

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

**SUPPLEMENTARY EVIDENCE OF MELISSA IVY MCGRATH ON BEHALF
OF THE APPLICANT**

PLANNING

11 May 2022

1. INTRODUCTION

- 1.1 My full name is Melissa Ivy McGrath.
- 1.2 I have the qualifications and experience set out in Attachment 1 to my evidence in chief (“**EiC**”) dated 27 April 2022.
- 1.3 My supplementary evidence is presented on behalf of Hurupaki Holdings Limited (“**the Applicant**”) for subdivision and land use resource consent at 131 and 189 Three Mile Bush Road, Kamo (“**the Site**”), to create and operate a 73 residential allotment and café (“**the Proposal**”).
- 1.4 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. SUBMITTER EVIDENCE

- 2.1 I have read the statement of evidence by Ms Brownie on behalf of the Whangārei District Council Infrastructure Group (“**Infrastructure Group**”) which raises matters relevant to my evidence.
- 2.2 Overall, the matters raised in the evidence have not caused me to reconsider the opinions expressed in my EiC. I also confirm that I have had discussions¹ with Ms Brownie with respect to the matters raised in the Infrastructure Group submission, and had understood these matters to be resolved.
- 2.3 However, I make the following comments with respect to Ms Brownie’s concern that conflict between stormwater and pedestrian assets located within proposed Lot 205 will occur:
 - (a) The sediment forebay shown on the Erosion and Sediment Control Plan 20183-01-EN-250² is a temporary measure during construction and will be removed once

¹ Meeting held 17 March 2022.

² EiC of M McGrath, Attachment 2.

the Applicant has fulfilled the grass strike conditions of the Regional Council consent. This will eliminate the perceived conflict between path users and the sediment forebay raised by Ms Brownie.³

- (b) Detailed engineering design of stormwater will be completed which will include any necessary drainage that may be required at this location to direct the water into the stormwater pond as part of the permanent stormwater management for the Site. In my opinion proposed consent condition 2(e) is sufficient to address this matter.⁴

2.4 With respect to Ms Brownie's question regarding whether or not suitable access can be provided,⁵ I can confirm that:

- (a) The Applicant has worked closely with the Council to ensure that adequate access is provided to enable ongoing management and maintenance of the stormwater pond within Lot 204 and playground within proposed Lot 205.
- (b) The Applicant has co-ordinated with the developer of The James (the development adjacent to the east of the subject site) to create a network of pedestrian connections, walkways and access to the proposed playground.
- (c) The Council has vehicular access to Lot 204 and subsequently Lot 205 secured within The James via Public Road – Lot 300 DP 561757 vested as public road on deposit of 561757 and Right of Way easement over Lot 201 (Council recreational reserve) shown in the Deposited Plan (see **Attachment 1**).

2.5 In my opinion the Applicant has provided suitable vehicle access to proposed Lots 204 and 205, as confirmed in the evidence.

2.6 Furthermore, I do not support the alternative access solution recommended by Ms Brownie, being access from 'Road 3'.⁶ In my opinion this solution will result in adverse ecological, cultural and landscape effects due to the proximity of vehicle access to

³ Evidence of S Brownie, at [2.2].

⁴ EIC of M McGrath, Attachment 3.

⁵ Evidence of S Brownie, at [2.4]-[2.5].

⁶ Evidence of S Brownie, at [3.1.2.2].

Waitaua Stream, being completely inconsistent with the ecological enhancement plan and the master plan.

Melissa McGrath

Date: 11 May 2022

ATTACHMENT 1



Title Plan - DP 561757

Survey Number DP 561757
Surveyor Reference 18-054-The James
Surveyor Charlotte Frances Nijssen
Survey Firm Blue Wallace Surveyors
Surveyor Declaration I Charlotte Frances Nijssen, being a licensed cadastral surveyor, certify that--
(a) this dataset provided by me and its related survey are accurate, correct and in accordance with the Cadastral Survey Act 2002 and Cadastral Survey Rules 2021; and
(b) the survey was undertaken by me or under my personal direction.
Declared on 22 Mar 2022 12:29 PM

Survey Details

Dataset Description LOTS 1 TO 66, 100, 101, 200 TO 203, AND 300 BEING A SUBDIVISION OF LOT 1 DP 99045
Status Deposited
Land District North Auckland
Submitted Date 22/03/2022
Survey Class Class A
Survey Approval Date 04/04/2022
Deposit Date 24/03/2022

Territorial Authorities

Whangarei District

Comprised In

RT NA53D/1030

Created Parcels

Parcels	Parcel Intent	Area	RT Reference
Area AW Deposited Plan 561757	Easement		
Area AX Deposited Plan 561757	Easement		
Area AH Deposited Plan 561757	Easement		
Area AI Deposited Plan 561757	Easement		
Area AJ Deposited Plan 561757	Easement		
Area AK Deposited Plan 561757	Easement		
Area AL Deposited Plan 561757	Easement		
Area AM Deposited Plan 561757	Easement		
Area AN Deposited Plan 561757	Easement		
Area AO Deposited Plan 561757	Easement		
Area AP Deposited Plan 561757	Easement		
Area AQ Deposited Plan 561757	Easement		
Area AR Deposited Plan 561757	Easement		
Area AS Deposited Plan 561757	Easement		
Area AT Deposited Plan 561757	Easement		
Area AU Deposited Plan 561757	Easement		
Area AV Deposited Plan 561757	Easement		
Lot 1 Deposited Plan 561757	Fee Simple Title	0.0698 Ha	994850
Lot 2 Deposited Plan 561757	Fee Simple Title	0.0638 Ha	994851
Lot 3 Deposited Plan 561757	Fee Simple Title	0.0621 Ha	994852

