



New Plymouth District Council

Report on a publicly notified application for Subdivision Consent

Section 42A Resource Management Act 1991 (RMA)

COMMISSIONER

Mark St-Clair Independent Commissioner appointed by New Plymouth District Council

APPLICATION DETAILS

Applicant: Robe and Roche Investments Limited (the Applicant)

Application: NPDC Ref: Sub21/47803
Proposed greenfield subdivision to create 113 residential lots, road and servicing infrastructure, and recreational reserves.

Location of activity: 56 Pohutukawa Place, Bell Block.

REPORT DETAILS

Date: 21 March 2025

Prepared by: Todd Whittaker
Independent Planning Consultant

Approved by: Richard Watkins
Principal Planner

EXECUTIVE SUMMARY

1. Robe and Roche Investments Limited (the Applicant) has lodged a subdivision application to create 113 residential lots on General Residential zoned land at 56 Pohutukawa Place, Bell Block.

2. The application was first lodged back in 2021 and there is a substantive background and context which has led to the current hearing's process. This includes consultation and engagement with mana whenua to better understand the cultural values and context of the site, the surrounding land and the Waipu Lagoons which are located immediately adjacent to the site. Over the intervening period, the Applicant has also applied for consents to the Taranaki Regional Council (TRC) for discharges to the Waipu Lagoons and for diversion of ground water. The consent decisions are imminent and are anticipated to be granted prior to the subdivision hearing.
3. The subdivision application was publicly notified following a request from the Applicant for public notification. This request was in part based on advice from NPDC that a non-notified application process would not be available without endorsement and approval from mana whenua.
4. The public notification process attracted over 300 submissions with the vast majority of these in support of the subdivision. The themes identified across the supporting submissions include the need for additional lots and housing supply and that the subdivision will support local business activity and community interests.
5. A cohort of submissions opposing the subdivision have raised common concerns relating to additional traffic generation and deficiencies in the local roading network.
6. A comprehensive and opposing submission was originally lodged by mana whenua being Puketapu hapū, Ngāti Tawhirikura hapū and Te Kotahitanga o Te Atiawa Trust. Since that time, NPDC has commissioned work for a Cultural Values assessment of the broader area and the Applicant and mana whenua have both worked together to reach a position whereby conditions have now been identified which enable mana whenua to support the granting of consent.
7. In terms of traffic effects, the Applicant has engaged a transportation expert to assist with the assessment of traffic generation effects. In addition, NPDC has engaged an independent expert to support the assessment of effects and to review the nature of the existing roading network and identified council roading projects. The two traffic experts have prepared a Joint Witness Statement that recognises existing deficiencies in the network. However, both experts consider that any deficiencies are only experienced over short-term peak periods and that there are no substantive transportation issues that would impede the granting of consent.
8. The potential issues associated with wetland impacts and water hydrology of the Waipu Lagoons have been addressed through the consent applications to TRC.
9. In my opinion, the proposed subdivision is an appropriate activity for the site and is supported by the General Residential zone provisions of the District Plan as well as the other relevant national and regional planning provisions.
10. Taking into account the technical assessments and AEE material submitted by the Applicant, the consultation and input from mana whenua, the submissions lodged in support and in opposition to the subdivision, and the technical input from NPDC staff and experts, I recommend that consent is granted to the proposed subdivision. In my opinion, the actual and potential effects of the subdivision can be managed and mitigated through appropriate consent conditions and granting consent is supported by the relevant planning instruments.

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1 INTRODUCTION

1.1 REPORT STATUS

11. This report is a S.42A Planning Report prepared under the Resource Management Act 1991 (RMA). It provides an independent assessment and recommendations on the notified subdivision application by Robe and Roche Investments Limited (the Applicant) for a residential subdivision at 56 Pohutukawa Avenue, Bell Block.
12. This report does not represent any decision on the application. It provides the professional assessment and opinion of the report author as an expert witness. This report will be considered by the Commissioner in conjunction with all other technical evidence and submissions which have been received to the application. The weighting given to this report and all other technical evidence and submissions will be considered and determined by the Commissioner through the hearings process.

1.2 REPORTING AUTHOR

13. This report has been prepared by Todd Whittaker. I am an independent planning consultant and Director of Planning Works Limited. I have a Bachelor of Resource and Environmental Planning from Massey University (1994) and I am a full member of the New Zealand Planning Institute (NZPI). I have 30 years of professional experience in the resource management field and have served two terms as a board member of the NZPI. I have had substantial experience in the assessment and determination of consent applications and have presented expert planning evidence to a multitude of commissioner hearings as well as statements of evidence for the Environment Court, High Court and Boards of Enquiry.
14. I have read and complied with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 in preparing this report. I agree to comply with it in presenting this report and any evidence at the hearing. The opinions and assessment within this report are within my area of expertise, except where I have stated my reliance on other identified evidence. I have considered all material facts that are known to me which might alter or detract from the opinions I express in this evidence.

1.3 TECHNICAL REVIEWS

15. In preparing this report, I have taken into account the independent technical reports and advice received from:

Andrew Skerrett	– Transportation Assessment
Matt Sanger	– Engineering Conditions
John Eagles	– Roading and Transportation Projects
Lauren de Bude	– 3 Waters Planning Engineer
Quin Amooore	– Green Networks Planner

2 Application Summary and Process

2.1 Site Description and Surrounding Environment

16. The subject property is located at 56 Pohutukawa Place, Bell Block, being Lot 2 521660, held in Computer Freehold Register 825757, with an area of 23.8797ha.
17. The site adjoins the western ends of Parklands and Impact Avenues and is also bordered by Pohutukawa Place to the south.
18. The property is predominantly pastoral farmland used for grazing, and is located in an area which is progressively being urbanised. Recent subdivision of the subject land has seen the creation of the adjoining residential land parcels, including the recently formed Waipu View Drive and Summerset Retirement Village to the west.
19. The topography of the subject land is gradually sloping terrain which descends from Parklands Avenue and Pohutukawa Place toward the north and rising ground to the east and west site extents. One residential dwelling is positioned toward the southwest of the site with several outbuildings scattered through the centre of the property.
20. To the west of the site lies the “Links” development and Summerset Retirement Village which show residential expansion within close proximity to the subject land, whilst more established residential sites are located on the opposite side of Pohutukawa Place to the south.
21. The character of the area is a mix of typical rural grazing land in close proximity to urban expansion and reserve land containing a lagoon, wetlands and recreational facilities.
22. The land is subject to several water and sewer easements and a right of way. The land is also subject to many indicative roads which would provide future links for the developing residential areas.
23. Legal and practicable access is from Pohutukawa Place. There is currently one formed existing vehicle access point serving the land.
24. The land is serviced by existing water and sewer reticulation, telecommunications, and electricity from Pohutukawa Place. A Council sewer main runs through the site which, in part, follows the indicative road reserve of the Parklands Avenue extension. A Council water main is located along the Pohutukawa Place boundary. The area and subject site outline are shown in **Figure 1**.

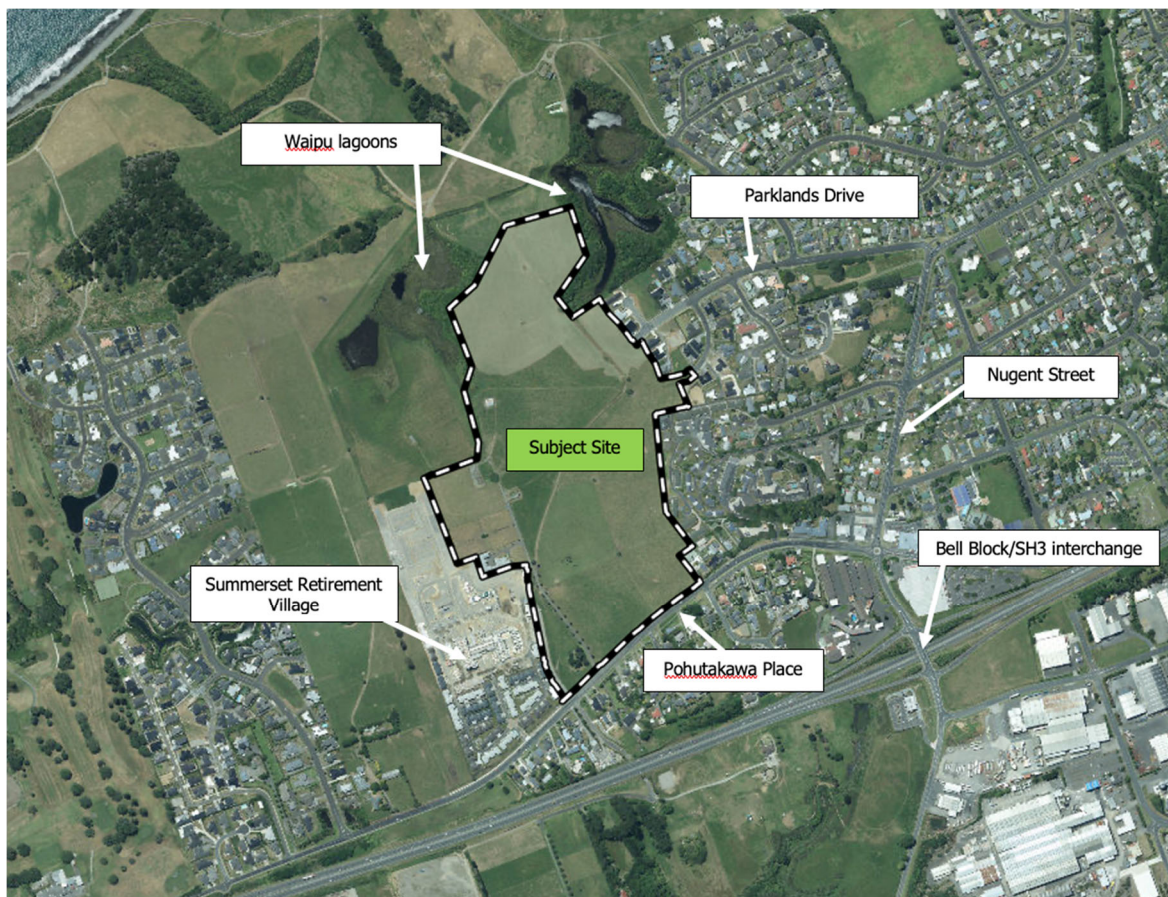
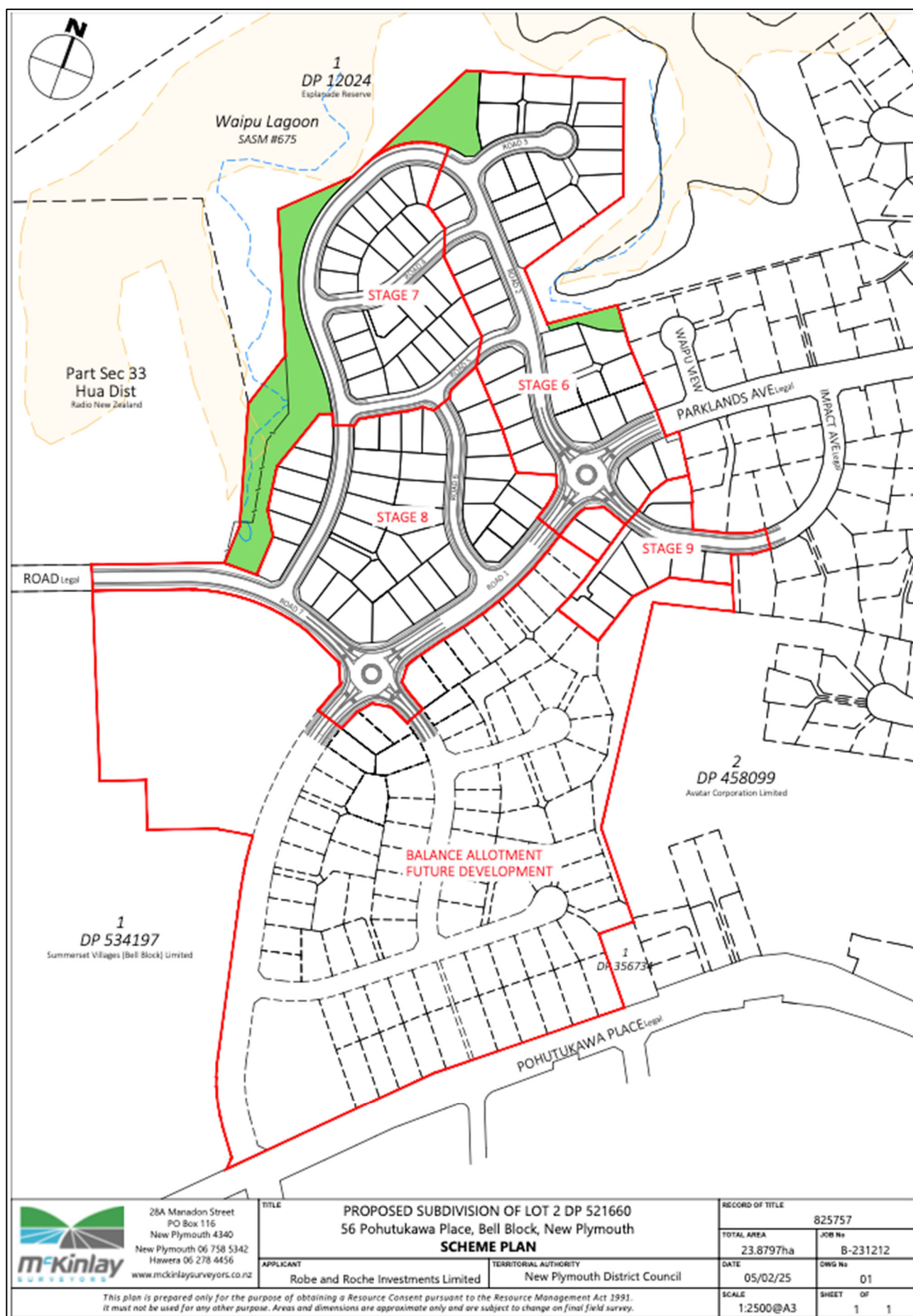


