

**BEFORE AN INDEPENDENT HEARINGS PANEL  
OF THE WAIKATO DISTRICT COUNCIL**

**IN THE MATTER OF**

the Resource Management Act 1991  
(the **Act**)

**AND**

**IN THE MATTER OF**

the proposed Waikato District Plan  
(Stage 1) Hearing 25 – Zone Extents  
(Rezoning Requests excluding the  
Ohinewai Area)

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**MEMORANDUM OF COUNSEL ON BEHALF OF ARA POUTAMA  
AOTEAROA - THE DEPARTMENT OF CORRECTIONS**

Dated: 23 April 2021

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**MAY IT PLEASE THE COMMISSIONERS:**

- 1 We act for Ara Poutama Aotearoa – Department of Corrections (the **Department** or **Ara Poutama**) in relation to its request to rezone the Spring Hill Corrections Facility (**SHCF**) under the proposed Waikato District Plan (**Request**).<sup>1</sup> This Memorandum respectfully requests some alteration to the timetable for lodging rebuttal evidence and legal submissions.

**Background**

- 2 The SCHF is within the vicinity of Mercer and Meremere and therefore falls to be addressed as part of that sub-topic within Hearing 25 – Zone Extents.
- 3 Hearing 25 commences on 17 May 2021 with the hearing for the Mercer and Meremere rezoning requests one of the later sub-topics and currently scheduled for hearing on 23 June 2021 (**MM Hearing Date**).
- 4 In accordance with the directions of the Panel dated 12 May 2020 rebuttal evidence from the Department is due for filing on 3 May 2021 (10 working days before the start of the first hearing but some six weeks before the MM hearing) with legal submissions due on 12 May 2021 (five working days prior to the start of the first hearing but five weeks prior to the MM hearing).
- 5 Recognising the condensed timeframes that would likely apply at the hearing stage, the Department has sought on a number of occasions over the past year to engage with the Council on Ara Poutama's Request however those approaches have been to no avail.
- 6 The section 42A report prepared on behalf of the Waikato District Council for the Mercer and Meremere topic was only received by Ara Poutama on 16 April 2021] (the **Report**).<sup>2</sup> This constitutes the first and only specific feedback from Council that Ara Poutama has

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<sup>1</sup> Department of Corrections, submission 496.10, further submission FS1210.

<sup>2</sup> Waikato District Council, *Section 42A Report on submissions and further submissions on the Proposed Waikato District Plan – Hearing 25: Extents Mercer & Meremere*, 12 April 2021.

received on its Request. It recommends that the Department's request be declined.<sup>3</sup>

### **Request for extension**

- 7 For the reasons set out below, Ara Poutama respectfully requests that:
  - (a) The timeframe for lodging its rebuttal evidence responding to the Report be extended from 3 May 2021 to **25 May 2021** (being 20 working days from the MM Hearing Date).
  - (b) The timeframe for Council to lodge its reply section 42A report be extended from 10 May 2021 to **1 June 2021** (being 15 working days from the MM Hearing Date).
  - (c) The timeframe for lodging its legal submissions be extended from 12 May 2021 to **9 June 2021** (being 10 working days from the MM Hearing Date).
- 8 Ara Poutama appreciates that the directions of the Panel regarding timeframes have sought to ensure a fair, effective and efficient hearings process, particularly considering the large number of rezoning requests that have been received.
- 9 We submit that a decision to grant Ara Poutama's extension request is however consistent with that approach on the basis that:
  - (a) The rezoning Request relates only to land held by the Crown for justice (Corrections) purposes (the **Site**). The Site is already occupied by the Department for Corrections' purposes and is largely developed for and in association with SHCF.
  - (b) There are no other parties in relation to this matter other than the Council. As such, no other party would be affected by the decision to grant this extension request.
  - (c) If granted, the extensions would provide Ara Poutama with the opportunity to engage with Council on this matter, with a view to potentially resolving some of the concerns it has raised.

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<sup>3</sup> Section 42A Report, above n2 at [326] – [352].

- (d) Even where it is unable to do so, the extension sought would assist in ensuring that succinct and well-considered evidence and legal submissions can be presented to the Commissioners for consideration.

**DATED** this 23<sup>rd</sup> day of April 2021



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L J Semple

Counsel for Ara Poutama Aotearoa - Department of Corrections