

**BEFORE A PANEL OF INDEPENDENT HEARING COMMISSIONERS IN THE
WAIKATO REGION**

I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHEKE WAIKATO

UNDER the Resource Management Act 1991 (RMA)

AND

IN THE MATTER of Proposed Variation 3 to the Waikato Proposed
District Plan (PDP)

**MEMORANDUM OF COUNSEL FOR WAIKATO DISTRICT COUNCIL SEEKING
EXTENSION OF TIME FOR REPLY LEGAL SUBMISSIONS RELATING TO FLOODING**

Dated 22 SEPTEMBER 2023

TOMPKINS | WAKE

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1. This memorandum seeks an extension of time until 29 September 2023 for the Waikato District Council to file legal submissions in reply relating to the flooding components of the substantive hearing in July/August 2023.
2. The Section 42A Closing Statement contains alternative regimes for managing intensification in areas that are modelled to be impacted by flooding. These include:
 - (a) Including a new overlay in the PDP planning maps with related controls; or
 - (b) Developing rules based on technical definition of a flood plain, where the illustrative maps are non-statutory information.
3. In Ms Hill's view both options have benefits and disbenefits, and a decision on which should be preferred is finely balanced.
4. The Council is still considering its position and giving further thought to whether some of the limitations around including a non-statutory layer identified by Ms Hill, can be addressed by the Council in the short term.
5. In light of the above, we have filed our reply legal submissions without a final Council position on the approach to flooding, and respectfully seek an extension until 29 September 2023 to provide the remaining section of those submissions.

Signed this 22nd day of September 2023



B A Parham / J A Gregory
Counsel for Waikato District Council