

**Application for formed access to 9021 Rothesay Road, Waimairi Beach
 Consultation feedback – August 2017**

Submission ID	Name	Name of organisation (if applicable)	Please select	Comments - please be as specific as possible to help us understand your views
6741	Rick & Dorothea Danrell		Do not support either option	As I use this area for biking every Sunday and Thursday and many other times when weather permits, I don't think public land should be changed for private use.
6739	Edward Mark (known as Mark) Millar		Do not support either option	I very strongly oppose this application and the proposal. This application has bulldozed (financial might) his own interests above everything else for an Environment Court proceedings to build a house on rural zoned land with no respect for the community or generations to come. The use of unformed road reverse if Council approves this as proposed will cause on going issues for Council and the safety of motorists on Aston Drive. Further details on these issues are available if required.
6738	Stephen Kersey		Do not support either option	I do not support the use of council land, held by the council for the use of all ratepayers, as a driveway to benefit one individual. The will, I believe set a precedent, for more development in the area and in my view this will be undesirable in a council owned unformed area.
6736	Jo Kenworthy		Do not support either option	Currently the paper road is a hub of community interaction and access to the beach. It is used by many many people from the northern end of Aston Drive and the many streets and subdivisions running off Aston Drive. To restrict access to 50% of what it is currently would create confusion among the public about whether that was public access to the beach or not. The proposed driveway would definitely have the appearance of a private lane accessway to a private dwelling and that is obviously the applicant's intention given that he is going to plant up to 2m high plants that can be for no other reason than to provide his proposed dwelling with privacy. Notwithstanding that it is intended for private use only (which is an issue in itself on a public paper road) no matter how many signs and yellow lines are placed on the driveway, the non law abiding members of the public will still use it for parking. I think this is because of the location of the application and that people presume because it is on the city's edge and nearly rural, it won't be policed and is pretty much a free for all. This is obviously why residents choose to live and build here for lifestyle choices but it is very frustrating when other members of the public (non residents) ignore road signs and road markings and park there anyway. This may create a barrier to emergency vehicles being able to access the beach in an emergency which if left the way it is wouldn't happen. So for many reasons neither option is supported.

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6728	Anna-Maree Todd		Do not support either option	I object to allowing formation of a driveway onto this unformed legal road and track. This land, as it currently stands is used by numerous pedestrians on a daily basis walking with family, often with small children and dogs. I use the track daily myself as I walk with my dogs to either the beach and or forest and would hate to see this become a formed road that vehicles use on a daily basis. I believe that this would completely spoil the current rural/ coastal fringe of the area turning it into an access way for vehicles. This would then make the area unsafe for pedestrians and their family to use this as an access point to use the recreational areas and be a blight on the beautiful natural landscape that leads to the beach and pine areas that I and other pedestrians currently enjoy the visual amenity of. Currently there is a clear boundary from the residential housing that exists along Aston Drive; the proposal to place a formed road to the rear of the current properties blurs the boundaries between residential and rural/ coastal- I would be very very concerned if vehicles were somehow able to access areas where people walk and feel allowing a road in here highlights access to previously inaccessible parts of the recreation reserve. I understand that access to these areas is not intended by the applicant however I think it would be naive or arrogant to surmise this wouldn't occur. I have very strong views that the land should remain as it currently is - rugged rural and coastal- not developed, sealed or planted as is proposed.
6726	Ricky Hurst		Do not support either option	This is council land why are you even considering this! Why does the person not just build there house on one of the 3 property's just up the road instead of eating into a recreational area.
6725	Sarah Foley		Do not support either option	I do not support either option due to: The precedent it will be setting for the other privately owned sections within the reserve. The loss to the community of being able to use the unformed road in its entirety. The loss of visual amenity and the ability to view the area in its current natural state. The proposed driveway and landscaping are not in keeping with the coastal character of the beach reserve. The potential for cars and motorbikes to gain easier access to the beach reserve.
6722	Terry & Lois Davison		Do not support either option	As a [REDACTED] resident & regular user of this beach/forest access area we feel to allow a residence requiring a private driveway to cross reserve land to be built in such a much used area wrong. The drive on access would be at a sharp bend of Aston Drive possibly adding risk to traffic & pedestrians crossing at this point from a walkway to the Northbeach subdivision. The Bottle Lake plantation/ beach area is a marvellous recreational asset for the City and to allow any development to eat into this area may allow others to do likewise. The shabby fencing and unkept

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6722 <i>contd</i>				condition of the area within is an eyesore and not in keeping with the properties close by and should be removed.
6714	Nicola Campbell		Do not support either option	
6713	Daniel Herron		Do not support either option	
6712	Stella Diamond		Do not support either option	
6711	Liz Lubbers		Do not support either option	
6709	Ben Lubbers		Do not support	
6709 <i>contd</i>			either option	
6707	Chris Enslow		Do not support either option	This beach access, used by many residents, should be left in its present state.
6705	Laura Gasson		Do not support either option	
6704	Sven Bergersen		Do not support either option	
6703	Jody Hall		Do not support either option	I feel it should be left as is
6702	Marty Gallagher		Do not support either option	
6675	Paul Kruger		Option A	<p>I am happy to allow this development. I really don't mind either option A or B. I think it would improve the area and tidy up that access to the dunes and beach beyond. Make sure that you have plenty of planting to soften the impact of a new dwelling.</p> <p>However, I would like to see some thought given to installing a barrier at the road-end (entrance) of the access way to prevent unwanted parking in the access way. Not a boom gate (that would be too unsightly), but perhaps an automatic bollard(s) that disappears into the tarmac/surface... this would allow ease of access for the home owner and prevent unwanted parking down the access way.</p> <p>I would also like to see further restriction on parking along that corner section of Rothesay Rd / Aston Drive. Currently it is hazardous when cars park right on that pinch point... perhaps double yellow lines down each side of the roads here?</p>

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6673	Jo-Ann Cook		Do not support either option	<p>I strongly oppose any forming of a road or planting of any landscaping as proposed in the application for formed access to 9021 Rothesay Road.</p> <p>This strip of land has an underlying zoning of open space natural and is cohesive with the natural landscape that makes up the beach and sand dunes in this area. To place a formed road through this area would destroy both the natural character and its amenity. Dozen of people use this piece of land each day to gain access to the forest and beach. To develop this area would change not only the view but would destroy the character of the area and change the experience of those using it.</p> <p>The effect that the development of this area would have on me personally would be devastating. [REDACTED]</p> <p>[REDACTED] I purchased this property because it has a lovely wilderness outlook, is close to the forest and the beach, has few neighbours and is quiet and serene much like the area that I grew up in as a child. I bought it as my retirement home where I could live a quiet peaceful life with my dogs and enjoy the environment in which my home is situated. I was at that time unaware of just how many people use the area.</p> <p>I have lived here for [REDACTED] and I can tell you from experience that every day I hear car doors slamming, excited dogs barking, people yelling, children crying and the persistent beeping of cars reversing outside the front of my house as people exit their vehicles to access the beach and forest for their daily outing and then return. This of course is increased exponentially at weekends and again in the summer. At present, I am fortunate to have a nice area at the back of my house where I can enjoy the relative peace and quiet.</p> <p>To construct a road [REDACTED] would destroy all that I hold dearest and most important to how live my life and experience my environment. For me it would be like living in the middle of a round-a-bout. It would be naive to think that the painting of lines on a road or the erection of signs would stop the public from using and parking on that strip. It would in my opinion be impossible to police. It is after all a public road and as such the public would be entitled to use it. It may even encourage further extension of the road or the forming of access into the rear of properties like my own.</p>

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6673 <i>contd</i>				<p>If the formation of this road was to go ahead, it would be a public area (legal road) and as such there could be no exclusive rights to the use of the area. What would stop freedom campers or other casual users from setting up in this area and what power exists to deal with this situation and who would enforce it?</p> <p>The deliberate blurring of 'public' and 'private' only serves to create and enhance the 'Island' which is 9021 Rothesay Road, from the surrounding area. The formation of the road and the planting of trees and landscaping does nothing but destroy the natural beauty that already exists and creates which must surely be urban sprawl.</p> <p>It is my understanding that the council cannot grant a lease or licence over this land in perpetuity. In that case who will be responsible for the long term maintenance of these 'improvements'. Ratepayers? Me?</p> <p>This proposal must surely be contrary to the relevant planning documents seeking to protect the coastal environment and its natural character and amenity. I would like to see the area preserved for all to enjoy. If there is to be any changes made, I would like to see Rothesay Road 'stopped' and added to the adjoining reserve as it has been at the north or north western end of the road. For these reasons I respectfully request that you decline the application and keep the status quo.</p>
6606	Simon Johnston	Meares Williams Lawyers	Option B	<p>We act for [REDACTED] who own the nearby property at [REDACTED], Waimairi Beach.</p> <p>Our clients have reviewed the current application for the formed access to 9021 Rothesay Road and support the application, preferring the proposed Option B.</p> <p>Our clients support the application for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposed planting is visually appealing and introduces indigenous vegetation which enhances the area. 2. The proposed Option B shows a clear pedestrian pathway. The extent of the planned planting will not impede the public access. Conversely, the proposal improves the standard of public access to the coastal area. 3. Access to Rothesay Road will not create a demand for car parking within the driveway/formed access road as the proposed signage and broken yellow lines will clearly indicate it being a non-parking zone.

