

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

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Further Memorandum of Counsel for Silverwood Regarding Adjournment (Minute 42)

DATED 30 June 2022

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**MAY IT PLEASE THE PANEL:**

1. I have now received the Panel's Minute Number 42 regarding Limited's Silverwood's request for an adjournment to the hearing next week. I am grateful for the Panel's careful consideration of what it acknowledges is a complex and finely balanced matter.
2. However, since receiving the Minute, two matters have come to my attention, which I consider to be especially relevant to Silverwood's request for adjournment and which I did not previously appreciate. I therefore, respectfully request that the Panel reconsider its direction in light this information.
3. First, Mr Thompson's evidence in chief, filed on 20 June 2022 was prepared on the basis of the economic modelling that supported the Proposed District Plan residential capacity assessment. The basis of Variation 1 and the modelling supporting was not available to him then, nor is it currently available, despite it having first been requested by him during the Joint Witness Caucusing of 3 June 2022. Numerous requests by Mr Thomson since then have gone unanswered and this morning (email attached), Mr Osbourne finally advised that the modelling behind Variation 1 cannot be provided because the modeller is on holiday.
4. For clarification, the preliminary modelling predictions supporting Variation 1, and referred to in Paragraph 15 of the Minute, have not in fact been provided to Silverwood.
5. Mr Thompson's evidence in chief was prepared and circulated before the Council had disclosed anything of the ramifications of Variation 1 and its revised modelling. As is often the case, this issue has evolved and now come to light only as the evidence has been circulated. The result is that Mr Thompson's evidence in chief is now largely redundant, certainly as it concerns key aspects around residential capacity and price. He is unable to offer any substantive response to Mr Osbourne's supplementary evidence, received only on Tuesday because he cannot determine how it has been derived without the modelling. The modelling is simply not available.
6. Whilst I appreciate the Panel's observations that the economics assessment may, or may not have the relevance contended for by either party, Silverwood nevertheless considers it to be an important part of its case, and one on which it has expended considerable resource already. It will wish to ensure, that the Panel has the benefit complete evidence on that and in response to the Council's. Therefore, Silverwood will be left in the position where it will

undoubtedly want to produce further economics evidence, as the Minute foreshadows, at some significant cost, at a later date.

7. Second, as a point of clarification, I now see that Porirua City Council have objected to Silverwood's request for adjournment. Whilst that objection may not be determinative and the decision is of course open to the Panel, Mr McKenzie advised me approximately two weeks ago that if a request for adjournment was made then the Council's position would be to abide the decision of the Panel. He told me he appreciated the complexity of Variation 1, and the reasons why an adjournment could be useful. The Council's objection therefore comes as somewhat of a surprise.
8. In all, whilst Silverwood has already incurred significant cost in preparing its evidence, the costs in attempting to produce some kind of response to Mr Osbourne at short notice, and attending the hearing next week will themselves be significant. Silverwood now has limited resource available to it, and would prefer to present its case, in full, and once, when the Council's economics assessment and modelling has been properly produced. As it is, further attendances on this submission are now inevitable. Silverwood is seriously concerned at the time and expense it is now going to have to incur as a result.
9. In conclusion, I am very grateful of the Panel's consideration. However, given Mr Thompson's further advice to me this morning, and Silverwood's very serious concerns, I respectfully ask the Panel to reconsider Silverwood's request for adjournment.
10. Thank you for your consideration.

A handwritten signature in blue ink, appearing to read 'J.C. Dawson', with a stylized flourish above the name.

J.C Dawson – Counsel for Silverwood Corporation Limited

## Julian Dawson

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**From:** Adam Thompson <adam@ue.co.nz>  
**Sent:** Thursday, 30 June 2022 1:54 pm  
**To:** Julian Dawson  
**Subject:** FW: Porirua Var 1

FYI below.

Phil confirms no reporting is available on MDRS Var 1 modelling and that he cannot himself provide the results rather relies on his modeller to do this, who is unavailable.

Adam

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**From:** Philip Osborne <philosb1201@yahoo.co.nz>  
**Sent:** Thursday, 30 June 2022 1:46 p.m.  
**To:** Adam Thompson <adam@ue.co.nz>  
**Subject:** Re: Porirua Var 1

Hi Adam,

The price scenarios (or sensitivities) were the ones in my rebuttal.

That's correct at this late stage, although all the information is contained within the modelling, providing it in a useful form will be difficult.

At this stage, although high level summary numbers have been provided on Variation 1 the finalised report is not yet completed.

Cheers

Phil

On Thursday, 30 June 2022, 12:33:13 pm NZST, Adam Thompson <[adam@ue.co.nz](mailto:adam@ue.co.nz)> wrote:

Hi Phil,

Thanks for this.

I can't see any price scenarios in your evidence – are you referring to your rebuttal evidence or is there another brief or report on the Var 1 modelling I should refer to? I have not been able to locate any further reporting or evidence on Var 1 so as requested earlier can you let me know if this is available.

So I understand, are you saying you are not able to provide the requested model results as previously provided for the PDP yourself? It would be helpful to understand the dwelling type/price/size implication of the Variation 1 modelling prior to the hearing next Tuesday.

Also, can you explain what is meant by 'preliminary to date' please. Is this because of further scenarios/iterations or is the model not in its final version yet?

Cheers, Adam

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**From:** Philip Osborne <[philosb1201@yahoo.co.nz](mailto:philosb1201@yahoo.co.nz)>  
**Sent:** Thursday, 30 June 2022 12:04 p.m.  
**To:** Adam Thompson <[adam@ue.co.nz](mailto:adam@ue.co.nz)>  
**Subject:** Porirua Var 1

Hi Adam,

The results and price scenarios outlined in my evidence were run through the model (which is based on python script, since it is too large for excel, and so changes require formula checks etc) before he went on honeymoon. Attached are the (preliminary to date) summary tables by scenario and by zone for the full Variation1.

<b>Maximum Profit Scenario</b>	<b>Theoretical</b>	<b>Apartment Sta</b>
Theoretical Capacity PDP	144,573	
Feasible Capacity PDP	21,556	
Realisable Capacity PDP		192
Theoretical Capacity Var 1	230,830	
Realisable Capacity Var 1		939
Realisable Capacity MRDS (only)		203

<b>Realisable Capacity (Var 1)</b>	<b>Theoretical</b>	<b>Apartment Sta</b>
Residential Zones	143,861	715
Commercial Zones	86,969	224
<b>Total</b>	<b>230,830</b>	<b>939</b>

Cheers

Phil