

Application for Resource Consent

56 Pohutukawa Place, Bell Block

Prepared by:	Alan Doy BSURV (Distinction) Registered Surveyor Licensed Cadastral Surveyor Director McKinlay Surveyors
Date:	26 May 2021
Applicant(s):	Robe and Roche Investments Limited
Applicant Address:	C/o McKinlay Surveyors, PO Box 116, New Plymouth 4340
Owner/Occupier:	CA & WL Bolton
Site Address:	56 Pohutukawa Place, New Plymouth
Legal Description:	Lot 2 DP 521660
Record of Title:	825757
Site Area:	23.8797ha
Overlays:	Residential A
Proposal:	110 lot subdivision of Lot 2 DP 521660
Activity Status:	The subdivision is a Discretionary activity under the relevant subdivision rules of the Operative and Proposed New Plymouth District Plan: <ul style="list-style-type: none"> Res 60 <i>Subdivision of an ALLOTMENT that will require a ROAD to be vested as legal ROAD.</i> SUB-R8 <i>Subdivision of land on an allotment that contains, or is located within 20m of the edge of an indicative road transport network</i> SUB-R9 <i>Subdivision of land that requires a road to be vested as legal road</i> SASM-R8 <i>Earthworks on or within 50m of a scheduled site or area of significance to Māori</i> SASM-R9 <i>Subdivision of land that contains any part of a scheduled site or area of significance to Māori</i>
Additional Consents:	No additional resource consents that have been applied for.

1. INTRODUCTION

- 1.1. This application describes the proposed subdivision of Lot 2 DP 521660 at 56 Pohutukawa Place, Bell Block and gives an analysis of the effects on the environment (adverse or otherwise) that may result from subdivision.
- 1.2. The application and the supporting documents may be regarded concurrently as the Application and as an Assessment of Environmental Effects prepared pursuant to Section 88 and the Fourth Schedule of the Resource Management Act 1991 in detail corresponding to the scale and significance that the effects of the activity may have on the environment.
- 1.3. The Applicant proposes subdivision of Lot 2 DP 521660 (23.8797ha) in the RESIDENTIAL A ENVIRONMENT AREA to create 110 allotments developed in three (3) stages, as depicted on the attached Resource Consent Scheme Plans R-210409 01-05.
- 1.4. We attach the supporting information listed below:
 - Resource Consent Application Form 9
 - Resource Consent Application Report dated 26/05/21
 - Resource Consent Scheme Plans R-210409 01-05
 - Engineering Report and Plans – Red Jacket Consulting Engineers
 - Record of Title 825757

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2. DESCRIPTION OF THE SUBJECT LAND AND SURROUNDING ENVIRONMENT

- 2.1. The subject property is located at 56 Pohutukawa Place, Bell Block being Lot 2 521660, held in Computer Freehold Register 825757, with an area of 23.8797ha and located in the Residential A Environment Area.
- 2.2. The site adjoins the western ends of Parklands and Impact Avenues and is also bordered by Pohutukawa Place to the south.
- 2.3. The property is predominantly farmland used for grazing, located in an area which is progressively being utilised for residential development. Recent subdivision of the subject land has seen the creation of the adjoining residential land parcels, including the recently formed Waipu View Drive and Summerset Retirement Village to the west
- 2.4. The topography of the subject land is gradually sloping terrain which descends from Parklands Avenue and Pohutukawa Place toward the north and rising ground to the east and west site extents. One residential dwelling is positioned toward the south west of the site with several outbuildings associated with the property scattered through the center of the property.
- 2.5. To the west of the site lies the “Links” development and Summerset Retirement Village, areas showing residential expansion within close proximity to the subject land whilst more established residential sites are located on the opposite side of Pohutukawa Place to the south.
- 2.6. The character of the area is considered to be a mix of typical rural grazing land in close proximity to urban expansion and reserve land containing a lagoon, wetlands and recreational facilities.
- 2.7. The land is subject to several water and sewer easements and a right of way. The land is also subject to many indicative roads which would provide future links for the developing residential areas. There are no other overlays under the New Plymouth District Plan.
- 2.8. Legal and practicable access is from Pohutukawa Place. There is currently one formed existing vehicle access point serving the land.
- 2.9. The land is serviced by existing water and sewer reticulation, telecommunications, and electricity from Pohutukawa Place. A Council sewer main runs through the site which, in part, follows the indicative road reserve of the Parklands Avenue extension. A Council water main is located along the Pohutukawa Place road boundary.
- 2.10. There are no scheduled sites of heritage or cultural significance on the subject land.

- 2.11. There is no known nor suspected reason to consider the subject land to be contaminated land. There are no known nor suspected reasons to consider the risks associated with natural hazards and their impact on people, property, and the environment, including the effects of climate change, to be greater or lesser than for any other similar site.

3. DESCRIPTION OF THE PROPOSED ACTIVITY

- 3.1. The applicant requests consent to subdivide Lot 2 DP 521660 to create 110 residential allotments as shown on the attached plan with a further Lot to vest as road. Each allotment will have a unique record of title. The proposal is depicted on the attached Resource Consent Scheme Plan R-210409-01 - 04.
- 3.2. Lots range in size between 545m² and 1270m² and all have legal access onto Parkland Avenue or internal minor roads.
- 3.3. Lots 4-5, 12-13, 19-20 and 80-81 are rear Lots which will also have access via respective rights of way to be created.
- 3.4. The applicant requests consent to stage the development to facilitate practical and sequential development, whilst allowing for the balance land to continue with the existing land use.

STAGE 6A – To create Lot 200 to facilitate purchase from W & C Bolton

STAGE 6B – To give effect to Stage 6 being Lots 1 – 38, Lot 204 (Reserve), Lot 205 (Road) and Lot 201 (next stage of development).

STAGE 7 – To give effect to Stage 7 being Lots 39 – 62 and Lot 206 (Road).

STAGE 8A – To create Lot 202 to facilitate purchase from W & C Bolton

STAGE 8B – To give effect to Stage 8 being Lots 63 – 110, Lot 207 (Reserve) and Lot 208 (Road).

- 3.5. This application is a *Discretionary Activity* under the rules of the Operative New Plymouth District Plan for subdivision in a Residential A Environment Area due to the presence of the indicative roads contained within the subject land area and land to vest as Road.
- 3.6. This application is a *Discretionary Activity* under the rules of the Proposed New Plymouth District Plan for subdivision in a General Residential Zone due to the presence of the indicative roads contained within the subject land area, land to vest as Road and the location of an area of significance to Māori.

4. PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

- 4.1. An application for resource consent must consider the relevant provisions of the Resource Management Act 1991 (the Act). The Purpose and Principles of the Act are set out in Part 2 and the relevant provisions detailed below are the overarching principles to be considered in the assessment and determination of this application.

PART 2 – Purpose and Principles

5 Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
- (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

6 Matters of National Importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognize and provide for the following matters of national importance:

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) *the protection of protected customary rights.*

7 Other Matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) kaitiakitanga:*
- (aa) the ethic of stewardship:*
- (b) the efficient use and development of natural and physical resources:*
- (ba) the efficiency of the end use of energy:*
- (c) the maintenance and enhancement of amenity values:*
- (d) intrinsic values of ecosystems:*
- (e) [Repealed]*
- (f) maintenance and enhancement of the quality of the environment:*
- (g) any finite characteristics of natural and physical resources:*
- (h) the protection of the habitat of trout and salmon:*
- (i) the effects of climate change:*
- (j) the benefits to be derived from the use and development of renewable energy.*

8 Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi.

- 4.2. The overriding purpose of the Act is to promote the sustainable management of natural and physical resources (section 5). The approach involves a judgement as to whether a proposal represents sustainable management, taking into account all relevant considerations, their scale and degree, and their relative significance in the final outcome.
- 4.3. The Act identifies several matters that are of special significance for resource management, which are set out in sections 6, 7 and 8 of the Act. These principles further expand the section 5 purpose of sustainable management. There are three sets of principles:
 - Matters of national importance – which persons exercising functions and powers must “*recognize and provide for*”; and
 - Other matters – which persons exercising functions and powers must “*have particular regard to*”; and
 - The principles of the Treaty of Waitangi – which persons exercising functions and powers are required to “*take into account*”.
- 4.4. For the purposes of this resource consent application “*persons exercising functions and powers*” refers to the New Plymouth District Council.

- 4.5. The statutory hierarchy means that a “*stronger direction*” is given in relation to matters of national importance (section 6) as compared to other matters (section 7).
- 4.6. The requirement to “*recognize and provide for*” matters require the New Plymouth District Council to make actual provision for the listed matters (i.e. requirements within the District Plan). In contrast, the obligation to “*have particular regard to*” matters, requires those matters to be given attention and thought – although they may ultimately be rejected.
- 4.7. The requirement to “*take into account*” the principles of the Treaty requires the New Plymouth District Council to consider the relevant Treaty principles, to weigh those up with other relevant factors and to give them the weight that is appropriate in the circumstances.

5. APPLICATION OF NATIONAL POLICY DOCUMENTS

NATIONAL ENVIRONMENTAL STANDARDS

- 5.1. Regulation 5(5) of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES) applies to land being subdivided where an activity listed on the Ministry for the Environment Hazardous Activities and Industries List (HAIL) has occurred on that land.
- 5.2. The Taranaki Regional Council Register of Selected Land Uses does not identify the subject land as a HAIL site and the NES does not apply to the proposed subdivision.
- 5.3. Inspection of historical aerial photograms does not identify any activity having occurred on the site other than rural grazing of stock. The old buildings evident are the existing hay shed and a silage pit which has been filled. The location of the silage pit is known and will be excavated and refilled with clean compacted Taranaki ash.

NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT

- 5.4. The National Policy Statement for Freshwater Management 2014 (amended 2017) sets out the objectives and policies for freshwater management under the Resource Management Act 1991. The National Policy Statement for Freshwater Management directs regional councils to set objectives for the state of freshwater bodies in their regions and to set limits on resource use to meet these objectives.
- 5.5. The Regional Fresh Water Plan has been prepared by the Taranaki Regional Council in accordance with the requirements of the Resource Management Act 1991 to promote the sustainable management of the freshwater resources of the Taranaki region.
- 5.6. Part Four of the Regional Fresh Water Plan contains rules that control activities relating to fresh water to avoid, remedy or mitigate the adverse effects on the environment. The rules are divided into seven groupings which apply within the Taranaki region (except the coastal marine area):
 1. Hangatahua (Stony) River catchment
 2. Taking, use, damming and diversion of surface water
 3. Discharge of contaminants to land and water
 4. Groundwater
 5. Uses of river and lake beds
 6. Land drainage
 7. Wetlands

- 5.7. The proposed activity does not occur within the Hangatahua (Stony) River catchment.
- 5.8. The proposed activity does not involve the taking, use, damming or diversion of surface water – bore or well construction – taking and use of groundwater – construction, maintenance, or removal of a structure – introduction or removal of plants – uses of river and lake beds – land drainage – or drainage, reclamation, diversion of water from, or discharge of contaminants to, a regionally significant wetland.
- 5.9. Stormwater from buildings and hard surfaces is discharged to dedicated ground soakage pits. Secondary overland flow from development will follow the natural contour of the land and drain to natural watercourses.
- 5.10. All residential allotments will be connected to the reticulated sewage system traversing the property.

6. SECTIONS 95A – 95E OF THE RESOURCE MANAGEMENT ACT

- 6.1. Consideration has been given to whether the application is subject to notification in accordance with sections 95A – 95E of the Resource Management Act 1991 (the Act).

95A Public notification of consent applications

Step 1: mandatory public notification in certain circumstances:

- (a) The applicant has not requested that the application be publicly notified.
- (b) Public notification is not required under section 95C.
- (c) The application is not made jointly with an application to exchange recreation reserve.

Step 2: if not required by step 1, public notification precluded in certain circumstances:

- (a) The application is not for a resource consent for an activity subject to a rule or national environmental standard that precludes public notification.
- (b) The application is for a discretionary activity for subdivision of land and is not precluded from public notification.

Step 3: if not precluded by step 2, public notification required in certain circumstances:

- (a) The application is not for a resource consent for an activity that is subject to a rule or national environmental standard that requires public notification.
- (b) The adverse effects on the environment have been assessed in accordance with section 95D and discussed more specifically below with respect to the New Plymouth District Plan requirements.

95B Limited notification of consent applications

Step 1: certain affected groups and affected persons must be notified:

- (a) No protected customary rights groups are affected by the activity.
- (b) No customary marine title groups are affected by the activity.
- (c) The proposed activity is not on land that is the subject of a statutory acknowledgement made in accordance with an Act.

Step 2: if not required by step 1, limited notification precluded in certain circumstances:

- (a) The application is not for a resource consent for an activity subject to a rule or national environmental standard that precludes public notification.
- (b) The application is for a discretionary activity for subdivision of land and is not precluded from limited notification.

- 6.2. The application is not precluded from limited notification and a person may be an **affected person** under section 95E of the Act.

7. CONSIDERATION OF AFFECTED PERSONS

7.1. The proposed subdivision is a Discretionary activity under the relevant subdivision rules of the Operative and Proposed New Plymouth District Plan:

Res 60	<i>Subdivision of an ALLOTMENT that will require a ROAD to be vested as legal ROAD.</i>
SUB-R8	<i>Subdivision of land on an allotment that contains, or is located within 20m of the edge of an indicative road transport network</i>
SUB-R9	<i>Subdivision of land that requires a road to be vested as legal road</i>
SASM-R8	<i>Earthworks on or within 50m of a scheduled site or area of significance to Māori</i>
SASM-R9	<i>Subdivision of land that contains any part of a scheduled site or area of significance to Māori</i>

7.2. The activity must consider any adverse effects upon the receiving environment having particular regard to loss of character and amenity.

7.3. The proposed activity is subdivision of Lot 2 DP 521660 to create 110 allotments for residential uses. Whilst the site is currently used for rural activities, the land is zoned for residential land use and therefore it residential development must be anticipated.

7.4. The proposed development has a character and amenity comparable to the adjoining residential areas of Bell Block and the Links Drive.

The effects upon the adjoining landowners as a result of subdivision are minor in the context of this application as compliance with Operative and Proposed District Plan rules for the Residential Environment Area and General Residential Zone can be achieved. The adjoining landowners are therefore not deemed to be affected by this proposal.

7.5. The proposed development is in close proximity to the Waipu Lagoons and associated area of significance to Māori. Therefore, Te Atiawa Iwi, Puketapu Hapū and Ngāti Tawhirikura Hapū are considered affected parties.

7.6. The applicant engaged Mr. Brad Kisby of Fortius Group Limited to reach out to Te Atiawa Iwi, Puketapu Hapū in the early stages of preparing the scheme to obtain an understanding of the cultural sensitivity of the land and then to Ngāti Tawhirikura Hapū more recently.

7.7. Below is a record of consultation and engagement received from Fortius Group Limited.

- 7.8. The applicant remains committed to meaningful consultation and engagement with Iwi/Hapū partners and is open to co-designing aspects of the development during the consenting and detail design process.

Brad Kisby
Managing Director
Fortius Group Ltd

Record of Consultation and Engagement

Puketapu Hapū

Starting in January 2020 I asked Hone Tipene if he could connect me with a contact at Puketapu Hapū. Several attempts were made by Hone to connect with Anaru Wilki all went unanswered. I attempted to contact Mr Wilki personally and again all calls went unanswered.

Mr Tipene provided me with a contact number for Teresa Patu chair of Puketapu Hapū Trust, contact was successful and a request by me to meet in person was made, on the 17th of February 2021 after a telephone conversation with Theresa Patu a formal request to engage in consultation was made via email. I requested an introduction to the applicant and walk over the land to start the discussion around co designing future consent conditions.

22 February 2021 a request for an introductory summary of the project was received.

24 February 2021 a project introduction was sent to Puketapu Hapu office via email as requested.

3 March 2021, a follow up email was sent to Puketapu Hapū office, a reply was received to inform the project has yet to be discussed, and the project was unlikely to be discussed in the immediate future due to lack of capacity and high work volume. A 15-minute window at the next trustees' hui was offered but no date or time was given. Aerial photographs of the proposed site were sent as requested.

7 April 2021, I made another request for a date and time to meet, a response was received to inform us we are in the queue and that 3 other sizable subdivisions were in the queue ahead of the Parklands project. This was the last direct correspondence between the applicant and Puketapu Hapū.

The applicant respects there are capacity issues and remains committed to engagement with Puketapu Hapū and is looking forward to building a long-lasting meaningful relationship.

Note: A hui has been arranged for Tuesday 1st June at 1pm, a meet and greet between the applicant and trustees of Puketapu Hapu.

Te Atiawa Iwi

Ongoing correspondence between myself and Sarah Mako from Te Kotahitanga o Te Atiawa.

A meeting was held between Sarah Mako, Ben Hawke (applicant) Alan Doy (planner/surveyor) and myself on the 15th of April to discuss the project and the consent application. The meeting was meaningful and productive. At that meeting it was discussed the time bound nature of the applicant agreement to purchase the land and the requirement to proceed with the application and to design conditions in parallel to the application being processed with NPDC. This was agreed to be a sensible and practical way forward given the current capacity of Puketapu. Communication is ongoing, encouraging and helpful.

Ngāti Tawhirikura Hapū

Through conversation with Sarah Mako, Ngamata Skipper Chair of Ngāti Tawhirikura Hapū expressed a keenness to engage with the applicant on the proposed development. I made contact with Ngamata Skipper on the 12th of May 2021, and a meeting was arranged for Wednesday the 19th of May. A very productive meeting between Ngamata and myself resulted in agreement to move forward with the application with NPDC and to start co designing conditions to be added to the consent at the appropriate time. An engagement agreement is being co designed between parties and a stakeholder meeting and walk over the land is planned. Development of the lagoon area and cultural narrative are being discussed.

8. ASSESSMENT – OPERATIVE NEW PLYMOUTH DISTRICT PLAN

- 8.1. We have undertaken an assessment against the relevant Objectives and Policies of the District Plan in relation to subdivision of land and the consequential development of the allotments. We have considered the impact of subdivision and future development on the character, environmental and amenity values of the area; ensuring that the road transportation network will be able to continue to operate safely and efficiently; and ensuring that appropriate infrastructure is provided.
- 8.2. Subdivision is a Controlled activity in the Residential A Environment area unless the proposal does not comply with the standards of the New Plymouth District Plan. The proposal is subject to subdivision rules. Each rule relates back to the specific Objectives and Policies in the New Plymouth District Plan that apply to the proposal.
- 8.3. The Objectives and Policies of the New Plymouth District Plan detailed below are relevant to this subdivision. Table 1. summarises the activity and its compliance with the Plan.

OBJECTIVE 1

To ensure activities do not adversely affect the environmental and amenity values of areas within the district or adversely affect existing activities.

Policy 1.1

Activities should be in areas where the effects are compatible with the character of the area.

The proposed subdivision creates an aggregation of residential allotments in an area of similar environmental characteristics and like activities.

The site is located within the Residential Environment Area A where development is typically representative of the New Plymouth residential areas with modest dwellings of one or two story in height, set back from boundaries and modest site coverage.

Res56 – The minimum allotment size for a controlled activity in the Residential A environment is 450m², not including any area required to provide access to rear allotments.

The proposed development caters for a range of allotments of varying size between 540m² and 1270m². The median lot size is 675m².

Each allotment can provide an outdoor living space of 50m² that has no dimension less than 4m, has a gradient of less than 1:20, is directly accessible from a habitable room, and is free of buildings, parking spaces, manoeuvring areas, and utility spaces.

Each allotment can provide 25% or more permeable area.

The current land use is not compromised by the proposed subdivision, with existing activities able to be maintained as development progresses.

Res11 – It is anticipated these sites will predominantly cater for family homes of up to 250m² with coverage less than 40%.

OBJECTIVE 6

To ensure:

- **sufficient space is available to protect residential amenity.**
- **visual and aural amenity is protected.**
- **traffic generation is consistent with the character of the residential area.**

Policy 6.1

Subdivision in RESIDENTIAL ENVIRONMENT AREAS should ensure sufficient space is available to enable residential living and to protect amenity values.

