

BEFORE COMMISSIONER ST CLAIR APPOINTED BY NEW PLYMOUTH DISTRICT COUNCIL

UNDER	the Resource Management Act 1991 ("RMA")
IN THE MATTER	of an application under section 88 of the Act by K.D. HOLDINGS LTD to the NEW PLYMOUTH DISTRICT COUNCIL for land use consent application for alterations to an existing building within the City Centre Zone on a coastal frontage site and associated earthworks in close proximity to an Archaeological Site/Site of Significance to Māori.

STATEMENT OF EVIDENCE OF DARELLE MARTIN (PLANNING) ON BEHALF OF K.D. HOLDINGS LTD (THE APPLICANT)

24th July 2024

1. INTRODUCTION

- 1.1 My full name is Darelle Marie Martin. I am a Senior Planner at BTW Company Limited, a multi-disciplinary consultancy with offices in New Plymouth, Hamilton, Raglan and Taupō. I hold a Bachelor of Science in Geography and Environmental Science (2012) and a Postgraduate Diploma (with Distinction) in AgriCommerce (2013) from Massey University. I am a Full Member of the New Zealand Planning Institute and am a committee member of the Taranaki branch of the Resource Management Law Association.
- 1.2 My past roles have included planning at a small consultancy in Nelson, in GIS at Powerco New Plymouth, and undertaking Land Information Memoranda at New Plymouth District Council. I have been working for nearly six years at BTW Company as a planner, undertaking a wide variety of land use and subdivision consent applications. I undertake planning work for a range of predominantly private sector clients throughout Taranaki across a wide variety of sectors. My planning advice and project work typically relates to project management, policy analysis and resource consent matters and regularly involves engagement with stakeholders including mana whenua.

- 1.3 I am familiar with the New Plymouth district and the Taranaki region, having spent the majority of my life living in the New Plymouth District.
- 1.4 I am familiar with the Operative New Plymouth District Plan, the Proposed New Plymouth District Plan, the Regional Policy Statement for Taranaki and other relevant planning documents. I have been involved in submissions, hearings and appeals on the Proposed New Plymouth District Plan so am familiar with the outcomes sought by the Plan and its evolution.
- 1.5 This evidence is given in support of the land use consent application ("the application") lodged by K.D. Holdings Ltd directed by Kevin and Lynda Doody ("the applicant"), for additions and alterations to an existing building within the City Centre Zone on a Coastal Frontage and Coastal Environment site, with associated earthworks in close proximity to an Archaeological Site/Site of Significance to Māori, at 39-41 Molesworth Street, New Plymouth.
- 1.6 I am authorised to give this evidence on behalf of the applicant.

2. CODE OF CONDUCT

- 2.1 I confirm that I have read the Code of Conduct for expert witnesses contained in the 2023 Environment Court Practice Note and that I agree to comply with it. In particular, unless I state otherwise, this evidence is within my area of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

3. INVOLVEMENT IN THE APPLICATION

- 3.1 I was engaged by the applicant in June 2022 and prepared a consent application for the application site related to earthworks in proximity to Waimanu Pā as an Archaeological Site and Site of Significance to Māori (SASM). The earthworks were to facilitate strengthening and minor alterations and additions to the building and yard areas. Consultation was undertaken with Ngāti Te Whiti during that process and consent was granted on 23 September 2022.
- 3.2 Preparation of the subject application began in November 2022 and my involvement prior to preparing my evidence has consisted of:
- (a) Consulting with Ngāti Te Whiti hapū on behalf of the applicant as explained in detail in the consent application dated 17 October 2023, and the Update of 2nd July 2024 ('the Update');

- (b) Preparing the Resource Consent Application and Assessment of Environmental Effects ('the application');
- (c) Preparing responses to Council's requests for further information;
- (d) Organising meetings with submitters and experts involved;
- (e) Attending expert witness conferencing with Ms Karleen Thompson and Mr Sean Zieltjes and preparing a Joint Witness Statement (JWS); and
- (f) Communicating with Council throughout.

4. PURPOSE AND SCOPE OF EVIDENCE

4.1 In this matter, I have been asked by the applicant to address planning matters. I confirm that I have read the submissions on the Application and the Council Officer's Report. Except where my evidence relates to matters in dispute, I propose to only summarise the conclusions set out in the original application and the Update.

4.2 My evidence is structured as follows:

- (a) The Application Site and Receiving Environment;
- (b) The Application including Recent Updates;
- (c) Operative and Proposed District Plans;
- (d) Broader Regulatory Framework - Section 104 RMA
 - (i) Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ('NES-CS');
 - (ii) National Policy Statement on Urban Development 2020 ('NPS-UD');
 - (iii) New Zealand Coastal Policy Statement 2010 (NZCPS);
 - (iv) The Regional Policy Statement for Taranaki 2010 ('RPS');
 - (v) Tai Whenua, Tai Tangata, Tai Ao 2019;
 - (vi) Ngāmotu New Plymouth City Centre Strategy 2021 (CCS);
 - (vii) City and Town Centre Design Guide 2023; and
 - (viii) Part 2 RMA.

- (e) Actual and Potential Effects on the Environment;
- (f) Submissions;
- (g) Council Officer's Hearings Report;
- (h) Proposed Conditions of Consent; and
- (i) Conclusion.

4.3 In addition to the documents mentioned above I have also reviewed and considered the following:

- (a) The evidence of Mr Doody; and
- (b) The JWS of the Planning Experts (refer to **Addendum A**), as directed to be undertaken in the Commissioner's Minute One, dated 5th July 2024.

5. SUMMARY

- 5.1 As agreed in the JWS the 'Key unresolved issue' (per the heading of the same name, page 7) is whether the proposal or built form sufficiently recognises the cultural significance of the site in providing a sense of place and identity.
- 5.2 By way of a summary, my detailed analyses and assessments enable me to confidently conclude that while the proposed additions and alterations to the building itself do not have a specific cultural narrative, the proposal as a whole provides for development outcomes sought by the regulatory framework for the site and city centre, this includes making the presence of Waimanu Pā visible again, acknowledging its contribution to place and identity.

6. THE APPLICATION SITE AND RECEIVING ENVIRONMENT

- 6.1 The application site ('the site') and immediate environment are described in detail in the application and the Council Officer's s42a Hearings Report (the 'Hearings Report'), and I will not repeat that information. The planners have agreed on the description of the application site and receiving environment in the 'Agreed Facts' section of the JWS.

7. THE APPLICATION INCLUDING RECENT UPDATES

- 7.1 The proposal is well described in the application, the Update of 2 July 2024, and the Hearings Report. The planners have agreed on the proposed activities in the 'Agreed Facts' section of the JWS.

- 7.2 Two updates to the application material have occurred since the application was notified to the submitters, in association with acknowledging cultural values. They are:
- (a) The addition of the stone with Waimanu Pā text and design. At this point it is reasonable to consider that this will be a freestanding stone, likely around 1.2 m tall, without necessarily needing a foundation or footing; and
 - (b) The cultural narrative paving designs, by way of removal of the current tar-sealed yard, for replacement with concrete, to facilitate the pattern in a high-quality and durable hard surface.
- 7.3 The stone constitutes a 'sign' and 'freestanding sign' (per the PDP definitions). It is a permitted activity, meeting the conditions of PDP 'Signs' chapter Rule SIGN-R4 for freestanding signs. SIGN-R4 is not under appeal and the equivalent rule in the Operative District Plan 2005 ('ODP') is not relevant. The stone as a sign was briefly discussed at expert conferencing and is not contested.
- 7.4 Removing the existing tar-seal, forming the base course underneath and installing concrete, will marginally change the levels and slopes of the site and will constitute 'earthworks' as per the definition in the PDP. The earthworks are of a greater scale of activity than originally applied for with regard for rules SASM-R17, HH-R30, CE-R1 and the NES-CS. As per the quote provided in Mr Doody's evidence, the paving area is 260 m² and allowing for a cut of around 24 cm deep on average, a further 63 m³ of material can be expected to be removed from the site additional to the 36 m³ already proposed. It is anticipated that the 99 m³ total of cut to waste material is likely mostly tar-seal and base course (gravels) itself rather than soils.
- 7.5 The activities which are permitted and those which require consent are agreed in the JWS under the 'Consent required' matter.

8. OPERATIVE AND PROPOSED DISTRICT PLANS

- 8.1 The relevant statutory planning documents are agreed in the JWS ¹ (refer to 'S104(1)(b) regulatory requirements' and 'S104(1)(c) regulatory requirements' headings. As per the JWS, the PDP rules under which the proposal requires consent are agreed under the 'Consent required' matter, it is agreed there are no Archaeological Site or Site of Significance to Māori

¹ Addendum A

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(SASM) chapter rules applicable that are under appeal, and it is agreed that the overall status of the application is discretionary. Accordingly, the application is subject to section 104B of the RMA, may be granted or declined on any relevant matter, can have conditions imposed if it is granted, and will be considered under section 104.

- 8.2 Draft conditions have been agreed in principle by the planners and are Appendix B of the JWS which itself is provided in Addendum A of my evidence.
- 8.3 As agreed in the JWS matter 'Is a permitted baseline relevant?', a permitted activity baseline is not considered relevant. This is because all building erections, additions and alterations on this Coastal Frontage site are broadly discretionary so a land use consent will always be required for building activities on this site.

Operative District Plan

- 8.4 As per the JWS agreement (refer 'ODP' matter under S104(1)(b) regulatory requirements' heading), the ODP is not relevant. I clarify that this means consent is not required under the ODP and so there are no objectives or policies of specific interest to the application. However, as Ms Thomson explains in the Hearings Report (paragraph 114), as a permitted activity, the proposal is considered to be consistent with the relevant objectives and policies, which I agree with.

Proposed District Plan

- 8.5 The Proposed District Plan (Appeals Version September 2023) ('PDP') is a prescriptive plan and has adopted an activities-based approach to manage the district, by providing zones in which activities fall into different categories such as appropriate, potentially appropriate subject to management and control, potentially inappropriate, or inappropriate. The premise is that compatible activities should be located in the same area and that the character and amenity of that area will reflect them.
- 8.6 As per the JWS (refer 'PDP' matter under S104(1)(b) regulatory requirements' heading), the objectives and policies that have been addressed in the application, and the Update of 2nd July 2024, are generally agreed as relevant. A few exceptions occur and I address these here.
- 8.7 As agreed in the JWS, I will address Policy TW-16 which I had not previously included in the application or update material, after considering the "New

Plymouth District Council Proposed New Plymouth District Plan - Recommendations of the Independent Hearings Panel - Recommendation Report 3 - Hearing 1 and Hearing 23(b) (in part) - Strategic Direction - 13 May 2023" (the 'Decisions Report') from the Commissioners of the PDP². TW-16 is provided on page 35 of the Hearings Report. Mr Zieltjes explained in the conferencing that this objective is applicable in so far as the application site is the ancestral land of the hapū. There is no definition of 'ancestral land' in the RMA, PDP, or National Planning Standards. Section 13 of the Decisions Report is relevant and to summarise, it considered:

- (a) The use of the term "Māori land" in the notified PDP and whether it should include Treaty settlement land;
- (b) That the Māori Purpose Zone is a key method for implementation of this strategic objective, and that the objective particularly relates to development of papakāinga;
- (c) To conclude by removing any specifically defined term and instead use a general term 'ancestral land'.

8.8 I consider the objective predominantly directs support for tangata whenua developing and using land in a way that provides for their culture, traditions and wellbeing, and secondly, protection of land where relevant. I do not consider that it directs protection of all land in a rohe, or in this case, protection of Waimanu Pā via avoidance of activities on the application site. Nor does it set a minimum of what is required for protection to be achieved. I note Ms Thomson concludes the proposal as consistent with the objective on page 36 of the Hearings Report and I agree.

8.9 With regard to Policy CCZ-P3 as mentioned in the JWS ('PDP' Matter), Ms Thomson and Mr Zieltjes considered this policy relevant and I disagreed. I have considered the policy again and provide the following commentary:

- (a) I maintain there is a strong link between the land use activity section (note the separate building activity section) rules with their different activity statuses, and the relevant policies. For example, CCZ-P1 seeks to allow land use activities that are compatible and lists those activities, which can then be found as permitted land use activities with rules R1 through R8. CCZ-P2 seeks to manage activities that are potentially compatible and lists commercial service activities as

² <https://proposeddistrictplan.npdc.govt.nz/media/oyjnlfc5/recommendation-report-3-sd.pdf>

discretionary rule R9. CCZ-P3 is provided in the Hearings Report (at page 44) but the final part of the policy has been omitted which is:

Incompatible activities include:

1. *industrial activities;*
2. *primary production; and*
3. *rural industry.*

- (b) The above listed activities have corresponding rules R11 through R13 which have non-complying activity statuses.
- (c) My view is supported by the policies (P5, P8 and P9) later in the chapter which do specifically mention additions and alterations to structures, which are this application's proposed activities (building activities). The proposed activities are not land uses such as business service, commercial service or industrial activities.
- (d) Should the Commissioner consider P3 to be relevant, I refer to the assessment on page 46 of the Hearings Report, and agree with this. I consider the proposal to be consistent with P3.

8.10 I generally agree with the assessments in the rows labelled 'comment' under each set of objectives and policies in the Hearings Report in the table under paragraph 115. This table assesses the proposal against those provisions which are from the PDP chapters as follows: Strategic Direction, Sites and Areas of Significance to Māori, Historic Heritage, Earthworks, Transport, Coastal Environment, City Centre Zone, and Contaminated Land.

8.11 I omitted to include assessment of CE-P9 in the Update. CE-P9 is provided and assessed on pages 43 and 44 of the Hearings Report, which finds the proposal to be consistent with the policy. I agree with the Ms Thomson's assessment.

8.12 I omitted to include assessment of the relevant Contaminated Land objective (CL-O1) and policy (CL-P2) through the application and Update and note that Ms Thomson has provided this and finds the proposal consistent with the provisions (page 46 of the Hearings Report). I agree with her assessment.

8.13 Overall I consider that the contributions of the proposal to the character, amenity and vibrancy of the central city through a modernised building providing commercial working space and a residential unit, with landscaping design that includes a cultural narrative designed with input by tangata whenua to make Waimanu Pā visible again, will be an improvement to the

amenity of the site and the CBD. Ms Thomson draws a similar conclusion, finding that the proposal is consistent with all of the relevant objectives and policies of the PDP, (paragraph 116).I agree with her assessment.

9. BROADER REGULATORY FRAMEWORK - SECTION 104 RMA

- 9.1 Section 104 (1) outlines the matters that a consent authority must have regard to when considering an application for resource consent and any submissions received, subject to Part 2. I provided the wording of Section 104 of the RMA in section 5.2 of the original application and will not repeat it here, for brevity.

NES – Contaminated Soil

- 9.2 As per the JWS (refer 'NESCO' matter under 'S104(1)(b) regulatory requirements' heading), the NES-CS is agreed as relevant. There were no other NES's considered relevant. The NES-CS has been considered in the application and my understanding is that there is no matter of the NES-CS that is an issue of contention.

NPS – Urban Development

- 9.3 As per the JWS (refer 'NPS-UD' under 'S104(1)(b) regulatory requirements' heading) the NPS-UD is agreed as relevant. No other NPS's were identified as being relevant in the JWS. I addressed the NPS-UD in the application and that remains valid, and I agree with the Hearings Report assessment conclusion (paragraph 108) which finds that the proposal is generally consistent with the NPS-UD objectives and policies. My understanding is there is no matter of the NPS-UD that is an issue of contention.

New Zealand Coastal Policy Statement

- 9.4 As per the JWS (refer 'NZCPS' matter under 'S104(1)(b) regulatory requirements' heading) the NZCPS is agreed as relevant. The NZCPS was addressed in the original application and I adopt that assessment and conclusions. I reiterate that the coastal environment of the site and area are highly modified, and add that the proposal includes pavement design and the stone marker in order to provide a visible reference for Waimanu Pā, noting it would once have been a prominent feature in this coastal environment. In my opinion, the proposal is consistent with the relevant provisions of the NZCPS. Ms Thomson agrees, as per paragraph 109 of the Hearings Report.

Regional Policy Statement for Taranaki

- 9.5 As per the JWS agreement (refer 'Regional Policy Statement for Taranaki' matter), the RPS is relevant, noting that as a higher order document it is now some 14 years old but has advised the more modern objectives represented in the PDP. I have adopted the planning assessment of the RPS undertaken in the application. In conclusion, I consider the proposal is consistent with the objectives and policies of the RPS, and I note Ms Thomson is in agreement as confirmed in paragraph 113 of the Hearings Report. There are no known matters of contention.

Tai Whenua, Tai Tangata, Tai Ao

- 9.6 As agreed in the JWS (refer 'Tai Whenua, Tai Tangata, Tai Ao (statutory document)' matter under 'S104(1)(c) regulatory requirements' heading), Tai Whenua, Tai Tangata, Tai Ao is the relevant Iwi Management Plan (IMP) and no other relevant IMPs are known.
- 9.7 I agree with the provisions stated and the assessment completed in the table under paragraph 122 of the Hearings Report. No conclusion is provided by Ms Thomson but I consider the proposal to be consistent with the intent of the IMP provisions.

Ngāmotu New Plymouth City Centre Strategy

- 9.8 As agreed in the JWS (refer 'Ngāmotu New Plymouth City Centre Strategy (non-statutory document)' matter under 'S104(1)(c) regulatory requirements' heading), the CCS is a relevant non-statutory document. I have adopted the planning assessment of the CCS undertaken in the application. In addition:
- (a) The applicant has committed to culturally distinctive landscaping in the form of the pavement design and the stone maker to visually reference Waimanu Pā;
 - (b) The cultural narrative to be implemented has had design input from hapū such that their presence in the city and contribution to its identity can be visible;
 - (c) As such the development of the City Centre as a place has been delivered by multiple stakeholders and collaborative working.
- 9.9 Overall, I consider the proposal to be consistent with the relevant provisions of the CCS. Ms Thomson draws the same conclusion in paragraph 121 of the Hearings Report.

