

**Waipa District Council
Private Plan Change 20**

**Titanium Park Limited and Rukuhia Properties Limited
Airport Northern Precinct Extension**

MINUTE #3 of the Commissioner Panel

Dated 23 January 2023

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- 1) The purpose of this MINUTE is to issue further procedural directions regarding the Hearing and preparation for it. This Minute is prompted by a request for more time.

BACKGROUND:

- 2) Independent Commissioners Antoine Coffin and Alan Withy (chair) have been appointed by Council to hear and determine the proposals and all associated matters (the Panel).
- 3) Mr Nick Williamson, an independent planning consultant, has been appointed by Council as s42A Reporting Officer (the RO).
- 4) A Timetable has been circulated for the Hearing to proceed in the week commencing 13 March 2023.
- 5) That **Timetable** is as follows:
- i. Tuesday 21 February 2023 Section 42A report and Council evidence due
 - ii. Tuesday 28 February 2023 Applicant's evidence due
 - iii. Tuesday 7 March 2023 Submitter evidence due
 - iv. Friday 10 March 2023 Rebuttal evidence due
 - v. Wednesday 15 March – Hearing commencement
- 6) All correspondence is to be through the Council Hearing Administrator at districtplan@waipadc.govt.nz
- 7) The RO advised there are 2 submissions/submission points potentially **“out of scope”** as they seek rezoning of land that was not included in the as-notified plan change. These are:
- i. Tabby Tiger Limited (Submitter No. 15)
 - ii. Salvador Morales and Maryline Morales (Submitter No. 24 – the Morales)

- 8) A third potentially out-of-scope submission has been identified, being from Hamilton City (HCC). Its legal submissions on “scope” have already been received.
- 9) The Panel directed earlier that Submitters i and ii provide the Panel with written submissions regarding whether their submissions are within the scope of Private Plan Change 20, no later than Monday 16 January 2023. A submission has only been received from HCC.

THE REQUEST AND OUR RESPONSE:

- 10) A request has been received that legal submissions regarding the Tabby Tiger Limited Submission (No 15) be provided by 10 February because key personnel are “on leave” until the end of January.
- 11) We are advised that our MINUTE No 2 in December 2022 which invited legal submissions was posted on the Council Website and copies emailed to relevant parties about the same time.
- 12) Receipt as late as the requested 10 February would constrain the subsequent timetable and potentially place other parties at a disadvantage, including the Council Reporting Officer(s).
- 13) The Panel will therefore grant only some grace and accept legal submissions on “scope” from Tabby Tiger Limited (and Morales if they wish) until Tuesday 7 February.
- 14) The Applicant (and any other party) will then have until Monday 13 February to respond to the Tabby Tiger legal submissions if they wish. Those submissions may also address the HCC legal submissions on scope which are attached.
- 15) If requested by the Commissioners, the Council’s legal advisor will provide legal submissions in response to the submissions on “scope”.
- 16) The Panel will then consider all the legal submissions regarding “scope” and issue a decision regarding those “scope” submissions no later than Friday 17 February 2023.
- 17) As a consequence the remainder of the Timetable set out in Paragraph 5 above may become constrained and any party may make Application to the Panel for consideration of an amendment to the timetable.



For the Panel comprising Antoine Coffin and Alan Withy (chair)