

Before the Hearing Panel  
Appointed by the Waimakariri District  
Council

Under the Resource Management Act 1991

In the matter of a hearing on submissions on the proposed Waimakariri District  
Plan

Hearing Stream 12E: Residential Rezoning – Rangiora

Between **Rachel Claire Hobson and Bernard Whimp**

Submission number: 179

Further Submission number: 90

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**Legal Submissions on behalf of Rachel Hobson and Bernard Whimp**

9 August 2024

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**Submitter's solicitors:**

Sarah Eveleigh | Sarah Schulte

Anderson Lloyd

Floor 2, The Regent Building, 33 Cathedral Square, Christchurch 8011

PO Box 13831, Armagh, Christchurch 8141

DX Box WX10009

p + 64 3 379 0037

sarah.eveleigh@al.nz | sarah.schulte@al.nz

**anderson  
lloyd.**

### **May it please the Commissioners**

- 1 These submissions are provided on behalf of Rachel Claire Hobson and Bernard Whimp (**the Submitters**)<sup>1</sup> on the proposed Waimakariri District Plan (**PWDP**), Stream 12E: Residential Rezoning – Rangiora hearing.
- 2 The submission relates to the rezoning, or application of a Future Development Area (**FDA**) overlay, to land located on the corner of Golf Links Road and Rangiora-Woodend Road, in East Rangiora.
- 3 The following evidence is provided in support of this submission:
  - (a) Jade McFarlane – Urban Design;
  - (b) Stephany Pandrea / Jenny Bull<sup>2</sup> – Flood and Infrastructure;
  - (c) Andrew Leckie – Transport;
  - (d) Philippe Dumont – Contaminated land;
  - (e) Nicholas Harwood – Geotechnical;
  - (f) Natalie Hampson – Economics; and
  - (g) Bryan McGillan – Planning

### **Structure of submissions**

- 4 These submissions address:
  - (a) The proposed rezoning;
  - (b) Issues arising from the Officer's Report:
    - (i) Urban growth policy;
    - (ii) Transport;
    - (iii) Urban design / urban form; and
  - (c) Statutory planning assessment.

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<sup>1</sup> Submission 179 and Further Submission 90

<sup>2</sup> As Ms Pandrea is unable to attend this hearing, Ms Bull has provided a brief of evidence confirming that she agrees with and adopts the content of Ms Pandrea's evidence on flood hazard and infrastructure.

## The proposed rezoning

- 5 The submission relates to two adjacent parcels of land at 518 Rangiora-Woodend Road and 4 Golf Links Road, located in east Rangiora (the **Site**).
- 6 The Site has a notified zoning of Rural Lifestyle (**RLZ**). Land to the west is subject to the North East Rangiora Future Development Area (**FDA**) overlay, while land to the south is subject to the South East Rangiora FDA. The officer recommends that all of this land (and an additional area adjacent to the South East Rangiora FDA) be rezoned.
- 7 The Submitters' preferred relief is for the Site to be rezoned to a residential zone. The submission sought rezoning to General Residential (**GRZ**), however subsequent central government direction to incorporate medium density residential standards would see this relevant residential zone amended to MRZ.
- 8 The Submitters' alternative relief is that a Future Development Area (**FDA**) overlay be applied to the Site.<sup>3</sup>
- 9 Rezoning of the Site is advanced on the basis that:
  - (a) The Site is in a recognised and preferred location for residential growth in Rangiora, as identified in the Waimakariri District Development Strategy 2048;
  - (b) Together with adjacent land recommended for rezoning, development of the Site will provide for contiguous and consolidated urban form. It will also provide a more consistent urban edge and streetscape along Rangiora-Woodend Road, by better aligning the extent of development on the northern and southern sides of the road;<sup>4</sup>
  - (c) The adjacent Rangiora-Woodend Road provides a high level of transport connectivity for a range of transport modes, including a public transport route that is in walking distance of all areas of the development;<sup>5</sup>
  - (d) The Site is located proximate to the Rangiora town centre (1.6km), the current extent of the built environment (220m), Rangiora High School (2km), and community (400m to the Bellgrove neighbourhood centre) and

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<sup>3</sup> At the Submitter's request, the Panel's consideration of the submission seeking inclusion within an FDA was deferred from Stream 10A: Future Development Area hearing, until the Stream 12 hearing.

