

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 SEEKING
AMENDMENT TO DIRECTION #4**

Dated 7 March 2023

TOMPKINS | WAKE

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1. This memorandum is lodged by counsel for Waipā District Council (the **Council**) in respect of the timetabling directions contained in Direction #4 of the Hearing Panel (issued on 9 December 2022). Direction #4 relates to the substantive hearing of Plan Change 26 to the Operative Waipā District Plan.

2. The Council respectfully requests that the date for circulation of its s42A report be amended from 10 March 2023 to 17 March 2023 on the following grounds:
 - (a) Legal submissions have recently been exchanged regarding whether four submissions on Plan Change 26 which seek rezoning of land are within the scope of the plan change. Direction #6 (issued on 23 December 2022) provided for the Hearing Panel's determination to be made by 3 March 2023. However, as the submitters requested an opportunity to lodge submissions in reply, Direction #10 (issued on 3 March 2023) extended the date for the Hearing Panel's determination to 10 March 2023. It would be appropriate for this determination to be made in advance of circulation of the Council's s42A report so that the report can contain a substantive response to the submissions if they are determined to be within the scope of the plan change.

 - (b) The Council's Manager District Plan and Growth, Tony Quickfall, who provided evidence at the Joint Opening Hearing, and will be approving release of the s42A report on behalf of the Council has been engaged by the National Emergency Management Agency (NEMA) for a period of 14 days for the purpose of emergency management within the Hawkes Bay. Mr Quickfall will be returning to the Council on Tuesday 14 March 2023.

- (c) Circulating the s42A report on 17 March 2023 will not delay the remainder of the timetable in Direction #4, as the timetable provides for the Council's evidence to be circulated on 24 March 2023. No change is requested to this date.
 - (d) It is in the interests of all parties, and the Hearing Panel, that the Council's s42A report be as complete and accurate as possible, to ensure that subsequent discussions, evidence and the hearing can be carried out as efficiently as possible.
3. Accordingly, counsel seeks a direction that paragraph 11(a) of Direction #4 be amended to provide:

The Council is to lodge its s.42A Hearing Report with the Hearing Coordinator by 4pm, Friday 17 March 2023.

Signed this 7th day of March 2023



W J Embling
Counsel for Waipā District Council