

**BEFORE INDEPENDENT HEARINGS COMMISSIONER
APPOINTED BY THE NEW PLYMOUTH DISTRICT COUNCIL**

UNDER

the Resource Management Act 1991

IN THE MATTER

an application for resource consent by
Bruce Sim, Magaret Sim and Robert Sim to
undertake a boundary adjustment and a 5-
lot subdivision of 6 and 42 Leith Road, New
Plymouth (SUB21/47781)

**STATEMENT OF PLANNING EVIDENCE BY ZENAIDA GERENTE
ON BEHALF OF BRUCE SIM, MARGARET SIM AND ROBERT SIM**

25 May 2022

INTRODUCTION

1. My name is Zenaida Gerente.
2. I have over 10 years' experience in resource management and planning. I hold a Bachelor and a Master in Chemical Engineering from University of the Philippines, a Postgraduate Diploma in Environmental Science from University of Auckland and a Master of Resource and Environmental Planning from Massey University. I am an intermediate member of the New Zealand Planning Institute.
3. My experience in resource management and planning includes land use consenting and regional consenting. I am a Senior Planner at Landpro Ltd and have also worked in Auckland Council.
4. I am familiar with resource management issues arising in the New Plymouth District, and work with the Operative New Plymouth District Plan and Proposed District Plan on a daily basis in my current role.
5. In preparing my evidence, I have read the application, Council Officer's Further Information Request, Reply to Further Information Request including the Landscape and Visual Impact Assessment (LVIA), the Experts' Landscape Evidence, The Landscape Peer Review, Notifications Assessment, Applicant's Response to Recommendation in Notification of Application, and S42A Hearing Report.

EXPERT WITNESS CODE OF CONDUCT

6. I confirm that I have read, and agree to comply with, the Environment Court's Code of Conduct for Expert Witnesses (Environment Court of New Zealand Practice Note 2014). This evidence I am presenting is within my area of my expertise, except where I state that I am relying on the evidence of another person. To the best of my knowledge, I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.

INVOLVEMENT WITH THE PROJECT

7. I have had the following specific involvement with respect to the application currently in front of NPDC:
 - a. I was engaged by Bruce Sim, Margaret Sim and Robert Sim to prepare planning evidence for this hearing;
 - b. I have visited the application site;
 - c. I have not been involved in the preparation of application, reply to request for further information, and any consultation with affected parties (but as noted above, I have read all relevant materials).

SCOPE OF EVIDENCE

8. The purpose of my evidence is to provide a planning assessment of the applicants' proposal.
9. In my evidence I will comment on:

- a. Site and receiving environment;
 - b. The proposal and any changes to the application;
 - c. Consultation and notification;
 - d. Submissions;
 - e. Pre-hearing;
 - f. Assessment of the effects of the application;
 - g. Statutory requirements;
 - h. Other matters;
 - i. Part 2 of the RMA;
 - j. Expert conferencing; and
 - k. Conclusion.
10. My evidence draws upon the information from the following:
- a. The lodged resource consent application and Assessment of Environmental Effects prepared by Mr Rex Hurley from Juffermans Surveyors Ltd (JSL);
 - b. Information and evidence from the applicant and experts in the Applicant's project team including the Landscape and Visual Impact Assessment dated 25 July 2021 prepared by Mr Richard Bain from Bluemarble, the Statement of Evidence of Richard Bain dated 23 May 2022 and the Statement of Evidence of Martha Dravitzki dated 23 May 2022;
 - c. The Landscape Peer Review, 22 August 2021, Ms Erin Griffith from Natural Capital;
 - d. The Council Officer's Recommendation on Notification, 2 December 2021, Ms Laura Buttimore
 - e. The Council Officer's S42A Hearing Report, 16 May 2022, Ms Laura Buttimore.
11. Where relevant, I will reference the contents of the Officer's Report which has been pre-circulated and provides a good reference document.

SITE AND RECEIVING ENVIRONMENT

12. The subject site is composed of two parent titles, TNK4/798 and TNK4/799 that cover an area of 2498 m² and 46.6591 ha, respectively. TNK4/798 is legally described as Lot 1 DP 19869 and TNK4/799 is legally described as Part Lot 1 DP 8787 and Lot 2 DP 8489. Each title contained one dwelling at the time of lodgement of application. The eastern boundary of the subject site runs along Leith Road and its southern boundary along State Highway 45. The property, TNK4/798, is located in the centre of the larger allotment, TNK4/799, and has a long driveway from Leith Road leading to a dwelling and a garage. The dwelling on the property, TNK4/799, is located at the corner of the site of Leith Road and State Highway 45 where farm sheds are located near this dwelling.
13. The site contains two unnamed tributaries of Katikara Stream located solely in the balance lot, Lot 6. The site is relatively flat to undulating.

14. The site and receiving environment are also generally well described in Paragraphs 4 to 6 of the Officer's Report and in section 1 of the AEE.

THE PROPOSAL AND ANY CHANGES TO THE APPLICATION

15. The proposal involves the subdivision of two parent titles, TNK4/798 and TNK4/799 that cover an area of 2498 m² and 46.6591 ha, respectively. TNK4/798 is legally described as Lot 1 DP 19869 and TNK4/799 is legally described as Part Lot 1 DP 8787 and Lot 2 DP 8489. The applicants own both properties and are proposing to undertake a boundary adjustment of TNK4/798 to increase its parcel size to 1.01 ha and to create four smaller allotments from Part Lot 1 DP 8787 of 2.92 ha, 5555 m², 5500 m² and 4271 m². The balance allotment is 31.81 ha which is to be amalgamated with an adjacent parcel of land Lot 2 DP 8489, which creates 41.43 ha in area.
16. The subdivision falls as a Discretionary Activity under Rule Rur78 (minimum allotment size and number of allotments) of the Operative New Plymouth District Plan (referred hereon as the District Plan). The proposal is a Controlled Activity under Rule WB-R5 (subdivision of land containing or adjoining a waterbody) of the Proposed New Plymouth District Plan.
17. Mr Stephen Lumb, a surveyor from JSL, conducted a topographical survey of Lots 2 and 3 to identify and mark the location of the knoll high point in the subdivision scheme plan. The knoll in question is of interest because this is a high point identified by Mr Bain as having potential visual effects if earthworks occurred there. The 5-m radius of the knoll in reference to the permitted setbacks for Lots 2 and 3 are also shown on the amended plan. The amended subdivision scheme plan is attached as **Appendix A**.
18. During the processing of this application, the existing dwelling on proposed Lot 5 mentioned in the application prepared by JSL and in the Landscape Visual Impact Assessment (LVIA) prepared by Bluemarble has been relocated to another site. A new house is planned to be built on site, but the exact location is not yet finalised. A concept plan is attached (**Appendix B**). The location of the building platform for the habitable building on Lot 5 is proposed and included as part of this application to restrict the location of any future dwelling on this lot. Please refer to **Appendix A**. A land use consent for this building platform is not sought at this stage.

CONSULTATION AND NOTIFICATION

19. The written approvals from the owners of 94 Leith Rd, 43 Leith Rd and 19 Leith Rd were provided in the lodged application.
20. The notification decision was issued on 2 December 2021 where it was recommended to serve notice to the owners of 63 Leith Rd and 61 Leith Rd.
21. The approval from the owner of 63 Leith Road was obtained on 8 December 2021 and provided to the Council Officer on 9 December 2021.

22. The application was publicly notified on 21 January 2022.

23. The submission period closed on 22 February 2022.

SUBMISSIONS

24. I agree with the submission summary described in Paragraphs 27 to 29 of the Officer's Report which is consistent with the information provided by JSL.

PRE-HEARING

25. No pre-hearing meeting took place.

ASSESSMENT OF THE EFFECTS OF THE APPLICATION

Permitted Baseline

26. Section 104(2) of Resource Management Act 1991 (RMA) provides discretion to apply the permitted baseline. Section 104(2) provides that when forming an opinion for the purposes of assessing any actual and potential effects on the environment of allowing the activity, the consent authority may disregard an adverse effect of the activity on the environment if the plan permits the activity.

27. The purpose of the permitted baseline is to identify what is permitted to occur on a parcel of land without needing consent in order to compare the difference in effect of a proposed activity and that which is permitted to occur as of right. It is essentially a comparison between the effects of what is proposed and those which are permitted. It is a discounting exercise and only those effects above what is permitted are assessed against the receiving environment.

28. I agree with Paragraph 40 of the Officer's Report that the District Plan does not allow for any subdivision as a permitted activity and therefore does not apply in respect of the subdivision aspect of the proposal.

