
**HEARINGS REPORT UNDER SECTION 42A OF THE RESOURCE MANAGEMENT
ACT 1991 FOR SUBDIVISION AND LAND USE CONSENT APPLICATIONS
SUB24/50201 & LUC24/48662**

Applicant:	Washer Family Trust Limited
Site Address:	1 and 9 Washer Road, Omata
Legal Description:	Lot 20 DP 385658 and Lot 31 DP 385658
Site Area:	0.470ha + 56.0513ha for a total of 56.4583ha
Zoning:	Rural Production Zone
District Plan Overlays	<ul style="list-style-type: none">▪ Local Road and State Highway▪ Noise Control Boundary▪ Waterbody (unnamed tributary)▪ Coastal Hazard Flooding Area▪ Coastal Erosion Hazard Area▪ Archaeological Sites of Significance (various)▪ Sites of Cultural Significance (various)▪ Coastal Environment▪ Designation (NZTA-3)
Proposal	<p><u>Subdivision:</u> Boundary adjustment subdivision between Lot 20 DP 385658 and Lot 31 DP 385658</p> <p><u>Land Use:</u> Ability to site future dwellings or structures within side yard boundary setbacks of Lot 1 hereon</p>
Status:	<p><u>Subdivision:</u> Discretionary Activity</p> <p><u>Land Use:</u> Restricted Discretionary Activity</p>
Application received:	14 th November 2024
Further Information Requested	17 th and 29 th January 2025
Limited notification:	25 th June 2025
Submissions closed:	22 nd July

SCOPE/PURPOSE OF THIS REPORT.

1. The Council is obligated to hold a hearing under s100 of the Act. In such circumstances, the Council is required to prepare a report in accordance with s42A of the Resource Management Act (RMA). The aim of the report is to assist the commissioner in deciding on the application for land use and subdivision resource consent at 1 and 9 Washer Road, Omata.

2. The report provides an opportunity for the submitters to see how their submission has been evaluated, and the recommendations being made by the planning officer. Considering the above, wherever possible, I have provided a recommendation to assist the commissioner.

STATEMENT OF QUALIFICATIONS AND EXPERIENCE

Experience

3. My full name is Campbell Stewart Robinson, Director of Future Proof Planning Limited. I hold the qualification of Bachelor of Resource and Environmental Planning from Massey University, Palmerston North and have approximately 20+ years' experience in planning and resource management profession.
4. I am employed as a Senior Planner (Consultant) by the Resource Consent team at New Plymouth District Council. I have undertaken a range of roles for New Plymouth District Council on a consulting basis over the last seven years including providing advice on a range of consenting matters and being a co-author on several chapters of the New Plymouth District Plan Review. I also acted as the Councils Consenting Lead for approximately 6 months.
5. Prior to establishing my own consultancy business, I held the role of Best Practice and Heritage Manager at Wellington City Council, providing practice oversight of the Councils consenting functions and managing a team which provided advice on Wellington's heritage buildings.
6. Prior to this I was employed by the Ministry for the Environment providing advice to the Minister for the Environment on the 2013 and 2017 resource management reforms.
7. I have extensive experience in the fields of resource consenting, District Plan preparation and policy reform and interpretation.

Code of Conduct

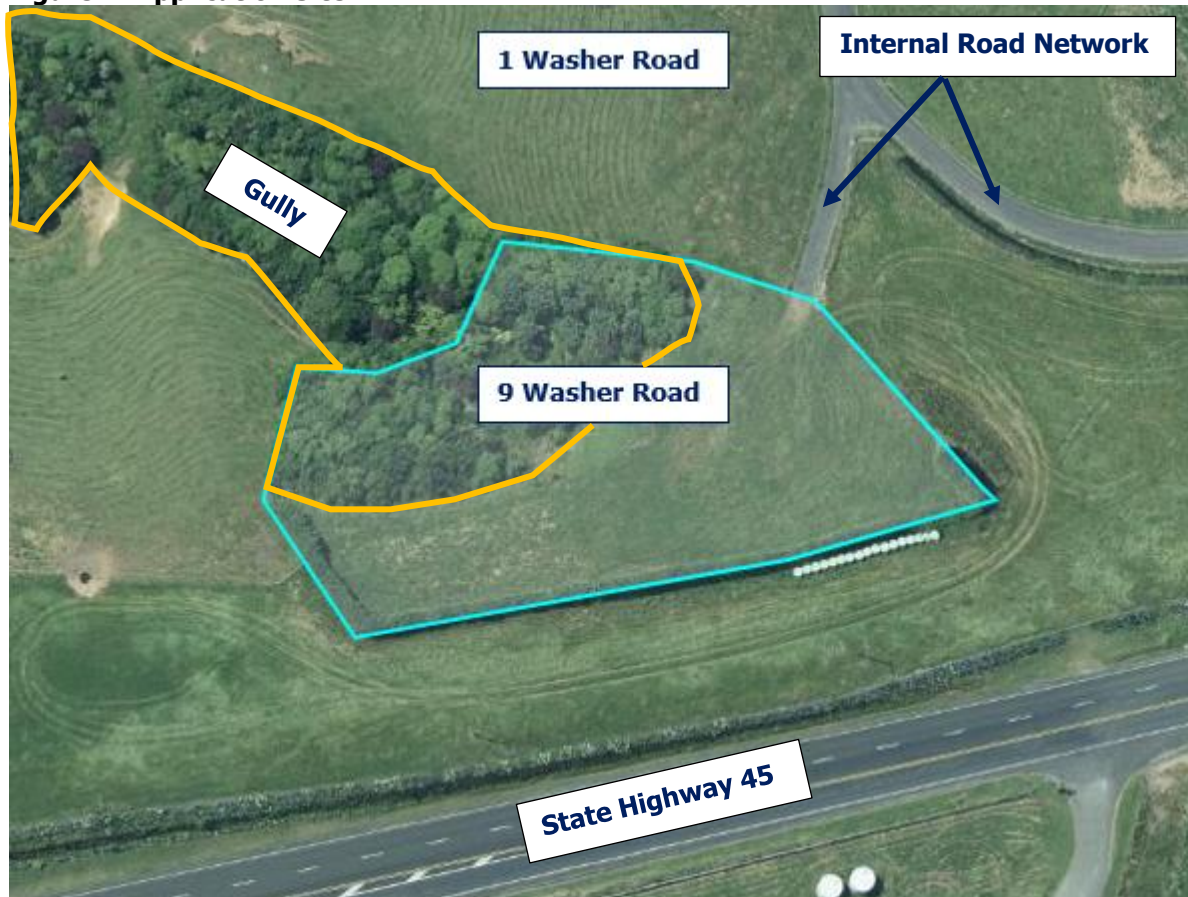
8. In preparing this report I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023.

SITE DESCRIPTION AND SURROUNDING ENVIRONMENT

9. The subject site (refer Figure 1) includes the properties at 1 and 9 Washer Road which forms part of the Tapuae Estate, a rural-residential development between suburbs Oakura and Omata. The estate was created in 2008 and includes 30 rural-residential allotments set amongst balance allotments, held in common ownership and used for rural production and common recreation purposes. As part of the proposal, new access was formed to the coast via a new esplanade reserve.
10. Number 1 Washer Road (Lot 31 DP 385658) is the balance farm allotment of the estate. This parcel also includes common recreational facilities such as a tennis court, pavilion and horse-riding facility. Lot 1 contains a number of sites of archaeological and cultural significance which fall within the Rohe of Taranaki iwi and Ngāti Tāiri hapū.
11. Existing Lot 20 DP 385658 is an undeveloped rural-residential allotment. The allotment is fully fenced and includes a portion of bush glad gully on its northern western margin. The gully area measures approximately 1300m² of the land area.

12. Washer Road is accessed from State Highway 45 and ends at the Tapuae Estate boundary. The road provides access to a shared right of way which traverses the site.
13. The Assessment of Environmental Effects (AEE) by Landpro provides a comprehensive description of the existing site and should be read in conjunction with this report.
14. Existing Lot 20 DP 385658 is the subject of consent notice 7890638.24 (building typology, materials and restrictions) and 7890638.35 (revegetation and preservation of existing bush). Existing Lot 31 DP 385658 is subject to Consent Notice 7890638.36 (conservation covenant).

Figure 1: Application Site.



PROPOSAL

Subdivision Consent

15. The applicant proposes to undertake a 2-lot boundary adjustment of 2 existing records of title as shown in Figures 2 and 3 and described in Table 1.

Table 1: Proposed Subdivision: 1 and 9 Washer Road.

Lot #	Area	Proposed Use	Notes
Lot 1:	0.4070ha	Rural residential allotment to be developed later.	The proposed lot boundaries would be moved approximately 40m eastwards from their current location. The area of Lot 1 would be the same as the area of existing Lot 20 DP 385658.

			Access to Lot 1 would continue to be via the already established internal private road network. Existing easements and consent notices would be transferred to the new title.
Lot 2:	56.0573ha	Balance estate allotment.	Lot 2 would be retained for rural production and common recreational purposes as the Tapuae Estate balance lot. Consistent with the current ownership of Lot 31 DP 385658, Lot 2 would be held in 1/30 th shares. All existing access to this lot would be retained. Existing easements and consent notices would be transferred to the new title.

Land Use Consent

16. The application seeks the ability to establish a future dwelling on Lot 1 within 5m of the new boundary with new boundary of Lot 2 as shown on Figure 3.
17. Whilst a land use consent allowing dwellings to be built to within 5m of side yards was approved in 2013¹, this approval related to the boundaries of Lots 1-30 DP 385658 that existed at the time. Whilst this consent has been partially enacted on other sites within the Tapuae Estate, the subdivision proposal seeks to adjust the existing boundaries which supersedes the scope of the approved land use consent. It is therefore considered that a new land use consent is required to allow dwellings to be located within 5m of the boundary.

LIMITED NOTIFICATION AND SUBMISSION

18. The application for subdivision and land use consent was subject to limited notification under s95B of the Act. The notification was limited to the following parties outlined in Table 1 below:

Table 1: Limited Notification Details

Address	Name	Legal Description
2 Washer Road	Philip Pryde and Robyn Marshall	Lot 3 DP 385658
8 Washer Road	David and Heather Sellen	Lot 25 DP 385658
11 Washer Road	Kevin and Lynnette Ewans	Lot 18 DP 385658
13 Washer Road	Rayner Management Limited	Lot 7 DP 385658
14 Washer Road	Brent and Maree Schumacher	Lot 6 DP 385658
15 Washer Road	Brenda Moore	Lot 27 DP 385658
19 Washer Road	Rhys Vosper and Maria Vosper-Rink	Lot 14 DP 385658
21 Washer Road	Barbara Cameron & Deborah Williams	Lot 29 DP 385658
22 Washer Road	Stephen and Fiona Frowde	Lot 11 DP 385658
23 Washer Road	John and Patrick Cameron	Lot 26 DP 385658
24 Washer Road	James and Denise Seed	Lot 13 DP 385658

¹ Refer LUC13/46103.01.

