

**WAIMAKARIRI DISTRICT COUNCIL**

**MEMO**

**FILE NO AND TRIM NO:** DDS-14-01-06 / 240209019016

**DATE:** 9 February 2024

**MEMO TO:** Waimakariri District Council, PDP and IHP Hearing Panels

**FROM:** Matthew Bacon, Development Planning Manager

**SUBJECT:** Request for consideration of relocation of Hearing Stream 7

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1. The purpose of this memo is to seek directions from the Panel(s) with regards to an amended timetable for Hearing Stream 7 of the District Plan Review (DPR).
2. Stream 7 currently contains s42A reports for the residential chapter, Variation 1 matters that relate to residential zoning (including subdivision) and submissions on the financial contribution's chapters. Stream 7 is currently scheduled to commence on 18 March 2024.
3. As with hearing Stream 10A (airport noise/ bird strike and Future Development Areas), hearing Stream 7 matters are to be heard by the Independent Hearings Panel (IHP); however s42A officers are intending to also report on Proposed District Plan (PDP) matters through the residential and financial contributions s42A reports.
4. While the s42A topic authors are progressing with s42A reports for future hearing streams, Council considers that it is in the best interest of the DPR process for Stream 7 to be relocated to a later date, for the following reasons:
  - To enable sufficient time for any expert conferencing/detailed rights of reply assessments to occur following Stream 10 and 10A, noting the complexity of issues within Stream 10A, and the evidence received as part of that hearing stream to date;
  - To enable additional time for s42A officers, submitters, and the Panel(s) to consider rezoning evidence without the need to prepare reports, respond to preliminary questions and to undertake post hearing processes for Stream 7 that would otherwise fall within the timeframe to consider evidence for the rezoning submissions that are to be heard in Stream 12;
  - To allow a more complete consideration of subdivision specific matters within Stream 8, before subdivision matters specific to relevant residential zones under Variation 1 are considered;
  - Council has considered whether Stream 7 topics could be divided, but notes that the residential topic, which contains both PDP and Variation 1 content (including

submissions on the same provisions), could not be easily separated into separate hearing streams; and

- Variation 2 (Financial Contributions), which is a Schedule 1 variation, applies to the zoning outcomes from the PDP residential and Variation 1 recommendations, and as such it is considered that this should follow on from residential and Variation 1.
5. In terms of the overall hearing programme, Council notes that the Stream 12 rezoning hearings are to begin on 27 May 2024<sup>1</sup>. Councils' original preliminary estimation of the overall timeframe for Stream 12 is that these hearings will be completed by the start of August (in terms of actual sitting days). This would allow for a potential hearing on the week of either 5 or 12 August 2024 if hearing Stream 7 were to be relocated.
  6. To assist the Panels consideration of this matter, Council can advise that Stream 7 was originally estimated to take seven working days<sup>2</sup>. Council staff have reviewed the volume of submission topics for Stream 7 and consider that a more realistic timeframe for this hearing is three or four days (noting that submitters have not yet been asked to indicate whether they wish to be heard).
  7. Council officers are also aware that following the date in which submitters are invited to provide technical evidence for s42A officers to consider; there may be benefit in a further refinement of the hearing timetable. Council suggests that following this date,<sup>3</sup> it provide an updated recommend hearing timetable that considers the likely timeframes for Stream 12 and a relocated Stream 7.

*Potential prejudice to parties*

8. Given that submitters have not viewed the s42A reports for Stream 7, Council does not consider that any party would be prejudiced by the relocation of Stream 7 until after the rezoning requests have been heard in Stream 12; however, in making this request Council consider that it is appropriate that the Panel(s) consider providing time for submitters to provide comment on this relocation prior to the Panel(s) decision.

*Directions sought*

9. Further to the discussion above, the Council seek that the Panel(s) note, or provide the following directions as relevant:
  - (1) Stream 7 is relocated to the week beginning either 5 August or 12 August 2024 (subject to (2) and (3) below) with relevant dates adjusted to accord with the hearing timetable directions within Minute 1;

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<sup>1</sup> Minute 1 page 21 table.

<sup>2</sup> Based on an early evaluation of the number of submissions prior to the hearing programme commencing.

<sup>3</sup> Council understand this date is 27 February 2024, being 60 working days before the start of the first rezoning hearing.

- (2) The Panel(s) provide an appropriate timeframe for submitters to comment in respect of the direction sought within (1) above; and
- (3) The Panel(s) request that Council provide an updated hearing schedule for Stream 12 within 5 working days of receiving the information from submitters in relation to the expert evidence timetables within minute 1.