RESOURCE MANAGEMENT ACT 1991

DECISION OF NEW PLYMOUTH DISTRICT COUNCIL

ON A RESOURCE CONSENT APPLICATIONS

APPLICATION REFERENCES:	LUC25/48839 & SUB17/46785.02
APPLICANT:	Bunnings Limited
SITE ADDRESSES:	662 Devon Road, New Plymouth
LEGAL DESCRIPTIONS:	Lot 1 DP 509004 (RT 775834) and Lot 4 DP 509004 (RT 837990)
PROPOSAL:	To construct a new Bunnings warehouse with a Gross Floor Area of 13,282.65m2 along with associated parking, loading and access areas and to cancel a consent notice.
ZONING & NOTATIONS:	General Industrial Zone under the Part Operative District Plan 2025
DISTRICT PLAN OVERLAYS:	▪ Volcanic Hazard Area, ▪ Site of Significance to Māori, ▪ Entrance Corridor, ▪ Noise Control Boundary, ▪ Waterbody ▪ Stormwater Flooding Area (Non District Plan layer). ▪ Rail Corridor Vibration Alert Area, Rail Corridor Noise Alert Area (information only)
TYPE OF ACTIVITY:	Discretionary
DATE OF HEARING	29th of September 2026
HEARING COMMISSIONER	Reginald Proffit
APPEARANCES	<u>Applicant</u> Mr D J Minhinnick, Counsel for the Applicant Mr G P Turner, Head of Property, Bunnings Limited Mr D J Siciliano, Māori Engagement Lead, Bunnings Limited

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Mr M G Georgeson, Traffic Engineer

Mr M F Norwell, Planner

Council

Mr R G I Watkins, Planner

Submitters

Ms S J TA Gibson and Beverly Anne Hinehou Kataraina Gibson, Ngāti Tāwhirikura Hapū

Ms R W G Salisbury, Puketapu Hapū

Mr S P Zieltjes, Planner

DECISION **Approved**

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INTRODUCTION

1. I was appointed by New Plymouth District Council pursuant to s34A of the Resource Management Act (the Act or the RMA) to consider and make a decision on a proposal for land use to construct a new Bunnings warehouse with a Gross Floor Area of 13,282.65 m^2 along with associated parking, loading and access for the site at 662 Devon Road.

2. The application also seeks to cancel Consent Notice 11204972.3 on the subject sites. The application also involves earthworks and disturbance of a piece of land identified as being potentially contaminated.

3. Site description

4. Section 3 of the assessment of environmental effects supplied by the application accurately describes the site and the surrounding area. This has been adopted by all parties. I also adopt this section as part of my decision as a true and accurate description of the site and surrounding area.

5. The subject site is held in two Record of Titles (RT). A number of interests and legal instruments are associated with the two RT, these are detailed in Sections 2.3 and 2.6 of the Section 42A Report provided by Mr Watkins. I note here that Devon Road is denoted as State Highway 3 and connects New Plymouth with the west coast of Taranaki.

6. I note RT 775834, Lot 1 DP509004 and Lot 4 DP 509004 hold a Consent Notice 11204972.3. The fourth condition of the Consent Notice requires the owner of Lot 1 to also own Lot 4 DP 509004 and to sell it to the Crown for roading purposes. This is the only interest that has a bearing for this application and forms part of my decision.

7. Prior to the ownership of the site by Bunnings Limited the site was owned and used by Ravensdown Fertiliser works. On 3 April 2020 a Landuse resource consent (LUC17/47175) was issued to establish and operate a Commercial and Retail Complex Development and Reformation of Parapara-iti Pā, commonly referred to as the 'Bluehaven development'. This included remediation of contaminated soils and earthworks.

8. In regard to the contaminated site remediation, most of the contaminated soil was removed from the site and a Site Validation Report[1] (SVR) was provided. Four pieces of land within the site are identified as containing contaminants. The Section 42A Report notes the remainder of the LUC17/47175 consent has not been given effect, and the consent had a lapse date of 20 April 2025. No extension of time has been issued under section 125 of the Resource Management Act 1991 (RMA).

9. There are 4 access points proposed providing vehicle access to the site. I note Access 5 provides internal access and comes off Access 4.

10. Key aspects of the proposal are described in Section 4 of the assessment of environmental effects (AEE), and I refer specifically to Revision 2 of the AEE, submitted on 27 November 2025. I adopt this description and will not provide further context in my decision.

11. Process

12. The application was limited notified pursuant to sections 95A, 95B, 95D and 95E of the RMA to Tāwhirikura and Puketapu hapū as per the Council Notification Report dated 15th of May 2026. Both parties submitted on the application.

[1] Site Validation Report prepared by HGeo reference SVR Rev.3 dated 1 December 2023

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13. I note at this stage, the s42A report, recorded the applicant agreed to a number of conditions[2] following discussions with New Zealand Transport Agency / Waka Kotahi (NZTA), these being;

- Vehicles utilising Access Point 2 will be restricted to entry and left-hand exit only;
- Upgrading of the vehicle crossing at Access 2 which fronts Devon Road;
- Undertake a traffic safety review of Access 2, twelve months after opening;
- Trimming of vegetation within Lot 4 to achieve sightlines prior to commencement of the activity; and
- Provide correspondence to Council that works in the State Highway have been suitably undertaken prior to commencement of the activity.

14. Submissions

15. The concerns of Ngāti Tāwhirikura hapū related to:

- The interface between the proposal and Aotere Pā and how the cultural context is able to be incorporated into the development, the recognition and protection of views to and from sites and areas of significance to Māori and managing effects to protect the Mangaone Stream;
- Further severance of Aotera Pā with surrounding Sites and area of Significance to Maori (SASM) and other natural and physical resources;
- The effects of parking and manoeuvring areas on the values of the Aotere Pā;
- The effect of the development on the legibility on Aotere Pā and Te Pou Tūtaki;
- Lack of regard of the development to the cultural context of the area;
- Effects on the health, intrinsic values and life supporting capacity of the Mangaone Stream; and
- Insufficient certainty that the adverse effects can be appropriately managed.

16. The concerns of Nga Kaitiaki o Puketapu Hapū related to:

- Effects on Te Pou Tūtaki and its relationship with Aotere Pā; and
- Effects on Te Pou Tūtaki from any roading upgrades.

17. Nga Kaitiaki o Puketapu Hapū requested if consent was to be granted the following conditions be included:

- Recognition and protection of the cultural relationship between Aotere Pā and Te Pou Tūtaki;
- The protection of viewshafts and lines of sight between Aotere Pā and Te Pou Tūtaki from obstruction by future buildings, structures, signage, earthworks, landscaping, lighting, or infrastructure;
- That any future transport planning, road widening, lane additions, traffic signal installation, intersection upgrades, or associated infrastructure works demonstrate that adverse effects on cultural values, cultural visibility, and the relationship between Aotere Pā and Te Pou Tūtaki have been avoided;

[2] Email dated 20 February 2026 from Lisa Matson.

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- That Te Pou Tūtaki shall not be relocated, removed, modified, or compromised as a consequence of traffic, roading, transportation, or infrastructure requirements associated with this development or future development; and
- Ongoing engagement with Puketapu Hapū regarding any future works that may affect Aotere Pā, Te Pou Tūtaki, the Mangaone Stream, or the wider cultural landscape.

18. A Section 42A (of RMA) Report was prepared by Mr Watkins for the Council analysing the resource management issues associated with the application, including addressing submissions. Mr Watkins considered the key issues in respect of application were character and amenity effects, Transportation effects, earthworks effects including disturbance of contaminated ground, retail distributional effects, and cultural and archaeological effects.

19. Mr Watkins Section 42A Report concluded the application, including the proposed mitigation measures and conditions of consent, will achieve a number of positive effects - and where it is likely to (or has the potential to) adversely affect the environment, any such potential effects can be avoided, remedied or mitigated to a level where they will be no more than minor. Mr Watkins recommended, in regard to section 104(1)(a)-(c) of the RMA, the landuse consent be granted subject to conditions, and to cancel consent notice 11204972.3.

20. The hearing on the above application took place on the 29th of September 2026.

AFFECTED PARTY APPROVALS AND IWI CONSULTATION

21. I acknowledge written approval was provided by NZTA and forms part of the subdivision resource consent SUB17/46785[3]. Accordingly, any effects on NZTA were disregarded as part of the notification decision and are similarly disregarded in my decision.

22. In the application and again in the evidence of Mr Turner and Mr Siciliano, a detailed account of consultation undertaken with Ngāti Tāwhirikura hapū, and at a later stage, with Ngāti Puketapu hapū representatives. Both hapū submitted on the application, provided expert evidence and presented at the hearing.

PRELIMINARY MATTER

23. Prior to pre-circulation of expert witness evidence, I received a request on behalf of the applicant, seeking an earlier release of the Section 42A report to allow parties additional time to review and meaningfully engage with the s42A report. Councils' response to this request outlined council staff were operating under significant workloads and expressed Councils' inability to satisfy this request. My decision on this matter is detailed in my Minute #1. For reasons of procedural fairness, my decision was not to deviate from the timelines stipulated in section 103B of the RMA.

MINUTES

24. During the process of dealing with this application I issued two minutes. Minute #1 covered my decision in response to a request from the applicant for earlier release of the s42A report and confirmed dates for pre-circulation of expert witness evidence. Minute #2 notified the closure of the hearing and the intended timing of my decision.

DISTRICT PLAN PROVISIONS

[3] Notification decision on resource consent SUB17/467875 dated 12 April 2018

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25. The Proposed District Plan became part operative on 29th August 2025. All rules under the Part Operative District Plan (PODP) which are relevant to the consideration of this proposal are considered to be operative (as defined in s43AA of the RMA).

26. The Site is zoned General Industrial under the New Plymouth District Plan ("NPDP" or "District Plan"). The overlays present on the site are detailed earlier in my decision. The most notable overlay of relevance is that the Site is within the extent of two mapped Sites and Areas of Significance to Māori ("SASM") (ID: 677– Aotere Pā and ID 673 – Te Pou Tūtaki). This overlay provides for rules relating to earthworks and buildings / structures within the 50m radius of the Pā and 200m of the Pou (by default in the General Industrial zone, as no specific "extent" is mapped)[4].

27. Mr Watkins s42A report in paragraph 5.6 provided a detailed account of the proposal against provisions of the PODP, noting provisions the application does not comply. He advised that the proposal was to be considered as a discretionary activity. He noted specifically that the proposal falls to a discretionary activity primarily due to listing of the activity as a Discretionary activity under Rule GIZ-R6. Resource consent was also required under the Transport, Signs, Site of Significance to Māori, Archaeological Sites, Entrance Corridor and Earthworks provisions. The s42A report acknowledged variance of activity status between restricted discretionary and discretionary, under these 'other' chapters.

28. I agree with the reasoning provided by Mr Watkins that *where there are differing activity status the most severe applies commonly referred to as the 'bundling approach*[5]*'.* I note the discretionary status of the application was not contested.

29. Overall, the consents sought (including the two additional consents) related to:

- Earthworks for building activities
- Landscaping on a road boundary and side boundary,
- Vehicle access points, On-site parking – people with disabilities, driveways and right of ways,
- Earthworks within extent of Sites and Areas of Significance to Māori, and Archaeological sites, and
- Requirements for freestanding signs.

30. In addition, the application is seeking consent under the National Environmental Standard for Assessment and Managing Contaminants in Soil to Protect Human Health (NES-CS), in regard to earthworks and disturbance of the Ongoing Management Area[6] adjacent to Access 2.

31. In relation to SUB17/46785.02 the application seeks to cancel Consent Notice 11204972.3 on the property title of the two subject sites.

SITE VISIT

32. I undertook a full site visit of the application site, including visiting the neighbouring properties where Aotere Pā is denoted on District Plan maps, and the surrounding area on Wednesday the 30th of September 2026.

[4] SASM-R8
[5] Paragraph 5.8 section 42A report
[6] Ongoing Management Areas are identified within the application. These areas cover the four areas of contaminated land that constitute a piece of land under the NES-CS

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HEARING CLOSURE

33. Upon receiving the final draft of proposed conditions conferred upon by Mr Watkins and Mr Norwell, with Mr Zieltjes comments on behalf of hapū I was satisfied I had all necessary information to close the hearing. I closed the hearing via Minute #2 on the 9th of October 2026.

DISCUSSION

Approach to Assessment

34. I have assessed the effects of the proposal on a topic-by-topic basis. Prior to doing that I have covered the statutory and planning context including the permitted baseline.

Statutory and Planning context

35. I am required to consider the matters set out in sections 104(1) and 104B of the Act, given the application is a discretionary activity. As a discretionary activity there are no restrictions, and I am able to consider all aspects of the proposal. Relevant to this case, the s104 matters include:

    - any actual and potential effects on the environment of allowing the activity; and
    - any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity;
    - any relevant provisions of the district plan, national environmental standard, national policy statement or regional policy statement; and
    - any other matter I consider relevant and reasonably necessary to determine the application.

36. Section 106 enables me to refuse subdivision consent, or grant such consent subject to conditions, if I consider that there is a significant risk from natural hazards; or sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.

