

**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 Variation 1 to the
Proposed Waimakariri District Plan**

**MINUTE 41 – REPLY REPORT QUESTIONS
FOR HEARING STREAMS 7A AND 7B**

INTRODUCTION

1. The purpose of this Minute is to set out the PDP and IHP Panel questions and timeframes for the Reply Reports for Hearing Streams 7A and 7B.
2. The section 42A report authors for Hearing Streams 7A and 7B are directed to address the matters included in Appendix 1 in their Reply Reports.
3. Each 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. 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.
5. The report authors are directed to provide their Reply Reports by no later than **4pm Friday 25 October 2024**.

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 Hearings Panel members
24 September 2024

APPENDIX 1 – SPECIFIC MATTERS TO BE ADDRESSED IN HEARING STREAM 7A AND 7B REPLY REPORTS

Reply Report questions for Hearing Stream 7A

LLRZ and Residential Chapters

1. Please further consider the Oxford Ōhoka Community Board’s submission point in respect to the Oxford Showground, in particular in terms of consistency with the Rangiora Showground provisions and the Temporary Activities Chapter.
2. Is there scope for the inclusion of Ōhoka in the introduction to the SETZ Chapter or could it be addressed under Clause 16 of Schedule 1?
3. Please address the matter of plan consistency in respect of paragraph 55.
4. Please respond to Ms Dale for Kainga Ora’s tabled evidence in respect to the matters of “anticipated form and function” and amenity changing over time and requested amendments to the Zone chapters objectives and policies. Do you consider that existing amenity should also be recognised? In doing so, please bear in mind the discussion with Commissioner Sweetman about the relationship between the RESZ objectives and policies and the specific Zone chapter objectives and policies.
5. Please respond to Commissioner Atkinson’s question regarding whether the approach taken to non-residential activities is consistent with adjacent councils.
6. Please respond to Ken Fletcher’s submission points that seek a further zone offering within Oxford and the District to address the lot size “gap” between the General Residential Zone and Large Lot Residential Zone.
7. Please respond to Ms Style’s tabled evidence for Summerset Retirement Villages, including the appropriate activity status for retirement villages.

Medium Density Residential Zone

7. Please further respond to the matter discussed with the Panel in respect to your paragraph 59 and constraints that provide for density to be reduced from 15h/ha to 12h/ha, including the use of a “standard”.
8. Please consider that part of the House Mover’s submission point that seeks particular standards be introduced that relate to relocatable buildings which are to be permanent buildings on a site. We note that this is an integration issue between all zone chapters, where House Movers have sought this relief.
9. Please respond to the Panel’s question on paragraph 191, having considered the evidence presented in other hearing streams in respect to the rail corridor setback. In particular, what is the particular circumstance of a medium density residential zone that would warrant a greater setback to enable maintenance of buildings on a medium density residential zone site compared to any other site in any other zone?
10. You have recommended accepting MoE submission 277.44 to include educational facilities in MRZ-P1(1) but have not carried this forward into your recommendations on V1. Please provide a final Table of amendments to the PDP in your reply report.

11. Please confirm your recommendation for MRZ-R18. Appendix A for your s42A V1 report deletes new subclause (1) a design statement shall be provided with the application and matters of discretion but we cannot see the submission attributing this deletion. What is your recommendation?

Financial Contributions

1. Would making more than two new dwellings a controlled activity in the Medium Density Residential Zone in order to determine whether a financial contribution is payable be deemed to be introducing a new Qualifying Matter to modify the MDRS (and in particular clauses 2 and 10 of Schedule 3A of the RMA). If the new activity status is a Qualifying Matter, have the relevant tests in sections 77J and L been met?
2. What is the relationship between Waimakariri District Council's Development Contributions Policy (DCP) and the Operative District Plan's (ODP) Financial Contributions Chapter (FC Chapter)? In particular:
 - a. Was the DCP in place when the District Plan was made operative?
 - b. How often are the FC Chapter provisions triggered, and a financial contribution is payable?
3. In what sort of circumstances is it envisaged that the PDP FC Chapter provisions would be triggered?
4. Please respond to Ms McKeever's evidence regarding FC-S4 related to financial contributions for Roading on the basis that the methodology refers in part to a calculation that allows consideration of 'any potential lots that could develop' which appears to be a subjective assessment.
5. Please advise whether WDC has reviewed its DCP to reflect the MDRS? Is there a capacity issue within those areas of the District proposed to be zoned Medium Density Residential that supports retaining the trigger at two new residential units?
6. Please consider the Panel's questions about the workability of proposed rules FC-R1 and FC-R2.