Title Plan - DP 561757

Created Parcels

Parcels	Parcel Intent	Area	RT Reference
Lot 4 Deposited Plan 561757	Fee Simple Title	0.0622 Ha	994853
Lot 5 Deposited Plan 561757	Fee Simple Title	0.0622 Ha	994854
Lot 6 Deposited Plan 561757	Fee Simple Title	0.0562 Ha	994855
Lot 7 Deposited Plan 561757	Fee Simple Title	0.0641 Ha	994856
Lot 8 Deposited Plan 561757	Fee Simple Title	0.0682 Ha	994857
Lot 9 Deposited Plan 561757	Fee Simple Title	0.0819 Ha	994858
Lot 10 Deposited Plan 561757	Fee Simple Title	0.0948 Ha	994859
Lot 11 Deposited Plan 561757	Fee Simple Title	0.0712 Ha	994860
Lot 12 Deposited Plan 561757	Fee Simple Title	0.0451 Ha	994861
Lot 13 Deposited Plan 561757	Fee Simple Title	0.0451 Ha	994862
Lot 14 Deposited Plan 561757	Fee Simple Title	0.0500 Ha	994863
Lot 15 Deposited Plan 561757	Fee Simple Title	0.0500 Ha	994864
Lot 16 Deposited Plan 561757	Fee Simple Title	0.0528 Ha	994865
Lot 17 Deposited Plan 561757	Fee Simple Title	0.0638 Ha	994866
Lot 18 Deposited Plan 561757	Fee Simple Title	0.0641 Ha	994867
Lot 19 Deposited Plan 561757	Fee Simple Title	0.0520 Ha	994868
Lot 20 Deposited Plan 561757	Fee Simple Title	0.0710 Ha	994869
Lot 21 Deposited Plan 561757	Fee Simple Title	0.0694 Ha	994870
Lot 22 Deposited Plan 561757	Fee Simple Title	0.0836 Ha	994871
Lot 23 Deposited Plan 561757	Fee Simple Title	0.0665 Ha	994872
Lot 24 Deposited Plan 561757	Fee Simple Title	0.0600 Ha	994873
Lot 25 Deposited Plan 561757	Fee Simple Title	0.0600 Ha	994874
Lot 26 Deposited Plan 561757	Fee Simple Title	0.0600 Ha	994875
Lot 27 Deposited Plan 561757	Fee Simple Title	0.0600 Ha	994876
Lot 28 Deposited Plan 561757	Fee Simple Title	0.0600 Ha	994877
Lot 29 Deposited Plan 561757	Fee Simple Title	0.0600 Ha	994878
Lot 30 Deposited Plan 561757	Fee Simple Title	0.0609 Ha	994879
Lot 31 Deposited Plan 561757	Fee Simple Title	0.0649 Ha	994880
Lot 32 Deposited Plan 561757	Fee Simple Title	0.0549 Ha	994881
Lot 33 Deposited Plan 561757	Fee Simple Title	0.0686 Ha	994882
Lot 34 Deposited Plan 561757	Fee Simple Title	0.0652 Ha	994883
Lot 35 Deposited Plan 561757	Fee Simple Title	0.0918 Ha	994884
Lot 36 Deposited Plan 561757	Fee Simple Title	0.0500 Ha	994885
Lot 37 Deposited Plan 561757	Fee Simple Title	0.0613 Ha	994886
Lot 38 Deposited Plan 561757	Fee Simple Title	0.0601 Ha	994887
Lot 39 Deposited Plan 561757	Fee Simple Title	0.0603 Ha	994888
Lot 40 Deposited Plan 561757	Fee Simple Title	0.0653 Ha	994889
Lot 41 Deposited Plan 561757	Fee Simple Title	0.0633 Ha	994890
Lot 42 Deposited Plan 561757	Fee Simple Title	0.0600 Ha	994891
Lot 43 Deposited Plan 561757	Fee Simple Title	0.0600 Ha	994892
Lot 44 Deposited Plan 561757	Fee Simple Title	0.0600 Ha	994893
Lot 45 Deposited Plan 561757	Fee Simple Title	0.0771 Ha	994894
Lot 46 Deposited Plan 561757	Fee Simple Title	0.0632 Ha	994895
Lot 47 Deposited Plan 561757	Fee Simple Title	0.0600 Ha	994896

Title Plan - DP 561757

Created Parcels

Parcels	Parcel Intent	Area	RT Reference
Lot 48 Deposited Plan 561757	Fee Simple Title	0.0600 Ha	994897
Lot 49 Deposited Plan 561757	Fee Simple Title	0.0599 Ha	994898
Lot 50 Deposited Plan 561757	Fee Simple Title	0.0516 Ha	994899
Lot 51 Deposited Plan 561757	Fee Simple Title	0.0516 Ha	994900
Lot 52 Deposited Plan 561757	Fee Simple Title	0.0516 Ha	994901
Lot 53 Deposited Plan 561757	Fee Simple Title	0.0585 Ha	994902
Lot 54 Deposited Plan 561757	Fee Simple Title	0.0639 Ha	994903
Lot 55 Deposited Plan 561757	Fee Simple Title	0.0574 Ha	994904
Lot 56 Deposited Plan 561757	Fee Simple Title	0.0554 Ha	994905
Lot 57 Deposited Plan 561757	Fee Simple Title	0.0500 Ha	994906
Lot 58 Deposited Plan 561757	Fee Simple Title	0.0695 Ha	994907
Lot 59 Deposited Plan 561757	Fee Simple Title	0.0631 Ha	994908
Lot 60 Deposited Plan 561757	Fee Simple Title	0.0638 Ha	994909
Lot 61 Deposited Plan 561757	Fee Simple Title	0.0647 Ha	994910
Lot 62 Deposited Plan 561757	Fee Simple Title	0.0647 Ha	994911
Lot 63 Deposited Plan 561757	Fee Simple Title	0.0646 Ha	994912
Lot 64 Deposited Plan 561757	Fee Simple Title	0.0647 Ha	994913
Lot 65 Deposited Plan 561757	Fee Simple Title	0.0647 Ha	994914
Lot 66 Deposited Plan 561757	Fee Simple Title	0.0647 Ha	994915
Lot 100 Deposited Plan 561757	Fee Simple Title	0.0345 Ha	Multiple
Lot 101 Deposited Plan 561757	Fee Simple Title	0.0232 Ha	Multiple
Lot 200 Deposited Plan 561757	Vesting on Deposit for Local Purpose Reserve	0.4724 Ha	1021450
Lot 201 Deposited Plan 561757	Vesting on Deposit for Recreation Reserve (Territorial Authority)	0.0778 Ha	1021451
Lot 202 Deposited Plan 561757	Vesting on Deposit for Local Purpose Reserve	0.0094 Ha	1021452
Lot 203 Deposited Plan 561757	Vesting on Deposit for Local Purpose Reserve Road	0.0122 Ha 1.1233 Ha	1021453
Area A Deposited Plan 561757	Easement		
Area B Deposited Plan 561757	Easement		
Area C Deposited Plan 561757	Easement		
Area D Deposited Plan 561757	Easement		
Area E Deposited Plan 561757	Easement		
Area F Deposited Plan 561757	Easement		
Area G Deposited Plan 561757	Easement		
Area H Deposited Plan 561757	Easement		
Area I Deposited Plan 561757	Easement		
Area J Deposited Plan 561757	Easement		
Area K Deposited Plan 561757	Easement		
Area L Deposited Plan 561757	Easement		
Area M Deposited Plan 561757	Easement		



