

**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 4 – MATTERS AND QUESTIONS  
ARISING FROM HEARING STREAMS 1  
AND 2**

## PURPOSE

- (1) The purpose of this Minute is to:
  - (a) Respond to the Momentum Land Limited memorandum dated 4 May 2023.
  - (b) Formally request that the Council provides a memorandum to the Hearings Panel on its intended approach to giving effect to the National Policy Statement on Highly Productive Land 2022, which was gazetted after the PDP was notified.
  - (c) Put a series of questions to Council s42A report authors to respond to in preparing their Reply Reports to the Panel, due by Friday 16<sup>th</sup> June 2023.
  - (d) Advise on updates to Minute 1 on procedural matters.

## MOMENTUM LAND LIMITED MEMORANDUM

- (2) Momentum Land Limited (Momentum) requested in their 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. A copy of the Memorandum is available on the [Council PDP hearing website](#).
- (3) We raised this matter with the Council staff on Day 1 of Hearing Streams 1 and 2. Their initial advice was that the crux of the matter was the application and interpretation of the Airport Noise Contour and growth-related policies in the Canterbury Regional Policy Statement (RPS), and that it may be appropriate to hear all submissions relating to the Airport Noise Contour in one Hearing Stream.
- (4) During the hearing, it was identified that it may also be appropriate for Bird-strike submissions to be heard in one s42A report as well. This Hearing could occur at the same time as the Special Purpose Zones in Hearing Stream 10 (scheduled for 21 – 23 February 2024), with all submission points relating to the Airport Noise Contour and Bird Strike provisions being considered in one s42A report (and not be addressed in Noise, Subdivision and other relevant chapters).
- (5) We have requested that the relevant Section 42A report authors formally respond to this in a memorandum to the Hearings Panel. This is to be provided no later than Friday 16<sup>th</sup> June 2023.
- (6) We invite any other submitters with an interest in this matter to provide us with their views on how and when such a hearing could occur, no later than **Friday 16<sup>th</sup> June 2023**. Once we have received the Section 42A report authors and any submitter responses, we will determine how we may amend the Hearing Stream timetable.

## GIVING EFFECT TO THE NATIONAL POLICY STATEMENT ON HIGHLY PRODUCTIVE LAND

- (7) It was quickly apparent to the Hearings Panel that there are many submitters seeking amendments to the PDP to give effect to the National Policy Statement on Highly Productive Land (NPS-HPL). Officers have signalled that matters relating to the NPS-HPL will be addressed through subsequent Hearing Streams, and in particular, Hearing Stream 6, scheduled for 19 – 23 October 2023. During the hearing of Hearing Streams 1 and 2, the Hearings Panel signalled that we would be requesting a memorandum from the Council, setting out their intended approach to addressing submissions relating to the NPS-HPL and ensuring the NPS-HPL is given effect to through the PDP, including how they see that the NPS-HPL applies to the Waimakariri District.
- (8) Given the timing of Hearings Streams 1 and 2, the Hearings Panel requests that this memorandum be provided no later than **Friday 30<sup>th</sup> June 2023**. On receipt of the memorandum, the Hearings Panel will determine if any further information or submitter input is necessary.

## QUESTIONS TO SECTION 42A REPORT AUTHORS FOR REPLY REPORTS

- (9) As signalled during and at the end of the hearing, the Hearings Panel has a number of questions that we would like answered in the Section 42A report author's Reply Reports. For ease, we have set these questions out in order of the Section 42A reports and provisions of the relevant Chapters of the PDP. The questions are attached as Appendix 1.
- (10) This list of questions is not exhaustive and Section 42A authors are also invited to respond to other matters arising from the hearing that are not contained in the list in Appendix 1. This includes matters that the authors have deferred in their statements of supplementary evidence. Each Reply Report is to append an updated Appendix B, recommended responses to submissions and further submissions.
- (11) In their Reply Reports, Section 42A report authors are also requested to provide an updated Appendix A "recommended amendments" to their respective chapters showing:
- (a) Any further recommended amendments to the chapters having read and heard evidence through the hearings process. These are to be shown in a consistent manner across the rights of reply, using the same annotation, which clearly delineates the recommended amendments from the Section 42A report and further recommended amendments following the hearing.
  - (b) Each recommended amendment to the chapter(s) being footnoted to the relevant submission(s) that the amendment(s) relates to.

## UPDATES TO MINUTE 1 – Hearing Information and Procedures

- (12) The Hearings Panel has made some minor updates to Minute 1 to iron out some procedural matters following Hearings 1 and 2. These are:
- (a) Confirming the location of the Hearings Venue
  - (b) Requiring any evidence, hearing reports, joint witness statements and legal submissions to be provided in both Word and PDF format when these are lodged with the Hearings Administrator.
  - (c) 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

- (13) 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](mailto:audrey.benbrook@wmk.govt.nz).



Gina Sweetman

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

23 May 2023

## APPENDIX 1 – LIST OF QUESTIONS TO SECTION 42A AUTHORS

### Part 1 and Overarching

- (1) Having heard the discussion between the Panel and Ms McLeod, do you have any further recommended amendments in respect to the advice notes in the General Approach chapter?
- (2) Please advise if you have any further recommendations in respect to Mr Fletcher’s requested amendments.

