

**PLAN CHANGE 10 TO THE WAIRARAPA
COMBINED DISTRICT PLAN**

MEMORANDUM OF COUNSEL

Filed on behalf of RJ and K HARVEY (Submitter #15)

13 November 2019

COUNSEL:
SARAH ONGLEY
Barrister
Phone: (06) 7699400
Fax: (06) 7699425
Email: sarah@ongley.co.nz
PO Box 8213
New Plymouth 4342

MAY IT PLEASE THE COMMISSIONER

1. RJ and K Harvey received Notice of the forthcoming hearing, together with the s42A Report, on 8 November 2019 (last Friday).
2. In addition to being one day short of the (required) 10 working day notice for a hearing, this leaves very little time for RJ and K Harvey to file expert evidence according to the timetable set out in the Commissioner's Minute dated 3 October. The s42A Report was only "made available" directly to my client last Friday 8 November 2019, by an email to this office. Whereas the Commissioner's Minute stated that the s42A Report be made available no later than 5pm 30 October 2019. These timeframes have not been met. (Noting that separate directions have been issued regarding Council arborist evidence and addenda¹).
3. RJ and K Harvey wish to have the English Oak at 58B Kuratawhiti Street, Greytown deleted from the notable trees Register. This tree detracts from their property's amenity values, and has nuisance effects on their property. They view the current hearings as an important opportunity to present their case, given that a previous resource consent application to remove the tree did not proceed following discussions with Council. Although Mr and Mrs Harvey previously had their own STEM assessment carried out, they are currently in the process of obtaining expert advice for the purpose of the current hearing, at very short notice. Obviously, their expert evidence will not be able to be exchanged today.
4. Counsel intends to file another Memorandum shortly, stating whether RJ and K Harvey will be in a position to file expert evidence prior to the date of hearing. If not, the submitters may be seeking an adjournment.



SJ Ongley

Counsel for RJ and K Harvey

¹ Direction 2 dated 6 November appears to have been posted on Council's website only today, as the site was checked yesterday and Direction 2 did not appear to be listed, although the Council Officer may be able to clarify.