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6570	Warner Mauger	Maugers	Do not support either option	This development must not go ahead. I have been involved with the area since 1990 and the Christchurch City Council always have designated the whole area as Burwood Forest Park. NO need whatsoever for a change. Incidentally there is unstable ground and liquefaction problems north of Aston drive.
6548	Jayne and David Mark	Northshore Residents Association	Do not support either option	It is our understanding that there are other undeveloped sections within Bottle Lake Forest. Allowing this proposal to go ahead would set a precedent which may lead to development of the remaining sections in the forest, which we are against. The proposed driveway to 9021 Rothesay will impact the access to the beach and forest of many residents from Northshore.
6537	Colin Foster		Option A	Want the walkway done to the same standard as the existing and done before the driveway is constructed.
6532	Javier Ortega		Do not support either option	

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6519	Mark Williams		Do not support either option	<p>Objection to Formed Access to 9021 Rothesay Road</p> <p>I would like to object to the formation of the proposed driveway and associated landscaping over the unformed road from Aston Drive to 9021 Rothesay Road.</p> <p>Executive Summary</p> <p>This application, not matter how it is spun by the applicant and his advisors, can be summarised, simply as:</p> <p>An unreasonable request of one person that is clearly against the interests of the entire community, it is as simple as that. The Christchurch City Council (CCC) must not lose sight of that simple factual summary amongst all the paperwork and words that have been spun to mask this applicants unreasonable request.</p> <p>Indeed, it is the expectation of the community that the CCC serve, to protect the interests of the greater community, which ultimately must always be superior to the interests of merely one. Any such decision made against this principle will make that decision judicially reviewable, on the basis that no reasonable decision maker, acting in the interests of the greater community they serve, could reach a decision that the interests of one person outweighs the interests of the greater community, where as a result of that decision a nuisance (in perpetuity) has been created to that community.</p> <p>This is especially so where the applicant is essentially requesting the extinguishment of an existing community right. In this matter, something that the public currently have access to (principally in a walking capacity) is being taken away (or significantly impeded) for a different purpose altogether; being a vehicle access that is being put in place to service a privately owned section and associated planting that creates a nuisance for physical (and sensory) public access over the area of planting that was not there previously.</p> <p>The Case Against the Proposals</p> <p>I have read in detail the submissions made by Mr Walsh and Mr Schulte, and to be frank, there is nothing compelling in either of those papers to off set the principles and related issue I have outlined above.</p> <p>Before setting those out and commenting on each material point they have made, let's set out what the community currently has on the site, because it is these aspects that the applicant intends the CCC to extinguish (to a material extent).</p> <p>1. The ability of the entire community to use the road to walk over, cycle or use certain permitted vehicles</p>

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6519 <i>contd</i>				<p>over the entire unformed road in question without any physical restriction.</p> <p>2. The ability of the public to view that area in its current natural state, free of intrusive urban infrastructure such as a concrete sealed road, bollards, ropes, signs, road marking, and unnatural sculptured landscaping (shaped/purpose planting/raised planting beds) instead of existing natural flat/open vegetation.</p> <p>Having accepted that these are the key benefits the public currently enjoy on the site in question, the main question to answer is whether what is being proposed (for one person) unreasonably interferes with the existing community use, and with that, does either of the proposals still maintain that existing community use without creating an unreasonable impediment (nuisance) to that existing use.</p> <p>It is my view that both of the tendered options create an unreasonable nuisance to the community, given the unique characteristics of the site (Christchurch City's northern gateway to the Bottle Lake Forest and beach [combined]), and the years of customary use established by the community who use that paper road for that purpose.</p> <p>Nuisance comes in many forms, but it boils down to whether something identifiable is physical and/or sensory (sight/noise/smell for example) to an extent that it creates an interference that it should not be reasonable to tolerate. In the current application the nuisance that will be created is both in the form of physical nuisance, and sensory nuisance, and in some respects both at the same time. The key point to understand and when assessing nuisance in a case like this, is what is there now, and what is proposed.</p> <p>As a general observation, there seems to be a lack of understanding or appreciation of the land in question by the applicant and his advisors. Mr Walsh in his submission seems to suggest at paragraph 35 of his letter of 07 August 2017 that <i>"...the proposed landscaping will improve the amenity and ecology of the access"</i>. That is plainly incorrect, and indicates a basic failure to understand nature in its natural state. Nature is unformed and wild, that is its beauty. The beach is a wild and untamed environment, and quite frankly, a sealed driveway, landscaping and purposeful planting does not belong there. To impose these items creates a sensory nuisance to the community who, for many years, have used and appreciated that site in its current natural state. It is hard to explain this to anyone who has not lived in the area and used that entry to the natural amenities. There is something special about leaving the road/urban infrastructure and entering into that open beach gateway in its current form. The community does not wish to lose that.</p> <p>To suggest that landscaping and purposeful planting is superior compared to what currently exists on the site in question is plainly wrong. Mr Walsh either does not appreciate what is there already, and/or has</p>

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6519 <i>contd</i>				<p>never been down to the site and appreciated that environment/access way himself. It may well be that he has viewed the unformed road in its current state and does not identify the appeal, or the fact that it fits. But, it is a rough, un kept and uneven road; that is consistent with the wild un kept rough environment it finds itself in, much like the other walkways of the beach area that the community enjoy.</p> <p>The proposals create a sensory nuisance in this respect, because as compared to what is already there the proposals interfere with what should be reasonably anticipated in that area, being a wild and natural un kept beach state, not a concrete driveway with road markings, signage, bollards, ropes and sculptured landscaping.</p> <p>The proposals also create a physical nuisance, because no matter how it is dressed up or excused, planting is planned on parts of the unformed road that are currently free from structured planting and therefore freely accessible to the community. In essence, the planting creates a physical nuisance because the public cannot freely traverse over that area once it is planted, you are being directed in other directions and not able to roam or move freely as once were able to, to take the best or quickest route to access the area (or for that matter any route you chose).</p> <p>The proposals form an area that expects by design conformity to the pathed areas around the planted sections on the unformed road, which, by design, expect or suggest the user to conform in a certain way to actively mislead them of their right to walk anywhere (within reason). In an area like that you should be permitted to walk freely, as you can currently, anywhere you wish without physical impediment on that unformed road. The planting on any part of that unformed road creates an unreasonable nuisance to the community who have used that entire road in the past for many years without that nuisance.</p> <p>I would now like to turn my attention to the specifics of the aspects raised by Mr Walsh and Mr Schulte.</p> <p>1. No Legitimate Expectation</p> <p>Apart from the incorrect suggestion that what is being proposed improves the site that I have already covered, another material matter Mr Walsh has raised for consideration is based (loosely) on a legitimate expectation argument.</p> <p>Basically, his view is that the applicant has engaged in an open transparent manner, relied on the advice provided by the CCC when considering his plans and lodging his original consent, and now finds himself in a terrible position that what he has been told is not accurate and/or there is now conflicting information both in terms of the initial advice and the different departments of the CCC that are dealing with this matter.</p>

