

**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 10 – REZONING REQUESTS AND
STRATEGIC DIRECTIONS**

PURPOSE

- (1) The purpose of this Minute is to:
 - (a) Set out the Hearings Panel's final directions in respect to rezoning requests.
 - (b) Respond to Council's memorandum of 8 September 2023 regarding strategic directions.

REZONING REQUESTS

- (2) In Minute 5, the Hearings Panel requested the Council to produce a memorandum to the Panel on their intended approach to address substantive rezoning requests. This memorandum was provided on 18 August 2023 and is available on the [Council website](#). In Minute 5, the Panel also invited submitters to provide their views on the Council's intended approach. The Panel received responses from the following submitters, which are also available on the Council website:
 - (a) Richard and Geoff Spark
 - (b) Andy Carr
 - (c) Andrew McAllister and Survus
 - (d) Momentum Land Ltd
- (3) The memorandum from Richard and Geoff Spark addresses both the issue of scope between PDP and Variation 1 submissions and the timetabling for rezoning requests. They suggest it would be beneficial to submitters and the Panel if there was some clarity around the reporting officer's position prior to the filing of submitters' evidence. The McAllister and Survus memorandum set out their intended approach to their submission points.
- (4) Mr Carr's memorandum requested a refinement to the timeframes, with an encouragement for submitters to provide technical information sooner than the 60 working days, confirmation that the Council would review technical information for completeness and correctness if received before 3 November and confirm whether it was complete or further information required within 20 working days. The Momentum memorandum supported the Carr approach, further seeking that where there is agreement between technical experts that this be recorded by way of a joint witness statement or otherwise, to both assist with s42A reports, reduce matters of contention and make for a more efficient hearing process.
- (5) The Panel has considered the requests made by submitters. In the first instance, the Panel notes that its ability to make directions in advance of a hearing is limited by s41C of the RMA to that of directing the provision of evidence and further information from submitters. Accordingly, the Panel is unable to make the directions sought by Mr Carr and supported by Momentum. However, the Panel can certainly request that the Council is responsive to any technical information supplied by submitters and encourage it to take a proactive approach to expert conferencing and the preparation of joint witness statements, as we set out in our Minute 9. The Panel has updated

Minute 1 to record this request. We also encourage submitters who are pursuing rezoning requests to continue to liaise with the Council in the interests of an efficient hearing process.

STRATEGIC DIRECTIONS

- (6) At the conclusion of Hearing Stream 5, the Hearings Panel signalled that Council s42A report authors would be required in future s42A reports to include their own professional assessment of any potential implications that may arise for the particular chapter's objectives if the Strategic Directions (including Urban Form and Development objectives) had primacy. S42A report authors for Hearing Streams 1 to 5 would be required to address this retrospectively, in advance of the wrap up hearing.
- (7) The Hearings Panel received a memorandum from the Council report authors on 8 September 2023, setting out how the Council s42A report authors proposed to address this issue. This memorandum is available on the [Council website](#). The Council report authors propose a two-pronged approach, by providing a memorandum setting out what is meant by primacy based on different options by 29 September 2023, and then undertake an evaluation of potential implications for a particular chapter's objectives based on the memorandum.
- (8) The Panel generally agrees to this approach, noting that it will carefully consider the implications for submitters that may arise and next steps after receipt of the memorandum on the 29 September 2023. We encourage the Council report authors and legal counsel advising them to take account of any recent District Plan decisions and the recent Supreme Court Port Otago case in preparing the memorandum.

CORRESPONDENCE

- (9) 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 Hearings Panel members

12 September 2023