Res55 – Allotments are to be created and vested in the New Plymouth District Council as road.

Res56 – This rule has been addressed under Policy 1.1 above.

The proposed development is of a size and scale consistent with the surrounding area and will have minimal impact on the amenity of the residential environment as all new allotments can support dwellings which can comply with Council's current requirements.

Policy 6.3

Activities within the RESIDENTIAL ENVIRONMENT AREA should be of a size, scale and visual character that do not adversely affect the amenity of the residential environment.

Res56 – The minimum allotment size for a controlled activity in the Residential A environment is 450m², not including any area required to provide access to rear allotments. Allotments vary in size between 545m² and 1270m².

Policy 6.4

Traffic generation from activities within the RESIDENTIAL ENVIRONMENT AREA should not adversely affect the character of the area.

Res54 – The subdivision does not include an existing a right of way where there is an increase in the number of allotments being served.

Res59 – The subdivision extends the existing transportation network in a logical manner, taking into consideration the indicative road layout illustrated in the Operative District Plan.

Each allotment can comply with the minimum legal access width of 3.6m specified in App. 22 Table 22.2B of the District Plan.

OBJECTIVE 20

To ensure the ROAD TRANSPORTATION NETWORK will be able to operate safely and efficiently.

Policy 20.2

The safe and efficient operation of the ROAD TRANSPORTATION NETWORK should not be adversely affected by land use activities that have insufficient or substandard parking or loading areas.

Res74 – All allotments have sufficient area to provide two (2) on-site parking spaces formed to an all-weather standard in accordance with the requirements of App. 23 Part B of the District Plan.

Res76 – All allotments can provide a driveway exclusive of any space used for on-site parking in accordance with the requirements of App. 23 Part D of the District Plan.

Res77 – All allotments can provide on-site vehicle manoeuvring exclusive of any space used for on-site parking in accordance with the requirements of App. 23 Part E of the District Plan.

Policy 20.7

Subdivision should not adversely affect the safe and efficient operation of the ROAD TRANSPORTATION NETWORK.

Res59 – All allotments can be provided with practicable vehicular access from the proposed roading layout.

Res60 – The subdivision extends the existing transportation network in a logical manner, taking into consideration the indicative road layout illustrated in the Operative District Plan.

The type of traffic and the level of traffic will be compatible with the collector road status of Parklands Avenue. Any increase in the level of traffic is likely to be minor and unlikely to adversely affect the current transport network.

Further subdivision of the balance land will complete the Parklands Avenue connection to Pohutukawa Place. This alignment is identified and protected by an existing consent notice registered on the Record of Title.

OBJECTIVE 22

To avoid the adverse effects of subdivision, use and development by ensuring appropriate and sufficient INFRASTRUCTURE, COMMUNITY FACILITIES and new areas of open space are provided.

Policy 22.1

Subdivision and development should provide:

- *A safe POTABLE WATER supply for consumption, health and hygiene and for firefighting purposes, of sufficient capacity to meet the needs of the anticipated subsequent land uses.*
- *A means for the collection and disposal of stormwater in a manner that avoids the uncontrolled ponding, or over land flow over any area following subdivision.*
- *A way to dispose of sewage in a sanitary manner which minimises adverse effects on the health and functioning of the environment.*
- *For connection to reticulated water, stormwater and sewerage systems where they are available, and it is practical to do so.*
- *Sufficient areas of new open space to meet local community needs.*

Res61 – All new residential allotments shall each have separate connections to Council's reticulated water supply. The subdivision does not generate any cross-boundary connections. See *Section 6 of the attached Red Jacket Engineering Report.*

All new residential allotments shall each have separate connections to Council's reticulated sewage disposal system traversing the site. See *Section 5 of the attached Red Jacket Engineering Report.*

All new residential allotments shall dispose of stormwater on-site by soak holes/pits that are contained wholly within the boundaries of the associated lot. See *Section 4 of the attached Red Jacket Engineering Report.*

All new allotments shall be reticulated for electricity, gas and telecommunications reticulation. Utility services are available in Parklands Avenue.

Res62 – An assessment and report to confirm that all residential allotments can each support a stable, flood-free platform suitable for building foundations in accordance with the requirements of the New Zealand Building Code – Acceptable Solution B1/AS4 of Approved Document B1/4: Structure Foundations, is attached.
See Section 3 of the attached Red Jacket Engineering Report.

Policy 22.2

Where there is new or increased demand for INFRASTRUCTURE, COMMUNITY FACILITIES or new areas of open space, they should be provided for on a fair and reasonable basis by the APPLICANT.

Res64 – Development contributions are determined by Council.

Table 1: Assessment of the New Plymouth District Plan Rules

Rule	Parameter	Policy	Compliance	Comment
Res11	Maximum COVERAGE of the SITE (including the FRONT YARD) in the RESIDENTIAL A ENVIRONMENT AREAS	<i>Policy 1.1 Policies 6.2, 6.3</i>	Permitted	The site coverage for buildings on balance allotment after subdivision will be less than 40% of the total lot area.
Res16	minimum setback from the SIDE BOUNDARIES of a SITE	<i>Policy 1.1 Policies 6.2, 6.3</i>	Permitted	Existing buildings on the balance allotment are greater than 1.5m from the new or existing boundaries.
Res45	All other EXCAVATION and FILLING on a slope	<i>Policy 12.1 Policy 13.1</i>	Permitted	There are no earthworks proposed on slopes greater than 22 degrees. The site is of easily rolling contour with the majority of slopes less than 10% or 6°.
Res47	Maximum quantity, measured in non-compacted form.	<i>Policy 12.1 Policy 13.1</i>	Permitted	The permitted volume of earthworks on the SITE is 47,759m ³ . The proposed volume of earthworks associated with the development is 13,000m ³ comprised of 9000m ³ cut to waste and 4000m ³ cut to fill as illustrated on Red Jacket Site Earthworks Plan C5-1.
Res48	Reinstatement of earthworks for any EXCAVATION or FILLING of greater than 150m ³ per SITE in any 12 month period.	<i>Policy 12.1 Policy 13.1</i>	Permitted	The amount of bare earth is to be kept to a minimum and limited to the area of construction. Reinstatement and grassing shall occur as soon as practically possible follow reinstatement of trenches in open areas or road construction works.
Res54	of an ALLOTMENT that requires access to an existing RIGHT OF WAY where there is an increase in the number of ALLOTMENTS being served by, or having ownership of, a RIGHT OF WAY.	<i>Policy 6.4 Policy 20.7</i>	N/A	The subdivision does not create allotments that require access to an existing right of way.
Res55	Minimum ALLOTMENT size, not including the area required to provide access to rear ALLOTMENTS where created solely for NETWORK UTILITIES, ROADS, reserves or access.	<i>Policy 6.1</i>	Controlled	There are allotments created solely for network utilities, roads, reserves or access.

Table 1: Assessment of the New Plymouth District Plan Rules

Rule	Parameter	Policy	Compliance	Comment
Res56	Minimum ALLOTMENT size, not including the area required to provide access to rear ALLOTMENTS in the RESIDENTIAL A ENVIRONMENT AREA.	<i>Policy 1.1 Policies 6.1, 6.3</i>	Controlled	All new residential allotments have a net area greater than 450m ² .
Res59	Requirement to provide PRACTICABLE vehicular access to ALLOTMENTS from a ROAD, except where created solely for NETWORK UTILITIES, ROADS, or reserves.	<i>Policy 20.7</i>	Permitted	All allotments have practicable vehicle access capable of complying with standards specified in App. 22 Table 22.2B of the District Plan.
Res60	Subdivision of an ALLOTMENT that will require a ROAD to be vested as legal ROAD.	<i>Policy 20.7</i>	Discretionary	The Subdivision requires a road to be vested as legal road.
Res61	Requirement for services – stormwater disposal, water supply and sewage disposal	<i>Policy 22.1</i>	Controlled	<p>All new residential allotments shall each have separate connections to Council's reticulated water supply. The subdivision does not generate any cross-boundary connections. <i>See Section 6 of the attached Red Jacket Engineering Report.</i></p> <p>All new residential allotments shall each have separate connections to Council's reticulated sewage disposal system traversing the site. <i>See Section 5 of the attached Red Jacket Engineering Report.</i></p> <p>All new residential allotments shall dispose of stormwater on-site by soak holes/pits that are contained wholly within the boundaries of the associated lot. <i>See Section 4 of the attached Red Jacket Engineering Report and the associated stormwater catchment plan C6-1.</i></p> <p>Please refer to the engineering report and preliminary construction plans prepared by Red Jacket Consulting Engineers detailing roading and infrastructure serviceability.</p>
Res62	Requirement for a BUILDING platform.	<i>Policy 22.1</i>	Controlled	All new residential allotments can provide a building platform. <i>See Section 3 of the attached Red Jacket Engineering Report.</i>

Table 1: Assessment of the New Plymouth District Plan Rules

Rule	Parameter	Policy	Compliance	Comment
Res63	Requirement for existing BUILDINGS to meet standards in relation to the new boundaries.	<i>Policy 1.1</i>	Permitted	Existing buildings on the balance allotment are greater than 1.5m from the new or existing boundaries.
Res64	Requirement for financial contributions.		N/A	Financial contributions are determined by the New Plymouth District Council.
Res73	VEHICLE ACCESS POINT	<i>Policy 20.7</i>	Permitted	All new residential allotments can be provided with practicable vehicular access from the proposed roading layout.
Res74	Parking	<i>Policy 1.1</i> <i>Policies 6.3, 6.4</i> <i>20.2, 20.3</i>	Permitted	All new residential allotments can each provide two (2) on-site parking spaces formed to an all-weather standard in accordance with the requirements of App. 23 Part B of the District Plan.
Res76	DRIVEWAY	<i>Policy 20.2</i>	Permitted	All new residential allotments can each provide a driveway exclusive of any space used for on-site parking in accordance with the requirements of App. 23 Part D of the District Plan.
Res77	on-SITE MANOEUVRING SPACE	<i>Policy 20.2</i>	Permitted	All new residential allotments can each provide on-site vehicle manoeuvring exclusive of any space used for on-site parking in accordance with the requirements of App. 23 Part E of the District Plan.