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6519 <i>contd</i>				<p>His basic proposition (or underlying suggestion) is that it is now inconsistent and unfair for the applicant to be in this position, so the CCC should ease up and allow the “compromise” the poor applicant has been forced into suggesting.</p> <p>It is disappointing to note the following at paragraph 23 of his letter:</p> <p><i>“Had Mr Falvey been advised by the Council from the outset (i.e. in late 2015) that the proposed landscaping was unlikely to gain approval, he may have decided not to pursue the resource consent application”.</i></p> <p>This is plainly incorrect. The applicant has signed a conditional agreement to purchase the property only if he obtains the necessary resource consent(s). He knew well before that application that there was no guarantee that resource consent would be issued, in fact, he was most likely advised how difficult it would be given the site and what he planned to do, hence why he has not already purchased the site even at its current value which the writer understands to be only around \$10,000. It would be worth much more than that with resource consent(s).</p> <p>In addition, why didn't the applicant then simply cut his losses and abandon the full dwelling/access application when it was declined initially by the CCC? The sad part about the applicant's approach is that Mr Walsh paints the applicant as some type of victim of bureaucracy.</p> <p>He is anything but that. Let's be clear, the only victims here are the community, and the poor people at 98(A) and 100 Aston Drive who have to foot the bill to defend his aggressive and self-centered non-compliant ambitions.</p> <p>On a final aspect here, the shifting of the CCC on this proposal during this lengthy process is hardly surprising. The Resource Plans surely were not designed to easily accommodate such a dwelling location and access issue, because they are clearly inconsistent with all of them. Mr Lawn in his decision summarised that the proposal was inconsistent with:</p> <ul style="list-style-type: none"> - the objectives and policies (of the Operative Christchurch City Plan) relating to rural character and amenity, and to a lesser degree coastal character and amenity; - the urban growth objectives and policies of the Strategic Directions chapter of the Proposed Replacement Christchurch District Plan; and

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6519 <i>contd</i>				<p>- the clear policy direction to avoid urban development outside existing urban areas or greenfield property areas of the Canterbury Regional Policy Statement.</p> <p>Any reasonable person in this position would simply concede and move on.</p> <p>While this application is for the formation of a driveway and planting, it is not possible to lose site of the underlying intention to create something that should not be there.</p> <p>As to the aspects Mr Walsh has covered in terms of the inconsistency, these cover some of the finer points of contention that are useful to cover here.</p> <p>2. Motor Vehicle Access</p> <p>Under Option A which is the preferred option of the applicant (perhaps as it would suggest to the public by the use of bollards and ropes that the “road” is a private use driveway), the formation of a formed driveway for (effectively) private use will essentially exclude the public.</p> <p>While it is envisaged that the public would not be prevented walking over the driveway (if you wanted to), it is clearly designed to primarily allow private access to the property in question, and will clearly appear as such. It is interesting to note Mr Schulte’s play on words here regarding “impressions” or “perceptions”. He is of the view that “fact” matters, so is not reasonable for the CCC to take into consideration “perceptions” or “impressions”. This argument cannot be accepted by any reasonable decision maker. Any structure or formation that is put in place that makes an impression or perception of something creates a factual outcome. In this example, a view that the area in question cannot be used by the community. The actual result must be the focus of the decision maker, because it is unfair and misleading to create something that fools the user out of their ability to exercise a right that they may not be aware that they have.</p> <p>It is noted that bollards and roping have been designed to stop other vehicles entering and driving around the associated land (where the new track would be positioned). This infrastructure therefore actually makes that land (the driveway) harder to access for pedestrians and cyclists because it is roped. Users will be pushed to the side. In addition, even if the applicant left the bollards and took away the roping, it is clear that the intention is a private use driveway anyway. This therefore is a physical and sensory nuisance to the community who are not used to this type of restriction on that unformed road.</p>

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6519 <i>contd</i>				<p>In Option B the roping and bollards are both removed, perhaps to soften the private use look and allow people to use the driveway, which would resolve the access issue to a certain extent but it would allow vehicles to enter that area and park up on and over/around the new access track. This would create a further nuisance for the community. Signage is proposed, but will that be followed, and in addition, the signage itself creates a physical and sensory nuisance too. Illegal parking that further obstructs the public, and allows the build up of associated litter and land damage from vehicles on wet areas of land will also be a problem (a further nuisance for walkers).</p> <p>Moreover, signage near the beach has had to be implemented recently to remind users that vehicle (motorbike) access is not permitted in that area for beach access. The creation of a sealed driveway that extends deep into that area from the main road will attract more of that type of access activity. Perhaps this has been foreseen by the applicant in terms of suggesting ropes and bollards or no bollards at all (either stop access for motorbikes altogether - or if they are going to come down better allow them up and over the walking track instead of down the entire length of his driveway).</p> <p>Finally, there is a clear health and safety issue with both options. The access area in question is used frequently in all hours of the day, from early morning walkers/joggers, to late night mountain bikers. The increased vehicle use of that area, even if it is for argument sake the applicant, his family, and guests creates a health and safety hazard that would need to be actively managed by the CCC. This responsibility cannot be contracted out of. There is no lighting planned for the length of the mixed use sealed road, nor clear indications of "right of way". How can pedestrians and cyclists be protected by an area that is not well lit or managed in some way to mitigate this identifiable risk?</p> <p>Bikers may well have lights, but pedestrians do not. The implementation of a sealed road without CCC controlled and implemented road lighting presents an unacceptable health and safety risk to the community users outside of daylight hours. In addition, even if the CCC was mindful to create a lighting solution, that would create a nuisance to the adjacent neighbours and the community as a whole in a sensory and physical capacity; lights and light poles would ruin the view and further impede access.</p> <p>3. Public Right to Use Road is not Unlimited - but it is the Main Right</p> <p>Mr Schulte's first proposition is an accurate summary of the legal start point, and, is without doubt, the underlying section that must be applied correctly by the CCC; in the manner this section was drafted. It states as follows (emphasis added):</p>

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6519 contd				<p><i>"[T]he Council is unable to authorise a use of the legal road that would unreasonably impinge on the common law right of the public to pass along the legal road unhindered."</i></p> <p>Mr Schulte attempts to soften the fact that the section in question is couched in the negative against his client's position. But, the CCC cannot act (even if it wanted to) to authorise use where it would unreasonably impinge on the rights of the community to pass along the road unhindered. It is what it is. Apply the drafting intention of this section means, in my view based on the matters raised in this paper, the CCC is without any doubt unable to approve either of the proposals because they both unreasonably impinge on the rights of the community to walk along that road unhindered.</p> <p>Mr Schulte's second proposition is not summarised correctly within the meaning and context of the paragraph he has cited. The paragraph he has sited at paragraph 18 of his letter is set out below, with my (correct) emphasis in bold, and his incorrect emphasis in grey:</p> <p><i>"Once land is dedicated as a public road members of the public have, with certain qualifications, a right of passage over it. That general right of passage is supported by correlative duties imposed on others not to substantially and unreasonably impede it. Effect is given to those by the laws of nuisance, trespass and negligence....But the ordinary citizen's common law right to use a public highway is not absolute. In addition to any limitations in the terms of the original dedication, it is qualified by the fact that it is a right of passage only, the reasonable requirements of other road users, and any superimposed legislation."</i></p> <p>The meaning of the paragraph is simply that the public can use a public road, but others (like the applicant) cannot substantially and unreasonably impede the right to use it by creating a nuisance (planting on it or restricting access). The part the Mr Schulte has emphasised in his letter merely advises that you can't do what you like on the road, you have to use it reasonably, so digging a hole or pitching a tent on it is not reasonable use. Far from clearly supporting the applicants position, this paragraph actually supports a decision of the CCC to not allow the applicant to impede use of other (by directing [actively or passively] users away from it or planting obstacles in the road creating a nuisance that impedes reasonable use.</p> <p>It is noteworthy that there are exceptions noted to this general proposition, but the main one cited by Mr Schulte's suggests "...some degree of obstruction to passage may be acceptable if reasonable in quantum and duration." Note the use of the word and. What the Court means there is that a time assessment also applies to an impediment, therefore if there is a large ongoing permanent impediment that cannot be considered reasonable as this paragraph envisages a temporary impediment (like road works), not a permanent plant/structure.</p>

