

**BEFORE THE INDEPENDENT HEARING COMMISSIONER DAYSH
APPOINTED BY NEW PLYMOUTH DISTRICT COUNCIL**

Under the Resource Management Act
1991 (**RMA**)

In the matter of an application under section 88 of
the Act by **K.D. HOLDINGS
LIMITED** to the **NEW PLYMOUTH
DISTRICT COUNCIL** for land use
consent to construct a six-storey
mixed use building and remove a
notable tree at 45, 49 and 51
Brougham Street, 33 Devon Street
West, and 24 Powderham Street,
New Plymouth.

Statement of Evidence of Cameron John Twigley (Planning)

on behalf of:

K.D. Holdings Limited ('the applicant')

10 February 2021

INTRODUCTION

1. My name is Cameron John Twigley. I am the Director of Planning and Environment at BTW Company Limited, a multi-disciplinary consultancy with offices in New Plymouth and Hamilton.

Qualifications and Experience

2. I hold a Bachelor of Social Science in Geography from Waikato University and a Postgraduate Diploma (with Distinction) in Urban and Regional Planning from Heriot Watt University, Edinburgh.
3. I have been a practising planner for 20 years. I have worked as a planner in both the public and private sector, mainly the latter. I am a full member of the New Zealand Planning Institute and the Resource Management Law Association of New Zealand, also serving on the committee of the Taranaki branch of the latter. I am accredited to act as an Independent Hearings Commissioner under the RMA.
4. I serve on the Board of the Taranaki Chamber of Commerce and the Board of Trustees for Te Kura Waenga o Ngāmotu / Central School and perform the role of deputy chair for both boards. These roles provide me with a good understanding of central city issues, particularly in the New Plymouth CBD.
5. I undertake planning work for a wide range of local authority, central government, and private sector clients throughout New Zealand across a wide variety of sectors. My planning advice and project work typically relates to strategic planning, project management, policy analysis and resource consent matters.
6. I am particularly experienced in matters of urban land use and development in the New Plymouth District. Over the past 15 years I have been involved in many local authority and Environment Court hearings relating to these matters. Relevant to these proceedings I was employed for four years as a conservation planner in Scotland dealing with heritage buildings and heritage conservation areas.
7. I have the following specific experience with respect to the matters currently in front of the Commissioner:
 - a. I peer reviewed the resource consent application and assessment of environmental effects ('the application');
 - b. I took part in a hikoi with Ngāti Te Whiti hapū to learn about the history of the area the proposal is located in and understand ways in which the proposal could incorporate a cultural design narrative;

- c. I have visited the application site on several occasions and know the surrounding area well;
- d. I am familiar with the New Plymouth district and the Taranaki region, having spent the majority of my life living in the New Plymouth District; and
- e. I am very familiar with the Operative New Plymouth District Plan, the Proposed New Plymouth District Plan, the Regional Policy Statement for Taranaki and other relevant planning documents.

Expert Witness Code of Conduct

- 8. Although this is not an Environment Court hearing, I confirm that I have read, and have prepared my evidence in accordance with the Environment Court's Code of Conduct for Expert Witnesses (Environment Court of New Zealand Practice Note 2014). This evidence I am presenting is within my area of my expertise, except where I state that I am relying on the evidence of another person. To the best of my knowledge, I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.

EXECUTIVE SUMMARY

- 9. The applicant is proposing to construct a six-storey building and remove a notable tree at 45, 49 and 51 Brougham Street, 33 Devon Street West, and 24 Powderham Street, New Plymouth. The proposal requires consent under the Operative New Plymouth District Plan for exceeding the maximum permitted height for a building and for the removal of a notable tree. The proposal requires consent under the Proposed New Plymouth District Plan for removal of a notable tree. Applying the bunding principle, which I consider to be appropriate in this case, the application falls to be considered as a non-complying activity.
- 10. The primary potential adverse effects on the environment from the proposal in my view are landscape and visual effects and loss of amenity values. These effects have been addressed in the expert evidence of Messers Bhaskar, Murphy, McEwan, Cullen, MacDonald, Fraser and Bruce and by Messers Balchin, Bain, Skerrett, McCurdy and Paice on behalf of Council and have largely been found to be acceptable subject to appropriate conditions of consent. The proposal will result in a number of positive beneficial effects.
- 11. I have assessed the proposal against the relevant objectives and policies of the Operative and Proposed New Plymouth District Plans, the National Policy Statement on Urban Development, the Regional Policy Statement for Taranaki and Tai Whenua, Tai Tangata, Tai Ao and conclude that, after taking a broad judgement approach, the proposal is overall consistent with, and not contrary to, the relevant objectives and policies.

12. On the basis that the proposal is not contrary to the relevant objectives and policies of the Operative and Proposed New Plymouth District Plans it passes the gateway test under section 104D of the RMA.
13. I am largely in agreement with the conditions of consent recommended in the Hearings Report but have made recommendations on some amendments which I discuss later in my evidence.
14. In my overall broad judgment, with the suggested conditions, I am of the view that consent can be granted for the proposal.

