provisions relating to the protection of sites and areas of significance to Māori and to SNA respectively.

7.9.5.3 Summary of recommendations

326. I recommend for the reasons given in the assessment, that the submissions from GWRC [OS74.9, OS74.10, OS74.11, OS74.12, OS74.16], be **accepted in part**.
327. I recommend for the reasons given in the assessment, that the submissions from GWRC [OS74.2, OS74.5, OS74.7 OS74.8, OS74.13, OS74.15, OS74.16], be **rejected**.
328. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

7.10 Biodiversity

7.10.1 Matters raised by submitters

329. James Hadley Bond [OS102.5] is not opposed to intensification within Porirua City but has concerns that mitigation for preservation of ecosystems and landscapes will not be fully addressed in an effort to reduce the cost of and speed up development. The submitter questions what will be done to protect landscapes and habitats.
330. GWRC seeks:
- a. *Include a policy to direct the circumstances when and how biodiversity offsetting can be used and if used, the outcome must be at least a 10 percent biodiversity gain or benefit. Refer to an appendix for full details. [OS74.41]*

- b. *Include an appendix which sets out the limitations where biodiversity offsetting is not appropriate as described in Policy 24 and Appendix 1A. [OS74.42]*
- c. *Include an objective that mana whenua values relating to indigenous biodiversity are recognised and involvement in decision making and management is supported. [OS74.43]*
- d. *Include policy that requires mana whenua involvement in the mapping of indigenous biodiversity, including to identify taonga species. [OS74.44]*
- e. *Include policy to enable mana whenua to undertake customary activities in accordance with tikanga such as customary harvest of mahinga kai species. [OS74.45]*
- f. *Include policy to support provision of access to indigenous biodiversity sites. [OS74.46]*
- g. *Include permitted activity rules for the cultural harvesting of mahinga kai, for example indigenous vegetation removal. [OS74.47]*
- h. *In relevant rules, for example indigenous vegetation clearance, include as a matter of control or discretion, the adverse effects on mahinga kai, other customary uses and access for these activities. [OS74.48]*
- i. *Provisions could require management plans for managing offset biodiversity areas and managing effects on significant areas. Monitoring requirements would form part of these plans and plan direction could encourage the adoption of matauranga Māori in monitoring of indigenous species in relevant circumstances. [OS74.49]*

331. GWRC considers:

...there is a role for additional provisions in Variation 1 to have regard to Proposed RPS Change 1 direction in providing for urban intensification and development. The relevant Proposed RPS Change 1 policies are Policy 24 and Policy 47.

...there is a role for additional provisions in Variation 1 to have regard to Proposed RPS Change 1 direction in providing for urban intensification and development. The relevant Proposed RPS Change 1 policies are Policy IE.1 and Policy IE.2.

In regard to scope, indigenous ecosystems are considered a district-wide matter which can be considered in scope of IPI under section 80E(2)(a). Additionally, protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna is a qualifying matter under section 80(E)(2)(e).

7.10.2 Assessment

332. In regard to James Hadley Bond's submission, I note no specific relief is sought in terms of provisions to be amended but concerns are raised regarding protecting landscapes and habitats. I consider that ecosystems and landscapes are comprehensively protected in the PDP through overlays including SNA, landscapes and areas of high natural coastal character. I consider that the PDP approach continues to provide for protection of natural environment values.
333. Section 2.6 of this report outlines issues with having regard to Proposed Change 1 to the RPS, and the scope of GWRC's submission. This includes issues with inconsistency with national direction.
334. There are no changes proposed to the ECO Chapter through Variation 1, and as no clear link is made between the relief sought and any of the proposed new provisions in Variation 1, I

consider that these submission points are likely all out of scope. The submitter has also not included any evaluation that would satisfy the requirements of s32AA for any of the above relief sought.

335. As a further plan change will be required once the NPS-IB is gazetted to give effect to it within its required statutory timeframes, I consider that this would be a more appropriate time to review biodiversity settings in the PDP as Proposed Change 1 to the RPS will potentially be progressed through to decisions, and it can be considered alongside the NPS-IB. This would also provide time to engage with mana whenua and landowners, as well as developing an appropriate evidence base including an updated ecological assessment. The Council will also need to consider the need for a plan change to give effect to Proposed Change 1 once it is made operative.
336. In regard to OS74.41 and OS74.42, I consider that the PDP does outline circumstances where biodiversity offsetting should be used. ECO-P2 sets out the effects management hierarchy itself, and APP8 the principles of biodiversity offsetting.
337. In regard to OS74.43, OS74.44, OS74.45, OS74.47, these matters are already addressed by the PDP. ECO-P1 requires SNA be identified in accordance with Policy 23 which criteria includes tangata whenua values:
- (e) Tangata whenua values: the ecosystem or habitat contains characteristics of special spiritual, historical or cultural significance to tangata whenua, identified in accordance with tikanga Māori.*
338. Likewise, ECO-P3 and ECO-R1 already enable customary activities. I do not consider additional provisions are necessary regardless of the scope issues identified above. Further, both the ECO Chapter and SCHED7 were developed in partnership with Ngāti Toa. I note that TROTR did not make a further submission in support of these submission points.
339. In regard to OS74.46 and OS74.48, I consider that additional policies and rules are unnecessary. SNAs on public property can generally be accessed by the public as they are mostly managed as reserves. On private property it is a landowner's prerogative to allow access or not to an SNA on their property. For larger sites, there is the ability for Council to take land in lieu of development contributions and provide for public access.
340. In regard to OS74.48, effects on mahinga kai are already addressed by ECO-P2. If the submitter is seeking that cultural impact assessments or similar required as part of a resource consent application, this needs to be supported by evidence and justified through a s32AA assessment.
341. In regard to OS74.49, management plans and monitoring plans can already be required as conditions of consent for vegetation clearance. I consider that additional provisions are unnecessary.

7.10.3 Summary of recommendations

342. I recommend for the reasons given in the assessment, that the submissions from GWRC [OS74.47, OS74.48, OS74.49] be **accepted in part**.
343. I recommend that the submissions from James Hadley Bond [OS102.5], GWRC [OS74.41, OS74.42, OS74.43, OS74.44, OS74.45, OS74.46] be **rejected**.

344. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

7.11 Climate change

7.11.1 Climate change general

7.11.1.1 Matters raised by submitters

345. Charmaine Thomson [OS36.1, OS36.4] raises issues relating to climate change and managed retreat including: “Explicit solutions for managed retreat, climate relief, being kaitiakitanga and housing options that benefit the affected current and future communities, not the developers”. The submitter considers:

It is well understood Pari-ā-Rua is growing, it is also important to remember everyone has the right to affordable and accessible homes, tika (ethical, upright) consultation and inclusive communication in the rohe where they have chosen to live or have lived for generations. Being explicit about managed retreat may help people plan for considerable financial, accessibility and familial impacts.

346. Isabella G F Cawthorn [OS83.2] seeks that “emissions reduction and VKT [vehicle kilometres travelled] reduction need to be added to PDP objectives”.

7.11.1.2 Assessment

347. In regard to the submission from Charmaine Thomson, the PDP already contains provisions that enable a range of housing types, including those that enable traditional ways of living such as the Hongoeka Zone and the Papakāinga chapter and related provisions.
348. The PDP also contains provisions relating to the management of natural hazards including the predicted impacts of climate change. I consider that these provisions are related to managed retreat as they seek to avoid further development in high hazard areas, but this is likely not the ‘explicit solution’ sought by the Submitter. In my view, one example of an explicit solution within the scope of the RMA is the extinguishing of existing use rights for residential activities in a high hazard area. However, this is not an option available for a District Plan as s10 of the RMA provides for existing use rights where the activity was lawfully established.
349. Further, whether the managed retreat is for residential activities or for community or public assets, managed retreat will involve tools and actions that sit outside the District Plan. This may include property purchases, amending asset management plans etc. Council has a Climate Change Strategy, and will look to work with the community to undertake Adaptive Management Strategies which will explore managed retreat options for vulnerable communities. I also note that the Government is developing a Climate Change Adaptation Act to address complex issues associated with managed retreat and funding and financing adaptation. This Act may provide councils and communities with more specific tools to address managed retreat.
350. In regard to the submission from Isabella G F Cawthorn, I am unsure which objectives the submitter seeks be amended and how, and how this would relate to policies and rules including any consequential amendments. The Panel may wish to ask the submitter to clarify at the hearing.

7.11.1.3 Summary of recommendations

351. I recommend for the reasons given in the assessment, that the submissions from Charmaine Thompson [OS36.1, OS36.4] be **accepted in part**.
352. I recommend that the submission from Isabella G F Cawthorn [OS83.2] be **rejected**.
353. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

7.11.2 Climate change – GWRC submission

7.11.2.1 Matters raised by submitter

354. GWRC seeks:

- a. *Add an objective for the transport system to reduce dependence on fossil fuels and private vehicles recognising contributing to reduction in GHG emissions (Proposed RPS Change 1 Objective CC.3). [OS74.17]*
- b. *Include a policy that sets out a preference for freight distribution centres and high trip generating activities to locate in areas that are in close proximity to efficient transport networks. [OS74.21]*
- c. *Add a policy that enables the development of zero and low carbon and public transport infrastructure (i.e., charging stations, park and ride facilities). [OS74.22]*
- d. *Add rules to permit the development of appropriate zero carbon, public transport and active transport infrastructure. [OS74.24]*
- e. *Add a policy that requires the provision of infrastructure in subdivision development that supports modal shift and consideration of how design can reduce greenhouse gas emissions. [OS74.25]*
- f. *Add a matter of control or discretion for subdivision, comprehensive housing development and commercial activity rules (and similar) a requirement to consider the extent to which the development provides for zero or low carbon, public and active transport modes [OS74.28]*
- g. *Include policies which seek to improve climate resilience of urban areas through measures identified in RPS Change 1 Policy CC.14. [OS74.31]*
- h. *Include matters of control or discretion in relevant rules that considers the extent to which the development within the design will improve climate resilience. [OS74.33]*
- i. *As a matter of control or discretion for subdivision include the extent to which the design protects, enhances, restores or creates nature-based solutions to manage the effects of climate change, or similar. [OS74.36]*
- j. *Include provisions for recognising the functions of the ecosystems providing nature-based solutions to climate change and avoid adverse effects of subdivision, use and development on their functions, including before they are mapped. Policies should:*
 - *direct the protection of areas that already perform a function as a nature-based solution, including the many wider benefits these can have.*
 - *encourage the restoration of nature-based solutions. [OS74.37]*

- k. *Identify the type and scale of activities where reducing greenhouse gases rather than offsetting must occur. Include objectives, policies, rules to require greenhouse gases to be reduced rather than offset for the type and scale of activities identified. [OS74.38]*
- l. *Submitter also seeks for the REE (Resilience, Efficiency and Energy) objectives to have regard to the Proposed RPS Change 1 climate change objectives, including reducing greenhouse gas emissions. [OS74.39]*
- m. *Amendments to have regard to Proposed RPS Change 1 Policies 29, 51 and 52 and Objectives 19 and 20, including but not limited to:*
- *Use 'minimise' instead of 'reduce' when referring to risks from natural hazards.*
 - *Consider the exacerbating effects of climate change and sea level rise.*
 - *Prioritise nature-based solutions, including soft engineering and, green infrastructure, room for the river, or mātauranga Māori options over hard engineering methods where possible. Minimise the impact of hard engineering methods on the natural environment where they are necessary. [OS74.57]*
- n. *Submitter seeks that Variation 1 includes amendments to existing provisions or new provisions across the REG, SUB and zone chapters to:*
- *Recognise the benefits that renewable energy sources have for greenhouse gas emission reduction.*
 - *Include policy to promote energy efficiency in development such as layout in design to maximise solar and renewable energy generation.*
 - *Include as a matter of control or discretion for subdivision and comprehensive housing developments how the development provides for solar orientation of buildings to achieve passive solar gain. [OS74.58]*
- o. *Rules to manage the provision of new, or additions or upgrades to transport infrastructure. [OS74.85]*
- p. *Include a policy to encourage carbon emissions assessment for certain types of projects, or activities over a certain threshold, and specify what these assessments must include. [OS74.86]*

355. GWRC considers:

...there is a role for additional provisions in Variation 1 to have regard to Proposed RPS Change 1 direction in providing for urban intensification and development. The relevant Proposed RPS Change 1 policies are: Policy CC.1, Policy CC.2, Policy CC.3, Policy CC.9, Policy CC.10, Policy 7, Policy 57, Policy 58...

Proposed RPS Change 1 includes a number of provisions that recognise nature-based solutions are an integral part of the climate change mitigation and adaptation response required in the region and also provide a number of other benefits for indigenous biodiversity and community well-being. Nature-based solutions are defined as 'actions to protect, enhance or restore natural ecosystems, and the incorporation of natural elements into built environments, to reduce greenhouse gas emissions and/or strengthen the resilience of humans, indigenous biodiversity and the natural environment to the effects of climate change....'

Natural nature-based solutions already exist and perform functions that support solutions to climate change. These areas are to be mapped by Greater Wellington by June 2024.

District Plans should avoid adverse effects on ecosystems providing nature-based solutions to have regard to Policy CC.12 in Proposed RPS Change 1. The PDP goes some way to providing for nature-based solutions through soft engineering for natural hazard risks, particularly coastal hazards. Submitter supports this direction

...supports the risk-based approach to natural hazards taken by the PDP and the NGA, and existing encouragement of soft engineering measures in NH-P10. Submitter considers there is a role for amendments to some provisions in Variation 1 to have regard to Proposed RPS Change 1 direction in providing for urban intensification and development. The relevant Proposed RPS Change 1 policies are Policy 29, Policy 51 and Policy 52.

...Submitter supports the existing renewable energy generation provisions in the PDP which will apply to the intensification enabled in Variation 1 and PC19. However, Submitter requests that the provisions in the Renewable Energy Generation chapter, the subdivision chapter and the zone rules have regard to Policy 11 in Proposed RPS Change 1.

7.11.2.2 Assessment

356. As outlined in section 7.9, the above submission points are very broad and lack sufficient specificity for me to know exactly what relief is being sought. For example, in regard to OS74.37, where the submitter seeks “*Include provisions for recognising the functions of the ecosystems providing nature-based solutions to climate change and avoid adverse effects of subdivision, use and development on their functions, including before they are mapped. Policies should...*” there is no further detail provided on exactly which provisions should be amended or how, where new provisions should go, or what they should look like. It is also unclear why the submitter is seeking some matters specifically be policies, let alone which objectives they should relate to, or what consequential changes to rules and standards they are seeking.
357. The submitter has also not included any evaluation that would satisfy the requirements of s32AA for any of the above relief sought.
358. The submitter has stated that these provisions are related provisions with no reasoning as to why. Further, as no clear link is made between the relief sought and any of the proposed new provisions in Variation 1, I consider that these submission points are likely all out of scope.
359. Not only are these submission points vague, but the proposed RPS provisions they relate to are, in my view, unclear. For example, take Policy CC.1 which is worded as follows:

District and regional plans shall include objectives, policies, rules and/or methods to require that all new and altered transport infrastructure is designed, constructed, and operated in a way that contribute to reducing greenhouse gas emissions by:

(a) Optimising overall transport demand;

*(b) Maximising mode shift from private vehicles to public transport or active modes;
and*

(c) Supporting the move towards low and zero-carbon modes.

360. The policy lacks the necessary precision to enable its meaningful implementation, and due to its drafting and scope represents a high regulatory requirement. For example, as noted in Council's submission on Proposed Change 1 to the RPS:

- *District plans cannot regulate how transport infrastructure is operated. The policy needs to be amended to reflect that district plans can only manage the future development, use and subdivision of land. Waka Kotahi and the Regional Transport Committee have a significant role in directing how the network is operated through the Regional Land Transport Plan and through Waka Kotahi's National Land Transport Plan and Waka Kotahi implementation on the GPS on Transport Funding. The other mechanism to deliver these outcomes is activity management plans of road controlling authorities and public transport agencies. Noting that affordability is a big issue for councils such as Porirua City Council with a constrained rating base.*
- *A definition is needed for "transport infrastructure". For example, is a private car parking garage on a residential property a piece of transport infrastructure?*
- *This Policy applies to "all new and altered transport infrastructure" which would unnecessarily capture a very wide range of infrastructure including altered bus stops, small scale repair works, and EV charging points. There is no definition for altered and one needs to be provided to avoid unintended consequences of very small scale alterations being captured.*
- *It is unclear what is meant by "optimising overall transport demand" and how district plans will help achieve this.*
- *It is unclear what level of change is required to meet "maximising" mode shift and how this would be measured in the regulatory context of district plan rules.*
- *It is unclear what is meant by "support". How will this be achieved in district plan rules or methods?*

361. In regard to OS74.17, objective CC.3 seeks to achieve a by 2030 a 50% reduction in emissions from 2019 levels, and net-zero emissions by 2050. This includes a 35% reduction in land-transport generated emissions. While I agree with the general intent of objective CC.3, it is not achievable within the scope of a RMA document, nor the functions of territorial authorities. There are insufficient levers at a local level to reduce emissions from the existing vehicle fleet to this extent, and many potential measures require improvements to regional council controlled public transport systems or through national regulation such as subsidies for electric vehicles, fuel taxes, congestion charging, controls on the import of vehicles etc. Further, district plans can only address future use, development and subdivision and cannot require changes to existing use and development. The submitter has not outlined how this objective should be worded, where it should sit in the PDP, nor what consequential changes would be required to provisions that would be required to achieve the objective.

362. In regard to OS74.21, I consider that the management of transport effects from land use activities is more efficiently and effectively addressed at the time of zoning in terms of managing the location of land uses. I am also unsure what constitutes an 'efficient transport network'.

363. In regard to OS74.22, OS74.24, OS74.25 and OS74.28, the PDP enables infrastructure such as public and multi-modal transport to a large extent through the Infrastructure Chapter. The submitter has not outlined how these provisions are inappropriate, or what alternative policies and rules should say and what objective they relate to. I note Mr Smeaton has addressed these provisions further in relation to submissions in Hearing Stream 4, refer to section 3.5.3 of his s42A Report where he recommends additional amendments to better enable 'ancillary transport network infrastructure' including bus stops, shelters, and train stations.

364. In regard to OS74.31, the submitter requests the implementation of Policy CC.14 requires:

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, provide for actions and initiatives, particularly the use of nature-based solutions, that contribute to climate-resilient urban areas, including:

(a) maintaining, enhancing, restoring, and/or creating urban greening at a range of spatial scales to provide urban cooling, including working towards a target of 10 percent tree canopy cover at a suburb-scale by 2030, and 30 percent cover by 2050,

(b) the application of water sensitive urban design principles to integrate natural water systems into built form and landscapes, to reduce flooding, improve water quality and overall environmental quality,

(c) capturing, storing, and recycling water at a community-scale (for example, by requiring rain tanks, and setting targets for urban roof area rainwater collection),

(d) protecting, enhancing, or restoring natural ecosystems to strengthen the resilience of communities to the impacts of natural hazards and the effects of climate change,

(e) providing for efficient use of water and energy in buildings and infrastructure, and

(f) buildings and infrastructure that are able to withstand the predicted future temperatures, intensity and duration of rainfall and wind.

365. This policy lacks the necessary precision to enable its meaningful implementation, directs district plans to address matters which are outside their scope, and due to its drafting and scope represents a high regulatory requirement. For example, as noted in Council's submission on Proposed Change 1 to the RPS:

- *It relies on a definition for "nature-based solution" which lacks the necessary specificity, certainty and clarity required for terms used in a RMA regulatory framework (see Council submission point on this definitions).*
- *It relies on a number of terms that have not been defined. These include "climate-resilient urban area", "urban greening", "urban cooling", "water sensitive urban design", "resilience". The lack of definitions for these terms creates uncertainty for applicants, councils, and other stakeholders.*
- *The policy includes requirements that will not be within the knowledge of the consent authority or applicants, for example suburb-scale tree canopy cover.*
- *The policy would require councils to undertake assessments of tree cover regularly and assess applications against their impact of the current knowledge base, which may be altered by resident action, such as removing trees (either legally or illegally). This would be onerous on both councils and applicants.*
- *The policy duplicates controls under other statutes and regulations such as the Building Code.*
- *Relies on application of tests for which no policy guidance has been provided to determine when these are met. Examples include; "strengthen" in (d), "efficient" in (e), "withstand" in (f).*
- *Clause (f) does not specify the timeline for "predicted" nor whose prediction is to be applied. The clause duplicates the Building Code.*
- *No threshold is included and as drafted would apply to all resource consents, change, variation or review of RMA plans regardless of scale and type of activity. For example, a*

dormer window breaching a height in relation to boundary standard in a district plan may trigger this policy consideration. As such the policy will have a regulatory reach that has not been justified by the s32 evaluation.

- *In regard to (a), why are these targets not included in the relevant objective? Further, is there data available to assess this against?*
- *In regard to (c), it is unclear what sort of targets are meant. This needs to be reframed to acknowledge can only address new development. What does “provide for actions and initiatives” mean in a consent process? This needs to be thought through into what this actually means in terms of implementation. How are we supposed to have regard to this?*
- *In regard to (f), this is most appropriately handled under the building act and other acts determining the design resilience of different pieces of infrastructure (such as Electricity (Safety) Regulations 2010) and any amendments needed to capture the resilience of new buildings to predicted environmental changes. The Building Act already has requirements for different resilience elements (salt spray, wind zones etc.). These are regularly updated. Similarly there are engineering standards for a wide range of infrastructure to ensure that it is resilient. Assessment of applications may not be the most effective way of implementing resilience in that area.*
- *GWRC also need to consider how the canopy cover policy aligns with the restrictions under s76(4A), whereby territorial authorities cannot include rules in their plans that prohibit or restrict the felling, trimming, damaging or removal of a tree or trees on a single urban environment allotment, unless the tree(s) are described in a schedule in the district plan, which includes a description of the tree(s) and the specific street address or legal description. While territorial authorities may be able to include rules requiring canopy cover for new development, they are unable to then prevent the removal of those trees, without complying with the requirements of s76 RMA.*

366. I also do not know what policies the submitter is seeking, where in the PDP they consider they should go, or what objective they relate to.

367. In regard to OS74.33, I am unsure exactly what is being sought, including what “development with the design” means or what “climate resilience” means in this context.

368. In regard to OS74.36, I am unsure which rule in the Subdivision Chapter the submitter is seeking a matter of control or discretion be added to, or what this should say. As outlined above, it relies on a definition for ‘nature-based solution’ in the Proposed Change 1 which lacks the necessary specificity, certainty and clarity required for terms used in a RMA regulatory framework. The definition in Proposed Change 1 is

Actions to protect, enhance, or restore natural ecosystems, and the incorporation of natural elements into built environments, to reduce greenhouse gas emissions and/or strengthen the resilience of humans, indigenous biodiversity and the natural environment to the effects of climate change. Examples include: Reducing greenhouse gas emissions (climate change mitigation):

- *planting forests to sequester carbon*
- *protecting peatland to retain carbon stores Increasing resilience (climate change adaptation): (a) providing resilience for people*
- *planting street trees to provide relief from high temperatures*

- *restoring coastal dunelands to provide increased resilience to the damaging effects of storms linked to sea level rise*
- *leaving space for rivers to undertake their natural movement and accommodate increased floodwaters,*
- *the use of water sensitive urban design, such as rain gardens to reduce stormwater runoff in urban areas (b) providing resilience for ecosystems and species*
- *restoring indigenous forest to a healthy state to increase its resilience to increased climate extremes*
- *leaving space for estuarine ecosystems, such as salt marshes, to retreat inland in response to sea level rise.*

369. The definition of 'nature-based solution' relies on a common understanding of a number of terms used in this definition, such as "actions", "natural ecosystems", "natural elements", and "resilience", since those terms are not themselves defined. For the provision to be workable further detail would therefore need to be provided in the district plan. This is something GWRC could look to expand on at the hearing.
370. In regard to OS74.37, the requirement to recognise and protect these areas is a high regulatory bar considering the definition of 'nature-based solution' applies to everything from estuaries and rivers to street trees.
371. In regard to OS74.38, the PDP does not currently require the offsetting of greenhouse gas emissions, so it is unclear why these provisions are needed. Emissions offsetting is addressed through the ETS. Territorial authorities do not have capability and capacity to implement emissions offsetting regimes. Nor do they have the function under s31 to address discharges of greenhouse gases. This is a regional council function.
372. In regard to OS74.38, the REE strategic objectives are not amended by Variation 1. I note that GWRC did not submit on these when the PDP was notified.
373. In regard to OS74.57, the Natural Hazards and Coastal Environment chapters are not amended by Variation 1 and therefore I consider this relief sought is out of scope. This topic was heard in Hearing Stream 3, and I note that the Council Reply does recommend the use of the term 'minimise' in several provisions. Modelling of coastal and flood hazards does include the predicted impacts of climate change over the next 100 years, including sea level rise and increased rainfall.
374. In regard to OS74.58, the Renewable Electricity Chapter is not amended Variation 1 and therefore I consider the relief sought in relation to this Chapter is likely out of scope. I note that this Chapter does enable renewable electricity generation which is preferable to non-renewable sources of electricity from an emissions perspective.
375. The residential zone rules already do include matters of discretion around energy efficiency in urban design (refer to Part B of the Residential Design guide for instance). I do not know what specific provisions in the Subdivision Chapter the submitter is seeking amendments to. Further, the amendments to this chapter through Variation 1 were quite narrow so there is limited scope to make further changes.
376. In regard to OS74.85 and OS74.86, the reason for the relief sought is to give effect to Policy CC.11 in Proposed Change 1 which says:

When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, a whole of life carbon emissions assessment is encouraged for all new or altered transport infrastructure as part of the information submitted with the application. This information will assist with evaluating the potential greenhouse gas emissions, options for reducing direct and indirect greenhouse gas emissions and whether the infrastructure has been designed and will operate in a manner that contributes to the regional target for a reduction to transport-related greenhouse gas emissions.

377. This policy encourages information be included in Assessments of Environmental Effects for resource consents and supporting information for RMA plans. It is therefore unclear what policies and rules are sought by the submitter. Issues of concern raised in Council's submission to Proposed Change 1 are relevant and include:

- *It is unclear how this relates to a plan change/variation/review – the term “submitted with an application” suggests that the intention was for this policy to apply to resource consents.*
- *The policy or method needs to clarify what type and scale of infrastructure would trigger this encouragement since as drafted it would apply to anything from a new EV point or a new bus stop up to a new Motorway. Without a scaled approach to a Whole of life carbon assessment, or tools that planners can use to conduct one, its application would be inconsistent at best and useless at worst.*
- *It should only come into effect after the regional council has published guidance and an appropriate methodology for identifying and measuring the total volume of greenhouse gases emitted at different stages of a project lifecycle. Territorial authorities do not have the necessary expertise to review and test a carbon emissions assessment.*
- *A whole of life carbon emissions assessment is a method to implement the policy. There is no definition of what a whole of life carbon emissions assessment is. If this term is to be retained, then it needs to be defined.*

378. Further to (p), the Infrastructure Chapter is not amended by Variation 1 and therefore I consider the relief sought in relation to this Chapter is likely out of scope.

7.11.2.3 Summary of recommendations

379. I recommend for the reasons given in the assessment, that the submissions from GWRC [OS74.17, OS74.21, OS74.22, OS74.24, OS74.25, OS74.28, OS74.31, OS74.33, OS74.36, OS74.37, OS74.38, OS74.39, OS74.57, OS74.58, OS74.85, OS74.86] be **rejected**.

380. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

7.12 Natural hazards

7.12.1 Natural hazards general

7.12.1.1 Matters raised by submitters

381. Philippa Sargent [OS4.5] seeks amendment of “the wording for the map legend for the Hazards and Risks Overlays, specifically that for the ‘Coastal Hazard – Current Inundation’.” The submitter considers:

For the average person, the wording makes it seem like these areas currently have coastal inundation on a regular basis. Has lived at 1 Sunset Parade since 2008 and knows that this is definitely not the case. Seawater has never even breached the seawall at this point, let alone crossing the street into properties.

Having talked to a PCC staff member, understands that this overlay is in fact just referring to events which are classified as 1 in 100 year storm surge events. This is not currently clear at all. It disadvantages rate-payers who have this showing for their property, as the average person/potential buyer/insurance company could interpret this to mean regular weather/storms do affect these properties, i.e. not just when it is a one in 100 year event.

Some simple changes to the wording would clarify this.

382. Philippa Sargent [OS4.4] also seeks the following: “Amend the proposal so that high density housing is not permitted in areas prone to flooding or coastal inundation.”

383. The submitter considers:

These hazard prone areas are already facing natural threats and adding more residents needing access to their homes will compound pressure during hazard events. It also adds pressure following an event when/if reinstatement or maintenance of affected properties is needed. In addition, access for emergency vehicles could be compromised during and after hazard events.

384. Harbour Trust & Guardians of Pāuatahanui Inlet [OS32.3] seeks that the following matters “need to be considered when any medium or higher density developments are proposed”:

The higher density proposals in Variation 1 pose considerable risks to properties, hillside stability, and transport systems. These proposals also risk excess and contaminated run off from stormwater and sewerage systems and particularly risk damaging the sensitive environment of Te Awarua-o-Porirua.

North and northwest facing hillsides such as those in the Paremata area are, with reasonable frequency, visited by high winds. Any large buildings will potentially create areas where the wind is accelerated, particularly by high buildings. These impacts should be the subject of research before any such building is allowed. The impacts will not just affect the large/high buildings and lots, but also surrounding properties. Rain will also be more forcefully driven into the hillsides increasing the erosion potential and thus sedimentation and contaminant flows into the harbour.

Many of Porirua’s hillsides are unstable. This problem is made worse should steep sided excavations be made to accommodate high rise buildings. Excavation slopes should be limited to no more than 45 degrees. That would allow the slopes to better support the weight of higher parts of the hillsides, allow better and deeper-rooted vegetation to thrive and provide more opportunity for water to be absorbed and released progressively. Careful consideration should be given to potential hillside erosion.

There is already significant development of the hillsides. These developments are supported by retaining walls of various types. Potentially undermining these walls with downhill excavations could have disastrous consequences for the existing retaining walls. All developments should be closely vetted for possible impacts on stability of higher retaining walls.

Porirua City has developed proposals in this Variation 1 that will help reduce some of the above adverse consequences, but we consider Variation 1 needs further amendments to lower the risk to water bodies and Te Awarua-o-Porirua.

385. Madeleine Waters [OS39.1] seeks:

In relation to High and Medium Density Residential Zone in Plimmerton and Camborne, suggests the following changes to the proposals in Plimmerton and Camborne due to flood, coastal erosion and land slip risks:

- Maintain the status quo for all coastal sites, Steyne Avenue, Sunset Parade, Moana Road etc until management of the coastal hazards is addressed (this aligns to the KCDC's approach)*
- Maintain the status quo for all sites around Palmers Garden Centre, St Theresa's School, Airlie Road and any other areas that are a high flood risk (as evidenced by flood events in recent years)*
- Reduce the zoning to medium density (or status quo) around Motuhara Road, Pope Street, Taupo Crescent and Grays Road where the topography is steep.*

386. Ian McKewon [OS44.1] seeks

Do not amend the District Plan to incorporate any proposed higher density housing or medium density housing either on or adjacent to "identified flood prone" areas as this will only exacerbate and overload the current resources and place extra stress and harm on the current and future residents.

387. GWRC [OS74.76] seeks:

Identify the coastal hazard overlays for flooding, erosion and future flooding and erosion due to sea level rise as a coastal hazard zone. Recognise this zone as a qualifying matter and prevent medium and high density residential overlays from applying in this zone. Within this zone any development or intensification should be subject to the existing provisions/rule framework in the proposed district plan.

388. GWRC considers:

Allowing for medium and high density residential zoning in the high and medium coastal hazard zones is contrary to the following provisions of the district plan: NH-O1, NH-P2, NH-P3.

The policy and rule framework allows for development in high and moderate hazard areas provided it meets certain conditions and is controlled as a discretionary or noncomplying activity. Thus, whilst there are restrictions, there is a consenting pathway through these constraints and potentially medium and high density housing could be built in coastal areas identified as having a risk from natural hazards including: Pukerua Bay Beach; Plimmerton coastline, Mana and Pauatahanui Inlet.

These areas are all subject to increasing risks from coastal flooding and erosion as a result of sea level rise. While a certain amount of hazard mitigation can be undertaken to deal with flooding, erosion or seismic hazards, nothing can be done about sea level rise. We are locked into at least one metre of sea level rise and probably more over the next 100 years. This will have severe consequences for our coastal areas in terms of shoreline readjustment and flooding, both from the sea and due to impacts on groundwater and stormwater. Insurance will not cover impacts from sea level rise because it is foreseeable and predictable. There should simply be no further intensification in these areas beyond what is already provided for in the proposed district plan for these areas. They should not be identified as medium or high density residential zones. Doing so is contrary to the proposed district plan, the operative RPS and Proposed RPS Change 1.

389. Robin and Russell Jones [OS80.2] opposes “the inclusion of fragile coastal areas and flood prone areas in the HRZ zone”. The submitter considers “PCC should take into account the current and future impact of adverse weather events, climate change and rising sea levels.”
390. Vanessa Jackson [OS87.3] raises the following matters:

How do existing residents get to protect their right to have the wind considered as a hazard due to changes that would result from intensification?

7.12.1.2 Assessment

391. In regard to the submission from Philippa Sargent, I note that no changes were proposed to coastal hazard overlays through Variation 1. However, I note that this matter was traversed in Hearing Stream 3 where changes were sought to the legend. Council’s reply recommends that it be amended as follows to clarify that the hazard relates to a 1:100 year storm surge event:

- **Hazards and Risks Overlays**
 - Flood Hazard - Stream Corridor
 - Flood Hazard - Overland Flow
 - Flood Hazard - ~~Pending Inundation~~¹⁵
 - Coastal ~~Erosion~~ Hazard – Current Erosion
 - Coastal ~~Erosion~~ Hazard – Future Erosion (with 1m SLR)
 - Coastal ~~Flood~~ Hazard – ~~Current Inundation~~ 1:100yr storm surge
 - Coastal ~~Flood~~ Hazard – ~~Future Inundation~~ 1:100yr storm surge¹⁶ (with 1m SLR)
 - Tsunami Hazard - 1:100yr Inundation Extent
 - Tsunami Hazard - 1:500yr Inundation Extent
 - Tsunami Hazard - 1:1000yr Inundation Extent
 - Fault ~~Hazard Management Area~~ ~~Rupture Zone~~¹⁷

Figure 3: Excerpt from Appendix A Council Reply on Natural Hazards and Coastal Environment - Hearing Stream 3

392. In regard to the submissions from Harbour Trust & Guardians of Pāuatahanui Inlet and Vanessa Jackson, it is unclear exactly which provisions in the PDP they seek to be amended to address these matters. Therefore, I will address them in turn in a general sense. There is no evidence that wind effects are an issue for adjacent properties under the proposed rules and standards. Wind modelling is only typically done for very tall buildings in City centres. It is unreasonable to expect wind modelling for a small residential development as it will result in significant costs for

developers where there is no evidence that there is an issue to be managed. Slope stability and erosion are managed through the Earthworks chapter.

393. In regard to the submission from GWRC, a “coastal hazard zone” is not an option in the National Planning Standards. Natural Hazards must be addressed as a district-wide overlay and not a zone. Were a “coastal hazard zone” an option available, I am unclear how this would provide a higher level of protection for people and property than the existing Coastal Hazard Overlay which has a non-complying activity status for hazard-sensitive activities in this area. Further, I consider the submitter has not given sufficient evidence or justification including in terms of s32 to take a different approach to the management of natural hazards (and one which they have previously supported in earlier hearing streams).
394. Section 2.7.5 of the Part A Overview to s32 Evaluation outlines the approach taken to existing overlays in the PDP where they do not modify the MDRS. I consider that the Natural Hazards Chapter, Appendix 10 and the Planning Maps appropriately manage the risks posed by natural hazards to new hazard sensitive activities including residential activities. Hazard-Sensitive Activities and associated buildings within the High Hazard Area are a non-complying activity under NH-R8 with an “avoid” policy NH-P2. This is the highest level of discouragement short of a prohibited activity status being applied.
395. In regard to the submission from Ian McKeown, flood hazards are split into three categories in the PDP: stream corridor (high hazard), Overland flow (medium hazard), and ponding (low hazard). I consider that the PDP approach to these respective classifications appropriately addresses the relative risks posed based on the sensitivity of the activity proposed. For example, under NH-R6 residential activities may be appropriate in a Flood Hazard – Ponding area provided floor levels are above the 1:100 level and flooding not exacerbated off-site (NH-P4). Whereas Hazard-Sensitive Activities and associated buildings within the Flood Hazard – Stream Corridor area are a non-complying activity under NH-R8 with an “avoid” policy (NH-P2).
396. It is unclear which zoning the submitter is seeking in flood prone areas, or what zoning should apply if a hazard only affects a small portion of a site. In regard to the latter, stream corridors are categorised as high hazard, but their narrow and linear nature means that they only ever affect a small portion of a site. The rest of the site may be hazard free and entirely suitable for intensification.
397. Regardless of the underlying zoning, I consider that this overlay appropriately manages the risks posed by natural hazards to new hazard-sensitive-activities including residential activities.
398. I consider that managing natural hazards as an overlay is consistent with national best practice, and the National Planning Standards approach to district plan structure with regard to zoning and overlays. Further, it removes the need to apply split zoning to sites and therefore provides more regulatory certainty.
399. I disagree with the relief sought by Robin and Russell Jones [OS80.2], Madeleine Waters [OS39.1], and Philippa Sargent [OS4.4] for above reasons.

7.12.1.3 Summary of recommendations

400. I recommend for the reasons given in the assessment, that the submissions from Philippa Sargent [OS4.5] and Harbour Trust & Guardians of Pāuatahanui Inlet [OS32.3] be **accepted in part**.
401. I recommend that the submissions from Madeleine Waters [OS39.1], Ian McKeown [OS44.1], GWRC [OS74.76], Robin and Russell Jones [OS80.2] and Vanessa Jackson [OS87.3], and Philippa Sargent [OS4.4] be **rejected**.
402. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

7.12.2 Natural hazards – EQC submission

7.12.2.1 Matters raised by submitters

403. Toka Tū Ake EQC [OS37.1] seeks:

Include areas of well defined, distributed, and uncertain (if appropriate) fault rupture within the Fault Rupture Zone Overlay in the Planning Maps. If the Fault Rupture Zone Overlay contains areas of low, medium and high hazard ranking, add these hazard ranking zones to the Planning Maps.

404. Toka Tū Ake EQC considers:

The Ohariu Fault passes through an area which has been rezoned for high density residential development, and the Hospital Zone. It is unclear from the proposed planning map where and how development is restricted to limit the risk posed by the fault.

Fault Avoidance Zones are recommended by MfE guidelines on planning around active faults. These zones should avoid development with 20 m of an active fault and should include any areas of uncertainty and distributed fault rupture. In accordance with the MfE guidelines, submitter recommends that defined, distributed, and uncertain zones should be mapped to show the uncertainties and where further investigations may be required.

The Ohariu Fault Hazard Overlay needs to be clarified or amended to reflect the rules which are in place within this overlay. In particular, the operative plan has differing restrictions for subdivision, building and infrastructure within low, medium and high hazard zones. It is noted in the Section 32 (2020) report that the Ohariu Fault Hazard Overlay has low, medium and high hazard zones within it, with the highest restriction being within 20 m of the fault. However in the Proposed Planning Map active faults are only depicted as a single Fault Rupture Zone of varying width, and supporting documents are not available to explain why the overlay has been mapped like this.

If the width of the Fault Rupture Zone within the High Density Residential Zone represents a 20 m exclusion zone around a wide, distributed or unconstrained part of the Ohariu Fault, then residential development and sensitive activities – including hospitals - should be avoided within this area. If, however, the Fault Rupture Zone contains varying levels of hazard and restriction, and the Ohariu Fault is wellconstrained and discrete in this area, then these zones should be presented in the planning maps to avoid confusion.

Submitter outlines that they were unable to access the GNS Science Report XXX as referenced in the s32 report, and as a result could not confirm the approach taken.

405. Toka Tū Ake EQC seeks:

- a. *A regulatory Liquefaction hazard overlay, such as that available from the Greater Wellington Regional Council should be included in the planning maps with restrictions on development implemented in high-risk areas. [OS37.2]*
- b. *Include liquefaction hazards in the Natural Hazards section and implement rules in the Natural Hazards, Subdivision, and Infrastructure chapters to restrict development in areas at high risk. [OS37.3]*

406. Toka Tū Ake EQC considers:

Some areas of Porirua are at high risk of liquefaction in the event of an earthquake, which can be seen in the Greater Wellington Regional Council Liquefaction Hazard Map. One of these areas overlaps with an area which has been rezoned for high density residential development. Another overlaps with an area which has been rezoned for medium density residential development (see attached appendix – Figure 1).

It has been demonstrated that certain building types are more susceptible to damage by liquefaction. Increased floor size, height and an irregular footprint increase the risk of liquefaction damage. Severe liquefaction under the foundations of a building during an earthquake can cause it to become uninhabitable and require complete rebuilding, even if the building does not suffer shaking damage. This leads to deconstruction waste and increased embodied carbon, reconstruction waste and resource, and reduced wellbeing of those waiting for their house to be deconstructed and rebuilt. Buildings of up to 22 m tall are allowed in the High-density Residential Zone, which are at increased risk in a high liquefaction risk area. These higher rise buildings may accommodate many families who then need to be relocated during any deconstruction and reconstruction process.

While foundation types as specified in the Building Act can reduce damage from liquefaction, it is important to also reduce risk by appropriate zoning. Property damage and associated disruption to life and wellbeing can be further reduced by avoiding intensification in areas at high risk of liquefaction.

407. Toka Tū Ake EQC [OS37.4, OS37.5] seeks:

A regulatory landslide hazards overlay should be developed and included in the planning maps with restrictions on development implemented in high-risk areas. At a property level, this could include providing a policy for the 'line' to be contested, similar to the Slope Instability Management Areas in the Christchurch District Plan.

Include landslide hazards in the Natural Hazards section and implement rules in the Natural Hazards, Subdivision, and Infrastructure chapters to restrict development in areas at high risk.

408. Toka Tū Ake EQC considers:

Porirua is at risk of landslides, due to the high rainfall, earthquake risk, and high density of slopes steeper than 20°. The Porirua Proposed District Plan only considers slope instability in rules for earthworks, restricting earthworks on slopes greater than 34°, and limiting heights of earthworks.

Applying a Landslide Hazard overlay and restricting development within high-hazard areas will preclude inconsistent application of earthworks rules and prevent subdivision and development on slopes prone to failure.

It is important to take this hazard into account when planning intensification and development projects to reduce the future risk to life, property and wellbeing.

7.12.2.2 Assessment

409. I consider that these submission points are largely out of scope of the IPI. These hazards are not part of Variation 1. While the submitter links the risk of hazards to intensification of land use proposed through Variation 1, I consider that the matters raised by the submitter are broader than the scope of Variation 1. Hazards may present significant risk for land use and development in various areas of the district. Equally, the NH – Natural Hazards, SUB – Subdivision, and INF – Infrastructure chapters, which are sought to be amended by the submitter, apply across the district. As such, it would not appear to be efficient or effective to seek to manage these risks specifically in relation to land use intensification provisions, which are the focus of Variation 1.
410. Further, these hazards occur in urban, rural and open space areas, for example the Pukerua and Ohariu fault crosses numerous urban and rural zones. The IPI is related to the urban environment only.
411. Fault hazard management was traversed through Hearing Stream 3 where Toka Tū Ake EQC was not a submitter. I note that the Submitter appears to have missed the categorisation of the faults in APP10, as well as the associated GNS technical report which is available on our website. This report outlines how areas of well defined, distributed, and uncertain fault rupture are all included within the Fault Rupture Zone.
412. While I generally agree with submitter that it is within the jurisdiction of district plans to address liquefaction and landslide hazards where these present significant risk, Council does not hold an evidence base to map these hazards, let alone to justify a policy framework.
413. The GWRC liquefaction layer referred to by the submitter is also on Council's GIS map server. This mapping was undertaken in the 1990s with a minor update in 2018. GNS have advised both GWRC and Council that this information should not be used at a property level. This is because it is a desktop assessment based on known geological records. It did not involve any further investigations such as drilling to confirm liquefaction risk.
414. Liquefaction risk is also regulated through the Building Act. The GIS layer is used by Council as a trigger to require information from building consent applicants about foundation design.
415. Additionally, I note that the guidance on including liquefaction in land use planning referred to by the submitter³⁷ states in relation to assessment and mapping that:

The district council should complete additional technical assessment and mapping as required to meet requirements in the relevant regional policy statement and, if relevant, any regional plan. Generally, assessment should be sufficient to be able to map information at a property level (at the scale of 1:10,000–1:5000) for areas in the district of existing or likely future development. Other land could be assessed and mapped at a 1:25,000 or greater scale.

³⁷ Ministry of Business, Innovation and Employment (MBIE), 2017, Planning and engineering guidance for potentially liquefaction-prone land: Resource Management Act and Building Act aspects. Available from <https://www.building.govt.nz/assets/Uploads/building-code-compliance/b-stability/b1-structure/planning-engineering-liquefaction.pdf>

The technical assessment information and maps should be an input to the engagement with stakeholders to develop appropriate district plan provisions. That engagement and decisions about appropriate provisions will also inform the exact nature and level of detail of technical assessment that is required.

Based on the technical assessment information and stakeholder engagement, district councils should prepare planning maps to support the planning response determined to manage the liquefaction-related risk. For a district plan, maps are most likely to be required at a level of refinement to support a detailed and specific rules framework.

416. The guidance document also states that “[i]nformation from the technical assessments described in this guidance should assist and provide a significant input to the section 32 evaluation”.
417. Council does not hold any information about landslide risk that can be applied at a property scale. Our information typically relates to historic landslide events following storms and earthquakes, rather than predictive modelling. It is my understanding that there are models available that can produce predictive modelling and mapping of landslide risk. However, these models are rather complex as they incorporate multiple variables such as flood events and seismic risk. They also need to predict not just the area where the land movement happens, but the potential run-off area below the slope. They also need substantial ground-truthing, particularly where there are anthropogenic slopes including engineered and engineered fill slopes in developed urban areas. As such, this research is expensive and would need to be budgeted for through the LTP.
418. The submitter is correct that the Earthworks chapter restricts earthworks on slopes greater than 34°. This provides some management of landslide hazards.
419. The inclusion of appropriate provisions to address liquefaction and landslide hazards within Porirua would likely affect a number of stakeholders, landowners and residents of Porirua. The Council has not commissioned or undertaken technical assessments referred to in this guidance or any stakeholder engagement, and nor has the submitter provided any technical evidence to support the request for a planning framework to address liquefaction and landslide hazards.
420. Additionally, the submitter has not articulated the specific planning provisions sought to be included in the PDP, or provided any high level direction (other than reference to the Ministry for Business, Industry and Employment guidance document) as to what such provisions would seek to achieve. This may present issues of natural justice if additional provisions to address liquefaction and landslide hazards were to be recommended.
421. In my view, a more appropriate process would be to initiate a separate variation (or plan change) which would enable appropriate provisions to be developed based on sufficient technical assessment, and for those provisions to be subject to cost-benefit analysis and public scrutiny through the section 32 and Schedule 1 process.
422. In summary, while there may be merit in the submitter’s request, I do not recommend any amendments to the PDP through Variation 1.

7.12.2.3 Summary of recommendations

423. I recommend for the reasons given in the assessment, that the submissions from Toka Tū Ake EQC [OS37.1, OS37.2, OS37.3, OS37.4, OS37.5] be **rejected**.
424. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

7.13 Flood hazard mapping

7.13.1 Flood hazard mapping - general

7.13.1.1 Matters raised by submitters

425. Kāinga Ora [OS76.58, OS76.84, OS76.85, OS76.86] seeks flood hazard overlay maps be removed from the PDP and instead be held on non-statutory GIS maps. The submitter:

Supports a risk-based approach to the management of natural hazards, however, opposes the inclusion of further flood hazard overlays within the maps as part of the District Plan.

Including Flood Hazard overlays in the District Plan ignores the dynamic nature of flood hazards. Kāinga Ora accepts that it is appropriate to include rules in relation to flood hazards but seeks that the rules are not linked to static maps.

The Auckland Unitary Plan (“AUP”) adopts a set of non-statutory flood hazard overlay maps which operate as interactive maps on the Council’s ‘Geo Maps’ website – a separate mapping viewer to the statutory maps. The advantage of this approach is the ability to operate a separate set of interactive maps which are continually subject to improvement and updates, outside of and without a reliance on the Schedule 1 process under the RMA. Notes that there is no formal requirement for flooding overlay maps to be included within a district plan and also notes that the National Planning Standards 2016 – Mapping Standard Table 20 includes a number of specific overlay and other symbols, but none relate to flooding.

426. Porirua City Council [OS95.1] seeks:

Flood hazard mapping should be updated to take into account any recent changes in catchment hydrology. This is including, but not limited to, new lidar data which is due in late November 2022 (due to be flown in late September/early October 2022).

427. The submitter considers:

There are a number of large developments underway in Porirua that may impact hydrology, especially in Whitby. It is important that flood hazard maps are based on up-to-date stormwater catchment modelling. This will help to ensure that the flood hazard maps are as up-to-date as possible when the plan is made operative.

7.13.1.2 Assessment

428. This matter was traversed in Hearing Stream 3. My view has not changed from that outlined in:
- Section 42A Report - Part B Natural Hazards 2020 (Section 3.5)

- Statement of supplementary planning evidence - Torrey McDonnell - Hearing Stream 1 (paragraphs 10 to 18 – see paragraphs 13 and 14 in particular with regard to the Auckland Unitary Plan)
 - Council Reply - Torrey McDonnell - Natural Hazards and Coastal Environment (paragraphs 7 to 30)
429. In summary, including flood hazard overlays in the PDP is in line with national best practice. I consider having hazard maps within the PDP gives certainty to plan users and provides procedural transparency to affected landowners. It is also consistent with Part 3 of Schedule 1 of the RMA.
430. Due to weather and issues gaining civil aviation authority approval, there was a delay in flying LiDAR from September/October to December 2022. This in turn delayed the final dataset only being provided to Council to January 2023. Therefore, while I agree with the intent of Porirua City Council's submission, there is no additional information currently available that would support an amendment to the flood modelling and mapping, nor will there be any before the Hearing.
431. However, Wellington Water have advised Council that the topography has likely changed in the Duck Creek catchment in Whitby to the point where new ground levels will have a significant bearing on the flood extent in some areas of the catchment. I would like to advise the Panel that Council is considering withdrawing flood mapping for the Duck Creek Catchment from the planning maps in the PDP. Council officers will inform the Panel and submitters through a memorandum if Council decides to remove any mapping prior to the Hearing.

7.13.1.3 Summary of recommendations

432. I recommend for the reasons given in the assessment, that the submissions from Kāinga Ora [OS76.58, OS76.84, OS76.85, OS76.86] and Porirua City Council [OS95.1] be **rejected**.
433. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

7.13.2 Flood hazard mapping - site specific

7.13.2.1 Matters raised by submitters

434. The Church of Jesus Christ of Latter-day Saints Trust Board [OS14.1] seeks "the Natural Hazard – Ponding Overlay be removed from Lot 4 DP 54351 and that part of the adjoining road reserve which slopes down to the carriageway." The submitter considers no such hazard exists, as the site has been earth worked in advance of a church development and the land slopes away from the building platform on all sides.
435. Debra Ashton [OS46.1] seeks "removal of flood hazard ponding overlay from 300c Paremata Road". The submitter considers the ponding overlay was applied in error as:

Ponding mapping appears to be undertaken without considering the ameliorative works undertaken by council in August 2019 at a cost of \$30,000, paid for by council. PCC has already installed new drainage on the property. The nature of these works included the

installation of commercial grade stormwater pipes, sumps and a non- return flap on the outlet pipe. This has eliminated any flood hazard and risks as is evident with on the ground conditions. This issue was brought to the attention of CEO Wendy Walker and Mayor Anita Baker who thankfully, were involved in helping to resolve this matter.

436. John Sharp [OS48.1] seeks deletion of the Flood Hazard -ponding at 64 Exploration Way, Whitby. The submitter considers:

...has lived at property for 31 years and no flooding or ponding has occurred. Submitter understands Wellington Water has yet to do the modelling for Whitby on the 1% Probability of the 100 year flood and yet the Council is showing this on the Proposed District Plan. Contours based on GIS of the land show the outlet crest meters lower. Submitter has employed an engineer to support submission to undertake a survey and give a full report.

437. Alan Collett [OS99.12] seeks the flood zone overlay at 42 Gray Street to be reviewed. The submitter is:

Opposed to the Variation in relation to flood hazard mapping in Pukerua Bay, especially in the vicinity of Pukemere Way and Gray Street. The mapping is flawed and is not reflective to the true topography of the area.

438. D Suzi Grindell [OS115.1] seeks "That the designation Flood Detention be removed from the area in front of 21 Langwell Place northwards to the macrocarpa trees along Papakowhai Road." The submitter raises issues relating to topography, drainage, maintenance issues, and lived experience at the address.

439. The submitter [OS115.2, OS115.3] also considers:

- *It would be good if the scheme could identify areas of storm flow of unknown source.*
- *Up-to-date topography would give some trust in the mapping accuracy if it is to be used to determine flooding.*

7.13.2.2 Assessment

440. Alistair Osborne from Wellington Water has reviewed these submissions and has produced expert evidence on these submissions. His evidence can be summarised as follows:

- The Church of Jesus Christ of Latter-day Saints Trust Board – Mr Osborne agrees with the submitter that there is an inaccuracy in the flood hazard mapping with respect to this property due to the ground levels of the site. He has recommended changes to the flood hazard maps as outlined on paragraph 13 of his evidence.
- Debra Ashton - Mr Osborne does not agree with the relief sought by the submitter to remove flood hazard maps from the property, and considers the flood hazard mapping is accurate in relation to this property. Refer paragraphs 17 to 28 of his evidence.
- John Sharp – Mr Osborne agrees flood mapping should be removed from this property until the model and mapping can be more accurately rerun for the catchment. Refer paragraphs 29 to 31 of his evidence (also refer above section 7.13.1 of this report for more context on flood mapping issues in the Duck Creek Catchment).
- Alan Collett – Mr Osborne agrees with the submitter that incorrect sump lead diameters were inputted into the flood hazard model and therefore agrees there is some inaccuracy

in the mapping of the flood hazard in relation to this property, however Mr Osborne does not agree the flood hazard should be moved in its entirety as he considers that the model shows that there is still residual risk. He has recommended changes to the flood hazard maps as outlined on paragraph 42 of his evidence.

- Suzi Grindell – Mr Osborne does not agree with the relief sought by the submitter to remove flood hazard maps from the property, and considers the flood hazard mapping is accurate in relation to this property. Mr Osborne also addresses the other matters raised by the submitter. Refer paragraphs 44 to 56 of his evidence.

441. I accept the expert evidence of Mr Osborne and recommend that the Panel update the flood hazard mapping in line with his advice.

7.13.2.3 Summary of recommendations

442. I recommend for the reasons given in the assessment, that the Hearings Panel:

- **Amend** the flood hazard maps in the PDP planning maps as set out in Appendix A.

443. I recommend for the reasons given in the assessment, that the submission from The Church of Jesus Christ of Latter-day Saints Trust Board [OS14.1] be **accepted**.

444. I recommend that the submissions from John Sharp [OS48.1] and Alan Collett [OS99.12] be **accepted in part**.

445. I recommend that the submissions from Debra Ashton [OS46.1] and D Suzi Grindell [OS115.1, OS115.2, OS115.3] be **rejected**.

446. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

7.14 Notification of consents

7.14.1 Matters raised by submitters

447. Andrew Myers [OS1.1] seeks “that any new build or modification to any existing build requires the approval of all properties that the new build may restrict”. The submitter considers:

There are a number of existing rules that were in place that allowed some properties to be 1 storey, and some 2 storeys. The proposal should just allow for the increase of one extra floor (i.e. 1 to 2 and 2 to 3), but before any modifications / new builds are initiated they need to be approved by all existing properties that will be affected by their height (e.g. building a 3 storey in front of a 2 storey house, obstructs the view, reduces the resale value, could create shadows and reduce temperature for the existing property and so forth.

The plan needs to be modified to make sure this doesn't occur.

A large number of people bought property specifically in an area where they were assured that there would never be another property built taller than 1 story. This proposed plan breaches that assurance and is thus unfair and unjust.

Submitter has no issues with this plan for completely new area, though any 3 storey property should be thoroughly earthquake resilient and perhaps all properties 3 storeys and above need an EQ assessment before building starts

448. Andrew Wellum [OS16.7] seeks:

All affected property owners must be notified of any consent applications. Affected property owners are based on the number of levels of the development. One storey – immediately adjacent properties (360 degrees). Two stories - immediately adjacent properties (360 degrees) plus one. Three stories - immediately adjacent properties (360 degrees) plus two. And so on.

7.14.2 Assessment

449. I disagree with these submitters that all affected property owners must be notified as sought. Section 95 of the RMA sets out the process to be undertaken to determine whether an application is to be notified (and who is to be notified).

450. Further, I consider that notification preclusions should be used where appropriate to provide certainty for consenting outcomes, timeframes and costs. This includes precluding the sort of notification requirements sought by the submitters.

451. Clause 5 of Schedule 3A to the RMA requires incorporation of a range of notification preclusion rules. These are:

- Public notification of an application for resource consent is precluded if the application is for the construction and use of 1, 2, or 3 residential units that do not comply with 1 or more of the density standards;
- Public and limited notification of an application for resource consent is precluded if the application is for the construction and use of 4 or more residential units that comply with the density standards; and
- Public and limited notification of an application for a subdivision resource consent is precluded if the subdivision is associated with an application for the construction and use of residential units described above.

452. I consider that non-notification clauses are used appropriately throughout the PDP. Whether the use of the clause is appropriate in relation to any particular provision is addressed under the s32 evaluation for that topic, including Section 9.1.4.5 of Part B Urban Intensification - MDRS and NPS-UD Policy 3 outlines for the IPI.

7.14.3 Summary of recommendations

453. I recommend for the reasons given in the assessment, that the submissions from Andrew Myers [OS1.1] and Andrew Wellum [OS16.7], be **rejected**.

7.15 Definitions³⁸

7.15.1 Definitions – Variation 1 submissions

7.15.1.1 Matters raised by submitters

454. Transpower [OS53.8] seeks a definition be inserted for 'qualifying matter area' as follows:

Qualifying matter area means a qualifying matter listed below:

(a) The National Grid Yard

(b) The National Grid Subdivision Corridor.....(other qualifying matters to be listed)

455. Kainga Ora [OS76.7, OS76.74] seeks a definition be inserted for 'rapid transit stop' as follows:

Has the meaning in the National Policy Statement on Urban Development, and for the avoidance of doubt includes any railway station with regularly scheduled passenger services.

456. The submitter considers "this definition aligns with that proposed in Hutt City Council and is consistent with the outcomes sought by the NPD-UD".

457. RVA [OS118.53] seeks a definition be inserted for 'retirement unit' as follows:

means any unit within a retirement village that is used or designed to be used for a residential activity (whether or not it includes cooking, bathing, and toilet facilities). A retirement unit is not a residential unit.

458. The submitter considers a definition is required "to acknowledge the differences from typical residential activities in terms of layout and amenity needs".

459. RVA [OS118.52] seeks the deletion of the definition for 'well-functioning urban environment'. The submitter:

Opposes the definition of 'well-functioning urban environment. Policy 1 of the NPS-UD provides a description of what constitutes a well-functioning urban environment. It is inappropriate to include it as a definition when it is intended to be a Policy and drafted as such. It will lead to interpretation issues and uncertainty when the Plan is applied.

7.15.1.2 Assessment

460. The terms 'qualifying matter area' and 'rapid transit stop' are not used in the PDP, and therefore I consider that they do not need to be defined. Further, both the HRZ and MRZ list relevant qualifying matters in their respective introductions to assist plan users.

461. Likewise, I consider a definition for 'retirement unit' is not needed as the structure of relevant provisions in the PDP is related to residential units (which is defined), and this term is not needed to be used.

³⁸ This section was authored by Michael Rachlin

462. I disagree with RVA, as 'well-functioning urban environment' is not a policy, but a term that has been interpreted and applied within various provisions of the PDP. As such, I consider that it assists plan users to have this term defined. This is consistent with the approach taken by other councils in the Region.

7.15.1.3 Summary of recommendations

463. I recommend for the reasons given in the assessment, that the submissions from Transpower [OS53.8], Kainga Ora [OS76.7, OS76.74], and RVA [OS118.53, OS118.52] be **rejected**.

464. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

7.15.2 Definitions – PDP submissions

7.15.2.1 Matters raised by submitters

465. This section addresses remaining submissions from the PDP on definitions.

466. TROTR [264.84, 264.86] seek the following new definition, as follows:

Community – means the use of land and buildings, including Marae for non custodial services ...

467. They also seek an amendment to the definition for "conservation activity":

Conservation activity – enjoyment of the resource and includes:

a) Planting,

b) Pest and weed control,

c) Plant and tree nurseries,

d) Track construction

e) Exercise of traditional cultural practices associated with Ngāti Toa tikanqa and kawa

468. TROTR seek the above to better reflect tangata whenua.

469. Forest and Bird [225.58], and the QEII Trust [216.1] are opposed to the definition of "conservation activity" and seek that it be deleted and replaced with detail around activities to be permitted in each relevant chapter.

