

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHU**

Decision No. [2026] NZEnvC 89

IN THE MATTER of the Resource Management Act 1991

AND an appeal under clause 14 of the First
Schedule of the Act

BETWEEN WOODWATER LIMITED

(ENV-2025-CHC-69)

Appellant

AND WAIMAKARIRI DISTRICT
COUNCIL

Respondent

Court: Environment Judge P A Steven
Hearing: In chambers on the papers under s279
Last case event: 17 November 2025
Date of Decision: 23 April 2026
Date of Issue: 23 April 2026

DECISION OF THE ENVIRONMENT COURT

A: Under ss s279 and 292 RMA, the Waimakariri District Council is directed to correct the planning maps of the Partially Operative Waimakariri District Plan to properly reflect the Outline Development Plan for the relevant land as depicted in Annexure 1 attached to and forming part of this decision.



B: There is no order as to costs.

C: The appeal is otherwise dismissed.

REASONS

Introduction

[1] This proceeding relates to an appeal by Woodwater Limited (appellant) against a decision of the Waimakariri District Council (respondent) as part of the Waimakariri Proposed District Plan (PDP) review that was notified on 18 September 2021.

[2] Before turning to the substantive issues raised by this appeal, it is necessary to briefly outline the procedural context in which it arises, including the interaction between the PDP review process and Variation 1.

Overlap of the plan review and the Variation 1 processes

[3] By way of context, the procedural background to the pt 1, sch 1 process (the plan review), and the Intensification Planning Instrument (IPI) promulgated under pt 6, sch 1 (Variation 1), including the unusual overlap between these processes, is set out in the related proceeding: *Christchurch International Airport Limited and Robert Paterson & RJ Paterson Family Trust v Waimakariri District Council* NZEnvC [2026] NZEnvC 84.¹

[4] That background is not repeated here but is recorded as relevant to the matters considered in this decision.

[5] Following notification of the respondent's decisions on the plan review and on Variation 1, a total of 21 appeals were lodged with the Environment Court.

¹ Refer to [2]-[11], [52]-[107].

Those appeals relate only to the respondent's decisions on the PDP review.²

[6] For the purpose of this proceeding, the parties' joint memorandum explained the parties' opinion that any potential jurisdictional issue that arises from the operative status of the ODP when inserted into the PODP as part of the Variation 1 process, need not be considered by the court in order to resolve this appeal. That is because the court has the ability, in any proceeding before it, to remedy any mistake or defect in an operative district plan pursuant to s292 RMA.³

[7] Accordingly, the question before the court in this proceeding is whether this is an appropriate case to remedy a mistake pursuant to s292 RMA.

The Woodwater appeal

[8] The appellant's submission sought rezoning of the relevant land⁴ for residential use, which without limitation, the submission stated this could include a General Residential Zoning and/or a Medium Density Residential Zoning (MDRZ).

[9] That submission was heard alongside the appellant's submission on Variation 1 which sought that the relevant land be rezoned from Rural Lifestyle Zone to the Variation 1 version of Medium Density Residential Zone (MRZ).

[10] At the hearing the appellant presented an amended Outline Development

² Decisions on Variation 1 were immediately operative with no appeal rights to the Environment Court, refer cl 107, Sch 1, RMA.

³ Joint memorandum dated 22 October 2025 at [5.1].

⁴ Being the land described in the notice of appeal dated 22 August 2025, as 21 Judsons Road (Lot 2 Deposited Plan 2567 and Part Rural Section 689); 320 Woodend Beach Road (Lot 2 Deposited Plan 75359); 1 Judsons Road and 328 Woodend Beach Road (Part Lot 1 Deposited Plan 2567); 36, 40, 46, 50, 52, 60 and 62 Judsons Road, Woodend (being Part Rural Section 689, including Parcel ID 3401266); land known as Part Rural Section 367A and Part Rural Section 689; Copper Beech Road, Woodend (Lot 1 and Lot 101 Deposited Plan 503969); and 43 Petries Road, Woodend (Part Rural Section 367A and Part Rural Section 689).