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City and Town Centre Design Guide

9.10 As agreed in the JWS (refer 'City and town centre design guide (non-statutory)' matter under 'S104(1)(c) regulatory requirements' heading), the Design Guide³ is a relevant matter. The Design Guide is explained in the CCZ chapter as "*a non-statutory reference document that assists designers of new building development in the city centre to achieve a high standard of design quality and to enhance the characteristics and qualities that contribute to the city centre's unique sense of place*". The document's Design Guidelines include the topics:

- (a) *Relationship with the Surrounding Environment,*
- (b) *Siting, Height, Bulk, Form and Scale,*
- (c) *Street Frontages,*
- (d) *Building Design, Facades and Building Tops,*
- (e) *Residential Development,*
- (f) *Efficient and Healthy Building Development; and*
- (g) *Signage.*

9.11 An in-depth analysis on the consistency of the proposal with the content of the Design Guide has not been completed because any content of any significance is addressed by the provisions (including rules, objectives and policies) of the PDP. An example of this is CCZ-O4 requiring structures to be well designed and contribute positively to the streetscape.

9.12 The Design Statement dated 9 September 2023 submitted with the application (see Appendix B of that application) talks to architectural matters such as the theory of the statement's assessment, the design brief / aspirations of the applicant, existing building, design of the additions and alterations and their inspiration, physical elements and methods for implementation of design, and effects. The Design Statement addresses the matters contained within the Guidelines above (noting that no building-related signage is proposed). The Design Statement concludes at page 2 "*Overall, the proposed design provides for a high-quality mixed use urban development in central New Plymouth. Ultimately providing for a modern*

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<https://t1ciapp.npdc.govt.nz/T1Prod/CiAnywhere/Web/PROD/API/CMIS/DIGITALDISTRICTPLAN/content/?id=folder-7565023>

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contemporary design that will add positively to the evolving urban fabric of New Plymouth”.

- 9.13 In light of the direction of the PDP, such as to consider building activities and their aesthetic appeal on Coastal Frontage Sites, I consider the conclusion of the Design Statement is accurate. In my opinion the proposal achieves a high standard of design and enhances the matters that the Design Guidelines seek to improve in New Plymouth city.

Part 2 RMA

- 9.14 As agreed in the JWS (refer 'Part 2' matter), an updated assessment and addressing of each section is undertaken. I note that Ms Thomson considers (paragraph 123 of the Hearings Report) that the PDP has been robustly prepared such that there is no need to refer to Part 2. I do not disagree with this but since I agreed to address its sections separately for completeness, I will.
- 9.15 I assessed Section 6 in the original application and I consider this remains valid. I add that the Update of 2 July 2024 to provide cultural narrative actively *“recognises and provides for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga”* as per matter (e):
- 9.16 For Section 7, the assessment in 5.10 of the original application, including with regard to matter 7(b) remains valid. I add:
- (a) Consultation throughout the process, the outcomes for Waimanu Pā provided through cultural narrative, and ongoing potential for involvement through consent conditions, all demonstrate particular regard for hapū roles as kaitiaki in this rohe (per matter (a));
 - (b) Including the Update of 2 July 2024 for cultural narrative, Waimanu Pā is acknowledged and made visible again to contribute to the identity of place. This is implemented on the applicant's site and is (in draft) conditioned to ensure that it remains so whilst this building remains. Stewardship of the Waimanu Pā values is demonstrated by the applicant / application accordingly (per matter (aa));
 - (c) Introducing visible cues for Waimanu Pā back into this area is an enhancement of its amenity values, per matter (c), and is an enhancement of the quality of the environment, per matter (f); and

- (d) The City Centre Zone has some finite characteristics as it specifically supports living activities and business service activities that the proposed additions and alterations will facilitate, whereas the Mixed Use Zone surrounding it makes business service activities non-complying. The proposal seeks to provide a quality building in which to provide for business service activities with a secondary residential activity.

9.17 With regard to section 8, I consider the proposal and the process of developing it has taken into account the principles of the Treaty of Waitangi. My reasons are:

- (a) The efforts at consultation undertaken from December 2022 through to June 2024, including providing drafts, undertaking hui and hikoī, actively seeking feedback, accepting the offer of a CIA process, undertaking hui post-submissions and committing to cultural narrative design, demonstrate sincerity to engage with hapū and then inform the design of the proposal through the outcomes of consultation;
- (b) The proposal includes cultural narrative that will provide a reference to Waimanu Pā to begin to make it visible again in this landscape. Within the capacity that the site and applicant have to remedy the situation, the application does include positive measures towards this;
- (c) The exchange of information between applicant and hapū during the process, and the application providing for both commercial and residential uses for the applicant and future tenants whilst visibly acknowledging Waimanu Pā for hapū and the public, demonstrate reciprocity and mutual benefit.

9.18 Overall, and with regard for Section 5 and the purpose of the RMA, the proposal is considered to demonstrate sustainable management of this commercial site to provide for needs of future generations to work and live in the city, facilitated by activities that will be managed to maintain cultural wellbeing.

10. ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT

Agreed Effects

10.1 Effects relating to construction, physical earthworks, human health, archaeology and transport have been agreed in the JWS as being

appropriately managed by the draft conditions supplied in the Hearings Report. In my opinion these matters have been adequately addressed and I do not intend to repeat an assessment of them. The references to these agreements in the JWS are (per the 'Matter' column): 'Construction effects', 'Physical earthworks effects', 'Archaeological effects', 'Transport effects', and 'Effects on human health'.

10.2 I agree with Ms Thomson's assessment (per the Hearings Report) of:

- (a) Height effects in paragraphs 53 through 57. In particular, Ms Thomson explains the proposed height is permitted, with no further regard to be had to this aspect as it would be out of scope for why consent is required;
- (b) Traffic effects in paragraphs 59 through 64. I note that NPDC's Development Engineer reviewed the application and did not raise any concerns. Ms Thomson states (at paragraphs 63 and 64) that "*Any effects will be no more than minor*" with regard to both the road network and the rail network;
- (c) Earthworks effects in paragraphs 66 and 67. I make a slight amendment to increase to 9 trucks to remove the larger proposed volume of excess cut material, which I do not consider is a material or significant increase that would change Ms Thomson's effects conclusion (at paragraph 67, which I agree with) which is that "*Any effects as arising from the earthworks and associated construction effects are considered to be no more than minor and will be acceptable*"; and
- (d) Contaminated land as per paragraph 69, with a slight amendment for the greater volume of soils (99 m³) disturbed which I maintain is able to be managed with conditions of consent. I consider that Ms Thomson's conclusion that "*Subject to the proposed mitigation measures any effects will be no more than minor and acceptable*" will remain valid.

10.3 Further on the Hearings Report, I clarify that the proposal is not "*Building within the extent of a Site and Area of Significance to Māori*" as per paragraph heading 70, nor is it "*Earthworks within the Extent of a Scheduled Site or area of significance to Māori*" as per paragraph 78. I consider this a small omission and as per the JWS, all planning experts agreed on the rules applicable, however, it is important to clarify that no activities are proposed within the extent of a SASM or Archaeological Site. Other than this I generally

agree with the summary of how the application has been updated “to include a cultural narrative, Option 2, to mitigate or avoid any potential adverse cultural effects” (paragraph 77), and assessment of building earthworks effects in proximity to a SASM and Archaeological Site in paragraphs 71 through 84. Ms Thomson notes “*This is consistent with the outcomes sought by the objectives and policies of the plan*” (paragraph 81), and “*Therefore whilst the specific design of the cultural narrative between the applicant and the submitters is not agreed upon, they are aligned in the fact that a cultural narrative does recognize the significance of the site and as such any effects can be mitigated. Its whether the proposed mitigation is sufficient to allay the concerns of the submitters in recognizing the significance of the site and in this regard I have not formed a position.*” (paragraph 82). As explained earlier, I agree that the proposal is consistent with the provisions of the PDP, and that it includes measures to acknowledge the significance of the site appropriately.

10.4 Continuing with the Hearings Report, I agree with:

- (a) The assessment of amenity from building near the coast generally through paragraphs 86 through 92 except where I explain differently the effects conclusions of the LVIA in ‘Landscape and Visual Effects’ in my evidence, as the effects are lower than stated by Ms Thomson because the recommendations of the LVIA have been adopted. After considering the LVIA and Bluemarble (peer review) reports, Ms Thomson concludes that (in the Coastal Environment) “*the overall effects of the proposal are acceptable given the design elements and landscaping proposed*” (paragraph 92). I have considered effects on the Coastal Environment more broadly in my own evidence, but I also agree with Ms Thomson’s conclusion;
- (b) Effects on amenity of the City Centre in paragraphs 94 through 97. Ms Thomson concludes that the proposal is compatible with the role and function of the CCZ, redevelopment in a time of opportunity for the “*planned character of an area to gradually evolve and be enhanced through cultural design and input. The proposal provides for a cultural narrative and subject to alignment on this narrative, any amenity effects of the proposal with respect to the City Centre Zone are acceptable*” (paragraph 97); and
- (c) Effects of noise on amenity as per paragraph 99, where “*the effects will be no more than minor and therefore acceptable*”.

Positive Effects

- 10.5 An assessment of environmental effects includes any positive effects. I consider the proposal will result in the following positive effects:
- (a) An enhancement to a prominent high-thoroughfare site in the CBD with a dilapidated building that has been vacant for several years;
 - (b) Creating a high-quality building that updates the existing portion and architecturally integrates a new one, which can set a positive example for other projects in the CBD;
 - (c) Enhancing the site and area's visual representation and reference of Waimanu Pā which is currently invisible, acknowledging that it holds values for hapū;
 - (d) Provision of a three-bedroom residential unit providing for inner-city living;
 - (e) Provision of high-quality office space for commercial tenant/s bringing people to the CBD to work, creating vibrancy and retail spending; and
 - (f) Creation of employment for the construction industry and likely flow-on effects for surrounding businesses.

Landscape and Visual Effects

- 10.6 As per the JWS (refer 'Landscape and visual effects' matter), the LVIA is not generally contested, though it was agreed by the planners to further consider planned character. Also in the same JWS section, I acknowledge Mr Zieltjes' statement that the LVIA did not include a full understanding of cultural context at the time. I note that at the time of publishing the LVIA (October 2023) the applicant had been seeking an understanding of cultural context since December 2022, as explained in section 6.2 of the original application.
- 10.7 A detailed assessment of the landscape and visual impacts of the proposal was undertaken in the application as lodged. The approach involved collaboration between the applicant's landscape architect Mr McEwan, and Mr Bain on behalf of Council, to determine the key viewpoints on which the LVIA would be based. Thereafter, Mr Bain peer-reviewed the LVIA and stated (as per paragraph 2.32 of the review provided in Appendix 4 of the Hearings Report) "*The assessment's findings and overall conclusions are credible and consistent with the analysis*".

10.8 I will clarify that the LVIA splits its effects assessment based on two situations which can be explained as:

- (a) A basic bulk and location proposal (labelled the 'current' proposal) which was prior to adopting any LVIA recommendations; and
- (b) The 'with-recommendations-adopted' scenario.

10.9 The recommendations of the LVIA were:

"8.2 Landscape Assessment Recommendations

1. Landscape design elements where practical onsite and within the publicly visible outdoor living areas of the apartment and commercial tenancies, to be endemic locally significant plant species along with materials and colours that reflect the endemic landscape of the area and associated values. The garden beds along the road boundary are in unkept condition with some plants possibly too large for their location. A plant mix consisting of Corokia cotoneaster "Paritutu", Dianella nigra, Hebe speciosa (Napuka), Selliera radicans, Dysphyma austral, Pimelea prostrata, Fuchsia procumbens, Euphorbia glauca with the following specimen trees Myrsine salicina and Melicope ternata recommended in the landscaped area indicated in the north western corner of the site. In addition, a 2 year maintenance period to ensure plants are well established and weed species are controlled.

2. In absence of a CIA in writing of this report. Colors, patterns, and treatments (cultural narrative) to be considered on the Western façade, visible structure and potential signage that overlooks Waimanu Pā (SASM ID 736) if required and as directed as part of a provided CIA.

3. Ensure cladding and façade treatments have no greater adverse glare effects than a glazed façade would afford on the North, West and East facades of the proposed development."

10.10 On receipt of the LVIA, the applicant immediately adopted recommended measures numbered 1 and 3 (as per section 3.1 of the original application). Planting areas were proposed via addition to the plans to be lodged with the application and a condition of consent based off the recommendation's wording, as was a condition ensuring removal of mirrored glass.

10.11 Measures towards the remaining LVIA recommendation (2) have been adopted via the most recent update to the application in the form of the paving and stone (as a form of signage) that overlooks Waimanu Pā, as required and directed through the post-submission process with hapū.

Throughout the application then, the 'with-recommendations-adopted' assessment in the LVIA has been applied.

- 10.12 Without any cultural expression in the design the landscape architect found the effects to be neutral (section 7.1 of the LVIA). Therefore, it is logical to conclude that the proposed cultural expression and narrative enhances the proposal and moves the landscape and visual effects from neutral more towards positive beneficial effects (per the conclusions section 9 of the LVIA).
- 10.13 In his evidence, Mr Doody explains the effort and costs committed to in order to implement the proposed pavement design and stone marker. He also explains why adopting Option 1 is not practical from a cost and maintenance point of view for the proposed activities on the site. Based on the evidence of Mr Doody, in my opinion the proposed cultural narrative provided for in the application cannot be described as unsubstantial in terms of effort and cost. I consider the implementation of the proposed cultural narrative measures to be reasonable, genuine, effective, and commensurate to the proposed activities.
- 10.14 Overall, I still consider that the proposal adequately mitigates any actual or potential adverse effects on landscape, character and the visible environment as per the conclusion of the original application. The update to the proposal to include cultural narrative provides additional and beneficial landscape character in referencing the Waimanu Pā which otherwise is not visible.

Effects of Building Activities

- 10.15 In the JWS (refer 'Effects of building activities' matter) it was agreed to rephrase this topic as 'effects of building activities' (as opposed to effects of structures in the original application), and as agreement on effects was not reached, to consider it further in evidence.
- 10.16 I maintain that while the proposal triggers several rules for building activities across chapters, the CCZ and Coastal Environment have sufficiently different matters that they seek to manage, therefore I have assessed them separately.
- 10.17 As per section 4.6 of the original application, alterations to the exterior of a structure and additions to the same are, by default, discretionary activities on Coastal Frontage Sites (CFS). There are no matters of discretion to narrow effects assessment but Policy CCZ-P12 (provided in section 4.6 mentioned) provides the most guidance on the intent of these rules.

10.18 The assessment and conclusions of the original application remain valid. I will add that, taking into account the Update, the proposal:

- (a) Is likely the first of any privately owned sites in the Waimanu Pā area to include any narrative to reference it.
- (b) Includes this narrative through landscaping materials such as the stone marker (consistent with boulders on the foreshore and the Biennial International Stone Sculpture Symposia that occurs there⁴) and paving design (generally absent in the area). The proposal appropriately complements and enhances the existing design of the area.

10.19 As per the JWS (refer 'New topic: Effects on character (planned character)' matter), effects on planned character were agreed to be considered further through evidence. 'Planned character' is not defined in the PDP, nor explained definitively in the CCZ chapter. While the CCZ provisions do involve 'planned character' as a concept, it has to be inferred from the 'Overview' section at the beginning of the CCZ chapter. As such, I consider Ms Thomson captures this in paragraph 94 of the Hearings Report where she defines the city centre, although I add this further statement from the Overview section of the CCZ chapter:

- (a) *"The unique geological, landscape, historical and cultural elements in the city centre area still present today and, as a result, the District Plan has a strong focus on achieving development outcomes that acknowledge these elements"*.

10.20 The proposal is considered to avoid and mitigate adverse effects on the planned character of the CCZ for reasons already explained throughout the application and Update, and remedies a past situation where historic and cultural elements have been erased from central New Plymouth. Note that the above seeks "development outcomes" to acknowledge the elements listed. It does not require specific built form / visual features (or similar terms) to illustrate / symbolise (or similar) the elements. Nonetheless, the proposal does include visual design features to acknowledge these elements as they are applicable to the area.

10.21 There are considered to be no significant adverse effects relating to the additions and alterations to this structure with regard to City Centre Zone or Coastal Frontage Site matters that would be sufficient reason to decline

⁴ <https://www.stuff.co.nz/taranaki-daily-news/news/300777356/sculptors-shape-rocks-into-art-during-biennial-symposium-on-new-plymouths-foreshore>
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consent. However, there are various positive beneficial effects that I have discussed earlier in my evidence.

Cultural Effects

10.22 As per the JWS, while specific disagreed matters were not confirmed, it was agreed that cultural effects would be considered further (refer 'Cultural effects' matter).

10.23 The following are facts that pertain to an understanding of cultural matters:

- (a) The application site is in the rohe of Te Atiawa iwi and advice and feedback on the application has been provided predominantly by Ngāti Te Whiti hapū;
- (b) Waimanu Pā has a mapped extent in the PDP unlike some other SASM that do not;
- (c) The mapped extent of Waimanu Pā does not extend onto the application site. The mapped extent is on the western site to which the application site is adjacent;
- (d) Waimanu Pā is not visually present in the landscape whatsoever due to past activities which have destroyed it, but its values for Ngāti Whiti remain;
- (e) No activities are proposed within the extent of Waimanu Pā as a SASM and Archaeological Site, the activities triggering consent in proximity to it are earthworks only;
- (f) Other rules triggered for building activities in the CCZ / CFS and Coastal Environment have aspects for consideration of cultural values through their objectives and policies;
- (g) The building activities alter and add to a building that already exists in proximity to Waimanu Pā, in a highly modified existing commercial site and area; and
- (h) The proposed activities include provision for cultural narrative in landscaping to acknowledge and make Waimanu Pā visible again such that it contributes to identity and place.

10.24 I have provided assessment with regard to how the application includes methods to provide for cultural values in the Update provided and dated 2 July 2024. I provide some additional commentary here.

