

**Before the Hearings Panel
At Porirua City Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Porirua District Plan

Between **Various**

Submitters

And **Porirua City Council**

Respondent

**Council reply on overarching matters addressed in Hearing Stream 1 - Torrey
James McDonnell on behalf of Porirua City Council**

Date: 15 October 2021

INTRODUCTION:

- 1 My full name is Torrey James McDonnell. I am employed as a Principal Policy Planner for Porirua City Council.
- 2 I have read the evidence and tabled statements provided by submitters relevant to the Section 42A Report - Part A Overarching Report.
- 3 I have prepared this Council reply on behalf of the Porirua City Council (Council) in respect of matters raised through Hearing Stream 1.
- 4 Specifically, this statement of evidence relates to the matters in the Section 42A Report - Part A Overarching Report (Section 42A Report).
- 5 I am authorised to provide this evidence on behalf of the Council.

QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

- 6 Appendix C of the Section 42A Report sets out my qualifications and experience.
- 7 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2014.

SCOPE OF REPLY

- 8 This reply follows Hearing Stream 1 held on Monday 27 September and Wednesday 29 September. Minute 2 allows for section 42A report authors to submit a written reply within 10 working days of the adjournment of the hearing.
- 9 The main topics addressed in this reply include:
 - Procedural questions from the Panel;
 - Submissions on Part 1;
 - Giving effect to national direction;
 - PDP structure;
 - GIS mapping;
 - Growth planning and development capacity;

- Notification preclusion; and
- Introductions to strategic objectives.

10 I have broadly followed the structure of the Section 42A Report in this reply as I address the above matters. If I have not addressed a matter in this reply that was raised by a submitter throughout the hearings process, I have no further reply to add to what I have set out in the Section 42A Report or evidence given at the Hearing.

11 Appendix 1 of this reply contains a list of materials provided by submitters including expert evidence, legal submissions, submitter statements etc. This information is all available on the PDP (Proposed District Plan) hearings web portal at <https://pdportal.porirua.govt.nz>.

12 Appendix 2 contains recommended amendments to PDP provisions, with updated recommendations differentiated from those made in Appendix A of the Section 42A Report.

13 Appendix 3 has an updated table of recommended responses to submissions and further submissions, with updated recommendations differentiated from those made in Appendix B of the s42A report.

14 For ease of reference, I have shown any changes proposed through this right of reply as follows:

s42A Report	deletions / <u>insertions</u>
Right of Reply version	deletions / <u>insertions</u>

15 Other appendices are used for analysis of specific topics addressed in the body of this report.

Procedural questions from the Panel

Notification date

16 The Panel specifically asked me to follow up on a few procedural matters throughout the Hearing.

17 The Panel asked for the specific notification date of the Operative District Plan (ODP). I can confirm that the ODP was notified on 25 October 1994 and was made operative on 1 November 1999.

Submissions that do not seek specific relief and broad submission points

18 The Panel asked for clarification of which submissions listed in Table 3 of the Section 42A Report (p12) do not seek specific relief. The Panel also asked for my views on the validity of broad submission points where no specific relief is sought. I am aware of case law on both of these points, which has guided my response to these questions.

19 Schedule 1, clause 6(5) of the RMA provides that “a submission must be in the prescribed form”. In this instance, the form is prescribed by the Resource Management (Forms, Fees, and Procedure) Regulations 2003 (Regulations), Form 5. I prepared Table 3 in the Section 42A report to set out submissions that are lacking one or more pieces of information required by Form 5.

20 Regulation 4 provides that “use of a form is not invalid only because it contains minor differences from a form prescribed by these regulations, as long as the form that is used has the same effect as the prescribed form and is not misleading”. In this sense, Regulation 4 recognises that a submission may be invalid if it is not in the prescribed form.

21 However, I am aware that there is a long-standing practice of RMA decision-makers and Courts taking a generous and broad approach to the interpretation of documents, particularly those filed by lay persons. It is well recognised that decision-makers should be concerned about matters of substance rather than form.

22 Bearing in mind those considerations, it is my view that some of the submissions detailed in Table 3 contain “minor differences”, when compared with Form 5. For example, some submitters have not

indicated whether they wished to be heard or whether they are a trade competitor. I consider that those submissions are consistent with the intent of Form 5. These omissions are not details which other people may need, in order to determine whether they oppose or support the relief sought in the submission. Furthermore, this information can be obtained simply through the Panel asking questions of the submitters, where relevant. This approach is consistent with the Environment Court's decision in *Bennett v Thames-Coromandel District Council* [2017] NZEnvC 111.

23 However, two of the submissions in Table 3 do not appear to seek any specific decision from Council in terms of amendments to the PDP. These are submission 98 from Michael Duggan and 266 from Annalita Edwards.

24 In contrast to the other omissions noted in Table 3, it is my view that these omissions are of substance, rather than form. As I mentioned above, details of relief sought are essential and there was nothing in these submissions that enabled another person to ascertain what amendments were being sought (even in a general sense). This view is also consistent with the Environment Court's approach in *Bennett v Thames-Coromandel District Council* [2017] NZEnvC 111.

25 Ultimately, the Panel has been delegated powers to make decisions on submissions. However, to the extent that it is useful, I note that the Court, in the *Bennett* case, determined the submission to be invalid. In terms of broad submission points, I note that this discussion will include submission points seeking that the PDP implement a specific document, such as the National Policy Statement for Freshwater Management 2020 (NPS-FM) without specifying what changes are required.

26 Clause 10(1) of Schedule 1 of the RMA says that a local authority must "give a decision on the provisions and matters raised in submissions", while Clause 10(2) says that the decision "must include reasons for accepting or rejecting the submissions"... and may include "(ii) any other matter relevant to the proposed statement or plan arising from the submissions."

- 27 There is no explicit requirement under Clause 10 for submitters to specify relief sought. Further, under Clause 10, it appears that a submission is valid as long as it raises any “matter relevant” to a plan.
- 28 Therefore, I consider that generalised submissions or submissions that are not supported by specific relief are not necessarily invalid. If all parties are sufficiently informed as to what is proposed, taking into account the whole relief package sought, then the submission will be valid. I recognise however that it is unhelpful for the Council in its report writing role, and the Panel as decision-makers, to have to interpret and/or make a judgment as to what the relief might be that an individual submitter seeks.
- 29 Consistent with this, as I outlined in the Hearing, our team generally took a cautious and pragmatic approach to summarising submission points. Not all submission points recorded in the overarching Section 42A Reports are “precise” as required by Form 5. I also note that we have not received any feedback from submitters that we have incorrectly summarised their submissions.
- 30 I am aware that case law on these issues is mainly related to the decisions a council can make on a plan review, potentially relying on more generalised submissions to do so. As provided by the High Court in *Albany North Landowners v Auckland Council* [2017] NZHC 138, amendments should be reasonably and fairly raised in submissions, but that assessment should be approached in a realistic and workable fashion. The council is required to take into account the whole relief package in each submission, and consider whether any amendments are foreseeable consequences of the submission. Underlying this analysis is the principle that all parties should be sufficiently informed about what is proposed.
- 31 For the reasons above, and in terms of acting in good faith, I consider the submissions outlined in my Section 42A Report to be valid and assessed them as such.

