
Submission on Waimakariri District Council - Proposed District Plan

Form 5 Submission on publically notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Waimakariri District Council - Development Planning Unit

Date received: 22/11/2021

Submission Reference Number #:69

This is a submission on the following proposed plan (the **proposal**): Waimakariri District Council - Proposed District Plan

Address for service:

G [REDACTED] Maxwell

[REDACTED]
New Zealand

Email: geoff@maxval.co.nz

Attachments:

RC205042 DECISION LETTER MAXWELL INVESTMENT TRUST 356 CARRS ROAD LOBURN.pdf

RC205042 RC205043 APPROVED PLAN.PDF

I wish to be heard: Yes

I am willing to present a joint case: Yes

Could you gain an advantage in trade competition in making this submission?

- **No**

Are you directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

- **No**

Submission points

Point 69.1

Section: Planning Maps

Sentiment: Oppose

Submission:

We own a property at 356 Carrs Road in Loburn which is 42 hectares in size.

The property has been rezoned GRUZ under the Proposed District Plan which increases the minimum allotment size to 20 hectares. We have obtained resource consent (copy attached) to subdivide our property into 10 lots in April 2020.

Virtually every property on the northern side of Carrs Road has been subdivided now and we are one of the few remaining larger blocks. The land is south facing clay downs and not overly productive for farming (certainly not profitable!). We understand another larger property up Doyles Road has a consent application in process for subdivision as well (Bentwood Properties Limited). Also all of the land on the opposite side of Carrs Road has been rezoned RLZ which is far more productive land than ours.

Our intention is to continue farming the land for a number of years (hopefully 30 or more) and not sell any lifestyle blocks off. We however would like to have the ability to subdivide the land in the future as it is worth far more as lifestyle blocks than rural land. We would therefore like the property to be rezoned RLZ under the proposed district plan which would give us this flexibility. If this doesn't eventuate then we will have no other option but to complete the consented subdivision we already have on the land.

Also we would like to submit on the minimum 4 hectare land area requirement under the RLZ zone. In our opinion this should be changed to a minimum **average** area of 4 hectares. This provides the flexibility to created subdivided blocks which are far more sympathetic to the lands characteristics (i.e boundaries following existing fence lines, more privacy for potential house sites etc). Our consented subdivision is a good example of what is inappropriate. If an average was applied then the overall density would be the same but the boundaries could be reconfigured to provide a far better subdivision layout. This flexibility exists in the Hurunui District.

Thank you for considering our submission.

Kind Regards

Geoff & Jo Maxwell

Relief sought

Rezone property at 356 Carrs Road, Loburn RLZ under the Proposed District Plan.

Change minimum area of 4 hectares to a minimum **average** area of 4 hectares for subdivisions in the RLZ zone. This could be classified as a "Restricted Discretionary Activity".

Our Reference: RC205042 RC205043 / 200414044222
Valuation Reference: 21490-05300

14 April 2020

Myall & Thurlow Consultants Limited
PO Box 41107
Ferrymead
CHRISTCHURCH 8247

Attention: R Clark

Dear Rita

**DECISION ON RESOURCE CONSENT APPLICATION
MAXWELL INVESTMENT TRUST - 356 CARRS ROAD, LOBURN**

Please find enclosed a copy of the decision reached by the Planning Manager under delegated authority from the Council on the above application.

We also enclose information relating to rights of appeal, lapsing of consent (where applicable), and other legal requirements.

Yours faithfully



Garry Blay
RESOURCE MANAGEMENT PLANNER

Encl

CC:

Maxwell Investment Trust

WAIMAKARIRI DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an application lodged by **Maxwell Investment Trust** for a resource consent under Section 88 of the aforementioned Act.

APPLICATION

The applicants sought a resource consent to subdivide 42.5 hectares into ten rural lots and 1 corner splay to vest in Council.

Lot 1 will contain the existing dwelling and sheds. It exceeds 4.0 hectares in area, and can accommodate the required 120m x 120m shape factor requirement. Water can be supplied from the Ashley Reticulated Water Supply Scheme.

Access to the lots will be provided from Carrs and Doyles Roads, either directly or via one of three rights of ways.

