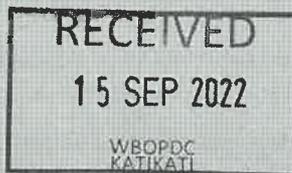


Submission Form



Ōmokoroa Active Reserve Notice of Requirement

For office use only.

Submission No: _____

Use this form to submit your comments on the Ōmokoroa Active Reserve

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Submission Form

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Environmental Planning Team
Western Bay of Plenty District Council
Private Bag 12803
Tauranga Mail Centre 3143

Submissions close 4.00pm on Friday 16 September 2022

Name: **Annette Giles (Trustee)**

Address: **468 Omokoroa Road**
Omokoroa 3112

Phone **0272962691**

Email: **adgiles@outlook.co.nz**

I/We would like to speak in support of my/our submission at the Council hearing (please tick)

Yes



No



Signed: _____

Date: **15-09-2022**

(Signature of person making submission or person authorised to sign on behalf of person making submission)

Please use the reverse of this form for your submission

1. **Submission**

State in summary what your submission is. Clearly indicate whether you support or oppose the Notice of Requirement or you wish to have amendments made, giving reasons.

We write in response to Phillip Martelli's correspondence dated 18 August 2022 which We do not understand.

To clarify this matter would Phillip Martelli kindly respond to the following questions within 14 days to Annette Giles at 468 Omokoroa Road, Omokoroa with the stipulation that Phillip Martelli's non-response will be accepted as tacit acceptance and agreement that a Corporation and/or Agents for that Corporation have no rights higher than Our substantive and unalienable rights and will be used as evidence in a suit against Phillip Martelli in Phillip Martelli's private and unlimited capacity.

- 1. Are Western Bay of Plenty District Council and by employment Phillip Martelli not agents of the Crown?**
- 2. If Western Bay of Plenty District Council and by employment Phillip Martelli are agents of the Crown are they not sworn to uphold Statute?**
- 3. Are Western Bay of Plenty District Council and by employment Phillip Martelli entitled to subrogate Our substantive rights under the Statutes of the Realm Schedule 1 Imperial Laws Application Act 1988?**
- 4. As the Crimes Act 1961 binds the Crown, are Western Bay of Plenty District Council and by employment Phillip Martelli, not in breach of S.240 (1) & (2) & s.219(1), (a) of the Crimes Act 1961 that without claim-of-right are obtaining or causing loss by deception?**
- 5. Does theft, disguised as Compulsory Acquisition of Land comply with the requirements pursuant to Section 22 of the Public Works Act 1981 (1981 No 35) that "Only land required for essential works may be compulsorily taken" ?**

2. **Decision sought**

Give precise details of how you want the proposal changed.

ACTUAL AND CONSTRUCTIVE NOTICE

As the NOR proposal is in breach of Our substantive and unalienable rights, to reside on Our property in quiet enjoyment We do not understand or submit to forced change without claim-of-right and issue this cease-and-desist notice.





06 September 2022

File ref: LAO69

John Holyoake,
The Chief Executive Officer,
Western Bay of Plenty District Council,
Private Bag 12803,
Tauranga Mail Centre,
Tauranga 3143.

Tēnā koe John,

SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA TO WESTERN BAY OF PLENTY DISTRICT COUNCIL PLAN CHANGE 92-OMOKOROA AND TE PUKE ENABLING HOUSING SUPPLY AND OTHER SUPPORTING MATTERS, AND A NOTICE OF REQUIREMENT (NOR) FOR THE OMOKOROA ACTIVE RESERVE

To: Western Bay of Plenty District Council

Name of submitter: Heritage New Zealand Pouhere Taonga

1. Heritage New Zealand Pouhere Taonga (HNZPT) is an autonomous Crown Entity with statutory responsibility under the Heritage New Zealand Pouhere Taonga Act 2014 for the identification, protection, preservation and conservation of New Zealand's historical and cultural heritage. HNZPT is New Zealand's lead historic heritage agency. The Heritage New Zealand Pouhere Taonga Act 2014 protects both recorded and unrecorded archaeology.
2. The Resource Management Act requires that the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, and the protection of historic heritage should be *recognised and provided for* as a Matters of National Importance-Section 6(e) & (f). As subdivision, use and development have the potential to significantly detract from these matters, it is important that any changes to the Plan limits the potential for adverse effects to occur.
3. Heritage New Zealand Pouhere Taonga could not gain an advantage in trade competition through this submission.
4. This is a submission to Plan Change 92 and the NOR by the Western Bay of Plenty District Council. Western Bay of Plenty District Council advises that:
 - a) *Plan Change 92 Plan Change 92 introduces new Medium Density Residential Standards for all the residential areas of Omokoroa and Te Puke. In addition to the residential intensification changes,*



new residential areas are being added to those towns. For Omokoroa provision is also being made for additional industrial land, a new Natural Open Space zone to protect the gullies, and a large active reserve.

