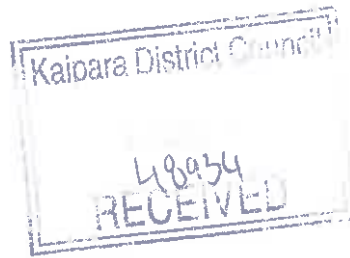


13 November 2009

Mr Mark Vincent
Manager – Resource Consents
Kaipara District Council
Private Bag 1001
DARGAVILLE



Dear Mark

Subdivision Consent Applications – RM090103 & RM090117
Land Use Application – RM090116
Applicant: Mangawhai Heads Holdings Ltd

I have received your letter dated 30 October which sets out various requests for further information with respect to these applications. It also contains a request for an extension of time for processing.

To begin with, it would seem more practical if each of the applications was dealt with separately. The applications stand on their own merit and seek resource consents related to their particulars.

While it may be convenient for the Council to have one processing planner, the applicant would like the matters to be dealt with individually.

At present I am ensuring that work is being undertaken to address the various points raised in the Council's request. This will obviously take some time. The consulting engineer is out of NZ until 23 November 2009. Accordingly, it is requested in terms of s.92A(1) that you provide the applicant with a later date in order to provide the information requested. Accordingly, it would be helpful if you provide the applicant with a further 25 working days providing overall a total of 40 working days from 2 November 2009 when the letter was received.

Could you please confirm that extension of time.

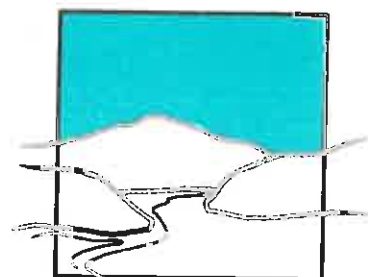
Yours sincerely

**Brian William Putt for and on behalf of
Mangawhai Heads Holdings Ltd
brian@metroplanning.co.nz**

file as
above.

21 December 2009

Mark Vincent
Development Manager
Kaipara District Council
Private Bag 1001
Dargaville



METRO
PLANNING
LIMITED

SENT TO
CPG
5 / 1 / 10

3 copies

sent.

Dina

RE: RM090116 Notice of extension of application processing timeframe and request for further information

This letter is in reply to your letter of 30 October 2009 which variously covered matters under three applications: RM090103, RM090116 and RM090117. I wish to respond to each application separately.

Notice of extension of application processing timeframe

Given the significant period of time that has passed during the preparation of the s.92 information, please advise if the requested extensions are still required and if so on what dates they would expire.

Request for further information

No information was requested that related specifically to this application.

Additional Information

A letter from Paul Murphy, Landscape Architect dated 5 November 2009 is enclosed. It provides recommendations for the visual mitigation of the proposed dwellings for your consideration. This information was not requested but is considered to be of value in the overall assessment of the proposal as a non-complying activity. The summary of the landscape report is that the proposed dwellings have no more than a minor effect in landscape and visual terms.

Yours sincerely

A handwritten signature in purple ink, appearing to read "Brian William Putt".

Brian William Putt



office@paperspaces.co.nz ph/fax 09 424 7590
109 Duck Creek Rd, PO Box 84, Silverdale, 0944

Kaipara District Council
Private Bag 1001
Dargaville

Att: Mark Vincent – Development Manager

5 November 2009

Re: Mangawhai Heads Holdings Ltd – Application for Land Use Consent; Erection of five additional dwellings on Lot 1, DP 316176, Kapawiti Rd, Mangawhai

Dear Mark

I completed a detailed Landscape and Visual Assessment in June 2007 relating to a proposed subdivision of Lots 1 and 2 DP 316176, Kapawiti Road, Mangawhai. The report has bearings on the current application for the erection of 5 additional houses on the subdivision.

The 5 proposed dwellings are located within Lot 1, DP 316176, of which 3 dwellings are located within the boundaries of the N65 ecological feature. These house sites were included in the previously completed Landscape and Visual Assessment and it is recommended in Section 12.0 – Mitigation; that appropriate steps be taken to minimise the potential effects of the dwellings from public viewpoints, particularly recommendations at 12.4 – Building Form; with regard to building outline and colour selection. The report suggests building materials should be natural products, finished in natural colourings with low reflectance value. The report suggests finishes should have a reflectance value of less than 30% and that appropriate colours be selected from the BS5252 colour range.

A series of plans and elevations of the proposed dwellings have been prepared by Brown Day Group Architects and accompany this report. (attached as Appendix 1) I have reviewed the designs and make the following recommendations regarding the appearance of these dwellings.

1) Houses

House 1, Lot 15 – The building has a suitably low profile and an intact vegetation clad foreground which limits the extent of building potentially visible. The uniformity of the southern elevation is at odds with the existing landform, although this is tempered by the scale of the dwelling in the overall view, which for the majority of viewers is broad.

House 2, Lot 17 – The south elevation will be almost entirely screened from potential views by the existing vegetation. The form of the dwelling is representative of the landform and maintains a suitably low profile with shallow pitched roofs and an irregularly shaped roof. These features in conjunction with the appropriately selected colour scheme will minimise the potential visual effects of this dwelling.

House 3, Lot 18 – The southern elevation presents a narrow face to potential viewers and has a backdrop of existing vegetation which extends above the roof of the dwelling for half its length. The large expanse of glass to the second floor potentially creates a large reflective surface which may be visible, although the long viewing distances are likely to limit possible effects. This facade is south facing and therefore less likely to reflect direct sunlight.

House 4, Lot 19 – The house is well below the ridgeline and has an entire vegetative backdrop to its southern elevation. The dwelling presents a low profile face to views from the south and is completely unseen from east or west due to the existing vegetation.

House 5, Lot 20 – The proposed dwelling is located amongst extensive existing vegetation and the entire southern facade is almost completely unseen due to the vegetation.

The dwellings are generally considered to be appropriate to the sites and to ensure the structures fit harmoniously within the landscape a range of colours from the BS5252 range should be used to achieve the visual integration. Dominant light or bright colours are to be avoided. The colour palette relates to the wall cladding finishes and a range of roof colours is also included to ensure low reflectivity is achieved on all major surfaces.

2) Materials

Wall cladding materials shall be natural products which are not shiny and provide a matt or textured finish. Timber weatherboards and other timber products are considered an appropriate choice for the proposed dwellings.

Roofs should be in long run corrugated profile or natural materials such as timber shingles.

3) Wall colours.

As noted previously colours shall be from the BS5252 range with light reflectance values (LRV) of 30% or less. The colours selected are predominantly yellow and yellow greens to fit with the existing colours of the landscape. Ensure dark colours are suitable for the claddings to avoid excessive fade or integrity of material. Colour names have been taken from the Resene BS5252 Range. (attached as Appendix 2)

The following are acceptable colours:-

Yellow	Green Yellow	Blue Green
G55-009-086 (Ironside Grey) LRV 23	G61-033-104 (Flax) LRV 29	N61-006-148 (Boulder) LRV29
N44-006-089 (Dune) LRV 14	G53-028-105 (Siam) LRV 21	N45-006-187 (Cape Cod) LRV14
Y55-031-085 (Peat) LRV 23	G43-024-106 (Kelp) 13	
Y45-027-086 (Lisbon Brown) LRV 14	G37-020-109 (Scrub) LRV 9	
Y35-024-081 (Birch) LRV 9	G39-033-115 (Turtle Green) LRV 11	

4) Roof Colours

Roof colours should be darker than the wall colours with a maximum reflectance value of 25%. All finishes should be matt. Colorsteel range is attached as Appendix 3.

The following colours are acceptable from the Colorsteel range:

*Gable Green LRV 13	Mist Green LRV 22
Ironsand LRV 4	Rivergum LRV 14
Karaka LRV 4	Sandstone Grey LRV 22
*Kelp LRV 10	*Sorrell LRV 15
Lichen LRV 23	*Spring Green LRV 19
*Thunder Grey LRV 12	

*Colours from Colorsteel *Maxx* range, all others from *Endura* range.

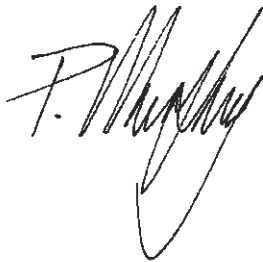
To minimise potential effects the colours selected are from a natural range of colours and reflect those colours naturally found in the site environment.

5) Conclusion

The aim is to have the new buildings fit as seamlessly as possible into the existing environment, with particular regard to the landform and vegetation cover and its colourings. In general the proposed dwellings are located on lots which are well screened by the existing vegetation cover, this is particularly applicable to Houses 3, 4 and 5. The use of the selected colours will offer further integration within the environment. Houses 1 and 2 are located near the ridgeline and the use of appropriate colours will limit the potential visual effects of these dwellings. The colours chosen represent those which have a low reflectivity and little contrast with the existing colour palette.

The long range views, breadth of view and the angle of view (viewed from below the proposed sites), all assist in minimising the potential effects. The use of the selected colour scheme will further limit the potential effects and integrate the proposed dwellings into the existing environment. It is therefore considered that the proposed dwellings will present no more than minor visual effects to potential viewers of the site.

Regards

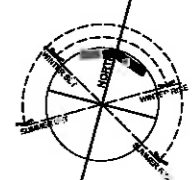
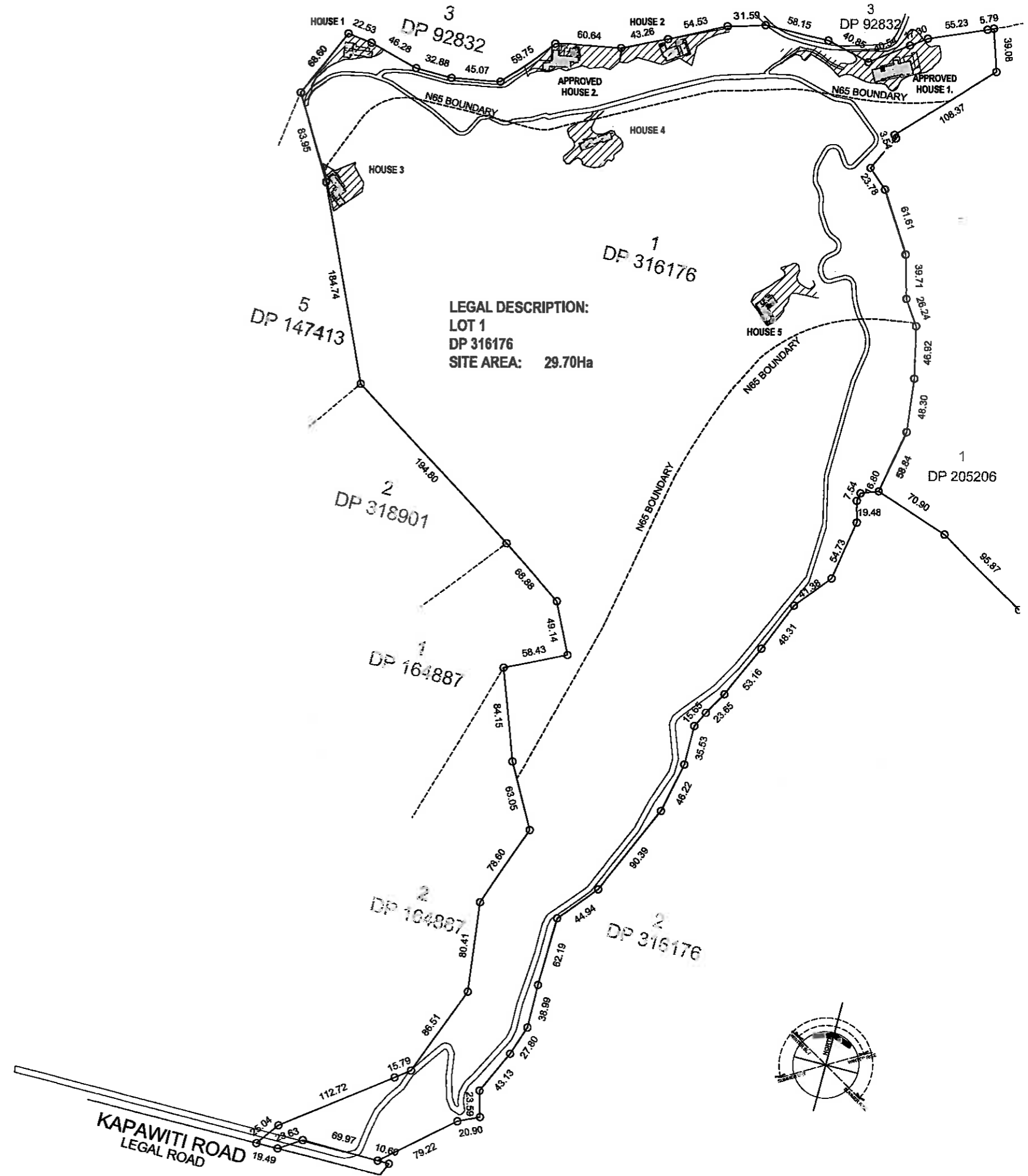


