

IN THE MATTER OF the Resource Management Act 1991
AND
IN THE MATTER OF Waikato IPIs – Hamilton CC PC12,
Waipā DC PC26 and Waikato DC
Variation 3.

RESOURCE MANAGEMENT ACT 1991
MINUTE – RESPONSE TO DIRECTION
INDEPENDENT HEARING PANEL

Purpose: The purpose of this Minute is to acknowledge the legal submissions filed in response to Direction #12.

1. Direction #12 invited legal submissions on the implications, if any, of the High Court decision *Southern Cross Healthcare Limited v Eden Epsom Residential Protection Society Inc* [2023] NZHC 948.
2. Legal submissions were filed on behalf of the three Councils, Ara Poutama, Kāinga Ora, Ministry of Housing and Urban Development, and Ryman Healthcare Limited and Retirement Villages Association of NZ Incorporated.
3. Those submissions are clearly aligned and, in short, agree that the decision reinforces the fact that the Panel must give effect to the NPSUD in its entirety (along with other higher order instruments) to the extent that the matters are in scope of the respective plan changes (as directed by s.80E RMA and NPSUD policies 3 and 4). Submissions were also aligned in concluding that NPSUD policies 3 and 4 do not require differential weighting.
4. The Panel is grateful for those submissions and sees no need for further inquiry.
5. Any queries or correspondence related to this Minute should be sent through to the Hearing Coordinator, Steve Rice at steve@riceres.co.nz.



David Hill (Chairperson)
Independent Hearing Panel

14 June 2023