470. The submitters consider that the definition is broad and there is no policy direction to support or guide the permitted activity rules included in the various zone rules based on this definition of conservation activity. They consider that permitting this activity without appropriate parameters could result in adverse effects which are inconsistent with the RPS and NZCPS.

471. The Ministry of Education [134.7, 134.8] seek definitions for "social infrastructure" and "additional infrastructure", as follows:

SOCIAL INFRASTRUCTURE means:

- a. *both privately and publicly owned community facilities (such as medical and health services and community corrections activities), Justice Facilities (such as police stations, courts and prisons), and Educational Facilities;*
- b. *public open space;*
- c. *community infrastructure as defined in the Local Government Act 2002; and includes any ancillary activities.*

ADDITIONAL INFRASTRUCTURE means:

- a. *public open space*
- b. *community infrastructure as defined in section 197 of the Local Government Act 2002*
- c. *land transport (as defined in the Land Transport Management Act 2003) that is not controlled by local authorities*
- d. *social infrastructure, such as schools and healthcare facilities*
- e. *a network operated for the purpose of telecommunications (as defined in section 5 of the Telecommunications Act 2001)*
- f. *a network operated for the purpose of transmitting or distributing electricity or gas*

472. The submitter notes that Educational Facilities are a critical part of a community's social infrastructure and provide for people's health and well-being, and that Educational facilities are not currently provided for in the proposed definition for 'Infrastructure'. The submitter also comments that proposed definition for Additional Infrastructure has been adopted from the National Policy Statement for Urban Development and notes that there is an overlap with the proposed definition for Infrastructure.
473. Kāinga Ora [81.175], seek that the definition of "townhouse" is deleted since they consider it to be unnecessary. They are also seeking deletion of the definition for "apartment". They consider it is unnecessary and does not recognise that apartments can occur at ground floor level.
474. FENZ [119.9] seeks that the definition of "multi-unit housing" be retained as notified.

7.15.2.2 Assessment

475. In relation to the submissions from TROTR and the definition for "community", I am unclear of what the definition is seeking and how it relates to community. I would note that the submitter also submitted [264.83] on the definition for Community Corrections Activity, where they sought:

"means the use of land and buildings, including Marae for non-custodial services for safety, welfare and community purposes, including probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes, administration, and a meeting point for community works groups."

476. This submission was considered in Hearing Stream 1 where it was recommended to be rejected on the grounds that the definition was one mandated by the National Planning Standards, and

that the notified definition did not exclude the use of a Marae as a community corrections activity.

477. In relation to the amendment sought to the definition of “conservation activity” I would note that the amendment overlaps with definitions for “customary activity” and “customary harvesting”. Given this overlap, I do not consider it necessary to amend “conservation activity”.
478. I disagree with Forest and Bird and the QEII Trust, that the definition for “conservation activity” should be deleted. In my opinion the concerns they raise do not recognise that the PDP is structured, as required by the National Planning Standards to achieve the integrated approach to the management of natural and physical resources. For example, matters such as the removal of vegetation in Significant Natural Areas to provide for tracks, or planting within such areas, are subject to controls in the ECO-Ecosystems and Indigenous vegetation chapter, regardless of whether they are permitted elsewhere as a conservation activity. This is set out in the How the Plan Works section, including the following:

Even if what you are doing is permitted under one rule, you will still need to check all relevant rules that apply to what you are proposing.

479. In the relation to the new definitions sought by the Ministry of Education, the terms ‘social infrastructure’ and ‘additional infrastructure’ are not used in the PDP³⁹, and therefore I consider that they do not need to be defined.
480. I also disagree with Kāinga Ora that the definition of town house should be deleted⁴⁰. The term is used in the design guides at APP3 to APP7 to the PDP. In my opinion, it assists with the implementation and interpretation of the guidance contained in the design guides, as such more efficient plan implementation.
481. In relation to their submission seeking deletion of the definition for “apartment”, I note that in their Variation 1 submission they no longer seek deletion but rather its amendment⁴¹. As such I do not assess their PDP submission further.
482. In relation to the FENZ submission, I would note that Variation 1 deleted the definition for “multi-unit housing”. The deletion of this definition from the PDP is addressed in Table 8 to Section 32 Evaluation Report Part B: Urban intensification – MDRS and NPS-UD Policy 3. This identified that the term was not consistent with the MDRS.

7.15.2.3 Summary of recommendations

483. I recommend for the reasons given in the assessment, that the submissions from Kāinga Ora [81.175, 81.35], FENZ [119.9], TROTR [264.84, 264.86], Ministry of Education [134.7, 134.8], Forest and Bird [225.58], and the QEII Trust [216.1], be **rejected**.
484. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

³⁹ Variation 1 deletes HO-O2 where the term is used.

⁴⁰ Defined in PDP as, “means any multi-unit housing development in which each unit extends to the ground level, has its own entry from the ground, and is joined with other units. It includes terraced housing and cluster housing types”.

⁴¹ OS76.71

7.16 Plimmerton Farm

7.16.1 Matters raised by submitters

485. Plimmerton Developments Limited [149.2] seeks that:

Councils Plan Change 18 Right of Reply version of the Plimmerton Farm Chapter be included as 'PFZ – Plimmerton Farm Zone' in the Special Purpose Zone section of the PRP.

Any consequential amendments including removing all references that state that Plimmerton Farm is excluded from the PDP.

486. The submitter considers that:

The zoning of the Plimmerton Farm site to Plimmerton Farm – Special Purpose Zone is appropriate for the reasons outlined in the Plan Change 18 Section 42A Report (refer Attachment Two) and the Planners Right of Reply (refer Attachment Three) and for the reasons identified.

487. KM & MG Holdings Limited [OS54.1] seeks that the site is rezoned as “Plimmerton Farm – Special Purpose” in the PDP planning maps. The submitter considers:

KM & MG Holdings Limited (the submitter) owns the freehold title to the land known as Plimmerton Farm being Lot 2 DP 489799 in Record of Title 705739 (the site), as shown in Attachment A, and is the successor to Plimmerton Developments Limited (submission 149, further submission 21 on the Porirua Proposed District Plan). It is understood that the submission and further submission by Plimmerton Developments Limited will continue to apply to Variation 1 however, for the avoidance of doubt, the submitter formally adopts submission 149 and further submission 21 and the relief set out within for the purposes of Variation 1).

488. KM & MG Holdings Limited [OS54.2] seeks:

That the overlays for the Plimmerton Farm site shown in the PDP planning maps, being qualifying matters for urban development of the site, be removed and replaced with the same overlays provided in the Council rebuttal maps submitted through Plan Change 18 (PC18) to the Porirua District Plan. These overlays relate to Significant Natural Areas, Special Amenity Landscape (SAL006), Flood hazard – stream corridor, Flood hazard – overland flow, and Flood hazard – ponding; and/or;

489. Robyn Smith [168.36] submitted:

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).

7.16.2 Assessment

490. I do not agree that including the Plimmerton Farm Zone (PFZ) in the PDP is appropriate. I have reviewed the report/attachments referred to by the submitter and cannot find any reasoning that justifies the relief sought.

491. Plan Change 18 was to the ODP⁴² and this involved the creation of the PFZ as well as various amendments to the district-wide matters in other chapters. Inserting the PFZ as a Special Purpose Zone would mean that it would be subject to the various district-wide matters and definitions in the PDP. There would be a significant risk that granting this relief would undermine the comprehensive package of provisions that the Panel arrived at once considering all evidence and submissions in the context of PC18, including the Right of Reply version.
492. The ODP does not align with the National Planning Standards which would make this task more challenging. In particular, the structure and the zoning of Plan Change 18 does not align with the District Plan Structure Standard.
493. As outlined in section 3.6 of the Section 32 Evaluation Report - Part B: Plimmerton Farm Zone Intensification, the provisions in the PFZ require the confirmation of various spatial extents during the subdivision process (PFZ-P2). The spatial extents of several precincts and overlays are yet to be confirmed, including:
- The full extent of SNAs (PFZ-P2.1); and
 - The location and layout of the commercial centre in Precinct A (PFZ-P2.3).
494. I consider that the most efficient and effective way to give effect to the National Planning Standards zoning requirements would be to align the PFZ with the District Plan Structure after the spatial extents of the precincts are confirmed. This should occur through a separate, future, plan change process.
495. There is also a scope issue. As the area to which the PFZ applied was “greyed out” of the notified version of the PDP it was explicitly excluded from being considered through the PDP process. Although the change sought could be termed as being technical it does not seem to be the appropriate mechanism to incorporate it into the PDP framework using a submission.
496. In regard to OS54.2, I do not agree that the PDP planning maps “should be replaced with the same overlays provided in the Council rebuttal maps”. Rather, I consider that they should be removed in their entirety.
497. The PDP in the General Approach section clearly states that:
- The Proposed Porirua District Plan does not apply to the land known as Plimmerton Farm, being Lot 2 DP 489799, 18 State Highway 1, Plimmerton, which is identified on the planning maps. Lot 2 DP 489799 is subject to Proposed Plan Change 18 to the Operative Porirua District Plan.*
498. The PDP planning maps incorrectly show various overlays on the PFZ site including: Noise Corridor, significant natural areas, coastal and flood hazards and a special amenity landscape. These overlays were included in error, as they were not ‘clipped’ out of the geodatabase files by Council’s geospatial analysts prior to notification of the PDP. As stated above, the land subject to PC18 does not form part of the PDP, and therefore these overlays should not have been included in the PDP maps.
499. These overlays were first mapped prior to PC18 for Plimmerton Farm. They informed the development of PC18, but became redundant as the overlays included in the ODP were refined through the exchange of expert evidence that informed the PC18 report and recommendations.

⁴² Note that the land that was subject to PC18 does not form part of the PDP

Therefore, the overlays showing in the PDP planning maps are inconsistent with the final PC18 planning maps. They are also incorrect, for example the final extent of SNAs was shown to be different than what was originally mapped following more detailed ecological investigations.

500. I consider that the planning maps should be amended so that Lot 2 DP 489799 is devoid of any mapped features as sought by Robyn Smith.

7.16.3 Summary of recommendations

501. I recommend for the reasons given in the assessment, that the Hearings Panel:

- **Amend** the planning maps in the PDP so that Lot 2 DP 489799 is devoid of any mapped features.

502. I recommend that the submission from Robyn Smith [168.36] be **accepted**.

503. I recommend that the submission from KM & MG Holdings Limited [OS54.2] be **accepted in part**.

504. I recommend that the submissions from Plimmerton Developments Limited [149.2] and KM & MG Holdings Limited [OS54.1] be **rejected**.

505. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

7.17 Coastal margin

7.17.1 Matters raised by submitters

506. Brian Warburton [OS64.6] seeks that:

...the provisions of Variation 1 require specific amendment to address matters relating to the 'coastal margin' provisions of the PDP, and to ensure that Variation 1 meets the Council's obligations under section 6(a) of the RMA. The provisions of Variation 1 require amendment to:

a. prevent buildings or structures regardless of height or density on any land within a coastal margin:

b. amend the definition of 'coastal margin' to include this (or similar) statement:

i. for the purposes of determining the extent of the coastal margin the line of MHWS shall, except where provided for in

*(ii), be the landward extent of the LINZ's NZ Coastlines GIS Polygon (Topo, 1:50k)
<https://data.linz.govt.nz/layer/50258-nzcoastlines-topo-150k/>*

ii. (i) above shall not apply for any particular project or activity where the line of MWHS (and the corresponding landward limit of the coastal margin) has been determined by a suitably qualified person as being applicable for that project and activity and for the specific location where the activity or project will be undertaken, and where that determination has been certified by the Council.

[Refer to original submission for full decision requested, including attachments where relevant]

7.17.2 Assessment

507. I disagree with the submitter that provisions are required to prevent buildings or structures regardless of height or density on any land within a coastal margin. Activities in the coastal margin are managed by the NATC-Natural Character Chapter (which was not amended by Variation 1). Under NATC-R1, the PDP only permits buildings and structures in the coastal margin for parks facilities or parks furniture, boating facilities, hazard mitigation activities and farm fences, otherwise a restricted discretionary resource consent is required. The submitter has not provided any evidence that these provisions are insufficient to manage the effects of activities in the coastal margin.
508. Further, the relief sought would need to be applied as a qualifying matters which can only be applied where the requirements of sections 77J, 77L, 77P and 77R of the RMA are satisfied. I do not consider that the submitter has provided sufficient assessment or evaluation as required to meet the statutory tests contained in the RMA. I consider that the PDP suitably manages the effects of activities in this area as outlined in the s32 Evaluation Report Part 2 - Public Access and Natural Character.
509. I also disagree that the definition of 'coastal margin' should be amended. I consider that the amendments I recommend to the Statutory Context Chapter in Hearing Stream 1⁴³ provide appropriate guidance for the plan user on determining Mean High Water Springs and the 20m coastal margin.

7.17.3 Summary of recommendations

510. I recommend for the reasons given in the assessment, that the submission from Brian Warburton [64.6] be **rejected**.
511. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

7.18 Qualifying matters⁴⁴

512. In this section I address those submissions that seek additional Plan rules or standards as a qualifying matter or which have the effect of seeking to make the MDRS and the relevant building height or density requirements under Policy 3 of the NPS-UD less enabling of development. Below, I set out my approach to consideration of these submissions.
513. I have structured my consideration of submissions seeking changes to, exclusions from or new qualifying matters in the following way:

⁴³ Refer Appendix 2 of Council Right Of Reply - Torrey McDonnell - Hearing Stream 1

⁴⁴ This section was authored by Michael Rachlin except sections xxx which were authored by Rory Smeaton

- Firstly, I briefly set out the relevant provisions of the RMA which inform the evaluation to be undertaken when considering whether a qualifying matter can be applied;
- I have then grouped the submissions by theme/topic, as follows⁴⁵:
 - Submissions on the general approach to residential intensification: City wide and area wide basis;
 - Submissions on residential intensification by suburb:
 - Submissions seeking amendments to Plimmerton; and
 - Submissions seeking modifications to multiple suburbs;
 - Submissions seeking general modifications to the MDRS density standards and other specified density standards, and seeking new qualifying matters;
 - Submissions seeking site specific modifications or exclusions;
 - Submissions from infrastructure providers; and
 - Other submissions seeking qualifying matters.

514. The PDP contains a range of qualifying matter provisions that modify the MDRS and the relevant building height or density requirements under Policy 3 so they are less enabling of development. These are identified in Table 1 to the Section 32 Evaluation Report Part A: Overview to Section 32 Evaluation Variation 1 to the Proposed Porirua District Plan and Proposed Plan Change 19 to the Porirua City District Plan. They include rules that control the location of new buildings and the number of residential units per site, as well as subdivision controls⁴⁶. The relevant subdivision controls impose a higher activity status than the MDRS controlled activity status for subdivision of land for the purpose of the construction and use of residential units.

515. Variation 1 introduced a number of new qualifying matter controls, as described in Table 2 to the Section 32 Evaluation Report Part A: Overview to Section 32 Evaluation Variation 1 to the Proposed Porirua District Plan and Proposed Plan Change 19 to the Porirua City District Plan. In summary, they manage the adverse effects of building height on shading, historic heritage, and Sites and areas of significance to Māori.

7.18.1.1 Legislative context

516. Section 77I and section 77O of the RMA set out the list of matters that can be “qualifying matters” for the purposes of the RMA. These sections identify the circumstances under which qualifying matters may be applied as relates to residential and non-residential residential zones:

Section 77I Qualifying matters in applying medium density residential standards and policy 3 to relevant residential zones

A specified territorial authority may make the MDRS and the relevant building height or density requirements under policy 3 less enabling of development in relation to an

⁴⁵ Submissions on qualifying matters in relation Historic Heritage and Sites of Significance to Māori are addressed separately in this report.

⁴⁶ The subdivision controls and associated activity status are generally linked to the location of building platforms within a subdivision.

area within a relevant residential zone 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, as provided for by the MDRS or policy 3, inappropriate in an area, but only if section 77L is satisfied.

Section 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:

(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 policy 3, as the case requires, inappropriate in an area, but only if section 77R is satisfied.

517. When assessing whether a particular matter may be a qualifying matter, the Council is required to undertake an evaluation to justify the use of that qualifying matter to make the MDRS less enabling, or which concludes that the full implementation of policy 3 is inappropriate in a particular area. The evaluation requirements for these qualifying matters are contained in sections 77J and 77P of the RMA respectively for residential zones and non-residential urban zones as follows:

Section 77J Requirements in relation to evaluation report⁴⁷

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

(a) demonstrate why the territorial authority considers—

(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 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) 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

(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.

Section 77P Requirements governing application of section 77O⁴⁸

⁴⁷ Note that this Section applies to residential zones

⁴⁸ Note that this section applies to non-residential zones

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

(a) in the area for which the territorial authority is proposing to make an allowance for a qualifying matter, demonstrate why the territorial authority considers—

(i) that the area is subject to a qualifying matter; and

(ii) that the qualifying matter is incompatible with the level of development 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) assess the costs and broader impacts of imposing those limits.

518. Most of the qualifying matters identified in the lists in sections 77I and 77O relate to specific matters. However, provision is also made for “any other matter” to constitute a qualifying matter if the Council identifies and evaluates it as justifying a lesser enablement of development to that anticipated by the MDRS or Policy 3 of the NPS-UD. Where the Council seeks to rely on these other matters it is required to provide additional justification for doing so. The requirements that apply are set out in sections 77L and 77R respectively, for residential and non-residential urban zones.

519. An example is the site-specific height controls⁴⁹ introduced to sites identified on the Planning Map by Variation 1 to manage the adverse shading effects arising from increased building heights for sites on steep, south facing slopes or the Mungavin Netball court complex. These are a set of Porirua-based controls which reflect the topography of the city. They are addressed in 11.2.2 to the Section 32 Evaluation Report Part B: Urban intensification – MDRS and NPS-UD Policy 3. This includes the requirements set out below:

S77L Further requirement about application of section 77I(j)

A matter is not a qualifying matter under section 77I(j) in relation to an area unless the evaluation report referred to in section 32 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) inappropriate in the area; and

(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

(c) includes a site-specific analysis that—

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

(ii) evaluates the specific characteristic on a site-specific basis to determine the 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 permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 while managing the specific characteristics.

⁴⁹ Height Control Shading – A, Height Control Shading – B, and Height Control Shading - C

s77R Further requirements about application of section 770(j)

A matter is not a qualifying matter under section 770(j) in relation to an area unless the evaluation report referred to in section 32 also—

(a) identifies the specific characteristic that makes the level of urban development required within the relevant paragraph of policy 3 inappropriate; and

(b) justifies why that characteristic makes that level of urban development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD; and

(c) includes a site-specific analysis that—

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

(ii) evaluates the specific characteristic on a site-specific basis to determine the 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 provided for by policy 3 while managing the specific characteristics.

7.18.1.2 Qualifying matters, overlays and district wide matters

520. Many of the submissions addressed in this section seek to reduce or otherwise restrict “urban intensification” in a number of areas for reasons, including natural hazard risk, slope stability, character and amenity, loss of biodiversity, and infrastructure capacity. In my opinion, in considering these matters it is necessary to understand the role of overlays and district wide matters in managing these effects, and how these sit alongside “qualifying matters”.

521. The RMA requires that a district plan takes an integrated approach to the sustainable management of natural and physical resources. The National Planning Standards sets out an integrated format that district plans must follow. All chapters in the PDP, combined, must achieve the integrated management of the use, development and subdivision of land within a zone and across the city. For example, overlays for natural hazards, the natural environment, historic heritage and sites and areas of significance to Māori, manage these features within the individual zones. District-wide chapters such as Earthworks, Contaminated Land, Hazardous Substances and Three Waters help manage the effects of new development on infrastructure, land, air, and water quality. The How the Plan Works section of the PDP clearly sets out the district plan framework for plan users⁵⁰.

522. The role of qualifying matters, overlays and district wide matters is addressed in the Section 32 Evaluation Report Part A: Overview to Section 32 Evaluation Variation 1 and Proposed Plan Change 19. This notes that:

Sections 77I and 77O are relevant to any modifications to the MDRS and Policy 3. Section 77I states that a council may make the MDRS and the relevant building height or density requirements under Policy 3 less enabling of development in relation to an area in a relevant residential zone only to the extent necessary to accommodate qualifying matters. Section 77O addresses the same in respect of urban non-residential areas.

⁵⁰ Refer to paragraphs 20 to 27 of the Council reply on Strategic Objectives addressed in Hearing Stream 2 - Gina Sweetman on behalf of Porirua City Council. This provides more context on the architecture of the PDP, including engagement with officials from the Ministry for the Environment.

523. In my opinion, Sections 771 and 770, are primarily intended to manage the effects of buildings and subdivision, and not land uses and that this is to be achieved through modifications to density standards. As such, I consider them to be a method that sits alongside overlays and district wide matters, as well as zone provisions, to manage the development and subdivision of land.
524. As the scope of the Council's ability to make development less enabling than that required by the MDRS and Policy 3 of the NPS-UD is limited by matters that can be characterised as qualifying matters, where submissions have sought lesser or reduced density in a particular area, I have assumed the request they are making is that a qualifying matter be applied to the land.
525. Conversely, submissions seeking controls on matters that are not density standards do not fall within Sections 771 and 770. For example, Section 771 states:

A specified territorial authority may make the MDRS and the relevant building height or density requirements under policy 3 less enabling of development in relation to an area within a relevant residential zone only to the extent necessary to accommodate 1 or more of the following qualifying matters that are present. (my emphasis)

526. In the table below I have identified the matters that may be modified by qualifying matters.

Table 7: Matters that can be modified by a qualifying matter

| | What can be modified | Where | Variation 1 zone or control |
|--------------------------------|--|--|--|
| MDRS | MDRS Density standards MDRS subdivision activity status | Relevant residential zones | HRZ and MRZ |
| NPS-UD Policy 3(b) | Building heights and density of urban form | MCZ | MCZ |
| NPS-UD Policy 3(c)(i) | Building heights | Walkable catchment to rapid transit stop | HRZ Height Increase A control in commercial and mixed use zones |
| NPS-UD Policy 3(c)(iii) | Building heights | Walkable catchment to MCZ | HRZ Height Increase A control in commercial and mixed use zones |
| NPS-UD Policy 3(d) | Building heights and density of urban form | LCZ, NCZ and areas adjacent to these zones | LCZ, NCZ MRZ-Residential Intensification Precinct |

527. How the Council implemented the urban intensification requirements of the NPS-UD and S77(G) of the RMA, are addressed in the Section 32 Evaluation Report Part B: Urban intensification – MDRS and NPS-UD Policy 3. In particular part 5.1.2 and Appendix H.
528. As described in part 5.1.2 of the s32 evaluation report, a planning analysis was undertaken to identify the spatial layer methods that would most appropriately implement the urban

intensification requirements of Policy 3 of the NPS-UD and the MDRS across Porirua. It concluded that this was best done by having:

- Two residential zones; a High Density Residential Zone (HRZ) situated around the Metropolitan Centre Zone and/or train stations and a Medium Density Residential Zone (MRZ) for the remaining residential areas;
- A precinct adjacent to the Local Centre Zone (LCZ) for residential intensification around these centres; to be called the MRZ-Residential Intensification Zone; and
- The use of site specific controls to enable increased building heights in the commercial zones where they are within a walkable catchment to the Metropolitan Centre Zone (MCZ) and/or a train station.

529. How the above spatial layers were identified and mapped is set out in Appendix H to the s32 evaluation report. Key elements of this methodology included:

- Use of 800m walkable catchments from the Metropolitan Centre Zone (MCZ), train stations and Local Centre Zone.
- Identifying walkable catchment to the following key physical resources; supermarket, primary school, and local park.
- Undertaking a detailed review to define and refine zone/precinct boundaries based on a number of principles, including equal treatment on both sides of the street and Zone boundary to follow cadastral boundaries at mid-block and/or at streets and other public rights of way/walkways.

530. I would also note the 2020 Section 32 Evaluation Report Part 2: Residential Zones, which referenced the findings of the Porirua Suburban Character Study Report - 2005⁵¹. This study found the residential areas of the city were defined by post-war buildings that were of a mix and type common to many places in New Zealand, and that character related controls were not necessary. The s32 evaluation report noted that the City's residential areas had seen only limited development and change in that time, except for the Aotea block at Papakowhai South and Kenepuru, and as such the study was still relevant. Character controls were not included in the 2020 PDP.

531. Philip Osborne has provided a statement of evidence regarding economic aspects of urban intensification. In relation to economic benefits from intensification, he notes in 1.16 of his statement:

Variation 1 provides an opportunity for the market to deliver an increased volume of residential development in and around the centre and transport networks to a level where it is likely to provide greater economic benefits to city's performance and the economic and social wellbeing of the communities it primarily services. This is in relation to:

- (a) Increasing land use efficiencies;*
- (b) Improving access to amenities and servicing;*

⁵¹ Graeme McIndoe & Boffa Miskell Ltd

(c) The efficiency gains from a highly motivated landowner with agglomerated sites;

532. In his evidence, Mr Osborne also addresses the issue of qualifying matters and the effects on reduced land supply and economic efficiency.

While the capacity modelling outlined above indicates that there is likely to be sufficient capacity as a result of Variation 1 it is still critical for economically efficient outcomes that the accommodation of expected growth is targeted in the most efficient locations. The incremental 'bleeding' of this growth to less efficient locations and lower residential densities is likely to impact upon the collective economic benefits of more intensified residential development. As such it is inappropriate to consider a relaxing of residential intensified zones in the light of simple sufficiency.

533. In my opinion, the evidence of Mr Osborne helps provide an economic context for the consideration of restrictions on land supply through the application of qualifying matters.

7.18.2 Submissions on the general approach to residential intensification: city wide and area wide basis

7.18.2.1 Matters raised by submitters

534. A number of submissions raised general concerns and requests about the overall approach to urban intensification, qualifying matters and/or giving effect to the MDRS and NPS-UD Policy 3, such as opposing the replacement of the GRZ-General Residential Zone with the MRZ-Medium Density Residential Zone.

535. Paul Winter [OS3.1, OS3.2, OS3.3, OS3.4, OS3.5] requests:

- Retain the GRZ-General Residential Zone for Aotea;
- PCC increases the city's overall housing intensification while still maintaining "... less intense and high quality suburbs like Aotea";
- Support for MRZ-Medium Density Residential Zone for, "... any Master Plan regeneration areas like that proposed for Eastern Porirua", and "... for new subdivisions like the Northern Growth Corridor."⁵²; and
- Opposes MRZ-Medium Density Residential Zone for existing GRZ-General Residential Zone suburbs.

536. The submitter's reasons, in summary, relate to impacts on character, balancing housing intensification with other objectives in local plans, how other parts of the city can deliver housing intensification, pressure on infrastructure, and impacts on property values.

537. Plimmerton Residents' Association [OS79.11] is concerned about impacts on existing properties and residents in the HRZ-High Density Residential Zone and seeks:

.... that the circumstances and rights of existing property owners and residents are better recognised and reflected in the PDP. Perhaps some distinction might be made between greenfields development and intensification in existing suburban areas.

538. They consider that greenfield HRZ-High Density Residential Zones provide for the application of design standards and coordinated development for high-rise buildings but consider that this is

⁵² In submissions OS32.2, OS32.4

not the case under the proposal to “pepper-pot” these structures into existing suburban areas. The submitter has concerns with 22 metre buildings located up to one metre of side boundaries, and while recognising that there are height controls for south facing sites, they consider there is no protection for other existing properties. Issues raised by the submitter, include effects of shading, loss of privacy, impacts on well-being, and being at odds with UFD-07.

539. Robin and Russell Jones [OS80.1] opposes the HRZ-High Density Residential Zone in all existing suburban areas, as it allows for 22 metre high buildings within one metre of the boundary of existing one or two level dwellings without consideration of the impacts and raises issues of loss of sunlight and privacy. They consider there should be greater protection for the health and well-being of existing residents when such infill developments are being considered. The submitter considers that:

While a greenfields HRZ development can allow for adjacent buildings of similar size to be planned synergistically to complement each other with orientation and design, there is no opportunity to do that when large buildings, out of context with their neighbours, are pepper-potted in established areas.

540. Madeleine Waters [OS39.2] seeks:

In relation to High and Medium Density Residential Zones and subdivisions, e.g. Whitby – Silverwood and the Banks, Aotea, seeks that the subdivision design requirements submitter had to follow, and covenants on their titles should continue to take precedence over the changes.

541. The submitter values the outside space and rural outlook and chose not to live in a densely populated environment.
542. Rob Bell [OS7.1] seeks deletion (of housing intensification). The submitter opposes changing existing heights in existing residential areas and considers that if the Council proceeds with three-storey properties that they should be in new subdivisions.
543. Helga Sheppard [OS41.1] is opposed to Variation 1, in summary for reasons of character and effects on residential amenity from three-storey dwellings, including loss of sunlight, resulting impacts including tree removal, concerns with the section 32 report as regards Titahi Bay, and infrastructure issues.
544. Leigh Subritzky [OS17.3] opposes the MRZ-Medium Density Residential Zone in existing neighbourhoods and has concerns with medium density housing, including impacts on residents from intensive housing and environmental effects, such as on flora and fauna, and references examples of medium density development in Lower Hutt.
545. Leslie Callear [OS10.1] seeks deletion of high density development due to concerns about six storey buildings being developed next to their property, how this would restrict their view and sun access, and would be without their permission and could reduce property values. The submitter also raises concerns about increased parking, and loss of a community village feel.
546. Kevin Clark [OS26.3] seeks deletion of Variation 1 due to concerns about six storey development and that there may be some sense in greenfield development north of Plimmerton. The submitter also queries the land between Steyne Avenue and the beach being zoned High Density.

547. Michelle Smart [OS69.1] and Elijah Smart [OS89.1] seek amendment of HRZ-O1 so it is “Within CBD only, not in suburban areas, upgraded infrastructure, provision for environment and greenspaces, improved access to public transport and social services”. The submitter raises matters including: “Pressure on infrastructure, destruction of natural environment and greenspaces, increased flooding and slips, increased shading, special character erosion, lack of social services and amenities, limited access to public transport.”
548. Roger Gadd seeks [OS75.1] seeks reassessment of the MRZ - Residential Intensification Precinct. The submitter considers:

Existing services and infrastructure are likely to be insufficient for the degree of intensification proposed, and it may not be possible to upgrade them sufficiently rapidly if rapid growth occurs. The proposed built scale (18m height) is significantly out of scale to the existing built environment. Implementation of this significant height permission may create urban decay through its incompatibility with the existing built environment leading to a deterioration, or predicted deterioration in living quality by existing residents, thereby reducing incentives for them to maintain and improve their properties

7.18.2.2 Assessment

549. In my view all of these submissions amount to seeking one or more qualifying matter in relation to the MDRS and/or Policy 3, in that they are seeking to make the MDRS and the relevant building height or density requirements under Policy 3 of the NPS-UD less enabling of development.
550. In regard to Paul Winter’s submission [OS32.1, OS32.2, OS32.3, OS32.4, OS32.5] and those from the Plimmerton Residents’ Association [OS79.11], Robin Russell Jones [OS80.1], Madeleine Waters [OS39.2] Rob Bell [OS7.1], and Leslie Callear [OS10.1], I consider that these submissions are seeking to direct residential intensification away from existing urban areas and instead to other locations. In so doing, they effectively are seeking to modify building heights and density of built form in a way that is more restrictive than required by Policy 3(c)(i)⁵³, 3(c)(iii)⁵⁴ and 3(d)⁵⁵ of the NPS-UD. They also effectively seek to modify the MDRS density standards, so that they would only apply in greenfield locations.
551. Helga Sheppard [OS41.1], Kevin Clark [OS26.3], Michelle Smart [OS69.1], Elijah Smart [OS89.1] and Roger Gadd [OS75.1] oppose Variation 1 and residential intensification in particular. I interpret the submission of Leigh Subritzky [OS17.3] as being opposed to intensification in existing neighbourhoods. The relief sought in these submissions would require widespread modifications to buildings heights and/or density of built form across urban areas. In my opinion, the relief sought in these submissions, by seeking to modify building heights, density of urban form required under Policy 3 of the NPS-UD and/or the MDRS density standards, as set out above, represent qualifying matters under S771 or S770 of the RMA.

⁵³ Enabling six storey buildings within a walkable catchment of a train station and/or the edge of the Metropolitan Centre Zone

⁵⁴ Ibid

⁵⁵ Building heights and density of urban form commensurate with the level of commercial activities and community services

552. The Section 32 Evaluation Report Part B: Urban intensification – MDRS and NPS-UD addresses the issue of how the urban intensification requirements of the NPS-UD and S77G of the RMA were incorporated into the PDP, including identification and mapping of intensification areas and the associated zone provisions to enable this. Appendix H identifies how the areas were mapped.
553. As I set out above, before the Panel can accept the relief sought by these submitters it would need to be held that the matters raised are, and justify the use of, a qualifying matter. The amendments sought by the submitters represent qualifying matters and these can only be applied where they have satisfied the requirements of sections 77J, 77L, 77P and 77R of the RMA. I do not consider that the submitters have provided sufficient information to justify the use of a qualifying matter in the areas to which these submissions relate, nor does the information provided to date meet the statutory tests contained in the RMA in relation to qualifying matters (which I have set out elsewhere); nor is there sufficient information to depart from the notified provisions, including planning maps, as supported by the relevant s32 evaluation.
554. As such I cannot support these submissions. However, I do recognise the concerns of the submitters and would note that, as I identify earlier, many of the concerns raised by submitters are already managed by overlays and district wide chapters of the PDP. For example, natural hazards, slope instability from earthworks, three waters capacity and indigenous biodiversity. These existing provisions of the PDP, including the existing qualifying matters, and other regulatory frameworks such as the NRP and the Building Act achieve the integrated management of development and subdivision of land. These address many of the issues raised by submitters.
555. I also note that Variation 1 introduced additional controls in relation to shading, as I identify earlier, through the use of site-specific height controls. These combined with the zone based density standards, are intended to provide for the health and wellbeing of people in these areas.
556. Additionally, I note that Section 5.5 of the Section 32 Evaluation Report Part A: Overview to Section 32 Evaluation (2022) and Section 7.7 and Appendix 7 of the Overview to Section 32 Evaluation (2020) and in Council Right of Reply for Hearing Stream 1 (paragraphs 66 to 72) outlines the Council's approach to infrastructure, which comprises LTP, development contributions, and PDP provisions.

7.18.2.3 Summary of recommendations

557. I recommend for the reasons given in the assessment that the submissions from Paul Winter [OS32.1, OS32.2, OS32.3, OS32.4, OS32.5], Plimmerton Residents' Association [OS79.11], Robin and Russell Jones [OS80.1], Madeleine Waters [OS39.2] Rob Bell [OS7.1], Helga Sheppard [OS4.1], Leigh Subritzky [OS17.3], Leslie Callear [OS10.1], Kevin Clark [OS26.3], Michelle Smart [OS69.1], Elijah Smart [OS89.1] and Roger Gadd [OS75.1] be **rejected**.

7.18.3 Submissions on residential intensification of Plimmerton

7.18.3.1 Matters raised by submitters

558. This group of submitters are concerned with urban intensification in the suburb of Plimmerton.
559. Peter and Fay Harrison [OS24.1] seek to retain "existing" provisions in Plimmerton for a number of reasons, such as that character and amenity would be compromised, the village area not

being appropriate for high rise development, the shading of existing dwellings, roading and infrastructure capacity issues and that there should be no more building on areas close to the sea.

560. Wallace Richard and Helen Ann Webber [OS107.1] do not support Variation 1 but support “maintaining the present height limits that relate well the character of Plimmerton.” They comment on housing between the beach and Steyne Avenue being subject to potential sea level rise and have concerns about the shape and orientation of sections along Steyne Avenue and how three storey or more housing will exacerbate shading, impacting negatively on living spaces.
561. Kevin Clark [OS26.2] requests that land in the Plimmerton area be retained as Medium Density but with the previous height limits. The submitter is concerned about the effects of six storey apartments in this neighbourhood and raises concerns about demolition of houses and site amalgamation. The submitter considers there may be some potential for greenfield development to the north of Plimmerton but finds that is questionable, and specifically questions the zoning of land between Steyne Avenue and the beach for high density due to restrictions on land relating to sea levels and tsunamis.
562. Melissa Story [OS101.4] supports “increased density of housing in a defined radius of city infrastructure and town centre. That radius does depend on the location and it makes sense for it to be closer to the Porirua Centre (e.g. such as Kenepuru)”. The submitter has concerns with six storey development in Plimmerton and suggests instead a three storey rule to preserve “... natural beauty and local tourism for walkways, family trips etc.”.
563. Jim Marsden [OS63.1] requests a change to MRZ-Medium Density Zone in Plimmerton because of concerns relating to shading to existing houses and the beach and they consider it would be better to stagger growth back from the beach to until other side of the railway line.
564. David Carter [OS61.1] seeks that the HRZ-High Density Residential Zone and all relevant rules and standards do not apply in Plimmerton for a number of reasons as follows:
- They consider that the HRZ-High Density Residential Zone would result in residential development incompatible with existing built environment, exacerbate existing flood risk, and there are infrastructure capacity issues;
 - How development adjoining 5C Motuhara Road would result in the loss of coastal views, loss of privacy, shading and loss of daylight, that there are equity issues with the Site of Significance to Māori (SASM) height controls for a number of the properties in Plimmerton. The MDRS for all residential properties in Plimmerton would be fairer and more equitable; and
 - They consider that in regards to properties along Plimmerton foreshore in the HRZ-High Density Residential Zone that have been identified on PCC coastal/tsunami hazard maps as being at risk of rising sea levels be changed to MRZ-Medium Density Residential Zone or be zoned for no increase in density. The submitter considers that an HRZ-High Density Residential zoning for these properties contradicts the PCC coastal/tsunami hazard maps and will expose more properties to the issues of rising sea levels/flooding.
565. Frances Dodge [OS116.1] seeks to remove high-density sub-precinct allowing 22 metre high buildings and instead wishes to retain medium density standards. The submitter has concerns regarding impacts on the character of the area, shading and privacy effects, and views being

blocked. In seeking this relief, the submitter refers to the suburb of Plimmerton having a “character and charm that should be preserved.” Further, that the area is far from a walkable distance to the Porirua CBD that there would be a loss of a strong community feel, and with developing so close to the ocean in respect to climate change.

566. Matthew Xuereb [OS34.1] seeks removal of the zoning for six storey housing (800m wide circumference from Plimmerton station) because of concerns about the suitability of Motuhara Road - soil type and slips, wind risk, parking, and a blanket application of the 800m distance from a train station including due to topography and each station should be appraised separately.
567. Robin Jones [207.1] seeks: “Remove the Medium Density Residential (MRZ) zoning from the properties identified in Plimmerton and treat them as General Residential zone (GRZ).”
568. The submitter provides reasons for relief sought including: challenging topography, feasibility of medium density in the area, impacts on village character and heritage, infrastructure capacity and natural hazard risk. The submitter considers GRZ zoning allows for multi-unit development up to two storeys (8 metres) which is more appropriate for this area.
569. Plimmerton Residents' Association Inc [218.1] seeks:
- The MRZ be lifted from all properties in: 1. Steyne Avenue 2. Bath Street 3. Grays Road 4. James Street 5. St Andrews Road 6. School Road 7. Taupō Crescent (36B/36C) 8. Pope Street (130, 130A, 132B) That these properties be zoned General Residential like their neighbours, and subject to the provisions for multi-unit developments allowed for under that zone.*
570. The submitter provides reasons for relief sought including: feasibility of medium density in the area, impacts on village character, infrastructure capacity and natural hazard risk.

7.18.3.2 Assessment

571. In my view these submitters' requests amount to seeking one or more qualifying matter in relation to the MDRS and/or Policy 3 of the NPD-UD.
572. In regard to Peter and Fay Harrison's submission [OS24.1] it is not clear which “existing provisions” the submitter requests to be retained (those provisions within the ODP or 2020 PDP). This is similarly the case with Kevin Clark's submission [OS26.2] where they refer to “previous height limits” and Wallace Richard and Helen Ann Webber [OS107.1], who seek to retain “present” height limits. These submitters may wish to clarify this either before the hearings or at any appearance before the Hearings Panel.
573. Robin Jones [207.1] and Plimmerton Residents' Association Inc [218.1] submitted on the PDP opposing the introduction of the MRZ-Medium Density Residential Zone in Plimmerton.
574. In my opinion this group of submissions are seeking to direct residential intensification away from, or to otherwise restrict residential intensification in Plimmerton, which consequently requires the modification of building heights and/or density of built form in this particular existing urban area. In particular I consider that:
- The submissions from Peter and Fay Harrison, Wallace Richard and Helen Ann Webber, Melissa Story and David Carter are effectively seeking to modify building heights and

density of built form in a way that is more restrictive than required by Policy 3(c)(i)⁵⁶, 3(c)(iii)⁵⁷ and 3(d)⁵⁸ of the NPS-UD. I interpret their submission to also effectively be seeking to modify the MDRS density standards to make them less enabling.

- The submissions from Kevin Clark, Jim Marsden, Frances Dodge and Matthew Xuereb are effectively seeking to modify building heights and density of built form in a way that is more restrictive than required by Policy 3(c)(i)⁵⁹ and 3(d)⁶⁰ of the NPS-UD.
- The submissions from Robin Jones and Plimmerton Residents Association are effectively seeking to modify the MDRS density standards to make them less enabling.

575. In my opinion, the relief sought in these submissions, by seeking to modify building heights, density of urban form required under Policy 3 of the NPS-UD and/or the MDRS density standards, as set out above, are effectively seeking that qualifying matters be applied to particular areas of land. These qualifying matters would respond to the concerns raised in submissions, including the adverse effects of intensification on the quality of their living environments, such as on 'character' of the area, on health and well-being, on transport and accessibility, pressure on infrastructure, the natural environment, property values, and issues regarding natural hazards and climate change.

576. The Section 32 Evaluation Report Part B: Urban intensification – MDRS and NPS-UD addresses the issue of how the urban intensification requirements of the NPS-UD and S77(G) of the RMA were incorporated into the PDP, including identification and mapping of intensification areas and the associated zone provisions to enable this. Appendix H identifies how the areas were mapped.

577. As I set out above, the amendments sought by the submitters represent qualifying matters and these can only be applied where they have satisfied the requirements of sections 77J, 77L, 77P and 77R. I do not consider that the submitters have provided sufficient information to justify the use of a qualifying matter in the area to which these submissions relate, nor does the information provided to date meet the statutory tests contained in the RMA in relation to qualifying matters (which I have set out elsewhere) nor to depart from the notified provisions, including planning maps, as supported by the relevant s32 evaluation.

578. As such I cannot support these submissions. I have earlier described how existing provisions of the PDP, including existing qualifying matter controls, new qualifying matter controls for shading and other regulatory frameworks would help to manage the effects these submitters have raised. In addition, I would also comment that:

- The new density standards for Plimmerton are the same as those for other High Density Residential zoned suburbs such as Mana, Ranui, Elsdon and Eastern Porirua. I do not

⁵⁶ Enabling six storey buildings within a walkable catchment of a train station and/or the edge of the Metropolitan Centre Zone

⁵⁷ Ibid

⁵⁸ Building heights and density of urban form commensurate with the level of commercial activities and community services

⁵⁹ Enabling six storey buildings within a walkable catchment of a train station and/or the edge of the Metropolitan Centre Zone

⁶⁰ Building heights and density of urban form commensurate with the level of commercial activities and community services

consider that sufficient information has been provided which demonstrates why Plimmerton should have more restrictive density standards than these other suburbs.

- The findings of the Porirua Suburban Character Study Report - 2005⁶¹ that did not recommend character-based controls for any suburb.
- While feasibility of higher density development may impact on the rate at which it is undertaken, I do not consider it to be a reason to modify the MDRS or building heights and density of built form in a way that is more restrictive than required by Policy 3(c)(i) and 3(d) of the NPS-UD

579. I note that part of the reasons given by the submitters includes points concerning natural hazards and /or climate change. Mr Torrey McDonnell is addressing broader submission points relating to these matters in section 7.11 and 7.12 of this report. Mr McDonnell considers the Natural Hazards Overlay appropriately manages the risks posed by natural hazards, and that this overlay is consistent with national best practice, and the National Planning Standards approach to district plan stricture with regard to zoning and overlays. With respect to the submissions addressed in this section of the report, I note these submissions above similarly do not provide sufficient assessment or evaluation that justify a different approach be taken, and I concur with Mr McDonnell's recommendations on that issue.

7.18.3.3 Summary of recommendations

580. I recommend for the reasons given in the assessment that the submissions from Peter and Fay Harrison [OS24.1], Wallace Richard and Helen Ann Webber [OS107.1], Kevin Clark [OS26.2], Melissa Story [OS101.4], Jim Marsden [OS63.1], David Carter [OS61.1], Frances Dodge [OS116.1], Matthew Xuereb [OS34.1], Plimmerton Residents' Association Inc [218.1] and Robyn Jones [207.1] be **rejected**.

7.18.4 Submissions seeking modifications to multiple suburbs

7.18.4.1 Matters raised by submitters

581. This group of submitters are concerned with residential intensification in multiple suburbs. The requests vary from seeking rezoning from HRZ-High Density Residential Zone to MRZ-Medium Density Residential Zone or to modifications to a MDRS density standard in a particular location.
582. Fiona Reid [OS97.1] seeks the HRZ-High Density Residential Zone in Plimmerton and Mana is removed from "... many areas indicated, especially where existing houses are already", for the reason that the changes would severely impact these suburbs, 22 metre is too high - six storey buildings will "... destroy the Plimmerton village and community vibe". The submitter also raises issues with privacy, loss of sun for existing properties, transport safety, parking issues, privacy impacts from a 1m setback, impacts on property values, and potential for lack of consultation in rebuilding.
583. Michael Kearns [OS106.1, OS106.2] requests the removal of the HRZ from Plimmerton and Mana, "from many of the areas indicated, especially where existing houses are already" due to concerns with the 1m side and rear setback and the 22 metre height limit, a lack of need for high density housing in the area, and environmental, social and health and safety issues

⁶¹ Graeme McIndoe & Boffa Miskell Ltd

including loss of sun, privacy, shading, increased car parking and potential rebuilding to 22 metres without consultation.

584. Hugh Blank [OS52.1, OS52.2] and John O'Connell [OS25.1, OS25.2] also submit in relation to the HRZ in Plimmerton and Mana, and request:

- To remove the HRZ- High Density Residential Zone from Plimmerton and Mana due to concerns that high density housing would severely impact these suburbs [John O'Connell, OS25.1]
- In regard to HRZ-S2, that the 22m height is too high and is not needed. Hugh Blank considers major planning changes cannot be justified in these suburbs, and high density housing should occur in large greenfield spaces between Plimmerton and Pukerua Bay.
- In regard to HRZ-S4, that the 1m setback from side and rear boundaries is "... reverted to existing restriction", as they consider it impinges on privacy, causes shading, and potentially leads to health problems, and there would be adverse environmental and social effects, including loss of sun, privacy, and shading, and loss of property values.

585. The Plimmerton Resident's Association [OS79.16, OS79.5] seeks:

- The HRZ- High Density Residential Zone in Plimmerton and Camborne is reconsidered for reasons concerning infrastructure capacity, natural hazard matters (coastal, flooding, topography, stability),⁶² and impacts on existing residents including due to shading. The submitter considers that there are significant greenfield areas to accommodate growth and it would be better to locate buildings taller than three storeys in clusters where "... appropriate infrastructure, accessibility and community facilities can be established in a planned manner."
- The HRZ-High Density Residential Zone in Mana, Camborne and Plimmerton be amended to MRZ –Medium Density Residential Zones, due to qualifying matters. They consider that Mana and parts of Plimmerton are not suitable for this scale of intensification due to their vulnerability to the impacts of climate change and natural hazards. They state:

These areas are low lying and particularly vulnerable to sea level rise, storm surges, and coastal erosion; plus, the potential for natural disasters (tsunami zone, flooding and earthquake). Parts of Mana Esplanade has the potential for liquefaction and the southern part is in an earthquake fault zone. These vulnerabilities should be considered Qualifying Matters.

High Density Intensification is unsuitable for areas of steep topography in Porirua, particularly areas with soft soils prone to slips or settlement, such as Camborne.

Meeting the criteria of distance to a train station and supermarket does not necessarily mean an area is suitable for intensification due to other factors.

586. Mike Hopkins [OS98.1] does not support the HRZ- High Density Residential Zone in Plimmerton and Camborne but if it is pursued, that the HRZ High Density Residential Zone boundary:

⁶² The submitter outlines concerns with HRZ for sites immediately bordering the coast and how it would be at odds with the directives of the National Coastal Policy Statement 2010.

... should not extend above the Grays Road/Taupo Crescent junction. Limiting intensification to below that level would allow some intensification while still protecting the flora and fauna of Lagden Reserve, the character of the Lagden Street, Mervyn Place and Arapawa Place area and the safety and security of residents.

587. The issues raised by Mike Hopkins include that the HRZ- High Density Residential Zone would destroy the village feel of Plimmerton and there is a lack of detail in the consultation document and online map to justify boundaries. With regards to Lagden Street, Mervyn Place, Arapawa Place or Tāupo Crescent the submitter finds the HRZ- High Density Residential Zone would change the character of the area, and that infrastructure in this area will not support intensification⁶³. The submitter is also concerned with the steepness of the area and land stability issues, impacts on public spaces including parks, a lack of publicly accessible greenspace, impacts on flora and fauna and effects of tall buildings on existing dwellings, including on privacy.
588. Alexander Nash [OS88.2] is opposed to greater intensification in Eastern Porirua. The submitter considers “the infrastructure network is crumbling. Footpaths are in sore need of renewal. Intensification of Eastern Porirua without addressing the core fundamentals before overloading infrastructure even further should not be done.”
589. Madeleine Waters [OS39.1] seeks:

In relation to High and Medium Density Residential Zone in Plimmerton and Camborne, suggests the following changes to the proposals in Plimmerton and Camborne due to flood, coastal erosion and land slip risks:

- *Maintain the status quo for all coastal sites, Steyne Avenue, Sunset Parade, Moana Road etc until management of the coastal hazards is addressed (this aligns to the KCDC’s approach)*
- *Maintain the status quo for all sites around Palmers Garden Centre, St Theresa’s School, Airlie Road and any other areas that are a high flood risk (as evidenced by flood events in recent years)*
- *Reduce the zoning to medium density (or status quo) around Motuhara Road, Pope Street, Taupo Crescent and Grays Road where the topography is steep.*

590. The submitter considers:

The planned changes to high density do not appear to have considered the steep nature of these areas and the practicality of building six storeys in areas that are prone to land slips (there have been several in Motuhara Road, Cluny Road...). Flood, coastal erosion and land slip risk.

591. Robyn Smith [168.103] “supports parts of Titahi Bay being identified as being suitable for medium density development. Does not support the extent of the MRZ being any greater than is currently shown on the PDP maps.”
592. Paremata Residents Association [190.4, 190.5] seeks “Amend the residential area of Mana Esplanade to a General Residential Zone”.

⁶³ The submitter has concerns with parking and transportation issues - including access for emergency services.

593. The submitter provides reasons for relief sought including: impacts on village character, reduced amenity values, less green space, increased run-off and financial feasibility of this housing typology.

7.18.4.2 Assessment

594. In my view these submitters' requests amount to seeking one or more qualifying matters in relation to the MDRS and/or Policy 3 of the NPD-UD.

595. The PDP submission points from Robyn Smith [168.103] and Paremata Residents Association [190.4, 190.5] were prior to the requirement to implement the intensification requirements including both the MDRS and Policy 3 of the NPS-UD. I note that the MRZ-Medium Density Residential Zone is now applied much more extensively City-wide to give effect to the MDRS. In addition, in Titahi Bay there is an extensive Medium Density-Residential Intensification Precinct proposed, and HRZ-High Density Residential Zone.

596. In my opinion this group of submissions are seeking to direct residential intensification away from, or to otherwise restrict residential intensification in various suburbs, which consequently requires the application of modification to building heights and/or density of built form in this particular existing urban area. In particular I consider that:

- The submissions from Fiona Reid [OS97.1], Michael Kearns [OS106.1, OS106.2], Hugh Blank [OS52.1], John O'Connell [OS25.1], Plimmerton Resident's Association [OS79.16, OS79.5], Mike Hopkins [OS98.1], Alexander Nash [OS88.2] and Madeleine Waters [OS39.1] are effectively seeking to modify building heights and density of built form in a way that is more restrictive than required by Policy 3(c)(i)⁶⁴ and 3(d)⁶⁵ of the NPS-UD.
- The submissions from Robyn Smith [168.103], Madeleine Waters [OS39.1], Hugh Blank [OS52.2], and John O'Connell [OS25.2] to also be seeking to modify a MDRS density standards to make it less enabling.

597. In my opinion, the relief sought in these submissions, by seeking to modify building heights, density of urban form required under Policy 3 of the NPS-UD and/or the MDRS density standards, as set out above, represent qualifying matters under sections 771 or 770. These reflect the concerns raised, including the adverse effects of intensification on the quality of their living environments, health and well-being, transport and accessibility, infrastructure, the natural environment, on property values, and issues regarding natural hazards and climate change.

598. The Section 32 Evaluation Report Part B: Urban intensification – MDRS and NPS-UD addresses the issue of how the urban intensification requirements of the NPS-UD and S77(G) of the RMA were incorporated into the PDP, including identification and mapping of intensification areas and the associated zone provisions to enable this. Appendix H identifies how the areas were mapped.

⁶⁴ Enabling six storey buildings within a walkable catchment of a train station and/or the edge of the Metropolitan Centre Zone

⁶⁵ Building heights and density of urban form commensurate with the level of commercial activities and community services

599. As I set out in section above, the amendments sought by the submitters represent qualifying matters and these can only be applied where they have satisfied the requirements of sections 77J, 77L, 77P and 77R. I do not consider that the submitters have provided sufficient information to justify the use of a qualifying matter in the area to which these submissions relate, nor does the information provided to date meet the statutory tests contained in the RMA in relation to qualifying matters (which I have set out elsewhere) nor to depart from the notified provisions, including planning maps, as supported by the relevant s32 evaluation.
600. As such I cannot support these submissions.
601. I note that part of the reasons given by the submitters includes points concerning natural hazards and /or climate change. As outlined in the section above, these submissions do not provide sufficient assessment or evaluation to justify a change in approach and I concur with Mr McDonnell's recommendations on that issue in sections 7.11 and 7.12 of this Report.
602. I would also draw attention to my comments at paragraph 574 in relation to the submissions opposing residential intensification in Plimmerton, which are equally relevant here.

7.18.4.3 Summary of recommendations

603. I recommend for the reasons given in the assessment that the submissions from Fiona Reid [OS97.1], Michael Kearns [OS106.1, OS106.2], Hugh Blank [OS52.1, OS52.2], John O'Connell [OS25.1, OS25.2], Plimmerton Resident's Association [OS79.16, OS79.5], Mike Hopkins [OS98.1], Madeleine Waters [OS39.1], Alexander Nash [OS88.2], Robyn Smith [168.103] and Paremata Residents Association [190.4, 190.5] be **rejected**.

7.18.5 Submissions seeking general modifications to the MDRS density standards and other specified density standards, and seeking new qualifying matters

7.18.5.1 Matters raised by submitters

604. The following submitters: Frances Dodge [OS116.3, OS116.4], Harbour Trust & Guardians of Pāuatahanui Inlet [OS32.9, OS32.6], Francessa Middleton [OS6.3], Nash Alexander [OS88.4, OS88.6], Michelle Smart [OS69.2], Elijah Smart [OS89.2], Kevin Clark [OS26.1], Ian Baxter [OS40.3] variously seek modifications to (or oppose) specified density standards, and seek new density standards in the MRZ and HRZ as follows:

- In relation to HRZ-S4 and MRZ-S5: increase the front yard setback to 5 metres or at least 3 metres in all zones [Frances Dodge OS116.3, OS116.4].
- In relation to HRZ-S5: that landscaped areas should be increased to 30%; and in relation to MRZ-S4: the landscaped area should also be increased to 30% of any site [Harbour Trust & Guardians of Pāuatahanui Inlet OS32.9, OS32.6].
- In relation to HRZ-S6: to increase "each units separate outdoors space" [Francessa Middleton, OS6.3].

- In regards to MRZ-P8⁶⁶: opposes three-storey houses which are not in keeping with the general street themes, and not adequately positioned on a site [Nash Alexander, OS88.4, OS88.6].
- Delete MRZ-O1 [Michelle Smart, OS69.2; Elijah Smart OS89.2]
- In regards to MRZ-S2: does not support the 14m height limit and seeks to “... maintain the present height limits” which generally limit dwellings two storeys⁶⁷. [Kevin Clark, OS26.1]
- In relation to HRZ-S3 and in the context of the Eastern Side of Motuhara Road numbers 20 – 64, and noting wider implications across the rest of Porirua, seeks the introduction of a recession plane restriction for the MRZ and GRZ to Heritage C. [Ian Baxter OS40.3]

605. The issues and concerns raised by the submitters in their reasons for seeking the changes include:

- Transport and access issues [Frances Dodge];
- Provide an increase in landscaped open space to help absorb and reduce water run-off. [Harbour Trust & Guardians of Pāuatahanui Inlet];
- Supports 50% limit for site coverage to help reduce the impact of multi storey buildings in lower density environments and an increase in the landscaped area to minimise adverse effects from stormwater run-off [Harbour Trust & Guardians of Pāuatahanui Inlet];
- Provide an increase in outdoor space for separate units to provide green space and a healthy living environment. [Francesse Middleton];
- New developments changing the “look and feel of a street” because of lack of planting, and including, the design and position of buildings reducing sunlight to rear properties, including associated lack of requirements to consult with neighbours [Nash Alexander,];
- *Pressure on infrastructure, destruction of natural environment and greenspaces, increased flooding and slips, increased shading, special character erosion, lack of social services and amenities, poor access to public transport*⁶⁸. [OS69.2]
- Concerns with how development would be undertaken, including resulting issues for daylight, privacy and general living amenities [OS26.1]

606. Roger Gadd [OS75.6, OS75.9] submits as follows:

- In regards to MRZ-S2, seeks:

⁶⁶ I note that the summary of decisions requested refers to this provision as MPZ-P8, whereas the submission states MRZ-P8.

⁶⁷ The 14m height limit is specified at MRZ-S2-1-c and it is for sites subject to Height Control – Shading B as identified on the planning maps, and which would otherwise be 22m under the height limit for MRZ-Residential Intensification Precinct.

⁶⁸ The submitter also refers to the northern suburbs of Porirua and medium density housing destroying the character and appeal of the area.

Amend sub-clauses b. and c. to limit the height of any building so that its tallest point is also no more than 8m higher (above sea level) than the highest point of the buildings on the neighbouring properties unless each neighbour whose building is more than 8m below the height of the proposed building grants their consent. (This height difference is height above sea level, not each individual building's height above its ground level).⁶⁹

- In regards to MRZ-S5, makes two requests:

Amend requirement for "Front" to read "3m, where that the boundary is to a road, otherwise it must be 1m". And:

Delete from the exclusions "Any part of a building that is 7m or less in length, where this exemption only occurs once per site" and "Eaves up to a maximum of 600mm in width."

607. Roger Gadd considers the changes to MRZ- S2 would provide for a more graduated cityscape and an opportunity for property owners disadvantaged by a tall building to gain compensation. Also, if a neighbouring site is vacant, an 11m height limit should apply unless consent from the existing neighbour is received and this should take into account the distance of the neighbouring dwelling from the shared boundary. The submitter prefers an 11m height limit for the MRZ.

608. In relation to MRZ-S5, the submitter states that the "... 1.5m setback is desirable for the urban landscape, the occupants, and for some provision of road widening if deemed necessary in future." The submitter's reasons include concerns with MRZ-S5, which in summary are that the 7m distance reduces the benefit of the standard and issues that would be created from the eaves exemption in the space with the adjacent buildings, such as restricting air and light, which may present a fire hazard.

609. Andrew Wellum [OS16.8] seeks the following⁷⁰:

A one storey building must be at least one metre from all the boundaries. A two storey building must be at least two metres from all the boundaries. A three storey building must be at least three metres from all the boundaries. And so on. Different rules to apply within the CBD, and / or between commercial buildings.

7.18.5.2 Assessment

610. In my view these submitters' requests amount to seeking one or more qualifying matters in relation to the MDRS and/or Policy 3 of the NPD-UD.

611. I interpret the relief sought by Francesse Middleton [OS6.3] as being to increase the outdoor living space requirement per unit beyond the MDRS standard rather than to HRZ-S6-3, which is more lenient than the MDRS standard.

612. In regard to the submission from Nash Alexander, I interpret this as seeking a reduced building height below the MDRS density standard of 11 metres. Also, while it is not clear which "present" height limits Kevin Clark [OS26.1] seeks to be retained, I note his reason refers to two storey. As such I consider he is seeking a height limit of 8m (under the ODP). These submitters may wish to clarify these matters before the hearing or in any appearance before the Hearings Panel.

⁶⁹ MRZ-S2-1-b. and c. respectively prescribe height limits of 18m in the MRZ-Residential Intensification Precinct, and 14m on sites subject to Height Control – Shading B as identified on the planning maps.

⁷⁰ No specific reason is given for the relief sought.

