

IN THE MATTER OF: **THE RESOURCE MANAGEMENT ACT 1991**

AND

IN THE MATTER OF: **REVIEW OF DISTRICT PLAN FOR PORIRUA CITY**

MEMORANDUM – SUPPLEMENTARY STATEMENT

ROBYN SMITH

3 November 2021

MAY IT PLEASE THE PANEL

1. This Memorandum is filed in relation to the review of the District Plan for Porirua.
2. I seek leave from the Panel to file a supplementary statement in support of my submission, and in respect of the 'coastal margin' topic that was the subject of evidence and presentations in Hearing Stream Two.
3. As noted in my submission and presentations I have sought delineation of Mean High Water Springs as this has implications for a number of provisions of the PDP; more specifically, zoning, policy overlays and the coastal margin setback. I believe those issues have been well canvassed in the evidence and presentations and questioning by the Panel to date. In his HS1 s.42A report Mr McDonnell has proposed some introductory text under the PDP heading of 'Statutory Context'. He has referred to a "site-specific survey" but has not indicated what the 'trigger' for undertaking this survey might be other than being "close to the indicative coastline".
4. At Para.52 of her HS2.42A report Ms Rachlin has said:

"On the issue of clarifying what and where the coastal margin is, the PDP contains a definition of 'coastal margin'. This definition is key to understanding the specifics of the coastal margin and provides the necessary clarity and certainty."
5. Ms Rachlin has not referred to the uncertainty caused by the fact that MHWS is not defined spatially in the District Plan. Nor has she included comment about how this uncertainty might directly impact the efficiency and effectiveness of the PDP provisions relating to the coastal margin. In turn, this has implication in terms of Policies 35 and 36 of the RPS, and section 6(a) of the RMA.
6. I note that the introduction to the Natural Character Chapter states that Porirua City has a 55km long coastline. The coastal margin provisions of the PDP are (to a lesser or greater extent depending on site particulars) apparently intended to apply to building and earthwork activities in parts of the Open Space, Sport and Activity, General Rural, Rural Lifestyle, General Residential, and Medium Density Residential zones. Or in other words, there is some land within each of those six zones that appears to be located where the 'coastal margin' should apply if the location of MHWS was to be determined.
7. I have considered the approach inherent in McDonnell's suggested additional text, and how this, or something similar, may assist the Panel in remedying the uncertainty associated with the coastal margin provisions included in the Natural Character Chapter.
8. Accordingly, I respectively suggest the follow remedy.

- a) *Insert new standard – NATC-S2*
- b) *New standard NATC-S2 to read:*

Determination of Mean High Water Springs and Coastal Margin

Building and/or earthwork activities within an indicative coastal margin shall not be undertaken until such time as the person undertaking the activity (or their agent) has provided confirmation to the Council that the location of the proposed activity is not within 20 metres of Mean High Water Springs.

For the purposes of this standard [but with the exception of Sec 8 Blk IX Paekakariki SD (land at the Pauatahanui Stream mouth), Sec 377 Porirua DIST, Lot 7 DP 57550, Lot 6 DP 57550, Lot 11 DP 57550 (land at the Horokiri Stream mouth)] the indicative coastal margin shall comprise land within 20 metres of the most-seaward cadastral boundary defining the site, parcel or road upon which the proposed building and/or earthwork activity is to be undertaken.

For the purposes of this standard [as it applies to Sec 8 Blk IX Paekakariki SD, Sec 377 Porirua DIST, Lot 7 DP 57550, Lot 6 DP 57550, Lot 11 DP 57550] the indicative coastal margin shall comprise any land within any of those parcels.

The confirmation required by this standard must be provided to the Council at least 4 weeks before the activity is undertaken.

The confirmation to the Council must be supported by a site-specific survey undertaken by a licensed cadastral surveyor using a method for determining MHWS approved by Land Information New Zealand.

- c) *Include new standard NATC-S2 as a permitted activity standard to apply to relevant permitted activity rules applicable to building and earthworks as outlined below.*

ZONE	PERMITTED RULES – BUILDINGS
<i>Open Space</i>	<i>OSZ-R1(1), OSZ-R3, OSZ-R4, and OSZ-R5</i>
<i>Sport and Activity</i>	<i>SARZ-R1(1), SARZ-R2, SARZ-R3, SARZ-R4, SARZ-R5, SARZ-R6, SARZ-R8, and SARZ-R9</i>
<i>Rural Lifestyle</i>	<i>RLZ-R1(1), RLZ-R3, RLZ-R4(1), RLZ-R5, RLZ-R8, RLZ-R9(1)</i>
<i>General Rural</i>	<i>GRUZ-R1(1), GRUZ-R3, GRUZ-R4(1), GRUZ-R5, GRUZ-R8, GRUZ-R9(1)</i>
<i>General Residential</i>	<i>GRZ-R1(1), GRZ-R2, GRZ-R3(1), GRZ-R4(1), GRZ-R6, GRZ-R7(1), GRZ-R8, GRZ-R9(1), GRZ-R12(1), GRZ-R13(1), and GRZ-R16(1)</i>
<i>Medium Density Residential</i>	<i>MRZ-R1(1), MRZ-R2, MRZ-R3(1), MRZ-R4(1), MRZ-R5, MRZ-R6(1), MRZ-R7(1), MRZ-R8(1), MRZ-R9(1), MRZ-R10(1), MRZ-R11(1), MRZ-R13(1) and MRZ-R15(1)</i>

ZONE	PERMITTED RULES – EARTHWORKS
<i>Open Space</i>	<i>EW-R1(1), EW-R2(1), and EW-R1(1)</i>
<i>Sport and Activity</i>	
<i>Rural Lifestyle</i>	
<i>General Rural</i>	
<i>General Residential</i>	
<i>Medium Density Residential</i>	

10. In closing, I note that my suggestion is consistent with Mr McDonell's suggested additional text but provides a regulatory framework by which his 'case-by-case' approach can be implemented in practice so that the important statutory mechanism of the coastal margin is not overlooked.

Dated 3 November 2021.



Robyn Smith