

**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 Variations 1 and 2 to the
Proposed Waimakariri District Plan**

**MINUTE 5 – Variation 1, Momentum,
Rezoning and NPS-HPL**

PURPOSE

- (1) The purpose of this Minute is to:
 - (a) Set out next steps in response to:
 - The submitters' memoranda on the Council's Variation 1 memorandum
 - the Council and submitters memoranda on the Momentum Land Limited memorandum.
 - (b) Formally request that the Council provides a memorandum to the Hearings Panel on its intended approach to submissions that seek more substantial rezonings.
 - (c) Request that the Council answers a further question in respect to how it intends to addressing submissions relating to the NPS-HPL.

VARIATION 1

- (2) In our Minute 2, the IHP requested that the Council prepare a memorandum which:
 - *Identifies specific:*
 - *PDP submissions on "relevant residential zones";*
 - *PDP submissions on provisions of the PDP substituted by Variation 1;*
 - *PDP submissions in relation to land that is now proposed new residential zones in Variation 1;*
 - *PDP submissions seeking new residential zonings outside of the relevant residential zones and proposed new residential zones in Variation 1; and*
 - *IPI submissions seeking new residential zones.*
 - *Sets out how the Council intend to address the interface between Variation 1 submissions and PDP submissions, including:*
 - *The scope of Variation 1;*
 - *The relevant tests for determining whether Variation 1 submissions are within or outside of the scope of an IPI, including advice on consequential or incidental amendments; and*
 - *The IHP's powers to make recommendations on Variation 1.*
 - *In responding to a. and b., the Council is requested to set out its position of the applicability of Clause 16B of Part 1 of Schedule 1, and in particular, can submissions on the PDP be deemed to be on Variation 1, and if so, what are the relevant applicable tests.*
- (3) We also invited submitters to provide memoranda on this matter. We received responses from Momentum Land Limited, 199 Johns Road Limited, Caroline Homes Ltd, Carolina Rental Homes Ltd and Allan Downs Ltd, Richard and Geoff Spark, and Chapman Tripp on behalf of a number of submitters. These are all available on the [Council website](#).
- (4) Given the breadth of matters raised by submitters on this matter and the importance of this matter, we hereby request that the Council provides a memorandum to the IHP, preferably informed by legal advice, that sets out their response to the matters raised

by submitters and sets out their proposed approach to addressing the interface between Variation 1 submissions and PDP submissions. In particular, the Council is requested to:

- Set out their view on how submissions seeking both a Variation 1 rezoning and a PDP zoning should be considered.
- Set out their proposed approach a PDP submission on a provision that is proposed to be amended by Variation 1 that is not a rezoning submission; for example a change to an objective or policy.
- Address the merits of providing the additional information requested in paragraph 10 of the Richard and Geoff Spark memorandum.
- Set out their proposed approach to the format for the hearing of submissions on Variation 1 and submissions on the PDP.

(5) This is requested to be provided by **4pm Friday 18th August 2023**.

MOMENTUM LAND LIMITED MEMORANDUM

- (6) In our Minute 4, we requested the Council and submitters responded to the Momentum Land Limited (Momentum) Memorandum that the Hearings Panel amends its approach to the Hearings Streams to allow for the “Kaiapoi growth issue” to be dealt with in a more comprehensive manner. As outlined in our Minute 4, during Hearing Stream 1, it became apparent that the crux of the matter was the application and interpretation of the Airport Noise Contour and bird-strike controls, and growth-related policies in the Canterbury Regional Policy Statement.
- (7) We have received the Council memo and responses from Horticulture NZ, Kāinga Ora, Christchurch International Airport Ltd, and the Canterbury Regional Council. These are all available on the [Council website](#). Having received these, we note that all but Kāinga Ora support the airport related matters being considered at one hearing.
- (8) We have carefully considered Kāinga Ora’s opposition to a consolidated hearing to address the Airport Noise Contour, bird-strike, and growth-related policies in the Canterbury Regional Policy Statement.
- (9) The Panel is well aware of the complexity of the matters it will be considering, including the separate requirements for the PDP and Variation 1. The intent of considering the Airport Noise Contour, bird-strike, and growth-related policies in the Canterbury Regional Policy Statement as one hearing will allow a focussed consideration of these matters. As we have set out in our Minute 1, the Panel will be issuing an integrated set of recommendations at the conclusion of all the hearings. These recommendations will distinguish between those made on the PDP and those made on Variation 1. This will address the concerns raised by Kāinga Ora.

- (10) We therefore request that the Council produce an updated Hearing Schedule that indicates the changes to the Hearing Streams to accommodate a specific hearing on the Airport Noise Contour, bird-strike, and growth-related policies in the Canterbury Regional Policy Statement. This is to be provided by **4pm Friday 21st July 2023**.
- (11) We also note Kāinga Ora's request for the Council to identify whether a particular hearing stream is addressing the PDP or Variation 1, or both, and what qualifying matters are said to apply to the relevant provisions. The Council addressed this matter in the Part 1 Overarching Section 42A report. We agree that this is a matter of importance, so request that the Council does address this in producing future s42A reports. Section 42A report authors for Hearing Streams 3 and 4 are requested to address this point at the upcoming hearings. We have also requested more information from the Council on this in paragraph 4 of this Minute.

APPROACH TO MORE SUBSTANTIVE REZONINGS

- (12) We are aware that the Council officers have been fielding many questions about their intended approach to addressing submissions seeking more substantive zonings. By substantive, we are referring to those seeking to rezone more than one site or a small land area.
- (13) To provide clarity for those submitters, we hereby request that the Council produces a memorandum to the Panel on their intended approach to addressing these submissions. This memorandum should cover timing, information requirements, whether the hearings will be area or PDP/Variation 1 based, or other, along with any other relevant matters the Council considers necessary.
- (14) The Council is to produce this memorandum by **4pm Friday 4th August 2023**. We invite any other submitters with an interest in this matter to provide us with their views on the Council's intended approach, no later than **4pm Friday 18th August 2023**.

GIVING EFFECT TO THE NATIONAL POLICY STATEMENT ON HIGHLY PRODUCTIVE LAND

- (15) The Panel would like to thank Mr Buckley for his memorandum on the NPS-HPL. Having read through the memorandum, the Panel would find it helpful for Mr Buckley to expand on the fourth bullet point in paragraph 43 on what is the Council's intended approach to addressing submissions relating to the NPS-HPL. The Panel is interested to be advised on how the Council intends to ensure that the NPS-HPL is given effect to across the entire PDP through the hearings process, within the scope of submissions.
- (16) A further memorandum is requested to be provided by **4pm Friday 21st July 2023**.
- (a) Requiring that the recommended amendments in chapters contained in the Section 42A report includes footnotes to the submission(s) that the amendment(s) relate to.

CORRESPONDENCE

- (17) 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, Audrey Benbrook, on 0800 965 468 or audrey.benbrook@wmk.govt.nz.



Gina Sweetman

Independent Commissioner – Chair - on behalf of the IHP and PDP Hearings Panel members

4 July 2023