

Before an Independent Hearings Panel  
Appointed by Waimakariri District Council

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*under:* the Resource Management Act 1991

*in the matter of:* Submissions and further submissions on the Proposed  
Waimakariri District Plan

*and:* Hearing Stream 12: Rezoning requests (larger scale)

*and:* **Crichton Developments Limited**  
(Submitter 299)

Legal submissions on behalf of Crichton Development Limited

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Reference: J M Appleyard (jo.appleyard@chapmantripp.com)  
A M Lee (Annabelle.lee@chapmantripp.com)

chapmantripp.com  
T +64 3 353 4130  
F +64 4 472 7111

PO Box 2510  
Christchurch 8140  
New Zealand

Auckland  
Wellington  
Christchurch



## LEGAL SUBMISSIONS ON BEHALF OF

### INTRODUCTION

- 1 These legal submissions are made on behalf of Crichton Development Limited (Submitter 299) (*Submitter*). The Submitter made submissions to the Waimakariri District Council (*Council*) on the Proposed Waimakariri District Plan (*PDP*) to request to rezone approximately 22 hectares from Rural Lifestyle Zone (*RLZ*) to Large Lot Residential Zone (*LLRZ*).
- 2 These legal submissions do not traverse all topics but focus on the areas of contention between the Submitter and the Council by addressing the following:
  - 2.1 The application of the National Policy Statement on Urban Development 2020 (*NPS-UD*) to the Proposal.
  - 2.2 Potential for reverse sensitivity effects from the New Zealand Transport Authority Waka Kotahi (*NZTA*) proposed Woodend Bypass.
  - 2.3 Transportation, comment from NZTA and the Council's proposed conditions.
  - 2.4 The Cultural advice report provided by Mahaanui Kurataiao Ltd on behalf of Te Rūnanga o Ngāi Tahu for the properties of 145 and 167 Gladstone Road, Woodend (*Cultural Advice Report*).

### THE PROPOSAL

- 3 The land that is the subject of the rezoning submission comprises approximately 22 hectares, being 145 and 167 Gladstone Road (*Site*). It is currently proposed to be zoned RLZ in the PDP.
- 4 The eastern portion of the site is affected by a designation held by NZTA for the Woodend Bypass (*NZTA designation*). The NZTA designation is proposed to be 'rolled over' into the PDP.
- 5 The Submitter requests to rezone the Site from RLZ to LLRZ, which will enable 27 properties once the NZTA designation land has been excluded (*Proposal*).
- 6 The Site is a logical extension of the existing Copper Beach subdivision (proposed LLRZ) to the south-west of the Site and will continue to achieve an efficient urban form with good connectivity. Noting the barrier that would be provided via the NZTA designation

along the eastern part of the Site, a clear demarcation would be provided between the 'urban' and 'rural' areas.<sup>1</sup>

- 7 As part of the request for the Proposal, the Submitter has undertaken a number of expert assessments,<sup>2</sup> which have concluded that the Proposal can be undertaken and its effects comprehensively managed.

### **Waimakariri District Council Position**

- 8 The Council has outlined its position in relation to the Proposal and approach to relevant legal concepts within the:
- 8.1 Officer's Report: Hearing Stream 12C Rezoning Large Lot Residential Zone (*Section 42A Report*); and
- 8.2 Council Officer's Preliminary Response to written questions on Large Lot Residential Rezoning on behalf of Waimakariri District Council Date: 27 June 2024 (*Response to Questions*).
- 9 In conclusion of his assessment of the Proposal, **Mr Buckley**, in the Section 42A Report, concludes:<sup>3</sup>

*"While I can understand the proposed rezoning makes sense from an urban design perspective, in that it can integrate with the Copper Beach Road development, that services are available and will enable some additional housing capacity for the district. I am not convinced that placing a subdivision up against the edge of a motorway will not result in some reverse sensitivity effects, despite the proposed mitigation measures.*

*While the proposed rezoning is consistent with the NPS-UD in potentially being able to contribute to a well-functioning urban environment, it is inconsistent with Policy 6.3.9 of the RPS. I do not agree that any development capacity shortfall for the district is required to be provided at a fine-grained level for Woodend, or whether there is sufficient demand for LLRZ in Woodend as against elsewhere in the district. I recommend that the proposed rezoning is rejected."*

### **NPS-UD**

- 10 It is agreed that the correct application of the NPS-UD is fundamental to the determination of the Proposal.
- 11 It should be emphasised that the application of the NPS-UD is as much an evidential matter as a legal matter. These submissions do not repeat all aspects of the relevant evidence that assesses the Proposal in terms of the NPS-UD; however, they highlight the key

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<sup>1</sup> Statement of evidence of Georgia Brown (Planning) on behalf of Crichton Developments Limited in relation to Gladstone Road rezoning request, dated 5 March 2024 at [26].

<sup>2</sup> Geotechnical; Urban Design; Planning; Acoustics; Economics; Contaminated Sites (PSI); Servicing; Soils and Transport.

<sup>3</sup> Officer's Report: Hearing Stream 12C Rezoning Large Lot Residential Zone dated 23 May 2024 at [465]-[466].

information and issues of interpretation and contention regarding its application.

- 12 As stated in the supplementary evidence of **Ms Brown**, the evidence and our legal submissions dated 20 June 2024 provided on behalf of Rolleston Industrial Developments Limited and Carter Group Property Limited (*RIDL*) in relation to Hearing Stream 12D: Ohoka are directly relevant to this Proposal insofar as they provide a clear assessment as to how to define the 'urban environment' and how this then engages the NPS-UD.
- 13 The Submitter adopts the interpretation and analysis provided in *RIDL*'s evidence and legal submissions, and these legal submissions expand on that interpretation and analysis as it relates to the Proposal and Hearing Stream 12C.

