

IN THE MATTER

of the Resource
Management Act 1991

AND

IN THE MATTER

of Hearing of Submissions
and Further Submissions
on the Proposed Porirua
District Plan

Minute 37 – Stream 5 Hearing Arrangements (2)

1. Following adjournment of the Stream 5 hearing on 25 May there are various loose ends arising from Minute 35 that we need to address.
2. First, we note the advice of the representatives of the Judgeford Environmental Protection Society Inc that the Society's counsel, Professor Iorns, will be taking up the leave provided to file legal submissions in relation to the Society's submissions on the Judgeford Flats Future Urban Zone, and the provisions of the Rural Zone governing mining and quarrying. As foreshadowed in Minute 35, we will determine the appropriate procedure to follow from there, once we have had the opportunity to review Professor Iorns' submissions. That will be the subject of a Minute to be issued in due course.
3. It follows, however, that the case to be presented by submitters on the Rural Zone has not yet been completed. Accordingly, we confirm our direction in Minute 35 that the Council's Reply on both the Future Urban Zone and the Rural Zone will be deferred until after the further Stream 5 hearing scheduled for 5 and 6 July (to 22 July).
4. Second, there did not appear to us to any reason why the Council Team could not reply on the other matters we heard in Stream 5 and Council Staff did not suggest to us that further time was required. Accordingly, we direct that the Council's Reply on all Stream 5 matters other than those relating to the Rural and Future Urban Zones be filed by 1pm on Friday 10 June.
5. Lastly, as with previous hearing streams, we have identified various matters on which we would appreciate specific comment from Council Staff as part of the Council's Reply. As previously, this is not intended to constrain the

Council's Reply. The Council is of course, free to reply on whatever matters it wishes. However, we request that the Council address, in particular, the following matters:

- (a) As regards the Māori Purpose Zone (Hongoeka):
 - (i) In relation to MPZ-02(5), is there more appropriate language to capture the vision that the Hongoeka Marae Committee gave us of the nature of the future development of the zone, which we perceive to be neither rural nor urban in nature?
 - (ii) Can the Council's Reply please review Rules MPZ-R29 Industrial Activity and MPZ-R31 Intensive Indoor Primary Production to ensure that the definition of those activities accurately encompasses the scope of activities intended to have non-complying status;
- (b) As regards the Strategic Objectives, the Panel requests that the Reporting Officer consider the references to the 'open' backdrop to the City given the readily visible areas of bush clad or treed hillsides around the City, and whether, given that, recommended Objective RE-01(4) is appropriate insofar as it seeks an environment that "*provides an open backdrop to the City*";
- (c) As regards the Open Space and Recreation Zone:
 - (i) Query how greater clarity might be provided as to the location of Te Rahui o Rangituhi for Plan readers;
 - (ii) Please clarify which areas of OSZ are subject to the NPSUD 2020 (i.e. are located in an area intended to be predominantly urban in character);
 - (iii) The Council Reporting Officer is also requested to consider whether some qualification of the suggested reference in OSZ-01 to relevant values is required to impose a quality trigger, below which values are not sought to be conserved;
- (d) As regards the BRANZ Special Purpose Zone:
 - (i) Can the Reporting Officer comment on the advice we received from Mr Coop providing examples of height standards applying

to specific sites, and whether they are comparable to the relief sought by BRANZ;

- (ii) Can the Reporting Officer please review the initial wording of SPZ-P5 "*Minimise the effects of use and development in the Special Purpose Zone (BRANZ) on the adjacent to the General Rural Zone by...*" and advise what meaning should be given to the highlighted words. The Hearing Panel notes that in the Resource Consent Decision on the recent BRANZ application provided to us, a very experienced Hearing Panel expressed themselves distinctly unclear about the meaning to be given to the word 'adjacent' in this context (and whether the Council's interpretation was correct). The Reporting Officer is requested to consider whether that might suggest a need to provide some clarification, and if so, whether there is jurisdiction for the Panel to provide that clarification;
 - (iii) Please review the additional material provided by BRANZ following the hearing;
- (e) As regards the Subdivision Chapter, the Reporting Officer is requested to provide comment on the following:
- (i) Whether some qualification of the recommended SUB-P4(2) is required to provide for the situation where a small length of new road cannot provide the desired network connections;
 - (ii) Whether it is desirable to clarify whether SUB-P4(3) intends to require provision for all of the three listed transportation modes (walking, cycling and access to public transport) in every case;
 - (iii) Whether the reference to reverse sensitivity in SUB-P7(4) requires clarification as to whose sensitivity is relevant i.e. the urban or non-urban development;
 - (iv) Whether he has any further comment in relation to Mr Gibson's reasoning pointing to the apparently circular nature of the cross reference from SUB-S2 and S3 to the relevant policies;
 - (v) Assuming Mr McCarrison is able to provide a suggested minimum standard of service for telecommunication

connections in non-urban areas, whether it is appropriate to adopt same, or some variation thereof in SUB-S7;

- (vi) Whether, as regards SUB-S7, it is appropriate to provide as an alternative to the relief sought by Spark NZ, an information requirement to ensure that applicants provide information as to the basis for their suggested provision for telecommunication services.
- (vii) Whether the officer intends that SUB-S8 should require an esplanade reserve if a stream of the required width only flows through or is adjacent to lots greater than 4 hectares, and if so, whether the recommended revised policy wording needs to be further amended;

Dated 30 May 2022



**Trevor Robinson
Chair
For the Proposed Porirua District Plan Hearings Panel**