
REPORT UNDER SECTION 42A OF THE RESOURCE MANAGEMENT ACT 1991.

Reference	SUB24/50201.01
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 under the Part Operative District Plan 2025
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	Variation of consent notices attached to Lot 20 DP 385658 and Lot 31 DP 385658 imposed via consent conditions on granted resource consent reference number 41299. The proposed variation facilitates subdivision and land use consent proposed under application numbers SUB24/50201 and LUC24/48662.
Status:	Discretionary Activity under s127 of the Resource Management Act 1991
Application received:	19 th December 2025
Limited notification:	21 st January 2026
Submissions closed:	18 th February 2026

SCOPE OF THIS REPORT

1. The aim of the report is to assist the commissioner in deciding on the application to vary consent notices for the properties at 1 and 9 Washer Road, Omata.

STATEMENT OF QUALIFICATIONS AND EXPERIENCE

Experience

2. My full name is Campbell Stewart Robinson, Director of Future Proof Planning Limited. I hold a Bachelor of Resource and Environmental Planning from Massey University, Palmerston

North, and have more than 20 years' experience in the planning and resource management profession.

3. 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 over the last eight years including representing the Council on a range of consenting matters and being a co-author on several chapters of the New Plymouth District Plan Review.
 4. Prior to establishing my own consultancy, I held the role of Best Practice and Heritage Manager at Wellington City Council, providing practice oversight of the Council's consenting functions and managing a team that provided advice on Wellington's heritage buildings.
5. 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.
6. I have extensive experience in the fields of resource consenting, District Plan reviews and policy reform.

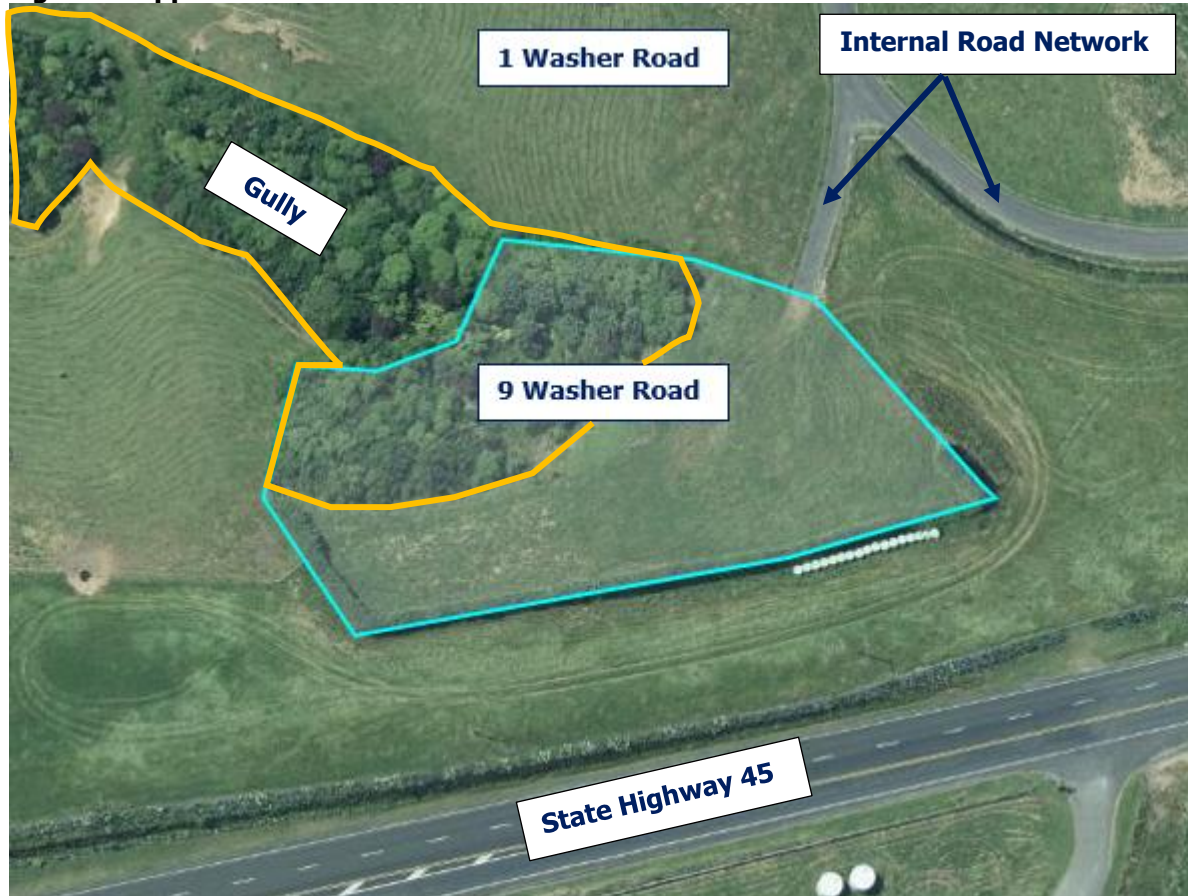
Code of Conduct

7. 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

8. The subject site (refer Figure 1) includes the properties at 1 and 9 Washer Road, which form part of the Tapuae Estate.
9. 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.
10. Existing Lot 20 DP 385658 is an undeveloped rural-residential allotment. The allotment is fully fenced and includes a portion of a bush-clad gully on its north-western margin. The gully area measures approximately 1,300m², or 28% of the land area (4,700m²).
11. Washer Road is classified as "Local Road" 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.
12. 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).
13. The Assessment of Environmental Effects (AEE) for the substantive application and current application provides a comprehensive description of the existing site and should be read in conjunction with this report.
 14. Consent notices 7890638.24 and 7890638.35 were created as part of a historical subdivision that established the Tapuae Estate.