37. In making my decision, I am able to impose conditions under s.108 should I decide that consent be granted.

38. In terms of Part 2 of the RMA Mr Watkins considered that the Part Operative District Plan and other statutory documents relevant to the proposal were considered to give effect to Part 2 of the RMA, therefore a separate assessment of the proposal against Part 2, in line with the Court of Appeal decision in R J Davidson Family Trust vs Marlborough District Council (CA97/2017) was not considered necessary. This position was not opposed.

39. I have had regard to the principles of Te Tiriti o Waitangi in accordance with s8 insofar as they are relevant to the matters before me. The particular tangata whenua interests and cultural relationships engaged by this application are addressed substantively through my assessment of the cultural evidence, the PODP provisions, Tai Whenua, Tai Tangata, Tai Ao and the conditions of consent.

Permitted Baseline

40. I am able to disregard any adverse effect of an activity on the environment if the District Plan permits an activity with that effect in accordance with s.104(2) of the Act (known as the 'permitted baseline'). In this context Mr Watkins noted the activity is not permitted in the zone. He acknowledges that industrial activities are permitted in the General Industrial Zone (GIZ) *but effect of the SASM and Archaeological*

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overlays along with the Entrance Corridor provisions reduces what can be undertaken on the site as permitted[7].

41. Mr Watkins did not consider the permitted baseline relevant to this application. This was not challenged by any other party.

42. Having considered Mr Watkins reasoning I agree that the permitted baseline is of limited relevance in this case, and I have not considered it further in my decision.

Consent Notice

43. The Consent Notice applies to Lot 1 and Lot 4 DP 509004 and contains four conditions. Mr Watkins records that the first three conditions relate to demolition of buildings near the common boundary with Lot 4 and that those works have been completed. He therefore considers that no further regard needs to be given to those conditions. The remaining fourth condition requires Lot 4 to remain in the ownership of the registered proprietor of Lot 1 pending its acquisition by the Crown, through NZTA, for roading purposes.

44. The original condition specifically contemplated Lot 4 being transferred to the Crown for roading purposes when required by NZTA and restricted its transfer to a third party pending that vesting.

45. Mr Watkins records that cancellation is sought under s221(3) of the Resource Management Act 1991, under which an owner may apply to the territorial authority to vary or cancel a condition specified in a consent notice. He also records that the original subdivision consent leading to the Consent Notice was processed non-notified and that NZTA provided written approval to that application.

46. Importantly for the present cancellation, NZTA has agreed to the cancellation of the Consent Notice. The Council's notification decision consequently determined that cancellation could be processed on a non-notified basis, with effects on NZTA disregarded because of that written approval.

47. Mr Watkins also considers the cancellation in the context of current and potential future roading requirements. He records that there is no designation or Notice of Requirement securing the potential future road route and the Part Operative District Plan does not identify the route as an Indicative Road. He therefore concludes there is no relevant RMA planning instrument requiring the current development to provide for that possible future roading infrastructure.

48. In his effects assessment, Watkins further notes that no upgrades to the Devon Road/Smart Road intersection are required as part of the proposal. Taking this together with NZTA's agreement to cancellation, he concludes that the effects of cancelling Consent Notice 11204972.3 will be acceptable.

49. I accept Mr Watkins assessment regarding the cancellation of Consent Notice 11204972.3. The first three conditions have been completed and the remaining condition is no longer sought by NZTA. In addition to weight I have given to NZTA's written agreement I also note the absence of any designation, Notice of Requirement or Indicative Road provision securing the land for a future road.

50. On the evidence before me, I am therefore satisfied that the purpose served by retaining the Consent Notice does not warrant its continuation and that its cancellation will have acceptable effects. Accordingly, I consider it appropriate to approve the cancellation of Consent Notice 11204972.3 pursuant to s221(3) of the RMA.

[7] Paragraph 8.2 section 42A report

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Actual and Potential Effects on the Environment

51. Having considered the details of the proposal I consider the key issues to be addressed are cultural and archaeological effects and traffic related effects within the Site.

Legal Submissions

52. Mr Minhinnick provided legal submissions on behalf of the applicant. He acknowledged Mr Norwell planning assessment generally concurs with the objective and policy assessment of Mr Watkins in the Section 42A Report in reference to the General Industrial Zone, SASM, Historic Heritage, Transport, Signs, Entrance Corridor, Earthworks, and Natural Hazards and Waterbodies. He stated the proposal had two key matters for my determination, these being cultural effects and conditions of consent.

53. Mr Minhinnick explained Bunnings acknowledges the significance of the cultural landscape surrounding the site to Ngāti Tāwhirikura and Puketapu Hapū and recognises the status of those hapū as tangata whenua. He refers to consultation undertaken and states Bunnings had *engaged constructively throughout the consultation process and as a result made substantive amendments to the Proposal*[8]. He noted consultation with Ngāti Tāwhirikura hapū commenced in September 2023 and with Puketapu Hapū in April 2025[9]. He stated:

> *Bunnings recognises that despite the technical evidence being that the physical adverse effects are minor or less than minor, the cultural concerns raised justify a robust approach to mitigation.*[10]

54. He noted several of the concerns raised in submissions are no longer relevant to the proposal under my consideration. These relate to:

- Stormwater – engineering designs ensure no stormwater from the site will discharge to Mangaone stream,
- The proposed link road at the rear of site does not form part of the application,
- Mr Georgeson's evidence confirms that no road widening or mitigation is required at the Devon Road / Smart Road intersection that would necessitate alteration or relocation of Te Pou Tūtaki,
- The building location has been repositioned and reduced in width, and
- Bunnings has no immediate development plans for the pad sites identified within the broader site. Any future use of those pad sites will be subject to separate design processes and resource consent requirements.

55. Mr Minhinnick referred to conditions where there was contention. In regard to condition 4, the Kaitiaki Forum, the changes sought by the applicant provide greater clarity by; stating a purpose for the Forum, operating details such as Forum frequency and duration, and opportunity for potential cultural expression on the Site. In alignment with Mr Norwell's evidence, he sought amendment to condition 4 to avoid effectively introducing a third-party approval mechanism before Bunnings could give effect to the consent.

[8] Paragraph 2.8 Legal Submissions on Behalf of Bunnings, 25 September 2026
[9] Paragraph 2.6 Legal Submissions on Behalf of Bunnings, 25 September 2026
[10] Paragraph 4.17 Legal Submissions on Behalf of Bunnings, 25 September 2026

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56. Mr Minhinnick posed with the removal of the stub road/link road from the application, proposed conditions 47, 48 and 49 are no longer needed and are to be deleted.

57. He offered that condition 16 is no longer needed as opportunities for cultural expression will be explored through elements incorporated into the landscape plan. He refers to the Statement of Evidence of Messrs Turner and Siciliano, dated 14 September 2026, that explains façade treatment is an important part of Bunnings identity and not considered a suitable opportunity for cultural expression.

58. Mr Minhinnick noted amendment is sought to conditions 36 and 37 to reflect a design departure from Section 3.3.17 (and Figure 3.4a) of Council's Land Development and Subdivision Infrastructure Standard Local Amendments. A larger width of 1000mm is sought in order to safely accommodate manoeuvring requirements of larger trucks making deliveries to the site. In regard to condition 30 he notes an amendment is sought in relation to disabled parks. Reasoning for this was explained by Mr Georgeson. Condition 35 is sought to be amended, to avoid B-train movements from the loading area during what is considered to be periods of high customer activity, these being 11am to 1pm on weekends.

Findings

59. Concerns have been raised by the hapū submitters in regard to effects on Mangaone Stream, the placement of a link road in the area shown as Access 4, and transport and infrastructure effects on Te Pou Tūtaki. Changes to the proposed layout of the Site have been made such that no stormwater from the Site will be discharged into the Mangaone Stream. The proposal does not include the use of a link road and instead Access 4 is proposed to be limited for vehicles entry only.

60. I acknowledge the concerns raised in relation to Mangaone Stream, potential future roading and possible future transport infrastructure affecting Te Pou Tūtaki. To the extent those concerns relate to future works that do not form part of this application, I cannot determine or authorise those works through this decision. However, I have considered those matters insofar as they inform the cultural landscape, the receiving environment, the effects of the development presently before me, and the concerns regarding whether the current layout could prejudice future outcomes.

Right of Reply

61. In the right of reply, Mr Minhinnick acknowledged the efforts made by all parties and participants through the process. He raised that the position of Bunnings is clearly laid out through evidence provided on behalf of Bunnings. He drew attention to the interface issues with Aotere Pā stating these have largely been addressed where the access into the Site, adjacent to the Pā (Access 4) is now proposed to be only for vehicles entering the Site, the reduced width of access road, the access being setback 9m from boundary and the soft contouring at interface removing the initially proposed retaining wall. These being less in significance in terms of activity than a two-way access would have bought.

Cultural and Archaeological Effects

62. Mr Watkins s42A report notes the earthworks activity proposed has the potential to disturb archaeological items during construction, and once constructed, the development may affect the values of Aotere Pā and Te Pou Tūtaki.

63. To address potential construction effects, the applicants' AEE[11] proposes the use of an accidental discovery condition during earthworks. I also note the applicant detailed a number of changes made to the original design and layout that to an extent address hapū concerns raised through consultation.

[11] Section 6.4.4 of the Assessment of Environmental Effects

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64. Mr Sicilano and Mr Turner laid out the consultation undertaken by Bunnings with hapū. In their Joint Evidence they stated Bunnings recognises the *importance of understanding the perspectives of mana whenua and engaging meaningfully where a proposal may affect places, relationships and values of significance*[12].

65. Mr Turner in some detail re-counted a number of changes made to the original design of the development in consideration of feedback from hapū received through consultation. These changes include[13]:

(a) repositioning the Bunnings building to provide for sightlines from Aotere Pā and maintain the identified visual connection area;

(b) reducing the overall length of the proposed building compared with an earlier concept;

(c) increasing setbacks and improving the visual relationship with Aotere Pā;

(d) amending the garden centre / canopy and trade-related areas, including removing the vacant yard which provided for a future expansion of the store;

(e) revising the rear access arrangement from the earlier road concept to a more limited access arrangement required for Bunnings operational needs;

(f) removing the need for a retaining wall associated with the earlier access / road arrangement;

(g) adjusting future tenancy or pad-site areas;

(h) amending the landscape design;

(i) considering landscape connections between Aotere Pā and surrounding roads and public areas;

(j) investigating pedestrian connections towards Aotere Pā;

(k) identifying a possible location for a pou on the Site;

(l) identifying locations for Ngāti Tāwhirikura artwork;

(m) identifying opportunities for cultural narratives, paving, planting, signage and other design features;

(n) providing for cultural monitoring of earthworks through appropriate

consent conditions; and

(o) discussing a process for co-design of landscape and cultural elements.

66. Mr Turner shared that Bunnings remains willing for further engagement through the construction of the Site, if consent is granted, *to continue listening carefully, to clearly identify what can and cannot be achieved through the project, and to avoid treating engagement as complete simply because a consenting milestone has been reached*[14].

67. The evidence of Ms Gibson and Mrs Gibson on behalf of Ngāti Tāwhirikura, provide detail of Aotere Pā, noting *Aotere Pā must not be understood only as an archaeological feature within the cadastral boundaries of the hapū property*[15]. They put forward that Aotere Pā is part of a wider system of

[12] Paragraph 7.1 Joint Statement of Evidence of Gary Paul Turner and Daniel James Siciliano on Behalf of Bunnings Limited.
[13] Paragraph 7.39 Joint Statement of Evidence of Gary Paul Turner and Daniel James Siciliano on Behalf of Bunnings Limited.
[14] Paragraph 8.9 Joint Statement of Evidence of Gary Paul Turner and Daniel James Siciliano on Behalf of Bunnings Limited.
[15] Paragraph 23 Brief of Evidence of Beverly Anne Hinehou Kataraina & Sera Jayne Te Araroa Gibson.

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occupation and relationship, it remains a reference point where *uri understand occupation, authority, movement and relationships across landscape*[16].

68. Their evidence presents three broad types of outcomes that may be appropriate for a significant place, these are not interchangeable and require site specific consideration by Ngāti Tāwhirikura;

a. retention of the place in the landscape;

b. maintenance or restoration of an active relationship between the Hapū and the place; and

c. applied cultural expression that appropriately enhances or amplifies the place and its narratives[17].

69. Applied cultural expression is addressed in their evidence.

33. Applied cultural expression is one possible outcome of that process. Applied cultural expression is not simply art or entertainment. It gives life to cultural realities and may include tohu, language, technology, planting, rongoā, raranga, structures, facilities and spatial relationships that support an active connection with place.

34. For applied cultural expression to be authentic it must have whakapapa and provenance. It must be led or authorised by the relevant mana whenua, arise from an informed understanding of place, and be integrated with the function and form of the development. Its integrity depends on the process by which it is created as much as its final appearance.

35. The objective is not simply for Māori imagery to be visible. The objective is for Ngāti Tāwhirikura to be visible and active within our own landscape, and for development to recognise the authority, narratives and aspirations associated with that place[18].

70. The evidence of Mrs Gibson and Ms Gibson state Ngāti Tāwhirikura has aspirations for Aotere Pā, which include *social, cultural and economic activity and the ability for uri to access, interpret, care for and maintain an active relationship with the place*[19]. Mr Zieltjes' evidence refers to activities that align with māori purpose activities such as; *cultural occupation, ecological restoration, education, papakāinga and other hapū-led development*[20].

