

Proposed Waitaki District Plan Hearings

Minute 8

HEARING STREAM 2: POST HEARING DIRECTIONS

POST HEARING 2 QUESTIONS AND DIRECTIONS

1. Minute 6 directed that the s42A report authors provide a document on how the integration of the ODP and PDP is likely to work in practise. As a consequence of that, several of the issues the Panel requires clarification on will be dealt with through that process. However, there are a number of issues that can be addressed in the meantime, particularly around how best to give effect to the various national direction planning documents that have been released since the PDPD was released. Those questions are attached as **Appendix 1**.
2. This list of questions is not exhaustive and Section 42A authors are also invited to respond to other matters arising from the hearing that are not contained in this list, bearing in mind the future implications of the integration report. This includes matters that the authors have deferred in their statements of supplementary evidence and any response they may have to the evidence received. Each Reply Report must also be appended with an updated set of plan provisions with the Reporting Officer's final recommendations and footnoted appropriately.
3. To assist the Council with their deliberation, we also direct that, the Section 42A report authors provide their final Reply Report recommendations in table form. The table must include the submitter reference; the issue being addressed, along with a brief summary of the relevant evidence; the relevant provision; the status (outstanding or resolved) of the submission; and the Reporting Officer's post-hearing interim reply.
4. The Reply Reports for Stormwater and Earthworks are to be provided to the Hearings Coordinator no later than **4pm on the 9 November 2026**, unless leave is granted by the Panel for an extension.
5. With respect to the other topics, the Panel acknowledges that final reply reports will not be possible until after the integration hearing. However, an interim reply report can be provided on other matters and are to be provided to the Hearings Coordinator no later than **4pm on the 9 November 2026**, unless leave is granted by the Panel for an extension.

DIRECTION ON EXPERT CONFERENCING

6. Many of these questions/directions in the attached appendix require conferencing with the experts of a number of submitters. To that end, the Panel hereby directs that expert conferencing occurs between the following parties:

Question 1 NPS-REG

Ms Belgrave (s42A author)

Ms Ruston for Meridian Energy.

<p>Question 5 NES-ENA</p> <p>Ms Belgrave (s42A author)</p> <p>Ms Whitney for Transpower</p> <p>Ms Justice for Network Waitaki</p>
<p>Question 6 NESTF 2026</p> <p>Ms Belgrave (s42A author)</p> <p>Mr Anderson for the Telco's</p>
<p>Question 7 Heritage Resources and Infrastructure Connections</p> <p>Ms Belgrave (s42A author)</p> <p>Mr Anderson for the Telco's</p> <p>Ms Justice for Network Waitaki</p>
<p>Question 10 Stormwater</p> <p>Ms Belgrave</p> <p>Mr Stratford and Mr White for Survey Waitaki</p> <p>Ms Sannazzaro for Federated Farmers</p>
<p>Question 15 Earthworks</p> <p>Ms Belgrave (s42A author)</p> <p>Ms Sannazzaro for Federated Farmers</p>

7. Leave may be sought from the Panel to allow other parties to participate in the expert conferencing if Ms Belgrave or the other identified parties consider this would add value to the process.
8. Expert conferencing must be carried out in accordance with the directions set out in Minute 1. Joint witness statements 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 <https://environmentcourt.govt.nz/about/practice-note/>. We direct that the s42A report author, Ms Belgrave, lead the conferencing process.

CORRESPONDENCE AND HEARING ADMINISTRATION

9. Submitters and other hearing participants must not attempt to correspond with or contact the Hearings Panel members directly. All communications and requests of the Hearing Panel must be addressed to the District Plan Hearings Coordinator, Lynda Berkahn, at:

Email: pdp.hearings@waitaki.govt.nz

Phone: 03 433 1632

A handwritten signature in black ink, appearing to read 'Allan Cubitt', written in a cursive style.

Allan Cubitt

Chair - on behalf of the Hearing Panel members

13 October 2026

Appendix 1: Questions and Directions Arising from Hearing Stream 2: Energy, Infrastructure, Stormwater, Transport, Earthworks and Designations

In addition to addressing the points raised in the evidence presented by submitters, please also address the following matters in your reply.