Figure 1: Application Site.



15. In November 2024, the Washer Family Trust Limited submitted applications for land use and subdivision consent at 1 and 9 Washer Road. The subdivision and land use elements of the substantive proposal are described below and shown in Figures 2 and 3:

Subdivision: Boundary adjustment subdivision between Lot 20 DP 385658 and Lot 31 DP 385658

Land Use: Ability to site future dwellings or structures within side yard boundary setbacks of Lot 1 hereon

16. The substantive applications were subject to limited notification and ultimately a hearing before a commissioner^[1]. My s42A hearing report included the following advice note.

6. Consistent with the submitted application, this decision approves subdivision and land use resource consents only. Permissions 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.

17. Subsequently, the Commissioner explored several procedural matters during the hearing, including consent notice reference No. 7890638.35, which states:

"That Lots 31 and 32 shall not be further subdivided and cannot be disposed other than in conjunction with lots 1-30 inclusive."

18. After taking separate legal advice, the Commissioner determined that the proposed boundary adjustment of Lots 20 and 31 would constitute subdivision of land which is explicitly restricted by the consent notice. The Commissioner then determined (via Minute 8) that “*an application is required to vary or cancel the consent notice before the application [SUB24/50201 and LUC24/48662] can proceed.*”

PROPOSAL

19. In accordance with the direction of the Commissioner under the substantive application, the Washer Family Trust Limited has now applied to vary all relevant consent notices which, if approved, would allow the substantive application to be carried out.

20. The applicant proposes to vary two existing consent notices registered against Lots 20 and 31 DP 385658, as shown in Table 1:

Consent Notice	Lot	Existing Wording	Proposed Wording
7890638.24	20	Buildings and soak holes on Lot 20 shall be set back 15 metres from the top of the gully.	Buildings and soak holes on Lot 20 must be set back at least 15 metres from the top of the gully. A building or soak hole may be set back from the top of the gully by more than 15 metres.
7890638.35	31	That Lots 31 & 32 shall not be further subdivided and shall not be disposed other than in conjunction with Lots 1-30 inclusive.	That Lots 31 & 32 shall not be further subdivided and must not be disposed of other than in conjunction with Lots 1-30 inclusive except to the extent required to give effect to any consent granted in relation to the consent application SUB24-50201. Advice note: For the avoidance of doubt, this consent notice has been varied to only allow the boundary change between Lot 20 and Lot 31 that will facilitate changing the boundary between the two lots, to allow Lot 20's building platform to be relocated.
7890638.35	31	There shall be no residential building located on Lots 31 or 32	If, in relation to SUB24-50201 & LUC24-48662 a portion of Lot 31 becomes part of Lot 20, the part of Lot 20 that was formerly Lot 31, may have a residential building constructed on it. Otherwise, there shall be no residential building located on Lots 31 or 32.

21. The applicant seeks to vary the consent notices so that they do not hinder the ability to carry out the scope of the substantive applications.

STATUTORY REASONS FOR THE APPLICATION

22. Pursuant to Section 127(3)(a) of the Act, this application for a change of conditions to vary consent notices is assessed as a Discretionary Activity. Accordingly, Sections 88 – 121 of the Act apply.

LIMITED NOTIFICATION

23. Section 7.3 of the AEE requested that the application be limited notified to all lot owners of Tapuae Estate.

Written approvals provided

24. Effects on persons that have provided written approval to the application have been disregarded under s104(3)(a)(ii). These approvals are outlined in Table 2 below.

Table 2: 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
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
29 Washer Road	Fast Fox Limited	Lot 21 DP 385658
30 Washer Road	Grant and Paula Holdt	Lot 17 DP 385658

Remaining Properties Considered As part of the Limited Notification Process

25. Table 3 outlines the remaining owners of the estate included as part of the limited notification process.

Table 3: Parties Included in Limited Notification Process

Address	Name	Legal Description
2 Washer Road	P Pryde & R Marshall	Lot 3 DP 385658
6 Washer Road	Dean and Andrea Eggers	Lot 24 DP 385658
10 Washer Road	Stephen and Dini Heinemann	Lot 19 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	R Vosper & M Vosper-Rink	Lot 14 DP 385658
21 Washer Road	B Cameron & D Williams	Lot 29 DP 385658
22 Washer Road	S & F Frowde	Lot 11 DP 385658
23 Washer Road	J & P Cameron	Lot 26 DP 385658
24 Washer Road	J & D Seed	Lot 13 DP 385658
25 Washer Road	Robert and Noelene Petrie	Lot 16 DP 385658
28 Washer Road	Joseph Lawn and Emma Bennett	Lot 15 DP 385658
30 Washer Road	Grant and Paula Holdt	Lot 17 DP 385658

Figure 2: Proposed Scheme Plan SUB24/50201 and LUC24/48662. Source: McKinlay Surveyors.