I recommend that all submissions outlined in Appendix D of the s42 Report are treated as valid submissions under Clause 10, Schedule 1.

Submissions on Part 1

Part 1: Foreword

32 Paragraph 102 of the Section 42A Report outlines my agreement with the submission of Te Rūnanga o Toa Rangatira (**TROTR**) to amend the PDP to have a foreword from Ngāti Toa Rangatira that sits alongside the Mayor's Foreword [TROTR 264.1]. The Section 42A Report also noted that a statement had not yet been received from TROTR.

33 During the hearing, TROTR tabled a Foreword that they seek to have added to sit alongside the Mayor's Foreword in the Introduction to the PDP, this is provided in Appendix A. I do not consider that the requested foreword raises any scope or fairness considerations.

I recommend that the foreword from Ngāti Toa Rangatira be incorporated into the Introduction as outlined in Appendix A to this report.

Part 1: Description of the District

34 The Panel noted that the text provided by TROTR for the Description of the District contained a grammatical error. I agree that there is an error, and I have recommended a reworded paragraph in Appendix A of this report.

I recommend that the Description of the District be amended as outlined in Appendix A to this report.

Part 1: National Direction Instruments

35 The Panel asked me to clarify if it was correct that the National Direction Instruments section should refer to the following versions of these instruments:

- National Policy Statement for Freshwater Management 2014 (amended in August 2017)

- National Policy Statement on Urban Development Capacity 2016

36 I noted at the hearing that I consider that it is correct to reference these versions as they were the ones that were reviewed as at 28 August 2020 when the PDP was notified. However, I consider that a footnote would be useful to acknowledge that these documents have now been updated to avoid confusion for plan users. I consider that this amendment could be made under clause 16 of Schedule 1 of the RMA, as it is minor and technical in nature.

I recommend that a footnote be added referencing the now current versions of these instruments as outlined in Appendix A to this report.

Part 1: Tangata Whenua

37 The Panel asked me to consider the definition of ‘hauhake’ and if criterion ‘e’ should be removed due to it being surplus in a non-exhaustive list.

38 I agree that “e” should be removed as the used of the word ‘includes’ in the chapeau indicates that there are other activities that may be considered hauhake that are not specifically listed in this definition.

I recommend that the definition of hauhake be amended as outlined in Appendix A to this report.

Giving effect to national direction

39 I would like to address a few matters raised by Greater Wellington Regional Council (GWRC) in both their expert evidence and in their statement.

Implementing the National Policy Statement for Freshwater Management 2020 (NPS-FM)

40 In paragraph 22 of Mr Smaill’s evidence for GWRC, he considers that urban development should only occur in a Future Urban Zone under limits set in the Natural Resources Plan under the NPS-FM.

- 41 This is not how I interpret the NPS-FM. I consider that it is highly unlikely that when the Government put in place the limit setting framework contained in the first National Policy Statement on Freshwater Management 2011 they intended for all greenfield urban development to pause until limits were set in regional plans by 2030 (noting recent amendments to the NPS-FM revised this target to the end of 2024). None of the various iterations of the NPS-FM or any national environmental standard have imposed a moratorium on greenfield development occurring.
- 42 Furthermore, Mr Smaill has not addressed the requirements of the National Policy Statement for Urban Development 2020 (NPS-UD) in any detail in his evidence. The NPS-UD differs from the NPS-FM in terms of how directive it is on territorial authorities to undertake specific actions within specific timeframes to enable supply of housing and business land. I consider that to not rezone land to provide supply for up to 30 years of anticipated demand could be contrary to the NPS-UD. The Future Urban Zone is an important component of this supply making up over half of future housing supply and nearly all future business land supply. Section 7 of the Overview to s32 evaluation and Section 5 of the s32 evaluation for the Future Urban Zone set out the housing supply and demand considerations for Porirua.
- 43 Paragraph 20 of Mr Smaill's evidence suggests that evidence is lacking in terms of sediment contaminant loads for greenfield and brownfield urban development.
- 44 GWRC has not yet set contaminant load limits in the PNRP and as such, it is unclear how the Council would be able to undertake an assessment to determine if contaminant levels were met. However, even if they had been set, I consider that this level of detail is not appropriate for determining Future Urban Zoning. Council does not know what the proposed form of development is for Future Urban Zoned land until the information required by APP11 of the PDP is received including:

- The exact location, type and form of development including building types and densities
- The protection, maintenance and enhancement of natural resources
- Application of an integrated stormwater management approach
- Location scale and function of stormwater management facilities.

45 A developer will need to demonstrate they have addressed these issues in order to progress a further variation or plan change. They will also likely need to provide evidence in terms of potential contaminant loads in order to meet regional consenting requirements, as well as demonstrating how earthworks will meet PNRP and National Environmental Standards for Freshwater 2020 rules.

Whaitua Implementation Plan and Ngāti Toa recommendations for Te Awarua-o-Porirua

46 In her statement to the Panel, Ms Matthews was correct when she said that the s32 analysis for the PDP does not specifically outline how the PDP “considers” the Whaitua Implementation Plan (WIP) and the Ngāti Toa Rangatira Statement on the Te Awarua-o-Porirua Whaitua Implementation Programme (Ngāti Toa’s Statement). However, this does not mean that we did not review these documents and it was an oversight that the WIP is not specifically addressed.

47 Even though neither document has statutory weight, they outline community and tangata whenua values, recommended actions and desired outcomes and therefore were deemed worthy of consideration in the drafting of the PDP.

48 Ngāti Toa’s Statement differs from the WIP in that it does not recommend specific amendments to the PDP. The He Tauaki section on pages 14 and 15 of the statement outline a number of outcomes sought for Te Awarua-o-Porirua, as well as some recommendations. The recommendations directly relevant to the drafting of the PDP are set out

in Table 1, Appendix 4 of this report along with relevant PDP provisions that directly respond to them. There are other recommendations that will need ongoing consideration as the PDP is implemented, such as those relating to partnership and participation.

49 I note that the Tangata Whenua Chapter in Part 1 specifically references Ngāti Toa's Statement under the section 'Iwi and hapū planning documents'.

50 The WIP has 74 recommendations that are directed at various organisations including GWRC, PCC, Wellington City Council, Wellington Water, and central Government.

51 There are a large number of recommendations in the WIP that are directed at GWRC that have not been implemented. The PNRP has not yet been updated to give effect to the substantial requirements of the NPS-FM. It has also yet to be updated to include the catchment objectives and limits recommended by the WIP.

52 The recommendations directly relevant to the PDP are set out in Table 2, Appendix 4 of this report, along with the PDP response.

53 In summary, the PDP does positively respond to both the WIP and the Whaitua Statement. The only 'grey' area would be around the requirement for water sensitive urban design (WSUD) in terms of PCC and GWRC's respective jurisdictions. WSUD is an important tool to assist in addressing the effects of development on waterways. The PDP does not specifically require WSUD because the management of contaminant discharges is a regional council function under sections 15 and 30 of the RMA. There has been no transfer of powers from the GWRC to PCC in this regard. However, the types of devices and design solutions required to deliver hydraulic neutrality have a substantial overlap with WSUD and the Three Waters Chapter provisions anticipate the use of such methods.