INVOLVEMENT WITH THE APPLICATION

15. I was engaged by the applicant in July 2019 and first visited the site at this time. Although I did not prepare the application, I was responsible for peer reviewing it and have managed the consent application process on behalf of the applicant.
16. On 7 August 2020 I attended a hikoi with the applicant and representatives of Ngāti Te Whiti hapū and Te Atiawa Iwi which outlined the cultural history of the Huatoki Awa and surrounding area including the application site. Following the hikoi I attended a wānanga and a further hui with the applicant, NPDC and representatives of Ngāti Te Whiti hapū and Te Atiawa Iwi to discuss opportunities for cultural design narratives and the outcomes of the Cultural Impact Assessment ('CIA').

SCOPE OF EVIDENCE

17. In my evidence I will comment on:
 - The Site and Immediate Environment;
 - The Proposal;
 - The Regulatory Framework;
 - Environmental Effects;
 - Operative New Plymouth District Plan ('ODP');
 - Proposed New Plymouth District Plan ('PDP');
 - The Regional Policy Statement for Taranaki ('RPS');
 - National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ('NES-CS');
 - National Policy Statement on Urban Development ('NPS-UD');
 - Tai Whenua, Tai Tangata, Tai Ao;
 - Part 2 of the RMA;
 - Submissions;
 - Recommended Consent Conditions; and

- Conclusion.

18. In addition to the documents mentioned above I have also considered the following:

- The Application including the two further information requests and responses;
- The CIA prepared by Ngāti Te Whiti hapū;
- The expert of evidence of Messrs Bhaskar, Murphy, McEwan, Cullen, MacDonald, Fraser and Bruce;
- The evidence of Mr Kevin Doody ('the applicant');
- Submissions; and
- Council's Section 42a report (dated 2 February 2021) on the application ('Hearings Report') including the Addendum issued on 05 February 2021.

THE SITE AND IMMEDIATE ENVIRONMENT

19. The application site ('the site') and immediate environment are generally well described in detail in the Landscape Visual Impact Assessment ('LVIA') submitted with the application, the further information request responses and the Hearings Report, and I generally agree with the summary provided and will not repeat that information.

THE PROPOSAL

20. The proposal is generally well described in the application, further information submitted by the applicant and the Hearings Report. I note that the Hearing Report summarises accurately the further information submitted and changes that have been made to the application since it was first submitted with Council.

21. In my opinion the proposal forms the first part of a wider redevelopment of the area and is likely to serve as a catalyst for the opening up of the Huatoki Awa in the CBD. NPDC has purchased the adjoining Metro Plaza and Huatoki Stream parcels adjoining 45-51 Brougham Street for the purposes of redevelopment into public open / green space. Opening the underground Huatoki Stream from Powderham to Ariki Street has been a long-held strategic ambition of NPDC since at least 1982. The long-term intention overall is to redevelop the whole application site incorporating 45-51 Brougham Street and the NPDC site from Powderham to Devon Street, as an integrated public / private development that celebrates the awa (Huatoki) and Ngāti Te Whiti's relationship with the land, and supports commercial, residential and public space uses. A preliminary concept design has been

prepared and is included as Drawing Number A9.03 in Appendix B of the Application. The applicant is currently in negotiations with NPDC to enable this future development.

22. In terms of the encroachment of the parts of the building into the neighbouring Council land I would like to emphasise that the applicant and I have been in discussions with Council officers on several occasions, and there is 'in principle' agreement to work together to agree on these matters - subject to the finer details being confirmed. In my experience these types of encroachments are quite common in the New Plymouth CBD and can be resolved by a number of different methods.

THE REGULATORY FRAMEWORK

23. The relevant statutory planning documents to be taken into account are:

- The ODP;
- The PDP;
- The RPS;
- The NES-CS;
- The NPS-UD; and
- Tai Whenua, Tai Tangata, Tai Ao.

24. The subject site is zoned Business A Environment Area in the ODP and I agree with the planning overlays identified in the Hearings Report. I also agree that the application should be assessed as a Restricted Discretionary Activity under the ODP and a Non-Complying Activity under the PDP and that after applying the bundling principle, which I consider to be appropriate in this case, the activity shall be overall assessed as a Non-Complying activity. I have reviewed Paragraphs 48 and 52 of the Hearings Report, which sets out the land use rules under which consent is required and I agree with Mr Balchin's assessment.

25. As a non-complying activity, the application must be assessed under section 104D of the RMA and must pass one of the thresholds known as the gateway test to go on and be considered under section 104.

ENVIRONMENTAL EFFECTS

Positive Effects

26. While positive effects cannot be considered in the assessment required under section 104D of the RMA they are able to be considered when assessing the application under section 104 should the application pass the gateway test.

