

**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 23 – QUESTIONS ARISING FROM
HEARING STREAMS 8, 9A, 11 and 11A,
APPROACH TO HS12, URBAN DESIGN
EXPERT HS12D**

PURPOSE

1. The purpose of this Minute is to:
 - a. Put a series of questions to Council s42A report authors for Hearing Streams 8, 9A, 11 and 11A to respond to in preparing their Reply Reports to the Panel by no later than **4pm Monday 6th May 2024.**
 - b. Request Council to provide advice to the Hearings Panel how they propose to approach reporting on submissions for rezoning submissions to the PDP and Variation 1 that apply to the same site to the PDP Hearings Panel and the IHP, by no later than **4pm Monday 6th May 2024.** And, subsequently, invite submitters to respond to the Council advice within **five working days** of the advice being received.
 - c. Respond to the Council request to excuse the Council Urban Design and Landscape expert from attending HS12D – Ohoka and request the submitters to provide their views by no later than **4pm Monday 29th April 2024.**

QUESTIONS TO HEARING STREAMS 8, 9A, 11 AND 11A SECTION 42A REPORT AUTHORS FOR REPLY REPORTS

2. As signalled during and at the end of Hearing Streams 8, 9A, 11 and 11A, the Hearings Panel¹ 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 Monday 6th May 2024**, unless otherwise agreed with the Chair.
3. 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.
4. 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.

¹ The IHP in respect of HS11 and the PDP Panel in respect to the other hearing streams.

5. The Hearing Stream 8 – Urban reporting officer does not need to respond to the evidence of Ms Dale as it relates to Variation 1. The Panel expects that any submissions relating to Variation 1 will be addressed through Hearing Stream 7, unless we are otherwise advised. The Panel would also like to accept the reporting officer’s offer for Mr Yeoman to provide the report offered in respect to the Waimakariri Residential Capacity and Demand Model 2023 as part of Hearing Stream 12. The Panel requests that this be provided as part of the relevant s42A report(s).

APPROACH TO HEARING STREAM 12

6. The Panel has previously requested that the Council address how it will be addressing the interface between the rezoning submissions on the Proposed District Plan and rezoning submissions on Variation 1, which will be heard through Hearing Stream 12. Minute 1 also sets out how the hearing of submissions on Variation 1 is to be undertaken by the Independent Hearings Panel, as required by the RMA.
7. The Panel notes that resolving how the hearing of submissions on rezonings that are subject to submissions under both the PDP and Variation 1 will be undertaken will be very important to the efficient hearing of submissions through Hearing Stream 12. The Panel therefore directs the Council to provide further advice in respect of how it intends to report on rezoning submissions to the PDP and Variation 1 that apply to the same site to the PDP Hearings Panel and the IHP in the most efficient manner to all parties concerned. This advice is to be provided no later than **4pm Monday 6th May 2024**. Submitters who have rezoning submissions on both the PDP and Variation 1 will then have **five working days** to respond to the Council advice.
8. The Panel expects to liaise with the Council after receipt of the Council advice and submitter comments and finalise the approach, which will be set out in a future Minute.

URBAN DESIGN AND LANDSCAPE EXPERT - HEARING STREAM 12D

9. The IHP has received a memorandum from the Council (the memo) regarding the availability of Council’s urban design and landscape expert, Mr Nicholson, in respect to Hearing Stream 12D - Ohoka. This is available on [Council’s website](#). In short, Mr Nicholson will be unavailable from late May to mid-August 2024 and the hearing for the Ohoka rezoning is set for 1 – 4 July 2024. The Council is seeking that the IHP excuse Mr Nicholson from appearing at the hearing, and that his absence can be managed without impacting on or delaying the hearing process through a number of methods.
10. The Memo then sets out the response they have received from the submitter, and their response to that. The IHP has not had the benefit of hearing directly from the submitter. We therefore now extend an invitation to the submitter to set out their views on Mr

Nicholson's absence before we formally respond to the Council's request. We request the submitters to express their views by no later than **4pm Monday 29th April 2024**.

