

**IN THE MATTER of
the Resource Management Act 1991**

AND

**IN THE MATTER of
hearing of submissions and further submissions
on the Proposed Waimakariri District Plan**

AND

**of hearing of submissions and further
submissions on Large Lot Residential rezonings
to the Proposed Waimakariri District Plan**

**MINUTE 35 – REQUEST BY THE ŌHOKA
RESIDENTS ASSOCIATION TO FILE LATE
TECHNICAL EVIDENCE AND ATTEND EXPERT
CONFERENCING**

REQUEST BY ŌHOKA RESIDENTS ASSOCIATION TO FILE LATE TECHNICAL EVIDENCE AND TO ATTEND EXPERT CONFERENCING

1. This Minute responds to the Memorandum of Counsel for the Ōhoka Residents Association to the IHP (ORA Memo) and the attached technical evidence from Kotahi Engineering Studio. In summary, the ORA seeks leave to provide additional material following the hearing of submission and evidence on Hearing Stream 12D, in the form of engineering evidence in respect to flooding. They also seek leave for the engineering witness to attend expert conferencing, as directed through our Minute 31.
2. The ORA Memo was sent to the Hearing Administrator on Monday 29th July, who then sent it to the IHP on 31st July 2024 after confirming that the author of the ORA Memo were acting for the submitter. The Memo is available on the [Council website](#).
3. Hearing Stream 12D was held on 1 – 3 July 2024. In accordance with our Minute 1, submitter expert evidence for that hearing was due 10 working days before the hearing commenced.
4. On receipt of the ORA Memo, we queried with Council when expert engineering conferencing was scheduled to occur. We were advised that it is / did occur on 31st July 2024. As this is the case, then the request to participate in expert conferencing is no longer applicable.
5. There are significant issues of natural justice and fair process arising from the ORA request to file evidence after the hearing has been held. As the ORA memo points out, other parties have not had the opportunity to review or respond to this evidence. The ORA Memo has not laid out any extenuating circumstances as to why this evidence was not filed in accordance with Minute 1, in advance of the hearing. Our initial view is that accepting this late evidence would not only prejudice submitters to Hearing Stream 12D, it would also prejudice other submitters on other hearing streams who have met the requirements set out in our Minute 1.
6. However, in our Minute 31 we did signal that we would be reconvening Hearing Stream 12D after expert conferencing had occurred to address matters relating to capacity and demand, the planning provisions that Carter Group Property Ltd and Rolleston Industrial Developments Ltd have now provided, and any matters arising from the joint witness statements prepared following expert conferencing.
7. It is because of this that we provide other parties to Hearing Stream 12D to set out their positions under sections 37 and 37A of the RMA as to whether the engineering evidence should be accepted for us to consider and submitters to respond to in a reconvened Hearing Stream 12D. We hereby request that all parties of Hearing Stream 12D provide us with their positions on this by no later than **4pm Friday 16th August 2024**.

CORRESPONDENCE

8. Submitters and other hearing participants must not attempt to correspond with or contact the Hearings Panel members directly. All correspondence relating to the hearing must be addressed to the Hearings Administrator on 0800 965 468 or Audrey.benbrook@wmk.govt.nz.



Gina Sweetman
Independent Commissioner – Chair - on behalf of the IHP members
31 July 2024