613. Ian Baxter refers to Heritage C controls in his submission which I consider may be an error reading the submission in its entirety. There are no Heritage C controls applicable to these properties on Motuhara Road. The submitter may wish to clarify this with the Panel.
614. In view of the above, I consider that the submitters are seeking the following modifications to the MDRS:
- Front setback from 1.5m (MDRS standard) to 3m [Roger Gadd, Frances Dodge]
 - Other setbacks from 1m (MDRS standard) to 2m and more [Andrew Wellum]
 - Increased landscaped area from 20% (MDRS standard) to 30% [Harbour Trust & Guardians of Pāuatahanui Inlet]
 - Increased outdoor living space standard above the MDRS standard [Francesse Middleton]
 - Building heights less than MDRS density standard of 11m [Nash Alexander, Kevin Clark]
 - All MDRS standards [Michelle Smart, Elijah Smart]
 - A reduced height in relation to boundary for HRZ and MRZ [Ian Baxter]
615. I consider that Roger Gadd's graduated building height approach could result in building heights that are less than the MDRS standard of 11m or the height required under Policy 3(c)(i) and/or 3(c)(ii) of the NPS-UD.
616. I consider that the relief sought in the above submissions, by seeking to modify building heights, density of urban form required under Policy 3 of the NPS-UD and/or the MDRS density standards represent qualifying matters under S77I and S77O, given that their relief concerns a range of matters including the adverse effects of intensification on the quality of their living environments, for example, on 'character', health and well-being, and on the natural environment.
617. The Section 32 Evaluation Report Part B: Urban intensification – MDRS and NPS-UD addresses the issue of how the urban intensification requirements of the NPS-UD and S77G of the RMA were incorporated into the PDP, including identification and mapping of intensification areas and the associated zone provisions to enable this. Appendix H identifies how the areas were mapped.
618. As I set out in the section above, the amendments sought by the submitters represent qualifying matters and these can only be applied where they have satisfied the requirements of sections 77J, 77L, 77P and 77R. I do not consider that the submitters have provided sufficient information to justify the use of a qualifying matter in the area to which these submissions relate, nor does the information provided to date meet the statutory tests contained in the RMA in relation to qualifying matters (which I have set out elsewhere) nor to depart from the notified provisions, including planning maps, as supported by the relevant s32 evaluation.
619. As such I cannot support these submissions.
620. I would also draw attention to my comments at paragraph 574, which are equally relevant here.

7.18.5.3 Summary of recommendations

621. I recommend for the reasons given in the assessment that the submissions from Ian Baxter [OS40.3], Frances Dodge [OS116.3, OS116.4], Harbour Trust & Guardians of Pāuatahanui Inlet

[OS32.9, OS32.6], Francesse Middleton [OS6.3], Nash Alexander [OS88.4, OS88.6], Michelle Smart [OS69.2], Elijah Smart [OS89.2], Kevin Clark [OS26.1], Roger Gadd [While the capacity modelling outlined above indicates that there is likely to be sufficient capacity as a result of Variation 1 it is still critical for economically efficient outcomes that the accommodation of expected growth is targeted in the most efficient locations. The incremental 'bleeding' of this growth to less efficient locations and lower residential densities is likely to impact upon the collective economic benefits of more intensified residential development. As such it is inappropriate to consider a relaxing of residential intensified zones in the light of simple sufficiency., OS75.6, OS75.9], Andrew Wellum [OS16.8] be **rejected**.

7.18.6 Submissions seeking site specific modifications or exclusions

7.18.6.1 Matters raised by submitters

622. A number of submitters seek general modifications to zoning or to specified standards in relation to discreet areas or specific sites.
623. A group of submitters request modifications to HRZ-S2 as regards to Motuhara Road, Plimmerton. Diane Richardson [OS30.1], Brent and Erica McDuff [OS62.1] oppose the 16m height limit under HRZ-S2-1.b⁷¹ and respectively seek to retain the "current" and "present" height limit. A similar request by Jenny Brash [OS105.1] seeks to retain the "... present height allowance which exists at present on the submitter's property⁷² and for most of their neighbours."
624. These submitters consider Motuhara Road is inappropriate for urban intensification. The issues and concerns raised by them include:
- Steepness of the road, soil type, recent slips, land stability, high wind risk;
 - Vulnerability to earthquakes;
 - Shading of houses;
 - Parking and access, and how the road would cope with more traffic; and
 - Need to consider any such change on a case-by-case basis.
625. Also, in relation to HRZ-S2 and Motuhara Road, Susan Xuereb [OS100.1] seeks retention of the 14 metre height limit, "which exists at present on my property and for most of my neighbours in this proposed high density zone". However, in their reason the submitter expresses concern that the methodology⁷³ does not take into consideration other factors such as slope suitability, the soil is unconsolidated colluvium and is not suitable for high density houses, and issues of shading of dwellings. The submitter does not state which properties the request relates to but raises concerns with 16 metre high buildings.
626. Carolyn Parris [OS13.2] requests a height limit of no more than two-storeys for 20, 21, 22, 23 Sunset Parade, Plimmerton for reasons including loss of sunlight and permanent shading of 13a

⁷¹ HRZ-S2-1.b sets a 16m height limit on sites subject to Height Control – Shading A, as identified on the planning maps.

⁷² 26 Motuhara Road

⁷³ I have assumed this is a reference to the methodology by which Height Controls – Shading were identified.

Motuhara Rd, removal of the view from 13 and 13a Motuhara Rd and devaluation of the property.

627. In relation to HRZ-S4, the Paremata Residents Association [OS70.6] request an increase in the minimum setback for buildings along Mana Esplanade and St Andrews Road stating that:

The minimum setback should be adequate to allow property frontage to be acquired to achieve a road corridor width of at least minimum road design standards and protect the health and safety of residents.

628. The submitter finds the width of Mana Esplanade as substandard for four traffic lanes and notes how it was only approved by the Environment Court on a temporary basis. They consider that if Mana Esplanade and St Andrews Road do not reduce to single traffic lanes, additional corridor width will need to be acquired to meet minimum designs for traffic and active transport. A 1.5 metre setback for Mana Esplanade and St Andrews Road is inadequate to achieve the increased corridor width.
629. Hana Robson Marsden [OS9.1] seeks to delete Variation 1 along Plimmerton beach due to concerns with building medium and high density housing in the area between the road, as the beach is prone to coastal erosion, the beach is the main recreation area for Plimmerton and should not be shaded by tall buildings to the north. Further, that the Plimmerton Farm subdivision will supply plenty of housing for the area and it is not necessary to change the feel of Plimmerton beach.
630. Francesse Middleton [OS6.1] opposes the HRZ-High Density Residential Zone and requests the removal of: "... the area Pascoe Ave south on both sides and retain as medium density" due to concerns with a change in outlook along Mana Esplanade into a high rise residential area, and that present infrastructure cannot deal with the intensity and increasing overflows into the harbour that jeopardises the natural environment.
631. Emily Pike [OS43.1] seeks MRZ-Medium Density Residential Zone along the Plimmerton waterfront for reasons relating to erosion and flooding, protecting Significant Natural Areas, changes to village character, risks to infrastructure (primary school, parking and the sewage system), and under the MRZ-Medium Density Residential Zone the community can respond through the resource consent process.
632. Vanessa Robson [OS8.1, OS8.2] seeks MRZ-Medium Density Residential Zone for the strip along the beach side of the railway line at Plimmerton beach, and to designate the area along Plimmerton Beach (SW of the railway line along Steyne Ave) as a special character area. The submitter's reasons in summary include Plimmerton Beach is a main recreational space and there would be issues of shading and access to views and sunlight from 22m high buildings, that sites adjacent to the beach are in an inundation zone and unsuitable as HRZ, and that the area is mostly one or two storey houses and is part of the Plimmerton Heritage Trail, "... 22m apartment blocks would have a significant negative effect regarding shade, wind and visual dominance, on the existing built environment."
633. Tracey Fleming [OS86.1] requests amending the HRZ- High Density Residential Zone to MRZ-Medium Density Residential Zone at Plimmerton, "... with more height control areas particularly on the seaward side of the railway corridor." The reasons given include issues concerning views, shading, how such a high density of building, people, vehicles, and subsequent noise increase would ruin the nature and the character of the village. Further, the strain on the land, beach, sea and sea life, strain and on sewage and stormwater

reticulation and treatment and a loss of school grounds to accommodate buildings for an increase in population.

634. Stephen and Anne Marie Booth [OS109.1] request beachfront areas be excluded from the MRZ-Medium Density Residential Zone or have a two storey maximum building height, specifically Karehana Bay, Plimmerton. Their reasons include impacts on character, the area being registered as potentially affected by coastal and tsunami hazard and there needs to be a case by case assessment of development, reducing vegetation and shading areas of vegetation from higher buildings, strain on drainage infrastructure and parking, and safety concerns relating to access and car movements.
635. Margaret Medlyn [OS117.1] objects to the change to medium density housing at Seaview Road, Paremata, for reasons which include the natural beauty of the peninsula, issues and concerns with access for trucks and deliveries on a single lane road, transport options including that it is a 25 minute to walk to the station, the sewerage system not being able to sustain more households, and blocking sunlight access for people on the east side of the road.
636. In relation to HRZ-High Density Residential Zone at Taupō Crescent, Joanna McDonald [OS15.1] requests to retain the current provisions and delete this change. The submitter raises issues regarding views in the street being ruined which would negatively affect property prices, inadequate parking, potential loss of village atmosphere and heritage buildings, and pressure on infrastructure.
637. Robin and Russell Jones [OS80.3] oppose HRZ-High Density Residential Zone for Taupō Crescent, Plimmerton and Lagden Street, Camborne. They raise matters regarding site stability issues and the situation worsening with climate change, accessibility – questioning Taupō Crescent being assessed as a walkable catchment, ageing infrastructure, and the removal of trees for major development negatively impacting on native wildlife and not improving the region's carbon footprint.
638. Joy and Frances Herbert [OS96.1] seek a three-storey maximum height limit (i.e. 11m) for 190A St Andrews Rd, Plimmerton, for the reason that they consider this height limit is suitable and people will not be affected by shading from tall buildings.
639. Warrick Proctor [OS31.1, OS31.2] opposes the rezoning of 4 Moana Road, Plimmerton from GRZ-General Residential Zone to MRZ-Medium Density Residential Zone. The submitter seeks retention of the existing height control due to concerns that more than two storey buildings would be out of character for the area and that there would be significant impacts on aesthetic values from high rise buildings and unwanted shading of adjoining dwellings. In commenting on part of the property, the submitter states:

The lower (western) areas of 4 Moana Road, Plimmerton are reclaimed beach and are largely sand. These areas will be significantly destabilised in the event of flooding and, in particular impending sea-level rise which is expected to eventually inundate the property. The upper (eastern) areas of the property are unstable and have had significant land-slippage in recent times. Water and sediment has affected the lower (western) areas of the property.

7.18.6.2 Assessment

640. In my view these submitters' requests amount to seeking one or more qualifying matters in relation to the MDRS and/or Policy 3 to the NPS-UD.

641. For the purposes of my assessment, I have interpreted the following submissions as follows:
- Jenny Brash [OS105.1]: to retain the provisions of the ODP⁷⁴, given that they refer to the height allowance which “exists” at present on their properties.
 - Warrick Proctor’s [OS31.1, OS31.2]: to retain the existing height control⁷⁵ and that this request is specific to 4 Moana Road. However, I note the reasons given by the submitter may extend this request beyond the property and to a wider area as the submitter address impacts on the area including on character.
 - Diane Richardson [OS30.1], Brent and Erica McDuff [OS62.1], and Joanna McDonald [OS15.1]: In the ODP⁷⁶ and 2020 PDP⁷⁷, the height limit for Motuhara Road was 8m. I have assumed that it is this height limit, the submitters are seeking.
 - Joanna McDonald [OS15.1]: Opposed to HRZ-High Density Residential zoning for their property at Taupō Crescent. In the ODP the land is zoned Suburban Zone and GRZ-General Residential Zone in the 2020 PDP.
642. The above submitters may wish to clarify these matters before the hearings or in any appearance in front of the Hearings Panel.
643. In my opinion this group of submissions are seeking to direct residential intensification away from, or to otherwise restrict residential intensification in parts of the city or on specific properties, which consequently requires the application of modification to building heights and/or density of built form in these parts of the urban area. In particular I consider that:
- Hana Robson Marsden [OS9.1], Francesse Middleton [OS6.1], Emily Pike [OS43.1], Vanessa Robson [OS8.1, OS8.2], Tracey Fleming [OS86.1], Joanna McDonald [OS15.1], Robin and Russell Jones [OS80.3], Joy and Frances Herbert [OS96.1], Susan Xuereb [OS100.1]:

These are effectively seeking to modify building heights and density of built form in a way that is more restrictive than required by Policy 3(c)(i)⁷⁸ and 3(d)⁷⁹ of the NPS-UD. This group of submissions generally oppose the HRZ-High Density Residential zoning for their areas of interest.
 - The submissions from Jenny Brash [OS105.1], Warrick Proctor [OS31.1, OS31.2], Diane Richardson [OS30.1], Brent and Erica McDuff [OS62.1], Joanna McDonald [OS15.1], Carolyn Parris [OS13.2], Stephen and Anne Marie Booth [OS109.1]:

These are effectively seeking to modify the MDRS height standard and building heights and density of built form in a way that is more restrictive than required by Policy 3(c)(i)⁸⁰

⁷⁴ 8m height limit in the Suburban Zone. In the 2020 PDP the site is zoned GRZ-General Residential Zone, where the height limit is also 8m.

⁷⁵ 8m height limit in the Suburban Zone (ODP), 8m in the GRZ-General Residential Zone (2020 PDP)

⁷⁶ Area zoned Suburban Zone

⁷⁷ Area zoned GRZ-General Residential Zone

⁷⁸ Enabling six storey buildings within a walkable catchment of a train station and/or the edge of the Metropolitan Centre Zone

⁷⁹ Building heights and density of urban form commensurate with the level of commercial activities and community services

⁸⁰ Enabling six storey buildings within a walkable catchment of a train station and/or the edge of the Metropolitan Centre Zone

and 3(d)⁸¹ of the NPS-UD. In particular this group of submissions is seeking to retain the 8m height limits under the ODP and 2020 PDP for their properties and/or areas of interest. This is below the MDRS density standard height limit of 11m. In so doing, this also represents a lower height limit than under the NPS-UD for these areas.

- The submissions from Paremata Residents Association [OS70.6], Margaret Medlyn [OS117.1], seek to modify a MDRS density standards to make it less enabling:

Paremata Residents Association – seek to modify the MDRS setback density standard.

Margaret Medlyn – opposes the MRZ-Medium Density zoning. In my opinion this effectively seeks to modify the MDRS density standards generally.

644. In my opinion, the relief sought in these submissions, by seeking to modify building heights, density of urban form required under Policy 3 of the NPS-UD and/or the MDRS density standards, as set out above, represent qualifying matters under S77I or S77O given that their relief concerns a range of matters including the adverse effects of intensification on the quality of their living environments including on “character” and potential “loss of village atmosphere and heritage buildings”, on health and well-being, transport and accessibility, infrastructure, the natural environment, property values, and issues regarding natural hazards and climate change,.
645. As I set out earlier, these qualifying matters can only be applied where they have satisfied the requirements of sections 77J, 77L 77P, and 77R. I do not consider that the submitters have provided sufficient information to justify the use of a qualifying matter in the area to which these submissions relate, nor does the information provided to date meet the statutory tests contained in the RMA in relation to qualifying matters (which I have set out elsewhere) nor to depart from the notified provisions, including planning maps, as supported by the relevant s32 evaluation. For these reasons, and based on the analysis contained in the s32 Evaluation, I cannot support these submissions.
646. I note that part of the reasons given by the submitters includes points concerning natural hazards and/or climate change. As outlined in the section above, these submissions do not provide sufficient assessment or evaluation to justify a change in approach to natural hazards in the PDP and I concur with Mr McDonnell’s recommendations on that issue in sections 7.11 and 7.12 of this Report.
647. I would also draw attention to my comments at paragraph 574, which are equally relevant here.

7.18.6.3 Summary of recommendations

648. I recommend for the reasons given in the assessment that the submissions from Diane Richardson [OS30.1], Brent and Erica McDuff [OS62.1], Jenny Brash [OS105.1], Susan Xuereb [OS100.1], Carolyn Parris [OS13.2], Paremata Residents Association [OS70.6], Hana Robson Marsden [OS9.1], Francesse Middleton [OS6.1], Emily Pike [OS43.1], Vanessa Robson [OS8.1, OS8.2], Tracey Fleming [OS86.1], Stephen and Anne Marie Booth [OS109.1], Margaret Medlyn

⁸¹ Building heights and density of urban form commensurate with the level of commercial activities and community services

[OS117.1], Joanna McDonald [OS15.1], Robin and Russell Jones [OS80.3], Joy and Frances Herbert [OS96.1] and Warrick Proctor [OS31.1, OS31.2] be **rejected**.

7.18.7 Submission from Wellington Electricity Lines Limited

7.18.7.1 Matters raised by submitter

649. This section addresses submissions from Wellington Electricity.

650. WE [OS112.1, OS112.2, OS112.3, OS112.4, OS112.9, OS112.11, OS112.7, OS112.8] seek relief in relation to protecting the electricity network specifically in relation to substation sites. Their relief includes the following:

- To ensure protection is in place the electricity network in consideration of intensified urban development in close proximity to key substation sites [OS112.1];
- Protection of existing and lawfully established key substation sites which are located within the City's residential areas [OS112.2];
- That key substation sites of the Porirua Substation and the Waitangirua Substation will not be "... unreasonably constrained through "housing intensification on abutting residential land", and that intensification will not result in the creation or exacerbation of reverse sensitivity effects. [OS112.3];
- In relation to the Waitangirua substation, to have future residential intensification north and south of the site reflect the established operation of the critical distribution facility. [OS112.4];
- The identification of Porirua Substation and Waitangirua Substation [OS112.9, OS112.11]:
 - *"... on the planning map overlays with appropriate annotations to the effect that either medium or high-density housing developments on abutting sites will require a land use consent as a Restricted Discretionary Activity thus enabling an effects assessment to be provided with appropriate reverse sensitivity mitigation being inherent to the development;*
 - *" ... on the applicable planning maps with the land surrounding the sites being subject to Qualifying Matters so to enable development controls to be put in place through a Restricted Discretionary Activity status.*
- In regards to the Porirua and Waitangirua substations that:
 - *Qualifying Matters' be applied in relation to the Porirua Substation and Waitangirua Substation to the extent that neighbouring (abutting) High and Medium Density properties cannot develop multi-unit housing only 1.0m setback [from] the boundary, as a permitted activity;*
- With regards to the Porirua substation [OS112.7]:
 - *Seeks to have future residential intensification surrounding the site reflect the established operation of the Porirua Substation facility and thus mitigate the potential adverse effects of reverse sensitivity.*

- Seeks Council treat the Porirua Substation Facility as a 'Qualifying Matter' under the NPS-UD, and protect the critical electricity supply facility [from] the adverse effects of actual or potential reverse sensitivity.
- Seeks that any intensification of 3 and 3D Mungavin Avenue, 1 A&B, 3 Champion Street, 9-13 Mephram Place is provided for as restricted discretionary.

651. The reasons given by the submitter in these submissions collectively concern:

- Increased intensity of sensitive land use in close proximity to these substations and increasing the risk of reverse sensitivity;
- That the Waitangirua sub-station is a critical distribution facility⁸² and being in a MRZ-Medium Density Residential Zone three residential units could be established one metre from the facility's electrical distribution compound as a permitted activity;
- In regards to the Porirua substation facility⁸³:
 - The residential properties specified in their relief at Mungavin Avenue, Champion Street, and Mephram Place are in an HRZ- High Density Residential Zone, which enables a "high intensity and bulk of buildings such as apartments and townhouses as close as 1.0m from the site boundary"; and
 - The substation site is identified in the ODP as in the Suburban Zone and is not designated for electricity distribution purposes, that it is identified in the PDP as in the MDZ- Medium Density Residential Zone and is not designated for electricity distribution purposes.⁸⁴ They raise concerns with the potential for significant residential intensification to surround the property and with growth there will be increased demand on the Porirua Substation, which will require upgrades to the substation.
 - The ability to regulate intensification in the HRZ- High Density Residential Zone through qualifying matters applying to "...such areas immediately abutting existing sites and facilities." Section 77I "allowing Council to make development within pockets of the high density areas less enabling if it is considered inappropriate for the area to accommodate it."
 - The submitter seeks that Intensified urban development is appropriately regulated through the qualifying matters provisions in the legislation on land which abuts critical Regionally Significant Infrastructure and associated facilities such as the Porirua Substation.
 - The submitter seeks restricted discretionary activity status to enable affected party feedback and "... provision of mitigation against the potential adverse effects of reverse sensitivity (i.e., noise mitigation, screening, health and safety)."

⁸² Submission point OS112.4 outlines the electrical supply provided by this facility.

⁸³ The submitter also outlines the electrical supply provided by this facility [OS112.7]

⁸⁴ In submission OS112.7

7.18.7.2 Assessment

652. The submissions seek protection of two substations from “intensification” as a qualifying matter. This includes identification on the planning maps of sites surrounding the substations and inclusion of provisions requiring resource consent for residential development.
653. I note from their submissions, the submitter is concerned with “medium or high-density housing developments”, and “High and Medium Density properties cannot develop multi-unit housing only 1.0m setback” and that “intensification” be treated as a restricted discretionary activity. I am unclear of what is meant by medium or high-density housing developments or properties and what “intensification” is to be treated as restricted discretionary activity
654. I would also note that under the ODP⁸⁵, multi-unit housing is already a permitted activity subject to standards,⁸⁶ and in the 2020 PDP up to two dwellings and a minor residential unit per site is a permitted activity. The submitter did not previously raise this as an issue in regards to the PDP. As such I am unclear as to what element of the Variation 1 zone provisions they are concerned with over and above those previously permitted under the ODP and notified PDP, for example building heights, setbacks, building coverage, and height in relation to boundary. In terms of land use activities, I would also note that activities such as supported residential care, small scale educational facilities, visitor accommodation and papakāinga are permitted in the residential zones, as well as residential units. The submissions are not clear on whether these are compatible with the substations.
655. In my opinion, the submitter has not provided a sufficient assessment or evaluation under S77J. For example, as identified above they have not identified why the level of development permitted under the MRZ-Medium Density Residential Zone and HRZ-High Density Residential Zone is incompatible with the existing electricity substations over and above what could have previously been undertaken under the ODP and notified PDP. Further, they have not undertaken the other requirements in Section 77J including assessing development capacity matters.

7.18.7.3 Summary of recommendations

656. I recommend for the reasons given in the assessment that the submissions from Wellington Electricity Lines Limited [OS112.1, OS112.2, OS112.3, OS112.4, OS112.9, OS112.11, OS112.7, OS112.8] be **rejected**.

7.18.8 Submissions from KiwiRail⁸⁷

7.18.8.1 Matters raised by submitter

657. KiwiRail [OS72.1, OS72.2 OS72.3, OS72.4, OS72.5, OS72.6, OS72.7, OS72.8, OS72.10, OS72.11]⁸⁸ seeks:

⁸⁵ Suburban Zone

⁸⁶ This is for detached houses and no more than one pair of semi-detached houses on one site.

⁸⁷ This section of the report was authored by Rory Smeaton

⁸⁸ KiwiRail [OS72.9] also notes supports the inclusion of acoustic and vibration standards, and district-wide building setbacks as important controls to ensure the ongoing safe and efficient operation of the rail corridor.

- That the setback standards in MRZ-S5, HRZ-S4, LCZ-S3 and MUZ-S3 are amended so that buildings and structures must not be located within a five metre setback from a boundary with a rail corridor instead of 1.5 metres as proposed⁸⁹; and
- Introduce a five metre setback standard for in any other zones/all zones [zones other than MRZ, HRZ, LCZ or MUZ] adjoining the rail corridor affected by Variation 1.⁹⁰

658. The stated reasons include that intensification increases the risk of potential interference with the rail corridor by building maintenance and other activities being undertaken on sites adjoining the rail corridor, and that the associated risk needs to be managed. KiwiRail states that the setback in the PDP and Variation 1 does not apply to eaves up to a maximum of 600 millimetres and external gutters or downpipes (including their brackets) up to an additional width of 150 millimetres, and that this effectively makes the 1.5 metre setback as proposed 750 millimetres in reality. Associated issues and comments are raised regarding:

- Encroachment into the rail corridor from people undertaking building maintenance;
- The role of the rail corridor infrastructure in contributing to delivering more affordable housing choices; and
- The needs for suitable setbacks to ensure that the rail infrastructure can operate efficiently and safely.

659. The stated reasons also include general references to the purpose of the RMA, preserving the operational and developmental capacity and efficiency for nationally significant infrastructure, and that the requested amendments will, in terms of section 32 of the RMA, be the most appropriate way to give effect to the purpose of the RMA and the objectives of the Proposed Plan.

7.18.8.2 Assessment

660. The collective relief in KiwiRail's submission is to increase setback standards from a boundary with a rail corridor from 1.5 metres to five metres and for this to apply to the zones specified and to all other zones adjoining the rail corridor and affected by Variation 1.

661. This issue was the subject of a submission by KiwiRail [86.70] on the PDP. That submission was addressed in Hearing Stream 4, with the relevant analysis set out in section 3.11.4 of my Section 42A Report: Part B - Infrastructure.

662. I note that in its PDP submission, KiwiRail sought a four metre setback. After considering the request from KiwiRail and the effects of the requested setback from the rail corridor, I recommended the 1.5 metre setback from the rail corridor which was subsequently included in Variation 1.

663. I summarised my consideration of the submission from KiwiRail on the PDP in my right of reply for hearing Stream 4, and stated that:

⁸⁹ The submitter seeks the increased in setback to 5m be applied to all zones adjoining the rail corridor within the scope of Variation 1 [OS72.2, OS72.3]

⁹⁰ Submission OS72.11

In my section 42A report I recommended in response to the submission of KiwiRail [86.70] a rail corridor setback of 1.5 metres. In my supplementary evidence I noted that I continued to support that setback having read the evidence of Kāinga Ora and KiwiRail. Having listened to the evidence of Kāinga Ora and KiwiRail on this matter at the hearing, I continue to maintain this position.

664. I maintain my position on this matter as summarised in my right of reply.
665. I note that I considered the effect of the exclusions for eaves, gutters and downpipes from setbacks within my analysis in section 3.11.4 of my Section 42A Report: Part B - Infrastructure. KiwiRail states in its submission on Variation 1 that:

the 750 millimetre effective setback when considering the exclusions for eaves, gutters and downpipes provides a very limited area between the rail corridor and structures within which people can use to maintain their buildings without encroaching at all into the rail corridor

666. However, KiwiRail does not provide any examples or evidence showing that the setback will be insufficient. KiwiRail may wish to address this at the hearing.
667. For these reasons, I consider that the relief requested by KiwiRail should be rejected.

7.18.8.3 Summary of recommendations

668. I recommend for the reasons given in the assessment that the submissions from KiwiRail [OS72.1, OS72.2 OS72.3, OS72.4, OS72.5, OS72.6, OS72.7, OS72.8, OS72.10, OS72.11] be **rejected**.

7.18.9 Submissions from Waka Kotahi⁹¹

7.18.9.1 Matters raised by submitter

669. Waka Kotahi [OS81.4, OS81.5 and OS81.11] requests an amendment to the MRZ- Medium Density Residential Zone and HRZ- High Density Residential Zone provisions to include the relevant noise provisions as a qualifying matter or other method and the amendments sought as part of Waka Kotahi Planning Evidence on the PDP.⁹²
670. The stated reasons relate to the transitional period before the PDP district-wide noise provisions are made operative. Waka Kotahi consequently consider that reverse sensitivity provisions should be included as a qualifying matter to ensure that undue restrictions are not placed on the operation of the transport network and to protect health and wellbeing of residents or occupants of nearby sites.

7.18.9.2 Assessment

671. It is my understanding that qualifying matters only relate to building height or density requirements. The definition of 'density standards' in Schedule 3A of the RMA is:

⁹¹ This section of the report was authored by Rory Smeaton

⁹² Evidence of Catherine Heppelthwaite (dated the 21 January 2022)

density standard means a standard setting out requirements relating to building height, height in relation to boundary, building setbacks, building coverage, outdoor living space, outlook space, windows to streets, or landscaped area for the construction of a building

672. As such, because the noise provisions managing reverse sensitivity would not amend density standards or building heights, I do not agree that they could be considered as a qualifying matter.
673. I also note that, in relation to the identified transition period, the reverse sensitivity provisions are already in the PDP. As decisions on the PDP and recommendations on Variation 1 will be made by the Hearing Panel as an integrated set, I see no benefits to be gained from the noise provisions relating to reverse sensitivity should be considered as a qualifying matter.
674. If Waka Kotahi are actually seeking that the provisions have legal effect during the period prior to decisions on the PDP and recommendations on Variation 1 being made, then the provisions would have had to have been included in Variation 1 when it was notified. There is no way of making those provisions have legal effect retrospectively. Waka Kotahi may wish to clarify this point at the hearing.

7.18.9.3 Summary of recommendations

675. I recommend for the reasons given in the assessment that the submissions from Waka Kotahi [OS81.4, OS81.5 and OS81.11] be **rejected**.

7.18.10 Submissions from Transpower⁹³

7.18.10.1 Matters raised by submitter

676. Transpower [OS53.3] does not include any specific relief, but in the reasons states that all submission points and hearing evidence of Transpower to the PDP stand. These include the objectives, policies and rules relating to the National Grid.
677. Additionally, Transpower [OS53.2] does not seek specific relief, but sets out reasons why the National Grid Corridor rules framework meets the definition of a qualifying matter.
678. I also note that the last bullet point in the submission point summarised as [OS53.1] is addressed through the Section 42A Officer's Report: Part B – District-Wide Matters in relation to submission point [OS53.11].

7.18.10.2 Assessment

679. On the submission from Transpower [OS53.3], I note that the submissions from Transpower on the PDP were considered in Hearing Stream 4, with the points relating to the National Grid analysed in section 3.6 of my Section 42A Report: Part B - Infrastructure. Those will be considered by the Hearing Panel along with all other PDP submissions heard in earlier hearing streams. There is no need to comment any further on those submission points here.
680. In relation to Transpower [OS53.2], I note that I have assessed the submission point from Transpower [OS53.11] on SUB-R15 in the Section 42A Officer's Report: Part B – District-Wide

⁹³ This section of the report was authored by Rory Smeaton

Matters. In that report I noted that the Section 32 Evaluation Report Part A: Overview to Section 32 Evaluation states:

where a rule or standard is proposing to amend or modify the MDRS, or the height or density of urban form requirements set out in policy 3, is it applied as a qualifying matter for the purposes of sections 771 and 770.

681. The relevant rule in the PDP applied as qualifying matters are listed in Table 1 in the Section 32 Evaluation Report Part A: Overview to Section 32 Evaluation. That table includes MRZ-R17 and SUB-R15. As such, the consideration of Transpower that the National Grid as being a qualifying matter is consistent with the approach taken under Variation 1.

7.18.10.3 *Summary of recommendations*

682. I recommend for the reasons given in the assessment that the submissions from Transpower [OS53.3 and OS53.2] be **accepted**.

7.18.11 *Other submissions relating to qualifying matters*

7.18.11.1 *Matters raised by submitters*

683. This group of submitters request the following qualifying matters:

- In relation to sites within or adjoining land and sites identified in the PDP with a range of historic heritage or natural environment values.
- To address the effects of inadequate off-street parking

684. The Paremata Residents Association [OS70.8] seeks the addition of a general policy that covers qualifying matters with inadequate off-street parking, where safe alternative parking is not available.

685. The submitter is concerned that the Government's decision to remove the Council's ability to require off-street parking in building developments will increase parking issues that PCC will be unable to overcome. They consider that some developers will maximise accommodation at the expense of off-street parking and that this is already happening. Further, they consider that many side roads in the northern suburbs are winding and too narrow to allow safe parking on the road and that Mana Esplanade has almost no 24-hour parking available on the roadside.

686. Brian Warburton [OS64.2, OS64.3, OS64.4] raises concerns regarding how Variation 1 was prepared in relation to the application of qualifying matters. The submitter seeks that proposed height and density requirements do not apply to specific land as outlined in the submission. The submitter requests:

... the provisions of Variation 1 require amendment to the extent that no buildings or structures (regardless of height or density) shall be permitted on:

- *land (whether or not it comprises an entire parcel) that is subject to the significant natural area provisions of the PDP,*
- *land (whether or not it comprises an entire parcel) that is subject to the provisions of the NES-FW relating to natural wetlands,*
- *land (whether or not it comprises an entire parcel) that is subject to the natural hazard and risk provisions of the PDP,*

- *land (whether or not it comprises an entire parcel) that is subject to the historical and cultural values provisions of the PDP, and*
- *land (whether or not it comprises an entire parcel) that is subject to the coastal high natural character area provisions of the PDP*

687. In relation to land adjacent to the OSZ-Open Space Zone and the Outstanding Natural Features and Landscapes (ONFL), and Special Amenity Landscapes (SALs) overlays, the submitter seeks:

... to include development controls applicable to residential land that is adjacent to land zoned as Open Space and/or areas identified as an ONF/ONL, and/or areas identified as SAL.

A 3m + 45° recession plane should apply on such common boundaries.

The provisions of Variation 1 require amendment to the extent that buildings or structures higher than 8 metres, higher than a 3m + 45° height recession plane, and occupying more than 40 percent of a site area (either alone or in combination with other buildings) shall not be permitted on:

- a. land (whether or not it comprises an entire parcel) that is adjacent to (namely shares a common boundary with) land zoned as Open Space and/or areas identified as an ONF/ONL, or areas identified as SAL.*

688. GWRC [OS74.60] seek a new qualifying matter in regards to sites adjacent to Significant Natural Areas. Their request is:

Include a new qualifying matter to Variation 1, to modify the MDRS on sites adjacent to SNAs. Possible drafting is included as follows:

“ECO-P13 - Height controls on sites surrounding Significant Natural Areas Limit the height and/or height in relation to boundary of buildings and structures on sites identified on the planning maps as ‘XX - Sites surrounding Significant Natural Areas’ to ensure that the values of Significant Natural Areas in SCHED7 - Significant Natural Areas are protected.”

“ECO-P14 - Increased height and/or height in relation to boundary on sites surrounding Significant Natural Areas Only allow an increase in height and/or height in relation to boundary of buildings and structures on sites identified on the planning maps as ‘XX - Sites surrounding Significant Natural Areas’ where it can be demonstrated that the values of the Significant Natural Areas in SCHED7 - Significant Natural Areas will be protected.”

Amend the planning maps, so that Policies ECO-P13 and ECO-P14 apply to sites (properties) adjacent to SNAs

689. GWRC is concerned with the potential effects of intensification on areas adjacent to SNAs, such as ecological corridors and buffer areas, and considers that the District Plan must manage these effects. They consider these areas contribute to the long-term viability and enhancement of SNAs themselves through natural processes, for example, seed dispersal. The submitter also comments on their support for a new qualifying matter in Variation 1, regarding setbacks for buildings and structures adjacent to sites and areas of significance to Māori (see SASM-P9 and SASM-P10), and requests a similar “buffer zone approach” for sites adjacent to SNAs to give effect to Policy 47(a) and (b) of the RPS. They consider the new qualifying matter request is within the scope of Variation 1 given that it is to give effect to relevant RPS Policies.

7.18.11.2 Assessment

690. In my opinion, the relief sought in these submissions, by seeking to modify building heights, density of urban form required under Policy 3 of the NPS-UD and/or the MDRS density standards represent qualifying matters under S77I or S77O.
691. In regard to the submission from the Paremata Residents Association [OS70.8], the submitter does not specify which qualifying matter they consider applies. I note that parking is not specifically listed as a qualifying matter, except for arguably “any other matter” (s77I(J)). In line with clause 3.38 of the NPS-UD, there is no minimum car parking required in the PDP. Given the national direction to remove car parking, I consider that it would be inappropriate to apply it as a qualifying matter despite the lack of supporting analysis in relation to 77J, 77L 77P, and 77R. I am also unclear of what controls the submitter is actually seeking and the adverse effects they wish to see managed. I also consider that other regulatory tools exist to manage road space, including how that space is used and allocated to different transport activities such as on-street parking. In terms of the PDP, major developments that exceed the traffic generator threshold in TR-Table 7 require resource consent where a range of transport related effects can be assessed.
692. The submission from Brian Warburton seeks that no buildings or structures (regardless of height or density) shall be permitted on a wide variety of land already subject to overlays in the PDP or the NES-FW. In my view, the overlays and provisions that apply to scheduled sites will continue to apply and no evidence is given that these will be unable to appropriately manage adverse effects of use, development and subdivision in these areas. I also consider that the controls sought by the submitter amount to an extension of the relevant overlay since it would extend controls to the entire land parcels and not just to the overlay area.
693. In relation to the “bulk and location” controls the submitter seeks for residential land adjoining, and for land parcels in, the Open Space Zone, or subject to ONL/F or SAL overlays, the submitter has not provided any evidence to demonstrate that the qualifying matter is incompatible with the level of development directed by the MDRS and/or Policy 3 to the NPS-UD. As such I am not clear what adverse effects the submitter is seeking to control and how the “bulk and location” controls being sought would address these effects.
694. The relief sought by the submitter on both issues above would be widespread and affect a significant number of land parcels. There is no site-specific assessment provided, certainly not to the extent undertaken in relation to detailed site by site analysis undertaken as part of the evidence base for Variation 1 in relation to properties next to historic heritage and SASM sites.
695. GWRC [OS74.60] seek relief in the form of new qualifying matters being applied at a policy level to amend building heights for sites adjacent to SNAs. In my view, this is a very broad approach and the submitter has not identified what height is sought and in which location which would manage the adverse effects on the values of the SNA they believe will occur otherwise. I also note the reference to sites identified on the planning maps in the requested policy and assume it is intended that not all sites adjacent to an SNA are to be controlled in this way.
696. The submitter has not provided any site-specific analysis or evidence to support their statement that adverse effects will arise from “intensification”. For example, I note they are concerned with effects on ecological corridors and seed dispersal. This raises the issues of whether the submitter is seeking controls wider than that stated in their suggested policy and how controlling height limits will address these effects. There is also the issue of how this policy

would be implemented since it refers to “sites”⁹⁴. Individual SNAs do not follow cadastral boundaries, used to define sites, and as such I am unclear of how the policy could be applied through a rule or standard.

697. I would also note that this was not raised by the submitter in Hearing Stream 2 where they were broadly supportive of the approach taken to the protection of SNA.

698. As I set out in above in this section, these qualifying matters can only be applied where they have satisfied the requirements of sections 77J, 77L 77P, and 77R. I do not consider that the submitters have provided sufficient assessment or evaluation as required to meet the statutory tests contained in the RMA (which I have set out elsewhere). For these reasons, and based on the analysis contained in the s32 Evaluation, I cannot support these submissions.

7.18.11.3 *Summary of recommendations*

699. I recommend for the reasons given in the assessment that the submissions from Paremata Residents Association [OS70.8], Brian Warburton [OS64.2, OS64.3, OS64.4], and GWRC [OS74.60] be **rejected**.

7.19 Historic Heritage and Sites and Areas of Significance to Māori⁹⁵

7.19.1 *Introduction*

700. Submissions were received seeking changes to the qualifying matters introduced in Variation 1 which provide for site specific controls on sites located adjacent to identified heritage items and heritage settings and sites located adjacent to sites and areas of significance to Māori.

701. I have structured my assessment as follows:

- Submissions on historic heritage qualifying matters introduced in Variation 1.
- Submissions on sites and areas of significance to Māori qualifying matters introduced in Variation 1.

702. I also assess two submissions received in relation to the HH-Historic Heritage chapter.

7.19.2 *Submissions on Historic Heritage qualifying matters introduced in Variation 1*

7.19.2.1 *Matters raised by submitters*

703. These submissions were on the historic heritage qualifying matter policies in the HH-Historic Heritage chapter and associated density standards in zone based chapters.

⁹⁴ Defined in the PDP, means:

- a. an area of [land](#) comprised in a single record of title as per Land Transfer Act 2017; or
- b. an area of [land](#) which comprises two or more adjoining legally defined [allotments](#) in such a way that the [allotments](#) cannot be dealt with separately without the prior consent of the council; or
- c. the [land](#) comprised in a single [allotment](#) or balance area on an approved survey plan of [subdivision](#) for which a separate record of title as per Land Transfer Act 2017 could be issued without further consent of the Council; or
- d. except that in relation to each of sub clauses (a) to (c), in the case of [land](#) subdivided under the Unit Title Act 1972 or 2010 or a cross lease system, a [site](#) is the whole of the [land](#) subject to the unit development or cross lease.

⁹⁵ This section was authored by Caroline Rachlin

704. Kāinga Ora [OS76.8] requests the following relief:

“... Strategic Direction – Amend reference to the tool used to manage effects upon the identified values of scheduled heritage site and settings and sites of significance to Māori.”

705. Kāinga Ora [OS76.80, OS76.81] requests amendments to HH-16 and HH-17 to remove the references to ‘height control’. The reason given is that while the submitter recognises the need for a control to protect and maintain identified heritage values, the submitter considers that the height in relation to boundary control will satisfactorily apply an appropriate setback from sites with identified values and manage resulting effects.

706. GWRC [OS74.61, OS74.62] seeks retention of HH-16 and HH-17, for the reason that this new qualifying matter to manage the potential effects of intensification on heritage items and heritage settings gives effect to Policy 22 of the RPS.

707. In relation to the MRZ-Medium Density Residential Zone and HRZ-High Density Residential Zone, Kāinga Ora [OS76.14, OS76.21] seeks to “Alter the control used to manage effects on scheduled heritage sites and settings and sites of significance to Māori.” The reasons given include:

- *Ensure that Kāinga Ora can carry out its statutory obligations;*
- *Ensures that the proposed provisions are the most appropriate way to achieve the purpose of the Resource Management Act 1991, relevant national direction, and regional alignment;*
- *Ensure that the s32 analysis has appropriately analysed and considered other reasonable options to justify the proposed plan provisions;*
- *Reduce interpretation and processing complications for decision makers so as to provide for plan enabled development;*
- *Provide clarity for all plan users; and*
- *Allow Kāinga Ora to fulfil its urban development functions as required under the Kāinga Ora–Homes and Communities Act 2019.*

708. Kāinga Ora [OS76.151, OS76.202, OS76.205] submit specifically in relation to HRZ - High Density Residential Zone and MRZ - Medium Density Residential Zone density standards to delete a number of height control standards (including in relation to shading, sites adjacent to historic heritage and sites adjacent to sites and areas of significance to Māori).

709. Insofar as these submissions relate to historic heritage qualifying matters, they seek the following changes, for the reason that they do not support the application of height controls on sites that adjoin identified heritage sites, but they support the use of height in relation to boundary (HIRB) on boundaries adjoining sites with identified values. The amendments sought⁹⁶ are to remove the heritage height controls as follows:

- The deletion from HRZ-S2 of the 11m height and 8m height limits for sites identified on the planning maps as subject to Height Control – Heritage A, and Height Control Heritage C respectively, and consequential deletion of associated matters of discretion; and
- The deletion from MRZ-S2 of the 11m height and 8m height limits for sites identified on the planning maps as subject to Height Control – Heritage A, and Height Control Heritage C respectively.

⁹⁶ In submissions OS176.151, OS76.202

710. GWRC opposed Kāinga Ora's submission in their further submissions, as follows:

- GWRC [FS74.119, FS74.120] oppose Kāinga Ora's [OS76.14, OS76.21] request to alter the control used to manage effects on scheduled historic sites and settings and seeks that the controls on height to protect historic heritage are retained as notified as this would not give effect to the RPS. The submitter states:

“Operative RPS Policy 22 requires district plans to include policies, rules and other methods to protect significant heritage values from inappropriate development. PCC has identified that specified historic heritage sites are at risk of potentially significant adverse effects if a qualifying matter is not included to restrict intensified development. Greater Wellington support the qualifying matter and associated height controls to protect heritage values.”

- GWRC [FS174.123, FS174.124] opposes Kainga Ora [OS74.151, OS76.202] requests to delete HRZ-S2 and MRZ-S2 heritage height controls for the same reason.

711. In relation to HRZ-High Density Residential Zone, Kāinga Ora [OS76.152] seek the following amendment to the height in relation to boundary (HIRB) density standard, HRZ-S3. Their reason for their requested change includes to have similar wording to the Wellington City PDP and for regional consistency, and that they support the other listed matters of discretion.

Amend Standard:

1. *All buildings and structures must not project beyond a:*
 - a. 60° recession plane measured from a point 19m vertically above ground level along the first 20m of the side boundary as measured from the road frontage;
 - b. 60° recession plane measured from a point 8m vertically above ground level along all *other* boundaries;
 - c. Except no part of any building or structure may project beyond a:
 - i. 60° recession plane measured from a point 4m vertically above ground level along any boundary that adjoins a site in the Medium Density Residential Zone; or
 - ii. 60° recession plane measured from a point 4m vertically above ground level along any boundary with a site containing a heritage item or heritage setting for sites subject to HIRB Control Heritage B;
 - iii. 45° recession plane measured from a point 3m vertically above ground level on any boundary with a site containing a heritage item or heritage setting for sites subject to HIRB Control Heritage A; or
 - iv. 45° recession plane measured from a point 3m vertically above ground level on any boundary with a site containing an identified site of or areas of significance to Māori.

...

Matters of discretion are restricted to:

The matters in RESZ-P7and RESZ-P8

712. Kāinga Ora [OS76.207] also requests changes to the HIRB density standard in the MRZ-Medium Density Residential Zone. They seek that MRZ-S3 is amended as follows:

Amend:

Matters of discretion are restricted to:

1. The matters in RESZ-P7 and RESZ-P8
2. Building bulk and dominance effects on adjoining properties;
3. Privacy effects on adjacent residential units, including habitable rooms or outdoor living areas; and
4. Shading and overshadowing effects on the adjoining properties and the degree of impact on any adjoining internal or external living areas.

713. The submitter generally supports the standard, stating their particular support for the additional flexibility that is provided for sites located in the MRZ-RIP⁹⁷. They seek amendments to further clarify the matters of discretion.

714. In the introductions to the LCZ - Local Centre Zone and MUZ - Mixed-Use Zone chapters, Kāinga Ora [OS76.247, OS76.281] seeks deletion of the following words, for the reason that they support managing development next to listed heritage sites but through an alternative tool.

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.

715. GWRC [FS74.126, FS74.127] opposed Kāinga Ora [OS76.247, OS76.281] for the same reasons as given in their opposition to the removal of heritage height controls in the HRZ - High Density Residential Zone and MRZ - Medium Density Residential Zone concerning not giving effect to Policy 22 of the RPS.

716. In regard to the LCZ - Local Centre Zone standards for height and HIRB, Kāinga Ora [OS76.267, OS76.268] does not support the application of height controls on sites that adjoin identified heritage sites but supports the use of HIRB controls on boundaries adjoining sites with “identified values”. The submitter requests:

- The deletion of LCZ-S1-c: “12m on sites subject to Height Control – Heritage B shown on the planning maps” and consequential deletion of the associated matters of discretion [OS76.267]; and
- The addition of new controls in LCZ-S2 for “... more restrictive HIRB on boundaries adjacent to a listed heritage site or SASM”. The two of these relate to historic heritage are as follows [OS76.268]⁹⁸:
 3. Except no part of any building or structure may project beyond a:
 - i. 60° recession plane measured from a point 4m vertically above ground level along any boundary with a site containing a heritage item or heritage setting for sites subject to HIRB Control Heritage B;
 - ii. 45° recession plane measured from a point 3m vertically above ground level on any boundary with a site containing a heritage item or heritage setting for sites subject to HIRB Control Heritage A; or

⁹⁷ MRZ- Residential intensification Precinct

⁹⁸ The submitter also seeks HIRB controls in relation to Sites and Areas of Significance to Māori, which I address separately in section 7.19.4 of this report.

(...)

717. Kāinga Ora [OS76.300] seeks removal of the 12m heritage height control in MUZ-S1-c.1 for the same reasons as their submission on LCZ-S1. This request was also opposed by GWRC [FS74.128].

718. FENZ [OS58.34, OS58.42, OS58.43, OS58.44] seek exemptions from site specific controls in regards to HRZ-S2, HRZ-S3, MRZ-S2, MRZ-S3. They seek that the standards do not apply to emergency facilities up to 9m in height and hose drying towers up to 15m in height. They comment that whilst they are referred to as 'hose drying towers', they "...serve several purposes for drying, communications and training purposes on station"⁹⁹. The reasons include that:

Fire stations are typically single storied buildings of approximately 8-9m in height and are usually able to comply with the height standards in district plans generally. This is considered acceptable for fire stations in this zone. Hose drying towers being required at stations is dependent on locational and operational requirements of each station. These structures can be around 12 to 15 metres in height.

719. In relation to the PDP, FENZ [119.58] sought an exemption to MRZ-S1 (now MRZ-S2) for emergency service facilities and hose drying towers up to 15m associated with emergency service facilities. Their reason is that:

In some cases fire stations will have hose drying towers up to 15m. As such, FENZ seeks that the Plan accommodate this height requirement by including an exemption for fire station buildings and associated structures, which provides for the health and safety of the community through enabling the efficient functioning of FENZ.

720. FENZ [OS58.60, OS58.77, OS58.78] also seek exemptions from LCZ-S1, MUZ-S1 and MUZ-S2 for hose drying towers up to 15m in height. Their reason for the request is that "Hose drying towers being required at stations is dependent on locational and operational requirements of each station. These structures can be around 12 to 15 metres in height."

7.19.2.1 Assessment

721. In regard to Kāinga Ora's [OS76.8]¹⁰⁰ request "Part 2 – Strategic Direction" to "... Amend reference to the tool used to manage effects upon the identified values of scheduled heritage site and areas of significance to Māori", the PDP strategic directions amended in Variation 1 are HO-Housing Opportunities and UFD-Urban Form. Neither of these strategic directions concern historic heritage.

722. Kāinga Ora's submission, however, includes a set of specific relief in their submissions table under Part 2 headings in relation to HH-P16, HH-P17, SASM-P9, and SASM-P10, in which they request amendments to height control matters. As such, I interpret their relief to amend "the tool" insofar as it relates to heritage sites to be in relation to HH-P16 and HH-P17¹⁰¹. The submitter may wish to clarify their relief before the hearings or at any appearance before the Hearings Panel.

⁹⁹ In submission OS58.42

¹⁰⁰ Kāinga Ora submission, page 3

¹⁰¹ I have addressed the submitter's relief in regards to sites and areas of significance to Māori in section 7.19.4 of this report.

723. I consider that Kāinga Ora's request to remove the policy direction and associated site specific heritage height controls for sites adjacent to heritage items and heritage settings to be the same form of request in their submissions on HH-P16, HH-P17, HRZ-S2, MRZ-S2, LCZ- S1 and MUZ-S1, and in their relief to alter the control used to manage effects on scheduled heritage sites and settings and sites of significance to Māori.¹⁰²
724. For reasons of efficiency, I have combined my assessment of their request to delete the heritage height control from these policies and the associated density standards in the zone based chapters.
725. To assist in my assessment of this group of submissions I have considered in particular the evaluation of these qualifying as set out in the Section 32 Evaluation Report Part B: Urban Intensification - MDRS and NPS-UD Policy 3 (s32 report – Part B), and the evidence of Mr Vossler and Mr Bowman.
726. The s32 report – Part B at Section 11.2.2.2 - Evaluation under s77J and s77P of qualifying matters that arise from the application of s77I(a-i) and s77O(a-i), outlines the approach to, and assessment undertaken to including these heritage height controls, which included:
- A historic heritage assessment undertaken by Mr Gregory Vossler and Mr Ian Bowman, and their report *Historic Heritage – Qualifying Matters Assessment*, which was notified with Variation in July 2022¹⁰³; and
 - The findings from Property Economics that the proposed modifications to the density standards for building height and height in relation to boundary (HIRB) would only have a negligible impact on development capacity; and
 - A summary finding that:

*Overall, the controls are necessary to protect historic heritage and SASM values (s6(e) and s6(f)) and to enable people to provide for their cultural wellbeing and so achieve a well-functioning urban environment (MDRS objective 1 and NPS-UD objective 1). They represent the minimum level of modifications to the density standards to achieve the necessary protection of a matter of national importance and do not conflict with the requirement to recognise the national significance of urban development.*¹⁰⁴
727. As set out above, the summary finding in the s32 report – Part B, were that these controls were applied to the minimum level of modification to the density standard to achieve the protection of a matter of national importance and do not conflict with the requirement to recognise the national significance of urban development. As such the proposed approach was applied to the minimum extent necessary.
728. Mr Vossler and Mr Bowman have addressed the requested deletion of the heritage height controls in their evidence. I consider key findings on this issue, at paragraphs 19-20 to be:
- That the negative effects which they identified in their 2022 historic heritage assessment would be "... further exacerbated by deleting the proposed heritage related height

¹⁰² I address the submitter's similar relief to remove site specific controls in relation to sites and areas of significance to Māori in section 7.19.4 of this report. The submitter's other relief on to this standard, such as in relation to removing the site specific controls for shading are addressed in the Section 42A Officer's Report Part B – Residential Zones, Planning Maps and General Topics.

¹⁰³ 2022 Historic Heritage Assessment.

¹⁰⁴ s32- report – Part B, page 93.

controls as requested by Kāinga Ora”, with the effects of development on heritage items and associated settings being solely managed through HIRB controls; and

- That this in turn would “likely result in detrimental outcomes” for the thirteen heritage items and associated settings, particularly in relation to the, “... potentially dominant and starkly contrasting scale and form of future development on adjoining sites given the height maxima proposed within these zones.”

729. Mr Vossler and Mr Bowman’s evidence, at paragraph 22 includes a recommendation that these height controls should be retained.

730. Kāinga Ora has not undertaken an equivalent technical/ heritage specific assessment in support of their submission.

731. I agree with GWRC’s further submission that the requested removal of the heritage height controls would not give effect to the Policy 22 of the RPS. In my opinion the removal of the heritage height control (and reliance only on the HIRB heritage control) would not implement the follow PDP objective and strategic objective:

- HH-02 –Subdivision Use and Development - which directs that the City’s historic heritage is protected from, and not lost as a result of, inappropriate modification, subdivision, use; and
- HCH-01 – Historical and Cultural Heritage – which has the strategic objective of:

The buildings, items, sites, areas and natural features that have been identified as having special qualities and values and which contribute to Porirua and Ngāti Toa Rangatira’s sense of place and identity are protected and maintained.

732. In summary, I consider that Kāinga Ora have not provided sufficient assessment or evaluation, including any technical/expert heritage assessment to modify this historic heritage qualifying matter (to delete the heritage height control and relying only on the HIRB heritage control), including why this would form a more appropriate option than the provisions of Variation 1. As such, I cannot support the submitter’s request to delete the height control from HH-P16 and HH-P17 and the associated density standards in the zone based chapters.

733. My recommendation is based on the expert recommendations from Mr Vossler and Mr Bowman, and my further consideration undertaken above. In my opinion, the most appropriate application of this historic heritage qualifying matter, including to meet HH-02, HCH-01 and Policy 22 of the RPS is the combined use of heritage height and HIRB heritage control.

734. I agree with Kāinga Ora’s request to add a new HIRB heritage control in LCZ-S2. Their relief is to include two new HIRB heritage controls, one in relation to HIRB Control Heritage B and one for HIRB Control Heritage B.¹⁰⁵

735. Mr Vossler and Mr Bowman address this issue in their evidence, at paragraph 23–26. They recommend including a HIRB Control Heritage B in the LCZ-Local Centre Zone. They state, at paragraph 24 that:

“... it would be advisable to incorporate a comparable heritage related HIRB control in the LCZ. This would not only assist in managing the impact of future development on sites adjoining these

¹⁰⁵ They also support and seek retention of the HIRB heritage control in MUZ-S2.

heritage items and their associated heritage settings, but also ensure consistency with the approach applied in other zones.”

736. I agree and adopt their evidence on this matter. My recommendation to include the new control is consistent with the wording as set out in Mr Vossler and Mr Bowman’s evidence, which is the inclusion of a new HIRB Control Heritage B. I consider this addition to be the most appropriate approach in the application of this historic heritage qualifying matter in this zone (that is the combined heritage height and HIRB heritage controls), to meet HH-02, HCH-01 and Policy 22 of the RPS. As such I agree with the submitter’s request in part.
737. I have considered Kāinga Ora’s request to remove words from the introductions to the LCZ - Local Centre Zone and MUZ - Mixed-Use Zone as follows:
- 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.*
738. In my opinion the paragraph is unnecessary, as a similar paragraph is included in the HH-Historic Heritage Chapter introduction. I consider that it is unnecessary to repeat this in the two zone chapters.¹⁰⁶
739. However, I consider that there is no scope under the submission for the deletion of the paragraph in its entirety, and I can find no submission point that would provide scope for this change. The Hearing Panel might wish to exercise the discretion granted to them under clause 99(2)(b) of Schedule 1 of the RMA. This allows the Panel to make recommendations on Variation 1 on matters that are outside the scope of submissions.
740. In the absence of scope, I disagree with the submitter’s request. This recommendation is consistent with my recommendations already addressed above, in which I do not support Kainga Ora’s request to delete the heritage height controls.
741. In relation to Kāinga Ora’s [OS76.152] request to amend HRZ-S3, I assess their relief as it relates to changes sought to the HIRB controls for sites adjacent to heritage items and settings (under HIRB Control Heritage A and HIRB Control Heritage B). Those changes are detailed in the submitter’s new wording HRZ-S3-1-c.ii and HRZ-S3-1-ciii¹⁰⁷. The effect of their request would be that applications requiring resource consent due to a breach of density standards HIRB Control Heritage A or HIRB Control Heritage B would be subject to assessment against RESZ-P7 and RESZ-8, and not HH-P17 as proposed in Variation 1. Deletion of HH-P17 would not provide for an assessment of effects on historic heritage values. As such I disagree with the submitters request.

¹⁰⁶ The introduction to the HH – Historic Heritage Chapter includes the following : *Specific sites have been identified adjacent to heritage items and heritage settings where controls are necessary to mitigate the effects of taller buildings and structures on the heritage values of heritage items and heritage settings. These sites are identified on the planning maps as Height Control – Heritage A, B, or C and/or Height in Relation to Boundary (HIRB) Control – Heritage A, or B. The associated rules are contained in the relevant zone chapters. These are qualifying matters under s771 of the RMA.*

¹⁰⁷ I separately assess their requested changes for new wording to HRZ-S3-1-c.iv. under the Sites and Areas of Significance to Māori section of this report. The submitter’s other requested changes to this standard are addressed in the S42A Report – Residential Zones, Planning Maps and General Topics.

742. Similar to their request to amend HRZ-S3, Kāinga Ora's [OS76.207] request in relation to MRZ-S3, this would remove HH-P17 as a matter of discretion, considering effects of historic heritage, and replacing them with residential zone matters of discretion. For the same reasons, I disagree with this request.
743. I disagree with FENZ's request for exemptions from HRZ-S2, HRZ-S3, MRZ-S2, MRZ-S3, LCZ-S1, MUZ-S1 and MUZ-S2 as relates to historic heritage¹⁰⁸. These standards manage effects of taller buildings on historic heritage values. The submitter has not provided any detailed assessment or evaluation for the requested exemptions. I do not consider it is appropriate to provide for these exemptions as this would not achieve HH-02 which and HCH-01 which collectively have the outcome of historic heritage being protected and not lost as a result of inappropriate development.

7.19.2.2 Summary of recommendations

744. I recommend for the reasons given in the assessment that the Hearings Panel:

- a. Amend LCZ-S2 as shown below and set out in Appendix A:

| LCZ-S2 | Height in relation to boundary |
|---|---|
| <p>1. All buildings and structures must not project beyond a:</p> <ul style="list-style-type: none"> a. 60° recession plane measured from a point 4m vertically above ground level along any side or rear boundary where that boundary adjoins a site zoned Medium Density Residential Zone, Open Space Zone or Sport and Active Recreation Zone; or b. 60° recession plane measured from a point 8m vertically above ground level along any side or rear boundary where that boundary adjoins a site zoned High Density Residential Zone. <p><u>c. For sites subject to HIRB Control B identified on the planning maps:</u></p> <ul style="list-style-type: none"> <u>i. 60° recession plane measured from a point 4m vertically above ground level on any boundary with a site containing a heritage item or heritage setting.</u> <p>Except that:</p> <ul style="list-style-type: none"> • Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, | <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> 1. Visual dominance, shading and loss of privacy for adjoining Residential or Open Space and Recreation zoned sites; 2. The location, design and appearance of the building or structure; 3. Whether an increase in height in relation to boundary results from a response to natural hazard mitigation; and 4. Whether topographical or other site constraints make compliance with the standard impractical. |

¹⁰⁸ I address this submitter's requests for exemptions insofar as it relates to sites and areas of significance to Māori in section 7.19.4 of this report. Their requests are otherwise addressed in the S42A Report – FENZ and RNZ and the S42A Report – Residential Zones, Planning Maps and General Topics.

the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.

This standard does not apply to:

- A boundary with a road;
- Solar water heating components provided these do not exceed the height in relation to boundary by more than 1m;
- Chimney structures not exceeding 1.1m in width on any elevation and provided these do not exceed the height in relation to boundary by more than 1m; or
- Antennas, aerials, satellite dishes (less than 1m in diameter), flues, and architectural features (e.g. finials, spires) provided these do not exceed the height in relation to boundary by more than 3m measured vertically.

745. I recommend for the reasons in the assessment that the submission from Kāinga Ora [OS76.268] be **accepted in part**.

746. I recommend for the reasons in the assessment that the submission from GWRC [OS74.61, OS74.62] be **accepted**.

747. I recommend for the reasons given in the assessment that the submissions from Kāinga Ora [OS76.8, OS76.14, OS76.21, OS76.21, OS76.80, OS76.81, OS176.151, OS176.152¹⁰⁹, OS76.202, OS76.205, OS76. OS76.207¹¹⁰, OS76.247, OS76.267, OS76.281, OS76.300], and FENZ [OS58.34, OS58.42, OS58.43, OS58.44, OS58.60, OS58.77, OS58.78, 119.58¹¹¹] be **rejected**¹¹².

748. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

7.19.2.3 Section 32AA evaluation

749. In my opinion, the amendment to include a new HIRB heritage control in the LCZ-Local Centre Zone in is more appropriate in achieving the objectives of the PDP than the notified provisions. In particular I consider that the recommended amendment will:

- Ensure the protection of historic heritage values of the two subject heritage items and their heritage settings and provide for consistency in approach with the other zones where these have been applied.

¹⁰⁹ Insofar as it relates to the request regarding HIRB Control Heritage A and HIRB Control Heritage B.

¹¹⁰ Insofar as this relates to the removal of the matters of discretion HH-P17

¹¹¹ Insofar as this relates to the exemption to the Height Control Heritage

¹¹² For submissions OS76.8, OS76.14, OS76.21, OS58.60, OS76.151, OS76.202, OS76.205, OS58.34, OS58.42, OS58.43, OS58.44 the recommendation is insofar as this relates to historic heritage

- Will better achieve the objectives for historic heritage, especially HH-02 – which has the outcomes that the City's historic heritage is protected from, and not lost as a result of, inappropriate modification, subdivision, use and development, HCH-01, and appropriately recognise and provide for s6(f) of the RMA.
- The recommended amendments will not have any greater environmental, social, and cultural effects than the notified provisions of Variation 1.

7.19.3 Other submissions in relation to the HH-Historic Heritage Chapter

7.19.3.1 Matters raised by submitters

750. FENZ [OS58.7, OS58.10] requests HH-R6¹¹³, and HH-R9¹¹⁴ in the HH-Historic Heritage chapter are retained as drafted. The reason given for these requests are:

Supports HH-R6 insofar as it allows fire protection upgrades to heritage items as a controlled activity and considers the matters of control, which primarily relate to the effects on amenity, are permissive for fire protection works.

Supports HH-R7 to HH-R9 insofar as new buildings, structures, or extensions are a restricted discretionary activity and considers the matters of discretion, which primarily relate to the effect on amenity and heritage values, do not prohibit the ability to establish fire stations within a heritage setting.

7.19.3.2 Assessment

751. HH-R6 and HH-R9 respectively manage:

- Earthquake strengthening, fire protection and accessibility upgrades to heritage items listed in both SCHED2 – Historic Heritage Items (Group A) and SCHED3 – Historic Heritage Items (Group B)¹¹⁵; and
- Additions and heritage alterations heritage items listed in SCHED2 and SCHED3, and heritage alterations to historic heritage sites listed in SCHED4 - Historic Heritage Sites.

752. PDP submissions on these rules were addressed in Hearing Stream 3. Variation 1 did not amend these rules. As such, I consider that these submission by FENZ [OS58.7, OS58.10] are beyond the scope of Variation 1. In any case I note that the submitter does not seek any amendments to these two rules.

753. For information purposes I addressed these submissions as follows¹¹⁶:

- In regards to the submission on HH-R6, which was from Heritage NZ seeking retention of the rule, I agreed with this request and recommended it be accepted with no amendments, other than a consequential renumbering of the rule¹¹⁷.

¹¹³ HH-R6 - Earthquake strengthening, fire protection and accessibility upgrades to a heritage item listed in SCHED2 - Historic Heritage Items (Group A) or SCHED3 - Historic Heritage Items (Group B)

¹¹⁴ HH-R9 - Additions and heritage alterations to any heritage item listed in SCHED2 - Historic Heritage Items (Group A) or SCHED3 - Historic Heritage Items (Group B) and heritage alterations to any historic heritage site listed in SCHED4 - Historic Heritage Sites

¹¹⁵ SCHED2 – Historic Heritage Items (Group A), and SCHED3 – Historic Heritage Items (Group B)

¹¹⁶ Section 42A Report – Part B – Historic Heritage (s42A – Historic Heritage).

¹¹⁷ S42A report – Historic Heritage, page 111.

- In regards to HH-R9, a submission was received on this rule from Heritage NZ raising issues of clarity and duplication in regards to HH-R7 and HH-R9. I addressed this in section 3.13.2 – *HH-R7 and HH-R9* of the same s42A report and recommended no change to HH-R9, other than consequential renumbering. As part of assessing other submissions on the HH-Chapter rules (submission from PCC [11.38]), I recommended new HH-R5, which I considered sufficiently addressed the issue raised by Heritage NZ in their submission on HH-R9. As such I recommended the Heritage NZ submission be accepted in part.

754. Given that I consider these two submissions from FENZ to be out of the scope of Variation 1, I recommend they are rejected.

755. The Hearings Panel might wish to exercise discretion granted to them under clause 99(2)(b) of Schedule 1 of the RMA. This allows the Panel to make recommendations on Variation 1 on matters that are outside the scope of submissions. If the Panel finds that these submissions are within scope of Variation 1, I recommend that they are accepted as they support provisions which I recommend be unchanged through Variation.

7.19.3.3 Summary of recommendations

756. I recommend that the submissions from FENZ [OS58.7, OS58.10] be **rejected**.

7.19.4 Submissions on Sites and Areas of Significance to Māori qualifying matters introduced in Variation 1

7.19.4.1 Matters raised by submitters

757. These submissions were on the Sites and Areas of Significance to Māori qualifying matter policies in the SASM- Sites and Areas of Significance to Māori chapter and associated density standards in zone based chapters.

758. Two submissions were received on SASM-P9 Height controls on sites surrounding Sites and Areas of Significance to Māori and SASM-P10 - Increased height and/or height in relation to boundary on sites surrounding Sites and Areas of Significance to Māori.

759. GWRC [OS74.87] seeks SASM-P9 is amended as follows:

SASM-P9 ~~Height controls on sites~~ Setbacks surrounding sites and areas of significance to Māori

~~Limit the height and/or height in relation to boundary~~ Require a setback for buildings and structures on sites identified on the planning maps as Height Control – SASM and/or Height in relation to Boundary Control – SASM when these sites are adjacent to ~~to ensure that the values of sites and areas of significance in SCHED6 - Sites and Areas of Significance to Māori values are protected.~~

760. The submitter supports the inclusion of a qualifying matter, “to require setbacks for buildings and structures adjacent to sites and areas of significant to Māori.” They seek amendments to give effect to Policies 21, 22, 46, 48 and 49 of the RPS.

761. For the same reasons given in their relief sought on SASM-P9, GWRC [OS74.64] request SASM-P10 is amended as follows:

- To amend the title to: SASM-P10 – Increased height and/or height in relation to boundary on Buildings and structures within setbacks from sites and areas of significance to Māori;
- To amend the first part of the policy as follows:

Only allow an increase in height and/or height in relation to boundary of buildings and structures on sites identified on the planning maps as Height Control – SASM and/or Height in Relation to Boundary Control – SASM within setbacks from sites and areas of significance in SCHED6 - Sites and Areas of Significance to Māori where the buildings and structures will provide for tino rangatiratanga for Te Runanga o Toa Rangatira where it can be demonstrated that the values of the site or area in SCHED6 – Sites and Areas of Significance to Māori will be protected and maintained, having regard to: and;

- To remove the three matters specified following the words 'having regard to'.

762. Kāinga Ora [OS76.8] requests the following:

"... Strategic Direction – Amend reference to the tool used to manage effects upon the identified values of scheduled heritage site and settings and sites of significance to Māori."

763. Kāinga Ora [OS76.82, OS76.83] seeks the deletion of references to 'height' and 'height control' in SASM-P9 and SASM-P10. In their reasons they recognise the need for a control to protect and maintain identified heritage values, and consider that the height in relation to boundary control will satisfactorily apply an appropriate setback from sites with identified values and manage resulting effects.

764. In relation to the MRZ- Medium Density Zone and HRZ -High Density Zone, Kāinga Ora [OS76.14, OS76.21] seeks to alter the control used to manage effects on scheduled heritage sites and settings and sites of significance to Māori, for the same reason as set out in the historic heritage qualifying matters section above at section 7.2.

765. Kāinga Ora [OS76.151, OS76.202, OS76.205] submit specifically in relation to the HRZ – High Density Residential Zone, and MRZ – Medium Density Residential Zone to delete a number of height control standards.

766. Insofar as this relates to sites and areas of significance to Māori qualifying matters, the submitter seeks the following changes for the reason that the submitter does not support the application of height controls on sites that adjoin identified sites and areas of significance to Māori, but they support the use of HIRB on boundaries adjoining sites with identified values. The amendments sought¹¹⁸ are:

- The deletion from HRZ-S2 of the 8m height limit for buildings and structures on sites as identified on the planning maps as subject to Height Control – SASM, and consequential deletion of associated matters of discretion; and
- The deletion from MRZ-S2 of the 8m height limit for buildings and structures on sites as identified on the planning maps as subject to Height Control – SASM.

767. The following further submissions opposed Kāinga Ora's submissions, as follows:

¹¹⁸ The amendments sought are identified in submissions OS176.151 and OS76.202, while OS76.205 states a general request for deletion of height controls in relation to this matter in MRZ-S2.

- TROTR [FS114.72, FS114.73] opposed the Kāinga Ora [OS76.82, OS76.83] submissions on SASM-P9 and SASM-P10 seeking that the relief sought to delete height controls on sites adjoining Sites and Areas of Significance to Māori is disallowed. The reason given is that these controls would protect sites of significance from adverse effects of development.
- GWRC [FS74.121, FS17.122] opposed the Kāinga Ora [OS76.82, OS76.83] submissions on SASM-P9 and SASM-P10, requesting that the controls on height to protect historic heritage are retained as notified for the reason that the submitter's relief would not give effect to Policy 22 of the RPS, and given that PCC has identified potentially at risk historic heritage sites.
- TROTR [FS114.62, FS114.63] and GWRC [FS74.129, FS74.130, FS74.131, FS74.132, FS74.133] opposed Kāinga Ora [OS76.14, OS76.21, OS76.151, OS76.202, OS75.205] altering the controls as they relate to Sites and Areas of Significance to Māori:
 - TROTR requested that it is disallowed as they consider that the controls are necessary to protect sites of significance and values from inappropriate development and adverse effects; and
 - GWRC is opposed for reasons including that it would not give effect to the RPS or have regard to Proposed Change 1 to the RPS.¹¹⁹
- TROTR [FS114.64, FS114.74, FS114.75] opposed the submission of Kāinga Ora [OS79.151, OS76.202, OS76.205] seeking the deletion of the 8m height limit control in the HRZ-S2 and MRZ-S2 for sites subject to the Height Control – SASM, for similar reasons as in their further submission FS114.63.

768. Kāinga Ora [OS76.268] requests adding a new HIRB control relating to sites with boundaries to Sites and Areas of Significance to Māori LCZ-S2-1-3 as follows:

3. Except no part of any building or structure may project beyond a:

(...)

(iii) 45° recession plane measured from a point 3m vertically above ground level on any boundary with a site containing an identified site of or areas of significance to Māori.

769. In relation to HRZ-High Density Residential Zone, Kāinga Ora [OS76.152] seek changes to the HIRB density standard, HRZ-S3 as follows. Their reason for their requested change includes to have wording similar to the Wellington City PDP and for regional consistency, and they comment that they support the other listed matters of discretion.

Amend Standard:

1. All buildings and structures must not project beyond a:

(...)

¹¹⁹ I note that the submitter notes that it in its original submission it supported including a new qualifying matter to require setbacks from sites of significance to Māori in conjunction with restrictions on height and height in relation to boundaries.

c. Except no part of any building or structure may protect beyond a:

(...)

iv. 45° recession plane measured from a point 3m vertically above ground level on any boundary with a site containing an identified site of or areas of significance to Māori.

...

Matters of discretion are restricted to:

The matters in RESZ-P7 and RESZ-P8

770. Kāinga Ora [OS76.207] also requests changes to the HIRB density standard in the MRZ-Medium Density Residential Zone. They seek that MRZ-S3 is amended as follows, for the same reasons as set out in the consideration of this submission in the historic heritage section of this report.

Amend:

Matters of discretion are restricted to:

- 1. The matters in RESZ-P7 and RESZ-P8*
- 2. Building bulk and dominance effects on adjoining properties;*
- 3. Privacy effects on adjacent residential units, including habitable rooms or outdoor living areas; and*
- 4. Shading and overshadowing effects on the adjoining properties and the degree of impact on any adjoining internal or external living areas.*

771. FENZ [OS58.34, OS58.44, OS58.42, OS58.43] seek exemptions from site specific controls in MRZ-S2, MRZ-S3, HRZ-S3, MRZ-S3. They seek that the standard does not apply to emergency facilities up to 9m in height and hose drying towers up to 15m in height. They outline that whilst referred to as 'hose drying towers', "...serve several purposes for drying, communications and training purposes on station." Their reason includes that:

Fire stations are typically single storied buildings of approximately 8-9m in height and are usually able to comply with the height standards in district plans generally. This is considered acceptable for fire stations in this zone. Hose drying towers being required at stations is dependent on locational and operational requirements of each station. These structures can be around 12 to 15 metres in height.

772. In relation to the PDP, FENZ [119.58] sought an exemption to MRZ-S1 (now MRZ-S2) for emergency service facilities and hose drying towers up to 15m associated with emergency service facilities. Their reason is that:

In some cases fire stations will have hose drying towers up to 15m. As such, FENZ seeks that the Plan accommodate this height requirement by including an exemption for fire station buildings and associated structures, which provides for the health and safety of the community through enabling the efficient functioning of FENZ.

7.19.4.2 Assessment

773. In my opinion it is unclear what GWRC are seeking in their submission to SASM-P9 and SASM-P10 with regards to 'setbacks,' and height and height in relation to boundary for sites adjacent to Site and Areas of Significance to Māori. The submitter may wish to clarify this before the hearings or at any appearance before the Hearings Panel.

774. I have also considered their request to amend SASM-P10 to remove the matters to have regard to when considering any increase in height and/or height in relation to boundary of buildings and structures on sites identified on the planning maps as Height Control – SASM and/or Height in Relation to Boundary Control – SASM. There are three matters including:
1. *Whether any increase in height and/or height in relation to boundary of the building or structure would dominate the site or area, and/or the values of the site or area would be diminished taking into account:*
 - a. *The degree of contrast in scale;*
 - b. *The degree of any loss of visual connections between sites or areas in SCHED6 - Sites and Areas of Significance to Māori;*
 2. *Values articulated by Te Rūnanga o Toa Rangatira through an assessment of environmental effects, cultural impact assessment or iwi planning documents; and*
 3. *Any alternative methods to avoid or reduce the impact on the values associated with the site or area including through the location, scale, mass, and/or design of the building or structure.*
775. The submitter seeks these amendments to give effect to a number of policies of the RPS, but they have not provided any detailed justification or evaluation that their relief would be a more appropriate option than Variation 1 as notified to give effect to these RPS policies. Further, if the request is to add new site specific setback controls, they have not specified what these would comprise in any relevant zone.
776. I consider that the removal of the matters to have regard to would remove the direction to applications and decision makers in preparing and considering applications in the vicinity of these scheduled sites and areas. I consider that this would also be inconsistent with an equivalent policy in the SASM-Site and Areas of Significance to Māori chapter, SASM-P6 Use and development, which includes matters to have regard to, and which including considering the values of the sites or area in SCHED6 – Sites and Areas of Significance to Māori.
777. In my opinion the relief sought would not achieve the outcomes in SASM-03 – Subdivision, Use and Development, which is that the values associated with Site and Areas of Significance to Ngāti Toa Rangatira are protected from inappropriate modification, subdivision, use and development. For these reasons I cannot support the submitter's request.
778. In relation to Kāinga Ora's [OS76.8] request to amend the reference to the tool used to manage effects upon the identified values of scheduled heritage sites and settings, and Sites and Areas of Significance to Māori, I have also addressed this in the historic heritage section of this report. I also interpret their relief to amend "the tool" to be in relation to policies, in this instance SASM-P9, and SASM-P10. The submitter may wish to clarify their relief before the hearings or at any appearance before the Hearings Panel.
779. I disagree with Kainga Ora's request to remove the height controls in SASM-P9 and SASM-P10 and HRZ-S2 and MRZ-S2 as it relates to sites and areas adjacent to Sites and Areas of Significance to Māori.
780. I have considered TROTR's further submission in opposition to removing these height controls. They state that these controls would protect sites of significance from the adverse effects of development. TROTR were involved in the promulgation of the Site and Areas of Significance to

Māori qualifying matters notified in Variation 1. This is detailed in the s32 report – Part B, Section 11.2.2.2 - Evaluation under s77J and s77P of qualifying matters that arise from the application of s77I(a-i) and s77O(a-i), which outlines the approach to, and assessment undertaken to, including these site specific height controls.

781. Kāinga Ora has not provided any assessment or evaluation of how their proposed alternative approach to remove these height controls and place a sole reliance on the HIRB controls for sites adjacent to Sites and Areas of Significance Māori would better implement SASM-03 or HCH-01.¹²⁰
782. I disagree with the Kāinga Ora's [OS76.268] request to add a new HIRB heritage control relating to sites with boundaries to Sites and Areas of Significance to Māori in the LCZ-Local Centre Zone. There are no sites or areas in SCHED6 – Sites and Areas of Significance to Māori in the LCZ-Local Centre Zone. It is unnecessary to include such a provision.
783. In relation to Kāinga Ora's [OS76.152] request to HRZ-S3, I assess their relief as it relates to changes sought to the HIRB control for sites adjacent to Sites and Areas of Significance to Māori. The effect of their request would be that applications requiring resource consent due to a breach of a density standard would be subject to assessment against RESZ-P7 and RES-P8, and not SASM-P10 as proposed in Variation 1. I disagree with the submitter's request as deletion of SASM-P10 would not provide for an assessment of effects in regards to the values of Sites and Areas of Significance to Māori.
784. I also disagree with Kāinga Ora's request [OS76.207] in relation to MRZ-S3 as it would remove the relevant matters of discretion for sites adjacent to Sites and Areas of Significance to Māori under SASM-P10, replacing them with unrelated residential zone matters of discretion.
785. In regard to the FENZ [OS58.34, OS58.44, OS58.42, OS58.43, 119.58] request for exemptions I disagree with this request as relates to sites and areas of significance to Māori. These standards manage the effects of taller buildings on the values of Sites and Areas of Significance to Māori. The submitter has not provided any detailed assessment or evaluation for the requested exemptions. The amendment would not implement SASM-03 which has the outcome that the values associated with sites and areas of significance to Ngāti Toa Rangatira are protected from inappropriate modification, subdivision, use and development.

7.19.4.3 Summary of recommendations

786. I recommend for the reasons given in the assessment that the submissions from GWRC [OS74.87, OS74.64] Kāinga Ora [OS76.8, OS76.14, OS76.21, OS76.82, OS76.83, OS76.151, OS76.202, OS76.205, OS176.152¹²¹, OS76.207¹²², OS76.268¹²³, and FENZ [OS58.34, OS58.42, OS58.43, OS58.44, 119.58¹²⁴] be **rejected**¹²⁵.

¹²⁰ SASM-03 Subdivision, use and development - The values associated with sites and areas of significance to Ngāti Toa Rangatira are protected from inappropriate modification, subdivision, use and development.

¹²¹ Insofar as the request regarding sites and areas of significance to Māori, HRZ-S3-1-c.iv

¹²² Insofar as this relates to the removal of matters of discretion in SASM-P10

¹²³ Insofar as relates to new HIRB Control relating to sites or areas of significance to Māori

¹²⁴ Reject insofar as relates to the exemption to the Height Control - SASM

¹²⁵ For submissions OS76.8, OS76.14, OS76.21, OS76.151, OS76.202, OS76.205, OS58.34, OS58.42, OS58.43, OS58.44 the recommendation is insofar as this relates to sites and areas of significance to Māori

787. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

7.20 Strategic objectives¹²⁶

788. This section addresses submissions on the following strategic objectives made on the PDP as well as Variation 1:

- CEI - Centres, Employment and Industry
- EP – Eastern Porirua
- HO – Housing Opportunities
- UFD – Urban Form and Development

789. CEI-O8 was addressed in Hearing Stream 5, but two submission points were missed: These being Judgeford Environmental Protection Society [246.5] and Kāinga Ora [81.198]. I address these submission points here.

790. Variation 1 made the following changes to strategic objectives:

- Deletion of HO-O2 – Housing density
- Amendment to UFD-O3 – Urban form
- Amendment to UFD-O6 – Quality urban design and place making
- New UFD – Well-functioning urban environment

791. Part 6 to the Section 32 Evaluation Report Part A: Overview to s32 Evaluation addresses the amendments made to the strategic direction and why they are necessary.

792. This section addresses PDP submissions on the strategic objectives. In my opinion, all of these are within scope of the IPI and Variation 1:

- The strategic objectives identify and provide guidance on key issues facing the City and its future direction. Those addressed here (as listed in paragraph 784) provide direction on the future urban form for the City including where and how the City will grow, the role of centres, and achieving a quality urban form. They give effect to policy 3 of the NPS-UD, as required under s80E(1)(a)(ii).
- Managing land use activities across the urban environment represent related provisions under s80E(1)(b)(ii), since they are necessary, alongside intensity of built form, to achieve a well-functioning urban environment¹²⁷.

¹²⁶ This section was authored by Michael Rachlin

¹²⁷ This is addressed in part 2.5 (Scope of the IPI) in the Section 32 Evaluation Report – Part A: Overview to s32 Evaluation.

7.20.1 Strategic objectives – CEI - Centres, Employment and Industry

7.20.1.1 Matters raised by submitters

793. GWRC [137.7] seek that the CEI strategic objectives are retained subject to the changes requested elsewhere. They consider that the CEI objectives are consistent with Policies 30 and 32 to the RPS, which promote the maintenance and enhancement of regional centres and protection of industrial-based employment locations.
794. The submitter also seeks [137.8] that objective CEI-O4 (Local Centres) is amended to include cultural activities such as churches and other faith centres.
795. Forest and Bird [225.82], seek that CEI-O1 (Hierarchy of commercial and industrial centres) is amended as follows:

Amend the objective to clarify that it applies to the whole district and to include environmental outcomes as follows:

Hierarchy of Commercial and industrial centres for well-functioning urban environments

The City Porirua has a hierarchy of accessible, vibrant and viable centres that:

- 1. Are the preferred location for shopping, leisure, cultural, entertainment and social experiences; and*
- 2. Provide for the community's employment and economic needs; and*
- 3. Contribute to the community's housing needs; and*
- 4. Contribute to the City's social wellbeing and prosperity; and*
- 5. Retain, protect and enhance indigenous biodiversity values of the district.*

796. The submitter also seeks that the objective clarify the hierarchy, that the outcomes are not listed in a priority order, and whether the provisions relate to Porirua as a whole or just the central city area.
797. The submitter [225.83] also seeks that CEI-O6 (Mixed Use Zone) is amended to include the following:

Subdivision and development within this zone provides for the protection of SNAs and maintenance of indigenous biodiversity.

798. I also note that elsewhere the submitter [225.101] seeks similar changes to the UFD strategic objectives, where they seek, *Amend to incorporate maintenance of indigenous biodiversity*. For efficiency, I address that submission point here.
799. The reasons provided are that the the objectives do not provide for integration of Council's function for the maintenance of indigenous biodiversity or responsibilities for protection of significant indigenous biodiversity in this zone. Clear direction at the strategic level that these aspects of the zone are important is needed. In relation to the UFD strategic objectives the submitter states that in their opinion, consideration of urban form and development currently

lacks integration with ecological considerations. They believe the maintenance of indigenous biodiversity needs to be incorporated within these concepts.

800. JEPS [246.5] opposes CEI-O8 (Future Industrial Zone) and seek that rezoning should only be done if it enables activities that are in keeping with the existing use of the land. They consider that the current proposal to rezone will exacerbate the current predicament of residents and is not supported. Concerns include:

- 'Future Urban' creates additional uncertainty and is unfair;
- 'Future Urban' zoning will entrench existing inappropriate activities;
- Industrialisation and expectations of living rurally are incompatible;
- Lack of existing infrastructure and safety risks;
- Other hazards in the 'Future Urban Zone' make Judgeford Flats unsuitable for industrial use; and
- Rural and rural lifestyle are more appropriate zoning designations.

7.20.1.2 Assessment

801. In relation to the submissions from Forest and Bird, I do not consider that the amendments they are seeking are necessary or appropriate. The hierarchy description they seek is contained in CEI-O2 to CEI-O7. For example:

- CEI-O2 makes it clear that the city centre is the principal centre;
- CEI-O4 makes it clear that local centres are where local communities source convenience and specialty goods and services; and
- CEI-O5 makes it clear that neighbourhood centres provide for the day to day needs of immediate residential neighbourhood.

802. I also do not consider it necessary to refer to Porirua instead of the City. I believe the notified wording is clear in its intent and meaning.

803. In relation to the amendments being sought to address indigenous biodiversity in CEI-O1 and CEI-O6, and in relation to the UFD objectives, I would note that this topic was addressed in Hearing Stream 2 in the Section 42A Report – Part B Natural Environment Strategic Objectives. This included consideration of indigenous biodiversity throughout the PDP and Porirua. The reporting officer, Ms Sweetman, noted that¹²⁸:

While I appreciate their concern about this "slipping through the cracks", the submitters should be assured that the PDP is to be read as a whole. This is clearly explained in the "How the Plan Works – General Approach" chapter in Part 1, which is referenced directly in the introduction to the NE strategic objectives. For instance, any development on a site in the General Rural Zone which has a SNA located on it will be subject to the rules in both the General Rural Zone and Ecosystems and Indigenous Biodiversity chapters, and any resource consent application would require consideration of the relevant objectives and policies from both chapters.

¹²⁸ Paragraph 52.

804. I would also note, that Ms Sweetman has recommended a new strategic objective¹²⁹:

NE-O2 Maintaining and restoring indigenous biodiversity values

Indigenous biodiversity values in the District are maintained and, where possible, restored.

805. I agree with Ms Sweetman's assessment and recommendation for a new strategic objective to address the maintenance and restoration of indigenous biodiversity values. In my view these address the submitter's concerns in relation to CEI-O1, CEI-O6, the UFD objectives, and represent a more appropriate and integrated approach between zones and biodiversity values.

806. I agree with GWRC that CEI-O4 (local centres) should provide for cultural activities such as churches and other faith centres. In my opinion the objective already provides for this by referring to community activities.

807. In relation to the submission from JEPS, I have already noted that submissions on CEI-O8 were addressed in Hearing Stream 5 as part of the Section 42A Report – Future Urban Zone. However, this submission was missed. I would also note that the relief sought by JEPS is the same as in their submission point 246.1 which was addressed in Hearing Stream 5. The reporting officer, Ms Sweetman, recommended that this submission point be rejected.

808. The issues raised by JEPS have been well traversed in the Section 42A Report – Future Urban Zone, and as such as I do not undertake any further assessment of this submission. I agree with Ms Sweetman in relation to submission point 246.1 and consider that that assessment is equally relevant here.

7.20.1.3 Summary of recommendations

809. I recommend that the submissions from GWRC [137.7, 137.8] be **accepted in part**.

810. I recommend for the reasons given in the assessment, that the submissions from Forest and Bird [225.82, 225.83, 225.101] and JEPS [246.5] be **rejected**.

811. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

7.20.2 Strategic objectives – EP – Eastern Porirua

7.20.2.1 Matters raised by submitters

812. Latoya Flutey [64.29] seeks that the introduction to this strategic objective be amended to include the following:

Along with increasing the supply of housing and range of housing types, the project includes redesigning neighbourhoods, revitalising local centres, upgrading parks and infrastructure, and providing warm, dry, healthy homes. The regeneration aims to contribute to the City's environmental, social, cultural and economic wellbeing, without becoming detrimental to the diverse culture already established.

813. The submitter supports the above goal if low-income families will still be able to afford living.

¹²⁹ Refer Section 3.2 of Section 42A Report - Part B Natural Environment Strategic Objectives

814. GWRC [137.9] considers that the objective should refer to environmental improvements that could be undertaken as part of the Eastern Porirua regeneration, and seek the following amendment:

The regeneration of Eastern Porirua occurs in a comprehensive manner that enables the coordinated development of housing, local centres, transport, infrastructure and the provision of open space and biodiversity and results in a high quality urban form and improved social, environmental, cultural and economic wellbeing.

815. Te Awarua-o-Porirua Harbour & Catchments Community Trust and Guardians of Pāuatahanui Inlet [77.2] considers that redevelopment in Eastern Porirua offers opportunities to remedy inadequate stormwater systems. They seek the following amendment:

The regeneration of Eastern Porirua occurs in a comprehensive manner that enables the co-ordinated development of housing, local centres, transport, infrastructure and the provision of open space, and results in a high quality urban form and improved social, cultural and economic wellbeing and a storm and wastewater system that avoids any adverse effects and contributes to positive effects on the natural environment including the surrounding catchment and the harbour.

816. Kāinga Ora [81.945, 81.200] seek that the objective is amended to align with the statutory objectives under the Kāinga Ora-Homes and Communities Act 2019, as follows:

~~The regeneration of Eastern Porirua occurs in a comprehensive manner that enables the co-ordinated development of housing, local centres, transport, infrastructure and the provision of open space, and results in a high quality urban form and improved social, cultural and economic wellbeing.~~

The regeneration of Eastern Porirua occurs in a comprehensive manner that:

- 1. Contributes to a sustainable, inclusive and thriving community;*
- 2. Provides people with good quality, affordable housing choices that meet diverse needs;*
- 3. Supports good access to jobs, amenities, and services; and*
- 4. Sustains or enhances the overall economic social, environmental and cultural well-being of current and future generations.*

817. Kāinga Ora [81.199, 81.209, 81.233] also want the following introductory text removed here and in other strategic objectives:

~~*Details of the steps Plan users should take when using the District Plan are provided in the General Approach chapter.*~~

818. Forest and Bird [225.84] seek that the objective is amended to include environmental outcomes to be achieved through regeneration of Eastern Porirua. They also suggest that Eastern Porirua is identified by way of an appendix or on the planning maps and include a reference in the objective. They consider that the objectives are not consistent with sustainable management.

7.20.2.2 Assessment

819. Variation 1 did not amend EP-O1, but it did delete the Eastern Porirua Residential Intensification Precinct. This precinct area has been generally subsumed into the HRZ-High Density Residential Zone or MRZ-Residential Intensification Precinct.

820. The Porirua Development is a joint initiative between Kāinga Ora, Ngāti Toa and Porirua City Council to deliver urban regeneration in Eastern Porirua. The regeneration involves investment in existing state houses through replacement or refurbishment, as well as creating an additional supply of state and market housing.
821. Along with increasing the supply of housing and range of housing types, the project includes redesigning neighbourhoods, revitalising local centres, upgrading parks and infrastructure, and providing warm, dry, healthy homes. The regeneration aims to contribute to the City's environmental, social, cultural and economic wellbeing.
822. In my opinion, the Porirua Development continues to be a strategic project that involves significant urban development and change in eastern Porirua. While the EPRIP was removed by Variation 1, the affected area is subject to zonings and precincts that enable the same or a greater level of development and as such help implement the Porirua Development.
823. EP-O1 read together with the other strategic objectives, set the direction for the District Plan and help to implement the Council's community outcomes set out in its Long Term Plan including the Porirua Development.
824. GWRC, Forest and Bird, Te Awarua-o-Porirua Harbour & Catchments Community Trust, and Guardians of Pāuatahanui Inlet variously seek that the objective is amended to include "environmental outcomes" or otherwise improve natural environment values including biodiversity and effects on the Harbour.
825. The changes being sought are analogous with those raised by Forest & Bird in relation to CEI-O1 and CEI-O6, which I address earlier in this report. In my opinion, the commentary of Ms Sweetman, the reporting officer for the Section 42A Report – Part B Natural Environment Strategic Objectives, which I have quoted above, is equally relevant in relation to EP-O1. The PDP is to be read as a whole and the matters raised are already addressed by NE-O1, NE-O2, NE-O3, and NE-O4. The amendments sought would effectively duplicate these provisions. I also consider that these matters are best addressed at a district-wide level to ensure an integrated approach rather than the place-based approach the submissions seek.
826. I agree with Forest & Bird that Eastern Porirua be identified by way of appendix or on the planning maps and include a reference in the objective. This avoids doubt over the spatial extent covered by EP-O1 and would aid plan administration.
827. In relation to the amendment sought by Latoya Flutey, I do not consider it appropriate nor possible for a district plan to control the mix of people and cultures in a particular neighbourhood. The function of a district plan¹³⁰ is primarily to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district. Additionally, it is to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district. The amendments sought by the submitter lie outside of these functions.
828. Kāinga Ora effectively seek the complete replacement of the wording of the objective, with new wording based on their statutory objectives under the Kāinga Ora-Homes and Communities Act 2019. In my opinion, it is not good practice to incorporate the objectives of other statutes into

¹³⁰ S31 to the RMA

a RMA district plan, nor is it clear how this new wording would better address the strategic issue identified for Eastern Porirua than the notified wording.

829. As outlined in section 9 of the Overview to the Section 32 Evaluation (2020), strategic objectives identify and provide guidance on the key issues facing the City and its future direction. For Eastern Porirua, it identified the following issue:

The regeneration of Eastern Porirua involves both investment in existing state houses as well as creating an additional supply of state and market housing. The regeneration also includes redesigning neighbourhoods, revitalising local centres and upgrading parks and infrastructure.

830. I consider that the notified wording better addresses this issue than that proposed by the submitter which introduces language and terms not used or defined elsewhere in the PDP, and outcomes for which I am unclear on how they will be measured. For example:

- *sustainable, inclusive and thriving community*: I am not clear what is meant by sustainable community, inclusive community or a thriving community, or how these will be measured. It is also unclear how the district plan will achieve these outcomes. The submitter might like to provide more information on this before or at the hearing.
- *affordable housing choices*: I am not clear on what is an affordable housing choice and how this will be measured. The submitter might like to provide more information on this before or at the hearing.

831. I would also note that the statutory objectives under the Kāinga Ora-Homes and Communities Act 2019, include the following:

When performing its functions or exercising powers under any other legislation, Kāinga Ora–Homes and Communities must act in a way that furthers any relevant objectives or purposes stated in that legislation.

832. In my opinion, the notified wording of EP-O1 better aligns with this objective than the submitter's version.

833. Kāinga Ora also seek deletion of the following from the introductory text to the strategic objectives:

Details of the steps Plan users should take when using the District Plan are provided in the General Approach chapter.

834. I consider it important to retain this wording to help assist and guide plan users with how to use the District Plan, particularly in relation to strategic objectives.

7.20.2.3 Summary of recommendations

835. I recommend for the reasons given in the assessment, that the Hearings Panel:

- a. Amend EP-O1 to reference the planning maps, as set out in Appendix A.
- b. Amend the planning maps to identify Eastern Porirua, as set out in Appendix A.

836. I recommend that the submissions from Forest and Bird [225.84], be **accepted in part**.

837. I recommend for the reasons given in the assessment, that the submissions from Kāinga Ora [81.945, 81.200, 81.199, 81.209, 81.233], Latoya Flutey [64.29], GWRC [137.9] and Te Awarua-o-Porirua Harbour & Catchments Community Trust, and Guardians of Pāuatahanui Inlet [77.2] be **rejected**.
838. I have not undertaken a section 32AA evaluation of the recommended amendment to the planning maps and EP-O1. I consider that the small scale of the change does not necessitate such an evaluation over and above that undertaken in this report.
839. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

7.20.3 Strategic objectives – HO-O1 – Housing Variety Matters raised by submitters

7.20.3.1 Matters raised by submitters

840. Forest and Bird [225.87, 225.88] seek, *Clarify that housing opportunities will be within environmental limits of the areas identified*. They consider clarification is needed to ensure housing opportunities (variety, density and future supply) are to be provided within the environmental limits of the relevant areas. They make the same submission on HO-O2 – Housing Density. For efficiency I deal with both submission points here.
841. Housing Action Porirua [67.15] seek that the objective is amended:

Housing variety and wheelchair accessibility:

There are a variety of housing types, sizes and tenures available in quality living environments throughout the City that meet the community's diverse housing needs, including the needs of the disabled. All housing units are constructed to be accessible and manoeuvrable for wheelchair users and to provide an accessible bathroom at ground floor level.

842. The submitter considers that there is a need for housing units designed for wheelchair users, and that they should also not be excluded from accessing any home at ground floor level.

7.20.3.2 Assessment

843. In relation to the submission from Forest and Bird, I am unclear what is meant by “environmental limits of the relevant area”, including which aspects of the “environment” are to be considered and how and by whom any limits are to be determined. I would also note that the RMA defines environment as:

includes—

- a) ecosystems and their constituent parts, including people and communities; and*
- b) all natural and physical resources; and*
- c) amenity values; and*
- d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) or which are affected by those matters*

844. I would question whether the submitter means all of the above and if so, how are these to be measured. The submitter might wish to provide further information before or at the hearing.
845. In relation to the submission from Housing Action Porirua, the additional wording, in my opinion, contains a specificity which is not appropriate for a strategic objective. I also consider it unnecessary. The notified wording does not single out any individual aspect of housing need and is not a barrier to the concerns of the submitter.
846. Notwithstanding the above, I also do not consider the district plan to be appropriate for setting requirements for the internal layout of houses and buildings. This duplicates the Building Code regulatory regime and could give rise to tensions between the two regulatory frameworks (District Plan and Building Code). I would note s18A(b)(i) to the RMA which requires plans to *include only those matters relevant to the purpose of this Act*.

7.20.3.3 Summary of recommendations

847. I recommend for the reasons given in the assessment, that the submissions from Forest and Bird [225.87, 225.88] and Housing Action Porirua [67.15] be **rejected**.
848. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

7.20.4 Strategic objectives – HO-02 – Housing Density (objective deleted by Variation 1)

7.20.4.1 Matters raised by submitters (PDP Submissions)

849. This group of submissions sought the following amendments to this strategic objective:

- Housing Action Porirua [67.1] seek the following amendments:
Higher density housing is enabled on ~~greenfield~~ and brownfield sites across the city, particularly in the city centre, where it.....
- Te Awarua-o-Porirua [77.3] seek the addition of the following:
Avoids any adverse effects and contributes to positive effects on the natural environment including the surrounding catchment and the harbour.
- Powerco Limited [83.19] seek the following amendments:
Has sufficient infrastructure capacity; and
- Waka Kotahi [82.30] seek the following amendments:
1. Has access to a safe and connected transport network with sufficient capacity, and is served by multi-modal transport options;
- GWRC [137.12] seek the addition of the following:
5. Has access to water and drainage infrastructure of adequate capacity suitable for carrying peak flows anticipated during the asset lifetime.
- Kāinga Ora [81.211] seek the following amendments:

1. *Has access to the planned and existing transport network and is served by multi-modal transport options;*
 2. *[.....]*
 3. *Has access to social infrastructure and urban amenities; and*
 4. *[.....]*
850. Housing Action Porirua opposes expansion of urbanisation onto greenfield sites until the potential for development on brownfield sites is reasonably exhausted. They consider there is potential for higher density housing in existing suburbs and for multi-storey apartment buildings to be developed in the city centre. Te Awarua-o-Porirua are concerned that the objectives for increased housing density do not mention any adverse effects such developments might have on the natural environment of the catchment or Harbour.
851. Powerco consider that housing density should also be enabled by having access to infrastructure, while Waka Kotahi is concerned that higher density housing can adversely affect the safe functioning and operation of the transport network if there is not enough capacity to meet the future housing supplies.
852. GWRC believe HO-O2 should include reference to adequate water supply and wastewater infrastructure that protects public and environmental health and provides for continuity of service. They consider this is consistent with Policy 58 of the RPS.
853. Kāinga Ora believes amendments are necessary to encourage increased density in appropriate locations, consistent with the NPS-UD.

7.20.4.2 Matters raised by submitters (Variation 1 Submissions)

854. FENZ [OS58.4] seek that HO-O2 be retained and not deleted. They support the objective insofar as it requires higher density housing to be enabled on sites where it has access to the transport network and avoids areas of significant natural hazard risk. They note that the PDP defines 'natural hazard' to include fire.

7.20.4.3 Assessment

855. Variation 1 has deleted HO-O2. This is addressed in part 6 to the 2022 Section 32 Evaluation Report Part A: Overview to Section 32 Evaluation. This notes that:

HH-O2 is no longer necessary since it effectively duplicates amended UFD-O3, which directs where urban intensification, including intensive housing, will occur in the Porirua urban environment. In addition, clause 4 to HH-O2 duplicates REE-O3 & REE-O4.

856. FENZ have submitted in support of the amended UFD-O3¹³¹ and as such I am unclear why they also seek retention of HO-O2 which it effectively duplicates. The submitter might wish to clarify this before or at the hearing.
857. In relation to the PDP submissions, as set out above, Variation 1 deletes this objective for the reason stated. None of the submitters who sought changes to the original HO-O2 have submitted on Variation 1 seeking retention of this strategic objective. I would also note that

¹³¹ FENZ [OS58.5]

except for Kāinga Ora, none of these submitters have submitted on amended UFD-03, which addresses where urban intensification, including housing, is to occur.

858. Since HO-02 is to be deleted, I do not support the amendments sought by the PDP submitters to this objective.

7.20.4.4 Summary of recommendations

859. I recommend for the reasons given in the assessment, that the submissions from Housing Action Porirua [67.1], Te Awarua-o-Porirua [77.3], Powerco Limited [83.19], Waka Kotahi [82.30], GWRC [137.12], Kāinga Ora [81.211] and FENZ [OS58.4] be **rejected**.

860. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

7.20.5 Strategic objectives – UFD-01 – Urban Growth

7.20.5.1 Matters raised by submitters

861. Kāinga Ora [81.234] seek that this objective is amended, as follows:

Porirua grows in a ~~planned~~, compact and structured way consistent with its planned urban built form.

862. The submitter generally supports this strategic objective but requests alternative wording, which in their opinion better align with the NPS-UD (Policy 6 of the NPS-UD).

7.20.5.2 Assessment

863. I do not consider the changes sought by Kāinga Ora are necessary nor better implement the NPS-UD. The change effectively replaces “planned” with “planned urban built form”. While “planned urban built form” is referenced in Policy 6 to the NPS-UD, I prefer the word “planned”. I consider this better reflects the broader urban environment and planning for Porirua, which is more than the sum of its planned urban built form. I also note Objective 6 to the NPS-UD which require local authority decisions on urban development to integrated with infrastructure planning and strategic over the medium term and long term. These are broader than the planned urban built form.

864. In my opinion, the notified wording better implements the objectives of the NPS-UD which seeks a broader range of outcomes than the planned urban built form.

7.20.5.3 Summary of recommendations

865. I recommend for the reasons given in the assessment, that the submission from Kāinga Ora [81.234] be **rejected**.

866. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

7.20.6 Strategic objectives – UFD-O2 – Urban land supply

7.20.6.1 Matters raised by submitters

867. Kāinga Ora [81.235] seek that this objective is amended, as follows:

UFD-O2 Urban land supply Sufficient development capacity

~~There is a~~ Porirua has sufficient supply of land development capacity in the short term, medium term and long term available at all times, which is feasible for development, to meet the city's ~~medium term~~ housing, commercial, industrial business and recreational needs.

868. The submitter seeks these changes to align with the NPS-UD more closely. They consider that using different terminology than what is used in the NPS-UD ('supply of land') is confusing. The submitter also considers that the short, medium and long-term are all important time horizons, particularly in relation to the strategic direction for Porirua. This also aligns with the requirements of the NPS-UD (Policy 2).

869. The RVA [OS118.54] support the deletion of this objective. They consider that the objective does not align with the MDRS in terms of where higher density housing is enabled.

7.20.6.2 Assessment

870. I disagree with the amendments proposed by Kāinga Ora and would note that part 9 to the 2020 Section 32 Evaluation Report Part 1: Overview to s32 Evaluation, identifies that UFD-O1 to UFD-O6 respond to the following strategic issue:

Porirua's diverse and growing population has led to pressure on housing, commercial, industrial and recreational areas that need to be appropriately managed across the City. Increased brownfield redevelopment and infill housing is needed to help address Porirua's housing shortage, and this needs to be managed appropriately. With growth comes increased pressure on and demand for infrastructure services.

871. The notified wording of UFD-O2 is intentionally broader than the requirements of the NPS-UD, as it recognises that responding to population growth in an integrated manner involves meeting the recreational needs of communities, as well as housing and employment opportunities. I also consider that requiring feasible land supply to meet medium term needs is more appropriate than the alternative suggested by the submitter.

872. The NPS-UD defines plan-enabled development capacity as land that is zoned for housing or for business use over the short and medium term only. In relation to long term development capacity, it can either be zoned land or land otherwise identified for future urban use in a Future Development Strategy. Given the requirement in the RMA to have commenced a review of each provision of a district plan no later than 10 years after the provision became operative¹³², I do not consider it necessary for the PDP to enable long term development capacity. I would also note that by definition, medium term land supply incorporates the short-term supply and as such it is not necessary to reference this in the objective.

¹³² S79(1)

873. I also do not agree with the submitter's replacement of "commercial" and "industrial" with the term, "business". While "business" is the term used in the NPS-UD, I believe the specificity of the terms "commercial" and "industrial" are more appropriate when giving effect to this in the regulatory framework of a district plan and is consistent with the National Planning Standards.
874. In relation to the Variation 1 submission from the RVA I would note that the Variation did not delete UFD-O2. I am also unclear how the MDRS is relevant to this objective. The submitter might wish to clarify this matter before or at the hearing.

7.20.6.3 Summary of recommendations

875. I recommend for the reasons given in the assessment, that the submissions from the RVA [OS118.54] and Kāinga Ora [81.235] be **rejected**.
876. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

7.20.7 Strategic objectives – UFD-O3 – Urban form

7.20.7.1 Matters raised by submitters (PDP Submissions)

877. The following submitters sought that this strategic objective be retained as notified:

- Kāinga Ora [81.236]
- Waka Kotahi [82.33]
- Wellington City Council [8.7]
- Harvey Norman [144.15]
- FENZ [119.17]

7.20.7.2 Matters raised by submitters (Variation 1 Submissions)

878. Kāinga Ora [OS76.77] seek that the objective is amended as follows:

Porirua has an urban form which is:

1. *Characterised by a range of intensity of built form, depending on an area's proximity to the metropolitan centre, train stations, town centre and local centres; and*
2. *Connected, accessible and safe and supports the community's wellbeing.*

879. The submitter generally supports the changes to this strategic objective but wish to restate their position that "...the matters contained within do not form a Qualifying Matter in which to limit application of Policy 3(c) of the NPS-UD". They seek an amendment to reflect the broader submission seeking the introduction of a Town Centre Zone at Mana¹³³.

¹³³ Zoned Local Centre Zone in the PDP.

880. Elsewhere the submitter has sought a suite of consequential changes to implement their amended UFD-O3 through the re-zoning of Mana as a Town Centre Zone from Local Centre Zone, including to the planning maps, the introduction of a Town Centre Zone chapter into the PDP (includes zone-based objectives, policies, rules and standards), and other consequential changes. For efficiency, I shall address the requested change to UFD-O3 together with the suite of consequential changes that implement it in relation to Mana. The other submission points are:
- Retain Local Centre Zone and spatial extent as notified, with the exception of Mana, where a new Town Centre Zone is sought [OS76.243];
 - Consequential updates to the Plan to account for the introduction of a Town Centre Zone [OS76.277];
 - Seek the Mana commercial centre is zoned as a Town Centre Zone (proposed) in this submission and on the planning maps in Appendix 3 [OS76.276];
 - Accept the changes sought from Kāinga Ora to the planning maps as shown in Appendix 3 of this submission [in relation to Town Centre Zone at Mana] [OS76.278];
 - Strategic Direction - include reference to a new Town Centre Zone [OS76.9];
 - A proposed Town Centre Zone chapter is sought and included in Appendix 2 [to submission] [OS76.63];
 - Adopt and include a new Town Centre Zone chapter, with consequential updates to maps [OS76.274];
 - Accept the proposed Town Centre Zone provisions in Appendix 2 of this submission. [OS76.275];
 - Provide provisions and spatial application for Town Centre Zone in the Plan (as shown in submitter's attached appendices). [OS76.10];
 - Introduce a new Commercial – Town Centre Zone in the Plan for Mana [OS76.34];
 - Introduce a 40m height limit [for Town Centre Zone at Mana] [OS76.35]; and
 - Rezone Mana commercial area as TCZ rather than LCZ and allow for commercial height of up to 10 Storeys (40m). [OS76.50].
881. Kāinga Ora considers that Mana provides a range of commercial, community, recreational and residential activities that service the needs of the immediate and neighbouring suburbs. They seek the introduction of a Town Centre Zone for Mana to reflect, in their opinion, the wider catchment that this centre services both now and into the future with the expansion of the Northern Growth Area.
882. The proposed Mana Town Centre Zone (it will rezone the Local Centre Zone to Town Centre Zone) is shown below (identified by blue line):

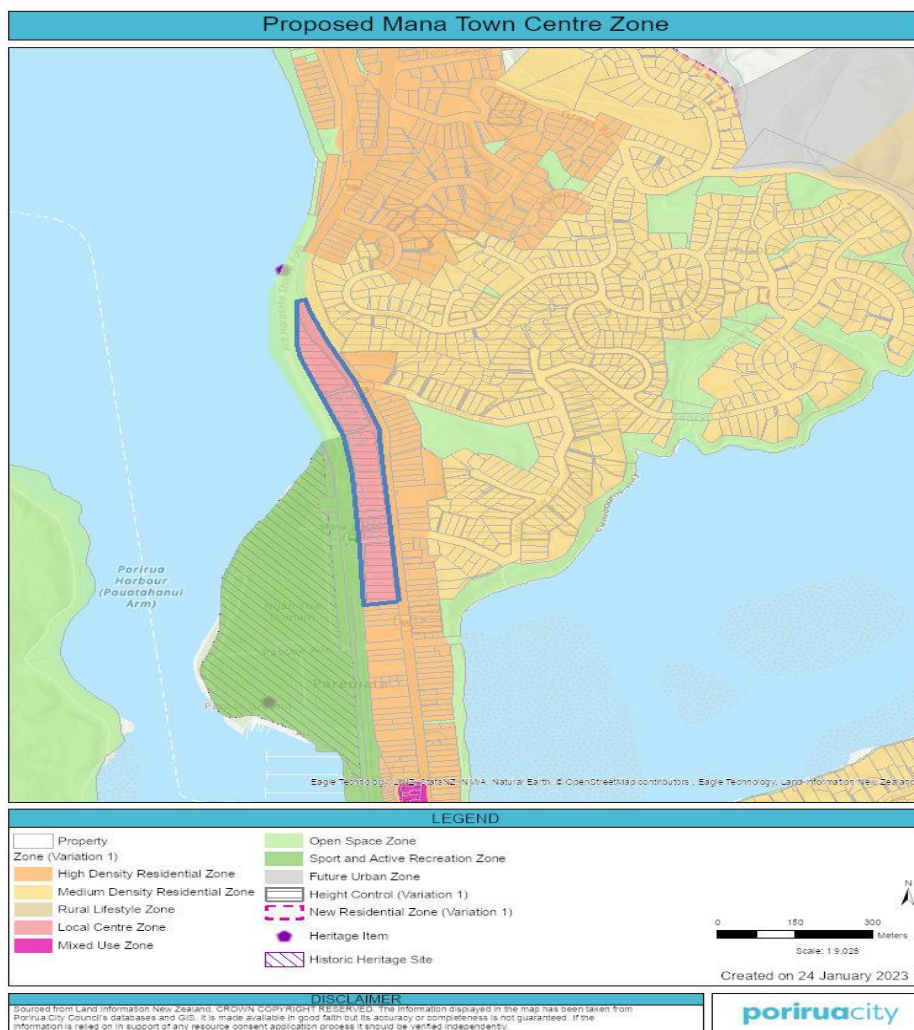


Figure 4: Proposed Mana Town Centre Zone

883. The RVA [OS118.55] consider that UFD-O3 needs to be amended to acknowledge that the intensity of built form is not only to be determined by proximity to centres and train stations.

884. They support the recognition of the need for a range of intensity of built form throughout the district. They consider that the characterisation of built form in urban areas will not only be informed by the proximity of development to centres and train stations, but also the characteristics of individual sites and the functional needs of particular types of development. They express the view that larger residential sites may support a greater intensity of built form and that retirement villages need to be located in all residential zones.

7.20.7.3 Assessment

885. In relation to the PDP submissions, I would note that Variation 1 amended UFD-O3 to better implement the NPS-UD. This is addressed in part 6 to the 2022 Section 32 Evaluation Report Part A: Overview to Section 32 Evaluation which noted:

The amendment to UFD-O3 better addresses this strategic issue and the requirements of the NPS-UD to recognise the national significance of urban development as:

- *It introduces the urban intensification hierarchy required by the NPS-UD, with the greatest levels of intensification directed to the metropolitan centre, and those areas accessible to it, train stations and local centres. It more clearly identifies the urban form necessary to respond to the identified strategic issue and the national significance of urban development.*

886. In view of the above, I recommend that the PDP submissions be accepted in part to reflect their recognition that this strategic objective is appropriate and necessary, but that it was amended by Variation 1 to better give effect to the NPS-UD.

887. In relation to the RVA submission, they have not provided specific details of the changes they wish to see. Notwithstanding this, I would note that UFD-O3 addresses, at the City wide level, the anticipated urban form and where urban intensification is to be enabled within the city. It is not appropriate to conflate this with the submitter's concerns regarding site specific urban intensification opportunities.

888. The suite of changes sought by Kāinga Ora, including to UFD-O3, represent a significant change to the PDP including in relation to the centres hierarchy set out in strategic objectives CEI-O1 to CEI-O8¹³⁴ and the spatial distribution of the HRZ-High Density Residential Zone¹³⁵. The submitter has not provided any planning evaluation, technical, economic or urban design assessments, nor a s32AA evaluation in support of such a significant suite of changes.

889. For example, I would note that under the National Planning Standards, Town Centre Zones are described as

Areas used predominantly for:

- *in smaller urban areas, a range of commercial, community, recreational and residential activities.*
- *in larger urban areas, a range of commercial, community, recreational and residential activities that service the needs of the immediate and neighbouring suburbs.*¹³⁶

890. TCZ-O1¹³⁷, as sought by the submitter, provides the following purpose for the Town Centre Zone at Mana:

Town Centres are commercial centres that:

1. *Service the daily and weekly retailing needs of a broad residential catchment and businesses; and*
2. *Accommodate a range of commercial, recreational, and community activities as well as residential activities.*

891. The National Planning Standards and proposed TCZ-O1 clearly anticipate that the Town Centre Zone at Mana would be intended to provide a range of services to neighbouring suburbs (my emphasis), as well as their immediate suburb. This raises issues of the effect such a zoning at Mana would have on the vitality and viability of surrounding Local Centre Zones and their ability to achieve their role to "Service the daily and weekly retailing needs of the surrounding

¹³⁴ I would note that the submitter has not sought a corresponding amendment to this group of strategic objectives to account for the Town Centre Zone.

¹³⁵ Elsewhere the submitter has sought to extend the HRZ at Mana to reflect their proposed Town Centre Zone

¹³⁶ Table 13 to National Planning Standards

¹³⁷ OS76.275

residential catchment; and accommodate a range of commercial and community activities as well as residential activities"¹³⁸.

892. On this I would also note key land use activity and development standard differences between the proposed Town Centre Zone and its current Local Centre Zoning:

| Land use/development standard | Town Centre Zone | Local Centre Zone |
|--|---|---|
| Commercial service activity ¹³⁹ | Permitted with no gross floor space threshold | Permitted up to 450m ² gross floor space |
| Food and beverage ¹⁴⁰ | Permitted with no gross floor space threshold | Permitted up to 450m ² gross floor space |
| Visitor accommodation | Permitted with no gross floor space threshold | Permitted up to 450m ² gross floor space |
| Entertainment facility ¹⁴¹ | Permitted with no gross floor space threshold | Permitted up to 450m ² gross floor space |
| Permitted building height | 40m | 18m or 22m ¹⁴² |

Table 8: Land use and development controls at TCZ and LCZ

893. The land use activity gross floor space controls for the Local Centre Zone were informed by a report from Property Economics¹⁴³. This report also noted:

The development of these centre and their associated economic and social benefits must, however, be balanced with the potential impact they will have on existing centres, the catchments they support, and their role and functions in the community. It is not considered appropriate to sacrifice the vitality within existing centres for increased convenience for smaller sections of the community. As such it is necessary to compare, even at a general level, the likely distributional costs associated with new retail developments and their benefits to the community.

Centres sizes are a function of the catchment they serve, and if a centre grows at a level disproportionate with the catchment (households) it provides those services for, it will potentially do so to the detriment of an adjoining centre, reducing the economic vitality and amenity of that centre and its ability to provide functional and social amenity for its community.

894. The proposed zoning together with the range of permitted land use activities with no gross floor space controls and permitted building height of 40m at the Mana Town Centre Zone, raises potential economic activity and distributional effects including:

- The vitality and viability of Porirua's Metropolitan Centre Zone;
- The ability of surrounding Local Centre Zones to achieve their purpose of providing for the daily and weekly retail needs of their surrounding residential communities; and

¹³⁸ LCZ-01

¹³⁹ Includes banks, private gyms, and hairdresser.

¹⁴⁰ Includes restaurants, cafes and bars.

¹⁴¹ Includes cinemas and theatres.

¹⁴² Where subject to a variable height control under Heigh Increase A

¹⁴³ Page 20, Porirua Commercial Centres Network Assessment, Property Economics, March 2019

- Transport distributional effects of an “oversized” centre at Mana if this affects the viability and vitality of the Metropolitan Centre Zone and the surrounding Local Centre Zones.
895. I have already identified the lack of any planning evaluation, technical, economic or urban design assessments, nor a s32AA evaluation provided to support these significant changes to the centres hierarchy and regulatory framework. To this I would add the lack of any evaluation from the submitter demonstrating that a Town Centre Zone at Mana most appropriately implements the strategic objectives, particularly CEI-O1 to CEI-O6.
896. In view of the above I do not support Kāinga Ora’s amendment to UFD-O3 and consequential changes to implement this through the rezoning of Mana to a Town Centre Zone.

7.20.7.4 Summary of recommendations

897. I recommend that the submissions from Kāinga Ora [81.236], Waka Kotahi [82.33], Wellington City Council [8.7], Harvey Norman [144.15], and FENZ [119.17] be **accepted in part**.
898. I recommend for the reasons given in the assessment, that the submissions from RVA [OS118.55], and Kāinga Ora [OS76.77, OS76.243, OS76.245, OS76.50, OS76.277, OS76.276, OS76.278, OS76.9, OS76.63, OS76.274, OS76.275, OS76.10, OS76.34, OS76.35] be **rejected**.
899. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

7.20.8 Strategic objectives – UFD-O6 - Quality urban design and place making

7.20.8.1 Matters raised by submitters (PDP Submissions)

900. Harvey Norman [144.17] seek that the objective be amended to target certain areas such as the city centre or certain activities (such as multi-unit residential developments), instead of requiring “good quality design” to be achieved in “all urban form and place making”. Alternatively, they consider the objective could be amended to use words such as “encourage” or “promote”, as opposed to requiring “good” outcomes to be achieved in “all cases”.
901. The submitter generally supports the rationale for good quality design and place making. They believe the challenge is to determine the appropriate level of regulatory intervention in the design of new buildings. They consider the cost of such intervention needs to be balanced against the need to enable people and communities to provide for their wellbeing. In their view it is not practicable or necessarily desirable to require “all urban form” to achieve “good quality design”.
902. Kāinga Ora [81.239] seek that the objective is redrafted, as follows:
Quality urban form and placemaking is achieved through good urban design.
903. Wellington City Council [8.8] support the objective and seek that it be retained.

7.20.8.2 Matters raised by submitters (Variation 1 Submissions)

904. The RVA [OS118.56] seek that the objective is amended as follows:

Good quality ~~design~~ development contributes to a well-functioning ~~and healthy~~ urban environment in Porirua.

905. The submitter considers that drafting amendments are required for greater alignment with MDRS objective 1 and Policy 5. They also consider that reference to a 'healthy urban environment' is ambiguous, and this term is not defined elsewhere in the District Plan, meaning the objective as currently drafted does not provide clear guidance for what the 'healthy urban environment' expectations comprise. They also believe UFD-O7 provides sufficient guidance and direction surrounding wellbeing, health and safety.

7.20.8.3 Assessment

906. This objective was amended by Variation 1. This is addressed in part 6 to the Section 32 Evaluation Report Part A: Overview to Section 32 Evaluation for Variation1 and Plan Change 19 which noted:

The amendment to UFD-O6 better addresses this strategic issue and the requirements of the NPS-UD to recognise the national significance of urban development as:

- *It responds to the NPS-UD requirement in relation to well-functioning urban environments and the role of urban design in achieving this.*

The National Policy Statement for Urban Development: Section 32 Evaluation Report, notes in its problem definition that:

As such, there is a relationship between well-functioning cities to 'sustainable management' (as defined under the RMA). For example:

- *Effective design and a strong sense of place can contribute to improvements in physical and mental health, well-being and social functioning;*

907. In relation to the submission from Kāinga Ora, I note that their Variation 1 submission seeks that UFD-O6 (Variation 1 version) be retained as notified. I have assumed that this later submission supersedes their earlier one and as such do not assess it any further.