27. The proposal is considered to result in the following positive effects:

- A significant enhancement to a prominent corner site in the CBD that has been utilised as a gravel carpark for the past 30+ years.
- Creating a landmark / model building for the CBD through a certified sustainable design incorporating a strong cultural narrative which can set a positive precedent and inspire future projects by creating a benchmark for good design in the CBD;
- Enhancing the site and area's interface and connection with the Huatoki Awa acknowledging its significance and the potential for redevelopment;
- Creating a building with a strong reference to Ngāti Te Whiti hapū and their culture and traditions which will help reassert their mana within the CBD;
- Provision of an apartment providing for inner-city living;
- Provision of high-quality office space for several commercial tenants bringing more people to the CBD to work, creating vibrancy and retail spending; and
- Creation of employment for design professionals and the construction industry and likely flow on effects for surrounding businesses.

Landscape and Visual Effects

28. In my evidence I have assessed the landscape and visual effects of the notable tree removal separately from consideration of the potential adverse effects of the over height building.
29. I agree with Mr Balchin's opinion that the direction of the ODP is not to prohibit or discourage tall buildings in the CBD but to assess them on a case-by-case basis¹. Once a building exceeds the permitted height rules it defaults to a restricted discretionary activity. There is no further threshold beyond the permitted threshold whereby at a certain height a building becomes a discretionary, non-complying or prohibited activity.
30. I agree with Mr Balchin that despite the overall non-complying status of the application due to the removal of the notable tree, it is helpful to consider the restricted discretionary assessment criteria of Rule BUS 12, Rule OL63, Rule OL71 and Rule OL75 that relate to the over height building².
31. I agree with Mr Balchin's identification of the relevant criteria within Rules BUS12, OL63, OL71 and OL75 and which direct consideration of:

¹ Paragraph 70 of the Hearings Report

² Paragraph 71 of the Hearings Report

BUS12

- 1) *The extent to which the extra HEIGHT of the proposed BUILDING will:*
 - *adversely affect the character and visual amenity of the surrounding area;*
 - *have an overbearing effect on SITES within the RESIDENTIAL ENVIRONMENT AREA;*
 - *adversely affect OUTSTANDING and REGIONALLY SIGNIFICANT LANDSCAPES;*
 - *intrude into and/or block an URBAN VIEWSHAFT (see section 3 of the planning maps); and*
 - *adversely affect the natural character of the coastal environment or PRIORITY WATERBODIES.*
- 2) *The extent to which SITE layout, separation distances, topography, planting or setbacks can mitigate the adverse effects of extra HEIGHT.*

OL63, OL71 and OL75

- 1) *The extent of intrusion of the additional HEIGHT of the STRUCTURE into the viewshaft, and the elements of the view affected (see section 3 of the planning maps).*
 - 2) *The extent to which the core of the view is impinged upon by the additional HEIGHT of the STRUCTURE (refer to "view details" in section 3 of the planning maps).*
 - 3) *Whether the STRUCTURE results in the removal of existing intrusions or increases the quality of the view.*
 - 4) *Whether the additional HEIGHT of the STRUCTURE will frame the view.*
 - 5) *The proximity of the STRUCTURE to the inside edge of the viewshaft.*
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32. Mr McEwan has undertaken a detailed assessment of the landscape and visual impacts of the proposal. The approach involved collaboration with Mr Bain on behalf of Council to determine 12 key viewpoints in addition to the three public viewshafts.
 33. Mr McEwan concludes that adverse effects from all key viewpoints will be low / minor or very low / less than minor apart from effects on the Victoria Road viewshaft, which will be moderate. I note Mr Bain agrees with Mr McEwan's assessment of the effects on the Victoria Road viewshaft but considers the effects from some of the other viewpoints to be a degree higher than Mr McEwan - with some adverse effects rated as moderate and a high rating of effects from Viewpoint C (Vivian Street end of Brougham Street).
 34. In terms of effects on the viewshafts I agree with Mr McEwan's assessment that the effects on both the Cameron Street and Marsland Hill / Pukaka viewshafts will be less than minor and minor respectively. I note Mr Balchin agrees.

35. In my opinion, the proposed building will appear as a noticeable component of the Victoria Road viewshaft due to its positioning in the middle of the viewshaft and its height. However, in my opinion, when addressing the assessment criteria of Rules OL63, OL71 and OL75, the core elements of the viewshaft and the experience for viewers will remain i.e. the foreground of CBD buildings with the large expanse of Tasman Sea as the backdrop. In this respect I do not consider there are any significant adverse effects on the core of the view that would serve as a reason to decline consent.
36. Overall, in terms of effects on landscape and visual amenity, in my opinion, and as alluded to in the evidence of Mr Balchin and in Mr Bain's reports, it becomes a consideration of weighing the positive beneficial effects of the development against the adverse effects of the over height component of the building.
37. In my opinion there is no evidence to suggest that the proposed building will result in significant adverse effects, and when weighing the adverse effects against the positive beneficial effects on character and amenity that will result, there is no reason why consent should be declined.

