

**OFFICER'S REPORT FOR:**

**Independent Hearing Commissioners:**

**Trevor Robinson (Chair)**

**Miria Pomare**

**David McMahon**

**Mark St Clair**

**Julia Williams**

**SUBJECT:**

**Proposed Porirua District Plan: Plan Change 19**

**PREPARED BY:**

**Torrey McDonnell**

**REPORT DATED:**

**10 February 2023**

**DATE OF HEARING:**

**13 March 2023**

## Executive Summary

1. This report considers submissions received by Council in relation to PC19 to the ODP. The report outlines recommendations in response to the issues that have emerged from these submissions.
2. There were a number of submissions and further submissions received on PC19. The submissions received sought a range of outcomes, but the following are considered to be the key issues in contention:
  - a. Scope of the ODP;
  - b. Planning maps;
  - c. Proposed Change 1 to the RPS;
  - d. Relief sought for Variation 1 sought to be applied to PC19;
  - e. Emissions reduction;
  - f. Environmental/ecological impacts;
  - g. Approach to intensification;
  - h. Housing typologies;
  - i. Tangata whenua values and papakāinga;
  - j. Fire and emergency; and
  - k. Retirement villages.
3. This report addresses each of these key issues, as well as any other issues raised by submissions.
4. I have recommended some changes to the PC19 provisions to address matters raised in submissions, these are summarised below:
  - a. Addition of a definition, objectives, policies and rules to enable papakāinga.
5. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the ODP, as amended by PC19, should be amended as set out in Appendix A of this report.
6. For the reasons set out in the Section 32AA evaluation and included throughout this report, I consider that the proposed objectives and provisions, with my recommended amendments, will be the most appropriate means to:
  - a. Achieve the purpose of the RMA and otherwise give effect to relevant higher order planning documents, in respect of the proposed objectives; and
  - b. Achieve the relevant objectives of the ODP, in respect of the proposed provisions.

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## Interpretation

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

**Table 1: Abbreviations**

Abbreviation	Means
the Act / the RMA	Resource Management Act 1991
BORA	Biodiversity Offsetting and Restorations Area
the Council	Porirua City Council
HIRB	Height in Relation to Boundary
IPI	Intensification Planning Instrument
ISPP	Intensification Streamlined Planning Process
MDRS	Medium Density Residential Standards
NES	National Environmental Standard
NES-AQ	National Environmental Standards for Air Quality 2004
NES-CS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NES-ETA	National Environmental Standards for Electricity Transmission Activities 2009
NES-FW	National Environmental Standards for Freshwater 2020
NES-MA	National Environmental Standards for Marine Aquaculture 2020
NES-PF	National Environmental Standards for Plantation Forestry 2017
NES-SDW	National Environmental Standards for Sources of Drinking Water 2007
NES-TF	National Environmental Standards for Telecommunication Facilities 2016
NPS	National Policy Statement
NPS-ET	National Policy Statement on Electricity Transmission 2008
NPS-IB	National Policy Statement on Indigenous Biodiversity 2022
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-HPL	National Policy Statement for Highly Productive Land 2022
NPS-UD	National Policy Statement on Urban Development 2020
NPS-REG	National Policy Statement for Renewable Electricity Generation 2011
NZCPS	New Zealand Coastal Policy Statement 2010
the Operative Plan/ODP	Operative Porirua District Plan 1999
Proposed Change 1	Change 1 to the Regional Policy Statement for the Wellington Region 2013
PC18	Plan Change 18 to the Operative Porirua District Plan 1999
PC19	Proposed Plan Change 19 to the Operative Porirua District Plan 1999
PFZ	PFZ - Plimmerton Farm Zone in the Operative District Plan
the Proposed Plan/PDP	Proposed Porirua District Plan 2020
PNRP	Proposed Wellington Natural Resources Plan Appeals Version – final 2022
RMA-EHS	Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021
RPS	Regional Policy Statement for the Wellington Region 2013
Variation 1	Variation 1 to the Proposed Porirua District Plan 2020

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

<b>Abbreviation</b>	<b>Means</b>
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
Kāinga Ora	Kāinga Ora – Homes and Communities
KiwiRail	KiwiRail Holdings Limited
NZDF	New Zealand Defence Force
Oil companies	Z Energy, BP Oil NZ Ltd and Mobil Oil NZ Limited
Oranga Tamariki	Oranga Tamariki – Ministry of Children
QEII	Queen Elizabeth the Second National Trust
RNZ	Radio New Zealand
RVA	Retirement Villages Association 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 Purpose

8. Plan Change 19 (PC19) proposes the insertion of the MDRS and mandatory objectives and policies into the Operative District Plan (ODP) Plimmerton Farm Zone (PFZ), as well as policy 3 of the NPS-UD. The PFZ is the only part of Porirua not subject to the PDP, therefore a change to the ODP is required to give effect to RMA-EHS amendments. PC19 includes:
  - Inserting the MDRS into precincts A and B
  - Enabling buildings of at least six stories must within a High Density Sub-precinct within Precinct A.
9. This Part B report is prepared under s42A of the RMA. It considers submissions received by the Council in relation to the objectives, policies, rules, definitions, appendices and maps that have been notified as part of PC19.
10. This report is intended to be read in conjunction with Officer's Report: Part A – Overarching which contains factual background information, statutory context and administrative matters pertaining to the district plan review, the PDP and PC19.
11. The purpose of this report is to provide the Hearing Panel with a summary, analysis of, and recommendations on the submissions received on PC19.
12. The recommendations are informed by the evaluation undertaken by the author. In preparing this report, I have had regard to recommendations made in other related s42A reports prepared for the Council.
13. 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.

## 1.2 Author

14. My name is Torrey McDonnell, I am employed by Porirua City Council as a Principal Policy Planner. My qualifications and experience are set out in Appendix C of this report.
15. My role in preparing this report is that of an expert planner.
16. I was involved in the preparation of PC19 and I prepared:
  - a. Section 32 Evaluation Report - Part A Overview to s32 Evaluation for Variation 1 and Plan Change 19; and
  - b. Section 32 Evaluation Report - Part B Proposed Plan Change 19 - Plimmerton Farm Intensification.
17. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court December 2023. I have

complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.

18. The scope of my evidence relates to PC19. I confirm that the issues addressed in this report are within my area of expertise as an expert policy planner.
19. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of this report in which I express my opinions. Where I have set out any opinion, I have given reasons for those opinion.
20. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

### **1.3 Supporting Evidence**

21. 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:
  - Property Economics (2022) Porirua Variation 1 and Plan Change 19 Qualifying Matters Assessment.

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

22. A number of submissions and further submissions were received on the provisions relating to PC19 notified as part of Councils IPI. The submissions received were diverse and sought a range of outcomes.
23. I consider the following to be the key issues in contention for the relevant PC19 provisions:
  - a. Scope of the ODP;
  - b. Planning maps;
  - c. Proposed Change 1 to the RPS;
  - d. Relief sought for Variation 1 sought to be applied to PC19;
  - e. Emissions reduction;
  - f. Environmental/ecological impacts;
  - g. Approach to intensification;
  - h. Housing typologies;
  - i. Tangata whenua values and papakāinga;
  - j. Fire and emergency; and
  - k. Retirement villages.
24. I address each of these key issues in this report, as well as any other issues raised by submissions.



## 1.5 Procedural Matters

25. The PC19 provisions have been notified as part of Council's IPI. The Hearings Panel has been appointed to make recommendations to Council on submissions on PC19, these summarised in Appendix B of this report. The Hearings Panel makes recommendations to each council on these submission points<sup>1</sup>.
26. 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 matters<sup>2</sup>.
27. There is no right of appeal against any decision or action of the Minister, a specified territorial authority, or any other person.
28. At the time of writing this report there has not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.

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<sup>1</sup> This process is outlined in clauses 99 and 100, Part 6, Schedule 1 of the RMA

<sup>2</sup> This process is outlined in clauses 101 to 106, Part 6, Schedule 1 of the RMA

## 2 Statutory Considerations

### 2.1 Resource Management Act 1991

29. PC19 has been prepared in accordance with the RMA and in particular, the requirements of:
- Section 74 Matters to be considered by territorial authority; and
  - Section 75 Contents of district plans.
30. As set out in the Section 32 Evaluation Report Part 1 - Overview to s32 Evaluation, there are a number of relevant higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP. These are discussed in detail in the Section 42A report Part A – Overarching, including the approach the Council has taken to giving effect to the NPS-UD.
31. The sections below provide a brief discussion on the relevant matters of the higher order planning documents relevant to PC19.

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

32. 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 MDRS into all relevant residential zones (s77G(1));
  - Implementing the urban intensification requirements of Policy 3 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)).
33. The required plan changes and variations must be undertaken using an IPI in accordance with sections 80E to 80H of the RMA. Councils must use the ISPP set out in Part 6 of Schedule 1 of the RMA to implement the IPI. In accordance with the statutory timeframe in s80F of the RMA, Council was required to notify its IPI by 20 August 2022. The Council notified the IPI on 11 August 2022. The Minister for the Environment's Direction, gazetted on 27 April 2022, specifies that decisions on Council's IPI must be notified by 20 August 2023.
34. The primary focus of PC19 is to achieve the above requirements of the RMA as amended by the RMA-EHS.

### 2.3 National Policy Statements Gazetted since PC19 notified

#### 2.3.1 National Policy Statement on Freshwater Management

35. The NPS-FM 2020 came into force on 3 September 2020 and from that date replaced the NPS-FM 2017. The NPS-FM is addressed in the Section 32 Evaluation Report Part 1 - Overview to 32 Evaluation (2020). Additionally, a provision-by-provision analysis of PDP provisions against the

Whaitua Implementation Plan and the Ngāti Toa Statement was provided in the Council's reply on Hearing Stream 1.

36. The NPS-FM 2020 is discussed in detail in relation to the approach to Plan Change 19 in the Section 42A report Part A – Overarching.

### **2.3.2 National Policy Statement on Urban Development**

37. The NPS-UD was gazetted on 23 July 2020 and came into effect on 20 August 2020. It replaced the National Policy Statement on Urban Development Capacity 2016 (the NPS-UDC). The NPS-UD objectives and intensification policies in the RMA introduced by the RMA-EHS aim to ensure that local authorities through their planning activities, including the district plan:

- Achieve a well-functioning urban environment;
- Recognise and provide for change in the built environment, as demand for housing in terms of numbers, types of housing and location for housing change over time;
- Align urban development with infrastructure supply;
- Enable increased building heights or densities in defined locations:
  - Walkable catchment of a Metropolitan Centre Zone;
  - Walkable catchment of a rapid transit stop; and
  - Areas of high demand and/or well-served by existing or planned active and public transport.

38. The City's urban zones represent key locations to achieve the above intensification and well-functioning urban environment outcomes. Plan Change 19 to the ODP has been promulgated to give effect to the NPS-UD, particularly the requirements to achieve greater intensification within urban environments.

39. A later variation or plan change will be required to insert the housing bottom line as set out in clause 3.36(4) of the NPS-UD. The relevant housing bottom lines were directly inserted into the RPS as Objective 22A and Table 9A under section 55(2) of the RMA.

### **2.3.3 National Policy Statement on Highly Productive Land**

40. The NPS-HPL was approved on 12 September 2022. It seeks to ensure highly productive land is protected for use in land-based primary production. However, the NPS-HPL does not apply to the ODP under clause 3.5(7)(b)(ii).

41. The general approach to the NPS-HPL 2022 is discussed in the Section 42A report Part A – Overview.

## 2.4 Proposed Change 1 to the RPS

42. GWRC notified Proposed Change 1 to the RPS on 19 August 2022, after the notification of Plan Change 19 to the ODP. The focus of Proposed Change 1 is to implement and support the NPS-UD and to start the NPS-FM process. The proposed change also aims to address issues related to climate change, indigenous biodiversity and high natural character.
43. The Section 42A report Part A – Overview provides a detailed discussion on the implications of Proposed Change 1 to the RPS to Plan Change 19 to the ODP.
44. The policies as included or amended by Proposed Change 1 that may be relevant to the district-wide chapters include those relating to transport (Policies CC.1, CC.2, CC.3, CC.9, CC.11, 57), infrastructure (Policies CC.7, 7, 39 and 58), earthworks (Policy 15), water use (Policies FW.2, FW.5), urban development generally (Policies FW.3, CC.14), indigenous biodiversity (Policies 23, 24, 47, IE.1 and IE.2), natural hazards (Policies 29, 51 and 52), relationships of mana whenua / tangata whenua (Policies UD.1, UD.2) and integrated management (Policy IM.1).
45. These provisions are discussed where relevant in relation to the amendments sought to PC19 to the ODP in section 3 below.

## 2.5 Section 32AA

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

***32AA Requirements for undertaking and publishing further evaluations***

*(1) A further evaluation required under this Act—*

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

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

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

*(d) must—*

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

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

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

47. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to PC19 is contained within the assessment of the relief sought in submissions in section 3 of this report as required by s32AA(1)(d)(ii).

## **2.6 Trade Competition**

48. Trade competition is not considered relevant to PC19.
49. There are no known trade competition issues raised within the submissions.

### 3 Consideration of Submissions and Further Submissions

#### 3.1 Overview

50. There were 117 original submission points received on PC19 and numerous further submissions as outlined in Appendix B. Key themes are set out in section 1.4 of this report.

##### 3.1.1 Report Structure

51. Submissions on PC19 raised a number of issues which 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.
52. 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.
53. Due to the number of submission points, this evaluation is generic only and may not contain specific recommendations on each submission point, but instead discusses the issues generally. This approach is consistent with Clause 10(2)(a) of Schedule 1 to the RMA. Specific recommendations on each submission / further submission point are contained in Appendix B.
54. 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.

##### 3.1.2 Format for Consideration of Submissions

55. For each identified topic, I have considered the submissions that are seeking changes to the ODP in the following format:
- Matters raised by submitters;
  - Assessment;
  - Summary of recommendations; and
  - Section 32AA evaluation.
56. The recommended amendments to the PFZ are set out in in Appendix A of this report where all text changes are shown in a consolidated manner.
57. I have undertaken a s32AA evaluation in respect to the recommended amendments in my assessment.

## 3.2 Scope of the ODP

### 3.2.1 Matters raised by submitters

58. Carolyn Parris [OS13.1] seeks: "Double glazing of 13 Motuhara Rd at council cost if the noise is a problem." The submitter is:

*Concerned about the possibility of constant and long term noise coming across the valley during the build. Noise from the dog park already an issue. Has the right to live in peace and quiet for my wellbeing.*

59. James Baigent [OS23.5] seeks:

*In regard to Plimmerton Farm, developer(s) should be forced to pay for a new main wastewater trunk running below SH1 then under the Harbour, and then under Titahi Bay to a new Wastewater Treatment Plant that will [be] capable of meeting demand into the 2060s.*

60. The submitter considers:

*Plimmerton Farm will inevitably be developed given its proximity to major transport corridors, but that development has the potential to be environmentally catastrophic. Officials seem to be able to convince themselves that with modern development practices Plimmerton Beach will remain swimmable after 6,000 - 10,000 waste and stormwater connections are made in its immediate vicinity. This is a beach much loved by generations of people from all over Porirua.*

61. Guy Marriage [OS90.2] considers that there is a need for "a route over SH59 to the other side of the road and the provision of a new rail station midway between Pukerua and Plimmerton". The submitter:

*Considers that the Northern Growth Area is lacking one crucial thing - along with the Plimmerton Farm proposal - the need for a route over SH59 to the other side of the road and the provision of a new rail station midway between Pukerua and Plimmerton. The present gap between stations is excessive, but is justified at present as nobody lives between the two centres. With the addition of another 5-10,000 residents over the years, and the absolute need for these extra people not to have to drive to work, and not to have to drive across SH59 and park on the other side, it seems imperative for planning to made now for a future station, and for a future pedestrian / cycling link to be made for it now.*

*Submitter envisages that a new train station would be somewhere near the present junction between the two schemes - ie near the existing farmhouses / Airlie Road junction - and hence also near the edge of the cemetery. This is presumably where a proposed new road access is made 1278 onto SH59 is made - but this should be planned now to have a generous pedestrian / cycle overbridge from east to west, separate from the road access below. That's the only way to ensure that future generations can easily catch the train - if we design in the infrastructure now, and that means designing to avoid pedestrians physically crossing the road (SH59) now and in the future. Submitter concerned about another 5000 cars pouring onto the highway at these points, because the two existing train stations are simply too far away to catch, and a proposed new station here would not work if people had to cross a busy highway.*

62. Russell Morrison raises the following issues:

- *would like to see more surety from the PCC about how the existing wastewater system will be fixed by having its capacity enhanced and that no connections from the*

*Plimmerton Farms or Pukerua Bay developments will be made to the system before that has been achieved. [OS91.1]*

- *would like to see is an acknowledgement that the proposed northern developments have the potential to generate significant extra traffic that is likely to have considerable adverse effects on the existing character and amenity of other communities (particularly Paremata); and ensuring that those effects are not overlooked in the scramble for new development in the north. [OS91.3]*
- *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. [OS91.5]*

63. Melissa Story [OS101.2] is “against Kainga Ora building social housing in Plimmerton Farm” and raises the following issues:

*Social housing can bring with it a range of issues. Sadly this includes people affiliated with gangs. By spreading social housing into a more affluent area such as Plimmerton, this would divert police resources geographically which are currently more concentrated in Cannons Creek, Waitangirua [sic] etc. In the same way you wouldn't want student flats, next to a retirement village People with different needs will clash. There will be major unrest in the community if this goes ahead and mass exodus of the higher rate paying portion of the community.*

### **3.2.2 Assessment**

64. In regard to the submission from Carolyn Parris, construction noise effects are addressed by NOISE-R2 and the associated standard, NZS 6803:1999. The submitter has not provided any evidence that this rule is insufficient to address noise effects.
65. The submissions from James Baigent, Guy Marriage, and Russell Morrison raise concerns generally in relation to the capacity of infrastructure to service population growth in the area, as well as potential flow on effects such as effects on character and amenity of existing areas or the environment.
66. A summary of the Council's approach to infrastructure planning is provided in the Section 32 Evaluation Report Part A: Overview to Section 32 Evaluation, which states that:

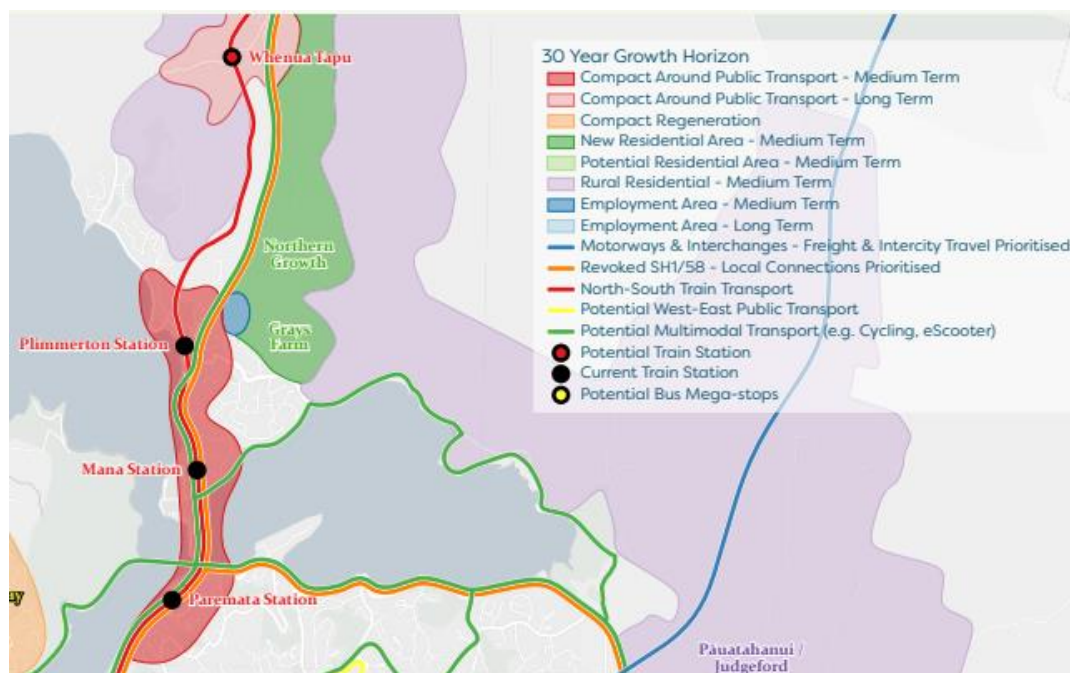
*Given the committed level of investment in the LTP, expected development contributions and infrastructure provided through developer agreements, current levels of service for infrastructure are expected to be maintained and, in some cases, improved in the long term.*

67. The report describes the components that work together to provide sufficient 'plan enabled' capacity to meet expected demand for housing supply and business land, being the LTP, development contributions, and district plan provisions.
68. The PFZ objective and policies require a comprehensive and integrated approach to the provision of infrastructure, including PFZ-O1, PFZ-P1, PFZ-P2, SUBPFZ-O2, SUBPFZ-O3, SUBPFZ-P4, TRPFZ-O1, TRPFZ-O2 and TRPFZ-P3. The PFZ includes standards in Section 4 Subdivision that requires connections to reticulated services where these are available, and in relation to



wastewater, stormwater and potable water, achievement of the levels of service set in the Wellington Water Regional Standard for Water Services May 2019.

69. Where the relevant standards are not met, resource consent is required, which could be refused if the adverse effects of the proposal are unacceptable. The PCC Development Contributions Policy 2021 sets out the development contributions payable by developers on a per household unit equivalent (HUE) basis. Where the existing infrastructure does not have sufficient capacity and a proposal comes forward which may place significant demand on the infrastructure, developer agreements provide a flexible mechanism to bring forward certain projects from the LTP required to service the development.
70. I consider that the approach to infrastructure planning described in the Section 32 Evaluation Report Part A: Overview to Section 32 Evaluation deals the concerns raised in the submissions.
71. Waka Kotahi, GWRC and KiwiRail all have supporting roles to play in terms of delivering multi-modal transport options to support growth, including upgrades to bus, train, walking, cycling and state highway networks. I agree with Guy Marriage that an additional train station may well be needed in the long-term to serve the Northern Growth Area, as signalled in Porirua's 2048 Growth Strategy in the area surrounding Whenua Tapu<sup>3</sup> shown in Figure 1 below.



**Figure 1: Spatial Framework from 2048 Growth Strategy (2018)**

72. In relation to the submission from Russell Morrison, and specifically on the concerns raised around the potential for increased traffic due to development of the northern growth area, these concerns are already addressed through the provisions of the PFZ that concern connections of sites to the transport network and high trip generating activities. This includes TR-PPFZ-P3 in Section 6 Transport, against which resource consents for high trip generating activities would be assessed.

<sup>3</sup> Refer "potential Train Station" in the spatial framework on page 15.

73. Melissa Storey is against social housing in the area; however, there is nothing in PC19 that specifically enables or provides for social or public housing outside the proposed provisions that are generally more enabling of intensification than the Operative PFZ. The submitter may be referring to Kāinga Ora's recent announcement that a Specified Development Project is being investigated for the Northern Growth Area. If so, this is outside the scope of PC19.

### 3.2.3 Summary of recommendations

74. I recommend for the reasons given in the assessment, that the submission from Carolyn Parris [OS13.1], James Baigent [OS23.5], Guy Marriage [OS90.2], Russell Morrison [OS91.1, OS91.3 and OS91.5], and Melissa Story [OS101.2] be **rejected**.
75. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

## 3.3 Planning maps

### 3.3.1 Matters raised by submitters

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

*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.*

77. KM & MG Holdings Limited [OS54.4] seeks:

*The planning maps approved for PC18, and hence which are directly relevant to PC19, need to be updated to remove all additional Biodiversity Offsetting and Restorations Areas (BORAs) that were not included on the notified PDP precinct plan maps for PC18, and that the precinct plan 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.*

78. The submitter considers:

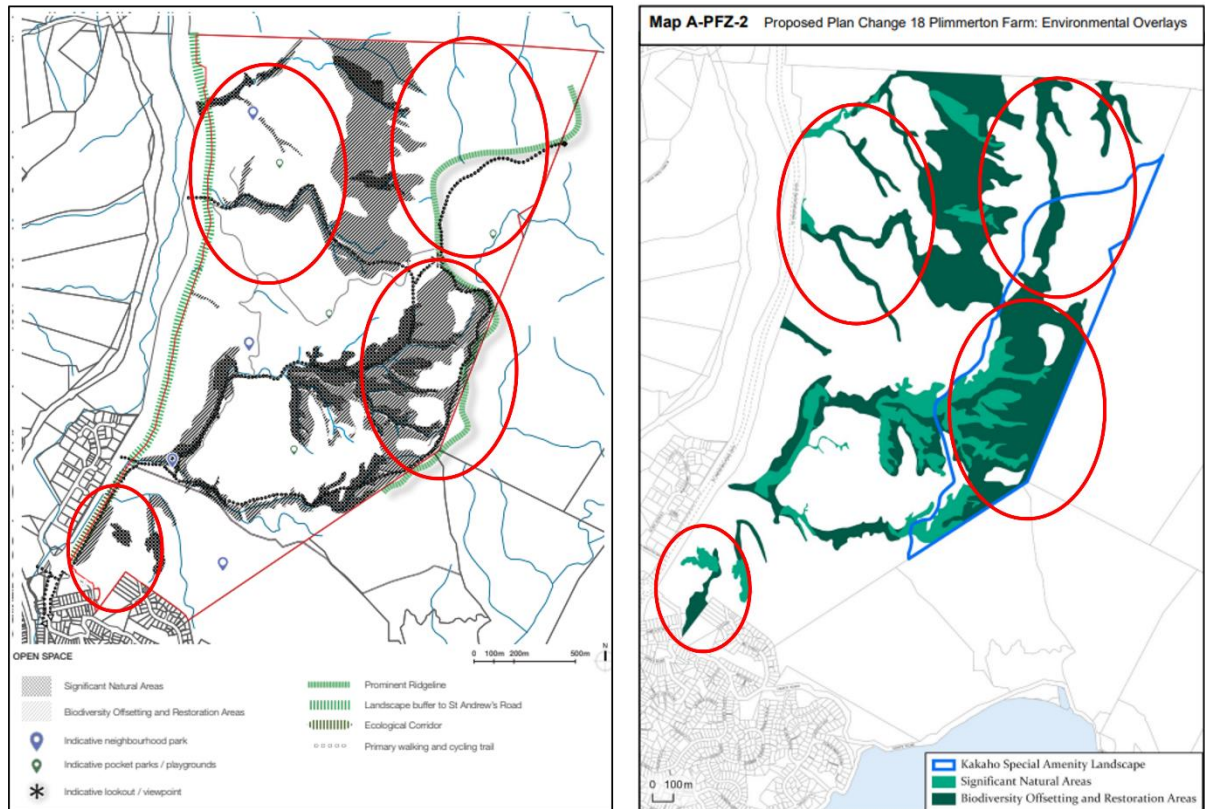
*For the reasons set out in further submission 21 on the PDP, PC18 included a number of significant BORA mapping errors for the site that had been included by mistake and in a manner that lacked a legal foundation. This in turn prevented these mapped areas from being within the scope of any submissions to address their erroneous incorporation into PC18, a fact that was expressly acknowledged and accepted by the Independent Hearing Panel for PC18 (see page 61 of the Panel's Final Report and Recommendations to the Minister for the Environment, dated 22 December 2020). These errors, if not rectified through Variation 1 and/or PC19, will likely act as qualifying matters that will inappropriately constrain the housing intensification and development capacity goals of Variation 1, and the realisation of the same goals in PC19, across Precincts A, B and C.*

### 3.3.2 Assessment

79. The submitter seeks that the environment map approved for PC18 needs to be updated to remove all additional Biodiversity Offsetting and Restorations Areas<sup>4</sup> (BORAs).
80. The issue is largely set out in the memo from PDL counsel to the Panel during the hearing for PC18, and is attached as Appendix E. I summarise the situation as follows:
- a. BORAs were inconsistently identified in the various notified PC18 maps, for example see Figure 2 below which shows the BORAs on the Precinct Plan differing from the Environmental Overlays map;
  - b. The notified Environmental Overlays map had incorrectly mapped BORA areas based on a draft landscape/ecology report (refer paragraph 62 in Appendix E for reason why);
  - c. Through the hearings process, officers mistakenly updated the Precinct Plan in line with the incorrect Environmental Overlays map in their recommendations to the Panel, and this persisted through to the decision;
  - d. There is an incorrect BORA in Precinct A that overlaps with the High Density Residential Sub-precinct (see below Figure 2 – Map A-PFZ-2 red circle in south-western corner of site);
  - e. There are several other incorrect BORAs in Precinct B where MDRS are being applied through the IPI (see below north-western corner of site); and
  - f. Precinct C also contains mapping errors which could potentially impact site planning and development (see two red circles on the eastern side of the site).

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<sup>4</sup> BORA are defined in section 2 of the PFZ as follows: means an area identified on the Planning Map to buffer and augment Significant Natural Areas and provide opportunities for biodiversity offsetting as well as restoration and assisted natural revegetation to protect and enhance landscape values and indigenous biodiversity. Over time as the Biodiversity Offsetting and Restoration Areas establish they are likely to become part of the Significant Natural Areas. For the avoidance of doubt, offsetting is not confined to Biodiversity Offsetting and Restoration Areas and may be undertaken elsewhere



**Figure 2: Comparison of notified planning maps (left map is precinct map, right map is environmental overlays map)**

81. I do not agree that “all additional” BORAs should be removed as requested by the submitter. These areas do have potential ecological value and are a part of a comprehensive package of standards in the PFZ that the Panel arrived at once considering all evidence and submissions in the context of PC18.
82. As outlined in the s32 Evaluation – Part B Plan Change 19, there is a consenting pathway to review the location and boundaries of the BORAs (page 21). Therefore, this issue can likely be resolved through the consenting process. However, I acknowledge that there is a risk that the final location of BORAs cannot be amended through a consenting process. This in turn could potentially impact the ability to implement the NPS-UD in precincts A and B.
83. In my view, a better environmental outcome would be to amend the mapping of BORA through PC19 rather than reducing the extent by removing areas. I consider that any areas removed should be offset by an equal area of BORA elsewhere on the site to ensure no net loss, and the restoration of indigenous biodiversity values in accordance with objective ECOPFZ-O1. This option would maintain the integrity of the planning framework the Panel arrived at once considering all evidence and submissions in the context of PC18. This would need to be supported by expert ecological evidence, which would need to be provided by the submitter. However as it stands, by recommendation would be to reject this submission point.
84. I consider that the amendment of the BORA maps falls within the scope of PC19 by way of being a related provision in section 80E(2), as making the amendments would support the

implementation of the MDRS and Policy 3. This will be elaborated on further in legal submissions for the Council.

### 3.3.3 Summary of recommendations

85. I recommend for the reasons given in the assessment, that the submission from KM & MG Holdings Limited [OS54.2, OS54.4] be **rejected**.

