

UNDER the Resource Management Act 1991
IN THE MATTER of Proposed Waikato District Plan: Hearing 22 -
Infrastructure and Energy

JOINT MEMORANDUM OF COUNSEL REGARDING PANEL DIRECTIONS

HEARING 22 – Infrastructure and Energy

11 November 2020

MAY IT PLEASE THE HEARINGS PANEL:

1. This memorandum is filed on behalf of Kāinga Ora - Homes and Communities, Waka Kotahi – NZ Transport Agency and KiwiRail Holdings Limited ("**the Parties**") in relation to the directions of the Hearing Commissioners dated 4 November 2020 regarding the proposed infrastructure provisions ("**Directions**").
2. Paragraph 5 of the Directions reads:
 5. *Representatives of the Waikato District Council ("**the Council**")*, the New Zealand Transport Agency ("**NZTA**"), Kiwi Rail, Kainga Ora and Parkmere Farms/Mr and Mrs Young are invited to:
 - a. *Liaise further regarding the objectives, policies and rules of the proposed plan that relate to noise and vibration from transport corridors ("**the transport corridor noise and vibration provisions**")*, with the intention of seeing to what extent a consensus position might be reached on those provisions; and
 - b. *No later than **5pm on Wednesday 11 November 2020**, advise the Hearings Administrator, Mr Fletcher Bell (see below for contact details) whether further liaison, as per Direction 5a. above is proposed, and if so, which of the parties that will participate and the identify the "nominated representative" in accordance with Direction 6 below.*
3. The Parties have met to discuss the Panel's directions. They agree that the exercise directed by the Commissioners is worthwhile and timely. As discussed during the hearing, the Parties are already endeavouring to reach consensus on a national approach to these issues. The discussions regarding the Proposed Waikato District Plan form part of that ongoing process, as do contemporaneous proceedings relating to Whangarei and Marlborough.
4. There are a number of matters of principle that the Parties consider need to be resolved before consideration can be given to detailed wording. These include high-level policy decisions in terms of the exercise of the Parties' respective statutory roles and obligations and issues relating to funding. In that context, the Parties consider that there is no realistic prospect that the issues can be resolved in accordance with the timeframe proposed in the Directions. They are, however, committed to applying resources to resolving these complex issues as soon as possible.
5. In the circumstances, the Parties respectfully propose the following timetable:

- (a) ***That the Parties report to the Commissioners, Council and the submitters on progress with their negotiations by 29 January 2021*** - By that date it is anticipated that the Parties will have reached agreement in principle on the approach to be adopted with respect to the issues. The proposed date reflects the need for input at a senior level in all three organisations. By this time, the Parties also expect that they will be in a better position to suggest a timetable and process for ongoing discussions, including engagement with other submitters. It may be apparent by then that the following dates warrant refinement, but they are proposed at this stage to provide a framework.
 - (b) ***That the parties provide a further report to the Commissioners, Council and the submitters by 12 March 2021*** - It is anticipated that this report would address progress with the draft provisions and initial discussions with the Council and submitters.
 - (c) ***That the parties file their agreed provisions with the Commissioners by 30 April 2021*** – While the Parties are committed to reaching agreement, if agreement has not been reached by this stage then the Parties anticipate filing an annotated version of the relevant Proposed Plan provisions identifying their respective preferred wording.
6. Discussions are proposed to occur only between the Parties in the first instance given the desirability (noted by Commissioner Mitchell at the hearing) of an “All of Government” view being presented. The Parties consider that the framework set out in paragraph 5 above is likely to be the most efficient way of resolving matters. It is anticipated that the Council and submitters would become involved in discussions once agreement in principle has been reached between the Parties.
7. Counsel for Kainga Ora has spoken to the Council’s representative, Ms Wratt, and communicated with the representative for the submitter, Parkmere Farms / Young, Mr Grala, both of who have indicated that they do not oppose an extension to the Commissioners’ proposed timetable.

Dated this 11th day of November 2020



D A Allan / C E Kirman

Counsel for Kāinga Ora-Homes and Communities



L Eaton / T Atkins

Counsel for KiwiRail Holdings Limited



C Sheard

Counsel for Waka Kotahi – NZ Transport Agency