<sup>4</sup> Supplementary evidence of Jade McFarlane at [25]

<sup>5</sup> Evidence of Andrew Leckie at [10](e) and (i)

recreational facilities (adjacent to the golf course and 1.4km to Ashely Rakahuri Regional Park);<sup>6</sup>

- (e) The proposed development is able to be efficiently and economically serviced for water supply and wastewater, with upgrades provided as part of the works to service the Bellgrove development;<sup>7</sup>
  - (f) The Site is located on ground that is geotechnically suitable for development,<sup>8</sup> and free from significant hazard risk. Stormwater and flood impacts can be appropriately managed;<sup>9</sup>
  - (g) The Site would be subject to a proposed Outline Development Plan (**ODP**) that would recognise and enhance environmental features by naturalising the Taranaki Stream within a recreational corridor, provide for internal transport connectivity through a high level road layout, and identify the location of facilities for stormwater management.<sup>10</sup>
- 10 An FDA overlay would provide many of the same benefits as rezoning. However, as rural lifestyle development is enabled by the underlying zoning, the FDA overlay will not prevent the land from being fragmented in the interim, which would undermine and inhibit the future residential development of the Site.<sup>11</sup> It would also require additional consenting or certification processes to enable development to proceed.
- 11 Given the comprehensive assessment presented in support of the residential rezoning, in our submission there is sufficient information to confirm the zoning of the Site through the PWDP process.

### **Officer's Report**

- 12 The Officer considers that both GRZ and MRZ are available as future zones on this Site for consideration.<sup>12</sup>
- 13 He concludes that the technical and engineering issues with the Site can be addressed, with any increase in flood depth resulting from residential development

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<sup>6</sup> Evidence of Jade McFarlane at [10]; Supplementary evidence of Jade McFarlane at [14] – [15]

<sup>7</sup> Evidence of Stephany Pandrea at [9] – [14]; Evidence of Jenny Bull at [10]; Officer's Report at [513], [524] and [536]

<sup>8</sup> Evidence of Nick Harwood at [17] – [19]; Officer's Report at [513]

<sup>9</sup> Evidence of Stephany Pandrea at [29] – [30]; Officer's Report at [512] and [526]

<sup>10</sup> Evidence of Jade McFarlane at [18]; Supplementary evidence of Jade McFarlane at [15]

<sup>11</sup> Supplementary evidence of Natalie Hampson at [14]

<sup>12</sup> Officer's Report: Residential Rezoning, Part 1 at [527]

able to be managed, and servicing wastewater and potable water able to be provided.<sup>13</sup>

- 14 However, the Officer recommends rejecting the submission, raising issues related to policy, appropriateness of the location for development, and transport connectivity and effects. These matters are responded to below and in supplementary evidence.

### **Urban growth issues**

- 15 The Officer describes the proposed rezoning as an unanticipated development, noting it is not currently in a development area, or identified as an existing urban area in Map A.<sup>14</sup> He considers it does not meet pathways for rezoning available under the NPS-UD.

### *CRPS Map A and the NPS-UD*

- 16 The Panel will be familiar with the inconsistency between the CRPS direction (Objective 6.1.2.3) to avoid development outside of the areas identified on Map A, and the responsive planning framework in the NPS-UD (Objective 6 and Policy 8), which contributes to wider NPS-UD objectives to achieve well-functioning urban environments, provide sufficient development capacity and enable competitive housing markets.
- 17 As the NPS-UD is the more recent, higher-order document, it is now well accepted that the responsive planning framework can overcome the 'avoid' direction in the CRPS, where that direction would be inconsistent with the policy direction in the NPS-UD.
- 18 On the assumption that most, if not all, of the officers' recommendations for rezoning of FDAs will be accepted by the Panel, we accept that rezoning of the Site is not required to provide sufficient development capacity. However, that is not a requirement of the NPS-UD, and there is nothing in the NPS-UD that directs that capacity be managed to avoid an oversupply. On the contrary, the NPS-UD directs that there be "*at least* sufficient development capacity at all times",<sup>15</sup> and supports planning decisions that contribute to a competitive land and development market.<sup>16</sup>

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<sup>13</sup> Officer's Report: Residential Rezoning, Part 1 at [521]-[526]

<sup>14</sup> Map A - Greenfield Priority Areas and Future Development Areas (CRPS); Officer's Report: Residential Rezoning, Part 1 at [527]-[528]