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

## 3.4 Proposed Change 1 to the RPS

### 3.4.1 Matters raised by submitters

87. GWRC [OS74.38] seeks amendment of:

*Plan Change 19 as necessary to have regard to Proposed RPS Change 1 Policy CC.8:*

- *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.*

88. 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 policy is Policy CC.8. Prioritising greenhouse gas emissions reduction over offsetting – district and regional In regard to scope, infrastructure is a related matter under RMA section 80E(2)(d).*

89. GWRC [OS74.79] seeks PFZ-O4 be amended “to have regard to the qualities and characteristics of well-functioning urban environments as articulated in Objective 22 of Proposed RPS Change 1.” The submitter considers:

*...supports the objective to seek well-functioning urban environments in Plimmerton Farms, however requests that this objective and associated provisions have regard to how the qualities and characteristics of well-functioning urban environments have been articulated in Objective 22 of Proposed RPS Change 1.*

90. GWRC seeks:

*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 policy that seeks nature-based solutions when providing for new infrastructure and in new developments, such as the use of green infrastructure. [OS74.81]*
- *Permit the development of green infrastructure in appropriate locations and subject to necessary controls, i.e., planting works undertaken by regional council. [OS74.82]*

- *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. [OS74.83]*
- *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. [OS74.84]*

91. The submitter considers:

*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.*

*In regard to scope, nature-based solutions to manage natural hazard and climate change risks are considered within the scope of the IPI as: a related provision through infrastructure under section 80(E); and a related provision through stormwater management under section 80(E).*

### 3.4.2 Assessment

92. As outlined in section 2.6 of the Overarching s42A Report, I consider 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.
93. There is also a scope issue to consider. 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.
94. In regard to GWRC [OS47.38], PC19 does not 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 under s30.

95. GWRC [OS74.79] seeks the amendment of PFZ-O4. I note that this is a mandatory MDRS objective required to be inserted by 77G(5) and Schedule 3A, Clause 5 6(1). I therefore consider it should not be amended in response to this, or any other submission.
96. Further, proposed Objective 22 is set out in Appendix F. I consider that this relief is lacking the precision needed to enable its implementation. For example, as noted in Council's submission on Proposed Change 1 to the RPS, the proposed new Objective 22 largely repeats requirements listed elsewhere in the RPS. As drafted, it unnecessarily duplicates other objectives within the RPS which need to be considered alongside it. I note that this objective is being considered through the RPS Change 1 process at present.
97. GWRC seeks various amendments to give effect to Policy CC.7 of Proposed Change 1 which is:

*District and regional plans shall include objectives, policies, rules and/or methods that provide for nature-based solutions to climate change to be part of development and infrastructure planning and design.*

98. Policy CC.12 of Proposed Change 1 is:

*When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, a determination shall be made as to whether an activity may adversely affect a nature-based solution to climate change and particular regard shall be given to avoiding adverse effects on the climate change mitigation or adaptation functions.*

99. I consider that these policies are also lacking drafting precision to enable their meaningful implementation. The definition of 'nature-based solution' (see Appendix F) relies on a common understanding of a number of terms used in that definition, such as "actions", "natural ecosystems", "natural elements", and "resilience", since those terms are not themselves defined. It is difficult to reconcile the examples used in the definition with the creation of a regulatory framework that captures all development and infrastructure regardless of scale, as required by Policy CC.7.
100. Further, in my opinion, the relief sought by GWRC [OS74.81] to include a policy that 'seeks' nature-based solutions is not consistent with the wording of Policy CC.7, which would require provisions to 'provide for' nature-based solutions. 'Seeking' nature-based solutions is a more active position (and would be more appropriate to be expressed as an objective), whereas 'providing for' would be to allow for or enable the activities through the planning framework. Additionally, GWRC have not provided any wording for the additional provisions sought.
101. In relation to submission point [OS74.82], I note that the Section 5 Stormwater Management and associated rules in Section 4 Subdivision do not just permit green infrastructure, they require it. SUBPFZ-P4 and SWPFZ-P1 and SWPFZ-P2 require all subdivision, use and development to achieve hydraulic neutrality, including providing water sensitive design, and retaining natural systems of stormwater management. GWRC provide an example in their submission of the type of work sought to be permitted for the development of green infrastructure, being planting works undertaken by the regional council. I am unsure as to how restoration planting is restricted by the ODP.

102. Having had regard to Proposed Change 1, including Objective 22 and policies CC.7, CC.8 and CC.12, I do not consider that any amendments to the ODP are necessary in response to these submission points. As outlined in section 2.6 of the Overarching s42A Report, there are a number of submissions in opposition to provisions within Proposed Change 1 meaning that it will be subject to potentially significant amendments throughout the Schedule 1 process. As a result, it is my view that it should be given minimal weighting until decisions are issued.

### **3.4.3 Summary of recommendations**

103. I recommend for the reasons given in the assessment, that the submissions from GWRC [OS74.38, OS74.79, OS74.81, OS74.82, OS74.83, OS74.84] be **rejected**.
104. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

## **3.5 Relief sought for Variation 1 sought to be applied to PC19**

### **3.5.1 Matters raised by submitters**

105. Kāinga Ora [OS76.60, OS76.357] seeks “consequential changes be made to Precincts A and B of the Plimmerton Farms Zone to give effect to the changes sought on the submissions Kāinga Ora has made on the equivalent provisions and rules in the HRZ and MRZ chapters.” The submitter:

*Generally supports the updates made to the PFZ but seeks that all relevant changes and relief sought by Kāinga Ora on Variation 1 within the HRZ and MRZ chapters are carried over and reflected in the related provisions within Precinct A (including the high-density sub precinct) and Precinct B of the Plimmerton Farm Zone.*

### **3.5.2 Assessment**

106. The above submission points are very broad, and it is not clear exactly what relief is being sought. There is no detail provided on exactly which provisions should be amended or how, where new provisions should go, or what they should look like. Further, as no clear link is made between the relief sought and any of the proposed new provisions in PC19, I consider that these submission points may be out of scope of the IPI.
107. The submitter may seek to clarify these submission points through the hearings process and provide some policy justification; however I consider that this could create issues relating to natural justice, as submitters or other parties may not have appreciated the outcome sought by the submitter.

### **3.5.3 Summary of recommendations**

108. I recommend for the reasons given in the assessment, that the submission from Kāinga Ora [OS76.60, OS76.357] be **rejected**.
109. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.



### 3.6 Emissions reduction

#### 3.6.1 Matters raised by submitters

110. Isabella G F Cawthorn [OS83.3] seeks "Emissions reduction and VKT reduction need to be added to the Objectives of both documents. In Plimmerton Farm's case, the VKT and emissions reductions need to be at least 40% from 2022." The submitter's reasons are:

*Active travel should be the first-best choice for residents of the entire of Plimmerton Farm: all zones. The objective needs to be specific enough that building-out of Plimmerton Farm can only be done with street forms and transport networks that deliver on this objective. This includes by making private car driving less convenient (tighter corners, more constrained driving spaces, street environments with high place value that are self-explaining to a maximum of 30kph, discouragement from developers providing one or more carpark per dwelling), while making active travel extremely convenient, pleasant and attractive for people at all hours of day and night, for all ages and stages. It is simply ludicrous that professional transport engineers would proudly state that a greenfield development's roading layout and cross-sections meets NZS404, and then drop the proverbial mic, yet this is what will continue to happen without explicit, and specific, objectives. Cross sections provided by the submitter to the Hearing Commissioner are a starting point for standards.*

#### 3.6.2 Assessment

111. I am unsure which objectives the submitter seeks be amended, 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. I note that Section 6 Transport is not within scope of PC19.
112. As no clear link is made between the relief sought and any of the proposed new provisions in PC19, I consider that these submission points may be out of scope of the IPI.

#### 3.6.3 Summary of recommendations

113. I recommend for the reasons given in the assessment, that the submission from Isabella G F Cawthorn [OS83.3] be **rejected**.
114. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

### 3.7 Environmental/ecological impacts

#### 3.7.1 Matters raised by submitters

115. Carolyn Parris [OS13.3] raises the following matter: "concerned about the environmental effect on the flax swamp and stream due to so much permanent construction and likely run off".
116. James Baigent [OS23.2, OS23.3, OS23.4] seeks that:

- a. *development should be restricted to the relatively low-land areas of that site without major cut and full earthworks*
- b. *all of the gullies and creeks should be fully revegetated.*
- c. *stormwater filtration through new wetlands should be mandatory.*

117. The submitter considers:

*Plimmerton Farm will inevitably be developed given its proximity to major transport corridors, but that development has the potential to be environmentally catastrophic. Officials seem to be able to convince themselves that with modern development practices Plimmerton Beach will remain swimmable after 6,000 - 10,000 waste and stormwater connections are made in its immediate vicinity. This is a beach much loved by generations of people from all over Porirua.*

### **3.7.2 Assessment**

118. I agree with the submitters that the PC19 site is within a sensitive receiving environment and that it is important that adverse effects are appropriately managed.
119. I consider that the matters raised by the submitters were addressed comprehensively in the PC18 report and recommendations, and in the final set of provisions in the ODP. The submitters have not addressed how the PFZ provisions are insufficient to manage potential adverse effects of development, including as amended through PC19. For example:
- Effects of earthworks are addressed by PFZ-O2, PFZ-P1 and Section 9 Earthworks. EWPfZ-P1 requires adverse visual effects associated with any cut or fill faces be addressed by restricting heights, and gradients of batter slopes and requiring the treatment and rehabilitation of these slopes with screening, landscaping or planting;
  - The PFZ requires significant revegetation through the BORA framework which are areas established in planning maps to buffer and augment SNAs and provide opportunities for biodiversity offsetting as well as restoration and assisted natural revegetation to protect and enhance landscape values and indigenous biodiversity; and
  - Stormwater effects are addressed by PFZ-O3, PFZ-P1 as well as sections in the PFZ for Subdivision and Stormwater Management. SUBPFZ-P4 and SWPFZ-P1 and SWPFZ-P2 require all subdivision, use and development to achieve hydraulic neutrality, including providing water sensitive design, and retaining natural systems of stormwater management
120. PC19 makes no changes to this framework, and standards around impervious surfaces and waterway setbacks are retained as qualifying matters.
121. I also note that the ODP is not the only regulation that applies to these matters. GWRC regulates riparian margins, earthworks and discharges through the NES-F and PNRP. For example, earthworks that do not meet certain permitted activity standards, or are greater than 3,000m<sup>2</sup> in area, require consent as a discretionary activity.<sup>5</sup>

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<sup>5</sup> Refer Rule R101 and R107 in Chapter 5.3 of the PNRP

### 3.7.3 Summary of recommendations

122. I recommend for the reasons given in the assessment, that the submissions from Carolyn Parris [OS13.3] and James Baigent [OS23.2, OS23.3, OS23.4] **be accepted in part.**
123. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

## 3.8 Approach to intensification

### 3.8.1 Matters raised by submitters

124. Eight submitters raised matters relating to the approach taken to intensification, in particular the proposal for a High Density Sub-Precinct.
125. Leigh Subritzky [OS17.2] who is opposed to the insertion of MDRS into the PFZ as well as the proposed High Density Sub-Precinct. The submitter raises a number of issues including: environmental impacts, effects of more people and cars, reduced greenspace, impacts on community areas, and increased sewerage on an over capacity system.
126. John O'Connell [OS25.4, OS25.5] seeks a 45% maximum building coverage for Precinct A rather than 50% and that the 1m setback "be reverted to existing restriction". The submitter also seeks that the High Density Sub-Precinct be removed [OS25.3]. The submitter raises a number of issues including: adverse environmental and social effects, impact on local heritage and village character, lack of privacy, impact on schools, traffic safety issues, and flooding. The submitter also questions the justification for rezoning stating:

*There will be substantial varied housing already planned for by the current Plimmerton Farm developers (recent media coverage suggests up to 6,000 sites), and therefore there is no justification for this part of the development to be zoned for High Density housing just because of the train station and some nearby shops.*

127. Andy Brown [OS29.1] seeks that Council "start again and re-design something way less intensive" as:

*A greenfield location such as this is not the place for such massive and unrestricted development. In tandem with the general proposals under variation 1, this will have a disastrous impact on the existing infrastructure and localities. Couldn't be more against the entire proposal.*

128. Rita Hunt [OS45.2] and Susan Price [OS49.2] raise 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.*

129. Fiona Reid [OS97.2, OS97.3, OS97.4, OS97.5, OS97.6, OS97.7] seeks that PA-P5 be amended providing for high density housing and that the High Density Sub-Precinct be removed. The submitter also seeks a 45% maximum building coverage for Precinct A rather than 50% and that the 1m setback "be reverted to existing restriction". The submitter raises a number of issues including: impact on local heritage and village character, lack of privacy, lack of sun and traffic safety issues.
130. Michael Kearns [OS106.3, OS106.4, OS106.5, OS106.6, OS106.7, OS106.8] seeks the same relief as Fiona Reid above, and provides similar reasons to Fiona Reid and John O'Connell above.
131. The Plimmerton Residents' Association [OS79.14] seeks that "the Plimmerton Farm Zone be considered a special case that has already been agreed and is underway, and should therefore stand as previously determined." The submitter considers:

*PC18 and PC19 apply to the Operative District Plan, not the PDP. There has been no indication of how the Plimmerton Farm Zone will fit into the new DP. There was extensive consultation on this Plan Change through a streamlined planning process with a final decision by the Minister for the Environment on the framework under which such a development could proceed. A key part of the approval was the protection of significant environmental values, including Taupō Swamp and catchment. Would be very concerned if there was any degradation of this protection resulting from any DP variation.*

*Concerns regarding the suitability of land designated for the High Density Sub Precinct in Precinct A through PC19. Much of the flat land on this site is subject to flooding, and the steep hill side up to Mo Street is unstable, as evidenced by a major slip event this year. Significant earthworks in this area could impact adversely on existing properties both above and below the site.*

132. Frances Dodge [OS116.2, OS116.5] seeks the removal of "the high density sub-precinct completely that allows buildings up to 22m high and retain the 11m high height limit throughout". The submitter also sees that the front yard setback back be increased to 5m or at least 3m in all zones.

*22m height is too high for a suburban residential area. Shading and privacy effects would be beyond substantial and the area is far from a walkable distance to Porirua CBD. The rolling hills and natural environment and outlook would be ruined. The proposed area in which the high density proposal sits is extremely prone to flooding – this area should not be built on full stop, let alone 22m high. Sea level rises are very real. Why propose to develop areas so close to the ocean given the future outlook regarding climate change? The hill side parts of Plimmerton Farms are fine but the low lying areas especially around the roundabout should be left as green space for the future.*

*Plimmerton Farms is not within walking distance to Porirua CBD. There are no local high schools. There is only 1 intermediate school for the entire area which is already at capacity. People will need cars to go to the CBD and to and from school at a minimum given it will almost 100% be outside of the Plimmerton area. Whilst some of Plimmerton Farms is within walkable distance to the train station, you cannot do your weekly grocery shop on the train. Kids sports and activities are at all hours of the day and public transport does not suffice. Cars will overrun the streets which are also proposed to be extremely narrow as seen in other developments.*

### 3.8.2 Assessment

133. I disagree with the above submitters that no justification has been provided for the intensification provisions, as this is outlined in detail in the s32 Evaluation report for this topic. I also disagree that the intensification provisions should be removed from PC19, or that it should be considered a “special case” as sought by Plimmerton Residents' Association. PC19 gives effect to intensification provisions in the PFZ as required by s77G of the RMA as outlined in the s32 Evaluation.
134. I disagree with John O'Connell, Fiona Reid, Michael Kearns and Frances Dodge that the MDRS or High Density Sub-Precinct standards should be amended to be less enabling of development. The MDRS and the relevant building height or density requirements under policy 3 can only be made less enabling of development to accommodate qualifying matters listed in s77I and s77O. This must be accompanied by an evaluation that meets requirements under s77J (and 77P). The submitters have not outlined how s77I applies, nor provided any evaluation under s77J that would warrant modification of the MDRS. The section 32 report addresses the evaluation of qualifying matters, relative to PC19.
135. I consider that the rules and standard relating to bulk and location in PC19 appropriately manage effects of intensification, along with qualifying matters proposed to be retained. The provisions are supported by a framework of zone-wide provisions such as those outlined in sections 3.2 and 3.7 of this report. I consider that these provisions appropriately address matters such as landscape values, earthworks, vegetation and green space, infrastructure capacity and stormwater management such as those raised by submitters. The submitters have not addressed how PFZ provisions are insufficient to manage potential adverse effects of development.
136. I note that the economic assessment<sup>6</sup> that supports Variation 1 and PC19 outlines that there is not expected to be an increase in yield as follows:

*Council has also highlighted that the southern portion of the Plimmerton Farms development within a walkable catchment of the Plimmerton Train Station will be re-zoned HRZ. However, it has been indicated by the landowners to Council that it is not believed the MDRS provisions will have a material impact on the total yield of the site. It is still their intention to deliver a variety of housing typologies and some of the more complex requirements of the site may limit further intensification.*

137. However, I acknowledge that the intensification provisions do increase the theoretical development capacity of the site. It is possible that the developer, or a subsequent landowner/developer may utilise the full capacity enabled. Regardless, I consider that the provisions of the ODP as amended by PC19 will address the effects from the increased intensification (in terms of bulk and location of buildings); and the PFZ provisions, in concert with Council's growth planning tools such as the LTP and development contributions policy, provide a robust and flexible framework to provide sufficient infrastructure capacity.

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<sup>6</sup> Property Economics (2022) Porirua Variation 1 and Plan Change 19 Qualifying Matters Assessment

### 3.8.3 Summary of recommendations

138. I recommend for the reasons given in the assessment, that the submission from Leigh Subritzky [OS17.2], John O'Connell [OS25.3, OS25.4, OS25.5], Andy Brown [OS29.1], Rita Hunt [OS45.2], Susan Price [OS49.2], Fiona Reid [OS97.2, OS97.3, OS97.4, OS97.5, OS97.6, OS97.7], Michael Kearns [OS106.3, OS106.4, OS106.5, OS106.6, OS106.7, OS106.8], Plimmerton Residents' Association [OS79.14] and Frances Dodge [OS116.2, OS116.5] be **rejected**.
139. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

## 3.9 Housing typologies

### 3.9.1 Matters raised by submitters

140. Isabella G F Cawthorn [OS83.4] seeks the addition of "provisions to encourage development of the "missing middle"". The submitter considers:

*The availability of a range of housing typologies is a major issue in Porirua and looks likely to be deliberately perpetuated by Council actions, due to the flawed and apparently entirely baseless assumptions about "market desires" for housing: that Porirua people will overwhelmingly only ever want to live in detached homes (see the HCBA discussion in Other comments). Specific provisions are needed to encourage the "missing middle" that's not two-storey townhouses with garages.*

### 3.9.2 Assessment

141. I agree with the submitter with the need to enable a range of housing typologies. This is a requirement of the NPS-UD including Policy 1(a) with regard to enabling a variety of homes that "meet the needs, in terms of type, price, and location, of different households".
142. PC19 seeks to enable a larger range of housing typologies than was enabled in PC18. PFZ-O5 aims for "Precincts A and B provide for a variety of housing types and sizes...". This is achieved by enabling six-storey/22m high buildings in the High Density Sub-precinct and three-storeys/11m throughout Precincts A and B.
143. I am unsure what additional enablement the submitter considers is needed over and above this. The submitter may wish to clarify this at the hearing.

### 3.9.3 Summary of recommendations

144. I recommend for the reasons given in the assessment, that the submission from Isabella G F Cawthorn [OS83.4] be **accepted in part**.
145. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

### 3.10 Tangata whenua values and papakāinga

#### 3.10.1 Matters raised by submitters

146. TROTR seeks:

- *Amend PFZ-04 accordingly to reflect well-functioning urban environment also enables Tangata Whenua. [OS114.1]*
- *In relation to PFZ-04, wellbeing framework that the well-functioning urban environment should provide for must also include environmental well-being, not just the social, economic and cultural wellbeing. Amend wording to include environmental wellbeing. [OS114.2]*

147. TROTR [OS114.3] seeks:

*Amend PFZ-05 to be clear in the purpose of 'Housing Choice' in its inclusiveness and ensure the crafting of the Objective that the neighbourhood's planned urban built character does not prevent Tangata Whenua to establish papakāinga housing and perform its related activities in a permitted planning framework.*

148. The submitter considers:

*Te Rūnanga is unclear whether Precincts A and B enable Papakāinga housing despite that the Objective PFZ-05 is written to be inclusive.*

*Clause (b) should not be an excuse for Papakāinga type housing to be not enabled, for instance, if in the future, this Zone evolves to become different than what is proposed at the moment.*

149. TROTR [OS114.4] seeks "new policies that support Papakāinga developments and support this with additional rules where Papakāinga is enabled as a permitted activity."

150. The submitter considers:

*Precinct A and B do not have references to Māori housing and papakāinga type developments.*

*Since there is not a policy that enables papakāinga development under the PFZ, Te Rūnanga aren't seeing whether Papakāinga activities are permitted or how they could be treated in the future.*

#### 3.10.2 Assessment

151. PFZ-04 and PFZ-05 are mandatory objectives required to be inserted by section 77G(5) and Schedule3A, Clause 5 6(1). I therefore consider they should not be (and cannot be) amended.

152. I consider that the intent of PFZ-05 is to provide for a variety of housing types, and that this includes papakāinga.

153. I agree with the submitter of the need to enable a range of housing typologies, including papakāinga. This is a requirement of the NPS-UD including:

- a. Policy 1(a)(i) with regard to enabling a variety of homes that "meet the needs, in terms of type, price, and location, of different households"; and

- b. Policy 1(a)(ii) with regard to enabling Māori to express their cultural traditions and norms.
154. I agree with the submitter that the activity of papakāinga should be explicitly enabled through introduction of a policy framework for the activity. I consider that the framework for papakāinga set out in the PDP has been developed in partnership with Ngāti Toa and should be applied to Precincts A and B, and that this is within the scope of the IPI (and therefore PC19) as it is provided for in section 80E(1)(b).
155. I consider two objectives and two policies should be inserted at the strategic level, and a permitted activity rule should be inserted into precincts A and B to enable the activity. The same approach taken in the PDP should be applied, in that papakāinga should be exempted from PPFZ-R1 as well as from having to comply with effects standards relating to a maximum number of units per site, landscaped area, outdoor living space, outlook space per unit, and windows to street.
156. I recommend these new rules include a non-notification preclusion clause for public notification. Papakāinga activities which breach the relevant standards may have adverse amenity effects on adjoining sites, but not the wider environment. This preclusion would provide certainty for consenting outcomes, timeframes and costs.

### 3.10.3 Summary of recommendations

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

- a. **Add** a definition of Papakāinga as set out in Appendix A:

<b>PAPAKAINGA</b>	<u>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.</u>
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- b. **Add** two objectives and policies to Section 3 of the PFZ as set out in Appendix A:

<b>PFZ-O6</b>	<b><u>Papakāinga with supporting economic development</u></b>
	<u>Ngāti Toa Rangatira can use and develop ancestral land for papakāinga that enables thriving and self-sustaining Māori communities, while ensuring a quality, healthy and safe environment is provided.</u>
<b>PFZ-O7</b>	<b><u>Form and scale of papakāinga</u></b>
	<u>Papakāinga are of a form and scale that is compatible with the precinct the site is located in, while recognising that they may contain activities of a character, scale, intensity or range that is not provided for in the surrounding area.</u>



<b>PFZ-P8</b>	<b>Papakāinga on land held under Te Ture Whenua Māori Act 1993</b>
Enable the development of papakāinga on land held under Te Ture Whenua Māori Act 1993 where:	
<ol style="list-style-type: none"> <li>1. <u>Reticulated services with sufficient capacity to serve the papakāinga are provided;</u></li> <li>2. <u>Buildings and structures are of a form, scale and location that is compatible with the precinct the site is located in;</u></li> <li>3. <u>Non-residential activities are of a type and scale that will not compromise the role and function of the City's Commercial, Mixed Use and Industrial Zones; and</u></li> <li>4. <u>Any adverse effects on adjoining properties and the environment are avoided, remedied or mitigated.</u></li> </ol>	
<b>PFZ-P9</b>	<b>Papakāinga on General Title</b>
Allow for papakāinga on General Title where it can be demonstrated that there is an ancestral connection to the land and:	
<ol style="list-style-type: none"> <li>1. <u>The land will remain in Māori ownership in the long term; or</u></li> <li>2. <u>The land will be converted to Māori Freehold land.</u></li> </ol>	

c. Amend PAFZ-R1 and PBPZ-R1 to exclude papakāinga as set out in Appendix A e.g.:

<b>PA<sub>PFZ</sub>-R1</b>	<b>Residential Activities, excluding papakāinga</b>
1. Activity Status: Permitted 	
Where:	
<ol style="list-style-type: none"> <li>a. <del>There are no more than two residential units and one minor residential unit per site;</del></li> <li>b. <del>The minor residential unit does not exceed a gross floor area of 50m<sup>2</sup>; and</del></li> <li>c. Compliance is achieved with: <ol style="list-style-type: none"> <li>i. <u>PAPFZ-S4.</u></li> <li>ii. <u>PAPFZ-S8.</u></li> </ol> </li> </ol>	

d. Add a permitted activity rule to Precinct A and B as set out in Appendix A e.g. :

PA <sub>PFZ-R9</sub>	Papakāinga
<p>1. <a href="#">Activity Status: Permitted</a></p> <p><a href="#">Where:</a></p> <p>a. <a href="#">The site is held under Te Ture Whenua Māori Act 1993;</a></p> <p>b. <a href="#">The gross floor area of all commercial activities does not exceed 100m<sup>2</sup> per site; and</a></p> <p>c. <a href="#">The gross floor area of all community facilities does not exceed 200m<sup>2</sup> per site.</a></p>	
<p>2. <a href="#">2. Activity status: Restricted discretionary</a></p> <p><a href="#">Where:</a></p> <p>a. <a href="#">Compliance is not achieved with</a></p> <p>i. <a href="#">PA<sub>PFZ-R9-1</sub>.</a></p> <p><a href="#">Matters of discretion are restricted to:</a></p> <p><a href="#">M1 The matters in</a></p> <p>a. <a href="#">PFZ-P8</a></p> <p>b. <a href="#">PFZ-P9.</a></p> <p><a href="#">Notification:</a></p> <ul style="list-style-type: none"> <li><a href="#">An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.</a></li> </ul>	

- e. **Amend** Standards PAFZ-S4, PAFZ-S7, PAFZ-S8, PAFZ-S9, PBPZ-S4, PBPZ-S7, PBPZ-S9, PBPZ-S10 so that they do not apply to papakāinga.

158. I recommend that the submission from TROTR [OS114.4] be **accepted**.
159. I recommend that the submission from TROTR [OS114.3] be **accepted in part**.
160. I recommend for the reasons given in the assessment, that the submission from TROTR [OS114.1, OS114.2] be **rejected**.
161. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

#### **3.10.4 Section 32AA evaluation**

162. In my opinion, the amendments recommended to the PFZ are more appropriate in terms of achieving the objectives of the PFZ than the notified provisions.
163. I consider that the amendments better enable a range of housing typologies, as it explicitly enables papakāinga. This will have economic benefits in terms of enabling greater residential activity, as well as cultural benefits in terms of enabling Māori to express their cultural traditions and norms. It also makes the ODP more in line with the contemporary papakāinga provisions in the PDP.
164. In my opinion, for the reasons provided in my evaluation, the new objectives are more appropriate in achieving the purpose of the RMA than the notified objectives. In particular, as

explained in my evaluation, I consider that the amendments will better give effect to RMA sections 6(e), s8 and Policy 1 of the NPS-UD.

165. I consider that the new provisions better achieve PFZ-O4 and PFZ-O5 as they better provide for the social, economic, and cultural wellbeing of communities, as well as enabling a greater range of housing types. They also achieve the new objectives recommended above.
166. Therefore, the amended provisions are more efficient and effective than the notified provisions in achieving the objectives of the PFZ.

### 3.11 Fire and Emergency

#### 3.11.1 Matters raised by submitters

167. FENZ [OS58.97]:

*Requests that new stations are provided for in all zones permitted, controlled or restricted discretionary activities with permitted standards appropriately recognising emergency services, such as through building height and access provisions which accommodate the requirements of fire stations.*

168. The submitter considers:

*New fire stations may be necessary in order to continue to achieve emergency response time commitments in situations where development occurs, and populations change. In this regard it is noted that the submitter is not a requiring authority under section 166 of the RMA, and therefore does not have the ability to designate land for the purposes of fire stations. FENZ therefore considers that provisions within the District Plan are the best way to facilitate the development of any new fire stations within the district as urban development progresses. Depending on development, a new fire station could conceivably be required in any of the urban zones within the district and the submitter.*

*In achieving the sustainable management of natural and physical resources under the RMA, decision makers must have regard to the health and safety of people and communities. Furthermore, there is a duty to avoid, remedy or mitigate actual and potential adverse effects on the environment. The risk of fire represents a potential adverse effect of low probability but high potential impact. Fire and Emergency has a responsibility under the Fire and Emergency New Zealand Act 2017 to provide for firefighting activities to prevent or limit damage to people, property and the environment. As such, Fire and Emergency has an interest in the land use provisions of the District Plan to ensure that, where necessary, appropriate consideration is given to fire safety and operational firefighting requirements, particularly in relation to subdivision and new developments.*

169. FENZ [OS58.100, OS58.101] seeks new objective and policies:

- PFZ-O6 Infrastructure  
Public health and safety is maintained through the appropriate provision of infrastructure.
- PFZ-P8 Servicing  
Ensure all development is appropriately serviced including wastewater, stormwater, and water supply with sufficient capacity for firefighting purposes.

170. The submitter:

- *Seeks a new objective that promotes the provision of infrastructure within the Plimmerton Farm-Zone area.*
- *Seeks new policy that ensures all land use activities in the Plimmerton Farm-Zone are adequately serviced, particularly in relation to reticulated water supply or an alternative method for firefighting purposes. This will give better effect to PFZ-O6 and provides a better policy framework for the new standard sought in this zone relating to the requirement to provide water supply.*

171. FENZ [OS58.102] seeks in relation to SUBPFZ-R2 and SUBPFZ-R3:

*Ensure existing/new subdivision standards require:*

*The provision of a firefighting water supply, and access to that supply, in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.*

*Include a new matter of discretion as follow:*

*The extent to which the site is appropriately serviced including wastewater, stormwater, and water supply, including a firefighting water supply and access to that supply in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.*

172. The submitter:

*Supports SUBPFZ-R2 and SUBPFZ-R3 insofar as subdivisions within the Plimmerton Farm-Zone are a restricted discretionary activity. Notes compliance must be achieved with a list of SUBPFZ standard which have not been included in the Plan Change 19 document. Therefore, cannot confirm whether these rules are supported.*

*Submitter's interests regarding subdivision relate to new allotments being provided with sufficient firefighting water supply, and access to that supply. Seeks to ensure these matters are covered by either existing standards, or through the inclusion of new standards.*

*Considers it important that the New Zealand Firefighting Water Supplies Code of Practice is directly referenced to ensure firefighting water supply provisions are visible and enforceable through subdivision rules.*

*Seeks the inclusion of a matter of discretion where permitted conditions are infringed, relating to the matters outlined above.*

173. FENZ [OS58.105, OS58.106, OS58.112, OS58.115, OS58.116, OS58.122] seeks new provisions be added to Precinct A and Precinct B as follows:

- *PAPFZ-O4/PBPFZ-O3 Infrastructure*  
*Public health and safety is maintained through the appropriate provision of infrastructure.*
- *PAPFZ-P9/PBPFZ-P6 Servicing*  
*Ensure all development is appropriately serviced including wastewater, stormwater, and water supply with sufficient capacity for firefighting purposes.*
- *PAPFZ-SX/ PAFZ-SX Servicing*  
*1. Where a connection to reticulated water supply system is available, all developments must be provided with a water supply, including a firefighting*

water supply, and access to that supply.