STATUTORY REASONS FOR THE APPLICATION

19. Resource consents processed within the New Plymouth District are currently subject to two planning documents, being the Operative District Plan (ODP), established in 2005 and the Proposed District Plan 2023 (PDP). Following the completion of formal statutory transition process, the PODP will replace the ODP in its entirety.

Proposed District Plan 2023

20. Parts of the Proposed District Plan ("PDP") become operative on Friday 29 August 2025. The PDP has therefore been formally superseded by the Part Operative District Plan (PODP).

21. The zoning of the site under the PODP is Rural Production Zone (RPROZ). I have reviewed the appeals lodged to the PDP decisions and have not identified any specific appeals affecting the proposed rezoning. The zoning of the site is therefore settled. The relevant Rules and Effects Standards for this proposal are summarised in Table 2 below:

Table 2: Relevant PODP Subdivision Rules and Effects Standards.

SUBDIVISION			
Rules			
Rule #	Rule Name	Status	Comments
SUB-R1	Boundary adjustment	CON	<p>Activity status is controlled where:</p> <p><i>1. the boundary adjustment does not:</i></p> <p style="padding-left: 20px;"><i>a. alter the permitted activity status of any existing permitted activities occurring on the allotments or the ability of an existing permitted activity to continue to comply as a permitted activity under the rules and effects standards in this Plan; or</i></p> <p><u>Complies:</u></p> <p>The boundary adjustment would not change the existing land uses.</p> <p style="padding-left: 20px;"><i>b. increase the extent or degree to which any consented or otherwise lawfully established activity occurring on the allotments does not comply with a rule or effects standard in this Plan; and</i></p> <p><u>Complies:</u></p> <p>The boundary adjustment would not change the existing lawfully established uses for either Lot 20 or Lot 31 DP 385658.</p>

			<p><i>2. in the Rural Production Zone, the boundary adjustment does not result in additional potential for residential units as a permitted activity.</i></p> <p><u>Complies:</u></p> <p>Following the completion of the boundary adjustment, one dwelling can be built on Lots 1. This is consistent with the pre-development state and allows compliance with SUB-R1(2) to be achieved.</p> <p><i>3. All subdivision Effects Standards are complied with.</i></p> <p><u>Complies:</u></p> <p>The proposal can comply with the Effects Standards of the Subdivision Chapter.</p>
WB-R6	Subdivision of land containing or adjoining a natural waterbody	RDIS	This rule is triggered in all cases where a subdivision contains or adjoins a natural waterbody. Proposed Lot 2 has an unnamed tributary of the Tapuae Stream.
CE-R11	Subdivision of land with Coastal Environment	DIS	Part of the application site lies within the Coastal Environment. Subdivision of sites within the Coastal Environment are a Discretionary Activity in all cases.
SASM-R15	Subdivision of land that contains any part of a scheduled site or area of significance to Māori	DIS	The subdivision application site contains the unverified and verified extent of multiple sites of cultural significance.
HH-R28	Subdivision of land containing any part of a scheduled archaeological site	DIS	The subdivision application site contains the unverified and verified extent of multiple sites of archaeological significance.
Rural Production Zone Effects Standards			
SUB-S1	Minimum lot size	Complies	The proposed meets the minimum lot size areas for the RPROZ (4000m ²)
SUB-S2	Requirements for building platform(s) for each allotment	Complies	The application includes a geotechnical report from Red Jacket demonstrating that Lot 1 has available a stable and flood risk free building platform which meets the requirements of SUB-S2(1) and (2). The findings of the report have been accepted by the Council's development engineer. The size and configuration of the lot allows for a dwelling to be constructed in accordance

			with the permitted activity requirements of the PODP.
SUB-S3	Stormwater treatment, catchment and disposal	Complies	The new allotments can be provided with self-sufficient potable water supply (including firefighting water supply) in a way which meets SUB-S3.
SUB-S4	Water supply	Complies	The new allotments can be provided with self-sufficient potable water supply (including firefighting water supply) in a way which meets SUB-S4.
SUB-S5	Sewage disposal	Complies	The new allotments can be provided with self-sufficient sewage disposal in a manner which meets the requirements of Effects Standard SUB-S5.
SUB-S6	Network utility services	Complies	Existing easements providing for network utilities would be retained and transferred to the new titles where applicable.
SUB-S7	Transport, access and connectivity	Complies	The proposed accessway can comply with the Rules and Effects Standards of the Transport Chapter.
SUB-S8	Requirements for esplanade reserves/strips	Complies	No esplanade strips or reserves are required for this proposal.

22. Table 3 outlines the relevant rules and effects standards related to the land use consent.

Table 3: Relevant PODP Land Use Rules and Effects Standards.

LAND USE			
Rules			
Rule #	Rule Name	Status	Comments
RPROZ-R3	Residential unit	RDIS	The application is unable to meet RPROZ-S3(1) as it fails to comply with the Effects Standards of the Rural Production Zone. The application commits to designing a future building to comply with Effects Standard NOISE-S4 in accordance with RPROZ-S3(2).
RPROZ-R38	Building activities	RDIS	The proposal is unable to comply with the Effects Standards of the Rural Production Zone
Effects Standards			
RPROZ-S2	Minimum structure setbacks	Does not comply	The proposed building platform on Lot 1 would not meet the required setbacks to the private boundary under Effects Standard RPROZ-S2(2)(c). The Effects Standard requires a setback of 15m whereas the proposed building footprint would be set back 5m at a single point on the private boundary with Lot 2 hereon ² .

² Refer indicative building footprint shown in scheme plan RC01 dated 27th May 2024 submitted with the application.

23. A bundling approach can be applied to overlapping resource consent applications allowing for the most restrictive activity status is applied to the entire proposal. This is appropriate in this case as the land use consent relies on the confirmation of the boundary adjustment subdivision.
24. Overall, the combined subdivision and land use application is for a **Discretionary Activity** under the PODP.

Operative District Plan 2005.

25. There are no outstanding appeals on any of the relevant Rules or Effects Standards pertaining to this application. On this basis, I able to determine that the application does not require consent under the ODP, and that the proposal only requires consent under the PODP

Requirement for Other Consents.

26. It has been determined that no further resource consents under the RMA are necessary for the proposal including any consents from Taranaki Regional Council.

Figure 2: Proposed Scheme Plan. Source: McKinlay Surveyors.

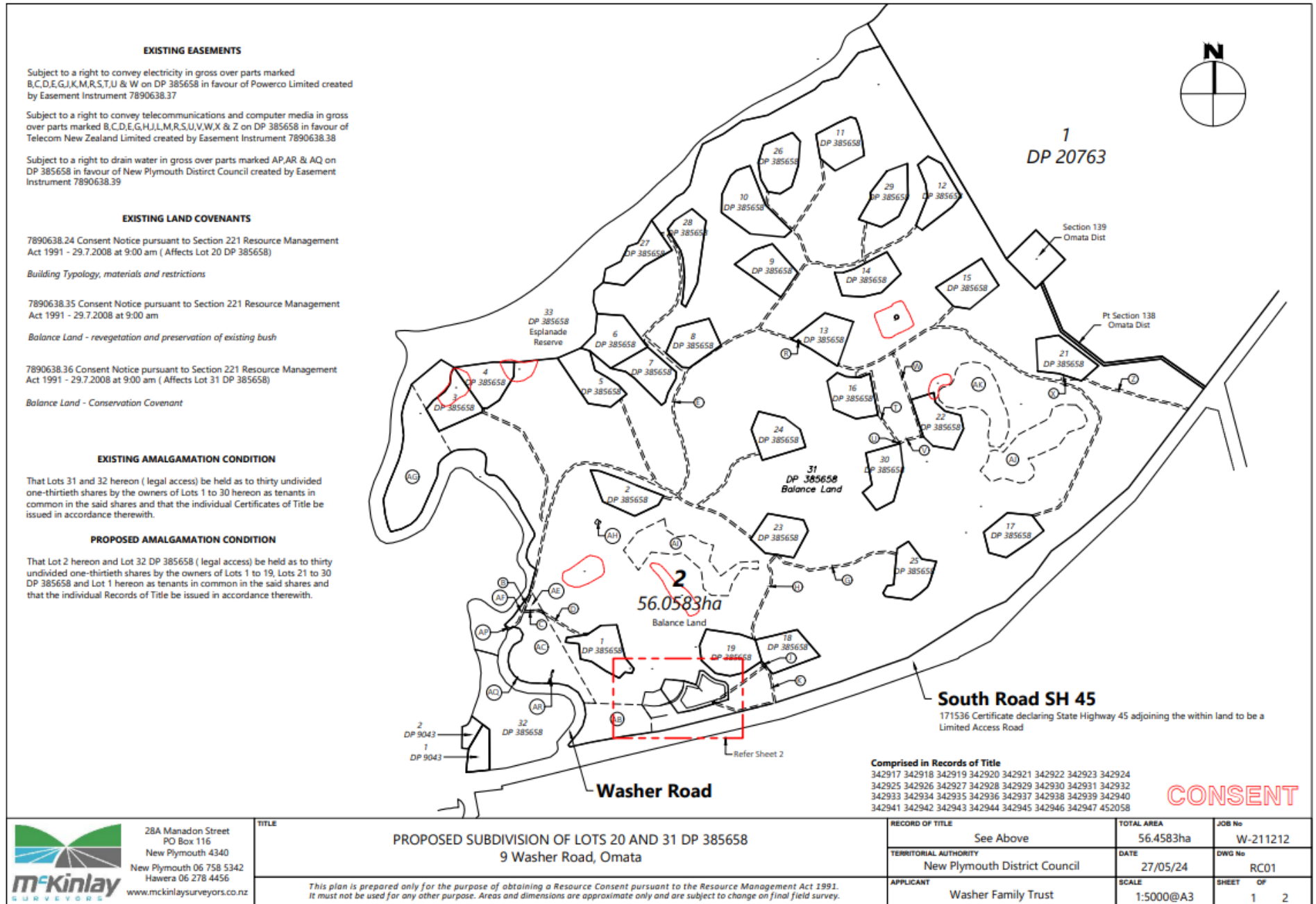
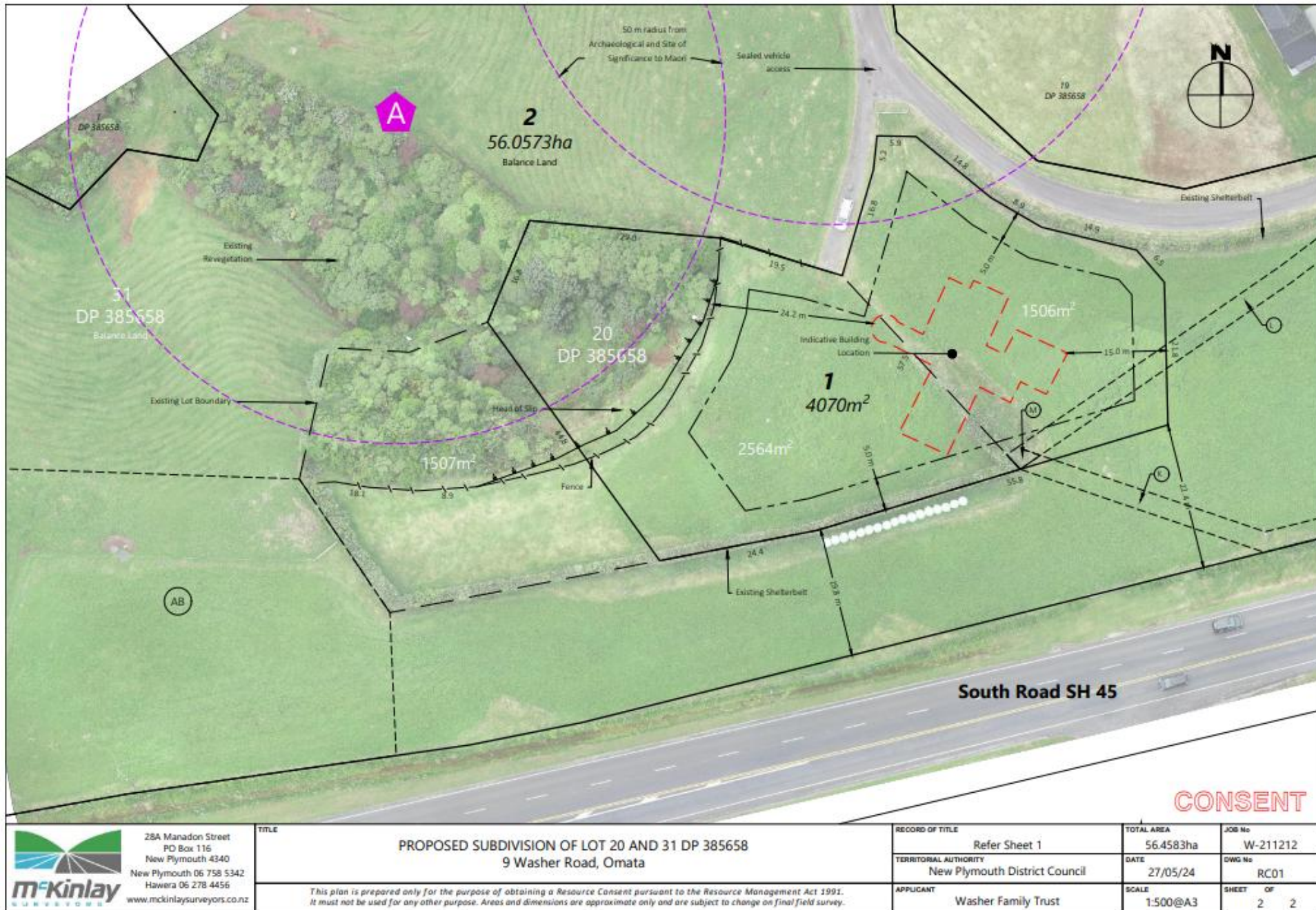