29. The parent title TNK4/499 comprises Part Lot 1 DP 8787 and Lot 2 DP 18489 and covers an area of 46.6591 ha. As this property is under one title, it is considered as one SITE under Rule Rur12A of the District Plan. This site has only one existing dwelling which is located on proposed Lot 4. Rule 12A allows for two habitable buildings if there is an available area allocation within the SITE of no less than 20ha per habitable building. Therefore, the second dwelling could be erected on any of the smaller allotments or on the balance lot.

30. The existing dwelling on Lot 5 at the time of application that was removed on 22 March 2022, is considered to have existing use rights since the activity has been discontinued for less than 12 months and, therefore, this still forms part of the permitted baseline.

31. It is acknowledged that due to the current lot size, shape and location of the removed dwelling on Lot 5, a second dwelling could not be erected within 25 m from that dwelling and within permitted setback standards under Rule Rur12A of the District Plan.
32. I agree with Paragraph 42 of the Officer's Report that the District Plan also allows for the establishment of other buildings (non-habitable buildings) with required setbacks of 30m from the road and 10m from any side boundary under Rule Rur18. The District Plan has no restriction on the number of non-habitable buildings or site coverage that could be constructed on sites of 4ha or more. Therefore, a non-habitable building could be sited on any of the smaller allotments or balance lot.
33. The District Plan also allows for earthworks volume of 20 m³ per 100 m² of SITE area in any 12-month period under Rule Rur 62. Earthworks within this permitted volume could occur on any of the smaller allotments to establish a building platform for a second dwelling as of right.
34. I consider that the overall effect of the proposed subdivision would not be comparable with the permitted activities. However, it is in my view that the application of the permitted baseline in respect of the second habitable building, non-habitable buildings and earthworks should be applied.

Rural character

Spaciousness, low density, vegetated

35. The District Plan highlights that low density, one of the elements of rural character, means "*widely spaced built form, with dwellings dispersed in the wider landscape and some limited lifestyle opportunities*" (paragraph 5, page 26a, Section of Management Strategy, Volume 2).
36. In my opinion, the proposed design of the subdivision - where Lots 2 and 3 are clustered with Lot 5 that has an existing dwelling, having allotment sizes of more than 4000 m², locating Lot 1 and Lot 4 further from this cluster of three allotments, and having a large balance lot of 41.43 ha that is way larger than 20ha - meets the low density spaciousness elements.
37. I do not agree with Ms Buttimore's statement in the S42A Report (Paragraph 50) where she considered that the proposed subdivision is a linear development along Leith Road and does not retain the open space rural elements currently experienced on the subject site that results in a loss of open space rural outlook along Leith Road.
38. The building platform on Lot 5 is more than 50m from the potential building areas of Lots 2 and 3. Although the future dwellings on Lots 2 and 3 have the possibility to be linear, these are only two lots; and both lots are more than 5,000 m², where a few options for dwelling locations are available. Therefore, I do not consider that due to lot size and design of Lots 2 and 3, there would be loss of open space.

39. In Mr Bain's evidence, he mentioned at paragraph 11 that:

"The portion of the site subject to potential change through this proposal is the land adjacent to the Leith Road frontage. This land rises to high point in the vicinity of proposed Lots 2 and 3. This high point while noticeable is not distinctive. The road elevation more or less mirrors the adjacent land."

40. Mr Bain has also stated in his evidence, at paragraph 12, that:

"While the Leith Road frontage is spacious (notwithstanding the roadside hedge), on the opposite side of the road are three dwellings and a stand of protected bush. This creates a backdrop to the site when viewed from SH45 travelling south."

41. Mr Bain has also mentioned at paragraph 14 that the defining aspects of the site (in the area of Lots 1-3) that contribute to its rural character are spaciousness and generally elevated outlook. However, he pointed out that this area is not unique or distinctive. He notes that maintaining the high point does reduce earthworks effects, thereby the condition creating a no build zone within 5m from the high point has been proposed and is supported.

42. In Ms Dravitzki's peer review of the LVIA in Paragraph 23 of her evidence, she pointed out that:

"There are more obvious rising hillocks in the wider landscape that are more distinctive and unique and, in my opinion, qualify for increased attention when compared to the topography of proposed Lots 2 and 3."

43. The District Plan recognises and provides for the protection of Outstanding Natural Features and Regionally Significant Landscapes from inappropriate subdivision, use and development. Although I agree that with the rising hillocks on the site, particularly the one located on Lots 2 and 3, contribute to the rural character of the site, this hillock is not in the list of identified Outstanding Natural Features of the district; nor will a single-storey dwelling on Lots 2 and 3 have adverse visual effects on Mount Taranaki (which is a Regionally Significant Natural Landscape).

44. In addition, although the future two dwellings (one each on Lots 2 and 3) will have potential adverse effects on the open space rural element, the permitted baseline will allow the building of a second two-storey dwelling (8m in height) and a 10-m high farm shed on any of these lots without design controls in the absence of subdivision. Considering the permitted baseline and the proposed mitigation measures outlined in the LVIA, the proposed subdivision has less than minor effect on spaciousness.

45. In Paragraph 51 of the S42A Report, Ms Buttimore pointed out that there would be a balance allotment of 41ha and a further small five small allotments being created. This

statement is misleading since the subdivision involves two parent titles. One of these parent titles has been considered by Ms Buttimore as one of the small allotments where effectively, it is a boundary adjustment of TNK4/798 that covers an area of 2498 m² that will increase to 1.01 ha, creating a larger lot. The subdivision of the other parent title, TNK4/799, will result in the creation of four smaller allotments. Therefore, overall, the proposal will create only four additional titles and not five.

46. In the Landscape Peer Review of Ms Griffith, she mentioned at paragraph 4.3 that:

“The highpoint is described as being in the vicinity of Lot 2 & 3, but is not specific. There is a moderate road cutting along the road boundary of Lots 2 & 3. More detail around the specifics of the area of land which will be subject to change would be helpful (by accounting for lot size/shape, boundary setbacks, and likely location of dwelling platforms with respect to the high point).”

47. Ms Griffith has also recommended at paragraph 8.1, bullet point 14 that:

“Lot 3 may be able to reduce the effect on adjacent receptors (19 Leith Road and SH45) further by locating off the high point of the hillock – and/or providing a greater certainty of where dwellings are going with respect to each other and the adjacent landform.”

48. It is noted that the owner of 19 Leith Rd has provided their approval and therefore, the effects on this neighbour have been disregarded.

49. In the attached amended subdivision scheme plan, the highpoint in question including the 5-m radius setback is now specified and confirmed to be located on Lot 3. The scheme plan also shows the potential location of building platforms that comply with the permitted standards. Even without including proposed building platforms on Lots 2 and 3 in the application, the permitted building platforms on these lots will be adequately setback from the identified highpoint as demonstrated in the amended scheme plan.

50. Based on the statement of Ms Buttimore on Paragraph 60 of the S42A Report, there is an assumption that the highpoint traverses Lots 2 and 3 and therefore, the need to identify the building platforms for these lots, away from the high point. The confirmation of the exact location of high point provides for better understanding and assessing the impact of Lots 2 and 3. This high point being located near the road boundary of Lot 3 provides adequate setback from the permitted building platforms of Lots 2 and 3 which I understand is what Ms Buttimore intends to be addressed through her recommendation in identifying building platforms for Lots 2 and 3.

51. Considering the permitted baseline, a second dwelling could be erected on any of the potential building platforms on Lots 2 and 3.