2. Where a connection to a reticulated water supply system is unavailable, or where an additional level of service is required that exceeds the level of service provided by the reticulated system, the developer must demonstrate how an alternative and satisfactory water supply, including a firefighting water supply and access to that supply, can be provided to each lot.

Further advice and information about how sufficient firefighting water supply, and access to that supply, can be provided can be obtained from Fire and Emergency New Zealand and the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008

174. The submitter:

- *Seeks a new objective that promotes the provision of infrastructure within the Precinct A area.*
- *Seeks a new policy that ensures all land use activities in the Precinct A area are adequately serviced, particularly in relation to reticulated water supply or an alternative method for firefighting purposes. This will give better effect to PAPFZ-O4 and provides a better policy framework for the new standard sought in this precinct relating to the requirement to provide water supply.*
- *Seeks a new standard that ensures all land use activities in this precinct are adequately serviced, particularly in relation to firefighting water supply.*

175. FENZ [OS58.107, OS58.117] seeks amendment of rules PAPFZ-R1, PAPFZ-R2, and PAPFZ-R5 to PAPFZ-R7, PBPFZ-R1, PBPFZ-R2, and PBPFZ-R5 to PBPFZ-R8 as follows:

*1. Activity Status: Permitted*

*Where:*

*Compliance is achieved with PAPFZ-SX.*

*Activity Status: Restricted Discretionary*

*...*

*Matters of discretion are restricted to:*

*...*

*x. the extent to which the site is appropriately serviced, including a firefighting water supply, and access to that supply, in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.*

176. The submitter considers:

*It is vital that land use activities within the precincts are provided with adequate firefighting water supply, and access to that supply, to enable the ability to effectively and efficiently respond to an emergency onsite. As such, an additional standard that will require the provision of firefighting water supply, and access to that supply, is sought for permitted activities. For restricted discretionary activities, an additional matter of discretion is sought. This will help give effect to proposed PAPFZ-O4 and PAPFZ-P9...proposed PBPFZ-O3 and PAPFZ-P6.*

177. For the same reasons, FENZ [OS58.109, OS58.118] seeks amendment of PAPFZ-R8, PAPFZ-R9, PAPFZ-R11, PAPFZ-R12, PAPFZ-R13, PBPFZ-R10, PBPFZ-R11 and PBPFZ-R12 as follows:

*Matters of discretion are restricted to:*

...

*x. the extent to which the site is appropriately serviced, including a firefighting water supply, and access to that supply, in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.*

178. FENZ [OS58.111, OS58.121] seeks that PBPfZ-S1, PBPfZ-S2 and PAPfZ-S1 do not apply to hose drying towers up to 15m in height.

179. The submitter considers:

*Supports [provisions] to the extent that it provides a maximum height of 11m for any building or structure. 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. Seeks an exemption for hose drying towers associated with emergency service facilities in order to appropriately provide for the operational requirements. Whilst referred to as 'hose drying towers', they serve several purposes being for hose drying, communications and training purposes on station. 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. The inclusion of an exemption for hose drying towers for both height and height in relation to boundary standards better provides for the health and safety of the community by enabling the efficient functioning of the submitter in establishing and operating fire stations.*

### **3.11.2 Assessment**

180. To provide context for the Panel on how FENZ facilities (fire stations) are addressed in the PFZ:

- a. FENZ facilities fall under the definition of Emergency Service Facilities;
- b. In Precinct A, Emergency Service Facilities are a restricted discretionary activity under PAPfZ-R10 with PAPfZ-P3 forming the matters of discretion;
- c. In Precinct B, Emergency Service Facilities are a restricted discretionary activity under PBPfZ-R9 with PBPfZ-P2 forming the matters of discretion;
- d. In Precinct A, PAPfZ-R2 and PAPfZ-S1 set a maximum permitted height of structures of 11m, and 22m in the High Density Sub-Precinct – a 15m structure would be permitted in the High Density Sub-Precinct and would be a restricted discretionary activity elsewhere in Precinct A (with matters of discretion set out in PAPfZ-S1);
- e. In Precinct B, PBPfZ-R2 and PBPfZ-S1 set a maximum permitted height of structures of 11m. A 15m structure would be a restricted discretionary activity in Precinct B (with matters of discretion set out in PBPfZ-S1); and
- f. Under PBPfZ-S2 structures must not project beyond a 60° recession plane measured from a point 4 metres vertically above ground level along all boundaries. A 15m structure would be a restricted discretionary activity where it breaches this envelope in Precinct B (with matters of discretion set out in PBPfZ-S2).

181. The amendments to the PFZ were specifically targeted to give effect to the mandatory outcomes required by section 80E of the RMA. The relief sought by FENZ goes beyond achieving those outcomes, by seeking a range of other amendments. The submission points relate to the

provisions listed above, none of which are proposed to be amended by PC19, as well as matters that are unrelated to the amendments proposed by PC19 (with the possible exception of OS58.102, OS58.111, OS58.121 which I address below).

182. FENZ seeks a new objective and provisions to provide for infrastructure, as well as providing for new stations as a land use activity. It is not clear how the proposed new objective and provisions achieve one of the mandatory outcomes, or support, or consequential on, achieving one of those outcomes or are otherwise related to the PC19 proposals. Given the targeted nature of the amendments proposed by PC19, I consider that unless FENZ can clearly explain the relationship between the proposed objective and provisions and the implementation of the mandatory outcomes, these submission points should be considered as beyond scope.
183. Although they are not amended by PC19, SUB-R2 and SUB-R3 fall within the scope of PC19 because they are qualifying matters (see page 1 of PC19). As these provisions are qualifying matters, they will form part of PC19, and therefore FENZ [OS58.102] is arguably "on" the plan change.
184. However, I consider the matter raised by the submitter is appropriately addressed by SUBPFZ-R2 and SUBPFZ-R3, both of these rules require compliance with SUBPFZ-S3 and SUBPFZ-S4. SUBPFZ-S3 requires compliance with the Wellington Water Regional Standard for Water Services May 2019 for new connections to reticulated water supply, which includes requirements for firefighting with reference to SNZ PAS 4509 Code of practice for firefighting water supplies. SUBPFZ-S4 requires a firefighting water supply in accordance with the New Zealand Firefighting Code of Practice SNZ/PAS 4509:2008 where connection to Council's reticulated supply is not possible. I do not consider any amendments are necessary.
185. FENZ seeks changes to PBPfZ-S1, PBPfZ-S2 and PAPfZ-S1 which are amended by PC19, therefore FENZ submission points OS58.111 and OS58.121 are arguably "on" the plan change, and within the scope of PC19.
186. While noting that hose drying towers can be around 12 to 15 metres in height, the submitter does not provide information on the approximate plan area or horizontal dimensions of such towers. As such, where a tower is proposed to be constructed at the higher limit of these structures, there is potential for adverse effects from visual dominance and shading on residential sites on surrounding properties from exceedances of the maximum height by the towers.
187. Where PBPfZ-S1 or PBPfZ-S2 is proposed to be breached, resource consent is required as a restricted discretionary activity, with the matters of discretion limited to those stated in the respective standards. Given the potential for adverse effects on the surrounding properties from such a structure, I consider that a requirement to obtain resource consent is appropriate. Additionally, since the construction of a FENZ facility requires a restricted discretionary consent anyway, I consider that it would be more efficient and effective to consider the effects through a bundled resource consent rather than including an exclusion in the standards, given the uncertainties of the potential effects.
188. I also consider that due to the potential for adverse effects from visual dominance and shading on residential sites, an exemption for drying towers on FENZ sites from the HIRB is not appropriate. Additionally, similar to the height standards assessed above, I consider that the resource consent process for any new FENZ facilities that propose to breach the standard is more efficient and effective.

189. Additionally, the submitter has not requested a definition of 'hose drying tower', and as such the requested exemptions are somewhat ambiguous and potentially, unless more specifically defined, could be exploited by other types of developments.

### **3.11.3 Summary of recommendations**

190. I recommend for the reasons given in the assessment, that the submissions from FENZ [OS58.97, OS58.100, OS58.101, OS58.102, OS58.105, OS58.106, OS58.107, OS58.109, OS58.111, OS58.112, OS58.115, OS58.116, OS58.117, OS58.118, OS58.121, OS58.122] be **rejected**.

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

## **3.12 Retirement villages**

### **3.12.1 Matters raised by submitters**

192. RVA [OS118.2, OS118.4, OS118.6, OS118.8, OS118.32, OS118.36, OS118.125] seeks that the benefits of retirement accommodation/villages are acknowledged and appropriately provided through a consistent regulatory framework with the least regulation and prescription necessary including:

- a. *Ensure that the Porirua District Plan specifically and appropriately provides for and enables retirement villages in all relevant residential and commercial/mixed use zones. [OS118.12]*
- b. *Better enable housing and care for the ageing population. [OS118.15]*
- c. *Provide for change to existing urban environments in order to achieve the intensification envisaged in Policy 3 of the NPSUD. Explicitly acknowledge that the functional and operational needs of retirement villages are a driver of appropriate and necessary change because of demographic ageing and the increasing housing needs of older people. [OS118.19]*
- d. *Recognise the intensification opportunities provided by larger sites. [OS118.21]*
- e. *Recognise the unique internal amenity needs of retirement villages. [OS118.23]*
- f. *Provide clear and focused matters of discretion. [OS118.25]*
- g. *Provide appropriately focused notification rules. [OS118.27]*
- h. *Use the MDRS as a guideline. [OS118.29]*
- i. *Amendments to the MDRS are required to ensure they are workable to retirement villages. [OS118.34]*
- j. *The objectives and policies of the Proposed Plan must enable appropriate accommodation and care for the aging population. [OS118.38]*
- k. *Recognise and provide for retirement villages as a residential activity. [OS118.41, OS118.126]*
- l. *Provide tailored and fit for purpose retirement village matters of discretion. [OS118.43]*

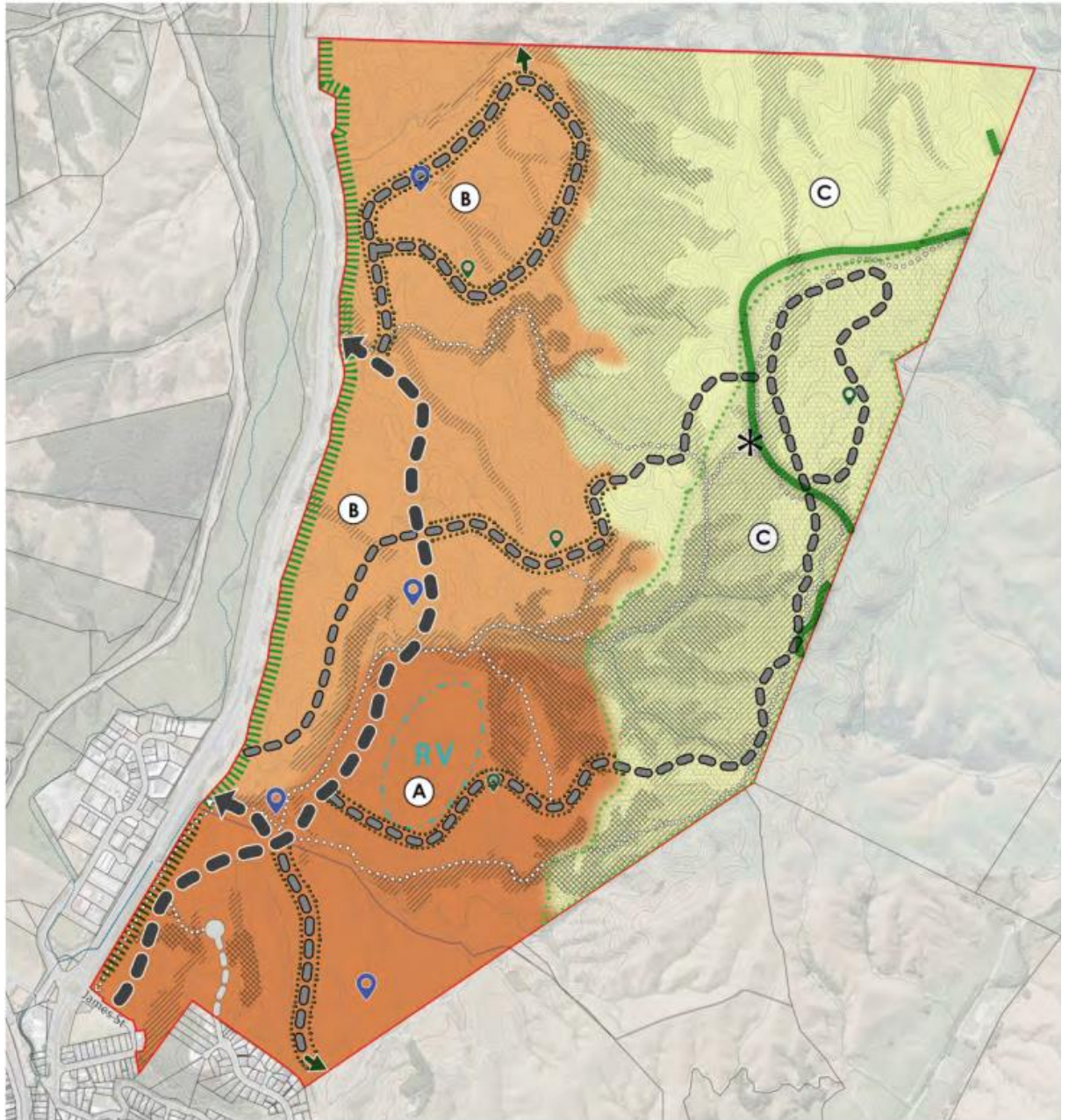


- m. *Limited notification should only be available where a retirement village application breaches one or more of the height, height in relation to boundary, setbacks and building coverage standards and the relevant RMA effects threshold is met. [OS118.45]*
- n. *The outdoor living space, outlook space, windows to street and landscaped area standards should generally reflect the MDRS with some amendments. No additional development standards should apply. [OS118.47]*
- o. *Seeks that fit for purpose retirement village planning provisions are applied in appropriate commercial and mixed-use zones, similar to those proposed for residential zones. [OS118.49]*

193. Ryman [OS67.2] seeks the relief sought by the RVA in its submission on PC19.

### **3.12.2 Assessment**

194. As outlined above in relation to the FENZ submission, the amendments to the Plimmerton Farm Zone were specifically targeted to give effect to the mandatory outcomes required by section 80E. Like the submission from FENZ, the relief sought by RVA goes beyond achieving those outcomes, by seeking a range of other amendments. The submission points relate to provisions that are not proposed to be amended by PC19, or matters that are related to the amendments proposed by PC19.
195. RVA seeks new objectives and provisions to provide for retirement villages. It is not clear how the proposed new objectives and provisions would achieve the mandatory outcomes, or support, or are consequential on, achieving one of those outcomes or otherwise related to the PC19 proposals. Given the targeted nature of the amendments proposed by PC19, I consider that unless RVA can clearly explain the relationship between the changes sought to provisions and the implementation of the mandatory outcomes, these submission points should be considered beyond scope.
196. To provide context for the Panel on how retirements villages are addressed in the PFZ:
- a. Retirement village has a definition, and sits under Residential Activity in Table DEFPFZ 2 Nesting of Definitions
  - b. In Precinct A, a Retirement Village is provided for where consistent with the Plimmerton Farm Precinct Plan under PAPFZ-P8 (see Figure 3 below), and is a restricted discretionary activity under PZPFZ-R9 with PAPFZ-P8 forming the matters of discretion.
  - c. Retirement villages that are not consistent with the Plimmerton Farm Precinct Plan would be a discretionary activity under catch-all rule PAPFZ-R18.
  - d. In Precinct B, retirement villages are not provided for, and would be a discretionary activity under catch-all rule PBPFZ-S1.



**Figure 3: Plimmerton Farm Precinct Plan (location of Retirement Village in Precinct A is indicated with a blue dashed oval)**

### **3.12.3 Summary of recommendations**

197. I recommend for the reasons given in the assessment, that the submission from Ryman [OS67.2], and RVA [OS118.2, OS118.4, OS118.6, OS118.8, OS118.12, OS118.15, OS118.19, OS118.21, OS118.23, OS118.25, OS118.27, OS118.29, OS118.32, OS118.34, OS118.36, OS118.38, OS118.41, OS118.43, OS118.45, OS118.47, OS118.49, OS118.125, OS118.126] be **rejected**.
198. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

## 4 Conclusions


199. Submissions have been received in support of, and in opposition to PC19.
200. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that ODP should be amended as set out in Appendix A of this report.
201. For the reasons set out in the Section 32AA evaluation included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
- 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 ODP, 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 ODP is amended in accordance with the changes recommended in Appendix A of this report.

Signed:

Name and Title		Signature
Report Author	Torrey McDonnell	

## Appendix A. Recommended Amendments to PFZ

Changes to the PFZ proposed in PC19 are shown as follows:

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

Where I recommend changes in response to submissions, these are shown as follows:


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


# 1. INTRODUCTION


## Plan Change 19 – Plimmerton Farm Intensification (PC19)

Plan Change 19 comprises:

- Amendments to provisions shown with tracked changes; and
- The following rules which the Council proposes to retain as qualifying matters: SUB-R2, SUB-R3, PA<sub>PFZ</sub>-S6 and PB<sub>PFZ</sub>-S6.

Proposed amendments to provisions that have immediate legal effect are identified with a  and also shown highlighted.

Except that in accordance with s86BA(1)(c)(ii) of the RMA the provisions identified with a  (and shown highlighted) do not have immediate legal effect in relation to parts of sites to which the following provisions apply (as those sites are subject to a qualifying matter): PA<sub>PFZ</sub>-S6 and PB<sub>PFZ</sub>-S6 - Setbacks from Waterbodies. For these sites, the rules and standards of the Operative District Plan will apply until Plan Change 19 takes legal effect.

In accordance with s86BA(4) the following provisions identified with a  do not have immediate legal effect because they provide for more lenient density standards than those set out in Part 2 of Schedule 3A. The Medium Density Residential Standards set out in Part 2, of Schedule 3A of the RMA will apply until these provisions take legal effect. They are also shown highlighted for ease of identification:

- PA<sub>PFZ</sub>-S2.1.b
- PA<sub>PFZ</sub>-S3, exemption 5

Where any amendments proposed by PC19 do not take immediate legal effect, the provisions of the Operative District Plan will continue to apply.

Plimmerton Farm is a 384 hectare site located adjacent to the established suburb of Plimmerton on the eastern side of St Andrews Road, and north of James Street and Mo Street, as shown on the Plimmerton Farm Precinct Plan.

The Plimmerton Farm site is part of the Northern Growth Area identified in the Porirua City Council Northern Growth Area Structure Plan, which was adopted by Porirua City Council in 2014 under the Local Government Act. In March 2019 Porirua City Council adopted the Porirua Growth Strategy 2048 which identifies Plimmerton Farm as land for a new residential and employment area.

The Plimmerton Farm Zone recognises the need to balance the demands for residential development, environmental protection and provision of infrastructure to achieve sustainable management.

Subdivision, use and development must proceed in accordance with the Zone provisions.

Part A and Part B of the Plimmerton Farm Zone apply throughout the Zone. Part C sets out provisions that apply to each spatially-defined Precinct only. Some City-wide provisions of the Operative District Plan also apply to the Plimmerton Farm Zone. The relevant provisions are listed below.

Note that Greater Wellington Regional Council regulations are relevant to many activities.

## **Plimmerton Farm Zone Chapter Description**

The Plimmerton Farm Zone Chapter is comprised of the following interrelated sections:

### **Part A: Introduction**

1. Introduction
2. Definitions

### **Part B: Plimmerton Farm Zone-Wide Matters**

3. Strategic Objectives and Policies
4. Subdivision

5. Stormwater Management
6. Transport
7. Natural Hazards
8. Ecosystems and Indigenous Biodiversity
9. Earthworks
10. Noise
11. Renewable Electricity Generation

**Part C: Precinct Specific Matters**

12. Precinct A
13. Precinct B
14. Precinct C

**Part D: Appendices**

3. Plimmerton Farm Precinct Plan

The Plimmerton Farm Precinct Plan in Appendix 1 is comprised of:

- Plimmerton Farm Precinct Plan, identifying key features across the site;
- Plimmerton Farm Movement Plan;
- Plimmerton Farm Open Space Plan;
- Plimmerton Farm Precinct C Plan;

## 2. DEFINITIONS

The defined terms used in the Plimmerton Farm Zone Chapter are set out in Table DEFPFZ 1 Definitions below.

The relationship of activities (and buildings and structures) is shown in Table DEFPFZ 2 Nesting Table below. For example, a café is a Food and Beverage Activity within Entertainment and Hospitality Activity within Commercial Activity. A café is not a Retail Activity.

Table DEFPFZ 1 Definitions

<u>PAPAKAINGA<sup>7</sup></u>	<u>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.</u>
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<sup>7</sup> TROTR [OS114.3, OS114.4]

### 3. STRATEGIC OBJECTIVES AND POLICIES

OBJECTIVES	
<b>PFZ-O1</b>	<b>Integrated Development</b>
<p>Subdivision, use and development of Plimmerton Farm occurs in a comprehensive, structured and integrated way to increase housing supply, housing diversity and employment opportunities within the environmental constraints of the site, resulting in:</p> <ol style="list-style-type: none"> <li>1. Implementation of the Plimmerton Farm Precinct Plan;</li> <li>2. A range of housing densities and typologies;</li> <li>3. Compatible non-residential activities;</li> <li>4. High levels of amenity; and</li> <li>5. Connected and integrated infrastructure, active transport and the safe and efficient operation of the transport network.</li> </ol>	
<b>PFZ-O2</b>	<b>Landscapes and Indigenous Biodiversity</b>
<p>Landscapes and indigenous biodiversity values within the site are recognised, protected and enhanced.</p>	
<b>PFZ-O3</b>	<b>Receiving Waters</b>
<p>Subdivision, use and development in Plimmerton Farm is undertaken in an integrated manner that recognises Te Mana o te Wai for receiving waters including Taupō Swamp, Taupō Stream, Kakaho Stream and Te Awarua-o-Porirua, and minimises changes to the hydrological regime.</p>	
<b>PFZ-O4</b>	<b><u>Well-functioning urban environment</u></b>
<p><u>A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.</u></p>	
<b>PFZ-O5</b>	<b><u>Housing Choice</u></b>
<p><u>Precincts A and B provide for a variety of housing types and sizes that respond to:</u></p> <ol style="list-style-type: none"> <li>1. <u>Housing needs and demand; and</u></li> <li>2. <u>The neighbourhood’s planned urban built character, including 3-storey buildings.</u></li> </ol>	
<b>PFZ-O6<sup>8</sup></b>	<b><u>Papakāinga with supporting economic development</u></b>
<p><u>Ngāti Toa Rangatira can use and develop ancestral land for papakāinga that enables thriving and self-sustaining Māori communities, while ensuring a quality, healthy and safe environment is provided.</u></p>	
<b>PFZ-O7<sup>9</sup></b>	<b><u>Form and scale of papakāinga</u></b>
<p><u>Papakāinga are of a form and scale that is compatible with the precinct the site is located in, while recognising that they may contain activities of a character, scale, intensity or range that is not provided for in the surrounding area.</u></p>	
POLICIES	
<b>PFZ-P1</b>	<b>Comprehensive Land and Water Management</b>

<sup>8</sup> TROTR [OS114.3, OS114.4]

<sup>9</sup> TROTR [OS114.3, OS114.4]



Require all subdivision, use and development to take a comprehensive and integrated approach, by considering the Zone as a whole, so as to avoid piecemeal, ad hoc or incrementally inappropriate outcomes over time, including by the following:

1. Recognise, protect and enhance significant indigenous biodiversity and natural wetlands, while recognising and providing for Te Mana o te Wai;
2. Recognise Te Mana o te Wai for receiving waters while minimising changes to the hydrological regime of Taupō Swamp, Taupō Stream, Kakaho Stream and Te Awarua-o-Porirua;
3. Achieve high-quality, well-connected built forms that integrate with all transport modes and in particular promote active transport modes; and
4. Provide effective ongoing management, monitoring and compliance in relation to ecological, biodiversity, stormwater, earthworks, urban design, transport and landscape effects.

<b>PFZ-P2</b>	<b>Spatial Integration</b>
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Require subdivision consents issued for the Zone to achieve the following:

1. Confirmation to give effect to ECO<sub>PFZ-P4</sub> of the full extent of natural wetlands, streams and catchments (in consultation with Greater Wellington Regional Council) and to give effect to ECO<sub>PFZ-P3</sub> the full extent of Areas of Significant Terrestrial Indigenous Biodiversity, areas within Significant Natural Areas and Biodiversity Offsetting and Restoration Areas of non-indigenous vegetation that provide significant indigenous biodiversity habitat, and any related buffer land or ecological enhancement areas within the Zone. This includes accompanying frameworks for their ongoing management to ensure ecological and biodiversity enhancement from the pre-development state occurs and hydrological changes are minimised giving effect to the requirements of PFZ-P1 and SUB<sub>PFZ-P5</sub>.
2. Confirmation of the location of a pedestrian and cycle connection across St Andrews Road to connect the Zone and Plimmerton Station and Plimmerton School, giving effect to the requirements of TR<sub>PFZ-P2</sub> and SUB<sub>PFZ-P3</sub>, and having regard to the timing of that connection to achieve safety and connectivity for Zone residents.
3. Identification, including by way of a street and block layout, the Plimmerton Farm Commercial Centre in Precinct A, showing key road connections between it, St Andrews Road, and the Primary Collector Road, giving effect to the requirements of policies PA<sub>PFZ-P2</sub> and PA<sub>PFZ-P7</sub>.

<b>PFZ-P3</b>	<b><u>Residential activity</u></b>
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Enable a variety of housing types with a mix of densities within Precincts A and B, including 3-storey attached and detached dwellings, and low-rise apartments.

<b>PFZ-P4</b>	<b><u>Medium Density Residential Standards</u></b>
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Apply the MDRS in precincts A and B except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).

<b>PFZ-P5</b>	<b><u>Safety and street scene quality</u></b>
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Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.

<b>PFZ-P6</b>	<b><u>Health and well-being</u></b>
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Enable housing to be designed to meet the day-to-day needs of residents.

<b>PFZ-P7</b>	<b><u>Providing for development</u></b>
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Provide for developments not meeting permitted activity status, while encouraging high-quality developments.

<b>PFZ-P8<sup>10</sup></b>	<b><u>Papakāinga on land held under Te Ture Whenua Māori Act 1993</u></b>
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<sup>10</sup> TROTR [OS114.3, OS114.4]

Enable the development of papakāinga on land held under Te Ture Whenua Māori Act 1993 where:

1. Reticulated services with sufficient capacity to serve the papakāinga are provided;
2. Buildings and structures are of a form, scale and location that is compatible with the precinct the site is located in;
3. Non-residential activities are of a type and scale that will not compromise the role and function of the City's Commercial, Mixed Use and Industrial Zones; and
4. Any adverse effects on adjoining properties and the environment are avoided, remedied or mitigated.

**PFZ-P9<sup>11</sup>**

**Papakāinga on General Title**

Allow for papakāinga on General Title where it can be demonstrated that there is an ancestral connection to the land and:

1. The land will remain in Māori ownership in the long term; or
2. The land will be converted to Māori Freehold land.

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<sup>11</sup> TROTR [OS114.3, OS114.4]

## 4. SUBDIVISION

<b>SUB<sub>PFZ</sub>-R2</b>	<b>All Subdivisions (Excluding Boundary Adjustments)</b>
All Precincts	<p>1. Activity Status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance is achieved with:</p> <ul style="list-style-type: none"> <li>i. SUB<sub>PFZ</sub>-S1;</li> <li>ii. SUB<sub>PFZ</sub>-S2;</li> <li>iii. SUB<sub>PFZ</sub>-S3;</li> <li>iv. SUB<sub>PFZ</sub>-S4;</li> <li>v. SUB<sub>PFZ</sub>-S5; and</li> </ul> <p>b. Where subdivision is of land in Precinct B directly adjoining St Andrews Road, compliance is achieved with:</p> <ul style="list-style-type: none"> <li>i. SUB<sub>PFZ</sub>-S6; and</li> <li>ii. A Planting Plan in accordance with SUB-IR-1 has been prepared.</li> </ul> <p>Matters of Discretion are restricted to:</p> <p>M1. The matters in:</p> <ul style="list-style-type: none"> <li>a. PFZ-P1;</li> <li>b. PFZ-P2;</li> <li>c. SUB<sub>PFZ</sub>-P1;</li> <li>d. SUB<sub>PFZ</sub>-P3;</li> <li>e. SUB<sub>PFZ</sub>-P4; and</li> </ul> <p>M2. The appropriateness of any infrastructure that is proposed to be of an interim, staged or temporary nature; and</p> <p>M3. Where subdivision is of land in Precinct B directly adjoining St Andrews Road:</p> <ul style="list-style-type: none"> <li>a. The appropriateness of the Planting Plan;</li> <li>b. Timing of the planting;</li> <li>c. Effectiveness of the measures to ensure the ongoing management and legal protection of the buffer area; and</li> <li>d. The matters in SUBPFZ-P7.</li> </ul> <p>Refer to information requirement SUBPFZ-IR-1</p> <p>Refer to information requirement SUBPFZ-IR-2 for land directly adjoining St Andrews Road</p>
	<p>2. Activity status: Discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with:</p> <ul style="list-style-type: none"> <li>i. SUBPFZ-R2-1.</li> </ul>
<b>SUB<sub>PFZ</sub>-R3</b>	<b>Subdivision of a Site Containing a Significant Natural Area, Area of Significant Terrestrial Indigenous Biodiversity or Biodiversity Offsetting and Restoration Area</b>

All Precincts	<p>1. Activity Status: Restricted Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> <li>a. A building platform to contain a residential unit complying with the Precinct provisions is identified for each new lot and is located outside of the Significant Natural Area, Area of Significant Terrestrial Indigenous Biodiversity or Biodiversity Offsetting and Restoration Area; and</li> <li>b. Access to the building platform complies with the relevant standards in Section 6 Transport of the Zone is identified for each new lot and is located outside of the Significant Natural Area, Area of Significant Terrestrial Indigenous Biodiversity or Biodiversity Offsetting and Restoration Area.</li> </ul> <p>Matters of Discretion are restricted to:</p> <p>M1. The matters in:</p> <ul style="list-style-type: none"> <li>a. PFZ-P1;</li> <li>b. SUB<sub>PFZ</sub>-P1; and</li> <li>c. SUB<sub>PFZ</sub>-P5.</li> </ul> <p>Refer to information requirement SUB<sub>PFZ</sub>-IR-1</p>
	<p>2. Activity status: Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> <li>a. Compliance is not achieved with: <ul style="list-style-type: none"> <li>i. SUB<sub>PFZ</sub>-R3-1.</li> </ul> </li> </ul>

## 12. PRECINCT A

Precinct A is located at the southern end of the Plimmerton Farm Zone, close to the existing urban areas of Plimmerton and Camborne and existing public transport networks. The purpose of this Precinct is to provide for medium density residential in a built form of predominantly two-storey and three-storey buildings, detached, semi-detached and terraced housing and low-rise apartments, supported by a commercial centre. A retirement village is also anticipated.

