

**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 13 – Categorisation of Tabled DoC Planning Evidence**

1. On 22 November, Counsel for the Director-General of Conservation (“DoC”) filed a Memorandum advising that DoC no longer wished to be heard on Hearing Stream 3, and would probably not exercise its right to be heard in subsequent hearing streams. Counsel’s Memorandum was accompanied by two tabled witness statements, one an expert ecology brief from Mr La Cock, and the second a planning statement from Mr Silver, both purporting to relate to Hearing Stream 3.
2. No issue can be taken with Mr La Cock’s statement which addresses DoC’s submission on Rule CE-R5. Mr Silver’s Statement of Evidence, however, repays further analysis.
3. As Mr Silver records, he has sought to analyse rules in the PDP where it would be appropriate to consider effects of indigenous biodiversity as a matter of control (Controlled Activity rules) or alternatively a matter for discretion (for Restricted Discretionary rules) so as to refine the relief sought in DoC’s further submission #39.1, supporting in this respect a Forest and Bird submission (#225.42) that sought that such effects be a matter of control/matter of discretion (as applicable) in all such rules.
4. Both the primary submission and DoC’s further submission were considered in Hearing Stream 2. Mr Silver’s evidence therefore needs to be read as part of DoC’s Stream 2 case. As a further statement of evidence in Stream 2, however, this required leave to file.
5. We see no difficulty in giving that leave for two reasons. First, Mr Silver’s evidence is helpful because Counsel for DoC confirms that its further submission may be taken as restricted to the rules Mr Silver identifies.

6. Secondly, the Panel has separately given the Council leave to file its reply by 22 December, for other reasons (refer Minute 9). Accordingly, the Stream 2 hearing has not closed<sup>1</sup>, and the Council team has sufficient time to consider Mr Silver's further statement before it files its written reply.
7. The Panel does, however, wish to reinforce the general principle that where submitters (and further submitters) have made general submissions covering a number of PDP chapters, and those submissions have been allocated to a hearing stream, submitters are expected to make their case in the hearing stream in which their submission has been allocated.
8. Supplementing/relitigating the submitter's case in subsequent hearing streams will generally be inappropriate.

**Dated 26 November 2021**



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

<sup>1</sup> It can therefore be distinguished from the situation discussed in Minute 10