

“A”

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

AND

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

MEMORANDUM
from
TITAHI BAY RESIDENTS ASSOCIATION INCORPORATED
in
RESPONSE
to
MEMORANDUM
from
PORIRUA CITY COUNCIL

6 March 2022

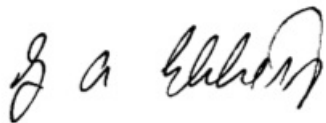
RESPONSE TO INVITATION OF THE PANEL

1. This memorandum is filed in response to the invitation of the panel to comment on the memorandum filed by Porirua City Council 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. The background to the current Titahi Bay mapping predicament is the Wellington Regional Council (WRC) replacement of the Court-Ordered Map 35 with an illegal substitution in its Proposed Natural Resources Plan publication.
4. The Court-Ordered Map 35 consists of a photographic underlay showing motor vehicles and their distance from physical features and boundaries. The brown shaded overlay of fossil forest defines the MHWS and therefore the WRC jurisdiction boundary. Combination of the two provides an immediate visual guide for beach management. For example a blow-up of the map shows the boundary only half a red car-length distance from the concrete of the Bay Dr entrance. It is impossible to U turn to the north-end boat-sheds without driving in WRC jurisdiction. And that is a non-complying activity which requires Resource Consent. (Ref TBRA HS3 Hearing Notes, Attachment Att4 Map35+).
5. In response to Minute 16, Mr McDonnell has evidently downloaded the illegal map, further altered the MHWS boundary (shaded overlay), and added a black striped paper road which is misleading because it fails to extend north to Lambley Rd. It fails to show the north-end boat-sheds being both on and in front of the extension of Vella St and is therefore a gross deception by omission.
6. WRC has acknowledged its problem but has been unable to produce the Court-Ordered Map 35 by simply removing the text strikeouts. It is now attempting to reconstruct the map as a perfect replication.
7. The PCC CEO is aware of that and on 24 February advised by email, to TBRA and all PCC and WRC elected members that "Once we receive this, [corrected map] we will provide an updated version of the Reply map to the Hearings panel and will copy you into this email as requested". That has not happened and her email denies the PCC illegitimate MHWS boundary change now being corrected by Mr McKenzie. Furthermore her denial of the existence of Vella St Road Parcels is now obviously untrue. Correspondence copy (Attachment B).
8. Over the past month both WRC and PCC have failed to withdraw publication of their illegal versions of the map while the situation is remedied.
9. The Stewart Mckenzie memo to the panel 28 February provides a shaded overlay (MHWS) amendment to the McDonnell map and is purported to be a corrected version as an "Updated Titahi Bay Fossil Forest Map". This cannot be true because the sources of

the basic mapping information and its correction are WRC and TBRA as parties to the legal proceedings and as yet, together, we have neither seen nor approved the proposed mapping changes as an accurate reconstruction of the original Court-Ordered Map 35.

10. The McKenzie map perpetuates the illegitimate photographic underlay and the failure to show the existence of paper road above the beach, north to Lambley Rd. The authoritative LINZ map of Public Access Areas <https://maps.walkingaccess.govt.nz/Viewer/?map=f6f2c671cbf9480da47739865ee9ffca>, shows the two blue highlighted Road Parcels ID 4086949 and 4099068 which form the part of Vella St which the north-end boat-sheds are on and in front of (Attachment C).
11. We respectfully request that the Hearing Panel requires PCC to wait, obtain the legitimate digital Court-Ordered Titahi Bay forrest Map 35, produce its overlay of true Road Parcels at the north-end boat-sheds and then responds to your Minute 16 with true and complete information.
12. Thank you for your consideration and the opportunity to respond.

Dated 6 March 2022

A handwritten signature in black ink, appearing to read 'G. A. Ebbett', written in a cursive style.