The Precinct A objectives, policies and rules provide the framework for managing the effects of development and providing for high levels of amenity and a high quality built environment.

A single commercial centre, home businesses and other non-residential activities that support the social and economic health and wellbeing of the community are provided for in Precinct A, as long as they manage adverse effects on residential character and amenity values.

Note: The objectives, policies and rules of other parts of the District Plan may apply in addition to the objectives, policies and rules of this section.

OBJECTIVES	
<b>PA<sub>PFZ</sub>-O1</b>	<b>Purpose of Precinct A</b>
Precinct A: <ol style="list-style-type: none"> <li>1. Primarily provides for medium density residential activities; and</li> <li>2. Provides for a range of non-residential activities, including one commercial centre, that support the social, cultural and economic wellbeing of people and communities, and are compatible with the character and amenity values of Precinct A.</li> </ol>	
<b>PA<sub>PFZ</sub>-O2</b>	<b>Character and Amenity Values of Precinct A</b>
The scale, form and density of subdivision, use and development in Precinct A is characterised by: <ol style="list-style-type: none"> <li>1. A built form of <b>predominantly</b> two-storey and three-storey buildings, detached, semi-detached and terraced housing, low-rise apartments and compatible commercial development;</li> <li>2. High quality urban design and amenity; and</li> <li>3. An urban environment that is visually attractive, safe, easy to navigate and convenient to access.</li> </ol>	
<b>PA<sub>PFZ</sub>-O3</b>	<b>Planned urban built environment of the High Density Sub-Precinct</b>
<u>The planned urban built environment in the High Density Sub-Precinct is characterised by:</u> <ol style="list-style-type: none"> <li>1. <u>A planned built form of terraced housing and apartments<sup>12</sup> buildings up to six stories in height;</u></li> <li>2. <u>A greater intensity of buildings than anticipated elsewhere in Precinct A; and</u></li> <li>3. <u>A quality built environment that provides for the health and wellbeing of people residing in the Sub-Precinct.</u></li> </ol>	

POLICIES	
<b>PA<sub>PFZ</sub>-P1</b>	<b>Residential Activities</b>
Enable residential activities and a diverse range of residential unit types and sizes that are compatible with the built form, character and amenity values anticipated in Precinct A and are suitably serviced by infrastructure.	
<b>PA<sub>PFZ</sub>-P2</b>	<b>Plimmerton Farm Commercial Centre</b>

<sup>12</sup> Minor error corrected under clause 16 (typo)

Provide for one Plimmerton Farm Commercial Centre within Precinct A, in accordance with PFZ-P1 and PFZ-P2, that:

1. Includes predominantly small-scale commercial and community activities that service the social, cultural and economic needs of the residential catchment and which predominantly occur within buildings that face and positively contribute to the visual amenity and vibrancy of streets;
2. Does not include large format retail activities except one supermarket and one trade supplier activity;
3. Enables residential activities above ground floor that achieve the following:
  - a. Indoor noise and ventilation levels that are appropriate for residents, to mitigate reverse sensitivity to other Plimmerton Farm Commercial Centre activities;
  - b. Access to sunlight or daylight;
  - c. Internal privacy for all residential units;
  - d. Access both to and within the building that is convenient, legible and efficient;
  - e. Servicing that is suitable, convenient and visually discreet; and
- f. Outdoor living space that is readily accessible and of high quality to attract occupation and use;
4. Is of a scale compatible with the character and amenity anticipated in Precinct A, and that can meet the needs of people within the Zone;
5. Avoids, remedies or mitigates adverse effects on the amenity values beyond the site from the movement of people and vehicles associated with the Centre’s activities;
6. Has hours of operation compatible with residential amenity;
7. Has an operational need for its location;
8. Is suitably serviced with infrastructure; and
9. Does not undermine the role and function of the City Centre Zone.

<b>PA<sub>PFZ</sub>-P3</b>	<b>Other Non-Residential Activities</b>
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Enable non-residential activities that:

1. Contribute to the social, cultural and economic wellbeing of people and communities;
2. Are of a type and scale compatible with the character and amenity anticipated in Precinct A;
3. Avoid, remedy or mitigate adverse effects on the amenity values beyond the site from the movement of people and vehicles associated with the activity;
4. Have hours of operation compatible with residential amenity;
5. Have an operational need to locate in the Precinct;
6. Are suitably serviced with infrastructure; and
7. Do not undermine the role and function of the City Centre Zone.

Avoid non-residential activities that are incompatible with the character and amenity values anticipated in Precinct A.

<b>PA<sub>PFZ</sub>-P4</b>	<b>Integration and Connectivity</b>
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Provide for built development that integrates and connects with the surrounding environment.

<b>PA<sub>PFZ</sub>-P5</b>	<b>Buildings and Structures</b>
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Provide for buildings and structures that are of a form, scale and design that achieve the character and amenity anticipated for Precinct A [and the High Density Sub-Precinct of Precinct A](#).

When considering height of buildings to enable greater residential density, consideration must be given to:

1. The distance (for all transport modes) from non-residential land uses and Plimmerton Railway Station.
2. Elevation and gradient of the site, and the effects that this will have on visibility of the building from within and outside of the Zone;
3. Measures proposed to mitigate adverse effects on the character of Precinct A through:
  - a. The location, design and scale of the building or structure;
  - b. The visibility, reflectively and colour of the building or structure;
  - c. Visibility and similarity with surrounding colours, textures, pattern and forms; and
  - d. How proposed landscaping contributes to amenity and balancing the building or structures scale and form.

<b>PA<sub>PFZ</sub>-P6</b>	<b>Urban Design (Residential)</b>
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Require residential development in Precinct A to achieve high quality urban design by taking an integrated, comprehensive site planning and design approach to achieve the following:

1. Site planning that:
  - a. Integrates building form and open space;

- b. Achieves a consistent pattern of building alignment;
  - c. Provides access to sunlight or daylight to buildings;
  - d. Provides a positive frontage to the street;
  - e. Provides convenient, safe and legible connections and circulation;
  - f. Provides front doors that are clearly legible from the street or accessway;
  - g. Achieves passive surveillance of the street or accessway;
  - h. Minimises the visual impact of car parking and garaging on the streetscape;
2. Building design that:
  - a. Achieves visual interest and avoids visual monotony while also achieving aesthetic coherence and integration;
  - b. Provides internal visual privacy for all units within a development;
  - c. Provides for servicing that is suitable, convenient and visually discreet;
3. Open space and landscape design that:
  - a. Ensures all outdoor living areas in the development are well located and accessible;
  - b. Ensures any shared outdoor living areas are well located and of high quality;
  - c. Uses planting to achieve visual amenity, safety and functionality;
  - d. Includes driveways, manoeuvring and parking areas that are safe, convenient and attractive; and
4. Lighting that enhances safety and security without adversely affecting the amenity of other sites.

<b>PA<sub>PFZ</sub>-P7</b>	<b>Urban Design (Commercial)</b>
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Provide for commercial use and development that:

1. Is coherently designed, offers visual interest and mitigates any visual dominance;
2. Has a positive interface with public space (including streets), including:
  - a. A veranda or other form of shelter for pedestrians;
  - b. A predominance of transparent glazing that allows visibility into and out of building frontages; and
  - c. Obvious public entrances;
3. Designs and locates parking areas, vehicle access, outdoor storage and servicing arrangements to maintain streetscape, visual amenity, residential amenity and pedestrian safety;
4. Incorporates high-quality landscape treatment that integrates with any adjoining landscape treatment and provides screening to any buildings, parking areas and any service and loading facilities from any adjoining residential neighbours;
5. Designs all spaces accessible to the public to be safe and minimises opportunities for crime;
6. Provides for external lighting that:
  - a. Has a functional need or operational need;
  - b. Contributes to safety;
  - c. Avoids adverse effects on traffic safety; and
  - d. Avoids conflict with permitted sensitive activities, including any adjoining residential neighbours;
7. Provides for signs that:
  - a. Have a functional need or operational need;
  - b. Contribute to social, cultural and economic wellbeing;
  - c. Avoid, remedy or mitigate adverse effects on traffic safety; and

- d. Avoid, remedy or mitigate adverse effects on amenity, including that of any adjoining residential neighbours.

**PA<sub>PFZ</sub>-P8**

**Retirement Villages**

Provide for a retirement village in Precinct A, where:

1. It is consistent with the Plimmerton Farm Precinct Plan;
2. Significant adverse effects on the residential amenity values of adjoining sites and the surrounding area are avoided;
3. Other adverse effects on residential amenity values are minimised, including effects from:
  - a. The movement of vehicles and people;
  - b. The overall layout and scale of the retirement village including fencing, location and size of utility areas and external storage areas;
4. The overall scale, form, composition and design of buildings are compatible with the character and amenity anticipated in Precinct A.

**RULES**

Note: The rules of other parts of the District Plan may apply in addition to the rules of this section. More than one rule may apply.



**PA<sub>PFZ</sub>-R1** Residential Activities, excluding papakāinga<sup>13</sup>

1. Activity Status: Permitted ↕

Where:

~~a. There are no more than two residential units and one minor residential unit per site;~~

~~b. The minor residential unit does not exceed a gross floor area of 50m<sup>2</sup>; and~~

a.<sup>14</sup> Compliance is achieved with:

i. PAPFZ-S4.

ii. PAPFZ-S8.

2. Activity status: Restricted Discretionary

Where:

a. Compliance is not achieved with:

i. PA<sub>PFZ</sub>-R1-1.

Matters of discretion are restricted to:

M1. The matters in:

a. PA<sub>PFZ</sub>-P5; and

b. PA<sub>PFZ</sub>-P6.

Notification:

- An application under this rule is precluded from being publicly or limited notified in accordance with sections 95A and 95B of the RMA.

**PA<sub>PFZ</sub>-R2** ~~Residential Building Activity~~ Buildings and structures including alterations and additions

1. Activity Status: Permitted ↕

Where:

a. Compliance is achieved with:

i. PA<sub>PFZ</sub>-S1;

ii. PA<sub>PFZ</sub>-S2;

iii. PA<sub>PFZ</sub>-S3;

~~iv. PA<sub>PFZ</sub>-S4;~~

~~v-vi. PA<sub>PFZ</sub>-S5;~~

~~v-vi. PA<sub>PFZ</sub>-S6;~~

~~vii-vi. PA<sub>PFZ</sub>-S7;~~

~~viii-vii. PA<sub>PFZ</sub>-S8;~~

~~ix-viii. PA<sub>PFZ</sub>-S9; and~~

ix. PA<sub>PFZ</sub>-S10;

x. PA<sub>PFZ</sub>-S11; and

x.xi. PA<sub>PFZ</sub>-S12

<sup>13</sup> TROTR [OS114.3, OS114.4]

<sup>14</sup> Minor error corrected under clause 16 (typo)

2. Activity status: Restricted Discretionary

Where:

a. Compliance is not achieved with:

i. PA<sub>PFZ</sub>-R2-1; and

b. The height of the building does not exceed 16m.

Matters of discretion are restricted to:

M1. The matters of discretion of any infringed standard.

M2. The matters in:

a. PA<sub>PFZ</sub>-P4;

b. PA<sub>PFZ</sub>-P5;

c. PA<sub>PFZ</sub>-P6; and

d. SW<sub>PFZ</sub>-P3.

Notification:

- An application under this rule is precluded from being publicly notified in accordance with sections 95A and 95B of the RMA.
- An application for a retirement village under this rule is precluded from being publicly notified in accordance with section 95A or limited notified in accordance with Section 95B of the RMA provided that compliance is achieved with the following standards: PA<sub>PFZ</sub>-S2; PA<sub>PFZ</sub>-S3; ~~PA<sub>PFZ</sub>-S4~~; and PA<sub>PFZ</sub>-S5.

3. Activity status: Discretionary

Where:

a. Compliance is not achieved with:

i. PA<sub>PFZ</sub>-R2-b.

PA <sub>PFZ</sub> -R3	Impervious Surfaces Except Roads
<p>1. Activity Status: Permitted</p> <p>Where:</p> <p>a. Compliance is achieved with:</p> <p>i. PA<sub>PFZ</sub>-S1<del>3</del>4.</p>	
<p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with:</p> <p>i. PA<sub>PFZ</sub>-R3-1.</p> <p>Matters of discretion are restricted to:</p>	

- M1. The matters in:
  - a. SW<sub>PFZ</sub>-P2; and
- M2. The matters of discretion of any infringed standard.

Refer to information requirement PA<sub>PFZ</sub>-IR-1

PA <sub>PFZ</sub> -R4	Signs
1.	<p>Activity Status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> <li>a. Compliance is achieved with:               <ul style="list-style-type: none"> <li>i. PA<sub>PFZ</sub>-S1<del>42</del>.</li> </ul> </li> </ul>
2.	<p>Activity status: Restricted Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> <li>a. Compliance is not achieved with:               <ul style="list-style-type: none"> <li>i. PA<sub>PFZ</sub>-R4-1.</li> </ul> </li> </ul> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> <li>M1. The matters in:               <ul style="list-style-type: none"> <li>a. PA<sub>PFZ</sub>-P3;</li> <li>b. PA<sub>PFZ</sub>-P7; and</li> </ul> </li> <li>M2. The matters in any infringed standard.</li> </ul>

PA <sub>PFZ</sub> -R5	Home Business
1.	<p>Activity Status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> <li>a. No more than 40m<sup>2</sup> of total gross floor area of all buildings on site is used for the home business;</li> <li>b. No more than one full time employee or equivalent engaged in the home business resides off-site; and</li> <li>c. The hours of operation are within:               <ul style="list-style-type: none"> <li>i. 7.00am to 7.00pm, Monday to Friday; and</li> <li>ii. 7.00am to 6.00pm Saturday and Sunday.</li> </ul> </li> </ul>
2.	<p>Activity status: Restricted Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> <li>a. Compliance is not achieved with:               <ul style="list-style-type: none"> <li>iii. PA<sub>PFZ</sub>-R5-1.</li> </ul> </li> </ul> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> <li>M1. The matters in:               <ul style="list-style-type: none"> <li>a. PA<sub>PFZ</sub>-P3.</li> </ul> </li> </ul>
PA <sub>PFZ</sub> -R6	Supported Residential Care Activities

1. Activity Status: Permitted
 

Where:

  - a. Maximum occupancy does not exceed 6 residents.

2. Activity status: Restricted Discretionary
 

Where:

  - a. Compliance is not achieved with:
    - i. PA<sub>PFZ</sub>-R6-1.

Matters of discretion are restricted to:

  - M1. The matters in:
    - a. PA<sub>PFZ</sub>-P3.

<b>PA<sub>PFZ</sub>-R7</b>	<b>Education Facility</b>
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1. Activity Status: Permitted
 

Where:

  - a. The maximum number of children on-site is four; and
  - b. The hours of operation are within 7.00am to 7.00pm Monday to Friday.

PA<sub>PFZ</sub>-R7-1.a does not apply to any children who are normally resident at the site or who are otherwise guests of the occupants of the site.

2. Activity status: Restricted Discretionary
 

Where:

  - a. Compliance is not achieved with:
    - i. PA<sub>PFZ</sub>-R7-1.

Matters of discretion are restricted to:

  - M1. The matters in:
    - a. PA<sub>PFZ</sub>-P3.

<b>PA<sub>PFZ</sub>-R8</b>	<b>Visitor Accommodation</b>
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1. Activity Status: Permitted
 

Where:

  - a. The maximum occupancy is 5 guests per night.

2. Activity status: Restricted Discretionary
 

Where:

  - a. Compliance is not achieved with:
    - i. PA<sub>PFZ</sub>-R8-1.

Matters of discretion are restricted to:

  - M1. The matters in:
    - a. PA<sub>PFZ</sub>-P3.

<b>PA<sub>PFZ</sub>-R9</b>	<b>Papakāinga<sup>15</sup></b>
1.	<p><u>Activity Status: Permitted</u></p> <p><u>Where:</u></p> <ol style="list-style-type: none"> <li>a. <u>The site is held under Te Ture Whenua Māori Act 1993;</u></li> <li>b. <u>The gross floor area of all commercial activities does not exceed 100m<sup>2</sup> per site; and</u></li> <li>c. <u>The gross floor area of all community facilities does not exceed 200m<sup>2</sup> per site.</u></li> </ol>
2.	<p><u>2. Activity status: Restricted discretionary</u></p> <p><u>Where:</u></p> <ol style="list-style-type: none"> <li>a. <u>Compliance is not achieved with</u> <ol style="list-style-type: none"> <li>i. <u>PA<sub>PFZ</sub>-R9-1.</u></li> </ol> </li> </ol> <p><u>Matters of discretion are restricted to:</u></p> <p><u>M1 The matters in</u></p> <ol style="list-style-type: none"> <li>a. <u>PFZ-P8</u></li> <li>b. <u>PFZ-P9.</u></li> </ol> <p><u>Notification:</u></p> <ul style="list-style-type: none"> <li>• <u>An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.</u></li> </ul>

<b>PA<sub>PFZ</sub>-R910</b>	<b>Retirement Village as Identified on the Plimmerton Farm Precinct Plan</b>
1.	<p>Activity Status: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p>M1. The matters in:</p> <ol style="list-style-type: none"> <li>a. PA<sub>PFZ</sub>-P8.</li> </ol> <p>Notification:</p> <p>An application under this rule that includes buildings not exceeding 16m in height is precluded from being publicly notified in accordance with section 95A or limited notified in accordance with Section 95B of the RMA provided that compliance is achieved with the following standards: PA<sub>PFZ</sub>-S2; PA<sub>PFZ</sub>-S3; PA<sub>PFZ</sub>-S4; and PA<sub>PFZ</sub>-S5.</p>

<b>PA<sub>PFZ</sub>-R1011</b>	<b>Emergency Service Facilities</b>
1.	<p>Activity Status: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p>M1. The matters in:</p> <ol style="list-style-type: none"> <li>a. PA<sub>PFZ</sub>-P3.</li> </ol>

<sup>15</sup> TROTR [OS114.3, OS114.4]

<b>PA<del>PFZ</del>-R<del>11</del>12</b>	<b>Community Facilities</b>
1.	<p>Activity Status: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p>M1. The matters in:</p> <ul style="list-style-type: none"> <li>a. PA<del>PFZ</del>-P2 for community facilities in the Plimmerton Farm Commercial Centre; and</li> <li>b. PA<del>PFZ</del>-P3.</li> </ul>

<b>PA<del>PFZ</del>-R<del>12</del>13</b>	<b>Healthcare Activities</b>
1.	<p>Activity Status: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p>M1. The matters in:</p> <ul style="list-style-type: none"> <li>a. PA<del>PFZ</del>-P2 for healthcare activities in the Plimmerton Farm Commercial Centre; and</li> <li>b. PA<del>PFZ</del>-P3.</li> </ul>

<b>PA<del>PFZ</del>-R<del>13</del>14</b>	<b>Plimmerton Farm Commercial Centre Buildings and Activities</b>
1.	<p>Activity Status: Restricted Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> <li>a. The height of the building does not exceed 16m; and</li> <li>b. Compliance is achieved with: <ul style="list-style-type: none"> <li>i. PA<del>PFZ</del>-S2;</li> <li>ii. PA<del>PFZ</del>-S5;</li> <li>iii. PA<del>PFZ</del>-S6;</li> <li>vi. PA<del>PFZ</del>-S1<del>20</del>;</li> <li>vii. PA<del>PFZ</del>-S1<del>31</del>;</li> <li>viii. PA<del>PFZ</del>-S1<del>42</del>;</li> <li>ix. PA<del>PFZ</del>-S1<del>53</del>; and</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>x. PA<del>PFZ</del>-S1<del>64</del>.</li> </ul> <p>Matters of discretion are restricted to:</p> <p>M1. The matters in:</p> <ul style="list-style-type: none"> <li>a. PFZ-P1;</li> <li>b. PFZ-P2;</li> <li>c. PA<del>PFZ</del>-P2; and</li> <li>d. PA<del>PFZ</del>-P7.</li> </ul>
2.	<p>Activity status: Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> <li>a. Compliance is not achieved with: <ul style="list-style-type: none"> <li>i. PA<del>PFZ</del>-R13-1.</li> </ul> </li> </ul>

<b>PA<del>PFZ</del>-R<del>14</del>15</b>	<b>Hospital</b>
1.	Activity Status: Non-Complying

<b>PA<del>PFZ</del>-R<del>15</del>16</b>	<b>Industrial Activities</b>
1.	Activity Status: Non-Complying

<b>PA<sub>PFZ</sub>-R1617</b>	<b>Rural Industries</b>
1. Activity Status: Non-Complying	

<b>PA<sub>PFZ</sub>-R1718</b>	<b>Primary Production</b>
1. Activity Status: Non-Complying	

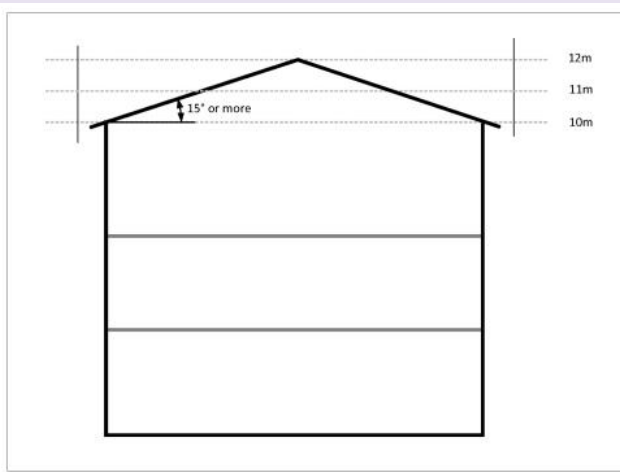
<b>PA<sub>PFZ</sub>-R1819</b>	<b>All Other Activities</b>
a) Activity Status: Discretionary	
Where:	
a. The activity is not otherwise provided for as a permitted activity, controlled activity, restricted discretionary activity or non-complying activity.	

**STANDARDS**

**PA<sub>PFZ</sub>-S1** **Height of Buildings and Structures**

1. Buildings and structures must not exceed:  
 a. 11m in height; and  
 b. 22m in height in the High Density Sub-Precinct shown in the planning maps.

Except that  
 a. 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more, as shown on the following diagram:



All buildings and structures must comply with a maximum height above ground level of 11m, except that:  
 1. An additional 1m can be added to the maximum height of any building with a roof slope of 15° or greater, where it rises to a ridge.

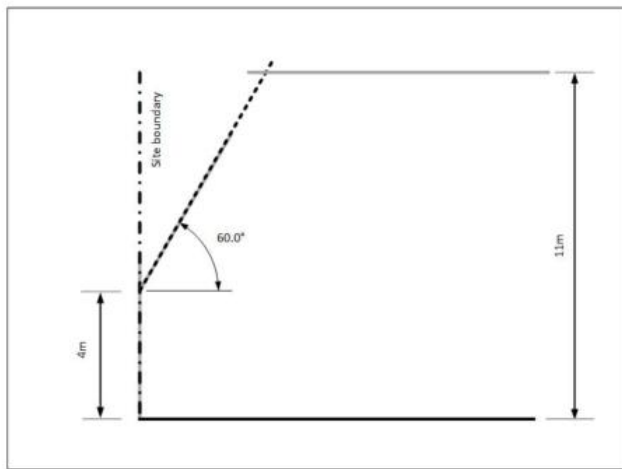
- Matters of discretion are restricted to:
- M1. The effect on the streetscape and amenity of the area;
  - M2. Dominance effects on adjoining sites;
  - M3. Design and siting of the building or structure;
  - M4. Whether topographical or other site constraints make compliance with the permitted standard impracticable;
  - M5. The influence of visually prominent trees and established landscaping; and
  - M6. Whether an increase in building height results from mitigation of natural hazard.

**PA<sub>PFZ</sub>-S2** **Height in Relation to Boundary**

**1. Buildings and structures must not project beyond a 60° recession plane measured from:**

**a. a point 4 metres vertically above ground level along all boundaries, as shown on the following diagram; and**

**b. a point 8 metres vertically above ground level along all boundaries, as shown on the following diagram, in the High Density Sub-Precinct shown in the planning maps.**



**Note: 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.**

**2. This standard does not apply to—**

**(a) a boundary with a road;**

**(b) existing or proposed internal boundaries within a site;**

**(c) site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed;**

**No part of any building or structure may project beyond a line of:**

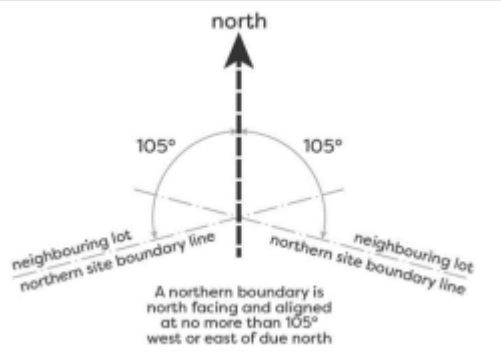
**1. 45° measured into the site from any point 3m vertically above ground level along site boundaries; or**

**2. 55° measured into the site from any point 3m vertically above ground level along northern site boundaries.**

Matters of discretion are restricted to:

- M1. The effect on sunlight and daylight admission to internal living spaces and external outdoor living spaces on adjoining and surrounding sites;
- M2. Dominance and privacy effects on adjoining sites; and
- M3. Whether topographical or other site constraints make compliance with the permitted standard impracticable or unnecessary.





3. Where adjacent to a private way in excess of 2.5m in width, the measurement is taken from the furthest side of the private way.

4. For buildings located within a flood hazard ponding overlay, the ground level will be taken from the raised ground levels required to meet minimum floor level requirements.

This standard does not apply to:

5. Road boundaries;

6. Buildings on adjoining sites that have a common wall along the boundary for the length of that common wall;

- d) Antennae, aerials, satellite dishes (less than 1m in diameter), chimneys, 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;
- e) Lift shafts, stair shafts and roof water tanks provided that there is a maximum of one intrusion of a lift shaft or stair shaft or roof water tank permitted every 20m length of boundary and the maximum dimension parallel to the boundary for this structure shall not exceed 3m;
- f) A gable end, dormer or roof where that portion beyond the height in relation to boundary is:
  - a. No greater than 1.5m<sup>2</sup> in area and no greater than 1m in height.

**PA<sub>PFZ</sub>-S3 Building Coverage**

**The maximum building coverage must not exceed 50% of the net site area.**



~~The maximum building coverage is 45%.~~

This standard does not apply to:

1. Pergola structures that are not covered by a roof;
2. Uncovered decks;
3. Uncovered outdoor swimming pools; ~~or~~
4. Buildings and structures with a footprint of no more than 2.6m<sup>2</sup> and a height of no more than 2.2m above ground level; or

Matters of discretion are restricted to:

- M1. Dominance effects on the street and adjoining properties; and
- M2. Whether topographical or other site constraints make compliance with the standard impracticable.

<p>5. <u>The High Density Sub-Precinct shown in the planning maps, where there is no maximum building coverage.</u></p>									
<p><b>PA<sub>PFZ</sub>-S4</b>  <b>Number of residential units per site</b></p>									
<p><u>There must be no more than 3 residential units per site.</u></p> <p><u>This standard does not apply to papakāinga.</u><sup>16</sup></p>	<p>Matters of discretion are restricted to:</p> <p><u>M1. PA<sub>PFZ</sub>-P5; and</u></p> <p><u>M2. PA<sub>PFZ</sub>-P6.</u></p>								
<p><b>PA<sub>PFZ</sub>-S5</b>  <b>Setbacks</b></p>									
<p><u>(1) Buildings and structures must be set back from the relevant boundary by the minimum depth listed in the yards table below:</u></p> <table border="1" data-bbox="159 913 430 1115"> <thead> <tr> <th>Yard</th> <th>Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Front</td> <td>1.5 metres</td> </tr> <tr> <td>Side</td> <td>1 metre</td> </tr> <tr> <td>Rear</td> <td>1 metre (excluded on corner sites)</td> </tr> </tbody> </table> <p><u>(2) This standard does not apply to site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.</u></p>	Yard	Minimum depth	Front	1.5 metres	Side	1 metre	Rear	1 metre (excluded on corner sites)	<p>Matters of discretion are restricted to:</p> <p><u>M1. The effect on the streetscape and amenity of the area;</u></p> <p><u>M2. Design and siting of buildings and structures;</u></p> <p><u>M3. Screening, planting and landscaping;</u></p> <p><u>M4. Pedestrian and cyclist safety; and</u></p> <p><u>M5. Whether topographical or other site constraints make compliance with the standard impracticable.</u></p>
Yard	Minimum depth								
Front	1.5 metres								
Side	1 metre								
Rear	1 metre (excluded on corner sites)								
<p><b>PA<sub>PFZ</sub>-S4</b> <b>Setback from Road Boundary</b></p>									
<p>No building or structure may be located within 2m from a road boundary.</p> <p>This standard does not apply to:</p> <ol style="list-style-type: none"> <li>1. Boundary fences or standalone walls;</li> <li>2.1. Structures with a building footprint of less than 0.5m<sup>2</sup>.</li> </ol>	<p>Matters of discretion are restricted to:</p> <p><u>M1. The effect on the streetscape and amenity of the area;</u></p> <p><u>M2. Design and siting of buildings and structures;</u></p> <p><u>M3. Screening, planting and landscaping;</u></p> <p><u>M4. Pedestrian and cyclist safety; and</u></p> <p><u>M5. Whether topographical or other site constraints make compliance with the standard impracticable.</u></p>								
<p><b>PA<sub>PFZ</sub>-S5</b> <b>Setbacks from Other Boundaries</b></p>									

<sup>16</sup>TROTR [OS114.3, OS114.4]

<p>No residential building or residential structure may be located within:</p> <ol style="list-style-type: none"> <li>1. 1m from a side boundary.</li> <li>2. 3m from a rear boundary.</li> </ol> <p>No commercial building or commercial structure may be located within:</p> <ol style="list-style-type: none"> <li>3. 3m from a side boundary or rear boundary.</li> </ol> <p>This standard does not apply to:</p> <ol style="list-style-type: none"> <li>4. Boundary fences or standalone walls;</li> <li>5. Buildings that share a common wall along the boundary for the length of that common wall; or</li> <li>6. Any building that is 8m or less in length along the affected boundary.</li> </ol> <p>This exemption for an accessory building or a principal building occurs once only per site.</p>	<p>Matters of discretion are restricted to:</p> <p>M1. Dominance and privacy effects on adjoining sites; and</p> <p>M2. Whether there are topographical or other site constraints that make compliance with the permitted standard impracticable.</p>
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<b>PAPFZ-S6</b>	<b>Setbacks from Waterbodies</b>
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<p>All buildings and structures must be set back at least 20m from natural wetlands or streams (measured from the highest annual bank-full flow).</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>M1. The siting of buildings and structures;</li> <li>M2. The ability to access the waterway for maintenance and stream network enhancements;</li> </ol>
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	<ol style="list-style-type: none"> <li>M3. Flood hazard;</li> <li>M4. Public access; and</li> <li>M5. Effects on the amenity, ecological, cultural and other values of the waterbody.</li> </ol>
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<b>PAPFZ-S7</b>	<b>Landscaped Areas</b>
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<p><b>(1) A residential unit at ground floor level must have a landscaped area of a minimum of 20% of a developed site with grass or plants, and can include the canopy of trees regardless of the ground treatment below them.</b></p> <p><b>(2) The landscaped area may be located on any part of the development site, and does not need to be associated with each residential unit.</b></p> <p><a href="#">This standard does not apply to papakāinga.<sup>17</sup></a></p> <p>The front yard created under PAPFZ-S4 must consist of a minimum of 40% landscaped area.</p> <p>This standard does not apply to:</p> <ol style="list-style-type: none"> <li>1. A driveway or other means of access to the building; or</li> </ol> <p>More than one front yard, where a site has two or more road boundaries.</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>M1. The effect on the streetscape and amenity of the area; and</li> <li>M2. Whether topographical or other site constraints make compliance with the standard impracticable.</li> </ol>
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<sup>17</sup> TROTR [OS114.3, OS114.4]

- (1) A residential unit at ground floor level must have an outdoor living space that is at least 20 square metres and that comprises ground floor, balcony, patio, or roof terrace space that,—
- (a) where located at ground level, has no dimension less than 3 metres; and
  - (b) where provided in the form of a balcony, patio, or roof terrace, is at least 8 square metres and has a minimum dimension of 1.8 metres; and
  - (c) is accessible from the residential unit; and
  - (d) may be—
    - (i) grouped cumulatively by area in 1 communally accessible location; or
    - (ii) located directly adjacent to the unit; and
  - (e) is free of buildings, parking spaces, and servicing and manoeuvring areas.
- (2) A residential unit located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace that—
- (a) is at least 8 square metres and has a minimum dimension of 1.8 metres; and
  - (b) is accessible from the residential unit; and
  - (c) may be—
    - (i) grouped cumulatively by area in 1 communally accessible location, in which case it may be located at ground level; or
    - (ii) located directly adjacent to the unit.