908. I interpret the Harvey Norman submission to be whether urban design is a city-wide issue that needs addressing at a strategic level or a more discrete issue affecting particular spatial areas of the city and particular development types only. In my opinion this is addressed in the 2022 Section 32 Evaluation Report Part A: Overview to Section 32 Evaluation, as noted above. This found it to be a strategic matter that was necessary to appropriately implement the NPS-UD. The section 32 for the NPS-UD, as quoted above, also clearly identified the need for "effective design".

909. For the sake of completeness, I also reference section 5.1.3 and Appendix D of Section 32 Evaluation Part B: Urban Intensification – MDRS and NPS-UD Policy 3 which addresses urban design and its role in the PDP.

910. In relation to the submission from the RVA, there are two key changes being sought:

- Replacing "design" with "development"; and

- Deleting reference to “healthy” urban environments.
911. In my opinion this is addressed in the Section 32 Evaluation Report Part A: Overview to Section 32 Evaluation for Variation1 and Plan Change 19, as noted above. This found the issue of healthy built environments to be a strategic matter that was necessary to appropriately implement the NPS-UD and in particular in achieving well-functioning urban environments. The section 32 for the NPS-UD, as quoted above, also clearly identified the need for “effective design” to “contribute to improvements in physical and mental health”.
912. In addition, the Section 32 Evaluation Report – Part A Overview to s32 Evaluation for Variation1 and Plan Change 19¹⁴⁴ and Section 32 Evaluation Part B: Urban Intensification – MDRS and NPS-UD Policy 3, also address health and wellbeing in the urban environment. Both identified the following as a key resource management issue: *The importance of creating healthy built environments*¹⁴⁵.
913. I also prefer the use of the term “design” as it better captures the outcome sought and how developments are to be undertaken to deliver it. I would also note that the section 32 evaluation report for the NPS-UD, as quoted earlier, also references “design”. Additionally, I consider the use of the term “design” is well understood by decision makers and uses of the district plan.
914. In relation to the PDP submission from Wellington City Council, I recommend that it be accepted in part to reflect their recognition that this strategic objective is appropriate and necessary but note that it was amended by Variation 1 to better give effect to the NPS-UD.

7.20.8.4 Summary of recommendations

915. I recommend that the submissions from Kāinga Ora [81.239] and Wellington City Council [8.8] be **accepted in part**.
916. I recommend for the reasons given in the assessment, that the submissions from Harvey Norman [144.17] and the RVA [OS118.56] be **rejected**.
917. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

7.20.9 Strategic objectives – UFD-O7 – Well-functioning urban environment

7.20.9.1 Matters raised by submitters

918. GWRC [OS74.3] seek that this objective is amended as follows:

Amend UFD-O7 (well-functioning urban environment) and other relevant policies in the Variation to include environmental components of wellbeing and have regard to the articulation of a well-functioning urban environment set out in Objective 22 of Proposed RPS Change 1.

¹⁴⁴ For example, part 5 to the evaluation.

¹⁴⁵ 5.3 to Section 32 Evaluation Part B: Urban Intensification – MDRS and NPS-UD Policy 3

919. The submitter considers there is a role for additional freshwater provisions in Variation 1 to give effect to the NPS-FM and have regard to Proposed Change 1 direction in providing for urban intensification and development. They consider the relevant Proposed Change 1 policies are: Policy FW.2; Policy FW.3, and Policy 15.
920. Additionally, they note that amendments may be required across the plan to address the relief requested and consider that scope is available to do this through the ISPP, as a qualifying matter applies, being section 6 of the RMA. They also consider stormwater management and infrastructure, including water supply, are also included as related provisions in the scope of an IPI as related provisions under section 80E(2).
921. John Cody [OS56.2] seeks that the objective is amended or a new strategic objective added which states:
- 'Affordable housing. Enable a sufficient supply and diverse range of dwelling types and sizes that meet the housing needs of people and communities, including (a) households on low to moderate incomes; and (b) people with special housing requirements.'*
922. The submitter considers that there is precedent for this and refers to the Auckland Unitary Plan. They also consider that, *"The policy relates to 'all people' in Objective 1. A more refined policy might include recognition of assets given that some specific provisions in the proposed Plan have asset thresholds e.g. entry to retirement villages."*

7.20.9.2 Assessment

923. This objective was incorporated into the PDP by Variation 1. The Section 32 Evaluation Report – Part A Overview to s32 Evaluation for Variation1 and Plan Change 19 notes that:
- UFD-07 incorporates MDRS objective 1 into the PDP, as required by S77G(5) of the RMA. At the same time, the National Planning Standards require that an urban form and development chapter must be included under the Strategic direction heading. MDRS objective 1 and its direction on achieving a well-functioning urban environment is most appropriately located in this chapter. Urban form and development are key contributors to a well-functioning urban environment.*
924. As noted above, the district plan must incorporate MDRS objective 1 into the PDP under S77G(5). Given the requirements of S77G(5) I do not consider that this objective can be amended except to make minor changes under Clause 16(2) to Schedule 1 of the RMA.
925. The submitter does not provide specific details of the amendments they are seeking so I am unable to determine if they would be minor or not. However, I have looked at Objective 22 in the RPS, as amended by Proposed Change 1 and would note that it includes considerable additions over and above that contained in MDRS objective 1. In my view these are not minor amendments that could be made under Clause 16(2) to Schedule 1 of the RMA.
926. Proposed Change 1 to the RPS is addressed in part 2.6 of this report which identifies the Council's concerns with it, the weight to be attached to it and a summary of the Council's submission to Proposed Change 1. Council has opposed the new wording for Objective 22 and the submission notes that it "...largely just repeats requirements listed elsewhere in the RPS". I share these concerns and consider the changes sought inappropriately amend MDRS objective 1.

927. In relation to the submission from Mr Cody, the suggested wording is a policy and not an objective from the Auckland Unitary Plan. In other words, it does not describe an outcome, rather an action. The outcome in the Auckland Unitary Plan it is seeking to implement is B2.4.1. Objectives:

(4) An increase in housing capacity and the range of housing choice which meets the varied needs and lifestyles of Auckland's diverse and growing population.

928. In my opinion the outcomes described in the above objective are provided for in the PDP, through HO-O1 (housing variety) and UFD-O2 (urban land supply). As such I do not consider it necessary to add an additional objective.

7.20.9.3 Summary of recommendations

929. I recommend for the reasons given in the assessment, that the submission from GWRC [OS74.3], and John Cody [OS56.2] be **rejected**.

930. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

7.21 Other submissions

7.21.1 Matters raised by submitters

931. There is a PDP submission point that was not covered in a previous hearing stream.

932. Titahi Bay Residents Association [95.2] seeks a definition be added as follows:

Motor vehicle (coastal marine area) means a man-made device for land transport, including but not limited to cars, trucks, heavy machinery, motorbikes and bicycles, and does not include prams, strollers, wheelchairs or other mobility scooters used by persons

933. The submitter considers that this GWRC definition is required for consistency with the PNRP when seeking submitter's amendments to rules and standards of the Coastal Environment Chapter in the PDP.

7.21.2 Assessment

934. This submission point should have been addressed in Hearing Stream 3 in my report: Section 42A Report - Part B Coastal Environment, alongside the submitter's submission point 95.5 in section 3.5 relating to vehicles on Titahi Bay Beach

935. My recommendation was to reject submission point 95.5 seeking the addition of rules and standards to manage vehicle use on Titahi Bay Beach. This is because I considered that the PDP is not the appropriate mechanism for managing vehicles on Titahi Bay Beach, and that changes to the Porirua City Transport Bylaw provide the most appropriate legal means of achieving this.

936. I therefore consider the definition sought is not necessary as I do not recommend changes that would result in this term being used in the PDP, and therefore needing to be defined.

937. I note that since the s42A Report Part B Coastal Environment was published, this bylaw is now operative and vehicle use is tightly controlled on the beach in line with the bylaw.

7.21.3 Summary of recommendations

938. I recommend for the reasons given in the assessment, that the submission from Titahi Bay Residents Association [95.2] be **rejected**.

7.22 Minor Errors

939. There are no minor errors to address in relation to the topic.

8 Conclusions


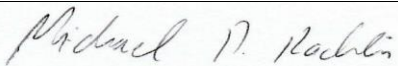
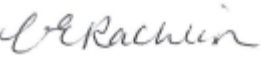

940. Submissions have been received in support of, and in opposition to the PDP.
941. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that PDP should be amended as set out in Appendix A of this report.
942. I consider that the proposed objectives and provisions will be the most appropriate means to:
- a. achieve the purpose of the Resource Management Act 1991 (RMA) and otherwise give effect to relevant higher order planning documents, in respect to the proposed objectives; and
 - b. 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 Authors | Torrey McDonnell |  |
| | Michael Rachlin |  |
| | Caroline Rachlin |  |
| | Rory Smeaton |  |

Appendix A. Recommended Amendments to Chapters and maps

Where I recommend changes in response to submissions, these are shown as follows:

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

Tangata Whenua

Recognition of iwi and hapū

Ngāti Toa Rangatira

Ko Whitireia te maunga

Ko Parirua te awa

Ko Raukawa te moana

Ko Ngāti Toa te iwi

Ngāti Toa Rangatira (Ngāti Toa) have a strong history and affiliation with Porirua and have held exclusive tangata whenua status in the Porirua area since migrating here in the early 1820s. Under the leadership of Te Rauparaha, Ngāti Toa became the dominant tribe in the region. In 1840, several Ngāti Toa RaNgātira chiefs, including Te Rauparaha and Te Rangihaeata, signed the Treaty of Waitangi.

The rohe (area of interest) of Ngāti Toa is much broader than the Porirua area and includes both the North and South Islands. The northernmost point of the Ngāti Toa rohe is Whangaehu. In the North Island it extends eastwards to Turakirae Head and encompasses Te Moana-o-Raukawa (the Cook Strait). In the South Island, it includes all of Te Tau Ihu (the Marlborough Sounds and the northern South Island). Its southernmost point on the West Coast is the outlet of the Arahura River and Kaikoura on the Eastern Coast.

Porirua City Council acknowledges Ngāti Toa as mana whenua in the Porirua District.

Ngāti Toa Rangatira values

Te Māuri o te Whenua – All things are connected

All things have a mauri (lifeforce/energy). This mauri can be diminished or enhanced by activities or natural processes. Mauri connects all things and has come about in the belief that the supreme Atua (gods) created everything including people. It creates a link between the spiritual and physical realms, between people and the Atua, people and environment and people and their ancestors. Mauri is created through the whakapapa (ancestral lineage) that can be traced all the way back to the Atua.

In a contemporary space, mauri is now being used to measure cause and effect of our activities to determine whether the balance needs to be adjusted and to determine the impact of activities on the environment and our connection with it. Ngāti Toa are not separate from Te Taiao (the environment). What people do impacts the whenua, this relationship is reciprocated in the health of the whenua and is an indicator of the health of the people. Ngāti Toa rely on Te Taiao for their physical and cultural wellbeing.

Mana

To have mana is to have authority, influence, to be valid. To have the authority to apply tikanga and to have a mandate or jurisdiction to make decisions. Mana can also be defined as having freedom to make your own decisions. Mana can be inherited through whakapapa (genealogy) or gained through ones' actions.

Ngāti Toa need to practice their mana at all levels through governance and management arrangements, partnerships and having their own autonomy. Examples of Ngāti Toa mana include the development of memoranda of understanding with local councils, co-management of projects, providing employment opportunities for iwi members and being able to manaaki (look after) our manuhiri (guests). Manaakitanga is an important means to preserve our mana and is expressed in our ability to host manuhiri, gather traditional kai from our rohe and provide for the wellbeing of our people.

Kaitiakitanga

Kaitiakitanga is based on the Māori view of the world, its origins and the principle that everything is interconnected by whakapapa. This view does not separate spiritual aspects from the physical practices of resource management. All natural lifeforms possess a mauri and all forms of life are related through whakapapa. The primary objective of kaitiakitanga is to protect and enhance mauri for environmental sustainability.

As mana whenua of the Porirua District, Ngāti Toa have kaitiaki responsibilities to protect our taonga and the mauri which is intrinsically linked with the natural environment. This can be exercised through participating in the resource management space with local councils, responding to resource consents and co-developing policies to protect our interests.

Ki Uta Ki Tai

Our world is intrinsically connected and is recognised in the principle of Ki Uta Ki Tai (from the mountains to the sea). This holistic view represents that our catchment and any issues relating to the environment cannot be addressed in isolation.

Significant resources to Ngāti Toa

Since leaving Kawhia, Ngāti Toa required land and resources in order to support its people. The Porirua region was rich in natural resources with different iwi settling here at different periods of time. The diverse range of resources were key to sustaining the people and provided the means to grow and trade with other iwi as well as Pākehā.

Te Wai

Coastal settlement and the use of marine resources largely influenced the way of life of those Ngāti Toa Rangatira living around the harbour. The iwi initially settled around the harbour in the early 1820s and since that time Ngāti Toa Rangatira have maintained an inextricable connection to the area. Te Awarua-o-Porirua (Porirua Harbour) was described as a food basket and two inlets of Pāuatahanui and Onepoto could provide an array of soft sediment shellfish. The estuarine environment is important for both spawning and juvenile fish. The coastlines towards Hongoeka and Titahi Bay provided more variety of shellfish including paua, kina and kōura. The harbour has degraded due to intense urbanisation resulting in the loss of entire species from the area. The more isolated coastlines can still support customary fishing practices.

The freshwater environment is a habitat for fish, vegetation and shellfish species that are harvested for kai. The water itself was also a resource as it was used for drinking and karakia.

Te Whenua

The terrestrial environment provides a wide range of vegetation which encourages biodiversity, supports animal life and produces resources for our people. Native vegetation is significant to tangata whenua because of its versatile uses including rongoā plants and flax for weaving. Traditionally gardens have been a source of pride for Māori because of their ability to provide kai for whānau and manuhiri. In modern times mara kai are still used for their original purposes and offer learning experiences for healthy living.

Mahinga Kai

Ngāti Toa value the use of Te Taiao to ensure prosperity of the individual, whānau, hapū and iwi. As discussed above this is conducted under tikanga and is understood through the connections between all living and non-living things.

Ngāti Toa have utilised the area and established mahinga kai sites (sites of food gathering). The knowledge of different sites was passed down through the generations. This enhanced kaitiakitanga through deep connection with the area and consistent observations of the environment. Mahinga kai sites were not exclusive to the moana but are also found in the freshwater streams of the area where tuna, kōura and other species were used for food.

There are many historical gardens and kumara pits dotted around the rohe of Ngāti Toa detailing how well Ngāti Toa understood and responded to the different climates of their extensive area.

Activities and Access

Traditional/cultural, recreational and sports activities have driven a desire to reconnect with the harbour catchment on a number of levels; waka ama and the interconnectedness this brings to our cultural practices e.g. the Toa Waka Club; access to clean, obstruction-free bodies of water. There is a strong linkage to the values above but should be acknowledged as its own value.

Access to traditional resources for mahinga kai, including rāranga and whakairo, is important to Ngāti Toa. Having safe unobstructed access to traditional grounds is an important value that is slowly becoming unobtainable due to new developments and the further destruction of the area.

The counterpart of allowing access, there are some areas where Ngāti Toa want to limit access due to the significance of the site. Wāhi tapu/tūpuna are areas that have history that Ngāti Toa would like preserved. Although many sites and areas of significance have been destroyed or are on private land, there is still a need to preserve the story of the site in some way.

Relationship to Ancestral lands

Ngāti Toa's relationship with Porirua began with the journey from Kawhia to Te Upoko o Te Ika. The unbroken chain of Ngāti Toa occupation was possible through the practice of two tikanga, raupatu (conquest) and ahi kaa (occupation). The battle of Waiorua (1824) and Taputeranga (1827) ushered in a new era of Ngāti Toa authority in the area. Since then Ngāti Toa have settled in numerous sites between the Kāpiti Coast and Wellington, most of the settlements have been coastal because of the easy access and abundance to kaimoana. Within Porirua there were settlements at Te Onepoto, Te Kahikatoa, Te Neke, Kaihua, Onehunga, and Kaitawa at Whitireia; Motukaraka pā and Mataitaua pā at Pāuatahanui; settlements and pā at Taupo pā and Hongoeka; and around Te Awarua-o-Porirua were Takapūwāhia and Kenepuru.

The traditional relationship between Ngāti Toa and Porirua was based on co-existence, the people relied on the environment for resources, mahinga kai, mara kai and are able to exercise principles of kaitiakitanga to protect the environment from over-exploitation.

The story of Ngāti Toa arriving in Porirua was full of historical events which can be remembered through association to sites of significance. These areas are highly valued by the iwi and can be associated with an important historical account, an important action of an ancestor or a sacred site. These sites are not just limited to Ngāti Toa association but can be connected to previous iwi.

Ngāti Toa cultural sites of significance

The entire Porirua area is considered significant to Ngāti Toa based on the principle of Ki Uta Ki Tai. Numerous other sites are important because of sacredness, historical significance and ecological value. These sites have protection under the Resource Management Act 1991 and are identified in this document as well as on Council's GIS server.

Takapūwāhia

The way in which Ngāti Toa live is unique and should be acknowledged. Many whānau live in close proximity to each other, some live on Māori land (land under Te Ture Whenua Māori Act with multiple ownership through whakapapa). Many traditions are upheld including respect of tangi protocols, communal living and marae duties.

Takapūwāhia, with the bush as the backdrop, played an important part in the lives of Ngāti Toa tamariki growing up. It was where an appreciation of Te Taiao was developed. It was where a sense of connection through whānau was taught and solidified, as young people would spend nights in the bush, exploring and imagining.

Takapūwāhia is also the location of the marae mātua of Ngāti Toa which is also named Takapūwāhia.

Hongoeka

Hongoeka is mostly made up of Māori land blocks with some general land ownership. Many whānau members still live in the area but others have aspirations to come back to live as a whānau unit. Hongoeka is also the last remnant of 10,000 acres of native land set aside as a reserve for Ngāti Toa's perpetual benefit by Governor Grey in 1846 while holding Te Rauparaha to ransom.

Hongoeka is also the location of a key Ngāti Toa marae which is also named Hongoeka.

Te Awarua-o-Porirua

The harbour is also a unique part of the environment, however for the younger generation there are only stories told of how it was once a kete of food for the whānau. Today Ngāti Toa are unable to experience that. The harbour plays a different role for the younger generation now, it is a tool to move a generation into the space of kaitiakitanga.

Te Rūnanga o Toa Rangatira

Te Rūnanga o Toa Rangatira is the mandated iwi authority for Ngāti Toa and has responsibility for protecting and enhancing the mana of Ngāti Toa across the

various political, economic, social and environmental spheres. Te Rūnanga o Toa Rangatira is also an iwi authority under the Resource Management Act 1991 (RMA) and the trustee of the Ngāti Toa Post-Settlement Governance Entity (the Toa Rangatira Trust). As such, Te Rūnanga o Toa Rangatira manages local government relationships and resource management matters on behalf of Ngāti Toa.

The overall vision of Ngāti Toa is:

Kia tu ai a Ngāti Toa Rangatira, Hei iwi Toa, hei iwi Rangatira
Ngāti Toa is a strong, vibrant and influential iwi, firmly grounded in their cultural identity and leading change to enable whānau wellbeing and prosperity.

In relation to Te Ao Tūroa, Ngāti Toa's objective is to nurture a resilient environment to sustain future generations through reclaimed connection and mātauranga to natural resources, empowering kaitiaki who are leaders and co-managers of our natural environment, our commitment to environmental sustainability and our ability to adapt to the impacts of climate change. For more information, visit Te Rūnanga o Toa Rangatira Website.

One of the obligations inherent in this vision is the requirement for Te Rūnanga to exercise kaitiakitanga (customary guardianship) of the environment that supports its people. It is therefore incumbent upon Te Rūnanga to ensure the Crown and its delegated agencies, including local government, recognise and provide for the unique rights and interests of Ngāti Toa.

Information regarding the Ngāti Toa Deed of Settlement

The Ngāti Toa Rangatira Claims Settlement Act 2014 came into force on 23 April 2014. Settlement date was 1 August 2014. The effective date was 1 February 2015.

This Act requires a statutory acknowledgement of statutory areas, and of the statements of association and statements of coastal values made by Ngāti Toa Rangatira in respect of those statutory areas. These are listed in:

1. APP12 - Ngāti Toa Rangatira Statutory Acknowledgement Areas
2. APP13 - Ngāti Toa Rangatira Coastal Statutory Acknowledgement Areas

[A number of Crown properties were vested in Ngāti Toa through their settlement. In addition, the Deed of Settlement also specified parcels of land which the Crown will transfer to Ngāti Toa in the future \(known as deferred selection properties\), as well as land where Ngāti Toa has a right of first refusal to purchase.](#)

[These properties are set out in the property redress schedule of the Deed of Settlement and shown below in Figure 1.](#)

[This land is culturally significant to Ngāti Toa, who seek to assert Tino Rangatiratanga and Mana over the whenua as the Tangata Whenua.](#)¹⁴⁶

Porirua City Council obligations

Porirua City Council has certain obligations and duties it must exercise when managing resource consent applications within, adjacent to, or directly affecting a statutory area. These are:

1. To have regard to the statutory acknowledgment when making decisions on whether the Trustee of the Toa Rangatira Trust is an affected person on

¹⁴⁶ TROTR [OS114.5]

resource consent applications submitted for activities within, adjacent to, or directly affecting a statutory area.

2. Until 1 February 2035, to provide either summaries of resource consent applications lodged with Council, and copies of notices of resource consent applications that have been served on Council under section 145(10) (where the matter is lodged with the Environmental Protection Authority), to the Trustee of the Toa Rangatira Trust where the resource consent application is for an activity within, adjacent to, or directly affecting a statutory area.

Mana Whenua – Council relationships

Ngāti Toa Rangatira and Porirua City Council

Porirua City Council acknowledges Ngāti Toa Rangatira as mana whenua. The Council works in partnership with Ngāti Toa Rangatira, and engages through the iwi authority, Te Rūnanga o Toa Rangatira.

The Council and Te Rūnanga have signed a Memorandum of Understanding which outlines the shared commitment to partnership. This strategic partnership agreement provides the opportunity for Te Rūnanga to contribute to Council decisions and to provide leadership with the Council for Porirua. In regard to the District Plan, the Memorandum of Understanding provides for input into development and policy advice for the District Plan and consultation for resource consents.

Te Tiriti o Waitangi / Treaty of Waitangi

The Treaty of Waitangi provides for the exercise of kawanatanga, while actively protecting tino rangatiratanga of tangata whenua in respect of their natural, physical and spiritual resources. All persons acting under the RMA (including applicants, councils and tangata whenua) must take into account the principles of the Treaty of Waitangi (s8). Similar obligations are imposed on councils under the Local Government Act 2002 (LGA).

The Treaty of Waitangi is articulated in law through an evolving set of principles. While Treaty principles have been expressed and recognised in New Zealand, they are not exhaustive, and it is recognised that other principles may develop over time. Treaty principles must be considered as a whole rather than separately due to the overlaps and synergies between them.

The following Treaty Principles are relevant to the District Plan and the relationship between Ngāti Toa and Porirua City Council:

- **Partnership** – Working together and acting towards each other in a reasonable manner and in utmost good faith. This includes reasonable cooperation through effective, early and meaningful engagement.
- **Consultation** – Ensuring that tangata whenua are consulted on matters of importance to them.
- **Protection** – Actively protecting that which is important to tangata whenua, including relationships to the natural environment and the mātauranga associated with those connections.
- **Rangatiratanga** – Managing, controlling and enjoying tribal resources and taonga in accordance with cultural preference.
- **Development** – The ability for tangata whenua to develop their resources in accordance with their own needs and aspirations.

Hapū and iwi planning documents

The Ngāti Toa Rangatira Whaitua Statement outlines the aspirations of Ngāti Toa Rangatira and explains their cultural, spiritual, historical and traditional associations with Te Awarua-o-Porirua and the wider catchment.

Involvement and participation with Mana Whenua

Consultation with Ngāti Toa Rangatira

Te Rūnanga o Toa Rangatira is the mandated iwi authority for Ngāti Toa and has responsibility for protecting and enhancing the mana of Ngāti Toa across the various political, economic, social and environmental spheres. Te Rūnanga o Toa Rangatira is also an iwi authority under the RMA and the trustee of the Ngāti Toa Post-Settlement Governance Entity (the Toa Rangatira Trust). As such, Te Rūnanga o Toa Rangatira manages local government relationships and resource management matters on behalf of Ngāti Toa.

Consultation with tangata whenua under the RMA should be directed through Te Rūnanga o Toa Rangatira. Contact can be made via:
resourcemanagement@ngatitooa.iwi.nz.

Definitions

Apartments

means ~~any multi-unit housing~~ development that includes upper level residential¹⁴⁷ units, each of which is typically but not necessarily one storey high, and which includes shared vertical access to groups of units.

¹⁴⁷ Kāinga Ora [OS76.71]

Strategic objectives

EP-O1 Eastern Porirua Regeneration

The regeneration of Eastern Porirua, as identified on the planning maps,¹⁴⁸ occurs in a comprehensive manner that enables the co-ordinated development of housing, local centres, transport, infrastructure and the provision of open space, and results in a high quality urban form and improved social, cultural and economic wellbeing.

¹⁴⁸ Forest and Bird [225.84]

LCZ – Local Centre Zone

| LCZ-S2 | Height in relation to boundary |
|---|---|
| <p>1. All buildings and structures must not project beyond a:</p> <ul style="list-style-type: none"> a. 60° recession plane measured from a point 4m vertically above ground level along any side or rear boundary where that boundary adjoins a site zoned Medium Density Residential Zone, Open Space Zone or Sport and Active Recreation Zone; or b. 60° recession plane measured from a point 8m vertically above ground level along any side or rear boundary where that boundary adjoins a site zoned High Density Residential Zone. <p><u>c. For sites subject to HIRB Control B identified on the planning maps:</u></p> <ul style="list-style-type: none"> i. <u>60° recession plane measured from a point 4m vertically above ground level on any boundary with a site containing a heritage item or heritage setting.</u> <p>Except that:</p> <ul style="list-style-type: none"> • Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way. <p>This standard does not apply to:</p> <ul style="list-style-type: none"> • A boundary with a road; • Solar water heating components provided these do not exceed | <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Visual dominance, shading and loss of privacy for adjoining Residential or Open Space and Recreation zoned sites; 2. The location, design and appearance of the building or structure; 3. Whether an increase in height in relation to boundary results from a response to natural hazard mitigation; and 4. Whether topographical or other site constraints make compliance with the standard impractical. |

the height in relation to boundary by more than 1m;

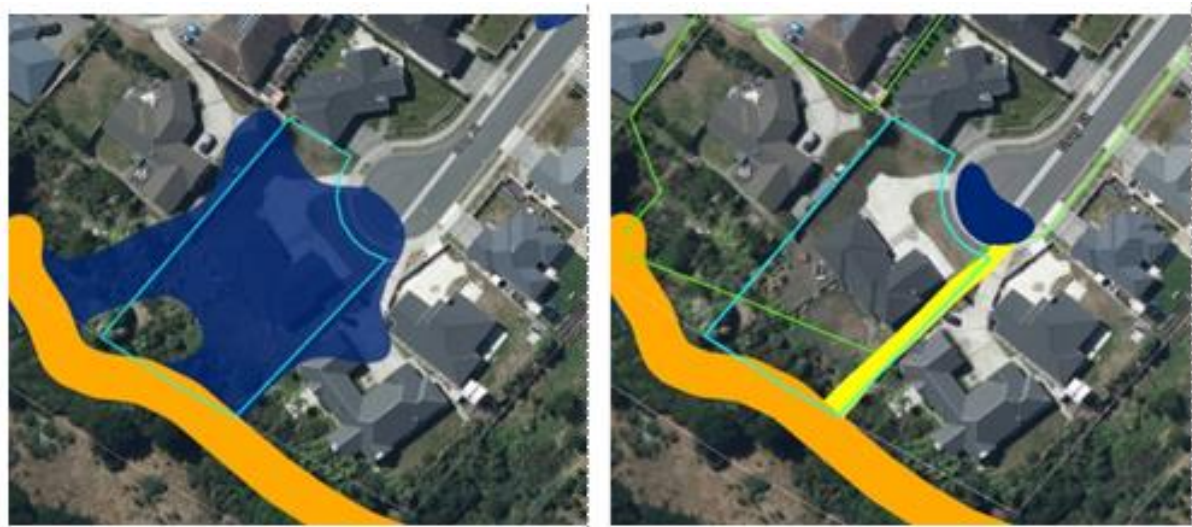
- Chimney structures not exceeding 1.1m in width on any elevation and provided these do not exceed the height in relation to boundary by more than 1m; or
- Antennas, aerials, satellite dishes (less than 1m in diameter), flues, and architectural features (e.g. finials, spires) provided these do not exceed the height in relation to boundary by more than 3m measured vertically.

Changes recommended to the Flood Hazard Overlay in the Planning Maps

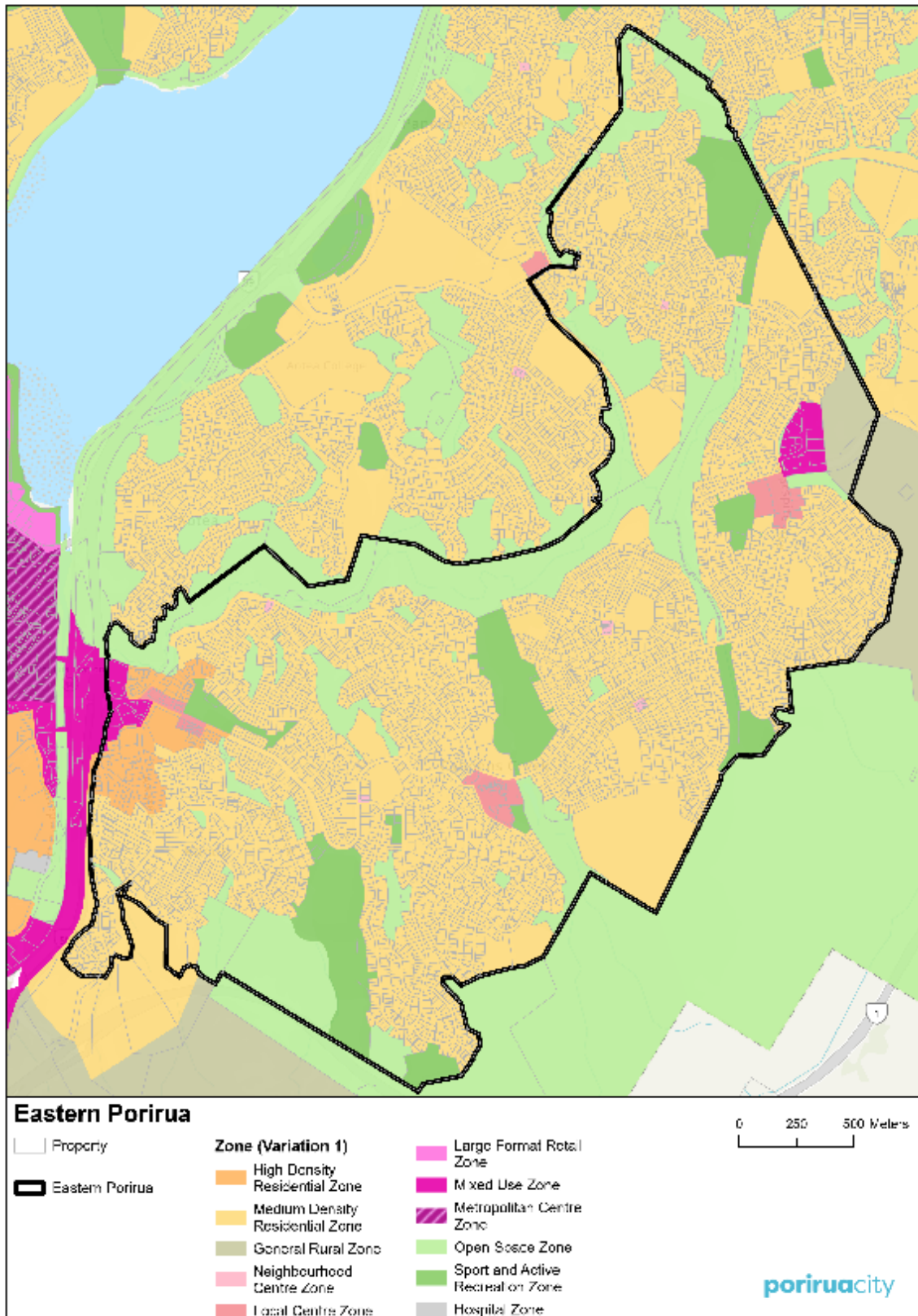
Maps in the vicinity of Lot 4 DP 54351, Okowai Rd in the notified Variation 1 (left side) should be amended to reflect the right hand side map:



The Flood Hazard Overlay in the vicinity of 42 Gray St in the notified Variation 1 (left side) should be amended to reflect the right hand side map:



Changes recommended to the Planning Maps



Appendix B. Recommended Responses to Submissions and Further Submissions

The recommended responses to the submissions made on this topic are presented in Table B and Table B 2 below.

Note:

Due to size, these further submission points are not included in the table below.

- Further submitter Leigh Subritzky (FS17)
 - Supports entire 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
 - Opposes entire 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
- Further submitter Alan Collett [FS99]
 - Supports entire original submissions 2, 46, 48, 65, 95
 - Opposes entire original submissions 38, 76
- Further submitter Rebecca Davis [FS127]
 - opposes entire original submissions 59, 76
 - supports entire original submissions 11, 32, 58, 68, 79, 82, 111, 114
- Further submitter Ryman Healthcare [FS67] supports entire original submission from RVA [OS118]

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

| Sub. Ref. | Submitter / Further Submitter | Provision | Decision Requested | Section of this Report | Officer's Rec | Officers' Reasons/Comments | Amend PDP? |
|---------------------|-------------------------------|-------------------|---|------------------------|---------------|----------------------------|------------|
| Scope of IPI | | | | | | | |
| OS44.2 | Ian McKeown | General > General | May wish to defer any amendment to the Proposed District Plan until the next Long Term Plan in July 2024 is tabled and all relevant issues can be dealt with and considered as a whole rather than a piece meal approach as per the current pathway. [Refer to original submission for full decision requested, including attachments] | 7.2 | Reject | See body of report | No |
| OS57.1 | He Ara Pukerua | General > General | The concrete horse trough, near to Highway 59, used by the Mounted Home Guard during WW2 should also be protected. [Refer to original submission for full decision requested, including attachments] | 7.2 | Reject | See body of report | No |
| OS57.2 | He Ara Pukerua | General > General | The trench and earthworks at 310 State Highway 59, Part Haukopua East Block should be protected within an area at least five metres from any part of the feature and fenced when any building commences nearby. [Refer to original submission for full decision requested, including attachments]. | 7.2 | Reject | See body of report | No |

| Scope of the District Plan | | | | | | | |
|----------------------------|-------------------|--------------------------|---|-----|----------------|--------------------|----|
| OS16.1 ¹⁴⁹ | Andrew Wellum | General > Infrastructure | Developers should meet 100% of the costs of their development, including PCC-related infrastructure costs. | 7.3 | Reject | See body of report | No |
| OS16.3 | Andrew Wellum | General > Infrastructure | The densification developer must purchase immediately adjacent (in front, beside and behind) properties, if requested by those owners, before starting any work, at agreed valuation, or failing agreement, the average of three registered valuations, two valuers appointed by the seller, and one by the developer. All PCC consents will be subject to this process having been concluded, with owners having received full payment. No full settlement – no consent. | 7.3 | Reject | See body of report | No |
| OS16.4 | Andrew Wellum | General > Infrastructure | All new structures, and extensions to existing structures, which use lightweight roofing materials to use white or silver roof colours. All new structures, and extensions to existing structures, to use light coloured cladding (no black or dark colours). | 7.3 | Reject | See body of report | No |
| OS16.5 ¹⁵⁰ | Andrew Wellum | General > Infrastructure | Elected PCC officials and employed PCC staff, must declare (and publish) any potential and actual conflicts of interest, before consents or District Plan changes are considered. PCC, elected PCC officials and PCC staff will have unlimited liability for any harm as a result of directly or indirectly breaching this requirement. | 7.3 | Reject | See body of report | No |
| OS16.6 | Andrew Wellum | General > Infrastructure | A densified property on a street, will trigger a vehicle speed reduction to 30kmph for the entire street, effective from the consent being granted. | 7.3 | Reject | See body of report | No |
| OS16.9 | Andrew Wellum | General > Infrastructure | PCC liable to compensate for 25 years from the date of consent or occupancy, whichever is later, for all new structures, and extensions to existing structures (including site works), deemed to have harmed or contributed to harm, of surrounding land and buildings, in particular land slippage / movement. Compensation to be paid to said owners at agreed valuation, or failing agreement, the average of three registered valuations, two valuers appointed by the owner, and one by PCC. | 7.3 | Reject | See body of report | No |
| OS36.5 | Charmaine Thomson | General > General | Quality assurance of the tender process and ethical tika environmental considerations e.g., resourcing and assuring replanting where developers might unintentionally damage land, water tables etc. | 7.3 | Accept in part | See body of report | No |
| OS38.3 | Amos Mann | General > General | Providing incentives for lifts in multi-storey developments | 7.3 | Reject | See body of report | No |
| OS38.4 | Amos Mann | General > General | Working with central government to improve accessibility and building performance requirements in the Building Code. | 7.3 | Reject | See body of report | No |
| OS38.7 | Amos Mann | General > General | Multifunctional community spaces within centres as Climate Action Hubs to support the circular economy, provide space for innovation, education and behaviour change and create a tangible vision of a low carbon future. | 7.3 | Reject | See body of report | No |
| OS38.8 | Amos Mann | General > General | Circular economy principles being integrated into the district plan so that waste is minimised and designed out of construction projects, and that resource recovery infrastructure is put in place to manage any remaining waste. | 7.3 | Reject | See body of report | No |

¹⁴⁹ Opposed by RVA [FS118.188]

¹⁵⁰ Supported by Alan Collett [FS99.20]

| | | | | | | | |
|---------|-----------------------------------|---|--|-----|----------------|--------------------|----|
| OS38.9 | Amos Mann | General > Infrastructure | Green spaces that are recreational, food producing, and support biodiversity. Community gardens and green stormwater infrastructure should maximise their value across all these outcomes and the District Plan should support the creation of a sustainable and resilient local food and biodiversity network system. | 7.3 | Reject | See body of report | No |
| OS38.19 | Amos Mann | HRZ - High Density Residential Zone > Standards | Seeks a standard be added requiring that developments adequately accommodate active travel as the building users' first-best choice for accessing it, with universal accessibility as a non-negotiable. | 7.3 | Reject | See body of report | No |
| OS38.23 | Amos Mann | General > Infrastructure | Universal accessibility, and active and sustainable travel must be prioritised for access to public transport | 7.3 | Accept in part | See body of report | No |
| OS38.24 | Amos Mann | General > General | [Not specified, refer to original submission] While no specific decision sought, the submitter raised the following matter(s): Support combined / pooled resources for consenting, design review, and other permitting functions, that mean multiple small councils can enjoy high-calibre expertise and economies of scale. | 7.3 | Reject | See body of report | No |
| OS47.21 | Pukerua Bay Residents Association | General > General | PCC to allocate dedicated resources to monitoring and evaluating the works to ensure compliance with the DP, resource consents and the provision of medium density housing with a variety of housing types, sizes and tenures envisaged in the DP. | 7.3 | Accept in part | See body of report | No |
| OS56.1 | John Cody | General > General | Seeks: <ul style="list-style-type: none"> • Policies and rules that enable the region and neighbourhoods to achieve the public objectives. For example moving to harmonise active provisions across the region, or at least within the metropolitan area, such as inclusionary zones in the vicinity of public transport hubs and minimum density requirements. • The Panel could also focus the application of policies and rules by providing direction on the content required in the next HBA so the report relates directly to the Objectives of the Variation and NPS-UD 3.23(2). | 7.3 | Accept in part | See body of report | No |
| OS56.4 | John Cody | General > General | Seeks to have the work [initiated by McIndoe URBAN (2020) 'Indicators of Health & Wellbeing'] completed in a form that can be used to assess contributions to the Objectives of the Variation having regard to the scope of related projects e.g. the Wellington Region Genuine Progress Index. | 7.3 | Accept in part | See body of report | No |
| OS60.3 | Rosie Gallagher | HRZ - High Density Residential Zone > Standards | Seeks a standard be added requiring that developments adequately accommodate active travel as the building users' first-best choice for accessing it, with universal accessibility as a non-negotiable. | 7.3 | Reject | See body of report | No |
| OS60.6 | Rosie Gallagher | General > Infrastructure | Universal accessibility, and active and sustainable travel, must be prioritised for access to public transport. | 7.3 | Accept in part | See body of report | No |
| OS66.1 | Benjamin Colbert | Oppose | In the event that Porirua City Council sells the land at 97 Conclusion street, Porirua city council should offer the land in question for sale to the directly adjoining neighboring properties. | 7.3 | Reject | See body of report | No |
| OS74.26 | GWRC | Amend | Add a rule and associated standard that requires end of trip cycling facilities for staff (showers and lockers). The standard should be scaled for the number of staff cycle parks provided. | 7.3 | Reject | See body of report | No |

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| OS83.16 | Isabella G F Cawthorn | General > General | <p>[Not specified, refer to original submission]</p> <p>While no specific decision sought, the submitter raised the following matter(s):</p> <p>Traffic effects in the transition: helpful</p> <p>The increased density of cars parked in streets, and traffic congestion, is not wholly a negative effect despite what the RMA would say. It can be a helpful contributor to traffic calming and safer streets as we progress on the journey to properly-configured streets that support our neighbourhoods. I wish to see traffic congestion and parking effects considered and used as such.</p> <p>We should remember that Porirua has a large number of extremely unsafe streets at present due to their design: the street environment encourages people to drive far too fast.</p> <p>More people living close to things that people want to do, and not yet confident to get rid of their own cars, meaning street parking becomes more highly used, is actually a very cheap and effective way of traffic calming when offset either side of a street. (The slight extra hassle is also a helpful additional nudge to those marginal decisions of whether to take the car a short trip).</p> <p>Lots of cars parked offset in a street, plus using measures like modal filters and formal traffic calming, will dissuade people from trying to drive fast down the streets in the first place.</p> <p>And because it's the neighbours and customers of businesses on those streets who are the ones navigating their cars through there, they have an incentive to take care and drive judiciously whereas people just rat-running or transiting through at speed will be dissuaded from using those streets at all, making them safer and more pleasant.</p> | 7.3 | Reject | See body of report | No |
| OS83.19 | Isabella G F Cawthorn | General > Nonregulatory | Resource the teams. | 7.3 | Accept in part | See body of report | No |
| OS87.1 | Vanessa Jackson | General > General | How do you make my street safe? Provide enough parking for existing residents and new with housing intensification? Will you create drive on for the high side that doesn't have it like on Te Pene at the councils expense? Therefore creating access to new houses off of the road side? | 7.3 | Reject | See body of report | No |
| OS91.5 | Russell Morrison | General > Plimmerton Farm | As Submitter mentioned in earlier submission, there will also be many other pressures put on community by the extra northern population. Assurances should be sought from PCC that these sorts of matters can be provided for in a timely manner without damaging the character of our existing communities and the environment. | 7.3 | Reject | See body of report | No |
| OS91.6 | Russell Morrison | General > General | As Submitter mentioned in earlier submission, there will also be many other pressures put on community by the extra northern population. Assurances should be sought from PCC that these sorts of matters can be provided for in a timely manner without damaging the character of our existing communities and the environment. | 7.3 | Reject | See body of report | No |
| OS93.1 | Alfaaz Lateef | General > General | <p>Seeks that the council express their views on existing covenants on the Navigation Drive subdivision, and that the Council contributes and supports to either varying the covenant or amending it to enable further housing intensification.</p> <p>Submitter would like to understand if anyone else from the Navigation Drive subdivision has requested the covenant to be varied considering the proposed and operative district plan.</p> | 7.3 | Reject | See body of report | No |
| OS104.7 | Frances Cawthorn | HRZ - High Density Residential | Seeks a standard be added requiring that developments adequately accommodate active travel as the building users' first-best choice for accessing it, with universal accessibility as a non-negotiable. | 7.3 | Reject | See body of report | No |

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| | | Zone > Standards | | | | | |
| OS104.9 | Frances Cawthorn | General > Infrastructure | Traffic congestion and parking effects viewed as an interim contributor to traffic calming and safer streets, and used tactically as such. | 7.3 | Reject | See body of report | No |
| OS104.10 | Frances Cawthorn | General > Infrastructure | Make transport and landuse work in synergy Seeks changes to council's Network Operating Framework, Parking Policies, street maintenance systems and so forth that actively support, and definitely don't undermine, the better places created by more density done well and proximity to daily amenities. | 7.3 | Reject | See body of report | No |
| OS104.11 | Frances Cawthorn | General > Infrastructure | Universal accessibility, and active and sustainable travel prioritised for access to public transport. | 7.3 | Accept in part | See body of report | No |
| OS104.12 | Frances Cawthorn | General > Nonregulatory | [Not specified, refer to original submission] While no specific decision sought, the submitter raised the following matter(s): Supports more rates being used for resourcing these teams vs for maintaining large sections of road seal to a high standard for driving and parking private vehicles. Councils' planning teams and consent enforcement teams are already vastly under-resourced. These need proper resourcing otherwise all this good change won't be worth the paper it's written on. | 7.3 | Accept in part | See body of report | No |
| OS104.13 | Frances Cawthorn | General > Nonregulatory | [Not specified, refer to original submission] While no specific decision sought, the submitter raised the following matter(s): Supports combined / pooled resources for consenting, design review, and other permitting functions, that mean multiple small councils can enjoy high-calibre people and economies of scale. | 7.3 | Reject | See body of report | No |
| OS111.4 | Pukerua Bay School BOT | General > Infrastructure | That careful planning and management of Muri Road and the surrounding roads be undertaken for this project such as creating a clear division on the road for pedestrians, and/or having no vehicle movement one hour prior to school or one hour after school. | 7.3 | Reject | See body of report | No |
| OS111.5 | Pukerua Bay School BOT | General > Infrastructure | Provide a public transport link so those children in the eastern most areas who are out of walking distance have a safe way to get to and from school. | 7.3 | Reject | See body of report | No |
| OS110.1 | T.C. Papakainga Properties Ltd | General > Nonregulatory | Would like to purchase 97 Conclusion Street to build for a whanau residence home/properties or keep it as a walkway but fenced off. | 7.3 | Reject | See body of report | No |
| OS115.4 | D Suzi Grindell | General > Nonregulatory | It would help if the capacity of Papakowhai Road drains, waterways, and tidal cut-offs restored or repaired. [Refer to original submission for full decision requested] | 7.3 | Reject | See body of report | No |
| Tangata whenua rights and interests | | | | | | | |
| OS38.11 | Amos Mann | General > General | Centering Tangata Whenua and placing Te Tiriti at the core of planning. | N/A | Accept | Agree with submitter | No |
| OS74.51 | GWRC | General > General | Retain the Papakāinga chapter | N/A | Accept | Agree with submitter | No |

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| OS74.52 | GWRC | General > General | Ensure that Deed of Settlement areas are not subject to the District Plan, as this will most effectively provide for the exercise of tino rangatiratanga by Ngāti Toa Rangatira. | 7.4 | Reject | See body of report | No |
| OS74.53 | GWRC | General > General | PCC works in partnership with Ngāti Toa Rangatira to ensure consistency with Proposed RPS Change 1 across the full extent of the District Plan. | N/A | Accept | Agree with submitter | No |
| OS18.1 ¹⁵¹ | Hapu Housing Solutions Limited | General > New provision | Adoption of a Papakāinga Provision within the District Plan | N/A | Accept | Agree with submitter | No |
| OS114.5 ¹⁵² | TROTR | General > General | Seeks new overlays in relation to High Density Residential and MDRS zoning and lands returned under the Ngāti Toa Deed of Settlement Act (2014). Council to identify all such land and create overlay of 'Ngāti Toa Zone' by defining this overlay as: <i>is a zone where Ngāti Toa has uninhibited Tino Rangatiratanga and Mana as the Tangata Whenua.</i> [Refer to original submission for full decision requested, including attachments] | 7.4 | Accept in part | See body of report | Yes |
| OS114.31 | TROTR | MCZ - Metropolitan Centre Zone > Policies > MCZ-P7 Large scale built development | Policy MCZ-P7 Large Scale Built Development is expected to follow design guides only where applicable enhances the connection to the Porirua Stream and addresses potential impacts on the openness and historical and cultural values of the stream. Given that all Porirua, especially some parts of MCZ is very significant sites to Tangata Whenua, and the shoreline wasn't where it was today, it is important the clause 3 is stronger and every large scale built development has assessed how they are meeting the aspirations of iwi and Tangata Whenua. | 7.4 | Reject | See body of report | No |
| OS114.43 | TROTR | UFD - Urban Form and Development > New Provision | Add another objective indigenising urban form and development in which at the moment its visibility is minimal and the acknowledgement of whakapapa in these spaces are a much-needed objective. In a way (UFD) could give priority to this and acknowledge as an objective | 7.4 | Reject | See body of report | No |
| OS114.56 | TROTR | UFD - Urban Form and Development > New Provision | Expand on the Objectives and Policies of the General Industrial Zone that speaks to the interactions with the Sites and Areas of Significance to Māori (SASMs) located in the General Industrial Zone, i.e., the streams. | 7.4 | Reject | See body of report | No |
| OS114.6 ¹⁵³ | TROTR | GIZ - General Industrial Zone > Objectives > GIZ-O2 Planned urban environment of the General Industrial Zone | Redrafting of this objective so that it does not lack the articulation of environmental connections and interface with Te Taiao. | 7.4 | Reject | See body of report | No |
| Papakāinga | | | | | | | |

¹⁵¹ Supported by Fiona Daniel [FS119.1]

¹⁵² Supported by GWRC [FS74.168], Rebecca Davis [FS127.396]

¹⁵³ Supported by Harbour Trust & Guardians of Pāuatahanui Inlet [FS32.101], Rebecca Davis [FS127.397]

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| OS114.8 ¹⁵⁴ | TROTR | Papakāinga | All permissive levels should be the same, 100 square meters is too small for bringing any commercial activity into fruition and this should be amended Amend inconsistencies regarding community activities. Amend standards throughout the Plan so that it is consistent. [Refer to original submission for full decision requested] | 7.5 | Accept in part | See body of report | No |
| OS114.16 | TROTR | Papakāinga | Te Rūnanga seeks relief with reference to their comment on HRZ regarding Papakāinga. Refer to inconsistencies mentioned above. | 7.5 | Accept in part | See body of report | No |
| OS114.22 | TROTR | Papakāinga | Pāpakainga rule LCZ-R15 as the comments Te Rūnanga made above regarding other chapters, has references to commercial and community facilities not being more than 450 square meters. These discrepancies will need to be addressed; they are keen to understand what evidence was there to pick up differing numbers. | 7.5 | Accept in part | See body of report | No |
| OS114.27 | TROTR | Papakāinga | Minimum Gross floor area for commercial activities is ringfenced as 100 square meters and for community facilities it is 200 square meters. Gross floor areas should be increased for those activities and as reiterated up in the comments, this information needs to be consistent across the chapter zones. Te Rūnanga are unsure as to the Standards of Medium Density Residential Zone. | 7.5 | Accept in part | See body of report | No |
| OS114.33 | TROTR | Papakāinga | MCZ-R17 regarding papakāinga in the Metropolitan Centre Zone, the minimum gross floor areas are not specified. Te Rūnanga are curious as to why they were not included. | 7.5 | Accept in part | See body of report | No |
| OS114.34 | TROTR | Papakāinga | MCZ-R17 regarding papakāinga in the Metropolitan Centre Zone, the minimum gross floor areas are not specified. Te Rūnanga are curious as to why they were not included. | 7.5 | Accept in part | See body of report | No |
| OS114.38 | TROTR | Papakāinga | NCZ-R13 is unclear yet again regarding papakāinga provisions. The rule provides little gross floor area for commercial and community facilities and as mentioned before, being inconsistent with the other Chapter Zones. | 7.5 | Accept in part | See body of report | No |
| Consultation | | | | | | | |
| OS36.2 | Charmaine Thomson | General > Consultation | [Not specified, refer to original submission] While no specific decision sought, the submitter raised the following matter(s): Opposes consultation period It is understood there are external drivers. The PDP evaluation reports do not offer a short story/image so people can quickly get the gist for their situation or simply make informed decisions about whether they are being nudged to retreat inland due to the levels of flood threat etc, and quickly understand the climate change and emissions impacts on the Pari - ā -Rua rohe. The PDP consultation might read like an open tender to developers or nudging people to retreat inland to more "affordable" dwellings - this poses a moderate-high reputational risk to PCC it might be aiming to attract more people to the rohe for economic growth. MFE, the Ministry for Disabled People, the Office for Seniors and the Human Rights Commission may have concerns about the current PDP approach, there may be some unintended breaches of legislation, i.e., Te Tiriti o Waitangi and the Human Rights Act (e.g., the 1948 Universal Declaration of Human Rights, adopted by Aotearoa, identifies housing deprivation as a human rights issue) due to unintentionally obscuring information using mono -lingual policy/technical jargon. | 7.6 | Reject | See body of report | No |
| OS36.3 | Charmaine Thomson | General > Consultation | Recommend extending the 'consultation' period to a minimum of 3 months, or longer as per Ngāti Toa Runanga recommendations in the 21 Hūrae letter to PCC. | 7.6 | Reject | See body of report | No |

¹⁵⁴ Supported by Rebecca Davis [FS127.399]

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| OS45.1 | Rita Hunt | General > Consultation | <p>[Not specified, refer to original submission]</p> <p>While no specific decision sought, the submitter raised the following matter(s):</p> <p>There are reams and reams of bureaucratize which are hard to link together because one gets lost in the maze. Despite being only (?) available as an online document it is still laid out like on paper and only 'insiders' or folks with endless time and/or tenacity will make any sense of it. If it was not for the maps it would be a total waste of a document. There are thousands of words but the facts are hard to find. Submitter feels that as a ratepayer it is an insult to the population of Porirua for probably highly paid staff to compile such an unhelpful monster. If they understand it themselves they should have published a two Page summary.</p> | 7.6 | Reject | See body of report | No |
| OS51.1 | Summerset Group Holdings Limited | General > Consultation | Submitter requests the Council engages constructively with the Retirement Villages Association in relation to Council's housing intensification plan change and variation. | N/A | Accept | Agree with submitter | No |
| OS56.6 | John Cody | General > General | Include a policy that requires the City Council to respond to residents of communities or neighbourhoods willing to consider local options for meeting the objectives of the Variation. | 7.6 | Reject | See body of report | No |
| OS60.7 | Rosie Gallagher | General > Consultation | Use locals for information and consultation. | N/A | Accept | Agree with submitter | No |
| OS64.8 | Brian Warburton | General > General | <p>[Not specified, refer to original submission]</p> <p>While no specific decision sought, the submitter raised the following matter(s):</p> <p>In April 2022 the Council undertook community engagement about potential amendments to the proposed District Plan (Variation 1) and in response to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. A feedback period up till 6 May 2022 was indicated. There is no record on the Council's website of the Council agreeing to officer(s) recommendation to release a draft variation to the community for consultation and feedback, and nor is there any record of the Council agreeing to the scope of such a variation. By all accounts the decision to consult on a draft of Variation 1, and the substance of the draft, belongs to council officers and not to the councillors.</p> <p>Council endorsement – Proposed Variation 1 for Notification. On 23 June 2022 the Council adopted a recommendation from council officers that a IPI (Intensification Planning Instrument) be notified. The council officers' recommendation report about proposed Variation 1 to the PDP makes no reference to the provisions of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 relating to Qualifying Matters. Council adopted that recommendation and the IPI was notified in the middle of August 2022 with a closing date for submissions of 12 September 2022. By all accounts the decision by Council to notify Variation 1 was made in the absence of any advice from council officers about, and correspondingly no understanding by councillors of, the concept of 'qualifying matters', nor how the application of the concept of qualifying matters may result in better resource management outcomes. The audio-visual recording is accessible here: https://www.youtube.com/watch?v=Vpq u7HP1PAU&list=PLCOG4gbk0tPfy1qd1P dNRkIUSkQzK h&index=13&t=1544s</p> <p>A review of this recording shows a significant degree of uncertainty amongst the Councillors and also a degree of misleading information (in terms of what flexibility within the Variation 1 provisions are possible) provided to them by the Mayor, the committee chair and by council officers. I have</p> | 7.6 | Reject | See body of report | No |

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| | | | <p>watched the recording of the council meeting and I've not seen any evidence of the 'Qualifying Matters' concept being explained to councillors. Council staff gave advice to the Council (in response to questions from councillors about their scope) used expressions like this: • "the intent to go higher and more dense we don't have" • "we don't have the ability to challenge that" • "where it is not logical for natural hazard reasons and things like that is where we have room to move" • "this is the reality of this Variation change as you say from the Government which has just done a blanket, a blanket change across the whole country" • "It is what it is unfortunately" • "It doesn't have nuance. It doesn't have bespoke in it." PCC Mayor Baker said this: • "we're following what the government has to do". • "there's lots of people out there who are nervous about high risers coming to something near them but basically we're just doing what we have to do."</p> <p>Councillor Leggett (committee chair) said this: • "so just going through the process" • 'so we're really going through a process which is all about form and the actual impact that anyone can have ... is actually minimal"</p> <p>"Room to move" appears to be the extent of the council officers' consideration of the provisions of the Amendment Act relating to Qualifying Matters and their corresponding advice to councillors. I think that the Council's decision to notify Variation 1 in its current form was made in a 'policy vacuum'. Therefore, the content of proposed Variation 1 has not been suitably ratified by Council, and the RMA process currently underway is invalid.</p> <p>[Refer to original submission for full reason, including attachments where relevant]</p> | | | | |
| OS76.62 | Kāinga Ora | General > General | Seeks that the hearing process for the Variation 1 follows that of Plan Change 1 (PC1) to the Wellington Regional Policy Statement. | 7.6 | Reject | See body of report | No |
| OS77.1 | Titahi Bay Residents Assn Inc | General > Consultation | A recommencement of the submission process with a comprehensive drafting of all the additions and deletions proposed as variations to the Proposed District Plan made public so the overall resultant plan can be seen and considered properly in its entirety. | 7.6 | Reject | See body of report | No |
| OS77.2 | Titahi Bay Residents Assn Inc | General > Consultation | Recommencement of the submission process with a presentation of the comprehensive draft with an officer report and recommendations presented to a public meeting of the Council. | 7.6 | Reject | See body of report | No |
| Financial contributions | | | | | | | |
| OS74.54 ¹⁵⁵ | GWRC | General > Infrastructure | A policy that requires financial contributions to be paid where stormwater treatment and management is provided offsite under a Stormwater Management Plan. | 7.7 | Reject | See body of report | No |
| OS74.55 ¹⁵⁶ | GWRC | General > General | <p>Include a permitted, controlled or restricted discretionary activity rules with an associated permitted standard, matter of control or matter of discretion that requires payment of the financial contribution (where not already collected as development contribution) (separate or part of subdivision rule conditions).</p> <p>The method for determining the costs of the contribution may need to be a schedule or appendix. The rule must meet requirements of s77E(2).</p> | 7.7 | Reject | See body of report | No |
| OS74.56 | GWRC | General > General | Include discretionary, non-complying or prohibited activity rule where any required financial contribution is not paid. | 7.7 | Reject | See body of report | No |

¹⁵⁵ Opposed in part by RVA [FS118.132]

¹⁵⁶ Opposed in part by RVA [FS118.134]

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| OS81.6 | Waka Kotahi | General > General | [Not specified, refer to original submission] While no specific decision sought, the submitter raised the following matter(s): The HSAA sets out that financial contribution provisions may be included or changed as part of the IPI process (s. 77t). Porirua City Council have not included financial contribution provisions as part of Variation 1. Council do however have a Development Contributions Policy which requires developers to contribute towards infrastructure. Expects that any regionally significant infrastructure required as part of land use, subdivision or development would require financial contributions under this policy. | N/A | Accept | Agree with submitter | No |
| General relief/consequential amendments | | | | | | | |
| OS28.5 | Paremata Business Park | General > General | Adopt any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in this submission, as necessary to give effect to this submission | N/A | Accept in part | Agree with submitter where recommendations made elsewhere in Part A or part B of this Report that relate to this relief sought | No |
| OS50.1 ¹⁵⁷ | Dept of Corrections | General > Whole plan | Make the amendments to the PPDP sought in the Submitter's primary submission, except where addressed in its specific submissions on Variation 1. | N/A | Accept in part | Agree with submitter where recommendations made elsewhere in Part A or part B of this Report that relate to this relief sought | No |
| OS67.1 | Ryman Healthcare Limited | General > General | Ryman seeks the relief sought by the RVA in its submission on Variation 1 and PC19. | N/A | Accept in part | Agree with submitter where recommendations made elsewhere in Part A or part B of this Report that accept, or accept in part, submission points made by the original submitter. | No |
| OS72.12 | KiwiRail | General > General | All related and consequential amendments as required to achieve the relief sought above. | N/A | Accept in part | Agree with submitter where recommendations made elsewhere in Part A or part B of this Report that relate to this relief sought | No |
| OS74.89 | GWRC | General > General | <ul style="list-style-type: none"> Any other similar relief that would deal with Greater Wellington's concerns set out in this submission; and Any consequential amendments necessary to the IPI arising from this submission. [Refer to original submission for full decision requested] | N/A | Accept in part | Agree with submitter where recommendations made elsewhere in Part A or part B of this Report that relate to this relief sought | No |
| OS74.90 | GWRC | General > General | <ul style="list-style-type: none"> Any other similar relief that would deal with Greater Wellington's concerns set out in this submission; and Any consequential amendments necessary to the IPI arising from this submission. [Refer to original submission for full decision requested] | N/A | Accept in part | Agree with submitter where recommendations made elsewhere in Part A or part B of this Report that relate to this relief sought | No |
| OS76.1 ¹⁵⁸ | Kāinga Ora | General > General | For the most part, the submission on the Proposed Variation and Plan Change is one of general support. Amendments are sought on specific matters, which are summarised further below [see full submission] and in Appendix 1 [see full submission]. | N/A | Accept in part | Agree with submitter where recommendations made elsewhere in Part A or part B of this Report that relate to this relief sought | No |
| OS76.2 | Kāinga Ora | General > General | General support for Variation 1. Amendments are sought on specific matters. [Refer to original submission for full decision requested, including attachment] | N/A | Accept in part | Agree with submitter where recommendations made elsewhere in Part A or part B of this Report that relate to this relief sought | No |