Title Plan - DP 561757

Created Parcels

Parcels	Parcel Intent	Area	RT Reference
Area N Deposited Plan 561757	Easement		
Area O Deposited Plan 561757	Easement		
Area P Deposited Plan 561757	Easement		
Area Q Deposited Plan 561757	Easement		
Area R Deposited Plan 561757	Easement		
Area S Deposited Plan 561757	Easement		
Area T Deposited Plan 561757	Easement		
Area U Deposited Plan 561757	Easement		
Area V Deposited Plan 561757	Easement		
Area W Deposited Plan 561757	Easement		
Area X Deposited Plan 561757	Easement		
Area Y Deposited Plan 561757	Easement		
Area Z Deposited Plan 561757	Easement		
Area AA Deposited Plan 561757	Easement		
Area AB Deposited Plan 561757	Easement		
Area AC Deposited Plan 561757	Easement		
Area AD Deposited Plan 561757	Easement		
Area AE Deposited Plan 561757	Easement		
Area AF Deposited Plan 561757	Easement		
Area AG Deposited Plan 561757	Easement		
Total Area		<hr/> 5.8740 Ha	

Schedule / Memorandum

Land Registration District

North Auckland

Plan Number

DP 561757

Territorial Authority (the Council)

Whangarei District Council

Memorandum of Easements			
Purpose	Shown	Servient Tenement (Burdened Land)	Dominant Tenement (Benefited Land)
Right of Way Right to convey electricity, telecommunications, gas and water Right to drain sewage and water	A	Lot 100 Hereon	Lots 34 to 39 Hereon
	B	Lot 45 Hereon	Lot 46 Hereon
	C	Lot 46 Hereon	Lot 45 Hereon
	AB		
	D	Lot 101 Hereon	Lots 53-55 Hereon
	AF	Lot 46 Hereon	Lot 45 Hereon
	AG	Lot 45 Hereon	Lot 46 Hereon
Right to drain water	O	Lot 48 Hereon	Lot 49 Hereon
	S	Lot 46 Hereon	Lot 48, 49 Hereon
	T	Lot 53 Hereon	Lot 46, 48, 49 Hereon
	U	Lot 101 Hereon	Lot 46, 48, 49, 53 Hereon
	V	Lot 55 Hereon	Lot 46, 48, 49, 53, 101 Hereon
	W	Lot 57 Hereon	Lot 45, 46, 47, 48, 49, 53, 54, 55 101 Hereon
	X	Lot 55 Hereon	Lot 45, 46, 47, 48, 49, 53, 54, 101 Hereon
	Y	Lot 54 Hereon	Lot 45, 46,47,53 Hereon
	Z	Lot 54 Hereon	Lot 45, 46,47,53 Hereon
	AA	Lot 45 Hereon	Lot 46, 47 Hereon

Memorandum of Easements			
Purpose	Shown	Servient Tenement (Burdened Land)	Dominant Tenement (Benefited Land)
Right to drain water	B	Lot 45 Hereon	Lot 46, 47 Hereon
	AB	Lot 46 Hereon	Lot 47 Hereon
	AC	Lot 53 Hereon	Lot 45, 46, 47 Hereon
	AJ	Lot 10 Hereon	Lot 9 Hereon
Right to drain water	AK	Lot 11 Hereon	Lot 9, 10 Hereon
	AL	Lot 12 Hereon	Lot 9, 10, 11 Hereon
	AM	Lot 13 Hereon	Lot 9, 10, 11, 12 Hereon
	AN	Lot 14 Hereon	Lot 9, 10, 11, 12, 13 Hereon
	AP	Lot 34 Hereon	Lot 35, 100 Hereon
	AW	Lot 45 Hereon	Lot 54 Hereon
	AX	Lot 15 Hereon	Lot 9, 10, 11, 12, 13, 14 Hereon

Memorandum of Easements in Gross			
Purpose	Shown	Servient Tenement (Burdened Land)	Grantee
Right to convey electricity and telecommunications	A	Lot 100 Hereon	Northpower Limited and Northpower Fibre Limited
	B	Lot 45 Hereon	
	C	Lot 46 Hereon	
	D	Lot 101 Hereon	
	E	Lot 201 Hereon	
	U	Lot 101 Hereon	
	AB	Lot 46 Hereon	
	AF	Lot 46 Hereon	

Schedule / Memorandum

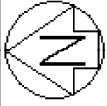
Right to convey electricity and telecommunications	AG	Lot 45 Hereon	Northpower Limited and Northpower Fibre Limited
Right to drain Sewage	A	Lot 100 Hereon	Whangarei District Council
	B	Lot 45 Hereon	
	F	Lot 25 Hereon	
	Q	Lot 56 Hereon	
	R	Lot 57 Hereon	
	AB	Lot 46 Hereon	
	AE	Lot 55 Hereon	
	AR	Lot 65 Hereon	
Right to drain water	A	Lot 100 Hereon	Whangarei District Council
	B	Lot 45 Hereon	
	G	Lot 37 Hereon	
	H	Lot 38 Hereon	
	I	Lot 39 Hereon	
	AB	Lot 46 Hereon	
Right to drain water/sewage	J	Lot 41 Hereon	Whangarei District Council
	K	Lot 42 Hereon	
	L	Lot 43 Hereon	
	M	Lot 44 Hereon	

Memorandum of Easements in Gross			
Purpose	Shown	Servient Tenement (Burdened Land)	Grantee
Right to drain water/sewage	N	Lot 47 Hereon	Whangarei District Council
	O	Lot 48 Hereon	
	P	Lot 8 Hereon	
	D	Lot 101 Hereon	
	AD	Lot 7 Hereon	
	AH	Lot 10 Hereon	
	AI	Lot 11 Hereon	
	AO	Lot 22 Hereon	
	AQ	Lot 60 Hereon	
	AS	Lot 64 Hereon	
	AT	Lot 63 Hereon	
	AU	Lot 62 Hereon	
AV	Lot 61 Hereon		
Right of Way	E	Lot 201 Hereon	Whangarei District Council

