

**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 20 – Stream 4 Hearing Arrangements**

1. The purpose of this Minute is to address issues relevant to the forthcoming Stream 4 hearing commencing 8 February.
2. The first item we need to address is expert conferencing. Having reviewed the evidence filed for submitters, it appears that there are three areas where the Hearing Panel would be assisted by expert conferencing.
3. The first is in relation to noise associated with temporary military training activities. The Hearing Panel directs that Mr Lloyd (for Council) conference with Mr Humpheson (for NZ Defence Force).
4. The second area is in relation to noise and vibration associated with the State Highway network and the rail network. Relevant experts are Mr Lloyd (for Council), Dr Chiles (for KiwiRail and for Waka Kotahi) and Mr Styles (for Kāinga Ora).
5. Mr Paul Botha (Submitter #118) requested, in a letter dated 9 November 2021, that he might participate in noise caucusing “*even if only as an observer*”. Mr Botha details that he has extensive technical experience in the acoustic field, with a particular expertise in the noise generated from wind farms.
6. Although the latter is not an issue in relation to the PDP, Mr Botha clearly has expertise in the field. He has, however, not filed a brief of evidence and we surmise that he would not claim to be independent, given that we understand from his previous evidence that his property at 10A The Track adjoins the North Island main trunk rail line.
7. The principles of expert conferencing, as set out in Appendix 3 of the Environment Court’s 2014 Practice Note, emphasise that expert conferencing

is a process for expert witnesses to confer. Mr Botha does not qualify as an expert witness for the reasons set out above, and we think it is undesirable on general principles for expert conferencing to have “*observers*”. With the best will in the world, it is difficult to imagine that an observer with a personal interest, particularly one so well qualified as Mr Botha, could restrain themselves from contributing to the discussion.

8. In summary, we direct that the acoustic experts who have filed expert evidence, as above, conference without any additional observers.
9. Lastly, we consider that we would be assisted if the expert witnesses who have filed evidence on transportation issues – Ms Fraser (for Council), Ms Crafer (for Kāinga Ora) and Ms Swears (for Waka Kotahi) – confer.
10. The experts are requested to file conferencing statements as soon as possible, preferably by close of 28 January, but if that is not possible, by close of business on 1 February at latest.
11. The second issue to discuss is the timing of the Council’s reply. The Council has requested that we enlarge the timeframe for its reply.
12. In Minute 7, we directed that the Council reply in relation to Stream 4 by 18 February 2022. That timing was fixed having regard to the provisions of the Resource Management (Enabling Housing Supply) Amendment Bill that had just been introduced to Parliament and which foreshadowed that 20 February 2022 might be a drop dead deadline for completion of hearings. That provision was not contained in the Amendment Act that took effect on 21 December, and accordingly, it is appropriate that we reconsider the timeframe for the Council’s reply. As it was, 18 February would have meant the Council replying within three days of the hearing being completed. On any view, that would have been an heroic effort on the Council staff’s part, particularly given the volume and complexity of the submitter evidence that has been filed. It is also unlikely that a reply prepared in such a pressurised timeframe would provide as much assistance as the Hearing Panel has come to expect.
13. We consider a more realistic timeframe in the circumstances is 15 working days from completion of the Stream 4 hearing and direct that the Council’s reply be provided accordingly.
14. Lastly, we note that Central Government has directed a shift in Covid response to Traffic Light Red. We are awaiting advice from the Council if we will be able to run the Stream 4 hearing on the same basis as Streams 1-3,

with the Hearing Panel, the Hearing Administrator and one or two Council Officers present in the Council Chamber, and all submitters participating by Zoom. If we need to move the hearing to an entirely 'virtual' hearing, we will advise accordingly.

**Dated 25 January 2022**

A handwritten signature in blue ink, appearing to read 'T. Robinson', with a large loop at the end.

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