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- 10.25 In my opinion the applicant has genuinely engaged in good faith over a substantial period, taken views expressed into account, and committed to an outcome that includes expert hapū input. The commitment involves significant expense and effort from the applicant, is reasonable and proportionate to the scale and intensity of the proposal, and provides recognition of the cultural values of the area.
- 10.26 In my opinion, the consultation efforts, the cultural narrative outcomes, further involvement through the hearings process and thereafter through conditions of consent provide for recognition of hapū world views on resource management.
- 10.27 Consultation with hapū was undertaken by NPDC throughout the PDP process, which also includes consideration of Tai Whenua, Tai Tangata, Tai Ao as an Iwi Management Plan and statutory document. The PDP includes provisions to be considered when addressing consent applications that affect matters relating to Māori. Those provisions have been considered throughout this application (and evidence) and I consider the application is consistent with them.
- 10.28 None of the applicable rules, objectives or policies specify a minimum amount of design (either intellectual / consultative or physical) that is required in order for activities to be appropriate such that they are granted consent.
- 10.29 I would consider the cultural narrative to be implemented, and the other methods for further involvement of hapū proposed, are therefore practical ways in which to provide towards cultural values.
- 10.30 Having been for a further site visit recently, viewing Molesworth Street, nearby buildings, the NPDC carpark and into the public walkway space, there is no obvious acknowledgement of Waimanu Pā present. The area is heavily commercialised and sealed, for function rather than character or aesthetic.
- 10.31 The applicant's alternative to the proposed application is to maintain the building in its current bulk and form and lease it to a commercial tenant. The site and surrounds would remain of the same character they have for thirty years under the ODP and its predecessors, with no recognition of Waimanu Pā. In comparing that situation with the proposed activities, the application is considered to provide a comprehensive and considered design that takes many factors, including cultural effects, into account, which the business-as-usual permitted option does not.

- 10.32 I understand and recognise that mana whenua are best placed to assess effects on mana whenua.
- 10.33 The Ngāti Tawhirikura position is not yet clear or consistent, as addressed in my evidence with regard to Ms Gibson's submission and the update to the application thereafter, which is anticipated to better align with her concerns.
- 10.34 It is understood that Ngāti Te Whiti seek representation of their cultural values in this place and area within the central city, and this is considered to have been clear and consistent feedback to which the applicant has responded. At no point through the consultation with mana whenua, or through submissions, has it been expressed to me that the application will result in significant adverse cultural effects. The question has been 'how can the application achieve the aspirations of the applicant while best acknowledging mana whenua cultural associations with Waimanu Pā and the surrounding area'? From the information available to date, I consider that the application has been designed in a robust way to acknowledge mana whenua cultural associations and the contribution of Waimanu Pā to the identity of the surrounding area.

Coastal Environment Effects

- 10.35 As per the JWS there were no matters specifically disagreed, and it was agreed to further consider coastal environment effects through evidence (refer 'Coastal environment' matter).
- 10.36 Due to a linkage effect in the PDP whereby earthworks and building activities in the Coastal Environment need to be permitted in all other overlay and zone chapters respectively, these activities require consent in the Coastal Environment overlay and both have a discretionary activity status. As for the Coastal Frontage Site overlay, matters for discretion do not exist.
- 10.37 Coastal Environment related effects were addressed in the original application (section 4.12) and that assessment and its conclusions remain valid. I add that:
- (a) In association with the building activities, the proposal is to provide the paving design and stone marker in order to reference Waimanu Pā with its historic and cultural values, noting that Waimanu would once have been a prominent part of the Coastal Environment, but is not currently visible; and
 - (b) A portion of the earthworks proposed are required to facilitate this.

- 10.38 Noting the agreement in the JWS (refer 'New topic: Effects on character (planned character)' matter) to generally further address aspects of planned character I do not consider the PDP directs a specific planned (i.e. future) character for the Coastal Environment.
- 10.39 I consider there are no significant adverse effects relating to the building activities and earthworks on this Coastal Environment site that would be sufficient reason to decline consent. Ms Thomson agrees, as addressed earlier.

Summary

- 10.40 The proposal will result in several positive effects. Taking into account the level of recognition of Waimanu Pā that the proposal provides for I consider the proposal appropriately recognises and acknowledges the cultural significance of the site and surrounding area and provides for a sense of place and identity which includes mana whenua representation.

11. SUBMISSIONS

- 11.1 I have reviewed the submissions received from Ngāti Te Whiti hapū and Ngāti Tawhirikura hapū, and address any planning matters raised as follows.

Ngāti Te Whiti Submission

- 11.2 The submitter states "*Ngati te Whiti oppose the 4 level building on Te Waimanu or Pukemanu*". With regard to the PDP, the mapped extent of Waimanu Pā does not encompass the application site and therefore the proposal is not located on the Pā. The mapped extent as an Archaeological Site and a SASM is not under appeal.
- 11.3 The submitter states "*Ngati te Whiti appreciate BOON history and description of the 1990's building, however, today this does not reflect Cultural relevance to Te Waimanu or Ngati te Whiti cultural values in the CBD strategic plan*". I consider that the BOON description referred to in the Design Statement of the original application, remains relevant. I consider that:
- (a) With regard to the parts of the 1990s building that will remain, these do not require resource consent, it is the alterations (e.g. changes to cladding) and additions (that increase building bulk horizontally and vertically) that require land use consent. Through the consultation process it was not raised that the remaining 1990s parts of the building are a cause for issue.

(b) With regard to the entire building in its current state, I consider that the alterations and additions provide a quality aesthetic update to the building, and with the Update to the application to include the cultural narrative landscaping, will better reflect cultural relevance and values in the CBD Strategic Plan.

11.4 With regard to the CBD Strategic Plan, it is anticipated that this reference is to the Ngāmotu New Plymouth City Centre Strategy. This is addressed elsewhere in my evidence as a non-statutory document. The proposal demonstrates consistency with the Strategy.

11.5 The submitter stated that they were open to discuss the application further. The post-submission process explained elsewhere then occurred.

11.6 The submitter sought "*Revise the plans to reflect te Waimanu Pa*". Through the post-submission process and the commitment to the paving design and stone marker, the plans have been updated to reflect Waimanu Pā and address the relief sought by the submitter.

Ngāti Tawhirikura Submission

11.7 As a matter of update, on 15th July 2024 Ms Gibson responded to the Update provided to her on 2nd July 2024 and her response is provided in **Addendum C**. Ms Gibson advised:

"Tena koe Darelle,

Thank you for your email.

I note the documents and the involvement of Ngāti Te Whiti and Tūparikino Hapū. Ngā mihi,

Mauri ora

Bev"

11.8 The response does not provide any further guidance as to the submitter's concerns or status of the submission. I address the points of the submission here.

11.9 The submitter's first point is concerned with the height of the building. The proposed building meets the height effects standard of 14 m for the CCZ, and I have addressed its bulk and location effects in my effects assessments. The proposal includes native plant species in landscaping areas, and does not propose a change in topography or landform. Visual and landscape

effects have been assessed in the LVIA and peer review and have been found to be appropriately mitigated.

- 11.10 The submitter's second point relates to views from the walkway. As above, these have been assessed in the LVIA in the application and by the Bluemarble peer review and are found to be acceptable by the landscape architects.
- 11.11 The submitter's third point is with regard to the third and fourth floors being unnecessary, and suggests altering the existing second floor into a residential unit. The direction of the PDP intends multi-storey buildings to 14 m high with residential and business activity uses, to which, in my opinion, the proposal is consistent.
- 11.12 The submitter's fourth point is with regard to the connection of hapū with Waimanu Pā, with no acknowledgement in the design, that is out of character and distinctly different to its surroundings. Hapū connection to Waimanu Pā is recognised and provided for through the consultation process undertaken and the commitment to the cultural narrative landscaping that was its outcome. The building's effects on character, noting the recent inclusion of cultural narrative, were assessed in the LVIA and are addressed elsewhere in my evidence, and have been considered appropriate. The building is acknowledged as having some differences to its surroundings, mostly through being modernised. The surroundings contain 1) generally bulky, simple, 1980s-90s commercial buildings of two storeys, often with corporate branding, and 2) architecturally-designed multi-storey buildings. The proposed building is modern, architecturally designed, taking colour and material direction from the coast, and, as supported by the LVIA and Design Statement, is of a high quality.
- 11.13 The submitter's fifth point suggests effects are moderate-high when viewed from different angles and when considering points 3, 4 and 5 above and the next point (refer to submission for exact wording). I comment:
- (a) There is no expert evidence to suggest the third and fourth storeys have a moderate to high effect, per point 3.
 - (b) Noting the post-submission correspondence where Ms Gibson reflected *"I received a call today that discussions with Ngati Te Whiti was successful travelling in the direction that aligned and addressed my concerns with the project. Thanks for the opportunity to express*

*and comment on the project. Ngā mihi*⁵, it is taken that the outcomes of consultation with Ngāti Te Whiti represent the outcomes sought by Ms Gibson. Those outcomes are the pavement design and stone marker in order to visually reference Waimanu Pā. It has not been confirmed that the proposal has moderate to high effects in regard to point 4.

(c) With regard to different angles, the LVIA, peer review, and application process have assessed the potential adverse effects of the proposal from different viewpoints and private property and conclude that its effects are appropriate.

(d) Number 6 is addressed below.

11.14 With regard to the submitter's sixth point, the owner of Pinnacle Heath has provided their written approval for the application. Accordingly, any potential adverse effects on them have been disregarded. This includes any that would be moderate to high.

11.15 For the submitter's seventh point, concern is raised that the ground floor and first floor will be changed from offices to residential units in the future. The proposal does not require consent for the land use activities that will occur in the building after the earthworks, alterations and additions are complete. The PDP does not have a limit on the number of residential units on one site in the CCZ, nor requires that sites must be used for non-residential (e.g. commercial) purposes. In my opinion, ongoing management of the activities in the building (such as through conditions of consent) is not required in order to avoid, remedy or mitigate adverse effects.

12. COUNCIL OFFICER'S HEARINGS REPORT

12.1 I have reviewed the Hearings Report for the Application.

12.2 A minor error has occurred for Figure 2 on page 11 of the Hearings Report where the rectangle around the site has moved. The site is accurately shown in Figure 1.

12.3 In paragraph 34, both submissions are said to have been received in support however the Ngāti Tawhirikura submission had the section 4a box on the submission form selected for "I/we oppose the application in whole or in part".

⁵ See email from Ms Gibson, 8.58pm 10 May 2024, included in Appendix C of the Update, 2nd July 2024

12.4 I have addressed any other relevant matters of the Hearings Report throughout my evidence.

12.5 I generally agree with the overall conclusions (paragraphs 101 to 105) although I consider cultural narrative to be resolved by the proposal in its current state. I agree with the recommendation to grant with conditions (paragraph 124).

13. PROPOSED CONDITIONS OF CONSENT

13.1 As per the JWS (refer to its Appendix B), conditions of consent as drafted by Ms Thomson and discussed through the expert conference are agreed in principle, should the decision be to grant. Noting the application is for Option 2 cultural narrative plans, an amendment would be required to reference these plans only. For clarity I provide a marked up copy in **Addendum B**.

14. CONCLUSION

14.1 In my overall judgment, with the suggested conditions, I am of the view that granting the consent will be consistent with the objectives and policies of the regulatory instruments and will achieve the purpose of the RMA to promote the sustainable management of natural and physical resources. In coming to my conclusion, I am mindful of the matters raised by mana whenua submitters and their genuine concerns. However, I consider the proposal will result in a number of positive effects , will appropriately avoid and mitigate adverse effects, and that with the measures proposed and the suggested conditions of consent, the proposal will recognise and provide for the relationship of mana whenua with cultural associations with Waimanu Pā and the surrounding area. Accordingly, I agree with the Hearings Report (paragraph 124) that the application should be granted subject to conditions.



Darelle Marie Martin
BTW Company Limited
24th July 2024

Addendum A – Joint Witness Statement

To:	Commissioner St.Clair
Care of:	jane.hickmott@npdc.govt.nz
From:	Sean Zieltjes (for Ngāti Te Whiti), Karleen Thomson (NPDC), and Darelle Martin (BTW Company / Applicant)
Expert Conferencing Held:	15th June 2024 at 09:00
Venue:	BTW Company, 179 Courtenay Street, New Plymouth, and online via Teams Meeting

IN THE MATTER of the Resource Management Act 1991 ("RMA")

And

IN THE MATTER of an application under section 88 of the Act by KD HOLDINGS LTD to the NEW PLYMOUTH DISTRICT COUNCIL for land use consent application for alterations to an existing building within the City Centre Zone on a coastal frontage site and associated earthworks in close proximity to an Archaeological Site/Site of Significance to Māori.

Joint Witness Statement (JWS) of Experts (Planning)

ATTENDEES

Sean Zieltjes (SZ), Karleen Thomson (KT), and Darelle Martin (DM)

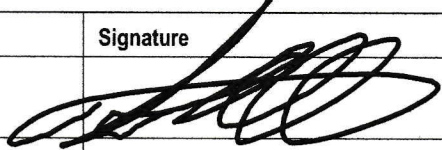


MATTERS CONSIDERED AT CONFERENCING – AGENDA AND OUTCOMES

Three parties are represented at the Expert Conferencing Session, being Ngāti Te Whiti, K.D. Holdings Limited and New Plymouth District Council (NPDC). The purpose of the meeting is to identify areas of agreement and any matters unresolved, without detriment to any of the parties represented.

CONFIRMATION OF JWS

The participants to the JWS, as listed below, confirm that:

- The session has been conducted in accordance with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023;
- The outcome(s) of the expert conferencing are as recorded in this statement;
- The matters addressed in this statement are within their area of expertise; and
- Each expert has signed the schedule below to confirm their position.

Expert's Name and Expertise	Party	Signature
Sean Zieltjes – Planner	Ngāti Te Whiti hapū	
Karleen Thomson – Planner	New Plymouth District Council	
Darelle Martin - Planner	K.D. Holdings Limited	

AREAS OF AGREEMENT AND DISAGREEMENT

Matter	Reference	Information, and agreement status (with reasons if applicable)
Agreed Facts		
Site and receiving environment	As per section 2 of the application ('original application') dated 17/10/2023.	<p>SZ – In addition to the description in the application, and the LVIA the following observations are made with respect to the existing environment. There are four identified pā sites in the City Centre Zone, and several more in the Mixed-Use Zone that surrounds the City Centre Zone.</p> <p>These are a class of properties zoned for commercial uses but located on sites and areas of significance to Māori (SASM). Built form on these sites, or on the periphery including applied cultural expressions established over the last 5-6 years form a part of a existing environment.</p> <p>Within the City Centre Zone Puke Ariki (the pā) is reflected into the design of Puke Ariki the building, use and site as set out in the LVIA. It is noted that a proposal lodged with NPDC for a new building at 6 Young Street within the MUZ and on the periphery of Puke Ariki also reflects the context into built form (SUB24/50113 & LUC24/48530). Ngā Motu House (formerly the Atkinson Building) at Devon Street West is a further example of cultural values reflected in built form. This property is located adjacent to Maramamao (the largest cultivation area on the periphery of Puke Ariki)</p> <p>The second is at Mawhera where an unimplmented landuse consent LUC20/47704 approved a six storey multi-use building that reflects cultural values in built form.</p> <p>The third is at Te Kawau on which Centre City currently sits. No proposals to redevelop or alter the building in recent years.</p> <p>The fourth is Waimanu at which the application site is located on/in proximity to.</p> <p>Elsewhere properties with a commercial zoning and a SASM include St Mary's located in a Mixed Use Zone adjoining the City Centre Zone within the extent of Pūkākā. Recent upgrades of that site have included the establishment of Te Whare Hononga with built form that reflect that context.</p> <p>Similarly, at 5 Hakirau Street, Moturoa the property is zoned Commercial, and located entirely on Ōtaka Pā. Co-design between the landowner and Ngāti Te Whiti has been on-going for many years and reflected specifically into the provisions of the Commercial Zone to achieve built form that reflects the values of Ngāti Te Whiti, and Ōtaka.</p> <p>There is a Statutory acknowledgement for Te Atiawa along coastal area adjacent to site. The statement of association for the coastal environment is included in the Te Atiawa Deed of Settlement 2016, and also the iwi management plan – Tai Whenua, Tai Tangata, Tai Ao.</p> <p>All – agreed SZ's explanation above forms part of the 'site and surrounding / receiving environment' description.</p>

Matter	Reference	Information, and agreement status (with reasons if applicable)
Proposed activities	As per: <ul style="list-style-type: none"> - Original application - Amendment dated 20th February 2024 (replaced updated site plan and 2x floor plans) - Update dated 2nd July 2024 (proposed cultural narrative plans x4) - See proposed plan set in Appendix A 	All - Agree Living and business service activities are permitted. Building activities and associated earthworks require land use consent.
Consent required	Under PDP rules and NES-CS as per Section 1.3 and Appendix D of original application. Also: <ul style="list-style-type: none"> - Stone marker meets permitted standards as a freestanding sign under rule SIGN-R4 in PDP - Replacement of tarseal with concrete for paving design is a greater scale of earthworks under rules already triggered - Overall discretionary PDP activity status 	<p>SZ – SASM rules remain subject to appeal. Also, there is nuance in the reliance on extents as being fully inclusive of a site, noting that the NPDC Wāhi Taonga and Archaeological Sites programme is on-going. At the time of plan notification extents of A/S and SASM were identified by Ngāti Te Whiti, but are yet to be completed for Ngāti Tuparekino and Ngāti Tawhirkura. The Wāhi Taonga and Archaeological Sites programme records sites using a site recording guide that has generally followed what archaeologist recommends based on non-intrusive archaeological assessment (i.e., surface features visible, or historic maps and writings), on the understanding that rules are triggered in proximity to sites to collectively provide for the protection of sites. There is not a mana whenua appeal on extent. The appeal is seeking building activities within 50 m of sites to require consent.</p> <p>All – Agree SASM – R15 is not applicable (noting that it is subject to appeal).</p> <p>All – agree the SASM and A/S rules applicable are confirmed as such and are not under appeal.</p> <p>All – Agree overall activity status is discretionary.</p> <p>All – Agree CCZ-R20 and R21 are triggered, fully discretionary.</p> <p>All - Two coastal environment rule breaches are agreed (EW and building)</p> <p>All – Agree Transport chapter understood.</p> <p>All – Agree EW chapter is understood.</p> <p>DM - to assess volumes of earthworks and report back in evidence.</p>
S104(1)(a) and clause 7 of Schedule 4: actual and potential effects on the environment		
Is the range of effects assessed appropriate?		All – agreed to add planned character as discussed further below.
Is a permitted baseline relevant?		All - Agree not relevant
Positive Effects	As per original application section 4.2	Not discussed
Mitigating factors and measures	As per original application section 4.3, including the proposed conditions numbered 1, 2 a-f, 3 and 4	Not discussed, but draft conditions are discussed and agreed later in this JWS.