Paul Murphy
Landscape Architect

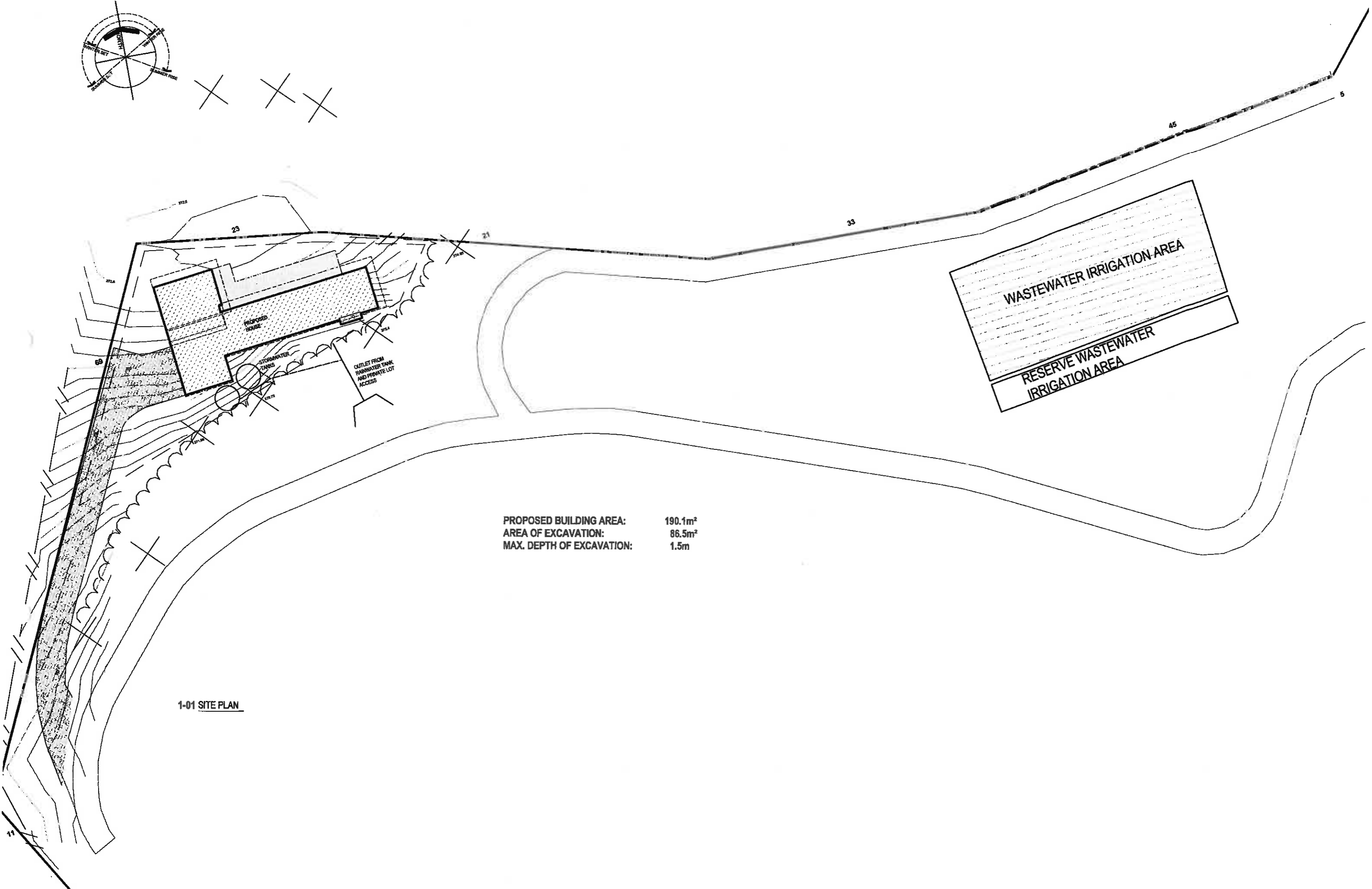
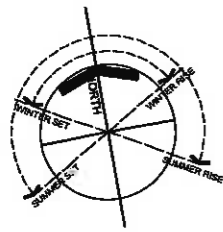
Registered
NZILA
Landscape
Architect



Appendix 1 – Architectural Plans



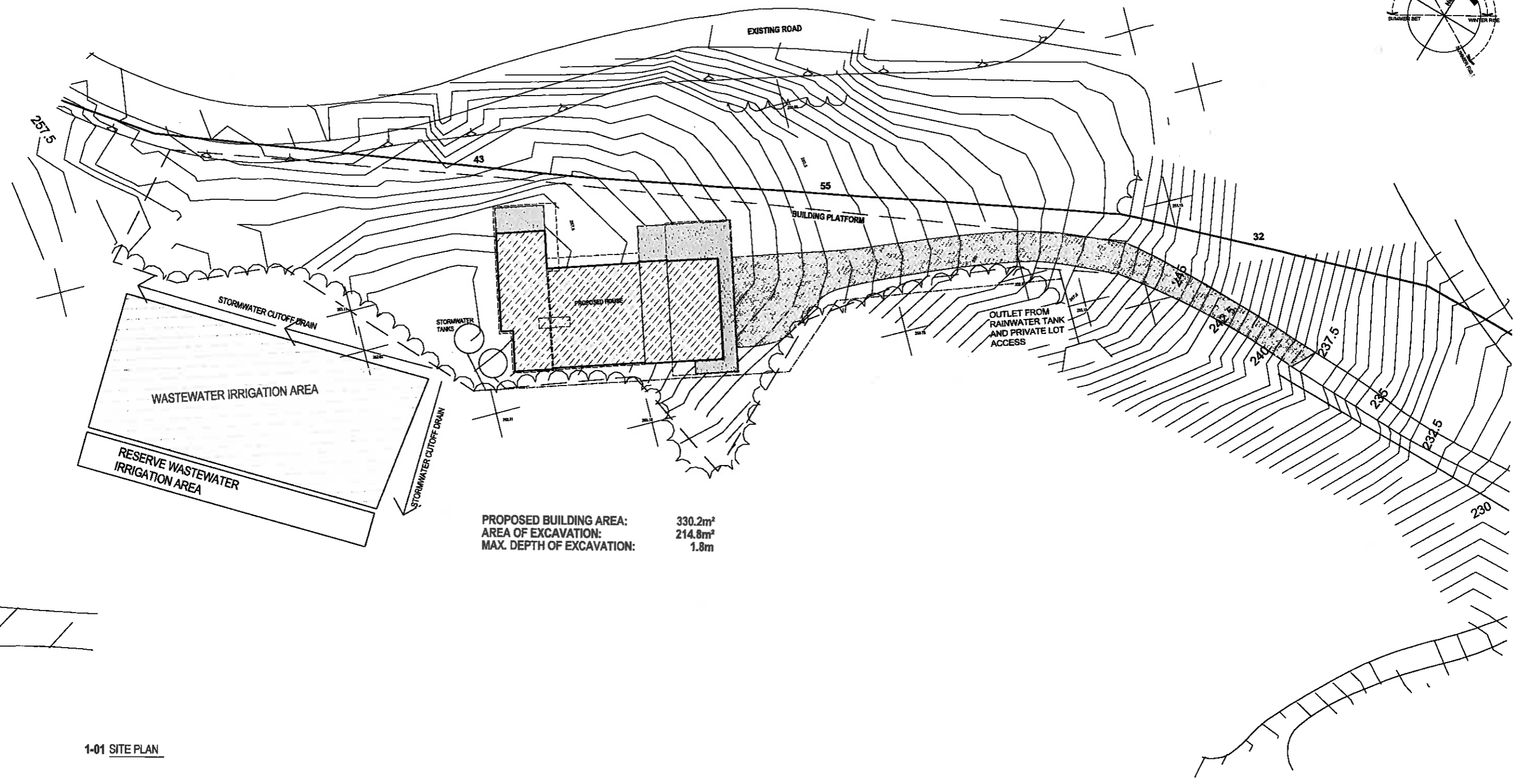
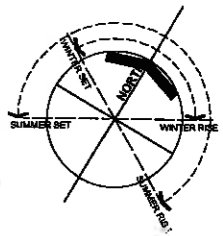
Consultants	Project	Drawing	Designed Drawn Checked	PSA MP	Date	Scale @ A1	Do not scale from drawing Contractor must verify all dimensions on site before commencing any work. Copyright reserved ©
	PROPOSED HOUSE AT LOT 1 - MANGAWHAI HEADS HOLDINGS LTD	OVERALL SITE PLAN	Issued for Info Consent Tender Construction		Date	Drawing No. Rev	



PROPOSED BUILDING AREA: 190.1m²
 AREA OF EXCAVATION: 86.5m²
 MAX. DEPTH OF EXCAVATION: 1.5m

1-01 SITE PLAN

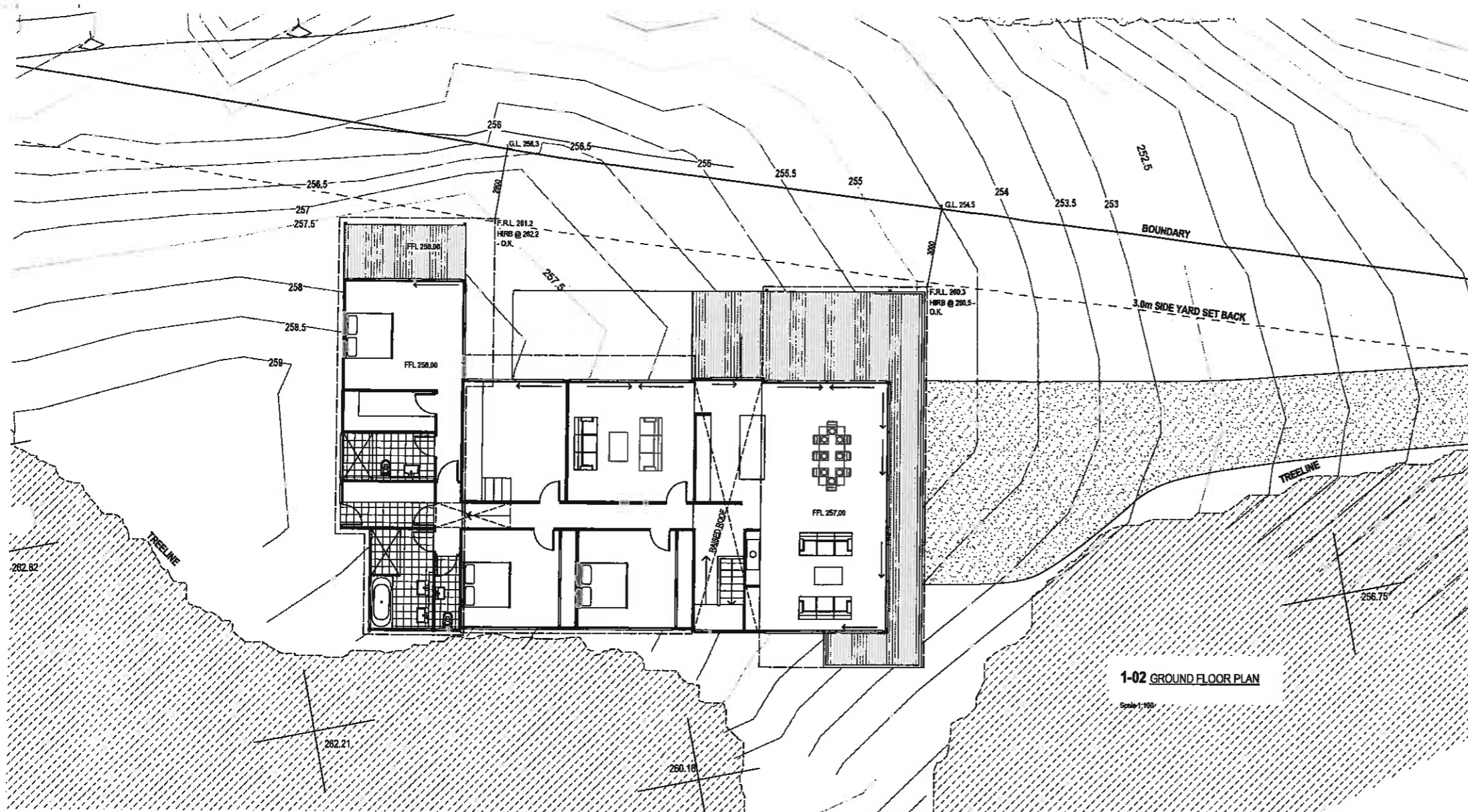
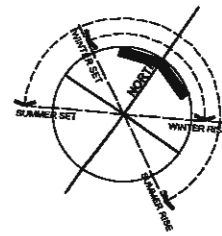
BROWN DAY GROUP <small>BROWN DAY LIMERFORD WASSCH</small> <small>2 Erskine Street 08 Edenburg, Auckland, NZ Ph 022 319 9191 Fax 022 319 9192</small>	Consultants CONSULTANTS LINE 1 CONSULTANTS LINE 2 CONSULTANTS LINE 3 CONSULTANTS LINE 4	Project HOUSE 1 MANGAWHAI HEADS HOLDINGS LTD	Drawing SITE PLAN	Designed Drawn Checked	Date June 09	Scale @ A1 1:200	Do not scale from drawing Contractor must verify all dimensions on site before commencing any work. Copyright reserved ©
				Issued for Info Comment Tender Construction	Date June 09	Drawing No. 1-02	



