

To: The Resource Consent Administration Officer

Tasman District Council
Private Bag 4
Richmond 7050

Email: resourceconsentadmin@tasman.govt.nz



tasman
district council

Te Kaunihera o

te tai o Aorere

Submission on Resource Consent Application

PLEASE ENSURE THAT ALL SECTIONS OF THIS FORM, ON BOTH SIDES, ARE COMPLETED.

Please note: all submissions become public documents. If the application requires a hearing, your submission may be published on the council's hearings page, including your name and contact details.

Personal information will also be used for administration purposes, including notifying submitters of hearings and decisions. All information will be held by the Tasman District Council with submitters having the right to access and correct personal information.

Submitter Details

Full Name:	John Edward Lewis	
Contact Person (if different):		
Address for Service:	94 First View Avenue Beachlands Auckland 2018	
Postcode:		
Phone:	02108263019	E-mail: ttjlewis@hotmail.com

Submission Details

This is a submission on the following application for resource consent lodged with the Council:

This is a submission on an application from: *(Name of Applicant)*: John Lewis

For a resource consent to: *(details can be found on the notice in the letter from Council, newspaper, website or on-site)*

Tasman District Council Application Number (if known): RM

1) The specific part(s) of the application that my submission relates to is/are (Give details*):

Hight of Buildings on approach and take off at the Airfield would make the Airfield unuseable, this would be a great lose to the community.

* Note: Any additional information should be submitted on a separate sheet(s).

Lynda Cross

From: John Lewis <tjelewis@hotmail.com>
Sent: Wednesday, 17 May 2023 4:17 pm
To: resourceconsentadmin@tasman.govt.nz
Subject: Motueka Airfield
Attachments: Form for submission on resource consent application.pdf

Regards
John Lewis

2) The reasons for my submission are (Give details*):

The height of proposed building would severely restrict the existing Airport use at present, future requirements of the Airport would be made impossible.
Therefore I am opposed to the proposal.

*Note: Any additional information should be submitted on a separate sheet(s).

3) The nature of my submission is that: (Tick one of the following three boxes):

I support the application I oppose the application I am neutral regarding the application

4) The decision I would like the Council to make is (Tick one of the following two boxes):

To grant consent To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

(Note: you do not have to suggest conditions, particularly if you want the council to refuse consent):

Have the buildings in the areas affecting the Airfield height reduced to a level to allow existing and future flights, especially commercial flights.

*Note: Any additional information should be submitted on a separate sheet(s).

5) Attendance at any Council Hearing (You must tick one of the following two boxes):

I wish to be heard in support of my submission I do not wish to be heard in support of my submission

Note: If you indicate that you do not wish to be heard, you will still receive a copy of the Council's decision but you will not receive a copy of the hearing report if a hearing is held.

Print Full Name:

Signature*: _____
(Person making submission or authorised agent)

Date:

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A copy of this submission MUST also be sent to the applicant as soon as reasonably practicable after serving a copy on the Council.

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Submitter Details

Full Name:

Contact Person (if different):

Address for Service:

Postcode:

Phone: E-mail:

Submission Details

This is a submission on the following application for resource consent lodged with the Council:

This is a submission on an application from: (Name of Applicant):

For a resource consent to: (details can be found on the notice in the letter from Council, newspaper, website or on-site)

Tasman District Council Application Number (if known): RM

1) The specific part(s) of the application that my submission relates to is/are (Give details*):

* Note: Any additional information should be submitted on a separate sheet(s).

EP-RC040D 08/19

2) The reasons for my submission are (Give details*):

See attached sheets.

*Note: Any additional information should be submitted on a separate sheet(s).

3) The nature of my submission is that: (Tick one of the following three boxes):

I support the application I oppose the application I am neutral regarding the application

4) The decision I would like the Council to make is (Tick one of the following two boxes):

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If consent is granted, I wish the council to impose the following conditions

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I am a resident and rate payer in Tasman District. I have had an interest and connection with the Motueka Aerodrome since my son learnt to fly at the Motueka Aero Club at 14 years old, then completed his pilot training at Nelson Aviation College. (Motueka Aerodrome base)

Do you realise that a learner pilot can do their 1st solo at 16 years old?! Add into that nerves, turbulence, let alone the possibility of an engine stalling, and anything less than the optimum safety levels are a recipe for disaster.

At any level of competency and experience of course, the flight take-off and approach is absolutely crucial. A number of factors come into play, ~~met~~ including wind, human factors, and of course the reliability of the aircraft. The height controls are an absolute minimum, given that a pilot taking off or landing must be able to take immediate action if they have engine failure, if the weather is turbulent etc.

Motueka Aerodrome is one of the busiest in the country. It is used for training, recreational flying, as well as important stop-off point for many ~~light~~ aircraft as they travel up or down the country. It is often an essential destination for refueling aircraft or pilot rest time.

It is a positive of course, that Ruru Homes is flourishing and expanding, however their location is ~~totally~~ unviable for building further structures on given that it is Rural zoned land, and directly below a busy flight path.

It is essential that the Council must **DECLINE** this application. It affects the safety of many users of Motueka Aerodrome, and approving it would also set a dangerous precedent for other aerodromes around N.Z.

The Council must also consider the Legal Principle that "First in time is best at law." The Motueka Aerodrome was certainly there first as an established use.

Susan Lane *splane*

17/5/23

Lynda Cross

From: Sue & Rob <lanes@ping.net.nz>
Sent: Wednesday, 17 May 2023 4:45 pm
To: Hans@Hansvanderwal.co.nz; Resource Consent Admin
Subject: Ruru homes application
Attachments: TDC Objection incl date236.pdf

Categories: Lynda to deal with

Hello, Resent my submission, this time with date filled in.

Susan Lane

To: The Resource Consent Administration Officer

Tasman District Council
Private Bag 4
Richmond 7050

Email: resourceconsentadmin@tasman.govt.nz



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Submitter Details

Full Name:	Darren Smith	
Contact Person (if different):		
Address for Service:	115 Hawker Lane Koromiko RD3 Blenheim	
Postcode:	7273	
Phone:	027 2678564	E-mail: darren@integritysecurity.co.nz

Submission Details

This is a submission on the following application for resource consent lodged with the Council:

This is a submission on an application from: (Name of Applicant): Ruru Building Ltd

For a resource consent to: (details can be found on the notice in the letter from Council, newspaper, website or on-site)

Land use consent to undertake an industrial activity in a Rural 1 Zone which is the construction of relocatable homes.

Tasman District Council Application Number (if known): RM 210785

1) The specific part(s) of the application that my submission relates to is/are (Give details*):

Construction of buildings which breach the airport height controls for the Motueka Aerodrome

* Note: Any additional information should be submitted on a separate sheet(s).

2) The reasons for my submission are (Give details*):

A reduction in the current OLS (Obstacle Limitation Surface) for the takeoff and approach paths of the Motueka Runway, which would result in the establishment of a displaced threshold, will reduce the current Effective Operational Length (EOL) of the runway.

EOL is one of the components used to calculate aircraft performance to determine if a particular aircraft can safely operate from a runway in accordance with the Aircraft Flight Manual. A reduction in the current EOL will preclude a number of aircraft being able to use Motueka Aerodrome.

It will also significantly reduce safety margins for every aircraft that uses the airfield.

Global weather changes have resulted in an increased level of flooding around NZ with many provincial towns being cut-off. One of the lifelines to these isolated towns has always been their local airfield. Motueka Aerodrome should be a strategic asset for local Council for this very reason and current OLS maintained to protect this asset and which would allow larger aircraft to operate and provide relief in such a weather event.

*Note: Any additional information should be submitted on a separate sheet(s).

3) The nature of my submission is that: (Tick one of the following three boxes):

I support the application I oppose the application I am neutral regarding the application

4) The decision I would like the Council to make is (Tick one of the following two boxes):

To grant consent To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

(Note: you do not have to suggest conditions, particularly if you want the council to refuse consent):

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Print Full Name:

Signature*:

(Person making submission or authorised agent)

Date:

*Note: A signature is not required if you make your submissions by electronic means.

A copy of this submission MUST also be sent to the applicant as soon as reasonably practicable after serving a copy on the Council.

Lynda Cross

From: darren@integritysecurity.co.nz
Sent: Wednesday, 17 May 2023 5:00 pm
To: Resource Consent Admin
Cc: hello@rurutinyhomes.nz
Subject: Submission opposing the application for a resource consent from Ruru Homes
Attachments: Form_for_submission_on_resource_consent_application.01.pdf

Categories: Lynda to deal with

Please see the attached submission.

Kind regards,

Darren.

To: The Resource Consent Administration Officer

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Submitter Details

Full Name:	Jonathan Westenra	
Contact Person (if different):		
Address for Service:	3 Wall Street Kaiteriteri RD2 MOTUEKA 7197	
Postcode:		
Phone:	021 470170	E-mail: jjwestenra@gmail.com

Submission Details

This is a submission on the following application for resource consent lodged with the Council:

This is a submission on an application from: (Name of Applicant): Ruru Building Limited

For a resource consent to: (details can be found on the notice in the letter from Council, newspaper, website or on-site)

RM210785 - Land use consent to undertake an industrial activity in a Rural 1 Zone which is the construction of relocatable homes, involving: construction of buildings which breach the airport height controls for the Motueka Aerodrome.

Tasman District Council Application Number (if known): RM 210785

1) The specific part(s) of the application that my submission relates to is/are (Give details*):

Section 9

Land Use

Construction of buildings which breach the height restriction in TRMP Schedule 16.11A.

Construction of buildings which breach the airport height controls for the Motueka Aerodrome.

* Note: Any additional information should be submitted on a separate sheet(s).

2) The reasons for my submission are (Give details*):

I am currently the Chief Flying Instructor at the Motueka Aero Club.

Aviation considers safety to be it's highest priority.

I am concerned that this application has the potential to affect all operations in reducing the current safety margins for departure off Runway 02 and the approach to Runway 20. This includes not only the safety of aircraft pilots and passengers but also those on the ground under the flight path.

It will also potentially affect the future needs and viability of the Airport and its users.

*Note: Any additional information should be submitted on a separate sheet(s).

3) The nature of my submission is that: (Tick one of the following three boxes):

I support the application I oppose the application I am neutral regarding the application

4) The decision I would like the Council to make is (Tick one of the following two boxes):

To grant consent To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

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Print Full Name:

Signature*:  Date:
(Person making submission or authorised agent)

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A copy of this submission MUST also be sent to the applicant as soon as reasonably practicable after serving a copy on the Council.

Lynda Cross

From: Jonathan Westenra <jjwestenra@gmail.com>
Sent: Wednesday, 17 May 2023 6:17 pm
To: Resource Consent Admin
Cc: hello@rurutinyhomes.nz; hans@hansvanderwal.co.nz
Subject: Submission on Resource Consent
Attachments: Form for submission on resource consent application - annotated.pdf

Categories: Lynda to deal with

Please find attached a submission on Resource Consent Application RM210785.

Regards,
Jonathan Westenra.

To: The Resource Consent Administration Officer

Tasman District Council
Private Bag 4
Richmond 7050

Email: resourceconsentadmin@tasman.govt.nz



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Submitter Details

Full Name:	Innes James Bint	
Contact Person (if different):	Above	
Address for Service:	49 Rossiters Road RD2 Rangiora	
Postcode:		
Phone:	021 845145	E-mail: innesbint@hotmail.com

Submission Details

This is a submission on the following application for resource consent lodged with the Council:

This is a submission on an application from: (Name of Applicant): Ruru Building Ltd

For a resource consent to: (details can be found on the notice in the letter from Council, newspaper, website or on-site)

Land use consent to undertake an industrial activity in a Rural 1 Zone which is the construction of relocatable homes.

Tasman District Council Application Number (if known): RM 210785

1) The specific part(s) of the application that my submission relates to is/are (Give details*):

Construction of buildings which breach the airport height controls for the Motueka Aerodrome,

* Note: Any additional information should be submitted on a separate sheet(s).

2) The reasons for my submission are (Give details*):

I oppose ANY application which will disrupt operations at Motueka Aerodrome. The aerodrome is an integral part of the fabric of the Motueka area and has been since it was first established. The Ruru homes application will affect operations by reducing the effective runway length. This will have a negative impact on all airfield operators and will preclude certain aircraft being able to operate in and out from the airfield. This will include certain air ambulances, charter aircraft, training aircraft, Civil defence support aircraft, general and commercial aircraft. Most importantly, the reduction of effective runway length WILL RESULT in a REDUCTION OF SAFETY MARGINS for operating aircraft.

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I support the application I oppose the application I am neutral regarding the application

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If consent is granted, I wish the council to impose the following conditions

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Print Full Name:

Signature*: _____
(Person making submission or authorised agent)

Date:

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Lynda Cross

From: Innes Bint <innesbint@hotmail.com>
Sent: Wednesday, 17 May 2023 7:35 pm
To: Resource Consent Admin
Subject: Opposition to Application
Attachments: Form_for_submission_on_resource_consent_application.01.pdf

Categories: Lynda to deal with

To: The Resource Consent Administration Officer

Tasman District Council
Private Bag 4
Richmond 7050

Email: resourceconsentadmin@tasman.govt.nz



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Submitter Details

Full Name:	Sam Wakelin	
Contact Person (if different):		
Address for Service:	PO Box 69174 Lincoln 7614	
Postcode:		
Phone:	0274146244	E-mail: db94sam@gmail.com

Submission Details

This is a submission on the following application for resource consent lodged with the Council:

This is a submission on an application from: (Name of Applicant): Ruru Building Ltd

For a resource consent to: (details can be found on the notice in the letter from Council, newspaper, website or on-site)

Land use consent to undertake an industrial activity in a Rural 1 Zone which is the construction of relocatable homes.