71. Ms Salisbury on behalf of Puketapu Hapū provided evidence giving amongst other things insight to the importance of Te Pou Tūtaki and its relationship to the surrounding cultural landscape.

The original pou was erected in approximately 1847–1848 by Te Ātiawa chiefs, including Waitere Katatore and Parata Te Huia, and marked the boundary beyond which further European settlement was not to proceed towards Waitara. It therefore represents more than a historical marker; it reflects the exercise of mana whenua authority over whenua and the attempts of Te Ātiawa to protect their rohe and establish limits on further colonial expansion[21].

72. Ms Salisburys' evidence recounts the discovery of Oropuriri Pā during infrastructure works, noting this demonstrates significant cultural sites can be present in areas that have experienced substantial modification. Ms Salisbury supported provisions for cultural monitoring, tikanga māori and a pre-start blessing.

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[16] Paragraph 25 Brief of Evidence of Beverly Anne Hinehou Kataraina & Sera Jayne Te Araroa Gibson.
[17] Paragraph 18 Brief of Evidence of Beverly Anne Hinehou Kataraina & Sera Jayne Te Araroa Gibson.
[18] Brief of Evidence of Beverly Anne Hinehou Kataraina & Sera Jayne Te Araroa Gibson.
[19] Paragraph 26 Brief of Evidence of Beverly Anne Hinehou Kataraina & Sera Jayne Te Araroa Gibson.
[20] Paragraph 48 Brief of Evidence of Sean Peter Zieltjes on Behalf of Ngāti Tāwhirikura and Puketapu Hapū.
[21] Paragraph 21 Statement of Evidence of Raukura Wikitoria Ganiga Salisbury.

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73. In her evidence, support is given to protecting the viewshafts and lines of sight between Aotere Pā and Te Pou Tūtaki as a means of recognising and protecting the cultural expression these two sites. In questioning Mr Norwell on this matter he noted; changes to the layout and design of the Site were in response to concerns regarding the view shaft between Aotere Pā and Te Pou Tūtaki, no longer restricts the visual connection between sites and, any future development of Pad 3 would require resource consent and its own process of assessment. Mr Norwell referred to the landscape modelling undertaken which in his opinion showed a small scale development of Pad 3 would not impede or obscure the view shaft.

74. I accept the application recognises and provides for cultural expression to be incorporated as part of the development and the means for this is focused on input into the landscape plan. Evidence was heard from Mr Turner to the importance of the building façade to Bunnings' identity and sought to remove the s42A reports proposed conditions 16.

Bunnings has been clear throughout its engagement with Ngāti Tāwhirikura and Puketapu that opportunities will be explored for cultural expression, for example, through landscaping and planting, and potentially through paving treatment. However, Bunnings has also been clear that the façade treatment is an important part of the Bunnings identity and is not considered to represent a suitable opportunity for cultural expression[22]*.*

75. Mr Turner, at the hearing expanded on his evidence giving detail to opportunities for cultural expression that would not impact upon the building façade specifically Bunnings brand. These opportunities included the potential embossing of the concrete dado, design or toi māori elements incorporated into the entry. Mr Turner confirmed discussion with hapū in relation to these elements had not yet occurred.

76. Mr Norwell's evidence identified how cultural expression is accommodated as part of the applications' design and layout.

A pou has also been provided for within the corner of the Site to provide an opportunity for Ngāti Tāwhirikura to reaffirm their connection and visibility in the area. Further, a physical connection will be provided through a pedestrian link within the western part of the Site. As previously referenced, opportunities identified for cultural expression are concentrated within this part of the Site[23]*.*

77. Ms Salisburys' evidence notes the opposition of the applicant to Condition 16, noting if removed the underlying cultural outcome should be retained via an alternative mechanism, and she supports the proposed Applied Cultural Expression Plan as it provides a potential mechanism to achieve this outcome.

Cultural expression should appropriately recognise the history, identity and cultural relationships associated with the site and surrounding landscape, including Aotere Pā and Te Pou Tūtaki[24]*.*

78. I note Mr Zieltjes response on behalf of hapū to the final draft of proposed conditions did not consider it appropriate for a new Pou to be placed within the Site, given the location and importance of Te Pou Tūtaki.

79. Ms Salisbury evidence supports proposed provisions for cultural monitoring, tikanga Māori, a pre-start blessing and the proposed Accidental Discovery Protocol. She notes an Accidental Discovery Protocol is reactive and that *cultural monitoring provides an opportunity for mana whenua to be involved proactively*

[22] Paragraph 9.3 Joint Statement of Evidence of Gary Paul Turner and Daniel James Siciliano on Behalf of Bunnings Limited.
[23] Paragraph 7.5 Statement of Evidence of Matthew Forbes Norwell on Behalf of Bunnings Limited
[24] Paragraph 30 Statement of Evidence of Raukura Wikitoria Ganiga Salisbury.

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during ground disturbance and for tikanga to be observed throughout the works[25]. Ms Salisbury notes support to retain the Landscape Plan to reflect the outcomes of engagement with Puketapu hapū and the Kaitiaki Forum.

80. I note no evidence was presented that disputes the evidence of hapū in relation to the two sites of significance nor the level of significance to hapū. Mr Turner and Mr Siciliano Joint Statement of Evidence states:

We recognise that the concerns of mana whenua are sincerely held. Our evidence does not seek to determine or challenge the cultural values identified by either hapū, nor do we suggest that the consultation process resulted in agreement[26].

Findings

81. In my opinion cultural effects is the key issue with this proposal. I find the effects of concern are those associated with earthworks required within the extent of Aotere Pā and Te Pou Tūtaki, and then, effects on the relationship of hapū with Aotere Pā and Te Pou Tūtaki upon the site being developed. I note the evidence of Mrs Gibson, Ms Gibson (Ngāti Tāwhirikura) and Ms Salisbury (Puketapu) respectively are the only cultural evidence presented. I note the cultural effects presented by hapū are not disputed.

82. I accept the uncontested cultural evidence of Ngāti Tāwhirikura and Puketapu concerning the significance of Aotere Pā, Te Pou Tūtaki and their relationships within the wider cultural landscape. I also accept that the cultural significance of these places is not confined to the mapped boundaries of the SASM or to maintaining a physical line of sight between individual features. The relationships between people, whenua, water, significant places and movement through the landscape form part of the cultural context against which I assess the proposal.

83. I accept the extent of consultation undertaken by Bunnings with hapū representatives as presented by Mr Turner and Mr Siciliano, and that feedback from hapū representatives were instrumental to changes made to the design and development of the Site. I note there is a level of dis-satisfaction of hapū in that not all issues they raised in consultation have been addressed to their level of satisfaction. In regard to consultation undertaken and feedback received, I recognise that consultation has not resulted in agreement on all matters. I do not treat the absence of agreement as determinative of the application. Rather, I have considered the substantive concerns identified through consultation and evidence against the relevant statutory and planning framework.

84. For those matters still of concern to hapū it is important to consider these in light of the policy direction of the PODP, conditions that can be applied if granted, and how those conditions respond to the cultural effects.

85. I accept the position presented by Ms Salisbury, that highly developed sites, such as this site, may still hold items or artifacts of cultural significance. I also note her preference for cultural monitoring during ground disturbance activities. I note the applicant has agreed with a condition for cultural monitoring and for this to be discussed with hapū prior to works commencing. I find this condition appropriately addresses this matter.

86. I note the Accidental Discovery Protocol condition as proposed, will trigger on discovery of archaeological evidence, a notification requirement and will require a work to stop. Ngāti Tāwhirikura and Puketapu

[25] Paragraph 40 Statement of Evidence of Raukura Wikitoria Ganiga Salisbury.
[26] Paragraph 8.5 Joint Statement of Evidence of Gary Paul Turner and Daniel James Siciliano on Behalf of Bunnings Limited.

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hapū are listed as parties required to be notified. Site work will only recommence following consultation with the New Plymouth District Council, HNZPT, Ngāti Tāwhirikura and Puketapu Hapū. The result of this consultation, consideration of the archaeological evidence and insight shared across parties, may consider a range of pathways forward, including potential requirement for a thorough site investigation.

87. I accept that through consultation, the applicant made a number of changes to the original design and layout in response to concerns raised by hapū and to minimise effects on cultural values. I also accept that agreement was not reached on all matters. A matter of concern remaining, is the recognition of the cultural landscape and specifically the connectivity between Aotere Pā and Te Pou Tūtaki.

88. I accept the changes to the Site layout were in part to retain a visual view shaft between Aotere Pā and Te Pou Tūtaki. I accept Mr Norwells statement that any development of Pad 3 would require resource consent. The question that I then contend is whether this matter be left for another resource consent process, that would require Ngāti Tāwhirikura and Puketapu hapū to engage or a consent condition is applied consistent with the intent of protection offered for the view shaft between Aotere Pā and Te Pou Tūtaki.

89. I find that a level of protection of the view shaft is needed through consent conditions. This approach aligns with the intentions of the applicant and provides greater certainty for parties, those who may look to develop Pad 3 as well as for Ngāti Tāwhirikura and Puketapu Hapū.

90. I recognise, however, that the visual connection is only one component of the cultural relationship between Aotere Pā and Te Pou Tūtaki. I do not equate maintenance of the viewshaft with protection of the cultural relationship in its entirety. I accept the hapū evidence that those values are wider and relational. I have therefore considered the viewshaft together with the site layout, boundary interface, earthworks, cultural monitoring, landscape treatment, opportunities for cultural expression and ongoing involvement of mana whenua.

91. The application recognises and made provision for the development to incorporate elements of cultural expression. Provision for this was focused on input into the landscape plan.

92. I accept Mr Turner's position and the importance for Bunnings to protect Bunnings brand and the façade of the building. I also accept his account of opportunities for cultural expression are not limited to the landscape plan and that those discussions have not yet been had with hapū. I also accept, as presented by Ms Salisbury, cultural expression should recognise the history, identity and cultural relationships of the site and surrounding landscape, including Aotere Pā and Te Pou Tūtaki. I also accept, as presented by Mrs Gibson and Ms Gibson, for cultural expression to be authentic and it must be authorised by the relevant mana whenua.

93. I accept the distinction made in the cultural evidence between cultural expression and measures directed at avoiding or mitigating adverse effects. I do not rely upon planting, paving, artwork or other forms of cultural expression as measures that, by themselves, resolve effects arising from the fundamental layout of the development. I have first considered whether the physical layout, interface and access arrangements are acceptable. Having reached that conclusion, I regard the Kaitiaki Forum and associated opportunities for cultural expression as additional measures for recognising and strengthening cultural relationships, rather than as substitutes for avoiding or mitigating otherwise unacceptable effects.

94. It is my thinking that consideration of cultural expression is needed and it is integral for the applicant and hapū to explore the opportunities available. As made clear by Mr Turner, exploration of the full extent of options with hapū has not occurred. I note the offer of a new Pou as proposed by the applicant is not considered appropriate by hapū. It is clear as identified by Mr Turner opportunities for cultural expression

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go beyond elements within a landscape plan. I note Mr Zieltjes response to the final draft of proposed conditions continued to pursue a condition for an Applied Cultural Expression Plan, while Mr Watkins and Mr Norwell approach is for these matters to be addressed by the Kaitiaki Forum. I find the changes made to the Kaitiaki Forum condition by Mr Watkins and Mr Norwell provide for consideration of cultural expression as part of the Kaitiaki Forum. I adopt this approach with a change to the emphasis of the involvement of hapū in the Kaitiaki Forum.

95. I have considered Raukura Salisbury's preference for a formal Collaboration Agreement governing operation of the Kaitiaki Forum. I agree with the underlying concern that the Forum requires sufficient certainty and structure to operate effectively. However, I am satisfied that the necessary structure can be established directly through the consent condition. I therefore do not consider a separate Collaboration Agreement necessary in order for the Forum to effectively perform the role provided for through the consent.

96. I have also considered the evidence concerning cumulative effects. I accept the cultural evidence that past industrial development, transport infrastructure and modification of this landscape are relevant to understanding the importance of the remaining cultural relationships and features. I do not regard the existing modified character of the environment as diminishing the significance of Aotere Pā or Te Pou Tūtaki. Rather, that history reinforces the need for the effects of this proposal to be carefully considered.

97. In relation to the application before me, I find that the combination of the revised site layout, increased separation from Aotere Pā, reduced Access 4 arrangement, retention and protection of the visual connection, earthworks and cultural monitoring requirements, landscape treatment and Kaitiaki Forum sufficiently manages the cumulative contribution of this development. I do not rely upon the already modified character of the environment as a basis for discounting the identified cultural effects.

98. I now turn my thinking to the interface effects along the shared property boundary with Tāwhirikura hapū land (Record of Title Lot 3 DP 509004). I accept that Ngāti Tāwhirikura have aspirations for the future use and development of the neighbouring property where Aotere Pā is denoted in the PODP maps.

99. I accept the cultural evidence that Access 4 introduces an additional industrial interface adjacent to Aotere Pā, including effects associated with vehicle movement, lighting, noise and the visual presence of transport activity. I have not treated the increased setback or landscaping as eliminating those cultural effects.

100. I nevertheless place weight on the changes made to the proposal, including the reduced scale and width of the access from that originally contemplated, its entry-only function, the approximately 9 metre separation from the common boundary, removal of the retaining wall and provision for a softer-contoured and landscaped interface. I also distinguish the access presently proposed from the substantially different effects that could arise were it modified in future to service additional development or form part of a road. Any such future proposal is not before me.