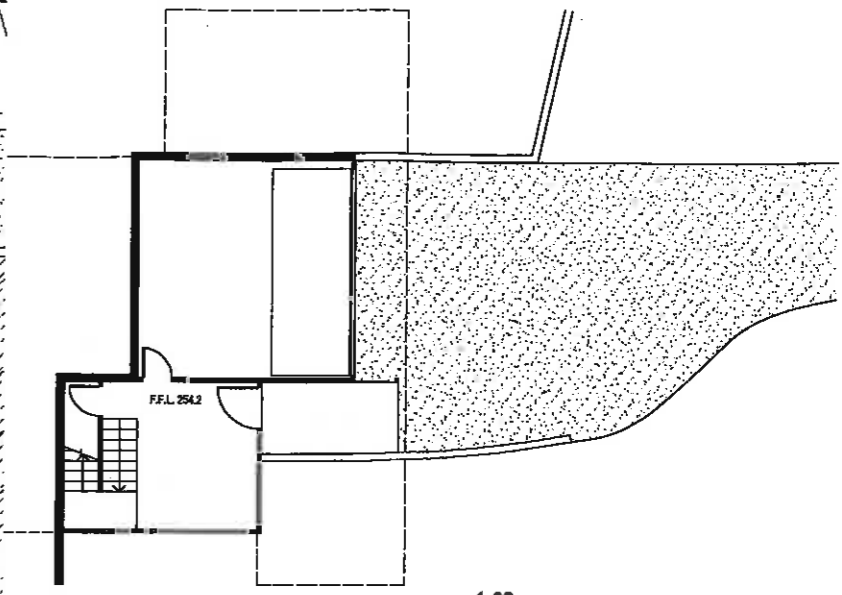
PROPOSED BUILDING AREA: 330.2m²
 AREA OF EXCAVATION: 214.8m²
 MAX. DEPTH OF EXCAVATION: 1.8m

1-01 SITE PLAN

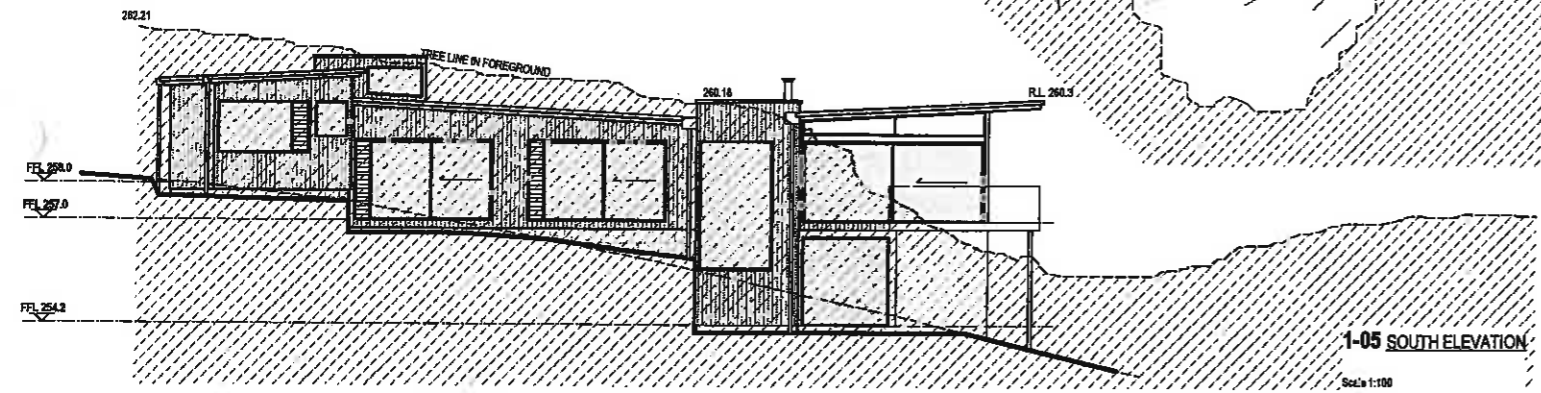
<p>BROWN DAY GROUP BROWN DAY SOMERFORD WILKES</p>	<p>Consultants CONSULTANTS LINE 1 CONSULTANTS LINE 2 CONSULTANTS LINE 3 CONSULTANTS LINE 4</p>	<p>Project HOUSE 2 - MANGAWHAI HEADS HOLDINGS LTD</p>	<p>Drawing SITE PLAN</p>	<p>Designed Drawn Checked</p>	<p>Date June 09</p>	<p>Scale @A1 1:200</p>	<p>Do not scale from drawing Contractor must verify all dimensions on site before commencing any work Copyright reserved ©</p>
				<p>Issued for Consent Tender Construction</p>	<p>Date June 09</p>	<p>Drawing No. 1-02</p>	