Tasman District Council Application Number (if known): RM 210785

1) The specific part(s) of the application that my submission relates to is/are (Give details*):

Construction of buildings which breach the airport height controls for the Motueka Aerodrome,

* Note: Any additional information should be submitted on a separate sheet(s).

2) The reasons for my submission are (Give details*):

A reduction in the current OLS (Obstacle Limitation Surface) for the takeoff and approach paths of the Motueka Runway, which would result in the establishment of a displaced threshold, will reduce the current Effective Operational Length (EOL) of the runway.

EOL is one of the components used to calculate aircraft performance to determine if a particular aircraft can safely operate from a runway in accordance with the Aircraft Flight Manual. A reduction in the current EOL will preclude a number of aircraft being able to use Motueka Aerodrome.

Global weather changes have resulted in an increased level of flooding around NZ with many provincial towns being 'cut off'. One of the lifelines to these isolated towns has always been their local airfield. Motueka Aerodrome should be a 'strategic' asset for local Council for this very reason and current OLS's maintained to protect this asset and which would allow larger aircraft to operate and provide relief in such a weather event.

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If consent is granted, I wish the council to impose the following conditions

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Print Full Name:

Signature*:

(Person making submission or authorised agent)

Date:

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Lynda Cross

From: Sam W <db94sam@gmail.com>
Sent: Wednesday, 17 May 2023 7:52 pm
To: Resource Consent Admin; hello@rurutinyhomes.nz
Subject: Submission on Resource Consent Application
Attachments: Form_for_submission_on_resource_consent_application.01 copy.pdf

Categories: Lynda to deal with

Hi,
Please find submission on resource consent application attached.
Thanks

To: The Resource Consent Administration Officer

Tasman District Council
Private Bag 4
Richmond 7050

Email: resourceconsentadmin@tasman.govt.nz



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Submitter Details

Full Name:	Jaime Cave	
Contact Person (if different):		
Address for Service:	PO BOX 69174 Lincoln 7614	
Postcode:		
Phone:	021 08511493	E-mail: jaimekate123@gmail.com

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For a resource consent to: (details can be found on the notice in the letter from Council, newspaper, website or on-site)

Land use consent to undertake an industrial activity in a Rural 1 Zone which is the construction of relocatable homes.

Tasman District Council Application Number (if known): RM 210785

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Construction of buildings which breach the airport height controls for the Motueka Aerodrome,

* Note: Any additional information should be submitted on a separate sheet(s).

2) The reasons for my submission are (Give details*):

A reduction in the current OLS (Obstacle Limitation Surface) for the takeoff and approach paths of the Motueka Runway, which would result in the establishment of a displaced threshold, will reduce the current Effective Operational Length (EOL) of the runway.

EOL is one of the components used to calculate aircraft performance to determine if a particular aircraft can safely operate from a runway in accordance with the Aircraft Flight Manual. A reduction in the current EOL will preclude a number of aircraft being able to use Motueka Aerodrome.

Global weather changes have resulted in an increased level of flooding around NZ with many provincial towns being 'cut off'. One of the lifelines to these isolated towns has always been their local airfield. Motueka Aerodrome should be a 'strategic' asset for local Council for this very reason and current OLS's maintained to protect this asset and which would allow larger aircraft to operate and provide relief in such a weather event.

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If consent is granted, I wish the council to impose the following conditions

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Date:

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A copy of this submission MUST also be sent to the applicant as soon as reasonably practicable after serving a copy on the Council.

Lynda Cross

From: Jaime Cave <jaimekate123@gmail.com>
Sent: Wednesday, 17 May 2023 8:06 pm
To: Resource Consent Admin
Cc: hello@rurutinyhomes.nz
Subject: Resource consent
Attachments: Submission on Resource Consent.pdf

To: The Resource Consent Administration Officer

Tasman District Council
Private Bag 4
Richmond 7050

Email: resourceconsentadmin@tasman.govt.nz



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Submitter Details

Full Name:	KEVIN JOHN YORK	
Contact Person (if different):		
Address for Service:	PO BOX 448 MOTUEKA	
Postcode:	7143	
Phone:	03 528 7942	E-mail: k.york@xtra.co.nz

Submission Details

This is a submission on the following application for resource consent lodged with the Council:

This is a submission on an application from: (Name of Applicant): Ruru Building Ltd

For a resource consent to: (details can be found on the notice in the letter from Council, newspaper, website or on-site)

Industrial Activity at Green Lane Motueka

Tasman District Council Application Number (if known): RM210785

1) The specific part(s) of the application that my submission relates to is/are (Give details*):

Section 9 Land use

* Note: Any additional information should be submitted on a separate sheet(s).

2) The reasons for my submission are (Give details*):

Aircraft engine failure resulting in crash landings on flight paths at both ends of the Motueka Aerodrome runway have been recorded. One at the South/Western end resulted in serious injuries to one of the occupants. Any construction on these flight paths, especially if exceeding current height regulations, is going to endanger the lives of pilots and their passengers if the aircraft has an engine failure during take-off.

Ref- B16 54 Green Lane There was no mention that tobacco was grown and dried on this property or that soil tests have been carried out before this project was commenced.

*Note: Any additional information should be submitted on a separate sheet(s).

3) The nature of my submission is that: (Tick one of the following three boxes):

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4) The decision I would like the Council to make is (Tick one of the following two boxes):

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If consent is granted, I wish the council to impose the following conditions

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5) Attendance at any Council Hearing (You must tick one of the following two boxes):

I wish to be heard in support of my submission I do not wish to be heard in support of my submission

Note: If you indicate that you do not wish to be heard, you will still receive a copy of the Council's decision but you will not receive a copy of the hearing report if a hearing is held.

Print Full Name:

Signature*: _____
(Person making submission or authorised agent)

Date:

*Note: A signature is not required if you make your submissions by electronic means.

A copy of this submission MUST also be sent to the applicant as soon as reasonably practicable after serving a copy on the Council.

Lynda Cross

From: Kevin York <k.york@xtra.co.nz>
Sent: Wednesday, 17 May 2023 8:41 pm
To: Resource Consent Admin
Subject: Ruru Building Submission (attachhed)
Attachments: Ruru Homes Submission.pdf

Categories: Lynda to deal with

To: The Resource Consent Administration Officer

Tasman District Council
Private Bag 4
Richmond 7050

Email: resourceconsentadmin@tasman.govt.nz



tasman
district council

Te Kaunihera o

te tai o Aorere

Submission on Resource Consent Application

PLEASE ENSURE THAT ALL SECTIONS OF THIS FORM, ON BOTH SIDES, ARE COMPLETED.

Please note: all submissions become public documents. If the application requires a hearing, your submission may be published on the council's hearings page, including your name and contact details.

Personal information will also be used for administration purposes, including notifying submitters of hearings and decisions. All information will be held by the Tasman District Council with submitters having the right to access and correct personal information.

Submitter Details

Full Name:	Daniel Patrick Breakspear	
Contact Person (if different):		
Address for Service:	78 Branthwaite Drive, Rolleston	
Postcode:	7615	
Phone:	0226803994	E-mail: dbreakspear@gmail.com

Submission Details

This is a submission on the following application for resource consent lodged with the Council:

This is a submission on an application from: (Name of Applicant): Ruru Building Limited

For a resource consent to: (details can be found on the notice in the letter from Council, newspaper, website or on-site)

Industrial activity being construction of relocatable homes on rural productive land at 54 Green Lane, Motueka, with an associated discharge of domestic wastewater to land.

Tasman District Council Application Number (if known): RM210785

1) The specific part(s) of the application that my submission relates to is/are (Give details*):

Construction of buildings which breach the airport height controls for the Motueka Aerodrome.

* Note: Any additional information should be submitted on a separate sheet(s).

2) The reasons for my submission are (Give details*):

Construction of the proposed buildings at 54 Green Lane, Motueka, would have several adverse effects on the community. The breach of airport height controls at Motueka Aerodrome will seriously reduce safety margins for recreational, training, and commercial flight operations at the aerodrome, markedly increasing the risk of a serious incident or accident. Subsequently, aircraft operators may be discouraged from utilising the aerodrome and, therefore, negatively impact the economic capacity of the aerodrome. Furthermore, reduced commercial use of the aerodrome may have economic consequences for the wider region, as numerous tourists and students stay in the region to take part in activities at the aerodrome, bringing short-term and long-term economic benefits to the area; economic gains would likely be restricted if this proposed construction was to go ahead. Therefore, the fundamental safety issues this construction would create could have significant and widespread implications beyond the reduction of safety margins.

*Note: Any additional information should be submitted on a separate sheet(s).

3) The nature of my submission is that: (Tick one of the following three boxes):

I support the application I oppose the application I am neutral regarding the application

4) The decision I would like the Council to make is (Tick one of the following two boxes):

To grant consent To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

(Note: you do not have to suggest conditions, particularly if you want the council to refuse consent):

*Note: Any additional information should be submitted on a separate sheet(s).

5) Attendance at any Council Hearing (You must tick one of the following two boxes):

I wish to be heard in support of my submission I do not wish to be heard in support of my submission

Note: If you indicate that you do not wish to be heard, you will still receive a copy of the Council's decision but you will not receive a copy of the hearing report if a hearing is held.

Print Full Name: **DANIEL PATRICK BREAKSPEARE**

Signature*:
(Person making submission or authorised agent)

Date: **17/05/2023**

*Note: A signature is not required if you make your submissions by electronic means.

A copy of this submission MUST also be sent to the applicant as soon as reasonably practicable after serving a copy on the Council.

Lynda Cross

From: Daniel Breakspeare <dbreakspeare@gmail.com>
Sent: Wednesday, 17 May 2023 8:51 pm
To: Resource Consent Admin; Hans@hansvanderwal.co.nz
Subject: Submission on Resource Consent Application
Attachments: Form for submission on resource consent application.pdf

Categories: Lynda to deal with

Hi,
Please see attached.
Kind regards
Daniel Breakspeare

To: The Resource Consent Administration Officer

Tasman District Council
Private Bag 4
Richmond 7050

Email: resourceconsentadmin@tasman.govt.nz



tasman
district council

Te Kaunihera o

te tai o Aorere

Submission on Resource Consent Application

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Personal information will also be used for administration purposes, including notifying submitters of hearings and decisions. All information will be held by the Tasman District Council with submitters having the right to access and correct personal information.

Submitter Details

Full Name:	Pim Milner	
Contact Person (if different):		
Address for Service:	10 Wilkinson St Motueka	
Postcode:	7120	
Phone:	021 1592707	E-mail: Pimpanmilner@hotmail.com

Submission Details

This is a submission on the following application for resource consent lodged with the Council:

This is a submission on an application from: (Name of Applicant): Ruru Building Ltd

For a resource consent to: (details can be found on the notice in the letter from Council, newspaper, website or on-site)

Land use consent to undertake an industrial activity in a Rural 1 Zone which is the construction of relocatable homes.

Tasman District Council Application Number (if known): RM 210785

1) The specific part(s) of the application that my submission relates to is/are (Give details*):

Construction of buildings which breach the airport height controls for the Motueka Aerodrome,

* Note: Any additional information should be submitted on a separate sheet(s).

2) The reasons for my submission are (Give details*):

A reduction in the current OLS (Obstacle Limitation Surface) for the takeoff and approach paths of the Motueka Runway, which would result in the establishment of a displaced threshold, will reduce the current Effective Operational Length (EOL) of the runway.

EOL is one of the components used to calculate aircraft performance to determine if a particular aircraft can safely operate from a runway in accordance with the Aircraft Flight Manual. A reduction in the current EOL will preclude a number of aircraft being able to use Motueka Aerodrome.

Global weather changes have resulted in an increased level of flooding around NZ with many provincial towns being 'cut off'. One of the lifelines to these isolated towns has always been their local airfield.

Motueka Aerodrome should be a 'strategic' asset for local Council for this very reason and current OLS' s maintained to protect this asset and which would allow larger aircraft to operate and provide relief in such a weather event.

It seems selfish of Ruru Buildings Ltd of not finding the correct land for their buildings as well as using rural land for indrtstrual usage already.

*Note: Any additional information should be submitted on a separate sheet(s).

3) The nature of my submission is that: (Tick one of the following three boxes):

I support the application I oppose the application I am neutral regarding the application

4) The decision I would like the Council to make is (Tick one of the following two boxes):

To grant consent To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

(Note: you do not have to suggest conditions, particularly if you want the council to refuse consent):

*Note: Any additional information should be submitted on a separate sheet(s).

5) Attendance at any Council Hearing (You must tick one of the following two boxes):

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Print Full Name:

Signature*:

(Person making submission or authorised agent)

Date:

*Note: A signature is not required if you make your submissions by electronic means.

