

IN THE MATTER

of the Resource
Management Act 1991
("RMA" or "the Act")

AND

IN THE MATTER

of a submission in respect of
the **PROPOSED WAIKATO
DISTRICT PLAN** by
**AMBURY PROPERTIES
LIMITED** pursuant to
Clause 6 of Schedule 1 of
the Act

**JOINT MEMORANDUM OF COUNSEL FOR AMBURY PROPERTIES LIMITED
AND OHINEWAI LAND LIMITED IN RELATION TO TIMETABLE**

MAY IT PLEASE THE HEARING PANEL

1. INTRODUCTION

- 1.1 We respectfully refer to the minute and further directions issued by the Hearings Panel on 21 August 2019 concerning the hearings on Ohinewai rezoning ("the Directions"). The Directions included the following timetable:¹

"A public notice prepared in general accordance with that contemplated in paragraph 2.5 of Mr Berry's memorandum of 12 August 2019, incorporating appropriate maps, is to be placed in the relevant newspapers and uploaded to the Council's website, no later than 30 September 2019, with the period for lodging further submissions closing 20 working days later.

Each of the Ohinewai submitters requesting rezoning is to provide all technical reports and supporting documents, including section 32AA assessments, to the Council and all submitters and further submitters on the Ohinewai rezoning requests no later than 5 pm on 1 December 2019.

The Council is to prepare and release its section 42A report on the Ohinewai rezoning requests no later than 5 pm on 13 March 2020.

The Ohinewai submitters requesting rezoning are to file their evidence for the hearing no later than 5 pm on 2 April 2020.

¹ Minute and Further Directions of the Hearing Commissioners dated 21 August 2019, paragraphs 22-29.

All submitters and further submitters are to file their evidence for the hearing no later than 5 pm on 7 May 2020.

Any rebuttal evidence for the Ohinewai submitters requesting rezoning is to be filed no later than 5 pm on 18 May 2020.

The Council is to file an updated section 42A report to address matters arising from the evidence of the parties, no later than 5 pm on 28 May 2020.

The hearing will commence on or shortly after Monday 8 June 2020, with specific details to be provided in due course."

- 1.2 In accordance with the Directions, the public notice was issued and further submissions closed on 7 November 2019.
- 1.3 The Directions provide for the Ohinewai submitters seeking rezoning to circulate their technical reports to the Council, submitters and further submitters by 1 December 2019. As this is a Sunday, APL had intended to circulate them by Friday 29 November 2019.
- 1.4 The purpose of this memorandum is to seek a minor amendment to the timetable to enable Ambury Properties Limited ("APL") and the other Ohinewai rezoning submitters, to circulate their technical reports one week later, by 5pm on **Friday 6 December 2019** rather than on 29 November 2019.


2. AMBURY PROPERTIES LIMITED TECHNICAL REPORTING

- 2.1 In accordance with the Directions, APL is preparing a comprehensive suite of technical reports in support of its submission, addressing the following matters:
 - (a) Acoustics;
 - (b) Contamination;
 - (c) Geotechnical matters;
 - (d) Ecology;
 - (e) Landscape and visual;
 - (f) Traffic and transportation;
 - (g) Social impact;
 - (h) Archaeology;
 - (i) Economics;
 - (j) Civil design / three waters;
 - (k) Stormwater / flooding;
 - (l) Urban design;
 - (m) Cultural values assessment;

- (n) Planning (including 32AA analysis and AEE).
- 2.2 Good progress has been made and the reports are well advanced. However, a small extension of time is respectfully sought to ensure that they are consistent, comprehensive and that they address all of the matters raised in further submissions.
- 2.3 In that regard, further submissions closed on 7 November 2019 but have not yet been uploaded to the Council website. It has taken some time for the further submissions to reach APL.
3. **OHINEWAI LAND LIMITED TECHNICAL REPORTING**
- 3.1 In accordance with the Directions, Ohinewai Land Limited ("OLL") is preparing a number of technical reports in support of its submission.
- 3.2 OLL is in a similar position to APL as regards the benefit of an extra week to ensure that the documents filed will be consistent, complete and address all issues raised.
4. **WAIKATO DISTRICT COUNCIL POSITION**
- 4.1 Waikato District Council representatives have signified that the extension requested is of no consequence to it in terms of the preparation of its section 42A report and accordingly has no concerns APL's request for an extension of one week.
5. **SUBMISSIONS OF COUNSEL**
- 5.1 In considering this request for a brief extension, the Panel may be assisted by considering the matters that are relevant under section 37A of the Resource Management Act 1991 ("RMA") that apply to requests for waivers and extensions. In that regard, APL / OLL's position is that:
- (a) No persons will be adversely affected by the extension in terms of section 37A(1)(a) of the RMA.
 - (b) In terms of section 37A(1)(b) of the RMA, the interests of the community in achieving an adequate assessment of the effects of the proposal will not be adversely affected by the extension of time and, indeed, will be enhanced by the ability to ensure that they are consistent, comprehensive and provide full coverage.
 - (c) The delay is not contrary to the Council's duty to avoid unreasonable delay in terms of section 37A(1)(c) of the RMA. It will not alter the overall timetable that is in place for a hearing in June 2019.
 - (d) It will only delay making the information to other parties by a calendar week which, given the time frames operating, will not prejudice their preparation for a June 2020 hearing.
- 5.2 It is therefore respectfully submitted that the brief extension sought will not affect or require amendment to the remainder of the timetable set by the Panel in paragraphs 23-29 of the Directions.

- 5.3 Counsel is grateful to the Panel for its consideration of this matter and would be happy to provide the Panel with any further information it may require.

DATED this 22nd day of November 2019



S J Berry

Counsel for Ambury Properties Limited



Francelle Lupis

Counsel for Ohinewai Lands Limited