

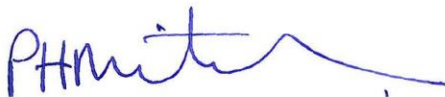
**Hamilton City Council**

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

**FOURTH MINUTE OF HEARING COMMISSIONERS**

**LATE SUBMISSION BY HAMILTON CITY COUNCIL**

1. We issued Directions on 8 July 2016 in respect of a late submission by Hamilton City Council (“HCC”) dated 8 July 2016.
2. No party has raised any procedural concerns regarding the late submission.
3. Accordingly, we record that the late submission is accepted.



**P H MITCHELL (Hearing Chair)**

**For and on behalf of P H Mitchell and D Wakeling**

**19 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

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

**Dated: 8<sup>th</sup> 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 8<sup>th</sup> day of July 2016



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**LF Muldowney**  
Counsel for Hamilton City Council