Matter	Reference	Information, and agreement status (with reasons if applicable)
Construction effects	As per original application section 4.4, noting there will be some additional temporary construction effects from implementing pavement design and stone marker	All – agree can be appropriately managed by conditions.
Physical earthworks effects	As per section 4.7 of the original application, noting some additional earthworks will facilitate the replacement of the tar sea to provide for concrete pavement design	All – agree can be appropriately managed by conditions
Archaeological effects	As per section 4.8 of the original application, noting additional earthworks for pavement replacement will be managed in the same way as all others	All – agree can be appropriately managed by conditions
Transport effects	As per section 4.10 and Appendix H of the original application	All – agree can be appropriately managed by conditions
Effects on human health	As per section 4.11 of the original application	All – agree can be appropriately managed by conditions
Matters remaining live for consideration / not agreed		
New topic: Effects on character (planned character)	As per the CCZ of the PDP	SZ – actual activities (living, and commercial) are not out of character. It is the building activities that remain under contention. All – agree these are to be assessed further through evidence SZ - that they not fully resolved through the LVIA
Effects of building activities	Strongly influenced by the Coastal Frontage Site rule trigger and Policy CCZ-P12 that relates to it. As per section 4.6 of the original application, and Design Statement in Appendix B of the same.	All – agreed to consider further
Landscape and visual effects	As per section 4.5 and LVIA of original application. In addition: the proposal does offer cultural narrative, somewhat consistent with the third recommendation of the LVIA which was previously unaddressed.	SZ – LVIA has turned mind to relevant matters reflective on info available at the time, which excludes a full understanding of cultural context. All – agree planned character remains a matter for consideration.
Coastal environment	As per section 4.12 of the original application	All – agreed to consider further
Cultural effects	Some assessment is provided in the Update dated 2 nd July 2024	Discussed how cultural effects assessment can be undertaken and a recent case (e.g., Tauranga Protection Society Incorporated v Tauranga City Council high court decision, which SZ considers sets a precedent). Noted that mana whenua are the best placed to determine adverse effects on mana whenua, and where it is clear, consistent, and genuine this assessment is to be considered determinative. All – agreed to consider further
S104(1)(b) regulatory requirements		
NESCS	Per section 5.3 of original application. No other NES relevant	All – agree NESCS relevant

Matter	Reference	Information, and agreement status (with reasons if applicable)
NPS-UD	Per section 5.4 of original application. No other NPS relevant	All – agree is relevant.
NZCPS	Per section 5.5 of original application.	All – agree is relevant
PDP	Per section 5.6 of original application and Update dated 2 nd July 2024. Step through the rules, standards, objectives and policies of the PDP.	<p>SZ – the outcomes sought by the SASM policies and objectives are not limited to sites listed in appendix 3 (Schedule 3) of the PDP. Recognises the review with the hapū remains on-going, and that the SASM info will change over time. SASM objectives and policies accommodate this change over time. The ODP was more directive that provisions apply to things/sites listed in appendices.</p> <p><u>Strategic Objectives</u></p> <p>All - All 3 Historic and Cultural (HC) are agreed relevant All – Infrastructure and Energy – agreed not directly applicable All – Natural Environment (NE) obs covered are agreed as appropriate. All - Rural Environment obs are agreed not applicable.</p> <p>Tangata Whenua (TW):</p> <p>SZ advised that TW16 – had a deliberate switch in the use of terms through the proposed plan hearings away from 'Māori land' to 'ancestral land', this objective is applicable in so far as the application site is the ancestral land of the hapū.</p> <p>DM agreed to address TW16 in evidence, after reading background of it in the PDP decision report for strategic objectives.</p> <p>SZ - TW15 – is related to cultural effects assessment. Objective is clear on who can talk to effects of tangata whenua.</p> <p>SZ – consider that all TW obs and pols are applicable.</p> <p>All - agree the TW selection is correct (and the omissions are correct). All – Agreed all other matters in the plan are to be read and achieved consistent with the strategic ones.</p> <p><u>City Centre Zone</u></p> <p>SZ and KT – agree CCZ-P3 is applicable, DM disagrees on the basis that 'avoid' and non-complying are linked and policy lists incompatible activities.</p> <p>All – Agreed all other CCZ provisions addressed in Update of 2nd July are applicable, and the omissions were agreed.</p> <p><u>Coastal Environment</u></p> <p>All – Agree CE-P9 applies. All – Agree CE-15 can apply. Agree all other CE provisions addressed in Update of 2nd July are applicable, and the omissions were agreed.</p> <p><u>Historic Heritage</u></p> <p>All – agreed all provisions addressed in Update of 2nd July are applicable, and the omissions were agreed.</p> <p><u>Sites and Areas of Significance to Māori</u></p> <p>All – agree with the SASM provisions addressed (and those omitted).</p>
ODP	Rules to be discussed Provisions to be discussed	All – Agree is not relevant

Matter	Reference	Information, and agreement status (with reasons if applicable)
Regional Policy Statement for Taranaki	As per section 5.9 of original application	All – Agree is relevant, noting its age, and modern objectives of PDP
S104(1)(c) regulatory requirements		
Tai Whenua, Tai Tangata, Tai Ao (statutory document)	Refer to section 5.7 of original application. This requires an updated assessment via evidence, noting the addition of cultural narrative through the Update dated 2 nd July 2024	All – agree as applicable lwi Management Plan and there are no others are at this stage
Ngāmotu New Plymouth City Centre Strategy (non-statutory document)	As per section 5.8 of original application. This requires an updated assessment via evidence, noting the addition of cultural narrative through the Update dated 2 nd July 2024	SZ – noted that a cultural values statement was produced by Ngāti Te Whiti to inform the development of the Ngāmotu New Plymouth City Centre Strategy. All – agree relevant
City and town centre design guide (non-statutory)	As linked in the PDP	All – agree relevant
Part 2		
Part 2	Refer to section 5.10 of original application. This requires an updated assessment via evidence, noting the addition of cultural narrative through the Update dated 2 nd July 2024	All – agree to address, per each section.
Draft conditions		
Draft conditions	As provided by Karleen Thomson in Appendix B. Draft conditions are discussed on the basis that, should the decision be to grant consent, they would be appropriate 'in principle' to manage the activities and their effects. Provision of draft conditions does not suggest an outcome on the decision.	Agreed – KT to circulate amended conditions discussed in person (completed as at time of publishing this JWS). All – agreed to KT's amended conditions as attached to this document, see Appendix B. Agreed – to add full set (both options) of plans to condition 1, condition to be confirmed later should consent be granted. Refer to Appendix F of the Update dated 2nd July 2024 (FOR REVIEW' 3D VIEWS – CULTURAL NARRATIVE" DRAWING SET INCORPORATING OPTIONS 1 AND 2) for this plan set. a
Other matters discussed		

Matter	Reference	Information, and agreement status (with reasons if applicable)
		<p>Agree – DM to list out sites SZ mentioned in surrounding environment description, and the LUC numbers, if known.</p> <p>Note: the following was added post-conferencing. As below, named site and SASM ID number:</p> <ul style="list-style-type: none"> • Puke Ariki Pā #8 • Mawhera Pā – not listed but acknowledged in Brougham Street / Powderham Street area. The relevant land use consent reference is LUC20/47704 (<i>Land Use Consent application for a Six Level Mixed Use Central City Development with Zone Height and Viewshaft Infringements, Removal of a Notable Tree and Partial Damage of an Archaeological Feature</i>). • Te Kawau / Kai-Arohi Pā #735 • Pūkākā Pā #9 • Ōtaka Pā #10 • Ngāmotu House is located at 139 Devon Street West.
Key unresolved issue		
	Does the proposal or built form sufficiently recognise the cultural significance of the site in providing a sense of place and identity?	All – agree as a key issue

ATTACHMENTS

Appendix A Proposed plans
Appendix B Draft conditions

Appendix A – Proposed plans



A / 131 Courtenay Street, New Plymouth, 4310
P / 06 757 3200 E / office@boon.co.nz
P / 06 757 3200

KD - Molesworth St Alterations - Stage 2

39-41 Molesworth St, New Plymouth

Issued For:
Resource Consent

September 2023



Contents		
Drawing No.	Current Revision	Drawing Name
SK0.02	A	Existing Location Plan
SK0.03	A	Proposed Location Plan
SK0.04	A	Existing Site Plan
SK0.05	A	Proposed Site Plan
SK2.01	A	Floor Plans (Proposed)
SK2.02	A	Floor Plans (Proposed)
SK2.03	A	Floor Plans (Proposed)
SK2.04	A	Floor Plans (Proposed)
SK3.01	A	Elevations
SK3.02	A	Elevations
SK3.03	A	Elevations

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Site Description

LOT 1 & 2 DP 17052
Central City, New Plymouth
Zone: City Centre Zone (Area B)
Wind Zone at Level 0 & Level 1: Very High.
Wind Zone at Level 2 & Level 3: Extra High.
Maximum Wind Calculations at 13.85m: 1.65kPa (ULS). 52.5m/s
Earthquake Zone: 1
Exposure Zone: D
Lee Zone: No
Rainfall Range: 90-100mm
Wind Region: A
Climate Zone: 2

Site Coverage

Site area: LOT 1 = 380m²
Site area: LOT 2 = 511m²
Total area: 891m²

Existing Site Coverage = 402m²
Proposed Site Coverage = 466m²

Line to perimeter of site indicates construction demarcation line. Construction confined to within this area.

NPDC Planning Rules

City Centre Zone - Business Area B Coastal frontage site

1. Max. height = 14m above Ground Level

Location Plan - Existing (RC)
Scale 1 : 500 (A3)

KD - Molesworth St Alterations - Stage 2
39-41 Molesworth St, New Plymouth
Resource Consent



Job No.	Scale [A3]	Drawing No.	Rev	Issue Date	Drawing Title	Print Date
6801	As indicated	SK0.02	A	September 2023	Existing Location Plan	7/09/2023 11:01:06 am

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Site Description

LOT 1 & 2 DP 17052
Central City, New Plymouth
Zone: City Centre Zone (Area B)
Wind Zone at Level 0 & Level 1: Very High.
Wind Zone at Level 2 & Level 3: Extra High.
Maximum Wind Calculations at 13.85m: 1.65kPa (ULS). 52.5m/s
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NPDC Planning Rules

City Centre Zone - Business Area B Coastal frontage site

1. Max. height = 14m above Ground Level

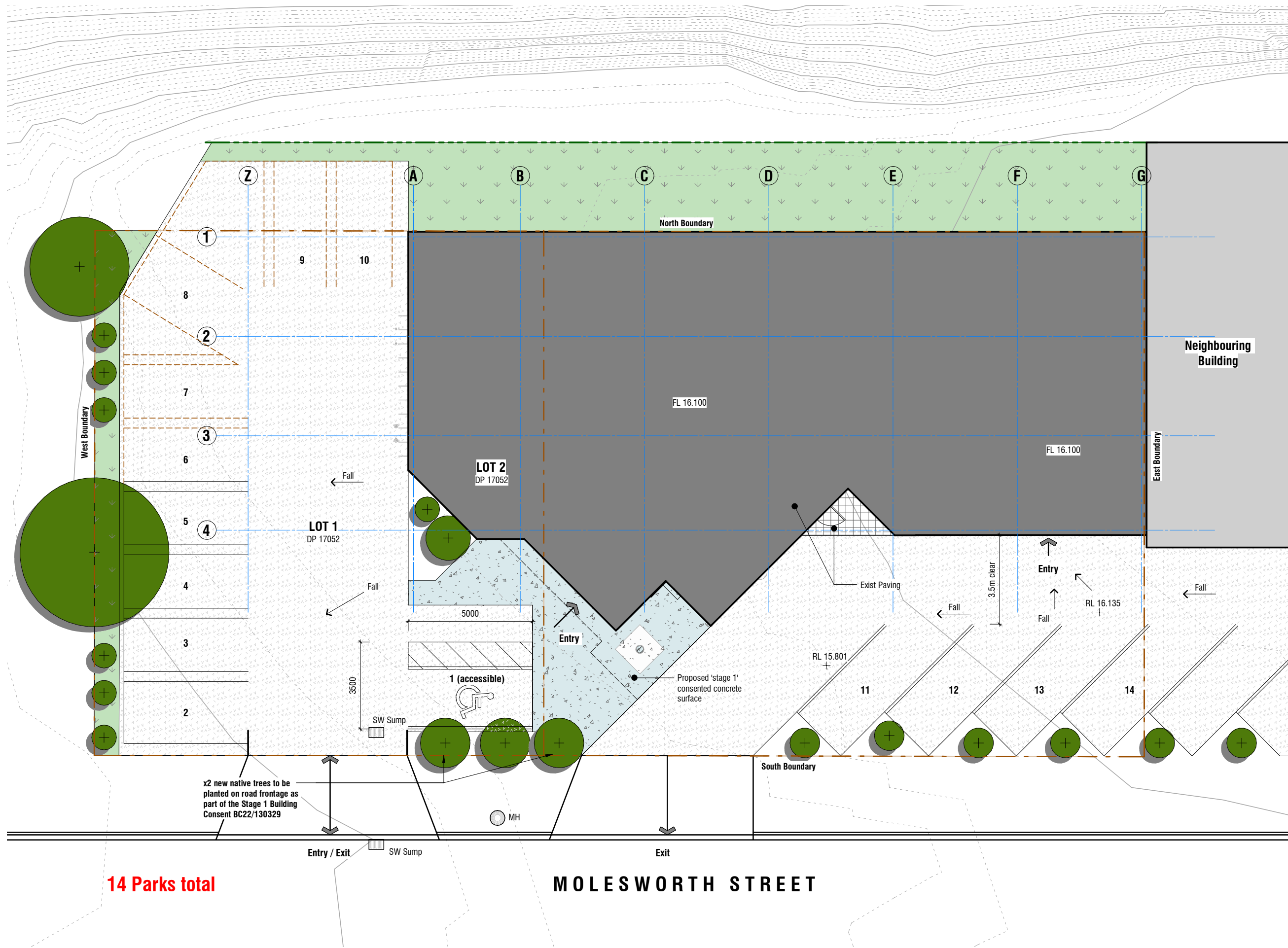
Location Plan - Proposed (RC)
Scale 1 : 500 (A3)

KD - Molesworth St Alterations - Stage 2
39-41 Molesworth St, New Plymouth
Resource Consent



Job No.	Scale [A3]	Drawing No.	Rev	Issue Date	Drawing Title	Print Date
6801	As indicated	SK0.03	A	September 2023	Proposed Location Plan	7/09/2023 11:01:45 am

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Site Description

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Central City, New Plymouth
Zone: City Centre Zone (Area B)
Wind Zone at Level 0 & Level 1: Very High.
Wind Zone at Level 2 & Level 3: Extra High.
Maximum Wind Calculations at 13.85m: 1.65kPa (ULS). 52.5m/s
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Line to perimeter of site indicates construction demarcation line. Construction confined to within this area.

