

**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  
**Bellgrove Rangiora Ltd**

**AND**

**IN THE MATTER OF**

**Hearing Stream 12E** – Substantial rezoning:  
Rangiora, Kaiapoi, Woodend, Variation 1

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**MEMORANDUM FOR BELLGROVE RANGIORA LTD REQUESTING EXTENSION  
OF TIME TO FILE EXPERT EVIDENCE FOR HEARING STREAM 12E**

Dated: 29 February 2024

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**MEMORANDUM FOR BELLGROVE RANGIORA LTD REQUESTING EXTENSION OF  
TIME TO FILE EXPERT EVIDENCE FOR HEARING STREAM 12E**

1. This memorandum is filed on behalf of Bellgrove Rangiora Ltd (**Bellgrove**) in response to Minute 18 which directs that expert evidence for submissions seeking substantial rezonings at Hearing Stream 12 be filed by Tuesday 5 March 2024.
2. Counsel respectfully requests an extension of time to **30 April 2024** for Bellgrove to file expert evidence in support of Bellgrove's submissions on the Proposed District Plan (**PDP**) and Variation 1 that seek to rezone land known as Bellgrove South from Rural Lifestyle Zone to Medium Density Residential Zone (**Bellgrove rezoning submission**).
3. The Bellgrove rezoning submission is to be heard within Stream 12E (substantial rezoning Rangiora, Kaiapoi, Woodend, Variation 1) scheduled for 22 July – 2 August.<sup>1</sup>
4. This request is made on the following grounds:
  - (a) That the circumstances of this case are unusual;
  - (b) That the request will help achieve adequate assessment of Bellgrove's submissions regarding Bellgrove South;
  - (c) That granting the request will not result in any prejudice to other participants in the hearing process, including other submitters, section 42A officers and other Council staff; and
  - (d) That granting the request will not result in any disruption to the efficient completion of Hearing Stream 12E.

**Unusual circumstances**

5. The circumstances of this case are unusual due to the Infrastructure Acceleration Fund Agreements (**IAF Agreements**) related in part to the South Block and the overlap between matters addressed in Stream 10A (Development Areas and certification process) and Stream 12E.
6. The Summary Submissions filed for Bellgrove at the Stream 10A (Development Areas) hearing identified three key contextual features relevant to Bellgrove

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<sup>1</sup> Minute 20 at page 7

South, including IAF Agreements which commit Kainga Ora to pay \$5.7 million to WDC to accelerate the delivery by Bellgrove of 1,300 affordable and market homes on the Bellgrove land at Rangiora.

7. The additional housing capacity to be supplied by Bellgrove needs to be plan-enabled in order for Bellgrove to meet its commitments under the IAF Agreements.
8. This is why:
  - 8.1. Bellgrove seeks the proposed alterations to the ODPs for the North and South East Rangiora Development Areas.
  - 8.2. Bellgrove supports the certification consent process proposed by the s42A Report inclusive of the refinements promoted in Bellgrove's planning evidence on Stream 10A.
  - 8.3. It's particularly important the Additional Land<sup>2</sup> is included in the SER-Development Area.
9. Bellgrove presented legal submissions and evidence regarding each of the above matters at the Stream 10A hearing. Because these matters substantially overlap with the issues to be addressed within the Stream 12E hearing the Hearings Panel adjourned them to be considered as part of that Stream. The Bellgrove rezoning submission is consistent with and, a logical extension of, the relief proposed by Bellgrove at the Stream 10A hearing with respect to the Bellgrove South.
10. In addition, it has become apparent from evidence and legal submissions filed by other submitters that there is substantial opposition to the notified certification process and the certification consent process recommended in the section 42A report for Hearing Stream 10A – Development Areas.
11. In response to this opposition (and without prejudice to Bellgrove's support for the certification consent process) Bellgrove intends to pursue its submissions that seek to rezone Bellgrove South to MDRZ. This approach provides an additional method by which additional housing capacity can be plan-enabled on Bellgrove South and is not dependant on the certification process.

