

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

**MINUTE 6: DIRECTIONS FOR APPLICANT'S RIGHT OF REPLY AND
SUPPLEMENTARY EVIDENCE IN RESPONSE TO MEMORANDUM OF COUNSEL FOR
THE APPLICANT DATED 24 AUGUST 2023**

[1] The hearing of 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 was adjourned on 10 August 2023 to allow time for expert witness conferencing, and further questions of Mr Yeoman which has now occurred.¹

[2] In accordance with our directions, Mr Willis has now provided a supplementary s42A report in response to the outcomes of expert conferencing and further statement of Mr Yeoman.

[3] We have received a memorandum from counsel on behalf of the applicant requesting leave to file supplementary evidence and to resume the hearing for the presentation of the applicant's closing legal submissions. The applicant has sought leave to file that evidence by 5 September 2023 and offered a range of dates for the hearing to reconvene.

[4] We have considered the memorandum and we approve the requested leave on the basis that the supplementary evidence to be produced is strictly in the nature of a reply to matters raised at the hearing by the hearing panel, or matters raised by submitters (which were not apparent in their written submissions and further submissions filed in response to notification of the plan change) and/or to address any consequential changes the applicant may wish to propose in response to evidence of submitters, and/or the outcome of expert witness conferencing, that cannot otherwise be properly dealt with in closing legal submissions.

[5] In relation to the list of supplementary evidence the applicant wishes to provide we will receive the supplementary evidence as outlined in para [2] of the memorandum of counsel in relation to Ms Drummond, Mr Sellars, Mr Akehurst and Mr Walsh.

[6] In addition, we wish to hear from Mr Walsh on what the effect of accommodating above ground stormwater attenuation basins (and the possible limitations on the stormwater attenuation and treatment servicing of 26 ha of the site along Whites Road) has on the overall yield and timeframes for development stages, if RPC31 were to be approved.

[7] We will receive supplementary evidence in relation to the remaining witnesses, subject to further clarification:

¹ Joint Witness Statements and Statement from Mr Yeoman filed on 18 and 22 August 2023

- (a) Mr Tim McLeod: We note Mr McLeod participated in the expert witness conferencing; we are not clear which matters that counsel consider require a response. If it relates to the interpretation of the relevant rules in the Canterbury Land and Water Plan, we expect this to be addressed in the closing legal submissions. If it relates to Mr Willis' supplementary report at para [22], please clarify what specific matters Mr McLeod is intending to address in his supplementary evidence. We are concerned that if new evidence is proposed then it may require further responses from the stormwater expert witnesses. If there is a matter to be resolved, then Mr McLeod should confer with the stormwater expert witnesses who participated in joint witness conferencing and provide an addendum to the joint witness statement.
- (b) Ms Lauenstein: We would be assisted if the focus of Ms Lauenstein's reply is from the perspective of whether the outcomes of the expert conferencing has changed her opinion and recommendations about the outline development plan and the urban design approach to the site. Specifically, any urban design consequences if, as raised by the stormwater experts, 26ha of the site along Whites Road were found to be unable to be attenuated and precluded from the development, and any urban design impacts of kerb and channel in the context of Ōhoka "village character".
- (c) Mr Tony Milne: We are unclear of the purpose of Mr Tony Milne's supplementary statement. If the applicant wishes to produce a supplementary statement, it should be limited to a response to a matter that arose out of presentations given by submitters that was not apparent in the written submissions/further submissions filed in response to the plan change.

[8] We direct the applicant files the supplementary evidence by 5 September 2023.

[9] We direct closing legal submissions to be filed before midday on 8 September 2023. .

[10] We will reserve the date of 11 September 2023 to reconvene the hearing to hear closing legal submissions and/or ask questions of witnesses, if required.

[11] Ms Benbrook will liaise with the parties as to venue and commencement time.

Dated 24 August 2023



Cindy Robinson

Chair

for Independent Hearings Panel