

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 61 – Silverwood Follow Up

1. During the hearing of the submission for Silverwood Corporation Limited on 22 March, we discussed with counsel for the submitter, Mr Dawson, the fact that the evidence before the Hearing Panel did not include the provisions Silverwood was seeking be inserted into the PDP.
2. As Mr Dawson observed, Silverwood had included with its submission a comprehensive draft structure plan and he offered to distil, from that structure plan, the provisions that would give effect to the relief Silverwood was seeking. Mr Dawson described what was required as 2-3 pages, summarising the structure plan.
3. We indicated that we would need to consider this further, as we were concerned about the implications of receiving new material that we would be duty bound to give the Council the opportunity to reply to. There was also the associated issue that a new set of planning provisions could only be properly tested if we were to reconvene the hearing.
4. Given that this discussion took place on the last day of the Stream 7 Hearing and the Hearing Panel's intention is now to concentrate on completing its decisions and (in relation to IPI matters) recommendations, this is obviously problematic. This is particularly so given that the other commitments of the Hearing Panel mean that any reconvened hearing would likely need to be delayed until June at the earliest.
5. Mr Dawson emphasised that he was not suggesting that the material that Silverwood would produce would raise such issues, and he was certainly not seeking that we reconvene the hearing on Silverwood's account, but it is fair

to say that we were somewhat dubious whether the draft structure plan Silverwood had prepared would so easily and clearly be distilled into a set of live zone provisions as to avoid the problem we had identified.

6. Rather than risk a scenario where the material that Silverwood tables, while derived from the draft structure plan, is substantially new, we think it preferable to rely on our own analysis of the draft structure plan and determine whether or not it identifies sufficiently clearly, the planning provisions necessary to wrap around it, if we are minded to accept Silverwood's primary relief.
7. It follows that we decline Mr Dawson's offer to provide us with additional material. We will make our recommendations (as it is in this case) on the basis of the material already before us.

Dated 26 March 2023



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