

**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 38 – Identifying Mean High Water Springs (3)**

1. Following the issue of Minute 34, we have received two substantive responses, one from Mr Ebbett for Titahi Bay Residents Association Inc, and the other from Ms Smith, providing commentary on the matters discussed in Minutes 33 and 34.
2. We note that Ms Smith suggested that the heading to Minute 34 (and presumably Minute 33 before it) was not “*on point*”, and should be amended. The point Ms Smith makes is fair (that the issue is about identifying the boundary of the CMA where it differs from Mean High Water Springs), but to the extent that we provide a heading to our Minutes, that is only to assist parties to the PDP proceedings to identify communications from the Panel that might be relevant to them. It has no substantive effect. Accordingly, we think it is more helpful to retain the existing heading, so as to provide a link to the previous Minutes.
3. Ms Smith also seeks to advance an argument that neither Greater Wellington Regional Council nor Porirua City Council have any right to reply to the Panel’s Minute, because their respective submissions did not address the matter at issue. The point is academic because neither Council did in fact respond to our Minute, but if the implication was that Porirua City Council has no legitimate interest in the matters the subject of our Minute, we think that that is incorrect. The City Council participates in the First Schedule process in two different capacities. First, as the author(s) of reports pursuant to Section 42A of the RMA, the Council’s officers assist us in determining the final form of the PDP. This interest is quite distinct from the separate and much more limited interest created by the Council’s submission.

4. The matters raised by the two submitter commentators are detailed and provide comment on the relevance of new information that has recently come to hand (that was why we gave leave to provide further input). We consider it appropriate to provide Porirua City Council, in its capacity as Council reporting on submissions, with the opportunity to provide a response to the matters the submitters have put before us- in particular, whether it causes the relevant Council Officer (Mr McDonnell) to alter his previous recommendations to the Hearing Panel.
5. Any such comment should be in the hands of the Hearing Administrator by 1pm on 20 July (to coincide with the Council's final reply on Hearing Stream 5 that Mr McDonnell will also be contributing to).

**Dated 3 June 2022**



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