Figure 3: Proposed Site Plan. Source: McKinlay Surveyors.



CONSENT

 <p>28A Manadon Street PO Box 116 New Plymouth 4340 New Plymouth 06 758 5342 Hawera 06 278 4456 www.mckinlaysurveyors.co.nz</p>	TITLE	PROPOSED SUBDIVISION OF LOT 20 AND 31 DP 385658 9 Washer Road, Omata	RECORD OF TITLE	Refer Sheet 1	TOTAL AREA	56.4583ha	JOB No	W-211212
			TERRITORIAL AUTHORITY	New Plymouth District Council	DATE	27/05/24	DWG No	RC01
			APPLICANT	Washer Family Trust	SCALE	1:500@A3	SHEET OF	2 2
<p><i>This plan is prepared only for the purpose of obtaining a Resource Consent pursuant to the Resource Management Act 1991. It must not be used for any other purpose. Areas and dimensions are approximate only and are subject to change on final field survey.</i></p>								

ASSESSMENT OF EFFECTS - Section 104(1)(a)

Effects Disregarded.

Permitted Baseline

27. Section 104(2) of the Act provide that when determining the extent of the adverse effects of an activity or the effects on a person respectively, a Council 'may disregard an adverse effect if a rule or national environmental standard permits an activity with that effect'. This is known as the permitted activity baseline test.
28. The permitted activity baseline applies to consideration of both who is affected and whether effects are or are likely to be more than minor under both the public and limited notification assessments. If a Council applies the permitted activity baseline, it is only the adverse effects over and above those forming a part of the baseline that are relevant when considering those two issues.
29. The permitted baseline has not been applied to this proposal given its involves a subdivision of land which requires a resource consent in all cases regardless of its scale and intensity. Overall, there is no credible comparison between the effects which may be expected as permitted activity and the effects of the proposal.

Adjacent Properties/Persons

30. Effects on persons that have provided written approval to the development have been disregarded under s104(3)(a)(ii). The approvals are shown in Table 4 below:

Table 4: Written Approvals Provided.

Address	Name	Legal Description
1 Washer Road	Fast Fox Limited	Lot 1 DP 385658
3 Washer Road	Peter and Clare Foster	Lot 4 DP 385658
4 Washer Road	Satinder and Sukhi Benipal	Lot 5 DP 385658
5 Washer Road	Robert and Denise Dowman	Lot 2 DP 385658
6 Washer Road	Dean and Andrea Eggers	Lot 24 DP 385658
7 Washer Road	Peter and Robyn Campbell	Lot 23 DP 385658
10 Washer Road	Stephen and Dini Heinemann	Lot 19 DP 385658
11 Washer Road	Kevin and Lynnette Ewans	Lot 18 DP 385658
12 Washer Road	Satinder and Sukhi Benipal	Lot 8 DP 385658
16 Washer Road	Not 2 B Limited	Lot 28 DP 385658
17 Washer Road	Fiona and Jason McIntyre	Lot 9 DP 385658
18 Washer Road	Williams Trust Limited	Lot 10 DP 385658
20 Washer Road	Daniel Coster	Lot 12 DP 385658
25 Washer Road	Robert and Noelene Petrie	Lot 16 DP 385658
26 Washer Road	Mitchell and Holly Baker	Lot 22 DP 385658
27 Washer Road	Anne Lyon	Lot 30 DP 385658
28 Washer Road	Joseph Lawn and Emma Bennett	Lot 15 DP 385658
29 Washer Road	Fast Fox Limited	Lot 21 DP 385658
30 Washer Road	Grant and Paula Holdt	Lot 17 DP 385658

Matters Considered

26. As part of considering the effects on this proposal on the submitter and effects generally I have reviewed the following:

- the contents of the submissions;
- the notification report;
- the application drawings and scheme plan;
- the Effects Standards and Rules of the Subdivision, Rural Production Zone, Coastal Environment and Sites of Significance to Māori chapters;
- the AEE and further information provided by Mr Rendell; and
- findings of my site visit of the property.

Submissions

27. A total of 9 submissions were received as outlined in Table 5 below with a total of eight submissions in opposition and one in opposition. Five of the submissions received wish to be heard, all of which are in opposition.

Table 5: Submissions, 1 and 9 Washer Road.

ID	Last Name	Address	Position	Primary Relief Sought	Wish to be heard?
1	Richard Rayner	13 Washer Road	oppose	decline	no
2	Phillip Pryde	2 Washer Road	oppose	decline	yes
3	Stephen and Fiona Frowde	22 Washer Road	oppose	decline	yes
4	Patrick Cameron	23 Washer Road	oppose	decline	yes
5	Denise and Jimmy Seed	24 Washer Road	oppose	decline	yes
6	Barbara Cameron & Deborah Williams	21 Washer Road	oppose	decline	no
7	Brent and Maree Schumacher	14 Washer Road	oppose	decline	yes
8	Kevin and Lynnette Ewans	11 Washer Road	Support	grant	no
9	Brenda Moore	15 Washer Road	Oppose	decline	yes

28. The submissions outline a range of concerns with the proposal including:

1. Procedural concerns that:
 - The application is misleading by suggesting that all of the owners of the common lot have consented to the development
 - No consent has been provided from all freeholder owners of application site
 - The proposal seeks to legitimize building on communal land held in common ownership
 - The RMA process is being used to pressure or mislead freeholder owners of the land to surrender their rights to use the land.
2. Concerns that the proposal allows for an adjustment of land with unobstructed views with land which is worthless in terms of use and monetary value

3. Concerns that the proposal devalues their property
4. Concerns that the land being adjusted is unstable and maybe prone to slipping
5. Suggestion that more could be done to remediate a slip area which lies the head of the gully located on Lot 20 DP 385658
6. Concerns that there has been a lack of consultation
7. Submissions 1, 2, 3 and 9 were set out in a similar format. The submissions requested the application declined but suggested that if the Council were minded to grant consent , the following conditions be imposed:
 - *"That no part of the boundary adjustment be implemented or finalised until written consent is obtained from all freeholders of Title 31, or the applicant obtains a declaratory judgment from the High Court confirming that such consent is not required.*
 - *That the applicant file and serve written evidence of freeholder consent or judicial authorisation on all co-owners of Title 31 at least 20 working days before any survey plan or land transfer is approved. 5.*
 - *That Council staff make clear in all communication and notices relating to this consent that the consent does not confer any rights of ownership or authorisation to transfer freehold land.*
 - *These conditions are necessary to ensure the resource consent process is not used to bypass or override lawful property rights and to protect the integrity of the estate's governance structure.*

Assessment of Effects

31. In light of the matters which trigger the need for consent under the PODP I considered the following effects:
 - Positive Effects
 - Waterbodies
 - Coastal Environment
 - Access and traffic
 - Ability to provide building platform
 - Impacts on Submitters in Opposition
 - Cultural and archaeological effects

Positive Effects

32. The meaning of 'effect' under the Act RMA includes any positive effect. The positive effects of this proposal are those benefits that will occur as a direct result of the subdivision and land use being implemented.
33. Section 5.3 of the application provides the following statements in regards to the

"The proposal enables the applicants to provide for their social and economic well-being while providing assurance that any adverse effects of the proposal are appropriately managed. The

boundary adjustment will result in this lot being used for the purpose it was created – a single residential dwelling. Currently it cannot be used for this purpose.

The proposed boundary adjustment results in an efficient use of an already subdivide lot between Oakura and Omata. The boundary adjustment will enable the construction of a home and will assist in meeting the demand for residential properties, which is important for the ongoing sustainable development of the district and consistent with expectations of the NPS-UD 2020. It also provides economic benefits for the building industry and service providers.

34. In relation to the first paragraph, the applicant has asserted that without the subdivision, a dwelling cannot be built on existing Lot 20. This assertion relies on reports dated 2021 and 2025 by Red Jacket and a report from 2021 by Tonkin and Taylor. Whilst I have no reason not to accept the findings of engineering reports, the applicant hasn't provided any further information as to what other options could be explored to build on existing Lot 20 without the for either land use or subdivision consent.
35. Given the subject site is zone for Rural Production Purposes, the NPS-UD 2022 is not relevant to this application³.
36. In relation to the second paragraph, I accept that development of the site would provide for localised economic benefits through employment of construction-related trades.