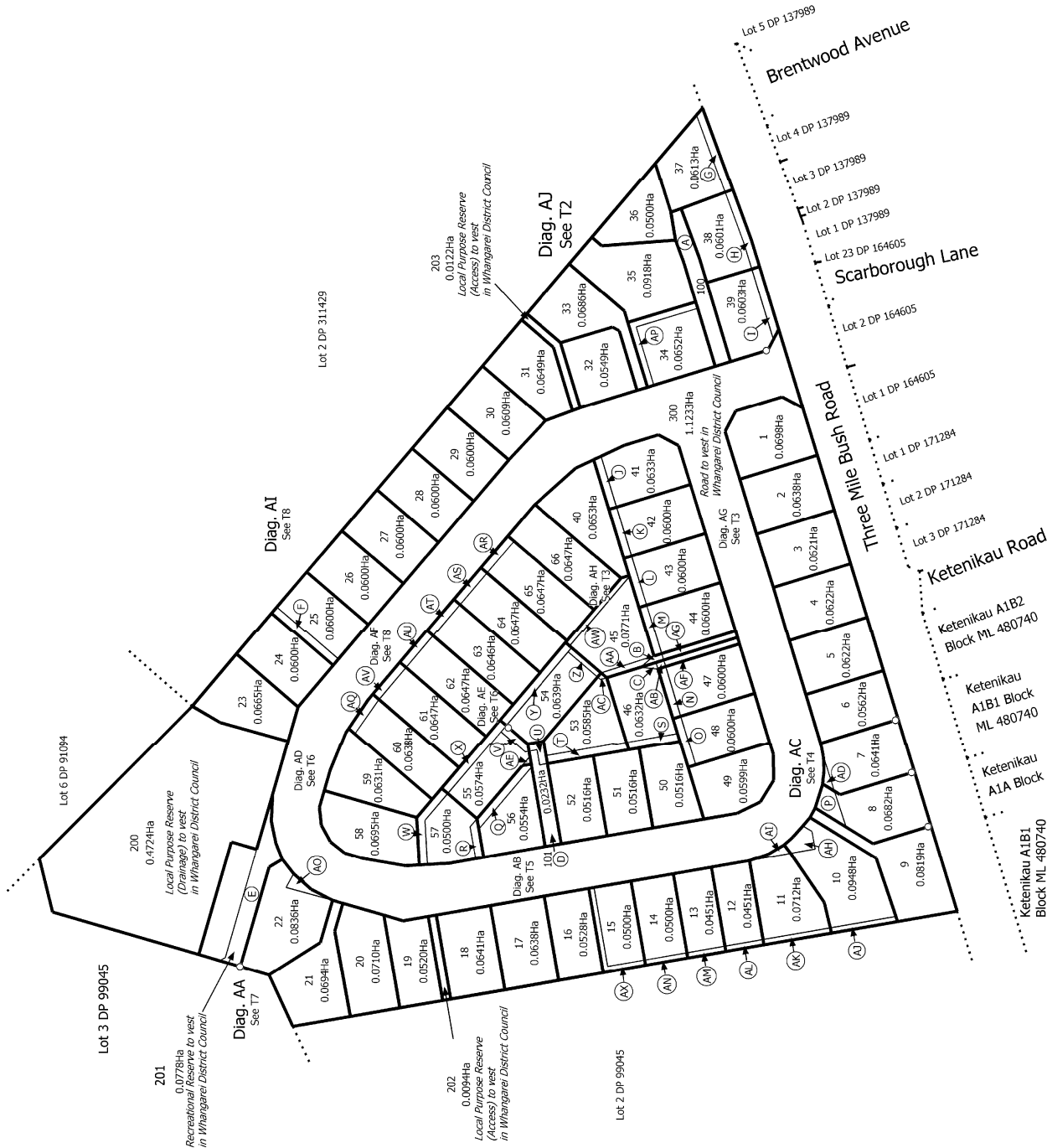
Schedule of existing easements			
Purpose	Shown	Servient Tenement (Burdened Land)	Created
Right to convey electricity and telecommunications	E	Lot 201	on deposit of DP 561757
Right of Way	E	Lot 201	on deposit of DP 561757

Amalgamation Conditions (Pursuant to s220 Resource Management Act 1991)
<p>That pursuant to section 220(1)(b)(iv) of the Resource Management Act 1991, Lot 100 hereon (legal access) be held as six undivided one sixth shares by the owners of Lots 34 to 39 hereon, and that individual records of title be issued in accordance therewith. See LINZ Request 1774643.</p> <p>That pursuant to section 220(1)(b)(iv) of the Resource Management Act 1991, Lot 101 hereon (legal access) be held as three undivided one third shares by the owners of Lots 53 to 55 hereon, and that individual records of title be issued in accordance therewith. See LINZ Request 1752635.</p>

Certifying parties must sign or initial this box



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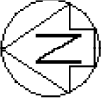
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LOTS 1 TO 66, 100, 101, 200 TO 203, AND 300 BEING A SUBDIVISION OF LOT 1 DP 99045

