

BEFORE THE HEARING PANEL ON PROPOSED PLAN CHANGE 17 TO THE WAIPA DISTRICT PLAN

IN THE MATTER of the Resource management Act 1991 (the Act)

AND

IN THE MATTER of proposed Plan Change 17 to the Waipa District Plan

Memorandum of counsel for Dean Hawthorne, on behalf of the Hautapu Landowners' Group in response to Minute #9

Dated 20th March 2023

Instructing solicitor



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MAY IT PLEASE THE HEARING PANEL

INTRODUCTION

1. This memorandum is filed on behalf of Dean Hawthorne, representative of the Hautapu Landowners' Group ("HLG"), and the HLG, in response to the hearing panel's Minute #9, issued on 16 March 2023 ("Minute #9").

CLARIFICATION OF PROCESS FOR HEARING EVIDENCE ON BEHALF OF THE HLG

2. Minute #9 states that a query has been raised regarding the scope of the HLG evidence. It does not advise which party (or parties), raised the query.
3. Minute #9 goes on to state that:
 - (a) Some of the Hautapu Landowners Group evidence in chief addresses matters that are, pursuant to the Panel's earlier decision on 6 March 2023, out of scope of Proposed Plan Change 17.
 - (b) Those matters will not therefore be considered by the Panel in the hearing on Proposed Plan Change 17, unless, or until, the Panel's decision on scope is reversed by any subsequent objection or appeal.
 - (c) An objection to the Panel's scope decision has been filed with Council and will be considered and decided by an Independent Commissioner.
4. It is not clear what process the hearing panel intends to follow to hear the entirety of the evidence filed on behalf of the HLG, if it does not do so during the hearing scheduled to commence on 29th March 2023, should it be determined that the submission by the HLG is within the scope of PC17. Equally, coming to an interim decision based on the Panel's restricted view on scope would be prejudicial to an ultimate fair hearing if the Panel's decision is reversed.
5. The evidence for the HLG was prepared on the basis that the issue of scope remains "live". In that regard, it is both appropriate and necessary that the evidence of the HLG in its entirety be heard together.

Considering only part of the HLG's evidence at the hearing commencing on 29 March 2023 will prejudice the HLG's position.

6. Accordingly, counsel seeks confirmation from the hearing panel that it will adjourn the hearing of submissions on PC17 to provide for the HLG's evidence (as a whole) to be heard, should the submission by the HLG be determined to be within the scope of PC17.



A R Galbraith KC



M Mackintosh

Counsel for Dean Hawthorne, on behalf of the Hautapu Landowners' Group