

Ohoka Residents Association – Further Submission to the Waimakariri Proposed District Plan

LETTER TO CHAIR OF HEARING PANEL REGARDING ORA'S FURTHER SUBMISSION

The Ohoka Residents Association (ORA) lodged a further submission on The Proposed District Plan and Variation 1 to the Waimakariri District Plan. We attach ORA's further submission dated 21 November 2022 to this letter.

ORA's further submission identifies three original submissions that it opposes, namely Rolleston Industrial Developments Ltd (RIDL), Carter Group Property Ltd (Carter Group) and CSI Properties.

ORA opposes the parts of RIDL and Carter Group's submissions that are designed to facilitate Private Plan Change 31 (rezoning of rural land in Ohoka to create a large residential development). This is clearly addressed in ORA's Further Submission.

We have been advised by Mark Buckley of Waimakariri District Council that ORA is not able to speak to the Hearing Panel as a further submitter against RIDL's submission on certain submission points as ORA did not specifically list these numbers in our Further Submission form. Specifically, Mark Buckley advised that we would be unable to speak to RIDL's submission regarding submission points 326.34, 326.39, 326.40, 326.41 and 326.52. ORA's further submission forms show we have just itemised submission point 326.1.

The purpose of this letter is to request confirmation that ORA will be able to speak to all submission points at the hearing that are designed to facilitate Private Plan Change 31 by RIDL and the Carter Group, including the submission points referred to by Mark Buckley.

We have received legal advice that confirms that ORA has lodged a valid further submission that complies with the prescribed form, and therefore, the ORA is able to speak to all parts of RIDL's and the Carter Group submissions that ORA opposes (i.e. the parts of the submissions that are designed to facilitate PC31).

It is clear from ORA's Further Submission what parts of RIDL's and the Carter Group submissions it opposes, and this is all that is legally required. To do otherwise, would unnecessarily elevate 'form over substance', and limit ORA's further submission rights due to technicalities.

It is important in the interest of fairness and transparency that the Hearing Panel sensibly accepts the ORA's Further Submission as the ORA has put considerable time and effort into preparing a fulsome submission opposing the proposed RIDL development. As the Council's Summary of Submission can verify, this proposed development received overwhelming opposition from the local community and from The Waimakariri District Council itself. The same arguments that have been presented against PC31 are directly relevant and valid in opposing RIDL's Submission 326 on Variation 1. On the basis that RIDL's PC31 Application has almost certainly failed on the basis it does not meet the key eligibility criteria of the National Policy Statement - Urban Development, it is important that the Council does not allow a loophole to be created.

However, in the event that you do not accept ORA's Further Submission validly opposes all relevant parts of the RIDL's submission, ORA requests that you accept a late further submission that correctly lists the relevant submission points. We attach a corrected Further Submission form dated 12 May 2023 that lists relevant submission points for RIDL. We have also further elaborated on the reasons for the opposition to RIDL and the Carter Group submissions to avoid any confusion.

We respectfully request that the Hearing Panel accepts it as a late further submission in accordance section 37 of the Resource Management Act 1991.

We do not consider accepting our late further submission will unduly prejudice any other parties. The correction to our Further Submission is only in relation to the specific submission point numbers of RIDL. The substance of our further submission is the same. We consider that accepting our late further submission is in line with principles of participation and natural justice given the correction is only of form, rather than substance. The reporting officer will also still have adequate time to consider the reasons for our opposition in preparing the hearing report.

Thanks and regards

Ohoka Residents Association
