

BEFORE AN INDEPENDENT HEARING PANEL APPOINTED BY PORIRUA CITY COUNCIL

IN THE MATTER OF the Resource Management Act 1991

And

IN THE MATTER OF a hearing by Independent Commissioners appointed by the Porirua City Council to consider and make recommendations in a report to the Minister for the Environment on submissions to Proposed Plan Change 18: Plimmerton Farm to the Porirua City District Plan

Final Report and Recommendations

22 December 2020

Final recommendation

8.78 We consider that our recommendations will provide greater certainty about the restoration, ownership and ongoing management of the BORAs, which was a concern we heard at the hearing and which we accept. For example, the LMP was considered by many to be deficient in not requiring an obligation for the restoration of BORAs. The EIBMP proposed in the right of reply version of PC18 was an improvement on this issue and we have added to it through clear strategic policy direction.

Mapping of BORAs

- 8.79 PDL in its comments on our draft report raised concerns over the location of the BORAs and the differences between the Precinct Plans and the Planning Maps. The notified version of PC18 defined BORAs as areas identified on the Planning Map not to the Precinct Plans. That definition has remained. Therefore, anyone looking at the location of BORAs would rely on the Planning Map as the definitive answer.
- 8.80 We agree with PDL that as notified the Precinct Plans and the Planning Maps for BORAs were inconsistent. We also agree that that this is an issue for PDL. As no one recognised this inconsistency there were no submissions and we received no evidence on it. For example, we do not know if the areas of BORA were told about (including in PCC's reply) relied on the Precinct Plan or Planning Maps areas. Our understand is, and by definition it should have been, the later.
- 8.81 It appears as PDL says that the Precinct Maps were brought in line with the Planning Maps through the s42A report. Unfortunately that change, as the error with notification, was not identified by any party. We have closed the hearing and consider that changing the Planning Map (which is the critical map for BORAs as opposed to the Precinct Plans) goes beyond what we can address at this stage. It is likely submitters (and certainly we did) referred to the Planning Map.
- 8.82 For completeness, while not raised by PDL, we considered the use of Schedule 1, clause 16 but, for the reasons above, do not consider that such a change would be a "*minor change*" as required by that provision.
- 8.83 While we have sympathy for PDL, we do not consider we can make this amendment now. There is a resource consent avenue for development within a BORA. Alternatively, during the process there has been mention of 'folding' PC18 into the proposed district plan at the right time. It appears from what PDL said in its comments that subdivision is unlikely to start in the affected areas and there may be an opportunity to amend the Planning Maps through such a process.