

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of hearing submissions and further submissions on the Proposed Waikato District Plan

AND

IN THE MATTER of Request for a Waiver under section 37 of the Resource Management Act 1991

MINUTE FROM HEARING COMMISSIONERS

17 March 2021

1. On 16 March 2021, we received a Memorandum from counsel for Hughes Developments Limited (“**Hughes**”) requesting a waiver with respect to Hughes’ failure to comply with the timeframe for making a further submission on the proposed Waikato District Plan (“**proposed plan**”) – in accordance with section 37(1) of the Resource Management Act 1991 (“**RMA**”).
2. The memorandum included the following:
 10. When the site was originally purchased, Hughes and its advisory team were aware of the proposed Plan and of the submissions that related to the land, including the submission from Horticulture New Zealand seeking the retention of the operative rural zoning for the Buckland Road block.
 11. However, at that time, the date for lodging further submissions on the Plan had already passed and Hughes did not consider it necessary to seek to participate in the Plan review on its own account given its understanding that the block’s urbanisation was well supported by Council in the relevant Strategy & Policy documents, including in the notified Plan, and the expectation expressed in those documents and elsewhere that there was a need for more land for housing (not less) in order to meet forecast population growth and associated direction from relevant national statutory instruments. This was further borne out by initial discussion with WDC staff.
 12. Since that time, however, the matter has become significantly less certain, particularly as a result of the recent publication of the

Council's s42A Framework Report for Hearing 25. This document has indicated to Hughes something of a shift in the Council's position and has generated sufficient concern for Hughes to now seek to join the process as a further submitter.

13. It is apparent that, as the landowner, Hughes has an interest in the Plan that is greater than that of the general public. Hughes therefore qualifies as a person who may make a further submission pursuant to Schedule 1, Clause 8(1)(b) of the RMA.
 14. On the basis that a waiver is granted, a further submission is attached at Appendix 1. Pursuant to Clause 8(2) of Schedule 1, the further submission is limited to a matter in opposition to an original submission, being the relief sought from Horticulture New Zealand to revert the Buckland Road block to rural zoning.
3. The Hearings Panel is not persuaded that it should approve a waiver, noting that some 20 months has elapsed since the closing date for making Further Submissions on the proposed plan. However, we draw to counsel's attention our Directions dated 5 March 2021, (available on the Waikato District Council's website), in which we addressed matters relating to the "Framework Report" and which may be of assistance.
 4. Accordingly, the waiver request is declined.

Questions from Parties

5. Any questions regarding this Minute are to be addressed to the Hearings Administrator, Mr Fletcher Bell. His contact details are as follows:

Email Districtplan@waidc.govt.nz

Telephone 027 214 8052



P H Mitchell (Chair)

For the Hearings Panel

17 March 2021