

Before independent Hearing Commissioners

Appointed by the Hamilton City Council

IN THE MATTER OF

The Resource Management Act 1991 (“the Act”)

AND IN THE MATTER OF

An Application for subdivision and land use consent  
for the Amberfield development pursuant to the Act

**Applicant**

Weston Lea Limited

**Consent Authority**

Hamilton City Council

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**MEMORANDUM OF COUNSEL FOR RIVERLEA ENVIRONMENT SOCIETY**

**(A SUBMITTER)**

Dated: 12 March 2019

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Counsel Acting  
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**MAY IT PLEASE THE HEARING COMMISSIONERS:**

1. This Memorandum of Counsel responds to the Commissioners' directions (number 2) setting out the revised timetable for preparation for hearing.
2. Counsel was recently asked to advise on availability for the hearing and to assist with preparation of evidence. During the process of checking availability, two aspects of the revised timetable were raised for consideration by the Riverlea Environment Society ("the Society").

**Pre lodgement of the Applicant's evidence**

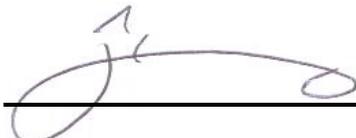
3. The directions require pre-lodgement of the Applicant's expert evidence but not the Applicant's other evidence. With respect, the directions for pre lodgement of the Applicant's evidence would more commonly include a requirement for pre-lodgement of all the Applicant's evidence, not only that of the Applicant's experts.
4. The Society requests that the directions are amended to require all of the Applicant's evidence to be pre-lodged and to be available for review by the Consent Authority and the submitters.

**Timing of the Applicant's response to s24A report**

5. The revised directions do not require any response to the s42A report by the Applicant until the same time as response to the submitters' expert evidence, i.e. by 5pm Wednesday 24 April 2019. This does not provide sufficient time for the submitters to analyse that evidence and respond to it before the hearing.
6. There is no provision for submitters to lodge evidence in reply to the Applicant's evidence that responds to the s42A report.

7. The Society seeks amendment of the directions so that the Applicant's response to the s42A report is lodged at an earlier stage, prior to the pre lodgement of the evidence of submitters. An appropriate time for lodgement of that evidence for the Applicant would be around 10 or 11 April 2019.
8. The Society also seeks a direction that submitters may lodge evidence in reply to the Applicant's evidence that responds to the s42A report, by Wednesday 24 April 2019.
9. Counsel's understanding is that the requested changes to the directions would not alter the commencement date for the hearing or cause any other delay or inconvenience.

Dated: 12 March 2019



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PM Lang

Counsel for Riverlea Environment Society