

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

AND

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

**MEMORANDUM in RELATION
to
DISTRICT PLAN HEARINGS**

ROBYN SMITH

6 December 2021

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 Hearing Streams 1, 4, 5 and 7.
2. I am a submitter of the PDP (submitter no. 168).
3. In response to my submission point about spatial mapping considered in Hearing Stream 1, the Panel has indicated that it won't be considering any further representations in respect of "spatial mapping issues", which the Panel (at Minute#10) has intimated will have been dealt with in Hearing Stream 1.
4. Nonetheless, the accuracy and appropriateness of the spatial mapping adopted by Porirua City Council (PCC) is a matter requiring recurring consideration.

Scope

5. The scope of this memorandum is: proposed zoning on the land between Plimmerton Farm and the road formerly known as SH One.

Fundamentals

6. As the Panel will know it is not possible to simply translocate the provisions of one operative 'plan' and integrate them into another 'proposed plan' without going through the variation procedures under the RMA.

Specifics

7. On 3 December 2021 PCC posted the s.42A report for the 'infrastructure' topic in the PDP on its website.
8. This s.42A report (at section 3.5.2) refers to a part of my submission which, in this instance, has been summarised by council staff as submission point: 168.105.
9. For the avoidance of doubt, at s.8.3.2 my submission said this:

The C-WPR maps suggest that it is the Council's intention that the eastern half of SH One north of Plimmerton should be zoned FUZ while the western half should be zoned Open Space (refer Figure 21).

On the face of it this seems incongruous, but I've not found any explanation for this split zoning in the CWPR.

I submit that the C-PWR should not be approved until the zoning for the SH One corridor north of Plimmerton is clarified and a suitable section 32 analysis determines that it is appropriate from a resource management perspective.



10. In the s.42A report the author confirms that: *“I agree with the matter raised by Robyn Smith [168.105], that the zoning of the eastern side of State Highway 1 north of Plimmerton as Future Urban Zone is incongruous with the context of the surrounding area.”*

Consequence and Analysis

11. As a consequence of the incongruity I identified and confirmed by the s.42A author, the s.42A report recommends [at Para.118(b) of the s.42A report] that:
“...the Hearings Panel: amend the planning maps as set out in the assessment above”
12. The consequence of this recommendation is that submitters intending to prepare and submit evidence/presentations are still none-the-wiser about what it is the council and its s.42A author are proposing,

13. To put it bluntly, the s.42A comment is so opaque as to be obfuscatory. In this regard, one must wonder why the s.42A report did not include a map showing exactly what the author had in mind.
14. On the face of it, the s.42A author appears to be suggesting that the strip of land east of the road (identified as FUZ in the notified PDP) should take on the zoning of the land to the east.
15. However, the land to the east comprises Plimmerton Farm, the district plan provisions for which are now operative (via PC18). The PC18 provisions do not have a direct correlation to, and little synergies with, the provisions of the PDP. This being the case, a variation to PDP is the only way the PC18 provisions (including the zoning) could be applied to the strip of FUZ land.
16. So, all things being considered, the s.42A report provides no clarity about what the author is proposing.
17. This lack of clarity means that submitters on this issue are 'flying blind' and are consequently disadvantaged because they are expected to provide evidence/presentations about something that it is undefined.
18. Unfortunately, this is a recurring theme with the proceedings relating to the PDP.
19. For various issues now council officers have not provided sufficient clarity or certainty about what is proposed until hearings have reached the 'right of reply' stage, and even then, in some instances, their statements have been inaccurate, and their proposals have been clearly unworkable. Such matters have been explored with HS1, subsequently recorded, but remain unresolved.
20. This invariably means that submitters are 'locked-out' of commenting about the specifics of an issue because the submitters are not afforded the right to question or challenge material subsequently presented by council staff with 'rights-of-reply'.
21. This approach is not conducive to quality decision making.

Request

22. I ask the Panel to:

- consider the issue I have identified; and,
- direct PCC to provide an addendum to the s.42A 'infrastructure' report that:
 - a. visually depicts the FUZ land in question and the rezoning that would apply to it as per the s.42A author's recommendation; and,
 - b. provides a legal analysis of the RMA process by which this rezoning can be achieved.
- direct PCC to provide the addendum on or before 22 December 2021.

Conclusion

23. Thank you for your time and consideration.

Dated 6 December 2021.



Robyn Smith