<sup>15</sup> NPS-UD Policy 2 and clause 3.2

<sup>16</sup> NPS-UD Objective 2, Policy 1(d)

- 19 Rezoning of the Site will contribute to provision of housing capacity and competitive land markets. It is noted that the rezoning of land itself does not result in housing supply, and the submitters confirm that they are motivated, and have the necessary skills and resources, to pursue development of the Site on obtaining rezoning.
- 20 The responsive planning framework in the NPS-UD directs (in summary):
- (a) Policy 8 – decisions are responsive to plan changes for unanticipated development that would add significantly to development capacity and contribute to well-functioning urban environments; and
  - (b) Objective 6 – local authority decisions on urban development that affects urban environments are:
    - (i) Integrated with infrastructure planning and funding decisions;
    - (ii) Strategic over the medium term and long term; and
    - (iii) Responsive, particularly in relation to proposals that would supply significant development capacity
- 21 In our submission the rezoning satisfies Policy 8, in particular:
- (a) The rezoning will provide significant development capacity – as supported by the evidence of Ms Hampson.<sup>17</sup> The Site is approximately 11ha, and is calculated by the Officer to generate 110 – 385 additional dwellings (248 as an average).<sup>18</sup> Although the Officer does not consider this to be significant, we note that other areas that would result in similar or lesser capacity have been accepted by the Officer as providing significant development capacity.<sup>19</sup> Here, in addition to the quantum of capacity provided, the Site would provide capacity in a recognised location for urban growth (as discussed further below) and as part of a wider area of land identified for development in east Rangiora, connecting the North East Rangiora and South Rangiora Development Areas. The Submitters are motivated developers, with only two parcels making up the Site. In Mr McGillan's experience, these factors have an advantage over larger developments with

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<sup>17</sup> Supplementary Evidence of Natalie Hampson at [20], [30]

<sup>18</sup> Officer's Report at [543]

<sup>19</sup> The Doncaster Developments Ltd site of 11.6ha, with yield of 110 sites, is considered by the Officer to provide significant development capacity, noting that it is the only quadrant of Rangiora not to have a new development area (Officer's Report at [356]). The Golf Links Road properties are considered to provide significant development capacity "in the context of Bellgrove North, and also with the other areas within the development areas". They have a total area of approximately 16ha and an estimate (under an average scenario) of generating 248 lots (Officer's Report at [470], [495], [506]). Spark Block B is considered to provide significant development capacity in the form of an additional 230 – 280 dwellings over 24ha (Officer's Report at [633] and [649]).

segregated ownership, which can give rise to challenges in implementation and development.<sup>20</sup>

- (b) The rezoning will contribute to a well-functioning urban environment – meeting the NPS-UD Policy 1 definition by contributing housing supply and introducing a new supplier to the market; being proximately located and accessible to employment, community services and open / green spaces within Rangiora and surrounding the Site; being well connected to public and active transport routes along Rangiora-Woodend Road; and not subject to hazards including those affected by climate change. On a broader consideration of what makes a well-functioning urban environment, the Site is adjacent to other land recommended for rezoning, providing a contiguous and consolidated urban form; can be economically serviced; and is the subject of a proposed ODP that will direct integrated development of the Site and enhancement of environmental features.

22 In applying NPS-UD Objective 6, the officer reverts to considering CRPS Policy 6.3.11.5. The submitters position is that the rezoning satisfies all of the criteria in that objective,<sup>21</sup> however we consider that this is more relevant to an assessment of alignment with the CRPS (addressed further below).

23 In our submission, it is relevant to assess the other considerations in Objective 6. In this regard, a decision to rezone the Site now:

- (a) Will have benefits in terms of integration with infrastructure planning and funding decisions, in that it will ensure that upgrades programmed to service development in the North East Rangiora and South East Rangiora Development Areas also meet servicing requirements for the Site.
- (b) Will be strategic in the long term, given the Site's suitability for residential development and recognition as the strategic direction for long term growth (in the WDDS). Rezoning through the PWDP enables integration of the urban form (particularly roading) and servicing of the various development areas. As identified by Ms Hampson, zoning of the Site will also ensure its use for residential development, and avoid the risk of rural lifestyle development occurring in the short to medium term, which could undermine future residential development.<sup>22</sup>

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<sup>20</sup> Supplementary evidence of Bryan McGillan at [19]

