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# Consent Notice Variation Application to New Plymouth District Council

Prepared for Washer Family Trust

**Project Name:** Tapuae Estate – Boundary adjustment application

**Client:** Washer Family Trust

**Document Name** Consent Notice Variation – Tapuae Estate

**Date:** 30 October 2025

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**Job Number:** 24157

**Version:** Final

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## 1. Introduction

The Applicant, the Washer Family Trust Limited, wishes to undertake a minor boundary adjustment of their property located at 9 Washer Road (Lot 20) with the balance lot (Lot 31), Omata. The Tapuae Country Estate as owner/occupier of Lot 31 provided approval for the lodgement of the subdivision and landuse applications (Appendix A). This application is provided in the event that the consent notice is required to be varied to enable that process to progress and is intended to be incorporated into that process.

The boundary adjustment currently being considered involves moving the title boundary between the lots 50 meters to the northwest. This adjustment is necessary due to natural land instability near the currently consented building platform. This means the currently consented building platform is not suitable for a private residential dwelling. Neither can one be constructed safely within the current lot's boundary. That proposal has been designed to be consistent with the residential activity that the original lot was created to provide for and was consented. The subdivision and land use consent associated with this boundary adjustment has been applied for under SUB24/50201 & LUC24/48662.

This application is for the purposes of applying for a consent notice variation of 7890638.35 which applies to Lot 31 DP 385658.

The New Plymouth District Council (NDPC) has the statutory jurisdiction for the management of the effects of certain activities within the area covered by this application. These effects are managed through the Resource Management Act 1991.

As part of this report an Assessment of Environmental Effects (AEE) of the proposal has been undertaken in accordance with Section 88 and the Fourth Schedule of the Resource Management Act 1991 (RMA). This AEE provides further information to support the resource consent application.

The assessment prepared in this report concludes that the actual or potential adverse effects of the proposal on the environment will be less than minor and no persons are considered adversely affected in a minor or more than minor manner.

## 2. Details of Proposal

### 2.1 Location

The subject site is located at 9 Washer Road and 762 South Road, Omata within the Tapuae Estate Subdivision. Washer Road is attached to South Road (SH45) to the

south and is a no exit private road. Access is via a shared Right of Way from the North-East. Washer Road is classified as an Access Road through the NZTA One Network Road Classification and becomes a Right of Way once inside the Estate. The sites are legally described as Lot 20 Deposited Plan 385658 and Lot 31 DP 385658 (Appendix B). The sites have approximate areas of 4070m<sup>2</sup> and 56.0513 ha respectively.

The Tapuae Stream and the Tasman Sea are situated approximately 250m and 600m from the north-western boundary of Lot 20 respectively.

Its surrounding environment is characterised by paddocks interspersed with residential living at a low density, typically with a one-story dwellings per residential site. The site topography is best described as moderately flat with a slope running east to west.

## 2.2 Proposal

This application solely relates to a change to a consent notice which applies to Lot 31 DP 385658 .

Relevant wording contained in the current Consent Notice 7890638.35:

- *That Lots 31 & 32 shall not be further subdivided and shall not be disposed other than in conjunction with Lots 1-30 inclusive*

For completeness a variation to this consent notice could be used to resolve the currently uncertainty contained within the consent notice and be amended with the following consent notice and associated advice note:

- *That Lot 2 hereon and 32 DP 385658 must not be divided in a manner which results in additional titles being created or allows for creation of additional residential lots (in addition to the existing 30). Lot 2 hereon & 32 DP 385658 must not be disposed of other than in conjunction with Lot 1 hereon and Lots 1-19, 21-30 DP 385658 inclusive*

*Advice note: This condition is intended to only provide for boundary adjustments which are required to enable lots created to be used for their intended purpose.*

However, to limit the extent of this application of this variation to the changes needed to give effect to the consent applications currently being considered (SUB24/50201 & LUC24/48662) the following is the variation that is being put forward in this application:

- *That Lots 31 & 32 shall not be further subdivided and must not be disposed other than in conjunction with Lots 1-30 inclusive except to the extent required to give effect to any consent granted in relation to the consent application SUB24/50201.*

### **3. Description of the Environment**

#### **3.1 Land Use and Topography**

Lot 20 is currently grassed with a hedge screening it from SH45 the road. Lot 20 is consented for development but is vacant, primarily due to subsidence preventing it from providing a suitable building platform. The site is immediately surrounded by paddocks of Lot 31 with several residential sections within 100m.

Other than the gully the site is gently sloping east to west at a 5% gradient. Based on NPDC GIS contours the ground to the northeastern portion of the building platform rise towards the neighbouring residential lot at an approximately a 15% gradient. The location of the property is within an exclusive subdivision where property owners own both their individual properties along with a share of the farmed estate. It is convenient location near amenities, including a beach, river, areas of bush and education and employment opportunities, which creates a high demand for housing.

### **4. Activity Classification**

An assessment of the proposal against the relevant statutory documents has been undertaken and the following reasons for consent have been identified.

#### **4.1 Resource Consents Required**

The proposal requires resource consent as a discretionary activity under section 221 of the Resource Management Act 1991 for the variation of consent notice 7890638.35.

### **5. Assessment of Environmental Effects**

The effect of the variation to the existing consent notice on Lot 31 is that a boundary adjustment can occur in a circumstance where it is unclear if it can currently proceed. The effect of the proposed change is to provide for boundary adjustment in circumstances where there are factors which have resulted in a lot within the Estate to no longer be suitable for the activities for which they were intended.

## 5.1 Permitted Baseline

This application solely relates to clarifying the intent of a consent notice which applies to Lot 31.

The broader proposal relates to a minor boundary adjustment and there are no proposed changes to the activities that can occur within either lot, beyond that which has already been consented (or for which consent is currently sought).

## 5.2 Amenity and Character Effects

The consent notice variation will not result in any effects on these values.

These matters are addressed through SUB24/50201 & LUC24/48662. This includes maintaining the 5m setbacks for the building platform from site boundaries. The 5m setback was agreed during the original subdivision of this site. This setback does not override the existing specific 15 meter setback imposed through consent notice from the 'top of the gully' or the proposed additional condition/consent notice which will require a setback of 24.2 meters from the head of the slip.

The condition notice variation will not change the proposed visual impact of the already consented activity.

Additionally, the condition variation will enable the boundary adjustment to proceed and work more effectively with the site topography and reduce the visual impact of the Lot 20 residential dwelling, on the adjacent lot's residential dwelling (Lot 19, which has signed an APA in relation to SUB24/50201 & LUC24/48662). Lot 19's dwelling is located uphill of the Lot 20. Moving Lot 20's dwelling closer to Lot 19 (and relatively, more downhill), renders it less visible to Lot 19. The proposed boundary adjustment will result in Lot 20 being downhill of lot 19 and oriented towards the sea while also having a view towards Mouna Taranaki and the Kaitaki and Pouakai ranges.

The consent notices and covenants that mandate specific building requirements to maintain Tapuae Estate as a high end subdivision, currently applying to Lot 20 of Tapuae Estate (see Appendix B) will continue to apply. These include:

- Limits on the range of materials to be used on buildings
- External materials used in buildings limited to the following:
  - Natural Stone; and/or
  - Lime washed solid plaster; and/or;
  - Earth Brick; and/or
  - Cast Concrete; and/or
  - Timber; and/or

- Powder Coated Zinalume.
- Roofing materials must be limited to;
- Timber shingles; and/or
- Natural Slate; and/or
- Copper; and/or
- Textured bituminous membranes in tile form; and/or
- Long run non-reflective roofing material.
- Other external components must be limited to the selected use of powder coated exterior window joinery and stormwater systems in a range of colours matching local flora and metal stormwater systems.
- Future dwellings are also restricted to one of four House Types on the estate. Lot 20 is currently restricted to House Type C. This will remain the case after the building platform is relocated. House Type C is specified in the Record of Title and consent notice in Appendix B. It is characterised by a single floor house on a flat to low slope site, with low pergolas and bay windows to reduce the visual bulk and scale of larger homes.

The changes to the boundary and building platform applied for through SUB24/50201 & LUC24/48662 have been relocated to maximise its distance from the known slip and comply with the required setbacks in the existing consent notice (15m from the gully for any buildings) and the proposed condition/notice of a 24.2m setback for residential buildings. It would be inappropriate to locate the building closer to the slip.

Providing for boundary adjustments, which in this instance will move the building platform away from the slip will reduce the risk of further land instability and allow the gully's native vegetation to recover. This benefits both Lot 20 and Lot 31.

As a consequent change to enabling the boundary adjustment, an existing shelterbelt is proposed to be extended and will provide visual screening of Lot 20 from SH45. The specific requirements of this would be detailed in consent conditions associated with SUB24/50201 & LUC24/48662.

### **5.3 Cumulative and Precedent Effects**

The consent notice was originally imposed to prevent further subdivision in a context where the subdivision was a non-complying activity in the rural zone. The 'final' subdivision application (and consent, to which the material consent notice attaches to) was for the creation of four additional lots on this site (this was after an initial 20 and further 6 lots had been created). This subdivision was a non-complying activity at that time, because it proposed to create lots that did not have road frontage. The granting of that subdivision consent resulted in a total of thirty

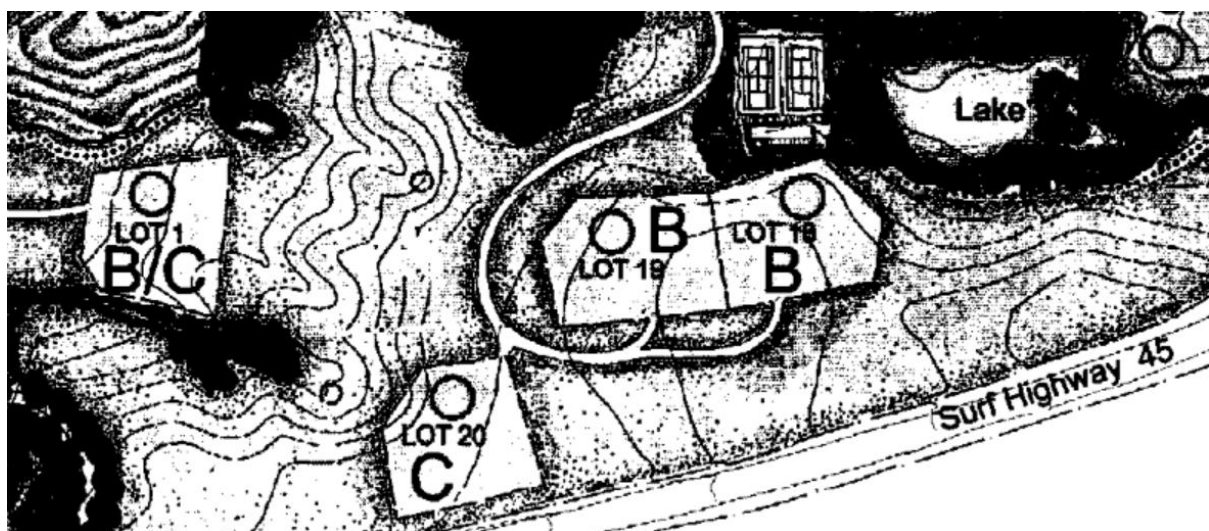
lots, each of at least 4000m<sup>2</sup> subdivided from one parcel of 77.28 ha in what was then the Rural Environment Area.

The original intent of the consent notice was to ensure that no further subdivision, resulting in additional lots, would be undertaken, to maintain rural character and protect productive capacity of the balance lot. This means that the developer did not intend for there to be more than 30 residential lots at Tapuae Estate, in order to preserve the character and farm park amenity of the development.

This intention is outlined in the original subdivision application (Appendix C). It outlines the rationale for the consent notice was linked to the overall scheme of the farm park including (Section 3 pg 5; TRM Consultants Ltd and Boffa Miskell Ltd; November 2005)

- *Covenanted and protection of key archaeological sites and existing areas of indigenous vegetation for protection;*
- *Fixed building locations and no further subdivision within the overall development or of individual sites.*

The rationale outlined in that application highlights its intent was for the lots created to be used for their intended purposes, however, further subdivision creating additional residential lots not envisaged in the application was to be avoided. It is also critical to compare the shape of Lot 20 in the original subdivision application (Figure 1), to its currently consented shape. The Lot's shape varies between the original application and its current shape while maintaining a similar total area. This change supports the proposition that the lot boundary and shape was not the critical matter intended to be constrained by the consent notice, it was the number of lots that was (and remains) critical.



*Figure 1 Proposed location of Lot 20 in 2005 4 Lot Subdivision Application.*

The intent for boundaries to be adjusted if required was also specifically discussed in the decision on the four lot subdivision (Appendix D). Condition 37 on page 8

specifies that *'if necessary to achieve report recommendations allotment boundaries shall be modified'*.

The proposed consent notice variation addresses the current boundary adjustment but could be expanded (as outlined in 2.2) to clarify ambiguity within the existing notice to better reflect its original intent. The proposed or broader variation will and would not result in any inappropriate boundary adjustments. The proposal does not alter the intended use of the rural balance lot and continues to provide for the intended use of the residential lot, including the establishment of a suitable building platform.

The need for a consent notice variation has arisen as a result of a material change in the physical environment affecting Lot 20. A landslip on the residential lot has impacted an area which was deemed at the time of subdivision to be suitable area for a building platform (or the boundary would have been adjusted at that time). This event has demonstrated that the rigid interpretation of the term "subdivision" contained within the consent notice prevents the original intent for the residential lot from being achieved.

#### **5.4 Positive Effects**

The proposal enables the applicants to provide for their social and economic well-being while providing assurance that any adverse effects of the proposal are appropriately managed. The variation to the consent notice, enabling boundary adjustments to occur in relation to Lot 31, will result in Lot 20 being used for the purpose it was created – a single residential dwelling. Currently it cannot be used for this purpose. The proposal also ensures the consent notice's intent is clarified and ambiguity corrected.

The proposed consent notice variation results in an efficient use of land for its intended purpose in a location between Oakura and Omata. The variation to the consent notice will enable the construction of a high end residential dwelling, and will assist in meeting the demand for residential properties, which is important for the ongoing sustainable development of the district. It also provides economic benefits for the building industry and service providers.

#### **5.5 Effects Summary**

The variation of the consent notice is not to undermine the original intent of the consent notice but to enable this boundary adjustment to proceed. The notice will still achieve its original purpose – avoiding additional residential lots being created within the Farm Park. As an Augier condition, additional to the District Plan's underlying requirements, the effects managed by this consent notice are outside of the scope of matters considered in the District Plan (as these matters are managed through the associated land use and subdivision consent applications). Overall, from the assessment undertaken above, the proposal will have actual and

potential effects that are considered to be less than minor. The proposal further has no adverse effects or any that are minor or more than minor.

## **6. Statutory Considerations**

Schedule 4 of the RMA requires that an assessment of the activity against the matters set out in Part 2 and any relevant provisions of a document referred to in Section 104 of the RMA is provided when applying for a resource consent for any activity. These matters are assessed as follows.

### **6.1 Part 2 of the RMA**

The proposal is consistent with the purpose and principles of the RMA, as outlined in Section 5. The proposal will have less than minor effects on the lands ability to meet the reasonably foreseeable needs of future generations, or on the life-supporting capacity of the land and any ecosystems associated with them. The proposal ensures that adverse effects on the environment are avoided, remedied or mitigated.

There are no matters of national importance under Section 6 of the RMA that will be affected by the proposal. The proposal is also consistent with the requirements of Section 7 of the RMA, with particular regard given to the efficient use and development of natural and physical resources. Regarding Section 8, the proposed activity has taken into account the principles of the Treaty of Waitangi.

Overall, the activity is considered to be consistent with Part 2 of the RMA.

### **6.2 Section 104(1)(b) of the RMA**

Section 104(1)(b) requires the consent authority to have regard to any relevant provisions of the following:

- 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.

An assessment of the relevant statutory documents that corresponds with the scale and significance of the effects that the proposed activity may have on the environment is provided below.

## 6.2.1 New Plymouth District Plan – Operative in part

The proposed works have been assessed against the relevant objectives and policies of the NPDP-OP in Table 2 below. The proposed works are consistent with the applicable policy direction provided in this document.

*Table 1: Obj. and Pol. assessment NPDP-OP*

Reference	Wording	Commentary
RPROZ-O1	Productive land and resources support a range of production oriented and resource dependent activities.	The Estate supports primarily production at a scale and intensity that is suitable for the site.
RPROZ -O2	The Rural Production Zone is predominantly used for primary production.	
RPROZ-O3	The role, function and predominant character of the Rural Production Zone is not compromised by incompatible activities.	The Estate has been designed to ensure that farming and residential activities can occur concurrently through appropriate controls built into the legal agreements.
RPROZ-O4	Maintain the predominant character and amenity of the Rural Production Zone, which includes: <ol style="list-style-type: none"> <li>1. extensive areas of vegetation of varying types (for example, pasture for grazing, crops, forestry and indigenous vegetation and habitat) and the presence of natural features, historic heritage, Māori purpose activities, and large numbers of farmed animals;</li> <li>2. low density built form with open space between buildings that are predominantly used for agricultural, pastoral and horticultural activities (for example, barns and sheds), low density rural living (for example, farm houses and worker's cottages) and community activities (for example, rural halls, domains and schools);</li> </ol>	The character and amenity of the primary production zone are maintained.

Reference	Wording	Commentary
	<ol style="list-style-type: none"> <li>3. a range of noises, smells, light overspill and traffic, often on a cyclic and seasonable basis, generated from the production, manufacture, processing and transportation of raw materials derived from primary production;</li> <li>4. interspersed existing energy activities and rural industry facilities associated with the use of the land for intensive indoor primary production, quarrying, and cleanfills; and</li> <li>5. the presence of rural infrastructure, including rural roads, and the on-site disposal of waste, and a general lack of urban infrastructure, including street lighting, solid fences and footpaths.</li> </ol>	
RPROZ-O5	<p>The Rural Production Zone is a functional, production and extraction orientated working environment where primary production and rural industry activities are able to operate effectively and efficiently, while ensuring that:</p> <ol style="list-style-type: none"> <li>1. the adverse effects generated by primary production and rural industry activities are appropriately managed; and</li> <li>2. primary production and rural industry activities are not limited, restricted or compromised by incompatible activities or reverse sensitivity effects.</li> </ol>	<p>The Estate has been designed to ensure that primary production is sustainable within the estate.</p>
RPROZ-O6	<p>Natural features, highly productive land, tangata whenua values, rural character and amenity are not compromised by adverse changes to landform, intensification of land use and built form, or urbanisation.</p>	<p>These values will not be compromised.</p>

Reference	Wording	Commentary
RPROZ-O7	Sensitive activities are designed and located to avoid conflict with primary production and avoid, or mitigate adverse reverse sensitivity effects.	The Estate has been designed to achieve this and reverse sensitivity clauses are in place.
RPROZ-P1	<p>Allow activities that are compatible with the role, function and predominant character of the Rural Production Zone, while ensuring their design, scale and intensity is appropriate, including:</p> <ol style="list-style-type: none"> <li>1. agricultural, pastoral and horticultural activities;</li> <li>2. residential activities;</li> <li>3. Residential visitor accommodation;</li> <li>4. Māori purpose activities; and</li> <li>5. rural produce retail.</li> </ol>	This consent notice variation allows a compatible activity to occur that is designed at a scale and intensity appropriate. Adequate infrastructure is present and available. The constraints on the site ensure that the effects are internalised.
RPROZ-P2	<p>Manage activities that are potentially compatible with the role, function and predominant character of the Rural Production Zone and ensure it is appropriate for such activities to establish in the Rural Production Zone, having regard to whether:</p> <ol style="list-style-type: none"> <li>1. the activity is compatible with the character and the amenity of the rural area;</li> <li>2. the activity will limit or constrain the establishment and operation of agricultural, pastoral and horticultural activities;</li> <li>3. the activity will reduce the potential for versatile land to be used for productive purposes and in a sustainable manner;</li> <li>4. adequate on-site infrastructure and services are available or can be provided to service the activity's needs;</li> </ol>	

Reference	Wording	Commentary
	<p>5. adverse effects can be internalised within the activity's site; and</p> <p>6. the activity will not result in conflict at zone interfaces.</p> <p>Potentially compatible activities include:</p> <ol style="list-style-type: none"> <li>1. community facilities;</li> <li>2. camping grounds;</li> <li>3. sport and recreation activities;</li> <li>4. rural industry;</li> <li>5. aquaculture;</li> <li>6. mining;</li> <li>7. intensive indoor primary production;</li> <li>8. rural transport activities;</li> <li>9. quarries;</li> <li>10. retail activities (except supermarkets, large format retail activities and integrated retail activities);</li> <li>11. business service activities;</li> <li>12. commercial service activities;</li> <li>13. industrial activities;</li> <li>14. emergency service facilities;</li> <li>15. educational facilities (except Māori purpose activities); and</li> <li>16. residential activities associated with Green School at Koru Road; and</li> <li>17. community corrections activities.</li> </ol>	
RPROZ-P3	<p>Avoid activities that are incompatible with role, function and predominant character of the Rural Production Zone and activities that will result in:</p> <ol style="list-style-type: none"> <li>1. reverse sensitivity effects or conflict with permitted activities in the zone; or</li> </ol>	<p>The residential lots are directly linked to the rural activities of the site by shared ownership.</p>

Reference	Wording	Commentary
	<p>2. adverse effects, which cannot be avoided, or appropriately remedied or mitigated, on:</p> <ul style="list-style-type: none"> <li>a. rural character and amenity values;</li> <li>b. the productive potential of highly productive soils and versatile rural land.</li> </ul> <p>Incompatible activities include:</p> <ul style="list-style-type: none"> <li>1. residential activities (except papakāinga) and rural lifestyle living that are not ancillary to rural activities;</li> <li>2. retirement villages;</li> <li>3. visitor accommodation (excluding residential visitor accommodation);</li> <li>4. supermarkets;</li> <li>5. integrated retail activities; and</li> <li>6. large format retail activities.</li> </ul>	
RPROZ-P4	<p>Maintain the role, function and predominant character of the Rural Production Zone by controlling the effects of:</p> <ul style="list-style-type: none"> <li>1. building height, bulk and location;</li> <li>2. setback from boundaries and boundary treatments; and</li> <li>3. earthworks and subdivision.</li> </ul>	<p>Appropriate constraints are in place. Setbacks that are appropriate to the lot are proposed to be retained. Earthworks will be minimal given the relatively flat building platform.</p>
RPROZ-P5	<p>Require the effects generated by activities to be of a type, scale and level that is appropriate in the Rural Production Zone and that will maintain rural character and amenity, including by:</p> <ul style="list-style-type: none"> <li>1. managing noise and light emissions to an acceptable level, particularly around sensitive activities; and</li> <li>2. managing high traffic generation activities that compromise the safe</li> </ul>	<p>The effects of the activity will be of a type, scale and level that is appropriate in the Rural Production Zone</p>

Reference	Wording	Commentary
	and efficient use of the transport network.	
RPROZ-P6	<p>Ensure large-scale primary production and rural industry are designed and located appropriately, having regard to:</p> <ol style="list-style-type: none"> <li>1. the duration or permanency of the activity;</li> <li>2. whether the primary access is located on an arterial or collector road or a road designed to provide for anticipated traffic generation;</li> <li>3. sufficient separation from sensitive activities by distance or topography to avoid risk to people, property and the environment;</li> <li>4. whether the activity may compromise any cultural, spiritual or historic values of importance to tangata whenua, and if so, the outcomes of any consultation with tangata whenua, including any expert cultural advice provided with respect to mitigation options;</li> <li>5. the extent of rehabilitation proposed and whether it will result in a net environmental benefit for the immediate area or community or establish land use appropriate to the area;</li> <li>6. methods for avoiding adverse effects on scheduled features; and</li> <li>7. minimisation of adverse visual effects through screen planting, building design, siting, and the retention of existing vegetation.</li> </ol>	NA
RPROZ-P7	Require sensitive activities to be appropriately located and designed to avoid or mitigate reverse sensitivity effects, risks to people, property and the	Appropriate constraints have been placed both on the residential lots and the farming activities to ensure that these

Reference	Wording	Commentary
	<p>environment, and conflict with activities permitted in the Rural Production Zone, including by:</p> <ol style="list-style-type: none"> <li>1. ensuring sufficient separation by distance or topography between sensitive activities and zone boundaries, transport networks, primary production, significant hazardous facilities and rural industry;</li> <li>2. adopting appropriate design measures to minimise the impact of off-site effects of rural industry that cannot be internalised within the rural industry activity's site; and</li> <li>3. utilising landscaping, screen planting or existing topography to minimise the visual impact of rural industry.</li> </ol>	<p>can continue to occur in a compatible and sustainable manner.</p>
RPROZ-P8	<p>Require that buildings and structures associated with large scale activities maintain rural character and visual amenity by:</p> <ol style="list-style-type: none"> <li>1. locating buildings away from prominent ridgelines and providing separation between buildings;</li> <li>2. requiring buildings to be designed to a form and scale that is in keeping with the rural landscape of the area;</li> <li>3. softening with vegetation related to the area and using appropriate boundary treatments; and</li> <li>4. minimising adverse visual effects through use of appropriate materials and recessive colours.</li> </ol>	NA
<b>Subdivision</b>		

Reference	Wording	Commentary
SUB-O1	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.	The consent notice variation enables the efficient use of the land. The Estate has been designed to provide both residential opportunities and rural production.
SUB-O2	<p>Subdivision is designed and located to avoid, remedy or mitigate adverse effects on the environment and occurs in a sequenced and coherent manner that:</p> <ol style="list-style-type: none"> <li>1. responds to the site's physical characteristics and context including any non-scheduled features;</li> <li>2. is accessible, connected and integrated with the surrounding neighbourhoods;</li> <li>3. contributes to the predominant or planned character of the zone and a sense of place;</li> <li>4. protects and enhances scheduled features;</li> <li>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</li> <li>6. protects highly productive land in the Rural Production Zone.</li> </ol>	<p>Given the small scale of the boundary adjust no sequencing is needed. As the rest of the Estate is already being or has been developed. This final residential lot requires a minor boundary adjustment to enable its development in the manner that was envisaged and initially consented when the Estate was created.</p> <p>Maintaining the Lot size protects highly productive land (if the lot was enlarged to create larger setback this would be a perverse outcome and adversely affect highly productive land).</p> <p>The site is well connected to the surrounding neighbourhood and open spaces</p>
SUB-O3	<p>Infrastructure is planned to service proposed subdivision and development in a manner that:</p> <ol style="list-style-type: none"> <li>1. protects scheduled features; and</li> <li>2. connects with the wider infrastructure network in an integrated, efficient and</li> </ol>	Existing infrastructure will meet these expectations

Reference	Wording	Commentary
	<p>coordinated manner and is provided at the time of subdivision.</p>	
SUB-P1	<p>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:</p> <ol style="list-style-type: none"> <li>1. reflects patterns of development that are compatible with, and reinforce the role, function and predominant or planned character of the zone;</li> <li>2. does not compromise the integrity and planned outcomes for the zone with lot sizes sufficient to accommodate intended land uses;</li> <li>3. ...;</li> <li>4. ...;</li> <li>5. ...;</li> <li>6. ...;</li> <li>7. in the General Industrial, Large Format Retail, Residential and Rural zones, incorporates sufficient space for on-site stormwater disposal including the use of water sensitive and low-impact design solutions; and</li> <li>8. protects highly productive land in the Rural Production Zone</li> </ol>	<p>This consent notice variation will enable the site to be used for the purpose for which it was created – this is efficient use of the land. It will increase land available to build a home in a location where development opportunities are limited.</p> <p>Retaining the lot size and shape avoids impacts and protects the surrounding highly productive land.</p> <p>Sufficient space is available for managing stormwater onsite.</p>
SUB-P3	<p>Manage significant risks from natural hazards by restricting subdivision that:</p> <ol style="list-style-type: none"> <li>1. creates new or exacerbates existing natural hazards including coastal hazards, erosion, slippage, subsidence, falling debris or flooding; or</li> <li>2. results in adverse effects on the stability of land and buildings; and</li> </ol>	<p>The current lot boundaries do not provide a safe and stable building platform in its present location. This is the reason for the boundary adjustment and consent notice variation.</p> <p>The consent notice variation reduces the current risks and avoids the adverse effects that</p>

Reference	Wording	Commentary
	<p>3. does not provide safe, flood free and stable building platforms at the time of subdivision.</p>	<p>could otherwise occur if the lot was used in its current form.</p>
SUB-P4	<p>Require infrastructure to be provided in an integrated and comprehensive manner by:</p> <ol style="list-style-type: none"> <li>1. demonstrating that the subdivision will be appropriately serviced and integrated with existing and planned infrastructure;</li> <li>2. ensuring that the appropriate infrastructure for the subsequent use of the land is in place at the time of subdivision or development; and</li> <li>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.</li> </ol>	<p>This application outlines that relevant infrastructure is available and will be developed to the extent needed to use the site.</p>
SUB-P5	<p>Require efficient and sustainable stormwater control and disposal systems to be designed and installed at the time of subdivision that:</p> <ol style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>3. where feasible, utilise stormwater management areas for multiple uses, while ensuring they have an interface with residential activities</li> </ol>	<p>Stormwater will be appropriately managed.</p> <p>No sediment and other contaminants will enter waterbodies.</p>

Reference	Wording	Commentary
	<p>or commercial activities that do not compromise the predominant or planned character of the zone;</p> <ol style="list-style-type: none"> <li>4. avoid any increase in sediment and other contaminants entering waterbodies or downstream effects as a result of stormwater disposal; and</li> <li>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.</li> </ol>	
SUB-P10	<p>Manage the scale, design and intensity of subdivision in the Rural Production Zone by:</p> <ol style="list-style-type: none"> <li>1. allowing one additional record of title only where there is a large balance area, and where the subdivision design reinforces the role, function and predominant character of the zone;</li> <li>2. managing subdivision that involves multiple small allotments with a large balance area; and</li> <li>3. avoiding subdivision that would compromise the role, function and predominant character of the Rural Production Zone, or is more typical of patterns of development in urban areas.</li> </ol>	<p>This boundary adjustment/ consent notice variation is part of a larger approved subdivision that created smaller residential lots while retaining a large balance area lot where a commercial farm operates. It has been designed to contribute to, and make the commercial farm sustainable, rather than compromise the role, function and character of the rural production zone.</p> <p>The lot size and configurations were specifically designed and constrained in a manner that is consistent with these policies (including reverse sensitivity clauses to ensure the ongoing sustainable nature of the rural production)</p>
SUB-P12	<p>Ensure that that subdivision in the Rural Zones results in lot sizes and lot configurations that:</p>	

Reference	Wording	Commentary
	<ol style="list-style-type: none"> <li>1. are appropriate for the development and land use intended by the zone;</li> <li>2. are compatible with the role, function and predominant or planned character of the zone;</li> <li>3. maintain rural character and amenity; and</li> <li>4. are consistent with the quality and types of development envisaged by the zone objectives and policies, including by minimising any reverse sensitivity effects and conflict with activities permitted in the zones.</li> </ol>	<p>Indigenous vegetation is retained and protected within the Estate.</p> <p>Iwi were involved in the initial design of the subdivision and due to the significant Māori history in the area, present protocols relating to earthworks, accidental discovery and archaeology have been established and remain in place.</p>
SUB-P14	<p>Require subdivision design and layout in the Rural Zones to respond positively to, and be integrated with the surrounding rural or rural lifestyle context, including by:</p> <ol style="list-style-type: none"> <li>1. incorporating physical site characteristics, constraints and opportunities into subdivision design;</li> <li>2. minimising earthworks and land disturbance by designing building platforms that integrate into the natural landform;</li> <li>3. avoiding inappropriately located buildings and associated access points including prominent locations as viewed from public places;</li> <li>4. incorporating sufficient separation from zone boundaries, transport networks, rural activities and rural industry to minimise potential for reverse sensitivity conflicts;</li> <li>5. incorporating sufficient separation between building platforms and scheduled features to minimise potential adverse effects on those</li> </ol>	

Reference	Wording	Commentary
	<p>features and providing for the protection and maintenance of indigenous biodiversity;</p> <p>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:</p> <ul style="list-style-type: none"> <li>a. opportunities to incorporate mātauranga Māori into the design and development of the subdivision;</li> <li>b. opportunities for tangata whenua's relationship with ancestral lands, water, sites, wāhi tapu and other taonga to be maintained or strengthened; and</li> <li>c. options to avoid, remedy or mitigate adverse effects;</li> </ul> <p>7. promoting sustainable stormwater management through water sensitive design solutions; and</p> <p>8. ....</p>	
SUB-P15	<p>Ensure that subdivision in the Rural Lifestyle or Rural Production Zones maintains or enhances the attributes that contribute to rural character and amenity values, including:</p> <ul style="list-style-type: none"> <li>1. varying forms, scales, spaciousness and separation of buildings and structures associated with the use of the land;</li> <li>2. maintaining prominent ridgelines, natural features and landforms, and</li> </ul>	<p>The Estate is consistent with this policy. The consent notice variation will not impact this consistency.</p>

Reference	Wording	Commentary
	<p>predominant vegetation of varying types;</p> <p>3. low population density and scale of development relative to urban areas;</p> <p>4. on-site servicing and a lack of urban infrastructure; and</p> <p>5. in the Rural Production Zone, the continued and efficient operation of rural activities and productive working landscapes.</p>	

## 7. Section 95 Notification Assessment

A consent authority has the discretion whether to publicly notify an application unless a rule or National Environmental Standard (NES) precludes public notification (in which case the consent authority must not publicly notify) or section 95A(2) applies.