Waterbodies

37. Whilst the site contains recorded waterbodies, these are not located in the vicinity of the boundary change between Lots 20 and 31. Consistent with my findings in the s95 report and in the absence of any concerns being raised by the submissions, I find that effects on waterbodies are acceptable.

Coastal Environment

38. Whilst the application site contains land which is subject to the Coastal Environment overlay, the land to be adjusted between the boundaries of Lots 20 and 31 is not located within the overlay itself. Effects on coastal values and coastal related hazards are therefore considered to be acceptable.

Access and Traffic

39. The proposed access arrangement is consistent with the existing situation with both Lots 1 and 2 gaining access from the already formed internal private right of way network which is accessed via Washer Road and State Highway 45.
40. Lot 1 would have direct frontage to rights of way on the northern and eastern boundaries of the site. Whilst the final site layout for Lot 1 has yet to be determined, it is envisaged that a driveway can be formed in a manner which meets the permitted activity criteria of the Transport Chapter. No physical alignment changes to the right of way are required and there would be no increase in the number of allotments accessing the right of way.
41. The scheme has been considered by the Council's Development engineer, Arunima Subi-Manilal. Ms. Subi-Manilal raises no specific concerns regarding the proposed access and manoeuvring layout.

³ Refer Section 1.3 of the NPS-UD 2022.

42. Consistent with my findings Overall, I conclude that the traffic and access related effects of the proposal are acceptable.

Ability to Provide Building Platform

43. The aim of the proposed subdivision is to move the current building platform on Lot 20 further away from ground within the existing gully to the north-west of the site which is deemed to be unstable.
44. The application includes a geotechnical report from Red Jacket who have assessed the new building site to the east of its current location and confirmed that this location can provide for foundations which meet the requirements of the Building Act. The findings of the report, including further statements provided as part of a further have been accepted by Council Development Engineer, Ms Subi-Manilal.
45. Overall, the application demonstrates that a stable and flood free building platform can be created within Lot 1. Ms Subi-Manilal recommends that the proposed dwelling on Lot 1 be sited at least 23m from the head of the gully which is consistent with advice received from Tonkin and Taylor as part of the further information response⁴.
46. Should the consent be granted, I recommend that the foundations of any new building on Lot 1 be designed in view of the combined engineering advice. This requirement should be formalised by way of consent notice under s221of the Act.

Impacts on Submitters in Opposition

47. The circumstances around this application are somewhat unusual particularly regarding the subdivision element which seeks to adjust the boundaries of parent lots without the mandate of all the registered owners. The circumstances of the application have influenced the language and tone of the submissions which are procedural in nature which has made the assessment of effects under s104(1)(a) more challenging.
48. Whilst the submissions do not raise typical concerns regarding common subdivision matters (privacy, overlooking, lack of outlook, traffic effects etc.) they consistently raise an important issue being the ability to use and appreciate land over which they have a shared legal right.

Ability to Consider Matters Raised.

49. In circumstances where the effects being considered and argued are more unusual it is useful to consider the meaning of effect under Section 3 of the Act.

3 Meaning of effect

In this Act, unless the context otherwise requires, the term **effect** includes—

- (a) any positive or adverse effect; and
- (b) any temporary or permanent effect; and
- (c) any past, present, or future effect; and
- (d) any cumulative effect which arises over time or in combination with other effects—
regardless of the scale, intensity, duration, or frequency of the effect, and also includes—
- (e) any potential effect of high probability; and
- (f) any potential effect of low probability which has a high potential impact.

⁴ Cover letter by Red jacket dated 28th April 2025.

50. In my view Section 3 provides broad discretion to consider the effects of this proposal. When also considering the discretion available under Section 104B of the Act, I am satisfied that the matters raised can be considered under s104(1)(a). This is consistent with the acknowledgement within the PODP which notes that "The way an allotment is subdivided, including its size and shape, is important as it not only determines the quality and character of development, but it also impacts on adjacent sites and the future use of the land⁵."

Rural Character.

51. The PODP directs that rural character will be maintained Rural Production Zone. As part of the s95 analysis I considered the effects of development on the rural character which forms part of the wider environment. Paragraphs 33-40 introduced the concept of Rural Character, how this is defined by PDP (now PODP) and discussed its major subcomponents including. The PODP directs that the key aspects of rural character should be maintained including:

- The sense of spaciousness and low density
- Site vegetation
- The production orientated nature of the land
- Rural based industry or infrastructure

52. In determining whether the above factors would be impacted, I note that the combined application results in no clear uplift in development potential when compared to the existing situation. The overall number of lots and land areas remain the same as the parent lots allowing for a single residential dwelling to be constructed on Lot 1 subject to compliance with Rules and Effects Standards of the PODP.

53. Future development of a dwelling on Lot 1 would primarily affect the outlook and rural amenity of the property at 10 Washer Road (Lot 19 DP 385658) to the east of Lot 1. Effects on persons associated with this property have been disregarded under s95E(3) of the Act as they have provided their written approval. All other existing dwellings within the Estate are located a sufficient distance away (250m+) to reduce possible outlook and rural amenity effects to a less than minor level on persons associated with them.

54. Having considered the submissions, I remain of the view that any effect on the key characteristics of the rural character would be maintained and that effects on rural character would be acceptable.

Reverse Sensitivity Effects.

55. Reverse sensitivity effects can arise where new noise sensitive activities or incompatible activities not associated with the surrounding land use are introduced to an environment where existing effects-intensive activities take place. Rural areas and sites located close to State Highways can be prone to reverse sensitivity effects as it involves many activities inherent with the day-to-day use of the land which generate effects such as road and rural production noise, dust and odour associated with production-based activities. If not well managed, reverse sensitivity effects have the potential to compromise the existing and future rural production activities which have legitimately been established.

56. I consider that the proposed density and layout of the proposed subdivision means that reverse sensitivity road noise or rural production effects are unlikely to be created.

57. Whilst proposed Lot 1 is located within the noise control boundary overlay, any new future dwelling would be able to be credibly comply with the permitted activity requirements of Effects

⁵ Subdivision Chapter Overview.

Standard Noise-S3. Should the application be granted, a condition of consent is recommended to ensure compliance with the relevant Effects Standard is achieved.

58. Whilst the site is located within a Rural Production Zone, Lot 1 is not located in proximity to any obvious nuisance related activities such as dairy milking sheds, feed pads, farm quarries or other rural related industry. Overall, I believe that reverse sensitivity effects are acceptable.

Amenity Values.

59. Given the more unusual nature of the submissions, I consider that the concerns raised by those in opposition are best categorized as being related to "amenity values". The Act defines amenity values as being "those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes."⁶
60. Whilst the submissions don't reference effects which could be considered environmental, they do use a range of adjectives to describe effects which reflect their personal appreciation and expected physical use of the land.
61. The submissions in opposition raise a consistent theme that as joint owners of Lot 31 they have not consented to the adjustment to the boundaries between Lots 20 and 31. The concerns raised centre around the swapping of land within Lot 31 which some submitters consider to be functional and more productive with land contained within the gully area of Lot 20 which is deemed to be not as functional and which maybe prone to slipping it the future and which may require further remediation.
62. Overall, the submitters in opposition are concerned that the subdivision will impact on the use of the land. I agree with the submitters concerns that the proposal would, at face value, impact on their ability to use the land which they have legal rights over for its common and agreed purpose. Should the boundary adjustment be conformed, land which they can currently access and gain utility from would become privately owned.
63. Having agreed that the submitters concerns are material, I have then turned my mind to how such effects should be judged noting that the subdivision effects including amenity values will be influenced by a range of factors, not only the provisions of the subdivision chapter itself but the planned character of the underlying zone in which the subdivision takes place.
64. In regard to amenity values, based on the information before me, I consider that unmitigated, the level of effects would be significant and that the proposal would permanently impact on the submitter's appreciation of the land. Once established, the effects could not be easily undone as the new boundaries would not be easily reversible.

Impacts on Property values

65. I have set aside concerns raised by the submitters about the impacts on property values. Such concerns sit outside of the remit of the Act to consider.

Relief or Mitigation of Submitters Concerns

66. I have considered whether changes could be made to the application to lessen the concerns of submissions. In doing so I am wary that any suggested changes or conditions must clearly be within the remit of powers under the Act. For this reason, I am unable to endorse the relief

⁶ Section 2 of the Act.

sought in point 7 of paragraph 29 above which involves third party processes and approvals which are beyond the powers of the consent authority.

67. Overall, I find that options to address the substantive issue of a lack of consent to the boundary adjustment appear limited and that the significant adverse effects on the submitters share of the common property would be significant and are not and, remedied or mitigated.

Conclusion of Effects on Submitters in Opposition

68. In summary, the above analysis above demonstrates:

- The concerns raised by submitters are somewhat unusual but can be considered under the discretion available to Council under the Act
- The issues of reverse sensitivity and rural character are less relevant to this proposal
- Concerns raised by submitted are most appropriately categorised as being related amenity values
- The impact on amenity values would be significant and cannot be mitigated or easily undone

Effects on Hapū:

69. The Tapuae Estate includes approximately 15 sites of archaeological and cultural significance. The high density of sites underscores the significance of the site within the wider cultural Rohe. In all cases the PODP outlines that subdivisions of land containing archaeological and cultural sites of significance are discretionary activities.
70. The applicant has engaged with and received positive endorsement from Ngāti Tāiri hapū⁷ who are mana whenua over the area.
71. Consistent with my statements made within the s95 report, the proposed subdivision and land use consent would have less than minor impacts on the recorded site of significance and cultural values more broadly.

Effects Conclusion

72. Having considered a wide range of effects I find that the development would have a significant adverse effect on the amenity values of the parties that have submitted in opposition to the proposal. I have also found that the level of effects would be permanent and not easily undone and cannot be clearly mitigated.

ASSESSMENT AGAINST PLANNING DOCUMENTS - Section 104(1)(b)

National Policy Statement for Highly Productive Land

73. The National Policy Statement for Highly Productive Land (NPS-HPL) came into effect on 17 October 2022. The NPS-HPL provides direction to improve the way highly productive land is managed under the RMA.
74. Highly Productive Land means:
- land that has been mapped in accordance with clause 3.4 of the NPS-HPL and is included in an operative regional policy statement as required by clause 3.5; or,

⁷ Refer email from Rachael King, Ōakura Pā Treasurer, dated 30th April 2025.

- Until a regional policy statement containing maps of highly productive land in the region is operative, is land that at the commencement date zoned general rural or rural production; and contains land mapped by the New Zealand Land Resource Inventory as Land Use Capability Class 1, 2, or 3; but is not,
- Land identified for future urban development; or subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.

75. Analysis of the relevant mapping database shows that the application sites include Class LUC 2 land meaning the NPS-HPL is applicable to this application⁸.

76. The proposed boundary configuration results in no net increase in the number of lots thereby avoiding fragmentation of highly productive land as directed under Clause 3.8 of the NPS. Overall, the development is not inconsistent with the NPS-HPL.

Taranaki Regional Policy Statement 2010.

77. The Regional Policy Statement includes range of Objectives and Policies which address the development of urban environments. This includes:

SUD OBJECTIVE 1: To promote sustainable urban development in the Taranaki region.