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6519 <i>contd</i>				<p>In addition, the authorities cited are clearly relevant to roads that are clearly designed for heavy vehicle access (as the main use) so are not good precedents for guidance. In this matter vehicle use is not the main customary use in question. While vehicles can use the road, the main traffic moving (passing) along that road are walkers and cyclists; so it is from their current common law perspective that the proposals must be viewed to a significant extent because as they are the main (customary) users.</p> <p>It is not appropriate to raise an argument regarding vehicle traffic where that is largely irrelevant. What is relevant, is a discussion on the rights of foot traffic using that area, and whether that customary (acceptable) community use is being interfered with in an unreasonable way by the proposals. My submission is that this is clearly the case based on the proposals that have been tendered for review.</p> <p>4. Planting in Road is Clearly a Nuisance</p> <p>Whether or not planting is considered a “structure” is debatable, particularly so where paragraph 19 of Mr Schulte’s letter includes the following citation:</p> <p><i>“...not entitle a council to erect or authorise the erection of a structure in a street if that structure amounts to what is technically described as a “public nuisance”...”</i></p> <p>It would appear therefore that this line of authority is distinguishable, and therefore is not a clear indicator in an instances where extensive planting/land sculpting/raising is proposed instead.</p> <p>It is however agreed that the particular road in question and the proposed planting is relevant for consideration when determining nuisance, in the context of this proposal. As stated above, it is unreasonable to allow planting and other structures due to the nuisance created. At paragraph 22 of Mr Schulte’s letter he states:</p> <p><i>“This also suggests that the nature of the particular road is relevant when considering the publics’ right of passage have been or will be interfered with.”</i></p> <p>I totally agree, but what I don’t agree with is the fact that he then moves on to cite authority that addresses motor vehicle traffic and a case regarding a sealed busy urban road to support his point that the public can still have access around the nuisance created. The issue is the extent of the proposals both in the formation of a large sealed driveway and structural planting that not only impede use, but discourage it altogether for pedestrians. As an example using the case he has cited, what has been proposed here would</p>

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6519 <i>contd</i>				<p>be like a series of signs with arrows directing the traffic to the far edges of the road either side of that structure in the middle of the road. Vehicles could ignore those signs and drive through them to the side of the structure if they wished, but that is not what the result would be. The result, as in this case, is a clear unreasonable use nuisance.</p> <p>Unlike the “structure” case cited, we are not talking about a structure erected in a formed road (that you may expect), we are talking about a range of urban infrastructure and unnatural planting/landscaping that creates both an unreasonable physical and sensory nuisance to the natural land in question to the customary users of that area.</p> <p>As alluded to above, what is material here is the quantum and the duration of the nuisance created. Remember, the nuisance here will not disappear (unlike the road works example above), and in terms of quantum, it is 50% of the existing road! That is because the creation of the “driveway” will, no matter how it is presented, create an area that clearly appear has been formed for private use, and at least will appear that way to passively discourage public use as per above.</p> <p>In any event, if the argument is accepted that the physical impediment is only 30-35%, that is still substantial. That is a large area of land that up until now the community has been able to walk or cycle freely over without any impediment. This point is very important for the decision maker to consider. We are talking about structural changes and impediments to access over a substantial amount of the area in perpetuity. This would amount to a clear permanent extinguishment of an existing community right to a significant extent. It is the permanency and the quantum of the proposed adjustment that could only result in a decision to decline the request by a reasonable decision maker exercising their judgement correctly given the site in question and the facts presented. While Mr Schulte has advised that there is not an “automatic” decision to conclude an unreasonable impediment at 50%, it is surely a very good indication that what is proposed, on the face of it, would appear to be a substantial impediment; and in this matter, it is indeed.</p> <p>As a reminder to the decision makers, it is the community value of the current land that is relevant as well, and because it is natural in its current state a higher burden must apply to allow the CCC to essentially “urbanise” rural designated land. We are not talking about putting in a building structure in the middle of a busy sealed urban road as per the case cited by Mr Schulte; we are talking about rural land designation that is a foot traffic entry point to some significant natural amenities.</p>

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6519 <i>contd</i>				<p>5. No Precedent - Taylors Mistake</p> <p>Mr Schulte's has cited the arrangement at Taylors Mistake as a precedent to support his position that the CCC can act accordingly. With all due respect, that is not a precedent to support this request for a number of reasons, and he knows that - hence the "?" in his heading.</p> <p>That historical issue is not relevant because it relates to a compromise for some very old and customary exercised use of those units. In this case, the idea here is to stop that type of encroachment before it creates a nuisance for existing public use, not merely accepting it and moving on after the fact.</p> <p>The decision at hand is not one where we are not looking to fix an historical mistake; the current review is about the CCC preventing the creation of a mistake in the first place.</p> <p>6. Perception and Impression is Relevant - It Reflects a Perceived "Fact"</p> <p>As per above, the creation of that sealed road and the associated planting areas along the sides, will, in fact, impede and discourage access. Mr Schulte suggests that while the proposals may create an "impression" or "perception" of restricted use ability, the person in question will (or could) ignore that perception or impression, and simply access the areas freely in any event because they are legally able to. Perhaps Mr Schulte's would like to try walking through a cabbage tree, or perhaps watch an elderly person in a wheelchair try pushing that through a raised landscaped tussock area or maybe a bollard rope?</p> <p>The suggestion that planting and the urban infrastructure proposed will not impede access is incorrect and misleading. As set out above the actual result must be the focus of the decision maker, because it is unfair and misleading to create something that fools the user out of their ability to exercise a right that they may not be aware that they have.</p> <p>7. Resolution of Existing Nuisance</p> <p>On a final (minor) point, I note Mr Schulte has also suggested that the proposals will resolve an existing nuisance, being the removal of the gate at the "Aston Street [Drive]". It is the view of the writer that this is an irrelevant consideration, and any such matter associated with that position is outside the scope of this consideration.</p>

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6519 <i>contd</i>				<p>Let's stick to the facts, being; what is being proposed will cause a significant nuisance.</p> <p>Conclusion</p> <p>In conclusion, the CCC is tasked with reviewing this request in an open, transparent and considered manner, and must make a decision that not only complies within the regulatory framework that surrounds their decision making process, but also one that is in the best interests of the entire community they serve, not just one person (who is yet to be a rate payer on the site in question). The proposals amount to a substantial and indefinable nuisance due to the scale and length of the proposed hindrance, where the nuisance is both clearly indefinable in a sensory and physical capacity.</p> <p>The arguments tendered by the applicant and his advisers no matter how well construed do not distract from the ultimate conclusion that the proposals for this particular site, taking into consideration existing community use, will unreasonably impinge on the common law right of the public to continue their customary right to pass along the legal unformed road unimpeded.</p> <p>The CCC must decline the proposals, because failure to do so will open the CCC up to judicial review, because any decision to allow either of the proposals would be clearly flawed.</p> <p>I urge the CCC to reach the only correct conclusion, and that is to decline both of the proposals.</p>
6514	Robert Stanton		Do not support either option	I believe that the paper road as it is now and has always been should remain for the use of all in the neighborhood, and that the aesthetic look of the new road would detract from the natural look of the beach access.
6513	Warner Mauger	Innovation Park	Do not support either option	THANKS FOUR EMAIL. I do not think that a driveway should be allowed. The section 9021 impart of the Burwood Plantation and the CCC has always indicated that this area is always to be Burwood Forest Park and will not ever be developed for residential use.

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6508	Catherine Bibbey		Do not support either option	<p>If the landowner had the opportunity to deal with access at an earlier date by arrangements with other landowners nearby the fact that they did not should not now put them in a position whereby they benefit from the development of public land and the public in this area.</p> <p>The proposed drives will provide vehicle access for all to the tracks at this corner of Aston Drive. I have lived in this area for 6 years and even now there are many motorbikes on walking, biking tracks and the paper roads no doubt with either A or B there will also be cars. Signage is no sufficient to protect the many users of this recreational area. The Council could acquire this land rather than let silly development take place.</p>
6498	Gillian Kinley		Do not support either option	<p>My concern is that during the summer months in particular, there are people that head down at night and light bonfires on the beach. On many occasions we have put out bonfires early in the morning left smouldering on the beach. I have written to the Fire dept and shared my concerns for the residents in this area and they kindly offered to send a four wheel drive down on Friday and Saturday nights to patrol. I have seen people parking on the road and walking down with alcohol around midnight to the beach and if a road (even with no parking signs) is put into that area it will just increase the amount of people with greater access and increase the risks to residents.</p> <p>Also the way the application was presented from the Council implied that the way the residents respond was with only 2 options. There was little or no indication on the form that the response could decline both options.</p>

