

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 ON BEHALF OF HAVELOCK VILLAGE LIMITED AND
TATA VALLEY LIMITED REGARDING EXPERT PLANNING CONFERENCING FOR
TOPIC 3: STRATEGIC OBJECTIVES**

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MAY IT PLEASE THE COMMISSIONERS

- 1.1 We act for Havelock Village Limited¹ (**HVL**) and TaTa Valley Limited² (**TVL**), who are original and further submitters on the Proposed Waikato District Plan (Stage 1) (**Proposed Plan**).
- 1.2 In relation to Topic 3, HVL has filed expert planning evidence from Mr Mark Tollemache and TVL has filed expert planning evidence from Mr Chris Scrafton. Both Mr Scrafton and Mr Tollemache have raised concerns about the lack of clarity in the PWDP provisions with respect to the role and function of the proposed strategic directions and strategic objectives and importantly, how those provisions cascade to other objectives, policies and rules across the Plan. It does not appear that the Waikato District Council's Section 42A report has provided the necessary clarity on these issues. These issues are further complicated by the requirements of the National Planning Standards, which direct a certain form and location for such provisions.
- 1.3 Both Mr Scrafton and Mr Tollemache have now reviewed the primary evidence on Topic 3 from other submitters, including multiple statements of expert planning evidence. It appears that the planning experts for the various parties have competing views on the merits of strategic directions and objectives and as a result have recommended a wide variety of approaches to the use of such provisions and their relationship to area or zone-specific objectives and the policies. This includes potentially competing views from the Section 42A report and Waikato District Council as submitter.
- 1.4 To attempt to reconcile these competing expert views, HVL and TVL consider an efficient approach would be for the Panel to direct expert planning conferencing on these matters with a view to narrowing the issues currently in dispute. While it seems unlikely that complete agreement would be reached on the wording of the objectives and policies, there is potential for agreement (or at least significant narrowing of the issues) about the appropriateness of strategic directions and strategic objectives and how those should tie into the current structure of the PWDP given the requirements of the National Planning Standards. This should result in a more focused hearing and joint expert evidence that is more useful to the Panel.

¹ Submitter 862.

² Submitter 574.

- 1.5 Ideally, the conferencing would occur prior to the filing of rebuttal evidence for Topic 3, as is common practice in the Environment Court. However, given that rebuttal evidence is due on Tuesday 22 October 2019, the conferencing may need to be scheduled for the time period between that date and the start of the hearing for Topic 3 on 6 November. The experts could then address the Panel with respect to any areas of disagreement as part of their hearing statement/highlights package. If conferencing cannot be arranged in that timeframe, the Panel may wish to consider an alternative process where parties can consider the conferencing statement at a later time and present any remaining issues in dispute at a reconvened hearing.
- 1.6 If the Panel consider that conferencing on these issues would be of assistance, HVL and TVL respectfully suggest that the following items form part of the agenda:
- (a) The appropriateness of the inclusion of strategic directions and strategic objectives in the PWDP;
 - (b) If appropriate, what is the role and function of those strategic directions and/or objectives. What is their appropriate location in the PWDP in light of the National Planning Standards;
 - (c) The recommended scope, topics and/or wording of any strategic directions and/or objectives;
 - (d) Any linkages from those directions/objectives that are required to other parts of the plan;
 - (e) Identification of any other aspects of the National Planning Standards that could be implemented within the timelines of the current process and proposed steps to achieve that (noting that not all submitters have expressed an interest in this issue).

1.7 In light of the above, HVL and TVL respectfully request the Panel direct expert planning conferencing on Topic 3 on terms and on dates that it considers appropriate.

DATED this 17th day of October 2019

A handwritten signature in black ink, appearing to read "V S Evitt". The signature is written in a cursive style with a small dot above the 'i'.

V S Evitt / M G Gribben

Counsel for Havelock Village Limited and
TaTa Valley Limited