

**Before the Hearings Panel
At Waimakariri District Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Waimakariri District Plan

Between **Various**

Submitters

And **Waimakariri District Council**

Respondent

**Reply on Overarching Report – Peter Wilson on behalf of Waimakariri District
Council**

Date: June 16 2023

INTRODUCTION:

- 1 My full name is Peter Gordon Wilson. I am employed as a Senior Policy Planner for the Waimakariri District Council.
- 2 I have read the evidence and tabled statements provided by submitters relevant to the Section 42A Report – Overarching and Part 1 matters.
- 3 I have prepared this Council reply on behalf of the Waimakariri District Council (**Council**) in respect of matters raised through Hearing Stream 1.

QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

- 4 Appendix C of my section 42A report sets out my qualifications and experience.
- 5 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023.

SCOPE OF REPLY

- 6 This reply follows Hearing Stream 1. Minute 4 has requested me to reply to questions by 16 June 2023.
- 7 The questions asked of myself in Minute 4¹ are:
 - a) 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?

¹ Appendix 1, Minute 4: Matters and Questions Arising from Hearing Streams 1 and 2, https://www.waimakariri.govt.nz/__data/assets/pdf_file/0018/133137/MINUTE-4-MATTERS-AND-QUESTIONS-ARISING-FROM-HEARING-STREAMS-1-AND-2.pdf

- b) Please advise if you have any further recommendations in respect to Mr Fletcher's requested amendments.

Answers to questions posed by the Panel

Ms McLeod and Transpower

- 8 My high level understanding of Ms McLeod's evidence on behalf of Transpower at the hearing is that she wishes for equitable treatment of higher order direction, such as NESs, within the Proposed Plan when advice notes are used. The NES of primary concern to Transpower is the National Environmental Standard for Electricity Transmission 2009 (NESETA), but my understanding of her comments at the hearing is that there may be a general issue as well.
- 9 Ms McLeod has requested for the Proposed Plan to reference the NESETA as an advice note in the general approach section, in a similar manner to how the National Environmental Standard for Plantation Forestry 2007 (NESPf) is referenced.
- 10 The Proposed Plan takes the general approach of incorporating NES provisions and direction into its rule framework. The NESPf applies across all zones and overlays within the Proposed Plan, so the logical and perhaps only place for a non-repetitive advice note is in the general approach section.
- 11 However, as the NESETA applies to transmission activities, which are a subset of Energy and Infrastructure (EI) activities, my s42A² recommended that the Transpower relief [195.1] be considered by the Energy and Infrastructure chapter author for assessment.

² Para 82, Overarching and Part 1 s42A report, https://www.waimakariri.govt.nz/__data/assets/pdf_file/0014/131432/OVERARCHING-MATTERS-AND-PART-1-S42A-REPORT.pdf

- 12 My understanding is that the Energy and Infrastructure (EI) provisions intend to reflect and integrate the NESETA provisions, to avoid in the first instance the need for a plan user to step outside of the Proposed Plan to the NESETA itself when applying rules. Transpower have submitted on the EI provisions.
- 13 The Earthworks (EW) chapter does contain an advice note related to the NESETA in how the Plan applies to earthworks for existing transmission lines. I am the s42A reporting officer for this chapter and will be considering this issue in that context.
- 14 My primary recommendation is to let the s42A authors for the chapters undertake their assessments and recommend, or not recommend advice notes accordingly, or other recommendations, including for the specific Transpower issue. My understanding is that they will be integrating and reflecting higher order direction within their recommendations, in order to minimise the use of advice notes, however, they are open to recommending advice notes, including on other parts of the Proposed Plan, such as in Part 1 – general approach, if the need arises.
- 15 My secondary recommendation is if there arises a need for an advice note on the application of higher order direction, it should be one advice note that outlines how each of the instruments – most likely NESs – applies. This could be a matter for the wrap-up s42A report, if the need arises, once the recommendations from all the chapter reports have been finalised.

Mr Fletcher

16 Mr Fletcher raised concerns about the Description of the District, within Part 1 – Introduction and General provisions of the Proposed Plan. His concern is the description of Oxford, requesting that³:

- a) Oxford be recognised for its different character; and
- b) That the description of Large Lot residential development on the outskirts of Oxford is changed to “within and around”.

17 I recommended the following in my s42A report in response to Mr Fletcher’s submission⁴:

For Mr Fletcher’s relief, I do not consider that the style of the ‘description of the district’ section refers to character in the context suggested by the submitter, as character is subjective. Instead, I consider that this section aims to describe the physical features of the district in more objective terms.

I consider the use of the term “outskirts” in the context of the sentence describing land use in and around Oxford to be accurate and appropriate. A dictionary definition of outskirts is “the 11 areas that form the edge of a town or city”, and I consider that this accurately describes where the Large Lot residential zone sits in relation to Oxford.

I recommend this submission [99.4] be rejected.

18 When analysing his submission point on the description of character, I considered that the District has many small towns and settlements. As well as Oxford, the District has the small settlements of Cust, Sefton,

³ Ken Fletcher, Submission on Proposed Waimakariri District Plan [99.4]

⁴ Para 66-67, Overarching and Part 1 s42A

Ashley, Waiuku, Woodend Beach, Pines Beach/Kairaki, Ohoka, and Mandeville. People, especially residents, of these settlements may consider that each settlement has its own character distinct from other towns. I considered that to especially list Oxford as having a different character of the rest of the District would be unfair to the unlisted settlements. I know, for instance, that the settlements of Woodend Beach, Pines Beach/Kairaki, and Waiuku immediately adjacent to the coast could be claimed to have a special character different to the rest of the District due to their coastal setting and influences, which no other towns, including Oxford could claim.

19 I believe it is for this reason that the plan drafters used a physical description of the geography of the District, and did not describe urban character.

20 I could not support the referencing of the character of one town independently of all of the others, and furthermore, without an expert urban character assessment, I do not believe such descriptors could be written.

21 Even if such an assessment could be done, I do not believe that level of detail is required for what is an introductory paragraph within the District Plan that does not carry much weight when compared with the objectives, policies and rules that govern urban development for the smaller settlements and localities in the District.

22 For Mr Fletcher's request to replace "outskirts" with "within and around" in relation to how the Large Lot Residential zone applies to Oxford, I consider that the Proposed Plan wording describes the zone boundaries accurately. There is no Large Lot Residential zone "within" Oxford. The zones within Oxford are Town Centre, General Residential, and Sport and Recreation. I have attached these in Appendix A.

23 There are areas of Large Lot Residential Zone on the west, east, and north of the town centre. Mr Fletcher's language of "within and around"

does not accurately describe the zone locations. I note, as within s42A analysis, that a dictionary definition of “outskirts” is “the outer parts of a town or city”. I continue to recommend this as the most appropriate term to describe the zoning pattern of LLRZ in Oxford.

Peter Wilson
Senior Policy Planner

16 June 2023

Appendix A – Map of Proposed Plan Zoning at Oxford