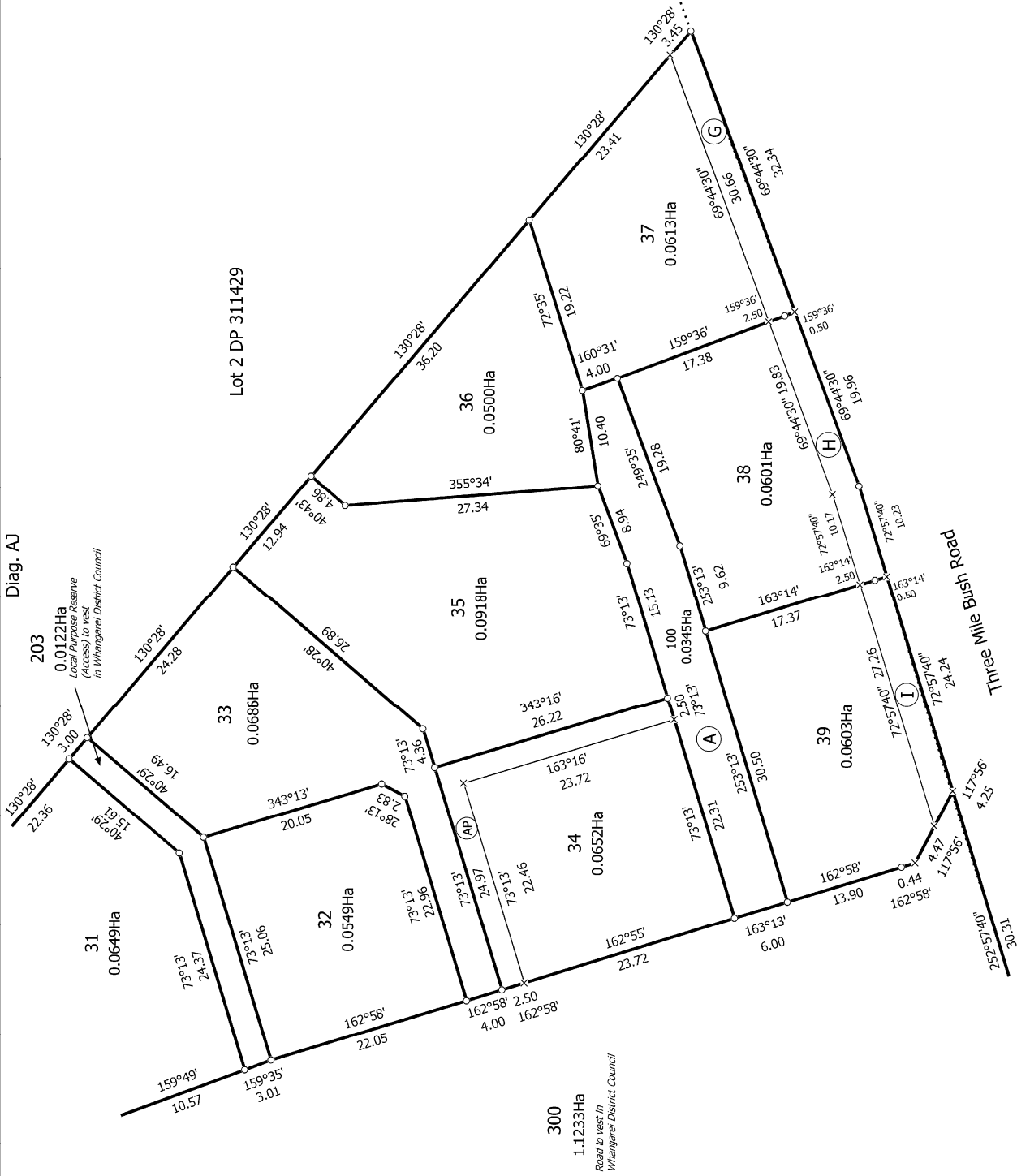
Surveyor: Charlotte Frances Nijssen
Firm: Blue Wallace Surveyors

**Title Plan
DP 561757**

Deposited on: 24/03/2022



Diag. AJ



Lot 2 DP 311429

Three Mile Bush Road

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Land District: North Auckland

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LOTS 1 TO 66, 100, 101, 200 TO 203, AND 300 BEING A SUBDIVISION OF

LOT 1 DP 99045

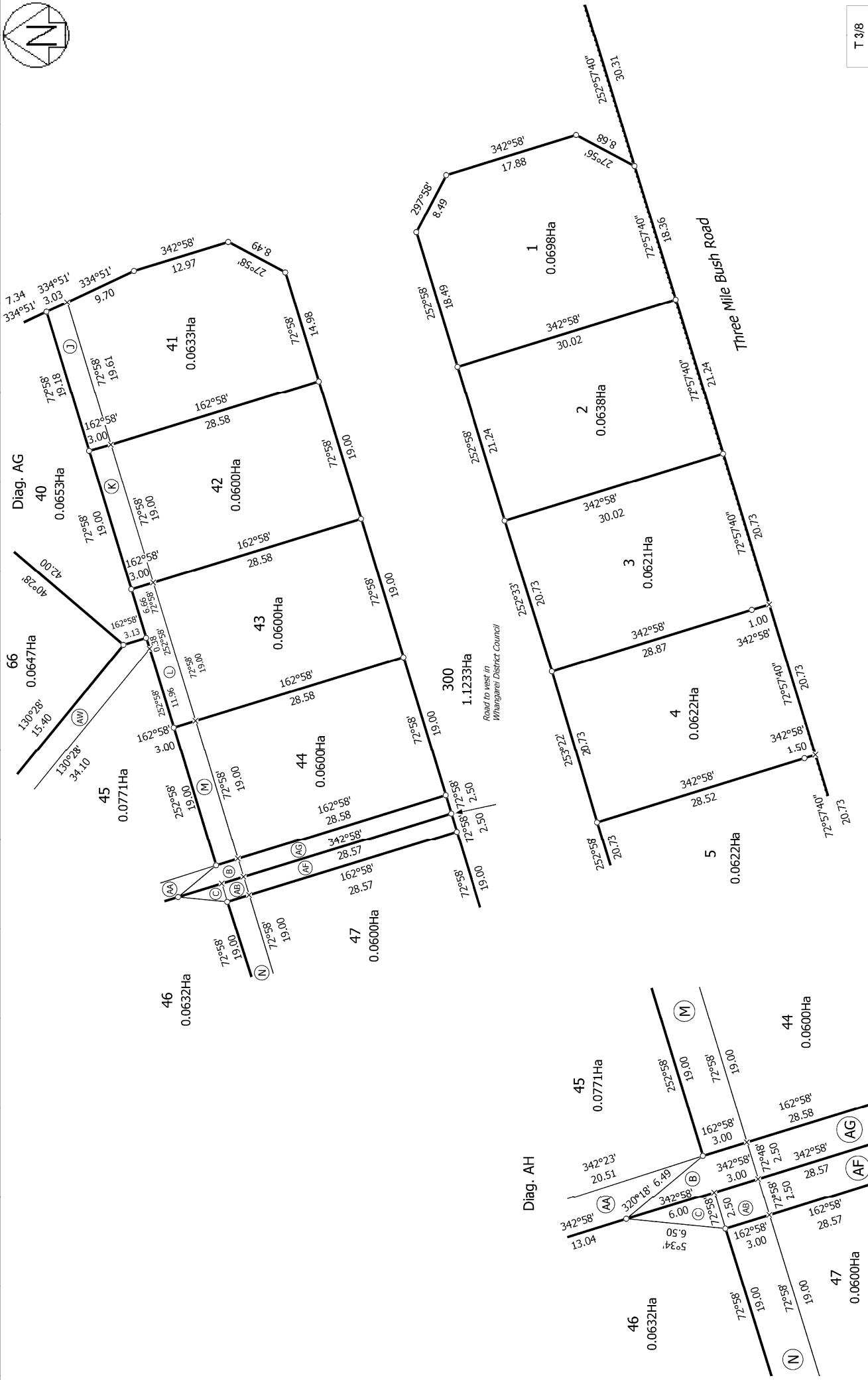
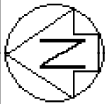
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Firm: Blue Wallace Surveyors

