

**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 40 – RESPONSE TO COUNCIL
MEMO ON HS12C AND 12E,
RECONVENED DATE FOR HS12D**

INTRODUCTION

1. The purpose of this Minute is to:
 - a. respond to the Council Memorandum (Council Memo) from Mr Mark Buckley, dated 9 September 2024, and received by the Hearings Panel on 17 September 2024. This Council Memo seeks a time extension for transport expert conferencing, provides the Panel with a list of expert conferences proposed for Hearing Stream 12C, and seeks clarification of the scope of transport conferencing in respect to Hearing Streams 12C and 12D. The Council Memo is available on the Council's website.
 - b. confirm that Hearing Stream 12D will be reconvened on 4 November 2024 and to set out the process to occur in advance of the reconvened hearing.

RESPONSE TO COUNCIL MEMO

2. In respect to the question regarding scope of transport conferencing referenced in paragraphs 2 to 9 of the Council Memo:
 - a. It would be appropriate to consider other submissions seeking rezonings that would affect the roading network in and downstream of the Swannanoa/Mandeville/Ōhoka, particularly in respect to the Tram Road/State Highway One interchange.
 - b. Only those submissions where expert transport evidence has been provided to support the submission need be considered.
3. Leave is granted for a time extension to enable transport conferencing to occur, to 11 October 2024. The Panel would like to record their disappointment that the experts did not request this clarification when they received our Minute, and that clarification and leave was not sought until after the date the joint witness statement was due. However, it is our strong preference that this conferencing occurs, and we encourage the experts to undertake it expeditiously.
4. The Panel notes paragraph 14.
5. The Panel also notes the proposed conferencing to occur for Hearing Stream 12C, and thanks Mr Buckley for taking the initiative to commence this.

RECONVENED DATE FOR HEARING STREAM 12D AND PROCESS

6. Hearing Stream 12D will be reconvened on Monday 4th November 2024, in Council Chambers.
7. By way of background, Hearing Stream 12D was held on 1 to 3 July 2024, and, as is set out in our Minute 31, was adjourned to:
 - a. Address matters of capacity and demand that could only be addressed after the Council's economic evidence for Hearing Stream 12E was made publicly available;

- b. Enable expert conferencing to occur and for the IHP to put any questions to experts having read the joint witness statements; and
 - c. Address the bespoke planning provisions proposed by Carter Group Property Ltd and Rolleston Industrial Developments Ltd, with respect to the land for which they had sought rezoning of.
8. In our Minute 33, we subsequently directed further expert conferencing to address cumulative effects in respect to wastewater, stormwater, and transportation arising from rezoning requests in Hearing Streams 12C and 12D. We also directed that the Council obtain legal advice in respect to matters relating to the interpretation of the NPS-UD, the CRPS and the PDP itself.
9. The sole purpose of the reconvened hearing on 4th November 2024 is to cover the three matters listed in paragraph 7 above, and the cumulative effects conferencing (as it applies to Hearing Stream 12D) and legal response as set out in paragraph 8 above.
10. At this point of time, the IHP has received the joint witness statements in respect to the LUMS, planning, wastewater, water and stormwater and transport. The cumulative transport effects joint witness statement is not yet available. We have not received a joint witness statement from the economists, as it was resolved that there was no further information or evidence on which conferencing could occur.
11. The IHP has received the legal response from the Council. We also have the legal submissions presented by Counsel for Carter Group Property Ltd and Rolleston Industrial Developments Ltd, and Counsel for the Oxford Ōhoka Community Board. The IHP will consider these legal submissions in our deliberations.
12. To enable an efficient reconvened hearing, pursuant to section 41C of the RMA, we hereby direct:
 - a. The Council reporting officer is to provide an addendum to his section 42A report no later than **4pm 10 October 2024**, which sets out any amended recommendation in respect to the matters set out in paragraphs 7 and 8 above. This addendum should be informed by any updated technical advice as a result of the expert conferencing. The IHP notes that the transport cumulative effects conferencing joint witness statement may not be available in sufficient time, and a further addendum may need to be produced, or addressed at the hearing. If it transpired that the transport joint witness statement is made available in sufficient time to inform the s42A addendum report that would be the most efficient for the process.
 - b. Submitters who have had expert witnesses involved in the matters set out in paragraphs 7 and 8 are to provide any expert evidence relating to these matters no later than **4pm 17 October 2024**.

13. Any legal submissions on behalf of either the Council or submitters who are providing expert evidence in accordance with our paragraph 12 are to be provided in accordance with our Minute 1.
14. The IHP would like to make it clear that the reconvened hearing is to address the matters in our paragraphs 7 and 8 only and it is not an opportunity to traverse any other matter, or to introduce any new evidence. The IHP will only be accepting and hearing from the experts as set out in paragraph 12 above and counsel in respect to any associated legal submissions.

CORRESPONDENCE

15. 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 IHP members
19 September 2024