

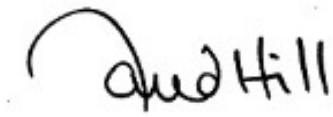
**IN THE MATTER OF**      the Resource Management Act 1991  
**AND**  
**IN THE MATTER OF**      Various applications by Te Tūāpapa  
Kura Kāinga – the Ministry of Housing  
and Urban Development (MHUD) to  
the Rotorua Lakes Council.

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**RESOURCE MANAGEMENT ACT 1991**  
**MINUTE #1**  
**INDEPENDENT HEARING PANEL**

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1. Rotorua Lakes Council has appointed and delegated to an Independent Hearing Panel (the Panel) of Commissioners (David Hill, Greg Hill and Sheena Tepania) the decision making on MHUD’s applications for resource consents relating to the use of motels in Rotorua for contracted emergency housing – including the matter of notification under s95 RMA.
2. By email via Mr Batchelar dated 26 November 2021, the Panel has received a Memorandum from Counsel for MHUD, Mr Nick Whittington, in which he notes the following:
  - 3 *We understand that the Council has been considering adopting a contested process to determine notification. We take it from the media release that it will now be for the commissioners to determine the process that they wish to adopt.*
  - 4 *The purpose of this letter is to record MHUD’s expectation that the commissioners will provide information, and invite comment from MHUD, about any process that deviates from the orthodox process set out in ss 95A-95G of the RMA*
3. On the first matter, we confirm that now falls to the Panel to determine as noted above.
4. On the second matter, the Panel acknowledges the stated purpose of the Memorandum but notes that any such consideration is, at this stage, premature. Until the Panel has received the further information sought under s92 RMA and the subsequent s42A recommendation report(s) regarding notification, it is in no position to consider the question.
5. We do, however, note that while we must follow the notification step process required under sections 95A and 95B RMA, that Act is silent on the matter as to how step 1 under either sub-section is to be achieved. The suggestion that we might “adopt a process that deviates from the orthodox process set out” is, in that regard, arguably not correct and is, in any case, premature.
6. We can assure all interested persons that we will issue procedural directions at the appropriate time if such are required. In the meantime, the Panel awaits the requisite information.
7. Any queries or correspondence related to this Minute should be sent through to the Panel Secretary, Susan Taylor at [susan.taylor@tompkinswake.co.nz](mailto:susan.taylor@tompkinswake.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)  
Independent Hearing Panel

29 November 2021