

MATTER

of the Resource Management
Act 1991

AND

IN THE MATTER

of a submission in respect of
the **PROPOSED WAIKATO
DISTRICT PLAN** by **AMBURY
PROPERTIES LIMITED**
pursuant to Clause 6 of
Schedule 1 of the Act

**MEMORANDUM OF COUNSEL FOR AMBURY PROPERTIES LIMITED
SEEKING A FURTHER EXTENSION OF TIME
TO FILE OHINEWAI PRECINCT PLAN PROVISIONS**

Introduction

1. Ambury Properties Limited ("APL") refers to the Panel's Directions dated 14 October 2020 ("the Directions"). The purpose of this memorandum is to seek a further extension to the time for filing a memorandum and revised plan provisions for the Ohinewai Precinct, for the reasons outlined below.

Procedural background

2. The Directions required the preparation of a revised version of the Ohinewai Precinct provisions that could "stand alone" and would not rely on other parts of the Proposed Waikato District Plan which are not yet settled.
3. In accordance with the Directions, APL filed a revised version of the Ohinewai Precinct provisions on 30 October 2020 ("the 30 October provisions") together with a memorandum of counsel providing an overview of the process followed by APL to consult with other parties and next steps ("30 October memorandum").
4. Feedback from a number of other parties was received on 13 November 2020. The Directions required that APL file a final version of the Ohinewai Precinct provisions on 27 November 2020.
5. By way of a memorandum of counsel dated 27 November 2020, APL sought further time to prepare a revised set of Ohinewai Precinct provisions consistent with feedback from Waikato District Council ("WDC") ("27 November memorandum"). On Monday, 30 November 2020, the Panel confirmed that APL was to file its final set of Ohinewai Precinct provisions by 18 December 2020.

Recent developments

6. APL has prepared a further set of Ohinewai Precinct provisions in response to WDC's feedback and has been liaising with WDC and other parties in respect of the provisions. The revised draft Ohinewai Precinct provisions were provided to WDC on 14 December 2020 for review.

7. On 17 December 2020, APL received a number of comments on the revised provisions from Ms Trenouth and Ms Wratt on behalf of WDC. Mr Olliver met with Ms Trenouth and Ms Wratt this morning (9am on Friday 18 December 2020).
8. The outcome of that meeting is that Mr Olliver still has a significant amount of drafting to do to address the issues that WDC has raised. It will not be possible to undertake the required redrafting and have Ms Trenouth and Ms Wratt review that material by 5pm today, per the amended deadline. Completing that exercise will result in a significantly greater degree of agreement between APL and WDC in relation to the proposed provisions.
9. Discussions are also ongoing in relation to the scope of the rule relating to connecting the Ohinewai development to the Huntly WWTP.

Request for further extension of time to file Ohinewai Precinct plan provisions

10. Against that background, APL respectfully requests a further extension for filing the final set of Ohinewai Precinct plan provisions to allow time for APL to amend the Ohinewai Precinct provisions to take account of WDC's latest feedback and to liaise further with WDC in that regard.
11. The extension is sought until 5pm on Wednesday, 23 December 2020.
12. Ms Wratt has advised that WDC agrees to the extension.
13. APL submits that the extension:
 - (a) Will assist the Panel in its deliberations by reducing areas of disagreement between APL and WDC and thus enhance the interests of the community in achieving adequate assessment of the plan provisions.
 - (b) Will not prejudice any other party.
 - (c) Will not unduly affect the overall time frames or WDC's duty to avoid unreasonable delay under section 21 of the Resource Management Act 1991.
14. APL is grateful for the Panel's attention to this memorandum.

Dated this 18th day of December 2020



S J Berry
Counsel for Ambury Properties Limited