Title Plan

DP 561757

Deposited on: 24/03/2022



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Land District: North Auckland	Surveyor: Charlotte Frances Nijssen Firm: Blue Wallace Surveyors	Title Plan DP 561757
LOTS 1 TO 66, 100, 101, 200 TO 203, AND 300 BEING A SUBDIVISION OF LOT 1 DP 99045		
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Lot 2 DP 99045

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Land District: North Auckland

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LOTS 1 TO 66, 100, 101, 200 TO 203, AND 300 BEING A SUBDIVISION OF LOT 1 DP 99045

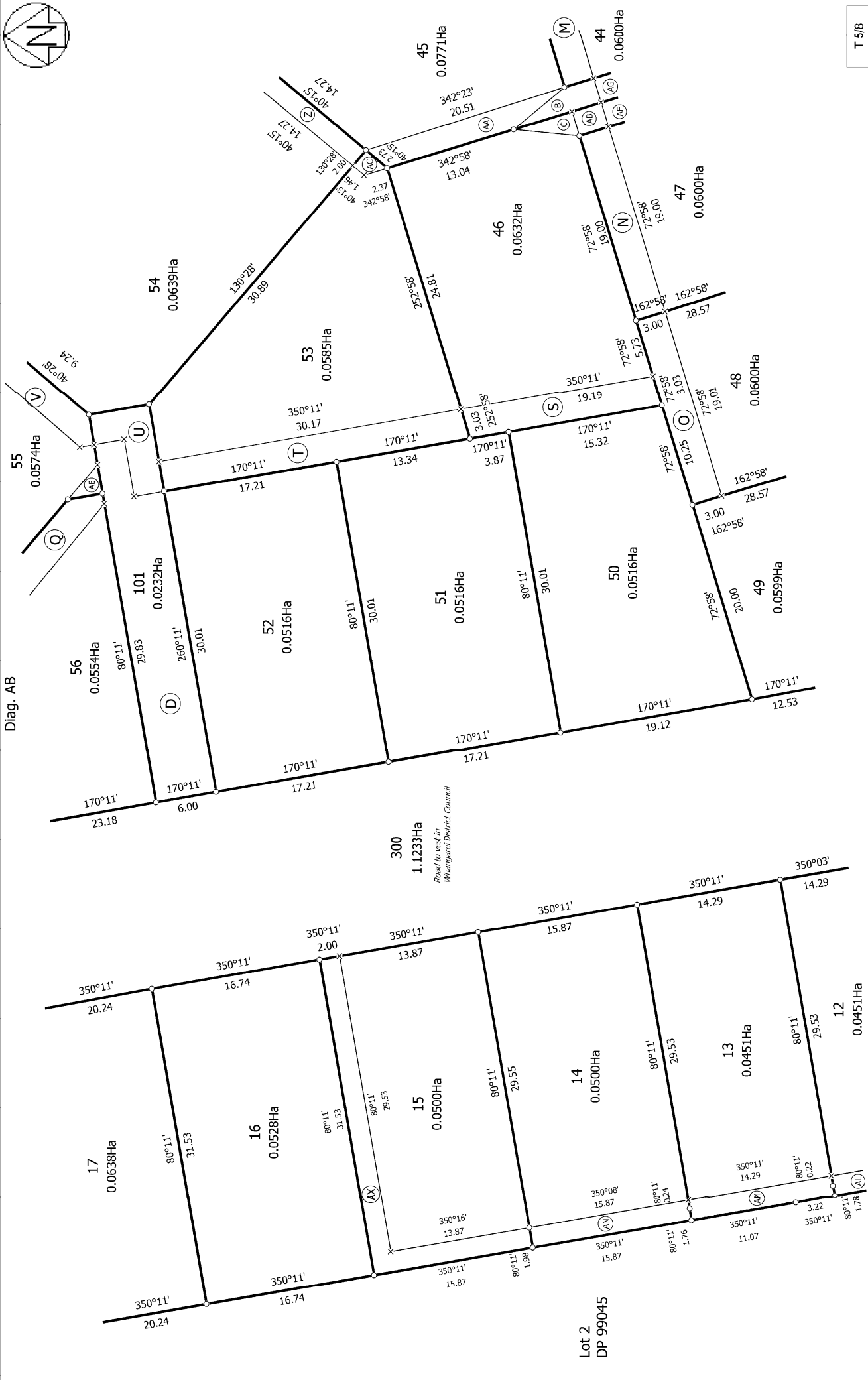
Surveyor: Charlotte Frances Nijsen
Firm: Blue Wallace Surveyors

