

BEFORE COMMISSIONER MARK ST. CLAIR APPOINTED BY NEW PLYMOUTH DISTRICT COUNCIL

UNDER

the Resource Management Act 1991 ("RMA")

IN THE MATTER

of an application under section 88 of the Act by **ROBE AND ROCHE INVESTMENTS LIMITED** to the **NEW PLYMOUTH DISTRICT COUNCIL** for a subdivision to create 113 residential lots and additional road and recreational reserves at 56 Pohutukawa Place, Bell Block. (SUB21/47803)

JOINT WITNESS STATEMENT

PLANNING AND CONSENT CONDITIONS

DATED: 11 April 2025

1. INTRODUCTION

- 1.1 This Joint Witness Statement ("JWS") on planning matters and consent conditions is presented in relation to the subdivision and land use consent application ("the Application") lodged by Robe and Roche Investments Limited ("the Applicant"), to subdivide the land at 56 Pohutukawa Place, Bell Block into 113 residential lots and associated road and recreational reserves.
- 1.2 It records the positions and outcomes of expert conferencing between;
 - Ben Lawn – Planner for the Applicant,
 - Kathryn Hooper – Planner for the Applicant,
 - Sean Zieltjes – Planner and adviser to Te Kotahitanga o Te Atiawa Trust and Puketapu Hapū, and
 - Todd Whittaker – S.42A planner for New Plymouth District Council.
- 1.3 The experience and qualifications of each planning expert is set out in the statements of evidence that have already been circulated and presented to the Commissioner.

2. CODE OF CONDUCT

- 2.1 We confirm that we have read the Code of Conduct for expert witnesses contained in the 2023 Environment Court Practice Note and agree to comply with it. We confirm we have considered all the material facts that we are aware of that might alter or detract from the opinions we express. In particular, this JWS is within our sphere of planning expertise, and we have not omitted to consider material facts known to us that might alter or detract from the opinions we express.

3. PURPOSE AND SCOPE OF JWS

- 3.1 This JWS has been prepared in advance of the hearing to provide an update to the Commissioner on;
- the respective positions of the planning experts on the overall evidence in chief and planning matters to be considered by the Commissioner,
 - earthworks (land use) consent, and
 - an update on the review process for the proposed conditions and the anticipated outcome of further caucusing.

4. PLANNING MATTERS FOR CONSIDERATION.

- 4.1 The Commissioner will now have had the benefit of reading the pre-circulated statement of evidence and also the S.42A report.
- 4.2 Importantly, the Commissioner will also now have the benefit of receiving the regional council consents for discharge and earthworks which for part of the material discussed within the S.42A report and the statements of evidence from the Applicant and from Te Kotahitanga o Te Atiawa Trust and Puketapu Hapū (as submitter). The regional council consents were attached as Appendix E to the evidence statement from Ben Lawn. These now can be taken into account as part of the environment and context for the assessment of effects associated with the proposed subdivision application.
- 4.3 While there are some differences in the framing and assessment of the effects associated with the proposed subdivision across each of the planning experts, these differences are only to the degree of emphasis and individual discussion on specific policies or aspects of the effects assessment. All four planning witnesses agree with the following statements, and this is our combined evidence to the Commissioner;
- (a) The subdivision application and statements of evidence appropriately identify and address the relevant plan provisions, planning instruments and effects,

- (b) The design of the subdivision and conditions of consent appropriately mitigate, remedy and avoid the actual and potential effects of the proposed subdivision,
- (c) The design of the subdivision and conditions of consent achieve outcomes which are consistent with the District Plan and higher order planning instruments,
- (d) The Applicant and mana whenua have engaged in a meaningful consultation process which has now fostered a solid relationship and that has allowed the framing of appropriate conditions to recognise and protect the cultural values and sites that may be affected by the proposed subdivision,
- (e) It is our professional opinions, that consent can be granted to the proposed subdivision subject to appropriate conditions.

5. EARTHWORKS (LAND USE) CONSENT

- 5.1 As addressed in the S.42A report and the statements of evidence, there is a potential issue in terms of the land use requirements of the PDP.
- 5.2 The Applicant is seeking an amendment to the Form 9 and application to formally recognise that a land use consent can be issued based on the material in the application and the further details and assessments provided to the Commissioner as part of this hearing.
- 5.3 All planners are keen to facilitate a pragmatic outcome and consider that it is possible to identify land use conditions for bulk earthworks within the road corridor that can be issued alongside any subdivision consent if the Commissioner is mindful to grant the subdivision consent and to also allow the issue of a land use consent. It is open for the Applicant to provide additional existing and finished contour information that can provide additional design assessment for earthworks across the site.

6. PROPOSED CONDITIONS

- 6.1 A proposed set of draft subdivision consent conditions was issued with the S.42A report (S.42A conditions).
- 6.2 This S.42A conditions have been subject to review and amendments set out in the respective planning evidence of Ben Lawn and Sean Zieltjes. The proposed amendments do not reflect any wholesale differences in the matters to be addressed through the consent conditions, however there will be further refinement required in terms of;

- (a) The scope and nature of conditions for earthworks including any conditions that may be required to be imposed on any separate land use consent (subject to Commissioner directions),
- (b) Integration of any management plans with the TRC consents,
- (c) Refinement and rationalisation of the conditions for ecological management and enhancement, including integration with the Kaitiaki Forum conditions, and
- (d) Final review and confirmation of servicing and infrastructure conditions.

6.3 Since the exchange of evidence, the following process and outcomes have been achieved.

- (a) Mr Whittaker has discussed the proposed condition amendments with Council planning and engineering staff. The feedback received is that the amendments are supported in principle however some matters on the timing on the infrastructure connections and upgrades is still pending. This will be confirmed by early next week.
- (b) Mr Whittaker has discussed the proposed amendments with Council reserve staff. The feedback received is that there would be benefit in refining the conditions in terms of management plans and the interrelationship with the Kaitiaki Forum and also the recently issued TRC consents. It is proposed to arrange a meeting with reserves staff and the planners to work through these refinements.
- (c) All planners attended a video conference on 10 April 2025 to discuss the proposed conditions and the opportunity to refine these to reach an agreed set of conditions between Council, the Applicant and mana whenua.

6.4 It is our combined and agreed position that it is likely that an agreed set of conditions can be achieved. If this cannot be achieved for all conditions, then any remaining issues will be able to be set out in a schedule which will highlight the respective conditions and positions of the planners.

6.5 We have not been able to complete this review process, and it will involve input from the wider technical team of the Council and the Applicant.

6.6 As such, we respectfully request that a timeframe is set for a final schedule of conditions to be issued to the Commissioner post hearing. We suggest this date be **2 May 2025** noting that the Easter, Anzac and school holidays are approaching.

- 6.7 This period could also allow time for any other matters to be addressed should the Commissioner seek to issue other specific instructions.

7. CONCLUSION

- 7.1 All planners support the granting of the subdivision consent with appropriate conditions.
- 7.2 All planners support a pragmatic resolution to the land use consent matter for earthworks.
- 7.3 All planners respectively seek the opportunity to work on an agreed set of conditions that can be issued to the Commissioner by **2 May 2025**.



Ben Lawn
Planner for the Applicant



Kathryn Hooper
Planner for the Applicant



Sean Zieltjes
Planner and adviser to Te Kotahitanga o Te Atiawa Trust and Puketapu Hapū



Todd Whittaker
S.42A Planner for New Plymouth District Council.

11 April 2025