

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

AND

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

MEMORANDUM
from
ROBYN SMITH
in
RESPONSE
to
MEMORANDUM
from
PORIRUA CITY COUNCIL

5 March 2022

MAY IT PLEASE THE PANEL

1. This memorandum is filed in response to the memorandum filed by Porirua City Council (PCC) on 28 February 2022.
2. In broad terms, the PCC memorandum [authored by Mr Stewart McKenzie, Environment and City Planning Manager] relates to errors in the mapping information previously provided by PCC in response to a request from the Panel in its Minute #16 dated 13 December 2021. This response was Mr McDonnell's right of reply for Hearing Stream 3.
3. My memorandum follows on from PCC's memorandum and seeks leave to file additional information. This additional information is fundamental to an understanding of the cadastral data relating to the northern end of Titahi Bay, and therefore to the extent of PCC's jurisdiction under the Resource Management Act (the RMA).
4. As the Panel is aware, many of my submission points (reinforced with subsequent hearing presentations) draw into question the accuracy, reliability, usefulness and functionality (from an RMA perspective) of the Council's GIS approach to defining the extent of zones and policy overlays. These aspects of my submission go directly to the subject matter of PCC's memorandum.
5. The purpose of this memorandum is to bring the Panel's attention to the fact that the maps included with:
 - a. Mr McDonnell's right of reply for Hearing Stream 3; and,
 - b. Mr McKenzie's memorandum dated 28 February 2022;are erroneous and therefore misleading.
6. In this regard I refer the Panel to LINZ's cadastral database. This records the fact that there is a strip of land running, more or less, from Vella Street to Toms Road (ie: the northern half of the beach). This strip of land is recorded by LINZ as being Part Section 110 Porirua District. In essence, this strip of land represents the remains of what was left over from Section 110 Porirua District after some of it was:
 - vested as road (see SO11859); and,
 - set aside as reserve in 1954 (refer SO23278).
7. As shown on SO23278 the seaward boundary of Part Section 110 Porirua District is recorded as being: *'MHW at ordinary spring tides'*.
8. I have attached an image showing the LINZ mapping¹ with Part Section 110 Porirua District outlined in yellow (Attachment A).

¹ Accessible here:
<https://data.linz.govt.nz/layer/50772-nz-primary-parcels/> or
<https://data.linz.govt.nz/layer/50771-nz-primary-hydro-parcels/>

9. I note that this strip of land has been recently referenced and recorded by PCC in its Titahi Beach Management Plan (August 2008). The schedule for Map 1 of this management plan identifies this parcel as 'Area A'. I have attached a screenshot extract from PCC's map (Attachment B).
10. It will be immediately obvious to the Panel that the land defined by LINZ as being Part Section 110 Porirua District, and identified by PCC (in its beach management plan) as being Area A, is not encompassed by the GIS mapping of the proposed district plan (the PDP).
11. From my perspective many of the provisions of the PDP (to which I have referred in my submission) hinge on the accurate mapping of the 'district'; ie, what is the extent of the Council's jurisdiction? I have referred at length to those matters in my submission and in my presentations and statements for Hearing Streams 1 - 4.
12. The matter I've referenced in this memorandum highlights another example of PCC's failure to include maps in the PDP, and related proceedings, that are sufficient for it to define the extent of zones and policy overlays, and therefore draws into question whether the PDP (as it has been notified) will achieve the purpose of the RMA. In this respect, I reiterate that the RMA requires there to be always a district plan for the 'district',² and this in turn requires the extent of the 'district' to be mapped.
13. I ask the Panel to review the matters and issues to which this memorandum refers, and issue directions and/or make decisions as required to ensure all the land inland of MWHS is appropriately mapped in the District Plan.
14. Thank you for your time and consideration.

