

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 12 – Deferring Sites of Significance to Māori Hearing Topic

1. The Council has passed to us a request from Te Rūnanga o Toa Rangatira Inc (“the Rūnanga”) to defer hearing of the submissions and further submissions on the Sites of Significance to Māori Chapter to the end of the hearing process.
2. The email making the request notes that the Rūnanga have been inundated with work and need time to gather their thoughts, especially with communications they have had recently to do with their sites and areas of significance.
3. This request was made on 23 November 2021. By that point:
 - The Section 42A Report had been released (on 5 November);
 - Parties with an interest in the matter have advised they wish to be heard;
 - Submitters expert evidence has been filed by the 20 November deadline, including relevantly evidence on the Sites of Significance to Māori topic from Heritage New Zealand Pouhere Taonga;
 - A Notice of Hearing has been issued confirming that the Sites of Significance for Māori topic will be heard along with other Hearing Stream 3 matters commencing this coming Friday, 3 December.
4. All of these various hearing steps have occurred in accordance with Minute 2, released on 17 August.
5. To say that this request comes late in the hearing process is something of an understatement.

6. The Rūnanga have an important role in this hearing both as Treaty partner and as the representatives of mana whenua.
7. At one level, that indicates that we should strive to accommodate the Rūnanga if possible. As against that, we have evidence of the high level of communication and consultation with the Rūnanga in the preparation of the PDP prior to its notification, precisely because of that role, to ensure as far as possible that the PDP reflects its input.
8. The hearing topic, Sites of Significance to Māori, is obviously one that directly raises issues of relevance and importance to the Rūnanga.
9. The Hearing Panel also appreciates that the Rūnanga have many calls on their time, some no doubt of greater importance than this process.
10. The same, however, is true of many PDP participants. We have received, this week, advice that due to unexpected resourcing issues, the Department of Conservation will not appear in Hearing Stream 3 and are unlikely to appear in the balance of the hearings.
11. One of the ways the Hearing Panel seeks to assist PDP participants to manage their input to the process is by signalling well in advance when that input will be required.
12. The corollary of planning well in advance is that parties need to be able to rely on the PDP hearing process proceeding broadly as signalled other than for good reasons, and the closer we get to a hearing, the greater is the onus on the Hearing Panel to ensure that the process proceeds as previously advised, because of the disruption to other parties, and to the hearing process generally, if we divert from the pre-set path.
13. In this case, we would also need to consider when the topic could actually be heard, if it were deferred. While we are planning a 'catchall' hearing at the end of the process, on which all commissioners would sit, the purpose of that hearing is to pick up any stray submission points, not to hear whole hearing topics.
14. Planning for Hearing Stream 7 is in a state of flux for the reasons set out in Minute 7, and for obvious reasons, we would want Commissioner Pomare to sit on this particular topic (thereby excluding Hearing Streams 5 and 6 as potential homes for it). The likelihood is that we would need to schedule a

standalone hearing and we do not currently know when it would be possible to convene an additional hearing.

15. We also do not know the attitude of Heritage New Zealand Pouhere Taonga, who would be directly affected by any late change to the hearing arrangements for this topic, and given the imminent start to the hearing, we do not have time to canvas its views.
16. In summary, therefore, while the Hearing Panel would very much value the input of the Rūnanga in a hearing context, where we are able to tease out relevant aspects of its submission, this request comes much too late to be accommodated.
17. We draw the Rūnanga's attention to the potential alternative of tabling a written statement covering the matters the subject of submission, the deadline for which is 10 December.

Dated 25 November 2021



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