



Submissions must be received by the end of the 20th working day following the date the application was notified.

If the application is subject to limited notification, New Plymouth District Council may adopt an earlier closing date for submissions once the Council receives responses from all affected parties.

Email to: applications@npdc.govt.nz

Or post to: The Planning Lead
 New Plymouth District Council
 Private Bag 2025
 New Plymouth 4342

1. Submitter details

1a. Full name
 First name(s): Susan Anne Surname: Matahoere Patten

1b. Contact person's name if different from above e.g. lawyer, planner, surveyor
 First name(s): Body Corporate Manager Surname: ~
 Designation: ~ Company: Pitcaithly Body Corporate Services

1c. Electronic service address
sueca@pbcs.nz

1d. Telephone
 Mobile: 0274 770 631 Landline: ~

1e. Postal address or alternative method of service under Section 352 of RMA 1991
19 Waiwaka Tee
 Bell Block 4312

Serving of documents

The Council will serve all formal documents electronically via the email address provided above. Where there is no email address provided the documents will be posted to the above postal address.

2. Application details

2a. Resource consent number
LUC 21 / 47890

2b. Applicant
 First name(s): Regina Properties Ltd Surname: Dorelle Martin

2c. Site address
1 Dawson St
 New Plymouth

2d. Description of the proposed activity
To alter and extend to an existing commercial building to establish a new rooftop apartment

3. Trade competition

- I am **not** a trade competitor for the purposes of section 308B of the RMA. (Proceed to 4.)
 I am a trade competitor for the purposes of section 308B of the RMA.

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 RMA.

Select one of the following:

- I am I am **not** directly affected by an effect of the subject matter of the submission that:

- Adversely affects the environment, and
- Does not relate to trade competition or the effects of trade competition.

Please turn over

OFFICE USE ONLY

Date received	Property ID	Application #
Time received	Land ID	Document #

4. Submission - continued

4c. I seek the following decision from the Council:

To grant resource consent

To decline resource consent

Grant resource consent with amendments and/or conditions (as described below)

4d. Please specify details of the decision you seek from the Council, including the parts of the application you wish to have amended and the general nature of conditions sought:

Attach additional pages if required.

See attached

- Reason for opposing the application

- Body Corporate Acm minutes 11 May 2021 with a resolution opposing the application

4. Submission

Before making a submission, please ensure you have read/seen the full resource consent application, including the assessment of environmental effects (AEE) and all the plans.

- 4a. I/we support the application in whole or in part I/we oppose the application in whole or in part I am/we are neutral to the application

4b. Please specify below:

- i. The matters within the application you support or oppose, or wish to comment on.
- ii. The reasons for making this submission (please give precise details).

Attach additional pages if required.

See attached

- Reason for opposing the application
- Body Corporate AGM Minutes 11 May 2021 with a resolution opposing the application

5. Attendance and wish to be heard at hearing

A formal hearing may be held for notified applications if any matters are not resolved at a pre-hearing meeting. It gives the applicant, and all submitters who stated in their submission that they wish to be heard, the opportunity to formally present their views to an independent commissioner.

It is recommended that submitters speak to their submission for all but minor issues. Stating that you wish to be heard at the submission stage does not obligate you to appear at the hearing later if you change your mind.

If you state that you do not wish to be heard, the Council is not obliged to advise you of the hearing or send you the hearing documents. However you will be sent a copy of the decision and retain your right to appeal the decision.

5a. If a hearing is held, do you wish to be heard in support of your submission? Yes No

5b. If others make a similar submission, would you consider presenting a joint case with them at the hearing? Yes No

You may choose to contribute toward the cost of engaging a professional e.g. a planner or lawyer to represent your combined interests.

6. Privacy statement

The Privacy Act 1993 applies to the personal information provided in this submission. For the purposes of processing the resource consent application the Council may disclose your personal information to another party. If you want to have access to, or request correction of, that personal information, please contact the Council.

7. Declaration and privacy waiver

I will/have served a copy of my submission on the applicant, as required by Section 96(6) of the Resource Management Act 1991.

By signing* this submission or by submitting this submission electronically, I confirm that the information contained in this submission is true and correct. I agree to the disclosure of my personal information in respect of this submission.

If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

S. A. Mathore Putter

12 May 2021

Signature of submitter (or person authorised to sign on behalf of submitter)

Date

*A signature is not required if this submission is submitted electronically.

