

25 March 2025

Document: TRCID-1290311762-6537

Consent: 11136-1.0 & 11146-1.0

Robe & Roche Investments Limited
ben.hawke@gjgardner.co.nz

Notice of decision on resource consent application

Dear Sir/Madam,

Applicant Name:	Robe & Roche Investments Limited
Consent Number:	11136-1.0
Activity Description:	To discharge stormwater from roading surfaces into a natural inland wetland
Consent Number:	11146-1.0
Activity Description:	To discharge stormwater from roading surfaces onto and into land in circumstances where it may enter the Waipu Lagoons for the purposes of urban development and infrastructure management
Decision:	Granted

Decision

The decision of the Taranaki Regional Council [the Council] is to grant your application. The decision documentation includes two consent certificates and a report by Council officers which assesses the application. The reasons for the decision are:

- The activities are not contrary to objectives and policies in the relevant planning provisions; and
- The activities will achieve the purpose of the Resource Management Act 1991 (the RMA).

Commencement of consent

Your resource consents commence from the date specified in the attached resource consent certificates. If you object to or appeal this decision, the commencement date will then be the date on which the decision on the appeal is determined.

Lapsing of consent

These resource consents will lapse if the activities are not established or used before the lapse date specified in your consent conditions or 5 years after the commencement date (if no date is specified).

Your rights of objection and appeal

- **Objection to Decision**

If you do not agree with the decision of the consent authority, you may object to the whole or any part in accordance with Section 357A(1)(g) of the RMA. Notice of any objection must be in writing and lodged with the Council within 15 working days of receipt of this decision in accordance with Section 357C(1) of the RMA.

- **Right to Appeal**

You may appeal the decision of the consent authority to the Environment Court in accordance with section 120 of the RMA. The notice of appeal must be lodged with the Court within 15 working days of receipt of the decision. A copy of the appeal should also be forward to the Council within the same timeframe.

If you are in doubt about the correct procedure, you should seek legal advice.

Monitoring and conditions

Monitoring of consents is required to ensure that the activity undertaken complies with what is authorised, and that environmental effects are consistent with the assessment presented in the report. Where the Council needs to undertake monitoring, an estimate of costs will be sent outlining the proposed compliance monitoring work. If you have any queries about this please email

Compliance.Monitoring@trc.govt.nz

Further information about your consent

Once these consents have been issued, future changes to the conditions require a condition change or new consent application. A condition change application will incur similar costs to a new consent application.

Please note the timeframes to grant these consents were extended under 37A of the RMA.

If you have any queries, please contact the consents team, quoting your consent number.

Thank you for helping us make Taranaki a great place to live.

Yours sincerely,



Leah Miller

Manager - Resource Consents

cc. ben.lawn@mckinlay.co.nz

scottg@connectlegal.co.nz

Discharge Permit
Pursuant to the Resource Management Act 1991
a resource consent is hereby granted by the
Taranaki Regional Council

**Name of
Consent Holder:** Robe & Roche Investments Limited

Decision Date: 25 March 2025

Commencement Date: 25 March 2025

Conditions of Consent

Consent Granted: To discharge stormwater from roading surfaces into a natural inland wetland.

Expiry Date: 1 June 2044

Review Date(s): June 2032, June 2038

Site Location: 56 Pohutukawa Place, Bell Block

Grid Reference (NZTM) 1698275E-5679070N (Discharge Point 1)
1698128E-5679148N (Discharge Point 2)
1698155E-5678945N (Discharge Point 3)
1698128E-5678812N (Discharge Point 4)

Catchment: Unnamed catchment 62

*For General, Standard and Special conditions
pertaining to this consent please see reverse side of this document*

General condition

- a. The consent holder shall pay to the Taranaki Regional Council (the Council) all the administration, monitoring and supervision costs of this consent, fixed in accordance with section 36 of the Resource Management Act 1991.

Special conditions

1. The exercise of this consent must be undertaken in general accordance with the information submitted in support of the application documentation and supporting documents as follows:
 - a. *"Beca Memorandum - Feasibility Assessment for Tapuirau and Hoewaka to Bell Block, Mangati and Oropuriri – Stormwater Constraints, Strategy and Opportunities"* (Document TRCID-1290311762-1784) dated 17 June 2024;
 - b. *"Engineering report, Parklands subdivision – Stormwater Management"* (Document TRCID-1290311762-1782);
 - c. *"W & C Bolton, Proposed Development, Parklands Ave, Bell Block"* File No. DWG-3917-C-03 (Document TRCID-1290311762-1780) dated 24 October 2024;
 - d. *"Assessment of Potential Ecological Effects for a Proposed Subdivision at Pōhutukawa Drive, Bell Block, Taranaki"* (Document TRCID-1290311762-1778) dated October 2024; and
 - e. The further information response titled *"RE: Request for Further Information – Consents: 11136-1.0, 11139-1.0 & 11146-1.0"* (Document TRCID-1290311762-1788) submitted to the Council on the 27 August 2024.

Where the information, supporting plans, correspondence, reports and technical appendices outlined in condition 1 are inconsistent with any conditions of consent set out below, the conditions prevail.

2. The consent holder must at all times adopt the best practicable option, as defined in section 2 of the Resource Management Act 1991, to prevent or minimise any adverse effects on the environment from the exercise of this consent.
3. Any updates to the stormwater management design, outlined in condition 1 c, including, but not limited to, the design of the raingardens, the stormwater outlets and the roading layout must be provided to the Council and Puketapu Hapū 20 working days prior to the construction of the stormwater management system.
4. Constituents of the stormwater discharge shall meet the standards shown in the following table.

<u>Constituent</u>	<u>Standard</u>
pH	Within a range of 6.0 to 9.0
Suspended Solids	Concentration not greater than 100 gm ⁻³
Total Recoverable Hydrocarbons	Concentration not greater than 15 gm ⁻³
Total Copper	Concentration not greater than 0.0025 gm ⁻³
Lead	Concentration not greater than 0.0094 gm ⁻³
Zinc	Concentration not greater than 0.031 gm ⁻³

These standards shall apply before entry of the treated stormwater into the receiving waters at a designated sampling point determined by the Council as per condition 5.

5. The consent holder must ensure that there is always a clear and safe all-weather access to a point where the discharges can be sampled to check compliance with condition 4 above.

6. Prior to completion of the construction of the stormwater management system, the consent holder must submit a Stormwater Management Plan (SMP) to the Council, for certification. The SMP must detail how the discharges will be managed and monitored to minimise the effects of the discharge on the Waipu Lagoons and generally ensure that the conditions of this consent are met. The SMP must include, but not be limited to, the following:
- locations and receiving catchments of each stormwater outfall;
 - estimated volumes of stormwater to be discharged at each stormwater outfall;
 - processes for ensuring the stormwater management system is maintained;
 - any other relevant matter.

Advice Note: the SMP can be combined with the management plan required for consent 11146-1.0.

7. The consent holder must undertake an annual review of the SMP, and provide an update to the Council, before 30 June each year of the outcome of that review. While review is mandatory, amendments are only required if there have been incidents, changes to the catchment size and changes to the stormwater network which are inadequately addressed by the current SMP, as determined by the Council. Any SMP amendments must be submitted to the Council for review and certification. The site must be operated in accordance with the certified SMP and any certified variation thereafter.

Advice Note: Certification of Management Plans

Certification of the Stormwater Management Plan by the Council relates only to those aspects of the management plan that are relevant under the Resource Management Act 1991. The certification does not amount to an approval or acceptance of suitability by the Council of any elements of the management plan that relate to other legislation, for example, but not limited to, the Building Act 2004, the Heritage New Zealand Pouhere Taonga Act 2014, or the Health and Safety in Employment Act 1992.

8. There must be no loss of wetland and lagoon extent, as a result of the exercise of this consent, as shown in Appendix 1.
9. The consent holder must, as far as practicable, manage the amount of stormwater that will be discharged directly into the Waipu Lagoons, using the methods identified in the documentation submitted in support of the application, outlined in condition 1.
10. The discharge of stormwater must not cause significant erosion, scour or deposition.
11. Within 3 months of consent commencement, the consent holder must submit a Wetland Restoration Plan (WRP) to the Council, for certification. The WRP must be developed in consultation with Puketapu Hapū, and must detail the restoration works to be undertaken within and within the 20-metre buffer of the wetlands around both the western and eastern lagoons, and must include, but not be limited to, the following:
- Locations and size of the proposed restoration areas;
 - Timing and schedule of restoration works;
 - Pest animal and plant control management and methodologies to be undertaken;
 - The site specific indigenous species to be planted and the spacing between them; and
 - Consideration of the Puketapu Hapū statement of association and values set out as follows:
 - Kaitiakitanga – Active Protection of the Waipu Lagoons, the environment and knowledge;
 - Kanohi ki te Kanohi – Engagement and Formal Consultation;
 - Manawhenua – Recognition of the mana of Puketapu Hapū and respect for the Puketapu Hapū's relationship with its Waipu Lagoons sites;
 - Tikanga – Appropriate action; and
 - Rangatiratanga – Leadership, integrity and ethical behaviour in all actions and decisions.

12. Any amendments to the WRP must be:
 - a. submitted to the Council for review and certification; and
 - b. supplied to Puketapu Hapū for advice on cultural impacts of the amendments no less than 30 working days prior to the consent holder submitting the WRP to the Council for certification.
13. All restoration works must be undertaken in accordance with the certified WRP and any certified variation thereafter.
14. Within 3 months of consent commencement, the consent holder must submit a Wetland Monitoring Plan (WMP) to the Council, for certification. The WMP must be developed in consultation with Puketapu Hapū; must detail the monitoring of the wetlands and the western and eastern lagoons; and must include, but not be limited to, the following:
 - a. Baseline monitoring of all requirements outlined in condition 14 b, c, d, e and f, that must be completed prior to commencement of any works on the site;
 - b. Monitoring of the extent and vegetation composition of the wetlands and lagoons;
 - c. Surveys of weed populations present within and within the 20-metre buffer of the wetlands and lagoons;
 - d. Water quality testing from each lagoon including sampling for the constituents outlined in condition 4 and any other appropriate constituent,
 - e. Monitoring of contaminants present within sediments in the wetlands and lagoons, including but not limited to:
 - i. Total Hydrocarbons;
 - ii. Lead;
 - iii. Poly Aromatic Hydrocarbons (PaHs);
 - f. Monitoring of the water level within the lagoons;
 - g. Any cultural health index method;
 - h. Methodology of all monitoring undertaken; and
 - i. Any other relevant matter.

Advice Notes:

- *The WMP can be combined with the monitoring plan required for consent 11146-1.0.*
 - *Wetland extent and vegetation composition can be monitored through the use of vegetation plot monitoring or aerial imagery vegetation monitoring.*
15. The consent holder must undertake an annual review of the WMP, and provide an update to the Council, before 30 June each year. While review is mandatory, amendments are only required if the certified WMP inadequately addresses the monitoring required to determine the impact of the stormwater discharge on the wetlands and lagoons, as determined by the Council.
 16. Any amendments to the WMP must be:
 - a. submitted to the Council for review and certification; and
 - b. supplied to Puketapu Hapū for advice on cultural impacts of the amendments no less than 30 working days prior to the consent holder submitting the WMP to the Council for certification.
 17. Monitoring of the wetlands and the western and eastern lagoons must be undertaken in accordance with the certified WMP and any certified variation thereafter.
 18. This consent lapses 5 years after its date of commencement, unless the consent is given effect to before the end of that period or the consent holder has applied for an extension before the end of that period and the Council fixes a longer period pursuant to section 125(1A)(b) of the Resource Management Act 1991.

Consent 11136-1.0

19. In accordance with section 128 and section 129 of the Resource Management Act 1991, the Council may serve notice of its intention to review, amend, delete or add to the conditions of this resource consent by giving notice of review during the month of June 2032 and/or June 2038, for the purpose of ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of this resource consent, which were either not foreseen at the time the application was considered or which it was not appropriate to deal with at the time.

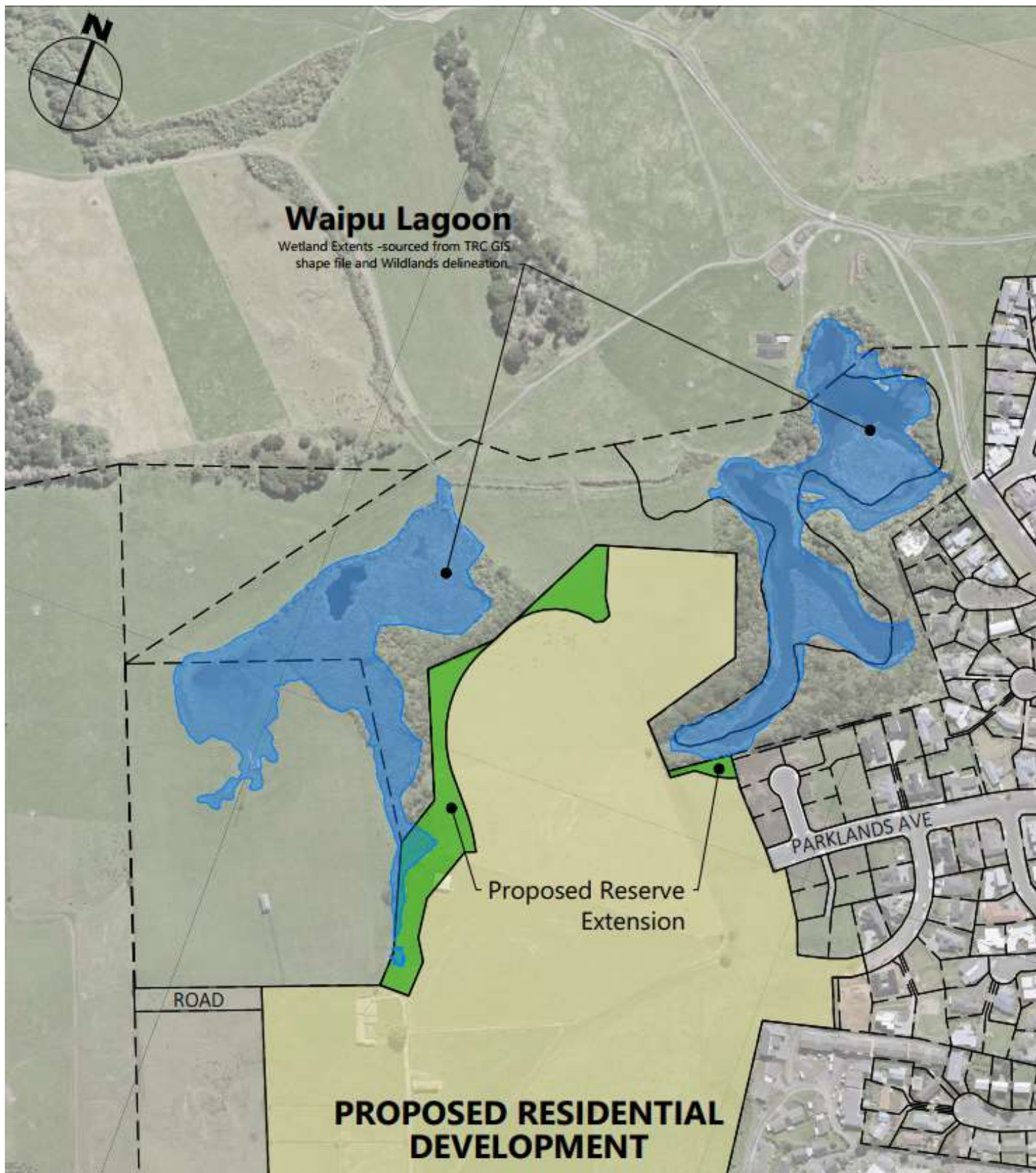
Signed at Stratford on 25 March 2025

For and on behalf of
Taranaki Regional Council



A D McLay
Director - Resource Management

Appendix 1: Extent of the proposed Parklands Subdivision and boundaries of adjacent wetlands (Document TRCID-1290311762-6017)



Water Permit
Pursuant to the Resource Management Act 1991
a resource consent is hereby granted by the
Taranaki Regional Council

**Name of
Consent Holder:** Robe & Roche Investments Limited

Decision Date: 25 March 2025

Commencement Date: 25 March 2025

Conditions of Consent

Consent Granted: To divert groundwater within 100 metres of the Waipu Lagoons by increasing impermeable surfaces for the purposes of housing, roading and infrastructure placement for urban development

Expiry Date: 1 June 2044

Review Date(s): June 2032, June 2038

Site Location: 56 Pohutukawa Place, Bell Block

Grid Reference (NZTM) 1698167E-5679073N

Catchment: Unnamed catchment 62

*For General, Standard and Special conditions
pertaining to this consent please see reverse side of this document*

General condition

- a. The consent holder shall pay to the Taranaki Regional Council (the Council) all the administration, monitoring and supervision costs of this consent, fixed in accordance with section 36 of the Resource Management Act 1991.

