

## Jacob Paget

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**From:** Listed Projects  
**Sent:** Thursday, 4 July 2024 3:53 pm  
**To:** Jacob Paget  
**Subject:** FW: Further information sought - Fast-track Approvals Bill Listed Project application Mike Greer Homes South Kaiapoi Project  
**Attachments:** 5299083 - Site Plan-A4 14922.pdf

Please file email below and attachment as further information for #332

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**From:** Chris Fowler | SAUNDERS & CO s 9(2)(a)  
**Sent:** Thursday, July 4, 2024 3:38 PM  
**To:** Listed Projects <ListedProjects@mfe.govt.nz>  
**Subject:** RE: Further information sought - Fast-track Approvals Bill Listed Project application Mike Greer Homes South Kaiapoi Project

### MFE CYBER SECURITY WARNING

This email originated from outside our organisation. Please take extra care when clicking on any links or opening any attachments.

Hi Oliver

Thank you for your email seeking clarification on a couple of points.

Please find below our answers (in [blue](#)) to your questions which we provide on behalf of our client Mike Greer Homes NZ Limited.

Kind regards



**Chris Fowler**  
**Partner**

DD (03) 288 2192

M s 9(2)(a)

E s 9(2)(a)

**Saunders & Co Lawyers**

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**My hours:**

Mon to Fri 8:30am - 5:00pm



**2024**

**SEASON PARTNER**

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**From:** Listed Projects <[ListedProjects@mfe.govt.nz](mailto:ListedProjects@mfe.govt.nz)>

**Sent:** Wednesday, July 3, 2024 3:49 PM

**To:** Chris Fowler | SAUNDERS & CO s 9(2)(a)

**Subject:** Further information sought - Fast-track Approvals Bill Listed Project application Mike Greer Homes South Kaiapoi Project

Good afternoon Chris

Thank you for your application on behalf of Mike Greer Homes NZ Limited, for listing in the Fast-track Approvals Bill, for the Mike Greer Homes South Kaiapoi project. We are currently assessing the application for completeness, and have a couple of questions your clarification.

1. Your application states as part of the project summary: ***"If the area was rezoned MDRZ, the applicant would subdivide the ground into 190 new lots and carry out all necessary works to make those lots available for people to buy and construct new dwellings, with all the necessary services available for each lot."*** (emphasis in bold added).
  - Based on this statement, it is not clear to us whether the applicant would seek approvals for the project if the site is not rezoned MDRZ through the ongoing Proposed Waimakariri District Plan process. Can you please confirm, should this project be listed in the Fast-track Approvals Bill, that the applicant intends to seek approvals for the project through the fast-track process, whether or not the site is rezoned medium-density residential under the ongoing Proposed Waimakariri District Plan process?

We can confidently confirm that the applicant intends to seek approvals for the project through the fast-track process, whether or not the site is rezoned medium-density residential under the ongoing Proposed Waimakariri District Plan process.

Put another way, our client's interest in pursuing the application is not conditional on the outcome of the MDRZ rezoning submission on the WPDP. Having said that, and by way of update, we have been verbally advised by the WDC reporting officer on PWDP submissions seeking rezoning of land to MDRZ that he intends to recommend rezoning of the subject site to MDRZ in his s42A officer report.

2. Regarding legal interest in the land, your application states ***"The applicant is negotiating sale and purchase agreements with the landowners. These are expected to be finalised in the next few weeks. The contracts are drafted such provided that the appropriate resource consents and/or land zoning is given, the applicant will be able to undertake the work that is required for the project."***
  - Please can you provide an update on the applicant's legal interest in the land since the application was lodged (e.g. has the applicant finalised sale and purchase agreements with the landowners, and if so are there any relevant conditions that would affect the ability to for the applicant undertake the project)?

For the reasons noted below, there is no doubt that the applicant will finalise sale and purchase agreements with the landowners. We confirm that there are no conditions that would affect the ability of the applicant to undertake the project.

The site is currently owned by two land landowners, being the Winters and the Mackintochs. Negotiations have proceeded separately in respect of the Winter Block (10.2 ha) and the Mackintoch Block (4.6 ha). The primary focus to date has been to secure purchase of the Winter Block as this is the largest of the two. The applicant has secured an agreement to purchase the Winter Block (see **attached** site plan) subject to special conditions that are for the sole benefit of Progressive (see details below).

The applicant is now focussed on negotiating an agreement regarding the Mackintoch Block. A sale and purchase agreement for presentation to the current registered owners of this property has been prepared (see details below). The applicant is in no doubt that an agreement will be reached regarding this block also. We note that the applicant is an experienced land developer with a strong track record. In addition, the applicant is a motivated purchaser with the necessary financial resources to secure an agreement to purchase the Mackintoch Block.

[Winter Block being 168 Main North Road \(current RTs CB701/7, CB34C/25 and CB/732/100\)](#)

The applicant, via its development company, Progressive Construction Limited ("Progressive") has entered into a conditional Agreement, dated 1 July 2024 to purchase the Land at 168 Main North Road, Kaiapoi being the area outlined in red on the plan attached being part of the Part Rural Section 7428 in Record of Title CB701/7, Rural Section 39673 in Record of Title CB34C/25 and Rural Section 38486 in Record of Title CB732/100 ("the Agreement").

The Land, subject to Progressive obtaining the necessary consents, is expected to be 10.1981 ha.

This Agreement is conditional upon the following:

1. Progressive obtaining satisfactory consent from the Waimakariri District Council to (1) enable a plan change which rezones the Land under the District Plan to residential and (2) to complete the Initial Subdivision to create a separate title for the Land and the future residential land development. This condition is for the sole benefit of Progressive and is due to be satisfied within two (2) years from the date of the Agreement.
2. Progressive undertaking a satisfactory due diligence investigation of the property within ninety (90) working days from the date of the Agreement. This condition is for the sole benefit of Progressive.
3. Subject to Progressive obtaining the necessary consents set out in point 1 above, Progressive is to obtain a separate title for the Land within two (2) years from the date of the Agreement. Progressive has the ability to extend the timeframe by a period of six (6) months.

Settlement of the Land, subject to the conditions above, is ten (10) working days from the later of satisfaction of the above conditions or issue of the separate title for the Land.

The Agreement contains an obligation on Progressive to provide physical and legal access from the land being retained by the current registered owner, via the Land being purchased by Progressive to Main North Road.

Mackintosh Block being 144 Main North Road (RT CB750/80)

Progressive has prepared an Agreement for presentation to the current registered owners of this property which has not yet been executed ("Unsigned Agreement"). The Unsigned Agreement is for the purchase of the Property at 144 Main North Road, Kaiapoi containing 4.6033 ha and being described as Lot 1 Deposited Plan 19366, contained in Record of Title CB750/80.

The Unsigned Agreement has been drafted to include the following conditions:

1. Progressive obtaining consents from Waimakariri District Council to (1) enable a plan change which rezones the Property under the District Plan to residential and to subdivide the Property to enable a residential development. This condition is for the sole benefit of Progressive and is due to be satisfied within two (2) years from the date of the Agreement.
2. That the Agreement in respect of the Winter Block also becomes unconditional.

Settlement of the Property, subject to the conditions above, is six (6) months from confirmation of the condition set out in point 1 above.

Please respond to by **4pm tomorrow (Thursday 4 July 2024)**.

Kind regards

Oliver Sangster  
Ministry for the Environment  
s 9(2)(a)