A copy of this submission MUST also be sent to the applicant as soon as reasonably practicable after serving a copy on the Council.

Lynda Cross

From: Pimpan Milner <pimpanmilner@hotmail.com>
Sent: Wednesday, 17 May 2023 9:05 pm
To: Resource Consent Admin
Subject: Ruru Buildings Ltd.
Attachments: Form_for_submission_on_resource_consent_application Pim.01.pdf

Categories: Lynda to deal with

Evening TDC,
Please find the attached resource consent form with regards to ruru buildings ltd.

Regards
Pim.

To: The Resource Consent Administration Officer

Tasman District Council
Private Bag 4
Richmond 7050

Email: resourceconsentadmin@tasman.govt.nz



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district council

Te Kaunihera o

te tai o Aorere

Submission on Resource Consent Application

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Submitter Details

Full Name:	Alan Rangi Whitmore	
Contact Person (if different):		
Address for Service:	525 Burnham School Road RD7 Christchurch	
Postcode:		
Phone:	0275588226	E-mail: alan.whitmore@xtra.co.nz

Submission Details

This is a submission on the following application for resource consent lodged with the Council:

This is a submission on an application from: (Name of Applicant): Ruru Building Ltd

For a resource consent to: (details can be found on the notice in the letter from Council, newspaper, website or on-site)

Land use consent to undertake an industrial activity in a Rural 1 Zone which is the construction of relocatable homes.

Tasman District Council Application Number (if known): RM210785

1) The specific part(s) of the application that my submission relates to is/are (Give details*):

Construction of buildings which breach the airport height controls for the Motueka Aerodrome,

* Note: Any additional information should be submitted on a separate sheet(s).

2) The reasons for my submission are (Give details*):

It is obvious that commercial operations at Motueka Aerodrome add significant economical benefit to Motueka and the Tasman region. A reduction in the current OLS and the establishment of displaced threshold, will result in a reduced Effective Operational Length (EOL) of the runway. This change will no doubt preclude a number of aircraft being able to safely use Motueka Aerodrome, which will in turn, limit any future growth opportunities for commercial operators. This does not make economical sense for the Motueka region.
Further, local airfields such as Motueka can (and do) often act as a critical piece of infrastructure in emergency events. Restricting the size of aircraft using the airfield, due to reduced OLS, could impede any future relief efforts during emergency events.

*Note: Any additional information should be submitted on a separate sheet(s).

3) The nature of my submission is that: (Tick one of the following three boxes):

I support the application I oppose the application I am neutral regarding the application

4) The decision I would like the Council to make is (Tick one of the following two boxes):

To grant consent To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

(Note: you do not have to suggest conditions, particularly if you want the council to refuse consent):

*Note: Any additional information should be submitted on a separate sheet(s).

5) Attendance at any Council Hearing (You must tick one of the following two boxes):

I wish to be heard in support of my submission I do not wish to be heard in support of my submission

Note: If you indicate that you do not wish to be heard, you will still receive a copy of the Council's decision but you will not receive a copy of the hearing report if a hearing is held.

Print Full Name:

Signature*: _____
(Person making submission or authorised agent)

Date:

*Note: A signature is not required if you make your submissions by electronic means.

A copy of this submission MUST also be sent to the applicant as soon as reasonably practicable after serving a copy on the Council.

Lynda Cross

From: Alan Whitmore <alan.whitmore@xtra.co.nz>
Sent: Wednesday, 17 May 2023 9:26 pm
To: Resource Consent Admin
Subject: Submission - RM210785
Attachments: Submission on Resource Consent Application - RM210785.pdf

Categories: Lynda to deal with

Hi,

Please find attached my submission for RM210785.

Kind Regards
Alan Whitmore

To: The Resource Consent Administration Officer

Tasman District Council
Private Bag 4
Richmond 7050

Email: resourceconsentadmin@tasman.govt.nz



tasman
district council

Te Kaunihera o

te tai o Aorere

Submission on Resource Consent Application

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Personal information will also be used for administration purposes, including notifying submitters of hearings and decisions. All information will be held by the Tasman District Council with submitters having the right to access and correct personal information.

Submitter Details

Full Name:	Gillian Sarah Phillips	
Contact Person (if different):		
Address for Service:	357 Kumeti Road RD2 Dannevirke 4972	
Postcode:		
Phone:	0277410805	E-mail: gillianphillipsnz@gmail.com

Submission Details

This is a submission on the following application for resource consent lodged with the Council:

This is a submission on an application from: (Name of Applicant): Ruru Building Limited

For a resource consent to: (details can be found on the notice in the letter from Council, newspaper, website or on-site)

RM2010785 - Land use consent to undertake an industrial activity in a rural 1 Zone which is the construction of relocatable homes, involving; construction of buildings which breach the airport height controls for the Motueka Aerodrome.

Tasman District Council Application Number (if known): RM210785, RM210786, RM220974

1) The specific part(s) of the application that my submission relates to is/are (Give details*):

Construction of buildings which breach the airport height controls for the Motueka Aerodrome, therefore restricting operations and safety margins regarding the Motueka Aerodrome.

* Note: Any additional information should be submitted on a separate sheet(s).

2) The reasons for my submission are (Give details*):

The Motueka Aerodrome is an important asset and should not be devalued by Ruru Building Limited's proposed development - the everyday function, safety, value and security of the aerodrome should be maintained at all times.

Aviation has a strong record of safety, and actively works to minimise risks at all times. I ask that Tasman Council does the same. It is unnecessary to have a building intrude upon the flight path of a runway and potentially increase the hazards present for the aviation industry. Approving a consent that impedes safety in any manner puts the safety of those operating in the aviation industry in Motueka at risk, and increases public danger.

Please see attached letter.

*Note: Any additional information should be submitted on a separate sheet(s).

3) The nature of my submission is that: (Tick one of the following three boxes):

I support the application I oppose the application I am neutral regarding the application

4) The decision I would like the Council to make is (Tick one of the following two boxes):

To grant consent To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

(Note: you do not have to suggest conditions, particularly if you want the council to refuse consent):

Ruru Building Limited use land that is not in direct line of the runway.

Do not exceed the airport height control parameters set by the CAA that would impede on the current function of the Motueka Aerodrome.

*Note: Any additional information should be submitted on a separate sheet(s).

5) Attendance at any Council Hearing (You must tick one of the following two boxes):

I wish to be heard in support of my submission I do not wish to be heard in support of my submission

Note: If you indicate that you do not wish to be heard, you will still receive a copy of the Council's decision but you will not receive a copy of the hearing report if a hearing is held.

Print Full Name: Gillian Sarah Phillips

Signature*:

(Person making submission or authorised agent)

Date: 17/5/2023

*Note: A signature is not required if you make your submissions by electronic means.

A copy of this submission MUST also be sent to the applicant as soon as reasonably practicable after serving a copy on the Council.

Gillian Phillips
357 Kumeti Road RD2
Dannevirke 4972
gillianphillipsnz@gmail.com

17 May 2023

Reasons for Opposition to Application for Resource Consent by Ruru Building Limited

The Motueka Aerodrome is an important asset and should not be devalued by Ruru Building Limited's proposed development - the everyday function, safety, value and security of the aerodrome should be maintained at all times.

Aviation has a strong record of safety, and actively works to minimise risks at all times. I ask that Tasman Council does the same. It is unnecessary to have a building intrude upon the flight path of a runway and potentially increase the hazards present for the aviation industry. Approving a consent that impedes safety in any manner puts the safety of those operating in the aviation industry in Motueka at risk, and increases public danger.

1. Management of hazards and risks

Under the Health and Safety at Work Act 2015 30(1a) & (2), Persons Conducting a Business or Undertaking (PCBU) with overlapping duties (i.e. the Tasman District Council (TDC)) are required to eliminate risks to health and safety, so far as is reasonably practicable to the extent to which the PCBU has, or would reasonably be expected to have, the ability to influence and control the matter to which the risks relate. As the controlling authority, the TDC has a duty to eliminate additional risks to aviation at Motueka Aerodrome by declining the resource consent application of Ruru Building Limited.

2. A shortened runway equates to increased risk

If the consent is approved and a shortened runway eventuates due to hazards, this could equate to increased risk of overrun of aircraft, runway excursions, and inability to outclimb obstacles under certain performance conditions for all pilots.

3. Increase risk for student pilots who are learning to operate aircraft

Motueka aerodrome is home to a number of training organisations – additional obstacles in or under the flight path or a shortened runway will increase risk for student pilots who are learning to operate aircraft. In such an environment it is prudent to reduce risk rather than increase it.

4. Crane activity is a hazard

Ruru Building's property is in a safety critical location, approx. 200m along the extended centreline from the end of runway 20.

Crane activity (that has already been seen from Ruru Building) is a hazard to aviation which will reduce safety margins and impact business operations for a number of existing operators on the airfield. They would have to cease operating or restrict the times they are able to operate and the way in which they operate in order to mitigate risk. This could also financially impact businesses on the aerodrome, and possibly reduce the value of the aerodrome asset.

5. Increase risk for pilots in the event of emergency

Obstacles in the flight path or additional obstacles under the flight path increase risk to pilots and people under the flight path by limiting forced landing options in the event of a partial or full engine failure.

6. Accountability in the event of emergency

Should an emergency such as an engine failure occur and a pilot is forced to land on a property in a safety critical area such as a property 200m along the extended centreline of an active runway, which is occupied by both people and buildings, surely accountability would lie with the authority that allowed the buildings and people to operate there, as well as those who elected to conduct business in an environment with such high risk.

7. Buildings create a mechanical turbulence hazard

Mechanical turbulence issues created by wind over buildings will present an additional hazard to aircraft at critical phase of flight (low level on short final or climb out).

8. Limiting a community asset

Motueka Aerodrome is a community asset which was gifted to the region. It has over a 100-year history, but its' future use would become restricted if the runway is shortened or if the Instrument Flight Rules (IFR) or Visual Flight Rules (VFR) profiles were impinged.

“Obstacle limitation surface (OLS) means airspace defined around an aerodrome that enables operations at the aerodrome to be conducted safely and that prevents the aerodrome from becoming unusable by the growth of obstacles around the aerodrome.” Part 77 p.6. As such the Tasman Resource Management Plan outlines an Obstacle Notification Surface (1:50 slope) in line with Part 77 of the Civil Aviation Act. NAC believes that it would be short sighted to allow growth of any additional obstacles beyond the 1:50 OLS that could render the aerodrome unusable for future operations.

9. Protection of a valuable training resource

Under the current chronic national and world-wide pilot shortage, a training environment such as Motueka aerodrome, is a precious community resource and should be future proofed as such. Aviation students generate income across a number of community businesses. Activity that endangers the training environment by limiting its use or increasing risk for aviation students will have a down-stream effect of reducing income brought into the Motueka community.

10. Limited usage for current users with lease agreements

Shortening of the runway could restrict or prevent usage of current users with signed lease agreements – they may not be able to land their aircraft at Motueka.

Aircraft types such as King Air; Diamond light twins; Piper Seminole; Piper Seneca; Cessna Caravan which were previously able to take off and land may not be able to if the runway is shortened.

11. Limiting IFR operations

Additional obstacles protruding into the 1:40 glideslope which cannot be removed will make it impossible for IFR operations in future and limit the resilience of the aerodrome as a community resource.

When conducting IFR flights with Performance Based Navigation (PBN) procedures, a technical alternate should be considered at all times. Motueka aerodrome is an important alternate - should a GPS failure occur at any time while operating in the Tasman Bay area, Motueka can offer an alternative point for landing if Nelson or Takaka has a failure and is below meteorological minima.

12. Limiting Part 135 passenger operations

A shortened runway could prevent Part 135 Air Transport Operations, such as those that serviced the community during the closure of the Takaka hill road. Under Part 135 these operations require:

- i. that the take-off distance needed for the aircraft must be within 85% of the take-off run available and
- ii. a full-stop landing from 50 feet above the threshold within 85% of landing distance available.

13. Preventing Motueka from accessing the services of sustainable electric aircraft

A shortened runway or no IFR approach may prevent Motueka from accessing the services of sustainable electric aircraft in future and therefore limit the usage of the aerodrome as a community resource.

Sustainable electric aircraft that are currently being researched by Sounds Air and Air New Zealand, are likely to be smaller aircraft which will service more remote communities, away from current main hubs. They are not likely to be 'high lift' wing aircraft and therefore will require increased distances to accelerate on take-off.

14. Civil Defence Emergency Response

During large scale weather events or disasters such as earthquakes, aerodromes like Motueka provide access to military and civil aircraft to assist in recovery efforts. Allowing additional buildings so close to the runway threshold will reduce the aircraft loading capabilities and therefore slow any recovery efforts. Motueka was a crucial hub when Takaka hill road was closed to get people and supplies to and from Takaka.