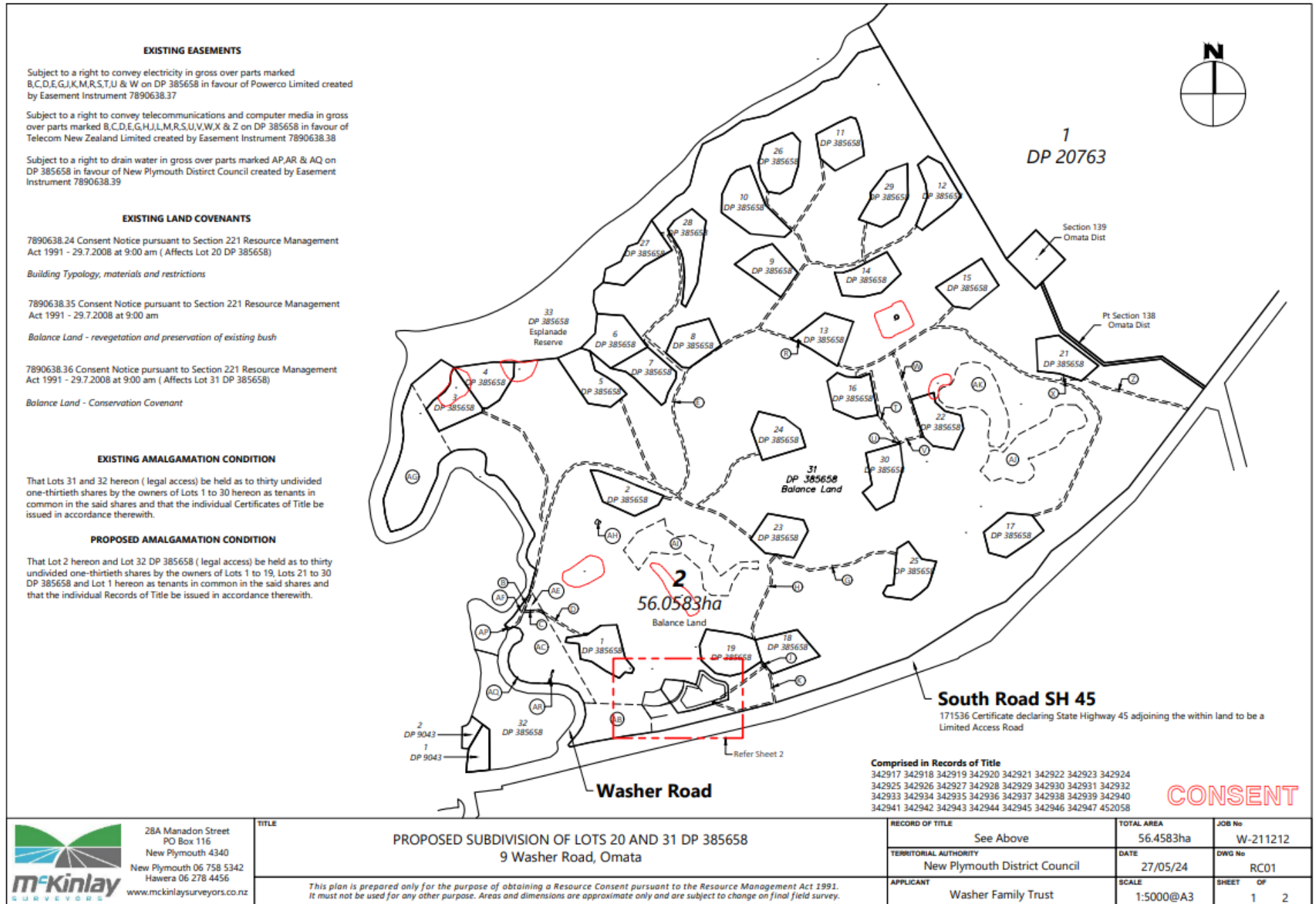
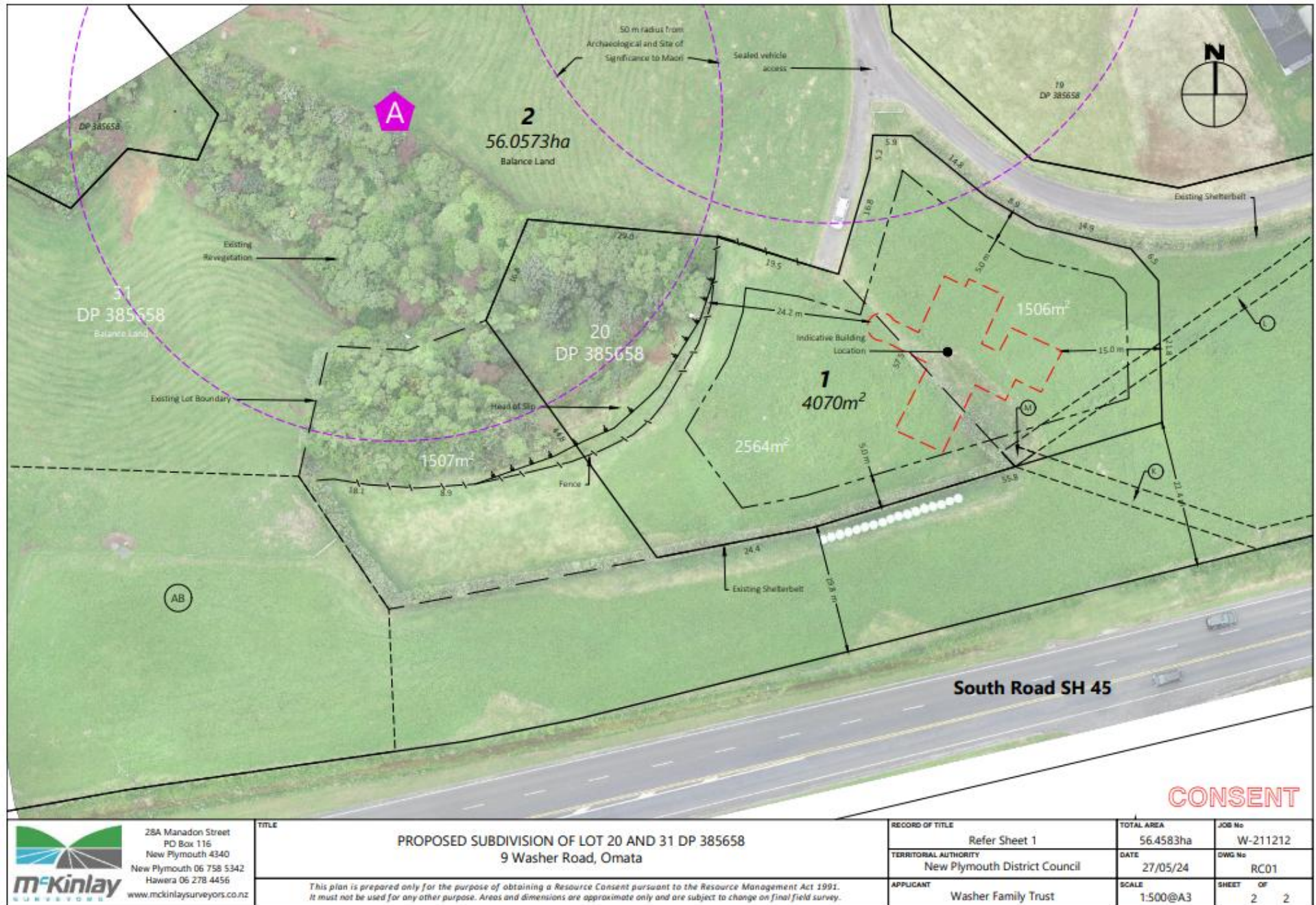