Figure 1: Site area and location

2.2 Proposal

25. The Applicant has lodged an application for subdivision consent for a greenfield residential subdivision at Pohutakawa Place, Bell Block. The layout and configuration of the scheme plan has evolved through the processing of the application process, primarily in relation to the interface with the Waipu Lagoons which are located around the northern site boundaries. The final scheme plan which is the subject of this report and recommendation is the scheme plan McKinlay Surveyors B-231212 Drws 1 – 4 (received at Council on 11 February 2025). The overview scheme plan (Drw 1) is shown in **Figure 2** overpage with the full set of scheme plans provided in **Appendix 1**.
26. The key components of the scheme plan are:
 - Four stages are proposed to progressively develop the site from Parklands Avenue
 - A total of 113 residential lots are proposed, ranging in area from 450m² to 960m²
 - Three esplanade reserves are proposed to vest areas which adjoin and form part of the Waipu Lagoons.



27. New roads to vest are proposed which serve the residential lots and connect to Parklands Avenue and Impact Avenue.
28. Provisions is made for future road connections to Pohutukawa Place and Sampson Avenue to the west of the site.

2.3 Application Reports and Assessments

29. The original AEE was submitted in May 2021. The Applicant submitted an addendum and a refinement of the scheme plan in February 2023 including updates on the consultation process and additional ecological assessment which then comprised the final application bundle which was publicly notified.

2.4 Application Process and Timeline

30. A significant time span has elapsed over the application process. As such, it will be useful for the Commissioner and submitters to be provided with some context to the application process.
31. The Applicant's team has completed an appropriate amount of technical and design work for the subdivision including the lodgement of regional council applications and has also engaged directly with mana whenua on many occasions. As such, I have prepared this summary in good faith based on the material and events that I am familiar with. I fully acknowledge that the Applicant, mana whenua or other parties may wish to critique my commentary and/or present their own perspective of the process.
32. The original application was lodged in June 2021. The application was lodged and assessed in accordance with the provisions of the Operative District Plan (ODP) and also the provisions of the Proposed District Plan (PDP) which had immediate effect at that time and with an assessment of the evolving set of objectives and policies.
33. At that stage, Council initially processed the application in accordance with its normal technical and planning review process while also engaging with the Applicant and Puketapu hapū¹ on the relevant matters associated with the cultural values and sites within the site and surrounding area. Of key significance to Puketapu hapū were the Waipu Lagoons located around the northern boundary of the site, and concerns over potential sub-surface sites that may exist across the site and surrounding area.

¹ The early consultation was primarily with Puketapu hapū with support from Te Kotahitanga o Te Atiawa Trust. Ngāti Tawhirikura hapū is also recognised as mana whenua and was part of the wider consultation process and was party to the submission from mana whenua.

34. While there was some early engagement with Puketapu hapū that suggested a possible pathway forward for refinement of the scheme plan layout and agreed conditions, Puketapu hapū reached the position (which reflected the view of kaumatua) that support for the subdivision could not be sustained without a major resetting of the application assessment and provision for cultural impacts assessments and co-design. This position was presented to both the Applicant and NPDC in early March 2022.
35. From this point, NPDC offered to work with mana whenua and the Applicant to help with the identification of cultural values and sites not only on the subject site but across the wider area. This was promoted by NPDC as a means of fostering the relationship between NPDC and mana whenua and one that could also inform wider urban growth studies.
36. While the Applicant expressly stated their concerns over the scope of any cultural study, support was given to the commissioning of a cultural assessment subject to a clear focus on the scope and timeliness of any report findings, such that these could then feed back into the scheme plan design and subdivision process.
37. The Applicant sought public notification of the application in February 2023, in part due to advice from NPDC that a non-notified process would not be available without appropriate support from mana whenua, The application was subsequently publicly notified.
38. Following the submissions period and a review of the issues arising from the submissions, NPDC issued a letter on 12 May 2023 advising that the Applicant would need to lodge the relevant regional council applications (Section 91 hold) to enable an integrated assessment of the planning, environmental and cultural effects across both the district and regional council functions and plan provisions. I note that the Applicant has sought to challenge this decision on numerous occasions. However, applications in any case were lodged with the Taranaki Regional Council in July 2023.
39. The Taranaki Regional Council also sought input from mana whenua in terms of the assessment of effects on the Waipu Lagoons including the discharge of stormwater from the subdivision. There was also an issue that arose with the information requirements on hydrology and monitoring bores which affected the application process.
40. I understand that the Applicant sought a fast-track process for the application in 2024 which was not accepted.
41. It has only been recently that the Applicant and mana whenua have reached a mutually agreeable position on the scheme plan layout and a framework for conditions for both the regional council applications and for the subdivision application. It is anticipated that the regional council consents will be issued prior to the subdivision hearing.
42. It is fair to say that the Applicant has expressed their overwhelming frustration with the lack of progress on the subdivision and has been critical of the NPDC application process and decision-making in terms of the Section 91 hold and the process of commissioning the Cultural Values Assessment.

43. It is my observation that the relationship between the Applicant and mana whenua has evolved and has grown through the application process. I understand that there have been ongoing meetings, with a respectful and collaborative relationship forged to guide and support the subdivision and future construction process.

2.5 Regional Council Consents

44. As discussed above, the Applicant lodged regional council applications in July 2023. I understand that the Applicant and TRC had a series of discussions on the scope and nature of consents that were required under the National Environmental Standards for Freshwater and the regional plans. The ultimate decision from TRC was that two consents were required as follows:

- TRC Ref: 11136-1.0 - To discharge stormwater from roading surfaces onto and into land in circumstances where it may enter the Waipu Lagoons for the purposes of urban development and infrastructure management.

Activity type -	Discharge Permit
Activity subtype Water -	Stormwater
Activity status -	Restricted Discretionary

- TRC Ref: 11146-1.0 - To divert groundwater within 100 metres of the Waipu Lagoons by increasing impermeable surfaces for the purposes of housing, roading and infrastructure placement for urban development.

Activity type -	Water Permit
Activity subtype -	Divert
Activity status -	Restricted Discretionary

2.6 Land Use Consent - Earthworks

45. In preparing this S.42A Planning Report, and in discussions with the Applicant, it has become evident that an earthworks (land use) consent is required for the proposed development under the PDP in conjunction with any approved subdivision consent.
46. While some plan rules often include earthworks as part of a subdivision activity, and therefore take precedent over other earthworks rules requiring land use consent, (as was the case with the ODP), the provisions of the Proposed District Plan (PDP) do not contain such provision. Therefore, Rule WB-R4 (Earthworks on a site containing or adjoining a natural waterbody), Rule SASM-R17 (Earthworks within the extent of a scheduled site or area of significance to Māori, or within 50m of the extent of a mapped SASM), and EW-R13 (General earthworks) apply.
47. The Applicant originally only applied for subdivision consent (as per the Form 9 application sheet) with discussion of earthworks presented as part of the subdivision proposal.

48. It has NPDC's preference that a separate land use application for earthworks be made. This could take into account any final decision from the Commissioner on the subdivision consent and any earthwork conditions and final plans that may form part of the subdivision consent should this be granted. It is anticipated that any land use application and assessment process will largely be a formality subject to the earthworks being fully in accordance with any design outcomes and earthworks conditions that may be approved as part of any subdivision consent
49. It is understood that the Applicant will seek a decision from the Commissioner to have the Form 9 amended and that the subdivision consent be granted to include any land use consent matters. NPDC is unsure whether there is legal scope for such a change to be made however supports an efficient and practical resolution of this matter.

2.7 Section 91 Deferral

50. The Section 91 decision issued by NPDC in May 2023 effectively placed a hold on the subdivision process until such time as the relevant regional council applications were lodged/progressed.
51. This Section 91 will be discharged with the granting of the regional council consents on a non-notified basis which I understand is imminent.

