

**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 Hearing Streams 12E and  
12F, 12D and Variation 1 to the Proposed  
Waimakariri District Plan**

**MINUTE 37 – CONFERENCING AND REPLY  
REPORTS FOR HEARING STREAMS  
12E&F, EXTENSIONS TO TIMING OF JWS  
FOR HS12D AND THE UPDATED LUMS**

## INTRODUCTION

1. The purpose of this Minute is to:
  - a. Direct expert conferencing between the submitters' planners and other experts and Council planners and experts for HS12E(A);
  - b. Direct the s42A Report author, Mr Wilson, to address certain matters in the Reply Reports for HS12E(A)&(B);
  - c. Direct expert conferencing between the planner for Daniel Smith, Mr Chrystal, and the s42A Report writer for HS12F, Mr Powell and matters to then be addressed in the Reply Report; and
  - d. Record the granting of extensions of time for the completion of the LUMs and Planners' JWS for HS12D.
2. The PDP Hearings Panel and the IHP acknowledges the many moving pieces can make it difficult for submitters to keep on top of relevant procedures, timings and requirements. Submitters are reminded to please read through the emails that the Hearing Administrator sends out in advance of each Hearing Stream, and in doing so, to please refer to Minute 1 which is available on the [Council's website](#).

## CONFERENCING - HS12E(A) – RESIDENTIAL REZONINGS EXCLUDING VARIATION 1

3. During HS12E(A) a number of submitters presented evidence on proposed updates and revisions to their Outline Development Plans (ODPs), including amendments made in response to matters raised in the s42A Report. Some submitters also provided further technical evidence to address matters in contention identified in the s42A report.
4. We hereby direct pursuant to s41C of the RMA that the planners and other technical experts for those submitters liaise with Mr Wilson, and any Council technical experts as appropriate, to:
  - a. Determine whether they can reach consensus on any outstanding matters in contention raised in the s42A report and
  - b. Finalise the details of those ODPs and associated provisions
  - c. Address any matters in contention that were identified in the s42A report and subject to new evidence before and during the hearing.
5. The joint witness statements for each of the rezoning requests are to identify points of agreement on the issues, and, where experts disagree, a brief commentary on specific points of agreement. Expert conferencing is to occur in accordance with the Environment Court Consolidated Practice Note 2023–Code of Conduct for expert witnesses available at the following website <https://environmentcourt.govt.nz/about/practice-note/joint-witness-statements>.

6. We would like to be advised, through the Reply Report, on any recommended amended provisions and updated ODPs and the extent to which agreement has been reached or otherwise between the submitters' experts and the Council's reporting officer and other experts.
7. As signalled at the hearing, the Panel requests Mr Wilson and the planners for the submitters to turn their minds to developing ODPs and associated provisions (including rules and the narratives) that are consistent in terms of structure and length for each parcel of land recommended for rezoning.
8. Parties to the expert conferencing are encouraged to commence conferencing as soon as possible in order to meet the timeframe set for the Reply Report below.

### REPLY REPORT FOR HS12E(A)

9. In addition to the ODP provisions outlined above, Mr Wilson is directed to address the matters included in the attached Table in Appendix 1 in his Reply Report.
10. The Reply Report should also include comment on any other matters raised in submitter evidence at the hearing that require a response and should confirm or amend any recommendations as may be appropriate. The Reply Report is to append a fully updated Appendix B, recommended responses to submissions and further submissions.
11. In terms of presentation, to best assist the Panel, Mr Wilson is requested to provide a Table showing, for each rezoning submission:
  - The outstanding matters in contention as at the time of the hearing;
  - The areas of agreement and disagreement on any of the matters in contention that were identified in the s42A and are addressed through the JWSs
  - Any final recommendation for a particular ODP, and
  - Mr Wilson's final recommendation.
12. Mr Wilson is directed to provide his Reply Report by no later than **4pm Friday 18 October 2024**.

### REPLY REPORT FOR HS12E(B) – VARIATION 1 REZONINGS

13. The Reply Report for HS12E(B) is to respond to any matters raised in submitter evidence at the hearing.
14. The Panel also notes that Mr Wilson in his s42A Report advised that, on the basis of the Council's legal advice, there is no scope to recommend additional new residential zones

in response to submissions (i.e. in addition to the new residential zones include Variation 1 as notified).<sup>1</sup> No further evaluation was carried out on those requests.

15. The submitters provided contrasting legal opinions on the scope issue, including specific reference to the recent Selwyn District Council Variation 1 decisions, and while this matter is still to be determined by the Panel, we request that Mr Wilson provides an evaluation of each submission on the basis that the Panel chooses to accept the submitters' legal positions as to scope.
16. The evaluation should be included in the Reply Report, and in a table format including the relevant detail similar to the Table for the Reply Report on HS12E(A).
17. Mr Wilson is directed to provide his Reply Report by no later than **4pm Friday 25 October 2024**.

