

IN THE ENVIRONMENT COURT
AT WELLINGTON

No.

BETWEEN

**Bland and Jackson
Surveyors Limited** of 19
Dawson Street, New
Plymouth

Appellant

AND

**NEW PLYMOUTH
DISTRICT COUNCIL** of
Liardet Street, New
Plymouth 4342

Respondent

**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST DECISION
OF PROPOSED DISTRICT PLAN**

Clause 14 (1) of Schedule 1, Resource Management Act 1991

Dated: 26 June 2023

**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST DECISION
OF PROPOSED DISTRICT PLAN**

Clause 14 (1) of Schedule 1, Resource Management Act 1991

1. We, **BLAND AND JACKSON SURVEYORS LIMITED** (“BJSL”) appeal against part of the decision of **NEW PLYMOUTH DISTRICT COUNCIL** (“NPDC”) on the Proposed District Plan (“PDP”).
2. BJSL made submissions on the Proposed District Plan.
3. BJSL received notice of the decision on 13 May 2023.
4. The decision was made by the NPDC.
5. BJSL are not a trade competitor for the purposes of s308D of the Resource Management Act 1991.
6. BJSL are appealing part of the Decision relating to Recommendation Report 18, Hearing 9 Subdivision, and more particularly paragraphs 6.9 to 6.11 containing the Decision (at paragraph 6.11) to retain the minimum allotment size of 4000m², and the minimum 20 ha balance lot.
7. The specific reasons for the appeal are as follows:
 - a) BJSL’s original submission was clear in that it objected to the 20ha balance lot proposed and requested this be reduced to 4ha.
 - b) The decision however records at 6.11¹ that;

Overall, we agree with the position recommended in the Right of Reply for Rule SUB-R4: for a minimum lot size of 4000m², retaining the minimum 20ha balance lot, and on the final construction of the rule and how it relates to Effects Standard SUB-S1 (and works alongside the revised Rule ECO-R5). We

¹ Recommendation report 18.

recommend some slight rewording to ensure its clarity for usability purposes.

- c) The right of Reply for Rule Sub-R4² rejected the submission to amend Rule SUB-R4 to revert to a 4ha balance for discretionary activity.

- d) The reasons are contained in the original 42A report³ as follows:

364. *The proposed Rule SUB-R4(1) removes the discretionary rule provision, which under the ODP, allows subdivision of an allotment where there is a 4ha balance from the record of title being subdivided.*
365. *The Section 32 report identifies cumulative effects on rural character and fragmentation of productive land from 'rural lifestyle' type subdivision in rural areas as an issue that needs to be addressed through strong objective and policy direction focussed on the role, function and predominant character of the underlying rural zones rather than the existing character.*
366. *In this regard, the PDP seeks to limit small lot subdivision, and only allow for it when the allotment subject to the subdivision is over 20ha. This is so that the subdivision results in larger areas that remain available for rural productive purposes. This approach will also protect rural character while allowing for lifestyle choice in limited quantities.*
367. *By removing the 4ha balance area for rural subdivision and replacing it with a 20ha balance, adverse effects including cumulative effects that result from continued fragmentation of rural land will be reduced thus protecting the Rural Production Zone for its primary purpose.*
368. *Overall I recommend the submissions of Vaughan Maclean (337.1) and Bland and Jackson Surveyors (340.2) should be rejected.*

² Officers Right of Reply, Hearing 9, Subdivision, 26 November 2021

³ Hearing 9 42A Report Subdivision

- e) The overall recommendation was rejection of the submission on this basis.
 - f) Sites of 4ha are able to comply with the objectives and policies in the PNPDP, making the 20ha balance requirement inefficient and ineffective and overly protective.
 - g) The decision is made on the basis that there is a need to retain larger lot sizes for rural productive purposes. This is not efficient, as this matter is appropriately addressed in the NPS-HPL, which applies to all rural subdivision, and there is no need to duplicate it. Therefore, highly productive land will not be able to be subdivided under this rule unless it is consistent with the NPS-HPL.
 - h) BJSLS are aware of allotments less than 20 ha in size that are productive in their own right and there are numerous examples of this in the New Plymouth District.
 - i) The premise of a 20ha balance is too orientated to agricultural based activities when other activities requiring smaller land holdings form part of the current rural productive activities within the district.
 - j) In terms of the 20ha balance serving the dual purpose of ensuring rural character is maintained, this assertion is not able to be applied in a blanket manner and each site should be assessed on its merits.
8. The general reasons for this appeal are that the Decision (as it currently stands) generally, and particularly in respect of land that the appellant owns or otherwise has an interest in:
- (a) fails to promote sustainable management of resources, including the enabling of people and communities to provide for their social and economic well-being, and will not achieve the section 5 purpose of the Act;

