

Kaipara District Council

**Totara Park Limited Gorge
Road, Maungaturoto**

**Summary of
Submissions**

**Further Submissions Close
30 July 2008**



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REVISION		DATE	PURPOSE
DRAFT	PREPARED	SHAWN BAKER	27/06/08 Kaipara District (Private) Plan change 25, Totara Park Limited Gorge Road, Maungaturoto
	APPROVED	GAVIN GRIBBEN	
FILE	U:_ KDC RESOURCE CONSENTS\02 - APPLICATION PROCESSING\08 APPLICATIONS\RM080013 TOTARA PARK PLAN CHANGE\SUBMISSION SUMMARY FINAL.DOC		

1 EXECUTIVE SUMMARY

Totara Park Ltd lodged a request for a private plan change under the First Schedule of the Resource Management Act 1991 (“RMA”) to enable residential development of an area of land that is currently zoned Rural with the exception of 980m² area zoned Commercial.

The Totara Park Ltd site is located on both sides of Matai Drive, to the north of Gorge Road. The site borders land zoned residential and commercial. Rezoning will provide for an extension of an established residential zone, in close proximity to the main commercial area. The Proposed Plan Change includes amendments to Section 11 and 13 of the Operative District Plan (ODP).

An initial assessment was undertaken in accordance with the requirements of the First Schedule of the Resource Management Act (1991). The purpose of the assessment is to ensure that the application contains an appropriate level of information to enable public notification in accordance with the First Schedule of the Resource Management Act (1991). There are only limited matters for which Council can reject a Private Plan Change for processing. In this case, the assessment identified that the application met the base criteria for notification. Council therefore resolved to accept the Proposed Private Plan Change application for notification. In accepting the Private Plan Change, Council is only agreeing that the application is of sufficient standard to process. Council is **not** making a determination on the overall merits of the application.

The Proposed Private Plan Change was publicly notified and initial submissions closed at 5pm 23 May 2008. A total of 7 submissions were received and this report provides a summary of those submissions in accordance with Clause 7 of the First Schedule to the RMA. The New Zealand Fire Service Commission submission was received outside of the statutory timeframe, however it is recommended that the submission be accepted and considered by the Committee, as it is not considered to prejudice the application in any way.

This Report provides the names and addresses of submitters so that they may be served a copy of further submissions.

2 FURTHER SUBMISSIONS

Any person may make a further submission on Proposed Plan Change 25 (Totara Park Ltd). However, in accordance with Clause 8 of the First Schedule to the RMA, further submissions may only support or oppose those submissions already made. In supporting or opposing, a Further Submission may provide reasons for supporting or opposing, however, only issues that are related to those that have already been identified in submissions may be raised.

The person making a Further Submission, as a matter of law, must serve a copy of the Further Submission on the person who made the submission to which the Further Submission relates within five (5) working days of serving the Further Submission to the Kaipara District Council.

Further Submissions should be made on Form 6 of the RMA, which is available through Council Offices. Submissions close on 30 July 2008.

3 PROCESS FROM HERE

The current process of public notification and calling for submissions and further submissions is part of the statutory consultation process required to be undertaken for any private plan change.

Once the Further Submission period has closed, a Planning Report identifying and summarising all submissions will be produced. This Planning Report will provide a

balanced assessment of the merits of the Submissions, including whether the issues raised are valid matters under the relevant legislation. The Planning Report may also

contain any recommended amendments to the Proposed Plan Change to address any matters raised by submitters. In addition, Totara Park Ltd, as the proponent of this Proposed Plan Change, may wish to meet with submitters with a view to resolving any outstanding issues. The results of any such discussions will be incorporated into the Planning Report.

The Planning Report will be circulated to all submitters and further submitters and a date for a hearing will be set. Those submitters that have indicated that they wish to be heard will then have an opportunity to speak to their submission and provide any further verbal evidence relevant to the matters raised. The Hearings Panel will then consider all relevant matters before it and make a decision.

4 SUBMITTERS

Table 1 (below) provides the submitter name, number and address for service. The purpose of this Table is to enable any further submitters to satisfy the requirements of the law and serve their further submission on any appropriate submitter within five (5) working days of serving the further submission on Council.

TABLE 1 - SUBMITTERS

SUBMITTER NAME	SUBMISSION NUMBER	SUPPORT/OPOUSE	ADDRESS FOR SERVICE
C. Hamblyn and C. Ford	KDC25/1	Part Support	PO Box 132 Maungaturoto
T.E & D.R Cullen	KDC25/2	Part support	4/12 Miro Street Helensville
Northpower	KDC25/3	Neutral	PO Box 9018 Whangarei
S.W & W.S Wilde; S.J & R.A Martin	KDC25/4	Oppose	c/- Osborne Hay (North) Ltd PO Box 16 Warkworth 0941
D. Garnett	KDC25/5	Part support	2 Gorge Road Maungaturoto
Maungaturoto Primary School Board of Trustees Attention: Tony Hamilton	KDC25/6	Part support	Gorge Road Maungaturoto
New Zealand Fire Service Commission	KDC25/7	Neutral	c/- Beca Carter Hollings & Ferner Ltd PO Box 6345 Auckland

All of the above submissions were received on or before the closing date of 23 May 2008, with the exception of Submission KDC25/7, which was received on 26 May 2008.