Figure 3: Proposed Scheme Plan SUB24/50201 and LUC24/48662. Source: McKinlay Surveyors.



CONSENT


 28A Manadon Street
 PO Box 116
 New Plymouth 4340
 New Plymouth 06 758 5342
 Hawera 06 278 4456
 www.mckinlaysurveyors.co.nz

TITLE	PROPOSED SUBDIVISION OF LOT 20 AND 31 DP 385658 9 Washer Road, Omata
<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>	

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

SUBMISSIONS

26. A total of 11 submissions were received, as outlined in Table 5 below. A total of 9 submissions were in opposition, 1 was in support, and 1 outlined a neutral stance.

Table 5: Submissions received.

ID	Last Name	Address	Position	Primary Relief Sought	Wish to be heard?
1	Philip Pryde & Robin Marshall	2 Washer Road	oppose	decline	yes
2	Steve & Dini Astuti Heinemann	10 Washer Road	support	grant	yes
3	Richard and Lorette Rayner	13 Washer Road	oppose	decline	no
4	Brent and Maree Schumacher	14 Washer Road	oppose	decline	yes
5	Brenda Moore	15 Washer Road	oppose	decline	yes
6	Maria Vosper-Rink	19 Washer Road	oppose	decline	yes
7	Barbara Cameron & Deborah Williams	21 Washer Road	oppose	decline	yes
8	Stephen and Fiona Frowde	22 Washer Road	oppose	decline	yes
9	Patrick Cameron and Randy Buckley	23 Washer Road	oppose	decline	yes
10	Denise and Jimmy Seed	24 Washer Road	oppose	decline	yes
11	Emma Bennett-Lawn & Joe Lawn	28 Washer Road	neutral	grant with relief sought otherwise decline	no

27. I have grouped the substance of the submissions received into three categories (support, oppose, and neutral) below.

Submissions in opposition (Submissions 1, 3-10)

1. Legal and Ownership Issues

- *Lot 31 is owned by 30 co-owners in undivided shares.*
- *Tapuae Country Estate Ltd is not a registered proprietor; it holds only a long-term lease. It therefore has no legal authority to provide landowner consent for a variation to a notice on the freehold title.*
- *The lease expressly prohibits alienation or dealings with the land without the written consent of the freeholders.*
- *A consent notice registered over jointly owned land can only be varied with the unanimous written consent of all registered proprietors. No such consent has been sought or obtained.*
- *The application therefore seeks to alter a jointly binding title restriction without the legal authority of the owners to whom it applies.*

2. Planning Integrity and Precedent

- The prohibition on further subdivision was imposed to preserve the low-density, open-space character of Tapuae Country Estate.*
- Varying that restriction without full co-owner consent would undermine the integrity of conditions imposed at subdivision.*
- If granted, the application would establish a precedent enabling co-owners to alter jointly owned land without the consent of all — a result inconsistent with both the intent of the consent notice and the structure of the development.*

3. Unfair Land Exchange and Liability Transfer

- The proposal would remove flat, usable, high-value pasture from the jointly owned land and replace it with steep, vegetated, geotechnically risky land.*
- This is not a like-for-like exchange; it is materially unequal and disadvantages the other owners.*
- No valuation has been provided to demonstrate equivalence of utility, condition, or market value.*
- No compensation or mitigation is proposed, despite the applicant seeking a permanent and private benefit at the expense of the collective owners.*
- The land added to the common area carries ongoing slip, stability, and maintenance obligations that all owners would be required to shoulder.*

4. Cumulative Effects and Intensification

- The boundary realignment would result in three dwellings positioned in close proximity, generating a level of built intensity inconsistent with the original low-density design of the estate.*
- No adequate assessment has been provided of the cumulative visual, privacy, landscape, or infrastructure effects of this effective intensification.*

5. Process and Consultation Failures

- No attempt has been made to seek the consent of the other 29 freehold owners.*
- The application relies on a landowner-consent signature from Tapuae Country Estate Ltd, despite the company not being the owner and having no authority to consent to variations of the freehold title.*
- Presenting TCEL's signature as landowner consent is materially misleading and risks giving NPDC an incorrect impression about landowner support.*
- Neither the applicant nor the Board has undertaken meaningful engagement or transparency with affected owners.*
- The application repeats the deficiencies of the earlier, declined boundary-adjustment proposal, including attempting to proceed without the lawful consent of the freeholders.*

6. Amenity and Value Effects

- The proposal would permanently diminish the shared rural pasture amenity available to all owners.*
- Fragmenting the jointly owned land reduces its utility, flexibility, and long-term value and alters the character of the development.*
- Once incorporated into Lot 31, the land cannot realistically or legally be restored to common ownership.*

Submission in support of the application (Submission 2).