Shading Effects

38. Shading effects from the proposal are detailed in the evidence of Mr McEwan based on the modelling work undertaken, which is detailed in the evidence of Mr Murphy.
39. Most of the neighbouring sites affected by shading are not used for residential purposes and I note, as does Mr Balchin³, that none of the surrounding property owners notified of the application made submissions in opposition. Additionally, road users and pedestrians are by nature only passing through the shade for a short time.
40. Overall, any potential adverse effects with regard to shading over and above that which could occur as a result of a permitted building on the site are no more than minor, and the character and amenity of the Business Environment Area will be maintained in this context.

Cultural Effects

41. A CIA was prepared by Ngāti Te Whiti hapū dated 2 September 2020. An initial draft CIA was prepared and discussed with the applicant on 7 August 2020. The applicant then reviewed and submitted a draft revised application to respond to the CIA. Following this the CIA was finalised and included with the final amended application (Revision 2) now under consideration.

³ Paragraph 90 of the Hearings Report

42. The CIA acknowledges the care taken by the applicant to understand the cultural context of this location, form a constructive working relationship and their willingness to set a precedent with a landmark building⁴.
43. The CIA has recommended a number of conditions of consent which the applicant is agreeable to. The CIA states that with the adoption of these conditions the potential adverse effects of the proposal on the relationship Ngāti Te Whiti has with their ancestral lands, water, sites, wāhi tapu, and other taonga are acceptable in this instance.
44. Post finalising of the CIA I sought to clarify with the hapū whether in their view the acceptable effects conclusion equated to a conclusion that adverse effects will be no more than minor.
45. On 18 December 2020 Sarah Mako (Pou Taiao / Policy Adviser) for Te Kotahitanga o Te Atiawa Trust confirmed on behalf of the hapū that the acceptable effects conclusion translates to the adverse effects being no more than minor and the proposed development being consistent with the objectives and policies of the ODP. Subsequent to this, Sarah Mako also confirmed that the hapū consider the proposal to be consistent with the objectives and policies of the PDP and Tai Whenua, Tai Tangata, Tai Ao. The above opinion being subject to those recommended conditions being secured in the event resource consent is recommended for grant by NPDC. An email confirming the above is included as **Annexure C** to my evidence.

Heritage Effects

46. Archaeological Authority 2021/174 was granted on 22 October 2020 for the proposal to undertake earthworks for property development and to remove a large Agonis Flexuosa (notable tree) from a stone railway embankment. A copy of this Authority is included as **Annexure H** of my evidence. It is likely that a portion of the stone railway embankment wall will need to be removed as part of the notable tree removal and site earthworks. The archaeological authority includes conditions for ensuring that works are undertaken in accordance with an approved archaeological management plan, briefing of contractors prior to works commencing, oversight of works by an archaeologist and investigation, recording, analysis and reporting of any archaeological evidence uncovered.
47. I note Mr Bruce's evidence considers that the proposal is compliant with the provisions of Heritage New Zealand Pouhere Taonga Act 2014 and that there is adequate protection provided by the conditions of the archaeological authority to allow for consideration of unexpected archaeological finds of Māori origin. I also note that Mr McCurdy on behalf of Council is in agreement with Mr Bruce's conclusions.

⁴ Cultural Impact Assessment, Ngāti Te Whiti hapū, Page 26, 02 September 2020

48. The application site is in close proximity to a number of heritage buildings and a small part of the building (i.e. the stairwell) is located within the Heritage Character Area under the PDP.
49. The expert evidence of Mr Cullen addresses effects on the heritage buildings and the Heritage Character Area. I note Mr Cullen's opinion that the proposed building will be a distinctive modern building continuing a diverse mix in the central city and will provide a contrast to the existing heritage buildings rather than trying to imitate them.
50. I agree with Mr Cullen that providing a building of contrasting design (including height) rather than a building in a pastiche style is a desirable approach. In my experience it is an approach that is commonly encouraged when introducing new buildings into heritage areas. This way the modern building can be easily interpreted as a modern building rather than an attempted imitation of a previous period which potentially detracts from the character of the heritage area.
51. The proposed building, through its cultural design narrative, reflects the cultural and heritage values of Ngāti Te Whiti hapū. In time the building has the potential to become a celebrated heritage building like the other heritage buildings in the area, recognising that heritage is constantly evolving.
52. Lastly, the notable tree proposed to be removed has no recorded historical or cultural significance.