Notes to submitter

1. If you are making a submission to the Environmental Protection Authority, you should use form 16B.
2. Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one 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.
3. You may wish to obtain your own professional advice, such as from a lawyer, surveyor or planner, before finalising your submission. 'An Everyday Guide to the RMA' found on the Ministry for the Environment website www.mfe.govt.nz has useful information for submitters. If you have any further questions regarding this process, phone the Council on 06-759 6060 and ask to speak to the planner processing the application.

BC 17629 Richmond Estate Body Corporate

Submission in relation to the Opposition to the E 1-3 Dawson St proposed development

The Body Corporate Committee has reviewed the application of Regina Properties Limited to the New Plymouth District Council (Council reference LUC 21/47890) seeking land use consent 'for alterations and extensions to an existing commercial building to establish a new residential rooftop apartment' at 1-3 Dawson Street New Plymouth and has formed the view that the application should be opposed in its entirety for the following reasons:

- The bulk and height of the proposed extension will be out of character with what is now a predominantly residential neighbourhood.*
- The plans and the accompanying shading diagrams are inaccurate as they do not show all of the habitable buildings on the Richmond Estate that will be adversely affected by shading.*
- The plans and the accompanying shading diagrams do not appear to take account of the differing ground levels of the subject site compared to neighbouring sites and are therefore inaccurate, resulting in the inaccurate assessment of the effects attributable to daylighting and shading.*
- The assessment of adverse effects from shading (ref: 4.4.2 Shading) is inadequate as it does not consider the loss of sunlight and shading on the living areas (indoor and outdoor) and other habitable rooms of adjoining residences including those within Richmond Estate, and including the outdoor common areas.*
- The assessment of adverse effects from shading (ref: 4.4.2 Shading) is inadequate as it does not consider the loss of sunlight and shading on the living areas (indoor and outdoor), while varying with the seasons, as a permanent adverse effect that will diminish the amenity and quality of living of the persons residing in the affected properties.*
- The assessment of effects is inaccurate and misleading where it describes in 4.6 'Mitigating Factors and Measures' that the 'proposed activities are effectively behind existing urban development along the coastal environment...' To the contrary the proposed development is forward of much of the long-established residential development, and the Richmond Estate in particular, and its prominence in the proposed location significantly adversely affects views to the west long enjoyed by most Richmond Estate residents.*

BODY CORPORATE NUMBER 17629 (CANTERBURY LAND REGISTRY)

Richmond Estate, 120 St Aubyn Street, New Plymouth 4310

Minutes of the Annual General Meeting of the Unit Owners of the Body Corporate (the BC) held on Tuesday, 11 May 2021 Millennium Hotel New Plymouth, Waterfront, 1 Egmont Street, New Plymouth at 12:00 PM

1 ATTENDEES

Sue Matehaere-Patten of Pitcaithly Body Corporate Services Limited ("PBCS") the Manager of the BC; Morris and Ria Hey (Owners Unit 1A); Judy and Bill Hurlstone (Owners Unit 1); David Clough (Proxy for Unit 2); Liz Pease (Owner Unit 3); Leonce Sharrock (Owner Unit 4); Ken Gardner (Owner Unit 6); Trevor and Kay Clegg (Owners Unit 10); Kaylene Stewart (Owner Unit 11); Deryn Northcott (Owner Unit 12); Lyn White (Owner Unit 15).

Apologies:

Jenny and Basil O'Brien Owners Unit 5 (Proxy to L Sharrock)
Mike and Helen Hammond Owners Unit 7A
Larry Stewart Owner Unit 11

QUORUM

The chair announced that the quorum requirements had been satisfied.

2 MEETING CHAIR

Sue Matehaere-Patten was invited to chair the meeting.

3 MINUTES

The Minutes of the Annual General Meeting held on 25 June 2020 and the Extraordinary General Meeting held on 21 September 2020, having been circulated to all Unit Owners soon after that date were taken as read and were confirmed as a correct record of that Meeting.