Graeme Ebbett

From: Wendy Walker <Wendy.Walker@porirua.govt.nz>
Subject: FW: [EXTERNAL] Titahi Bay Beach Illegal Map Substitution
Date: 24 February 2022 at 5:26:31 PM NZDT
To: "tbra@slingshot.co.nz" <tbra@slingshot.co.nz>, Porirua City Councillors <PoriruaCity.Councillors@porirua.govt.nz>
Cc: Nigel Corry <nigel.corry@gw.govt.nz>, Daran Ponter – Chair <Daran.Ponter@gw.govt.nz>, Chris Kirk-Burnnand <chris.kb@gw.govt.nz>, Jenny Brash <Jenny.Brash@gw.govt.nz>, Roger Blakeley <Roger.Blakeley@gw.govt.nz>, Glenda Hughes <Glenda.Hughes@gw.govt.nz>, David Lee <David.Lee@gw.govt.nz>, Thomas Nash <Thomas.Nash@gw.govt.nz>, Penny Gaylor <Penny.Gaylor@gw.govt.nz>, Ken Laban <Ken.Laban@gw.govt.nz>, Prue Lamason <Prue.Lamason@gw.govt.nz>, Josh van Lier <Josh.vanLier@gw.govt.nz>, Ros Connelly <Ros.Connelly@gw.govt.nz>, "Adrienne.Staples@gw.govt.nz" <Adrienne.Staples@gw.govt.nz>

Kia ora Graeme,

Thank you for your email. As part of Hearing Stream 3 on the Proposed District Plan, the Hearings Panel requested through Minute 16 (issued 13 December 2022) that a map of Titahi Bay Beach be created as follows:

As part of the Council reply, can it provide an A3 sized copy of the part of the Plan maps covering the Titahi Bay Beach, marked up to show the existing Proposed Plan Zone(s), the paper road referred to by Mr McDonnell (and Mr Ebbett), and Area A inserted into the PNRP by the Environment Court in its consent order dated 31 23 March 2021.

Mr McDonnell provided this map to the Hearings Panel as part of Council's Reply on 22 December 2022. This map was created by Council's GIS team using the notified PDP zoning maps, the most recent aerial and parcel boundaries, as well as relevant PNRP map features. The latter files were provided to Council by the GWRC GIS team on 20 December 2022.

None of these features, including the Titahi Bay Fossil Forest (the brown overlay) were modified by Mr McDonnell or Council's GIS team as you suggest.

The Reply map identifies road reserve adjacent to Area A that was discussed at the Hearing. Not all road parcels were highlighted in the Reply map (see Toms Rd, Tireti Rd and Bay Dr as examples).

The parcel boundaries have changed since 2006, and therefore the Titahi Bay Beach Management Plan map that you have provided is now out-of-date. This includes the area labelled as '4' in the Management Plan map which is now a hydro parcel and no longer public road.

However, you are correct that there is one error in the Reply map relating to the mapping of the Titahi Bay Fossil Forest. We have followed this up with the GWRC GIS team who confirm that the files they provided us on 20 December 2022 did not incorporate the Court ordered amendments. They are currently correcting this error on their own GIS system by updating it with the correct version of the maps. We have requested that we be provided with the correct GIS shapefiles as soon as possible.

Once we receive this, we will provide an updated version of the Reply map to the Hearings panel and will copy you into this email as requested.

