

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 – Plan Change 19 and
Variation 1

BETWEEN

PORIRUA CITY COUNCIL

Local Authority

AND

SILVERWOOD CORPORATION LIMITED
(Submitter #OS71)

Submitter

Memorandum of Counsel for Silverwood Corporation Limited
Regarding Hearing Timetable

DATED 28th February 2023

**Julian
Dawson**
BARRISTER

e julian@rmalawyer.co.nz
m 0274 200 223
post PO Box 531
Whangarei 0140

Auckland Office:
By Arrangement

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”) who has lodged a submission on Variation 1.
2. For the reasons set out below, Silverwood now requests an extension to the evidence exchange timetable and hearing date. These circumstances have been brought about as a result of Cyclone Gabrielle and are, of course entirely beyond, my, or Silverwood’s control.
3. Silverwood has intended engaging Stephen Daysh (Planning Consultant) to provide expert evidence on its behalf regarding Silverwood’s submission. In particular, the Panel will recall that the question of a “live zoning” arose both in respect of Silverwood’s submission on the Proposed District Plan and now Variation 1.
4. Mr Daysh’s became necessary, after Silverwood’s previous Planning Consultant advised that because of personal circumstances and a professional conflict of interest, she was unable to assist.
5. Mr Daysh resides in Napier and as would be expected, he has been caught up in the horrific flooding and events of Cyclone Gabrielle in the week of 13 February 2023.
6. Despite attempts to contact him, I was only able to speak to him and then only briefly at the beginning of last week.
7. The scope of Mr Daysh’s evidence was to be determined in large part by the Council’s s42A report which was made available on 10 February 2023 just days before the cyclone struck.
8. Mr Daysh advises that due to the flooding, issues in the CBD, his own personal circumstances and other professional deadlines that have now compounded, that he would now require at least an additional 4 weeks (say 24 March 2023) to review the relevant material and then to complete his evidence.
9. Although a secondary consideration, my own circumstances have been hampered by Cyclone Gabrielle. I reside in Whangarei and I had to evacuate my residence late on the Sunday 12 February 2023. I spent most of that week in alternative accommodation. It has only been during last week that power and internet have been fully restored. This has hampered my own ability to prepare.
10. Silverwood intends presenting legal submissions, and to appear at the hearing in support of its submission.

11. I recognise that this extension may cause difficulty and interruption in the hearing schedule. That said, Silverwood's submission is discrete and site specific, so it perhaps need not delay deliberation of all other aspects of Variation 1 and of the Proposed District Plan itself.
12. If an extension and hearing adjournment were to be given, then Silverwood would be willing to have its submission determined on the papers, or to be heard remotely, if that were to assist the Hearing Panel in its further timing.
13. Accordingly, I respectfully ask the Panel to make further timetabling directions regarding the evidence, and hearing of Silverwood's submission.

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

J.C Dawson – Counsel for Silverwood Corporation Limited