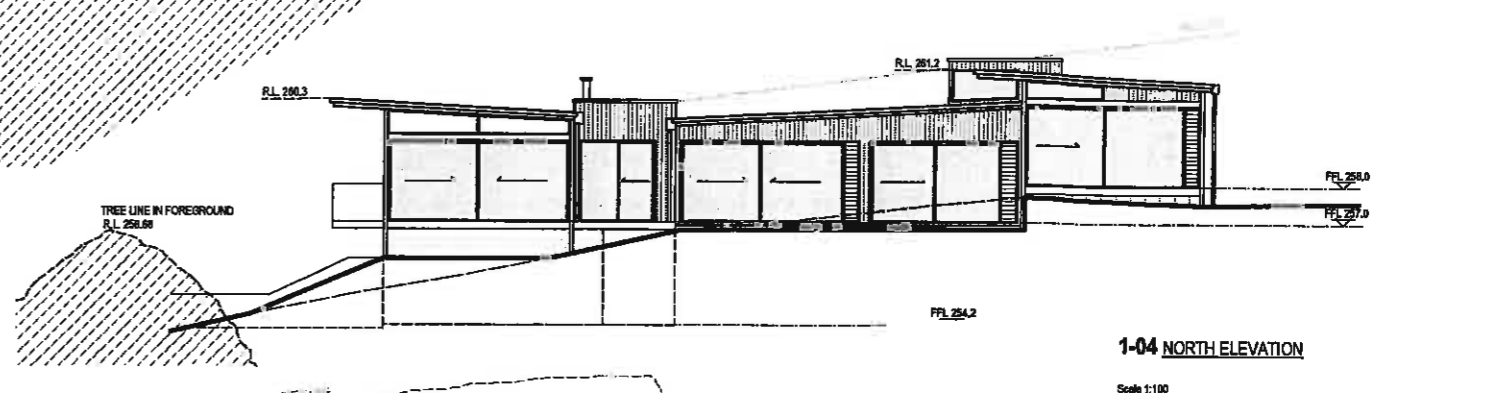
1-02 GROUND FLOOR PLAN
Scale 1:100



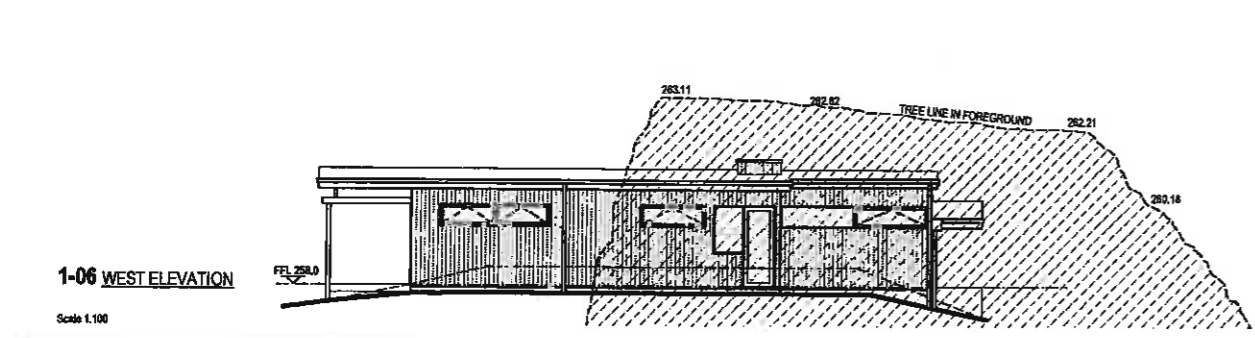
1-03 BASEMENT FLOOR PLAN
Scale 1:100



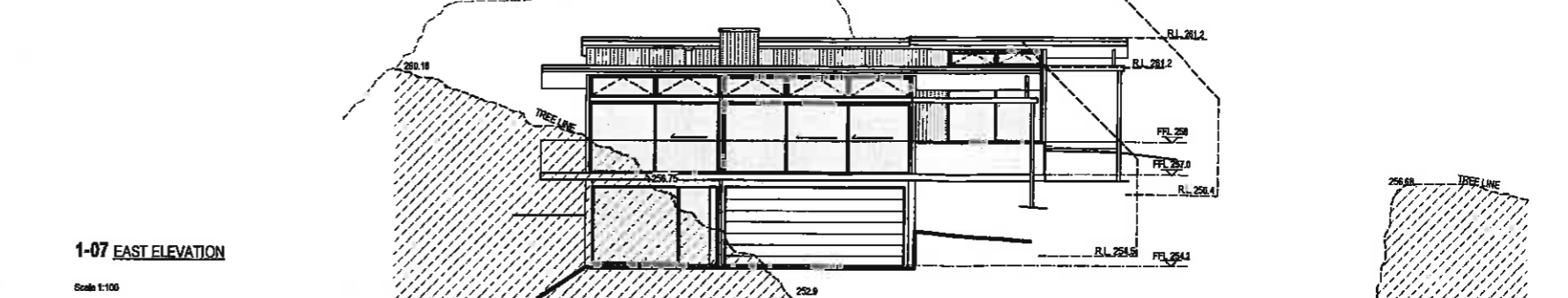
1-05 SOUTH ELEVATION
Scale 1:100



1-04 NORTH ELEVATION
Scale 1:100

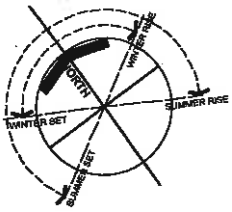


1-06 WEST ELEVATION
Scale 1:100

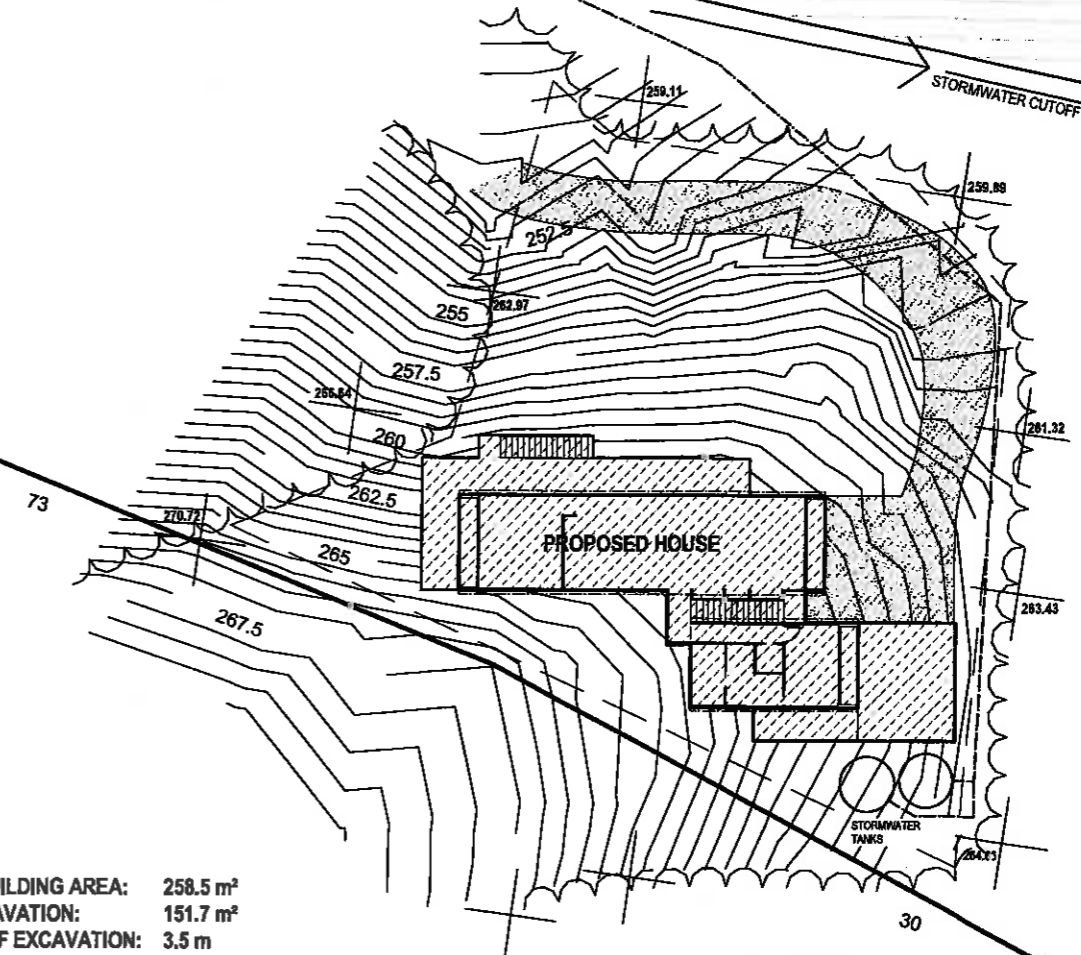
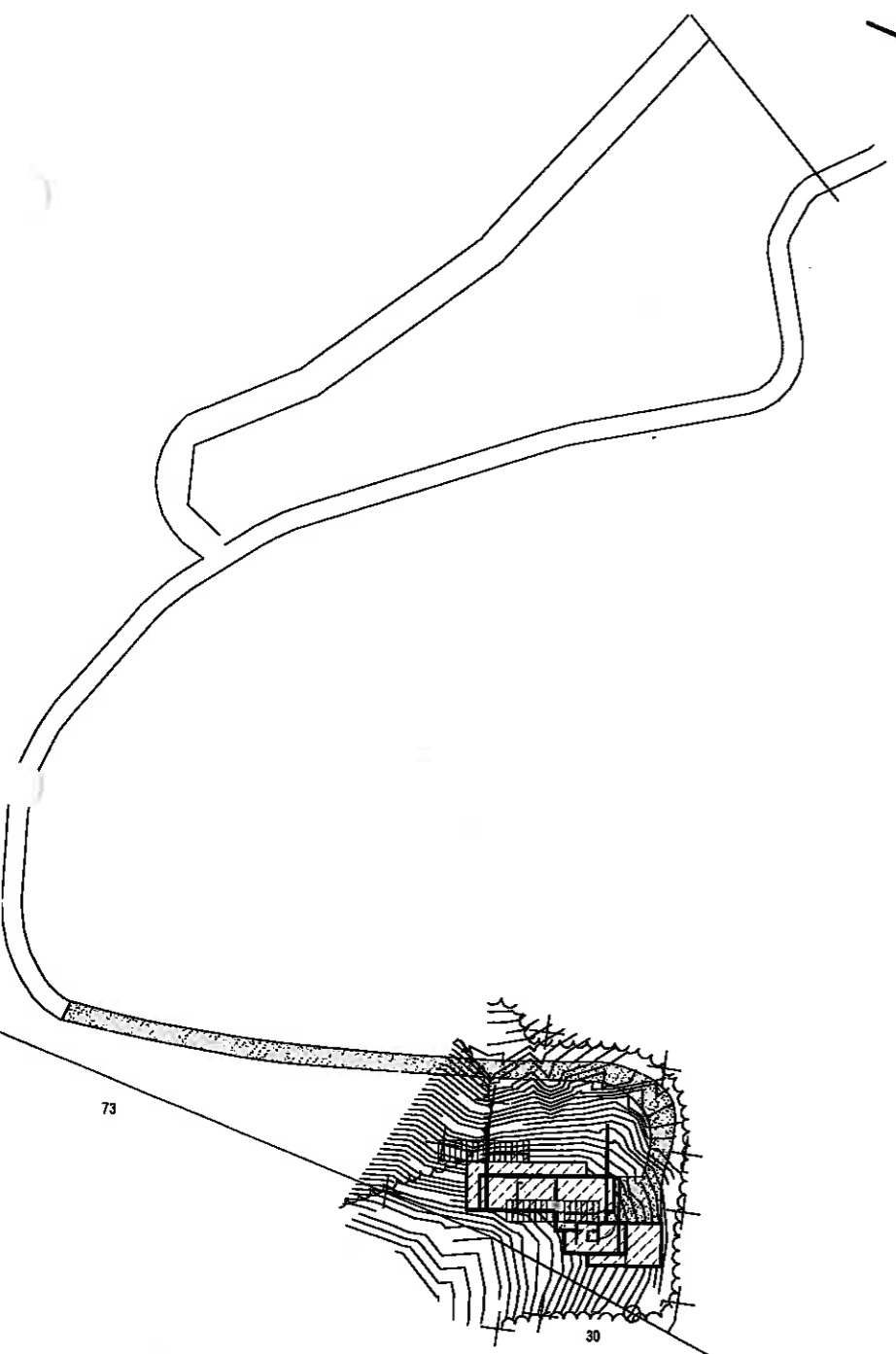
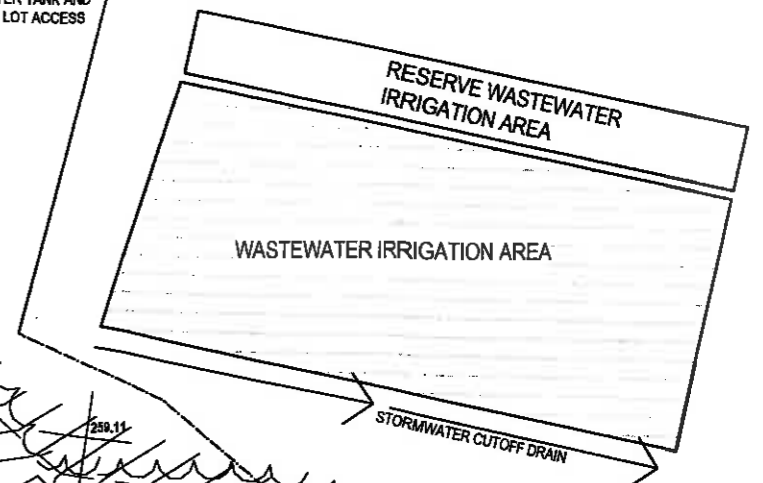


1-07 EAST ELEVATION
Scale 1:100

<p>BROWN DAY GROUP BROWN DAY SHEPHERD WEAVER</p>	<p>Consultants CONSULTANTS LINE 1 CONSULTANTS LINE 2 CONSULTANTS LINE 3 CONSULTANTS LINE 4</p>	<p>Project HOUSE 2 - MANGAWHAI HEADS HOLDINGS LTD</p>	<p>Drawing</p> <p style="text-align: center;">FLOOR PLANS ELEVATIONS</p>	<p>Designed Drawn Checked Issued for Info Consent Tender Construction</p>	<p>PSA MP</p>	<p>Date June 09</p>	<p>Scale @A1 1:100</p>	<p>Drawing No. 2-02</p>	<p>Rev</p>	<p>Do not scale from drawing Contractor must verify all dimensions on site before commencing any work. Copyright reserved ©</p>
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OUTLET FROM
RAINWATER TANK AND
PRIVATE LOT ACCESS

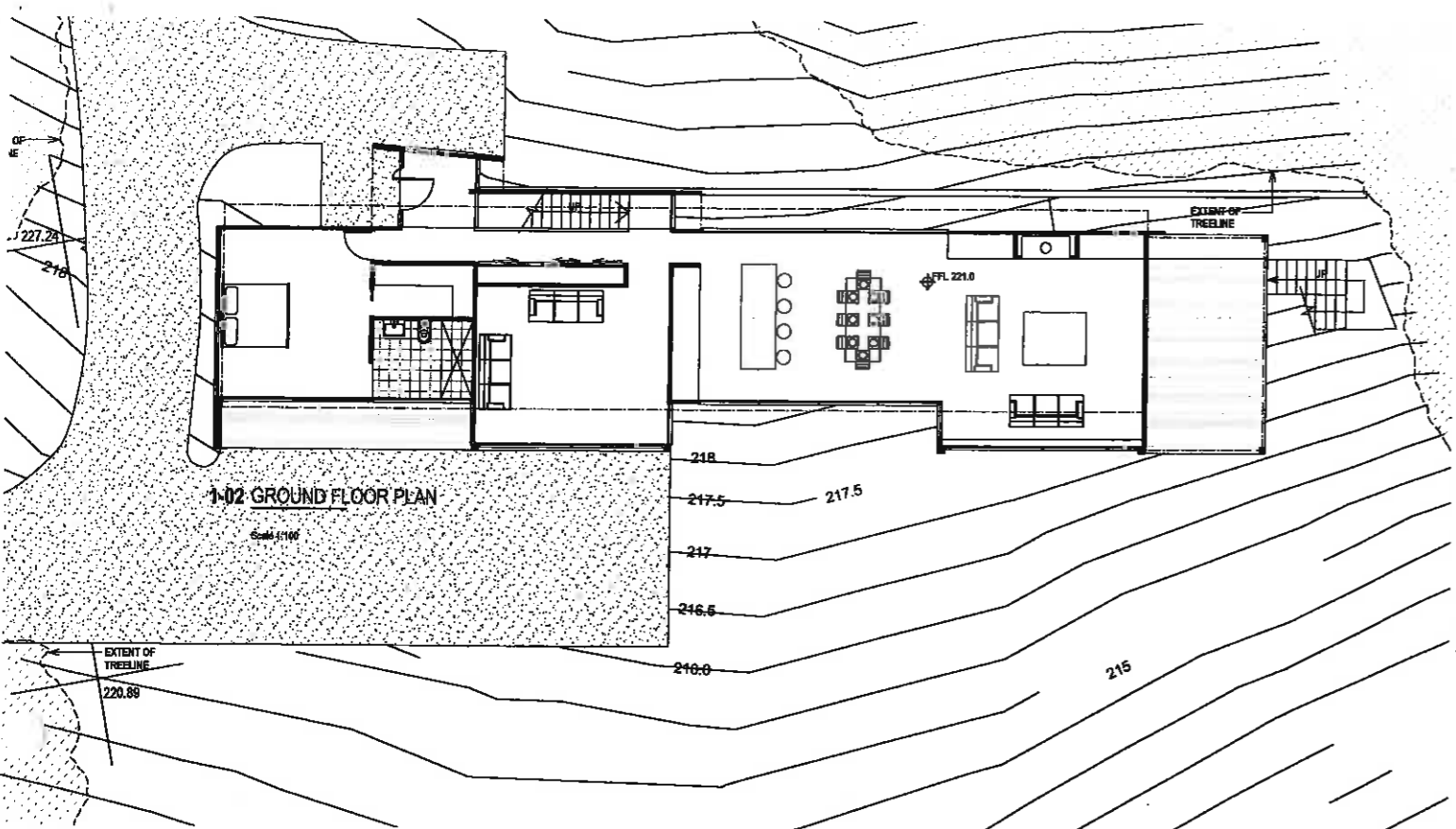


PROPOSED BUILDING AREA: 258.5 m²
 AREA OF EXCAVATION: 151.7 m²
 MAX. DEPTH OF EXCAVATION: 3.5 m

1-01 SITE PLAN
 Scale 1:200

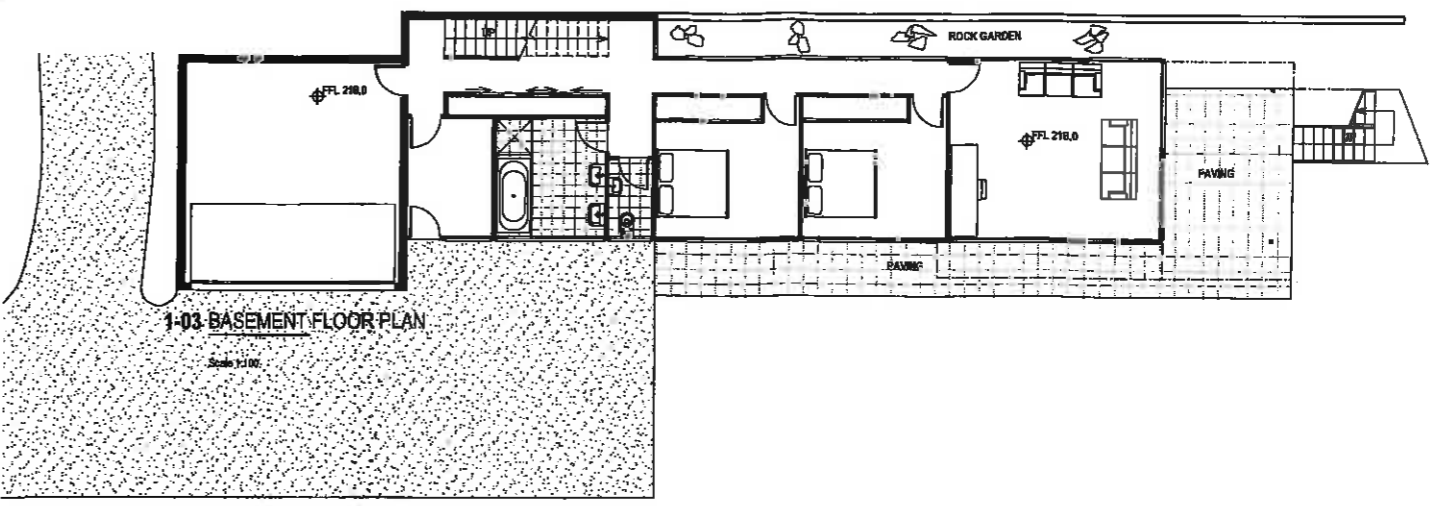
SITE - Scale 1:500

<p>BROWN DAY GROUP BROWN DAY SOMERFORD WYACE 2 Dalhousie Street Mt Eden, Auckland, NZ Ph 022 8893 Fax 022 8892</p>	<p>Consultants</p>	<p>Project</p> <p>HOUSE 3 MANGAWHAI HEADS HOLDINGS LTD</p>	<p>Drawing</p> <p>SITE PLAN</p>	<p>Designed Drawn Checked</p>	<p>DESIGN DRAWN CHECK</p>	<p>Date</p> <p>June 09</p>	<p>Scale @ A1 1:200 & 1:500</p>	<p>Do not scale from drawing Contractor must verify all dimensions on site before commencing any work. Copyright reserved ©</p>
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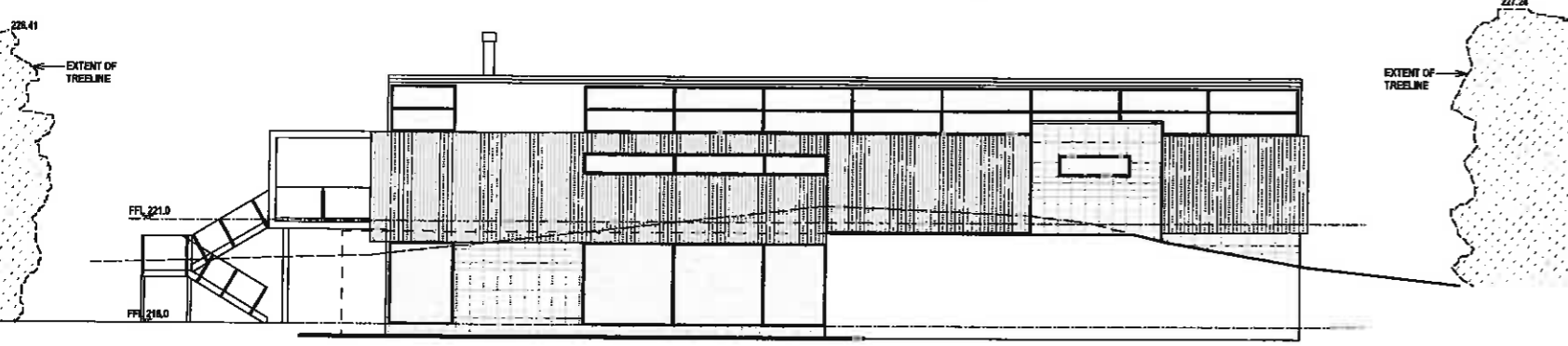
1-02 GROUND FLOOR PLAN