PDP structure

54 I have not changed my position from the Section 42A Report recommending rejection of Kāinga Ora’s submission seeking that all transport related provisions be located in the Transport Chapter rather than split across Infrastructure and Transport.

55 However, I acknowledge the points raised in the expert evidence provided by Ms Williams for Kāinga Ora around the location of provisions relating to site access. I consider that there could be some merit in further consideration of where certain provisions sit between these two chapters and note that this will be addressed in the Section 42A Reports for these topics in Hearing Stream 4.

GIS mapping

56 The Panel has directed further written questions to me through Minute 5 relating to the presentation of Mr Warburton for Ms RA Smith [Submitter 168]. These questions are addressed in detail in Appendix 5 of this reply.

57 Overall, my position has not changed on this matter from that outlined in my Section 42A Report. I consider that the LINZ hydro parcel is an appropriate boundary for overlays and zones. I consider that a note is needed in the Statutory Context section setting out Council’s jurisdiction (and that it would still be relevant if the relief sought by the submitter was accepted). That is, MHWS will need to be determined on a site-by-site basis wherever relevant to a consent application. I have included a note to this effect.

58 I note that GWRC agreed with my recommended approach when questioned by the Panel. Since this issue only relates to land that is not in private ownership, PCC and GWRC are the key stakeholders in this matter from a plan administration perspective and I consider that substantial weight should be given to our respective views on the best way to determine our respective jurisdictional boundaries in an operational sense.

59 Mr Warburton has raised some valid issues in his written statement that I consider need to be addressed by the Panel:

- Paragraph 7 - I agree with Mr Warburton that the term “seaward of” is more technically correct than “below” as it aligns with the language used in the RMA definition of ‘coastal marine area’.
- Paragraph 20 - I agree there is an error in the Section 42A version of the Statutory Context. The term ‘MHWS’ in bold below should read “jurisdictional boundary”:

*If a site-specific survey determines that **MHWS** is not located in the position shown on the maps,...*

- Appendix C - I agree that there are circumstances where it could be difficult to determine the adjacent zoning if there are multiple zones as outlined in Mr Warburton’s critique of the recommended amendments to the Statutory Context section. As this land is not privately owned, and for the most part managed as reserves or open space, I consider an additional note specifying that Open Space Zone is the default zone where land is adjacent to the Coastal Marine Area and landward of MHWS. The one exception to this would be any land adjacent to the Māori Purpose Zone (Hongoeka). Land in this zone is largely administered under Te Ture Whenua Māori Act. The Wharenui itself within the Marae is outside the LINZ hydro parcel.

60 I would like to note that I disagree with parts of Mr Warburton’s written statement including:

- Paragraph 21 - I disagree that using cadastral boundaries for resource management purposes is “fundamentally wrong” or that the Council is renouncing its responsibilities under the RMA. Using cadastral boundaries is common practice, and I consider that the additional text in the Statutory Context should make it clear which zone applies where land is above MHWS.

- Paragraph 22 – I disagree with the characterisation of these matters as impracticalities. The recommended approach to zoning matches that in the ODP which has been in place since 1999.
- Paragraph 34 – the link provided by Mr Warburton to the Auckland Unitary Plan is to a chapter relating to its regional coastal functions, and the “zones” are only for that purpose. The planning maps include an indicative line of MHWS as a non-statutory layer only. The introduction to the Chapter states:

The mean high water springs boundary has not been surveyed as it has a dynamic and varying location. The indicative coastline shown on the planning maps is an approximate representation of mean high water springs-10, which is the level equalled or exceeded by the largest 10 per cent of all high tides. Where the indicative coastline crosses a river mouth, the coastal marine area boundary has been defined by agreement between the Council and Department of Conservation. The coastal marine area boundary at river mouths is indicated on the maps and detailed in Appendix 7 Coastal marine area boundaries.

As a jurisdictional boundary, the exact location of the line of mean high water springs needs to be defined on a case-by-case basis. Where activities are close to the indicative coastline, a site-specific survey will be required to determine the location of the line of mean high water springs which defines the landward boundary of the coastal marine area. If a site-specific survey determines that mean high water springs is not located in the position shown on the maps, the boundary at the interface between the coastal marine area and the adjacent land zone and overlays will shift to the new line of mean high water springs.

61 I recommend that the Statutory Context section be amended as outlined in Appendix A to this report.

- 62 Another option for the Panel to consider would be to incorporate this note into a district-wide chapter as “deeming provision” similar to that used by other councils for zoning to the centre line of roads. This would probably best sit in the Coastal Environment Chapter.

CE-R20 Deeming provision for land in the Coastal Environment without a zone

The Open Space Zone shall apply to land is that is located landward of MHWS that does not have a zone in the planning maps, except for land adjacent to the Māori Purpose Zone (Hongoeka) where that Zone shall apply.

Advice notes for other mapped features

- 63 During the presentation and questioning of Mr Botha, the Panel asked if the sort of approach recommended of providing guidance on determining MHWS would work for other mapped features in the Plan where there may be a discrepancy between the mapping based on aerial photography and what is on the ground, such as Significant Natural Areas.
- 64 I consider that overlays in the PDP were mapped by experts using the best information possible, and the Panel can have confidence in their accuracy for determining how proposed subdivision, land use and development complies with the provisions in the PDP.
- 65 I consider that the inclusion of a note highlighting potential inaccuracies or a +/- tolerance as suggested by Mr Botha is unnecessary. I consider that it is not in line with best practice plan drafting, and would likely introduce some administrative uncertainty.

Growth planning and development capacity

- 66 I would like to address the matters raised around infrastructure capacity in relation to the statement from Mr Shaw from the Paremata Residents’ Association, and the subsequent questions from the Panel.

67 The following discussion on development capacity is based on the definition of development capacity as set out in Clause 1.4 of the NPS-UD (provided below for reference):

development capacity means the capacity of land to be developed for housing or for business use, based on:

(a) the zoning, objectives, policies, rules, and overlays that apply in the relevant proposed and operative RMA planning documents; and

(b) the provision of adequate development infrastructure to support the development of land for housing or business use

68 With respect to (a) above, the area specific and district wide provisions of the PDP work together to provide sufficient 'plan enabled' capacity to meet expected demand for housing supply and business land in the short, medium and long term. This is set out in more detail in the PCC Housing and Business Capacity Assessment Report (HBA) (2019) which has been used to inform drafting of the PDP and is addressed in Appendix 7 of the Overarching s32 report. The PDP provisions, HBA and assessment of plan-enabled development capacity will be updated as part of the variation to give effect to the NPS-UD. Submissions on the variation will be heard in Hearing Stream 7 and Council will bring updated evidence on development capacity to this hearing. As such, any detailed discussion around development capacity is recommended to be deferred until Hearing Stream 7.

69 With respect to (b) above, the PDP forms part of an integrated approach by Council to the provision of development infrastructure to accommodate development over the life of the plan and beyond. In terms of development infrastructure, the provisions in the Three Waters Chapter (THWT) require new development to provide additional three waters infrastructure capacity to adequately service the development, and avoid, remedy or mitigate the effects on the environment. These provisions do not work in isolation however. The recently adopted 2021

– 2051 Long Term Plan is predicated on the expectation of 10,600 new residential over the 30-year period, which is the residential growth anticipated and enabled by the PDP. The LTP proposes a total of \$1.8 billion to be invested in infrastructure in the City to support development over this 30-year period.

