

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 49 – Stream 2 SNA Issues (2)

1. Following release of Minute 46, we have received a request from Mr Collyns (Submissions #26 and #30) seeking similar leave to present further material to the Hearing Panel as that granted to Mr Walker. Mr Collyns stated that he has a history of disputing the boundaries of the SNAs on his property and felt that the Council Reply does not address the issues he has raised. He implies that if the Hearing Panel does not provide him with an opportunity to put his arguments, he will be left with no option but to appeal the matter to the Environment Court. Lastly, he says that if the Panel is readdressing the issues raised by one submitter, then it should in fairness rehear the other submissions.
2. We consider that Mr Collyns' application is misconceived. As detailed in Minute 46, Mr Walker raised an issue about the process whereby Mr Goldwater undertook a further inspection of his property (at 3A Solway Place) and identified additional areas that ought to be removed from the SNA in his reply evidence. Mr Walker said that he had not had the opportunity to comment on these additional areas and that that was unfair.
3. It is fair to say that we were somewhat dubious about Mr Walker's reasoning, but we were prepared to give him the opportunity to explain why, in his view, Mr Goldwater's revised recommendation was flawed.
4. Mr Collyns' does not point to any new information contained in the Council Reply. Rather, his complaint is that the Council did not consider and respond to the points that he says that he had made regarding SNA boundaries. Accordingly, the same issues of potential procedural unfairness do not arise. We observe that the Council's Reply does not, in any event, represent a final

position binding on the Hearing Panel. The Hearing Panel will make up its own mind as to which view it prefers. The fact that the Council may not have taken into account Mr Collyns' position does not mean that the Hearing Panel will ignore Mr Collyns' presentation. On the contrary, we will consider both Mr Collyns' representations, and the Council Officer's reasoning for his recommendations when reaching our decisions.

5. We note, however, that we can only take account of material fairly and reasonably arising from the relief sought in Mr Collyns' submissions. Those submissions sought relief in three areas:
 - (i) Mr Collyns sought to amend Objective ECO-01 to strengthen the commitment to restoration of SNA values;
 - (ii) Mr Collyns sought an amendment to Policy ECO-P3 to recognise that QEII covenanted areas are already covered by their own conditions, and, in effect, to defer to those conditions;
 - (iii) Mr Collyns sought that the name of one of the SNAs affecting his property be altered.
6. Thus, although Mr Collyns raised boundary issues during the course of his presentation to us, his submissions did not seek any relief in that regard, and accordingly, we would have no jurisdiction to amend the SNA boundaries on his property.
7. Lastly, we observe that if Mr Collyns thought that his implied threat of an appeal to the Environment Court would alter our approach to his submissions, he is mistaken. Mr Collyns has the absolute right to appeal any aspect of our decisions on his submissions, once they are finally released. We have no difficulty with he, or any other submitter for that matter, exercising that right. Our only concern is to make the best decision we possibly can on the evidence before us, and within the jurisdictional boundaries created by the submissions that have been lodged.
8. In summary, we decline Mr Collyns' application to present further material in relation to his submissions on SNAs that were heard as part of hearing Stream 2.

Dated 8 August 2022

A handwritten signature in blue ink, appearing to read 'T. Robinson', with a large, stylized flourish extending downwards from the end of the signature.

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