

Tasman Resource Management Plan

Plan Change 73
Omnibus 2 Amendments

Notified 19 December 2020

Original Submissions

February 2021

**Submitters
on
Plan Change 73
Omnibus 2 Amendments
CONTENTS**

No.	Name	Page #
783	Windle, Philip and Rose	1
872	Neighland Nominees Ltd	2
923	Beaches & Bays (Kaiteriteri) Ltd	5
1046	Johnston, Alexander D	17
3353	Port Tarakohe Ltd	21
3428	Westbrooke, Joanne	34
3757	ASJ Property per Jason Inch	36
4183	Anderson, Nathan & Nicola	38
4184	Batton Developments Ltd	41
4185	Black, Peter & Adrienne	45
4186	Bone, Haydn	48
4187	Briggs, Ann & David	51
4188	D T King & Co. Ltd per Paul Balneaves	55
4189	House Movers Section of NZ Heavy Haulage Assn Inc.	61
4190	Matenga West Ltd per Joan Butts	64
4191	McCliskie, Neil & Sue	72
4192	McLean, Allan	76
4193	Rabbits, Rachele	83
4195	Talley's Ltd	92
4196	Te Ngahere Koura Ltd, DRB Trust (David & Nadine Bott), Kelso Building Ltd	107
4197	Walker, Colin	120
2886	Mapua & Districts Community Assn	122
4203	McKay, Jason & Jo-Anna	126

Pam Meadows

From: Windle Brothers Ltd <rosephilipwindle@gmail.com>
Sent: Sunday, 24 January 2021 2:25 pm
To: Tasmanrmp
Subject: Proposed Plan Change

Was unable to do an online submission through TDC's submission channels so are doing an email

Proposed Plan Change Submission
Change 73: Omnibus 2

73.25 regarding the verge of Motupipi River

As landowners adjacent to Motupipi River we consider this verge should not be planted with any sort of vegetation, eg trees or shrubs. (1)

We consider these verges should be left open to enable flood waters from Bridgers Hollow and the town to escape faster.

We endured the 1983 flood whilst living at 98 Motupipi Street and do have personal knowledge of how the flood waters work in this area.

The faster the flood waters can escape will help save the town and have less silting effect on our dairy farm. We are happy to discuss the matter further with TDC staff.

Yours faithfully,
Philip and Rose Windle

phone (03) 5258126

Submission on a Change to the Tasman Resource Management Plan

CONTENT SHEET			
Sheet No.		of	

Continue on another Content Sheet, if required, and then attach the Cover Sheet to all Content Sheets.

OFFICE USE Submitter Number: **872**

<p>The whole Plan Change (Please tick as applicable)</p> <p><input type="checkbox"/> I support the Plan Change and seek that the Council retains it in its entirety.</p> <p><input checked="" type="checkbox"/> I oppose the Plan Change and seek that the Council deletes it in its entirety.</p> <p><input type="checkbox"/> I support in part specific aspects/provisions of the Plan Change as indicated below.</p> <p><input checked="" type="checkbox"/> I oppose in part specific aspects/provisions of the Plan Change and seek amendments as indicated below.</p>			OFFICE USE: Submission No.								
<p>Parts of the Plan Change (Please list each provision number of the TRMP you wish to submit on, together with its corresponding submission point, as indicated below)</p>											
<p>Plan provision or map number(s): <i>State each specific provision (topic) number as addressed in the Plan Change</i></p>	<p>The aspect of the provisions I support or oppose, together with reasons, are: <i>State the nature of each submission point and indicate whether you:</i></p> <ul style="list-style-type: none"> • support or oppose the provision or wish to have it amended; and • the reasons for your view 	<p>I seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows: <i>For each submission point/provision number, state, specifically, what changes you would like to see.</i></p>									
<p>Example:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; padding: 5px;">17.5.3.1(ca)(iii)</td> <td style="width: 35%; padding: 5px;">I oppose the restriction of ... because ...</td> <td style="width: 45%; padding: 5px;">Delete and replace condition 17.5.3.1(ca)(iii) with:</td> </tr> <tr> <td style="padding: 5px;">73.16</td> <td style="padding: 5px;">I OPPOSE in its entirety because it is premature to indicate possible future roading patterns when the TDC has knowingly (and deliberately) refused for over twenty years (and continues to refuse) to legalise the formed road between the corner of Abel Tasman Drive and Pohara Valley Road and the continuation of Abel Tasman Drive at Limestone Bay; and has permitted two vehicular entrances to be formed onto that formed road in a manner that creates a traffic hazard</td> <td style="padding: 5px;">Delete the Provision 1-3</td> </tr> <tr> <td style="padding: 5px;">73.16</td> <td style="padding: 5px;">I OPPOSE part of the proposed Plan Change namely that part which shows an Indicative Road running through the "old cement works site" to the boundary of Port Tarakohe Limited's property and the Deeds Land between 59 and 75 Pohara Valley Road; without that Indicative Road also being shown as covering the Deeds Land between 75 Pohara Valley Road (to the east) and 59, 65, and 71 Pohara Valley Road (to the west) to connect with Pohara Valley Road</td> <td style="padding: 5px;">Add as "Indicative Road" over the Deeds Land referred to and as shown hatched on the Attachment hereto 4</td> </tr> </table>			17.5.3.1(ca)(iii)	I oppose the restriction of ... because ...	Delete and replace condition 17.5.3.1(ca)(iii) with:	73.16	I OPPOSE in its entirety because it is premature to indicate possible future roading patterns when the TDC has knowingly (and deliberately) refused for over twenty years (and continues to refuse) to legalise the formed road between the corner of Abel Tasman Drive and Pohara Valley Road and the continuation of Abel Tasman Drive at Limestone Bay; and has permitted two vehicular entrances to be formed onto that formed road in a manner that creates a traffic hazard	Delete the Provision 1-3	73.16	I OPPOSE part of the proposed Plan Change namely that part which shows an Indicative Road running through the "old cement works site" to the boundary of Port Tarakohe Limited's property and the Deeds Land between 59 and 75 Pohara Valley Road; without that Indicative Road also being shown as covering the Deeds Land between 75 Pohara Valley Road (to the east) and 59, 65, and 71 Pohara Valley Road (to the west) to connect with Pohara Valley Road	Add as "Indicative Road" over the Deeds Land referred to and as shown hatched on the Attachment hereto 4
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15243 Hobhouse Creative



Te Kaunthera o
te tai o Aorere

Tasman District Council
Email info@tasman.govt.nz
Website www.tasman.govt.nz
24 hour assistance

Richmond
189 Queen Street
Private Bag 4
Richmond 7050
New Zealand
Phone 03 543 8400
Fax 03 543 9524

Murchison
92 Fairfax Street
Murchison 7007
New Zealand
Phone 03 523 1013
Fax 03 523 1012

Motueka
7 Hickmott Place
PO Box 123
Motueka 7143
New Zealand
Phone 03 528 2022
Fax 03 528 9751

Takaka
78 Commercial Street
PO Box 74
Takaka 7142
New Zealand
Phone 03 525 0020
Fax 03 525 9972



Top of the South Maps



Legend

- Property Address
- Property at Subdivision Stage 223
- Property Boundary
- Place Names
- Road Labels
- State Highway



Scale: 1:750 @A4
20 January 2021



SUBMISSION ON A CHANGE TO THE TASMAN RESOURCE MANAGEMENT PLAN (TRMP)

Rec'd
9/2/21
JGM

1.0 SUBMITTER DETAILS

923

Submitter Name: Beaches & Bays (Kaiteriteri) Ltd
P O Box 167
Nelson 7040

Contact Name: Pauline Hadfield
Senior Planner
Davis Ogilvie & Partners Ltd
Phone: 03 546 2234 (DDI)

Address for Service: C/- Davis Ogilvie & Partners Ltd
Level 1, 42 Oxford Street
Richmond 7020
Email: pauline@do.nz

2.0 PLAN CHANGE DETAILS

This submission relates to: **Change 73: Omnibus 2 Amendments**

We do not wish to be heard in respect of this submission.

We support the Plan Change as proposed, and seek amendment as indicated below.

We will not gain any advantage in trade competition through this submission.

3.0 SUBMISSION

Beaches and Bays (Kaiteriteri) Ltd own property at Little Kaiteriteri which is affected by items **73.16, 73.25 and 73.26** in proposed Plan Change 73 regarding **indicative roads, reserve rezoning and site specific provisions, Little Kaiteriteri.**

3.1 Plan Change Topic 73.16

Protection of indicative road and reserves, and updating positioning and existence

We support this change to the Plan and ask that Council accept the changes proposed.

1-3

3.2 Plan Change Topic 73.25

Rezone existing reserve land as Open Space or Recreation

We support this change to the Planning Maps, which includes several areas relating to developments undertaken by Beaches and Bays (Kaiteriteri) Ltd.

4

We also request that Council amend this Change, by adding an additional Open Space zone area that has been vested in Council in conjunction with the most recently approved stages of the Torlesse Headland subdivision development.

5

Please find attached a copy of DP 536838. Lot 51 on this plan was vested in Council as Recreation Reserve in 2020, and covers a portion of the walkway around the Torlesse Headland. Lot 51 DP 536838 is currently zoned partly Residential and partly Rural 2. It is logical that this area, which is now under Council administration, should be included in the current omnibus Plan Change.

3.3 Plan Change Topic 73.26

Site Specific Provisions – Little Kaiteriteri (Talisman Heights)

We support this change to the Plan and ask that Council accept the changes as proposed. We particularly support the clarification that the rule applies only to vegetation within the Coastal Environment Area.

6, 7

4.0 DECISION SOUGHT

We request that Council approve the proposed changes to the TRMP as discussed above, with the additional inclusion of Lot 51 DP 536838 within the reserve zoning amendments under Plan Change Topic 73.25.

Signed:

DAVIS OGILVIE & PARTNERS LTD



PAULINE HADFIELD

Senior Planner

Assoc.NZPI

Enc: DP 536838



Title Plan - DP 536838

Survey Number DP 536838
Surveyor Reference 31461 - Beaches and Bays Stage 7
Surveyor Jamie Andrew Thirkettle
Survey Firm Davis Ogilvie & Partners Ltd (Nelson)
Surveyor Declaration I Jamie Andrew Thirkettle, 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 the Rules for Cadastral Survey 2010, and
 (b) the survey was undertaken by me or under my personal direction.
 Declared on 05 Dec 2019 01:53 PM

Survey Details

Dataset Description Lots 10-13, 16-28, 51, 101, and 201, being a subdivision of Lot 200 DP 521967 and Redefinition of Lot 8 DP 330353.
Status Deposited
Land District Nelson
Submitted Date 05/12/2019
Survey Class Class A
Survey Approval Date 06/12/2019
Deposit Date 26/03/2020

Territorial Authorities

Tasman District

Comprised In

RT 124872
 RT 868419 Ltd

Created Parcels

Parcels	Parcel Intent	Area	RT Reference
Area QA Deposited Plan 536838	Easement		
Lot 10 Deposited Plan 536838	Fee Simple Title	0.0674 Ha	895778
Lot 11 Deposited Plan 536838	Fee Simple Title	0.0679 Ha	895778
Lot 12 Deposited Plan 536838	Fee Simple Title	0.0621 Ha	895778
Lot 13 Deposited Plan 536838	Fee Simple Title	0.1038 Ha	895781
Lot 16 Deposited Plan 536838	Fee Simple Title	0.0724 Ha	895778
Lot 17 Deposited Plan 536838	Fee Simple Title	0.1184 Ha	895786
Lot 18 Deposited Plan 536838	Fee Simple Title	0.1509 Ha	895787
Lot 19 Deposited Plan 536838	Fee Simple Title	0.0902 Ha	895788
Lot 20 Deposited Plan 536838	Fee Simple Title	0.1416 Ha	895789
Lot 21 Deposited Plan 536838	Fee Simple Title	0.0666 Ha	895778
Lot 22 Deposited Plan 536838	Fee Simple Title	0.1381 Ha	895791
Lot 23 Deposited Plan 536838	Fee Simple Title	0.1680 Ha	895778
Lot 24 Deposited Plan 536838	Fee Simple Title	0.0735 Ha	895778
Lot 25 Deposited Plan 536838	Fee Simple Title	0.0735 Ha	895794
Lot 26 Deposited Plan 536838	Fee Simple Title	0.1420 Ha	895778
Lot 27 Deposited Plan 536838	Fee Simple Title	0.0701 Ha	895778
Lot 28 Deposited Plan 536838	Fee Simple Title	0.0797 Ha	895797



Title Plan - DP 536838

Created Parcels

Parcels	Parcel Intent	Area	RT Reference
Lot 51 Deposited Plan 536838	Vesting on Deposit for Recreation Reserve (Territorial Authority)	0.1504 Ha	895798
Lot 201 Deposited Plan 536838	Road	0.1751 Ha	
Area B Deposited Plan 536838	Fee Simple Title	18.0888 Ha	895799
Area BC Deposited Plan 536838	Easement		
Area BD Deposited Plan 536838	Easement		
Area BE Deposited Plan 536838	Easement		
Area C Deposited Plan 536838	Easement		
Area CA Deposited Plan 536838	Easement		
Area CB Deposited Plan 536838	Easement		
Area CC Deposited Plan 536838	Easement		
Area CD Deposited Plan 536838	Easement		
Area GA Deposited Plan 536838	Easement		
Area GB Deposited Plan 536838	Easement		
Area GC Deposited Plan 536838	Easement		
Area GD Deposited Plan 536838	Easement		
Area H Deposited Plan 536838	Easement		
Area I Deposited Plan 536838	Easement		
Area JA Deposited Plan 536838	Easement		
Area JB Deposited Plan 536838	Easement		
Area KA Deposited Plan 536838	Easement		
Area KB Deposited Plan 536838	Easement		
Area KC Deposited Plan 536838	Easement		
Area KD Deposited Plan 536838	Easement		
Area L Deposited Plan 536838	Easement		
Area M Deposited Plan 536838	Easement		
Area OA Deposited Plan 536838	Easement		
Area OB Deposited Plan 536838	Easement		
Area P Deposited Plan 536838	Easement		
Area Q Deposited Plan 536838	Easement		
Area R Deposited Plan 536838	Easement		
Area PA Deposited Plan 536838	Easement		
Area PB Deposited Plan 536838	Easement		
Total Area		20.1005 Ha	

Schedule / Memorandum

Land Registration District

Nelson

Survey Number

LT 536838

Territorial Authority (the Council)

Tasman District

Memorandum of Easements

Last Edited: 13 Jun 2019 10:45:54

<u>Purpose</u>	<u>Shown</u>	<u>Servient Tenement (Burdened Land)</u>	<u>Dominant Tenement (Benefited Land)</u>
Right of way, right to convey water, right to convey electricity and telecommunications	B	Lot 20	Lot 18, Lot 19, Lot 22
Right to convey telecommunications	B	Lot 20	Lot 21
	C	Lot 22	Lot 21
Right to drain sewage	BD	Lot 20	Lot 18, Lot 19, Lot 21, Lot 22
Right to drain sewage, water	C	Lot 22	Lot 18, Lot 19, Lot 20, Lot 21
Right to drain water	OA	Lot 20	Lot 18, Lot 19, Lot 21, Lot 22
Right to drain sewage, water	B	Lot 20	Lot 18, Lot 19, Lot 21

Memorandum of Easements in Gross

Last Edited: 30 Aug 2019 11:03:51

<u>Purpose</u>	<u>Shown</u>	<u>Servient Tenement (Burdened Land)</u>	<u>Grantee</u>
Right to drain water	PA	Lot 11	Tasman District Council
	PB	Lot 12	Tasman District Council
Pedestrian Right of Way	QA	Lot 201	Tasman District Council

Schedule of Easements

Last Edited: 30 Aug 2019 11:33:51

<u>Purpose</u>	<u>Shown</u>	<u>Servient Tenement (Burdened Land)</u>	<u>Dominant Tenement (Benefited Land)</u>
Right to drain sewage, water	R	Lot 26	Lot 27
Pedestrian Right of Way	B	Lot 20	Lot 10, Lot 11, Lot 12, Lot 13, Lot 16, Lot 17, Lot 21, Lot 23, Lot 24, Lot 25, Lot 26, Lot 27, Lot 28
	C	Lot 22	Lot 10, Lot 11, Lot 12, Lot 13, Lot 16, Lot 17, Lot 18, Lot 19, Lot 20, Lot 21, Lot 23, Lot 24, Lot 25, Lot 26, Lot 27, Lot 28

Schedule of Existing Easements

Last Edited: 13 Jun 2019 09:20:57

<u>Purpose</u>	<u>Shown</u>	<u>Servient Tenement (Burdened Land)</u>	<u>Creating Document Reference</u>
Right of Way	M	Lot 201	TE 93897
	M	Lot 201	TE 116440
	M	Lot 201	TE 132979

Schedule / Memorandum

Land Registration District

Nelson

Survey Number

LT 536838

Territorial Authority (the Council)

Tasman District**Schedule of Existing Easements in Gross**

Last Edited: 13 Jun 2019 09:41:17

<u>Purpose</u>	<u>Shown</u>	<u>Servient Tenement (Burdened Land)</u>	<u>Creating Document Reference</u>
Right to drain water and sewage	GA, GB, GC, GD, I	Lot 201	EI 7442964.9
Right to drain water	P	Lot 11	EI 7442964.9
Right to drain sewage	H, JA, JB, L	Lot 201	EI 7442964.9
Right of way, right to convey water, electricity and telecommunications and to drain water and sewage	B	Lot 20	EI 11291456.5
	C	Lot 22	EI 11291456.5
	BC, GB, KB	Lot 201	EI 11291456.5
Right to drain sewage and to convey water, electricity and telecommunications	BD	Lot 20	EI 11291456.5
	BE, GC	Lot 201	EI 11291456.5
Right to drain sewage	CA, CB, CC, CD, KC	Lot 201	EI 11291456.5
Right to drain water	GD, JA, KA, KC, KD, OB	Lot 201	EI 11291456.5
	OA	Lot 20	EI 11291456.5

Schedule of Existing Easements to be Surrendered

Last Edited: 13 Jun 2019 09:43:33

<u>Purpose</u>	<u>Shown</u>	<u>Servient Tenement (Burdened Land)</u>	<u>Creating Document Reference</u>
Right of way, right to convey water and to drain water and sewage	BA DP 521967	Lot 101	EI 11291456.5
Right to convey telecommunications	BA DP 521967	Lot 101	EI 11291456.6
Right to convey electricity and telecommunications	BA DP 521967	Lot 101	EI 11291456.7

Notes

Last Edited: 13 Jun 2019 10:47:46

Underlying Lot 200 DP 521697 is subject to existing consent notices 6255803.4 and 7442964.7

Notes

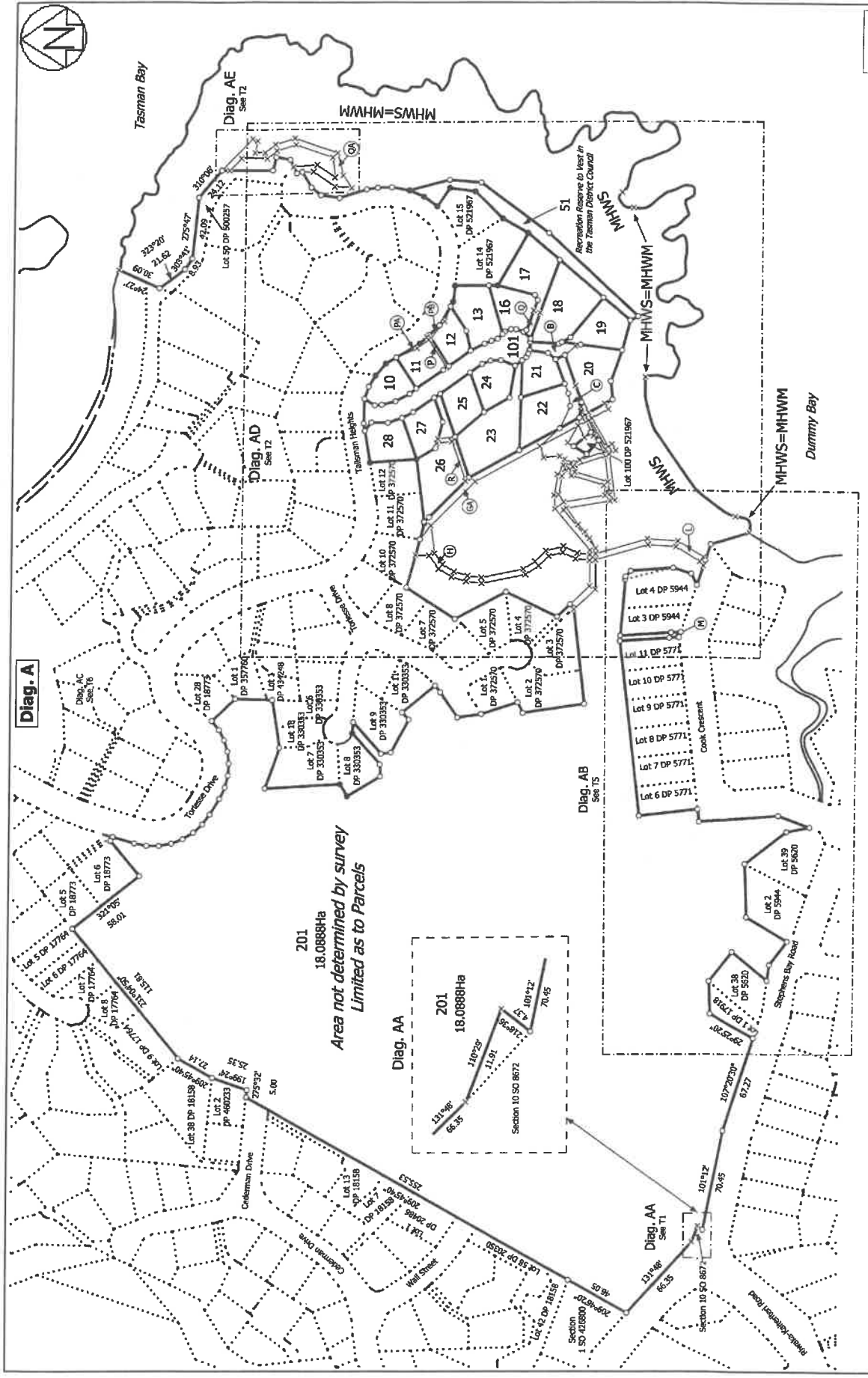
Last Edited: 04 Jul 2019 14:07:24

No rights have been assigned to Area Q DP 536838. This area may be used for a future easement.

Notes

Last Edited: 04 Jul 2019 14:08:06

Area R has private drainage right to enable future sewer / stormwater connections, if required. No pipes exist at time of survey.



T 1/6

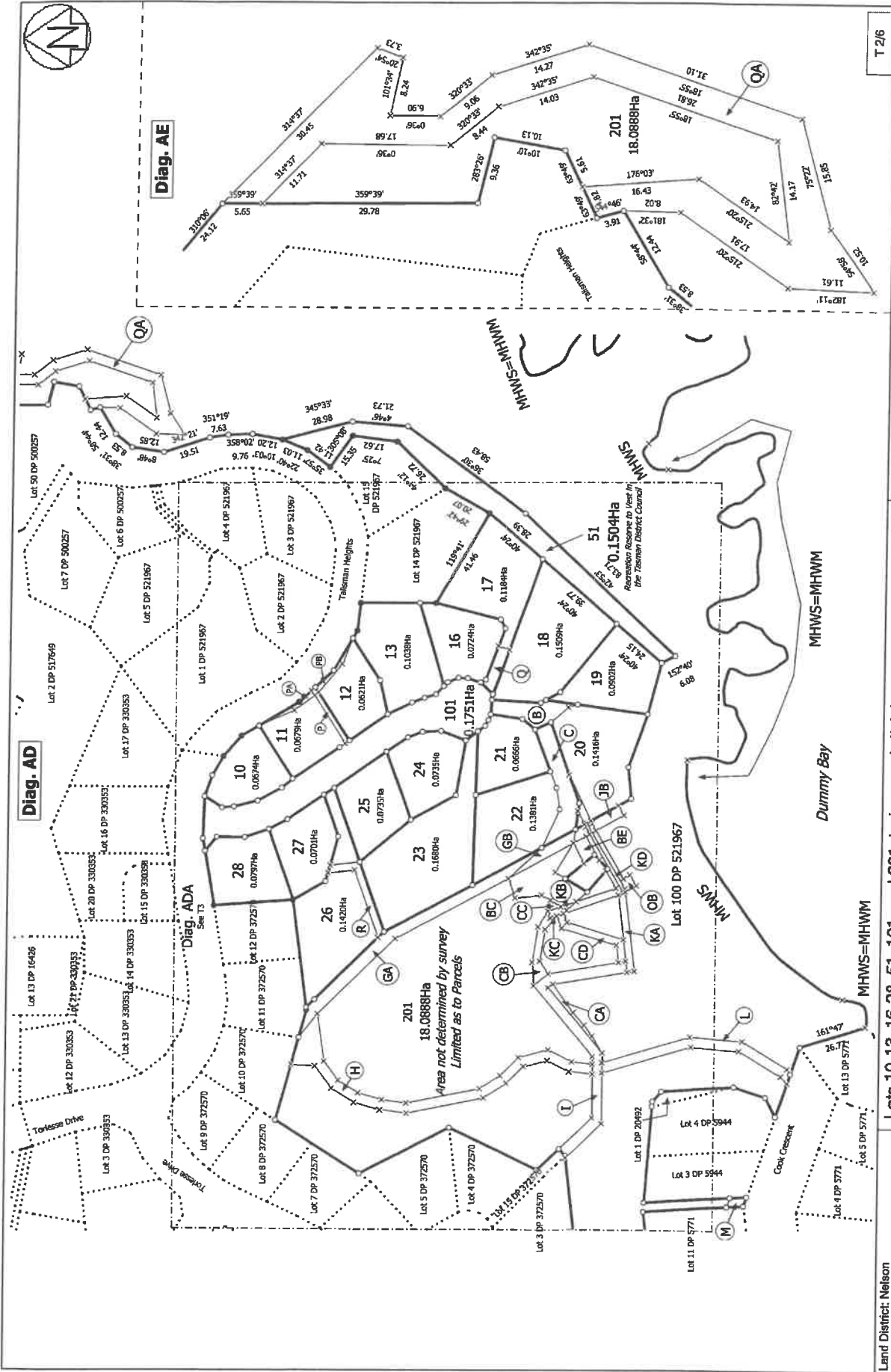
Land District: Nelson

Digitally Generated Plan
Generated on: 17/04/2020 3:41pm Page 5 of 10

Diag. AA
Diag. AB
Diag. AD
Diag. AE

Surveyor: Jamie Andrew Thirkettle
Firm: Davis Ogilvie & Partners Ltd (Nelson)
Title Plan
DP 536838
Deposited on: 26/03/2020

Lots 10-13, 16-28, 51, 101, and 201, being a subdivision of Lot 200 DP 521967 and Redefinition of Lot 8 DP 330353.



T 2/6

Title Plan
DP 536838

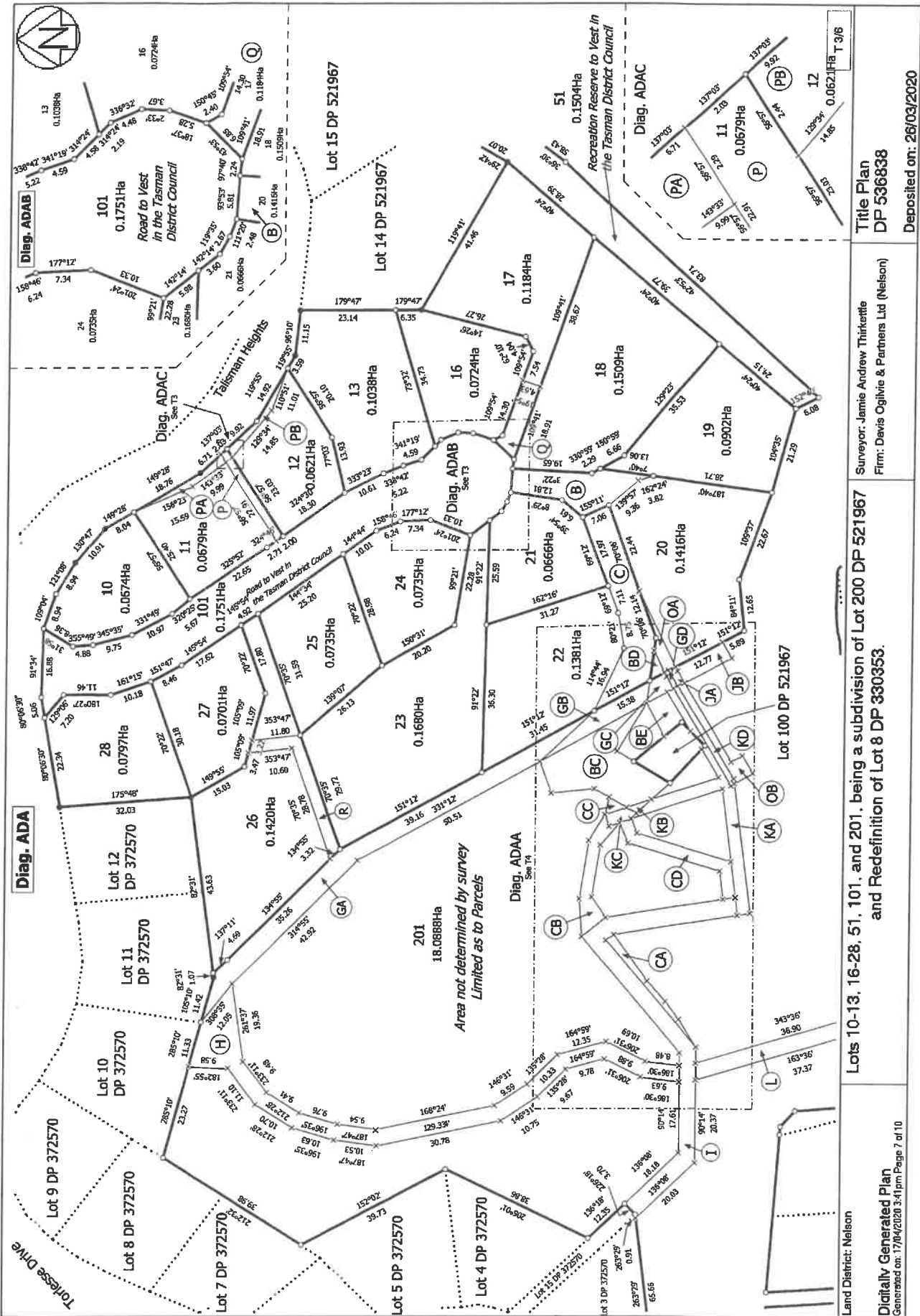
Surveyor: Jamie Andrew Thinkkelle
Firm: Davis Ogilvie & Partners Ltd (Nelson)

Lots 10-13, 16-28, 51, 101, and 201, being a subdivision of Lot 200 DP 521967 and Redefinition of Lot 8 DP 330353.