9. ASSESSMENT – PROPOSED NEW PLYMOUTH DISTRICT PLAN

- 9.1. We have undertaken an assessment against the relevant Objectives and Policies of the District Plan in relation to subdivision of land and the consequential development of the allotments.

Strategic Direction

Historic and Cultural

- HC-1 *The district's heritage and cultural values contribute to the district's sense of place, identity, and are recognised and protected.*
- HC-2 *The cultural, spiritual and/or historical values associated with historic heritage and sites and areas of significance to Māori.*
- HC-3 *Tangata whenua's relationships, interests and associations with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes, and other taonga of significance are recognised and provided for.*

The applicant acknowledges the Waipu Lagoons are an area of cultural significance to Māori and has made a significant attempt to engage with the Puketapu Hapū; however, to date this has not been achieved.

The applicant has established contact with Ngāti Tawhirikura Hapū and is in the process of co-designing an engagement agreement to progress the relationship and work on areas of mutual interest.

It is the wishes of the applicant to ensure development is sensitive to the adjoin land and cultural and spiritual values attached to the environment are respected.

The applicant wishes to establish a working relationship with both Puketapu and Ngāti Tawhirikura Hapū and would greatly accept their input into the development.

Areas for consideration are:

- Development of a cultural narrative to inform the development through cultural expression,
- Integration of te reo Māori through street signage and information panels adjoining the Waipu Lagoon.

Natural Environment

- NE-4 *The district's natural environment contributes to our district's sense of place and identity and is recognised and provided for.*

- NE-5 *A well-functioning and resilient natural environment is sustained that provides for the social, economic and cultural well-being of communities and for the needs of future generations.*
- NE-6 *An integrated management approach is taken where land use activities impact on waterbodies and the coastal environment, in collaboration with government, councils and tangata whenua.*
- NE-7 *Tangata whenua are able to exercise their customary responsibilities as mana whenua and kaitiaki in the protection and management of the natural environment.*

The scale of the proposed subdivision will not adversely affect the district's natural environment and seeks to maintain the existing landform.

The development does not propose to introduce any new areas of open space other than minor extension to the existing reserve to accommodate land identified in the district plan and areas where the Waipu Lagoon extend into the applicants site.

The development seeks to promote a spacious development with the median lot size significantly greater than the minimum 400m² proposed in the Proposed District Plan. This will ensure building controls such as site coverage, setbacks, outdoor living areas and permeable services are not compromised.

The applicant is open to development of Residential Guidelines for properties adjoining the reserve. The purpose of this guidance would inform land owners of the importance of the Waipu Lagoons both ecologically and culturally. Furthermore, the side boundary setback distances adjoining the reserve could be increased to say 2 metres, with conditions on vegetation and fencing typology and height.

Stormwater from all residential allotments is to be managed on-site by soakage and stormwater from roads discharged to the waterbody with an appropriate stormwater device at the point of discharge.

The proposed subdivision does not prohibit tangata whenua being able to exercise their customary responsibilities as mana whenua and kaitiaki in the protection and management of the natural environment and the applicant would welcome their input during the detailed design process.

Tangata Whenua

- TW-8 *Tangata whenua actively participate in resource management processes.*
- TW-9 *Recognise that only tangata whenua can identify impacts on their relationship with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes and other taonga of significance to Māori.*
- TW-10 *Tangata whenua are able to protect, develop and use Māori land in a way which is consistent with their culture and traditions and their social and economic aspirations.*

TW-11 *Provide for the relationship of tangata whenua with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes and other taonga of significance to Māori.*

TW-12 *Recognise the contribution that tangata whenua and their relationship with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes, and other taonga of significance make to the district's identity and sense of belonging.*

The applicant wishes to establish a working relationship with both Puketapu and Ngāti Tawhirikura Hapū and would like to receive their perspective which could be woven through the development.

Urban Form and Development

TW-8 *The district develops in a cohesive, compact and structured way.*

The proposed layout seeks to provide a well-connected and liveable community whilst minimising impacts on the natural and cultural environment.

Energy, Infrastructure and Transport

Transport

The proposed subdivision is a compatible activity for the residential environment and the collector road status of Parklands Avenue.

The development layout seeks to support a liveable neighbourhood with a safe, efficient, and well-connected transport network.



Figure 1 New Plymouth Proposed District Plan

The indicative roading network has been taken into consideration. The alignment of Parklands Avenue through the subject property is as previously agreed (Summerset Subdivision) and protected by Consent Notice 11421141.3 registered on the Record of Title.

The layout of minor roads has considered connectivity and lot orientation. The use of rear allotments has been kept to a minimum with the majority of allotments having a street frontage.

Hazards and Risks

CL-01 There is no known nor suspected reasons to consider the land to be contaminated land.

NH-01 There are no known nor suspected reasons to consider the risks associated with natural hazards and their impact on people, property, and the environment, including long-term effects of climate change, to be greater or lesser than for any other similar site.

NH-02 Subdivision will not create new natural hazards or exacerbate existing natural hazards.

NH-03 Subdivision will not increase exposure to risk of damage from natural hazards.

Heritage and Cultural Values

Historic Heritage

There is no identified historic heritage associated with the subject land.

Notable Trees

There are no identified trees with notable botanical, landscape, amenity, historical or cultural values with the subject land.

Sites and Areas of Significance to Māori

Site ID:675 *Wahi Tapu* is identified on adjoining land and affecting a small area on the western boundary near the existing hay shed.

The Proposed District Plan states the extent of the site is verified. We acknowledge the sites extents do not necessary align with visible topographical features and are likely to also include areas of cultural significance. Therefore, the applicant proposes to vest an area of land on the western boundary as Local Purpose Reserve (Esplanade) where the site is within the subject land. This area encompasses a low-lying area and provides connectivity and allows for stormwater management.

The remainder of the site is located within Hickford Park and the boundary is predominantly vegetated with native species except for the area of grazing land immediate to the north. It may be appropriate for Council to negotiate with the current leasee and retire the land on the south side of the water course connecting the two waterbodies forming Waipu Lagoon. This would allow for revegetation strengthening the ecological corridor between the two.



Figure 2 Site of Significance to Māori Extent (ID:675).

Views - Viewshafts

There is no identified view shaft associated with the subject land; however, the site does have extended views of Te Papakura o Taranaki to the southwest.

Natural Environmental Values

Ecosystems and Indigenous Biodiversity

In 1976, 8.55 hectares was subdivided from the sites parent record of title and vested as esplanade reserve. This reserve encompasses the Waipū Lagoon and includes the western wetland area. Following this land acquisition there are no further areas of significant vegetation or habitat within the site, except for the small area proposed to be vested as Local Purpose Reserve (Esplanade).

Natural Features and Landscapes

The subject land does not include any natural features or landscapes.

Waterbodies

There are no identified waterbodies within the subject land.

The development proposes to create a reserve extension near the western boundary to protect a low-lying area adjoining the western wetland area for inappropriate activities.

Public Access

The proposed development provides connectivity to the Hickford Park Reserve at the northern boundary. Ultimately this connection could in future could connect to the Coastal Walkway; however, in the short term provides access to the Waipu Lagoon.

With involvement from tangata whenua, there is a good opportunity to provide information panels informing the public of the natural and cultural significance of the area.

In addition to providing public access this linkage also contains the wastewater network and provides for secondary overland flow from the site.

It is anticipated this linkage may not be formed in the short term; however, would provide for a small car parking area if connectivity to the Coastal Walkway were to be developed. The applicant is open to discussions with Stakeholders should there be a desire to construct this linkage during development of the subdivision.

Subdivision

Subdivision

SUB-P1 The subdivision reflects patterns of development in the area. Lots sizes in the proposed subdivision are more than the minimum requirement of 400m² for the General Residential Zone and sufficient to accommodate the existing residential land use.

SUB-P2 The subdivision is not subdivision of land containing significant natural features and landforms, waterbodies, indigenous vegetation, historic heritage and/or other identified features.

The applicant acknowledges the presence of a site of significance to tangata whenua. As the site extents have a status of verified, where the site is located within the subject land, this has been excluded from development and is to be vested as Local Purpose Reserve (Esplanade).

SUB-P3 Subdivision does not create new or exacerbates existing natural hazards; subdivision does not result in adverse effects on the stability of land and buildings; and subdivision can provide safe, flood free and stable building platforms.

SUB-P4 All new residential allotments shall be provided with a connection to Council's reticulated water supply and to Council's reticulated sewage disposal system. *See Sections 5 and 6 of the attached Red Jacket Engineering Report.* Electricity, gas and telecommunications reticulation are available from Parklands Avenue.

The new roading layout takes into consideration the existing wastewater reticulation traversing the property.

- SUB-P5 A stormwater catchment analysis has been undertaken for the entire site to ensure any reticulation installed is sized to accommodate upstream development stages. *See the associated Stormwater Catchment Plan C6-1.*

Substantial design work has been undertaken to ensure secondary stormwater flow paths are considered.

All new residential allotments shall dispose of stormwater on-site by soak holes/pits that are contained wholly within the boundaries of the associated lot.

Stormwater from new roads shall be captured and pass through a primary treatment device before discharge point.

See Section 4 of the attached Red Jacket Engineering Report.

- SUB-P6 The proposed development is a greenfield subdivision with a range of lot sizes which are contiguous with adjoining residential development and support a range of housing types.

- SUB-P7 The proposed subdivision complies with minimum lot design and parameters in the General Residential Zone.

- SUB-P8 The Subdivision Design Guide has been taken into consideration when preparing the layout and seeks to result in efficient use of land whilst delivering a good quality residential environment.

The subdivision layout seeks to minimise disturbance of the existing landform, with existing contour taken into consideration when designing the road layout and overland secondary flow paths. Earthworks associated with formation of building platforms at the time of building has been taken into consideration with no significant differences in level anticipated due to the flat/rolling contour of the site and lot size allowing for transition between adjoining lots.

