

From: LGOIMA
To: [redacted]
Cc: [redacted] [redacted]
Subject: RE: LGOIMA Request - Affected person feedback for proposed Tahimana Stagecoach Road Subdivision - [redacted] - Reference 2210
Date: Friday, 2 August 2024 1:23:00 pm
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

Kia ora [redacted]

We refer to your official information request dated 12 June 2024. You have requested:

1. Affected persons are provided appropriate and relevant information:

I understand that you must provide all residents, as affected (and interested) persons both appropriate and relevant information. You will know what this information is, better than me, but I wish to see all correspondence between:

- a. the developer and yourself and TDC,
- b. any councillors involved and
- c. subcontractors etc.

Our Information Management team conducted an email search of all Council mailboxes using the keywords "Tahimana" or "RM240192" and the date range of 1 January 2024 – 12 July 2024. This search located 3018 emails that may be relevant to your request.

To review and gather the 3018 emails that may potentially be in scope of your request, we estimate it will take approximately 226 hours of staff time to prepare, review, and collate this material for release. This is in addition to the 1 complimentary hour of staff time that has already been utilised in responding to this request.

Due to the large number of search results, our Information Management team conducted an additional email search of all Council mailboxes using the keywords "Tahimana" and "RM240192" and the date range 1 January 2024 – 12 July 2024. This search located 54 emails potentially in the scope of your request. Following this search we removed any duplicate emails which reduced our findings down to 39 emails that may be potentially in scope.

To review and collate the 39 emails that may potentially be in the scope of your request, we estimate it will take approximately 4 hours of staff time to prepare, review, and collate this material for release. This is in addition to the 1 complimentary hour of staff time that has already been utilised in responding to this request.

Given the above, we are required to make a decision no later than 20 working days after the day on which the request was received. As your request is currently framed, to complete your request would require substantial collation. We are therefore refusing your request under section 17(f) of the Local Government Official Information and Meetings Act 1987 (LGOIMA) as the information requested cannot be made available without substantial collation or research. We have considered whether there would be any public interest in the information requested and have determined that there is none.

You have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Regards,
Legal and Democracy Support Officer

From: LGOIMA
Sent: Friday, July 12, 2024 3:04 PM
To: [redacted] [redacted]
Cc: [redacted] [redacted] [redacted]
Subject: RE: LGOIMA Request - Affected person feedback for proposed Tahimana Stagecoach Road Subdivision - [redacted] - Reference 2210

Kia ora [redacted]

I refer to your official information request dated 12 June 2024. We have considered your email in further detail and note that part 1 (below) falls under the provisions of LGOIMA and will process accordingly:

1. **Affected persons are provided appropriate and relevant information:**

I understand that you must provide all residents, as affected (and interested) persons both appropriate and relevant information. You will know what this information is, better than me, but I wish to see all correspondence between

- a. **the developer and yourself and TDC,**
- b. **any councillors involved and**
- c. **subcontractors etc.**

As such, The Local Government Official Information and Meetings Act requires that we advise you of our decision on your request no later than 20 working days after the day we received your request. Unfortunately, it will not be possible to meet that time limit with regards to part 1 of your request, we are therefore writing to notify you of an extension of the time under section 14(1)(a) (Substantial collation) to make our decision to 2 August 2024.

This extension is necessary because your request necessitates a search through a large quantity of information and meeting the original time limit would unreasonably interfere with our operations necessary to make a decision on your request are such that a proper response cannot reasonably be made within the original time limit.

In relation to part 2-4, please find **below** a general explanation of the RC process.

2. **Encouraged to present their views:**

- a. **Please advise how you will be identifying the range of affected and interested persons from Stagecoach Road, Awa Awa Estate, other Tasman residents and others affected especially recreational users of the road?**
- b. **How will you be encouraging them/us to present our views according to (c) below?**
 - I. **(c) consultation scope and consideration of views**
 - II. **(d) each person affected given time to present their views according to the needs of the person. See above.**
 - III. **the views presented received with an open mind**

3. **clear access to records and reports etc regarding the decision**

- a. **What records and reports will you be providing?**
- b. **Will this be online for the wider community who are unaware of this proposed development to access?**

3. **Give consideration, to the views and preferences of affected persons – have regard to the current views and preferences of affected persons**

- a. **Given that you are enabling local democratic decision-making of our community (which does not include the external sub-divider) how will you be giving consideration to the views and preferences of affected and interested parties?**
- b. **the extent of current views and preferences of affected parties**
How will you consider the extent of views affected and interested persons in this democratic local decision-making process?
- c. **the nature and significance of the decision and likely impact from the perspective of affected persons or those interested in the matter**
How will you determine the nature, significance and impact of your decision on affected

and interested parties in this democratic decision-making process where you are enabling us as a local community in this process?

d. **provision of the costs and benefits.**

How will you assess and provide a breakdown and explanation of all costs and benefits to affected and interested parties in this community? Note – costs defined above and not limited in legislation are social, economic, environmental and cultural.

