

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 Stream 5

BETWEEN

PORIRUA CITY COUNCIL

Local Authority

AND

SILVERWOOD CORPORATION LIMITED
(Submitter #172)

Submitter

Memorandum of Counsel for Silverwood Corporation Limited
Regarding Hearing Time and Schedule

DATED 29 June 2022

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MAY IT PLEASE THE HEARINGS PANEL:

1. This memorandum is filed on behalf of Silverwood Corporation Limited ("**Silverwood**") whose submission requesting Future Urban Zone is now due to be heard on 5 July 2022.
2. For the reasons that follow, Silverwood is very concerned that Variation 1 (the Council's Housing Intensification Variation), which is yet to be publicly notified, has now become directly relevant to the Council's assessment and the Panel's decision making process. That has happened because of the passage of the Enabling Housing Supply legislation, the ramifications of which were unforeseen when the PDP was notified, and the hearings schedule set. Nevertheless, the hearing of Silverwood's submission, requesting a Future Urban Zone is thought premature, given the inextricable link to Variation 1 now apparent.

The Hearings Process

3. The Council's rebuttal evidence was received yesterday. A key issue in contention between Silverwood and the Council is the economics assessment, and in particular the relevance, and assessment of, future residential capacity (supply) versus projected growth (demand) for housing in Porirua.
4. Variation 1 is due to be publicly notified in early August 2022 in response to the Enabling Housing Supply legislation. Mr Osbourne's supplementary statement now introduces new, and key material, particularly relying on Variation 1 because it will directly affect residential capacity and supply. The basis of Variation 1 has advanced in the past 3 weeks and markedly since the Council's s42A Report was released, and Silverwood's evidence in chief was provided.
5. Mr Osbourne's supplementary evidence says that he believes a key issue advanced by Mr Thompson, that of the Porirua Housing Market and Affordability, is almost entirely negated by proposed Variation 1¹.

¹ Osbourne at 24

6. Mr Osbourne says that very recently (meaning in the last 2 weeks), the Council's Housing and Business Capacity Assessment has been updated to reflect Variation 1. In fact, that has only just been provided to Mr Thompson, and it produces more questions than it answers.
7. Mr Osbourne says that another change in Variation 1 will be the treatment of restricted discretionary residential development in commercial zones, although he does not explain how. Silverwood can only expect to understand the implications of that comment, once Variation 1 is notified.
8. In all Mr Osbourne says that Variation 1, will have far reaching changes to capacity². However, how exactly these changes occur, of course, yet to be seen, properly assessed, understood and scrutinised. Silverwood cannot do that, until Variation 1 has been notified, and progressed.
9. The difficulty now confronting both the Council, and Silverwood, is that Variation 1 has not yet been publicly notified, much less has its assessment or outcome been determined, yet it is directly relevant to the evaluation of Silverwood's submission. Mr Osbourne's comments are clearly important, but their context within Variation 1 cannot yet be seen.
10. I was informed by Stuart McKenzie at the Council 2 weeks ago, that it is the intention of the Council and the Hearings Panel to hear submissions on Variation 1, and then to release its decisions on the Proposed District Plan and Variation 1 at the same time. My memorandum is largely based on that understanding, it having not been formally advised by the Council.
11. Presumably, this process is because Variation 1, is considered directly relevant to aspects of the PDP, and residential zoning provisions. Indeed, the Enabling Housing Supply legislation and Variation 1, now fundamentally changes the basis, and assessment of the residential zone provisions.
12. Therefore, Variation 1 now forms a key part of the Council's rationale in approaching the Future Urban Zone, and for that matter, live residential zones. It will be a consideration for the Hearings Panel, but one on which Silverwood has not yet been able to meaningful comment but, of course, it must be given that opportunity.

² Osbourne at 31

13. Inevitably, Council will produce further assessment of residential capacity and related assessments supporting notification of Variation 1. Undoubtedly, these matters will be contested in submissions and the evidence presented to the Hearings Panel in due course.
14. In all, the assessment, evidence and outcome of Variation 1 is inextricably linked to the assessment of Silverwood's submission and the Future Urban Zone.
15. Whilst, Silverwood could well make a submission on Variation 1, the hearing of its submission on the PDP unfortunately, now seems premature at best. Until such time as Variation 1 is publicly notified and heard, the outcome cannot be assured, yet it is clearly relevant, and certainly relied on by Council.
16. Silverwood is very anxious to avoid unnecessary expense and confusion in the evidence. As matters stand, Silverwood will inevitably be drawn into Variation 1 participate in Variation 1, and it is to be expected that key expert evidence it produces now responding to the PDP, will almost certainly need to be revisited. That same is true of the Council, and other submitters.
17. It is possible, and even likely that other assessment or issues will come to light during the hearing of Variation 1, that have some relevance to Silverwood's submission.
18. For these reasons, it is respectfully requested that the hearing of Silverwood's submission on the PDP now be deferred until Hearing Stream 7. In making this request, I understand that Hearing Stream 7 (Subdivision – Urban Zones, Residential Zones, Commercial and Mixed Use Zones), has been deferred specifically for this reason.

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

J.C Dawson – Counsel for Silverwood Corporation Limited