70 Applying the time frames from the NPS-UD, in terms of short-term investment to service growth (0 – 3 years), the LTP commits funding to infrastructure projects to service anticipated short-term demand. In the medium term (3 – 10-years), the investment required to service growth is identified although funding is not committed, and will be reviewed and confirmed in the next iteration of the LTP (2024). The investment required to service growth in the long term (10 – 30-years) is identified in Council’s Infrastructure Strategy and broadly set out in the LTP, and will also be updated in the 2024 LTP.

71 The recently updated PCC Development Contributions Policy 2021 (DCP) also sets out the development contributions payable by developers, how and when they are to be calculated and paid, and a summary of the methodology used in calculating the level of contribution. These contributions help pay for the listed LTP infrastructure projects required to service new development.

72 Evidence in support of the integrated approach Council is taking to provision of development infrastructure to service growth will be brought to Hearing Stream 4, and will inform the discussion on overall development capacity in Hearing Stream 7.

Notification preclusion

73 I would like to note that every s32 evaluation report provides an analysis of where non-notification rules are recommended to be used, including where either public notification, or limited notification should be precluded.

Introductions to strategic objectives

- 74 I have not changed my position from the Section 42A Report recommending rejection of Kāinga Ora’s submission seeking removal of reference to the steps plan users need to take from the introductions to strategic objectives.
- 75 Section 7 of the National Planning Standards outlines how strategic direction should be addressed in a plan:
- 1. If the following matters are addressed, they must be located under the Strategic direction heading:*
- a. an outline of the key strategic or significant resource management matters for the district..*
- 76 I consider that the introductions to strategic directions conform to 1(a) of this section, in that that they give an outline of the key strategic or significant resource management matters for the district. The introduction is intended to be read with the strategic objectives to provide plan users with the necessary context.
- 77 I would like to note that Section 9.1 of the Overarching s32 Evaluation sets out strategic issues, and Table 11 in section 9.2 outlines the line of sight from higher order direction through strategic objectives to individual chapters.
- 78 It is likely that regulation will not achieve strategic objectives in isolation. There are many organisations and individuals that need to work together to address significant resource management issues, including other statutory agencies, non-governmental groups and the private sector. This is particularly true for objectives relating to the improvement or enhancement of Te-Awarua-o-Porirua Harbour. I consider that while these strategic objectives are aspirational, they are achievable.
- 79 I note that the PDP is not alone in setting aspirational objectives. Many of the objectives within the PNRP could be considered to be aspirational, and, like the PDP, will not be achieved through regulation alone.

Date: 15/10/2021

W Donald

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Appendix 1 – List of materials provided by submitters

Statements of supplementary planning evidence	Overarching Matters - Torrey McDonnell Definitions and Nesting Tables - Michael Rachlin
Submitter evidence	Alastair Smaill For Greater Wellington Regional Council [137 And Fs40] Karen Williams For Kāinga Ora [81 And Fs65] Mary Santos For Foodstuffs [122] Meghan Barrett For Firstgas Limited [84 And Fs63] Pauline Whitney For Transpower NZ Ltd [60 And Fs04] [Addendum] - Pauline Whitney For Transpower NZ Ltd [#60 And Fs04] Rebecca Eng For Transpower NZ Ltd [60 And Fs04]
Legal submissions	Ezekiel Hudspith For Transpower New Zealand [60 And Fs04] Attachment 1- EDS Inc v The NZ King Salmon Co Ltd [2014] Attachment 2 - Tauranga Environmental Protection Society v Tauranga City Council [2021] Nick Whittington For Kāinga Ora [81 And Fs65]
Submitter written presentations	Paul Botha [118 And Fs27] Plimmerton Residents Association [218] Robyn Smith [168 And Fs09] Paremata Residents Association [190]
Submitter statements	Chorus, Spark And Vodafone [51] Department Of Corrections [135] Fire and Emergency NZ [119] John Cody [184] - Hearing Stream 1 Ministry of Education [134] Waka Kotahi New Zealand Transport Agency [82]

Appendix 2 – Recommended amendments to PDP provisions

In order to distinguish between the recommendations made in the Section 42A Report and the recommendations that arise from this report:

- s42A recommendations are shown in red text (with underline and ~~strike out~~ as appropriate); and
- Recommendations from this report in response to evidence are shown in blue text (with underline and ~~strike-out~~ as appropriate).

Foreword

[Ko Whitireia te maunga](#)

[Ko Raukawa te moana](#)

[Ko Parirua te awa](#)

[Ko Tainui te waka](#)

[Ko Ngāti Toa Rangatira te iwi](#)

[E te iwi e noho nei i te riu o Porirua, tēnā koutou katoa.](#)

[The development of the city’s District Plan comes at a time when there is pressure to increase development to care for our people as well as a need to restore and care for our environment. Ngāti Toa have worked with Porirua City Council over the last two years to develop a District Plan that prioritises te taiao while still providing for housing and infrastructural needs that meet the development and population growth of Porirua, now and in the future. Although the Resource Management system is changing, this District Plan will provide the foundation for protecting our whenua and wai for years to come. Ngā mihi to all those kaimahi who have been involved with the development of this plan.](#)

[We encourage everyone to utilise the District Plan as a guide and toolkit for their own activities and refer to our challenge presented in Porirua’s Long-term Plan: we must look after our environment and look after each other, especially our tamariki and rangatahi.](#)

[Nou te rourou, naku te rourou ka ora ai te Iwi - *With your contribution, and my contribution the people will thrive.*](#)

[Helmut Modlik](#)

[CEO, Te Rūnanga o Toa Rangatira¹](#)

Porirua enjoys a unique position in the Wellington region with a good climate and transportation network, and it has become a popular destination for new residents in recent years. This pattern of growth is expected to continue in the years ahead and this District Plan is intended to play an influential role in how the city operates, expands and consolidates in the foreseeable future.

One of the main principles supporting the preparation of this District Plan is the enabling of all residents, businesses and Council to plan for the future. This Plan does so by recognising the many and various inputs necessary to provide for the wellbeing of the natural environment and the special status of tangata whenua, and maximises the efficiency of Council’s unique role in its implementation of the strategic direction of the City. It also recognises the importance of how infrastructure underpins much of the activity within the City.

¹ TROTR – 264.1

This Plan marks an important milestone in the history of the City and comes at a time when housing choices are wider than ever before, care for the environment is set on a much clearer trajectory than previously with the effects of climate change becoming ever more apparent, and the building of relationships across the city grows stronger with increasing ethnic diversity.

The preparation of the Plan has brought these matters and many more together into an integrated set of objectives, policies and rules to ensure that both current and future generations are well provided for.

I commend the Council for its efforts in the preparation of this Plan.

Anita Baker

Mayor of Porirua

Statutory Context

Porirua City Council must have a District Plan at all times (section 73 of the Resource Management Act 1991 (RMA)).