15. Ruru Building Ltd. land use is incompatible with the safety culture in the aviation environment

Operating in an aviation environment requires a high level of commitment to safety culture. “Safety culture is the collection of the beliefs, perceptions and values that employees share in relation to risks within an organization, such as a workplace or community.” ¹

“A good safety culture can be promoted by senior management commitment to safety, realistic practices for handling hazards, continuous organisational learning, and care and concern for hazards shared across the workforce.” ¹

“The safety culture of an organization cannot be created or changed overnight; it develops over time as a result of history, work environment, the workforce, health and safety practices, and management leadership.” ¹

Ruru Building Limited has not demonstrated an integral safety culture that is compatible with an aviation environment.

The submission by Ruru Building Limited proposes their activity is an industrial activity and any commercial activity would be merely ancillary, however they have been actively advertising through social media for members of the general public to come onsite to view the tiny homes on display for sale.

Although not mentioned in their submission for consent, Ruru Building periodically has erected cranes on their property to carry out their activities. On at least two occasions these have been a significant hazard to aviation without the necessary determination process being issued by CAANZ under Part 77 of the Civil Aviation Act.² One such occasion was that, without any notification being issued to airmen, the crane hazard was operating on short final for the active runway. Although the necessary process was brought to the attention of Ruru Building at the time by an aerodrome user, they knowingly persisted with the operation. This type of anti-authority behaviour is not compatible with safety culture, the aviation environment, and the responsibilities of a PCBU under the Health and Safety at Work Act.

For these reasons I ask that TDC deny resource consent for this application.

¹ https://en.wikipedia.org/wiki/Safety_culture

² “A person proposing to construct or alter a structure must notify the Director of the proposal in accordance with rule 77.13 if the proposed structure or alteration to a structure is located below the approach or take off surfaces of an aerodrome as outlined in figures A.1 and A.2 of Appendix A, and extends to a height greater than a surface, outlined in Appendix A.” Civil Aviation Act Part 77 p.6

Lynda Cross

From: Gillian Phillips <gillianphillipsnz@gmail.com>
Sent: Wednesday, 17 May 2023 10:18 pm
To: Resource Consent Admin
Subject: Re:
Attachments: Submission - Form for submission on resource consent application - Ruru Building Limited - G Phillips - 17.05.2023.pdf; G Phillips Submission against Ruru Building Limited.pdf

Categories: Lynda to deal with

Please disregard the previous attachments, and accept the following submission;

Ngā mihi nui

Gillian Phillips - Locum Pharmacist
0277410805
Dannevirke

On Wed, 17 May 2023 at 22:12, Gillian Phillips <gillianphillipsnz@gmail.com> wrote:
Kia ora

Please find my submission against Ruru Building Resource consent application.

Ngā mihi nui

Gillian Phillips - Locum Pharmacist
0277410805
Dannevirke

To: The Resource Consent Administration Officer

Tasman District Council
Private Bag 4
Richmond 7050



tasman
district council

Te Kaunihera o

te tai o Aorere

Email: resourceconsentadmin@tasman.govt.nz



Submission on Resource Consent Application

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Submitter Details

Full Name:

Contact Person (if different):

Address for Service:

Postcode:

Phone: E-mail:

Submission Details

This is a submission on the following application for resource consent lodged with the Council:

This is a submission on an application from: (Name of Applicant):

For a resource consent to: (details can be found on the notice in the letter from Council, newspaper, website or on-site)

Land use consent to undertake an industrial activity in a Rural Zone which is the construction of relocatable homes. Discharge consent for domestic wastewater exceeding 2000 litres per day. Damming or diversion of floodwaters by earth bunds.

Tasman District Council Application Number (if known): RM

1) The specific part(s) of the application that my submission relates to is/are (Give details*):

* Note: Any additional information should be submitted on a separate sheet(s).

2) The reasons for my submission are (Give details*):

I oppose the who application because I believe this activity is located in a place that requires too many exemptions from current rules. That in itself must ring alarm bells.
The effects of the proposal omn the Airport could be devestating and see the loss of a valuable community asset.

I also have serious safety concerns with the concept of placing astructure on runway heading. That will create an unacceptable hazard and cannot be mitigated. I hear talk of shortening the runway and changing approach and departure angles. This is absurd and must not even be considered.

I believe the council would be remis in teir responsibilities to allow these cocents to go ahead. The precedent that it would set would be unrecoverable and find a flood of applications like this.

These consents must be declioned.

*Note: Any additional information should be submitted on a separate sheet(s).

3) The nature of my submission is that: (Tick one of the following three boxes):

I support the application I oppose the application I am neutral regarding the application

4) The decision I would like the Council to make is (Tick one of the following two boxes):

To grant consent To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

(Note: you do not have to suggest conditions, particularly if you want the council to refuse consent):

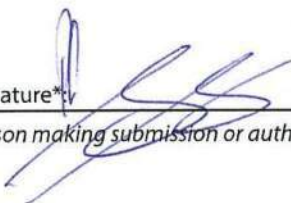
*Note: Any additional information should be submitted on a separate sheet(s).

5) Attendance at any Council Hearing (You must tick one of the following two boxes):

I wish to be heard in support of my submission I do not wish to be heard in support of my submission

Note: If you indicate that you do not wish to be heard, you will still receive a copy of the Council's decision but you will not receive a copy of the hearing report if a hearing is held.

Print Full Name:

Signature* 

(Person making submission or authorised agent)

Date:

*Note: A signature is not required if you make your submissions by electronic means.

A copy of this submission MUST also be sent to the applicant as soon as reasonably practicable after serving a copy on the Council.

To: The Resource Consent Administration Officer

Tasman District Council
Private Bag 4
Richmond 7050

Email: resourceconsentadmin@tasman.govt.nz


tasman
district council

Te Kaunihera o

te tai o Aorere

Submission on Resource Consent Application

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Personal information will also be used for administration purposes, including notifying submitters of hearings and decisions. All information will be held by the Tasman District Council with submitters having the right to access and correct personal information.

Submitter Details

Full Name:	Jacob Komen	
Contact Person (if different):		
Address for Service:	136 Harley Road Tasman	
Postcode:		
Phone:	0272789135	E-mail: jacobkomen@hotmail.co.nz

Submission Details

This is a submission on the following application for resource consent lodged with the Council:

This is a submission on an application from: (Name of Applicant): Ruru Building Ltd

For a resource consent to: (details can be found on the notice in the letter from Council, newspaper, website or on-site)

Land use consent to undertake an industrial activity in a Rural Zone which is the construction of relocatable homes. Discharge consent for domestic wastewater exceeding 2000 litres per day. Damming or diversion of floodwaters by earth bunds.

Tasman District Council Application Number (if known): RM RM210785 and RM210786 and RM220974

1) The specific part(s) of the application that my submission relates to is/are (Give details*):

All three applications.

* Note: Any additional information should be submitted on a separate sheet(s).

To: The Resource Consent Administration Officer

Tasman District Council
Private Bag 4
Richmond 7050tasman
district council

Te Kaunihera o

te tai o Aorere

Submission on Resource
Consent Application

Email: resourceconsentadmin@tasman.govt.nz



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Submitter Details

Full Name:	James Meldrum	
Contact Person (if different):		
Address for Service:	26 Wensley Road Richmond	
Postcode:		
Phone:	0276558167	E-mail: james.meldrum@inflite.nz

Submission Details

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For a resource consent to: (details can be found on the notice in the letter from Council, newspaper, website or on-site)

Land use consent to undertake an industrial activity in a Rural Zone which is the construction of relocatable homes. Discharge consent for domestic wastewater exceeding 2000 litres per day. Damming or diversion of floodwaters by earth bunds.

Tasman District Council Application Number (if known): RM210785 and RM210786 and RM220974

1) The specific part(s) of the application that my submission relates to is/are (Give details*):

I am opposed to all the consents and conditions requested.

* Note: Any additional information should be submitted on a separate sheet(s).

2) The reasons for my submission are (Give details*):

I am the Chief Operating Officer and Senior Pilot for Inflight which operates Skydive Abel Tasman at Motueka Airport. I have very serious concerns about the proposed structures and activities. I believe if these consents are allowed it will have very serious detrimental effect on the airport and create unnecessary hazards and risks for aviators and Ruru Staff. Suggestions to change the OLS and shorten runways is complete nonsense and must not even be considered. The airport is a strategic asset that must be protected in its current state. Council has a responsibility to minimise risk and support its leaseholders. A new business adjacent to the airport should not affect existing rights of current activities. This proposed activity will create a direct hazard so close to the threshold. I find it hard to believe it is even being considered. The land is Rural 1 and this is a business that should not be operating there. No number of exemptions will make it right. This must not go ahead.

*Note: Any additional information should be submitted on a separate sheet(s).

3) The nature of my submission is that: (Tick one of the following three boxes):

I support the application I oppose the application I am neutral regarding the application

4) The decision I would like the Council to make is (Tick one of the following two boxes):

To grant consent To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

(Note: you do not have to suggest conditions, particularly if you want the council to refuse consent):

*Note: Any additional information should be submitted on a separate sheet(s).

5) Attendance at any Council Hearing (You must tick one of the following two boxes):

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Print Full Name:

Signature*:

(Person making submission or authorised agent)

Date:

*Note: A signature is not required if you make your submissions by electronic means.

A copy of this submission MUST also be sent to the applicant as soon as reasonably practicable after serving a copy on the Council.

To: The Resource Consent Administration Officer

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Private Bag 4
Richmond 7050

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Te Kaunihera o

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Submission on Resource Consent Application

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Submitter Details

Full Name:	Kevin Bedford	
Contact Person (if different):		
Address for Service:	3 Kelling Road Upper Moutere	
Postcode:		
Phone:	0121720397	E-mail: kevin.bedford@inflite.nz

Submission Details

This is a submission on the following application for resource consent lodged with the Council:

This is a submission on an application from: (Name of Applicant): Ruru Building Ltd

For a resource consent to: (details can be found on the notice in the letter from Council, newspaper, website or on-site)

Land use consent to undertake an industrial activity in a Rural Zone which is the construction of relocatable homes. Discharge consent for domestic wastewater exceeding 2000 litres per day. Damming or diversion of floodwaters by earth bunds.

Tasman District Council Application Number (if known): RM RM210785 and RM210786 and RM220974

1) The specific part(s) of the application that my submission relates to is/are (Give details*):

I am opposed to all three consent requests on the basis that they create an unacceptable risk to the Airport.

* Note: Any additional information should be submitted on a separate sheet(s).

2) The reasons for my submission are (Give details*):

I am the Safety Manager for INFLITE.

These applications must not be allowed simply because it creates an unacceptable hazard to the airport.

- Hazard 1. Turbulence from the structure.
- Hazard 2. Obstacle right on runway heading.
- Hazard 3. Compromise the Airport Viability

This is a new business that is creating hazards for the existing activities. Its not suited for the location and must not be allowed to continue. Restrictions to the airport by reducing runway length or modifying OLS is not reasonable

The Council as Airport Operator has very specific responsibilities under the H&S act and would be negligent in allowing this to go ahead. These applications must be declined.

*Note: Any additional information should be submitted on a separate sheet(s).

3) The nature of my submission is that: (Tick one of the following three boxes):

- I support the application I oppose the application I am neutral regarding the application

4) The decision I would like the Council to make is (Tick one of the following two boxes):

- To grant consent To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

(Note: you do not have to suggest conditions, particularly if you want the council to refuse consent):

*Note: Any additional information should be submitted on a separate sheet(s).

5) Attendance at any Council Hearing (You must tick one of the following two boxes):

- I wish to be heard in support of my submission I do not wish to be heard in support of my submission

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Print Full Name:

Signature*: 
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Date:

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Submitter Details

Full Name:	Luke Barker		
Contact Person (if different):			
Address for Service:	74a King Edward Street Motueka		
Postcode:			
Phone:	0225215366	E-mail:	barker1of6@gmail.com

Submission Details

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This is a submission on an application from: (Name of Applicant): Ruru Building Ltd

For a resource consent to: (details can be found on the notice in the letter from Council, newspaper, website or on-site)

Land use consent to undertake an industrial activity in a Rural Zone which is the construction of relocatable homes. Discharge consent for domestic wastewater exceeding 2000 litres per day. Damming or diversion of floodwaters by earth bunds.

Tasman District Council Application Number (if known): RM210785 and RM210786 and RM220974

1) The specific part(s) of the application that my submission relates to is/are (Give details*):

All of the requested consents. The concept of what they want to do in this location is wrong.

*Note: Any additional information should be submitted on a separate sheet(s).

2) The reasons for my submission are (Give details*):

This is a new business that wants to change the rules for the businesses and residents around them. It is Rual 1 land that has restrictions on it for very good reasons. It is not reasonable for this business to think they can buy cheap land and use it for something that is not normally allowed. To request these consents is just simply unfair and unreasonable.

The effects of this activity and proposed structures will directly compromise safety and have a detrimental effect on the airport.

It is simply not acceptable to build a structure on runway heading that does not comply with airport standards and to suggest to change those standards to allow it to happen is just wrong.

The airport has been there a long time and should not be compromised by somebody new trying to change things for their own benefit.

These consents must be declined.

*Note: Any additional information should be submitted on a separate sheet(s).

