

## Jana Green

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**From:** Philip McKay <Philip.McKay@mitchelldaysh.co.nz>  
**Sent:** Wednesday, 4 May 2022 8:38 AM  
**To:** Gerard Cleary  
**Cc:** Robyn Burns; Jana Green  
**Subject:** FW: Springhill Subdivision - no complaints

Hi Gerard, I refer to your request for the e-mail correspondence dated 7 April 2022 and referred to in my s42A report. You will see it is as quoted in that report with some covering statements and explanation.

The full e-mail chain is provided below.

Kind Regards

Phil

 **Philip McKay**  
Associate

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**From:** Jason Kaye <[jason.kaye@developmentnous.nz](mailto:jason.kaye@developmentnous.nz)>  
**Sent:** Thursday, 7 April 2022 4:08 PM  
**To:** Philip McKay <[Philip.McKay@mitchelldaysh.co.nz](mailto:Philip.McKay@mitchelldaysh.co.nz)>  
**Cc:** Matthew Lawson <[mlawson@lawsonrobinson.co.nz](mailto:mlawson@lawsonrobinson.co.nz)>; Karl Carew <[karl.carew@developmentnous.nz](mailto:karl.carew@developmentnous.nz)>  
**Subject:** RE: Springhill Subdivision - no complaints

Correct.

I wanted to call it a consent notice condition but went with the commonly applied naming convention.

Kind regards,

Jason Kaye  
Development Nous Limited  
Phone +64 6 876 2159  
Mobile +64 220 880 360

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**From:** Philip McKay <[Philip.McKay@mitchelldaysh.co.nz](mailto:Philip.McKay@mitchelldaysh.co.nz)>  
**Sent:** Thursday, 7 April 2022 4:06 pm  
**To:** Jason Kaye <[jason.kaye@developmentnous.nz](mailto:jason.kaye@developmentnous.nz)>  
**Cc:** Matthew Lawson <[mlawson@lawsonrobinson.co.nz](mailto:mlawson@lawsonrobinson.co.nz)>; Karl Carew <[karl.carew@developmentnous.nz](mailto:karl.carew@developmentnous.nz)>  
**Subject:** RE: Springhill Subdivision - no complaints

Thanks Jason,

Just to confirm is the proposed condition is offered as a consent notice condition similar to the approach commonly used in Hastings District, rather than as an actual covenant in favour of the affected parties?

Kind Regards

Phil

 **Philip McKay**  
Associate

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**From:** Jason Kaye <[jason.kaye@developmentnous.nz](mailto:jason.kaye@developmentnous.nz)>  
**Sent:** Thursday, 7 April 2022 4:01 PM  
**To:** Philip McKay <[Philip.McKay@mitchelldaysh.co.nz](mailto:Philip.McKay@mitchelldaysh.co.nz)>  
**Cc:** Matthew Lawson <[mlawson@lawsonrobinson.co.nz](mailto:mlawson@lawsonrobinson.co.nz)>; Karl Carew <[karl.carew@developmentnous.nz](mailto:karl.carew@developmentnous.nz)>  
**Subject:** Springhill Subdivision - no complaints

Dear Phil,

Following receipt of the additional submissions that we had not previously been served a copy of, we have discussed the common reverse sensitivity theme across these. In response to this common submission theme, we now propose that a no complaints covenant in respect of rural activities is imposed on all of the titles created by the subdivision.

I have provided the below wording for this covenant, but we welcome further discussion of any amended form to achieve the desired no complaints outcome.

*This property is located in a productive rural area where agricultural management practices such as agrichemical spraying, use of farm machinery, the operation of bird scarers and other similar activities may occur. Where land use activities in the surrounding area are carried out in accordance with the relevant District Plan, resource consent or existing use rights allowances, the property owner, or their successor in title shall not:*

- *Bring any proceedings for damages, negligence, nuisance, trespass, or interference arising from the use of that land; or*
- *Make nor lodge; nor*
- *Be party to; nor*
- *Finance nor contribute to the cost of;*

*Any application, proceeding or appeal (either pursuant to the Resource Management Act 1991 or otherwise) designed or intended to limit, prohibit or restrict the continuation of the operations of any rural activity on surrounding land, including without limitation any action to require the surrounding landowners/occupiers to modify the rural activities carried out on their land.*

Kind regards

Jason Kaye  
Senior Planner  
Development Nous Limited



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