### 7.1 Public Notification

Section 95A of the RMA sets out the steps which must be followed by a consent authority when determining whether to publicly notify applications for resource consent. The proposed development is assessed against the Section 95A steps below in Table 2

*Table 2: Public Notification Assessment (s95A)*

<b>Step 1</b>	<p>Mandatory public notification in certain circumstances.</p> <p>An application must be publicly notified if any of the following criteria are met:</p> <ul style="list-style-type: none"> <li>▪ the applicant has requested public notification; or</li> <li>▪ public notification is required under section 95C; or</li> <li>▪ the application is made jointly with an application to exchange recreation reserve land.</li> </ul>	<p>The applicant does not request public notification and public notification is not required under s95C.</p>
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<p><b>Step 2</b></p>	<p>If notification is not required by step 1, public notification is precluded in certain circumstances.</p> <p>An application cannot be publicly notified if either of the following criteria are met:</p> <ul style="list-style-type: none"> <li>▪ the application is for one or more activities and each activity is subject to a rule or NES that precludes notification; or</li> <li>▪ the application is for a resource consent for 1 or more of the following but no other activities: <ul style="list-style-type: none"> <li>– a controlled activity</li> <li>– a restricted-discretionary, discretionary or non-complying activity but only if the activity is a boundary activity.</li> </ul> </li> </ul>	<p>Public notification is not precluded by a rule or by the NES.</p>
<p><b>Step 3</b></p>	<p>If not precluded by step 2, public notification is required in certain circumstances.</p> <p>Public notification is required if:</p> <ul style="list-style-type: none"> <li>▪ the application is for a resource consent for 1 of more activities, and any of those activities is subject to a rule or NES which requires public notification; or</li> <li>▪ the consent authority decides, in accordance with s95D, that the activity will have, or is likely to have, adverse effects on the environment that are more than minor.</li> </ul>	<p>Public notification is not required by a rule or NES.</p> <p>As per the assessment of effects detailed above, the proposed activities will have a less than minor effect on the environment.</p>
<p><b>Step 4</b></p>	<p><u>Public notification in special circumstances</u></p> <p>If notification is precluded under step 2, or isn't required under step 3, consideration must be given to whether special circumstances exist that warrant public notification of the application. If no such circumstances exist, the application must not be publicly notified but the consent authority must determine whether to give limited notification of the application under Section <u>95B</u>.</p>	<p>Special circumstances are those that are unusual or exceptional, but they may be less than extraordinary or unique. No such circumstances exist in relation to this proposal, therefore public notification of the application is precluded.</p>

## 7.2 Limited Notification

Where a consent authority determines that public notification is not required by Section 95A, it must then follow the relevant steps to determine if limited notification is required under Section 95B. The proposed development is assessed against the Section 95B steps below in Table 2.

*Table 3: Limited Notification Assessment (s95B)*

<p><b>Step 1</b></p>	<p>If the consent authority determines that certain people or groups are affected, these persons/groups must be given limited notification:</p> <ul style="list-style-type: none"> <li>▪ affected protected customary rights groups</li> <li>▪ affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity)</li> <li>▪ an affected person under section 95E to whom a statutory acknowledgement is made (if the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement).</li> </ul>	<p>No protected customary rights groups are affected by the proposed activities.</p> <p>The application site is not adjacent to and does not affect a statutory acknowledgement area.</p>
<p><b>Step 2</b></p>	<p>If not required by step 1, limited notification is precluded in certain circumstances.</p> <p>An application cannot be limited notified if either of the following criteria are met:</p> <ul style="list-style-type: none"> <li>▪ the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification; or</li> <li>▪ the application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land).</li> </ul>	<p>Limited notification is not precluded by a rule or by the NES.</p> <p>The application is a discretionary activity.</p>

<p><b>Step 3</b></p>	<p>If not precluded by step 2, certain other affected persons must be notified.</p> <ul style="list-style-type: none"> <li>▪ In the case of a boundary activity, an owner of an allotment with an infringed boundary; and</li> <li>▪ In the case of any other activity, determine whether a person is an affected person in accordance with Section 95E.</li> </ul>	<p>The proposed activities are beyond the scope of a boundary activity.</p> <p>As per the assessment of effects details above, no persons are considered affected in a minor or more than minor manner.</p> <p>Tapuae Country Estate provided support for the boundary adjustment proposed and therefore considered that it is appropriate for boundary adjustments of this nature to be possible within the estate. This application is simply to vary the consent notice to align with existing expectations of the owner/occupier of Lot 31.</p> <p>In relation to the specific boundary adjustment the properties within Tapuae Estate closest to Lot 20 have provided APA's or submitted in support of the proposal in regards to the substantive application.</p>
<p><b>Step 4</b></p>	<p><u>Further notification in special circumstances.</u></p> <p>If the consent authority determines special circumstances exist that warrant limited notification of the application to any other persons not already determined to be eligible for limited notification (excluding persons assessed under section 95E as not being affected persons), the</p>	<p>As per the assessment of step 4 in Table 2, there are no special circumstances that would warrant notification of the proposed activities.</p>

council must give limited notification to those persons.	
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### 7.3 Section 95 Assessment Conclusions

In light of the assessment of the proposed activities against Section 95A and 95B of the RMA, the application can be processed on a non-notified basis.

#### Conclusion

A decision to grant this application to vary the existing consent notice under Section 104B is recommended on the basis that:

- a) The application will have positive environmental effects.
- b) There are no adverse environmental effects, if any they are less than minor;
- c) The proposal is consistent with the requirements of the RMA, relevant district plan objectives and policies and other relevant matters.
- d) The application may proceed on a non-notified basis as there are no "affected" persons.

Granting the consent notice variation will be consistent with the purpose of the RMA for the reasons explained within this report. The proposed limitations to the applicability of the variation to the consent notice ensure that the potential for adverse effects from subsequent 'subdivision' will be appropriately avoided, or mitigated.

## Appendix A: Tapuae Country Estate Letter

5 November 2024  
New Plymouth District Council  
Att: Zane Woods



Hi Zane,

At our Tapuae Country Estate board meeting yesterday, 4 November 2024, it was unanimously decided that the board signs the NPDC FORM 8A as both the property owner and the Occupier, in relation to the boundary adjustment and building platform repositioning.

Please see attached the signed FORM 8A and also signed plans.

Regards

Jason McIntyre / Grant Holdt / Tim Aston / Dean Eggers / Nick Childs

A blue ink signature, appearing to be "JM", written in a cursive style.

A blue ink signature, appearing to be "GH", written in a cursive style.

A blue ink signature, appearing to be "TA", written in a cursive style.

A blue ink signature, appearing to be "DE", written in a cursive style.

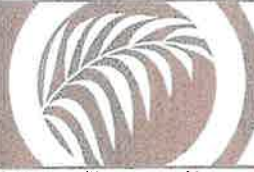
A blue ink signature, appearing to be "NC", written in a cursive style.

Board of Directors  
Tapuae Country Estate Limited



Tā Rauwhera ā-ā-Rohē o Ngāmotu

New Plymouth District Council



FORM 8A

Written approval to an activity subject to a resource consent application

Please read the information on the back of this page before giving your written approval in respect of a resource consent application.

1. Affected person's details

1a. I am the  Property owner  Occupier

1b. Of the property at (street address)

1c. Full name    
First name(s) Surname

1d. Electronic service address

1e. Telephone    
Mobile Landline

1f. Postal address or alternative method of service under Section 352 of RMA 1991

1g. I have the authority to sign on behalf of all other owner/occupiers of the property  Yes  No

2. Resource consent application details

2a. Applicant's name    
First name(s) Surname

2b. Site address

2c. Description of proposal

3. Documents and plans

- I have read and/or seen:
- The full resource consent application, including:
    - The full description of the activity and the assessment of environmental effects (AEE).
    - Plan(s), signed by me and listed below. (If required, attach any additional plan information.)

Plan reference number	Plan title	Date
1:5000@A3	PROPOSED SUBDIVISION OF LOTS 20 AND 31	27/05/24
1:500@A3	PROPOSED SUBDIVISION OF LOTS 20 AND 31	27/05/24
Version 2	Resource Consent Application to New Plymouth DI	26/07/24

Please turn over

OFFICE USE ONLY

Date received  Property ID  Application #

Time received  Land ID  Document #

Received by

Liardet Street, Private Bag 2025, New Plymouth 4340, NZ. Telephone 06-759 6060. Email enquiries@npdc.govt.nz. Website www.npdc.govt.nz

#### 4. Privacy statement

The Privacy Act 2020 applies to the personal information provided in this written approval. For the purposes of processing the resource consent application the Council may disclose this personal information to another party. If you want to have access to, or request correction of, this personal information, please contact the Council.

#### 5. Affected person's declaration

By signing\* this written approval, or by submitting this form electronically, I confirm that I understand the proposal and that the Council must decide that I am no longer an affected person and therefore must not have regard to any adverse effects on me.

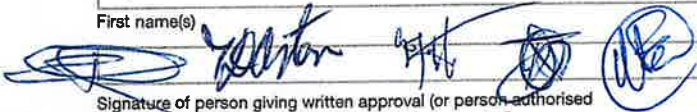
I understand that I may withdraw my written approval by giving written notice to the Council before the hearing, if there is one or, if there is not, before the application is determined.

I confirm that the information contained in this written approval is true and correct, and agree to the disclosure of my personal information in respect of this written approval.

If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

Tapuae Country Estate Limited

First name(s)



Signature of person giving written approval (or person authorised to sign on behalf of the person giving written approval)

Surname

Date

8/11/2024

\*A signature is not required if you give your written approval by electronic means, however the plans do need to be signed.

#### 6. Information for affected persons

1. Please ensure you fully understand the proposal before deciding whether to sign this form. You may need to ask for further information from the applicant.
2. There is no obligation to sign this form, and no reasons need to be given.
3. Conditional written approvals cannot be accepted.
4. If this form is not signed, the application may be notified and you may have the opportunity to submit on the application.
5. If the Council determines that the activity is a deemed permitted boundary activity under section 87BA of the Act, your written approval cannot be withdrawn.
6. It is acceptable for you to request that you be given some time to consider the application before deciding whether to provide your written consent or not. You may also obtain your own professional advice on the application e.g. from a lawyer, planner or surveyor before deciding whether or not to give your written approval.
7. 'An Everyday Guide to the RMA' on the Ministry for the Environment website at [www.mfe.govt.nz](http://www.mfe.govt.nz) contains useful information for affected persons.  
If you have any further questions regarding this process contact the duty planner at the Council on 06-759 6060.



1  
DP 20763

**EXISTING EASEMENTS**

Subject to a right to convey electricity in gross over parts marked B.C.D.E.G.J.K.M.R.S.T.U & W on DP 385658 in favour of Powerco Limited created by Easement Instrument 789063837

Subject to a right to convey telecommunications and computer media in gross over parts marked B.C.D.E.G.H.I.J.K.L.M.N.O.P.Q.R.S.T.U.V.W.X & Z on DP 385658 in favour of Telecom New Zealand Limited created by Easement Instrument 789063838

Subject to a right to drain water in gross over parts marked A.P.A.R. & A.Q on DP 385658 in favour of New Plymouth District Council created by Easement Instrument 789063839

**EXISTING LAND COVENANTS**

7890638324 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 29.7.2008 at 9:00 am (Affects Lot 20 DP 385658)

*Building Typology, materials and restrictions*

789063835 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 29.7.2008 at 9:00 am

*Balance Land - revegetation and preservation of existing bush*

789063836 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 29.7.2008 at 9:00 am (Affects Lot 31 DP 385658)

*Balance Land - Conservation Covenant*

**EXISTING AMALGAMATION CONDITION**

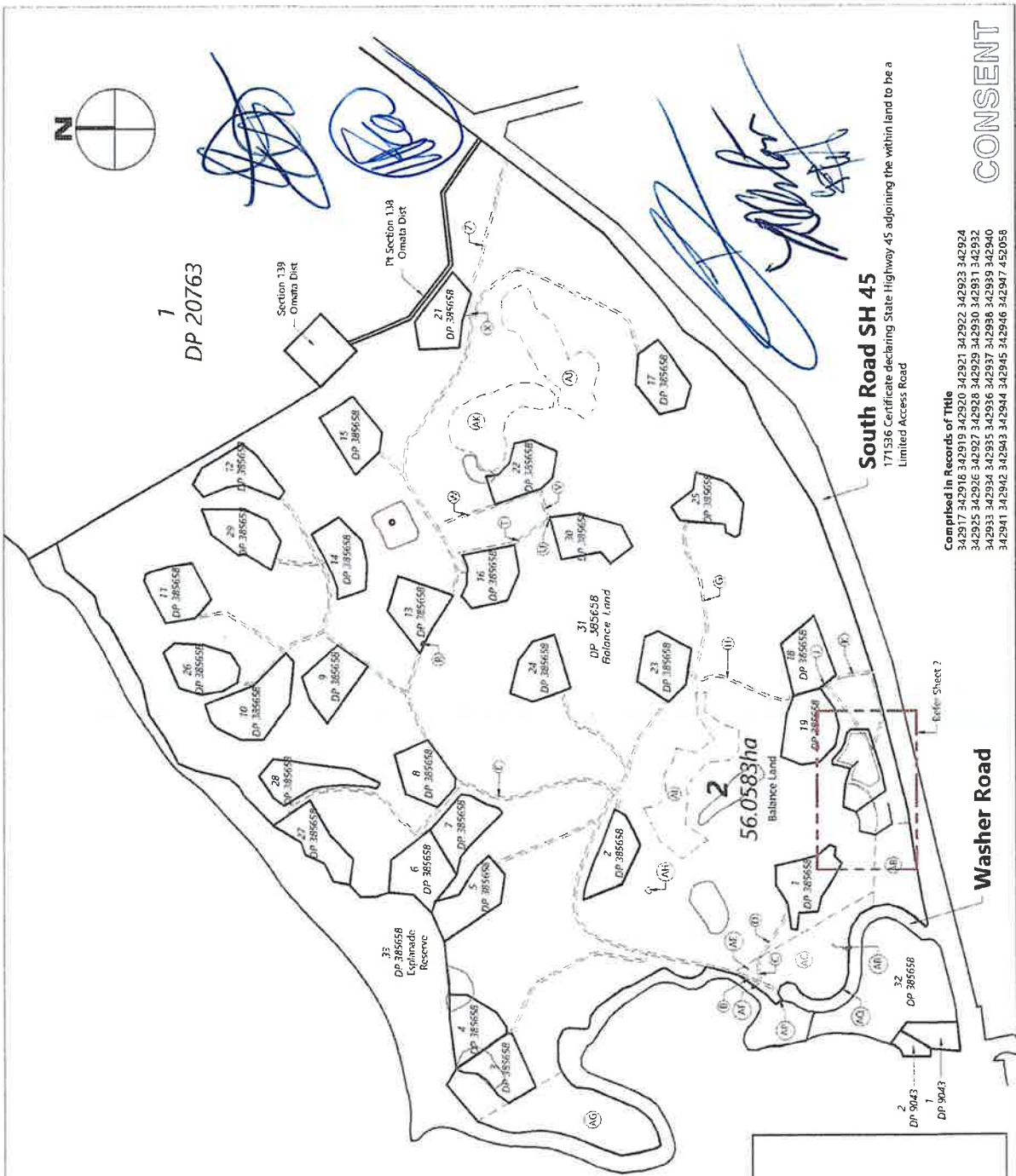
That Lots 31 and 32 hereon (legal access) be held as to thirty undivided one thirtieth shares by the owners of Lots 1 to 30 hereon as tenants in common in the said shares and that the individual Certificates of Title be issued in accordance therewith.

**PROPOSED AMALGAMATION CONDITION**

That Lot 2 hereon and Lot 32 DP 385658 (legal access) be held as to thirty undivided one thirtieth shares by the owners of Lots 1 to 19, Lots 21 to 30 DP 385658 and Lot 1 hereon as tenants in common in the said shares and that the individual Records of Title be issued in accordance therewith.

**Affected person's approval of the scheme plans**

Name: \_\_\_\_\_ Position: \_\_\_\_\_  
 Date: \_\_\_\_\_ Signature: \_\_\_\_\_  
 Name: \_\_\_\_\_ Position: \_\_\_\_\_  
 Date: \_\_\_\_\_ Signature: \_\_\_\_\_  
 Name: \_\_\_\_\_ Position: \_\_\_\_\_  
 Date: \_\_\_\_\_ Signature: \_\_\_\_\_



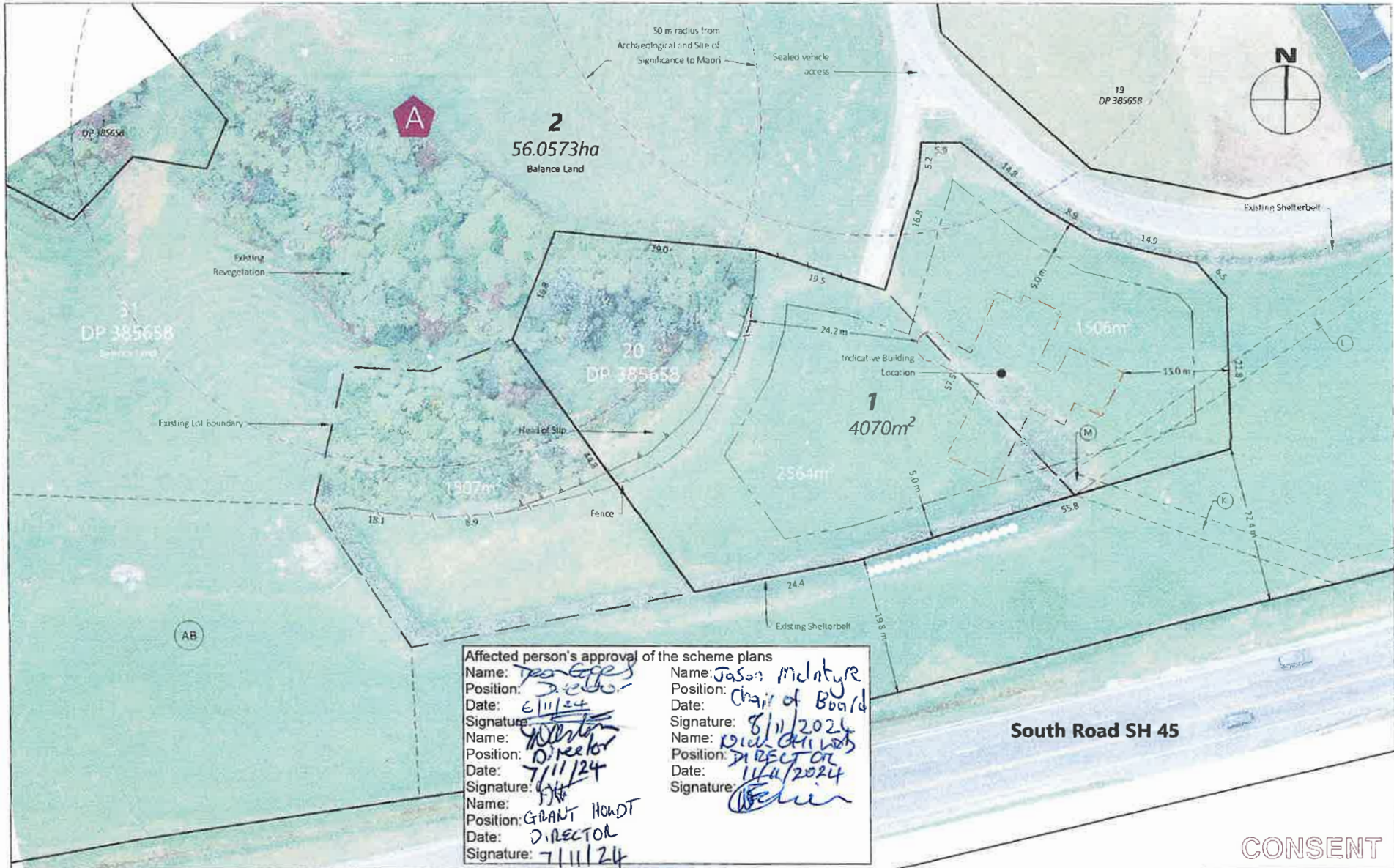
**South Road SH 45**

171536 Certificate declaring State Highway 45 adjoining the within land to be a Limited Access Road

CONSENT

**Comptised in Records of Title**  
 342917 342916 342919 342920 342921 342922 342923 342924  
 342925 342926 342927 342928 342929 342930 342931 342932  
 342933 342934 342935 342936 342937 342938 342939 342940  
 342941 342942 342943 342944 342945 342946 342947 452058

<b>TITLE</b> PROPOSED SUBDIVISION OF LOTS 20 AND 31 DP 385658 9 Washer Road, Omata		<b>TOTAL AREA</b> 56.4583ha	<b>JOB No</b> W-211212
<b>28A Manadon Street</b> PO Box 116 New Plymouth 4340 New Plymouth 06758 5342 Hawera 06 276 4456 www.mckinlay.com		<b>TERITORIAL AUTHORITY</b> New Plymouth District Council	<b>DATE</b> 27/05/24
<b>APPLICANT</b> Washer Family Trust		<b>SCALE</b> 1:5000@A3	<b>SHEET</b> 1 of 2
<i>This plan is prepared only for the purpose of obtaining a Resource Consent pursuant to the Resource Management Act 1991. It must not be used for any other purpose. Areas and dimensions are approximate only and are subject to change on final field survey.</i>		<b>RC01</b>	



Affected person's approval of the scheme plans

Name: <i>Jason McIntyre</i>	Name: <i>Jason McIntyre</i>
Position: <i>Director</i>	Position: <i>Chair of Board</i>
Date: <i>6/11/24</i>	Date: <i>8/11/2024</i>
Signature: <i>[Signature]</i>	Signature: <i>[Signature]</i>
Name: <i>Grant Howdt</i>	Name: <i>Grant Howdt</i>
Position: <i>Director</i>	Position: <i>DIRECTOR</i>
Date: <i>7/11/24</i>	Date: <i>11/11/2024</i>
Signature: <i>[Signature]</i>	Signature: <i>[Signature]</i>

CONSENT


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

TITLE	PROPOSED SUBDIVISION OF LOT 20 AND 31 DP 385658 9 Washer Road, Omata
<i>This plan is prepared only for the purpose of obtaining a Resource Consent pursuant to the Resource Management Act 1991. It must not be used for any other purpose. Areas and dimensions are approximate only and are subject to change on final field survey.</i>	

RECORD OF TITLE	Refer Sheet 1	TOTAL AREA	56.4583ha	JOB No	W-211212
TERRITORIAL AUTHORITY	New Plymouth District Council	DATE	27/05/24	DWG No	RC01
APPLICANT	Washer Family Trust	SCALE	1:500@A3	SHEET OF	2 2

## Appendix B: Record of Titles and Consent Notices



**RECORD OF TITLE  
UNDER LAND TRANSFER ACT 2017  
FREEHOLD  
Search Copy**



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** **342936**  
**Land Registration District** **Taranaki**  
**Date Issued** 29 July 2008

**Prior References**  
TNL2/691

---

**Estate** Fee Simple  
**Area** 4070 square metres more or less  
**Legal Description** Lot 20 Deposited Plan 385658  
**Registered Owners**  
John Charles Washer, Mary Carolyn Washer and Washer Family Trust Limited

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**Estate** Fee Simple - 1/30 share  
**Area** 56.0513 hectares more or less  
**Legal Description** Lot 31 Deposited Plan 385658  
**Registered Owners**  
John Charles Washer, Mary Carolyn Washer and Washer Family Trust Limited

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**Estate** Fee Simple - 1/30 share  
**Area** 1.5685 hectares more or less  
**Legal Description** Lot 32 Deposited Plan 385658  
**Registered Owners**  
John Charles Washer, Mary Carolyn Washer and Washer Family Trust Limited

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**Interests**

Subject to a right of way over part marked A on DP 385658 created by Transfer 125951  
The easements created by Transfer 125951 are subject to Section 37 (1) (a) Counties Amendment Act 1961  
171536 Certificate declaring State Highway 45 adjoining the within land to be a Limited Access Road - 26.9.1969 at 10.22 am  
475907.4 Esplanade Strip Instrument pursuant to Section 232 Resource Management Act 1991 - produced 15.12.2000 at 12.50 pm and entered 20.2.2001 at 9.00 am ( Affects Lot 32 DP 385658)  
7890638.2 Variation of Esplanade Strip 475907.4 pursuant to Section 234(7) Resource Management Act 1991 - 29.7.2008 at 9:00 am  
Subject to Section 241(2) Resource Management Act 1991 (affects DP 385658)  
7890638.24 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 29.7.2008 at 9:00 am ( Affects Lot 20 DP 385658)  
7890638.35 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 29.7.2008 at 9:00 am  
7890638.36 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 29.7.2008 at 9:00 am ( Affects Lot 31 DP 385658)

Subject to a right to convey electricity in gross over parts marked B,C,D,E,G,J,K,M,R,S,T,U & W on DP 385658 in favour of Powerco Limited created by Easement Instrument 7890638.37 - 29.7.2008 at 9:00 am

The easement created by Easement Instrument 7890638.37 is subject to Section 243 (a) Resource Management Act 1991

Subject to a right to convey telecommunications and computer media in gross over parts marked B,C,D,E,G,H,J,L,M,R,S,U,V,W,X & Z on DP 385658 in favour of Telecom New Zealand Limited created by Easement Instrument 7890638.38 - 29.7.2008 at 9:00 am

The easements created by Easement Instrument 7890638.38 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right to drain water in gross over parts marked AP,AR,AQ,AS,AT & AU on DP 385658 in favour of New Plymouth District Council created by Easement Instrument 7890638.39 - 29.7.2008 at 9:00 am

The easement created by Easement Instrument 7890638.39 is subject to Section 243 (a) Resource Management Act 1991

Appurtenant hereto is a right to convey water and electricity created by Easement Instrument 7890638.40 - 29.7.2008 at 9:00 am

The easements created by Easement Instrument 7890638.40 are subject to Section 243 (a) Resource Management Act 1991

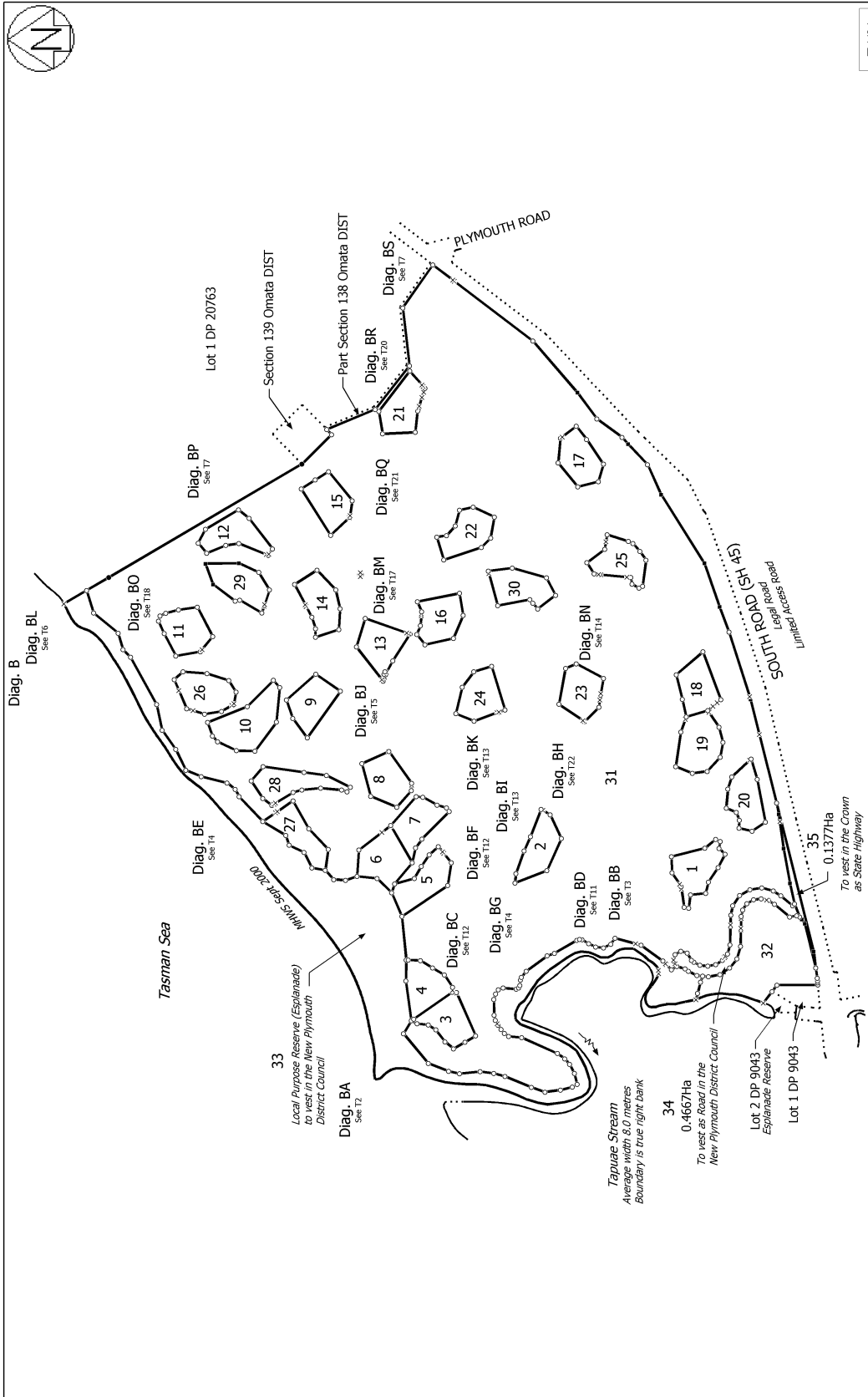
Land Covenant in Transfer 7890638.41 - 29.7.2008 at 9:00 am

Fencing Covenant in Transfer 7890638.41 - 29.7.2008 at 9:00 am

7890638.42 Encumbrance to Tapuae Country Estate Limited - 29.7.2008 at 9:00 am

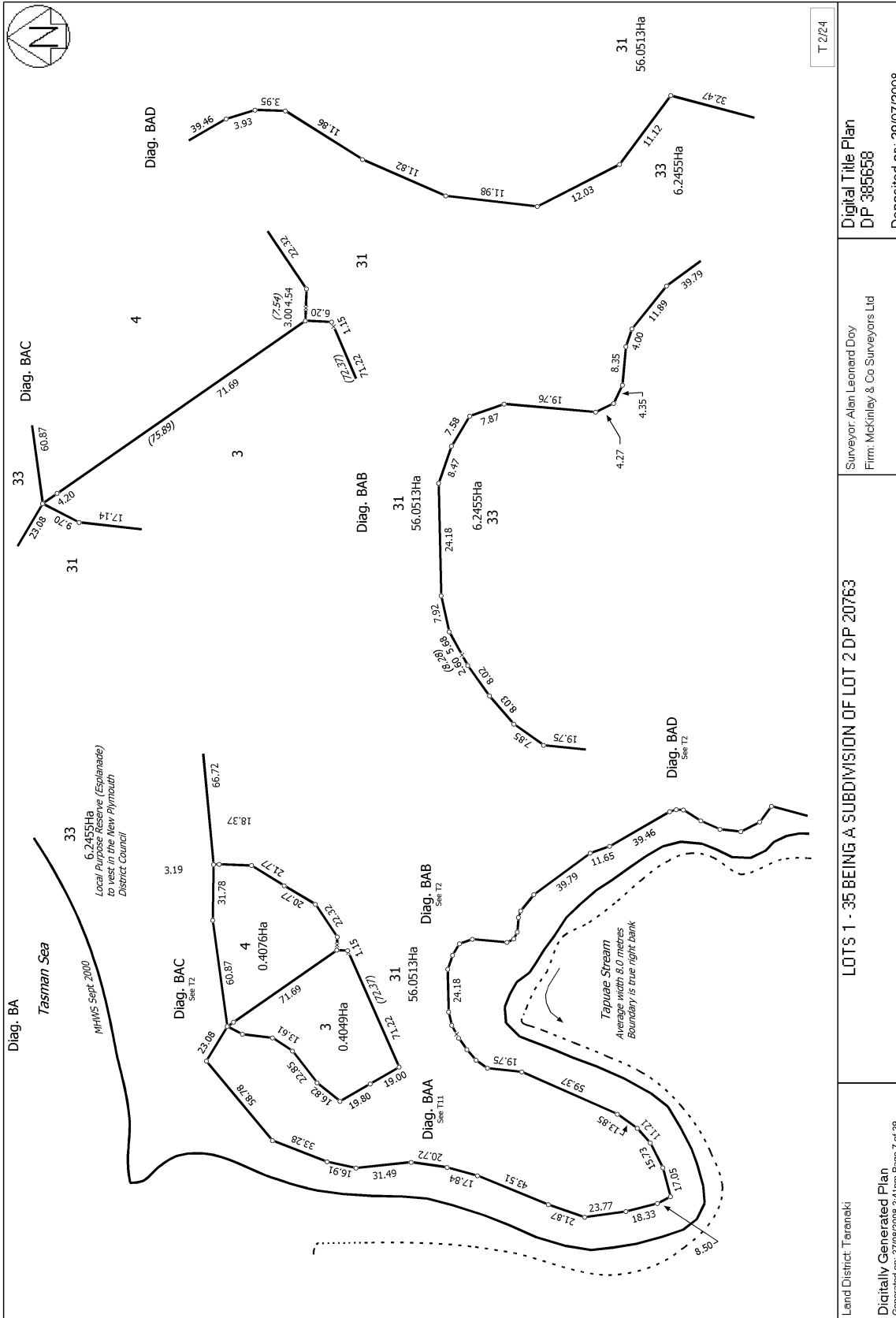
7963146.2 Lease of 1/30th share in Lots 31-32 Deposited Plan 385658 Term 50 years from the 1st day of August 2008 (renewal clause) Composite CT 452058 issued. - 24.10.2008 at 3:51 pm