3 Notification and Submissions

52. The subdivision application was publicly notified in February 2023 with the standard period of 20 working days open for submissions. The submission period ended on 22 March 2023. It is notable in this case, that there are a significant number of submissions supporting the granting of consent. The common issue across the opposing submissions is traffic issues, with concerns associated with existing deficiencies in the roading network. Mana whenua also lodged a strong submission in opposition to the proposal given cultural values and sites that would be affected.

53. In terms of the summary numbers, the NPDC submissions database, and my analysis of the submissions, I can provide the following breakdown of submissions.

In total there are **314 submissions** including:

- Support² **294**
- Oppose **10**
- Neutral **7**
- Not stated **3**

3.1 Late Submissions

54. The above submission tally includes four late submissions. The Commissioner will need to decide whether these late submissions should be accepted. The hearings process will also provide the opportunity for the Applicant to advise whether they have any opposition to the late submissions being accepted, and also for the submitters to provide any reasons why the submissions were not received on time. The late submissions are as follows:

#	Submitter	Submission points	Date Received
Sub ID# 18	Avatar Mgt Limited (Maida Vale Retirement Village - Pat Wynd)	Neutral – if granted the subdivision consent should include specific conditions to manage bulk and location effects, particularly on elevated sites.	23/03/2023
Sub ID# 19	Michael Kaye	Support – granting consent will help alleviate housing shortage.	24/03/23
Sub ID# 34	Rachel Williams	Support.	23/03/2023
Sub ID# 97	Karen Angland	Support – the proposed site and design of the subdivision is appropriate and will promote economic development.	24/03/23

² This summary position of the submissions is taken from the submission form where options of support, oppose, or neutral are available to select.

55. I do not have any particular views on whether these late submissions should be accepted. I note that they were only received a day or two late after the close date of 22 March 2023. Given the period of time that has elapsed since the application was publicly notified, there is certainly no issue with the late submission prejudicing a timely application process.

3.2 Supporting Submissions

56. The vast majority of submissions support the granting of consent with common themes generally arising from these submissions. As such, I do not intend to provide a more individual submission summary.
57. The common themes that I have identified across the supporting submissions are as follows:
- The proposed subdivision will help provide additional housing supply for New Plymouth District
 - The subdivision site provides a logical extension to the existing urban fringe extending to the west of Bell Block
 - The proposed subdivision will help local businesses and trades
 - The proposed subdivision is needed to help with housing supply and first time home buyers
 - There needs to be a clear framework for engagement and relationship with mana whenua
 - The developers have a proven and respected reputation in the building trade
 - Sections are generously sized and will be 'ideal' for families.
58. It is noted that some submissions simply ticked the 'support' box and did not provide any commentary on the reason for their submission.
59. The hearings process will enable submitters in support of the application to present further details on their individual submissions.

3.3 Opposing Submissions – Transportation

60. There is a subset of opposing submissions that have raised common concerns in relation to additional traffic generation, existing deficiencies in the local roading network, and the need to complete future and planned roading projects and upgrades.
61. I have identified 13 submissions that raise traffic-related matters and while there is some variation in the amount of discussion and detail across individual submissions, the following general traffic concerns are identified:
- Parklands Avenue is already too busy and more traffic will not benefit the community
 - Existing capacity issues with the network result in significant safety issues
 - A second bridge over SH3 at the Nugent St/Henwood Road intersection is required
 - Roading link from Parklands Avenue to Pohutukawa Drive needs to be completed

- Road design and carriageway widths need to create safe environments and meet minimum standards
- Application does not include traffic modelling of effects of traffic generation
- Bell Block network upgrades need to be completed including Parklands/Nugent, NP slip lane off SH3 and Wills Road/SH3
- Visibility at bypass needs to be improved to assist peak traffic
- Proposed subdivision and traffic generation will not comply with District Plan provisions.

62. I note that the Bell Block Community Board (the Community Board) – Sub ID #25 also discusses traffic effects and is further discussed in **Section 3.6** below.

3.4 Opposing/Neutral Submissions – Other Matters

63. I have also identified the following additional concerns and themes across the opposing and neutral submissions:

- Lot sizes should be increased to retain existing urban character and to retain property values
- Provision for new shops and community services should be considered
- Concerns over construction effects
- Concerns over high water table and servicing
- Concerns over discharge and effects on Waipu Lagoons
- Urban development is too close to the Waipu Lagoons
- Residential development guidelines need to be adopted to mitigate the effects of built form, particularly the interface with Waipu Lagoons
- A green belt was identified in the 1970s west of Summerset
- Design of subdivision with small lots and narrow roads will result in poor urban design outcomes
- There is a building restriction on the north-east boundary (Lots 1, 4 and 5 of original scheme plan) which has not been addressed in the proposal (Robin Smith #13).

3.5 Mana Whenua Submission

64. A substantive and comprehensive submission was lodged in opposition to the subdivision from mana whenua being Puketapu hapū, Ngāti Tawhirikura hapū and Te Kotahitanga o Te Atiawa Trust (mana whenua submission).

65. The mana whenua submission sets out the context and background to the submission and discusses the following matters and concerns:

- Engagement with the Applicant and Council and advice on the position of mana whenua
- The ongoing threat to cultural values and sites across the rohe from urbanisation

- The lack of assessment of discharges and effects on the Waipu Lagoons under the NPS-Freshwater and Te Mana o te Wai
- The standard approaches and conditions to identify and protect cultural values and sites adopted by developers and Council in the past have failed
- The application should be declined.

66. Since the original submission was lodged, there has been significant progress and constructive outcomes achieved to address the matters raised in the submission. This includes the preparation of a Cultural Values Assessment (CVA), a revision of the scheme plan and the framing of conditions to support the subdivision from a cultural perspective. These matters are discussed further in **Section 6.2** of this report.

3.6 Other Submissions Summary

67. There are a series of other submissions which have been lodged that identify and discuss specific aspects of the proposed subdivision including, in some cases, matters associated with traffic effects. I have elected to provide a brief individual summary of these submissions given the distinct matters addressed in each submission.

#	Submitter	Overall Position ³	Submission points
Sub ID# 3 and ID#16	Claire Bolton and Warren Bolten (owners of the subject site)	Support	<ul style="list-style-type: none"> • The property was originally earmarked for a school • Council decisions for land use planning are illogical and all costs have to be met by the developers • The subdivision will be 'wonderful' • Significant efforts have already been made to protect the Waipu Lagoons • The lagoon has no permanent water source and is only supplied by rainwater surface flow • Council delays are hugely frustrating and unjustified • Families need new homes in Bell Block • Commentary provided on the cultural use and values of the Waipu Lagoons • Two sections are to be gifted to local schools.
Sub ID# 4	Graeme Hight	Neutral	<ul style="list-style-type: none"> • Insufficient assessment has been made of the inadequate outlet of the Waipu Lagoons • Concerns over risk of flooding

³ See footnote 1.

			<ul style="list-style-type: none"> The roading link from Parklands Ave to Pohutukawa Place needs to be brought forward to allow alternate access to Bell Block roundabout.
Sub ID# 5	Heritage NZ	Neutral	<ul style="list-style-type: none"> The archaeological report recommends that the project be undertaken under a general archaeological authority Any authority will include conditions which will then need to be incorporated into any subdivision consent conditions.
Sub ID# 20	Taranaki Fish and Game Council	Neutral	<ul style="list-style-type: none"> Concerns over lots adjacent to Waipu Lagoons and predation of wildlife from family pets Also pukeko can cause issues for residential properties A greater set back would be preferred between the lots and the Waipu Lagoons A contribution to predator control should be made.
Sub ID# 22	Department of Conservation	Neutral	<ul style="list-style-type: none"> The site is located adjacent to the Waipu Lagoons that provide habitat for nationally critical bird species – Bittern and Matuku If consent is granted, conditions are required in terms of water monitoring, biodiversity surveys and wetland health monitoring, ecological management plans, and review condition.
Sub ID# 23	Royal Forest and Bird Protection Society	Oppose	<ul style="list-style-type: none"> Concerns over urbanisation and effects on habitat and biodiversity, particular in terms of hydrology and run off into wetlands Discharge needs to be assessed in accordance with regional plans The proposed residential lots are too close to the wetland and Significant Natural Area Urbanisation will introduce cats which will detrimentally affect at-risk native birds The AEE is deficient and an assessment under the national policy direction for freshwater and biodiversity needs to be provided Specific conditions are recommended if consent is granted, including stormwater management and treatment and prohibition on cats.

Sub ID# 24	Parininihi ki Waitotara (PKW) - Richard Buttimore	Not identified	<ul style="list-style-type: none"> • PKW is a construct of all iwi of Taranaki and own property at 106 Pohutukawa Place • A structure plan process is required to ensure that development in this area provides for positive outcomes including a cohesive development pattern and integrated approach for stormwater management to protect the Waipu Lagoons • PKW supports the submission from Puketapu hapu and Te Kotahitanga o Te Atiawa.
Sub ID# 25	Puketapu-Bell Block Community Board	Neutral	<ul style="list-style-type: none"> • Positions aspects and outcomes from the proposed subdivision are recognised and supported • Increased vehicle traffic on Nugent Street and onto Bell Block overbridge exacerbate congestion at peak times • Waka Kotahi needs to extend dedicated slip lane that services the New Plymouth Golf Course • Design and construction of walkway linkages east and west of site along the Waipu Lagoons required • Footpaths on Pohutukawa Place required • Interface of development with Waipu Lagoons needs to be managed and subject to development standards • NPDC should consider removal of silage pit and grazing adjacent to Waipu Lagoons.

68. The matters identified in support and in opposition to the subdivision application are discussed further in **Section 6**.

4 Reasons for Application

4.1 Proposed District Plan

62. Since the application was first lodged and notified, NPDC has completed the hearings on the Proposed District Plan (PDP). The Hearing Panel's recommended decisions on the submissions were presented to, and adopted by, Council on 2 May 2023. On 13 May 2023, the Proposed District Plan – Decisions Version was notified reflecting those decisions.
63. Council received 23 appeals on the Decisions Version of the Plan. Council has updated the Plan and identified the provisions of the Plan that are subject to an appeal. Released on 14 September 2023, this version is called the Proposed District Plan – Appeals Version. Rules which are not subject to appeal are now treated as operative, pursuant to section 86F of the Resource Management Act 1991.
64. Given the appeals which have been lodged to the PDP decisions, there remain some DP rules which have legal effect. The relevant provisions of the Operative District Plan (ODP) and PDP are identified and discussed below.

4.2 Subdivision Rule – ODP

65. The proposal triggers consent under the following rules which remain operative:

Rule	Rule Name	Activity Status	Comment
Res 55	Lots created for utility and road reserves	Controlled	Lots will be vested as roads and public roads, reserves or access walkways.
Res 56	General Lot Rule	Controlled	Minimum lot size of 450m2.

