

BEFORE THE KAIPARA DISTRICT COUNCIL

IN THE MATTER OF

The Resource Management
Act 1991

AND

IN THE MATTER OF

A resource consent
application by Vermont Street
Partners Limited

RM210053

**ADDENDUM TO SECTION 42A REPORT PREPARED FOR KAIPARA DISTRICT
COUNCIL BY ALISTER HARTSTONE**

18TH March 2022

Purpose of this Addendum

1. This Addendum to the Section 42A report prepared and presented on behalf of the Kaipara District Council is in response to several matters that have been considered since the completion and circulation of the Section 42A report.
2. The matters addressed in this Addendum are as follows:
 - Submission received from Nick Pearson and Catherine Dilly
 - Status of the Consent Notice condition deleted from previous subdivision consent
 - KDC advice regarding esplanade reserve to vest.

Submission received from Nick Pearson and Catherine Dilly

3. A query has been raised regarding receipt of a submission from Nick Pearson and Catherine Dilly (see Attachment A). KDC was advised of receipt of this submission on the 9th February 2022 by the applicant, noting that it had not been recorded as being received by KDC following the close of the notification period. Evidence of lodgement of the submission via email has since been received. That evidence indicates that the submission was emailed to both KDC and the applicant on the 15th November 2021.
4. KDC staff have checked records and, despite the submission being sent to the correct email address, cannot find any record of receipt of the submission. The submission has not been acknowledged or specifically addressed in the Section 42A report.
5. The submission records that the submitters have a neutral position on the application subject to meeting certain requirements and wish to be heard. KDC staff have contacted and spoken to the submitters and understand that they have been contacted by the applicant and are satisfied that their concerns will be met and do not intend to speak at the hearing.
6. It is considered that the submission should be treated as being received within time as a valid submission.

Status of the Consent Notice condition

7. The planning briefs of evidence prepared for both the applicant and Team at the Lake have addressed the issue of a consent notice restricting further subdivision of the subject site imposed on a previous subdivision consent RM160365. This matter is addressed in paras. 36 and 37 of the Section 42A report.
8. Following receipt and review of the briefs of evidence, a further review of the KDC files has been undertaken. As a result, the document in Attachment B has been located. This confirms that the consent notice condition in question included in the original consent RM160365 was subject to a formal objection under Section 357A. A decision was issued on that objection which removed the condition.
9. This verifies the position in the applicant's planning brief of evidence that the removal of the consent notice condition was intentional and not a result of human error as stated in the Section 42A report.

KDC advice regarding esplanade reserve to vest

10. Section 16.2.(a) of the planning brief of evidence for the applicant addresses the status of Lot 2 DP 330158 which forms part of the subject site. The brief sets out reasons as to why that lot should be set aside as esplanade reserve to vest in KDC, rather than being subject to an esplanade strip as proposed by KDC.
11. This matter has been referred to the Infrastructure Planner for KDC who has confirmed that it will be acceptable for Lot 2 DP 330158 to vest as esplanade reserve.



A Hartstone
Consultant Planner
Kaipara District Council

Attachments

Attachment A – Submission lodged by Nick Pearson and Catherine Dilly

Attachment B – Formal Objection under Section 357A

Attachment A – Submission lodged by Nick Pearson and Catherine Dilly



Form 13

Submission on application concerning resource consent or esplanade strip that is subject to public notification or limited notification by consent authority

Sections 41D, 95A, 95B, 95C, 96, 127(3), 136(4), 137(5)© and 234(4) of the Resource Management Act 1991

To: General Manager
Regulatory, Planning and Policy
Kaipara District Council
Unit 6
6 Molesworth Drive
Mangawhai 0505

Office use only

Application Number: RM210053

Date Received:

Email: rmanotified@kaipara.govt.nz

Submitter's details:

Name/s: (Full name)

Nick Pearson and Catherine Dilly

Contact person: **Nick Pearson**

Designation

Address for Service of Submitter:

21 Blomfield Court, Mangawhai 0975

Telephone - Mobile: **021 478 852**

Work:

Home:

Email: **nwpearson1@hotmail.com**

Note: The personal information requested in this form is being collected by Kaipara District Council in relation to a resource consent application. This information is required by the Resource Management Act 1991. This information will be held by the Council and under the Official Information and Meetings Act 1987 this information may be made available on request to parties within and outside the Council. If you consider there are compelling reasons why your contact details should be kept confidential, you should contact the Council.