7963146.3 Variation of Lease 7963146.2 - 24.10.2008 at 3:51 pm



T 1/24

Land District: Taranaki	Surveyor: Alan Leonard Doy Firm: McKinley & Co Surveyors Ltd	Digital Title Plan DP 385658
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Deposited on: 29/07/2008		



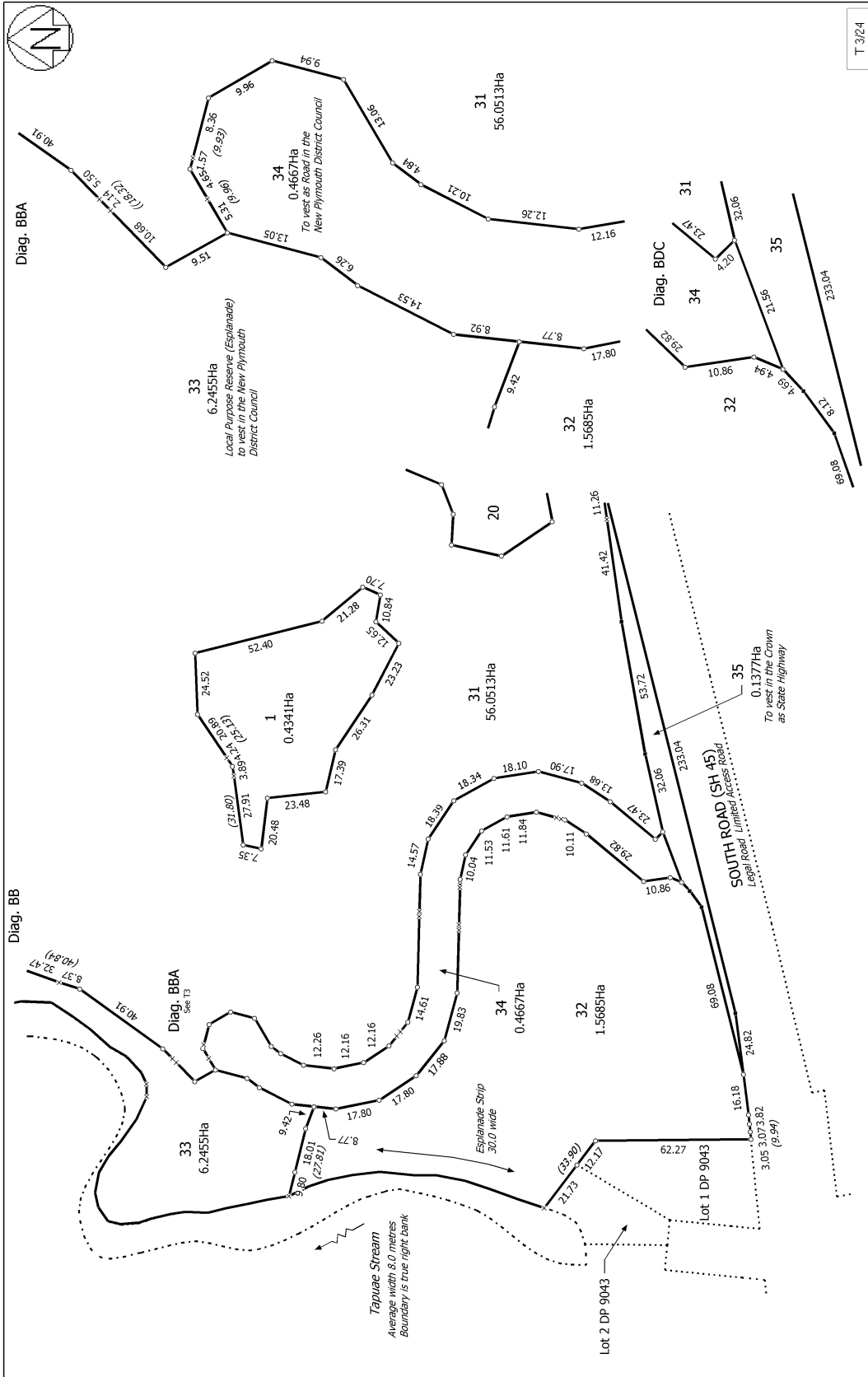
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Surveyor: Alan Leonard Doy  
Firm: McKinley & Co Surveyors Ltd

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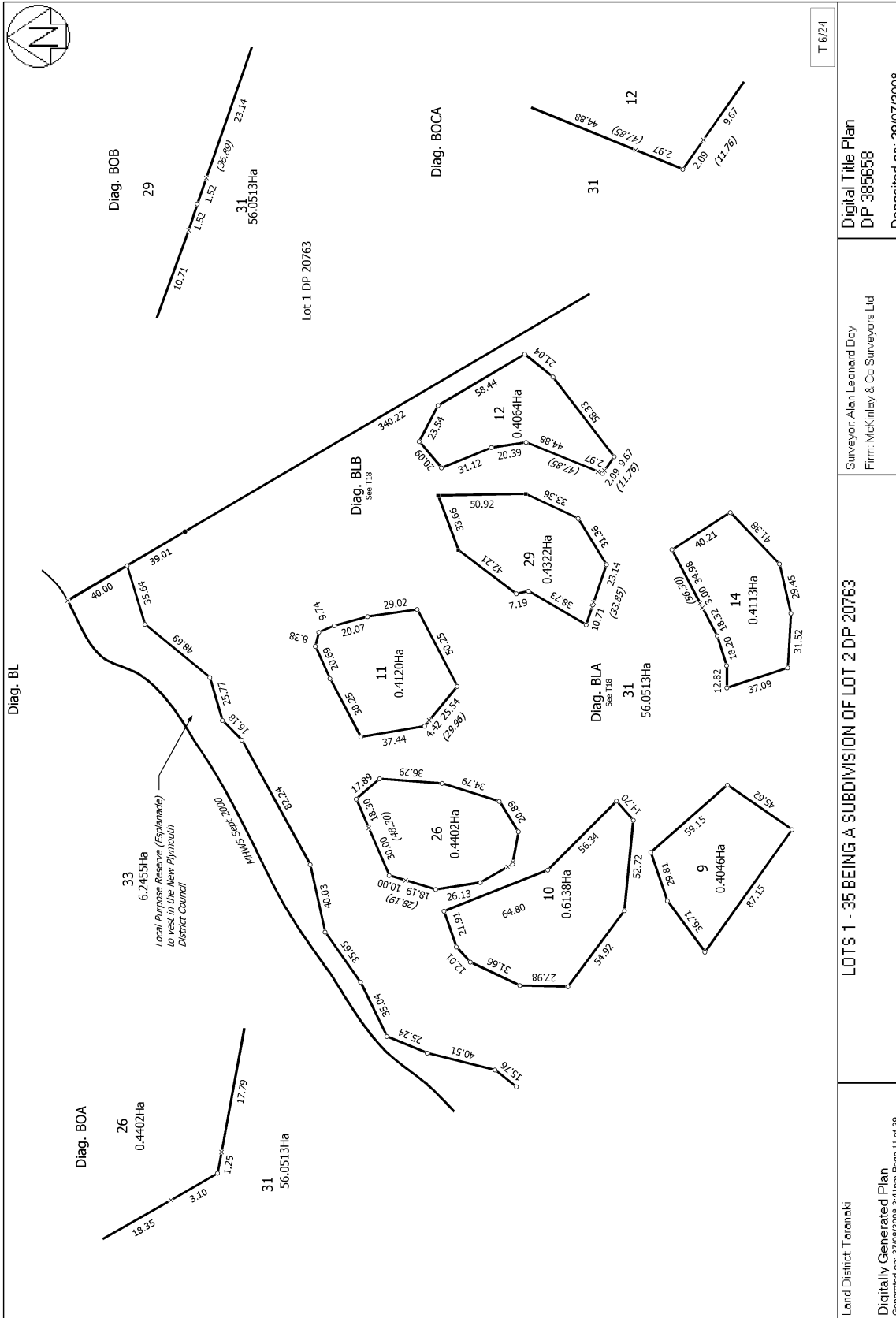
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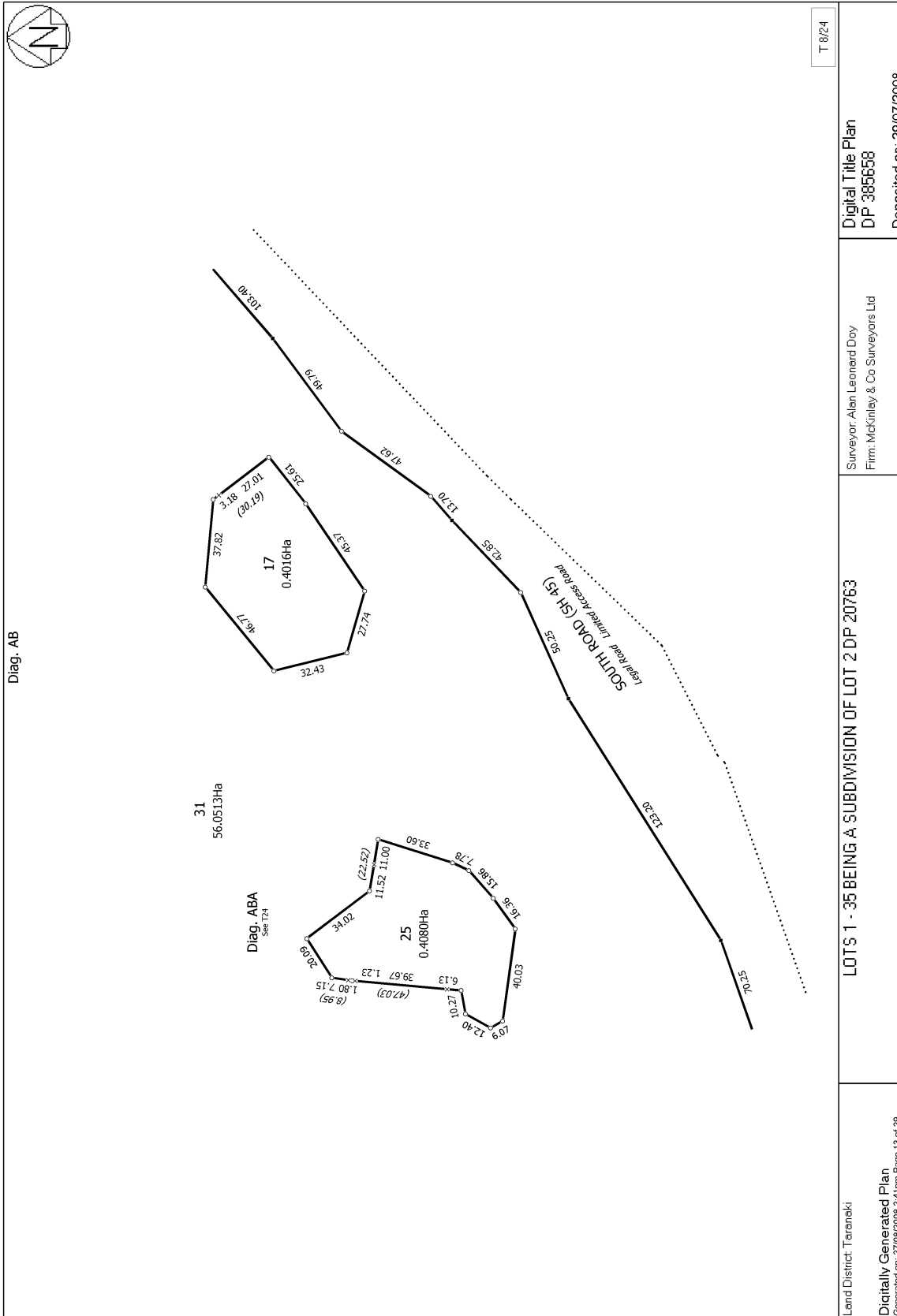
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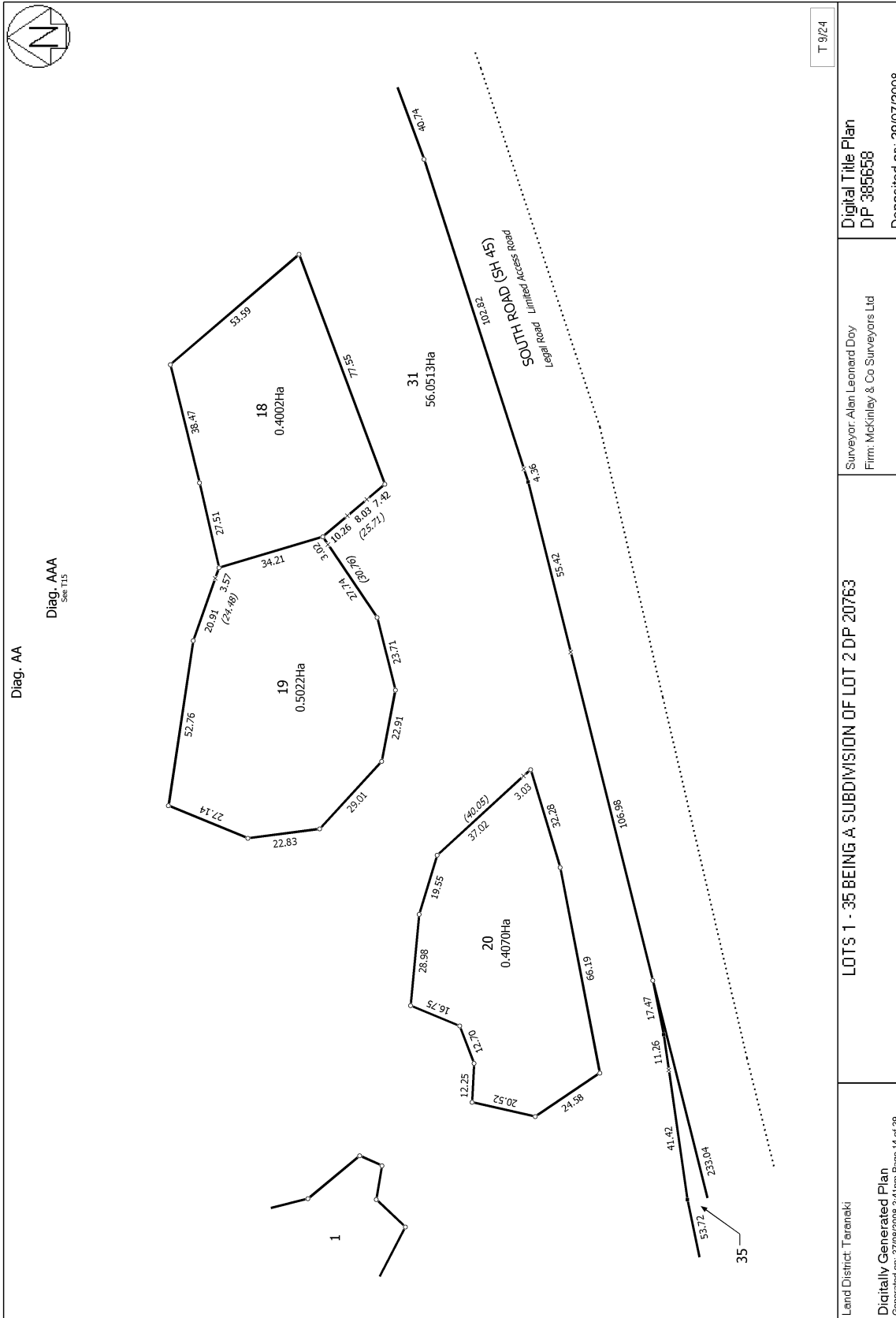
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Firm: McKinley & Co Surveyors Ltd

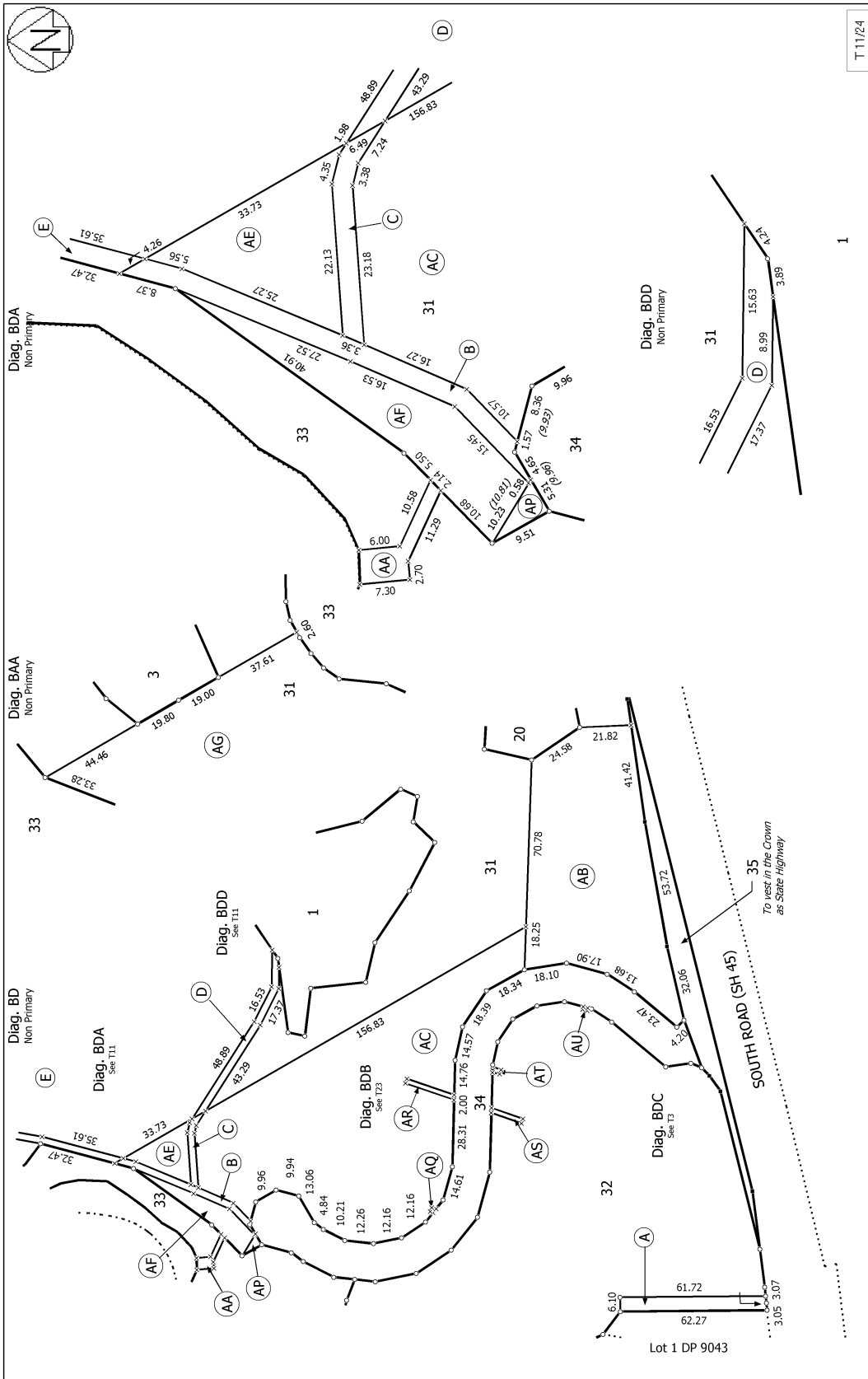
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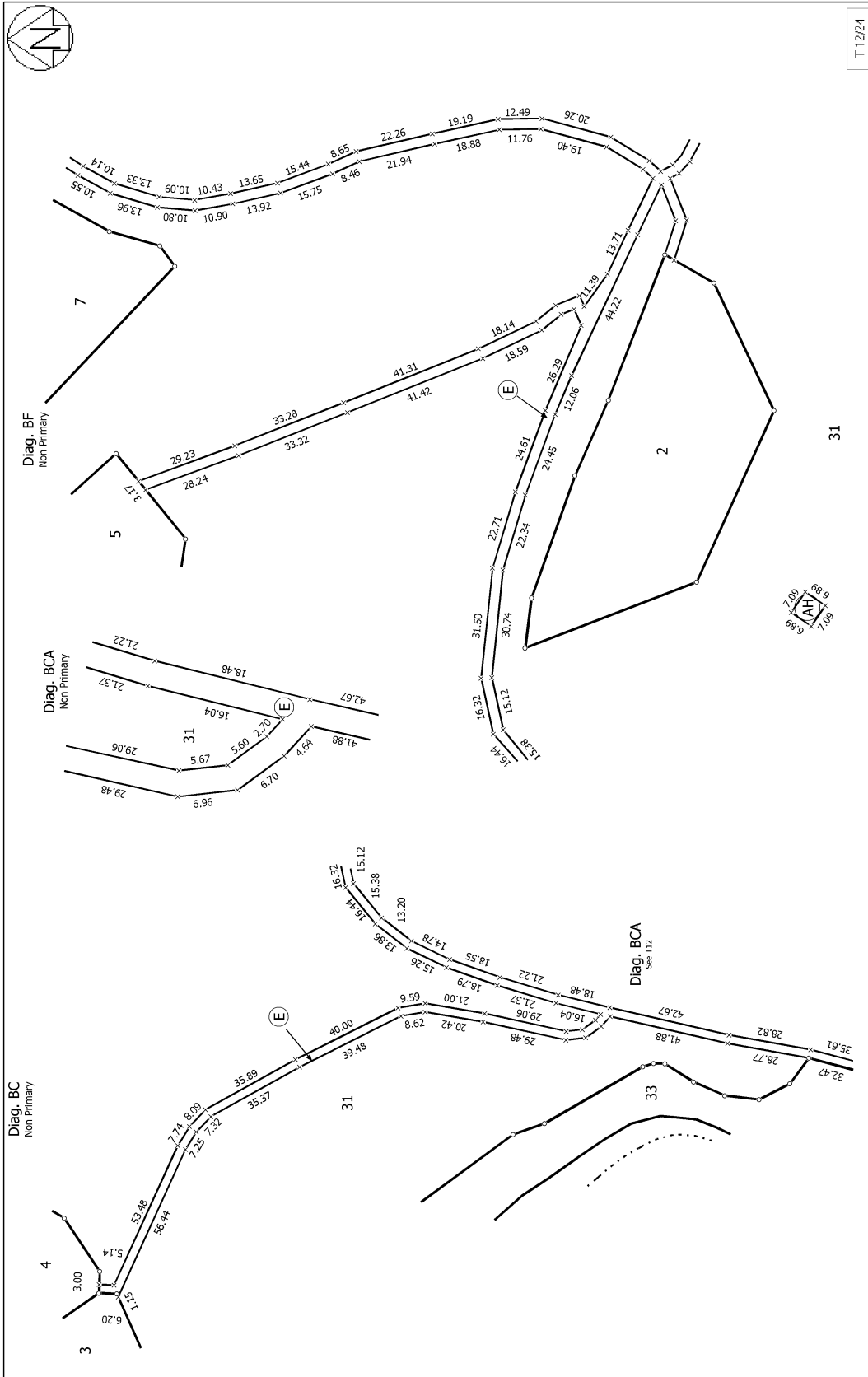
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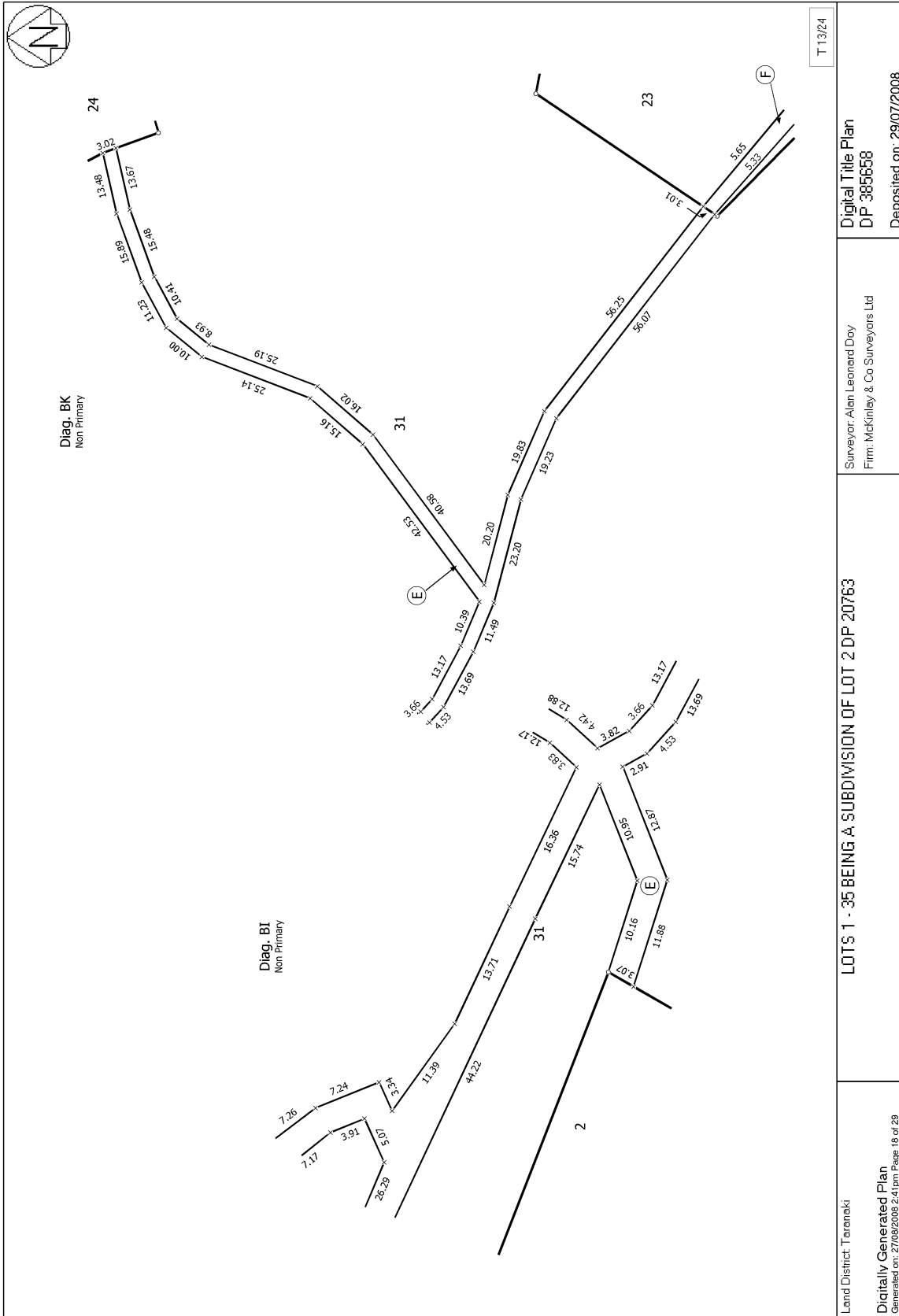
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Surveyor: Alan Leonard Doy  
Firm: McKinley & Co Surveyors Ltd

