

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

**UNDER  
IN THE MATTER**

the Resource Management Act 1991  
an application for resource consent by Bruce Sim, Margaret Sim  
and Robert Sim to undertake 6 lot subdivision of 6 and 42 Leith  
Road, New Plymouth (SUB21/47781)

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**STATEMENT OF SUPPLEMENTARY EVIDENCE OF LAURA CATHERINE BUTTIMORE  
Section 42A Author**

Dated the 7<sup>th</sup> of June 2022

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## **INTRODUCTION**

1. My name is Laura Catherine Buttimore.
2. My qualifications and experience are set out at paragraphs 1-3 of the Section 42A report, these are not repeated here.
3. This supplementary planning evidence is provided in response to Ms Gerente supplementary planning evidence dated 30 May 2022 and a response to the Commissioners Minute 4 items (d) and (e).

### **Puketi Pa site**

4. As stated in Ms Gerente and my Joint Witness Statement (JWS), neither my s42A report, or her primary planning evidence identified the application against the relevant Site of Significance to Māori (SASM) and Archaeological Site (AS) ID 192 (Puketi Pa) under the Proposed District Plan (PDP) and its relevant provisions. This is an error, and the application should have been assessed against the relevant SASM and AS provisions of the PDP and consent sought for these non-compliances.
5. I agree with Ms Gerente that the application needs to be amended to seek consent under SASM-R9 and HH-R17 of the PDP. However, I disagree consent is necessary under the Operative District Plan (ODP) OL85. Rule OL85 requires a 50m setback from the centre of the triangle mapped on the District Plan maps. I believe the proposed subdivision and subsequent development would be further than 50m as identified in the ODP and therefore would be a permitted activity under Rule OL85.
6. I also believe the development as a result of the subdivision including vehicle access, driveway construction and potentially new built form on Lots 1 and 2 would need consent under SASM-R8 and HH-R17. Given there is disagreement between Ms Gerente and I, (as outlined at paragraph 4.7 of the Planner's JWS) around the location of the vehicle access points and subsequent driveway and building platforms to Lots 2 and 3 it is difficult to ascertain and accurately assess this. However, for the abundance of caution,

I would suggest the application is also amended to include these provisions. This would then give any future purchaser of Lots 2 and 3 the opportunity to construct and build on each allotment without the need for resource consent. Acknowledging that if consent was sought under Rules SASM-R8 and HH-R17 a fuller and more detailed analysis around vehicle access, driveway locations and identified building platforms on Lots 2 and 3 would ensure the effects of these non-compliances can be more fully understood.

7. I agreed with Ms Gerente at the Expert Conferencing that provided consultation and engagement with Nga Mahanga a Tairi Hapu and Te Kahui o Taranaki Iwi Trust occurred, the application would not need to be notified again. I note Ms Gerente's supplementary evidence provides correspondence from Mr Keith Manukonga, a member (former Chair of Oakura Pa) of Nga Mahanga A Tairi. I note Mr Manukonga refers in his email to their original approval remaining. However, I have not viewed the Nga Mahanga A Tairi approval or support to this subdivision and would be interested to understand whether this was conditional on any potential conditions of consent and or mitigation measures being offered by the applicant (which is often the case with mana whenua approval). I also acknowledge as mana whenua the hapū can speak and or provide their support to development without the iwi authority engagement being necessary. Therefore, provided Nga Mahanga A Tairi have provided their approval to this subdivision then I do not believe specific engagement with Te Kahui o Taranaki Iwi Trust is necessary in this instance.
8. I wish to outline, a potential or perceived conflict in relation to correspondence and engagement with Nga Mahanga A Tairi. My husband is uri to Nga Mahanga A Tairi and provides support to the hapū in relation to some resource consent applications. My husband has had no input on this application and given the correspondence and support from Mr Manukonga I do not believe a conflict exists.
9. Overall, I am satisfied the supplementary evidence provided by Ms Gerente accurately assesses the potential effects in relation to the subdivision in proximity to the Puketi Pa and assesses the relevant objectives and policies of the PDP. Given this assessment, and the fact it appears the subject site is not within the extent of the known Puketi Pa, it is likely any potential effects on this site can be avoided and or mitigated. I do remain of the opinion that the original approval provided by Nga Mahanga A Tairi and referred to

