

WAIMAKARIRI DISTRICT PLAN REVIEW
MEMO TO HEARING PANEL

FILE NO AND TRIM NO: 230509066560

DATE: 12 May 2023

MEMO TO: Hearing Commissioners

FROM: Peter Wilson

SUBJECT: Response to questions on structure and Memorandum

1. The purpose of this memo is to brief the hearing panel on the framework of the plan and the structure of hearings.
2. The framework of the hearing stream approach as I understand is to follow a hearing sequence set in the following order:
 - Introductory and contextual matters such as the introduction, district description and interface with higher level documents lead the first hearing, including definitions that apply to multiple chapters.
 - Strategic directions¹ and urban form and development, which set general policies relating to the wider urban/rural interface, and particularly linkages within the objective and policy framework of the National Policy Statement on Urban Development.
 - Chapters that specifically relate to Te Ao Maori and manawhenua matters, reflecting the requirements in s6(e), s7 and s8 RMA – namely the manawhenua, sites of significance to maori, and kainga nohoanga zones. You may be aware of the significance and importance and unfortunate history of the Ngai Tahu land at Tuahiwi. Mr Matheson will discuss this in greater detail.
 - Matters related to hazard mitigations, natural environment values and associated access and use
 - District wide matters that set the framework for consideration of a range of environmental effects related to land use and activities.
 - The character and framework for recognising the different characteristics of areas of the district in a zoning framework, including open space
 - Specific matters relating to development areas within the district
 - Designations

¹ Note the Strategic direction s32 concludes that objectives and policies within this chapter are not intended to have primacy over other directions within the plan. See paras 56 of Mr Buckley's s42A on strategic directions.

- Rezoning
3. I note that this framework largely follows the framework of the Proposed District Plan and that set out in the National Planning Standards, which district plans are required to follow.
 4. I consider that this sequence is a logical way to assess provisions as the merits of any environmental or locational framework or restrictions should be heard and discussed before deciding on specific applications, such as rezoning under that framework. I also note that to logically determine that environmental or locational framework in turn requires overarching, strategic directions, and Te Ao Maori matters to be discussed and heard first. This approach also allows for all submission points on a particular topic to be considered within one stream.
 5. Specifically, regarding rezoning requests, the sequence allows for matters that may affect consideration of which zone is more appropriate for a particular area and enables submissions to be heard on matters that may need to be considered when assessing the appropriate zoning mechanism before submissions seeking changes to zoning from the proposed plan are considered.
 6. I consider that an important feature of this sequence is that Minute 1 identifies that the Hearing Panel (or where relevant the IHP) is not deliberating and making its decisions on submission recommendations until all submitters have presented. This essentially means that in whatever order submissions are presented, the totality of evidence provided would be considered under one recommendation.

Momentum Land Company Memo

7. I have reviewed the memorandum of Counsel for Momentum Land in response to minute 1: procedural issues dated 4 May 2023 and note that this memo, amongst other matters, gives a specific example of how the hearing plan sequence may apply to the relief sought to the submitter, and note that the concept behind this example would likely apply to a number of submitters.
8. Rezoning requests are currently scheduled for hearing stream 12, to take place in early 2024. This includes Momentum's rezoning submission.
9. With specific regard to the "Kaiapoi Growth Issue" referred to in the memo, in order to ensure consistency with the hearing structure discussed above, I consider that the section 42A reports that make recommendations on the various matters entitled as the "Kaiapoi Growth Issue" should be heard before any rezoning hearings. Paragraph 11 of the Momentum memorandum helpfully set out some of these matters, but also notes that there may be others.

Airport Noise Contours

10. I can confirm that Council officers have been considering the breadth of issues covered in the CIAL submission and are of the view that a separate s42A report for this issue would be appropriate. As this would be a separate report, the hearing of submissions could occur at any stage in the process; however, to maintain the logical hearing sequence I consider that it would be important for this issue to be heard prior

to rezoning hearings. Hearing stream 10, currently scheduled for February 2024 would be appropriate, as this hearing stream will receive the s42A report on future urban development areas (FUDA). This also allows time for developments in the airport noise contour issue, as I understand work is ongoing between CIAL and the Canterbury Regional Council.

11. With specific regard to the relief sought in paragraph 22 of the memo, I consider that this approach would essentially provide the intent of the relief sought by the submitter.