<sup>21</sup> Supplementary evidence of Bryan McGillan at [23]

<sup>22</sup> Supplementary evidence of Natalie Hampson at [14]

*Anticipated development*

- 24 It is accepted that the Site is not identified as an existing or future urban area within Map A of the Canterbury Regional Policy Statement (**CRPS**), and in that regard residential zoning is not "anticipated" by planning documents prepared under the RMA.
- 25 However, in raising concerns about whether the development is anticipated by the community, the Officer does not make reference to the to the Waimakariri District Development Strategy 2048 (**WDDS**), which clearly identifies that future urban growth should occur to the east of Rangiora, across and beyond the Site. The Submitters have fairly relied on the direction provided by the Council endorsed WDDS that their land is the intended location of future urban growth.
- 26 The WDDS is a relevant strategy to be had regard to under s74(2)(b)(i). The WDDS has been in place for six years and it is accepted that, in some cases, changes in higher order policy, circumstances or new information may mean that its content receives lesser weight. However, there is no evidence that this is the case in respect of urban growth east of Rangiora.
- 27 As identified by Mr McGillan, the direction contained in the WDDS is reinforced by the recently endorsed Greater Christchurch Spatial Plan (**GCSP**). He considers that eastern Rangiora is the obvious direction of future growth, as the GCSP proposes a green belt of ecological enhancement to the west and south of Rangiora, and identifies enhancement of the public transport route along Rangiora-Woodend Road.<sup>23</sup>
- 28 While the Site is not included in the Map A areas for residential growth in the CRPS, this document is currently under review.<sup>24</sup> The CRPS review will need to give effect to the NPS-UD (and any further or amended national direction that is in place prior to it being determined) and will be informed by the recently endorsed GCSP.
- 29 The Site presents a logical and appropriate location for urban growth, that is aligned with the WDDS and GCSP. Mr McGillan points out that rezoning the Site now will ensure that the ODPs for development areas in east Rangiora area are better integrated with the other residential development progressing around the Site.<sup>25</sup>

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<sup>23</sup> Supplementary Evidence of Bryan McGillan at [11]

<sup>24</sup> Supplementary Evidence of Bryan McGillan at [7],[10]

<sup>25</sup> Supplementary Evidence of Bryan McGillan at [25],[27]



## Transport

- 30 The Officer considers that the Site has transport connectivity issues, endorsing Mr Binder's view that there should be only one point of connection to Rangiora-Woodend Road and stating there are no currently available alternatives to the Rangiora-Woodend arterial; and raising concerns about effects on the operational capacity of Rangiora-Woodend Road.<sup>26</sup>
- 31 The ODP provides only one access road connecting to Rangiora-Woodend Road, with an additional road connection to Golf Links Road. Mr Leckie confirms that this will allow for local movements to and from the north and west of Golf Links Road, including Bellgrove, as it is developed. Suitable connectivity to the land north and east of the Site is also proposed through the ODP, in accordance with the recommendation of Mr Binder, Senior Transportation Engineer at Waimakariri District Council.<sup>27</sup>
- 32 As Mr Leckie's assessment demonstrates, safe and efficient vehicle access to Rangiora-Woodend Road can be provided, with minimal impact on the through-traffic carrying function of the road.<sup>28</sup> A coordinated approach, considering development on both sides of Rangiora Woodend Road, is recommended. Mr Leckie would be happy to participate in expert conferencing with relevant transport experts if that would assist the Panel.<sup>29</sup>

## Urban design / urban form

- 33 The Officer confirms that no specific urban design or greenspace advice was sought for this rezoning request, on the basis that such matters would be addressed in any subdivision consent following rezoning.<sup>30</sup>
- 34 The Officer appears to place significant weight on the lack of natural boundaries to the north or east of the Site. While Mr McFarlane agrees that in some instances defined boundaries can be a component of a well-functioning environment, they are often not the most important consideration from a holistic urban design perspective.<sup>31</sup> More importantly, Mr McFarlane considers residential development of the Site integrates well with the proposed council supported residential areas to the west and south; integrates well with natural systems and flow paths; and

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<sup>26</sup> Officer's Report: Residential Rezoning, Part 1 at [528], [532] and [536]

<sup>27</sup> Supplementary evidence of Andrew Leckie at [12]

<sup>28</sup> Supplementary evidence of Andrew Leckie at [16]

<sup>29</sup> Supplementary evidence of Andrew Leckie at [24]