Ecosystems and indigenous biodiversity

1. Please consider the expert evidence provided by the Canterbury Regional Council and the Department of Conservation regarding edge effects on SNAs, including the activities that should be managed and whether wetlands should be excluded from ECO-P2 and ECO-R4.
2. Please advise on the suggested list of the threatened / at risk non-vascular plants requested to be included in ECO-SCHED3 – Table ECO-2.
3. Please respond to Commissioner Mealing's question as to whether it is appropriate to refer to Te Mana o Te Wai in SD-O1, given the Government proposes to remove it from the National Policy Statement for Freshwater Management (NPS-FM). In doing so, please advise whether it is the Government's intention to remove Te Mana o Te Wai from the NPS-FM. Is there an alternative wording that could be used rather than reference to Te Mana o Te Wai?
4. Please provide your fulsome response in respect to our questions on paragraphs:
 - a. 545, 551 and section 3.17
 - b. 559 and recommended clauses j and k
 - c. 720

Reply Report questions for Hearing Stream 7B

1. In respect to the matters traversed in Appendix E to the section 42A report, please provide quantitative data and a summary of that data which clearly demonstrates the loss of sunlight (measured in hours) that would occur to properties, as well as to nominal height living room windows.
2. Having provided this data, please provide a qualitative evaluation, in the form of an updated assessment of the need for the qualifying matter, taking into particular consideration the expert evidence of Mr McIndoe and Ms Rennie of what is considered to be an acceptable amount of sunlight and the Kainga Ora policy of a minimum of three hours between 9am and 3pm in winter months, and objective 4 and policy 6 of the NPS-UD in respect to amenity values changing over time, etc.
3. Please clearly explain how your recommended introduction of a new sunlight and shading quality matter is consistent with:
 - a. The national significance of making provision for further urban development
 - b. The objectives and policies of the NPS-UD, and in particular, objectives 1, 3, 4 and policies 1, 3, 6.
4. Please address the appropriateness of having a sunlight and shading qualifying matter applying to the height standard of the MDRS within Waimakariri, when the adjoining districts with similar topography will apply the MDRS height standard (noting the PC14 recommendation report is at recommendation stage), and noting Mr McIndoe's advice that there are no physical differences between the districts in respect to the effects of shading.
5. Please provide the brief that you provided to Mr McIndoe to undertake his evaluation. Did this brief take into account the potential for subdivision of larger sites in the MDRZ, and then their subsequent development, such that the larger dwellings he considered would be produced may in fact be smaller, and on smaller lots?
6. Ms Dale and Ms Rennie for Kainga Ora have identified that there are no objectives or policies to support your recommended sunlight and shading qualifying matter. Please address this matter, along with the scope to include any recommended new objectives and policies that might be required.
7. Please directly respond to the Height Variation Control Area sought by Kāinga Ora, and the matter raised by the Panel that Policy 3(d) of the NPS-UD requires building heights and densities of urban form be commensurate with the level of commercial activity and community services in adjacent neighbourhood centre zones, local centre zones and town centre zones. In doing so, please also take into account the recommendations of the section 42A reporting officer for the heights in the relevant commercial zones to be increased.
8. Please respond to Mr Heath's verbal answers to the Panel's questions regarding:
 - a) the relative viability of 2, 3 and 4 storey development
 - b) the methodology used in your Appendix E to represent the shading effects from existing development being increased in height. In answering this question, we request that Mr McIndoe review your methodology and provide his opinion to the appropriateness of it in demonstrating the impact of applying the MDRS.

9. Please respond to any outstanding matters from Ms McLeod for Transpower's evidence.
10. You have stated that Variation 1 did not apply to any of the Commercial and Mixed Use Zones. This is contrary to the advice of Mr Willis given during the course of the hearing of those chapters and in his section 42A report. Mr Willis's section 42A report only addressed submissions on the PDP in respect to those chapters, meaning that submissions on the Variation 1 amendments to the CMUZ chapters have not yet been reported on. Please advise how the Council proposes these submissions be addressed?
11. Please provide your final response in respect to our question on paragraph 160.
12. Please provide any updated assessment in respect to RESZ-P15 and whether this is the appropriate location in the PDP for this policy.
13. Please finalise your recommendation in respect to V139.3, taking into account our question above regarding Variation 1 and the CMUZ chapters.
14. Please respond to Kainga Ora's expert planning evidence, in particular the updated relief set out in Appendix 2 of Ms Dale's evidence. Please ensure you respond to the following specific points raised in Ms Dale's evidence:
 - a. Kainga Ora submission on MRZ-P3, where you recommend accepting their submission in Table B and note "reword as submitter requests" but have not updated MRZ-P3 in Appendix A.
 - b. Kainga Ora submission on MDRZ-Built form standards, where you recommend rejecting the submission in Table B without explanation.
 - c. Kainga Ora further submission [against WDC 47.21] regarding the definition of 'residential activity' which is referred to in Ms Dale's evidence at paragraphs 3.88-3.91.
15. Please respond to Ms McKeever evidence on vacant lot subdivision rules, noting that in Table B you agree that clarity is needed on the meaning of 'vacant lot' for the purpose of SUB-R2.
16. Please response to Ms Watt's evidence at paragraph 22-26 where she seeks clarity on your statement in Table B regarding the minimum lot size of sites within Kaiapoi Area A that "the number of additional dwellings within Kaiapoi Area A is quantified in evidence by rezoning submitters".