

**BEFORE THE INDEPENDENT HEARING COMMISSIONER
OF NEW PLYMOUTH DISTRICT COUNCIL**

IN THE MATTER

of the Resource Management Act 1991 ("**RMA**")

AND

IN THE MATTER

of an application to New Plymouth District Council by Bunnings Limited for resource consent for construction of a Bunnings warehouse with associated parking, loading and access and cancellation of a consent notice at 662 Devon Road, New Plymouth - Applications LUC25/48839 & SUB17/46785.02.

MEMORANDUM OF COUNSEL ON BEHALF OF BUNNINGS LIMITED

2 OCTOBER 2026

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1. INTRODUCTION

- 1.1 This memorandum is filed on behalf of Bunnings Limited ("**Bunnings**") following the hearing on 29 September 2026 of Bunnings' applications to New Plymouth District Council ("**Council**") for resource consent for the proposed Bunnings Warehouse ("**Proposal**"), with associated parking, loading and access, and cancellation of a consent notice at 662 Devon Road, New Plymouth, before the Independent Hearing Commissioner ("**Commissioner**").
- 1.2 This memorandum addresses two matters raised at the hearing:
- (a) The request for a list of key project changes following engagement with Ngāti Tāwhirikura and Puketapu Hapū as directed by the Commissioner; and
 - (b) the updated conditions following engagement between Mr Norwell, Bunnings' planner, and Mr Watkins, Council's reporting planner.
- 1.3 The full set of revised site plans, consistent with those shared at the hearing, is attached in accordance with the updates to condition 1.

2. KEY PROJECT CHANGES

- 2.1 At the hearing, the Commissioner requested a list of amendments to the application that resulted from engagement with, and responded to the concerns of, Ngāti Tāwhirikura and Puketapu Hapū.
- 2.2 These changes are set out concisely in the summary statement of Mr Turner.

3. CONDITIONS

- 3.1 Mr Norwell has engaged with Mr Watkins, and they have together produced a set of conditions, attached as **Appendix A**. There is full agreement except for one matter where Mr Watkins has remained neutral.
- 3.2 **Appendix A** shows in track changes the changes from the conditions attached as Appendix 1 to Mr Norwell's evidence. It also includes comments identifying areas of disagreement and providing explanatory notes.
- 3.3 The key changes are:

- (a) condition 1 has been updated in response to a concern raised by Mr Watkins regarding inconsistencies between some of the engineering plans and the most up-to-date design plans. In particular, the engineering plans do not capture all of the recent amendments to the application, including the changes to the rear access design and the related removal of the retaining wall adjacent to Aotere Pā. Suggested wording has therefore been included to clarify that, to the extent of any inconsistency between the plans, the information shown on the most recently dated plans prevails. To support this, and to clearly record the most up-to-date design, an updated set of elevation plans consistent with the design presented in evidence has been provided as Appendix B. Condition 1 has also been updated to refer to those plans;
- (b) the Kaitiaki Forum provisions have been amended to include the option of textural treatment of the 1.2m high white concrete dado on the western and southern façades of the garden centre. Mr Watkins and Mr Norwell therefore agree that it is appropriate to delete condition 16, which relates to façade treatment;
- (c) Bunnings accepts Council's wording for the contamination management plan at condition 9;
- (d) the specific number of 345 parking spaces has been removed from parking condition 25, consistent with Bunnings' preference to rely on the parking space layout reflected in the plans referred to in condition 1. The requirement for at least eight accessible parking spaces, located as shown on the site plan, remains in accordance with condition 26;
- (e) B-train truck movements exiting via Access 3 must not occur between 11.00 am and 1.00 pm on Saturdays and Sundays, and the reference to "during low customer periods" has been removed to provide certainty;
- (f) the vehicle crossing conditions include the words "or as otherwise agreed by Council in regard to the wings" to enable safe movement by longer vehicles such as trucks. Mr Watkins is open to that wording;
- (g) the sightline and access conditions have been updated to align with the "opening" of the Bunnings Warehouse rather than the

commencement of the activity, as they are not intended to apply during construction;

- (h) a new condition is proposed to reflect that vehicle access 4 and vehicle access 5 are now proposed to operate as entry only;
- (i) a new condition is proposed that would limit future development of PAD Site 3 to 6.5 metres in height, in accordance with modelling of the sightline between Aotere Pā and Te Pou Tūtaki. This is not necessary to manage effects from the Proposal, as the pad site does not form part of the Proposal; however, it has been offered by Bunnings on an Augier basis to protect the sightline, should the Commissioner consider that additional "certainty" is warranted (albeit that it would not change the consenting pathway for any development of that pad site). We note that Mr Watkins has remained neutral on this, as PAD Site 3 does not form part of the application; and
- (j) the remaining conditions have been consequentially renumbered.

3.4 On this basis, Bunnings respectfully submits that consent should be granted subject to the conditions in **Appendix A**.

Dated 2 October 2026



Daniel Minhinnick / Eve Boister
Counsel for Bunnings Limited