

**Before the Christchurch Replacement  
District Plan Independent Hearings Panel**

**In the matter** of the Resource Management Act 1991 and  
the Canterbury Earthquake (Christchurch  
Replacement District Plan) Order 2014

**And**

**In the matter** of pre-hearing meetings 3 (Chapters 15 and  
16), 4 (Chapter 8), 6 (Chapter 14), 9  
(Chapter 17) and 12 (Chapter 18)

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**MEMORANDUM OF COUNSEL ON BEHALF OF FULTON HOGAN  
LIMITED (SUBMITTER ID. 2455)**

**DATED: 06 August 2015**

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**Tavendale and Partners**

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**MAY IT PLEASE THE PANEL:**

1. This memorandum is filed on behalf on Fulton Hogan Limited (**Fulton Hogan**) in the advance of pre-hearing meetings 3,4,6,9 and 12.
2. Fulton Hogan has made submissions and further submissions on Stages 1 and 2 of the proposed Replacement District Plan.
3. This memorandum is filed to assist with the efficient conduct of the pre-hearing meetings by foreshadowing the witnesses Fulton Hogan anticipates calling in support of its submissions and indicating which submission points are no longer being pursued.

**Pre-Hearing meeting 3 – Chapters 15 and 16 (Commercial and Industrial)**

4. Fulton Hogan has made a further submission in support of a submission filed by the Canterbury Aggregate Producers Group (**CAPG**) in respect of Chapters 15 and 16. Fulton Hogan RSVP'd to pre-hearing meeting 3 on 3 August 2015.
5. Having considered the matter further, Fulton Hogan no longer intends calling evidence or presenting legal submissions at the Chapter 15 and 16 hearings.
6. Accordingly, it respectfully seeks leave to be excused from pre-hearing meeting 3.

**Pre-Hearing meeting 4 – Chapter 8 (Subdivision, Development and Earthworks)**

7. Fulton Hogan did not make any submissions or further submissions on Stage 2 of the Chapter 8 proposal. Fulton Hogan made a submission in Stage 1 seeking a new policy within Chapter 8 regarding quarrying in greenfield priority areas as part of the subdivision process. That submission was the subject of evidence and argument during the Stage 1 hearing on Chapter 8.

8. Fulton Hogan has RSVP'd to pre-hearing meeting 4 as a result of its interest and participation in Stage 1 of the Chapter 8 proposal. It does not anticipate, at this stage, producing any evidence or argument at the Stage 2 hearing.

#### **Pre-Hearing meeting 6 – Chapter 14 (Residential)**

9. Similar to its position in respect of Chapters 15 and 16, Fulton Hogan made a further submission supporting the original submission by CAPG. That further submission supported a new policy in Chapter 14 relating to quarrying activities in greenfield priority areas prior to such areas being developed for urban development.
10. Fulton Hogan RSVP'd to pre-hearing meeting 6 on 3 August 2015. It has since further considered its position on this Chapter and decided it will not be presenting evidence or argument at the Stage 2 hearing for Chapter 14.
11. Accordingly, it respectfully seeks leave to also be excused from pre-hearing meeting 6.

#### **Pre-hearing meeting 9 – Chapter 17 (Rural)**

12. Fulton Hogan's submission on Chapter 17 was effectively in two parts:
  - 10.1. The first part related to various provisions in Chapter 17 affecting quarrying and aggregate resources within the Rural and Rural Quarry Zones;
  - 10.2. A request to "swap" the zoning over adjoining parcels of land in the Templeton area such that one parcel currently zoned Rural Quarry would become Open Space and the adjoining parcel currently zoned Open Space would become Rural Quarry.

13. Submissions in respect of the Rural and Rural Quarry Zone provisions were also made by CAPG (submitter ID 2331) and the Isaac Conservation and Wildlife Trust (submitter ID 2146). These two submitters and Fulton Hogan will be sharing resources on the quarrying provisions. The witnesses to be called will be outlined by CAPG in a memorandum to be filed in advance of pre-hearing meeting 9.
14. Accordingly, Fulton Hogan's individual case in respect of Chapter 17 will address the "zoning swap".
15. The Christchurch City Council's memorandum for Chapter 17 understandably suggests that only those re-zonings *to* rural ought to be considered as part of the Chapter 17 hearing. In the particular case of Fulton Hogan, it is seeking re-zoning *to* rural and *from* rural on adjoining parcels of land. Its evidence on both re-zonings will address the same matters.
16. The witnesses Fulton Hogan anticipates calling in respect of the "zoning swap" are:
  - 13.1. A Fulton Hogan representative;
  - 13.2. An economic expert;
  - 13.3. A recreation expert;
  - 13.4. A groundwater expert;
  - 13.5. An air quality expert;
  - 13.6. A noise expert;
  - 13.7. A landscape expert;
  - 13.8. A traffic expert;
  - 13.9. 2-3 ecology experts; and
  - 13.10. A planning witness.
17. The evidence filed may be less depending on the outcomes of mediation and expert conferencing processes.

**Pre-Hearing meeting 12 – Chapter 18 (open space)**

18. As noted above, Fulton Hogan has sought the re-zoning of an existing Rural Quarry site to Open Space concurrently with the re-zoning of an Open Space site to Rural Quarry.

19. The witnesses to be called in support of this re-zoning request are the same as those listed above in paragraph 16 for Chapter 17.

Dated: 06 August 2015



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A C Limmer  
Counsel for Fulton Hogan Limited