

DISTRICT PLAN REVIEW

Proposed Waimakariri District Plan - Submission

Clause 6 of Schedule 1, Resource Management Act 1991

Submitter details

(Our preferred methods of corresponding with you are by **email** and **phone**).

Full name: _____

Email address: _____

Phone (Mobile): _____ Phone (Landline): _____

Postal Address: _____ Post Code: _____

Physical address: _____ Post Code: _____
(if different from above)

Please select one of the two options below:

I **could not** gain an advantage in trade competition through this submission (go to Submission details, you do not need to complete the rest of this section)

I **could** gain an advantage in trade competition through this submission (please complete the rest of this section before continuing to Submission details)

Please select one of the two options below:

I **am** 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 effect of trade competition.

I **am not** 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 effect of trade competition.

Submission details

The specific provisions of the proposal that my submission relates to are as follows: *(please give details)*

My submission is that: *(state in summary the Proposed Plan chapter subject and provision of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons) (please include additional pages as necessary)*

I/we have included: _____ additional pages

I/we seek the following decision from the Waimakariri District Council: *(give precise details, use additional pages if required)*

Submission at the Hearing

I/we wish to speak in support of my/our submission

I/we do not wish to speak in support of my/our submission

If others make a similar further submission, I/we will consider presenting a joint case with them at the hearing

Signature

Of submitters or person authorised to sign on behalf of submitter(s)

Signature _____

Date _____

(If you are making your submission electronically, a signature is not required)

Important Information

1. The Council must receive this submission before the closing date and time for submissions.
2. Please note that submissions are public. Your name and submission will be included in papers that are available to the media and public. Your submission will only be used for the purpose of the District Plan review process.
3. Only those submitters who indicate they wish to speak at the hearing will be emailed a copy of the planning officers report (please ensure you include an email address on this submission form).

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious
- It discloses no reasonable or relevant case
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further
- It contains offensive language
- It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Send your submission to: Proposed District Plan Submission
Waimakariri District Council
Private Bag 1005, Rangiora 7440

Email to: developmentplanning@wmk.govt.nz

Phone: 0800 965 468 (0800WMKGOV)

You can also deliver this submission form to one our service centres:

Rangiora Service Centre: 215 High Street, Rangiora

Kaiapoi Service Centre: Ruataniwha Kaiapoi Civic Centre, 176 Williams Street, Kaiapoi

Oxford Service Centre: 34 Main Street, Oxford

Submissions close 5pm, Friday 26 November 2021

Please refer to the Council website waimakariri.govt.nz for further updates

26 November 2021

Waimakariri District Council
Private Bag 1005
Rangiora 7440

Attention: Proposed Waimakariri District Plan Submission

Submission to Proposed Waimakariri District Plan – Creation of New Unit Titles, and Updates and Conversions to Cross Leases and Unit Titles

Eliot Sinclair are writing to submit a request for new subdivision rules that address unit title subdivisions and allow cross lease and unit title update subdivision processes.

The reasons for our submission are

We note that the proposed Waimakariri District Plan does not contain rules related to the creation of new unit titles, updates and conversions to cross leases, and updates and conversions to unit titles. The proposed Waimakariri District Plan only discusses existing cross lease plans when they are not altered (SUB-R2). Other District Plans including the Auckland Unitary Plan Operative in Part, the Queenstown Lakes Proposed District Plan, the operative Christchurch District Plan, and the proposed Selwyn District Plan do include rules for this.

In the Auckland Unitary Plan Operative in Part, cross lease, company lease, unit title, and strata-title subdivisions are a controlled activity under Rule E38.4.1 (A4). Amendments to a cross lease or unit title, including additions and alterations to buildings, accessory buildings, and areas for exclusive use by an owner or owners are a controlled activity under Rule E38.4.1 (A5). Similarly, in the Queenstown Lakes Proposed District Plan, unit title and leasehold subdivisions are a controlled activity under Rule 27.5.5.