11. To assist the submitters in responding, the IHP notes:

- a. The IHP does not expect any requests to come to them for expert conferencing prior to HS12D. We have set out our expectations for expert conferencing in advance of the hearing in our Minutes 1 and 20. We continue to encourage expert conferencing to occur in advance of hearings, in order to narrow down issues of contention at the hearing itself.
- b. The ability for officers to provide a reply report in response to evidence presented during the course of a hearing is set out in our Minute 1.
- c. The potential for the IHP to request expert conferencing either during or after a hearing is set out in our Minute 1.
- d. The IHP is not making sequential recommendation immediately following hearings; rather it will be making its recommendations comprehensively after all the hearings on the PDP and Variation 1 have concluded. Again, as set out in our Minute 1.

CORRESPONDENCE

12. 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 developmentplanning@wmk.govt.nz.



Gina Sweetman

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

19 April 2024

APPENDIX 1 – LIST OF QUESTIONS TO SECTION 42A 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 conditions below.

SUB – Wāwāhia whenua – Subdivision - Urban

1. Please respond to Ms Watt for Environment Canterbury's evidence in respect to the appropriateness of the inclusion of the term "environmental values" in SUB-O1. In doing so, please also respond to the Panel's questions about whether there is a need and scope for the inclusion of definitions for natural values and conservation values.
2. Please respond to Ms Dale for Kāinga Ora's evidence and the Panel's questions in respect to SUB-P1(5), as to whether it would be appropriate to insert "anticipated" between "values" and "form".
3. Please respond to Transpower's tabled evidence and Ms Dale's evidence for Kāinga Ora in respect to SUB-P1(3) in respect to the National Grid.
4. Please revisit your response to SUB-P5 in respect to the Panel's questions as to whether this policy provides the flexibility for assessing applications that are under the minimum lot size. Please liaise with Mr Buckley in doing so, and consider Ms Dale for Kāinga Ora's evidence.
5. Please respond to Mr Thomson's evidence, in respect to the consideration of constraints in determining density, activity status, and matters of discretion or control, and in doing so, please set out how SUB-S3 would work and sufficiently certain to be included as a standard.
6. Please respond to the evidence of and questions to Ms Dale of Kāinga Ora and the proposed amendments to Rule SUB-R2, having also heard the questions from the Panel.
7. Please advise whether there is scope to delete SUB-R1 – boundary adjustments.
8. Please confirm whether the amendments recommended to amend SUB-R3a are within scope of the submission.

SUB – Wāwāhia whenua – Subdivision - Rural

1. Please respond to Mainpower's evidence in respect to subdivision in proximity to the major electricity distribution lines (the definition as recommended for inclusion by the Energy and Infrastructure reporting officer). In responding, please advise why it would be appropriate to include a subdivision rule in respect to the National Grid but not to the major electricity distribution lines, particularly in light of the recommended objectives in the Energy and Infrastructure chapter? Please discuss with Mr McLennan in responding to these questions.
2. Please update your response in respect to Paras 122 and 129 to address clause 2 (infrastructure that is not the National Grid)
3. Please update your response in respect to Paras 327-330 taking into account Ms Harris's recommendation in respect to SUB-R3(a) and the use of the term "available", as an alternative to an advice note.

4. Please respond to Mr Hoogeveen's tabled statement.

IND – Whaitua Ahumahi – Industrial Zones

1. Please finalise your response to the question in respect of Para 77
2. Please provide a final response to the question in respect of Para 130, having considered the Panel's questions during the hearing. In doing so, please advise if there is scope for a discretionary activity pathway for such activities.

TEMP – Ngā mahi taupua – Temporary Activities

1. Please provide your planning assessment as to whether a TMTP that has been approved by the relevant roading authority could be considered as a condition of a permitted activity rule.
2. Please revisit your answer to paragraphs 134 to 137 taking into account the Panel's questions in respect to the definition of site and the relevance of one year to the rule.
3. Please confirm whether a TMTA under TEMP-R5 will still be subject to the rules contained in the ECO chapter.

Tautapa – Designations - Council

1. Please revisit and readdress the appropriateness of conditions 16, 22, 23 and 24, in light of your recommendation to delete conditions 11 to 13 and the words "of the waterways and in stream fauna" from condition 14, taking into account that it is the Panel's understanding that a regional council would generally be responsible for controlling the use of land for the purpose of the maintenance and enhancement of water quality and aquatic ecosystems.