Western Bay of Plenty

Form 13

Submission on application concerning resource consent or esplanade strip that is subject to public notification or limited notification by consent authority

Sections 41D, 95A, 95B, 95C, 96, 127(3), 136(4), 137(5)(c), and 234(4), Resource Management Act 1991

To Western Bay of Plenty District Council

Name of submitter:	
Full Name(s):	JAMES BRENT WATSON SINCLAIR

This is a submission on an application from:
PUKEHINA ECO VILLAGE PROPERTY SEVEN LTD C/- AURECON GROUP

For a resource consent for:
Subdivision of 137 lots in the rural zone, Pukehina Beach Road, Pukehina

I ~~am~~/ am not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

I am/ am not directly affected by an effect of the subject matter of the submission that:
(a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition.

[* Delete this paragraph if you are not a trade competitor].

The specific parts of the application that my submission relates to are:

My concerns relate to potential adverse effects on water quality & associated ecological effects on the Pukehina Estuary.

[Please add additional pages if required]

My submission is: [*include – (a) whether you support or oppose the application or specific parts of it; (b) whether you are neutral regarding the application or specific parts of it; or (c) the reasons for your views*].

At this point my position is neutral as I do not believe there is sufficient information to form a view on the full effects of the proposal as necessary consents that will inevitably be required from the Bay of Plenty Regional Council have not yet been sought.

[Please add additional pages if required] (please see attached document for further comment)

I seek the following decision from the consent authority: [*give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought*].

Cease processing this application (as provided for pursuant to s91 of the RMA) until all Regional Council applications have been lodged so that

all applications can be considered together.

I wish (~~or do not wish~~) to be heard in support of my submission.

[*If others make a similar submission, I will consider presenting a joint case with them at the hearing]. [*Delete if you would not consider presenting a joint case.]

I ~~request~~/do not request*, pursuant to section 100A of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority. [*Select one]

A copy of this submission must be sent to the applicant/ agent as soon as practicable

Signature of submitter (or person authorised to sign on behalf of submitter)

Date: 15/11/18

(A signature is not required if you make your submission by electronic means.)

Electronic address for service of person giving written approval:	kandbsinclair@outlook.com
Telephone:	021 894 314
Postal address (or alternative method of service under section 352 of the Resource Management Act 1991):	11c Woodcock Rd RD 3 HAMILTON

Note to submitter

If you are making a submission to the Environmental Protection Authority, you should use form 16B.

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

In support of my submission I draw your attention to the decision of Judge Sheppard in the case *AFFCO v Far North District (No 2) NZRMA224.*

On page 233 of that decision Judge Sheppard makes a number of comments under the heading Resource Management Practice. The following are several quotes from that decision.

"The Resource Management Act 1991 contemplates that where more than one resource consent is required for a proposal, application for all the consent required should be made at the same time."

"Unless all the effects, positive and negative, of a proposal are assessed together, the consideration of them required to make the ultimate judgement whether the consent should be granted or refused may be incomplete, and balancing them may be distorted"

Therefore good resource management practice requires that in general all the resource consents required for a project should be carefully identified from the outset, and applications for them all should be made so that they can be considered together or jointly".

This finding of Judge Sheppard is particularly relevant to the current application.

The existing environment is already under considerable stress as is evident from recent reports commissioned by the Bay of Plenty Regional Council. There are also future stresses that will surely come with forecast sea level rise and the associated coastal hazards. All of these issues must be considered together when determining whether the purpose of the Act is better served by the grant or refusal of consent.

Until such time as all the relevant information is available, I am unable to assess whether the sustainable management tests as set out in Part II of the RMA will be met, and I fail to see how a decision maker could do so. I make this comment as an accredited RMA decision maker and I encourage Western Bay District Council to work with the Bay of Plenty Regional Council to ensure an integrated resource management decision is made in relation to this proposal.

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From: Joseph Yang <josephyms@gmail.com>
Sent: Wednesday, 14 November 2018 2:52 PM
To: steve@creativeq.co.nz; grace@fuel.agency; jill@group7.co.nz; ben@group7.co.nz; Consents Administration
Subject: New submission from Joseph Yang

Follow Up Flag: Follow up
Flag Status: Completed

Categories: awaiting confirmation of address - ECO VILLAGE, Planner confirmation ok to Acknowledge submission - ECO VILLAGE

Full name of submitter:

Joseph Yang

Address:

734B East Coast Road

Email address:

josephyms@gmail.com

Do you support this submission ?

