

BEFORE THE INDEPENDENT HEARINGS PANEL

IN THE MATTER OF

the Resource Management Act 1991

AND

IN THE MATTER OF

the submission of B & A Stokes on
the Waimakariri Proposed District
Plan (#211), Hearing Stream 12C
Rural Lifestyle

LEGAL SUBMISSIONS ON BEHALF OF B AND A STOKES

Dated: 3rd of May 2024

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LAWYERS

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MAY IT PLEASE THE PANEL:

1 INTRODUCTION

- 1.1 These legal submissions are made on behalf of B and A Stokes (the **Stokes**) in relation to their submissions on the Proposed Waimakariri District Plan (**PDP**) and Variation 1 to the PDP (**Variation 1**).
- 1.2 The Stokes own a 144ha site located at 81 Gressons Road and 1375 Main North Road, Waikuku, as outlined in red in Figure 1 below (the **Site**). As illustrated in that Figure, the Stokes land is generally located between Ravenswood and Waikuku village, and is proposed to be zoned Rural Lifestyle Zone (**RLZ**) with a portion subject to a Large Lot Residential Zone Overlay (**LLRZO**) under both the notified PDP and Variation 1 (**Overlay Area**).

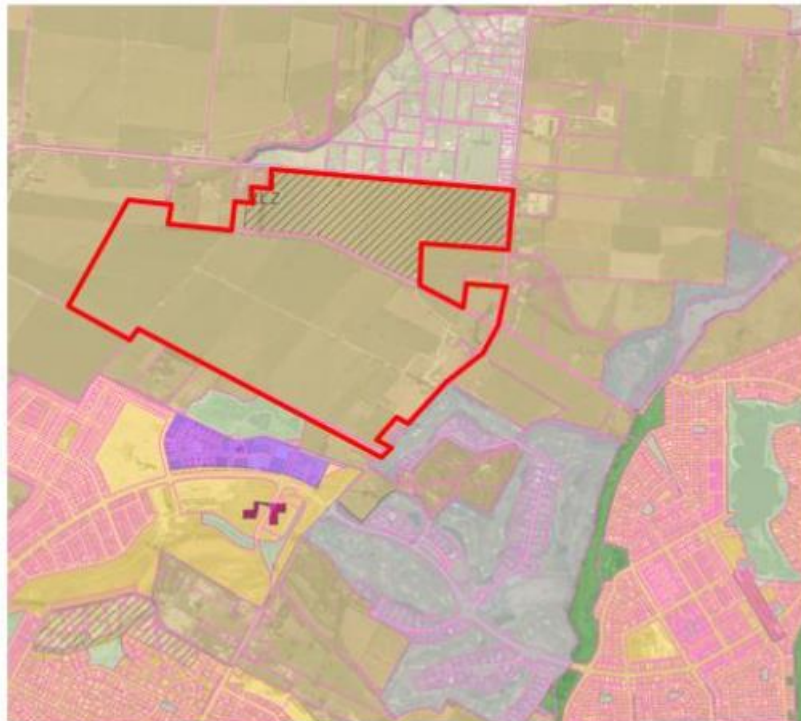


Figure 1. Site location – Proposed District Plan

- 1.3 The Stokes lodged three submissions requesting rezoning:
- (a) Submission 211 on the PDP (**Submission 211**), which requested Large Lot Residential Zoning (**LLRZ**) for the Overlay Area and an additional lot adjoining that Area to the west, comprising 30ha of

the Site adjacent to Gressons Road and Main North Road (the **Northern Portion**).

- (b) Submission 214 on the PDP requesting a combination of General Residential (**GRZ**) / Medium Density Residential (**MDRZ**) for the Site, comprising the Northern Portion and the balance of the Site extending further to the south and west.
- (c) Submission 29 on Variation 1, also requesting a combination of GRZ / MDRZ for the Site.

(Submissions 214 and 29 are herein referred to as the **MDRZ Submissions**)

- 1.4 Detailed evidence in support of the MDRZ Submissions (with some refinement to that relief) was filed on behalf of the Stokes on 4 March 2024. Further evidence is expected to be filed in response to Waimakariri District Council's section 42A report on those submissions. That evidence along with legal submissions on behalf of the Stokes will be presented at Hearing Stream 12E (Rezoning - Rangiora, Kaiapoi, Woodend, Var 1).¹
- 1.5 The Stokes do not intend to file evidence in support of Submission 211. The purpose of these legal submissions, however, is to clarify the Stokes' position regarding Submission 211 in light of their MDRZ Submissions and the detailed evidence presented in support of those.

2 SITE ZONING

- 2.1 As the Panel will be well aware, its powers in respect of the zoning of the Site are limited to what has been "*reasonably and fairly raised in submissions...*" and any consequential alterations necessarily arising from those submissions.² In that context, the submissions lodged by the Stokes and other parties in respect of the zoning of the Site provide the Panel with a fairly wide range of options.

¹ Presently set down for 22 July 2024 – 2 August 2024.

² *Forest & Bird Protection Society Inc v Southland District Council* [1997] NZRMA 408, at [413]; *Countdown Properties (Northlands) Limited v Dunedin City Council* [1994] NZRMA 145 at [166], cited in *Tussock Rise Limited v Queenstown Lakes District Council* [2019] NZEnvC 111, at [51].

2.2 Those options are outlined and briefly addressed in the primary planning evidence of Mr Clease on behalf of the Stokes. While the option of LLRZ across the Northern Portion of the Site (and retention of the balance of the Site as RLZ) is available to the Panel (and may indeed be *an* appropriate option), it is not, in Mr Clease's opinion, the *most* appropriate option of those before the Panel. Drawing on the evidence of the Stokes' other experts, Mr Clease concludes that the comprehensive rezoning of the entire Site as sought in the MDRZ Submissions and refined through the expert evidence filed on 4 March 2024:

- (a) will better achieve the directions of the National Policy Statement on Urban Development 2020 by providing significant development capacity and contributing to a well-functioning urban environment;³
- (b) will enable a form of development that gives effect to the National Policy Statement for Indigenous Biodiversity 2023 and the National Policy Statement for Freshwater Management 2020;⁴
- (c) would achieve a better, more integrated wider urban environment with connections to the Ravenswood Key Activity Centre;⁵ and
- (d) aligns with the key Strategic Directions in the PDP regarding urban growth, and can be readily integrated with the format and content of the PDP.⁶

2.3 In that context, he considers that the relief sought in the MDRZ Submissions and refined through the Stokes' expert evidence is the most appropriate planning outcome to achieve the objectives of the PDP, the directions of the higher order documents, and Part 2 of the Resource Management Act 1991.

2.4 In light of that finding, it is the Stokes' firm preference that their Site is zoned according to that relief.

³ Evidence of Jonathan Clease (Planning) dated 4 March 2024 at 14.91 – 14.96.

⁴ *Ibid* at 12.14.

⁵ *Ibid* at 14.91 – 14.96.

⁶ *Ibid* at section 16.

2.5 Should the Panel reach a different conclusion regarding whether that relief is the most appropriate outcome for the Site, the Stokes maintain that the relief sought through Submission 211 would be an appropriate alternative outcome.

DATED this 3rd of May 2024

A handwritten signature in black ink, appearing to be 'R A Murdoch', written over a horizontal line.

R A Murdoch
Counsel for B and A Stokes