As set out in the Purpose chapter, the purpose, function and contents of the District Plan are directed towards achieving the purpose of the RMA, which is 'to promote the sustainable management of natural and physical resources'.

Sections 6, 7 and 8 of the RMA also place additional duties on Porirua City Council when exercising its functions and powers under the RMA. Under section 6, the Council must recognise and provide for a range of matters of national importance. Section 7 of the RMA identifies other matters which the Council must have particular regard to, and section 8 requires the Council to take the principles of the Treaty of Waitangi/[Te Tiriti o Waitangi](#)² into account.

[Figure 1]

Central government may provide policy direction on resource management issues that are of national importance through national policy statements. The District Plan must give effect to national policy statements as outlined in section 75 of the RMA. Central government can also produce national environmental standards. Section 43B of the RMA sets out the relationship between national environmental standards and District Plan rules; this relationship is further outlined in the General Approach chapter. The District Plan must also implement the mandatory content of any National Planning Standards.

The RMA requires regional councils to have a regional policy statement and a regional coastal plan at all times, and they may also prepare regional plans. The District Plan must give effect to the Regional Policy Statement for the Wellington Region and must not be inconsistent with Regional Plans produced by the GWRC. The District Plan must also have regard to any proposed regional policy statement or regional plan.

This District Plan applies to land [that is landward of above](#)³ the line of Mean High Water Springs (MHWS) [and as well as](#)⁴ the surface of water bodies within the City's territorial boundaries as shown in Figure 2. [The coastal marine area below seaward of MHWS is the jurisdiction of regional councils, as defined in the Resource Management Act RMA.](#)

[The MHWS boundary has not been surveyed for inclusion in the planning maps as it is dynamic and its location can change. Zone boundaries in the planning maps and most other mapped features are defined by Land Information New Zealand's cadastral boundaries, which ~~is~~ are a fixed feature.](#)

[As a jurisdictional boundary, the exact location of the line of MHWS needs to be defined on a case-by-case basis. Where activities are close to the indicative coastline, a site-specific survey will be required to determine the location of the line of MHWS which defines the landward boundary of the coastal marine area. If a site-specific survey determines that ~~MHWS~~ the jurisdictional boundary is not located in the position shown on the maps, the boundary at the interface between the coastal marine area and](#)

² TROTR [264.5]

³ Robyn Smith [168.31]

⁴ Ibid

the adjacent land zone and overlays will shift to the new be at the surveyed and identified line of mean high water springs.

Where there is land identified landward of MHWS that does not have a zone, the Open Space Zone shall apply, except for land adjacent to the Māori Purpose Zone (Hongoeka) where that Zone shall apply the adjacent zoning shall apply.

District Plan provisions do not apply to any land or features in the coastal marine area part of an overlay or other mapped feature in the planning maps that extends into the Coastal Marine Area⁵

The District Plan sits within a hierarchy under the RMA, which gives national, regional and district level direction through policy and planning documents. The relationship between the District Plan and these documents is shown in Figure 1 below.

⁵ GWRC [137.59] and Robyn Smith [168.48, 168.47, 168.46, 168.44, 168.45, 168.43]

Description of the District

The Porirua District covers 183km² (18,251ha) with a population of approximately 59,327 (Forecast ID 2020). Porirua has a diverse and youthful population with a quarter of the population under the age of 15.

Early history of Porirua dates back to the 15th century with ~~Ngai Tara and Ngāti Ira, and later Ngāti Toa Rangatira recognising Porirua's early Māori occupation, and. In the early 1820's Ngāti Toa Rangatira occupied and settled various areas including Porirua due to their the occupation and settlement of Ngāti Toa Rangatira recognising Porirua's (and other areas within the Ngāti Toa area of interest)~~⁶ strategic geographic importance and plentiful food supplies. Porirua City Council acknowledges Ngāti Toa Rangatira as mana whenua in the Porirua District and their history and values are outlined in the Tangata Whenua chapter.

The urban Porirua...

⁶ TROTR [264.4]

National Policy Statements and New Zealand Coastal Policy Statement

National Policy Statements (NPSs) and the New Zealand Coastal Policy Statement (NZCPS) form part of the RMA's policy framework and are prepared by central government. NPSs and the NZCPS contain objectives, policies and methods that must be given effect to by policy statements and plans. NPSs and the NZCPS must also be had regard to by consent authorities when making decisions on resource consent applications, alongside other considerations.

The following table provides an overview of whether any relevant review/s of the District Plan has been undertaken in relation to NPSs and the NZCPS:

<u>National Policy Statement on Electricity Transmission 2008</u>	<u>The policy statement has been reviewed on 28th August 2020⁷</u>
National Policy Statement for Freshwater Management 2014 (amended in August 2017)⁸	The policy statement has been reviewed on 28th August 2020.
National Policy Statement on Urban Development Capacity 2016	The policy statement has been reviewed on 28th August 2020.
National Policy Statement on Renewable Electricity Generation 2011	The policy statement has been reviewed on 28th August 2020.
New Zealand Coastal Policy Statement 2010	The policy statement has been reviewed on 28th August 2020.
National Policy Statement on Urban Development 2020	This national policy statement came into force on the 20 th August 2020. The Council will undertake a subsequent review to ensure that the NPSUD is fully given effect to in the Proposed District Plan. This will likely result in a variation to the Proposed District Plan or a future plan change.

Note that subsequent to the notification of the Proposed District Plan:

- [National Policy Statement for Freshwater Management 2020 was gazetted on 3 September 2020](#)

⁷ Transpower [60.220]

- [National Policy Statement for Urban Development 2020 was gazetted on 23 July 2020⁹](#)

⁹ Minor correction under Clause 16

Appendix 3 – Recommended responses to submissions and further submissions

In order to distinguish between the recommended responses in the Section 42A Report and the recommended responses that arise from this report:

- Recommendations from this report in response to evidence are shown in blue text (with underline and ~~strike-out~~ as appropriate).

[insert relevant rows from Appendix B of your Section 42A Report]

Appendix 4 – Analysis of PDP provisions against the WIP and the Ngāti Toa Statement