3) The nature of my submission is that: (Tick one of the following three boxes):

I support the application I oppose the application I am neutral regarding the application

4) The decision I would like the Council to make is (Tick one of the following two boxes):

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Signature*:

(Person making submission or authorised agent)

Date:

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Submitter Details

Full Name:	Patrick Wylie	
Contact Person (if different):		
Address for Service:	14 Rore Street Motueka	
Postcode:		
Phone:	021 234 3984	E-mail: pwyllie1@gmail.com

Submission Details

This is a submission on the following application for resource consent lodged with the Council:

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For a resource consent to: (details can be found on the notice in the letter from Council, newspaper, website or on-site)

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Tasman District Council Application Number (if known): RM210785 and RM210786 and RM220974

1) The specific part(s) of the application that my submission relates to is/are (Give details*):

Mainly the fact that they want to build a structure that will be a real hazard to airport users.
Also the activity proposed is not in keeping with the zoning of the land its on.

* Note: Any additional information should be submitted on a separate sheet(s).

2) The reasons for my submission are (Give details*):

I am the chief instructor at Skydive Abel Tasman. I contend that if the council allow this structure to be built they will be directly responsible for any harm caused by the placemnt of it. The airport has boundries and resrictions around it for a reason and that is safety. I believe there is a suggestion to shorten the runway which is simply ridiculous. The airport needs all the runway length it has and is a long established facility that will be compromised by a new business wanting to something the land is not zoned for. This is a bad proposal all together and it must not go ahead.

*Note: Any additional information should be submitted on a separate sheet(s).

3) The nature of my submission is that: (Tick one of the following three boxes):

I support the application I oppose the application I am neutral regarding the application

4) The decision I would like the Council to make is (Tick one of the following two boxes):

To grant consent To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

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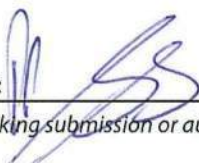
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Print Full Name:

Signature*:



(Person making submission or authorised agent)

Date:

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 Tasman District Council
 Private Bag 4
 Richmond 7050



tasman
 district council

Te Kaunihera o

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Submission on Resource Consent Application



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Submitter Details

Full Name:	Rod Davis		
Contact Person (if different):			
Address for Service:	Site 9 Marchwood Park Motueka		
Postcode:			
Phone:	0274454634	E-mail:	reaperassistant@gmail.com

Submission Details

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Tasman District Council Application Number (if known): RM RM210785 and RM210786 and RM220974

1) The specific part(s) of the application that my submission relates to is/are (Give details*):

I am submitting to all three consent requests.

* Note: Any additional information should be submitted on a separate sheet(s).

2) The reasons for my submission are (Give details*):

I have worked at Skydive Abel Tasman for 25 years and watched as the airport has been threatened from time to time by new people coming into the area wanting to change how things work. This activity is a business that has established itself in a way that is somewhat illegal and has already shown non compliance by having cranes onsite without meeting legal requirements. Also it must be operating illegally if these new consents are needed. What is being proposed is not suitable for the land it is on. The land has a height restriction for structures for safety reasons and this must remain in place. Sometimes no matter what reasons are put forward in support it is still just a bad idea. This is one of those times.

*Note: Any additional information should be submitted on a separate sheet(s).

3) The nature of my submission is that: (Tick one of the following three boxes):

I support the application I oppose the application I am neutral regarding the application

4) The decision I would like the Council to make is (Tick one of the following two boxes):

To grant consent To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

(Note: you do not have to suggest conditions, particularly if you want the council to refuse consent):

*Note: Any additional information should be submitted on a separate sheet(s).

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Print Full Name:

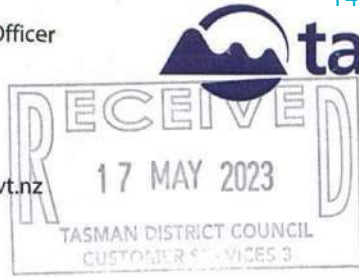
Signature*: 
(Person making submission or authorised agent)

Date:

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A copy of this submission MUST also be sent to the applicant as soon as reasonably practicable after serving a copy on the Council.

To: The Resource Consent Administration Officer
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Private Bag 4
Richmond 7050



tasman district council | Te Kaunihera o **te tai o Aorere**

Submission on Resource Consent Application

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Submitter Details

Full Name:

Contact Person (if different):

Address for Service:

Postcode:

Phone: E-mail:

Submission Details

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This is a submission on an application from: (Name of Applicant):

For a resource consent to: (details can be found on the notice in the letter from Council, newspaper, website or on-site)

Land use consent to undertake an industrial activity in a Rural Zone which is the construction of relocatable homes. Discharge consent for domestic wastewater exceeding 2000 litres per day. Damming or diversion of floodwaters by earth bunds.

Tasman District Council Application Number (if known): RM

1) The specific part(s) of the application that my submission relates to is/are (Give details*):

Building a structure in a dangerous location right under the approach and departure path of a runway.
Operating a business that by it location puts its workers at risk.
The use of Rural 1 land for purposes that are not suited to the classification of land.

* Note: Any additional information should be submitted on a separate sheet(s).

2) The reasons for my submission are (Give details*):

I have been involved with Motueka Airport since 1991. This consent request talks about changing the OLS and runway length which I strongly oppose. Shortening the runway increases risk and limits use. I believe to place a structure 150-200m away on runway heading will create a hazard and cause mechanical turbulence which will affect stability of aircraft on take off and landing and is a serious harm obstacle. As an aviator I am totally opposed to anything that will increase risk and council should be as well. This is an absurd proposal that should get no traction any further otherwise council will be exposed to litigation under the H&S act in the event of an accident.

In requiring these exemptions this business is clearly showing that it is not fit for purpose to operate at this site. The land is Rural 1 and if any exemptions are given in this case then a terrible precedent will be set and council will be subject to more applications of a similar nature undermining the purpose of Rural zones. It is not reasonable for a new business to have exemptions from rules that then allow them to have detrimental effects on existing businesses and neighbours. These applications must be declined!

*Note: Any additional information should be submitted on a separate sheet(s).

3) The nature of my submission is that: (Tick one of the following three boxes):

I support the application I oppose the application I am neutral regarding the application

4) The decision I would like the Council to make is (Tick one of the following two boxes):

To grant consent To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

(Note: you do not have to suggest conditions, particularly if you want the council to refuse consent):

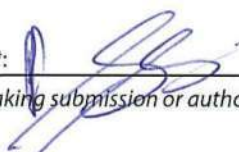
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Print Full Name:

Signature*: 
(Person making submission or authorised agent)

Date:

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Submitter Details

Full Name:	Samuel Martin		
Contact Person (if different):			
Address for Service:	74a King Edward Street Motueka		
Postcode:			
Phone:	02041971951	E-mail:	samuelmartin9915@gmail.com

Submission Details

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Tasman District Council Application Number (if known): RM210785 and RM210786 and RM220974

1) The specific part(s) of the application that my submission relates to is/are (Give details*):

All of it.

* Note: Any additional information should be submitted on a separate sheet(s).

2) The reasons for my submission are (Give details*):

This is a business that should not be operating where it is. Its rural land and not commercial. If approved these consents will have a seriously detrimental effect on the airport and the surrounding neighbours. I don't really understand all the documents but it seems like there is a suggestion to change the airport runway length or approaches and departures. This cannot be allowed to happen. The airport was there first and must NOT be compromised for another business that wants to push in where it shouldn't!

*Note: Any additional information should be submitted on a separate sheet(s).

3) The nature of my submission is that: (Tick one of the following three boxes):

I support the application I oppose the application I am neutral regarding the application

4) The decision I would like the Council to make is (Tick one of the following two boxes):

To grant consent To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

(Note: you do not have to suggest conditions, particularly if you want the council to refuse consent):

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Submitter Details

Full Name:	William Scott-Manktelow		
Contact Person (if different):			
Address for Service:	14 Rore Street Motueka		
Postcode:			
Phone:	021 1882211	E-mail:	willscott@hotmail.co.nz

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Tasman District Council Application Number (if known): RM RM210785 and RM210786 and RM220974

1) The specific part(s) of the application that my submission relates to is/are (Give details*):

Allowing a business carry out an industrial activity on rural land. and particularly the safety effect it has on the airport.

* Note: Any additional information should be submitted on a separate sheet(s).

2) The reasons for my submission are (Give details*):

Motueka Airport is a long established facility and has exesiting use rights that would be compromised by the consent request being allowed.
The location of this business is not in keeping with its surroundings and should not be allowed on that land. I work at the airport and I this activity if allowed to go ahead with create unacceptable risk for me and the workers at Ruru homes.
It must not be allowed to go ahead.
The airport as it is now must be oprotected for future generations.

*Note: Any additional information should be submitted on a separate sheet(s).

3) The nature of my submission is that: (Tick one of the following three boxes):

I support the application I oppose the application I am neutral regarding the application

4) The decision I would like the Council to make is (Tick one of the following two boxes):

To grant consent To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

(Note: you do not have to suggest conditions, particularly if you want the council to refuse consent):

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te tai o Aorere

Submission on Resource Consent Application

PLEASE ENSURE THAT ALL SECTIONS OF THIS FORM, ON BOTH SIDES, ARE COMPLETED.

Please note: all submissions become public documents. If the application requires a hearing, your submission may be published on the council's hearings page, including your name and contact details.

Personal information will also be used for administration purposes, including notifying submitters of hearings and decisions. All information will be held by the Tasman District Council with submitters having the right to access and correct personal information.

Submitter Details

Full Name:	Cheyanne Patrick		
Contact Person (if different):			
Address for Service:	66 King Edward Street Motueka		
Postcode:			
Phone:	021 389763	E-mail:	cheyannepatrick245@gmail.com

Submission Details

This is a submission on the following application for resource consent lodged with the Council:

This is a submission on an application from: (Name of Applicant): Ruru Building Ltd

For a resource consent to: (details can be found on the notice in the letter from Council, newspaper, website or on-site)

Land use consent to undertake an industrial activity in a Rural Zone which is the construction of relocatable homes. Discharge consent for domestic wastewater exceeding 2000 litres per day. Damming or diversion of floodwaters by earth bunds.

Tasman District Council Application Number (if known): RM RM210785 and RM210786 and RM220974

1) The specific part(s) of the application that my submission relates to is/are (Give details*):

The bit about building structures on the heading of the runway.
Also overall concept of doing industrial activities on Rural land.* Note: Any additional information should be submitted on a separate sheet(s).

2) The reasons for my submission are (Give details*):

I have worked at the airport for a long time. It gives me my living and talking about changing runway lengths and limiting the ability for the airport to work seems really unfair. The airport was here first and is an asset for the community. It is protected from exactly what is proposed here for good reason. The council must not allow a new business operating outside whats allowed to affect current activities at the airport. That is just not fair.

These consents would set a very bad precedent if allowed. It must not happen!

*Note: Any additional information should be submitted on a separate sheet(s).

3) The nature of my submission is that: (Tick one of the following three boxes):

- I support the application I oppose the application I am neutral regarding the application

4) The decision I would like the Council to make is (Tick one of the following two boxes):

- To grant consent To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

(Note: you do not have to suggest conditions, particularly if you want the council to refuse consent):

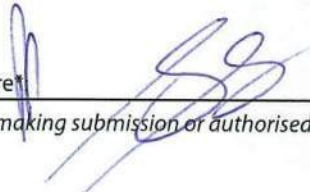
*Note: Any additional information should be submitted on a separate sheet(s).

5) Attendance at any Council Hearing (You must tick one of the following two boxes):

- I wish to be heard in support of my submission I do not wish to be heard in support of my submission

Note: If you indicate that you do not wish to be heard, you will still receive a copy of the Council's decision but you will not receive a copy of the hearing report if a hearing is held.

Print Full Name:

Signature: 
 (Person making submission or authorised agent)

Date:

*Note: A signature is not required if you make your submissions by electronic means.

A copy of this submission MUST also be sent to the applicant as soon as reasonably practicable after serving a copy on the Council.

To: The Resource Consent Administration Officer

Tasman District Council
Private Bag 4
Richmond 7050

Email: resourceconsentadmin@tasman.govt.nz


tasman
district council

Te Kaunihera o

te tai o Aorere

Submission on Resource Consent Application

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Submitter Details

Full Name:	Eliana Fleming	
Contact Person (if different):		
Address for Service:	96 King Edward Street Motueka 7120	
Postcode:		
Phone:	021 2567664	E-mail: elianafleming23@gmail.com

Submission Details

This is a submission on the following application for resource consent lodged with the Council:

This is a submission on an application from: (Name of Applicant): Ruru Building Ltd

For a resource consent to: (details can be found on the notice in the letter from Council, newspaper, website or on-site)

Land use consent to undertake an industrial activity in a Rural Zone which is the construction of relocatable homes. Discharge consent for domestic wastewater exceeding 2000 litres per day. Damming or diversion of floodwaters by earth bunds.

Tasman District Council Application Number (if known): RM210785 and RM210786 and RM220974

1) The specific part(s) of the application that my submission relates to is/are (Give details*):

I am apposed to this business being allowed to move into a piece of land that is rural and carry out an activity that will have effects on the neighbours that are not associated with rural activities. The council must respect the rights of the neighbours and not allow exemptions,.

* Note: Any additional information should be submitted on a separate sheet(s).

