

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 43 – Silverwood Adjournment Application (2)

1. In Minute 42, we addressed the application of Silverwood Corporation Limited (**Silverwood**) seeking that hearing of its submission be adjourned from the currently scheduled fixture on 5 and 6 July. We decided not to grant that application, for the reasons set out in Minute 42, subject to reservation of leave to enable Silverwood to provide further information/ evidence on economic issues subsequently.
2. Counsel for Silverwood, Mr Dawson, has now made further application to adjourn the hearing of Silverwood's submission. He raises two matters that he was not previously aware of.
3. First, Silverwood's economic expert has been unable to obtain information about the modelling supporting Mr Osborne's rebuttal evidence, where he comments on preliminary assessments of the effects of the Council's proposed Variation on housing capacity within the district. Mr Dawson advises that Mr Thompson is therefore unable to provide any meaningful response to that aspect of Mr Osborne's evidence.
4. Second, and by way of clarification, Mr Dawson notes that he had previously been advised that the Council would abide the decision of the Panel as to whether hearing of Silverwood's submission might be adjourned.
5. Mr Dawson emphasises the cost implications of dividing Silverwood's case (as foreshadowed in Minute 42) and expresses a clear preference for presenting its case in full and once only, when the Council's economic assessment and modelling is in hand.
6. We do not make much of Mr Dawson's second point. He advises that he talked to Mr McKenzie two weeks ago. That was before the Council finalised

and circulated its rebuttal evidence. We can readily understand why the Council might have shifted its view, having been put to the time and trouble of preparing detailed rebuttal evidence.

7. As regards the more substantive issue, Mr Osborne has properly advised us of the potential relevance to assessments of housing capacity of the residential intensification required to be enabled by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. The Variation proposed by the Council represents another layer on that position, insofar as it will provide for intensification to a greater extent than is required by the Amendment Act. Mr Osborne's assessment of the effect of those changes is described as preliminary.
8. It is inherent in the status of 'preliminary' modelling outputs that the weight that can be ascribed to those outputs is reduced. While we appreciate that Mr Thompson (and by extension Silverwood) would have wished to get behind those preliminary model outputs and potentially to be in a position to contradict them, in our view, the robustness of the model predictions is of limited relevance to our consideration of Silverwood's broader submission point. As we observed in Minute 42, it is obvious that implementation of the Amendment Act will increase housing capacity materially, at the theoretical level at least, and potentially at the realisable level also. It was certainly designed to have that effect. We can form a view on the likelihood of it succeeding in its objective at a high level with the assistance of Messrs Osborne and Thompson, without needing to determine exactly what increases might be achieved. That should be sufficient to feed into our consideration of Silverwood's submission.
9. We accept, however, that this is an issue of fairness, and that Silverwood ought to have that opportunity. The issue, to us, is how the hearing process is best managed to ensure a fair process.
10. In Minute 42, we foreshadowed our readiness to give Silverwood the opportunity to present further economic analysis when the shape of the Council's Variation and the analysis underpinning it are available.
11. Silverwood for its part, very much prefers to have its entire case heard at one sitting. We appreciate both the strategic and cost considerations behind that preference.

12. Notwithstanding that, there are a range of other matters set out in Minute 42 which mean we remain of the view that the hearing should proceed on 5 July (and 6 July if necessary) and that we should endeavour to get as far as we can hearing Silverwood's submission. We appreciate that Mr Thompson will be constrained as to how much assistance he can give us at the hearing, for the reasons Mr Dawson has explained. We consider, however, that we will be better placed to make directions to address how and when we get a fuller response from Mr Thompson once we have heard the parties and better understand the issues.
13. In summary, therefore, we decline Mr Dawson's further application for adjournment, while noting our intention to discuss with him, and with the Council's representative, what arrangements should be put in place to complete the hearing of Silverwood's submission thereafter.

Dated 1 July 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**