Title Plan
DP 561757

Deposited on: 24/03/2022

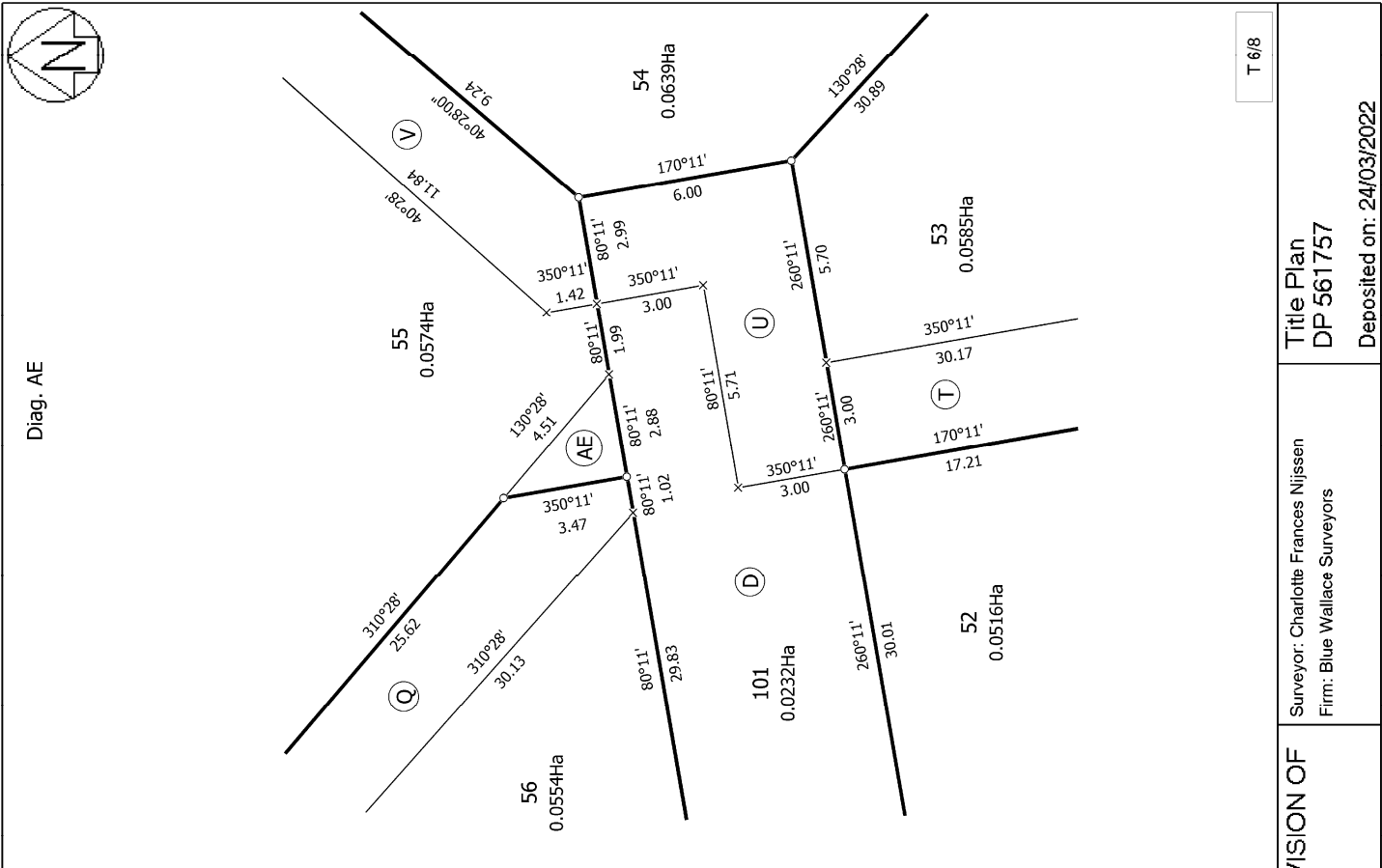


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<p>Land District: North Auckland</p> <p>Digitally Generated Plan</p> <p>Generated on: 19/04/2022 11:57:am Page 14 of 17</p>	<p>LOTS 1 TO 66, 100, 101, 200 TO 203, AND 300 BEING A SUBDIVISION OF LOT 1 DP 99045</p> <p>Surveyor: Charlotte Frances Nijssen Firm: Blue Wallace Surveyors</p>	<p>Title Plan DP 561757</p> <p>Deposited on: 24/03/2022</p>
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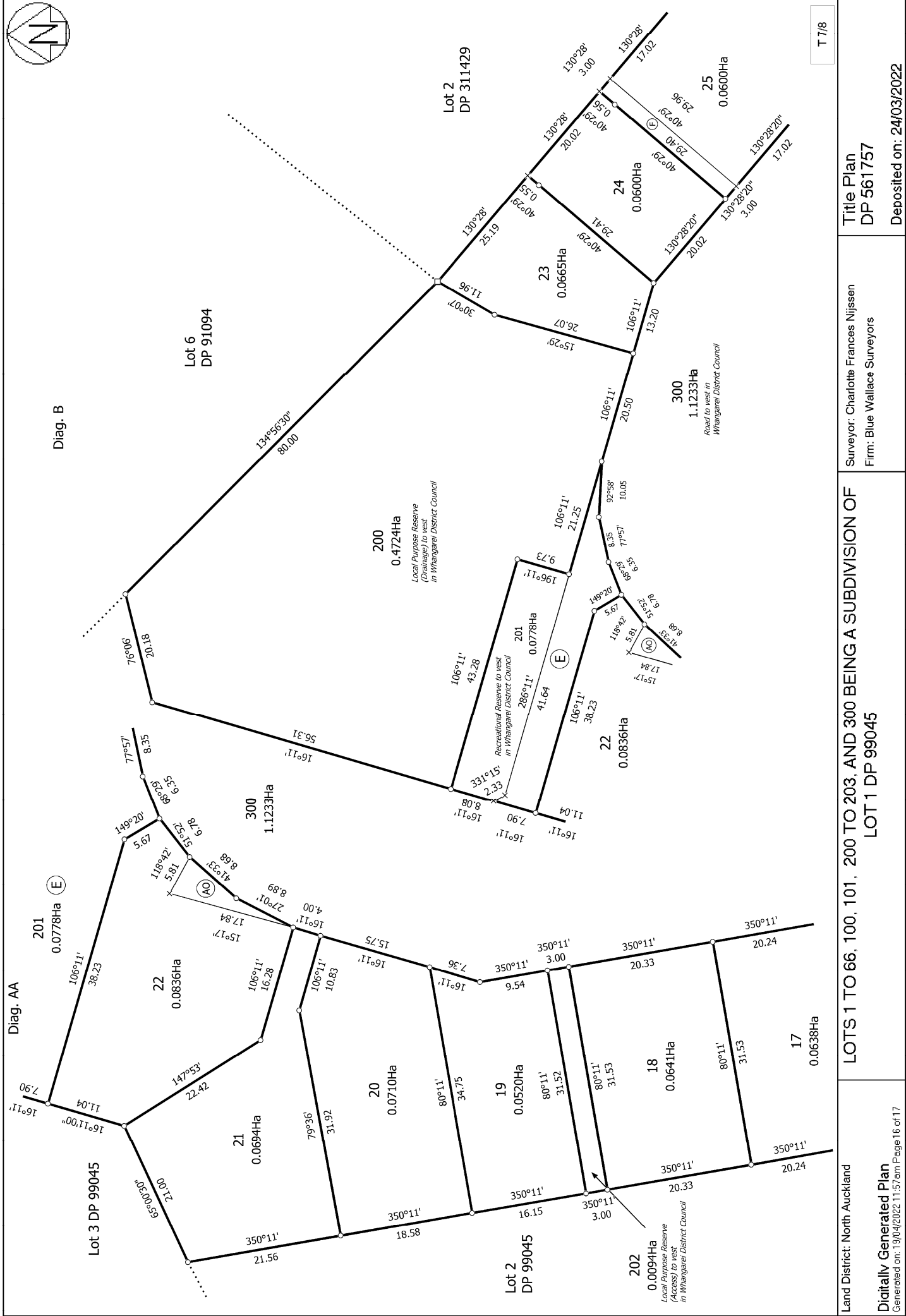
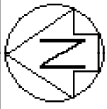