[This standard does not apply to papakāinga.](#)<sup>18</sup>

The minimum area of outdoor living space is:

1. Per residential unit: 30m<sup>2</sup> at ground level or a balcony above ground level of at least 6m<sup>2</sup> with a minimum dimension of 1.8m; or
2. Per minor residential unit: 15m<sup>2</sup> at ground level or a balcony above ground level of at least 6m<sup>2</sup> with a minimum dimension of 1.8m.

Except that:

3. A minor residential unit that has direct access to a minimum 30m<sup>2</sup> of outdoor living space provided for the primary residential unit does not need to provide additional outdoor living space;

The outdoor living space must:

4. Be able to fit a circle of 4m diameter where located at ground level;
5. Have a gradient of less than 1:20 where located at ground level;

Matters over which discretion is restricted:

- M1. Whether adequate useable space is provided to accommodate outdoor activities;
- M2. Proximity of the residential unit to accessible public open space; and
- M3. Whether there are topographical or other site constraints that make compliance with the permitted standard impracticable.

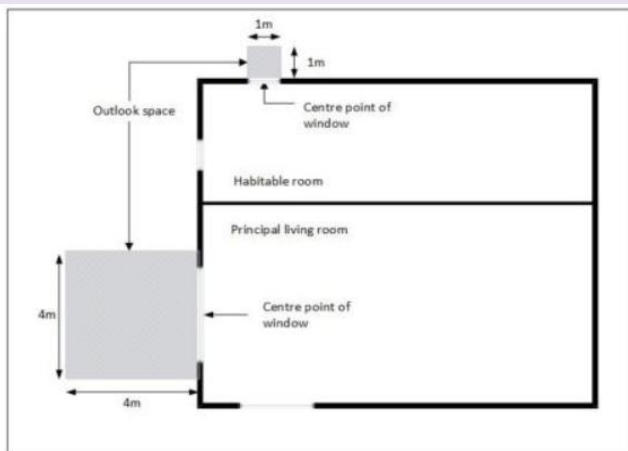
- 6. Be directly accessible from the principal living room, dining room or kitchen;
- 7. Be free of buildings, parking spaces and manoeuvring areas;
- 8. Be orientated to the north, west or east side of the residential unit, except that:
  - a. Up to 30% of the outdoor living area may be orientated to the south of the residential unit.

This standard does not apply to retirement villages or non-residential buildings.

PA<sub>PFZ</sub>-S9

### Outlook space (per unit)

1. An outlook space must be provided for each residential unit as specified in this clause.
2. An outlook space must be provided from habitable room windows as shown in the diagram below:



3. The minimum dimensions for a required outlook space are as follows:
  - a. a principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and
  - b. all other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width.
4. The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.
5. Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.
6. Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.
7. Outlook spaces may be under or over a

Matters over which discretion is restricted:

- M1. Measures to ensure that outlook spaces shall remain unobstructed, while providing an open outlook with access to daylight from the windows of habitable rooms;
- M2. The effects on amenity of future occupants from a reduced outlook; and
- M3.<sup>20</sup> Means by which appropriate inter-unit privacy is achieved.

<sup>20</sup> Minor error corrected under clause 16 (typo)

balcony.


8. Outlook spaces required from different rooms within the same building may overlap.

9. Outlook spaces must—

a. be clear and unobstructed by buildings; and

b. not extend over an outlook space or outdoor living space required by another dwelling.

[This standard does not apply to papakāinga.](#)<sup>19</sup>

**PA<sub>PFZ</sub>-S10** 

### **Windows to street**

Any residential unit facing the street must have a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.

Matters of discretion are restricted to:

M1. Whether the reduction in the ability to view the adjacent road reduces a sense of safety for pedestrian users of the road;

M2. Whether the majority of the glazing provided on the street facing façade of the unit is clear glazing to habitable spaces within the unit;

M3. Any other building features that will add visual interest; and

M4. Whether topographical or other site constraints make compliance with the standard impractical.

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<sup>19</sup>TROTR [OS114.3, OS114.4]

<b>PA<sub>PFZ</sub>-S119</b>		<b>Total Height of Fences and Standalone Walls</b>	
Fences and standalone walls must meet the following maximum heights above ground level:		Matters of discretion are restricted to:	
Fences and Standalone Walls on the Road Boundary	1.1m or 1.8m for up to 30% of the length of the front boundary	M1.	Effects on the streetscape;
All other Fences and Standalone Walls	1.8m	M2.	Effects on adjoining properties;
		M3.	Whether the fence or wall height reduces passive surveillance of the road and reduces a sense of safety for pedestrian users of the road; and
		M4.	Whether topographical or other site constraints make compliance with the permitted standard impracticable.
<b>PA<sub>PFZ</sub>-S120</b>		<b>Use of Copper and Zinc</b>	
Copper or zinc surfaces in external building materials including roofing, guttering, spouting and cladding must be painted or finished in a manner that results in the copper or zinc surface not being directly exposed to rainfall.		Matters of discretion are restricted to:	
		M1.	The extent of untreated copper or zinc; and
		M2.	Methods to remove copper or zinc from water runoff.
<b>PA<sub>PFZ</sub>-S134</b>		<b>Impervious Surfaces</b>	
The maximum area of impervious surfaces must not exceed 70% of site area.		Matters of discretion are restricted to:	
		M1.	The measures used to achieve hydraulic neutrality;
		M2.	Location, design, ownership and access for maintenance, including any necessary easements; and
		M3.	Whether there are any constraints or opportunities that mean that hydraulic neutrality is not required.
<b>PA<sub>PFZ</sub>-S142</b>		<b>Signs</b>	
<ol style="list-style-type: none"> <li>1. Signs must relate to an activity carried out on the site and must not be third party advertising signs;</li> <li>2. There must be a maximum of one sign per site visible from a public space (including public roads);</li> <li>3. The maximum area of any sign must not exceed 1.5m<sup>2</sup>; and</li> <li>4. Signs must not be illuminated, flashing or have moving images.</li> </ol>		Matters of discretion are restricted to:	
		M1.	The functional need for the sign;
		M2.	Effects on amenity; and
		M3.	Effects on traffic safety.
<b>PA<sub>PFZ</sub>-S153</b>		<b>Screening and landscaping of service areas, outdoor storage areas and parking areas</b>	
<ol style="list-style-type: none"> <li>1. Any on-site service area, including rubbish collection areas, and area for the outdoor storage of goods or materials must, without preventing the provision of an entry point to the site, be fully screened by a fence or landscaping where it is visible from any: <ol style="list-style-type: none"> <li>a. Public road;</li> <li>b. Other public space; and</li> <li>c. Directly adjoining residential site.</li> </ol> </li> </ol>			

<p>2. Any on-site parking area must:</p> <ul style="list-style-type: none"> <li>a. Be fully screened by a fence or landscaping from any directly adjoining residential site; and</li> <li>b. Where located along a street edge, provide a landscaping strip that extends at least 1.5m from the boundary with the road and comprise a mix of trees, shrubs and ground cover plants, without preventing the provision of a vehicle access to the site</li> </ul>	
<p><b>PA<sub>PfZ</sub>-S164</b>    <b>Light Spill</b></p>	
<p>Any vertical illuminance from the use of artificial lighting must not exceed the following vertical illuminance at the boundary of any residential site:</p> <ul style="list-style-type: none"> <li>1. 7.00am – 10.00pm: 25 Lux; and</li> <li>2. 10.00pm – 7.00am: 4 Lux.</li> </ul>	

<p><b>INFORMATION REQUIREMENTS</b></p>	
<p><b>PA<sub>PfZ</sub>-IR-1</b></p>	<p><b>Impervious Surfaces</b></p>
<p>Any resource consent application under PAPFZ-R3 must include:</p> <ul style="list-style-type: none"> <li>1. Details of the proposed water-sensitive design techniques and methods of implementation; and</li> <li>2. An assessment of the potential effects of the activity on existing stormwater measures and devices.</li> </ul>	



## 13. PRECINCT B

Precinct B is located at the northwestern end of the Plimmerton Farm Zone and provide for low to medium density residential development.

The Precinct B objectives, policies and rules provide the framework for managing the effects of development and providing for high levels of residential amenity and a high quality built environment.

Home business and other non-residential activities that support the social and economic health and wellbeing of the community may occur in Precinct B, as long as they minimise adverse effects on residential character and amenity values.

Note: The objectives, policies and rules of other parts of the District Plan may apply in addition to the objectives, policies and rules of this section.

OBJECTIVES	
<b>PB<sub>PFZ</sub>-O1</b>	<b>Purpose of Precinct B</b>
Precinct B: <ol style="list-style-type: none"> <li>1. Primarily provides for general residential activities; and</li> <li>2. Provides for a range of non-residential activities that support the health and wellbeing of people and communities, and are compatible with the character and amenity values of Precinct B.</li> </ol>	
<b>PB<sub>PFZ</sub>-O2</b>	<b>Character and amenity values of Precinct B</b>
The scale, form and density of subdivision, use and development in Precinct B is characterised by: <ol style="list-style-type: none"> <li>1. A built form of <b>predominantly</b> single-storey and two-storey buildings, detached, semi-detached and terraced housing;</li> <li>2. Landscaping and trees, especially on street frontages and within road corridors; and</li> <li>3. High quality urban design and residential amenity.</li> </ol>	

POLICIES	
<b>PB<sub>PFZ</sub>-P1</b>	<b>Residential Activities</b>
Enable residential activities and a diverse range of residential unit types and sizes that are compatible with the built form, character and amenity values anticipated in Precinct B and are suitably serviced by infrastructure.	
<b>PB<sub>PFZ</sub>-P2</b>	<b>Non-Residential Activities</b>
Enable non-residential activities that: <ol style="list-style-type: none"> <li>1. Contribute to the social, cultural and economic wellbeing of people and communities;</li> <li>2. Are of a type and scale compatible with the character and amenity of the area;</li> <li>3. Avoid, remedy or mitigate adverse effects on the amenity values beyond the site, including from signs and the location and scale of utility and external storage areas;</li> <li>4. Avoid, remedy or mitigate adverse effects on the amenity values beyond the site from the movement of people and vehicles associated with the activity;</li> <li>5. Have hours of operation compatible with residential amenity;</li> <li>6. Have an operational need to locate in the Precinct; and</li> <li>7. Are suitably serviced with infrastructure.</li> </ol> Avoid non-residential activities that are incompatible with the character and amenity values anticipated in Precinct B.	
<b>PB<sub>PFZ</sub>-P3</b>	<b>Integration and Connectivity</b>
Provide for built development that integrates and connects with the surrounding environment.	

<b>PB<sub>PFZ</sub>-P4</b>	<b>Buildings and Structures</b>
<p>Provide for buildings and structures that are of a form, scale and design that achieve the character and amenity anticipated for Precinct B.</p> <p>When considering height of buildings to enable greater residential density, consideration must be given to:</p> <ol style="list-style-type: none"> <li>1. Elevation and gradient of the site, and the effects that this will have on visibility of the building from within and outside of the Zone;</li> <li>2. Measures proposed to mitigate adverse effects on the characters and value of Precinct B through: <ol style="list-style-type: none"> <li>a. The location, design and scale of the building or structure;</li> <li>b. The visibility, reflectively and colour of the building or structure;</li> <li>c. Visibility and similarity with surrounding colours, textures, pattern and forms;</li> <li>d. How proposed landscaping contributes to amenity and balancing the building or structures scale and form.</li> </ol> </li> </ol>	
<b>PB<sub>PFZ</sub>-P5</b>	<b>Urban Design</b>
<p>Require development in Precinct B to achieve high quality urban design by taking an integrated, comprehensive site planning and design approach to achieve the following:</p> <ol style="list-style-type: none"> <li>1. Site planning that: <ol style="list-style-type: none"> <li>a. Integrates building form and open space;</li> <li>b. Achieves a consistent pattern of building alignment;</li> <li>c. Provides access to sunlight or daylight to buildings;</li> <li>d. Provide a positive frontage to the street;</li> <li>e. Provides convenient, safe and legible connections and circulation;</li> <li>f. Provides front doors that are clearly legible from the street or accessway;</li> <li>g. Achieves passive surveillance of the street or accessway;</li> <li>h. Minimises the visual impact of car parking and garaging on the streetscape;</li> </ol> </li> <li>2. Building design that: <ol style="list-style-type: none"> <li>a. Achieves visual interest and avoids visual monotony while also achieving aesthetic coherence and integration;</li> <li>b. Provides internal visual privacy for all units within a development;</li> <li>c. Provides for servicing that is suitable, convenient and visually discreet;</li> </ol> </li> <li>3. Open space and landscape design that: <ol style="list-style-type: none"> <li>a. Ensures all outdoor living areas in the development are well located and accessible;</li> <li>b. Ensures any shared outdoor living areas are well located and of high quality;</li> <li>c. Uses planting to achieve visual amenity, safety and functionality;</li> <li>d. Includes driveways, manoeuvring and parking areas that are safe, convenient and attractive; and</li> </ol> </li> <li>4. Lighting that enhances safety and security without adversely affecting the amenity of other sites.</li> </ol>	

## RULES

Note: The rules of other parts of the District Plan may apply in addition to the rules of this section. More than one rule may apply.

### PB<sub>PFZ</sub>-R1 Residential Activities, excluding papakāinga<sup>21</sup>

#### 1. Activity Status: Permitted

Where:

- a. There are no more than two residential units and one minor residential unit per site;
- b. The minor residential unit does not exceed a gross floor area of 50m<sup>2</sup>; and

~~6.a.~~ Compliance is achieved with:

- i. ~~PB<sub>PFZ</sub>-S4~~;
- ii. ~~PB<sub>PFZ</sub>-S9~~

#### 2. Activity status: Restricted Discretionary

Where:

- a. Compliance is not achieved with:
  - i. PB<sub>PFZ</sub>-R2-1.

Matters of discretion are restricted to:

M1. The matters in:

- a. PB<sub>PFZ</sub>-P4; and
- b. PB<sub>PFZ</sub>-P5.

Notification:

- An application under this rule is precluded from being publicly or limited notified in accordance with sections 95A and 95B of the RMA where PA<sub>PFZ</sub>-R2 is complied with.

### PB<sub>PFZ</sub>-R2 Building Activity

#### 1. Activity Status: Permitted

Where:

a. Compliance is achieved with:

- i. PB<sub>PFZ</sub>-S1;
- ii. PB<sub>PFZ</sub>-S2;
- iii. PB<sub>PFZ</sub>-S3;
- ~~iv. PB<sub>PFZ</sub>-S4;~~
- ~~v-iv.~~ PB<sub>PFZ</sub>-S5;
- ~~vi-v.~~ PB<sub>PFZ</sub>-S6;
- ~~vii-vi.~~ PB<sub>PFZ</sub>-S7;
- ~~viii-vii.~~ PB<sub>PFZ</sub>-S8;
- ~~ix-viii.~~ PB<sub>PFZ</sub>-S9;

<sup>21</sup> TROTR [OS114.3, OS114.4]

~~ix.~~ PB<sub>PFZ</sub>-S10; and

x. PB<sub>PFZ</sub>-S11

xi. PB<sub>PFZ</sub>-S12; and

~~xi-xii~~ PB<sub>PFZ</sub>-S15

2. Activity status: Restricted Discretionary

Where:

- a. Compliance is not achieved with:
- i. PB<sub>PFZ</sub>-R2-1; and

• The height of the building does not exceed 11m.

Matters of discretion are restricted to:

M1. The matters of discretion of any infringed standard.

M2. The matters in:

- a. PB<sub>PFZ</sub>-P3;
- b. PB<sub>PFZ</sub>-P4;
- c. PB<sub>PFZ</sub>-P5; and
- d. SW<sub>PFZ</sub>-P3.

**Notification:**

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

3. Activity status: Discretionary

Where:

- a. Compliance is not achieved with:
- i. PB<sub>PFZ</sub>-R2-b.

PB <sub>PFZ</sub> -R3	Impervious Surfaces Except Roads
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1. Activity Status: Permitted

Where:

- a. Compliance is achieved with:
- i. PB<sub>PFZ</sub>-S1~~3~~2.

2. Activity status: Restricted Discretionary

Where:

- a. Compliance is not achieved with:
- i. PB<sub>PFZ</sub>-R3-1.

Matters of discretion are restricted to:

M1. The matters in:

- a. SW<sub>PFZ</sub>-P2;

M2. The matters of discretion of any infringed standard.

Refer to information requirement PB<sub>PFZ</sub>-IR-1

<b>PB<sub>PFZ</sub>-R4</b>	<b>Signs</b>
1.	<p>Activity Status: Permitted</p> <p>Where:</p> <p>a. Compliance is achieved with:</p> <p>i. PB<sub>PFZ</sub>-S143.</p>
2.	<p>Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with</p> <p>i. PB<sub>PFZ</sub>-R4-1.</p> <p>Matters of discretion are restricted to:</p>

M1.	<p>The matters in:</p> <p>a. PB<sub>PFZ</sub>-P2; and</p>
M2.	<p>The matters in any infringed standard.</p>

<b>PB<sub>PFZ</sub>-R5</b>	<b>Home Business</b>
1.	<p>Activity Status: Permitted</p> <p>Where:</p> <p>a. No more than 40m<sup>2</sup> of total gross floor area of all buildings on site is used for the home business;</p> <p>b. No more than one full time employee or equivalent engaged in the home business resides off-site; and</p> <p>c. The hours of operation are within:</p> <p>i. 7.00am to 7.00pm, Monday to Friday; and</p> <p>ii. 7.00am to 6.00pm, Saturday and Sunday.</p>
2.	<p>Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with:</p> <p>iii. PB<sub>PFZ</sub>-R5-1.</p> <p>Matters of discretion are restricted to:</p> <p>M1. The matters in:</p> <p>a. PB<sub>PFZ</sub>-P2.</p>

<b>PB<sub>PFZ</sub>-R6</b>	<b>Supported Residential Care Activities</b>
1.	<p>Activity Status: Permitted</p> <p>Where:</p> <p>a. Maximum occupancy does not exceed 6 residents.</p>

2. Activity status: Restricted Discretionary

Where:

- a. Compliance is not achieved with:
  - i. PB<sub>PFZ</sub>-R6-1.

Matters of discretion are restricted to:

- M1. The matters in:
  - a. PB<sub>PFZ</sub>-P2.

<b>PB<sub>PFZ</sub>-R7</b>	<b>Education Facility</b>
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1. Activity Status: Permitted

Where:

- a. The maximum number of children on-site is four; and
- b. The hours of operation are within 7.00am to 7.00pm Monday to Friday.

PB<sub>PFZ</sub>-R7-1 does not apply to any children who are normally resident at the site or who are otherwise guests of the occupants of the site.

2. Activity status: Restricted Discretionary

Where:

- a. Compliance is not achieved with:
  - i. PB<sub>PFZ</sub>-R7-1.

Matters of discretion are restricted to:

- M1. The matters in:
  - a. PB<sub>PFZ</sub>-P2.

<b>PB<sub>PFZ</sub>-R8</b>	<b>Visitor Accommodation</b>
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1. Activity Status: Permitted

Where:

- a. The maximum occupancy is 5 guests per night.

2. Activity status: Restricted Discretionary

Where:

- a. Compliance is not achieved with:
  - i. PB<sub>PFZ</sub>-R8-1.

Matters of discretion are restricted to:

- M1. The matters in:
  - a. PB<sub>PFZ</sub>-P2.

<b>PB<sub>PFZ</sub>-R9</b>	<b><a href="#">Papakāinga<sup>22</sup></a></b>
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<sup>22</sup> TROTR [OS114.3, OS114.4]

1. [Activity Status: Permitted](#)

[Where:](#)

- a. [The site is held under Te Ture Whenua Māori Act 1993;](#)
- b. [The gross floor area of all commercial activities does not exceed 100m<sup>2</sup> per site; and](#)
- c. [The gross floor area of all community facilities does not exceed 200m<sup>2</sup> per site.](#)

2. [Activity status: Restricted discretionary](#)

[Where:](#)

- a. [Compliance is not achieved with](#)
  - i. [PB<sub>PFZ</sub>-R9-1.](#)

[Matters of discretion are restricted to:](#)

- M1 [The matters in](#)
- a. [PFZ-P8](#)
  - b. [PFZ-P9.](#)

[Notification:](#)

- [An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.](#)

**PB<sub>PFZ</sub>-R~~9~~10**    **Emergency Service Facilities**

1. Activity Status: Restricted Discretionary

Matters of discretion are restricted to:

- M1. The matters in:
- a. PB<sub>PFZ</sub>-P2.

**PB<sub>PFZ</sub>-R~~10~~11**    **Community Facilities**

1. Activity Status: Restricted Discretionary

Matters of discretion are restricted to:

- M1. The matters in:
- a. PB<sub>PFZ</sub>-P2.

**PB<sub>PFZ</sub>-R~~11~~12**    **Healthcare Activities**

1. Activity Status: Restricted Discretionary

Matters of discretion are restricted to:

- M1. The matters in:
- a. PB<sub>PFZ</sub>-P2.

**PB<sub>PFZ</sub>-R~~12~~13**    **Retail Activity and Commercial Services Activity**

1. Activity Status: Restricted Discretionary  
Matters of discretion are restricted to:
  - M1. The matters in
    - a. PB<sub>PFZ</sub>-P2.

**PB<sub>PFZ</sub>-R1314** Hospital

1. Activity Status: Non-Complying

**PB<sub>PFZ</sub>-R1415** Industrial Activities

1. Activity Status: Non-Complying

**PB<sub>PFZ</sub>-R1516** Rural Industries

1. Activity Status: Non-Complying

**PB<sub>PFZ</sub>-R1617** Primary Production

1. Activity Status: Non-Complying

**PB<sub>PFZ</sub>-R1718** All Other Activities

1. Activity Status: Discretionary  
Where:
  - a. The activity is not otherwise provided for as a permitted activity, controlled activity, restricted discretionary activity or non-complying activity.

**STANDARDS**

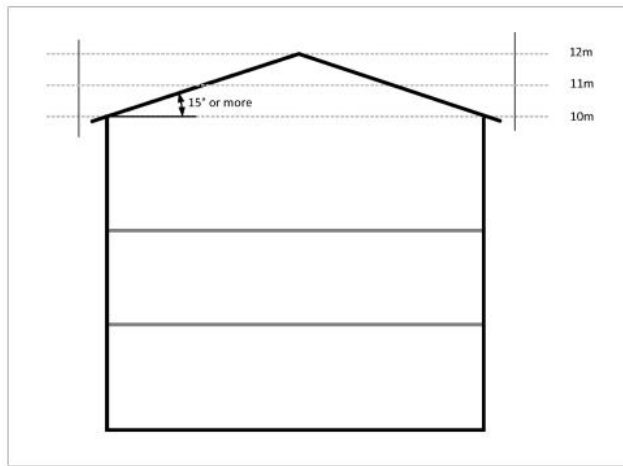
**PB<sub>PFZ</sub>-S1**  **Height ~~Height of Buildings and Structures~~**

1. Buildings and structures must not exceed 11 metres in height, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more, as shown on the following diagram:

Matters of discretion are restricted to:

- M1. The effect on the streetscape and amenity of the area;
- M2. Dominance effects on adjoining sites;
- M3. Design and siting of the building or structure;
- M4. Whether topographical or other site constraints make compliance with the permitted standard impracticable;
- M5. The influence of visually prominent trees and established landscaping; and
- M6. Whether an increase in building height results from mitigation of natural hazard.



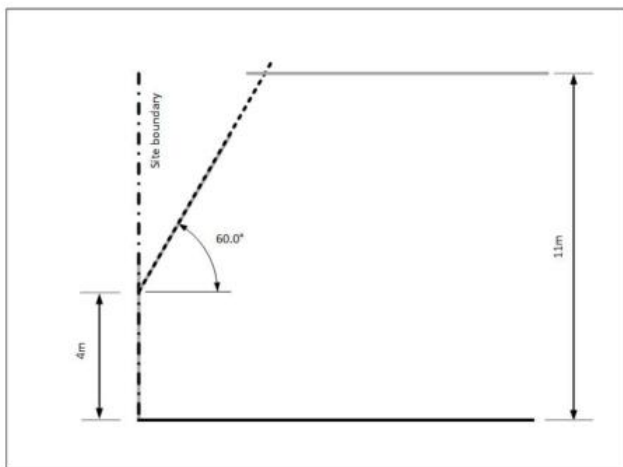


All buildings and structures must comply with a maximum height above ground level of 8m, except that:

1. An additional 1m can be added to the maximum height of any building with a roof slope of 15° or greater, where it rises to a ridge.

## PBPFZ-S2 Height in Relation to Boundary

1. Buildings and structures must not project beyond a 60° recession plane measured from a point 4 metres vertically above ground level along all boundaries, as shown on the following diagram. 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.



2. This standard does not apply to —

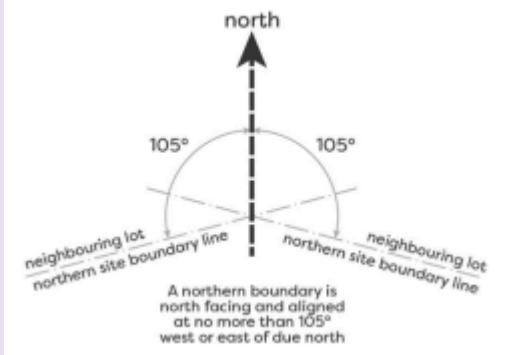
- (a) a boundary with a road;
- (b) existing or proposed internal boundaries within a site;
- (c) site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.

No part of any building or structure may project beyond a line of:



Matters of discretion are restricted to:

- M1. The effect on sunlight and daylight admission to internal living spaces and external outdoor living spaces on adjoining and surrounding sites;
- M2. Dominance and privacy effects on adjoining sites; and
- M3. Whether topographical or other site constraints make compliance with the permitted standard impracticable or unnecessary.


- a) 45° measured into the site from any point 3m vertically above ground level along site boundaries; or
- b) 55° measured into the site from any point 3m vertically above ground level along northern site boundaries.



- c) Where adjacent to a private way in excess of 2.5m in width, the measurement is taken from the furthest side of the private way.
  - d) For buildings located within a flood hazard ponding overlay, the ground level will be taken from the raised ground levels required to meet minimum floor level requirements.
- This standard does not apply to:
- e) Road boundaries;
  - f) Buildings on adjoining sites that have a common wall along the boundary for the length of that common wall;
- d) Antennae, aerials, satellite dishes (less than 1m in diameter), chimneys, 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;
  - e) Lift shafts, stair shafts and roof water tanks provided that there is a maximum of one intrusion of a lift shaft or stair shaft or roof water tank permitted every 20m length of boundary and the maximum dimension thereof parallel to the boundary for this structure shall not exceed 3m.
  - f) A gable end, dormer or roof where that portion beyond the height in relation to boundary is:
    - a. No greater than 1.5m<sup>2</sup> in area and no greater than 1m in height.