DECISION

The Planning Manager, on the 9th April 2020, approved:

SUBDIVISION

THAT pursuant to Section 104B of the Resource Management Act 1991, consent be granted to subdivide RS12418 and RS19308 into Lots 1 to 10 and Lot 11 (road to vest), at 356 Carrs Road, Loburn, as a discretionary activity subject to the following conditions which are imposed under Section 108 of the Act:

1. **Application Plan**

- 1.1 The activity shall be carried out in accordance with the attached approved application plan stamped RC205042 and RC205043.

2. **Standards**

- 2.1 All stages of design and construction shall be in compliance with the Waimakariri District Council Engineering Code of Practice and latest amendments, where applicable:

- Waimakariri District Council Engineering Code of Practice

- Waimakariri District Council Stormwater Drainage and Watercourse Protection Bylaw (2018)
- Erosion & Sediment Control Toolbox For Canterbury
- NZS 4404:2010 Land Development and Subdivision Infrastructure
- NZS 4431:1989 Earthfill for Residential Development
- New Zealand Transport Agency standards
- New Zealand Drinking Water Standards 2005 (Revised 2018)
- New Zealand Pipe Inspections Manual AS/NZS 2845.1:2010 Water Supply: Backflow Prevention Devices: Materials, Design and Performance requirements.
- New Zealand Industry Standard: Field Testing of backflow prevention devices and verification of air gaps.

3. **Easements**

- 3.1 All services, including open drains and access ways, serving more than one lot or traversing lots other than those being served and not situated within a public road or proposed public road, shall be protected by easements. All such easements shall be granted and reserved.

4. **Water Supply**

- 4.1 The consent holder shall provide an adequate reticulated domestic water supply to each of Lots 2 to 10 of at least 1 unit (1.8m³ per day) from the Ashley Rural Water Supply.
- 4.2 The Consent Holder shall install the reticulation to meet the following minimum standards for Lots 2 to 10:
- Separate 15mm diameter laterals from the main to the toby box;
 - Toby boxes, restrictors and valves installed at the road frontage;
 - Individual 20mm internal diameter laterals from the toby box to the storage tank, which shall be located a minimum of 1m within the main body of the lot/s, or, if access is via a rights of way, individual 20mm laterals from the toby box to the storage tank, which shall be located a minimum of 1m within the main body of the lot(s);
 - A supply of a minimum of 1.8m³/day of water, including pipework, restrictors, fittings and storage tanks with a minimum capacity of 5400 litres;
- 4.3 The Consent Holder shall engage the Hurunui District Council to carry out any required new or modified connections to the water supply.

5. **Vehicle Crossings**

- 5.1 The existing vehicle crossing serving Lot 1 shall be upgraded to accord with the requirements of the Waimakariri District Council Engineering Code of Practice Standard Drawing 600-217 (Issue D).
- 5.2 The Consent Holder shall provide a sealed vehicle crossing to Right of Way 1 serving Lots 8 to 10 and Right of Way 2 serving Lots 2, 3 and 7, and an

unsealed vehicle crossing to Right of Way 3 serving Lots 4, 5 and 6, formed in accordance with the requirements of the Waimakariri District Council Engineering Code of Practice Standard Drawing 600-217 (Issue D).

- 5.3 The Consent Holder shall provide a culvert design to determine minimum pipe diameters and suitable crossing and headwall construction for the vehicle entrances to Rights of Ways 1, 2 and 3. Design plans, specifications and report including hydraulic calculations shall be provided to confirm the culvert sizing and engineering details for the access to Rights of Ways 1 and 2. Calculations shall be based on rainfall figures for the site using NIWAs HIRDS Version 4 with RCP 8.5 climate change scenario. A Producer Statement Design shall be provided to the Council. No work shall commence until formal engineering approval in writing has been provided by the Council (A 'Producers Statement- Design' form can be found in Part 3 of the Engineering Code of Practice, Appendix C).
- 5.4 The existing table drains/swales shall be re-graded as required to provide a free outfall.
- 5.5 All vehicle crossings shall be located as shown on the approved plan RC205042 and RC205043.
- 5.6 Any vegetation adjacent to vehicle crossings and within 3.5m of the traffic lane, which obstructs sight lines from that vehicle crossing, shall be removed.
- 5.7 The Consent Holder shall Clegg Hammer test all accesses prior to sealing. A measured Clegg Impact Value of at least 25 shall be obtained to assure adequate compaction and pavement strength prior to sealing. Documentation shall be supplied to the Council confirming the test results obtained.

