

**BEFORE THE COMMISSIONER APPOINTED BY THE WAIPA DISTRICT COUNCIL TO
HEAR PROPOSED PRIVATE PLAN CHANGE 33 TO THE WAIPA DISTRICT PLAN**

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

AND

IN THE MATTER of proposed Private Plan Change 33 to the Waipa District
Plan

**JOINT MEMORANDUM OF COUNSEL FOR THE HAUTAPU LANDOWNERS'
GROUP & THE KAMA TRUST**

Dated: 24 September 2025

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KATE SHEPPARD
— CHAMBERS —

MAY IT PLEASE THE HEARING COMMISSIONER

INTRODUCTION

1. The hearing of submissions on proposed Private Plan Change 33 to the Waipa District Plan ("PC17") is scheduled to commence on the 30th of October 2025.
2. Commissioner Sergeant issued Direction #1 on 10 September 2025 which set out a timetable for the exchange of evidence prior to the commencement of the hearing.¹
3. Counsel for the Applicant is concerned that the timetable omits any opportunity for the Applicant to file evidence in support of the proposed Private Plan Change it has requested from the Waipa District Council.
4. Counsel for Kama Trust is equally concerned that it will be required to lodge evidence, including expert evidence, without the opportunity to review and consider any evidence lodged on behalf of the plan change proponent.
5. In the interests of procedural fairness, this matter must be addressed. Accordingly, counsel seeks new timetabling directions that include the exchange of the evidence on behalf of the Applicant, following the issue of the section 42A report. Furthermore, on the basis that the proposed Plan Change is a private Plan Change, the Applicant ought to be provided the opportunity to file rebuttal evidence, rather than the Council, which in this case is a submitter.
6. Counsel seeks that the current timetable (*per* Direction #1) is vacated and replaced with the following:

¹ Counsel for the Applicant notes that they were not served with the Direction and unfortunately was not aware of the Direction until 22 September 2025.

- (a) The Council S42A hearing report is to be provided to the Council's Hearings Advisor no later than midday on **Friday 03 October 2025** and shall be made available to all parties and on the Council's website no later than 5:00pm the same day.
 - (b) The Applicant's evidence in chief is to be provided to the Council's Hearings Advisor no later than midday on **13 October 2025** and shall be made available to all parties and on the Council's website no later than 5:00pm on the same day.
 - (c) Any submitter who intends to call expert evidence is to provide that evidence to the Council's Hearings Advisor no later than midday on **23 October 2025** and shall be made available to all parties and on the Council's website no later than 5:00pm on the same day.
 - (d) Any rebuttal evidence from the Applicant is to be provided to the Council's Hearings Advisor no later than midday on **28 October 2025** and shall be made available to all parties and on the Council's website no later than 5:00pm on the same day.
 - (e) Any lay evidence is to be provided to the Council's Hearings Advisor no later than midday on **29 October 2025** and shall be made available to all parties and on the Council's website no later than 5:00pm on the same day.
 - (f) Legal submissions may be circulated on the **29th of October**, if any party chooses to circulate submissions in advance of the hearing commencing.
7. As the Commissioner will note, this proposed timetable is constrained and provides very little time for the Applicant to prepare and file rebuttal

evidence. However, this cannot be avoided if the commencement date of 30 October 2025 is to be retained.

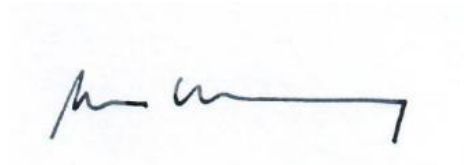
DIRECTIONS SOUGHT

8. Counsel jointly requests directions from the Hearing Panel confirming the timetable stated in paragraph 5 above.



M Mackintosh

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



L F Muldowney

Counsel for the Kama Trust