LOTS 1 - 35 BEING A SUBDIVISION OF LOT 2 DP 20763

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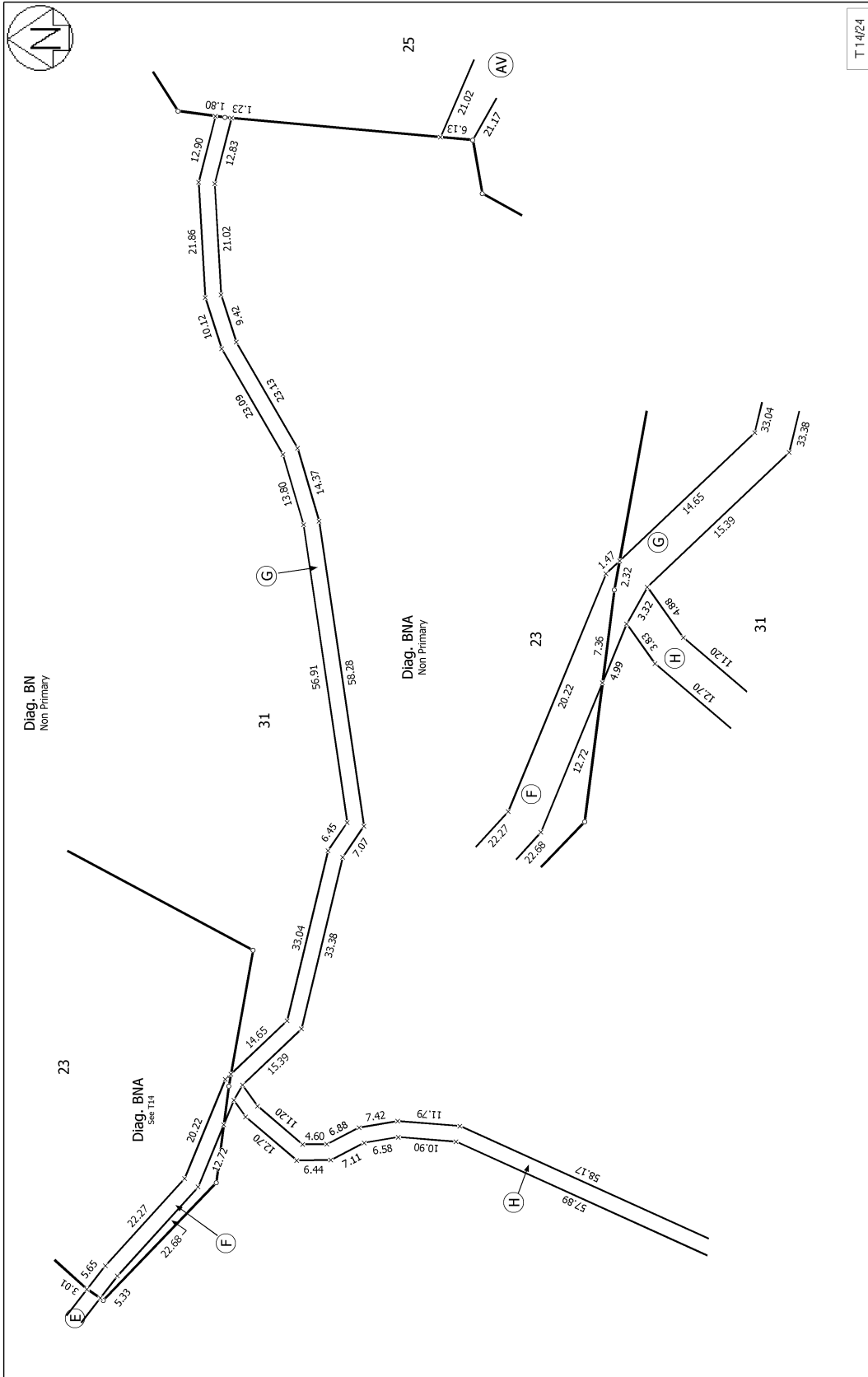
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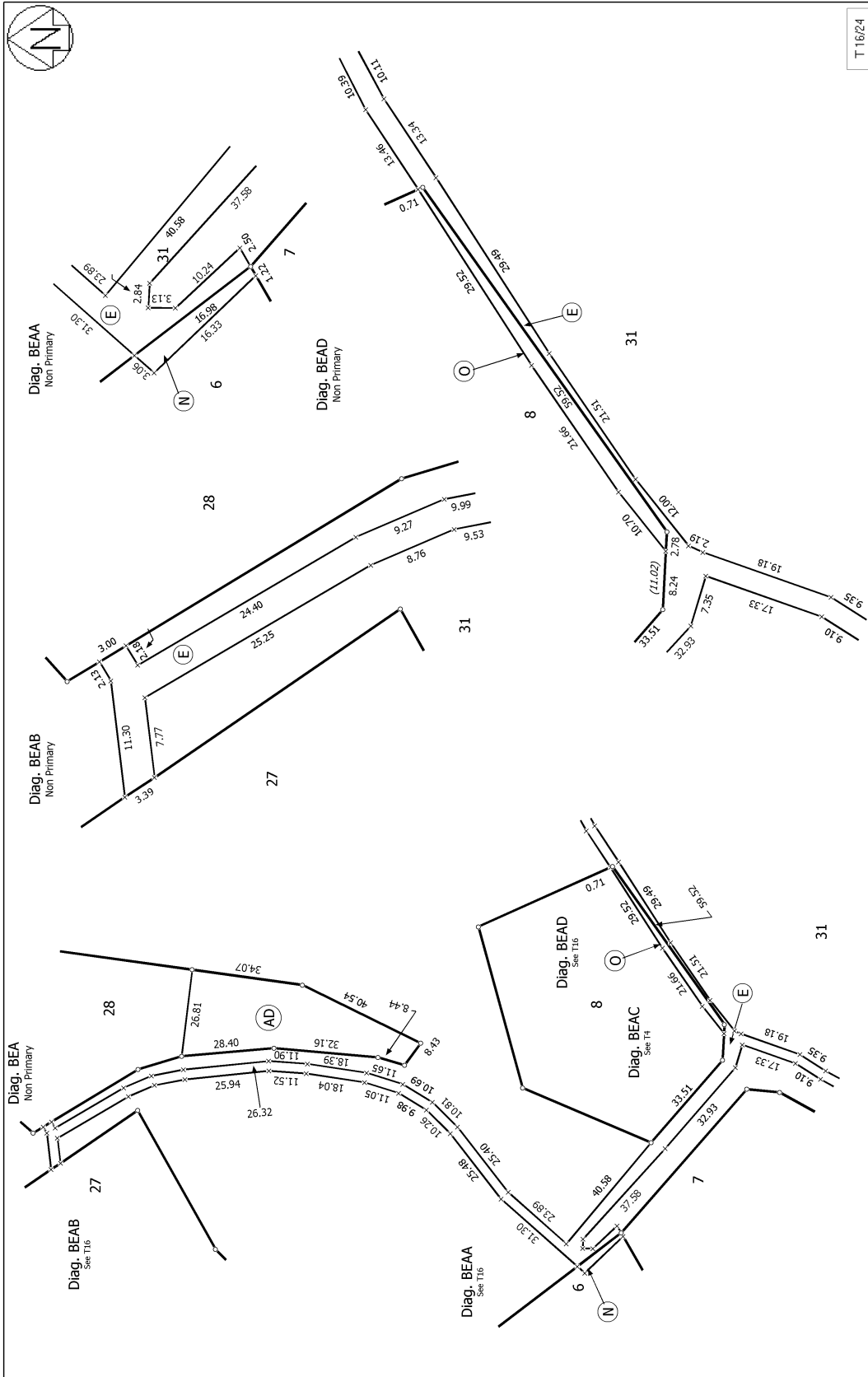
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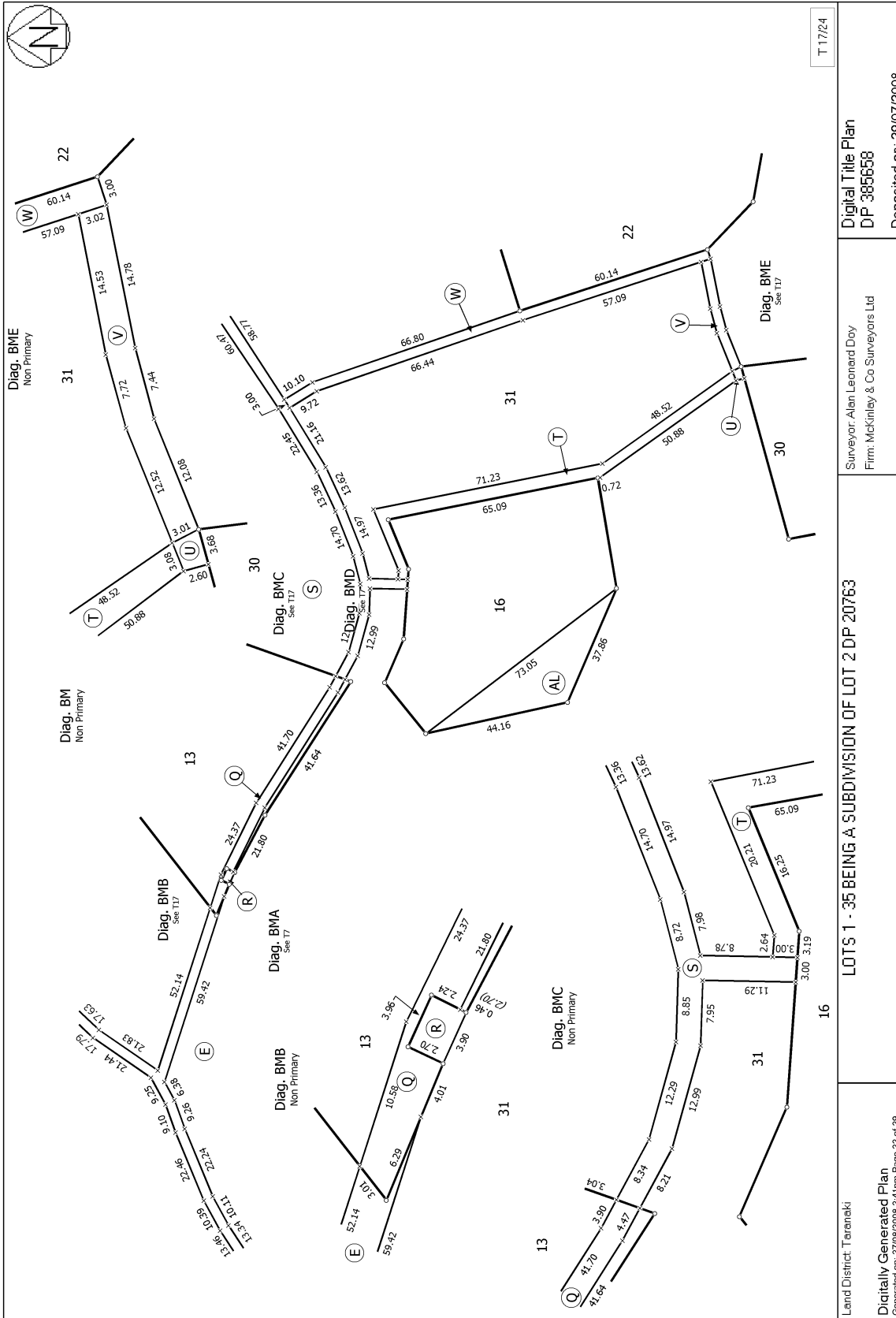
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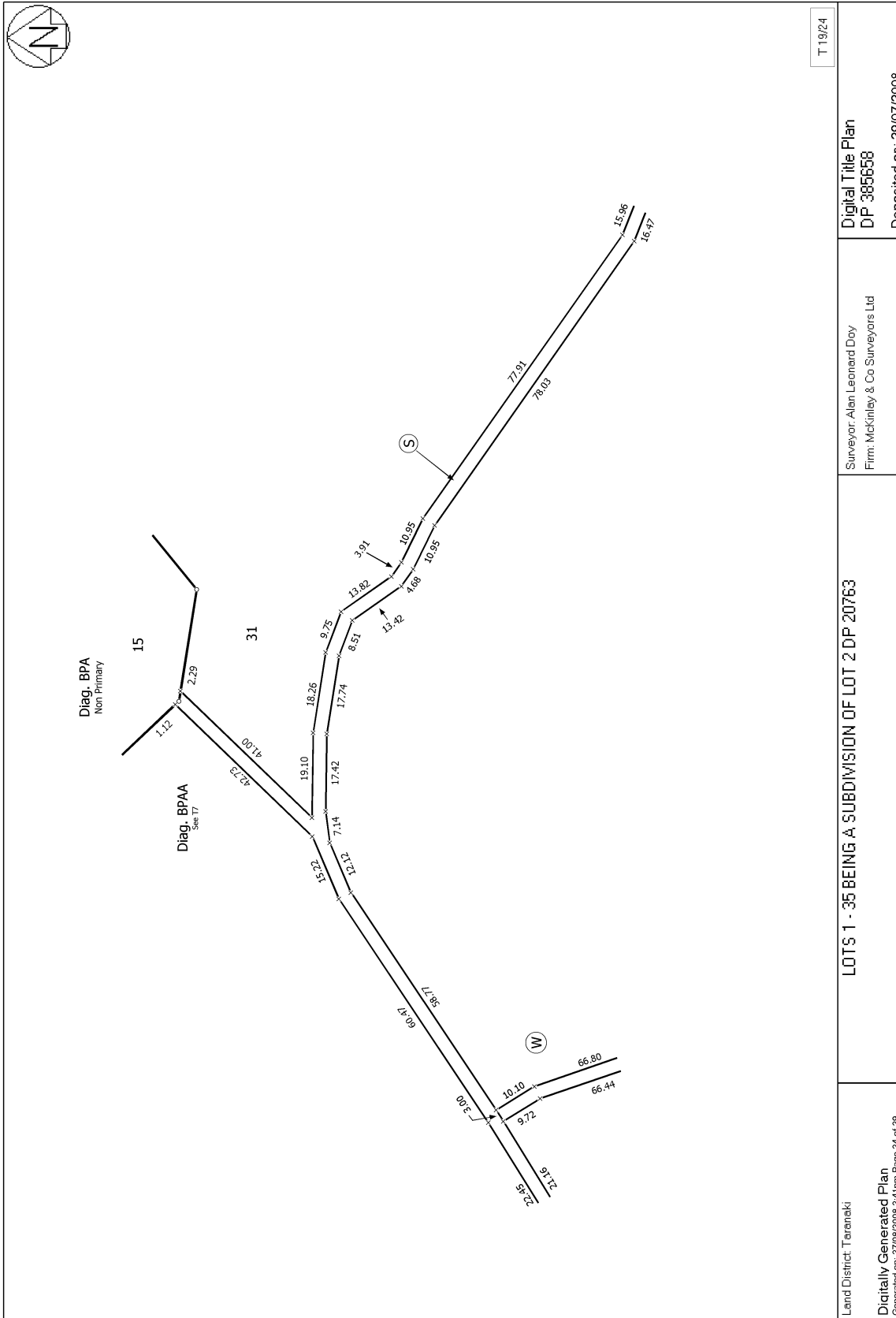
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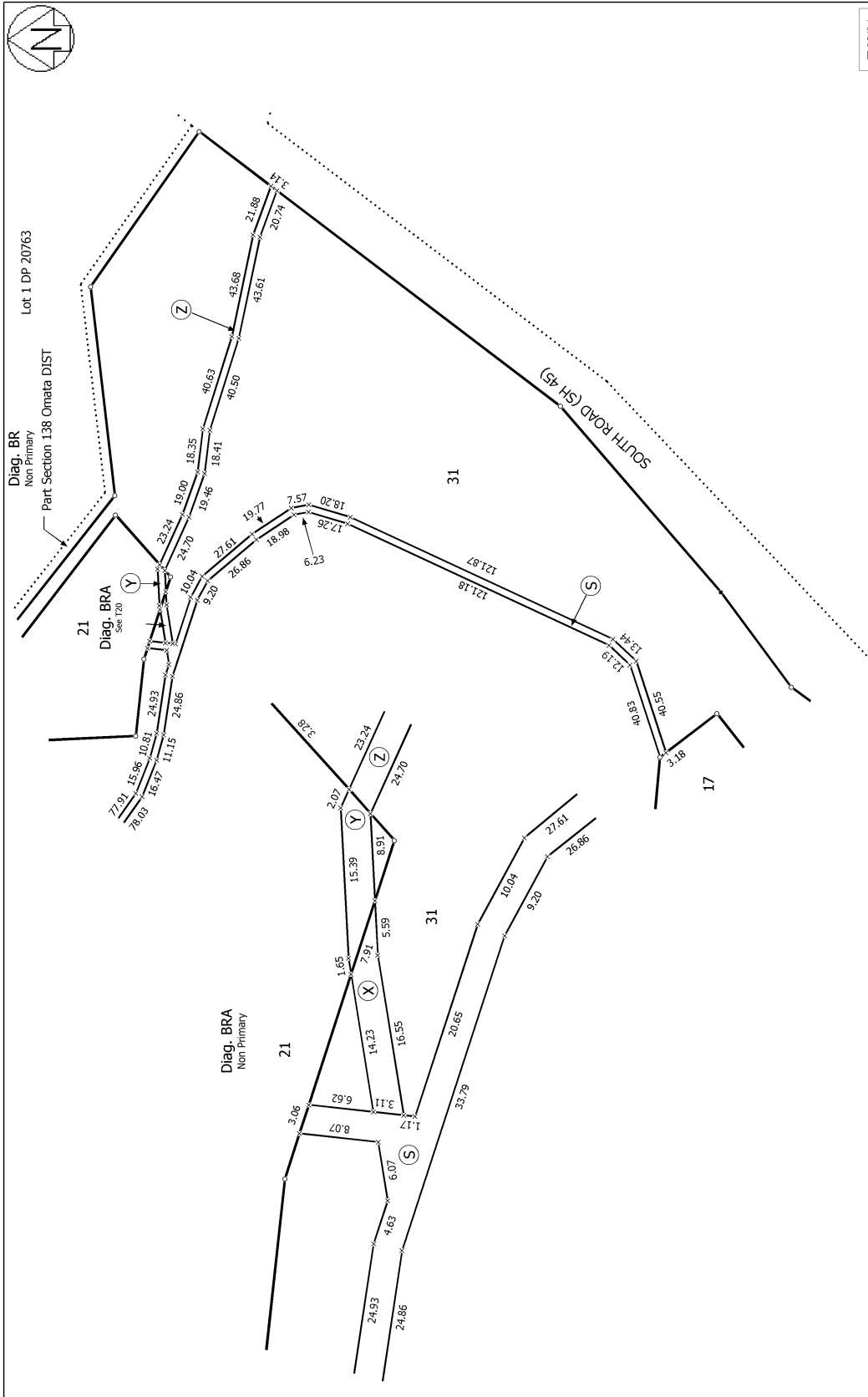
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Firm: McKinley & Co Surveyors Ltd

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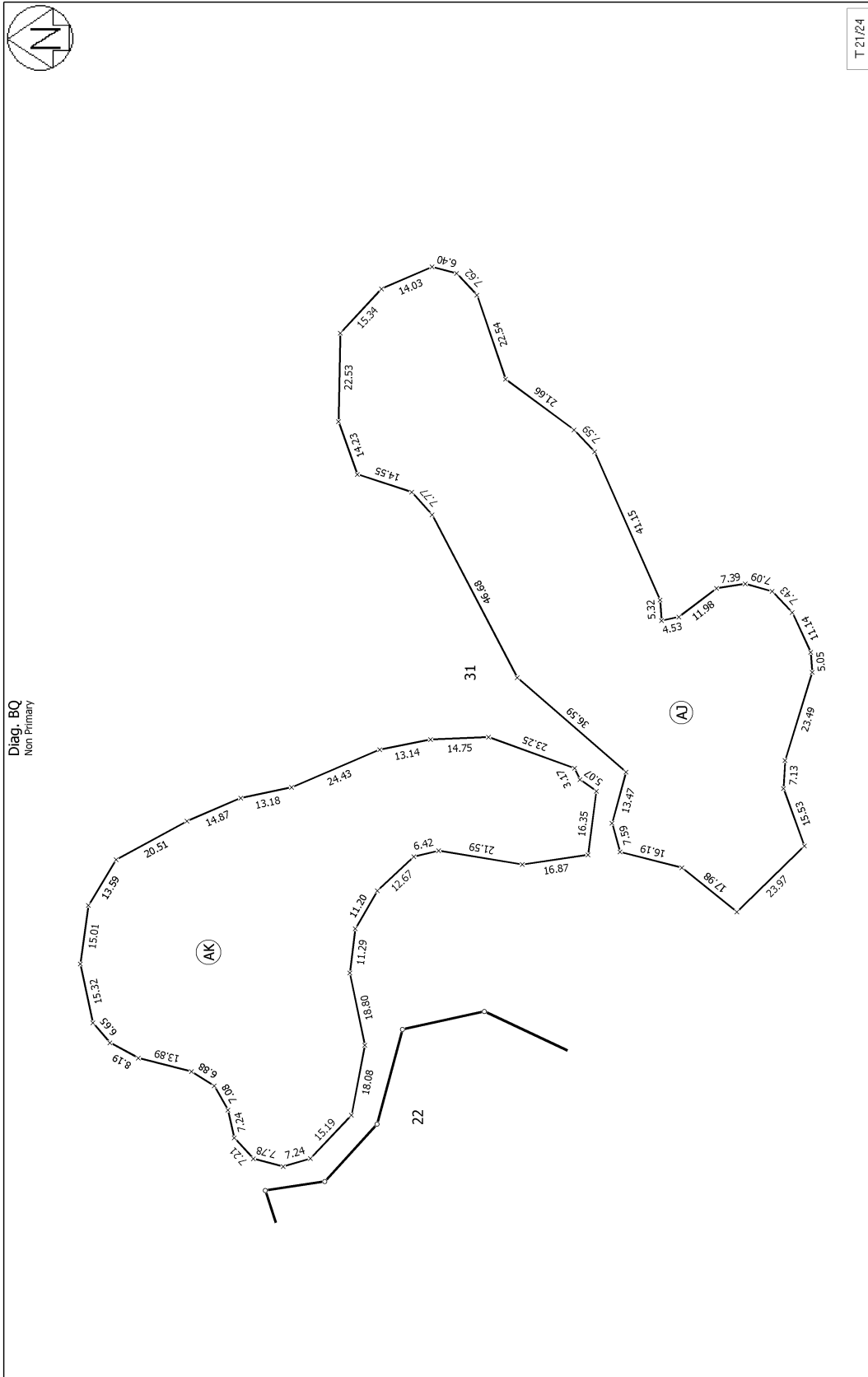
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 Firm: McKinley & Co Surveyors Ltd

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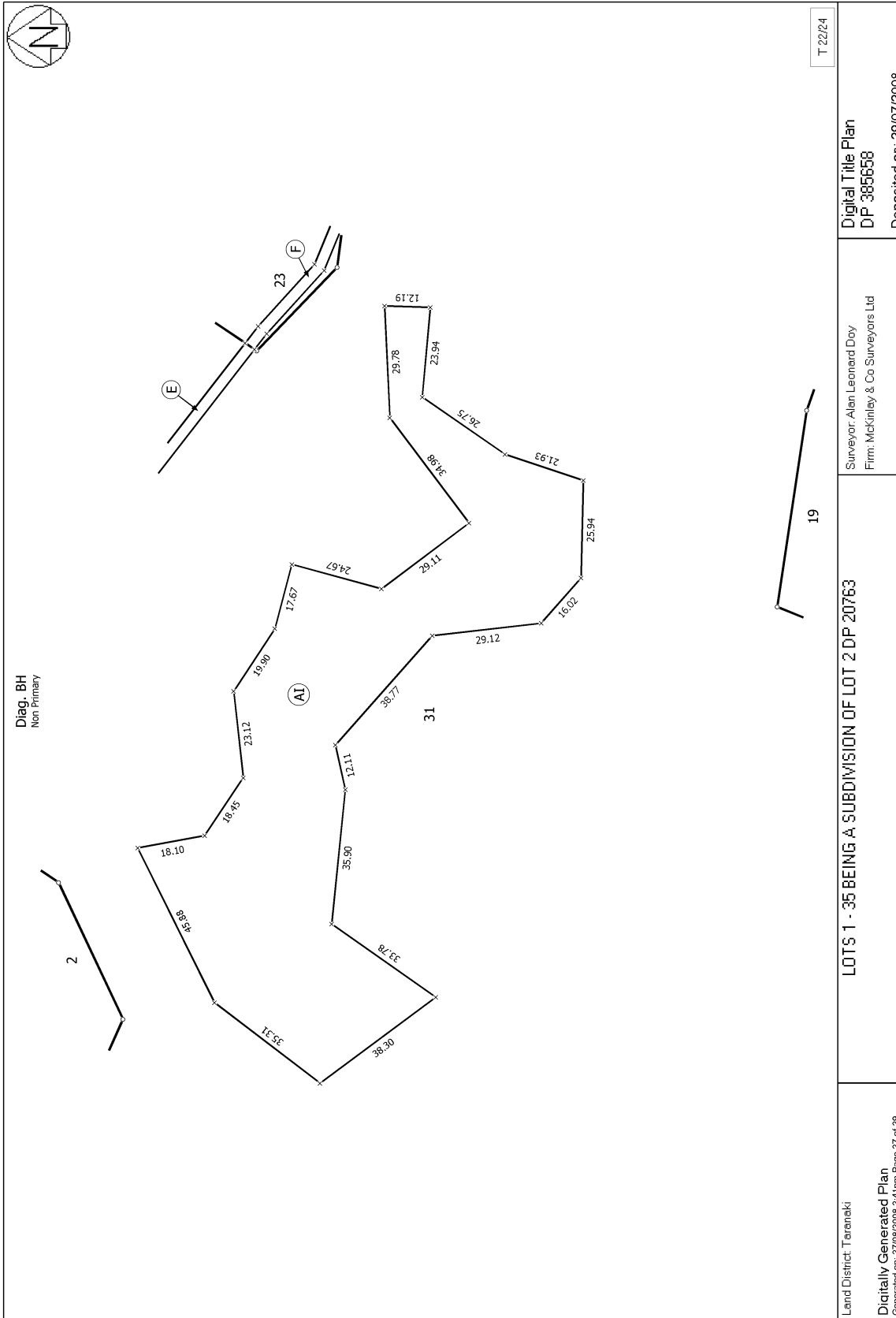
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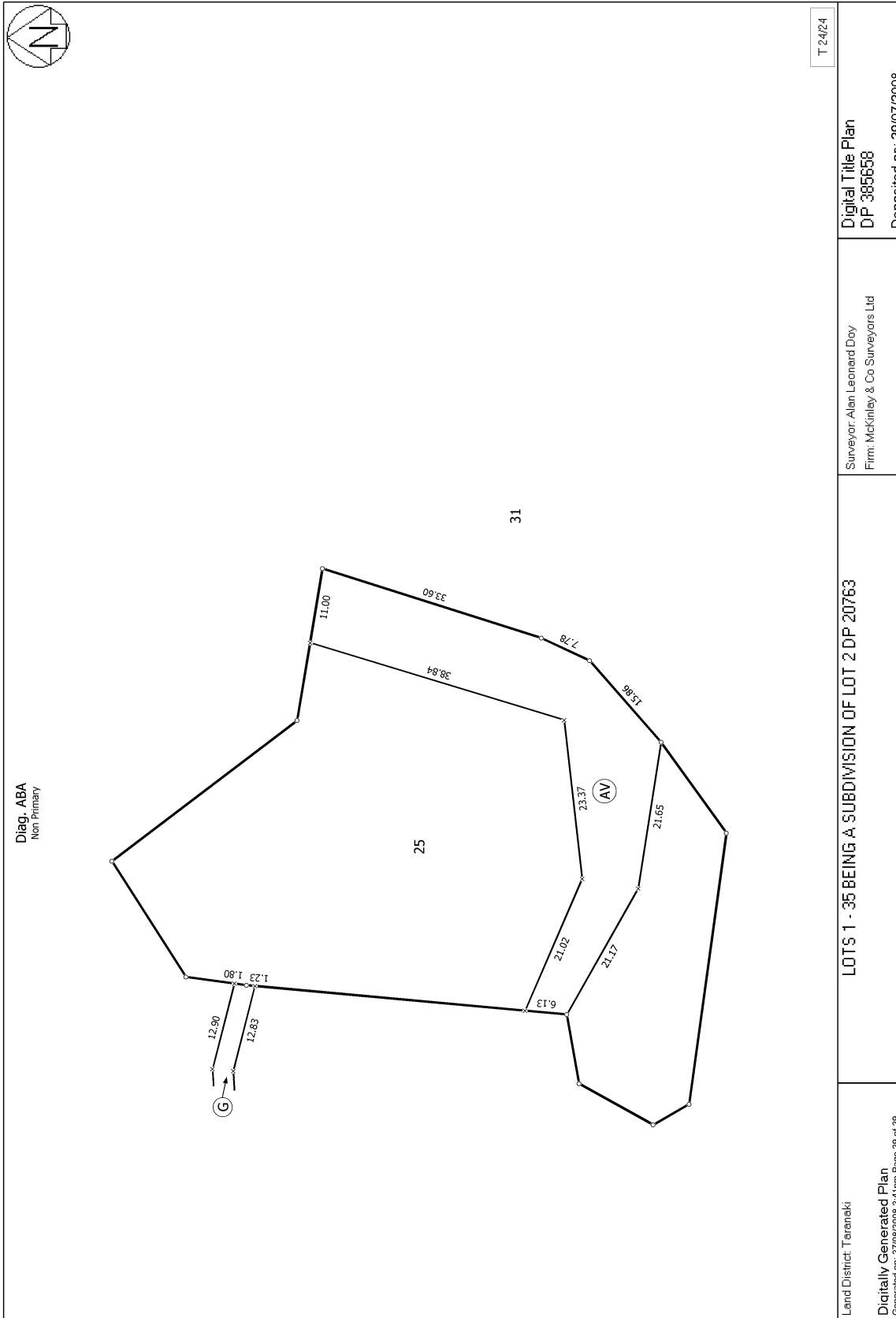
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Deposited on: 29/07/2008







**CONSENT NOTICE PURSUANT TO SECTION 221  
OF THE RESOURCE MANAGEMENT ACT 1991**

IN THE MATTER of Lot 2 DP 20763

**CONO 7890638.24 Conse**

Copy - 01/01, Pgs - 003, 01/08/08, 08:47



DocID: 313166413

AND

IN THE MATTER of Subdivision  
Consent pursuant to Sections 105, 108,  
220 and 221 of the Resource  
Management Act 1991

Pursuant to Section 220 (1) (c) of the Resource Management Act 1991 the New Plymouth District Council by resolution passed under delegated authority on 21 July 2006 imposed the following condition on the consent for subdivision of Lot 2 DP 20763; being LT 385658,

*That the number of habitable dwellings on Lot 20 shall be limited to one (1).*

*Buildings and soakholes on Lot 20 shall be set back 15 metres from the top of the gully.*

*Building Development on Lot 20 shall be generally in accordance with House Type C shown on Figure 2 - House Types attached to this Consent Notice.*

*The range of materials used on buildings will be limited to those with a minimum of applied finish, buildings being coloured by the natural patina developed over age.*

**A. External materials shall be:**

*Natural stone; and/or  
Lime washed solid plaster; and/or  
Earth brick; and/or  
Cast concrete; and/or  
Timber; and/or  
Powder coated zincalume.*

**B. Roofing materials shall be limited to:**

*Timber shingles; and/or  
Natural slate; and/or  
Copper; and/or  
Textured bituminous membranes in tile form; and/or*

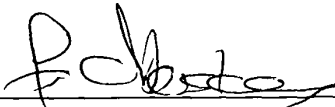
*Long run non-reflective roofing material.*

C. *Other external components will be limited to:*

*Selected use of a range of powder coated exterior window joinery and stormwater systems in a range of colours matching local flora  
Metal stormwater systems.*

DATED at New Plymouth this 7 day of March 2008

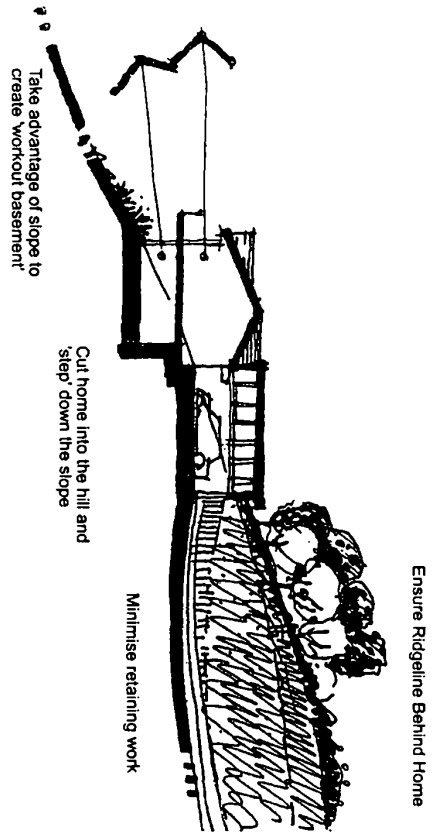
Signed by the said FRANK VERSTEEG )  
Principal Administrative Officer )  
of the New Plymouth District Council )



A handwritten signature in black ink, appearing to read 'F Versteeg', is written over a horizontal line.

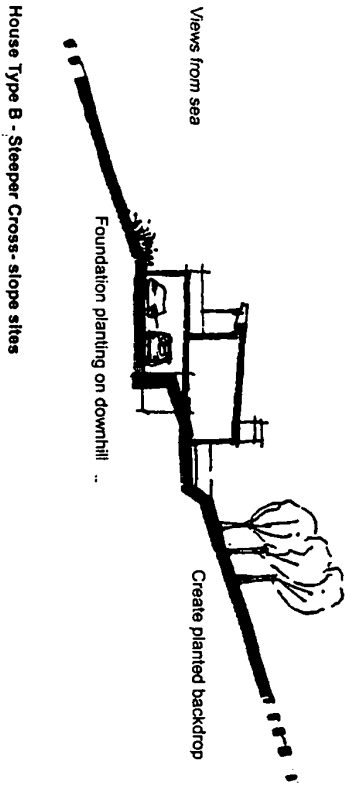
DM321879

NOTE: Indicative Roof Lines.