Special conditions

1. The exercise of this consent must be undertaken in general accordance with the information submitted in support of the application documentation and supporting documents as follows:
 - a. *"Beca Memorandum - Feasibility Assessment for Tapuirau and Hoewaka to Bell Block, Mangati and Oropuriri – Stormwater Constraints, Strategy and Opportunities"* (Document TRCID-1290311762-1784) dated 17 June 2024;
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Where the information, supporting plans, correspondence, reports and technical appendices outlined in condition 1 are inconsistent with any conditions of consent set out below, the conditions will prevail.

2. There must be no loss of wetland and lagoon extent, as a result of the exercise of this consent, as shown in Appendix 1.
3. Prior to completion of the construction of the stormwater management system, the consent holder must submit a Stormwater Management Plan (SMP) to the Council, for certification. The SMP must detail how soakage to groundwater will be managed and monitored to minimise the effects on the Waipu Lagoons and generally ensure that the conditions of this consent are met. The SMP must include, but not be limited to, the following:
 - a. locations and receiving catchments of each raingarden;
 - b. estimated volumes of stormwater to be discharged to groundwater at each raingarden;
 - c. volume of retention available for each raingarden and their combined total;
 - d. processes for ensuring the stormwater management system is maintained; and
 - e. any other relevant matter.

Advice Note: the SMP can be combined with the management plan required for consent 11136-1.0.

4. The consent holder must undertake an annual review of the SMP, and provide an update to the Council, before 30 June each year of the outcome of the review. While review is mandatory, amendments are only required if there have been incidents, changes to the catchment size and changes to the stormwater network which are inadequately addressed by the current SMP, as determined by the Council. Any SMP amendments must be submitted to the Council for review and certification. The site must be operated in accordance with the certified SMP and any certified variation thereafter.


Advice Note: Certification of Management Plans

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5. This consent lapses 5 years after its date of commencement, unless the consent is given effect to before the end of that period or the consent holder has applied for an extension before the end of that period and the Council fixes a longer period pursuant to section 125(1A)(b) of the Resource Management Act 1991.
6. In accordance with section 128 and section 129 of the Resource Management Act 1991, the Council may serve notice of its intention to review, amend, delete or add to the conditions of this resource consent by giving notice of review during the month of June 2032 and/or June 2038, for the purpose of ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of this resource consent, which were either not foreseen at the time the application was considered or which it was not appropriate to deal with at the time.

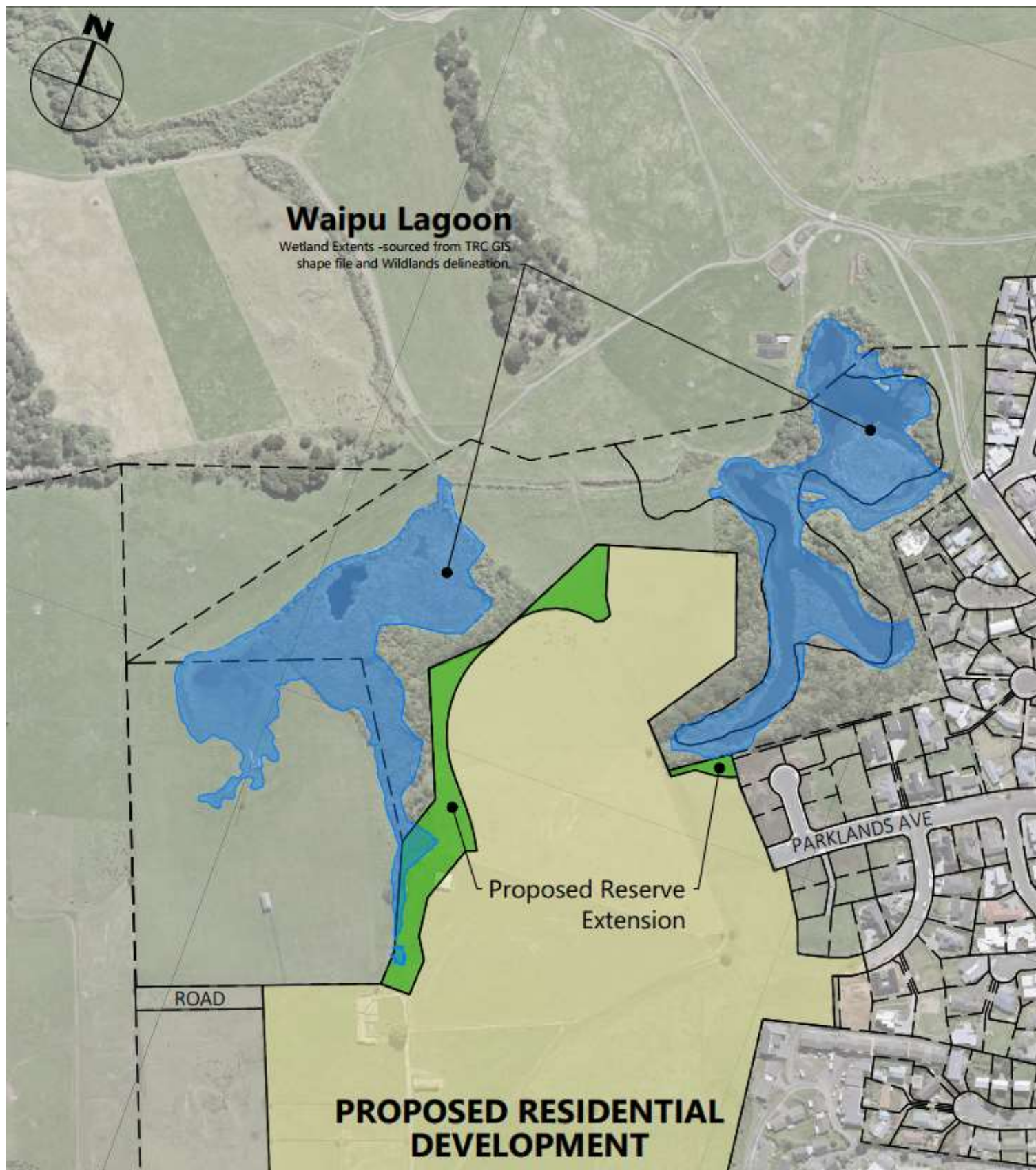
Signed at Stratford on 25 March 2025

For and on behalf of
Taranaki Regional Council



A D McLay
Director - Resource Management

Appendix 1: Extent of the proposed Parklands Subdivision and boundaries of adjacent wetlands (Document TRCID-1290311762-6017)



Officer Report for resource consent 11136-1.0 & 11146-1.0 (Pursuant to section 42A of the Resource Management Act)

To	Fred McLay, Director – Resource Management Leah Miller, Manager – Resource Consents
From	Shaun Moffitt, Environmental Planner – Resource Consents
Consent	11136-1.0 & 11146-1.0
Job Manager	Josh Dowsing, Scientist – Land and Water
Document No	TRCID-1290311762-1703
Date	25 March 2025

11136-1.0 = To discharge stormwater from roading surfaces onto and into land in circumstances where it may enter the Waipu Lagoons for the purposes of urban development and infrastructure management.

Activity type	Discharge Permit
Activity subtype	Water - Stormwater
Activity status	Restricted Discretionary
Grid reference(s)	1698275E-5679070N (Discharge Point 1) 1698128E-5679148N (Discharge Point 2) 1698155E-5678945N (Discharge Point 3) 1698128E-5678812N (Discharge Point 4)

11146-1.0 = To divert groundwater within 100 metres of the Waipu Lagoons by increasing impermeable surfaces for the purposes of housing, roading and infrastructure placement for urban development

Activity type	Water Permit
Activity subtype	Divert
Activity status	Restricted Discretionary
Grid reference(s)	1698167E-5679073N

Applicant	Robe & Roche Investments Limited
Site location	56 Pohutukawa Place, Bell Block
Catchment	Unnamed Catchment 62 (Waipu)
Recommendation	Grant with conditions
Expiry:	1 June 2044

INTRODUCTION

1. McKinlay Surveyors Limited ('the agent') has lodged an application on behalf of GJ Gardener representing Robe & Roche Investments Limited ('the applicant') to discharge stormwater from roading surfaces into and onto land and into the Waipu Lagoons and to divert groundwater away from the Waipu Lagoons as a result of increasing impermeable surfaces in the catchment.
2. The application documentation included:
 - a) an assessment of the environmental effects (AEE);
 - b) the status of the activity under the relevant Regional Plan;
 - c) a description of the environment;
 - d) a description of the activity;
 - e) proposed consent conditions; and
 - f) proposed mitigation measures.
3. My assessment of the application included discussion with Taranaki Regional Council (the 'Council') staff familiar with the site and activity.

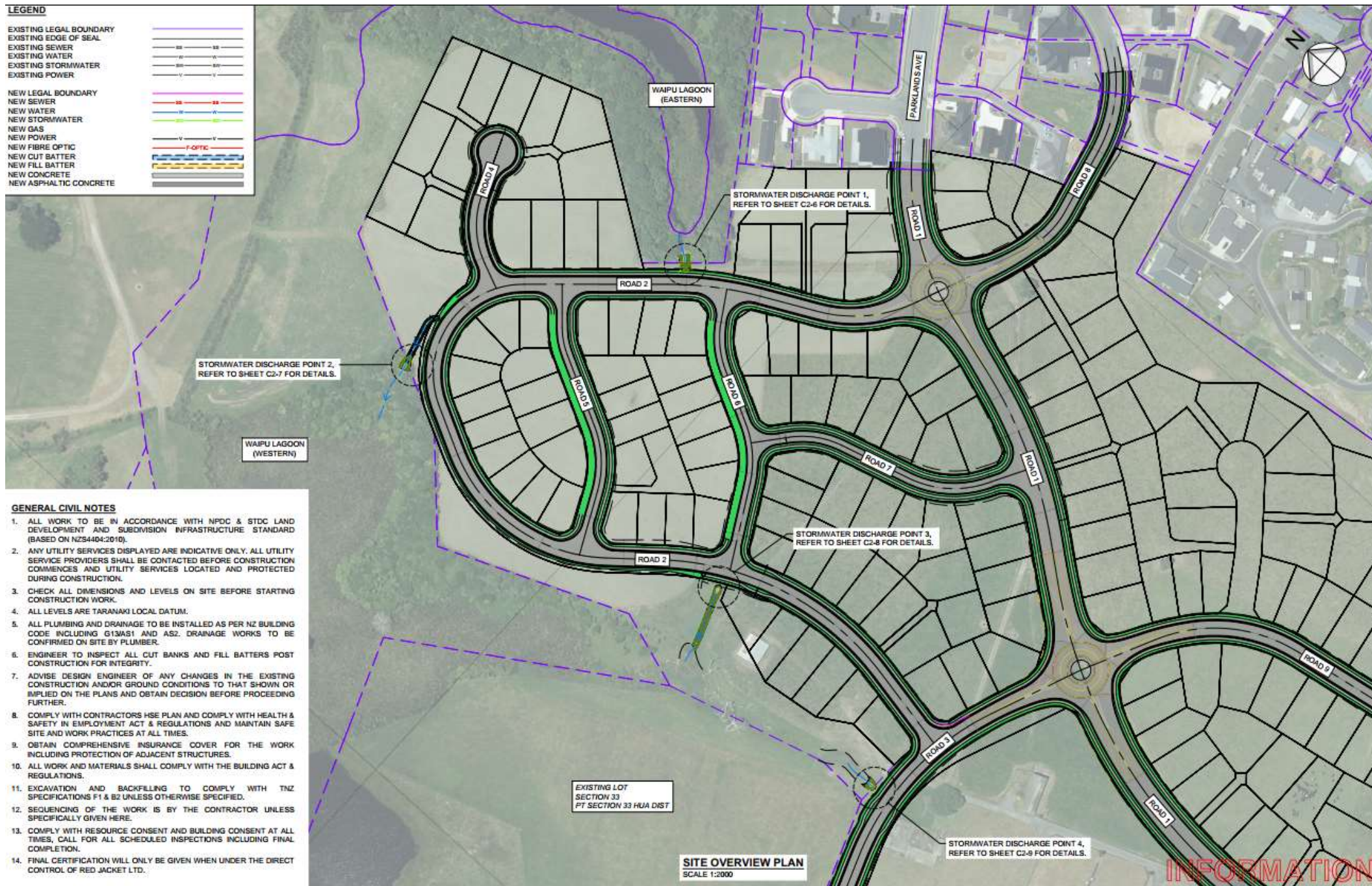
BACKGROUND

4. The initial proposal submitted to the Council, on 12 July 2023, proposed direct stormwater discharges from roading into the Waipu Lagoons utilising downstream defenders.
5. New Plymouth District Council (NPDC) engaged with Puketapu Hapū in 2022 to carry out a feasibility study of urban development of the Tapuirau and Hoewaka to Bell Block, Mangatī and Oropuriri area (which includes the Waipu Lagoons area). As part of this study, NPDC and Puketapu Hapū engaged Beca to provide a high-level strategy and framework for managing stormwater and flooding at the site, and to identify opportunities to integrate the stormwater system with wider cultural, ecological and environmental aspirations and outcomes. This has resulted in a draft memorandum, produced by Beca ('Beca memo') (Legacy ID 3317952), which states proposed strategies, opportunities and considerations for managing stormwater in relation to the Waipu lagoons. The agent has incorporated this work into an updated stormwater management design and proposal.
6. As a result of the recommendations in the Beca memo, the proposal has been updated by the applicant to utilise raingarden systems and associated green infrastructure instead of the downstream defenders and direct discharges to the lagoons as initially proposed. All outlets from the new stormwater system will be setback from the wetland extents with appropriate ripraps to avoid any erosion.
7. A request for information in accordance with S92 of the RMA was sent on 8 September 2023, asking for the following information (Legacy ID 3204883):
 - a. An assessment of cultural effects;
 - b. An updated wetland delineation which maps the extents of all wetlands within 100 metres of the proposal;
 - c. An assessment of ecosystem health and indigenous biodiversity;
 - d. Current heavy metal and hydrocarbon concentrations in wetland sediments and confirmation if these will be monitored; and
 - e. An assessment of groundwater effects and the influence these effects will have on the hydrological functioning of the wetlands.