NPDC Planning Rules

City Centre Zone - Business Area B Coastal frontage site

1. Max. height = 14m above Ground Level

Site Finishes Key

- Existing Building
- Neighbouring Building
- Existing Asphalt Parking
- Site planting
- Grass
- Existing Exterior Pavers (60mm cobblestones on 25mm compacted sand)
- Existing Concrete Surface
- New Concrete Surface
- Site Boundary

Site Plan - Existing_RC

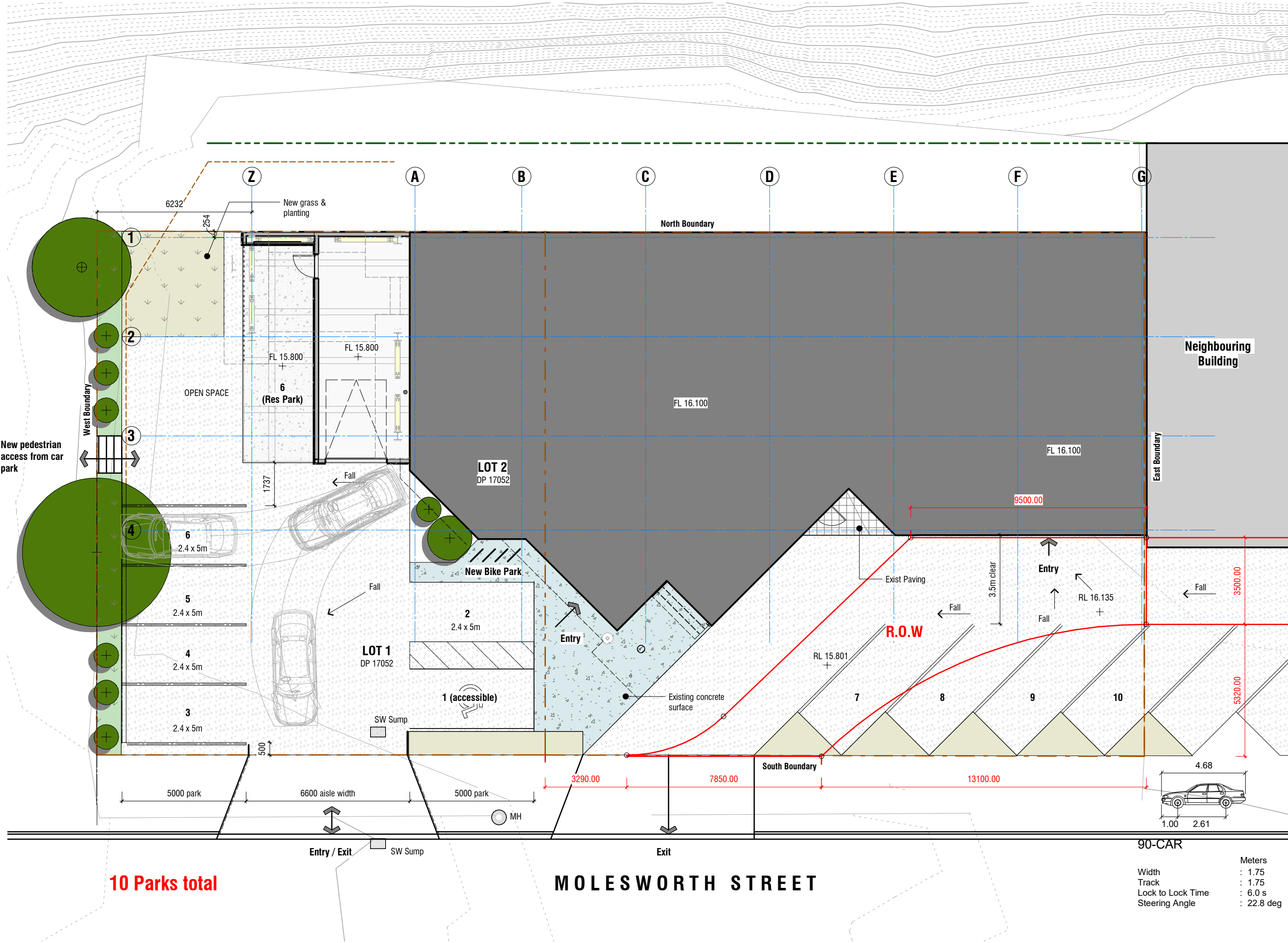
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39-41 Molesworth St, New Plymouth
Resource Consent

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Job No.	Scale [A3]	Drawing No.	Rev	Issue Date	Drawing Title	Print Date
6801	As indicated	SK0.04	A	September 2023	Existing Site Plan	7/09/2023 11:01:49 am

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Site Description

LOT 1 & 2 DP 17052
Central City, New Plymouth
Zone: City Centre Zone (Area B)
Wind Zone at Level 0 & Level 1: Very High.
Wind Zone at Level 2 & Level 3: Extra High.
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- Existing Asphalt Parking
- Site planting
- Grass
- Existing Exterior Pavers (60mm cobblestones on 25mm compacted sand)
- Existing Concrete Surface
- New Concrete Surface
- Site Boundary

Site Plan - Proposed_RC

Scale1 : 150 (A3)

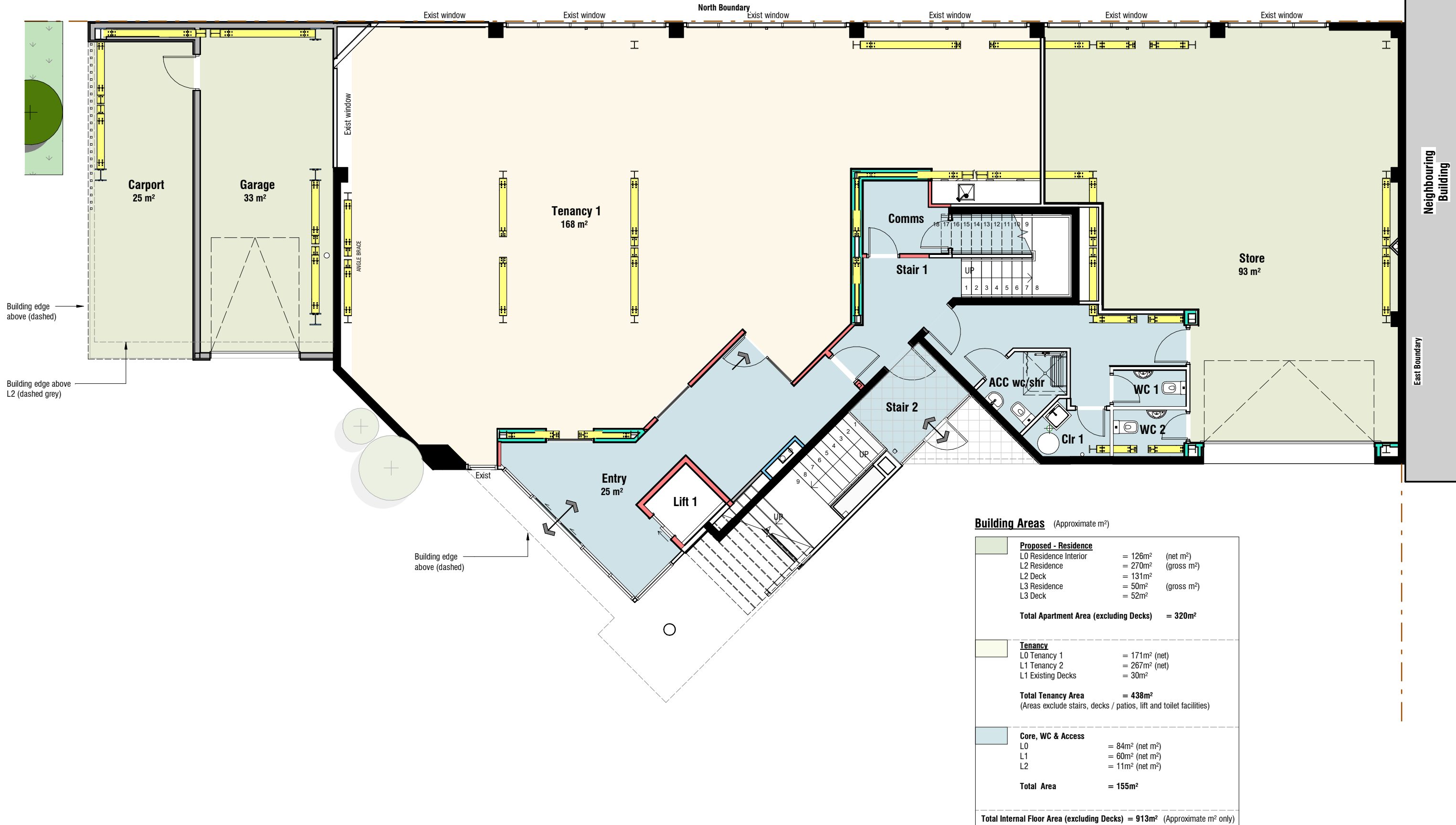
KD - Molesworth St Alterations - Stage 2

39-41 Molesworth St, New Plymouth
Building Consent

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Job No.	Scale [A3]	Drawing No.	Rev	Issue Date	Drawing Title	Print Date
6801	As indicated	SK0.05	A	31st January 2024	Proposed Site Plan	8/02/2024 9:28:20 am

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L0 Proposed Floor Plan (Office) RC

Scale 1 : 100 (A3)

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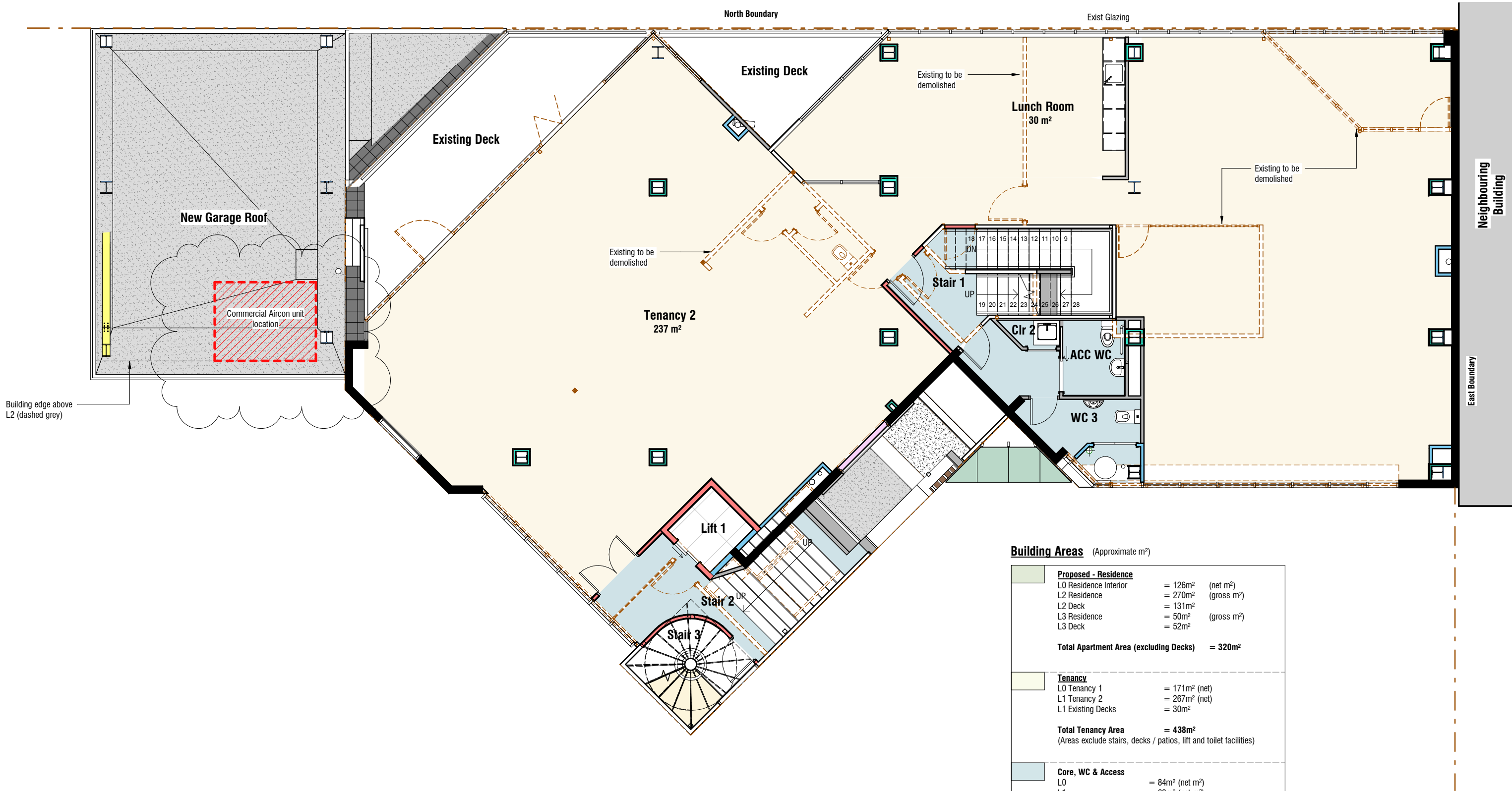
Resource Consent

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Job No.	Scale [A3]	Drawing No.	Rev	Issue Date	Drawing Title	Print Date
6801	1 : 100	SK2.01	A	September 2023	Floor Plans (Proposed)	7/09/2023 11:01:56 am



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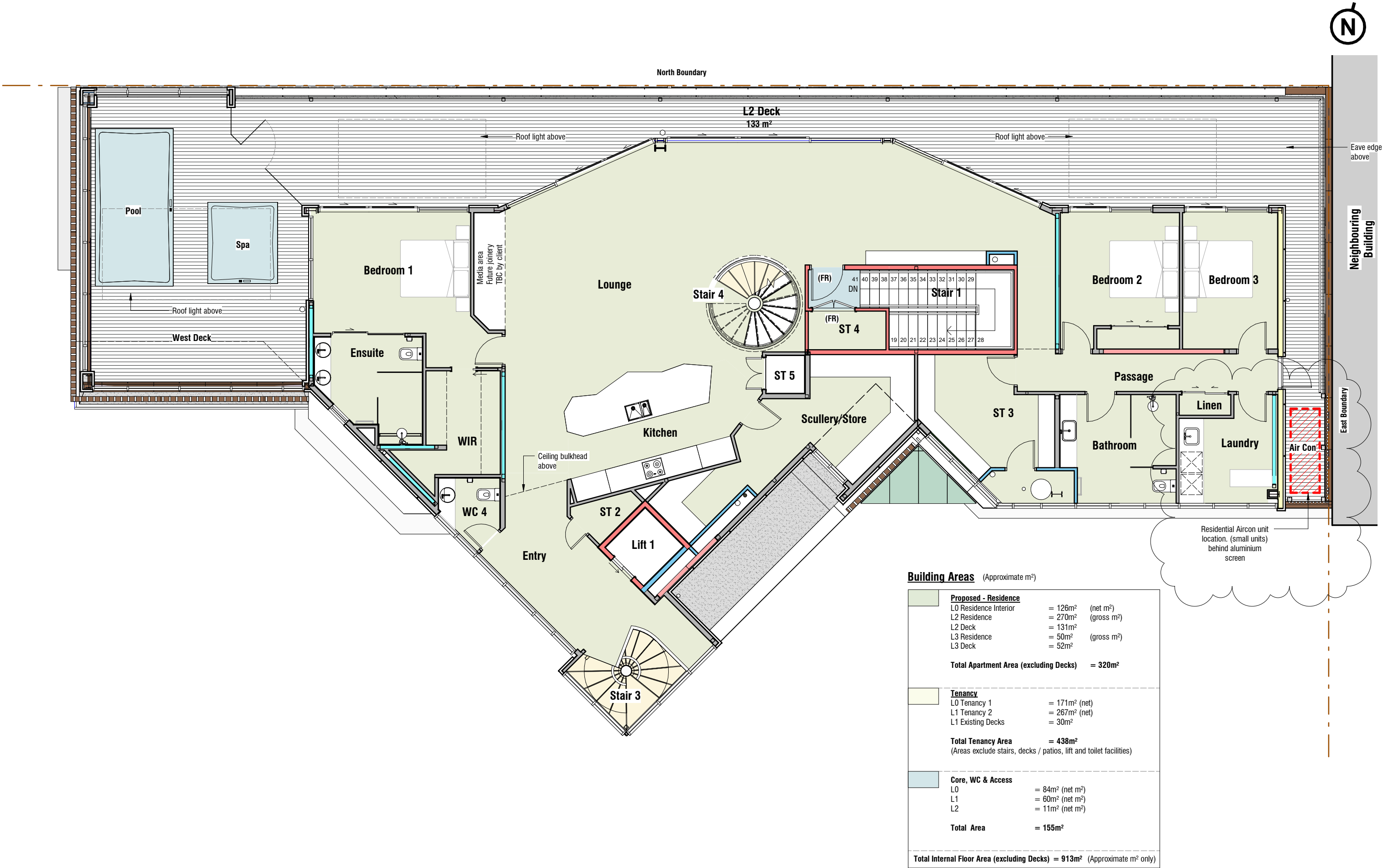
Building Areas (Approximate m ²)		
	<u>Proposed - Residence</u>	
	L0 Residence Interior	= 126m ² (net m ²)
	L2 Residence	= 270m ² (gross m ²)
	L2 Deck	= 131m ²
	L3 Residence	= 50m ² (gross m ²)
	L3 Deck	= 52m ²
	Total Apartment Area (excluding Decks) = 320m²	
	<u>Tenancy</u>	
	L0 Tenancy 1	= 171m ² (net)
	L1 Tenancy 2	= 267m ² (net)
	L1 Existing Decks	= 30m ²
	Total Tenancy Area = 438m² (Areas exclude stairs, decks / patios, lift and toilet facilities)	
	<u>Core, WC & Access</u>	
	L0	= 84m ² (net m ²)
	L1	= 60m ² (net m ²)
	L2	= 11m ² (net m ²)
	Total Area = 155m²	
Total Internal Floor Area (excluding Decks) = 913m² (Approximate m² only)		

L1 Proposed Floor Plan (Office) RC
Scale 1 : 100 (A3)

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Building Consent

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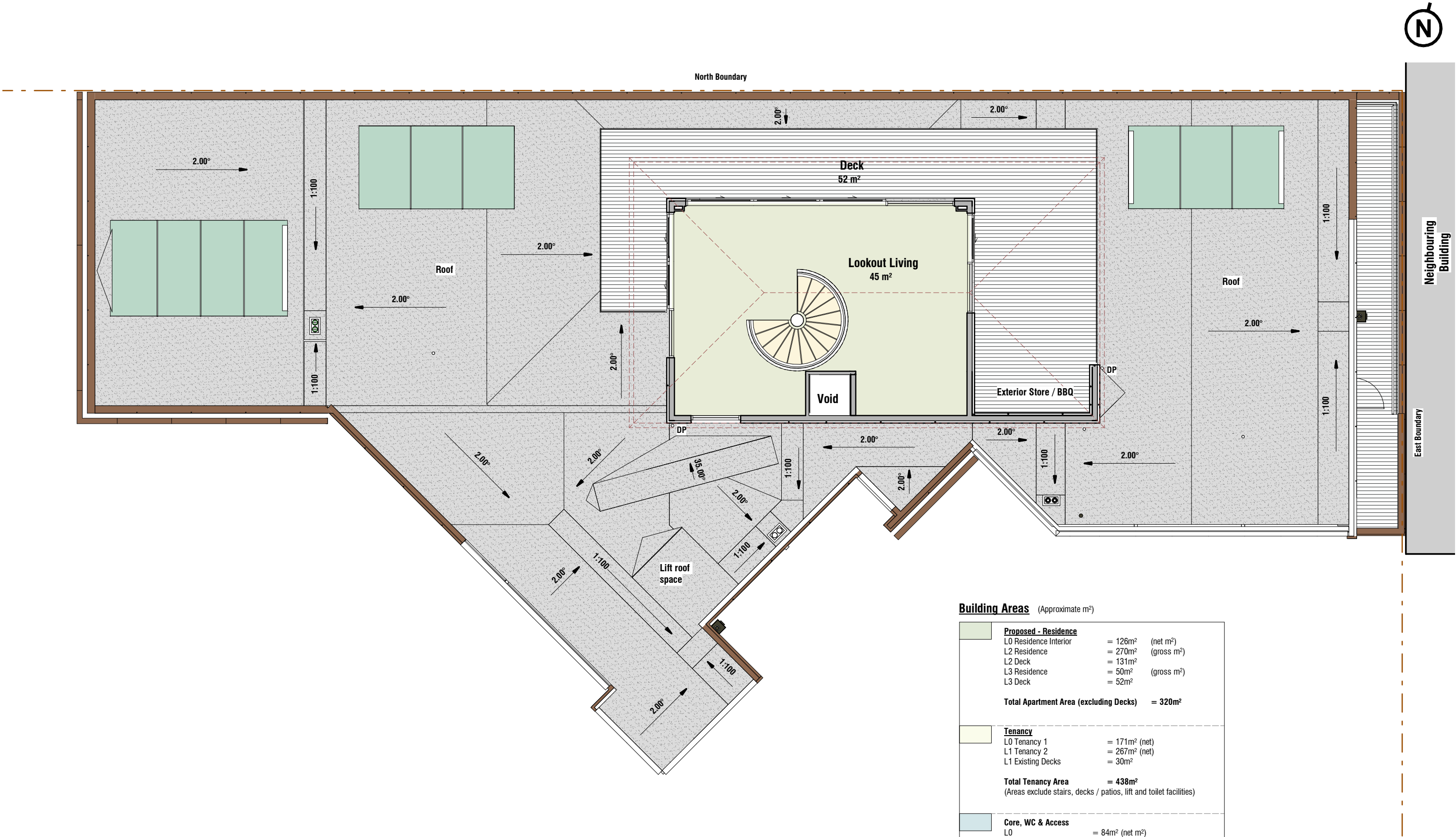
L2 Proposed Floor Plan (House) RC
Scale 1 : 100 (A3)

