

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 all hearing streams
2. I am a submitter of the PDP (submitter no. 168).
3. The Panel has indicated that it won't be considering any further representations in respect of "plan-wide structural issues", which the Panel (at Minute#10) has intimated will have been dealt with in Hearing Stream 1.
4. Nonetheless, the scope of planning reports provided by staff of Porirua City Council (PCC) is a matter requiring recurring consideration.

Scope

5. The scope of this memorandum is: s.42A reports and the descriptions therein of relevant planning documents.

Fundamentals

6. As the Panel will know the terms 'plan' and 'proposed plan' are not interchangeable, nor synonymous.
7. A district 'Plan' is defined in s.43AA(1)(a) of the RMA as being: "*... an operative plan approved by a territorial authority under Schedule 1*"
8. A proposed district plan (a 'PDP') is defined in s.43AAC(1)(a) of the RMA as being "*..... a proposed plan, a variation to a proposed plan or change, or a change to a plan proposed by a local authority that has been notified under clause 5 of Schedule 1 or given limited notification under clause 5A of that schedule, but has not become operative in terms of clause 20 of that schedule; and an operative plan approved by a territorial authority under Schedule 1;*"

Specifics

9. On 3 December 2021 PCC posted on its website s.42A reports in relation to 11 topics.

10. For many of these s.42A reports there is no clear differentiation between the term 'the Plan' and 'the PDP', and in most cases it would appear PCC wants the reader to work on a presumption that the terms are identical. However, this is by no means clear.
11. So the reader, is left with a dilemma: *'is the author referring to the 'the Plan' (being the operative district Plan) or is the author mistakenly using the term 'the Plan' to defined the 'proposed district plan' or 'PDP'.'*

Consequence

12. A reader of the relevant s.42A reports is likely to wonder to which statutory document the s.42A author refers: *"is report referring to the operative district plan ('the Plan') or the proposed district plan ('the PDP')?"*.
13. Confusion from participants and decision makers in the RMA process, caused by lack of clarity in council documents, is not conducive to quality analysis or decision making.
14. The lack of clarity about the scope of the s.42A reports has the potential to create confusion, and a consequence poor decision making.

Request

15. I ask the Panel to:
 - consider the issue I have identified;
 - agree that several s.42A reports erroneously refer to 'the Plan', when 'the PDP' could be a more logical alternative inference;
 - direct PCC to withdraw the relevant s.42A reports; and,
 - amend and resubmit s.42A reports as necessary on or before 22 December 2021.

Conclusion

16. Thank you for your time and consideration.

Dated 6 December 2021.



Robyn Smith