

**BEFORE THE HEARING PANEL APPOINTED TO HEAR AND MAKE DECISIONS ON SUBMISSIONS
AND FURTHER SUBMISSIONS ON THE PROPOSED PORIRUA DISTRICT PLAN AT WELLINGTON**

IN THE MATTER of the Resource Management Act 1991 (the
Act)

AND

IN THE MATTER of Hearing of Submissions and Further
Submissions on the Proposed Porirua
District Plan under Schedule 1 of the Act

**MEMORANDUM ON BEHALF OF GREATER WELLINGTON
REGIONAL COUNCIL IN RELATION TO THE IDENTIFICATION OF
MEAN HIGH WATER SPRINGS**

29 April 2022

MEMORANDUM ON BEHALF OF GREATER WELLINGTON REGIONAL COUNCIL IN RELATION TO THE IDENTIFICATION OF MEAN HIGH WATER SPRINGS

1. In Minute 33, the Hearing Panel requested that Greater Wellington Regional Council (Greater Wellington) file a Memorandum clarifying whether the Hearing Panel's understanding of the position of mean high water springs is correct, and if not, to explain in what respects its understanding is in error.
2. In particular, the Panel stated in paragraph 9:

"...it appears to us that the effect of the direction made by the Court (once it takes effect) is to remove the possibility that the mouth of an unmapped stream might be located somewhere other than at MHWS, but except in those locations where MHWS has been mapped, it does not remove the need to undertake a site specific survey of MHWS when relevant, because the application of the deeming provision requires the line of MHWS either side of the an unmapped stream mouth to be located, in order in turn that the CMA boundary upstream can be established."

Greater Wellington response

3. Greater Wellington can confirm that the Panel has interpreted the ruling correctly. Setting the river mouth at the MHWS of a river or stream enables Greater Wellington to apply the formula specified in the RMA to calculate the boundary of the coastal marine area, ie; whatever is the lesser of 5 times the width of the mouth of the stream or 1 km upstream from the mouth. This reduces the burden to undertake expert surveys every time an activity is proposed in the mouth of a river or stream.
4. With respect to identifying the coastal marine boundary from the river mouth, in most instances this can be determined with a sufficiently accurate level of detail without requiring a more expensive survey. In some instances, a very accurate survey may be required for legal or jurisdictional purposes. Both approaches have been applied successfully by Greater Wellington for a number of years to manage activities in estuarine river mouth and coastal marine environments. It allows for an approach that is both pragmatic and commensurate with the scale or sensitivity of the activity.