- (b) fails to promote the efficient use and development of the land, a matter to have particular regard to under section 7(b) of the Act;
 - (c) fails to achieve the functions of the Council under section 31 of integrated management of the effects of the use and development of land and physical resources;
 - (d) fails to meet the requirements of section 32; and
 - (e) is procedurally unfair and inefficient.
9. In contrast, granting the appeal will generally, and particularly in respect of rural subdivision achieve all of the matters/outcomes or otherwise address the issues identified above in paragraph [7]
10. The following relief is sought:
- (a) the minimum balance allotment size be reduced to 4ha under rule SUB-R4 for Discretionary Activities.
 - (b) Alternative relief is that the 20 ha balance requirement remain, with the activity status under SUB-R4 dropping to discretionary rather than non-complying if this balance is not achieved.
 - (c) Any other additional or consequential relief to the PDP, including but not limited to, the maps, issues, objectives, policies, rules, discretions, assessment criteria and explanations to fully address the concerns raised by the Appellant; and
 - (d) Costs.
11. I **attach** (WEB LINK) the following documents to this notice:
- (a) A copy of the decision;
<https://proposeddistrictplan.npdc.govt.nz>
 - (b) A copy of the original submission;
<https://proposeddistrictplan.npdc.govt.nz/media/ei4lemxu/submission-340-bland-and-jackson-surveyors-ltd.pdf>

(c) A copy of the s42A Right of Reply;

<https://proposeddistrictplan.npdc.govt.nz/hearings/hearing-9-subdivision/>

(d) A copy of the Original s42A Report referenced in the 42A Right of Reply;

<https://proposeddistrictplan.npdc.govt.nz/hearings/hearing-9-subdivision/>

(e) A copy of the s32 Report relied on in the s42A Report.

<https://proposeddistrictplan.npdc.govt.nz/media/cacdphay/subdivision.pdf>

(f) A list of names and addresses of persons to be served with a copy of this notice (below).

<https://proposeddistrictplan.npdc.govt.nz/media/xnfhfv3c/list-of-submitter-details-alphabetical.pdf>

- Fire and Emergency New Zealand - Beca Limited c/o Alice Falloon
- Juffermans Surveyors Limited - Allen Juffermans
- Vaughan Maclean
- Horticulture New Zealand - Jordyn Landers
- Te Kotahitanga o Te Atiawa Trust - Hemi Sundgren
- Johnson Resource Management Limited - Helen Johnson
- Pukerangiora Hapū - Anaru White
- Te Rūnanga o Ngāti Mutunga - Marlene Benson
- Ngā Mahanga and Ngāti Tairi - Fay Mulligan
- Ngāti Maru - Anaru Marshall
- Te Kāhui o Taranaki Trust - Wharehoka Wano
- Department of Conservation - Nardia Yozin
- Kathryn Barrett and Michael Gibson - Kathryn Barrett
- Kāinga Ora - Homes and Communities - Dr Claire Kirman
- Federated Farmers Taranaki - Mark Hooper, Provincial President
- Transpower New Zealand Limited - Carolyn Wratt (Wratt Resource Management Planning Limited)

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in [form 33](#)) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in [section 274\(1\)](#) and [Part 11A](#) of the Act. You may apply to the Environment Court under [section 281](#) of the Act for a waiver of the above timing or service requirements (see [form 38](#)).



VAUGHAN MACLEAN

BLAND & JACKSON SURVEYORS LTD

Appellant

Date: 26 June 2023.

Address for service of appellant –

Bland & Jackson Surveyors
19 Dawson Street
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Phone: (06) 758 6171
Email: vaughan.maclean@bjsl.co.nz

To:

The Registrar
Environment Court
Level 2
41 Federal Street
Auckland 1010
Email: environmentcourt@justice.govt.nz

And to:

New Plymouth District Council
Private Bag 2025
New Plymouth 4342
Email: districtplan@npdc.govt.nz