

Hamilton City Council

Variation 1 – Ruakura - to the Hamilton City Council Proposed District Plan

THIRD MINUTE AND DIRECTIONS OF HEARING COMMISSIONERS

LATE SUBMISSION BY HAMILTON CITY COUNCIL

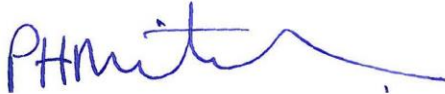
INTRODUCTION

1. We have received a Memorandum from counsel for the Hamilton City Council (“HCC”) dated 8 July 2016, a copy of which is attached as Appendix 1.
2. In summary, the memorandum explains that:
 - a. HCC lodged a late submission on Variation 1 to the Hamilton City Council Proposed District Plan on 6 July 2016.
 - b. Its purpose was to address *vires* issues around the use of Land Development Plans and Concept Plans, given recent decisions on these matters by the Environment Court.
 - c. The late submission has been circulated to all parties and has been posted on the HCC website.
 - d. HCC is asking the Commissioners to make the following Directions:
 - (a) That any submitter wishing to raise a procedural issue regarding the acceptance of the late submission is to do so by 5pm on Wednesday, 13 July 2016;
 - (b) That the Commissioners determine and advise the parties whether the late submission is accepted by 5pm on Friday, 15 July 2016; and
 - (c) If the Commissioners grant leave to lodge the late submission and the late submission is accepted, any further submissions are to be lodged by 5pm on Friday, 22 July 2016.

DIRECTIONS

1. The Commissioners are satisfied that the Directions sought are appropriate in the circumstances.
2. Accordingly:
 - i. We direct that HCC serves these Directions on all parties and posts them on the HCC website, and does so as soon as possible.

- ii. We further direct that any submitter wishing to raise a procedural issue regarding the acceptance of the late submission is to do so by **5pm on Wednesday 13 July 2016.**
- iii. We will then determine whether or not the late submission is accepted and advise the parties by **5pm on Friday 15 July 2016.**
- iv. If the late submission is accepted, we direct that any party wishing to lodge a further submission is to do so no later than **5pm on Friday 22 July 2016.**



P H MITCHELL (Hearing Chair)

For and on behalf of P H Mitchell and D Wakeling

8 July 2016

APPENDIX 1

Memorandum from Counsel for the Hamilton City Council

8 July 2016

BEFORE THE HEARING COMMISSIONERS

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Variation 1 - Ruakura - to the Hamilton City Proposed District Plan

**MEMORANDUM TO THE HEARING COMMISSIONERS BY COUNSEL FOR
HAMILTON CITY COUNCIL REGARDING THE LATE SUBMISSION LODGED
ON 6 JULY 2016**

Dated: 8th July 2016

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**TOMPKINS
WAKE
LAWYERS**

May it please the Commissioners:

1. Hamilton City Council ("Council") lodged a late submission on 6 July 2016 ("late submission") which seeks relief to amend a range of provisions of Variation 1 – Ruakura ("Variation") which relate to Land Development Plans ("LDPs") and Concept Plans ("CPs").
2. The purpose of the late submission is to ensure the LDP and CP provisions are *vires* the Resource Management Act 1991 ("RMA") in light of the decisions of the Environment Court in *Queenstown Airport Limited v Queenstown Lakes District Council* [2014] NZEnvC93, *Re Auckland* [2016] NZEnvC 56 (interim decision), and *Re Auckland* [2016] 65 (final decision). The late submission also ensures that the Commissioners have sufficient jurisdiction to make decisions to amend those provisions where necessary and appropriate.
3. The late submission has been circulated to all parties and is available on the Council's website. The website currently records that any person wishing to make a further submission has been directed to do so by 22 July 2016.
4. The purpose of this memorandum is to seek leave to have the late submission accepted and to address any procedural issues arising.

Directions sought

5. Counsel respectfully seeks the following directions regarding the late submission:
 - (a) That any submitter wishing to raise a procedural issue regarding the acceptance of the late submission is to do so by 5pm on Wednesday, 13 July 2016;
 - (b) That the Commissioners determine and advise the parties whether the late submission is accepted by 5pm on Friday, 15 July 2016;
and

- (c) If the Commissioners grant leave to lodge the late submission and the late submission is accepted, any further submissions are to be lodged by 5pm on Friday, 22 July 2016.

Dated this 8th day of July 2016



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LF Muldowney
Counsel for Hamilton City Council