Plan (ODP) for the relevant land (August ODP).⁵ The August ODP identifies the relevant land as MDRZ.

[11] The appellant’s memorandum explains that as the s42A reporting officer had supported the rezoning sought (in relation to the PDP review) it did not consider it necessary to engage in the scope issue raised in the Variation 1 s42A report.⁶ Further, the joint memorandum details the perception that the Variation 1 zoning was aligned with and supported the zoning sought through the PDP review.

[12] Recommendation Report 36⁷ was prepared by and comprises the recommendations of the PDP Hearings Panel (Panel) only. This report addresses submissions that sought amendments to the planning maps to rezone land to residential zones.⁸ The Panel was described as having adopted an “exceptions” approach, whereby the recommendations of the reporting officer were accepted unless the Panel expressly disagreed, in whole or in part with those recommendations. The Panel recorded agreement with the reporting officer’s recommendation that the appellant’s submission be accepted.⁹

[13] Appendix 2, Table 1 of Recommendation Report 1 contains a table of all mapping amendments recommended by the Panel and the IHP. In respect of the relevant land, it records the following joint recommendation:¹⁰

Amend the planning map to rezone all land underneath the South Woodend development area ODP as supplied by Woodwater Limited in evidence from Rural to MRZ.

⁵ This superseded an earlier alternative ODP’s included in Mr Thomson’s evidence (dated 12 March 2024).

⁶ Joint memorandum dated 22 October 2025 at [2.21].

⁷ Waimakariri District Council Hearing Report 36: Residential Rezoning Requests (12 June 2026<https://www.waimakariri.govt.nz/__data/assets/pdf_file/0026/177731/REPO-RT-36-RESIDENTIAL-REZONING-REQUESTS-FINAL-12-JUNE-2026.pdf>.

⁸ Joint memorandum dated 22 October 2025 at [2.34].

⁹ Joint memorandum dated 22 October 2025 at [2.35].

¹⁰ Joint memorandum dated 22 October 2025 at [2.27].

[14] On 12 July 2025 the respondent publicly notified its decisions accepting the recommendations of the Panel on the PDP and the IHP on Variation 1¹¹. The Panel rezoned the relevant land MDRZ as part of a broader new development area, identified as the South East Woodend Development Area (SEWDA). That rezoning enables residential development in excess of 550 new dwellings. From that date, the Variation 1 provisions were operative, and the PDP has since been referred to as the Partially Operative District Plan (PODP).

[15] The ODP that was included in the PODP map is based on the medium density PDP option contained in the 12 March 2025 statement of planning evidence by Mr Thompson (the one that was superseded by the August ODP),¹² rather than the August ODP which was before the Panel at hearing.

[16] The relief sought by the appellant's appeal seeks replacement of that ODP with an ODP that reflects the Panel's zoning decision. The notice also seeks "such further or alternative relief as the Court considers appropriate to give effect to the relief sought".

[17] CVI Residential Limited, Townsend Fields Limited and Geoff Mehrstens joined this proceeding as parties to the appeal under s274 RMA.¹³ Each was a signatory to the joint memorandum seeking s292 orders. The memorandum records that the interest in the appeal was withdrawn.¹⁴

¹¹ As found in *Christchurch International Airport Limited and Robert Paterson & RJ Paterson Family Trust v Waimakariri District Council* [2026] NZEnvC 84, at 142 and 143, recommendations on Variation 1 superseded recommendations on overlapping provisions of the PDP, and one decision was made by the Council on those matters.

¹² The joint memorandum explains at [2.41] that this version was circulated in advance of the preparation of the reporting officers' s42A reports.

¹³ The s274 parties did not lodge submissions or further submissions in relation to the relief sought by the appellant for the relevant land pursuant to the PDP. These parties had sought general amendments to the DEV rules to address the relationship between the zone provisions and the development chapter/ODP provisions generally.

¹⁴ Joint memorandum dated 22 October 2025 at [2.7].