52. In the LVIA, Mr Bain has also recommended to limit the height of earthworks to 1.5m. I consider that this mitigation measure is appropriate to minimise the earthworks during site development and will provide protection to the highpoint.
53. In Mr Bain's evidence, he has assessed the proposed additional screen planting or vegetation buffer, such as along the road boundary and southern boundary of Lots 1 and 3, that Ms Griffith has recommended to be considered in her peer review - and Ms Buttimore is supporting as a mitigation measure to address the loss of open space. In his expert opinion, Mr Bain considers that the abundance of screen planting can be counterproductive to maintaining spaciousness. However, he supports the proposed consent conditions for a Landscape Mitigation Plan providing for road boundary planting along the frontage of Lots 1, 2 and 3 and planting along the driveways of Lots 1, 2 and 3.
54. I recognise that the proposed dwelling on Lot 5 is slightly larger than the removed dwelling, having a site coverage of 206.5m² compared with 160m². In my view, the proposed dwelling will have no significant change on the rural character and amenity values as compared with the removed dwelling, provided that a building platform is located in the area where the removed dwelling used to be located - and the mitigation measures such as retaining or replacing the existing vegetation, design controls associated with recessive colours, lighting and fencing are implemented. These mitigation measures are also supported in Mr Bain's evidence.
55. Lot 1 is not visible from SH45, and it is the largest amongst the smaller allotments with 2.94 ha. Because of its size, I consider that identifying a location for building platform of one dwelling on Lot 1 is not necessary for the effects to be acceptable. Design controls such as single storey, recessive colours, fencing and lighting controls, coupled with the setback requirements in the District Plan are considered to be more than sufficient for the effects on rural character and amenity values to be acceptable. In addition, the permitted baseline for a second dwelling would allow a dwelling without any of these design controls that complies with the bulk and location standards to be located anywhere on this lot.
56. It is also noted that the identified viewing audience of Lot 1 with more than negligible effect in the LVIA consists of 63 and 94 Leith Road. The owners of 63 and 94 Leith Road have provided their written approval. The effects on these neighbours are therefore disregarded.
57. Ms Buttimore has mentioned in Paragraph 55 of the S42A Report that it is unclear whether the existing dwelling on Lot 4 complies with the 15m side yard setback to Lot 6. I confirm that this dwelling meets this requirement.
58. I agree with Ms Buttimore to apply the same consent notice associated with design controls to any future dwelling to be built on Lot 4. This is to provide appropriate mitigation measures on the effect of the future dwelling on Lot 4 that may replace the existing dwelling, considering its proximity to SH45 and lot shape. However, I

recommend that the consent notice associated with the new habitable building to be same or in similar scale rather than limited in size and scale to provide flexibility for the future design of the house but not to the point that its potential adverse effects would be significantly different than the current dwelling.

59. The retention of vegetation along the road boundary and the proposed design controls for any future dwellings and other activities on smaller allotments are considered appropriate. I consider that the proposed mitigation measures will reduce the potential effects to a scale that ensures a low density spacious rural environment is retained.

Production orientated, working environment

60. The balance lot is no longer using the milking shed as the site is currently only used for agricultural cropping and dry stock. The large area (41.43 ha) of the balance lot will continue its use for rural production.
61. The proposed subdivision will remove approximately 4.5 ha from the balance lot. However, because of the size of Lot 1 (2.92ha), it still has the potential to be used for rural production activities that do not need large allotment size (which is not uncommon in lots of this size).
62. Retaining a large allotment size of twice the minimum balance lot enables the agricultural cropping and dry stock farming to continue and the potential of Lot 1 to be used for small rural production activity. The loss of a small area of production land is considered to have less than minor effects on the environment in terms of the production orientated working environment.

Rural based industry and rural infrastructure

63. I agree with the assessment of Ms Buttimore in Paragraph 65 of S42A Report on rural based industry and rural infrastructure.

Effects on Traffic

64. Lots 1, 2 and 3 have no existing vehicle access points. Each of these lots will be provided with access points and will be constructed to the standard specified in the Council's Land Development & Subdivision Infrastructure Standard.
65. Lot 1 sits at the intersection of Leith Road and Perth Rd to the north western corner of the site. Considering its position, a vehicle crossing for this lot with compliant sight distance (160m for 100kph) will certainly be positioned near its southern boundary.
66. The proposal to combine the vehicle access points of Lots 2 and 5 has not been supported by the Council's development engineer. New crossings for both Lots 2 and 3 have to be established and the development engineer has advised to locate them close to the brow of the hill to achieve safe visibility in both directions. I concur with the proposed consent conditions for vehicle entrance attached in the 42A Report except for

the need for the access point of Lot 6 to be upgraded to Type G which is not appropriate for its use.

67. It is anticipated that the addition of four allotments will increase the traffic but is unlikely to cause significant adverse effects on traffic safety and efficiency.

Effects on Waterbodies

68. The property contains two tributaries of Katikara Stream and these are both located on Lot 6 with adequate setback from the smaller allotments.
69. The native riparian planting and fencing are proposed as a consent condition and this is agreed with Te Kahui o Taranaki. This is a positive outcome of this proposal. Therefore, the proposed subdivision will have less than minor adverse effects on the waterbodies.
70. No esplanade strip is proposed and is not required under the Proposed District Plan for this proposed subdivision, where the waterbody is only located in the balance lot.

Reverse Sensitivity Effects

71. I agree with Ms Buttimore's assessment on reverse sensitivity effects discussed in the Notification Assessment (Paragraphs 62 and 63) where it is considered that any potential reverse sensitivity effects will be less than minor.

Cumulative Effects

72. Mr Bain has addressed the cumulative landscape and visual effects of the proposal and I agree with Mr Bain's observation that the capacity for change in this area is nowhere near a point whereby the essence of this area's character is threatened.
73. In Mr Bain's evidence, he has further discussed cumulative effects in more detail within his area of expertise. He also pointed out at paragraph 32 that:

"...the proposal does not create adverse cumulative effects. This is a large-scale landscape, and the proposal occupies a small geographical area. Its context and scale are well able to be absorbed into the landscape."

Positive Effects

74. The applicant has offered riparian planting and fencing along the unnamed tributaries on Lot 6.
75. Lot 5 will become a larger lot as a result of this subdivision which will meet the minimum requirement of 4,000 m² for smaller allotments in Rural Environment Area.
76. The proposed consent notice on earthworks height restriction and 5-m radius no build zone from the highest point of the knoll on Lot 3 that will provide protection on the knoll, as opposed to permitted baseline.

77. The proposed design controls on any future dwelling and associated activities will ensure such structures will be built to retain the rural character and will avoid high visibility and prominence in the landscape.
78. The proposal enables the applicants to provide for their social and economic well-being while providing mitigation measures to avoid, remedy or mitigate any adverse effects of the proposal that are more than minor.
79. As stated in the original application, the site benefits from its close proximity to Okato and New Plymouth in terms of accessibility to amenities. It also provides an option for people who want to live in a rural area to have more space, or to become self-sufficient and “off the grid”. In addition, there are also economic benefits in the post covid era with the banking sector looking to eliminate risk and reduce customers debt servicing (in terms of the applicants being able to sell some of the new lots to retire farm debt).
80. The creation of four additional lots will also provide additional housing opportunities to meet the growing demand in the district and provide economic benefits for the building industry and service provider.

Draft Consent Conditions

81. I have reviewed the draft consent conditions proposed in the Officer’s Report and consider they are generally reasonable and appropriate to ensure any of the potential adverse effects of the proposal are appropriately avoided, remedied or mitigated, except for the conditions associated with building platforms for Lots 1, 2 and 3.
82. However, I suggest:
 - a. to update the reference date in accordance with the amended subdivision scheme plan;
 - b. to delete Condition 4 as this is now provided in the amended subdivision scheme plan (Appendix A);
 - c. to delete Condition 5 which is related to identifying the building platforms on Lots 1, 2 and 3 - not necessary based on my above assessment;
 - d. to delete Lot 6 in Condition 11 as Lot 6 is the balance lot and not one of the proposed rural lifestyle lots (Type G vehicle crossing is used for rural lifestyle lots);
 - e. to amend Condition 12.e to limit the location of any new dwelling on Lot 5 within the proposed building platform;
 - f. to delete Condition 12.j as this also relates to building platforms on Lots 1, 2 and 3;
 - g. to amend Condition 14.e to replace the word *dwelling* with *building* which is more appropriate, and delete the words *limited* and *size* to replace them with *same or similar*;

- h. to delete Lot 2 in Condition 16 since the 5-m radius of the knoll has been identified to be located only in Lot 3;
- i. to update condition numbers on Condition 18;
- j. to note the use of TRC riparian guidelines in Condition 19 to serve as a guide in riparian planting and fencing;
- k. to amend 1st item in Condition 21, deleting any reference to building platforms;
- l. to delete 2nd item in Condition 21 and include it in Condition 12 (as item j) since the driveways will only be identified once the building platforms on Lots 1, 2 and 3 are determined;
- m. to edit reference to Condition 21 to number 20;
- n. to include the option of bonding Conditions 18 and 19 in Condition 23.

The proposed changes to the draft consent conditions are included in **Appendix C** of this evidence. The additional texts are noted in blue texts while the deleted texts are in strikethrough red texts.

Conclusion on Assessment of Effects

- 83. Overall, it is considered that any actual and potential adverse effects on the environment are able to be avoided, remedied or mitigated to an acceptable level through consent conditions.