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<sup>2</sup> The Additional Land is discussed in evidence filed by Bellgrove on Stream 10A

12. Bellgrove does not currently have appropriate expert evidence regarding Bellgrove's submission for the Stream 12E hearing because, until recently, Bellgrove intended to rely on the certification process. Bellgrove plans to compile such evidence on an urgent basis, but it will not be possible to file same by the due date of 5 March. Hence the need for this request for an extension of time.
13. Counsel has discussed this matter with Mr Peter Wilson, s42A report writer for Stream 12E. Mr Wilson advises that if Bellgrove provides its evidence by 30 April he will have about 20 days as a planner to review Bellgrove's evidence ahead of his s42A reporting dates for Stream 12E. On this basis Mr Wilson advises that 30 April should be achievable from his perspective.

#### **Request will help achieve adequate assessment of Bellgrove rezoning submission**

14. The propose extension to 30 April will help achieve an adequate assessment of Bellgrove's rezoning submission by allowing Mr Wilson opportunity to consider Bellgrove's expert evidence before completion of his s42A report for Stream 12E.
15. It will also allow for assessment of the relief discussed in Bellgrove's case for Stream 10A thereby enabling an integrated decision to be made by the Hearings Panel regarding the Bellgrove South land.

#### **Prejudice to other participants in the hearing process**

16. Granting Bellgrove's request to submit expert evidence by 30 April will not result in prejudice to other participants in the hearing process for the following reasons.

#### Further submissions

17. There are five further submissions lodged on Bellgrove's submission on the PDP. Three of these further submissions are in support of Bellgrove's submission<sup>3</sup>, one supports Bellgrove's submission in part<sup>4</sup> and one is in opposition.<sup>5</sup>
18. The further submission that supports Bellgrove's submission in part, accepts Bellgrove's submission to the extent it supports the relief sought in the submission by Richard and Geoff Spark, the intent of that submission and their interests. However, any changes to the South East Rangiora Development Area

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<sup>3</sup> PA Dallimore on behalf of Oxford Equity Ltd [117], Main Power NZ Ltd [58], Waka Kotahi NZ Transport Agency [110]

<sup>4</sup> Richard and Geoff Spark [37]

<sup>5</sup> Heritage NZ Pouhere Taonga [115]

provisions, including the SE Rangiora Development Plan which Spark consider are not appropriate or supportive of rezoning and development of the Spark land are opposed.

19. The further submission in opposition to Bellgrove's submission by Heritage NZ Pouhere Taonga is in relation to the historic homestead on Bellgrove North and therefore not relevant to this request.
20. There are two further submissions lodged on Bellgrove's submission on Variation 1. One further submission supports Bellgrove's submission in part<sup>6</sup>, and the other further submission opposes BRL's submission insofar as it relates to minimum allotment size in the MDRZ.<sup>7</sup> Again this further submission is not relevant to this request.
21. In summary, there are no further submissions opposed to rezoning of the Bellgrove South land.

#### Reporting officer

22. For the reasons discussed above the requested extension should not prejudice Mr Wilson's preparation of his s42A report for Stream 12E.

#### **Disruption to the Hearing of Stream 12E**

23. The extension of time for expert evidence from Bellgrove should not cause disruption to the efficient running of the Stream 12E Hearing, nor extension of the duration of the hearing.
24. The hearing does not commence until 22 July so there remains considerable time between then and the extension date of 30 April for the Bellgrove evidence to be considered by all parties to the Stream 12E hearing.

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<sup>6</sup> Richard & Geoff Spark [5]

<sup>7</sup> Elliot Sinclair & Partners Ltd [12]

**Proposed directions**

25. If the Hearings Panel is minded to grant the extension requested by Bellgrove, it is respectfully proposed that the Panel direct that Bellgrove file expert evidence by 30 April 2024. This would allow the Council reporting officers about 20 working days to consider and respond to same in the Council section 42A report.

Dated: 29 February 2024



Chris Fowler  
Counsel for Bellgrove Rangiora Ltd