Effects from Removal of Notable Tree

53. I note that the NPDC assessment gave the tree a score of 57 which is only just above the threshold for the tree to be considered notable. Mr Balchin has also confirmed and acknowledged this point⁵. In Mr MacDonald's opinion, if the tree was reassessed for notable tree status it would not meet the qualifying score. In my view this is significant evidence in the circumstances of this application whereby the application only has a non-complying status by virtue of the notable tree removal.
54. I note from Mr MacDonald's evidence that the notable tree is considered to only have an estimated life expectancy of 20 years, is in decline and cannot coexist with the proposed building as a stable and sustainable landscape feature. Mr Paice is not as certain as to the life expectancy of the tree but confirms it is showing signs of decline.
55. Despite the above, Mr MacDonald does consider that the notable tree contributes greatly to the aesthetics of the CBD.

⁵ Paragraph 141 of the Hearings Report

56. My opinion on the amenity values of the tree differs somewhat from Mr MacDonald being more aligned with the opinion of Mr Balchin. In my opinion the tree does provide some useful screening of the Council carpark building but its overall amenity value is affected by its positioning, growing out of the side of an embankment, and its setting surrounded by tall buildings including the Council carpark and the Halamoana Sculpture. These factors all inhibit one's appreciation of the tree. I also note Mr Balchin's very valid observation that the bulk of the apparent foliage (up to 50%) is made up of three neighbouring self-seeded *Agonis Flexuosas* and is therefore not protected⁶.
57. Detailed investigations have been undertaken by various members of the design team to explore options to retain the tree as part of a viable development. The conclusions reached, which are outlined in the evidence of Mr MacDonald, Mr Bhaskar and Mr Fraser, are that a viable commercial building development on the site cannot coexist with the tree. I note Mr Paice agrees that if the proposal was to proceed the works would be extremely detrimental to the tree's health.⁷
58. Based on these investigations and conclusions I agree with Mr Balchin that the notable tree is creating a nuisance to the reasonable use and development of the site by virtue of the root system extending into and taking up a considerable proportion of the site.⁸
59. I am in full agreement with Mr Balchin's assessment of the effects of removing the notable tree including his conclusion that the adverse effects will be minor.

Traffic Effects

60. Mr Balchin has correctly identified that the site is located within a parking exemption area, dictating that there is no minimum requirement for numbers of carparks to be provided⁹.
61. In terms of the car park manoeuvring spaces for the carpark I note the report from Mr Skerrett on behalf of Council¹⁰. He has confirmed that the car park aisle widths are less than that required by NZS 2890.1:2004 Parking Facilities – Off Street Car Parking, but the provided turning curves indicate that cars can safely manoeuvre in and out of the spaces.
62. I also note Mr Skerrett's comments regarding the non-provision of on-site loading and standing space. Mr Skerrett's opinion is that there is unlikely to be a high demand for loading beyond the occasional courier van, and there is a designated loading zone (P5) directly opposite the access.

⁶ Paragraph 137 of the Hearings Report

⁷ NPDC Technical Arborist Report *Agonis Flexuosa* DP Item 97 dated 02 February 2021

⁸ Paragraph 128 of the Hearings Report

⁹ Paragraph 150 of the Hearings Report

¹⁰ Letter from AMTANZ Ltd to NPDC dated 27 January 2021

63. Mr Skerrett has also considered the issue of glare from the building being a distraction to drivers, which was raised in the submission of June Mosley, and I note he considers this will not cause a safety issue.
64. Waka Kotahi was consulted on the application and confirmed that effects on the State Highway (Powderham Street) would be less than minor.
65. Based on the feedback from Waka Kotahi and the expert opinion of Mr Skerrett I consider any adverse effects on the safety and efficiency of the road transportation network will be less than minor.

Effects from Earthworks and Construction

66. Earthworks and construction effects can be managed through standard construction management plans and erosion and sediment control plans. I consider the proposed conditions of consent appropriately address these matters but could be simplified and I have made suggestions later in my evidence of how this could be achieved.

Summary

67. The proposal will result in a number of positive effects. Relying in part on the expert evidence provided on behalf of the applicant and the expert reports provided on behalf of Council, I conclude that the majority of the adverse effects from the proposal will be no more than minor but the proposed building will result in some moderate adverse effects on the Victoria Road viewshaft.

SECTION 104D RMA

68. In applying the bundling principle for the linked activities across both the ODP and PDP, and therefore applying the most restrictive activity classification to the overall proposal, the activity status is Non-Complying. The proposal must therefore be considered pursuant to RMA Section 104D.
69. Section 104D(1) outlines the thresholds of the 'gateway test'. An application for a non-complying activity must pass through one of these gateways in order for it progress and be considered under section 104 of the RMA:

(a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or
(b) the application is for an activity that will not be contrary to the objectives and policies of—

- (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
(ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or
(iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.