6. **Rights of Way**

- 6.1 Rights of Way 1 serving Lots 8, 9 and 10, Rights of Way 2 serving Lots 2, 3 and 7, and Rights of Way 3 serving Lots 4, 5 and 6 shall be formed and, as a minimum, metalled to accord with the requirements of Waimakariri District Council Standard Drawing 600-273 (Issue D). Passing bays shall be installed at 90 metre intervals.

7. **Traffic Management**

- 7.1 The consent holder shall submit for approval a comprehensive Traffic Management Plan detailing traffic control works (including sketch layout and control signs). This plan shall be submitted at the time of engineering plan approval and prior to work commencing on or in any Road Reserves. Traffic Management shall be to Level 1 as described in the New Zealand Transport Agency Code of Practice for Temporary Traffic Management.

8. **Geotechnical**

- 8.1 Prior to the erection of any new dwellinghouse on Lots 1 to 10, the Consent

Holder shall ensure a site-specific geotechnical assessment is carried out by a suitably qualified Chartered Professional Engineer (CPEng) with experience in residential/commercial development. The results of this assessment shall be used to design specific foundations for each dwellinghouse.

- 8.2 Condition 8.1 shall be subject to a consent notice, pursuant to section 221 of the Resource Management Act 1991 and shall register on the records of title for Lots 1 to 10.

9. **Power and Telephone**

- 9.1 The Consent Holder shall provide evidence in writing from the relevant service utility providers that existing electrical and telephone reticulation has the capacity to provide service connection to Lots 2 to 10. If wired telecommunication reticulation is unavailable or extension of wired reticulation is shown to be cost prohibitive, the Consent Holder shall provide evidence in writing from a service provider of their choice, that 4G Broadband has capacity to provide a service connection to Lots 2 to 10.

10. **Finished Floor Levels**

- 10.1 The Consent Holder shall ensure that the minimum floor level of any new dwellinghouse erected on proposed Lots 1 to 10 is set no lower than 400mm above undisturbed ground at any point intersecting the building footprint and located outside Councils mapped 0.5% AEP (1 in 200 year) Flood Hazard Areas.
- 10.2 Condition 10.1 shall be subject to a consent notice, pursuant to section 221 of the Resource Management Act 1991 and shall register on the records of title for Lots 1 to 10.

11. **Roading**

- 11.1 The Consent Holder shall either:
- a) Widen the western side of Doyles Road from the intersection of Carrs Road to the Row 3 entrance by at least 1 metre to an overall width of 5 metres in accordance with Engineering Code of Practice standard drawing 600-270 (issue D). Work shall include extension of any culverts within this widened section of Doyles Road. The Consent Holder shall carry out Clegg Hammer testing of the road upgrade formation following completion of the base course layers and prior to final surfacing. A measured minimum Clegg Impact Value of 25 for the road formation shall be obtained to assure adequate compaction and pavement strength. Additionally, the Consent Holder shall pay a Financial Contribution of **\$5,228.41 (incl. GST)** toward the Carrs Road and Doyles Road intersection improvement. (See Appendix one)

Or;

- b) Pay a Financial Contribution of **\$10,836.51 (incl. GST)** toward the widening of Doyles Road to 6 metres width, from the intersection of Carrs Road to the Row 3 entrance, and the Carrs Road and Doyles Road intersection improvement. (See Appendix Two)

12. **Lot to Vest**

- 12.1 Lot 11 shall vest in the Waimakariri District Council as road

13. **Conditions Auditing**

- 13.1 The Council will audit compliance with the conditions of consent by both site inspections and checking of associated documentation to ensure the work is completed in accordance with the approved plans and specifications and to the Council's standards. The Council will undertake inspections and checking. The developer, or their authorised agent, shall notify Council at least one working day prior to commencing various stages of the works to enable audit inspections to be carried out.

- 13.2 The minimum level of inspection shall be as follows:

Roading

- Following shaping of roading sub-grade prior to placement of sub-base material;
- The Consent Holder shall carry out Benkelman Beam tests or other approved in situ formation bearing tests following completion of the base course layer and prior to final surfacing. Council shall approve the test results;
- On completion;

Access and Right of Ways

- On completion of excavation to sub-grade;
- Following compaction of base course prior to final surfacing;
- On completion;

Whole Works

- Prior to issue of a certificate under Section 224(c) of the Resource Management Act 1991.