LOTS 1 TO 66, 100, 101, 200 TO 203, AND 300 BEING A SUBDIVISION OF LOT 1 DP 99045

Surveyor: Charlotte Frances Nijssen
 Firm: Blue Wallace Surveyors

Title Plan
 DP 561757

Deposited on: 24/03/2022



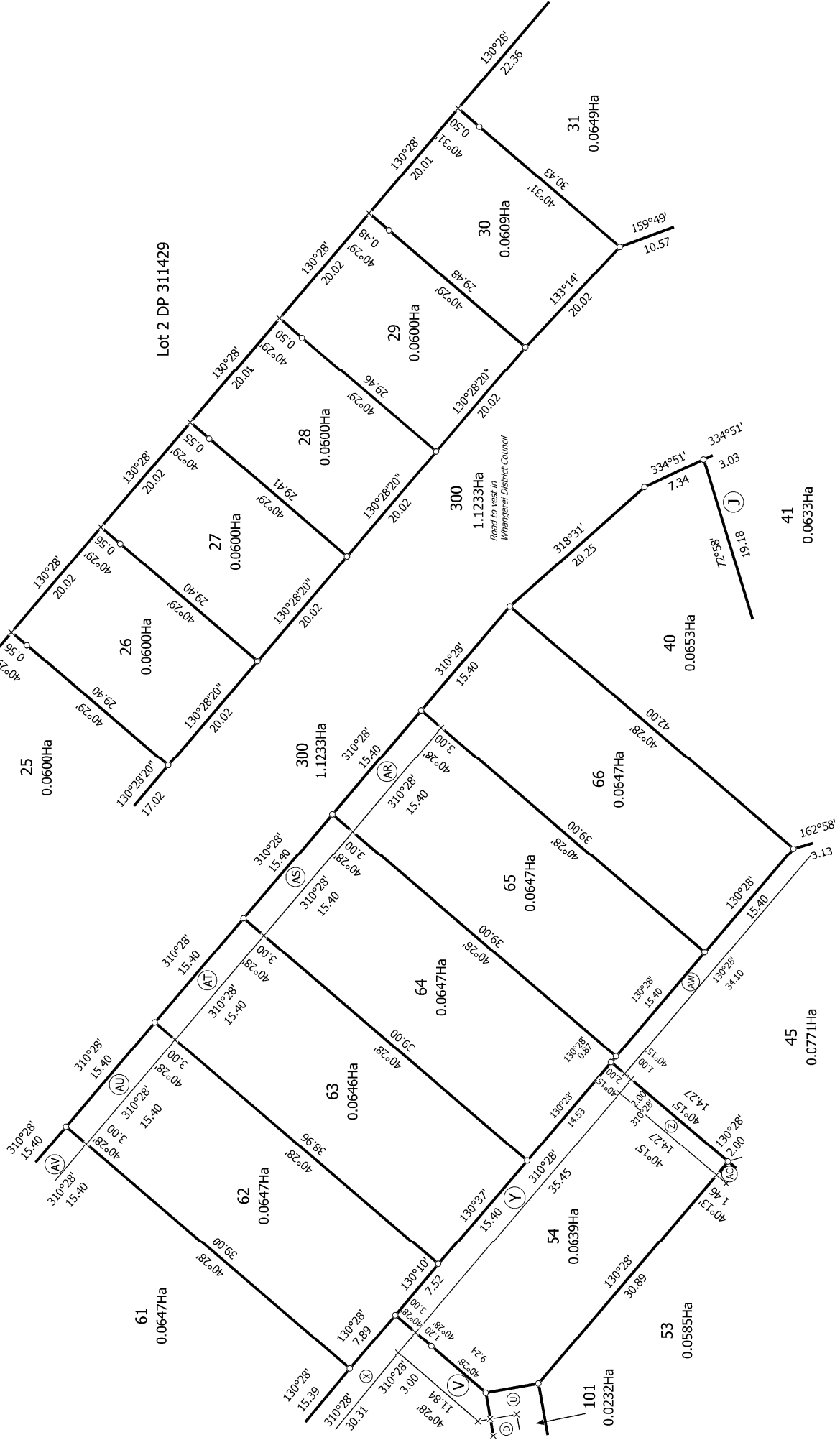
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<p>Land District: North Auckland</p> <p>Digitally Generated Plan</p> <p>Generated on: 13/04/2022 11:57 am Page 16 of 17</p>	<p>LOTS 1 TO 66, 100, 101, 200 TO 203, AND 300 BEING A SUBDIVISION OF LOT 1 DP 99045</p> <p>Surveyor: Charlotte Frances Nijssen Firm: Blue Wallace Surveyors</p>	<p>Title Plan DP 561757</p> <p>Deposited on: 24/03/2022</p>
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Diag. AI

Diag. AF



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Land District: North Auckland

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LOTS 1 TO 66, 100, 101, 200 TO 203, AND 300 BEING A SUBDIVISION OF LOT 1 DP 99045

Surveyor: Charlotte Frances Nijssen
Firm: Blue Wallace Surveyors

Title Plan
DP 561757

Deposited on: 24/03/2022