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6495	Jo Emson		Do not support either option	<p>I am against this progress as it would:</p> <ol style="list-style-type: none"> 1.Encourage other vehicles to use as asses to the Forest and Beach 2.As a dog owner walking from the beach along Aston Drive we would have to be concerned about vehicles using the assess. 3.The beauty of this area is its unspoilt nature 4.Changing of current Eco system 5.May encourage further formal road and vehicle assess to this unique area 6.Owners Cars parking on the assess road 7.Owner fencing off this assess and make walking across impossible. 8.Unsafe for children to cross
6463	Richard Liggett		Do not support either option	<p>I object to both Option A or B due to the overarching issue here which is the private use/benefit of public land (in this case the unformed paper road).</p> <p>As each option is clearly intended to gain the maximum benefit for the applicant (to be able to access and build their house on a cheap piece of land) at the expense of the public to access up to 50% their current access rights the proposal should be rejected.</p> <p>In other words, this proposal will enhance the benefits (financial and intangibles) of the few over the benefits of the majority. This is not a fair use of Public Land.</p> <p>Also, if access is granted and the house is built on the section, it would stick out like a sore thumb and therefore could influence future precedents for land use along the north side of Aston Drive and into the forestry block which should not be allowed as boundaries for green spaces and nature should be preserved for all.</p>
6435	Olivia Marginson		Do not support either option	

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6434	Hannah Marginson		Do not support either option	
6433	Jason Marginson		Do not support either option	
6432	Helen Marginson		Do not support either option	
6430	Jeffrey Pentecost		Do not support either option	
6429	Deborah Bassett		Do not support either option	
6428	Annette and Anthony Clayton		Do not support either option	<p>We agree with the CCC's original factors:</p> <ol style="list-style-type: none"> 1. The house would appear separated, as an island, from the existing urban area; 2. It will have adverse effects on the transition from urban to rural and recreational experience in the Bottle Lake Forest and Coastal sand dunes; and 3. The impact on the existing houses, particularly 98(A) and 100 Aston Drive, would be substantial. <p>Additionally:</p> <ol style="list-style-type: none"> 4. Access to the proposed driveway is on a bend. Vehicles approach from both directions at speed, including buses. The driveway would change the bend into an intersection, adding to the potential danger for pedestrians using the access to the beach. 5. The driveway would give access to public vehicles, further impacting the existing houses 98(A) and 100 Aston Drive. 6. The proposed house is closer to the sand dunes than the existing houses and would spoil the natural features of this area. 7. There are serviced sections available for sale approximately 100 metres away in Aston Drive.

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6427	Paul Theobald		Do not support either option	<p>At present this piece of land essentially provides a reserve with unsealed pedestrian access, that allows families immediate access off Aston Drive onto a green space, free from traffic. The reserve adds to the green space and rural view for local residents.</p> <p>Creating a sealed road, will remove these benefits to the community whilst benefitting virtually no one. I appreciate that attempts will be made to prevent parking on the road, however I am not confident this will prove effective all of the time. Vehicles parking or moving along this access will detract from what we have presently.</p> <p>I already know that two, not one, property are likely to use this access road, and I am worried about this giving the green light to further sealed roads being developed from this. This is a small, but significant, encroachment into the green space that surrounds our suburb, which is why we all live here after all!</p>
6426	Danny and Rebecca Burns		Do not support either option	<p>Our concerns regarding the proposed access to 9021 Rothesay Road are as follows:</p> <p>Firstly, while this request does not specifically relate to the consent to build a dwelling on this property, we have previously tendered our objection to that application. Unsurprisingly, we do not support a request to access the site of a proposed building that we have no wish to see constructed.</p> <p>Secondly, we believe the proposed access options will significantly change the current character of the area, with what is currently an open, public access point to the beach and surrounding landscape appearing less accessible. In our view, it is unacceptable for CCC administered land to facilitate the personal and financial gain of one individual, especially at the expense of the enjoyment and use of this amenity by local, rate paying citizens.</p>

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6423	Chris Yearsley		Do not support either option	<p>In brief neither Options A or B would be acceptable to us as we do not support extending the built environment north of Aston Drive.</p> <p>The openness of the northern boundary of Aston Drive with the sand dune ecosystem and forest beyond is a very special environment that attracted us to live in this suburb. We are regular users of the access to the beach and love exploring the area with our grandchildren. Crossing the road is dangerous enough for them and to add vehicles crossing the access to the public pathways will only increase the risks. We love the sense of openness that this popular beach access provides. To have a dwelling blocking this landscape would be a great disappointment and diminish the aesthetic appeal of the dunescape looking to the north east.</p> <p>We were very surprised and annoyed when the fenced off area was permitted to be erected. This in itself has spoilt the open vista to the dune landscape and has become somewhat dilapidated and looks totally out of context. We support further planting of eco-sourced coastal vegetation but not as a means of softening or screening a dwelling that will also bring with it additional noise and light pollution and vehicle movement across the access to the beach. We are also concerned that a driveway to the proposed dwelling will at some later date be extended to allow access to the triangular landlocked section. This would further increase the risk to the public and children accessing the beach.</p> <p>Thanks for considering our comments.</p>
6420	Glenn Hedges		Do not support either option	<p>I am opposed to the application.</p> <p>The proposal takes away reserve area used regularly by the public for the benefit one landowner. There is already emergency access for vehicles so nothing is gained in this regard. By allowing the road to continue it is effectively become a private lane-way for one house with no benefit to the general public (i.e no extra parking for visitors to the area) yet taking away a piece of land used for reserve by locals and visitors to area.</p>

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6418	Roger Eade		Do not support either option	This land is CCC land, and as I understand the person that wants to build on the site has lost his application to do, and does not own the land anyway, access is not necessary any way, and any monies so allocated would be better spent on improving Aston Drive roading down the golf club end. We also look out on this property and feel it would impact on our outlook of the area, and what is currently there serves well for beach and forest access. We are against any development of what is currently there. This is a joint submission from myself and my wife, Doreen Eade.
6417	Damien Kersey		Do not support either option	I would not like the driveway built across land that I walk down several days a week to access the beach and walking tracks along the beach. I frequently take my young children with me and I don't want to have a driveway built which will impede the use of the walking track and degrade visually on the entire area.
6416	Mark Lamerton		Do not support either option	<p>Please stop this development for the following reasons in priority order</p> <ol style="list-style-type: none"> 1. This would be the only developed site in the Rural zone 2. Neighbouring properties have bought with the understanding they adjoin a rural zone 3. I don't think you can rely on any private owner (current or future) to upkeep the driveway, bollards etc to the public's expectation because they are motivated by their own needs not those of the community 4. It appears the site design would not even meet residential design requirements (proximity to boundary etc)

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6414	Helen Shorthouse		Do not support either option	<p>I am a little concerned we are having to resubmit on this particular issue given our original submission. This appears to be a way to get permission to build the property by stealth.</p> <p>I do NOT support the building of a property or associated roads or driveways or residential planting.</p> <p>This is zoned rural land and I understand ECAN was also against the original submission. We love this as a life style area and another home against the sand dunes will and rear open up future developments along what is currently a working forest and play area.</p> <p>While I sympathise that the applicant may like to develop this land I cannot support the application, now or in anytime of the future.</p> <p>Upon purchasing our property in 2007 we researched the land use in the opposite sections and were happy that NO building would be able to occur. We'd feel substantial impact if the area changed use.</p>
6413	Shaun Reynolds		Do not support either option	
6412	Tony Van Eekelen		Do not support either option	Leave the land as it is, a recreational area to the public
6408	Naomh Cusin		Do not support either option	Leave our walking track alone.
6407	Leanna Williams		Do not support either option	
6406	Priscilla Jamison		Do not support either option	<p>As a resident i firmly believe that the area in question should be simply left as it is, as there is no benefit whatsoever to the public who are effectively being asked to give up our rights to access a significant part of the land.</p> <p>My husband who uses a mobility scooter uses this access every day when walking our dog and it would have a huge impact on him.</p> <p>Please note that we strongly object to the driveway and planting.</p>
6403	Beth Kitchen		Do not support either option	I do not wish for any property to be built on this site. When we bought the section we were informed this was as far as the properties went which are already built on. The area is used by many people we do not need more housing going towards the plantation

