

8A Toru St  
Mapua 7005  
20 February 2011

Cr Stuart Bryant  
Chairman  
Environment and Planning Committee  
Tasman District Council  
Richmond

Dear Stuart:

**Protection for Residential Zone property owners**

We are writing on behalf of the Toru St Residents' Group of Mapua to request that at the next available meeting of the Tasman District Council Environment and Planning Committee, councillors consider a proposal from our group.

We are asking that:

**The Tasman District Council reviews Rule 17.1.2.6 of the Tasman District Plan with a view to providing greater protection to Residential Zone property owners from unwanted commercial activities in their zone. In particular:**

1. **The residents urge that the rule, which allows council discretionary powers to authorise any land use activities at all in a residential zone ,(apart from some which involve keeping livestock) should either be:**
  - a. Deleted or
  - b. Exemptions to the land use rules made non-complying activities (not discretionary).
2. **The residents also urge that the council should change its procedures in relation to notification to ensure that Residential Zone property owners are advised of, and have the opportunity to submit on, proposed changes to the zone that allow full commercial activities in their neighbourhood.**

Our request comes after the matter was considered at a meeting of the Mapua and District Community Association on Monday February 14 and a motion to support the group's proposal was passed without dissent. The meeting was attended by the three ward councillors, Tim King, Trevor Norris and Brian Ensor.

The issue first arose for the association in October and follows conflict over the council approval for a real estate office to start operations at 4 Toru St. The Toru St Residents' Group has attempted to address some of the issues arising from the approval by discussions with the council's compliance and resource consent departments. Some compliance issues were addressed, but the substantive issue of unwanted commercial activities being permitted in a Residential Zone remains unresolved. Your staff have extensive correspondence on the issue, including details and photographs of compliance breaches by the applicant company in this particular case.

Our group feels that the issue of consent approvals like that for the real estate office are under-mining the rights and the zoning protection for Residential Zone property owners. They feel that the issue is a district wide one and is sufficiently important to require your committee's consideration. From the Toru St Residents' Group's point of view, the issue is urgent. They do not want to see their zoning protection, the character of their neighbourhood and their property values further eroded by piece-meal council approvals of a similar nature.

The residents are aware that council staff believe that the non-notification policies related to the consent process are in line with recent changes in the Resource Management Act. We don't agree and feel that the council has options under the amended law to notify affected residents if it chooses.

If, however, the council feels it must adhere to its interpretation of the Act, the group strongly feels that Rule 17.1.2.6 needs to be deleted from the plan because it is out of character with the other Residential Zone rules, and serves to undermine the other rules intended to protect people's homes and neighbourhoods.

We hope that your committee will accept our request for discussion of the residents' proposal, and if that is so, we would welcome the opportunity to speak to the proposal.

Thank you for considering our request.

Yours faithfully

**Fred Cassin**

**David Mitchell**