

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 #27

HEARING PANEL

PURPOSE

1. The purpose of Direction #27 is to respond to Counsel’s request for directions on behalf of submitters PGG Wrightson Ltd / NZ Farmers Livestock Ltd, and the University of Waikato.

INTRODUCTION

2. By memorandum dated 23 April 2024, Dr Forret, on behalf of submitters PGG Wrightson Ltd / NZ Farmers Livestock Ltd (co-owners of the Frankton Stockyards at 165 Norton Road), and the University of Waikato (with respect to the former Ruakura Staff House) sought the following directions:
 - (i) confirmation from HCC that all landowners affected by the WHG submission have received copies of the WHG heritage assessment (to their addresses for service);
 - (ii) a reasonable opportunity to respond to the WHG assessment and to provide expert evidence, being some 15 working days following notification of that opportunity; and
 - (iii) that HCC reassesses Appendices A – C in light of any responses from landowners and provides a revised categorisation schedule that will then enable all submitters and further submitters to prepare evidence for the hearing on PC9 BH.
3. The reason given for seeking those directions was framed in terms of procedural fairness and natural justice.
4. The Panel invited a response from HCC.
5. By memorandum dated 26 April 2024, Counsel for HCC provided a detailed response. We do not repeat the substance of that response here but note that among other things, Counsel:
 - (a) affirms HCC’s position that all landowners who are affected by the WHG submission should be given the opportunity to become a late further submitter in PC9 and actively participate in the hearing process as they see fit;

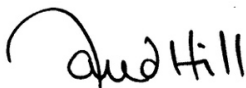
- (b) acknowledges and regrets any irregularities that may have occurred as a result of the procedural and administrative complexities of WHG's wide-ranging submission;
- (c) rejects any suggestion of procedural unfairness or breach of natural justice;
- (d) notes that WHG assessments for a number of items have been publicly available since at least November 2023 when they were uploaded to the Council website; and
- (e) does not consider that the directions sought in the submitter memorandum are necessary.

DISCUSSION

- 6. Having considered those memoranda, the Panel agrees with HCC that no direction is required for the reasons stated. It is satisfied that sufficient time and opportunity is available for landowners to address the BH items in WHG's revised short-list provided on 26 April 2024.
- 7. We also note that WHG is no longer pursuing the Frankton Saleyards¹ but continues to pursue the four former Ruakura staff houses at 178 Ruakura Road, Hillcrest².

DIRECTION

- 8. The Panel declines to issue the directions sought by Counsel on behalf of submitters PGG Wrightson Ltd / NZ Farmers Livestock Ltd, and the University of Waikato.
- 9. Any queries or correspondence related to this Direction should be sent through to the Hearing Coordinator, at planchange@hcc.govt.nz.



David Hill (Chairperson)
Hearing Panel
29 April 2024

¹ Appendix 1: revised version of HCC's Appendix B attached to WHG's memorandum of 26 April 2024.

² Appendix 1: revised version of HCC's Appendix A attached to WHG's memorandum of 26 April 2024.