## HS12F (RANGIORA AIRFIELD)

18. pursuant to s41C of the RMA, the planners for Mr Smith and the Council are directed to:
  - a. Determine whether they can reach consensus on any outstanding matters in contention raised in the s42A report and
  - b. Finalise the details of an appropriate ODP and associated provisions
  - c. Prepare a joint witness statement which identify points of agreement on the issues, and, where experts disagree, a brief commentary on specific points of agreement.
19. Expert conferencing is to occur in accordance with the Environment Court Consolidated Practice Note 2023—Code of Conduct for expert witnesses available at the following website [https://environmentcourt.govt.nz/about/practice-note/joint witness statements](https://environmentcourt.govt.nz/about/practice-note/joint-witness-statements).
20. Of particular interest will be provisions that adequately address the concerns raised by Council's legal adviser with respect to the provision for the future extensions to the runway, and natural justice issues concerning this.
21. Following the expert conferencing, Mr Powell is directed to prepare a Reply Report which should also include comment on any other matters raised in submitter evidence at the hearing that require a response and should confirm or amend any recommendations as may be appropriate. The Reply Report is to append an updated Appendix B.

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<sup>1</sup> HS12E(B) Variation 1 Rezoning, s42A Report, para 52.

22. In terms of presentation, to best assist the Panel, Mr Powell is directed to provide a Table showing:

- The outstanding matters in contention as at the time of the hearing;
- Both technical experts' views, then the planners' views,
- Any final recommendation for a particular ODP, and
- Mr Powell's final recommendation.

23. Mr Powell is directed to provide his Reply Report by no later than **4pm Friday 4 October 2024**.

## HS12D – OHOKA RIDL – JWS AND LUMS UPDATE

24. The IHP hereby records the granting of extensions of time for the provision of the LUMs and planners joint witness statements in respect to Hearing Stream 12D. The requests from the Council for the extensions are available on the Council website.

## CORRESPONDENCE

25. 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](mailto:Audrey.benbrook@wmk.govt.nz).



Gina Sweetman  
Independent Commissioner – Chair - on behalf of the Hearings Panel members  
30 August 2024

APPENDIX 1 – SPECIFIC MATTERS TO BE ADDRESSED IN HEARING  
 STREAM 12E(A) REPLY REPORT

Submitter	Comments
Momentum	<p>Do you agree with Mark Allen’s para 93 – 97, suggested pathway for rezoning of a FUDA under the exemptions provided by Policies 6.3.5(4) and 11.3.1(6) in respect of greenfield development identified on Map A that is under the airport noise contour and in a high hazard area, respectively.</p> <p>Please respond to Mr Allen’s supplementary evidence – para 22 on the use of trigger points for determining cumulative impacts and transportation works that may be required on the network.</p> <p>Please respond to the relevance and applicability of the examples provided in PC69 and PC71 in Selwyn District.</p> <p>Respond to any relevant issues to arise from the IHP’s for PC14 to the Christchurch City Plan’s recommendations .</p>
Fusion Homes	<p>Please respond to submitter evidence and in particular the significance of the separation of the land to the wider block and whether a cross-road connection is critical for rezoning to occur.</p>
Carter Group RIDL	<p>Please respond to Mr Phillips paragraph 11, i.e. the officer’s report does not engage in any detail with the definition of ‘Tier 1 Urban Environment’ or the possibility that the express identification of areas within the NPS-UD Appendix provides a simple answer to the question of “What is relevant the urban environment?”.</p> <p>Do you concur with Mr Phillips, who we understood in answer to a question to be saying, that NPS-UD Policy 8 provides a pathway for the CRPS for the avoid policy 6.3.5.4 (which includes the airport contour issue).</p>
Mike Greer	<p>Please respond to Ms Harte, paragraph 82, where she refers to a positive policy approach in CRPS to development of several towns which do not have greenfield priority areas (GPAs) or Future development areas (FDAs) and therefore strongly indicates that the reference to GPAs and FDAs in 6.2.2.(4) sits within, but does not override, the methods of providing for development with Greater Christchurch. “In my opinion this positive approach is in line with, and supports, the NPS-UD which is a higher order policy document”.</p>
Woodwater	<p>Please confirm whether you concur with Mr Thompson’s assessment of the relevant planning documents.</p>
Carolina Homes	<p>Please respond to the submitter’s evidence in respect to available solutions to the issue the submitter has raised.</p>

Submitter	Comments
Spark	Please confer with Mr Thompson on options and recommendations to avoid having potentially a single block of land that is subject to certification in the PDP.
Hobson & Whimp	In respect of “unanticipated development”, do you agree with Ms Eveleigh’s legal submissions that the community expectations are that the submission area is anticipated for growth, and therefore NPS-UD Policy 8 is still relevant.
Hack	<p>Please respond to the evidence presented in respect to traffic noise, including the relevance of the conditions imposed on the notice of requirement for the Bypass and the PDP noise controls for new residential units.</p> <p>Please ensure that your recommendation addresses the ODP as a whole and includes that part sought to be zoned LLRZ.</p>