The size, shape and orientation of the allotments supports a range of housing types, where building setbacks, coverage and outdoor living spaces are not compromised.

The applicant would like to engage with tangata whenua concerning the implementation of a cultural narrative throughout the development. Whether this be through street signage and/or streetscaping.

- SUB-P9 The development layout supports a safe, connected and accessible neighbourhood, limiting the use of cul de sacs and rear allotments.

Table 2: Assessment of the New Plymouth Proposed District Plan Rules

Rule	Parameter	Policy	Compliance	Comment
SUB-R1	Boundary Adjustment	<i>SUB-P1</i> <i>SUB-P2</i> <i>SUB-P3</i> <i>SUB-P4</i> <i>SUB-P5</i> <i>SUB-P6</i> <i>SUB-P7</i> <i>SUB-P8</i> <i>SUB-P9</i>	N/A	
SUB-R2	Subdivision of land solely to create an allotment that is for the purpose of public works, network utilities, reserves or access		Controlled	There are allotments created solely for network utilities, roads, reserves or access. Lots 205, 206 and 208 are to vest as Road in the New Plymouth District Council on deposit of each stage.
SUB-R3	Subdivision of land to create an allotment within a Future Urban Zone		N/A	
SUB-R4	Subdivision of land to create allotment(s) within the Rural Production Zone (except where rule ECO-R6 applies)		N/A	
SUB-R5	Subdivision of land to create allotments within the Rural Lifestyle Zone		N/A	
SUB-R6	Subdivision of land to create allotment(s) within other zones		Controlled	All new residential allotments have a net area greater than 400m ² . The Subdivision Effect Standards are complied with.
SUB-R7	Subdivision of land that results in an increase in the number of allotments being accessed by an existing right of way		N/A	



SUB-R8	Subdivision of land on an allotment that contains, or is located within 20m of the edge of an indicative road transport network		Restricted Discretionary	<p>The indicative road transport network as shown in the Proposed District Plan has been considered.</p> <p>The alignment of Parklands Avenue follows the route protected by Consent Notice. This route was agreed with New Plymouth Roding and Water and Waste Engineer's at the time of the Summerset subdivision.</p>
SUB-R9	Subdivision of land that requires a road to be vested as legal road		Discretionary	Lots 205, 206 and 208 are to vest as Road in the New Plymouth District Council on deposit of each stage.
SASM-R8	<p>Earthworks on or within 50m of a scheduled site or area of significance to Māori, including earthworks associated with the clearance of trees and the erection of new structures, but excluding land disturbance provided for by SASM-R1 and earthworks associated with the maintenance and repair or upgrading of a network utility provided for by SASM-R4.</p>	<p><i>SASM-P1</i> <i>SASM-P2</i> <i>SASM-P3</i> <i>SASM-P4</i> <i>SASM-P5</i> <i>SASM-P6</i> <i>SASM-P7</i> <i>SASM-P8</i></p>	Discretionary	<p>The Waipu Lagoon is an area of significant to Māori wrapping around the northern extend of the site. Although the SASM is predominantly located with the adjoining reserve, the 50-metre buffer affects the property.</p> <p>Although there are no identified sites on the land, we acknowledge the possibility archaeology may be discovered on the site given the proximity of the Lagoon and two pā located to the southeast and southwest of the land.</p> <p>The land has been used for grazing for the past 50 years or more as evident by a search of the 1950's aerial photography.</p> <p>We have spoken with the archaeologist for the Summerset development, and whilst archaeology was discovered on the southern portion of the site near Pohutukawa Place, little was found on the northern portion of the site due to site disturbance. We have therefore undertaken a comparison of site contours available from 1976 with more recent topography derived from lidar data. This is represented on Plan R-210409 05 and illustrated that there are several areas where the ground has been modified by cutting up to 2 metres and filling to a lesser extent. Where the surface comparison is within +/- 0.3 metres no determination has been made.</p> <p>The larger cut and fill areas are due to the construction of the trunk sewer through the property and filling of a silage pit.</p> <p>As the land appears to have been modified the applicant proposes that site stripping for earthworks is undertaken under the direction or an archaeologist with Hapū</p>



				monitoring and appropriate protocols in place. We request any detailed investigation be undertaken during the detailed design phase of the development with Hapū engagement.
SASM-R9	Subdivision of land that contains any part of a scheduled site or area of significance to Māori		Discretionary	The Waipu Lagoon area of significant to Māori affects the land within Stage 8 and has been included within Lot 27 set aside to vest as Esplanade Reserve. The applicant does not intend to undertake any residential development of land that contains any part of an SASM.

Table 3: Assessment of the New Plymouth Proposed District Plan Effect Standards

Rule	Parameter	Comment
SUB-S1	Minimum lot size	All new residential allotments are greater than 400m ² .
SUB-S2	Requirements for building platform(s) for each allotment	All new residential allotments can provide a building platform. <i>See Section 3 of the attached Red Jacket Engineering Report.</i>
SUB-S3	Compliance with Council's Land Development and Subdivision Infrastructure Standard Local Amendments Version 3	All new engineering construction shall be completed in accordance with Council's Development and Subdivision Infrastructure Standard Local Amendments Version 3. <i>Please refer to the engineering report and preliminary construction plans prepared by Red Jacket Consulting Engineers detailing roading and infrastructure serviceability.</i>
SUB-S4	Stormwater treatment, catchment and disposal	All new residential allotments shall dispose of stormwater on-site by soak holes/pits that are contained wholly within the boundaries of the associated lot. Stormwater from new roads shall be captured and pass through a primary treatment device before discharge point. A stormwater catchment analysis has been undertaken for the entire site to ensure any reticulation installed is sized to accommodate upstream development stages. Substantial design work has been undertaken to ensure secondary stormwater flow paths are considered. <i>See Section 4 of the attached Red Jacket Engineering Report and the associated Stormwater Catchment Plan C6-1</i>



SUB-S5	Water supply	All new residential allotments shall each have separate connections to Council's reticulated water supply. The subdivision does not generate any cross-boundary connections. <i>See Section 6 of the attached Red Jacket Engineering Report.</i>
SUB-S6	Sewage disposal	All new residential allotments shall each have separate connections to Council's reticulated sewage disposal system traversing the site. <i>See Section 5 of the attached Red Jacket Engineering Report.</i>
SUB-S7	Network utility services	All new allotments shall be reticulated for electricity, gas, and telecommunications reticulation. Utility services are available in Parklands Avenue.
SUB-S8	Transport, access and connectivity	All new residential allotments can be provided with practicable vehicular access from the proposed roading layout.
SUB-S9	Requirements for esplanade reserves or esplanade strips	<p>Two reserve extensions are proposed.</p> <p>Lot 204 (Stage 6) is identified on the planning maps. The width of the reserve is as previously agreed with Mr. Bolton during previous development stages.</p> <p>Lot 207 (Stage 8) is an extension to the existing esplanade reserve to include a low-lying area and area of significance to Māori. This will ensure the extents of SASM are contained wholly within reserve land.</p>

10. TE ATIWA IWI ENVIRONMENTAL MANAGEMENT PLAN

Tai Whenua, Tai Tangata, Tai Ao is the Te Atiawa Iwi Environmental Management Plan. It is a written statement by Te Atiawa that identifies issues regarding the use of environmental and cultural resources of significance to Te Atiawa. It sets out the objectives and policies for achieving the sustainable and culturally appropriate management of these resources.

We have undertaken an assessment against policies in the Te Atiawa Iwi Environmental Management Plan that may be relevant to the proposed subdivision activity.

6.2. TE TAI AWHI-NUKU – INLAND AND COASTAL

This section addresses issues in the Te Atiawa rohe relating to as intensive farming, industrial activities, urban planning, subdivision and development, papakāinga, land disturbance, stormwater and waste management, discharge to land and contaminated land, and onshore petroleum and mineral exploration and extraction activities.

Relevant issues are:

Issue TTAN4: Subdivision and Development

Inappropriate subdivision and development can generate adverse effects on Te Atiawa values.

Ob. TTAN4.1

The interests, values and protection of whenua, water wāhi tapu/wāhi taonga, Urupa and sites of significance to Māori are provided for in the process and design of subdivisions.

The applicant wishes to establish a working relationship with both Puketapu and Ngāti Tawhirikura Hapū and would like to receive their perspective which could be woven through the development.

Ob. TTAN4.3

Water, stormwater and wastewater solutions are co-designed with Te Atiawa to ensure Te Atiawa values are protected and enhances at the time of subdivision.

The applicant wishes to establish a working relationship with both Puketapu and Ngāti Tawhirikura Hapū and would like to receive their perspective which could be woven through the development.

Ob. TTAN4.4

Acknowledge and provide for Te Atiawa cultural landscapes in the built design to connect and deepen our 'sense of place'.

The applicant would like to engage with tangata whenua concerning the implementation of a cultural narrative throughout the development. Whether this be through street signage and/or streetscaping.

Pol. TTAN4.1

Restrict development within 50 metres from the outer most extent of a wāhi tapu/wāhi taonga, urupā and site of significance.

The Waipu Lagoon is an area of significant to Māori wrapping around the northern extent of the site. Although the SASM is predominantly located with the adjoining reserve, the 50-metre buffer affects the property.

Although there are no identified sites on the land, we acknowledge the possibility archaeology may be discovered on the site given the proximity of the Lagoon and two pā located to the southeast and southwest of the land.

The land has been used for grazing for the past 50 years or more as evident by a search of the 1950's aerial photography.

We have spoken with the archaeologist for the Summerset development, and whilst archaeology was discovered on the southern portion of the site near Pohutukawa Place, little was found on the northern portion of the site due to historical site disturbance. We have undertaken a comparison of site contours available from 1976 with more recent topography derived from lidar data. This is represented on R-210409 Plan 05 and illustrates that there are several areas where the ground has been modified by cutting up to 2 metres and filling to a lesser extent. Where the surface comparison is within +/- 0.3 metres no determination has been made.

The larger cut and fill areas are due to the construction of the trunk sewer through the property and filling of a silage pit.

As the land appears to have been modified the applicant proposes that site stripping for earthworks is undertaken under the direction of an archaeologist with Hapū monitoring and appropriate protocols.

