

**BEFORE THE HEARINGS PANEL  
FOR THE PROPOSED WAIMAKARIRI DISTRICT PLAN**

**UNDER** the Resource Management Act 1991 (RMA)  
**IN THE MATTER** of the Proposed Waimakariri District Plan  
**AND**  
**IN THE MATTER** of Hearing Stream 6: Rural and Open Space Zones

---

**LEGAL SUBMISSIONS ON BEHALF OF THE CANTERBURY REGIONAL  
COUNCIL – HEARING STREAM 6**

**2 October 2023**

---

---

Canterbury Regional Council's Solicitor  
PO Box 4341 CHRISTCHURCH 8140  
DX WX11179  
Tel +64 3 379 7622  
Fax +64 3 379 2467

**WYNN WILLIAMS**

Solicitor: I F Edwards  
(imogen.edwards@wynnwilliams.co.nz)

## MAY IT PLEASE THE PANEL

- 1 The Canterbury Regional Council (**Regional Council**) made a submission (and further submission) on Waimakariri District Council's (**WDC**) proposed Waimakariri District Plan (**pWDP**) primarily in order to ensure that the pWDP gives effect to the Canterbury Regional Policy Statement.
- 2 The Regional Council's submission on the provisions subject to Hearing Stream 6 is summarised further in Ms Orr's evidence, along with Ms Orr's recommended amendments to the pWDP.<sup>1</sup> I do not intend to repeat these here.
- 3 Rather, these submissions briefly address the Regional Council's position with respect to the National Policy Statement for Highly Productive Land 2022 (**NPS-HPL**).

### National Policy Statement for Highly Productive Land

- 4 It is accepted that as a result of the timing of the gazettal of the NPS-HPL and the notification of the pWDP, the provisions of the NPS-HPL do not apply to land that is identified as Rural Lifestyle zone.
- 5 Clause 3.5(7) of the NPS-HPL provides, relevantly:
  - (7) Until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy Statement as if references to highly productive land were references to land that, at the commencement date:<sup>2</sup>
    - (a) is
      - (i) zoned general rural or rural production; and
      - (ii) LUC 1, 2, or 3 land; but
    - (b) is not:
      - (i) identified for future urban development; or
      - (ii) subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.

- 6 This issue was addressed by Mr Mark Buckley, section 42A officer, in a Memorandum dated 30 June 2023. Ms Orr agrees with Mr Buckley's

---

<sup>1</sup> Statement of Evidence of Serena Orr dated 25 September 2023 at [3] and Appendix 1.

<sup>2</sup> The commencement date is 17 October 2022, being the date on which the NPS-HPL came into force.

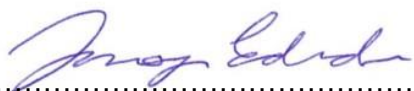
assessment of the application of clause 3.5(7) of the NPS-HPL.<sup>3</sup> On this basis, Ms Orr's assessment of the NPS-HPL relates only to the General Rural zone (i.e., not in respect of land that falls within the Rural Lifestyle zone).<sup>4</sup>

- 7 For completeness, I note that if it is determined through this pWDP process that certain land ought not be zoned as Rural Lifestyle, and land is zoned as General Rural instead, that land may subsequently be identified as highly productive land for the purposes of the NPS-HPL when the Regional Council carries out its mapping exercise in accordance with the requirements of clause 3.4 of the NPS-HPL.

### **Conclusion**

- 8 As noted earlier in these submissions, the relief sought by the Regional Council in its submission is intended to ensure that the pWDP gives effect to the Canterbury Regional Policy Statement.
- 9 Ms Orr has recommended further amendments to certain provisions in the light of amendments recommended by the section 42A officers.
- 10 Both the WDC and the Regional Council's positions appear to be aligned with respect to the application of the NPS-HPL however, to the extent that the Panel may have questions regarding this, counsel will be in attendance at the hearing.

Dated this 2<sup>nd</sup> day of October 2023



.....

**I F Edwards**

Counsel for the Canterbury Regional Council

---

<sup>3</sup> Statement of Evidence of Serena Orr dated 25 September 2023 at [11].

<sup>4</sup> Statement of Evidence of Serena Orr dated 25 September 2023 at [12].