Deposited on: 26/03/2020

Land District: Nelson

Digitally Generated Plan
Generated on: 17/04/2020 3:41pm Page 6 of 10

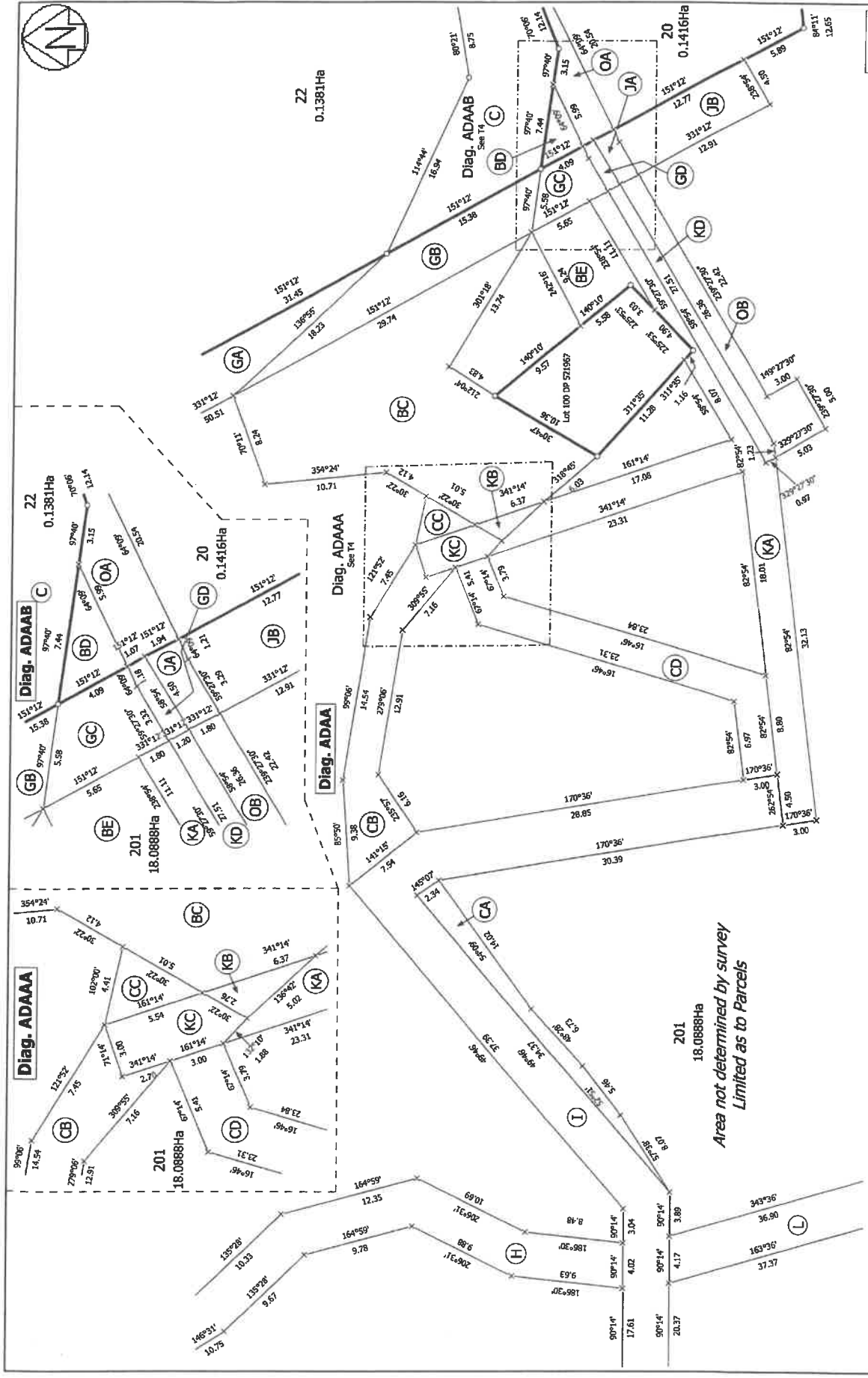


Land District: Nelson
 Digitally Generated Plan
 Generated on: 17/04/2020 3:41pm Page 7 of 10

Surveys: Jamie Andrew Thirkettle
 Firm: Davis Ogilvie & Partners Ltd (Nelson)

Lots 10-13, 16-28, 51, 101, and 201, being a subdivision of Lot 200 DP 521967 and Redefinition of Lot 8 DP 330353.

**Title Plan
 DP 536838**
 Deposited on: 26/03/2020



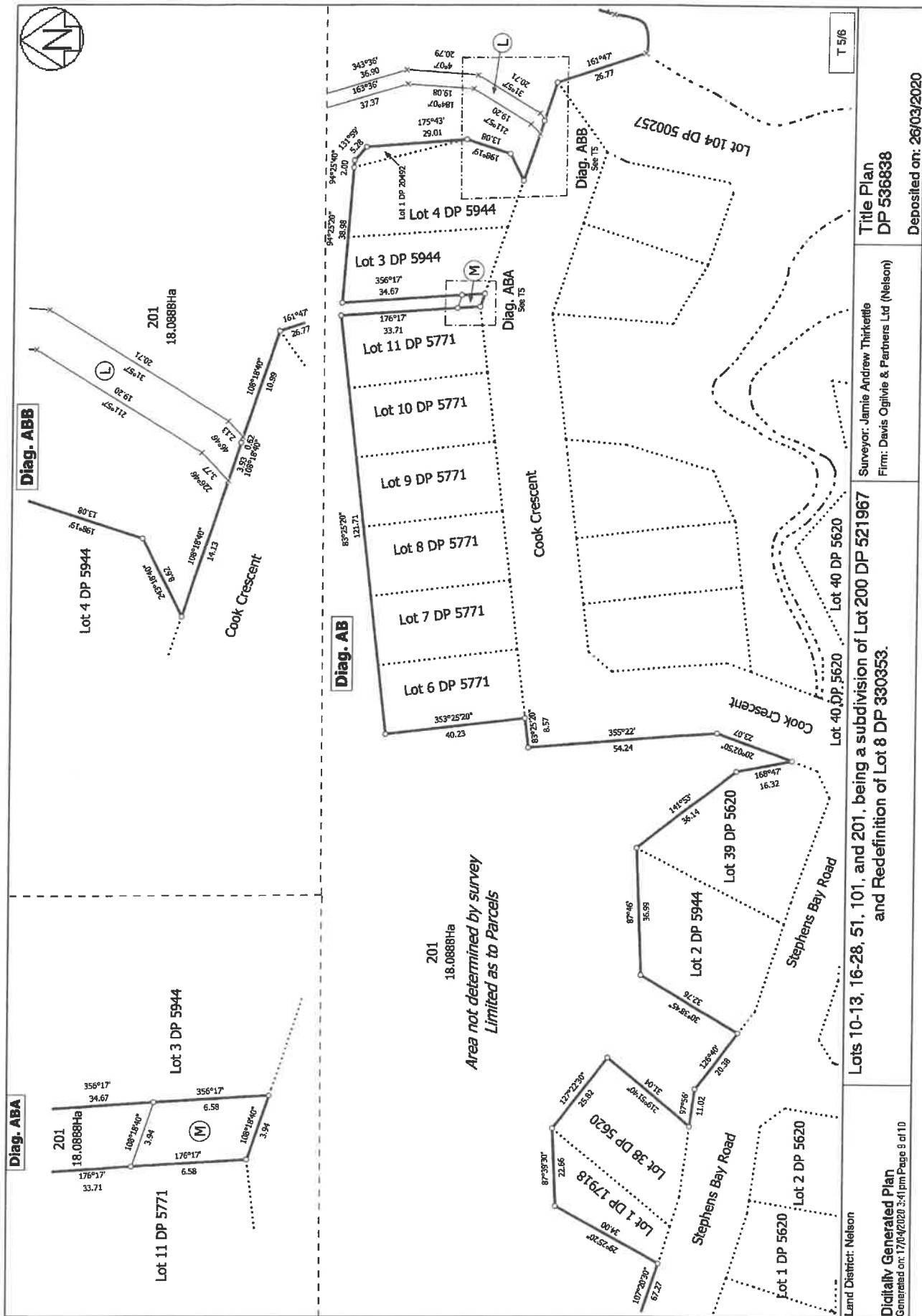
T 4/6

Surveyor: Jamie Andrew Thirkettle
 Firm: Davis Ogilvie & Partners Ltd (Nelson)

Title Plan
 DP 536838

Lots 10-13, 16-28, 51, 101, and 201, being a subdivision of Lot 200 DP 521967
 and Redefinition of Lot 8 DP 330353.

Land District: Nelson
 Digitally Generated Plan
 Generated on: 17/04/2020 3:41 pm Page 6 of 10



T 5/6

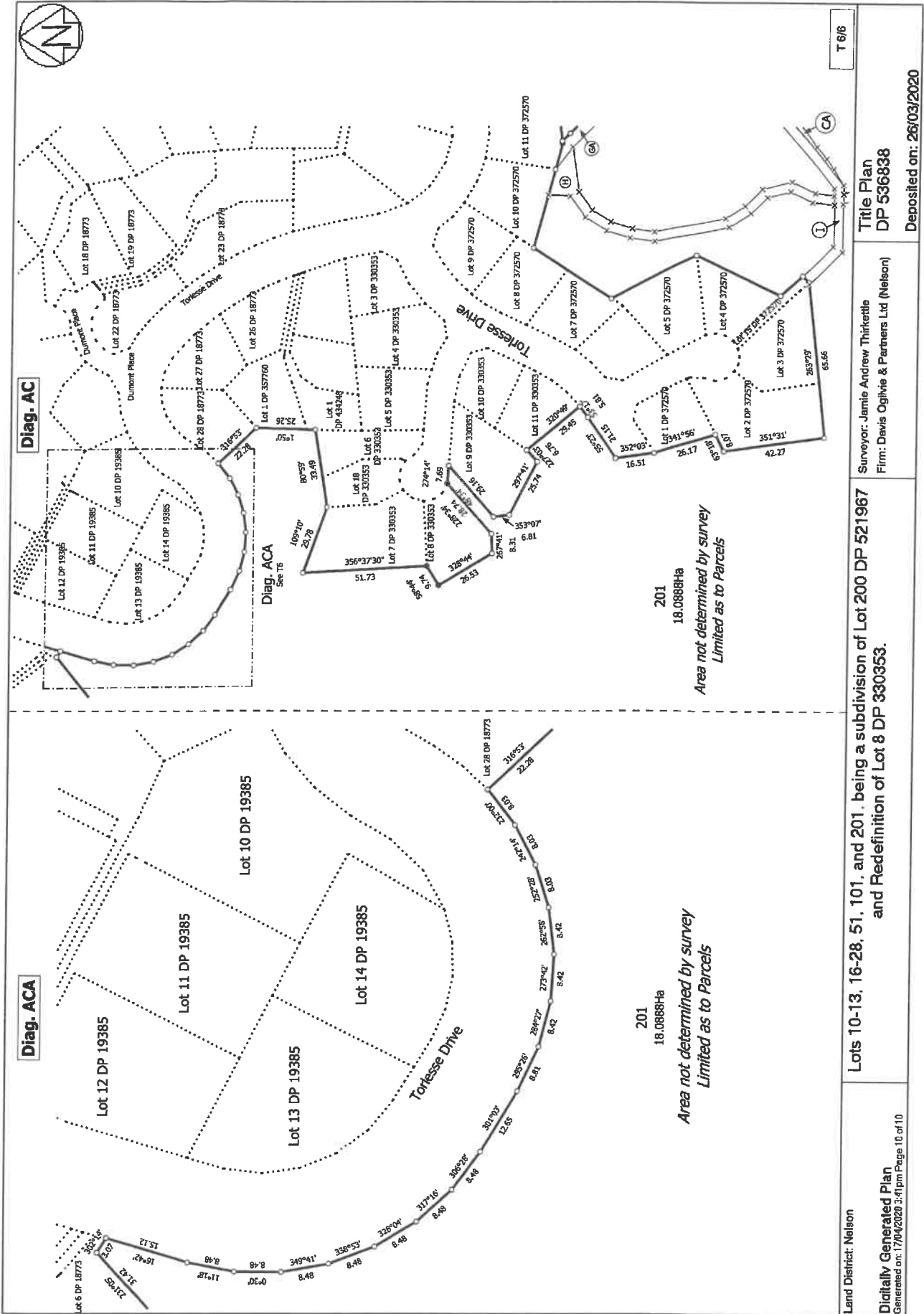
Surveyor: Jamie Andrew Thirkettle
Firm: Davis Ogilvie & Partners Ltd (Nelison)

Title Plan
DP 536838

Deposited on: 26/03/2020

Land District: Nelison

Digitally Generated Plan
Generated on: 17/04/2020 3:41 pm Page 9 of 10



Land District: Nelson

Digitally Generated Plan
 Generated on: 17/04/2020 3:41pm Page 10 of 10

Lots 10-13, 16-28, 51, 101, and 201, being a subdivision of Lot 200 DP 521967 and Redefinition of Lot 8 DP 330353.

Surveyor: Jamie Andrew Thirkettle
 Firm: Davis Ogilvie & Partners Ltd (Nelson)

Title Plan
 DP 536838

Deposited on: 28/03/2020

T 6/6

Submission on a Change to the Tasman Resource Management Plan (TRMP)

Return your submission by the advertised closing date to:

Environmental Policy
Tasman District Council
Private Bag 4, Richmond 7050 OR
189 Queen Street, Richmond OR
Fax 03 543 9524 OR
Email: tasmanrmp@tasman.govt.nz

OFFICE USE

Date received stamp:

9/2/21

Initials:

ADJ

Submitter No.

1046

Note:

1. This form is only for the purpose of making a submission on the Plan. It is NOT for making a further submission (i.e. in support or opposition to an original submission) or for making a submission on a resource consent or on Council's Annual Plan.
2. It is not mandatory to use either the cover or content sheet of this form, however your submission must be in writing and provide the necessary information as indicated on the form, e.g., what is supported or opposed, the reason why and the decision sought, contact details, etc.
3. Council cannot accept a submission that does not clearly indicate what a submitter wishes Council to do (i.e. Council makes a decision to refuse, amend or accept the changes). Please include specific recommendations if amendments are sought. Council also cannot accept a submission that does not relate specifically to the Plan Change. In these cases, the submission may be considered 'Out of Scope' and may not be considered further.

Submitter Name:

Alexander David Johnston

(organisation/individual)

Representative/Contact:

(if different from above)

Postal Address:

28 Collins Rd.
Hope,
Richmond.

Phone:

03 544 6378

Fax:

03 544 6378

Email:

alex.lynn@ts.co.nz

Date:

5/2/2021

Postal address for service of person making submission:

(if different from above)

Total number of pages submitted (including this page):

Signed:

A. D. Johnston

Signature of submitter (or person authorised to sign on behalf of submitter). NOTE: A signature is not required if you make your submission by electronic means.

IMPORTANT – Please state:

This submission relates to Change No.:

73.16

Change Title/Subject:

Indicative Roads

I/we wish to be heard in support of my/our submission.

I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Could you gain an advantage in trade competition through this submission? (tick one) Yes No

If 'Yes' are you directly affected by an effect of the subject matter of this submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition?

(tick one) Yes No

Remember: Attach this Cover Sheet to as many Content Sheets as required.

05/19

Submission on a Change to the Tasman Resource Management Plan

CONTENT SHEET

Continue on another Content Sheet, if required, and then attach the Cover Sheet to all Content Sheets.

Sheet No. 1 of 3

OFFICE USE Submitter Number: 1046

The **whole** Plan Change (Please tick as applicable)

- I **support** the Plan Change and seek that the Council **retains** it in its entirety.
- I **oppose** the Plan Change and seek that the Council **deletes** it in its entirety.
- I **support in part** specific aspects/provisions of the Plan Change **as indicated below**.
- I **oppose in part** specific aspects/provisions of the Plan Change **and seek amendments as indicated below**.

OFFICE USE: Submission No.

Parts of the Plan Change (Please list each provision number of the TRMP you wish to submit on, together with its corresponding submission point, as indicated below)

Plan provision or map number(s): <i>State each specific provision (topic) number as addressed in the Plan Change</i>	The aspect of the provisions I support or oppose, together with reasons, are: <i>State the nature of each submission point and indicate whether you:</i> • support or oppose the provision or wish to have it amended; and • the reasons for your view	I seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows: <i>For each submission point/provision number, state, specifically, what changes you would like to see.</i>
---	---	--

Example:

17.5.3.1(ca)(iii)	I oppose the restriction of ... because ...	Delete and replace condition 17.5.3.1(ca)(iii) with:
-------------------	---	--

<p>16.3A</p>	<p>I oppose in part the indicative road proposed to run through my property and especially the location of the extension southwards onto land owned by Holer Industries.</p> <p>Please refer to Contents Sheets 2 and 3 for further details.</p>	<p>I seek the Council amends the specific Plan Change relating to the proposed indicative road through my property at 28 Collins Rd as outlined on the attached 2 Content Sheets.</p>
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CHANGE TO THE TASMAN RESOURCE MANAGEMENT PLAN

Change No. – 73.16 Indicative Roads

1046

This submission relates to the proposed extension of Collins Road around half of my property's the boundary at 28 Collins Road plus an addition southwards off this indicative road.

Specifically, this planned indicative road runs from the end of the existing Collins Road along my northwest boundary to meet a proposed storm water drain at my south west corner. It then follows this proposed drain along my southwest boundary for approximately 220metres where it progresses onto my neighbour's property and back to Bateup Road – thus it is a ring road. When this indicative road first appeared about fifteen years ago there was no indication that Richmond's development would proceed southwards beyond the properties just south of Bateup Road zoned Deferred Residential.

The proposed 220 metre section of indicative road along my southwest boundary together with the proposed stormwater drain reduces my available land by some thirty percent thus making sub-division marginally economic.

The map attached to this planned change now shows a small additional indicative road (coloured blue) southwards off the proposed indicative ring road. I have recently been advised by TDC staff that this indicative road is to cater for the future sub-division of the land south to Whites Road. When I asked why it was halfway along my boundary I was informed that this was the lowest point and therefore best for drainage. **This is incorrect as the Reid/Andrews drain runs northwest from this point which means my southwest corner is actually lower.**

By extending the indicative Collins Road onto Holler Industries land from my southwest corner would optimise drainage and enable the 220 metre section along my southwest boundary to be deleted hence making more land available for sub-division. Refer to attached map.

I therefore request that the Council –

- (i) Delete the approximately 220metres of indicative road running along my southwest boundary.(refer to attached plan)**
- (ii)Shift the small blue proposed indicative road to my southwest corner where it would cross the proposed storm water drain and head south to Whites Road (refer to attached plan).**

①

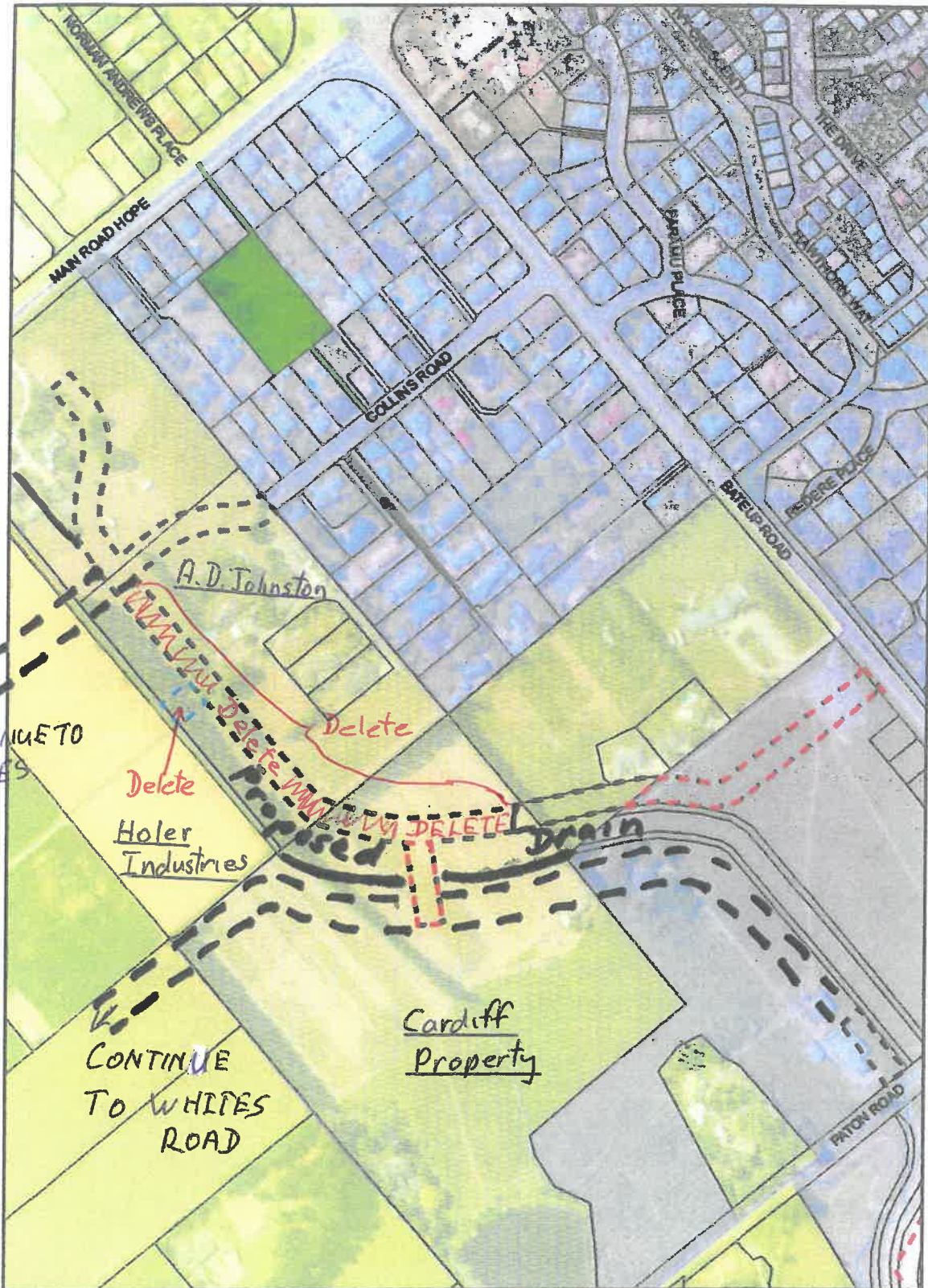
Adjoining Cardiff Property

I note that the short indicative road on the neighbouring Cardiff property is to be deleted (which means that the section of the proposed ring road is no longer necessary for sub-division and should also be deleted). Therefore, sub-division of the majority of the Cardiff land will require an extension of the short proposed indicative road off Paton Road. This should continue beyond the Cardiff property to Whites Road (refer to attached plan).

Yours faithfully – Alex Johnston for the A.D. & J.I. Johnston Family Trust.

A. Johnston 5/2/2021

1046



CONTINUE TO
WHITES
ROAD

CONTINUE
TO WHITES
ROAD

AREAS
Update Map
Date
Maps affected: 0, 0

Legend

 Add Indicative Road
 Delete Indicative Road
 Indicative Roads

TASMAN RESOURCE MANAGEMENT PLAN
Current Indicative Road



Collins Road

Sourced from Land Information New Zealand data.
Data Copyright reserved. Original issue date is 12

Indicative Road To Be Deleted
 New Indicative Road Extensions



COVER SHEET

Submission on a Change to the Tasman Resource Management Plan (TRMP)

Return your submission by the advertised closing date to:
Environmental Policy
Tasman District Council
Private Bag 4, Richmond 7050 OR
189 Queen Street, Richmond OR
Fax 03 543 9524 OR
Email: tasmanrmp@tasman.govt.nz

OFFICE USE

Date received stamp:

Note:

1. This form is only for the purpose of making a submission on the Plan. It is NOT for making a further submission (i.e. in support or opposition to an original submission) or for making a submission on a resource consent or on Council's Annual Plan.
2. It is not mandatory to use either the cover or content sheet of this form, however your submission must be in writing and provide the necessary information as indicated on the form, e.g., what is supported or opposed, the reason why and the decision sought, contact details, etc.
3. Council cannot accept a submission that does not clearly indicate what a submitter wishes Council to do (i.e. Council makes a decision to refuse, amend or accept the changes). Please include specific recommendations if amendments are sought. Council also cannot accept a submission that does not relate specifically to the Plan Change. In these cases, the submission may be considered 'Out of Scope' and may not be considered further.

Initials:

Submitter No. 3353

Submitter Name: Port Tarakohe Limited
(organisation/individual)

Representative/Contact: Joan Butts (Director)
(if different from above)

Postal Address:

517 Abel Tasman Drive
RD1 Takaka
7183

Phone: (03) 525 9140 or 0276673010

Fax:

Email: joanbutts@port-tarakohe.co.nz

Date: 9 February 2021

Total number of pages submitted (including this page): 13

Postal address for service of person making submission:
(if different from above)

Signed:

Signature of submitter (or person authorised to sign on behalf of submitter). NOTE: A signature is not required if you make your submission by electronic means.

IMPORTANT – Please state:

This submission relates to Change No.: 73

Change Title/Subject: Proposed Plan Change 73 - Omnibus 2 Amendments

I/we wish to be heard in support of my/our submission.

I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Could you gain an advantage in trade competition through this submission? (tick one) Yes No

If 'Yes' are you directly affected by an effect of the subject matter of this submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition?

(tick one) Yes No

Remember: Attach this Cover Sheet to as many Content Sheets as required.

05/19

021 PL 1/2

Submission on a Change to the Tasman Resource Management Plan

CONTENT SHEET

Continue on another Content Sheet, if required, and then attach the Cover Sheet to all Content Sheets.

Sheet No.	2	of	13
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OFFICE USE Submitter Number: **3353**

The whole Plan Change (Please tick as applicable)

- I **support** the Plan Change and seek that the Council **retains** it in its entirety.
- I **oppose** the Plan Change and seek that the Council **deletes** it in its entirety.
- I **support in part** specific aspects/provisions of the Plan Change **as indicated below**.
- I **oppose in part** specific aspects/provisions of the Plan Change **and seek amendments as indicated below**.

Parts of the Plan Change (Please list each provision number of the TRMP you wish to submit on, together with its corresponding submission point, as indicated below)

Plan provision or map number(s): <i>State each specific provision (topic) number as addressed in the Plan Change</i>	The aspect of the provisions I support or oppose, together with reasons, are: <i>State the nature of each submission point and indicate whether you:</i> • support or oppose the provision or wish to have it amended; and • the reasons for your view	I seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows: <i>For each submission point/provision number, state, specifically, what changes you would like to see.</i>	OFFICE USE: Submission No.
Example:			
17.5.3.1(ca)(iii)	I oppose the restriction of ... because ...	Delete and replace condition 17.5.3.1(ca)(iii) with:	
Plan Change Topic 73.16 - Planning Map Amendment to Map 77 - Indicative road	Oppose the current positioning of indicative roads through the Tarakohe Industrial Estate (Map 77 of TRMP). These need to be repositioned and removed in places to align with the current roading pattern and restrictions due to site topography.	Reposition the indicative road in the Tarakohe gully as shown on Attachment 2.	1-3
Planning Map Amendment to Map 77 - Indicative walkway	Oppose the inclusion of the indicative walkway through the Tarakohe Industrial Estate (Map 77 of TRMP). The walkway needs to be removed entirely due to unsuitable site topography and health & safety issues associated with Industrial zoning and an operating quarry in a Rural 2 zone.	Delete the indicative walkway as shown on Attachment 6.	4
Industrial Zone Rule 17.4.3.1(ka)	Oppose 10 metre setback from indicative road. Flat Industrial land at Tarakohe is scarce and a 10 metre setback from an indicative road renders large areas of Industrial land subject to a restricted discretionary consent process. This could lead to expensive new build consent applications that would otherwise have been relatively permissive without the rule change. The decision-making process may also have a high degree of uncertainty leading to more costs and the possibility of notified consents. Landowners should not be penalised for any incorrect positioning of indicative roads and Council's lack of planning for the area via a piecemeal resource consent process. Roding corridors need to be positioned correctly to begin with. PTL proposes a 5 metre setback from any indicative road through Industrial zoned land.	Replace Rule 17.4.3.1(ka) with: "The building is not located within, or within 10 metres of, any indicative road or indicative reserve, except for the Light Industrial Zone where buildings are set back at least 5 metres from indicative roads and indicative reserves..."	5
Expand and amend indicative road Planning Map 77	Map used for consultation does not include all indicative roads on Tarakohe land affected by rule change.		



Tasman District Council
 Email info@tasman.govt.nz
 Website www.tasman.govt.nz
 24 hour assistance

Richmond
 189 Queen Street
 Private Bag 4
 Richmond 7050
 New Zealand
 Phone 03 543 8400
 Fax 03 543 9524

Murchison
 92 Fairfax Street
 Murchison 7007
 New Zealand
 Phone 03 523 1013
 Fax 03 523 1012

Motueka
 7 Hickmott Place
 PO Box 123
 Motueka 7143
 New Zealand
 Phone 03 528 2022
 Fax 03 528 9751

Takaka
 78 Commercial Street
 PO Box 74
 Takaka 7142
 New Zealand
 Phone 03 525 0020
 Fax 03 525 9972

Port Tarakohe Limited – Submission on Proposed Plan Change 73 – Omnibus 2 Amendments

1) Planning map amendments to Map 77 of the TRMP – Indicative Roads

Proposed Plan Change 73 (PC73) – Topic 73.16 proposes to amend Planning Map 77 of the TRMP to add, delete or realign several indicative roads through the Pohara/Tarakohe area.

Port Tarakohe Limited (PTL) opposes the current positioning of indicative roads through the Tarakohe Industrial Estate. PTL proposes to amend Planning Map 77 (**Attachment 1**) to better reflect the actual positioning of existing roads through the site and remove one portion of the indicative road due to site topography.

The proposed position of the road through the Tarakohe Industrial Estate has been adjusted to follow the existing road as closely as possible (see **Attachment 2**). This road has been in use for the past 70 years. PTL notes that the junction at Abel Tasman Drive through the Talley's site is a real problem. The main issue is large truck and trailer units entering and exiting the Port to the adjacent industrial land safely due to sight lines etc. As can be seen in the attachment, PTL has left a question mark around this area and sees it as a Council problem to solve.

Another portion of the indicative road is proposed to be removed entirely (see **Attachment 2**). This indicative road though the current back quarry at Tarakohe was drawn from a proposed residential subdivision concept plan created when the Golden Bay Cement Company put the land up for sale (see **Attachment 3**). It was a concept plan only and has no connection with the realities of the site topography. At one point the road drops approximately 8-10 metres into the quarry floor (see **Attachment 4**). This road serves no purpose and should be deleted.

2) Planning map amendments to Map 77 of the TRMP – Indicative Walkway

PTL notes there is an indicative walkway on Map 77 traversing the Tarakohe Industrial Estate from north to south.

An indicative walkway was proposed over the Tarakohe Industrial Estate when the TDC policy planners, at the time, incorrectly surmised that when the Golden Bay Cement Works closed the existing quarry would close and the Tarakohe cliffs would also be surrendered into a large reserve and possibly public gardens. A small area of Light Industrial zoned land remained to service TDC's Port. The original Industrial Zone area was much larger but portions were changed to Open Space and Rural 2 zoning while the land continued to operate as a quarry.

Attached are three aerial photos showing the approximate location of the indicative walkway through the Tarakohe Quarry and Industrial Estate (see **Attachment 5**). Obviously, the walkway was never ground truthed – a desktop line on a map. There are several bluffs where the indicative walkway is currently located, not to mention the path traversing an operational quarry and industrial area.

For 20 years, TDC policy planners have assured PTL that this indicative walkway would be removed from the TRMP planning maps, but this never eventuated. It should never have taken this long to remedy an obvious error.

PTL proposes that this walkway is removed in its entirety through this site due to unsuitable site topography and health and safety issues associated with a walkway through a quarry and industrial area (see Attachment 6).

3) Industrial Zone Rule 17.4.3.1(ka) – Setback from Indicative Road

PTL opposes proposed Rule 17.4.3.1(ka) which reads as follows:

“The building is not located within, or within 10 metres of, any indicative road or indicative reserve, except for the Light Industrial Zone where buildings are set back at least 10 metres from indicative roads and 5 metres from indicative reserves...”

Instead, PTL proposes the Rule 17.4.3.1(ka) reads as follows:

“The building is not located within, or within 10 metres of, any indicative road or indicative reserve, except for the Light Industrial Zone where buildings are set back at least 5 metres from indicative roads and indicative reserves...”

PTL has a major problem with the 10-metre setback both sides of the 20-metre indicative road as it renders large areas of scarce industrial land subject to a restricted discretionary resource consent process. It seems Council are trying to resolve a strategic planning issue with the roading network in the Pohara/Tarakohe/Ligar Bay area via a piecemeal resource consent process. How this will work in practice is dubious. It could result in expensive new build consent applications on industrial land that would otherwise have been relatively permissive without the rule change. There may also be a large degree of uncertainty with the decision-making process leading to more costs and the possibility of notified consents. Landowners should not be penalised for the incorrect positioning of indicative roads and Council's lack of planning for the area. PTL proposes that through Industrial zoned land, setbacks from the indicative roading corridor should be 5 metres. The TDC cannot defend a 10m setback either side of a 20 metre indicative road when the current indicative roading maps through Tarakohe are so inaccurate and the land may not be subdivided.

4) General Comments

PTL understands, in part, why Council is seeking to introduce the proposed changes to the TRMP regarding indicative roads. If they are being used to plan future and **logical** roading routes, then obviously there needs to be a mechanism to protect those routes. The TRMP refers to the need for a comprehensive roading pattern between Pohara and Ligar Bay several times in Section 6.11 (Takaka-Eastern Golden Bay).

However, over the past 20 years, PTL has continually advised Council that a strategic plan was needed for the Pohara/Tarakohe/Ligar Bay area. One of the reasons for a strategic plan was to resolve roading issues, in particular the lack of an alternative route due to increasing traffic volume from the growing aquaculture industry and the proliferation of subdivisions and housing in the area. Council has been aware of this problem for some time but chose to ignore PTL's cautioning.