**What is the urban environment?**

- 14 Clause 1.3(1)(b) of the NPS-UD directs that the NPS-UD applies to planning decisions by any local authority that affect an 'urban environment.' The starting point is an interpretation exercise as to what the 'urban environment' is.
- 15 The NPS-UD, in its Appendix at Table 1 includes 'Christchurch' as a Tier 1 urban environment. The Christchurch 'urban environment' includes land in the Waimakariri District as the Council is listed as one of the Tier 1 territorial authorities for the Christchurch urban environment.
- 16 In summary, it is clear that 'Greater Christchurch' is intended to be the 'Christchurch Tier 1 urban environment' under the NPS-UD, noting various other planning documents across the region have already established this to be the case:
- 16.1 *Our Space* states at page 6, "the Partnership has determined that the Greater Christchurch area shown in Figure 1 should be the geographic area of focus for the Update and the relevant urban environment for the purposes of the NPS-UDC requirements."
- 16.2 Policy 6.2.1a of the CRPS requires that "at least sufficient development capacity for housing is enabled for the Greater Christchurch urban environment" and the reasons and explanation for this policy unequivocally states that "The Greater Christchurch Tier 1 urban environment is the area shown on Map A."
- 16.3 The recent Spatial Plan uses the same area. At page 15 the GCSP states that "The Spatial Plan satisfies the requirements of a future development strategy under the National Policy Statement on Urban Development." The Spatial Plan clearly indicates that Greater Christchurch is the urban environment for the purposes of the NPS-UD and that Woodend (expressly

identified as an 'urban area' in the Spatial Plan) is clearly within the extent of Greater Christchurch.

- 16.4 The Selwyn District Plan review decisions accepted the Selwyn District Council's position that Greater Christchurch was the relevant 'urban environment' for the purposes of the NPS-UD.
- 17 On this basis, we do not consider the Panel is required to factually determine the question of what is the relevant 'urban environment' by examining the character of parts of the District. Rather, the extent of the 'urban environment' has already been established for the region in strategic and higher order documents (as set out above) which the PDP must give effect to.<sup>4</sup>
- 18 The NPS-UD itself also defines the term 'urban environment' as:

*"any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:*

- (a) *is, or is intended to be, predominantly urban in character; and*
- (b) *is, or is intended to be, part of a housing and labour market of at least 10,000 people."*

- 19 However, for the reasons set out above and addressed at the Hearing Stream 12D hearing, this definition need not be relied on to establish that Greater Christchurch is the relevant urban environment. Rather, this definition is relevant for those areas which are not specifically listed as Tier 1 or 2 urban environments in the NPS-UD, which need to be evaluated with reference to this definition. Therefore, to the extent that there remains a difference in opinion between the Submitter and Council on subclause (a) of the 'urban environment' definition regarding the 'is, or intended to be predominantly urban' issue, we consider this to be a moot point. Regardless, we consider this further below.

- 20 **Mr Buckley** does not consider the LLRZ to form part of the 'urban environment'. **Mr Buckley** in his Response to Questions, states that:<sup>5</sup>

*"With respect to the NPS-UD definition of "urban environment" and the interpretation of "urban in character", I do not consider that LLRZ is predominantly urban in character. With properties having an average density of 5,000m<sup>2</sup>, no curb and channelling, streetlights, businesses, and community services, which I consider form part of the character of*

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<sup>4</sup> Resource Management Act 1991, s 75(3).

<sup>5</sup> Council Officer's Preliminary Response to written questions on Large Lot Residential Rezoning on behalf of Waimakariri District Council, dated 27 June 2024 at 5.

*an urban environment and are generally absent from LLRZ areas in the district’.*”

- 21 **Mr Buckley** in his Response to Questions details paragraph [46] of **Mr Willis’s** Section 42A Ohoka Rezoning officer report, which states that the plain ordinary meaning of urban character “*must have as its main, strongest, or prevailing element the characteristics of a city or town*” which he considers are absent from the LLRZ areas.<sup>6</sup> For completeness, we note that **Mr Buckley** also considers that the LLRZ is not rural.<sup>7</sup>
- 22 Difficulty arises with **Mr Buckley’s** (and **Mr Willis’s**) interpretation in that they do not go on to articulate the geographical extent of the Christchurch Tier 1 ‘urban environment’ and instead elect to adopt a piecemeal approach that assesses whether individual parcels of land or specific zones are ‘predominantly urban in character’ in and of themselves.
- 23 On a plain and ordinary reading of the wording of the NPS-UD, it is clear that the words ‘predominantly urban’ anticipates those areas that are non-urban (i.e. rural, open space, etc) in character also fall within the urban environment, provided that the character of the urban environment remains ‘predominantly urban’. This supports the view that the definition is focused on wider areas (which may include a mix of urban and non-urban land) rather than specific settlements or urban zones, which would be exclusively urban and would not facilitate an urban environment that was able to provide any new greenfield growth.
- 24 This is further supported by the words “*regardless of size and irrespective of local authority and statistical boundaries*” of the definition and subclause (b), which refers to areas that are “*part of a housing and labour market of at least 10,000 people*” which clearly contemplates a wider lens than a site-by-site assessment.
- 25 As stated by **Ms Brown, Mr Buckley’s** approach to the ‘urban environment’ definition creates a risk of insufficient capacity in areas of the District (Policy 2), a failure to meet different needs, types and locations of households (Policy 1(a)), competition within the housing market (Objective 2), a failure to enable more people to live in areas of the urban environment where there is high demand for housing relative to other areas (Objective 3(c), and would preclude unanticipated plan changes despite those being anticipated by the

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<sup>6</sup> Council Officer’s Preliminary Response to written questions on Large Lot Residential Rezoning on behalf of Waimakariri District Council, dated 27 June 2024 at 5.

<sup>7</sup> Supplementary statement of evidence of Georgia Brown (Planning) on behalf of Crichton Development Group Limited in relation to Gladstone Road rezoning request, dated 11 July 2024 at [13].

NPS-UD (Policy 8).<sup>8</sup> Lastly, **Ms Brown** notes that **Mr Buckley's** interpretation also creates the risk of inconsistency as to where the urban environment starts and stops, or otherwise a requirement to redefine it repeatedly for different proposals.<sup>9</sup>

- 26 Further, if **Mr Buckley's** interpretation was accepted, then no plan changes could ever be considered under Policy 8 of the NPS-UD because unanticipated plan changes inherently will be on non-urban land, which on **Mr Buckley's** interpretation would not form part of an 'urban environment' and the NPS-UD would not apply to these. This cannot be right and would clearly be an absurd interpretation.
- 27 **Mr Buckley's** interpretation is not the interpretation being adopted by other local authorities, such as the Selwyn District Council, who, in their recent district plan review, rezoned a number of areas of non-urban land on the basis that the whole of Greater Christchurch (irrespective of the zoning of a particular site) was the relevant 'urban environment'.
- 28 **Mr Yeoman** also appears to agree that the LLRZ forms part of the 'urban environment' under the NPS-UD as the Waimakariri Growth Model 2022 (WCGM22) results reported by Formative (December 2023) included LLRZ for each of the three main urban townships, combined 'urban environment', and total district<sup>10</sup> (Notwithstanding, we do not agree with **Mr Yeoman's** interpretation that the three main townships in the Waimakariri District are the 'urban environment').
- 29 The capacity of the proposed LLRZ (while minor in relative terms) is included in the WCGM22 as part of all plan-enabled capacity, RER capacity, and feasible capacity (the latter being limited to the long-term, but otherwise accepted by **Mr Yeoman** as applying in the medium-term in evidence).<sup>11</sup> If the Council has now determined that LLRZ is not part of the 'urban environment' then this must be removed from the WCGM22 modelling.
- 30 In this context, the term 'urban environment' in the NPS-UD, which references Greater Christchurch, is the only interpretation that makes sense. The Proposal is located within Greater Christchurch, and therefore, the NPS-UD (including those provisions referenced

