

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 21 – Streams 2 and 3 Follow Up Issues

1. This Minute addresses outstanding procedural issues arising in relation to Streams 2 and 3.
2. In Minute 18, we directed that Ms Rose Armstrong had leave to file an addendum confirming her recommendations in relation to potential identification of an SAL on Whitireia Peninsula by 31 January.
3. The purpose of the addendum was to enable Ms Armstrong to incorporate input from Ngāti Toa Rangatira. We fixed 31 January somewhat tentatively, in the hope that that might be sufficient time to obtain the necessary input.
4. In the event, Council now advises that has not proven to be correct, given the disruption/diversion associated with the Christmas holiday break. Council asks for a further week within which to provide Ms Armstrong's addendum.
5. As the Council's Memorandum observes, the statement of tangata whenua values is of fundamental importance to Ms Armstrong's landscape evaluation.
6. Accordingly, we direct that the time for Ms Armstrong's addendum report is enlarged to Tuesday 8 February (taking account of the public holiday on 7 February).
7. We have considered whether this should give rise to a corresponding delay to the end of February deadline provided for other parties to provide input on Whitireia Park landscape issues. We have concluded that given submitters have all the material they need to prepare a response on potential identification of an ONFL on Whitireia Peninsula, the remaining three weeks should be sufficient to prepare a proper response on the balance of issues to be addressed by Ms Armstrong's addendum.

8. Turning to Stream 3, there are two issues to address, both arising out of Mr and Mrs Clark's submission regarding recognition of notable trees on their property at 24 Whanake Street.
9. Following filing and circulation of the Council's Reply, Mr and Mrs Clark submitted their own response (in effect, a reply to the reply) dated 17 January. In Minute 2 (at paragraph 61) we recorded that the Hearing Panel would not accept additional material on the matters of any hearing, once it is completed other than in exceptional circumstances and as approved by the Chair. We have addressed this issue already in Minutes 8 and 10, emphasising the need, save in exceptional cases, for the Council's Reply to be the last step in the process related to each discrete hearing. We do not find this to be an exceptional case and we decline to receive Mr and Mrs Clark's further reply.
10. The second point as regards Mr and Mrs Clark's position arises from our visit to their property on 26 January. The Council's revised recommendation (as advised in Ms Rachlin's reply evidence) is that four Nikau Palms on the Clark property be identified as notable trees. She has provided a map showing a redrawn area of the recommended notable tree group with her reply.
11. When we visited the Clark property, we observed that there are more than four Nikau Palms on the front part of the property (possibly on road reserve) and we were not able to determine from Ms Rachlin's map which trees were proposed to be scheduled. We were also unclear where the legal boundaries of the property lay relative to the Nikau Palms that we viewed, although we note that Ms Rachlin's recommended area of notable trees appears to extend beyond the indicative legal boundary superimposed on the aerial photo that provides the base for the plan she has provided.
12. We therefore request that Council provide us with a scale map that identifies the location of the four Nikau Palms proposed to be scheduled relative to:
 - Any other Nikau Palms in the immediate vicinity;
 - The banks of the stream that runs parallel to Whanake Street at the front of the property;
 - The legal boundaries of the property.
13. For the avoidance of doubt, we do not expect survey accuracy, but the plan needs to be sufficiently accurate for us to understand the implications of Council's recommendation.

14. We direct in the first instance that this plan be provided on or before 11 February. However, we appreciate that preparation of such a plan might require specialist expertise. If further time is needed, we are open to enlarging that timeframe.

Dated 31 January 2022

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**