

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 a request by Ambury
Properties Limited for a priority
hearing of their submissions

DIRECTIONS FROM HEARING COMMISSIONERS

6 August 2019

Introduction

1. We held a pre-hearing conference on 5 August 2019 in respect of a request by Ambury Properties Limited ("**Ambury**") that its submission on the Proposed Waikato District Plan ("**proposed plan**") be heard in May 2020, approximately five months earlier than would otherwise be expected, and that a decision on that submission be issued by mid-2020, approximately one year earlier than anticipated.
2. The pre-hearing conference was attended by representatives of the following parties:
 - a. Ambury
 - b. Mercury NZ Limited
 - c. Shand Properties Limited
 - d. Ohinewai Land Limited
 - e. New Zealand Transport Agency
 - f. Waikato-Tainui
 - g. The Ohinewai Area Committee
 - h. Waikato Regional Council
 - i. Waikato District Council.
3. We will issue a formal written decision on Ambury's request in due course. However, we confirm what we stated verbally prior to adjourning the pre-hearing conference, which is that we had formed the preliminary view that we would agree to Ambury's request, subject to several procedural modifications. We set out below a synopsis of our preliminary view as to

how this matter should be progressed, together with specific Directions setting out the required “next steps”.

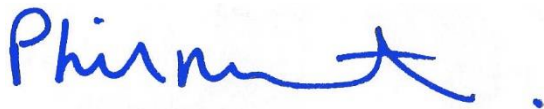
Our Preliminary Views on the Ambury Request

4. As advised verbally, our preliminary view is that the following procedure should be followed:
 - a. To ensure that decisions on the proposed plan result in an holistic, integrated land use planning outcome for the Ohinewai area, all the submissions requesting zoning changes for Ohinewai should be considered at the same hearing.
 - b. Those submissions comprise the rezoning proposals from:
 - i. Ambury
 - ii. Planning Focus Limited (only to the extent it has not been subsumed by the Ambury submission)
 - iii. Shand Properties (only in respect of their proposals for land adjacent to Ambury’s land at Ohinewai)
 - iv. Ohinewai Land
 - v. Ohinewai Area Committee
 - vi. Ribbonwood Family Trust
 - c. The parties listed in paragraph 4 b above will need to ensure that sufficient information is available about their respective proposals so that interested parties can clearly understand what each proposal entails and how they may be affected by them. This information needs to be provided in a timeframe that will enable preparations for the hearing to proceed in an orderly, informed fashion.
 - d. The wider Ohinewai community needs to be afforded the opportunity to ascertain the extent to which they may be affected by the proposed development at Ohinewai; to be able to provide further submissions on these matters; and to be able to speak to them at the hearing. Our preliminary view is that the process should include “public notification”, although the form of this is yet to be determined. Such notification will need to inform the public that their further submissions will only be able to be considered if we are satisfied that they meet the requirements of Clause 8 of Schedule 1 of the Resource Management Act 2019 – that being that they either represent a relevant aspect of the public interest, or that they have an interest in the matter that is greater than the interest the general public has.
5. We invite the parties listed in paragraph 2 to further consider the specific procedures and timetable necessary to implement the matters set out in paragraphs 4 c and 4 d above, in accordance with the following Directions.

Directions

6. By **5pm on Monday 12 August 2019**, Ambury is to file a memorandum with the Hearings Coordinator setting out the rationale for, and specific details of, the process they consider appropriate to address the matters identified in paragraphs 4 c and 4 d above.

7. To the extent possible, that memorandum should represent a consensus view of as many as possible, and preferably all, of the parties listed in paragraph 2 above.
8. In the event that any party/s listed in paragraph 2 above, other than the Waikato District Council, have a different view on how the matters identified in paragraphs 4 c and 4 d should be progressed, those party/s are to file their own memorandum on these matters. Any such memoranda are to be received by the Hearings Coordinator by **5pm on Friday 16 August 2019**.
9. If any memoranda are received pursuant to paragraph 8 above, the Waikato District Council is to file a memorandum setting out how it considers these matters should be progressed. Any such memorandum is to be received by the Hearings Coordinator by **5pm on Wednesday 21 August 2019**.
10. On receipt of the material required by these Directions, we will proceed to either issue our final decision on the Ambury request, or, but only if necessary, convene a further pre-hearing conference.
11. These Directions are brief, by necessity, and any party that has questions as to what is required should address them to the Hearings Coordinator in the manner set out in our previous Directions.



P H Mitchell (Chair)

For P H Mitchell, P Cooney and D Fulton (Hearings Commissioners)

6 August 2019