- *The only people who access the area are the farmer and his staff carrying out farming activities as required by the resource consent.*
- *The resident of number 6 also uses the area to exercise his dogs, and I understand he supports the application.*
- *I am of the opinion that the application will have no adverse effects on the common land leased by TCEL.*
- *I am of the opinion that the application will have no adverse effects on the farming operation.*

Submission adopting neutral stance (Submission 11).

- *We are a registered owner of Lot 31, which is jointly owned by 30 individual shareholders.*
- *We support the proposed boundary adjustment between Lot 20 (Washer Family Trust) and Lot 31 in principle, subject to the agreement of all 30 registered owners of Lot 31 being obtained.*
- *If unanimous consent from all owners of Lot 31 is not obtained, we oppose the application and submit that resource consent must not be granted.*

Lack of Unanimous Landowner Consent

- *The proposed boundary adjustment would permanently alter the extent, use, and value of land over which all 30 owners of Lot 31 currently hold legal rights. As such, the consent of every registered owner is required.*
- *An individual owner holding even a 1/30th share of Lot 31 cannot be compelled to relinquish land in these circumstances without their express consent.*
- *It is of significant concern that the applicant continues to seek approval for the proposed boundary adjustment despite not having obtained the agreement of all 30 registered owners of Lot 31. Advancing an application that relies on the permanent transfer of land owned by multiple parties, without first securing the consent of those parties, is inappropriate and risks misleading the NPDC as the consent authority as to the true level of landowner support for the proposal.*
- *Further, the application appears to proceed on the basis that approval from the Board of Tapuae Country Estate Limited is sufficient to bind all owners of Lot 31. This is incorrect. The directors of TCEL do not have legal standing to consent to a boundary adjustment on behalf of individual shareholders where that adjustment permanently affects land ownership and use. On this matter, the law is clear.*

Material Disadvantage to Owners of Lot 31

- *The proposal would result in owners of Lot 31 exchanging productive farmland for land within Lot 20 that is described as slip-prone and of limited utility. At face value, this creates:*
 - *A material disadvantage to owners of Lot 31, and*
 - *A corresponding benefit to the owners of Lot 20.*
- *If the Council were to consider that a boundary adjustment could proceed without unanimous consent (which is not accepted), then the relative value of the land parcels*

being exchanged would need to be rigorously assessed and any imbalance mitigated through appropriate compensation. No such mitigation is currently proposed.

Amenity and Use Effects

- *Consistent with prior NPDC determinations on similar matters, the proposed boundary adjustment would have significant and permanent adverse effects on the amenity values of owners of Lot 31 who do not consent. These effects include:*
 - *Loss of land currently accessible and usable for its agreed common purpose,*
 - *Reduced utility, productivity, and flexibility of the landholding, and*
 - *Permanent alteration of land rights that cannot be easily reversed.*
- *Once established, the effects of a boundary adjustment are enduring and not readily undone. For owners who do not consent, the proposal would permanently impact their use and appreciation of the land. As noted in earlier determinations, where adverse effects are significant, permanent, and cannot be mitigated or remedied, consent should not be granted.*

We seek the following decision from the Council:

- *That resource consent be granted only on the condition that written agreement from all 30 registered owners of Lot 31 is obtained prior to the boundary adjustment proceeding.*
- *If agreement from all 30 owners is not obtained, the application must be declined.*
- *This condition is necessary to ensure:*
 - *The protection of individual property rights,*
 - *The maintenance of amenity values for all affected owners, and*
 - *That the Council does not approve a subdivision that permanently disadvantages non-consenting landowners.*

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

Effects Disregarded.

Permitted Baseline

28. Section 104(2) of the Act provides 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.
29. 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.
30. The permitted baseline has not been applied to this proposal given it involves a variation of consent notices which are in all cases a Discretionary Activity under s127 of the Act. There is

therefore no credible comparison between the effects which could be expected as a permitted activity and the effects of the proposal.

Matters Considered

31. As part of considering the effects of this proposal on submitters, and its effects generally, I have reviewed the following:
- Relevant matters to the substantive applications under SUB24/50201
 - the contents of the submissions;
 - the notification report;
 - the AEE by Landpro.
32. The application makes it clear that the proposed variation to the consent notices is intended to directly facilitate the applied-for scope of the substantive applications before the Commissioner, which are yet to be decided. The stated purpose of the application increases the specificity with which effects can be considered and means that the conclusions I reached in my recommendations on the substantive applications, both in my s42A report and at the substantive hearing, remain highly relevant. These matters have been considered at length during the exchange of evidence and under questioning by the Commissioner.
33. For clarity and completeness, I have assessed the proposal to vary the consent notices against a range of issues set out below, adding further commentary where relevant.
- Positive Effects
 - Waterbodies
 - Coastal Environment
 - Access and traffic
 - Ability to provide building platform
 - Impacts on Submitters in Opposition
 - Cultural and archaeological effects

Positive Effects

34. Section 5.3 of the application provides the following statements regarding potential positive effects.

*"The proposed variation's effect is to allow for a boundary adjustment to occur. This will in turn allow the re-siting of the currently consented building platform in a 'rural lifestyle lot' in light of natural land instability preventing the currently consented building platform from being used as it was intended."*¹

....