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<sup>8</sup> Supplementary statement of evidence of Georgia Brown (Planning) on behalf of Crichton Development Group Limited in relation to Gladstone Road rezoning request, dated 11 July 2024 at [14].

<sup>9</sup> Supplementary statement of evidence of Georgia Brown (Planning) on behalf of Crichton Development Group Limited in relation to Gladstone Road rezoning request, dated 11 July 2024 at [14].

<sup>10</sup> Supplementary statement of evidence of Natalie Hampson (Economics) on behalf of Crichton Development Group Limited in relation to Gladstone Road rezoning request, dated 11 July 2024 at [48]-[50].

<sup>11</sup> Supplementary statement of evidence of Natalie Hampson (Economics) on behalf of Crichton Development Group Limited in relation to Gladstone Road rezoning request, dated 11 July 2024 at [48]-[50].

above) must be given effect to in the PDP, including as it relates to the LLRZ.

### **Well-functioning urban environments**

- 31 Policy 1 of the NPS-UD states that planning decisions must contribute to well-functioning urban environments; as stated above, the 'urban environment' in the Proposal's context is Greater Christchurch.
- 32 As discussed by the legal submissions for RIDL in regard to Hearing Stream 12D, the criteria outlined in Policy 1 from (a)-(f) can inherently pull against each other. Therefore, provided a proposal contributes to at least some criteria and does not substantially detract from the other criteria, on balance, that proposal would 'contribute' to the wider urban environment being well-functioning.
- 33 In regard to Policy 1, **Ms Brown** has assessed the Proposal's ability to contribute towards a well-functioning urban environment under subclauses (a)-(f). In summation:<sup>12</sup>
- 33.1 The Proposal will enable the Council to provide a variety of homes that will meet the needs of different households in terms of type, price, and location. **Mr Twiss** identifies that there is a lack of supply for rural residential lots in Woodend and the Proposal would provide demand for people who may otherwise move to other locations looking for bigger housing options.<sup>13</sup>
- 33.2 The Proposal is supported by good accessibility to the adjacent road network and access to open space areas within the vicinity of the Site, including active connections through cycle/pedestrian accessways.<sup>14</sup>
- 33.3 **Mr Gallot** considers that the Proposal is provided for with connections to the surrounds, including active connections through cycle/pedestrian accessways.<sup>15</sup>
- 33.4 The Proposal will support the competitive operation of the land and development market, specifically meeting the

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<sup>12</sup> Statement of evidence of Georgia Brown (Planning) on behalf of Crichton Developments Limited in relation to Gladstone Road rezoning request, dated 5 March 2024 at Appendix 4.

<sup>13</sup> Statement of evidence of James Twiss (Real estate) on behalf of Crichton Developments Limited in relation to Gladstone Road rezoning request dated 5 March 2024 at [12] – [13].

<sup>14</sup> Statement of evidence of Wayne Gallot (Transport) on behalf of Crichton Developments Limited in relation to Gladstone Road rezoning request, dated 5 March 2024; Statement of evidence of Dave Compton-Moen (Urban Design / Landscape) on behalf of Crichton Developments Limited in relation to Gladstone Road rezoning request, dated 5 March 2024.

<sup>15</sup> Statement of evidence of Wayne Gallot (Transport) on behalf of Crichton Developments Limited in relation to Gladstone Road rezoning request, dated 5 March 2024.



projected shortfall in LLRZ capacity in Woodend in the medium term identified by **Ms Hampson**.<sup>16</sup>

33.5 The Proposal will assist in supporting reductions in greenhouse gas emissions, acknowledging that the Proposal will be in an efficient location to existing centre zones, community facilities and employment opportunities of Woodend/Ravenswood.<sup>17</sup>

33.6 The Proposal is resilient to the likely and future effects of climate change as the site is not affected by any significant natural hazards. Flood hazard effects can be sufficiently mitigated as per the evidence of **Mr McLeod**.<sup>18</sup>

34 Mr **Buckley** agrees with the assessment of Ms **Brown** and states in the Section 42A Report that the Proposal is consistent with the NPS-UD in so far as it is able to contribute to a well-functioning urban environment.<sup>19</sup>

**Provide 'at all times' at least 'sufficient development capacity'**

35 Policy 2 requires that at all times, at least sufficient development capacity is provided. Policy 2 of the NPS-UD engages Objectives 2 and 3 of the NPS-UD.

36 Policy 2 requires that Tier 1, 2, and 3 local authorities provide at least sufficient development capacity at all times to meet the expected demand for housing land over the short, medium, and long term.

37 As discussed by the legal submissions for RIDL in regard to Hearing Stream 12D, the NPS-UD is directive in its requirement under Policy 2. This requirement is supported by Environment Canterbury (*ECan*) and the Council's obligations under the NPS-UD to undertake quarterly monitoring<sup>20</sup> and address shortfalls if it is identified that development outcomes are not being realised and/or there is an identified insufficiency.<sup>21</sup>

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<sup>16</sup> Statement of evidence of Natalie Hampson (Economics) on behalf of Crichton Developments Limited in relation to Gladstone Road rezoning request, dated 5 March 2024 at [26], [42], and [86.4].

<sup>17</sup> Statement of evidence of Georgia Brown (Planning) on behalf of Crichton Developments Limited in relation to Gladstone Road rezoning request, dated 5 March 2024 at Appendix 4.

<sup>18</sup> Statement of evidence of Time McLeod (Civil Engineer) on behalf of Crichton Developments Limited in relation to Gladstone Road rezoning request, dated 5 March 2024.

<sup>19</sup> Officer's Report: Hearing Stream 12C Rezoning Large Lot Residential Zone dated 23 May 2024 at [465]-[466].