Amendments to note:

- The EGM 21 September 2020 is incorrectly titled the AGM, should be EGM
- The Operating Account Levy 6(b) should read 31.05.2021
- The AGM 25 June 2020 Chairperson was Morris Hey

IT WAS UNANIMOUSLY RESOLVED BY THOSE PRESENT AS AN ORDINARY RESOLUTION:

"THAT the Minutes of the Annual General Meeting held on 25 June 2020 and the Extraordinary General Meeting held on 21 September 2020, having been circulated to the Unit Owners soon after that date, be and are hereby confirmed"

Matters Arising:

Leasehold Land

Lyn White addressed the meeting, noting she was not present at the 2020 AGM, but understood the resolution #2 Beneficiaries of Leased Land had been incorrectly passed. It had failed then been revisited. This was confirmed. The decision of Thomas Gibbons, Lawyer who was employed by the body corporate to attend and advise the 2015 AGM was not referred to at the 2021 AGM, therefore voting was carried out without full background knowledge. The decision was revisited.

After much discussion

IT WAS UNANIMOUSLY RESOLVED BY THOSE PRESENT AS AN ORDINARY RESOLUTION:

"THAT the Body Corporate of Richmond Estate accepts that all common property be treated as the responsibility of the Richmond Estate Body Corporate 17629."

Lawns attached to AU18, AU20, AU15

IT WAS UNANIMOUSLY RESOLVED BY THOSE PRESENT AS AN ORDINARY RESOLUTION:

"THAT the Owners of AU20 will be permitted to erect a small shed at the rear of AU20 and install a lawn mower, at their own cost, for the purpose of maintaining the grounds outside Unit 15, AU20."

4 BODY CORPORATE CHAIRPERSON

Thanks were expressed to Kaylene Stewart (one of the joint owners of Unit GC) for her time in the role of Body Corporate Chairperson.

Kaylene referred to her Chairperson Report, noting:

- Lawns maintenance at the cost of \$720.00 plus GST is included in the budget
- Thanks were passed to Leonce for her work on site. Leonce declined the offer of a gift for these works
- A dining voucher will be given to Cam for putting out the rubbish bins to the value of \$200.00. Deryn will organise this

IT WAS UNANIMOUSLY RESOLVED BY THOSE PRESENT AS AN ORDINARY RESOLUTION:

"THAT Kaylene Stewart be nominated as Chairperson for the 2021-2022 year."

5 NOT TO FORM A BODY CORPORATE COMMITTEE

Sue noted that a Body Corporate of 10 or more principal units must form a Body Corporate Committee unless they resolved not to as long as a 75% majority was in favour.

It was then agreed that the BC form a Committee. Sue therefore noted that the resolution as set out in the Notice of Meeting Package did not pass and it was agreed that the Body Corporate would form a Committee.

6 ESTABLISHMENT OF BODY CORPORATE COMMITTEE

Sue expressed thanks to Trevor Clegg (one of the joint owners of Unit GB), Helen Hammond (one of the joint owners of Unit 7A), Morris Hey (one of the joint owners of Unit 1A), Deryn Northcott (one of the joint owners of Unit GE), Liz Pease (one of the joint owners of Unit 3A), Leonce Sharrock (one of the joint owners of Unit 4A) and Kaylene Stewart (one of the joint owners of Unit GC) for their time in the role of BC Committee Members.

Sue explained that the Body Corporate must first decide by Ordinary Resolution how many members the Body Corporate Committee must have and the number of members required to constitute a quorum. A discussion to this effect followed after which:

A. IT WAS THEN UNANIMOUSLY RESOLVED BY THOSE PRESENT AS AN ORDINARY RESOLUTION:

"THAT, pursuant to Section 24(1)(a) of the Unit Titles Act 2010 and by virtue of this Resolution, this BC has decided that a Body Corporate Committee shall be made up of 7 members AND THAT quorum for Body Corporate Committee meetings shall be set at 4".

B. Election of Members. Sue explained that while a nomination form for the purpose of this election had been sent to all Unit Owners none had been returned to the office. It would therefore be that nominations would be accepted from the floor and an election be held to fill the number of positions as agreed in Agenda item 6.A.

Sue noted that this election is equivalent to a "First Past the Post" election whereby the number of Committee members will be filled by those nominated if fewer nominations than positions are received.

Nominations were then received for Trevor Clegg (one of the joint owners of Unit GB), Morris Hey (one of the joint owners of Unit 1A), Deryn Northcott (one of the joint owners of Unit GE), Liz Pease (one of the joint owners of Unit 3A), Leonce Sharrock (one of the joint owners of Unit 4A), Kaylene Stewart (one of the joint owners of Unit GC) and Lyn White (Owner Unit 15) who were duly elected as the Body Corporate Committee.