70. In this case sub-section (b)(iii) applies as there is both an operative and proposed plan to consider. It should be noted that the proposal is, overall, considered as a non-complying activity solely because of the removal of the notable tree, not due to the height of the building, and solely under the PDP which is not yet operative, and is still in the earlier stages of the plan making process. As previously discussed, in my opinion, the adverse effects resulting from the notable tree removal will be minor.
71. However, as per the conclusion in the LVIA, the reports of Mr Bain for the Council and the evidence of Mr McEwan, the adverse effects on the Victoria Road viewshaft of the over height building are considered to be more than minor. The proposal therefore does not pass through the section 104D(1)(a) gateway and consideration of whether the activity is contrary to the objectives and policies of the ODP and PDP is required to assess whether the application passes the gateway test.

Operative New Plymouth District Plan

72. The ODP is an 'effects-based plan' and has adopted a zoning approach to manage the effects of certain activities within the district. The premise behind this is that within each environment area it is the effects on the character of the area that are important rather than the activity itself¹¹.
73. The effects-based approach of the ODP is reflected in the relevant objectives and policies for this application which broadly focus on avoiding, remedying or mitigating adverse effects.
74. I have largely adopted the planning assessment of the objectives and policies of the ODP undertaken in the application and have attached this assessment as **Annexure A** to my evidence.
75. One area of difference is in the assessment of Objective 5 – *To maintain and enhance the character and coherence of the urban areas of the New Plymouth District* and related policies. Two of the supporting policies for Objective 5 are more narrowly focussed on buildings not detracting or reducing the amenity of the urban viewshafts; and vegetation being maintained and enhanced. In my opinion, due to the removal of the notable tree, and the moderate adverse effects on the Victoria Road viewshaft, the proposal will be contrary to policies 5.2 and 5.3. However, in general, due to the positive effects of the proposal, I consider the character and coherence of the urban areas of the New Plymouth District will be maintained and enhanced.
76. In summary the proposal, in my opinion, is contrary to Policies 5.2 and 5.3 (urban viewshafts and vegetation) and Objective 11 and Policy 11.1 (notable trees) but is consistent with and not contrary to Objective 1 and Policies 1.1

¹¹ Issue 1, Operative New Plymouth District Plan 2005

– 1.3 (character and amenity), Objective 5 (Adverse effects on the urban environment), Objective 7 and Policy 7.1 (business environment area character), Objective 13 and Policy 13.1 (natural hazards), Objective 19 and Policies 19.1-19.4 (cultural and spiritual values of tangata whenua), Objective 20 and Policies 20.1-20.3 (road safety and efficiency).

77. While the above provisions to which the proposal is consistent with outnumber those to which it is contrary to, the content of the above provisions is more important. As such, I consider that the positive contributions of the proposal to the character, amenity and vibrancy of the central city through a modern sustainable building providing commercial working space, apartment living and design that embraces a cultural narrative supported by tangata whenua, with connections to a future development of the Huatoki Stream, will be a significant improvement to the amenity of the site and the CBD. These benefits for the character and amenity of the CBD and people and communities will outweigh any moderate adverse effects from the over height component of the building and minor adverse effects from the loss of the tree.
78. My conclusion is that although the proposal will not be consistent with some of the objectives and policies more narrowly focussed on urban viewshafts and vegetation/notable trees, when taking an overall broad judgement, and considering the positive benefits, it will not be contrary to the objectives and policies of the ODP. I note Mr Balchin reaches the same overall conclusion.¹²

Proposed New Plymouth District Plan

79. The PDP represents NPDC's future direction for the District including the CBD. There is a direction for the Centre City Zone / CBD to incorporate taller buildings and an increased density to centralise activities and create critical mass and vibrancy within the CBD. In terms of the area on which the building will be located on, a change from a permitted height of 14 m to 17 m is proposed however these height rules do not yet have legal effect.
80. The PDP introduces Height Management Areas (Figure 1) within the City Centre Zone. These are Area A 10 m (green), Area B 14 m (yellow), Area C 17 m (orange) and Area D 22 m (red). The application site is located in Area C.

¹² Paragraph 179 of the Hearings Report



Figure 1: Height Management Areas – Application Site shown as Red X

81. This indicates that the proposed building is located in an area of the CBD where taller buildings are anticipated. The Height Management Areas propose an approach where tall buildings are less encouraged near the coast and around the Huatoki landing and more supported around the Huatoki basin flanks where the application site is located.

82. The PDP states:

*'Height management areas are applied in the city centre with taller buildings permitted around the edges of the Huatoki Basin. This reflects existing building heights and open spaces and protects important views to the sea. Viewshafts are also in place to ensure that views from public places are maintained. Consideration is given to how key pedestrian streets are developed. Building height limits are staggered in places to ensure there is adequate sunlight on the street, while active frontages are required to encourage activities to interact with the street. Vacant spaces and gaps in the streetscape and between buildings are discouraged.'*¹³

83. The City and Town Centre Design Guide seeks to ensure that new building development in the city centre (and town centres) is of a high standard and that it enhances the characteristics and qualities that contribute to the city centre's unique sense of place.