4. We also know and appreciate that TDC must hold to the Principles of the Treaty of Waitangi and Tikanga with its respectful collaborative decision-making process. How will you ensure that this is taken into account?

We thank you for your interest in the resource consent application referenced by Council as RM240192 and Ors.

Because each application is different in nature and context, each gets assessed on its own merit. However, any decision-making in that respect must observe the requirements of the Resource Management Act 1991 (RMA).

Under the RMA, a developer has no duty to consult with any person about their application. However, when making recommendations and decisions for notification in relation to an application, the Council (or consent authority) must follow the steps set out in s95-s95G of the RMA and this is discussed further below. Please also refer to the linked '[A technical guide to Resource Consent Notification](#)' document prepared by the Ministry for the Environment for more specific details, including the notification flow charts / steps breakdown therein.

In short, the first 4 steps of the process in relation to notification concern public notification, with the key tests usually being if the adverse effects on the environment are more than minor, or if special circumstances exist, in which case the application should be publicly notified. If public notification does not apply, then the second 4 steps of the process are considered that concern limited notification, with the key tests usually being identifying any affected protected customary rights or customary marine title groups, and determining if the activity may affect land that subject to a Statutory Acknowledgement, if the adverse effects on any other person is greater than less than minor, or if special circumstances exist, in which case notice gets served on those respective groups/persons identified as being adversely affected by the application. Please note that in this context caselaw has established 'special circumstances' as those "outside the common run of things which is exceptional, abnormal or unusual, but they may be less than extraordinary or unique".

We are not currently inviting or receiving submissions in relation to this specific application, as that can only happen during the official submission period (being a 20-working day window) if the application gets notified in some form. At this point in time, this application has not proceeded to a notification decision. Our planners, supported by our technical specialists, are still considering the associated application documentation, and are also awaiting further information from the applicant, before being in a position to accurately identify and gauge the effects of the activity and proceed to a notification decision.

While we have received a number of queries from 'interested persons' like yourselves, it is important to reiterate that 'affected persons' are only determined by the consent authority. In the event this application is publicly notified, then the general public will be advised via the usual channels and have an opportunity to make a submission if they wish. In the event this application is limited notified, only those groups/persons identified by the consent authority as being adversely affected will have the ability to make a submission in relation to the application. Further, if it is determined that the application can proceed on a non-notified basis, then no group/person will have the ability to make a submission. It is important to note that the notification decision of a consent authority is final and cannot be appealed to the Environment Court, so can only be challenged by judicial review in the High Court, which is why Council takes particular care with them. A notification decision will be made in due course.

We trust this addresses your initial concerns and queries.

If you would like to review a copy of the application, please contact resourceconsentadmin@tasman.govt.nz, and they will assist you with this request.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Regards,
Legal Services Officer

From: LGOIMA

Sent: Monday, July 8, 2024 8:14 PM

To: Section 7(2)(a) - Protection of Privacy

Cc: Section 7(a) - Protection of Privacy <Section 7(2)(a) - Protection of Privacy> Section 7(2)(a) - Protection of Privacy

Subject: RE: LGOIMA Request - Affected person feedback for proposed Tahimana Stagecoach Road Subdivision - Section 7(2)(a) - Protection of Privacy - Reference 2210

Kia ora,

We have re-reviewed your letter. Following our review, our understanding of your request is as follows:

1. **Affected persons are provided appropriate and relevant information:**

I understand that you must provide all residents, as affected (and interested) persons both appropriate and relevant information. You will know what this information is, better than me, but I wish to see all correspondence between

- a. the developer and yourself and TDC,
- b. any councillors involved and
- c. subcontractors etc.

2. **Encouraged to present their views:**

- a. Please advise how you will be identifying the range of affected and interested persons from Stagecoach Road, Awa Awa Estate, other Tasman residents and others affected especially recreational users of the road?

- a. How will you be encouraging them/us to present our views according to (c) below?

