

**IN THE MATTER OF**      the Resource Management Act 1991  
**AND**  
**IN THE MATTER OF**      Hamilton City Council's PC9 -  
Historic Heritage and Natural  
Environments

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**RESOURCE MANAGEMENT ACT 1991**  
**DIRECTION #16**  
**INDEPENDENT HEARING PANEL**

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**PURPOSE**

1. The purpose of Direction #16 is to determine whether to accept two late further submissions.

**BACKGROUND**

2. The Panel has received two requests for s.37 RMA waivers of time to receive late further submissions. Those requests are from:
  - (a) Patrick Garvey dated 17 August 2023; and
  - (b) David and Barbara Yzendoorn dated 18 August 2023.
3. Both requestors are opposed to submission points made by Laura Kellaway on behalf of Waikato Heritage Group (submitter 427).
4. While further submissions closed on 18 November 2022, both requestors state that:
  - (a) incorrect information was provided to them at that time that Waikato Heritage Group's submission would not be accepted by the Council; and
  - (b) they had only recently become aware that properties they own would be affected by the relief sought by that submitter.
5. Section 37A(1) RMA sets out the three matters that must be taken into account before granting a waiver or extension (directly affected persons' interests, adequate assessment and unreasonable delay). The Panel is satisfied that those three matters are not contravened – adding that while the release of Council's s.42A report is imminent, evidence exchange is not due until late September 2023 such there is sufficient time for those late further submissions to be taken into account.

**DIRECTION**

6. The Panel accepts the two late further submissions, identified in paragraph 2 above, and directs that they be served directly on Waikato Heritage Group (submitter 427) as well as posted on the hearing website.
7. 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

24 August 2023