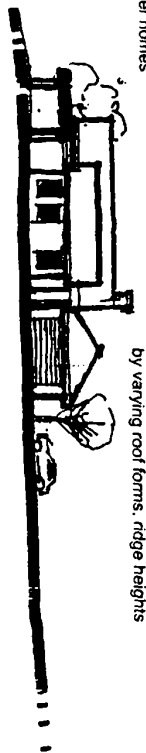
House Type A - below promontory sites

Ensure ridgeline visible behind home



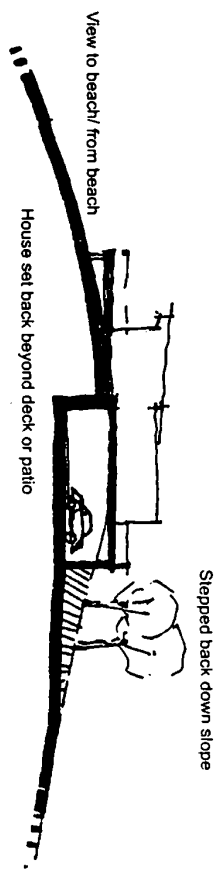
House Type B - Steeper Cross-slope sites

Low pergolas and bay windows help to reduce the visual bulk and scale of larger homes



House Type C - Low slope sites (Single floor houses on flat or low slope sites)

Type D - Building up to prominent landform stepped back down slope



Enclosure Option'

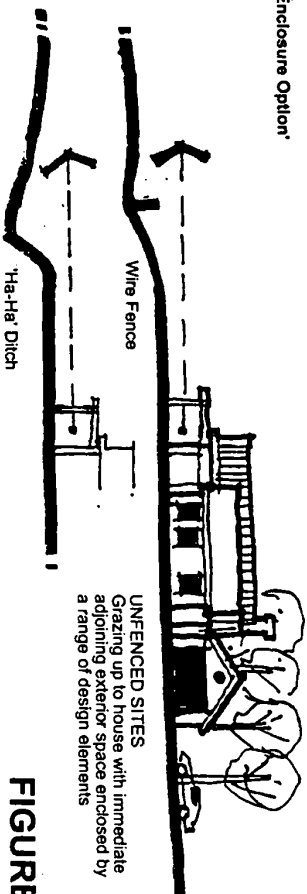


FIGURE 2 HOUSE TYPES

Level 3, IBM Building, 82 Wymndham Street, PO Box 91250, Auckland  
Tel: 64-09-359-2526 Fax: 64-09-359-5300 Web: www.bodfarnskell.co.nz

TAPUAE FARM PARK  
Washer Family Trust  
Typical Cross-Sections

U:\Mchard\200608\2306 (FN) Washer Tapuae Stage 3\CAD\2306\_Typical crosssections.dgn © Brian Marshall Limited 2005

Job No: 05306  
Date: 19/10/2005 Revision: -  
NOT TO SCALE

**CONSENT NOTICE PURSUANT TO SECTION 221  
OF THE RESOURCE MANAGEMENT ACT 1991**



IN THE MATTER of Lot 2 DP 20763

AND

IN THE MATTER of Subdivision  
Consent pursuant to Sections 105, 108,  
220 and 221 of the Resource  
Management Act 1991

Pursuant to Section 220 (1) (c) of the Resource Management Act 1991 the New Plymouth District Council by resolution passed under delegated authority on 21 July 2006 imposed the following condition on the consent for subdivision of Lot 2 DP 20763; being LT 385658

*'That Lots 31 & 32 shall not be further subdivided and shall not be disposed other than in conjunction with Lots 1-30 inclusive;*

*'The mature cabbage tree on Lot 31 identified 'AH' shall be preserved and shall not be destroyed'*

*'There shall be no residential building located on Lots 31 or 32'*

*'That within the area marked B, C, AB, AC, AE, AF, AG, AQ and AR the area shall be maintained entirely in pasture, and no building or structure shall be erected other than a standard post, wire and batten fence'*

*'Native regeneration planting of gullies and riparian edges shall be maintained on a continuing basis. The owners of Lots 1 to 30, or their nominee (body corporate) shall take all reasonable steps to maintain, preserve and protect the vegetation established'*

DATED at New Plymouth this 7 day of March 2008

Signed by the said FRANK VERSTEEG )  
Principal Administrative Officer )  
of the New Plymouth District Council )

CONO 7890638.36 Conse

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DocID: 313156426

IN THE MATTER of a Consent Notice issued pursuant to Section 221(1) of the Resource Management Act 1991 in respect of a condition of Subdivision Consent being a Subdivision of Lot 2 DP 20763, Plan Number 385658

I, FRANK VERSTEEG, Principal Administrative Officer of the New Plymouth District Council HEREBY CERTIFY that the following Condition to be complied with on a continuing basis was imposed when a Subdivision Consent was granted by the New Plymouth District Council by resolution passed under delegated authority on the 21 day of July 2006.

*The Area marked 'AI' and 'AJ' and 'AK' on Lot 31 on the plan of Subdivision of Lot 2 DP 20763 shall be subject to a Conservation Covenant for the purpose of:*

- *To protect and maintain the open space and natural character values of the land*
- *To protect native flora and fauna on the land*
- *To protect and maintain the wetland ecosystem and its associated areas as a habitat for native and introduced wildlife*
- *To protect the natural scenic values of the land as seen from South Road*
- *To protect and enhance the natural character of the land with particular regard to the indigenous flora and fauna*

*Areas marked 'AI' and 'AJ' and 'AK' shall be subject to the conditions that:*

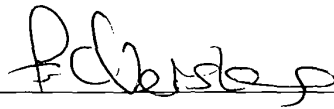
1. *No act or thing shall be done or placed or permitted to be done or remain upon the land in the conservation area, which in the opinion of the Council materially alters the actual appearance or condition of the land or is prejudicial to the land as a conservation area.*
2. *No native or exotic trees located within the Covenant areas shall be modified, felled, removed or replaced by other species or by a different mixture of species in the conservation area except with the previous written consent of the Council and such consent shall not be unreasonably withheld if the Council is satisfied that the work is in accordance with the purpose of the Covenant, PROVIDED THAT the following may be undertaken without the Council's consent.*

- (a) *The removal of dead or diseased trees.*

- (b) *Tree work carried out in accordance with sound arboricultural practice and which is necessary for the health and stability of the tree or the conservation area generally.*
- (c) *Enrichment planting using native flora.*
- 3. *There shall be no development or disturbance of soil on any of the said areas including but not limited to clearing, excavation, burning, filling and draining except as may be necessary for the due observance of the obligations set out herein and then only to the extent necessary.*
- 4. *The denoted conservation areas shall be kept free of stock by means of suitable stock-proof fences and the fences shall be maintained in good and substantial repair to the satisfaction of the Council. The fence shall be maintained to exclude stock at all times.*
- 5. *The land shall be kept free from all Total and Boundary Control Plant Pests pursuant to any provision of any pest management strategy under the Biosecurity Act 1993 and in particular as identified in the Taranaki Regional Council Plant Pest Management Strategy for Taranaki.*
- 6. *The Council, through its officers or agents, shall be permitted to enter at any reasonable time the conservation areas to determine whether the Covenant is complied with. Such entry shall be subject to prior written notification of any such visit or inspection.*
- 7. *The costs of the preparation, execution, registration and enforcement of this Consent Notice shall be borne by the applicant for the subdivision.*

DATED at New Plymouth this 7 day of March 2008

Signed by the said FRANK VERSTEEG )  
 Principal Administrative Officer )  
 of the New Plymouth District Council )

  
 \_\_\_\_\_

DM321821

## Appendix C: Application for additional 4-lots



**Consultants Ltd**

PO Box 8015  
New Plymouth  
ph: 06 759 1701  
fax: 06 759 1702  
mobile: 0274 573 953  
email: rhys@trmconsultants.co.nz

**RESOURCE CONSENT APPLICATION  
AND  
ASSESSMENT OF EFFECTS ON THE ENVIRONMENT**

**TAPUAE FARM PARK**

***Stage 3***

**TRM Consultants Ltd**

**And**

**Boffa Miskell Ltd**

**November 2005**

**Form 9**

**Application for Resource Consent**

*Section 88 Resource Management Act 1991*

**To: New Plymouth District Council**

**I, Washer Family Trust, 762 State Highway 45, RD 4, New Plymouth, apply for the following types of resource consent:**

*A land use consent to enable the subdivision of Lot 4 DP 9448 into two lots in the Rural Environment Area, as a non-complying activity.*

**The names and addresses of the owner and occupiers (other than the applicant) of land to which the applicant relates are as follows:**

*Not applicable.*

**The location of the proposed activity is:**

*762 State Highway 45 RD 4, New Plymouth. The legal description of the site is Lot 2 DP 20763. The site is located on the seaward side of SH45 between the Okurukuru Winery and the Tapuae Stream.*

**No additional resource consents are required for this activity.**

**I attach, in accordance with the Fourth Schedule of the Resource Management Act 1991, an assessment of environmental effects in the detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment.**

**I attach any information required to be included in this application by the district plan, the regional plan, the Resource Management Act 1991, or any regulations made under that Act.**

*Not applicable.*

As this is an application for a subdivision consent, I attach information that is sufficient to adequately define -

- (a) The position of all new boundaries; and
- (b) The area of all new allotments; and
- (c) The locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips; and
- (d) The location of any existing esplanade reserves, esplanade strips, and access strips; and
- (e) The location and areas of land below mean high water springs of the sea, or of any part of the bed of a river or lake, to be vested in the Crown or local authority under Section 237A of the Resource Management Act 1991; and
- (f) The locations and areas of land to be set aside as new roads.

.....  
 Signature of the applicant (or person authorized to sign on behalf of the applicant)

05/12/05  
 .....

Date

Address for Service  
 TRM Consultants Ltd  
 PO Box 8015  
 NEW PLYMOUTH

Phone: 06-759-1701  
 Fax: 06-759-1702

Contact person: Rhys Armstrong

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## Acknowledgements

The preparation of this resource consent application and Assessment of Effects on the Environment has been a joint effort between TRM Consultants Ltd of New Plymouth and Boffa Miskell Ltd of Auckland.

TRM Consultants Ltd has been responsible for the overall preparation of the consent application and AEE, and Boffa Miskell have carried out the landscape assessments and the preparation of the graphics that accompany the application.

The authores of the AEE wish to also acknowledge the valued input of the Washer Family Trust in the preparation of this document.

## 1.0 BACKGROUND

During 2001 an application was made by McKinlay and Co for an 18 lot subdivision on behalf of the Washer Family Trust. As a result of discussions between the applicant and Council this proposal was subsequently modified to include 20 lots. This amended proposal also included enhancements to the provision of esplanade reserves and strips, public vehicular access and parking, landscape integration and enhancement planting, together with improvements to the general layout.

Consent to that application was granted in September 2002.

Subsequent to that consent being granted the applicant made a further application in October 2003 for an additional 6 lots. This application followed the same format as the original application in order to demonstrate that the additional 6 lots fitted with the original concept.

Consent to that application was granted on 22 January 2004.

As a result of the implementation of the consents described above, the applicant has identified an additional 4 sites. This application contains an assessment of the effects on the environment of the inclusion of these sites within the overall concept for the subdivision, and against the original criteria adopted by the applicant to achieve an integrated "farm park" development.

## 2.0 DESCRIPTION OF THE FARM PARK SUBDIVISION

This proposal involves the following elements;

- 30 individual residential lots;
- 15 unfenced lots and 15 fenced lots;
- Balance access lot held in common at 1/30<sup>th</sup> share by each residential owner;
- Residents Association / body corporate management structure;
- Consent notices attached to titles, and conditional sales and purchase agreements.

The concept of the farm park subdivision is based on house sites being pre-located according to a range of predetermined criteria, including access. A small lot for individual ownership is established around each site. Some of these sites

are fenced for house with individual gardens, others, in order to retain the coastal character, are pegged but not fenced.

In the later case, houses are designed to enable land management and productive use (grazing) close to the house. The balance land, identified as an access lot is owned by the residents in equal shares. This enables a residents' association (body corporate) structure to be applied to jointly manage the land and access roads, to ensure foot or stock access is retained and to comprehensively plan and action revegetation programmes including riparian planting. The body corporate also manages areas covenanted for protection, including archaeological sites.

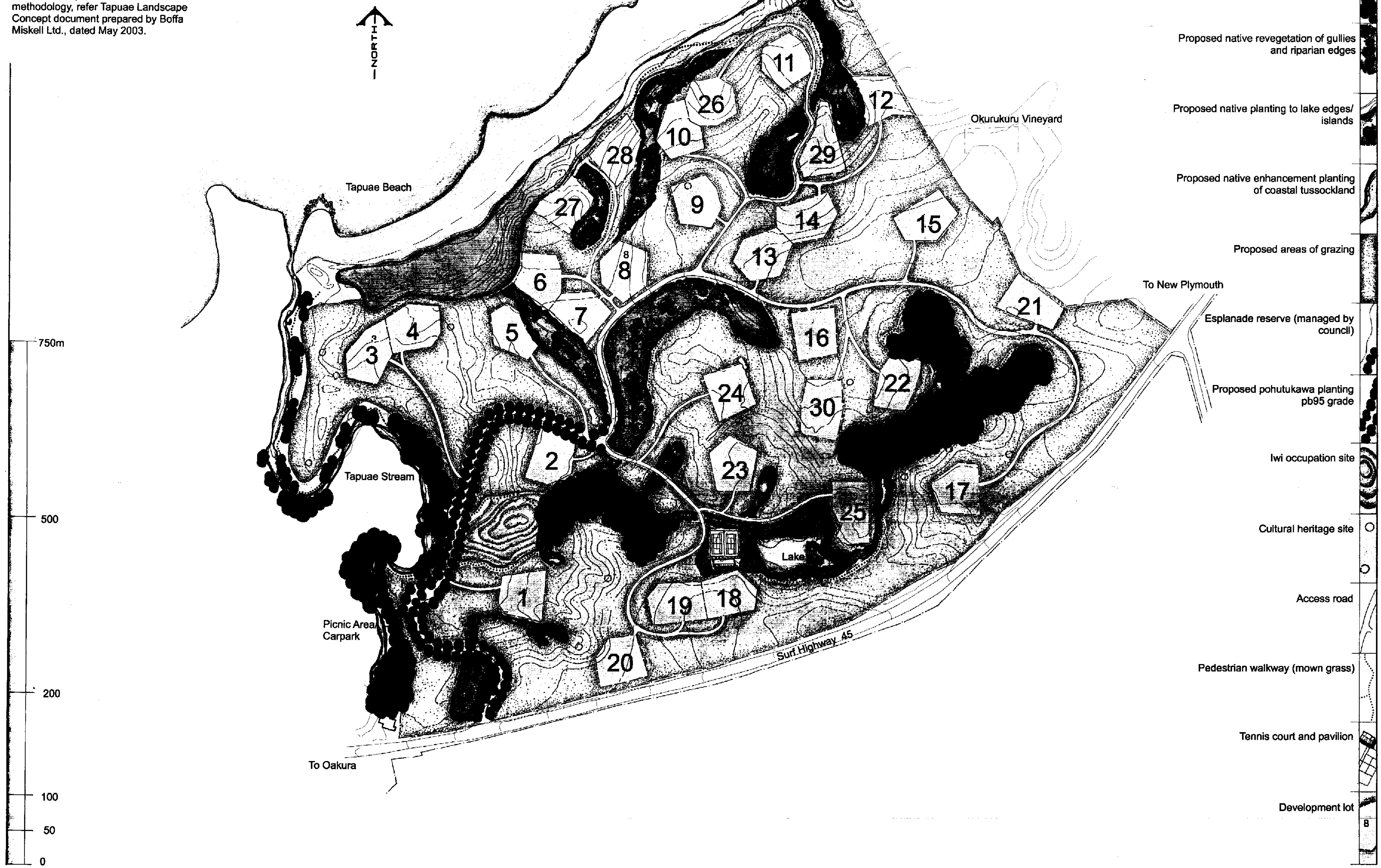
The criteria applied in pre-locating buildings within sites were:

- Maintenance of good views for residents;
- Sheltered where possible;
- Avoiding dominance of the public beach experience and/or controlling built form to complement the coastal landscape;
- Providing building locations which, if visible, can be read against landform or vegetation;
- Accessibility by roads which are not located on the northern side of the residence and which can be well integrated into the landscape;
- Location free from any archaeological sites; and
- Geotechnical stability.

The consent notices attached to the titles and the conditional sale and purchase agreements are critical to the delivery of the overall concept and the maintenance of the high environmental and amenity values inherent in the development.

These tools are important because they specify the relationship between the individual residents and the body corporate, establish design controls on any buildings erected on each lot, establish design controls on any landscaping on each lot, define the rights and obligations of residents in common, and establish restrictive covenants on the "access" (balance) lot in respect of protection of enhanced vegetated areas, protection of archaeological sites, and protection of wetland habitat areas.

**NOTES**  
For detailed species lists and methodology, refer Tapuae Landscape Concept document prepared by Boffa Miskell Ltd., dated May 2003.



- Existing vegetation retained and protected - native enhancement planting as necessary
- Proposed native revegetation of gullies and riparian edges
- Proposed native planting to lake edges/islands
- Proposed native enhancement planting of coastal tussockland
- Proposed areas of grazing
- Esplanade reserve (managed by council)
- Proposed pohutukawa planting pb95 grade
- Iwi occupation site
- Cultural heritage site
- Access road
- Pedestrian walkway (mown grass)
- Tennis court and pavilion
- Development lot

**Boffa Miskell**  
 Level 3, IBM Building, 82 Wymotham Street PO Box 91250 Auckland  
 Tel: 04-99-359-2529 Fax: 04-99-359-5300 Web: www.boffamiskell.co.nz

**TAPUAE FARM PARK CONCEPT**  
 Figure 1: Landscape Plan

Job No: 05306  
 Date: 22/11/2005 Revision: B  
 Scale: 1:2500 (A1) 1:5000 (A3)

### 3.0 KEY BENEFITS

The key benefits of this approach are as follows;

- An integrated approach to the provision of public access to the Tapuae Stream and the foreshore;
- A consistent approach throughout the development to landscape enhancement, riparian vegetation, wetland enhancement and catchment management.
- Consistency in land use, landscape enhancement and land management practices;
- Covenanting and protection of key archaeological sites and existing areas of indigenous vegetation for protection;
- Fixed building locations and no further subdivision within the overall development or of individual sites.

### 4.0 DESIGN CONTROL FOR BUILDINGS

Dwellings and associated structures will be subject to design controls aimed at enhancing the quality of the existing elevated coastal environment through the careful insertion of buildings with attention given to scale, siting, form and materials. These design controls will be secured by consent notices on each residential title.

On inner rolling hill and valley locations with internal or extensive rural and mountain views, the integration of buildings is less sensitive.

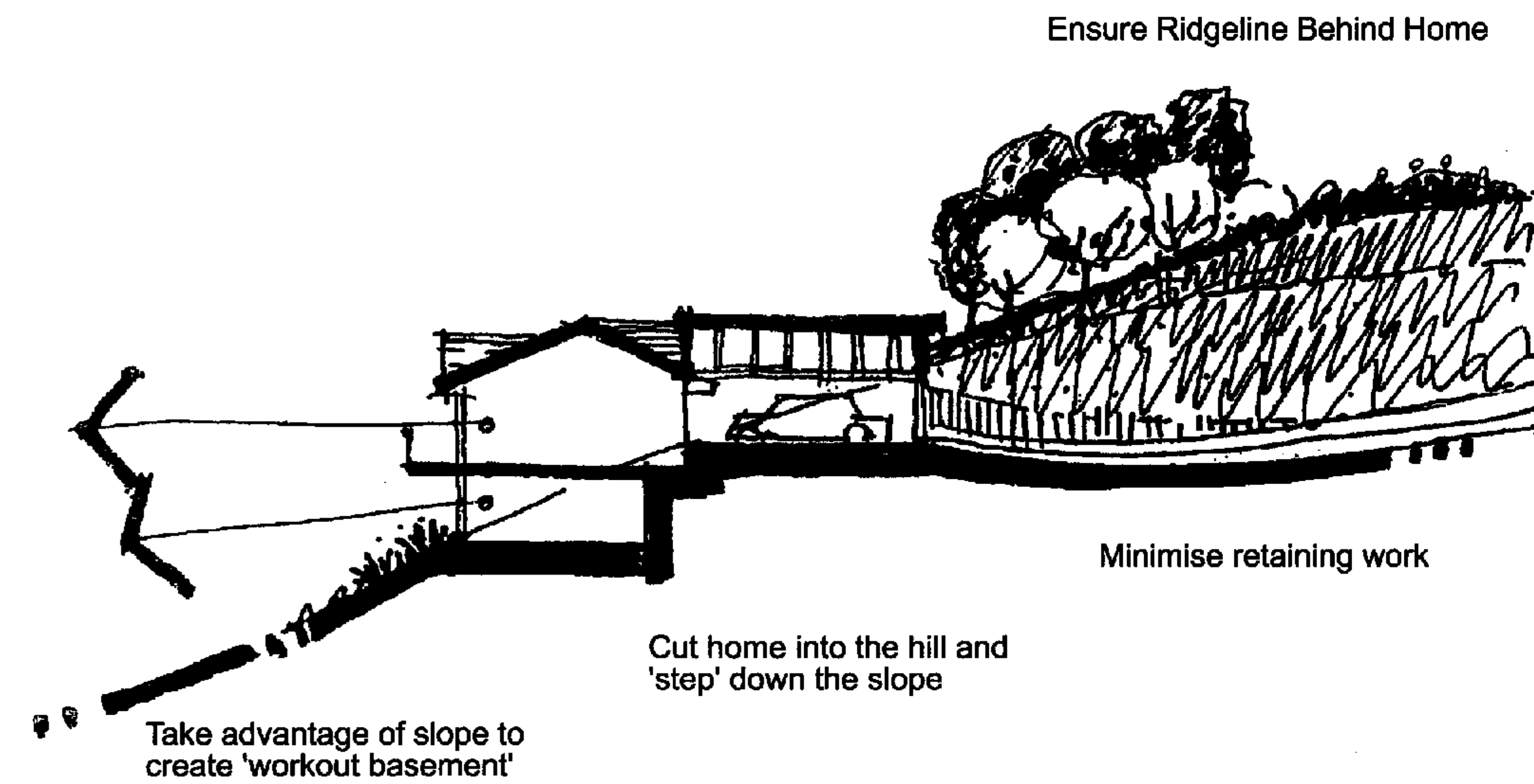
The key design principles are set out below.

#### **Siting**

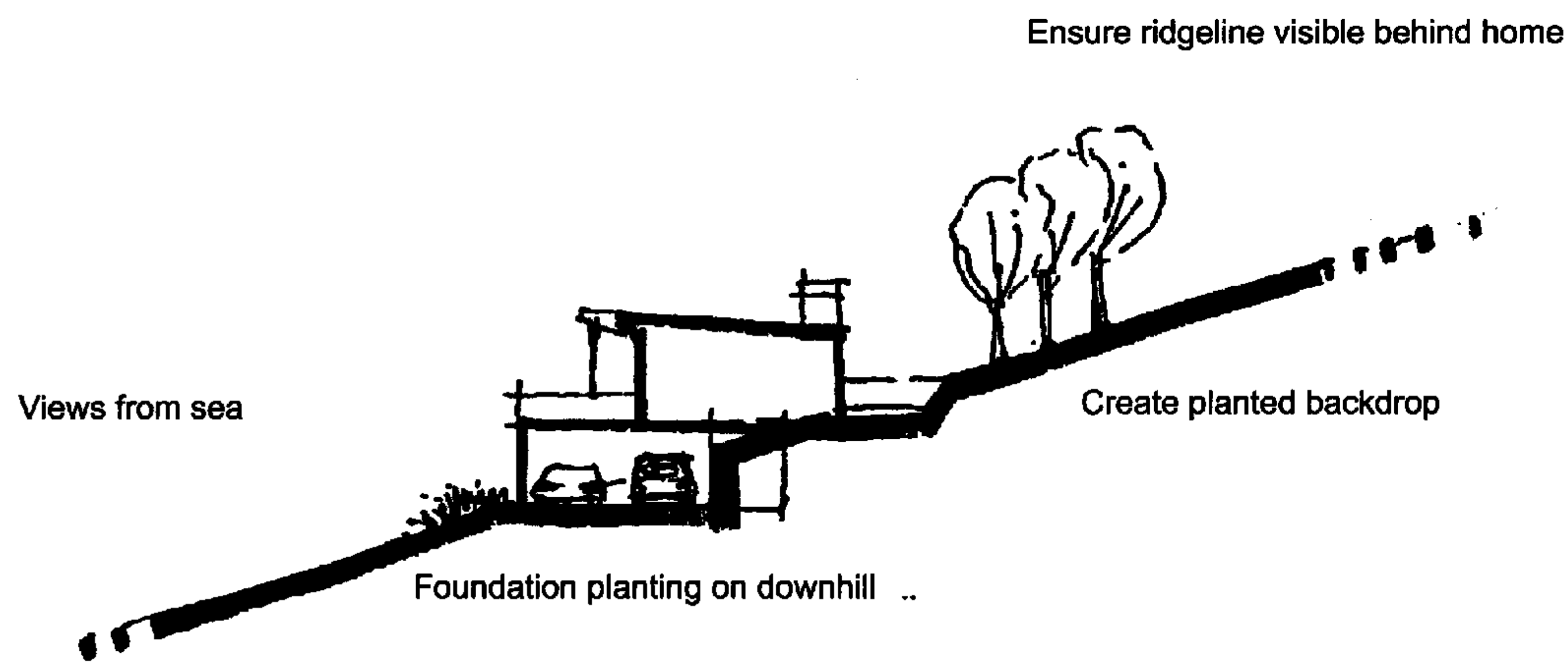
Building sites have been chosen to allow the building to be “placed” in the site, rather than on it. This ensures that building silhouettes are generally seen against a natural landform and that buildings are protected from weather extremes.

Site development around buildings in elevated coastal locations will be constrained to provide a continuity of the coastal landscape and vegetation in preference to the demarcation of discrete lots. Much of the area can be progressively enhanced with appropriate coastal tussock which can in turn be grazed. Buildings on flat or low slope sites will be limited to long, low single floor structures in unobtrusive locations.

NOTE: Indicative Roof Lines.



House Type A - below promontory sites



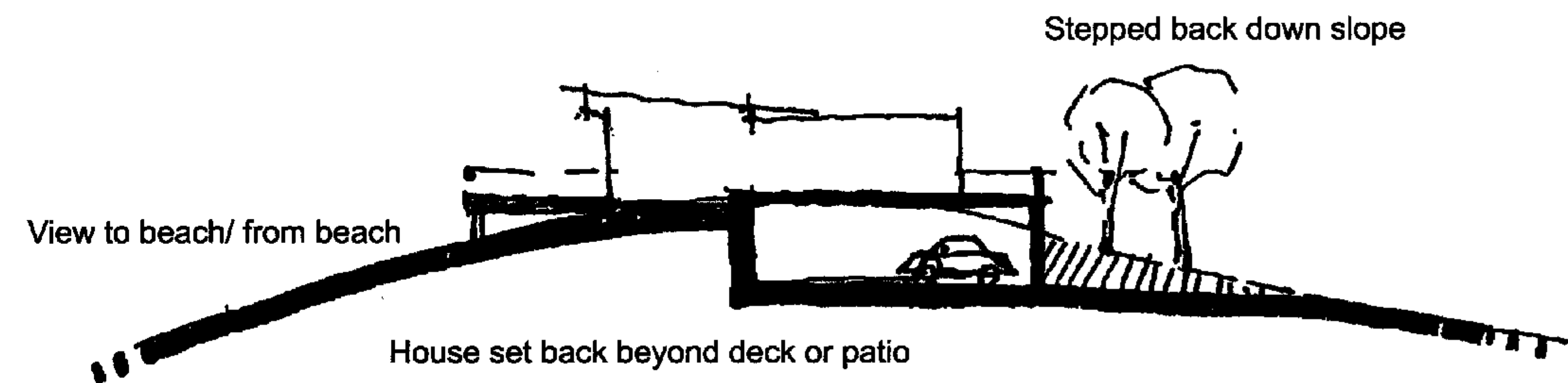
House Type B - Steeper Cross- slope sites

Low pergolas and bay windows help to reduce the visual bulk and scale of larger homes

Create interesting building silhouette by varying roof forms, ridge heights



House Type C - Low slope sites  
(Single floor houses on flat or low slope sites)



Type D - Building up to prominent landform  
stepped back down slope

'Enclosure Option'

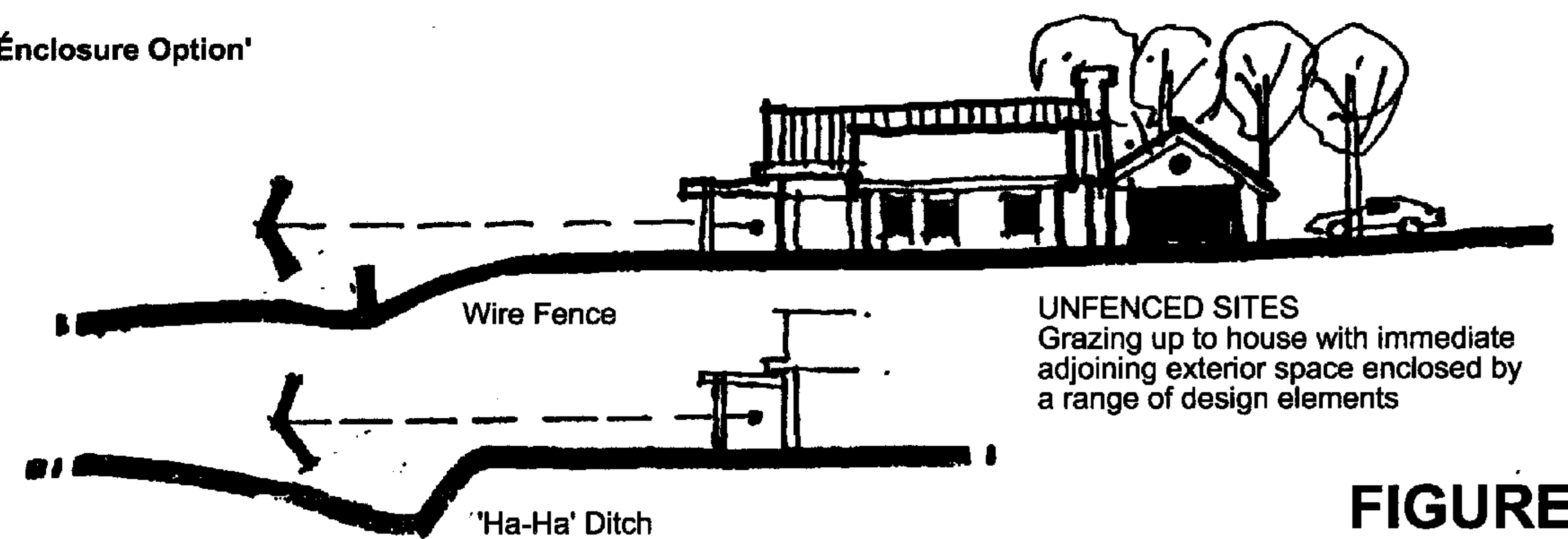


FIGURE 2  
HOUSE TYPES



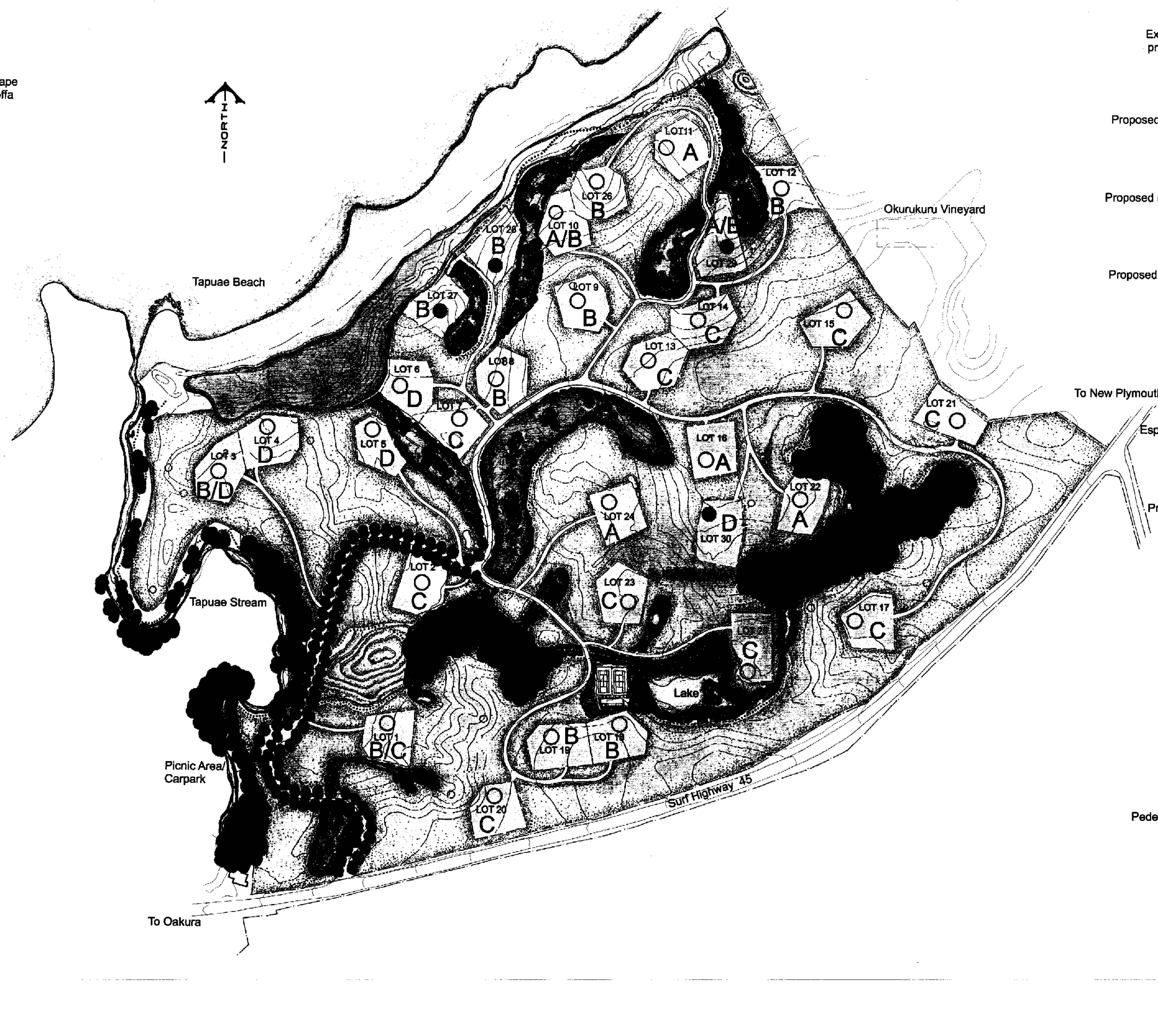
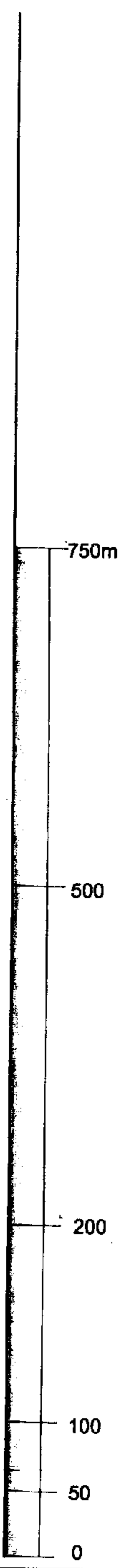
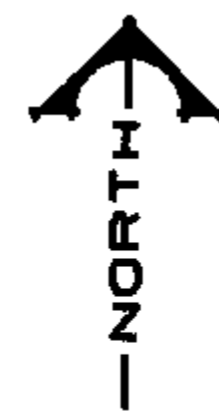
Level 3, IBM Building, 82 Wyndham Street PO Box 91250 Auckland  
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TAPUAE FARM PARK  
Washer Family Trust  
Typical Cross Sections

Job No: 05306  
Date: 19/10/2005 Revision: -  
NOT TO SCALE

U:\Auckland\2005\05306 (PK) Washer Tapuae Stage 3\CAD\05306\_typical crosssections.dgn © Boffa Miskell Limited 2005

NOTES  
For detailed species lists and methodology, refer Tapuae Landscape Concept document prepared by Boffa Miskell Ltd., dated May 2003.