"The proposal enables the applicants to provide for their social and economic well-being as it will enable the substantive application to adjust the boundary to be considered. The variation to the consent notice, enabling boundary adjustments to occur in relation to Lot 31, will result in Lot 20 being used for the purpose it was created for – a single residential dwelling on a lot greater than 4000m². Currently it cannot be safely used for this purpose. The proposed consent notice variation enables the consideration of the efficient use of land for its intended purpose in a location between Oakura and Omata. The variation to the consent notice will enable the consideration of SUB24/50201 & LUC24/48662 which, if granted, could then enable construction

¹ Section 5 of the AEE.

of a high-end residential dwelling, and will assist in meeting the demand for residential properties, which is important for the ongoing sustainable development of the district. The consequential effects of the variation are ultimately that it has the potential to (if SUB24/50201 & LUC24/48662 are subsequently granted) result in the construction of a high-end residential dwelling on Lot 20 which would provide economic benefits for the local building industry and service providers.”

35. In essence the proposal outlines that, if approved, the variation of consent would unlock the positive effects outlined in the substantive application. I have addressed these effects in paragraphs 32-36 of my substantive s42A report. No further assessment is deemed necessary.

Waterbodies

36. I have considered the possible effects on waterbodies resulting from the variation of consent notices and consider that effects would be acceptable on the basis that:

- There was agreement between the experts in the substantive application that effects on waterbodies were acceptable.
- The submissions on this application do not raise any obvious concerns in relation to waterbodies; and
- The proposal to vary the consent notices does not create any new and obvious development potential which would impact upon waterbodies.

Coastal Environment

37. I have considered the possible effects on the coastal environment resulting from the variation of consent notices and observe that:

- The variation in consent notices facilitates an adjustment of land boundaries which are located outside of the coastal environment overlay;
- The submissions on this application do not raise any obvious concerns in relation to the character of the coastal setting or coastal hazards; and
- There was agreement between the experts on the substantive application that effects on coastal environment were acceptable.

38. Consistent with the position I reached on the substantive application, I consider that effects on coastal environment including coastal values and coastal related hazards are acceptable.

Access and Traffic

39. The substantive applications proposed that both Lots 1 and 2 would gain access from the established internal private right-of-way network, which is accessed from Washer Road and State Highway 45.

40. Lot 1 would have direct frontage to rights of way along its northern and eastern boundaries. Although the final site layout for Lot 1 has not yet been confirmed, it is anticipated that a driveway can be formed to comply with the permitted activity standards in the Transport Chapter. No changes to the physical alignment of the right of way are required, and the proposal would not increase the number of allotments using it.

41. The substantive scheme was considered by the Council's Development engineer, Arunima Subi-Manilal. Ms. Subi-Manilal raised no specific concerns regarding the proposed access and manoeuvring layout.
42. Overall, the proposed variation in consent notices would not alter the scope of potential access and traffic related effects. Consistent with the position I reached on the substantive application, I conclude that the traffic and access related effects are acceptable.

Rural Character.

43. Paragraphs 44-51 of the substantive s42A report discussed possible effects of the boundary adjustment on wider "rural character". The statements also reference the substantive s95A report which introduced the concept and its key subcomponents including:
 - The sense of spaciousness, low density (outlook and privacy)
 - Site vegetation
 - The production orientated nature of the land
 - Rural based industry or infrastructure
44. In assessing whether the above factors would be impacted by the change in consent notices, I note that the substantive application results in no clear uplift in rural residential development potential when compared to the existing situation. I am also satisfied that I have enough information to assess effects and do not require further visual analysis as suggested by the submissions in opposition.
45. Future development of a dwelling on Lot 1 facilitated by the proposed change in consent notices 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. The owners of this property have submitted in support of the proposal.
46. All other existing dwellings within the Tapuae 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.
47. Having considered the submissions, I remain of the view that any effect on the key characteristics of the wider rural character would be maintained and that effects on rural character would be acceptable. I do not consider that the proposal would result in a built character that is inconsistent with the low-density design of the estate, as suggested in the submissions in opposition.

Effects on Cultural Values including Hapū:

48. 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.
49. Overall, I consider that effects on the setting and values of recorded sites of significance and cultural values would be less than minor given:
 - A record of engagement and positive endorsement from Ngāti Tāiri hapū² was provided as part of the substantive application; and

² Refer email from Rachael King, Ōakura Pā Treasurer, dated 30th April 2025 provided with the substantive application.

- The proposed application to vary consent notices does not alter the scope of substantive application including the overall development potential which could impact upon scheduled sites.

Ability to Provide Building Platform

50. Paragraphs 43-46 of my substantive s42A report addressed the ability to provide a building platform on Lot 1. Following this, further statements were provided as part of the applicant's evidence in chief and at the hearing by Ms Franklin of Red Jacket.
51. Overall, the substantive application successfully demonstrated that a stable and flood-free building platform can be created within proposed Lot 1. This was accepted by Ms Subi-Manilal of Council.
52. Should the substantive and variation consents be granted, I recommend that the foundations of any new building on Lot 1 hereon be designed to reflect the recommendations of the engineering advice. This requirement should be formalised by way of a consent notice under s221 of the Act.

