

In the Environment Court of New Zealand
Christchurch Registry

I Mua I Te Kōti Taiao O Aotearoa
Ōtautahi Rohe

ENV-2025-CHC-

In the matter of	The Resource Management Act 1991 (Act)
And	an appeal under clause 14(1) of the First Schedule of the Act
Between	Michael Patrick Schluter and Jean Margaret Shirley Schluter
	Appellants
And	Waimakariri District Council
	Respondent

Notice of Appeal

22 August 2025

Appellant's solicitors:

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**anderson
lloyd.**

TO: The Registrar
Environment Court
Christchurch

- 1 Michael Patrick Schluter and Jean Margaret Shirley Schluter (**the Schluters**) appeal against part of a decision (**the Decision**) on the Proposed Waimakariri District Plan (**PDP**).
- 2 The Schluters made a submission and further submission on the PDP (Submission #407, **PDP Submission**; Further Submission #89). The Schluters also made a submission on Variation 1 to the PDP (Submission #76).
- 3 The Schluters are not a trade competitor for the purpose of section 308D Resource Management Act 1991.
- 4 The Schluters received notice of the decision on or about 12 July 2025.
- 5 The decision was made by the Waimakariri District Council.
- 6 The Schluters own land located 237 Johns Road, Rangiora (**the Property**), legally described as Lot 3 DP 341829.
- 7 The parts of the Decision appealed relate to:
 - (a) the rezoning of the southern part of the Property to Open Space Zone (**OSZ**), shown in Figure 1 below; and
 - (b) West Rangiora Development Area Outline Development Plan (**ODP**) provisions which identify the southern part of the Property as Open Space Reserve, shown in Figure 2 below.

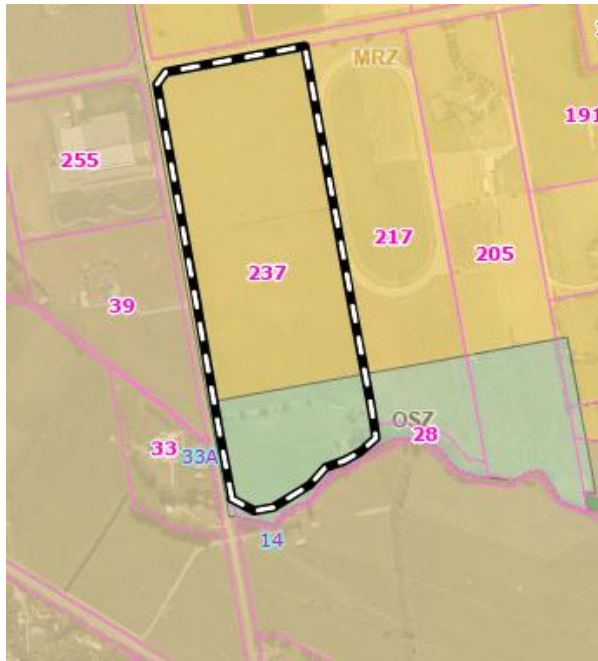


Figure 1: Partially Operative Waimakariri District Plan - Zoning

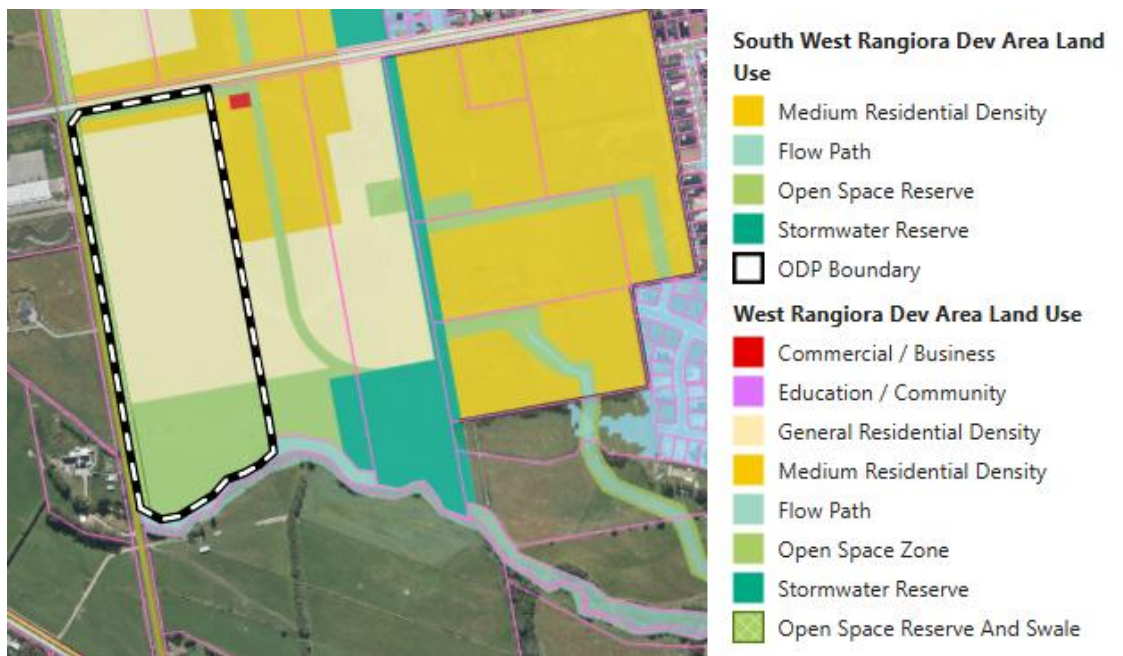


Figure 2: Partially Operative Waimakariri District Plan – West Rangiora Development Area Land Use