SUDPOLICY 1 To promote sustainable development in urban areas by:

(a) encouraging high quality urban design, including the maintenance and enhancement of amenity values;

(b) promoting choices in housing, work place and recreation opportunities;

(c) promoting energy efficiency in urban forms, site layout and building design;

(d) providing for regionally significant infrastructure;

(e) integrating the maintenance, upgrading or provision of infrastructure with land use;

(f) integrating transport networks, connections and modes to enable the sustainable and efficient movement of people, goods and services, encouraging travel choice and low-impact forms of travel including opportunities for walking, cycling and public transport;

(g) promoting the maintenance, enhancement or protection of land, air and water resources within urban areas or affected by urban activities;

(h) protecting indigenous biodiversity and historic heritage; and

(i) avoiding or mitigating natural and other hazards.

78. The RPS was finalised in 2010 and whilst there was an interim review undertaken in 2017, a full review has not since commenced.

79. The localised nature of this proposal means that Regional Policy Statement is not particularly relevant.

⁸ Refer Landcare Research/Manaaki Whenua website <https://ourenvironment.scinfo.org.nz/>

Proposed District Plan 2019.

80. Relevant Objectives and Policies of the PODP are outlined below.

Subdivision

Objectives

- SUB-01*** *Subdivision results in the efficient use of land and achieves patterns of development that are compatible with the role, function and predominant or planned character of each zone.*
- SUB-02*** *Subdivision is designed and located to avoid, remedy or mitigate adverse effects on the environment and occurs in a sequenced and coherent manner that:*
- 1. responds to the site's physical characteristics and context including any non-scheduled features;*
 - 2. is accessible, connected and integrated with the surrounding neighbourhoods;*
 - 3. contributes to the predominant or planned character of the zone and a sense of place;*
 - 4. protects and enhances scheduled features;*
 - 5. provides accessible and well-designed open space areas for various forms of recreation, including sport and active recreation, for the health and wellbeing of communities; and*
 - 6. protects highly productive land in the Rural Production Zone.*
- SUB-03*** *Infrastructure is planned to service proposed subdivision and development in a manner that:*
- 1. protects scheduled features; and*
 - 2. connects with the wider infrastructure network in an integrated, efficient and coordinated manner and is provided at the time of subdivision.*

Policies

All Subdivision

- SUB-P1*** *Allow subdivision that results in the efficient use of land, provides for the needs of the community and supports the policies of the District Plan for the applicable zones, where subdivision design:*
- 1. reflects patterns of development that are compatible with, and reinforce the role, function and predominant or planned character of the zone;*
 - 2. does not compromise the integrity and planned outcomes for the zone with lot sizes sufficient to accommodate intended land uses;*
 - 3. in the City Centre, Town Centre, Mixed Use and Local Centre zones, minimises proliferation of vehicle crossings that could restrict the ability of pedestrians to move safely and efficiently along the street and within public places or reduces the presence of retail activity at the ground floor;*
 - 4. in the Commercial Zone/PREC13 - Ngā Motu Precinct, ensure that comprehensive, coordinated and efficient development occurs for the entire precinct;*
 - 5. in the Mixed Use and General Industrial zones, incorporates sufficient setbacks at residential zone interfaces (where subdivision adjoins such a zone) to provide sufficient space for planting and landscaping;*
 - 6. in the Large Format Retail Zone, avoids the fragmentation of land or creation of small allotments that would limit or constrain the ability to use land for large format retail activities;*
 - 7. in the General Industrial, Large Format Retail, Residential and Rural zones, incorporates sufficient space for on-site stormwater disposal including the use of water sensitive and low-impact design solutions; and*
 - 8. protects highly productive land in the Rural Production Zone.*

Comment:

The subdivision meets the effects standards of the PODP which demonstrates consistency with SUBP1 (1) and (2). Consistent with my earlier findings, the proposed development would protect the highly productive capacity of the land in accordance with SUB-P1(8). Matters (3)-(7) are not relevant as they relate to other PODP zonings.

SUB-P2 *Manage the subdivision of land and development of associated infrastructure so that non-scheduled features are appropriately considered in the site layout and design, and scheduled features are protected and enhanced.*

Comment:

The site does not contain any unscheduled features.

SUB-P3 *Manage significant risks from natural hazards by restricting subdivision that:*

- 1. creates new or exacerbates existing natural hazards including coastal hazards, erosion, slippage, subsidence, falling debris or flooding; or*
- 2. results in adverse effects on the stability of land and buildings; and*
- 3. does not provide safe, flood free and stable building platforms at the time of subdivision.*

Comment:

The premise of the proposed boundary adjustment is to lessen the risks and possible adverse effects of land instability by moving the boundaries of Lot 20 eastwards by 40m away from the existing gully which is deemed to slip prone and unstable. The land stability risks which currently relate to the individual owners of Lot 20 and would, in effect, be transferred to the common owners of parent Lot 31, some of which have opposed the development. Based on the submissions received, the possible implications of this transfer of risks and potential effects are contested. On this basis, the development cannot achieve consistency with Policy SUB-P3(1) and (2).

The applicant has demonstrated that, subject to conditions being met, Lot 1 can provide a stable and flood free building platform in accordance with Policy SUB-P3(3).

SUB-P4 *Require infrastructure to be provided in an integrated and comprehensive manner by:*

- 1. demonstrating that the subdivision will be appropriately serviced and integrated with existing and planned infrastructure;*
- 2. ensuring that the appropriate infrastructure for the subsequent use of the land is in place at the time of subdivision or development; and*
- 3. requiring connections to Council's reticulated systems in urban areas or appropriate on-site infrastructure to be provided in other areas, at the time of subdivision.*

SUB-P5 *Require efficient and sustainable stormwater control and disposal systems to be designed and installed at the time of subdivision that:*

- 1. recognises the value of natural systems in sustainable stormwater management and incorporates water sensitive and low impact design principles, that are sufficient for the amount and rate of anticipated runoff;*
- 2. mitigate the effects of development on-site using stormwater management areas to avoid inundation within the subdivision or on adjoining land, where sufficient infrastructure capacity is not available;*
- 3. where feasible, utilise stormwater management areas for multiple uses, while ensuring they have an interface with residential activities or commercial activities that do not compromise the predominant or planned character of the zone;*
- 4. avoid any increase in sediment and other contaminants entering waterbodies or downstream effects as a result of stormwater disposal; and*

5. *Where it is proposed to dispose of stormwater to a waterbody, considers the outcome of any consultation with tangata whenua, including any expert cultural advice provided, with respect to mitigation measures and opportunities to incorporate mātauranga Māori into the disposal method.*

Comment:

Development on Lot 1 would be complemented by a self-sufficient service arrangement involving the use of portable water, on-site wastewater treatment and on-site disposal of stormwater. The proposed arrangement has been considered and endorsed by the Council's development engineer. Overall, the proposal can achieve consistency with SUB-P4 and SUB-P5.

Rural Subdivision

- SUB-P10*** *Manage the scale, design and intensity of subdivision in the Rural Production Zone by:*
1. *allowing one additional record of title for a small allotment only where there is a large balance area;*
 2. *managing subdivision that does not comply with Subdivision Effects Standards;*
 3. *managing subdivision that involves multiple allotments with a large balance area and only allowing multiple records of title from the parent title where the overall productive capacity of highly productive land will be retained over the long term;*
and
 4. *avoiding subdivision that would compromise the role, function and predominant character of the Rural Production Zone, or is more typical of patterns of development in urban areas.*

Comment:

The development results in no net increase in the number of allotments in accordance with SUB-P10(1) and (3). The subdivision complies with the relevant Effects Standards in accordance with SUB-P10(2). Whilst the development would not maintain amenity values of the submitters property, rural character would be maintained. Overall, consistency with Policy SUB-P10 is achieved.

- SUB-P12*** *Ensure that that subdivision in the Rural Zones results in lot sizes and lot configurations that:*
1. *are appropriate for the development and land use intended by the zone;*
 2. *are compatible with the role, function and predominant or planned character of the zone;*
 3. *maintain rural character and amenity; and*
 4. *are consistent with the quality and types of development envisaged by the zone objectives and policies, including by minimising any reverse sensitivity effects and conflict with activities permitted in the zones.*

Comment:

The proposed lot sizes comply with Effects Standard SUB-S1(1) therefore demonstrating consistency with SUB-P12(1), (2) and (4). The proposal is considered to be inconsistent with the SUB-P12(3) as the development would not maintain amenity values as it would negatively impact on the submitters appreciation and use of land which they have a legal right over. Overall, the proposal is judged to be only partially consistent with Policy SUB-P12.

- SUB-P14*** *Require subdivision design and layout in the Rural Zones to respond positively to, and be integrated with the surrounding rural or rural lifestyle context, including by:*
1. *incorporating physical site characteristics, constraints and opportunities into subdivision design;*

2. *minimising earthworks and land disturbance by designing building platforms that integrate into the natural landform;*
3. *avoiding inappropriately located buildings and associated access points including prominent locations as viewed from public places;*
4. *incorporating sufficient separation from zone boundaries, transport networks, rural activities and rural industry to minimise potential for reverse sensitivity conflicts;*
5. *incorporating sufficient separation between building platforms and scheduled features to minimise potential adverse effects on those features and providing for the protection and maintenance of indigenous biodiversity;*
6. *where a subdivision has the potential to compromise cultural, spiritual or historic values of importance to tangata whenua, considering the outcomes of any consultation with tangata whenua, including any expert cultural advice provided with respect to:*
 - a. *opportunities to incorporate mātauranga Māori into the design and development of the subdivision;*
 - b. *opportunities for tangata whenua's relationship with ancestral lands, water, sites, wāhi tapu and other taonga to be maintained or strengthened; and*
 - c. *options to avoid, remedy or mitigate adverse effects;*
7. *promoting sustainable stormwater management through water sensitive design solutions; and*
8. *in the Rural Lifestyle Zone, achieving patterns of development and allotment sizes that provide opportunities for rural lifestyle living.*

Comment:

SUB-P14 relates primarily to the proposed layout of a rural subdivision and how it relates to the wider rural context rather than specific effects on the amenity of neighbouring properties.

Given the development would not create any material uplift in development potential and no net increase in allotments, the proposal achieves consistency with (1)-(8).

- SUB-P15*** *Ensure that subdivision in the Rural Lifestyle or Rural Production Zones maintains or enhances the attributes that contribute to rural character and amenity values, including:*
1. *varying forms, scales, spaciousness and separation of buildings and structures associated with the use of the land;*
 2. *maintaining prominent ridgelines, natural features and landforms, and predominant vegetation of varying types;*
 3. *low population density and scale of development relative to urban areas;*
 4. *on-site servicing and a lack of urban infrastructure; and*
 5. *in the Rural Production Zone, the continued and efficient operation of rural activities and productive working landscapes.*

Comment:

The proposal is inconsistent with the overarching direction of Policy SUB-P15 as the attributes that inform amenity values of the submitters in opposition would not be maintained. Whilst the Policy lists 5 subparts to information the consideration of such attributes, this list is not exclusive and, in my view, does not limit the consideration of a broader judgment of amenity values. As previously discussed, effects would be significant, permanent and cannot be easily reversed.

