

**BEFORE THE HEARING PANEL ON PROPOSED PLAN CHANGE 17 TO THE WAIPA DISTRICT PLAN**

**IN THE MATTER** of the Resource management Act 1991 (the Act)

**AND**

**IN THE MATTER** of proposed Plan Change 17 to the Waipa District Plan

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**Memorandum of counsel for Dean Hawthorne, on behalf of the Hautapu Landowners' Group**  
Dated 3<sup>rd</sup> March 2023

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**Instructing solicitor**



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## **MAY IT PLEASE THE HEARING PANEL**

### **INTRODUCTION**

1. This memorandum is filed on behalf of Dean Hawthorne, representative of the Hautapu Landowners' Group ("HLG"), regarding the decision on scope to be made by the Hearing Panel by 6<sup>th</sup> March 2023.

### **ISSUE REGARDING INDEPENDENCE OF ADVICE TO THE HEARING PANEL**

2. Mr Hawthorne and the HLG is concerned that the legal advisor to the Waipa District Council (Waipa DC) officers, who filed legal submissions on behalf of the Waipa DC in relation to scope, has also provided advice to the Hearing Panel, including the preparation of the Minutes it has issued to date.
3. Relevantly, the submissions on behalf of Waipa DC argue against that part of the HLG submission seeking deferred industrial zoning of the HLG land being "on" Plan Change 17 ("PC17") and within the scope of PC17.
4. As the Hearing Panel will be aware, the question of scope and its decision on the same will have a material impact on the HLG and, consequently, the Plan Change 17 process. With respect, the level of uncertainty as to the Hearing Panel's independence *vis-à-vis* legal submissions on behalf of Waipa DC is not acceptable to Mr Hawthorne and the HLG.
5. It is appropriate that any legal advice to the Hearing Panel is independent from that being provided to the Council *via* Council officers. Accordingly, counsel seeks confirmation from the Waipa DC as to its intentions regarding the provision of independent legal advice to the Hearing Panel.



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**M Mackintosh**

Counsel for Dean Hawthorne, on behalf of the Hautapu Landowners' Group