by Mr Manukonga in his email (appended to Ms Gerente supplementary evidence), should be provided and cited before their approval is confirmed. It is acknowledged that only mana whenua are cultural experts in this instance and therefore the most qualified to accurately assess potential effects of development on the Puketi Pa site.

10. Attached as Appendix 1 to this supplementary evidence is the revised JWS conditions. These include the consent condition Ms Gerente offers in her supplementary evidence and the relevant amendments to address this non-compliance under the PDP. I have also included the requirement for hapū monitors for any earthworks on Lots 2 and 3 as a condition of consent and a consent notice going forward on those respective new titles given their proximity to the pa. I consider the requirement for hapū monitors during earthworks to be best practice and a way to mitigate potential effects associated with the proximity of the development to the pa site.

### **High point on Lots 2 and 3**

11. Ms Gerente in her supplementary evidence outlines that I requested a plan to further understand the high point within Lot 3. I agree we discussed this matter at conferencing, and I outlined my concern around the identification of the red dot and the effectiveness in this being used to adequately setback development from the high point and the ability for this high point to be effectively monitored in the future by Council.
12. Acknowledging I am not a Landscape Architect, I believe the high point should in fact encompass a larger area which includes the entire high point of the knoll not just the 'highest point' ensuring a larger setback and pushing development further east on Lot 3. I also outlined at conferencing that it would be helpful if the topographical survey provided in Ms Gerente evidence includes dimensions with the permitted building platform areas identified on Lots 2 and 3. The permitted building platform on Lot 3 appears quite narrow, particularly at the southern end which effectively pushes the building further north up the knoll.

13. The RL 104.9 identified on the revised plan in Ms Gerente supplementary evidence is helpful for monitoring purposes and I have included this RL in the revised conditions of consent appended to this evidence.
14. I agree with Ms Gerente, that given the cross section and evidence provided, it appears a driveway within Lots 2 and 3 could be achieved where a cut face of 1.5m or less would be achieved, consistent with Mr Bain recommendations made in his LVIA.
15. I wish to highlight that whilst the access and or driveways to Lots 2 and 3 appear to meet the 1.5m earthworks control recommended by Mr Bain this does not mean it is consistent with the overall intention of rural character and the relevant and objectives and policies of the ODP. It is my opinion the rural character and the relevant objectives and policies of the ODP (and PDP) are intended to retain landform and ensure subdivision and development recognise natural features and minimise disturbance to landform. The location and design of Lots 2 and 3 is, in my opinion, in consistent with this retention of the landform and therefore the maintenance of rural character.

## **Conclusion**

16. I believe the application can appropriately avoid and or mitigate effects on the adjacent Puekti Pa site as set out in the revised conditions attached as Appendix 1.
17. I consider the original approval provided by Nga Mahanga A Tairi should be provided to the Commissioner, as outlined by Mr Manukonga in his email so the full nature of this approval can be understood.
18. I acknowledge that it appears that the vehicle access and driveways on Lots 2 and 3 can be constructed to meet the 1.5m earthworks limit recommended by Mr Bain.
19. I maintain my overall conclusions and assessments contained in my Section 42A report, that any potential effects on rural character have not been appropriately mitigated and that the application is not in accordance with the Rural objectives and policies set out in the ODP and PDP.

20. For the reasons outlined in my Section 42A, I consider that consent should be declined.



**Laura Buttimore**

Principal Planner BREP (Hons) / MNZPI

7<sup>th</sup> June 2022