

**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 COUNCIL WITNESS ATTENANCE AT HEARING**

Dated: 20 August 2019

TOMPKINS | WAKE

Solicitor: Marianne Mackintosh
marianne.mackintosh@tompkinswake.co.nz

Westpac House
430 Victoria Street
PO Box 258, DX GP20031
Hamilton 3240
New Zealand
Ph: (07) 838 6034
Fax: (07) 839 4913
tompkinswake.co.nz

MAY IT PLEASE THE COMMISSIONER HEARING PANEL:

1. Counsel refers to the Commissioner Hearing Panel's ninth direction dated 10 July 2019 ("Direction 9"), regarding the arrangements for the further s42A report and the reconvened hearing on Thursday, 5 September 2019.
2. Pursuant to Direction 9, the further s42A report was provided on 16 August 2019 (which included supplementary statements from the relevant experts as appendices to the same).
3. Counsel for Hamilton City Council (as consent authority) ("HCC"), advises that the technical experts who have provided statements that are appended to the original s42A report and the further s42A report will be available for questioning at the re-convened hearing on 5 September 2019, except for Mr Mansergh.
4. Mr Mansergh has provided expert evidence in relation to landscape and visual amenity matters. Unfortunately, Mr Mansergh is not available to attend the hearing on 5 September 2019 due to a previously arranged commitment. Accordingly, counsel for the HCC respectfully seeks directions that any questions the Commissioner Hearing Panel wish to ask of Mr Mansergh are provided by 26 August 2019 to enable Mr Mansergh to give a written response in advance of the hearing date of 5 September 2019.
5. Counsel for HCC acknowledges that Dr Baber provided input to the supplementary statement of Mr Kessels, dated 16 August 2019. Dr Baber will be available for questions from the Commissioner Hearing Panel if required. As Dr Baber is not Waikato based, it would be helpful if the Commissioner Hearing Panel could confirm whether Dr Baber will be required to attend the hearing on 5 September 2019.

Directions sought

6. Counsel seeks the following directions to assist with its presentation of the s42A report on 5 September 2019:

- (a) That any questions from the Commissioner Hearing Panel directed to Mr Mansergh be provided in writing by Monday, 26 August 2019;
- (b) That Mr Mansergh provide a written response to questions from the Commissioner Hearing Panel by Thursday, 30 August 2019; and
- (c) That the Commissioner Hearing Panel advise whether Dr Baber will be required to attend the reconvened hearing on 5 September 2019.

Dated this 20th day of August 2019



Marianne Mackintosh
Counsel for Hamilton City Council