

**IN THE MATTER OF  
AND**

the Resource Management Act 1991

**IN THE MATTER OF**

Waikato IPIs – **Hamilton CC PC12**,  
Waipā DC PC26 and Waikato DC  
Variation 3.

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**RESOURCE MANAGEMENT ACT 1991  
DIRECTION #12  
INDEPENDENT HEARING PANEL**

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**Purpose:** The purpose of Direction #12 is to invite legal submissions on the implications, if any, of the recent High Court decision *Southern Cross Healthcare Limited v Eden Epsom Residential Protection Society Inc* [2023] NZHC 948.

1. The Panel has become aware that the High Court has recently addressed the question of the NPSUD in the context of a plan change in the abovementioned case. That decision has potential implications for the way in which the Panel proceeds in the context of the RMA amendment directing the present IPIs.
2. The Panel therefore thinks it appropriate that counsel who appeared or were present at the strategic hearing have an opportunity to make submissions on the matter – particularly with respect to the proper relationship (and weighting) of policies 3 and 4 with the body of the NPSUD.
3. The Panel issues the following direction:
  - (a) Counsel who wish to file written legal submissions on the matter should do so with the Hearing Coordinator no later than 4pm Friday, 9 June 2023.
  - (b) No later than Friday, 16 June 2023, the Panel will consider any submissions received and determine whether to convene a virtual conference on the matter.
  - (c) If the Panel determines that a conference is required, the Hearing Coordinator will arrange a time convenient to all.
  - (d) If the Panel does not require a conference, it will issue an interim guidance Minute as soon as practicable.
4. The Panel would appreciate counsel who consider this matter already adequately addressed in their opening submissions advising the Hearing Coordinator accordingly.
5. Any queries or correspondence related to this Direction should be sent through to the Hearing Coordinator, Steve Rice at [steve@riceres.co.nz](mailto:steve@riceres.co.nz).



David Hill (Chairperson)  
Independent Hearing Panel

30 May 2023