101. Having considered these matters together, I find that the proposed interface appropriately responds to the adjoining Māori Purpose zoned land and that the residual effects of Access 4 on Aotere Pā and the future use of the Ngāti Tāwhirikura property will be less than minor.

102. Overall, I find that the proposal will give rise to adverse cultural effects, particularly through the changed interface with Aotere Pā and the wider cultural landscape. I do not consider those effects to be eliminated by the proposed mitigation or cultural-expression measures. However, having regard to the revised site layout, reduced scale and function of Access 4, protection of the visual relationship between Aotere Pā and Te Pou Tūtaki, cultural monitoring, earthworks controls, landscape treatment and the ongoing role

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of mana whenua through the Kaitiaki Forum, I am satisfied that the residual cultural effects are appropriately managed and are not of a scale or character that warrants refusal of consent.

Traffic related effects

103. Mr Minhinnick in this Legal Submission noted potential adverse effects of transportation are largely agreed between the Bunnings and Council specialists[27]. Mr Watkins s42A report referred to the traffic related assessment provided by Council specialist Mr Carr. Mr Georgeson in his evidence, noted three points of difference regarding the proposed conditions.

104. In regard to the first point of difference, Mr Georgeson referred to two instances of non-compliance with the PODP provisions, TRAN-S3 and TRAN-S18[28]. The non-compliance is in relation to one or more wings proposed to be used at access points will need to be larger than a width of 1000mm as stipulated in Section 3.3.17 (and Figure 3.4a) of Councils' Land Development and Subdivision Infrastructure Standard Local Amendments. The reasoning for this departure is to safely accommodate the manoeuvring requirements of larger trucks making deliveries to Bunnings.

105. The second point of difference regards the position of eight disabled parks and is specific to non-compliance with TRAN-S13.

… the disabled eight parks are to be located directly across the traffic aisle from the store entrance, in common with other Bunnings stores. In this location, the traffic aisle will be delineated with surface markings and with judder bars to draw attention to this area being used as a crossing zone to and from the store, including as an accessible route for users of the disabled parks[29].

106. The location of the disabled parks is such that four of those parks will require users to pass behind one other disabled park, which is recommended against in Section 5 provisions of NZS4142:2001. Mr Georgesons' view is that *the need to pass behind one other disabled park for four possible users is suitably managed, with the good visibilities provided around the disabled parks, given the adjacent traffic aisle and the shared zone between them*[30]

107. I note in the proposed final draft conditions I was presented, there is agreement between Council and the applicant in regard to this matter.

108. The third point of difference as presented by Mr Norwell and Mr Georgeson is in relation to proposed Condition 30 specifying a number of parks to be provided within the development. Mr Watkins in response to questions stated his preference is to retain the proposed condition 30. No specific reasoning was provided. Mr Norwell commented there are no minimum parking requirements within the PODP. Instead, Mr Norwell's opinion was that reliance can be given to development of the Site, including the provision of parking will occur in accordance with Site Plans as required by proposed Condition 1 General Accordance.

109. Mr Zieltjes expressed concerns that the proposed future road corridor associated with the Bunnings development may permanently sever the connection between Aotere Pā and the wider landscape, and that the full transport effects cannot be adequately assessed because the extent of future development remains uncertain.

[27] Paragraph 3.5 Legal Submissions on Behalf of Bunnings, 25 September 2026
[28] Paragraph 7.4 Statement of Evidence of Mark Grant Georgeson on Behalf of Bunnings Ltd
[29] Paragraph 7.6 Statement of Evidence of Mark Grant Georgeson on Behalf of Bunnings Limited.
[30] Paragraph 7.8 Statement of Evidence of Mark Grant Georgeson on Behalf of Bunnings Limited.

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110. In response to the first matter, Mr Georgesons' evidence referred to the proposed single-width inward-only driveway for Access 4 no longer presents this issue. In response to questions Mr Georgeson could not anticipate significant changes to layout in response to future development potential of Pads 1, 2 and 3 of the Site. In his opinion this will need to factor in the nature of future tenants and expected demands.

111. Ms Salisbury in her evidence raised concern that any future transport planning, road widening, lane additions, traffic signals, intersection upgrades or associated infrastructure works demonstrate that adverse effects on cultural values, cultural visibility and the relationship between Aotere Pā and Te Pou Tūtaki have been avoided.

112. As covered by Mr Georgeson and confirmed in Mr Watkins s42A report, no changes are proposed nor are needed to be made to the surrounding roading network, including the location of Te Pou Tūtaki.

Findings

113. Having considered the evidence of Mr Georgeson on behalf of the applicant, the transport assessments undertaken for Council, and the submissions of Ms Salisbury for Puketapu hapū and Mrs Gibson and Ms Gibson for Ngāti Tāwhirikura Hapū, I find there is substantial agreement between the applicant's transport experts, Council's transport advisors and NZTA regarding the operational performance of the transport network. The evidence consistently concludes that the roading network has the capacity to accommodate the traffic generated by the proposal and that no significant adverse traffic safety or transportation effects are anticipated that would warrant refusal of consent. I also note that the proposed transportation conditions, including monitoring and access management measures, are generally accepted by the applicant and transport reviewers.

114. I find that the principal areas of disagreement do not relate to the technical traffic engineering assessment itself, but rather to the implications of the proposed access arrangements for cultural values, future development of the wider site, and the relationship between transport infrastructure and adjoining culturally significant land.

115. In relation to the access adjacent to Aotere Pā, I acknowledge that concerns were raised by Ngāti Tāwhirikura regarding the potential adverse effects of the accessway on the cultural setting, future use and long-term integrity of the pā site. I note that amendments were made during the application process, including reducing the width of the access and increasing its separation from the pā boundary. I find there is general agreement that these amendments represent an improvement on the original design and reduce the immediate physical effects on Aotere Pā. However, I also find that Ngāti Tāwhirikura maintains concerns regarding the longer-term implications of the accessway and its relationship with future development of the balance of the site.

116. I accept the cultural evidence that Access 4 introduces an additional industrial interface adjacent to Aotere Pā, including vehicle movement, lighting, noise and the visual presence of transport activity. I have not treated the increased setback or landscaping as eliminating those cultural effects. However, I place weight on the substantially reduced scale of the access from that originally proposed, its one-way inbound function, the approximately 9 m separation from the common boundary, removal of the retaining wall and the soft-contoured and landscaped interface. I also distinguish the access presently proposed from the substantially different effects that might arise were it modified in future to service additional development or form part of a road. On the proposal presently before me, I find the residual interface effects are less than minor.

117. A key issue that remains in contention is the extent to which the proposed access arrangement may facilitate or preserve the potential for a future road connection between Smart Road and Katere Road.

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On this matter I accept the applicant's evidence that no such road forms part of the current proposal and that any future connection would require separate statutory approvals. I also acknowledge the concerns of submitters that the access configuration may influence or enable future roading outcomes. I find that no link roading is proposed as part of this application nor is required as a consequence of the current proposal. The concern therefore relates to future roading development scenarios rather than any identified transport effect arising from the application presently before me.

118. I also recognise concerns raised by Puketapu Hapū regarding the potential for future transport upgrades to affect Te Pou Tūtaki. However, based on the transport evidence before me, I find that no road widening, intersection upgrade or other transport works affecting Te Pou Tūtaki are required as a consequence of the current proposal. The concern therefore relates to future development scenarios rather than any identified transport effect arising from the application presently before me.

119. I have also considered the request of Puketapu hapū for protection from future transport or infrastructure responses that could affect Te Pou Tūtaki. No alteration, relocation or other physical work affecting Te Pou Tūtaki forms part of the current application, and the transport evidence does not identify such works as necessary to accommodate this proposal. Any materially different future infrastructure proposal affecting Te Pou Tūtaki would therefore require consideration through the applicable statutory process. I consequently do not consider it appropriate or necessary through this consent to determine the acceptability of unidentified future transport or infrastructure works.

120. In regard to conditions I note the consideration given to develop appropriate consent conditions for the Site and the proposed activity. On the matters of transport condition wording in dispute, I prefer Mr Georgeson's evidence where his proposed amendments are supported by the operational requirements and safety assessment described in his evidence. I have adopted those amendments reflected in Appendix 1.

121. I accept the position of Mr Norwell in that parking within the Site will need to align with the Proposed Site Plan specified in the General Accordance Condition 1 and there is no requirement to specifically require a number of parks through a condition. I note the final draft of proposed conditions prepared by Mr Watkins and Mr Norwell, with comments from Mr Zieltjes, aligns with the Mr Norwells position. I accept this change is an appropriate way to address this matter.

Positive Effects

122. Positive effects identified with the proposal were:

(a) The provision of a compatible activity within the General Industrial Zone resulting in an efficient use of existing urban land,

(b) The provision of approximately 75 new job opportunities within the region, providing employment for approximately 150 team members within a location close to established residential and commercial areas, but without affecting the centres hierarchy,

(c) Increased availability of trade retail suppliers and a greater range of options for customers,

(d) Enhancement of the Site's visual amenity through the introduction of a new building and landscaping with a variety of native species on an otherwise vacant site,

(e) An approximately $70 million investment in New Plymouth and the wider Taranaki region; and

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(f) The commercial activity operating over relatively long opening hours daily will enable passive surveillance of Devon and Smart Roads.[31].

Findings

123. I accept that these are, to varying degrees, positive effects associated with the proposal.

Overall Conclusion on Effects

124. In determining my overall conclusions on the effects on the environment it is appropriate to consider the position of the planners involved in this case.

125. I have considered the planning evidence of Mr Norwell for the applicant, the planning assessment prepared by Mr Watkins in the Council's s42A Report, and the planning evidence of Mr Zieltjes on behalf of submitters. While the planners reach different conclusions regarding the appropriate outcome of the application, I find there is considerable alignment regarding the relevant planning framework, the significance of the cultural values associated with Aotere Pā and Te Pou Tūtaki, and the fact that cultural effects represent the principal issue requiring determination.

126. I note that both Mr Norwell and Mr Watkins conclude that the proposal is generally consistent with the objectives and policies of the District Plan when considered as a whole. Both place significant weight on the industrial zoning of the site, the intended function of the General Industrial Zone, the extensive redesign undertaken in response to consultation, and the ability to address residual effects through conditions of consent. Both therefore conclude that consent should be granted subject to appropriate conditions.

127. In contrast, Mr Zieltjes concludes that the proposal remains inconsistent with a number of strategic, cultural and land-use planning provisions and should be declined. His assessment places greater emphasis on the relationship between the proposed development and the adjoining Special Purpose - Māori Purpose Zone, the cultural landscape values associated with Aotere Pā and Te Pou Tūtaki, and the long-term implications of future development of the balance of the site.

128. I find that there is substantial agreement between the planners regarding the relevance of the Sites and Areas of Significance to Māori (SASM), General Industrial Zone and Māori Purpose Zone provisions. However, significant differences arise in the weight that each planner places on those provisions and the manner in which they are applied to the proposal.

129. The most significant area of disagreement relates to the importance of the adjoining Special Purpose - Māori Purpose Zone and the extent to which the proposal should respond to the future aspirations anticipated within that zone. Mr Zieltjes considers that the anticipated papakāinga, cultural, ecological and community development opportunities enabled by the Māori Purpose Zone form an important component of the receiving environment and should be afforded substantial weight. He also considers the proposal is inconsistent with the intent of the Strategic Objectives TW-16 and TW-17, Policy UFD-24 and Policy GIZ-P8 because it does not adequately respond to the interface between industrial activities and adjacent Māori land. By comparison, Mr Norwell and Mr Watkins place greater weight on the industrial zoning of the application site and conclude that the proposal and through conditions to be applied appropriately recognises neighbouring cultural values while remaining consistent with the anticipated outcomes of the General Industrial Zone.

[31] Paragraph 3.7 Legal Submissions on Behalf of Bunnings, 25 September 2026

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130. A further area of disagreement concerns the future development of the balance of the site. Mr Zieltjes considers that uncertainty regarding the future use of the undeveloped land, future access arrangements and potential cumulative effects should form part of the current assessment. He considers that the absence of a comprehensive whole-of-site development strategy limits the ability to assess the proposal against objectives and policies concerned with integrated development and protection of cultural values, including TW-16, TW-17, UFD-24 and GIZ-O5. Conversely, Mr Norwell and Mr Watkins consider that future development remains speculative and that any subsequent development proposal would be subject to its own assessment and consent process. They therefore place little weight on potential future development scenarios when assessing the current application.

131. Mr Zieltjes' evidence refers to the SASM rule framework noting it deliberately applies at different distances from identified Sites and Areas of Significance to Māori. He says this recognises both the possibility that archaeological features may be rediscovered during earthworks and the need to manage buildings, structures and activities in proximity to SASM so that they recognise their cultural context.

132. His evidence treats earthworks as relevant to the wider obligation to recognise the cultural significance and relationships associated with Aotere Pā, Te Pou Tūtaki and the surrounding cultural landscape. He notes that the SASM provisions require consideration of cultural values, setting, relationships, access, long-term opportunities to protect those values, and consultation outcomes.