STATUTORY REQUIREMENTS

Operative District Plan

- 84. I agree with the identified relevant objectives and policies of the Operative District Plan listed in Table 1 of the S42A Report (Paragraph 96).
- 85. Issue 1 of the District Plan addresses the adverse effect of activities on the character of areas and on other activities. Objective 1 and Policy 1.1 relate to locating activities in areas where their effects are compatible with the character of the area. The site is considered appropriate for the proposed subdivision which will result in three additional dwellings along Leith Road because of its proposed lot sizes for smaller lots and the balance lot, surrounding environment that consists of mixture of lifestyle properties, small country living sized lots and large farm holdings, and proposed mitigation measures for the change to be absorbed by the existing landscape.
- 86. Ms Buttimore has a different assessment in Paragraph 97 of the S42A Report where she emphasised that a total of five smaller allotments along the Leith Road frontage with lacking adequate screening mitigation will be contrary to Objective 1 and Policy 1.1. As I have pointed out in Paragraph 45, the proposed subdivision effectively only creates four small allotments where one of these lots has an existing dwelling. Therefore, the anticipated intensification along Leith Road on the subject site with 760 m frontage is the addition of only three dwellings. Mitigation measures are also proposed to reduce

the effects to an acceptable level. Therefore, the proposal is not contrary to Objective 1 and Policy 1.1.

87. Issue 4 of the District Plan outlines loss or reduction of rural amenity and character. Objective 4 relates to ensuring that the subdivision, use and development of land maintains the elements of rural character. Policy 4.1 provides only for one small allotment. Therefore, the proposal is contrary to Policy 4.1. However, the subdivision is consistent with Policies 4.2 to 4.5 which relate to density, scale and location because of the mitigation offered by design controls, limited number of dwellings (only one) on Lots 1 to 5, earthworks height restriction and no build zone for the high point in Lot 3 (which are discussed in detail in pages 5 – 12 above).
88. Policy 4.8 relates to effects of activities on traffic that may adversely affect the rural character. Issue 20 is related to adverse effects of activities on the safe and efficient operation of the road transportation network. Objective 20 and Policy 20.7 pertain to safe and efficient road transportation network in relation to subdivision. I agree with Ms Buttimore's assessment of the proposal against these objective and policies in Paragraph 107 of the S42A report.
89. In summary, the application is generally consistent with the objectives and policies of the Operative District Plan. The proposed subdivision has a balance lot of twice the size required for a minimum balance lot and meets the minimum allotment size for smaller lots. Although the proposed subdivision will create four smaller allotments, it is anticipated that there will only be three additional dwellings along the long Leith Road frontage. In addition, mitigation measures such as building restrictions, design controls for the buildings and planting are proposed on these smaller allotments.

Proposed District Plan

90. The Proposed District Plan was notified on 23 September 2019. The objectives and policies have to be considered in the assessment of proposed activities.
91. I agree with the identified relevant objectives and policies of the Proposed District Plan listed in Table 2 of the S42A Report.
92. It is considered that the proposal is consistent with the subdivision and rural production zone objectives and policies. In relation to SUB-P10 and SUB-P12 for example, the proposed subdivision involves multiple small allotments with large balance lot and mitigation measures are provided to ensure that the subdivision will not compromise the predominant character of the Rural Production Zone and maintain rural character and amenity. The proposed mitigation measures associated with earthworks height restriction, no-build zone within 5-m radius of the highpoint, stream protection, proposed lot sizes and proposed building platform on Lot 5 also contribute in achieving the provisions of SUB-P13 and SUB-P14.

93. The mitigation measures demonstrate that the potential and actual adverse effects of the subdivision can be avoided, or appropriately remedied and mitigated to an acceptable level which make it consistent with RPROZ-P3.
94. Overall, the proposal is consistent with the relevant objectives and policies of the Proposed District Plan.

National Policy Statements and National Environmental Standards

95. The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NЕСS) is the national environmental policy and standard of relevance to this application; and no other national policy standard, national policy statements or other regulations are relevant to the determination of this application. Subdivision is an activity to which the NESCS applies where land is potentially or actually contaminated. The site is not registered in TRC's SLU database to have historic HAIL activity. Therefore, the NESCS does not apply.

Taranaki Policy Statement

96. The Regional Policy Statement for Taranaki (RPS) identifies the significant resource management issues of Taranaki which include land and soil, fresh water, air, coast, indigenous biodiversity, natural features and landscapes, historic heritage and amenity values, natural hazards, waste management, minerals, energy, and built environment.
97. Section 6 of the RPS outlines the objectives and policies for fresh water. WQU Objective 1 seeks to maintain and enhance surface water quality in Taranaki's waterbodies. The retention and restoration of effective buffer zones is one of the identified sustainable land management practices and techniques in WQU Policy 1. The proposed planting and fencing of the waterway at the applicants' cost provide for the protection of the fresh water.
98. Section 10 of the RPS provides protection to natural features and landscapes, historic heritage and amenity value. As discussed in Paragraph 43, the site has no outstanding natural features, and the proposal has no adverse visual effects on Mount Taranaki. No waahi tapu, or other sites of spiritual or cultural significance, or heritage buildings are located on the subject site. AMY Objective 1 of the RPS states:

"to recognise the positive contributions of appropriate use and development in terms of providing for the maintenance and enhancement of amenity values in the Taranaki region, while avoiding, remedying or mitigating the adverse effects of inappropriate use and development on amenity values."

and AMY Policy 1 of the RPS states:

"The adverse effects of resource use and development on rural and urban amenity values will be avoided, remedied or mitigated and any positive effects on amenity values

promoted. Any positive effects of appropriate use and development will be fully considered and balanced against adverse effects.

Those qualities and characteristics that contribute to amenity values in the Taranaki region include:

- (a) safe and pleasant living environment free of nuisance arising from excessive noise, odours and contaminants, and from traffic and other risks to public health and safety;*
- (b) scenic, aesthetic, recreational and educational opportunities provided by parks, reserves, farmland, and other open spaces, rivers, lakes, wetlands and their margins, coastal areas and areas of vegetation;*
- (c) a visually pleasing and stimulating environment;*
- (d) efficient, convenient and attractive urban forms; and*
- (e) aesthetically pleasing building design, including appropriate landscaping and signs."*

99. In Paragraph 94 of the S42A Report, Ms Buttimore has stated that the application is not seen to be consistent with AMY Objective 1 and AMY Policy 1. I disagree with this assessment. Although the proposed subdivision will introduce change in the landscape because of additional dwellings, the proposed mitigation measures including design controls and screening and taking into account the permitted baseline, the proposal will mitigate the effects on amenity values to an acceptable level, suitable in its environment.
100. The integrated management approach is also emphasised in Section 3 of the RPS. Integrated management as described in the RPS is an active process of managing the use, development and protection of natural and physical resources as a whole and involves a number of considerations which are of relevance in this proposal. These include *"the effects of the use of one natural resource and physical resource or on other parts of the environment recognising that such effects may occur across space and time"*, and *"the social and economic objectives and interests of the community, recognising that natural and physical resources cannot be managed without regard to social, economic and cultural factors."* The riparian planting and fencing (ensuring stock exclusion) in Lot 6 will improve the water quality by filtering sediment, preventing direct stock access and providing shade for in-stream fauna. The resulting improvement in water quality will therefore enhance the in-stream values and the capacity of the water to support life. The vegetation itself will also enhance available habitat for terrestrial fauna. Taking into account the location of the site being close to the significant waterbody Katikara Stream, the proposed protection will have significant positive effects. In addition, the proposal will provide social and economic benefits to the applicants and to the community and people.

101. Overall, the application is consistent with the policies and objectives of the RPS.

OTHER MATTERS

Section 106

102. The consent authority may refuse to grant a subdivision consent if it considers that there is a risk from natural hazards or sufficient provision has not been made for legal and

physical access to each allotment to be created by the subdivision. All the lots have adequate frontage for access points to be provided for during subdivision development. Having regard to these provisions, I consider that there is no reason to decline the application under section 106 of the RMA.

Statutory Acknowledgement Area

103. The site does not contain a Statutory Acknowledgement Area. However, the applicant has agreed that they will plant along the unnamed tributaries on Lot 6 in accordance with discussions with Te Kahui o Taranaki Trust.

