

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

RESOURCE MANAGEMENT ACT 1991
DIRECTION #22
HEARING PANEL

PURPOSE

1. The purpose of Direction #22 is to respond to a request from submitters Dorrell and Whyte for clarification regarding Direction #21.

INTRODUCTION

2. Jean Dorrell and David Whyte submit that the process applying to moderate HHAs is inconsistent with that applied for BH and accordingly they seek the following clarifications regarding paragraph 2(g) of Direction #21:
 - 1) Who can make submissions? Is this supposed to include people who have not previously made submissions? Other than Oxford (East) (with all submissions opposing) there were seven submissions made in regard to the HHAs listed in 2(f). All but one of these were opposing the HHAs. The Panel will be aware of these already. (If they are not, I can provide the details.)
 - 2) Why are these submissions being requested/permitted? The nine proposed HHAs were publicly notified on 22 July 2022. As per above there were submissions both for and against received. Nothing has changed since then.
 - 3) Why is the timeframe for submissions so long? The almost 6 weeks (excluding stat days) is longer than the time for submission after public notification in 2022.

CLARIFICATION

3. In relation to the process, the primary reason for the difference in treatment of HHAs and BHs (proposed to be removed) is that in the case of the BH items there were no submissions in support of those particular BH items being retained. This contrasts with the position for HHAs where there are some submissions that supported some or all of the HHAs.
4. Re Q1: the only submitters entitled to respond are those who supported inclusion of the specific HHA in Schedule 8A in their original or further submission.
5. Re Q2: as the Panel has issued Interim Guidance, and not an Interim Decision, submitters are able to respond if so entitled by their submissions. This is a procedural natural justice issue.
6. Re Q3: the standard time for submissions under Clause 5(3)(b) Schedule 1 of the RMA is *at least* 20 working days, noting that the RMA specifically excludes the period from 20 December to 10 January from the definition of working days.

7. Any queries or correspondence related to this Direction should be sent through to the Hearing Coordinator, Steve Rice at: steve@riceres.co.nz .

A handwritten signature in black ink that reads "David Hill". The signature is written in a cursive style with a large, sweeping initial 'D'.

David Hill (Chairperson)
Hearing Panel

15 December 2023