

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Proposed Plan Change 26 to the Operative Waipā
District Plan

**MEMORANDUM OF COUNSEL FOR WAIPĀ DISTRICT COUNCIL REGARDING
TIMETABLING DIRECTIONS FOR PLAN CHANGE 26 (FINANCIAL
CONTRIBUTIONS)
Dated 3 July 2023**

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Introduction

1. This memorandum of counsel for Waipā District Council is lodged in response to the Memoranda of counsel for Hamilton City Council dated 15 and 29 June 2023 and Direction #15 of the Hearing Panel in respect of Plan Change 12.

Background

2. The substantive hearing of Plan Change 26 to the Operative Waipā District Plan (**PC26**) was heard by the Hearing Panel from 26 April to 2 May 2023. As a result of Direction #10, the remaining part of PC26 (relating to financial contributions) (**PC26 (FCs)**) was scheduled to be heard jointly with Plan Change 12 to the Hamilton City District Plan (**PC12**). Accordingly, the timetable directions at paragraph 14 of Direction #10 relate to both PC12 and PC26.
3. The HCC Memorandum requested that the timetable directions for PC12 be delayed for a period of two weeks, as a result of an application to the Minister to extend the deadline for completion of PC12. Direction #15 of the Hearing Panel, issued on 16 June 2023, agreed to the requested two week delay (**PC12 Direction #15**).
4. As a result of PC12 Direction #15, the joint expert conferencing relating to financial contributions, which had been scheduled for 22 June 2023, was postponed by Hamilton City Council.

Updated memorandum of Hamilton City Council

5. A further memorandum of counsel was submitted by HCC on 29 June 2023 (**HCC Further Memorandum**) seeking that the hearing of PC12 be deferred regardless of the Minister's response to the extension request.

Separate timetable for PC26

6. As a result of the HCC Further Memorandum, it will no longer be possible for a joint hearing to be held on the financial contribution provisions of PC12 and PC26. To avoid any delay of the Hearing Panel's recommendations on PC26, Waipā District Council now seeks separate timetable directions leading up to a separate hearing of PC26 (FCs) as set out below:
 - (a) A section 42A Report is to be lodged with the hearing coordinator by 5pm 28 July 2023;
 - (b) Evidence on behalf of the Council is to be lodged with the hearing coordinator by 5pm 4 August 2023;
 - (c) Evidence on behalf of submitters is to be lodged with the hearing coordinator by 5pm 18 August 2023;
 - (d) Reply evidence on behalf of the Council and of any submitters in response to other submitters' evidence is to be lodged with the hearing coordinator by 5pm 1 September 2023;
 - (e) All legal submissions relating to the substantive hearing are to be lodged with the hearing coordinator by 5pm 15 September 2023;
 - (f) A hearing to be scheduled following 19 September 2023 (to be confirmed by the Hearing Panel).

7. In respect of the requested directions, counsel advises that:
 - (a) Amendment is sought to the dates at paragraph 6(a) to (e) to reflect a slightly later hearing than currently scheduled for PC12 (scheduled to commence on 4 September 2023).
 - (b) No direction is requested in respect of expert conferencing. As RSVPs had already been received in respect of the expert conferencing on 22 June 2023, the Council will proceed to arrange conferencing on that basis.

8. Counsel proposes to request the hearing coordinator to forward this memorandum to all submitters on the financial contributions provisions of

PC26, as these parties may be unaware of the HCC Memoranda or PC12
Direction #15.

Signed this 3rd day of July 2023



W J Embling
Counsel for Waipā District Council