### Strategic directions and Urban Form and Development - overarching:

- (3) Having heard from submitters, and their discussions with the Hearings Panel, on whether the Strategic Directions Objectives and Urban Form and Development Objectives and Policies should have primacy or a higher weighting than other objectives and policies in the PDP, please advise if your recommendation in your Section 42A report has changed. If so, please explain why.
- (4) What is your final recommendation as to how Ravenswood and Pegasus should be referenced through the UFD and SD objectives and policies. In responding, please address each relevant objective, policy and definition.

### Strategic directions:

#### *SD-O1*

- (5) Please complete your recommendation in respect of Forest and Bird [192.29] which sought a new clause to SD-O1 on the mauri of ecosystems, the safeguarding of indigenous biodiversity and freshwater management to give effect to Te Mana o te Wai.

#### *SD-O2*

- (6) Having considered the evidence of Ms Dale for Kāinga Ora and Ms Mitten for ECan, and heard discussions with the Hearings Panel, please advise if your recommendation to delete “existing character” from SD-O2(2) in your Section 42A report has changed. If so, please explain why.
- (7) Having heard the evidence from the infrastructure providers<sup>1</sup> in respect to the inclusion of other infrastructure in SD-O2, please advise if your recommendation in your Section 42A report has changed. If so, please explain why.
- (8) Having heard from Ms Dale for Kāinga Ora, and discussions with the Hearings Panel in respect to SD-O2(10), please advise if your recommendation in your Section 42A report has changed. If so, please explain why.
- (9) Having heard from submitters who sought reference to reverse sensitivity be included in SD-O2, please advise if your recommendation in your Section 42A report has changed. If so, please explain why.

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<sup>1</sup> Chorus et al, Mainpower

*SD-O3*

- (10) In respect of Mainpower [249.200], please provide a response to that part of the submission point that seeks a new clause be added to SD-O3(2).
- (11) Please respond to Ms Panther-Knight's tabled statement on the Strategic Directions and the relief sought by Woolworths, in respect of Woolworths [282]. As part of this, please reconsider your recommendation to reject all of Woolworths submission points. In doing so, please advise if your recommendation in your Section 42A report has changed. If so, please explain why.
- (12) Please advise if you have reconsidered your position in respect to Fulton Hogan [41.14] as to whether aggregate extraction and production in the district is a strategic matter that should be referenced in SD-O3.

*SD-O4*

- (13) Please advise if you have any updated recommendations in respect to SD-O4 and SD-O6, having heard from submitters and discussions at the hearing with the Hearings Panel.

*Urban Form and Development:*

*UFD-O1 and UFD-O2*

- (14) Please advise if you have any updated recommendations in respect to UFD-O1 and UFD-O2 in respect to the reference of "at least" and "at all times". If so, please explain why.

*UFD Policies as a whole*

- (15) In response to the evidence from Ms Mitten in particular, do you still consider it the most appropriate option for UFD policies to reference the "Future Development Strategy" and "Waimakariri District Development Strategy" rather than Map A of Change 1 to the CRPS? Either way, please explain why.
- (16) Should the UFD policies differentiate between that part of the District which is contained within Chapter 6 of the RPS and that part that is outside of it? Please explain why or why not. If you consider they should, then please provide recommended amendments, which include reference to submission points that can be relied upon for any amendments.
- (17) In respect of Kāinga Ora's submissions, please provide a response, including policy rationale for your recommendation in Appendix B of your s42A report to:
  - a. [325.10] which seeks changes to UDF-P2
  - b. [325.11-325.15] which seek changes to UFD-P4 to UFD-P8.

*UFD-P1*

- (18) Please respond to Ms Kealey's evidence on the definition of Urban Environment and UFD-P1(1), in respect of A Carr.

*UFD-P2*

- (19) Please evaluate and provide a recommendation in respect to Kāinga Ora [325.9] where they seek to amend UFD-P2(2)(c). As a consequence, please address how this relates to SD-O6.
- (20) Please respond to Mr Ensor's evidence and proposed revised wording of UFD-P2 in respect of Fulton Hogan's submission [41.16].

*UFD-P10*

- (21) Do you recommend any further amendments to UFD-P10 in respect to reverse sensitivity effects as a result of evidence from submitters and discussions at the hearing with the Panel? If so, please explain why.

*SASM:*

- (22) Please respond to Waimakariri Irrigation Limited's legal submissions in respect of WIL [210.12-17].
- (23) Please respond to Chris Horne's evidence in relation to earthworks and disturbance, as to whether you consider that SASM-R4 should include new clauses relating to telecommunications particularly in light of the rule as notified allowing up to 350m<sup>3</sup> of earthworks for dwelling foundations.
- (24) Further to discussions with the Hearings Panel on Day 1, please advise if you have any recommendations in respect to the relationship between SASM-R4 and EI-R4.
- (25) Please respond to Ms McLeod's suggested rewording of SASM-MD1, SASN-MD2 and SASM-MD3.