Scale 1:100



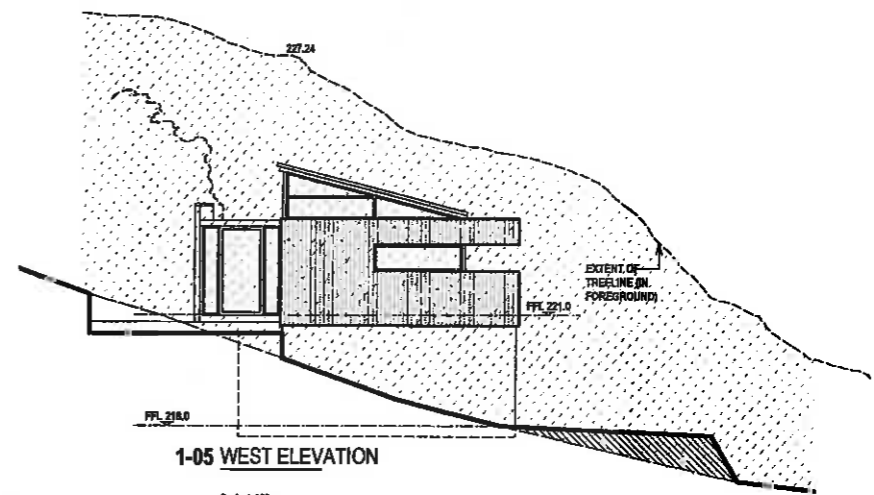
1-03 BASEMENT FLOOR PLAN

Scale 1:100



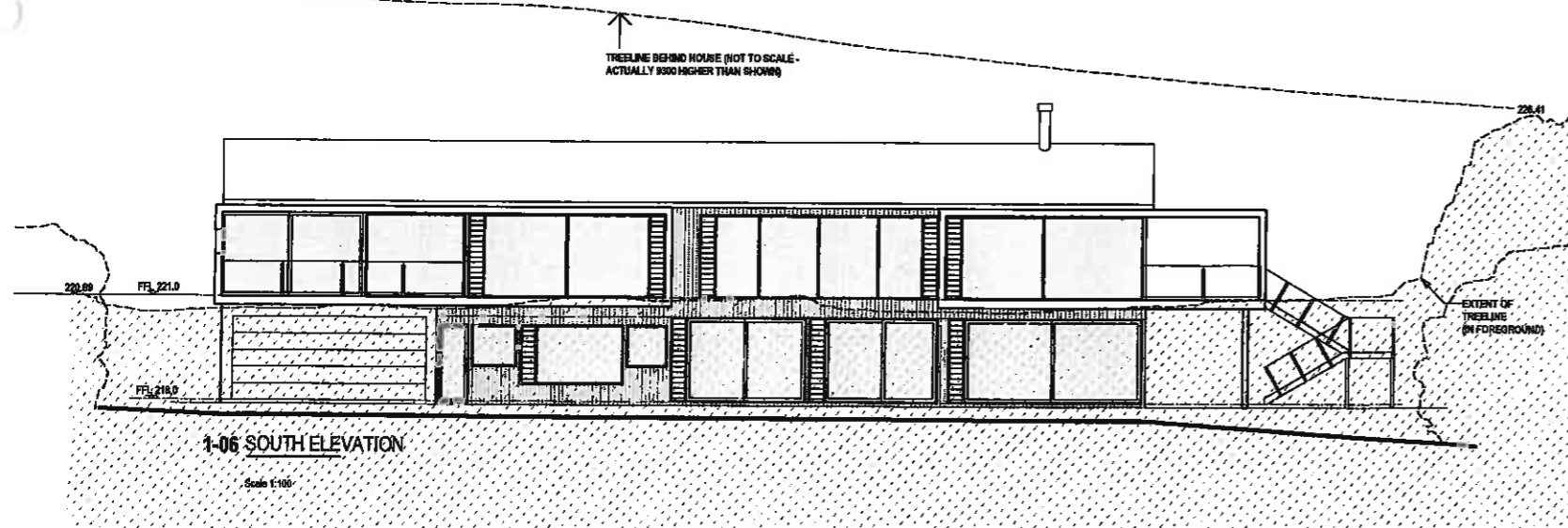
1-04 NORTH ELEVATION

Scale 1:100



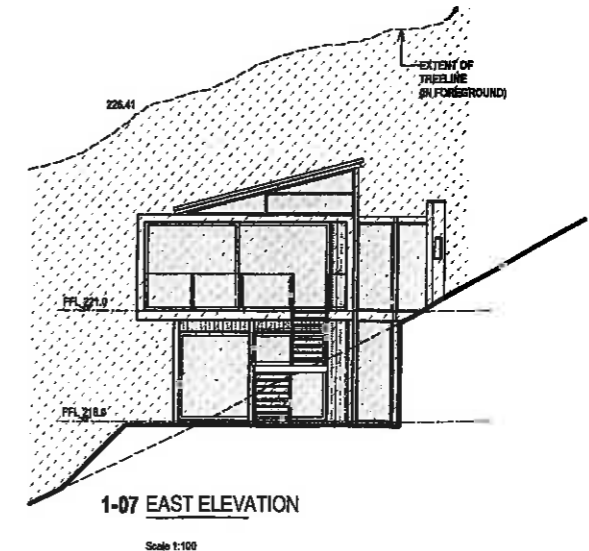
1-05 WEST ELEVATION

Scale 1:100



1-06 SOUTH ELEVATION

Scale 1:100



1-07 EAST ELEVATION

Scale 1:100

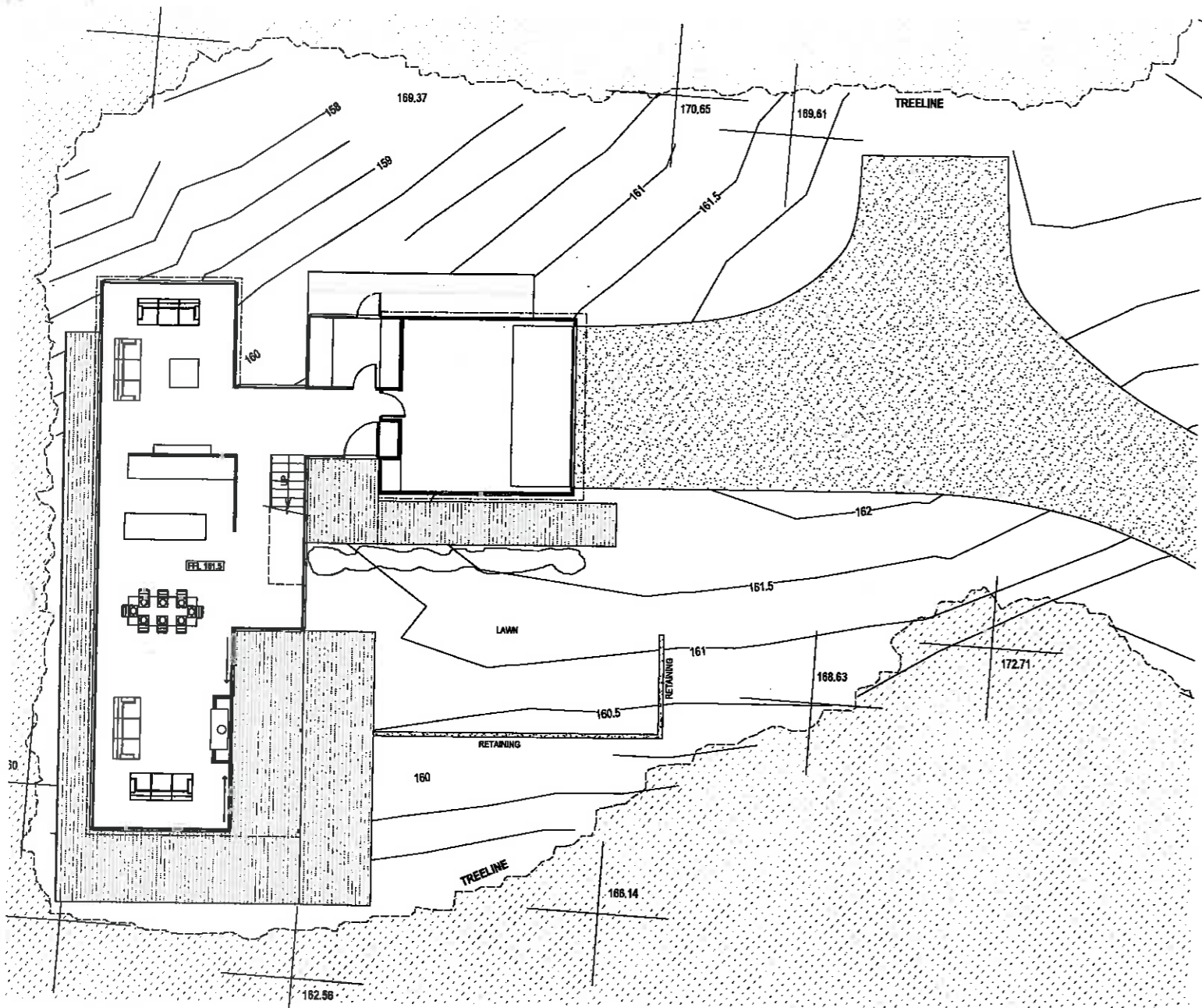
BROWN DAY GROUP
BROWN DAY SOMERFORD WHARF
2 Exchall Street
18 Essex, Auckland, NZ
PH 033 1739 Fax 033 0962

Consultants

Project
HOUSE 4
MANGAWHAI HEADS HOLDINGS LTD

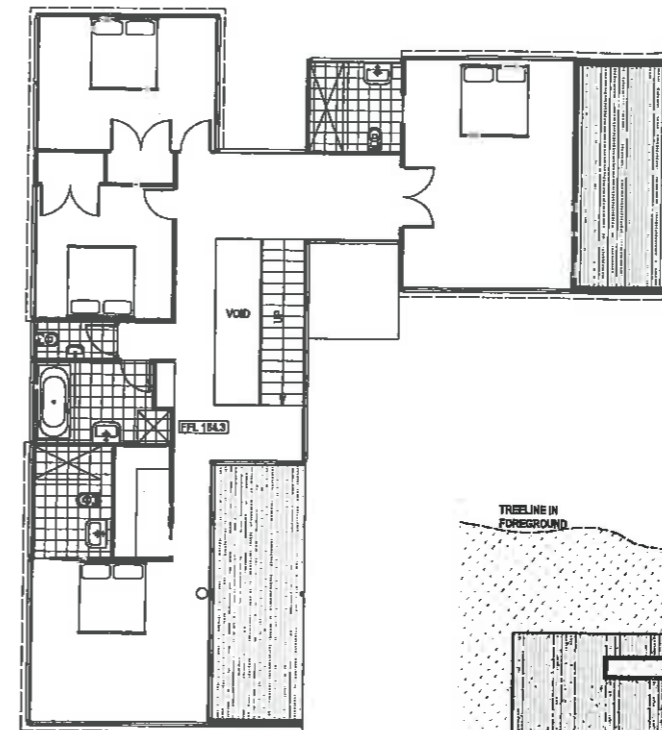
Drawing
FLOOR PLANS
ELEVATIONS

Designed Drawn Checked	DATE	Scale @ A1	Do not scale from drawing Contractor must verify all dimensions on site before commencing any work. Copyright reserved ©
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Issued for info Consent Tender Construction	DATE	Drawing No.	Rev
	June 09	2-02	



