

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 60 – Feedback Sought from Council

1. As foreshadowed by the Chair at the commencement of the Stream 7 hearing, during the course of that hearing, the Hearing Panel has provided a series of questions and/or information requests to the Council in order that it might supply same in advance of the Council's written reply, to facilitate the Hearing its deliberations as soon as possible following conclusion of the hearing.
2. The purpose of this Minute is to put on the record what those questions/information requests were.
3. The Hearing Panel's requests were made in groups following the conclusion of each the first 4 days of hearing and then, following the 6th and 7th day of hearing. With some minor editorial changes to aid understanding, our questions were as follows:
 - 1) Can we be provided with a comparison showing the differences between RMA sections 77I, 77J and 77L, on the one hand, and NPSUD 3.32 and 3.33.
 - 2) Please supply a copy of the s32 appendix identifying IPI provisions in Variation 1 and PC19.
 - 3) Can counsel please advise their comments on the Silverwood live zone relief- whether it is 'on' Variation 1
 - 4) Please supply a list of 'out of scope' recommendations in the s42A reports, with paragraph numbers and subject matter.
 - 5) Please check and confirm whether there are any issues with the recommended changes to Height Variance Controls/ upzoning to HDRZ due to the interface with any heritage sites or sites of significance to Māori. We discussed 1 Mungavin Avenue (and

Messrs Bowman and Vossler confirmed that wasn't a problem), but are there any others we should be aware of?

- 6) Please provide a final view on the scope to remove overlays currently shown over the Plimmerton Farm land.
- 7) Please advise whether Variation 1 rezones any land not shown as zoned in the online maps, and if not, the implications of that for the scope for Warburton submission OS 64.6.
- 8) Is the suggested change at para 739 of the Overarching report a minor error/ change so as to fall within Clause 16.
- 9) Please advise if the introductory text in residential zone chapters identifying provisions affecting density , and therefore not having immediate effect, falls away automatically at the end of the ISPP process, and if so, whether it would be useful to insert text to similar effect.
- 10) Does the relevant s42A author have any views regarding the residential policy permutations the panel discussed with Dr Mitchell?
- 11) How many building consents have been lodged since notification of Variation 1 taking advantage of the additional capacity provided by (a) HDRS; (b) MDRZ?
- 12) Please comment on Mr Gadd's suggestion that rule MRZ-R10 could usefully be clarified to the effect that the 40m² trigger is per residential unit on a site.
- 13) Is Mr Gadd correct that the effect of the exclusion of eaves in MRZ-S5 from the side yard setback is that eaves on 2 houses might be as close as 0.5m apart?
- 14) Can Council please identify a 400m walkable catchment around Pukerua Bay Ry Station on a map, identifying what difference it makes if pedestrians are assumed to use the pedestrian overpass ie show the walking catchment with and without that assumption.
- 15) Can Mr McIndoe please provide the summary of the paper – Aries, M.B., Aarts, M.P. and van Hoof, J., 2015. Daylight and health: A review of the evidence and consequences for the built environment- he referred to and that was referenced by Karen Williams.
- 16) Please also comment on the evidence of David Carter (Submitter #61).

- 17) Can Mr Rachlin please check Figs 27 and 28- there appears to be an additional area within both school and park catchments.
- 18) Please also check Kāinga Ora evidence (Rae at 6.12ff) that approach to walkable catchment criteria inconsistent.
- 19) Please quantify the area of land at 10A The Track between the identified flood hazard and the notified MDRS.
- 20) Please comment on an alternative term to 'safeguard' to better capture the intention in relation to residential privacy in RESZ-P7.
- 21) Please advise possible redrafting of RESZ-P10 to exclude activities (e.g. retirement villages) not intended to be the subject of the policy,
- 22) Please advise possible redrafting of RESZ-P11 to clarify the scale of effects targeted/ the extent of mitigation required.
- 23) Please advise whether the permitted activity threshold in HRZ should be a hybrid of residential units and number of buildings, to allow more than 3 residential units in one building (taking account of potential permutations in building ownership arrangements).
- 24) Can Mr Phil Osborne please provide a consolidated dwelling supply table, including greenfield supply, and reconciled demand.
- 25) Please he also advise the number of people working in the LFRZ.
- 26) Can Mr Smeaton please provide a fuller explanation of the factors considered in deciding to expand the NGA residential areas to the east (compared to the FUZ in the notified PDP).
- 27) Please also provide a map showing the relief recommended in para 330.
- 28) Please advise the areal extent of the area east of the ridgeline road within the NGA proposed to be zoned MRZ.
- 29) Please provide a link to the Archaeological Report discussion of the potential archaeological site on the NGA land.
- 30) Please advise whether additional provisions are required to ensure excessive shading is managed once subdivision lot layout and final levels within the NGA are confirmed.

