

BEFORE THE PROPOSED PORIRUA DISTRICT PLAN HEARINGS PANEL  
IN PORIRUA

IN THE MATTER OF

The Resource Management Act 1991

AND

IN THE MATTER OF

the Proposed Porirua District Plan – Hearing Steam 5

BETWEEN

**PORIRUA CITY COUNCIL**

Local Authority

AND

**SILVERWOOD CORPORATION LIMITED**  
**(Submitter #172)**

Submitter

---

Memorandum of Counsel for Silverwood Corporation Limited  
Regarding Timetabling Directions

DATED 27<sup>th</sup> April 2022

---

---

**Julian  
Dawson**  
**BARRISTER**

e [julian@rmalawyer.co.nz](mailto:julian@rmalawyer.co.nz)  
m 0274 200 223  
post PO Box 531  
Whangarei 0140

**Northland Office:**  
Kowhai Court,  
Suite 6, 27 Rust Avenue  
Whangarei 0110

**MAY IT PLEASE THE HEARINGS PANEL:**

1. This memorandum is filed on behalf of Silverwood Corporation Limited (“**Silverwood**”) whose submission relates to some 114ha of land in Whitby, Porirua. Approximately 52ha of that land is owned by Silverwood, and the adjacent 62ha is currently owned by Landcorp. The Landcorp land is of interest to Ngāti Toa as a Deferred Settlement Property, and they support the submission.
2. For the reasons set out below, Silverwood now requests sufficient opportunity be given for it to prepare and file expert economic evidence necessary to support its submission. This possibility was entirely unforeseen until now. Therefore, it requests that the hearing of its submission be deferred until Stream 6 or alternatively, a further date after mid-June.

**Background**

3. Silverwood’s submission seeks that the properties be rezoned to Future Urban Zone from the currently proposed General Rural Zone which falls over most of the property. The Silverwood submission is very comprehensive and is supported by a Site Evaluation and Rezoning Report and specialist expert reports covering Urban Design, Infrastructure, Ecology, Landscape, Transport, Geotechnical and Planning.
4. In preparing its submission, Silverwood has expended considerable time and effort with significant financial resource. In 2019, Silverwood submitted on the Porirua City Council Long Term (30 year) Growth Plan covering both properties. Council recommended, in response to that submission that:

*“to adjust the urban/rural boundary in the east from the Lanes Flat interchange in the north, to Kenepuru in the south and between Waitangirua/Cannons Creek to the Transmission Gully Motorway (with the exception of Judgeford Hills). This means land to the east of Whitby/ Waitangirua and Cannons Creek up to Transmission Gully Motorway can be considered for residential zoning through the Proposed District Plan review”*

5. The Silverwood land is also identified in the Porirua Urban Growth Strategy 2019 (“**the Growth Strategy**”) as a “potential residential area – medium term”.
6. On this basis, Silverwood had expected that, like the other growth areas identified in the Growth Strategy, a future urban zone would be brought down on the land when the Proposed District Plan was notified in August 2020. That was not so, and thus Silverwood lodged an extensive submission as guided by Council Officers engaged with at the time.
7. Silverwood and its consultants have continued to liaise with Council since their submission was lodged.
8. As the Panel is aware, the Council’s s42A Report was released on 14 April 2022, the day before Easter. Included with that is a statement of evidence from Property Economics which concludes, in summary that the level of residential capacity provided in the Proposed District Plan is sufficient to meet the residential need in Porirua throughout the 30 year timeframe and that *“Based on these expectations there is no requirement to identify additional FUZ to meet sufficiency over this period.”*

### **Council’s Reporting**

9. The Council’s s42A Report now recommends that Silverwood’s submission be rejected. In reaching this conclusion, a prime concern, if not the issue, is the economics and growth assessment now provided by Property Economics. This has come as a complete surprise; it having not been mentioned previously.
10. To date, Silverwood has not produced any economics assessment of its own. Until the release of the Council’s s42A Report on 14 April, Silverwood had no reason at all to believe that economics and growth forecasting would be an issue of any interest, let alone a key factor in the Council’s recommendation. To the contrary, given Silverwood’s early engagement with the Council and throughout, it understood this issue to have been addressed through Council’s own growth strategy process (as referred to in the FUZ Section 32 Report).
11. Silverwood feels completely blindsided by the Property Economics assessment, and whilst the Council’s reporting function and the role of its experts is entirely understood and respected, the timetable is such that Silverwood has 15 working days to brief and prepare critical expert evidence, that has only now, at this very late stage, emerged as fundamental to the Council’s recommendation.

12. I expect too that the economic and growth evidence will be of critical interest to the Panel and although Silverwood's submission relates to a specific property, the economics assessment now tabled by Council seems likely to be of relevance to proposed residential zonings and future urban zonings elsewhere in the District. I say that because some of the methodology and assumptions made are expected to be scrutinized.
13. For the above reasons, Silverwood considers it necessary, and unavoidable to now brief and present expert evidence responding in thoroughly to the Property Economics assessment, and, of course, the overall recommendation received from Council.
14. However, engaging specialist economic expertise and having sufficient time to prepare, has perhaps not surprisingly, proven somewhat difficult. A comprehensive and thorough response to the Property Economics assessment, cannot be expected by 4 May 2022, or even prior to the commencement of the hearing on 18 May 2022.

#### **Timetabling Directions**

15. Silverwood therefore requests that either:
  - (i) The hearing of its submission be deferred until Hearing Stream 6; or
  - (ii) Alternatively, that Silverwood be given until 8 June 2022 to file its evidence. This would mean of course that the remainder of the timetable for rebuttal evidence etc would also need to be deferred, and the hearing of Silverwood's submission deferred until a later date; likely prior to Hearing Stream 6.
16. I am aware that the Panel has, on occasion directed expert caucusing to occur. It is thought beneficial to allow sufficient time for this to occur between economics experts, especially given the technical nature of the evidence. This may well assist the Panel and perhaps avoid complexity in the evidence or complication at hearing.
17. However, the current timetable does not allow for that opportunity. If the Panel were minded to agree with Silverwood's request, then it is suggested also that expert caucusing between the Council's economics experts and Silverwood's also be directed, prior to commencement of the hearing.

**Conclusion**

18. In conclusion, given the importance of the economics assessment, Silverwood feels it has no option other than to respond comprehensively and with proper preparation. This has been unexpected, and entirely from left field. However, the current timetable simply does not allow for this and more time is needed. Silverwood is concerned that without sufficient time and preparation, the Panel will not have the benefit of balanced expert evidence.
19. The possibility of a deferral has been discussed with Council Officers, who responded that the timetabling decision rests with the Panel.
20. Deferring the hearing of Silverwood's submission, ideally to Hearing Stream 6 would avoid any prejudice to Silverwood in presenting its submission, without any undue difficulty to other parties.

A handwritten signature in blue ink, appearing to read 'J.C. Dawson'.

J.C Dawson – Counsel for Silverwood Corporation Limited