Rural Production Zone

Objectives

- RPROZ-01** *Productive land and resources support a range of production oriented and resource dependent activities.*
- RPROZ-02** *The Rural Production Zone is predominantly used for primary production.*
- RPROZ-03** *The role, function and predominant character of the Rural Production Zone is not compromised by incompatible activities.*
- RPROZ-04** *Maintain the predominant character and amenity of the Rural Production Zone, which includes:*
- 1. extensive areas of vegetation of varying types (for example, pasture for grazing, crops, forestry and indigenous vegetation and habitat) and the presence of natural features, historic heritage, Māori purpose activities, and large numbers of farmed animals;*
 - 2. low density built form with open space between buildings that are predominantly used for agricultural, pastoral and horticultural activities (for example, barns and sheds), low density rural living (for example, farm houses and worker's cottages) and community activities (for example, rural halls, domains and schools);*
 - 3. a range of noises, smells, light overspill and traffic, often on a cyclic and seasonable basis, generated from the production, manufacture, processing and transportation of raw materials derived from primary production;*
 - 4. interspersed existing energy activities and rural industry facilities associated with the use of the land for intensive indoor primary production, quarrying, and cleanfills; and*
 - 5. the presence of rural infrastructure, including rural roads, and the on-site disposal of waste, and a general lack of urban infrastructure, including street lighting, solid fences and footpaths.*

Comment:

The proposal is inconsistent with the overarching direction of Objective RPROZ-04 as the amenity values of the submitters in opposition would not be maintained. Whilst the Objective lists 5 subparts to information the consideration of such attributes, this list is not exclusive and, in my view, does not limit the consideration of a broader judgment of amenity values. As previously discussed, the effects would be significant, permanent and cannot be easily mitigated or reversed.

- RPROZ-05** *The Rural Production Zone is a functional, production and extraction orientated working environment where primary production and rural industry activities are able to operate effectively and efficiently, while ensuring that:*
- 1. the adverse effects generated by primary production and rural industry activities are appropriately managed; and*
 - 2. primary production and rural industry activities are not limited, restricted or compromised by incompatible activities or reverse sensitivity effects.*

Comment:

Consistent with my findings under S104(1)(a), the rural production orientated nature of the land would be maintained therefore providing consistency with RPROZ-05.

- RPROZ-06** *Natural features, highly productive land, tangata whenua values, rural character and amenity are not compromised by adverse changes to landform, intensification of land use activities (excluding agricultural, pastoral and horticultural activities) and/or built form, or urbanisation.*

RPROZ-07 *Sensitive activities are designed and located to avoid conflict with primary production and avoid, or mitigate adverse reverse sensitivity effects.*

Comment:

The proposal does not include sensitive activities.

Policies

RPROZ-P1 *Allow activities that are compatible with the role, function and predominant character of the Rural Production Zone, while ensuring their design, scale and intensity is appropriate, including:*

- 1. agricultural, pastoral and horticultural activities;*
- 2. residential activities;*
- 3. residential visitor accommodation;*
- 4. Māori purpose activities; and*
- 5. rural produce retail.*

RPROZ-P2 *Manage activities that are potentially compatible with the role, function and predominant character of the Rural Production Zone and ensure it is appropriate for such activities to establish in the Rural Production Zone, having regard to whether:*

- 1. the activity is compatible with the character and the amenity of the rural area;*
- 2. the activity will limit or constrain the establishment and operation of agricultural, pastoral and horticultural activities;*
- 3. the activity will reduce the potential for versatile land to be used for productive purposes and in a sustainable manner;*
- 4. adequate on-site infrastructure and services are available or can be provided to service the activity's needs;*
- 5. adverse effects can be internalised within the activity's site; and*
- 6. the activity will not result in conflict at zone interfaces.*

Potentially compatible activities include:

- 1. community facilities;*
- 2. camping grounds;*
- 3. sport and recreation activities;*
- 4. rural industry;*
- 5. aquaculture;*
- 6. mining;*
- 7. intensive indoor primary production;*
- 8. rural transport activities;*
- 9. quarries;*
- 10. retail activities (except supermarkets, large format retail activities and integrated retail activities);*
- 11. business service activities;*
- 12. commercial service activities;*
- 13. industrial activities;*
- 14. emergency service facilities;*
- 15. educational facilities (except Māori purpose activities);*
- 16. residential activities associated with Green School at Koru Road; and*
- 17. community corrections activities.*

RPROZ-P3 *Avoid activities that are incompatible with role, function and predominant character of the Rural Production Zone and activities that will result in:*

- 1. reverse sensitivity effects or conflict with permitted activities in the zone; or*
- 2. adverse effects, which cannot be avoided, or appropriately remedied or mitigated, on:*

- a. rural character and amenity values;
- b. the productive potential of highly productive soils and versatile rural land.

Incompatible activities include:

1. residential activities (except papakāinga) and rural lifestyle living that are not ancillary to rural activities;
2. retirement villages;
3. visitor accommodation (excluding residential visitor accommodation);
4. supermarkets;
5. integrated retail activities; and
6. large format retail activities.

Comment:

The proposal would be inconsistent with RPROZ-P3 (2)(a) which seeks to avoid activities which result in adverse effects on amenity values which cannot be avoided, remedied or mitigated. In this case the development would negatively impact on the submitters' use and appreciation of the land to which they have part-ownership. The effects are significant and based on the information before me cannot be mitigated.

RPROZ-P4 *Maintain the role, function and predominant character of the Rural Production Zone by controlling the effects of:*

1. building height, bulk and location;
2. setback from boundaries and boundary treatments; and
3. earthworks and subdivision.

Comment:

Consistent with my findings under S104(1)(a) including paragraph 54, rural character would be maintained therefore providing consistency with RPROZ-P4.

RPROZ-P5 *Require the effects generated by activities to be of a type, scale and level that is appropriate in the Rural Production Zone and that will maintain rural character and amenity, including by:*

1. managing noise and light emissions to an acceptable level, particularly around sensitive activities; and
2. managing high traffic generation activities that compromise the safe and efficient use of the transport network.

Comment:

The proposal is inconsistent with the direction of Policy RPROZ-P5 as the effects on amenity values are significant and inappropriate in terms of with the type, scale and level for the Rural Production Zone.

RPROZ-P6 *Ensure large-scale primary production and rural industry are designed and located appropriately, having regard to:*

1. the duration or permanency of the activity;
2. whether the primary access is located on an arterial or collector road or a road designed to provide for anticipated traffic generation;
3. sufficient separation from sensitive activities by distance or topography to avoid risk to people, property and the environment;

4. *whether the activity may compromise any cultural, spiritual or historic values of importance to tangata whenua, and if so, the outcomes of any consultation with tangata whenua, including any expert cultural advice provided with respect to mitigation options;*
5. *the extent of rehabilitation proposed and whether it will result in a net environmental benefit for the immediate area or community or establish land use appropriate to the area;*
6. *methods for avoiding adverse effects on scheduled features; and*
7. *minimisation of adverse visual effects through screen planting, building design, siting, and the retention of existing vegetation.*

Comment:

RPROZ-P6 is not considered to be relevant as the proposal does not facilitate or impact upon large-scale primary production and rural industry.

RPROZ-P7 *Require sensitive activities to be appropriately located and designed to avoid or mitigate reverse sensitivity effects, risks to people, property and the environment, and conflict with activities permitted in the Rural Production Zone, including by:*

1. *ensuring sufficient separation by distance or topography between sensitive activities and zone boundaries, transport networks, primary production, significant hazardous facilities and rural industry;*
2. *adopting appropriate design measures to minimise the impact of off-site effects of rural industry that cannot be internalised within the rural industry activity's site; and*
3. *utilising landscaping, screen planting or existing topography to minimise the visual impact of rural industry.*

Comment:

Consistent with my findings under S104(1)(a), the proposal would not give rise to reverse sensitivity effects therefore providing consistency with RPROZ-P7.

Coastal Environment

Objectives

- CE-01*** *The natural character, landscape, historic, cultural and ecological values of the coastal environment are recognised and preserved, and where appropriate enhanced and restored.*
- CE-02*** *Activities in the coastal environment enable people and communities to provide for their social, economic and cultural wellbeing and their health and safety, while ensuring adverse effects of activities on natural processes and the values of the coastal environment are avoided, remedied or mitigated.*
- CE-03*** *Tangata whenua values, mātauranga and tikanga and their ability to practice kaitiakitanga are recognised and reflected in resource management processes concerning the coastal environment.*
- CE-04*** *The risks to people and property from coastal hazards and climate change are avoided, remedied or mitigated.*

Policies

CE-P2 *Protect natural character in the coastal environment by ensuring:*

- 1. adverse effects on the natural characteristics, processes and values which contribute to Areas of Outstanding Natural Character are avoided;*
- 2. significant adverse effects on the natural characteristics, processes and values which contribute to other coastal natural character are avoided; and*
- 3. other adverse effects on the natural characteristics, processes and values which contribute to coastal natural character are avoided, remedied or mitigated.*

CE-P3 *Allow activities within the coastal environment which:*

- 1. appropriately avoid, remedy or mitigate adverse effects on natural processes, coastal natural character, landscape, amenity, historic, cultural and ecological values; and*
- 2. mitigate any significant hazard risks to people, property and the environment to an acceptable level; and*
- 3. Either:*
 - a. have an operational need or functional need to be located in the coastal environment, such as Port Taranaki or the National Grid; or*
 - b. provide for Māori purpose activities.*

CE-P4 *Manage the scale, location and design of activities within the coastal environment that have the potential to adversely affect coastal natural character, landscape, amenity, historic, cultural and ecological values, indigenous vegetation and habitats of indigenous fauna or that have the potential to increase or be vulnerable to coastal hazards, including:*

- 1. building activities;*
- 2. multi-unit development;*
- 3. industrial activities;*
- 4. network utilities;*
- 5. earthworks; and*
- 6. subdivision.*

CE-P8 *Ensure activities are not located inappropriately within the coastal environment, having regard to:*

- 1. the effects of the activity and its impact on the particular natural character, landscape, amenity, historic, indigenous vegetation and habitats of indigenous fauna, ecological and recreational values of the area;*
- 2. the outcomes of any consultation with tangata whenua, including any expert cultural advice provided, including the extent to which the activity may compromise the relationship of tangata whenua with their ancestral lands, water, sites, wāhi tapu, and other taonga, or the kaitiaki and mana whenua responsibilities of tangata whenua in the coastal environment;*
- 3. the extent to which the values of the area are sensitive or vulnerable to change or whether any adverse effects can be avoided, or where avoidance is not possible, appropriately remedied or mitigated;*
- 4. opportunities to enhance, restore or rehabilitate the particular values of the coastal environment of the area;*