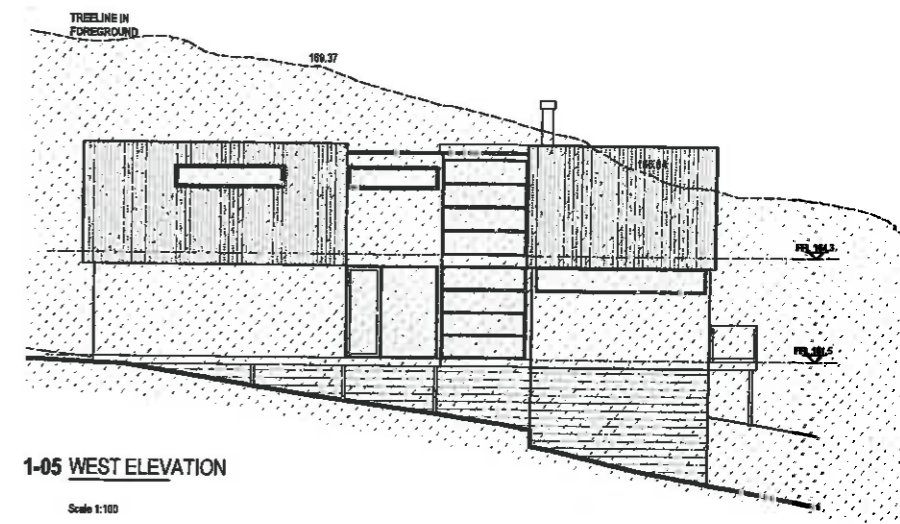
1-02 GROUND FLOOR PLAN

Scale 1:100



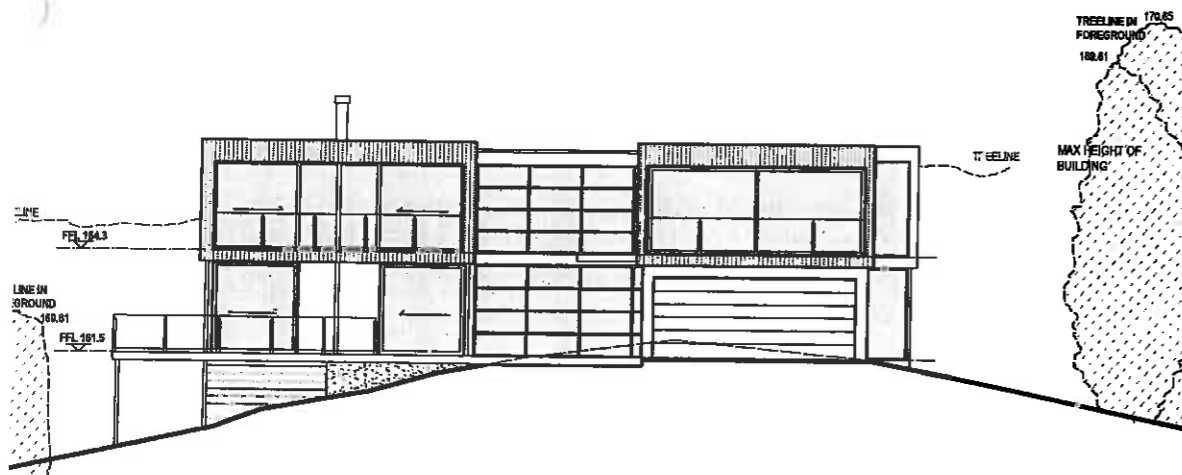
1-03 UPPER FLOOR PLAN

Scale 1:100



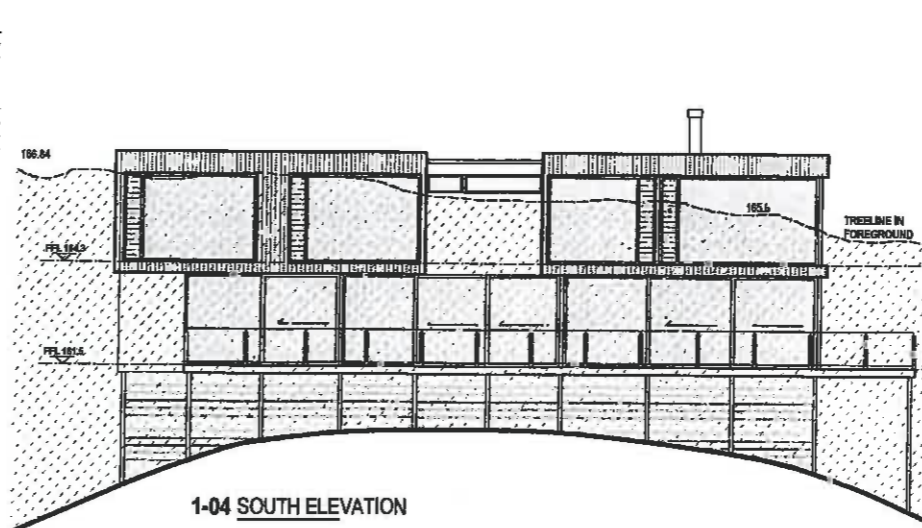
1-05 WEST ELEVATION

Scale 1:100



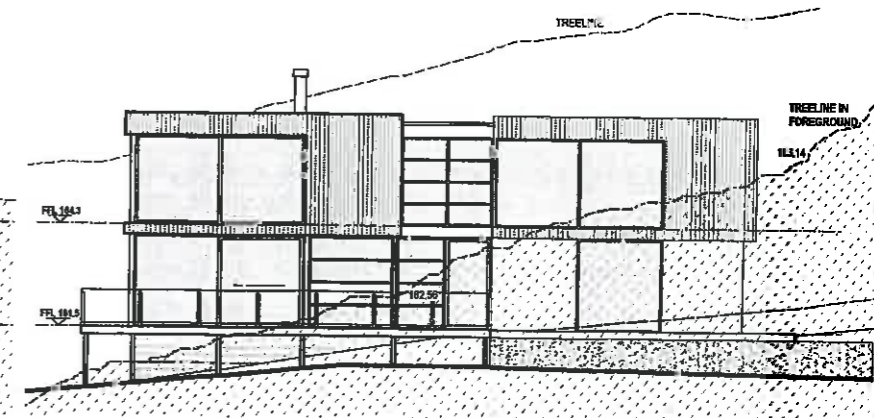
1-06 NORTH ELEVATION

Scale 1:100



1-04 SOUTH ELEVATION

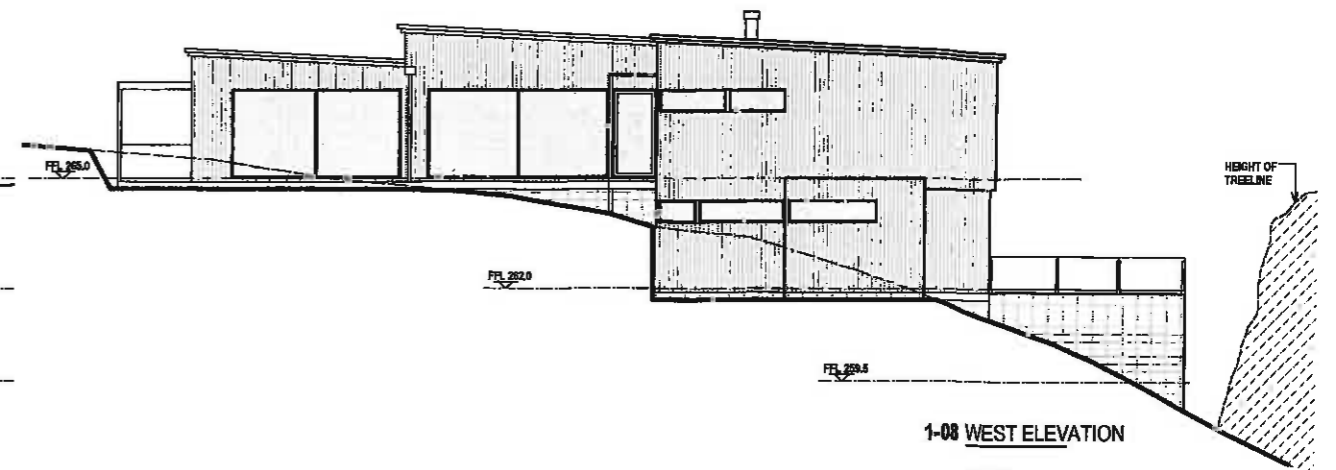
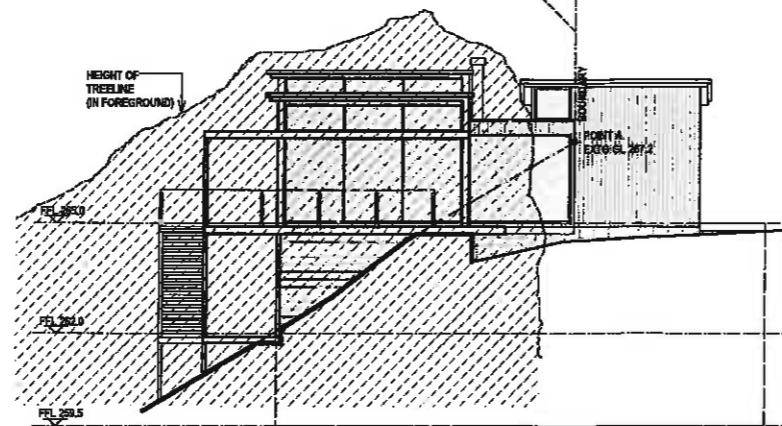
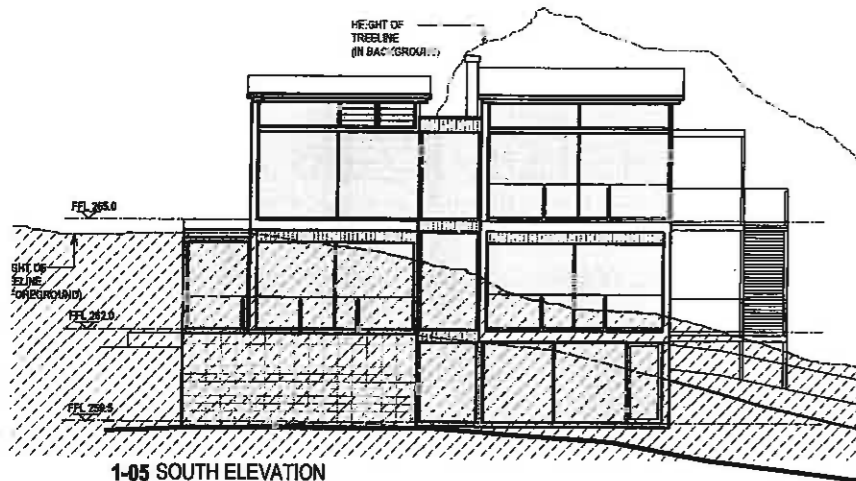
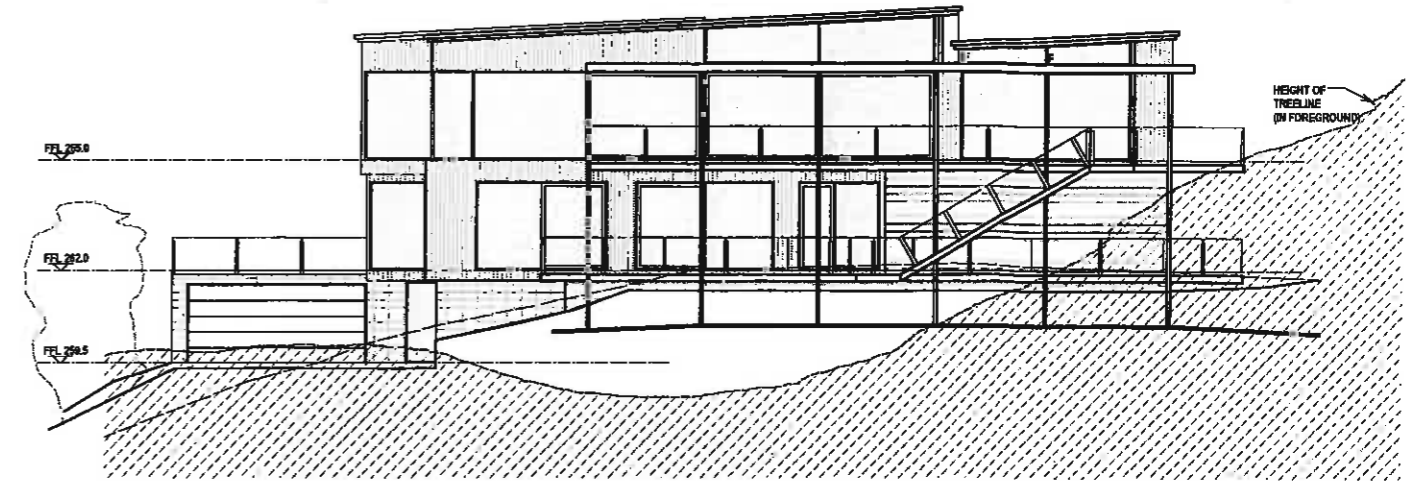
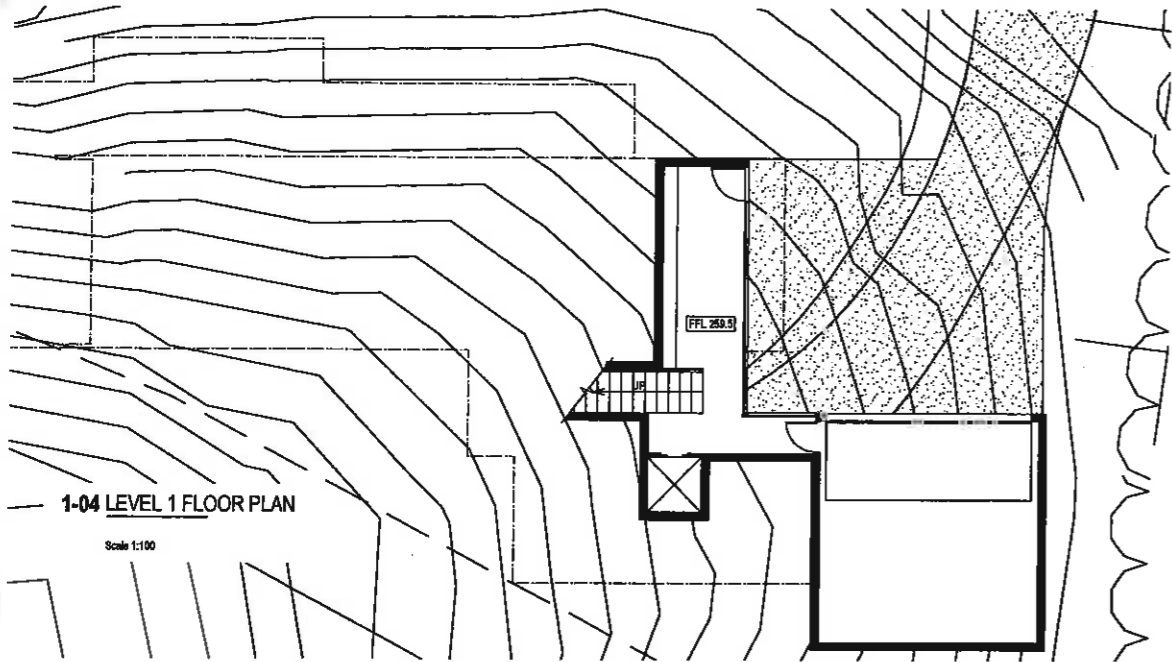
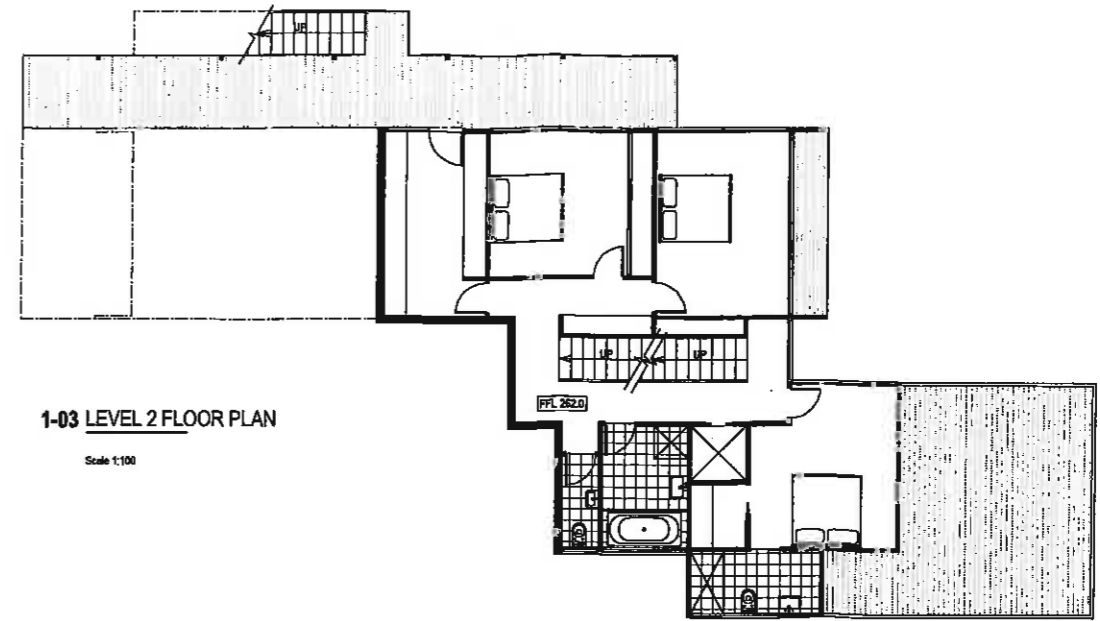
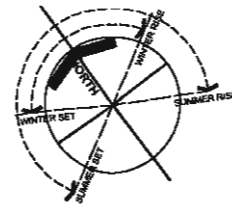
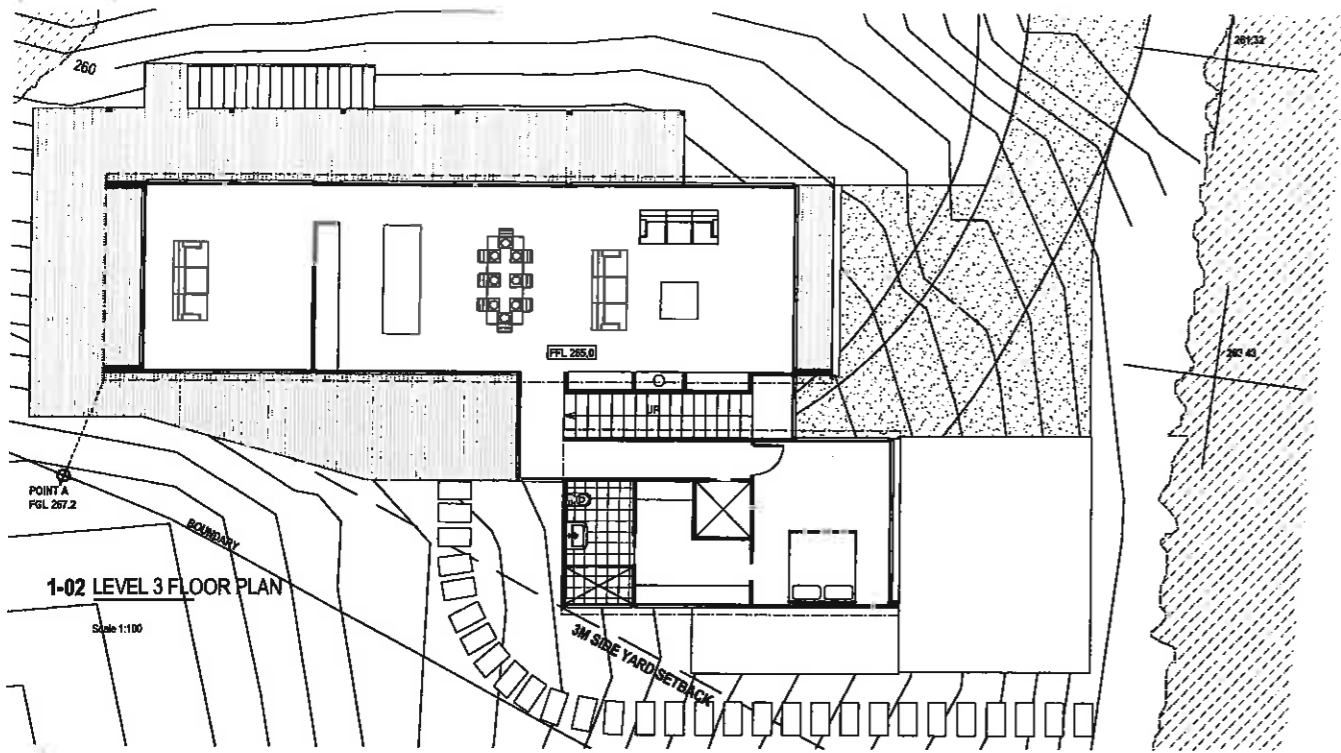
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1-07 EAST ELEVATION

























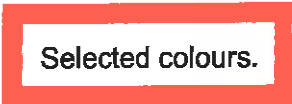


<p>BROWN DAY GROUP BROWN DAY SOVEREIGN TRUST</p> <p>2 Erfield Street Mt Eden, Auckland, NZ Ph 020 8291 Fax 020 8282</p>	Consultants	Project	Drawing		Designed Drawn Checked	DATE DESIGN DRAWN CHECK	Scale @ A1 1:100	Do not scale from drawing Contractor must verify all dimensions on site before commencing any work Copyright reserved ©	
		HOUSE 5 MANGAWHAI HEADS HOLDINGS LTD	FLOOR PLANS ELEVATIONS		Issued for info Consent Tender Construction	Date June 09	Drawing No. 2-02	Rev	



<p>BROWN DAY GROUP BROWN DAY SOMERFORD WIRAKI 2 Sefton Street 14 Eden, Auckland, NZ Ph 029 883 3333 Fax 029 8982</p>	<p>Consultants</p>	<p>Project</p> <p>HOUSE 3 MANGAWHAI HEADS HOLDINGS LTD</p>	<p>Drawing</p> <p>FLOOR PLANS ELEVATIONS</p>	<p>Designed</p>	<p>Date</p>	<p>Scale</p>	<p>Do not scale from drawing Contractor must verify all dimensions on site before commencing any work. Copyright reserved ©</p>
				<p>Drawn</p>	<p>Checked</p>	<p>1:100</p>	
				<p>Consent Tender Construction</p>	<p>June 09</p>	<p>2-02</p>	
























































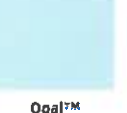




































Appendix 2 – BS5252 Colour Chart

Group	A01	A03	A05	A07	A09	A11	A13	A14
