

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 51 – Stream 2 SNA issues (4)

1. The Stream 2 hearing was held in late 2021.
2. In Minute 46, we gave Samantha Montgomery Limited leave to present a written response to Mr Goldwater’s revised assessment of SNAs contained in the Council’s Stream 2 Reply. On 12 August 2022, we received a lay statement from Mr Walker for the submitter, together with a technical memorandum from Mr Stephen Fuller in accordance with that direction
3. In Minute 50 we directed that Messrs Goldwater and Fuller confer and provide a joint witness statement, which they did (on 31 August 2022).
4. The two experts agreed on the boundaries of the SNA on the Samantha Montgomery property (at 3A Solway Place).
5. On 8 November 2022, Mr Walker filed a further Memorandum on behalf of the submitter drawing attention to practical issues, as he saw them, with the SNA boundaries agreed by the experts and requesting further amendments.
6. As we have explained in previous Minutes, while we have endeavoured to provide all submitters (and the Council for that matter) with an appropriate opportunity to be heard on the matters we have to determine, we have divided the PDP into hearing topics (streams) with each hearing stream following its own procedure leading to a conclusion (the Council Reply). In this particular case, we determined that Samantha Montgomery Limited should have a further opportunity to provide input, after the Council’s Stream 2 Reply, to avoid a potentially unfair process outcome. That opportunity closed with submission of the material Mr Walker lodged on behalf of the submitter on 12 August. We then set in train a further process, concluding with submission of the experts’ Joint Witness Statement.

7. Mr Walker did not seek leave to submit his latest memorandum and it is not appropriate that we receive it. At a certain point, we must draw each hearing stream to a conclusion. Otherwise, the evidential basis for our decisions will continually shift, making the Hearing Panel's task of forming a final view on the matters before us impossible.
8. For Stream 2, that point has well and truly passed.
9. In summary, we decline to receive Mr Walker's Memorandum of 4 November 2022 as part of the hearing record.

Dated 10 November 2022

A handwritten signature in blue ink, appearing to be 'T. Robinson', with a large vertical stroke extending downwards from the end of the signature.

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