8. A partial response to the request for information (Legacy ID 3304221) was submitted to the Council on 27 August 2024. This response included:
 - a. Comments on engagement with Te Atiawa Iwi, Puketapu Hapū and Ngāti Tawhirikura Hapū and the feasibility study done by Puketapu Hapū and NPDC;
 - b. An outline of the changes described in paragraph 6 above relating to the stormwater management design; and
 - c. An analysis of the hydrological effects the subdivision will have on the Waipu Lagoons.
9. A final response was submitted to the Council on 11 October 2024. This response included:
 - a. An assessment of ecological effects (Legacy ID 3315625) that the development and its associated stormwater management design will have on the Waipu Lagoons; and
 - b. Preliminary outlet designs and conceptual designs of the raingardens with the proposed road corridor configuration (Legacy ID 3315623).

DESCRIPTION OF THE PROPOSED ACTIVITY

10. The proposed subdivision is located at 56 Pōhutukawa Place, Bell Block described as Lot 2 DP 521660, with an area of 23.88 ha. The applicant is proposing the following:
 - a. Constructing roading, required for the subdivision that will increase the impermeable surfaces within the catchment area that feeds the Waipu Lagoons (through groundwater);
 - b. Discharging stormwater onto and into land through the use of raingardens and green infrastructure during low intensity rainfall events, and onto and into land in circumstances where the discharge will enter the Waipu Lagoons during high intensity rainfall events.
11. The applicant has proposed a stormwater design which will utilise soak holes, rain garden systems and associated green infrastructure to mimic natural systems that replicate the hydrological connection of the area to the Waipu Lagoons. The stormwater system will promote groundwater recharge through retention and infiltration for up to a 20% annual exceedance probability (AEP) (1 in 5 Year) event for roads/carriageway and 10% AEP (1 in 10 year) for residential properties. For events exceeding 10% AEP, it is proposed to maintain and enhance existing overland flow paths from soakage locations to the coast to convey flood events up to a 1% AEP (1 in 100 year). Water will be treated using green infrastructure with treatment being provided for 90th percentile rainfall events. All proposed residential lots within the subdivision will utilise soak holes to manage stormwater.
12. The proposal involves 4 direct discharge points. The 4 discharge outlets will be setback from the wetland extents with appropriate ripraps to avoid any erosion and will consist of wing walls, facing and apron riprap, and batter slopes which will form a secondary overland channel flow path for rain events over 1% AEP. The preliminary design layout of the roading and the discharge locations can be seen below in figure 1. The designs of the proposed raingardens used for groundwater recharge and the discharge outlets can be viewed in Document TRCID-1290311762-1780.



DESCRIPTION OF THE EXISTING ENVIRONMENT

13. The Waipu Lagoons adjoin the northern side of the property. They cover approximately 7.9 ha and comprise of two irregular shaped natural coastal lagoons. The Waipu Lagoons are primarily groundwater fed from the surrounding area, including where the proposed subdivision will be located, with surface water flows into the lagoons occurring during high rainfall events when the soil is saturated. The Waipu Lagoons will be buffered against seasonal changes in water level as the groundwater flows will recharge the lagoons and keep the soil wet during drier parts of the year. The lagoons flow to the coastline via an existing stream to the north, known as the Waipu Stream (Unnamed Stream 62 in Council's GIS system). The lagoons are 550 m away from the coastal environment¹.
14. The lagoons provide habitat for a wide variety of birdlife including threatened species such as the spotless crane. The Waipu Lagoons are a Key Native Ecosystem. Dune swamps and lagoon systems of this size and condition are rare. The Waipu lagoons are fringed by reedland, flaxland and mixed natives. Alice West, the Council's Wetland Ecologist, has stated that the Waipu lagoons are the two best examples of mostly intact wetlands in the urban New Plymouth area. Ms West states that they contain several regionally distinctive plant species and provide habitat for many species of birds in an urban area where most habitat has been lost.
15. The Waipu Stream is a statutory acknowledgment of Te Atiawa. The Waipu Lagoons are of significant cultural value and importance to Te Atiawa and Puketapu hapū. The Waipu Lagoons are identified in the Proposed New Plymouth District Plan as a site of significance (Wāhi Tapu) for Puketapu Hapū and Ngāti Tawhirikura Hapū. As stated in the Te Atiawa deed of settlement schedule, the social, cultural, historical and spiritual importance of the Waipu is illustrated through Te Atiawa traditions and histories. The traditions and histories also represent the spiritual links and an unbroken continuity with Te Atiawa tipuna and present generations and reinforce Te Atiawa tribal identity.
16. The property is predominantly farmland used for grazing, located in an area which is progressively being utilised for residential development. The property is zoned as general residential in both the proposed New Plymouth District plan and the Operative New Plymouth District Plan 2005. The Waipu Lagoons are marked as a Natural Open Space Zone and as a Significant Natural Area in the Proposed New Plymouth District Plan. The topography is gradually sloping terrain which descends from Parklands Avenue and Pöhutukawa Place toward the north and rising ground to the east and west site extents. To the west of the site is the Summerset Retirement Village and the "Links" urban development. To the east of the site is residential Bell Block. To the south of the site is State Highway 3.

¹ As identified in the Coastal Plan for Taranaki 2023



Figure 2. Proposed subdivision shown in red, Waipu Lagoons in blue and Waipu Stream (Unnamed Stream 62 in Council's GIS) in yellow.

CONSULTATION

Iwi comments and considerations

17. The proposed activity is in the rohe of Te Atiawa Iwi and sits within the cultural landscape of significance to Puketapu Hapū and Ngāti Tawhirikura Hapū. The Council sent a copy of the application to Te Kotahitanga o Te Atiawa Trust (Te Kotahitanga) in accordance with agreed procedure.
18. A summary of the comments from Te Kotahitanga and Nga Kaitiaki o Puketapu Hapu Trust (Puketapu Hapū), the Council's consideration of and response to those comments are included below:

Table 1. Summary of comments received from Te Kotahitanga and Puketapu Hapū and Councils response.

No.	Comments	Council comment
	Te Kotahitanga on 5 September 2023 (Email #3203918). from Sarah Mako, Poutaiao Matua, representative of Te Kotahitanga.	Shaun Moffitt, Environmental Planner – Resource Consents
1.	Stated they “are disappointed by the number of arbitrary and uninformed statements made in the application”. Ms Mako requests that Council Officers request further information from the applicant requiring an assessment of tangata whenua effects, acknowledging only tangata whenua have the expertise to advise on these effects.	<p>The request for further information included the following to address the lack of consultation:</p> <p>Cultural effects</p> <ul style="list-style-type: none"> • <i>Please provide an assessment of the effects on Māori freshwater values as a result of the proposed activities, and details of how these effects will be managed through applying the effects management hierarchy.</i> • <i>Please provide details of any consultation and engagement that has been undertaken with Te Atiawa Iwi, Puketapu Hapū, and Ngāti Tawhirikura Hapū.</i> <p><i>Note: The effects management hierarchy manages adverse effects on the values of wetlands, which includes Māori freshwater values. We recommend that you engage with Te Kotahitanga o Te Atiawa Trust, Puketapu Hapū, and Ngāti Tawhirikura Hapū in order to provide the information requested above.</i></p>
2.	Ms Mako states that “the reliance of the applicant on a number of documents and reports prepared a number of years ago, one almost 20 years ago, is of concern and does not provide a realistic context for the existing and future environments”.	<p>The request for further information included the following request to address the lack of up-to-date reports:</p> <ul style="list-style-type: none"> • <i>Please provide an assessment of effects on the hydrological functioning of the Waipu Lagoons as a result of the proposed activities, and details of how these effects will be managed through applying the effects management hierarchy.</i> <p><i>Note: The 2004 assessment (A study into the potential effects of subdivision development on Waipu Lagoon) only considers the eastern lagoon, not both lagoons. Both lagoon wetlands need to be assessed as part of these consent applications. It is likely both lagoons are closely interlinked. The 2004 assessment is out of date and since its publication there have been significant developments in information around conservation threats to natural inland wetlands, as wetlands are now considered as critically threatened ecosystems.</i></p>
3.	Ms Mako states that “Puketapu, Ngāti Tawhirikura and Te Kotahitanga have concerns with the application made to the Council. Whilst they understand further information is being requested, given their concerns, they maintain their opposition to the application”.	Comment noted. An advice note recommending that the applicant engage with Te Kotahitanga o Te Atiawa Trust, Puketapu Hapū, and Ngāti Tawhirikura Hapū has been included within the request for further information.

	Presentation from Puketapu Hapū - 5 July 2024	Shaun Moffitt, Environmental Planner – Resource Consents
4.	<p>Puketapu hapū explain the feasibility study developed over the course of several hikoī with New Plymouth District Council (planners, landscape architects/ecologists, transportation engineers, 3 waters engineers), and Puketapu hapū.</p> <p>A stormwater assessment (Beca Memo) has been completed to inform the feasibility study for urban development of the Tapuirau and Hoewaka to Bell Block, Mangati and Oropuriri area (which includes the Waipu Lagoons area). The purpose of this assessment is to develop a high-level strategy and framework for managing stormwater and flooding at the site, and to identify opportunities to integrate the stormwater system with wider cultural, ecological, and environmental aspirations and outcomes. The Beca Memo was provided to the applicant for their consideration.</p>	In response to this presentation, the applicant has provided, in their further information response provided on the 27 August 2024, an updated proposal with updated stormwater designs which incorporate the proposed strategies, opportunities and considerations from the Beca Memo and Puketapu Hapū into their stormwater design.
	An email from Sean Zeiltjes, acting on behalf of Puketapu Hapū (Email #3316802) - 15 October 2024	Shaun Moffitt, Environmental Planner – Resource Consents
5.	<ul style="list-style-type: none"> Puketapu Hapū are happy with the updated concept design for the stormwater system and strongly support the adopting of the recommendations made to date as they take into account the provisions of Tai Whenua, Tai Tangata, Tai Ao, and the draft CIA process completed to date. Stated that there is comfort with the conceptual nature required for this stage of the proposal. Has recommended working on conditions of consent with the agent with input from Puketapu. 	Draft consent conditions sent through to the applicant, the agent and Puketapu hapū on the 6 November 2024 for review and comment.
	Email from the Agent (TRCID-1290311762-5081) – 14 February 2025	Shaun Moffitt, Environmental Planner – Resource Consents
6.	<ul style="list-style-type: none"> Provided a draft <i>He Whakamārama mō Waipu Memorandum</i> (TRCID-1290311762-5108) from Puketapu Hapū Memo includes additions to the draft consent conditions the applicant and agent have worked on with Puketapu Hapū. Applicant has agreed to recommended conditions (TRCID-1290311762-5081). 	<p>Conditions reviewed. Comments from Council about the changes to the conditions provided below in table 2.</p> <p>The changes and the table below has been sent to and discussed with Sean Zeiltjes (Email TRCID-1290311762-6032).</p>

Table 2. Recommended changes to draft conditions from Puketapu Hapū and the applicant along with Council's response.

Condition No(s).	Comments	Council comment
	Condition changes recommended in CIA.	Shaun Moffitt, Environmental Planner – Resource Consents
Consent 11136-1.0		
1	<p>Recommended to include the following document in the general accordance consent condition:</p> <p><i>Stormwater and typical rain garden drawing set, titled: W & C Bolton, Proposed Development Parklands Ave, Bell Block, File No. DWG-3917-C-03, dated 24 October 2024.</i></p>	<p>These drawings are already provided for in condition 1 c (shown below).</p> <p>c. <i>“W & C Bolton, Proposed Development, Parklands Ave, Bell Block”</i> File No. DWG-3917-C-03 (Document TRCID-1290311762-1780) dated 24 October 2024.</p> <p>This recommendation will not be adopted as the document is already in the general accordance consent condition.</p>
11 and 14	Require the Wetland Restoration Plan (WRP) and Wetland Monitoring Plan (WMP) to be developed in consultation with Puketapu hapū.	This recommendation has been accepted and included in the conditions.
12 and 16	Require amendments to the WRP and WMP to be provided to Puketapu hapū for advice on cultural impacts no less than 30 days prior to submitting to Council for certification.	This recommendation has been accepted and included in the conditions.
11	<p>Require the following to be included in the requirements for the WRP:</p> <p><i>The Puketapu Hapū statement of association and values set out as follows: Kaitiakitanga – Active Protection of the Waipu Lagoons, the environment and knowledge; Kanohi ki te Kanohi – Engagement and Formal Consultation; Manawhenua – Recognition of the mana of Puketapu Hapū and respect for the Puketapu Hapū's relationship with its Waipu Lagoons sites; Tikanga – Appropriate action; and Rangatiratanga – Leadership, integrity and ethical behaviour in all actions and decisions.</i></p>	<p>This recommendation has been accepted and included in the conditions. Reformatted to show the following in condition 11(e):</p> <p>e. <i>Consideration of the Puketapu Hapū statement of association and values set out as follows:</i></p> <ul style="list-style-type: none"> i. <i>Kaitiakitanga – Active Protection of the Waipu Lagoons, the environment and knowledge;</i> ii. <i>Kanohi ki te Kanohi – Engagement and Formal Consultation;</i> iii. <i>Manawhenua – Recognition of the mana of Puketapu Hapū and respect for the Puketapu Hapū's relationship with its Waipu Lagoons sites;</i> iv. <i>Tikanga – Appropriate action; and</i> v. <i>Rangatiratanga – Leadership, integrity and ethical behaviour in all actions and decisions.</i>
14	<p>Require the following to be included in the requirements for the WMP</p> <p><i>Any cultural health index method</i></p>	This recommendation has been accepted and included in condition 14(g).

Consultation carried out by the Applicant

19. The agent has stated that “extensive engagement with Te Atiawa Iwi, Puketapu Hapū and Ngāti Tawhirikura Hapū has taken place over the past 4 years as part of the preliminary designing of the development”. The applicant has modified their proposal incorporate the proposed strategies, opportunities and considerations within the Beca Memo provided to them by Puketapu Hapū. The applicant has regular contact with Puketapu Hapū regarding the urban development.
20. The agent has stated that consultation with Te Atiawa Iwi, Puketapu Hapū, and Ngāti Tawhirikura Hapū will continue with engagement anticipated throughout the detailed design, construction and monitoring stages of the development.

LEGAL AND PLANNING MATTERS

The Resource Management Act 1991

21. Section 14 of the RMA states:
 - (1) No person may take, use, dam, or divert any open coastal water, or take or use any heat or energy from any open coastal water, in a manner that contravenes a national environmental standard or a regional rule unless the activity—
 - (a) is expressly allowed by a resource consent; or
 - (b) is an activity allowed by section 20A.
 - (2) No person may take, use, dam, or divert any of the following, unless the taking, using, damming, or diverting is allowed by subsection (3):
 - (a) water other than open coastal water; or
 - (b) heat or energy from water other than open coastal water; or
 - (c) heat or energy from the material surrounding geothermal water.
 - (3) A person is not prohibited by subsection (2) from taking, using, damming, or diverting any water, heat, or energy if—
 - (a) the taking, using, damming, or diverting is expressly allowed by a national environmental standard, a rule in a regional plan as well as a rule in a proposed regional plan for the same region (if there is one), or a resource consent; or
 - (b) in the case of fresh water, the water, heat, or energy is required to be taken or used for—
 - (i) an individual’s reasonable domestic needs; or
 - (ii) the reasonable needs of a person’s animals for drinking water,—and the taking or use does not, or is not likely to, have an adverse effect on the environment; or
 - (c) in the case of geothermal water, the water, heat, or energy is taken or used in accordance with tikanga Maori for the communal benefit of the tangata whenua of the area and does not have an adverse effect on the environment; or
 - (d) in the case of coastal water (other than open coastal water), the water, heat, or energy is required for an individual’s reasonable domestic or recreational needs and the taking, use, or diversion does not, or is not likely to, have an adverse effect on the environment; or
 - (e) the water is required to be taken or used for emergency or training purposes in accordance with section 48 of the Fire and Emergency New Zealand Act 2017

22. Section 15 of the RMA states:

- (1) No person may discharge any—
 - (a) contaminant or water into water; or
 - (b) contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water; or
 - (c) contaminant from any industrial or trade premises into air; or
 - (d) contaminant from any industrial or trade premises onto or into land—
unless the discharge is expressly allowed by a national environmental standard or other regulations, a rule in a regional plan as well as a rule in a proposed regional plan for the same region (if there is one), or a resource consent.
- (2) No person may discharge a contaminant into the air, or into or onto land, from a place or any other source, whether moveable or not, in a manner that contravenes a national environmental standard unless the discharge—
 - (a) is expressly allowed by other regulations; or
 - (b) is expressly allowed by a resource consent; or
 - (c) is an activity allowed by section 20A.
- (2A) No person may discharge a contaminant into the air, or into or onto land, from a place or any other source, whether moveable or not, in a manner that contravenes a regional rule unless the discharge—
 - (a) is expressly allowed by a national environmental standard or other regulations;
or
 - (b) is expressly allowed by a resource consent; or
 - (c) is an activity allowed by section 20A.
- (3) This section shall not apply to anything to which section 15A or section 15B applies.