In the Christchurch District Plan, alteration of cross leases and unit titles are a controlled activity under Rule 8.5.1.2C3, with the matters of control listed in Rule 8.7.2. The proposed Selwyn District Plan also identifies cross lease and unit title updates in all zones as a controlled activity under Rule SUB-R15, with the activity status becoming a non-complying activity if any of the rules in SUB-R15.1 are not achieved.

Creation and alteration of cross leases and unit titles are a relatively common occurrence, and this is a notable gap in the proposed Waimakariri District Plan. Further, should the Enabling Housing Amendment Bill be successfully passed into legislation, a potential future scenario with a development of up to three houses on one allotment is likely to give rise to the creation and proliferation of unit titles for most tenures of housing developments. The creation of new unit title subdivisions should also be provided for in the proposed Waimakariri District Plan.

Equally, it should be permitted for existing forms of tenure to be updated, such as the freehold conversion of cross lease or unit titles. Such a change is a legal update to the title that does not result in physical effects on the environment or people and as such, Council approval should be a formality for the purpose of creating the necessary easements and lodgement of plans with Land Information New Zealand to create the legal titles.

The rules we are proposing

Based on research of rules regarding cross lease updates in other District Plans, we propose that the following rule be added to the proposed Waimakariri District Plan:

SUB-R12 Subdivision to Create Unit Titles in All Zones		
All Zones	<p>Activity Status: CON</p> <p>Where:</p> <ol style="list-style-type: none"> Land use consent is approved for a multi unit commercial or residential development, and a unit title or leasehold (including cross lease) subdivision is subsequently undertaken in accordance with the approved land use consent, provided: <ol style="list-style-type: none"> all buildings are in accordance with an approved land use resource consent; all areas to be set aside for the exclusive use of each building or unit must be shown on the survey plan, in addition to any areas to be used for common access, parking, or other such purpose; all service connections and on-site infrastructure must be located within the boundary of the site they serve or have access provided by an appropriate legal mechanism; parking spaces must be created as accessory units or common areas rather than as principal units when associated with an approved use or activity, unless otherwise provided for by a resource consent. <p>Matters of control/discretion are related to:</p> <ol style="list-style-type: none"> SUB-MCD1 - Allotment area and dimensions SUB-MCD3 - Property access SUB-MCD6 - Infrastructure <p>This rule does not apply to a subdivision of land creating a separate fee simple title.</p> <p>The intent is that it applies to subdivision of lot containing an approved land use consent in order to create titles in accordance with that consent.</p> <p>Notification:</p> <p>An application for a controlled activity under this rule is precluded from being publicly or limited notified.</p>	<p>Activity Status when compliance not achieved: as set out in the relevant subdivision standards</p>

SUB-R13 Subdivision to Update or Convert Cross Leases, Company Leases, and Unit Titles in All Zones

All Zones	<p>Activity Status: CON</p> <p>Where:</p> <ol style="list-style-type: none">1. Every title has legal access to a road, and that access is not obtained by crossing a railway line;2. Every title or leased area is supplied with a potable water supply;3. Every title or leased area is supplied with a connection to a reticulated wastewater network, where the site is located in a township with a reticulated wastewater network. <p>Matters of control/discretion are restricted to:</p> <ol style="list-style-type: none">1. SUB-MCD3 - Property access2. SUB-MCD5 - Natural hazards3. SUB-MCD6 - Infrastructure4. SUB-MCD11 - Effects on or from the National Grid5. Whether any title or leased area would be reduced in area or dimension in a manner that might result in a more than minor reduction in functionality in relation to outdoor living space, outdoor service areas, or outdoor storage areas. <p>Notification:</p> <p>An application for a controlled activity under this rule is precluded from being publicly or limited notified.</p>	<p>Activity Status when compliance not achieved: as set out in the relevant subdivision standards</p>
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We would be happy to discuss the potential wording of conditions with Council to resolve this satisfactorily before a hearing.

We request that Council review these proposed rules and consider them for incorporation into the proposed Waimakariri District Plan.

Yours faithfully



Claire McKeever

Resource Management Planner | Associate

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