2) The reasons for my submission are (Give details*):

I work at the Airport. It gives me and my family our living and has done for a long time. The consent application is requesting to build a structure that is outside the airport limits and will create a serious hazard for the aviators and is not acceptable. No organisation would seriously consider putting an obstacle in front of a runway. That's just stupid!
The airport is protected by limitations of build sizes in line with the runway and that must not be compromised. It is not acceptable to shorten the runway. That would be limiting the existing site to allow a new activity not related to it to be established. That is also not acceptable.

*Note: Any additional information should be submitted on a separate sheet(s).

3) The nature of my submission is that: (Tick one of the following three boxes):

I support the application I oppose the application I am neutral regarding the application

4) The decision I would like the Council to make is (Tick one of the following two boxes):

To grant consent To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

(Note: you do not have to suggest conditions, particularly if you want the council to refuse consent):

*Note: Any additional information should be submitted on a separate sheet(s).

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I wish to be heard in support of my submission I do not wish to be heard in support of my submission

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Print Full Name:

Signature* 
(Person making submission or authorised agent)

Date:

*Note: A signature is not required if you make your submissions by electronic means.

A copy of this submission MUST also be sent to the applicant as soon as reasonably practicable after serving a copy on the Council.

To: The Resource Consent Administration Officer

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Richmond 7050



tasman
district council

Te Kaunihera o

te tai o Aorere

Email: resourceconsentadmin@tasman.govt.nz

Submission on Resource Consent Application

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Submitter Details

Full Name:	Wakatu Incorporation	
Contact Person (if different):		
Address for Service:	P O Box 440 Nelson	
Postcode:		
Phone:	03 546 8648	E-mail: mike.ingram@wakatu.org

Submission Details

This is a submission on the following application for resource consent lodged with the Council:

This is a submission on an application from: (Name of Applicant): Ruru Building Ltd.

For a resource consent to: (details can be found on the notice in the letter from Council, newspaper, website or on-site)

To undertake an industrial activity on land zoned as Rural 1.

Tasman District Council Application Number (if known): RM210785, RM210786 and RM220974

1) The specific part(s) of the application that my submission relates to is/are (Give details*):

Lack of consultation with adjoining landowners.
Setbacks.
Cultural matters.
Traffic.
Noise.

* Note: Any additional information should be submitted on a separate sheet(s).



2) The reasons for my submission are (Give details*):

Objection to retrospective nature of the consent application.

*Note: Any additional information should be submitted on a separate sheet(s).

3) The nature of my submission is that: (Tick one of the following three boxes):

I support the application I oppose the application I am neutral regarding the application

4) The decision I would like the Council to make is (Tick one of the following two boxes):

To grant consent To refuse/decline consent

If consent is granted, I wish the council to impose the following conditions

(Note: you do not have to suggest conditions, particularly if you want the council to refuse consent):

*Note: Any additional information should be submitted on a separate sheet(s).

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Note: If you indicate that you do not wish to be heard, you will still receive a copy of the Council's decision but you will not receive a copy of the hearing report if a hearing is held.

Print Full Name: Mike Ingram on behalf of Wakatu Incorporation

Signature*: 
(Person making submission or authorised agent)

Date: 18 May 2023

*Note: A signature is not required if you make your submissions by electronic means.

A copy of this submission MUST also be sent to the applicant as soon as reasonably practicable after serving a copy on the Council.



WAKATŪ INCORPORATION

**SUBMISSION ON RM210785,
RM210786 and RM220974**

18 May 2023



Submitter details:

Wakatū Incorporation, Nelson

Contact details:

Mr Mike Ingram, Wakatū
mike.ingram@wakatu.org

Wakatū House,
Montgomery Square,
PO Box 440, Nelson.

03 546 8648

Introduction

1. This submission, on behalf of the Wakatū Incorporation (**Wakatū**), the submitter, is made in relation to Resource Consent Application RM210785, RM210786 and RM220974 (**the Application**).
2. Our submission includes specific submissions and comments on the Application alongside framing our submission with kōrero about our responsibilities as kaitiaki (guardians) and our connection to our taonga (treasure/s).

Ko wai mātou? Who are we?

3. Wakatū is a Māori Incorporation pursuant to Te Ture Whenua Māori Act 1993. Based in Whakatū Nelson, New Zealand. Wakatū has approximately 4,000 shareholders who are those families who descend from the customary Māori landowners of the Whakatū, Motueka and Mohua (Golden Bay) regions – Te Tau Ihu.
4. Wakatū has an intergenerational 500-year vision - Te Pae Tawhiti - which sees us through to 2512.¹ It is a declaration of our fundamental values, common goals and guiding objectives that will ensure our success and create a strong identity now and in the future. At the heart of Te Pae Tawhiti is our overarching purpose which is to preserve and enhance our taonga for the benefit of current and future generations.
5. Wakatū grew from \$11m asset base in 1977 to a current value of over \$300m. Whenua (land) is the foundation of our business with 70% of assets held in whenua. We manage a diverse portfolio from vineyards, orchards to residential properties, large retail developments, and office buildings. Wakatū owns, on behalf of its shareholders, both Māori land and General land.
6. Our whānau and our businesses are located primarily in our traditional rohe, Te Tau Ihu – the top of the South Island.

¹ Te Pae Tāwhiti is available online at <https://www.Wakatū.org/te-pae-tawhiti>.

7. In short, our purpose is to preserve and enhance our taonga, for the benefit of current and future generations. Our submission on RM210785, RM210786 and RM220974 is made with that at the forefront of our minds.
8. We have included further detail in an **Appendix A**, to this submission which sets out who we are in further detail.

Our kaitiaki responsibilities

Toitū te marae a Tāne, Toitū te marae a Tangaroa, Toitū te Iwi

9. We have a unique relationship with our ancestral lands and waters which have sustained us since the arrival of our tūpuna. The proverb above, “Toitū te marae a Tāne, Toitū te marae a Tangaroa, Toitū te Iwi”, has been passed down by our ancestors and identifies that when the realm of Tāne – deity of the forest and the domain of Tangaroa – god of the Ocean are sustained, so too is the future of the iwi. The Māori connection to customary land is very powerful. It is mana tūpuna - power from the ancestors. This generation is the living face of all those that came before, carrying all of their hopes and aspirations in our DNA. They give us the right to be.
10. As mana whenua, we have customary and legal rights to use and access our land and water within our rohe. We also have intergenerational responsibilities to protect the physical and spiritual components of our land and water. We are always mindful of the need to look after our resources for the benefit of current and future generations.
11. As kaitiaki, we adhere to certain practices and protocols that were established by our tūpuna when using land and resources. These practices ensure that the physical and spiritual aspects of life are kept in balance.
12. Fundamental to our identity is our connection with place. It has reflected the tenets of our culture since time immemorial. It shapes our thinking, our way of being and our priorities of what is of value. Learning about land is not the same as recognising that we learn best from land.
13. Our interaction with our lands and waters defines us, providing clarity on our roles and relationships, our responsibilities, and our place in the natural world.

14. Our relationship with our land and water is based on and strengthened by our whakapapa to the land and water and the fact that we are descendants of the earth and sky, and all elements. We whakapapa to our ancestral lands and waters and see them as a part of us, as our ancestors.
15. This whakapapa demonstrates how the world has unfolded both physically and spiritually. It is the thread connecting us from the beginnings of time to today and beyond. It demonstrates how everything is part of a web of relationships, not only in relation to other human beings but in relation to everything in nature as well. This understanding underpins our approach to our environment and our use of resources.
16. There is no separation between the land, water and people. All things are interconnected, particularly through the burial of our ancestors. The land and water, for example, is one - an indivisible whole. The land is connected to the water resources which flow in, on or under it, as is the water connected to the land that surrounds it. Both the land and water are in turn connected to us, as the people who have mana whenua and mana moana over this area. Water is imbued with a mauri, a life force and personality of its own which is to be protected and sustained for future generations. Maintaining and protecting the mauri of our ancestral waters are of critical importance to us.
17. Wakatū has a number of work-programmes underway focused on ensuring that we whakatinana (embody) our kaitiaki values and responsibilities, these include our Whenua Ora and Tangata Ora programmes. Wakatū is committed to showing leadership in these matters to achieve transformative change for our taiao and our whānau.

SUBMISSION

18. The area subject of the application comprises the following parcel of land.
 - A Lot 12 DP 1512, 54 Green Lane, Motueka.
19. Wakatū is the owner in fee simple of the following parcels of land that immediately adjoin the subject property:

- A. Lot 8 DP 1512, comprised in Record of Title 44184, 55 Queen Victoria Street, Motueka,
- B. Lot 11 DP 1512, comprised in Record of Title NL5C/287, Whakarewa Street, Motueka,
- C. Lot 14 DP 1512, comprised in Record of Title NL5C/287, 44 Green Lane, Motueka; and
- D. Lot 18 DP 1512, comprised in Record of Title NL10D/867, 49 Green Lane, Motueka immediately across the road from the subject property.

Activity

- 20. Resource Consent application dated 24 August 2021, by Ruru Building Ltd. to undertake an industrial activity on land zoned as Rural 1 under the Tasman Resource Management Plan (TRMP).
- 21. Wakatū notes the following general matters:
 - a. The application is noted as retrospective as at the time of lodgement in August 2021.
 - b. Page 6 paragraph 3, notes that the level of activity is proposed to increase from 2022.
 - c. Page 8, last paragraph. Notes land use to the west, north and east of the subject property. The subject land and adjoining land is not deferred and remains Rural 1, according to the TRMP.

Setbacks

- 22. Section 5.5 Building Coverage and setbacks, page 27. Wakatū note the earth bunds are proposed on the boundary and that the Council has deemed them as a building under the TRMP definition. It is noted that the proposed location is less than the 5-metre setback from an adjoining boundary.
- 23. The submitter objects to any encroachment within the setback. Any setback approved must be at least 5m from the adjoining boundary with the toe of the bund being the start of the setback not the crest of the bund.

Hours of Operation.

24. Section 3.2, page 13, with proposed hours of operation. Monday to Friday 7:00am to 5:00pm. Saturday 7:00am to 3:00pm. The submitter notes that the applicant has amended the manufacturing hours proposed 8:00am to 4:30pm Monday to Friday and 8:00am -3:00pm Saturdays.

Transport and Access

25. Application:
- A. 3.4 Access. Page 16, paragraph 3. States that it does not represent any increase in “...activity or traffic generation.” Page 13 notes staffing levels of up to 60 at any one time.
 - B. 5.7 Traffic Effects. Page 30, states “*The traffic volume levels are comparable to a permitted rural activity undertaken on the site.*”
26. Report provided by Tafficconcepts dated 11 August 2021, refers.
- A. Page 2, states “*Green Lane carries very low traffic volumes due to the level of activity along this road*”.
 - B. Section 5.1, Page 12, notes the proposed increase in traffic movements per day at being less than 80, with “*no noticeable effects on other road users*”.
27. The submitter believes that there is a significant increase vehicle movement along Green Lane, resulting in an increase in effects including congestion, and impacts on the actual road surface.
28. The submitter disagrees and objects to the assessment by the applicant that the increase in vehicle movements is minor. The submitter recommends that the applicant undertake road improvements along Green Lane to cater for the increase in traffic.

Cultural Heritage

29. Section 5.10, Cultural Heritage Values, page 32. While acknowledging that it is not within a Statutory Acknowledgement area the application is silent on any attempt to consult with Māori.

30. If the applicant had undertaken this consultation, it would have been advised that the subject land was within the area of land known as Te Maatu at the time of European settlement. The land area known as Te Maatu was required to be protected as occupation lands under the agreement with the New Zealand Company and mana whenua. This protection was ignored but has been acknowledged in Supreme Court decision SC 13/2015 [2017] NZSC 17. Refer to **Appendix B**, for a summary of that decision.
31. We note that the applicant proposed an accidental discovery protocol, however this appears to be redundant as the application is retrospective and most if not all of the proposed earthworks have been undertaken. The submitter notes that the supporting information provided by the applicant particularly the Services Review undertaken by Gary Stevens Consultant clearly shows images of earthworks having been undertaken. This situation is unacceptable to the submitter who would have requested an Iwi monitor on site during any earthworks rather than having an accidental discovery protocol in place.
32. The submitter notes Archaeological Association reference N26/314 records a midden site on the corner of Queen Victoria Street and Whakarewa Street approx. 200 metres from the subject site. This indicates general occupation in this area by Māori.
33. Section 7.3 page 40 of the application acknowledges matters of National Importance under the RMA. The applicant appears to have made their own assessment of this Section 6 of the RMA. The submitter finds the lack of attempt to consult with mana whenua or seek their advice particularly on Sections 6(e) and (g) as inappropriate. Only mana whenua iwi can provide an assessment of these matters.
34. Mana whenua Iwi may have required a Matakite to walkover the application site to provide guidance on any matters of cultural significance to Māori.

Noise

35. The submitter notes that the assessment of baseline noise levels related to adjoining properties particularly those used for residential purposes. The submitter is concerned about the prolonged periods of noise nuisance and that the activity cannot

comply with 55dBA. The submitter believes that an actual assessment of noise needs to be determined rather than using predictive modelling.

