

**BEFORE THE INDEPENDENT HEARINGS COMMISSIONER APPOINTED BY  
NEW PLYMOUTH DISTRICT COUNCIL**

**UNDER** the Resource Management Act  
1991

**IN THE MATTER** of an application under section  
88 of the Act by K Kearns for  
consent to subdivide 249C  
Tukapa Street, New Plymouth

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**STATEMENT OF EVIDENCE OF KELSEY EUPHEMIA KEARNS**  
**(THE APPLICANT)**

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## **INTRODUCTION AND BACKGROUND**

1. My name is Kelsey Euphemia Kearns. I am the owner of 249C Tukapa Street, New Plymouth, and the applicant for consent.
2. I work in New Plymouth, as a funeral director.
3. I have owned the property since January 2019. It was tenanted when it was originally purchased by my ex-husband and I and had been poorly maintained. Since then, we have extensively renovated the property and believe this would have had a positive impact on the surrounding properties.
4. My ex-husband and I separated in 2021 at which point I purchased his share of the property, and the subdivision now allows opportunity to assist financially. My grandfather has since passed away and the subdivision maintains the potential for me to move my grandmother closer (to potentially live at the new property if subdivided).

## **BACKGROUND AND THE DECISION TO APPLY FOR CONSENT**

5. I made decision to purchase the Tukapa Street property for several reasons:
  - a. It was affordable with potential to sub-divide. The subdivision potential was attractive because of the scope it provided to move my grandparents from Patea to here.
  - b. The relatively quiet location.
  - c. Schools, hospitals and shops are close.
6. The subject site is accessed via a right of way on Tukapa Street.
7. The current proposed site can be described as our back yard.
8. The location and layout of our back yard provides an opportunity for another dwelling to be developed there.

9. I have read the submission opposing our subdivision. All significant matters identified by the submitters related to the use of the right of way related to our application have been addressed by our professional experts in my opinion.
10. The NPDC has said that we need more houses, at higher densities. Our subdivision provides for that.

### **CONSULTATION WITH NEIGHBOURS / SUBMITTERS CONCERNS**

11. As per the original application, I went to some lengths to consult with my neighbours at 249b Tukapa Street and obtain written approval.
12. Neighbouring properties (affected parties) at 251 Tukapa Street and 249a Tukapa Street have provided approval.
13. The owner of 251 Tukapa Street is expecting to develop his site in the near future and has lodged a consent application to do so. I provided written approval for that.
14. My ex-husband and I first had a meeting with the neighbours at 249b Tukapa Street in January 2020, and then again in March 2020 - at which time it became clear that their concerns were much broader than the Right of Way (and in our view were unreasonable in the circumstances), and included:
  - a. specific weatherboard cladding requirements
  - b. colour requirements
  - c. build to be completed within a six-month timeframe
  - d. no ability to build a garage for the existing dwelling
  - e. all legal and professional advice required by the neighbour be at our expense
  - f. that any changes to the Right of Way extend the entire length of the Right of Way, well beyond 249c

- g. that we would maintain the existing sewer for a period of 10 years.
15. My ex-husband and I engaged Bland and Jackson and Connect-Legal to assist and advise us in mid-2020.
  16. Following a period of several months with Bland and Jackson acting on our behalf, we endeavoured to progress written approval with our neighbours at 249b in an amicable way. This included multiple discussions, correspondence and in-person meetings.
  17. Bland and Jackson applied for Resource Consent in August 2020 to progress the application. Significant costs were associated with these processes.
  18. I separated from my husband in January of 2021 while the application was still in council.
  19. My ex-husband put a hold on the application, and I was unable to progress it again until mid-2021.
  20. I approached Landpro for advice in July 2021. Landpro did background research, provided advice and were formally engaged in late 2021 to continue the application process, along with re-engaging Connect Legal to assist with the process; and subsequently Andy Skerrett (AMTANZ Ltd) to assist with traffic inputs. Andy Skerrett has also assisted the owners of 251 Tukapa Street as I was aware by that time of their desire to also subdivide, and the similar issues they would need to address.
  21. We believe we have supplied all of the necessary documentation and provided reasonable evidence in support of the resource consent application.

## **OFFICER'S REPORT**

22. I have read the Officer's Report and confirm that I agree with the conditions (subject to the comments in the expert evidence

called for me as the applicant). I would like to thank Mr Balchin for preparing the report.

## **CONCLUSION**

23. I am of the view that the proposed development will be positive for the area, is consistent with the district council direction and can occur without negatively affecting my neighbours.

**KELSEY EUPHEMIA KEARNS**

**14 JULY 2022**