Submission on application:

Applicant's Name: **Vermont Street Management**

Application Number: **RM21005**

Applicant site address: **183 Devich Road, Mangawhai, being Lot 1 DP 525736 and Lot 2 DP 330158**

Applicant's proposed activity:

68 lot subdivision

General nature of submission:

I support the application

I oppose the application

I am neutral regarding the application

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The specific parts of the application this submission relates to are:

The whole application or please detail:

1. Storm water drainage plan for whole development.
2. More amenity planting around lots 65, 66, 67 and 68.

My submission is:

(Whether you support or oppose the specific parts of the application or wish to have them amended and the reasons for your views.)

1. There is a noticeable lack of a stormwater management plan or at least any detail how all the roads etc will be drained.
2. The landscape amenity plans and survey plans differ in their information and we would like to see a planting buffer of 5m around the edges of lots 65,66,67 and 68 similar to the landscape plan shown in the ecological report on page 229 of the application doc. Page 444 landscape plan shows a tiny amount of edge planting only 2-3m.

I seek the following decision from the Council

To Grant Consent To Refuse Consent

If Consent is granted, the conditions I seek are:

Note: You do not have to suggest conditions, particularly if you seek that consent be refused.

Only if the above mentioned conditions are met.

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Attendance and wish to be heard at consent hearing

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> | I/We DO NOT wish to be heard in support of my submission (This means that you will not attend or speak at the consent hearing. However, you will still retain your right to appeal any decision made by the Council). |
| <input checked="" type="checkbox"/> | I/We DO wish to be heard in support of my submission (This means that you wish to attend and speak in support of your submission at the hearing.) |
| <input checked="" type="checkbox"/> | If others make a similar submission, I/We will consider presenting a joint case with them at the hearing |

Note to submitter

You must serve a copy of your submission on the applicant as soon as reasonably practical after you have served your submission on the consent authority.

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

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

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

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Attachment B – Formal Objection under Section 357A

09th of February 2017

Kaipara District Council
Hokianga Road
Dargaville

RE: RM 160365 – Proposed 5 Lot Subdivision – 10 Wallbank Way, Mangawhai

Further to the above RM, and pursuant to section 357 of the Resource Management Act, our clients wish to object to condition 5 paragraph d) sub paragraph III) "Further subdivision of the Farm Park in Lot 1 is prohibited for a period of 10 years to maintain rural character and amenity".

The original consent notice section 3.1.2 restricting subdivision of Lot 47 DP 378455 will expire prior to the 224c being issued and will no longer be valid under the existing Farm Park Covenants and therefore should not be rolled over on to the new covenants.

We are of the opinion that the lot in question does have legitimate subdivision potential under the current rules and administration of the district plan.

This has been exemplified by the developments that have occurred on nearby lots.

We do not think a blanket prohibition of subdivision on the property is warranted, and we are not entirely certain that it is legal either.

Any potential future subdivision of the property would need to go through a subdivision consent application process. Once any application for subdivision is submitted to council, it is at that stage that an assessment should be undertaken by the council as to the merits of the subdivision, and as to whether the subdivision application should be granted or declined.

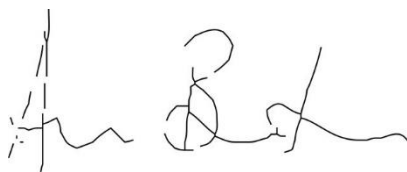
To include this encumbrance within this land use consent, the council is essentially declining any future subdivision application without even considering the merits of the application, or assessing it against the provisions of the district plan.

There is nothing within the Resource Management Act that allows for this.

Our clients would like conditions condition 5 paragraph d) sub paragraph III) removed from the consent conditions.

Please let us know if you have any queries, or require any other information.

Regards



Adam Booth
Bsurv, Licensed Cadastral Surveyor