

Before an Independent Hearings Panel
Appointed by Waimakariri District Council

under: the Resource Management Act 1991

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

and: Hearing Stream 12C: Large Lot Residential

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

Memorandum of counsel regarding questions on Section 42A
Report for Hearing Stream 12C

Dated: 5 June 2024

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MEMORANDUM OF COUNSEL REGARDING QUESTIONS ON SECTION 42A REPORT FOR HEARING STREAM 12C

- 1 This memorandum of counsel on behalf of Crichton Developments Limited (*Submitter*) relates to the Section 42A Report (*Report*) for Hearing Stream 12C – Large Lot Residential for the Proposed Waimakariri District Plan.
- 2 The Panel issued Minute 26 on 30 May 2024 which:
 - 2.1 Notes that the Panel have a significant number of questions for the supporting officer, which include some fundamental legal questions as to the weight and relevance of national policy statements, the Regional Policy Statement and non-statutory documents, and the scope of some of the recommendations;
 - 2.2 In the interest of natural justice and fair process, defers the hearing for this stream to another date to be determined to provide time for the reporting officer to seek necessary advice and prepare either an updated Report or an addendum to the Report; and
 - 2.3 Indicates that the Panel will be providing a list of its questions to the reporting officer by Friday 7 June 2024.
- 3 The Submitter and its advisors have reviewed the Report and agree that a number of fundamental questions are raised.
- 4 It may be that the questions the Submitter considers are raised are the same as or align with the Panel's, but for transparency, the Submitter sets out the questions it considers would be beneficial to be asked as follows:

National Policy Statement on Urban Development (NPS-UD)

 - 4.1 Do you agree that the following provisions of the NPS-UD, contemplate that the Council as a Tier 1 local authority needs to consider housing demand and capacity in different locations within its district?:
 - (a) Policy 1 (requiring planning decisions to contribute to having or enabling a variety of homes that meet the needs in terms of location of different households);
 - (b) Clause 3.24 (housing demand assessment); and
 - (c) Clause 3.25 (housing development capacity assessment).
 - 4.2 Do you agree that if location specific demand is demonstrated, that failing to provide sufficient capacity to

meet that location specific demand may conflict with the following objectives and policies in the NPS-UD?:

- (a) Objective 2 (improve affordability and supporting competitive land and development markets);
- (b) Objective 3 (enabling more people to live in areas where there is high demand relative to other areas);
- (c) Policy 1 (meet needs in terms of location); and
- (d) Policy 2 (provide at least sufficient capacity to meet expected demand).

4.3 Shouldn't the direction of Policy 6.3.9 of the Canterbury Regional Policy Statement (*CRPS*) be read together and reconciled with the provisions of the NPS-UD and in particular Policy 8? Noting that it is generally accepted that Objective 6.2.1.3 (which requires urban development outside of existing urban areas or greenfield priority areas for development be avoided) should be read together with Policy 8 such that proposals outside of existing urban areas or greenfield priority areas can be considered if consistent with Policy 8?

4.4 Do you accept that there are other matters (distinct from public transport provision, and private vehicle use/vehicle kilometres travelled) relevant to the assessment of whether a rezoning request contributes to Policy 1(e) of the NPS-UD "support reductions in greenhouse gas emissions"? Please confirm the full range of matters you have taken into account in your assessments under Policy 1(e).

**National Policy Statement for Highly Productive Land
(NPS-HPL)**

- 4.5 Please confirm your opinion regarding the NPS-HPL not applying to land zoned Rural Lifestyle Zone (RLZ) in the Proposed District Plan has not changed since you prepared the memoranda on behalf of Council dated 30 June 2023 and 22 July 2023?
- 4.6 Please confirm that none of the provisions of the NPS-HPL apply to land proposed to be zone RLZ and sought to be rezoned Large Lot Residential Zone through submissions, including clause 3.7?

Dated: 5 June 2024



J M Appleyard / A M Lee
Counsel for Crichton Developments Limited