<p><b>The maximum building coverage must not exceed 50% of the net site area.</b></p> <p>The maximum building coverage is:</p> <p><del>1. 40%; or</del></p> <p><del>45% for multi-unit housing</del></p> <p>This standard does not apply to:</p> <ol style="list-style-type: none"> <li>1. Pergola structures that are not covered by a roof;</li> <li>2. Uncovered decks;</li> <li>3. Uncovered outdoor swimming pools;</li> <li>4. Buildings and structures with a footprint of no more than 2.6m<sup>2</sup> and a height of no more than 2.2m above ground level.</li> </ol>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>M1. Dominance effects on the street and adjoining properties; and</li> <li>M2. Whether topographical or other site constraints make compliance with the standard impracticable.</li> </ol>								
<p><b>PB<sub>PFZ</sub>-S4</b>  <b>Number of residential units per site</b></p>									
<p><b>There must be no more than 3 residential units per site.</b></p> <p><a href="#">This standard does not apply to papakāinga.</a><sup>23</sup></p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>M1. <a href="#">PB<sub>PFZ</sub>-P4</a>; and</li> <li>M2. <a href="#">PB<sub>PFZ</sub>-P5</a>.</li> </ol>								
<p><b>PB<sub>PFZ</sub>-S5</b>  <b>Setbacks</b></p>									
<p><b>(1) Buildings and structures must be set back from the relevant boundary by the minimum depth listed in the yards table below:</b></p> <table border="1"> <thead> <tr> <th>Yard</th> <th>Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Front</td> <td>1.5 metres</td> </tr> <tr> <td>Side</td> <td>1 metre</td> </tr> <tr> <td>Rear</td> <td>1 metre (excluded on corner sites)</td> </tr> </tbody> </table> <p><b>(2) This standard does not apply to site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.</b></p>	Yard	Minimum depth	Front	1.5 metres	Side	1 metre	Rear	1 metre (excluded on corner sites)	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>M1. <a href="#">The effect on the streetscape and amenity of the area</a>;</li> <li>M2. <a href="#">Design and siting of buildings and structures</a>;</li> <li>M3. <a href="#">Screening, planting and landscaping</a>;</li> <li>M4. <a href="#">Pedestrian and cyclist safety</a>; and</li> <li>M5. <a href="#">Whether topographical or other site constraints make compliance with the standard impracticable</a>.</li> </ol>
Yard	Minimum depth								
Front	1.5 metres								
Side	1 metre								
Rear	1 metre (excluded on corner sites)								
<p><b>PB<sub>PFZ</sub>-S4</b> <b>Setback from Road Boundary</b></p>									
<p>No building or structure may be located within 2m from a road boundary.</p> <p>This standard does not apply to:</p> <ol style="list-style-type: none"> <li>1. Boundary fences or standalone walls;</li> <li>2. Structures with a building footprint of less than 0.5m<sup>2</sup>.</li> </ol>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>M1. <a href="#">The effect on the streetscape and amenity of the area</a>;</li> <li>M2. <a href="#">Design and siting of buildings</a>;</li> <li>M3. <a href="#">Screening, planting and landscaping</a>;</li> <li>M4. <a href="#">Pedestrian and cyclist safety</a>; and</li> <li>M5. <a href="#">Whether there are topographical or other site constraints that make compliance with the permitted standard impractical</a>.</li> </ol>								
<p><b>PB<sub>PFZ</sub>-S5</b> <b>Setbacks from Other Boundaries</b></p>									

<sup>23</sup>TROTR [OS114.3, OS114.4]

<p>No building or structures may be located within:</p> <ol style="list-style-type: none"> <li>1. 1m from a side boundary;</li> <li>2. 3m from a rear boundary.</li> </ol> <p>This standard does not apply to:</p> <ol style="list-style-type: none"> <li>3. Boundary fences or standalone walls;</li> <li>4. Buildings that share a common wall along the boundary for the length of that common wall;</li> <li>5.1. Any building that is no more than 6m in length along the affected boundary</li> </ol>	<p>Matters of discretion are restricted to:</p> <p>M1. Dominance and privacy effects on adjoining sites; and</p> <p>M2. Whether there are topographical or other site constraints that make compliance with the permitted standard impracticable.</p>
<p><b>PB<sub>PFZ</sub>-S6      Setbacks from Waterbodies</b></p>	
<p>All buildings and structures must be set back at least 20m from natural wetlands or streams (measured from the highest annual bank-full flow).</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>M1. The siting of buildings and structures;</li> <li>M2. The ability to access the waterway for maintenance and stream network enhancements;</li> <li>M3. Flood hazard;</li> </ol>
	<ol style="list-style-type: none"> <li>M4. Public access; and</li> <li>M5. Effects on the amenity, ecological, cultural and other values of the waterbody.</li> </ol>
<p><b>PB<sub>PFZ</sub>-S7  Landscaped Areas</b></p>	
<p><u>(1) A residential unit at ground floor level must have a landscaped area of a minimum of 20% of a developed site with grass or plants, and can include the canopy of trees regardless of the ground treatment below them.</u></p> <p><u>(2) The landscaped area may be located on any part of the development site, and does not need to be associated with each residential unit.</u></p> <p><a href="#">This standard does not apply to papakāinga.<sup>24</sup></a></p> <p>The front yard created under PB<sub>PFZ</sub>-S4 must consist of a minimum of 40% landscape planted area.</p> <p>This standard does not apply to:</p> <ol style="list-style-type: none"> <li>1. A driveway or other means of access to the building;</li> <li>or</li> <li>2. More than one front yard, where a site has two or more road boundaries</li> </ol>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>M1. The effect on the streetscape and amenity of the area; and</li> <li>M2. Whether topographical or other site constraints make compliance with the standard impracticable.</li> </ol>
<p><b>PB<sub>PFZ</sub>-S8      Planting</b></p>	

<sup>24</sup> TROTR [OS114.3, OS114.4]

At least one specimen tree must be planted in the front yard of a site that has a frontage to Road Type 2 in the Plimmerton Farm Precinct Plan.

Matters of discretion are restricted to:

- M1. The effect on the streetscape and amenity of the area; and
- M2. Whether topographical or other site constraints make compliance with the standard impractical.

**PB<sub>PFZ</sub>-S9**  **Outdoor Living Space (per unit) for Residential Units**

(1) A residential unit at ground floor level must have an outdoor living space that is at least 20 square metres and that comprises ground floor, balcony, patio, or roof terrace space that—

(a) where located at ground level, has no dimension less than 3 metres; and

(b) where provided in the form of a balcony, patio, or roof terrace, is at least 8 square metres and has a minimum dimension of 1.8 metres; and

(c) is accessible from the residential unit; and

(d) may be—

(i) grouped cumulatively by area in 1 communally accessible location; or

(ii) located directly adjacent to the unit; and

(e) is free of buildings, parking spaces, and servicing and manoeuvring areas.

(2) A residential unit located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace that—

(a) is at least 8 square metres and has a minimum dimension of 1.8 metres; and

(b) is accessible from the residential unit; and

(c) may be—

(i) grouped cumulatively by area in 1 communally accessible location, in which case it may be located at ground level; or

(ii) located directly adjacent to the unit.

Matters over which discretion is restricted:

- M1. Whether adequate useable space is provided to accommodate outdoor activities;
- M2. Proximity of the residential unit to accessible public open space;
- M3. Whether there are topographical or other site constraints that make compliance with the permitted standard impracticable.

The minimum area of outdoor living space is:

1. Per residential unit: 30m<sup>2</sup> at ground level or a balcony above ground level of at least 6m<sup>2</sup> with a minimum dimension of 1.8m; or

2. Per minor residential unit: 15m<sup>2</sup> at ground level or a balcony above ground level of at least 6m<sup>2</sup> with a minimum dimension of 1.8m.

Except that:

3. A minor residential unit that has direct access to a minimum 30m<sup>2</sup> of outdoor living space provided for the primary residential unit does not need to provide additional outdoor living space;

The outdoor living space must:

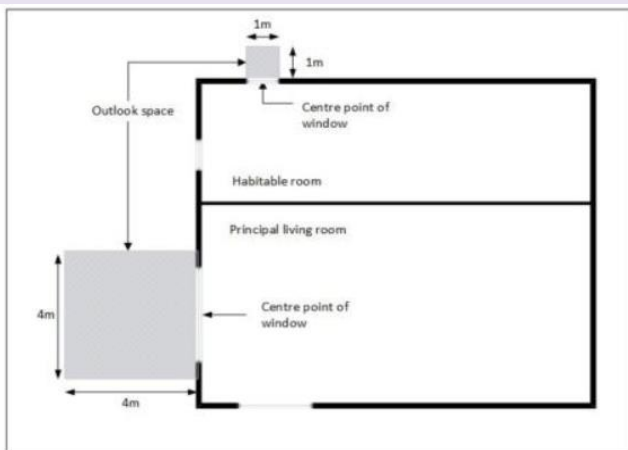
4. Be able to fit a circle of 4m diameter where located at ground level;
5. Have a gradient of less than 1:20 where located at ground level;
6. Be directly accessible from the principal living room, dining room or kitchen;
7. Be free of buildings, parking spaces and manoeuvring areas;
8. Be orientated to the north, west or east side of the residential unit, except that:
  - a. Up to 30% of the outdoor living area may be orientated to the south of the residential unit.

This standard does not apply to [papakāinga](#)<sup>25</sup>, retirement villages or non-residential buildings.

PB<sub>PFZ</sub>-S10

### Outlook space (per unit)

1. An outlook space must be provided for each residential unit as specified in this clause.
2. An outlook space must be provided from habitable room windows as shown in the diagram below:



3. The minimum dimensions for a required outlook space are as follows:
  - a. a principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and
  - b. all other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width.
4. The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.

Matters over which discretion is restricted:

- M1. Measures to ensure that outlook spaces shall remain unobstructed, while providing an open outlook with access to daylight from the windows of habitable rooms;
- M2. The effects on amenity of future occupants from a reduced outlook; and
- M3.<sup>27</sup> Means by which appropriate inter-unit privacy is achieved.

<sup>25</sup> TROTR [OS114.3, OS114.4]

<sup>27</sup> Minor error corrected under clause 16 (typo)

5. Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.
6. Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.
7. Outlook spaces may be under or over a balcony.
8. Outlook spaces required from different rooms within the same building may overlap.
9. Outlook spaces must—
  - a. be clear and unobstructed by buildings; and
  - b. not extend over an outlook space or outdoor living space required by another dwelling.

[This standard does not apply to papakāinga.](#)<sup>26</sup>

#### **PB<sub>PFZ</sub>-S110** Height of Fences and Standalone Walls

Fences and standalone walls must meet the following maximum heights above ground level:

Fences and Standalone Walls on the Road Boundary	1.1m or 1.5m for up to 30% of the length of the front boundary
All other Fences and Standalone Walls	1.8m

Matters of discretion are restricted to:

- M1. Effects on the streetscape;
- M2. Effects on adjoining properties;
- M3. Whether the fence or wall height reduces passive surveillance of the road and reduces a sense of safety for pedestrian users of the road; and
- M4. Whether topographical or other site constraints make compliance with the permitted standard impracticable.

#### **PB<sub>PFZ</sub>-S124** Use of Copper and Zinc

Copper or zinc surfaces in external building materials including roofing, guttering, spouting and cladding must be painted or finished in a manner that results in the copper or zinc surface not being directly exposed to rainfall.

Matters of discretion are restricted to:

- M1. The extent of untreated copper or zinc; and
- M2. Methods to remove copper or zinc from water runoff.

#### **PB<sub>PFZ</sub>-S132** Impervious Surfaces

<sup>26</sup>TROTR [OS114.3, OS114.4]

<p>The maximum area of impervious surfaces must not exceed 70% of site area.</p>	<p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> <li>M1. The measures used to achieve hydraulic neutrality;</li> <li>M2. Location, design, ownership and access for maintenance, including any necessary easements; and</li> <li>M3. Whether there are any constraints or opportunities that mean that hydraulic neutrality is not required.</li> </ul>
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**PB<sub>PFZ</sub>-S143 Signs**

<ul style="list-style-type: none"> <li>1. Signs must relate to an activity carried out on the site and must not be third party advertising signs;</li> <li>2. There must be a maximum of one sign per site visible from a public space (including public roads);</li> <li>3. The maximum area of any sign must not exceed 1.5m<sup>2</sup>; and</li> <li>4. Signs must not be illuminated, flashing or have moving images.</li> </ul>	<p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> <li>M1. The functional need for the sign;</li> <li>M2. Effects on amenity; and</li> <li>M3. Effects on traffic safety.</li> </ul>
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**PB<sub>PFZ</sub>-S15  Windows to street**

<p><u>Any residential unit facing the street must have a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.</u></p>	<p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> <li><u>M1. Whether the reduction in the ability to view the adjacent road reduces a sense of safety for pedestrian users of the road;</u></li> <li><u>M2. Whether the majority of the glazing provided on the street facing façade of the unit is clear glazing to habitable spaces within the unit;</u></li> <li><u>M3. Any other building features that will add visual interest; and</u></li> <li><u>M4. Whether topographical or other site constraints make compliance with the standard impractical.</u></li> </ul>
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**INFORMATION REQUIREMENTS**

**PB<sub>PFZ</sub>-IR-1 Impervious Surfaces**

<p>Any resource consent application under PB<sub>PFZ</sub>-R3 must include:</p> <ul style="list-style-type: none"> <li>1. Details of the proposed water-sensitive design techniques and methods of implementation; and</li> <li>2. An assessment of the potential effects of the activity on existing stormwater measures and devices.</li> </ul>
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## **Appendix B. Recommended Responses to Submissions and Further Submissions**

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

**Table B 1: Recommended responses to submissions and further submissions on Plan Change 19**

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 were opposed by the further submitter.
- Further submitter Alan Collett [FS99]
  - Supports entire original submissions 2,16, 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, 59, 68 79, 82, 111
- Further submitter Ryman Healthcare [FS67] supports entire original submission from RVA [OS118]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report	Officer's Rec	Officers' Reasons/Comments	Amend PDP?
<b>General</b>							
OS51.2	Summerset Group Holdings Limited	General > Plimmerton Farm	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
OS76.3 <sup>28</sup>	Kāinga Ora	General > Plimmerton Farm	For the most part, the submission by Kāinga Ora on the Plan Change is one of general support. Amendments are sought on specific matters.  [Refer to original submission for full reason, including attachment]	N/A	Accept in part	Agree with submitter, subject to amendments made in response to other submissions	No
<b>Scope of District Plan</b>							
OS13.1	Carolyn Parris	General > Plimmerton Farm	Double glazing of 13 Motuhara Rd at council cost if the noise is a problem.	3.2	Reject	See body of report	No
OS23.5	James Baigent	General > Plimmerton Farm	In regard to Plimmerton Farm, developer(s) should be forced to pay for a new main wastewater trunk running below SH1 then under the Harbour, and then under Titahi Bay to a new Wastewater Treatment Plant that will capable of meeting demand into the 2060s.	3.2	Reject	See body of report	No

<sup>28</sup> Opposed by Roger Gadd [FS75.78]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report	Officer's Rec	Officers' Reasons/Comments	Amend PDP?
OS90.2	Guy Marriage	General > Plimmerton Farm	Need a route over SH59 to the other side of the road and the provision of a new rail station midway between Pukerua and Plimmerton	3.2	Reject	See body of report	No
OS91.1	Russell Morrison	General > Plimmerton Farm	Submitter would like to see more surety from the PCC about how the existing wastewater system will be fixed by having its capacity enhanced and that no connections from the Plimmerton Farms or Pukerua Bay developments will be made to the system before that has been achieved.	3.2	Reject	See body of report	No
OS91.3	Russell Morrison	General > Plimmerton Farm	Submitter would like to see is an acknowledgement that the proposed northern developments have the potential to generate significant extra traffic that is likely to have considerable adverse effects on the existing character and amenity of other communities (particularly Paremata); and ensuring that those effects are not overlooked in the scramble for new development in the north.	3.2	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.	3.2	Reject	See body of report	No
OS101.2	Melissa Story	General > Plimmerton Farm	<p>[Not specified, refer to original submission]</p> <p>While no specific decision sought, the submitter raised the following matter(s):</p> <p>Against Kainga Ora building social housing in Plimmerton Farm.</p> <p>Submitter states:</p> <p>"Social housing can bring with it a range of issues. Sadly this includes people affiliated with gangs. By spreading social housing into a more affluent area such as Plimmerton, this would divert police resources geographically which are currently more concentrated in Cannons Creek, Waitangarua etc. In the same way you wouldn't want student flats, next to a retirement village People with different needs will clash. There will be major unrest in the community if this goes ahead and mass exodus of the higher rate paying portion of the community. While the mayor has stated "they are just people in red coats", this is naive. Jacinda Adern wears a red coat, a certain gang wears a red coat. Spot the difference?"</p>	3.2	Reject	See body of report	No
<b>Planning maps</b>							
OS54.2 <sup>29</sup>	KM & MG Holdings Limited	General > Plimmerton Farm	<ul style="list-style-type: none"> <li>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;</li> <li>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</li> </ul>	3.3	Reject	See body of report (Note this submission point is also addressed in section 3.19 of the Overarching s42A Report with regard to relief sought on PC19)	No

<sup>29</sup> Opposed by Brian Warburton [FS64.11], Friends of Taupo Swamp & Catchment Inc [FS68.8]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report	Officer's Rec	Officers' Reasons/Comments	Amend PDP?
			remove all of the additional BORA areas that were added to the plans that accompanied the Council's section 42A report on PC18.  [Refer to original submission for full decision requested, including attachment]				
OS54.3 <sup>30</sup>	KM & MG Holdings Limited	General > Plimmerton Farm	The submitter generally supports the policy intent and outcomes proposed by Variation 1 for the site, in order to continue to enable the development of the site as envisaged by PC18 to the Porirua District Plan. It is important however that likely qualifying matters, as referred to in the submission point above, are accurate and correctly identified in the relevant planning maps for the site and do not unduly constrain the housing intensification and development capacity goals of Variation 1.	N/A	Accept in part	Agree with submitter, subject to amendments made in response to other submissions (I note that the proposed PFZ amendments are through PC19 rather than Variation 1 – I assume this is a typographical error)	No
OS54.4 <sup>31</sup>	KM & MG Holdings Limited	General > Plimmerton Farm	The planning maps approved for PC18, and hence which are directly relevant to PC19, need to be updated to remove all additional Biodiversity Offsetting and Restorations Areas (BORAs) that were not included on the notified PDP precinct plan maps for PC18, and that the precinct plan 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.	3.3	Reject	See body of report	No
OS54.5 <sup>32</sup>	KM & MG Holdings Limited	General > Plimmerton Farm	The submitter generally supports the policy intent and outcomes proposed by Variation 1 and PC19 for the site, in order to continue to enable the development of the site as envisaged by PC18 to the Porirua District Plan. It is important however that qualifying matters, as referred to in the submission point above, are accurate and correctly identified in the relevant planning maps for the site and do not unduly constrain the housing intensification and development capacity goals of Variation 1 and PC19.	N/A	Accept in part	Agree with submitter, subject to amendments made in response to other submissions	No
<b>Proposed Change 1 to the RPS</b>							
OS74.38 <sup>33</sup>	GWRC	General > Climate Change	Amend Variation 1 and Plan Change 19 as necessary to have regard to Proposed RPS Change 1 Policy CC.8: <ul style="list-style-type: none"> <li>Identify the type and scale of activities where reducing greenhouse gases rather than offsetting must occur.</li> <li>Include objectives, policies, rules to require greenhouse gases to be reduced rather than offset for the type and scale of activities identified.</li> </ul>	3.4	Reject	See body of report	No
OS74.79	GWRC	General > Plimmerton Farm	Amend PFZ-O4 to have regard to the qualities and characteristics of well-functioning urban environments as articulated in Objective 22 of Proposed RPS Change 1.	3.4	Reject	See body of report	No
OS74.81	GWRC	General > Plimmerton Farm	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 policy that seeks nature-based solutions when providing for new infrastructure and in new developments, such as the use of green infrastructure.	3.4	Reject	See body of report	No

<sup>30</sup> Opposed by Brian Warburton [FS64.12], Friends of Taupo Swamp & Catchment Inc [FS68.9]

<sup>31</sup> Opposed by Brian Warburton [FS64.13], Friends of Taupo Swamp & Catchment Inc [FS68.10]

<sup>32</sup> Opposed by Brian Warburton [FS64.14], Friends of Taupo Swamp & Catchment Inc [FS68.11]

<sup>33</sup> Supported by Waka Kotahi [FS81.58]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report	Officer's Rec	Officers' Reasons/Comments	Amend PDP?
OS74.82	GWRC	General > Plimmerton Farm	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:  Permit the development of green infrastructure in appropriate locations and subject to necessary controls, i.e., planting works undertaken by regional council.	3.4	Reject	See body of report	No
OS74.83	GWRC	General > Plimmerton Farm	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.	3.4	Reject	See body of report	No
OS74.84	GWRC	General > Plimmerton Farm	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"> <li>• direct the protection of areas that already perform a function as a nature based solution, including the many wider benefits these can have.</li> <li>• encourage the restoration of nature-based solutions.</li> </ul>	3.4	Reject	See body of report	No
<b>Relief sought for Variation 1 sought to be applied to PC19</b>							
OS76.60 <sup>34</sup>	Kāinga Ora	General > Plimmerton Farm	Supports in part Plan Change 19 and seeks consequential changes be made to Precincts A and B of the Plimmerton Farms Zone to give effect to the changes sought on the submissions Kāinga Ora has made on the equivalent provisions and rules in the HRZ and MRZ chapters.	3.5	Reject	See body of report	No
OS76.357 <sup>35</sup>	Kāinga Ora	General > Plimmerton Farm	Consequential changes to the provisions and rules within Precinct A and Precinct B of the Plimmerton Farms Zone to reflect relief sought in Kāinga Ora submissions on HRZ and MRZ provisions and rules.	3.5	Reject	See body of report	No
<b>Emissions reduction</b>							
OS83.3	Isabella G F Cawthorn	General > Plimmerton Farm	Emissions reduction and VKT reduction need to be added to the Objectives of both documents. In Plimmerton Farm's case, the VKT and emissions reductions need to be at least 40% from 2022.	3.6	Reject	See body of report	No
<b>Environmental/ecological impacts</b>							
OS13.3	Carolyn Parris	General > Plimmerton Farm	[Not specified, refer to original submission]  While no specific decision sought, the submitter raised the following matter(s):	3.7	Accept in part	See body of report	No

<sup>34</sup> Opposed by Harbour Trust & Guardians of Pāuatahanui Inlet [FS32.71]

<sup>35</sup> Opposed by RVA [FS118.203]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report	Officer's Rec	Officers' Reasons/Comments	Amend PDP?
			Concerned about the environmental effect on the flax swamp and stream due to so much permanent construction and likely run off.				
OS23.2	James Baigent	General > Plimmerton Farm	In regard to Plimmerton Farm, development should be restricted to the relatively low-land areas of that site without major cut and full earthworks.	3.7	Accept in part	See body of report	No
OS23.3	James Baigent	General > Plimmerton Farm	In regard to Plimmerton Farm, all of the gullies and creeks should be fully revegetated.	3.7	Accept in part	See body of report	No
OS23.4	James Baigent	General > Plimmerton Farm	In regard to Plimmerton Farm, stormwater filtration through new wetlands should be mandatory.	3.7	Accept in part	See body of report	No
<b>Approach to intensification</b>							
OS17.2	Leigh Subritzky	General > Plimmerton Farm	<p>[Not specified, refer to original submission].</p> <p>While no specific decision sought, the submitter raised the following matter(s):</p> <p>Feedback on the following topics;</p> <p>4. Insertion of the medium density residential standards into the Plimmerton Farm zone of the operative district plan, and enable higher density housing in part of the Plimmerton Farm zone.</p> <p>Opposed to this form of building. Knows of people in Lower Hutt who are experiencing this form of building firsthand. Photos provided of what medium-density housing looks like. Two houses were purchased and demolished to erect 21 medium-density houses. Opposed to this form of intensive housing with such limited scope of what the consequences are for the neighbours, the whenua (Land) and the flora and fauna that this form of building ignores. In the identified case, an old Totara tree was cut down and disposed of without consideration for the Piwakawaka that lived in that tree and with zero regard for recycling such old and rare wood, which ended up at the dump.</p> <p>While this doesn't have any relevance to building houses in Porirua, it does have relevance to the impact on the people and land. Jamming these types of houses into existing neighbourhoods is an act of futility and highlights the council's shortsightedness toward long-term problems. If this form of construction is allowed to occur in areas like Plimmerton Farms the environmental impact would be disastrous for the native land, birds, flora, fauna, and people. This is a great opportunity that PCC has to create housing, in harmony, with the land. Imagine if the council took the initiative and approved a plan for Plimmerton Farms that worked with the area as opposed to the pictures above and not just jamming people into houses for more rates money. While these problems are not new and include the added effects of more people, more cars, reduced green space, impacted shared community areas, increased sewerage operations (which currently can't cope now) and depleted resources which again are not new problems. This is a once-in-a-lifetime opportunity to create a community that is future-proofed for all generations. In conclusion, the submitter is opposed to medium-density construction in existing neighbourhoods and Plimmerton Farms</p>	3.8	Reject	See body of report	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report	Officer's Rec	Officers' Reasons/Comments	Amend PDP?
OS25.3	John O'Connell	General > Plimmerton Farm	Remove the High Density sub-precinct.	3.8	Reject	See body of report	No
OS25.4	John O'Connell	General > Plimmerton Farm	The proposed 1m distance from side and rear boundary should be reverted to existing restriction.	3.8	Reject	See body of report	No
OS25.5	John O'Connell	General > Plimmerton Farm	Retain building coverage max 45%. Delete PApfz-S3 – Building coverage (50% and no maximum in the High Density sub-precinct)	3.8	Reject	See body of report	No
OS25.6	John O'Connell	General > Plimmerton Farm	Retain new MDRS for Precinct A under Operative PFZ PApfz-S1 at max height of 11m throughout.	3.8	Accept	Agree with submitter	No
OS29.1	Andy Brown	General > Plimmerton Farm	Start Again and re-design something way less intensive.	3.8	Reject	See body of report	No
OS45.2	Rita Hunt	General > Plimmerton Farm	<p>[Not specified, refer to original submission]</p> <p>While no specific decision sought, the submitter raised the following matter(s):</p> <p>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 storey 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 storey buildings should instead be medium density ie 3 storey maximum and the areas designated 3 storey not changed at all.</p> <p>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.</p>	3.8	Reject	See body of report	No
OS49.2	Susan Price	General > Plimmerton Farm	As above	3.8	Reject	See body of report	No



Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report	Officer's Rec	Officers' Reasons/Comments	Amend PDP?
OS74.80	GWRC	General > Plimmerton Farm	Retain the application of the medium density residential standards in Precincts A and B.	N/A	Accept	Agree with submitter	No
OS81.35	Waka Kotahi	Planning Maps > Precinct Mapping	Retain as notified. [High-Density Sub-Precinct at Plimmerton Farm Zone]	N/A	Accept in part	Agree with submitter [subject to recommendations made in response to other submissions]	No
OS97.2	Fiona Reid	General > Plimmerton Farm	Amend Policy PA-P5 providing for high density housing. [Refer to original submission for full decision requested]	3.8	Reject	See body of report	No
OS97.3	Fiona Reid	General > Plimmerton Farm	Remove the high density sub-precinct.	3.8	Reject	See body of report	No
OS97.4	Fiona Reid	General > Plimmerton Farm	Retain new MDRS for Precinct A under operative PFZ- PA <sub>PFZ</sub> -S1 at maximum height of 11m throughout.	3.8	Reject	See body of report	No
OS97.5	Fiona Reid	General > Plimmerton Farm	Proposed 1m distance from side and rear boundary be reverted to existing restriction. [Refer to original submission for full decision requested]	3.8	Reject	See body of report	No
OS97.6	Fiona Reid	General > Plimmerton Farm	Retain building coverage maximum 45%. [Refer to original submission for full decision requested]	3.8	Reject	See body of report	No
OS97.7	Fiona Reid	General > Plimmerton Farm	Delete PA <sub>PFZ</sub> -S3 - Building Coverage (50% and no maximum in the HD Sub-precinct).	3.8	Reject	See body of report	No
OS79.14	Plimmerton Residents' Association	General > Plimmerton Farm	Seeks that the Plimmerton Farm Zone be considered a special case that has already been agreed and is underway, and should therefore stand as previously determined.	3.8	Reject	See body of report	No
OS106.3	Michael Kearns	General > Plimmerton Farm	Amend policy PA <sub>PFZ</sub> -P5 providing for High Density Sub-precinct. [Refer to original submission for full decision requested]	3.8	Reject	See body of report	No
OS106.4	Michael Kearns	General > Plimmerton Farm	Remove the High Density sub-precinct.	3.8	Reject	See body of report	No



Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report	Officer's Rec	Officers' Reasons/Comments	Amend PDP?
OS106.5	Michael Kearns	General > Plimmerton Farm	Retain new MDRS for Precinct A under Operative PFZ PApfz-S1 at max height of 11m throughout.	3.8	Reject	See body of report	No
OS106.6	Michael Kearns	General > Plimmerton Farm	Proposed 1m distance from side and rear boundary be reverted to existing restriction. [Refer to original submission for full decision requested]	3.8	Reject	See body of report	No
OS106.7	Michael Kearns	General > Plimmerton Farm	Retain building coverage max 45%. [Refer to original submission for full decision requested]	3.8	Reject	See body of report	No
OS106.8	Michael Kearns	General > Plimmerton Farm	Delete PApfz-S3 - Building coverage (50% and no maximum in the HD sub-precinct).	3.8	Reject	See body of report	No
OS116.2	Frances Dodge	Oppose	Remove the high density sub-precinct completely that allows buildings up to 22m high and retain the 11m high height limit throughout.	3.8	Reject	See body of report	
OS116.5	Frances Dodge	Oppose	Increase the front yard setback back to 5m or at least 3m in all zones.	3.8	Reject	See body of report	
<b>Housing typologies</b>							
OS83.4	Isabella G F Cawthorn	General > Plimmerton Farm	Add provisions to encourage development of the "missing middle"	3.9	Accept in part	See body of report	No
<b>Strategic objectives and policies</b>							
OS58.99	FENZ	General > Plimmerton Farm	Retain PFZ-O4 Well-functioning urban environment as drafted.	N/A	Accept	Agree with submitter	No
OS81.36	Waka Kotahi	General > Plimmerton Farm	Retain PFZ-O4 and PFZ-O5 as notified.	N/A	Accept	Agree with submitter	No
OS81.38	Waka Kotahi	General > Plimmerton Farm	Retain PAPFZ-O3 as notified.	N/A	Accept	Agree with submitter	No
OS81.37	Waka Kotahi	General > Plimmerton Farm	Retain PFZ-P3, PFZ-P4, PFZ-P5, PFZ-P6 and PFZ-P7 as notified.	N/A	Accept	Agree with submitter	No
<b>Tangata whenua values and papakāinga</b>							

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report	Officer's Rec	Officers' Reasons/Comments	Amend PDP?
OS114.1 <sup>36</sup>	TROTR	General > Plimmerton Farm	Amend PFZ-04 accordingly to reflect well-functioning urban environment also enables Tangata Whenua.	3.10	Reject	See body of report	No
OS114.2 <sup>37</sup>	TROTR	General > Plimmerton Farm	In relation to PFZ-04, wellbeing framework that the well-functioning urban environment should provide for must also include environmental well-being, not just the social, economic and cultural wellbeing. Amend wording to include environmental wellbeing.	3.10	Reject	See body of report	No
OS114.3 <sup>38</sup>	TROTR	General > Plimmerton Farm	Amend PFZ-05 to be clear in the purpose of 'Housing Choice' in its inclusiveness and ensure the crafting of the Objective that the neighbourhood's planned urban built character does not prevent Tangata Whenua to establish papakāinga housing and perform its related activities in a permitted planning framework.	3.10	Accept in part	See body of report	No
OS114.4 <sup>39</sup>	TROTR	General > Plimmerton Farm	Draft new policies that support Papakāinga developments and support this with additional rules where Papakāinga is enabled as a permitted activity.	3.10	Accept	See body of report	Yes
<b>Height</b>							
OS81.39	Waka Kotahi	General > Plimmerton Farm	Retain PAPFZ-S1 as notified.	N/A	Accept	Agree with submitter	No
OS81.41	Waka Kotahi	General > Plimmerton Farm	Retain PBPfz-S1 as notified.	N/A	Accept	Agree with submitter	No
<b>Number of residential units per site</b>							
OS81.40	Waka Kotahi	Support	Retain PAPFZ-S4 as notified.	N/A	Accept	Agree with submitter	No
OS81.42	Waka Kotahi	Support	Retain PBPfz-S4 as notified.	N/A	Accept	Agree with submitter	No
<b>Fire and emergency</b>							
OS58.95	FENZ	General > Plimmerton Farm	[Not specified, refer to original submission]  While no specific decision sought, the submitter raised the following matter(s):  Due to operational and training requirements, the submitter has an interest in the land use provisions of PC19 to ensure that, where necessary, appropriate consideration is given to fire safety and operational firefighting requirements, particularly in relation to housing development (e.g. to ensure adequate consideration is given to risk reduction and emergency response requirements) and fire station development (e.g. to ensure the development of new fire station facilities are appropriately enabled, in the context of the sustainable management of natural and physical	N/A	Accept in part	Agree with submitter, subject to amendments made in response to other submissions	No