- 13.3 Where repeat inspections are required because of faulty workmanship or work not being ready contrary to the receipt of a notification, such inspections will be carried out at the current hourly rate for the Council officer inspecting.

14. **Works conditions**

- 14.1 A certificate under Section 224(c) of the Resource Management Act 1991 will not be issued until conditions 1 to 13 above have been met to the satisfaction of the Waimakariri District Council, at the expense of the Consent Holder.

ADVICE NOTES

- a) The Consent Holder is advised that requirements and conditions listed are a statement of the Council's minimum standards. Where the Consent Holder proposes higher standards or more acceptable alternatives these shall be submitted to the Council in writing for approval.
- b) Ashley Rural Water Supply is managed by Hurunui District Council. To avoid delays relating to water supply connections the Consent Holder should contact the water service unit at Hurunui District Council on 03 314 8816 and advise of the subdivision. For any enquiries regarding Ashley Rural Water Supply locations or to agree any required new or modified connections to the water supply, please contact Hurunui District Council. Please note that the Ashley Rural Water Supply is a flow-restricted scheme.
- c) The Consent Holder is advised that development contributions apply to this subdivision and that these will be levied in accordance with the Council's Development Contributions Policy. Development Contributions will be advised in a letter separate to the resource consent decision. Payment of development contributions is required prior to the completion of the 224(c) process, under section 208 of the Local Government Act 2002.
- d) The Consent Holder is advised that no excavation shall commence within a public road reserve without the prior receipt of a Trenching Permit.
- e) The Consent Holder is advised that Traffic Management Plan forms can be sourced from Council Service Centres or on-line at: <https://www.waimakariri.govt.nz/home>
- f) The requirement for power and telephone to be confirmed as having capacity to service the subdivision does not guarantee that power or telephone connections are provided to potential allotments. On rural lots, the service authorities will not install submains to individual lots until the location of the house site is determined. Prospective purchasers of these lots should be advised to contact the relevant service authorities to ascertain the likely costs of servicing any specific lots to the purchaser's requirements.
- g) Prior to any future dwelling being established on Lots 2 to 10 the property owner will be required to install an onsite sewage disposal system. A discharge consent may be required from Environment Canterbury.
- h) Soil infiltration testing will be required at Building Consent stage to confirm that soakage is achievable given that the property is in an unknown soil infiltration area. If soakage is not achievable then other options to achieve stormwater neutrality in a 1 in 10 year event will need to be implemented. This may include the requirement for stormwater detention ponds, swales or on-site stormwater detention tanks.
- i) The Erosion & Sediment control Toolbox for Canterbury can be found on the ECan website link <http://esccanterbury.co.nz/>

- j) The consent is a resource consent in terms of the Resource Management Act 1991. It is not a consent under any other Act, Regulation or Bylaw.
- k) Existing overland flow paths will need to be retained and maintained.

LAND USE

THAT pursuant to Section 104B of the Resource Management Act 1991 consent be granted to install non-complying vehicle crossings to Rights of Way 1, 2 and 3 and retain an existing vehicle crossing to Lot 1, created by subdivision consent RC205042, being a subdivision of RS12418 and RS19308 at 356 Carrs Road, Loburn, as a discretionary activity subject to the following conditions which are imposed under Section 108 of the Act:

1. **Application Plan**

- 1.1 The activity shall be carried out in accordance with the attached approved application plan stamped RC205042 and RC205043.

2. **Inspection**

- 2.1 Compliance with the above condition may be verified by inspection by a Council Officer pursuant to Section 35(2)(d) of the Resource Management Act 1991.
- 2.2 Should an inspection be required, the consent holder shall pay to the Council charges pursuant to Section 36(1)(c) of the Resource Management Act 1991 to enable the Council to recover its actual and reasonable costs in carrying out the inspections.

REASONS FOR THE DECISION

Pursuant to Section 113 of the Act the Council was satisfied that:

- No person is deemed to be adversely affected by the proposal.
- The environmental effects will be less than minor for the following reasons:
 - All lots exceed the minimum area required of 4ha.
 - Traffic movement and safety on Carrs Road will be maintained.
 - There are no natural hazards which will adversely impact on future use of the lots.
- The proposal is in accordance with the Objectives and Policies of the District Plan.