4.3 Subdivision Rules – PDP

66. The Appeals Version of the PDP was released on 14 September 2023. At this point of time, all rules under the Appeals Version of the PDP have either legal effect (pursuant to s86B) or are treated as operative (pursuant to s86F) unless they are subject to appeal. The subdivision rules are subject to specific appeals.

Rule	Rule Name	Activity Status	Comment
SUB-R2 (Under appeal)	Lots created for utilities and reserves	Controlled	There are allotments created solely for network utilities, roads, reserves or access.
SUB-R6 (Under appeal)	General rule for subdivision	Controlled	All new residential allotments have a net area greater than 400m2. The Subdivision Effect Standards are complied with.
SUB-R9	Subdivision of land including an indicative road network	Restricted Discretionary	An indicative road transport network is shown in the Proposed District Plan.
SASM-R18	Subdivision of land that contains a scheduled site or area of significance to Māori	Discretionary	The scheduled site #675 (Wāhi tapu – Waipu Lagoons) is partially located on the subject site.
WB-R5	Subdivision of land containing or adjoining a natural water body	Restricted Discretionary	Waipu Lagoons are adjacent to the site.
CE-R11	Subdivision of land (Coastal Environment)	Discretionary	This only applies to the small area of the site affected by the SASM.
TRAN-R9	High Trip Generation Activities	Restricted Discretionary	A full TIA has not been prepared however two traffic experts have presented evidence to assist with the assessment of traffic effects.

67. The site is specifically subject to the following overlays;

- Indicative Roding Networks,
- Site of Significance to Māori
- Coastal Environment

- Airport Flight Path Surface
- Designation (NPDC 3)
- Non-District Plan layer – Stormwater

68. The indicative roading connections have been provided for with the scheme plan design and are further addressed in **Section 6** of this report. The identified area of the Site of Significance to Māori (675) is for the Waipu lagoons with a small portion shown traversing the site on its eastern boundary. The Coastal Environment Overlay follows the Site of Significance to Māori (675) boundary.
69. The provisions for the Airport Flight Path Surface, the effective height controls do not extend over the subject site.
70. The designation (NPDC 3) is for a proposed reserve adjacent to the Waipu Lagoons which is provided for as part of the scheme plan(Proposed Lot 301).
71. Stormwater management and design has been addressed through the engineering review and also through the regional council application process.

4.4 Activity Status

72. The subdivision has a **Discretionary Activity** status in accordance with the rules that applied to the application at the time of lodgement and which also now form part of the PDP decisions.

5 Statutory Provisions

73. The Resource Management Act 1991 (RMA) sets out the statutory provisions for the assessment and determination of all such applications with Sections 104 and 104B providing the primary assessment and decision-making framework.

Section 104 Consideration of applications

- (1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—*
- (a) *any actual and potential effects on the environment of allowing the activity; and*
 - (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
 - (b) *any relevant provisions of—*
 - (i) *a national environmental standard;*
 - (ii) *other regulations;*
 - (iii) *a national policy statement;*
 - (iv) *a New Zealand coastal policy statement;*
 - (v) *a regional policy statement or proposed regional policy statement;*
 - (vi) *a plan or proposed plan; and*
 - (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

Section 104B - Determination of applications for discretionary or non-complying activities

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

- (a) *may grant or refuse the application; and*
- (b) *if it grants the application, may impose conditions under [section 108](#).*

74. For subdivision applications, Section 106 also applies:

Section 106 - Consent authority may refuse subdivision consent in certain circumstances

- (1) *A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—*
- (a) *there is a significant risk from natural hazards; or*
 - (b) *[Repealed]*
 - (c) *sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.*
- (1A) *For the purpose of subsection (1)(a), an assessment of the risk from natural hazards requires a combined assessment of—*
- (a) *the likelihood of natural hazards occurring (whether individually or in combination); and*
 - (b) *the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and*

(c) *any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).*

(2) *Conditions under subsection (1) must be—*

(a) *for the purposes of avoiding, remedying, or mitigating the effects referred to in subsection (1); and*

(b) *of a type that could be imposed under [section 108](#).*

75. In addition, Section 220 provides specific scope for the type and nature of conditions which may be imposed on a subdivision consent.

76. All sections of the RMA are subject to Part 2 which includes the purpose and principles of the legislation. Any referral to Part 2 is now subject to case law which places specific limitations on when it is appropriate to engage the provisions of Part 2⁴. I discuss this further in Section 10 of this report. For completeness, I include Section 5 and the purpose and principles of the Act as follows:

(1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*

(2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*

(a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*

(b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*

(c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment*

77. Section 6 which identifies matters of national importance:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

(a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*

(b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*

(c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*

(d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*

(e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*

⁴ R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316.

- (f) the protection of historic heritage from inappropriate subdivision, use, and development:
- (g) the protection of protected customary rights:
- (h) the management of significant risks from natural hazards.

78. Section 7 identifies 'Other matters' of national importance which may also be relevant to the assessment of resource consent applications:

Section 7 Other Matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) *kaitiakitanga:*
 - (aa) *the ethic of stewardship:*
 - (b) *the efficient use and development of natural and physical resources:*
 - (ba) *the efficiency of the end use of energy:*
 - (c) *the maintenance and enhancement of amenity values:*
 - (d) *intrinsic values of ecosystems:*
 - (e) *[Repealed]*
 - (f) *maintenance and enhancement of the quality of the environment:*
 - (g) *any finite characteristics of natural and physical resources:*
 - (h) *the protection of the habitat of trout and salmon:*
 - (i) *the effects of climate change:*
 - (j) *the benefits to be derived from the use and development of renewable energy.*

79. Section 8 provides guidance on decision in accordance with the Treaty of Waitangi.

Section 8 Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

6 Assessment of Effects

80. I have presented an assessment of effects based on the following topics:

- Background to Assessment of Effects
- Cultural Values and Sites
- Transportation Effects and Roding Network
- Waipu Lagoons
- Urbanisation and Built Form
- Engineering and Infrastructure Assessment
- Positive Effects
- Other Matters
- Effects Conclusion and Conditions.

6.1 Background to Assessment of Effects

62. It is appropriate to provide some further context to the Robe and Roche subdivision, and the matters raised and process through the early assessment and public notification stages.
63. In the early stages of the application process, NPDC engaged with the Applicant to identify the key matters that would require resolution to support a non-notified subdivision consent being issued. Two matters were identified, with the first being the need to have a clear record of consultation and engagement with Puketapu hapū with endorsement on any final scheme plan design and conditions. The second matter related to the timing and decision on consents under the regional plan and national environmental standards and this was also linked to the cultural values and concerns raised by Puketapu hapū.
64. Apart from these matters, there was a general approach adopted that the subdivision application could proceed on a non-notified basis with conditions prepared to address the identified environmental and off-site effects. This assessment considered the Residential Zone provisions that applied to the site and recognition that the site was identified for urbanisation under both the ODP and PDP.
65. Through engagement with mana whenua, it became clear that further work and understanding of the cultural values and sites on the site and the surrounding area was necessary and the public notification process has also brought forward additional matters for assessment.

6.2 Cultural Values and Sites

6.2.1 Background

66. **Section 2** and **Section 3** of this report have already provided some background and context on the engagement with mana whenua, the decision by NPDC to commissioning a Cultural Values Assessment (CVA) for the surrounding area including the subject site, and the matters raised by mana whenua in their opposing submission to the proposed subdivision.

67. Prior to public notification, the lack of a clear pathway forward to try and resolve the identified cultural values and concerns led to the decision of Robe and Roche to seek a public notification process.
68. Since the submission period, NPDC has worked with mana whenua and Robe and Roche to have a CVA prepared for the wider development area and the subject site. This has resulted in amendments to the scheme plan and a framework for conditions that I understand both mana whenua and the Applicant have endorsed in principle.

6.2.2 Puketapu Hapū, Ngāti Tawhirikura Hapū and Te Kotahitanga o Te Atiawa Trust Submission (mana whenua submission)

69. The mana whenua submission provides a comprehensive discussion around the context of cultural values and sites, not only on the specific subject site, but across the wider area and including the Waipu Lagoons. The submission identifies the following specific adverse effects and concerns with the policy provisions:

Based on the above assessment of the application and further information provided, as well as consideration of the provisions of Tai Whenua, Tai Tangata, Tai Ao it is considered that the following actual and potential adverse effects are not adequately avoided, minimised, remedied, offset or compensated for:

- *The recognition and protection of the relationship of tangata whenua with the cultural landscape.*
- *The further degradation of wāhi tapu.*
- *The further degradation of Waipu (a natural wetland) that does not give effect to the principle of Te Mana o te Wai.*
- *The recognition and protection of historic heritage.*
- *The continued interruption of the ability of tangata whenua to practise their active kaitiakitanga.*
- *Impacts on the roading network and other connections.*

Further, it is not considered that the proposed subdivision is consistent with the objectives and policies of the National Policy Statement for Freshwater Management 2020, the National Policy Statement for Urban Development 2020, the Operative District Plan, or the Proposed District Plan for New Plymouth⁵.

70. The mana whenua submission as originally lodged requested that the subdivision application be declined. As discussed, this position has now evolved to one of support with appropriate conditions.

6.2.3 Cultural Values Assessment (CVA)

71. In response to the mana whenua submission, and also in response to concerns from mana whenua on the potential urbanisation of further areas on the western area of Bell Block, NPDC undertook a process to engage mana whenua and commissioned a Cultural Values Assessment to help guide NPDC's future planning and urban growth studies, and also to provide a clear definition of the cultural values and sites for the Robe and Roche subdivision.

⁵ Submission from Puketapu hapū, Ngāti Tawhirikura hapū and Te Kotahitanga o Te Atiawa Trust, pg 7.

72. It is appropriate to acknowledge that while Robe and Roche supported the commissioning of a CVA to help inform the subdivision assessment and the understanding of cultural values and sites, there were strong challenges and concerns put to NPDC on the scope and timeframe that the CVA would require. Robe and Roche very much opposed any broader study which would expand on the timeframe and identification of issues and solutions for their specific subdivision application.
73. A 'draft' section of the CVA 'He Whakamārama mō Waipu' (**Appendix 2**) has now been prepared by mana whenua⁶. I understand that the Applicant is continuing to build on the relationship with mana whenua and I have also had the opportunity to discuss the work and relationship building that has been progressing in terms of addressing the original issues raised in the submission.
74. While He Whakamārama mō Waipu remains in a *draft* status, it has been submitted by mana whenua with a view to supporting the subdivision consent through the hearings process.
75. He Whakamārama mō Waipu discusses the background to the CVA, the existing environmental and cultural traditions and sites that provide the identity and connection of mana whenua to their whenua, their connection to waterbodies including the Waipu Lagoons, the effects of urbanisation both past and present, and then more specific commentary and conditions for various development proposals.
76. In terms of the Robe and Roche subdivision, key conditions are recommended for a Kaitiaki Forum which includes provision for co-design and input into the future subdivision works and restrictions associated with archaeological sites and discoveries.