<sup>36</sup> Supported by GWRC [FS74.164]<sup>37</sup> Supported by GWRC [FS74.165]<sup>38</sup> Supported by GWRC [FS74.166]<sup>39</sup> Supported by GWRC [FS74.167]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report	Officer's Rec	Officers' Reasons/Comments	Amend PDP?
			<p>resources).</p> <p>To meet its statutory responsibilities, the submitter requires:</p> <ul style="list-style-type: none"> <li>• the ability to construct and operate fire stations in locations which will enable reasonable response times to fire and other emergencies;</li> <li>• the ability to undertake training activities for the firefighters within the region; and</li> <li>• adequate access and water supply for new developments and subdivisions to ensure that the submitter can effectively and efficiently respond to emergencies.</li> </ul> <p>There are three fire stations within the Porirua District [refer to original submission].</p> <p>The effects of a fire station can be largely anticipated and, in the most part, do not differ to the effects of a number of activities that may be anticipated in urban or peri-urban environments. In terms of height requirements, fire stations will generally be single storied buildings of approximately 8 to 9 metres in height. Hose drying towers may also be required in some cases, which can be around 12 to 15 metres in height. Setback distances from road frontages are also required to accommodate the stopping of appliances outside the appliance bays, but off the road reserve area. Vehicle movements to and from fire station sites differ depending on whether a fire station accommodates volunteer or career firefighters, on the number of emergencies, and are primarily related to fire appliances movements and firefighter private vehicles. Noise will also be produced on site by operational activities such as cleaning and maintaining equipment, training activities and noise produced by emergency sirens. Training may take place anywhere between 7:00am and 10:00pm. Cleaning and maintenance will generally take place during the day; however, it can take place after a call out which can occur at any time. Generally, the submitter has assessed that a fire station will be capable of meeting the standards set out in NZS 6802:2008 Acoustics - Environmental noise (Table 3 - Guideline residential upper noise limits), with the exclusion of noise created by emergency sirens.</p>				
OS58.96	FENZ	General > Plimmerton Farm	<p>[Not specified, refer to original submission]</p> <p>While no specific decision sought, the submitter raised the following matter(s):</p> <p>The provision of adequate firefighting water supply access to that supply is critical. It is important to the submitter that any new dwelling or land use that does not have access to a reticulated water supply has access to an adequate firefighting water supply of some kind. This essential emergency supply will provide for the health, safety and wellbeing of people and the wider community, and therefore achieves the purpose of the Resource Management Act 1991 (RMA). The New Zealand Firefighting Code of Practice SNZ/PAS 4509:2008 (Code of Practice) is a nonmandatory New Zealand Standard which sets out the requirements for firefighting water and access. The Code of Practice enables a consistent approach throughout New Zealand and allows the submitter to respond effectively and efficiently to a fire emergency. The Code of Practice provides techniques to define a sufficient firefighting water supply that may vary according to the circumstances and is based on an assessment of the minimum water supply needed to fight a fire and to limit fire spread. Volumes required vary according to each different building's fire hazards. The operative District Plan does not make reference to the Code of Practice 4509:2008, however, it contains multiple provisions relating to the operational requirements of firefighters. The submitter acknowledges these provisions in the</p>	N/A	Accept in part	Agree with submitter, subject to amendments made in response to other submissions	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report	Officer's Rec	Officers' Reasons/Comments	Amend PDP?
			operative district plan and seeks to provide guidance to PCC as to how best to improve the provisions of the district plan with respect to providing firefighting water supply and access to better enable FENZ to meet its statutory responsibilities. Adequate access to both the source of a fire and a firefighting water supply is also essential to the efficient operation of the submitter. The requirements for firefighting access are set out in the Code of Practice and further detailed in FENZ's 'Emergency Vehicle Access Guidelines' (May 2015). A fire appliance requires, as a minimum, access which is four metres in width and four metres in height clearance, with a maximum gradient of 1 in 5 (and accompanying transition ramps).				
OS58.97	FENZ	General > Plimmerton Farm	Requests that new stations are provided for in all zones permitted, controlled or restricted discretionary activities with permitted standards appropriately recognising emergency services, such as through building height and access provisions which accommodate the requirements of fire stations.	3.11	Reject	See body of report	No
OS58.98	FENZ	General > Plimmerton Farm	Retain PFZ-O1 Integrated Development as drafted.	N/A	Accept	Agree with submitter	No
OS58.100	FENZ	General > Plimmerton Farm	Add a new objective as follows:  <u>PFZ-O6 Infrastructure</u> <u>Public health and safety is maintained through the appropriate provision of infrastructure.</u>	3.11	Reject	See body of report	No
OS58.101	FENZ	General > Plimmerton Farm	Add new policy as follows:  <u>PFZ-P8 Servicing</u> <u>Ensure all development is appropriately serviced including wastewater, stormwater, and water supply with sufficient capacity for firefighting purposes.</u>	3.11	Reject	See body of report	No
OS58.102	FENZ	General > Plimmerton Farm	Relates to SUBPFZ-R2 and SUBPFZ-R3.  Ensure existing/new subdivision standards require:  <u>The provision of a firefighting water supply, and access to that supply, in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.</u>  Include a new matter of discretion as follow:  <u>The extent to which the site is appropriately serviced including wastewater, stormwater, and water supply, including a firefighting water supply and access to that supply in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.</u>	3.11	Reject	See body of report	No
OS58.103	FENZ	General > Plimmerton Farm	Retain PAPFZ-P1 as drafted.	N/A	Accept	Agree with submitter	

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report	Officer's Rec	Officers' Reasons/Comments	Amend PDP?
OS58.104	FENZ	General > Plimmerton Farm	Retain PAPFZ-P3 as drafted.	N/A	Accept	Agree with submitter	
OS58.105	FENZ	General > Plimmerton Farm	Add a new Precinct A objective as follows:  <u>PAPFZ-O4 Infrastructure</u> <u>Public health and safety is maintained through the appropriate provision of infrastructure.</u>	3.11	Reject	See body of report	No
OS58.106	FENZ	General > Plimmerton Farm	Add new Precinct A policy as follows:  <u>PAPFZ-P9 Servicing</u>  <u>Ensure all development is appropriately serviced including wastewater, stormwater, and water supply with sufficient capacity for firefighting purposes.</u>	3.11	Reject	See body of report	No
OS58.107	FENZ	General > Plimmerton Farm	Amend PAPFZ-R1, PAPFZ-R2, and PAPFZ-R5 to PAPFZ-R7 as follows:  1. Activity Status: Permitted Where: <u>Compliance is achieved with PAPFZ-SX.</u>  Activity Status: Restricted Discretionary ... Matters of discretion are restricted to: ... <u>x. the extent to which the site is appropriately serviced, including a firefighting water supply, and access to that supply, in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.</u>	3.11	Reject	See body of report	No
OS58.108	FENZ	General > Plimmerton Farm	Retain PAPFZ-R4 Signs as drafted.	N/A	Accept	Agree with submitter	
OS58.109	FENZ	General > Plimmerton Farm	Amend PAPFZ-R8, PAPFZ-R9, PAPFZ-R11, PAPFZ-R12, PAPFZ-R13, as follows:  Matters of discretion are restricted to: ... <u>x. the extent to which the site is appropriately serviced, including a firefighting water supply, and access to that supply, in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.</u>	3.11	Reject	See body of report	No
OS58.110	FENZ	General > Plimmerton Farm	Retain PAPFZ-R10 as drafted.	N/A	Accept	Agree with submitter	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report	Officer's Rec	Officers' Reasons/Comments	Amend PDP?
OS58.111	FENZ	General > Plimmerton Farm	Amendment to PAPFZ-S1 sought: <u>This standard does not apply to hose drying towers up to 15m in height.</u>	3.11	Reject	See body of report	No
OS58.112	FENZ	General > Plimmerton Farm	Add a new Precinct A standard as follows: <u>PAPFZ-SX Servicing</u> <u>1. Where a connection to reticulated water supply system is available, all developments must be provided with a water supply, including a firefighting water supply, and access to that supply.</u> <u>2. Where a connection to a reticulated water supply system is unavailable, or where an additional level of service is required that exceeds the level of service provided by the reticulated system, the developer must demonstrate how an alternative and satisfactory water supply, including a firefighting water supply and access to that supply, can be provided to each lot.</u>  <u>Further advice and information about how sufficient firefighting water supply, and access to that supply, can be provided can be obtained from Fire and Emergency New Zealand and the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008</u>	3.11	Reject	See body of report	No
OS58.113	FENZ	General > Plimmerton Farm	Retain PBPfZ-P1 as drafted.	N/A	Accept	Agree with submitter	No
OS58.114	FENZ	General > Plimmerton Farm	Retain PBPfZ-P2 as drafted.	N/A	Accept	Agree with submitter	
OS58.115	FENZ	General > Plimmerton Farm	Add a new Precinct B objective as follows: <u>PAPFZ-O3 Infrastructure</u> <u>Public health and safety is maintained through the appropriate provision of infrastructure.</u>	3.11	Reject	See body of report	No
OS58.116	FENZ	General > Plimmerton Farm	Add new Precinct B policy as follows: <u>PAPFZ-P6 Servicing</u> <u>Ensure all development is appropriately serviced including wastewater, stormwater, and water supply with sufficient capacity for firefighting purposes.</u>	3.11	Reject	See body of report	No
OS58.117	FENZ	General > Plimmerton Farm	Amend PBPfZ-R1, PBPfZ-R2, and PBPfZ-R5 to PBPfZ-R8 as follows:  1. Activity Status: Permitted Where: <u>Compliance is achieved with PAPFZ-SX.</u>  Activity Status: Restricted Discretionary ...  Matters of discretion are restricted to:	3.11	Reject	See body of report	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report	Officer's Rec	Officers' Reasons/Comments	Amend PDP?
			... <u>x. the extent to which the site is appropriately serviced, including a firefighting water supply, and access to that supply, in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.</u>				
OS58.118	FENZ	General > Plimmerton Farm	Amend PBPfZ-R10, PBPfZ-R11 and PBPfZ-R12 as follows:  Matters of discretion are restricted to:  ... <u>x. the extent to which the site is appropriately serviced, including a firefighting water supply, and access to that supply, in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.</u>	3.11	Reject	See body of report	No
OS58.119	FENZ	General > Plimmerton Farm	Retain PBPfZ-R4 Signs as drafted.	N/A	Accept	Agree with submitter	No
OS58.120	FENZ	General > Plimmerton Farm	Retain PBPfZ-R9 as drafted.	N/A	Accept	Agree with submitter	No
OS58.121	FENZ	General > Plimmerton Farm	Amendment to PBPfZ-S1 Height and PBPfZ-S2 Height in Relation to Boundary sought:  <u>This standard does not apply to hose drying towers up to 15m in height.</u>	3.11	Reject	See body of report	No
OS58.122	FENZ	General > Plimmerton Farm	Add a new Precinct B standard as follows:  <u>PAPfZ-SX Servicing</u> <u>1. Where a connection to reticulated water supply system is available, all developments must be provided with a water supply, including a firefighting water supply, and access to that supply.</u> <u>2. Where a connection to a reticulated water supply system is unavailable, or where an additional level of service is required that exceeds the level of service provided by the reticulated system, the developer must demonstrate how an alternative and satisfactory water supply, including a firefighting water supply and access to that supply, can be provided to each lot.</u> <u>Further advice and information about how sufficient firefighting water supply, and access to that supply, can be provided can be obtained from Fire and Emergency New Zealand and the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008</u>	3.11	Reject	See body of report	No
<b>Retirement villages</b>							
OS67.2	Ryman Health Care Limited	General > Plimmerton Farm	Ryman seeks the relief sought by the RVA in its submission on Variation 1 and PC19.	3.12	Reject	See body of report	No



Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report	Officer's Rec	Officers' Reasons/Comments	Amend PDP?
OS118.2	RVA	General > Plimmerton Farm	PC19 needs to adequately address the critical need for retirement accommodation and aged care in the District.	3.12	Reject	See body of report	No
OS118.4	RVA	General > Plimmerton Farm	Provide a clear and consistent regime for retirement villages.	3.12	Reject	See body of report	No
OS118.6	RVA	General > Plimmerton Farm	That the potential effects from retirement villages are managed proportionately and efficiently with the least regulation and prescription necessary.	3.12	Reject	See body of report	No
OS118.8	RVA	General > Plimmerton Farm	The significant benefits of retirement villages need to be given appropriate weight.	3.12	Reject	See body of report	No
OS118.12	RVA	General > Plimmerton Farm	Ensure that the Porirua District Plan specifically and appropriately provides for and enables retirement villages in all relevant residential and commercial/mixed use zones.	3.12	Reject	See body of report	No
OS118.15	RVA	General > Plimmerton Farm	Better enable housing and care for the ageing population.	3.12	Reject	See body of report	No
OS118.19	RVA	General > Plimmerton Farm	Provide for change to existing urban environments in order to achieve the intensification envisaged in Policy 3 of the NPSUD. Explicitly acknowledge that the functional and operational needs of retirement villages are a driver of appropriate and necessary change because of demographic ageing and the increasing housing needs of older people.	3.12	Reject	See body of report	No
OS118.21	RVA	General > Plimmerton Farm	Recognise the intensification opportunities provided by larger sites	3.12	Reject	See body of report	No
OS118.23	RVA	General > Plimmerton Farm	Recognise the unique internal amenity needs of retirement villages.	3.12	Reject	See body of report	No
OS118.25	RVA	General > Plimmerton Farm	Provide clear and focused matters of discretion	3.12	Reject	See body of report	No
OS118.27	RVA	General > Plimmerton Farm	Provide appropriately focused notification rules.	3.12	Reject	See body of report	No
OS118.29	RVA	General > Plimmerton Farm	Use the MDRS as a guideline.	3.12	Reject	See body of report	No



Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report	Officer's Rec	Officers' Reasons/Comments	Amend PDP?
OS118.32	RVA	General > Plimmerton Farm	Seeks that PC19 are amended to provide a fit-for-purpose retirement-village specific framework.	3.12	Reject	See body of report	No
OS118.34	RVA	General > Plimmerton Farm	Amendments to the MDRS are required to ensure they are workable to retirement villages.	3.12	Reject	See body of report	No
OS118.36	RVA	General > Plimmerton Farm	Amendments to other Proposed Plan provisions.	3.12	Reject	See body of report	No
OS118.38	RVA	General > Plimmerton Farm	The objectives and policies of the Proposed Plan must enable appropriate accommodation and care for the aging population as follows: <ul style="list-style-type: none"> <li>• An objective to provide for the housing and care needs of the ageing population;</li> <li>• A policy that recognises the need for change over time to the existing character and amenity of neighbourhoods to provide for the diverse and changing needs of the community;</li> <li>• A policy that recognises the need to provide for a range of housing and care options for older people and to recognise the functional and operational needs of retirement villages;</li> <li>• A policy to enable the efficient use of larger sites;</li> <li>• A policy that directs that density standards are to be used as a baseline for the assessment of the effects of developments.</li> </ul>	3.12	Reject	See body of report	No
OS118.41	RVA	General > Plimmerton Farm	Retirement villages need to be provided for as a residential activity and enabled as follows: <ul style="list-style-type: none"> <li>• A rule that permits the use and operation of retirement villages, recognising that this activity is expected and encouraged in residential zones;</li> <li>• A rule that regulates the construction of retirement villages as a restricted discretionary activity, recognising that this activity is anticipated in residential zones with limited matters requiring assessment.</li> </ul>	3.12	Reject	See body of report	No
OS118.43	RVA	General > Plimmerton Farm	Provide tailored and fit for purpose retirement village matters of discretion, as follows: <ul style="list-style-type: none"> <li>• Recognise the positive effects of retirement villages;</li> <li>• Focus effects assessments on exceedances of relevant standards, effects on the safety of adjacent streets or public open spaces, and effects arising from the quality of the interface between the village and adjacent streets or public open spaces to reflect the policy framework within the Enabling Housing Act. A degree of control over longer buildings is also acknowledged as appropriate; and</li> <li>• Enable the need to provide for efficient use of larger sites and the functional and operational needs of retirement villages to be taken into account when assessing effects.</li> </ul>	3.12	Reject	See body of report	No
OS118.45	RVA	General > Plimmerton Farm	Limited notification should only be available where a retirement village application breaches one or more of the height, height in relation to boundary, setbacks and building coverage standards and the relevant RMA effects threshold is met.	3.12	Reject	See body of report	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report	Officer's Rec	Officers' Reasons/Comments	Amend PDP?
OS118.47	RVA	General > Plimmerton Farm	The outdoor living space, outlook space, windows to street and landscaped area standards should generally reflect the MDRS with some amendments. No additional development standards should apply.	3.12	Reject	See body of report	No
OS118.49	RVA	General > Plimmerton Farm	Seeks that fit for purpose retirement village planning provisions are applied in appropriate commercial and mixed-use zones, similar to those proposed for residential zones.	3.12	Reject	See body of report	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	
OS118.125	RVA	General > Plimmerton Farm	See relief set out in relation to Variation 1 [in submission points on Variation 1].	3.12	Reject	See body of report	No
OS118.126	RVA	General > Plimmerton Farm	Recognise that retirement villages are a residential activity.	3.12	Reject	See body of report	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.

## Appendix D. Excerpts from Proposed Change 1 to the RPS

*Objective 22 Urban development, including housing and infrastructure, is enabled where it demonstrates the characteristics and qualities of wellfunctioning urban environments, which:*

- (a) Are compact and well designed; and*
- (b) Provide for sufficient development capacity to meet the needs of current and future generations; and*
- (c) Improve the overall health, well-being and quality of life of the people of the region; and*
- (d) Prioritise the protection and enhancement of the quality and quantity of freshwater; and*
- (e) Achieve the objectives in this RPS relating to the management of air, land, freshwater, coast, and indigenous biodiversity; and*
- (f) Support the transition to a low-emission and climate-resilient region; and*
- (g) Provide for a variety of homes that meet the needs, in terms of type, price, and location, of different households; and*
- (h) 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; and*
- (i) Support the competitive operation of land and development markets in ways that improve housing affordability, including enabling intensification; and*
- (j) Provide for commercial and industrial development in appropriate locations, including employment close to where people live; and*
- (k) Are well connected through multi-modal (private vehicles, public transport, walking, micromobility and cycling) transport networks that provide for good accessibility for all people between housing, jobs, community services, natural spaces, and open space.*

Definition of 'Nature based solutions'

<b>Nature-based solutions</b>	
<p><u>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.</u></p> <p>Examples include:</p> <p><u>Reducing greenhouse gas emissions (climate change mitigation):</u></p> <ul style="list-style-type: none"> <li>• <u>planting forests to sequester carbon</u></li> <li>• <u>protecting peatland to retain carbon stores</u></li> </ul> <p><u>Increasing resilience (climate change adaptation):</u></p> <p><u>(a) providing resilience for people</u></p> <ul style="list-style-type: none"> <li>• <u>planting street trees to provide relief from high temperatures</u></li> <li>• <u>restoring coastal dunelands to provide increased resilience to the damaging effects of storms linked to sea level rise</u></li> </ul>	
<ul style="list-style-type: none"> <li>• <u>leaving space for rivers to undertake their natural movement and accommodate increased floodwaters,</u></li> <li>• <u>the use of water sensitive urban design, such as rain gardens to reduce stormwater runoff in urban areas</u></li> </ul> <p><u>(b) providing resilience for ecosystems and species</u></p> <ul style="list-style-type: none"> <li>• <u>restoring indigenous forest to a healthy state to increase its resilience to increased climate extremes</u></li> <li>• <u>leaving space for estuarine ecosystems, such as salt marshes, to retreat inland in response to sea level rise.</u></li> </ul>	

**Appendix E. PDL memo to PC18 Panel dated 10 December 2020**

**BEFORE THE INDEPENDENT HEARING PANEL APPOINTED TO MAKE  
RECOMMENDATIONS ON PROPOSED PLAN CHANGE 18 TO THE PORIRUA  
DISTRICT PLAN**

**AT WELLINGTON**

**UNDER THE**

Resource Management Act 1991 ("**Act**")

**IN THE MATTER OF**

a hearing by the Porirua City Council on Proposed  
Plan Change 18 to the Porirua District Plan using a  
streamlined planning process under Part 5,  
Schedule 1 of the Act

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**COMMENTS ON DRAFT DECISION ON BEHALF OF  
PLIMMERTON DEVELOPMENTS LIMITED**

**10 DECEMBER 2020**

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## MAY IT PLEASE THE PANEL:

### INTRODUCTION

1. On 2 December 2020, the Independent Hearing Panel (“**Panel**”) issued a Draft Report and Recommendations (“**Draft Report**”), recommending that:

... the Minister approves PC18 with the changes we have made (see Appendix 1) for the reasons explained in our report and as further explained in the material appended to it.

2. The Draft Report further stated (original emphasis):

... this draft is provided to the submitters, and PCC, for comments **solely on the identification and correction of minor or technical (including legal) errors or omissions. Comments cannot be made on our substantive recommendation to the Minister or our reasons for it.**

3. These comments are provided on behalf of Plimmerton Developments Limited (“**PDL**”). As required, they focus solely on “technical (including legal) errors or omissions”.

4. In terms of that scope, or “jurisdiction” for comments, PDL considers that if the Panel is proposing, in its Draft Report, an approach or drafting mechanism that is unlawful, then that would qualify as a “legal error”. Any such legal error must be available for correction by the Panel. Otherwise, the Panel risks exposing the Minister to making a decision that is subject to a material legal error and therefore (unless corrected by the Minister himself) exposing the Minister’s decision to the risk of challenge by way of judicial review. PDL has, in these submissions, provided a solution that is lawful, and will assist in ultimately achieving the outcomes sought by the Strategic Framework Resource Consent provisions (ie identification of relevant areas, and how they should be managed); in a way and at a rate that is commensurate with the development of the Zone, which will inevitably occur over stages - with some stages unlikely to be advanced for some 10-15 years or more. It is important, in resolving any final amendments to resolve a legal error, to bear this in mind, together with the Minister’s statement of expectations; any drafting solution to resolve a legal error should look to achieve those expectations to the extent possible.

5. PDL’s comments accordingly address:

- (a) the so-called “Strategic Framework Resource Consent” provisions proposed by the Panel;



- (b) the errors in the mapping of BORAs in the proposed District Plan maps and the precinct plans.

### SUMMARY OF POSITION

6. In summary:
  - (a) the SFR "Consent" is not for an activity, and does not authorise a land use or subdivision;
  - (b) the SFR "Consent" would essentially involve the creation of plans, and hence is plan-making in a broad sense, but, more specifically, will have the effect of extending consent requirements that apply to areas that are identified in the plans approved under the consent;
  - (c) for these reasons, the approach is ultra vires;
  - (d) in addition, even if the SFR "Consent" does not offend the *Queenstown* and *Re Auckland* authorities, it imposes an unreasonable and disproportionate burden on the landowner at the time of the first subdivision. For that additional reason, the SFRC approach is unlawful and subject to legal error; and
  - (e) there is also a jurisdictional barrier arising in the mapping, which needs to be corrected to avoid a further legal error.

### STRATEGIC FRAMEWORK RESOURCE CONSENT

7. The Panel proposes in its Draft Report to introduce requirements for a Strategic Framework Resource Consent ("**SFRC**"), including new policies (PFZ-P1 to PFZ-P3), rules (PFZ-R1, as well as rules in the subdivision chapter), and information requirements (PFZ-IR).
8. The Panel has recorded at [4.24] that it has been "mindful" of the limitations on outline development plan ("**ODP**") consent processes, as addressed by the *Environment Court Queenstown Airport Corporation Limited v Queenstown Lakes District Council*<sup>1</sup> and *Re Auckland Council*<sup>2</sup>.

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<sup>1</sup> [2014] NZEnvC 93.

<sup>2</sup> [2016] NZEnvC 56.

9. This is appropriate. It is essential that any approach stays within the bounds of what the Courts have determined as lawful.
10. At [4.25], the Panel summarises the *Queenstown* decision. As relevant, the essential findings of that case (or “ratio”) are correctly, in my submission, identified as:
- (a) a prohibition on the use of an ODP (or similar) consent process to change activity status (ie to usurp the function of a plan); and
  - (b) a requirement that an ODP (or any consent, for that matter) to be “for an activity”.
11. The proposed SFRC regime does not explicitly offend the prohibition identified in para 9(a) above; however, as explained further below, the SCRC regime has the potential extend the areas to which rules will apply to, and, as a result, consent status. In addition, and despite the Panel’s best efforts, its proposed SFRC regime fails to meet the requirement in para 9(b) above. It is not sufficient for an “plan” and accompanying information to simply be labelled as a “consent” (rather than a “plan”); nor to identify “activities” in a broad and uncertain way that the so-called consent is to purportedly authorise. The substance – rather than form or nomenclature – of what is proposed must meet the legal requirements established.
12. In addition, provisions in a planning instrument may also be invalid (and therefore unlawful) due to:
- (a) vagueness or uncertainty;<sup>3</sup> and
  - (b) unreasonableness (in the sense used in the context of judicial review<sup>4</sup>).

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<sup>3</sup> Refer, eg *A Rand MC McLeod Holdings Ltd v Countdown Properties Ltd* (1990) 14 NZTPA 362 at pp 373-375:

“Predominant use rights must not be described, even in objective fashion, in terms so nebulous that the reader is unable to determine whether or not a use may be carried on in the zone. This second aspect does not involve any express subjective formula. It involves, simply, invalidity through inherent vagueness.”

<sup>4</sup> Noting the High Court’s recent observations, for example, in *Christiansen v Director-General of Health* [2020] 2 NZLR 566:

“[52] ... As Palmer J noted in *Hu v Minister of Immigration*, “the law of judicial review is bedevilled by whether and how “unreasonable” public decisions are allowed to be”. The seminal test for “unreasonableness” sets a very high threshold. A plaintiff must show that there was something overwhelmingly wrong with the decision.

13. In making this submission, PDL is very wary of not descending into the merits of the Panel's recommendation – but is focusing on the high threshold of unreasonableness in the administrative law sense, consistent with the authorities on that issue (such as those identified in footnote 4.)
14. PDL's submission is that the proposed SFRC regime is invalid because:
- (a) the so-called SFR "*Consent*" would not in fact authorise any activities to be undertaken, and will extend consent requirements depending on the final mapping under that "consent"; and
  - (b) in any event, the level of information required to be provided to satisfy the SFR "*Consent*" requirements is either:
    - (i) so uncertain and vague; and/ or
    - (ii) so immense, and disproportionate to the effects that might arise from the first subdivision;
- as to be unlawful for those reasons as well.
15. These submissions are made, notwithstanding the Panel's justifications give at [4.26], which include the assertion that:
- (a) "the SFRC is a consent and not a 'plan'"; and
  - (b) "the SFRC identifies activities enabled by the consent".
16. As indicated above, simply terming the SFRC as a "consent" rather than a "plan" (eg an ODP, "framework plan", or similar), cannot make the SFRC lawful if it nonetheless does not authorise any activity or activities – and noting that a "plan" (including, necessarily, management plans and the like) does not authorise any activities itself.

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[53] There is an often-cited concern that review for reasonableness strays too far into the substantive merits of a decision; a concern that courts will use the concept to simply overturn decisions they disagree with. In my view, the threshold for overturning a decision on the basis of reasonableness will vary depending on the context of a decision."

### Activities enabled by the “resource consent”

17. A resource consent entitles the use of land (ie authorises an activity) that contravenes a district rule.<sup>5</sup> In the *Queenstown* case, the Court stated at [167]:

While at times counsel and the planners spoke of outline development plans as if they were an activity (i.e. the plan is an activity), we understand in this plan change the term "outline development plan" means a consent granted for a bundle of activities. In the latter context, the QLDC and the planners also spoke about "outline development plans" as being a consent granted for the structural or structuring activities within the three activity areas. Assuming this is correct, rule 12.20.3.3(iii) does not actually identify the activities for which resource consent is required. Rather, the reader is left to deduce from the matters to which discretion is limited under this rule and also from the relevant policies, the activities that are the subject of an application for resource consent.

18. The implication is that if the relevant rule were to identify activities, then the ODP (or similar) would not be ultra vires for lack of then authorising a particular activity or activities – it would be more than a plan (which is not an activity itself) and would be a consent.

19. It is necessary to carefully identify what activities are purportedly authorised by the granting of the proposed SFRC. In that regard, from a practical perspective, the question could be framed as: if the SFRC were to be granted, what activity or activities could then be undertaken by the consent holder? If the answer is that either:

- (a) no activities can be undertaken, without obtaining further land use consents; or
- (b) the only activities that can be undertaken, without obtaining further land use consents are already permitted, and the SFRC does not authorise anything further;

then the SFRC will not in fact authorise any activities and will be ultra vires.

20. The SFRC rule (PFZ-R1), applies to all precincts and is restricted discretionary with matters of discretion limited to PFZ-P1 (which outlines the strategic zone outcomes) and PFZ-P3 (which outlines the requirement for the SFRC and outlines the strategic role this resource consent has). The essential elements of PFZ-P3, which are key to understanding what (if any) “activities” might be authorised by the SFRC are as follows:

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<sup>5</sup> Section 9(3).

- (a) “Confirm to give effect to” ECO PFZ-P4 and ECO PFZ-P3, through the identification of the relevant wetland SNA, BORA and other areas. This is simply a mapping function (ie a *plan* or *plans*). The requirement to include “frameworks” for the ongoing management of those areas is essentially a management *plan*. There can be no expectation that if a management plan is approved under the SFR “Consent” that it can be implemented, without obtaining further consents. On this basis, no actual “activity” is allowed, other than, at most, activities that are already permitted.
- (b) “Confirm and provide for the Primary Collector Road alignment” and other road and pedestrian and cycle connections. Again, this is a mapping (or plan) exercise, with no expectation that the consent holder could, under the authority of the SFR “Consent” construct the Primary Collector Road. It merely confirms the “alignment”.
- (c) “Confirm and provide for ... the Plimmerton Farm Commercial Centre in Precinct A”. This also is only a mapping (or plan) requirement. No aspect of the Commercial Centre could be developed under the authority of the SFR “Consent”.
- (d) “Confirm a high-level development and infrastructure staging programme”. This is at timing, or at least sequencing, planning (or plan) requirement. No physical works or other activity is authorised under the authority of the SFR “Consent”.
- (e) “Confirm any on-going management, monitoring, or compliance necessary within the Zone” in relation to the above and “any other matter that is the subject of the SFR “Consent” application”. Authorising “management” – if that is to involve physical activities or works – is the closest thing to an activity under the SFR “Consent” framework, but it remains entirely unclear what that might entail. If the “management” proposed includes activities (say, physical works), the scheme of the SFR “Consent” framework does not remove the need to obtain any other consents under Chapters 4-14 (it explicitly retains them), and so no actual management activities could in fact proceed under the authority of the SFR “Consent” framework. The apparent ability

to “consent” any other matter that is subject to the SFR “Consent” application is also concerning from a scope, and certainty, perspective; although any such wide “approval” would still require all relevant consents under Chapters 4-14.