Pol. TTAN4.2

Require regional and district councils to consider cumulative effects and future land uses when assessing applications to subdivide land.

The site is currently zoned for residential purposes and one must anticipate development of the site for this activity. The proposed development meets the requirements of the Operative and Proposed District Plan with respect to development standards.

Pol. TTAN4.3

Require applicants, regional and district councils to engage kanohi ki te kanohi with Te Atiawa in the early stages of developing subdivision proposals to ensure that:

- a) resource consent applications assess actual and potential effects on Te Atiawa values and associations;
- b) ensuring that effects on Te Atiawa values are avoided in the first instance, and then remedied or mitigated using culturally appropriate methods;
- c) Te Atiawa values and cultural landscapes are reflected in the subdivision design to connect and deepen our 'sense of place'; and
- d) protect, maintain and enhance the environment and amenity values of the subdivision in accordance with Te Atiawa values.

The applicant would like to engage with tangata whenua concerning the implementation of a cultural narrative throughout the development. Whether this be through street signage and/or streetscaping.

Pol. TTAN4.4

Require applicants, regional and district councils to prepare subdivision applications that are comprehensive so all aspects of the activity can be evaluated upfront and thus avoid issues being missed. This information must include but is not limited to the following:

- a) plans showing the location of building platforms;
- b) plans showing intended locations of infrastructure such as network utilities, sewer and water and stormwater solutions;
- c) plans showing roading networks; and
- d) the possible extent of land disturbance.

In conjunction with the Scheme Plan of development the applicant provides a set of draft engineering plans illustrating engineering feasibility of the proposed development. These plans and accompanying report address the matter a) – d) above.

Pol. TTAN4.5

Require the use of the following methods to facilitate engagement with Te Atiawa where a subdivision, land use or development activity may have actual or potential adverse effects on cultural values and interests. This may include but is not limited to:

- a) site visit and consultative hui;
- b) archaeological assessment (walk over/test pitting), or a full archaeological description;
- c) preparation of a Cultural Impact Assessment; and
- d) co-design of proposed conditions of consent.

The applicant wishes to establish a working relationship with both Puketapu and Ngāti Tawhirikura Hapū and would like to receive their perspective which could be woven through the development.

The applicant is currently co designing an engagement agreement with Ngāti Tawhirikura Hapū and a stakeholder/ Hapū site visit has been arranged.

Pol. TTAN4.6

Require subdivision proposals in Te Atiawa rohe to manage the impact on wāhi tapu/wāhi taonga, urupā and sites of significance to Māori that are discovered during land disturbance by:

- a) cultural monitors onsite for all land disturbance;
- b) requiring an On–Call Procedure which is approved by Ngā Hapū o Te Atiawa for the discovery of wāhi tapu/wāhi taonga, urupā and sites of significance to Māori;
- c) undertaking appropriate actions in accordance with mātauranga and tikanga Māori; and
- d) undertaking appropriate measures to avoid adverse effects on wāhi tapu/wāhi taonga, urupā and sites of significance to Māori.

The applicant wishes to engage with the Hapū to ensure the matters listed a) – d) above are addressed and fully considered. As they have been unable to discuss these with the Hapū at an early stage as desired; it is considered appropriate that the Hapū are involved in finalising the engineering layout and design.

Pol. TTAN4.7

Require that methods for on–going protection/management of wāhi tapu/wāhi taonga, urupā and sites of significance to Māori are secured at the time of subdivision.

The applicant is open for conditions to be imposed concerning monitoring of earthworks stripping within 50 metres of the Waipu Lagoon SASM, and for the development of suitable protocols for the discovery of wāhi tapu/wāhi taonga, urupā and sites of significance to Māori.

Pol. TTAN4.8

Require early and effective consultation on and the use of Te Atiawa names for new subdivisions or roads.

The applicant is open to discussing suitable street names and invites suggestions from the Hapū at their earliest convenience.

Pol. TTAN4.9

Require planting of site–specific native vegetation as a condition of any resource consent.

Where landscape planting is proposed these shall be site specific and in accordance with Restoration planting in Taranaki: A guide to the Egmont Ecological District.

Pol. TTAN4.10

Require setback areas along the river and stream boundaries at the time of subdivision development. These reserves or set back areas should be at least 20 metres.

The site does not contain any waterbodies, with the adjoining Waipu Lagoons having already been subdivided from the parent land in 1976 and an Esplanade Reserve created at that time encompassing the lagoon.

Pol. TTAN4.11

Require setback area agreements include clauses that provide for the protection of waterways, access to those waterways, provision for wildlife corridors and connectivity between environments and future communities.

The margins of the Waipu Lagoon adjoining with site are currently fenced and in most instances native vegetation is established.

Pol. TTAN4.12

Require that all setback areas are planted with sites-specific native species to provide protection for the waterways, ensuring that access is not restricted.

There are no waterbodies within the development area.

Pol. TTAN4.13

Encourage retaining the natural landform and topography within the subdivision.

The subdivision layout seeks to minimise disturbance of the existing land form, with existing contour taken into consideration when designing the road layout and overland secondary flow paths. Earthworks associated with formation of building platforms at the time of building has been taken into consideration with no significant differences in level anticipated due to the flat/rolling contour of the site and lot size allowing for transition between adjoining lots.

Issue TTAN6: Land Disturbance

Land disturbance activities can damage and destroy wāhi tapu/wāhi taonga, urupā and sites of significance to Māori.

Ob. TTAN6.1

Wāhi tapu/wāhi taonga, urupā and sites of significance to Māori are protected from damage, modification, desecration or destruction.

The applicant is open for conditions to be imposed concerning monitoring of earthworks stripping within 50 metres of the Waipu Lagoon SASM, and for the development of suitable protocols for the discovery of wāhi tapu/wāhi taonga, urupā and sites of significance to Māori

Pol. TTAN6.1

Prohibit damage, modification, desecration, destruction of wāhi tapu/wāhi taonga, urupā and sites of significance to Māori.

Where the Waipu Lagoon SASM is within the sites boundary, the applicant proposes to vest this area as Esplanade Reserve (Lot 207).

Issue TTAN7: Stormwater Management

The discharge of contaminated stormwater from activities within urban, rural, commercial and industrial environments can generate unacceptable effects on Te Atiawa values and on water quality, water quantity, and incremental and cumulative effects on the entire catchment.

Ob. TTAN7.1

Wāhi tapu/wāhi taonga, urupā and sites of significance to Māori are protected from damage, modification, desecration or destruction.

The applicant invites the Hapū to have input in to finalising stormwater management for the site.

Pol. TTAN7.1

Require that stormwater is managed on-site in all new applications to develop within the urban, rural, commercial and industrial environments.

All new residential allotments shall dispose of stormwater on-site by soak holes/pits that are contained wholly within the boundaries of the associated lot.

Stormwater from new roads shall be captured and pass through a primary treatment device before discharge point.

A stormwater catchment analysis has been undertaken for the entire site to ensure any reticulation installed is sized to accommodate upstream development stages. Substantial design work has been undertaken to ensure secondary stormwater flow paths are considered.

Pol. TTAN7.2

Oppose discharging stormwater directly into rivers, streams, tributaries and wetlands.

Stormwater from new roads shall be captured and pass through a primary treatment device before discharge point.

Pol. TTAN7.4

Require the use of sustainable stormwater management designs, including but not limited to the use of one or preferably a combination of the following:

- a) Swales;
- b) Wetlands; and
- c) System designed to dissipate water and filter contaminants and sediment.

The proposed subdivision activity will not adversely affect water quality or quantity in the waterway, nor cause loss or harm to habitats or species. Stormwater disposal from dwelling and driveways is to be disposed of on-site using ground soakage pits; whilst road stormwater is to be to the existing waterbodies following primary treatment passing through a Downstream Defender (or similar).

This type of treatment device uses a vortex which is induced from the incoming tangential water flow. The pollutants are directed towards the sump of the chamber while the treated flow travels around the inner annulus to the outlet. The benefit of this type of device is the ability to remove sediments, floatables, oils and grease; whilst not allowing re-entrainment of previously captured pollutants.

11. STATUTORY ACKNOWLEDGEMENTS

Introduction

- 11.1. A statutory acknowledgement is a formal recognition by the Crown of the particular cultural, spiritual, historic, and traditional associations that an iwi has with a statutory area. A statutory area can include an area of land, a landscape feature, a lake, a river or wetland, or a specified part of the coastal marine area that is in Crown ownership. The association of an iwi with a statutory area is outlined in the schedules to a Claims Settlement Act.

Purposes of statutory acknowledgement

- 11.2. The purposes of the statutory acknowledgement are—
- (a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement; and
 - (b) to require relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications to the governance entity; and
 - (c) to enable the governance entity and any member of the iwi to cite the statutory acknowledgement as evidence of the association of the iwi with a statutory area.

Consent authorities to have regard to Statutory Acknowledgements

- 11.3. Statutory acknowledgements are recognized under the Resource Management Act 1991 and Heritage New Zealand Pouhere Taonga Act 2014.
- 11.4. Te Atiawa may be an affected party by the granting of a resource consent for an activity within, adjacent to, or impacting directly on, a statutory area. In accordance with section 95E of the Resource Management Act 1991, New Plymouth District Council must have regard to a statutory acknowledgement when forming an opinion as to whether Te Atiawa is an affected party in relation to a resource consent application concerning a statutory area.
- 11.5. Statutory acknowledgements enact the negotiations between Māori groups and the Crown, and it is appropriate that consultation in regard to a statutory acknowledgement is between tangata whenua and New Plymouth District Council.

