

**BEFORE THE HEARING COMMISSIONERS
AT WAIKATO DISTRICT COUNCIL**

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

AND

IN THE MATTER of hearing submissions and further submissions on the
Proposed Waikato District Plan

**MEMORANDUM OF COUNSEL FOR DIAMOND CREEK FARM LIMITED; TE
KAUWHATA LAND LIMITED; AND HOROTIU PROPERTIES LIMITED
29 January 2021**

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TO THE HEARING COMMISSIONERS

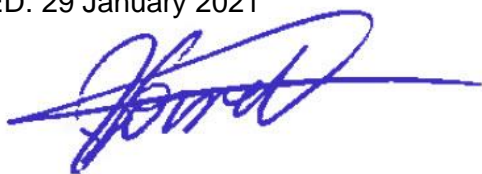
- 1 This Memorandum is on behalf of submitters:
 - (a) Diamond Creek Farm Ltd (submission #387);
 - (b) Te Kauwhata Land Ltd (submission #368); and
 - (c) Horotiu Properties Ltd (submission #397).
- 2 The submitters separately have requested rezoning on land at Te Uku, Horotiu and Te Kauwhata, respectively. Harkness Henry is representing each of these submitters individually.
- 3 On behalf of the submitters, we request an extension to the deadline for the provision of submitter evidence to the Rezoning Requests Hearing 25 to allow for an additional 5 working days.
- 4 As you are aware, evidence from submitters seeking rezoning of land is due on 17 February 2021.¹ The extension sought would make evidence due on 24th February 2021.
- 5 The submitters were made aware of further evidence relevant to Hearing 25 on Thursday 27 January 2021 when they received email correspondence from the Proposed District Plan team. That email provided the link to a Peer Review of the s 42A Framework Report and also a link to a number of the documents referenced in the Framework Report. The Framework Report itself was received on 20 January 2021. Also noted in yesterday's (28 January 2021) email was reference to the raw data that informs the residential demand report however that information will not be available until next week, noting that Monday 1 February is a public holiday.
- 6 It is submitted that the complexity and extent of the information provided in the Framework Report, (which also incorporated a template for the s32AA reports which was not previously available or indicated as required) deserves considered thought and response in the s 32AA reports. That is not something that can be done when some of the relevant

¹ See Memorandum by council to Hearing Commissioners relating to the release of the Zoning Framework Report, 5 November 2020 at [6].

data is not made available until 6 to 8 working days from when submitter evidence is due.

- 7 We also are concerned at the inability to have any discussion with the individual s 42A report writers prior to the s 32AA reports being due. We have, to date, been provided contact details for just one of the s 42A writers relevant to our clients. That is the writer responsible for rezoning requests at Te Uku. On behalf of the submitters we have made numerous requests for the contact details and/or name of the s 42A writers. Some of those requests were over the phone and we have a record of 11 separate email requests dating back to the 10 June 2020 when we sought further feedback in order to liaise with relevant council officers for the Te Uku rezoning proposal.
- 8 We understand that Council officers were not in a position to advise the information sought and note that there have been significant personnel changes within the Proposed Plan team. However, the inability to have any continuity with Council regarding rezoning discussions first initiated with Ms Overwater in 2019 has been a real challenge to these submitters and their expert witnesses, particularly when putting together the s 32AA report. We assume that will be a difficulty that other submitters are also facing.
- 9 We appreciate that the extension sought will reduce the other timeframes but note that submitters opposing rezoning requests will still have 10 working days in which to do so, as well as the opportunity for rebuttal evidence following the further s 42A reports. We hope that the extension will enable discussions to occur with the s 42A report writers.
- 10 We respectfully request the Panel to consider this request favourably in light of the significance of the s 32AA reports and supporting evidence to the overall rezoning assessment process.

DATED: 29 January 2021



Dr J B Forret

Counsel for submitters

This Memorandum is filed by **Dr J B Forret**, Solicitor and Counsel for the submitters (mentioned above), whose address for service is at the offices of Harkness Henry Lawyers, Level 8, 85 Alexandra Street, Hamilton. Documents for service on the abovenamed may be left at that address or may be:

1. posted to the solicitor at Private Bag 3077 Hamilton 3240; or
2. left for the solicitor at a document exchange for direction DX GP 20015, Hamilton;
or
3. emailed to the solicitor at joan.forret@harkness.co.nz