7 DELEGATION OF DUTIES AND POWERS TO THE BODY CORPORATE COMMITTEE

Sue explained that the Unit Titles Act 2010 required that the resolution to delegate duties to the BC Committee be passed when a Committee was elected, but that, the majority of these duties were undertaken by PBCS as contracted in the Services Agreement.

IT WAS THEN UNANIMOUSLY RESOLVED BY THOSE PRESENT AS A SPECIAL RESOLUTION:

"THAT, pursuant to Section 108 (1) of the Unit Titles Act 2010 and by virtue of this special resolution, the Body Corporate does hereby delegate the following duties and powers to the Body Corporate Committee, noting these duties will be carried out by Pitcaithly Body Corporate Services:

- a. to maintain the register of unit owners; and
- b. to prepare the agenda for each general meeting; and
- c. to chair each general meeting (unless it is agreed at the start of a general meeting that another person will chair that meeting); and
- d. to prepare minutes of each general meeting; and
- e. to record resolutions voted on and whether they were passed; and
- f. to keep financial accounts and records; and
- g. to distribute reports from the body corporate committee to unit owners; and
- h. to sign documents on behalf of the body corporate; and
- i. to prepare and issue notices of resolutions to be passed without a general meeting; and
- j. to notify unit owners of the result of any vote on a resolution to be passed without a general meeting; and
- k. to notify all unit owners of any delegation of a duty or power by the body corporate to the body corporate committee under section 108 of the Act; and
- l. any other duties relating to the administration of the body corporate that the body corporate has decided by ordinary resolution to confer on the chairperson

AND for the avoidance of doubt, the duties specified above are in addition to those conferred elsewhere by the Unit Titles Act 2010 or the Unit Titles Regulations 2011."

8 3 YEARLY LONG TERM MAINTENANCE PLAN REVIEW

It was agreed that an allowance of \$2,500.00 would be made from the LTM Fund to enable the creation of a LTM Plan. Sue explained that this would provide for a more detailed LTM Plan and could be done for a reasonable cost.

IT WAS THEN UNANIMOUSLY RESOLVED BY THOSE PRESENT AS AN ORDINARY RESOLUTION:

"THAT, the Body Corporate engage Plan Heaven to prepare a Long Term Maintenance Plan for consideration at the next General Meeting of the Body Corporate."

9 FINANCIAL STATEMENTS

Sue reviewed the Financial Statements for the year ended 31 March 2021 and the suggested Budgets for the year ending 31 March 2022. Sue noted:

- Pitcaithly Body Corporate Services Limited (PBCS) received handover of the Body Corporates Funds from Colliers on 01/09/2020 part way through the financial year. For this reason the left hand columns of the Financial Statements show the records from Colliers and PBCS separately while their combined totals are shown in relation to the previous and proposed budgets.
- The proposed Operating Account budget item 167200 R&M Building/s General Repairs is increasing to better reflect annual expenditure.
- The proposed LTM Fund budget reflects the draft LTM Plan previously prepared by Colliers.
- The LTM Fund expense item 281000 Prior Period Expense Adjustment \$2,916.97 allowed to reimburse a Unit Owner who

was incorrectly invoiced to contribute to historical painting contracts.

- The Tower Block Operating and LTM Fund are not issued levies and instead expenses are on-charged to owners in accordance with their Ownership Interests as applicable.
- The negative revenue items 142500 and 242500 Interest on Arrears of Levies in the Tower Funds was an opening entry adjustment made for an interest penalty applied to a unit before handover for which the levy was received.
-

Amendments to note:

- \$2500.00 to be included in the LTM budget for the provision of a LTM Plan from Plan Heaven
- 176400 decrease to \$3,000.00 as a gutter clean
- 281000 increase to \$30,000.00

IT WAS THEN UNANIMOUSLY RESOLVED BY THOSE PRESENT AS AN ORDINARY RESOLUTION:

"THAT the Financial Statements of the Body Corporate for the year ended 31 March 2021 and the Budgets for the year ending 31 March 2022 as circulated with this Notice of Meeting, be and are hereby adopted."

