

IN THE MATTER

of the Resource
Management Act 1991

AND

IN THE MATTER

of Hearing of Submissions
and Further Submissions
on the Proposed Porirua
District Plan

Minute 16 – Hearing Stream 3 Follow Up

1. Following the completion of the Stream 3 hearing on 10 December, there are a number of matters that we need to address.

Tabled Evidence

2. Shortly after the completion of the hearing, Mr Stevenson (Pikarere Farm) asked the Hearing Administrator when his submission on the inland extent of the coastal environment on the property would be heard. The answer the Hearing Administrator relayed back on our instruction was that this was a Stream 3 matter, that the hearing had already concluded, but that Mr Stevenson could still file a tabled statement on that issue. The Hearing Panel enlarged the time in which he might do so by one working day (13 December) and has since received a statement from Mr Stevenson.

Site Visits

3. We have not received any requests for site visits in relation to Stream 3 matters. However, we note that during the course of our Stream 2 site visits on 29 November, the Hearing Panel diverted down Te Pene Avenue and viewed the Austrian houses that Heritage New Zealand Pouhere Taonga has requested be scheduled for their heritage values.
4. The Hearing Panel has decided further that it would be assisted by viewing Titahi Beach and the notable trees scheduled on the Gallagher and Clark properties. We can view the first two from public spaces so we will not need a guide, but the Hearing Administrator will be touch with Mr Clark to ask if we might go on to his property in late January for this purpose.

Council Reply

5. The Council is of course free to reply on any issues it deems appropriate. However, the Hearing Panel would be assisted if its reply could address the following issues/provide information 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 March 2021. Please also provide a copy of the Minutes for the Council Committee Resolution regarding adoption of a bylaw relating to traffic on Titahi Bay Beach.
- Can the Council comment on the mapping issues raised by Mr Warburton (for Ms Smith)- specifically areas where the PDP maps appear to have overlays with no underlying zoning and vice versa.
- In relation to notable trees:
 - What was the timeline of assembling the notified schedule of notable trees, who was consulted initially to assemble the draft list and when/how were private property owners consulted regarding the scheduling of tree(s) on their property?
 - Has any assessment been made of the costs to individual private landowners of having notable trees scheduled on their properties, compared to the benefits thereof?
 - Did Arborlabs enter the Clark property to assess the cluster of notified notable trees on the site?
 - Having noted Mr Saxon's evidence that he did not undertake a full STEM assessment of the trees on the Clark property, has anyone else undertaken a full STEM assessment of the cluster of four remaining Nikau's recommended to remain as scheduled notable trees?
- In relation to CE-P17, are the numbered subpoints 1-6 intended to be read conjunctively, disjunctively, or some combination thereof?

- In relation to flood hazards:
 - We were left unclear as to whether all parts of the District are the subject of flood hazard notations where applicable. Please advise whether, if some parts of the District are yet to be modelled, where those parts are;
 - Is the GIS mapping of flood hazards at a scale that gives an appropriate level of information to individual property owners?;
 - If the PDP provisions related to flood hazards were limited to rules specifying, for instance, the 1/100 AEP flood hazard as a rule trigger without accompanying maps (as Kāinga Ora suggested), would that rule meet the standard test of being objectively ascertainable by Plan users – specifically, are there elements of expert opinion/judgement required to identify where there is a 1/100 AEP flood hazard, and what scope is there for material differences of view in relation to the resolution of such elements (if any) as they apply to a specific site?

- In relation to seismic hazards:
 - Did Dr Litchfield consider the expert commentary on observations from trenches on the Kenepuru Landings site that were filled in before she could view them? – If so, what weight did she give to such commentary?
 - Is the listing of Area A identified in the joint Seismic Hazard Caucus Statement on the Kenepuru Landings site consistent with the Council having granted consent for subdivision and development of that area (and such development having occurred in reliance on that resource consent)?
 - What is the Council's response to Mr Witte's evidence suggesting that the notified plan provisions are not consistent with the MFE 2003 guidance document?

Dated 14 December 2021

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

**Trevor Robinson
Chair
For the Proposed Porirua District Plan Hearings Panel**