- Existing vegetation retained and protected - native enhancement planting as necessary
- Proposed native revegetation of gullies and riparian edges
- Proposed native planting to lake edges/islands
- Proposed native enhancement planting of coastal tussockland
- Proposed areas of grazing
- Esplanade reserve (managed by council)
- Proposed pohutukawa planting pb95 grade
- Iwi occupation site
- Cultural heritage site
- Access road
- Pedestrian walkway (mown grass)
- Tennis court and pavilion
- Development lot

TAPUAE FARM PARK CONCEPT  
Figure 3: Typical House Types Plan

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Drg. No: 05306  
Date: 22/11/2005 Revision: B  
Scale: 1:2500 (A1) 1:5000 (A3)

Sites which are in rolling hill and valley locations and generally fenced for private use would have up to two storey stepped buildings integrated with the contour and vegetation.

### **Scale**

Scale for buildings is derived from the landform, views to and from the beach and public areas and the way in which access can be established to the building site within minimal adverse visual effects.

The design guidelines will encourage three basic building forms to ensure that integration can be achieved in scale to complement the landform. The three types are illustrated in the Figure on page 6. The Figure non page 7 shows the typical house plans matched to individual lots.

### **Form**

Buildings are intended to be simple forms that are derived from the rural tradition of farm buildings – the shed, barn and farm cottage. The buildings will use a roof slope between 15 and 40°, in a mono pitch, hip or gabled form. Roof slopes will be consistent with the nature of the land and the inclination of the ridges that form the horizon. Roofs will generally have eave overhangs to provide shelter and to ensure larger areas of glass are seen in shade rather than as reflecting surfaces.

There will be preference for elongated rather than square plan proportions in keeping with the farm building models. Exterior walls will generally be straight planes with few projected elements.

Buildings will be designed parallel with the contours to minimise cut and fill (and associated visual effects).

### **Materials**

The range of materials used on buildings, particularly in coastal locations, will be limited to those that may be used with the minimum of applied finish, buildings generally being coloured by the natural patina developed over age.

External materials will thus be limited to:

- Natural stone (particularly around lower elements of the buildings);
- Lime washed solid plaster;
- Earth brick;
- Cast concrete;
- Timber; and

- Powder coated corrugated zincalume.

Roofing will be limited to:

- Timber shingles;
- Natural slate;
- Copper;
- Textured bituminous membranes in tile form; and
- Long run non-reflective metal roofing including powder coated corrugated zincalume.

Other external components will be limited to:

- Metal stormwater systems e.g. copper, powder coated metal; and
- Selected use of a range of powder coated exterior window joinery and stormwater systems in a range of colours matching local flora.

These design criteria will be developed into “design guidelines” and incorporated into sale and purchase agreements and covenants on titles. Residential designs which respond to these guidelines will be approved by the Residents Association. The guidelines will be provided to Council for comment.

## **5.0 THE ADDITIONAL LOTS**

### **Proposed Lots 27 and 28**

Both Proposed Lot 27 and Proposed Lot 28 are located within the centre of the coastal edge of the wider subject site. Access to these two new lots is via an existing (consented) access to Lots 12-14, requiring the upgrade of an existing farm track beside a coastal gully that is to be revegetated. Plant material is already available in the on-site nursery and will be planted out in March 2006.

These two sites are generally of a lower contour (within a basin landform) than Lots 6-8 (to the south) and Lots 9-10 (to the north), hence having a degree of separation. However they are within the same visual catchment (when viewed from the beach), therefore remaining consistent with the wider farm park’s “cluster” concept. That is, while it is acknowledged that these two lots are visible from the beach environment, the associated houses will be seen in relation to the immediately adjacent consented lots of either Lot 6 or Lot 7 (when viewed from the north) and Lot 10 (when viewed from the south).

Both Proposed Lot 27 and Proposed Lot 28 are located on relatively steep land, therefore house "Type B" is proposed to be utilised, allowing for planted backdrops to houses with additional planting on the downhill slope to help integrate built form into this rural coastal landscape. The house sites on these two proposed lots have been located to ensure there is a ridgeline visible behind each house.

Proposed Lot 27 has a view north-eastward towards Paritutu and the Sugarloaf Islands while Proposed Lot 28 has an outlook towards the west over the ocean. Vehicular access to these two house sites is possible without incurring adverse visual effects on the landscape given the utilising of the existing farm track, plus implementation and associated maintenance of the gully revegetation will further assist with the integration of the new built form. The well-vegetated coastal esplanade strip in the vicinity of these two house sites is an additional "softening" element to any new built form in this vicinity, as is the continued farming of the balance of the property in and around Lots 6-8, Lots 9-10 and the Proposed Lots 27-28 in this locality.

In addition to the above, the added level of design control over buildings, as discussed in Section 4.0 of this AEE, provides a level of security for Council (and the body corporate) when the time comes to approve built form on these proposed lots.

Based on the above, it is considered that the additional two lots in this location will not represent a cumulative landscape and visual effect (noting that the viewing audience is limited to beach users) or an adverse effect on natural character values given the wider context and overall improvements to the subject site as a whole.

Figures 1 and 2 show indicative visual simulations of the possible built form on Proposed Lots 27-28 when viewed from the beach.

### **Proposed Lot 29**

Similarly to the above discussion, Proposed Lot 29 is located within the coastal edge of the wider subject site, however nearer the northern extent. While this proposed lot has a westerly outlook towards the ocean, it is set back so as not to be visible from the beach.

Access to this proposed lot is via the existing (consented) access to Lots 19-20 and therefore requires no new roading construction.

A house on this proposed lot will be seen in context with houses on the consented Lots 12 and 14 given the contour of the land (another basin landform) and will be integrated into the wider site by the gully revegetation that has already been

planted and which will eventually enclose this property when viewed from the ocean.

It will be possible to provide additional vegetation as a backdrop to this house site which is envisaged to be of either house "Type A" or "Type B" as a fenced property.

Given the limited visual catchment of this site (being only visible from the sea and not the beach) and the "cluster" relationship with the consented Lots 12 and 14, it is considered that this proposed lot will not represent a cumulative landscape and visual effect. Further the separation from the coast will not adversely affect natural character values.

Based on the above discussion, no visual simulation of typical housing on this lot is considered to be required.

### **Proposed Lot 30**

Located at the top of a southward sloping bank, adjacent consented Lot 26, Proposed Lot 30 has extensive views towards Mt Taranaki with a glimpse view of the ocean available in the west.

An existing BCL translator is currently located above and back from this site and this is anticipated to be relocated (pending further ongoing negotiations) from where it is currently dominating the landscape at a high point on the property. In the interim, the tower provides a good landmark to visualise the location of the proposed lot.

Key views towards Proposed Lot 30 are from State Highway 45 when travelling north-eastward into New Plymouth.

Two visual simulations have been prepared, one when looking towards the site from a location south of the surfboard workshop and the second from a viewpoint directly opposite the lake.

From both viewpoints, an indicative house on the proposed lot is seen in context with the consented houses but at a slightly lower elevation and without breaking the ridgeline. It is considered that, while being visible from the highway, this proposed house site will be well integrated with the balance of the property and will not represent a cumulative landscape and visual effect – noting that a house "Type D" without fencing is proposed for this lot.

Vehicular access from the main internal "spine" access road to this proposed lot is achievable on the already consented driveway that will also access lot 22 and will not incur adverse landscape and visual effects when viewed from the highway given the relatively flat contour in this part of the balance lot that is not visible from the road.

In addition to the above, the added level of design control over buildings, as discussed in Section 4.0 of this AEE, provides a level of security for Council (and the body corporate) when the time comes to approve built form on this proposed lot.

## **6.0 ROADS AND SERVICES**

The implementation of the current consents has resulted in the formation of an internal roading network. The first component of that network is the intersection with SH3 and the public road down to the main entrance to the development and the public car park. This length of road vests in Council.

The balance of the internal roading network has already been consented. The second consent granted in January 2004 provided for some widening of the internal road to accommodate additional traffic movements from the 6 additional lots. It is not anticipated that any additional road widening will be required to provide for the 4 additional lots in this application.

Proposed Lots 27 and 28 will be accessed by widening an existing farm track down the northern side of the gully below lots 6-8. Only minimal earthworks will be required and will be compensated for by the extensive planting proposed along the cut face of the road and down the gully, which has a small spring at its head. Access to proposed Lot 27 will be over a culvert at the foot of the gully.

Proposed Lot 29 sits just off to the northern side of the road servicing lots 11 and 26. Access to this lot is therefore relatively straightforward.

Proposed Lot 30 will get its access off the track servicing Lot 22, which in turn connects to the main internal road running through the middle of the site.

All new roading will be constructed to the same high standard as the current roading network, which is now complete.

All utility services to each of the additional lots will be laid underground. The water supply system has sufficient spare capacity to be able to meet the demand of the 4 additional lots.

## **7.0 PLANTING**

### **Rehabilitation Planting**

Rehabilitation planting has already formed a significant component of the implementation of the current consents. This has proceeded either as an extension and consolidation of existing indigenous vegetation, or substantial areas of new

planting on steeper faces or in wet gullies. Rehabilitation planting is a core component of the farm park concept and provides a visual amenity framework to many of the sub-catchments on the site, particularly the small spring fed gullies throughout the site.

The inclusion of the 4 additional lots will have no impact on any of these areas of rehabilitation planting.

### **Amenity Planting**

Amenity planting is proposed using a mixture of indigenous and selected exotic species throughout the site. An objective of this planting is to backdrop residences and provide screening and protection for general site enhancement.

### **Landscape Plan**

The landscape plan required under the current consent conditions is reproduced in the Figure at page 4 (Concept Plan) to include the additional 4 lots.

## **8.0 CONSULTATION**

The applicant has decided in this instance not to undertake any specific consultation with potentially affected persons, for the following reasons:

- Council officers have indicated that the application will be publicly notified, therefore obtaining affected persons consents has a diminished value in terms of limiting the scope for submissions on the application;
- Potential adverse effects on the immediate neighbours to the site are considered *de minimis*, primarily because all but one of the sites are not visible from adjacent properties or SH 3.
- None of the additional sites are anywhere near the sites of significance to tangata whenua identified through the exhaustive consultation process undertaken with tangata whenua in the prior applications for consent.
- It would be unreasonable to expect the applicant to consult with those people who might infrequently access the beach from the Tapuae River mouth and walk along the beach.

## **10.0 DISTRICT PLAN OBJECTIVES AND POLICIES**

The key objectives and policies of the New Plymouth District Plan in respect of this proposal are set out below;

### ***Objective 4***

*To ensure the subdivision, use and development of land does not adversely affect those elements that define the rural character while recognising the diverse nature of rural land and rural land uses.*

### ***Policy 4.1***

*Subdivision within the rural environment should not adversely affect the open space or visual elements of rural character.*

### ***Policy 4.2***

*Activities should be designed, located and/or of such a density that the visual and open space characteristics of rural character are maintained.*

### ***Policy 4.3***

*Vegetation should be retained and planted to maintain and enhance rural amenity.*

### ***Policy 4.5***

*Activities within the rural environment should not generate traffic effects that will adversely affect rural character.*

### ***Objective 14***

*To preserve and enhance the natural character of the coastal environment, wetlands, and lakes and rivers and their margins.*

### ***Policy 14.1***

*The natural character of the coastal environment should not be adversely affected by inappropriate subdivision, use or development and should where practicable be restored and rehabilitated.*

(For the purposes of Policy 14.1 the whole site falls within the COASTAL POLICY AREA, but does not form part of a SIGNIFICANT COASTAL AREA as defined by Appendix 19).

### ***Objective 15***

*To protect and enhance OUTSTANDING LANDSCAPES and REGIONALLY SIGNIFICANT LANDSCAPES within the District.*

**Policy 15.2**

*Subdivision, use and development should not result in adverse visual effects on, and should enhance, where practicable, the following REGIONALLY SIGNIFICANT LANDSCAPES;*

- *Coastal terrace between Mohakatino and Whitecliffs;*
- *Sugar Loaf Islands and Paritutu; and the following RIVER mouths;*
  - *Mohakatino*
  - *Tongaporutu*
  - *Mimi*
  - *Urenui*
  - *Onaero*
  - *Waiongana*
  - *Tapuae*
  - *Haungatahua (Sony)*

**Objective 16**

*To sustainably manage, and enhance where practical, indigenous vegetation and habitats.*

**Policy 16.2**

*Land use, development and subdivision should not result in adverse effects on, and should enhance where practical, the quality and intrinsic values of areas of indigenous vegetation and habitat.*

## **11.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS**

### **The Landscape Character of the Site**

Landscape and visual effects are measured in the context of the natural character of the surrounding rural and coastal environment. The landscape character of the site has been assessed in some detail in the site planning and landscape analysis undertaken in the original application prior to December 2002, and re-evaluated against the 26 lot proposal in October 2003.

The site is grazed and is characterised by rolling to steep land, which generally rises from the State Highway and then falls by a series of broken valleys to the coastal escarpment. To the south the site is bounded by the meandering alignment of the Tapuae Stream. The mouth of the stream is the focal point of access to the foreshore, and the area around the stream mouth has traditionally been an important local area for picnicking and use of the coastal environment.

The coastal escarpment is an important landscape feature rising to some 50m in elevation. The escarpment is dissected by small gullies generally fed by ephemeral springs which drain to the coast.

Through the eastern side of the site and generally parallel to the State Highway is a valley, which contains springs, wetland areas and a stream that forms a tributary of the Tapuae. Within this valley there are areas of remnant indigenous bush and wetland vegetation.

A high central plateau is located in the centre of the site with a distinctive change to steeper land falling away at the heads of valleys, particularly in the south and east.

Several farm tracks are located through the site and in most cases these have been used to form access to residential sites. As a consequence of the current consents additional farm tracks and new fencing layouts have been installed.

From many higher locations there are extensive long coastal views sweeping from the south to the north where Paritutu and the associated Sugarloaf Islands are prominent landmarks. The sweep of the view is structures in turn by the coastal foreshore itself. These higher locations can often encompass outstanding views of Mount Taranaki itself to the east.

Lower locations have more internal views towards the streams or valleys.

### **Rural Character in Relation to the Site**

This site has a predominantly rural character in a coastal setting. The combination of its topography, soils, and exposure to the predominantly westerly winds has resulted in a long history of grazing use, in the latter years as a bull farm. The farm park concept utilises the rural character and seeks to integrate the new residential activity into the site without losing rural character.

This is consistent with the criteria listed at Page 31 of the District Plan which refers to amongst other criteria;

- *Spacious areas of pasture or open space used for grazing stock [ ];*
- *Low density, widely spaced built form of a predominantly production orientated nature such as farming or storage sheds, stock yards and houses);*
- *A road transportation network of mainly narrow roads (un-kerbed) with low traffic levels, and some state highways with higher traffic levels;*
- *Farm animals;*
- *Areas of vegetation, such as pasture, crops, forest and scrub (in a natural state or managed, indigenous and/or exotic, riparian margins of streams, lakes or wetlands, stands of trees, shelter belts or gardens;*
- *[ ];*
- *[ ];*
- *a generally highly modified and managed landscape, including the widespread use of machinery and chemicals to control and enhance plant and animal growth and production.*

The District Plan identifies the greatest threat to rural character as being “*..the use of land for intensive residential, commercial or industrial uses. Such development could result in a loss of spaciousness, alter the built environment, reduce pleasantness { } and have implications for infrastructure and servicing.*”

The District Plan goes on to identify the risks associated with the fragmentation of the generally large allotments found in the rural sector. As traditional rural practices have been the predominant rural land uses in the past, large allotments have created a dominance of open space over built form, and it is this feeling of spaciousness that provides the basis for rural amenity.

The District Plan also notes that visual amenity can be adversely affected by activities that reduce the spatial environment, increase the density of built form or

reduce visual factors such as vegetation or landform. Excavation and filling activities and the clearance of vegetation may also affect visual amenity. Large scale earthworks can have adverse effects on the visual amenity of rural areas unless or until rehabilitation of the land takes place.

The two consents obtained to date for Tapuae Farm Park essentially acknowledge the following;

- Rural character is maintained by the continued management of the balance lot as a working farm, with drystock grazing (heifers) interspersed with the individual residential lots;
- The built form is low density, widely spaced, although predominantly residential in purpose. Each dwelling however, is subject to design criteria that focus on design elements that typify rural dwellings, both in terms of their built form, and materials and finish;
- The internal road transportation network is synonymous with the description in the District Plan although it is kerbed to achieve proper stormwater control on steep land;
- The site has a diverse vegetative cover, predominantly in pasture, but with areas of indigenous bush and wetland vegetation in valleys and small gullies, and along the margins of the Tapuae Stream;
- It is a generally highly modified and managed landscape, but not simply in respect of traditional farming practices. It is considered that this degree of additional modification can be absorbed by the landscape, particularly given its topography.

The key issue is whether or not the additional four lots proposed in this application, either individually or collectively, create cumulative effects on the rural and coastal environment which “tip” the farm park over some threshold from being absorbed and integrated into the environment, to a situation where the “carrying capacity” of that environment is compromised.

#### **Coastal Character in Relation to the Site**

The District Plan notes that the degree of natural character remaining in the coastal environment is determined by the extent to which key elements of the natural character have been modified by land use. In the case of Tapuae, farming activities have been undertaken up to the coastal margin, and up to the riparian margin of the Tapuae Stream.

Where indigenous vegetation has been retained, it has generally been because it is impractical for farming activity to be undertaken, or where topography and terrain make stock and vehicular access difficult or impossible.

This is consistent with the District Plan, where the coastline is described as predominantly rural, dominated by pasture lands with pockets of bush, wetlands or other natural areas in reserves or riparian strips.

The current consents generally acknowledge the following factors in respect of the coastal environment;

- The natural character of the coastal environment in the vicinity of the site is characterised by a modified and managed environment predominantly given over to pastoral farming activities;
- The natural character of the coastal environment can be maintained or enhanced despite the placement of additional structures in the coastal landscape;
- The erection of structures can be offset by maintenance or enhancement of natural values, including the laying off of esplanade reserves protection of areas of indigenous vegetation, and remedial planting of areas within the coastal environment for remedial purposes or to provide a context to built form.

Again, the key issue is whether or not the additional four lots proposed in this application either individually or collectively create cumulative effects on the rural and coastal environment which “tip” the farm park over some threshold from being absorbed and integrated into the environment, to a situation where the “carrying capacity” of that environment is compromised.

#### **Effects on Rural Character**

The effects of the additional lots on rural character are confined to the effects of proposed lot 30, which sits in an area internal to the site on the change in slope from the upland area to the main valley running through the site, and with an exposure eastwards towards the State highway.

This site takes advantage of the proposed relocation of the Broadcast Communications Ltd antennae from the top of the upland area in the vicinity of Lot 16 to a site immediately adjacent to SH3 on a knoll east of Lot 18. This site is able to take advantage of the contour at the bottom of a small spur to minimise the visual effects of the built form.

*As noted in Section 5 above “... two visual simulations have been prepared, one when looking towards the site from a location south of the surfboard workshop and the second from a viewpoint directly opposite the lake.*

*From both viewpoints, an indicative house on the proposed lot is seen in context with the consented houses but at a slightly lower elevation and without breaking*

*the ridgeline. It is considered that, while being visible from the highway, this proposed house site will be well integrated with the balance of the property and will not represent a cumulative landscape and visual effect – noting that a house “Type D” without fencing is proposed for this lot.*

*Vehicular access from the main internal “spine” access road to this proposed lot is achievable on the already consented driveway that will also access lot 22 and will not incur adverse landscape and visual effects when viewed from the highway given the relatively flat contour in this part of the balance lot that is not visible from the road.”*

The rural character of the site as a whole will be enhanced by moving the BCL antennae to the edge of the site, which will enhance internal views within the site, and remove the antennae from the skyline when viewed from the access road off SH3 and from the esplanade strip along the Tapuae Stream.

It is therefore considered that proposed Lot 30 will not have adverse effects on the rural character of the site, and will not contribute to adverse cumulative effects on visual amenity (See Viewpoints 3 and 4 at pages 24 and 25).

#### **Effects on Coastal Character**

Proposed Lot 29 sits within an area defined by the landscape character analysis undertaken as part of the earlier applications as being in the coastal environment. However, the lot is located within a small valley leading down to the coast at the north-eastern end of the site.

This valley has been substantially planted out in rehabilitation planting, but also acts as the access to lots 11, 12 and 26. This site is somewhat unique in that the building site would not be readily visible from the upland sites behind it, or the coastal sites in front. The site is dominated by the surrounding topography, and has views out to the coast along the axis of the pa site at the coastal edge.

*As noted in Section 5 above, “...A house on this proposed lot will be seen in context with houses on the consented Lots 12 and 14 given the contour of the land (another basin landform) and will be integrated into the wider site by the gully revegetation that has already been planted and which will eventually enclose this property when viewed from the ocean.*

*It will be possible to provide additional vegetation as a backdrop to this house site which is envisaged to be of either house “Type A” or “Type B” as a fenced property.*

*Given the limited visual catchment of this site and the “cluster” relationship with the consented Lots 12 and 14, it is considered that this proposed lot will not represent a cumulative landscape and visual effect. Further the separation from the coast will not adversely affect natural character values.”*

It is not considered that proposed Lot 29 will have adverse cumulative effects on either rural or coastal character, or on the visual amenity of the site as a whole. Proposed Lots 27 and 28 sit below a cluster of lots, which sit on a gently sloping spur overlooking the coastal margin. Proposed Lot 27 sits in a small hollow, orientated in an easterly direction. Any dwelling on this lot would not be visible from the cluster of houses and lots above, due to the steep fall in slope. This lot is analogous to the existing lot 26 further to the east. It is elevated above the beach and would only be visible to people traversing the beach and walking in a south-westerly direction towards the Tapuae river mouth.

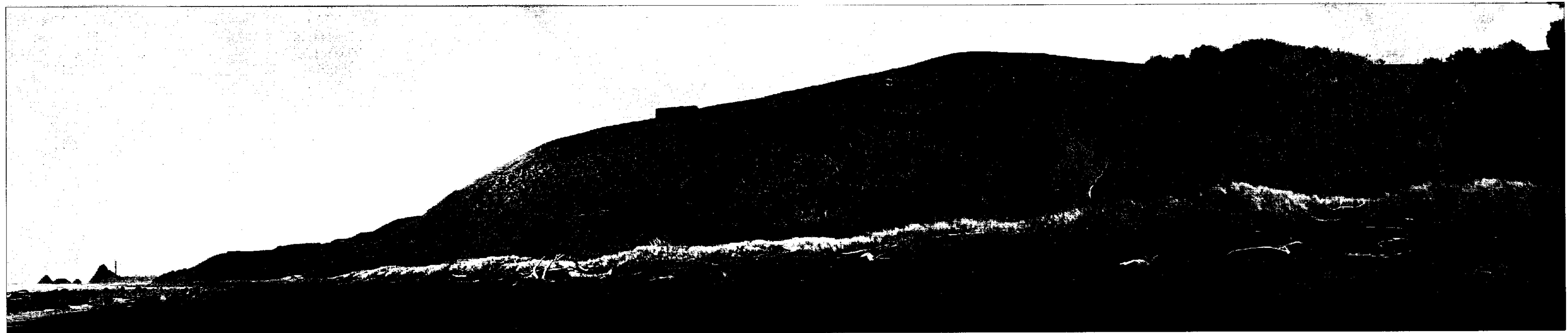
The visual simulations at pages 22 and 23 demonstrate the degree to which proposed Lot 27 and any resulting built form on that lot can be absorbed by the surrounding landscape. Viewpoint 1 is from the beach looking directly upslope into the site as a whole. The visual simulation shows the "consented" environment with the dwelling on Lot 16 barely visible upon the ridge to the northeast.

The second simulation demonstrates that the house site on proposed Lot 27 will be only marginally visible from the beach, due to the coastal cliff rising from the beach and the vegetation growing along the face of the cliff. All of this vegetation is protected by virtue of being within the esplanade reserve.

The visual simulation in Viewpoint 2 looks southwest along the beach, as if the viewer was walking towards the Tapuae River mouth. The house site on proposed Lot 27 is essentially hidden from view by the scarp at the top of the coastal cliff and the indigenous vegetation growing on the cliff face. This obscuring of the house site is maintained as the viewer walks along the beach, and once the viewer is parallel with the site, the eye is already being drawn to the far horizon beyond the Tapuae river mouth to Oakura and the headland at Ahu Ahu Road.

Proposed Lot 28 has a different set of characteristics, depending on the precise location of the house on the site. Viewpoint 1 indicates that the house site will not be obtrusively visible from the beach until the viewer is virtually parallel with the site and looking directly into the site. This is a transitory view for someone walking along the beach, and it is possible to de-emphasise the built form by enhancing the coastal landscape in the vicinity of the site.

It is proposed to extend the rehabilitation planting programme for the site to include the face of steeper faces immediately behind the beach and extending up into the gully behind proposed Lots 27 and 28. This planting will extend up to the stock track that runs around the upper part of the slope, eventually obscuring the small cut face of the track.

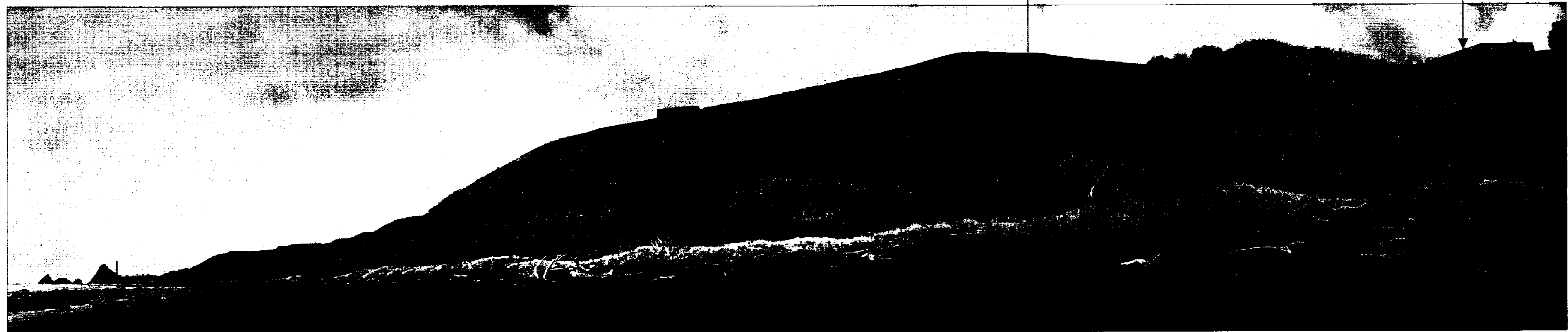


Consented

indicative house on  
consented lot 10

house site  
for proposed lot 28

house site for proposed  
lot 27 behind bush line



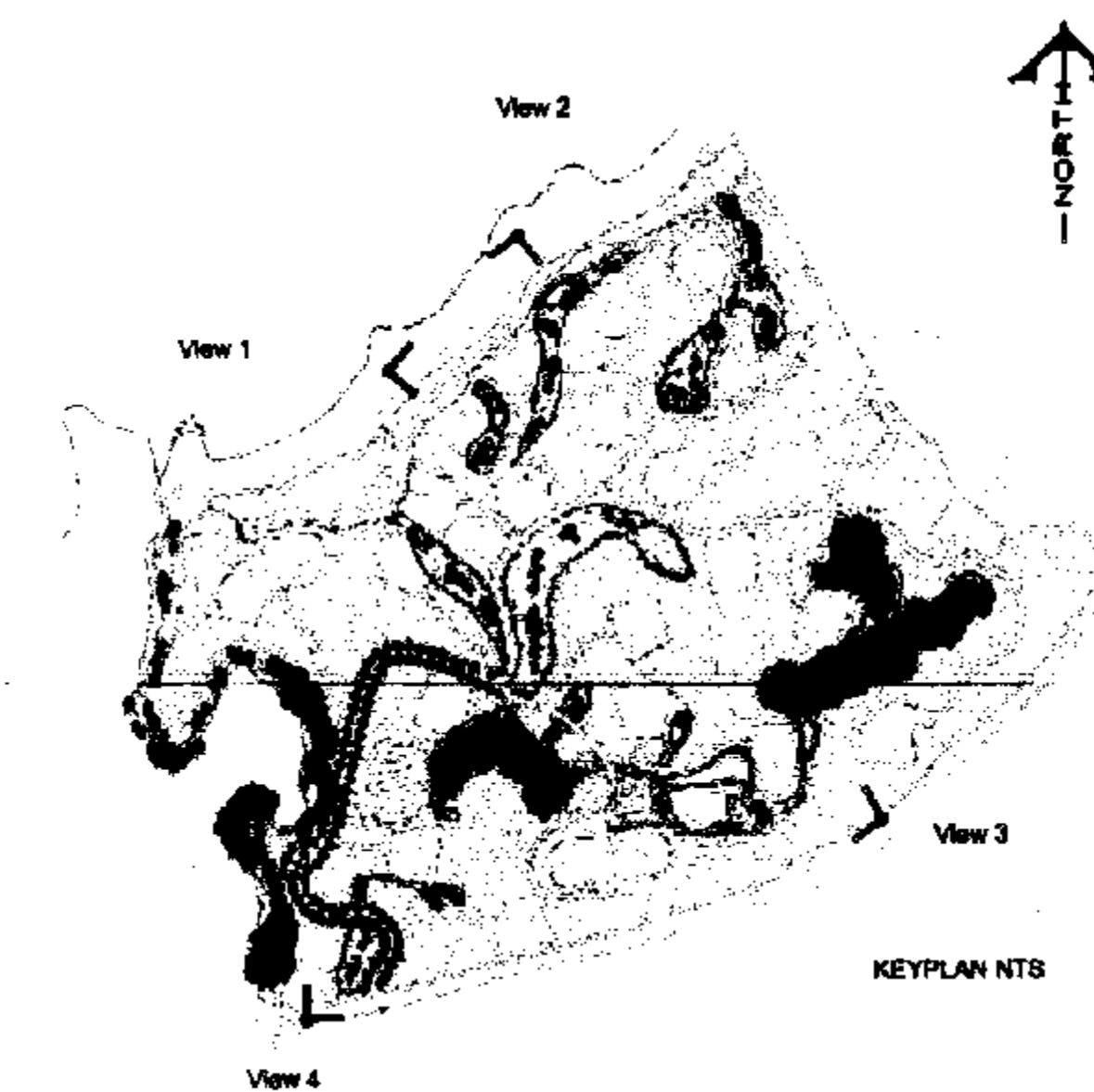
Proposed

Job No: 05306 Date: Nov 2005

Simulations are indicative only

Photographs taken with 50mm lens

Buildings highlighted by colour in visual simulations  
but in reality design and use of materials will encourage  
houses to be recessive - grey buildings are consented