I support this application

The specific parts of the application that my submission relates to are:

Pukehina farmland

My submission is:

To support the Pukehina farmland into a community nature reserve and eco village

I seek the following decision from the consent authority:

Approve

I do not wish to be heard in front of the hearings panel support of my submission

Pursuant to section 100A of the Act:

I do not request

Options: I request / I do not request

Are you trade competitor ?

I am not

Options: I am / I am not

Are you directly affected by an effect of the subject matter of the submission ?

I am not

Options: I am / I am not

Date

11/14/2018

View PDF: https://www.matukumoana.co.nz/pdf/5bbc749560fc6/183/

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From: Amber Lee Ingle <amber.lee.ingle@gmail.com>
Sent: Wednesday, 14 November 2018 5:56 PM
To: steve@creativeq.co.nz; grace@fuel.agency; jill@group7.co.nz; ben@group7.co.nz; Consents Administration
Subject: New submission from Amber Lee Ingle

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: awaiting confirmation of address - ECO VILLAGE

Full name of submitter:

Amber Lee Ingle

Address:

35 Alverstoke Road

Email address:

amber.lee.ingle@gmail.com

Do you support this submission ?

I support this application

The specific parts of the application that my submission relates to are:

Regional economic development, Sustainable housing, nature reserve and wetland restoration

My submission is:

that I support the whole application.

I seek the following decision from the consent authority:

I approve the entire application.

I do not wish to be heard in front of the hearings panel support of my submission

Pursuant to section 100A of the Act:

I request

Options: I request / I do not request

Are you trade competitor ?

I am not

Options: I am / I am not

Are you directly affected by an effect of the subject matter of the submission ?

I am not

Options: I am / I am not

Date

11/14/2018

View PDF: https://www.matukumoana.co.nz/pdf/5bbc749560fc6/195/

216

From: Marcos Azaro <marcos@seomarketing.co.nz>
Sent: Wednesday, 14 November 2018 1:28 PM
To: steve@creativeq.co.nz; grace@fuel.agency; jill@group7.co.nz; ben@group7.co.nz; Consents Administration
Subject: New submission from Marcos Azaro

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Planner confirmation ok to Acknowledge submission - ECO VILLAGE, awaiting confirmation of address - ECO VILLAGE

Full name of submitter:

Marcos Azaro

Address:

2 Douglas Rd

Email address:

marcos@seomarketing.co.nz

Do you support this submission ?

I support this application

The specific parts of the application that my submission relates to are:

eco village

My submission is:

The eco village will be a great development for the environment and for people in the area and people who want to live a different lifestyle.

I seek the following decision from the consent authority:

I seek for the permission to be granted to establish the eco village.

I do not wish to be heard in front of the hearings panel support of my submission

Pursuant to section 100A of the Act:

I request

Options: I request / I do not request

Are you trade competitor ?

I am not

Options: I am / I am not

Are you directly affected by an effect of the subject matter of the submission ?

I am not

Options: I am / I am not

Date

11/14/2018

217

From: Paul Ferris <ferriser@gmail.com>
Sent: Wednesday, 14 November 2018 2:31 PM
To: steve@creativeq.co.nz; grace@fuel.agency; jill@group7.co.nz; ben@group7.co.nz; Consents Administration
Subject: New submission from Paul Ferris

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: awaiting confirmation of address - ECO VILLAGE, Planner confirmation ok to Acknowledge submission - ECO VILLAGE

Full name of submitter:

Paul Ferris

Address:

148 Okere Rd

Email address:

ferriser@gmail.com

Do you support this submission ?

I support this application

The specific parts of the application that my submission relates to are:

I support this applicaition in full

My submission is:

in support of the application in all parts

I seek the following decision from the consent authority:

accept the application

I do not wish to be heard in front of the hearings panel support of my submission

Will you consider presenting a joint case with others making similar submission at the hearing?

- Yes

Pursuant to section 100A of the Act:

I request

Options: I request / I do not request

Are you trade competitor ?

I am not

Options: I am / I am not

Are you directly affected by an effect of the subject matter of the submission ?

I am not

Options: I am / I am not

Date

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From: Komila chand <Komila.chand@bluegates.co.nz>
Sent: Wednesday, 14 November 2018 10:39 AM
To: steve@creativeq.co.nz; grace@fuel.agency; jill@group7.co.nz; ben@group7.co.nz; Consents Administration
Subject: New submission from Komila chand

Follow Up Flag: Follow up
Flag Status: Completed

Full name of submitter:

Komila chand

Address:

13 aldersgate road Hillsborough

Email address:

Komila.chand@bluegates.co.nz

Do you support this submission ?