6.2.4 Regional Council and NES consents

77. At the time of lodging the original subdivision consent, Robe and Roche were still working through details for the management and treatment of stormwater discharge, including the location and nature of any discharge devices to the Waipu Lagoons.
78. The relationship of the subdivision and effects of urbanisation on waterbodies including discharges to the Waipu Lagoons was a key issue raised in the mana whenua submission.
79. As discussed earlier in this report, Robe and Roche accepted that additional regional council applications were required to support the subdivision and lodged the applications with TRC in July 2023.
80. TRC is in the final stage of the decision-making process and it is anticipated that the consents will be granted prior to the subdivision hearing.
81. In my opinion, it is commendable that Robe and Roche and mana whenua have collaboratively worked through not only the subdivision application, but also the associated regional council applications to ensure that there is an integrated approach to the planning and environmental issues associated with the proposed urbanisation of the site.

⁶ He Whakamārama mō Waipu dated January 2025 (received at NPDC on 17 February 2025)

6.2.5 Other Submissions

82. I note that submissions were received from Warren and Claire Bolten who are the current owners of the subject site with some commentary on the cultural values and sites and their frustration over the subdivision process.
83. I will leave it to Warren and Claire Bolten as to whether they wish to speak or expand on their submission points as part of the hearings process.

6.2.6 Planning Assessment

84. I want to acknowledge that this has been a challenging process for the Applicant and for mana whenua. Early in the process, there were some difficult conversations about the effects of the subdivision on cultural values and sites and the nature of the application process. With further time and understanding, this has allowed the opportunity to focus on the common areas of interest and how the subdivision application and associated regional council consents can be supported through appropriate engagement, design and conditions.
85. I have recently been involved with a series of larger scale subdivision applications and other development projects in New Plymouth and it is my observation that there has been some real challenges for NPDC, mana whenua and developers in establishing and maintaining genuine and trusted relationships through the subdivision and development process. From my observations, these relationships are building and growing stronger which has taken some of the unknowns and uncertainty away from the process. I also note that through the PDP review process, substantive submissions came forward from mana whenua expressing concerns about the consultation process and nature and direction of the PDP provisions. The decisions and appeals version of the PDP are working to improve the understanding and implementation of plan provisions that support the recognition and protection of cultural values and sites while also enabling appropriate and efficient urban development processes and outcomes.
86. It is also my observation that with the introduction of the NPS-Freshwater and NES-Freshwater, that the traditional approach of applying for subdivision consent and then carrying out detailed design to address any off-site engineering/discharge matters is no longer best or appropriate practice. There is a clear relationship between subdivision and development and the nature, quality, and location of any discharge with waterways. These waterways often have specific and particular cultural values for mana whenua with the Waipu Lagoons, in this case, being identified as wāhi tapu.
87. In my view, we have now reached a stage whereby Robe and Roche and mana whenua have successfully and constructively achieved a mutually agreeable position on the scheme plan design, including the important interface with the Waipu Lagoons, the nature and location of any discharges (through the regional council consents) and through a framework of conditions to support a subdivision consent.
88. With respect to the subdivision conditions, I have provided a draft set reflecting the matters and draft provisions set out in the CVA. I anticipate that these will most likely require some further refinement and input through the hearings process.

89. Based on a final set of conditions that can be endorsed by Robe and Roche and mana whenua, I am then satisfied that any matters associated with the cultural values and site, including the Waipu Lagoons, have been appropriately addressed.

6.3 Transportation Effects and Roding Network

6.3.1 Background

90. The proposed subdivision is on land that is identified for urbanisation under both the ODP and PDP. The plan provisions also establish an 'indicative roading network' to help guide the strategic alignment and connections across the roading network.
91. Several submissions have been received through the public notification process raising concerns about the additional traffic generation from the subdivision and that the existing roading network is over capacity at key nodes including the Nugent Stret roundabout and SH3 interchange. The need for Council to progress upgrades to the local roading network and the extension of Parklands Avenue through to Pohutukawa Place are also called for.
92. As part of the preparation for this hearing and the provision of this planning report, a Joint Witness Statement – Transport (JWS – Transport) has been prepared by Mark Georgeson (traffic expert for Robe and Roche) and Andy Skerrett (traffic expert engaged by NPDC) – refer **Appendix 3**. The JWS – Transport sets out key assessment and expert opinion on the actual and potential effects of the proposed subdivision.

6.3.2 Existing Roding Network and Plan Provisions

93. The proposed subdivision is on land that is identified for urbanisation under both the ODP and PDP. The proposed subdivision will wholly be served with a road connection to Parklands Avenue with future stages completing roading links to Pohutukawa Place and west towards the Links subdivision.
94. The plan provisions establish an 'indicative roading network' to help guide the strategic alignment and connections across the roading network. The PDP planning map and indicative roading networks are shown in **Figure 3** overpage.

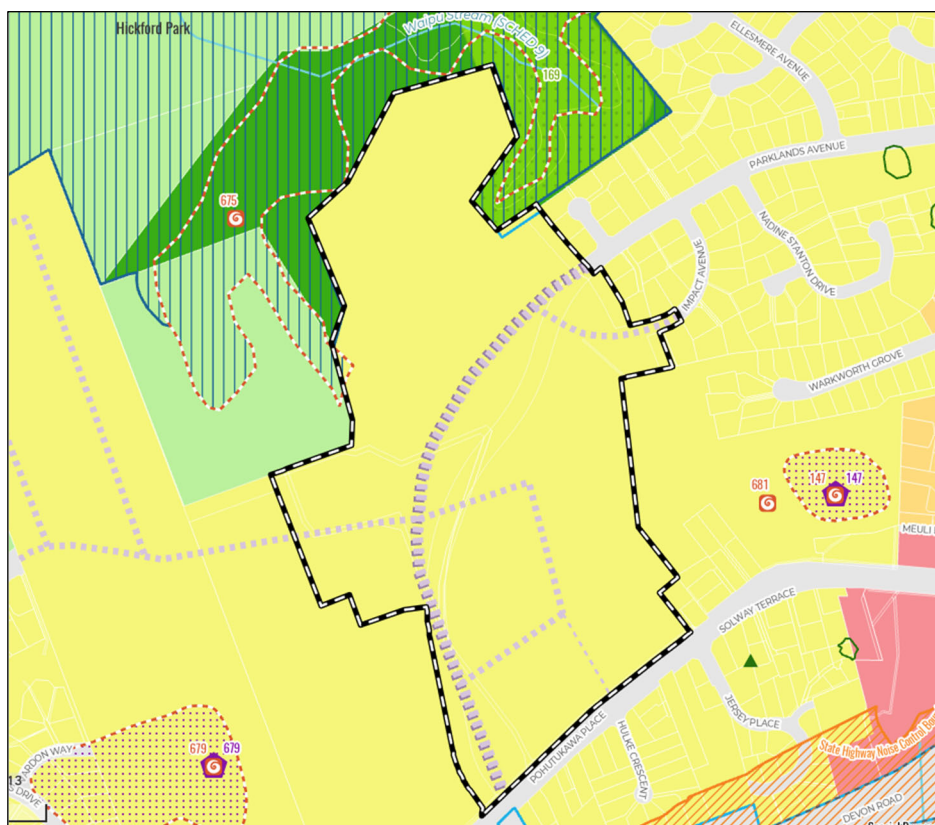


Figure 3: Planning Map and Indicative Roding Networks

6.3.3 Submissions

95. As discussed in **Section 3** of this report, a series of submissions have been lodged to the application raising concerns about additional traffic generation and deficiencies in the existing roading network.

6.3.4 JWS-Transport

96. The JWS-Transport provides a joint statement on the traffic issues and potential effects arising from the proposed subdivision. This addresses the traffic generation and distribution from the proposed subdivision, the strategic roading projects which form part of NPDC's Long-Term Plan, and the nature and scope of traffic effects that will arise from the subdivision, should the Commissioner be mindful to grant consent.
97. The JWS-Transport will need to be considered in full and I have largely adopted this expert assessment and opinion for the purposes of preparing this planning report and recommendation. I note the conclusions of the JWS-Transport are as follows:

We conclude that:

- (a) *Nugent Street and Henwood Road have short term capacity constraints.*
- (b) *The additional traffic from the proposed subdivision will be introduced to the network over a period of years, such that the effects of the additional traffic will be minor in the short to medium term.*

- (c) *The existing reliance on Nugent Street and Henwood Road will be reduced by the completion of Parklands Avenue through to Pohutukawa Place and the completion of the projects identified in the Council's 2024-2034 Long Term Plan.*

6.3.5 Planning Assessment

98. From my review of the expert assessment presented in the JWS-Transport, my own assessment of the AEE and application material, a review of the submissions and my own observations of the traffic and roading environment around Bell Block, I make the following observations:
- (a) There is clearly some unease with the community's experience and expectations in terms of the need to resolve existing deficiencies in the local roading network.
 - (b) Bell Block is a growth node and like many suburbs and areas where urbanisation is progressing, there can be some uneven issues with the timing and upgrade of roading networks to meet the demand.
 - (c) The traffic experts recognise that there are some deficiencies in the network. However, the traffic experts have not identified any significant road efficiency or safety issues that would undermine the opportunity to grant a subdivision consent.
 - (d) While there are a series of roading projects identified as part of NPDC's Long-Term Plan, caution needs to be exercised in relying on future funding and delivery of projects. These will be subject to future Council funding decisions and will need to be balanced with other community and infrastructure priorities across the district.
 - (e) The site is zoned for urbanisation and therefore the proposed traffic generation is anticipated through the Residential Zone provisions and predominant land use promoted on such sites.
 - (f) The Applicant will be subject to the payment of Development Contributions which will provide a pro-rata monetary contribution for council roading projects.
 - (g) Conditions can be imposed in terms of the final design and layout of the proposed roading infrastructure.
 - (h) The proposed subdivision provides for the indicative roading linkages as required by the PDP.
99. Taking the above matters into account, I consider that there will be a degree of adverse effects experienced by road users and the local community through the granting of the application as additional traffic is generated and distributed across the local roading network. However, any congestion and capacity issues are temporary and at peak times. In addition, the same situation would equally apply to any other subdivision and additional lots consented within the local roading catchment.
100. In my opinion, the degree of adverse effects is not one that will cause inappropriate effects or create safety or efficiency issues that would undermine the granting of the subdivision consent.

6.4 Waipu Lagoons

101. The site of the proposed subdivision is adjacent to the Waipu Lagoons which are identified as having cultural significance and ecological values under the PDP. There are a series of overlapping issues that are required to be considered in terms of any potential or actual effects on the natural wetlands.

6.4.1 Regional Council and NES Consents

102. As discussed above, it is important to note that there are key issues associated with the urbanisation of the site which are being duly considered and determined through the applications to the Taranaki Regional Council (TRC).
103. Applications for discharge and diversion of groundwater have been assessed, and it is understood that these will be granted prior to the subdivision hearing. The applications and any final decisions will give effect to the relevant regional plans and also the national policy statements and standards in relation to freshwater. Once these consents have been duly granted by TRC, then it is considered that they can inform the assessment of the subdivision consent.
104. It is noted that the proposed stormwater treatment process and infrastructure design has also been subject to input from NPDC.
105. In my opinion, it will be appropriate to take into account any approved regional council consents and when considering any adverse effects on ecological values from the stormwater discharge or change in land contour and water diversion.