Table 1: Relevant recommendations in the Ngāti Toa Statement

Statement recommendation directly relevant to PDP provisions	Relevant PDP provisions
<p>Ngāti Toa believes that agencies must work proactively to fulfil their Tiriti obligations to Ngāti Toa, and we expect to see opportunities for the co-design of policy and processes as well as co-management of key assets.</p>	<p>The PDP was developed in partnership with Ngāti Toa as outlined in the Overarching s32.</p> <p>The Tangata Whenua Chapter outlines the mana whenua/Council relationship, including that PCC and Te Rūnanga o Toa Rangatira have signed a Memorandum of Understanding which outlines an ongoing and shared commitment to partnership.</p>
<p>The mana and mauri of all of our waterways and associated ecosystems within the Ngāti Toa Porirua rohe must be returned to a state of health, enabling our iwi to carry out its cultural responsibilities and obligations to its people, manuhiri and future generations.</p>	<p>The PDP seeks to maintain and protect the health of Te Awarua-o-Porirua Harbour and Catchment both at the strategic level, and throughout various chapters.</p> <p>Strategic objectives relating to Te Awarua-o-Porirua Harbour and catchment include:</p> <ul style="list-style-type: none"> • NE-O1- natural character, landscapes and features and ecosystems are recognised and protected • NE-O3 - subdivision, use and development does not contribute to any further degradation • NE-O4 – seeks to maintain, protect and where possible enhance <p>District-wide chapters and overlays:</p> <ul style="list-style-type: none"> • THWT – requires new development to be hydraulically neutral including requiring rainwater tanks for new buildings. Also requires new development to provide site-specific solutions where there is no capacity in the three waters network • NATC – requires coastal and riparian setbacks for earthworks and buildings • ECO – protects Significant Natural Areas which cover 17% of the catchment • CE – protects areas of Coastal High Natural Character • EW – manages effects of earthworks, requires all sediment to be retained on site • FUZ - APP11 sets out requirements for future urban areas to protect, maintain and enhance natural resources including suitable infrastructure capacity and incorporation of green networks
<p>Ngāti Toa must be able to exercise its customary practices, including the harvesting of food and water, without fear of harm.</p>	<p>The PDP enables customary activity as a permitted activity throughout various zones. Where there is an overlay that would otherwise limit these practices, customary harvesting (hauhake) is provided for as a permitted activity, for example within an SNA or Coastal High Natural Character Area.</p>

<p>Ngāti Toa would like to see the implementation of innovative practices for stormwater and wastewater management. We also expect urgent measures to be taken to prevent flooding and stormwater/wastewater overflows affecting our kāinga at Takapūwāhia and Hongōeka.</p>	<p>The PDP requires new development to be hydraulically neutral (THWT-O1 and TWHT-P1), including requiring rainwater tanks for new buildings (THWT-R1, TWWT-S1), and only allowing increases in impervious surfaces in other urban zones where the development is hydraulically neutral (THWT-R2, THWT-S2).</p> <p>The PDP does not specifically require Water Sensitive Urban Design because the management of contaminant discharges is a regional council function under sections 15 and 30 of the RMA, and there has been no transfer of powers to PCC in this regard. However, the types of devices and design solutions required to deliver hydraulic neutrality have a substantial overlap with Water Sensitive Urban Design and the TWHT provisions anticipates the use of such methods.</p> <p>Solutions to the ongoing flooding issues at Hongōeka and Takapūwāhia largely sit outside the PDP and are rather matters addressed through the Local Government Act, the Long Term Plan and the Infrastructure Strategy. However, the flood maps and associated provisions in the PDP seek to avoid sensitive activities establishing in high hazard areas in the future¹⁰.</p>
<p>We support and encourage alternative forms of transport in and around our waterways to minimise degradation. We encourage whānau to walk and cycle and to enjoy recreational activities with limited environmental impacts, such as fishing and waka ama.</p>	<p>The PDP seeks to enable and encourage multi-modal transport.</p> <p>The PDP enables intensification of urban development around rapid transport links and high frequency bus routes.</p> <p>APP11 sets out requirements for future urban areas to incorporate multi-modal and interconnected transport design, including provision of public and active transport linkages.</p> <p>The Transport Chapter requires new development to incorporate pedestrian and cycle access and parking</p>

Table 2: Relevant recommendations in the WIP

WIP recommendation (or part of recommendation) directly relevant to PDP provisions	Relevant PDP provisions
<p>Recommendation 12 Greater Wellington, WCC and PCC amend the policy and rule framework in the PNRP and district plans to control the effects of urban development on riparian margins. The framework must require:</p> <ul style="list-style-type: none"> • setbacks from streams for any activity (excluding riparian restoration activities) • restrictions on hard surfaces. 	<p>The PDP requires setbacks for buildings, structures and earthworks from coastal and riparian margins (NATC-R1 and NATC-R2).</p> <p>The PDP requires new development to be hydraulically neutral (THWT-O1 and TWHT-P1), including requiring rainwater tanks for new buildings (THWT-R1, TWWT-S1), and only allowing increases in impervious surfaces in other urban zones where the development is hydraulically neutral (THWT-R2, THWT-S2).</p>
<p>Recommendation 24 Greater Wellington, WCC, PCC and Wellington Water look at options for spatial planning for</p>	<p>These two recommendations are aimed at spatial planning and growth planning.</p>

¹⁰ Although unrelated to the PDP, I note that the flood model created for the PDP by Wellington Water has been used to model solutions for reducing flood risk in Hongōeka for the Hongōeka Marae Committee.

<p>the future development of Te-Awarua-o-Porirua Whaitua</p> <p>Recommendation 25</p> <p>Greater Wellington, WCC, PCC and Wellington Water work to align urban growth planning within Te Awarua-o-Porirua Whaitua to achieve social, cultural, economic and environmental objectives that provide for the values of Ngāti Toa Rangatira and the community. Consideration must be given to the:</p> <ul style="list-style-type: none"> • National Policy Statement for Urban Development Capacity, including the results from the Wellington Housing and Business Capacity Assessment • National Policy Statement for Freshwater Management, including the freshwater objectives, limits and targets for Te Awarua-o-Porirua Harbour and streams • Full cost of urban development, including construction and maintenance of infrastructure over its lifetime • Specific characteristics of Te Awarua-o-Porirua Whaitua, including the relationship with Ngāti Toa Rangatira, topography, demography, transport infrastructure and urban form. 	<p>PCC has worked with GWRC on our Growth Strategy 2018 as well as the more recent Wellington Regional Growth Framework¹¹. The PDP aligns with both these documents.</p> <p>Section 3.3 of the Overarching Section 42A Report and section 4.3 of the Overarching s32, outline where the PDP gives effect to the NPS-FM and NPS-UD, and where further work is required. For example, it is likely that a further plan change to the PDP will be required to respond to changes to the RPS and PNRP, once these have occurred.</p>
<p>Recommendation 26</p> <p>Greater Wellington, PCC, WCC and Wellington Water work together to provide a clear cohesive policy direction and align and streamline planning processes. This work may include:</p> <ul style="list-style-type: none"> • amendments to the Regional Policy Statement for the Wellington Region to guide regional and district plan changes • alignment of strategic plans, regional plans, district plans, and infrastructure plans and supporting documentation including water-sensitive urban design guidelines • joint resource consent application processing • joint plan change processing to add new urban areas to existing zoned areas • distinction in respect of any jurisdictional overlap • utilising the transfer of powers or delegated authority provisions in the RMA. 	<p>The PDP does not specifically require Water Sensitive Urban Design because the management of contaminant discharges is a regional council function under sections 15 and 30 of the RMA and there have been no transfer of powers from the GWRC to PCC in this regard. However, the types of devices and design solutions required to deliver hydraulic neutrality have a substantial overlap with Water Sensitive Urban Design and the TWHT provisions anticipates the use of such methods.</p>
<p>Recommendation 28</p> <p>Greater Wellington, WCC and PCC amend the policy and rule framework in the PNRP and the district plans to control the effects of urban development on water quality and catchment</p>	<p>These recommendations for an amended delivering the policy and rule framework are aimed with both GWRC and PDP</p>