KD - Molesworth St Alterations - Stage 2
39-41 Molesworth St, New Plymouth
Building Consent



Job No.	Scale [A3]	Drawing No.	Rev	Issue Date	Drawing Title	Print Date
6801	1 : 100	SK2.03	B	08th February 2024	Floor Plans (Proposed)	20/02/2024 10:56:39 am

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Building Areas (Approximate m²)		
	Proposed - Residence	
	L0 Residence Interior	= 126m² (net m²)
	L2 Residence	= 270m² (gross m²)
	L2 Deck	= 131m²
	L3 Residence	= 50m² (gross m²)
	L3 Deck	= 52m²
Total Apartment Area (excluding Decks)		= 320m²
	Tenancy	
	L0 Tenancy 1	= 171m² (net)
	L1 Tenancy 2	= 267m² (net)
	L1 Existing Decks	= 30m²
Total Tenancy Area		= 438m²
(Areas exclude stairs, decks / patios, lift and toilet facilities)		
	Core, WC & Access	
	L0	= 84m² (net m²)
	L1	= 60m² (net m²)
	L2	= 11m² (net m²)
Total Area		= 155m²
Total Internal Floor Area (excluding Decks) = 913m² (Approximate m² only)		

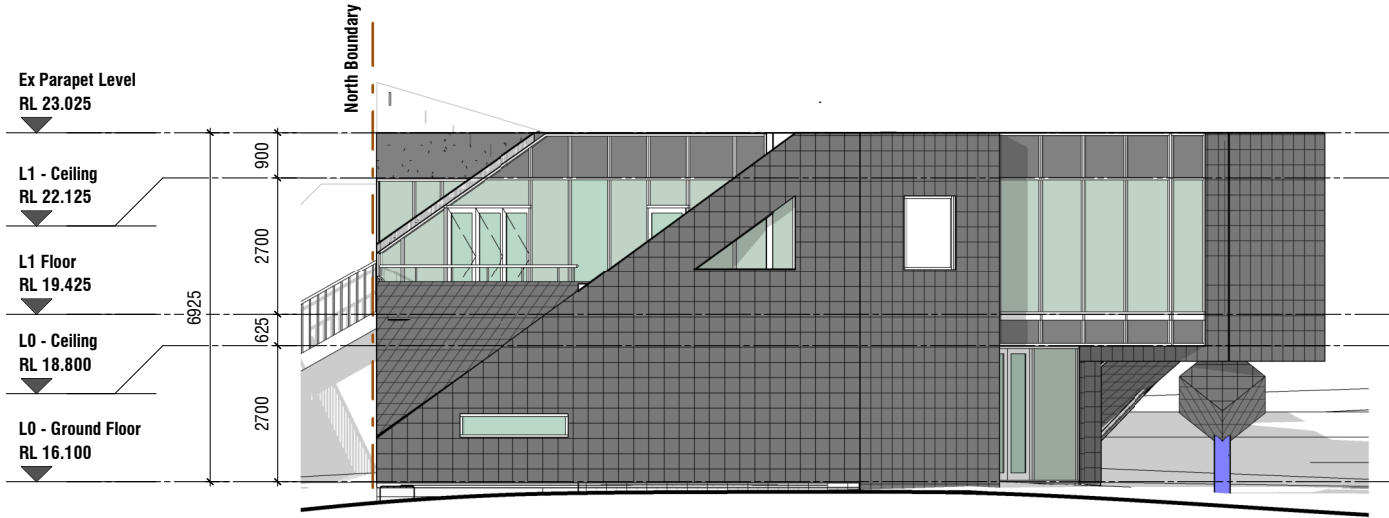
L3 Proposed Floor Plan (House) RC
Scale 1 : 100 (A3)

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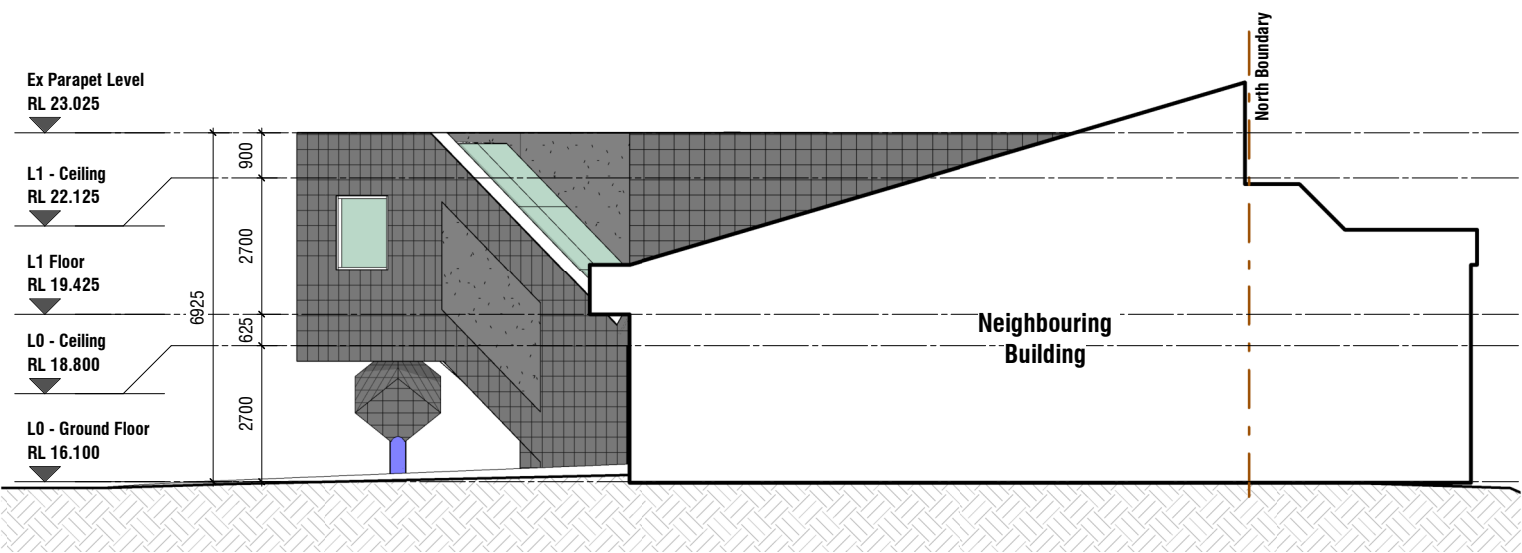
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Job No.	Scale [A3]	Drawing No.	Rev	Issue Date	Drawing Title	Print Date
6801	1 : 100	SK2.04	A	September 2023	Floor Plans (Proposed)	7/09/2023 11:02:22 am

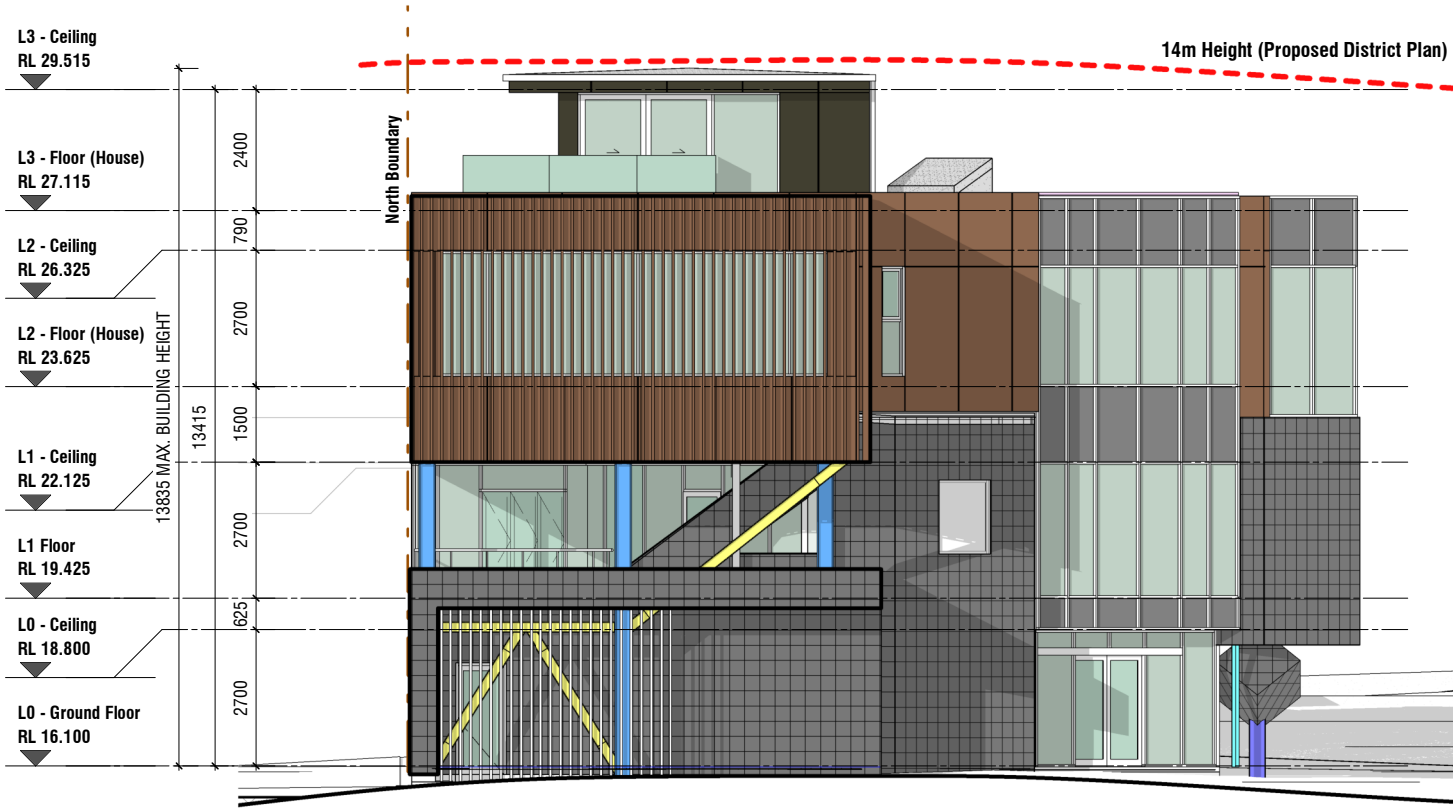
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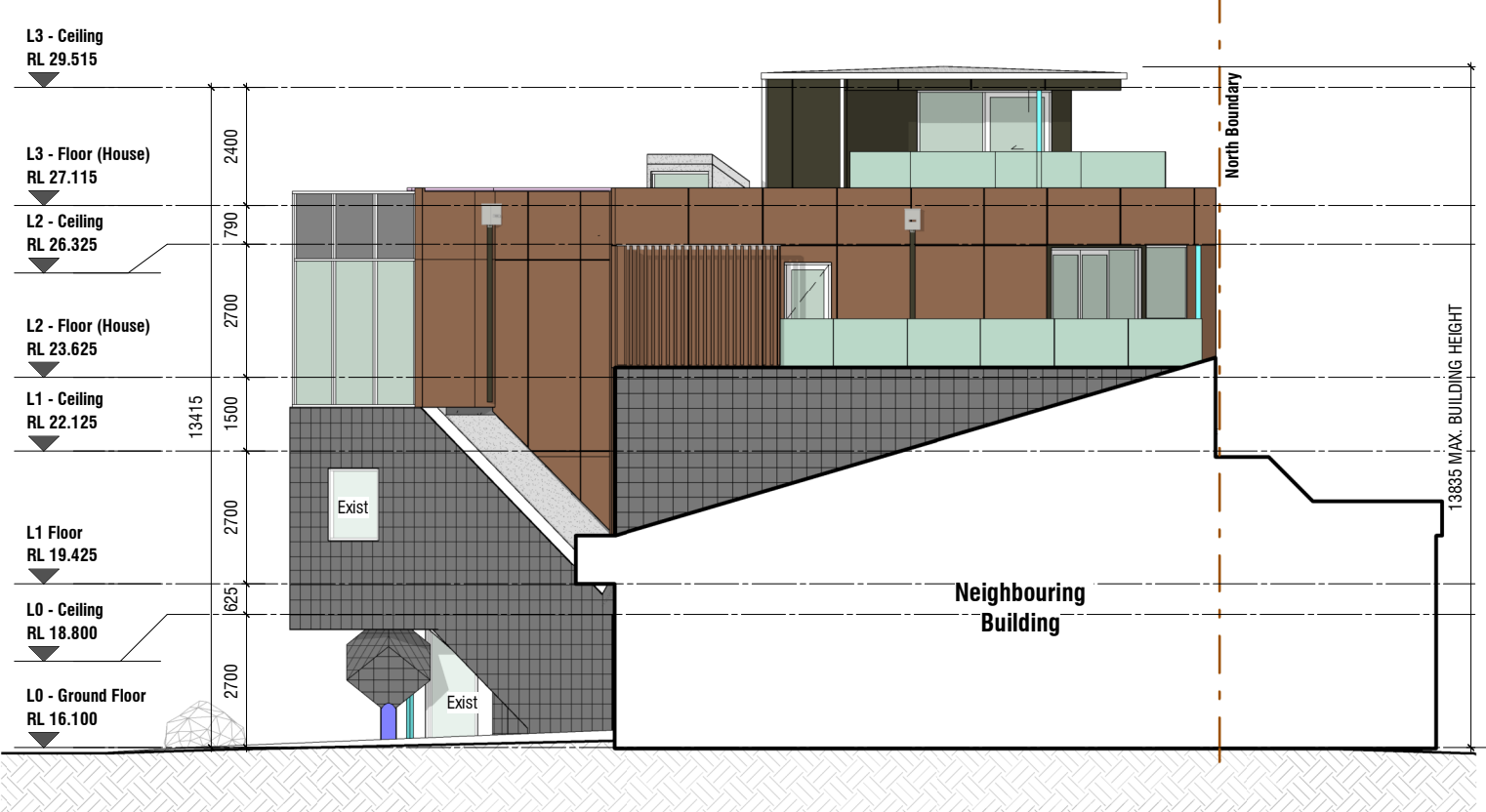
D Elevation (West) - Existing RC
Scale1 : 150 (A3)



A Elevation (East) - Existing RC
Scale1 : 150 (A3)



D Elevation (West) - RC
Scale1 : 150 (A3)



A Elevation (East) - RC
Scale1 : 150 (A3)

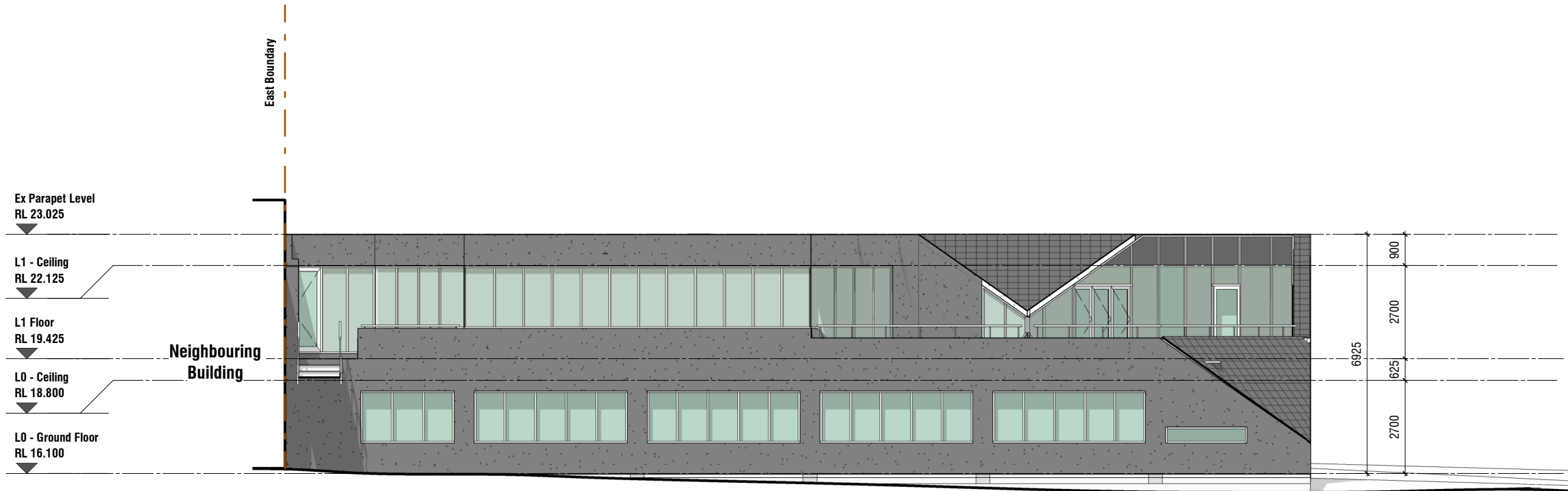
NOTE: NEW GLAZING TO BE DARK TINT, NO MIRROR

