

**IN THE MATTER OF**      Resource Management Act 1991

**AND**

**IN THE MATTER OF**      An application by Rolleston Industrial  
Developments Limited for a private plan  
change RCP31 to the Waimakariri District  
Plan pursuant to Part 2 of Schedule 1 of the  
Resource Management Act 1991

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**MINUTE 4: DIRECTIONS FOR REPORTING BACK FROM EXPERT CONFERENCING,  
FINAL RECOMMENDATION OF S42A REPORT AND APPLICANT'S RIGHT OF REPLY**

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[1] The hearing of the application for RPC 31 by Rolleston Developments Limited requesting changes to the zoning of rural land in Ōhoka to enable residential and some commercial and associated facilities commenced on Thursday 3 August 2023 and continued until Thursday 10 August 2023, at which point we adjourned the hearing subject to the following further directions.

[2] Expert witnesses called by the applicant, Canterbury Regional Council, Waimakariri District Council (as submitter) and those experts who provided evidence as part of the s42A Report, are undertaking expert witness conferencing with a view to clarifying differences in opinion in relation to:

- (a) Planning constraints mapping and public transport matters as directed in our Minute 3.
- (b) Traffic safety and network effects.
- (c) Stormwater management, risk of groundwater infiltration and flood event modeling including further consideration by those experts of the impact of localised flooding effects and ground water resurgence as addressed in the evidence of the local community members who submitted on the plan change ('water related matters').

[3] By way of explanation to lay submitters, the expert conferencing process is conducted in accordance with an expert witnesses' obligations under the Expert Witness Code of Conduct<sup>1</sup> and their role, irrespective of whether they have been asked by the applicant or council, or submitters to provide evidence in support of their case, is to be objective and they have an overriding duty to assist the hearings panel on evidential matters which are within the scope of their expertise.

[4] In relation to the economic evidence on housing capacity modeling within the district provided by Mr Yeoman as part of the s42A Report, Ms Appleyard, legal counsel for the applicant, has requested clarification of the assumptions that have been made about the land areas that have been included in the capacity projections in the short, medium and long term. We have invited Ms Appleyard to set out in writing the matters she would like clarified. It is a

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<sup>1</sup> <https://www.environmentcourt.govt.nz/assets/Practice-Note-2023-.pdf>

matter for the hearings panel as to whether we will ask those questions of Mr Yeoman. We may direct conferencing between Mr Yeoman and Mr Akehurst.

[5] Transpower have provided a set of rules that they say will likely address their submission. The applicant is to review these and advise of their position.

[6] In relation to the matters set out at [2] to [5] above we have directed the following timetable:

- (a) Ms Appleyard is to submit her questions to us by close of business on Monday 14 August
- (b) The hearings panel will determine whether these are to be put to Mr Yeoman and advise Mr Willis by Minute on **Tuesday 15 August** of questions we have of Mr Yeoman (if any) and/or direct conferencing with Mr Akehurst.
- (c) Joint witness statements on the topics of planning constraints mapping, public transport. Traffic safety and water related matters are to be filed by **3pm Friday 18 August**.
- (d) If requested by us Mr Yeoman is to provide a supplementary written statement of evidence addressing any further questions from the IHP by **5pm Friday 18 August** and/or a joint witness statement if conferencing is directed with Mr Akehurst.
- (e) Mr Walsh is to provide a response to the amendments to the plan change provisions proposed by Transpower by **3pm Friday 18 August**.
- (f) Mr Willis is to file a brief supplementary report updating the hearings panel on his recommendations following the receipt of the joint witness statements, Mr Yeoman's supplementary statement (if we request this), and Mr Walsh's response to Transpower's proposed amendments by **3pm Wednesday 23 August**.
- (g) The hearings panel will review the further statements and advise the parties by Minute on **Friday 25 August** as to whether we need to reconvene the hearing or that we are ready to receive the applicant's right of reply.

- (h) If we do not need to reconvene the hearing, then the applicant's right of reply will be due by 5pm on Friday 1 September 2023.

[7] Mr Schulte (Waimakariri District Council as submitter), Ms Edwards (Regional Council)<sup>2</sup> and Ms Scully for Mrs Hadfield, indicated they wished to provide further comment on questions asked by the Commissioners during the presentation of their legal submissions that they were not in a position to respond to at the time. If they wish to provide further submissions, limited to those matters, then we will receive these up until **5pm Tuesday 15 August**.

[8] There may be a need to vary the above timetable in the event that the expert witness conferencing has any consequential impact on the application, including issues of ecology and urban design/landscape, planning and/or legal issues that may need to be considered further.

[9] The outcome of witness conferencing and any further directions of the hearings panel will be made available on the Council's website as soon as practical once they are received.

Dated 11 August 2023



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Cindy Robinson  
Chair  
for Independent Hearings Panel

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<sup>2</sup> We acknowledge that we received a memorandum from Ms Edwards and a supplementary memorandum from Ms Mitten on 11 August 2023.