<sup>30</sup> Officers Report at [516]

<sup>31</sup> Supplementary of Jade McFarlane at [35]

provides for multi-modal transport and a high level of connectivity to existing and future development surrounding the Site.<sup>32</sup>

- 35 The Officer's concern about the Site's access to community, social and commercial facilities and isolation from other developments are unfounded.<sup>33</sup> As addressed above,<sup>34</sup> the site would adjoin other development areas recommended for rezoning on its western and southern boundaries, and is in close proximity to Rangiora town centre, community and commercial services, and recreational amenities. The Bellgrove development to the west, with its planned Neighbourhood Centre, is proceeding at pace. This is important as it brings residential development on the northern side of Rangiora-Woodend Road, with its servicing and social infrastructure, much closer to the Site in the short term.<sup>35</sup>
- 36 Public transport access is critical for a well-functioning urban environment. The Site is located on Rangiora Woodend Road, an arterial road with existing bus services, and all of the site is within a 400m walkable catchment to this bus route. <sup>36</sup>
- 37 Mr McFarlane considers the Site to be well integrated with existing development and in an ideal location for future residential development.<sup>37</sup> The proposal allows for an appropriate urban form with a consistent street scene on both sides of Rangiora Woodend Road, supporting an appropriate urban design speed environment.<sup>38</sup>

#### *Effects on surrounding landowners*

- 38 The Officer raises concerns regarding effects on neighbouring landowners, including changes to rural residential amenity and loss of 'aspect'.<sup>39</sup>
- 39 This issue is not unique to the Site. There are a number of areas identified for urban expansion and recommended for rezoning by the Officers. Each rezoning will result in changes to amenity and views for landowners adjacent to the development area. The majority of boundaries on proposed ODPs do not identify any interface treatment between new residential and existing rural areas.

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<sup>32</sup> Supplementary of Jade McFarlane at [36]

<sup>33</sup> Officer's Report at paragraph 536

<sup>34</sup> At paragraph 9(d)

<sup>35</sup> Supplementary Evidence of Jade McFarlane at [18] and [28]

<sup>36</sup> Supplementary Evidence of Jade McFarlane at [16]

<sup>37</sup> Supplementary Evidence of Jade McFarlane at [19]

<sup>38</sup> Supplementary Evidence of Jade McFarlane at [34]; Supplementary evidence of Andrew Leckie at [10]

<sup>39</sup> Officer's Report at

40 Effects on surrounding landowners were considered as part of the ODP development. Neighbours at 16 Golf Links Road, 6 Marchmont Road and 494 Rangiora Woodend Road will all have stormwater management / recreational use areas adjacent to their property, aligned with existing dwellings. Further mitigation measures available, such as the retention of existing established trees, are addressed at section 4.5.2 of the Urban Design Assessment.<sup>40</sup>

### **Statutory tests**

41 The statutory tests for preparing and changing a district plan will be well known to the Panel.<sup>41</sup> We address key matters in turn below.

### **Statutory planning assessment**

#### *National Policy Statement on Urban Development 2020*

42 For the reasons addressed earlier in these submissions, rezoning of the Site to residential accords<sup>42</sup> with the NPS-UD direction to:

- (a) Enable the development of a well-functioning urban environment (Objective 1 and Policy 1);
- (b) Support competitive land markets and enable at least sufficient development capacity (Objective 2; Policy 2 and Part 3).
- (c) Be responsive to out of sequence development proposals (Objective 6, Policy 8 and clause 3.8).

#### *Canterbury Regional Policy Statement*

43 We have discussed Policy 6.3.1 and Map A above.

44 Otherwise, rezoning of the Site is generally consistent with the objectives and policies of the CRPS. In particular, the location of the Site and its connectivity, together with the direction for development form provided by the ODP, will ensure a well-designed, quality residential environment that appropriately responds to the features of the Site and its surrounds, consistent with the direction provided in Objectives 5.2.1 and 6.2.3, and Policies 6.3.2 and 6.3.3.<sup>43</sup>

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<sup>40</sup> Appended to the Evidence of Jade McFarlane

<sup>41</sup> *Colonial Vineyard Ltd v Marlborough District Council*, [2014] NZEnvC 55 at [17] onwards

<sup>42</sup> See also Evidence of Bryan McGillan at [15]

<sup>43</sup> Evidence of Bryan McGillan at [17]