¹¹ This was published on July 2021

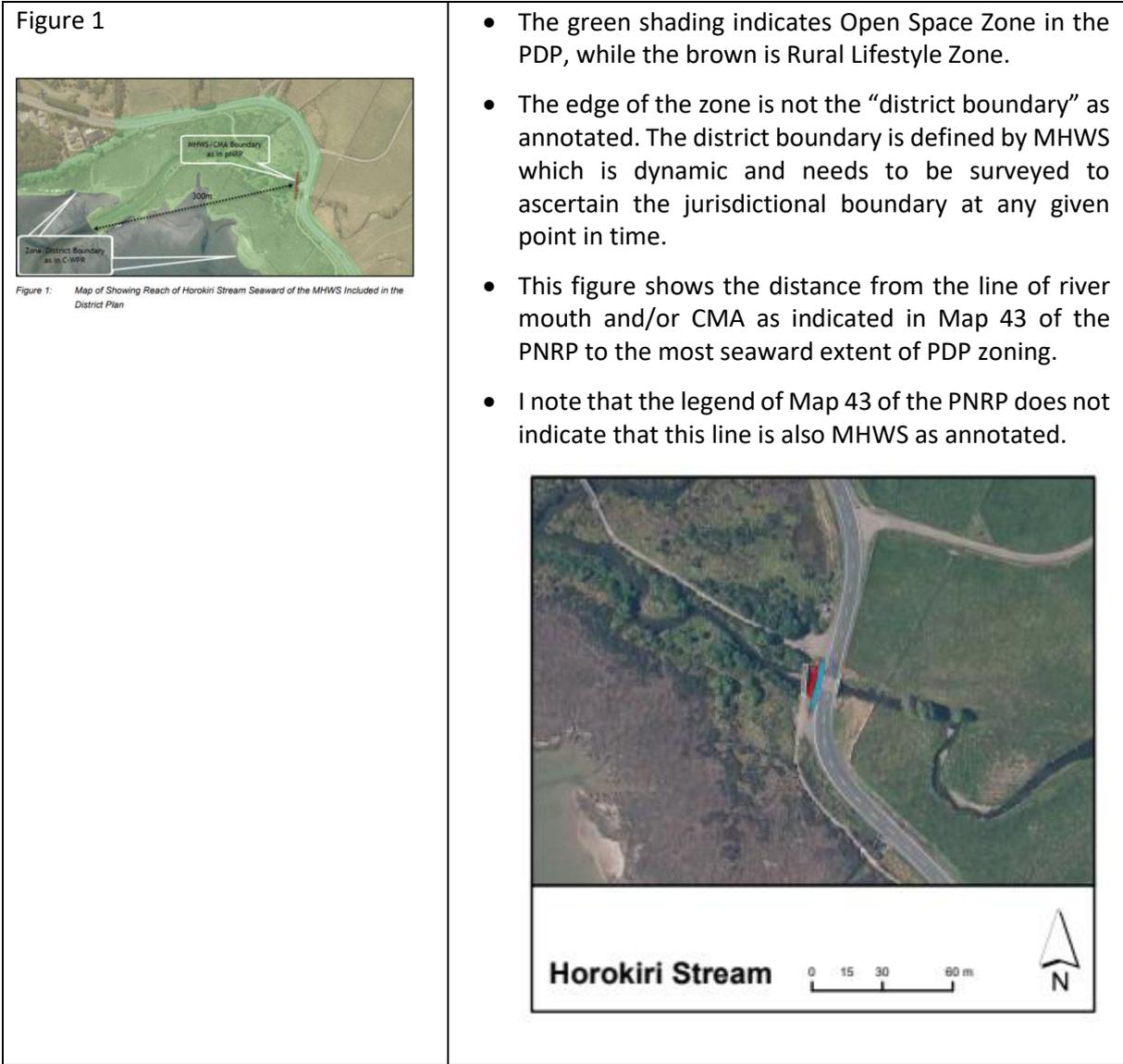
<p>hydrology. In particular the policy and rule framework must:</p> <ul style="list-style-type: none"> • require the design, construction and maintenance of developments to demonstrate good practice in water sensitive urban design • specify that a certain percentage of the mean annual volume of the catchment be treated by an approved device(s) to achieve a certain percentage reduction in total zinc and copper, these being proxies for a suite of other contaminants • manage the effects from both small infill developments and larger scale brownfield and greenfield developments through permitted activity conditions and the resource consenting process 	<p>As above, the PDP seeks to address the effects of urban development on freshwater bodies as far as PCC's s31 functions allow.</p> <p>Strategic objectives relating to Te Awarua-o-Porirua Harbour and catchment include:</p> <ul style="list-style-type: none"> -NE-O1- Natural character, landscapes and features and ecosystems are recognised and protected -NE-O3 - Subdivision, use and development does not contribute to any further degradation -NE-O4 – seeks to maintain, protect and where possible enhance <p>District-wide chapters and overlays:</p> <ul style="list-style-type: none"> -THWT – requires new development to be hydraulically neutral including requiring rainwater tanks for new buildings. Also requires new development to provide site-specific solutions where there is no capacity in the three waters network -NATC – coastal and riparian setbacks for earthworks and buildings -ECO – protects SNA which cover 17% of the catchment -CE – protects areas of high natural coastal character -EW – manages effects of earthworks, requires all sediment to be retained on site -FUZ - APP11 sets out requirements for future urban areas to protect, maintain and enhance natural resources including suitable infrastructure capacity and incorporation of green networks
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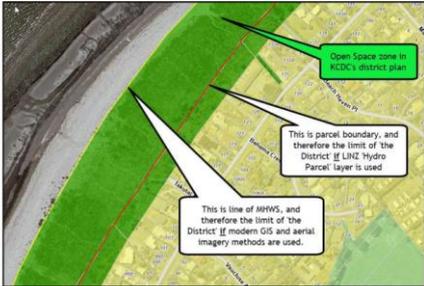
Appendix 5 – Questions raised by Panel in relation to the presentation of Mr Warburton for Ms RA Smith

(a) Do Council officers consider that the Figures in Mr Warburton’s presentation (and Ms Smith’s submission where relevant) correctly show what they purport to show?

I have provided a breakdown of my interpretation of the accuracy of the three figures in Mr Warburton’s presentation in the table below.

I note that in all circumstances that the text I have proposed in Appendix A for the Statutory Context Chapter would assist in determining the true limit of the district plan’s jurisdictional boundary at any given point in time. In summary, wherever necessary, site specific surveys would be undertaken in order to determine the true district boundary, determined by MHWS.



