

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 2: FURTHER DIRECTIONS

- [1] The Waimakariri District Council has appointed an independent hearings panel to hear an application by Rolleston Industrial Developments Limited (the applicant/application) for a private plan change (RCP 31) to the Waimakariri District Council pursuant to Part 2 Schedule 1, of the Resource Management Act 1991 (RMA).
- [2] The purpose of this Minute is to provide further directions to the parties in relation to the hearing of RCP 31 due to commence on 3 August 2023.
- [3] Since we issued Minute 1 the Council S42A Reporting Officer and the applicant have sought modifications to the initial directions for the exchange of evidence.¹ The Chair approved minor extensions of time and provided the equivalent extension of time to submitters calling expert evidence.²
- [4] The hearing administrator has now confirmed the timing for submitters to attend and present their evidence at the hearing. A final version of the hearing schedule is now available on the council website.
- [5] The hearing will commence as notified at 9am on Thursday 3 August with the applicant's presentation. The applicant's case will continue into Friday 4 August. The applicant's solicitor has filed a memorandum setting out their intended order of witness, which is now available on the Council website. The applicant's solicitor has also requested that the following witnesses be excused from attendance and their evidence be tabled.
- (a) Barbara Warren (market)
 - (b) Charlie Wood (polo)
 - (c) Chris Thompson (Geotech)
 - (d) Mark Crooks (contaminated land); and
 - (e) Gary Sellars (MDRS).
- [6] Except for Ms Warren and Mr Sellars, we can confirm that we have no questions which require witnesses (b) to (d) to attend the hearing. We reserve our position regarding Ms

¹ Memorandum from Andrew Willis 22 June 2023, Memorandum from Chapman Tripp dated 30 June 2023

² Amended directions via email to hearings administrator on 22 June 2023 and 30 June 2023.

Warren and Mr Sellars and will advise the applicant's solicitor when the hearing commences on Thursday as to whether we are likely to have questions for Ms Warren and Mr Sellars and, if so, make arrangements for those witnesses to be called later in the hearing.

[7] In Minute 1 we indicated at para [17] that we would take the s42A Report as read and provide an opportunity for an overview by the Report author following the applicant's presentation. Those directions were made before receiving the s42A Report and associated witness briefs and reports (s42A Report authors). The principal s42A author, Mr Willis, made a request via the hearing administrator for additional time at the hearing to enable the s42A Report authors present a response to the further information provided in the applicant's evidence.

[8] We are mindful of our inquisitorial function, and we are of the view that it is helpful to receive that response from the s42A Report authors after the submitters have presented their evidence. The s42A Report authors are now scheduled to be heard on the afternoon of Wednesday 9 August. We direct Mr Willis to provide the hearing panel with a memorandum, to be filed with the hearing administrator by **12 noon Wednesday 2 August**, outlining the topics and issues or questions (cross referencing the s42A Report and the relevant expert(s) evidence) that he considers are resolved or remain unresolved by the expert evidence.

[9] We direct the hearing administrator to forward a copy of the memorandum to the applicant's solicitor and all submitters who have indicated they wish to be heard as soon as it is received.

[10] We reserve the ability to make further directions, as the hearing proceeds.

Dated 31 July 2023



Cindy Robinson
Chair
for Independent Hearings Panel