

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 5 – HEARING STREAM 1 DEBRIEF

1. After completion of the Hearing Stream 1 hearing, there are a number of follow up matters to address.
2. First, we have identified two errors in the Minute 2 hearing procedures:
 - (a) The Hearing Panel will be deliberating on Hearing Stream 1 on 22 October and therefore the Council Reply will need to be in the Hearing Administrator's hands on 15 October (not 22 October, as stated in paragraph 69 of Minute 2);
 - (b) Submitter expert evidence in Hearing Stream 3 needs to be with the Hearing Administrator by 1pm on 19 November latest (paragraph 70 in Minute 2 currently identifies the relevant date as 20 November, which as one submitter has pointed out, is a Saturday).
3. There is another aspect of the hearing procedures that requires clarification. In paragraph 54, hearing participants were directed to lodge legal submissions and other written presentations longer than 3 A4 pages in length "*not less than two working days before the commencement of the relevant hearing*". For the avoidance of doubt, the relevant hearing commences when the hearing is first convened, as per the Notice of Hearing issued by the Council. The reference point is **not** the day on which a particular submitter is scheduled to be heard.

4. The reason this is the case is twofold. First, legal submissions and other presentations received prior to the hearing commencement will identify issues that the Hearing Panel will wish to discuss with the Section 42A author(s), who will appear at the outset of each hearing stream. Secondly, once the hearing commences, the Hearing Panel has limited opportunity to review potentially lengthy documents.
5. As foreshadowed during the course of the Hearing Stream 1 hearing, we have a number of questions arising out of the presentation of Mr Warburton for Ms RA Smith that we would request Mr McDonnell to address as part of the Council's Reply in Hearing Stream 1, as follows:
 - (a) Do Council officers consider that the Figures in Mr Warburton's presentation (and Ms Smith's submission where relevant) correctly show what they purport to show?
 - (b) Is it desirable and/or required that the boundary of the Coastal Marine Area shown in the Proposed Natural Resources Plan be consistent with the boundary of the district shown in the PDP Maps, particularly where the former defines that boundary at stream and river mouths?
 - (c) If so, where and how would the PDP Maps require amendment to achieve that consistency, and what if any consequential changes are required to zones and overlays shown on the PDP Maps?
 - (d) Is the LINZ 'NZ Coastline' polygon a materially more reliable/accurate guide to the location of the seaward edge of the district in the methodology adopted by Council?
 - (e) If the answer to (d) above is "*in some cases, but not always*" (as suggested by the representatives of Greater Wellington Regional Council), is there merit in using a hybrid approach, that is to say, using the LINZ 'NZ Coastline' polygon in those cases where it has been identified as being materially more reliable/accurate?
 - (f) If there is merit in the LINZ 'NZ Coastline' polygon being adopted based on the answers to (d) and (e) above:
 - a. Where and how would the PDP Maps require amendment as a result of its adoption, and what consequential changes are required to zones and overlays shown on the PDP Maps as a result?

- b. Should any such amendments be subject to amendments to ensure consistency with the Proposed Natural Resources Plan as above?
 - c. In what locations (if any) is the difference between the LINZ 'NZ Coastline' polygon and the Proposed Natural Resources Plan material in this regard?
- (g) Is there potential, as suggested by Mr Warburton, for there to be two adjacent zones at the margins of the Coastal Marine Area, and if so, does the note recommended in the Section 42A Report need to be amended to provide an appropriate response?
- (h) Can we assume that land on the seaward side of the cadastral boundaries used to denote the limits of the District Plan will be owned either by the Crown or Council?
6. Our nominating those questions does not of course limit the Council from replying on any additional issues it deems appropriate. If the work potentially required under 5(c) and 5(f) above cannot be completed by 15 October, the Council has leave to submit it at a later date. Council's Reply should identify when Council will be in a position to supply that information in that case.
7. Lastly, when the Hearing Panel meets to deliberate on Hearing Stream 1, it will consider, inter alia, what lessons might be learnt our first hearing and whether the hearing procedures should be further amended. Among other things, we will be looking to confirm the timeline for Hearing Stream 4 at least- indicative dates at present are for the section 42A report(s) to be released end November, submitter expert evidence to be lodged immediately after Wellington Anniversary Day, and for the hearing to commence 9 February. If any PDP party wishes to provide comment that the Hearing Panel might consider on that timeline, or on hearing procedures more generally, they are requested to provide same to the Hearing Administrator by 15 October.

Dated 1 October 2021



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