

**BEFORE INDEPENDENT HEARING COMMISSIONERS
APPOINTED BY HAMILTON CITY COUNCIL**

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

AND

IN THE MATTER of an application for subdivision and land use consent for
the Amberfield development pursuant to the Act

BETWEEN

Applicant **WESTON LEA LIMITED**

AND

**Consent
Authority** **HAMILTON CITY COUNCIL**

**MEMORANDUM OF COUNSEL FOR HAMILTON CITY COUNCIL (AS CONSENT
AUTHORITY) REGARDING CAUCUSING AND HEARING TIMETABLING**

Dated: 30 May 2019

TOMPKINS | WAKE

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MAY IT PLEASE THE COMMISSIONER HEARING PANEL:

1. Counsel refers to the Commissioner Hearing Panel's sixth direction dated 24 May 2019 ("Direction 6"), regarding further expert caucusing and arrangements for the reconvened hearing on 16 July 2019.
2. Paragraph eight of Direction 6 refers to the provision of a further section 42A report in response to caucusing by 25 June 2019, with the proviso that a request for additional time would be considered.
3. On the basis that the hearing is to be reconvened on 16 July 2019, Counsel for Hamilton City Council (as consent authority) ("HCC"), respectfully requests that the date for provision of the further section 42A report be extended to 3 July 2019.
4. This extension is considered appropriate to allow the section 42A report author adequate time to consider the outcomes of caucusing, including the preparation of draft ecological conditions following the conclusion of expert caucusing.
5. Counsel acknowledges the extension of the date for the reconvened hearing. However, it would be helpful for the purpose of preparing legal submissions if the date for the reconvened hearing could be amended to the 19th of July. This would also avoid the potential conflict for HCC's bat ecology witness regarding his commitments in another hearing process on the 16th of July (Proposed Plan Change 1 to the Waikato Regional Plan). HCC's bat ecology witness has confirmed his availability on the 19th.
6. Accordingly, counsel respectfully seeks the following directions:
 - (a) That the further section 42A report be provided on 3 July 2019;
and
 - (b) That, subject to the availability of the Commissioner Hearing Panel and relevant parties, the hearing be reconvened on 19 July 2019.

7. If it is not feasible to amend the date for the reconvened hearing to 19 July 2019, HCC does not object to retaining the date of 16 July 2019.

Dated this 29th day of May 2019

A handwritten signature in blue ink, appearing to read 'M. Mackintosh', is written in a cursive style.

Marianne Mackintosh
Counsel for Hamilton City Council