Ngā mihi,

Wendy Walker
Chief Executive
Kaiwhakahaere Matua

Tel: 04 237 1401
poriruacity.govt.nz

From: Titahi Bay Residents <tbra@slingshot.co.nz>
Sent: Sunday, 20 February 2022 7:34 pm
To: Wendy Walker <Wendy.Walker@poriruacity.govt.nz>
Cc: Mayor Mailbox <mayor@poriruacity.govt.nz>; Ross Leggett <Ross.Leggett@poriruacity.govt.nz>; Izzy Ford <Izzy.Ford@poriruacity.govt.nz>; Kylie Wihapi <Kylie.Wihapi@poriruacity.govt.nz>; Faafoi Seiuli <Faafoi.Seiuli@poriruacity.govt.nz>; Moze Galo <moze.galo@poriruacity.govt.nz>; Josh Trlin <Josh.Trlin@poriruacity.govt.nz>; Nathan Waddle <Nathan.Waddle@poriruacity.govt.nz>; Euon Murrell <Euon.Murrell@poriruacity.govt.nz>; Geoff Hayward <Geoff.Hayward@poriruacity.govt.nz>; Mike Duncan <Mike.Duncan@poriruacity.govt.nz>; Nigel Corry <nigel.corry@gw.govt.nz>; Daran Ponter – Chair <Daran.Ponter@gw.govt.nz>; Chris Kirk-Burnnand <chris.kb@gw.govt.nz>; Jenny Brash <Jenny.Brash@gw.govt.nz>; Roger Blakeley <Roger.Blakeley@gw.govt.nz>; Glenda Hughes <Glenda.Hughes@gw.govt.nz>; David Lee <David.Lee@gw.govt.nz>; Thomas Nash <Thomas.Nash@gw.govt.nz>; Penny Gaylor <Penny.Gaylor@gw.govt.nz>; Ken Laban <Ken.Laban@gw.govt.nz>; Prue Lamason <Prue.Lamason@gw.govt.nz>; Josh van Lier <Josh.vanLier@gw.govt.nz>; Ros Connelly <Ros.Connelly@gw.govt.nz>; Adrienne Staples <Adrienne.Staples@gw.govt.nz>
Subject: [EXTERNAL] Titahi Bay Beach Illegal Map Substitution

The Chief Executive
Porirua City Council
Ms Wendy Walker

Kia ora Wendy

You will see from our email to Wellington Regional Council (WRC) below, copied to you on 4 February 2022, that there is a problem with the mapping of the Fossil Forest (FF) and it has been compounded by Porirua City Council (PCC) in its republication with further illegitimate alterations.
WRC is currently correcting their errors.

The attached map of Titahi Bay Fossil Forest presented to Hearing Stream 3 of the Porirua Proposed District Plan independent commissioners, by your PCC planner, Mr Torrey McDonnell, in his reply to submitters:

1. Uses the same photographic underlay of the illegal WRC publication, then modifies the brown overlay to introduce further fault.
Mapping errors are obvious from the location and number of cars and now the FF area deviating into the stream mouths.
The effect of this is to show an area of FF in defiance of the Court Ordered Map 35

attached.

The landward boundary of the area defines the Mean-High-Water-Spring tide line and therefore, the jurisdiction of WRC and its rules.

The McDonnell change has a vital effect on beach management by fudging boundaries and decreasing the area of PCC jurisdiction for possible parking at boat-sheds (under conditions of resource consent).

2. Fails to show the Vella St road parcel (Map label 5) behind the north-end boat sheds and is a deception by omission.

The attached PCC Map 1 of Titahi Bay Beach Management Plan - Land Parcels, shows the area as public road.

Commissioners on the hearing panel sought confirmation of possible alternative Vella St/Lambley Rd access proposed by the PCC 1990 Beach Plan and therefore have been seriously misled by the McDonnell map.

We require

- the immediate withdrawal of your planner's map
- a shutdown of any media links to it
- advice to the commissioners of the illegality of the map

We trust you will limit further consequential damage and help maintain the perceived integrity of the Regional Council.

- I expect that this matter will be resolved by 4 March 2022.
- Please ensure I am copied into all correspondence with the hearing panel commissioners in relation to this matter.

Thanking you in anticipation.