I support this application

The specific parts of the application that my submission relates to are:

Eco village and reserves

My submission is:

I support the course

I seek the following decision from the consent authority:

Approve

I do not wish to be heard in front of the hearings panel support of my submission

Pursuant to section 100A of the Act:

I do not request

Options: I request / I do not request

Are you trade competitor ?

I am

Options: I am / I am not

Are you directly affected by an effect of the subject matter of the submission ?

I am not

Options: I am / I am not

Date

11/14/2018

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Michelle Parnell

From: J Rossaak <j_rossaak@yahoo.co.nz>
Sent: Wednesday, 14 November 2018 9:22 AM
To: Consents Administration
Subject: Pukehina Eco Village
Attachments: RMA%20-%20Form%2013%20-%20Submission.pdf

Categories: Planner confirmation ok to Acknowledge submission - ECO VILLAGE, Planner confirmation to Acknowledge Required - ECO VILLAGE

To whom It may cancern

Please find enclosed my submission for the Pukehina Eco Village, with further points in this email.

Thanks

Jeremy

3) The report describes this Eco-Village as having solar power, on-site black water treatment and water catchment with minimal further information on volumed and how water will be managed. A poorly maintained waste water system could be detrimental to the environment. Please provide details on the electricity production storage, volume of water stored and requirement for rainwater catchment and waste water management and maintenance.

Ecological report:

4) The background section describes the whole areas as being a wetland roughly 100 years ago. The wetland type is indicated and species, and is understood to have been a marsh. It was subsequently drained. Please provide a map of the extent of the original wetland.

5) As the wetland has been significantly transformed with over sewing, fertilizer and drains, extent assessment may require international best practice wetland assessment (using hydromorphic soil assessment) and not rely on plants.

6) The original extent must be considered as the potential wetland.

7) The current proposal involves excavation and wetland removal, and loss of potential an wetland extent. Please describe the extent of the loss.

8) The report is misleading in describing wetland creation. If the introduction is to be believed, then it is wetland restoration?

9) How is the proposed wetland different from the original wetland?

10) What is the biodiversity value of the original wetland type compared to the proposed wetland? How is this assessed?

11) What offset is applied to the loss/reclamation of wetland area?

12) Is the wetland to be reinstated used to manage storm water and pollutants? Is this developed storm water wetland able to be included in biodiversity offset calculations and options under the RMA and region plans?

13) Why is the original wetland type not being reinstated?

14) Closing the drains and planting could start the restoration of the original wetland. How is excavation evaluated against this, particularly the permanent loss of potential of the wetland type?

15) Why will You need to divert water from the why he drainage scheme into the wetland to improve water quality, where the wetland is meant to filter water

16) in the wetland, it appears that inflow and outflow will be moderated by a wier. Please explain how this equates to a naturally occurring wetland?

*17) #6 – **Matters of national importance** - In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*
(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their

margins, and the protection of them from inappropriate subdivision, use, and development:....
Under the RMA, a wetland is classed as a water body (where not located in the coastal marine area) and in its definition, a wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions. The RMA further recognises the preservation of wetlands as a matter of national importance (Section 6). It requires regional councils to control the use and flow in any water body, control introduction of plants, and maintain water quantity.
On the subdivision through on site protection and covenant. If the wetland is to undergo further transformation and excavation, how does this fulfil the District Plan rules? It is suggested that the excavations will further degrade the potential of restoration of the wetland/marsh system as described as the original land feature.
The National Policy Statement on Fresh Water Management has the following:
The NPS has as objectives the *maintaining or improving the quality of fresh water while protecting the significant values of wetlands* (Objective A1) and very similarly, under water quantity, *protect the significant values of wetlands and of outstanding freshwater bodies* (Objective B4).
This policy and recognition of the importance of wetlands in the NPS requires regional councils to alter regional plans to achieve these objectives and identify methods to ensure water quality and quantity.
How does the proposal offered (incorporating wetland area excavation) enhance the council's ability to meet NPSFM targets and requirements?

18) As it is a wetland it is prone to floods. Wouldn't a safer way be to allow the wetland to redevelop and then place houses around the outside on higher ground ?

19) The Waihi esturary has sustained a huge amount of damaged from sediment from upstream farming over a number of years. How will the developer assure us that there will be no further destruction of the Waihi estuary during the development of this Village?

PEOPLE • PLAN • PROGRESS

Western Bay of Plenty District Council

Form 13

Submission on application concerning resource consent or esplanade strip that is subject to public notification or limited notification by consent authority

Sections 41D, 95A, 95B, 95C, 96, 127(3), 136(4), 137(5)(c), and 234(4), Resource Management Act 1991

To Western Bay of Plenty District Council

Name of submitter:	
Full Name(s):	Jeremy Rossaak

This is a submission on an application from:

For a resource consent for:
The Pukehina eco-Village

I am/ am not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

I am/ am not directly affected by an effect of the subject matter of the submission that:
(a) adversely affects the environment; and
(b) [redacted]

[* Delete this paragraph if you are not a trade competitor].

