

**Before an Independent Hearings
Panel Appointed by the
Waimakariri District Council**

Under the Resource Management Act 1991

In the matter of submissions and further submissions in relation to the proposed Waimakariri District Plan

And

In the matter of Hearing Stream 12A: Rezoning Requests – Whitua motuhaka Special Purpose Zone – Pegasus Resort (SPZ(PR))

And submissions by DEXIN Investments Ltd

**Memorandum of Counsel on behalf of
DEXIN Investments Ltd (Submitter 377)**

Dated: 27 June 2024

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1. This memorandum is filed on behalf of DEXIN Investments Ltd (**DEXIN**).
 2. DEXIN is in receipt of a Memo from Jessica Manhire dated 26 June 2024 seeking a 2-month extension to provide a response to the Panel's requests set out in Minute 28, part of which relates to DEXIN's request to rezone land at Pegasus for the Makete proposal.
 3. Ms Manhire has suggested that DEXIN is supportive of the extension which is incorrect. Ms Manhire contacted Ms Pearson via phone on 20 June 2024 to discuss a possible time extension to enable expert planning witness conferencing on provisions and to enable further discussions with other section 42A authors involved in Hearing Stream 12 to ensure her responses to the Panel were consistent.
 4. However, Ms Manhire did not disclose to Ms Pearson that she was seeking a two-month extension or that she intended to engage with Runanga or obtain an urban design review of the proposal.
 5. It is submitted that Ms Manhire's list of matters at subparagraphs (a) – (f) of her Memo go beyond the Panel's remit outlined in Minute 28.
 6. For example she suggests that one matter to resolve is "*Integration with the commercial and industrial rezoning requests, in particular the potential effects of the DEXIN proposal on town centres such as Ravenswood*". This was not requested by the Panel or raised at the Hearing. Moreover, the economic evidence of DEXIN concluded there were no adverse effects on Ravenswood. This was not contested by the Council who also did not provide economic evidence for the DEXIN rezoning.
 7. The Panel also did not request an urban design review and furthermore it is procedurally unfair for the Council to obtain an urban design review at this late stage and without any opportunity for DEXIN to respond. Similarly, it is procedurally unfair to undertake further engagement with Runanga post the hearing, bearing in mind that:
 - (a) DEXIN has provided a CIA; and
 - (b) DEXIN endeavoured to engage further with Runanga (including via MKT) on many occasions over the past two years; and
 - (c) The Council was kept abreast of this engagement (verbally).
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8. I am instructed that DEXIN is however agreeable to expert planning witness conferencing on provisions if the Panel considers this would be worthwhile. However it considers this should occur as soon as possible particularly given three weeks have gone by since the DEXIN hearing.
9. In all other respects Ms Manhire has sufficient information provided in evidence or with limited enquiries within the Council, to both respond to the Panel's outstanding questions and prepare her written right of reply without the need for a lengthy extension and/or commissioning further technical advice that DEXIN would not be able to respond to.



Amanda Dewar

Counsel for DEXIN Investments Limited