133. This is relevant to EW-P3, which the s42A report identifies as applying where there is reasonable cause to suspect an archaeological site or site of significance to Māori. That policy calls for consideration of effects on cultural, spiritual and historical values, consultation and expert cultural advice, opportunities to incorporate mātauranga Māori, maintenance or strengthening of tangata whenua relationships with ancestral lands, water, sites, wāhi tapu and other taonga, and measures to address adverse effects.

134. Mr Zieltjes on behalf of hapū provided comment on the final draft of proposed conditions that was worked on together by Mr Watkins and Mr Norwell, with specific request for a condition of consent for an Earthworks Management Plan to give certainty on the extent and depth of earthworks to be undertaken.

135. The planners also differ on whether the proposal adequately incorporates mātauranga Māori and responds appropriately to the wider cultural landscape. Mr Norwell and Mr Watkins consider that the redesign of the proposal, including changes to site layout, access arrangements, building location, visual connections and opportunities for cultural expression, demonstrates a meaningful response to the concerns raised through consultation. In contrast, Mr Zieltjes considers that these measures primarily mitigate effects rather than embedding mātauranga Māori within the design and development of the proposal in the manner anticipated by Policy UFD-24, Policy SASM-P6 and Strategic Objective TW-17.

136. There is a clear difference in the extent to which the planners rely on consent conditions to address remaining concerns. Mr Watkins' s42A assessment originally relied on measures including the Kaitiaki Forum, an Applied Cultural Expression Plan, landscape planning and cultural monitoring. The final conditions no longer require a separate Applied Cultural Expression Plan, with cultural expression instead addressed through the amended Kaitiaki Forum and landscape provisions. Mr Norwell generally agrees that conditions can adequately address remaining matters. Mr Zieltjes, however, considers that conditions cannot resolve what he sees as more fundamental issues relating to site design, future access arrangements, the Māori Purpose Zone interface and the absence of an integrated development framework.

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137. Mr Watkins in his s42A report notes the site has previously been subject to remediation associated with the former Ravensdown use. Mr Watkins records that most contaminated soil has been removed, but four areas remain identified as containing contaminants and constitute "pieces of land" for the purposes of the NES-CS. These are identified in the Site Validation Report as Ongoing Management Areas. Of relevance to the present proposal, disturbance is proposed to the Ongoing Management Area adjacent to Access 2, where lead contamination remains. The report records that this area could not previously be remediated because of the presence of the site office.

138. Mr Watkins identifies the proposed disturbance as a restricted discretionary activity under Regulation 10 of the NES-CS. Regulation 10 applies where the relevant activity is undertaken on a qualifying piece of land and is not permitted or controlled. The report records the Regulation 10 requirements, including the existence of a detailed site investigation, contamination exceeding the applicable Regulation 7 standard, provision of that investigation to the consent authority, and compliance with any conditions arising from the restricted discretionary assessment.

139. Importantly, Regulation 10 restricts discretion to matters directly concerned with managing the human-health risks associated with contamination. The matters reproduced in the s42A report include the adequacy of the detailed site investigation and risk assessment, the suitability of the land for the proposed activity, remediation and ongoing management, mitigation and monitoring, adequacy of site management and validation reporting, and the transport, disposal and tracking of contaminated soil.

140. In assessing those matters, Mr Watkins considers the disturbance of contaminated soil together with the associated earthworks. He relies on the Erosion and Sediment Control Plan and the Contaminated Site Management Plan. He records that the latter contains measures addressing the disposal of excavated material, dust management, and sediment and stormwater control, and considers those measures sufficiently extensive to appropriately manage effects arising from disturbance of contaminated ground.

141. Mr Watkins also recognises that the earlier remediation programme was not completed in all areas. In particular, remediation remains to be completed around the existing site office and adjacent to Access 2. Conversely, the remaining Ongoing Management Area in the south-eastern part of the site is not proposed to be disturbed or utilised as part of this consent, and he does not consider its remediation necessary for this application.

142. To address the remaining risk, the s42A report recommends a suite of conditions requiring:

- a final Contamination Management Plan to be submitted to Council for certification before earthworks;
- the plan to address remediation of the Ongoing Management Area adjacent to Access 2, sampling, erosion and sediment control, unexpected discovery and remediation where contamination exceeding the identified soil-quality objectives is encountered;
- the plan to be prepared by a suitably qualified and experienced person;
- ground disturbance to be monitored by a suitably qualified environmental practitioner;
- remediation of contamination around the existing office buildings and trees adjacent to Devon Road before construction of services or the building; and
- preparation of a Site Validation Report confirming that contaminated soil has been remediated to a level appropriate for commercial activities.

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143. On that basis, Mr Watkins' conclusion at paragraph 8.28 is that the environmental effects associated with the earthworks and disturbance of contaminated soil will be acceptable. His separate RPS assessment reaches the corresponding conclusion that disturbance of the remaining contaminated soil can be appropriately managed.

Findings

144. Overall, I find that the differences between the planning assessments do not arise from disagreement about the relevant planning framework or the significance of the cultural values present within the receiving environment. Rather, they arise from differing judgments regarding the weight to be afforded to the adjoining Māori Purpose Zone, the relevance of future development of the balance site, whether the proposal sufficiently incorporates mātauranga Māori and responds to the cultural landscape, and whether the remaining concerns can be satisfactorily addressed through conditions of consent. These differing assessments ultimately underpin the contrasting recommendations reached by Mr Norwell and Mr Watkins, who support the granting of consent, and Mr Zieltjes, who concludes that consent should be declined.

145. I agree with Mr Zieltjes in that the objectives and policies of the Special Purpose - Māori Purpose Zone outlines future development potential anticipated within the zone, that is, papakāinga, cultural, ecological and community development opportunities. I agree with Mr Norwell and Mr Watkins in that the provisions within the Special Purpose - Māori Purpose Zone apply to activities located within this zone.

146. I accept that the Special Purpose - Māori Purpose Zone objectives and policies primarily regulate activities undertaken within that zone and do not directly regulate the General Industrial-zoned application site in the same manner as the GIZ provisions. I nevertheless accept Zieltjes' evidence that the Māori Purpose zoning is relevant context when considering the planned character and potential future use of the adjoining environment, including when applying GIZ-P8. I have therefore taken the enabled future use of the adjoining land and Ngāti Tāwhirikura stated aspirations into account in assessing the interface effects.

147. I agree with Mr Norwell's response through questions, that the General Industrial zone provisions directly regulate the activity on the application site, I do not consider the adjoining Māori Purpose zone irrelevant to that assessment. Its anticipated character and enabled uses form part of the planning context against which the interface effects of this proposal are assessed, particularly under GIZ-P8.

148. I find the application is consistent with Policy GIZ-P8 which requires consideration to adjoining sites including sites within the Māori Purpose Zone and to minimise adverse effects on those sites.

149. I acknowledge the application does not represent the full development potential anticipated for the site, with Pads 1, 2 and 3 identified for future development opportunity. I note the application represents the substantive development for this site, no future development has been defined for Pads 1, 2 and 3 and that future development of the Pad sites will be assessed within its own process. I do not find there is a need for a comprehensive whole-of-site development strategy to enable assessment for this application. I accept Mr Georgeson's transport evidence that any changes to the internal parking and internal vehicle manoeuvring within the site as a result of future development of Pads 1, 2 and 3 will be internalised within the site.

150. I note the endeavour of the applicant to address concerns raised in consultation with hapū to avoid and mitigate concerns raised by hapū. Of particular note is the preservation of the view shaft, in respect to the cultural landscape between Aotere Pā and Te Pou Tūtaki. I accept Mr Norwell's evidence that future development of Pad 3 would require resource consent. However, I do not accept his conclusion that this means no additional protection of the viewshaft is warranted through the present consent. Given the

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significance attributed to the visual relationship between Aotere Pā and Te Pou Tūtaki, I consider that providing certainty through a condition now is appropriate.

151. I accept Mr Zieltjes' evidence that an Earthworks Management Plan is appropriate. In my view, that requirement provides greater certainty about the extent, sequencing and management of earthworks in proximity to the SASM and complements, rather than duplicates, the cultural-monitoring and accidental-discovery requirements. I do not, however, consider the additional conditions sought by Mr Zieltjes necessary where the relevant matters are already adequately controlled through Condition 1 and the other earthworks conditions. Therefore, I find a condition of consent for an Earthworks Management Plan is appropriate.

152. I note condition 4 of the final draft of proposed conditions has been amended and the condition requiring an Applied Cultural Expression Plan has been removed. Instead, focus is ascribed to the Kaitiaki Forum to provide comment on; a new Pou in the northwestern corner of the site, textural treatment of the 1.2m high concrete dado, as well as other opportunities for Toi Māori, including the location and ongoing maintenance requirements. I note the response from hapū is that the Pou is not appropriate and would detract from the significance and mana of Te Pou Tūtaki. I accept this position and remove that matter from the conditions. The amended Kaitiaki Forum condition enables hapū and the applicant to discuss and make provision for cultural integration within the site and such I do not find the need for an Applied Cultural Expression Plan.

153. I find the final draft of proposed conditions provides certainty and clear structure needed, and satisfies the requirements of SASM-P2, SASM-P3, SASM-P5 and SASM-P6. I also find the provision of an accidental discovery protocol within the consents satisfies SASM-P4.

154. I note the difference in weighting given by all three planners to the PODP Strategic Objectives. These provide an important frame to be considered when implementing the District Wide and Area Specific objectives and policies of the PODP. The PODP is clear that all objectives and policies in the other chapters of the Plan are to be read and achieved in a manner consistent with the Strategic Objectives. I find the matters discussed through evidence, at the hearing and in regard to proposed conditions of consent have provided the context of how the Strategic Objectives are considered as part of this application.

155. I have given particular consideration to the Tangata Whenua and Urban Form and Development strategic objectives relied upon by Mr Zieltjes, including TW-16, TW-17 and UFD-24. I accept the importance of recognising the ability of tangata whenua to protect, develop and use ancestral land consistently with their aspirations, and of recognising tangata whenua relationships with ancestral land, waterbodies, sites, landscapes and other taonga.

156. I have not interpreted those provisions on the basis that the adjoining Māori Purpose land will remain in its present condition. I have taken into account both the development enabled by that zoning and the aspirations identified in the Ngāti Tāwhirikura evidence. For the reasons given in my effects assessment, particularly the revised boundary interface, management of Access 4, protection of the visual relationship between Aotere Pā and Te Pou Tūtaki, cultural monitoring, earthworks requirements, landscaping, the Kaitiaki Forum and the conditions applying to Pad 3, I am satisfied that the proposal appropriately responds to that strategic direction when the Plan is read as a whole. In reaching this conclusion I do not consider the Strategic Objectives to require that all adverse cultural effects be avoided. Rather, I consider the proposal must be assessed on the extent to which its design and conditions recognise and respond to the identified relationships and provide appropriately for the interface with adjoining Māori Purpose zoned land. On the evidence before me, I am satisfied that the revised proposal achieves that outcome.

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157. I accept the assessment of Mr Watkins in relation to contaminated land. I am satisfied that the remaining areas of contamination on the site have been identified and that the proposed disturbance of the Ongoing Management Area adjacent to Access 2 appropriately falls to be considered as a restricted discretionary activity under Regulation 10 of the NES-CS.

158. I am also satisfied that the risks associated with disturbance of contaminated soil can be appropriately managed. In reaching this conclusion, I place particular weight on the existing site investigation and validation information, the proposed management of contaminated soil, and the conditions requiring a final Contamination Management Plan, supervision by a suitably qualified environmental practitioner, remediation of the affected area and subsequent site validation. These measures directly address the remediation, management and validation matters identified under Regulation 10.

159. I therefore find that, subject to those conditions, the contamination remaining within the area affected by the proposal does not give rise to an unacceptable risk to human health and does not provide a basis for withholding consent under the NES-CS. I further accept Watkins' conclusion that the effects associated with the disturbance and remediation of contaminated soil will be acceptable.

160. I agree that the proposal including the mitigation measures has been designed to minimise and internalise adverse effects within the site and have been made cognisant to and with respect to the cultural significance of the two SASM around the site.

161. I have not discounted the cultural evidence because the application site is zoned General Industrial or because the surrounding environment has already been substantially modified. I accept the cultural evidence concerning the significance of Aotere Pā, Te Pou Tūtaki, Mangaone Stream and their relationships within the wider cultural landscape. I also accept that the concerns of Ngāti Tāwhirikura and Puketapu have not been fully resolved from their perspective.

162. My task, however, is to determine the effects of the proposal before me against the statutory and planning framework. Having considered that evidence alongside the proposal as amended and the conditions I have imposed, including those relating to the Aotere Pā interface, Access 4, cultural monitoring, earthworks, the Kaitiaki Forum, landscape and cultural expression, the visual relationship between Aotere Pā and Te Pou Tūtaki and future development of Pad 3, I am satisfied that the remaining adverse effects can be appropriately managed and do not warrant refusal of consent.

Relevant Provisions

NPS for Natural Hazards 2025 (NPS-NH)

163. No disagreement was noted by Mr Zieltjes and Mr Norwell to the consideration of Mr Watkins to the provisions of the NPS-NH. I agree with Mr Watkins assessment of Policies 1 and 2 of the NPS-NH, and that the only relevant consideration required for this application is in regard to flooding. I agree with Mr Watkins that the proposal has minimised the risk of flooding on the site and surrounding areas.