00 neutral	 Quill Grey™ N84-008-097	 Silver Sand™ N80-006-102	 Mountain Mist™cc N71-003-088	 Jumbo™cc N64-001-095	 Scarpa Flow™cc N55-002-289	 Ship Grey™cc N43-000-147	 Baltic Sea™cc N37-002-259	
02 red-purple		 Pale Slate™ N81-004-060		 Suva Grey™cc N64-004-043		 Mortar™cc N44-005-005		
04 red								
06 yellow-red		 Cloud™ Y81-011-082		 Concord™cc N62-007-087		 Tundora™cc N45-003-047		
08 yellow-red								 Bokara Grey™cc N28-005-068
10 yellow	 Sea Fog™ N92-005-100	 Grey Nickel™ G80-011-093	 Delta Grey™cc G72-013-094	 Friar Grey™cc Y62-010-086	 Ironside Grey™cc G55-009-094	 Dune™cc N44-006-089		
12 green-yellow								
14 green								
16 blue-green		 Pumice™ G80-011-123		 Boulder™cc N61-006-148		 Cape Cod™cc N45-006-187		
18 blue								 Bunker™cc N30-006-253
20 purple-blue	 Selected colours.							
22 ultra								

Group	B15	B17	B19	B21	B23	B25	B27	B29
02 red-purple								
04 red	Dawn Pink™ O67-015-059	Wafer™ O81-020-048	Del Rio™ BR71-025-048	Hemp™ BR62-025-045	Russett™ BR53-024-042	Congo Brown™ BR45-023-034	Cocoa Bean™ R36-024-030	Havana™ BR30-016-026
06 yellow-red								
08 yellow	Solitaire™ Y90-023-077	Soft Amber™ Y81-027-073	Bronco™ BR70-026-074	Squirrel™ BR62-025-066	Pine Cone™ Y55-031-085	Cork™ Y45-027-086	Tobago™ Y35-024-081	Cuban Tan™ BR33-011-045
10 yellow	Pearl Lusta™ Y94-018-087	Thistle™ Y79-036-089	Canvas™ Y71-036-087	Granite Green™ G61-033-104	Peat™ Y55-031-085	Lisbon Brown™ Y45-027-086	Birch™ Y35-024-081	Maire™ Y29-011-086
12 green-yellow	Frost™ G90-024-103	Green Mist™ G80-038-104	Locust™ G71-034-103	Flax™ G61-033-104	Siam™ G53-028-105	Kelp™ G43-024-106	Scrub™ G37-020-109	Rangoon Green™ G31-010-112
14 green								
16 blue-green								
18 blue	Catskill White™ N90-008-126	Tiara™ N81-007-165	Hit Grey™ N74-006-196	Oslo Grey™ N63-006-194	Nevada™ N54-007-200	Trout™ N45-008-228	Charade™ B37-008-229	Cinder™ N28-008-243
20 purple-blue								
22 violet	Athens Grey™ N89-004-107	French Grey™ N80-003-290	Spun Pearl™ B72-010-282	Topaz™ V61-011-299	Dolphin™ V53-012-291	Mulled Wine™ V42-016-292	Martinique™ V36-021-294	Haiti™ V28-016-289
24 purple								