<sup>20</sup> NPS-UD Clause 3.9.

<sup>21</sup> NPS-UD Clause 3.37(2) and 3.7.

- 38 Further, the Submitter emphasises that nothing in the NPS-UD directs the Council to avoid the oversupply of development capacity, it is a minimum requirement inclusive of a competitiveness margin. If anything, oversupply is encouraged.
- 39 **Ms Hampson** and **Mr Yeoman** are in substantial agreement on the proposed rezoning. As stated in the evidence of **Ms Hampson**, the following sets out the matters of agreement between **Ms Hampson** and **Mr Yeoman**:<sup>22</sup>
- 39.1 Demand for rural residential dwellings is in the order of 30-40 per annum across the Waimakariri District.<sup>23</sup>
- 39.2 When comparing projected demand for rural residential dwellings over a 10 year period (say 2023-2033) with LLRZ capacity in the WCGM22, there is an expected shortfall of capacity over the medium-term.<sup>24</sup>
- 39.3 If all of the Large Lot Residential Zone Overlay (LLRZO) was zoned LLRZ, much of it may be required in the medium-term, but there is a risk that some LLRZO may be rezoned for other uses which would reduce potential medium-term capacity.<sup>25</sup>
- 39.4 There is limited supply of LLRZ in Woodend and the Woodend/Pegasus township overall (including the LLRZ areas) and this had a modelled shortfall of capacity as at August 2022.<sup>26</sup>

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<sup>22</sup> Supplementary statement of evidence of Natalie Hampson (Economics) on behalf of Crichton Development Group Limited in relation to Gladstone Road rezoning request, dated 11 July 2024 at [27].

<sup>23</sup> **Ms Hampson's** evidence was at the upper end of this range (consistent with the Rural Residential Strategy 2019, but this is still within **Mr Yeoman's** range.<sup>23</sup> **Ms Hampson** assessed shortfalls without and with a competitiveness margin, and her conclusions of insufficiency are not contingent on the competitiveness margin being applied.

<sup>24</sup> **Ms Hampson** based these conclusions on RER capacity of the LLRZ (as measured in August 2022 in the WCGM22) of 188 additional dwellings while **Mr Yeoman** considers that the zoned capacity of the LLRZ is lower at 143.<sup>24</sup> However, **Ms Hampson** notes that since having learned (from the Hearing Stream 12D) that the Plan Change 17 area in Ōhoka,<sup>24</sup> which accounts for capacity of around 40 dwellings in the LLRZ is not infrastructure ready (in terms of road access) and therefore RER capacity in the medium-term should be lower (i.e., around 148 dwellings). This would bring **Mr Yeoman** and **Ms Hampson's** respective positions on existing medium-term capacity in the notified LLRZ into alignment and further reduces the sufficiency of capacity.

<sup>25</sup> Officer's Report: Hearing Stream 12C Rezoning Large Lot Residential Zone, dated 23 May 2024 at Appendix J Statement of evidence of Rodney George Yeoman on behalf of Waimakariri District Council (Economics) at [4.14].

<sup>26</sup> Officer's Report: Hearing Stream 12C Rezoning Large Lot Residential Zone, dated 23 May 2024 at Appendix J Statement of evidence of Rodney George Yeoman on behalf of Waimakariri District Council (Economics) at [4.15].

39.5 The economic benefits of the Proposal are likely to outweigh any economic costs.<sup>27</sup> It will have minimal impact on rural production<sup>28</sup> and will contribute to a well-functioning urban environment.<sup>29</sup>

***Locational Demand for Capacity of LLRZ***

40 As identified by **Ms Hampson** there are two key points of contention between herself and **Mr Yeoman** (which does not impact his general support for the Proposal):<sup>30</sup>

40.1 The Proposal should be considered within the wider context of the housing market. **Mr Yeoman** suggests that decisions on Woodend’s housing capacity should be left to Stream 12E<sup>31</sup> (i.e. decisions relating to the three main towns and the Medium Density Residential Zone (*MDRZ*)).

40.2 Demand for LLRZ is not finely localised.

41 In terms of **Mr Yeoman’s** ‘deferral’ to Hearing Stream 12E, we again raise the inherent natural justice issues that arise from this, as the Submitter (and the Panel) have not yet seen or had a chance to comment on all of the information being relied on by the Council for this hearing stream.

42 **Mr Buckley**, in the Section 42A Report agrees with **Mr Yeoman**:<sup>32</sup>

*“While Mr. Yeoman agrees with most of Ms Hampson’s conclusions, he concludes that any LLRZ shortfall within the district does not need to be in Woodend, as the market demand is not finely localised. I agree with Mr. Yeoman’s conclusion, as stated in section 4.2, the development capacity assessment under the NPS-UD does not stipulate that capacity has to be provided on a fine scale, which has not been done, or that the capacity has to be of a certain property size, rather provide a variety of type, price and locations of different households”.*

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<sup>27</sup> Officer’s Report: Hearing Stream 12C Rezoning Large Lot Residential Zone, dated 23 May 2024 at Appendix J Statement of evidence of Rodney George Yeoman on behalf of Waimakariri District Council (Economics) at [4.17] and [4.20].

<sup>28</sup> Officer’s Report: Hearing Stream 12C Rezoning Large Lot Residential Zone, dated 23 May 2024 at Appendix J Statement of evidence of Rodney George Yeoman on behalf of Waimakariri District Council (Economics) at [4.18].

<sup>29</sup> Officer’s Report: Hearing Stream 12C Rezoning Large Lot Residential Zone, dated 23 May 2024 at Appendix J Statement of evidence of Rodney George Yeoman on behalf of Waimakariri District Council (Economics) at [4.18].

<sup>30</sup> Statement of evidence of Natalie Hampson (Economics) on behalf of Crichton Development Group Limited in relation to Gladstone Road rezoning request, dated 11 July 2024 at [28].

<sup>31</sup> Officer’s Report: Hearing Stream 12C Rezoning Large Lot Residential Zone, dated 23 May 2024 at Appendix J Statement of evidence of Rodney George Yeoman on behalf of Waimakariri District Council (Economics) at [4.16].

<sup>32</sup> Officer’s Report: Hearing Stream 12C Rezoning Large Lot Residential Zone dated 23 May 2024 at [466].

