

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of Hearing 25: Zone extents

of the Proposed Waikato District Plan

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**MEMORANDUM REGARDING PROCEDURAL ISSUES WITH THE S42A FRAMEWORK REPORT**

**For the Waikato Regional Council**

**DATED 9 MARCH 2021**

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1. This memorandum has been prepared in response to the Direction issued by the Panel in response to a Memorandum from Mr Peter Fuller. The Panel has requested that “any party who has lodged a submission and / or further submissions that will be addressed in Hearing 25 may, if they wish, file a short memorandum with the Hearings Administrator (no more than 4 pages long) that succinctly addresses whether the procedure set out in the Framework Report and, in particular compliance with Lens1, should be generally adhered to, and, if not, the reasons why.”
2. This is a matter that I have addressed in my evidence in respect of this hearing. Paragraphs 5.3-5.4 of my evidence are set out below:

*5.3 I have concerns with aspects of Lens 1 given the emphasis on the notified suite of PWDP objectives and policies, as these provisions are subject to numerous submissions seeking amendments and changes. The s42A Framework Report notes in paragraph 97 that “WRPS objectives and policies often do not need to be considered exhaustively when considering submissions on zoning because the PWDP objectives and policies generally seek the same outcomes as the WRPS.”*

*5.4 The RMA requires a District Plan to give effect to higher order documents. Section 75(3) of the RMA requires a District Plan to give effect to (a) any national policy statement and (c) any regional policy statement. Given that decisions on objectives and policies in the PWDP are yet to be made, I consider that more weight should be placed on higher-order documents such as the need to give effect to the NPS-UD and WRPS. I discuss these higher order documents in my evidence below.*

3. I wish to participate in the pre-hearing conference on Friday morning.

Miffy Foley

9 March 2021