84. Unlike the ODP the PDP has strategic objectives. The PDP states that:

'The strategic objectives address key strategic and/or significant matters for the district and provide district-wide strategic considerations to guide decision making at a strategic level. It is intended that all other objectives

¹³ City Centre Zone Overview, Proposed New Plymouth District Plan 2019

*and policies in the District Plan are to be read and achieved in a manner consistent with the strategic objectives.*¹⁴

85. In my opinion it is clear that the strategic objectives are higher ranking and an application's alignment with the objectives is of high importance when assessing whether or not an application is contrary to the objectives and policies of a PDP. The strategic objectives do not have associated policies and are listed under the following headings: Historic and Cultural, Natural Environment, Tangata Whenua and Urban Form and Development.
86. I have largely adopted the planning assessment of the strategic objectives undertaken in the application and have attached this assessment as **Annexure B** to my evidence. One area of difference is in the assessment of Strategic Objective HC-1 – *'The district's heritage and cultural values contribute to the district's sense of place and identity and are recognised and protected'* where the application considers the proposal to be contrary to this objective due to the removal of the notable tree. The tree is notable because of its size not because it has any particular historic heritage or cultural value. I therefore consider that the removal of the notable tree will not be contrary to strategic objective HC-1.
87. I agree with Mr Balchin's assessment that the proposal is consistent with the strategic objectives of the PDP¹⁵.
88. In terms of the other relevant objectives and policies of the PDP, and generally¹⁶ following the assessment in the application, I consider the proposal is consistent with, and not contrary to, Objective TREE-01 and Policy TREE-P5 (notable trees), Objective VIEWS-O1 and Policies VIEWS P2–4 (viewshafts), Objectives CCZ–O2, O4–O8 and Policies CCZ P1, P4 – P6, P8 – P11 (city centre character and amenity).
89. My overall conclusion is that the proposal will be consistent with, and not contrary to, all of the strategic objectives of the PDP and all other relevant objectives and policies.
90. In my view less weight can be given to the PDP objectives and policies than the ODP in the decision-making process due to the uncertain nature of the final content of those objectives and policies which are yet to be shaped by plan change hearings, decisions and appeal processes. I note Mr Balchin shares a similar opinion.¹⁷

¹⁴ Part 2: District Wide Matters, Proposed New Plymouth District Plan 2019

¹⁵ Paragraph 179, Table 3 of the Hearings Report

¹⁶ I agree with Mr Balchin's assessment that Policy TREE-P3 is not relevant and that the removal of the notable tree is consistent with Objective TREE-01 by virtue of being consistent with Policy TREE-P5 due to the tree rendering the site incapable of reasonable use. This is contrary to the assessment in the application.

¹⁷ Paragraph 180 of the Hearings Report

91. I have reviewed Appendix H of the Hearing's Report which summarises the submissions received on the PDP that relate to the Central City Zone provisions. There are no submissions that oppose an increase to the permitted height rules within the Central City Zone. In fact, the Kainga Ora submission requests a change from the proposed permitted height in Height Management Area C from 17 m to 25 m.
92. It may well be that through hearings, decisions and appeals on the PDP that the permitted heights within the Central City Zone are increased from that which are currently proposed.

Section 104D Conclusion

93. After taking a broad judgement, I consider the proposal is overall not contrary to the objectives and policies of both the ODP and PDP and therefore passes the gateway test and can go on to be considered under Section 104 RMA. I note Mr Balchin comes to the same conclusion.¹⁸

SECTION 104 RMA

94. Section 104 (1) outlines the matters that a consent authority must have regard to when considering an application for resource consent and any submissions received, subject to Part 2. The matters are as follows:

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

Actual and Potential Effects on the Environment

95. Actual and potential effects on the environment and consideration of the ODP and PDP have been addressed earlier in my evidence and throughout the application and evidence for the applicant.

¹⁸ Paragraphs 225 and 226 of the Hearings Report

NES – Contaminated Soil

96. The NES-CS has been considered in the application. The application concludes that there is no known recorded Hazardous Activity and Industry List ('HAIL') activity located on the application site, or any reason for further research regarding soil contamination. The NES-CS is therefore not considered to be relevant in this case.

NPS – Urban Development

97. The NPS-UD is relevant given the application site is located within an urban environment, with New Plymouth District Council classified as a Tier 2 local authority and New Plymouth a Tier 2 urban environment. I note that the NPS-UD came into force post notification of the PDP so my understanding is that the PDP does not yet take account of the NPS-UD.

98. Policies 3 and 4 relate to encouraging tall buildings in city centres and metropolitan centre zones with minimum heights of 6 storeys, however these policies only relate to Tier 1 urban environments. There are a number of objectives and policies within the NPS-UD that encourage intensification within city centres and place requirements on local authorities to enable intensification through regional policy statements and district plans. The requirements are placed on local authorities in respect of the plan making process, rather than applicants for resource consent, so I have not considered those objectives and policies directly; but consider it is important to note the above in the context of this application for intensification in an urban environment.

