

**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 28 – REPLY REPORT QUESTIONS
FOR HEARING STREAMS 12A AND B**

QUESTIONS TO HEARING STREAMS 12A AND 12B SECTION 42A REPORT AUTHORS

1. The purpose of this Minute is to set out the Hearing Panels' preliminary questions for the section 42A report authors for Hearing Streams 12A and 12B and request that they be responded to by no later than **4pm Friday 5th July 2024**.
2. We have set these questions out in order of the Section 42A reports and the Hearing Streams. The questions for Hearing Stream 12A are attached as Appendix 1 and the questions for Hearing Stream 12B are attached as Appendix 2.
3. The Hearing Panels note that these are preliminary questions. We anticipate that we may need to ask further questions of the report authors as a consequence of matters that are raised in forthcoming rezoning hearings. We may also need to direct expert conferencing to occur.
4. The 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.
5. In their Reply Reports, if relevant, 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

6. 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 on 0800 965 468 or Audrey.benbrook@wmk.govt.nz.



Gina Sweetman

Independent Commissioner – Chair - on behalf of the PDP Hearing and IHP members

13 June 2024

APPENDIX 1 – REPLY REPORT QUESTIONS FOR HEARING STREAM 12A REPORT AUTHORS

TO ALL OFFICERS

1. Please respond to all evidence presented at and tabled for the hearing, that is not otherwise set out in the questions below.

COMMERCIAL, MIXED USE AND INDUSTRIAL REZONING REQUESTS

2. Please set out the extent you would consider sites and areas of significance to Māori through a rezoning request.
3. Please respond specifically to Mr Haines' recommended amendments for the wording of TCZ-P1 Town Centre hierarchy.
4. Please respond specifically to Ms McKeever's evidence for Southern Capital in support of a spot zone in light of Mr McKinlay's evidence that only one third or less of the site is currently being used for industrial activity.
5. Mr Foy's evidence was that the Flaxton Road West sites (comprising a total of 6.5ha of land) could accommodate in the order of 23,000 - 26,000m² of large format retail GFA if rezoned to LFRZ and redeveloped for large format retail activities. Please clarify whether that figure is for a total redevelopment of all of the land from scratch or is it for additional development on land that has not already built upon for LFR type activity. If it is the former, what would be a realistic estimate of additional GFA that could be developed for LFR?

OXFORD AND OHOKA REZONING REQUESTS

6. Please set out how the risk of natural hazards to a property or area has been considered when determining the zoning to be applied in the PDP, for both existing urbanised areas and new proposed urban areas.
7. Please provide an updated Appendix C which clearly differentiates the threewaters, greenspace and transport assessments for the different submissions. Please ensure that an assessment for 351 Bradleys Road Ohoka is included.
8. Please provide us your opinion as to whether the stormwater and fault hazard matters in respect to the Mooney and Campbell submission fatal to the rezoning of the land, or are these matters that could be addressed through a subsequent subdivision application?
9. In respect to Waghorn, please explain what is the geotechnical risk associated with a fourth dwelling being permitted on the site through the requested rezoning?

PEGASUS RESORT

10. How do you compare your position that the rezonings at Pegasus are inconsistent with Objective 1 of the NPS-UD with Mr Buckley's position that the rezoning at Waikuku which is further away, is consistent with that same Objective?
11. Please respond to the Mahaanui Kurataiao Ltd response to DEXIN's request seeking to rezone 1250 Main Road that was provided after the hearing, and the line of questioning from the Panel in respect to the CIA provided as part of the submission. What weight should the Panel be giving to the CIA provided by the submitter, given it has been confirmed that it is not mandated by Mahaanui Kurataiao Ltd?
12. How should we reconcile the positive cultural support for the Dexin rezoning but the negative cultural comments in respect to the Stone rezoning, particularly when the Stone ODP recommends a wider setback from the stream than the Dexin one?
13. Please advise whether you agree with Mr Yeoman's evidence that because Pegasus Resort is a SPZ, it is not part of the NPS-UD consideration for capacity or demand, which focuses on residential and business zones. You may wish to obtain legal advice on this, taking into account the legal submissions presented at the hearing. Does the NPS-UD require that consideration is given to providing and ensuring that there is a range of housing options, and the provision of housing in particular locations?
14. In particular, and in liaison with Mr Yeoman as may be appropriate, do you agree that if location specific demand is demonstrated for this specific type of residential development (which the Panel was told is unique in the Waimakariri District), that failing to provide sufficient capacity to meet that location specific demand for this type of development may conflict with the following objectives and policies in the NPS-UD:
 - (a) Objective 2 (improve affordability and supporting competitive land and development markets);
 - (b) Objective 3 (enabling more people to live in areas where there is high demand relative to other areas);
 - (c) Policy 1 (meet needs in terms of location); and
 - (d) Policy 2 (provide at least sufficient capacity to meet expected demand).
15. Mr Binder is asked to respond to the revised ODP, and in particular the proposed new accesses and walk and cycle connections. What is the implication for the development of the site if Waka Kotahi NZTA does not fund pedestrian and cycle infrastructure as part of the Woodend Bypass? What would the implication be if there are no improvements to pedestrian and cycle infrastructure access across State Highway 1?
16. Please provide any updated recommendations in respect to the DEXIN updated ODP and provisions, including the density limitation of 27 dwellings in Activity Area 7B.