It now appears that rather than carry out an integrated plan for the area, Council would prefer to add a new restricted discretionary consent process to existing indicative roads as a way of solving the roading problem. The issue with this is that many of the indicative roads are often in completely inadequate positions which unfairly penalises and burdens the landowner for Council's lack of

planning. Tarakohe is an excellent example of this where it appears the indicative road was based on a **concept** subdivision plan with no correlation to the realities of the site! Is this the roading investigation the TRMP refers to under Section 6.11.30?

“Coherent growth of the Pohara/Tarakohe/Ligar Bay area depends on improvements to the local roading network, to provide an alternative link between Pohara and Ligar Bay. An investigation has identified appropriate corridors that will lead to an integrated roading pattern with minimal adverse effects on the environment.”

If this is the case, serious questions need to be asked. If not, where is the roading investigation mentioned in the TRMP? Applying a set of rules to an indicative roading pattern in the incorrect place via individual resource consents may lead to ad-hoc development of a roading network that needs to be looked at in its entirety, rather than a piecemeal process.

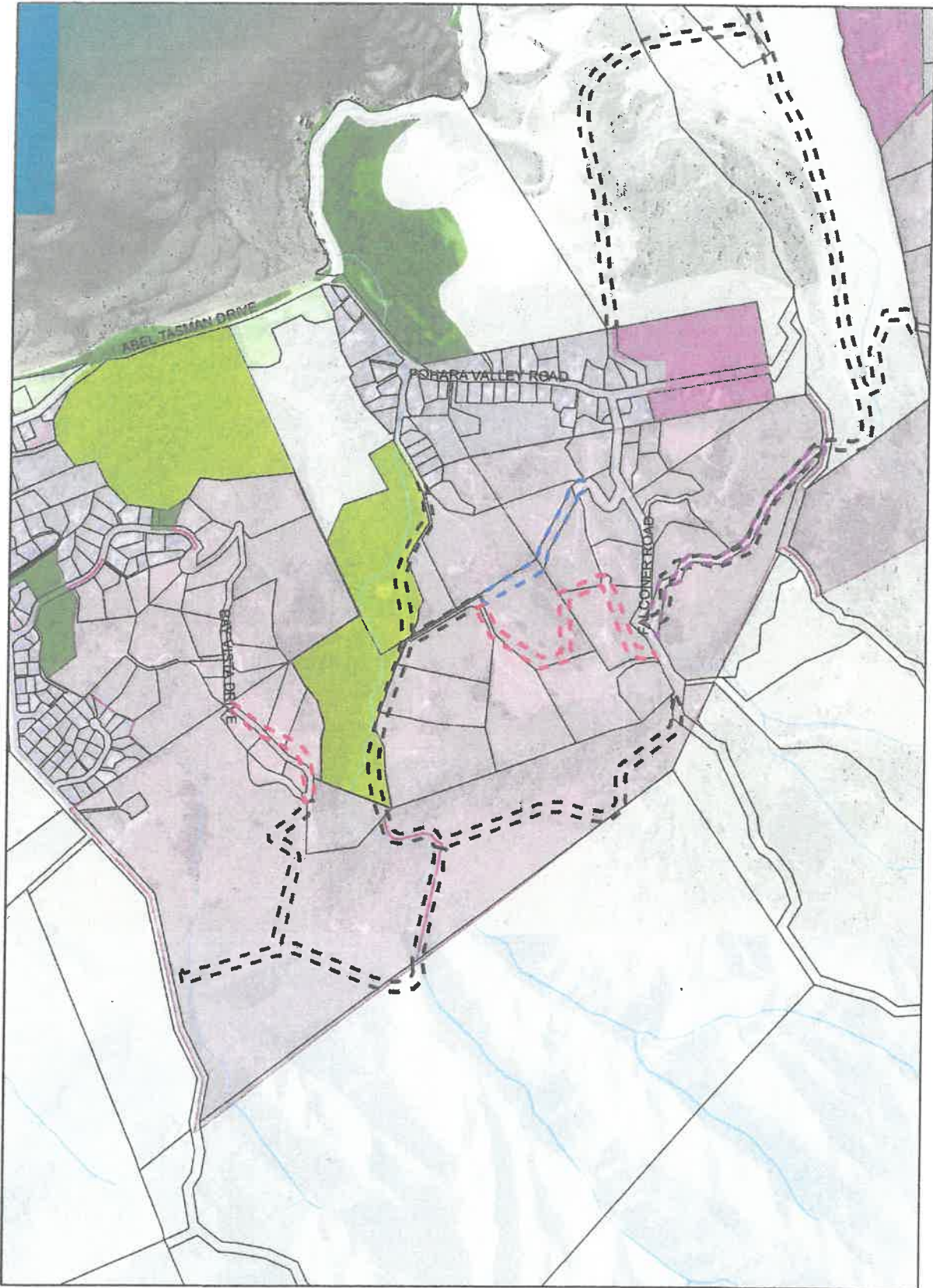
The Section 32 evaluation acknowledges that a full review of the indicative road provisions and placement would be a significant exercise requiring detailed consultation and investigation across multiple properties. It also states that *“The full review option is more appropriately considered within the scope of a dedicated plan change process, or during the full review of the Tasman Resource Management Plan. It is acknowledged that in some cases the existing positioning is not accurate however this can be managed through the existing provisions and the consenting process.”*

As part of assessing the efficiency and effectiveness of proposed provisions, an evaluation must consider the risk of acting or not acting where there is uncertain or insufficient information (as is the case here with inaccurate indicative roading positions). I also note the benefit, costs and risk assessment table associated with implementing the changes lists several relevant costs including *“Introducing a building setback rule in areas where the indicative road location is uncertain can result in restrictions being applied to road routes that may not ultimately be formed”*.

Again, Council has had many years to solve this issue. Why should the landowner pay for Council's oversights? I would ascertain, that in these circumstances adequate information is not available to make the recommended change to the TRMP (e.g. ground-truthing indicative road positions, site visits etc) and that the anticipated benefits of introducing these new rules **does not outweigh** the anticipated costs and risks. This appears to be a band-aid plan change with a rushed Section 32 evaluation.

In summary, PTL will not accept the current positioning of some of the indicative roads through the Tarakohe Industrial Estate. They are incorrect and should be repositioned or removed based on the **logical** roading route (see **Attachment 2**). The Tarakohe Industrial Estate, and in particular the gully adjacent to the Port is integral to support the Port's activities. A 40-metre swathe through this industrial gully (2 x 10 metre building setbacks from a 20-metre indicative road) is a cost and risk too unfair to be burdened on the landowner and has not been properly assessed by Council. A site visit was not conducted to ground-truth the area and the Section 32 evaluation has not weighted the costs and risks sufficiently in this instance.

Attachment 1



AREAS

Update Map

Date

Maps affected: 0, 0

Key

-  Add Indicative Road
-  Delete Indicative Road
-  Realign Indicative Road
-  Indicative Roads

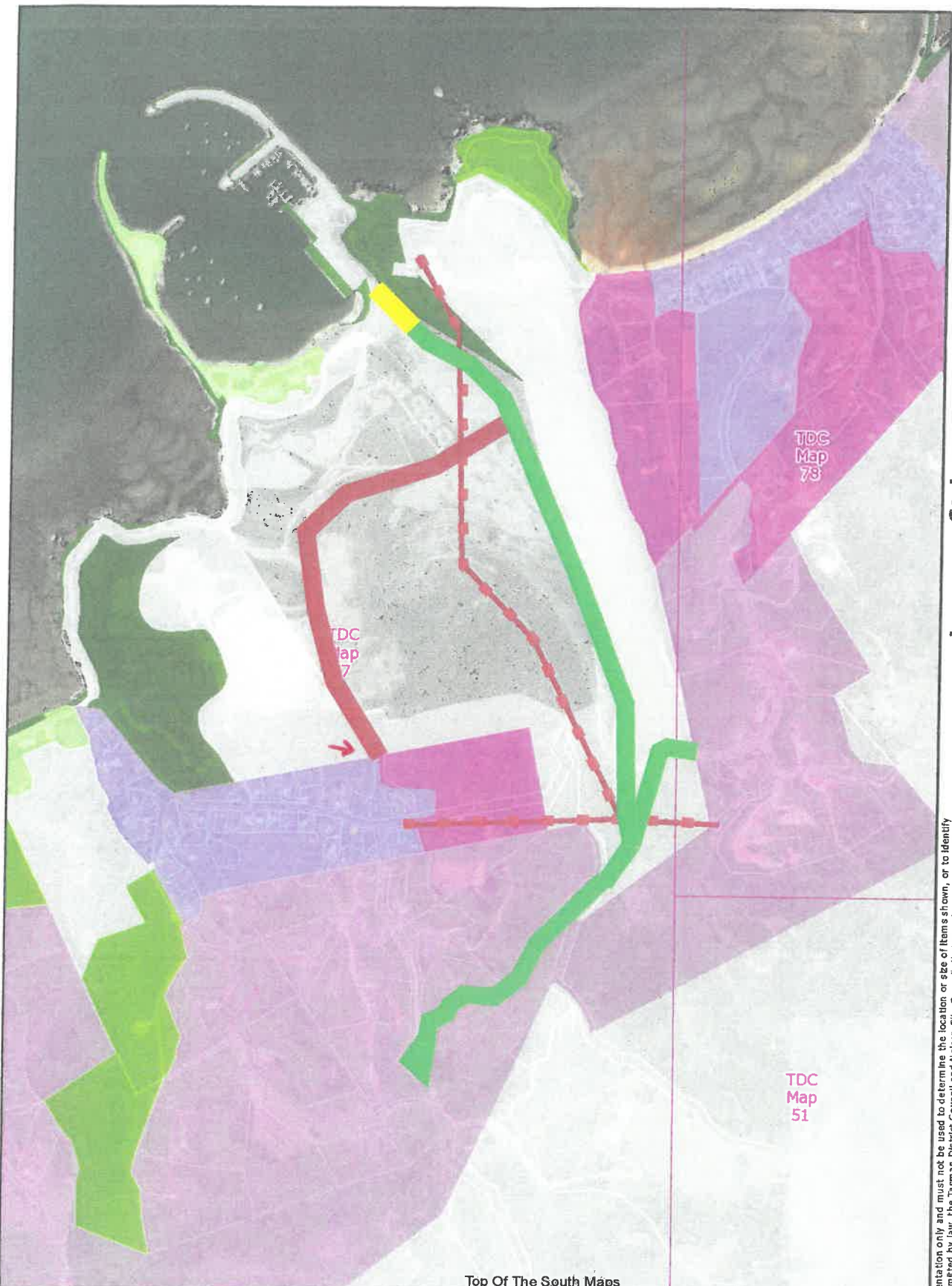
TASMAN RESOURCE MANAGEMENT PLAN
Amended Indicative Road



Bay Vista Drive

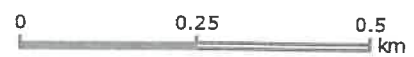
Sourced from Land Information New Zealand data. Crown Copyright reserved. Original paper size K A3.

www.topofthesouthmaps.co.nz



Top Of The South Maps

Top of the South Maps



Scale: 1:10,000 @A4

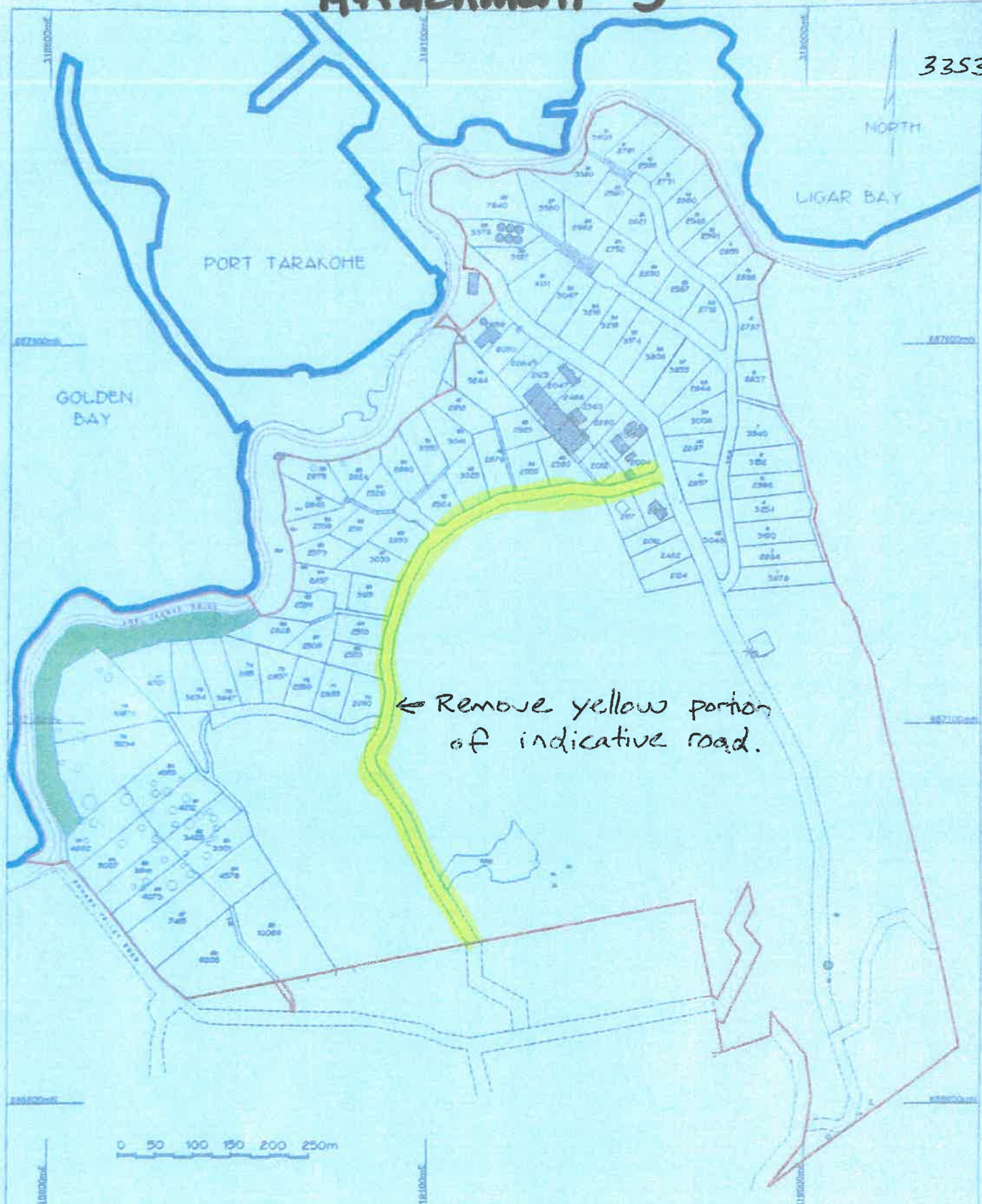
08 February 2021



The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Tasman District Council and Nelson City Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty or representation of any kind is given as to the accuracy, completeness of the information represented. Top of the South Maps information is licensed under a Creative Commons Attribution 3.0 New Zealand License, and the use of any data or plan or any information downloaded must be in accordance with the terms of that licence. Cadastral and NZtopo50 related data is sourced from Land Information New Zealand

- logical position indicative road - amend proposed map.
- remove unfeasible road
- Consult with PTL & Talleys

3353



← Remove yellow portion of indicative road.

KEY

- | | |
|----------------|-------------------------|
| LEGAL BOUNDARY | PROPOSED ROAD TO WEST |
| COAST | PROPOSED BOUNDARY OF SH |
| ROAD | POSSIBLE GAZ COVERAGE |
| TRACKS | |
| BUILDINGS | |
| BUSH TREE | |
| MARCH | |

Attachment 4

3353

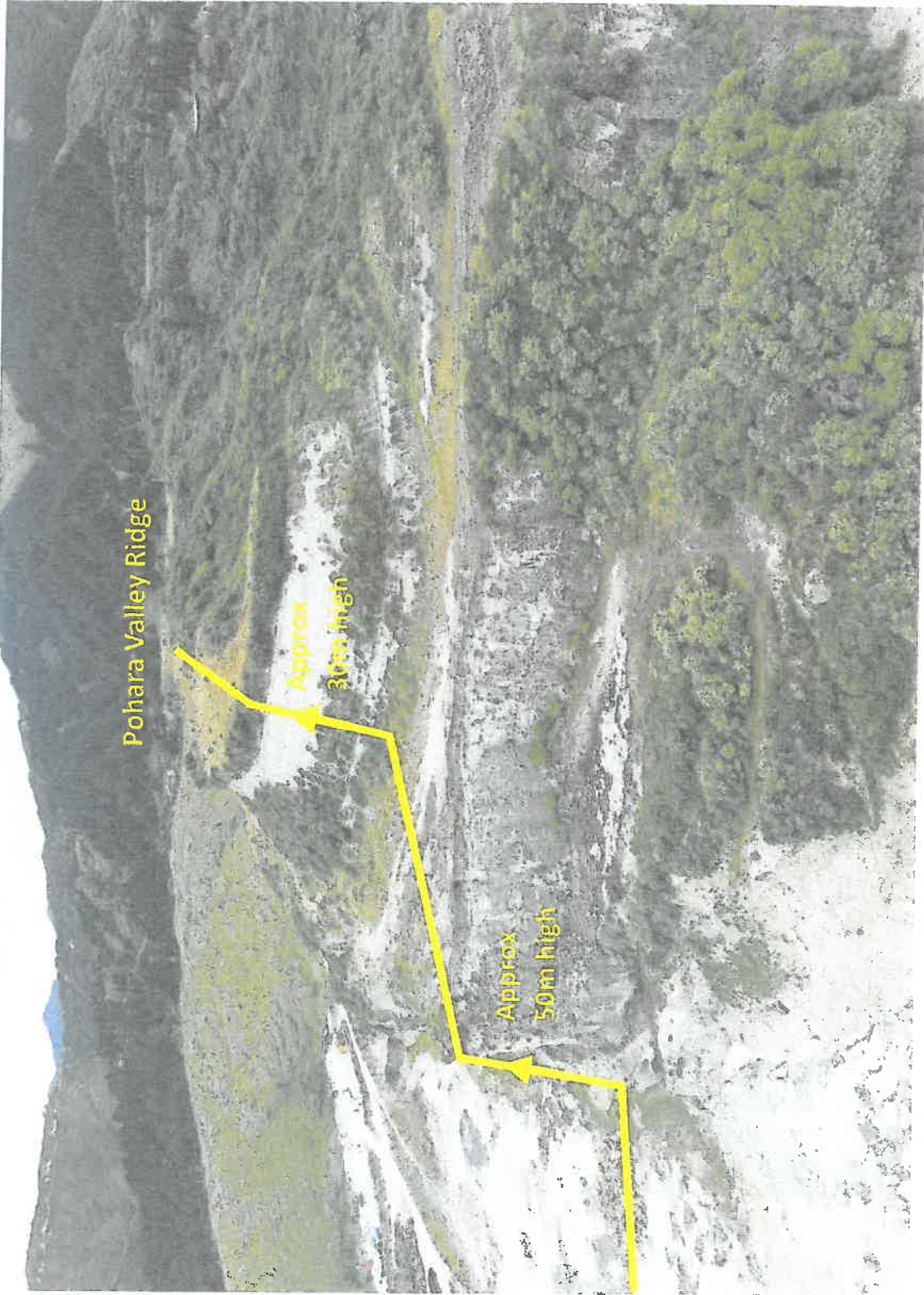
Photo of back quarry where indicative road comes through from Pohara Valley (shown as red arrow on Attachment 2)



Attachment 5(A)

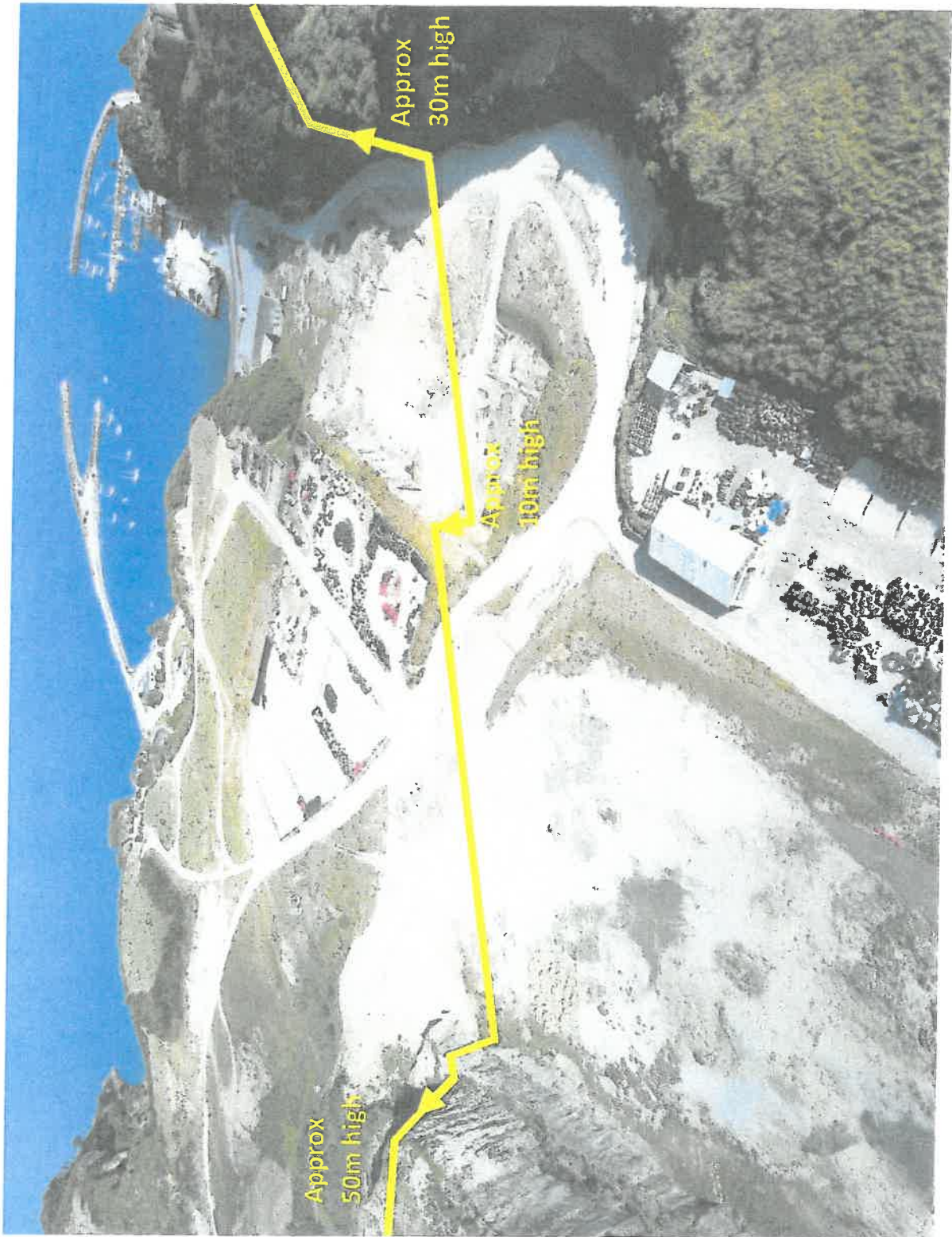
3353

Yellow line represents approximate location of current indicative walkway through the Tarakohe Industrial Area



Attachment S(B)

3353



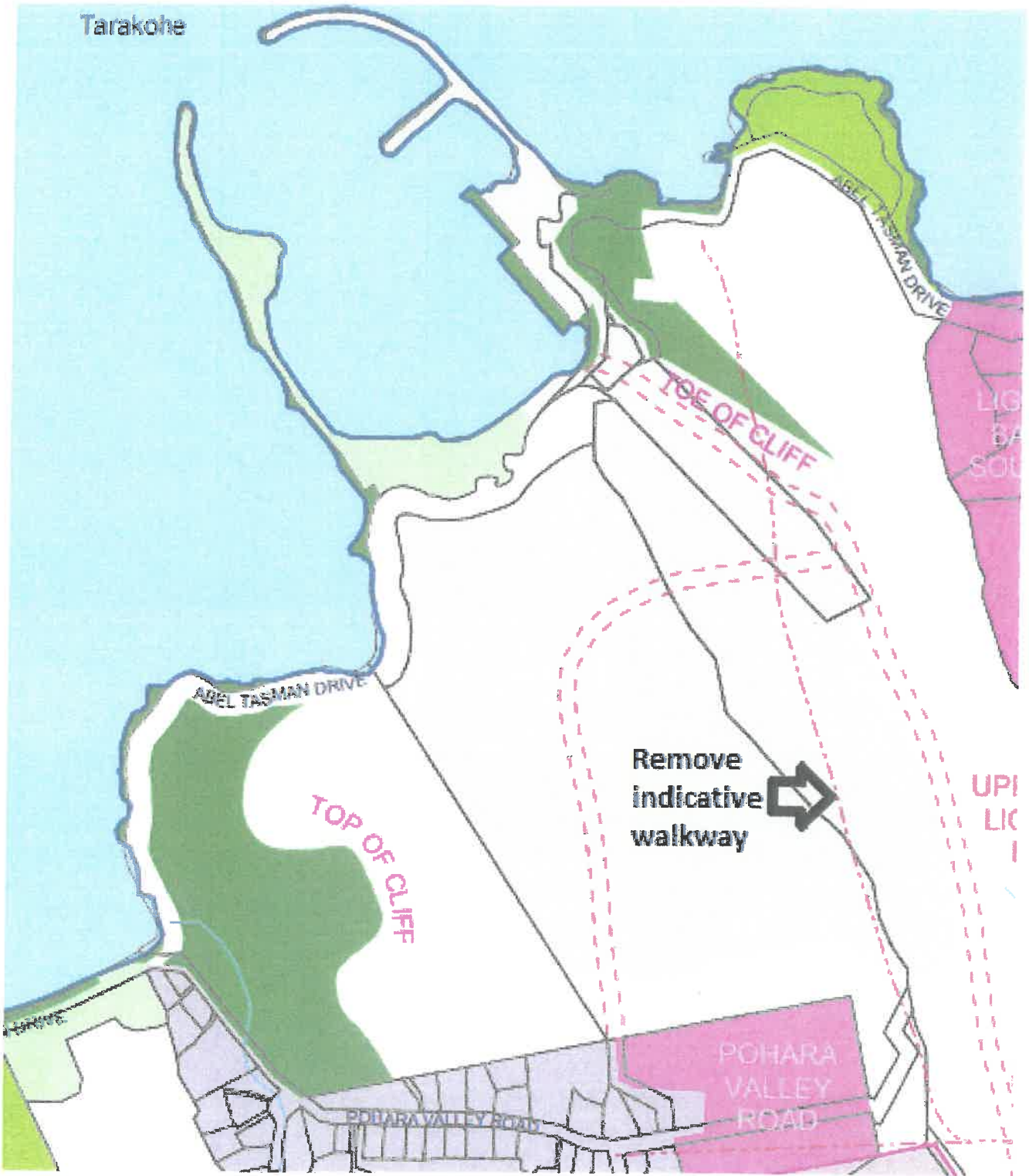
Attachment 5(c)

3353



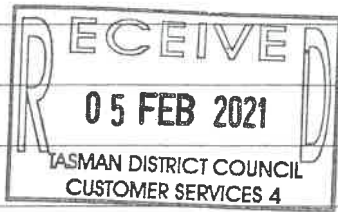
Attachment 6

3353



Attn: JEREMY BUTLER

3428



"Six Acres"
120 Wensley Road
Richmond,
Nelson.

Tasman District Council 5th February 2012.

Dear Sir,

Re your letter 1.18.2021, re 73.16 regarding
indicative Roads,

Plan change 73.16

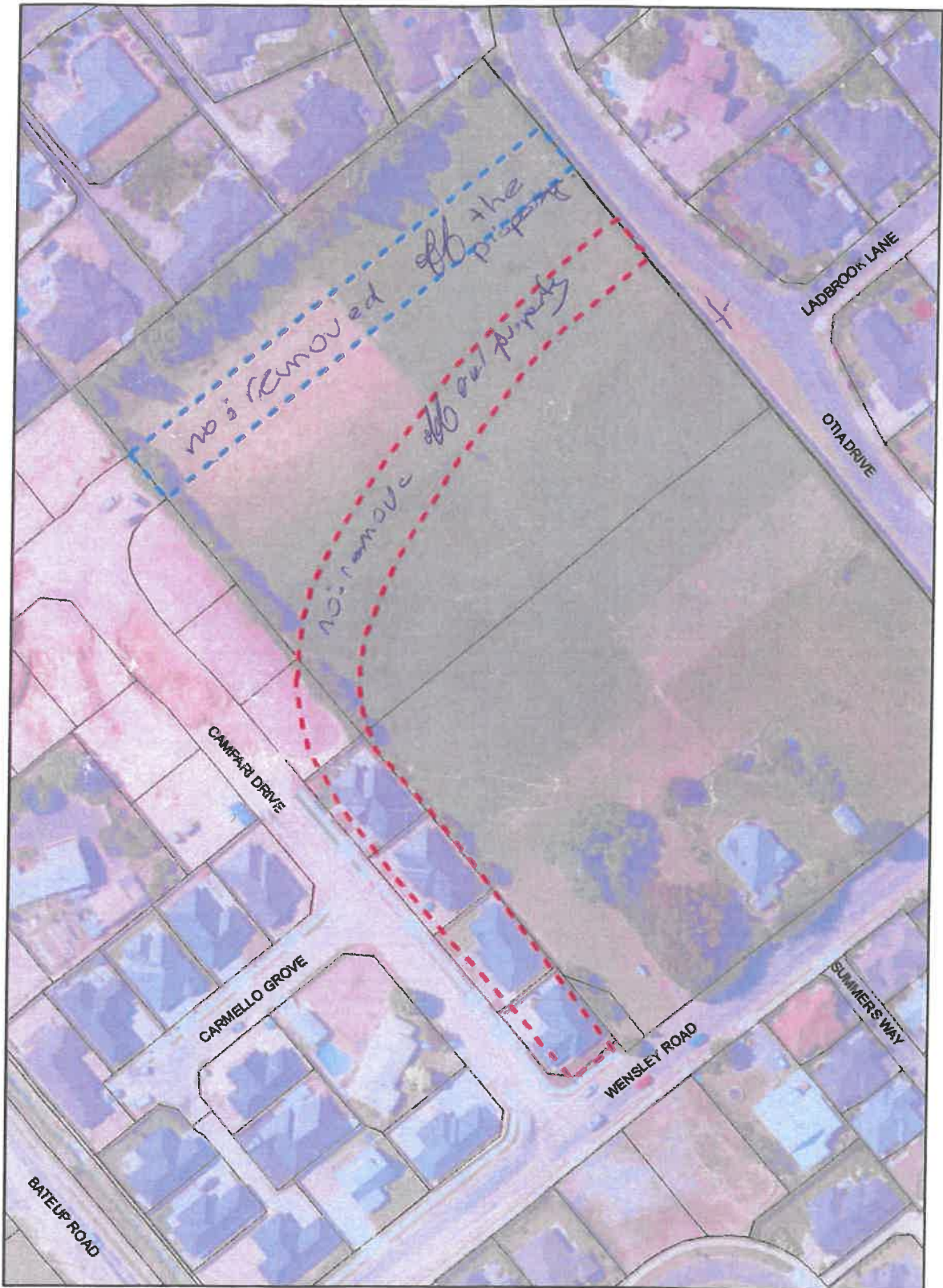
① Submission:- to Remove both indicative
roads from our land now.

I oppose the incumbrances upon our
land title.

Yours Faithfully

Mrs J. Westbrooke.

J Westbrooke.



AREAS
 Update Map
 Date
 Maps affected: 0, 0

Legend
 Add Indicative Road
 Delete Indicative Road
 Indicative Roads

TASMAN RESOURCE MANAGEMENT PLAN
 Current Indicative Road



Otia Drive

Sourced from Land Information New Zealand data. Crown Copyright reserved. Original paper size is A3.

Submission on a Change to the Tasman Resource Management Plan

CONTENT SHEET

Continue on another Content Sheet, if required, and then attach the Cover Sheet to all Content Sheets.