b) Notice of requirement by Territorial Authority *The site is located generally at the corner of Ōmokoroa Road and Prole Road extending approximately 340m along Ōmokoroa Road toward SH2. The purpose is to establish an Active Reserve to provide additional recreational facilities to serve the projected population growth. The Active Reserve will consist of playing fields, changing sheds and clubrooms, playgrounds, access, car parking, public amenities, and could include an indoor sports venue and an aquatic centre.*

5. HNZPT supports Plan Change 92 and the NOR. The specific parts of this Plan Change and NOR that the HNZPT's submission relates to are:
 - Recognising and supporting that the Plan provides advice and information to those parties that are developing a site with an historic heritage or cultural feature or require an archaeological assessment and/or HNZPT archaeological authority for the modification and destruction of an archaeological site at the time of subdivision, use or development.
 - Recognising and supporting the intention of the applicant to apply to HNZPT for an Archaeological Authority for the development of the Active Reserve.

6. HNZPT's submission is:

As per the submission points within Appendix 1 attached to this submission.

7. The reasons for HNZPT's position are as follows:

As per the submission points within Appendix 1 attached to this submission.

8. New Zealand seeks the following decision:

As per the submission points within Appendix 1 attached to this submission.

9. Heritage New Zealand does not wish to be heard in support of our submission.



HERITAGE NEW ZEALAND
POUHERE TAONGA

Yours sincerely

PP.

Sherry Reynolds, Director, Northern

Address for service

Heritage New Zealand Pouhere Taonga
Lower Northern Office
P O Box 13339
Tauranga 3141
Attn: Carolyn McAlley
PH: 07 577 4535
Email cmcalley@heritage.org.nz

Attachment: Appendix 1-Submission points table of HNZPT to PC 92 and the NOR

Appendix 1

Submission points of Heritage New Zealand Pouhere Taonga to Plan Change 92 to the Operative Western Bay of Plenty District Plan (the Plan) and the NOR for an Active Reserve at Omokoroa

(Strike: ~~abc~~ =delete and underline: abc = addition)

Draft Proposed Plan: Part & provision number	Support or Oppose	Reasons for submission	Relief sought
Plan Change 92			
Omokoroa and Te Puke Medium Density Residential, 14A.4 Activity Performance Standards, 14A.4.2-Other Standards, V. Historic Heritage	Support	<p>HNZPT supports the inclusion, in the proposed new section of the Plan entitled; “Omokoroa and Te Puke Medium Density Residential,” of a link to the Historic Heritage section, section 7 of the Plan.</p> <p>This reference is important as the areas chosen to accommodate Medium Density Residential housing, in Omokoroa and Te Puke, contain a number of scheduled, not listed, built heritage items (10), a cultural heritage item (1), and a considerable number of recorded archaeological sites recognised in the New Zealand Archaeological Association recording scheme. Given the presence of these recorded archaeological sites, there is an extremely high likelihood of additional unrecorded sites.</p> <p>The historic heritage section of the Plan provides guidance in the form of objectives, policies, and rules relating the need for resource consents if development, use, or subdivision is on the same site as scheduled built heritage or cultural heritage items. These consenting processes seek to retain the important historic heritage values of the items at the time of such works. These rules enable the Plan to provide for matters of National Importance, RMA s6(e) and s6(f).</p> <p>This section also provides advice and information related to the HNZPT processes around archaeology and the need or otherwise to obtain an archaeological authority at the time of earthworks. HNZPT looks forward to collaborating with parties that require archaeological authorities as early as possible in their development processes. This advice assists the applicants to fulfil their obligations under the Heritage New Zealand Pouhere Taonga Act 2014.</p>	That the link to the Historic Heritage Section, contained at 14A.4 Activity Performance Standards, 14A.4.2-Other Standards, V. Historic Heritage-See Section 7, is retained.