- 43 **Mr Buckley** expands on his position in the Response to Questions and reiterates that, in his opinion, the NPS-UD does not require councils to consider residential demand for individual zones or even individual locations in the urban area.<sup>33</sup>
- 44 It is submitted that this interpretation is not a correct interpretation of the NPS-UD.<sup>34</sup> The correct position is set out by Ms **Brown**.<sup>35</sup>
- 45 The issue was discussed in Hearing Stream 12D, and the Submitter agrees with the evidence and legal submissions provided on behalf of RIDL on this point.
- 46 Demand, is required to be location specific as different locations provide different types of housing that appeal to different peoples' needs. Further, reading the NPS-UD as a whole, it is clear that local authorities are required to assess and provide sufficient capacity in different locations:
- 46.1 Policy 1(a) is very clear that urban environments have or enable a variety of homes that meet the needs (i.e. demand) in terms of type, price and location, of different households.
- 46.2 Clause 3.24(1)(b) requires housing demand assessments:<sup>36</sup>
- "...estimate, for the short term, medium term, and long term, the demand for additional housing in the region and each constituent district of the tier 1 or tier 2 urban environment:*
- (a) in different locations; [...]"*
- 46.3 Clause 3.25(2)(a) requires that within housing demand assessments the development capacity must be quantified as numbers of dwellings *"in different locations, including in existing and new urban areas"*.
- 46.4 Clause 3.2(a) requires a local authority to provide sufficient development capacity in *'existing and new urban areas'*, and Woodend is an existing urban area.
- 47 Because the Council's requirements under Policy 2 are fundamentally based on its monitoring and assessment of

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<sup>33</sup> Council Officer's Preliminary Response to written questions on Large Lot Residential Rezoning on behalf of Waimakariri District Council, dated 27 June 2024 at 36.

<sup>34</sup> Statement of evidence of Georgia Brown (Planning) on behalf of Crichton Development Group Limited in relation to Gladstone Road rezoning request, dated 11 July 2024 at [32]-[37].

<sup>35</sup> Statement of evidence of Georgia Brown (Planning) on behalf of Crichton Development Group Limited in relation to Gladstone Road rezoning request, dated 11 July 2024 at [32]-[37].

<sup>36</sup> Noting that the WCGM22 forms part of the Housing and Business Development Capacity Assessment (*HBA*) for the Greater Christchurch urban environment.

development capacity, this means that the Council must provide sufficient development capacity in different locations of demand within its urban environment (i.e. the Greater Christchurch part of the Waimakariri District).

- 48 We understand **Mr Yeoman's** response is that any demand shortfall from Woodend/Pegasus would be substitutable for housing in Rangiora and Kaiapoi.<sup>37</sup> **Ms Hampson** does not agree and this is emphasised further within **Ms Hampson's** further evidence where she states:<sup>38</sup>

*"I disagree that any decisions on additional capacity for MDRZ in Woodend/Pegasus (or in Rangiora or Kaiapoi) can and will address demand for LLRZ in Woodend (or elsewhere)."*

- 49 Rural Residential housing demand is a legitimate market of housing demand in the Waimakariri District that needs to be provided for in appropriate locations. As **Ms Hampson** explains:<sup>39</sup>

49.1 Rural residential housing is recognised as a distinct segment of the housing market (including in the CRPS).

49.2 The fact that there are multiple locations of LLRZ already established supports the fact that there are different attributes to those locations that appeal to different households seeking a rural residential living environment.

49.3 LLRZ areas on the fringes of the three main townships offer very convenient access to the amenities of a large townships and cannot be compared with say LLRZ provided in West Eyreton or Swannanoa.

49.4 Higher density standalone housing in the three main towns is unlikely to provide an alternative to those households seeking a low-density housing option.

- 50 As identified by **Ms Hampson** presently, there is an expected shortfall in LLRZ capacity in Woodend in the medium term.<sup>40</sup>

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<sup>37</sup> Supplementary statement of evidence of Georgia Brown (Planning) on behalf of Crichton Development Group Limited in relation to Gladstone Road rezoning request, dated 11 July 2024 at [32]-[37].

<sup>38</sup> Supplementary statement of evidence of Natalie Hampson (Economics) on behalf of Crichton Development Group Limited in relation to Gladstone Road rezoning request, dated 11 July 2024 at [30].

<sup>39</sup> Supplementary statement of evidence of Natalie Hampson (Economics) on behalf of Crichton Development Group Limited in relation to Gladstone Road rezoning request, dated 11 July 2024 at [29]-[33].

<sup>40</sup> Supplementary statement of evidence of Natalie Hampson (Economics) on behalf of Crichton Development Group Limited in relation to Gladstone Road rezoning request, dated 11 July 2024 at [40].

- 51 As **Ms Hampson** has stated, the proposal would provide capacity for 27 net additional rural residential dwellings in Woodend.<sup>41</sup> This would increase LLRZ capacity in Woodend by 108% to help meet medium-term demand. This is significant in the context (as discussed below) and is likely to support Woodend's competitive large-lot residential development market.
- 52 Mr **Twiss** has also identified the lack of supply for rural residential lots in the Waimakariri District (and more specifically Woodend).<sup>42</sup>
- 53 **Mr Twiss**, through his extensive experience in real estate, has identified the independent market for rural residential lots in Woodend, with Copper Beach being the only rural residential offering.<sup>43</sup> **Mr Twiss** has stated that Woodend is a separate offering to Rangiora, Kaiapoi, and Oxford and that people are generally attracted to Woodend because of the value for money offered compared to other markets in Waimakariri and, more generally, the north side of Christchurch City.<sup>44</sup> In his experience, the provision of additional large-lot residential development in Woodend would offer the market a good range of potential housing options.<sup>45</sup>
- 54 Woodend is a location of demand for LLRZ and as such, the Proposal sought by the Submitter provides an appropriate solution to:
- 54.1 Meet the Council's obligations under Clause 3.2 of the NPS-UD to provide 'at all times' development capacity (partially addressing the shortage of capacity for LLRZ in Woodend/Pegasus identified by **Ms Hampson** and **Mr Yeoman**); and
- 54.2 Provide LLRZ growth in Woodend (where no LLRZO has been proposed despite an accepted shortfall), where it does not preclude future MDRZ expansion, ensuring that a diversity of

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<sup>41</sup> Statement of evidence of Natalie Hampson (Economics) on behalf of Crichton Development Group Limited in relation to Gladstone Road rezoning request, dated 5 March 2024 at [81].