6.4.2 Proposed Reserves and Interface with Waipu Lagoons

106. The final design of the proposed Esplanade Reserves and the scheme plan layout has had input from NPDC to ensure that there is an appropriate setback to the new residential lots and future built form. It is also noted that Road 2 adjoins the reserve which provides for further setback of built form while also providing a public interface with the existing reserves and Waipu Lagoons.
107. In discussions with the Applicant, there has also been engineering design completed to ensure that the earthworks balance and stormwater and wastewater reticulation can be designed and operated to meet NPDC engineering design standards and to ensure effective infrastructure maintenance over the long-term. This has been a factor guiding the final lot and roading design and scheme plan layout.
108. I am satisfied that the scheme plan design and interface with the Waipu Lagoons provides an appropriate outcome that enables efficient subdivision and engineering design and also promotes an appropriate form of public interface with the Waipu Lagoons that respects and provides for their natural, ecological and cultural values.

6.4.3 Management of Domestic Pets

109. I note that both the Department of Conservation (DOC) and the Royal Forest and Bird Protection Society (Forest and Bird) have both lodged submissions raising concerns over the potential effects of the proposed subdivision on the ecological and habitat values of the Waipu Lagoons. Forest and Bird has specifically raised the issue of domestic cats and the risk these cause to birdlife.
110. I have reservations regarding consent conditions that restrict or ban domestic pets from a suburban area given the general nature of pet ownership that pervades a wide cross-section of the community. If conditions are imposed through a consent notice mechanism, then it will be left to NPDC to monitor, manage and enforce compliance with any conditions which, in my opinion, may well result in a logistical and compliance conundrum.
111. However, given the sensitivity of the receiving environment in terms of ecological and habitat values, I consider that such a condition should be seriously considered on any consent should the Commissioner be mindful to grant consent. It would be useful for the Applicant to address this in evidence from their ecological expert including whether any such condition on this subdivision will have efficacy if domestic cats may roam from other adjacent residential areas.

6.5 Urbanisation and Built Form

112. The proposed subdivision is on land that is identified for urbanisation under both the ODP and PDP. The plan provisions also establish an 'indicative roading network' to help guide the strategic alignment and connections across the roading network.
113. There are several submissions that raise concerns over the nature and size of the proposed lots and the future scale and intensity of built form. Equally, there are several submissions that support the subdivision and, in particular, the variety of lot sizes that will support housing supply.
114. I note that the proposed lots range from 450m² to over 900m² with lots proportioned across this lot area range. These lots may in some cases present a smaller lot size than some of the older and more established areas of Bell Block. However, in my opinion, they represent generous and well-designed lots which provide for a wide range of contemporary house designs and family living opportunities. Indeed, this subdivision design presents a density of subdivision that is largely not possible in many other growth areas (Tauranga, Hamilton, Matamata) where land supply and development costs dictate market conditions that can only support smaller lots and often comprehensive residential development plans
115. In my opinion it is also relevant to acknowledge the provisions of the PDP have moved away from protecting existing residential character to one which recognises and promotes the predominant or planned character of urban areas – refer **Section 7.4.2** of this report.
116. I also note that the bulk and location of future residential builds will be controlled and managed by the provisions of the District Plan. This will include maximum height and yard standards which will ensure appropriate outcomes, in terms of residential design and scale of built form, will be maintained.

117. In my opinion, the urban design and layout of the residential lots is appropriate and provides for a range of lots sizes and future building designs. Combined with the residential performance standards, I consider that the subdivision will achieve urban design outcomes that support the residential character and amenity values for future residents and the existing urban areas that interface with the site.

6.6 Engineering and Infrastructure Assessment

118. There has been ongoing and dedicated review and assessment of the subdivision design and location, and design of infrastructure, which will be constructed to service the subdivision and future residents. This includes the stormwater system and discharge which will be handed over to NPDC.
119. Through Council's engineering assessment, there have been no issues of natural hazards identified that cannot be addressed through standard geotechnical and certification conditions.
120. Council's Development Engineers have provided engineering conditions for the design, and approval of the final engineering design, and are satisfied that these will appropriately ensure the safe, efficient and ongoing capacity of services and infrastructure design. These conditions have been included in the draft set of conditions provided in **Appendix 4**.

6.7 Positive Effects

121. As with many S.42A reports, the focus and content of this report is orientated to the matters of actual and potential adverse effects. This sometimes leads to a lack of recognition of positive effects which must also be taken into account as part of the assessment and determination of the application.
122. In my opinion, granting consent will provide the following positive effects:
- Provision of additional residential lots and housing supply
 - Economic development including building and trade businesses
 - Appropriate provision for future roading connections
 - Additional reserves and appropriate public interface with the Waipu Lagoons
 - Appropriate urban design and community outcomes through the urbanisation of the site which extends out from the existing Bell Block suburban boundary
 - Appropriate recognition and protection of cultural values and sites.
123. The Applicant may well wish to expand on the positive effects through their evidence and submissions to the Commissioner.
124. I also acknowledge the vast majority of submissions that support the granting of consent.

6.8 Other Matters

125. There are other matters raised in submissions which I take the opportunity to address briefly as follows:

6.8.1 Property values

126. Some submitters have raised concerns over the potential loss of their own property values given a perceived reduction in amenity values.
127. As discussed above, I do not consider that the subdivision will detract from amenity values.
128. In addition, RMA case law has established that given the wide variety of market factors that drive and affect property values, that any RMA effects need to be considered directly and not through a property value lens.

6.8.1 Robin Smith Sub#13 – Building Covenant

129. Robin Smith has referred to an existing building restriction that has not been addressed in the application. The submission referred to the original Lots 1, 4 and 5 which equate to Lots 1, 6 and 7 on the updated scheme plan.
130. The record of title contains a multitude of covenants, and the Applicant and submitter will need to provide further details of any private covenant and how this affects to subdivision through the evidence and hearings process.

6.9 Effects Conclusion and Conditions

131. The substantive issue that led to the public notification process was the need to appropriately identify, understand and provide for cultural values and sites. The Applicant and mana whenua have both worked together in order to reach a mutually agreeable position on not only the subdivision application, but also the associated regional council consents which are anticipated to be granted prior to the subdivision hearing.
132. The second issue that primarily arose through the public notification process was the potential effects of additional traffic on the existing roading network. While there are some existing deficiencies and capacity issues, the expert traffic opinion is that these are not significant. In addition, future road upgrades and linkages will help to provide improved network capacity over the medium to long-term.
133. The Waipu Lagoons are a sensitive receiving environment that have a direct interface with the subject site and any future urbanisation which may be granted as part of the current application process. In my opinion, the provision of additional esplanade reserves and the design of the subdivision is appropriate and will not cause or establish inappropriate effects.
134. In my opinion, there are no other matters in terms of actual or potential effects that cannot be appropriately managed and mitigated through appropriate conditions. The evidence and hearing process will also be available to help refine and clarify the final set of consent conditions including the following matters;

- Whether it is necessary or appropriate to impose a condition to restrict or prohibit domestic cats,
- The timing and nature of archaeological surveys and archaeological authorities, and
- The final wording to support the work and draft section of the CVA.

7 Plan and Policy Provisions

135. There are a series of national, regional and district plan provisions which are relevant to the proposed subdivision, and which help to frame the assessment and determination of the application. The key provisions are identified and discussed further below:
- National Policy Statement - Urban Development 2020 (NPS-UD)
 - Freshwater National Policy Statement and Standards
 - Regional Policy Statement and Plans
 - District Plan Provisions.

7.1 National Policy Statement - Urban Development 2020 (NPS-UD)

136. The NPS-UD recognises the national significance of well-functioning urban environments and providing sufficient development capacity to meet the different needs of people and communities.
137. New Plymouth is a Tier 2 urban environment and while much of the NPS-UD is focussed on the supply of land for urban development and the zoning and plan provisions which support land supply, it also provides direction for the assessment and decision-making on resource consents (Regulation 1.3(1)(b)). Key provisions from the NPS-UD include:

<i>Objective 1</i>	<i>New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.</i>
<i>Objective 4</i>	<i>New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.</i>
<i>Policy 1</i>	<i>Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:</i> <i>(a) have or enable a variety of homes that:</i> <i>(i) meet the needs, in terms of type, price, and location, of different households;</i>

<i>Policy 6</i>	<p><i>When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:</i></p> <p><i>(a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement</i></p> <p><i>(b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:</i></p> <p><i>(i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and</i></p> <p><i>(ii) are not, of themselves, an adverse effect</i></p> <p><i>(c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)</i></p>
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138. The NPS-UD places a heavy emphasis on regional and district councils to ensure that plans provide the correct and appropriate plan mechanism to provide well-functioning urban environments and that planning decisions ensure appropriate provision of supporting infrastructure.
139. In addition, the NPS-UD requires Māori involvement in decision-making on resource consents and that planning decisions take into account the principles of Te Tiriti o Waitangi.
140. In my opinion, granting consent to the proposed subdivision is fully in accordance with the provisions of the NPS-UD and I am satisfied that it will provide for a well-functioning urban environment with a variety of lot sizes that will assist with housing supply.

7.2 Freshwater National Policy Statement and Standards

141. The following National Policy Statements and Standards are relevant to the urbanisation of the site and have been largely addressed through the regional council consents.
- National Policy Statement for Freshwater Management (NPS-FM)
 - National Environmental Standards for Freshwater (NES-FM).
142. These provisions have been taken into account and have provided the assessment framework for the regional council consents for the discharge of stormwater from the proposed subdivision and for the diversion of groundwater (within 100m of the Waipu Lagoons).
143. Given the technical expertise and respective functions of the regional and district councils, I have elected not to provide any further assessment of these planning instruments in terms of the proposed subdivision.

7.3 Regional Policy Statement and Plans

144. The Regional Policy Statement for Taranaki (RPS-Taranaki) and the Regional Fresh Water Plan (RP-FW) have also been taken into account and applied to the assessment of the regional council consents for discharge and surface water diversion.
145. Again, I consider there is little merit in revisiting these provisions in terms of the subdivision application given the regional council has duly exercised its statutory function and assessment in relation to the regional applications.
146. I have however, reviewed the provisions of RPS-Taranaki in terms of any urban development policies that may be relevant to the subdivision application, and which are outside of the ambit of matters considered in relation to the discharge and diversion consents.
147. I note that the RPS-Taranaki was adopted in 2010 and that an interim review notes that the current document does not have a strong focus on urban growth given that this had not been a 'major issue' for the region⁷.
148. Part B of the RPS-Taranaki identified 12 regional issues with one being identified as 'The Built Environment'. This section of the RPS includes the following provisions:

SUD OBJECTIVE 1

To promote sustainable urban development in the Taranaki Region.