National Environmental Standards for Freshwater

23. The *Resource Management (National Environmental Standards for Freshwater) Regulations 2020* (NES-F) came into effect in September 2020. It focuses on dairy intensification, protection of wetlands, and fish passage past instream structures.

Discharge of Stormwater

24. The discharge of stormwater within a 100 m setback from a natural inland wetland for the purpose of urban development and infrastructure management is a restricted discretionary activity under regulation 45C(5) of the NES-F, as the discharge is likely to change the water level range of the wetland.

Diversion of Groundwater

25. The diversion of groundwater within a 100 m setback from a natural inland wetland as a result of increasing impermeable surfaces for the purpose of roading and infrastructure placement for urban development is a restricted discretionary activity under regulation 45C(4) of the NES-F, as the diversion of groundwater is likely to change the water level range of the wetland.

Matters for Discretion for Regulation 45C

26. The consent authority is restricted to the matters of discretion set out in regulation 56 and the extent to which:
- a. The urban development will be of significant national, regional, or district benefit;
 - b. The activity contributes to a well-functioning urban environment;
 - c. There is another practicable alternative location in the area of development for the activity, and the extent to which other practicable alternative locations within the area of development would have equal or greater adverse effects on a natural inland wetland;
 - d. An alternative configuration or design is practicable that would avoid, minimise, or remedy adverse effects on the natural inland wetland extent and values; and
 - e. The effects of the activity will be managed through applying the effects management hierarchy.
27. The matters for discretion set out in regulation 56 include:
- a. the extent to which the nature, scale, timing, intensity, and location of the activity may have adverse effects on—
 - i. the existing and potential values of the natural inland wetland, its catchment, and the coastal environment; and
 - ii. the extent of the natural inland wetland; and
 - iii. the seasonal and annual hydrological regime of the natural inland wetland; and
 - iv. the passage of fish in the natural inland wetland or another water body;
 - b. whether there are practicable alternatives to undertaking the activity that would avoid those adverse effects;
 - c. the extent to which those adverse effects will be managed to avoid the loss of the extent of the natural inland wetland and its values;
 - d. other measures to minimise or remedy those adverse effects;
 - e. how any of those adverse effects that are more than minor may be offset or compensated for if they cannot be avoided, minimised, or remedied;
 - f. the extent to which the effects of the activity will be managed through applying the effects management hierarchy;
 - g. the risk of flooding upstream or downstream of the natural inland wetland, and the measures to avoid, minimise, or remedy that risk;
 - h. the social, economic, environmental, and cultural benefits (if any) that are likely to result from the proposed activity (including the extent to which the activity may protect, maintain, or enhance ecosystems).

Regulation 45C(6) and 45C(7) Requirements

28. A resource consent for a restricted discretionary activity under regulation 45C must not be granted—
- a. unless the consent authority has satisfied itself that the urban development—
 - i. will contribute to a well-functioning urban environment; and
 - ii. will provide significant national, regional, or district benefits; and
 - b. unless the consent authority has satisfied itself that—
 - i. there is no practicable alternative location for the activity within the area of the development; or

- ii. every other practicable alternative location in the area of the development would have equal or greater adverse effects on a natural inland wetland; and
- c. unless the consent authority has applied the effects management hierarchy; and
- d. if the activity —
 - i. occurs on land other than land that is identified for urban development in the operative provisions of a regional or district plan; or
 - ii. occurs on land that is zoned in a district plan as general rural, rural production, or rural lifestyle.

Well-Functioning Urban Environment

29. The consent authority must be satisfied that the proposal contributes to a well-functioning urban environment. I have summarised and added to the agent's assessment of a well-functioning urban environment below.
30. The proposed stormwater management has been designed to manage stormwater from roading to prevent flooding issues within the development. The design incorporates rain garden systems and associated green infrastructure to mimic natural hydrological systems that replicate and maintain the current hydrological connection of the area to the Waipu Lagoons. The discharge points will be set back from the lagoons and have riprap placed to prevent erosion and slow water flows. The lagoons will be enhanced by the creation of a 20 m setback reserve around the lagoons. The design takes into account the cultural, environmental and cultural values.
31. The mixture of reserve areas adjoining the Waipu Lagoons in conjunction with the developed areas, will result in an urban environment that contains a mixture of natural and civil environments which allow increased public access to the lagoons. The lagoons will support reductions in greenhouse gasses by acting as a carbon sink and will provide water storage and flood protection benefits by acting as a sponge which will make the development more resilient to climate change.
32. The subdivision promotes a spacious development, with the median lot size greater than the minimum 400 m² allowed in the proposed New Plymouth District Plan. This will ensure building controls such as site coverage, setbacks, outdoor living areas and permeable services are not compromised. All required effects standards for the allotments under the proposed New Plymouth District Plan are able to be met.
33. The roadways have been designed per the NPDC Infrastructure Standard, with sufficient widths to provide for traffic and future connections from Parklands Avenue to Pöhutukawa Place. This design ensures connections between the existing developments of Parklands and Summerset. Sufficient footpaths are also included to allow for both vehicle and pedestrian traffic.
34. Taking into account the above, the proposed development will contribute to a well-functioning environment.

Significant National, Regional, or District Benefits

35. The consent authority must be satisfied that the proposal has significant national, regional, or district benefits. I have summarised and added additional comments to the agent's assessment of benefits below.
36. The proposed development will be a significant benefit for the district and the region. The land has been zoned residential under the proposed New Plymouth District Plan, to provide further housing to the district and ensure appropriate connection between Bell Block and New Plymouth.
37. Under the National Policy Statement on Urban Development (NPS-UD) 2020, the NPDC is required to provide sufficient development capacity to meet expected demand for housing and business land over the short term, medium term, and long term. The area consists of 43% of the total undeveloped residential land in Bell Block and forms a large part of the NPDC's capacity for housing demand in the future.

38. The proposed development will provide needed affordable housing to the district. Affordable housing is important for people's well-being. High housing costs relative to income are often associated with severe financial difficulty and can leave households with insufficient income to meet other basic needs such as food, clothing, transport, medical care and education. The decrease in housing supply ultimately leads to an increase in housing and rent prices.
39. This development will contribute to the local economy, with all industries associated with residential development, such as construction, being provided further work. The agent has noted that the construction sector consists of 30% of the districts industrial employment.
40. Taking into account the above, the proposed development will have significant regional and district benefits.

Practicable alternative location

41. There are no other practicable locations for the discharge of stormwater from the development as the stormwater is required to be kept within the catchment of the Waipu lagoons in order to maintain the water level. Every other practicable location within the development area would have equal or greater adverse effects.

Effects Management Hierarchy

42. The effects management hierarchy in relation to natural inland wetlands, means an approach to managing the adverse effects of an activity on the extent or values of a wetland or river (including cumulative effects and loss of potential value) that requires that:
- a. adverse effects are avoided where practicable; then
 - b. where adverse effects cannot be avoided, they are minimised where practicable; then
 - c. where adverse effects cannot be minimised, they are remedied where practicable; then
 - d. where more than minor residual adverse effects cannot be avoided, minimised, or remedied, aquatic offsetting is provided where possible; then
 - e. if aquatic offsetting of more than minor residual adverse effects is not possible, aquatic compensation is provided; then
 - f. if aquatic compensation is not appropriate, the activity itself is avoided

Avoid

43. The applicant has proposed a 20 m reserve around the lagoons to avoid adverse effects that may arise as a result of development directly beside the lagoons. The applicant has proposed a stormwater system which will use on-site soakage for stormwater from both roading and residential properties which will avoid direct discharges of stormwater to the lagoons for events at or below 10% AEP. The stormwater discharges are unable to be avoided as the water is required to be discharged to the lagoons to maintain the water level.

Minimise

44. The proposed stormwater system maintains the current hydrological connection between the catchment and the Waipu Lagoons, through soakage to groundwater, minimising the change in water level as a result of the development. The use of green infrastructure and raingardens/soakage will treat the stormwater before it enters the lagoons, minimising water quality issues.
45. Any direct discharge will only occur during rainfall events larger than 10% AEP, which would occur naturally. Rip-rap and setbacks from the lagoons will be used at the direct discharge locations to slow water flows and minimise erosion and scouring.

Offset

46. The applicant has agreed to a Wetland Restoration Plan being developed and certified by the Council to restore the 20 m buffer between the wetland and the development and enhance the already existing vegetation within the wetland. This plan will include pest management and plantings and will offset any adverse effects that may occur because of the development.

Urban Development zoning

47. The development will occur on land that is zoned as residential under the proposed New Plymouth District Plan.

Summary

48. The activities are bundled as a restricted discretionary activity under regulation 45C of the NES-F and all requirements for granting under 45C(6) and 45C(7) are met.

RECOMMENDATION ON PUBLIC NOTIFICATION (SECTIONS 95A, 95C & 95D)

49. Section 95A of the RMA specifies the steps the decision maker must follow to determine whether an application is to be publicly notified. These steps are addressed in the statutory order below:

Step 1: Mandatory Public Notification in Certain Circumstances

50. Mandatory public notification is not required as:
- a. The applicant has not requested that the application is publicly notified (Section 95A(3)(a) of the RMA);
 - b. There are no outstanding or refused requests for further information (Sections 95C and 95A(3)(b) of the RMA); and
 - c. The application does not involve any exchange of recreation reserve land under Section 15AA of the Reserves Act 1977 (Section 95A(3)(c) of the RMA).

Step 2: If not Required by Step 1, Public Notification Precluded in Certain Circumstances

51. The application is not precluded from public notification as:
- a. The activity is not subject to a rule or national environmental standard (NES) which precludes public notification (Section 95A(5)(a) of the RMA); and
 - b. The application does not exclusively involve one or more controlled activities.

Step 3: If not Precluded by Step 2, Public Notification Required in Certain Circumstances

52. The application is not required to be publicly notified as the activity is not subject to any rule or a National Environmental Standard (NES) that requires public notification (Section 95A(8)(a) of the RMA).
53. The assessment in paragraphs 82 to 119 of this report addresses the adverse effects of the activities on the environment, as public notification is required if the activities will have or are likely to have adverse effects on the environment that are more than minor (Section 95A(8)(b) of the RMA).
54. Overall, the assessment concludes that the adverse effects of the proposal are not more than minor.

Step 4: Public Notification in Special Circumstances

55. If an application has not been publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified (Section 95A(9) of the RMA).
56. Special circumstances are those that are²:
- a. Exceptional, abnormal or unusual, but something less than extraordinary or unique;
 - b. Outside of the common run of applications of this nature; or
 - c. Circumstances which make notification desirable, notwithstanding the conclusion that the adverse effects will be no more than minor.
57. I have considered whether there are any special circumstances and conclude that there is not anything exceptional or unusual about the application, and that the proposal has nothing out of the ordinary run of things to suggest that public notification should occur.

Public Notification Conclusion

58. Having undertaken the Section 95A public notification tests, I recommended that this application be processed without public notification.

RECOMMENDATION ON LIMITED NOTIFICATION (SECTIONS 95B, 95E – 95G)

59. If the application is not publicly notified under Section 95A, the decision maker must follow the steps set out in Section 95B to determine whether to limited notify the application. These steps are addressed in the statutory order below.

Step 1: Certain Affected Groups and Affected Persons must be Notified

60. There are no protected customary rights groups or customary marine title groups affected by the proposed activity (Section 95B(2) of the RMA).
61. It is also necessary to determine whether the proposed activity is on, or adjacent to, or may affect, land that subject of a statutory acknowledgement made under an Act specified in Schedule 11 of the RMA, and if so whether the person to whom the statutory acknowledgement is made is an affected person (Section 95B (3) of the RMA).
62. The Waipu Stream, which the Waipu lagoons feeds into, is a statutory acknowledgement of Te Atiawa. Te Atiawa's comments and concerns have been addressed above in table 1.
63. The applicant has consulted with Puketapu Hapū has modified their proposal to address cultural concerns. In an email on 14 October 2024 (Email #3316802), Mr Zeiltjes stated that Puketapu hapū have reviewed the information and have made the following comments:
- a. "The concept designs for the stormwater system are great and have adopted the recommendations made to date and then some which in turn take into account the provisions of Tai Whenua, Tai Tangata, Tai Ao, and the draft CIA process completed to date. This is strongly supported".
 - b. "There is comfort with the conceptual nature required for this stage. A series of conditions, inclusive of Puketapu input to confirm the final design will achieve the stormwater outcomes intended to support these next steps is recommended; noting that without these

² *Far North DC v Te Runanga-iwi o Ngati Kahu* [2013] NZCA 221 at [36]; *Murray v Whakatane District Council* [1997] NZRMA 433; *Housiaux v Kapiti Coast District Council* (HC Wellington CIV-2003-485-2678, 19 March 2004).

and different pressures applying on use of the road reserve area may erode the integrity of the stormwater design”.

64. It can be concluded that the effects of the activity on the statutory acknowledgement are less than minor as the proposal implements the recommendations of Puketapu Hapū.

Step 2: If not Required by Step 1, Limited Notification Precluded in Certain Circumstances

65. The application is not precluded from limited notification as the application is not for one or more activities that are exclusively subject to a rule or NES which preclude limited notification (Section 95B(6)(a) of the RMA).

Step 3: If not Precluded by Step 2, Certain other Affected Persons must be Notified

66. As this application is not for a boundary activity or a prescribed activity, there are no affected persons related to those types of activities (Section 95B(7)).
67. The following assessment addresses whether there are any affected persons that are required to be limited notified (Section 95B(8) of the RMA).
68. In determining whether a person is an affected person:
- a. A person is affected if adverse effects on that person are minor or more than minor (but not less than minor);
 - b. Adverse effects permitted by a rule in a plan or NES (the permitted baseline) may be disregarded; and
 - c. The adverse effects on those persons who have provided their written approval must be disregarded.

Assessment of Adversely Affected Persons (Sections 95B(8) and 95E)

69. The agent has considered whether there are any affected persons, concluding that extensive engagement with Te Ataiwa Iwi, Puketapu hapū and Ngāti Tawhirikura Hapū has taken place as part of the preliminary designing of the development and that potential cultural effects from the development have been addressed in the design of the stormwater management system.
70. I agree with the AEE and conclude that there are no persons adversely affected by the proposal because the activity will have a less than minor effects on the Waipu Lagoons and the statutory acknowledgement, therefore any effects on iwi and hapū are also considered less than minor. Potential cultural effects have been addressed in the proposal.

