

BEFORE THE WHANGĀREI DISTRICT COUNCIL INDEPENDENT HEARING PANEL

UNDER the Resource Management Act 1991
("RMA")

IN THE MATTER OF an application by Hurupaki Holdings
Limited for resource consent to create and
operate a 73 residential allotment and
café at 131 and 189 Three Mile Bush
Road, Kamo

**STATEMENT OF EVIDENCE OF CHARLOTTE NIJSSEN ON BEHALF OF THE
APPLICANT**

LEGAL SURVEY AND SUBDIVISION DESIGN

27 APRIL 2022

1. INTRODUCTION

1.1 My full name is Charlotte Frances Nijssen.

1.2 I am a Licensed Cadastral Surveyor at Blue Wallace Surveyors and have been with the company since December 2012. A statement of my qualifications and experience are included in **Attachment 1**.

1.3 This evidence is in respect of an application by Hurupaki Holdings Limited ("**the Applicant**") for subdivision and land use resource consent at 131 and 189 Three Mile Bush Road, Kamo ("**the Site**"), to:

- (a) create 73 residential allotments, drainage and recreational reserves to vest and other associated works; and
- (b) establish a food and beverage activity within proposed lot 22, for setback from boundary and coverage infringements (future residential units within Rural Production Zone) and to relocate dry stone walls.

(together "**the Proposal**")

1.4 My evidence will focus on land survey information and subdivision design. My evidence should be read in conjunction with the Records of Title;¹ the Blue Wallace Surveyors plans 20183-00-PL-100 and 20-183-01-RC-200 to 801,² provided in Appendix 5 to the Assessment of Environmental Effects ("**AEE**"); and the updated plans provided to WDC on 2 April 2022.³ Specifically, my evidence will address:

- (a) My involvement with the Proposal.
- (b) An overview of the Proposal, including:
 - (i) An assessment of the Records of Title.
 - (ii) Discussion of the subdivision layout design.
- (c) Comments on matters raised by submitters.

¹ Refer to the Resource Consent Application for the Proposal: Appendix 1 – Record of Title.

² Refer to the Resource Consent Application for the Proposal: Appendix 5 – Scheme Plan and Engineering Plans.

³ Refer to the Amended Application of 2 April 2022 – 'Revised scheme plan' and 'revised engineering plans.'

(d) Comments on Council's section 42A Report.

1.5 I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014. I have complied with the Code of Conduct in preparing this statement of evidence. Unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

2. INVOLVEMENT WITH THE PROPOSAL

2.1 I have been involved with the Proposal since October 2020. I was engaged by the Applicant to consider the land transfer surveying and subdivision matters raised by the Proposal at the Site.

2.2 Since my appointment, I have visited the Site and surrounding area six times. The purpose of the site visits were initially to look at subdivision viability with the Applicant, and then in more detail to look at earthworks for new road alignments, assess topography of proposed sites, and also look at the gully in the Site. I also sent two surveyors from Blue Wallace Surveyors to carry out a topographic survey of the Site in January 2021.

2.3 I prepared the 'Resource Consent Plans,' being all versions of 20183-00-PL-100 and 20183--RC-01-200 to 801 which formed part of the resource consent application.⁴

2.4 In producing this statement of evidence, I have reviewed the following evidence and materials:

- (a) the original Whangārei District Council ("**WDC**" or "**the Council**") application documents, including the AEE, associated technical reports, section 92 requests for further information and responses and WDC's section 95 notification decision;
- (b) the application to the Northland Regional Council and associated technical reports, section 92 request for further information and responses and the decision; and
- (c) the section 42A hearing report ("**s42A Report**") prepared by Alister Hartstone, planning consultant on behalf of WDC.

⁴ Refer to the Resource Consent Application for the Proposal: Appendix 5 – Scheme Plan and Engineering Plans.

3. OVERVIEW OF PROPOSAL

3.1 A description of the Proposal is outlined in other documents including the s42A Report and the evidence of the Applicant's planner Melissa McGrath.

3.2 Features of the proposal that are most relevant to my evidence include:

- (a) Record of Title NA53D/1031 & NA53D/1032 ("**Records of Title**").
- (b) The subdivision layout design, contained in all versions of Resource Consent Plans 20-183-01-PL-100 and 20-183-01-RC-200 to 801 included in Appendix 5.

Records of Title

3.3 I have assessed the Records of Title for the underlying property, Lot 2 and 3 DP 99045, for the purposes of completing the subdivision layout plans .