SUD POLICY 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.*

149. The objective and policy provide high level policy direction for urban development. In my opinion, these provisions have been addressed through the regional council consents and further through the design and assessment of the subdivision as discussed in **Section 6** of this report.

⁷ Interim Review of the Regional Policy Statement – (TRC June 2017)

150. In my opinion, granting consent to the proposed subdivision is consistent with the relevant provisions of the RPS-Taranaki and regional plans.

7.4 District Plan Provisions

151. The provisions of the District Plan provide the framework and policy directives for the management and provision of urban development through both land use and subdivision consent processes.
152. Given that there are current appeals to the PDP, then the objectives and policies of both the Operative District plan (ODP) and the Proposed District Plan (PDP) must be taken into account. Given the advanced nature of the PDP review process, and the nature of appeals, it is my opinion that more weighting should be afforded to the provisions of the PDP as these provide the overall framework for implementation of the rules within the PDP.

7.4.1 ODP Provisions

153. From my review of the expert assessment presented in the JWS-Transport, my own assessment of the AEE and application material, a review of the submissions, and my own observations of the traffic and roading environment around Bell Block, I make the following observations:

Objective 1	<i>To ensure activities do not adversely affect the environmental and amenity values of areas within the district or adversely affect existing activities.</i>
Policy 1.1	<i>Activities should be located in areas where their effects are compatible with the character of the area.</i>
Policy 1.2	<i>Activities within an area should not have adverse effects that diminish the amenity of neighbouring areas, having regard to the character of the receiving environment and cumulative effects.</i>
Objective 5	<i>To maintain and enhance the character and coherence of the urban areas of the New Plymouth District.</i>
Policy 5.1	<i>The importance of open space areas to the community and the values associated with these areas should be recognised and provided for.</i>
Objective 6	<i>To ensure:</i> <ul style="list-style-type: none"> - <i>sufficient space is available to protect residential amenity.</i> - <i>visual and aural amenity is protected.</i> - <i>traffic generation is consistent with the character of the residential area.</i>
Policy 6.1	<i>Subdivision in RESIDENTIAL ENVIRONMENT AREAS should ensure sufficient space is available to enable residential living and to protect amenity values.</i>
Policy 6.4	<i>Traffic generation from activities within the RESIDENTIAL ENVIRONMENT AREA should not adversely affect the character of the area.</i>

Objective 20	<i>To ensure that the road transportation network will be able to operate safely and efficiently.</i>
Policy 20.1	<i>The movement of traffic to and from a site should not adversely affect the safe and efficient movement of vehicles, both on-site, onto and along the road transportation network.</i>
Policy 20.7	<i>Subdivision should not adversely affect the safe and efficient operation of the road transportation network.</i>
Objective 22	<i>To avoid the adverse effects of subdivision, use and development by ensuring appropriate and sufficient INFRASTRUCTURE, COMMUNITY FACILITIES and new areas of open space are provided.</i>
Policy 22.1	<i>Subdivision and development should provide:</i> <ul style="list-style-type: none"> - <i>A safe POTABLE WATER supply for consumption, health and hygiene and for firefighting purposes, of sufficient capacity to meet the needs of the anticipated subsequent land uses.</i> - <i>A means for the collection and disposal of stormwater in a manner that avoids the uncontrolled ponding, or over land flow over any area following subdivision.</i> - <i>A way to dispose of sewage in a sanitary manner which minimises adverse effects on the health and functioning of the environment.</i> - <i>For connection to reticulated water, stormwater and sewerage systems where they are available, and it is practical to do so.</i> - <i>Sufficient areas of new open space to meet local community needs.</i>

154. The ODP provisions provide quite general policy directives regarding *amenity values* and the *coherence of urban areas*. In terms of the design and layout of the scheme plan, area and variety of lot sizes, and the future management of built form through District Plan performance standards, I am satisfied that the subdivision will promote positive urban design outcomes while supporting character and amenity values.
155. Following the advice and expert opinion of Council engineers and the transportation experts, I am also satisfied that granting consent to the proposed subdivision with appropriate conditions will ensure appropriate servicing and transport standards are achieved. In terms of adverse effects on the existing transport network, there are some identified deficiencies in the local network. However, the temporal nature of the capacity issues, zoning of the site for urbanisation, and opportunity for network upgrades over the medium to long term are such that any adverse effects are not substantive. As such, I consider that while there is some tension with the transportation objectives and policies, the proposed subdivision is consistent with the transportation provisions.
156. In my opinion, there are no outstanding matters or adverse effects that would arise from the granting of consent to the proposed subdivision that are inconsistent with the provisions of the ODP.

7.4.2 PDP Provisions

157. There are a wide range of objectives and policies relevant to the proposed subdivision. The key provisions are identified and discussed as follows:

Subdivision Provisions

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.*

SUB P1 (Subject to Appeal)

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 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;*

5. *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](#);*
6. *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*
7. *protects [highly productive land](#) in the Rural Production Zone.*
8. *protects scheduled features; and*

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.*
6. *demonstrating that the [subdivision](#) will be appropriately serviced and integrated with existing and planned [infrastructure](#);*

SUB P8

Require greenfield [subdivision](#) design and layout to respond positively to and be integrated with the surrounding context, including by:

1. *maximising accessibility and connectivity with surrounding neighbourhoods through walkways, cycleways and an interconnected [transport network](#);*
2. *incorporating physical [site](#) characteristics, constraints and opportunities into [subdivision](#) design;*

3. *minimising [earthworks](#) and [land disturbance](#) by designing [building platforms](#) that integrate into the natural landform;*
4. *aligning streets and designing open spaces to focus on identified views or landmarks;*
5. *creating [allotment](#) sizes and shapes that support a range of housing types and sizes;*
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. *the incorporation of [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. *ensuring that [subdivision](#) design and the planting of new vegetation recognises the need to minimise future conflicts with roading and [network utilities](#);*
8. *maximising sunlight access, outlook and amenity, including opportunities for future [buildings](#) to maximise solar gain, reduce energy and [water](#) consumption, and use renewable energy;*
9. *providing appropriate public open spaces that are within walkable distance from residential [allotments](#);*
10. *incorporating principles of Crime Prevention Through Environmental Design;*
11. *promoting sustainable stormwater management through [water](#) sensitive design solutions; and*
12. *managing the potential [reverse sensitivity](#) effects at the urban/[rural](#) interface.*

SUB P9

Promote safe, connected and accessible neighbourhoods by supporting [subdivision](#) that:

1. *minimises the proliferation of vehicle crossings that could affect the safety of the [transport network](#);*
2. *limits cul-de-sacs where the [site](#) and topographical constraints inhibit connections;*
3. *provides a variety of travel modes and routes within the immediate neighbourhood and between [adjacent sites](#);*
4. *provides connections to public transport, nearby shops, schools, employment open spaces and other activities; and*
5. *provides spaces that encourage social interaction, neighbourhood cohesion and a sense of place.*

158. The PDP provision provide both enabling and management policy directives in terms of the subdivision and urbanisation of residential land. In my opinion, the design of the subdivision including the interface with the Waipu Lagoons and the provisions of roading linkages provides urbanisation and environmental outcomes that are supported by the policy directives.

159. The predominant and planned character of the area one of an urban and residential environment which is extending westwards from the existing suburban fringe of Bell Block. In my opinion, the proposed subdivision is fully in accordance with the scale, nature and design of residential development that is anticipated and enabled through the District Plan provisions.
160. The design of the proposed subdivision, along with the approved regional council consents and recommended conditions of consent will ensure that appropriate provision of infrastructure and servicing is delivered.

Sites and Areas of Significance to Māori

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.

SASM-P2 (Subject to Appeal)

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-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 (Subject to Appeal)

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-P9

Promote the provision or development of access for [tangata whenua](#) to [sites and areas of significance to Māori](#), including through:

1. formal arrangements, such as co-management, joint management or relationship agreements, easements and land covenants, or access agreements; or
2. informal arrangements or understandings between landowners and local [tangata whenua](#), [iwi](#), [hapū](#) and [marae](#).

161. As discussed through various sections of this report, the recognition and nature of cultural values and sites including the Waipu Lagoons, has been a key issue for the proposed subdivision. This includes the basis for public notification, commissioning of cultural values assessments, applications to the regional council and ultimately an agreed approach to the final subdivision design and framework for conditions.

162. The provision of the *draft* He Whakamārama mō Waipu provides confidence that mana whenua have now been engaged through an appropriate consultation process and that the cultural values and sites on the subject property, the Waipu Lagoons and the wider area have been recognised and provided for.

Waterbodies

WB-O1

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

WB-O2

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

WB-O3

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

WB-O4

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

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.*

163. The Waipu Lagoons are identified in the District Plan as a site of significance to Māori and also with ecological values marked by a classification for part of the wetlands as a Significant Natural Area.
164. The Waipu Lagoons also contain natural and landscape values and are part of reserve network.
165. The proposed subdivision will introduce new built form and roading infrastructure adjacent to the lagoons with additional reserves proposed to vested in council to provide additional set back and management of the change of land use.
166. In my opinion, the design of the subdivision including the area of new reserves will provide appropriate urban design outcomes while recognising and protecting the values and qualities of the adjacent lagoons. I also note that NPDC Reserves staff have reviewed the subdivision and support the granting of consent.

Transportation

TRAN-O1

The [transport network](#) is a well-connected, integrated and accessible system that:

- 1. meets and is responsive to current and future needs, including projected population growth;*
- 2. maximises opportunities to link with land uses;*
- 3. maximises the use of public transport, walking and cycling, and reduces dependency on private motor vehicles; and*
- 4. provides for the adoption of low emission transport alternatives.*

TRAN-O2

The [transport network](#) is safe, efficient and effective in moving people and goods within and beyond the district.

TRAN-O3

Activities generate a type or level of traffic that is compatible with the local [road transport network](#) they obtain access to and from.

TRAN-P16

Ensure the type and level of traffic using the [road transport network](#) is appropriate by:

- 1. minimising the ability for heavy vehicles to directly access and utilise [local roads](#);*
- 2. requiring high traffic generating activities to locate on [state highway](#), arterial and [collector roads](#); or*
- 3. avoiding, remedying or mitigating adverse amenity, character, safety and cumulative effects.*

TRAN-P17

Require high trip generator activities which propose to access and utilise the district's [roads](#) to be assessed in an Integrated Transport Assessment commensurate to the scale of the [activity](#) prepared by a suitably qualified traffic specialist that demonstrates how any adverse effects on the [road transport network](#) will be avoided, remedied or mitigated, and assesses:

...

167. As already discussed, there are some identified deficiencies in the local roading network. However, the temporal nature of the capacity issues, zoning of the site for urbanisation, and opportunity for network upgrades over the medium to long term are such that any adverse effects are not substantive.
168. Based on the expert review and advice of the two traffic experts, I am satisfied that the roading network will continue to provide for the safe and efficient movement of road users.