PART 2 OF THE ACT

104. Part 2 of the RMA sets out the purpose and principles of the RMA which is to 'promote sustainable management'. In the context of the RMA, sustainable management centres on the use, development and protection of the environment while ensuring the life-supporting capacity of the environment, safe-guarding future generations and avoiding, remedying and mitigating adverse effects. There is a logical hierarchy to the RMA with policy and planning instruments developed at national, regional and district levels. Further statutes may also weigh into an assessment of whether the activity achieves the purpose and principles of the RMA.
105. **Section 5** sets the purpose of the Act – the sustainable management of natural and physical resources, while enabling people and communities to provide for their social, economic and cultural well-being, and for their health and safety.
106. **Section 6** of the RMA sets out the matters of national importance which need to be recognised and provided for and includes among other things and in no order of priority, the preservation of the natural character of the lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development, the protection of outstanding natural features and landscapes, the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, and the management of significant risks from natural hazards.
107. **Section 7** of the RMA requires the consent authority to give particular regard to those matters listed in the section. Section 7 matters are not expressly ranked in order of priority. Therefore, all aspects of this section are to be considered equally. In the case of this particular proposal, the following matters are considered relevant:
- the efficient use and development of natural and physical resources;
 - the maintenance and enhancement of amenity values;
 - maintenance and enhancement of the quality of the environment.
108. This subdivision includes proposed mitigation measures that take account of the relevant

matters listed in Section 7 including stream protection, restriction on the number of dwellings, building design controls and planting. It is considered that the proposal will have less than minor adverse effect and will result in some positive effects on natural and physical resources, the intrinsic values of ecosystems and the ability to maintain or enhance amenity values, and environmental quality.

109. **Section 8** of the RMA requires the consent authority to take into account the principles of the Treaty of Waitangi. To give effect to Section 8, the unnamed tributaries of Katikara Stream located in the subject site will be planted and fenced as one of the proposed mitigation measures.
110. The application is considered to meet the relevant provisions of Part 2 of the RMA. I disagree with Ms Buttimore's assessment in Paragraph 114 of the S42A Report that the proposal cannot achieve the purpose (section 5) of the RMA. In fact, taking into account the positive effects discussed above in Paragraphs 74 to 80, the proposal enables the applicants and people and communities to provide for their social, economic and cultural well-being, and health and safety, while sustainably managing the natural and physical resources.

EXPERT CONFERENCING

111. Due to my late involvement in this application, expert conferencing prior to writing this report is not possible. However, I have contacted Ms Laura Buttimore and an expert conference will be held prior to hearing.

CONCLUSION

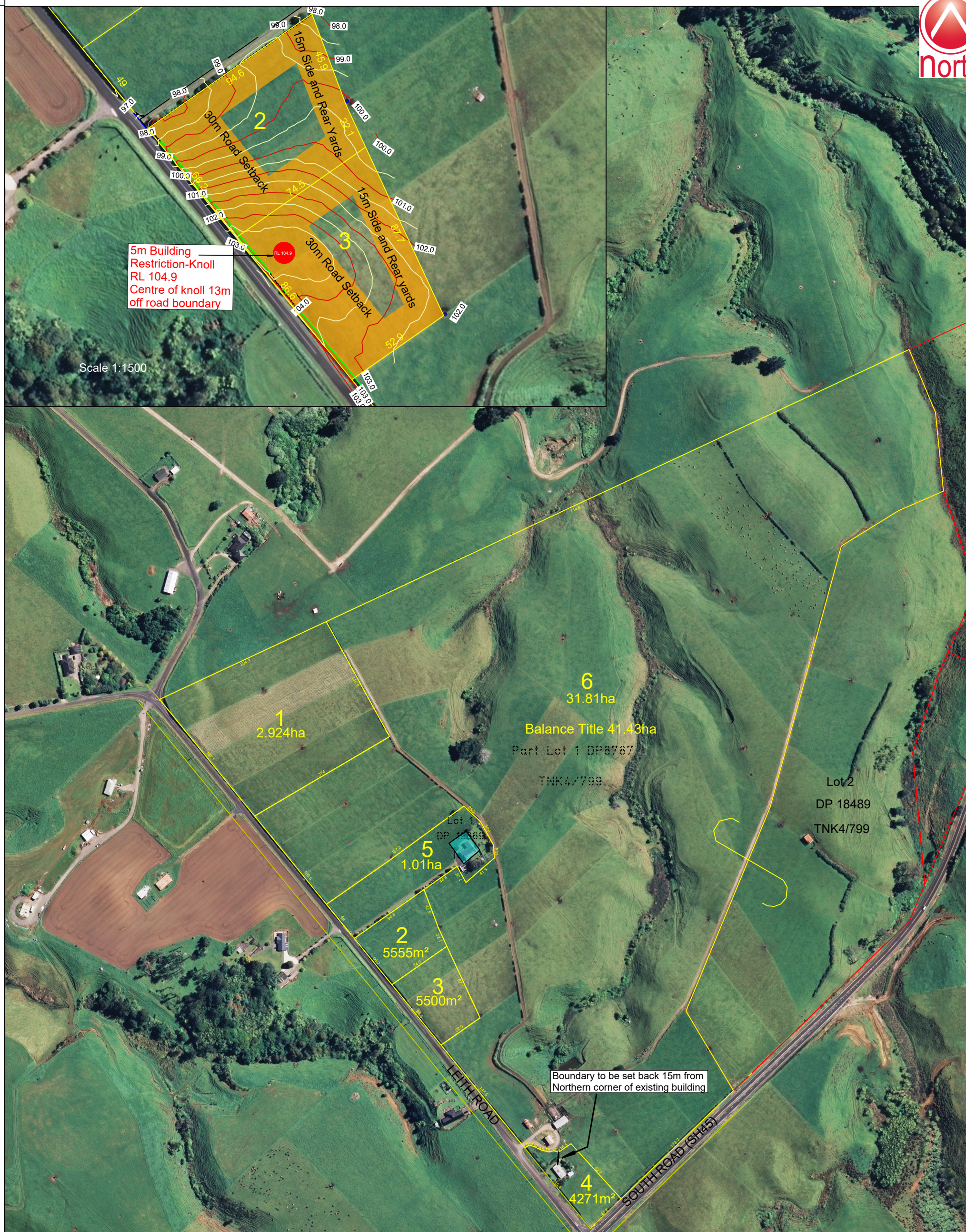
112. I have considered all the matters raised, the matters under section 104(1) and Part 2 of the RMA, and in my view, any actual and potential adverse effects on the environment, including any effects on the existing rural character, visual and amenity of the area will be able to be avoided, remedied, or mitigated by the proposed consent conditions.
113. The proposal meets the various statutory provisions to be given regard in terms of the Resource Management Act 1991.
114. The proposal is consistent with the purpose and principles of the Resource Management Act 1991.



Zenaida Gerente
Landpro Ltd



25 May 2022

APPENDIX A – Amended Subdivision Scheme Plan



1. *Subject to Consent from the appropriate Territorial Authorities*
2. *Areas & dimensions are subject to final survey*
3. *Plan prepared for consent purposes only and should not be relied upon for any other purpose without the consent of Juffermans Surveyors Ltd*

That Lot 6 hereon and Lot 2 DP 18489(Computer Freehold Register TNK4/799) be held in a single freehold register.

| | | | | | | | |
|---|---|---|--|---|-------------------------------|-------------------------------|------------------|
|  <p>JSL Juffermans Surveyors Ltd</p> |  <p>51 Dawson Street PO Box 193, New Plymouth 4340 info@juffermans.co.nz www.juffermans.co.nz</p> | Client: SIM | Drawing Title: Lots 1-6 Being a Proposed Subdivision of Pt Lot 1 DP8787 and Lot 1 DP 19869 | | | Job No: 20198 | |
| | | Site Address: 6 Leith Road New Plymouth | Territorial Authority: NPDC | Comprised in: TNK 4/798 & TNK 4/799 | Drawing No: 20198-3 | Date: 23rd May 2022 | Rev: 6 |



Juffermans Surveyors Ltd
Copyright of this drawing is vested in Juffermans Surveyors Ltd

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199 Bradway | Stratford
79 Princes Street | Hawera
Info@juffermans.co.nz
www.juffermans.co.nz

| Rev. | Date | Revision Details | By | Ver. | App. |
|------|------------|------------------------------------|----|------|------|
| 01 | 19/05/2022 | Addition of Proposed building Area | RW | SPL | |
| 0 | 19/05/2022 | First Issue | RW | SPL | |