WAIPU STREAM AND ITS TRIBUTARIES (OTS-043-47)

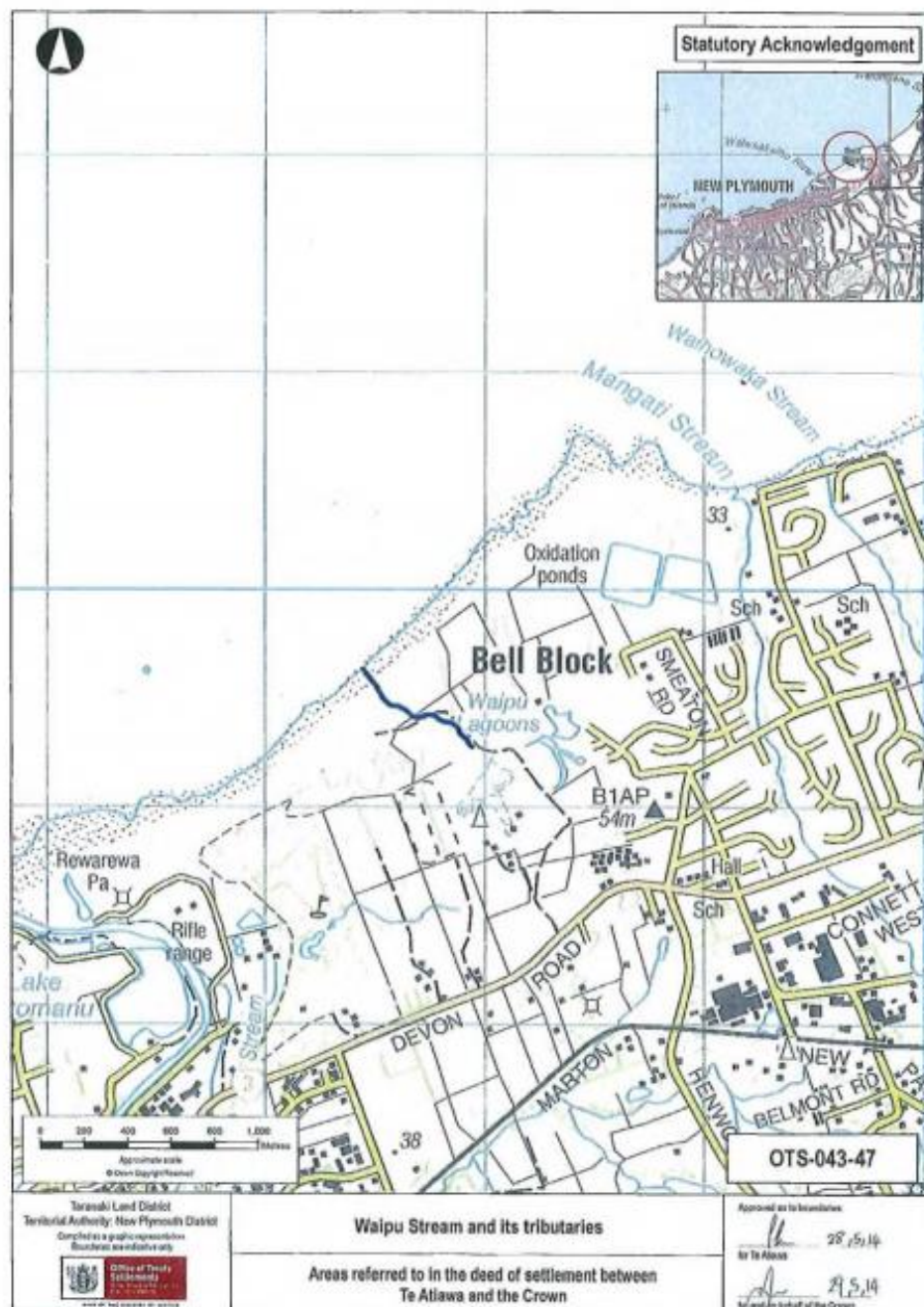


Figure 3 Statutory Acknowledgement - Waipu Stream and its tributaries

- 11.6. The Waipu Stream and its tributaries are identified as an area subject to statutory acknowledgement in Part 1 of Te Atiawa Claims Settlement Act 2016.

- 11.7. The Waipu Lagoons are located on the adjoining land and the subject property under subdivision does not have a water boundary legal or otherwise in common with the waterbody. The Lagoons are located at the head of the tributaries draining the catchment and there are no tributaries with the subject land.
- 11.8. The Waipu Lagoons are wholly encompassed within Lot 1 DP 12024 (Esplanade reserve) and the adjoining Hickford Park Recreation Reserve.
- 11.9. The boundaries of the subject land in close proximity to the lagoons are heavily vegetated between the fence and the waterbody.
- 11.10. The proposed subdivision activity will change the land use from rural grazing to residential which is anticipated given the land has been in the Residential Environment Area for several decades. In 1976, Lot 1 DP 12024 was vested as Local Purpose Reserve (Esplanade) in anticipation that the land was to be developed for residential purposes and to provide a setback for residential development from the waterbody.
- 11.11. The proposed subdivision activity will not adversely affect water quality or quantity in the waterway, nor cause loss or harm to habitats or species. Stormwater disposal from dwelling and driveways is to be disposed of on-site using ground soakage pits; whilst road stormwater is to be to the existing waterbodies following primary treatment passing through a Downstream Defender (or similar). This type of treatment device uses a vortex which is induced from the incoming tangential water flow. The pollutants are directed towards the sump of the chamber while the treated flow travels around the inner annulus to the outlet. The benefit of this type of device is the ability to remove sediments, floatables, oils and grease; whilst not allowing re-entrainment of previously captured pollutants.
- 11.12. The proposed subdivision activity does not preclude tangata whenua from engaging with the landowners at any time regarding their customary responsibilities in the protection and management of the natural environment.

12. SECTION 104 OF THE RESOURCE MANAGEMENT ACT 1991

12.1. An application for a resource consent must consider the provisions of Section 104 of the Resource Management Act 1991 (the Act). The following are particularly relevant for this application:

104 Consideration of applications

(1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—*

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (b) *any relevant provisions of—*
 - (i) *a national environmental standard;*
 - (ii) *other regulations;*
 - (iii) *a national policy statement;*
 - (iv) *a New Zealand coastal policy statement;*
 - (v) *a regional policy statement or proposed regional policy statement;*
 - (vi) *a plan or proposed plan; and*
 - (vii) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*
- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

(2) *When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.*

104B Determination of applications for discretionary or non-complying activities

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

- (a) *may grant or refuse the application; and*
- (b) *if it grants the application, may impose conditions under section 108.*

12.2. A council may grant an application for a discretionary activity if the actual and potential effects are 'no more than minor', and the activity is consistent with the objectives and policies of the District Plan. If a council grants a resource consent, the council can impose conditions in relation to any matter that helps to control the actual and potential effects of the activity.


- 12.3. We have undertaken an assessment against the relevant objectives and policies of the New Plymouth District Plan in relation to the subdivision of land and the consequential development of the allotments.
- 12.4. We have considered the impact of the subdivision and future development on the character, environmental and amenity values of the area; ensuring that the road transportation network will be able to continue to operate safely and efficiently; and ensuring that appropriate infrastructure facilities are provided.
- 12.5. We consider the subdivision is consistent with the purpose and principles of the Resource Management Act. We considered that the relevant tests of the Act can be met, and the application approved, subject to appropriate conditions.

13. CONCLUSION

- 13.1. The Applicant proposes subdivision of Lot 2 DP 521660 (23.8797ha) in the RESIDENTIAL A ENVIRONMENT AREA to create 110 allotments developed in three (3) stages, as depicted on the attached Resource Consent Scheme Plans R-210409 01-05.
- 13.2. A report and preliminary set of engineering construction plans has been received from Red Jacket Consulting Engineers detailing proposed roading and infrastructure and how this meets the requirements of Council's Land Development and Subdivision Infrastructure Standard Local Amendments Version 3.
- 13.3. This application is a *Discretionary Activity* under the rules of the Operative New Plymouth District Plan for subdivision in a Residential A Environment Area due to the presence of the indicative roads contained within the subject land area and land to vest as Road.
- 13.4. This application is a *Discretionary Activity* under the rules of the Proposed New Plymouth District Plan due to the proximity of the site to an area of significance to Māori. The applicant has attempted to discuss the project with Puketapu Hapū and is currently in the process of co designing an engagement agreement with Ngāti Tawhirikura Hapū.
- 13.5. When weighing up and assessing the effects on the environment, we consider the subdivision will not compromise the character of its surroundings.
- 13.6. The proposed subdivision is an activity that may occur under the rules of the New Plymouth District Plan and can uphold the relevant Objectives and Policies of the Operative and Proposed District Plans.
- 13.7. We consider that the subdivision is consistent with the Purpose and Principles of the Act. We consider that the relevant tests of the Resource Management Act 1991 can be met, and the application approved, subject to appropriate conditions.

Ω



 <p>28A Manadon Street PO Box 116 New Plymouth 4340 New Plymouth 06 758 5342 Hawera 06 278 4456 www.mckinlaysurveyors.co.nz</p>	TITLE PROPOSED SUBDIVISION OF LOT 2 DP 521660 56 Pohutukawa Place, Bell Block, New Plymouth SCHEME PLAN		RECORD OF TITLE 825757	
	APPLICANT Robe and Roche Investments Limited		TERRITORIAL AUTHORITY New Plymouth District Council	
DATE 09/05/21		JOB No R-210409		
SCALE 1:2500@A3		DWG No 01		
SHEET 1		OF 1		

This plan is prepared only for the purpose of obtaining a Resource Consent pursuant to the Resource Management Act 1991. It must not be used for any other purpose. Areas and dimensions are approximate only and are subject to change on final field survey.