National Environmental Standard for Assessment and Managing Contaminants in Soil to Protect Human Health (NES-CS)

164. I have considered the requirements of Regulation 10 of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS) and the assessment undertaken by Watkins.

165. The matters relevant under Regulation 10 include the adequacy of the detailed site investigation and risk assessment, suitability of the land for the proposed activity, remediation and management of

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contamination, adequacy of site management and validation reporting, and management of contaminated material removed from the site. Mr Watkins considers these matters can be appropriately addressed through the existing site investigation and management information and the recommended consent conditions.

166. I accept these matters can be appropriately addressed through the existing site investigation and management information and the recommended consent conditions. I am satisfied that the risks to human health associated with the disturbance of contaminated soil can be appropriately managed. I therefore find that the requirements of Regulation 10 are satisfied and that there is no contaminated-land reason under the NES-CS to decline the application.

167. ***Taranaki Regional Policy Statement 2010***

168. Mr Watkins s42A report assesses the proposal against the relevant provisions of the Taranaki Regional Policy Statement 2010, specifically those addressing hazardous substances and contaminated land, historic heritage, amenity values, natural hazards, and sustainable urban development.

169. He concludes that the remaining contaminated soil can be appropriately managed; that the effects on Aotere Pā and Te Pou Tūtaki are not at a level he considers to constitute inappropriate development, having regard to the site's history, General Industrial zoning, proposed layout and conditions involving mana whenua; and that redevelopment of the presently vacant industrial site will positively contribute to amenity values.

170. In relation to natural hazards, I agree with Mr Watkins in that the proposal is consistent with HAZ Objective 1 and HAZ Policy 2. For sustainable urban development, he considers the proposal consistent with SUD Objective 1 and SUD Policy 1, noting the improvement in amenity, on-site management of stormwater without discharge to the Mangaone Stream, regard given to Aotere Pā and Te Pou Tūtaki, and avoidance of flood hazard risk. I agree with Mr Watkins conclusion that the proposal will result in sustainable development of the urban area.

New Plymouth Part Operative District Plan

General Industrial Zone

171. The s42A assessment considers the General Industrial Zone provisions GIZ-O2, GIZ-O4 and Policies GIZ-P2 and GIZ-P4–P7 as being relevant to the proposal and concludes that the development is consistent with the intended role and function of the zone. Mr Watkins relies on the compatibility of the activity with the industrial environment, compliance with relevant bulk and location standards, provision for parking and access, management of stormwater and outdoor storage, and landscaping.

172. Mr Norwell expressly concurs with Mr Watkins' assessment. More broadly, Norwell considers the site well suited to the proposal because of its location, size, transport environment and General Industrial zoning, and considers the development an efficient and appropriate use of urban land.

173. Mr Zieltjes does not disagree that industrial development is anticipated on the application site but disagrees with the conclusion that this is sufficient to establish consistency with all relevant General Industrial Zone provisions. He relies particularly on GIZ-O5 and GIZ-P8. His concern is that the receiving environment is not simply a homogeneous industrial environment. It includes the adjoining Special Purpose - Māori Purpose Zone, Aotere Pā, SASM and archaeological overlays and Mangaone. In his view, GIZ-P8 requires industrial activities adjoining the Māori Purpose Zone to internalise and minimise effects on that adjoining land.

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174. His principal concern is therefore the zone interface and the balance site. Although he recognises the revised driveway beside Aotere Pā as a material improvement, he considers the application has not demonstrated how the substantial undeveloped balance site can ultimately be accessed without further roading pressure or cumulative traffic, noise, lighting, visual, cultural and severance effects at the Māori Purpose Zone boundary. He accordingly concludes that consistency with GIZ-O5 and GIZ-P8, together with TW-13, TW-15, TW-16 and UFD-24, has not been demonstrated. [Statement...Sept 2026 | PDF]

Findings

175. I therefore find that the proposal, including the revised layout and Access 4 arrangement, appropriately internalises and minimises adverse effects at the interface with the adjoining Māori Purpose Zone. I am satisfied that the proposal is consistent with GIZ-O5 and GIZ-P8.

Sites and Areas of Significance to Māori

176. Mr Watkins assesses the proposal against the SASM provisions SASM-01, SASM-02, SASM-P2, SASM-P3, SASM-P4, SASM-P5and SASM-P6 and concludes that the proposal seeks to maintain the values associated with the two SASM.[32]. His assessment recognises effects on Aotere Pā and Te Pou Tūtaki but places weight on the avoidance of direct development on Aotere Pā, maintenance of the visual relationship with Te Pou Tūtaki, changes to the design and access arrangements, and further cultural involvement secured through conditions.

177. Mr Norwell agrees with that assessment and specifically considers SASM-O1, SASM–O2 and SASM-P2 and P4–P6. He considers the proposal protects the Pā and Pou because no physical works are proposed to those features and the visual connection between them is maintained. He also relies upon approximately three years of engagement with tangata whenua and the consequential redesign, including shifting the building approximately 25 m east, changes near the Pā and further opportunities for cultural expression.

178. Mr Zieltjes agrees with Watkins that the proposal will have effects on the SASM, mana whenua are best placed to assess those effects, and meaningful cultural design input is required.

179. However, he reaches a different conclusion under SASM-O1, SASM-O2, SASM-O3, SASM-P5 and SASM-P6. He considers the Pā and Pou cannot be assessed simply as individual features or through preservation of a line of sight. Rather, their significance derives from relationships between people, pā, kāinga, waterways, movement routes and the broader cultural landscape.

180. Mr Zieltjes accepts that relocating the building and revising the Smart Road access improve the proposal, but considers landscaping, pavement treatments and possible cultural artwork do not resolve the effects of access, parking, truck movements and potential future development beside Aotere Pā. He therefore concludes the proposal has not demonstrated consistency with the SASM provisions.

Findings

181. I agree with Mr Watkins and Mr Norwell in that the design changes and conditions provide an adequate response. I find the final draft of proposed conditions provides certainty and clear structure needed, and satisfies the requirements of SASM-P2, SASM-P3, SASM-P5 and SASM-P6. I also find the provision of an accidental discovery protocol within the consents satisfies SASM-P4.

Historic Heritage

[32] Paragraph 8.56 section 42A report

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182. Mr Watkins assesses the proposal against the Historic Heritage provisions HH-O1 and Policies HH-P13, HH-P15, HH-P17 and HH-P18, drawing substantially on his SASM assessment, considers the proposal appropriately recognises and protects the relevant historic heritage values.

183. Norwell again expressly concurs. He identifies HH-O1–HH-O3 and HH-P1–HH-P20, alongside the SASM provisions, and concludes the proposal generally accords with their direction to recognise, protect and maintain historic heritage. His evidence notes that archaeological site P19/401 is recorded as "destroyed", and he therefore does not undertake a further detailed assessment relating to its physical remnants.

184. Mr Zieltjes' substantive disagreement is expressed principally through the SASM and Strategic Direction provisions, rather than as a discrete competing assessment of the Historic Heritage chapter. His evidence nevertheless treats the historic and cultural relationships of Aotere Pā and Te Pou Tūtaki as part of the wider cultural landscape rather than only as individual heritage features.

Finding

185. I agree with Mr Watkins and Mr Norwell position, and I also rely on my assessment and findings in relation to SASM policies. I find the final draft of proposed conditions provides certainty and structure needed, including an accidental discovery protocol condition.

Transport

186. Mr Watkins concludes that the Transport provisions TRAN-O2, TRAN-O3 and Policies TRAN-P2, P3, P10, P12, P13, P15, P16 and P17, are satisfied because the proposal can maintain the safety and efficiency of the transport network subject to access conditions, provides appropriate on-site parking and cycle parking, and is supported by the Transportation Assessment.

187. Mr Norwell expressly adopts this assessment. He states that transportation effects are not in contention between the applicant and Council specialists and can be satisfactorily managed or addressed. His evidence also records that no modifications to the Devon Road/Smart Road intersection are required as a consequence of the Bunnings activity.

188. Mr Zieltjes does not advance a competing technical assessment of transport network operation. He agrees that a future road is not proposed for authorisation through the present application and that another planning process would be required to establish such a corridor. His disagreement relates instead to the planning consequences of the present access and circulation layout for future development of the wider site and the interface with Aotere Pā and Māori Purpose zoned land.

Findings

189. I find there is no material disagreement regarding the technical Transport chapter assessment. The outstanding issue is a land-use planning and cultural interface issue, rather than the operational performance of the transport network. I agree with the position of Mr Watkins and Mr Norwell and the proposed conditions to the detail provided in my findings above.

Signs

190. The relevant provisions are SIGN-O1 and SIGN-P5, which address the contribution of signs to wellbeing while maintaining or enhancing amenity and ensuring public and transport safety. SIGN-P5 specifically requires consideration of the scale, form, location and design of signage and its effects on amenity, scheduled features and transport safety.

191. Mr Watkins considers the proposed building and freestanding signage appropriate in its setting, contributing to identification of the activity without adversely affecting amenity or transport safety.

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192. Mr Norwell expressly concurs with that assessment as part of his adoption of paragraphs 8.52–8.70 of the s42A report.

193. Mr Zieltjes' does not identify Signs as a matter of contention or advance a materially different policy conclusion under those provisions.

Findings

194. No material disagreement is identified in the planning evidence regarding the Signs provisions. I accept the evidence of Mr Watkins on this matter.

Entrance Corridor

195. The applicable provisions are ECOR-O1 and ECOR-P5. These seek to ensure that principal roads entering New Plymouth provide an attractive and welcoming arrival experience. ECOR-P5 requires consideration of building location, form and scale, integration with topography, signage, views of landmarks including Taranaki Maunga, cultural values, and landscaping.

196. Mr Watkins concludes that the building setback and landscape treatment will improve the visual amenity and arrival experience along Devon Road compared with the existing vacant site.

197. Mr Norwell expressly concurs with the Entrance Corridor assessment. His broader assessment also identifies improved visual amenity from redevelopment of the vacant site with a new building and native landscaping.

198. Mr Zieltjes recognises the Entrance Corridor as one component of the planning context but does not advance a specific disagreement with Watkins' conclusion under the Entrance Corridor provisions.

Findings

199. There is no material difference between the evidence presented by planners regarding the Entrance Corridor provisions. I find redevelopment of the site will improve the visual amenity, attractiveness and quality of the arrival experience into New Plymouth compared with the existing vacant site.

Earthworks

200. The applicable provisions are EW-O1 and Policies EW-P2, P3, P4 and P6. These provisions enable necessary earthworks where adverse effects are appropriately avoided, remedied or mitigated, including effects upon natural hazards, land stability, waterbodies, cultural values and archaeological sites, visual amenity, sediment and dust. EW-P3 has particular relevance where archaeological sites or Sites of Significance to Māori may be affected.

201. Mr Watkins concludes that earthworks effects can appropriately be managed through erosion and sediment controls, consent conditions, cultural monitoring and accidental-discovery procedures.

202. Mr Norwell expressly agrees. He records that earthworks, including silt and sediment control and contamination, are not in contention between the applicant and Council specialists. He additionally identifies the proposed sediment controls as part of the applicant's response intended to avoid effects on the mauri of Mangaone.

203. Mr Zieltjes does not identify the Earthworks chapter itself as a discrete matter of disagreement. His concerns instead relate to cultural effects and whether the overall design adequately responds to the SASM and Māori Purpose Zone context.

Findings

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204. I find there is no material disagreement regarding the ability to appropriately manage the conventional physical effects of the proposed earthworks. I nevertheless recognise that EW-P3 also requires consideration of the cultural context in which earthworks occur. I am satisfied that those matters are appropriately addressed through the Earthworks Management Plan, cultural monitoring, Accidental Discovery Protocol and my wider findings concerning SASM and tangata whenua values.

Natural Hazards

205. The relevant provisions are NH-O1, NH-O2 and NH-O3, together with NH-P3 and NH-P5. These seek recognition and management of natural hazard risk, avoidance of creating or exacerbating hazards, and design and location of activities so that exposure to hazard risk is minimised to an acceptable level.

206. The relevant hazard is flooding associated with the Mangaone Stream.

207. Mr Watkins concludes that the flood hazard associated with Mangaone can be appropriately managed and that the proposal will not create or exacerbate unacceptable natural-hazard risk.

208. Mr Norwell expressly concurs with this policy assessment and records that flooding is not a matter in contention between the Applicant and Council specialists.

209. Mr Zieltjes does not identify Natural Hazards as an area of disagreement in his evidence.

Finding

210. I find no disagreement in the planning evidence concerning the Natural Hazards provisions. I find the existing and new natural hazard risks will be suitably managed and exposure to risk minimised.

Waterbodies

211. The applicable provisions are WB-O1, WB-O3, WB-P2 and WB-P7. They seek protection of the natural, ecological, recreational, cultural, spiritual and heritage values of waterbodies, management of adverse effects through appropriate setbacks, and consideration of mātauranga Māori where adjoining waterbodies have values of importance to tangata whenua.

212. Mr Watkins considers the Mangaone Stream provisions appropriately addressed through the physical separation of development and earthworks from the stream and erosion and sediment controls, concluding that the activity will not adversely affect its relevant values.

213. Mr Norwell expressly concurs. He also records that stormwater from contaminant-generating areas will be treated before discharge from the site, that no stormwater from impervious areas will discharge directly to Mangaone Stream, and that sediment controls are proposed in association with earthworks.