Background

- 8 The PDP as notified sought that the Property be zoned Rural Lifestyle Zone (**RLZ**) and identified within the West Rangiora Development Area, as shown in Figure 3 below. Proposed provisions for the West Rangiora Development Area provided for residential development subject to a certification process.



Figure 3: ODP West Rangiora Development Area (as notified)

- 9 In its PDP Submission, the Schluters generally supported the identification of the Property for future residential development in accordance with the proposed ODP. As alternative relief, the Schluters sought that the Property be rezoned through the PDP, consistent with the zoning identified on the proposed ODP. For the majority of the Property, that zoning was General Residential, with a small area to the north of the Property identified as Medium Residential Density.
- 10 By their submission on Variation 1 to the PDP, the Schluters sought to update their submission to seek zoning of the Property to Medium Density Residential zoning (**MRZ**).
- 11 The Officer¹ recommended a partial rezoning to MRZ and Open Space Reserve, on the basis of advice relating to flooding hazards.
- 12 The Hearing Panel's Recommendation Report 36: Residential Rezoning Requests (**Report 36**) records their agreement with the Officer's recommendations in response to all the submissions seeking rezonings, but notes that they recommend amendments to Development Area and associated ODP provisions for several of the rezonings. For the West Rangiora Development Area, the amendments are summarised as: amending the format of DEV-WR-R1; including an amended Advisory Note; amending the format of DEV-WR-S1.²
- 13 The Report 36 then includes amended provisions for each of the Development Areas. For the West Rangiora Development Area, the ODP maps included in

¹ Officer's Report: PDP Residential Rezonings at paragraph 233

² Report 36 Residential Rezoning Requests at paragraph 16

Report 36 does not show Open Space Zoning or an Open Space Reserve over the southern part of the Property, as shown in Figure 4 below.³

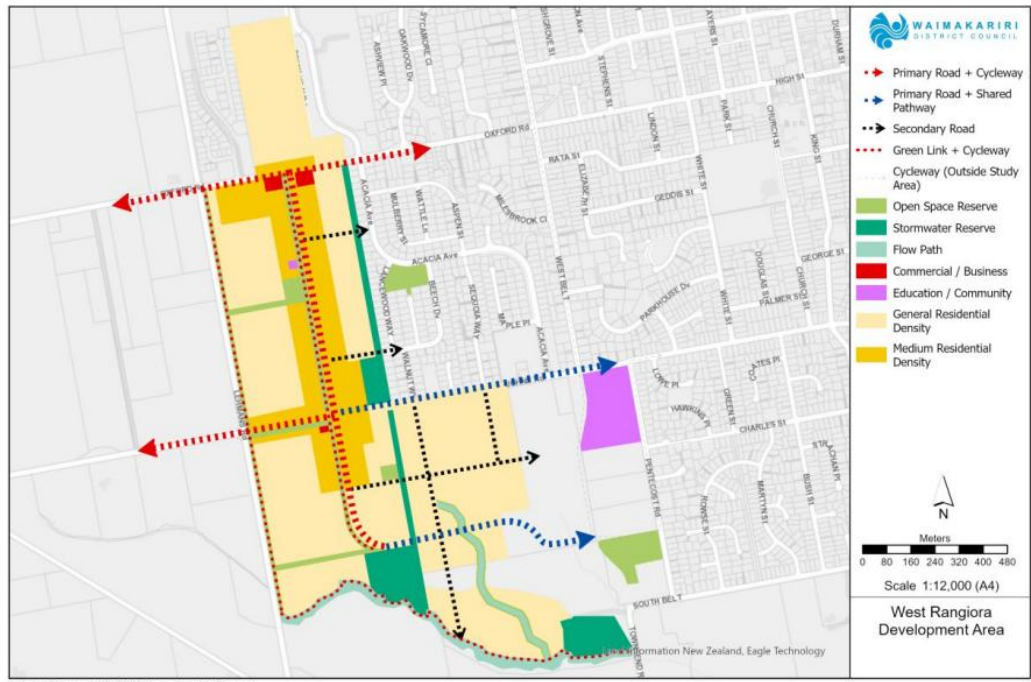


Figure 4: ODP West Rangiora Development Area, Recommendation Report 36

- 14 However, the online Partially Operative Waimakariri District Plan planning maps now show partial zoning of the northern part of the Property General Residential/ MRZ, with the southern part of the Property zoned OSZ, see Figure 5 below.

