

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 54 - Identifying Mean High Water Springs (4)

1. We have received a Memorandum from Ms Smith dated 27 November 2022 seeking to put before us additional material relating to this issue, which Mr Warburton addressed on her behalf in Stream 1. Minutes 8, 10, 33-34 and 38 provide relevant background to Ms Smith's application.
2. Ms Smith's Memorandum notes a recent application filed by the Council seeking resource consents to undertake construction works and reclaim part of the CMA within the Onepoto Arm of Porirua Harbour and draws our attention to elements of the Council's application which are asserted to be inconsistent with the evidence Mr McDonnell has provided in his capacity as the Council Reporting Officer.
3. We do not find the additional information either particularly relevant or helpful.
4. It seems to us that Ms Smith's Memorandum fails to recognise that when giving evidence before us, Mr McDonnell was doing so as an independent planning professional, consistent with his adherence to the Environment Court Code of Practice for Experts. He was not giving evidence on behalf of the Council in the sense that an employee would give evidence on behalf of a company. It follows that the Council's subsequent actions are not Mr McDonnell's responsibility, and are of marginal relevance to the weight we give his evidence.
5. We find, further, that from Ms Smith's summary of the Council's application, as a site-specific illustration of the issues that arise when activities occur near the CMA boundary, it does not appear to us to add materially to the evidence we have previously heard in relation to this issue (including from GWRC).

6. We also observe that the repetition of arguments/positions that Ms Smith has previously advanced (or Mr Warburton has advanced on her behalf), and that in this case occupy the bulk of Ms Smith's memorandum, is unhelpful.
7. Accordingly, we decline to receive Ms Smith's Memorandum, and the material referred to in it into the hearing record.

Dated 30 November 2022

A handwritten signature in blue ink, appearing to read 'TR' followed by a stylized flourish.

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