I. (c) consultation scope and consideration of views

II. (d) each person affected given time to present their views according to the needs of the person. See above.

III. the views presented received with an open mind

2. **clear access to records and reports etc regarding the decision**

- a. What records and reports will you be providing?
- b. Will this be online for the wider community who are unaware of this proposed development to access?

3. **Give consideration, to the views and preferences of affected persons – have regard to the current views and preferences of affected persons**

- a. Given that you are enabling local democratic decision-making of our community (which does not include the external sub-divider) how will you be giving consideration to the views and preferences of affected and interested parties?
- b. **the extent of current views and preferences of affected parties**
How will you consider the extent of views affected and interested persons in this

democratic local decision-making process?

- c. **the nature and significance of the decision and likely impact from the perspective of affected persons or those interested in the matter**

How will you determine the nature, significance and impact of your decision on affected and interested parties in this democratic decision-making process where you are enabling us as a local community in this process?

- d. **provision of the costs and benefits.**

How will you assess and provide a breakdown and explanation of all costs and benefits to affected and interested parties in this community? Note – costs defined above and not limited in legislation are social, economic, environmental and cultural.

4. **We also know and appreciate that TDC must hold to the Principles of the Treaty of Waitangi and Tikanga with its respectful collaborative decision-making process. How will you ensure that this is taken into account?**

If our understanding of your request is incorrect, please advise us and provide detail.

We will endeavour to respond to your request as soon as possible and, in any event, no later than 11 July 2024, being 20 working days after the day your request was received. If we are unable to respond to your request by then, we will notify you of an extension of that timeframe. For requests that are likely to involve substantial collation and/or research, there may be a charge for staff time; however, if this is the case, we will advise you before we process your request.

Your request is being handled by the Legal and Democracy Services team. If you have any questions, please feel free to contact the team at lgoima@tasman.govt.nz. If any additional factors come to light which are relevant to your request, please do not hesitate to contact us so that these can be taken into account.

Regards,
Legal Services Officer

From: [redacted] <[redacted] - Section 7(2)(a) - Protection of Privacy>
Sent: Saturday, July 6, 2024 6:52 AM
To: LGOIMA <LGOIMA@tasman.govt.nz>; [redacted] <[redacted] - Section 7(2)(a) - Protection of Privacy> [redacted] <[redacted] - Section 7(2)(a) - Protection of Privacy>
susiewendelborn <[redacted] - Section 7(2)(a) - Protection of Privacy> Jody Connor <jody.connor@tasman.govt.nz>
Subject: Fwd: LGOIMA Request - Affected person feedback for proposed Tahimana Stagecoach Road Subdivision - [redacted] - Reference 2210

Hi TDC team, I'm not sure you captured all the questions in the letter. Would you mind please going through the letter, not just the legislation to capture all the Qs please (apologies if I've missed this by reading on my phone).

Also please direct all responses to [redacted] at the above email and cc me and Susie in as per our emails here.

Thanks a lot

[redacted]

----- Forwarded message -----

From: LGOIMA <LGOIMA@tasman.govt.nz>

Date: Fri, 5 Jul 2024, 4:03 pm

Subject: LGOIMA Request - Affected person feedback for proposed Tahimana Stagecoach Road

Subdivision - [redacted] - Reference 2210

To: Section 7(2)(a) - Protection of Privacy Section 7(2)(a) - Protection of Privacy

Kia ora Section 7(2)(a)

I acknowledge receipt of your official information request dated 12 June 2024.

You have requested:

- 1. I understand that you must provide all residents, as affected (and interested) persons both appropriate and relevant information. You will know what this information is, better than me, but I wish to see all correspondence between**
 - a. **the developer and yourself and TDC,**
 - b. **any councillors involved and**
 - c. **subcontractors etc.**

- 2. Please advise how you will be identifying the range of affected and interested persons from Stagecoach Road, Awa Awa Estate, other Tasman residents and others affected especially recreational users of the road?**
 - a. **How will you be encouraging them/us to present our views according to (c) below?**
 - b. **consultation scope and consideration of views (d) each person affected given time to present**
 - c. **their views according to the needs of the person See above.**
 - d. **the views presented received with an open mind**
 - e. **clear access to records and reports etc regarding the decision What records and reports will you be providing?**
 - i. **Will this be online for the wider community who are unaware of this proposed development to access?**