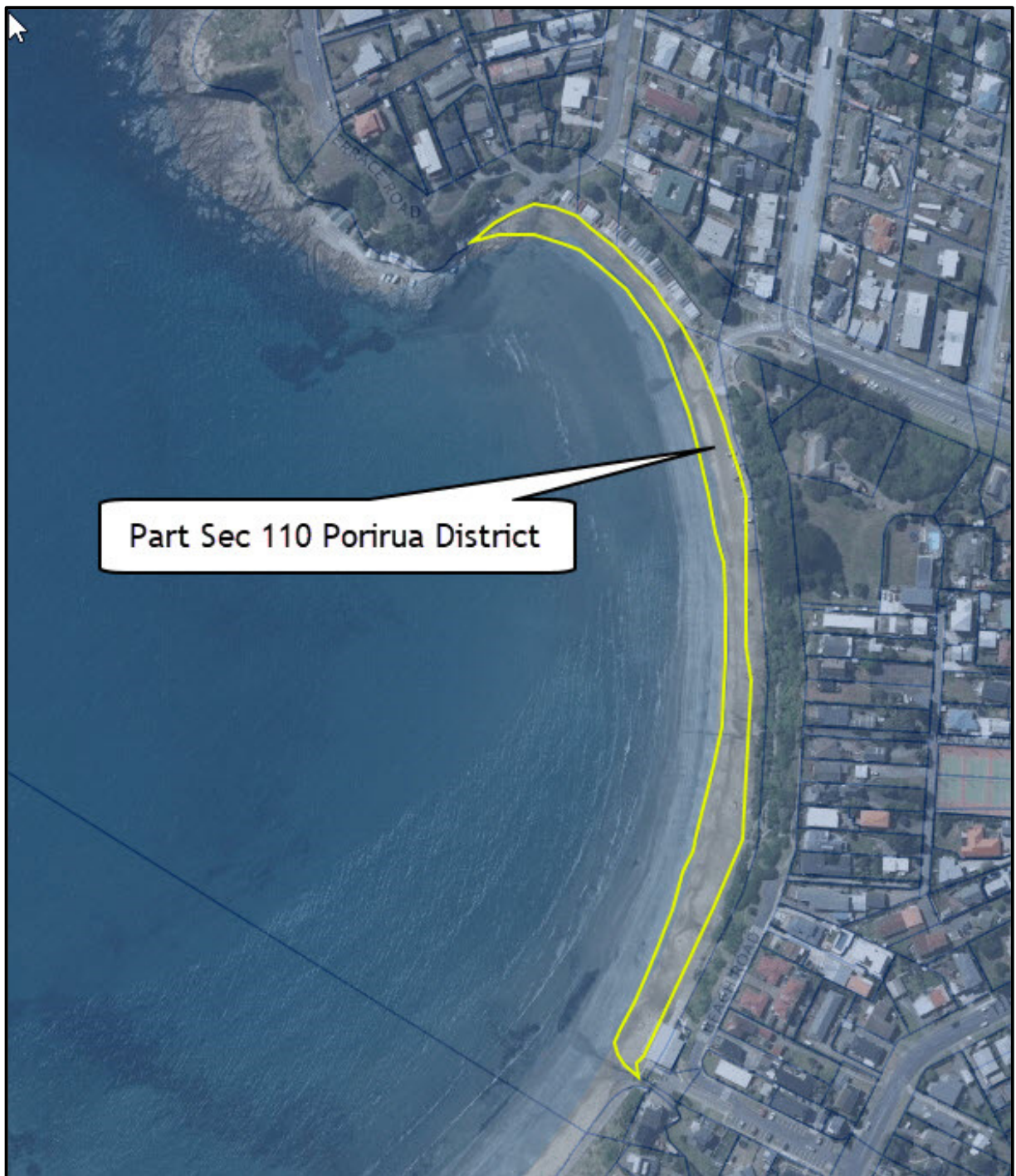
Dated 5 March 2022



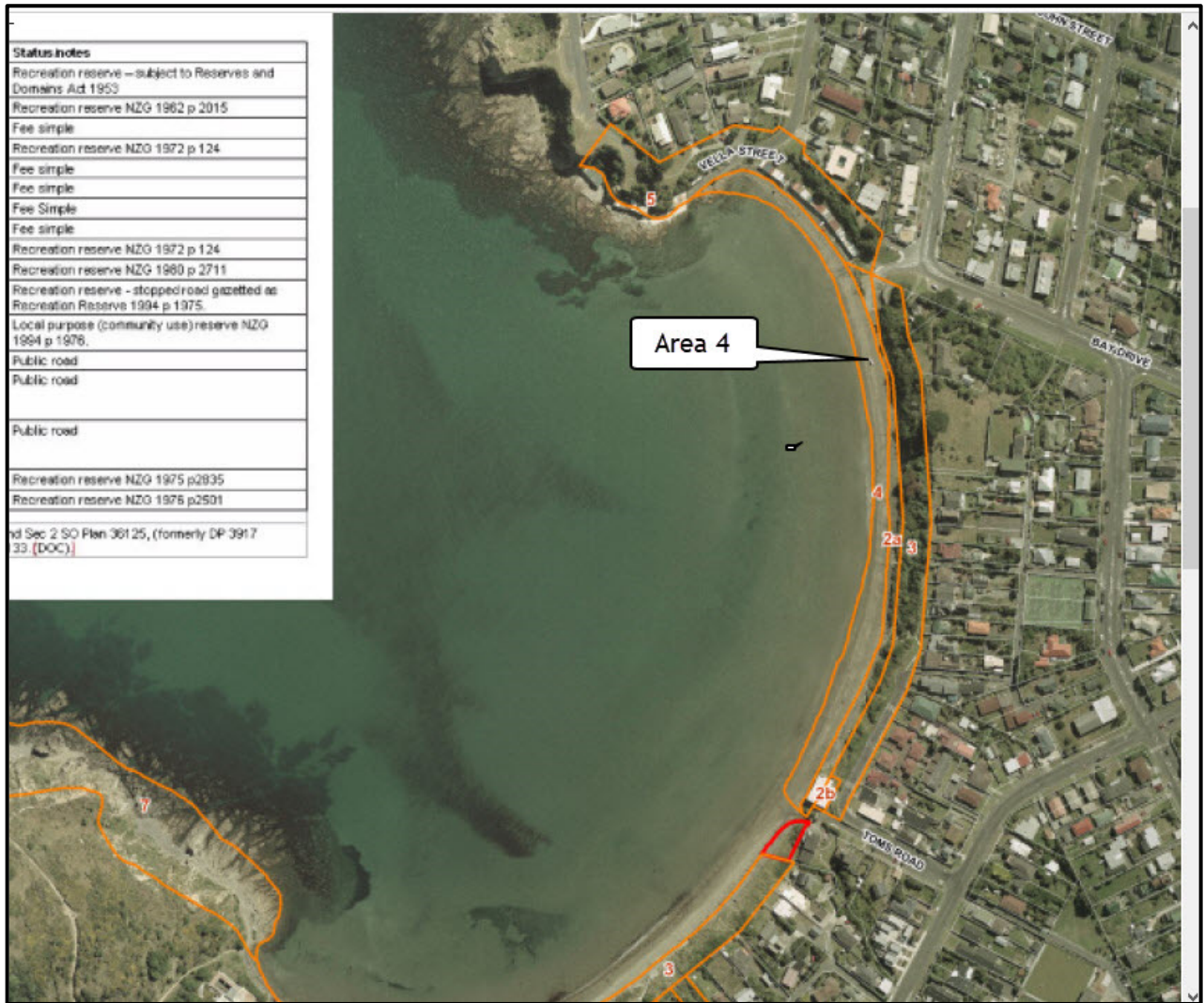
Robyn Smith

² Section 73(1) of the RMA

ATTACHMENT A: LINZ GIS data with Pt Sec 110 Porirua District Highlighted



ATTACHMENT B: MAP 1 from PCC's Titahi Bay Beach Management Plan



ATTACHMENT D:

Copy of Survey Office Plan SO23278