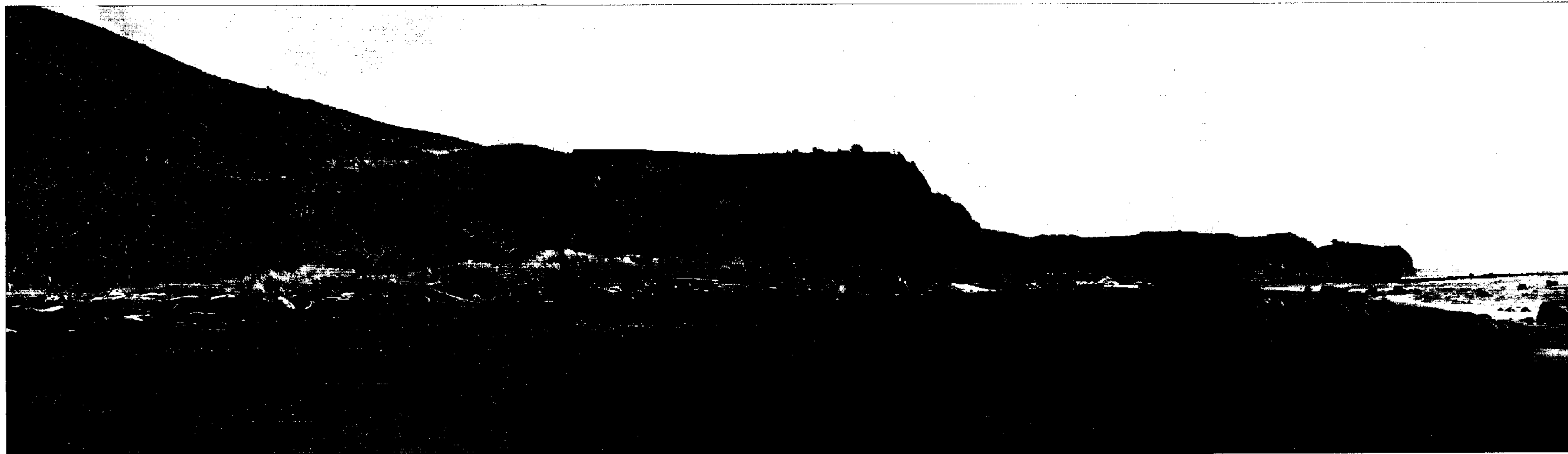


# TAPUAE

visual simulations  
Figure 4 - Viewpoint 1

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Level 5, IBM Building, 82 Wyndham Street PO Box 91250 Auckland  
Tel: 04-06-359-2520 Fax: 04-06-359-5300 Web: www.boffamiskell.co.nz

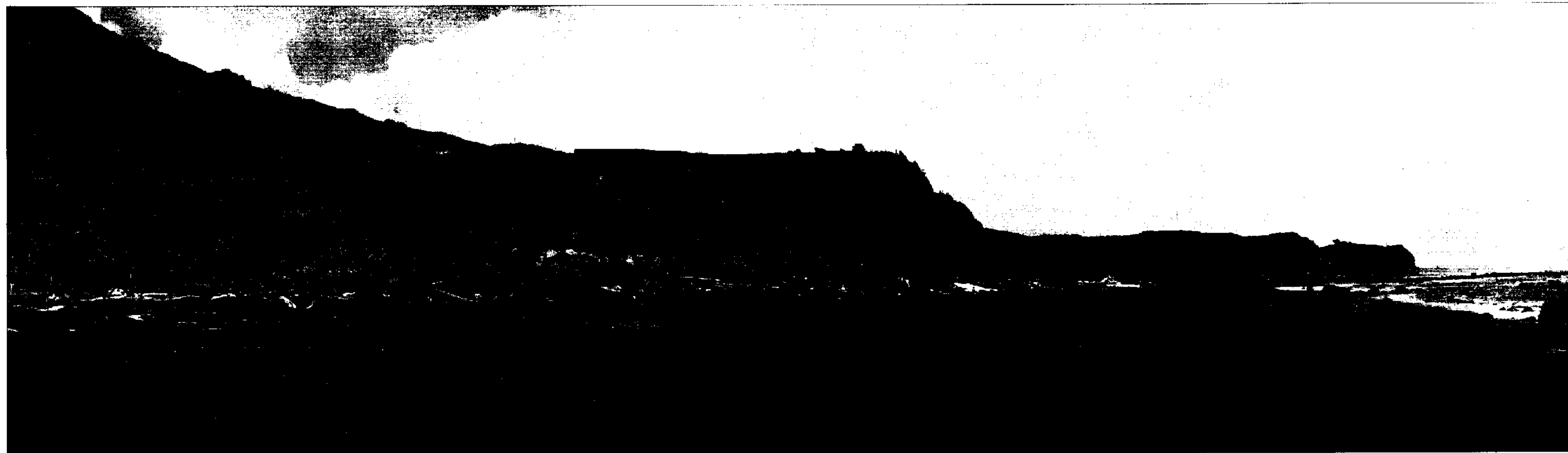
U:\auckland\05306\05306\_P10 Master Tapuae Regn SCAD\05306 Figure 4.dgn © Boffa Miskell Limited 2005



Consented

indicative house on  
consented lot 7

indicative house on  
consented lot 4



Proposed

house site for proposed  
lot 27

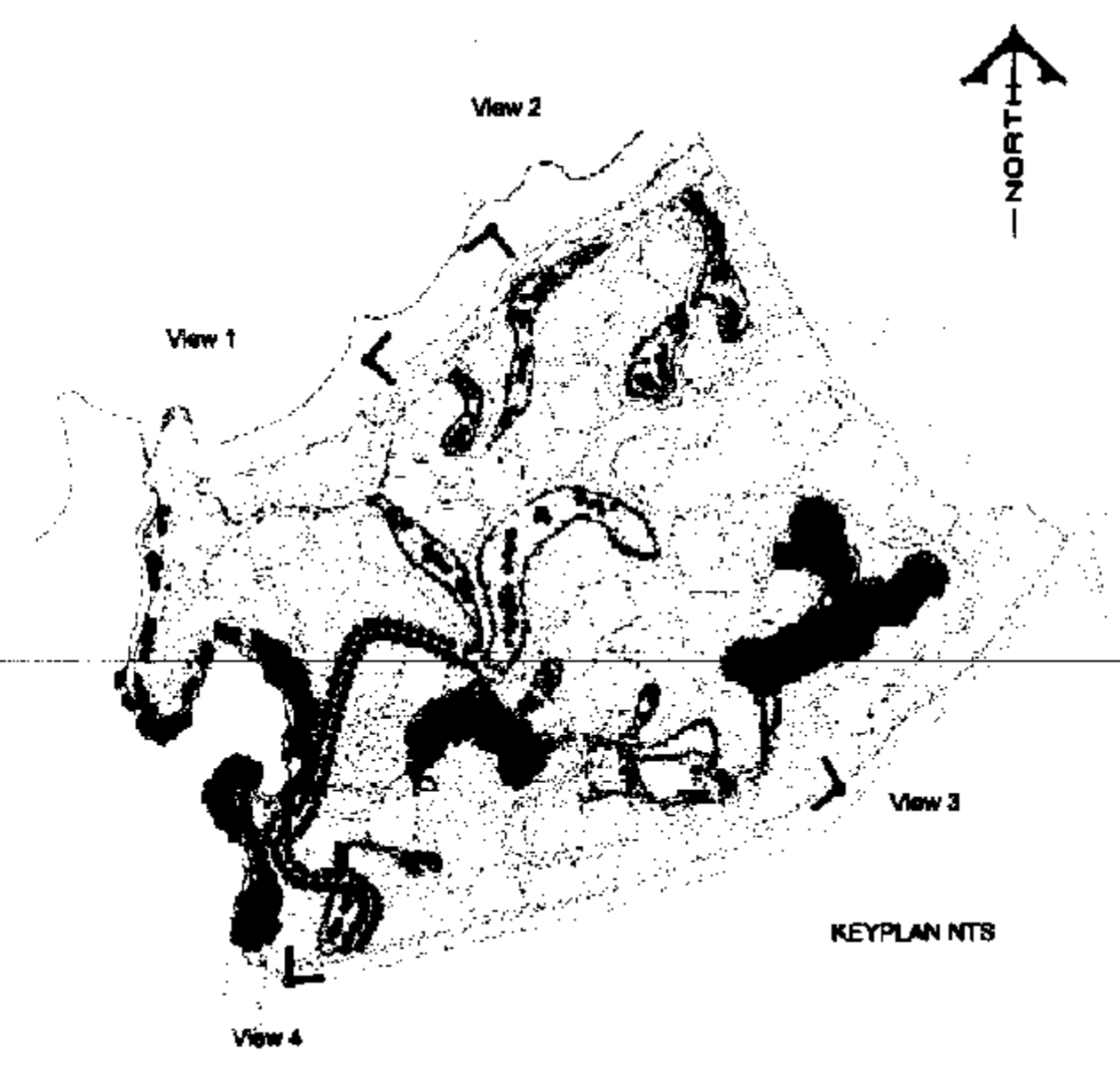
house site for proposed  
lot 28 behind vegetation

Job No: 05306 Date: Nov 2005

Simulations are indicative only

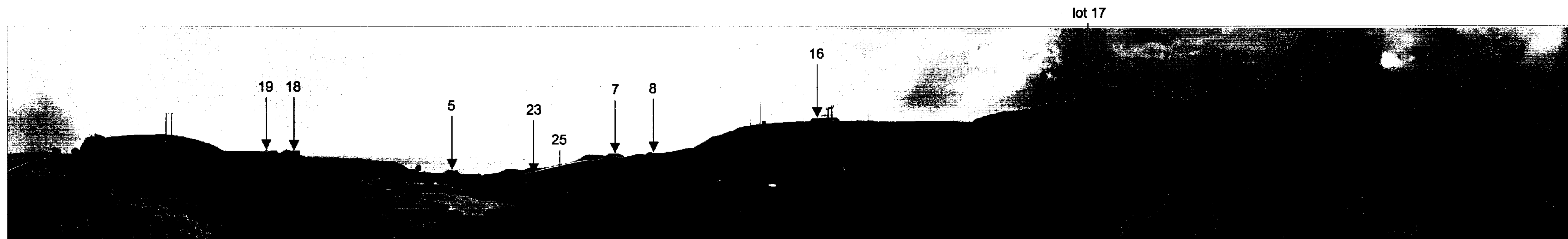
Photographs taken with 50mm lens

Buildings highlighted by colour in visual simulations  
but in reality design and use of materials will encourage  
houses to be recessive - grey buildings are consented

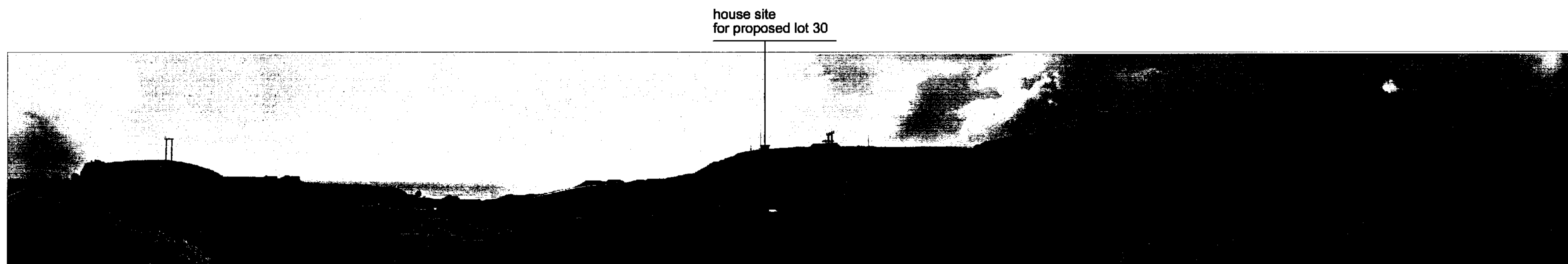


# TAPUAE

visual simulations  
Figure 5 - Viewpoint 2



Consented



Proposed

Job No: 05306 Date: Oct 2005

Simulations are indicative only

Photographs taken with 50mm lens

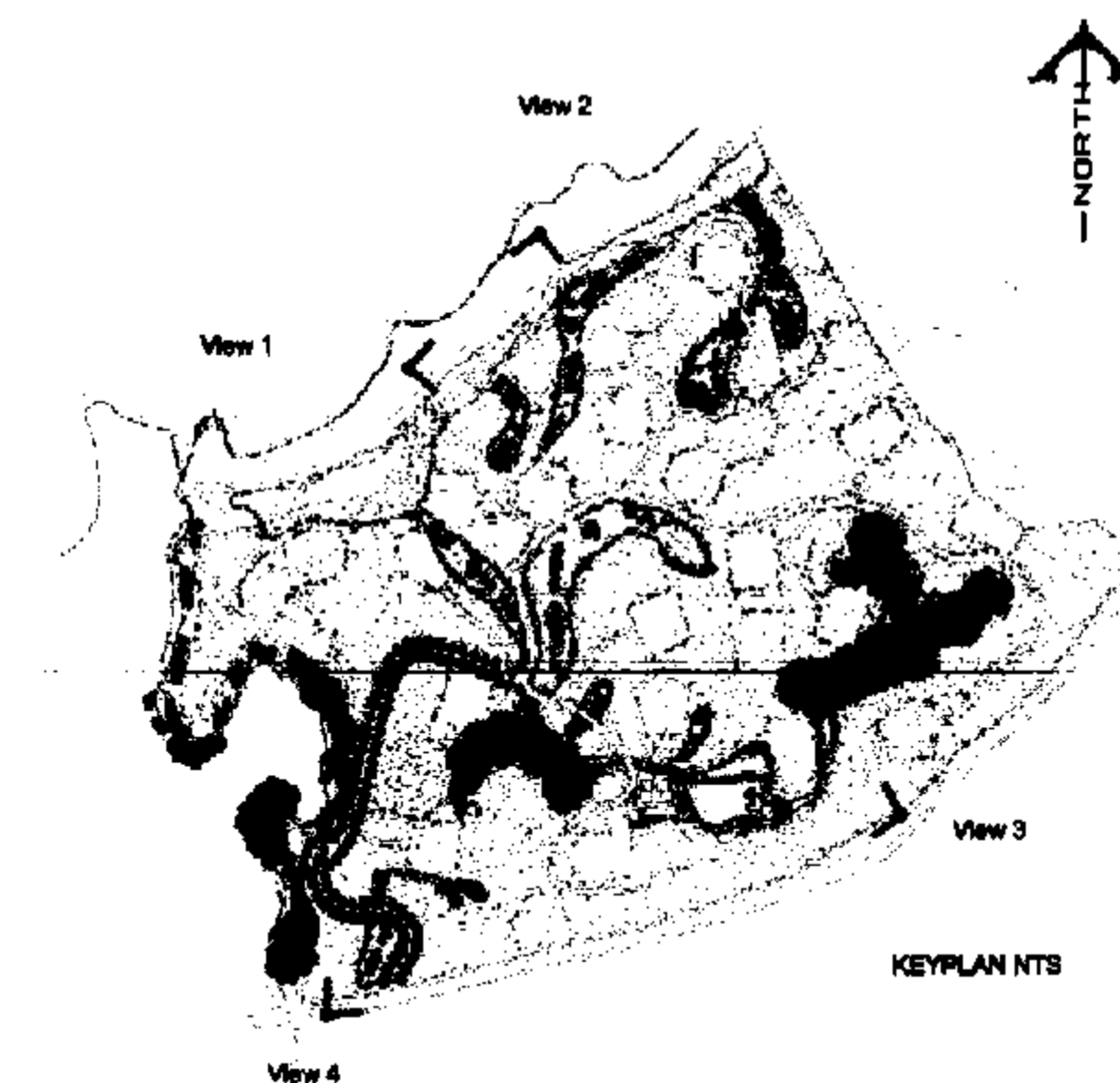
Buildings highlighted by colour in visual simulations but in reality design and use of materials will encourage houses to be recessive - grey buildings are consented

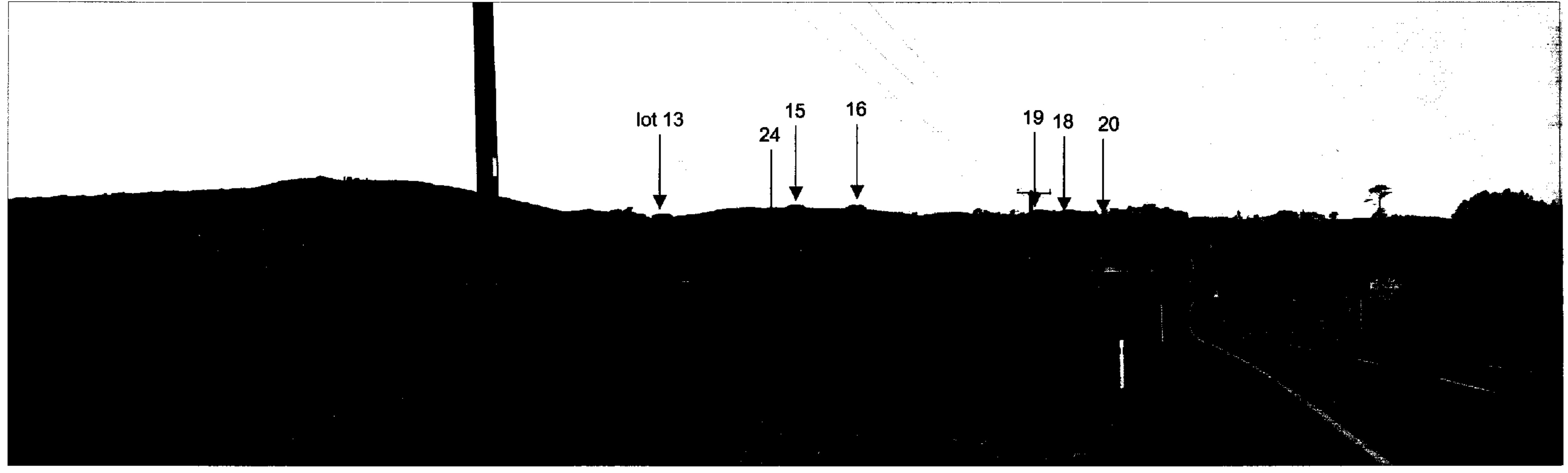


Level 3, IBM Building, 82 Wyndham Street PO Box 91250 Auckland  
Tel: 64-09-358-2526 Fax: 64-09-359-5300 Web: www.boffamiskell.co.nz

# TAPUAE

visual simulations  
Figure 6 - Viewpoint 3





Consented



Proposed

house site for proposed lot 30

Job No: 05306 Date: Oct 2005

Simulations are indicative only

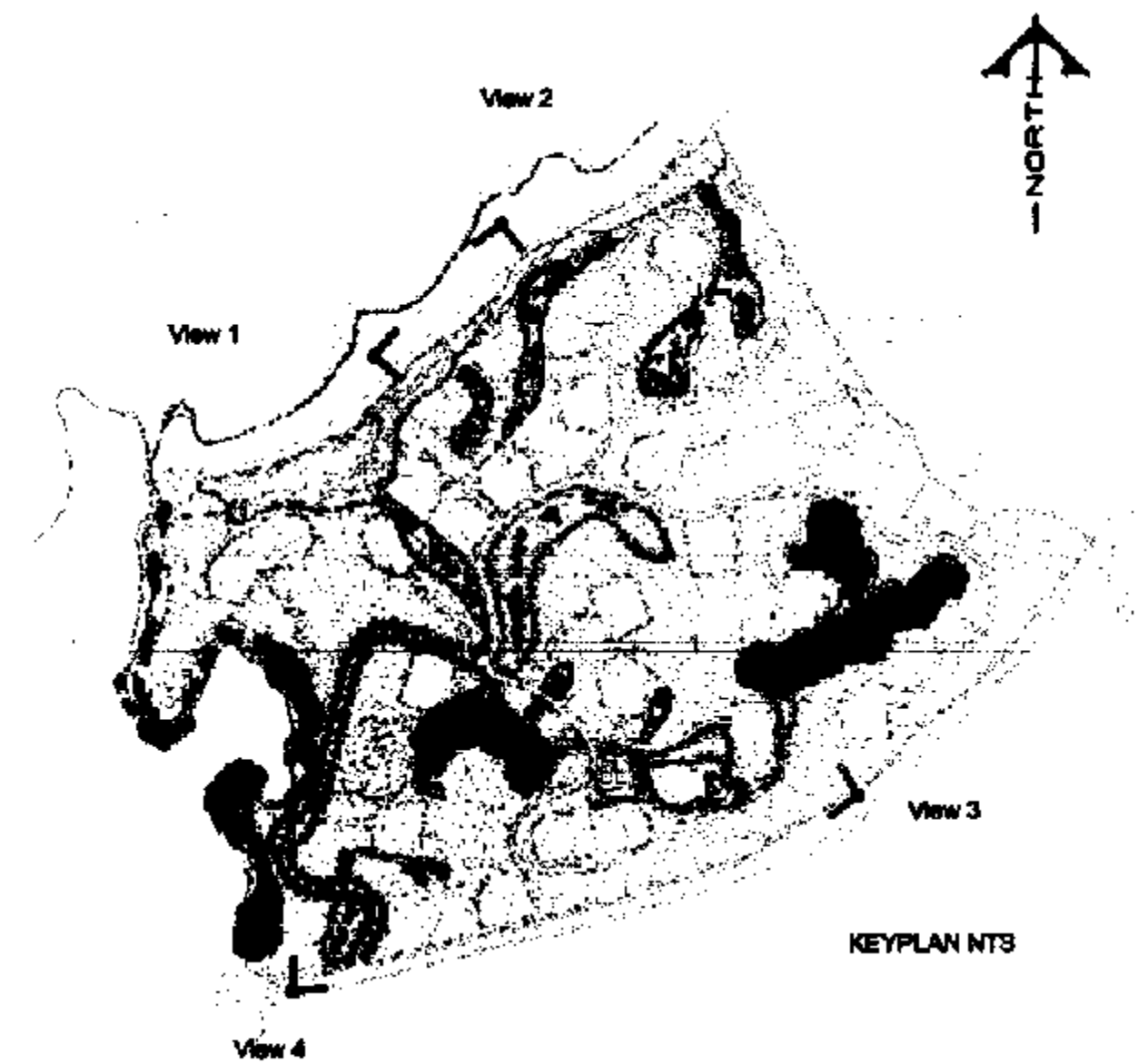
Photographs taken with 50mm lens

Buildings highlighted by colour in visual simulations but in reality design and use of materials will encourage houses to be recessive - grey buildings are consented

# TAPUA E

visual simulations  
Figure 7 - Viewpoint 4

**Boffa Miskell**  
 Level 3, 85M Building, 82 Wyncham Street PO Box 91280 Auckland  
 Tel: 04-06-356-2326 Fax: 04-06-356-5300 Web: www.boffamiskell.co.nz



U:\Auckland\2005\05306 (PK) Hester Tapuae Stage 2\CAD\05306 figure 4.dgn © Boffa Miskell Limited 2005

This planting will extend around the coastal frontage of the site below Lots 10 and 26. This will be part of a 5 to 10 year planting programme aimed to replicate the species composition of the existing indigenous vegetation along the foreshore below proposed Lots 27 and 28.

This will have the effect of masking the cut faces of any of the existing stock or access tracks when viewed from the beach, and will return the coastal "face" of the site to a vegetative cover synonymous with its coastal character, thereby significantly enhancing the amenity values of the coastal margin of the site. This has potential positive effects on amenity in terms of existing consented sites, particularly sites 10 and 26.

Proposed Lot 28 will have a nominal area of 4,000m<sup>2</sup>, the same as the other lots in the development. However, the applicant intends to develop the site themselves, and therefore the building design and landscape treatment will be integrated to provide a built form placed low down and to the right hand side of the surveyed site, with the bulk of the 4,000m<sup>2</sup> site area given over to the rehabilitation planting associated with the gully and the coastal margin.

To summarise, proposed Lot 27 and its proposed house site would not be obtrusively visible from the beach, primarily due to the current topography of the site and the coastal scarp at the top of the cliff and its associated vegetation. This can be further enhanced by expansion of the rehabilitation planting in the gully.

Proposed Lot 28 would be visible from the beach, but only for a brief period when the viewer was walking parallel to the site and then looking directly into the site. The visual effects of any building on the site will be minimised by careful placement and an extensive rehabilitation planting along the slope behind the site, extending northeast along the coastal margin and covering the steeper slopes below Lots 10 and 26.

The extension of the rehabilitation planting represents a significant offset against the potential effects of the placement of buildings in the coastal environment. The site is part of a significantly modified rural and coastal environment, whose character has been defined to date by pastoral farming. The proposed rehabilitation planting along the foreshore below Lots 8, 9, 10 and 26, represents a substantial recovery of coastal values, both in terms of expanded indigenous vegetative cover and habitat, but also "turning back the clock" in the sense of recovering coastal amenity values lost through pastoral farming development in the past.

#### **Assessment Against Design Criteria (Internal Consistency)**

It is important to review the proposed additional lots against the design criteria set out in Section 2 of this AEE. All four sites are capable of maintaining good views for residents, and all four are sheltered from prevailing winds, with the possible

exception of Lot 28. However, positioning the house site downslope will mitigate this.

In the context of avoiding dominance of the public beach experience and/or controlling built form to complement the coastal landscape, Proposed Lot 27 is located in a position that is relatively unobtrusive when viewed from the beach. Proposed Lot 28 is located in a position where its visibility from the beach is transitory, and built form can be controlled so as to complement the coastal landscape, along with rehabilitation planting to significantly de-emphasise built form, while significantly enhancing coastal amenity well beyond the immediate vicinity of the proposed lot.

Proposed Lots 29 and 30 will not be visible from the beach. Both locations can be read against both landform and vegetation.

All four lots either have existing access (proposed Lot 29) or can be provided with access which can be well integrated into the landscape. In the case of proposed lots 27 and 28, the proposed rehabilitation planting, will effectively mask any cut faces required as a result of road formation down the gully.

All four sites are located well away from any known archaeological sites, and geotechnical stability is not known to be an issue in respect of any of the four sites.

### **Assessment Against District Plan Policy**

#### ***Objective 4***

*To ensure the subdivision, use and development of land does not adversely affect those elements that define the rural character while recognising the diverse nature of rural land and rural land uses.*

The existing consents demonstrate that the concept of the Farm Park is consistent with subdivision, use and development of rural land in a manner that maintains rural character. The pattern of subdivision created by the farm park concept does not of itself adversely affect the open space and visual elements of rural character. Therefore it is consistent with Policy 4.1.

The farm park concept relies heavily on design principles, controls and guidelines to ensure that activities are designed, located and of such a density that the visual and open space characteristics of rural character are maintained. In this case, only Lot 30 has the potential to have any adverse effect on aspects of rural character. This site has been made possible by the potential relocation of the BCL antennae to another position on the site, with positive actual or potential effects on visual amenity as a result. This is consistent with Policy 4.2

The significant expansion in rehabilitation planting envisaged through this application is consistent with Policy 4.3, however it will have more significant benefits in terms of coastal amenity.

The four additional lots are not expected to generate any traffic related effects that will adversely affect rural character.

The rural character of the site and its surrounding environment has sufficient carrying capacity to accept the addition of Lot 30 without adverse effects on rural amenity. The other three lots are in a coastal context so are evaluated against Objective 14 and associated policies.

***Objective 14***

*To preserve and enhance the natural character of the coastal environment, wetlands, and lakes and rivers and their margins.*

Lots 27, 28 and 29 fall within the coastal landscape unit as defined by the landscape character assessments of previous applications and associated AEE.

Lot 29 is tucked away up a relatively narrow gully, and while it falls within the landscape unit, is separated from the coastal margin by topography and aspect. Therefore its effect on the natural character of the coastal environment is no more than minor.

Proposed lots 27 and 28 lie close to the coastal margin and are at a lesser elevation than sites such as 10 and 26. However, their positioning is analogous to these two sites, with proposed Lot 27 sharing similar characteristics with consented Lot 26.

The natural character of the coastal environment is not adversely affected by the addition of Lots 27 and 28 to the overall development. Both sit "in" their localised environment, and are proposed to be further integrated into that environment by extensive rehabilitation planting.

The existing consents establish that the farm park concept is not inappropriate subdivision, use and development in the coastal environment, and that natural character is not necessarily adversely affected by such activities.

Proposed Lots 29 and 28, either on their own or in conjunction with the other lots overlooking the coastal margin, do not adversely affect the natural character of the coastal environment. The combination of their location, surrounding landform, rural backdrop, and the proposed rehabilitation planting, allows the coastal landscape unit to absorb the structures that are likely to be constructed on these two sites. This is consistent with both limbs of Policy 41.1.

**Objective 15**

*To protect and enhance OUTSTANDING LANDSCAPES and REGIONALLY SIGNIFICANT LANDSCAPES within the District.*

None of the four sites associated with this application have any direct effect on the Tapuae River mouth and the values associated with the river mouth that contribute to its status as an outstanding or regionally significant landscape. Only one site is potentially visible to those people gaining access to the river mouth and then only as a distant view from the esplanade strip alongside the Tapuae Stream. Proposed Lot 30 is located on the reverse slope of a spur so that the bulk of the built form on the site would be invisible from this distant viewpoint.

Proposed Lots 27 and 28 are the closest to the river mouth but neither are visible from the vicinity of the mouth due to the topography of their sites and their north-easterly aspect. This application is therefore not inconsistent with Policy 15.2.

**Objective 16**

*To sustainably manage, and enhance where practical, indigenous vegetation and habitats.*

This application has the potential to add significant benefits in terms of achieving Objective 16 and Policy 16.2. The extension of the rehabilitation planting currently proposed for the gully below existing Lot 8, is a potentially important from both an ecological and a visual amenity point of view. The intention is to replicate the species mix that exists along the coastal cliffs in the vicinity of proposed Lots 27 and 28 on the steep slopes immediately behind the coastal margin.

From an ecological point of view it may provide an ecological corridor linking the gully planting at the north-eastern end of the site with those in the central part of the site.

In terms of visual amenity, it will reinforce values associated with coastal character as opposed to rural character and integrate the beach with the visual backdrop of the coastal margin. It is proposed to carry this well beyond the immediate vicinity of proposed Lots 27 and 28, so that the positive benefits are felt along the whole coastal margin beyond Lot 26.

This is wholly consistent with Policy 16.2.

## **12.0 CONCLUSION**

This application for an additional four lots completes the development of the Tapuae Farm Park. The identification of these additional lots has come about as a result of the implementation of the existing consents, and a better understanding of the landforms of the site, particularly those within the coastal landscape character area.

In addition, the opportunity to re-locate the BCL antennae to the margin of the site has presented an opportunity that was simply not previously available, and has benefits in terms of visual amenity that go beyond the release of proposed Lot 30 as a viable lot.

The effects assessment has also identified the potential for an expansion of the rehabilitation planting along the foreshore that will restore a significant part of the coastal character area to an indigenous vegetative cover synonymous with the existing vegetation along the coastal margin. This represents a significant environmental offset against the potential effects on visual amenity associated with proposed Lots 27 and 28.

The proposal for the 4 additional lots needs to be look at in the context of the development as a whole, and the mitigation proposed, bioth in terms of rehabilitation planting, design controls and the matching of dwelling styles and form to the individual sites.

This has the combined effect of absorbing the additional lots into the overall landscape concept for the development and ensuring the effects of the 4 additional lots are no more than minor.

NEW PLYMOUTH DISTRICT COUNCIL		
DEC'D: 14 DEC 2005		
M NO:		
FILE REF: 10 005683 leg 095202		
BLIO: 171258		
INFO	REPLY	ACTION
		Rowan Williams

**TRM**  
Consultants Ltd  
PO Box 8015  
New Plymouth  
ph: 06 759 1701  
fax: 06 759 1702  
mobile: 0274 573 953  
email: rhys@trmconsultants.co.nz

09 December 2005

Chief Executive  
New Plymouth District Council  
Private Bag 2025  
NEW PLYMOUTH

Attention: Rowan Williams

**RE: DECISION AS TO NOTIFICATION OR NON-NOTIFICATION: TAPUAE  
FARM PARK STAGE THREE APPLICATION FOR RESOURCE  
CONSENT**

Dear Rowan,

We wish to make the following submissions on behalf of the Washer Family Trust in respect of Council's decision under Section 93 and 94A to 94C of the Resource Management Act 1991 (RMA 1991).

In this particular case, Section 93(1)(b) requires Council to satisfy itself as to whether or not the adverse effects of the activity on the environment will be minor.

Section 94A relates to Council forming such an opinion. As you will be aware, there is the general overall process of reaching that opinion, in addition to the specific requirements of Section 94A of the RMA 1991. Our submissions are directed purely at the matter of whether or not the adverse effects will be minor.

In our opinion, the relevant adverse effects relate almost entirely to potential visual amenity effects, and the capacity of the site to absorb 30 sites of the dimensions and placement described in the AEE. The adverse effects that need to be considered in the context of Section 94 are those residual adverse effects that may occur after cognizance has been taken of measures to avoid, remedy or mitigate adverse effects. A long term view is therefore required.

Potential adverse effects on visual amenity rely on the activity, object, building or structure being visible to a viewing audience and on the activity being out of context with the surrounding visual environment.

