
OFFICER'S RESPONSE TO MEMORANDUMS

DATE: 11 October 2021

HEARING: Rezoning Requests

HEARING DATES: TBC

PREPARED BY: Justine Ashley, District Plan Review Project Lead

Introduction

The purpose of this memorandum is to provide a written response to the requests outlined in the Memorandums received from counsel for Kāinga Ora (DPR-414) and the Carter Group & CSI Property Limited submitters (DPR-0358, DPR-0384, DPR-0374, DPR-0363 and DPR-0392) (dated 5 October 2021 and 6 October 2021 respectively).

Rezoning Framework s42A Report

As set out in the Hearing Panel's Minute 1, the Council has prepared a Rezoning Framework s42A report, which was made available on 24 September 2021. Counsel for Kāinga Ora has raised concerns regarding the iterative nature of the PDP Hearings and that the Urban Growth hearing is now scheduled to take place after the date that the submitter evidence in support of a rezoning request is due, which is currently 22 October 2021.

While Council officers do not anticipate that there is likely to be any substantial change to the recommended frameworks for assessing rezoning requests arising out of the Urban Growth hearing, it is accepted that the s42A report author may make further recommended changes to the Urban Growth Chapter in their Reply Report following the conclusion of the hearing. Notwithstanding, it is also recognised that as the notified Urban Growth provisions are subject to widespread challenge and that no recommendation of a s42A author is binding on the Panel, it is anticipated that the Panel will revert to the higher order planning framework and other relevant strategic documents to guide their decision-making.

However, to ensure that the conclusions in the Rezoning Framework s42A report align with any recommendations made in the Urban Growth s42A Reply Report, we agree that it would be beneficial to submitters to delay the exchange of evidence for submitter evidence until after this report is available. We are also mindful that the hearing date for the commencement of the Rezoning Requests submission points has been extended due to delays in the progression of other hearing topics.

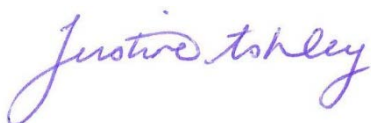
The rescheduling of the timeframes to those set out in the Memorandum from Kāinga Ora would also satisfy the extension of time request sought by the Carter Group & CSI Property Limited submitters, being 15 November 2021. It is noted that the reason for the extension of time requested by this group of submitters is to be better align with the provision of evidence required for a number of private plan change requests.

Recommendation

For the reasons set out above, it is recommended that the timeframes for the exchange of evidence for the Rezoning Requests hearing stream be amended as follows:

- (a) Subject to any recommended amendments identified in the Urban Growth s42A Reply Report, an updated Rezoning Framework s42A report for Hearing 30 – Rezoning be circulated to all submitters following the conclusion of the Urban Growth hearings but no later than **17 December 2021**;
- (b) Submitters requesting rezoning are to file their expert evidence for the hearing, including a section 32AA further evaluation report, by **4 February 2022**;
- (c) Submitters supporting or¹ opposing any rezoning request are to file their evidence for the hearing by **4 March 2022**;
- (d) SDC is to prepare and release all individual section 42A reports for the hearing no later than **20 working days prior** to the commencement of the hearing;
- (e) Any rebuttal evidence by the proponents and opponents of the rezoning is to be filed no later than **10 working days prior** to the commencement of the hearing; and
- (f) Any legal submissions are to be filed no later than **5 working days** prior to commencement of the hearing.

It is noted that the recommended date of 4 February 2022 for the provision of expert evidence in support of a rezoning request is one week earlier than requested by Kāinga Ora. However, due to the need for Council to engage experts to peer review technical reports (where required), additional time is considered necessary to enable this to occur, and for the findings of this peer review to be addressed in the first individual s42A report addressing specific rezoning requests.



Justine Ashley

District Plan Review Project Lead

11 October 2021

¹ It is noted that the directions in Minute 1 did not stipulate a timeframe for the provision of evidence by submitters in support of a rezoning request.