1:500 @A3
20198
19/05/2022

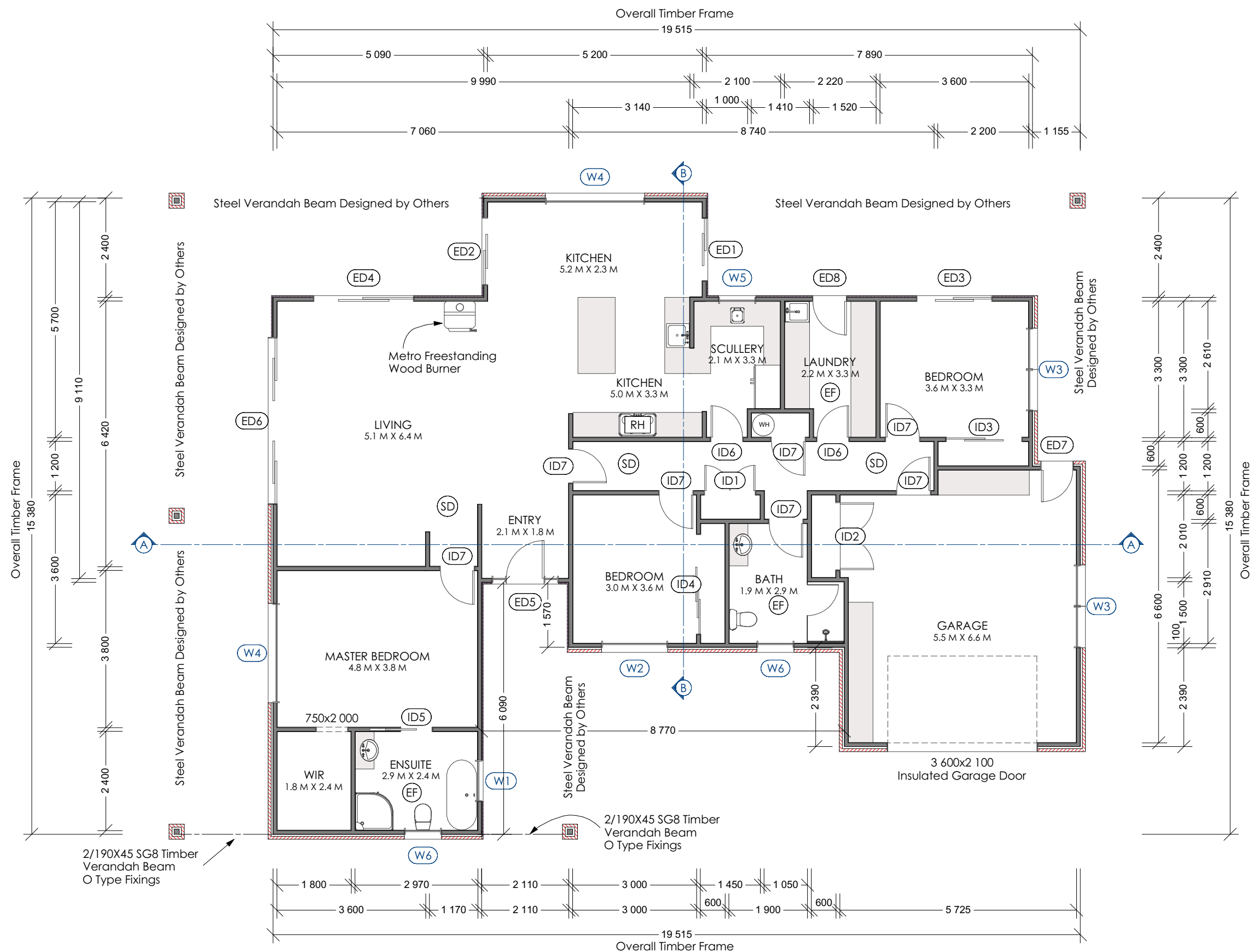
PROPOSED HOUSE LOCATION
LOT 5

SIM
6 LEITH ROAD
OKATO

20198-04

L:\Clients\120\2020\20198-04\20198-04.dwg 19/05/2022 15:28:10

APPENDIX B – Proposed House Plan for Lot 5





CAMBIE

ARCHITECTURAL DESIGN

108 Wilson Street,
Hawera 4610
Ph: 027 311 1711
E: cambie.architectural@gmail.com



APNZ
Architectural
Designers
New Zealand



LICENSED BUILDING PRACTITIONER
BUILDING CONFIDENCE

Project:

JENNY SIM
42 LEITH ROAD
OKATO
NEW DWELLING

*This Plan is Developed for the Purchaser and is Copyright to
Cambie Architectural Design Ltd*

*ALL Site Conditions including Dimensions and Levels to be Checked and
Confirmed On-Site by Contractor Prior to Commencement of Work*

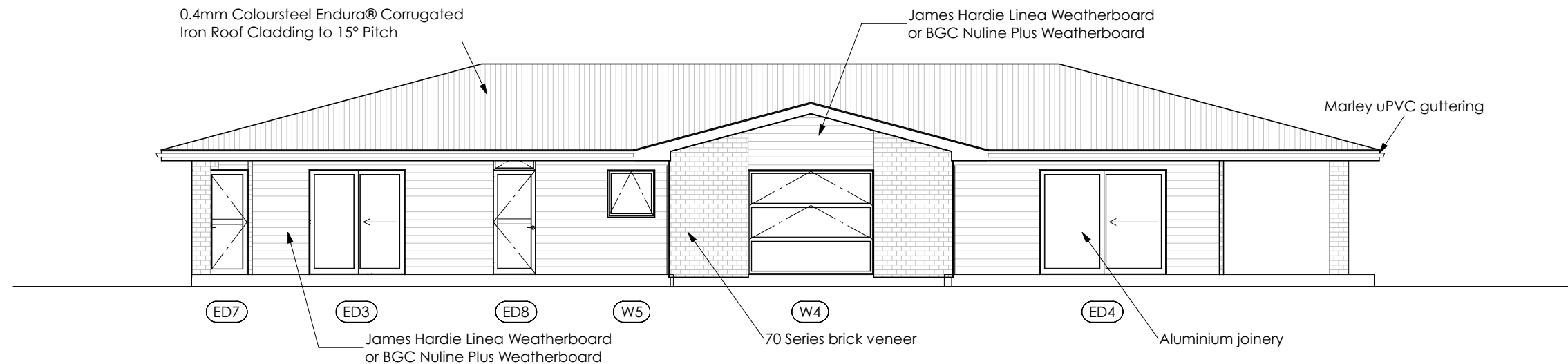
Drawn By: SD
Checked By: Ryan Cambie
LBP Number: BP136526
Project Reference: 2021/10
Print Date: 8/09/2021
Page No. 4
Total Pages: 25
Floor Area: 206.5m²
Site Area: 1,698m²
Scale @ A3: As Shown

Address: 42 Leith Road, Okato
Legal Description: Lot 1 DP 8787 (Lot 1 DP 19869)
Council Zone: Rural Zone

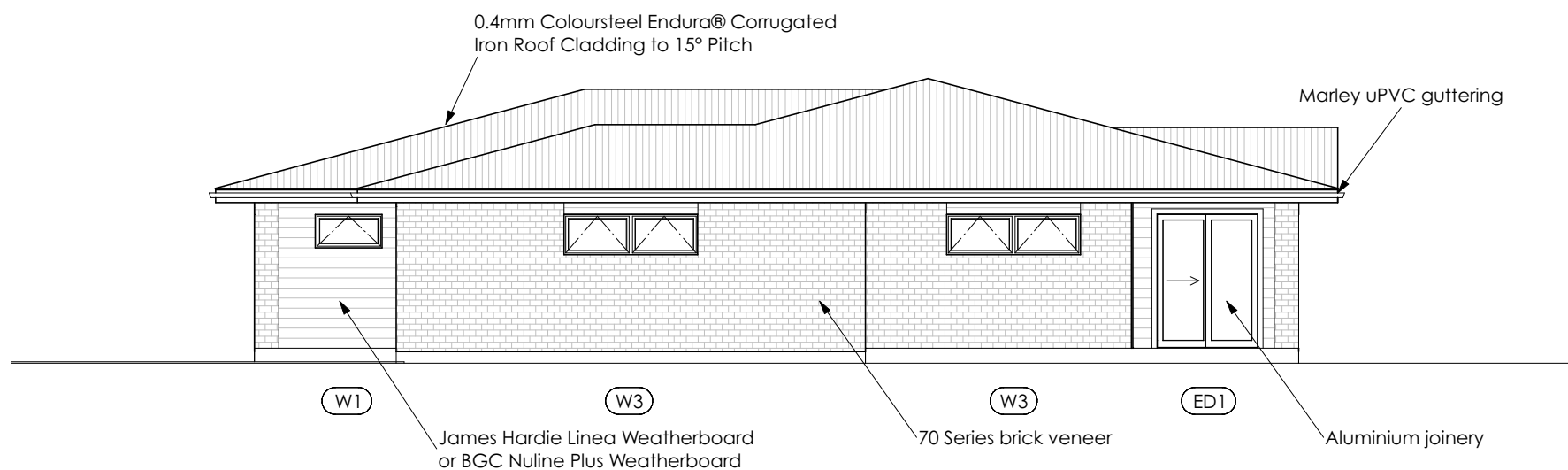
Site: Exposed
Wind: Very High
Earthquake: Zone 1
Durability: Zone C
Climate: Zone 2

