

**BEFORE A PANEL OF INDEPENDENT HEARING COMMISSIONERS  
AT WELLINGTON**

**I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHEKE WHANGANUI-A-TARA**

**UNDER** the Resource Management Act 1991 (**RMA**)

**IN THE MATTER** of the allocation of topics to ISPP and Schedule 1 of the  
RMA in relation to the Proposed Wellington District Plan

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**MEMORANDUM OF COUNSEL FOR KĀINGA ORA – HOMES AND  
COMMUNITIES (SUBMITTER 391; FURTHER SUBMITTER 89)**

**Dated: 15 February 2023**

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**BUDDLE FINDLAY**

Barristers and Solicitors  
Auckland

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## **MAY IT PLEASE THE COMMISSIONERS**

### **1. INTRODUCTION**

- 1.1 Counsel refers to Minute 6 from the Independent Hearing Panel in the matter of 'Directions for Resolutions of Procedural Issues Regarding Allocation of Topics to ISPP', together with the legal submissions filed on behalf of Wellington City Council dated 8 February 2023 and the supporting evidence from Adam McCutcheon dated 8 February 2023.
- 1.2 Kāinga Ora – Homes and Communities (**Kāinga Ora**) lodged a memorandum dated 1 February 2023 seeking the reallocation of identified provisions from the traditional First Schedule RMA workstream into the Intensification Streamlined Planning Process (**ISPP**) workstream.

### **2. REALLOCATION OF POLICIES MRZ-PREC01 AND MRZ-PREC02-P1**

- 2.1 Following its review of the Council's legal submissions and supporting evidence, Kāinga Ora respectfully agrees with the Council's findings that Policies MRZ-PREC01 and MRZ-PREC02 should be reallocated from the First Schedule RMA workstream to the ISPP workstream, for the reasons set out by the Council.<sup>1</sup>
- 2.2 Kāinga Ora respectfully seeks for the Hearing Panel to reallocate Policies MRZ-PREC01 and MRZ-PREC02 into the ISPP workstream, particularly given the relevant rules associated with the two Policies are to be assessed through the ISPP workstream.
- 2.3 Kāinga Ora will abide by the Hearing Panel's decision relating to the reallocation of the identified provisions in its memorandum dated 1 February 2023.

### **3. LEAVE FROM ATTENDANCE OF HEARING**

- 3.1 In light of the above, Kāinga Ora is respectfully seeking leave from the Hearing Panel from attending that part of the Hearing Stream1 hearing related to the ISPP v First schedule allocation matter on Tuesday 21 February.

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<sup>1</sup> Statement of evidence for Adam McCutcheon, 8 February 2023, paragraph 63; Legal submissions on behalf of Wellington City Council, 8 February 2023, paragraph 3.12(e).

3.2 For the avoidance of doubt, Kāinga Ora looks forward to presenting its case on the Hearing Stream 1 matters to the Hearings Panel on Thursday 23 February.

Dated 15 February 2023

A handwritten signature in blue ink, appearing to be 'JCS', with a horizontal line extending to the right and a vertical line at the end.

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**Jennifer Caldwell / Natalie  
Summerfield**  
Counsel for Kāinga Ora – Homes  
and Communities