214. Mr Zieltjes identifies Mangaone Stream as an important component of the receiving environment and broader cultural landscape, but the retrieved evidence does not disclose a separate conclusion from him that Mr Watkins' assessment under the Waterbodies provisions is incorrect. His criticism is instead directed to the adequacy of the combined planning response to the cultural landscape, which includes Mangaone alongside Aotere Pā and Te Pou Tūtaki.

Finding

215. I accept the cultural evidence that Mangaone is not appropriately considered solely in terms of physical water-quality effects but also forms part of the wider cultural landscape and has values associated with mauri. I nevertheless find that the physical measures incorporated into the proposal are directly relevant to protecting those values. In particular, stormwater from the development will not discharge directly to Mangaone Stream and erosion, sediment and contaminated-land controls will apply during construction.

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216. Having considered these measures together with the opportunities for mana whenua involvement through cultural monitoring and the Kaitiaki Forum, I am satisfied that the proposal appropriately addresses the relevant physical and cultural values of Mangaone and will not result in unacceptable adverse effects on the stream.

Overall considerations

217. Overall, I find substantial agreement between the planners across most of the relevant PODP provisions. The principal difference concerns the weight to be given to the Strategic Objectives, particularly those relating to tangata whenua and urban form and development, and how those objectives influence interpretation of the more specific zone and district-wide provisions.

218. I have considered those Strategic Objectives when assessing the more specific provisions. For the reasons set out above, particularly my findings concerning the Māori Purpose Zone interface, Aotere Pā and Te Pou Tūtaki, Access 4, the viewshaft, earthworks, cultural monitoring and the conditions providing for continuing mana whenua involvement, I am satisfied that the proposal appropriately responds to that strategic direction.

219. While I accept there are individual provisions in respect of which the planners differ in their assessment or weighting, I do not consider those differences result in the proposal, when assessed as a whole, being inconsistent with the objectives and policies of the PODP. Overall, I find the proposal is consistent with the relevant objectives and policies of the PODP.

Other Matters

Tai Whenua, Tai Tangata, Tai Ao, the Environmental Management Plan of Te Atiawa Iwi.

220. In accordance with s104(1)(c) RMA regard must be given to other matters relevant and reasonably necessary to determine the application. Te Atiawa iwi environmental management plan, Tai Whenua, Tai Tangata, Tai Ao, is addressed by Mr Watkins s42A report. Iwi Management Plans (IMPs) play a crucial role in the resource consent process by identifying relevant tangata whenua and their preferred methods of engagement for potential resource consent applicants. IMPs assist in assessing the environment effects (AEE) and determining whether tangata whenua may be adversely affected by an activity subject to a resource consent application.

221. Mr Watkins gives record to:

- Section 6.7 focusses on sites of significance to māori (SSM),
- General Objective TTHE1.1 seeks the relationship of Ngā Hapū Te Atiawa with SSM be recognised and protected and
- Objective TTHE1.2 seeks SSM be protected for current and future generations[33].

222. I acknowledge submissions were received and evidence presented on behalf of two hapū.

223. The relationship of Ngāti Tāwhirikura Hapū and Puketapu Hapū has been recognised in the application and in the resource consent conditions.

224. In reaching that conclusion, I have not confined recognition and protection of the relevant sites to whether physical works occur within Aotere Pā or affect Te Pou Tūtaki itself. Consistent with the cultural evidence before me, I have also had regard to their setting and relationships within the wider cultural landscape, the effects of earthworks and site development, the interface with the adjoining Māori

[33] Paragraph 8.72 section 42A report

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Purpose land, the relationship with Mangaone Stream and the measures provided through conditions for ongoing mana whenua involvement.

225. I find regard has been given to the IMP as part of; the application, the consideration given to key cultural matters at the hearing and through the proposed conditions. These recognise;

- the relationship of the activity with the SSM's,
- no works are proposed on Aotere Pā,
- Te Pou Tūtaki will not be affected by the proposal, and
- the proposal will not affect access to the SSM's.

Sections 106A

226. Turning to Section 106A of the RMA, I am of the opinion effects on existing flooding patterns will not be adversely affected and the proposal will not result in a change or increase of risk from natural hazards.

227. I am therefore satisfied that there is no basis under s106A to refuse the landuse consent.

Part 2 of the RMA and Overall Conclusion

228. I am satisfied that the relevant provisions of the recently developed PODP appropriately give effect to Part 2 of the RMA in relation to the matters before me. No party advanced a basis requiring resort to Part 2 to resolve uncertainty or invalidity in those provisions. Consistent with the approach identified earlier in this decision, I therefore do not consider a separate Part 2 assessment necessary.

229. Having considered the proposal against the relevant statutory instruments and the PODP, the actual and potential effects of the activity, the evidence presented by the applicant, Council and the hapū submitters, and the conditions I have imposed, I find the proposal is generally consistent with the relevant objectives and policies of the PODP and that its adverse effects can be appropriately managed. I agree that the proposal will promote the sustainable management of the Site.

230. Overall, having considered the matters required under s104, I am satisfied that consent may appropriately be granted subject to the conditions in Appendix 1.

231. Finally, I want to thank all those involved in the way they presented and participated in the hearing process.

CONDITIONS

232. I have reviewed the conditions put forward by the Council and the Applicant and the comments given by hapū. In my opinion they are extensive. While I am generally satisfied that they address all the matters concerned, I have made some changes to strengthen them. This includes:

- Clarification in emphasis of hapū involvement in the Kaitiaki Forum
- New condition requiring a certified Earthworks Management Plan
- Clarification of reporting in response to the Kaitiaki Forum outcomes
- Prior to development of Pad 3 a requirement to engage the Kaitiaki Forum at earliest possible opportunity

DETERMINATION

233. For the reasons set out above, I grant land use consent LUC25/48839, including the restricted discretionary consent required under Regulation 10 of the NES-CS, pursuant to ss104 and 104B of the

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RMA, subject to the conditions in Appendix 1. I also approve the cancellation of Consent Notice 11204972.3 pursuant to s221(3) of the RMA.



Reginald Proffit

Hearings Commissioner

2 November 2026

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Appendix 1 – Recommended Conditions of Resource Consent

General Accordance

1. The use and development of the land must be as described within the application LUC25/48839 and be generally in accordance with the following plans except as amended by the conditions below:

   a. Assessment of Environmental Effects and Statutory Analysis dated 29 July 2025 submitted to New Plymouth District Council on 27 November 2025

   b. Plans entitled:

      i. 'Proposed Site Plan' Drawing No: SP0_10 Rev. F dated 2 October 2026,

      ii. Proposed Elevation Signage: Drawing No: ES0_01 Rev.E dated 2 October 2026;

      iii. Proposed Elevation Signage: Drawing No: ES0_02 Rev.G dated 2 October 2026;

      iv. 'Bunnings New Plymouth' Sheet No C-000 Rev.7, C-100 Rev.6 & C210 Rev.5 dated 24 June 2025, C001 Rev.1 dated 20 February 2024, C150 Rev.5, C200 Rev.4 & C-610 Rev.3 dated 23 June 2025, and C-800 Rev.1 prepared by BCD Group

   c. Civil Engineer Design Features report prepared by BCD Group Job No: 23-0336 Rev.7 dated 27 November 2025.

   d. Landscape Package for Resource Consent – Bunnings New Plymouth dated 10 August 2026 and Landscape Design Statement dated 23 April 2023 prepared by Rough Milne Mitchell Landscape Architects.

   e. Ravensdown Contaminated Site Management Plan prepared by 4SightConsulting version 4 dated March 2018 and Site Validation Report prepared by HDGeo, project No.HD1781, reference SVR Rev3 dated 1 December 2023.

   f. Erosion and sediment Control Plan prepared by BCD Group Job No: 23-0336 Rev.1 dated 1 October 2025.

   To the extent that there are any differences between any of the plans above, the information in the most recently dated plan prevails. This includes earthworks in the vicinity of Aotere Pa that must be in accordance with the Landscape Package and reduction in the width of the drive from Access 4 to only allow for one-way vehicle movements.

Prior to commencement of works

2. The Consent Holder must arrange and attend a pre-start meeting with the New Plymouth District Council Monitoring Department, Ngāti Tāwhirikura and Puketapu Hapū at least 5 working days prior to the commencement of activities associated with this consent. The preferred means of contact is by email to PlanningConsents.Monitoring@npdc.govt.nz The pre-start meeting must address:

   a. Construction Traffic Management
   b. Erosion and sediment control measures;
   c. Contaminated soil disturbance;

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d. Accidental Discovery Protocol; and
e. Cultural Monitoring

3. Pursuant to Section 36 of the Resource Management Act 1991 the Consent Holder must pay the actual and reasonable costs incurred by the New Plymouth District Council when monitoring the conditions of this consent.

4. Prior to the commencement of any site works, the Consent Holder must take all reasonable endeavours, and act in good faith, to convene and resource a Kaitiaki Forum.
   a. The purpose of the Kaitiaki Forum is to enable the Consent Holder to share information and provide opportunities for the Kaitiaki Forum to have input on:
      i. The Planting Plan required by Condition 15
      ii. Surface treatments and pedestrian connections within the site
      iii. Extent of earthworks detailed in a Earthworks Management Plan for the Site
      iv. The design and detail of the Textural treatment of the 1.2m high white concrete dado on the western and southern façades of the garden centre
      v. Other opportunities for applied cultural expression, including the location and ongoing maintenance of any installations of Toi Māori.
      vi. Appropriate cultural contributions to the induction of all persons working on the site.
      vii. Implementation of necessary tikanga māori including a pre-start blessing and cultural monitoring of the earthworks within the application site.
   b. The Consent Holder must facilitate opportunities for the Kaitiaki Forum to hold regular meetings, at least once every 3 months for the duration of construction until the opening of the Bunnings Warehouse.
   c. The Kaitiaki Forum must include at least one representative of the Consent Holder, Ngāti Tāwhirikura Hapū and Puketapu Hapū;
   d. The Consent Holder must maintain a record of all feedback provided by the Kaitiaki Forum and the Consent Holder's response to that feedback (including reasons in circumstances where no action is taken). The record(s) of the meeting(s) must be provided to the New Plymouth District Council Monitoring Department at least one every three months.
   e. The Kaitiaki Forum may decide to meet less frequently or may be discontinued earlier at the unanimous agreement of its members.

5. Prior to the commencement of earthworks, the Consent Holder shall provide the Council, Ngāti Tāwhirikura and Puketapu hapū, either directly to hapū and Council, or through the Kaitiaki Forum, a certified Earthworks Management Plan showing:

   a. Existing ground levels;
   b. Proposed finished ground levels;
   c. Maximum excavation depths;
   d. Maximum fill depts;
   e. Areas of cut and fill;
   f. The location of Aotere Pā, and the associated nine (9) metre setback from the shared boundary;
   g. The finished ground level proposed to be achieved at Pad 3; and
   h. The extent of earthworks proposed within 50 metres of Aotere Pā.

6. No less than 20 working days prior to the commencement of works, the consent holder must submit a Construction Traffic Management Plan (CTMP), for certification by the New Plymouth District Council Monitoring Supervisor or nominee. The CTMP must identify how it will manage construction traffic to:
   a. Protect public safety.

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b. Minimise delays to road users.
c. Minimise disruption to property access; and
d. Inform the public about the potential impacts on the road network.

7. The CTMP must include, but not be limited to, the following:
   a. Details of traffic management activities and sequencing.
   b. Methods for managing effects from construction related traffic movements including but not limited to noise and vibration.
   c. Provisions to ensure that, as far as practicable, road users will not be held up by construction activities for an unreasonable period of time (such time period to be specified).
   d. The proposed route through the city for any trucks associated with the removal of earthworks and any traffic management measures.
   e. Details on how construction traffic would be managed for the duration of the works noting that no construction vehicles shall be parked on any adjacent street for the duration of the works.
   f. Details of how construction noise for all adjoining properties must be managed in line with the relevant standards outlined under NZS6803:1999
   g. The management and mitigation measures prescribed in the CTMP must be implemented for the duration of the construction works.

8. Prior to the commencement of earthworks, the consent holder must forward the Erosion and Sediment Control Plan as approved by the Taranaki Regional Council to the New Plymouth District Council Monitoring Department.

9. Prior to the commencement of earthworks, the consent holder must install all silt and sediment control measures in accordance with the Erosion and Sediment Control Plan forwarded in accordance with Condition 8.

10. No less than 20 working days prior to the commencement of earthworks, the consent holder must provide a Contamination Management Plan (CMP) to the Council for certification by the New Plymouth District Council Monitoring Supervisor. The objective of the CMP is to demonstrate how the consent holder will monitor and manage contaminated soil within the site, including detailed site management methods and techniques and how compliance with the consent conditions will be achieved. The CMP must include, but is not limited to, the following:
    a. Remediation of the On-Going Management Areas adjacent to Access 2 identified in the Site Validation Report prepared by HDGeo;
    b. Sampling that will be undertaken within the site;
    c. The erosion and sediment controls that will manage stormwater and contaminant runoff from the site; and
    d. Remediation measures that will occur for any contaminated soil discovered which exceeds the soil quality objectives outlined in table 3 of the Site Validation Report prepared by HDGeo, project No.HD1781, reference SVR Rev3 dated 1 December 2023.