¹⁵⁷ Supported by Kāinga Ora [FS76.363]¹⁵⁸ Opposed by Roger Gadd [FS75.18]

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| OS76.11 | Kāinga Ora | SUB - Subdivision > General | Amendments to provide more design and density flexibility along with the addition of notification preclusion statements. [Refer to original submission for full decision requested, including attachment] | N/A | Accept in part | Agree with submitter where recommendations made elsewhere in Part A or part B of this Report that relate to this relief sought. | No |
| OS76.59 ¹⁵⁹ | Kāinga Ora | General > General | Any consequential changes necessary to give effect to the changes highlighted above or in Appendix 1, 2, and 3 attached [to submission]. | N/A | Accept in part | Agree with submitter where recommendations made elsewhere in Part A or part B of this Report that relate to this relief sought | No |
| OS76.70 | Kāinga Ora | General > General | Seeks all necessary consequential changes to give effect to the relief sought [on design guides]. | N/A | Accept in part | Agree with submitter where recommendations made elsewhere in Part A or part B of this Report that relate to this relief sought | No |
| OS77.3 | Titahi Bay Residents Assn Inc | General > General | Submitter endorses the submission of their community advocate with experience in resource management and planning, Brian Warburton, as a preliminary submission. [Refer to original submission for full decision requested, including attachment] | N/A | Accept in part | Agree with submitter where recommendations made elsewhere in Part A or part B of this Report that relate to this relief sought | No |
| OS78.1 | Oil companies | General > General | Seeks the following general relief: a. Address the relevant provisions in Sections 5-8 RMA; b. Give effect to the relevant provisions of the Greater Wellington Regional Policy Statement (RPS) whilst remaining consistent with relevant provisions of the Wellington Regional Plans; c. Implement and apply the statutory tests in Section 32 and the requirements in the First Schedule RMA; d. Only address relevant statutory functions. e. Ensure there is no duplication of other regulation that could give rise to double jeopardy or more than one rule being required for the same activity; f. Avoid, remedy or mitigate the relevant and identified environmental effects; and g. Make any consequential relief as required to give effect to this submission, including any consequential relief required in any other sections of the Proposed District Plan that are not specifically subject of this submission but are required to ensure a consistent approach is taken throughout the document; and h. Any other relief required to give effect to the issues raised in this submission | N/A | Accept in part | Agree with submitter where recommendations made elsewhere in Part A or part B of this Report that relate to this relief sought | No |
| OS84.6 | Oyster Management Limited | General > General | Such additional or consequential relief to give effect to the matters raised in this submission. | N/A | Accept in part | Agree with submitter where recommendations made elsewhere in Part A or part B of this Report that relate to this relief sought | No |
| OS85.9 | Metlifecare Limited | General > General | Seeks such other additional or consequential relief to give effect to the matters raised in this submission. | N/A | Accept in part | Agree with submitter where recommendations made elsewhere in Part A or part B of this Report that relate to this relief sought | No |
| OS118.35 | RVA | General > General | Amendments to other Proposed Plan provisions. | N/A | Accept in part | Agree with submitter where recommendations made elsewhere in Part A or part B of this Report that relate to this relief sought | No |

¹⁵⁹ Opposed by Harbour Trust & Guardians of Pāuatahanui Inlet [FS32.70]

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| OS118.50 | RVA | General > General | Any alternative or consequential relief to address the matters addressed in the submission. [Refer to original submission for full decision requested] | N/A | Accept in part | Agree with submitter where recommendations made elsewhere in Part A or part B of this Report that relate to this relief sought | No |
| OS118.51 | RVA | General > Plimmerton Farm | Any alternative or consequential relief to address the matters addressed in the submission. [Refer to original submission for full decision requested] | N/A | Accept in part | Agree with submitter where recommendations made elsewhere in Part A or part B of this Report that relate to this relief sought | No |
| OS118.125 | RVA | General > Plimmerton Farm | See relief set out in relation to Variation 1 [in submission points on Variation 1]. | N/A | Accept in part | Agree with submitter where recommendations made elsewhere in Part A or part B of this Report that relate to this relief sought | No |
| General approach to intensification | | | | | | | |
| OS11.1 | Paul Clegg | Planning Maps > General | Retain the decision not to have a HRZ in Pukerua Bay. | N/A | Accept | Agree with submitter | No |
| OS21.1 | Robin Auld | Planning Maps > Retain Zoning | [Not specified, refer to original submission] While no specific decision sought, the submitter raised the following matter(s): Supports the high density plan for Plimmerton for the reasons being: <ul style="list-style-type: none"> • More affordable for those needing to downsize and wanting to stay in the village. • Affordable for those wishing to live in a seaside village. • To be able to take advantage of nearby facilities, buses, trains, medical centre, supermarkets to name a few. High decile Primary School. More affordable to a wider social mix. | N/A | Accept | Agree with submitter | No |
| OS38.5 | Amos Mann | General > General | Prioritising emissions reduction, better quality of life, and community cohesion and resilience. | N/A | Accept | Agree with submitter | No |
| OS49.1 | Susan Price | General > General | [Not specified, refer to original submission] While no specific decision sought, the submitter raised the following matter(s): Submitter has attempted to view and understand the proposed changes. Despite having some familiarity with this kind of material found it hard to understand. What is not made clear is whether a changed designation leads to out and out ability to proceed without restriction. One assumes not but this is not clear. Without more this makes it difficult to assess the true impact. For example, to permit a 6 story building near the Plimmerton station seems completely out of character but perhaps this would never be approved for that reason. However, if these changes do mean developers can move in and change that character then this seems wrong...the designations that permit 6 story buildings should instead be medium density ie 3 story maximum and the areas designated 3 story not changed at all. Plimmerton - sea side is a small community with limited infrastructure particularly as regards storm water - there are also issues with the sea walls - moving more people into this confined area with threats of climate change seems shortsighted. These concerns also extend to the proposed extensive building at Plimmerton Farm - with significant flooding already experienced around the Palmers area and state highway 59 one wonders if adequate precautions have been put upon the | 7.8 | Reject | See body of report | No |

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| | | | developers to address these issues - where will the stormwater go from thousands of new homes? Councils are encouraged to think ahead - this does not seem to have happened as regards the considerable impact on our 3 waters let alone the impact on schools, roads and other community services. | | | | |
| OS19.1 | Tim Goode | General > General | [Not specified, refer to original submission] While no specific decision sought, the submitter raised the following matter(s): Wishes to convey is that the submitter has few issues with the proposals for the High Density zones or the Intensification precincts. Eastern Porirua is left to those who it affects. | N/A | Accept | Agree with submitter | No |
| OS27.4 | Pukerua Holdings Limited | General > General | Retain all provisions of the notified plan change and adopt the plan change accordingly. | N/A | Accept in part | Agree with submitter, subject to recommendations made in response to other submissions. | No |
| OS38.22 | Amos Mann | General > General | The District Plan must support a diverse range of housing alternatives more fully with specific planning that incentivises and attracts co-housing, tiny-housing, and Papakāinga projects. | 7.8 | Accept in part | See body of report | No |
| OS71.2 | Silverwood Corporation Limited | General > General | Retain | N/A | Accept in part | Agree with submitter, subject to recommendations made in response to other submissions. | No |
| OS76.61 | Kāinga Ora | General > General | Council should align the Variation 1 with other regional planning documents ahead of the hearings for those documents. | N/A | Accept in part | Agree with submitter, subject to recommendations made in response to other submissions. | No |
| OS79.1 | Plimmerton Residents' Association | General > General | The retention and application of plan overlays and consent triggers to protect environmental, cultural and heritage values, to identify coastal, flood and fault hazard zones, and to control development in fragile or unstable environments. | N/A | Accept in part | Agree with submitter, subject to recommendations made in response to other submissions. | No |
| OS79.4 | Plimmerton Residents' Association | General > General | The strengthening and active monitoring of controls on Subdivision and Earthworks to mitigate the adverse effects of intensification. | 7.8 | Accept in part | See body of report | No |
| OS79.6 | Plimmerton Residents' Association | General > General | The protection and retention of public outdoor spaces, such as reserve land, parks, recreation areas, and sports grounds. | N/A | Accept in part | Agree with submitter, subject to recommendations made in response to other submissions. | No |
| OS83.1 | Isabella G F Cawthorn | General > General | [Not specified, refer to original submission] While no specific decision sought, the submitter raised the following matter(s): Porirua has a chance to become a proper, grownup city that gives people a real city experience in concert with a beautiful healthy harbour and nearby nature, if it embraces the consequential changes to its urban fabric. This means leaning into density done well, leaning into people-friendly streets, leaning into reducing people's need to travel by car to do the everyday functions of life. Embracing these things, and the consequent changes to our urban fabric – that compact, low-emissions urban form in our Growth Strategy – will mean we can actually start becoming a city that's actually great to live in when you're a child, young person or old person. It will mean we can start becoming a place where being a resident doesn't mean you're forced to be a high emitter of climate-heating gases, or give your household spending dollar dominantly to big | N/A | Accept in part | Agree with submitter, subject to recommendations made in response to other submissions. | No |

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| | | | <p>offshore-owned conglomerates.</p> <p>It will mean we're better placed to think and talk and agree about resilience, retreat, and the vast changes to our familiar patterns that will be demanded – not asked – by climate change.</p> <p>The DP is a vital lever on the complex dashboard of influences upon our city's urban form. Let's pull it with emphasis: we won't have this chance for a long time, and we'll be shaping our city hugely between now and then.</p> | | | | |
| OS81.1 | Waka Kotahi | General > General | Full utilisation of the tools available to Council to enable development in the most accessible urban areas. | N/A | Accept | Agree with submitter | No |
| OS81.2 ¹⁶⁰ | Waka Kotahi | General > National Policy Statement for Urban Development | <p>[Not specified, refer to original submission]</p> <p>While no specific decision sought, the submitter raised the following matter(s):</p> <p>Supports the intent and content of the NPS-UD. This recognises the national significance of having well-functioning urban environments that enable people and communities to provide for their social, economic and cultural well-being and for their health and safety. The NPS-UD has a strong focus on ensuring that increased densities are provided in the most accessible parts of urban areas, where communities are able to access jobs, services and recreation by active and public transport modes. Supports the requirements of the RMA-EHS. It seeks the full implementation of these requirements, including the introduction of the MDRS and related provisions in eligible zones. These standards should only be modified to accommodate qualifying matters, and should be modified only to the extent required to accommodate these matters. Qualifying matters should be supported by a strong evidence base to ensure a robust application.</p> | N/A | Accept | Agree with submitter | No |
| OS87.3 | Vanessa Jackson | General > General | How do existing residents get to protect their right to direct sunlight on their property and passive heating it creates as they currently have? | 7.8 | Reject | See body of report | No |
| OS87.4 | Vanessa Jackson | General > General | How do existing residents get to protect their right to quiet enjoyment and privacy as they currently have? | 7.8 | Reject | See body of report | No |
| 248.3 | Gary Lewis | General | Rezoning Porirua east will more than likely displace the families that have helped form Porirua. Zoning change to intensify this area will have devastating effects on this whole community. | 7.8 | Reject | See body of report | No |
| Approach to intensification - GWRC submission | | | | | | | |
| OS74.23 | GWRC | SUB - Subdivision > New Provision | Add a policy that prioritises development where there are public transport links | 7.8 | Reject | See body of report | No |
| OS74.50 | GWRC | General > Infrastructure | Add rules to permit the development of appropriate zero carbon, public transport and active transport infrastructure. | 7.8 | Reject | See body of report | No |
| Freshwater Management | | | | | | | |
| OS32.1 | Harbour Trust & Guardians of Pāuatahanui Inlet | General > General | <p>Ensuring that Variation 1 adopts controls and limits to development in such a way that any resulting development:</p> <ul style="list-style-type: none"> Avoids the incursion of sediment, contaminants and nutrients into the water bodies and Te Awarua-o-Porirua; and that | 7.9 | Accept in part | See body of report | No |

¹⁶⁰ Supported by Kiwi Rail [FS72.53]

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| | | | <ul style="list-style-type: none"> The ecological integrity and functioning of Te Awarua-o-Porirua is at least preserved and preferably enhanced. | | | | |
| OS32.2 | Harbour Trust & Guardians of Pāuatahanui Inlet | General > General | <p>[Not specified, refer to original submission]</p> <p>While no specific decision sought, the submitter raised the following matter(s):</p> <p>The requirement to have no mandated off-street parking is totally inappropriate for the Porirua urban area. It has developed as a low density, car-based environment. Walking and cycling provide limited options to access key services and amenities, and public transport services are limited. Any change to have a non-car based urban environment will take decades to achieve. The provisions that the city is now forced to apply will not only result in streets being progressively congested but will increase vehicle-based contaminants (such as oil, grease, zinc and accumulated dirt), entering water bodies and Te Awarua-o-Porirua.</p> | 7.9 | Reject | See body of report | No |
| OS32.4 ¹⁶¹ | Harbour Trust & Guardians of Pāuatahanui Inlet | RESZ - General Objectives and Policies for all Residential Zones > New Provision | <p>Another objective be added as RES-O4:</p> <p>RES-O4: A Sustainable and Healthy Environment <u>The intensity, form and design of use and development in Residential Zones sustains a healthy and safe natural environment that maintains and protects and, where possible, enhances ecological values and the health and wellbeing of receiving waterbodies including Te Awarua-o-Porirua Harbour and other downstream catchments.</u></p> | 7.9 | Reject | See body of report | No |
| OS32.5 | Harbour Trust & Guardians of Pāuatahanui Inlet | RESZ - General Objectives and Policies for all Residential Zones > Policies > RESZ-P5 Buildings and structures | <p>RESZ P5 be amended to read:</p> <p>Buildings and Structures</p> <p><i>Enable buildings and structures:</i></p> <p><i>1. That meet the health and well-being needs of people and communities; and</i></p> <p><i>2. Are of an intensity, form, scale and design that achieve the planned urban built form for the zone or precinct they are in; and</i></p> <p><i>3. Minimise adverse effects on natural resources including:</i></p> <ul style="list-style-type: none"> <i>The effects of sediment, contaminants and nutrients entering water bodies</i> <i>The risks of excess and contaminated run off from stormwater and sewerage systems, and</i> <i>The adverse and potentially irreversible effects on the harbour and coastal environment from sediment, contaminants and nutrients.</i> | 7.9 | Reject | See body of report | No |
| OS32.7 | Harbour Trust & Guardians of Pāuatahanui Inlet | SUB - Subdivision > Standards > SUB-S6 Stormwater management | <p>[Not specified, refer to original submission]</p> <p>While no specific decision sought, the submitter raised the following matter(s):</p> <p>Strongly supports the requirement that any subdivision (the definition of which includes unit titles) in any of the zones must achieve hydraulic neutrality. This is a critically important provision.</p> | N/A | Accept | Agree with submitter (although noting the Three Waters Chapter is not amended by the IPI) | No |
| OS32.10 ¹⁶² | Harbour Trust & Guardians of Pāuatahanui Inlet | NCZ - Neighbourhood Centre Zone > Objectives > NCZ-O3 | <p>Amend NCZ O3 to read:</p> <p>NCZ O3 Use and development within the Neighbourhood Centre Zone:</p> <p><i>1. Is of an appropriate scale and proportion for the purpose and planned urban built environment of the zone; and</i></p> | 7.9 | Reject | See body of report | No |

¹⁶¹ Opposed by RVA [FS118.127]¹⁶² Opposed by RVA [FS118.128]

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| | Pāuatahanui Inlet | Managing the scale of use and development at Zone interface | <i>2. Minimises adverse effects on the amenity values of adjacent sites in Residential Zones and Open Space and Recreation Zones and sustains a healthy and safe natural environment that maintains and protects and, where possible, enhances ecological values and the health and wellbeing of receiving waterbodies including Te Awarua-O-Porirua Harbour and other downstream catchments.</i> | | | | |
| OS32.11 | Harbour Trust & Guardians of Pāuatahanui Inlet | NCZ - Neighbourhood Centre Zone > Policies > NCZ-P6 Built development | Amend NCZ P6 to read: NCZ P6 Built Development <i>Provide for built development that:</i> <i>1. Is compatible with the purpose of the Neighbourhood Centre Zone</i> <i>2. Is well designed and contributes to an attractive urban built environment; and</i> <i>3. Is of a scale and intensity that is consistent with the planned urban built form and amenity values of the surrounding residential area.</i> <i>4. Minimise adverse effects on natural resources including:</i> <i>a. The effects of sediment, contaminants and nutrients entering water bodies</i> <i>b. The risks of excess and contaminated run off from stormwater and sewerage systems, and</i> <i>c. The adverse and potentially irreversible effects on the harbour and coastal environment from sediment, contaminants and nutrients.</i> | 7.9 | Reject | See body of report | No |
| OS32.12 ¹⁶³ | Harbour Trust & Guardians of Pāuatahanui Inlet | LCZ - Local Centre Zone > Objectives > LCZ-O3 Managing the scale of use and development at Zone interface | Amend LCZ O3 to read: Managing the scale of development at the Zone interface Use and development within the Local Centre Zone: <i>1. Are of an appropriate scale and proportion for the purpose and planned urban built environment of the zone; and</i> <i>2. Minimise adverse effects on the amenity values of adjacent sites in Residential Zones and Open Space and Recreation Zones</i> <i>3. Sustains a healthy and safe natural environment that maintains and protects and, where possible, enhances ecological values and the health and wellbeing of receiving waterbodies including Te Awarua-O-Porirua Harbour and other downstream catchments.</i> | 7.9 | Reject | See body of report | No |
| OS32.13 | Harbour Trust & Guardians of Pāuatahanui Inlet | LCZ - Local Centre Zone > Policies > LCZ-P10 Interface with Residential Zones and Open Space and Recreation Zones | Amend LCZ P10 to read: Interface with Residential Zones, and Open Space and Recreation Zones <i>Minimise the adverse effects from use and development within the Local Centre Zone on directly adjoining sites zoned Residential or Open Space and Recreation by ensuring that:</i> <i>1. Buildings and activities are located and designed to achieve a transition at the zone interface</i> <i>2. Buildings are located and designed to minimise shading and privacy effects</i> <i>3. Buildings are of a bulk, height and form that minimises dominance and/or enclosure effects</i> <i>4. Screening and landscaping minimise adverse visual effects</i> <i>5. The effects of sediment, contaminants and nutrients entering water bodies are minimised</i> <i>6. The risks of excess and contaminated run off from stormwater and sewerage systems are minimised; and</i> <i>7. The adverse and potentially irreversible effects on the harbour and coastal environment from sediment, contaminants and nutrients are minimised.</i> | 7.9 | Reject | See body of report | No |
| OS32.14 ¹⁶⁴ | Harbour Trust & Guardians of | LFRZ - Large Format Retail Zone > | Amend LFRZ O3 to read: | 7.9 | Reject | See body of report | No |

¹⁶³ Supported by TROTR [FS114.57]¹⁶⁴ Opposed by RVA [FS118.130]

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| | Pāuatahanui Inlet | Objectives > LFRZO3 Managing the scale of use and development at zone interface | Use and development within the Large Format Retail Zone: <i>1. Are of an appropriate scale and proportion for the purpose and planned urban built environment of the zone; and</i> <i>2. Minimise adverse effects on the amenity values of adjacent sites in Residential Zones and Open Space and Recreation Zones</i> <i>3. Sustains a healthy and safe natural environment that maintains and protects and, where possible, enhances ecological values and the health and wellbeing of receiving waterbodies including Te Awarua-O-Porirua Harbour and other downstream catchments.</i> | | | | |
| OS32.15 | Harbour Trust & Guardians of Pāuatahanui Inlet | LFRZ - Large Format Retail Zone > Policies > LFRZ-P5 Inappropriate activities | Amend LFRZ P5 to read: Inappropriate Activities <i>Avoid activities that are incompatible with the purpose of the Large Format Retail Zone and that risk causing adverse effects on natural resources including:</i> <i>1. The adverse effects of sediment, contaminants and nutrients entering water bodies</i> <i>2. The adverse effects caused by excess and contaminated run off from stormwater and sewerage systems, and</i> <i>3. The adverse and potentially irreversible effects on the harbour and coastal environment from sediment, contaminants and nutrients.</i> | 7.9 | Reject | See body of report | No |
| OS32.16 ¹⁶⁵ | Harbour Trust & Guardians of Pāuatahanui Inlet | MUZ - Mixed Use Zone > Objectives > MUZ-O3 Managing the scale of use and development at zone interface | Amend MUZ O3 to read Managing the Scale of Development at Zone Interface <i>Use and development within the Mixed-Use Zone:</i> <i>1. Is of an appropriate scale and proportion for the purpose and planned urban built environment of the zone; and</i> <i>2. Minimises adverse effects on the amenity values of adjacent sites in Residential Zones and Open Space and Recreation Zones</i> <i>3. Sustains a healthy and safe natural environment that maintains and protects and, where possible, enhances ecological values and the health and wellbeing of receiving waterbodies including Te Awarua-O-Porirua Harbour and other downstream catchments.</i> | 7.9 | Reject | See body of report | No |
| OS32.17 | Harbour Trust & Guardians of Pāuatahanui Inlet | MUZ - Mixed Use Zone > Policies > MUZ-P5 Inappropriate activities | Amend MUZ P5 to read: Inappropriate Activities <i>Avoid activities that are incompatible with the purpose of the Mixed-Use Zone and which risk causing adverse effects on natural resources including:</i> <i>1. The adverse effects of sediment, contaminants and nutrients entering water bodies</i> <i>2. The adverse effects caused by excess and contaminated run-off from stormwater and sewerage systems, and</i> <i>3. The adverse and potentially irreversible effects on the harbour and coastal environment from sediment, contaminants and nutrients.</i> | 7.9 | Reject | See body of report | No |
| OS32.18 | Harbour Trust & Guardians of Pāuatahanui Inlet | MCZ - Metropolitan Centre Zone > Objectives > MCZ-O2 Planned urban built environment of | Amend MCZ O2 to read: Planned urban built environment of the Metropolitan Centre Zone <i>The planned urban built environment of the Metropolitan Centre Zone is characterised by:</i> <i>1. A built form that is compact and reflects the high-density environment of the Metropolitan Centre</i> <i>2. A built environment that is versatile, well designed and of high quality and contributes to attractive and safe public spaces; and</i> <i>3. An urban environment that is an attractive place to live, work and visit</i> <i>4. An urban environment that sustains a healthy and safe natural environment that maintains and</i> | 7.9 | Reject | See body of report | No |

¹⁶⁵ Opposed by RVA [FS118.131]

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| | | the Metropolitan Centre Zone | <u>protects and, where possible, enhances ecological values and the health and wellbeing of receiving waterbodies including Te Awarua-O-Porirua Harbour and other downstream catchments.</u> | | | | |
| OS32.19 | Harbour Trust & Guardians of Pāuatahanui Inlet | MCZ - Metropolitan Centre Zone > Policies > MCZ-P5 Inappropriate activities | Amend MCZ P5 to read: <i>Inappropriate Activities</i> <i>Avoid activities that are incompatible with the purpose of the Metropolitan Centre Zone and which risk causing adverse effects on natural resources including:</i> <u>1. The adverse effects of sediment, contaminants and nutrients entering water bodies</u> <u>2. The adverse effects caused by excess and contaminated run off from stormwater and sewerage systems, and</u> <u>3. The adverse and potentially irreversible effects on the harbour and coastal environment from sediment, contaminants and nutrients.</u> | 7.89 | Reject | See body of report | No |
| OS32.20 | Harbour Trust & Guardians of Pāuatahanui Inlet | GIZ - General Industrial Zone > Objectives > GIZO1 Purpose of the General Industrial Zone | Amend GIZ O1 to read: <i>Purpose of the General Industrial Zone</i> <i>The General Industrial Zone accommodates a range of industry-based employment and economic development opportunities that:</i> <u>1. Support the wellbeing and prosperity of Porirua City; and</u> <u>2. Do not compromise the purpose of the Metropolitan Centre Zone or other Commercial and Mixed Use Zones;</u> <u>3. Sustain a healthy and safe natural environment that maintains and protects and, where possible, enhances ecological values and the health and wellbeing of receiving waterbodies including Te Awarua-O-Porirua Harbour and other downstream catchments.</u> | 7.9 | Reject | See body of report | No |
| OS32.21 | Harbour Trust & Guardians of Pāuatahanui Inlet | GIZ - General Industrial Zone > Policies > GIZ-P1 Appropriate use and development | Amend GIZ P1 to read: <i>Appropriate Use and Development</i> <i>Allow use and development that is compatible with the purpose and urban built environment of the General Industrial Zone and which do not risk causing adverse effects on natural resources including:</i> <u>1. The adverse effects of sediment, contaminants and nutrients entering water bodies</u> <u>2. The adverse effects caused by excess and contaminated run off from stormwater and sewerage systems, and</u> <u>3. The adverse and potentially irreversible effects on the harbour and coastal environment from sediment, contaminants, and nutrients.</u> | 7.9 | Reject | See body of report | No |
| OS32.22 ¹⁶⁶ | Harbour Trust & Guardians of Pāuatahanui Inlet | HOSZ - Hospital Zone > Objectives > HOSZ-O3 Adverse effects of activities | Amend HOSZ O3 to read: <i>Adverse Effects of Activities</i> <i>The adverse effects of activities taking place in the Hospital Zone are avoided, remedied or mitigated, particularly at zone boundaries and all activities sustain a healthy and safe natural environment that maintains and protects and, where possible, enhances ecological values and the health and wellbeing of receiving waterbodies including Te Awarua-O-Porirua Harbour and other downstream catchments.</i> | 7.9 | Reject | See body of report | No |
| OS32.23 ¹⁶⁷ | Harbour Trust & Guardians of Pāuatahanui Inlet | HOSZ - Hospital Zone > Policies > HOSZ-P5 Inappropriate activities | Amend HOSZ P5 to read: <i>Inappropriate Activities</i> <i>Avoid use and development that is incompatible with the role and function of the Hospital Zone and which risks causing adverse effects on natural resources including:</i> | 7.9 | Reject | See body of report | No |

¹⁶⁶ Supported by Rebecca Davis [FS127.473]¹⁶⁷ Supported by Rebecca Davis [FS127.474]

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| | | | <p>1. The adverse effects of sediment, contaminants and nutrients entering water bodies</p> <p>2. The adverse effects caused by excess and contaminated run off from stormwater and sewerage systems, and</p> <p>3. The adverse and potentially irreversible effects on the harbour and coastal environment from sediment, contaminants and nutrients.</p> | | | | |
| OS68.1 | Friends of Taupo Swamp & Catchment Inc | General > General | <p>Ensure that Variation 1 adopts controls and limits to development in such a way that any resulting development:</p> <ul style="list-style-type: none"> Avoids the incursion of sediment, contaminants and nutrients into the catchments, water bodies and sensitive wetlands flowing into Te Awarua-o-Porirua; and The ecological integrity and functioning of these contributing water bodies and that of Te Awarua-o-Porirua are at least preserved and preferably enhanced by these measures. | 7.9 | Accept in part | See body of report | No |
| OS68.2 ¹⁶⁸ | Friends of Taupo Swamp & Catchment Inc | RESZ - General Objectives and Policies for all Residential Zones > New Provision | <p>Another objective be added:</p> <p>RES 04 A Sustainable and Healthy Environment The intensity, form and design of use and development in Residential Zones sustains a healthy and safe natural environment that maintains and protects and, where possible, enhances ecological values and the health and wellbeing of receiving waterbodies including Te Awarua-o-Porirua Harbour and other downstream catchments.</p> | 7.9 | Reject | See body of report | No |
| OS68.3 | Friends of Taupo Swamp & Catchment Inc | SUB - Subdivision > Standards > SUB-S6 Stormwater management | <p>[Not specified, refer to original submission]</p> <p>While no specific decision sought, the submitter raised the following matter(s):</p> <p>Strongly supports that any subdivision (the definition of which includes unit titles) in any of the zones must achieve hydraulic neutrality. This is a critically important provision.</p> <p>Strongly support GOPI/ PHAACT points made for each residential zone re site coverage and hydraulic neutrality. We also note the lack of site coverage statement for the High Density Zone and support the notion that a requirement of no more than 80% should be imposed, with the stated implications for precinct design.</p> | 7.9 | Accept in part | See body of report | No |
| Freshwater management – GWRC submission | | | | | | | |
| OS74.1 ¹⁶⁹ | GWRC | General > Whole plan | <p>Include objectives, policies, and methods (including rules) to give effect to RPS Objective 12, NPS-FM section 3.5(4), have regard to Proposed RPS Objective 12 and implement the Ngāti Toa statement and Te Awarua o Porirua Whaitua Implementation Programme. This is particularly in relation to how the District Plan can promote positive effects of urban development on the health and well-being of water bodies and freshwater ecosystems, which PCC should do through its RMA Section 31 functions. Te Mana o te Wai is a fundamental shift in approach which should be embedded in the District Plan, and drive an integrated management approach to freshwater in accordance with the principle of ki uta ki tai. Connections should be made between all freshwater-related chapters to ensure an integrated approach as required by the NPS-FM, and freshwater direction should be woven throughout the PDP from policy direction through to rules and assessment matters.</p> <p>Adding policies along the lines of DEV-NG-P2 to apply district-wide, by amending the PDP as necessary, would go some way to satisfy the relief sought.</p> | 7.9 | Reject | See body of report | No |

¹⁶⁸ Supported by Rebecca Davis [FS127.480]

¹⁶⁹ Supported by Harbour Trust & Guardians of Pāuatahanui Inlet [FS32.30]

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| OS74.2 ¹⁷⁰ | GWRC | General > Whole plan | Incorporate the following provisions (or amendments to existing provisions) across the District Plan: <ul style="list-style-type: none"> • Include a strategic direction objective and/or policies to provide direction regarding ki uta ki tai, partnering with mana whenua, upholding Māori data sovereignty, and making decision with the best available information including Mātauranga Māori. • Include a strategic direction objective and / or policy to require regard is had to equity and inclusiveness issues in decision making. | 7.9 | Accept in part | See body of report | No |
| OS74.4 ¹⁷¹ | GWRC | General > New provision | A policy to recognise, protect and enhance the Māori freshwater values. Amendments to matters of control or discretion where required to enable considerations of the policy. | 7.9 | Reject | See body of report | No |
| OS74.5 ¹⁷² | GWRC | General > General | In relevant policies and rules, for example indigenous vegetation clearance and earthworks, include as a matter of control or discretion, the adverse effects on mahinga kai, other customary uses and access for these activities (Proposed RPS Change 1 Policy FW.3(b)). | 7.9 | Reject | See body of report | No |
| OS74.6 ¹⁷³ | GWRC | General > General | Include a strategic objective and supporting policies to achieve management of the natural resources of the district or city in an integrated manner, recognising ki uta ki kai and the interrelationships between land, freshwater, the coast (Proposed RPS Change 1 Policy FW.3(e) and (g)). | 7.9 | Reject | See body of report | No |
| OS74.7 ¹⁷⁴ | GWRC | General > General | Amend or include new controlled and restricted discretionary activity rules and include appropriate policy direction to manage any actual or potential effects of land use, development or subdivision and the effects of surface water activities on water quality (Proposed RPS Change 1 Policy FW.3(e)). | 7.9 | Reject | See body of report | No |
| OS74.8 ¹⁷⁵ | GWRC | General > New provision | Include a policy that requires the use, development and subdivision of land to consider effects on the harbour, rivers, lakes, wetlands, springs and riparian margins, including any relevant water quality attribute targets in a regional plan, ecosystem values and drinking water sources (Proposed RPS Change 1 Policy FW.3(h), (k), (l), (p) and (q)). | 7.9 | Reject | See body of report | No |
| OS74.9 ¹⁷⁶ | GWRC | General > New provision | Include a policy and amend relevant rules that requires hydrological controls as defined in Proposed RPS Change 1 for use, development and subdivision of land (Proposed RPS Change 1 Policy FW.3(j)). | 7.9 | Accept in part | See body of report | No |
| OS74.10 ¹⁷⁷ | GWRC | General > General | Include a policy and amend relevant rules to include triggers for consent and matters of control or discretion which requires the application of water sensitive urban design principles, including sustainable stormwater design to minimise impacts on the natural environment and achieves outcomes additional to stormwater treatment such as providing amenity spaces, ecological habitat etc. (Proposed RPS Change 1 Policy FW.3(i) and (f)). | 7.9 | Accept in part | See body of report | No |
| OS74.11 ¹⁷⁸ | GWRC | General > General | Retain policies and rules and/or rule requirements that restrict the use of copper/zinc building materials and the extent of impervious surfaces i.e 50% (required by MDRS) (Proposed RPS Change 1 Policy FW.3(i)). | 7.9 | Accept in part | See body of report | No |

¹⁷⁰ Supported by Harbour Trust & Guardians of Pāuatahanui Inlet [FS32.31], TROTR [FS114.58]

¹⁷¹ Supported by Harbour Trust & Guardians of Pāuatahanui Inlet [FS32.33], TROTR [FS114.59]

¹⁷² Supported by Harbour Trust & Guardians of Pāuatahanui Inlet [FS32.34]

¹⁷³ Supported by Harbour Trust & Guardians of Pāuatahanui Inlet [FS32.35]

¹⁷⁴ Supported by Harbour Trust & Guardians of Pāuatahanui Inlet [FS32.36]; Opposed by Pukerua Property Group Limited [FS59.11]

¹⁷⁵ Supported by Harbour Trust & Guardians of Pāuatahanui Inlet [FS32.37]; Opposed by Pukerua Property Group Limited [FS59.12]

¹⁷⁶ Supported by Harbour Trust & Guardians of Pāuatahanui Inlet [FS32.38]

¹⁷⁷ Supported by Harbour Trust & Guardians of Pāuatahanui Inlet [FS32.39]; Opposed by Pukerua Property Group Limited [FS59.13]

¹⁷⁸ Supported by Harbour Trust & Guardians of Pāuatahanui Inlet [FS32.40]

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| OS74.12 ¹⁷⁹ | GWRC | General > General | Amend policies and rules to control subdivision, vegetation clearance and earthworks and prevent inappropriate activities and buildings in riparian margins (Proposed RPS Change 1 Policy FW.3(l)). | 7.9 | Accept in part | See body of report | No |
| OS74.13 ¹⁸⁰ | GWRC | General > New provision | Include a policy and objective to protect and enhance the health and well-being of water bodies and freshwater ecosystems, including wetlands | 7.9 | Reject | See body of report | No |
| OS74.14 ¹⁸¹ | GWRC | General > New provision | As a matter of control or discretion for subdivision and any other applicable activity, include: <ul style="list-style-type: none"> the extent to which the subdivision, use or development effects water quality, waterway values including hydrological and ecosystem processes, riparian margins, water users and cultural values. the location, scale, construction and environmental effects of stormwater infrastructure and the extent to which the stormwater infrastructure contributes to amenity, recreational, cultural, ecological and climate values in addition to its engineering purpose any financial contribution or development contribution required for any offsite stormwater quality and quantity treatment. | 7.9 | Reject | See body of report | No |
| OS74.15 ¹⁸² | GWRC | SUB - Subdivision > General | Amend the subdivision policy to encourage subdivision design to achieve efficient water use. | 7.9 | Reject | See body of report | No |
| OS74.16 ¹⁸³ | GWRC | General > General | Amend the matters of control or discretion in earthworks provisions regarding the potential for adverse effects on water quality of any waterbody, wahi tapu, wahi taonga and habitat of any significant indigenous species | 7.9 | Accept in part | See body of report | No |
| OS74.35 | GWRC | General > Infrastructure | Permit the development of green infrastructure in appropriate locations and subject to necessary controls, i.e., planting works undertaken by regional council. | N/A | Accept | Agree with submitter | |
| OS74.40 ¹⁸⁴ | GWRC | General > General | Include a policy on directing matters to consider when determining the effects of a proposal on indigenous biodiversity which includes impacts on wetlands and their functions, including wider functions such as water quality treatment (i.e., nature-based solution). | 7.9 | Reject | See body of report | No |
| Biodiversity | | | | | | | |
| OS74.41 | GWRC | General > Significant Natural Areas | Include a policy to direct the circumstances when and how biodiversity offsetting can be used and if used, the outcome must be at least a 10 percent biodiversity gain or benefit. Refer to an appendix for full details. | 7.10 | Reject | See body of report | No |
| OS74.42 | GWRC | General > Significant Natural Areas | Include an appendix which sets out the limitations where biodiversity offsetting is not appropriate as described in Policy 24 and Appendix 1A. | 7.10 | Reject | See body of report | No |
| OS74.43 | GWRC | General > Significant Natural Areas | Include an objective that mana whenua values relating to indigenous biodiversity are recognised and involvement in decision making and management is supported. | 7.10 | Reject | See body of report | No |

¹⁷⁹ Supported by Harbour Trust & Guardians of Pāuatahanui Inlet [FS32.41]

¹⁸⁰ Supported by Harbour Trust & Guardians of Pāuatahanui Inlet [FS32.42]; Opposed by Pukerua Property Group Limited [FS59.14]

¹⁸¹ Supported by Harbour Trust & Guardians of Pāuatahanui Inlet [FS32.43]; Opposed by RVA [118.136]

¹⁸² Supported by Harbour Trust & Guardians of Pāuatahanui Inlet [FS32.44]

¹⁸³ Supported by Harbour Trust & Guardians of Pāuatahanui Inlet [FS32.45]

¹⁸⁴ Supported by Harbour Trust & Guardians of Pāuatahanui Inlet [FS32.46]

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| OS74.44 | GWRC | General > Significant Natural Areas | Include policy that requires mana whenua involvement in the mapping of indigenous biodiversity, including to identify taonga species. | 7.10 | Reject | See body of report | No |
| OS74.45 | GWRC | General > Significant Natural Areas | Include policy to enable mana whenua to undertake customary activities in accordance with tikanga such as customary harvest of mahinga kai species. | 7.10 | Reject | See body of report | No |
| OS74.46 | GWRC | General > Significant Natural Areas | Include policy to support provision of access to indigenous biodiversity sites. | 7.10 | Reject | See body of report | No |
| OS74.47 | GWRC | General > Significant Natural Areas | Include permitted activity rules for the cultural harvesting of mahinga kai, for example indigenous vegetation removal. | 7.10 | Accept in part | See body of report | No |
| OS74.48 | GWRC | General > Significant Natural Areas | In relevant rules, for example indigenous vegetation clearance, include as a matter of control or discretion, the adverse effects on mahinga kai, other customary uses and access for these activities. | 7.10 | Accept in part | See body of report | No |
| OS74.49 | GWRC | General > Significant Natural Areas | Provisions could require management plans for managing offset biodiversity areas and managing effects on significant areas. Monitoring requirements would form part of these plans and plan direction could encourage the adoption of matauranga Māori in monitoring of indigenous species in relevant circumstances. | 7.10 | Reject | See body of report | No |
| Climate change | | | | | | | |
| OS36.1 | Charmaine Thomson | General > Consultation | Explicit solutions for managed retreat, climate relief, being kaitiakitanga and housing options that benefit the affected current and future communities, not the developers. | 7.11 | Accept in part | See body of report | No |
| OS36.4 | Charmaine Thomson | General > Consultation | <p>[Not specified, refer to original submission]</p> <p>While no specific decision sought, the submitter raised the following matter(s):</p> <p>How specifically might PCC resource managed retreat due to climate risks, and factor in insurances and social/economic cohesion?</p> <p>It could be considered disingenuous to require people to cross -reference 94+ pages in the two PDP evaluation reports against Section 32 of the RMA reports, then unpack all the policies alongside the technical GIS property information and navigate what the critical points are e.g. if you live in X rohe region you may need to relocate inland within the next Y years because of flood risks/increasing king tides...and this is how specifically PCC will support and resource relocations - so people are not further disadvantaged, especially older and disabled people - alternately, this is how PCC plans to resource coastal buffer zones to sustain the environment as per kaitiakitanga responsibilities.</p> <p>Not everyone in paid and unpaid work has the privilege of time and/or digital equity to access the 'friend of the submitter' online option.</p> <p>[Refer to original submission for full reason]</p> | 7.11 | Accept in part | See body of report | No |

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| OS83.2 ¹⁸⁵ | Isabella G F Cawthorn | General > General | Emissions reduction and VKT reduction need to be added to the Objectives of both documents. | 7.11 | Reject | See body of report | No |
| Climate change – GWRC submission | | | | | | | |
| OS74.17 ¹⁸⁶ | GWRC | General > New provision | Add an objective for the transport system to reduce dependence on fossil fuels and private vehicles recognising contributing to reduction in GHG emissions (Proposed RPS Change 1 Objective CC.3). | 7.11 | Reject | See body of report | No |
| OS74.21 ¹⁸⁷ | GWRC | General > New provision | Include a policy that sets out a preference for freight distribution centres and high trip generating activities to locate in areas that are in close proximity to efficient transport networks. | 7.11 | Reject | See body of report | No |
| OS74.22 ¹⁸⁸ | GWRC | SUB - Subdivision > New Provision | Add a policy that enables the development of zero and low carbon and public transport infrastructure (i.e., charging stations, park and ride facilities). | 7.11 | Reject | See body of report | No |
| OS74.24 ¹⁸⁹ | GWRC | General > Infrastructure | Add rules to permit the development of appropriate zero carbon, public transport and active transport infrastructure. | 7.11 | Reject | See body of report | No |
| OS74.25 ¹⁹⁰ | GWRC | General > New provision | Add a policy that requires the provision of infrastructure in subdivision development that supports modal shift and consideration of how design can reduce greenhouse gas emissions. | 7.11 | Reject | See body of report | No |
| OS74.28 | GWRC | General > General | Add a matter of control or discretion for subdivision, comprehensive housing development and commercial activity rules (and similar) a requirement to consider the extent to which the development provides for zero or low carbon, public and active transport modes | 7.11 | Reject | See body of report | No |
| OS74.31 | GWRC | General > New provision | Include policies which seek to improve climate resilience of urban areas through measures identified in RPS Change 1 Policy CC.14. | 7.11 | Reject | See body of report | No |
| OS74.33 ¹⁹¹ | GWRC | General > Climate Change | Include matters of control or discretion in relevant rules that considers the extent to which the development within the design will improve climate resilience. | 7.11 | Reject | See body of report | No |
| OS74.36 | GWRC | General > Climate Change | Amend Variation 1 and Plan Change 19 as necessary to have regard to Proposed RPS Change 1 Policy CC.7 and Policy CC.12 as follows: As a matter of control or discretion for subdivision include the extent to which the design protects, enhances, restores or creates nature-based solutions to manage the effects of climate change, or similar. | 7.11 | Reject | See body of report | No |
| OS74.37 | GWRC | General > Climate Change | Amend Variation 1 and Plan Change 19 as necessary to have regard to Proposed RPS Change 1 Policy CC.7 and Policy CC.12 as follows: Include provisions for recognising the functions of the ecosystems providing nature-based solutions to climate change and avoid adverse effects of subdivision, use and development on their functions, including before they are mapped. Policies should: <ul style="list-style-type: none"> direct the protection of areas that already perform a function as a naturebased solution, including the many wider benefits these can have. | 7.11 | Reject | See body of report | No |

¹⁸⁵ Opposed by Alan Collett [FS99.32]

¹⁸⁶ Supported by Waka Kotahi [FS81.49]

¹⁸⁷ Supported by Waka Kotahi [FS81.50], RVA [FS118.137]

¹⁸⁸ Supported by Waka Kotahi [FS81.48]

¹⁸⁹ Supported by Waka Kotahi [FS81.52]

¹⁹⁰ Supported by Waka Kotahi [FS81.51]

¹⁹¹ Supported by Waka Kotahi [FS81.57]

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| | | | <ul style="list-style-type: none"> encourage the restoration of nature-based solutions. | | | | |
| OS74.38 ¹⁹² | GWRC | General > Climate Change | <p>Amend Variation 1 and Plan Change 19 as necessary to have regard to Proposed RPS Change 1 Policy CC.8:</p> <ul style="list-style-type: none"> Identify the type and scale of activities where reducing greenhouse gases rather than offsetting must occur. Include objectives, policies, rules to require greenhouse gases to be reduced rather than offset for the type and scale of activities identified. | 7.11 | Reject | See body of report | No |
| OS74.39 | GWRC | General > General | <p>Submitter also seeks for the REE (Resilience, Efficiency and Energy) objectives to have regard to the Proposed RPS Change 1 climate change objectives, including reducing greenhouse gas emissions.</p> | 7.11 | Reject | See body of report | No |
| OS74.57 ¹⁹³ | GWRC | General > Hazards and Risks | <p>Amendments to have regard to Proposed RPS Change 1 Policies 29, 51 and 52 and Objectives 19 and 20, including but not limited to:</p> <ul style="list-style-type: none"> Use 'minimise' instead of 'reduce' when referring to risks from natural hazards. Consider the exacerbating effects of climate change and sea level rise. Prioritise nature-based solutions, including soft engineering and, green infrastructure, room for the river, or mātauranga Māori options over hard engineering methods where possible. Minimise the impact of hard engineering methods on the natural environment where they are necessary. | 7.11 | Reject | See body of report | No |
| OS74.58 | GWRC | General > General | <p>Submitter seeks that Variation 1 includes amendments to existing provisions or new provisions across the REG, SUB and zone chapters to:</p> <ul style="list-style-type: none"> Recognise the benefits that renewable energy sources have for greenhouse gas emission reduction. Include policy to promote energy efficiency in development such as layout in design to maximise solar and renewable energy generation. <p>Include as a matter of control or discretion for subdivision and comprehensive housing developments how the development provides for solar orientation of buildings to achieve passive solar gain.</p> | 7.11 | Reject | See body of report | No |
| OS74.85 ¹⁹⁴ | GWRC | General > General | <p>Incorporate the following provisions (or amendments to existing provisions) across the District Plan:</p> <p>Rules to manage the provision of new, or additions or upgrades to transport infrastructure.</p> | 7.11 | Reject | See body of report | No |
| OS74.86 ¹⁹⁵ | GWRC | General > General | <p>Incorporate the following provisions (or amendments to existing provisions) across the District Plan:</p> <p>Include a policy to encourage carbon emissions assessment for certain types of projects, or activities over a certain threshold, and specify what these assessments must include.</p> | 7.11 | Reject | See body of report | No |
| Natural Hazards | | | | | | | |

¹⁹² Supported by Waka Kotahi [FS81.58]

¹⁹³ Supported by Harbour Trust & Guardians of Pāuatahanui Inlet [FS32.48]

¹⁹⁴ Opposed by Waka Kotahi [FS81.55]

¹⁹⁵ Supported by Waka Kotahi [FS81.56]

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| OS4.5 | Philippa Sargent | Planning Maps > General | Amend the wording for the map legend for the Hazards and Risks Overlays, specifically that for the 'Coastal Hazard – Current Inundation'. | 7.12 | Accept in part | See body of report | No |
| OS4.4 | Philippa Sargent | HRZ - High Density Residential Zone > General | Amend the proposal so that high density housing is not permitted in areas prone to flooding or inundation. | 7.12 | Accept in part | See body of report | No |
| OS32.3 | Harbour Trust & Guardians of Pāuatahanui Inlet | General > Hazards and Risks | [The identified matters] need to be considered when any medium or higher density developments are proposed. | 7.12 | Accept in part | See body of report | No |
| OS39.1 ¹⁹⁶ | Madeleine Waters | General > Approach to Intensification | In relation to High and Medium Density Residential Zone in Plimmerton and Camborne, suggests the following changes to the proposals in Plimmerton and Camborne due to flood, coastal erosion and land slip risks: <ul style="list-style-type: none"> • Maintain the status quo for all coastal sites, Steyne Avenue, Sunset Parade, Moana Road etc until management of the coastal hazards is addressed (this aligns to the KCDC's approach) • Maintain the status quo for all sites around Palmers Garden Centre, St Theresa's School, Airlie Road and any other areas that are a high flood risk (as evidenced by flood events in recent years) • Reduce the zoning to medium density (or status quo) around Motuhara Road, Pope Street, Taupo Crescent and Grays Road where the topography is steep. | 7.12 | Reject | See body of report | No |
| OS44.1 | Ian McKeown | Planning Maps > General | Do not amend the District Plan to incorporate any proposed higher density housing or medium density housing either on or adjacent to "identified flood prone" areas as this will only exacerbate and overload the current resources and place extra stress and harm on the current and future residents. [Refer to original submission for full decision requested, including attachments] | 7.12 | Reject | See body of report | No |
| OS74.76 ¹⁹⁷ | GWRC | General > Qualifying Matters | Identify the coastal hazard overlays for flooding, erosion and future flooding and erosion due to sea level rise as a coastal hazard zone. Recognise this zone as a qualifying matter and prevent medium and high density residential overlays from applying in this zone. Within this zone any development or intensification should be subject to the existing provisions/rule framework in the proposed district plan. | 7.12 | Reject | See body of report | No |
| OS80.2 | Robin and Russell Jones On Behalf Of Robin Jones | General > Approach to Intensification | Submitter opposes the inclusion of fragile coastal areas and flood prone areas in the HRZ zone. | 7.12 | Reject | See body of report | No |
| OS87.3 | Vanessa Jackson | General > General | How do existing residents get to protect their right to have the wind considered as a hazard due to changes that would result from intensification? | 7.12 | Reject | See body of report | No |
| Natural hazards - EQC | | | | | | | |

¹⁹⁶ Opposed by Baswa Surukanti [FS120.5]

¹⁹⁷ Supported by Harbour Trust & Guardians of Pāuatahanui Inlet [FS32.57]; Opposed by Kainga Ora [FS76.389]

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| OS37.1 ¹⁹⁸ | Toka Tū Ake EQC | Planning Maps > Natural Hazards Mapping | Include areas of well defined, distributed, and uncertain (if appropriate) fault rupture within the Fault Rupture Zone Overlay in the Planning Maps. If the Fault Rupture Zone Overlay contains areas of low, medium and high hazard ranking, add these hazard ranking zones to the Planning Maps. | 7.12 | Reject | See body of report | No |
| OS37.2 ¹⁹⁹ | Toka Tū Ake EQC | Planning Maps > Natural Hazards Mapping | A regulatory Liquefaction hazard overlay, such as that available from the Greater Wellington Regional Council should be included in the planning maps with restrictions on development implemented in high-risk areas. | 7.12 | Reject | See body of report | No |
| OS37.3 ²⁰⁰ | Toka Tū Ake EQC | General > Hazards and Risks | Include liquefaction hazards in the Natural Hazards section and implement rules in the Natural Hazards, Subdivision, and Infrastructure chapters to restrict development in areas at high risk. | 7.12 | Reject | See body of report | No |
| OS37.4 ²⁰¹ | Toka Tū Ake EQC | Planning Maps > Natural Hazards Mapping | A regulatory landslide hazards overlay should be developed and included in the planning maps with restrictions on development implemented in high-risk areas. At a property level, this could include providing a policy for the 'line' to be contested, similar to the Slope Instability Management Areas in the Christchurch District Plan. | 7.12 | Reject | See body of report | No |
| OS37.5 ²⁰² | Toka Tū Ake EQC | General > Hazards and Risks | Include landslide hazards in the Natural Hazards section and implement rules in the Natural Hazards, Subdivision, and Infrastructure chapters to restrict development in areas at high risk. | 7.12 | Reject | See body of report | No |
| Flood hazard mapping - general | | | | | | | |
| OS76.58 | Kāinga Ora | Planning Maps > Flood Hazard Mapping | Remove increased spatial extent of flood hazard overlays. | 7.13 | Reject | See body of report | No |
| OS76.84 ²⁰³ | Kāinga Ora | Planning Maps > Natural Hazards Mapping | Remove the proposed additional areas of natural hazard flooding overlay(s) from the District Plan, and instead hold this information in non-statutory GIS maps. | 7.13 | Reject | See body of report | No |
| OS76.85 ²⁰⁴ | Kāinga Ora | Planning Maps > Natural Hazards Mapping | Seek for the flood hazard overlay maps to not be included in the District Plan. | 7.13 | Reject | See body of report | No |
| OS76.86 ²⁰⁵ | Kāinga Ora | Planning Maps > Natural Hazards Mapping | Amend and make consequential changes to give effect to this submission [in relation to flood hazard overlays]. | 7.13 | Reject | See body of report | No |

¹⁹⁸ Supported by GWRC [FS74.91], Heriot Drive Ltd [FS123.1]

¹⁹⁹ Supported by Heriot Drive Ltd [FS123.2], Opposed by Kainga Ora [FS76.359]

²⁰⁰ Supported by Heriot Drive Ltd [FS123.3], Opposed by Kainga Ora [FS76.360]

²⁰¹ Opposed by Kainga Ora [FS76.361]

²⁰² Supported by GWRC [FS74.92], Opposed by Kainga Ora [FS76.362]

²⁰³ Opposed by Toka Tū Ake EQC [FS37.8], GWRC [FS74.107], TROTR [FS114.69]

²⁰⁴ Opposed by Toka Tū Ake EQC [FS37.9], GWRC [FS74.108], TROTR [FS114.70]

²⁰⁵ Opposed by TROTR [FS114.71]

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| OS95.1 ²⁰⁶ | Porirua City Council | Planning Maps > Flood Hazard Mapping | Flood hazard mapping should be updated to take into account any recent changes in catchment hydrology. This is including, but not limited to, new lidar data which is due in late November 2022 (due to be flown in late September/early October 2022). | 7.13 | Reject | See body of report | No |
| Flood hazard mapping – site specific | | | | | | | |
| OS14.1 | The Church of Jesus Christ of Latter-day Saints Trust Board | Planning Maps > Flood Hazard Mapping | The Natural Hazard – Ponding Overlay be removed from Lot 4 DP 54351 and that part of the adjoining road reserve which slopes down to the carriageway. | 7.13 | Accept | See body of report | Yes |
| OS46.1 | Debra Ashton | Planning Maps > Flood Hazard Mapping | Seeks removal of flood hazard ponding overlay from 300c Paremata Road | 7.13 | Reject | See body of report | No |
| OS48.1 ²⁰⁷ | John Sharp | Planning Maps > Flood Hazard Mapping | Delete Flood Hazard -ponding at 64 Exploration Way, Whitby. | 7.13 | Accept | See body of report | Yes |
| OS99.12 ²⁰⁸ | Alan Collett | Planning Maps > Flood Hazard Mapping | Seeks the flood zone overlay at 42 Gray Street to be reviewed. | 7.13 | Accept in part | See body of report | Yes |
| OS115.1 | D Suzi Grindell | Planning Maps > Flood Hazard Mapping | That the designation Flood Detention be removed from the area in front of 21 Langwell Place northwards to the macrocarpa trees along Papakowhai Road. | 7.13 | Reject | See body of report | No |
| OS115.2 | D Suzi Grindell | Planning Maps > Flood Hazard Mapping | It would be good if the scheme could identify areas of storm flow of unknown source. [Refer to original submission, for full decision requested] | 7.13 | Reject | See body of report | No |
| OS115.3 | D Suzi Grindell | Planning Maps > Flood Hazard Mapping | Up-to-date topography would give some trust in the mapping accuracy if it is to be used to determine flooding. [Refer to original submission for full decision requested] | 7.13 | Reject | See body of report | No |
| Notification of consents | | | | | | | |
| OS1.1 | Andrew Myers | General > General | That any new build or modification to any existing build requires the approval of all properties that the new build may restrict. | 7.14 | Reject | See body of report | No |
| OS16.7 | Andrew Wellum | General > New provision | All affected property owners must be notified of any consent applications. Affected property owners are based on the number of levels of the development. One storey – immediately adjacent properties (360 degrees). Two stories - immediately adjacent properties (360 degrees) plus one. Three stories - immediately adjacent properties (360 degrees) plus two. And so on. | 7.14 | Reject | See body of report | No |
| General approach chapters | | | | | | | |

²⁰⁶ Supported by Toka Tū Ake EQC [37.17], GWRC [FS74.178]; Opposed by Kāinga Ora [FS76.397]

²⁰⁷ Supported by John Sharp [FS48.2]

²⁰⁸ Supported by Rebecca Davis [127.382]

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| OS53.4 ²⁰⁹ | Transpower New Zealand Limited | General Approach > District Plan framework > Part 2 District-Wide Matters | Retain the text that refers to 'qualifying matters'. | N/A | Accept | Agree with submitter | No |
| OS73.10 | Radio New Zealand Limited | General Approach > How the District Plan works | Insert a list of "qualifying matters" in the Proposed Variation. As drafted, the presence of a qualifying matter is not evident until applying the specific rule to which it relates. By indicating the range of qualifying matters upfront, this would provide greater plan certainty and consistency. | N/A | Accept | Agree with submitter (both the HRZ and MRZ list relevant qualifying matters in their respective introductions) | No |
| OS53.5 ²¹⁰ | Transpower New Zealand Limited | General Approach > How the District Plan works > Qualifying matters | Retain the reference to qualifying matters and the accompanying explanation as to how and when they apply. | N/A | Accept | Agree with submitter | No |
| OS53.6 | Transpower | General Approach > How the District Plan works > Legal effect of rules | Retain the introductory text relating to legal effect and qualifying matters. | N/A | Accept | Agree with submitter | No |
| Definitions | | | | | | | |
| OS53.8 ²¹¹ | Transpower | Definitions > New Definition | Insert a definition for QUALIFYING MATTER AREA as follows: <u>Qualifying matter area means a qualifying matter listed below:</u> <u>(a) The National Grid Yard</u> <u>(b) The National Grid Subdivision Corridor</u> <u>..... (other qualifying matters to be listed)</u> | 7.15 | Reject | See body of report | No |
| OS76.7 ²¹² | Kāinga Ora | Definitions > General | Definitions – Small changes are sought, including a new definition for Rapid Transit Stop. | 7.15 | Reject | This term is not used in the PDP and therefore does not need to be defined. | No |
| OS76.74 ²¹³ | Kāinga Ora | Definitions > New Definition | <i>Proposed new definition</i> | 7.15 | Reject | See body of report | No |

²⁰⁹ Supported by RNZ [FS73.18]

²¹⁰ Supported by RNZ [FS73.17]

²¹¹ Opposed by Kāinga Ora [FS76.364]

²¹² Opposed by Roger Gadd [75.74]

²¹³ Supported by Waka Kotahi [FS81.43]

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| | | | Rapid Transit Stop <u>Has the meaning in the National Policy Statement on Urban Development, and for the avoidance of doubt includes any railway station with regularly scheduled passenger services.</u> | | | | |
| OS118.53 | RVA | Definitions > New Definition | Add the following 'retirement unit' definition: Retirement Unit <u>means any unit within a retirement village that is used or designed to be used for a residential activity (whether or not it includes cooking, bathing, and toilet facilities). A retirement unit is not a residential unit.</u> | 7.15 | Reject | See body of report | No |
| OS76.71 ²¹⁴ | Kāinga Ora | Definitions > Apartments | means any multi-unit housing development that includes upper level <u>residential</u> units, each of which is typically but not necessarily one storey high, and which includes shared vertical access to groups of units. | N/A | Accept | Agree with submitter | Yes |
| OS76.72 ²¹⁵ | Kāinga Ora | Definitions > Juliet balcony Support | Retain as notified. | N/A | Accept | Agree with submitter | No |
| OS53.7 ^{216, 217} | Transpower New Zealand Limited | Definitions > Qualifying matter | Retain the definition of qualifying matter. | N/A | Accept | Agree with submitter | No |
| OS76.73 | Kāinga Ora | Definitions > Qualifying matter | Retain as notified. | N/A | Accept | Agree with submitter | No |
| OS76.75 ²¹⁸ | Kāinga Ora | Definitions > Wellfunctioning urban environment | Retain as notified. | N/A | Accept | Agree with submitter | No |
| OS118.52 ²¹⁹ | RVA | Definitions > Well-functioning urban environment | Delete the definition of 'well-functioning urban environment' as notified. | 7.15 | Reject | See body of report | No |
| Plimmerton Farm | | | | | | | |

²¹⁴ Opposed by Leigh Subritzky [FS17.739], Alan Collett [FS99.105], Rebecca Davis [FS127.79]

²¹⁵ Opposed by Leigh Subritzky [FS17.740], Alan Collett [FS99.104], Rebecca Davis [FS127.78]

²¹⁶ Supported by RNZ [FS73.19, FS73.23]

²¹⁷ Opposed by Leigh Subritzky [FS17.618]

²¹⁸ Opposed by Leigh Subritzky [FS17.741], Alan Collett [FS99.106], Rebecca Davis [FS127.80]

²¹⁹ Supported by Ryman Healthcare Limited [FS67.54]