A consistent theme through the whole consenting and development process for Tapuae Farm Park has been the integration of sites “into” the surrounding environment as opposed to buildings or structures being placed “onto” the site. Integration of buildings into the landscape is achieved by careful placement, attention to terrain and contour, an overall landscape enhancement plan, and internal controls on building location, design, materials, colour and finishes.

The effects assessment carried out in respect of this application concludes that proposed Lot 30 will not have adverse effects on the rural character of the site and will not contribute to adverse cumulative effects on visual amenity. Proposed Lot 30 is, we consider, an excellent example of the application of the design principles set out in the successive consent applications.

Proposed Lot 29 sits in a rather unique position despite being in the coastal character assessment area. The site cannot be viewed from the upland building sites behind it, or from the coastal sites in front. The site would probably not be visible from the beach adjacent to the subject site given its location and the coastal scarp behind the foreshore. This lot does not therefore contribute to either adverse effects on coastal amenity values or cumulative effects on the site as a whole.

The effects assessment also demonstrates that proposed Lots 27 and 28, despite their location in close proximity to the coast do not necessarily generate adverse effects on visual amenity. The significant factors in this situation are the contours and shape of proposed Lot 27, the positioning of the future dwelling on the lot, and the extent of the rehabilitation planting proposed along the face of the slope leading up from the coastal scarp below Lots 8, 9, 10 and 26.

This rehabilitation planting goes well beyond simply creating an enhanced context for proposed Lot 28 and integrating any dwelling constructed on that lot. The concept is based on extending the vegetation along the coastal scarp upslope as a means of reclaiming coastal amenity values lost to pastoral farming practices, and in more recent times replaced by gorse.

The greater proportion of the subject site as a whole will be viewed from SH 45. The only additional lot visible from the State Highway will be proposed Lot 30, and as discussed above the cumulative effect on rural character and amenity values will be no more than minor.

Development on proposed Lot 30 will be visible from portions of the walkway along the margin of the Tapuae Stream. However, this will be an intermittent and distant view, with the mass of the building hidden by the slope of the ridge. The site is unlikely to be visible from the vicinity of the Tapuae river mouth.

Proposed Lots 27 and 28 can only be viewed from the beach. Some assessment needs to be made as to the degree to which the adjacent beach environment is likely to be utilised. The recreational use of the foreshore in this vicinity has been limited in the past by the lack of access to the foreshore, a situation that now changes due to the vesting of the esplanade reserve adjacent to the Tapuae Stream. However, it is expected that the bulk of visitor activity will be concentrated in the area located around the mouth of the Tapuae Stream. Another key limiting factor will be the fact that access to this area is for pedestrians only.

It is anticipated that there will be those who will take the opportunity to walk along the beach, but their overall experience of the natural character of the coastal environment is unlikely to be adversely affected by two sites located in context with the surrounding terrain and a significant backdrop of indigenous vegetation replicating the existing indigenous vegetation along the foreshore and the coastal scarp behind it.

As noted in the AEE, the applicant has not sought any affected persons consents in relation to this application. In the applicant's opinion, no person is adversely affected by the location of proposed Lot 30.

In the case of the previous applications, adjacent neighbours to the east and south of the site wished to ensure that their views over the site towards the Tapuae river mouth and the sea were not impeded by built development. Proposed Lot 30 does not form any part of that view shaft, and is seen against a rural backdrop and substantially below the skyline.

No person is affected by proposed Lot 29.

The only persons that might be affected by the location of proposed Lots 27 and 28 are occasional users of the beach. The applicant is of the opinion that it would be unreasonable to seek the affected person's consent of these people for the following reasons;

- Individual users are infrequent and cannot be easily identified;
- There are no recognisable groups whom it would be appropriate to contact;
- There are no statutory acknowledgements or customary rights orders applying to this section of the coast;

- There are no special circumstances that on the face of it which would warrant public notification; and
- The potential adverse effects in any case are no more than minor.

The applicant therefore requests that the application be processed on a non-notified basis without affected person's consents being required.

Yours sincerely,



Rhys Armstrong  
DIRECTOR

**Form 9**

**Application for Resource Consent**

*Section 88 Resource Management Act 1991*

**To: New Plymouth District Council**

**I, Washer Family Trust, 762 State Highway 45, RD 4, New Plymouth, apply for the following types of resource consent:**

*A land use consent to enable the subdivision of Lot 2 DP 20763 in the Rural Environment Area, as a non-complying activity.*

**The names and addresses of the owner and occupiers (other than the applicant) of land to which the applicant relates are as follows:**

*Not applicable.*

**The location of the proposed activity is:**

*762 State Highway 45 RD 4, New Plymouth. The legal description of the site is Lot 2 DP 20763. The site is located on the seaward side of SH45 between the Okurukuru Winery and the Tapuae Stream.*

**No additional resource consents are required for this activity.**

**I attach, in accordance with the Fourth Schedule of the Resource Management Act 1991, an assessment of environmental effects in the detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment.**

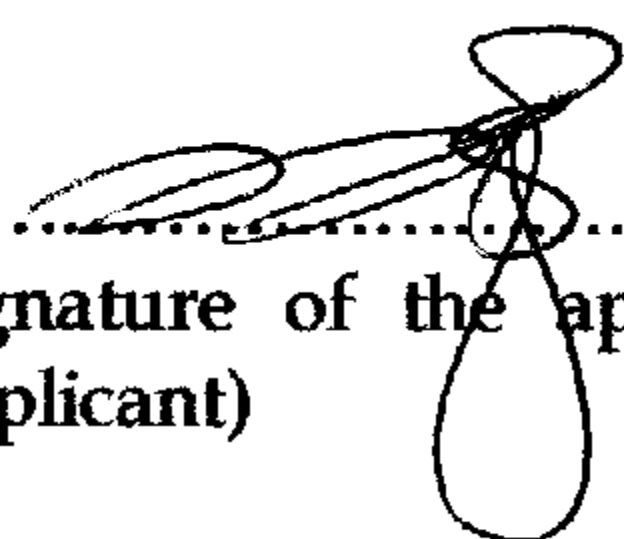
**I attach any information required to be included in this application by the district plan, the regional plan, the Resource Management Act 1991, or any regulations made under that Act.**

*Not applicable.*

As this is an application for a subdivision consent, I attach information that is sufficient to adequately define -

- (a) The position of all new boundaries; and
- (b) The area of all new allotments; and
- (c) The locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips; and
- (d) The location of any existing esplanade reserves, esplanade strips, and access strips; and
- (e) The location and areas of land below mean high water springs of the sea, or of any part of the bed of a river or lake, to be vested in the Crown or local authority under Section 237A of the Resource Management Act 1991; and
- (f) The locations and areas of land to be set aside as new roads.

.....  
 Signature of the applicant (or person authorized to sign on behalf of the applicant)



.....  
 Date

05/12/05

Address for Service  
 TRM Consultants Ltd  
 PO Box 8015  
 NEW PLYMOUTH

Phone: 06-759-1701  
 Fax: 06-759-1702

Contact person: Rhys Armstrong

## Appendix D: Decision on application for additional 4-lots

## **The Washer Family Trust**

### **762 South Road - Omata**

**File reference: SD 41299**

**Property reference: 005683**

### **Proposal**

This application seeks resource consent to subdivide four additional lots from the land legally described as Lot 2 DP 20763. Each lot will be a minimum of 4000m<sup>2</sup> and it is proposed to have only one house constructed on each of the additional four lots.

The site currently has resource consent approval granted by Council for twenty-six lots. Two consents have been granted, one in 2002 (20 lots) and another consent in 2004 (6 lots). The applicant seeks to achieve an integrated “farm park” development including:

- Thirty individual residential lots
- Fifteen fenced and fifteen unfenced lots
- Balance access lot held in common at 1/30<sup>th</sup> share by each residential owner
- Residents association/body corporate management structure
- Consent Notices attached to titles

### **Background**

In 2001 a subdivision application was made by McKinlay and Co to divide Lot 2 DP 20763 into 18 lots. Subsequently and following discussion with NPDC staff, an application for 20 lots was approved. The subdivision application was for a “farm park” that included provisions for enhancing esplanade reserves and strips, public vehicular access and parking, landscapes integration and enhancement planting. Each lot would have equal share in the balance lot. Consent was granted for this non-notified application in September 2002.

Following this consent being granted, the applicant lodged a further application in October 2003 for an additional 6 lots. This application demonstrated that the additional 6 lots fit with the original concept. Consent was granted for this non-notified application in January 2004.

There has been development work done on the site in accordance with the conditions of the two consents already granted. However the respective consents

for 20 and 6 lots have yet to have a survey plan to be submitted to Council to give effect to the subdivision consents.

This application for resource consent to create four additional lots on this site is a non-complying activity under the New Plymouth District Plan as it proposes to create lots that do not have road frontage. These four lots will bring the development of the site to a total of thirty lots, each of 4000m<sup>2</sup> subdivided from the one parcel of 77.28 ha in the Rural Environment Area.

## Submissions

The application was publicly notified. Four submissions were received following public notification. These submitters were as follows:

Name	Address	Decision Sought	Wishes to be Heard
Okurukuru/Hillcrest Trust (Peter Hayward)	C/- 78 Plymouth Road RD 4 New Plymouth	Conditional Approval	No
Gregory Paul Roper	851 Main South Road RD 4 Oakura, New Plymouth	Conditional Approval	Yes
Alf Pieters – NPDC Roding	Private Bag 2025 New Plymouth	Conditional Approval	No
New Zealand Historic Places Trust (Laura Paynter)	Central Region Office PO Box 19173 Wellington	Opposes in Part	Yes

Okurukuru/Hillcrest Trust conditionally supports the proposed subdivision. He advised prior to the hearing that his concerns could be addressed through a covenant that the applicant has agreed to attach to each title.

Gregory Roper has reached agreement with the applicant on a proposed consent condition that will preserve a view shaft to the mouth of the Tapuae Stream. He did not attend the hearing.

Alf Pieters of NPDC Roothing supports the addition of four new lots on this subdivision on the condition that the roads and rights-of-way comply with the applicable standards of the Roothing Code of Practice (CoP). He did not attend the hearing.

The New Zealand Historic Places Trust (NZHPT) initially opposed the application. Following discussion with the applicant the NZHPT advised that alterations to the subdivision layout, particularly Lot 27, would avoid impacts on archaeological sites and they had no objection to granting resource consent. The NZHPT did not attend the hearing.

No submitters were in attendance at the hearing to present their submission, and the further correspondence the applicant had with submitters was available for the Hearings Commission.

## The Decision

**Pursuant to** Sections 104, 104B and 104D of the Resource Management Act 1991, the notified application for resource consent for a four lot subdivision located at 762 South Road, Omata, being Lot 2 DP 20763 is **granted consent** subject to the following conditions:

### Conditions of Consent

#### General Conditions of Consent

1. The subdivision and development shall be in accordance with the plans and information submitted with the application and identified as follows:

Subdivision Plan	McKinlay & Co Surveyors Ltd Plan of Subdivision (excluding Lots 27 and 28) W-11244 Rev 3 (dated 11/05 and attached as <b>Plan A1</b> ) and Plan of Proposed Lots 27 and 28 – W-11244 (dated 03/06 and attached as <b>Plan A2</b> )
Figure 1	Landscape Plan Job No. 05306: Date 22/11/05 Revision B (including landscaping details and methodology prepared by Boffa Miskell dated May 2003) attached as <b>Plan B</b>
Figure 2	House Types Date 19/10/2005 Job No. 05306 (Attached as <b>Plan C</b> )
Figure 3	Typical House Type Plan Drg No. 05306 Date 22/11/2005 Revision B (Attached as <b>Plan D</b> )
Figure 4	Visual Simulations - Viewpoint 1
Figure 5	Visual Simulations - Viewpoint 2
Figure 6	Visual Simulations - Viewpoint 3
Figure 7	Visual Simulations - Viewpoint 4

2. The applicant is responsible for all costs associated with complying with the conditions.

3. All work carried out on the subdivision will be to standards acceptable to the New Plymouth District Council.
4. One copy of the Title Sheet (A3 size) is to be provided when the Survey Plan is submitted for approval.

#### **Fees and Charges**

5.
  - (a) Approval fees are to be paid in accordance with Council's Schedule of Subdivision Fees and Charges when the Survey Plan is submitted for approval.
  - (b) The applicant shall pay to the Council an engineering and inspection fee of \$7,500 excluding GST.
  - (c) The consent holder shall pay the Council's costs of any monitoring necessary to ensure compliance with the conditions as specified. Monitoring will be carried out by the Environmental Planner – Monitoring and the cost payable will be charge out rate current for that financial year.
6. Goods and Services Tax payable on all land and services vested without charge in the Council shall be paid to the Council by the applicant upon presentation by the Council to the applicant of a tax invoice.

#### **Limitations as to Further Subdivision**

7. Lots 31 and 32 shall not be further subdivided and cannot be disposed other than in conjunction with lots 1 to 30.
8. A Reserve Contribution is payable on Lots 1 to 30 unless it is demonstrated that all Lots 1 to 30 have unambiguous ownership of the larger Lots 31 and 32 and that Lots 31 and 32 cannot be disposed of other than in conjunction with Lots 1 to 30.
9. A schedule of assets to vest in Council and their value shall be provided to Council.

#### **Amalgamation Condition**

10. An amalgamation condition shall apply as follows:

“That Lots 31 and 32 hereon (legal access) be held as to thirty undivided one-thirtieth shares by the owners of Lots 1 to 30 hereon as tenants in common in the said shares and that the individual Certificates of Title be issued in accordance therewith.” See Request 566539

#### **Memorandum of Easements**

11. A memorandum shall be shown on the Survey Plan and easements created for services as required.
12. All telephone and electric power cables required to service the subdivision shall be laid underground.

**Duration of the Consent**

13. This consent is valid for three years from the date of granting.

**Minimum Lot Size**

14. The minimum allotment size of Lots 1 to 30 shall be 4,000m<sup>2</sup> per lot.

**Protection of Waahi Tapu Sites**

15. The two pa sites shall be fenced off and planted in native vegetation, as agreed between the consent holder and Nga Mahanga A Tairi.
16. Native trees shall be planted on the adjoining Section 139 Omata District as agreed between the consent holder and Nga Mahanga A Tairi.

### **Protection of Archaeological Sites**

17. Lot boundaries and building areas shall be set to avoid known archaeological sites. The boundaries of Lot 27 shall generally be as shown on Plan A2 attached to this consent.
18. A plan of Fort Robert and associated hut sites shall be prepared, with the assistance of a suitably qualified archaeologist, in order to determine a road alignment with the least adverse effect on the Fort and associated features.
19. A vegetation plan and work specification shall be prepared to guide the planting work to be carried out on the two pa sites. The plan and specifications shall be consistent with the principles of the ICOMOS NZ Charter for Conserving Heritage and Historic Places.
20. In the event that any activity associated with this proposal (e.g. earthworks, landscaping or fencing) is likely to modify damage or destroy an archaeological site, an authority from the NZ Historic Places Trust shall be obtained. If an archaeological site is encountered during works on the proposed development, work shall cease immediately and the NZ Historic Places Trust shall be notified so that an archaeological assessment can be made and advice given accordingly.

### **Protection of Bush Areas and Cabbage Tree**

21. The native bush areas shall be defined and shall be subject to a Conservation Covenant, for the purpose of encouraging the protection and regeneration of indigenous vegetation. The Covenant shall be ongoing and shall be registered against the Certificate of Title of Lot 31 pursuant to Section 221 of the Resource Management Act 1991.
22. The areas of bush shall be fenced at a minimum standard of a permanent one-wire electric fence.
23. The mature cabbage tree on Lot 31 shall be protected as a condition of consent and shall be subject to the provisions of Section 221 of the Resource Management Act 1991.

### **Revegetation and Enhancement Planting**

24. Revegetation and enhancement planting shall be undertaken in accordance with the application and the supporting information contained therein, and in particular the "Tapuae Landscape Concept" document prepared by Boffa Miskell Ltd and dated May 2003. Prior to the commencement of the revegetation work, a planting plan and maintenance programme shall be submitted to Council for approval.
25. The planting plan and maintenance programme shall specify the quantities, species, size (PB Grade) and location of the proposed vegetation and shall ensure

ongoing release of plants from weed and grass infestation, replacement of plants that are dead or in poor health, and possum control.

26. Certification from a suitable qualified and experienced independent professional person that the revegetation and rehabilitation planting has been undertaken in accordance with the aforementioned report shall be provided to the satisfaction of the Chief Executive or his/her nominee.
27. The respective owners of Lots 1 to 30, or their nominee (body corporate) shall on a continuing basis, take all reasonable steps to maintain, preserve and protect the vegetation established in accordance with Condition 24 above.
28. In particular the owners of Lots 1 to 30 or their nominee, shall:
  - Within 20 working days of the fifth anniversary of the date on which the Section 224(c) certificate is issued, submit to Council a report from a suitably qualified and experienced independent professional person confirming that the vegetation is being appropriately maintained, preserved and protected;
  - Thereafter continue to maintain, preserve and protect the vegetation in good and healthy condition;
  - In the event of loss or destruction of vegetation for any reason, replace and replant such vegetation in accordance with the planting plan to the satisfaction of Council.
29. The consent holder shall enter into a bond to the assessed value of the physical works required by Condition 24 above that are uncompleted at the date of the issue of the Section 224(c) certificate. The bond shall be in the form of a bank guarantee or other suitable security to the satisfaction of Council. The bond shall remain in force until the works are completed to the satisfaction of Council.
30. Rehabilitated vegetation shall be fenced and may where appropriate be subject to protection pursuant to Section 221 of the Resource Management Act 1991.

### **Esplanade Reserves and Strips**

31. Lot 33 shall vest in Council as Esplanade Reserve. The common boundary, as shown on Part Consent Plan W-11244 dated 07/06 as attached to this consent, between Lots 31 and 33, An alternative configuration may be agreed between Council and the consent holder.
32. Pursuant to the provisions of Section 234 of the Resource Management Act 1991, the present esplanade strip shall be varied as follows;

- The Strip shall be cancelled over that part of the land to become reserve (Lot 33);
- The Strip shall be increased in width to 30m where it adjoins the true right bank of the Tapuae Stream on Lot 32.

### **Building Platforms**

33. An inspection shall be carried out and a report prepared on soil compatibility by a suitably qualified registered engineer to confirm the suitability of Lots 1 to 30 for on-site stormwater and wastewater disposal and to confirm a suitable building platform in accordance with Appendix 21.1 of the District Plan. The area for wastewater disposal shall be shown within lot boundaries.
34. Council may waive the requirement to have an equivalent area set aside within lot boundaries, and may permit the use of Lot 31 should difficulties arise. Other innovative solutions may be accepted.
35. The report shall take into account the Coastal Hazard Overlay provisions of the District Plan.
36. Any recommendations requiring specific on-site stormwater and wastewater disposal shall be subject to a Consent Notice under Section 221 of the Resource Management Act 1991 noting soil conditions, site investigation details and recommendations.
37. If necessary to achieve report recommendations allotment boundaries shall be modified.

### **Bulk, Location and Design Controls**

38. Pursuant to Sections 220 (1)(c) and 221 of the Resource Management Act 1991, the following conditions shall apply, and shall be registered as a Consent Notice on the Respective titles for Lots 1 to 30.
39. No residential dwelling shall be located on Lots 31 or 32.
40. The number of habitable dwellings on Lots 1 to 30 shall be limited to one per lot.
41. Distances between buildings and new boundaries shall comply with the requirement for existing buildings to meet standards in relation to new boundaries (Rule Rur77).
42. All building development on Lots 1 to 30 shall be generally in accordance with Figure 2 “House Types” attached to this consent as Plan C.
43. The range of materials used on buildings will be limited to those with a minimum of applied finish, buildings being coloured by the natural patina developed over age.

44. External materials shall be:

- Natural stone
- Lime washed solid plaster
- Earth brick
- Cast concrete
- Timber
- Powder coated zincalume.

45. Roofing materials shall be limited to:

- Timber shingles
- Natural slate
- Copper
- Textured bituminous membranes in tile form
- Long run non-reflective roofing material.

46. Other external components will be limited to:

- Metal stormwater systems
- Selected use of a range of powder coated exterior window joinery and stormwater systems in a range of colours matching local flora.

#### **Location Restriction**

47. That area marked A on plan W-11244 shall be maintained entirely in pasture, and no building or structure shall be erected on the aforesaid area, other than a standard post, wire and batten fence, and visible from Lot 1 DP 18622 Blk II Wairau SD, in order to maintain an unimpeded view shaft to the sea. This view shaft shall be identified by the following coordinates:

2594702 ME to 2595002 ME  
623355 MN 6231917 MN

#### **Earthworks**

48. The consent holder shall appoint a suitably qualified registered engineer to design, control and certify all earthworks associated with roading and rights-of-way and a Certificate shall be provided regarding design and compaction.

49. All uncompacted fill shall be identified and shall be shown on final plans and be subject to a Memorandum of Location restriction.

50. All earthworks undertaken shall employ the best practicable means of minimizing the escape of silted water or dust from the site. A description of the proposed means of mitigating these effects shall be submitted and approved and put in place prior to any earthworks commencing.

51. Earthworks shall be staged to ensure a minimum ground area is open at any one time for construction.
52. The amount of cut and fill shall be kept at the lowest possible level in achieving the necessary cut to fill balance.
53. Roading shall be shaped to ensure surface runoff is channeled towards grassed swales and ponds where stormwater infiltration or detention is proposed. Where there is an ongoing discharge to natural water, swales will be planted in native species.
54. Engineering plans shall include proposed earthworks in detail, including construction timeframes, proposed staging, methodology and sediment control measures.
55. Silt detention shall be maintained and cleaned out where necessary until such time as regrassing is complete or other non-erodable surfaces have been reinstated.
56. All necessary actions shall be taken to prevent a dust nuisance to neighbouring properties and roads, including but not limited to:
  - The staging of areas of work;
  - The installation and maintenance of wind fences and vegetated strips;
  - Watering of all haul roads and manoeuvring areas during dry periods;
  - Spraying of load dumping operations;
  - Suspension of all operations if necessitated by prevailing wind conditions.
57. All identified archaeological sites, all areas of native bush, and the mature cabbage tree on Lot 31, shall be cordoned off from the remainder of the property by a fence or similar barrier prior to the commencement of any work on the site. This barrier shall be constructed to the standard that will prevent:
  - Vehicular traffic through the area;
  - The area being used for temporary storage of materials;
  - The modification of the areas existing contour;
  - Excavations within the area; and
  - The lighting of fires in the area.

### **Roads and Rights of Way**

58. The design and construction of the road and carpark shall as far as practicable be integrated with the coastal landscape. Consideration shall be given to varied carriageway (cross-section and layout) design and regard given to pedestrian and bridle paths. The following standards shall apply:
  - The minimum legal road width shall be 16 metres;

- The carriageway seal width shall be two lane and a minimum of 3.0m per lane;
- Where stormwater from the road is controlled by kerb and channel, the berm width shall be a minimum of 3.0m;
- Where the stormwater is controlled by surface water channel the berm width shall be a minimum of 5.0m;
- The maximum grade shall be 12.5%; and
- All cut batters shall be within the adjacent private property.

59. The design and construction of the rights of way shall as far as practicable be integrated in the coastal landscape. The following standards shall apply:

- Major internal rights of way shall have a minimum legal width of 7.0m;
- Minor internal rights of way shall have a minimum legal access width of 5.0m;
- The internal right of way serving Lots 13, 15, 16, 17, 21 and 22 shall have a minimum formation width of 5.0m from the major internal right of way to the entrance of Lot 15;
- The internal right of way serving Lots 18, 19, 20, 23, 24 and 25 shall have a minimum formation width of 5.0m from the major internal right of way to the entrance of Lots 23 and 25;
- Cut and fill batters are to be located within the legal width of the right of way;
- Rights of way shall generally be located clear of ridgelines;
- Right of way carriageways shall be 3.6m wide with 5.0m passing bays (determined at the time of the preparation of engineering plans); and
- The maximum grade shall not exceed 1 in 5 and where the grade of the right of way is greater than 10%, the right of way shall be sealed.

### **Stormwater Control**

60. Secondary flow paths from the road and rights of way (particularly as they relate to building platforms) shall be shown.

61. Surface runoff is to be channeled towards grass swales and ponds where stormwater and infiltration or detention is proposed. Where an ongoing discharge to natural water is proposed these swales shall be planted in native species.
62. Where the road crosses the existing stream a culvert suitable for the catchment shall be designed and installed in accordance with Council's Stormwater Code of Practice.
63. Stormwater swale drains shall be monitored and maintained by the consent holder for a minimum of two years from the date of the issue of any certificate under Section 224 (c) of the Resource Management Act 1991. Monitoring reports shall be submitted to Council at three monthly intervals.

### **Codes of Practice and Standard Specifications**

64. All of the above works are to be designed and constructed in accordance with the following current and relevant New Plymouth District Council Codes of Practice and Standard Specifications.
  - Part 3: Roading Code of Practice
  - Part 5: Stormwater Code of Practice
  - Part 6: Water Reticulation Code of Practice
  - Part 7: Vehicle Crossing Code of Practice
  - Standard Specification for Sanitary Sewers and Stormwater
  - Standard Specification for Water Reticulation
65. Other alternative and innovative solutions may be approved for those aspects where the standards of the Code of Practice are unable to be met or can be achieved in a different way. Emphasis shall be placed on retaining the natural character of the coastal environment and integrating all infrastructure works into the environment.
66. Detailed engineering plans, specifications, estimates and as-builts shall be provided for all works including earthworks and silt detention measures. On completion of works, a Completion Report and Certificate signed by the registered engineer who designed and supervised the work shall be submitted in terms of Section 1.5 NZSS 4404:2004

Note: The applicant should be aware that the Historic Places Act 1993 (HPA) provides for the identification, protection, preservation and conservation of historic and cultural heritage in New Zealand. Under Section 2 of the HPA, an archaeological site is defined as a place associated with pre-1900 human activity, where there may be evidence relating to the history of New Zealand. Section 10 directs that an authority is required from the New Zealand Historic Places Trust if there is "reasonable cause" to

suspect that an archaeological site may be modified, damaged or destroyed in the course of any activity. An authority is required for such work whether or not the land on which an archaeological site may be present is designated, or a resource or building consent has been granted, or the activity is permitted in a Regional or District Plan. Evidence of archaeological sites may include oven stones, charcoal, shells, ditches, banks, terraces, stone walls, building foundations, artifacts of Maori or European origin or burials.

Note: Structures such as retaining walls, in ground walls and bridges requiring Building Consent under the Building Act shall obtain a Building Consent which can include the use of a Producers Statement from an appropriately qualified person.

Note: The plans required under this consent are separate from and do not form part of any Building Consent that may be required on the site.

Note: Consultation shall be undertaken with the Taranaki Regional Council in respect of the requirement for silt control measures as the land adjoins the Tapuae Stream and the Tasman Sea.

## **Reasons for the Decision**

**Pursuant to** Section 113 of the RMA 1991, the reasons for this decision are as follows:

1. The proposal is considered consistent with relevant objectives and policies of the New Plymouth District Plan. The proposed subdivision will not adversely affect environmental and amenities values and will not diminish rural character.
2. The adverse effects on the environment are considered to be no more than minor. It is considered that implementation of the landscape/visual impact mitigation measures recommended in the Boffa Miskell landscape report (Landscape Plan Job No: 05306; Date: 22/11/2005 Revision B including landscaping details and methodology prepared by Boffa Miskell dated May 2003), will ensure that any landscape character and amenity effects potentially created by the proposal will be appropriately avoided or mitigated.
3. The unique qualities of this site in relation to the topography and its location to the coastal environment lend it to development as a 'farm park'. The land rises sharply up from the coast and contains relatively deep valleys that are traditionally difficult to farm.
4. Implementation of the proposed mitigation measures (which are the subject of specific consent conditions) will ensure that any adverse environmental effects will be no more than minor. In addition, the proposed mitigation measures will

result in positive environmental effects being created including the enhancement of currently unprotected existing areas of native vegetation and re-vegetation and enhancement of the coastal amenity values.

**The relevant statutory provisions that were considered:**

1. This application was considered to be a non-complying activity and was assessed in terms of Sections 104, 104B and 104D and Part 2 of the Resource Management Act 1991.

**Other relevant provisions that were considered**

The provisions of the following documents were considered by the Hearings Committee:

**National Policy Statement Provisions**

None applicable

**New Zealand Coastal Policy Statement Provisions**

Policies 3.1.1, 3.2.1, 3.2.4,

**Taranaki Regional Council Policy Statement Provisions**

Not applicable

**Taranaki Regional Council Plan Documents**

Not applicable

**District Plan Provisions**

The Management Strategy contains objectives and policies in Issues 1, 4, 11, and 13. The Rural Environment Area section of the plan regarding rules related to subdivision of land (Rur76-Rur84).

**Other Legislation**

None applicable

**The Principal issues that were in contention**

The principal issues that were in contention were:

1. Whether the Section 104D tests of the Resource Management Act 1991 can be met in relation to the adverse effects on the environment being minor, and that the application is for an activity that will not be contrary to the objectives and policies of the District Plan.

2. Whether the proposed subdivision will contribute to the issue of reverse sensitivity, given that this is a rural environment with the usual type of activities associated with that environment being undertaken.
3. Whether the proposed subdivision will have adverse effects on the known archaeological sites within the application site and the ability to provide an adequate level of protection for these sites.
4. Whether the proposed activity was unique and the site had features that are able to be distinguished from other similar applications that Council may receive.

### **Summary of Evidence Heard**

Evidence on behalf of the applicant was introduced by Rhys Armstrong and presented by:

- Mr Rhys Armstrong, TRM Consultants
- Mr John Washer
- Mrs Mary Washer
- Mr Peter Kensington, Boffa Miskell

Mr Armstrong introduced the application and described the ‘farm park’ concept. The key issues from the applicant’s viewpoint were outlined. He offered an opportunity to adjourn the hearing and have a further site visit.

Mr Washer read from prepared evidence described his background and the process they had gone through to get the application to this stage.

Mrs Washer outlined from prepared evidence the landscaping that has been done on the site to date, and what is proposed for the future.

Mr Kensington read prepared evidence on the professional landscape architectural and landscape planning advice that he had given to the applicant. This reviewed the key aspects of the subdivision, the potential effects on both rural landscape and coastal landscape. He concluded that the natural carrying capacity would be reached with these four lots and maintained that with the landscape values of the site enhance a sustainable management outcome.

Mr Armstrong then read planning evidence on the application. He considered the “gateway” tests for a non-complying activity, Part II considerations, The New Zealand Coastal Policy Statement, District Plan Objectives and Policies, Assessment Criteria, and the submissions. Mr Armstrong concluded that the ‘carrying capacity’ of the site was not exceeded in approving these four lots and with the design guidelines to be implemented the site had a ‘total design solution’ philosophy.

Mr Alan Doy the applicant’s surveyor (McKinlay and Co) was also present to answer any questions if required.

Following each persons evidence, the Hearing Commission asked questions to clarify and seek explanation of relevant matters.

The report writer for the Council, Bruce Baker, (Senior Planner, Beca Carter Hollings and Ferner Ltd) presented the planning report he had written. This was pre-circulated and taken as being read. Mr Baker outlined the issues regarding the proposed subdivision and answered questions from the Hearing Commission. Council's Development Engineer, Mr Lester Barnes was also present to answer questions. He raised the matter about roading regulation on the access ways within Lot 31.

There were no submitters present who wished to read or present evidence. One submitter did attend the hearing as a member of the public to observe the proceedings but advised that she did not wish to speak.

### **The Main Findings of Fact**

The main findings of fact that led to the above decision and the reasons for that decision are as follows. A decision has been reached after considering the application, the submissions lodged, the evidence presented at the hearing, the planners report written for Council, the relevant statutory and planning provisions, and the principal issues that were in contention as well as a site visit. The Committee finds that:

1. The 'permitted activity baseline' established consent approval for 26 lots on this site, each providing for one house per lot. The proposed subdivision for four lots is assessed in the context of 26 lots having been granted consent.
2. The submitters to the application were not opposed to the proposed subdivision. They had valid concerns that were addressed through consent conditions and the applicant's willingness to have covenants on the site.
3. The adverse effects of the activity will be no more than minor for the reasons described above and for the reasons given in this decision.
4. Lot 27 is able to have the lot boundaries amended to allow the archaeological site (kumara pit) to be fully within Lot 31.
5. The landscaping of the site will address rehabilitation of a site within the coastal environment and allow those matters in Part II of the Resource Management Act 1991 to be provided for.
6. The proposed subdivision is seen to be consistent with the sustainable management purpose and principles of the Resource Management Act 1991.

\_\_\_\_\_  
Councillor M Merrick  
Hearing Commission Chairman

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 2006