7.5 Conclusion on Plan and Policy Instruments

169. Given the advanced nature of the PDP process, I consider that more weighting should be afforded to the provisions of the PDP. The PDP does establish more enabling policy directives in terms of land supply and efficient land use, however it has also introduced more comprehensive provisions to recognise and protect cultural values and sites, as well as other sensitive receiving environments.
170. Given the range and potential for policies to set potentially competing outcomes, there can be tensions for how urbanisation is designed and achieved where sensitive values and sites are engaged.
171. Based on the position that has been mutually agreed between the Applicant and mana whenua, the consents which have been granted by the regional council and the design and layout of the subdivision, I consider that expert review and advice of the two traffic experts, I am satisfied that granting consent is consistent with the policy directives discussed above, including both the more generic directives for urban form and development, as well as those specific the recognition and protection of sensitive sites.

8 S.104(1)(c) – Other Matters

172. Section 104(1)(c) provides for the Commissioner to have regard to any other matters which are relevant to the consideration of the application. In this case, I consider it relevant to consider the NPDC policies on urban development and housing supply and also the iwi management plans.

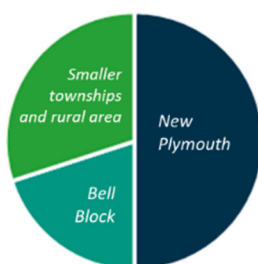
8.1 NPDC- Urban Development Plans

173. I have already discussed the NPS-UD and my opinion that granting consent will be aligned to the national policy direction on urban development.
174. The NPS-UD outlines the requirements for what a Future Development Strategy (FDS) must show and be informed by. Both Taranaki Regional Council and the New Plymouth District Council have a statutory responsibility as Tier 2 local authorities to develop and implement a FDS for the New Plymouth District.
175. The FDS was adopted in 2024 and sets out the strategic framework for providing for urban growth and well-functioning urban environments. The FDS provides an overview of development capacity including assessment of undeveloped residential areas and new structure plan areas. The FDS includes the following discussion of residential land supply⁸:

Residential Land

The FDS provides potential capacity for about 12,043 new houses in and around the New Plymouth district. This is slightly more than the projected demand of 11,027 New Plymouth district is required to accommodate over the next 30 years (by the end of 2054). This capacity is calculated based on the assumption that the measures associated with future plan changes identified in the FDS Implementation Plan are completed.

We estimate that the FDS will provide capacity for new houses across the New Plymouth district as follows:



Over the last five years, around 50 per cent of all new dwellings were in residential areas of New Plymouth, with an additional 20 per cent in the Bell Block residential area. The remaining 30 per cent are either in the residential areas of our smaller townships or the rural area. Bell Block is expected to continue to have a high number of consents in the short term to medium term, with the development of the Puketapu Structure Plan Development Area and a large proportion of undeveloped residential land.

176. NPDC has also issued a Housing and Business Capacity Assessment -2024 (HBA) which provides further detail and analysis of how NPDC will provide for housing demand and capacity. The following extract is relevant to the existing residential areas at Bell Block⁹:

⁸ NPDC – Future Development Strategy for Ngāmotu New Plymouth 2024 – 2054: pg 42.

⁹ Housing and Business Capacity Assessment -2024, pg 30.

Capacity by Location

Most of the future capacity will be provided within the urban boundary of New Plymouth district. The largest area of growth is in the New Plymouth/Bell Block areas, followed by Waitara, Inglewood and Ōakura. The capacity aligns with the expected and identified areas of growth.

	Short Term	Medium Term	Long Term
New Plymouth	58.9%	60.7%	69.8%
Bell Block	18.1%	17.3%	10.9%
Waitara	9.1%	8.7%	7.1%
Inglewood	8.2%	7.9%	5.0%
Ōakura	2.3%	2.2%	5.1%
Okato	1.6%	1.6%	1.0%
Urenui	1.1%	1.1%	0.7%
Egmont Village	0.4%	0.3%	0.2%
Lepperton	0.3%	0.3%	0.2%

Table 4.7: Percentage of Capacity of dwellings by Location

177. Clearly Bell Block is a growth node for housing supply, and given the subject site is part of the *undeveloped residential land area*, I consider that granting consent to the proposed subdivision will be consistent with the FDS and HBA.

8.2 Iwi Management Plans

178. The Iwi Environmental Management Plan for Te Atiawa iwi is Tai Whenua, Tai Tangata, Tai Ao.
179. I have not been involved in the preparation, whakapapa or implementation of the management plan and therefore attempting to summarise or paraphrase it may well lead to a disservice. The mana whenua submitters will have the opportunity to speak on Tai Whenua, Tai Tangata, Tai Ao as part of their evidence and korero which should assist the Commissioner if there are any questions or matters that require a more in-depth understanding.
180. To help support and inform my evidence I have reviewed Tai Whenua, Tai Tangata, Tai Ao and provide the following observations and assessment:
- (a) Tai Whenua, Tai Tangata, Tai Ao represents a comprehensive and 'living' document which seeks to affirm the role of Te Atiawa as kaitiaki and to assist others to 'understand the matters of significance to Te Atiawa and guide a set of tikanga (behaviours) through the regulatory system to incorporate Te Atiawa values and interests'.¹⁰
 - (b) The settlement of the region, the spatial extent of the rohe, eight hapu and location of marae and creation of the Te Atiawa Trust are described in some detail to give context to how the plan has been prepared and how it is to be implemented.

¹⁰ Tai Whenua, Tai Tangata, Tai Ao, Foreword, pg. 4.

- (c) A series of guiding principles are presented that set out the iwi requirements for environmental management. These include whakapapa, kaitiakitanga, wairuatanga and kotahitanga among a full set of 12 principles.
- (d) Part 6 sets out issues, objectives and policies based on eight domains being:
- Te Tai Hauora – Guardianship
 - Te Tai Awhi–Nuku – Inland and Coastal Whenua
 - Te Tai o Maru – Freshwater
 - Te Tai o Tangaroa – Coastal and Marine Environment
 - Te Tai Awhi–Rangi – Air and Atmosphere
 - Te Tai o Tānetokorangi – Flora and Fauna
 - Te Tai Hekenui – Heritage
 - Te Tai o Rua Taranaki – Taranaki Maunga.
- (e) In terms of Te Tai Hauora – Guardianship, I note that mana whenua have expressed concerns and frustration with the PDP review process and the lack of appropriate engagement with mana whenua. For the consenting process, a CVA has now been prepared and there has been consultation between the Applicant and mana whenua to help inform the assessment process.
- (f) Te Tai o Maru – Freshwater sets out key issues and objectives regarding inappropriate management of water resources, the lack of proper recognition of statutory acknowledgements and seeks to adopt a regime of enhancement of waterbodies.

Ob. TTOM 1.8

Waterbodies that originate or migrate through urban and industrial areas are restored to their previous condition, wherever possible, through techniques such as daylighting.

- (g) Te Tai Hekenui – Heritage refers to the need to recognise and protect cultural sites and specifically to cultural landscapes.

Issue. TTHE 1

The lack of acknowledgement and protection of cultural landscapes can generate adverse effects on Te Atiawa's values, and our health and wellbeing.

Issue. TTHE 1

Acknowledge and protect geographical areas with a concentration of interconnected wahi tapu/wahi taonga, urupā and sites of significance to Māori.

181. The above 'snapshot' of Tai Whenua, Tai Tangata, Tai Ao is certainly not to be taken as a comprehensive analysis of the scope and application of the management plan. However, it is clear that there is a very strong nexus between the matters discussed in the management plan, the matters raised by mana whenua in submissions to the PDP, and the CVA and submission which have been prepared for the consent application process.
182. Given that the Applicant and mana whenua have now reached a position of having a mutually agreed position on the scheme plan layout and the framework for consent conditions, I consider that it is safe to conclude that granting consent with appropriate conditions is consistent with Tai Whenua, Tai Tangata, Tai Ao.

183. Through the consultation and engagement process with mana whenua that I have had the opportunity to be part of, I also wish to recognise the work that Puketapu hapū has undertaken in terms of engaging with council and resource management processes. Puketapu hapū may wish to address their own plans and policies as part of the hearing process.

9 Conclusion and Recommendation

184. The Robe and Roche application for a greenfield subdivision at Pohutukawa Drive, Bell Block has had a long application process which has included a Section 91 hold for regional council consents, public notification and submission, a Proposed District Plan review process and engagement with mana whenua including the commissioning of a cultural values assessment for the wider area.
185. The proposed subdivision is within an area which is zoned for urban development however it is also contains, and is located, within a sensitive receiving environment. This includes the adjacent Waipu Lagoons which have identified cultural, ecological and landscape values and potential for sub-surface cultural sites.
186. The regional council consenting process is helpful in terms of the associated effects of stormwater discharge and earthworks/water diversion on the ecological and hydrological conditions and values of the Waipu Lagoons. Once these consents are issued, then these will be able to support the assessment of the subdivision in terms of ecology and hydrology effects.
187. The work and engagement between the Applicant and mana whenua needs to be recognised and commended. While mana whenua were originally opposed to the application, it is my observation that a positive relationship has been fostered and is growing and there is now a common understanding of the goals and outcomes for urbanisation in this area.
188. In my opinion, there are no substantive transportation effects that undermine the granting of consent. The traffic experts are satisfied that any existing network capacity issues are temporary in nature and that a safe and efficient roading network will be maintained.
189. The proposed subdivision including the design of the residential lots, roading network and interface with the Waipu Lagoons, in my opinion, provides efficient urbanisation and preproperate urban design outcomes while positively recognising and protecting the cultural and other environmental values of the site and surrounding area.
190. In terms of the national, regional and district planning instruments, there are policy directives to support efficient land development and well-functioning urban areas as well as ensuring that sensitive receiving environments are identified and protected, and that mana whenua have a proper and meaningful role in the design process and urban development outcomes. While there can be potential for competing directives to create tension and trades offs, the proposed subdivision provides a form of urbanisation and design solutions along with appropriate consent conditions, that in my opinion, are consistent with the specific and overall policy directives.
191. I am mindful that we have a subdivision application which was first lodged in 2021 and we are only now reaching a hearing process almost four years later. Such time frames reflect poorly on RMA processes and in my opinion do not support efficient subdivision and development outcomes. I am confident that there are many learnings that will be taken from this process for all parties and that these can and will be adopted for any future land development projects which may be proposed in this area.

192. I am satisfied that the granting of consent is appropriate and supported by the statutory criteria set out in Section 104 of the RMA. In my opinion, the subdivision application merits the granting of consent with appropriate conditions. I have prepared a draft set of conditions (**Appendix 4**) for review by the Commissioner and hearing parties. I anticipate that these can be refined and finalised through the evidence exchange and hearing process including:

- Whether it is necessary or appropriate to impose a condition to restrict or prohibit domestic cats,
- The timing and nature of archaeological surveys and archaeological authorities, and
- The final wording to support the work and draft section of the CVA.



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21 March 2025