Appendix 1

Submission points of Heritage New Zealand Pouhere Taonga to Plan Change 92 to the Operative Western Bay of Plenty District Plan (the Plan) and the NOR for an Active Reserve at Omokoroa

(Strike: ~~abc~~ =delete and underline: abc = addition)

Draft Proposed Plan: Part & provision number	Support or Oppose	Reasons for submission	Relief sought
Notice of Requirement for a designation an Active Reserve at Omokoroa	Support	<p>The Omokoroa Peninsula is a rich archaeological landscape. Many previous developments have been subject to the need for a HNZPT archaeological authority.</p> <p>HNZPT welcomes the recognition, in the notice of requirement, on page 27, para 48, that as part of the development of the Active Reserve at Omokoroa, that there is a need for a HNZPT Archaeological authority. HNZPT looks forward to working with the WBOPDC to assist them to fulfil their obligations under the Heritage New Zealand Pouhere Taonga Act 2014.</p> <p>HNZPT considers that the need for an archaeological authority should be recognised in both the Outline Plan and the associated Reserve Management Plan, to ensure that it is obtained.</p>	<p>That the approval of the designation includes recognition of the need for an HNZPT archaeological authority to be obtained as part of the development of this recreation reserve, and that this need for an archaeological authority must become part of the Outline Plan and the Reserve Management Plan.</p>

Submission Form

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Submission No: _____

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Western Bay of Plenty District Council
Private Bag 12803
Tauranga Mail Centre 3143

Submissions close 4.00pm on Friday 16 September 2022

Name: **Mornay & Rachel Jacobs for Maxlee Holdings Ltd T/A The Garden ECC**

Address: **7A Prole Road**

Omokoroa, Tauranga

Phone **021 062 2866**

Email: **Mornay@thegarden.co.nz**

I/We would like to speak in support of my/our submission at the Council hearing (please tick)

Yes



No



Signed: _____

(Signature of person making submission or person authorised to sign on behalf of person making submission)

Date: **15/09/2022**

Please use the reverse of this form for your submission

1. Submission

State in summary what your submission is. Clearly indicate whether you support or oppose the Notice of Requirement or you wish to have amendments made, giving reasons.

We oppose the NOR on the following grounds:

Council have advised the landowners that no compensation will be payable to us as business owners!

Please see attached Appendix A for further details

2. Decision sought

Give precise details of how you want the proposal changed.

1. The NOR and plan change to exclude the property at 7 Prole Road, being the Daycare Centre.

2. Alternatively the Council will need to relocate (at its expense) the existing daycare centre to a suitable property of similar size (land/building area)

APPENDIX A

15/9/22.

1. We provide high quality education to 68 local children. Our level of preschool level education is not found elsewhere in Omokoroa or the surrounding areas, our families also travel from Katikati/Pahioa/Whakamarama to access our education facilities. We provide better than standard Ministry of Education ratios, highly educated/trained/experienced teachers, extensive grounds to teach children to grow food for themselves and their families, nature spaces for children to learn and grow, animals for them to care for and learn from and a general holistic community approach to support families in times of need as well.
2. In regards to the above point, because we provide this high quality service we are incredibly well regarded within the community as the best place for young children to be educated and have now got a waitlist that extends to late 2023, families are now enrolling their children with us before they have been born!
3. Taking into consideration the service we provide on 1500sqm of land to accommodate the vegetable gardens, natural learning spaces and animals, there is not equivalent land available locally that we could afford to lease at today's market prices and continue to provide the same level of service.
4. Being able to work in the community means we are able to personally contribute to valued and important volunteer work within the community, including the Volunteer Fire Service which is a vital service for the community and the school PTA. We also provide a community food stand for the wider community.
5. We will be placed directly across the road from the new schools currently being planned for in 2025/2026. We will be in a prime position for families to provide seamless education choices for their children from preschool through to high school. We will be able to work collaboratively with the local schools on various levels, including transitioning into primary school, supporting high school students with work experience or after school work, and being able to include both our preschool children and the primary/secondary children with valuable tuakana-teina opportunities for both our learning setting and the primary/secondary learning settings. **Tuakana-teina is a concept from te ao Māori and refers to the relationship between an older (tuakana) person and a younger (teina) person. Within teaching and learning contexts, this can take a variety of forms such as peer to peer, younger to older, older to younger, or able/expert to less able/expert. *Ākonga build a love of learning through tuakana-teina*** By Education Gazette editors ISSUE: VOLUME 101, NUMBER 4
6. We currently employ 18 local staff members who would be out of work, or would have to then travel into town for work.
7. When we applied for resource consent for this business and subsequently granted resource consent, only 6 years ago, there was no mention of future plans and the possibilities of this happening. There was no communication from the council in regards to this happening.
8. We have invested hundreds of thousands of dollars of our own personal money in this education facility, as well as our personal time, building it up to what it is today, to be able to provide an exceptional education choice for children for 20/30 years before selling it to another motivated educator for our retirement.

Submission Form

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Tauranga Mail Centre 3143

Submissions close 4.00pm on Friday 16 September 2022

Name: _____

Address: _____

Phone: _____

Email: _____

I/We would like to speak in support of my/our submission at the Council hearing (please tick)

Yes

No

Signed: _____



Date: _____

(Submission or person authorised
to sign on behalf of person making submission)

Please use the reverse of this form for your submission

1. Submission

State in summary what your submission is. Clearly indicate whether you support or oppose the Notice of Requirement or you wish to have amendments made, giving reasons.