<sup>42</sup> Statement of evidence of James Twiss (Real estate) on behalf of Crichton Development Group Limited in relation to Gladstone Road rezoning request, dated 5 March 2024 at [8].

<sup>43</sup> Statement of evidence of James Twiss (Real estate) on behalf of Crichton Development Group Limited in relation to Gladstone Road rezoning request, dated 5 March 2024 at [8].

<sup>44</sup> Statement of evidence of James Twiss (Real estate) on behalf of Crichton Development Group Limited in relation to Gladstone Road rezoning request, dated 5 March 2024 at [9] – [11].

<sup>45</sup> Statement of evidence of James Twiss (Real estate) on behalf of Crichton Development Group Limited in relation to Gladstone Road rezoning request, dated 5 March 2024 at [13].

housing options is available in this popular residential location under Policy 1(a)(i) of the NPS-UD.<sup>46</sup>

### **Responsive planning framework**

- 55 Objective 6 and Policy 8 of the NPS-UD establish what is now referred to as the 'responsive planning framework'.
- 56 Objective 6 requires all Council decisions to be responsive, and in particular where that decision relates to a proposal that would supply significant development capacity.
- 57 The Submitters agree with and adopt the evidence and legal submissions on behalf of RIDL in Hearing Stream 12D regarding the responsive planning framework.

### ***The NPS-UD and the CRPS***

- 58 As identified by **Ms Brown**, the Proposal is inconsistent with Policy 6.3.9 of the CRPS.<sup>47</sup> She notes that the Proposal would meet all aspects of this policy, apart from the fact that it has not been identified in the Rural Residential Strategy 2019 (*RRS*). **Mr Buckley** agrees with Ms Brown's assessment.<sup>48</sup> This forms the primary basis on which **Mr Buckley** considers the Proposal should be declined.
- 59 However, **Mr Buckley** does not agree with **Ms Brown's** assessment that the CRPS is inconsistent with the NPS-UD "*as the 2022 RPS review included the housing bottom lines in line with Policy 2 and Clause 3.6(2)(a).*"<sup>49</sup>
- 60 **Mr Buckley** here is referring to Plan Change 1 to Chapter 6 of the CRPS (*PC1*). While we agree that this plan change did include housing bottom lines as required by the NPS-UD, we do not agree it gave full effect to the NPS-UD. At most, it gave 'partial effect' to the NPS-UD:
- 60.1 The scope of PC1 was restricted to only include additional land identified in the Our Space 2018-2048 process, initiated under the previous National Policy Statement on Urban Development Capacity 2016 (*NPS-UDC*).
- 60.2 Given the NPS-UDC required local authorities only to determine the 'sufficient development capacity' required in the short, medium, and long term, the CRPS (as amended by

<sup>46</sup> Statement of evidence of Natalie Hampson (Economics) on behalf of Crichton Development Group Limited in relation to Gladstone Road rezoning request, dated 5 March 2024 at [33].

<sup>47</sup> Supplementary statement of evidence of Georgia Brown (Planning) on behalf of Crichton Development Group Limited in relation to Gladstone Road rezoning request, dated 11 July 2024 at [8].

<sup>48</sup> Officer's Report: Hearing Stream 12C Rezoning Large Lot Residential Zone dated 23 May 2024 at [452].

<sup>49</sup> Officer's Report: Hearing Stream 12C Rezoning Large Lot Residential Zone dated 23 May 2024 at [452].

PC1) could only ever identify the minimum amount of development capacity that is required to be enabled by the NPS-UD. Noting that the NPS-UD now requires 'at least' sufficient development capacity to be provided for.

60.3 The various Reports prepared by ECan itself on PC1 expressly recognise that:<sup>50</sup>

- (a) the purpose of PC1 is not to identify any additional areas appropriate for future rezoning;
- (b) the purpose of PC1 is to give effect to Policy 2 and clause 3.7 of the NPS-UD and that therefore this would give effect to the NPS-UD "in part";
- (c) PC1 does not purport to give full effect to the NPS-UD given the scope of PC1 under the streamlined planning process;
- (d) further changes to the CRPS would be required in order to fully give effect to the NPS-UD (including the introduction of the criteria required under clause 3.8 NPS-UD);
- (e) further work to the CRPS is currently being undertaken and in the meantime, any plan change requests will need to be considered in light of the NPS-UD.

- 61 It is the Submitter's position that where there is a conflict with a more recent higher-order planning document, inconsistency is required to be reconciled by reading the earlier lower-order document together with the later high-order document in a way that does not undermine the higher-order document.
- 62 This appears to be the position taken generally across the planning community and has been accepted by the independent decision-makers at other hearings in, for example, the Selwyn District. It is well accepted now that the NPS-UD overcomes 'hard lines' in planning documents dictating where growth in a region/district should or should not occur.
- 63 The legal submissions of RIDL for Hearing Stream 12D explain in detail how such an inconsistency should be reconciled between the CRPS and the NPS-UD and thus the two documents can be read together.
- 64 While a different Policy of the CRPS is in play here, the same principles apply here. Preventing a proposal simply because it has not been identified in an RRS as required by Policy 6.3.9 CRPS is not

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<sup>50</sup> Section 32 Evaluation Report for Proposed Plan Change 1 to Chapter 6 of the CRPS, 2021.



consistent with the direction of the NPS-UD. Policy 6.3.9 must be read in light of the NPS-UD, a later in time and higher order document which has not been given full effect in the CRPS, such that Policy 6.3.9 should not preclude proposals that are otherwise consistent with the NPS-UD.

- 65 This is particularly so in the context of the Council's RRS which is out of date and does not identify sufficient locations for rural residential development to meet demand over the next 10 years (as it intended to do in 2019). As identified by **Ms Hampson**, capacity for LLRZ is required over and above what has been provided by the PDP LLRZ and LLRZO and identified in the RRS.<sup>51</sup> A strict interpretation of Policy 6.3.9 of the CRPS (such as **Mr Buckley's**), without an NPS-UD lens, would prevent any provision of further rural residential development despite a shortfall in the district (and Woodend) for this housing type. This would not only be inconsistent, but contrary to, the NPS-UD.
- 66 Being 'responsive' requires a willingness and openness from the Council to consider and turn their mind to the merits of new proposals even when these are not planned or anticipated by the Council and/ or planning documents.

