

**Before Commissioners
Delegated by Kapiti Coast District Council**

In the matter of proposed Plan Change 2 to the Kapiti Coast District Plan

And Submissions and further submissions by Waikanae Land Company

MEMORANDUM OF COUNSEL FOR WAIKANAЕ LAND COMPANY

27 March 2023


FitzherbertRowe
Palmerston North

Person Acting: M Rowe
Telephone: (06) 351 4710
Private Bag 11016
Palmerston North 4442
m.rowe@fitzrowe.co.nz

(Counsel)
M J Slyfield
Stout Street Chambers

021 915 9277
PO Box 117
Wellington 6011
morgan.slyfield@stoutstreet.co.nz

1. Waikanae Land Company (**WLC**) was scheduled to be heard on 31 March 2023 in relation to the proposed new wāhi tapu listing affecting its land. This was scheduled so as to avoid prejudice to WLC, by ensuring WLC would be aware of the evidence to be given in support of Ātiawa ki Whakarongotai Charitable Trust (**the Trust**) prior to WLC's presentation.
2. The Trust's presentation is being re-scheduled due to a bereavement. Ms McCashin has advised WLC the Trust will be heard on 3 April 2023.
3. Ms McCashin has also advised that WLC may be heard on 3 April 2023, following the Trust; and that the Trust has said it will not be presenting any evidence unfamiliar to WLC. WLC understands this means the evidence for the Trust will not go beyond the material the Trust has filed in WLC's Environment Court proceedings which relate to the same subject land (namely statements of evidence by Kāhuoterangi Ropata and Mahina-arangi Baker, both dated 28 October 2022, and their related exhibits).
4. Counsel and witnesses for WLC are available to be heard on 3 April. One witness will be flying from Auckland on the morning of 3 April, due to arrive in Wellington at 8:10am, so WLC requests that the Trust's presentation is not scheduled prior to 10:00am, to enable time for WLC's witness to get to the venue. WLC is content to be scheduled to follow immediately after the Trust's presentation, on the basis of the understanding recorded in paragraph 3 above. Should the Trust present new or different evidence that WLC is unable to respond to in its presentation, then WLC may seek leave to respond later in writing.
5. WLC acknowledges receipt of the Panel's information request received on 24 March 2023.
6. Finally, WLC notes the attention that has already been given to the issues raised by WLC's submissions in the hearing to date. On this basis, it seems that it may take longer than 2 hours for the Panel to question counsel and witnesses for WLC. WLC will assist the Panel however it can, to ensure the Panel obtains the information it needs to determine the submission issues.



M J Slyfield / M van Alphen Fyfe
Counsel for Waikanae Land Company