The specific parts of the application that my submission relates to are:

The executive summary

The ecological report

[Please add additional pages if required]

My submission is: [*include – (a) whether you support or oppose the application or specific parts of it; (b) whether you are neutral regarding the application or specific parts of it; or (c) the reasons for your views*].

I oppose the application for the proposed Eco-Village in Pukehina.

1) The land that is being proposed to be converted into the eco-village is an original wetland, drained in The 1920s. There is less than 1% of the original wetland remain. The proposal is to re-establish a wetland However, I would imagine redeveloping a wetland is arguably worse than what is there currently. Once A system has been developed, redeveloping it is likely to make it worse. Reversal would be the restoration of the original wetland extent, removal of the infrastructure (drains, culverts etc.) and planting of original wetland species. Further excavation of the wetland, creating additional open water areas and removal of further extent through infill is not reversal, restoration as described above.

Text

2) The plan is for a further 137 houses, permanent dwellings which increases the demand on Pukehina by around 20%, or more as many of the houses in pork here are batches and therefore part-time use. The boat ramp and surf lifesavers are at the far end of Pukehina. What additional resources and infrastructure update upgrades are planned by the developers to maintain Booker here the parade, shops and the boat ramp?

[Please add additional pages if required]

Additional pages added

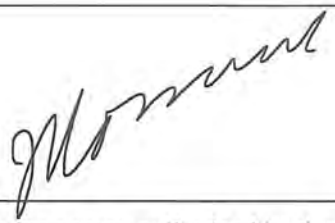
I seek the following decision from the consent authority: [*give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought*].

Declined the application for the Pukehina Eco-Viillage

I wish (*or* do not wish) to be heard in support of my submission. [*If others make a similar submission, I will consider presenting a joint case with them at the hearing]. [*Delete if you would not consider presenting a joint case.]

I request/do not request*, pursuant to section 100A of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority. [*Select one]

A copy of this submission must be sent to the applicant/ agent as soon as practicable

	
Signature of submitter (or person authorised to sign on behalf of submitter)	
Date: 11/11/2018	J Rossaak
(A signature is not required if you make your submission by electronic means.)	

Electronic address for service of person giving written approval:	
Telephone:	
Postal address (or alternative method of service under section 352 of the Resource Management Act 1991):	

Note to submitter

If you are making a submission to the Environmental Protection Authority, you should use form 16B.

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

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If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

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From: Aaron dempsey <aarondempsey@gmail.com>
Sent: Sunday, 11 November 2018 11:42 AM
To: steve@creativeq.co.nz; grace@fuel.agency; jill@group7.co.nz; ben@group7.co.nz; Consents Administration
Subject: New submission from Aaron dempsey

Follow Up Flag: Follow up
Flag Status: Completed

Full name of submitter:

Aaron dempsey

Address:

14D Haultain Street

Email address:

aarondempsey@gmail.com

Do you support this submission ?

I support this application

The specific parts of the application that my submission relates to are:

looks amazing

My submission is:

looks amazing

I seek the following decision from the consent authority:

looks amazing

I do not wish to be heard in front of the hearings panel support of my submission

Pursuant to section 100A of the Act:

I do not request

Options: I request / I do not request

Are you trade competitor ?

I am not

Options: I am / I am not

Are you directly affected by an effect of the subject matter of the submission ?

I am not

Options: I am / I am not

Date

11/01/2018

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221

From: Lisa Austin <lisa.austin@tepuke.school.nz>
Sent: Wednesday, 14 November 2018 9:14 PM
To: steve@creativeq.co.nz; grace@fuel.agency; jill@group7.co.nz; ben@group7.co.nz; Consents Administration
Subject: New submission from Lisa Austin

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: awaiting confirmation of address - ECO VILLAGE

Full name of submitter:

Lisa Austin

Address:

47b Orkney Road

Email address:

lisa.austin@tepuke.school.nz

Do you support this submission ?

I support this application

The specific parts of the application that my submission relates to are:

nature reserve, Eco housing

My submission is:

i support all parts of the application

I seek the following decision from the consent authority:

none

I do not wish to be heard in front of the hearings panel support of my submission

Pursuant to section 100A of the Act:

I do not request

Options: I request / I do not request

Are you trade competitor ?

I am not

Options: I am / I am not

Are you directly affected by an effect of the subject matter of the submission ?

I am not

Options: I am / I am not

Date

11/14/2018

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