Consultation and Affected Parties

36. The submitter notes the Council's comments regarding Statutory acknowledgement areas and Māori Cultural Values as part of its Notification/non-notification decision report dated 13 April 2023.
37. The submitter refers to its comments under paragraph 30 of this submission. It is very important that the Council is fully aware of the historical background to any land that maybe subject to the Supreme Court decision. The Council as the consenting authority would be in a better decision to advise any applicant in areas that have been identified which may be affected by this decision.
38. The submitter notes the comments made by the Council in relation to stating that "*No earthworks are proposed*". Yet Section 6.5 (page 37) of the application notes the "*moderate nature of any earthworks*". The submitters refers the Council to paragraph 31 of this submission regarding earthworks.
39. We note that as part of this application tests pits as part of the report provided in the Services Review undertaken by Gary Stevens Consultant were dug both for wastewater and stormwater. As this consent is also retrospective it is highly likely that the new wastewater and stormwater system are in place. Any disturbance of the earth in a culturally sensitive area without an Iwi monitor present is an unacceptable to the submitter. The submitter has to express some concern at the position taken by the Council and the applicant regarding disturbance of the earth.

Other Comments

40. Mana whenua refers to the mana held by local people who have 'demonstrated authority' over land or territory in a particular area, authority which is derived through whakapapa links to that area. While tangata whenua refers to 'people of the land', our indigenous people (ngā iwi Māori), mana whenua refers to the people who have local tribal or sub-tribal (hapū) authority.

41. The submitter has to express some concern at the applicants position as to who an affected party is. If the applicant had heeded the Council's position in 2021 and consulted Wakatū as an adjoining owner or affected party a lot of matters may have been resolved from the date of that notice to the date requiring the application to be notified.
42. The submitter is pleased to see that the Council has deemed the affects as more than minor but is very concerned that the applicant has been allowed to undertake the activity on the land prior to the application being lodged in August 2021, and continue to carry on its activity without adequate oversight. This is unacceptable to the submitter.
43. The submitter requests that if consent is granted that any planting as required for landscaping, only native species common to Te Maatu and Motueka will be allowed to be planted.

Conclusion

44. Due the matters raised in this submission Wakatū objects to this application made by Ruru Building Limited under RM210785, RM210789 and R220974 to undertake an industrial activity on a Rural 1 Zone.
45. Wakatū also requests that the Council advise the applicant to cease all activities on the land until the matters raised in its submission have been resolved.
46. Thank you for the opportunity to participate in this process.

Ngā mihi nui,

Mike Ingram
Property Manager

APPENDIX A

A BRIEF CUSTOMARY HISTORY OF THE NELSON AND TASMAN DISTRICT

1. In the 1820s and 1830s, mana whenua then living in Te Tau Ihu were conquered by tribes from the North Island, including Ngāti Rārua, Ngāti Awa (now known as Te Ātiawa), Ngāti Tama and Ngāti Kōata. This tribal grouping is known as Ngā Tāngata Heke – the people of the Heke. The Heke were the series of migrations back and forth from the north to the south, including to Te Tau Ihu, in the early 19th century from the Kāwhia and Taranaki coasts. These migrations are remembered in the collective memory of the people as a series of named Heke.
2. By 1830, it was established that the hapū who held Māori customary title or mana whenua in Nelson, Tasman Bay and Golden Bay were the descendants of the four Tainui-Taranaki iwi of Ngāti Koata, Ngāti Rārua, Ngāti Tama and Te Ātiawa.
3. The four Tainui-Taranaki iwi in western Te Tau Ihu are recognised as the mana whenua on the basis of acquiring Māori customary title through a combination of take (raupatu (conquest) and tuku (gift)) and ahi kā roa (keeping the fires alight, by occupation or in other recognised ways). Over time, the whakapapa of the migrant iwi from the north became, as the Waitangi Tribunal has put it, ‘embedded in the whenua through intermarriage with the defeated peoples, the burial of placenta (whenua) and the dead, residence, and the development of spiritual links.’²
4. From the time of the heke onwards, Māori customary title manifested itself in western Te Tau Ihu (Nelson, Tasman Bay and Golden Bay) as an exclusive right to land, with the power to exclude others if necessary, with the ability to dictate how land and resources was used and accessed.
5. Ngāti Rārua, Te Ātiawa, Ngāti Tama and Ngāti Koata did not move to Te Tau Ihu en-masse, but particular whānau and hapū, or sections of particular whānau and hapū, from those iwi settled in a staged series of migrations, with land allocated in various locations as different groups arrived.

2 Waitangi Tribunal, *Te Tau Ihu o Te Waka a Maui*, vol III, 1366.

6. The pattern of mana whenua in Te Tau Ihu was dictated by the pattern of settlement, in which each kāinga (village) was established around a chief or chiefs and each kāinga was home to extended whānau, with most residents at each kāinga related by blood or marriage. The whānau or hapū (an extended whānau or cluster of whānau could equally be described as a hapū) tended to establish themselves at locations where their neighbouring communities were relatives and/or close allies.
7. By 1840, whānau or hapū belonging to the four Tainui Taranaki iwi were established in Nelson, Tasman Bay and Golden Bay as the mana whenua.

The arrival of the New Zealand Company

8. When the New Zealand Company (“NZ Company”) arrived in the South Island in 1841, rangatira [tribal leaders] representing the families of those whānau or hapū who held mana whenua and who were resident in western Te Tau Ihu negotiated with Captain Arthur Wakefield of the NZ Company and agreed to welcome European settlement in parts of the Nelson, Motueka and Golden Bay area.
9. One of the main reasons for this agreement, from the Māori perspective, was to promote trade relationships between European settlers and Māori for mutual benefit, bearing in mind that tribes of Te Tau Ihu had already had several decades of contact with European traders prior to 1841.
10. According to the arrangements a major benefit promised by the NZ Company when it entered into what it called ‘Deeds of Purchase’, was that the resident Māori and their families who held mana whenua in the relevant parts of western Te Tau Ihu (Nelson, Motueka and Golden Bay), would be entitled to retain all existing Māori settlements, including urupa, wāhi tapu and cultivated land, and in addition reserves would be set aside comprising one-tenth of the land purchased. These additional land reserves became known as the Nelson Tenths Reserves (“Tenths Reserves”).
11. As a result of the negotiations between the NZ Company and tāngata whenua, the Crown issued a grant in 1845 which extinguished Māori aboriginal (or customary) title over 151,000 acres in Nelson and Tasman (the Nelson settlement). The 1845 Crown Grant excluded all existing Māori settlements, including urupa, wāhi tapu and

cultivated land, along with one-tenth of the total area of land acquired for European settlement (15,000 acres).

12. The Crown intended to hold the Tenths Reserves on trust on behalf of and for the benefit of the tāngata whenua who were those families who held Māori customary title to the 151,000 acres in the 1840s.
13. Despite the guarantees and the provisions stipulated in the 1845 Crown Grant, the Crown failed to reserve a full one-tenth of land or exclude settlements, urupa, wāhi tapu and cultivated land from European settlement.
14. On completion, the NZ Company's Nelson Settlement comprised approximately 172,000 acres, although it is likely a much larger area of approximately 460,000 acres was eventually acquired by the Crown.
15. As at 1850, the Nelson Tenths Reserves comprised only 3,953 acres (this figure does not include the designated Occupation Reserves).
16. Between 1841 and 1881, Crown officials administered the Tenths Reserves and the occupation reserves on behalf of the original owners. From 1882, the Public Trustee administered the estate.

Identifying the original landowners

17. In 1892 – 1893, the Native Land Court undertook an inquiry to ascertain who owned the land in Nelson, Tasman Bay and Golden Bay prior to the transaction with the New Zealand Company. The reason for this inquiry was to determine the correct beneficiaries of the Tenths Reserves trust.
18. The Native Land Court Judge (Judge Alexander MacKay) considered that the “New Zealand Company Tenths” (as he called them) had been set aside in accordance with the NZ Company's stipulation in the Kapiti Deed that it would hold a portion of the land on trust, and accordingly he decided that to ascertain those persons with a beneficial interest “it was necessary to carry back the inquiry to the date the land comprised in the original Nelson Settlement was acquired by the Company”.

19. The Court's ruling determined the ownership of the 151,000 acres "at the time of the Sale to the New Zealand Company", with the ownership of the four hapū – Ngāti Koata, Ngāti Tama, Ngāti Rārua and Ngāti Awa - broken down according to each of the areas awarded by Commissioner Spain in 1845 (Nelson district, 11,000 acres; Waimea district, 38,000 acres; Moutere and Motueka district, 57,000 acres, and Massacre Bay, 45,000 acres).

20. The Judge's ruling included a determination:

That although the Reserves made by the Company were situated in certain localities the fund accruing thereon was a general one in which all the hapū who owned the territory comprised within the Nelson Settlement had an interest proportionate to the extent of land to which they were entitled, at the time of the Sale to the Company.

21. The Court requested each of the hapū so entitled to provide lists of the persons who were the original owners of the land at the time of the New Zealand Company's arrival and their successors.

22. Importantly, therefore, the 1893 lists were not drawn up by the Native Land Court, but by the people. The evidence of how this was done is consistent with a tikanga Māori style process where the lists were debated and revised until consensus is reached.

The Crown's management of the land

23. From 1842 until 1977, when the original owners regained control of their lands, the Crown held the Tenth's Reserves and occupation reserves in trust and managed it on behalf of its owners.

24. From 1882 onwards, the Public Trustee, Native Trustee and Māori Trustee administered the Tenth's Reserves and occupation reserves on behalf of the original owners and their descendants. During this period, a great deal of land was either sold

or taken under public works legislation - in many cases without the owners' consent and without compensation for the loss.

25. A clear example of the Crown's mismanagement during this period is illustrated by the imposition of perpetual leases on the Tenths Reserves and occupation reserves. By way of legislation, the Crown imposed perpetual leases on the land, which for example, allowed for 21-year rent review periods, rents below market value, and perpetual rights of renewal for lessees. In practice this meant the Māori owners could not access or use their land, nor did they receive adequate rent for leasing the land. The problems associated with the perpetual lease regime continue to impact adversely on the submitters' land, despite some legislative changes in 1997.
26. In the period to 1977, as a result of the Crown's mismanagement, the Tenths Reserves estate was reduced to 1,626 acres.

Proprietors of Wakatū (Wakatū Incorporation)

27. By the 1970s, the descendants of the original owners were lobbying for the return of their land to their control and management. This led to a Commission of Inquiry (the Sheehan Commission) into Māori Reserved Lands.
28. Our establishment was the result of recommendations made by the Sheehan Commission of Inquiry that the Tenths Reserves should be returned to the direct ownership and control of Māori. This recommendation was implemented by the Wakatū Incorporation Order 1977, which according to its explanatory note constituted "the proprietors of the land commonly known as the Nelson-Motueka and South Island Tenths".
29. The land vested in Wakatū Incorporation comprised the remnants of the Tenths Reserves and occupation reserves and the beneficial owners of the land were allocated shares in the same proportion as the value of their beneficial interests in the land transferred.
30. With a few exceptions, those beneficial owners were the descendants of the 254 tūpuna identified as beneficial owners by the Native Land Court in 1893. Wakatū can

therefore trace the genesis of a large portion of the land in its estate back to the initial selection of the Tenths Reserves in 1842.

Wakatū Incorporation today

31. Wakatū is the kaitiaki and legal trustee of the remnants of the Tenths Reserves and occupation reserves. Wakatū Incorporation is responsible for the care and development of the owners' lands.
32. The Incorporation represents approximately 4000 Māori landowners in Nelson, Tasman Bay and Golden Bay. Apart from the Crown and local authorities, Wakatū is one of the largest private landowners in the Nelson/Tasman regions.
33. Since 1977, the owners of Wakatū have built a successful organisation that has contributed to the economic growth of the Tasman District and the economic, social and cultural well-being of the descendants of the original owners.
34. Wakatū Incorporation's primary focus is based around its management and use of the ancestral lands of the owners for their cultural and economic sustenance. Today, this comprises a mixture of leasehold land, commercial land and development land.
35. Wakatū has interests in horticulture, viticulture and aquaculture (Kono NZ LP) throughout the Tasman and Nelson District as well as in other parts of New Zealand.
36. The principles and values of Wakatū Incorporation are reflected in its guiding strategic document – Te Pae Tāwhiti.

Further information

37. A full history of the lands administered by Wakatū Incorporation, along with Ngāti Rārua Ātiawa Iwi Trust, Rore Lands, and other whānau and iwi trusts, who own land in the Nelson and Tasman region is set out and discussed more fully in the Waitangi Tribunal, Te Tau Ihu o te Waka a Maui report. Also see www.Wakatū.org.nz for further information.

APPENDIX B



Supreme Court of New Zealand Te Kōti Mana Nui

28 FEBRUARY 2017

MEDIA RELEASE – FOR IMMEDIATE PUBLICATION

PROPRIETORS OF WAKATU & ORS v ATTORNEY-GENERAL

(SC 13/2015) [2017] NZSC 17

PRESS SUMMARY

This summary is provided to assist in the understanding of the

Court’s judgment. It does not comprise part of the reasons for that judgment. The full judgment with reasons is the only authoritative document. The full text of the judgment and reasons can be found at Judicial Decisions of Public Interest www.courtsofnz.govt.nz.

