

## WAIMAKARIRI DISTRICT PLAN REVIEW

### MEMORANDUM TO HEARING PANEL

**FILE NO AND TRIM NO:** DDS-06-10-02-04-01 / 240507072472

**DATE:** 6 May 2024

**MEMO TO:** Hearing Commissioners and Independent Hearing Commissioners

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

**SUBJECT:** Re: Council approach to reporting on submissions for rezoning under the PDP and Variation 1

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1. In Minute 23, the Hearings Panel requested that Council provide advice on how they propose to approach reporting on submissions for rezoning to the Proposed District Plan (PDP) and Variation 1 (V1) that apply to the same site, by Monday 6 May 2024. Following this, the Minute provides submitters the opportunity to reply within five working days, by 4pm on Monday 13 May.
2. The purpose of this memo, on behalf of Council, is respond to the panel's request above and to propose a number of minor changes to the rezoning sub-streams to accommodate rezoning submissions on V1 and the PDP. In addition, this memo proposes an additional hearing sub-stream to progress the submission of Daniel Smith [10] seeking a Special Purpose Zone at the Rangiora Airfield. For clarity, no changes to the hearing stream dates of the existing hearing streams are proposed.

#### Background to PDP and V1 submissions

3. The primary interface with rezoning submissions on the PDP and provisions proposed as part of V1 regard the areas of Rangiora Woodend/Ravenswood/Pegasus, and Kaiapoi. Rezoning requests in these areas fall within Hearing Stream 12E.<sup>1</sup> The provisions notified as part of V1 interface with the PDP's Medium Density Residential Zone (MRZ) (in the centres of towns) and the General Residential Zone in the relevant residential zones<sup>2</sup> of the district.
4. The substantive content of V1, such as the rules and built form standards for the MRZ and the applicability of new or amended qualifying matters is to be heard in Hearing Stream 7.
5. The PDP is processed under Schedule 1 of the RMA with submissions heard by the full panel of commissioners, whereas V1 is processed under the Intensification Streamlined Planning Process (ISSP) and heard by the Independent Hearings Panel (IHP).
6. Within Hearing Stream 12E, there are 73 submissions and 49 further submissions seeking rezoning under the PDP. Under V1 there are 27 submissions and 12 further submissions seeking rezoning. Most of the submissions seeking rezoning fall in the future development

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<sup>1</sup> For the purpose of clarity, it is noted that Variation 1 is also relevant to other rezoning requests in other sub-streams that are either specific to a rezoning request or propose minor amendments as part of the commercial zoning report.

<sup>2</sup> Relevant residential zone as defined by the RMA.

areas or seek upzoning of existing zoned areas.

7. The PDP submissions predated the notification of Variation 1, however, there are no new areas of land proposed by submissions on V1 that do not have a corresponding PDP submission. There are also no submissions on V1 that do not have a corresponding PDP submission.
8. However, there are individual PDP submitters that do not have a corresponding V1 submission.
9. The Councils review of information provided by submitters to date has confirmed that all technical evidence submitted has primarily referenced the relevant PDP submissions, with no additional or separate technical evidence relating to V1 submissions.

#### Proposed s42A report – Stream 12E

10. The planning officer responsible for drafting the rezoning hearing report has advised that:

*“...my intention is to provide separate s42A reports covering rezoning submissions made under Variation 1 in the context of the scope of Variation 1 and the MDRS. Whilst Variation 1 submissions seeking rezoning need to be treated on their merits, and at first principles, separate to any recommendations made under the PDP, I do not consider it efficient or effective to duplicate the content of the reports.*

*As the rezoning evidence received to date uses the relevant PDP submissions for scope, I am placing all of the rezoning recommendations in the PDP s42A report.*

*To avoid this duplication, my Variation 1 report will address Variation 1 submission or evidence content, but using the technical context and assessments in the PDP report where relevant, with recommendations in the scope of V1 submissions, the MDRS, and the ISSP process accordingly. This report can only be considered by the Independent Hearings Panel.”*

#### Recommended approach to hearings

11. Following the process established to date, Council suggests to the panel(s) that Hearing Stream 12E is split between 12(E)(1) for PDP rezoning hearings and hearing Stream 12(E)(2) for the V1 submissions. The primary reason for this is to acknowledge that submitters have scope to present evidence on either their PDP or V1 submission, which are subject to different decision-making processes.
12. In making this recommendation, Council acknowledge that a difference in the process to date is that rezoning submitters may need to appear at both Stream 12E(1) and 12E(2) which may necessitate appearing before two separate panels, potentially on different dates. However, as outlined in paragraph 9 above, technical evidence that has been provided to date primarily relates to outcomes sought on the PDP submissions.
13. Submitters that may wish to provide separate evidence in relation to the V1 submission could either table evidence, or present separately to the IHP panel on matters specific to the V1 submission.

