

SCANNED

Doc No _____

Before an Independent Hearings Panel

The Proposed Waikato District Plan (Stage 1)

IN THE MATTER OF the Resource Management Act 1991 (RMA)

IN THE MATTER OF hearing submissions and further submissions on the Proposed
Waikato District Plan (Stage 1)

**MEMORANDUM OF COUNSEL REGARDING LEGAL AND JURISDICTIONAL MATTERS
ON BEHALF OF HAVELOCK VILLAGE LIMITED AND TATA VALLEY LIMITED**

BUDDLEFINDLAY

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MAY IT PLEASE THE COMMISSIONERS

1. INTRODUCTION

- 1.1 We act for Havelock Village Limited¹ (HVL) and TaTa Valley Limited² (TVL), who are original submitters on the Proposed Waikato District Plan (Stage 1) (**Proposed Plan**).
- 1.2 HVL and TVL provided comprehensive submissions supported by detailed technical analysis relating to two separate sites near Pokeno. HVL seeks to rezone land adjoining Pokeno township from Rural to Residential. TVL seeks to rezone land to the south-west of Pokeno from Rural to a bespoke Resort Zone. Both submissions sought other consequential changes to the Proposed Plan to implement the proposed developments.

2. LEGAL OR JURISDICTIONAL MATTER DETERMINED PRIOR TO HEARING

- 2.1 On 21 May 2019, the Hearing Commissioners issued their first set of directions, which included a direction that:

Any submitter who wishes to raise with the Hearing Panel any legal or jurisdictional matter that they consider needs to be resolved before the hearings commence, is required to file these, in writing, with the Council's Hearings Administrator, Ms Sandra Kelly, and be received by her no later than 5pm Friday 21 June 2019

- 2.2 From their review of the summary of submissions HVL and TVL are aware that various submitters are seeking that the Proposed Plan be withdrawn in its entirety or any hearing of submissions deferred. The justifications for the withdrawal or deferral include the need for updated flood hazard mapping and assessments,³ implementing the new National Planning Standards⁴ and better alignment with other planning studies like the Hamilton to Auckland Spatial Plan.⁵
- 2.3 It is unclear at this stage whether those submitters will raise these issues with the Hearing Panel as legal or jurisdictional matters that need to be resolved prior to the hearings on the Proposed Plan. In the event any submitter does raise potential withdrawal or deferral of the Proposed Plan (in full or part) as a preliminary matter, HVL and TVL wish to record their interest in that issue and respectfully request that

¹ Submitter 862.

² Submitter 574.

³ For example, submission points 730.2 from Mercury NZ Limited and 198.1 from Property Council of New Zealand.


⁴ For example, submission points 198.1 from Property Council of New Zealand and 680.1 from Federated Farmers of New Zealand.

⁵ For example, submission point 376.4 from Jolene Francis.

the Hearing Commissioners convene a pre-hearing meeting for all interested and/or affected parties. There may be a number of other submitters who similarly wish to be involved.

- 2.4 HVL and TVL oppose any withdrawal or deferral of the Proposed Plan (in full or part) and consider that issues such as flood hazards and implementation of the National Planning Standards can be addressed as part of the substantive hearings of submissions. In particular, HVL and TVL have both undertaken comprehensive technical assessment of flood hazards to confirm such hazards are adequately addressed in relation to their proposed developments. Accordingly, they consider there is no justification for any further delay to the Proposed Plan process on this basis.

DATED this 21st day of June 2019



V S Evitt / M G Gribben

Counsel for Havelock Village Limited and
TaTa Valley Limited