

**BEFORE THE HEARING PANEL
APPOINTED BY THE TASMAN DISTRICT COUNCIL**

In the matter to the Tasman Resource Management Plan under Schedule 1 of
the Resource Management Act 1991.

Submitter AB & SL Family Trust (**OS 4222**);

**STATEMENT OF BRETT MCLEAN
(AB & SL FAMILY TRUST)**

Site location

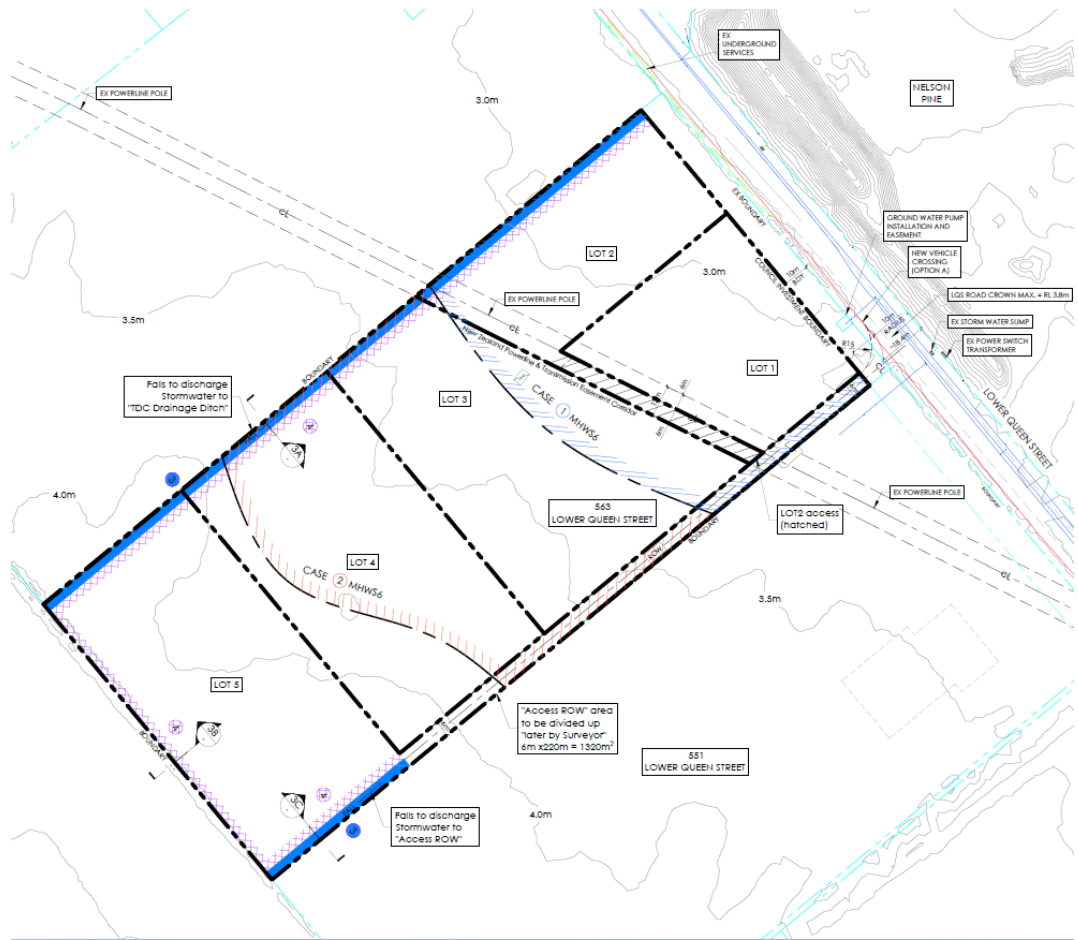
- 1 My name is Brett McLean. The Mclean Family Trust owns the land at 563 Lower Queen Street as identified on the map below.



- 2 The Mclean Family Trust seeks fair opportunity to develop their land, having been caught in ongoing planning hurdles over the past several years.