In March 1845 Commissioner William Spain found in an award made under the Land Claims Ordinance 1841 that a purchase in 1839 by the New Zealand Company of substantial territory in the north of the South Island of New Zealand (Te Tau Ihu) had been “on equitable terms”. The award cleared the land of native title and vested it as Crown land, able to be granted by the Governor. Spain recommended that a Crown grant of 151,000 acres of the land be made to the Company for its Nelson settlement.

Under Spain’s award, land amounting to one-tenth of the recommended grant to the Company was to be reserved for the benefit of the original Māori owners (in accordance with the terms of the Company’s purchase, in which such reservation had been part of the consideration for the purchase). Those entitled to the benefit of the reserves were hapū of Ngati Rārua, Ngati Tama, Te Atiawa and Ngati Koata. In addition to the tenths reserves, all Māori occupied land within the grant (including cultivated land and urupa) was to be excepted and reserved for the occupiers under the terms of the award.

Only 5,100 acres of the 15,100 acres of tenth reserves required by the Spain award were identified and reserved at the time of the award. These comprised 100 one-acre town sections in Nelson township and

100 "suburban" sections of 50 acres in the districts of Motueka and

Moutere. After selection, they were taken under the control of Governor Hobson and administered by agents and officials from 1842. The appellants allege that there were losses to these reserves in the period up to 1856 (after which the remaining tenths reserves were administered under the New Zealand Native Reserves Act 1856). They allege further losses up to 1882 when the lands then remaining were vested in the Public Trustee. The tenths reserves were later vested in the Māori Trustee before being transferred to the first appellant, the Proprietors of Wakatū, in 1967.

The balance of the tenths reserves required under the Spain award, amounting to 10,000 acres of rural land, was never obtained and added to the tenths reserves. The failure to reserve these 10,000 acres is a principal claim in the litigation that gives rise to the appeal. The lands were included in a grant eventually accepted by the New Zealand Company in 1848 and were returned to the Crown after the failure of the Company in 1850.

In addition, before the 1848 grant, some of the town sections reserved for Māori had been lost when there was a reduction in the overall number of town sections. Other reserved lands had been exchanged by the Crown for land occupied by Māori. The exchanges benefited the particular occupiers, but it was alleged they diminished the effective extent of the tenths reserves for the wider beneficiaries, being the customary owners of the entire district covered by the Spain award.

The Māori occupied land was not surveyed in 1842 and it is alleged that much was not separated either from the lands granted to the Company in 1848 or from the Crown lands obtained following the Spain award but not granted to the Company. In 1848 Māori occupied land in Massacre Bay was identified by survey and reserved. But there was no similar exercise of identification and reservation undertaken in the balance of the Nelson Districts. The loss to the occupiers through failure to exclude the occupied land has not been quantified, although some occupied land was later returned to Māori ownership.

The administration of the tenths lands actually reserved was not regulated by any statutory instrument until enactment of the Native Reserves Act 1856. After 1856, their management was undertaken in reliance on powers in that Act and in succeeding legislation, although the blocks themselves remained vested in the Crown until vested in the Public Trustee in 1882. By that date, the town and suburban sections had been diminished through exchanges and Crown grants under Crown management from 5,100 acres in 1842 to 2,774 acres in 1882.

The appeal concerned:

- a) The losses to the tenths reserves arising out of:

- i) the failure to reserve the 10,000 acres required for their completion in accordance with the Spain award; and
 - ii) the diminution of the identified town and suburban tenths reserves by some 2,326 acres in the period of Crown administration between 1842 and 1882.
- b) The failure to reserve occupied land for the benefit of the occupiers in accordance with the Spain award.

In 1893 253 beneficiaries of the reserves by descent were identified by the Native Land Court on application of the Public Trustee. In 1977 the tenths reserves, by then held by the Māori Trustee, were vested by private Act of Parliament in Wakatū, a Māori incorporation which holds the land on trust under Te Ture Whenua Māori Act 1993 for the successors of the beneficiaries identified in 1893.

The loss of the tenths reserves and the occupied lands in 1986 was the subject of a claim taken by Rore Pat Stafford to the Waitangi Tribunal. Mr Stafford is kaumatua of Ngati Rārua and Ngati Tama and descendant of beneficiaries identified by the Māori Land Court in 1893. The claim, Wai 56, was heard by the Tribunal in a district-wide inquiry into a number of historical grievances by hapū within Te Tau Ihu. The

Waitangi Tribunal reported in 2008 that the Crown was in breach of its

Treaty obligations in a number of respects, including in relation to the Nelson tenths reserves. The Tribunal did not make specific recommendations as to relief. Instead it recommended that Crown and iwi enter into negotiations with a view to settlement.

Wakatū and Mr Stafford joined in the settlement negotiations and subscribed to the mandate given to the negotiator on behalf of all iwi in the area but on the basis that Wakatū remained kaitiaki of the Wai 56 claim. Wakatū and Mr Stafford sought to have a separate settlement of Wai 56, initially with some support from the mandated negotiator. When the Crown would not agree to a separate settlement of the tenths claims, Wakatū and Mr Stafford first sought an urgent hearing in the Waitangi Tribunal. That application was declined.

The present proceedings were filed in the High Court in 2010. The three plaintiffs were the appellants in this Court: Wakatū, Mr Stafford and the trustees of Te Kahui Ngahuru Trust. Wakatū's owners no longer coincide entirely with the descendants of the beneficiaries identified by the Native Land Court in 1893 because some descendants were excluded under legislation for consolidation of Māori land interests and others have succeeded under former legislative provisions which did not confine succession to descendants. Te Kahui Ngahuru Trust was set up as a vehicle to represent all descendants of those identified as beneficiaries in 1895, to remedy the fact that Wakatū does not represent all of them.

The claim was that the Crown had breached duties owed by it to the original customary owners of the land as trustee or otherwise as a fiduciary to reserve and hold one-tenth of the 151,000 acres purchased by the Company in and around Nelson for their benefit and to except and hold on trust the lands occupied by the proprietors as pa, urupa and cultivations. In addition, the plaintiffs claimed that the tenths reserves in the town and suburban sections had been diminished by the exchanges and

transactions in breach of trust or fiduciary duty entered into by the Crown in the years from 1842 to 1882.

In the High Court, the plaintiffs sought relief by way of declarations. The declarations sought were that:

- a) the Crown was obliged to reserve and hold the 15,100 acres of tenths reserve land (the 5,100 acres of town and suburban land originally reserved together with the 10,000 acres never reserved) and the occupied lands on express trust for the tenths owners;
- b) any land held by the Crown in the Nelson Settlement is held on an express, constructive or resulting trust for the beneficiaries of the tenths reserves (defined as the descendants of those identified by the Māori Land Court as beneficiaries in 1893); and
- c) “to the extent that the Crown has converted to its own use tenths land or occupied land”, it is obliged to restore the land or pay compensation (in substitute land or money) to the owners or to account for its profits on sale.

The plaintiffs were unsuccessful in the High Court. Clifford J held that none had standing to bring the claim. Nor did he accept that the Crown had assumed responsibility for the tenths reserves or the occupied land as trustee or fiduciary. Rather, he considered that the Crown had acted in a governmental capacity incompatible with a duty of loyalty to any particular group.

The plaintiffs appealed to the Court of Appeal. Before their appeal could be heard, the settlement negotiations in respect of Te Tau Ihu, (which had been suspended pending the determination of the claim by the High Court) resumed. Deeds of settlement were entered into and enacted as the Ngāti Kōata, Ngāti Rārua, Ngāti Tamaki Te Tau Ihu and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014. Under the Settlement Act, the Crown was discharged from any liability, including legal or equitable liability, in respect of “historical claims”, defined to include claims in connection with the Nelson tenths reserves. There was, however, a savings provision related to this litigation. The meaning of the Settlement Act, and whether it prevented the claim on behalf of the beneficiaries of the tenths reserves proceedings, became an additional issue in the Court of Appeal.

The Court of Appeal allowed Mr Stafford’s appeal against the finding in the High Court that he lacked standing to bring the claim and made a declaration that he had such standing. Otherwise, the Court dismissed the appeal. The Court was unanimous in the view that the Crown did not owe fiduciary obligations to the beneficiaries of the tenths reserves, again because it was acting in a governmental capacity rather than as a fiduciary.

The appellants appealed to the Supreme Court against the decision of the Court of Appeal. The Crown cross-appealed against the Court of Appeal’s determination that Mr Stafford had standing.

On the appeal, the principal questions for the Supreme Court were:

- a) whether the Crown owed fiduciary duties to the customary owners to reserve or hold on trust for them the tenths reserves and the occupation lands;
- b) whether claims of breach of any fiduciary duty owed (through failure to set aside the tenths and occupation reserves and through the dealings which diminished the tenths reserves) were subject to defences through lapse of time under the Limitation Act 1950 or in application of the doctrine of laches in equity;
- c) whether the appellants had standing to bring civil proceedings for breach of such duties against the Crown; and
- d) whether relief was barred by the terms of the Settlement Act.

The Supreme Court has allowed the appeal in part. The reasons are given in the four judgments delivered by the Court.

In accordance with the opinion of the majority comprising Elias CJ,

Glazebrook, Arnold and O'Regan JJ, Mr Stafford has succeeded on the principal point on which his claim failed in the High Court and Court of Appeal. The majority decision in this Court is that the Crown owed fiduciary duties to reserve 15,100 acres for the benefit of the customary owners and, in addition, to exclude their pa, urupa and cultivations from the land obtained by the Crown following the 1845 Spain award. The appeal is allowed on this point and Mr Stafford has been granted a declaration to that effect. Mr Stafford's claim may proceed in the High Court for determination of matters of breach and remedy.

The Supreme Court has unanimously dismissed the cross-appeal by the Attorney-General against the determination of the Court of Appeal that Mr Stafford has standing to pursue the claim. The Court has determined that Mr Stafford, as kaumatua and descendant of some of the customary owners, has standing to take the claim on behalf of the customary owners.

By majority, comprising William Young, Arnold and O'Regan JJ, the Court has held that Wakatū and Te Kahui Ngahuru Trust lack standing to bring the claims on behalf of the customary owners.

A majority of the Court, comprising Elias CJ, Glazebrook, Arnold and O'Regan JJ, has held that Mr Stafford's claims are not barred by the Limitation Act 1950 to the extent that they are within the terms of s 21(1)(b) of the Act – that is, to the extent that they seek to recover from the Crown trust property either in the possession of the Crown or previously received by the Crown and converted to its use. Any other issues relating to limitation, including the availability of a limitation defence to any claim for equitable compensation, have been remitted by the Supreme Court to the High Court for consideration and determination. The Supreme Court has directed that it will be necessary for the High Court to determine, once the facts as to breach and possible prejudice have been found, whether the claims are barred in application of the equitable doctrine of laches.

A majority of the Court, comprising Elias CJ, Glazebrook, Arnold and O'Regan JJ, has held that Mr Stafford's claims are not barred by the Ngāti Kōata, Ngāti Rārua, Ngāti Tamaki Te Tau Ihu and Te Ātiawa

o Te Waka-a-Māui Claims Settlement Act 2014. They consider, however, that the effect of the settlement achieved by that Act may be shown on determination of the facts to have caused prejudice to the Crown or to others which it will be appropriate to take into account in considering application of the doctrine of laches. These matters turn on determinations of breach and loss still to be considered by the High Court.

Findings of breach and as to the extent of any consequential losses were not made in the High Court or Court of Appeal. The Supreme Court has not been able to make final determinations concerning liability, loss, and remedy in the absence of primary findings of fact in the lower courts and in the absence of full submissions on the matters, which were not the focus of the present appeal. While it is acknowledged by the Crown that 10,000 acres of the tenths reserves awarded by Spain were never reserved, the extent of loss to the suburban and town reserves is not clear. Nor is it clear to what extent the customary owners have been deprived of their occupied lands which should have been excluded from the Crown land obtained following the Spain award.

Mr Stafford's claim is remitted to the High Court for determination of remaining issues of liability, defence and relief, in accordance with the judgment and reasons of the Supreme Court.

Although the appeal does not finally determine the litigation and significant issues have been referred back for the determination of the High Court (as indicated in the reasons for this judgment), the Supreme Court has determined that Mr Stafford is entitled to costs. He has succeeded on the principal issue raised by the appeal. The respondent has been ordered to pay Mr Stafford costs of \$55,000 together with disbursements and has quashed the costs orders made in the Court of Appeal and High Court against all appellants.

Lynda Cross

From: Mike Ingram <Mike.Ingram@wakatu.org>
Sent: Thursday, 18 May 2023 10:17 am
To: Resource Consent Admin
Subject: Ruru Building Ltd - Industrial Activity at Green Lane Motueka
Attachments: 18052023101458-0001.pdf

Categories: Lynda to deal with

E te rangatira, tēnā koe

Please find attached, submission by Wakatū Incorporation regarding the above consent application.

Ngā mihi

Mike Ingram

Pou Whakahaere Whenua – Hunga Whaipānga
Property Manager | Wakatū Incorporation



Wakatū House, 28 Montgomery Square, Nelson 7040

021 565 462 | Mike.Ingram@wakatu.org | www.wakatu.org

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