

29th June 2020

Luke Balchin  
New Plymouth District Council  
Private Bag 2025  
New Plymouth 4340

Dear Luke,

**Response to RMA Section 92 Request for Further Information - LUC20/47704**

This letter is in response to the Section 92 request dated 03 June 2020. The following responses are in accordance with the numbering of requests in the Section 92 letter.

**1. Site**

The proposal includes an area of concrete paving within Lot 3 DP 15492 (Record of Title 510340, hereafter referenced as 'the Title'). The paving is to provide pedestrian access between the building's eastern staircase, the Huatoki Stream area and Powderham Street. Additionally, the proposed removal of the Notable Tree may result in earthworks within this Title, dependent on the formation of the root ball. It is acknowledged that Title 510340 therefore forms part of the application site. A copy of the Record of Title is included in Appendix A.

The Title contains the Huatoki Stream, as it daylights from under the Powderham Street bridge, and its banks with numerous ferns and kentia palms. A portion of the deck structure at the rear of the large building on Lot 2 DP 15492 is within the northern area of the Title. The Title is adjacent to the carpark building on Lot 1 DP 15492, as is Lot 2 DP 15492. The Title essentially has no direct pedestrian or vehicle access from Powderham Street but is accessible via the same stairway as that onto Lot 2 DP 15492. The Title has no service connections although the Huatoki Stream is identified as a part of NPDC's stormwater network on their 'utilities' GIS layer.

With regard to the ODP, this Title shares the same Environment Area and Overlays as per Section 2.1.1 of the application.

With regard to the PDP, this Title has the 'Shared Provisions' Zoning and Overlays of Section 2.1.2 of the application and is also within Height Management Area C (17m maximum permitted height), and the Heritage Character Area. There are no new or different overlays introduced to the application by the addition of this Title to the application site as compared to the original application.

There are no Waahi Taonga/Sites of Significance, Archaeological Sites or Heritage Buildings identified in Chapter 26 of the ODP for the Title, nor are there any identified for the Title on the PDP or the New Zealand Archaeological Association's (NZAA's) Archsite database.

The Title is not identified as a HAIL site on the Taranaki Regional Council Register of Selected Land Uses (RSLU) for contaminated sites. As the Title is predominantly the Huatoki Stream with a narrow bank and has been so for its known history, it is not considered to be subject to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

The proposed activities on the Title include earthworks for the purposes of removing the Notable Tree root structure (should it be found to be growing within the Title), and to construct the concrete paving slab as per the Proposed Site Plan (Drawing A1.01) produced by BOON and provided in Appendix B of the application.

With regard to Rule Bus58 (permitting 20m<sup>3</sup> earthworks per 100m<sup>2</sup> of site per 12 months), at 175m<sup>2</sup> the Title would be permitted to have 35m<sup>3</sup> of earthworks undertaken. Conservatively, it is proposed that this volume may be exceeded. Consent to exceed the permitted earthworks volume already forms part of this application and the same Assessment of Environmental Effects as per Section 4.6 of the original application is considered to remain applicable. To summarise, any potential adverse effects as a result of earthworks on the site with regard to effects on archaeology, adjacent sites and sediment runoff will be temporary, appropriately managed and reinstated and any potential adverse effects will be no more than minor.

## **2. Height**

A more detailed assessment of the proposal's bulk and scale impacts is being undertaken in the form of a Landscape and Visual Impact Assessment. This will be provided to NPDC in the very near future.

## **3. Heritage Context**

The position of the root structure of the tree (being partly within the same bank in which the railway embankment is located, plus potentially down underneath the railway embankment), combined with the necessity of undertaking the proposed earthworks and foundation activities for the construction of the proposed building and pedestrian access into the Huatoki area, are considered to make any alternative to the proposed embankment alteration or removal unfeasible. The detailed extent of the alterations to or removal of the structure is still to be confirmed following detailed architectural and engineering design for the building and Huatoki Stream margin.

The railway embankment is not a scheduled heritage item or archaeological site in either the Operative or Proposed District Plans.

It is appropriate to consider its alteration or removal via an application for an Archaeological Authority under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA). The applicant is committed to undertaking an Archaeological Authority application for the proposed alteration or removal of the embankment under the HNZPTA, during which the assessment of archaeological effects of the proposed activity will be undertaken.

## **4. Notable Tree Removal**

As per the email from Cam Twigley to Rowan Williams on 04 June 2020 in response to the revised Section 92 request:

*Your comment that efforts to avoid the tree removal are not expanded on in the application is incorrect. Please see section 4.3.1 which details the consideration that has been given to retaining the tree which involved collaboration between planning, engineering, architectural and arboriculture disciplines.*

## **5. Cultural Design and Mitigation Opportunities**

The applicant has agreed to a wānanga to work through cultural values and design and can provide further information and assessment following the wānanga.

On behalf of K.D. Holdings Limited:



Darelle Martin Assoc.NZPI  
**Intermediate Planner**

Reviewed by:



Cam Twigley MNZPI  
**Director, Planning and Environment**

**Appendices:**

Appendix A Record of Title 510340

# APPENDIX A

# RECORD OF TITLE 510340



**RECORD OF TITLE  
UNDER LAND TRANSFER ACT 2017  
FREEHOLD  
Search Copy**



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** **510340**  
**Land Registration District** **Taranaki**  
**Date Issued** 18 January 2010

**Prior References**

TN168/128

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<b>Estate</b>	Fee Simple
<b>Area</b>	175 square metres more or less
<b>Legal Description</b>	Lot 3 Deposited Plan 15492
<b>Purpose</b>	Local Purpose (esplanade) Reserve

**Registered Owners**

New Plymouth District Council

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**Interests**

Subject to the Reserves Act 1977