Because Submission KDC25/7 was received outside of the statutory timeframe it must be considered in terms of Section 37A of the Resource Management Act

1991. Section 37A (1) outlines matters, which the local authority must take into account when considering extending time limits. These matters are as follows:

- (a) The interests of any person who, in its opinion may be directly affected by the extension; and
- (b) The interests of the community in achieving adequate assessment of the effects of any proposal;
- (c) Its duty under Section 21 to avoid unreasonable delay

The party considered to be affected by the extension of the timeframe and the consideration of these submissions is the applicant. In recommending that the late submission be accepted, it is considered that the applicant would not be unduly adversely affected, as submission is neutral to Plan Change 25 and only requests provision of water supply and access for fire fighting services. It is therefore recommended that, pursuant to Section 37A, the submission be accepted and considered by the Committee, as it is not considered to prejudice the application in any way.

It should be noted that in assessing submissions, it is the overall merits of that submission that is considered.

5 SUMMARY OF SUBMISSIONS

SUBMISSION NUMBER	SUPPORT/ OPOSE	SUMMARY	DECISION SOUGHT
KDC 25/1.1	Part Support	Submitter owns Lot 7 DP 344966. The proposed upgrade of Matai Drive does not appear to accommodate on street parking for Proposed Lots 1 to 5.	Widen the carriageway on the western side of Matai Drive or construct discreet parking bays to accommodate street parking for Proposed Lots 1 to 5.
KDC 25/1.2	Part Support	The line of future kerb and channel along frontage of Lot 7 DP 344966 should coincide with the present edge of the sealed pavement and only include minor filling (as shown in Lamb and Malloy Ltd Engineering drawings).	The level of the kerb and channel should be such that there is no filling other than minor in preference to the filling shown on cross-sections 250 and 300 on the Lamb and Malloy Ltd engineering drawings.
KDC 25/1.3	Part Support	The road entrance to Lot 7 DP 344966 is already quite steep and under no account should this grade be steepened.	Do not steepen road entrance to Lot 7 DP 344966 greater than present (1 in 5.6).
KDC 25/1.4	Part Support	Pipe currently discharging to south east corner of Lot 7 DP 344966 should be made redundant and removed in favour of subsoil drainage under road.	Remove existing pipe and install subsoil drain under road.
KDC 25/2.1	Part Support	Discharge of stormwater and sediment from future lots do not adversely affect Lot 2 DP 344966	Include excess sediment and stormwater runoff mitigation as a condition of consent.
KDC 25/3.1	Neutral	No adverse affects identified	Upon subdivision approval, the subdivider needs to submit application for an electricity supply.
KDC 25/4.1	Oppose	The proposed re-zoning of Proposed Lot 21 from rural to residential will limit the development potential of 141 Hurnball Street East (a commercial zoned site). E.g. building height limited to 7.5m and minimum a 5m yard requirement along a residential boundary.	Decline Plan Change of Proposed Lot 21 from rural to residential
KDC 25/4.2	Oppose	The proposed re-zoning of Proposed Lot 21 from rural to residential will impose additional construction costs on 141 Hurnball Street East (a commercial zoned site). E.g. screening of storage areas requirement.	Decline Plan Change of Proposed Lot 21 from rural to residential

SUBMISSION NUMBER	SUPPORT/ OPPOSE	SUMMARY	DECISION SOUGHT
KDC 25/4.3	Oppose	The proposed re-zoning of Proposed Lot 21 from rural to residential will create cross boundary conflicts with 141 Hurnball Street East (a commercial zoned site). E.g. noise, glare, security lighting, parking privacy, visual, security and amenity effects.	Decline Plan Change of Proposed Lot 21 from rural to residential
KDC 25/4.4	Oppose	Opposes the use of Proposed Lot 21 as a reserve as it will limit the future development of 141 Hurnball Street East.	Decline proposal to use Proposed Lot 21 as a reserve.
KDC 25/4.5	Oppose	Commercial zoned land owners are not listed as stakeholders in supporting documentation (page 39). 141 Hurnball Street East owners have not been consulted.	Decline Proposed Plan Change
KDC 25/5.1	Part Support	Concerned that the proposed subdivision will have adverse affects on the business at 2 Gorge Road.	Provide written guarantee that the subdivision will not have an adverse on business at 2 Gorge Road.
KDC 25/5.2	Part Support	Future connection of the subdivision to the central sewage system should come at no cost to the community (i.e. via rates).	Provide written guarantee that subdivision will bear the initial cost of connection to central sewage system, as well as ongoing operational costs due to extra load on sewage infrastructure.
KDC 25/5.3	Part Support	Future connection of the subdivision to the Town water supply system should come at no cost to the community.	Provide written guarantee that subdivision will bear the initial cost of connection to Town water supply system, as well as ongoing operational costs due to extra load on infrastructure.
KDC 25/6.1	Part Support	Likely to be a significant increase in traffic around the Maungaturoto Primary School compromising the safety of children travelling to and from school.	Institute a variable speed limit (40km/h) on Gorge Road outside the Maungaturoto Primary School. Erect signage to warn drivers of reduced speed limit and presence of children. Cost of signage should be borne by the subdivider.
KDC 25/7.1	Neutral	The Fire Commission wishes to be satisfied that either reticulated or alternative water supply systems can provide for the operation needs of fire fighting (SNZ PAS 4509: 2003) in terms of both access and water supply.	Provision of water for fire fighting purposes as outlined in SNZ PAS 4509: 2003, and adequate access for fire appliances to this water supply.