11. The CMP must be prepared by a suitably qualified and experienced person (SQEP) and certified by the Council that it meets the requirements of this condition.

12. Prior to commencement of ground disturbance, the consent holder must provide evidence to the New Plymouth District Council Monitoring Department that a suitably qualified and experienced environmental practitioner has been appointed to monitor all ground disturbance works. The consent holder must include the contact details of the practitioner appointed in accordance with this condition.

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13. No less than 20 working days prior to commencement of construction, the Consent Holder must provide a finalised Landscape Plan in general accordance with the recommendations of the *Landscape Package for Resource Consent – Bunnings New Plymouth dated 10 August 2026 and Landscape Design Statement dated 23 April 2023 prepared by Rough Milne Mitchell Landscape Architects* for approval by the Council's Monitoring & Enforcement Officer. The Landscaping Plan shall include the following:
    a. A summary of the outcomes of the Kaitiaki Forum on the content of the Landscape Plan:
    b. Identify how the outcomes of the Kaitiaki Forum have been addressed and in instances where these outcomes are not addressed, the reasons for this departure;
    c. Plant species, numbers, size, spacing, layout and grade;
    d. Height at installation
    e. Location of landscaping
    f. Confirmation in the form of a plan that the planting along Devon Road will achieve a minimum sight distance of 151m from Access 2 for traffic safety purposes.
    g. Height expected to grow to and within what time frame
    h. Methods of ground preparation, fertilising, mulching, spraying;
    i. Timing of planting;
    j. Maintenance and weed management.

<u>During Construction</u>

14. If the consent holder discovers archaeological evidence, or suspected archaeological evidence, they must without delay notify:
    a. Ngāti Tāwhirikura and Puketapu Hapū; and
    b. Heritage New Zealand Pouhere Taonga (HNZPT); and
    c. New Plymouth District Council Monitoring Officer; and
    d. New Zealand Police in the case of skeletal remains; and

    stop work within the immediate vicinity of the discovery to allow a site inspection by HNZPT and their advisors, who must determine whether the discovery is likely to be extensive and if a thorough site investigation is required. Site work must only recommence following consultation with the New Plymouth District Council, HNZPT, Ngāti Tāwhirikura and Puketapu Hapū, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

15. Land disturbed by earthworks, must be wetted as required to ensure that dust nuisance is maintained within the site.

16. The consent holder must install a stabilised vehicle entrance to prevent the tracking of earth worked materials onto the surrounding road network. If contaminant material is tracked onto the road, the consent holder must clean and repair the road back to its original condition. In doing this, the consent holder must ensure that no materials are washed or swept into any stormwater drains or natural drainage systems.

17. Prior to construction of any services or the building, the consent holder must undertake remediation of the contamination identified in the vicinity of the existing office buildings and trees adjacent to Devon Road in the Site Validation Report prepared by HDGeo. Earthworks and remediation works must be undertaken in accordance with the Contamination Management Plan certified in accordance with Condition 10.

18. Prior to commencement of the construction of the Bunnings Warehouse and no later than one month of completion of groundworks whichever occurs first, the consent holder must supply a Site Validation Report for the approval of the Development Control Lead. The Site Validation report must confirm that all contaminated soil within the site has been remediated to a level appropriate for commercial activities.

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The Site Validation report must be prepared by the Suitably Qualified Environmental Practitioner appointed in accordance with Condition 11. The Site Validation report must be prepared generally in accordance with the MfE Contaminated Land Management Guideline No.1.

19. The existing collapsed Stormwater pipe work on site that has collapsed must be removed and reinstated with appropriate engineered fill.

20. At completion of the earthworks and prior to undertaking any building works, a Geotechnical Completion Report must be submitted to the Council's Monitoring Officer prepared by a suitably qualified Geo Professional in accordance with Section 2.6.1 of the New Plymouth District Council Land Development and Subdivision Infrastructure Standard (Local Amendments Version 3).

21. The Geotechnical Completion Report must include (but not be limited to) the assessment of the stability of slopes, earth fills, cut and fill batters associated with the earthworks. This report must be provided along with the Schedule 2A Statement which relates to matters in Chapter 2 of the Land Development & Subdivision Infrastructure Standard.

Completion of Construction

22. Within six months of completion of earthworks activities, all exposed areas must be regrassed/hydroseeded.

Advice Note:
Earthworked areas which have subsequently been the subject of mitigation or covered by impermeable surfaces will not be treated as an exposed area.

Prior to Opening and Operational Matters

22. Prior to opening of the Bunnings Warehouse, the stormwater soakage system must be installed in accordance with the approved plan entitled *'Bunnings New Plymouth' Sheet No C-150 Rev.5 dated 23 June 2025* and operational. The stormwater system must be constructed to manage stormwater for a 1% Annual Exceedance Probability event based on RCP 8.5 climate change scenario.

23. Prior to opening of the Bunnings Warehouse, all planting in the Landscape Plan approved in accordance with Condition 13 must be installed.

24. All planting in the Landscape Plan approved in accordance with Condition 13 must be maintained to the satisfaction of Council in perpetuity. If any of the landscaping dies and/or becomes diseased, the dead and/or diseased landscaping must be replaced in the same or similar location within the next planting season (generally between May and October) by a same or similar species of landscaping.

25. Prior to opening of the Bunnings Warehouse, car parking must be provided on site in accordance with the approved plan entitled *'Bunnings New Plymouth' Sheet No C100 Rev.6 dated 24 June 2025.*

26. Prior to the opening of the Bunnings Warehouse, at least eight parking spaces must be provided for people with disabilities. The location of the parking spaces for persons with disabilities must be located as shown in Proposed Site Plan' Drawing No: SP0_10 Rev. E dated 15 July 2026 (refer Condition 1.b.i) and must meet the other Accessible Route requirements of Standard NZS4121:2001.

27. Prior to opening of the Bunnings Warehouse, 36 bicycle spaces must be provided on site.

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28. Prior to opening of the Bunnings Warehouse, all parking, manoeuvring, loading and access must be constructed to an all-weather standard and marked in accordance with the approved plan entitled *'Bunnings New Plymouth' Sheet No C-100 Rev.6 dated 24 June 2025.*

29. Prior to opening of the Bunnings Warehouse, all turning areas located at the end of 'blind aisles' must be marked as 'no parking' or similar.

30. During the operation of the Bunnings Warehouse, the required car parking and bicycle spaces must be retained on the site.

31. B-train truck movements from the loading area exiting the site via Access 3 must not occur between 11am and 1pm on Saturdays and Sundays.

32. Prior to opening of the Bunnings Warehouse, the consent holder must construct three new heavy industrial vehicle crossings at Access 1, 3 and Smart Road (adjacent to Access 4) as identified on Figure 4-1 of the *Transportation Assessment Report,* ref: 310205066.100.0108 dated June 2025 prepared by Stantec in accordance with the New Plymouth District Council Land Development and Subdivision Infrastructure Standard (Local Amendments Version 3) or as otherwise agreed to by the Council in regard to the 'wings' to enable safe movement by longer vehicles such as trucks.

33. Prior to opening of the Bunnings Warehouse, the vehicle crossing onto Devon Road must be upgraded to a heavy industrial vehicle crossing standard in accordance with the New Plymouth District Council Land Development and Subdivision Infrastructure Standard (Local Amendments Version 3) or as otherwise agreed to by the Council in regard to the 'wings' to enable safe movement by longer vehicles such as trucks and to the satisfaction of the New Zealand Transport Agency Network Manager.

34. Prior to opening of the Bunnings Warehouse, the consent holder must remove the existing vehicle crossings off Smart and Devon Roads that are no longer required and reinstate the kerb, channel and footpath and grass berm in accordance with the New Plymouth District Council Land Development and Subdivision Infrastructure Standard (Local Amendments Version 3).

35. Within three (3) months of completion of any remedial works identified under Condition 10 and prior to construction of any new buildings, the consent holder must provide a site validation report (SVR) to the Council's Monitoring Officer showing that the identified contamination has been successfully remediated in accordance with the RAP. The site validation report must be prepared by a suitably qualified and experienced practitioner in accordance with the current edition of the Ministry for Environment Contaminated Land Management Guidelines No.1 – Reporting on Contaminated Sites in New Zealand. The SVR must include as a minimum, but not be limited to:
    a. Proposed validation samples identified in the RAP
    b. Photographs of the work as detailed in the RAP
    c. Details of TCLP analysis undertaken
    d. Disposal receipts

36. Prior to opening of the Bunnings Warehouse to the public, the consent holder must supply to the New Plymouth District Council Monitoring Department, the Record of Title to confirm that Lots 1 & 4 DP 509004 are held in one Record of Title.

37. Prior to the opening of the Bunnings Warehouse to the public, the Consent Holder must ensure that the vehicle access (Access 2) to State Highway 3 operates as entry and left-out only. This shall be achieved through appropriate line marking and the installation of a 'No Right Turn' sign at the exit, to the satisfaction of New Zealand Transport Agency (NZTA). Confirmation of the installation of the required line marking and

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signage must be provided to NZTA and New Plymouth District Council Monitoring Department prior to operation. The entry and left-out only restriction must be retained for the duration of the operation of the activity, unless otherwise approved in writing by NZTA.

38. Prior to opening of the Bunnings Warehouse to the public, the Consent Holder must ensure that vehicle access 4 from Smart Road and vehicle access 5 operate as entry only. This shall be achieved through appropriate line marking and the installation of a 'No Exit' signs, to the satisfaction of the New Plymouth District Council Monitoring Supervisor. Confirmation of the installation of the required line marking and signage must be provided to the New Plymouth District Council Monitoring Department prior to operation. The entry only restrictions must be retained for the duration of the operation of the activity.

39. Prior to the opening of the Bunnings Warehouse to the public, the consent holder must prune all vegetation within Lot 4 DP 509004 adjoining State Highway 3 to ensure sightlines at Access 2 meet the required sight distances set out in the Transportation Assessment Report prepared by Stantec dated 26 June 2025. All vegetation within this area must be maintained by the Consent Holder for the duration of the operation of the activity to ensure ongoing compliance with the required sight distances.

40. Prior to the opening of the Bunnings Warehouse to the public the consent holder must provide to New Plymouth District Council Monitoring Department, correspondence from the New Zealand Transport Agency confirming that works in the State Highway, including the upgrade of the vehicle crossing and associated line markings, have been constructed to New Zealand Transport Agency standards.

41. The consent holder must undertake a traffic safety review of the operation of the vehicle crossing (Access 2) to Devon Road (SH3). The review must be undertaken by a suitably qualified traffic engineer 12 months following the public opening of Bunnings. The review is to assess (but not limited to) any increase in vehicle crashes at the access and observations of any excessive queuing, specifically in relation to the right-turn-in movement. The results must be reported to New Plymouth District Council and New Zealand Transport Agency within 15 working days of completing the review. If the review concludes that there are traffic safety issues at the access arising from the operation of the Bunnings activity, further mitigation measures to address the safety issues identified must be recommended for consideration by New Plymouth District Council and NZTA and agreed for implementation by the consent holder. The review must include observations of the safety and efficiency of the use of Access 2:
    a. in the weekday evening peak hour including the number of times a driver was able to undertake the right hand turn freely versus having to be 'waved through' by other drivers;
    b. if there are changes made to the movements permitted at Access 2, then an evaluation on the safe and efficient operation of the Devon Road/Smart Road intersection must be evaluated.

42. Pursuant to section 128 to 131 of the Resource Management Act 1991, the New Plymouth District Council may review Conditions 37 & 39 of this consent after 12 months from opening of the Bunnings Warehouse, and receipt of the review submitted in accordance with Condition 41, and then every 5 years thereafter. The Council will serve notice on the Consent Holder of its intention to review any or all of the conditions of this consent for any of the following purposes:
    a. To review the effectiveness of the conditions of this consent in avoiding, remedying, or mitigating any adverse effect on the environment that may arise from the exercise of this resource consent (in particular the potential adverse environmental effects in relation to traffic effects), and if necessary to avoid, remedy or mitigate such effects by way of further or amended conditions;

    b. To address any adverse effects on the environment which have arisen as a result of the exercise of this consent that were not anticipated at the time of granting this consent, including addressing any issues arising out of complaints.

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43. The Council will undertake the review in consultation with the consent holder and the consent holder must pay the actual and reasonable costs of the review pursuant to section 36 of the Resource Management Act 1991.

44. Any future development of "Pad Site 3" as identified on 'Proposed Site Plan' Drawing No: SP0_10 Rev. E dated 15 July 2026 must not exceed a height of 6.5m.

45. Prior to the future development of "Pad Site 3", and at the earliest possible opportunity the Consent Holder shall reconvene the Kaitiaki Forum to:

    a. Discuss any potential future development; and

    b. Confirm how the integrity of cultural expression will be maintained; and

    c. Confirm how the visual connection between Te Pou Tūtake and Aotere Pā will be maintained.

Advice Notes

a) A Development Contribution for off-site services of $545,276.70 excluding GST is payable by the consent holder and will be invoiced separately. In accordance with Section 208 of the Local Government Act 2002, the Council may prevent commitment of the resource consent under the Resource Management Act 1991.

b) This consent lapses on 5 years from commencement unless the consent is given effect to before that date; or unless an application is made before the expiry of that date for the Council to grant an extension of time for establishment of the use. An application for an extension of time will be subject to the provisions of section 125 of the Resource Management Act 1991.

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