

**IN THE MATTER OF
AND**

the Resource Management Act 1991

IN THE MATTER OF

Waikato DC Variation 3 – Enabling
Housing Supply

RESOURCE MANAGEMENT ACT 1991

DIRECTION #14

INDEPENDENT HEARING PANEL

Purpose: The purpose of Direction #14 is to address timetabling issues raised in the memorandum of counsel for Synlait (10 May 2023) and for Anna Noakes and MSBCA Fruhling Trustee's Company Limited (12 May 2023) and Council's response memorandum of 16 May 2023. Consequential amendments to Direction #13 are requested.

The Request

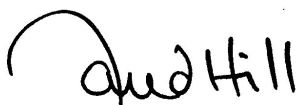
1. By memorandum, dated 10 May 2023, Synlait Milk Limited (Synlait) seeks an extension to the timetable for evidence exchange, conferencing and legal submissions advised in Direction #13. That outcome was supported in the memorandum from counsel for Anna Noakes and MSBCA Fruhling Trustee's Company Limited.
2. The reason for the extension sought was a concern that the interval between the release of the revised stormwater and flooding information and submitter evidence exchange was unduly compressed, being only 2 weeks, with expert conferencing less than 1 week after that exchange and rebuttal evidence a little over 1 week following conferencing, was too compressed and risked prejudice to submitters. Counsel also noted that school holidays and Matariki fell over that period.
3. Synlait proposed that the following intervals be directed:
 - at least 15 working days between the provision of Council evidence and submitter evidence being due, and
 - at least 10 working days between stormwater expert conferencing and rebuttal evidence; and
 - at least 5 working days between rebuttal evidence and legal submissions.
4. In response, Council noted a misunderstanding in Synlait's memorandum in that the expert report on stormwater was intended to be attached to the s.42A report on 13 June 2023, with an expert statement of evidence on 20 June 2023 – 3 weeks prior to submitter evidence on 4 July 2023.
5. Regardless, Council has confirmed that its stormwater report can be made available on 6 June 2023, with the potential for informal meetings prior to expert conferencing scheduled for 10 or 11 July 2023.
6. Council also advised that the wastewater and water expert conferencing is to be rescheduled from the week of 22 May to 30 May 2023 due to the facilitator's earlier unavailability.

Consideration and Direction

7. With the bringing forward of the stormwater report to 6 June, submitters will then have

20 working days to file their evidence on 4 July 2023. This is 15 working days after the s.42A report is released and 10 working days after Council's evidence is filed. There is then a further 10 working days (Matariki is on 14 July) before rebuttal is due. The Panel considers those timeframes adequate, and encourages the opportunity for further caucusing outside of the timeframes stated.

8. Accordingly, Direction #13 paragraph 8 is replaced by the following:
- (a) Council is to circulate qualifying matters and controls for the Havelock Precinct (excluding infrastructure and stormwater on 24 April 2023 [this has been completed]);
 - (b) Council is to circulate information on wastewater and water infrastructure capacity and any additional controls to give effect to Te Ture Whaimana by 12 May 2023;
 - (c) Council is to circulate any other qualifying matters required as a result of removing the Urban Fringe QM (other than those above) by 19 May 2023;
 - (d) Conferencing on Havelock Precinct in the week of 15 May 2023 (confirmed for 17 May);
 - (e) Conferencing/mediation regarding Tuurangawaewae Marae and cultural viewshafts in the week of 29 May 2023;
 - (f) Conferencing on wastewater and water infrastructure capacity is confirmed for 30 May 2023;
 - (g) Conferencing or mediation on any other topic in the week of 29 May 2023;
 - (h) Council's stormwater report is to be circulated on 6 June 2023;
 - (i) Council's section 42A report is due 13 June 2023;
 - (j) Council's expert evidence in chief (including any stormwater information and any additional controls Council considers necessary) is due 20 June 2023;
 - (k) Submitters' evidence in chief is due 4 July 2023;
 - (l) Conferencing on stormwater on 10 or 11 July 2023;
 - (m) Any rebuttal evidence (of Council or submitters) is due 19 July 2023;
 - (n) Legal submissions are due 21 July 2023; and
 - (o) Hearing commences 26 July 2023.
9. Any queries or correspondence related to this Direction should be sent through to the Hearing Coordinator, Steve Rice at steve@riceres.co.nz .



David Hill (Chairperson)
Independent Hearing Panel

18 May 2023