

**BEFORE A PANEL OF INDEPENDENT HEARING COMMISSIONERS IN THE
WAIKATO REGION**

I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHEKE WAIKATO

UNDER the Resource Management Act 1991 (RMA)

AND

IN THE MATTER of Proposed Variation 3 to the Waikato Proposed
District Plan (PDP)

**MEMORANDUM ON BEHALF OF WAIKATO DISTRICT COUNCIL RELATING TO
TIMETABLING FOR HEARING NO. 3**

20 October 2023

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INTRODUCTION

1. This memorandum seeks amendments to the timetabling for Hearing No. 3 relating to Horotiu Farms Limited (HFL) and ancillary matters to enable the updated Horotiu Flood Maps to be remodelled.
2. The current timetable for Hearing No. 3 is set out in Directions No. 16 and No. 22 of the Independent Hearing Panel. In particular:
 - (a) The submitters evidence in chief is due on 20 October 2023¹.
 - (b) Any rebuttal evidence (of Council or submitters) is due 27 October 2023².
 - (c) Legal submissions for all parties due 17 November 2023³.

HOROTIU FLOOD MAPS

3. The draft flood maps for Horotiu were attached to the Section 42A report dated 15 September 2023 (Appendix D).
4. The “updated” flood maps for Horotiu were uploaded to the Council’s website on 18 October 2023. These updated maps were subject to sensitivity testing following the discussion of the flood maps for the four towns during Hearing No. 2.
5. During the final check of the sensitivity modelling for the maps for the four towns, a programming issue has been identified which requires the modelling of all maps, including the Horotiu maps, to be re-run manually (rather than automatically). The issue relates to how the hydrology is being run through the software. Te Miro Water (TMW) advise this is a

¹ Paragraph 3(c) Directions No. 16.

² Paragraph 3(d) Directions No. 16

³ Paragraph 3 Directions No. 22

function of the modelling software which was picked up during the quality assurance process. TMW advise that whilst it is unlikely to have a material effect on the final flood extent, a correction needs to be made to the model to ensure confidence in the model.

6. TMW have advised that they require two weeks to manually re-run the Horotiu Flood Maps, until Friday 3 November 2023.
7. The “updated” Horotiu Flood Maps on the Council’s website have today been marked “draft” to indicate they are not final.

AMENDMENTS TO TIMETABLE FOR HEARING NO. 3

8. Council has discussed the software issue with HFL. The parties have agreed to the following amendments to the timetable for Hearing No. 3:
 - (a) The submitter evidence in chief is due on Tuesday 7 November 2023 at 5pm;
 - (b) Any rebuttal evidence (of Council or submitters) is due on Tuesday 14 November 2023 at 5pm; and
 - (c) Legal Submissions for all parties is due on Tuesday 21 November 2023 at 5pm.

FINAL FLOOD MAPS FOR REMAINING FOUR TOWNS

9. The model re-run for the four remaining towns will take longer. Each of the four models will require six runs with each run taking up to 24 hours. TMW is working to have the maps completed by 24 November 2023.
10. There are currently no directions relating to the final flood maps for the remaining four towns. Council’s closing reply for hearing No. 2 sets out

Council's proposed process for flood hazards as follows (paragraphs 48-50):

We propose to provide the Panel with the final flood maps and the proposed PDP planning maps showing the Flood Density QM area prior to commencement of the final Variation 3 hearing.

At the conclusion of the hearing on 2 August 2023, we advised the Panel that we would consider whether further circulation or procedural steps were necessary relating to the flood modelling. In our view the matters of concern raised by submitters relating to the accuracy of the modelling will be addressed through the additional work TMW is completing.

We do not consider additional evidence or submissions will assist the Panel in determining whether a qualifying matter should be included in Variation 3 now, and if so, whether the maps should be included in the PDP. The positions of the parties are, in our view, clear.

11. Accordingly, the Council is not proposing any further process related to flood hazards for the remaining four towns. We will however update the Panel if there are likely to be further delays to the circulation of the final flood maps for the four towns beyond 24 November 2023.

Signed this 20th day of October 2023



B A Parham
Counsel for Waikato District Council