

Before an Independent Hearings Panel of the Waikato District Council

Under the Resource Management Act 1991 (**RMA**)

In the matter of Variation 3 to the Proposed Waikato District Plan

Memorandum on behalf of GDP Developments Ltd

Dated 30 January 2024

Palmer Macauley

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May it please the Hearings Panel

1. This memorandum is filed on behalf of GDP Developments Ltd (**GDP**) and requests that the closure of the hearing for Variation 3 be deferred, for the reasons to follow.
2. GDP made a submission on Variation 3 seeking to amend the planning maps for Tuakau to rezone the site at 111 Harrisville Road from General Rural to Medium Density Residential Zone 2 (**MDRZ2**). Expert planning evidence in support of the submission was given by Ms Sarah Nairn on 4 July 2023.
3. The same land is subject to an appeal against the proposed district plan by Yvonne Aarts seeking that it be rezoned from General Rural to Residential Zone (ENV-2022-AKL-041). That appeal has recently been resolved as between the parties and consent documents were filed with the Environment Court on 20 December 2023. Subject to the Environment Court's endorsement, the site will be rezoned Residential Zone, with some additional controls to address potential reverse sensitivity effects on the neighbouring Harrisville Motocross Track.
4. My understanding of the Council's position is that it also supports the application of the MDRZ2 to the site following the endorsement of the Residential zone by the Environment Court. I understand that Ms Parham orally updated the Panel to this effect on 5 December 2023 and indicated that the hearing should remain open until the end of January 2024 to enable the consent order for this and another appeal to be issued.
5. Enquiries of the Environment Court have indicated that the documents are with the Judge, however no further information as to when they might be considered is available.
6. GDP requests that the Panel defer the closure of the hearing to allow the consent documents to issue. GDP has participated in the appeal and Variation process in good faith, and it would be highly prejudicial if it were excluded from having the relief sought in its submission granted due to a timing issue which is out of its hands. I understand the Council supports the request and that Ms Parham will separately confirm that.

7. I respectfully request that the Panel not close the hearing until consent documents on the Aarts appeal have issued. While I am hopeful that the documents should be available within the next few weeks, I am happy to file a further memorandum on 1 March to update the Panel.

Dated this 30 January 2024.



Asher Davidson
Counsel for GDP Developments Ltd

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