- 3. Given that you are enabling local democratic decision-making of our community (which does not include the external sub-divider) how will you be giving consideration to the views and preferences of affected and interested parties?**
 - a. **the extent of current views and preferences of affected parties**
 - b. **How will you consider the extent of views affected and interested persons in this democratic local decision-making process?**
 - c. **the nature and significance of the decision and likely impact from the perspective of affected persons or those interested in the matter How will you determine the nature, significance and impact of your decision on affected and interested parties in this democratic decision-making process where you are enabling us as a local community in this process?**
 - d. **provision of the costs and benefits. How will you assess and provide a breakdown and explanation of all costs and benefits to affected and interested parties in this community? Note – costs defined above and not limited in legislation are social, economic, environmental and cultural.**

- 4. We also know and appreciate that TDC must hold to the Principles of the Treaty of Waitangi and Tikanga with its respectful collaborative decision-making process. How will you ensure that this is taken into account?**

We will endeavour to respond to your request as soon as possible and, in any event, no later than 11 July 2024, being 20 working days after the day your request was received. If we are unable to respond to your request by then, we will notify you of an extension of that timeframe. For requests that are likely to

involve substantial collation and/or research, there may be a charge for staff time; however, if this is the case, we will advise you before we process your request.

Your request is being handled by the Legal and Democracy Services team. If you have any questions, please feel free to contact the team at xxxxxx@xxxxxx.xxxx.xx. If any additional factors come to light which are relevant to your request, please do not hesitate to contact us so that these can be taken into account.

Yours sincerely,
Legal & Democracy Support Officer

LGOIMA
LGOIMA Requests
Call +64 3 543 8400 | xxxxxx@xxxxxx.xxxx.xx
Private Bag 4, Richmond 7050, NZ



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From: Section 7(2)(a) - Protection of Privacy
Sent: Friday, July 5, 2024 9:31 AM
To: Jody Connor <xxxx.xxxxxx@xxxxxx.xxxx.xx>; Section 7(2)(a) - Protection of Privacy; Section 7(2)(a) - Protection of Privacy
susiewendelborn <Section 7(2)(a) - Protection of Privacy>
Subject: Re: RM240192 – Tahimana Subdivision, Stagecoach Road – response to parties

Thanks Jody,

Can I presume that my questions in the letter of opposition are being treated as OIAs?

If not please do.

Thanks a lot

Section 7(2)(a)

On Fri, 5 Jul 2024, 9:01 am Jody Connor, <xxxx.xxxxxx@xxxxxx.xxxx.xx> wrote:

Tēnā koe

I am contacting you on behalf of our Resource Consents Manager, Katrina Lee. Her message is below.

Ngā mihi nui,

Jody Connor

Tēnā koe

I refer to our email to you on June 27th, letting you know that we had received your communications, and we would get back to you with more information once we have it to hand.

Thank you for your letters and emails expressing concerns, questions, or objections regarding the proposed Tahimana subdivision off Stagecoach Road. We are recording your responses and feedback, and will continue to do so. Our planners will be reviewing

these alongside the consent application, as they consider it on merit. We are also working on collating internal staff comments from engineers and scientists, and then we will seek further information from the applicant to address those, and residents' concerns.

Once we have received the necessary information, we will be able to make a notification decision. This will determine whether affected party approvals are needed and whether the application will proceed as "non-notified", "limited-notified", or "publicly-notified". The only opportunity for you to make a formal submission about this subdivision is if you are identified as an affected party or if the application is publicly notified. For more detailed information on the resource consent process, please refer to the Council's website: [How resource consent applications work | Tasman District Council](#). You can also track this resource consent via [Track a resource consent | Tasman District Council](#) by inserting **240192**, which is the resource consent reference number for all correspondence.

Following our decision on notification, we will inform all parties via email who have provided emails or letters, to keep you updated and informed through the key milestones of a resource consent process.

If you would like to review a copy of the application, please contact xxxxxxx@xxxxxx.xxxx.xx, and they will assist you with this request.

Should you have any further questions, please feel free to contact us.

Ngā mihi nui,

Katrina Lee | [Environmental Assurance](#)
Resource Consents Manager
Mobile [+64 27 238 4997](tel:+64272384997) | [DDI +64 3 543 7601](tel:+6435437601)

Jody Connor
Executive Assistant - Environmental Assurance
Call [+64 3 543 8400](tel:+6435438400) | xxx.xxxxxx@xxxxxx.xxxx.xx
Private Bag 4, Richmond 7050, NZ

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