Step 4: Further Notification in Special Circumstances

71. In addition to the findings of the previous steps, it is also necessary to determine whether special circumstances exist in relation to the application that warrants it being notified to any person not already being limited notification (excluding persons assessed under section 95E as not being affected persons).
72. Special circumstances are those that are:
- a. Exceptional, abnormal or unusual, but something less than extraordinary or unique;
 - b. Outside of the common run of applications of this nature; or
 - c. Circumstances which make limited notification to any other person desirable, notwithstanding the conclusion that no other person has been considered eligible.
73. I have considered whether there are any special circumstances and conclude that there is nothing exceptional or unusual about the application, and the proposal has nothing out of the ordinary run of things to suggest that limited notification is required.

Limited Notification Conclusion

74. Having undertaken the Section 95B limited notification tests, I recommended that this application be processed without limited notification.

OVERALL NOTIFICATION RECOMMENDATION

75. For the above reasons I recommend that this application is decided on a non-notified basis.

RECOMMENDATION ON THE SUBSTANTIVE DECISION

76. Having determined that this application can proceed on a non-notified basis, I can now consider whether this application should be granted or refused. Prior to making a recommendation on that determination, Section 104 of the RMA specifies what must be considered when determining an application.

Consideration of Applications (Section 104)

77. Section 104(1) of the RMA outlines the matters which, subject to Part 2 of the RMA, the consent authority must have regard to in considering an application.
78. The Court of Appeal considered the application of Part 2 under section 104 in *R J Davidson Family Trust v Marlborough District Council*³. That decision found it is necessary to consider Part 2 in making decisions on consent applications, where it is appropriate to do so. Whether it is "appropriate" depends on the planning documents in question.
79. The Court of Appeal stated that consent authorities should continue to undertake a meaningful assessment of the objectives and policies of the relevant plan. Where those documents have been prepared having regard to Part 2 of the RMA, and with policies designed to achieve clear environmental outcomes, consideration of Part 2 is not likely to be necessary as "*genuine consideration and application of relevant plan considerations may leave little room for Part 2 to influence the outcome*". The consideration of Part 2 is not prevented, but it cannot be used to justify an application that is otherwise not supported by objectives and policies.
80. In light of this judgment, Part 2 of the RMA is required to be considered when determining an application for resource consent, but the objectives and policies still hold significant weight, and in most cases (unless the plan has not been prepared in accordance with Part 2), will largely be determinative unless the consent authority has doubt as to whether the planning documents have been prepared in a manner that appropriately reflects Part 2.
81. In this case I am satisfied that, with respect to the activity being considered, the policy documents give effect to Part 2. I have therefore made no specific Part 2 assessment.

Actual and Potential Effects (Section 104(1)(a)) and Offsets/Compensation (Section 104(1)(ab))

82. Section 104(1)(a) of the RMA requires decision makers to have regard to the actual and potential effects of an activity.
83. The applicant's assessment of environmental effects is appropriate for the scale and nature of the activity, which I have summarised below, along with additional comments. This assessment concludes that, subject to the mitigation proposed by the applicant, the adverse effects of the proposal on the environment are no more than minor.
84. As the activities are assessed as restricted discretionary, discretion is restricted to the matters outlined in regulations 45C(11) and 56 of the NES-F.

³ *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316, [2018] 3 NZLR 283.

85. Potential effects of the proposal include:
- a. Hydrological effects including flooding and changes of water level within the Waipu Lagoons;
 - b. Ecological effects on the flora and fauna within the Waipu Lagoons;
 - c. Water quality effects;
 - d. Cultural effects; and
 - e. Positive effects
86. The agent has identified the following effects:
- a. Biodiversity effects;
 - b. Hydrological effects; and
 - c. Positive effects
87. I agree with the agent's assessment of effects and have expanded on them below. I have assessed all environmental effects together to avoid duplication as the effects are interlinked and the technical advice and proposed mitigations address multiple effects. Cultural effects have been assessed separately.

Effects on Hydrological Function and Groundwater

88. Increases to impermeable surfaces within the catchment from roading, driveways and housing for the urban development will prevent rainfall from soaking into the groundwater table. This rainfall will instead generate stormwater and, if discharged directly to the lagoons, will result in the Waipu Lagoons being more surface water fed than groundwater fed, changing how the lagoons are hydraulically recharged.
89. An increased proportion of surface water flows to the lagoons, can increase the occurrence of flooding and increase the water level of the lagoons during wet seasons in the short term. Increased surface water flows discharge into the lagoons in high volumes over a short period of time. The increase in volume and the speed at which this water travels can cause flash flooding, erosion and, in some cases, lead to the scouring of a channel through the wetland.
90. Groundwater flows recharge the lagoons slowly over time including during periods of little to no rainfall events. A decreased proportion of groundwater flows may cause the lagoons water level to decrease during dry seasons and times of little rainfall when groundwater recharge is needed.
91. Changing the groundwater and surface water flows within the lagoons will, in the long term, lead to a loss of wetland and lagoon extent, loss of biodiversity, increased water levels and flooding during wet seasons and decreased water levels during dry seasons.

Effects on Water Quality

92. There could be decreased water quality within the Waipu Lagoons as a result of the stormwater discharge and the urban development. As stormwater runs off roads and driveways within the development it can pick up toxic substances such as sediment and toxicants such as hydrocarbons, brake and tyre residues, heavy metals, additives, and oil. These toxicants can then wash into the lagoons from the stormwater or surrounding lots. Sediment, although not toxic itself, can damage a wetland by causing a build-up of sediment which can alter the chemical and hydrological regime of the wetlands.

93. These contaminants can affect plant and animal life, increase water temperatures and lead to short term elevated levels of these contaminants in surface water and their long-term accumulation in the lagoon sediments. These water quality issues can have adverse effects on aquatic life including the deposition of sediment over spawning grounds, more strain on the gills of fish, decrease in light penetration for aquatic plant life, decreased food availability and increased pollution-related diseases.

Effects on Wetland Health, Ecology and Biodiversity

94. The Waipu Lagoons could unnaturally flood more often during wet seasons due to increased surface water flows. As a result, plant diversity within the Waipu Lagoons could decrease as only plant species that are able to grow permanently in deep water will tolerate flooding conditions. Additionally, wetlands which are unnaturally flooded may not give plants important seasonal variations that are used to indicate when to flower and grow.
95. The Waipu Lagoons can have their water levels drop during dry seasons due to decreased groundwater flows into the lagoons. As water levels drop, unique wetland plant populations will decrease as non-wetland plants, especially weeds, take over on exposed mud as the wetland dries. The soil chemistry can change as peat soils break down when they dry up and are exposed to air which encourages non-wetland plants as well. When water level's decrease, many fish and eels retreat, and water birds migrate.
96. Scouring and erosion of the wetland can occur as a result of high-water velocity from the discharge outlets which will affect vegetation and reduce wetland extent.

Technical advice

Wetland Health

97. Alice West, Council Wetland Ecologist, has reviewed the initial application and has stated that given the scale of the subdivision and the proximity to the Waipu Lagoons, it is likely that the wetland will degrade over time through pollution from the proposed stormwater discharge, and the extent of the wetlands will be impacted by the proposed stormwater management.
98. Ms West has reviewed the updated proposal, stormwater design and assessment of ecological effects. I have summarised her comments in the points below (Email #3318400 and Email #3322374):
- a. The wetland has been re-delineated following methods of the current NZ protocol. Although no evidence of this has been supplied beyond stating methods used and the final map. The supplied wetland extent map looks accurate and fair.
 - b. The applicant has proposed a reasonable setback from the wetlands. The proposed 20 m setback of the development from the wetlands is larger than other urban developments. This larger setback distance will not prevent the development and urbanisation of the area from contributing to the degradation of the wetlands. However, it will reduce the impacts and have positive benefits such as stock exclusion and restoration of wetland buffer area outside of the existing reserve area.
99. The ecological report suggests there should be restrictions on the titles of the subdivision around dumping of garden waste and growing of plants listed in the National Pest Plant Accord. Ms West suggested that the Council should also recommend that these restrictions be included through NPDC's consenting process. The northern lagoon is already suffering in places from pest plants which are likely from gardens, which are contributing to native species decline and health degradation in the lagoons. Additionally, these restrictions would tie into the Council's biosecurity team as they are responsible for the Biosecurity Act and Regional Pest Management Plan for Taranaki.

- a. The updated proposal has most of the discharges soaking to ground within raingardens and when the discharges are occurring, it is within the riparian zone before it enters the lagoons, which is good. There are some concerns about the amount of water being discharged through these points and the potential changes in water level they will cause. Long term vegetation changes monitoring and water quality monitoring of the lagoons and the discharge is recommended to monitor potential changes in the wetlands and lagoons.
100. An email (Legacy ID 3318400) was sent to Ms West explaining that within the hydrological analysis (Document TRCID-1290311762-1782) provided by the applicant, water level change has been modelled with an estimated change of around 20 to 40 mm between 10% and 1% AEP event storms.
101. Ms West has recommended the following conditions:
- a. Requiring a restoration plan to be submitted and certified by the Council for the wetland and the buffer. A wetland restoration plan has been recommended in condition 11 for consent 11136-1.0.
 - b. No loss of wetland extent to be caused by the proposal. This has been recommended in condition 8 for consent 11136-1.0 and condition 2 for consent 11146-1.0.
 - c. Monitoring of the following:
 - i. Water level change; and
 - ii. Vegetation change within the wetlands.

A wetland monitoring plan has been recommended in condition 14. Ms West's recommended monitoring has been included in the requirements for this plan.
 - d. Additionally, it has been suggested that the Council should recommend to NPDC that restrictions on garden waste dumping and pest plants be placed on the property titles within the subdivision consent. In a meeting on 21 October 2024 between the applicants, Puketapu hapū, NPDC and the Council, Ms West stated the Council's support for said restrictions on the subdivision consent (Meeting summary contained within Legacy ID 3318781).

Water Quality

102. Jeremy Xu, Council Scientist - Water Quality, has reviewed the initial application and has stated that the proposed urban development will increase peak stormwater flow and can result in surficial erosion from adjacent lands downstream of the discharge outlets leading to increased siltation and nutrient loading within the lagoons. Mr Xu has also stated that heavy metals and hydrocarbons from runoff and stormwater discharges can gradually build up in the sediments in the bottom of the lagoons and adversely affect aquatic ecology of the wetland.
103. Jeremy Wilkinson, Council Scientist – Water Quality, has reviewed the updated proposal (Legacy ID 3322378). He has stated that monitoring of total hydrocarbons, lead and poly aromatic hydrocarbons within the sediments of the wetland would be appropriate for monitoring potential contaminant accumulation within the wetlands.
104. Henry van der Vossen, Lowe Environmental Impact, has reviewed the proposal (Legacy ID 3323479). Mr van der Vossen's comments have been summarised below:

Best Practice

- a. The proposed stormwater treatment devices will treat all stormwater up to and including the 20% AEP storm. This design is in line with the industry best practice for urban stormwater. If the correct design procedure for the Hynds raingardens is followed, this system will have good treatment levels and is appropriate for sites with the limited available area.

Contaminants to be monitored

- b. Testing for, pH, Total Petroleum Hydrocarbons (TPH), and lead is necessary. Temperature will not be a significant contaminant in stormwater and turbidity will be covered in the Total Suspended Solids (TSS) testing. Testing for Nickel could be undertaken; however, if Copper, Lead, and Zinc are high, other metals are likely to be high, so this should trigger further investigation.
- c. Urban development and the removal of farming activities, and the associated application of fertiliser will result in lower inputs of nutrients to both wetlands. As a result, the sampling of Ammonia as N, Oxidised N, and Dissolved Reactive Phosphorous would not be required in the long term.
- d. We recommend operational stormwater discharge determinant sampling for:
 - i. pH,
 - ii. TSS,
 - iii. TPH, and
 - iv. Heavy metals (including Total Copper, Lead and/or Zinc).

Triggers based on Australian and New Zealand Environment and Conservation Council (ANZECC) guidelines

- e. The ANZECC guidelines (2000) are a great basis for the discussion of the triggers. This guideline gives a limit for the instream concentration for a number of species protection levels. As we are looking at the triggers for the point of discharge, dilution within the receiving water body can be considered.
- f. The ANZECC guidelines state that “depending on the state of the ecosystem, the management goals and the approval of the appropriate state or regional authority in consultation with the community, it can be appropriate to apply a less stringent guideline trigger value, say protection of 90% of species, or perhaps even 80%”.
- g. For example, Christchurch City Council tends to agree to the 80th percentile species protection at the discharge point with the understanding that dilution in their stormwater network and the receiving surface water will allow for the 90th percentile species protection after mixing. For this site, there is no stormwater network. However, we would expect stormwater runoff volumes over the 20% AEP storm to have received first flush treatment and some attenuation with the proposed infrastructure.

Therefore, the triggers at the discharge points are recommended to be at 80th percentile species protection for the heavy metals. The standard Council triggers for TSS (100 mg/L), TPH (15 mg/L), and pH (6 to 9) should be included.

Table 3. ANZECC guidelines (2000) Values for Instream Water Quality

	LEVEL OF PROTECTION (% species)			
	99%	95%	90%	80%
	Numerical standards			
CHEMICAL	(mg/m3)	(mg/m3)	(mg/m3)	(mg/m3)
Copper	1	1.4	1.8	2.5
Lead	1	3.4	5.6	9.4
Zinc	2.4	8	15	31

Summary

- h. Mr Van Der Vossen recommends stormwater discharge sampling for:

- i. pH (6 – 9);
- ii. TSS (50 or 100 mg/l);
- iii. TPH (15 mg/l);
- iv. Heavy metals to meet the 80th percentile in stream guideline values (note the change in unit from mg/m³ to mg/l)
 1. Total Copper (0.0025 mg/l);
 2. Lead (0.0094 mg/l); and
 3. Zinc (0.031 mg/l).
- i. The above standards have been recommended in condition 4 for consent 11136-1.0.

Groundwater

105. David Ge, Council Scientist – Groundwater, has reviewed the initial application and has said that the proposed development will have impacts on the overall wetland system with changes to its groundwater regime, water quality and quantity, patterns of groundwater recharge and discharge, and accumulation of toxins in local aquifers. Alternations of wetland/lagoon hydro-period as natural ground cover is changed to impermeable surfaces by the proposed subdivision, would be detrimental to the hydrological relationship between the groundwater system and the lagoons.
106. Mr Ge has reviewed the updated proposal and the hydrological analysis of the development and has stated that he is happy and has no issues with the documents provided (Legacy ID 3312172).

Proposed Mitigations and Proffered Conditions

107. In a partial S92 response from the agent on the 27 August 2024, the agent provided an updated proposal including an updated stormwater management design and a water balance analysis and modelling of the changes to the hydrological connection of the subdivision catchment to the lagoons. On 11 September 2024, an assessment of ecological effects resulting from the subdivision was provided.
108. The updated proposal shows that water will be treated using green infrastructure with treatment being provided for 90th percentile rainfall events. This will treat and remove contaminants from the stormwater before it enters the lagoons by allowing groundwater soakage and filtering contaminants through the soil. Allowing groundwater soakage will reduce the amount of stormwater that will directly discharge, with direct discharges only occurring above a 20% AEP event. Stormwater from residential lots will be directed to soak holes which can handle up to a 10% AEP event.
109. The redesign of the discharge outlets has resulted in the discharges having a larger buffer and distance from the wetland. The applicant has proposed the use of appropriately sized rip-rap aprons for the calculated flows at the outlets of the discharges to slow water flows and prevent any erosion or scouring. Condition 10 for consent 11136-1.0 has been recommended requiring that the discharge does not cause erosion and scour.
110. The applicant has proffered a condition requiring heavy metal and hydrocarbon monitoring within sediments to be undertaken before commencement of the development. This has been recommended in condition 14 e within the wetland monitoring plan.
111. The applicant has proffered restrictions on the subdivision lots which restrict the dumping of garden waste and use of pest species within gardens in the subdivision. These conditions should be placed on the subdivision consent (lodged with NPDC). The applicant has also proposed a 20 m buffer from the edge of the development to the wetland. This restriction was proposed by the assessment of ecological effects provided in the S92 response (Document TRCID-1290311762-1778).