14. An alternative approach is to undertake hearing on both the PDP and IHP processes consecutively (i.e. within the same hearing stream); however, Council consider that this would not lead to an efficient hearing process as evidence presented will need to be separated between the IHP and PDP both in drafting and at the hearing, despite the current focus of evidence being on PDP submission outcomes.
15. The Council acknowledges that this hearing stream approach has been proposed in the absence of a complete understanding of the position of submitters and evidence that is still to be placed before the panel. The Council therefore supports the panel's signalled approach to seek the input of submitters to this process before making a decision.

Submission 10 (Daniel Smith)

16. In analysing the rezoning submission requests and evidence received, s42A officers have identified that the submission of Daniel Smith seeking a Special Purpose Zone at the Rangiora Airfield contains evidence provided by Council staff in relation to how the Council manages the Airfield on a day-to-day basis. In reviewing the proposed rule package the submission also seeks provisions that would operationally apply to the airfield.
17. In considering these matters, Council has engaged an independent planner to assess the proposal and provide s42A recommendations. In order to now provide sufficient time for this planner to complete reporting, Council propose that the rezoning request within the submission is heard within a separate hearing stream to be called Hearing Stream 12F, to be heard sequentially within the already established Stream 12E hearing dates.
18. The Council's external reporting planner has also recently raised with Council a need to seek a peer review of the landscape assessment given the unique context of the requested special purpose zoning site. Given the circumstance outlined above, Council are currently engaging Mr Nicholson to provide a peer review of evidence presented to this submission, rather than relying on internal staff resource.
19. As previously advised to the panel, Mr Nicholson is unavailable from late May to early August. Similar to council's earlier request in relation to Hearing Stream 12D, the Council seek further leave to excuse Mr Nicholson from appearing during Hearing Stream 12F.
20. The Council has advised the submitter for Hearing Stream 12F of Mr Nicholson's availability and Council's proposed approach. Council understands that the submitter has no concerns regarding Mr Nicholson's unavailability.
21. For the reasons set out in its memorandum to the Panel dated 18 April 2024, Council does not consider any prejudice would arise in the context of the PDP process if Mr Nicholson were to be excused from attending the (potential) Hearing Stream 12F.

### Concluding Comments

22. To assist the panel and submitters, if the panel were of the mind to grant the collective relief sought in this memorandum, the proposed hearing timetable for the streams within HS12 and the previously established hearing stream 7 would be as follows:

Hearing Stream	Hearing Content	Indicative dates (refer Commissioner Minute 20)	Suggested Panel Composition <sup>3</sup>
12A	Commercial/ Industrial, Oxford and Surrounds, Pegasus Resort	4 – 7 June	Gina Sweetman, Megen McKay, Gary Rae, Cr Atkinson, Cr Mealings
12B	Rural	11 -14 June	Gina Sweetman, Megen McKay, Gary Rae, Cr Atkinson, Cr Mealings
12C	Rural Lifestyle (LLRZ/LLRO)	24-27 June	Gina Sweetman, Gary Rae, Alan Cubitt, Cr Atkinson, Cr Mealings
12D	Ohoka – RIDL	1 – 4 July	Gina Sweetman, Gary Rae, Megen McKay, Alan Cubitt
12E (1)	Rangiora, Kaiapoi, Woodend	22 July – 2 August	Gina Sweetman, Gary Rae, Megen McKay, Alan Cubitt, Cr Atkinson, Cr Mealings
12E (2)	Residential (Variation 1)	22 <sup>nd</sup> July – 2 August (immediately following HS12E(1))	Gina Sweetman, Gary Rae, Megen McKay, Alan Cubitt
12F	Daniel Smith (Rangiora SPZ)	22 July – 2 August	Gina Sweetman, Gary Rae, Megen McKay, Alan Cubitt, Cr Atkinson, Cr Mealings
7	RESZ, LLRZ, Variation 1 and 2	19 August – 2 September	Gina Sweetman, Gary Rae, Megen McKay, Alan Cubitt
7A	ECO	19 August – 2 September	Gina Sweetman, Gary Rae, Megen McKay, Alan Cubitt, Cr Atkinson, Cr Mealings

<sup>3</sup> Subject to a review of the existence of any conflicts of interest.