*Greater Christchurch Spatial Plan*

- 45 The recently endorsed GCSP shifts away from inflexible urban growth limits, and recognises that the CRPS is under review.
- 46 Direction 4.2 of the GCSP has been amended to align with the NPS-UD, to ensure "at least" sufficient development capacity is provided or planned for to meet demand.
- 47 Map 14 of the GCSP spatially identifies broad locations for new residential growth over the long term, as required under clause 3.13(2)(a) of the NPS-UD. The Site is located on the eastern edge of the area indicating future development areas.<sup>44</sup> The identification of a green belt to the west of Rangiora, and industrial growth area to the south, together with the presence of the Ashley River to the north, means that the logical direction for further greenfield development will be to the east.

- 48 The GCSP goes on to state that:<sup>45</sup>

Further to [the identified locations for residential growth], broad locations for new residential development to provide additional capacity should align with the direction in the Spatial Plan and desired pattern of growth.

...

Broad locations should, at a minimum:

1. Be adjacent to, near, or within a Significant Urban Centre, Major Town or a Locally Important Urban Centre in Greater Christchurch;
2. Be accessible to either MRT, Core Public Transport Routes or New / Enhanced Public Transport Routes;
3. Protect, restore and enhance the natural environment, historic heritage, and sites and areas of significance to Māori;
4. Be free from significant risks arising from natural hazards and the effects of climate change; and
5. Be cognisant of the landscape and visual context, integrate with natural features and align with good urban design principles.

- 49 The Site meets the GCSP criteria, given that it is adjacent to other development areas, is adjacent to an identified New / Enhanced Public Transport Route; will enhance the environmental feature (Taranaki Stream); is free from significant natural hazard risks and the effects of climate change; and subject to an ODP

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<sup>44</sup> Evidence of Jade McFarlane, dated 5 March 2024, Figure 2.

<sup>45</sup> GCSP, section 4.2, page 63

which carefully considers the existing natural environment and will guide a high quality residential development.<sup>46</sup>

*Proposed Waimakariri District Plan*

- 50 Overall, Mr McGillan considers that rezoning the Site to GRZ will be consistent with and achieve the notified objectives and policies of the PWDP, given:<sup>47</sup>
- (a) rezoning is enabling of and generally consistent with Strategic Direction SD-02 Urban Development, by providing development that is consolidated and integrated with the urban environment, to provide an attractive and functional residential development with access to open space;
  - (b) while the Site is not located within a notified Future Development Area, it meets all of the criteria provided for new residential areas outside of the identified Future Development Areas;<sup>48</sup>
  - (c) development is consistent with relevant objectives and policies relating to transport and infrastructure, given the high level of transport connectivity and the intention to provide reticulated services;<sup>49</sup> and
  - (d) the proposed ODP satisfies the policy criteria for ODPs in SUB-P6, and residential development will otherwise achieve relevant objectives and policies of the subdivision chapter.<sup>50</sup>

*Part 2*

- 51 Absence a deficiency in the intervening statutory documents, there is no need to undertake an assessment against Part 2.<sup>51</sup> However for completeness, a Part 2 assessment has been provided with the Plan Change Request, and confirms that the request accords with Part 2.<sup>52</sup>

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<sup>46</sup> Evidence of Bryan McGillan at [24]

<sup>47</sup> Evidence of Bryan McGillan at [26]-[30]

<sup>48</sup> UFD-P2 – Identification / location of new Residential Development Areas

<sup>49</sup> Including SD-O3, SUB-O2, and SUB-P8

<sup>50</sup> Including SUB-O1, SUB-P1, SUB-P2 and SUB-P4

<sup>51</sup> *Environmental Defence Society Inc v New Zealand King Salmon Company Ltd* [2014] NZSC 38; *Appealing Wanaka Inc v Queenstown Lakes District Council* [2015] NZEnvC 139

<sup>52</sup> Plan Change Request, section 5.2

**Conclusion**

- 52 For the above reasons, is submitted that rezoning MRZ is the most appropriate outcome for the Site to ensure integrated residential expansion, in a prime location identified for growth, to achieve a well-functioning urban environment.
- 53 If the Panel does not agree that rezoning is appropriate, the Submitters support an extension of the FDA to include the Site.

Dated 9 August 2024



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Sarah Eveleigh/Sarah Schulte  
Counsel for the Submitter