Drawing:
PROPOSED FLOOR PLAN

| Plan | Type | Date |
|------|-------------------------|------------|
| A | Concepts | 14/07/2021 |
| B | Building consent drafts | 08/09/2021 |
| | | |
| | | |



Elevation - North



Elevation - East

H1 Calculations:

Total Wall Area Including ALL Windows and Doors = 182m²

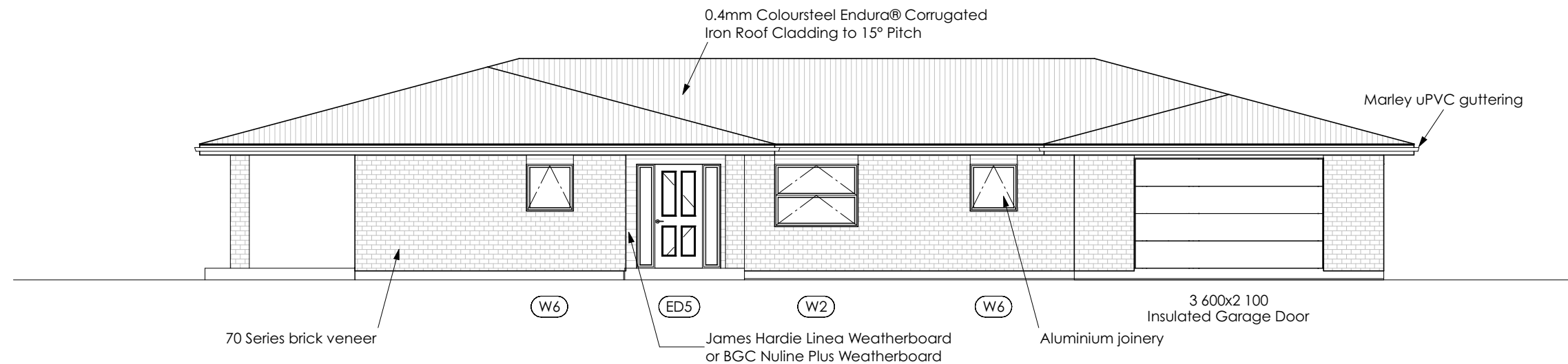
Total Area of Windows and Doors = 46m²

Overall % of Windows and Doors to Wall Area = 25.3% (Less than 30%)

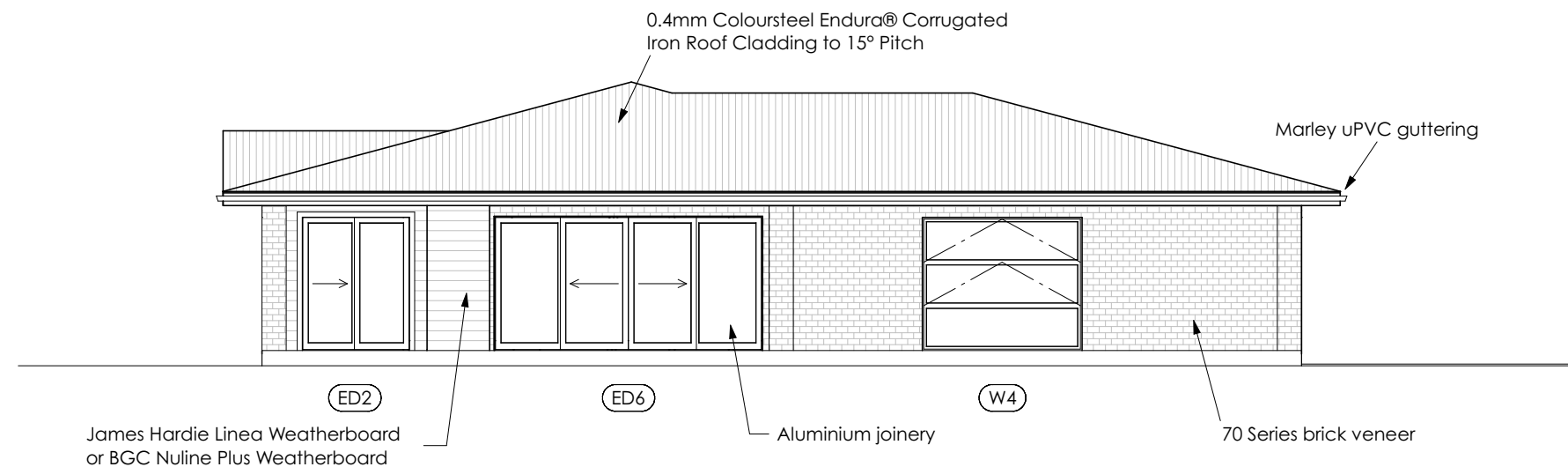
H1/as1 Table 1: Non-Solid Construction

Climate Zone 2

- Min. R-Value Roof = R2.9/Specified R3.2
- Min. R-Value Walls = R1.9/Specified R2.2
- Min. R-Value Floor = R1.3/Specified R1.8
- Min. R-Value Vertical Glazing = R0.26/Value met by Table G1 NZS4218 Insulated Glazing Unit R0.26
- Min. R-Value Skylights = R0.26/No Skylights
- Min. R-Value Garage Door = R.026/Insulated Garage Doors



Elevation - South



Elevation - West

Risk Matrix Calculation as per E2/as1 Tables 1 and 3

| | NORTH | | SOUTH | |
|-------------------------|-------|---|-------|---|
| Wind | VH | 2 | VH | 2 |
| Number of Storeys | L | 0 | L | 0 |
| Roof/Wall Intersections | L | 0 | L | 0 |
| Eaves Width | L | 0 | L | 0 |
| Envelope Complexity | M | 1 | M | 1 |
| Deck Design | L | 0 | L | 0 |
| Totals | L | 2 | L | 2 |

70Series Brick Veneer on 50mm Air Cavity & Weatherboards on 20mm Cavity Battens
Acceptable Solutions

Risk Matrix Calculation as per E2/as1 Tables 1 and 3

| | EAST | | WEST | |
|-------------------------|------|---|------|---|
| Wind | VH | 2 | VH | 2 |
| Number of Storeys | L | 0 | L | 0 |
| Roof/Wall Intersections | L | 0 | L | 0 |
| Eaves Width | L | 0 | L | 0 |
| Envelope Complexity | M | 1 | M | 1 |
| Deck Design | L | 0 | L | 0 |
| Totals | L | 2 | L | 2 |

70Series Brick Veneer on 50mm Air Cavity & Weatherboards on 20mm Cavity Battens
Acceptable Solutions

APPENDIX C - Proposed Consent Conditions

APPENDIX C: Amended proposed conditions of consent for SUB21/47781

Subject to the following conditions imposed under Section 108 of the Resource Management Act 1991:

1. The subdivision activity shall be carried out in accordance with the plans and all information submitted with the application, and all referenced by the Council as consent number SUB21/47781.
2. The application for a certificate under section 224(c) of the RMA shall be accompanied by certification from a professionally qualified surveyor or engineer that all the conditions of subdivision consent have been complied with and that in respect of those conditions that have not been complied with:
 - a. a completion certificate has been issued in relation to any conditions to which section 222 applies;
 - b. a consent notice has been or will be issued that in relation to any conditions to which section 221 applies;

Survey Plan Approval

3. The survey plan shall conform with the subdivision scheme plans submitted by Juffermans Surveyors Ltd and entitled "Lots 1 – 6 being a subdivision of Part Lot 1 DP 8787 and Lot 1 DOP 19869"; Job Number 20198; Dated ~~17th Feb 2021~~ 23rd May 2022.
- ~~4. The knoll high point identified on Lots 2 and 3 shall be marked and the 5m setback shall be defined on the survey plan.~~
- ~~5. Building platforms on Lots 1, 2 and 3 shall be identified and marked on the survey plan.~~
- 6.4. That the consent be subject to the following amalgamation condition:
'That Lot 6 hereon is held with Lot 2 DP 18489 and that one Record of Title is issued herewith'
See Request ID: [Still awaiting this request ID from LINZ]

Building platforms and onsite stormwater disposal systems

- ~~7.5.~~ An inspection and a report shall be carried out of soil compatibility by a suitably qualified person and submitted to the council to confirm the suitability of Lots 1,2 and 3 for on-site stormwater disposal.
- ~~8.6.~~ A report shall be provided from a suitably qualified person to confirm that there is available within Lots 1, 2 and 3 a stable flood free building platform suitable for building foundations in accordance with the requirements of the New Zealand

9.7. Any recommendations requiring specific on-site stormwater and building platform shall be subject to Consent Notice under Section 221 of the Resource Management Act 1991.