DATED at Rangiora this 14th Day of April 2020



SIGNED by Garry Blay
RESOURCE MANAGEMENT PLANNER

Appendix One

Condition 11.1(a)

*“..... the Consent Holder shall pay a Financial Contribution of **\$5,228.41 (incl. GST)** toward the Carrs Road and Doyles Road intersection improvement. (See Appendix one)”*

The Rooding Financial Contribution for the upgrade of the intersection of Doyles Road with Carrs Road has been calculated as follows:

- Road is to be locally widened 370m², total chip seal 422m² = Total Cost \$69,712.13 incl GST.
- The 2 existing lots are credited against the calculation (i.e. they do not pay toward the upgrade cost).
- 3 additional lots contribute to the upgrade = 24 vehicle movements per day (vpd).
- Existing Lots + Potential Future Lots + Average Daily vpd = 320 vpd.
- Consent Holders proportion percentage share of the cost is $24/156 = 7.5\%$

Appendix Two

Condition 11.1(b)

*“Pay a Financial Contribution of **\$10,836.51 (incl. GST)** toward the widening of Doyles Road to 6 metres width, from the intersection of Carrs Road to the Row 3 entrance, and the Carrs Road and Doyles Road intersection improvement. (See Appendix Two)”*

The Roading Financial Contribution for the upgrade of Doyles Road has been calculated as follows:

- A distance of 520m of Road from RoW 3 entrance to the Doyles Road intersection with Carrs Road.
-
- Road is to be widened from 4m to 6m width at \$143.80 per metre = Total Cost \$74,774.70.
-
- The 2 existing lots are credited against the calculation (i.e. they do not pay toward the upgrade cost).
-
- 3 additional lots contribute to the upgrade = 24 vehicle movements per day (vpd).
-
- Existing Lots + Potential Future Lots + Average Daily vpd = 320 vpd.
-
- Consent Holders proportion percentage share of the cost is $24/320 = 7.5\%$



- NOTES**
1. THE PROPERTY DATA HAS BEEN SOURCED FROM LAND INFORMATION NEW ZEALAND (LINZ).
 2. AREAS AND DIMENSIONS ARE SUBJECT TO FINAL SURVEY AND DEPOSIT OF PLANS.
 3. THIS PLAN HAS BEEN PREPARED FOR SUBDIVISION CONSENT PURPOSES ONLY. NO LIABILITY IS ACCEPTED IF THE PLAN IS USED FOR ANY OTHER PURPOSE.
 4. THIS PLAN IS SUBJECT TO THE GRANTING OF SUBDIVISION AND/OR RESOURCE CONSENTS AND SHOULD BE TREATED AS A PROPOSAL UNTIL SUCH TIME AS THE NECESSARY CONSENTS HAVE BEEN GRANTED BY THE RELEVANT AUTHORITIES.
 5. EASEMENTS TO PROTECT SERVICES WILL BE FORMALISED AT THE TIME OF SURVEY.
 6. ALL NEW RIGHT OF WAYS HAVE A LEGAL WIDTH OF AT LEAST 10.0m
 7. AERIAL IMAGE AND CONTOURS SURVEYED BY DRONE ON 28.11.2019.
 8. LEVELS IN TERMS OF NEW ZEALAND VERTICAL DATUM 2016.
ORIGIN: IT XXIII DP 68352 (DBU0) RL: 101.40m

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Comprised in Certificate of Title: CB380/86 & CB9K/665
Title Areas: 24.28 ha & 18.21 ha
Total Title Area: 42.49 ha
Total Calculated Area: 42.12 ha

CLIENT

MAXWELL INVESTMENT TRUST

REV	DATE	REVISION DETAILS	APPROVED
C	12.02.20	ACCESSWAY CHANGES	R CLARK
B	16.01.20	ACCESSWAY CHANGES	R CLARK
A	20.12.19	ISSUED FOR INFORMATION	M MYALL

PROJECT

SCHEME PLAN

TITLE
356 CARRS ROAD
LOBURN
NORTH CANTERBURY

DRAWN	SURVEYED	INFORMATION	
W VAN DER KAAG	W VAN DER KAAG	NOT FOR CONSTRUCTION	
APPROVED		PROJECT No.	
M MYALL		19047	
		SCALE	SIZE
		1:3000	A3
		DRAWING No.	REV
		SU 01	C

WAIMAKARIRI DISTRICT COUNCIL
- APPROVED APPLICATION -
RC205042 / RC205043
APPROVED by Authorised Officer
Wendy Harris 9/04/2020