112. The applicant has proffered a condition requiring an ecological management plan to be provided to the Council for certification. The proposed plan will provide restoration works to the adjoining wetland and reserve areas with detailed plans for pest plant control, indigenous species planting size, schedules and spacing, recommended timing of works completed and predator control methodologies. A wetland restoration plan has been recommended in condition 14 in consent 11136-1.0. The implementation of a restoration plan would offset adverse effects from the proposal and would lead to ecological improvements of the lagoons, in particular, the northern lagoon which would benefit from pest plant management as it is already suffering in places from pest plants which have been introduced by nearby gardens from already existing urban lots. Increased vegetation cover within and within the buffer of the wetland will increase water quality by filtering surface water flows to and in the wetlands.

Conclusion

113. With the proposed conditions, the implementation of the proposed stormwater management system, the implementation of an ecological management plan and the 20 m buffer between the urban development and the wetland, I conclude that the effects from the discharge of stormwater and the diversion of groundwater on the Waipu lagoons will be less than minor.

Cultural effects

114. As discussed in paragraph 15, the Waipu Lagoons are of significant cultural value and importance to Te Ātiawa Iwi and Puketapu Hapū. The lagoons are identified as a Wāhi Tapu site under the proposed New Plymouth District Plan and the Waipu Stream identified as a statutory acknowledgement in the Tai Whenua, Tai Tangata, Tai Ao Iwi Management Plan and in the Te Ātiawa Deed of Settlement.
115. Puketapu Hapū was engaged by NPDC to carry out a feasibility study of urban development of the Tapuirau and Hoewaka to Bell Block, Mangati and Oropuriri area. NPDC and Puketapu hapū engaged Beca to provide a high-level strategy and framework for managing stormwater and integrate the stormwater system with wider cultural outcomes. The agent has incorporated this strategy and framework into their stormwater management system for the urban development.
116. Mr Sean Zieltjes has stated in an email on 14 October 2024 (Email #3316802) that Puketapu are happy with the updated concept design for the stormwater system and strongly support the adopting of the recommendations made to date as they take into account the provisions of Tai Whenua, Tai Tangata, Tai Ao, and the draft CIA process completed to date.
117. On the 14 February 2025, the agent provided the draft CIA from Puketapu Hapū which included changes to the draft consent conditions agreed upon between the applicant and Puketapu Hapū (Email TRCID-1290311762-5081). These changes are recommended in the consent conditions and have been discussed above in table 2.
118. Although Council cannot comment on or assess the effects of this proposal on mana whenua values and consider it best practice for applicants to undertake consultation prior to submission, it is considered the proposal within the scope of the application and will not contravene the relevant objectives and policies of the Tai Whenua, Tai Tangata, Tai Ao Iwi Management Plan.

Positive effects

119. The definition of 'effect' in the RMA also includes "*positive effects*". The applicant has identified the following positive effects:
- a. The urban development will provide additional housing for the district with housing being important for people's wellbeing and to increase housing supply;
 - b. The creation of reserve areas will enhance social values by providing public access to the lagoons and their amenity values; and

- c. Will provide employment and work for the local construction industry and economy during initial construction.
120. Section 104(1)(ab) of the RMA also requires the decision maker to have regard to any measure proposed by the applicant to ensure positive effects to offset or compensate for adverse effects. I note that the applicant has proposed the following offset measures:
- a. The applicant has proffered a condition requiring an ecological management plan to be provided to the Council for certification. The proposed plan will provide restoration works to the adjoining wetland and reserve areas with detailed plans for pest plant control, indigenous species planting size, schedules and spacing, recommended timing of works completed and predator control methodologies. A wetland restoration plan has been recommended in condition 11 in consent 11136-1.0.

Conclusion

121. Overall, I conclude that the adverse effects of the proposal are acceptable subject to the recommended conditions and will result in the positive effects identified above.

Relevant Statutory Provisions (Section 104(1)(b))

122. Section 104(1)(b) of the RMA requires the decision maker to have regard to the relevant provisions of the following documents:
- a. A national environmental standard;
 - b. Other regulations;
 - c. A national policy statement;
 - d. A New Zealand coastal policy statement;
 - e. A regional policy statement or proposed regional policy statement; and
 - f. A plan or proposed plan.
123. Of relevance to this application are the following documents and provisions:
- a. National Environmental Standards for Freshwater;
 - b. National Policy Statement for Freshwater Management;
 - c. Regional Policy Statement for Taranaki; and
 - d. Regional Freshwater Plan for Taranaki.

National Policy Statement for Freshwater Management (NPS-FM)

Te Mana o te Wai

124. The primary policy of the NPS-FM is that freshwater is managed in a way that gives effect to Te Mana o te Wai. The definition of Te Mana o te Wai includes the following paragraphs.

Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.

125. The approach for implementing Te Mana o Te Wai is prescribed in section 3.2 of the NPS-FM. Fundamental to this approach is that the Council must engage with communities and tangata whenua to determine how Te Mana o Te Wai applies to water bodies and freshwater ecosystems in Taranaki through the Plan development process.

126. In the absence of any engagement with the community and tangata whenua, giving effect to Te Mana o Te Wai cannot be adequately achieved through the consent process at this time. However recognising that the health and wellbeing of water is the top priority, at the very least any adverse effects on the water and aquatic ecosystems must not be significant.

Wetlands

127. Clause 3.22 of the NPS-FM is relevant if the activity will result in a loss of extent of natural inland wetlands. It is quoted below.

"The loss of extent of natural inland wetlands is avoided, their values protected, and their restoration is promoted, except where:

- (a) the loss of extent or values arises from any of the following:
 - (i) the customary harvest of food or resources undertaken in accordance with tikanga Maori
 - (ii) restoration activities
 - (iii) scientific research
 - (iv) the sustainable harvest of sphagnum moss
 - (v) the construction or maintenance of wetland utility structures (as defined in the NES-FM)
 - (vi) the maintenance or operation of specified infrastructure, or other infrastructure (as defined in the NES-FM)
 - (vii) natural hazard works (as defined in the NES-FM)
- (b) the regional council is satisfied that:
 - (i) the activity is necessary for the construction or upgrade of specified infrastructure; and
 - (ii) the specified infrastructure will provide significant national or regional benefits; and
 - (iii) there is a functional need for the specified infrastructure in that location; and
 - (iv) the effects of the activity are managed through applying the effects management hierarchy."

128. In this case, the proposal will not result in a loss of wetland extent as the proposed stormwater management system will mimic the current hydrological connection of the subdivision area to the Waipu Lagoons, and the change in water level as a result of the proposal will have less than minor effects on the Waipu Lagoons.

Regional Policy Statement for Taranaki (RPS)

129. The RPS contains a number of policies which are relevant to the application. However, as the RFWP gives effect to the RPS, the majority of these policies are refined and expanded on in the RFWP, which is discussed below.

Regional Fresh Water Plan (RFWP)

130. I have had regard to the policies of the RFWP. Those that are particularly relevant to the activity are summarised in Table 2 below.

Table 2: Policies of particular relevance

Policy number	Commentary
3.1.2	Having regard to matters such as fishery values, aesthetic values, ecosystems, habitats and hydrological characteristics, adverse effects on natural character, ecological and amenity values will be avoided, remedied or mitigated.
3.1.3	Having regard to certain matters, adverse effects on the life-supporting capacity of freshwater will be safeguarded and effects on habitats and ecosystems will be avoided, remedied or mitigated.
4.1.1	Protecting as far as practicable, adverse effects on wahi tapu and other sites of cultural significance to Maori.
4.1.2	Avoiding to the fullest extent practicable adverse effects on mahinga kai and habitats of species harvested by Tangata whenua
5A.1.1 & 5A.1.2	Avoiding any adverse effects of the activity on the life-supporting capacity of freshwater and ecosystems, that are likely to be more than minor, or on people's health as affected by their secondary contact with fresh water.
5A.3.1	<p>The loss of extent of natural inland wetlands is avoided, their values are protected, and their restoration is promoted, except where:</p> <p>(a) the loss of extent or values arises from any of the following:</p> <ul style="list-style-type: none"> (i) the customary harvest of food or resources undertaken in accordance with tikanga Māori (ii) restoration activities (iii) scientific research (iv) the sustainable harvest of sphagnum moss (v) the construction or maintenance of wetland utility structures (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020) (vi) the maintenance or operation of specified infrastructure, or other infrastructure (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020) (vii) natural hazard works (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020); or <p>(b) the regional council is satisfied that:</p> <ul style="list-style-type: none"> (i) the activity is necessary for the construction or upgrade of specified infrastructure; and (ii) the specified infrastructure will provide significant national or regional benefits; and (iii) there is a functional need for the specified infrastructure in that location; and (iv) the effects of the activity are managed through applying the effects management hierarchy."
6.2.1	When managing point source discharges to land and surface water, Council will recognise and provide for the different values and uses of surface water.
6.2.2	Ensuring adverse effects from point-source discharge of contaminants to land and surface water are avoided remedied or mitigated.
6.2.3	Requiring waste reduction and treatment practices which avoid, remedy or mitigate the adverse environmental effects of point-source discharge of contaminants into surface water, or, onto or into land.
6.2.4	Requiring the adoption of the best practicable option to prevent or minimise the effects on the environment when discharging contaminants.

Other Relevant Matters

131. In accordance with Section 104(1)(c), the consent authority can consider any other matter relevant and reasonably necessary to determine the application.
132. I consider that other matters that the decision maker may wish to consider include:
- Iwi Management Plans.

Iwi Management Plans

133. Policies from the Tai Whenua, Tai Tangata, Tai Ao Environment Management Plan which are relevant to this application are displayed below in table 1.

Table 1, Issues, objectives and policies which are relevant in the Tai Whenua, Tai Tangata, Tai Ao Environment Management Plan

Number	Description
<i>Freshwater Policies</i>	
<i>Gen. Pol. TTOM1.5</i>	Require freshwater related activities to occur in a manner that is consistent with freshwater health, capacity, availability and limits, and the overall capacity of catchments.
<i>Pol. TTOM3.2</i>	Require water quality to be of a standard that Te Atiawa can practice mahinga kai/food gathering without risks to human health.
<i>Pol. TTOM3.7</i>	Require the restoration of wetlands and riparian areas with site-specific native vegetation to filter contaminants as part of maintaining and improving water quality.
<i>Pol. TTOM 7.3</i>	Require public access to be restricted along waterbodies where it would result in adverse effects on mahinga kai areas, wāhi tapu/wāhi taonga, urupā and sites of significance to Māori.
<i>Discharge Policies</i>	
<i>Pol. TTOM3.3</i>	Avoid any point source discharges of contaminants to water, and to land where contaminants may enter the water.
<i>Pol. TTOM3.4</i>	Require that consented discharges to land activities are managed and monitored appropriately. This includes, but is not limited to, provision for conditions of consent requiring: <ol style="list-style-type: none"> contaminants be managed on-site rather than being discharge off-site; application rates are implemented that avoid over saturation and nutrient loading; adequate setback distances from waterbodies; and establishment of riparian margins and wetlands, and planted swales with site-specific native vegetation, as natural filtration for contaminants.
<i>Pol. TTAN2.2</i>	Include the provision for conditions of consent requiring: <ol style="list-style-type: none"> on-site disposal of storm water to achieve stormwater neutrality; site design/layout to maintain and enhance the natural and cultural landscape and include riparian margin management; and best practice, or adaptive management approaches.

<i>Pol. TTAN7.1</i>	Require that stormwater is managed on-site in all new applications to develop within the urban, rural, commercial and industrial environments.
<i>Pol. TTAN7.2</i>	Oppose discharging stormwater directly into rivers, streams, tributaries and wetlands.
<i>Pol. TTAN7.4</i>	Require the use of sustainable stormwater management designs, including but not limited to the use of one or preferably a combination of the following: <ul style="list-style-type: none"> a) Swales; b) Wetlands; and c) System designed to dissipate water and filter contaminants and sediment.
<i>Pol. TTAN7.6</i>	Require the design of stormwater management systems within urban environments to provide for multiple uses/outcomes.
<i>Pol. TTAN7.8</i>	Require applicants to enhance existing water quality in the catchment downstream of developments by improving stormwater management design, planting with site-specific native species (not grass) and implementing or supporting existing restoration initiatives.
<i>Pol. TTAN9.1</i>	Require that all discharges to land are going onto appropriate soil types and topography.
<i>Pol. TTAN9.2</i>	Avoid over saturation and over contamination of soil.
<i>Land Use Activities</i>	
<i>Gen. Pol. TTAN1.5</i>	Prohibit damage, modification, desecration, destruction to wāhi tapu/wāhi taonga, urupā and sites of significance to Māori, and loss of access to these sites.
<i>Pol. TTAN4.7</i>	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.
<i>Pol. TTAN4.10</i>	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.
<i>Pol. TTAN4.11</i>	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.
<i>Pol. TTAN4.12</i>	Require that all setback areas are planted with sites- specific native species to provide protection for the waterways, ensuring that access is not restricted.
<i>Pol. TTAN6.1</i>	Prohibit damage, modification, desecration, destruction of wāhi tapu/wāhi taonga, urupā and sites of significance to Māori.
<i>Pol. TTAN6.6</i>	Require that native vegetation removed or damaged during land disturbance is replaced to a level that results in a net biodiversity benefit.

Consideration of activities affecting drinking water supplies (Section 104G)

134. Section 104G of the RMA requires consent authorities to have regard to:
- a. The actual or potential effect of the proposed activity on the source of a registered drinking water supply; and*
 - b. Any risks that the proposed activity may pose, that are identified within a source water risk management plan.*
135. I have had regard to the above matters and note that there is no source for a registered drinking water supply which is likely to be affected by the proposed activity.

Matters Relevant to Certain Applications (Section 105(1))

136. In addition to the matters in Section 104(1) of the RMA, Section 105(1) also requires decision makers to have regard to the following matters for applications for that would contravene Section 15 or Section 15B of the RMA:
- a. The nature of the discharge and the sensitivity of the receiving environment to adverse effects;
 - b. The applicant's reasons for the proposed choice; and
 - c. Any possible alternative methods of discharge, including discharge into any other receiving environment.
137. I have had regard to the above matters and note that the adverse effects of the discharge are less than minor, and that there are no possible alternatives. The applicant's reasons for the proposed choice are that the stormwater is required to be discharged back into the catchment of the Waipu Lagoons to maintain the water level. The applicants proposed stormwater management system is the best option for ensuring the hydrological connection of the area to the Waipu Lagoons is maintained by encouraging soakage to ground.

