

From: Philip McKay <Philip.McKay@mitchelldaysh.co.nz>
Sent: Wednesday, 7 February 2024 2:58 pm
To: Ryan O'Leary
Cc: Connie Mills; Lawrence Yule; Andrew Taylor
Subject: RE: RM230016 - Mangakuri Subdivision - 8 Lifestyle Site - Response to s92 Request

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Hi Ryan, further the further information response relating to RM230016 forwarded to you on 21 December 2023, the Applicant would like to clarify one point. It is in relation to the condition offered on pages 18 and 19 of that response letter, which reads as follows:

Proposed Condition to limit fragmentation and achieve consistency with RLR-P3 and GRUZ-P8

A. That a Consent Notice pursuant to Section 221 of the Resource Management Act 1991 shall be issued by Council and registered against the certificate of title to be issued for Lot 11. The notice shall be registered at the consent-holder's expense and shall read as follows:

That no lifestyle site can be subdivided from this site within a period of 6 (six) years from the date that this record of title is issued.

B. That pursuant to section 108(2)(d) of the Resource Management Act 1991 the following land covenant in gross shall be registered on the Records of Title for Pt Lot 1 and Lot 2 DP 4588 (RT HB K2/396), Lot 1 & 2 DP 25804 and Lot 3 DP 481291 (RT 675091), and Lot 2 DP 582622 and Pt Lot 3 DP 4588 (RT 1090915) at the applicant's expense, and shall be demonstrated to have been imposed, prior to the issue of RMA s224(c) certification:

That no lifestyle site can be subdivided from this site for a period of at least 6 (six) years from the date this land covenant is registered on this record of title.

The clarification is that in the condition offered, the term 'lifestyle site' is intended to mean lifestyles sites created under the once every three year controlled activity provisions of Rule SUB-R5(1) 'Subdivision to create a Lifestyle Site(s) (not in association with the creation of a Conservation Lot)'. For the avoidance of doubt this was not intended to also include any subdivision related to the creation of Conservation Lots under SUB R6 and SUB R7. Accordingly, we therefore advise of the following amendment to the condition offered in our letter dated 21 December 2021 (with amendments highlighted in yellow):

Proposed Condition to limit fragmentation and achieve consistency with RLR-P3 and GRUZ-P8

A. That a Consent Notice pursuant to Section 221 of the Resource Management Act 1991 shall be issued by Council and registered against the certificate of title to be issued for Lot 11. The notice shall be registered at the consent-holder's expense and shall read as follows:

That no lifestyle site can be subdivided from this site under Rule SUB-R5(1) of the Proposed Central Hawke's Bay District Plan within a period of 6 (six) years from the date that this record of title is issued.

B. That pursuant to section 108(2)(d) of the Resource Management Act 1991 the following land covenant in gross shall be registered on the Records of Title for Pt Lot 1 and Lot 2 DP 4588 (RT HB K2/396), Lot 1 & 2 DP 25804 and Lot 3 DP 481291 (RT 675091), and Lot 2 DP 582622 and Pt Lot 3 DP 4588 (RT 1090915)

at the applicant's expense, and shall be demonstrated to have been imposed, prior to the issue of RMA s224(c) certification:

That no lifestyle site can be subdivided from this site under Rule SUB-R5(1) of the Proposed Central Hawke's Bay District Plan for a period of at least 6 (six) years from the date this land covenant is registered on this record of title.

The above amendment clarifies the intended purpose of the offered condition, being to extend the period over which Rule SUB-R5(1)(a)(ii) limits the right to create a single lifestyle site as a controlled activity, and to also apply that restriction to three other adjacent Rural Zone records of title in the Applicants ownership, to offset the fragmentation and potential inconsistency with policies RLR-P3 and GRUZ-P8 of creating the proposed 8 lifestyle sites at one time under RM230016.

Please do not hesitate to contact me if you have any queries.

Kind regards,
Phil

 **Philip McKay**
Associate

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From: Philip McKay
Sent: Thursday, December 21, 2023 2:15 PM
To: Kim Anstey <kanstey@propertygroup.co.nz>; Ryan O'Leary <roleary@propertygroup.co.nz>
Cc: Connie Mills <Connie.Mills@chbdc.govt.nz>; Lawrence Yule <lawrence@yulealexander.com>
Subject: RM230016 - Mangakuri Subdivision - 8 Lifestyle Site - Response to s92 Request

Hi Kim and Ryan,

Please find attached on behalf of the SR & BJ Williams Charitable Trust Board a response to the s92 request dated 18 September 2023. The following documents are also provided in support of that response and are attached in the PDF links below:

- > RDCL updated geotechnical assessment date 10 November 2023, in response to Item 1.
- > East Cape Consulting Limited letter dated 29 September 2023, in response to Items 2 – 8.
- > Strata Group Limited letter dated 21 September 2023, in response to Item 9.
- > Wayfinder letter dated 22 September 2023 providing a landscape and visual effects response to Item 10.
- > The following two documents as background to a condition offered by the Applicant in response to Item 10:
 - > A Hastings District Council subdivision consent decision (RMA20200400 – see condition 21) providing an example of the condition offered by the Applicant.
 - > A plan identifying additional titles owned by the Applicant on which lifestyle subdivision development rights are proposed to be restricted by the condition offered.

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Here's the [RDCL Geotech -19385B-05 8 Lot Sub Mangakauri Beach Sub SRBJ Williams.pdf](#) for you to review.

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Here's the [Traffic ECCL 22-0111 Mangakuri 230929.pdf](#) for you to review.

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Here's the [3 waters Strata Group S92 response 230921.pdf](#) for you to review.

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Here's the [Landscape Wayfinder Mangakuri s92 23-12-20.pdf](#) for you to review.

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Here's the [52735 0056 RMA20200400 Decision Non-Complying Rural lifestyle subdivisi . .pdf](#) for you to review.

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Here's the [Mangakuri Titles Subject to Proposed Covenant.pdf](#) for you to review.

We look forward to hearing from you in the New Year in regards to the further processing of this application.

Kind regards,

Phil

