



When replying please quote: ECM 8981577, Sub 21/47803

12 May 2023

Robe & Roche  
c/- Scott Grieve  
Connect Legal Taranaki  
Private Bag 2031  
NEW PLYMOUTH 4340

Dear Scott

**APPLICATION FOR RESOURCE CONSENT- ADDITIONAL CONSENT REQUIRED UNDER S91 OF THE RESOURCE MANAGEMENT ACT 1991**

Further to the notification of the application for a subdivision at 56 Pohutukawa Drive, SUB21/47803 we have considered the formal response letter from the Taranaki Regional Council (TRC) and we have reviewed the information provided in the submissions.

TRC has advised the information provided within the application is insufficient to test the environmental impacts against the National Policy Statement for Freshwater Management 2020 (NPS-FM) and the National Environmental Standards for Freshwater 2020 (NESF).

TRC has also advised that the applicant will be required to seek additional consents to undertake groundwater and surface water monitoring of the Waipu Lagoons as part of the TRC consent requirements.

Several submissions also address the relationship of the subdivision to the Waipu Lagoon and the potential of the proposal to adversely affect conservation values, including through direct disturbance, loss of habitat, sedimentation, changes to hydrology, stormwater, proximity to wetland and Te Mana o te Wai. Those issues will need to be addressed through the TRC consent processes.

Your application contains information on the proposed development and effect on the receiving environment including an 'Ecological statement on Road 2 and water quality standards of proposed subdivision & development at Parklands Avenue, Bell Block' – Mouna Ecology Limited, 11 August 2021 and 'Wetland Delineation Results and Assessment Against National Environmental Standards – Freshwater 2020' - Mouna Ecology, 28 June 2021.

However, as stated above TRC has advised that the information is not sufficient to test the environmental impacts against the National Policy Statement for Freshwater Management (NPS-FM) 2020 and the National Environmental Standards for Freshwater (NESF) 2020. We agree with TRC's assessment.

Since the close of submissions we have received a letter dated 13 April from the Agent Surveyor/Planner detailing a further meeting with TRC and putting forward an option of running the regional consent process in parallel. In other words, not pursuing the consideration of s91 further. The reason put forward is to enable flexibility as the design of the subdivision may possibly be altered through the consenting process which will influence monitoring and modelling which is required for the NESF consent application.

This letter also provides scenarios for which entity will hold the NESF consent for stormwater soak hole discharges from the 100m of the wetland.

We have considered whether the application be deferred pursuant to s91 while the applicant makes the necessary regional council application pursuant to the NES and regional plans.

Section 91 (1) contains two tests and both must be satisfied. The tests are:

- (a) *other consents are required; and*
- (b) *it is appropriate, for the purpose of better understanding the nature of the proposal, that applications for one or more of those consents be made before proceeding further.*

It is already determined that additional consents are required. In terms of the second test, it is good resource management practice to consider all resource consent applications necessary for a project together and where that would allow the council, persons affected, and the general public to better understand the activities proposed and their effects.

In considering whether a deferral is necessary, we have considered the framework that the NPS-FW and the NESF forms part of and the emphasis on freshwater management. In our view, there is a high degree of interconnectedness between the district and regional consents. The design of the subdivision may affect both the matters within the scope of the consents required by NPDC and the matters within the scope of the consents required by TRC. Not considering the consents together risks undermining the purpose of the NPS-FW due to the relationship and degree of interconnectedness between the regional and district consents.

I therefore conclude that it is appropriate for the applicant to apply for the regional consents at the same time as the resource consent for the subdivision. By doing so will enable a better understanding of the effects on the environment and how any adverse effects on the environment will be mitigated.

I have taken into account the process timeframes to date. While the decision to defer the current applications before NPDC may delay a decision being made on those applications, I do not anticipate that it will lead to any overall delays for the applicant to obtain all of the consents it needs for the project to proceed. Regional consents need to be obtained for the subdivision to proceed and considering the suite of consents together will lead to overall efficiencies in the process for all persons involved. It will also enable the proposed subdivision and its effects to be better understood by both councils and submitters.

I therefore have determined that the subdivision application will be deferred under s91 until such time as the relevant regional council applications have been lodged so the applications can be considered together.

Yours faithfully



Juliet Johnson  
MANAGER PLANNING