- 31) Is it possible to summarise in SUB-O2 the outcomes Council standards seek to achieve, rather than referring generically to those standards?
- 32) Can Mr Smeaton please advise his response to the reasoning in Colbert submission (OS66.2)
- 33) Please quantify in approx. % the split of the former GRZ into:
 - HRZ
 - HRZ with HVC
 - MRZ RIP
 - MRZ RIP with HVC
 - MRZ
 - MRZ with HVC
- 34) Please confirm recommendation re MRZ-O2- does the extent of mitigation required need to be quantified?
- 35) Please comment on the Paremata Business Park alternative relief, rezoning single site
- 36) We have already requested consideration of Figs 28 and 29, and whether some of the proposed addition is within the screening catchments. Please recheck the other areas where extension of HRZ or MRZ-RIP is proposed (discussed at pages 32-44) and 'nearly all' the addition is outside the screening catchments.
- 37) Query whether the Interpretation section of the Commercial Design Guide needs to say the Residential Section doesn't apply to Retirement Villages.
- 38) Please confirm whether recommended trigger in NCZ-R10 is 6 or 10 residents in supported residential care.
- 39) Please provide a table of notified and recommended height triggers in Commercial zones (i.e. an adapted version of the table in Design memo #18
- 40) Please confirm whether or not Whitireia Polytechnic is designated.
- 41) Please confirm if any Regionally Significant Infrastructure is located in or sufficiently close to the MCZ to require that reverse sensitivity effects on that infrastructure to be addressed.
- 42) Can Mr McDonnell please supply A3 versions of the maps in his PC19 Fig 2, along with the Precinct map.
- 43) What are the pros and cons from an urban design perspective of having a site coverage limit within the HDRZ?
- 44) Can Mr McIndoe please provide his version of maps contained in Nick Rae's Appendix F, showing the difference between the

zones he would recommend as HDRZ compared to Mr Rae, and advise what the difference in area and development capacity is between the two.

- 45) If not contained in the above, can Mr McIndoe please provide a map of the area he agreed with Mr Rae should be HDRZ at Paremata.?
- 46) Can Mr McIndoe please comment on the model provided by Mr Keenan of the area including and below 35 Terrace Road.
- 47) Can Mr McIndoe please comment on the expansion of the Pukerua Bay NCZ that Kāinga Ora propose.
- 48) Can Mr Alastair Osborne please comment on the consistency of assuming a network blockage applied on the Collett property with the approach taken to flood hazards on other sites?
- 49) Can Mr Smeaton please advise on appropriate wording to capture the exemption proposed for lightning rods as discussed with the Telco witnesses? Is the ground level post the most recent subdivision at 3 Vela Road known, and if so, what was the slope percentage across the property?
- 50) Has the Council quantified the tangible and intangible costs of height controls on the Keenan property at 35 Terrace Road, and if so identify where these are addressed?
- 51) In relation to the difference Mr McIndoe identifies between HDRZ areas as above, what is the cost/ benefit assessment of that difference taking account of the national significance the NPSUD gives to urban development?
- 52) As regards the Council's approach to residential zoning at Pukerua Bay:
 - a) Has the Council defined a walkable catchment of nil around the railway station; or
 - b) Has the Council identified a qualifying matter justifying not imposing high density residential zoning around the railway station, and if so, what is it, and where is the Section 77J and (if applicable) 77L evaluation?
- 53) As regards the height control for shading:
 - a) What is the evidential basis for identifying shading as a specific characteristic that makes the level of development provided for by NPSUD Policy 3 or the MDRS inappropriate in the district?

- b) What is the justification for considering that that characteristic makes the level of development provided by the MDRS or as provided for by NPSUD Policy 3(c) or (d) inappropriate in light of the national significance of urban development and the objectives of the NPSUD?
 - c) Where is the assessment of costs and broader impacts of imposing the shading related height limits?
 - d) Where is the evaluation of different options to achieve the greatest heights and densities provided by the MDRS or as provided for in NPSUD Policy 3, while managing the specific characteristics sought to be protected?
- 54) As regards in relation to boundary controls for the purposes of protecting adjacent heritage items or sites of significance to Māori, please identify where the different elements of the Section 77(j) evaluation supporting those controls are addressed.
- 55) Please identify the gradients of the hill streets in the broader Mana/Camborne/South Plimmerton area where HDRZ is recommended and compare those gradients with the additional areas Kāinga Ora (in the evidence of Mr Rae) suggests be upzoned HDRZ?
- 56) Please comment on the suggestion of Mr MacLean for the Pukerua Bay Residents Association that the small area of land occupied by the Waimāpihi Stream adjacent to State Highway 59 should not be included within the MDRZ zoning in that area?
- 57) Please advise the population and the number of households in Pukerua Bay?
- 58) Please comment on the logic in Ms Key's paragraph 7.1.2 for Foodstuffs, and her proposed rewording of NCZ-02?
- 59) Please comment on Mr Gow's proposals for standards related to percentage of permeable vegetated surfaces, as a means to reduce stormwater runoff?
- 60) Please comment on the hand-drawn plan provided by Mr Barber and his verbal comment that the land on the eastern margin of the Muri Road Block is not suitable for development as RLZ?
- 61) Please advise any comments on the presentation for the Gray Street Residents Group as regards the yellow island discussed by Ms Davis?

