

Before the Independent Hearings Panel
at Waimakariri District Council

under: the Resource Management Act 1991

in the matter of: Submissions and further submissions to the Proposed
Waimakariri District Plan and submissions and further
submissions on Variations 1 and 2 to the Proposed
Waimakariri District Plan

and: **Rolleston Industrial Developments Limited**
Submitter 160; Submitter 60 in Variation 1

and: **Carter Group Property Limited**
Submitter 237

Memorandum of counsel on behalf of Rolleston Industrial
Developments Limited

Dated: 18 September 2023

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MAY IT PLEASE THE HEARINGS PANEL

- 1 This memorandum responds to Waimakariri District Council's (the *Council*) memorandum to the Hearing Panel dated 18 August 2023 (the *Memorandum*) regarding the questions contained in Minute 5, and in particular the issues on scope.
- 2 We note the Hearing Panel's Minute 9 specifically invites comments from submitters on the issues of scope and hearing framework contained in the Memorandum.
- 3 We generally agree with the Council's proposed approach to scope in the Memorandum that:
 - 3.1 The early determination of scope and assigning submissions to Variation 1 or IPI streams is not appropriate;
 - 3.2 Questions of scope require substantive consideration of evidence and a preliminary hearing on scope would not be a good use of the various parties' resources; and
 - 3.3 Questions of scope should be considered and determined, after the hearing of evidence for PDP and/or Variation 1 submissions.
- 4 We understand that the Council has previously tabled legal advice on the issue of scope by Buddle Findlay in its 1 June 2023 memorandum. We do not agree with Buddle Findlay's interpretation of what submissions would and wouldn't be in within the scope of the Variation.
- 5 However, on the basis of the Council's proposed approach in the Memorandum, our legal arguments regarding the scope of certain rezoning submissions will be provided as part of the rezoning hearings for the Panel's determination at that point in time.
Rezoning hearing streams
- 6 The Memorandum at Table 1 also proposes hearing streams/groupings for the rezoning request requests.
- 7 It is not clear from this Table where rezoning submissions that do not fall comfortably into any of those streams will be heard. For example, both Rolleston Industrial Developments Limited and Carter Group Property Limited have sought the rezoning of land at Ōhoka.

It is not apparent which of the proposed hearing streams those rezoning requests would be heard under.

- 8 We also flag now that we do not consider the Council has allowed enough time for the hearing of rezoning submissions. For the Ōhoka rezoning requests, we expect needing at least two days for the submitters to present all of the evidence required to support such a request.
- 9 We thank the Hearings Panel for its assistance so far.

Dated: 18 September 2023

A handwritten signature in blue ink, appearing to read 'Jo Appleyard', is written over a light blue rectangular background.

Jo Appleyard / Lucy Forrester
Counsel for Rolleston Industrial Developments Limited and Carter Group
Property Limited