	<p style="text-align: center;"> — Coastal marine area — River mouth — State Highway </p> <ul style="list-style-type: none"> The purpose of these lines in the PNRP is to determine which provisions a plan user should apply for scheduled waterbodies, i.e. whether the environment is coastal or freshwater. This line appears to coincide with a bridge over Grays Road.
<p>Figure 2</p>  <p>Figure 2: Map of Showing Part of South-Western Paraparumu Seaward of Cadastral Boundaries and Included in District Plan</p>	<ul style="list-style-type: none"> I am unsure if the most seaward extent of the zone boundary is in fact MHWS. If this zone was mapped to what was determined by Council to be MHWS at a point in time, it would likely now be incorrect. This is because MHWS is dynamic and it would need to be surveyed to ascertain the true limit of the Council’s jurisdictional boundary at any given point in time. I have attached the evidence given by Dr Iain Dawe in a right of reply on the PNRP (this referenced in a footnote in the Submitter’s statement). This outlines why GWRC has not defined a MHWS line for the Region and gives some useful context on the methodology used to survey MHWS at any point in time.
<p>Figure 3</p>  <p>Figure 3: Map of Coastal Margin Along Titahi Bay Road Showing Strip of Land Included in District Plan but Seaward of MHWS</p>	<ul style="list-style-type: none"> I am unsure where the Submitter obtained this line of MHWS. If it is the LINZ Coastline layer as sought by the submitter, this is not the same as MHWS which is dynamic and needs to be surveyed to ascertain the Council’s jurisdictional boundary at any given point in time. The edge of the zone is not the “district boundary” as annotated. The district boundary is defined by MHWS which is dynamic and needs to be surveyed to ascertain the jurisdictional boundary at any given point in time.

(b) Is it desirable and/or required that the boundary of the Coastal Marine Area shown in the Proposed Natural Resources Plan be consistent with the boundary of the district shown in the PDP Maps, particularly where the former defines that boundary at stream and river mouths?

The PNRP has only mapped the CMA across scheduled river mouths and at Titahi Bay and therefore cannot be used as a boundary for the entire district.

The jurisdictional boundary is a matter of law. The PDP maps do not purport to show the legal exact extent of the boundary (MHWS) because that it is dynamic. In addition, although consistency between the PDP and PNRP maps may be desirable, it is not required. The approach in the PDP is not inconsistent with that of the PNRP.

(c) If so, where and how would the PDP Maps require amendment to achieve that consistency, and what if any consequential changes are required to zones and overlays shown on the PDP Maps?

I do not recommend any changes to mapping. However, if the maps were to be amended to align with where the PNRP has mapped the CMA across river mouths and at Titahi Bay, a methodology would need to be developed to determine where the rest of the coastline is mapped to.

(d) Is the LINZ 'NZ Coastline' polygon a materially more reliable/accurate guide to the location of the seaward edge of the district in the methodology adopted by Council?

The LINZ 'NZ Coastline' polygon is one methodology that can be used for mapping MHWS. I am not able to comment on the merits or accuracy of different approaches as this is beyond my expertise.

However, I understand that the LINZ 'NZ Coastline' polygon could be more reliable/accurate than the method adopted by the Council in some cases, but not always. I note that any methodology adopted is likely to have some shortcomings or inaccuracies, which is why surveys will be required to determine exactly where MHWS is.

However, the benefit of the LINZ hydro parcel is that this aligns with land ownership. The ePlan enables plan users to search properties by title, in order to view what zoning or overlays apply to particular properties. So, although the LINZ hydroparcel approach may have some mapping inaccuracies, the Council has used this methodology because it is consistent with how a plan user may use the ePlan.

(e) If the answer to (d) above is "in some cases, but not always" (as suggested by the representatives of Greater Wellington Regional Council), is there merit in using a hybrid approach, that is to say, using the LINZ 'NZ Coastline' polygon in those cases where it has been identified as being materially more reliable/accurate?

I am unsure of the degree of work that may be required to map a new boundary for zones, but it would likely take several weeks to develop a methodology, undertake the necessary geospatial analysis and peer review.

However, I do note that regardless of the methodology used, there will always need to be a survey completed, in order to determine MHWS on a site-by-site basis. This is reflected in the additions I have made to the Statutory Context text, included in Appendix A.

(f) If there is merit in the LINZ 'NZ Coastline' polygon being adopted based on the answers to (d) and (e) above:

a. Where and how would the PDP Maps require amendment as a result of its adoption, and what consequential changes are required to zones and overlays shown on the PDP Maps as a result?

It appears as if the boundary of all zones and features would need to be reviewed and remapped to some degree.

b. Should any such amendments be subject to amendments to ensure consistency with the Proposed Natural Resources Plan as above?

There is no requirement that the maps in district plans match the maps in regional plans. Although it may be desirable to have some consistency, most importantly, there is no map that is going to show the accurate MHWS location for the entire district. Irrespective of whether the maps are consistent, and of which methodology is chosen, it is only through surveying that the precise MHWS boundary can be produced.

c. In what locations (if any) is the difference between the LINZ 'NZ Coastline' polygon and the Proposed Natural Resources Plan material in this regard?

More geospatial analysis would be required to answer this question with more precision, but it appears from a side-by-side comparison that the differences between the NZ Coastline polygon and the LINZ NZ Coastline polygon are substantial:

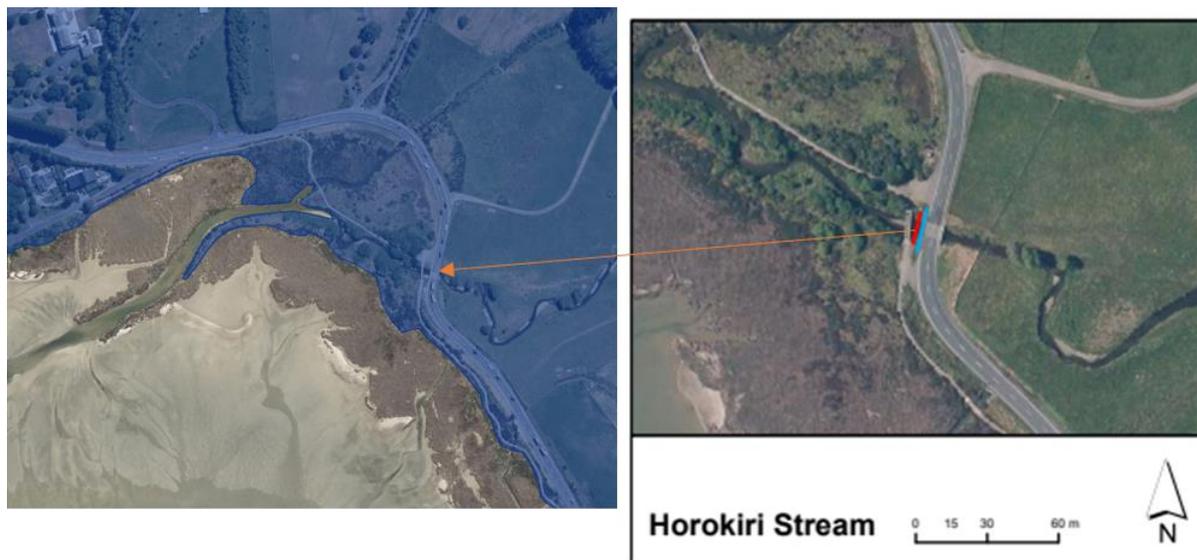


Figure 1: LINZ NZ Coastlines layer (left) compared with PNRP Map 43 (right) using the bridge as a reference point

(g) Is there potential, as suggested by Mr Warburton, for there to be two adjacent zones at the margins of the Coastal Marine Area, and if so, does the note recommended in the Section 42A Report need to be amended to provide an appropriate response?

Yes, see body of report (paragraph 59).

(h) Can we assume that land on the seaward side of the cadastral boundaries used to denote the limits of the District Plan will be owned either by the Crown or Council?

Yes.