

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 10 – Spatial Mapping Issues

1. The purpose of this Minute is to address a further Memorandum filed by Ms Robyn Smith dated 15 November 2021 on this issue. Ms Smith references her submission questioning the relevant/applicability/accuracy/scope of the spatial maps incorporated in the PDP. She disagrees with the allocation of the submission to Hearing Stream 1 and asks that the Panel considers the point further.
2. Ms Smith argues that the unresolved mapping matters are as such applicability to key elements of the hearing process that Hearing Streams 2-5 inclusive and Hearing Stream 7 “*should not, and cannot, proceed until the fundamental and unresolved issues are resolved*”.
3. The allocation of different submission points into different hearing streams is the subject of Minute 2, which confirmed that submissions raising Plan-wide structural issues and over-arching matters would be heard in Hearing Stream 1. The spatial mapping issues Ms Smith has raised clearly qualify as such. Indeed, she argues specifically that they have relevance to almost all of the hearing streams considering more specific matters.
4. Minute 2 further advised that following the receipt of the Council Reply on each hearing stream, the relevant Hearing Panel would deliberate in private, formulate its decisions, and that with the exception of recommendations to requiring authorities, all decisions would be released together as a package¹.
5. All parties were given the opportunity to comment on a draft of Minute 2, including the draft allocation of topics to different hearing streams, before it

¹ Minute 2 at paragraphs 97-98

was finalised. Ms Smith did not make any comments. Hearing Stream 1 proceeded in accordance with the procedures set out in Minute 2. We heard from Mr Brian Warburton presenting detailed submissions on Ms Smith's behalf on the spatial mapping points now the subject of her Memorandum.

6. Following completion of the Stream 1 hearing, the Council has replied. We identified one issue in the Council's Reply on which we desired further input. That was the subject of Minute 8. The Council has now responded to our inquiry. One aspect of Ms Smith's Memorandum relates to the Council's response dated 12 November, suggesting that it is factually incorrect in some respects.
7. As we observed in Minute 8, the purpose of sequential exchange of evidence and opinion is to bring closure to each issue as it is addressed. As regards the Plan-wide matters considered in Hearing Stream 1, we have arrived at that point. Our hearing on that matter is closed. The Hearing Panel will issue its decision on those matters in due course. At that point, our decision will confirm whether or not we agree with the resolution of the spatial matters raised in Ms Smith's submission, either in the manner she has proposed or in some other way.
8. We do not propose to reconsider the hearing procedures set out in Minute 2 to provide for some preliminary decision either on the spatial mapping points Ms Smith has raised, or on any other issue. If we were to do so, such a preliminary decision would be subject to appeal, raising questions as to whether, if an appeal were filed, the whole PDP process should be paused awaiting the determination of such an appeal.
9. That would be disruptive of the First Schedule hearing process in a way that is inconsistent with the statutory direction that decisions be reached within two years of notification, or such further time as the Minister might approve² and with our statutory obligation to avoid unreasonable delay³.
10. In summary, the hearing of the matters considered in Hearing Stream 1 is closed. We are not prepared to permit continued re-litigation of the matters considered in that hearing stream. Still less to defer the hearing of the balance of PDP submissions on the grounds that those matters have not yet been "*resolved*".

² RMA First Schedule Clauses 10 and 10A

³ RMA Section 21

11. This is now the second occasion on which Ms Smith has sought to reopen consideration of Hearing Stream 1 matters. We have endeavoured to set out the reasons for our position in somewhat greater detail than was the case in Minute 8 in an endeavour to bring finality to this procedural issue.
12. We will not consider further memoranda seeking to reopen matters heard in Hearing Stream 1.

Dated 19 November 2021

A handwritten signature in blue ink, appearing to read 'T. Robinson', with a large, stylized flourish extending downwards.

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