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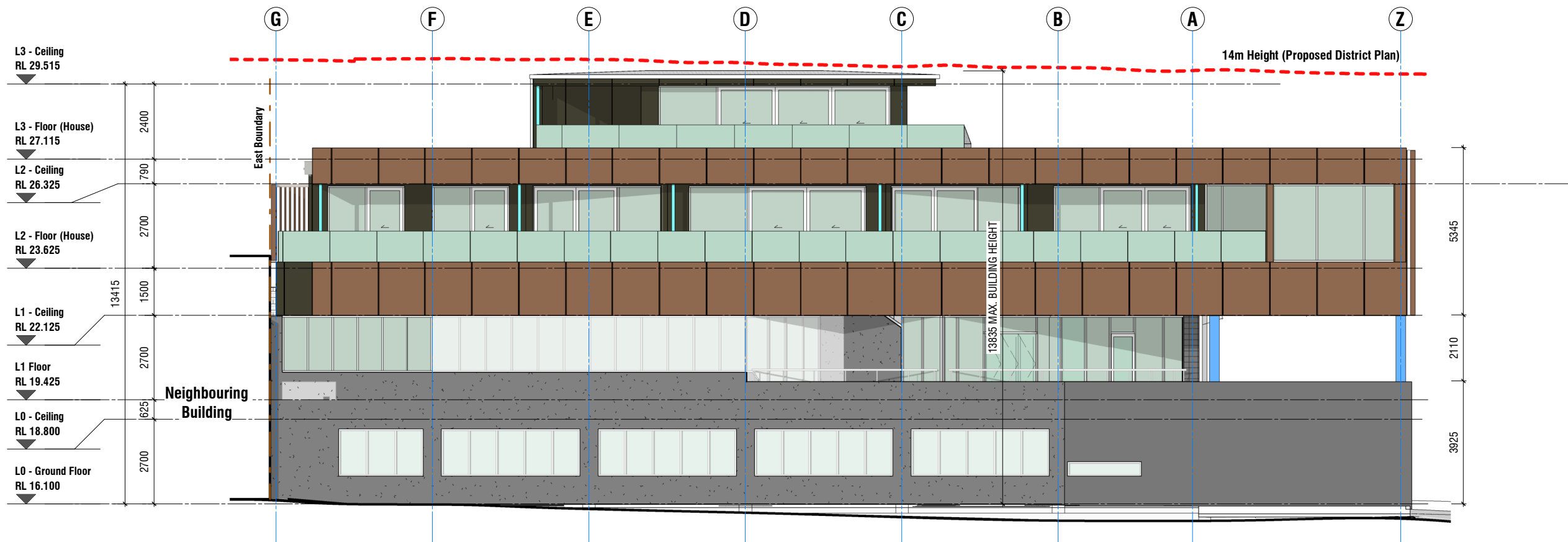
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6801	1 : 150	SK3.01	A	September 2023	Elevations	7/09/2023 11:02:34 am

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B Elevation (North) - Existing RC

Scale1 : 150 (A3)



B Elevation (North) - RC

Scale1 : 150 (A3)

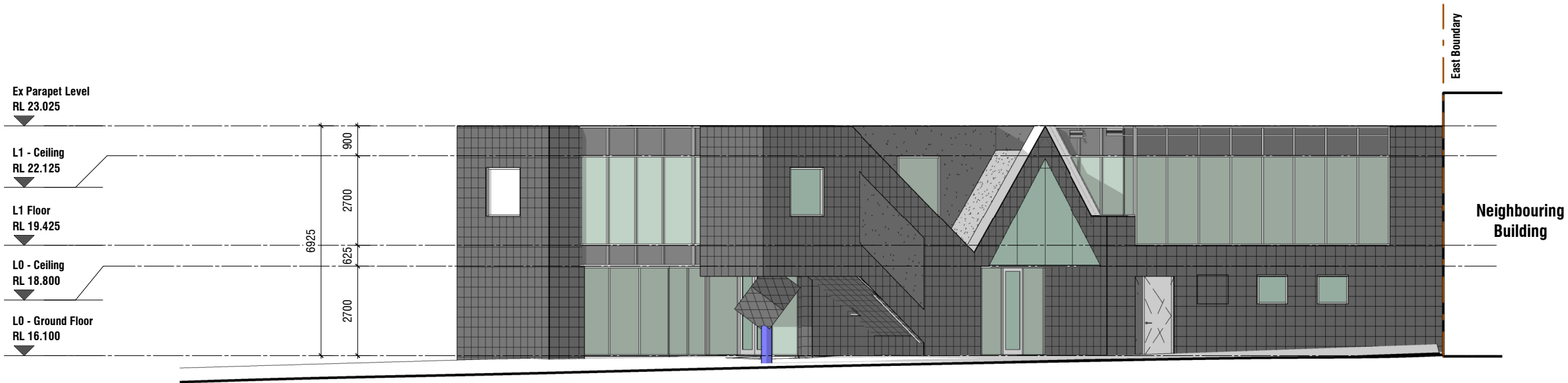
NOTE: NEW GLAZING TO BE DARK TINT, NO MIRROR

KD - Molesworth St Alterations - Stage 2
39-41 Molesworth St, New Plymouth
Resource Consent

Job No.	Scale [A3]	Drawing No.	Rev	Issue Date	Drawing Title	Print Date
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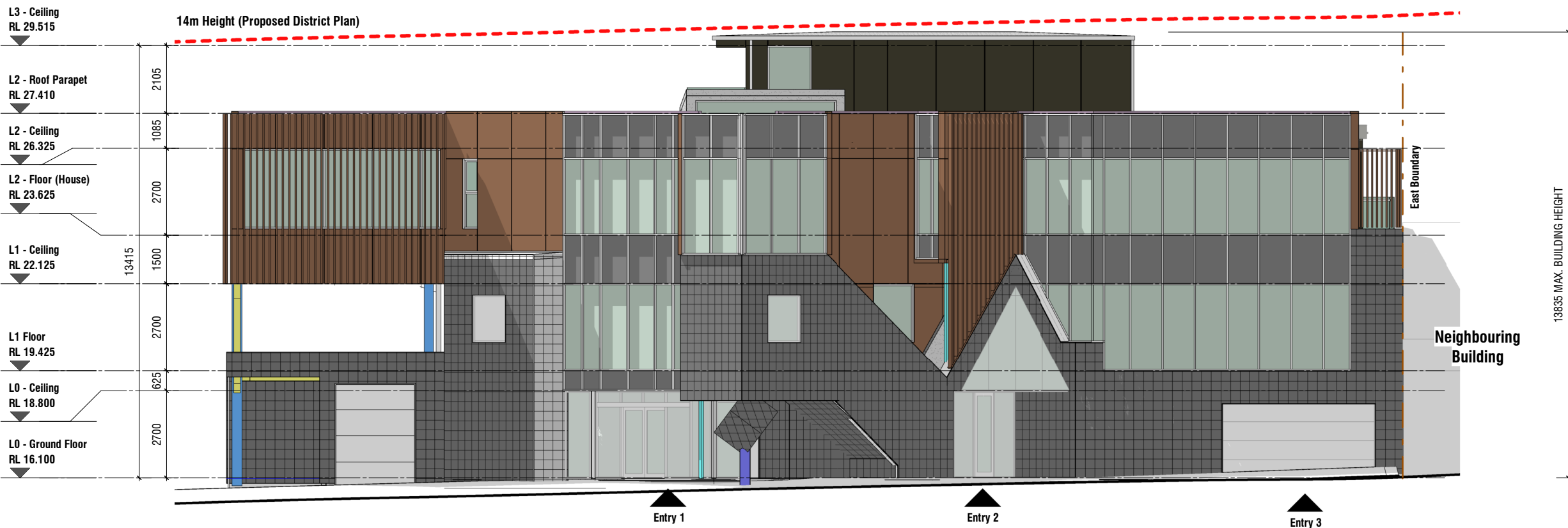
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C Elevation (South) - Existing RC

Scale1 : 150 (A3)



C Elevation (South) - RC

Scale1 : 150 (A3)

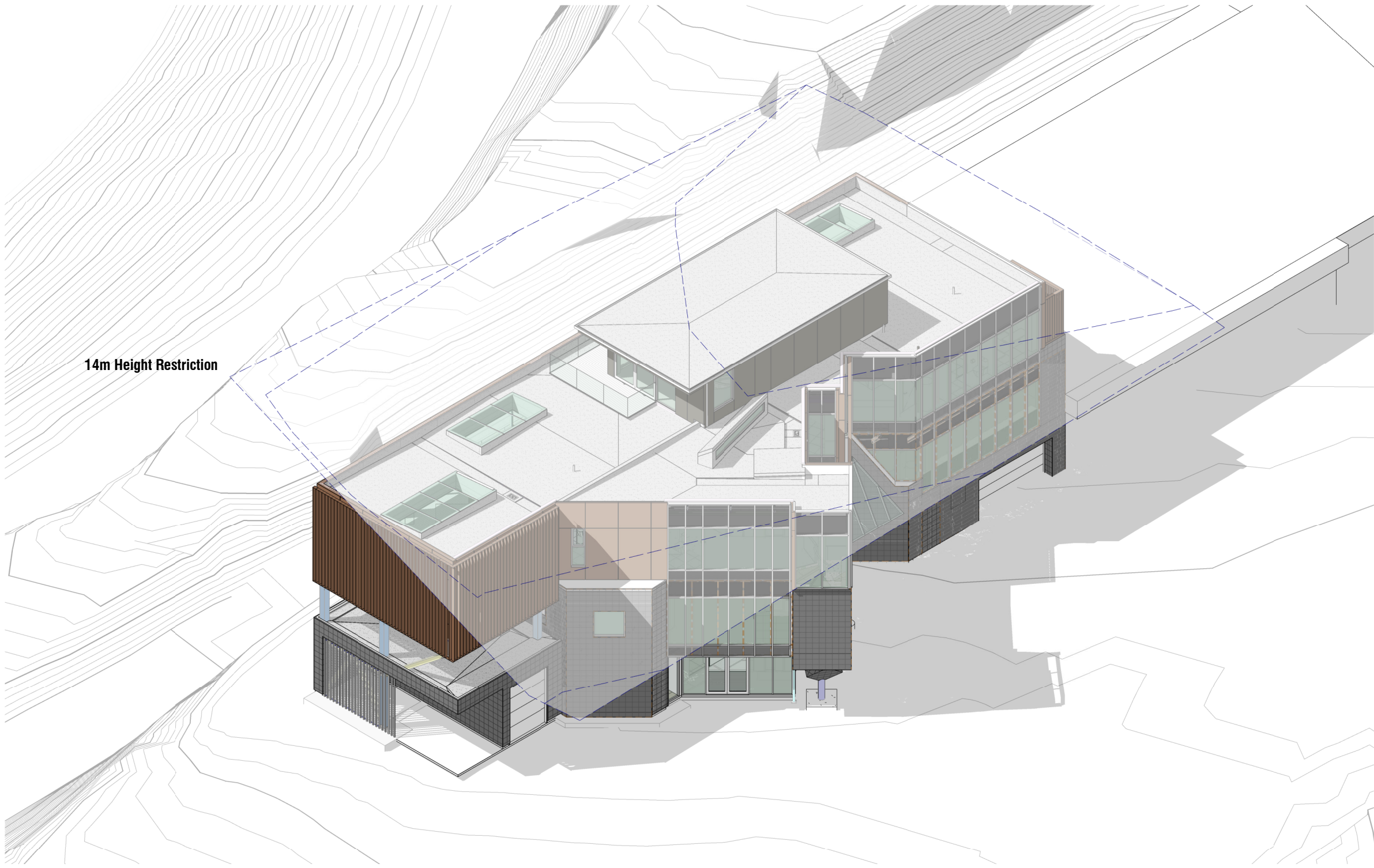
NOTE: NEW GLAZING TO BE DARK TINT, NO MIRROR

KD - Molesworth St Alterations - Stage 2
39-41 Molesworth St, New Plymouth
Resource Consent

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Job No.	Scale [A3]	Drawing No.	Rev	Issue Date	Drawing Title	Print Date
6801	1 : 150	SK3.03	A	September 2023	Elevations	7/09/2023 11:02:47 am

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Height AXO
Scale (A3)

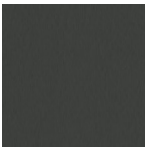
KD - Molesworth St Alterations - Stage 2
39-41 Molesworth St, New Plymouth
Resource Consent

Job No.	Scale [A3]	Drawing No.	Rev	Issue Date	Drawing Title	Print Date
6801		SK3.04		September 2023	Axo View	7/09/2023 11:03:19 am



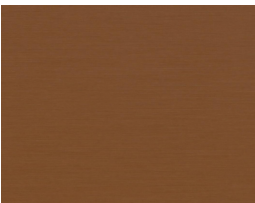
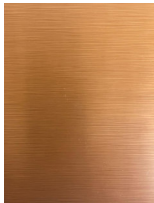
ALL CONTRACTORS MUST VERIFY ALL DIMENSIONS ON THE JOB BEFORE COMMENCING ANY WORK. DO NOT SCALE. © COPYRIGHT ON THIS DRAWING IS RESERVED.

PROPOSED
LOOKOUT



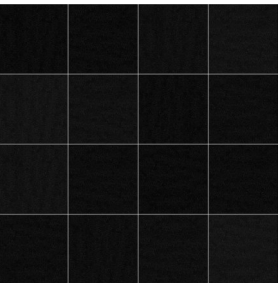
Aluminium - Dark
(Topsoil)

PROPOSED
APARTMENT



Copper
(Clay)

EXISTING
OFFICE



Black Tiles
(Black sand, rocks)



Aluminium - Dark
(Topsoil)

Copper
(Clay)

Black Tiles
(Black sand, rocks)



Option 2 - Paving cultural narrative only

FOR REVIEW

3D Views - Cultural Narrative

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KD - Molesworth St Alterations - Stage 2

Job No.	Scale [A3]	Drawing No.	Rev	Address
6801	1 : 1	SK4.10		39-41 Molesworth St, New Plymouth

Status:
Review
Print Date
31/05/2024 3:47:41 pm

A/ 131 Courtenay St, New Plymouth
4310, New Zealand
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E/ office@boon.co.nz
W/ boon.co.nz

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Option 2 - Paving cultural narrative only

FOR REVIEW

3D Views - Cultural Narrative

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KD - Molesworth St Alterations - Stage 2

Job No.	Scale [A3]	Drawing No.	Rev	Address
6801	1 : 1	SK4.12		39-41 Molesworth St, New Plymouth

Status:
Review
Print Date
31/05/2024 3:47:46 pm

A/131 Courtenay St, New Plymouth
4310, New Zealand
P/06 757 3200
E/office@boon.co.nz
W/boon.co.nz



Option 2 - Paving cultural narrative only

FOR REVIEW

3D Views - Cultural Narrative

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KD - Molesworth St Alterations - Stage 2

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Status:

Review

Print Date

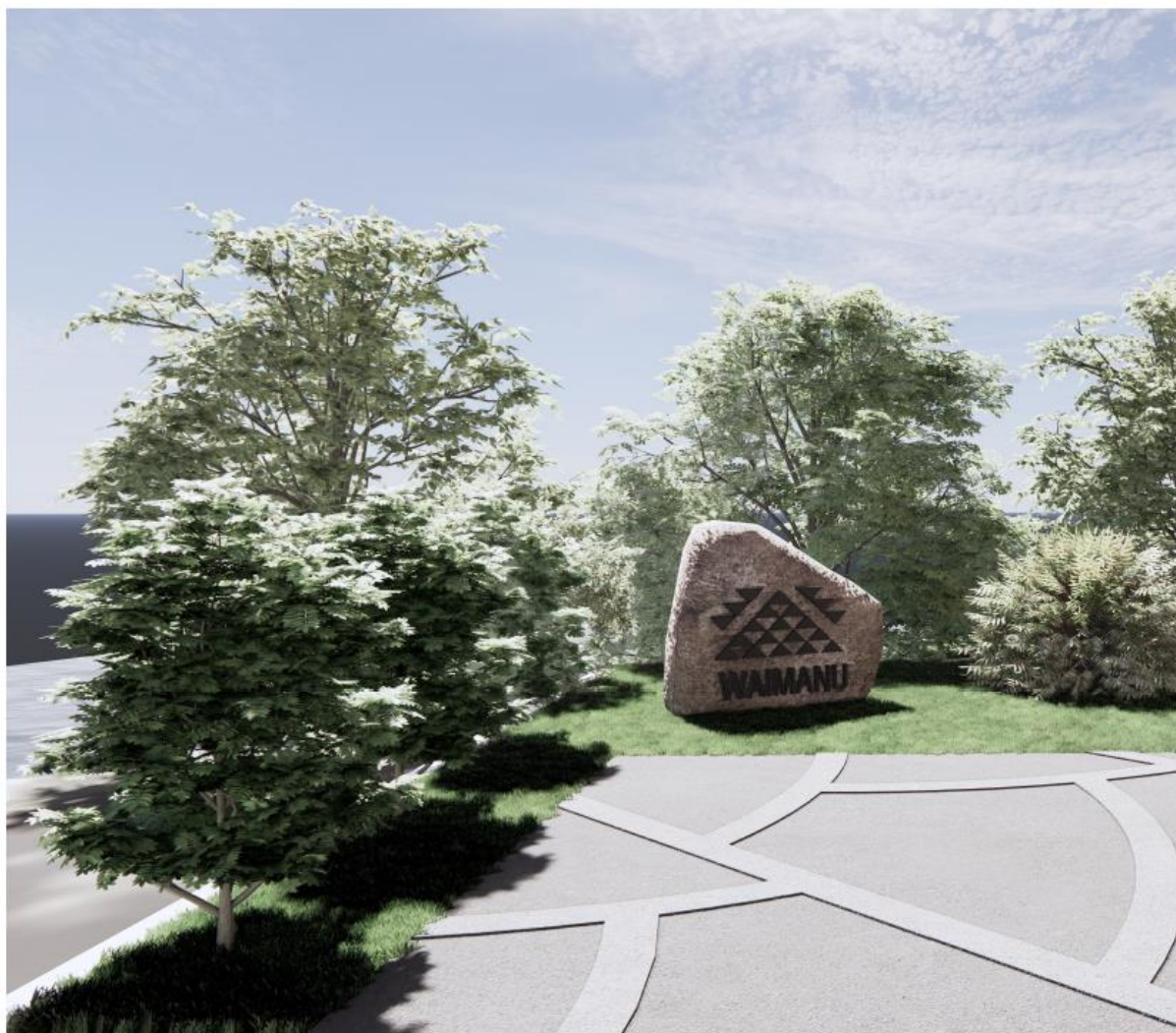
31/05/2024 3:47:51 pm

A/131 Courtenay St, New Plymouth
4310, New Zealand

P/06 757 3200
E/office@boon.co.nz
W/boon.co.nz

APPENDIX H

LANDSCAPE PAVING AND STONE PLAN



Appendix B – Draft conditions

Draft Conditions of Consent.