***Policy 8 – responsive to plan changes that would add significantly to development capacity***

- 67 We now turn to the tests in Policy 8. For the responsive planning framework to apply, the rezoning request must demonstrate that:
- 67.1 It will add significantly to development capacity; and
- 67.2 It will contribute to well-functioning urban environments, including that it is well-connected along transport corridors as per Clause 3.8.
- 68 We consider these against the Proposal.
- Add significantly to development capacity*
- 69 Despite the fact that ECan has not yet included criteria in its CRPS as to what constitutes 'adding significantly to development capacity', this does not prevent the Panel from making a finding on the significance of a particular proposal on a case-by-case basis. This will be an evidential matter.

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<sup>51</sup> Supplementary statement of evidence of Natalie Hampson (Economics) on behalf of Crichton Development Group Limited in relation to Gladstone Road rezoning request, dated 11 July 2024 at [10].

- 70 The Ministry for the Environment (*MfE*) Guide, for understanding and implementing the responsive planning policies, for example, notes that such criteria could include:<sup>52</sup>
- 70.1 Significance of scale and location;
  - 70.2 Fulfilling identified demand;
  - 70.3 Timing of development; and
  - 70.4 Infrastructure provision.
- 71 With reference to the MfE Guide, the Proposal will 'add significantly to development capacity' because:

***Significance of scale and location***

- 71.1 While **Mr Buckley**, in his Response to Questions, states that the Proposal would not provide significant development capacity,<sup>53</sup> this is on the basis of his view that sufficient capacity will be provided through the future development areas and intensification across the whole district and that no additional rezoning is required to meet demand. **Mr Buckley** ignores the fact that Policy 2 provides a minimum requirement and that there is nothing in the NPS-UD preventing more than sufficient capacity. We do not agree with his suggestion that a proposal is only significant if there is an insufficiency in development capacity.
- 71.2 There is no requirement in Policy 8 that an insufficiency or shortfall in development capacity must be demonstrated in order to invoke the responsive planning framework. However, this may be a relevant factor in considering whether a proposal 'adds significantly to development capacity'.
- 71.3 While the size of the Proposal in terms of housing numbers is not large, **Ms Hampson** has identified a shortfall in Woodend and a shortfall in the LLRZ and estimates that the Proposal would increase LLRZ capacity in Woodend by 108% to help meet medium-term demand.<sup>54</sup> This is a significant contribution in terms of the rural residential development market, particularly in the context of a projected shortfall across the district for rural residential capacity.

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<sup>52</sup> <https://environment.govt.nz/assets/Publications/Files/Understanding-and-implementing-responsive-planning-policies.pdf>

<sup>53</sup> Council Officer's Preliminary Response to written questions on Large Lot Residential Rezoning on behalf of Waimakariri District Council, dated 27 June 2024 at 37.

<sup>54</sup> Statement of evidence of Natalie Hampson (Economics) on behalf of Crichton Development Group Limited in relation to Gladstone Road rezoning request, dated 5 March 2024 at [9].

71.4 **Ms Brown** has identified other circumstances where a plan change was considered significant, notwithstanding being a small quantum in a Greater Christchurch context.<sup>55</sup>

71.5 The Proposal is also located in an existing urban area that is already well-connected to transport routes and close to established centre zones.

***Fulfilling identified demand***

71.6 As set out in the evidence of **Ms Hampson** and **Mr Twiss**, the capacity provided by the Proposal will contribute significantly to the demonstrated market demand for rural residential development in Woodend. The Proposal will provide capacity in this location of demand.

71.7 This is particularly important in the context of the Waimakariri District and the Council's obligations under Policy 2, in that it is not currently meeting the requirement to provide sufficient development capacity (as discussed at paragraph [35]) to meet demand and particularly the specific demand rural residential capacity in Woodend.

71.8 **Ms Hampson** considers that due to the expected shortfall in capacity identified, even this small net additional capacity in Woodend makes a significant contribution.<sup>56</sup> The proposal's 'significance' should be viewed in terms of its ability to help the Council meet its obligations under Policy 2 of the NPS-UD.

***Timing of development and Infrastructure provision (development infrastructure<sup>57</sup> and additional infrastructure<sup>58</sup>)***

71.9 The evidence of the Submitter demonstrates that the Proposal can be serviced by infrastructure. Infrastructure and servicing issues have been addressed in the evidence of **Mr McLeod**.

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<sup>55</sup> Supplementary statement of evidence of Georgia Brown (Planning) on behalf of Crichton Development Group Limited in relation to Gladstone Road rezoning request, dated 11 July 2024 at [23].

<sup>56</sup> Statement of evidence of Natalie Hampson (Economics) on behalf of Crichton Development Group Limited in relation to Gladstone Road rezoning request, dated 5 March 2024 at [81].

<sup>57</sup> Defined in the NPS-UD as "to the extent they are controlled by a local authority or council controlled organisation...: (a) network infrastructure for water supply, wastewater, or stormwater (b) land transport."

<sup>58</sup> Defined in the NPS-UD as "(a) public open space (b) community infrastructure as defined in section 197 of the Local Government Act 2002 (c) and transport (as defined in the Land Transport Management Act 2003) that is not controlled by local authorities (d) social infrastructure, such as schools and healthcare facilities (e) a network operated for the purpose of telecommunications (as defined in section 5 of the Telecommunications Act 2001) (f) a network operated for the purpose of transmitting or distributing electricity or gas"

71.10 **Mr Buckley** agrees, and in light of Objectives 6 and 8, he states in his Response to Questions that the Proposal can be integrated with infrastructure funding as there is capacity within the network that would most likely be funded by development contributions.<sup>59</sup>

71.11 Should the rezoning be approved, the Submitter will commence the delivery of development capacity as soon as possible.

72 On the basis of the above, the Proposal clearly would 'add significantly to development capacity' and, therefore, meets the first test in Policy 8 of the NPS-UD.

*Contribute to well-functioning urban environment*

73 As set out earlier in these legal submissions (paragraph [31]), the Submitters and the Council agree that the Proposal would likely contribute to the well-functioning urban environment of Greater Christchurch.

74 The Proposal meets both limbs of the Policy 8 test, so the responsive planning framework is invoked, and the Council is required to be responsive to this rezoning request.

75 However, even if Policy 8 doesn't apply, the NPS-UD should also be considered as a whole and Objective 6 requires all decisions to be responsive, irrespective of any barriers the CRPS may pose.