2. Decision sought

Give precise details of how you want the proposal changed.

Submission Form

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Private Bag 12803
Tauranga Mail Centre 3143

Submissions close 4.00pm on Friday 16 September 2022

Name: **David & Patricia Cummins on behalf of Rascal Holdings Ltd**

Address: **C/- 6A Kaylene Place**

Ōmokoroa, Tauranga

Phone **027 210 7030**

Email: **davewtcummins@gmail.com**

I/We would like to speak in support of my/our submission at the Council hearing (please tick)

Yes



No



Signed: _____

Date: **15/09/2022**

(Signature of person making submission or person authorised to sign on behalf of person making submission)

Please use the reverse of this form for your submission

1. Submission

State in summary what your submission is. Clearly indicate whether you support or oppose the Notice of Requirement or you wish to have amendments made, giving reasons.

We oppose the NOR on the following grounds:

- 1. Land in question is presently zoned "Future Urban". There is a major concern that with the proposed plan change that the council are trying to push through at the same time that this could adversely affect the value of the property.**
- 2. 5 Years ago the Council gave resource consent for the establishment of a much needed day care centre. This was not set for a short time which in hindsight would not have been a viable business proposition. Over the 5 years this daycare has grown from nothing, with thousands of dollars poured in, to what is now a fully occupied centre with a waiting list.**
- 3. Closure of this centre will severely impact the number of available childcare spaces on the peninsula.**
- 4. Council have advised that there will be no compensation on the closure of the business!**
- 5. There is limited suitable house/land available to be able to relocate the centre. The cost of doing so is now untenable to us as landowners.**
- 6. The daycare is in fact an excellent fit with the proposed Education Precinct across the road and potentially will feed into it.**

2. Decision sought

Give precise details of how you want the proposal changed.

- 1. The NOR and plan change to exclude the property at 7 Prole Road, being the Daycare centre.**
- 2. Alternatively the Council will need to relocate the existing daycare centre to a suitable property of similar size (land/building area).**

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Environmental Planning Team
Western Bay of Plenty District Council
Private Bag 12803
Tauranga Mail Centre 3143

Submissions close 4.00pm on Friday 16 September 2022

Name: TDD Limited

Address: C/- Collier Consultants Limited, PO Box 14371, Tauranga Mail Centre, Tauranga 3143

Attention: Aaron Collier

Phone 021 744 707

Email: aaron@collierconsultants.co.nz

I/We would like to speak in support of my/our submission at the Council hearing (please tick)

Yes

No

Signed:



Date: 15/09/2022

(Signature of person making submission or person authorised to sign on behalf of person making submission)

Please use the reverse of this form for your submission

1. Submission

State in summary what your submission is. Clearly indicate whether you support or oppose the Notice of Requirement or you wish to have amendments made, giving reasons.

TDD Limited are the owners of Lot 1 DPS 61801 Blk iv Tauranga SD being that land held in Record of Title 50A/596. Their property is located at 474 Omokora Road, Omokoroa. The site is currently used as a storage business and contains a number of dwellings and improvements.

TDD Limited oppose the notice of requirement to designate their land for Omokora active reserves as sought by the Western Bay of Plenty District Council as Requiring Authority.

The reasons for TDD's opposition are as follows:

1. There has been inadequate consultation with TDD Limited in relation to the use and development of the land for the purposes of reserves. This has created significant uncertainty in planning for TDD's future business on the site which is a storage facility.
2. The need for TDD's land to be included within the designation is unclear, as there is no overall reserves masterplan developed for the site which shows the need for TDD's land to be used for reserve purposes. The Active Reserves Assessment prepared in support of the designation does not identify what the land or parts of the land will be used for, and therefore the need for the land.
3. The timing of the designation and its development as a reserve are uncertain.
4. There are a number of actual and potential effects associated with the designation which have not been addressed in the Notice of Requirement which should be based on a reserve concept/development plan for the site.

2. Decision sought

Give precise details of how you want the proposal changed.

We seek that the application for the notice of requirement is refused unless the following are addressed:

1. The Council consults with TDD Limited in relation to the timing and process for the acquisition of 474 Omokora Road and better describes the process and timing of the public works.
2. A masterplan/reserve plan is prepared which shows the need for TDD's land to be designated.
3. There is certainty in relation to time frames provided which will enable investment decisions to be made in relation to the continued operation of TDD's storage business at 474 Omokoroa Road.
4. Council commences the process of land acquisition and discussions with TDD Limited.