Sheet No.	1	of	1
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OFFICE USE Submitter Number: 3757

The whole Plan Change (Please tick as applicable)			OFFICE USE: Submission No.
<input type="checkbox"/> I support the Plan Change and seek that the Council retains it in its entirety. <input type="checkbox"/> I oppose the Plan Change and seek that the Council deletes it in its entirety. <input type="checkbox"/> I support in part specific aspects/provisions of the Plan Change as indicated below . <input checked="" type="checkbox"/> I oppose in part specific aspects/provisions of the Plan Change and seek amendments as indicated below .			
Parts of the Plan Change (Please list each provision number of the TRMP you wish to submit on, together with its corresponding submission point, as indicated below)			
Plan provision or map number(s): <small>State each specific provision (topic) number as addressed in the Plan Change</small>	The aspect of the provisions I support or oppose, together with reasons, are: <small>State the nature of each submission point and indicate whether you:</small> <ul style="list-style-type: none"> • support or oppose the provision or wish to have it amended; and • the reasons for your view 	I seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows: <small>For each submission point/provision number, state, specifically, what changes you would like to see.</small>	
Example:			
17.5.3.1(ca)(iii)	<i>I oppose the restriction of ... because ...</i>	<i>Delete and replace condition 17.5.3.1(ca)(iii) with:</i>	
5.16.1	I do not support the positioning of the indicative road through the property at 38 Courtney Street, therefore I oppose this position being fixed. The position as indicated on the plan is lacking sense or clear sound reasoning. As I do not support the position of the road, I can not support the addition of a rule managing building placement on this property.	I seek that Council retains the current status of the road on this property. 5.16.2 Option 4	1

Submission on a Change to the Tasman Resource Management Plan (TRMP)

Note:

1. This form is only for the purpose of making a submission on the Plan. It is NOT for making a further submission (i.e. in support or opposition to an original submission) or for making a submission on a resource consent or on Council's Annual Plan.
2. It is not mandatory to use either the cover or content sheet of this form, however your submission must be in writing and provide the necessary information as indicated on the form, e.g., what is supported or opposed, the reason why and the decision sought, contact details, etc.
3. Council cannot accept a submission that does not clearly indicate what a submitter wishes Council to do (i.e. Council makes a decision to refuse, amend or accept the changes). Please include specific recommendations if amendments are sought. Council also cannot accept a submission that does not relate specifically to the Plan Change. In these cases, the submission may be considered 'Out of Scope' and may not be considered further.

Submitter Name: Nathan & Nicola Anderson
(organisation/individual)

Representative/Contact:
(if different from above)

Postal Address:

93A Aranui Rd
Mapua

Phone: 0274445184 - Nicola/0274445274 - Nathan

Fax:

Email: bra1nznicky@gmail.com

Date: 08/02/2021

Postal address for service of person making submission:
(if different from above)

Total number of pages submitted (including this page):

Signed:

Signature of submitter (or person authorised to sign on behalf of submitter). NOTE: A signature is not required if you make your submission by electronic means.

IMPORTANT – Please state:

This submission relates to Change No.: 73.16

Change Title/Subject: Indicative Roads

I/we wish to be heard in support of my/our submission.

I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Could you gain an advantage in trade competition through this submission? (tick one) Yes No

If 'Yes' are you directly affected by an effect of the subject matter of this submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition?

(tick one) Yes No

Remember: Attach this Cover Sheet to as many Content Sheets as required.

038

COVER SHEET

Return your submission by the advertised closing date to:

Environmental Policy
Tasman District Council
Private Bag 4, Richmond 7050 OR
189 Queen Street, Richmond OR
Fax 03 543 9524 OR
Email: tasmanrmp@tasman.govt.nz

OFFICE USE

Date received stamp:

8/2/21

Initials: NA

Submitter No. 4183

05/19

Submission on a Change to the Tasman Resource Management Plan

CONTENT SHEET			
Sheet No.	1	of	3

Continue on another Content Sheet, if required, and then attach the Cover Sheet to all Content Sheets.

OFFICE USE Submitter Number: 4183

The whole Plan Change (Please tick as applicable)

- I support the Plan Change and seek that the Council retains it in its entirety.
 I oppose the Plan Change and seek that the Council deletes it in its entirety.
 I support in part specific aspects/provisions of the Plan Change as indicated below.
 I oppose in part specific aspects/provisions of the Plan Change and seek amendments as indicated below.

OFFICE USE:
Submission No.

Parts of the Plan Change (Please list each provision number of the TRMP you wish to submit on, together with its corresponding submission point, as indicated below)

Plan provision or map number(s): <i>State each specific provision (topic) number as addressed in the Plan Change</i>	The aspect of the provisions I support or oppose, together with reasons, are: <i>State the nature of each submission point and indicate whether you:</i> <ul style="list-style-type: none"> support or oppose the provision or wish to have it amended; and the reasons for your view 	I seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows: <i>For each submission point/provision number, state, specifically, what changes you would like to see.</i>
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Example:

17.5.3.1(ca)(iii)	I oppose the restriction of ... because ...	Delete and replace condition 17.5.3.1(ca)(iii) with:
5.16.1	<p>Building placement within or near 10m of an indicative road.</p> <p>As one half of our property boundary runs along an indicative road we are quite restricted on what we are able to do in the future with that half.</p> <p>With the back half of our property we are concerned with our neighbors vesting their whole driveway to the council, whether in the future the council may propose the same 10m building placements to this piece.</p>	<p>Can the council replace the building placement with no 10m for the back half of our property that runs along this vested land?</p> <p>This is due to if we do ever decide to build/develop we will not be size restricted.</p>

1



Te Kaunihera o
te tai o Aorere

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Phone 03 523 1013
Fax 03 523 1012

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Motueka 7143
New Zealand
Phone 03 528 2022
Fax 03 528 9751

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039

Submission on a Change to the Tasman Resource Management Plan

CONTENT SHEET

Continue on another Content Sheet, if required, and then attach the Cover Sheet to all Content Sheets.

Sheet No. 2 of 3

OFFICE USE Submitter Number: 4/83

The whole Plan Change (Please tick as applicable)

- I support the Plan Change and seek that the Council retains it in its entirety.
 I oppose the Plan Change and seek that the Council deletes it in its entirety.
 I support in part specific aspects/provisions of the Plan Change as indicated below.
 I oppose in part specific aspects/provisions of the Plan Change and seek amendments as indicated below.

OFFICE USE:
Submission No.

Parts of the Plan Change (Please list each provision number of the TRMP you wish to submit on, together with its corresponding submission point, as indicated below)

Plan provision or map number(s): <i>State each specific provision (topic) number as addressed in the Plan Change</i>	The aspect of the provisions I support or oppose, together with reasons, are: <i>State the nature of each submission point and indicate whether you:</i> • support or oppose the provision or wish to have it amended; and • the reasons for your view	I seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows: <i>For each submission point/provision number, state, specifically, what changes you would like to see.</i>
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Example:

17.5.3.1(ca)(iii)	I oppose the restriction of ... because ...	Delete and replace condition 17.5.3.1(ca)(iii) with:
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5.16 Table 2	<p>Our main concerns are regarding the indicative roads is the section between Jessie Street intersection and the road coming out on to Aranui Road.</p> <p>Visibility is already a problem. We are unable to see or turn safely from our driveway, especially if all designated parking ares and legally parking on both sides of the road is full.</p> <p>Where the proposed road joins with Aranui Road. There is a daycare's main and only entrance opposite. This could become a congestion, visibility, and safety issue.</p> <p>We are in a flood prone zone; the road will be raised above our property to meet Aranui Road. This would put more pressure on our property's drainage with water runoff.</p> <p>Our house is only one metre away from the proposed intersection with Jessie Street. We are concerned this would be a safety hazzard of people missing the intersection.</p> <p>If street lighting goes in for the intersection. it will shine straight into our bedrooms and living areas.</p>	<p>Replace Jessie Street into a cul-de-sac with minimal street lighting leading into a well needed walkway exiting on to Aranui Road.</p>
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2



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040

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4184
Rec'd
9/2/21


**TASMAN DISTRICT COUNCIL
RESOURCE MANAGEMENT ACT 1991**

**SUBMISSION ON PROPOSED PLAN CHANGE 73
PLAN CHANGE TOPIC 73.16 – DELETION OF INDICATIVE ROAD**

To: Environmental Policy
Tasman District Council
Private Bag 4
RICHMOND 7050
tasmanrmp@tasman.govt.nz

Submitter: Batton Developments Ltd (N & A Cardiff)

Tasman Resource Management Plan: Plan Change 73. Plan change topic 73.16 – Removal of indicative road on the Submitters land

Closing date for Submissions: 9 February 2021

Hearing: The Submitters wish to be heard in support of their submission.

Dated this 9th day of February 2021



Signed by the Submitters Authorised Agent

Address for Service: Staig & Smith Ltd
PO Box 913
NELSON
Attn: Jackie McNae
Email: jackie@staigsmith.co.nz
Phone: 03 548 4422

1.0 Submission

- 1.1 The Submitters oppose the deletion of the indicative road on their property at 52 Paton Road, Lot 2 DP17738, RT NL11C/1083.

2.0 Reasons for the Submission

- 2.1 The Submitters property is zoned Deferred Residential and Council staff confirmed late last year that the Council is taking steps to remove the deferral status from the Residential zone on this land because the reason for the deferral, being water supply, has now been addressed by Council.
- 2.2 The Submitters landholding is shown in Figure 1 below along with the positioning of the indicative roads, the indicative reserve for the proposed greenway for stormwater together with the portion of the indicative road that Council wishes to delete through this Plan Change. The portion that the Council wishes to delete is an indicative road that crosses the greenway.

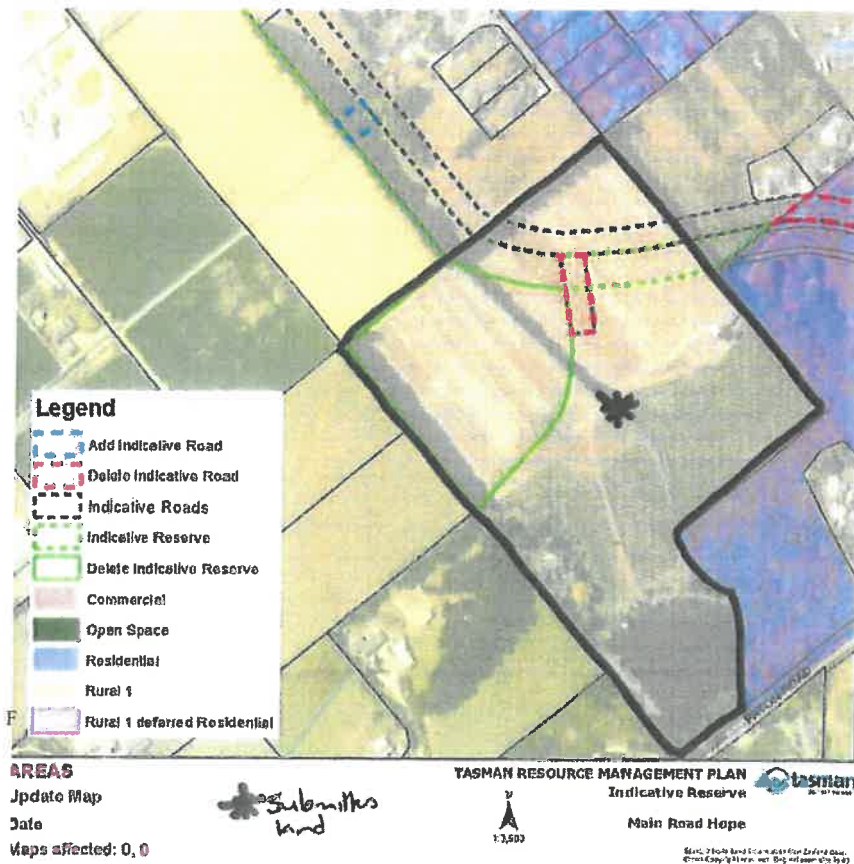


Figure 1: Submitters landholding outlined in black

- 2.3 As can be seen from Figure 1 above the majority of the Submitters land lies to the south of the greenway.
- 2.4 The rules under the Tasman Resource Management Plan (TRMP) do not permit road access from the Submitters land out onto Paton Road. As such the Submitters land for roading must be serviced through the indicative road network that extends from Paton Rise land where the indicative road is currently being constructed on that subdivision up to the boundary of road reserve that is now vested in the Council, this was vested on an earlier subdivision undertaken by the MacMillans. In due course the road reserve now vested in Council, extending from the Paton Rise land will be formed along with the formation of the indicative road on the Submitters land when they pursue their subdivision, the planning for which is underway. There is no other option for servicing, the majority of the Submitters land, with roading than crossing the proposed greenway area with a road.
- 2.5 There is no explanation given in the Plan Change documentation as to why the indicative road over the Greenway is being removed from the subject land. There is a broad explanatory statement about the change in location of some indicative items, or the removal of them, from the TRMP maps where they are no longer required or have been developed. It is clear that an indicative road across the proposed greenway is still required to develop the subject land.
- 2.6 There have been discussions with the Council's Engineering staff regarding the subdivision of the Submitters land over some considerable period of time. In 2016 the Council staff engaged with the Submitters over potential subdivision layouts, as at that time, the Council was pursuing negotiation for potential purchase of the proposed greenway, together with a proposed large indicative Reserve area in the western corner of the subject land for a drainage and recreation area, where the land had been identified for a potential permanent stormwater detention area that could have a dual function of recreational playing fields. The Council staff requested that the Submitters provide an indicative subdivision layout so that there could be a basis of negotiation over purchase of land for drainage and reserve purposes.
- 2.7 A draft Subdivision Yield Plan was produced for the Council which provided for a road across the greenway to service the subdivision of the land in accordance with the TRMP provisions. Discussions took place between the Submitters and Council over the area involved and potential compensation. Through that process the Council decided they would not pursue the purchase of the western area of land as further Council investigation resulted in the Council deciding the land was not suitable for the intended purposes. There was at the time ongoing discussions over the greenway area and other areas for drainage purposes. One of the main areas of contention was the basis of compensation for the greenway area given that the location of the greenway meant that access of the subject land for future subdivision would need to traverse the greenway area through a bridging arrangement which would not be necessary if the Greenway was not located as proposed.
- 2.8 After some months of discussions and correspondence on the matter of the purchase of the Greenway, Council advised that they were no longer wishing to pursue a purchase of the greenway at that time and that the matter of the greenway vesting in Council would be dealt with at the time of subdivision rather than ahead of that time period.

- 2.9 Given this background to discussions about compensation for the greenway, and the impacts this has on the Submitters land in terms of accessing the full property for future roading, it seems more than a coincidence that this Plan Change should seek to remove the indicative road from the Planning Maps when there has been no change in terms of the need to access all of the subject land for residential purposes, given that a road is not permitted from Paton Road into the subject land. How is the Submitters land to be developed without a road/bridge crossing over the greenway?
- 2.10 The Plan Change documentation was accompanied by a Section 32 assessment. The Section 32 assessment on indicative roads includes Table 2. Table 2 lists indicative roads and provides specific comment on landowner requests in relation to those indicative roads as well as responses to those requests. The Submitters lodged a Submission on the indicative road removal suggested through the Draft Plan change, opposing the removal of the indicative road on their land, yet this is not mentioned in Table 2. It is not clear why there would be no mention of the indicative road on the Submitters land and an appropriate assessment of the Submitters concerns in the Section 32 report.
- 2.11 The Submitters property comprises an area of 8.1815ha and therefore is a substantial urban land resource. The land has potential to produce in excess of 100 allotments. As is noted in Figure 1 above, the greenway indicative reserve bisects the Submitters land and there will be a requirement when the land is subdivided to cross the greenway with a bridging structure. The Plan Change to remove the indicative road makes no Resource Management sense given the Submitters cannot service their land with a road out to Paton Road. There is no assessment in the Section 32 report as to why the indicative road would be removed from the Planning Maps. An indicative road is not redundant, as the proposed Greenway has to be crossed to provide access to the majority of the Submitters land.
- 2.12 The removal of the indicative road is contrary to the Resource Management Act provisions in particular Part 2 of the Act dealing with the Purpose and Principles of the Act, as the removal does not enable the development of the subject land which the zoning clearly signals is appropriate for development.
- 2.13 The removal of the indicative road does not reflect any objectives Council is seeking to achieve, as Council has confirmed with the Submitters that the Council wishes this area of Richmond South to be available for urban development and indeed has advised landowners in Richmond South that this land area is an important area of urban land supply as the urban land supply in other areas of Richmond has been taken up at a much faster rate than Council anticipated. As such the Richmond South urban land supply is important in terms of the Council meeting its legal obligations over the supply of urban land.

3.0 Decision Sought

- 3.1 (i) To reinstate the indicative road across the indicative reserve on the Submitters land

①

Submission on a Change to the Tasman Resource Management Plan (TRMP)

Note:

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2. It is not mandatory to use either the cover or content sheet of this form, however your submission must be in writing and provide the necessary information as indicated on the form, e.g., what is supported or opposed, the reason why and the decision sought, contact details, etc.
3. Council cannot accept a submission that does not clearly indicate what a submitter wishes Council to do (i.e. Council makes a decision to refuse, amend or accept the changes). Please include specific recommendations if amendments are sought. Council also cannot accept a submission that does not relate specifically to the Plan Change. In these cases, the submission may be considered 'Out of Scope' and may not be considered further.

Submitter Name: Peter & Adrienne Black
(organisation/individual)

Representative/Contact:
(if different from above)

Postal Address:
93 Aranui Road, Mapua

Phone: 0276030113

Fax:

Email: black-family@xtra.co.nz

Date: 9-02-2021

Postal address for service of person making submission:
(if different from above)

Total number of pages submitted (including this page):

Signed:

Signature of submitter (or person authorised to sign on behalf of submitter). *NOTE: A signature is not required if you make your submission by electronic means.*

IMPORTANT – Please state:

This submission relates to Change No.: 73.16

Change Title/Subject: indictave roads

I/we wish to be heard in support of my/our submission.

I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Could you gain an advantage in trade competition through this submission? (tick one) Yes No

If 'Yes' are you directly affected by an effect of the subject matter of this submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition?

(tick one) Yes No

COVER SHEET

Return your submission by the advertised closing date to:

Environmental Policy
Tasman District Council
Private Bag 4, Richmond 7050 OR
189 Queen Street, Richmond OR
Fax 03 543 9524 OR
Email: tasmanrmp@tasman.govt.nz

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9/2/21

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PJM

Submitter No.

4185

Remember: Attach this Cover Sheet to as many Content Sheets as required.

Submission on a Change to the Tasman Resource Management Plan

CONTENT SHEET

Sheet No. 2 of 3

Continue on another Content Sheet, if required, and then attach the Cover Sheet to all Content Sheets.

OFFICE USE Submitter Number: 4185

The whole Plan Change (Please tick as applicable)

- I support the Plan Change and seek that the Council retains it in its entirety.
 I oppose the Plan Change and seek that the Council deletes it in its entirety.
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Example:

17.5.3.1(ca)(iii)	I oppose the restriction of ... because ...	Delete and replace condition 17.5.3.1(ca)(iii) with:
5.16.1	<p>Building placement within or near an indicative road. Judging from the proposed plans our property is within the 10m threshold.</p> <p>This means we are restricted with any development of our property with everything would have to be on the north side of our property overlooking a proposed road no longer being private.</p>	<p>We propose that we do not have a 10m building placement on our property so we are not restricted in any future plans on our property.</p>

OFFICE USE:
Submission No.

1



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Submission on a Change to the Tasman Resource Management Plan

CONTENT SHEET

Sheet No. 3 of 3

Continue on another Content Sheet, if required, and then attach the Cover Sheet to all Content Sheets.

OFFICE USE Submitter Number: 4185

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---	--	--

Example:

17.5.3.1(ca)(iii)	I oppose the restriction of ... because ...	Delete and replace condition 17.5.3.1(ca)(iii) with:
5.16 Table 2	<p>Our main concern is the proposed road coming from Jessie Street to Aranui Road.</p> <p>Visibility is already a problem when cars are parked legally on both sides of the road.</p> <p>Aranui Road is a narrow road which can become very congested reducing it to single lane several times a day.</p> <p>We feel it is also a safety concern with a daycare's one and only exit opposite the proposed road.</p> <p>Would the proposed road be raised to meet Aranui Road?</p> <p>We are already in a flood prone zone and this could put more pressure on our property's drainage.</p>	<p>Rather than having a road come out on to Aranui Road, we feel that a much needed walkway would be a better safer option.</p>

OFFICE USE:
Submission No.

2



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Submission on a Change to the Tasman Resource Management Plan (TRMP)

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Haydn Bone

Submitter Name:
(organisation/individual)

Representative/Contact:
(if different from above)

Postal Address:
126 Aranui Road
Mapua
Tasman District 7005

Postal address for service of person making submission:
(if different from above)

IMPORTANT – Please state:

This submission relates to Change No.:

Change Title/Subject:

- I/we wish to be heard in support of my/our submission.
 I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Could you gain an advantage in trade competition through this submission? (tick one) Yes No

If 'Yes' are you directly affected by an effect of the subject matter of this submission that:

- (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition?

(tick one) Yes No

COVER SHEET

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 Tasman District Council
 Private Bag 4, Richmond 7050 OR
 189 Queen Street, Richmond. OR
 Fax 03 543 9524 OR
 Email: tasmanrmp@tasman.govt.nz

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Date received stamp:
9/2/21

Initials: HBN

Submitter No. 4186

Phone: 027442 0008

Fax:
Email: haydnbone@gmail.com

Date: 8/2/2021

Total number of pages submitted (including this page):

Signed: Haydn Bone

Signature of submitter (or person authorised to sign on behalf of submitter). NOTE: A signature is not required if you make your submission by electronic means.

Submission on a Change to the Tasman Resource Management Plan

CONTENT SHEET

Continue on another Content Sheet, if required, and then attach the Cover Sheet to all Content Sheets.

Sheet No.		of	
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OFFICE USE Submitter Number: 4186

The whole Plan Change (Please tick as applicable)

- I support the Plan Change and seek that the Council **retains** it in its entirety.
- I oppose the Plan Change and seek that the Council **deletes** it in its entirety.
- I support in part specific aspects/provisions of the Plan Change as indicated below.
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Example:

17.5.3.1(ca)(iii) 73.16 Page 24	I oppose the restriction of ... because ... I OPPOSE this part of the plan change. The reserve highlighted in the green line shows reserve where there is no legal public access across the right of way. This area is highlighted in a recent aerial photograph supplied by TDC and attached to this submission. An easement for public access does not exist for this exact part across the section of right of way that is part of title Lot 2 DP304288 If any maps are publicly available it will create public use and serious health and safety issues given private traffic use up and down the private right of way. As well as being legally incorrect. The other dotted green lines around this part of Waimea inlet on page 24 indicate public access. These should not be marked on publicly accessible documents until such a time as the walkways are physically formed.	Delete and replace condition 17.5.3.1(ca)(iii) with: Delete this indicative reserve
------------------------------------	---	--

OFFICE USE: Submission No.

1



<p>Tasman District Council Email info@tasman.govt.nz Website www.tasman.govt.nz 24 hour assistance</p>	<p>Richmond 189 Queen Street Private Bag 4 Richmond 7050 New Zealand</p>	<p>Murchison 92 Fairfax Street Murchison 7007 New Zealand Phone 03 523 1013</p>	<p>Motueka 7 Hickmott Place PO Box 123 Motueka 7143 New Zealand</p>	<p>Takeka 78 Commercial Street PO Box 74 Takaka 7142 New Zealand</p>
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15243 Hothouse Creative



Submission on a Change to the Tasman Resource Management Plan (TRMP)

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189 Queen Street, Richmond OR
Fax 03 543 9524 OR
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OFFICE USE

Date received stamp:

9/2/21

Initials:

ajm

Submitter No.

4187

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Submitter Name: Ann and David Briggs
(organisation/individual)

Representative/Contact:
(if different from above)

Postal Address:

97b Aranui Road
Mapua 7005

Phone: 03 540 2483

Fax:

Email: dave-ann@briggsnz.net

Date: 09-02-2021

Postal address for service of person making submission:
(if different from above)

Total number of pages submitted (including this page): 4

Signed:

Signature of submitter (or person authorised to sign on behalf of submitter). NOTE: A signature is not required if you make your submission by electronic means.

IMPORTANT – Please state:

This submission relates to Change No.: 73.16

Change Title/Subject: Protection of indicative roads and reserves, and updating positioning and existence

I/we wish to be heard in support of my/our submission.

I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Could you gain an advantage in trade competition through this submission? (tick one) Yes No

If 'Yes' are you directly affected by an effect of the subject matter of this submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition?

(tick one) Yes No

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Submission on a Change to the Tasman Resource Management Plan

CONTENT SHEET

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Sheet No. 1 of 3

OFFICE USE Submitter Number: 4187

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Example: 17.5.3.1(ca)(iii)	I oppose the restriction of ... because ...	Delete and replace condition 17.5.3.1(ca)(iii) with:
5.16.1 Indicative road, reserve and walkway placement	We oppose the statement: 'In some cases, the positions of indicative roads, reserves and walkways require correction to reflect changing development patterns and outcomes sought by the Council', because a) there is no indication in this clause as to the nature and extent of the consultation that the Council intends to carry out to identify those changing development patterns and preferred outcomes; and b) the paragraph continues 'Changes are proposed within Schedule 16.3A and 16.3B to clarify what the Council will consider when determining the final location of an actual road when this may differ from the indicative road position.' Schedule 16.3B j states: The subdivision provides a safe and efficient road, cycleway and pedestrian access connection to adjoining land and roads, cycleways and pedestrian accessways. The consultation should decide whether the proposed patterns of indicative roads is safe and efficient, and whether it meets current and foreseeable future needs for cycleways and pedestrian accessways.	Replace statement with: In some cases, the positions of indicative roads, reserves and walkways require correction to reflect changing development patterns and outcomes sought by the Council as a result of consultation with the local community. This consultation will include consideration of the statement in Schedule 16.3B j: 'The subdivision provides a safe and efficient road, cycleway and pedestrian access connection to adjoining land and roads, cycleways and pedestrian accessways.'

Submission on a Change to the Tasman Resource Management Plan

CONTENT SHEET

Continue on another Content Sheet, if required, and then attach the Cover Sheet to all Content Sheets.

Sheet No. 2 of 3

OFFICE USE Submitter Number: 4187

The whole Plan Change (Please tick as applicable)

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Submission No.

Parts of the Plan Change (Please list each provision number of the TRMP you wish to submit on, together with its corresponding submission point, as indicated below)

Plan provision or map number(s): <i>State each specific provision (topic) number as addressed in the Plan Change</i>	The aspect of the provisions I support or oppose, together with reasons, are: <i>State the nature of each submission point and indicate whether you:</i> <ul style="list-style-type: none"> support or oppose the provision or wish to have it amended; and the reasons for your view 	I seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows: <i>For each submission point/provision number, state, specifically, what changes you would like to see.</i>
---	--	--

Example:

17.5.3.1(ca)(iii)	I oppose the restriction of ... because ...	Delete and replace condition 17.5.3.1(ca)(iii) with:
5.16.1 Consultation	<p>We oppose the statement: 'Letters have been sent to all owners of land on which an indicative road or reserve exists, and land which is within 10m of an indicative road or reserve' because whereas this statement may be accurate, is clearly not adequate, as the feedback responses in 5.16 Table 1 show.</p> <p>In common with many other affected community members we were wholly unaware of the existence of the indicative roads when we bought our property at 97b Aranui Road, in August 2018. Although it lies only c20m from an indicative road, no reference to the road was included in the LIM provided by the TDC. Nor have we been included formally in any consultation, regardless of the noise, emission and light pollution to which we would be exposed.</p> <p>Our situation is reflected in the response in 5.16 - Table 1: 'These are more substantial effects that this plan change has not consulted widely enough on. The consideration of the effects of changes that may have effects on other property owners or the wider community are more appropriately considered during a subdivision consent process, or as part of a plan change with a wider scope.'</p> <p>We also note in 5.16 Table 1: Jamie McPherson, TDC's Transportation Manager meet with the Community Association. The indicative road is proposed to remain through this current process (which did not seek to change this) but there is likely to be an opportunity to discuss this further in the upcoming district plan review process. Is 'meet' a typo for 'met' or does it indicate a future meeting?</p>	<p>Replace the statement with: 'Letters have been sent to all owners of land on which an indicative road or reserve exists, and land which is within 10m of an indicative road or reserve. Future consultation over the positions of indicative roads, reserves and walkways will seek to establish the needs and views of the whole community.'</p>



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te tai o Aorere

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Website www.tasman.govt.nz
24 hour assistance

Richmond
189 Queen Street
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Richmond 7050
New Zealand
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Fax 03 543 9524

Murchison
92 Fairfax Street
Murchison 7007
New Zealand
Phone 03 523 1013
Fax 03 523 1012

Motueka
7 Hickmott Place
PO Box 123
Motueka 7143
New Zealand
Phone 03 528 2022
Fax 03 528 9751

Takaka
78 Commercial Street
PO Box 74
Takaka 7142
New Zealand
Phone 03 525 0020
Fax 03 525 9972

Submission on a Change to the Tasman Resource Management Plan

CONTENT SHEET

Sheet No. 3 of 3

Continue on another Content Sheet, if required, and then attach the Cover Sheet to all Content Sheets.

OFFICE USE Submitter Number: 4187

The whole Plan Change (Please tick as applicable)

- I support the Plan Change and seek that the Council retains it in its entirety.
 I oppose the Plan Change and seek that the Council deletes it in its entirety.
 I support in part specific aspects/provisions of the Plan Change as indicated below.
 I oppose in part specific aspects/provisions of the Plan Change and seek amendments as indicated below.

Parts of the Plan Change (Please list each provision number of the TRMP you wish to submit on, together with its corresponding submission point, as indicated below)

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---	--	--

Example:

17.5.3.1(ca)(iii)	I oppose the restriction of ... because ...	Delete and replace condition 17.5.3.1(ca)(iii) with:
-------------------	---	--

5.16.2 Step 2. Options and their appropriateness in achieving the objective of the plan change	We support Option 1 because it is deemed to allow for changes in position of the existing indicative roads, reserves and walkways where these are incorrect or outdated due to changes in development patterns and requirements.	
5.16.3 Step 3. Benefits costs and risks associated with implementing the provisions:	We support the statement under 'Costs': 'Wider changes to the indicative road networks will be considered for inclusion in the full review of the TRMP currently underway. Deferring this more complete review of indicative road locations may result in uncertainty and cost to some individual landowners in the interim.'	
Indicative road, reserve and walkway location corrections	This review should include widely notified and accessible consultation with the community.	

OFFICE USE: Submission No.

2



Te Kaunihera o te tai o Aorere

054

Tasman District Council
 Email info@tasman.govt.nz
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 Motueka 7143
 New Zealand
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Takaka
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 New Zealand
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Submission on a Change to the Tasman Resource Management Plan (TRMP)

Note:

1. This form is only for the purpose of making a submission on the Plan. It is NOT for making a further submission (i.e. in support or opposition to an original submission) or for making a submission on a resource consent or on Council's Annual Plan.
2. It is not mandatory to use either the cover or content sheet of this form, however your submission must be in writing and provide the necessary information as indicated on the form, e.g., what is supported or opposed, the reason why and the decision sought, contact details, etc.
3. Council cannot accept a submission that does not clearly indicate what a submitter wishes Council to do (i.e. Council makes a decision to refuse, amend or accept the changes). Please include specific recommendations if amendments are sought. Council also cannot accept a submission that does not relate specifically to the Plan Change. In these cases, the submission may be considered 'Out of Scope' and may not be considered further.

COVER SHEET

Return your submission by the advertised closing date to:
 Environmental Policy
 Tasman District Council
 Private Bag 4, Richmond 7050 OR
 189 Queen Street, Richmond OR
 Fax 03 543 9524 OR
 Email: tasmanrmp@tasman.govt.nz

OFFICE USE

Date received stamp:

9/2/21

Initials: *PK*

Submitter No. 4188

Submitter Name: DT King + Co Ltd
(organisation/individual)

Representative/Contact: Paul Balneaves
(if different from above)

Postal Address:
PO Box 18
Tuatapare 9642

Phone: 03 2255810 0274329008

Fax: _____

Email: paul@dtking.co.nz

Date: 9-2-2021

Postal address for service of person making submission:
(if different from above)

Total number of pages submitted (including this page): _____

Signed: *Paul Balneaves*

Signature of submitter (or person authorised to sign on behalf of submitter). NOTE: A signature is not required if you make your submission by electronic means.

IMPORTANT – Please state:

This submission relates to Change No.: 73

Change Title/Subject: Proposed removal of Proposed road at 551 Lower Avon.

- I/we wish to be heard in support of my/our submission.
 I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Could you gain an advantage in trade competition through this submission? (tick one) Yes No

If 'Yes' are you directly affected by an effect of the subject matter of this submission that:

- (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition?
 (tick one) Yes No

Remember: Attach this Cover Sheet to as many Content Sheets as required.

Submission on a Change to the Tasman Resource Management Plan

CONTENT SHEET

Continue on another Content Sheet, if required, and then attach the Cover Sheet to all Content Sheets.

Sheet No.		of	
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OFFICE USE Submitter Number: 4188

The whole Plan Change (Please tick as applicable)

- I support the Plan Change and seek that the Council retains it in its entirety.
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- I support in part specific aspects/provisions of the Plan Change as indicated below.
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---	--	--

Example:

17.5.3.1(ca)(iii)	I oppose the restriction of ... because ...	Delete and replace condition 17.5.3.1(ca)(iii) with:
-------------------	---	--

<p>73:17 Map 57 or 121, 123</p>	<p>I oppose The removal of The indicative Road. See attached correspondence. 4 Sheet Number 1 To 4</p>	<p>(1)</p>
---	--	------------

OFFICE USE: Submission No.