Impacts on Submitters in Opposition

53. Paragraphs 47 to 68 of my substantive s42A report addressed the effects on submitters in opposition. The same number of parties that opposed the substantive application also oppose this variation application. A further party (submission 11) takes a neutral position but states that the application should be declined unless the relief sought in that submission is granted, namely approval from all registered owners, which has not been provided.
54. The general substance of the submissions received are similar to the matters outlined in the substantive application meaning my recommendations reached under the earlier application remain relevant. The effects on submitters were covered in detail at the hearing.
55. Overall, the submitters in opposition remain concerned that the subdivision facilitated by the variation of consent notices will impact on the agreed use of the land. Land which they consider to be more functional and productive would be swapped with land contained within the gully area of Lot 20 which is deemed to be not as functional. This impacts on their appreciation and amenity of the land.
56. I have considered whether the variation application could be changed to address the concerns of submitters in opposition. However, any changes or conditions must be within the powers available under the Act. For that reason, I cannot support the relief sought by the submitters, as it relies on third-party processes, approvals, or agreements that fall outside the consent authority's powers.
57. Consistent with my s42A report and verbal summing up at the end of the substantive hearing I consider that the impacts on the amenity values, if unmitigated would be significant and that the proposal would permanently impact on the submitter's appreciation, amenity and agreed use of existing Lot 31. Once established, the effects could not be easily undone as the new boundaries would not be easily reversible.

Impacts on Property values

58. 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.

Mitigation of Adverse Effects

59. I have considered whether changes could be made to the variation application to lessen the concerns of submitters in opposition. 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 sought by the submitters in opposition which involve third party processes, approvals or agreements which are beyond the powers of the consent authority.

60. Overall, based on the information before me, I see no obvious options to avoid, remedy or mitigate the effects on the submitters in opposition.

Effects Conclusion

61. I consider that the proposal to facilitate the substantive application would have significant adverse effects on the amenity values of the 10 registered owners who have either opposed the proposal or sought relief that has not been provided by the applicant.

62. I also consider that effects would be permanent, not easily undone and cannot be clearly mitigated. The effects are unacceptable.

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

The National Policy Statement – Natural Hazards 2025

63. The National Policy Statement – Natural Hazards 2025 (NPS-NH) came into effect on 15 January 2026. The NPS-NH applies to all activities managed under the Act, including this proposal. This National Policy Statement applies to all environments and all zones, including coastal environments. The policy statement addresses risks for the following hazards:

- flooding;
- landslips;
- coastal erosion;
- coastal inundation;
- active faults;
- liquefaction; and
- tsunami.

64. The NPS-NH has the overall objective of ensuring “*Natural hazard risk to people and property associated with subdivision, use and development is managed using a risk-based proportionate approach*”. This overall objective is supported by the following policies:

Policy 1: When considering natural hazard risk associated with subdivision, use or development, the risk level must be assessed using the risk matrix

Policy 2: Natural hazard risk associated with subdivision, use and development must be managed using an approach that is proportionate to the level of natural hazard risk.

65. In assessing Policies 1 and 2, I have considered the evidence of Ms Franklin who states: *To assess ‘risk’ (in this case of slippage), the likelihood and consequence of the natural hazard require*

consideration. As outlined in my evidence, the risk of slippage is assessed as high for Lot 20 due to the high likelihood and major consequences of slippage directly impacting a future building platform. Conversely, the risk of slippage to Lot 31 would impact >1% of the total land area and not have any measurable impact in terms of geotechnical constraints for continued agricultural purposes.

66. Overall, I am satisfied that the development is consistent with Polices 1 and 2.

Policy 3: Where subdivision, use or development is assessed as having very high natural hazard risk, that risk must be avoided.

Policy 4: Where subdivision, use or development, including any associated mitigation measures, will create or increase significant natural hazard risk on other sites, that risk must be avoided or mitigated using an approach that is proportionate to the level of natural hazard risk.

67. Based on the evidence of Ms Franklin, I consider that the proposed subdivision facilitated by the change in consent notices would not have a “very high” natural hazard risk as the existing building platform on Lot 20 would be moved further away from the hazard risk area in the gully (Policy 3). Based on the evidence presented at the substantive hearing, the boundary adjustment does not increase the land instability hazard risk for Lot 2.^[4]

Policy 5: Natural hazard risk assessment and decisions must be based on the best available information and must be made even when that information is uncertain or incomplete.

Policy 6: The potential impacts of climate change to at least 100 years into the future must be considered.

68. I am satisfied that the natural hazard risk assessment has been made using the best available information, which factors in climate change. The applicant team may wish to comment on this further (Policies 5 and 6).

69. Overall, there are no reasons under the NPS-NH 2025 as to why the variation of consent notices should be refused.

National Policy Statement for Highly Productive Land

70. 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.

71. 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,
- 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.

72. Analysis of the relevant mapping database shows that the application sites include Class LUC 2 land meaning the NPS-HPL is applicable to this application³.
73. The proposed boundary adjustment facilitated by the variation in consent notices 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.

74. The Regional Policy Statement includes a range of objectives and policies that 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.

75. The RPS was finalised in 2010 and whilst there was an interim review undertaken in 2017, a full review has not since commenced. The localised nature of this proposal means that Regional Policy Statement is not particularly relevant.

³ Refer Landcare Research/Manaaki Whenua website <https://ourenvironment.scinfo.org.nz/>

Part Operative District Plan 2025.

76. 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.*

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.*

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.*

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.*

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.*

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.*

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.*

77. 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.

78. Given the variation of consent notices 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.*
79. Consistent with my statements in the s42A report I consider that the proposal to facilitate the boundary adjustment subdivision 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:

80. The proposal to vary consent notices to facilitate the substantive application is inconsistent with the overarching direction of Objective RPROZ-04 as what I consider to be amenity values of the submitters in opposition would not be maintained.

81. 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.*

82. Consistent with my statements 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.*

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.

83. Consistent with the position I reached on the substantive application, I consider that 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.