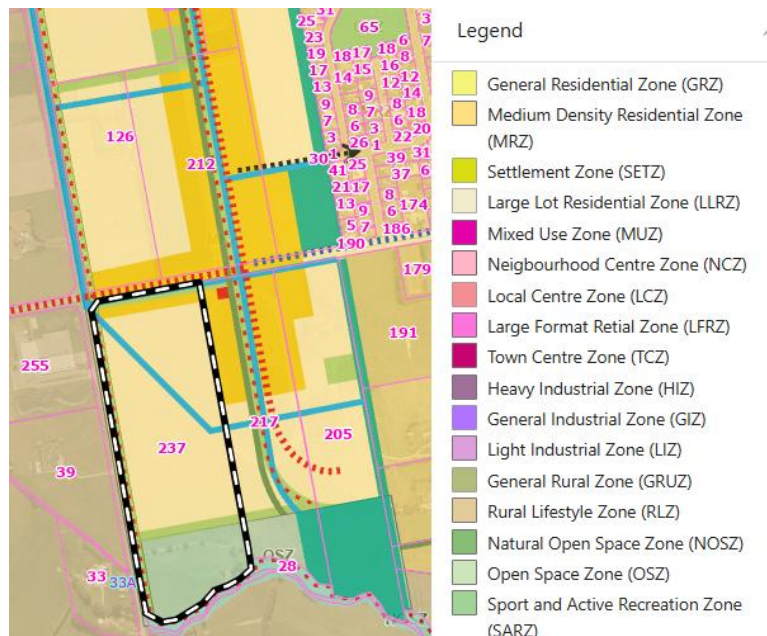


Figure 5: ODP West Rangiora Development Area, Partially Operative Waimakariri District Plan

³ Report 36 Residential Rezoning Requests at p31

Reasons for the appeal

- 15 The Schluters appeal the decision to zone the southern part of the Property to OSZ, and to identify the southern part of the Property as an Open Space Reserve on the ODP, for the following reasons:
- (a) The Council's decision was to accept the recommendations in Report 36. It is not clear that Report 36 recommends the zoning of the southern part of the Property to OSZ, or identification of the southern part of the Property as an Open Space Reserve in the ODP.
 - (b) There was no submission, and therefore no scope, to rezone part of the Property to Open Space Zone.
 - (c) The Property has been identified in the Canterbury Regional Policy Statement as an appropriate location for future residential development.
 - (d) Any development constraints relating to flood hazards are more appropriately dealt with in the ODP, ODP provisions, or general rules, including those rules which apply to the Urban Flood Assessment Area. Applying limitations on development through zoning unnecessarily restricts development and prevents efficient use of the land.
 - (e) Rezoning the entire Property MRZ will:
 - (i) Assist the Council in carrying out its statutory duties under the Resource Management Act 1991 (RMA) including the integrated management of the effects of the use and development of land;
 - (ii) Give effect to the National Policy Statement for Urban Development;
 - (iii) Give effect to the Canterbury Regional Policy Statement;
 - (iv) Meet the requirements of section 32 of the RMA; and
 - (v) Promote the sustainable management of natural and physical resources in accordance with Part 2 of the RMA.

Relief sought

- 16 The Schluters seek the following decision:
- (a) Remove the Open Space Zone zoning from the southern part of the Property, and zone the entire Property Medium Density Residential Zone;
 - (b) Remove the Open Space Reserve notation from the southern part of the Property in the West Rangiora Development Area ODP; and

- (c) Such other additional, alternative or consequential relief to address the matters raised in this appeal.

Attachments

17 The following documents are attached to this notice of appeal:

- (a) **Appendix A** – A copy of the Schluters' submissions;
- (b) **Appendix B** – A copy of the Decision;
- (c) **Appendix C** – A list of names and addresses of persons to be served with a copy of this notice.

Dated 22 August 2025



Sarah Eveleigh / Sarah Schulte
Counsel for the Appellant

This document is filed by Sarah Eveleigh, solicitor for the Appellant, of the firm Anderson Lloyd. The address for service of the Appellant is Floor 2, The Regent Building, 33 Cathedral Square, Christchurch 8011.

Documents for service on the filing party may be left at that address for service or may be:

- (a) posted to the solicitor at PO Box 13831, Christchurch 8141; or
- (b) left for the solicitor at a document exchange for direction to DX Box WX10009 Christchurch; or
- (c) transmitted to the solicitor by fax to + 64 3 379 0039; or
- (d) emailed to the solicitor at sarah.eveleigh@al.nz | sarah.schulte@al.nz.

Advice to recipients of copy of notice of appeal

How to become party to proceedings

If you wish to become a party to the appeal, you must,—

within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and

within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch

Appendix A – A copy of the Submission

Appendix B – A copy of the Decision

Appendix C – a list of names and email addresses of persons served with a copy of this notice

Submitter	Email
199 Johns Road, Carolina Rental Homes Ltd, Allan Downs Ltd	Claire.mckeever@eliotsinclair.co.nz
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