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Fax 03 528 9751

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Fax 03 525 9972

①

4/88

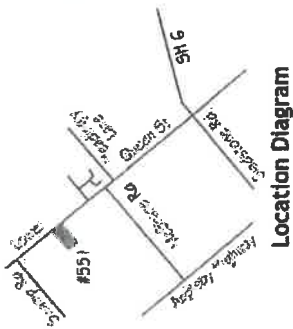
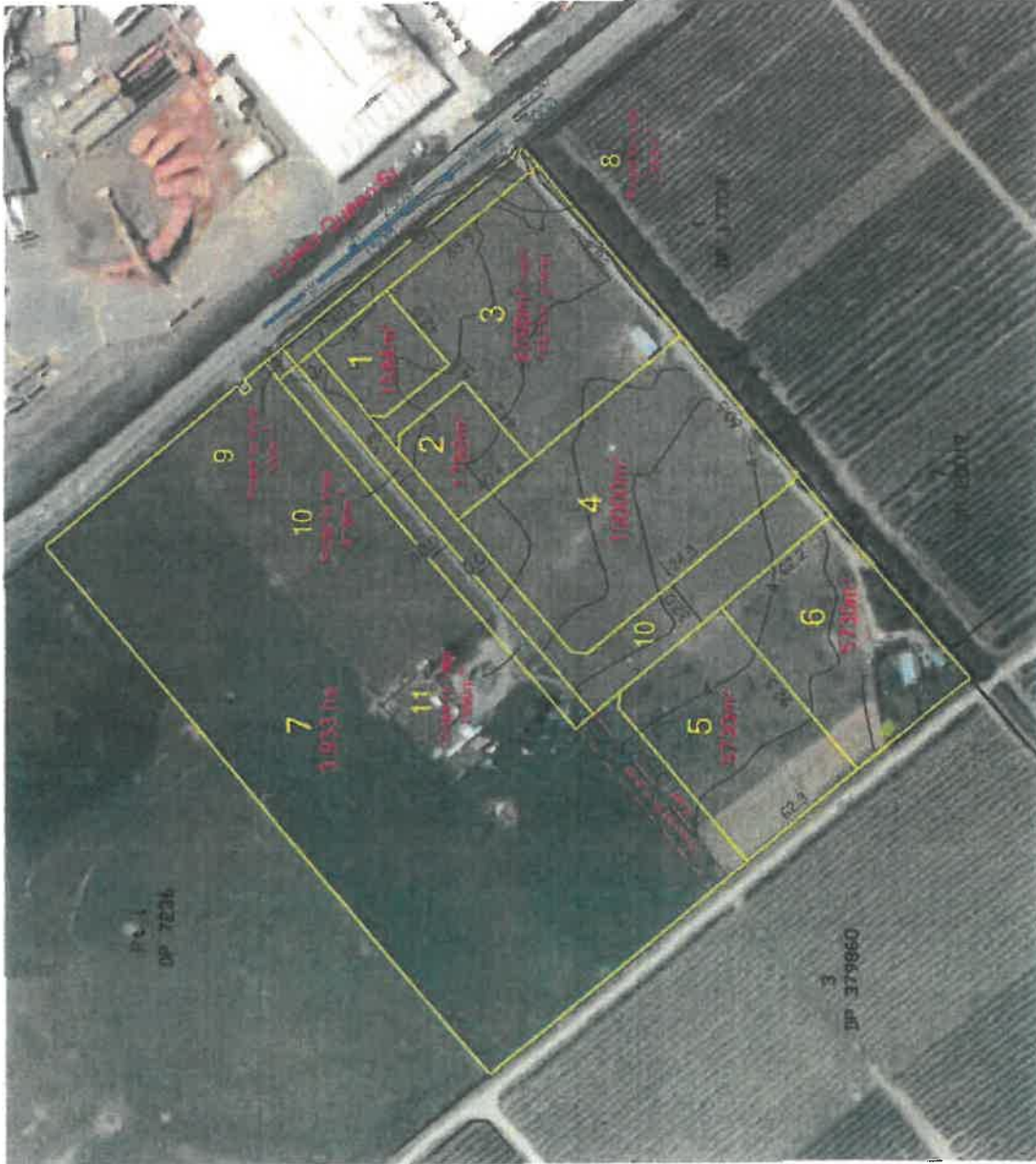
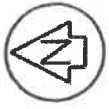
Re removal of planed indicative road onto Lower Queen Street at about 551 Lower Queen

I would oppose the removal of this road on the following basis.

We have been working with council for over two years on the proposed sub- division of our property at 551 Lower Queen and in addition, to date have spent considerable time and money in developing this plan in conjunction with the council. We have also erected a substantial building on the road end of this property based on the proposed council roading plan. In all our discussions, there has never been a hint that this road may be removed. To date we have put in water, communication, and power connection, sewage provisions and street lighting provisions. These have been installed at a higher rate than what we required for our project based on the assumption that this would be a public road and that these services would eventually carry on to further development of this area. The utility companies have put in these services that they will eventually be running on road to vest land. If this is removed then these services will now be running over private land.

While I can see the logic to no more roads coming onto Lower Queen and can agree with this logic but with removing this section of road, I can see it creates further issues in the fact we are going to build roads to nowhere. If we look at the facts, the MDF plant owns the land to the south of us so the chances of some development here are remote, so a road through our section will lead to nowhere. The land to the north of our section is now subject to sea level rise and the possibility of getting any form of development on this is remote and most likely this land will stay as rural zoning and there will never be a road through this to connect to the road we have to build.

We would agree to this road being removed provided the other proposed roads where deleted and a new indicative road rang as close to the back of the property boundaries as partible which would enable it to service all the properties in the rural deferred zone with on single road (see my attached proposal) .



Location Diagram

- Notes:
- 1) Lots 8, 9, 10 & 11 shown as Rd to West as separate parcels for the purposes of the application due to cross ownership & the Queen St widening bit mazes shown as one on final survey.
 - 2) 5m x 5m splays shown on internal road intersections
 - 3) Areas & dimensions subject to final survey.
 - 3) Contour interval 0.2m; contours in terms of Nelson 1955 datum.

<p>Verrall & Partners Ltd Surveying, Resource Management & Land Development 60 Vickerman Street PO Box 152, Nelson</p>	<p>Applicant: D T King</p>	<p>Proposed Subdn 551 & 563 Lower Queen St, Richmond, being Pt Lot 2 & Lot 3 DP 7236</p>		<p>Scale: 1:2000 @A3</p>
	<p>Date: August 2018</p>			<p>Job No: 16026</p>

2

4188

Proposed New Inductive Road Layout ③ 4188



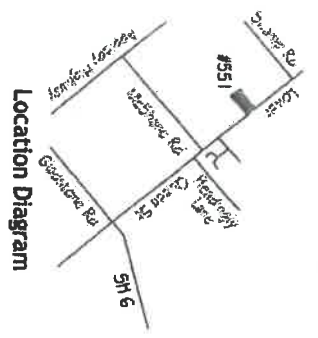
AREAS
 Update Map
 Date
 Maps affected 0, 0

Legend
 Delete Indicative Road
 Indicative Roads

TASMAN RESOURCE MANAGEMENT PLAN
 Current Indicative Road
 Lower Queen Street
 1:5,575
Sourced from Land Information New Zealand data. Data is copyright reserved. All rights reserved by LINZ.

4

4188



Road that may
Never get created
IP Built

- Notices:
- 1) Lots 6, 9, 10 & 11 shown as Rd to Vest as separate parcels for the purposes of the application due to cross ownership of the St widening but may be shown as one on final survey.
 - 2) 5m x 5m splay shown on internal road intersections
 - 3) Areas & dimensions subject to final survey, Contour interval 0.2m; contours in terms of Nelson 1955 datum.



Land Subject to Sea Level Rise.
May Not Get Developed (Flooded) and Retain Rural.

MDF Land
May Never be
Developed

Verrall & Partners Ltd
Surveying, Resource Management
& Land Development
60 Vickerman Street
PO Box 152, Nelson
Ph 03 548 3358
Fax 03 548 3308

Applicant: **D T King**
Date: **August 2018**

**Proposed Subdn 551 & 563 Lower Queen St,
Richmond, being Pt Lot 2 & Lot 3 DP 7236**

Scale: **1:2000 @A3**
Job No: **16026**



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M + 64 21 286 0230 59-67 High Street, Auckland
F + 64 9 280 1110 PO Box 1296, Shortland Street
E stuart@stuartryan.co.nz Auckland 1140, New Zealand
www.stuartryan.co.nz

Tasman District Council
189 Queen Street
Private Bag 4
Richmond 7050

9 February 2021

Rec'd
9/2/21

Attention: Team Leader – Planning
By Email: tasmanrmp@tasman.govt.nz
Submission on: Tasman District Plan – Plan Change 73: omnibus 2 Amendments
Name: House Movers Section of the New Zealand Heavy Haulage Association Inc
Address: House Movers
C/ - Stuart Ryan
P.O. Box 1296
Shortland Street
Auckland 1140

Introduction

1. This submission in support is made for the House Movers Section of the New Zealand Heavy Haulage Association Inc (referred to as the "Association"). The Association represents firms and individuals engaged in building removal and relocation throughout New Zealand, including members that operate in the area, Perriam Enterprises Ltd and Coffey House Removals Ltd.
2. The Tasman District Council has sought submissions on the Proposed Plan Change 73: Omnibus 2 Amendments (PC73). This submission relates specifically to the proposed Plan Change Topic 73.22: Relocated buildings as a permitted activity.
3. The Association wishes to ensure that regulatory controls through district plans properly reflect the purpose and intentions of the Resource Management Act 1991 (RMA) as expressed in the decision of the Environment Court in *New Zealand Heavy Haulage Association Inc v The Central Otago District Council* (Environment Court, C45/2004, Thompson EJ presiding). In this case the Environment Court held that there was no real difference in effect and amenity value terms between the *in situ* construction of a new dwelling and relocation of a second-hand dwelling, subject to appropriate permitted activity performance standards.

Proposed rules

4. The proposed rules in PC73 provide for the relocation of buildings as permitted throughout the district. Relocated buildings which are intended to be used as dwellings are subject to zone building standards as well as the following proposed performance standards:

4189

- a. The building must be placed on permanent foundations as soon as practicable and not later than six months of being relocated to its final destination site.
- b. The Council is notified in writing no later than 48 hours prior to the building being relocated to its final destination site.
- c. All external reinstatement work is completed within 12 months of the building being relocated to its final destination site.

Association's position

5. The Association **supports** the proposed classification of relocated buildings as a permitted activity, however seeks additional regulatory control over the relocation of buildings through permitted activity standards.
6. The Association supports the permitted activity classification of relocated buildings because:
 - a. It is consistent with the *Central Otago* decision;
 - b. It allows the Council to address effects on the environment to a reasonable degree through permitted activity standards, which comes at a lower cost to District Plan-users and the District as a whole; and
 - c. It accords with principles of sustainable management of use, development and resources under part 2 of the RMA.
7. The Association seeks stricter permitted activity standards in relation to relocated dwellings to ensure that amenity effects are adequately provided for in a quality manner and to a degree that is acceptable for residents in the district.
8. The Association **opposes** the proposed provision 16.8.3.1(c), which requires the Council to be notified 48 prior to the relocation of the building. The Association opposes this provision because it appears to be targeted towards possible damage to local infrastructure. This does not relate specifically to building control and therefore should not be included as a building matter in the District Plan.

Outcomes sought

- ① 9. Retain provision 16.8.3.1 which provides for relocated buildings as a permitted activity.
10. Delete the proposed performance standards relating to relocated dwellings at 16.8.3.1(b)-(d) and replace them with the following standards:

② For a building which is, or is intended to be, used as a dwelling:

(b) A relocated building intended for use as a dwelling must have previously been designed, built and used as a dwelling.

(c) A report shall accompany the application for a building consent for the destination site that identifies all reinstatement works that are to be completed to the exterior of the building.

(d) The building shall be located on permanent foundations approved by building consent, no later than 2 months from when the building is moved to the site.

4189

(e) All other reinstatement work required by the report referred to in (c) and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. Without limiting (f), reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.

(f) The owner of the land on which the building is to be located must certify to the Council, before the building is relocated, that the reinstatement work will be completed within the 12 month period.

11. There are several aspects to the shifting of buildings, including:

- a. *relocation* (onto a site),
- b. *removal* (off a site), and
- c. *re-siting* (within same site).

12. In order to ensure certainty for plan users who are seeking to remove or re-site dwellings, and to avoid the unintended application of any default rule to the above activities, it is therefore suggested that:

- a. Removal and re-siting also be provided as permitted activities, subject to the same zone standards as *in situ* dwellings; and 3
- b. Removal and re-siting be defined in the interpretation chapter of the Proposed Plan. The Association requests that the following definitions be provided, in addition to "*relocated dwelling*":

Removal

Means the shifting of a building off a site and excludes demolition of a building. 4

Re-siting

Means shifting a building within a site.

Submission matters

13. The Association could not gain an advantage in trade competition through this submission.
14. The Association **does** wish to be heard in support of this submission. The Association will consider presenting a joint case with other submitters, who make a similar submission, at hearing.



Stuart Ryan/ Marina Chevalier
Barrister/Associate Barrister



COVER SHEET

Submission on a Change to the Tasman Resource Management Plan (TRMP)

Return your submission by the advertised closing date to:

Environmental Policy
Tasman District Council
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189 Queen Street, Richmond OR
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OFFICE USE

Date received stamp:

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Initials:

Submitter No. 4190

Submitter Name: Matenga West Limited
(organisation/individual)

Representative/Contact: Joan Butts (Director)
(if different from above)

Postal Address:
517 Abel Tasman Drive
RD1 Takaka
7183

Phone: (03) 525 9140 or 0276673010

Fax:

Email: joanbutts@port-tarakohe.co.nz

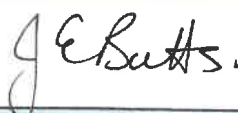
Date: 9 February 2021

Total number of pages submitted (including this page): 8

Postal address for service of person making submission:
(if different from above)

[Empty box for postal address for service of person making submission]

Signed:


Signature of submitter (or person authorised to sign on behalf of submitter). NOTE: A signature is not required if you make your submission by electronic means.

IMPORTANT – Please state:

This submission relates to Change No.: 73

Change Title/Subject: Proposed Plan Change 73 - Omnibus 2 Amendments

I/we wish to be heard in support of my/our submission.

I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Could you gain an advantage in trade competition through this submission? (tick one) Yes No

If 'Yes' are you directly affected by an effect of the subject matter of this submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition?

(tick one) Yes No

Remember: Attach this Cover Sheet to as many Content Sheets as required.

064

Submission on a Change to the Tasman Resource Management Plan

CONTENT SHEET			
Sheet No.	2	of	8

Continue on another Content Sheet, if required, and then attach the Cover Sheet to all Content Sheets.

OFFICE USE Submitter Number: 4190

The whole Plan Change (Please tick as applicable)

I support the Plan Change and seek that the Council retains it in its entirety.

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OFFICE USE: Submission No. 1 2

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Example:

17.5.3.1(ca)(iii)	I oppose the restriction of ... because ...	Delete and replace condition 17.5.3.1(ca)(iii) with:
Plan Change Topic 73.16 - Protection of indicative road and reserves, and updating positioning and existence - Planning Map Amendment to Map 77	Oppose the current positioning of the indicative road though the private laneway off Falconer Road leading into the southern boundary of the Tarakohe Industrial Area. This road needs to be moved to the south to achieve a stable road and avoid the washed out edge of the old Golden Bay Cement Works dump and the edge of the large tomo.	Indicative road Planning Map 77 to be amended so indicative road corridor is on stable land. This indicative road should include the Lot 7 road title (shown in yellow on Attachment 3) and also the area immediately to the south that is part of the 51 Falconer Road land title (shown in green on Attachment 3). The portions of the indicative road located in the 45 and 49 Falconer Road land titles should also be adjusted to be included entirely in the Lot 7 road title (see Attachment 4).



Tasman District Council Email info@tasman.govt.nz Website www.tasman.govt.nz 24 hour assistance	Richmond 189 Queen Street Private Bag 4 Richmond 7050 New Zealand Phone 03 543 8400 Fax 03 543 9524	Murchison 92 Fairfax Street Murchison 7007 New Zealand Phone 03 523 1013 Fax 03 523 1012	Motueka 7 Hickmott Place PO Box 123 Motueka 7143 New Zealand Phone 03 528 2022 Fax 03 528 9751	Takaka 78 Commercial Street PO Box 74 Takaka 7142 New Zealand Phone 03 525 0020 Fax 03 523 4632
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Matenga West Limited – Submission on Proposed Plan Change 73 – Omnibus 2 Amendments

1) Planning map amendments to Map 77 of the TRMP under Plan Change Topic 73.16

Proposed Plan Change 73 (PC73) – Topic 73.16 proposes to amend Planning Map 77 of the TRMP to add, delete or realign several indicative roads through the Pohara/Tarakohe area.

Matenga West Limited (MWL) opposes the current positioning of the indicative road through the private laneway off Falconer Road leading into the southern boundary of the Tarakohe Industrial Area. MWL proposes to amend Planning Map 77 by moving this indicative road to the south to reflect the actual site and ground conditions. This will achieve a stable road and avoid the washed-out edge of the old Golden Bay Cement Works dump and the edge of the large tomo.

The changes made to the indicative road through this section of land have simply moved its position to within the road title boundary. This has made the siting of the road worse. To achieve a stable road this should be moved further to the south to avoid the washed-out edge of the old cement works dump site (see **Attachment 1**) and the edge of the large tomo (see **Attachment 2**). This road was bulldozed in with uncertified fill and is in the process of washing away while more suitable land for a road is available immediately adjacent to the south (marked in green on **Attachment 3**).

TDC's roading engineers had an opportunity to visit this issue with a subdivision consent application processed in May 2019 but chose not to (RM 180974). Some of the land title at 51 Falconer Road was already compromised by the previous proposed indicative road placement (see **Attachment 4**). A 10-12 metre relocation of the road to the south would provide a logical protected road corridor. This road has always been used whenever there has been a problem with the Abel Tasman Drive coastal road but is not fit for purpose and an opportunity now exists to remedy this known issue. A protected indicative road corridor should be sited as drawn on **Attachment 3**.

2) General Comments

All the proposed Omnibus 2 Amendments to the TRMP have been included within a single plan change process for administrative efficiency. Without doubt, the indicative road component should have been dealt with via a single comprehensive plan change, but over the last 20 years the roading network has evolved with rural-residential subdivisions in Pohara and Ligar Bay and industry roads in the Tarakohe Quarry:

- **April 2001 to present:** Consultation process started regarding roading and walkways at Tarakohe. This process should not take 20 years.
- **June 8 2020:** Letter sent to affected landowners.
- **June 2020:** Full consultation submission from both PTL and MWL sent to Reuben Peterson – TDC consultant planner. We requested a site visit to work towards a sensible resolution.
- **July 3 2020:** Submission acknowledged by TDC. We were told we would be advised if further information was needed.
- **December 19 2020:** Plan Change 73 notified.
- **January 14 2021 (date on TDC letter):** Received TDC public notification letter in Takaka mailbox on January 22.
- **February 1 2021:** Email from PTL and MWL to Jeremy Butler (TDC) describing our position and requesting a site visit. Consequences of the proposed 10 metre setback rule explained.

- **February 2 2021:** Phone call from Jeremy Butler to discuss email and he suggests we send in an indicative roading plan that works for the Tarakohe land.
- **February 4 2021:** Dan Hames (Port Tarakohe Services Ltd) replies to Jeremy Butler by email.
- **February 9 2021:** PTL and MWL submission emailed to TDC.

To the lay person, the advertisement of a plan change does not trigger any interest unless you are advised by Council as an affected landowner. A landowner needs to be advised when the plan change is publicly notified.

Our companies (PTL and MWL) were notified over 1 month after the date of public notification and this put considerable pressure on us to consider the effects on our land, take advice and submit by the due date.

Attachment 2

501

5

10

6

7

4/90

21

23

25

27

Matanga West Rd

49

45

51

THE
MAP

Food
available
area

Temo

Attachment 1

6

4190

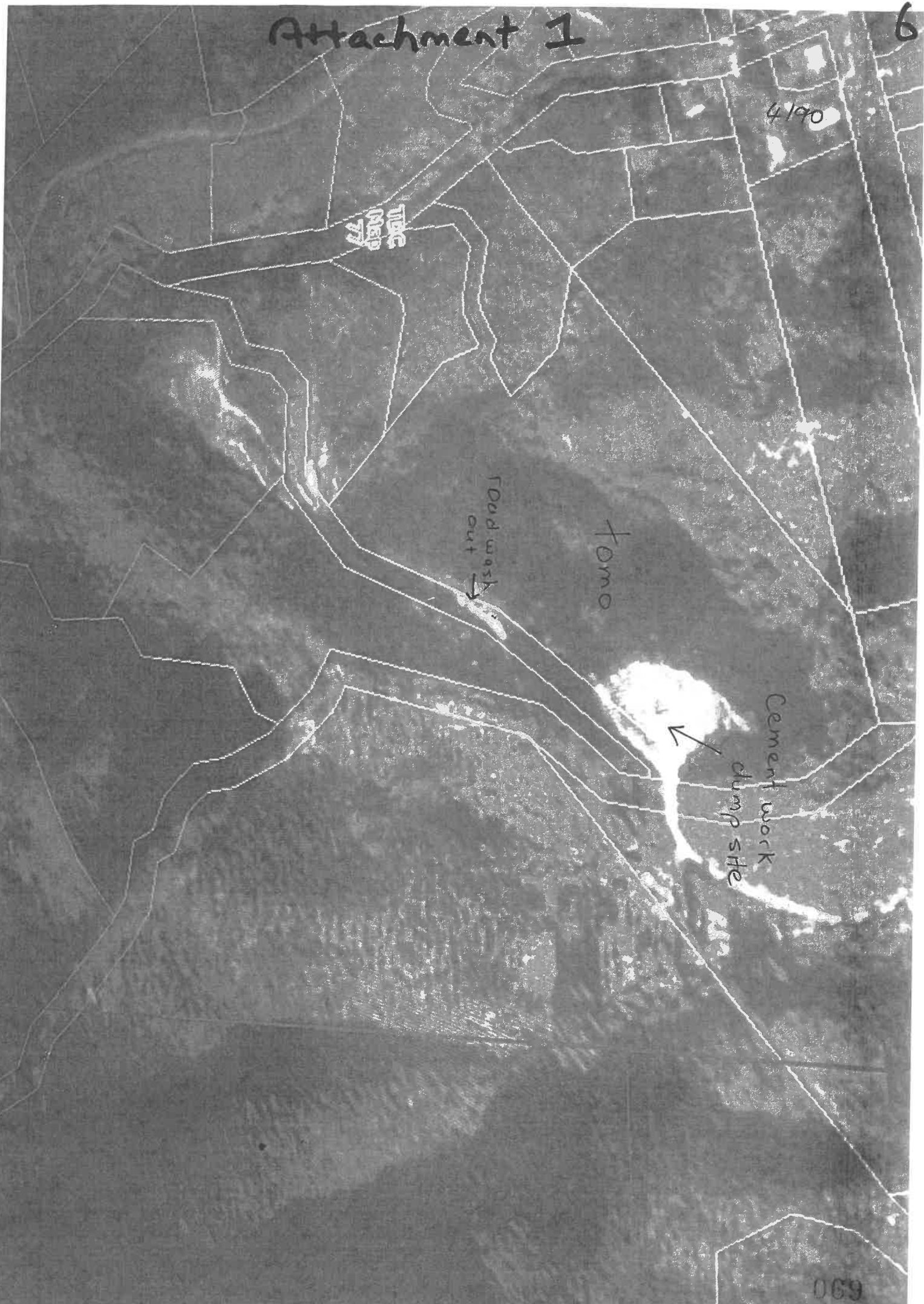
TIDE
DEEP
27

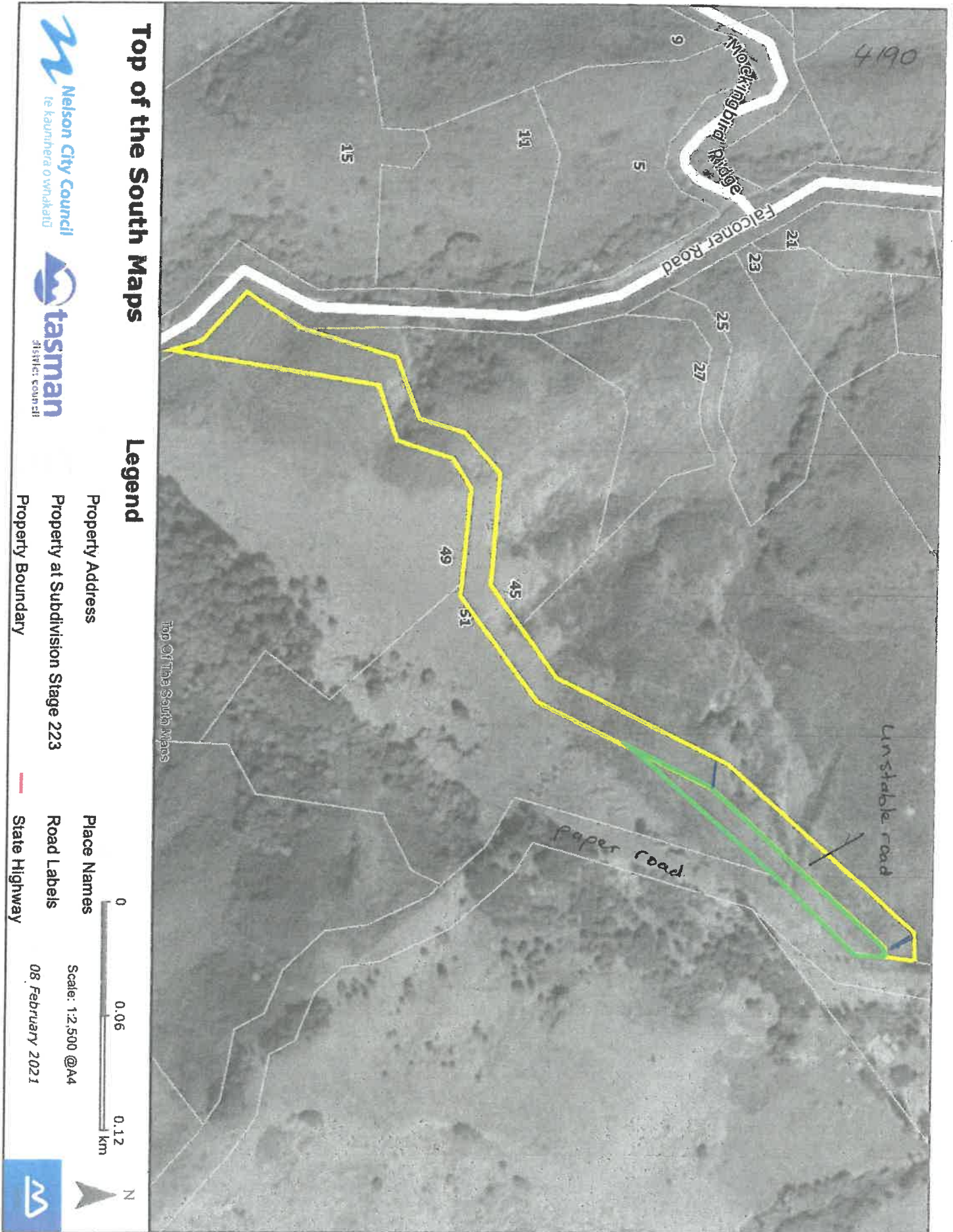
Food waste
out

tono

Cement work
dump site

069





The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Tasman District Council and Nelson City Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty or representation of any kind is given as to the accuracy or completeness of the information represented. Top of the South Maps information is licensed under a Creative Commons Attribution 2.0 New Zealand License, and the use of any data or plan or any information downloaded must be in accordance with the terms of that licence. Cadastral and NZTopo50 related data is sourced from Land Information New Zealand

Indicative Roads

Attachment 4

A mended Map as shown in Plan Change 73


4190



Original lines (including 51 Falconer Rd land)
Amended lines - moved onto unstable road title

**TASMAN DISTRICT COUNCIL
RESOURCE MANAGEMENT ACT 1991**

**SUBMISSION ON PROPOSED PLAN CHANGE 73
PLAN CHANGE TOPIC 73.28 – GOLDEN HILLS ROAD**

Rec'd
9/2/21

4191

To: Environmental Policy
Tasman District Council
Private Bag 4
RICHMOND 7050
tasmanrmp@tasman.govt.nz

Submitter: Neil & Sue McCliskie

Tasman Resource Management Plan: Plan Change 73. Plan change topic 73.28 – Golden Hills Road, Waimea West

Closing date for Submissions: 9 February 2021

Hearing: The Submitters wish to be heard in support of their submission.

Dated this 9th day of February 2021



Signed by the Submitters Authorised Agent

Address for Service: Staig & Smith Ltd
PO Box 913
NELSON
Attn: Jackie McNae
Email: jackie@staigsmith.co.nz
Phone: 03 548 4422

1.0 Submission

- 1.1 The Submitters, Sue & Neil McCliskie, own Lot 1 DP446909, RT563505 at 272 Golden Hills Road. This property comprises an area of 11.5729ha.
- 1.2 The submitters property contains their homestead and accessory buildings along with a vineyard and irrigation dam. The submitters own a range of blocks on the Waimea Plains developed and used as productive vineyards.
- 1.3 The submitters oppose the proposed change to the Tasman Resource Management Plan (TRMP) removing part of the previous planning framework without any consideration for an appropriate replacement planning framework taking into account the actual land uses and land potential within this enclave within the Golden Hills locality.

2.0 Reasons for the Submission

- 2.1 The Submitters lodged a submission to the original draft of this Plan Change in relation to Golden Hills Road specific provisions. In that submission it was noted that the understanding of the history of the special rules related to an original landowner in this location wishing to pursue a Rural Residential style of development and sought that the Tasman Resource Management Plan (TRMP) had a zoning to accommodate the Rural Residential development sought. It appears that as part of the consideration of the original submissions to the notified TRMP that the Council chose not to zone the land Rural Residential but instead incorporated specific rules into the TRMP to accommodate a specific Rural Residential subdivision design.
- 2.2 It would have been more appropriate to have zoned the land some type of Rural Residential zoning at the outset given the acceptances of the suitability of the land for a Rural Residential development, but for whatever reasons at the time the outcome was a set of special rules to accommodate a particular subdivision proposal.
- 2.3 The resulting subdivision creating seven allotments was completed, subsequently there have been boundary relocations undertaken since the original subdivision. The area has developed as a Rural Residential enclave however two of the titles, the McCliskie title, and the adjoining Marr title, are larger titles where historically there has been a level of production, the production has not necessarily been economic, but has been undertaken at a scale that has the attendant activities of equipment, seasonal staff and spraying regimes which has caused conflict within this lifestyle enclave.
- 2.4 The submitters land at 272 Golden Hills Road contains their homestead and accessory buildings together with a vineyard. They own, through their company, Alandale Orchards Ltd, held with other family members, a range of other landholdings on the Waimea Plains that are in productive vineyards. Their company used to also own large orcharding blocks some of which were sold, and other landholdings were converted to viticulture.
- 2.5 When they purchased the subject land, it was already in vines, there was an existing large dwelling and accessory buildings. The attraction of the subject property for the Submitters was predominantly the dwelling, aspect and outlook from the dwelling, not the vineyard.