- 62) Can Mr Smeaton please advise his views on Ms Williams' revised EMF standard wording?
- 63) Has Mr Rachlin altered his view on the appropriate zoning of the currently LDFRZ area north of the Metropolitan Centre in light of the legal submissions and evidence for Kāinga Ora. In particular what is Mr Rachlin's view of the proposed Metropolitan Centre zoning subject to a 22 metre height limit and the Metropolitan Centre rule changes Ms Williams proposes? If he considers that a Metropolitan Centre Zoning is now appropriate (with or without a 22m height limit), what is his view of Kāinga Ora's suggestion of a 22m height limit on the area within the walkable catchment of the enlarged MCZ area Mr Rae defined, accompanied by an acknowledgement that this does not give full effect to the NPSUD?
- 64) What is the view of the Section 42A authors of Mr Warburton's contention that if the overlays of various kinds constraining urban development had been considered against the background of the proposed intensification required by the NPSUD and associated RMA amendments, there might have been ground for greater controls on adjacent developments (e.g. on residential developments immediately adjacent to an identified SNA)?
- 65) If the Hearing Panel accepts Kāinga Ora's proposals to upzone urban areas (i.e. from MRZ to HRZ or to apply an RIP where one was not notified), would the resulting increase in height enabled give rise to shading of downhill sites that the Council's methodology indicates should be the subject of a new height variation control? If so, please provide maps identifying the relevant areas?
- 66) Having listened to Mr Botha's presentation, does that cause Mr Rachlin to reconsider his recommendations regarding possible extension of the MRZ on 10A The Track?
- 67) With reference to Mr Rachlin's confirmation that Mr Gadd's scenario of adjoining eaves separated by 0.5 metres is possible under the PDP Rules, is that a problem that he thinks the Plan should address? If so, what would he recommend?
- 68) With reference to Mr Morrison's presentation, please comment on the apparent contradiction he draws attention to in relation to

the need for and likelihood of upgrade of the wastewater network?

- 69) Further to the Hearing Panel's request for Mr McIndoe's comment regarding the model provided by Mr and Mrs Keenan:
- (a) Please advise the slope gradient between 31 Terrace Road and 35 Terrace Road, between 35 Terrace Road and 3 Vela Street, and then from 3 Vela Street down the hill on the southern side?
 - (b) How do the height controls based on shading work where part of a section shades an adjacent downhill property, and part does not (as appears to be the case with the Keenan property)? If those provisions do not discriminate between the two situations, what options are available to address that situation and what are the pros and cons of each option?
 - (c) Part of the Keenan case is that the neighbouring downhill property has been benched so much that any structure on the northern half of the Keenan property would shade it, irrespective of height (on its site visit, the Hearing Panel observed that the roof line of the existing one storey house on 3 Vela Street is barely higher than the ground level on 35 Terrace Road and with the north wall hard up against a bank, would appear to get no sun for large parts of the day at present. Is the shading related height control promoted by Council intended to address such a situation?
 - (d) Do any of these considerations cause Mr Rachlin to alter his recommendation in relation to the Keenan property?
- 70) More generally in relation to shade controls, is there a reason why they did not appear in the ePlan as a map layer, to aid identification of their presence?
- 71) Please comment on the Paremata Residents Association's queries about the need for greater setbacks at the top and bottom of steep slopes, by reason that the need to maintain earthwork stability?
- 72) As regards Mr and Ms Rachlin's interim replies dated 23 March, while they provided a useful road map linking the provisions the subject of the Hearing Panel's queries and the supporting analysis, the Hearing Panel would appreciate it if the Council Reply included a fuller response including a narrative of the

relevant evaluations. It is appreciated that the Section 42A authors would not have had time to prepare same as part of their interim response.

4. Where the relevant recipient has been able to provide commentary, and/or information in advance of the Council's written reply, that has been uploaded onto the Hearings website.
5. Otherwise, we request that our questions be addressed in that reply. As previously, the Council is free to cover any other matters arising from the hearing it wishes.
6. The nature and number of our questions, and more generally the amount of material put in issue by submitters make it appropriate that we give the Council extra time for preparation of its written reply. This will not delay the balance of our deliberations as two of the Panel members have other hearing commitments in the meantime. We therefore fix 28 April as the revised deadline for provision of the Council's reply.

Dated 26 March 2023



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