Correcting errors

The court's power to remedy defects in plans

[18] The standard process by which changes to a plan are made is set out in Sch 1 to the Act.¹⁵ Clause 20A of that Schedule enables a local authority the ability to amend an operative policy statement or plan to correct minor errors.

[19] As explained in the respondent's memorandum,¹⁶ the parties advised that the error identified could not be considered "minor". Accordingly, the Council considers that a direction from the court under s292 would be consistent with existing case law and represents the most effective means of rectifying the error.

[20] Section 292 enables the court, in the context of a proceeding before it, to direct amendment of an operative district plan without recourse to the Sch 1 process.¹⁷ Under s292(1), the court's discretion to make such a direction is unfettered and is to be exercised on a case-by-case basis to remedy a mistake, defect or any uncertainty, in order to give full effect to the plan, having regard to the evidence.

[21] I take guidance from past Environment Court decisions where it was considered appropriate to make such a direction. As cited in *Waitemata Infrastructure Ltd v Auckland*,¹⁸ the Court in *Moriarty v North Shore City Council*,¹⁹ considered that, once a mistake had been identified, the Court's discretion as to whether or not to remedy that mistake was unfettered by statutory criteria and there is no presumption in favour of a change being made.

¹⁵ See RMA, Sch 1 cl 16.

¹⁶ Dated 27 November 2025. Filed in response to the court's Minute dated 3 November 2025, seeking clarification as to why this avenue of addressing the mistake is not appropriate.

¹⁷ *Re Auckland Council* [2021] NZEnvC 137 at [9].

¹⁸ *Waitemata Infrastructure Ltd v Auckland City Council* EnvC A116/04 at [60].

¹⁹ *Moriarty v North Shore City Council* [1994] NZRMA 433.

[22] The court's power is broadly discretionary, but case law makes clear that discretion:

- (a) cannot extend to determining whether particular plan provisions are adequate or appropriate;²⁰
- (b) is limited to remedying unintentional mistakes or unintentional defects,²¹ a minor administrative nature;
- (c) is not to be used to effect a substantive or significant change;²²
- (d) is not to be exercised if doing so would affect the rights of third parties without giving them a chance to be heard.

[23] In deciding whether to direct a council to rectify a mistake, the court must consider whether anyone would be prejudiced.²³ The Environment Court has held that it was appropriate to exercise its discretion under s292 to direct mistakes in the plan be corrected as a matter of justice where no person would be prejudiced by the mistakes being corrected if leaving the mistake unaddressed may cause prejudice or injustice.²⁴

[24] A further consideration is whether it is appropriate that the wider public have a chance to comment on the correction of the plan, and if the answer to that is yes, the court should instead be making s293 directions.²⁵

[25] In this case the parties have jointly sought that the mistake be corrected, and the parties agree that no broader considerations are necessary.

²⁰ *Moriarty v North Shore City Council* [1994] NZRMA 433.

²¹ *Tauranga County Council v Ogier* (1983) 9 NZTPA 469 and *McNaughton v Tauranga County Council* (1987) 12 NZTPA 312.

²² *35 Limited v Auckland Council* [2018] NZEnvC 215, at [7]. *Catholic Archdiocese of Wellington v Friends of Mount Street Cemetery* [2000] NZRMA 385 at [26].

²³ *Re an Application by Northcote BC* A045/90.

²⁴ *Re Selwyn District Council* [2008] ELHNZ 473.

²⁵ *Queenstown Lakes District Council, Re* 2000 WL 36735510, [2000] ELHNZ 160.

Section 292 order sought

[26] The parties agree:

- (a) the incorrect version of the ODP was mistakenly inserted into the PODP ODP map;
- (b) to give effect to the respondent's decisions the ODP inserted should have been based on the August ODP;
- (c) the appeal can be resolved in its entirety by replacing the PODP ODP map for the relevant land with the August ODP which correctly shows the relevant land as MRZ.

