

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 27 – Hearing Stream 5 - Timetabling and Associated Matters

1. In Minute 19, we discussed the implications of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 1991 (the Amendment Act) for the PDP hearing process. We directed that the hearing of Streams 5 and 6 be deferred, pending greater clarity as to the nature of those implications,
2. We also invited any party who felt that their submissions in Streams 1-3 were affected by the Amendment Act to provide details in order that we might consider what procedural steps should be undertaken to address such effects. We have received one Memorandum in response, from Ms Robyn Smith that we will address further below.
3. From the Hearing Panel's point of view, for the reasons set out in Minute 19, most of the steps taken to implement the directions in the Amendment Act are matters for Council to analyse exactly what is required and set about implementing the new legislative directions.
4. The feedback that we have had from the Council as to its progress in this regard is as follows:
 - (a) Hearing Stream 5 is able to proceed largely within the originally advised scope (as per Minute 2). The exceptions to that are submissions relating to the Hospital Zone, which will be the subject of the variation required by the Amendment Act and which will therefore drop out of Stream 5, and changes resulting in a reallocation of submissions on the Subdivision Chapter from being based on an Urban/Rural division to one that has more of the subdivision submissions heard in Stream 5 than was

- previously anticipated (with the detail of which submission points are included within Stream 5 to be provided in the section 42A report);
- (b) Council remains committed to notifying the variation required under the Amendment Act by 20 August 2022, but is not able to supply more details regarding timing and content at this point.
5. We are accordingly able to confirm that the Stream 5 hearing will commence on Monday 16 May, subject to the amendments to its scope described above. We have set down eight days of hearing at this point (16-18, 20, 23-25 and 27 May). To enable this hearing to proceed efficiently, the following deadlines will apply:
- (a) Section 42A Reports and supporting expert evidence (if any): **14 April**;
 - (b) Submitters to confirm their wish to be heard and advise timing requirements: **22 April**;
 - (c) Submitters' expert evidence: **4 May**;
 - (d) Rebuttal evidence: **9 May**;
 - (e) Legal submissions, together with lay presentations longer than three A4 pages: **12 May**.
6. As previously, documents are required to be in the hands of the Hearing Administrator by 1pm on the relevant day.
7. We do not wish to look too much further ahead than Stream 5 at present, but we can advise that the Stream 6 hearing will likely be held on the two days 27-28 June. A full timetable for that hearing stream will be issued in due course.
8. As previously noted, we have received a Memorandum from Ms Smith in response to our invitation to advise how the case presented by any submitter might have been altered by the Amendment Act. Ms Smith's Memorandum discusses the effect of the Amendment Act and highlights the significance of the definition of qualifying matters in the new Section 77(l). She states her view that the provisions previously the subject of her submissions relating to coastal and riparian margins, esplanade reserves, significant natural areas, natural character and landscapes, ground instability, hydrological regimes, historic buildings and open space within residential areas are all essential for achieving one or more of the defined qualifying matters.
9. Ms Smith does not suggest that the notified provisions of the PDP be amended as a result of the Amendment Act. We read her Memorandum,

rather, as a pre-emptive strike, anticipating that it might be suggested either by Council, or by other submitters, that those provisions that she cross references be amended (i.e. weakened) to permit greater urban intensification. No other submitter has in fact suggested such an outcome is required in response to the Amendment Act, and we consider that the only way that that might change is through the variation the Council is required to notify, as above.

10. It follows in our view that we do not need to make any special arrangements at this point, but rather it is a matter of our keeping the matters raised by Ms Smith under review in the light of the variation the Council notifies in due course.

Dated 28 February 2022

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

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