

**BEFORE THE HEARING PANEL ON PROPOSED PRIVATE PLAN CHANGE 13 TO THE
OPERATIVE HAMILTON CITY DISTRICT PLAN**

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

AND

IN THE MATTER of proposed Private Plan Change 13 to the Hamilton City
District Plan

Memorandum of counsel on behalf of Waikato Thoroughbred Racing
Incorporated

Dated: 26th of September 2023

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MAY IT PLEASE THE HEARING PANEL

INTRODUCTION

1. This memorandum is filed on behalf of Waikato Thoroughbred Racing Incorporated (“WTRI”), which is the proponent of proposed Private Plan Change 13 to the operative Hamilton City District Plan (“PC13”).
2. Counsel refers to the Hearing Panel’s Minute #2 which set out its directions for closing submissions, including a timeframe for any questions of clarification from the Hearing Panel and responses to the same on behalf of WTRI as follows:
 - a. WRCI to provide a closing statement by 5pm **29 September 2023**. This is expected to contain legal submissions, together with any proposed amendments to the plan change as a result of discussions between the applicant, submitters and the Council. This shall include a clear indication of matters that are agreed and not agreed by the parties.
 - b. The Hearing Panel will provide any questions of clarification by 5pm **10 October 2023**.
 - c. WRCI to provide written responses to the Hearing Panel by 5pm **20 October 2023**.
3. Mr Olliver, planning witness for WTRI, circulated a revised set of plan provisions to Ms O’Dwyer, Mr Houlbrooke, Mr McNutt, and Mr Campbell on the 18th of September 2023. These included proposed amendments to provisions in response to matters arising during the Hearing.
4. Responses were received from Ms O’Dwyer and Mr Houlbrooke on Friday, 22nd September 2023. Mr Olliver has worked since then on collating, summarising, and responding to that feedback. As directed, the amendments have been highlighted and include a record of agreement/disagreement between the planners.
5. Mr Olliver has also begun preparation of a draft section 32AA report to reflect these updated provisions, to assist the Hearing Panel. While that

was not expressly directed, counsel and WTRI consider it appropriate to provide this to the Hearing Panel.

6. Due to the timing of circulation of provisions and the nature of the responses, it has become apparent to Mr Olliver and counsel for WTRI that further time is necessary to ensure the package of provisions is complete and accurately records the points of agreement and disagreement. In turn, the final closing legal submissions need to reflect the updated suite of provisions.
7. Accordingly, counsel respectfully seeks an extension of the time for filing closing submissions and related documents. Counsel proposes a filing date of Thursday, 5 October 2023.
8. Counsel submits that no party is prejudiced by the request for an extension and that it is in the interests of all Parties that a comprehensive set of closing documentation is provided to the Hearing Panel.

Directions sought

9. Counsel respectfully seeks the following extension to the dates for filing closing submissions:
 - (a) WRCI to provide a closing statement by 5pm **5 October 2023**.
 - (b) The Hearing Panel to provide any questions of clarification by 5pm **13 October 2023**.
 - (c) WRCI to provide written responses to the Hearing Panel by 5pm **23 October 2023**.



M Mackintosh
Counsel for Waikato Thoroughbred Racing Incorporated