

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

**AND**

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

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**MEMORANDUM in RELATION to DISTRICT PLAN HEARINGS**

**ROBYN SMITH**

**15 November 2021**

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## **MAY IT PLEASE THE PANEL**

### Overview

1. This Memorandum is filed in relation to the review of the District Plan for Porirua (the PDP), and participation in all hearing streams
2. I am a submitter of the PDP (submitter no. 168).
3. In response to my submission points about spatial mapping considered in Hearing Stream 1, the Panel has sought clarification. The issues relating to HS1 and other hearing streams about spatial mapping remain unresolved.

### Scope

4. The scope of this memorandum is: District Plan spatial mapping – zones, policy overlays and setbacks.
5. My submission on the PDP questions the relevance/applicability/accuracy/scope of the spatial maps incorporated in the PDP.
6. Mapping is a fundamental component of RMA planning at a district or city level. The submission points relating to spatial mapping are applicable to all hearing streams. This is highlighted with respect to the ‘coastal margin’ provisions of the PDP.
7. As noted in my memorandum dated 3 November 2021 (in terms of the ‘coastal margin’ provisions at least) the key factor is not the zoning of the land that is adjacent to the “indicative coastline” (whatever that might mean). It is more the zoning on the land that is within 20m of the MWHS. So, in simple terms it is not about looking at what the adjacent land is zoned as, it is more about looking at the question: *“If MWHS was mapped what would the implications of the PDP be for any land within 20 metres”*.
8. This land (within 20m of MHWS), depending on where it is located, can be potentially zoned: Open Space, Sport and Activity, General Rural, Rural Lifestyle, General Residential, and Medium Density Residential.
9. My submission points out that the required analysis in all regards (not just the ‘coastal margin’) has not been undertaken.

10. The schedule for considering submissions (presumably determined by council staff) suggests that my submission points (regarding these spatial mapping matters) should be confined to Hearing Stream 1.
11. I disagree and ask the Panel to consider this.

### Reasoning

12. As a submitter I consider the unresolved mapping matters are of such applicability to s.6 of the RMA, the NZCPS and the RPS, that proceedings relating to the HS2, HS3, HS4, HS5 and HS7 should not, and cannot, proceed until the fundamental and unresolved issues are resolved.
13. I note that (in a memorandum dated 3 October 2021) I asked: for: “... *hearing procedures be amended to specifically allow for, and encourage, parties to engage with each other outside the formal hearing.*”
14. The collaborative approach I suggested was, in essence, dismissed by the Panel (refer Minute 7 dated 28 October 2021).
15. The responses to date from PCC staff/its contractors in relation to the spatial mapping issues I’ve raised have to date been inaccurate, incomplete, misleading, and/or incomplete.
16. Examples are as follows:
  - i. The Panel has yet to consider submissions, evidence and presentations relating to the question of Ms Sweetman asked during HS2 which was: “*whether there was scope within submission for deleting the SNAs (and presumably other overlays) where they are shown on the online spatial maps as applying to Plimmerton Farm*”. It was understood that Ms Sweetman would be providing confirmation to the Panel that deletion of these overlays was within the scope of my submission. That confirmation has not yet been provided.
  - ii. Ms Rachlin has not yet provided an explanation as to how the location of the ‘coastal margin’ can be delineation (on the ground) if the location of the MHWS (from which the margin is an offset) has not.

- iii. McDonnell has claimed that KDCD relies on cadastral boundaries to determine extent of RMA zonings (this is incorrect)<sup>1</sup>;
- iv. Mr McDonnell has claimed that Auckland Unitary Authority has not recognised determination of up-to-date MHWS as being a relevant issue (this is incorrect)<sup>2</sup>;
- v. Mr McDonnell has claimed that the only land adjacent to the boundary of CMA in Porirua is either zone Open Space or Māori Purpose Zone (Hongoeka)<sup>3</sup>. This is not correct.
- vi. In attempting to correcting the inaccuracy itemised in (v) above, Mr McDonnell has made these statements in his memo to the Panel dated 12 November 2021<sup>4</sup>: “
- *The Panel is correct that the two areas identified are examples of non-Open Space zoned land next to the CMA.*
  - *There are two other examples of zones adjacent to the CMA that I have identified, including residential zoning adjacent to Pukerua Bay Beach, and rural zoning along Pikarere Farm (the south-western corner of the City).*
  - *In all of these instances these areas are publicly owned land, and I consider that Open Space Zoning is appropriate.*
- vii. Mr McDonnell’s statements referred to in 12(vi) above are in turn incorrect because:
- the land in Ngati Toa Domain adjacent to the perceived MHWS is zoned ‘Recreation’ not ‘Open Space’ as Mr McDonnell suggests; and,

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<sup>1</sup> Refer: [https://storage.googleapis.com/pdp\\_portal/pdps/hearing\\_stream1/submitter\\_presentations/Submitter%20Presentation%20-%20Robyn%20Smith%20\[168%20and%20FS09%7D%20-%20Hearing%20Stream%201.pdf](https://storage.googleapis.com/pdp_portal/pdps/hearing_stream1/submitter_presentations/Submitter%20Presentation%20-%20Robyn%20Smith%20[168%20and%20FS09%7D%20-%20Hearing%20Stream%201.pdf)

<sup>2</sup> Refer: [https://storage.googleapis.com/pdp\\_portal/pdps/hearing\\_stream1/submitter\\_presentations/Submitter%20Presentation%20-%20Robyn%20Smith%20\[168%20and%20FS09%7D%20-%20Hearing%20Stream%201.pdf](https://storage.googleapis.com/pdp_portal/pdps/hearing_stream1/submitter_presentations/Submitter%20Presentation%20-%20Robyn%20Smith%20[168%20and%20FS09%7D%20-%20Hearing%20Stream%201.pdf)

<sup>3</sup> Refer: Paragraph 59 of: [https://storage.googleapis.com/pdp\\_portal/pdps/hearing\\_stream1/council\\_reply/Council%20right%20of%20reply%20-%20Torrey%20McDonnell%20-%20Hearing%20Stream%201.pdf](https://storage.googleapis.com/pdp_portal/pdps/hearing_stream1/council_reply/Council%20right%20of%20reply%20-%20Torrey%20McDonnell%20-%20Hearing%20Stream%201.pdf)

<sup>4</sup> Refer Paragraphs 3, 4 and 5 of [https://pdportal.poriruacity.govt.nz/documents/5858/Porirua\\_City\\_Council\\_Memo\\_in\\_Response\\_to\\_Minute\\_8\\_-\\_12\\_November\\_2021\\_1.pdf](https://pdportal.poriruacity.govt.nz/documents/5858/Porirua_City_Council_Memo_in_Response_to_Minute_8_-_12_November_2021_1.pdf)

- the land referred to as being Pikarere Farm is not “publicly owned land” as Mr McDonnel suggests.

### Conclusion

17. I want a resolution to the spatial mapping issues I’ve highlighted.
18. The spatial mapping issues I’ve highlighted have implications for all land in the district that is:
  - a. zoned;
  - b. unzoned;
  - c. with or without an overlay; and/or,
  - d. within 20 metres of MHWS:if the alignment of MWHS has yet to be determined
19. I consider proceedings relating to the PDP are not able to, and should not, continue until such uncertainties are resolved.
20. I seek resolution of the highlighted uncertainties before consideration of the PDP proceeds.
21. Thank you for your time and consideration.

Dated 15 November 2021.



Robyn Smith