- 2.6 The vines on the subject property are ageing and will be pulled out within the next five years. The subject property is not good quality land it is not in the same category as the Submitters other landholdings on the wider plains area within the Rural 1 zone. The subject land is too steep for most productive activities, such as orcharding, hops and market gardening. The property can grow grapes but the overall production achieved from the subject land per hectare compared to the Submitters other landholdings, is substantially less as it only produces a third of the production per hectare as the Submitters land on the Plains. The subject land is not comparable in productive potential compared to Waimea Plains land.
- 2.7 Because of the age of the vines, as noted, they will need to be pulled out within five years. The Submitters need to plan ahead for the future use of the subject land. As noted, the land is too steep for most productive activities and while the land can support grapes, the production is very low compared to production from flat Waimea Plains land, yet the cost inputs are the same, if not greater, given the restrictions caused through the contour of the land.
- 2.8 One advantage of vines on the subject land is that it is a relatively low impact intensive rural activity compared to other activities such as orcharding and market gardening. Notwithstanding the impacts of grapes being at the lower end of the scale, the Submitters still have had to contend with complaints and conflicts with neighbours over normal rural activities, and with different crops the effects would be greater. The submitters are very mindful of the proximity of the right-of-way, mindful of school pick up, and drop off times, but even so, it is not always possible for them to totally plan their productive activities around meeting the lifestyle aspirations of neighbours.
- 2.9 The submitters view is that given the quality of the land, the established lifestyle nature of this enclave of land, that the land should be zoned for the predominant purpose in this location which is a lifestyle purpose, the land should be zoned Rural Residential.
- 2.10 The submitters are concerned that the Council is proposing to remove specific rules from the TRMP which acknowledges the subject lands history and effectively records the Council's agreement to the enclave being developed for Rural Residential purposes, notwithstanding the zoning Council chose to place over this land, which was a Rural 1 Closed zone.
- 2.11 Removing the rule that acknowledges the Council agreement to this being an area suitable for lifestyle subdivision, and leaving the land in a Rural 1 Closed zone, where subdivision is prohibited, is unreasonable and does not relate to any Resource Management purpose. This small area of land within Golden Hills, on an area of land elevated above the more productive plains, is subjected to a considerably more restrictive planning regime than the Waimea Plains that truly has high productive potential. Prohibiting even the consideration of subdivision is not a restriction that applies to the Rural 1 zone, even though the majority of that zone, has considerably more productive potential than the subject land as evidenced by the production output on the Submitters landholdings where the Plains land achieves three times the production of what is achievable from the subject land.
- 2.12 It is acknowledged that in some areas the district having a 'Closed Zone' prohibiting subdivision is necessary because of hazard issues such as a significant coastal hazard. However, to adopt such a framework in the subject locality where there are no such concerns is unreasonable.

- 2.13 The Section 32 report relevant to Plan Change 73.28 notes that the site-specific rules relating to this area of Golden Hills Road are now redundant and they should be removed because the subdivision has been completed, but is proposed to still have the enclave within an area zoned Rural 1 Closed, prohibiting as noted, any subdivision other than boundary adjustments. Whereas in the wider Rural 1 zone, the vast majority of which is of higher quality land, while subdivision is still restricted, there is the option of applying for a Resource Consent Application for subdivision as a discretionary or non-complying activity and having the proposal judged on its merits in accordance with the statutory framework under the Resource Management Act, including the TRMP Objectives and Policies and the effects on the environment of any development proposal.
- 2.14 The Section 32 evaluation report notes that consultation has been undertaken and notes requests for rezoning, but states that this is outside of the scope of the Plan Change. However, I see no reason for the Council to not consider the rezoning of the land as the Plan Change specifically considers this area of land and the planning framework that is appropriate. It is noted that the requested rezoning is to be added to the matters considered under the full TRMP review and this as a minimum should occur, however the review of the TRMP is a very long process and will be some time before the TRMP review is completed, notified and declared operative. In the meantime, the Submitters need to make decisions over the future of their landholding. They will be removing the vines on the subject land for the reasons noted within the next five years and they need to be making decisions on the future of their landholding. A Rural 1 Closed zone provides no options and no sensible framework for guiding land use decisions.
- 2.15 Historical decisions of Council allowed a level of lifestyle development in this enclave though the subdivision undertaken has left two large landholdings with limited productive potential and a situation where there have been consistent cross boundary conflicts having to be contended with.
- 2.16 The Submitters clear preference is that the land be rezoned for Rural Residential development, however acknowledging the Council staff preference that the matter should form part of the considerations of the TRMP review, at the very least, in the interim removing the Closed status of the Rural 1 zoning would put the Submitters on the same footing as any other property within the Rural 1 area.

3.0 Decision Sought

3.1 Either:

- (i) Delete the site-specific rules noted in Plan Change 73.28 and delete the closed status of the Rural 1 zone around the enclave and have the land revert to Rural 1 zoning;

And:

- (ii) Provide a commitment to rezoning the land to a Rural Residential zone as part of the review of the TRMP. (1)

Or:

- (iii) Delete the site-specific rules in Plan Change 73.28 and rezone this location of Golden Hills Road to Rural Residential.

Submission on a Change to the Tasman Resource Management Plan (TRMP)

Note:

1. This form is only for the purpose of making a submission on the Plan. It is NOT for making a further submission (i.e. in support or opposition to an original submission) or for making a submission on a resource consent or on Council's Annual Plan.
2. It is not mandatory to use either the cover or content sheet of this form, however your submission must be in writing and provide the necessary information as indicated on the form, e.g., what is supported or opposed, the reason why and the decision sought, contact details, etc.
3. Council cannot accept a submission that does not clearly indicate what a submitter wishes Council to do (i.e. Council makes a decision to refuse, amend or accept the changes). Please include specific recommendations if amendments are sought. Council also cannot accept a submission that does not relate specifically to the Plan Change. In these cases, the submission may be considered 'Out of Scope' and may not be considered further.

Submitter Name: Allan McLean
(organisation/individual)

Representative/Contact: Allan McLean
(if different from above)

Postal Address:

4 Ardilea Avenue
Stoke
Nelson
7011

Phone: 021 243 9833

Fax: _____

Email: allan.mclean@oprtech.co.nz

Date: 04/02/2021

Postal address for service of person making submission:
(if different from above)

Total number of pages submitted (including this page): _____

Signed: _____

Signature of submitter (or person authorised to sign on behalf of submitter). *NOTE: A signature is not required if you make your submission by electronic means.*

IMPORTANT – Please state:

This submission relates to Change No.: 73

Change Title/Subject: Proposed Plan Change 73: Omnibus 2 Ammendments

I/we wish to be heard in support of my/our submission.

I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Could you gain an advantage in trade competition through this submission? (tick one) Yes No

If 'Yes' are you directly affected by an effect of the subject matter of this submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition?

(tick one) Yes No

Remember: Attach this Cover Sheet to as many Content Sheets as required.

076

COVER SHEET

Return your submission by the advertised closing date to:

Environmental Policy
Tasman District Council
Private Bag 4, Richmond 7050 OR
189 Queen Street, Richmond OR
Fax 03 543 9524 OR
Email: tasmanrmp@tasman.govt.nz

OFFICE USE

Date received stamp:

4/2/21

Initials: AM

Submitter No. 4192

05/19

Submission on a Change to the Tasman Resource Management Plan

CONTENT SHEET			
Sheet No.	1	of	3

Continue on another Content Sheet, if required, and then attach the Cover Sheet to all Content Sheets.

OFFICE USE Submitter Number: 4192

The **whole** Plan Change (Please tick as applicable)

- I **support** the Plan Change and seek that the Council **retains** it in its entirety.
- I **oppose** the Plan Change and seek that the Council **deletes** it in its entirety.
- I **support in part** specific aspects/provisions of the Plan Change **as indicated below**.
- I **oppose in part** specific aspects/provisions of the Plan Change **and seek amendments as indicated below**.

OFFICE USE:
Submission No.

Parts of the Plan Change (Please list each provision number of the TRMP you wish to submit on, together with its corresponding submission point, as indicated below)

Plan provision or map number(s): <i>State each specific provision (topic) number as addressed in the Plan Change</i>	The aspect of the provisions I support or oppose, together with reasons, are: <i>State the nature of each submission point and indicate whether you:</i> • support or oppose the provision or wish to have it amended; and • the reasons for your view	I seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows: <i>For each submission point/provision number, state, specifically, what changes you would like to see.</i>
---	--	--

Example:

17.5.3.1(ca)(iii)	I oppose the restriction of ... because ...	Delete and replace condition 17.5.3.1(ca)(iii) with:
-------------------	---	--

.....	See Attached Submission Letter.....	See Attached Submission Letter.....
-------	-------------------------------------	-------------------------------------



Te Kaunihera o
te tai o Aorere

Tasman District Council
Email info@tasman.govt.nz
Website www.tasman.govt.nz
24 hour assistance

Richmond
189 Queen Street
Private Bag 4
Richmond 7050
New Zealand
Phone 03 543 8400
Fax 03 543 9524

Murchison
92 Fairfax Street
Murchison 7007
New Zealand
Phone 03 523 1013
Fax 03 523 1012

Motueka
7 Hickmott Place
PO Box 123
Motueka 7143
New Zealand
Phone 03 528 2022
Fax 03 528 9751

Takaka
78 Commercial Street
PO Box 74
Takaka 7142
New Zealand
Phone 03 525 0020
Fax 03 525 9972

04 February 2021

Mr Jeremy Butler
Team Leader – Urban and Rural Development
Tasman District Council

Dear Sir.

Submission to Change 73: Omnibus 2

Thank you for your letter of 14/01/2021 inviting me to enter a submission on the proposed changes

For the record this is a submission on behalf of the McLean Family Trust as the owner of No. 563 Lower Queen St (Valuation Reference 1938098402)

I DO NOT SUPPORT the removal of the Indicative Public Road Access off Lower Queen Street.

I have attached here a submission made recently by Graham Thomas Resource Management Consultants Ltd on our behalf which sets out the recent discussions with Council staff regarding the issue.

To background our plans and progress regarding subdividing the site before this time I add the following details:

- We have been working in conjunction with our neighbour No 551 Lower Queen St (Valuation Reference 1938098600) with regards development of both our properties that was compatible to each other particularly with regards shared access off Lower Queen St taking into account that we both had different development timeframes.
- After discussion with, and with the support of, both the MDF and Council this indicative road was moved from its original position running through the MDF property to the current position as their (MDF) intention was not to subdivide areas owned by them. From that time forward we worked through various options with Council staff regarding the subdivision as our intention had always been to provide a site for our own operation and subdivide off the rest.
- Throughout this period of time, it was never at any stage indicated to us that the Council had any doubts about the road and we continued our planning accordingly. Some challenges and changes in our own business operations meant that our executing on the project was delayed but our plans for it have never changed and indeed we would now like to push ahead with it. This suggested change would suddenly and radically alter what we have currently in mind and would indeed render it unviable.

We would also submit that there is currently a pressing demand for industrially land that can be purchased rather than leased and existing areas available are becoming very limited.

While we are **STRONGLY OPPOSED** to the proposed change, we would urgently request that if it after the Hearings that Council decides that it must go ahead with the deletion of the Indicative Roads that at least the **FOLLOWING PROVISIONS** are made; ①

1. That private accesses (ROW's)/Private Roads off Queen Street is allowed for and is recorded as such in the TRMP under PC73
2. That the lateral side roads that crossed the Indicative Public road be relocated to the rear boundary of No's 563 & 551 and other adjoining lands that front Lower Queen Street. I note that this would also allow the roading to go ahead without interfering with the MDF owned land referred to above and would provide for an alternative access to those properties on the inland side of Lower Queen St. We understand that No. 551 has already presented and discussed this option with Council receiving a favourable response.

If the ABOVE provisions were made, we, and Council, would at least be able to salvage a portion of the planning we have done (in consultation with the Council) over the last years and would allow this land of very low agricultural value to be productively employed.

Yours Faithfully

Allan McLean

4192

From: [Graham Thomas Resource Management Consultants Ltd](#)
Sent: Thursday, 2 July 2020 12:01 pm
To: [Melanie Hardiman \(melanie.hardiman@tasman.govt.nz\)](mailto:melanie.hardiman@tasman.govt.nz); [Dugald Ley](#); [Dwayne Fletcher \(dwayne.fletcher@tasman.govt.nz\)](mailto:dwayne.fletcher@tasman.govt.nz); [Reuben Peterson \(reuben.peterson@opus.co.nz\)](#)
Cc: [Allan McLean](#); [Brett McLean \(brett@oprtech.co.nz\)](mailto:brett@oprtech.co.nz)
Subject: INDICATIVE ROADS SUBMISSION - 563 LOWER QUEEN ST - McLEAN FAMILY TRUST

Morning Mel Hardiman and Others.

Morning Melanie – I am writing on behalf of AB & SL McLean Family Trust (“The Trust”) in response to the letter with attached aerial plan from Council seeking feedback “on a draft proposal to improve the protection of Indicative Roads within the TRMP”. The letter was dated 8th June and was received on the 18th June.

The Trust owns No 563 Lower Queen St being Valuation Reference 1938098402, CT3B/745 with 4.0448ha. It has a RURAL 1 DEFERRED LIGHT INDUSTRIAL Zoning (deferred for servicing) with an INDICATIVE ROAD running off Lower Queen St along the south east side boundary – common with No 551, the neighbouring property. There is also another INDICATIVE ROAD running parallel to Lower Queen St centrally through the property.

The attached aerial plan from Council shows that Council intends DELETING the Indicative Road off Lower Queen St – that is Scenario 1 as set out in the letter. It is noted that Council has not shown DELETION of the other INDICATIVE ROADS that run through the Trusts property parallel to Lower Queen Street.

The Trust DO NOT SUPPORT DELETION of the INDICATIVE ROAD off Lower Queen Street AND therefore seek RETENTION TO ENABLE IMPROVED/UPGRADED access off Lower Queen St in the current format of a PUBLIC ROAD to enable development of the property.

It is understood that Council is still seeking to “restrict/control” public accesses onto/off Lower Queen Street as is currently set out in the TRMP. The TRUST therefore believe that the INDICATIVE ROAD off Lower Queen Street should be a CUL DE SAC (dead end) ending at the rear boundary of the Trust property with no other side street intersections as currently shown on the TRMP Maps. The Trust would SUPPORT the deletion of the other INDICATIVE ROADS running parallel to Lower Queen Street.

Whilst the Deferment has not been uplifted from their property, The Trust has been working in conjunction with the neighbouring property No 551 for shared access to their properties within the Indicative Road alignment.

No 551 is owned by DT King & Company Ltd (“DTK”) being Valuation Reference 1938098600, CT2C/778 with 4.0469ha. DTK applied to uplift the Deferment from No 551 with the Deferment Uplifted in April 2017 and the TRMP altered on 14th October 2017 under Update 59. Although they were invited, The Trust were not in a position to seek uplifting of the deferment in conjunction with DTK at that time.

DTK obtained building consent to erect a building for their associated business on their land in 2017. That business utilises a “temporary” access off Lower Queen St but is designed for access to be off the Indicative Road.

DTK then applied to subdivide No 551 in November 2018 to create 6 lots for Light Industrial use as well as create new roads on the Indicative Roads alignments as required in the TRMP. That subdivision application included a 10m wide strip of land from No 563 to enable the 20m wide road reserve to be created for the “indicative road” off Lower Queen St. That 10m strip of land is subject to an agreement between No 551 & No 563 to protect each other’s development rights and to secure/ensure access in that location.

All of this – especially the road access - was prepared working in with the Council Engineers and whilst the subdivision application was returned by Council Planners for other servicing reasons, there is ongoing discussions to resolve those other issues to enable the application to be resubmitted.

This history is mentioned to confirm to Council that both properties are adamant that access off Lower Queen Street is required in that location to enable both properties to be developed for Light Industrial purposes.

For the record it is also mentioned that I (Graham Thomas) have been advising both property owners for several years so there has been a consistent cohesive approach for development and in working with Council whilst respecting the confidentiality of both parties.

The Trust is aware of the meeting that DTK had with Council Officers on 17th June in response to a similar letter from Council. TDK has given authority for the relevant details of the meeting to be released to The Trust.

The relevant issue here is that Council Officers indicated that they would be prepared to consider/support an access off Lower Queen Street in the position of the Indicative Road to service DTK and “possibly” The Trust. The Council Officers indicated that the road could not be a “Legal Road” [a public road owned by Council] but would have to be a “private access” owned by the “users” AND it would also be necessary to ensure that there was provision for extension of that private access through to the rear boundaries in the future by Council IF ever required.

The Trust CANNOT SUPPORT the PRIVATE ROAD CONCEPT. In fact the Trust struggle to see the reasoning and/or how FUTURE expansion/extension as a PRIVATE ACCESS to service other properties would be able to be enacted. The Trust also has major concerns about security for all properties (after development) if the Private Road concept was enforced by Council and have set out their concerns as follows.

“We have real concerns of how a “Private” roading system accessing a 8 hectare industrial block from off a major Public road would work in practice. One concern would be security. Different to a Private lane accessing houses this will be constructed as a major road and the whole area here could be very infrequently habited at night and over weekends and holidays. Richmond had problems earlier with boy racer types gathering for burnouts - I can imagine once this roading is found to be outside the reach of any traffic officers, just what gatherings could eventuate. Also Law enforcement having to discriminate between two intersecting roads, who controls speed limits, signage etc. and what is the situation in the case of a traffic accident?”

I can therefore advise that The Trust SUPPORT a PUBLIC ROAD proposition and would be prepared to work with Council and DTK as far as is necessary to secure PUBLIC access off Lower Queen Street.

With regards the other Indicative Roads, The Trust is also aware of the DTK proposal to relocate the other main Indicative Road running parallel to Lower Queen Street to a new location further away from Lower Queen Street - as shown by "hand drawn crosses" on a plan supplied to Council by DTK – to basically run along the rear boundaries of No 551 & No 563. The Trust understands that this alignment appeals to Council Engineers. The Trust therefore SUPPORTS this proposition.

The Trust wishes to be a party to any discussions and decisions and to that extent make themselves available as required.

Thank you for the opportunity to have an input.

For and on behalf of The Trust,

Graham Thomas

Graham Thomas
Resource Management Consultants Ltd
PO Box 3314
Richmond Nelson 7050

9a Cambridge Street
Richmond Nelson 7020

Telephone: +63 3 544 0310
Fax: +64 3 544 0300
Mobile: 0274 915 882

Email: graham@trm.net.nz
www.tasmanresourcemanagement.co.nz

Pam Meadows

From: Jeremy Butler
Sent: Wednesday, 10 February 2021 7:50 am
To: Pam Meadows
Subject: FW: Road change 73

Please record as a submission.
 Ta

Jeremy Butler | Environment and Planning
 Team Leader – Urban & Rural Development Policy
 Extension 731 | DDI +64 3 543 8531



From: rachele rabbitts <rrabbitts@hotmail.com>
Sent: Tuesday, 9 February 2021 8:46 am
To: Jeremy Butler <Jeremy.Butler@tasman.govt.nz>
Subject: Road change 73

Hi Jeremy,

I'm contacting you re concerns I have about the proposed change 73 of TDC resource management plan.

As the property owner of 80 Haile lane Pohara I object to these changes not only as it would greatly affect my property but the community.

Building any sort of road along the stream would greatly affect the Pohara water scheme supplying water to Pohara residents and the Top 10 motor camp. Not just during the construction but through ongoing pollution and erosion issues.

The area going up the stream has had severe erosion and flooding issues and the area behind the limestone cliff has had a new large Tomo form after the last major flood and is riddled with sinkholes, tomos and unstable land. It seems obvious to me no one has actually walked over this area but drawn lines on map without physically inspecting the area.

On the map the indicative road goes right through my workshop ! , over all our services and mature fruit and nut trees we have planted.

The placement going up Haile lane seems over the back to Ligar bay seems a very expensive and complicated option compared to going up Richmond road and along the hill to Ligar Bay protecting the water scheme.

Thankyou for reading my objections.

Kind Regards
 Rachele Rabbitts

Submission on a Change to the Tasman Resource Management Plan (TRMP)

Note:

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2. It is not mandatory to use either the cover or content sheet of this form, however your submission must be in writing and provide the necessary information as indicated on the form, e.g., what is supported or opposed, the reason why and the decision sought, contact details, etc.
3. Council cannot accept a submission that does not clearly indicate what a submitter wishes Council to do (i.e. Council makes a decision to refuse, amend or accept the changes). Please include specific recommendations if amendments are sought. Council also cannot accept a submission that does not relate specifically to the Plan Change. In these cases, the submission may be considered 'Out of Scope' and may not be considered further.

COVER SHEET

Return your submission by the
advertised closing date to:

Environmental Policy
Tasman District Council
Private Bag 4, Richmond 7050 OR
189 Queen Street, Richmond OR
Fax 03 543 9524 OR
Email: tasmanrmp@tasman.govt.nz

OFFICE USE

Date received stamp:

4/2/21

Initials:

Submitter No.

4195

Submitter Name: Talley's Limited
(organisation/individual)

Representative/Contact: Graeme Malone
(if different from above)

Postal Address:

P.O. Box 5,
Motueka 7143

Phone: 03 547 6943

Fax: 03 548 0857

Email: gmalone@solutionslawoffice.co.nz

Date: 03/02/2021

Postal address for service of person making submission:
(if different from above)

Solutions Law Office,
P.O. Box 1329,
NELSON 7040

Total number of pages submitted (including this page):

Signed:

Signature of submitter (or person authorised to sign on behalf
of submitter). NOTE: A signature is not required if you make your
submission by electronic means.

IMPORTANT – Please state:

This submission relates to Change No.: 73

Change Title/Subject: Omnibus 2 Amendments

I/we wish to be heard in support of my/our submission.

I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Could you gain an advantage in trade competition through this submission? (tick one) Yes No

If 'Yes' are you directly affected by an effect of the subject matter of this submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition?

(tick one) Yes No

Remember: Attach this Cover Sheet to as many Content Sheets as required.

05/19

Pg 1/2

Submission on a Change to the Tasman Resource Management Plan

CONTENT SHEET

Continue on another Content Sheet, if required, and then attach the Cover Sheet to all Content Sheets.

Sheet No.	2	of	5
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OFFICE USE Submitter Number: 4195

The whole Plan Change (Please tick as applicable)

- I support the Plan Change and seek that the Council retains it in its entirety.
- I oppose the Plan Change and seek that the Council deletes it in its entirety.
- I support in part specific aspects/provisions of the Plan Change as indicated below.
- I oppose in part specific aspects/provisions of the Plan Change and seek amendments as indicated below.

Parts of the Plan Change (Please list each provision number of the TRMP you wish to submit on, together with its corresponding submission point, as indicated below)

Plan provision or map number(s): <i>State each specific provision (topic) number as addressed in the Plan Change</i>	The aspect of the provisions I support or oppose, together with reasons, are: <i>State the nature of each submission point and indicate whether you:</i> • support or oppose the provision or wish to have it amended; and • the reasons for your view	I seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows: <i>For each submission point/provision number, state, specifically, what changes you would like to see.</i>
---	---	--

Example:

17.5.3.1(ca)(iii)	I oppose the restriction of ... because ...	Delete and replace condition 17.5.3.1(ca)(iii) with:
<p>1. Failure to realign the indicative road on Planning Map 77 to follow its existing placement crossing behind (to the East of) the land in Record of Title NL13A/276.</p> <p>2. All changes to Rules 17.1 to 17.13 (imposition in all zones of building location restrictions within 10 metres of an indicative road).</p>	<p>1. Talley's Limited ("Talleys") opposes the proposed change on the following grounds:</p> <p>(a) The Tasman District Council sold the land in Record of Title NL13A/276 ("the Land") (attached and marked "1") on the basis that any roading to the South would not pass through the Land but instead would be routed to the East, where the private road now exists.</p> <p>(b) There is no need for any roading to pass through the Land and it is contrary to the Resource Management Act 1991 ("the Act") to maintain an indicative road where none will or should be built. Further, given that in the proposed changes Council is proposing to amend indicative roads shown on Map 77 it is inappropriate that it should not also, at the same time, amend the indicative road shown to pass through the Land. The existing road should be shown as the alignment of the indicative road and that part of the indicative road currently shown as passing through the Land should be removed.</p> <p>(c) Without amendment of the indicative road, the imposition of the proposed Rule changes and in particular to Rule 17.4.3 and 17.4.4 (Industrial Zone) impose an unnecessary restriction and burden on Talleys by removing Talleys ability to undertake construction on over half of its property without obtaining a resource consent and with no certainty that any such consent would be granted.</p> <p>(d) Continued in attached sheets</p>	<p>1. Amend Map 77 to include, in addition to the added, removed and re-aligned roads already proposed:</p> <p>(a) Realignment of the indicative road from the point marked X on the attached map marked "2" to Able Tasman Drive so that it follows the alignment of the existing private road that runs through the land in Record of Title NL13A/277 and Record of Title NL65/269 and passes to the East of Record of Title NL13A/276 (shown marked by bold black line on the photo-map attached and marked "3"; with the area of realigned indicative road adjacent to Record of Title NL13A/276 shown highlighted blue on the photo-map attached and marked "4").</p> <p>(b) removal of that part of the indicative road currently passing through the land in Record of Title NL13A/276 (and that part of the indicative road passing through the land in Record of Title NL13A/277 that will be unnecessary following the realignment) (shown highlighted green on the photo-map attached and marked "4").</p> <p>2. Delete all proposed amendments to Rules 17.1 to 17.13.</p>

OFFICE USE Submission No.

1

2



Tasman District Council
 Email info@tasman.govt.nz
 Website www.tasman.govt.nz
 24 hour assistance

Richmond
 189 Queen Street
 Private Bag 4
 Richmond 7050
 New Zealand
 Phone 03 543 8400
 Fax 03 543 9524

Murchison
 92 Fairfax Street
 Murchison 7007
 New Zealand
 Phone 03 523 1013
 Fax 03 523 1012

Motueka
 7 Hickmott Place
 PO Box 123
 Motueka 7143
 New Zealand
 Phone 03 528 2022
 Fax 03 528 9751

Takaka
 78 Commercial Street
 PO Box 74
 Takaka 7142
 New Zealand
 Phone 03 525 0020
 Fax 03 525 9972

**CONTINUATION OF SUBMISSION ON PROPOSED TRMP PLAN CHANGE 73
BY TALLEY'S LIMITED**

- d) Planned expansion of mussel farms and other fishing activities in Golden Bay or in locations to which Tarakohe is a convenient port of loading and discharge will increase demand for services and facilities in the light industrial area at Tarakohe, which includes the Land.
- e) Talleys is one of New Zealand's largest fish (including shellfish) processors as well as a significant mussel farmer and plays a significant role in meeting the needs of fishers and mussel farmers both nationally and in the Tasman Region.
- f) The Land was acquired by Talleys to allow an area of sufficient size adjacent to the Tarakohe wharf to allow it to develop facilities to serve such needs as increased mussel farming and fishing activities developed in the area.
- g) The zoning of the land as light industrial, its proximity to the Tarakohe wharf (and the limited amount of such land at the location suitable for development for fishing industry uses) and its size in terms of potential future development (including necessary ancillary space for vehicle movements, supplies etc) are such that imposing unnecessary restrictions on development within the Land is contrary to Section 5 of the Act, in reducing rather than sustaining existing physical resources and detracting from the ability to use such resources in a way that enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety.
- h) For the same reasons, imposing unnecessary restrictions on development within the Land is contrary to Section 7 of the Act in that the imposition of such restrictions would amount to an inadequate regard to the efficient use and development of natural and physical resources and the finite characteristics of the natural and physical resources represented by the Land.
- i) The proposed changes to Chapter 17 of the TRMP and in particular Rule 17.4.3.1, will impose a prohibition on any building construction, without a resource consent, on over a half of the total Land, being the land within Record of title NL13A/276 shown as indicative road highlighted green on the photo-map attached and marked "4" and the land on each side within ten metres of the indicative road (shown highlighted purple on the photo-map attached and marked "4").
- j) While ability does exist to apply for a resource consent there is no guarantee that any such consent will be granted as the changes do not propose to make construction of such buildings a controlled activity. Accordingly, any planning in terms of development or potential development will be hindered and may not occur due to concerns over the consent process and costs.



- k) There is no need to construct any road now or in the future through the Land and a private road has already been constructed around the East of the Land to meet with the indicative road further south within the land in Record of Title NL13A/277.
- l) Actual construction and placement of roads is and remains intended to be determined as a part of subdivision processes (Section 32 Evaluation Report; para. 5.16.1; page 46; see also the proposed explanatory note "Indicative Roads and Reserves" at e.g., Rule 17.4.20 (page 41).
- m) The likelihood of Talley's Limited or any future owner further subdividing the Land is considered remote given its size in terms of the area needed for light industrial activities associated with a Port.

At the same time the balance of the indicative road from the point marked X on the attached map marked "2" to Able Tasman Drive (and the existing private road generally in line with the indicative road) is on land owned by Port Tarakohe Limited in Records of Title NL13A/277 and Record of Title NL65/269 (shown marked by bold black line on the photo-map attached and marked "3).

Any subdivision in the area from Able Tasman Drive to the point marked X on the attached map marked "2" is therefore almost inevitably to be undertaken by Port Tarakohe Limited or that company's successor in title and any roading requirements would result in roading connections also being made through Port Tarakohe Limited's land and not through Record of Title NL13A/276.

- n) In such circumstances there is no justification in imposing the building location restrictions on the Land that are proposed by the changes to 17.4.3.1.
- o) Given that the Council is already proposing to amend Map 77 by adding new areas of indicative road, removing areas of indicative road and realigning areas of indicative road (all of which are in the same general location and part of the same intended roading network) to take account of land development and subdivision that has occurred in the last decade or so, it is appropriate that this proposed plan change also takes into account the above factors and, as requested, at the same time realigns the indicative road so as to avoid the Land. A failure to do so, leaving a need to address the matter again in the future while also imposing unnecessary restrictions on land that will not actually be required for roading until that occurs is contrary to good planning and an unwarranted restriction on landowner rights.

2. While Talley's specific concern relates to the Land and the effect the proposed changes to the rules will have on its ability to develop the land, it is also opposed to the proposed changes to Rules 17.1 to 17.13 in principle, on the following grounds:

2

- a) The proposed imposition of building location restrictions will or may impose an unwarranted burden on landowners more particularly in the residential, commercial and industrial zones, including devaluing their land and ability to use their land which is not justified in terms of the objectives of the Plan, or the Act or the Section 32 Evaluation Report.
- b) Given the stated intention that actual location of roads is to be determined through the subdivision process, indicative roads are highly speculative and, given development that has already occurred over the last decade or so, are already shown inaccurately, in cases, on Plan maps.
- c) Imposing restrictions on land use based on indicative roads that are known to be inaccurate is wrong in principle and is not answered appropriately by a response that "an owner can still build; they just have to pay for and go through the expense and time of a resource consent process" when that expense and time is only required because the Council knowingly imposed a restriction that it knew or should have known was not necessary and served no purpose at the time it imposed the same.
- d) Further provision for roading is already able to be undertaken appropriately under the subdivision rules as and when landowners develop their land.
- e) If they do not subdivide their land and Council does not intend to forcibly take land (e.g., under the Public Works Act 1981) to allow adjacent owners to better subdivide and develop the adjacent owner's land then there is no proper justification for imposing restrictions on the non-subdividing owner building where most convenient or efficient for that landowner nor for requiring them to go to the extra expense and time involved in applying for a resource consent that should never have been required.
- f) The only real justification could be if, despite the stated objectives in the proposed Plan changes and Section 32 Evaluation Report, the Council in fact wished to restrict development by a landowner so that, should the Council decide it should compulsorily acquire land for roading to allow for subdivision development by neighbours, the Council would not have to pay as much as otherwise might be the case, because it had already devalued that land using these proposed changes to the Rules.
- g) In such circumstances it is therefore inappropriate to impose such detrimental restrictions on landowners without proper assessment in terms of each indicative road currently shown on the Plan maps.
- h) Instead, option 3, as detailed in the Section 32 Evaluation Report (page 52) was and is the appropriate option.
- i) Further, were proposed building restrictions to be imposed in terms of indicative roads (and it is submitted that such restrictions are not justified), having regard to the above, applications should not be discretionary but should be controlled.