Regards
Graeme

Graeme Ebbett
Chairman
Titahi Bay Residents Assn Inc
www.titahibayresidents.org.nz
www.facebook.com/titahibayresidents/

From: Titahi Bay Residents <tbra@slingshot.co.nz>

Sent: Friday, 4 February 2022 11:30 am

To: Nigel Corry <Nigel.Corry@gw.govt.nz>

Cc: Daran Ponter – Chair <Daran.Ponter@gw.govt.nz>; Chris Kirk-Burnnand <chris.kb@gw.govt.nz>; Jenny Brash <Jenny.Brash@gw.govt.nz>; Roger Blakeley <Roger.Blakeley@gw.govt.nz>; Glenda Hughes <Glenda.Hughes@gw.govt.nz>; David Lee <David.Lee@gw.govt.nz>; Thomas Nash <Thomas.Nash@gw.govt.nz>; Penny Gaylor <Penny.Gaylor@gw.govt.nz>; Ken Laban <Ken.Laban@gw.govt.nz>; Prue Lamason <Prue.Lamason@gw.govt.nz>; Josh van Lier <Josh.vanLier@gw.govt.nz>; Ros Connelly <Ros.Connelly@gw.govt.nz>; Adrienne Staples <Adrienne.Staples@gw.govt.nz>; Anita Baker <mayor@poriruacity.govt.nz>; Wendy Walker <Wendy.Walker@poriruacity.govt.nz>; Mike Duncan <mike.duncan@xtra.co.nz>; Geoff Hayward <Geoff.Hayward@poriruacity.govt.nz>; Torrey McDonnell <Torrey.McDonnell@poriruacity.govt.nz>

Subject: Titahi Bay Beach Illegal Map Substitution

The Chief Executive
Wellington Regional Council
Mr Nigel Corry

Good morning Nigel

Map 35 of Titahi Bay Beach under Court Order ENV-2019-WLG-000121, which defines the high tide boundary of Wellington Regional Council (WRC) jurisdiction, has been replaced with an illegal substitution on your website, <http://pnrp.gw.govt.nz/assets/Uploads/Map-35-Titahi-Bay-forest2.pdf>

The court-ordered map shows the boundary only half a car-length from the concrete of the Bay Dr entrance.

It is impossible to U turn to the north-end boat sheds without driving in WRC jurisdiction.

And that is a non-complying activity which requires Resource Consent.

The illegal WRC substitute has extended the gap to about a car length which makes the problem less obvious.

Attached map comparison.
Blown up, you can see the difference.

Please have the map corrected urgently before the weekend.
Currently it is causing public misinformation by Porirua City Council and fuelling civil war over cars on the beach.

Regards
Graeme

Graeme Ebbett
Chairman
Titahi Bay Residents Assn Inc
www.titahibayresidents.org.nz
www.facebook.com/titahibayresidents/

maps.walkingaccess.govt.nz/Viewer/?map=f6f2c671cbf9480da47739865ee9ffca

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(1 of 2)

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affected_surveys	
parcel_intent	Road
topology_type	Primary
statutory_actions	
land_district	Wellington
titles	

[Zoom to](#) [More Actions](#)

Legend

Public Access Areas

- NZ Road Parcels
- Walkway Easements
- Reserve Land
 - Reserve Land
 - Council Parks and Reserves
- Esplanade Strip
- Esplanade Reserves
- PAE - Crown Forest Asset Act
 - Easement
 - Easement_linear
- DOC Public Conservation

Titahi Bay

Arnold Park

Whitmore Road Reserve

Whitmore Road

100m

1754978.17 5448169.15 Meters | Scale 1:4514

Esri Technology, LINZ, StatsNZ

maps.walkingaccess.govt.nz/Viewer/?map=f6f2c671cbf9480da47739865ee9ffca

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Our Maps Public Access Areas Map

Public Access Areas Map

Search an address or place

4086949

OBJECTID	279753
id	4086949
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parcel_intent	Road
topology_type	Primary
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land_district	Wellington
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 - Easement_linear
- DOC Public Conservation

Titahi Bay

Arnold Park

Whitehorse Road Reserve

Whitehorse Road

100m

1754484.92 5447843.09 Meters | Scale 1:4514

Earth Technology, LINZ, StatsNZ