Energy

Question
1. Ms Ruston planning evidence for Meridian Energy raises concern that the PDP <i>“together with the recommendations in the s42A Reports, do not yet adequately give effect to the NPS-REG”</i> . Please liaise with Ms Ruston in accordance with the expert conferencing directed by Minute 8 to determine the best approach to deal with the NPS-REG having regard to the scope provided by the PDP submissions. We anticipate that it may not be possible to address all of these matters until the integration issue is addressed later in this process. However, an interim position can be reached on most of the matters in contention.
2. If not dealt with in relation to the NPS-REG question above, please address the ORC tabled statements and the planning evidence of Ms Ruston for Meridian in relation to the policy framework for large-scale REG.

Infrastructure

Question
3. NZDF tabled evidence for the Hearing. They stated: <i>“NZDF therefore supports the recommendations made by the Reporting Officer to include defence facilities within these infrastructure definitions.</i> <i>However, the reporting officer has not recommended amendments to the definition of ‘infrastructure’, retaining the definition as notified. NZDF seeks to clarify that while it supports this definition in part, NZDF has also sought the inclusion of defence facilities within the definition of infrastructure, in addition to the other infrastructure definitions noted above. This position does not appear to have been correctly reflected in the S42A reports by the Reporting Officer.”</i> Please clarify your position on this.
4. KiwiRail tabled evidence for the Hearing. In relation to submission point 233.50 they note that ‘or rail corridor’ has been removed from INF-S11 without any analysis as to why. Please review this submission and clarify why the reference to ‘rail corridor’ has been removed.
5. In her summary statement of evidence, Ms Whitney for Transpower recommended that the National Grid specific ‘third party’ rules should be deleted from the PDP and that reliance should instead be placed on the NES-ENA. Ms Justice, planning consultant for Network Waitaki, has also promoted a raft of amendments to achieve consistency with the NES-ENA. Please liaise with both parties in accordance with the expert conferencing

Question
<p>directed by Minute 8 to determine the best approach to deal with the NES-ENA having regard to the scope provided by the PDP submission. In this context, please also address the standardised setback approach recommended by Network Waitaki.</p>
<p>6. The planning expert of the Telco's, Mr Anderson, highlighted a number of alignment issues between the PDP and the recent (10 September 2026) update to the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2026 (NESTF 2026). Please liaise with Mr Anderson in accordance with the expert conferencing directed by Minute 6 to determine the best approach to deal with the NESTF 2026 having regard to the scope provided by the PDP submissions.</p>
<p>7. A number of submitters have raised concern with PDP provisions as they relate to the operation and development of infrastructure where it affects heritage resources. Please liaise with the planning consultants for the Telco's and Network Waitaki submissions and provide a joint response to how this issue should be dealt with. In this context, please seek specialist heritage input to ensure any recommended drafting aligns with the policy direction and outcomes sought within the HH Chapter, or whether changes may be needed to that section to accommodate the outcome of the expert conferencing.</p>
<p>8. Please address the tabled statements of the Otago Regional Council in relation to submission points 259.20 and 259.21, which sought greater consistency between the PDP's Infrastructure chapter and the ORPS' EIT framework. Again, the Panel acknowledges that this may be able to be fully addressed until the integration issue is addressed later in this process. We anticipate that it may not be possible to address all of these matters until the integration issue is addressed later in this process. However, an interim position can be reached on most of the matters in contention.</p>
<p>9. In response to our questions on whether it is possible to include provision for effects on indigenous biodiversity under this particular hearing regime, you answered 'yes' as you did not consider the withdrawal of the 'overlays' prevents the INF rules from identifying effects on indigenous biodiversity as a relevant matter of assessment where there is submission with scope to do so. If this is the case, there must be ability to refer to all the values that the withdrawn overlays address, if there are submissions on the point. However, this tends to contradict Mr Garbett's legal evidence.</p> <p>Accordingly, can you please seek legal advice from Mr Garbett on this matter.</p>