Determination of Application

138. Having had regard to those matters specified in Section 104(1) and Section 105(1), it is then necessary to consider those matters relevant to determining the application, as determined by its status.
139. The application is considered to be a restricted discretionary activity, and therefore I must consider the following matters when considering whether to recommend granting or refusing the application:

Determination of Applications for Restricted Discretionary Activities (Section 104C)

140. When considering an application for a resource consent (under Section 104), a consent authority may grant or refuse the application, but in doing so must only consider those matters over which discretion is restricted in a national environmental standard, another regulation, or in its plan or a proposed plan.
141. In considering those matters in Section 104, I confirm that I have limited my regard to those matters to which discretion is restricted as detailed in the 'Legal and Planning Matters' section above.
142. Having considered those matters, the consent authority may grant or refuse the application, but may only impose conditions on the resource consent (under Section 108) for those matters over which discretion is restricted in National Environmental Standards, other regulations or in its plan or proposed plan.

Restrictions on Grant of Certain Discharge Permits (Section 107)

143. Under Section 107(1) of the RMA a consent authority shall not grant a resource consent for the discharge of a contaminant into water, or onto or into land, if after reasonable mixing the discharge is likely to give rise in the receiving waters to:

- (c) The production of conspicuous oil or grease films, scums, foams, floatable or suspended material:*
- (d) Any conspicuous change in the colour or visual clarity:*
- (e) Any emission of objectionable odour:*
- (f) The rendering of fresh water unsuitable for consumption by farm animals:*
- (g) Any significant adverse effects on aquatic life.*

144. I consider that the discharge will not give rise to any of the effects specified in Section 107(1), and therefore the resource consent may be granted.

Overall recommendation

145. Having had regard to those matters in Section 104 and Section 105, and that consent is able to be granted in accordance with Sections 104, 104C and 107 of the RMA, I recommend granting the resource consent subject to the conditions and duration recommended below.

Conditions of Resource Consent (Section 108)

146. Section 108 of the RMA enables the consent authority to impose conditions subject to those restrictions specified in Section 108 and Section 108AA.

147. If the decision maker agrees with my recommendation to grant this application, I recommend conditions, as specified in Appendix 1 be imposed. The applicant has confirmed that they agree to the conditions (Email TRCID-1290311762-6205).

Reasons for decision (Section 113(4))

148. The reasons for the decision I have recommended are detailed in this report. However in summary, they are:

- a. Granting the application is consistent with National Policy Statements, the RPS, Regional Plans and consistent with the purpose and principles of the RMA; and
- b. Undertaking the activity in accordance with the conditions recommended is unlikely to cause any significant adverse effects on the environment.

Duration (Section 123)

149. Section 123 of the RMA details the possible durations of resource consent. The applicant has not sought a consent duration for these consents.

150. In considering an adequate consent duration, I have had regard to the following factors developed through case law that are relevant to the determination of the duration of a resource consent⁴:

- a. The duration of a resource consent should be decided in a manner which meets the RMA's purpose of sustainable management;
- b. Whether adverse effects would be likely to increase or vary during the term of the consent;

⁴ *Ngati Rangi Trust v Genesis Power Ltd* [2009] NZRMA 312 (CA); *Genesis Power Ltd v Manawatu-Wanganui Regional Council* (2006) 12 ELRNZ 241, [2006] NZRMA 536 (HC); *Royal Forest and Bird Protection Society of New Zealand Inc v Waikato Regional Council* [2007] NZRMA 439 (EnvC); *Curador Trust v Northland Regional Council* EnvC A069/06.

- c. Whether there is an expectation that new information regarding mitigation would become available during the term of the consent;
 - d. Whether the impact of the duration could hinder implementation of an integrated management plan (including a new plan);
 - e. That conditions may be imposed requiring adoption of the best practicable option, requiring supply of information relating to the exercise of the consent, and requiring observance of minimum standards of quality in the receiving environment;
 - f. Whether review conditions are able to control adverse effects (the extent of the review conditions proposed is also relevant bearing in mind that the power to impose them is not unlimited);
 - g. Whether the relevant plan addresses the question of the duration of a consent;
 - h. The life expectancy of the asset for which consents are sought;
 - i. Whether there was/is significant capital investment in the activity/asset; and
 - j. Whether a particular period of duration would better achieve administrative efficiency.
151. The Council also has a well-established and accepted practice of ensuring common expiry, and consent reviews dates within a catchment. The benefits of this practice include more efficient and integrated resource management.
152. Therefore, taking the above reasonings and policy guidance into consideration, I consider a duration of 19 years is appropriate for this application in order to align with the common catchment expiry of Unnamed Catchment 62 (Waipu).
153. The recommended conditions also provide for occasional reviews of the consent conditions in line with standard catchment dates.

Lapsing of consent (Section 125)


154. A resource consent lapses five years after commencement unless it is 'given effect to', or another date is specified in the consent. The 'default' lapse period of five years is considered appropriate in this case. In simple terms, this means that the consent must be exercised within this period.

Prepared by:  Date: 11 March 2025

Name: Shaun Moffitt
Environmental Planner - Resource Consents

Reviewed by:  Date: 11 March 2025

Name: Kim Giles
Principal Planner - Resource Consents

Recommendation Confirmed:  Date: 25 March 2025

Name: AD McLay
Director - Resource Management

RECOMMENDED CONDITIONS

Resource Consent: 11136-1.0

Applicant: Robe & Roche Investments Limited

Recommended Expiry Date: 1 June 2044

Purpose: To discharge stormwater from roading surfaces onto and into land in circumstances where it may enter the Waipu Lagoons for the purposes of urban development and infrastructure management.

General condition

- a. The consent holder must pay to the Taranaki Regional Council ('the Council') all the administration, monitoring and supervision costs of this consent, fixed in accordance with section 36 of the Resource Management Act 1991

Special conditions

1. The exercise of this consent must be undertaken in general accordance with the information submitted in support of the application documentation and supporting documents as follows:
 - a. *"Beca Memorandum - Feasibility Assessment for Tapuirau and Hoewaka to Bell Block, Mangati and Oropuriri – Stormwater Constraints, Strategy and Opportunities"* (Document TRCID-1290311762-1784) dated 17 June 2024;
 - b. *"Engineering report, Parklands subdivision – Stormwater Management"* (Document TRCID-1290311762-1782);
 - c. *"W & C Bolton, Proposed Development, Parklands Ave, Bell Block"* File No. DWG-3917-C-03 (Document TRCID-1290311762-1780) dated 24 October 2024;
 - d. *"Assessment of Potential Ecological Effects for a Proposed Subdivision at Pōhutukawa Drive, Bell Block, Taranaki"* (Document TRCID-1290311762-1778) dated October 2024; and
 - e. The further information response titled *"RE: Request for Further Information – Consents: 11136-1.0, 11139-1.0 & 11146-1.0"* (Document TRCID-1290311762-1788) submitted to the Council on the 27 August 2024.

Where the information, supporting plans, correspondence, reports and technical appendices outlined in condition 1 are inconsistent with any conditions of consent set out below, the conditions prevail.

2. The consent holder must at all times adopt the best practicable option, as defined in section 2 of the Resource Management Act 1991, to prevent or minimise any adverse effects on the environment from the exercise of this consent.
3. Any updates to the stormwater management design, outlined in condition 1 c, including, but not limited to, the design of the raingardens, the stormwater outlets and the roading layout must be provided to the Council and Puketapu Hapū 20 working days prior to the construction of the stormwater management system.

4. Constituents of the stormwater discharge shall meet the standards shown in the following table.

<u>Constituent</u>	<u>Standard</u>
pH	Within a range of 6.0 to 9.0
Suspended Solids	Concentration not greater than 100 gm ⁻³
Total Recoverable Hydrocarbons	Concentration not greater than 15 gm ⁻³
Total Copper	Concentration not greater than 0.0025 gm ⁻³
Lead	Concentration not greater than 0.0094 gm ⁻³
Zinc	Concentration not greater than 0.031 gm ⁻³

These standards shall apply before entry of the treated stormwater into the receiving waters at a designated sampling point determined by the Council as per condition 5.

5. The consent holder must ensure that there is always a clear and safe all-weather access to a point where the discharges can be sampled to check compliance with condition 4 above.
6. Prior to completion of the construction of the stormwater management system, the consent holder must submit a Stormwater Management Plan (SMP) to the Council, for certification. The SMP must detail how the discharges will be managed and monitored to minimise the effects of the discharge on the Waipu Lagoons and generally ensure that the conditions of this consent are met. The SMP must include, but not be limited to, the following:
- locations and receiving catchments of each stormwater outfall;
 - estimated volumes of stormwater to be discharged at each stormwater outfall;
 - processes for ensuring the stormwater management system is maintained;
 - any other relevant matter.

Advice Note: the SMP can be combined with the management plan required for consent 11146-1.0.

7. The consent holder must undertake an annual review of the SMP, and provide an update to the Council, before 30 June each year of the outcome of that review. While review is mandatory, amendments are only required if there have been incidents, changes to the catchment size and changes to the stormwater network which are inadequately addressed by the current SMP, as determined by the Council. Any SMP amendments must be submitted to the Council for review and certification. The site must be operated in accordance with the certified SMP and any certified variation thereafter.

Advice Note: Certification of Management Plans

Certification of the Stormwater Management Plan by the Council relates only to those aspects of the management plan that are relevant under the Resource Management Act 1991. The certification does not amount to an approval or acceptance of suitability by the Council of any elements of the management plan that relate to other legislation, for example, but not limited to, the Building Act 2004, the Heritage New Zealand Pouhere Taonga Act 2014, or the Health and Safety in Employment Act 1992.

8. There must be no loss of wetland and lagoon extent, as a result of the exercise of this consent, as shown in Appendix 1.
9. The consent holder must, as far as practicable, manage the amount of stormwater that will be discharged directly into the Waipu Lagoons, using the methods identified in the documentation submitted in support of the application, outlined in condition 1.
10. The discharge of stormwater must not cause significant erosion, scour or deposition.

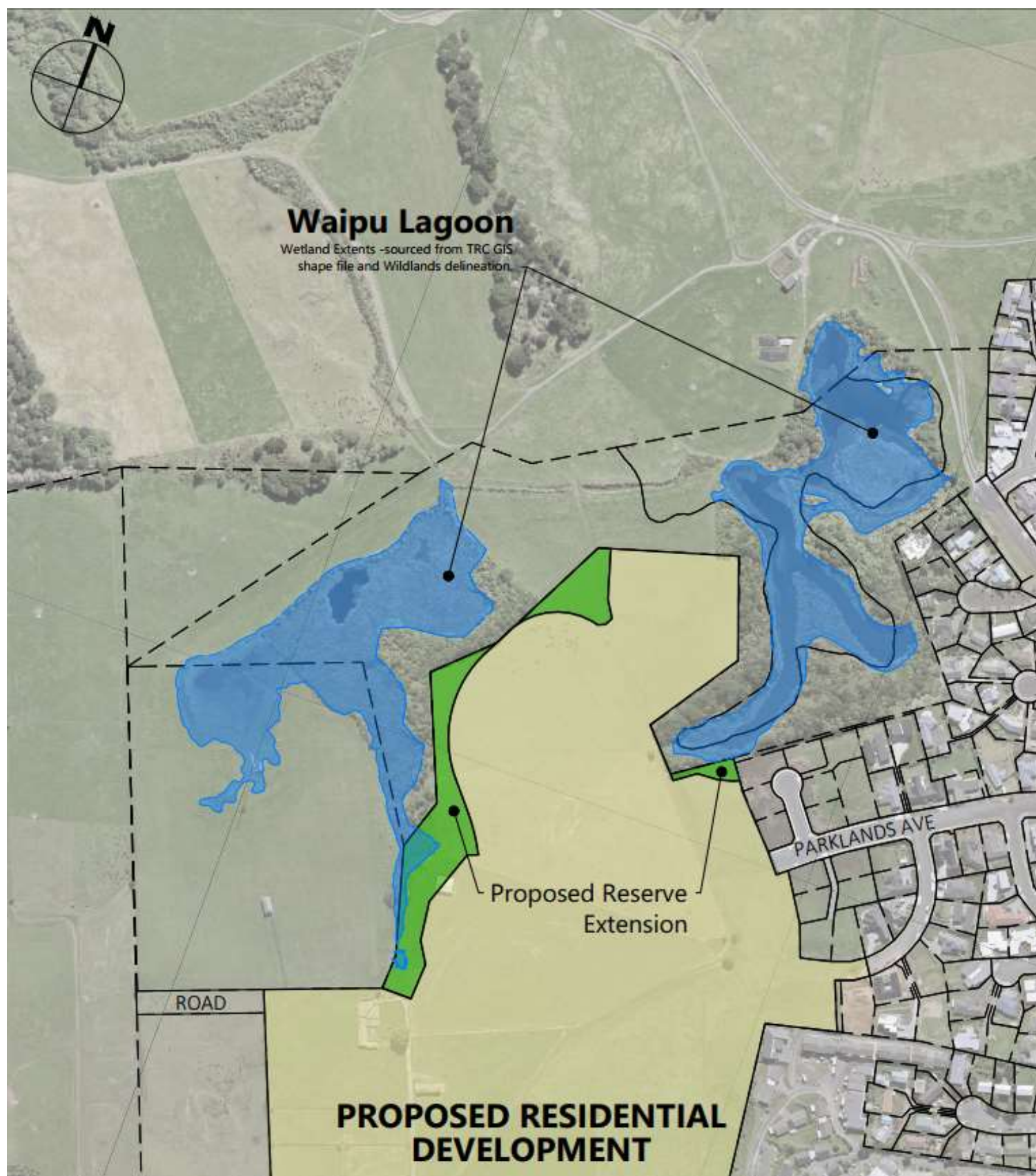
11. Within 3 months of consent commencement, the consent holder must submit a Wetland Restoration Plan (WRP) to the Council, for certification. The WRP must be developed in consultation with Puketapu Hapū, and must detail the restoration works to be undertaken within and within the 20-metre buffer of the wetlands around both the western and eastern lagoons, and must include, but not be limited to, the following:
 - a. Locations and size of the proposed restoration areas;
 - b. Timing and schedule of restoration works;
 - c. Pest animal and plant control management and methodologies to be undertaken;
 - d. The site specific indigenous species to be planted and the spacing between them; and
 - e. Consideration of the Puketapu Hapū statement of association and values set out as follows:
 - i. Kaitiakitanga – Active Protection of the Waipu Lagoons, the environment and knowledge;
 - ii. Kanohi ki te Kanohi – Engagement and Formal Consultation;
 - iii. Manawhenua – Recognition of the mana of Puketapu Hapū and respect for the Puketapu Hapū's relationship with its Waipu Lagoons sites;
 - iv. Tikanga – Appropriate action; and
 - v. Rangatiratanga – Leadership, integrity and ethical behaviour in all actions and decisions.
12. Any amendments to the WRP must be:
 - a. submitted to the Council for review and certification; and
 - b. supplied to Puketapu Hapū for advice on cultural impacts of the amendments no less than 30 working days prior to the consent holder submitting the WRP to the Council for certification.
13. All restoration works must be undertaken in accordance with the certified WRP and any certified variation thereafter.
14. Within 3 months of consent commencement, the consent holder must submit a Wetland Monitoring Plan (WMP) to the Council, for certification. The WMP must be developed in consultation with Puketapu Hapū; must detail the monitoring of the wetlands and the western and eastern lagoons; and must include, but not be limited to, the following:
 - a. Baseline monitoring of all requirements outlined in condition 14 b, c, d, e and f, that must be completed prior to commencement of any works on the site;
 - b. Monitoring of the extent and vegetation composition of the wetlands and lagoons;
 - c. Surveys of weed populations present within and within the 20-metre buffer of the wetlands and lagoons;
 - d. Water quality testing from each lagoon including sampling for the constituents outlined in condition 4 and any other appropriate constituent,
 - e. Monitoring of contaminants present within sediments in the wetlands and lagoons, including but not limited to:
 - i. Total Hydrocarbons;
 - ii. Lead;
 - iii. Poly Aromatic Hydrocarbons (PaHs);
 - f. Monitoring of the water level within the lagoons;
 - g. Any cultural health index method;
 - h. Methodology of all monitoring undertaken; and
 - i. Any other relevant matter.