Vehicle Entrance

10.8 A Type G vehicle crossing shall be constructed to service both Lots 2 and 3 to ensure maximum sight visibility to the north and south is achieved. Each crossing shall be constructed to the Standard specified in the Council's Land Development & Subdivision Infrastructure Standard.

11.9. The existing vehicle crossings servicing Lots 4, 5 and 6 shall be upgraded to a Type G vehicle crossing and shall be constructed to the Standard specified in the Council's Land Development & Subdivision Infrastructure Standard.

12.10. The unused crossing on Lot 4 shall be removed and the road reserve reinstated with grass.

Advice Note

An application with the appropriate fee shall be made to the Council for a new and or upgraded Vehicle Crossing, and upon approval the vehicle crossing is to be installed by a Council approved contractor at the applicant's cost.

Consent notice on Lots 1 - 6

12. 11. The consent holder or future owners of proposed Lots 1, 2, 3 and 5 shall comply with the following:

- a) *All buildings on Lots 1, 2, 3 and 5 shall be limited in terms of finish to exterior surfaces, this includes roofs and walls, recessive (shades rather than tints) and colours to have reflectivity values of below 20% for roofs and 40% for exterior walls.*
- b) *All new driveways and accessways for Lots 1, 2, 3 and 5 shall be finished in rural material and shall be a mid to dark grey in colour.*
- c) *All buildings on Lots 1, 2, 3 and 5 shall be single storey and less than 6m in height.*
- d) *Only one habitable building shall be constructed on Lots 1, 2, 3 and 5.*
- e) ~~*Any new habitable dwelling on Lot 5 shall be limited in size and scale to that of the current existing dwelling on site*~~ *Any new habitable building on Lot 5 shall be located within the area marked and defined on the survey plan.*
- f) *Water tanks on Lots 1, 2, 3 and 5 shall be recessive shade less than 35% reflectivity and shall be integrated with the dwelling design and either screened or planted from the view from the road, if not located underground.*

- g) *All external lighting on Lots 1, 2, 3 and 5 shall be hooded or cast down so that no lamp source is visible.*
- h) *All earthworks on Lots 1, 2, 3 and 5 shall include sediment control measures and be limited in height to 1.5m unless created at a batter of no steeper than 3 horizontal to 1 vertical. Any earthworks shall be grassed.*
- i) *Fencing on Lots 1, 2, 3 and 5 shall be limited to post and rail or post and batten only.*
- ~~j) *Habitable buildings on Lots 1, 2 and 3 shall be limited to the areas marked and defined on the survey plan.*~~
- j) *Planting shall be installed along the driveways of Lots 1, 2 and 3.*

~~13.~~ 12. The consent holder or future owners of proposed Lot 6 shall comply with the following:

- a) *No habitable building shall be located within 180m of the Leith Road boundary.*
- b) *Riparian planting and fencing within Lot 6 along the length of the waterbodies (tributaries of the Katikara Stream) shall be retained, maintained and enhanced on an on-going basis.*
- c) *Any dead or diseased species within the riparian planting shall be replaced as soon as practicable within the next planting season.*
- d) *Any damaged fencing along the riparian margins shall be replaced to ensure stock proof fencing permanently along the stream margins.*

~~14.~~ 13. The consent holder or future owners of proposed Lot 4 shall comply with the following:

- a) *Only one habitable building shall be constructed on this allotment.*
- b) *Fencing shall be limited to post and rail or post and batten only.*
- c) *All new buildings shall be limited in terms of finish to exterior surfaces, this includes roofs and walls, recessive (shades rather than tints) and colours to have reflectivity values of below 20% for roofs and 40% for exterior walls.*
- d) *All buildings on Lot 4 shall be single storey and less than 6m in height.*
- e) *Any new habitable dwelling building on Lot 4 shall be limited the same or in similar size and scale to that of the current existing dwelling on site.*

~~15.~~ 14. The consent holder or future owners of proposed Lots 1 - 6 shall comply with the following:

Each new dwelling shall be supplied with a dedicated firefighting water supply, and access to such supply, in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008, which must thereafter be maintained.

~~16.~~ 15. The consent holder or future owners of proposed Lots ~~2 and~~ 3 shall comply with the following:

No building shall be located within 5m of the highest point of the knoll, as identified by a confirmed RL Level (at the time of s223 stage) on Lots 2 and 3 as identified and marked on the survey plan.

- ~~17.~~ 16. The consent holder or future owners of proposed Lots 1, 2 and 3 shall comply with the following:
- a) *All planting established in accordance with the Landscape Planting Plan [insert name + reference details of Landscape Planting Plan certified in accordance with Condition 21] shall be maintained by the owner and shall not be destroyed or removed. The owner shall replace any dead or dying plants with the same species in accordance with the [insert name + reference details of Landscape Planting Plan] within the following planting season.*
- ~~18.~~ 17. Conditions ~~12-17~~11-16 above shall be the subject of a consent notice under Section 221 of the Resource Management Act 1991 registered against the new record of title for Lots 1 -6 (where applicable) of the subdivision of Lot Part Lot 1 DP8787 and Lot 1 DP 19869 as identified in the condition and shall be prepared by the Council at the cost of the consent holder.

Riparian Planting

- ~~19.~~ 18. Riparian planting and fencing shall occur along the length of the tributaries within Lot 6.
TRC riparian guidelines 23, 24, 25, 26 and 41 shall be used as a guide to inform the fencing and planting plan.
- ~~20.~~ 19. Fencing shall be stock proof permanent fencing as per the Taranaki Regional Council (TRC) Guidelines.

Mitigation Planting

- ~~21.~~ 20. 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 shall provide the following:
- Road boundary planting along the frontage of Lots 1, 2 and 3 to screen and or soften the future dwellings building platforms (as identified by condition 5).
 - ~~Planting along the driveways of Lots 1, 2 and 3 to screen and or soften the views into the building platform locations from the road.~~
 - Identification of existing vegetation to be retained (road frontage hedge) until new planting achieves specific heights. The heights that the new planting must achieve before the existing vegetation can be removed shall be identified in the Landscape Planting Plan;
 - Plant species, which must all be native varieties and include the numbers, size, spacing, layout and grade;

- Methods of ground preparation, fertilising, mulching, spraying;
- Maintenance and weed management.

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

- ~~22.~~ 21. Prior to issue of certification under Section 224 of the Resource Management Act 1991, the consent holder shall complete planting in accordance with the Landscape Planting Plan certified in accordance with Condition ~~21~~20.
- ~~23.~~ 22. In the event that application is made to the New Plymouth District Council for certification pursuant to Section 224 of the Resource Management Act 1991 before riparian planting and fencing under Conditions 18 & 19 and before the planting approved under Condition ~~10~~ 20, ~~is~~ are completed, then the consent holder shall pay to the New Plymouth District Council a bond in the form of a refundable cash deposit. The purpose of this bond shall be for ensuring compliance with Conditions 18, 19, 20 ~~21~~ and ~~21~~ 22 and shall only be entered into if the Council is satisfied that the amount of the bond is sufficient to achieve this purpose, and that 25% of the estimated cost for the maintenance period has been added.

Advice notes

Fire and Emergency staff are available free of charge to advise on means of compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

The installation of a sprinkler system is Fire and Emergency New Zealand's recommended means of compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 in non-reticulated areas.

The applicant has indicated the riparian planting along the waterbodies within Lot 6 will occur alongside discussions and engagement with Te Kahui o Taranaki Iwi Trust.

There is no reticulated water supply available to the site. Any dwelling constructed on Lot 2 will require provision for the water needs of the project in accordance with the provisions of the Building Code. The activity will require you to provide for its own potable water supply in accordance with the standards specified by the Building Code. Details showing how this is to be provided for will need to be provided as part of the Building Consent application for the project. Bore or well water supply will require a water quality test and results report. No firefighting water is available to this development. It is recommended that a 75mm instantaneous female coupling and valve be fitted to any water storage tanks that may be constructed as part of this work. The requirements of the New Zealand Fire Services Firefighting Water Supplies Code of Practice may have to be met.

A Development Contribution for off-site services of \$2275.44 excluding GST for Lots 1, 2 and 3 is payable by the consent holder and shall be invoiced separately. The 224

release of this subdivision will not be approved until payment of this contribution is made.

Consent Lapse Date

*This consent lapses on **XXXX 2027** unless the consent is given effect to before that date; or unless an application is made before the expiry of that date for the Council to grant an extension of time for establishment of the use. An application for an extension of time will be subject to the provisions of section 125 of the Resource Management Act 1991.*

This consent is subject to the right of objection as set out in section 357A of the Resource Management Act 1991.