21. In addition, there are no standards provided for in respect of the SFRC, and no default activity status should the rule be infringed. This is unusual in the scheme of the Zone, and, in absence of such a default status, then a non-compliance with the requirements of the SFRC could be considered a discretionary activity as an “innominate” activity. In any event, the SFR “Consent” provisions are unusually broad. What is required to achieve compliance with them will be difficult to ascertain, if not enforce, and so they also fail on their face, because of uncertainty, or vagueness.
22. I address the further provisions relating to the SFR “Consent” provisions below. Many of the same issues as to lawfulness (and whether any “activity” is in fact authorised) arise in respect of the various provisions addressed. Given the importance of the issue, this assessment has been provided, notwithstanding its detail, to assist the Panel in its consideration.

#### **First Subdivision**

23. New subdivision rule SUB-PFZ-R7(1) provides for the first subdivision within the zone as a restricted discretionary activity. Standard (a), however, requires that “*an application is made concurrently with a strategy framework resource consent application as required by rule PFZ-R1*”. This is no-matter how “minor” the first subdivision consent might be, or geographically restricted, etc.
24. If the application does not comply with standard (a), then non-complying status is triggered under SUB-PFZ-R7(3).
25. Clearly, the intent is to “force” the provision of all the information anticipated under the SFRC at the very first step towards any development within the zone, again, no matter how minor or limited that first subdivision step might be. In addition to the submissions made above about the vires of the SFR “Consent”, and its inherent uncertainty, such a requirement is unreasonable in the administrative law sense. It will require information that is entirely disproportionate to the effects of the first subdivision, even if it were to be a relatively extensive subdivision. In other words, it would

be an error (at law) for the Panel to proceed with the SFRC provisions as currently proposed.

**Wetlands, SNAs, BORAs and 'other significant Natural Areas'**

26. The anticipated information requirements related to environmental enhancement and management are extensive as set out in PFZ-IR, (i)-(xi). As with the PFZ-P3, they are entirely related to mapping, or management plan matters:
- (a) (i)-(v): "the extent of ...";
  - (b) (vi) "any other areas ...";
  - (c) (vii) "... boundaries";
  - (d) (viii) "cat management ... and controls";
  - (e) (ix) "the extent of ...";
  - (f) (x) a "Management Plan"; and
  - (g) (xi) a "land management framework" (ie plan).
27. To the extent the SFRC might authorise any activities (at best, under a management plan, rather than the identification of areas) it is clear from the scheme of the Ecosystem and Indigenous Biodiversity chapter that the SFR "Consent" does not, and is not intended to, authorise any activities.
28. For example, the rules in the Ecosystem and Indigenous Biodiversity chapter have been amended to now apply to areas that are confirmed in the SFR "Consent" (as opposed to the planning maps). In other words, the SFR "Consent" can extend (or possibly shrink) the relevant areas to which the Ecosystem and Indigenous Biodiversity rules are to apply. Refer in particular the additional note to the SNA list, as follows:
- ECOPFZ-Appendix-1: Schedule of Significant Natural Areas. Note: additional areas of significant terrestrial indigenous biodiversity outside of Significant Natural Areas and Biodiversity
29. This appears to be trespassing into the prohibited territory of the SFR "Consent" modifying the SNA areas identified on the District Plan maps, with consequential changes in the consent requirements that will then follow.

30. Putting that aside, all the rules under the Ecosystem and Indigenous Biodiversity still apply, even if the SFR "Consent" is obtained. In other words, the SFRC does not negate the need to get a consent for any activities in the Ecosystem and Indigenous Biodiversity chapter.
31. In respect of permitted activities, trimming or removal of vegetation within a SNA, or other areas of significant terrestrial indigenous biodiversity confirmed in the SFRC or a BORA, is provided separately under ECO PFZ-R1. In other words, the SFR "Consent" doesn't authorise such activities – they are separately provided for under this rule. The same applies for restoration works under EO PFZ-R3.
32. So, in short, all trimming, vegetation removal and restoration and enhancement works are still subject to the ECO rules and are not enabled by the SFR "Consent".

### **Transport**

33. The strategic role of the SFRC with respect to transport is identified as:
- Confirm and provide for the Primary Collector Road alignment through the Zone, all road connection points with St Andrews Road; and a pedestrian and cycle connection to Plimmerton Station, giving effect to the requirements of TRPFZ-P2 and SUBPFZ-P3.
34. The information requirement related to transport is then as follows:
- The specific alignment and design of the collector road identified indicatively on Plimmerton Farm Precinct Plan, subject to Chapter 7.
- The location and an (at least) indicative design and timing of a pedestrian and cycle connection from the zone to the train station.
35. The "confirm and provide for" terminology might suggest that the construction of the road is to be authorised by the SFR "Consent". However, the policy is clear on the confirmation and provision being of the "*alignment*" of the road rather than its construction.
36. With respect to "all road connection points with St Andrews Road", confirming these aspects matters would require agreement with the relevant connecting Road Controlling Authority. In the case of St Andrews Road, no final determination has been made on whether or not the road will be revoked and returned to the control of Porirua City Council.
37. This presents another ground of unlawfulness. Firstly, on the basis that it effectively requires approval (or some level of general agreement) of a third



party (as otherwise the connections points cannot be identified with any certainty). Secondly, given the current uncertainty over responsibility for St Andrews Road, which will persist for at least the short-medium term, that third party agreement will never be able to be satisfied at the time of the first subdivision.

38. In respect of the requirement to identify “the location and an (at least) indicative design and timing of a pedestrian and cycle connection from the zone to the train station”, these matters are outside the zone and scope of the plan change. Illustrating this, Waka Kotahi New Zealand Transport Agency withdrew its submission points in relation to this matter, noting that trying to control such measures are outside the scope of the plan change.

39. In respect of the consequences of obtaining the SFR “Consent”, it is noted, as with the Ecosystem and Indigenous Biodiversity provisions that:

(a) The SFR “Consent” also extends the application of rules through TRPFZ-P2, which is a function prohibited under a consent:

Provide for safe, multi-modal and active transport networks that are consistent with the movement network in the Plimmerton Farm Precinct Plan and the Strategic Framework Resource Consent, and:

(b) The SFRC does not authorise / consent the Primary Collector Road or the intersections nor does it authorise the undertaking of off-site pedestrian and cycle connections. With respect to the later, it is noted that there is no requirement in the Operative District Plan nor in the Proposed District Plan to consider measures identified in the SFRC approved for the Plimmerton Farm Zone.

(c) The rules and standards related to new roads, accessways and intersections still stand and the only reference to the SFRC is recorded above. The matters of discretion for the restricted discretionary rules reference the strategic zone outcomes in PFZP1. In relation to transport, the outcome sought is as follows:

3. Achieve high-quality, well-connected built forms that integrate with all transport modes and in particular promote active transport modes.

- (d) This outcome is achieved via the movement network plan already included in the precinct plans, the road typologies and the associated rules and standards.

40. In short, the SFR "Consent" does not authorise any transport activities.

### **Precinct A Commercial Zone**

41. Policy PFZ-P3 outlines the strategic role of the SFRC in relation to the Precinct A Commercial Zone is to:

Confirm and provide for, including by way of a street and block layout, the Plimmerton Farm Commercial Centre in Precinct A, showing key road connections between it, St Andrews Road, and the Primary Collector Road, giving effect to the requirements of policies PAFZ-P2 and PAFZ-P7.

42. The information requirement then requires:

The location and extent of the centre within Precinct A, including justification for the proposed land area and likely future commercial gross floor area.

An indicative layout plan showing how the location and extent of commercial centre will be able to achieve the urban design outcomes sought by policies PAFZ-P2 and PAFZ-P7.

Relevant road connections illustrating how the commercial centre will be integrated into the road network, specifically St Andrews Road and the internal zone collector road.

43. Again, the inclusion of this information in the SFR "Consent" does not authorise any activities with respect to the commercial centre. In this respect, the SRFC is referenced in the policy related to the Commercial Centre but all of the relevant rules still apply. For the commercial buildings and activities rule, a new matter of discretion references the strategic zone outcomes identified at PFZ-P1, as well as under the SFR "Consent".

### **Servicing and Staging**

44. With respect to servicing and staging, clause (4) of PFZ-P3 requires that the SFRC:

Confirm a high-level development and infrastructure staging programme for the zone to give effect to PFZ-P1 and SUBPFZ-P4 including identification of key public network upgrades, both within and outside the zone, that will be required and their indicative timing.

45. The applicable information requirement then requires:

A staging plan and framework for the zone including timing and scale of required infrastructure upgrades both within the zone and outside it.

46. I have addressed above the legal issues arising from, if not invalidity of, requiring details of works offsite.
47. It is also considered entirely unreasonable (in the administrative law sense) to confirm infrastructure upgrades for a 10-15 year (or longer) project as part of the first subdivision.

#### **Monitoring and enforcement**

48. Finally, with respect to monitoring and enforcement, clause (5) of policy PFZ-P1 requires that the SFRC:

Confirm any on-going management, monitoring, or compliance necessary within the Zone in relation to matters (1) to (4) above to give effect to PFZ-P1 and any other matter that is the subject of the Strategic Framework Resource Consent application, and ensure the Strategic Framework Resource Consent has a duration that is in keeping with the timeframe needed to develop the Zone

49. And the applicable information requirement requires that:

A framework to regularly monitor and review implementation of the Strategic Development Plan given that it will have a minimum implementation period of 15 years. The framework must include how Ngāti Toa representatives will be actively involved in any monitoring, including undertaking cultural health monitoring.

50. It is illogical – if not unreasonable – to have a requirement to monitoring a plan, where the measures included in the plan will not, and cannot be implemented until future consents are obtained to allow the various activities to occur. These requirements therefore fail and are unlawful on the basis of unreasonableness.
51. As a further observation, the proposed SFRC provisions do not make any provision for updates or changes to the plans to be “consented” over time. It would appear that the consent holder would have to make successive applications under s127 over time (which could be 20 years plus) to update any necessary matters under the SFR “Consent”.

#### **Unreasonable and/or disproportionate in the administrative law sense, and therefore unlawful**

52. I have identified above that plan provisions that are “unreasonable” in the administrative law sense are unlawful – and to recommend or impose them would be an error of law.

53. The extent to which the SFRC provisions are unreasonable in this sense can be illustrated by the following example:
- (a) The Panel may recall, in response to questions, that Mr Portland on behalf of PDL identified that the likely first stage of the development would be a first subdivision of the Mo Street extension.
  - (b) This is logical and obvious, as it is effectively an extension of existing urban development and will not require significant capital works in order to implement the subdivision. Also, as far back as the development of the Northern Growth Strategy, it was widely understood this would be advanced first as the traffic generated from the extension could be accommodated within the wider roading network ahead of the Transmission Gully Motorway becoming operational.
  - (c) This first subdivision could potentially yield 40-45 allotments with balance lots accommodating an adjacent SNA. PDL is confident that the allotments can be serviced via extensions and connections to existing Council reticulation, and within the capacity of Mo Street as currently configured.
  - (d) However, if the SFRC provisions remain, then PDL will have to provide all of the plans and information sought, for the entirety of the Zone, despite:
    - (i) the very limited extent of the proposed stage of development and the initial subdivision consent;
    - (ii) the fact that further stages may not occur for many years, some perhaps not for 10-15 years or more.
  - (e) That is entirely unreasonable and/or disproportionate, and will act as a significant barrier to the commencement of development with a small initial stage. In other words, it risks delaying the provision of housing objectives of the plan change itself – and a key reason for the Minister’s approval of the SPP process. To provide information for all stages in a 10-15+ year development at the time of the first stage sets an unreasonably high level of information, particularly in respect of cost, for a developer. Further updates or

assessments would inevitably be required later, meaning additional inefficiencies as well.

### **The solution?**

54. The solution is a simple and easy one – that the detail sought under the provisions of the SFR “Consent”<sup>6</sup> is provided as important information for the Council to take into account in its consideration of relevant consents as they are sought, in a way that ensures that the information is related and proportionate to the area that is being advanced for development. One such approach would be to require the relevant information on a staged, per-precinct basis, say, at the time of the first subdivision within each precinct. The information provided will assist the Council in assessing the appropriateness of the consent, and any conditions that should be imposed on each such subdivision. Information as to ‘interface’ issues with adjoining precincts could also be required, so as to enable the Council to better consider wider integrated management. One exception to this, would be Precinct A where the first subdivision to be accessed via James Street should be the appropriate trigger, instead of the Mo Street extension.
55. The detail of the solution is contained in an accompanying mark-up of the text of the plan change. Appropriate commentary is provided in that document in comment boxes.
56. A similar “information” approach was adopted in respect of the Wallaceville Plan Change. After the Panel for the Plan Change, in light of the Queenstown case, raised concerns with the proposed approach to dealing with future development of ‘Area B’ of Wallaceville given uncertainties around the size and extent of a DOC covenant area and the likelihood of being able to resize and relocate this, the planner for Wallaceville Developments Limited tabled a revised approach being the following information requirement:

In addition ... an application for subdivision and/or development shall include a spatial layout plan showing roads, pedestrian and cycleway connections, open space areas and utilities and services.

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<sup>6</sup> that is within the scope of what can be required with a resource consent i.e. nothing out of the zone area or nothing that requires approval from third parties.

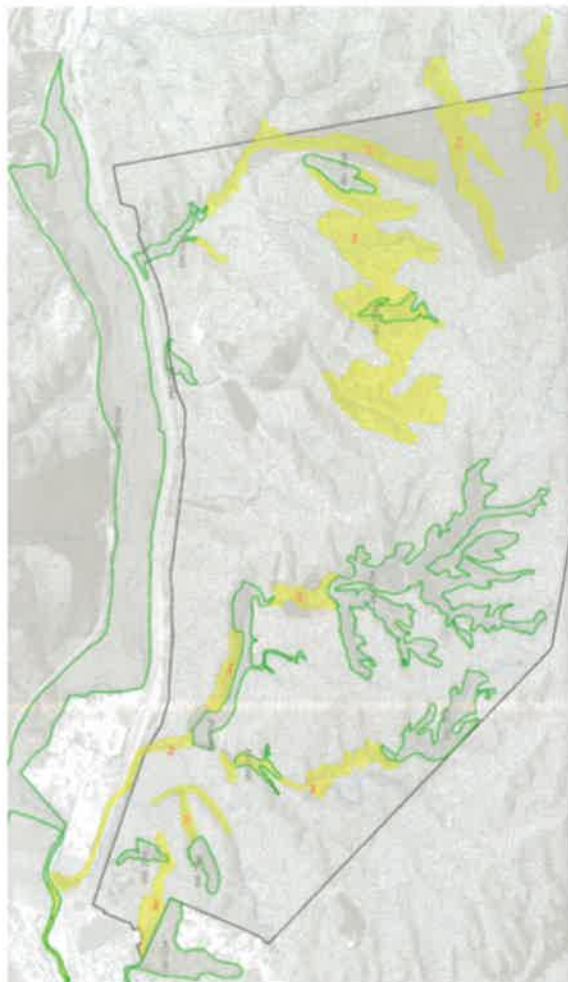
57. In that example, the objectives and policies do not specifically reference the spatial plan as the intentions and outcomes for this precinct were clearly outlined in the Wallaceville Structure Plan chapter.
58. This approach was confirmed as lawful by two law firm opinions (Russell McVeagh and DLA Piper). Relevant documents in that context are **attached** for completeness to this submission.
59. I also note that this sort of “informational approach” was also ultimately adopted in the *Queenstown* case. In that case, a Spatial Layout Plan was retained as an informational requirement:

We do not approve the reference to Spatial Layout Plans being “approved” in 12.19.1.3. This is inconsistent with our understanding that the Spatial Layout Plan is information accompanying an application for resource consent and is not an activity for which consent is (or indeed can be) sought.

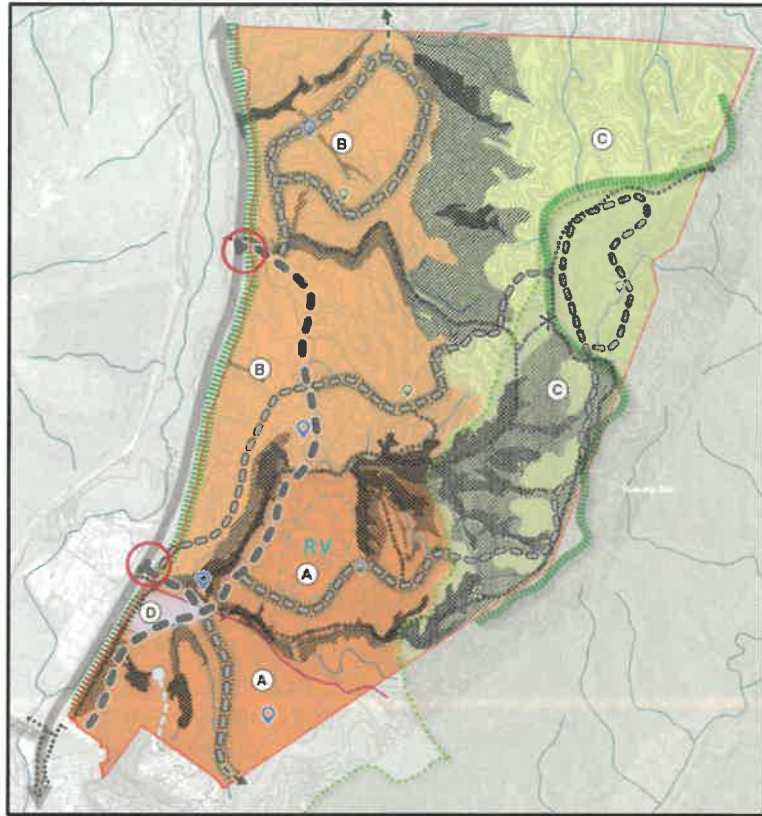
60. Irrespective of the lawfulness of a ‘Spatial Plan’, the appended track change documents, have plainly and simply outlined information that is to be provided with the various subdivision triggers. This is undoubtedly lawful, and within the scope of the Panel to recommend – and so would remove risk to the Mister if that approach was then adopted. It would still also achieve the outcomes sought by the Panel – but in a lawful, and reasonable, way.

#### **BORA MAPPING ERRORS**

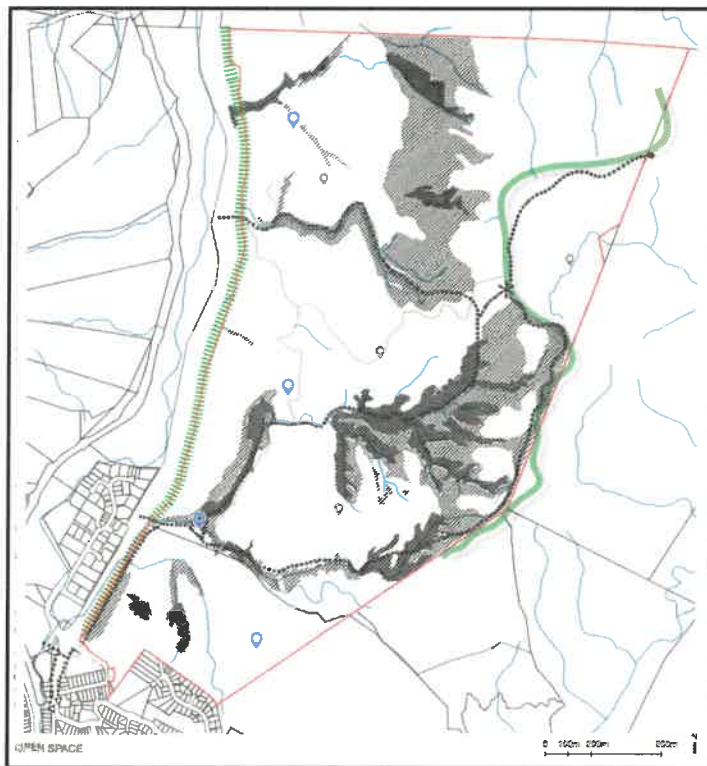
61. Since the hearing has closed, PDL has identified significant mapping errors on the proposed District Plan environment overlay map. For context, at the early stages of Plimmerton Farm, the landscape architect and ecologist jointly prepared a plan identifying SNAs (in green outline) and “other sites of ecological interest”, as follows:



62. These areas were identified to assist in considering how, and to what extent, provision should be made to provide ecological corridors between SNAs, enhance existing SNAs, and to assist in visual integration of the development with the existing vegetation on the site. They were subject to further consideration, ground truthing, etc.
63. Some of these areas were then identified as “BORAs” – but not on the notified precinct plan or maps – on the s42A report.
64. The **notified precinct plan** provided as follows:

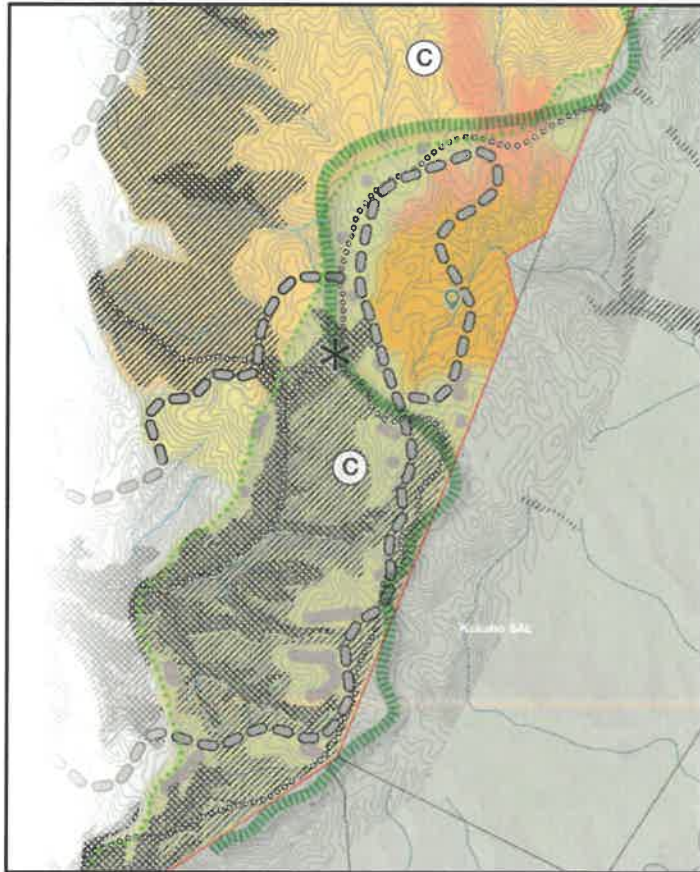


65. The notified open space plan was as follows:

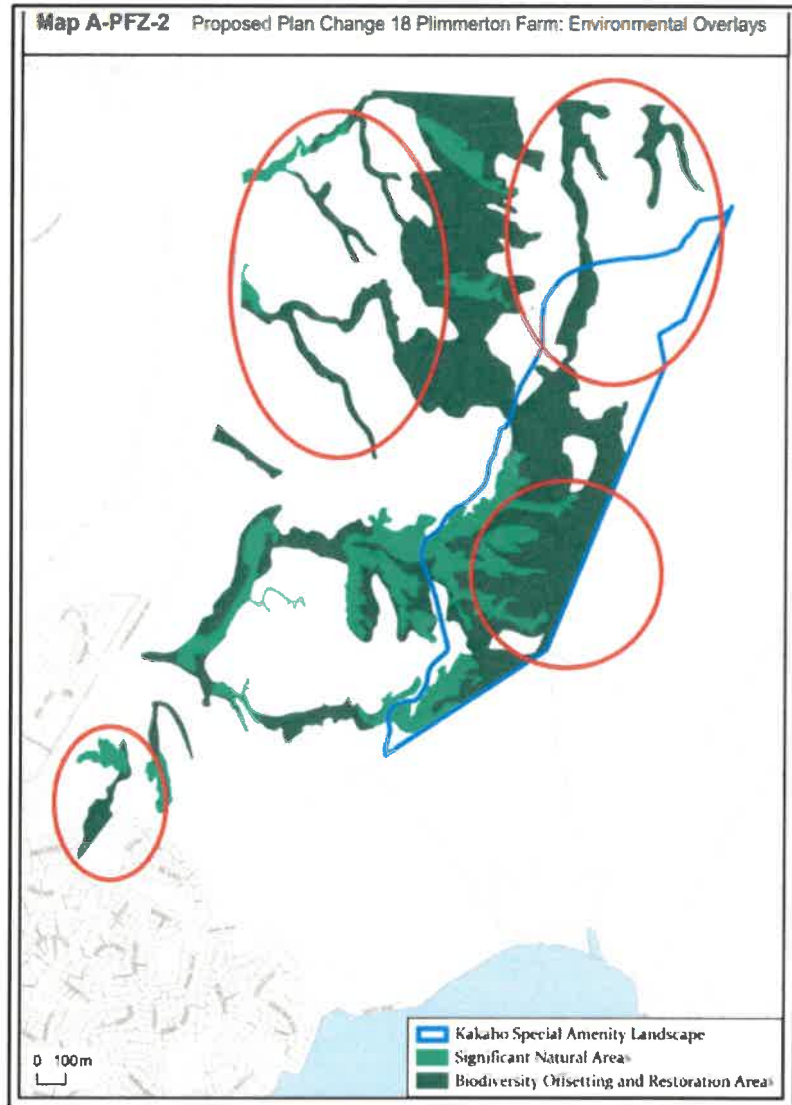


66. The notified Precinct C plan was also as follows:



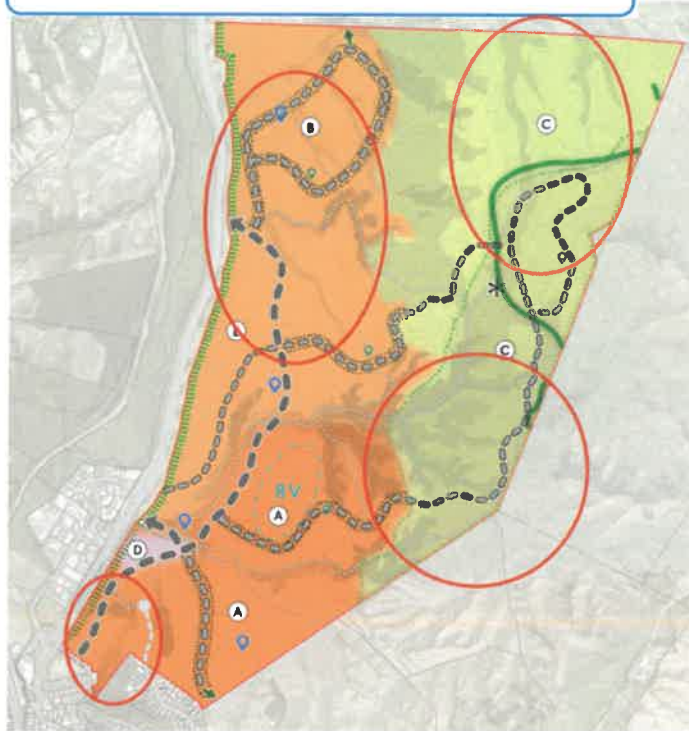


67. Significantly, in the notified version of the applicable precinct plans (above), the top of the green spine in precinct C is shown as development area. This contrasts with the notified Environment District Plan map that includes this area as BORA as well as significant tracts of land throughout the precincts. Refer notified District Plan environment overlay map as follows:

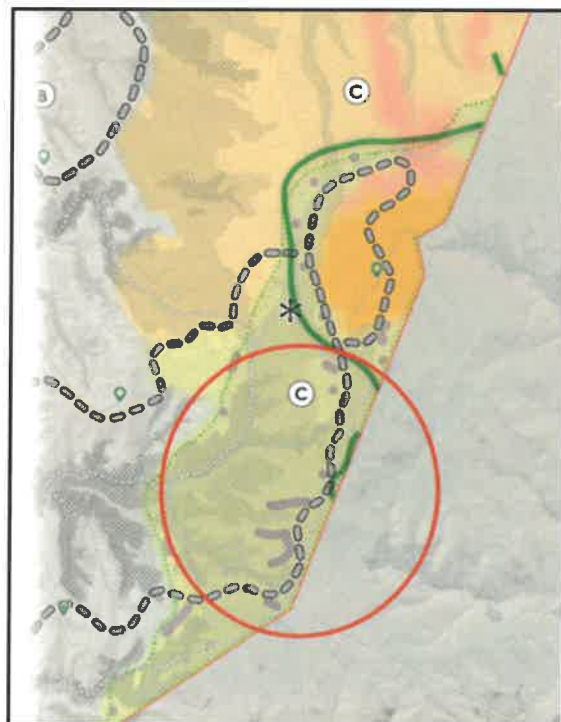


68. In short, there are areas shown on the above plan as BORAs, which are inconsistent with the Precinct Plan, as notified.
69. The Precinct Plan map was then updated in the s42A Report (although without any scope through any submission) to now include those areas of BORA that were on the notified district plan maps: refer the section 42A report precinct plan maps reproduced below.

## Recommended Insertion



70. At the same time, the relevant Precinct C Plan in the Section 42A report showed the additional BORA, as follows but also illustrates the areas identified for development and referred to in the Precinct C provisions (refer purple areas):



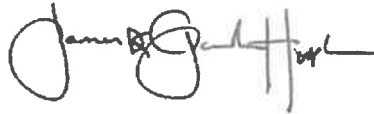
71. This plan persists through to the reply version of the plans, which are also updated from the s42A versions to reflect Mr Goldwater's assessment of wetlands etc.
72. The critical issue is, because of the earlier updating of the relevant plans through the s42A stage, but without scope, the Panel does not therefore have jurisdiction to recommend approval of the proposed District Plan map as per the Right of Reply version – as the jurisdictional error has been carried through.
73. The inclusion of all areas identified on the earlier landscape assessment reports as BORA in the Section 42A report is very obviously an error but a significant one at that. This is evidenced in the fact that the movement network and Precinct C plan has continued to illustrate a road and development areas in the area above the green spine.
74. Accordingly:
- (a) the right of reply environment map needs to be updated to remove all additional BORA areas that were not included on the notified precinct plan maps; and
  - (b) the right of reply precinct plan maps need to be updated to remove all of the additional BORA areas that were added to the plans that accompanied the s42A report.
75. The jurisdictional basis for these changes are that they are “errors” arising from a lack of scope, as well as to avoid an internal conflict between the various maps. In particular, in terms of jurisdiction, in all of the precinct plan documents, the area at the top of the green spine was excluded and it is the precinct plan that is referred to extensively throughout the plan change provisions – and there were no submissions that sought to reduce or change the extent of the BORAs. If the relevant plans are not updated, this will only lead to later confusion, and potential challenges, to the application/ implementation of the Plan Change.

#### **Mark-up corrections**

76. Accompanying this submission is Panel's draft version of PC18, which various corrections of errors shown in mark-up. These principally relate to the SFRC regime, to provide a solution to the errors explained above, but also include correction of a number of other errors that have been

identified. Most will be self-explanatory, but, where appropriate, comment boxes have been used to assist in confirming the error/ reason that a change has been proposed.

**DATED** 10 October 2020

A handwritten signature in black ink, appearing to read "J D K Gardner-Hopkins". The signature is written in a cursive style with a horizontal line extending to the right.

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J D K Gardner-Hopkins  
**Counsel for PDL**