

26 June 2018

Whakatane District Council  
Private Bag 1002  
**Whakatane 3158**Attention: Nadia Bestgen  
Nadia.bestgen@whakatane.govt.nz

Dear Nadia

**FURTHER SUBMISSION ON CHANGE 2 TO THE WHAKATANE DISTRICT PLAN -  
TRUSTEES OF IW AND AJ LYSAGHT FAMILY TRUST PARTNERSHIP, KEEPA  
ROAD, WHAKATANE**  
**HG REF: 1720-138813-02**

This further submission is prepared in general accordance with Form 6 in the First Schedule of the Resource Management (Forms, Fees and Procedure) Regulations 2003. The specific further submission points (provision, submitter, support/opposition and reasons) are set out in the attached table.

Without limitation however, and as private plan change applicant and owners of the land subject of the plan change proposal, the Trustees of IW and AJ Lysaght Family Trust Partnership ("Lysaght Developments") reserves the right to produce evidence and make submissions at the hearing of the private plan change in opposition to specific submission points raised by any submitter to Plan Change 2, regardless of whether identified in the attached table. Lysaght Developments considers that the terms of the proposed plan change as notified are the most appropriate (efficient and effective) to achieve the objectives of the Whakatane District Plan and in turn promote the purpose of the RMA, having regard to the requirements of s32 of the Act. Submissions seeking further, additional or different provisions in the District Plan to those notified through Plan Change 2 are opposed to that extent accordingly.

The attached table is confined to those specific submission points which Lysaght Developments considers are either not "on" Plan Change 2 in the sense of seeking relief that is beyond the scope of the plan change, and/or which are not otherwise able to be granted under RMA as a matter of jurisdiction.

**Further Submitter Details**

<b>Full name of further submitter</b>	Trustees of IW and AJ Lysaght Family Trust Partnership (trading as Lysaght Developments)
<b>Address for service</b>	C/- Tim Fergusson Harrison Grierson PO Box 336 Whakatane 3158
<b>Contact phone number</b>	07 219 3017
<b>Email</b>	t.fergusson@harrisingrierson.com



**Further Submitter Status**

Lysaght Developments is a party who has an interest in the proposal that is greater than the interest of the public generally.

Lysaght Developments represents the owners of the land that is the subject of the plan change proposal and the proponent of the Private Plan Change. Lysaght Developments is therefore a key stakeholder in respect of all matters relating to the plan change proposal.

**Lysaght Developments wishes to be heard in support of this further submission.**

If others make a similar submission, Lysaght Developments will not consider presenting a joint case with them at the hearing.

**Signature of submitter**

(or person authorised to sign on behalf of submitter)



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**Dated:**

26/06/2018

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Please feel free to contact the undersigned if you have any queries.

We would welcome the opportunity to discuss this further submission in more detail and answer any questions you may have.

Yours faithfully

**Harrison Grierson**



Tim Fergusson  
Principal / Whakatane Manager

## FURTHER SUBMISSION POINTS - TRUSTEES OF IW AND AJ LYSAGHT FAMILY TRUST PARTNERSHIP

**TABLE 1:** PROPOSED CHANGE 2 TO THE WHAKATANE DISTRICT PLAN - FURTHER SUBMISSION POINTS

SUBMISSION REFERENCE	SUBMITTER	ORIGINAL SUBMISSION	SUPPORT / OPPOSE	REASONS FOR FURTHER SUBMISSION	
6.1	Cheree Latham	That the 10m strip dividing these properties be given back to 25A Keepa Road owned by the Wharewera family (10m strip between 25A Keepa Road and 46c SH 30)	Oppose	Submission points requesting the transfer of ownership of parts of the site to other parties is opposed on the basis that such a request is beyond the scope of the plan change proposal and therefore is not able to be considered through this process.	
9.1	Eula Toko	That the 10m strip be given back to the Wharewera whanau	Oppose		
14.1	Jackeline Wharewera	Request gifting of house and land at 23 Keepa Road from the bottom of the house to the tip of the triangle to use as a capped carpark.	Oppose		
15.1	James Wharewera	Return the land between the two fences (Lot 19) that put a barrier between our whanau and stopped access to the marae.	Oppose		
16.1	James Wharewera	Return 10m strip if residential zone is granted.	Oppose		
17.1	Josephine Smith	Request gifting of house and land at 23 Keepa Road from the bottom of the house to the tip of the triangle to use as a capped carpark. Return land shown as proposed Lot 91 to the Wharewera whanau.	Oppose		
28.1	Talei Swanson	Would like to see the land gifted back to whanau as an act of goodwill.	Oppose		
14.1	Jackeline Wharewera	Establish a Community and Cultural Zone as the underlying zone most suitable for 23 and 45 Keepa Road, including the strip between Gateway Drive and 23 Keepa Road.	Oppose		Chapter 3 of the District Plan describes the Community and Cultural Zone as providing for <i>“places of assembly, offices, limited business activities, meeting and conference facilities, cultural events, education facilities and associated ancillary on-site catering and visitor accommodation”</i> . Such a zoning would be suitable for the Hokowhitu a tu marae site itself, however, the proposed Residential Zone is the most appropriate zoning for
7.1	Doris Balkin	Amend the proposal to rezone the light industrial to community and cultural zone with underlying residential	Oppose		
1.1, 2.1	Te Hokowhitu-a-tu Marae Committee c/o Adrian Jaram	Support Community and Cultural Zone	Oppose		
21.1	Pearly Mark	Amend from Residential to Community and Cultural Zone with underlying Residential	Oppose		
22.1	Pearly Sullivan	Amend from Residential to Community and Cultural Zone with underlying Residential	Oppose		

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<b>SUBMISSION REFERENCE</b>	<b>SUBMITTER</b>	<b>ORIGINAL SUBMISSION</b>	<b>SUPPORT / OPPOSE</b>	<b>REASONS FOR FURTHER SUBMISSION</b>
24.2	Sabrena Wharawera	Establish a Community and Cultural Zone as the underlying zone most suitable for 23 and 45 Keepa Road, including the strip between Gateway Drive and 23 Keepa Road.	Oppose	the subject site as it clearly reflects the intended future use of the land.
33.1	WT (Tani) Wharawera	Amend to Community and Cultural Zone	Oppose	
34.1	Te Runanga o Ngati Awa	Recommends a community and cultural zone as the underlying zone within which residential areas and contaminated sites can be identified.	Oppose	