5. *the presence of any natural hazards and whether the activity will exacerbate the hazard or be vulnerable to it;*
6. *the adoption of a risk-based approach to hazard management, including consideration of climate change and sea level rise over at least the next 100 years, taking a risk management approach to existing development; and a risk reduction (including avoidance where appropriate) approach to new development;*
7. *whether there is an operational need or functional need for the activity to be located in the coastal environment;*
8. *the positive effects associated with the activity; and*
9. *whether the activity maintains or enhances public access to and along the coast and recreation within the coastal environment, including to the Waiwhakaiho surf break, and regionally significant surf breaks within the New Plymouth District as identified in the Proposed Coastal Plan for Taranaki (Decisions version at 5 October 2019).*

CE-P9 *Require activities within the coastal environment to avoid, remedy or mitigate adverse landscape, indigenous vegetation and habitats of indigenous fauna, visual and amenity effects by:*

1. *ensuring the scale, location and design of any built form or land modification is appropriate in the location;*
2. *integrating natural processes, landform and topography into the design of the activity, including the use of naturally occurring building platforms;*
3. *limiting the prominence or visibility of built form from public places and the coast;*
4. *where possible, limiting expansion of existing urban coastal settlements; and*
5. *retaining existing indigenous vegetation and habitats of indigenous fauna (excluding planted vegetation that is not subject to a conservation covenant), and restoring and rehabilitating indigenous vegetation and habitats of indigenous fauna, using coastal plant species sourced from the relevant ecological district.*

Comment:

The development is considered to achieve consistency with the Coastal Environment Objectives and Policies given:

- the land to be adjusted within parent lot 31 lies outside of the Coastal Environment Overlay
- the development, being a boundary adjustment subdivision, would not result in material uplift in development potential which could, in turn, detrimentally impact on coastal character
- the area of the site to be adjusted retains no obvious natural or coastal character
- the development would not exacerbate coastal hazards and climate change risks
- the proposal does not impact on public access to the coast.

Waterbodies

Objectives

WB-01 *Waterbodies with natural character and ecology, recreation, cultural, spiritual and heritage values, and their margins are protected from inappropriate activities.*

WB-02 *Public access to and along rivers and lakes with conservation, recreational, scenic or amenity values is maintained and enhanced.*

WB-03 *The adverse effects of activities on the values of waterbodies are avoided, remedied or mitigated.*

WB-04 *The relationship of tangata whenua and their culture and traditions associated with waterbodies are recognised and provided for.*

Policies

WB-P1 *Identify, map and schedule rivers and lakes where the provision of an esplanade reserve or esplanade strip is a priority for one or more of the following reasons:*

- 1. to protect high natural character and ecology values, including natural aquatic habitats that support the presence of threatened, at risk, or regionally distinctive indigenous species;*
- 2. to enable public use of the river or lake and its margins for recreational purposes including surface water activities, fishing, hunting and tramping;*
- 3. to provide public access to or along a river or lake and connections to areas of recreational use; or*
- 4. to protect the cultural, spiritual or historic values of importance to tangata whenua associated with the river or lake.*

WB-P2 *Protect the natural character, ecological, recreational, cultural, spiritual, heritage or amenity values of waterbodies by:*

- 1. managing the potential adverse effects of subdivision on the values of waterbodies;*
- 2. requiring buildings and earthworks to be set back from natural waterbodies to avoid, remedy or mitigate potential adverse effects on their values; and*
- 3. maintaining and enhancing public access to rivers and lakes with recreation, scenic, cultural or amenity values through the creation of esplanade reserves or esplanade strips at the time of subdivision.*

WB-P3 *Require that activities proposing to locate on sites adjoining a natural waterbody, demonstrate that the activity is located appropriately having regard to:*

- 1. the particular natural character, ecological, recreational, cultural, spiritual, heritage or amenity values of the natural waterbody and the extent to which the values of the natural waterbody may be adversely affected by the activity;*
- 2. the purpose of the activity and whether it has a functional need and operational need to be located adjoining a natural waterbody;*
- 3. the ability to effectively restore and rehabilitate the natural waterbody or off-set adverse effects;*
- 4. for natural waterbodies which have cultural, spiritual or historic values of importance to tangata whenua, the outcomes of any consultation with tangata whenua, including any expert cultural advice provided with respect to mitigation measures; and*
- 5. whether the activity would create new or exacerbate existing natural hazards, including flooding or stream bank erosion.*

WB-P4 *When any subdivision of land creates allotments containing or adjoining a river or lake require that an esplanade reserve or esplanade strip be provided, where an esplanade reserve or esplanade strip will assist:*

- 1. to protect, maintain or enhance the conservation values of the river or lake including; natural character, ecology, water quality and riparian planting;*
- 2. to provide for recreation and public access, and recognition of cultural, spiritual or historic values of importance to tangata whenua; or*
- 3. to mitigate natural hazards.*

WB-P5 *Require any subdivision of land creating allotments containing or adjoining a river or lake which is required to provide an esplanade reserve or an esplanade strip, but which proposes to waive the provision of, or reduce the width of the esplanade strip or esplanade reserve, to demonstrate that the waiver or reduction is appropriate having regard to:*

1. *the purposes of esplanade reserves and esplanade strips in accordance with section 229 of the Act, and whether the waiver or reduction will limit the ability to achieve those purposes;*
2. *whether the waiver or reduction will limit or reduce opportunities for public recreational use of the river or lake;*
3. *whether the waiver or reduction will limit or reduce opportunities to link land-locked or isolated esplanade strips or esplanade reserves, or access strips;*
4. *whether any alternative public access to the river or lake is available;*
5. *the site's physical characteristics and constraints and any practical implications of providing access;*
6. *effects of natural hazards, including protection of the integrity of the river, and erosion and flood control works;*
7. *whether the waiver or reduction of an esplanade reserve or esplanade strip would compromise or assist the ability to protect, maintain or enhance natural character, ecological, landscape, historic heritage or cultural values of the river or lake or the ability to protect sites and areas of significance to tangata whenua; and*
8. *the benefits and costs of the provision and maintenance of an esplanade reserve or an esplanade strips of a reduced width.*

WB-P6 *Require an esplanade reserve rather than an esplanade strip unless any of the following apply:*

1. *the purposes for esplanade reserves and esplanade strips in section 229 of the Act can be adequately achieved by an esplanade strip;*
2. *the river or lake is not in Schedule 9 or is within a rural area, and public access and recreational opportunities can be provided for by an esplanade strip; and*
3. *where the natural character, ecological, landscape, historic heritage or cultural values of the river or lake, or the protection of sites and areas of significance to tangata whenua can be achieved by an esplanade strip; or*
4. *the benefits and costs of the provision and maintenance of an esplanade reserve or an esplanade strip favour an esplanade strip.*

WB-P7 *Consider the incorporation of mātauranga Māori into the design, development and operation of activities on sites adjoining waterbodies which have cultural, spiritual or historic values of importance to tangata whenua and provide opportunities for tangata whenua to exercise their customary responsibilities in respect of waterbodies.*

WB-P8 *Promote community awareness of:*

1. *the importance of the values of waterbodies and the threats to them;*
2. *opportunities for waterbodies to provide a network of indigenous biodiversity; and*
3. *the benefits of the protection and enhancement of waterbodies and their values.*

WB-P9 *Support the provision of information, technical and cultural advice to the community relating to the protection and enhancement of the values of waterbodies, including riparian planting and management, in conjunction with relevant agencies and tangata whenua.*

Comment:

Whilst the development technically triggers Rule WB-R5, the land to be adjusted is located well clear of any waterbody. Overall, consistency with the above Objectives and Polices is achieved.

Sites of Significance to Māori

Objectives

SASM-01 *Sites and areas of significance to Māori are recognised, protected and maintained.*

SASM-02 *The relationship of tangata whenua with sites and areas of significance to Māori is recognised and protected.*

SASM-03 *Sites and areas of significance to Māori are appreciated by the community and are acknowledged as important to the district's identity.*

Policies

SASM-P1 *Map and schedule sites and areas of significance to Māori that are identified through consultation and collaboration with tangata whenua, working as far as practicable in accordance with tikanga Māori, and where relevant recognise and have regard to:*

- 1. impacts on the relationship and values that only tangata whenua of the New Plymouth district can identify in respect of their sites;*
- 2. intangible and spiritual values associated with a site;*
- 3. supporting information, including historic analysis and archaeological survey; and*
- 4. tangata whenua's customary responsibilities as mana whenua and kaitiaki.*

SASM-P2 *Protect sites and areas of significance to Māori by:*

- 1. ensuring sites and areas of significance to Māori are not modified, destroyed, removed or visually encroached upon by inappropriate activities; and*
- 2. requiring activities on, or in proximity to sites and areas of significance to Māori, to maintain the site or area's cultural, spiritual and historical values of importance to tangata whenua.*

SASM-P3 *Allow the following activities to occur on, or in proximity to sites and areas of significance to Māori, while ensuring their design, scale and intensity will not compromise cultural, spiritual and heritage values, interests or associations of importance to tangata whenua:*

- 1. land disturbance;*
- 2. demolition or removal of existing buildings and structures where the structure is not or does not form part of the site or area;*
- 3. alterations to existing buildings and structures, excluding earthworks;*
- 4. operation, maintenance and repair or upgrading of existing network utility structures; and*
- 5. erection of signs.*

SASM-P4 *Manage activities that occur on, or in proximity to sites and areas of significance to Māori that have the potential to compromise cultural, spiritual and heritage values, interests or associations of importance to tangata whenua, including:*

- 1. maintenance and repair or upgrading of existing network utility structures;*
- 2. erection of, additions to and relocation of structures;*
- 3. earthworks; and*
- 4. subdivision of land containing sites and areas of significance to Māori.*

SASM-P5 *Ensure the adverse effects of activities on sites and areas of significance to Māori are managed by:*

- 1. avoiding locating activities within sites and areas of significance to Māori, unless there is a functional need to do so and no practicable alternative location; and*
- 2. avoiding significant adverse effects on the site or area's cultural, spiritual and historical values; and*
- 3. for other adverse effects:*

- a. where adverse effects cannot be avoided, they are minimised; and
- b. where adverse effects cannot be minimised, they are remedied; and
- c. where more than minor residual adverse effects cannot be avoided, minimised, or remedied, the activity itself is avoided.