General Conditions

1. The development shall be undertaken in general accordance with the information and plans submitted by the Consent Holder in support of application number LUC23/48350 and officially received by Council on 17 October 2023.

Copies of the approved plans are attached:

- KD – Molesworth St Alterations – Stage 2 – Location Plan Proposed (RC) Job Number 6801 drawing SK0.03 Rev A dated September 2023
- KD – Molesworth St Alterations – Stage 2 – Site Plan Proposed (RC) Job Number 6801 drawing SK0.05 Rev A dated 31 January 2024
- KD – Molesworth St Alterations – Stage 2 – L0 Proposed Floor Plan (office) RC Job Number 6801 drawing SK2.01 Rev A dated September 2023
- KD – Molesworth St Alterations – Stage 2 – L1 Proposed Floor Plan (office) RC Job Number 6801 drawing SK2.02 Rev B dated 8 February 2024
- KD – Molesworth St Alterations – Stage 2 – L2 Proposed Floor Plan (house) RC Job Number 6801 drawing SK2.03 Rev B dated 8 February 2024
- KD – Molesworth St Alterations – Stage 2 – L3 Proposed Floor Plan (house) RC Job Number 6801 drawing SK2.04 Rev A dated September 2023
- KD – Molesworth St Alterations – Stage 2 – D Elevation (West) RC Job Number 6801 drawing SK3.01 Rev A dated September 2023
- KD – Molesworth St Alterations – Stage 2 – B Elevation (North) RC Job Number 6801 drawing SK3.02 Rev A dated September 2023
- KD – Molesworth St Alterations – Stage 2 – D Elevation (South) RC Job Number 6801 drawing SK3.03 Rev A dated September 2023
- KD – Molesworth St Alterations – Stage 2 – Precedents Job Number 6801 drawing SK3.07 Rev A dated September 2023
- (Boon 3D Views – Cultural Narrative Option 1 Patterned Screens drawing SK4.09, SK4.11, SK4.13)
- (Boon 3D Views – Cultural Narrative Option 2 Paving Cultural Narrative, drawing SK4.10, SK4.12, SK4.14)
- (Landscaping & Konatu Stone, SK4.17)

In the case of inconsistency between the application and the conditions of this consent, the conditions of consent shall prevail.

2. The consent holder shall contact the Council's Environmental Planner – Monitoring at least 48 hours prior to any work commencing on the site and advise the officer of the date upon which such works will commence.
3. The consent holder shall pay the Council's costs of any monitoring that may be necessary to ensure compliance of the use with the conditions specified.

Glazing and Façade Treatments

4. All mirrored glazing shall be removed from the facades of the building.

Landscaping

5. A Landscape Planting Plan prepared by a suitably qualified expert in landscaping shall be submitted by the consent holder to the Development Control Lead and certified prior to the commencement of works. The Landscape Planting Plan must include:

- Planting in front of car parks 7-10.
- No less than four specimen trees planted in the north west corner of the site adjacent to the car port. Trees must be no less than 2m tall at the time of planting.
- Specify Plant Species, numbers, size, spacing, layout and grade;
- The consent holder must provide a minimum of 20 working days to Ngati Te Whiti and Ngati Tawhirikura for the opportunity to provide feedback/input on the proposed planting plan.
- Any feedback received from Ngati Te Whiti Hauu and Ngati Tawhirikura on plant species and demonstrate how that has been adopted into the planting plan.

All works shall be carried out in accordance with the Landscape Plan certified in accordance with this condition.

6. Prior to issue of a Code Compliance Certificate or within 12 months of the exterior building construction being completed whichever occurs first, the consent holder shall complete planting in accordance with the Landscape Planting Plan certified in accordance with Condition 5:

Prior to Earthworks/Construction Commencing

Cultural Monitoring

7. No less than 7 working days prior to earthworks commencing on site, the consent holder shall advise Ngati Te Whiti Hapū and Ngati Tawhirikura of the intention to undertake the earthworks, so that they may provide a monitor for on-site cultural monitoring during these earthworks at their discretion.

Erosion and Sediment Control

8. The consent holder must provide an erosion and sediment control plan for certification by the Development Control Lead. Erosion and sediment control measures must be implemented in accordance with the certified erosion and sediment control plan.

Acoustic Design Certificate

9. The consent holder must provide to Council at the time of application for building consent an acoustic design certificate from a suitably qualified acoustic expert to confirm the noise insulation of the dwelling has been designed to meet an internal noise level of 40dB_{L_{Aeq}(24hour)}, inside all noise sensitive rooms with ventilating windows open.

Earthworks Management Plan

10. Prior to the commencement of works on site an Earthworks Management Plan prepared by a suitably qualified environmental practitioner shall be submitted to Councils Monitoring Officer for certification. This plan shall include measure for (as relevant):

- (a) Health and safety to inform all contractors of the potential for soil contamination.
- (b) Requirement for use of personal protective equipment.
- (c) Minimising soil disturbance.
- (d) Reinstating the exposed area as soon as practicable.
- (e) Implementing dust management measures as necessary to ensure that there are no air borne particulars.
- (f) Advising Council of the authorized soil disposal facility.

All works must be in accordance with the certified earthwork management plan.

During Earthworks/Construction

Earthworks/Excavation

- 11. Excavation works associated within the site must be kept wholly within the boundary of the development and not encroach past the boundary.
- 12. All disturbed material, silt, sediment and dust shall be retained on the site unless transported off site by a vehicle.
- 13. All disturbed soils and hardfill material removed from site must be tested prior to disposal and disposed of to a facility authorized to receive that material. This excludes cured hardstand material (such as paving/asphalt/concrete) which is cleanfill and is not required to go to an authorized facility.

Construction Noise

- 14. During construction, all construction works must comply with NZS6803:1999 Acoustic Construction Noise.

Accidental Discovery

- 15. If the consent holder discovers archaeological evidence, or suspected archaeological evidence, they shall without delay notify:
 - Ngati Te Whiti Hapū
 - Ngati Tawhirikura;
 - Heritage New Zealand Pouhere Taonga (HNZPT); and
 - 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 the Ngati Te Whiti Hapū, Ngati Tawhirikura and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required. Site work shall only recommence following consultation with the Consent Authority, HNZPT, Ngati Te Whiti Hapū, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

Cultural Narrative

- 16. The consent holder must incorporate a cultural narrative onsite either Option 1 or Option 2.
 - Boon 3D Views – Cultural Narrative Option 1 Patterned Screens drawing SK4.09, SK4.11, SK4.13

- Boon 3D Views – Cultural Narrative Option 2 Paving Cultural Narrative only drawing SK4.10, SK4.12, SK4.14
- Landscaping & Konatu Stone SK4.17

The stone marker must incorporate “Waimanu” as text and a design etched or carved into the stone.

Post Earthworks

17. All areas of earthworks (excluding any area covered by buildings or hard landscaping) shall be revegetated to achieve 80% ground cover within 6 months of the earthworks being commenced to the satisfaction of Councils Monitoring Officer.
18. All costs in meeting the conditions of these requirements shall be met by the applicant unless otherwise stated.

Ongoing Conditions

19. The consent holder must maintain the landscaping required in Condition 5 on an ongoing basis. In the event that any of the landscaping should die or become diseased they must be replaced with a similar species or plant within the next planting season.
20. The consent holder must maintain the applied cultural narrative for the life of the activity.

Addendum B – Draft Conditions

Draft Conditions of Consent.

General Conditions

1. The development shall be undertaken in general accordance with the information and plans submitted by the Consent Holder in support of application number LUC23/48350 and officially received by Council on 17 October 2023.

Copies of the approved plans are attached:

- KD – Molesworth St Alterations – Stage 2 – Location Plan Proposed (RC) Job Number 6801 drawing SK0.03 Rev A dated September 2023
- KD – Molesworth St Alterations – Stage 2 – Site Plan Proposed (RC) Job Number 6801 drawing SK0.05 Rev A dated 31 January 2024
- KD – Molesworth St Alterations – Stage 2 – L0 Proposed Floor Plan (office) RC Job Number 6801 drawing SK2.01 Rev A dated September 2023
- KD – Molesworth St Alterations – Stage 2 – L1 Proposed Floor Plan (office) RC Job Number 6801 drawing SK2.02 Rev B dated 8 February 2024
- KD – Molesworth St Alterations – Stage 2 – L2 Proposed Floor Plan (house) RC Job Number 6801 drawing SK2.03 Rev B dated 8 February 2024
- KD – Molesworth St Alterations – Stage 2 – L3 Proposed Floor Plan (house) RC Job Number 6801 drawing SK2.04 Rev A dated September 2023
- KD – Molesworth St Alterations – Stage 2 – D Elevation (West) RC Job Number 6801 drawing SK3.01 Rev A dated September 2023
- KD – Molesworth St Alterations – Stage 2 – B Elevation (North) RC Job Number 6801 drawing SK3.02 Rev A dated September 2023
- KD – Molesworth St Alterations – Stage 2 – D Elevation (South) RC Job Number 6801 drawing SK3.03 Rev A dated September 2023
- KD – Molesworth St Alterations – Stage 2 – Precedents Job Number 6801 drawing SK3.07 Rev A dated September 2023
- ~~(Boon 3D Views – Cultural Narrative Option 1 Patterned Screens drawing SK4.09, SK4.11, SK4.13)~~
- (Boon 3D Views – Cultural Narrative Option 2 Paving Cultural Narrative, drawing SK4.10, SK4.12, SK4.14)
- (Landscaping & Konatu Stone, SK4.17)

Commented [DM1]: Reference Option 2 only

In the case of inconsistency between the application and the conditions of this consent, the conditions of consent shall prevail.

2. The consent holder shall contact the Council's Environmental Planner – Monitoring at least 48 hours prior to any work commencing on the site and advise the officer of the date upon which such works will commence.
3. The consent holder shall pay the Council's costs of any monitoring that may be necessary to ensure compliance of the use with the conditions specified.

Glazing and Façade Treatments

4. All mirrored glazing shall be removed from the facades of the building.

Landscaping

5. A Landscape Planting Plan prepared by a suitably qualified expert in landscaping shall be submitted by the consent holder to the Development Control Lead and certified prior to the commencement of works. The Landscape Planting Plan must include:
- Planting in front of car parks 7-10.
 - No less than four specimen trees planted in the north west corner of the site adjacent to the car port. Trees must be no less than 2m tall at the time of planting.
 - Specify Plant Species, numbers, size, spacing, layout and grade;
 - The consent holder must provide a minimum of 20 working days to Ngati Te Whiti and Ngati Tawhirikura for the opportunity to provide feedback/input on the proposed planting plan.
 - Any feedback received from Ngati Te Whiti Hapū and Ngati Tawhirikura on plant species and demonstrate how that has been adopted into the planting plan.
- All works shall be carried out in accordance with the Landscape Plan certified in accordance with this condition.
6. Prior to issue of a Code Compliance Certificate or within 12 months of the exterior building construction being completed whichever occurs first, the consent holder shall complete planting in accordance with the Landscape Planting Plan certified in accordance with Condition 5:

Prior to Earthworks/Construction Commencing

Cultural Monitoring

7. No less than 7 working days prior to earthworks commencing on site, the consent holder shall advise Ngati Te Whiti Hapū and Ngati Tawhirikura of the intention to undertake the earthworks, so that they may provide a monitor for on-site cultural monitoring during these earthworks at their discretion.

Erosion and Sediment Control

8. The consent holder must provide an erosion and sediment control plan for certification by the Development Control Lead. Erosion and sediment control measures must be implemented in accordance with the certified erosion and sediment control plan.

Acoustic Design Certificate

9. The consent holder must provide to Council at the time of application for building consent an acoustic design certificate from a suitably qualified acoustic expert to confirm the noise insulation of the dwelling has been designed to meet an internal noise level of 40dB_{L_{Aeq}(24hour)}, inside all noise sensitive rooms with ventilating windows open.

Earthworks Management Plan

10. Prior to the commencement of works on site an Earthworks Management Plan prepared by a suitably qualified environmental practitioner shall be submitted to Councils Monitoring Officer for certification. This plan shall include measure for (as relevant):

- (a) Health and safety to inform all contractors of the potential for soil contamination.
- (b) Requirement for use of personal protective equipment.
- (c) Minimising soil disturbance.
- (d) Reinstating the exposed area as soon as practicable.
- (e) Implementing dust management measures as necessary to ensure that there are no air borne particulates.
- (f) Advising Council of the authorized soil disposal facility.

All works must be in accordance with the certified earthwork management plan.

During Earthworks/Construction

Earthworks/Excavation

- 11. Excavation works associated within the site must be kept wholly within the boundary of the development and not encroach past the boundary.
- 12. All disturbed material, silt, sediment and dust shall be retained on the site unless transported off site by a vehicle.
- 13. All disturbed soils and hardfill material removed from site must be tested prior to disposal and disposed of to a facility authorized to receive that material. This excludes cured hardstand material (such as paving/asphalt/concrete) which is cleanfill and is not required to go to an authorized facility.

Construction Noise

- 14. During construction, all construction works must comply with NZS6803:1999 Acoustic Construction Noise.

Accidental Discovery

- 15. If the consent holder discovers archaeological evidence, or suspected archaeological evidence, they shall without delay notify:
 - Ngati Te Whiti Hapū
 - Ngati Tawhirikura;
 - Heritage New Zealand Pouhere Taonga (HNZPT); and
 - 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 the Ngati Te Whiti Hapū, Ngati Tawhirikura and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required. Site work shall only recommence following consultation with the Consent Authority, HNZPT, Ngati Te Whiti Hapū, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

Cultural Narrative

- 16. The consent holder must incorporate a cultural narrative onsite ~~either Option 1 or Option 2~~ as per Option 2 (paving and kohatu stone only) with the following plans:-

- ~~Boon 3D Views~~ Cultural Narrative Option 1 Patterned Screens drawing SK4.09, SK4.11, SK4.13

Commented [DM2]: Reference Option 2 only

- Boon 3D Views – Cultural Narrative Option 2 Paving Cultural Narrative only drawing SK4.10, SK4.12, SK4.14
- Landscaping & Konatu Stone SK4.17

The stone marker must incorporate “Waimanu” as text and a design etched or carved into the stone.

Post Earthworks

17. All areas of earthworks (excluding any area covered by buildings or hard landscaping) shall be revegetated to achieve 80% ground cover within 6 months of the earthworks being commenced to the satisfaction of Councils Monitoring Officer.
18. All costs in meeting the conditions of these requirements shall be met by the applicant unless otherwise stated.

Ongoing Conditions

19. The consent holder must maintain the landscaping required in Condition 5 on an ongoing basis. In the event that any of the landscaping should die or become diseased they must be replaced with a similar species or plant within the next planting season.
20. The consent holder must maintain the applied cultural narrative for the life of the activity.

Addendum C – Response from Ms Gibson to Update

Darelle Martin

Subject: FW: [#BTW220587.02] Invitation to hui - re: 39 Molesworth Street land use consent LUC23/48350

From: Bev Gibson <bev@tawhirikura.org>
Sent: Monday, July 15, 2024 5:49 PM
To: Darelle Martin <darelle.martin@btw.nz>
Subject: RE: [#BTW220587.02] Invitation to hui - re: 39 Molesworth Street land use consent LUC23/48350

EXTERNAL MESSAGE

Tena koe Darelle,

Thank you for your email.

I note the documents and the involvement of Ngāti Te Whiti and Tuparikino Hapū. Ngā mihi,

Mauri ora

Bev

Chair, Tawhirikura Hapū Trust | 0272404613

From: Darelle Martin <darelle.martin@btw.nz>
Sent: Tuesday, July 2, 2024 2:37 PM
To: Bev Gibson <bev@tawhirikura.org>
Subject: FW: [#BTW220587.02] Invitation to hui - re: 39 Molesworth Street land use consent LUC23/48350

Kia ora Bev,

Providing you an update on the application as sent to NPDC this afternoon, which can be downloaded from this link:

<https://transfer.btw.nz/message/hxoxP9bKzfTkZyn3Yj2Ks2>

Mr Doody remains committed to the plans that provide for the mata kupenga pavement designs and the Waimanu stone marker.

We anticipate that Council will be in touch with any updates again soon.

Kind regards

DARELLE MARTIN Pou Whakamāhere Taiao | Senior Planner **MNZPI**
M: +64 272 050 301

BTW info@btw.nz | www.btw.nz | +64 6 759 5040
