

**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 16 – TRANSPORT AND  
RESPONSE TO COUNCIL MEMOS**

## PURPOSE

1. The purpose of this Minute is to:
  - (a) Raise an issue in respect to TRAN-S1 and Tables TRAN-3 and TRAN-4 on road widths that the Hearings Panel has identified in its preliminary deliberations on the TRAN – Transport Chapter and set out the steps to address and resolve that issue
  - (b) respond to the Council memorandum (Council memo) received on 8 December 2023 regarding Strategic Directions and set out next steps
  - (c) respond to the Council memo received on 28 November 2023 regarding the NES-CF and set out next steps

## TRAN – TRANSPORT CHAPTER – ROAD WIDTHS

2. In our preliminary deliberations on the TRAN – Transport Chapter, the Hearings Panel has identified a discrepancy with what is stated in the s42A report in respect to TRAN-S1 and Tables TRAN-3 and TRAN-4. In response to Kāinga Ora [325.84] and Woodend-Sefton Community Board [155.2] seeking amendments to the road widths, the reporting officer states:

I note that the road widths have been reviewed by an independent traffic consultant in 2019<sup>1</sup>. The recommendation within this report have been included within the TRAN-S1. I consider the proposed road widths reflect best practice and therefore no addition amendments are supported.

3. We have identified that the provisions as notified differ from what is contained in the 2019 report relied on by the reporting officer, and we have no evidence or information in front of us as to why they differ, and why they are a more appropriate option than what is contained in the 2019 report. Mr Binder’s report provided after the hearing does not traverse this issue. We have reviewed the Joint Witness Statement, which is also silent on this matter. This puts the Hearings Panel in a difficult position.
4. We have carefully considered what is the best way forward for all participants in this process in terms of natural justice and fair process. Having done so, we hereby direct pursuant to s41C of the RMA:
  - a. By no later than **4pm 2 February 2024**, the Council reporting officer shall provide:
    - i. Any evidence and information to either support the provisions in TRAN-S1 and Tables TRAN-3 and TRAN-4, or alternative provisions within the scope of submissions, including a technical evaluation by Council’s Senior Transportation Engineer, Mr Binder
    - ii. A section 32 evaluation of the above provisions as notified, and/or a s32AA evaluation of any alternative provisions that might be recommended.

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<sup>1</sup> [https://www.waimakariri.govt.nz/data/assets/pdf\\_file/0034/98377/1.-Transport-Technical-Report-Stantec-2019-DPR.PDF](https://www.waimakariri.govt.nz/data/assets/pdf_file/0034/98377/1.-Transport-Technical-Report-Stantec-2019-DPR.PDF) Section 2.6

- b. The information and evidence provided in accordance with clause a. shall be made available to all submitters and further submitters to the TRAN – Transport Chapter on the next working day.
  - c. All submitters to the TRAN – Transport Chapter may provide any comments and evidence on the information provided in accordance with a. no later than **4pm 23 February 2024**. Where this new evidence may affect the relief sought through submissions on the TRAN – Transport Chapter, submitters shall provide detail of the amended relief sought, including in respect to any further submissions.
  - d. Any comments, evidence and updated relief support provided in accordance with c. above shall be made available to all submitters and further submitters on TRAN – Transport Chapter on the next working day.
  - e. By no later than **4pm Friday 8 March 2024**, the s42A reporting officer shall provide the Hearings Panel with an updated s42A recommendation in respect to TRAN-S1 and Tables TRAN-3 and TRAN-4 and a recommendation as to whether the Hearings Panel should require expert conferencing to occur.
5. The Hearings Panel will issue another Minute with next steps on receipt of all information requested through this direction.

## STRATEGIC DIRECTIONS – NEXT STEPS

6. The Hearings Panel has reviewed the Council Memo on Strategic Directions dated 8 December 2023. This Memo is available on the [Council's website](#). The Memo provides a retrospective assessment from each chapter author in Hearings Streams 2 to 5 of the implications of the Strategic Directions being given primacy.
7. The matter of the status of the Strategic Directions remains a live issue that the Hearings Panel will need to make a recommendation on in due course. To that end, submitters on Hearing Streams 2 to 5 who wish to respond to the assessments in the Council Memo are requested to do so by no later than **4pm Friday 18<sup>th</sup> February 2024**. Council officers are requested to then consider submitters' response and address those in a final Strategic Directions s42A report to be considered in Hearing Stream 11.

## NES-CF – NEXT STEPS

8. The Hearings Panel received the Council Memo on the new NES-CF on 28 November 2023. This Memo set out advice on the Council's understanding of the NES-CF requirements and how it intends to proceed in respect to the NES-CF, especially in respect to matters already been heard by the Hearings Panel. This Memo is available on the [Council's website](#).
9. Of particular relevance, the Hearings Panel notes that the NES-CF now:
- a. allows for a territorial authority to enable rules relating to afforestation to be more stringent than the NES-CF.
  - b. includes carbon forestry within the definition of commercial forestry (as a type of exotic continuous-cover forestry)

- c. is clear that wilding pine management is a regional council responsibility under the NES-CF

10. The Hearings Panel notes that the new NES-CF adds some complexity, particularly that it allows for councils to impose rules on afforestation that are more stringent than the NES-CF. The Hearings Panel notes that it would only have the scope to recommend that a rule in the PDP is more stringent than the NES-CF if there had been a submission seeking that relief. The Council proposes to provide a complete set of plan amendments across all chapters that are relevant to matters covered by the NES-CF as part of Stream 11. The Hearings Panel accepts this approach. Submitters with submission points relevant to the NES-CF will have the opportunity to respond to the officers' recommendations through Hearing Stream 11.

## CORRESPONDENCE

11. 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 Independent Hearings Panel members

11 January 2024