SASM-P6 *When considering the appropriateness of an activity on, in proximity to, or affecting sites and areas of significance to Māori, have regard to:*

1. *the particular cultural, spiritual and historical values, interests or associations of importance to tangata whenua that are associated with the site which may be affected;*
2. *the extent to which the activity may compromise tangata whenua's relationship with their ancestral lands, water, sites, wāhi tapu, and other taonga, and the ability to protect, maintain or enhance sites of significance to Māori;*
3. *tangata whenua's responsibilities as kaitiaki and mana whenua;*
4. *any opportunities for tangata whenua's relationship with the site or area to be maintained or strengthened on an ongoing or long term basis, including practical mechanisms for mana whenua to access, use and maintain the site;*
5. *the outcomes of any consultation with tangata whenua, including any expert cultural advice provided, in particular with respect to mitigation measures and the incorporation of mātauranga Māori into the design, development or operation of activities that may affect the site;*
6. *whether the modification or destruction of a site:*
 - a. *is required to allow for a significant public benefit that could not otherwise be achieved and the significant public benefit outweighs the retention of the site or area of significance to Māori or parts of the site or area of significance to Māori; or*
 - b. *is required to enable mana whenua to realise cultural, spiritual, historical or economic benefits; or*
 - c. *is necessary to prevent serious threat to property, people or services; and*
7. *where the site is also an archaeological site, the relevant objectives and policies in the Historic Heritage Chapter.*

SASM-P7 *Ensure that any structure that exceeds permitted height limits on or in proximity to sites and areas of significance to Māori is appropriately located and that any adverse effects associated with the additional height are appropriately avoided, remedied or mitigated, having regard to:*

1. *the particular cultural, spiritual and historical values, interests or associations of importance to tangata whenua that are associated with the site which may be affected by the over-height structure;*
2. *the prominence of the structure's location and the extent to which the over-height structure will visually encroach upon the site or area and affect tangata whenua's relationship with the site or area and their ability to exercise their customary responsibilities as mana whenua and kaitiaki;*
3. *the necessity for the structure, any alternative locations for the structure on the site and the duration that the structure will be located in this position;*
4. *the cumulative effects of the structure on the cultural, spiritual and historical values, interests or associations of importance to tangata whenua; and*
5. *the outcomes of any consultation with tangata whenua, including any expert cultural advice provided, in particular with respect to mitigation measures and the incorporation of mātauranga Māori into the overall scale, form, composition and design of the structure, to:*
 - a. *minimise adverse visual effects on the site or area; and*
 - b. *acknowledge and reflect the importance of the site to tangata whenua.*

SASM-P8 *Support landowners to manage, maintain, preserve and protect sites and areas of significance to Māori, including by:*

- 1. increasing awareness, understanding and appreciation within the local community of the presence of and importance of sites and areas of significance to Māori;*
- 2. encouraging landowners to engage with local tangata whenua and marae and develop positive working relationships in respect of the ongoing management and protection of sites or areas of significance to Māori;*
- 3. through engagement, consultation and collaboration with tangata whenua, promoting the use of mātauranga Māori, tikanga and kaitiakitanga to manage, maintain, preserve and protect sites and areas of significance to Māori;*
- 4. providing assistance to landowners to preserve, maintain and enhance sites and areas of significance to Māori; or*
- 5. for identified SASM, or for silent SASM, seeking to establish an extent through engagement, consultation and collaboration with tangata whenua,*

Comment:

The favorable feedback from mana whenua demonstrates that project is broadly consistent with the Objectives and Policies of the Sites of Significance to Māori Chapter.

81. Similar to the assessment of effects under s104(1)(a), the assessment of Objectives and Policies has been made more challenging by the unusual nature of the submissions received. Consistent with my approach under s104(1)(a) I believe the core matter at stake is based around the amenity of the submitters, in particular the use and appreciation of the common land which they are part owner.
82. Overall, whilst the development is able to achieve consistency with many of the relevant matters including those related to SASM's, the Coastal Environment and Waterbodies, the development is, inconsistent with matters related to the maintenance of amenity or avoidance of adverse amenity effects. On balance and given the plan provides direction that amenity should be maintained, the proposal does not achieve consistency with the Objectives and Policies of the PODP.

OTHER MATTERS - s104(1)(c)

83. Given the application site lies within a Statutory Acknowledgement Area, the application is subject to Taiao, Taiora, the Iwi Environmental Management Plan of Taranaki Iwi.
84. As outlined in the s95 report, the application was sent to Taranaki iwi on 19th November 2024. Whilst no formal comment was received from iwi, correspondence was provided by Ngāti Tāiri hapū who are mana whenua of the Tapuae Stream and surrounding Rohe. The correspondence outlined that hapū hold no concerns with the proposed development. Based on the response of mana whenua I am satisfied that effects on the Statutory Acknowledgement Area would be less than minor. Based on the positive feedback received from hapū it can be surmised that the development is consistent with the iwi management plan.

Particular Considerations for Subdivision (s106)

85. There is no reason to decline this application under section 106 of the RMA given:
 - The part of the application sites to be adjusted is the not subject to any known significant natural hazards; and
 - Provision has been made for legal and physical access to all lots via the existing road network.

PART 2 OF THE RMA

86. Whilst I am satisfied that the provisions of the PODP have been robustly prepared in accordance with Part II of the Act, the provisions are less helpful when considering a subdivision application where not all landowners are willing participants. Therefore, in this instance, undertaking a brief assessment of Part II would enhance the evaluation of the proposal.
87. Part 2 of the Act sets out the purpose and principles of the legislation, which as stated in section 5, is "to promote the sustainable management of natural and physical resources". Section 5 goes on to state that sustainable management should enable "people and communities to provide for their social, economic and cultural wellbeing and for their health and safety whilst (amongst other things) avoiding, remedying or mitigating any adverse effects of activities on the environment".
88. Through consultation, active participation and by providing for a Tikanga processes to be followed, the development is in accordance with Section 6(e), (f), 7(a), (aa) and Section 8 (the Treaty). Sections 6(a)-(d), (g) and (h) are not considered to be relevant to this proposal.
89. Based on the submissions that the proposal may frustrate the common use of the parent Lot 31, I am unable to reach a conclusion as to whether the proposal would be an efficient use and development of natural and physical resources under s7(b). Whilst the applicant may assert that the proposal allows for the building of a dwelling on land which is subject to slippage, this relies on the adjustment of land which is held in common ownership and is disputed by some of the common owners who have opposed the development.
90. Based on earlier findings under s104(1)(a), I find that the development would not be consistent with s7(c) as it would not result in the maintenance and enhancement of amenity values of the submitters properties in opposition to the development. The development seeks to permanently adjust the property boundaries which they have a legal right over thereby negatively impacting on their use and appreciation of this land. I have also found that the native impacts on amenity values cannot be mitigated.
91. Sections 7(ba), (d)-(j) are not considered to be relevant to this proposal.
92. Having regard to the above assessment it is concluded that the proposal is consistent with the relevant parts of sections 6 and 8 but clearly inconsistent with s7(c) of the Resource Management Act 1991.
93. Overall, the application is considered to be inconsistent with the relevant provisions of Part 2 of the RMA as the proposal achieves the purpose (section 5) of the RMA being sustainable management of natural and physical resources.

RECOMMENDATION

94. For the reasons outlined in this report and having had regard to s104(1)(a)-(c), I consider that the combined subdivision and land use application (reference SUB24/50201 and LUC24/48662) be **declined**.
95. Whilst I have made best endeavours to provide a full and final recommendations on the proposal, if it is appropriate, I reserve the right to amend my recommendation at the conclusion of the hearing.

CONDITIONS

96. Should the application be granted, I recommend that the application be subject to the draft conditions contained in Appendix 1.

Report and recommendation by:



Report and decision by:

*Campbell Robinson
Consultant Planner*

Reviewed by:

*Richard Watkins
Principal Planner*

Date:

10th September 2025

Appendix 1: Draft Conditions of Consent.

Decision 1: Subdivision.

Section 223 Certificate:

General:

1. The survey plan shall be consistent with the scheme plans submitted by Landpro Job Reference W-211212, Drawing RC01, Sheets 1 and 2, dated 27.5.245 and all other information including further information contained within Resource Consent application number SUB24/50201.
2. Prior to Section 223 certification, all existing buildings shall meet the standards specified in the Proposed District Plan for a permitted activity relative to the new boundaries.

Amalgamation:

3. That Lot 2 hereon and Lot 32 DP 385658 (legal access) be held as to thirty undivided one-thirtieth shares by the owners of Lots 1 to 19, Lots 21 to 30 DP 385658 and Lot 1 hereon as tenants in common in the said shares and that the individual Records of Title be issued in accordance therewith (LINZ reference 1962269).

Building Restriction Areas:

4. Any dwelling located on Lot 1 here shall be located a minimum distance of 23 from the head of the Gully located in the north-western corner of Lot 1.
5. Condition 5 shall be imposed by way of a section 221 consent notice registered against the new Record of Title for proposed Lot 1 and 4 being a subdivision of Lot 20 DP 385658 and Lot 31 DP 385658.

Section 224 Certificate:

Stomwater:

6. The applicant shall dispose of the stormwater in a way that does not create a nuisance to neighbouring property.

Building Platform – Lot 1:

7. The foundation design of any building on Lot 1 shall be informed by the reports by Red Jacket dated 28 April 2025 and 12th July 2021 and Tonkin and Taylor report dated 28th September 2021.
8. Condition 7 shall be imposed by way of a section 221 consent notice registered against the new Record of Title for proposed Lot 1 being a subdivision of Lot 20 DP 385658 and Lot 31 DP 385658.

DECISION 2: LAND USE

Approved Plans:

1. The use and development of the land shall be consistent with application No. LUC24/48662 including further information submitted during the processing of the application and with the following plan:

Plan No	Name	Date
W-211212	PROPOSED SUBDIVISION OF LOT 20 AND 31 DP 385658 Washer Family Trust 9 Washer Road, Omata	27.4.24

Notification to monitoring

2. Prior to the commencement of construction, the consent holder shall contact the Council's Monitoring Officer planningconsents.monitoring@npdc.govt.nz at least 48 hours prior to any physical work commencing on the site and advise the officer of the date upon which such works will commence.

Compliance with Acoustic Noise Requirements:

3. Prior to residential occupation of any future dwelling on Lot 1, the consent holder must provide certification from a suitably qualified person that the dwelling has been constructed, and mechanical ventilation provided to bedrooms and habitable rooms which meet the requirements of Effects Standard NOISE-S3 (1) of the Part Operative District Plan.

Accidental Discovery Protocol Cultural or Archaeological Artefacts:

4. The applicant is advised to contact local hapū and Heritage New Zealand if the presence of an archaeological or cultural artefacts are uncovered or are suspected of being uncovered. Work affecting archaeological sites is subject to a separate consent process under the Heritage New Zealand Pouhere Taonga Act 2014. If any activity associated with this proposal, such as building modification or demolition, earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from Heritage New Zealand must be obtained for the work to proceed lawfully. The Heritage New Zealand Pouhere Taonga Act 2014 contains penalties for unauthorised site damage.

Advice Notes:

1. The land use and subdivision consent lapses 5 years from the date it was granted 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.
2. This consent is subject to the right of objection as set out in section 357A of the Resource Management Act 1991.
3. All costs in meeting the conditions of these requirements shall be met by the consent holder unless otherwise stated.
4. There is no reticulated water supply available to Lot 1. Any dwelling constructed on Lot 1 will require provision for the water needs of the project in accordance with the provisions of the Building Code. The activity will require the consent holder 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.

5. Development on Lot 1 shall require on-site septic treatment for sewerage complying with the NZBC. Lot 1 shall require enough room for on-site septic tank, soakage field and reserve area, taking into account the required distance from boundaries and area required for on-site stormwater disposal.
6. Consistent with the submitted application, this decision approves subdivision and land use resource consents only. Permissiuous for all other required processes such as cancellation of amalgamations or the variation or cancellation of consent notices may require further approvals to be sought and granted.