Development Proposal

- 3 The immediate intention is to erect a large commercial sized building to support our medical equipment supply specialist business [Opritech – www.opritech.co.nz] with an administration office, staff rooms and facilities. The intention is to subdivide the overall property (to create up to 5 serviced lots) to release capital required for the development.
- 4 This plan change initially appeared to provide opportunity to progress our development, however, the recent Planner Reports have introduced new hurdles that make development incredibly difficult, even if the property is zoned industrial.
- 5 Grappling with the concept of development without subdivision is difficult and seriously undermines the progress (and cost) we have incurred to date. I do not know how development could progress.
- 6 My original submission appends the below Scheme Plan.



- 7 This plan was provided to Council as part of the 'uplift' application in 2022. We were required to provide extensive technical information to demonstrate feasibility of servicing this layout (and other potential options). I discuss this further below, but it was not until the we had incurred the cost of providing this technical information that the Council staff advised that they would not process our uplift application.
- 8 The Family Trust submission seeks for this plan to be inserted into the plan change to ensure that the work undertaken to date is not wasted. I understand that the Council Planner considers acceptance of such plan to be outside of scope. I don't understand how insertion of a plan can be outside the scope of a plan change which includes potential for range of outcomes, including both controlled and prohibited subdivision.
- 9 It is important that the extensive history and cost associated with Council processes is not wasted.

Application History

- 10 I outline a brief history to our site and the adjoining property below:

- 10.1 The adjoining site at 551 Lower Queen Street (DT King) was subject to an uplift application which was granted in 2021. At that time, the Mclean Trust was not yet in a position to proceed so could not proceed jointly that application. The building platforms on those sites have been raised to RL 4.6m. 551 had the same infrastructure servicing requirement as our site.
- 10.2 We commenced our consultation with Council on our own uplift application in August 2021.
- 10.3 Communication in early February-April 2022 identified stormwater as a potential issue for uplift. We had been given authorisation to utilise the T&T modelling applied to the DT King Property to assess our property. In July 2022 AMK Engineers completed a Stormwater Study Report applying this previous T&T modelling data.
- 10.4 In August 2022 the application for uplift was lodged with the Council.
- 10.5 In September 2022 we received feedback from Council staff, which included notice that Council was 're-running' stormwater modelling to come up with a viable solution for the site. I understood this incorporated new MfE Guidance.
- 10.6 In October 2022 we were advised that T&T had been engaged by the Council to model (TUFLOW) the area. This model was available for our stormwater specialist to re-run specific development options. The Council also confirmed that wastewater and potable water had been resolved..
- 10.7 In November 2022, we were provided with the T&T modelling 'assumptions' to be applied to future modelling. We were advised by the Council that they did not consider AMK engineering to hold expertise to further this modelling exercise.
- 10.8 In February 2023 Mappazzo Consultants were engaged to undertake the requested modelling. A TUFLOW model was provided and applied by Mappazzo Consultants. A draft report was circulated to the Council in June 2023.
- 10.9 In July 2023 the Council requested additional information in relation to modelling (to be presented in a different way). However, the Council also advised that there was a 'workstream' around deferred

zoning, and a decision on the application would need to wait until the outcome of that process.

10.10 Following further queries, the Council advised that they 'presumed' we were aware our application could no longer progress. We were advised that this had been the case 'for some time'. We were completely unaware of this stance taken by the Council.

11 I provide this timeline as a demonstration of the extensive work undertaken at the request of Council, only to be told (at what we thought was the last hurdle) that uplift would not proceed.

12 In a similar vein, we thought that PC79 proposed a somewhat practical means of providing development potential. Our consultation with Council Officers in advance of this plan change's notification was that prohibition on subdivision would not work. We were pleased when the plan change did not restrict subdivision in this way. However, we have now been surprised by the Council Officer's report which fundamentally departs from the notified version. I don't understand why these matters were not resolved internally within Council, so that our original submissions could cover the true nature of this plan change.

13 This is not a facilitative plan change, as notified. By advancing prohibition through Council Officer's report, we have had very little opportunity to respond comprehensively. We have sought to engage additional technical consultants to progress this work but have not been able to do so on the short timeline between receipt of the Planner's Report and this hearing.

What do we want?

14 Ultimately, we want a planning regime that fairly assesses the merits of our site. We have progressed extensive assessment on this already for the Council.

15 I think that an appropriate example of development is demonstrated by the Artillery Place application which ensures site specific mitigation is provided, in line with the latest information. This is the methodology accepted by Council previously and proven to work.

BRETT MCLEAN