

**BEFORE AN INDEPENDENT HEARINGS PANEL OF THE WAIKATO DISTRICT COUNCIL**

**Under the** the Resource Management Act 1991

**In the matter** of the Waikato IPIs – Waikato District Council Variation 3

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**MEMORANDUM ON BEHALF OF HYNDS PIPE SYSTEMS LIMITED AND THE HYNDS  
FOUNDATION REGARDING HEARING ATTENDANCE**

**28 July 2023**

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**MAY IT PLEASE THE COMMISSIONERS:**

1. This memorandum is filed on behalf of Hynds Pipe Systems Limited and the Hynds Foundation (together, **Hynds**). Its purpose is to seek that two of its witnesses, Mr McGregor and Ms de Lambert, be excused from attending the Variation 3 hearing.

**Update on witnesses' positions**

2. On 4 July 2023 Hynds filed statements of evidence from the following witnesses:
  - (a) Mr Campbell McGregor, in relation to stormwater;
  - (b) Ms Rachel de Lambert, in relation to landscape and visual effects;
  - (c) Ms Sarah Nairn, in relation to planning; and
  - (d) Mr Adrian Hynds, a corporate witness for Hynds.
3. As the Commissioners are aware, Ms Nairn has reached an agreed position with Mr Tollemache (Havelock Village Limited (**HVL**)'s planning witness) in relation to Variation 3 and a joint witness statement was filed on 25 July 2023. The agreed position between HVL and Hynds is also addressed in Hynds' legal submissions, also filed on 25 July 2023.
4. In light of the agreed position between HVL and Hynds, Ms de Lambert has reconsidered her position. A brief statement of supplementary evidence confirming changes to Ms de Lambert's position is being filed with this memorandum. In summary, Ms de Lambert is supportive of the position that has been agreed between Hynds and HVL in relation to "Area 1" of the HVL site and provided this relief is granted, no longer supports the Havelock Industry Buffer being extended over Area 1 to address reverse sensitivity effects, as proposed in her primary evidence.

5. The other issue raised in Ms de Lambert's evidence was the application of height restrictions to the parts of HVL's site above RL100 that have been zoned Rural under the Proposed Waikato District Plan (decisions version). This has now been resolved by the Council's updates to its proposed Precinct Plan to exclude the application of the height controls from the Rural zoned land. Hynds is no longer pursuing this point.
6. Mr McGregor's evidence recommended an amendment to the matters of discretion for subdivision to ensure that recommendations provided for under any specifically Council-endorsed Stormwater Catchment Management Plan can be addressed through conditions of subdivision consent.<sup>1</sup> This amendment was also supported by Ms Nairn in her primary evidence<sup>2</sup>. This amendment is now supported by the Waikato District Council.<sup>3</sup>

#### **Directions sought**

7. In light of this, and given that the Hynds' planning witness, Ms Nairn, will be available at the Hearing to answer any questions, Hynds respectfully requests that:
  - (a) If the Hearing Panel has no questions for Mr Campbell and Ms de Lambert their evidence be taken as read; and
  - (b) Mr Campbell and Ms de Lambert be excused from attending the Hearing when Hynds presents its case on Monday 31 July 2023.
8. Counsel for Hynds, Mr Bangma, will appear the hearing on 31 July 2023, together with Ms Nairn. Mr Hynds, Hynds' corporate witnesses, is scheduled to appear on 2 August 2023.
9. Counsel notes that Ms de Lambert's evidence was prepared jointly on behalf of Hynds and Pokeno Village Holdings Limited (**PVHL**). PVHL is also scheduled to

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1 Evidence of Mr Campbell dated 4 July 2023 at [8.1].

2 Evidence of Ms Nairn dated 4 July 2023 at [13.3]

3 Section 42a Hearing Report v3 Rebuttal dated 19 July 2023 at [68], Rebuttal evidence of Ms Huls dated 19 July 2023 at [30].

appear at the hearing on 31 July 2023. It is understood that counsel for PVHL will contact the Panel separately regarding Ms de Lambert's attendance at the hearing on behalf of PVHL.

**DATED** at Auckland this 28<sup>th</sup> day of July 2023



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Sarah Mitchell/Warren Bangma  
Counsel for Hynds Pipe Systems Limited  
and the Hynds Foundation