C31 C33 C35 C37 C39 C40 D41 D43 D44

	 Blossom™ R79-028-015	 Can Can™ R72-049-007	 Cannon Pink™ R53-050-002	 Mulberry™ R36-043-357	 Toledo™ V29-027-351	 Carlisma™ R72-069-011	 Rouge™ R54-078-001	 Disco™ R45-083-002
Provincial Pink™ O92-015-049	 Shilo™ R80-040-039	 My Pink™ R72-061-034	 Copper Rust™ R53-061-032	 Red Ochre™ R37-059-029	 Chocolate™ R28-028-016	 New York Pink™ R71-075-036	 Mexican Red™ R51-100-031	 Old Brick™ R45-096-029
	 Brandy™ O80-054-069	 Whiskey™ O71-077-059	 Toffee™ O53-077-055	 Brown Bramble™ R38-044-054	 Brown Pod™ R30-029-042	 Tacao™ O81-079-061	 Reno Sand™ O60-122-066	 Hawaiian Tan™ O52-107-056
Champagne™ Y87-035-078	 Calico™ BR79-054-075	 Twine™ Y68-078-073	 Hot Curry™ Y52-083-071	 Saddle Brown™ BR36-049-065	 Cola™ BR33-023-065	 Harvest Gold™ Y80-087-073	 Mandalay™ Y62-126-072	 Afghan Tan™ Y53-109-071
Colonial White™ Y89-043-083	 Butter™ Y84-069-089	 Husk™ Y69-089-087	 Mustard™ Y53-088-086	 Mafras™		 Golden Sand™ Y78-113-077	 Sahara™ Y70-143-090	 Hacienda™ Y61-127-083
Tusk™ G90-044-104	 Pine Glade™ G80-064-104	 Green Smoke™ G71-064-106	 Fiji Green™ G52-083-106	 Turtle Green™ G39-033-115	 Pine Tree™ G29-016-118	 Wild Willow™ G80-097-104	 Trendy Green™ G60-107-101	 Rain Forest™ G52-095-101
Peppermint™ G90-019-134	 Gum Leaf™ G81-027-150	 Envy™ G71-028-149	 Como™ G55-047-156	 Everglade™ G36-027-168	 Black Bean™ G29-008-161	 Bay Leaf™ G73-050-155	 Amazon™ G54-066-157	 Green Pea™ G45-060-159
	 Opal™ G80-021-180	 Cascade™ G72-022-178	 Jade™ G53-039-191	 Tiber™ G37-037-195	 Swamp™ G30-011-198	 Gulf Stream™ G73-046-187	 Elm™ G55-064-190	 Blue Stone™ G47-064-191
Narvik™ G90-009-134	 Jungle Mist™ G80-014-201	 Bali Hai™ B70-024-230	 Bismark™ B53-034-224	 Nile Blue™ B35-036-233	 Blue Bark™ B29-013-232	 Glacier™ B74-043-216	 Calypso™ B54-052-223	 Chatham Blue™ B46-054-232
	 Spindle™ B82-022-246	 Rock Blue™ B72-025-255	 Kashmir Blue™ B55-041-254	 Bilcoy™ B37-033-264	 Blue Night™ B28-028-267	 Polo Blue™ B74-042-254	 San Marino™ B55-064-262	 St Tropaz™ B47-069-266
Porcelain™ N90-003-098	 Blue Haze™ V80-016-286	 Logan™ B72-022-284	 Kimberly™ V53-044-293	 Jakarta™ V36-051-294	 Violet™ V29-028-300	 Wistful™ B73-042-284	 Scampi™ V56-062-292	 Victoria™ V47-065-293
	 Maverick™ V80-018-340	 London Hue™ V72-025-327	 Trendy Pink™ V56-041-323	 Hot Purple™ V35-040-319	 Mardi Gras™ V29-026-322			

Appendix 3 – Colorsteel Colour Chart

Colorsteel Maxx colours with light reflectance value of 25% or less



Colorsteel Endura colours with light reflectance value of 25% or less



Light Reflectance Value Table

*Gable Green LRV 13	Mist Green LRV 22
Ironsand LRV 4	Rivergum LRV 14
Karaka LRV 4	Sandstone Grey LRV 22
*Kelp LRV 10	*Sorrell LRV 15
Lichen LRV 23	*Spring Green LRV 19
*Thunder Grey LRV 12	

23 June 2010

Mr Mark Vincent
Manager Resource Consents
Kaipara District Council
Private Bag 1001
DARGAVILLE



Dear Mark

CR0116 -
RM 090166 -- Land Use Consent Application for 7 Dwellings
Mangawhai Heads Holdings Ltd – Kapawiti Road, Mangawhai

I responded to the Council's letter dated 22 February 2010 which raised requests for further information. The letter in response is dated 9 March 2010, a copy of which is attached.

Nothing more has been heard from the Council or the planning consultant since that time. The applicant is anxious that this application makes progress and accordingly seeks confirmation that the Council is progressing this application through the notification assessment. Can you please confirm that this is the case. In doing so can you please confirm when it is likely that the Council will be in a position to forward the notification report to the applicant.

If there are any other matters arising in the processing of this application about which the planning consultant requires information, please do not hesitate to contact me. I look forward to your reply.

Yours sincerely

A handwritten signature in black ink, appearing to read "Brian William Putt".

Brian William Putt
Metro Planning Ltd
brian@metroplanning.co.nz

c.c. Mr J Larsen
Mangawhai Heads Holdings Ltd
P O Box 41376
St Lukes
AUCKLAND 1030

9 March 2010

COPY FOR YOUR
INFORMATION



Mr Mark Vincent
Manager – Resource Consents
Kaipara District Council
Private Bag 1001
DARGAVILLE

Dear Mark

RM090116 – Land Use Consent Application for 7 Dwellings
Mangawhai Heads Holdings Ltd – Kapawiti Road, Mangawhai

In reply to your letter dated 22 February 2010 the following comments are made:

1. **Request for Further Information** – it is the applicant's request that this application is not considered alongside the subdivision applications noted in the letter. All three applications are distinctively different and require separate assessments. They have been lodged with ample technical supporting information to achieve that purpose.

The parking arrangements for the land use consent are clearly shown on the plans provided. Complying parking and access has been provided at the bottom of the property near the road entrance. The internal farm track remains available to future owners as a pedestrian link or using farm vehicles for access. It is not being offered as the vehicle access to the proposed houses.

Your request for further information of 30 October 2009 lists this application under point 2, but none of the sub-points a, b, c, or d are applicable to it.

The comments of the Department of Conservation do not bear any relevance to this proposal. If the proposal is notified DoC can lodge a submission along with any other party. The applicant does not wish to address the DoC comments as they stand principally because they are wrongly conceived and do not relate to the legal position with respect to the Brynderwyn walkway.

2. **Iwi Consultation** – iwi representatives have attended this site in the presence of the applicant and are at the point of providing comments with respect to the two subdivision applications. Your request for further information of 30 October 2009 did not request Iwi consultation regarding this application. The applicant has spoken to Shereen Worthington, Environs Holdings Ltd, who confirms that consultation has not been requested for this application and is not required. Despite your claim to the contrary, we reassert that we can find nothing in your further information request of 30 October 2009 that relates to this application.

I hope this information covers your queries.

Yours sincerely



Brian William Putt
Town Planner
brian@metroplanning.co.nz

4 November 2010

Mark Vincent
Regulatory Manager
Kaipara District Council
Private Bag 1001
DARGAVILLE



mark

METRO
PLANNING
LIMITED

Dear Mark

Processing of Resource Consent Applications RM090103, RM090116 and RM090117

The applications were lodged in October 2009. Twelve months later the applicant is still being subjected to inappropriate requests for further information and requests for further consents. Many of the points have been repeated in the correspondence several times.

In an attempt to achieve resolution we requested a meeting with you and your consultants. This was considered to be the most time-efficient means of achieving a resolution since correspondence has not been successful thus far despite considerable effort being made on the part of the applicant to respond to requests.

Your response was that you were prepared to meet but that we must pay for the attendance of the consultants who have been processing the applications and writing the letters.

We have already paid the consultants a full-service lump sum fee up-front of \$10,000 for RM090103 and \$5000 for RM090117. You claim that this fee does not include meetings. You have failed to substantiate your claim other than to effectively state that you are free to make the rules up as you please. *"You are the one asking for the meeting. I am telling you what the terms of holding the meeting are"* – you stated. I have never experienced such a response from any local authority under the RMA.

1. The council website states-

Note: All application fees as set out in Sections 1 to 9 below are fixed charges, and are the full charge for processing the application to that point subject to the provisions in Sections 3 to 6. For the remaining transactions, the fee is in accordance with the formula as shown. In such cases where the actual cost exceeds the amount of the initial charge, then additional charges as provided in section 36(3) of the Resource Management Act will be made. Such additional charges will be based on an average staff charge out rate (salary plus corporate overheads) in addition to consultant's fees.

2. The MfE website Quality Planning provides further confirmation-

Fixed charges

These are charges that cover the total cost of an application or compliance monitoring activity and which are levied at the start of the process. Fixed charges are not supplemented by additional actual and reasonable charges once the consent or compliance monitoring process is complete. Fixed charges are deemed to be 'actual' charges which are not subject to the rights of objection and appeal (s357B to s358) - Wellington RC v Aifric Developments Limited, AP355/94.

3. The requested meeting would be the first direct contact in the application process so far.
4. If your consultants choose to work from an office outside of the district and levy fixed charges then it is reasonable that they should travel to the offices of the council periodically to meet with applicants to aid the processing of the applications they are responsible for. This could be done on an alternating weekly basis between the two offices as required and by appointment.
5. The meeting was suggested because this was considered to be the most time and cost efficient method of achieving a resolution. Bear in mind that each time one of the Council's complicated letters is received considerable time and money must be spent deciphering it and responding. It makes no difference whether your consultants time is spent formulating and writing further complicated responses to correspondence or meeting in person. They have already been paid in advance for a service they have contracted to provide.

The Council must protect the applicant from excessive demands from the Council's consultants because the Council is a party to the service contract, not the applicant. The applicant simply expects to receive the full service already paid for. You must be careful not to abuse the monopoly position the council holds for processing resource consents. The Council has set the fee and must abide by its decision to operate the one price full charge system.

Otherwise, the whole process will be contrary to the enabling intentions of the Act. The Council has a duty to process all applications in an impartial and enabling manner. Failure to do so is an abuse of your delegated authority.

I trust that you will give careful consideration to the content of the enclosed responses. If this does not resolve all of the points raised then I once again suggest that a meeting be arranged with whoever has the delegated authority to actually progress these applications towards a decision.

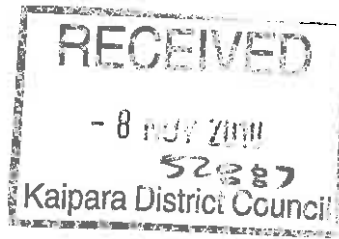
Yours sincerely



Brian William Putt
Metro Planning Ltd
brian@metroplanning.co.nz

4 November 2010

Mark Vincent
Regulatory Manager
Kaipara District Council
Private Bag 1001
DARGAVILLE



Dear Mark

Application RM090116 Your letter of 22 September 2010

We respond to the points in your letter as follows-

Point 1) 1.

Your letter states that council's engineer does not accept that the proposed car parking spaces will effectively serve the proposed dwellings. It further states that "the proposed parking spaces must be located at the house sites in accordance with Rule 9.6.1 and Rule 9.6.3".

Contrary to this claim, Rule 9.6.1 only stipulates the number of parking spaces to be provided (1.5 parking spaces per dwelling), not that the proposed parking spaces must be located at the house sites.

Contrary to this claim, Rule 9.6.3 only stipulates that each parking space shall have "physical access" to the buildings it is intended to serve, not that the proposed parking spaces must be located at the house sites. Physical access is available from the parking spaces to all of the proposed dwellings.

Your consultants' interpretation is that vehicles must be able to be driven effectively onto the building platform. This would mean that no house could have a separate garage or parking area, and no commercial or industrial premises could have external parking that did not effectively touch the associated buildings. This is clearly not the intent of the rules.

Sensibly, the distance a vehicle can park from a building is not specified in the district plan. There is no requirement in the district plan for a parking space to be within or physically adjoining a building- only that there is physical (not vehicular) access between the parking area and the building that it serves.

The required number of parking spaces are provided and physical access is available from the parking spaces to all of the proposed dwellings. As such the proposal complies with both Rule 9.6.1 and Rule 9.6.3.

This appears to be another flawed interpretation of the rules by a person who is either inexperienced or lacks the appropriate expertise for this task.

Point 1) 2.

You state that the council's interpretation of driveway is that it extends from the public road to the proposed dwellings. Contrary to this interpretation, the district plan definition of driveway states "*driveway means a permanently formed access for the use of motor vehicles and pedestrians between a road or street and a... parking space... on a site*"

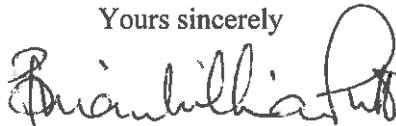
You further state that Rule 9.5.4 requires the owner of a site to provide a driveway for the purposes of providing safe and convenient vehicular access from the road to on-site parking spaces. The existing access to the existing lot does provide safe and convenient vehicular access from Kapawiti Rd to the proposed parking spaces. As such the proposal complies with Rule 9.5.4.

The existing access is an approved access to the existing lot approved under the operative district plan and also complies with Rule 9.5.5.

There is no basis to your claims that additional consents are required in relation to this application. Please proceed with processing this application through to a notification decision.

If you wish to debate these matters further with the applicant it is suggested that the most time-efficient method of doing so is to meet in person at the council offices. If this eventuality arises please contact the writer to arrange a meeting at Kaiwaka.

Yours sincerely



Brian Putt

Metro Planning Ltd

brian@metroplanning.co.nz