

**BEFORE INDEPENDENT HEARING COMMISSIONERS  
APPOINTED BY THE WAIKATO DISTRICT COUNCIL**

**IN THE MATTER** Of the Resource Management Act  
1991 (the Act)

**AND**

**IN THE MATTER OF** Of hearing submissions and further  
submissions on the Proposed Waikato  
District Plan

**SUBMITTER** Ohinewai Lands Limited

Submitter [No. 428]

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**APPLICATION ON BEHALF OF OHINEWAI LANDS LIMITED SEEKING  
LEAVE TO FILE EVIDENCE OUT OF TIME**

Dated: 21 August 2020

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**GREENWOOD ROCHE**  
LAWYERS  
AUCKLAND  
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**MAY IT PLEASE THE COMMISSIONERS**

- 1 Counsel acts for Ohinewai Lands Limited (*OLL*), a submitter and further submitter on the Ohinewai topic of the Proposed Waikato District Plan (*pWDP*).
- 2 The Ohinewai hearing (Hearing 19) is set to commence in the week of 14 September 2020.
- 3 The purpose of this Application is to request leave to file late evidence from a company representative of OLL.
- 4 The Panel issued directions on 31 March 2020 directing the following timetable:
  - (a) The Ohinewai submitters requesting rezoning are to file their evidence for the hearing no later than **5pm on 2 July 2020**.
  - (b) All submitters and further submitters are to file their evidence for the hearing no later than **5pm on 6 August 2020**.
  - (c) Any rebuttal evidence for the Ohinewai submitters requesting rezoning is to be filed no later than **5pm on 17 August 2020**.
- 5 OLL provided a memorandum to the Panel on 15 May 2020 advising OLL's intention not to file expert evidence or be involved in the expert conferencing, but requesting that its submission and section 32AA Report be considered by the panel in its deliberations. In that memorandum, OLL also indicated its intention is to file a statement of position prior to the hearing. OLL confirms that is still its intention.
- 6 OLL has subsequently reviewed its position and considers it would also be beneficial for the Panel to have evidence from a company representative to assist with its deliberations.
- 7 The evidence has been prepared by Tony McLauchlan, who is employed by OLL as a development advisor. Mr McLauchlan's evidence describes OLL's intentions for its site and details consultation OLL has undertaken to date. It is not expert evidence and is intended be read with the statement of position to be filed by Counsel prior to the hearing to support OLL's submission.

- 8 Counsel for OLL and Tony McLauchlan will be present at the hearing to answer any questions in relation to the statement of position and brief of evidence.
- 9 While the timeframes set by the Panel above for evidence for the Ohinewai hearing have passed, if accepted, the brief of evidence will still be filed 15 working days before the beginning of the hearing. This accords with the directions at paragraph 25 of the First Direction from Hearing Commissions dated 21 May 2019 (and requirements under the Resource Management Act 1991.)
- 10 Counsel considers that the late filing of this evidence will not prejudice Ambury Properties Limited or any other submitters on the Ohinewai topic of the pWDP:
- (a) the evidence is from a representative of OLL and is not expert evidence;
  - (b) the evidence confirms the position of OLL and does not challenge any of the expert evidence filed by the other submitters; and
  - (c) the evidence, if accepted, will be filed more than 15 working days prior to the first possible day of the hearing (being 14 September)
- 11 Counsel respectfully seeks leave for the evidence of Mr McLauchlan to be filed out of time. The brief of evidence has been filed alongside this application.



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**Sam Hutchings**  
**Counsel for Ohinewai Lands Limited**  
**21 August 2020**