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6397	Robyn McLennan		Do not support either option	<p>I just feel there is no need to allow another section (that has not been available to all the public) to be built on when there has been plenty of other sections available in developed land, and if this house is allowed what others will then want to be built in the area, as a resident when we bought and built in this area we were always advised that building could go no further north into the forest, again one of the reasons we loved the area as it was never going to become over developed, also the access point of the driveway would be incredible dangerous also as it on a very tight corner, and the location of the house to be developed must be devastating for the people who have bought opposite, as they would have bought and built with the understanding their outlook would never change, now they face looking directly into a monstrous house, I would be gutted myself.</p> <p>So with all of that I feel very strongly that this time it should be left as is and definitely not opened for more development</p>
6386	Eva Ross		Do not support either option	<p>This land in question has been used to access the beach and forest for years. It is a beautiful natural open area and having one house suddenly appear will destroy this. How can one person who doesn't even own the land build a driveway on public land, which then becomes unaccessible for everyone else?</p> <p>In a city where people fight to have their living spaces re-established after the earthquakes, where sections have become smaller with limited space and more expensive, it is grotesque that someone can just assume to build what he needs in public ground without considering the wider community. It will lead to a precedence that can be used later on. This area should be preserved as the beautiful natural outdoor space it is now.</p>
6385	Margaret Marriott		Do not support either option	<p>I have been a resident of the area for over 50 years and do not support the loss of public land for one party's personal gain. My family and I regularly use this access way. It is very high use for many activities all hours of the day and all months of the year. If this driveway is formed then many members of the public will have reduced enjoyment of their recreation activities and the driveway will also impact the visual appeal of the area.</p> <p>Additionally it is very dangerous to build a house in close proximity to a pine forest because of the risk of fire. There has been fires in the area in the recent past and this risk is likely to increase because of climate change and the higher likelihood of drought.</p> <p>Thank you for considering my submission</p>

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6384	Justine Kime		Do not support either option	I feel that if public land is being used to access a private section then the shortest/least use of public land should be considered. By this I mean access to the property should be considered at the western end closest to the existing road. This will allow more of the land to remain for public use.
6376	Jo Johnstone		Do not support either option	Would like this to be kept as a natural public access to the beach for all residents and visitors to enjoy as it currently stands.
6375	Stacey Brown		Do not support either option	Both proposed options will negatively impact on the natural beach access and surrounding dune pedestrian walkway, this is a very popular beach access point and shouldn't be changed. The proposed location of the formed access is also dangerous, a sharp narrow corner where buses and cars frequently meet, which has been suspiciously removed from the top left corner of both proposed layout maps. I do not support either option as I believe both will have a negative impact on the local community, and wider Christchurch public who enjoy the natural landscape of this particular beach and forest access route.
6373	Rosemary Parker		Do not support either option	This email states the applicant owns the land - I have been informed that you the CCC own it! I do not support either option as once a road is built the applicant, who has a conditional contract, will then be able to purchase the land and build a 2 storey house. The house will appear totally separate from the existing housing; it will break up the boundary between urban and rural, and it will affect neighbouring houses namely 98A and 100. This land is public land (reserve land) and is the main access to the beach and the forest so please leave it as it is.
6366	Nerolie Poskitt		Do not support either option	This area is for everyone and should never be used for a private dwelling, path, road, driveway, whatever you wish to call it. I do not want to be looking at a property on the other side of the road, this area is special. Who the hell do these people think they are that they can take away our recreation area because they wish to. Stand tall CCC and fight.
6363	Fred Poskitt		Do not support either option	I do not want the driveway and planting over CCC land.

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6360	Eve Grocott		Do not support either option	<p>I walk the tracks and/or beach with my dogs every day and believe the area should remain as it is. It is a beautiful piece of ChCh and the East that has remained undamaged by earthquakes and unspoilt by man and an area of town many chose to remain in post 2011 despite ongoing shakes and damage.</p> <p>Given the location of the proposed build I am somewhat surprised that the Environment Court are considering the application as we are constantly told these days to retreat from the coast and at the floor levels this house will need to be built to means it will probably stick out like a sore thumb. The track that the applicant also intends to turn into his driveway is a very popular entry point to the beach and is well used. Although the initial idea is to keep this area open for public access I believe in due course that, should the proposal go ahead, he will push to make this his own private driveway with no thoroughfare. As he is intending to contribute to the cost of creating and maintaining the driveway he is more likely to succeed with this application - foot in the door scenario. Access to Whiskey Road could also be at risk if the applicant feels the people using this walkway are also encroaching on his proposed residential site.</p> <p>Waimairi Beach is a great recreational area and we need to leave it as is to ensure everyone gets to enjoy it.</p>
6359	Mick Skelton		Do not support either option	The land in question is for public beach access, this request transitions a large part to private use and presents a risk to pedestrians using the access area.
6358	Cheryl Garrett		Do not support either option	I have read both sets of legal advice and consider that the house would be out of place as it is situated well away from all the other houses. The current public access is fitting for the area being formed but not overly developed. It is quite sufficient. I use this route daily and consider a paved driveway would very soon become by dint of private use, a private access. The planting would exacerbate that. It is quite inappropriate to even consider this. The applicant should find another site with current access. Emergency vehicles using the road would most likely be responding to a fire. They need the wide space currently available. We need to retain our wide open spaces and not encroach on them for the sake of expediency and private use. No I do not support a private road being made on public land.
6357	Justine Kime		Option A	Option A or B would be suitable to me.
6354	Eva Sobiecki		Do not support either option	agree with ccc on factors which application was previously declined
6352	Jeremy Ross		Option A	

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6351	Mich Carr		Do not support either option	It's a good track for non stable older people and wee kids on bike to use as there is not that good ground to walk on since earthquakes in this area and the whole of chch. Keep the track the way it is.
6320	Patrick O'Neill		Do not support either option	<p>I oppose the development of a driveway over public land in this area, as has been proposed.</p> <p>There are many good reasons why this development should not proceed, including</p> <ul style="list-style-type: none"> - The loss of recreation value to many users - The loss of visual appearance to many users - There is no need to open this area to residential use, which has been rejected in the past by multiple Councils planners - There is a high risk of danger from fire for any building which is built at the end of this driveway, and the people inhabiting it. <p>The loss of recreation values will occur to very many users who access this area all day, all year around. This is a very high use access point for many recreation users, including walkers, dog walkers, runners, mountain bikers, surfers, swimmers, fishers and children playing in the sand dunes and on the beach. All of these people will have their recreation experience diminished by having a strip of land taken away from them so that one party can access a private piece of land that should not be used for residential development.</p> <p>Currently, those travelling East down Aston Drive on foot, cycle or vehicle have a view of the forest and the dunes leading to the beach. This view will be lost, instead people will have a view of a formed driveway leading toward a private dwelling.</p> <p>There is no need to build a driveway so a residential dwelling can be built in this area. Changing the use of Bottle Lake Forest from recreation to residential use has been rejected recently during planning processed, including the Urban Development Strategy (UDS) and Land Use Recovery Plan (LURP). In both of these planning processes, planners from multiple Canterbury Councils, not just Christchurch City Council, rejected this change in use. There is plenty of land available to build a private dwelling on in the immediate vicinity, with quality sections available within 500m, that do not require the forming of a driveway over public land. Also there is an abundance of land to build on in greater Christchurch at the moment, without cutting into valuable recreation land that is being used by residents of the East of the city who have suffered enough loss in recent years.</p>

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6320 <i>contd</i>				<p>For example, the use of Bottle Lake for refuse has meant the loss of some land for recreation, there is no reasonable need to lose more.</p> <p>If this land is used for a driveway, the dwelling that is built at the end of it will be in a very dangerous place. The residence would be surrounded by a pine forest. With drought on the East Coast predicted to be more common in the future, there is increased chance of fire in the pine forest. So there is risk of this dwelling increasing fire risk and there is also risk that the buildings and people at this residence will be harmed. Also, those charged with protecting this private dwelling, and residents will be put in unnecessary risk.</p> <p>The only reason why this driveway would be formed, is for the personal benefit of the owner of the property who wants to build a private dwelling on the land. However, as I have outlined above, the rest of the community would lose out from this outcome. Many users of this area will have their experience diminished if this area is changed in use and a private driveway is allowed.</p> <p>Thank you for considering my point of view.</p>
6315	Lynn Brice		Do not support either option	<p>I do not support the ad hoc nature of this proposed development of this rural land. Surely it sets a precedent for other non-council owned lots in the vicinity. The owner, or rather the person who has an option to buy, had ample opportunity to purchase beach-side sections at market rates with no impediment to building. There is existing adequate track access for any legitimate purpose he has for his deer fenced sand dune RURAL section. The access gates are at the opposite end to this proposed accessway. This is a nuisance application trying to further step towards building permission on this tiny rural land lot.</p>
6309	Martin Tetlow		Do not support either option	<p>We don't feel that this area should be developed beyond the current development. To allow this would be the thin end of the wedge enabling sporadic development into this open land.</p> <p>We also feel that access should have been sought prior to buying the section rather than retrospectively.</p>