APPENDIX 2 – REPLY REPORT QUESTIONS FOR HEARING STREAM 12B REPORT AUTHOR

1. Please respond to all evidence presented at and tabled for the hearing, that is not otherwise set out in the questions below.
2. In relation to preliminary question 3, you address some of the exemptions in clause 3.10 of the NPS-HPL and stated that “expanding the RLZ boundary line could contribute to further fragmentation of productive rural land and change rural character by enabling more 4ha lifestyle blocks to establish and surround GRUZ land.” You were asked what clause 3.10(4) meant in this context, which states “the size of a landholding in which the highly productive land occurs is not of itself a determinant of a permanent or long-term constraint”. In your view, is size a significant factor in whether a property is, or is not, economically viable for 30 years?
3. What is your opinion of how significant/relevant the size of a block might be in circumstances where a property is part of, or surrounded by, an area that is already fragmented to a level that the plan considers as ‘rural lifestyle’. Would these already fragmented areas potentially mean that in these areas “there are permanent or long-term constraints on the land that mean the use of the highly productive land for land-based primary production **is not** able to be **economically viable** for at least 30 years”? If that argument was accepted, would it not follow that 3.10(1)(b) (i) to (iii) would be avoided?
4. If your answer to question 3 is ‘no, the 4ha is not a permanent or long-term constraint’, please consider the following: The NPS-HPL refers to ‘rural lifestyle’ but does not define it or specify allotment sizes that might qualify as ‘rural lifestyle’. The Hearing Stream 12C and Rural Zone s42A report author set out a number of definitions that the RPS uses for rural residential development, essentially considering it to have an average density of between one and two households per hectare or is typified by clusters of allotments in the size of up to 2 hectares. The Operative DP is presumably considered to give effect to the RPS and as a consequence, 4 hectare lots were considered ‘rural’ and did not compromise the policy direction of Chapter 15 (i.e. Objective 15.2.1 “the maintenance and improvement of the quality of soil to safeguard their mauri, life supporting capacity, health and **productive capacity**”; Objective 5.2.1(2)(e) which seeks that development enables rural activities that support the rural environment including primary production, and also Policy 5.3.12(1)(a) which seeks to avoid development and/or fragmentation which forecloses primary production outside Greater Christchurch / within ‘wider region’). The PDP now identifies these as ‘rural lifestyle’ and it predates the NPS-HPL. Bearing that in mind, can you please:

- (a) Advise in relation to non-HPL land, what has changed for you to state at para 120 *"I consider that rezoning these areas RLZ would not support primary production as it would enable 4ha lifestyle blocks"*; and
 - (b) In relation to NPS-HPL, could lifestyle blocks at this size potentially meet the criteria of 3.10, given the Operative Plan considers them productive etc?
5. In considering your position under questions 3 and 4, can you please assess or use to inform your answer, the circumstances of, and the evidence provided by Mr Waller, Mr McGaffin and Mr Walshe, Mr Walton and Ms Watherson, and Ms Borcoskie. There may be other submissions in relation to similar areas that may also need to be assessed/reconsidered, depending on your final position.
6. At best, there is a very small sliver of highly productive land on one title only of the Norgate property (submitter 371). That small area would appear to be within the 'margin for error' for the mapping and does not appear to align with Mr Langlin's description of this part of the property. Given this, please reassess the relevance of the NPS-HPL for this property, including how the exemptions may apply. Please also reassess your position on the rezoning of this property given the evidence presented on its productivity, the availability of water supply, and the fact that the property is adjacent to either LLRZO or small rural allotments (many subdivided down to the previous 4 hectare minimum), which connects it to Oxford.
7. Please confirm whether there is scope in Mr and Mrs Richardson's submission [26.1] to include the adjoining properties Mr Richardson referred to. If your advice is that there is, please provide any updated recommendation(s).
8. In relation to the Watherston submission, can you confirm whether there are other submissions, either specific or general, that would enable the rezoning of the surrounding area that is already fragmented?
9. Submissions 101 and 102 (Borcoskie family) included a number of submission points on the Rural Zone provisions that have not been addressed in this report or the Rural Zone s42A report. Please address these, and in doing so, consider the appropriateness of potential amendments to the Rural Zone rules to assist submitters who find themselves located within pockets of land that are more rural lifestyle in character than rural production.
10. In relation to submission 305 Bax at 128 Baynons Road, now represented by Mr Walshe, what approach did the Council take in respect of the zoning of land within the Noise contour that is not within the "Kaiapoi Exemption", in particular any rezoning from what was equivalent of a General Rural Zone to Rural Lifestyle Zone. Is Rural Lifestyle Zone development considered to be residential development in the scope of Policy 6.3.5(4)? Are there any other relevant policies in the RPS that should be considered?

11. In legal submissions, CIAL expressed concern that the s42A recommendation was to reject their further submission point FS80 in respect to Bax [305.1] and that their point had not been assessed within the body of the s42A report. Please review that further submission point and CIAL's legal submission and planning evidence and provide an updated recommendation.

12. Is there scope for the Panel to consider the Airport noise contour matters raised by Mr Walshe in respect to submission 305 Bax? If you consider that there is scope, please set out your advice on this matter.