



**ADDERLEY
HEAD**

ENVIRONMENTAL LAW SPECIALISTS

SUBMISSION ON THE PROPOSED WAIMAKARIRI DISTRICT PLAN

Clause 6, First Schedule of the Resource Management Act 1991

To: The Waimakariri District Council
Private Bag 1005
Rangiora 7440

Submitter: L [REDACTED] and P [REDACTED] Richards
C/- Adderley Head,
PO Box 1751, Christchurch 8140
Attention: Chris Fowler
Chris Fowler

Proposal: The Proposed Waimakariri District Plan

SUBMISSION ON THE PROPOSED WAIMAKARIRI DISTRICT PLAN

Name of submitter

- 1 Laurie and Pamela Richards (the **Richards** or the **submitter**).

Proposal to which submission relates

- 2 This submission relates to the following parts of the Proposed Waimakariri District Plan:
- (a) the Mill Road Development Area, including the Mill Road Ohoka ODP and related rules governing subdivision and development of land within this ODP.
- 3 The submitter could not gain an advantage in trade competition through this submission

Detail of submission

- 4 The Richards **oppose** the Proposed Waimakariri District Plan (the **PDP**) provisions controlling subdivision and development within the Ohoka ODP, because these PDP provisions do not adequately protect their land from becoming landlocked in the future.
- 5 In 2008 the submitter purchased the 4.43 ha site at 422 Mill Road, Ohoka (the **site** or the **Richards land**). Access to the Richards land occurs from Mill Road via an access leg included in Lot 10¹ that lies between the Ohoka stream and adjacent Lot 11². The width of the access leg is approximately 16 m.
- 6 Plan Change 17 (**PC17**) was approved by the Council on 16 May 2013. PC17 inserted into the Operative District Plan a new Map 160 – Mill Road, Ohoka Outline Development Plan (the **ODP**). The same ODP has been included in the PDP.
- 7 The PC17 area is 52.5 ha (the **PC17 land**), which allows a maximum yield of 81 lots. PC17 provides for graduated density within the surrounding rural zone, with areas identifying minimum lot sizes of 1 ha or 4000 m².
- 8 The ODP provides for a road network that is intended to provide access to all the PC17 land including the Richards land.
- 9 There are two primary roads shown on the ODP. One is Kintyre Lane, and the other is unnamed (**alternative primary road**). Kintyre Lane is intended to be the primary access to the PC17 land. However, if access via Kintyre Lane is not available to vest as a public road then the alternative primary road shown on the ODP could be used.

¹ DP 371714

² As above

- 10 The Richards land is included in the ODP as shown on **Appendix A**, outlined in black and white stripes. It is located at the very end of the road network designed to service future residential development within the PC17 land. Accordingly, the submitter's ability to subdivide their land in the future in the manner anticipated by PC17 is highly dependent upon formation of the roading network depicted in the ODP.
- 11 The PDP anticipates subdivision of the Richards land into approximately 8 allotments, with each lot being accessed via the roading pattern provided by the ODP.
- 12 Difficulties that constrain vesting of Kintyre Lane as a public road coupled with recent subdivision within the PC17 land that potentially constrains future use of the alternative primary access road by the Richards and other landowners within the PC17 land has caused the submitter to consider that the ODP roading pattern may not be achieved.
- 13 Should this occur then the Richards land could become landlocked, which would jeopardise or preclude the subdivision potential of the Richards land.
- 14 Against this context, the submitters seek that the PDP provisions pertaining to subdivision and development within the ODP be amended to:
- (a) better protect the integrity of the ODP roading network; and
 - (b) to provide opportunity for the Richards (and other potentially affected landowners within the PC17 land) to submit on subdivision applications within the ODP that do not provide for or enable reasonable access to, and development of, other PC17 land in the manner anticipated by the ODP.

Decision sought

- 15 The submitter seeks the following relief:
- (a) amend "DEV-MILL-BFS2 Specific access provisions" to include new standards as follows:

(4) The integrity of the Mill Road ODP roading network shall be maintained to enable future subdivision of other land serviced by the roading network in the manner anticipated by the ODP.

(5) Any subdivision application shall include the written approval of any other land owners within the Mill Road ODP where the application may adversely affect the land owner's ability to service future residential development of their land in the manner anticipated by the ODP.
 - (b) amend "DEV-MILL-BFS2 Specific access provisions" to include an Advice Note as follows:

Notification: An application for a non-complying activity under DEV-MILL-BFS2 (4) and (5) this rule is precluded from being publicly notified, but may be limited notified, including to other land owners within the Mill Road ODP who might be adversely affected by the application.

- (c) amend the Mill Road ODP as may be required to support amendment to the above rules or otherwise give effect to the intent of this submission;
- (d) amend relevant objectives and policies of the PDP as may be required to support amendment to the above rules; and
- (e) such other alternative amendments, additional amendments, or consequential amendments, deletions, or additions that are necessary or appropriate to give effect to the intent of this submission, and the submitter's underlying concerns.

Conclusion

- 16 The submitter does wish to be heard in support of this submission.
- 17 If others make a similar submission, the submitter will consider presenting a joint case with them at the hearing.
- 18 Thank you for the opportunity to submit on the PDP.

Dated 25 November 2021



Chris Fowler
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Mill Road Ohoka ODP + location of Richards land (shown in black and white stripes)