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6279	Vanessa Barrett		Do not support either option	<p>This is a major walking track and entrance to the coast for walkers and bikers. Hundreds of people and their dogs, use this track on the weekends. I am totally opposed to this as aesthetically it would be an eyesore with the house to the left of this track. It does not flow with its surrounding environment. Houses are to the left, beach to the right.</p> <p>I have also had the pleasure of meeting the owner of this property as he complained about all of us people walking through his section - even though the formed track (by DOC maybe??) was there. Then we noticed a net fence being erected and DOC rearranging the walkway.</p> <p>The houses to the right of this track (walking to the beach) I'm sure, would have paid a premium price for their sections and have built their houses and outdoor living for their uninterrupted views - not to look onto another house which should not be there.</p> <p>Bottom line - it would look an eyesore and I wonder how long it would be until the owner of the property complains to us people for walking near his property and driveway! Totally against it.</p>
6262	Jeanine Marriott		Do not support either option	<p>I totally oppose the formation of a private driveway on public land. The land in question is a recreation area which receives high use, all day, year round, by local and city wide citizens.</p> <p>Any change will alter the nature of the area and will open up the area to future residential development. The development of Bottle Lake Forest for residential use is something which has been formally rejected by CCC planners in the past, when new residential areas have been considered in processes such as the Urban Development Strategy (UDS) and Land Use Recovery Plan (LURP). The same rationale that planners used to reject residential development of Bottle Lake Forest in the past, are the same reasons why this proposal should be rejected now.</p> <p>Fire risk is another reason why this proposal should be rejected. Any development in this area is very dangerous. Currently the pine plantation is a few years old. This forest will soon contain large pine trees. In the last five years there has been significant fires in the forest plantation. In the past, the North Slope residential area has only been saved from fire by the road and grass verge.</p> <p>This development will boarder directly onto the forest, which will be very dangerous if there is a fire. Climate change will only increase the risk of dry hot summers and the chance of fire.</p> <p>Additionally, the community should not have their recreation experience undermined for the benefit of one property owner. The impact into an existing recreation area will be permanent. The loss will not be retained in the foreseeable future. The impact will be visual, as people drive down Aston Drive and physical for everyone using this area.</p>

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6262 <i>contd</i>				<p>It would not be a realistic option to propose residential development in any other park in Christchurch, so there is no reason why there should be residential development in this high use recreation area.</p> <p>If this proposal is granted there will be no reason to not grant further development in the area, or other similar areas in Christchurch! This is a significant precedent that the Council could set if it grants this application.</p> <p>I strongly oppose this proposal in any form for the reasons stated above.</p>
6260	Nicky Jonker		Option A	
6259	Stefan Brown		Do not support either option	<p>The proposed driveway will be situated on the busiest, narrow est, blindest corner in east Christchurch. A walkway from Sandpiper Place exits right at the corner and is used by many families going to the beach. A footpath is located only on the South (blind) side of the road making it dangerous to cross to the beach access way.</p> <p>The No 80 bus uses this road frequently and is impossible to pass at this point (opposing traffic). These buses have caused many pothole but has not slowed them down. Parking for beach access often occurs on both sides of the road at this corner. Traffic turning into the driveway from south will cause even more congestion</p>
6192	Sue Wardrop		Do not support either option	<p>How come there is a house there anyway? Whatever next?</p> <p>Cannot support any change from recreational to residential in this area. Slow urban creep from which there is no return! Plans are disturbing and reflect a land grab from recreational to residential Most disappointing that this development has proceeded thus far. Who is responsible for this debacle? Have tried on numerous occasions to discuss with Ann Campbell without success. I do not support any change from the current recreational plan and the associated accesses to the forest and beach - forest for all seasons. The status quo should be maintained for the many users. The planned driveway to the rear of the section is of great concern and reflects how out of touch this development is for this area.</p>
6184	Richard Wardrop		Do not support either option	<p>- can't support any change from recreational to residential in this specific area which is a forest for all seasons; for all residents of Christchurch and tourists</p> <p>- it represents urban creep which is totally unacceptable and must</p>

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6172	Kane Peter		Do not support either option	This area of sand dunes are slowly starting to get built upon, this is an area of natural beauty with lots of wildlife and a beautiful outlook. i believe we do not need anymore buildings in this area as it seems to encroach upon the park area. If we allow one application more will follow.
6032	Joanne Panirau		Do not support either option	We use the walkway to access the beach, I feel a driveway so close to the pedestrian crossing would be unsafe. At a minimum I would expect the road to 9021 Rothesay Road to be fenced rather than the timber bolards. This area has been a place our child can run and play without being at risk of being hit by a car.
6031	BW & J Boland		Do not support either option	Allowing a driveway to be constructed on a Council owned unformed legal road would set a precedent, would this open up the possibility of further permissions being granted along Rothesay Rd which runs parallel to Aston Drive. If the driveway was constructed would it still belong to the Council? If so as a ratepayer would I be entitled to use it? As I understand it applicant does not have approval to build a dwelling so why is driveway necessary?
6028	John Kennedy			It looks like a great plan. [REDACTED]
6027	Rachel Allen & Mark Burnaby		Do not support either option	It's on a particularly busy corner, making access dangerous. There is absolutely no benefit to the community only benefit is to a property developer who sell off & then spark more interest with other developers. It is a prime area where people walk, take their dogs through, bike & have good access to the beach. I would rather it stayed like this where many benefit as opposed to where just one person benefits & makes money, considering the land was purchased for next to nothing, when everybody else has paid market value.
6026	David Koliien		Option A	Option A is preferred because there is a barrier between the footpath and access road that will protect pedestrians and help prevent vehicles parking on footpath
5920	Elaine Reid		Option A	I think this is the best option as this provides a reasonable distance between the walking footpath and the driveway. I feel Option B could be a safety issue.
5919	Colin Reid		Option A	
5918	Audrey Henderson		Option A	I support the formation of the road. I don't really mind which option
5917	John Henderson		Option A	Thank you for consulting. Support family access to there section

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5901	Garey Burgess		Option A	I see no reason why this project should not proceed
5872	Cherie Charles		Do not support either option	I do not support the application for a driveway which will obviously lead to yet another request to build on the land which I previously opposed. This is a recreational space used by many in the area. It is an access way to our beautiful beach, forest and green area that I and many others use daily. We are fortunate to have this on our doorstep and to approve this driveway is opening the door for more development that this area is not zoned for. We need to retain the beauty of this recreational space which is why most of us choose to live here. Please retain this green space in its current state.
5867	Chris Patalano		Do not support either option	This drive is for a house in which consent was not obtained. As I understand the house is now under appeal. The reasons that this house was not given consent are many and varied. These need to be taken into account when looking at the road consent. There is no need to cover land with concrete and tarmac when the intended house has not received consent. I hope you look at the reasons against the house by professional and public opinion and do not build this driveway.
5845	Paul Scotter		Do not support either option	Should not be built at all Have had the decision before NO
5829	Richard Houghton		Option A	
5826	Sylvia Isherwood		Option A	
5822	Lisa Thompson		Option B	Looks good to me. There has been a lot of objections in neighbourhood but if tracks are retained and new plantings are out in, then I'm ok with it.