**REVERSE SENSITIVITY EFFECTS**

76 **Mr Buckley** is 'not convinced' that the Proposal will not result in reverse sensitivity effects from the state highway, even with the mitigation measures proposed by **Mr Trevathan**. It is not clear on what basis **Mr Buckley** arrives at this position, noting that he has not sought any expert evidence on behalf of the Council that contradicts **Mr Trevathan** view that the noise effects from the state highway will not result in reverse sensitivity effects. As far as we are aware, **Mr Buckley** does not have any relevant qualifications as an acoustic engineer.

77 As noted in **Mr Trevathan's** further evidence, the references provided by **Mr Buckley** to support his view are authors who appear to generally support the same conclusion as **Mr Trevathan** has reached.<sup>60</sup>

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<sup>59</sup> Council Officer's Preliminary Response to written questions on Large Lot Residential Rezoning on behalf of Waimakariri District Council, dated 27 June 2024 at 37.

<sup>60</sup> Supplementary statement of evidence of Jeremy Trevathan (Acoustics) on behalf of Crichton Development Group Limited in relation to Gladstone Road rezoning request, dated 11 July 2024 at [16].

- 78 **Mr Trevathan's** primary and supplementary evidence explains that, with the proposed three-meter-high acoustic barrier, traffic noise at the site will be similar to that experienced through many current and future residential areas in the Waimakariri District. **Mr Trevathan** concludes that any reverse sensitivity effects will be negligible and go beyond what NZTA would typically consider necessary if the Proposal was already established.<sup>61</sup>
- 79 In the absence of any expert evidence to the contrary, **Mr Trevathan's** assessment is to be preferred.

#### **TRANSPORT**

- 80 The Section 42A Report states that Council's transport consultant (**Mr Gregory**) generally agrees with the Submitter's transport consultant (**Mr Gallot**). However, **Mr Gregory's** assessment contains the following recommendations:
- 80.1 that the rezoning be conditional on implementation of the Woodend Bypass;
- 80.2 that Gladstone Road be upgraded to include road design attributes that are appropriate for a residential context; and
- 80.3 that the ODP contain future west-east road connections.
- 81 In relation to the Woodend Bypass, **Mr Gregory** considers that there is a high degree of certainty that the Woodend Bypass will proceed but that no further growth should be supported unless it is put in place.
- 82 The Submitter accepts **Mr Gregory's** recommendations outlined above. **Ms Brown's** supplementary evidence clarifies that this could be done through 'conditions' in the ODP, although she considers up to four allotments can be constructed prior to the Woodend Bypass being implemented as of right under the proposed plan framework. Any ODP conditions relating to **Mr Gregory's** recommendations ought to recognise this.
- 83 In relation to **Mr Gregory's** third recommendation that the ODP contain future west-east road connections, **Ms Brown** explains that this is not necessary as the ODP already contains a future connection to Copper Beech Road.
- 84 Overall, the evidence demonstrates that the Submitter's rezoning request is supportable from a transport perspective. We observe

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<sup>61</sup> Supplementary statement of evidence of Jeremy Trevathan (Acoustics) on behalf of Crichton Development Group Limited in relation to Gladstone Road rezoning request, dated 11 July 2024 at [18].

that NZTA did not lodge a further submission and has not provided any comments on the proposal to the contrary.

### **CULTURAL ADVICE REPORT**

- 85 As stated by **Mr Buckley** in the Section 42A Report, a cultural advice report has been provided from Mahaanui Kurataiao Limited on behalf of Rūnanga o Ngāi Tahu (specifically Ngāi Tūāhuriri Rūnanga who hold mana whenua) for the rezoning application by CDL for 145 and 167 Gladstone Road, Woodend (*Cultural Advice Report*).<sup>62</sup>
- 86 Mahaanui Kurataiao Limited is not a further submitter on the Proposal and it is not clear why cultural input was sought by the Council for this Proposal, noting that other rezoning proposals are located within cultural value overlays within the PDP.<sup>63</sup>
- 87 The Cultural Advice report concludes that they are opposed to the Proposal on the basis that:<sup>64</sup>
- 87.1 The anticipated increase in subdivision and development activities, impervious surfaces and cumulative environmental and cultural effects on the cultural landscape.
- 87.2 The ongoing impact of subdivision and development in this catchment on indigenous biodiversity and mahinga kai through the increased modification of land and water resources.
- 88 The Submitter acknowledges the Cultural Advice Report received in that 'it is in an area of high cultural significance being bordered by Silent File Areas', and the PDP has scheduled the Site as being within the Ngā Tūranga Tupuna overlay.<sup>65</sup> Notwithstanding, the PDP does not seek to 'avoid' development within the Ngā Tūranga Tupuna overlay, rather it seeks to manage the effects of development on cultural values.<sup>66</sup>
- 89 **Ms Brown** considers that the Proposal will be able to manage cultural values through detailed design subdivision and resource

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<sup>62</sup> Officer's Report: Hearing Stream 12C Rezoning Large Lot Residential Zone dated 23 May 2024 at Appendix K Cultural Advice Report dated 8 April 2024.

<sup>63</sup> Supplementary statement of evidence of Georgia Brown (Planning) on behalf of Crichton Development Group Limited in relation to Gladstone Road rezoning request, dated 11 July 2024 at [45].

<sup>64</sup> Officer's Report: Hearing Stream 12C Rezoning Large Lot Residential Zone dated 23 May 2024 at Appendix K Cultural Advice Report dated 8 April 2024 at [7].

<sup>65</sup> Supplementary statement of evidence of Georgia Brown (Planning) on behalf of Crichton Development Group Limited in relation to Gladstone Road rezoning request, dated 11 July 2024 at [47].

<sup>66</sup> Supplementary statement of evidence of Georgia Brown (Planning) on behalf of Crichton Development Group Limited in relation to Gladstone Road rezoning request, dated 11 July 2024 at [48].

consent stages and that the existing Nga Tūranga Tupuna overlay provisions in the PDP are adequate to achieve this.

- 90 The Submitter agrees with **Mr Buckley's** conclusion that given that other rezoning requests for land located on the east side of Woodend include land covered by the Nga Tūranga Tupuna overlay, it is reasonable to assume that the Cultural Advice Report does not support other rezoning requests in Woodend (specifically along Parsonage Road and Gladstone Road).<sup>67</sup>

### **CONCLUSION**

- 91 The Proposal is consistent with the NPS-UD and there is nothing preventing the rezoning of the Site.

Dated: 12 July 2024



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J M Appleyard / T B Parker  
Counsel for

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<sup>67</sup> Officer's Report: Hearing Stream 12C Rezoning Large Lot Residential Zone dated 23 May 2024 at [5.12].