

**BEFORE THE HEARINGS PANEL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of Proposed Plan Change 17 to the Operative Waipā  
District Plan

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**JOINT MEMORANDUM OF COUNSEL**

**Dated 2 February 2023**

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## INTRODUCTION

1. Submissions on Proposed Plan Change 17 (**PC17**) to the Operative Waipā District Plan are to be heard in a hearing commencing on Wednesday, 29 March 2023. The hearing is subject to a timetable issued in the Hearings Panel's Minute #1 which includes the filing of:
  - (a) The s42A Report, including its supporting reports and evidence, on Monday, 27 February 2023;
  - (b) Submitter expert evidence on Monday, 13 March 2023; and
  - (c) Submitter lay evidence and all expert rebuttal on Friday, 17 March 2023.
2. In its Minute #2, the Hearings Panel identified a potential issue of scope in part of the submission lodged on PC17 by the Hautapu Landowners Group (**Group**).
3. In order to ensure efficiency in the preparation of expert evidence and the effective use of hearing time, counsel for Waipa District Council (**Council**), Kama Trust (**Trust**) and the Group have conferred and jointly request that the Hearings Panel:
  - (a) Determine the issue of scope 'on the papers' in advance of the commencement of the hearing and, if possible, before the filing of submitter expert evidence; and
  - (b) Consider incorporating the timetable set out in the following directions sought by Counsel to assist the Panel's determination.
4. Council confirms that a determination on the issue of scope is without prejudice to any subsequent Council consideration of, and decision on, a variation that may provide an alternative method to address matters raised by the Group in its submission on PC17. In that regard, should the

decision on scope find against the Group submission being within scope, the Council and the Group will engage in discussions regarding the promulgation of a variation as referred to in the Strategic Planning and Policy Committee's resolution of 6 September 2022.

## **DIRECTIONS**

5. Counsel for the Council, Trust and the Group seek the issue of the following directions by the Hearings Panel:
  - (a) The issue of scope raised in relation to part of the submission lodged by the Hautapu Landowners Group on PC17 will be determined on the papers.
  - (b) To assist the Hearings Panel determine the issue of scope on the papers, the following parties are invited to file legal submissions for the Panel's consideration in accordance with the following timetable:
    - (i) Any legal submissions on behalf of Hautapu Landowners Group are to be filed by 4pm on Wednesday, 15 February 2023;
    - (ii) Any legal submissions on behalf of Waipā District Council and Kama Trust are to be filed by 4pm on Wednesday, 22 February 2023;
    - (iii) Any submissions in reply on behalf of Hautapu Landowners Group are to be filed by 4pm on Friday, 24 February 2023; and
    - (iv) The Hearings Panel will issue its decision on scope by no later than 4pm on Monday, 6 March 2023.

Signed this 2<sup>nd</sup> day of February 2023



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T Le Bas  
Counsel for Waipā District Council



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L F Muldowney  
Counsel for Kama Trust



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M Mackintosh  
Counsel for Hautapu Landowners Group

