



**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
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Proposal: The Proposed Waimakariri District Plan

SUBMISSION ON THE PROPOSED WAIMAKARIRI DISTRICT PLAN

Name of submitters

- 1 Roger Reeves & Karen De Lautour (the **submitters**)

Proposal to which submission relates

- 2 This submission relates to the following parts of the Proposed Waimakariri District Plan (the **PDP**):
- (a) Permitted activity rule RLZ-R3 (3), regarding residential units in the Rural Lifestyle Zone on pre-existing sites less than a net size area of 4ha; and
 - (b) Permitted activity rule GRUZ-R3 (5), regarding residential units in the General Land Zone on pre-existing sites less than a net size area of 4ha.
- 3 The submitters could not gain advantage in trade competition through this submission.

Details of submission

- 4 The submitter's **oppose** PDP provisions that do not permit residential units on sites with a minimum net site area of less than 4ha that were created by subdivision before 1 October 1991 (the **cut-off date**), because the provisions result in prejudicial and unfair outcomes for sites that were created before the cut-off date.
- 5 Following the February 2011 Canterbury Earthquake, the submitter's moved from their home in Christchurch to a 2.4ha site at 786 Mill Road, Ohoka, legally described as Part Rural SEC 4102 BLK X Rangiora SD (the **site**).
- 6 The site was created by subdivision well before 1 October 1991 and is located in the PDP Rural Lifestyle Zone.
- 7 RLZ-R3-(1) states:
- "A residential unit shall be located on the site with a minimum net site area of 4ha per residential unit, except when provided for in (3), (4) and (5) below."*

RLZ-R3-(3) states:

"A site with a minimum net site area less than 4ha exists and it is a site or an allotment that was created by a subdivision and was on a subdivision consent between 1 October 1991 and 24 February 2001 (inclusive of both dates) one residential unit may be erected." (the **exception**)

- 8 Similarly GRUZ-R3 (1) states the same as the exception above, apart from providing for 20ha sites and for further exceptions at GRUZ-R3 (6) and (7). GRUZ-R3 (5) states the same as RLZ-R3-(3) states above.
- 9 The net site area of the submitter's site is less than 4ha, but the subdivision creating the site was before 1 October 1991. The submitter's are therefore not able to gain the advantage of the exception.
- 10 The 1 October 1991 cut-off date appears to be based on the commencement date of the Resource Management Act 1991, section 1(2):

"Except as provided in subsection (3), this Act shall come into force on 1 October 1991."
- 11 The 24 February 2001 date referred to in the above rules appears to relate to the date upon which the Operative District Plan became operative.
- 12 The cut-off date results in prejudicial and unfair outcomes for land owners of sites less than 4ha created before the cut-off date, because landowners cannot secure the benefit of the exception. The submitter's consider there are no proper resource management reasons for adopting 1 October 1991 as the cut-off for subdivisions created prior to the Operative District Plan.
- 13 Against this context, the submitter's seek that the PDP provisions pertaining to the cut-off date of both PDP RLZ-R3 (3) and GRUZ-R3 (5) be removed from these rules respectively.
- 14 Amending RLZ-R3 (3) and GRUZ-R3 (5), by removing the cut-off date, will only apply to existing sites less than 4ha. The application of the exception to only existing sites achieves the purpose of both the Rural Lifestyle Zone and General Rural Zone of providing for primary productive activities, because the affected sites already exist and are not able to be used for primary production activities due to their small size.

- 15 The amendment RLZ-R3 (3) and GRUZ-R3 (5) will allow residential units, as defined by the PDP, to be established on these existing but as yet undeveloped sites.

Decision sought

- 16 The submitter's seek the following relief;
- (a) Amend RLZ-R3 (3) and GRUZ-R3 (5), by removing the aforementioned cut-off date as follows:
 - (i) RLZ-R3 (3): *"A site with a minimum net site area less than 4ha exists and it is a site or an allotment that was created by a subdivision and was on a subdivision consent, before 24 February 2001 one residential unit may be erected; and*
 - (ii) GRUZ-R3 (5): *"A site with a minimum net site area less than 4ha exists and it is a site or an allotment that was created by a subdivision and was on a subdivision consent, before 24 February 2001 one residential unit may be erected".*
 - (b) Amend the planning maps and/or relevant RLZ rules to make a site-specific exemption for the site at 786 Mill Road, Ohoka;
 - (c) Amend relevant objectives and policies of the PDP as may be required to support amendment to the above rules; and/or
 - (d) Such other alternative amendment, 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

- 17 The submitter's do wish to be heard in support of this submission.
- 18 If others make a similar submission, the submitter's will consider presenting a joint case with them at the hearing.

Thank you for the opportunity to submit on PDP

Dated 26 November of 2021



Chris Fowler



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Roger Reeves

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