MEMORANDUM OF EASEMENT

Shown	Purpose	Servient Tenement	Dominant Tenement
A	Right of way	Lot 4, hereon	Lot 5, hereon
B	Right to drain water and sewage	Lot 12, hereon	Lot 13, hereon
C	Right to convey gas, water, electricity and telecommunications	Lot 19, hereon	Lot 20, hereon

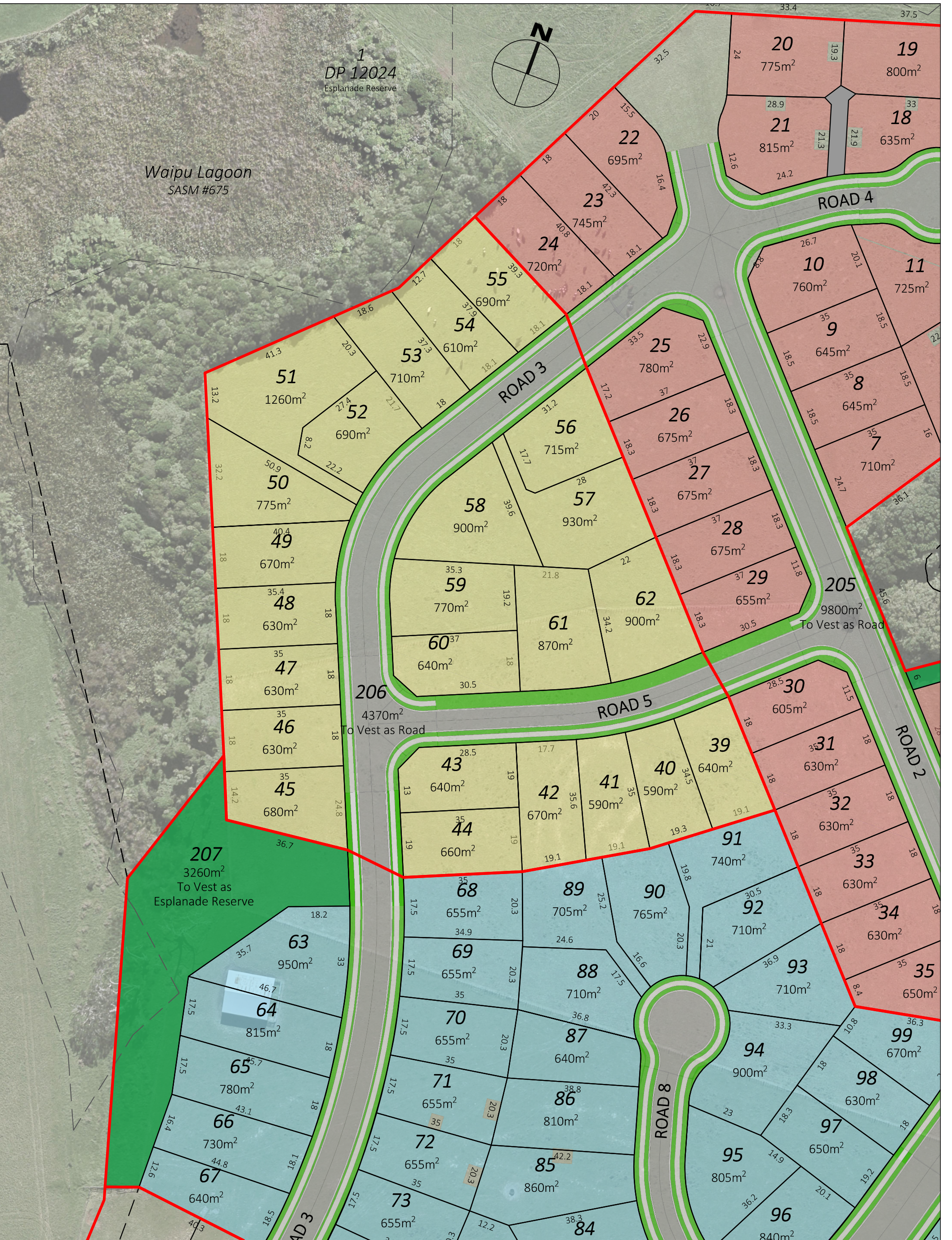



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TITLE PROPOSED SUBDIVISION OF LOT 2 DP 521660 56 Pohutukawa Place, Bell Block, New Plymouth SCHEME PLAN: STAGE 6	
APPLICANT Robe and Roche Investments Limited	TERRITORIAL AUTHORITY New Plymouth District Council

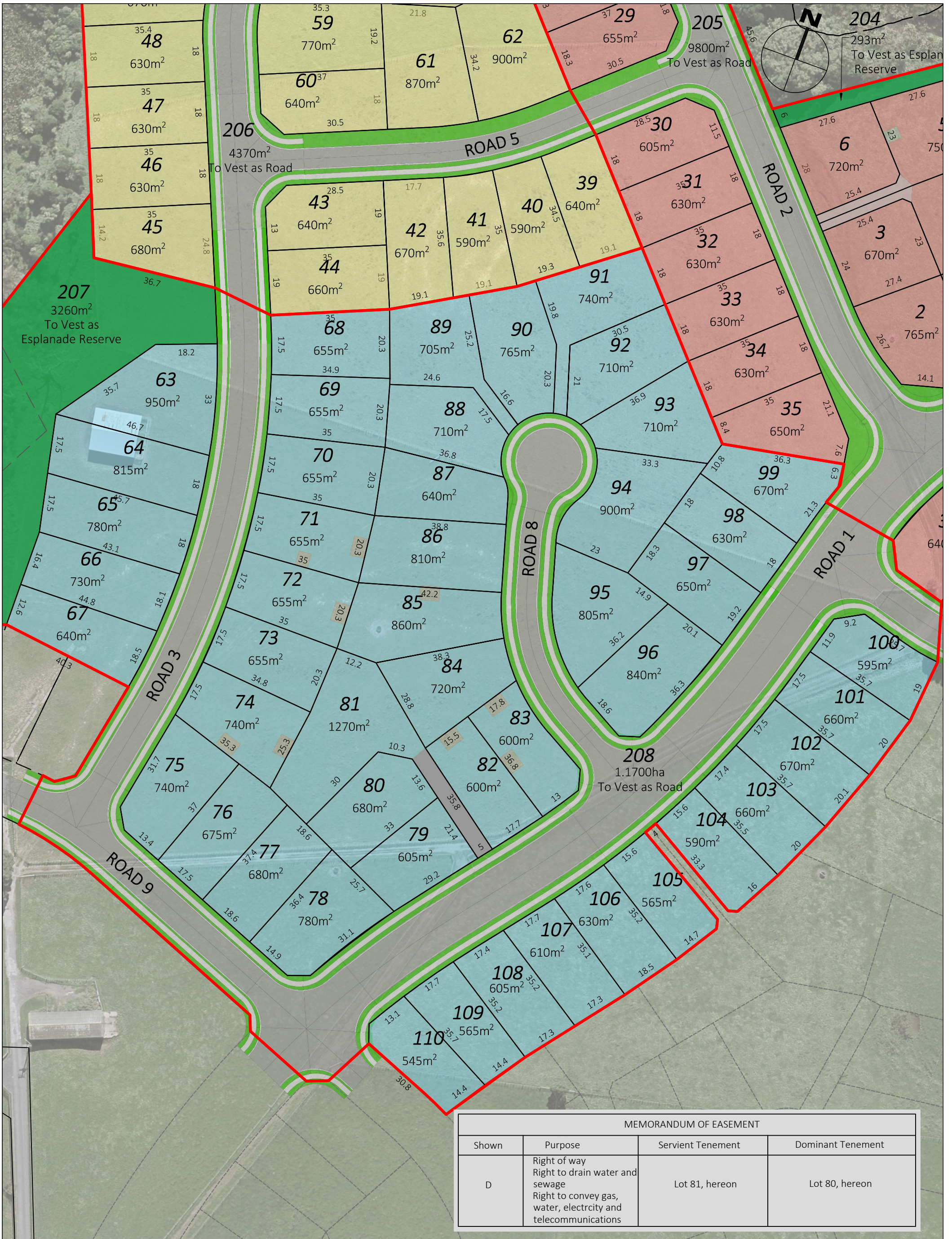
RECORD OF TITLE	
825757	
TOTAL AREA	JOB No
23.8797ha	R-210409
DATE	DWG No
09/05/21	02
SCALE	SHEET OF
1:1000@A3	1 1

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	<p>APPLICANT Robe and Roche Investments Limited</p>		<p>TERRITORIAL AUTHORITY New Plymouth District Council</p>	
	<p>TOTAL AREA 23.8797ha</p>		<p>JOB No R-210409</p>	
	<p>DATE 09/05/21</p>		<p>DWG No 03</p>	
<p>SCALE 1:1000@A3</p>		<p>SHEET OF 1 1</p>		


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MEMORANDUM OF EASEMENT			
Shown	Purpose	Servient Tenement	Dominant Tenement
D	Right of way Right to drain water and sewage Right to convey gas, water, electricity and telecommunications	Lot 81, hereon	Lot 80, hereon

 <p>28A Manadon Street PO Box 116 New Plymouth 4340 New Plymouth 06 758 5342 Hawera 06 278 4456 www.mckinlaysurveyors.co.nz</p>	<p>TITLE</p> <p>PROPOSED SUBDIVISION OF LOT 2 DP 521660 56 Pohutukawa Place, Bell Block, New Plymouth SCHEME PLAN: STAGE 8</p>	<p>RECORD OF TITLE</p> <p>825757</p>	
	<p>APPLICANT</p> <p>Robe and Roche Investments Limited</p>	<p>TERRITORIAL AUTHORITY</p> <p>New Plymouth District Council</p>	<p>TOTAL AREA</p> <p>23.8797ha</p>
<p>DATE</p> <p>09/05/21</p>		<p>SCALE</p> <p>1:1000@A3</p>	<p>DWG No</p> <p>04</p>
<p><i>This plan is prepared only for the purpose of obtaining a Resource Consent pursuant to the Resource Management Act 1991. It must not be used for any other purpose. Areas and dimensions are approximate only and are subject to change on final field survey.</i></p>		<p>SHEET</p> <p>1</p>	<p>OF</p> <p>1</p>



 <p>28A Manadon Street PO Box 116 New Plymouth 4340 New Plymouth 06 758 5342 Hawera 06 278 4456 www.mckinlaysurveyors.co.nz</p>	TITLE PROPOSED SUBDIVISION OF LOT 2 DP 521660 56 Pohutukawa Place, Bell Block, New Plymouth SCHEME PLAN: SITE DISTURBANCE 1973 -2021		RECORD OF TITLE 825757	
	APPLICANT Robe and Roche Investments Limited		TERRITORIAL AUTHORITY New Plymouth District Council	
DATE 09/05/21		JOB No R-210409		
SCALE 1:2500@A3		DWG No 05		
		SHEET OF 1 1		

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