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| OS54.1 ²²⁰ | KM & MG Holdings Limited | General > Plimmerton Farm | That the Council rezone the site commonly known as Plimmerton Farm to “Plimmerton Farm – Special Purpose” in the PDP planning maps. <ul style="list-style-type: none"> [Refer to original submission for full decision requested, including attachment] | 7.16 | Reject | See body of report | No |
| OS54.2 ²²¹ | KM & MG Holdings Limited | General > Plimmerton Farm | <ul style="list-style-type: none"> That the overlays for the Plimmerton Farm site shown in the PDP planning maps, being qualifying matters for urban development of the site, be removed and replaced with the same overlays provided in the Council rebuttal maps submitted through Plan Change 18 (PC18) to the Porirua District Plan. These overlays relate to Significant Natural Areas, Special Amenity Landscape (SAL006), Flood hazard – stream corridor, Flood hazard – overland flow, and Flood hazard – ponding; and/or; The environment map approved for PC18 needs to be updated to remove all additional Biodiversity Offsetting and Restorations Areas (BORAs) that were not included on the notified PDP precinct maps for PC18, and that the precinct maps for PC18 be updated to remove all of the additional BORA areas that were added to the plans that accompanied the Council’s section 42A report on PC18. <p>[Refer to original submission for full decision requested, including attachment]</p> | 7.16 | Accept in part | See body of report (Note this submission point is also addressed in section 3.3 of the Part B s42A Report – Plan Change 19 with regard to relief sought on PC19) | Yes |
| Coastal margin | | | | | | | |
| OS64.6 | Brian Warburton | General > Qualifying Matters | Seeks that the provisions of Variation 1 require specific amendment to address matters relating to the ‘coastal margin’ provisions of the PDP, and to ensure that Variation 1 meets the Council’s obligations under section 6(a) of the RMA. The provisions of Variation 1 require amendment to: <p>a. prevent buildings or structures regardless of height or density on any land within a coastal margin:</p> <p>b. amend the definition of ‘coastal margin’ to include this (or similar) statement:</p> <p>i. for the purposes of determining the extent of the coastal margin the line of MHWS shall, except where provided for in (ii), be the landward extent of the LINZ’s NZ Coastlines GIS Polygon (Topo, 1:50k) https://data.linz.govt.nz/layer/50258-nzcoastlines-topo-150k/</p> <p>ii. (i) above shall not apply for any particular project or activity where the line of MWHS (and the corresponding landward limit of the coastal margin) has been determined by a suitably qualified person as being applicable for that project and activity and for the specific location where the activity or project will be undertaken, and where that determination has been certified by the Council.</p> <p>[Refer to original submission for full decision requested, including attachments where relevant]</p> | 7.17 | Reject | See body of report | No |

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| Qualifying matters | | | | | | | |
| Submissions on the general approach to residential intensification: city wide and area wide basis | | | | | | | |
| OS3.1 ²²² | Paul Winter | Retain Zoning | Retain General Residential Zone for Aotea. | 7.18 | Reject | See body of the report | No |
| OS3.2 ²²³ | Paul Winter | General | PCC to increase the city's overall housing intensification while still maintaining less intense and high quality suburbs like Aotea. | 7.18 | Reject | See body of the report | No |

²²⁰ Opposed by Brian Warburton [FS64.10], Friends of Taupo Swamp & Catchment Inc [FS68.7]

²²¹ Opposed by Brian Warburton [FS64.11], Friends of Taupo Swamp & Catchment Inc [FS68.8]

²²² Opposed by Baswa Surukanti [FS120.1]

²²³ Opposed by Baswa Surukanti [FS120.2]

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| OS3.3 | Paul Winter | General | Support Medium Residential Zone for any Master Plan regeneration areas like that proposed for Eastern Porirua. | 7.18 | Reject | See body of the report | No |
| OS3.4 | Paul Winter | General | Support for Medium Residential Zone for new subdivisions like the Northern Corridor. | 7.18 | Reject | See body of the report | No |
| OS3.5 | Paul Winter | General | Opposes Medium Residential Zone for existing GRZ suburbs. | 7.18 | Reject | See body of the report | No |
| OS7.1 | Rob Bell | General | Delete [housing intensification] | 7.18 | Reject | See body of the report | No |
| OS41.1 | Helga Sheppard | General | Strongly opposes District Plan Change 1 and Variation 1. [Refer to original submission for full decision requested] | 7.18 | Reject | See body of the report | No |
| OS79.11 | Plimmerton Residents' Association | Approach to Intensification | Seeks that the circumstances and rights of existing property owners and residents are better recognised and reflected in the PDP. Perhaps some distinction might be made between greenfields development and intensification in existing suburban areas. | 7.18 | Reject | See body of the report | No |
| OS80.1 | Robin and Russell Jones On Behalf Of Robin Jones | Approach to Intensification | Submitter opposes the proposal, in all existing suburban areas of Porirua, to implement HRZ to allow 22 metre high buildings to be constructed within one metre of the boundary of existing one or two level dwellings without consideration of the impacts (especially the loss of sunlight and privacy) on adjacent properties. The PDP should provide greater protection for the health and well-being of existing residents when such infill developments are being considered. | 7.18 | Reject | See body of the report | No |
| OS17.3 | Leigh Subritzky | Approach to Intensification | [Not specified, refer to original submission]. | 7.18 | Reject | See body of the report | No |
| OS39.2 ²²⁴ | Madeleine Waters | Approach to Intensification | In relation to High and Medium Density Residential Zones and subdivisions, e.g. Whitby – Silverwood and the Banks, Aotea, seeks that the subdivision design requirements submitter had to follow, and covenants on their titles should continue to take precedence over the changes. | 7.18 | Reject | See body of the report | No |
| OS26.3 | Kevin Clark | General | Seeks deletion of Variation 1. | 7.18 | Reject | See body of the report | No |
| OS10.1 | Leslie Callear | General | Delete | 7.18 | Reject | See body of the report | |
| OS69.1 | Michelle Smart | HRZ - High Density Residential Zone > Objective > HRZ-O1 Planned urban built environment of the High Density Residential Zone | Amend: Within CBD only, not in suburban areas, upgraded infrastructure, provision for environment and greenspaces, improved access to public transport and social services. | 7.18 | Reject | See body of the report | No |
| OS89.1 | Elijah Smart | HRZ - High Density Residential Zone > Objective > HRZ-O1 Planned urban built environment of the High Density Residential Zone | Amend: Within CBD only, not in suburban areas, upgraded infrastructure, provision for environment and greenspaces, improved access to public transport and social services. | 7.18 | Reject | See body of the report | No |

²²⁴ Opposed by Alfaaz Lateef [FS93.2]; Opposed by Baswa Surukanti [FS120.4]

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| OS75.1 | Roger Gadd | MRZ - Medium Density Residential Zone > General | Reassess the MRZ - Residential Intensification Precinct. | 7.18 | Reject | See body of the report | No |
| Submissions on residential intensification of Plimmerton | | | | | | | |
| OS24.1 | Peter and Fay Harrison | Retain Zoning | Retain existing provisions [in Plimmerton]. | 7.18 | Reject | See body of the report | No |
| OS26.2 | Kevin Clark | Retain Zoning | Seeks that the land in the Plimmerton area be retained as Medium Density, but with the previous height limits. | 7.18 | Reject | See body of the report | No |
| OS107.1 | Wallace Richard and Helen Ann Webber | HRZ-S2 | [Not specified, refer to original submission] | 7.18 | Reject | See body of the report | No |
| OS63.1 | Jim Marsden | Approach to Intensification | In regard to the zoning map for Plimmerton, amend to MRZ | 7.18 | Reject | See body of the report | No |
| OS101.4 | Melissa Story | Approach to Intensification | [Not specified, refer to original submission] While no specific decision sought, the submitter raised the following matter(s): Supports increased density of housing in a defined radius of city infrastructure and town centre. That radius does depend on the location and it makes sense for it to be closer to the Porirua Centre (e.g. such as Kenepuru). In Plimmerton (with Porirua being the city centre), you need to acknowledge that the community reside here for a lifestyle that is close to nature. Not city dwellers. There are larger sections and an abundance of land here and therefore the three story rule could be applied to preserve natural beauty and local tourism for walkways, family trips etc. Applying the six story rule here would ruin local tourism and Plimmerton and its surrounds would become Wellington's "Gold Coast". Tacky and once done, you can't erase it. | 7.18 | Reject | See body of the report | No |
| OS34.1 | Matthew Xuereb | Approach to Intensification | Remove zoning for six storey housing (800m wide circumference from Plimmerton Station) | 7.18 | Reject | See body of the report | No |
| Submissions seeking modifications to multiple suburbs | | | | | | | |
| OS97.1 | Fiona Reid | Approach to Intensification | In relation to High Density Residential Zone in Plimmerton and Mana, seeks to remove the high density zoning completely from many areas indicated, especially where existing houses are already. | 7.18 | Reject | See body of the report | No |
| OS106.1 | Michael Kearns | Approach to Intensification | Remove the high-density zoning completely from many of the areas indicated [Plimmerton and Mana], especially where existing houses are already. | 7.18 | Reject | See body of the report | No |
| OS106.2 | Michael Kearns | HRZ-S4 | The 1m distance from side and rear boundary is too close to existing dwellings [HRZ in Plimmerton and Mana]. | 7.18 | Reject | See body of the report | No |
| OS52.1 | Hugh Blank | HRZ-S2 | In regard to the High Density Residential Zone in Plimmerton and Mana, the 22m height is too high and not needed. | 7.18 | Reject | See body of the report | No |
| OS52.2 | Hugh Blank | HRZ-S4 | In regard to the High Density Residential Zone in Plimmerton and Mana, the proposed 1m distance from side and rear boundary be reverted to existing restriction. | 7.18 | Reject | See body of the report | No |
| OS25.1 | John O'Connell | Approach to Intensification | In regard to the High Density Residential Zone in Plimmerton and Mana, remove the High Density zoning completely from the whole area. | 7.18 | Reject | See body of the report | No |
| OS25.2 | John O'Connell | HRZ-S4 | In regard to the High Density Residential Zone in Plimmerton and Mana, the proposed 1m distance from side and rear boundary should be reverted to existing restriction. | 7.18 | Reject | See body of the report | No |

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| OS79.16 | Plimmerton Residents' Association | Approach to Intensification | Reconsider the HRZ zoning decision in Plimmerton and Cambourne. | 7.18 | Reject | See body of the report | No |
| OS98.1 ²²⁵ | Mike Hopkins | Rezoning | High density housing is not appropriate for the Plimmerton and Camborne areas at all, however, if it is to be pursued, then the boundary for a high density zone should not extend above the Grays Road/Taupo Crescent junction. Limiting intensification to below that level would allow some intensification while still protecting the flora and fauna of Lagden Reserve, the character of the Lagden Street, Mervyn Place and Arapawa Place area and the safety and security of residents. | 7.18 | Reject | See body of the report | No |
| OS39.1 ²²⁶ | Madeleine Waters | General > Approach to Intensification | In relation to High and Medium Density Residential Zone in Plimmerton and Camborne, suggests the following changes to the proposals in Plimmerton and Camborne due to flood, coastal erosion and land slip risks: • Maintain the status quo for all coastal sites, Steyne Avenue, Sunset Parade, Moana Road etc until management of the coastal hazards is addressed (this aligns to the KCDC's approach) • Maintain the status quo for all sites around Palmers Garden Centre, St Theresa's School, Airlie Road and any other areas that are a high flood risk (as evidenced by flood events in recent years) • Reduce the zoning to medium density (or status quo) around Motuhara Road, Pope Street, Taupo Crescent and Grays Road where the topography is steep. | 7.18 | Reject | See body of the report | No |
| OS88.2 | Alexander Nash | MRZ - Medium Density Residential Zone > Objective > MRZ-PREC02- O2 Managing scale of development at MRZ - Residential Intensification Precinct Interface | Opposed to greater intensification in Eastern Porirua | 7.18 | Reject | See body of the report | No |
| Submissions seeking general modifications to the MDRS density standards and other specified density standards, and seeking new qualifying matters | | | | | | | |
| OS116.3 | Frances Dodge | HRZ-S4 | Increase the front yard setback back to 5m at least 3m in all zones. | 7.18 | Reject | See body of the report | No |
| OS116.4 | Frances Dodge | MRZ-S5 | Increase the front yard setback back to 5m or at least 3m in all zones. | 7.18 | Reject | See body of the report | No |
| OS32.9 | Harbour Trust & Guardians of Pāuatahanui Inlet | HRZ-S5 | Landscaped areas should be increased to 30%. | 7.18 | Reject | See body of the report | No |
| OS32.6 | Harbour Trust & Guardians of Pāuatahanui Inlet | MRZ-S4 | The landscaped area should be increased to 30% of any site. | 7.18 | Reject | See body of the report | No |
| OS6.3 | Frances Middleton | HRZ-S6 | Increase each units separate outdoors space. | 7.18 | Reject | See body of the report | No |
| OS88.4 | Nash Alexander | General | In regard to MPZ-P8, opposed to encouraging 3 storey houses that are not in keeping with general street themes, and which do not adequately position themselves on a site. | 7.18 | Reject | See body of the report | No |

²²⁵ Opposed by RVA [FS118.143]

²²⁶ Opposed by Baswa Surukanti [FS120.5]

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| OS88.6 | Nash Alexander | General | [Not specified, refer to original submission] While no specific decision sought, the submitter raised the following matter(s): Additional comments – sunshine and sun plane. There are legion examples in news media where new developments have caused issues for neighbours as there has been no requirement to consult. Neighbours are often those who are best placed to provide direct feedback and assistance on the placement of new buildings, particularly where sun planes and recessions are involved. That goes directly to shading, and enjoyment of ones own home. Sitting outside on a nice summer day and enjoying the afternoon sun in one year, and then the next only getting 2 hours of sunlight because some 3 storey monstrosities have been built right on the boundary line, thus causing a deleterious effect on sunshine received, is nobody's idea of fun. | 7.18 | Reject | See body of the report | No |
| OS69.2 | Michelle Smart | MRZ-O1 | Delete | 7.18 | Reject | See body of the report | No |
| OS89.2 | Elijah Smart | MRZ-O1 | Delete | 7.18 | Reject | See body of the report | No |
| OS26.1 | Kevin Clark | MRZ-S2 | Does not support 14m height limit. Supports maintaining the present height limits, which generally limit dwellings to two stories. | 7.18 | Reject | See body of the report | No |
| OS40.3 | Ian Baxter | HRZ-S3 | In relation to HRZ-S3 and in the context of the Eastern Side of Motuhara Road numbers 20 – 64, and noting wider implications across the rest of Porirua, seeks the introduction of a recession plane restriction for the MRZ and GRZ to Heritage C. [Refer to original submission for full decision requested, including reference to a Figure 2 within the submission] | 7.18 | Reject | See body of the report | No |
| OS75.6 | Roger Gadd | MRZ-S2 | Amend sub-clauses b. and c. to limit the height of any building so that its tallest point is also no more than 8m higher (above sea level) than the highest point of the buildings on the neighbouring properties unless each neighbour whose building is more than 8m below the height of the proposed building grants their consent. (This height difference is height above sea level, not each individual building's height above its ground level). | 7.18 | Reject | See body of the report | No |
| OS75.9 | Roger Gadd | MRZ-S5 | Amend requirement for "Front" to read "3m, where that the boundary is to a road, otherwise it must be 1m". (On the understanding that the exclusions at the end of MRZ-S5 apply to both clauses 1. And 2.), Delete from the exclusions "Any part of a building that is 7m or less in length, where this exemption only occurs once per site" and "Eaves up to a maximum of 600mm in width". | 7.18 | Reject | See body of the report | No |
| OS16.8 | Andrew Wellum | General | A one storey building must be at least one metre from all the boundaries. A two storey building must be at least two metres from all the boundaries. A three storey building must be at least three metres from all the boundaries. And so on. Different rules to apply within the CBD, and / or between commercial buildings. | 7.18 | Reject | See body of the report | No |
| Submissions seeking site specific modifications or exclusions | | | | | | | |
| OS30.1 | Diane Richardson | HRZ-S2 | Retain current height allowance. | 7.18 | Reject | See body of the report | No |
| OS62.1 | Brent and Erica McDuff | HRZ-S2 | Retain at the present height allowances. | 7.18 | Reject | See body of the report | No |
| OS105.1 | Jenny Brash | HRZ-S2 | Retain at the present height allowance which exists at present on the submitter's property and for most of their neighbours in this proposed high density zone. | 7.18 | Reject | See body of the report | No |

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| OS100.1 | Susan Xuereb | HRZ-S2 | Retain at the medium density 14 meter height allowance which exists at present in this proposed high density zone. | 7.18 | Reject | See body of the report | No |
| OS13.2 | Carolyn Parris | Height Control Mapping | Limit 3 storey to no more than 2 storey for numbers 20, 21, 22, 23 Sunset Parade, Plimmerton. | 7.18 | Reject | See body of the report | No |
| OS70.6 | Paremata Residents Association | HRZ-S4 | Increase the minimum setback requirement from the road for buildings along Mana Esplanade and St Andrews Road. | 7.18 | Reject | See body of the report | No |
| OS9.1 ²²⁷ | Hana Robson Marsden | Rezoning | Delete the variation 1 proposed changes along Plimmerton Beach | 7.18 | Reject | See body of the report | No |
| OS6.1 | Francesse Middleton | HRZ – High Density Residential Zone | Would like council to remove the area Pascoe Ave south on both sides and retain as medium density. | 7.18 | Reject | See body of the report | No |
| OS43.1 ²²⁸ | Emily Pike | Rezoning | Medium Density Residential Zoning would be more suitable for the Plimmerton Waterfront than the High Density Residential Zone [HDRZ]. | 7.18 | Reject | See body of the report | No |
| OS8.1 ²²⁹ | Vanessa Robson | Rezoning | Amend the designation of the strip along the beach side of the railway line at Plimmerton Beach to Medium Density Residential Zone. | 7.18 | Reject | See body of the report | No |
| OS8.2 | Vanessa Robson | Rezoning | Designate the area along Plimmerton Beach (SW of the railway line along Steyne Ave) a special character area. | 7.18 | Reject | See body of the report | No |
| OS86.1 ²³⁰ | Tracey Fleming | Rezoning | Remove the High Density Residential Zone in favour of Medium Density with more height control areas particularly on the seaward side of the railway corridor. | 7.18 | Reject | See body of the report | No |
| OS109.1 ²³¹ | Stephen and Anne Marie Booth | General | Beachfront areas should not be included in the Medium Density Zone or should have a maximum building height of 2 storeys, specifically Karehana Bay in Plimmerton. | 7.18 | Reject | See body of the report | No |
| OS117.1 | Margaret Medlyn | Approach to Intensification | With regard to Seaview Road, Paremata, strongly object to change to medium density housing. | 7.18 | Reject | See body of the report | No |
| OS15.1 ²³² | Joanna MacDonald | Rezoning | In relation to the proposed high density residential zoning for Taupo Crescent, retain current provisions and delete this change. | 7.18 | Reject | See body of the report | No |
| OS80.3 | Robin and Russell Jones On Behalf Of Robin Jones | Approach to Intensification | Submitter opposes the HRZ zoning in Variation 1 for Taupō Crescent, Plimmerton and Lagden Street, Camborne. | 7.18 | Reject | See body of the report | No |
| OS96.1 | Joy and Francis Herbert | Approach to Intensification | Seeks a 3 storey maximum height limit (i.e. 11m maximum height limit) for 190A St Andrews Rd, Plimmerton. | 7.18 | Reject | See body of the report | No |
| OS31.1 | Warrick Procter | Rezoning | [Not specified, refer to original submission] While no specific decision sought, the submitter raised the following matter(s): Opposes the rezoning of 4 Moana Road, Plimmerton, Porirua 5026 from General Residential to Medium Density Residential. | 7.18 | Reject | See body of the report | No |

²²⁷ Opposed by RVA [FS118.146]²²⁸ Opposed by RVA [FS118.149]²²⁹ Opposed by RVA [FS118.147]²³⁰ Opposed by RVA [FS118.142]²³¹ Opposed by RVA [FS118.144]²³² Opposed by RVA [FS118.148]

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| OS31.2 | Warrick Procter | MRZ-S2 | Retain the existing height control. | 7.18 | Reject | See body of the report | No |
| Submission from Wellington Electricity Lines Limited | | | | | | | |
| OS112.1 | WE | General | Seeks to have protections in place for their electricity distribution network in consideration of intensified urban development in close proximity to key substation sites. | 7.18 | Reject | See body of the report | No |
| OS112.2 | WE | General | Seeks to ensure protection of existing and lawfully established key substation site which are located within the City's residential areas. | 7.18 | Reject | See body of the report | No |
| OS112.3 | WE | General | Seeks to ensure that the key substation sites of the Porirua Substation and the Waitangirua Substation will not be unreasonably constrained through housing intensification on abutting residential land, and furthermore, that any such intensification will not result in the creation or exacerbation of Reverse Sensitivity effects. | 7.18 | Reject | See body of the report | No |
| OS112.4 | WE | General | Seeks to have future residential intensification north and south of the site reflect the established operation of the critical distribution facility. | 7.18 | Reject | See body of the report | No |
| OS112.9 ²³³ | WE | New Provision | Seeks that Porirua Substation and Waitangirua Substation are identified on the planning map overlays with appropriate annotations to the effect that either medium or high-density housing developments on abutting sites will require a land use consent as a Restricted Discretionary Activity thus enabling an effects assessment to be provided with appropriate reverse sensitivity mitigation being inherent to the development; | 7.18 | Reject | See body of the report | No |
| OS112.11 | WE | Not stated | Identification of Porirua Substation and the Waitangirua Substation on the applicable planning maps with the land surrounding the sites being subject to Qualifying Matters so to enable development controls to be put in place through a Restricted Discretionary Activity status. | 7.18 | Reject | See body of the report | No |
| OS112.7 ²³⁴ | WE | Qualifying matters | Seeks to have future residential intensification surrounding the site reflect the established operation of the Porirua Substation facility and thus mitigate the potential adverse effects of reverse sensitivity. Seeks Council treat the Porirua Substation Facility as a 'Qualifying Matter' under the NPS-UD, and protect the critical electricity supply facility [from] the adverse effects of actual or potential reverse sensitivity. Seeks that any intensification of 3 and 3D Mungavin Avenue, 1 A&B, 3 Champion Street, 9-13 Mephams Place is provided for as restricted discretionary. | 7.18 | Reject | See body of the report | No |
| OS112.8 ²³⁵ | WE | Qualifying matters | Seeks that 'Qualifying Matters' be applied in relation to the Porirua Substation and Waitangirua Substation to the extent that neighbouring (abutting) High and Medium Density properties cannot develop multi-unit housing only 1.0m setback [from] the boundary, as a permitted activity; | 7.18 | Reject | See body of the report | No |
| Submissions from Transpower | | | | | | | |
| OS53.2 | Transpower | General > Qualifying Matters | [Refer to original submission for full decision requested] While no specific decision sought, the submitter raised the following matter(s): Sections 77I and 77O of the Resource Management (Enabling Housing Supply and other Matters) Amendment Act 2021 ("the RMA") provides a specified territorial authority may make the MDRS and the relevant building height or density requirements under Policy 3 less enabling of development in relation to a qualifying matter. A qualifying matter is defined by | 7.18 | Accept | See body of the report | No |

²³³ Opposed by Kainga Ora [FS76.402]

²³⁴ Opposed by Kainga Ora [FS76.400]

²³⁵ Opposed by Kainga Ora [FS76.401]

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| | | | <p>section 77I and 77O of the RMA. The National Grid Corridor rules framework clearly meets the definition of a qualifying matter as:</p> <ul style="list-style-type: none"> • It is a matter required to give effect to the NPSET being a national policy statement (other than the NPS-UD); • It is a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure; • Provisions that restrict development in relation to the National Grid are included in the Operative District Plan; and • Provisions that would protect the National Grid from inappropriate subdivision, use and development that would otherwise be permitted by the MDRS are included in the proposed district plan. <p>Submission includes an assessment (as required by section 77K(1)) to support the incorporation of the National Grid Corridors as an existing qualifying matter in the IPI.</p> <p>[Refer to original submission for full reason, including attachment]</p> | | | | |
| OS53.3 | Transpower | General > General | <p>[Refer to original submission for full decision requested]</p> <p>While no specific decision sought, the submitter raised the following matter(s):</p> <p>All submission points and hearing evidence of Transpower to the PDP stand. These include the objectives, policies and rules relating to the National Grid.</p> | 7.18 | Accept | See body of the report | No |
| OS53.11 ²³⁶ | Transpower | SUB - Subdivision > Rules > SUBR15 Subdivision of land to create new allotment(s) within the National Grid Corridor or National Grid Pauatahanui Substation Yard | Seeks the inclusion of rule SUB-R15 in the IPI, subject to the relief sought in the submitter's submission to the PDP on rule SUB-R15. | 7.18 | Accept | See body of the report | No |
| Submissions from KiwiRail | | | | | | | |
| OS72.1 ²³⁷ | KiwiRail | Qualifying matters | Seeks that these standards [MRZ-S5, HRZ-S4, LCZ-S3, MUZ-S3] be amended to be increased to from 1.5m to 5m. | 7.18 | Reject | See body of the report | No |
| OS72.2 | KiwiRail | General | Seeks a 5m setback be introduced into all zones adjoining the rail corridor which fall within the scope of Variation 1. | 7.18 | Reject | See body of the report | No |
| OS72.3 ²³⁸ | KiwiRail | Qualifying matters | Seeks a 5m setback for buildings on sites adjoining the rail corridor. Seeks the setback to be increased to 5m and this be applied to all zones adjoining the rail corridor within the scope of Variation 1. | 7.18 | Reject | See body of the report | No |
| OS72.4 | KiwiRail | Qualifying matters | Retention of identification of the rail corridor as a qualifying matter. | 7.18 | Reject | See body of the report | No |

²³⁶ Opposed by Kainga Ora [FS76.365]

²³⁷ Opposed by Kainga Ora [FS76.370]

²³⁸ Opposed by Kainga Ora [FS76.371]

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|---|-------------|---------------------------------------|---|------|--------|------------------------|----|
| OS72.5 ²³⁹ | KiwiRail | MRZ-S5 | [...] 2. Buildings and structures must not be located within a 1.5m <u>5m</u> setback from a boundary with a rail corridor. | 7.18 | Reject | See body of the report | No |
| OS72.6 ²⁴⁰ | KiwiRail | HRZ-S4 | [...] 2. Buildings and structures must not be located within a 1.5m <u>5m</u> setback from a boundary with a rail corridor. | 7.18 | Reject | See body of the report | No |
| OS72.7 ²⁴¹ | KiwiRail | LCZ-S3 | [...] 2. Buildings and structures must not be located within a 1.5m <u>5m</u> setback from a boundary with a rail corridor. | 7.18 | Reject | See body of the report | No |
| OS72.8 ²⁴² | KiwiRail | MUZ-S3 | [...] 2. Buildings and structures must not be located within a 1.5m <u>5m</u> setback from a boundary with a rail corridor. | 7.18 | Reject | See body of the report | No |
| OS72.9 ²⁴³ | KiwiRail | NOISE | [Not specified, refer to original submission] While no specific decision sought, the submitter raised the following matter(s): Supports the inclusion of acoustic and vibration standards, and district-wide building setbacks as important controls to ensure the ongoing safe and efficient operation of the rail corridor, particularly where intensive residential development is proposed adjacent to the rail corridor. Previously submitted on these provisions (seeking their retention with amendment) through the wider Proposed District Plan process. | 7.18 | Accept | Agree with submitter | No |
| OS72.10 | KiwiRail | Qualifying matters | Amendment of setback standards in MRZ-S5, HRZ-S4, LCZ-S3 and MUZ-S3 from 1.5m to 5m. | 7.18 | Reject | See body of the report | No |
| OS72.11 | KiwiRail | Qualifying matters | Introduction of a 5m setback standard for in any other zones [zones other than MRZ, HRZ, LCZ or MUZ] adjoining the rail corridor affected by Variation 1. | 7.18 | Reject | See body of the report | No |
| Submissions from Waka Kotahi | | | | | | | |
| OS81.4 | Waka Kotahi | MRZ - Medium Density Residential Zone | The relevant noise provisions should be included as a qualifying matter within the Medium Density Residential Zone provisions. | 7.18 | Reject | See body of the report | No |
| OS81.5 | Waka Kotahi | HRZ – High Density Residential Zone | The relevant noise provisions should be included as a qualifying matter within the High Density Residential Zone provisions. | 7.18 | Reject | See body of the report | No |
| OS81.11 | Waka Kotahi | Qualifying matters | Amend the Medium Density Residential Zone and High Density Residential Zone provisions to include the relevant noise provisions as a qualifying matter (or other method) and the amendments sought as part of Waka Kotahi Planning Evidence of Catherine Heppelthwaite (dated the 21 January 2022) on the Proposed Porirua District Plan. | 7.18 | Reject | See body of the report | No |
| Other submissions relating to qualifying matters | | | | | | | |

²³⁹ Opposed by Kainga Ora [FS76.372]

²⁴⁰ Opposed by Kainga Ora [FS76.373]

²⁴¹ Opposed by Kainga Ora [FS76.374]

²⁴² Opposed by Kainga Ora [FS76.375]

²⁴³ Opposed by Kainga Ora [FS76.376]

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| OS70.8 | Paremata Residents Association | General | A general policy needs to be added that covers Qualifying Matters that prevent developments with inadequate off-street parking, where safe alternative parking is not available. | 7.18 | Reject | See body of the report | No |
| OS64.2 | Brian Warburton | Qualifying matters | Seeks that the provisions of Variation 1 require amendment, so the proposed height and density requirements do not apply to specific land as outlined in submission [refer to submission]. [Refer to original submission for full decision requested, including attachments where relevant] | 7.18 | Reject | See body of the report | No |
| OS64.3 ²⁴⁴ | Brian Warburton | Qualifying matters | Seeks that the provisions of Variation 1 require amendment to the extent that no buildings or structures (regardless of height or density) shall be permitted on: <ul style="list-style-type: none"> • land (whether or not it comprises an entire parcel) that is subject to the significant natural area provisions of the PDP, • land (whether or not it comprises an entire parcel) that is subject to the provisions of the NES-FW relating to natural wetlands, • land (whether or not it comprises an entire parcel) that is subject to the natural hazard and risk provisions of the PDP, • land (whether or not it comprises an entire parcel) that is subject to the historical and cultural values provisions of the PDP, and • land (whether or not it comprises an entire parcel) that is subject to the coastal high natural character area provisions of the PDP [Refer to original submission for full decision requested, including attachments where relevant] | 7.18 | Reject | See body of the report | No |
| OS64.4 | Brian Warburton | Qualifying matters | The standards of Variation 1 should be amended to include development controls applicable to residential land that is adjacent to land zoned as Open Space and/or areas identified as an ONF/ONL, and/or areas identified as SAL. A 3m + 45o recession plane should apply on such common boundaries. The provisions of Variation 1 require amendment to the extent that buildings or structures higher than 8 metres, higher than a 3m + 450 height recession plane, and occupying more than 40 percent of a site area (either alone or in combination with other buildings) shall not be permitted on: a. land (whether or not it comprises an entire parcel) that is adjacent to (namely shares a common boundary with) land zoned as Open Space and/or areas identified as an ONF/ONL, or areas identified as SAL. [Refer to original submission for full decision requested, including attachments where relevant] | 7.18 | Reject | See body of the report | No |
| OS74.60 | GWRC | Significant Natural Areas | Include a new qualifying matter to Variation 1, to modify the MDRS on sites adjacent to SNAs. Possible drafting is included as follows: “ECO-P13 - Height controls on sites surrounding Significant Natural Areas Limit the height and/or height in relation to boundary of buildings and structures on sites identified on the | 7.18 | Reject | See body of the report | No |

²⁴⁴ Supported by Harbour Trust & Guardians of Pāuatahanui Inlet [FS32.28]

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| | | | <p>planning maps as 'XX - Sites surrounding Significant Natural Areas' to ensure that the values of Significant Natural Areas in SCHED7 - Significant Natural Areas are protected."</p> <p>"ECO-P14 - Increased height and/or height in relation to boundary on sites surrounding Significant Natural Areas Only allow an increase in height and/or height in relation to boundary of buildings and structures on sites identified on the planning maps as 'XX - Sites surrounding Significant Natural Areas' where it can be demonstrated that the values of the Significant Natural Areas in SCHED7 - Significant Natural Areas will be protected."</p> <p>Amend the planning maps, so that Policies ECO-P13 and ECO-P14 apply to sites (properties) adjacent to SNAs</p> | | | | |
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| Historic Heritage and Sites and Areas of Significance to Māori | | | | | | | |
|--|-------------------------------------|---------|---|------|---|------------------------|----|
| General | | | | | | | |
| OS76.8 ²⁴⁵ | Kāinga Ora | General | Strategic Direction – Amend reference to the tool used to manage effects upon the identified values of scheduled heritage site and settings and sites of significance to Māori. | 7.19 | Reject insofar as relates historic heritage | See body of the report | No |
| HH- Historic Heritage | | | | | | | |
| OS74.61 | Greater Wellington Regional Council | HH-P16 | Retain as notified. | 7.19 | Accept | See body of the report | No |
| OS76.80 ²⁴⁶ | Kāinga Ora | HH-P16 | Amend: Limit the height and/or height in relation to boundary of buildings and structures on sites identified on the planning maps as Height Control – Heritage A, B or C and/or Height in Relation to Boundary Control– Heritage A or B, to ensure that the physical, social and surrounding heritage values of heritage items and heritage settings listed in SCHED2 - Historic Heritage Items (Group A) and SCHED3 - Historic Heritage items (Group B) are protected. | 7.19 | Reject | See body of the report | No |
| OS74.62 | Greater Wellington Regional Council | HH-P17 | Retain as notified. | 7.19 | Accept | See body of the report | No |
| OS76.81 ²⁴⁷ | Kāinga Ora | HH-P17 | Amend: HH-P17 - Increased height and/or height in relation to boundaries on sites surrounding heritage items and heritage settings Only allow an increase in height and/or height in relation to boundary of buildings and structures on sites identified on the planning maps as Height Control – Heritage A, B or C and/or Height in Relation to Boundary Control – Heritage A or B, where it can be demonstrated that the physical, social and surroundings heritage values of heritage items and heritage | 7.19 | Reject | See body of the report | No |

²⁴⁵ Oppose – R Gadd [FS75.73]

²⁴⁶ I note that the Summary of decisions requested by chapter or topic with further submissions added shows a further submission on this submission from GWRC (FS74.122), however the topic of the further submission relation to a slope hazard matter, and not historic heritage.

²⁴⁷ I note that the Summary of decisions requested by chapter or topic with further submissions added shows a further submission on this submission from GWRC (FS74.113), however the topic of the further submission relation to a slope hazard matter, and not historic heritage.

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| | | | <p>settings in SCHED2 - Historic Heritage Items (Group A), and SCHED3 - Historic Heritage items (Group B), will be protected and maintained having regard to:</p> <ol style="list-style-type: none"> 1. The physical, social and/or surroundings heritage values of the heritage item and heritage setting and its significance; 2. Whether any increase in the height and/or height in relation to boundary of the building or structure would dominate and/or detract from the heritage item and heritage setting, diminish the recognition of the heritage item as a local landmark/focal point, or diminish the relationship with neighbouring heritage items and heritage settings taking into account: <ol style="list-style-type: none"> a. The degree of contrast in scale of the building or structure with the heritage item; b. The extent of any loss of views to the heritage item and heritage setting from the adjoining street; and c. Adverse effects on any visual connections with neighbouring heritage items and heritage settings; 3. Any measures to minimise the visual impacts and effects on the appreciation of the heritage item and heritage setting through the specific location, scale, mass and/or design of the building or structure; and 4. Any assessment or advice from a suitably qualified and experienced heritage expert. | | | | |
| Medium Density Residential Zone | | | | | | | |
| OS76.14 | Kāinga Ora | Not stated | Alter the control used to manage effects on scheduled heritage sites and settings and sites of significance to Māori. | 7.19 | Reject insofar as this relates historic heritage | See body of report | No |
| FS74.119 | GWRC | | <i>Opposes amendment and seeks that the controls on height to protect historic heritage are retained as notified as this would not give effect to the RPS. "Operative RPS Policy 22 requires district plans to include policies, rules and other methods to protect significant heritage values from inappropriate development. PCC has identified that specified historic heritage sites are at risk of potentially significant adverse effects if a qualifying matter is not included to restrict intensified development. Greater Wellington support the qualifying matter and associated height controls to protect heritage values."</i> | | | | |
| OS76.202 ²⁴⁸ | Kāinga Ora | MRZ-S2 | <p>Amend:</p> <p>1. Buildings and structures must not exceed a height of:</p> <ol style="list-style-type: none"> 1. 11m; 2. 18m in the MRZ-Residential Intensification Precinct; 3. 14m on sites subject to Height Control – Shading B as identified on the planning maps; 4. 9m on sites subject to Height Control – Shading C as identified on the planning maps; 5. 8m on sites subject to Height Control – Shading D as identified on the planning maps; 6. 11m on sites subject to Height Control – Heritage A as identified on the planning maps; 7. 8m on sites subject to Height Control – Heritage C, as identified on the planning maps; and 8. 8m on sites subject to Height Control – SASM as identified on the planning maps. | 7.19 | Reject insofar as this relates to historic heritage | See body of report | No |

²⁴⁸ Oppose – GWRC [FS74.124]

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| OS76.205 | Kāinga Ora | MRZ-S2 | Seeks the deletion of height controls in relation to this matter [height controls on sites that adjoin identified heritage or sites of significance to Māori]. | 7.19 | Reject insofar as this relates to historic heritage | See body of the report | No |
| OS76.207 | Kainga Ora | MRZ-S3 | Amend: Matters of discretion are restricted to: 5. The matters in RESZ-P7 and RESZ-P8 6. <u>Building bulk and dominance effects on adjoining properties;</u> 7. <u>Privacy effects on adjacent residential units, including habitable rooms or outdoor living areas; and</u> 8. <u>Shading and overshadowing effects on the adjoining properties and the degree of impact on any adjoining internal or external living areas.</u> | 7.19 | Reject insofar as it relates to the removal of the matters of discretion HH-P17. | See body of the report | No |
| OS58.43 | FENZ | MRZ-S2 | Amend: ... This standard does not apply to: ... x. Emergency service facilities up to 9m in height and hose drying towers up to 15m in height. | 7.19 | Reject insofar as this relates to historic heritage | See body of the report | No |
| OS58.44 | FENZ | MRZ-S3 | Amend: ... This standard does not apply to: ... x. Emergency service facilities up to 9m in height and hose drying towers up to 15m in height. | 7.19 | Reject insofar as this relates to historic heritage | See body of the report | No |
| High Density Residential Zone | | | | | | | |
| OS76.21 ²⁴⁹ | Kāinga Ora | General | Alter the control used to manage effects on scheduled heritage sites and settings and sites of significance to Māori. | 7.19 | Reject insofar as this relates to historic heritage | See body of the report | No |
| FS74.120 | GWRC | | <i>Opposes amendment and seeks that the controls on height to protect historic heritage are retained as notified as this would not give effect to the RPS. "Operative RPS Policy 22 requires district plans to include policies, rules and other methods to protect significant heritage values from inappropriate development. PCC has identified that specified historic heritage sites are at risk of potentially significant adverse effects if a qualifying matter is not included to restrict intensified development. Greater Wellington support the qualifying matter and associated height controls to protect heritage values."</i> | | | | |
| OS76.151 ²⁵⁰ ₂₅₁ | Kāinga Ora - Homes and Communities | HRZ-S2 | Amendments sought 1. Buildings and structures must not exceed a height of: 1. 22m; 2. <u>16m on sites subject to Height Control—Shading A as identified on the planning maps;</u> | 7.19 | Reject insofar as this relates to historic heritage | See body of the report | No |

²⁴⁹ Oppose – R Gadd [FS75.60]

²⁵⁰ The further submission from Toka Tū Ake EQC [FS37.16] in relation to this submission relates to natural hazard matters.

²⁵¹ Oppose – R Gadd [FS75.80], Oppose – GWRC [FS74.123]

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| | | | <p>a. <u>36m where located within 400m of the edge of the Metropolitan Centre Zone as identified on the Planning Maps as a Height Variation Control.</u></p> <p>i. 11m on sites subject to Height Control – Heritage A as identified on the planning maps;</p> <p>ii. 8m on sites subject to Height Control – Heritage C, as identified on the planning maps; and</p> <p>iii. 8m on sites subject to Height Control – SASM as identified on the planning maps.</p> <p>...</p> <p><i>Consequential deletion of matters of discretion that refer to policies relevant to the matters being deleted.</i></p> | | | | |
| OS76.152 | Kāinga Ora | HRZ-S3 | <p>Amend Standard:</p> <p>2. All buildings and structures must not project beyond a:</p> <p>d. <u>60° recession plane measured from a point 19m vertically above ground level along the first 20m of the side boundary as measured from the road frontage;</u></p> <p>e. 60° recession plane measured from a point 8m vertically above ground level along all <u>other</u> boundaries;</p> <p>f. <u>Except no part of any building or structure may project beyond a:</u></p> <p>v. <u>60° recession plane measured from a point 4m vertically above ground level along any boundary that adjoins a site in the Medium Density Residential Zone; or</u></p> <p>vi. <u>60° recession plane measured from a point 4m vertically above ground level along any boundary with a site containing a heritage item or heritage setting for sites subject to HIRB Control Heritage B;</u></p> <p>vii. <u>45° recession plane measured from a point 3m vertically above ground level on any boundary with a site containing a heritage item or heritage setting for sites subject to HIRB Control Heritage A; or</u></p> <p>viii. <u>45° recession plane measured from a point 3m vertically above ground level on any boundary with a site containing an identified site of or areas of significance to Māori.</u></p> <p>...</p> <p>Matters of discretion are restricted to:</p> <p>The matters in RESZ-P7<u>and RESZ-P8</u></p> | 7.19 | Reject insofar as the relief requested relates to historic heritage (HRZ-S3-1-c.ii and HRZ-S3-1-c.iii) | See body of the report | No |
| OS58.34 | FENZ | HRZ-S2 | <p>Amend:</p> <p>...</p> <p>This standard does not apply to:</p> <p>...</p> <p><u>x. Emergency service facilities up to 9m in height and hose drying towers up to 15m in height.</u></p> | 7.19 | Reject insofar as relates to historic heritage | See body of the report | No |
| OS58.42 | FENZ | HRZ-S3 | <p>Amend:</p> <p>...</p> <p>This standard does not apply to:</p> <p>...</p> <p><u>x. Emergency service facilities up to 9m in height and hose drying towers up to 15m in height.</u></p> | 7.19 | Reject insofar as relates to historic heritage | See body of the report | No |

| Local Centre Zone | | | | | | | |
|-------------------------|------------|---------|--|------|---|------------------------|----|
| OS76.247 ²⁵² | Kāinga Ora | General | Amend paragraph 4 [introduction] 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. | 7.19 | Reject | See body of the report | No |
| OS76.267 | Kāinga Ora | LCZ-S1 | Amend: 1. All buildings and structures must not exceed a maximum height above ground level of: 12m on sites subject to Height Control – Heritage B shown on the planning maps. Consequential deletion of matters of discretion that refer to policies relevant to the matters being deleted. | 7.19 | Reject | See body of report | No |
| OS76.268 | Kāinga Ora | LCZ-S2 | Amend: 1. All buildings and structures must not project beyond a: 1. 60° recession plane measured from a point 4m vertically above ground level along any side or rear boundary where that boundary adjoins a site zoned Medium Density Residential Zone, Open Space Zone or Sport and Active Recreation Zone; or 2. 60° recession plane measured from a point 8m vertically above ground level along any side or rear boundary where that boundary adjoins a site zoned High Density Residential Zone. 3. Except no part of any building or structure may project beyond a: iii. 60° recession plane measured from a point 4m vertically above ground level along any boundary with a site containing a heritage item or heritage setting for sites subject to HIRB Control Heritage B; iv. 45° recession plane measured from a point 3m vertically above ground level on any boundary with a site containing a heritage item or heritage setting for sites subject to HIRB Control Heritage A; or v. 45° recession plane measured from a point 3m vertically above ground level on any boundary with a site containing an identified site of or areas of significance to Māori. | 7.19 | Accept in part | See body of the report | No |
| OS58.60 | FENZ | LCZ-S1 | Amend: ... This standard does not apply to: ... x. Hose drying towers up to 15m in height. | 7.19 | Reject insofar as this relates to historic heritage | See body of the report | No |
| Mixed Use Zone | | | | | | | |
| OS76.281 ²⁵³ | Kāinga Ora | General | Amend introduction: | 7.19 | Reject | See body of the report | No |

²⁵² Oppose – GWRC [FS74.126]²⁵³ Oppose – GWRC [FS74.127]

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| | | | 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. | | | | |
| OS76.300 ²⁵⁴ | Kāinga Ora | MUZ-S1 | Amend: 1. All buildings and structures must not exceed a maximum height above ground level of: 1. 18m; or 2. 22m on sites subject to the Height Increase A identified on the planning maps; or 3. 12m on sites subject to Height Control – Heritage B shown on the planning maps. Consequential deletion of matters of discretion that refer to policies relevant to the matters being deleted. | 7.19 | Reject | See body of report | No |
| OS76.301 | Kāinga Ora | MUZ-S2 | Retain as notified | N/A | Accept insofar as relates to MUZ-S2-1.c and HIRB Heritage Control A. | Agree with submitter | No |
| OS58.77 | FENZ | MUZ-S1 | Amend: ... This standard does not apply to: ... x. Hose drying towers up to 15m in height. | 7.19 | Reject | See body of the report | No |
| OS58.78 | FENZ | MUZ-S2 | Amend: ... This standard does not apply to: ... x. Hose drying towers up to 15m in height. | 7.19 | Reject | See body of the report | No |
| Other submissions in relation to the HH-Historic Heritage | | | | | | | |
| OS58.7 | FENZ | HH-R6 | Retain as drafted | 7.19 | Reject | See body of the report | No |
| OS58.8 | FENZ | HH-R7 | Retain as drafted | N/A | Accept | Agree with submitter | No |
| OS58.9 | FENZ | HH-R8 | Retain as drafted | N/A | Accept | Agree with submitter | No |
| OS58.10 | FENZ | HH-R9 | Retain as drafted | 7.19 | Reject | See body of the report | No |
| Submissions on Sites and Areas of Significance to Māori qualifying matters introduced in Variation 1 | | | | | | | |
| General | | | | | | | |
| OS76.8 ²⁵⁵ | Kāinga Ora | General | Strategic Direction – Amend reference to the tool used to manage effects upon the identified values of scheduled heritage site and settings and sites of significance to Māori. | 7.19 | Reject insofar as relates to sites and areas of significance to Māori | See body of report | No |
| SASM- Sites and Areas of Significance to Māori | | | | | | | |
| OS74.87 | Greater Wellington | SASM-P9 | Amend SASM-P9 as follows: | 7.19 | Reject | See body of report | No |

²⁵⁴ Oppose – GWRC [FS74.128]²⁵⁵ Oppose – R Gadd [FS75.73]

| | | | | | | | |
|----------|-------------------------------------|----------|--|------|--------|------------------------|----|
| | Regional Council | | <p>SASM-P9 Height controls on sites Setbacks surrounding sites and areas of significance to Māori</p> <p>Limit the height and/or height in relation to boundary Require a setback for buildings and structures on sites identified on the planning maps as Height Control – SASM and/or Height in relation to Boundary Control – SASM when these sites are adjacent to to ensure that the values of sites and areas of significance in SCHED6 - Sites and Areas of Significance to recognise and provide for the protection of Māori values are protected</p> | | | | |
| OS76.82 | Kāinga Ora | SASM-P9 | <p>Amend:</p> <p>Limit the height and/or height in relation to boundary of buildings and structures on sites identified on the planning maps as Height Control – SASM and/or Height in relation to Boundary Control – SASM to ensure that the values of sites and areas of significance in SCHED6 - Sites and Areas of Significance to Māori are protected</p> | 7.19 | Reject | See body of the report | No |
| FS114.72 | TROTR | | <p><i>Opposes amendment and seeks that the relief sought to delete height controls on sites adjoining sites of significance to Māori is disallowed for the reason that these controls would protect sites of significance from adverse effects of development.</i></p> | | | | |
| FS72.121 | GWRC | | <p><i>Opposes amendment and seeks that the controls on height to protect historic heritage are retained as notified as this would not give effect to the RPS.</i></p> <p><i>“Operative RPS Policy 22 requires district plans to include policies, rules and other methods to protect significant heritage values from inappropriate development. PCC has identified that specified historic heritage sites are at risk of potentially significant adverse effects if a qualifying matter is not included to restrict intensified development. Greater Wellington support the qualifying matter and associated height controls to protect heritage values.”</i></p> | | | | |
| OS74.64 | Greater Wellington Regional Council | SASM-P10 | <p>Amend SASM-P10 as follows:</p> <p><u>“SASM-P10 - Increased height and/or height in relation to boundary on Buildings and structures within setbacks from sites surrounding sites and areas of significance to Māori</u></p> <p><u>Only allow an increase in height and/or height in relation to boundary of buildings and structures on sites identified on the planning maps as Height Control – SASM and/or Height in Relation to Boundary Control – SASM within setbacks from sites and areas of significance in SCHED6 – Sites and Areas of Significance where the buildings and structures will provide for tino rangatiratanga for Te Rūnanga o Toa Rangatira. it can be demonstrated that the values of the site or area in SCHED6 – Sites and Areas of Significance to Māori will be protected and maintained, having regard to:</u></p> <p><u>1. Whether any increase in height and/or height in relation to boundary of the building or structure would dominate the site or area, and/or the values of the site or area would be diminished taking into account:</u></p> <p>a. The degree of contrast in scale;</p> <p>b. The degree of any loss of visual connections between sites or areas in SCHED6 – Sites and Areas of Significance to Māori;</p> <p><u>2. Values articulated by Te Rūnanga o Toa Rangatira through an assessment of environmental effects, cultural impact assessment or iwi planning documents; and 3. Any alternative methods to avoid or reduce the impact on the values associated with the site or area including through the location, scale, mass, and/or design of the building or structure.”</u></p> | 7.19 | Reject | See body of report | No |

| | | | | | | | |
|--|------------|------------|--|------|--|--------------------|----|
| OS76.83 ²⁵⁶ | Kāinga Ora | SASM-P10 | <p>Amend:</p> <p>SASM-P10 - Increased height and/or height in relation to boundary on sites surrounding sites and areas of significance to Māori</p> <p>Only allow an increase in height and/or height in relation to boundary of buildings and structures on sites identified on the planning maps as Height Control – SASM and/or Height in Relation to Boundary Control – SASM where it can be demonstrated that the values of the site or area in SCHED6 - Sites and Areas of Significance to Māori will be protected and maintained, having regard to:</p> <ol style="list-style-type: none"> 1. Whether any increase in height and/or height in relation to boundary of the building or structure would dominate the site or area, and/or the values of the site or area would be diminished taking into account: <ol style="list-style-type: none"> a. The degree of contrast in scale; b. The degree of any loss of visual connections between sites or areas in SCHED6 - Sites and Areas of Significance to Māori; 2. Values articulated by Te Rūnanga o Toa Rangatira through an assessment of environmental effects, cultural impact assessment or iwi planning documents; and 3. Any alternative methods to avoid or reduce the impact on the values associated with the site or area including through the location, scale, mass, and/or design of the building or structure. | 7.19 | Reject | See body of report | No |
| FS114.73 | TROTR | | <i>Opposes amendment and seeks that the relief sought to delete height controls on sites adjoining sites of significance to Māori is disallowed for the reason that these controls would protect sites of significance from adverse effects of development.</i> | | | | |
| Medium Density Residential Zone | | | | | | | |
| OS76.14 | Kāinga Ora | Not stated | Alter the control used to manage effects on scheduled heritage sites and settings and sites of significance to Māori. | 7.19 | Reject insofar as this relates to sites and areas of significance to Māori | See body of report | No |
| FS74.129 | GWRC | | <i>Opposes amendment and seeks that the controls on height to protect sites of significance to Māori are retained as notified except as requested in the original submission, for the reason that it would not give effect to the RPS or have regard to Proposed Change 1 to the RPS. The submitter notes in its original submission it supported including a new qualifying matter to require setbacks from sites of significance to Māori in conjunction with restrictions on height and height in relation to boundaries.</i> | | | | |
| FS114.62 | TROTR | | <i>Opposes amendment seeking that the part of the submission seeking altering the control used to manage effects on scheduled sites of significance is disallowed, for the reason that the controls that are currently put in place to protect sites of significance and values from inappropriate development and adverse effects.</i> | | | | |

²⁵⁶ Oppose – GWRC [FS72.122]

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|-------------------------|------------------|--------|---|------|--|------------------------|----|
| OS76.202 ²⁵⁷ | Kāinga Ora | MRZ-S2 | Amend: 1. Buildings and structures must not exceed a height of: 1. 11m; 2. 18m in the MRZ-Residential Intensification Precinct; 3. 14m on sites subject to Height Control – Shading B as identified on the planning maps; 4. 9m on sites subject to Height Control – Shading C as identified on the planning maps; 5. 8m on sites subject to Height Control – Shading D as identified on the planning maps; 6. 11m on sites subject to Height Control – Heritage A as identified on the planning maps; 7. 8m on sites subject to Height Control – Heritage C, as identified on the planning maps; and 8. 8m on sites subject to Height Control – SASM as identified on the planning maps. | 7.19 | Reject insofar as this relates to sites and areas of significance to Māori | See body of report | No |
| FS114.74 | TROTR | | <i>Opposes amendment seeking that the amendment to delete height controls on sites adjoining sites of significance is Māori disallowed, for the reason that these controls would protect sites of significance from adverse effects of development.</i> | | | | |
| OS76.205 ²⁵⁸ | Kāinga Ora | MRZ-S2 | Seeks the deletion of height controls in relation to this matter [height controls on sites that adjoin identified heritage or sites of significance to Māori]. | 7.19 | Reject insofar as relates to sites and areas of significance to Māori | See body of the report | No |
| OS76.207 | Kainga Ora | MRZ-S3 | Amend: Matters of discretion are restricted to: 1. The matters in RESZ-P7 and RESZ-P8 2. <u>Building bulk and dominance effects on adjoining properties;</u> 3. <u>Privacy effects on adjacent residential units, including habitable rooms or outdoor living areas; and</u> 4. <u>Shading and overshadowing effects on the adjoining properties and the degree of impact on any adjoining internal or external living areas.</u> | 7.19 | Reject insofar as it relates to the removal of the matters of discretion in SASM-P10 | See body of the report | No |
| OS4.2 | Philippa Sargent | MRZ-S2 | Retain and strictly enforce this SASM height control for all the properties which have it assigned to them. | N/A | Accept | Agree with submitter | No |
| OS58.43 | FENZ | MRZ-S2 | Amend: ... This standard does not apply to: ... <u>x. Emergency service facilities up to 9m in height and hose drying towers up to 15m in height.</u> | 7.19 | Reject insofar as this relates to sites and areas of significance to Māori | See body of the report | No |
| OS58.44 | FENZ | MRZ-S3 | Amend: ... This standard does not apply to: | 7.19 | Reject insofar as this relates | See body of the report | No |

²⁵⁷ Oppose – GWRC [FS74.132]²⁵⁸ Oppose – GWRC [FS74.133], Oppose – TROTR [FS114.75]

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|--------------------------------------|------------|---------|---|------|--|------------------------|----|
| | | | ... x. Emergency service facilities up to 9m in height and hose drying towers up to 15m in height. | | to sites and areas of significance to Māori | | |
| High Density Residential Zone | | | | | | | |
| OS76.21 | Kāinga Ora | General | Alter the control used to manage effects on scheduled heritage sites and settings and sites of significance to Māori. | 7.19 | Reject insofar as relates sites and areas of significance to Māori | See body of the report | No |
| FS74.130 | GWRC | | <i>Opposes amendment and seeks that the controls on height to protect sites of significance to Māori are retained as notified except as requested in the original submission, for the reason that it would not give effect to the RPS or have regard to Proposed Change 1 to the RPS. The submitter notes in its original submission it supported including a new qualifying matter to require setbacks from sites of significance to Māori in conjunction with restrictions on height and height in relation to boundaries.</i> | | | | |
| FS114.63 | TROTR | | <i>Opposes amendment seeking that the part of the submission seeking altering the control used to manage effects on scheduled sites of significance is disallowed, for the reason that the controls that are currently put in place to protect sites of significance and values from inappropriate development and adverse effects.</i> | | | | |
| OS76.151 ²⁵⁹²⁶⁰ | Kāinga Ora | HRZ-S2 | <p><i>Amendments sought</i></p> <p>1. Buildings and structures must not exceed a height of:</p> <p>3. 22m;</p> <p>4. 16m on sites subject to Height Control – Shading A as identified on the planning maps;</p> <p>b. 36m where located within 400m of the edge of the Metropolitan Centre Zone as identified on the Planning Maps as a Height Variation Control.</p> <p>iv. 11m on sites subject to Height Control – Heritage A as identified on the planning maps;</p> <p>v. 8m on sites subject to Height Control – Heritage C, as identified on the planning maps;</p> <p>and</p> <p>vi. 8m on sites subject to Height Control – SASM as identified on the planning maps.</p> <p>...</p> <p><i>Consequential deletion of matters of discretion that refer to policies relevant to the matters being deleted.</i></p> | 7.19 | Reject insofar as this relates to the relief in relation to sites and areas of significance to Māori | See body of the report | No |
| OS76.152 | Kāinga Ora | HRZ-S3 | <p>Amend Standard:</p> <p>1. All buildings and structures must not project beyond a:</p> <p>a. 60° recession plane measured from a point 19m vertically above ground level along the first 20m of the side boundary as measured from the road frontage;</p> | 7.19 | Reject insofar as the relief requested to sites and areas of | See body of the report | No |

²⁵⁹ The further submission from Toka Tū Ake EQC [FS37.16] in relation to this submission relates to natural hazard matters.

