

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 58 – Silverwood Timetabling Arrangements

1. The Hearing Panel has received an application from Mr Dawson, Counsel for Silverwood Corporation Limited (**Silverwood**) seeking that provision be made for late lodging of Silverwood's expert planning evidence. Mr Dawson advises that due to circumstances beyond its control, Silverwood required alternative planning support from that provided in Hearing Stream 5. It had arranged for Mr Stephen Daysh to assist. Mr Daysh is based in Napier and was affected by Cyclone Gabrielle. The Hearing Panel is aware that virtually all of Napier was without power for several days commencing 14 February and that cell phone coverage was not available for at least part of that time as well.
2. Mr Daysh has advised that due to that disruption, his own personal circumstances, and other professional deadlines, he would be unable to complete his planning evidence until 24 March 2023.
3. Mr Dawson advises that his own circumstances have been disrupted by Cyclone Gabrielle, forcing him to relocate from his Whangarei home, and disrupting power and internet access until earlier this week.
4. Mr Dawson seeks primarily, deferral of the hearing of Silverwood's submission, and a timetable which accommodates the constraints we have summarised above.
5. He advises further that if an extension and hearing adjournment were to be given then Silverwood would be willing to have its submission determined on the papers, or to be heard remotely if that would assist the Hearing Panel.
6. The Hearing Panel is of course sympathetic to the disruption caused by Cyclone Gabrielle, both to Mr Daysh and Mr Dawson, and would seek to do

all that it can to ensure that Silverwood can put its case in support of the relief it seeks on Variation 1, notwithstanding those issues.

7. However, the date that Mr Daysh nominates for provision of his evidence (24 March) is scheduled to be the final date of hearing. Two of the Hearing Commissioners are moving directly from the hearing of submissions on Porirua Variation 1 and Plan Change 19 to sitting on another hearing and the Hearing Panel could not reform until mid to late June at the earliest, due to its members' other commitments. It is therefore not practicable for the hearing to be resumed at some future date as the Hearing Panel needs to 'rule off' on the hearing process and focus entirely on its deliberations and decision writing.
8. The hearing arrangements already provide that parties may table material up to the final date of hearing. In the light of Mr Dawson's indication that Silverwood would be willing to have its submission determined on the papers, Mr Dawson has the option of tabling both his legal submissions and a planning brief from Mr Daysh on or before 24 March in order that we might have the benefit of the Council's written response in reply. We would then consider Silverwood's case on the basis of the material tabled.
9. The downside with that option is that we will be unable to test the evidence (and submissions) which will limit the weight we can give to it. The only alternative we can offer Silverwood to overcome that issue is to file its planning evidence and legal submissions by 1pm on 10 March (the last working day before the hearing commences) and to arrange a hearing slot with the Hearing Administrator. Given Mr Daysh's commitments, as above, this is probably of no utility to Silverwood, but it is the best we can do.
10. Either way, counsel's submissions should address whether the relief Silverwood seeks is 'on' the Variation.

Dated 1 March 2023

A handwritten signature in blue ink, consisting of several overlapping loops and a horizontal line at the end.

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