

BEFORE THE HEARING PANEL APPOINTED BY 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

And

In the matter of the submission by Rolleston Industrial
Development Limited requesting a
substantial rezoning at Ohoka

And

In the matter of the further submissions on the above
submission by the Waimakakriri District
Council and the Oxford-Ohoka Community
Board

**Memorandum of counsel re timing of evidence in opposition for Hearing Stream
12: substantial rezonings**

Dated: 9 February 2024

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For the Hearing Panel:

1. This memorandum seeks clarification of the evidence timing requirements for further submitters that are interested in submissions seeking substantial rezonings. These are the submissions that will be heard as part of Hearing Stream 12: Rezoning requests (larger scale).
2. The question is whether further submitter evidence is also required sixty working days prior to the Hearing Stream commencing?
3. We have been involved in the further submissions lodged by the Waimakariri District Council and the Oxford-Ohoka Community Board in opposition to the substantial rezoning request at Ohoka (**Ohoka Rezoning request**) by Rolleston Industrial Developments Limited (RIDL).
4. The summary of relevant timeframes from Minute 1 indicates that *“Expert evidence for any submission seeking a substantial rezoning”* (my underlining) is due *“Sixty working days before the relevant Hearing Stream commences.”* (underlining in minute)
5. The summary also records that, generally, expert evidence is due *“Ten working days before the relevant Hearing Stream commences.”* (underlining in minute)
6. Minute 1 also refers (at paragraph 74) to submitters providing their evidence in advance of the 60 working day requirement, noting that would be *“in addition”* to the stipulated timeframe. It is inferred that this applies only to the submitters *“seeking substantial rezonings”*.
7. It is expected that there will be a substantial volume of evidence presented for the Ohoka Rezoning request (amongst others) which may or may not replicate the evidence provided for Plan Change 31 to the Operative Waimakariri District Plan, on which the RIDL submission is based. In part, that may be due to changes proposed as an outcome of the plan change process and decision. But until that evidence, and any changes, are known it is difficult to speculate what they might be.
8. Evidence presented for further submitters should assist the Hearing Panel. Therefore, it would seem preferable that further submitters know the particulars of the rezoning that is being considered, and evidence provided in support, when preparing their evidence. And, as is generally the case, having the views of the s.42A report writers also better informs the further submitters as to remaining issues they may wish to address in evidence.
9. It may even be that, in some cases, the detail in the submitters evidence, or in the s.42A report, resolves objections or underlying concerns altogether.

10. Accordingly, there seems no reason why further submitter evidence (if any) would be expected to be lodged prior to receiving the submitters evidence and the section 42A report. It would make sense for it to be provided at the usual time provided for the provision of expert evidence: Ten working days prior to the Hearing Stream commencing.
11. However, it is not clear whether this is the Hearing Panel's intention, due to there being no differentiation between submitters and further submitters in the timeframes. Under the general expert evidence timeframe, that makes no difference, but under the advanced timeframe for substantial rezonings, such a differentiation would assist.
12. It would be appreciated if the Panel could clarify the above timing issue.

Dated: 9 February 2024



A J Schulte

Counsel assisting Waimakariri District Council and
Oxford-Ohoka Community Board (as further submitters)