84. Consistent with my statements under S104(1)(a) the key characteristic of wider 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.*

85. Consistent with my substantive s42A, the proposal to facilitate the boundary adjustment subdivision is inconsistent with the direction of Policy RPROZ-P5. This is due to effects on amenity values being significant and inappropriate in terms of with the type, scale and level for the Rural Production Zone. The effects cannot be mitigated.

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:

86. 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.*

87. 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.*

88. While the proposal would enable a boundary adjustment involving land within the coastal environment overlay, the portions of the subject site to be adjusted are inland and are not themselves within the overlay. The proposed variation to the consent notices does not alter my

conclusions on the substantive application in regard to these provisions. Accordingly, consistency with the chapter's objectives and policies is achieved.

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.

89. While the proposal would enable a boundary adjustment involving land with scheduled waterbodies, the land to be adjusted is well away from those features. The proposed variation to the consent notices does not alter my conclusions on the substantive application in regard to these provisions. Overall, I consider that the proposal is consistent with the chapter's objectives and policies.

Sites of Significance to Māori

Objectives

SASM-O1 Sites and areas of significance to Māori are recognised, protected and maintained.

SASM-O2 The relationship of tangata whenua with sites and areas of significance to Māori is recognised and protected.

SASM-O3 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,*

90. The substantive application outlined that favorable feedback from mana whenua was received and that this demonstrated that the project is broadly consistent with the Objectives and Policies of the Sites of Significance to Māori Chapter. No further analysis is needed.

Objectives and Policies Conclusion

91. 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.
92. Overall, whilst the proposal to vary consent notices 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)

Taiao, Taiora, the Iwi Environmental Management Plan of Taranaki Iwi.

93. Given the proposed application to vary consent notices is expressly to allow the substantive applicant to proceed, paragraphs 83 and 84 of my s42A report remain relevant. Here I found that *"based on the positive feedback received from hapū it can be surmised that the development is consistent with the iwi management plan."*
94. The application to vary consent notice does not introduce any changes in context which would change this view.

Particular Considerations for Subdivision (s106)

95. There is no reason to decline this application under section 106 of the RMA given:
- Based on the unopposed evidence of Ms Frankin presented at the hearing, the portion of the application site relevant to this application is not subject to any known significant natural hazards; and
 - Provision has been made for legal and physical access to all lots facilitated by the consent in consent notices via the existing road network.

PART 2 OF THE RMA

96. Paragraphs 86-93 of my substantive s42A report considered Part 2 of the Act. Further evidence and discussion of the matters was held at the hearing prior to the matter being adjourned. In the absence of any further submissions on the matter no further analysis is considered necessary to consider the proposed variation of consent notices.

RECOMMENDATION

97. For the reasons outlined in this report and having had regard to s104(1)(a)-(c), I consider that the application to vary consent notices 7890638.24 and 7890638.35 imposed under consent number 41299 (reference SUB24/50201.01) be **declined**.

CONSENT NOTICE WORDING IMPROVEMENTS

98. I have considered the proposed wording outlined in the application and have suggested some wording improvements for clarity and conciseness. The suggested wording is outlined In Appendix 1.

CONDITIONS

99. In accordance with the direction outlines in Minutes 1 and 2 by the Commissioner, I intend to undertake conferencing with the applicant's planning expert prior to the hearing. The aim of this conference will be to provide an agreed set of conditions for both the substantive and variation applications effectively expanding upon the joint witness statement dated 7th November 2025.
100. It is my recommendation that rather than varying conditions on the existing consent notice, that the relevant conditions of the existing consent notice be cancelled and included as new conditions imposed on the subdivision resource consent to be secured by way of consent notice.

Report and recommendation by:



Report and decision by:

*Campbell Robinson
Consultant Planner*



Reviewed by:

*Richard Watkins
Principal Planner*

Date:

22nd May 2026

Appendix 1: Suggested Wording Improvements.

Consent Notice	Lot	Existing Wording	Proposed Wording by Applicant	Recommendation Wording
7890638.24	20	Buildings and soak holes on Lot 20 shall be set back 15 metres from the top of the gully.	Buildings and soak holes on Lot 20 must be set back at least 15 metres from the top of the gully. A building or soak hole may be set back from the top of the gully by more than 15 metres.	Buildings and soak holes on Lot 1 hereon being a subdivision of Lots 20 and Lot 31 DP 385658 must be setback by at least 15m from the top of the gully.
7890638.35	31	That Lots 31 & 32 shall not be further subdivided and shall not be disposed other than in conjunction with Lots 1-30 inclusive.	That Lots 31 & 32 shall not be further subdivided and must not be disposed of other than in conjunction with Lots 1-30 inclusive except to the extent required to give effect to any consent granted in relation to the consent application SUB24-50201. Advice note: For the avoidance of doubt, this consent notice has been varied to only allow the boundary change between Lot 20 and Lot 31 that will facilitate changing the boundary between the two lots, to allow Lot 20's building platform to be relocated.	That Lot 2 hereon being a subdivision of Lots 20 and Lot 31 DP 385658 and Lot 32 DP 385658 shall not be further subdivided and must not be disposed of other than in conjunction with Lots 1-30 inclusive.
7890638.35	31	There shall be no residential building located on Lots 31 or 32	If, in relation to SUB24-50201 & LUC24-48662 a portion of Lot 31 becomes part of Lot 20, the part of Lot 20 that was formerly Lot 31, may have a residential building constructed on it. Otherwise, there shall be no residential building located on Lots 31 or 32.	There shall be no residential building located on Lot 2 hereon being a subdivision of Lots 20 and Lot 31 DP 385658 and Lot 32 DP 385658.