

**BEFORE THE HEARINGS PANEL  
FOR PROPOSED PRIVATE PLAN CHANGE 31 TO THE WAIMAKARIRI  
DISTRICT PLAN**

**UNDER** the Resource Management Act 1991 (RMA)

**AND**

**IN THE MATTER** of an Application by Rolleston Industrial Developments Limited for a private plan change to the Waimakariri District Plan pursuant to Part 2 of Schedule 1 of the Resource Management Act 1991

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**MEMORANDUM OF COUNSEL ON BEHALF OF THE CANTERBURY  
REGIONAL COUNCIL**

**10 AUGUST 2023**

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**WYNN WILLIAMS**

## MAY IT PLEASE THE PANEL

- 1 This Memorandum of Counsel is filed on behalf of the Canterbury Regional Council (**Regional Council**) and responds to the legal submissions filed by counsel for Mrs Hadfield.
- 2 During the hearing on 7 August, the Panel asked whether I had considered the submissions made with respect to the interpretation of the “rural lifestyle zone” as between the proposed Waimakariri District Plan (**pWDP**) and the National Planning Standards.
- 3 I indicated that I would file a Memorandum once I had considered those submissions.
- 4 I acknowledge the submissions by counsel for Mrs Hadfield in respect of the purpose of the “rural lifestyle zone” in the pWDP and the primacy of its predominant rural purpose.
- 5 However, the pWDP has been promulgated in accordance with the National Planning Standards conventions. To that end, while the authors of the section 32 report for the pWDP may have envisaged the “rural lifestyle zone” as being a rural zone, and not a rural residential zone, the National Planning Standards describe the “rural lifestyle zone” as being predominantly for a residential lifestyle within a rural environment.
- 6 The purpose of the National Planning Standards is described as being “to improve the efficiency and effectiveness of the planning system by providing nationally consistent: structure; format; definitions; noise and vibration metrics; electronic functionality and accessibility: for regional policy statements, regional plans, district plans and combined plans under the Resource Management Act”.<sup>1</sup>
- 7 To that end, when using zones described in the National Planning Standards, the descriptions contained therein are intended to apply nationally, as part of nationally consistent zone descriptions.
- 8 I therefore do not consider that the use of the “rural lifestyle zone” in the pWDP and the National Planning Standards is open to interpretation, as has been suggested by counsel for Mrs Hadfield. I do however acknowledge that the implications of the use of that zone in terms of the

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<sup>1</sup> National Planning Standards 2019 updated 2022 – Foundation Standard – Purpose.

National Policy Statement for Highly Productive Land (**NPS-HPL**) may not have been anticipated, given the timing of the gazettal of the NPS-HPL. I also addressed this in my legal submissions.

- 9 However, for completeness, I note that I remain of the view that if it is ultimately determined through the pWDP process that the “rural lifestyle zone” is not the most appropriate zone for the PC31 site, and the land is zoned rural instead, there is only a policy gap as a result of the NPS-HPL until such time as the Regional Council carries out its mapping exercise in accordance with the requirements of clause 3.4 of the NPS-HPL.

**DATED** this 10<sup>th</sup> day of August 2023



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**I F Edwards**  
Counsel for the Canterbury Regional Council