Advice Notes:

- *The WMP can be combined with the monitoring plan required for consent 11146-1.0.*
- *Wetland extent and vegetation composition can be monitored through the use of vegetation plot monitoring or aerial imagery vegetation monitoring.*

15. The consent holder must undertake an annual review of the WMP, and provide an update to the Council, before 30 June each year. While review is mandatory, amendments are only required if the certified WMP inadequately addresses the monitoring required to determine the impact of the stormwater discharge on the wetlands and lagoons, as determined by the Council.
16. Any amendments to the WMP must be:
 - a. submitted to the Council for review and certification; and
 - b. supplied to Puketapu Hapū for advice on cultural impacts of the amendments no less than 30 working days prior to the consent holder submitting the WMP to the Council for certification.
17. Monitoring of the wetlands and the western and eastern lagoons must be undertaken in accordance with the certified WMP and any certified variation thereafter.
18. This consent lapses 5 years after its date of commencement, unless the consent is given effect to before the end of that period or the consent holder has applied for an extension before the end of that period and the Council fixes a longer period pursuant to section 125(1A)(b) of the Resource Management Act 1991.
19. In accordance with section 128 and section 129 of the Resource Management Act 1991, the Council may serve notice of its intention to review, amend, delete or add to the conditions of this resource consent by giving notice of review during the month of June 2032 and/or June 2038, for the purpose of ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of this resource consent, which were either not foreseen at the time the application was considered or which it was not appropriate to deal with at the time.

Appendix 1: Extent of the proposed Parklands Subdivision and boundaries of adjacent wetlands (Document TRCID-1290311762-6017)



Condition Analysis Table

No.	Description	Reasons for condition	Determination of compliance	Standard or non-standard/offered by applicant.	Reason for limit
1.	In General Accordance	Necessary to ensure that the activity is undertaken in general accordance with the information provided in the application documentation.	Assessment by a Council officer at inspection	Standard consent condition	N/A
2.	Adoption of best practicable option (BPO)	This condition requires that a higher standard than that required by the other conditions be met if it can reasonably be achieved. It also requires the consent holder to continually review methods and practices and make reasonable improvements even though the conditions are being met. The condition is reasonably necessary to avoid adverse environmental effects.	General observation and checking of records	Standard Consent Condition	N/A
3.	Updates to stormwater design	Requires any updates to the stormwater design to be provided to Puketapu hapū and the Council. Recommended by Planner to address cultural effects. Puketapu hapū wished to have input into the finalised design.	Updates submitted to Council and Puketapu Hapū. Checking of records.	Non-Standard Consent Condition	N/A
4.	Discharge Limits	There are many contaminants that may become entrained in the stormwater, the most common contaminants likely to be associated with this activity are controlled by this condition. Ensuring these contaminants are kept to an acceptable level is necessary to avoid or mitigate adverse environmental effects.	Sampling and testing of discharge as necessary by Council Staff.	Standard consent condition.	Limits received from Technical Advice during consent processing. Further information contained within officer report, paragraph 103 a. to 103 i.
5.					
6.	Submission, maintenance of and adherence to a Stormwater Management Plan.	Ensures that the consent holder develops, maintains, and operates in accordance with a SMP. Necessary to ensure that the Stormwater system is maintained so that the discharge occurs in accordance with this consent, and the volume of stormwater discharged at each outfall is known.	Plan submitted and certified by the Council. Operations undertaken in accordance with the SMP.	Based on a Standard Consent Condition. Modified to be relevant to subdivision stormwater discharges.	N/A
7.					
8.	Wetland Extent	To ensure no loss of wetland extent occurs as a result of the application as assessed in the application.	Assessment by a Wetland Ecologist. The wetland extent in Appendix 1 can be used to help inform change to the wetland extent but should not be solely relied upon. Other factors and data sources should be considered when determining if the stormwater discharge has	Standard Consent condition	N/A

No.	Description	Reasons for condition	Determination of compliance	Standard or non-standard/offered by applicant.	Reason for limit
			caused extent change to the wetland.		
9.	Stormwater Management	To encourage the management and minimisation of stormwater discharged directly to the wetlands. Recommended as Soak holes cannot be directly required in conditions as once lots are sold it is not within the consent holders power to manage these soak holes.	General observation and checking of records	Non-Standard Consent Condition.	N/A
10.	Erosion or scour	Requires the discharge to not cause erosion or scour.	Assessment by a Council officer at inspection	Standard Consent Condition	N/A
11.	Wetland Restoration Plan	To offset effects on the wetlands and to ensure positive effects. Must consider both Ecological and Cultural effects. Amendments to plan must be provided to both the Council and Puketapu Hapū. To address ecological and cultural effects. Puketapu Hapū requested that the plan be developed in consultation with them and that the Puketapu Hapū statement of association and values be a requirement to address cultural effects.	Plan submitted and certified by Council. Restoration undertaken in accordance with certified plan.	Non-Standard Consent Condition.	N/A
12.					
13.					
14.	Wetland Monitoring Plan	To monitor the extent of the lagoons and wetlands, the water quality within the lagoons and wetland sediments, the water level of the lagoons, and effects on cultural values. Cultural health index method recommended by Puketapu Hapū to address cultural effects. Plan to be developed in consultation with Puketapu hapū. Monitoring recommended by Technical Advice during consent process. See officer report for more information.	Plan submitted and certified by Council. Monitoring undertaken in accordance with certified plan.	Non-Standard Consent Condition.	N/A
15.					
16.					
17.					
18.	Lapse	If this condition was not imposed the consent would lapse under the provisions of the RMA after 5 years in any case. This condition is simply to advise the consent holder of that provision.	N/A. The consent will simply lapse if it is not given effect to within the period stated	Standard Consent Condition	N/A
19.	Review	In general, conditions of consent can only be reviewed if provision to do so is included in the consent. The Council's preference is to make provision to review the conditions of all consents to ensure that the conditions are effective.	N/A	Standard Consent Condition	N/A

Resource Consent: 11146-1.0

Applicant: Robe & Roche Investments Limited

Recommended Expiry Date: 1 June 2044

Purpose: To divert groundwater within 100 metres of the Waipu Lagoons by increasing impermeable surfaces for the purposes of housing, roading and infrastructure placement for urban development

General condition

- a. The consent holder must pay to the Taranaki Regional Council ('the Council') all the administration, monitoring and supervision costs of this consent, fixed in accordance with section 36 of the Resource Management Act 1991.

Special conditions

1. The exercise of this consent must be undertaken in general accordance with the information submitted in support of the application documentation and supporting documents as follows:
 - a. *"Beca Memorandum - Feasibility Assessment for Tapuirau and Hoewaka to Bell Block, Mangati and Oropuriri – Stormwater Constraints, Strategy and Opportunities"* (Document TRCID-1290311762-1784) dated 17 June 2024;
 - b. *"Engineering report, Parklands subdivision – Stormwater Management"* (Document TRCID-1290311762-1782);
 - c. *"W & C Bolton, Proposed Development, Parklands Ave, Bell Block"* (Document TRCID-1290311762-1780) dated 24 October 2024;
 - d. *"Assessment of Potential Ecological Effects for a Proposed Subdivision at Pōhutukawa Drive, Bell Block, Taranaki"* (Document TRCID-1290311762-1778) dated October 2024; and
 - e. The further information response titled *"RE: Request for Further Information – Consents: 11136-1.0, 11139-1.0 & 11146-1.0"* (Document TRCID-1290311762-1788) submitted to the Council on the 27 August 2024.

Where the information, supporting plans, correspondence, reports and technical appendices outlined in condition 1 are inconsistent with any conditions of consent set out below, the conditions will prevail.

2. There must be no loss of wetland and lagoon extent, as a result of the exercise of this consent, as shown in Appendix 1.
3. Prior to completion of the construction of the stormwater management system, the consent holder must submit a Stormwater Management Plan (SMP) to the Council, for certification. The SMP must detail how soakage to groundwater will be managed and monitored to minimise the effects on the Waipu Lagoons and generally ensure that the conditions of this consent are met. The SMP must include, but not be limited to, the following:
 - a. locations and receiving catchments of each raingarden;
 - b. estimated volumes of stormwater to be discharged to groundwater at each raingarden;
 - c. volume of retention available for each raingarden and their combined total;
 - d. processes for ensuring the stormwater management system is maintained; and
 - e. any other relevant matter.

Advice Note: the SMP can be combined with the management plan required for consent 11136-1.0.

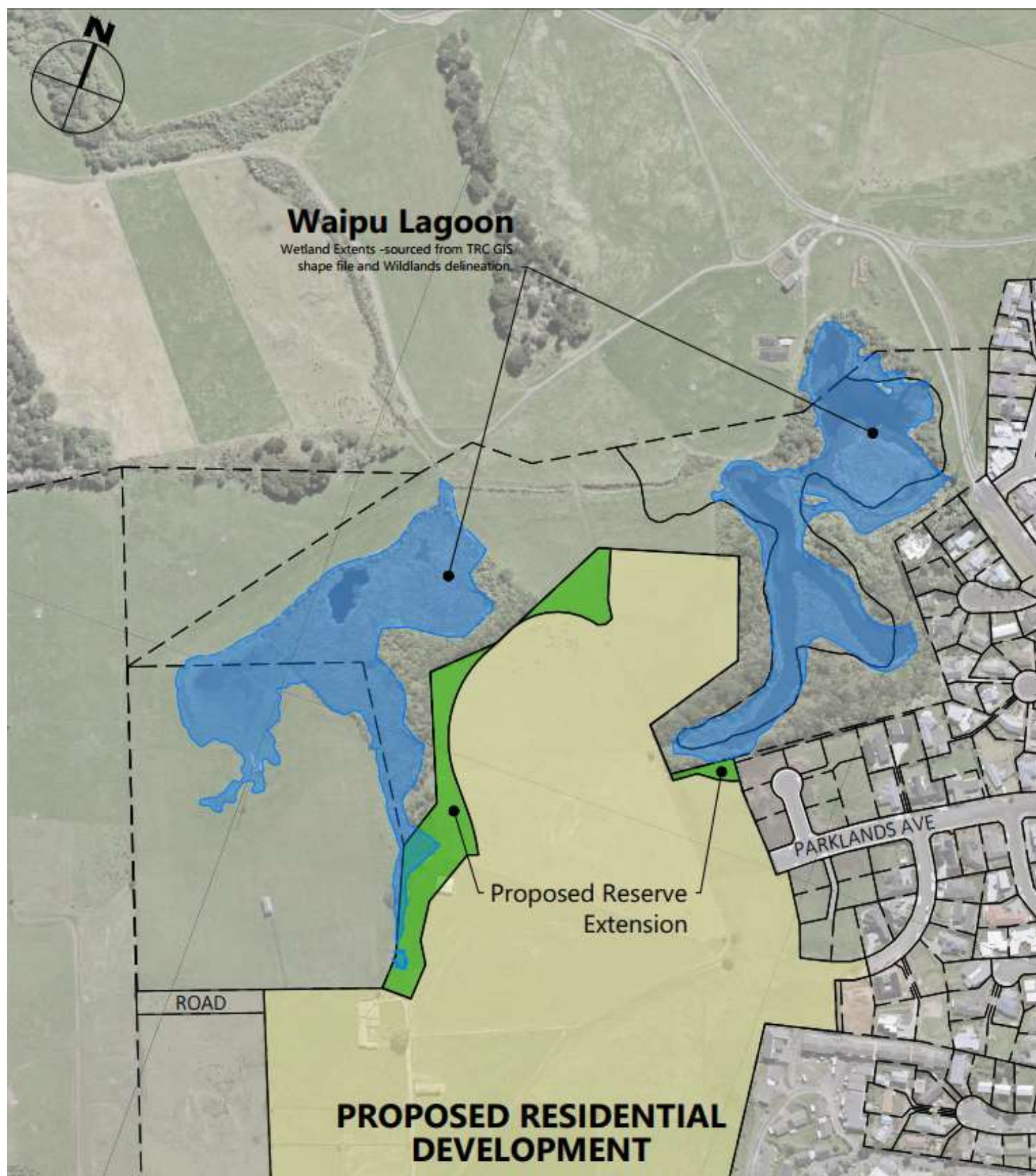
4. The consent holder must undertake an annual review of the SMP, and provide an update to the Council, before 30 June each year of the outcome of the review. While review is mandatory, amendments are only required if there have been incidents, changes to the catchment size and changes to the stormwater network which are inadequately addressed by the current SMP, as determined by the Council. Any SMP amendments must be submitted to the Council for review and certification. The site must be operated in accordance with the certified SMP and any certified variation thereafter.

Advice Note: Certification of Management Plans

Certification of the Stormwater Management Plan by the Council relates only to those aspects of the management plan that are relevant under the Resource Management Act 1991. The certification does not amount to an approval or acceptance of suitability by the Council of any elements of the management plan that relate to other legislation, for example, but not limited to, the Building Act 2004, the Heritage New Zealand Pouhere Taonga Act 2014, or the Health and Safety in Employment Act 1992.

5. This consent lapses 5 years after its date of commencement, unless the consent is given effect to before the end of that period or the consent holder has applied for an extension before the end of that period and the Council fixes a longer period pursuant to section 125(1A)(b) of the Resource Management Act 1991.
6. In accordance with section 128 and section 129 of the Resource Management Act 1991, the Council may serve notice of its intention to review, amend, delete or add to the conditions of this resource consent by giving notice of review during the month of June 2032 and/or June 2038, for the purpose of ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of this resource consent, which were either not foreseen at the time the application was considered or which it was not appropriate to deal with at the time.

Appendix 1: Extent of the proposed Parklands Subdivision and boundaries of adjacent wetlands (Document TRCID-1290311762-6017)



Condition Analysis Table

No.	Description	Reasons for condition	Determination of compliance	Standard or non-standard/offered by applicant.	Reason for limit
1.	In General Accordance	Necessary to ensure that the activity is undertaken in general accordance with the information provided in the application documentation.	Assessment by a Council officer at inspection	Standard consent condition	N/A
2.	Wetland Extent	To ensure no loss of wetland extent occurs as a result of the application as assessed in the application.	Assessment by a Wetland Ecologist. The wetland extent in Appendix 1 can be used to help inform change to the wetland extent but should not be solely relied upon. Other factors and data sources should be considered when determining if the groundwater diversion has caused extent change to the wetland.	Standard Consent condition	N/A
3.	Submission, maintenance of and adherence to a Stormwater Management Plan.	Ensures that the consent holder develops, maintains, and operates in accordance with a SMP. Necessary to ensure that the raingardens are maintained so that the groundwater is diverted in accordance with this consent, and the volume of water/capacity of each raingarden is known.	Plan submitted and certified by the Council. Operations undertaken in accordance with the SMP.	Based on a Standard Consent Condition. Modified to be relevant to raingardens	N/A
4.					
5.	Lapse	If this condition was not imposed the consent would lapse under the provisions of the RMA after 5 years in any case. This condition is simply to advise the consent holder of that provision.	N/A. The consent will simply lapse if it is not given effect to within the period stated	Standard Consent Condition	N/A
6.	Review	In general, conditions of consent can only be reviewed if provision to do so is included in the consent. The Council's preference is to make provision to review the conditions of all consents to ensure that the conditions are effective.	N/A	Standard Consent Condition	N/A