3.4 The only interests that are relevant to the processing of this application are water rights and right of way easements. In summary:

- (a) The existing water easements on the subject titles are historic rights for conveying water that are no longer utilised. The water easements are located along the road frontage for both titles. They will need to be surrendered as part of the legal work for this development to allow public road to be formed into the subdivision.
- (b) The existing appurtenant right of way easement gives the right of way to the subject land to allow access over a portion of Lot 1 DP 49459 shown as E on DP 49459. These can remain on the titles and will come down onto the new Records of Titles for the proposed lots.

Subdivision layout design

3.5 The results from the initial survey were used to complete the subdivision layout design. In addition to carry out the initial subdivision design of the proposed site, I:

- (a) used the Proposed Whangārei District Plan rules for General Residential site sizes, setbacks and living courts as well as road, footpath and berm widths; and
- (b) looked at stormwater assessments in conjunction with Aaron Holland for locations for stormwater attenuation areas.

- 3.6 These formed the initial subdivision design for the Site, which was then worked through with our expert team to finalise, taking into account landscaping and service layout as the design progressed. The Proposal seeks to decommission the existing vehicle crossings and create a new public road and three jointly owned access lots (“JOAL”) to provide access to all lots created.
- 3.7 The final subdivision design submitted for resource consent on 1 October 2021 included:
- (a) 76 residential allotments – lots 1 – 76.
 - (b) A public road – lot 100.
 - (c) JOAL – lots 300 – 302.
 - (d) Drainage reserves – lots 200 – 204.
 - (e) Recreation reserve lot 205.
- 3.8 Plans provided were all versions of Resource Consent Plans 20-183-PL-100 and 20-183-RC-01-200 to 801 included in Appendix 5.⁵
- 3.9 Post-application, in response to feedback received on the Proposal, the Applicant made a number of modifications to the Proposal including removing three lots north of Waitaua Stream (numbers 62, 63 and 69), reducing the total number of residential allotments from 76 to 73. As such, the subdivision layout design has been reconfigured:
- (a) the northern boundary of proposed lots 62 – 67 has been re-aligned;
 - (b) the area of proposed lots 62 – 67 has been readjusted;
 - (c) as there is no longer a requirement for vehicle access to lots 62 and 63, the vehicle access has been removed and replaced with a pedestrian access, 3m wide, incorporated into proposed lot 205 to ensure connectivity to the proposed recreation reserve and walking tracks; and
 - (d) as lot 69 has been removed, the number of lots gaining access via proposed JOAL 302 is reduced from 10 to 9.

⁵ Refer to the Resource Consent Application for the Proposal: Appendix 5 – Scheme Plan and Engineering Plans.

3.10 Blue Wallace updated the plans as a result of this feedback to include all the above changes. The updated plans were provided to WDC on 2 April 2022.

4. COMMENTS ON SUBMISSIONS

4.1 A total of 20⁶ submissions on the application have been noted in Council's summary of submissions as being formally received by Council. I have reviewed the submissions received and the summary of submissions prepared by the Council and these do not raise any concerns with respect to surveying and subdivision design.

5. COMMENTS ON THE COUNCIL'S SECTION 42A REPORT

5.1 I have reviewed the s42A Report prepared by consultant planner, Mr Alister Hartstone. The s42A Report does not raise any issues with respect to surveying or other matters related to my evidence. Therefore, no further assessment is considered necessary.

6. CONCLUSION

6.1 From my experience as a surveyor, I believe that this final revision provides a desirable outcome for the subject lots taking into account the least impact on the surrounding environment and creating a workable solution.

Charlotte Nijssen

Date: 27 April 2022

⁶ In accordance with Whangārei District Council Consideration of Submissions Pursuant to Section 37 and 41D of the RMA, Decisions and Directions Report dated 17 March 2022.

Attachment 1 - Qualifications and Experience

1. My name is Charlotte Frances Nijssen. I am a licensed cadastral surveyor (LINZ) with some 15 years experience in land surveying and land development.
2. My professional qualification is a Bachelor of Surveying from Otago University (2006).
3. I am a member of the New Zealand Institute of Surveyors.
4. I am an employee Blue Wallace Surveyors Limited of Hamilton. I have been a surveyor in Hamilton designing and project managing the planning, construction and titling of larger scale residential development projects since December 2012.
5. Previously to Blue Wallace Surveyors, I began my career working for Cheal Consultants in Taupo for three years and embarked on a four year OE working in local UK Councils on development projects and roading design and project planning for a mining development in West Africa.
6. I have extensive experience in the designing and project managing of residential development projects under the provisions of the Whangārei District Plan, which includes:
 - (a) Subdivision design, Planning, Project Management and Land Transfer Surveying over 12 stages of Totara Parklands from 2011-2022.
 - (b) Subdivision design, Project Management and Land Transfer Surveying of The James adjacent to the proposed site from 2018-2022.
7. Smaller scale (2 to 5 lot) residential subdivisions and project management through the Hamilton City and Waikato District Areas.