

**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 7 – MATTERS AND QUESTIONS
ARISING FROM HEARING STREAM 3, THE
NPS-HPL AND RESPONSE TO COUNCIL**

PURPOSE

- (1) The purpose of this Minute is to:
 - (a) Respond to the Council's updated memorandum on the NPS-HPL and to invite submitters' responses to the memorandum
 - (b) Respond to the Council's request for a consolidated response in respect to Variation, scheduling of hearing of submissions on Airport Noise Contour, bird strike and growth related policies and substantive rezonings.
 - (c) Put a series of questions to Council s42A report authors for Hearing Stream 3 to respond to in preparing their Reply Reports to the Panel, due by 11 August 2023.

NATIONAL POLICY STATEMENT ON HIGHLY PRODUCTIVE LAND

- (2) The Hearings Panel received the Council's second memorandum on the NPS-HPL on 25 July, followed by an amended version on 27 July 2023. The amended version is available on the [Council website](#). Submitters with an interest in this matter will have the opportunity to comment on the memorandum in Hearing Stream 6, which deals with the Rural Zones, commencing on 9 October 2023.

COUNCIL'S REQUEST FOR A CONSOLIDATED RESPONSE

- (3) Paragraphs 25 to 27 of the Council's memorandum on the NPS-HPL included a request for leave to compile a single memorandum to address the Hearings Panel's requests in Minute 5 in respect to memoranda on:
 - a. An updated hearing schedule in relation to the Airport Noise Contour, bird strike and growth related policies;
 - b. More substantive rezonings; and
 - c. The interface between Variation 1 and the PDP.
- (4) The Council sought to provide this consolidated response by 18 August 2023 and to formally present the memorandum at the commencement of Hearing Stream 5 on 21 August 2023. As a consequence, they propose that the submitters responses to their memorandum of more substantive rezonings be extended to 1 September 2023.
- (5) We accept the Council's reasons for wanting to provide a consolidated response, and accordingly amend our requests in Minute 5 for the Council to provide a memorandum covering the matters listed in (3)a. – c. to be provided no later than **4pm Friday 18 August 2023**. We also amend our direction in Minute 5 paragraph 14 and request submitters with an interest in more substantive rezonings to provide us their views on the Council's intended approach no later than **4pm Friday 2nd September 2023**.

QUESTIONS TO HEARING STREAM 3 SECTION 42A REPORT AUTHORS FOR REPLY REPORTS

- (6) As signalled during and at the end of the hearing, the Hearings Panel has 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. We request that these Reply Reports be provided no later than **4pm Friday 18th August 2023**, unless otherwise agreed with the Chair.
- (7) 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 a fully updated Appendix B, recommended responses to submissions and further submissions.
- (8) In their Reply Reports, Section 42A report authors are also requested to provide a fully 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.

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

28 July 2023

APPENDIX 1 – LIST OF QUESTIONS TO SECTION 42A AUTHORS

HS – Matū mōrearea - Hazardous substances

1. If the Panel was to accept the “fuel companies” relief and make underground tanks permitted, would you recommend that there be any conditions required for a permitted activity? Please explain why or why not.

CL – Whenua paitini – Contaminated land

2. Please provide comment on Kāinga Ora’s requested objective and policy recognising the benefits of the remediation of contaminated land, including scope.

NH – Matepā māhorahora – Natural hazards

3. Please provide statements from Mr Bacon and Mr Debski which address whether they support your recommended amendments to the chapter, as set out in your response to questions and your reply report.
4. Please set out your understanding of how Ms Dale’s approach to the flood maps and Assessment Area would work, compared to what you recommend. In setting out the comparison, please consider the steps plan users would need to take, and the relative differences in costs. Please confer with Mr Bacon in responding to this question.
5. Please respond to Ms Irvine and Ms Mitten’s suggested response to managing consents for the Regional Council’s community flood, erosion and drainage protection works.
6. Please also respond to the rest of Ms Mitten’s suggested amendments, beyond those you have already addressed in your opening statement and response to questions.
7. Please respond to Ms McLeod’s suggested amendments set out in her evidence. In doing so, please provide your opinion as to the scope of the amendments vis-à-vis the Transpower submission.
8. Please consider the recommended wording of your recommended NH-O5, in particular considering the outcome that is sought by this objective.
9. As the Panel noted during the course of the hearing, we have received differing advice between officers on the status of carbon sinks, compared to carbon forest, and woodlots. In particular, if a carbon forest is not encapsulated within the definition of a woodlot and is not subject to the NES-PF and in particular Regulation 14(2), what would the implication be in respect to NH-R7 and the potential ice hazard that may arise?