2

1

Title NL/3A/276

1

4195



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Historical Search Copy**



R.W. Muir
Registrar-General
of Land

Constituted as a Record of Title pursuant to Sections 7 and 12 of the Land Transfer Act 2017 - 12 November 2018

Identifier NL13A/276
Land Registration District Nelson
Date Issued 07 October 1999

Prior References

NL1D/512 NL9A/761

Estate Fee Simple
Area 2732 square metres more or less
Legal Description Lot 1 Deposited Plan 19417

Original Registered Owners
The Tasman District Council

Interests

290281.3 Transfer creating the following easements - 2.8.1989 at 9.35 am

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Right to discharge, let escape and aerially pass over, distribute or spread smoke, soot, ashes, dust and particles of cement dust, limestone, clinker, hydraulic lime and other lime dust and other matter and noxious fumes and vapours	The land in CT NL10D/739	Part	Part formerly in CT NL1D/512 - herein	
Right to discharge, let escape and aerially pass over, distribute or spread smoke, soot, ashes, dust and particles of cement dust, limestone, clinker, hydraulic lime and other lime dust and other matter and noxious fumes and vapours	The land in CT NL10D/737	Part	Part formerly in CT NL1D/512 - herein	

Identifier	NL13A/276		
Right to discharge, let escape and aerially pass over and deposit, distribute, spread upon the land, smoke, soot, ashes, dust and particles of dust, clinker and other matter and noxious fumes, gases and vapours	Lot 1 Deposited Plan 19417 - herein	Part herein	Part Section 1 Survey Office Plan 13823, Part Section 1 Survey Office Plan 14341 and Part Reserve L Square 13 - CT NL13A/277
Right to discharge, let escape and aerially pass over and deposit, distribute, spread upon the land, smoke, soot, ashes, dust and particles of dust, clinker and other matter and noxious fumes, gases and vapours	Lot 1 Deposited Plan 19417 - herein	Part herein	Section 101 and Part Section 1 Square 11 - CT NL9B/947
Right to discharge, let escape and aerially pass over and deposit, distribute, spread upon the land, smoke, soot, ashes, dust and particles of dust, clinker and other matter and noxious fumes, gases and vapours	Lot 1 Deposited Plan 19417 - herein	Part herein	Part Section 22 Square 12 - CT NL65/269
Right to discharge, let escape and aerially pass over and deposit, distribute, spread upon the land, smoke, soot, ashes, dust and particles of dust, clinker and other matter and noxious fumes, gases and vapours	Lot 1 Deposited Plan 19417 - herein	Part herein	Section 4 Block VII Waitapu Survey District - CT NL21/131
393951.4 Consent to the subdivision on DP 19685 whereby the easement in Transfer 290281.3 is extinguished as to Lot 73 DP 19685 part CT NL10D/764 - 23.12.1999 at 11.25 am			
398478.5 Consent of the registered proprietor herein to the deposit of Plan 20032 whereby the easement in Transfer 290281.3 appurtenant hereto will be extinguished as to Lots 72 (to vest as road) and 74 (to vest as Local Purpose Stormwater Reserve) DP 20032 (pt CT NL10D/771) - 19.6.2000 at 2.37 pm			
5480178.1 Transfer to Talleys Fisheries Limited - 7.2.2003 at 9:00 am			
7508803.1 Change of Name of Talleys Fisheries Limited to Talley's Group Limited - 20.8.2007 at 9:00 am			
8047145.3 Partial surrender of the rights to discharge, let escape and aerially pass over, distribute or spread upon the within land smoke, soot ashes, dust and particles of cement dust, limestone, clinker, hydraulic lime and other lime dust and other matter and noxious fumes and vapours over CTs NL10D/769, 24774 & 24775 appurtenant to part formerly NL1D/512 created by Transfer 290281.3 - 19.1.2009 at 9:00 am			

4195

Identifier

NL13A/276

Appurtenant hereto is a right to discharge, let escape and aerially pass over, distribute or spread smoke, soot ashes, dust and particles of cement dust, limestone, clinker, hydraulic lime and other lime dust and other matter and noxious fumes and vapours specified in Easement Instrument 8047145.6 - 19.1.2009 at 9:00 am

8120611.4 Partial surrender of the rights created by Transfers 290281.3 and 318802.3 - 1.4.2009 at 2:37 pm

Appurtenant hereto is a right to discharge, let escape and aerially pass over, distribute or spread smoke, soot, ashes, dust and particles of cement dust, limestone, clinker, hydraulic lime and other lime dust and other matter and noxious fumes and vapours created by Easement Instrument 8120611.16 - 1.4.2009 at 2:37 pm

Appurtenant hereto is a right to discharge or let escape and aerially pass over and deposit, distribute or spread smoke, soot, ashes, dust and particles of dust, clinker and other matter and noxious fumes, gases and vapours created by Easement Instrument 8120611.17 - 1.4.2009 at 2:37 pm

8731900.1 Surrender of the right to discharge or let escape and aerially pass over and deposit, distribut, spread, smoke, soot, ashes, dust and particles of dust, clinker and other matter and noxious fumes, gasses and vapour over Lot 7-8 DP 437467 (CT 419697) appurtenant to the within land created by Transfer 318802.3 - 4.4.2011 at 9:02 am

11811514.1 Transfer to Talley's Limited - 7.10.2020 at 12:20 pm

②

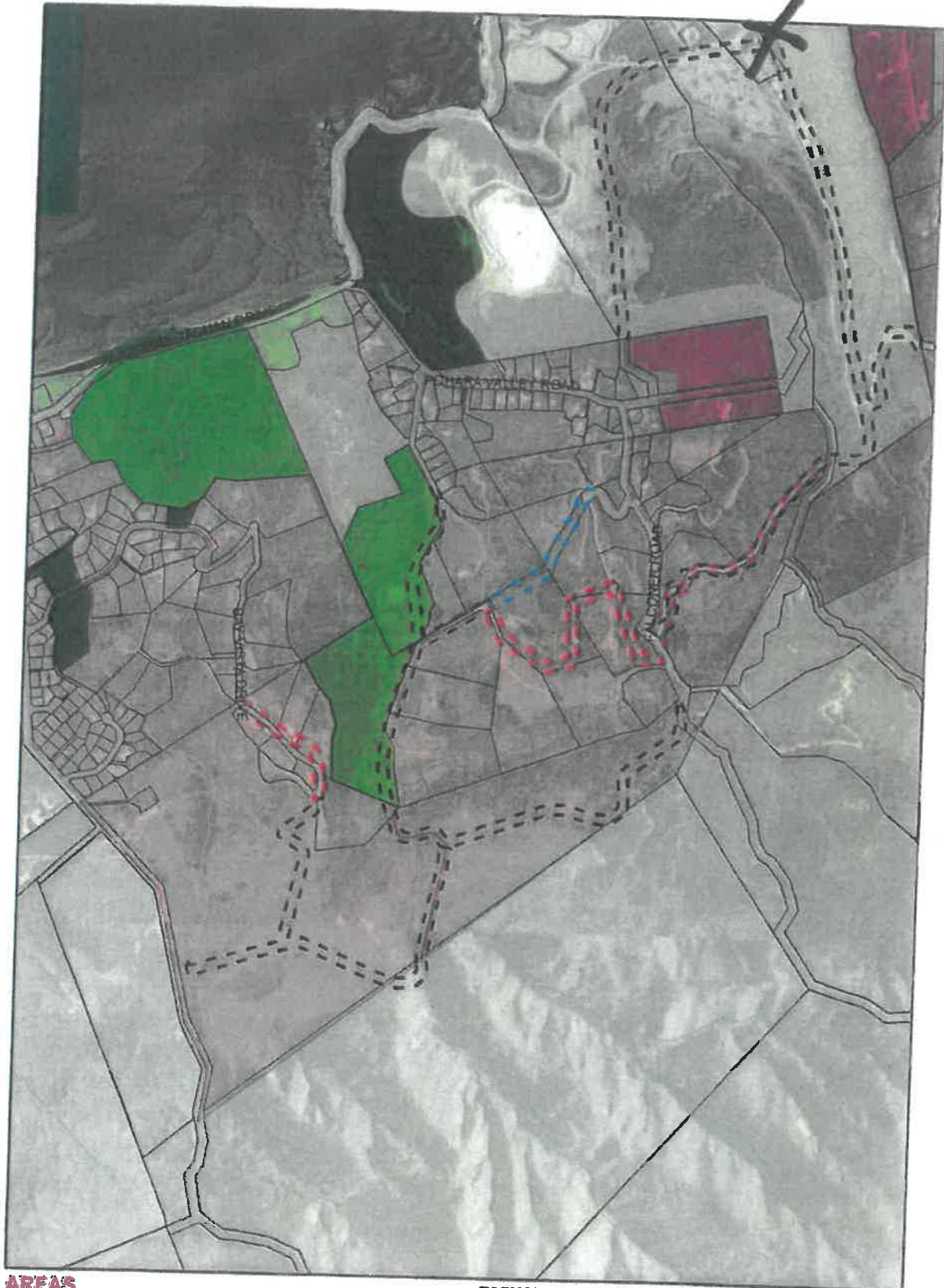
Appendix 3 - Page 8

Proposed Change to

TRMP Map 77

2

4195



AREAS

Update Map

Date

Maps affected: 0, 0

Key

Add Indicative Road

Delete Indicative Road

Realign Indicative Road

Indicative Roads

**TASMAN RESOURCE MANAGEMENT PLAN
Amended Indicative Road**



1:10,000

Bay Vista Drive

Sourced from Land Information New Zealand data. Crown Copyright reserved. Original paper size is A3.

3

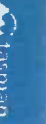
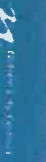
Photomix of Realignment
Large Scale

4195

2/2/2021



Top of the South Maps



More Tools

Results Panel

Share

Data Download

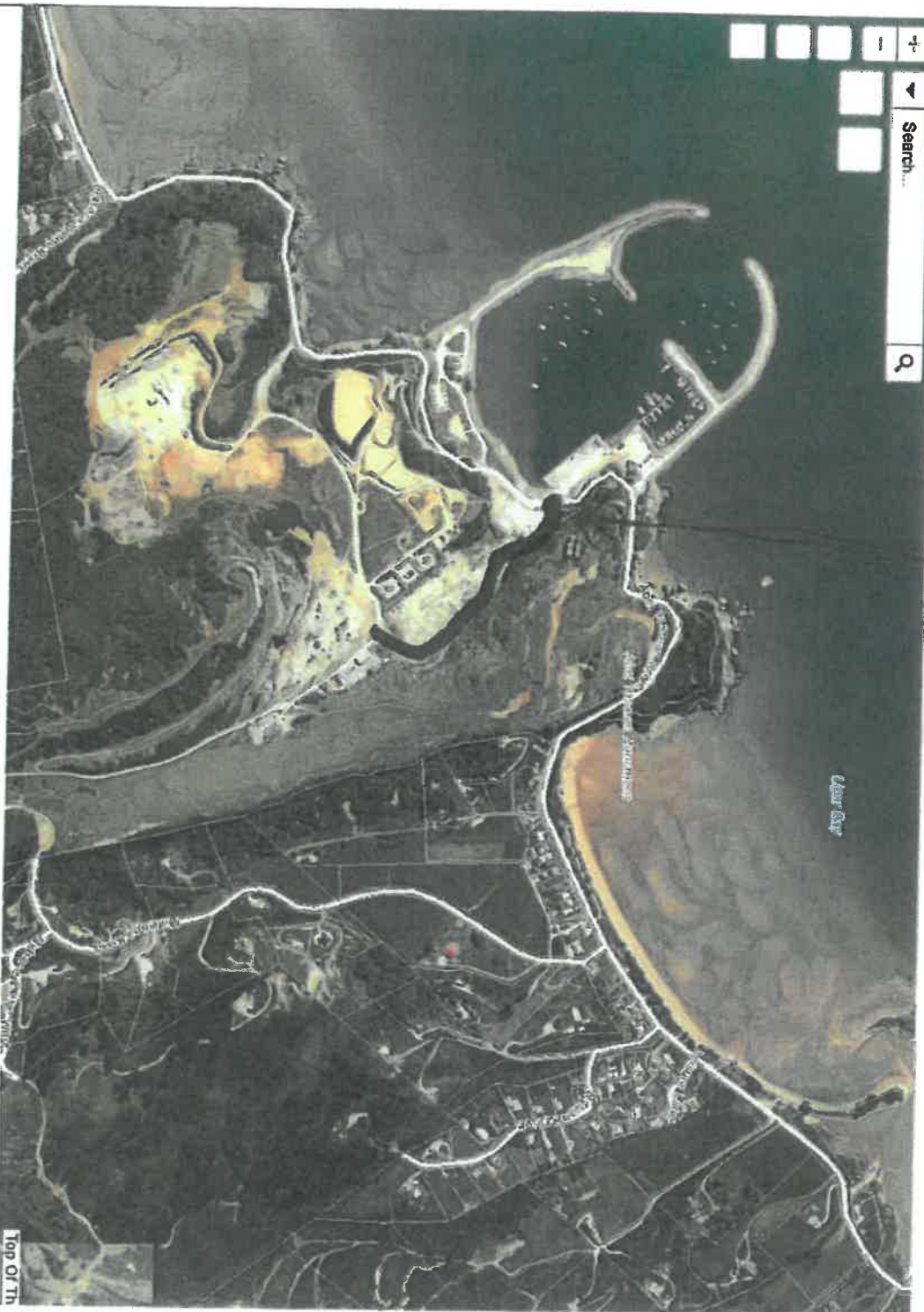
Coordinates

Google Streetview

3

Top of the South Maps

Line A Re-alignment



200m
158°55'25.548069243 Elevation

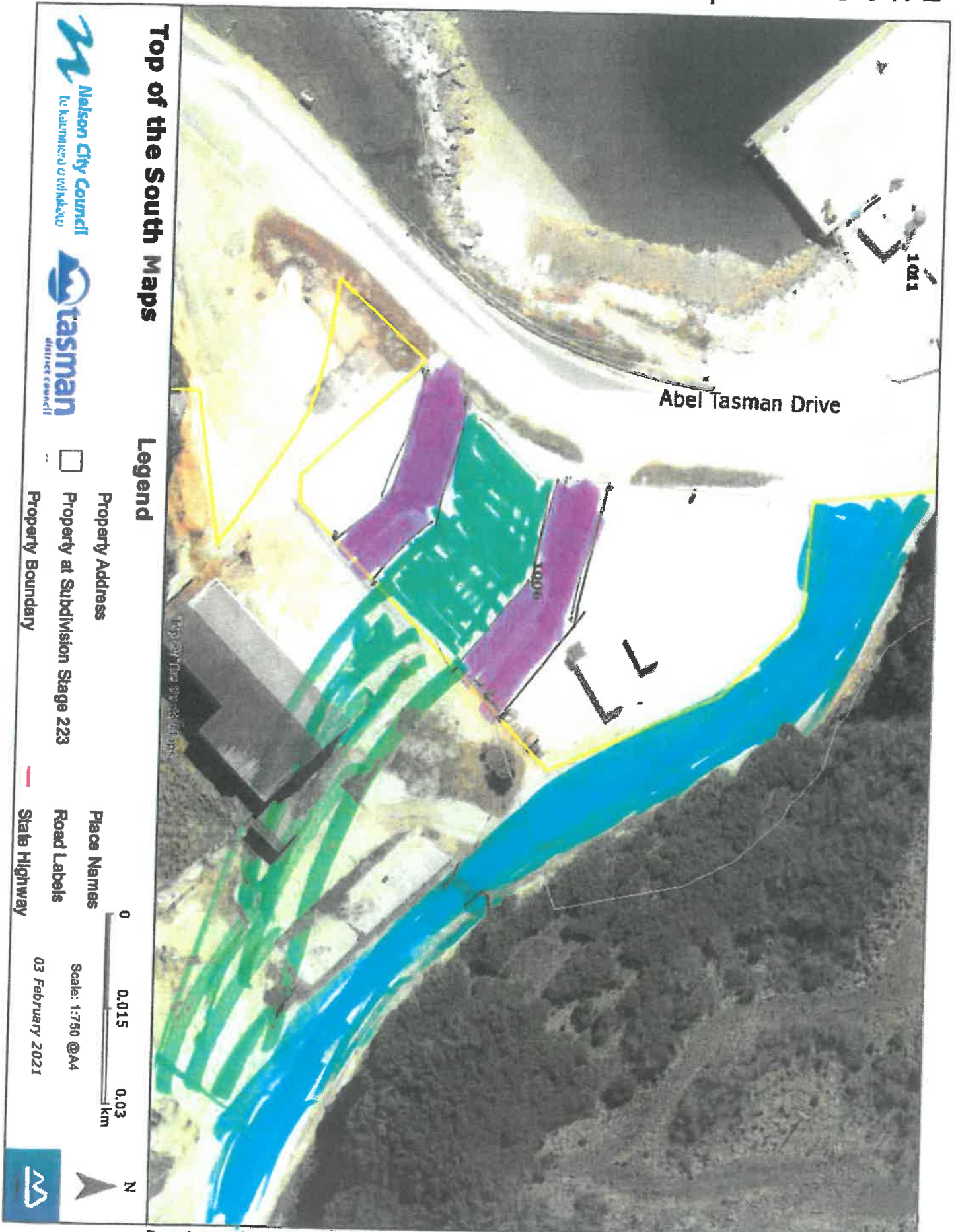
All content is for info only

<https://www.topofthesouthmaps.com/realign/>

4

Photomap of Realigned road
and area of indicative road
to be removed adjacent
to RT NL 13A/276

4



The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Tasman District Council and Nelson City Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty or representation of any kind is given as to the accuracy or completeness of the information represented. Top of the South Maps information is licensed under a Creative Commons Attribution 3.0 New Zealand License, and the use of any data or plan or any information downloaded must be in accordance with the terms of that license. Cadastrol and NZTopo50 related data is sourced from Land Information New Zealand

Submission on a Change to the Tasman Resource Management Plan (TRMP)

Return your submission by the advertised closing date to:
Environmental Policy
Tasman District Council
Private Bag 4, Richmond 7050 OR
189 Queen Street, Richmond OR
Fax 03 543 9524 OR
Email: tasmanrmp@tasman.govt.nz

OFFICE USE

Date received stamp:

Initials: _____

Submitter No. 4196

Note:

1. This form is only for the purpose of making a submission on the Plan. It is NOT for making a further submission (i.e. in support or opposition to an original submission) or for making a submission on a resource consent or on Council's Annual Plan.
2. It is not mandatory to use either the cover or content sheet of this form, however your submission must be in writing and provide the necessary information as indicated on the form, e.g., what is supported or opposed, the reason why and the decision sought, contact details, etc.
3. Council cannot accept a submission that does not clearly indicate what a submitter wishes Council to do (i.e. Council makes a decision to refuse, amend or accept the changes). Please include specific recommendations if amendments are sought. Council also cannot accept a submission that does not relate specifically to the Plan Change. In these cases, the submission may be considered 'Out of Scope' and may not be considered further.

Submitter Name: Te Ngahere Koura Limited, DRB Trust (David and Nadine Bott), Kelso Building Limited
(organisation/individual)

Representative/Contact: David Bott
(if different from above)

Postal Address:

PO Box 296
Takaka 7142

Phone: 021751112

Fax: _____

Email: davey@terakaufarm.com

Date: 2 February 2021

Total number of pages submitted (including this page): _____

Postal address for service of person making submission:
(if different from above)

Signed: _____

Signature of submitter (or person authorised to sign on behalf of submitter). NOTE: A signature is not required if you make your submission by electronic means.

IMPORTANT – Please state:

This submission relates to Change No.: 73.16

Change Title/Subject: Protection of indicative road and reserves, and updating positioning and existence.

I/we wish to be heard in support of my/our submission.

I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Could you gain an advantage in trade competition through this submission? (tick one) Yes No

If 'Yes' are you directly affected by an effect of the subject matter of this submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition?

(tick one) Yes No

Remember: Attach this Cover Sheet to as many Content Sheets as required.

05/19

Pg 1/2

107

Submission from the various owners of the titles at 93 Richmond Road Pohara.

① We oppose the suggested change associated with 17.1.3.1.

The fundamental purpose of Indicative Roads is to ensure that parcels of land have a connecting road to other parts of the roading network as land is developed. On the face of it this seems to be a reasonable planning tool for Council to have in its toolbox. However, it needs to be recognised that the presence of Indicative Roads on land provide TDC with discretionary rights and power over the land within the Indicative Road corridor and by corollary reduce a Landowners rights to use and enjoy the within the Indicative Road corridor.

The change associated with 17.1.3.1. seeks to increase TDC's discretionary rights and powers of private land by extending the size of the Indicative Road corridor. This increase in power leads to a corresponding loss in landowner rights. This should not be done lightly, such as through a plan change like the one in question.

The change associated with 17.1.3.1. will increase the cost of developing land by increasing the cost of obtaining resource consent. Increasing the cost developing land is inconsistent with the policy direction signposted by the Government of the Day.

It is unreasonable to those that have purchased land under one set of rules and to develop the land under another set of rules. Such regulatory instability discourages investment in land development at a time when such development is very much needed.

The location and route of an Indicative Road ought to be precisely determined prior to it being drawn on the District Plan, much like the location and route of unformed legal roads is known and fixed. Doing this would provide Landowners with certainty about its location for the purpose of use of the land. The change associated with 17.1.3.1. is contrary to the principle of certainty. As with Public Roads, there should be strict processes in place that govern the relocation of Indicative Roads, whether sought by TDC or the Landowner. Increasing the size the Indicative Road corridor to provide flexible to TDC, rather than put in place a robust regulatory regime, undermines and disrespects the sanctity of private property rights.

There is a need for a robust regulatory regime around Indicative Roads beyond the location and route issue. In our view there should be certain principles that govern their development that should be enshrined in regulation, that observe:

- Indicative Roads are "roads" as distinct from "access ways", as these terms are defined in section 315 of the Local Government Act 1974, and as such are to provide for vehicle as distinct from some form of pedestrian access;
- They must be continuous in order to provide a connection;
- There ought to be a sufficient number of new users from new titles to justify their need;
- Their construction must be practically possible and financially reasonable having regard to the geotechnical conditions, engineering requirements and road dimensions;
- They are ordinarily funded from the land's development and therefore must be economically viable for the developer to construct;
- Their development ought to occur incrementally as and when new titles closely associated with a particular segment of an Indicative Road are generated and released.

In terms of the addition and subtraction of Indicative Roads in Pohara, we oppose the plan change for the following reason. TDC should have used this plan change to remove the Indicative Roads located on 93 Richmond Road (all references include all three titles). (2)

TDC has recognised in writing that these Indicative Roads cannot be constructed due to major land instability issues, environmental concerns and cultural heritage issues.

In the preliminary information gathering for this plan change, we provided TDC with a report by Terra Firma Engineering entitled GEOTECHNICAL ASSESSMENT REPORT INDICATIVE COUNCIL ROADING 93 RICHMOND ROAD POHARA. This report clearly states that the majority of Indicative Road cannot be constructed, and therefore that the network is not contiguous, and therefore does not provide a link to anywhere and is therefore ineffective, unusable and pointless.

If a plan change is meaningful enough to introduce a new Indicative Road to the district plan then the same plan change ought to be meaningful enough to remove an ineffective, unusable and pointless one, especially given its status was known to TDC prior to this process commencing.

Should the change associated with 17.1.3.1 proceed, TDC will be increasing its powers over 93 Richmond Road Pohara given the presence of the Indicative Roads on the property. We have already experienced TDC seeking to use the powers that it currently has with respect to Indicative Roads to obtain other uses and rights over the land that it is not entitled to i.e. ultra vires. Given this, we are obviously concerned about the increase of such discretionary powers without any robust regulatory regime in place.

4196

Our Ref.: 19074
18 June 2020Kelso Building Ltd.
By PDF to: davey@terakaufarm.com**Attention: David Bott**

Dear David

**GEOTECHNICAL ASSESSMENT REPORT
INDICATIVE COUNCIL ROADING AT
93 RICHMOND ROAD, POHARA****Introduction**

This report presents the results of an engineering assessment undertaken on a rural property at 93 Richmond Road, Pohara, for a system of indicative public roads within the Slope Instability Risk Area (SIRA). The work has been completed as discussed and agreed at a site meeting on 6 November 2019, in accordance with IPENZ/ACENZ short form conditions of engagement.

This large rural block is located in the foothills above Pohara and extends north eastwards as far as the upper end of Falconer Road. A Tasman Resource Management Plan (TRMP) Update Map (*which forms the basis of our attached Figure 19074-12*) shows 'Indicative Roads' crossing the property. The Council letter accompanying the update map (ref. R430-10-73 dated 8 June 2020) indicates that certain changes are being proposed for the Indicative Road network and seeks landowner feedback on these ideas.

You have asked us to assess the routes of the existing Indicative Roads as currently depicted in the operative TRMP planning maps with a view to reporting on their constructability. We have marked up the Council plan and attach it here as Figure 19074-12. The various Indicative Roads have been subdivided into lengths for assessment, referenced by the letters A-N inclusive. In broad terms, the current Indicative Roads provide a linking network between Richmond Road in the south west of the study area to Falconer Road in the north east.

Both Richmond Road and Falconer Road have substantial lengths of 'Paper Road' in their upper reaches that are currently unformed. The approximate location of the ends of the formed sections is shown on Figure 19074-12. Both roads are unformed to the south east of these points.

Proposed Roading Works

Development of part of this property is now underway, with a small subdivision being proposed on the flatter land near the top end of the formed portion of Richmond Road. As part of the current development, the formed length of Richmond Road is likely to be extended southwards by approximately 500 m. This extension of Richmond Road will follow a new alignment and the existing paper road section will be closed. The affected length is shown as 'M' on the attached plan. No works are currently proposed in the north east of the property, near Falconer Road.

Regulatory Context

Future development of the Pohara/Ligar Bay area is governed by Section 6.11 of the TRMP which *inter alia* identifies the following issues:

- The need to improve services, including the formation of a comprehensive roading pattern between Pohara and Ligar Bay.
- Recognition of high quality landscape setting and protection of special features.
- How to make sure that coastal values, including natural, landscape and heritage values are not adversely affected by settlement;
- How to protect rural open space, green space areas and rural landscapes from expanding settlement.

To give overall effect to these issues, the following policies are defined in the TRMP:

- To promote a coherent pattern of development by encouraging extension of the existing roading network between Pohara and Ligar Bay in the general alignment identified on the planning maps, and;
- To promote the protection of significant landscape features including indigenous vegetation remnants and rock outcrops at Pohara....and Ligar Bay from inappropriate subdivision, use and development.

Methods of Implementation are defined in Section 6.11.20:

- Rules controlling the removal of indigenous forest;
- Rules to require developers to construct roading infrastructure in general accord with the Indicative Roding pattern on the planning maps;
- Identify an Indicative Roding corridor between Pohara, Pohara Valley and Ligar Bay.

Under the heading 'Principal Reasons and Explanation', the following statement is made:

"Coherent growth of the Pohara/Tarakohe/Ligar Bay area depends on improvements to the local roading network, to provide an alternative link between Pohara and Ligar Bay. An investigation has identified appropriate corridors that will lead to an integrated roading pattern with minimal adverse effects on the environment."

Scope of Works

As development of a public roading network through this property will undoubtedly have a significant effect on our client, we have been asked to examine the projected route corridor of the Indicative Roads as currently defined in the TRMP and provide an opinion and reasoning on the feasibility of physically forming the roadways shown to Sub-Collector standard¹, as defined in the Nelson Tasman Land Development Manual (LDM).

This report is only intended to inform discussions with Council around the issue of Indicative Roding. It shall not be used for any other purpose.

Projected Route Description

The various routes discussed here are labelled as shown on Figure 19074-12. For convenience, the various sections are combined as follows:

¹ Per email from Dugald Ley dated 1 October 2019.

- Falconer Link (*comprising A, D, E, F, G, H, & I*);
- Bay Vista Link (*B, C & K*);
- Haile Lane Link (*J*).

As part of our engagement we have walked the route of most of the Indicative Roads shown on the property over the last six months or so. Due to extremely difficult foot access we were unable to follow the entire length of certain parts of the Haile Lane Link.

The indicative Falconer Link (A) begins partway along the unformed portion of Richmond Road, immediately upslope of the former winery building on No. 93 Richmond Road. It climbs steeply up through a small subsidiary valley before branching into two (B & D). The right hand fork (D) (Falconer Link) skirts across an open area near the old stockyards before dropping steeply (E) into the valley of a creek system that flows north to the Pohara Valley. The base of this valley flattens out and forms a wetland area at the confluence of the two creeks. The left fork of the road (Bay Vista Link - B & C) climbs up and over the prominent limestone escarpment that rises behind Pohara, before sidling back across steep scrubland (K) to link into the end of Bay Vista Drive.

The Falconer Link (F)² continues north east, crossing two unnamed creeks that flow in a deep gorge surrounded by stands of native bush before diverging again, just to the west of a small open saddle (West Saddle (F, G and J)). The left hand route (Haile Lane Link - J) skirts over the shoulder of the continuation of the limestone escarpment before dropping northwards to eventually join the upper end of Haile Lane. Only the portion J that is within the subject property is considered here.

From the West Saddle, the Falconer Link (G) passes directly across an area of native bush in a karst landscape before skirting around another promontory (East Saddle), crossing into a steep valley (H) before truncating two small spurs, crossing another creek and finally turning northwards (I) to join the Falconer Road reserve corridor.

Existing Infrastructure

This property was farmed by a local family for a number of years and some development of farm access tracks was undertaken in the 1970s and 1980s by the then owner Mr Bruce Richmond. Typically these tracks followed a relatively low gradient alignment to avoid the steepest slopes and did not involve significant earthworks. Consequently they tend to run sub-parallel with the contour and for the most part take a very sinuous route across the property, well away from the Indicative Road alignments. They are in the order of 3.5 m wide, formed by sidling cut to fill with a small bulldozer. Cuts on the upslope side of the roadways vary between around 2 m high and 5 m high, depending on the steepness of the terrain.

The farm tracks currently allow quad bike and four wheel drive vehicle access along the general route of the proposed Falconer Link but at generally a much higher elevation than the Indicative Road. No farm tracks exist along the Haile Lane Link, but the northern half of the Bay Vista Link (K) has also been formed up as a farm track in the past. None of the farm tracks has any pavement layer *per se*. The surface is typically grass, with thick growth of rushes and reeds in

² For unknown reasons Length F is not shown on the most recent update map received from Council. This may be an accidental omission as it does appear on the current operative TRMP maps. We have treated it as such.

areas where groundwater seepage is prevalent. Some stone has been locally placed on the very steepest parts to improve traction.

In order to take a practical line, the Falconer Link deviates from the subject property (Lot 2 DP 419110) twice and enters the neighbouring block to the southeast, Sec 3 Blk VII Waitapu SD, before turning back north again to re-enter Lot 2. The western incursion is 120 m long and the eastern one is 60 m long.

Recent works associated with proposed subdivision of the property have resulted in an existing farm roadway being formed up to current Right of Way standards over the section from the winery building up the subsidiary valley as far as the old stockyards. This roadway has been formed as flat as practicable, with a ruling gradient of 1:6 only just being achieved over the 350 m long new section, together with substantial earthworks and drainage measures. It has a minimum formation width of 4.5 m and passing bays are provided at 50 m intervals. The route of this roadway essentially forms lengths A and D of the Falconer Link, but on a slightly different horizontal alignment.

Geological Setting

The eastern part of the property is bounded on its northern side by the prominent ridge formed of the Takaka Limestone of Tertiary age. The limestone overlies the adjacent and older Motupipi Coal Measures, a sequence of coarse quartz sandstone and carbonaceous shales with thin coal partings which are particularly prone to instability. Tectonic movements have sheared the Coal Measures and tilted the limestone. These beds have since been eroded by terrestrial processes, resulting in the relatively steep, slip prone present day topography. The area along the route of the Falconer Link is marked by the scarps of several landslips located in the Coal Measures rocks. Further east these Tertiary rocks have an unconformable contact with the much older Separation Point granite, which in this location is deeply weathered and susceptible to erosion.

The geological complexity and the nature of the underlying rocks has been assessed by Council's scientific advisers and is reflected in the rules of the TRMP:

- The Coal Measures rocks are noted for their susceptibility to slippage and much of this area is covered by the Slope Instability Risk Area (SIRA), a planning overlay that requires specific geotechnical engineering assessment of development proposals.
- The highly erodible nature of the weathered Separation Point rocks has led to the definition of Land Disturbance Area 2, within which only earthworks of a very moderate extent are a permitted activity and measures are to be put in place to control stormwater runoff and limit erosion.

Indicative Road Formation Options

We have assessed the options available to form a road of around 12 m formation width with gradients complying as much as possible with guidance in the LDM along the line of the Indicative Roads. Using the LDM Table 4-7 parameters as a guide, it is immediately clear that formation along the Indicative Alignment given in the TRMP is not a practical proposition. LDM Table 4-8 requires that a Sub-Collector road should have a maximum gradient of 1:8 (12.5%) and this is not possible over substantial lengths of the Indicative Road. The issues are presented in Table 1.

