

27 March 2024

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Dear Ministers

Request for extension to notify Intensification Planning Instrument

Variation 3 to the Proposed Waikato District Plan ('Variation 3') is Waikato District Council's ('Council') Intensification Planning Instrument under section 80E of the Resource Management Act 1991 ('Act').

Pursuant to a direction issued by the former Minister on 14 May 2022 under section 80L of the Act, Council is required to notify its decisions on the independent hearing panel's (IHP) recommendations in accordance with clause 102 of Schedule 1 of the Act by 31 March 2024.¹

The purpose of this letter is to seek an amendment of the direction under section 80M of the Act to allow further time for Council to notify its decisions on Variation 3. Council seeks an extension to Friday 28 June 2024. The reason for this request is administrative. The Council is not seeking to delay making decisions on Variation 3 due to the impending legislative change signalled by the coalition government.

The Council received the recommendations from the IHP on 22 March 2024. The limited time available between the receipt of the IHP's recommendations and the 31 March 2024 deadline necessitates further time to notify the decisions.

The Council requires sufficient time to formally consider the recommendations, update the proposed district plan and planning maps, consider the implications of Variation 3 decisions on appeals against the proposed district plan, and notify the decisions.

¹ The Resource Management (Direction for the Intensification Planning Process to Hamilton City Council, Waikato District Council, Waipa District Council and Rotorua District Council) Notice 2022.

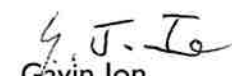
A summary of the hearing process to date, and the actions to be completed by Council since receipt of the IHP's recommendations, are set out below to support the request for further time:

- The hearings for Variation 3 took place in three tranches in February, July/August, and December 2023.
- Council is concurrently managing appeals against a proposed district plan (66 in total) and Variation 3 at the same time. This is an added complexity to the hearing process as many appellants on the plan also submitted on Variation 3 seeking identical relief.
- The Council requested the hearing remain open until 24 January 2024 to enable consent orders resolving certain rezoning appeals against the proposed district plan to be issued by the Environment Court. Some of those consent orders have had direct implications on 'relevant residential zones' as defined by the Act and, pursuant to section 77G(1), required a decision by the IHP. The last rezoning consent order relevant to Variation 3 was issued by the Court on 19 February 2024, subsequent to this the IHP formally closed the hearing on 29 February 2024.
- The Council's latest meeting was on 25 March 2024. The agenda for this meeting closed on 12 March. The Council had not received the recommendations from the IHP by this date.
- Council staff require sufficient time to read and familiarise themselves with the recommendations, and where and how they may depart from the Council's section 42A final recommendations to the IHP. Staff will then prepare a report containing a recommendation to the Council to accept, accept in part, or reject the recommendations of the IHP.
- As part of making its decision the Council will need to consider whether there are any recommendations that impact on any appeals on the proposed district plan. If there are then the Council will need to consider whether to reject those recommendations, or to defer those recommendations until the relevant appeal is resolved. Clause 36 of Schedule 12 to the Act preserves the appeals on the proposed district plan. This task is different than other local authorities undertaking an ISPP.
- If any of the IHP recommendations are accepted by Council, at the same time as notifying the decisions, the text of the proposed district plan and the associated planning maps will need to be amended and prepared for notification. This task will include the preparation of a Partially Operative Waikato District Plan. It is important this task is completed accurately and that sufficient time is provided for that to occur. In respect of the planning maps, the Council's Business Intelligence and Spatial Team have advised that they are currently at an interim stage of a GIS cloud migration project and the publication of a District Plan or a variation has not been done in this environment before. Because of this, time is required to reduce risk, ensure rigorous testing and accuracy of the data and mapping, and include time for a review.

Council staff consider the issues raised above will be addressed in time for the decisions to be notified by 28 June 2024. Accordingly, Council respectfully requests that the timeframe for notification of the Council's decisions on Variations 3 be extended by 13 weeks to 28 June 2024.

We look forward to hearing from you at your earliest convenience.

Yours sincerely


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Chief Executive

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