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5792	Douglas Brown		Do not support either option	<p>I feel that any further congestion on the extremely busy corner of Aston Drive would lead to a serious situation. The proposed access way is situated where the road narrows adjacent to the main beach access and pedestrian walkway from Sandpiper Place. The walkway is very busy on fine days and during summer with many families with young children heading to the beach. Aston Drive at this corner is very often used on both sides of the road for beach parking. The number 80 bus travels this road from 5.0am until midnight every day and travels quite fast on this stretch of road as there are no stops in the area. The section of road in the proposal is too narrow for opposing traffic to pass and already very dangerous as pedestrians exiting the walkway cannot see traffic approaching from the north west. This is also a Blind corner for traffic from the south. Sad to say that this road is often abused by hoons (Sic: boy racers).</p> <p>I feel that further activity on this corner will be exacerbating an already dangerous situation</p>
5768	Warner Mauger	Maugers Property Division	Do not support either option	I do not think that a driveway should be allowed. The section 9021 impart of the Burwood Plantation and the CCC has always indicated that this area is always to be Burwood Forest Park and will not ever be developed for residential use.
5748	Nicole Wieberneit		Option A	
5728	Paul Millican		Do not support either option	We feel very strongly that public land should not be designated as a formed access in order to progress an unsuitable development in a rural setting. We have chosen to live at the edge of the Christchurch suburban area so that we have quick and easy access to the surrounding coast and countryside. This proposed development would erode that access and is therefore detrimental to the lifestyle we have chosen. Many people use this corner as an access point for walking and cycling on the coastal tracks and would be adversely affected too. As non-residents they probably don't have an automatic involvement in this process but their voice should be heard.
5719	Michelle Ryder		Do not support either option	They shouldn't even be building on this land. Sick of developers eating into the forest. It should be public land. When is it going to stop! The house is ugly. This is where I take my children to the beach so they can bugger off and build their house in the suburbs like the rest of us. I'm sick of people with money thinking they are superior and can do what they want. This is not okay and should never have gotten to this stage. I am disappointed in the council.
5705	Carl Taylor	Carl Taylor Homes	Option A	
5694	Mark Corner		Option B	I see no reason why this shouldn't proceed to tidy up the area

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5641	Christopher Russell		Option A	
5628	Blair Corkran		Option A	I support the land owners right to be able to build on his land. In my view it adds extra value to Waimari Beach.
7054	Elizabeth Thompson		Option A	<p>Introduction</p> <p>My full name is Elizabeth Marion Thompson. [REDACTED] [REDACTED]</p> <p>Summary</p> <ul style="list-style-type: none"> - [REDACTED] and I hold a conditional Agreement for the Sale and Purchase (“the Agreement”) of the property for a fair market price, subject to the fulfilment of certain due diligence clauses. - [REDACTED] made an application to the Christchurch City Council for Resource Consent, which was declined. - In December 2015 I was telephoned by [REDACTED] to enquire as to whether I would be prepared to sell my property to him for very much less than fair market value. I was very upset by this call as [REDACTED] was aware of the existing Agreement between myself and [REDACTED]. [REDACTED] told me that he wanted to purchase the property to avoid incurring any further legal costs. - [REDACTED] appealed the earlier decision in the Environment Court which has said that the matter of access and plantings must be sorted out with the Christchurch City Council before it will proceed any further. - I fully support [REDACTED] application to form a driveway and landscape within Rothesay Road (“the paper road”). <p>History</p> <p>I inherited the property from my mother in 1994. My mother inherited the property from my father in 1970, then from his father (my grandfather) prior to that. When my grandfather purchased the property in, I believe 1924, he simultaneously purchased another property which is a triangular section situated diagonally across Rothesay Road from my property, sited immediately next to [REDACTED] [REDACTED]</p>

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				<p>My grandfather purchased the two (2) properties, one (1) for each of his sons to erect thereupon a holiday home for their families. Due to international events, The Depression in the 1930's, the Second World War and evolving family circumstances, the erection of the holiday homes has never taken place. My father was an engineer and at one point during The Depression was the only member of the family bringing in an income (my uncle was training to be a minister of the Anglican Church). Through all of these events, it was important to my grandparents, that the two properties remained in family ownership.</p> <p>Unfortunately I cannot be specific datewise, but I do know the date was after I had taken ownership of the property from my mother, my brother contacted to me to say "Did I know what was going on with regard to the land to the south of my property?" to which I replied I did not. My brother then told me about an article in the Christchurch paper advising of Maugers (a developer) proposal to erect highrise apartments along the land to the south of my property. On my next visit to Christchurch, I arranged to meet with a Town Planner at the Christchurch City Council, which was then situated in the Milar's Building in Tuam Street. I advised the Town Planner that I had not received any notification of any such proposal. The reason given by the Town Planner that I had not received any notification was because Christchurch City Council did not have an address to contact me, which of course was absolutely untrue, given that the Council held my address for rating purposes. The Town Planner advised that the proposal had been advertised in the Christchurch paper, but of course living in the North Island, I did not receive the Christchurch paper.</p> <p>I was concerned about the effect such a proposal would have with regard to my property, particularly with regard to access. The Town Planner advised that it would have no effect because the Christchurch City Council had entered into an arrangement with Maugers with respect to the development of Aston Drive and that access along Rothesay Road to my property would be from Aston Drive.</p> <p>When I inherited the property, the zoning was "Rural residential". I have never received notifications of changes to zoning. Until my cousin who lives overseas, and who owns the triangular section situated diagonally across Rothesay Road from my property, telephoned me to ask what was going on in regard to the notification by the Christchurch City Council of the current application, I told her that I did not know. As with previous decisions by the Council involving my property, I had not received any communications from the Christchurch City Council as she had. On 18 September 2017 I contacted the Christchurch City Council and spoke to Sarah Stuart who was most apologetic that I had not received anything from Council. She immediately rectified the situation and in doing so advised that the Engagement team had not connected my name with ownership of the property. This seems incomprehensible to me and leads me to ask whether the Christchurch City Council is deliberately trying to exclude me from discussions again.</p>

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				<p>Once again the inability of the Christchurch City Council to keep a property owner informed has bordered on negligent.</p> <p>While the history of the property may mean nothing to future generations, it is important that the present generation is made aware of the past so as to understand why the position is where it is now.</p> <p>This includes the reason for the erection of a fence around the property. The erection of a fence was brought about by the fact that 3 times a surveyor pegged the boundaries of the property and 3 times the survey pages were removed (which is an offence under the Cadastral Survey Act 2002 S.55). Even after the fence was erected the wire netting was cut and the black wind cloth torn. I noted this damage while visiting my property during the 2016/2017 Christmas holidays.</p> <p>Waimairi Beach is part of who I am. I have been going to Waimairi Beach since 1945. I have many happy memories of our family's annual autumn trip to the Beach to collect seaweed for our father's asparagus patch.</p> <p>Until [REDACTED] approached me about purchasing the property, I had never really considered selling it. My reasons for selling the property are fourfold – firstly that I now live in the North Island, secondly my age, thirdly my ongoing health issues and lastly my desire to tidy up my affairs while I am still able.</p> <p>The impact of agreeing to this application (and, ultimately, the erection of a dwelling on the property) is miniscule compared to the impact the subdivision to the south of my property and subsequent erection of dwellings thereon had on my property. My view of the southern scape and Port Hills was completely obliterated. Did anyone consider my position? They did not. In any event no one owns a view. It is a privilege to have a view from one's property, not a right.</p> <p>Usage</p> <p>People seem to forget that the property is privately owned and Not Public Land including the Christchurch City Council which when laying out the walkway along Ashton Drive into Rothesay Road and beyond impinged on the property without any consultation with me. As such there is an expectation that I, as the landowner and rate payer have rights of usage of the property which includes vehicular access to the property which I don't currently have.</p> <p>Therefore, I respectfully request that the Christchurch City Council forthwith, either allow the access application, remove the gate across the entrance to the unformed portion of Rothesay Road from Aston</p>

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				<p>Drive, or remove the lock from the gate to allow vehicle access 24/7 and in doing so provide correct access to my property. This should have been done at the time of development of Aston Drive.</p> <p>An unformed legal road in the eyes of the law under the right to pass and repass is no different to the tarsealed highways used everyday.</p> <p>The legal definition of a road is “a public highway whether used as a carriageway, bridlepath, footpath”. In <i>Snushall v Kaikoura County (1923)</i> on the authority of the Privy Council, the case established that a road shown on a legal plan, but not physically laid out on the ground has the same legal status as a formed legal road (i.e. a paper road).</p> <p>Conclusion</p> <p>I therefore support [REDACTED] application for the formed access and plantings to 9021 Rothesay Road, preferring Option A. The proposed plantings will visually enhance the area and compliment the plantings already allowed for in Whiskey Road.</p> <p>Here is an opportunity for the Christchurch City Council to review and make safe the ingress and egress to the unformed road and tidy and enhance the entrance to the North East natural amenities. This opportunity should not be missed by the Christchurch City Council, after all it is a public road and should be open at all times to allow the public safe passage.</p>