

**BEFORE INDEPENDENT HEARING COMMISSIONERS APPOINTED BY THE  
WAIMAKARIRI DISTRICT COUNCIL**

**IN THE MATTER OF**

The Resource Management Act 1991 (**RMA** or  
**the Act**)

**AND**

**IN THE MATTER OF**

Hearing of Submissions and Further  
Submissions on the Proposed Waimakariri  
District Plan (**PWDP** or **the Proposed Plan**)

**AND**

**IN THE MATTER OF**

Hearing of Submissions and Further  
Submissions on Variations 1 and 2 to the  
Proposed Waimakariri District Plan

**AND**

**IN THE MATTER OF**

Submissions and Further Submissions on the  
Proposed Waimakariri District Plan by  
**Momentum Land Limited (MLL)**

**AND**

**IN THE MATTER OF**

**Hearing** of submission on the Proposed  
Waimakariri District Plan and Variations 1 and  
2

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**MEMORANDUM IN RESPONSE TO COUNCIL MEMORANDUM REGARDING  
MINUTE 5 (HEARING OF REZONING REQUESTS)**

Dated: 1 September 2023

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Presented for filing by:  
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**MEMORANDUM IN RESPONSE TO COUNCIL MEMORANDUM REGARDING  
MINUTE 5 (HEARING OF REZONING REQUESTS)**

1. This memorandum is filed on behalf of Momentum Land Limited in respect of the Proposed Waimakariri District Plan (**Proposed Plan**) and Variations 1 and 2 to the Proposed Plan.
2. Minute 5 of the Hearing Panel included a request for further details regarding the Council's approach to the hearing of submissions seeking more substantive rezonings.
3. Mr Wilson of the Council responded to the Hearing Panel's request by memorandum dated 18 August 2023 (**Council memorandum**).<sup>1</sup>
4. More recently, the writer has had the benefit of reading a memorandum filed by Mr Carr that responds to the Council memorandum (**Carr memorandum**).
5. This memorandum responds to both the Council memorandum and the Carr memorandum regarding the hearing of rezoning submissions.
6. Counsel supports the suggested approach outlined in the Carr memorandum for management of timing and information requirements,<sup>2</sup> and the proposed refinement to timeframe directions in Minute 1 discussed in the Carr Memorandum.<sup>3</sup>
7. One matter that is not addressed by the Carr memorandum is where technical information provided by a submitter is considered by the Council to adequately resolve all issues regarding the subject matter of that technical evidence.
8. As matters currently stand, the Council's substantive response to the submitter's technical evidence will not be conveyed to the submitter until release of the s42A officer report, some 40 working days after the technical evidence is lodged. This timeframe will be even longer if submitters file technical evidence in advance of the 60 working day timeframe, as suggested by Minute 1 of the Hearing Panel.<sup>4</sup>

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<sup>1</sup> Council memorandum at [14]-[17]

<sup>2</sup> Carr memorandum at [4.1]-[4.10]

<sup>3</sup> Supra at [5.1]

<sup>4</sup> Minute 1 at [74]

9. In circumstances where Council concurs with the technical evidence it would seem sensible for this to be recorded as between the experts by way of a joint witness statement or otherwise conveyed by Council to the relevant submitter so that they are aware of the Council response to the technical evidence on that issue as soon as realistically possible.
10. The advantage of this approach is that it would assist hearing preparation for submitters, particularly for large scale rezoning proposals that require multiple technical assessments as well as multiple statements of expert evidence.
11. It would also assist Council prepare s42A reports and generally reduce the range of matters potentially at issue between the Council and rezoning submitters, thereby making for a more efficient hearing process.
12. Counsel acknowledges that in some cases it simply may not be feasible for Council officers to reach a firm view on submitter technical evidence prior to release of the s42A report. However where that is possible, Counsel respectfully suggests that it would make for a more efficient hearing process for them to do so.

Dated: 1 September 2023



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Chris Fowler  
Counsel for Momentum Land Limited