[27] The parties submit that:²⁶

- (a) this is a clear case of a mistake;
- (b) the proposed correction is not so significant that it would be inappropriate to make a direction under s292. That is because the error can be corrected simply by replacing the incorrect ODP map with the August ODP;
- (c) the appellant is the only party affected by the error;
- (d) correcting the error ensures alignment of the ODP mapping with the respondent's decision to rezone the relevant land MRZ;
- (e) the potential jurisdictional issues identified do not impact on the appellant's ability to bring proceedings under cl 14 Sch 1 RMA, at least in relation to its submission on the PDP and the respondent's decision to accept the Panel's recommendations on the PDP. Accordingly, there are "proceedings" before the court for the purposes of enabling s292 to be utilised, without the need to lodge a separate notice of motion or other originating documents.

²⁶ Joint memorandum dated 22 October 2025 at [5.5].

[28] If granted, the order sought would resolve the appeal in its entirety, with no issues as to costs.

Whether this is an appropriate case to remedy the mistake pursuant to s292

[29] Taking guidance from *Moriarty*, I have considered what zoning was intended for the relevant land.

[30] Recommendation Report 1 was described by the parties as an integrated overview of the recommendations of both the Panel and the IHP, with IHP recommendations on Variation 1 prevailing in the event of inconsistency. As earlier quoted, Appendix 2, Table 1 of Recommendation Report 1 records the intention that the planning maps be amended to rezone all land beneath the SEWDA ODP, as supplied by the appellant in evidence, from Rural to MRZ.

[31] Having read and considered the joint memorandum I am satisfied that an earlier version of the ODP has mistakenly been included in the PODP, rather than the August ODP intended by the Panel when stating:

Amend the planning map to rezone all land underneath the South Woodend development area ODP as supplied by Woodwater Limited in evidence from Rural to MRZ.

[court's emphasis]

[32] I agree with counsel for the respondent that this error is more than minor, such that correction under cl 20A of Sch1 is not appropriate.²⁷

[33] There is no evidence that the incorrect ODP has been relied upon in a manner that would give rise to prejudice in relation to the relevant land. That is particularly so given that the landowner is the appellant in this proceeding.

²⁷ Respondent's memorandum dated 27 November 2025.

[34] In *Shaw v Auckland City Council*,²⁸ the Environment Court considered whether it should amend the planning maps to the operative plan under s292. In that case, the court declined to utilise its powers under this section because:²⁹

- (a) there was no evidence of any mistake, defect, or uncertainty;
- (b) even if there had been any of the above, such an amendment was not appropriate; and
- (c) there was not enough information before the court as to why the planning maps were as they were.

[35] The present case is materially different from *Shaw*. Here, there is clear evidence of a mistake, it is plainly appropriate that the mistake be remedied to accurately reflect the intended zoning of the land, and the court has been provided ample information as to how the error occurred.

[36] The PODP is relevant to the PDP review appeals before the court. An error in that plan has been identified and no one has raised concern that addressing that mistake would prejudice others. Rather, I consider the appellant in this proceeding could be prejudiced by the mistake remaining uncorrected. It is therefore prudent that the error be remedied to ensure the planning maps accurately reflect the zoning decisions made through Variation 1 and the PDP review.

Outcome

[37] For the reasons described, I conclude that the version of ODP for the relevant land contained in the PODP was mistakenly included. The ODP intended to be inserted was the August ODP.

[38] I note that the notice of appeal sought "... such further or alternative relief

²⁸ *Shaw v Auckland City Council* 2001 WL 1834167.

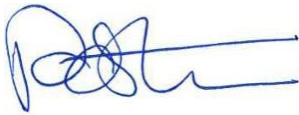
²⁹ At [20].

as the court considered appropriate to give effect to the relief sought”. Further, for completeness I record that the s292 direction I make is relief that the parties have jointly sought and supported and is accordingly properly made under s279 RMA.

[39] Accordingly, under ss s279 and 292 RMA, I direct the respondent to correct the planning maps to properly reflect the ODP for the relevant land as that depicted in Annexure 1 attached to and forming part of this decision.

[40] The parties advised there is no issue in relation to costs.

[41] No further matters remain unresolved. Accordingly, the appeal is otherwise dismissed.



P A Steven
Environment Judge