Table 1: Summary of Road Constructability Issues

	Road Segment	Comments on Issues Affecting Constructability	Overall Assessment (Construction to Road Standard)
Falconer Link	A	Formed - Road already formed to good RoW standard parallel with this length and offset from it as part of recent subdivision works. Formation does not follow Indicative Road as the Indicative Road is located over a cliff and a substantial tomo feature. Ruling gradient of 17% achieved with significant earthworks.	Moderate with moderate environmental impact
	D	Formed - Route formed to RoW standard as private accessway. Ruling gradient of 1:6 achieved. 4.5 m width with passing bays. Significant earthworks required to reduce gradient further.	
	E	Unformed - Roadway would be extremely difficult to construct to comply with LDM geometric standards along this length. Very steep slopes with history of recent instability. Substantial creek crossing by bridge or large embankment required in base of valley. 8 m deep cutting required at crest of slope to provide practical gradient. Part of segment passes into neighbouring property.	Extremely difficult with high environmental impact
	F	Unformed - Missing from recent plans provided. Route largely follows existing farm track but mostly at lower elevation. Requires a creek crossing. Truncates a major spur feature to east of creek. 20 m deep cutting required at Western Saddle to achieve compliant vertical curvature.	
	G	Unformed - Crosses area of native bush in karst environment. History of widespread recent instability over much of the segment length. Deep cutting required in Coal Measures rocks at East Saddle to achieve compliant gradients. Historic Maori occupation sites on alignment.	
	H	Unformed - Alignment crosses very steep country to northeast of East Saddle. Evidence of recent slippage. Extremely difficult to form within given alignment due to steepness of country hereabouts. Creek crossing required in area of native bush. Part of segment passes into neighbouring property.	
	I	Partly formed - Alignment follows true right bank of creek, below rear face of marble escarpment. In native bush throughout. Requires earthworks to truncate two spurs and cross a substantial gully before joining existing legal road corridor.	Moderate with high environmental impact
Bay Vista Link *	B	Unformed - Intended to be partially formed as a private driveway serving a building area on top of the escarpment.	Moderate with moderate environmental impact
	C	Unformed. Crosses steep ground and highly visible ridgetop - would require a cutting of ~15 m depth in rock to establish compliant roadway gradients.	Very difficult with high environmental impact
	K *	Unformed - Partially follows an existing farm track. Intended to be formed as part of a realigned Bay Vista Link road as part of the proposed subdivision works. Some uncertified filling at its eastern end below the turning head on Bay Vista Drive.	Moderate with moderate environmental impact
Haile Lane Link	J	Unformed - This section of Indicative Road follows a highly improbable alignment over two cliffs and across the top of a 40 m high limestone bluff. It is impossible to follow on foot. Extremely difficult to construct to compliant roadway standard. Deep cutting required in (F) above would force substantial further cutting in rock. Route northwards out to Haile Lane beyond property boundary not assessed.	Practically impossible. Major environmental impact.

* A practical alternative exists to provide the desired network connection of the Bay Vista Link. This is shown on the attached plan as (L).

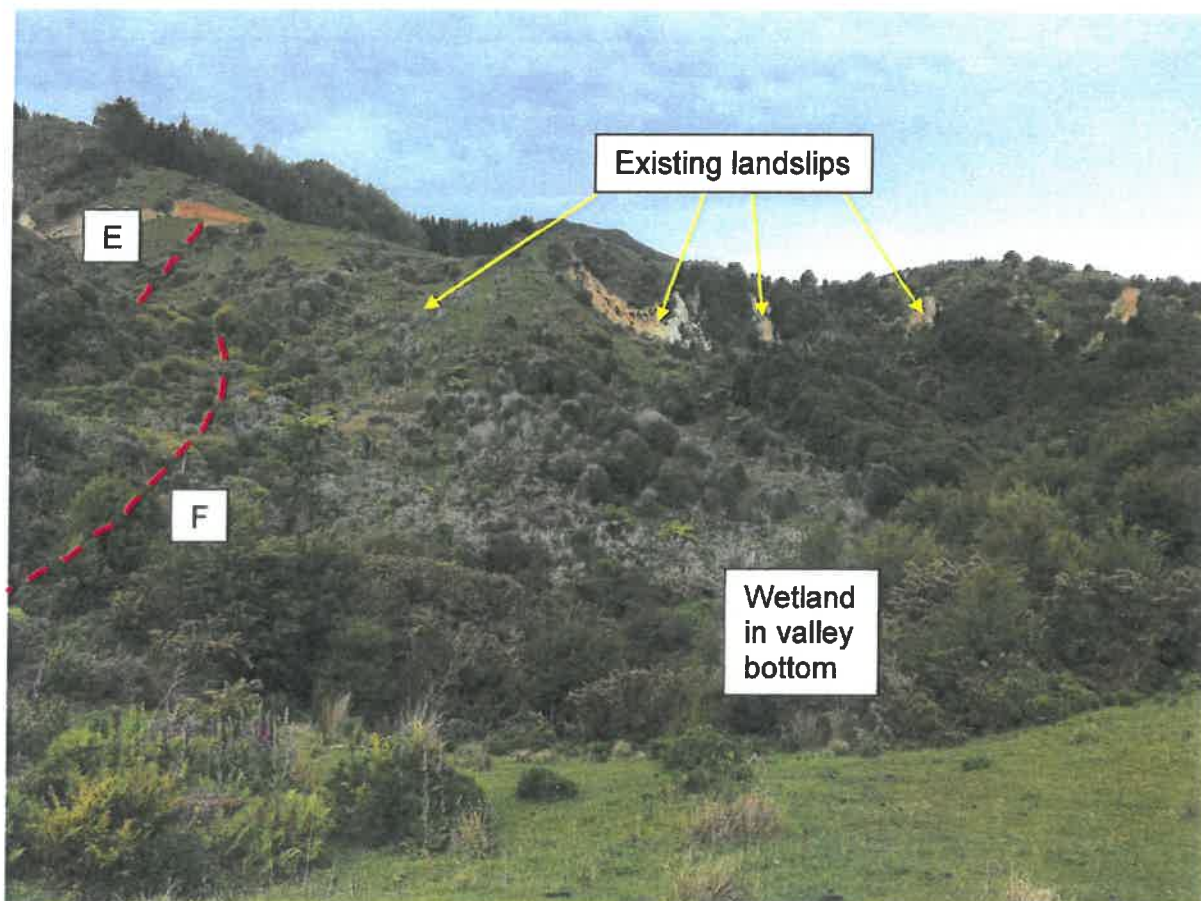


Figure 1: Photograph taken from West Saddle looking south west to the Old Stockyards above. Indicative Falconer Link road alignment (E & F) shown as dashed red line.

Engineering Issues

The Falconer Link Indicative Road alignment as shown in the TRMP has substantial engineering issues. Significant earthworks will be required to achieve even a 1:6 ruling gradient for a 12 m wide formation. We assess that 1:8 would not be a practical or cost-effective proposition given the topographic and geotechnical constraints. The alignment between the old stockyard and Falconer Road crosses three deep stream gullies and two areas of undisturbed native bush.

Council has previously recognised the issues in this location related to slope instability and the Indicative Road alignment is almost entirely contained within the existing SIRA overlay. Two lengths are also in LDA2. The underlying Coal Measures rocks are highly sheared, water bearing and dipping in an attitude unfavourable to slope stability in high angle cuttings. Earthworks of the scale envisaged would be difficult and costly, and would be prone to ongoing stability issues unless fully engineered. Engineering measures required would likely comprise a combination of some or all of the following:

- Full retention of cut faces;
- Battering back cut faces to entirely remove problematic geology back to more competent material (likely the Takaka Limestone);
- Internal reinforcement to fill slopes;
- Deep piling of bridge piers and abutments.



Figure 2: Looking west from ridge above East Saddle. West saddle in left mid-ground. Limestone escarpment to the right. Note slips below saddle. Indicative Road alignment (G) passes across deep karst features and through native bush (red). A substantial cutting would be required (purple).

Creation of a 12 m wide roadway formation would require sidling cuts in the order of 4 to 8 m high for much of the length of the Falconer Link. Shorter sections would be deeper than this, as noted above. The taller embankment and deeper cutting areas would require a cleared footprint and therefore legal road reserve corridor well in excess of 40 m wide if all the earthworks are to be contained within public land.

Planning Issues and Future Development

As given above, the TRMP defines the issues to be addressed when considering development of the road network in the Pohara area. Among these requirements are consideration of the existing landscape and native vegetation and the need to protect these from inappropriate development. The LDM requires that in a hillside environment such as this, as part of the road design process advice must be sought from a Chartered Professional Engineer practising in geotechnical engineering.

The current subdivision proposal involves the creation of new lots largely on the flatter land close to the current end of Richmond Road. As part of our original engagement on this project, we have examined the land to the east and do not consider that there are any viable house sites along the Falconer Link commensurate with the current zoning. There is a possible candidate site at the Western Saddle but if this were to be developed it could be served by a private

driveway that followed the line of the existing farm track from the old stockyards with minimal additional earthworks to achieve a compliant driveway gradient of 25%.

Our assessment is based on the steepness of the topography, the demonstrable instability of the ground and the lack of practical access, formation of the roadway as shown is unlikely to open up any other new house sites on this property.

Conclusions

1) Falconer Link

Our assessment is that practical formation of the Falconer Link along the current Indicative Road alignment would:

- be unable to achieve the prescribed LDM roading standard;
- result in significant loss of undisturbed indigenous vegetation;
- destroy or significantly affect an existing wetland habitat;
- involve substantial earthworks;
- likely require construction of a new bridge;
- be continually subject to issues of slope instability unless highly engineered;
- not open up access to any new house sites in the area.

In our professional opinion, we do not consider that formation of a public road along the Falconer Link as shown on Figure 19074-12 is a practical engineering proposition given the foreseeable future use of the road and surrounding land. The works required are of a very substantial scale and are clearly at odds with many of the stated intentions in the TRMP. In particular, the works will be highly unlikely to have a 'minimal adverse effect on the environment' as required by the Plan. On the contrary, the works are considered likely to have a very significant effect on the environment, be very costly to implement and offer marginal benefit in what is currently a relatively sparsely developed and populated part of the District. As outlined in Table 1 above, while short lengths may be formable with care, other parts are essentially impossible to build on the given alignment without incurring substantial cost and causing major environmental damage.

Although we have not examined it in detail, it appears that an alternative linking road alignment exists between Bay Vista Drive and Mockingbird Ridge, which would achieve much the same network connectivity proposed by the Falconer Link. This conceptual Indicative Road is shown as segment N on the attached plan. It remains for Council to separately assess the merits of this possible alternative.

2) Haile Lane Link

When compared to the Falconer Link discussed above, the issues associated with construction of the Haile Lane Link are even more significant in terms of environmental impact. This link would require earthworks of a very large scale to achieve a roadway along the Indicative Road alignment. Geotechnical issues would be considerable and the associated costs prohibitive. We do not consider that the Haile Lane Link is constructible in its current form.

3) Bay Vista Link

The Bay Vista Link as shown on the planning maps is not a practical proposition as it also requires substantial earthworks and consequently it would be very difficult to establish compliant roadway geometry. However, a much simpler alternative route is possible. As part of the subdivision scheme, it is proposed to upgrade an existing farm track that crosses the hillside to the west of the limestone escarpment (Segments L & K on attached Figure 19074-12). The new road would link the recently formed upper part of Richmond Road directly with the top of Bay Vista Drive, via a new section of around 300 m length. Maximum prescribed LDM gradients are achievable. This route would be substantially simpler and less costly to construct than the route following segments B and C while providing the same network connectivity. It has the added advantage of servicing several new building sites.

Recommendations

We recommend that Indicative Road segments A-J inclusive be removed from the plan, on the basis that they are not practically constructible to the required standards without:

- a) geotechnical complexities and ongoing maintenance issues;
- b) substantial cost;
- c) significant environmental impact.

A superior alternative to the Bay Vista Link exists and should be constructed as part of the subdivision process. This would be formed to road standard along segments K and L.

Applicability

This report has been prepared solely for the use and benefit of Kelso Building Ltd., its professional advisers and Tasman District Council in relation to the specific project described. No liability is accepted in respect of its use for any other purpose or by any other person or entity. Data or opinions contained in it may not be used in other contexts, by other parties or for any other purpose without our prior review and agreement.

Please refer any further enquiries or correspondence to Andrew Palmer.

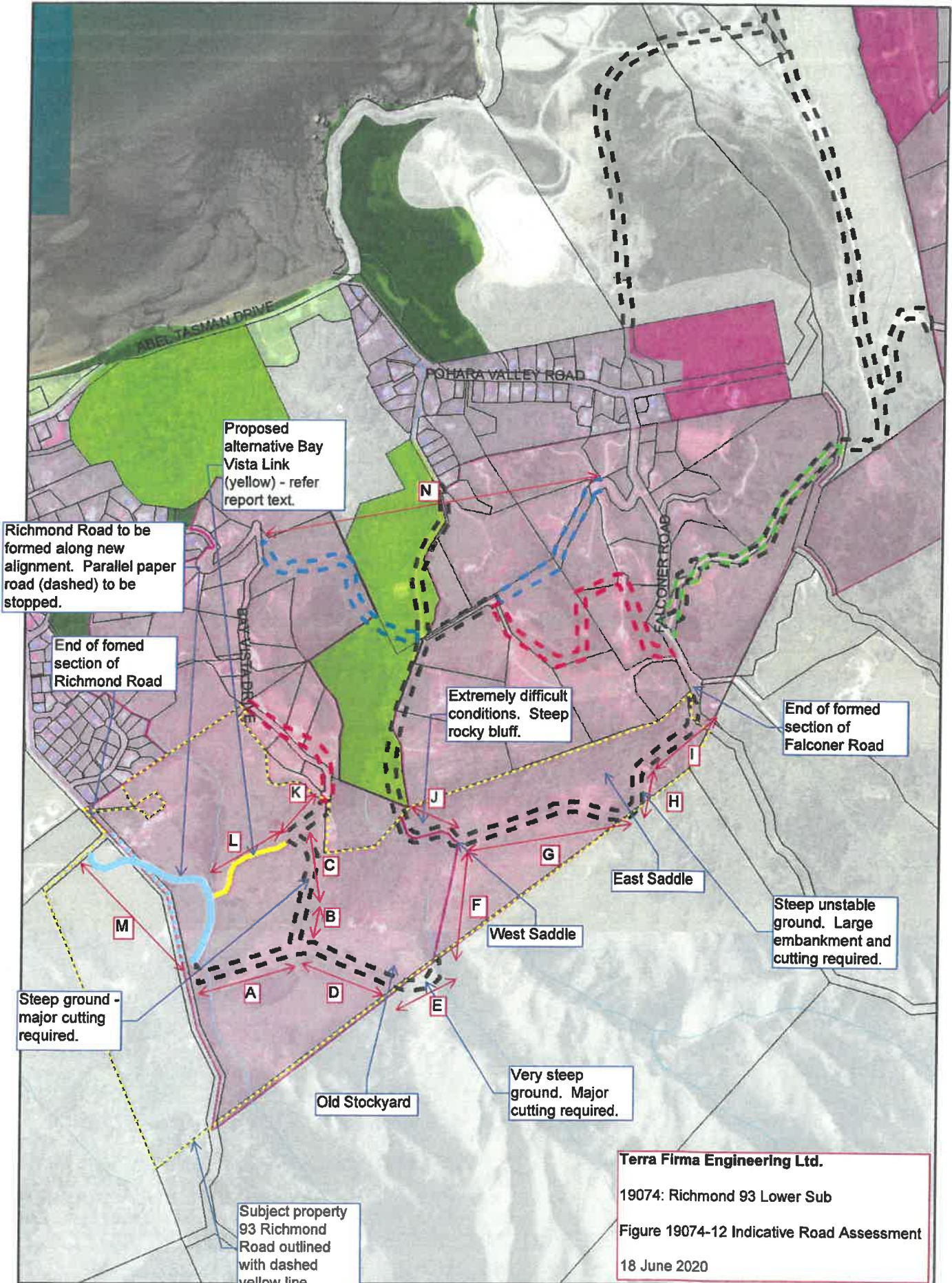
Yours sincerely

Reviewed by:

Andrew Palmer
Principal

Sally Hargraves
Principal Engineering Geologist

Attachments: Figure 19074-12 "*Indicative Road Assessment*"



Terra Firma Engineering Ltd.
 19074: Richmond 93 Lower Sub
 Figure 19074-12 Indicative Road Assessment
 18 June 2020

AREAS

Update Map

Date

Maps affected: 0, 0

Key

- Add Indicative Road
- Delete Indicative Road
- Realign Indicative Road
- Indicative Roads

**TASMAN RESOURCE MANAGEMENT PLAN
 Amended Indicative Road**



Bay Vista Drive



Sourced from Land Information New Zealand data. Drawn Copyright reserved. Original paper size is A3.

Submission on a Change to the Tasman Resource Management Plan (TRMP)

Note:

1. This form is only for the purpose of making a submission on the Plan. It is NOT for making a further submission (i.e. in support or opposition to an original submission) or for making a submission on a resource consent or on Council's Annual Plan.
2. It is not mandatory to use either the cover or content sheet of this form, however your submission must be in writing and provide the necessary information as indicated on the form, e.g., what is supported or opposed, the reason why and the decision sought, contact details, etc.
3. Council cannot accept a submission that does not clearly indicate what a submitter wishes Council to do (i.e. Council makes a decision to refuse, amend or accept the changes). Please include specific recommendations if amendments are sought. Council also cannot accept a submission that does not relate specifically to the Plan Change. In these cases, the submission may be considered 'Out of Scope' and may not be considered further.

Submitter Name: Colin Walker
 (organisation/individual)

Representative/Contact:
 (if different from above)

Postal Address:
9 Langford Drive, Mapua 7005

Phone: 0274488446

Fax:

Email: colin_walker@xtra.co.nz

Date: 9 Jan 2021

Postal address for service of person making submission:
 (if different from above)

Total number of pages submitted (including this page):

Signed: C. W. Walker
 Signature of submitter (or person authorised to sign on behalf of submitter). NOTE: A signature is not required if you make your submission by electronic means.

IMPORTANT – Please state:

This submission relates to Change No.: 73

Change Title/Subject: Omnibus 2 Amendments

I/we wish to be heard in support of my/our submission.

I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Could you gain an advantage in trade competition through this submission? (tick one) Yes No

If 'Yes' are you directly affected by an effect of the subject matter of this submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition?

(tick one) Yes No

Remember: Attach this Cover Sheet to as many Content Sheets as required.

COVER SHEET

Return your submission by the advertised closing date to:
 Environmental Policy
 Tasman District Council
 Private Bag 4, Richmond 7050 OR
 189 Queen Street, Richmond OR
 Fax 03 543 9524 OR
 Email: tasmanrmp@tasman.govt.nz

OFFICE USE

Date received stamp:

Initials:

Submitter No. 4197

Submission on a Change to the Tasman Resource Management Plan

CONTENT SHEET

Sheet No. 1 of 1

Continue on another Content Sheet, if required, and then attach the Cover Sheet to all Content Sheets.

OFFICE USE Submitter Number: 4197

The **whole** Plan Change (Please tick as applicable)

- I **support** the Plan Change and seek that the Council **retains** it in its entirety.
 I **oppose** the Plan Change and seek that the Council **deletes** it in its entirety.
 I **support in part** specific aspects/provisions of the Plan Change **as indicated below**.
 I **oppose in part** specific aspects/provisions of the Plan Change **and seek amendments as indicated below**.

Parts of the Plan Change (Please list each provision number of the TRMP you wish to submit on, together with its corresponding submission point, as indicated below)

Plan provision or map number(s): <i>State each specific provision (topic) number as addressed in the Plan Change</i>	The aspect of the provisions I support or oppose, together with reasons, are: <i>State the nature of each submission point and indicate whether you:</i> <ul style="list-style-type: none"> • support or oppose the provision or wish to have it amended; and • the reasons for your view 	I seek that Council retains/deletes/replaces/amends the specific Plan Change provisions as follows: <i>For each submission point/provision number, state, specifically, what changes you would like to see.</i>
---	--	--

Example:

17.5.3.1(ca)(iii)	I oppose the restriction of ... because ...	Delete and replace condition 17.5.3.1(ca)(iii) with:
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All Plan Change 73	I oppose all of the Omnibus Plan Change because of the inadequate consultation by TDC with residents and because of the extremely short period for submissions after allowance for the Holiday period.	Try again after reasonable consultation.
--------------------	--	--

OFFICE USE:
Submission No.

1



Te Kaunihera o
te tai o Aorere

Tasman District Council
Email info@tasman.govt.nz
Website www.tasman.govt.nz
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Richmond
189 Queen Street
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Richmond 7050
New Zealand
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Motueka
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Motueka 7143
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Phone 03 528 2022
Fax 03 528 9751

Takaka
78 Commercial Street
PO Box 74
Takaka 7142
New Zealand
Phone 03 525 0020
Fax 03 525 9972



Proposed Plan Change #73 – Feb 2021

Māpua & Districts Community Association (MDCA) thanks TDC for this opportunity to give feedback.

General:

- 1 The three week time frame given to MDCA to review and submit a submission during January is a huge expectation and is considered by MDCA as extremely unreasonable.
- 2 MDCA would like to ask that no plan changes or the like be presented to or submission dates close for general public input during the months of December and January.
- 3 The way in which the Proposed Plan Change #73 was presented it was not easy to understand that the majority of the plan was a tidy up of Indicative Reserves that had gained reserve status. MDCA wish to thank Jeremy Butler for making time to meet with MDCA representatives to go through the proposed changes in person. This meeting was very helpful.

Indicative Reserve which have gain Reserve Status:

- 4 MDCA are grateful that these reserves have now been acquired by TDC

Indicative Reserves that have been removed due to TDC not wanting them as a reserve:

- 5 MDCA would like the Indicative Reserve along Mapua Drive where the large gum trees are located to remain in place for the following reasons:-
 - a) A reserve located in this position along Mapua Drive would give an alternative open space for residents on both sides of Mapua Drive. (see Appendix A)
 - b) It would also allow an off road alternative walking/cycling link directly onto Mapua Drive from the deferred residential land and indicative roading network to the south of the Indicative Reserve area. (see Appendix A)
 - c) The Gums on this plot and significant value in respect of carbon sequestration and it would be a shame for them to be removed to make way for houses.
- 6 The three parcels of Indicative Reserve TDC are proposing to remove on the southern side of Higgs road is understandable considering there is a huge parcel of land further to the west along Higgs Road that has QEII status.

However, if these Indicative Reserves are removed then it is imperative the following inclusions are made:-

- a) If or when these areas open up for residential developments that smaller local reserve spaces are included within the residential land development. (See Appendix A)
- b) If or when residential development occurs that off road walking/cycleway links are made not only between new and existing road networks but also in several location to & from the reserve areas around the coastal margins. (see Appendix A)

Indicative Roads:

- 7 MDCA has voiced on several occasions the huge importance to not allow further roading networks to exit directly onto Aranui Road. (3)

It is the wish of MDCA that the current Indicative Road exiting onto Aranui Road be removed and becomes an Indicative Walkway / Cycleway only. (see Appendix A)

- 8 Catherine Road to Seaton Valley:

MDCA had been lead to believe by a member of the Parks & Reserves team that the area adjoining Catherine Reserve and between the linking road from Catherine Road to Seaton Valley would be reserve that acts as a storm water retention pond area with surrounding native plantings with walkways / cycleways meandering through the area. (4)

Hence, MDCA are shocked to see within this Proposed Plan Change that TDC has the intention of only providing a pocket sized reserve to the west with a huge area for planned for housing.

MDCA do not support this intention. (5)

Please see Appendix B which shows how MDCA would like this area to be configured.

Indicative Walkways / Cycleways:

- 9 MDCA cannot emphasis enough how important it is to our community to ensure a 'village feel' is valued and preserved with all future development proposals.

To help achieve this it is vital off road linking walk/cycle ways are not only planned for but actually achieved.

- 10 The community would feel hugely reassured to know TDC also value this wish by ensuring Indicative Walkways / Cycleways are included within all planning maps.

- 11 MDCA have taken this opportunity to make some suggestions with regard future linking off road walk/cycle ways. (see Appendix's A)

Coastal Esplanade Strip:

- 12 MDCA wish to acknowledge and thank TDC for its ongoing work in acquiring the land required to provide a public esplanade stripe along the foreshore between Mapua Leisure Park and Old Mill Walkway.

Commercial Zoned Land corner of Aranui Road and Tahi Street:

- 13 MDCA acknowledge this change is a tidy up of many differing boundaries on different TDC documents and to ensure compliance with the Ministry of Environments conditions placed on TDC with regard the percentage of the area to be used for Commercial and Recreational at the time of the official land handover after the Fruitgrowers Chemical clean up was completed.

- 14 MDCA are disappointed that this means an increase to the commercial land area at this location.

Kind Regards






Marion Satherley

MDCA Chair















info@ourmapua.org

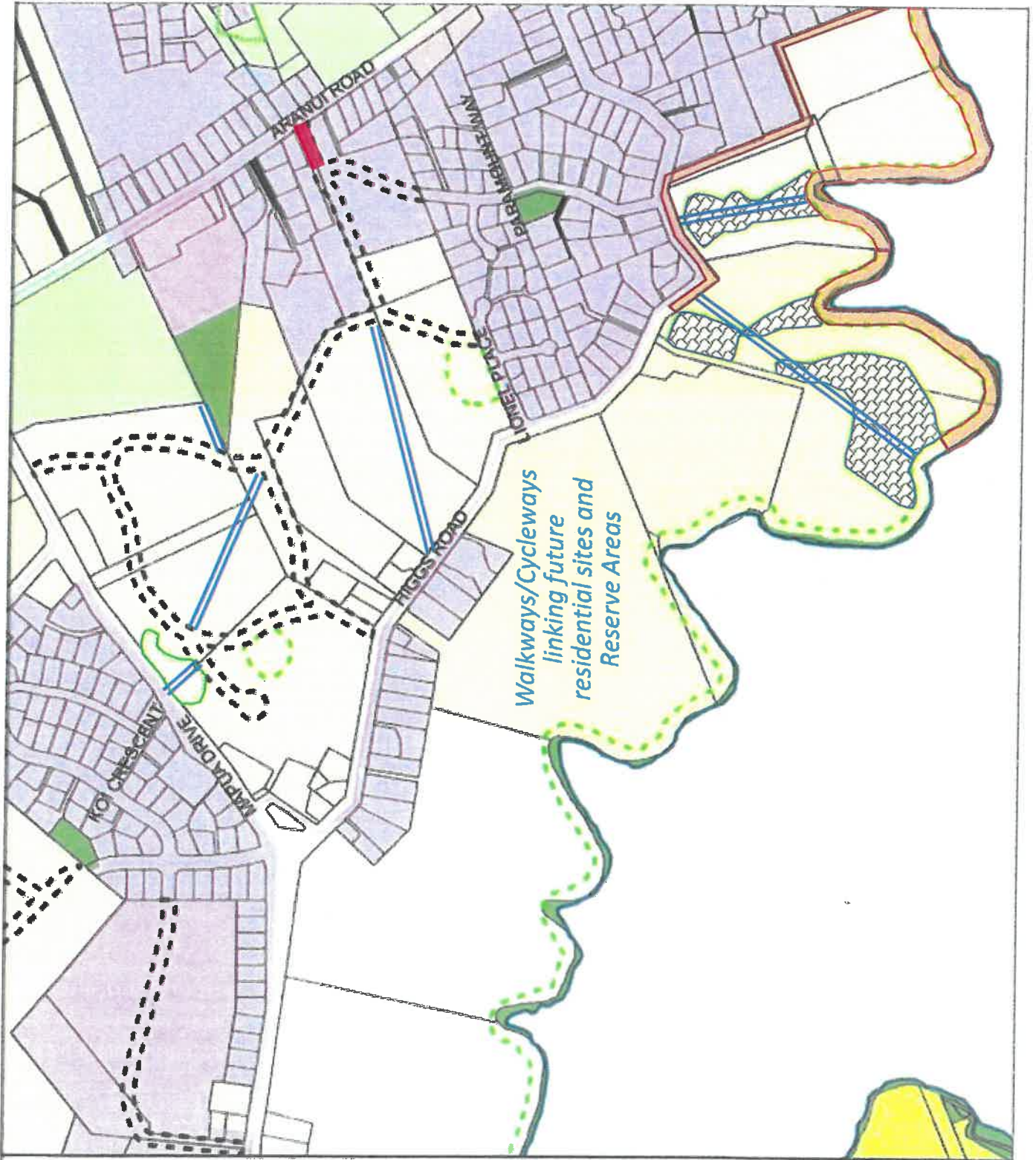
c/o Mapua Hall, 72 Aranui Road, Mapua

Appendix A

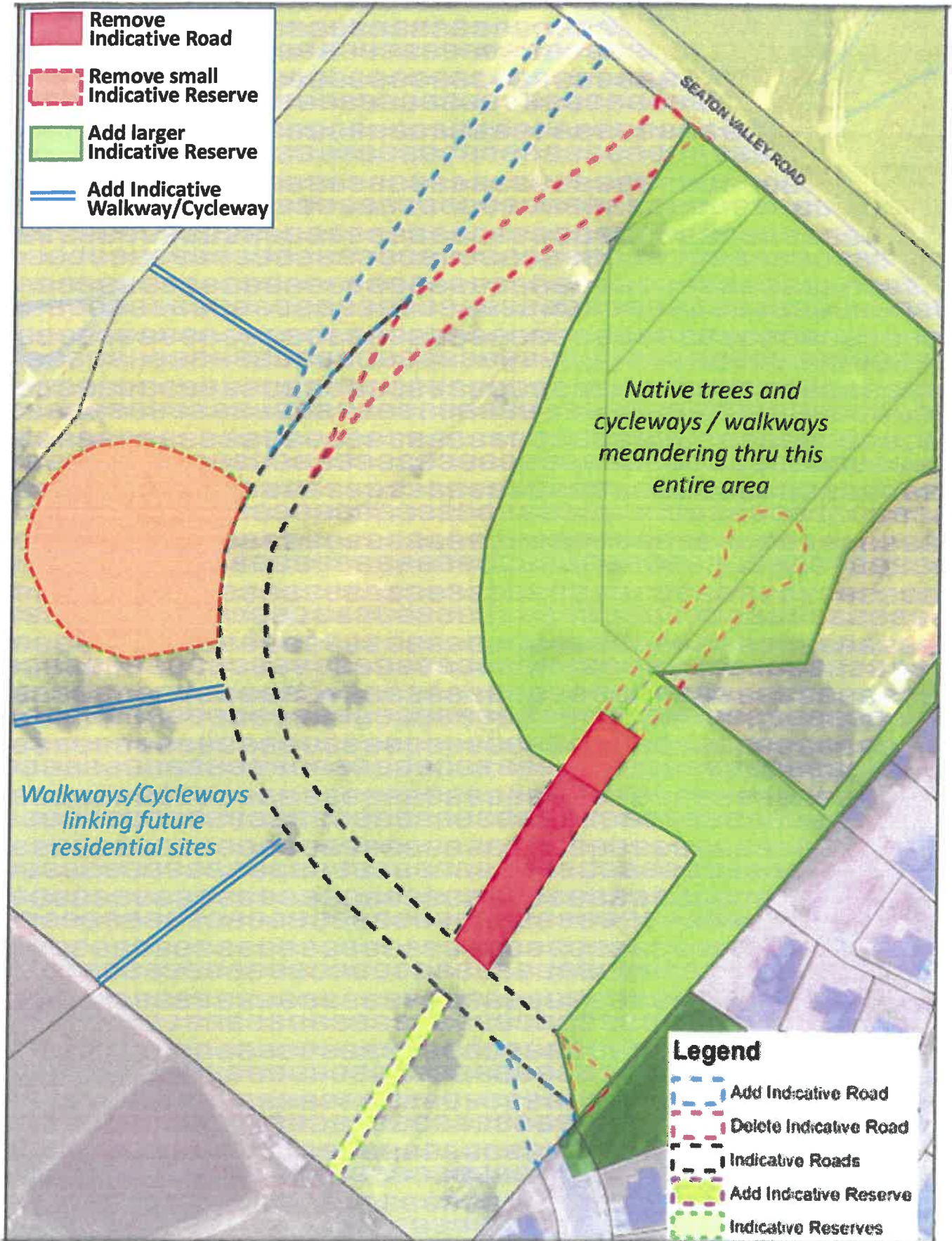
- Item 5 a b c 
- Item 6 a 
- Item 6 b 
- Item 7 & 11 
- Item 11 

Legend

-  Indicative Roads
-  Indicative Reserve
-  Delete Indicative Reserve
-  Commercial
-  Open Space
-  Recreation
-  Residential
-  Rural 1
-  Rural 1 Coastal
-  Rural 1 deferred Residential
-  Rural 2
-  Rural 3
-  Rural Residential
-  Rural Residential deferred Residential



Appendix B Relating to Item 8



Rec'd 17/3/21
Late
JMC
4203

7-2-2021

RE: Proposed Plan 73 Indicative Roding – 64 Haile Lane

Dear Jeremy

①

We have reviewed the proposed changes and we **oppose**

The plan will see the road go through our shed built in 2018 with TDC consent. This proposal makes no sense to us, we have spent considerable time and money following the consent process as required. Furthermore the road follows through the front of our property and technically shuts us down if we want to make further improvements.

We would like explained what Indicative Roding means in particular to our area.

We see no purpose in the proposed road as it goes through parts of the valley that are inaccessible.

TDC to date have never provided maintenance on our r.o.w which they use to access the Pohara water tank scheme.

With rising sea levels we suggest raising the affected part of Abel Tasman Drive, Pohara, **1 metre**. An efficient and cost effective solution.

Thank you for reading, as you can imagine it has caused great stress within our community.

Regards

Jason and Jo-Anna McKay

jmac@twotides.nz