Stormwater

Question
<p>10. As discussed at the hearing, the Panel was concerned that there is insufficient evidential basis to justify the approach taken to SW management in the PDP, particularly in relation to the need to achieve hydraulic neutrality in all circumstances (outside the Rural zone). Several submitters including Mr Ben Stratford, Waitaki Survey, and Federated Farmers, raised similar concerns.</p> <p>The only expert the Panel heard from was Mr Stratford, a Hydraulic Engineer who appeared on his own behalf and for Waitaki Survey. Mr Stratford highlighted a number of</p>

Question
approaches to SW management noting that there needs to be flexibility in how the issue is addressed. To that end, please liaise with Mr Stratford, Mr White the planner for Survey Waitaki and Ms Sannazzaro, the planner for Federated Farmers, in an effort to find a joint solution to the issues raised.
11. Please address the Tabled evidence from the Fuel Companies in relation to STORM-P4.

Transport

Question
12. At the hearing, the vires of a phase such as the <i>'The outcome of consultation with the NZ Transport Agency Waka Kotahi'</i> as a matter of discretion was discussed, along with how it may practicably be applied in practice. Please obtain legal advice on the appropriateness of this as a matter of discretion.
13. Please address the Tabled evidence from the Fuel Companies in relation to TRAN-R4 and TRAN Table 6.
14. The tabled statement of FENZ is concerned that the Section 42A Report does not identify a clear planning basis for not providing a permitted activity framework for emergency activities. In the Panel's experience, the design and locational requirements of such activities are relatively well known and so, therefore, should their effects and how to mitigate them. Accordingly, please liaise with the planning witness for FENZ, Ms Hunia, to discuss whether there is the opportunity to provide a permitted activity framework for such activities.

Earthworks

Question
<p>15. The practical application of the rural earthwork's thresholds was discussed at the Hearing in the context of the very large rural properties commonly found in the Waitaki District. A number of submitters highlighted how restrictive these thresholds were, particularly with the withdrawal of other earthwork rules that contained separate thresholds for associated activities such as farm tracks. Several submitters sought incrementable standards over each zone, accounting for slope, overlays and other values. In that context, the Terramark submission sought the introduction of the Dunedin City District Plan earthworks provisions into the PDP although they did not present at the hearing. The hearing statement of Ms Murcott on behalf of Waitaki Property Guardians did address this matter and also referred to the DCC 2GP earthworks provisions. The planning witness for Federated Farmers, Ms Sannazzaro, presented comprehensive evidence on the earthwork's provisions and also referred to the DCC 2GP approach to earthworks. Ms Sannazzaro also addressed the consequential effects of the withdrawal of various other earthworks rules.</p> <p>Mr Garbett for the Council addressed the withdrawal issue raised by Ms Sannazzaro, and he submitted <i>"that Council Officers should seek legal advice and then report back to the</i></p>

Question
<p><i>Hearing Panel on whether EW-O3, EW-P6, EW-P7, EW-R1 and EW-R6 can properly remain in the PDP, or whether these provisions should also be withdrawn, or whether a further exemption application may be justified. If they are to be withdrawn, that is considered to be an administrative action for Officers to implement the Council's decision, rather than a merits decision for the Hearing Panel to make.”</i> The Panel understands that the Council's Planning Manager has already acted on Mr Garbett's advice but if that is not the case, the Panel requests the reporting officer provide that advice.</p> <p>The Panel has some sympathy for the position of those submitters who are concerned with the restrictive nature of earthworks threshold in the rural zones, given the size of rural properties in the Waitaki District. Once the legal questions have been answered, the Panel directs that Council staff and Ms Sannazzaro to conference in an attempt to reach a practical solution to the issue. In that process, it would also be helpful to the Panel to confirm whether it is legally possible to incorporate a set of standards into the plan that were only identified by reference to the earthwork's provisions in the 'Dunedin 2GP' in the various submissions as opposed to outlining the actual detailed provisions themselves.</p>
<p>16. Please address the issue highlighted by Commissioner Langsbury at the hearing in relation to relationship between the Earthworks provisions and contaminated soil management in the PDP.</p>