²⁶⁰ Oppose – R Gadd [FS75.80], Oppose - GWRC[FS74.131], Oppose – TROTR [114.64]

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|--------------------------|------------------|--------|---|------|---|------------------------|----|
| | | | <p>b. 60° recession plane measured from a point 8m vertically above ground level along all <u>other</u> boundaries;</p> <p>c. <u>Except no part of any building or structure may project beyond a:</u></p> <p>i. <u>60° recession plane measured from a point 4m vertically above ground level along any boundary that adjoins a site in the Medium Density Residential Zone; or</u></p> <p>ii. <u>60° recession plane measured from a point 4m vertically above ground level along any boundary with a site containing a heritage item or heritage setting for sites subject to HIRB Control Heritage B;</u></p> <p>iii. <u>45° recession plane measured from a point 3m vertically above ground level on any boundary with a site containing a heritage item or heritage setting for sites subject to HIRB Control Heritage A; or</u></p> <p>iv. <u>45° recession plane measured from a point 3m vertically above ground level on any boundary with a site containing an identified site of or areas of significance to Māori.</u></p> <p>...</p> <p>Matters of discretion are restricted to:</p> <p>The matters in RESZ-P7 and RESZ-P8</p> | | significance to Māori, HRZ-S3-1-c.iv | | |
| OS4.1 | Philippa Sargent | HRZ-S2 | Retain and strictly enforce this SASM height control for all the properties which have it assigned to them. | N/A | Accept | Agree with submitter | No |
| OS58.34 | FENZ | HRZ-S2 | <p>Amend:</p> <p>...</p> <p>This standard does not apply to:</p> <p>...</p> <p><u>x. Emergency service facilities up to 9m in height and hose drying towers up to 15m in height.</u></p> | 7.19 | Reject insofar as this relates to sites and areas of significance to Māori | See body of the report | No |
| OS58.42 | FENZ | HRZ-S3 | <p>Amend:</p> <p>...</p> <p>This standard does not apply to:</p> <p>...</p> <p><u>x. Emergency service facilities up to 9m in height and hose drying towers up to 15m in height.</u></p> | 7.19 | Reject insofar as this relates to sites and areas of significance to Māori | See body of the report | No |
| Local Centre Zone | | | | | | | |
| OS76.268 | Kāinga Ora | LCZ-S2 | <p>Amend:</p> <p>1. All buildings and structures must not project beyond a:</p> <p>1. 60° recession plane measured from a point 4m vertically above ground level along any side or rear boundary where that boundary adjoins a site zoned Medium Density Residential Zone, Open Space Zone or Sport and Active Recreation Zone; or</p> <p>2. 60° recession plane measured from a point 8m vertically above ground level along any side or rear boundary where that boundary adjoins a site zoned High Density Residential Zone.</p> | 7.19 | Reject insofar as relates to new HIRB Control relating to sites or areas of significance to Māori | See body of the report | No |

| | | | | | | | |
|---|------|---------|---|-----|--------|----------------------|----|
| | | | <p>3. <u>Except no part of any building or structure may project beyond a:</u></p> <p>i. <u>60° recession plane measured from a point 4m vertically above ground level along any boundary with a site containing a heritage item or heritage setting for sites subject to HIRB Control Heritage B;</u></p> <p>ii. <u>45° recession plane measured from a point 3m vertically above ground level on any boundary with a site containing a heritage item or heritage setting for sites subject to HIRB Control Heritage A; or</u></p> <p>iii. <u>45° recession plane measured from a point 3m vertically above ground level on any boundary with a site containing an identified site of or areas of significance to Māori.</u></p> | | | | |
| Other submissions in relation to the SASM-Sites and Areas of Significance to Māori Chapter | | | | | | | |
| OS58.11 | FENZ | SASM-R4 | Retain as drafted. | N/A | Accept | Agree with submitter | No |

| Strategic Objectives | | | | | | | |
|-----------------------------|-------------|--------------------------|--|------|---------------------------------|----------------------|----|
| OS58.4 | FENZ | HO-O2 Housing Density | Retain HO-O2. | 7.20 | Reject | See body of report | No |
| OS118.54 | RVA | UFD-O2 Urban land supply | Retain deletion. | 7.20 | Reject | See body of report | No |
| OS58.5 ²⁶¹ | FENZ | UFD-O3 Urban form | Retain as drafted | N/A | Accept | Agree with submitter | No |
| OS118.55 ²⁶² | RVA | UFD-O3 Urban form | Amend UFD-O3 to acknowledge that the intensity of built form is not only to be determined by proximity to centres and train stations. | 7.20 | Reject | See body of report | No |
| OS81.12 ²⁶³ | Waka kotahi | UFD-O3 Urban form | Retain as notified | N/A | Accept | Agree with submitter | No |
| OS76.77 | Kāinga Ora | UFD-O3 Urban form | <p>Amend:</p> <p>Porirua has an urban form which is:</p> <ol style="list-style-type: none"> 1. Characterised by a range of intensity of built form, depending on an area's proximity to the metropolitan centre, train stations, <u>town centre</u> and local centres; and 2. Connected, accessible and safe and supports the community's wellbeing. | 7.20 | Reject | See body of report | No |
| OS76.243 | Kāinga Ora | UFD-O3 Urban form | Retain Local Centre Zone and spatial extent as notified, with the exception of Mana, where a new Town Centre Zone is sought. | 7.20 | Reject, in so far as it relates | See body of report | No |

²⁶¹ Support - Leigh Subritzky [FS17.138]

²⁶² Support - Ryman Healthcare Limited [FS67.57]

²⁶³ Oppose - Leigh Subritzky [FS17.1046], Support – KiwiRail [FS72.47],

| | | | | | to a TCZ at Mana | | |
|----------|------------|--|---|------|------------------|----------------------|----|
| OS76.245 | Kāinga Ora | UFD-O3 Urban form | Accept the changes sought from Kāinga Ora to the planning maps as shown in Appendix 3 of this submission | 7.20 | Reject | See body of report | No |
| OS76.277 | Kāinga Ora | UFD-O3 Urban form | Consequential updates to the Plan to account for the introduction of a Town Centre Zone. | 7.20 | Reject | See body of report | No |
| OS76.276 | Kāinga Ora | UFD-O3 Urban form | Seek the Mana commercial centre is zoned as a Town Centre Zone (proposed) in this submission and on the planning maps in Appendix 3. | 7.20 | Reject | See body of report | No |
| OS76.278 | Kāinga Ora | UFD-O3 Urban form | Accept the changes sought from Kāinga Ora to the planning maps as shown in Appendix 3 of this submission. [rezoning to Town Centre Zone at Mana]. | 7.20 | Reject | See body of report | No |
| OS76.9 | Kāinga Ora | UFD-O3 Urban form | Strategic Direction - include reference to a new Town Centre Zone. | 7.20 | Reject | See body of report | No |
| OS76.50 | Kāinga Ora | UFD-O3 Urban form | Rezone Mana commercial area as TCZ rather than LCZ and allow for commercial height of up to 10 Storeys (40m). | 7.20 | Reject | See body of report | No |
| OS76.63 | Kāinga Ora | UFD-O3 Urban form | A proposed Town Centre Zone chapter is sought and included in Appendix 2 [to submission] | 7.20 | Reject | See body of report | No |
| OS76.274 | Kāinga Ora | UFD-O3 Urban form | Adopt and include a new Town Centre Zone chapter, with consequential updates to maps. | 7.20 | Reject | See body of report | No |
| OS76.275 | Kāinga Ora | UFD-O3 Urban form | Accept the proposed Town Centre Zone provisions in Appendix 2 of this submission. | 7.20 | Reject | See body of report | No |
| OS76.10 | Kāinga Ora | UFD-O3 Urban form | Provide provisions and spatial application for Town Centre Zone in the Plan (as shown in submitter's attached appendices). | 7.20 | Reject | See body of report | No |
| OS76.34 | Kāinga Ora | UFD-O3 Urban form | Introduce a new Commercial – Town Centre Zone in the Plan for Mana. | 7.20 | Reject | See body of report | No |
| OS76.35 | Kāinga Ora | UFD-O3 Urban form | Introduce a 40m height limit [for Town Centre Zone at Mana] | 7.20 | Reject | See body of report | No |
| OS76.78 | Kāinga Ora | UFD-O6 Quality urban design and place making | Retain as notified | N/A | Accept | Agree with submitter | No |
| OS118.56 | RVA | UFD-O6 Quality urban design and place making | Amend: Good quality <u>design development</u> contributes to a well-functioning and healthy urban environment in Porirua. | N/A | Reject | See body of report | No |
| OS53.9 | Transpower | UFD-O7 Well-functioning urban environment | Retain Strategic Objective UFD-O7 | N/A | Accept | Agree with submitter | No |

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|----------|-------------|---|---|------|--------|----------------------|----|
| OS58.6 | FENZ | UFD-07 Well-functioning urban environment | Retain as drafted | N/A | Accept | Agree with submitter | No |
| OS74.3 | GWRC | UFD-07 Well-functioning urban environment | Amend UFD-07 (well-functioning urban environment) and other relevant policies in the Variation to include environmental components of wellbeing and have regard to the articulation of a well-functioning urban environment set out in Objective 22 of Proposed RPS Change 1. | 7.20 | Reject | See body of report | No |
| OS76.79 | Kāinga Ora | UFD-07 Well-functioning urban environment | Retain as notified | N/A | Accept | Agree with submitter | No |
| OS81.13 | Waka Kotahi | UFD-07 Well-functioning urban environment | Retain as notified | N/A | Accept | Agree with submitter | No |
| OS118.57 | RVA | UFD-07 Well-functioning urban environment | Retain as notified | N/A | Accept | Agree with submitter | No |
| OS56.2 | John Cody | UFD-07 Well-functioning urban environment | Amend UFD-07 or add as UFD-08: <u>'Affordable housing. Enable a sufficient supply and diverse range of dwelling types and sizes that meet the housing needs of people and communities, including (a) households on low to moderate incomes; and (b) people with special housing requirements.'</u> | 7.20 | Reject | See body of report | No |

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

| Sub. Ref. | Submitter / Further Submitter | Provision | Decision Requested | Section of this Report | Officer's Rec | Officers' Reasons/Comments | Deemed to be on Variation 1? | Amend PDP? |
|--|----------------------------------|--|---|------------------------|---------------|----------------------------|------------------------------|------------|
| Tangata Whenua Rights and Interests | | | | | | | | |
| 137.22 | GWRC | Strategic Objectives | Retain. | 7.4 | Reject | See body of report | Yes | No |
| 264.21 | TROTR | Strategic Objectives | Retain as notified subject to the following amendments: Amend objectives CEI-01 - CEI-08 to adequately reflect Strategic Objectives TW-01 and TW-03 | 7.4 | Reject | See body of report | Yes | No |
| 264.38 | TROTR | Strategic Objectives | Retain as notified. | 7.4 | Reject | See body of report | Yes | No |
| Consultation | | | | | | | | |
| 214.11 | Porirua Pacific Services Network | Consultation, Health, Safety and Wellbeing, Resource | Consult with Pacific to ensure that these houses being built are fit for purpose and not in conflict with Human Rights | N/A | Accept | Agree with submitter | Yes | No |

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|--|-----------------------------|---|---|-----|----------------|---|-----|----|
| | | Management Issue | | | | | | |
| 248.3 | Gary Lewis | General | Voices [of families displaced by rezoning Porirua east] need to be heard in planning their neighbourhood. | N/A | Accept | Agree with submitter | Yes | No |
| Outside scope of DP | | | | | | | | |
| 136.3 ²⁶⁴ | Porirua Chamber of Commerce | General | Protect and ensure that Mana Esplanade maintains two general traffic lanes in each direction and does not revert to one general traffic lane in each direction. | 7.5 | Reject | See body of report | Yes | No |
| General relief/consequential amendments | | | | | | | | |
| 81.768 ²⁶⁵ | Kāinga Ora | Multiple provisions Notification preclusions | Kāinga Ora seeks consequential changes consistent with its overall submission on the Plan. Key areas of concern are (but not limited to): 1. Deletion of reference to Design Guides and requirement that development be “consistent” with these to achieve compliance; 2. Review and re-drafting of notification exclusion clauses; 3. Change language to align with NPS-UD - “planned built urban form” in anticipation of changing character and associated amenity values; 4. Increased spatial extent and consequential changes; 5. Review and amendment to height standard and consequential changes; 6. Amend provisions with direct ‘avoid’ statements. This needs to be qualified in light of the King Salmon meaning of ‘avoid’; and 7. Consequential changes to the numbering of provisions following changes sought throughout chapter. | N/A | Accept in part | Agree with submitter subject to other recommendations made to the Panel by Council officers | Yes | No |
| Definitions | | | | | | | | |

| | | | | | | | | |
|-----------------------|-----------------|-----------------------|---|------|----------------|---|-----|----|
| 264.9 | TROTR | General | Retain as notified subject to amendments in other submission points. | N/A | Accept in part | Agree with submitter subject to other recommendations made to the Panel by Council officers | Yes | No |
| 264.84 | TROTR | New definition | Add the following definition: Community – means the use of land and buildings, including Marae for non custodial services ... | 7.15 | Reject | See body of the report | Yes | No |
| 264.86 | TROTR | Conservation activity | Amend the definition as follows: Conservation activity – enjoyment of the resource and includes: a) Planting, b) Pest and weed control, c) Plant and tree nurseries, d) Track construction e) Exercise of traditional cultural practices associated with Ngāti Toa tikanga and kawa | 7.15 | Reject | See body of the report | Yes | No |
| 225.58 ²⁶⁶ | Forest and Bird | Conservation activity | Delete Make amendments that ensure appropriate parameters are placed around specific activities for conservation purposes. | 7.15 | Reject | See body of the report | Yes | No |
| 216.1 ²⁶⁷ | QEII Trust | Conservation activity | Delete definition and replace with detail around activities to be permitted in each relevant chapter. | 7.15 | Reject | See body of the report | Yes | No |
| 81.51 | Kāinga Ora | Conservation activity | Retain as notified | 7.15 | Accept | Agree with submitter | Yes | No |

²⁶⁴ Opposed by Paremata Residents' Association [FS08.8], [Name withheld for privacy reasons] [FS17.26]

²⁶⁵ Opposed by Russel Morrison [FS22.21]

²⁶⁶ Support – Greater Wellington Regional Council [FS40.128]

²⁶⁷ Support – Director-General of Conservation [FS39.24]

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|---------------------------|---------------------------------------|-----------------------|---|------|--------|------------------------|-----|------------------------|
| 134.7 ²⁶⁸ | Ministry of Education | New definition | Add new definition as follows: SOCIAL INFRASTRUCTURE means: a. both privately and publicly owned community facilities (such as medical and health services and community corrections activities), Justice Facilities (such as police stations, courts and prisons), and Educational Facilities; | 7.15 | Reject | See body of the report | Yes | No |
| 134.8 ²⁶⁹ | Ministry of Education | New definition | Add new definition as follows: ADDITIONAL INFRASTRUCTURE means: a. public open space b. community infrastructure as defined in section 197 of the Local Government Act 2002 c. land transport (as defined in the Land Transport Management Act 2003) that is not controlled by local authorities d. social infrastructure, such as schools and healthcare facilities e. a network operated for the purpose of telecommunications (as defined in section 5 of the Telecommunications Act 2001) f. a network operated for the purpose of transmitting or distributing electricity or gas | 7.15 | Reject | See body of the report | Yes | No |
| 119.9 ²⁷⁰ | FENZ | Multi-unit housing | Retain as notified | 7.15 | Reject | See body of the report | Yes | No |
| 81.35 ²⁷¹ | Kāinga Ora | Apartments | Delete definition | 7.15 | Reject | See body of the report | Yes | No |
| 81.918 | Kāinga Ora | Multi-unit housing | Delete definition | N/A | Accept | Agree with submitter | Yes | Deleted by Variation 1 |
| 81.107 | Kāinga Ora | Multi-unit housing | Delete definition | N/A | Accept | Agree with submitter | Yes | Deleted by Variation 1 |
| 81.175 | Kāinga Ora | Townhouses | Delete definition: Townhouses Means any housing development each unit extends to the ground level, has its own entry from the ground, and is joined with other units. It includes terraced housing and cluster housing types. | 7.15 | Reject | See body of the report | Yes | No |
| Plimmerton Farm | | | | | | | | |
| 149.2 ²⁷² | Plimmerton Developments Limited | Special Purpose Zones | Councils Plan Change 18 Right of Reply version of the Plimmerton Farm Chapter be included as 'PFZ – Plimmerton Farm Zone' in the Special Purpose Zone section of the PRP. Any consequential amendments including removing all references that state that Plimmerton Farm is excluded from the PDP. | 7.16 | Reject | See body of report | Yes | No |
| 168.36 | Robyn Smith | Plimmerton Farm | 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). | 7.16 | Accept | See body of report | No | Yes |
| Qualifying matters | | | | | | | | |
| 218.1 ²⁷³ | Plimmerton Residents' Association Inc | Rezoning | The MRZ be lifted from all properties in: • Steyne Avenue • Bath Street | 7.18 | Reject | See body of the report | Yes | No |

²⁶⁸ Support - Kāinga Ora [FS65.31]

²⁶⁹ Support - Kāinga Ora [FS65.32], oppose in part Waka Kotahi [FS36.14]

²⁷⁰ Oppose - Kāinga Ora FS65.43

²⁷¹ Support - Kenepuru Limited Partnership (KLP) [FS20.11], Paremata Business Park [FS64.2], Carrus Corporation Limited [FS62.2]

²⁷² Supported by GWRC [FS40.112]

²⁷³ Opposed in part by Kainga Ora [FS65.25]

| | | | | | | | | |
|---|--------------------------------|----------------------------------|---|------|---|------------------------|-----|----|
| | | | <ul style="list-style-type: none"> • Grays Road • James Street • St Andrews Road • School Road • Taupō Crescent (36B/36C) • Pope Street (130, 130A, 132B) <p>That these properties be zoned General Residential like their neighbours, and subject to the provisions for multi-unit developments allowed for under that zone.</p> | | | | | |
| 207.1 | Robyn Jones | Rezoning | Remove the Medium Density Residential (MRZ) zoning from the properties identified in Plimmerton and treat them as General Residential zone (GRZ). | 7.18 | Reject | See body of the report | Yes | No |
| 190.4 ²⁷⁴ | Paremata Residents Association | Rezoning | Amend the residential area of Mana Esplanade to a General Residential Zone. | 7.18 | Reject | See body of the report | Yes | No |
| 190.5 ²⁷⁵ | Paremata Residents Association | MRZ-O2 | Amend the residential area of Mana Esplanade to a General Residential Zone. | 7.18 | Reject | See body of the report | Yes | No |
| 168.103 | Robyn Smith | Medium Density Zone – Titahi Bay | <p>[No specific reason given beyond decision requested - refer to original submission]</p> <p>While no specific decision sought, the submitter raised the following matter(s):</p> <p>Supports parts of Titahi Bay being identified as being suitable for medium density development. Does not support the extent of the MRZ being any greater than is currently shown on the PDP maps.</p> | 7.18 | Reject | See body of the report | Yes | No |
| Historic Heritage and Sites and Areas of Significance to Māori | | | | | | | | |
| Submissions on Historic Heritage qualifying matters introduced in Variation 1 | | | | | | | | |
| Medium Density Residential Zone | | | | | | | | |
| 119.58 | FENZ | MRZ-S1 (height) – now MRZ-S2 | <p>Amend standard as follows:</p> <p>...</p> <p>This standard does not apply to:</p> <ul style="list-style-type: none"> • Solar water heating components provided these do not exceed the height by more than 500mm; • Chimney structures not exceeding 1.1m in width on any elevation and provided these do not exceed the height by more than 1m; • Antennas, aerials, and flues provided these do not exceed the height by more than 1m; • Satellite dishes (less than 1m in diameter) and architectural features (e.g. finials, spires) provided these do not exceed the height by more than 1m; or • Lift overruns provided these do not exceed the height by more than 1m; <u>or</u> <p><u>Emergency service facilities and hose drying towers up to 15m associated with emergency service facilities.</u></p> | 7.19 | Reject insofar as relates to the exemption to the Height Control Heritage | See body of the report | Yes | No |
| Submissions on Sites and Areas of Significance to Māori qualifying matters introduced in Variation 1 | | | | | | | | |
| Medium Density Residential Zone | | | | | | | | |
| 119.58 | FENZ | MRZ-S1 (height) – now MRZ-S2 | <p>Amend standard as follows:</p> <p>...</p> <p>This standard does not apply to:</p> <ul style="list-style-type: none"> • Solar water heating components provided these do not exceed the height by more than 500mm; | 7.19 | Reject insofar as relates to the exemption | | Yes | No |

²⁷⁴ Opposed in part by Kainga Ora [FS65.26]

²⁷⁵ Opposed in part by Kainga Ora [FS65.316]

| | | | | | | | | | |
|-----------------------------|---|--|--|------|--------------------------------|----------------------|-----|---------------------------------|--|
| | | | <ul style="list-style-type: none"> Chimney structures not exceeding 1.1m in width on any elevation and provided these do not exceed the height by more than 1m; Antennas, aerials, and flues provided these do not exceed the height by more than 1m; Satellite dishes (less than 1m in diameter) and architectural features (e.g. finials, spires) provided these do not exceed the height by more than 1m; or Lift overruns provided these do not exceed the height by more than 1m; <u>or</u> <p><u>Emergency service facilities and hose drying towers up to 15m associated with emergency service facilities.</u></p> | | on to the Height Control -SASM | | | | |
| Strategic Objectives | | | | | | | | | |
| 81.190 | Kāinga Ora | The strategic objectives set the direction for the District Plan [...] | <p>Amend:</p> <p>The strategic objectives set the direction for the District Plan and help to implement the Council's community outcomes set out in its Long Term Plan. They reflect the intended outcomes to be achieved through the implementation of the District Plan. The land to the west of Titahi Bay Road, bound by Heriot Drive, Lyttleton Avenue Titahi Bay Road and Hagley Street and widely referred to as Bunnings Bank, is included within the City Centre Zone. Specific provisions for this area support a variety of development options, including residential development, while still enabling development that is consistent with the underlying City Centre Zone.</p> | N/A | Accept | Agree with submitter | Yes | Yes Clause 16 of RMA Schedule 1 | |
| 137.7 | GWRC | General | Retain CEI strategic objectives subject to suggested changes. | 7.20 | Accept in part | See body of report | Yes | No | |
| 225.82 | Forest and Bird | CEI-O1 | <p>Clarify what the hierarchy of commercial and industrial centres is. Consider adding direction for the hierarchy and setting out what that hierarchy is within the commercial and industrial zone chapters.</p> <p>Clarify the objective that all centres are accessible, vibrant and viable. That the outcomes listed are not in a priority order.</p> <p>Clarify whether provisions relate to Porirua as a whole or just the central city area.</p> <p>Amend the objective to clarify that it applies to the whole district and to include environmental outcomes as follows:</p> <p>Hierarchy of Commercial and industrial centres <u>for well-functioning urban environments</u></p> <p>The City Porirua has a hierarchy of accessible, vibrant and viable centres that:</p> <ol style="list-style-type: none"> Are the preferred location for shopping, leisure, cultural, entertainment and social experiences; and Provide for the community's employment and economic needs; and Contribute to the community's housing needs; and Contribute to the City's social wellbeing and prosperity; <u>and</u> Retain, protect and enhance indigenous biodiversity values of the district. | 7.20 | Reject | See body of report | Yes | No | |
| 144.8 | Harvey Norman Properties (N.Z.) Limited | CEI-O1 | Retain as notified | N/A | Accept | Agree with submitter | Yes | No | |
| 81.191 | Kāinga Ora | CEI-O1 | Retain objective as notified | N/A | Accept | Agree with submitter | Yes | No | |
| 81.192 | Kāinga Ora | CEI-O2 | Retain objective as notified | N/A | Accept | Agree with submitter | Yes | No | |

| | | | | | | | | |
|--------|---|--|--|------|----------------|------------------------|-----|----|
| 144.9 | Harvey Norman Properties (N.Z.) Limited | CEI-O2 | Retain as notified. | N/A | Accept | Agree with submitter | Yes | No |
| 144.10 | Harvey Norman Properties (N.Z.) Limited | CEI-O3 | Retain as notified | N/A | Accept | Agree with submitter | Yes | No |
| 81.193 | Kāinga Ora | CEI-O3 | Retain objective as notified | N/A | Accept | Agree with submitter | Yes | No |
| 81.194 | Kāinga Ora | CEI-O4 | Retain objective as notified | N/A | Accept | Agree with submitter | Yes | No |
| 137.8 | GWRC | CEI-O4 | Amend objective to include cultural activities such as churches and other faith centres to be provided for in local centres as well as providing for residential dwellings to be located within the local centres. | 7.20 | Accept in part | See body of the report | Yes | No |
| 81.195 | Kāinga Ora | CEI-O5 | Retain objective as notified | N/A | Accept | Agree with submitter | Yes | No |
| 225.83 | Forest and Bird | CEI-O6 | Add a second sentence to objective CEI-O6 as follows:58 <u>Subdivision and development within this zone provides for the protection of SNAs and maintenance of indigenous biodiversity.</u> Make consequential amendments to all zones to include this objective or similar | 7.20 | Reject | See body of report | Yes | No |
| 81.196 | Kāinga Ora | CEI-O6 | Amend: The Mixed Use Zone has a range of complementary <u>compatible</u> commercial, residential, light industrial, recreational and community activities | N/A | Accept | Agree with submitter | Yes | No |
| 81.197 | Kāinga Ora | CEI-O7 | Retain objective as notified | N/A | Accept | Agree with submitter | Yes | No |
| 144.11 | Harvey Norman Properties (N.Z.) Limited | CEI-O7 | Retain as notified. | N/A | Accept | Agree with submitter | Yes | No |
| 246.5 | JEPS | CEI-O8 | Rezoning should only be done if it enables activities that are in keeping with the existing use of the land and surrounding environment, such as supporting a rural lifestyle. | 7.20 | Reject | See body of report | Yes | No |
| 81.198 | Kāinga Ora | CEI-O8 | Retain objective as notified | N/A | Accept | Agree with submitter | Yes | No |
| 64.29 | Latoya Flutey | Strategic Objectives Introduction; Along with increasing the supply of housing and range of housing types [...] | Amend: Along with increasing the supply of housing and range of housing types, the project includes redesigning neighbourhoods, revitalising local centres, upgrading parks and infrastructure, and providing warm, dry, healthy homes. The regeneration aims to contribute to the City's environmental, social, cultural and economic wellbeing, <u>without becoming detrimental to the diverse culture already established.</u> | 7.20 | Reject | See body of report | Yes | No |
| 81.199 | Kāinga Ora | Details of the steps Plan users should take when using the | Amend: Details of the steps Plan users should take when using the District Plan are provided in the General Approach chapter. | 7.20 | Reject | See body of report | Yes | No |

| | | District Plan [...] | | | | | | |
|--------|--|---------------------|---|------|--|----------------------|-----|----|
| 137.9 | GWRC | EP-O1 | Amend EP-O1: The regeneration of Eastern Porirua occurs in a comprehensive manner that enables the co-ordinated development of housing, local centres, transport, infrastructure and the provision of open space <u>and biodiversity</u> and results in a high quality urban form and improved social, <u>environmental</u> , cultural and economic wellbeing. Consider providing a link in the e-plan to https://poriruadevelopment.co.nz/ . | 7.20 | Reject | See body of report | Yes | No |
| 225.84 | Forest and Bird | EP-O1 | Amend the objective to include environmental outcomes to be achieved through regeneration of Eastern Porirua. Identify “Eastern Porirua” in an appendix or on the planning maps and include reference to this in EP-O1. | 7.20 | Accept in part | See body of report | Yes | No |
| 77.2 | Te Awarua-o-Porirua Harbour & Catchments Community Trust, and Guardians of Pāuatahanui Inlet | EP-O1 | Amend: The regeneration of Eastern Porirua occurs in a comprehensive manner that enables the co-ordinated development of housing, local centres, transport, infrastructure and the provision of open space, and results in a high quality urban form and improved social, cultural and economic wellbeing <u>and a storm and wastewater system that avoids any adverse effects and contributes to positive effects on the natural environment including the surrounding catchment and the harbour.</u> | 7.20 | Reject | See body of report | Yes | No |
| 81.945 | Kāinga Ora | EP-O1 | Amend Objective EP-O1 to align with the statutory objectives under the Kāinga Ora-Homes and Communities Act 2019. | 7.20 | Reject | See body of report | Yes | No |
| 83.14. | Powerco Limited | EP-O1 | Retain as notified. | N/A | Accept, subject to amendment made in response to other submissions | Agree with submitter | Yes | No |
| 82.28 | Waka Kotahi | EP-O1 | Retain as notified. | N/A | Accept, subject to amendment made in response to other submissions | Agree with submitter | Yes | No |
| 81.200 | Kāinga Ora | EP-O1 | Amend: | 7.20 | Reject | See body of report | Yes | No |

| | | | | | | | | |
|--------|--|--|--|------|--------|----------------------|-----|----|
| | | | <p>The regeneration of Eastern Porirua occurs in a comprehensive manner that enables the co-ordinated development of housing, local centres, transport, infrastructure and the provision of open space, and results in a high quality urban form and improved social, cultural and economic wellbeing.</p> <p>The regeneration of Eastern Porirua occurs in a comprehensive manner that:</p> <ol style="list-style-type: none"> 1. Contributes to a sustainable, inclusive and thriving community; 2. Provides people with good quality, affordable housing choices that meet diverse needs; 3. Supports good access to jobs, amenities, and services; and 4. Sustains or enhances the overall economic social, environmental and cultural well-being of current and future generations. | | | | | |
| 81.209 | Kāinga Ora | Details of the steps Plan users should take when using the District Plan are provided in the [...] | <p>Amend:</p> <p>Details of the steps Plan users should take when using the District Plan are provided in the General Approach chapter.</p> | 7.20 | Reject | See body of report | Yes | No |
| 225.87 | Forest and Bird | HO-O1 | Clarify that housing opportunities will be within environmental limits of the areas identified. | 7.20 | Reject | See body of report | Yes | No |
| 81.210 | Kāinga Ora | HO-O1 | Retain objective as notified | N/A | Accept | Agree with submitter | Yes | No |
| 67.15 | Housing Action Porirua | HO-O1 | <p>Amend:</p> <p>HO-O1</p> <p>Housing variety and wheelchair accessibility There are a variety of housing types, sizes and tenures available in quality living environments throughout the City that meet the community's diverse housing needs, including the needs of the disabled. All housing units are constructed to be accessible and manoeuvrable for wheelchair users and to provide an accessible bathroom at ground floor level.</p> | 7.20 | Reject | See body of report | Yes | No |
| 67.1 | Housing Action Porirua | HO-O2 | <p>Amend:</p> <p>Higher density housing is enabled on greenfield and brownfield sites across the city, particularly in the city centre, where it:</p> <ol style="list-style-type: none"> 1. Has access to the transport network and is served by multi-modal transport options; 2. Is located within or near a commercial centre and close to public open space; 3. Has access to social infrastructure; and 4. Avoids areas of significant natural hazard risk. | 7.20 | Reject | See body of report | Yes | No |
| 77.3 | Te Awarua-o-Porirua Harbour & Catchments | HO-O2 | <p>Amend:</p> <p>Higher density housing is enabled on greenfield and brownfield sites across the city where it:</p> | 7.20 | Reject | See body of report | Yes | No |

| | | | | | | | | |
|----------|---|--|--|------|--------|----------------------|-----|----|
| | Community Trust, and Guardians of Pāuatahanui Inlet | | <ol style="list-style-type: none"> 1. Has access to the transport network and is served by multi-modal transport options; 2. Is located within or near a commercial centre and close to public open space; 3. Has access to social infrastructure; 4. Avoids areas of significant natural hazard risk; <p><u>Avoids any adverse effects and contributes to positive effects on the natural environment including the surrounding catchment and the harbour.</u></p> | | | | | |
| 83.19. | Powerco Limited | HO-O2. | <p>Amend Objective HO – 02 as follows:</p> <p>Higher density housing is enabled on greenfield and brownfield sites across the city where it:</p> <ol style="list-style-type: none"> 1. Has access to the transport network and is served by multi-modal transport options; 2. Is located within or near a commercial centre and close to public open space; 3. Has access to social infrastructure; and 4. <u>Has sufficient infrastructure capacity; and</u> <p>Avoids areas of significant natural hazard risk.</p> | 7.20 | Reject | See body of report | Yes | No |
| 82.30 | Waka Kotahi | HO-O2 | <p>Amend provision:</p> <p>“1. Has access to a <u>safe and connected</u> transport network <u>with sufficient capacity</u>, and is served by multi-modal transport options;”</p> | 7.20 | Reject | See body of report | Yes | No |
| 225.88 | Forest and Bird | HO-O2 | Clarify that housing opportunities will be within environmental limits of the areas identified. | 7.20 | Reject | See body of report | Yes | No |
| 137.12 | GWRC | HO-O2 | <p>Amend HO-O2 to add:</p> <p>5. Has access to water and drainage infrastructure of adequate capacity suitable for carrying peak flows anticipated during the asset lifetime.</p> | 7.20 | Reject | See body of report | Yes | No |
| 81.211 | Kāinga Ora | HO-O2 | <p>Amend:</p> <p>Higher density housing is enabled on greenfield and brownfield sites across the city where it:</p> <ol style="list-style-type: none"> 1. Has access to the <u>planned and existing</u> transport network and is served by multi-modal transport options; 2. Is located within or near a commercial centre and close to public open space; 3. Has access to social infrastructure <u>and urban amenities</u>; and <p>Avoids areas of significant natural hazard risk</p> | 7.20 | Reject | See body of report | Yes | No |
| 225.101. | Forest and Bird | General. | Amend to incorporate maintenance of indigenous biodiversity. | | | | | |
| 81.233 | Kāinga Ora | Details of the steps Plan users should take when using the District Plan [...] | <p>Amend:</p> <p>Details of the steps Plan users should take when using the District Plan are provided in the General Approach chapter.</p> | 7.20 | Reject | See body of report | Yes | No |
| 51.23 | Telcos | Future urban growth areas are able to be serviced by | Retain as notified. | N/A | Accept | Agree with submitter | Yes | No |

| | | | | | | | | |
|------------------------------|---|-------------------------------------|---|------|----------------|----------------------|-----|----|
| | | infrastructure [...] [UFD-O4] | | | | | | |
| 82.32 | Waka Kotahi | UFD-O1 | Retain as notified. | N/A | Accept | Agree with submitter | Yes | No |
| 8.5 | Wellington City Council | UFD-O1 | Retain the provisions as proposed in the updated District Plan. Supportive of further additions to the Plan, as appropriate through the submissions process, to support a well-functioning and vibrant Porirua City. | N/A | Accept | Agree with submitter | Yes | No |
| 144.14 | Harvey Norman Properties (N.Z.) Limited | UFD-O1 | Retain as notified. | N/A | Accept | Agree with submitter | Yes | No |
| 81.234 | Kāinga Ora | UFD-O1 | Amend: Porirua grows in a <u>planned, compact and structured way consistent with its planned urban built form.</u> | N/A | Reject | See body of report | Yes | No |
| 8.6 | Wellington City Council | UFD-O2 | Retain the provisions as proposed in the updated District Plan. Supportive of further additions to the Plan, as appropriate through the submissions process, to support a well-functioning and vibrant Porirua City. | N/A | Accept | Agree with submitter | Yes | No |
| 242.5. | Pukerua Property Group Limited | UFD-O2 | Retain the objectives as proposed. | N/A | Accept | Agree with submitter | Yes | No |
| 241.7 objective as proposed. | The Neil Group Limited and Gray Family | UFD-O2 | Retain the objective as proposed. | N/A | Accept | Agree with submitter | Yes | No |
| 231.7. | John Carrad. | UFD-O2 | Retain the objectives as proposed. | N/A | Accept | Agree with submitter | Yes | No |
| 81.235 | Kāinga Ora | UFD-O2 | Amend: UFD-O2 Urban land supply Sufficient development capacity There is a Porirua has sufficient supply of land <u>development capacity in the short term, medium term and long term available at all times, which is feasible for development</u> , to meet the city's <u>medium term housing, commercial, industrial business and recreational needs.</u> | 7.20 | Reject | See body of report | Yes | No |
| 81.236 | Kāinga Ora | UFD-O3 | Retain objective as notified | 7.20 | Accept in part | See body of report | Yes | No |
| 82.33 | Waka Kotahi | UFD-O3 | Retain as notified. | 7.20 | Accept in part | See body of report | Yes | No |
| 8.7 | Wellington City Council | UFD-O3 | Retain the provisions as proposed in the updated District Plan. Supportive of further additions to the Plan, as appropriate through the submissions process, to support a well-functioning and vibrant Porirua City. | 7.20 | Accept in part | See body of report | Yes | No |
| 144.15 | Harvey Norman Properties (N.Z.) Limited | UFD-O3 | Retain as notified. | 7.20 | Accept in part | See body of report | Yes | No |
| 119.17 | FENZ | UFD-O3 | Retain as proposed. | 7.20 | Accept in part | See body of report | Yes | No |
| 144.17 | Harvey Norman | UFD-O6 | Amend the objective to target certain areas (e.g. City Centre) or activities (e.g. multi-unit residential developments), instead of requiring “good quality design” to be achieved in “all urban form and place | 7.20 | Reject | See body of report | Yes | No |

| | | | | | | | | |
|--------------------------|----------------------------------|---------|---|------|----------------|--------------------|-----|----|
| | Properties (N.Z.) Limited | | making". Alternatively, the objective should be amended to use words such as "encourage" or "promote", as opposed to requiring "good" outcomes to be achieved in "all cases". | | | | | |
| 8.8 | Wellington City Council | UFD-O6 | Retain the provisions as proposed in the updated District Plan. Supportive of further additions to the Plan, as appropriate through the submissions process, to support a well-functioning and vibrant Porirua City. | 7.20 | Accept in part | See body of report | Yes | No |
| 81.239 | Kāinga Ora | UFD-O6 | Amend: Good quality design is achieved in all urban form and place making. <u>Quality urban form and placemaking is achieved through good urban design.</u> | 7.20 | Accept in part | See body of report | Yes | No |
| Other submissions | | | | | | | | |
| 95.2 | Titahi Bay Residents Association | General | Add: Motor vehicle (coastal marine area) means a man-made device for land transport, including but not limited to cars, trucks, heavy machinery, motorbikes and bicycles, and does not include prams, strollers, wheelchairs or other mobility scooters used by persons. | 7.21 | Reject | See body of report | No | No |

Appendix C. Report Author's Qualifications and Experience

Torrey McDonnell – Principal Policy Planner, Porirua City Council

I hold the following qualifications:

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

I have 13 years' experience working as a planner for local and central government organisations.

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

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

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

Michael Rachlin – Principal Policy Planner, Porirua City Council

I hold the following qualifications: A BA(Hons) in Town & Country Planning (University of Manchester, UK), a Bachelor of Planning (with Credit) in Town & Country Planning (University of Manchester, UK) and a MSc in Environmental Assessment and Management (Oxford Brookes University, UK). I am a Chartered Town Planner and have been a Member of the Royal Town Planning Institute (UK) since 1991.

I have 32 years' experience in working as a planner for local government and the Hertfordshire Constabulary (UK). My work experience includes, amongst other matters, the interpretation and application of Regional Policy, input into statutory processes under the Resource Management Act 1991, as well as policy formulation. This includes appearing at a number of hearings (plan changes and subdivision) providing expert planning evidence on urban growth and urban form, land use-transport integration and the management of natural hazard risk. I have also been involved in Environment Court mediation involving the management of natural hazard risk.

I have been employed by the Porirua City Council since December 2017 as a Principal Policy Planner within the Environment and City Planning Team. Before then, I was employed as a:

- Strategy and Policy Planner at Selwyn District Council and where I worked on their review of the Selwyn District plan from January 2016 to November 2017; and
- Principal Planner at the Canterbury Regional Council ("CRC") and where I was employed in their District Plan Liaison team from 2008 until March 2015.

Before joining the Canterbury Regional Council in 2008, I held a number of positions, including as a Principal Planner and a team leader (consents), for various district councils in the UK. I was also employed by the Hertfordshire Police Authority as their Planning Obligations Manager, a post which

involved seeking improved integration between land use planning and delivery of policing service and police infrastructure in district plans.

Caroline Rachlin, Senior Policy Planner, Porirua City Council

I hold the following qualifications: Bachelor of Arts (in History and Geography) from the University of Canterbury, and a Master of Resources Studies (in Environmental Planning) from Lincoln University.

I have been employed by the Porirua City Council since March 2020 as a Senior Policy Planner within the Environment and City Planning Team.

I have 15 years' experience working as a planner in New Zealand, and five years' experience in planning in the United Kingdom.

Before being employed by Porirua City Council, I held a Planner role at Heritage New Zealand Pouhere Taonga for the Central Region Office. My role included providing planning advice in relation to proposals under the Resource Management (RMA). Prior to this I held senior planner positions at Upper Hutt City Council and Christchurch City Council, where my work was primarily focused on the preparation of Council led plan changes (under the RMA). During my work at Christchurch City Council I was involved in the proposed Christchurch Replacement District Plan, including assisting in drafting chapter proposals (including for Natural and Cultural Heritage) and providing evidence before the Independent Hearings Panel.

Before these positions, I was employed in planning positions in the United Kingdom in development control (similar to New Zealand resource consents planning), and by the Selwyn District Council in a policy planner role. I am an associate member of the New Zealand Planning Institute.

Rory McLaren Smeaton, Senior Policy Planner, Porirua City Council

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.

Appendix D. List of Submitters (2020)

Submission 1 Smith Stephen
Submission 2 Gallagher Peter
Submission 3 Wilson Lesley
Submission 4 Palmer Mark
Submission 5 Paice Christopher
Submission 6 He Ara Pukerua
Submission 7 Lane Paul
Submission 8 Wellington City Council
Submission 9 Bunnings Limited
Submission 10 Davies Lyle and Tracey
Submission 11 Porirua City Council
Submission 12 Gwynn Family Trust
Submission 13 Higgins Kevin Brian
Submission 14 Steffens Nadine
Submission 15 Sexton Phyllis
Submission 16 Scott-Hill Darien
Submission 17 Blake Jennifer
Submission 18 Tierney Andrew
Submission 19 Williams Mike
Submission 20 PHR Limited
Submission 21 Fern Valley Trust
Submission 22 Price, Terence
Submission 23 Houpt Tony
Submission 24 Blanchard Brendon
Submission 25 Wood Michael
Submission 26 Collyns Jeremy
Submission 27 Singh Harpreet
Submission 28 Brandon Anthony
Submission 29 Evans Mike
Submission 30 Collyns Jeremy
Submission 31 Case Polly
Submission 32 Reading, Matthew
Submission 33 Walsh, Nigel
Submission 34 O'Meara-Hunt Catriona
Submission 35 Parker Craig
Submission 36 Ainsworth Julie
Submission 37 Davidson Gabriel
Submission 38 Anglican Parish of Pauatahanui
Submission 39 Wilkins, Jalna
Submission 40 Wilkins, Jalna
Submission 41 Wilkins, Jalna
Submission 42 McGavin Bill
Submission 43 Lally Jacqui
Submission 44 Conradie Magdalena
Submission 45 Conradie Magdalena

Submission 46 Conradie Magdalena
Submission 47 Johnston Glenn
Submission 48 Johnston Glenn
Submission 49 Boele van Hensbroek Joannes
Submission 50 Vermey Kimberley
Submission 51 Spark New Zealand Trading Limited, Chorus New Zealand Limited, Vodafone New Zealand Limited
Submission 52 Tunley Hamish
Submission 53 Norling Brendon
Submission 54 Parker Craig
Submission 55 Buckley Pat and Julie
Submission 56 TJJ Associates
Submission 57 Mather Donald
Submission 58 Smith Kieran
Submission 59 Gawn Brett (Kenepuru Limited Partnership (KLP))
Submission 60 Transpower New Zealand Ltd
Submission 61 Jacobson, Mike & Christine
Submission 62 Tawa Hockey Club
Submission 63 Spark NZ Trading Ltd & Vodafone NZ Ltd
Submission 64 Flutey Latoya
Submission 65 Heritage New Zealand Pouhere Taonga
Submission 66 Rochel Arama
Submission 67 Housing Action Porirua
Submission 68 Carrus Corporation Ltd
Submission 69 Paremata Business Park Ltd
Submission 70 Chorus New Zealand Ltd
Submission 71 Strugnell Diane
Submission 72 Survey+Spatial New Zealand (Wellington Branch)
Submission 73 de Boer Inge
Submission 74 Pauatahanui Residents Association
Submission 75 Draycott Property Holdings Ltd
Submission 76 Hungerford John
Submission 77 Te Awarua-o-Porirua Harbour & Catchments Community Trust and Guardians of Pauatahanui Inlet
Submission 78 Green Tim and Nadine
Submission 79 Phillips Heather and Donald Love
Submission 80 Hughes, Robert
Submission 81 Kainga Ora – Homes and Communities
Submission 82 New Zealand Transport Agency (Waka Kotahi)
Submission 83 Powerco Limited
Submission 84 Firstgas Limited
Submission 85 Wellington Electricity Lines Limited
Submission 86 KiwiRail Holdings Limited
Submission 87 Areora, Tatiana
Submission 88 Areora Chrissie
Submission 89 Johnston, Sandra
Submission 90 Thompson, Derek and Kristine
Submission 91 Judgeford Golf Club (John Spence)

Submission 92 Z Energy Limited
Submission 93 Twist, Graham
Submission 94 Titahi Bay Community Group and Pestfree Titahi Bay
Submission 95 Titahi Bay Residents Association Inc
Submission 96 Parsons, Andrew and Leanne
Submission 97 Parsons, Andrew and Leanne
Submission 98 Duggan, Michael
Submission 99 Ballinger Industrieis Limited - Ballinger, Murray
Submission 100 Meekings-Stewart, Pamela
Submission 101 Labbe, Gerado
Submission 102 Crawford, Craig
Submission 103 Patridge, Jeremy
Submission 104 Aggregate and Quarry Association
Submission 105 Gay, Ojaun
Submission 106 Stanley and Gray, Christine and Alan
Submission 107 Faulke, Gavin
Submission 108 Hannah Bridget Gray No2 Trust
Submission 109 Scott, Peter
Submission 110 Simonlehner, Andrea & Karl
Submission 111 Preserve Pauatahanui Inc
Submission 112 Coppieters, Kristiaan Hendrik Justin
Submission 113 Coppieters, Kristiaan Hendrik Justin
Submission 114 Coppieters, Kristiaan Hendrik Justin
Submission 115 Coppieters, Kristiaan Hendrik Justin
Submission 116 Building Research Association of New Zealand (BRANZ)
Submission 117 Morrison, Russell
Submission 118 Botha, Paul and Julia
Submission 119 Fire and Emergency New Zealand
Submission 120 Woolworths New Zealand Limited
Submission 121 Radio New Zealand Limited
Submission 122 Foodstuffs North Island Ltd
Submission 123 Z Energy, BP Oil NZ Ltd and Mobil Oil NZ Ltd
Submission 124 New Zealand Defence Force
Submission 125 1010 Homes Ltd
Submission 126 Director-General of Conservation
Submission 127 Radford, Melissa
Submission 128 Cray, Rebecca
Submission 129 Hilling, Sharon
Submission 130 Jorgensen, Geoffrey
Submission 131 Wi-Neera, Zachariah Paraone
Submission 132 Watson, Tina
Submission 133 Howe, Nikita
Submission 134 Ministry of Education
Submission 135 Ara Poutama Aotearoa the Department of Corrections
Submission 136 Porirua Chamber of Commerce
Submission 137 Greater Wellington Regional Council
Submission 138 Ryan, Raymond on behalf of the Ryan Family Trust
Submission 139 Lucas, Ron

Submission 140 Lucas, Ron
Submission 141 Menzies, Jeanette and Bruce
Submission 142 Weston, Emma
Submission 143 Oranga Tamariki – Ministry of Children
Submission 144 Harvey Norman Properties (N.Z.) Limited
Submission 145 Ashton, Kathleen
Submission 146 Bowman, Alana
Submission 147 Falkner, Richard
Submission 148 Norton, Jennifer and Lee, Murray
Submission 149 Plimmerton Developments Limited
Submission 150 Whitireia Park Restoration Group
Submission 151 Begg, Lee
Submission 152 Giller, Jennifer
Submission 153 Clark, Thomas and Claire
Submission 154 Wakefield, Peter
Submission 155 Design Network Architecture Limited
Submission 156 Heriot Drive Limited
Submission 157 Raiha Properties Limited
Submission 158 Grant, Steve
Submission 159 Grant, Steve
Submission 160 Grant, Steve
Submission 161 Marshall, Geoff
Submission 162 Coad, Victoria and Nick
Submission 163 Major, Mary and Philip
Submission 164 Willowbank Trustee Limited
Submission 165 Fowler, Ian
Submission 166 Freeman-Plume, Mariam
Submission 167 House Movers section of the New Zealand Heavy Haulage Association Inc
Submission 168 Smith, Robyn
Submission 169 Douglas, Adrian and Alyson
Submission 170 Reilly, Michaela
Submission 171 Nicholson, David
Submission 172 Silverwood Corporation Limited
Submission 173 Cave, Murry
Submission 174 Arnold, Mike
Submission 175 Arnold, Mike
Submission 176 Fowler, Noeline
Submission 177 Foothead, Chris
Submission 178 Friends of Taupo Swamp & Catchment Incorporated
Submission 179 Rural Contractors New Zealand Inc
Submission 180 Plimmerton School Board of Trustees
Submission 181 David William Ltd
Submission 182 Jones, Simon and Jean
Submission 183 Pikarere Farm Limited
Submission 184 Cody, John
Submission 185 Lee, Robert
Submission 186 Kenning, Michael
Submission 187 Shedlands Limited

Submission 188 Draper, Melanie and Scott
Submission 189 Draper, Vic
Submission 190 Paremata Residents Association
Submission 191 Lee, Anne
Submission 192 Crumpton, Robert
Submission 193 Gear, Ian and Helen
Submission 194 Dale, Deirdre
Submission 195 Dale, Deirdre
Submission 196 Cameron, John and Shirley
Submission 197 Ford-Tuveve, Donna Lee
Submission 198 Fantham, Caryl
Submission 199 Light House Cinema Limited
Submission 200 Judgeford Heights Limited
Submission 201 Harpham, Sheryn and David
Submission 202 Harpham, Sheryn and David on behalf of themselves, Progeni Ltd, the owners of Lot 5,6 and 7 DP519099 and others
Submission 203 Harpham, Sheryn and David
Submission 204 Mettam, Glen
Submission 205 Kovacs, Steven
Submission 206 Twaddle, Josh
Submission 207 Jones, Robin
Submission 208 Graham, Thomas
Submission 209 Gray, Joy Constance
Submission 210 Trustees of the Blue Cottage Trust
Submission 211 Trustees of the Ken Gray No. 1 Family Trust & Ken Gray No. 2 Family Trust
Submission 212 Shippam, Lee and Andrew
Submission 213 Dasyam, Natasha
Submission 214 Porirua Pacific Services Network
Submission 215 Thomson, David
Submission 216 Queen Elizabeth the Second National Trust (QEII)
Submission 217 Leblanc, Remi
Submission 218 Plimmerton Residents Association Inc
Submission 219 Pomare, Ema on behalf of oneself and others
Submission 220 Pritchard, Tiaki and Amanda
Submission 221 Brunton, Andrew
Submission 222 Sharp, John
Submission 223 Samantha Montgomery Limited
Submission 224 Titahi Bay Amateur Radio Club and New Zealand Association of Radio Transmitters
Submission 225 Royal Forest and Bird Protection Society (Forest & Bird)
Submission 226 Davia, Luke
Submission 227 Jenkins, Anne
Submission 228 G and Jo Limited
Submission 229 Wallace, Marilyn
Submission 230 Vasta, Carolyn and Reus, Carole
Submission 231 Carrad, John
Submission 232 Alder, Jason
Submission 233 Quests Projects Ltd
Submission 234 Reidy, Graham and Janet

Submission 235 Phillips, Mark Lyle
Submission 236 Birnie, Paula
Submission 237 McLaughlan, James (Bubbles Family Trust)
Submission 238 Abdee, Grant
Submission 239 Pierce Nee Solomon, Cassandra
Submission 240 Betteridge, Kenneth
Submission 241 The Neil Group Limited and Gray Family
Submission 242 Pukerua Property Group Limited
Submission 243 Ebbett, Fraser
Submission 244 Titahi Bay Surfriders
Submission 245 Stephen-Smith, Edmund
Submission 246 Judgeford Environmental Protection Society Inc
Submission 247 Dale, Linda
Submission 248 Lewis, Gary
Submission 249 Te Whānau Horomona
Submission 250 Child, Louise
Submission 251 Southwood, Linda
Submission 252 (Duplicate of submission 171)
Submission 253 Press, Anita and Fraser
Submission 254 Weeks, Andrew and Jill
Submission 255 Weeks, Jill
Submission 256 Hartley, Nick
Submission 257 Cottle, Nathan
Submission 258 Milmac Homes Limited
Submission 259 McNamara, Frances
Submission 260 Mosley, Gail
Submission 261 Draper, Vic on behalf of the Draper Family
Submission 262 Fulton Hogan
Submission 263 Regional Public Health
Submission 264 Te Rūnanga o Toa Rangatira
Submission 265 Te Āhuru Mōwai
Submission 266 Edwards, Annalita
Submission 267 Taylor, Aaron and Lorraine
Submission 268 Kavas, Yasemin Ileana
Submission 269 Hilliam, Anita
Submission 270 Saad, Adibah
Submission 271 Progeni Limited
Submission 272 Wells, Ian
Submission 273 Rich, Rowland
Submission 274 Rich, Karen
Submission 275 Alderdice, Joanna

Appendix E. List of Further Submitters (2020)

FS01 Andrews, John
FS02 Qu, Juan
FS03 Milner, Dr Murray
FS04 Transpower
FS05 Linschoten, John
FS06 QEII National Trust
FS07 Saunders, Sarah
FS08 Paremata Residents Association
FS09 Smith, Robyn
FS10 Officer, Bruce
FS11 Wellington VHF Group Incorporated
FS12 NZART Br 63, Upper Hutt Amateur Radio Club UHARC
FS13 New Zealand Association of Radio Transmitters (Inc)
FS14 Heritage New Zealand Pouhere Taonga
FS15 Morum, Pauline and Jack
FS16 Clark, Tom and Claire
FS17 [Name withheld for privacy reasons]
FS18 Pukerua Bay Residents Association
FS19 Jebson, Michael
FS20 Kenepuru Limited Partnership (KLP)
FS21 Plimmerton Developments Limited
FS22 Morrison, Russell
FS23 Richards, Rhys
FS24 Amateur Radio Emergency Communications
FS25 Wheeler, Malcolm
FS26 Branch 50 (Wellington) NZART
FS27 Botha, Paul and Julia
FS28 Wellington Electricity Lines Limited
FS29 Millar, Danielle
FS30 Thomson, Simon
FS31 McNamara, Frances
FS32 [Name withheld for privacy reasons]
FS33 Cody, John
FS34 Silverwood Corporation Limited
FS35 Oranga Tamariki-Ministry for Children
FS36 Waka Kotahi NZ Transport Agency
FS37 Powerco Limited
FS38 Foodstuffs North Island Ltd
FS39 Director-General of Conservation
FS40 Greater Wellington Regional Council
FS41 Parker, Craig
FS42 Spark New Zealand Trading Limited
FS43 Carrad, John
FS44 The Neil Group Limited and the Gray Family
FS45 Pukerua Property Group Limited

FS46 Burton, Rupert and Claire
FS47 Barber Commercial Limited
FS48 Littlejohns, Anthony
FS49 Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd
FS50 Pedder, Ross
FS51 Holmes, Bryce
FS52 Royal Forest and Bird Protection Society (Forest & Bird)
FS53 Jones, Robin
FS54 Fire and Emergency NZ
FS55 Samantha Montgomery Limited
FS56 BLAC Property
FS57 Rob Spreo, previous director of Draycott Property Holdings Ltd
FS58 Z Energy Limited
FS59 Milmac Homes Ltd
FS60 Radio New Zealand Limited
FS61 Plimmerton Residents Association
FS62 Carrus Corporation Limited
FS63 Firstgas Ltd
FS64 Paremata Business Park
FS65 Kāinga Ora – Homes and Communities
FS66 Lategan, Andre
FS67 Survey + Spatial New Zealand (Wellington Branch)
FS68 Vyskocil, Stanislav
FS69 Morse, Pauline
FS70 Te Rūnanga o Toa Rangatira

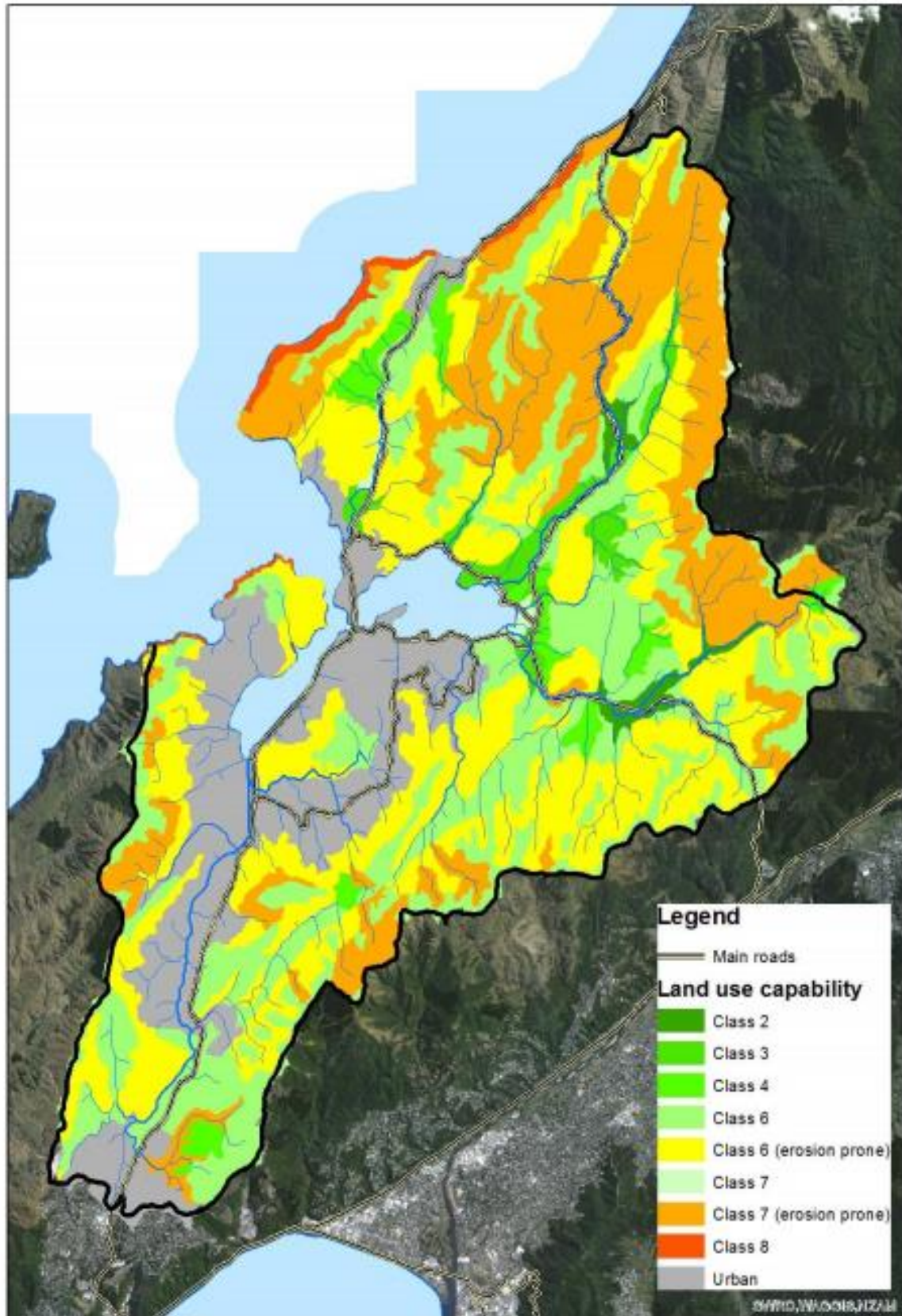
Appendix F. List of Submitters and Further Submitters (2022)

- 1 Myers Andrew
- 2 Pearce Marg
- 3 Winter Paul
- 4 Sargent Philippa
- 5 Parry Alwyn (Taffy)
- 6 Middleton Francesse
- 7 Bell Rob
- 8 Robson Vanessa
- 9 Robson Marsden Hana
- 10 Callear Leslie
- 11 Clegg Paul
- 12 Hall-Jones Rosalind
- 13 Parris Carolyn
- 14 The Church of Jesus Christ of Latter-day Saints Trust Board
- 15 MacDonald Joanna
- 16 Wellum Andrew
- 17 Subritzky Leigh
- 18 Hapu Housing Solutions Limited
- 19 Goode Tim
- 20 Ahipene Kathleen
- 21 Auld Robin
- 22 On Behalf of landowner SS Pointon / On Behalf of landowner SS Pointon
- 23 Baigent James
- 24 Harrison Peter and Fay
- 25 O'Connell John
- 26 Clark Kevin
- 27 Pukerua Holdings Limited
- 28 Paremata Business Park
- 29 Brown Andy
- 30 Richardson Diane
- 31 Procter Warrick
- 32 Harbour Trust & Guardians of Pāuatahanui Inlet / Harbour Trust & Guardians of Pāuatahanui Inlet
- 33 Spark New Zealand Trading Limited and Vodafone New Zealand Ltd
- 34 Xuereb Matthew
- 35 Te Whenua Ora Trust (formerly Te Hiko Puaha Trust)
- 36 Thomson Charmaine
- 37 Toka Tū Ake EQC
- 38 Mann Amos
- 39 Waters Madeleine
- 40 Baxter Ian
- 41 Sheppard Helga
- 42 Neeson Mark
- 43 Pike Emily
- 44 McKeown Ian

- 45 Hunt Rita
- 46 Ashton Debra
- 47 Pukerua Bay Residents Association
- 48 Sharp John
- 49 Price Susan
- 50 Ara Poutama Aotearoa the Department of Corrections
- 51 Summerset Group Holdings Limited
- 52 Blank Hugh
- 53 Transpower New Zealand Limited
- 54 KM & MG Holdings Limited
- 55 Gay Hay Judith Frost-Evans and
- 56 Cody John
- 57 He Ara Pukerua
- 58 Fire and Emergency New Zealand
- 59 Pukerua Property Group Limited
- 60 Gallagher Rosie
- 61 Carter David
- 62 McDuff Brent and Erica
- 63 Marsden Jim
- 64 Warburton Brian
- 65 Gray Street Pukerua Bay Residents Group
- 66 Colbert Benjamin
- 67 Ryman Healthcare Limited
- 68 Friends of Taupo Swamp & Catchment Inc
- 69 Smart Michelle
- 70 Paremata Residents Association
- 71 Silverwood Corporation Limited
- 72 KiwiRail
- 73 Radio New Zealand Limited
- 74 Greater Wellington Regional Council
- 75 Gadd Roger
- 76 Kāinga Ora - Homes and Communities
- 77 Titahi Bay Residents Assn Inc
- 78 Oil companies - Z Energy Limited & BP Oil NZ Limited & Mobil Oil NZ Limited
- 79 Plimmerton Residents' Association
- 80 Robin Jones
- 81 Waka Kotahi NZ Transport Agency
- 82 QEII National Trust (QEII)
- 83 Cawthorn Isabella G F
- 84 Oyster Management Limited
- 85 Metlifecare Limited
- 86 Fleming Tracey
- 87 Jackson Vanessa
- 88 Alexander Nash
- 89 Smart Elijah
- 90 Marriage Guy

- 91 Morrison Russell
- 92 Ministry of Education
- 93 Lateef Alfaaz
- 94 Te Whatu Ora - Health New Zealand, Capital, Coast and Hutt Valley
- 95 Porirua City Council
- 96 Herbert Joy and Francis
- 97 Reid Fiona
- 98 Hopkins Mike
- 99 Collett Alan
- 100 Xuereb Susan
- 101 Story Melissa
- 102 Bond James Hadley
- 103 Keenan Claire and Brad
- 104 Cawthorn Frances
- 105 Brash Jenny
- 106 Kearns Michael
- 107 Webber Wallace Richard and Helen Ann
- 108 Fletcher Yvonne
- 109 Booth Stephen and Anne Marie
- 110 T.C. Papakainga Properties Ltd / Corrina Tupene
- 111 Pukerua Bay School BOT
- 112 Wellington Electricity Lines Limited (WELL)
- 113 Charlton Elizabeth
- 114 Te Rūnanga o Toa Rangatira
- 115 Grindell D Suzi
- 116 Dodge Frances
- 117 Medlyn Margaret
- 118 Retirement Villages Association of New Zealand Incorporated
- 119 Daniel Fiona
- 120 Surukanti Baswa
- 122 Survey & Spatial New Zealand - Wellington Branch
- 123 Heriot Drive Ltd
- 126 Abdee Grant
- 127 Davis Rebecca

Appendix G. Land Use Capability map for Porirua



Appendix H. Ngāti Toa's Deed of Settlement Properties

