



Te Kaunihera-ā-Rohe o Ngāmotu  
NEW PLYMOUTH  
DISTRICT COUNCIL  
newplymouthnz.com



# FORM 13

## Submission on a resource consent application subject to public or limited notification

Resource Management Act 1991

**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) Surname

1b. Contact person's name if different from above e.g. lawyer, planner, surveyor    
First name(s) Surname

Designation  Company

1c. Electronic service address

1d. Telephone    
Mobile Landline

1e. Postal address or alternative method of service under Section 352 of RMA 1991

#### 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

2b. Applicant    
First name(s) Surname

2c. Site address

2d. Description of the proposed activity

### 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   
Time received   
Received by

Property ID   
Land ID

Application #   
Document #

Liaison Street, Private Bag 2025, New Plymouth 4342, New Zealand. Telephone 06-759 6060, Fax 06-759 6072. Email enquiries@npdc.govt.nz, Website www.newplymouthnz.com

RECEIVED

19 OCT 2020

#### 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.

Please see attached ~~copy~~ submission 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.

Please see attached submission response.

Please turn over



## 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. Wood M Wood

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

16/10/20

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](http://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.

**Date:** 17 October 2020

**Submission in response to:**

**Application number:** SUB20/47579

**Applicant name:** Scott William Kearns, Kelsey Euphemia Kearns

**Address:** 249C Tukapa Street, New Plymouth 4310

**Activity Description:** 2-Lot Residential Subdivision

**Submission authors:** Michael and Sarah Wood, 249B Tukapa Street, New Plymouth, 4310

We have read the report submitted by Kasey Bellamy, Planner, Bland and Jackson Surveyors Ltd and have a number of questions and a few concerns that we would like considered:

**1. Discretionary activity**

Section 2.0 and 3.0 state that any increase in the number of users of the existing right of way will require council to decide on a Discretionary Activity. What criterion is this decision gauged on and how likely is NPDC to agree to the change?

**2. Safety concerns of use of right of way**

Currently residents and visitors regularly meet cars on the right of way when coming in or exiting the right of way onto Tukapa Street. The entrance to the right of way at the junction with Tukapa Street is not currently wide enough for two vehicles to pass each other at this point.

In general, the car entering the property usually waits on Tukapa Street for the car coming out of the right of way to move onto Tukapa Street, creating an obstruction to line of sight and traffic safety issue. The other option is for a vehicle to reverse up the right of way for a vehicle to enter the right of way. Neither of these options is safe as there are a number of hazards that currently exist:

- a. 249 Tukapa Street – driveway directly adjacent
- b. Nursery Place – opposite 249A, B, C Tukapa Street right of way.  
Buses and cars often complete u-turns in the entrance to Nursery Place which can involve more than one turning movement. This generally occurs before and after school hours daily.
- c. Cars park on either side of the right of way restricting line of sight.

The following also attribute to the high traffic flows in this area:

- a. The Store, Lola hair salon, Locals café
- b. Francis Douglas Memorial College
- d. Feeder route to/from Frankley School



- e. Feeder route to/from new Cowling Road subdivision.

The applicants have acknowledged there will be increased use of the right of way with a proposed additional Lot on 249C Tukapa Street. We want to understand how entering onto Tukapa Street and meeting vehicles at the entrance to the right of way from Tukapa Street will be made safer.

### **3. Increased use of the existing right of way**

The subdivision application (6.0) states, "It is anticipated that proposed Lot 2 will eventually be developed for residential purposes. At a legal width of 5.5m and a formed width of 3.2m, the existing right of way is considered capable of handling the extra traffic from the land use associated with the subdivision."

At present the sealed formed width of right of way is approximately 2.4m rather than 3.2m as stated (pg 9), with a total width of the sealed and grass verges of approximately 5.5m at the narrowest point. We would like to understand at what point on the right of way did the applicant's planner measure that the sealed formed width of the right of way is 3.2m?

The subdivision application (pg 12/13) states, "The proposed subdivision will result in an increase in the number of lots with access over the existing right of way. The right of way is considered capable of handling the additional traffic and provision will be made for a passing bay and turning head."

There are 5 cars used regularly by the residents on the right of way at present. This is accounting for residents alone, not including visitors. In the next 5 years this is set to change as children currently residing in the properties on the right of way reach the age of learning to drive. This could mean an additional 3 cars travelling regularly on the right of way within the next 5 years. We suggest that this forecast increase in car movements on the right of way needs to be understood by council and considered before consenting to a further residential property on the right of way.

At present the construction of the right of way is in working condition. The applicants have stated that they will do what is required by council to meet the requirements of the subdivision. We want to understand what this means as users and joint owners of the right of way. When will the right of way, as it stands, be inadequate and require an upgrade? What is the trigger point for upgrade?

We would like to understand what the right of way will look like if consent is granted for the subdivision of 249C Tukapa Street:

- a. What remedial work will be done to the right of way to meet NPDC's requirements in relation to the proposed subdivision?
- b. Where will the passing bay(s) and turning head be placed on the right of way?
- c. Where will a curb and channel be placed?
- d. What materials will be used in the construction of the right of way  
eg: Tar seal, chip seal, grass?





e. Who will pay for any changes to the right of way?

**4. Parking for proposed Lots 1 and 2, 249C Tukapa Street**

We would like to understand what allowance for parking will be required on proposed Lots 1 and 2, 249C Tukapa Street?

**5. Wastewater/Sewer**

The subdivision application states (3.4.2): "Provision will be made for a sewer connection to Lot 2 either via the existing lateral or by way of a new connection directly from the main on Tukapa Street."

Which option is going to be used?

**6. Reconstruction of right of way, sewer, water etc**

Any reconstruction to the right of way will potentially render our property inaccessible by vehicle. We want assurance that we will have continued access at all times during any construction work.

**7. Payment for right of way construction**

In point 6 of the letter dated 26 June 2020 from Stephanie George it states: "If NPDC require an upgrade they will include this as a condition of consent and my clients will meet the costs of any required upgrade. If any damage is caused to right of way during construction, my clients will remedy..."

If circumstances change, we want an assurance that as part owners of the right of way we will not be financially liable for rectifying any issues associated with the right of way as part of the subdivision or building process. We would like to discuss how to mitigate any risk here.

**8. Right of way agreement**

If a further Lot is to be added to 249C Tukapa Street, we want written agreement as to how future maintenance cost of the right of way will be shared.

**9. Written agreement to support future subdivision of 249B Tukapa Street**

If council agree to consent of the subdivision of 249C Tukapa Street, we want assurance that the other property owners of 249 A and 249B will have similar rights.

**Please note:** Point 2.2 pg 2 describes the property as being located on the **west** side of Tukapa Street. It is actually on the **east** side of Tukapa Street.

