

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 25 – Stream 4 Hearing Follow Up

1. Following completion of the Stream 4 hearing, there are one or two matters to address. Firstly it is noted that following the first appearance of Waka Kotahi New Zealand Transport Agency (Waka Kotahi), on 11 February, its counsel submitted further evidence on the matters canvassed in that hearing without leave to do so. The message back to Waka Kotahi via the Hearing Administrator was that that material will not be considered unless and until an application is made for leave to tender it **and** the Panel have decided to accept it.
2. The second point to be noted relates to the appearance of Titahi Bay Amateur Radio Club and the New Zealand Association of Radio Transmitters. Their counsel, Mr Cameron, lodged his legal submissions with the Hearing Administrator late on the afternoon of 11 February. In terms of the revised deadline confirmed in Minute 23, this was exactly one week late. When the amateur radio parties appeared, Mr Cameron made an application for a waiver of that time limit, explaining that he had been diverted by a personal emergency arising from flooding up country. We discussed with Mr Cameron the potential for any other party to be prejudiced. Mr Cameron did not consider that any other party was prejudiced and, having reflected upon it, we agreed with that assessment. On that basis, the Chair indicated that the Panel would accept Mr Cameron's written submissions and the hearing proceeded on that basis. We therefore only need record that we have made a direction to that effect, for the reasons set out above.
3. During the course of Mr Cameron's presentation for the amateur radio parties, we suggested that it would assist the Panel if Mr Cameron's clients were able

to provide a definition of “*Yagi*” aerials that described their appearance in a way that covers the variations in their design and which Council compliance officers could readily implement. We gave Mr Cameron leave to supply same by 5pm on 18 February.

4. During Mr Cameron’s presentation for the amateur radio interests he was representing, he suggested that it might be of benefit to consult with the Council Reporting Officer (Mr Smeaton) and report back on the results of same. We indicated that we would not make directions to that effect, essentially for the reasons set out in Minute 7, but that it was open for Mr Cameron and his clients to approach Mr Smeaton and initiate a discussion that might be reflected in Mr Smeaton’s written reply.
5. Also arising out of the appearance of amateur radio interests, the Panel considers that it would be assisted if it were able to view examples of *Yagi* aerials within the district and potentially outside it. We asked Mr Cameron to make arrangements for us to visit selected sites nominated by his clients, details of same to be advised within the same deadline as above.
6. Having reflected on the balance of the presentations we heard, the Panel considers that the only other site visit it could usually undertake is to view the Pauatahanui Substation, the subject of submissions by Transpower Limited, to gain a better impression of what a 30 metre setback around it (as proposed by the submitter) would actually look like. Because that is our focus, we do not need to go within the security fence, but we have requested that the Hearing Administrator liaise with Transpower Limited’s Counsel to seek its assistance to facilitate a site visit.
7. We record that our proposed site visit to Pikarere Farm has been twice deferred due to bad weather. We have asked the Hearing Administrator to contact Mr Stevenson to see if we might usefully combine that site visit with the site visits noted above. That will of course require us to include Commissioner Williams in our visit, since the issues of relevance to Pikarere Farm arose in Stream 2.
8. Lastly, we note that as for previous streams, the Hearing Panel has it in mind to identify matters in respect of which it would be particularly assisted by further commentary from the Council in its reply. We are reviewing our notes

of the hearing at present and will issue a Minute in that regard as soon as possible.

Dated 16 February 2022

A handwritten signature in blue ink, consisting of a large, stylized 'T' followed by a horizontal line and a vertical line extending downwards.

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