10 LEVIES

IT WAS UNANIMOUSLY RESOLVED BY THOSE PRESENT AS AN ORDINARY RESOLUTION:

"THAT, an Operating Account Levy at an annual rate of \$90.00 per Utility Interest (i.e. \$90,000.00) plus a Long Term Maintenance Fund Levy at an annual rate of \$45.00 per Utility Interest (i.e. \$45,000.00), respectively, be made forthwith in the proportions of the Unit Owners' Utility Interests covering the 12 months ending 31 March 2022 such Levies:

- (a) to provide sufficient funds to enable the budgeted expenditure to be met
- (b) to be payable in equal instalments as follows:
 - 1st Instalment 2021/2022 (period 01.04.21 to 30.06.21) last day for payment 31.05.2021
 - 2nd Instalment 2021/2022 (period 01.07.21 to 30.09.21) last day for payment 31.07.2021
 - 3rd Instalment 2021/2022 (period 01.10.21 to 31.12.21) last day for payment 31.10.2021
 - 4th Instalment 2021/2022 (period 01.01.22 to 31.03.22) last day for payment 31.01.2022
- (c) to be subject to interest of ten per cent (10%) per annum (calculated on a daily basis) if not paid by the stated last date for payment
- (d) to be payable to Pitcaithly Body Corporate Services Ltd Trust Account or by such other means of payment as may be notified

AND THAT, an Operating Account Levy at a rate of \$22.50 per Utility Interest (i.e. \$22,500.00) plus a Long Term Maintenance Fund Levy at a rate of \$11.25 per Utility Interest (i.e. \$11,250.00), respectively, be made forthwith in the proportions of the Unit Owners' Utility Interests covering the 3 months ending 30 June 2022 such Levies:

- (a) to provide sufficient funds to enable the budgeted expenditure to be met
- (b) to be payable in one instalment as follows:
 - 1st Instalment 2022/2023 (period 01.04.22 to 30.06.22) last day for payment 30.04.2022
- (c) to be subject to interest of ten per cent (10%) per annum (calculated on a daily basis) if not paid by the stated last date for payment
- (d) to be payable to Pitcaithly Body Corporate Services Ltd Trust Account or by such other means of payment as may be notified."

11 AUDIT

IT WAS UNANIMOUSLY RESOLVED BY THOSE PRESENT AS A SPECIAL RESOLUTION:

"THAT, pursuant to Section 132 (8) of the Unit Titles Act 2010 and by virtue of this Resolution, this Body Corporate has decided not to have its Financial Statements audited or reviewed by and auditor or an accountant or to be subjected to specific verification procedures in respect of the year ending 31 March 2022"

12 GENERAL BUSINESS

- **Fire Evacuation Plan.** This will be checked for updating. It was noted that it is the responsibility of every unit Owner to ensure that a plan is in place for their unit and that occupants are made aware of the plan and it is displayed appropriately within the unit.
- **Front entrance tiles.** A tile has been treated and tested to give more traction in the wet. The result is not a huge improvement, and it is not known how long the reseal would last. It was agreed to advise care to be taken when exiting the building and no further action taken.
- **Fire separations.** No further action required until NPDC report back.
- Stairwell skirting boards will be replaced once the leak is detected and dried.
- Decks, Units GA, 10. Investigation will be carried out to see how water ingress is occurring.
- **Rubbish room doors.** It is imperative these are kept locked at all times. Please remind tenants of this.
- **Roof tiles.** Some paint breakdown is occurring. DR Grey have been on site and will visit with Resene to determine the solution - at their cost. DR Grey can be contracted to paint the black tiles when on site.
- Noise in the ventilation shafts is intermittent but efforts will be made to try and detect the cause.
- Front wall repair - quotes are with the insurer.

Proposed development 1-3 Dawson Street, New Plymouth - LUC 21/47890. A summary sheet explaining the development and the need for a body corporate submission was discussed.

IT WAS THEN UNANIMOUSLY RESOLVED BY THOSE PRESENT AS AN ORDINARY RESOLUTION:

"THAT Body Corporate 17629 requests that the Council declines the application 1-3 Dawson Street, New Plymouth - LUC 21/47890 and notes that the building at 1 Dawson Street (in the ownership of the applicant) is more than adequate for adaptation within the existing height and bulk of the building into one or more residential apartments enjoying all day sun, extensive coastal views and located in immediate proximity to the coastal walkway."

13 SET DATE, TIME AND VENUE FOR NEXT YEAR'S AGM

It was agreed that the next Annual General Meeting of the Body Corporate would be held on 10 May 2022 at 10:00 AM in the Millennium Hotel.

The Meeting concluded at 01:30 PM and the Chair thanked those present for their attendance.

These minutes were confirmed by an Ordinary Resolution of the Unit Owners at the Annual General Meeting held on the day of 2022.

Meeting Chair

Date