



THE RESOURCE MANAGEMENT ACT 1991

APPLICANT: BUXTON GORE BAY LIMITED

LOCAL AUTHORITY: HURUNUI DISTRICT COUNCIL

SUBJECT MATTER: A proposed Buxton Valley Management Area – extension to Gore Bay township.

SITE DESCRIPTION: Land in certificate of title CB 507/10; and in certificates of title CB 35A/76 and CB 15F/1021; Canterbury Registry

REFERENCE: Proposed Change 15

MEMORANDUM OF THE COMMISSIONERS

At the end of our 'Interim Conclusions' of May this year we said:

1. That within 14 days of its receipt of these 'Interim Conclusions' Buxton may advise the Hurunui District Council that it wishes the hearing to be re-opened so that it may call further evidence and present further submissions;
2. In the event that Buxton wishes to take advantage of this opportunity a further hearing will be scheduled and appropriate notice of it given. Because of the unavailability of Mr Milligan this is unlikely to occur before December of this year. At that hearing the issues will be limited to:
 - (a) The question of whether a sufficient justification exists for a conclusion that Proposed Change 15 (in an appropriately modified form) both meets the purpose of the Act – and in particular, the first part of section 5(2) – and the requirements of section 32; and
 - (b) If so, what amendments may properly be made to the Change as proposed in order to deal with the matters discussed in the second part of these 'Interim Conclusions';

Since then (i) the Applicant has advised that it wishes the hearing to be re-opened so that further evidence and argument may be presented, and (ii) the problem of availability has resolved itself. It is now proposed to re-convene the hearing at Amberley on **Monday 24 August 2009**. A formal notice to this effect will accompany this memorandum. We emphasise that, unless persuasive arguments are presented to justify some other course, the matters to be considered at the reconvened hearing will be limited to those set out in 2(a) and (b) above.

Although we are not making 'directions' in this regard, it will be helpful to all concerned if the following pre-hearing timetable is adhered to relating to the advance provision of evidence:

- The Applicant lodges briefs of such additional evidence as it wishes to call with the Council by 5pm on Friday 7 August 2009. In addition, we hope that the applicant will be then in a position to lodge with the Council a complete draft of that alterations that, in its view, might properly be made to Proposed Change 15 Change so as to meet the concerns raised in our 'interim conclusions';
- Those submitters who wish to call further *expert* evidence lodge briefs of that evidence with the Council by 5pm Friday 14 August.

Evidence lodged in accordance with these suggestions will be available for inspection at the Council officers in Amberley and will be posted on the Council's website as soon as practicable after receipt.

This suggested approach is not intended to operate in substitution for the usual practice in which those calling evidence will be expected to provide, at the hearing, sufficient copies of the evidence that they propose to call for the hearing panel, other parties and for Council records. We anticipate that, at the resumed hearing, we will seek comment from the matters remaining at issue from at least some of those who have presented reports pursuant to s42A of the Act.



John Milligan
Chairman
July 24, 2009