

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Proposed Private Plan Change 20 to the Operative
Waipā District Plan

MEMORANDUM OF s42A OFFICER FOR WAIPĀ DISTRICT COUNCIL

Dated 17 April 2023

TOMPKINS | WAKE

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INTRODUCTION

1. In accordance with Minute #6 of the Commissioner Panel I have reviewed the Applicants' written submissions in reply accompanied by a final set of provisions provided on 5 April 2023 (**final provisions**). As required by paragraph 3(c) of Minute #6 I have considered whether any further changes should be made to any amended provisions.
2. In general, I concur with the Applicants' submissions in reply and am satisfied with the further amendments to PC20 as set out in the final provisions. I have also reviewed the alternative wording proposed in the Applicants' submissions for those provisions put forward by submitters if the Panel is of a mind to include them in PC20.

AMENDED PROVISIONS

3. The final provisions provided on 5 April 2023 show the post-hearing changes in brown text. I have considered the amended provisions and do not require any further changes.
4. In particular, I do not support the proposed changes to the Ancillary Retail provisions that have been requested by the submitters, and am of the view that the existing District Plan provisions that are applied on a site-by-site basis are more appropriate than the suggested zone-wide cap. However, I have no difficulty with the new rule proposed by the Applicants' as rule 10.4.2.12A, to introduce a maximum size for ancillary retail activities on any site.
5. I believe that these new post-hearing provisions, which include additional cross-referencing and corrections, provide additional clarity and will assist in the administration of the provisions.

ALTERNATIVE WORDING PROPOSED

6. I have also considered the alternative wording proposed in the Applicants' submissions in reply, if the Panel is of a mind to include them in PC20.

7. I agree that the new Policy 10.3.1.2A requested by Hamilton City Council (HCC) is not workable and is unnecessary. In its proposed form it is largely aspirational. It is poorly worded, contains no linkage to any rule, and has little or no certainty in terms of implementation, given the wastewater treatment plant is by no means finalised.
8. The alternative wording suggested by the applicant at paragraph 52 of the Applicants' submissions in reply is much better than HCC's version, but it still has limited application without reference to rules. In my view it is preferable to leave this suggested policy out of PC20. It is more appropriate to deal with this matter as part of the developer agreement for water supply, given the relationship between water supply and wastewater disposal.
9. I do not support the amendment requested by HCC to the definition of 'Industrial Activities' to exclude "*Extract, process or convert natural resources, excluding farming activities and mineral extraction activities*". The reasons for removing these activities have not been adequately explained or justified in my opinion, and having two slightly different definitions in the Plan is likely to create uncertainty.
10. Regarding the provision of a shared path connecting with Peacocke Road, I consider the alternative wording of Rule 10.4.2.13A.7 suggested at paragraph 97 of the Applicants' submissions in reply is preferable to that suggested by HCC.

Dated 17 April 2023



N Williamson
Reporting Officer for Waipā District Council