# **Warwick Goldsmith**

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#### Barrister

## Memorandum

Date 1 June 2022

Matter no. 2451

To lan Munro

Copy Marc Bretherton
From Warwick Goldsmith

**Subject** Private Plan Change 54 – Response to RFI – Transportation

- 1. This Memorandum is lodged with the Council on behalf of the Requester Northlake Investments Limited (**NIL**) in response to a Request for Further Information from Council relating to transportation issues relevant to PC54.
- 2. NIL understands that the RFI relates to two specific transportation matters:
  - a. potential vehicle access routes to enable future harvesting of all or part of the existing forest on the adjoining land to the west known as 'Sticky Forest';
  - b. the capacity of the existing wider transportation network to accommodate additional traffic which will be generated if PC<sub>54</sub> is confirmed.

#### Sticky Forest – Logging Access

- 3. The accompanying Report on Brown & Company Limited letterhead, dated 1 June 2022, addresses this issue. In providing this Report NIL notes that:
  - a. One objective of PC54 is to enable vehicle access to the currently landlocked Sticky Forest.
  - b. There is only one practical access route which can be provided through the land subject to PC54 to enable access to Sticky Forest, being the access route described in the Access Deed dated 3 February 2022 (but not yet executed by either the Council or the Crown) which has been supplied to Council as a document relevant to consideration of PC54.
  - c. Alternative potential access routes to Sticky Forest are located on land outside NIL's control and outside the scope of PC54.

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- d. Accordingly this Report is necessarily a desktop exercise which provides an overview in relation to this issue, but does not purport to be a detailed examination of alternative access routes (other than the access route being provided through NIL land under PC54 in accordance with the provisions of the Access Deed).
- e. This issue is more appropriately addressed, in detail, as part of the separate Sticky Forest zoning appeal proceedings (ENV-2018-CHC-069).
- 4. It is evident from the accompanying Report that this issue involves some complexities. In fact it is rather more complex even than the accompanying Report suggests, because the accompanying Report is limited to potential access routes which could cross the relevant boundary into Sticky Forest. However it is noted also that the southeast corner of Sticky Forest touches the northwest corner of the Allenby Farms Limited land, that the Allenby Farm Limited land borders NIL's land, and that PC54 provides for two 'Required Road Links' across the boundary between NIL's land and the Allenby Farms Limited land.
- 5. This raises possibilities for a potential Sticky Forest logging access running through Allenby Farms Limited land, possibly after traversing NIL's land at the western end of the access route to Sticky Forest being proposed through PC54. Examining those possibilities would be a separate exercise which would probably require the involvement of the owner of the Allenby Farms Limited land and the Council.
- 6. Suffice to say, there are a number of potential routes that are feasible for the future harvesting of the trees on the Sticky Forest land. When, and whether the owners of Sticky Forest choose to do so (if at all), is a matter for those owners. NIL has no ownership interest nor any influence over the Sticky Forest land. Other than this exercise to assist in providing wider context and identify the number of options available for a potential future harvest, NIL submits that this is not a matter for consideration for Plan Change 54 except to the extent that it applies to NIL's land subject to PC54.

#### **Transportation Network Capacity**

7. The accompanying letter from Carriageway Consulting dated 31 May 2022 should be self-explanatory.

Warwick Goldsmith

Counsel for Northlake Investments Limited