99. The following objectives of the NPS-UD are relevant to the application:

Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

Objective 4: New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.

Objective 5: Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Objective 6: Local authority decisions on urban development that affect urban environments are: (a) integrated with infrastructure planning and funding decisions; and (b) strategic over the medium term and long term; and (c) responsive, particularly in relation to proposals that would supply significant development capacity.

Objective 8: New Zealand's urban environments: (a) support reductions in greenhouse gas emissions; and (b) are resilient to the current and future effects of climate change.

100. The following policies of the NPS-UD are relevant to the application:

Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum: (a) have or enable a variety of homes that: (i) meet the needs, in terms of type, price, and location, of different households; and (ii) enable Māori to express their cultural traditions and norms; and (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and (d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and (e) support reductions in greenhouse gas emissions; and (f) are resilient to the likely current and future effects of climate change.

Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters: (a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement (b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes: (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and (ii) are not, of themselves, an adverse effect (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1) (d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity (e) the likely current and future effects of climate change.

Policy 9: Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must: (a) involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and (b) when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and (c) provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and (d) operate in a way that is consistent with iwi participation legislation.

101. In relation to the proposal the above objectives and policies seek to ensure that Māori are involved in decision-making on resource consents for urban development and appropriate engagement has occurred with Māori. The objectives and policies also seek to ensure the creation of well-functioning urban environments recognising that urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations. There is also a focus on reducing greenhouse gas emissions in urban environments and ensuring urban development is resilient to climate change.
102. The applicant has been through a detailed engagement process with tangata whenua which has led to a cultural narrative being expressed in the design of the building and tangata whenua support for the proposal (subject to recommended conditions of consent which the applicant is agreeable to).
103. The sustainability strategy for the design of the building has been developed around a theme of mitigating and responding to climate change, both by reducing carbon emissions in the construction and operation of the building - as well as designing for change of the Taranaki climate. These matters are detailed in the expert evidence of Mr Bhaskar.
104. In my opinion the proposal will result in a significant enhancement to the New Plymouth CBD and contribute positively to the objective to create well-functioning urban environments.
105. The proposal is consistent with the direction of the NPS-UD.
106. There are no other national environmental standards, national policy statements or other regulations that are relevant and the New Zealand Coastal Policy Statement is not relevant in this case.

Regional Policy Statement for Taranaki

107. I have adopted the planning assessment of the RPS undertaken in the application and have attached this assessment as **Annexure D** to my evidence.
108. In conclusion, and taking a broad judgement, the proposal is consistent with, and not contrary to, the objectives and policies of the RPS. I note Balchin comes to the same conclusion.¹⁹

Operative and Proposed District Plans

109. Both district plans have been assessed earlier in my evidence.

¹⁹ Paragraphs 189-190 of the Hearings Report

Tai Whenua, Tai Tangata, Tai Ao

110. Also of relevance as an 'other matter' (RMA Section 104(1)(c)) is the iwi environmental management plan Tai Whenua, Tai Tangata, Tai Ao; which represents the views of Te Atiawa in regard to environmental resource management, and is used to guide and inform decision making.
111. Sarah Mako, on behalf of Te Atiawa, has confirmed the proposal is consistent with Tai Whenua, Tai Tangata, Tai Ao subject to their recommended conditions of consent. See **Annexure C** of my evidence.
112. In summary I consider the proposal is consistent with, and not contrary to, the relevant provisions of Tai Whenua, Tai Tangata, Tai Ao.

PART 2 OF THE RMA

113. Section 104 matters are also subject to Part 2 (Purpose and Principles) of the RMA. The overriding purpose of the RMA is to promote the sustainable management of natural and physical resources. It is commonly accepted that the approach to applying Section 5 involves an overall broad judgment of whether a proposal would promote the sustainable management of natural and physical resources. That assessment requires the taking into account of conflicting considerations, the scale or degree of them and their relevant significance or proportion. The purpose of the RMA is informed by the provisions of Part 2 generally.
114. RJ Davidson Family Trust v Marlborough District Council [2018] NZCA 316 has further influenced the way in which Part 2 should be assessed. In circumstances where it is clear that a plan is "*prepared having regard to Part 2 and with a coherent set of policies designed to achieve clear environmental outcomes*"²⁰ the Court envisaged that "*the result of a genuine process that has regard to those policies in accordance with s 104(1) should be to implement those policies.*"²¹ Reference to Part 2 would not likely add anything, and "*could not justify an outcome contrary to the thrust of the policies*"²².
115. In respect of the ODP and RPS, it is considered that they have been prepared with a coherent set of policies designed to achieve clear environmental outcomes and that an assessment of this application against Part 2 would not necessarily add anything to the evaluative exercise required. The PDP policies, however, have not yet been through the same process rigour as the ODP and RPS.

²⁰ RJ Davidson Family Trust v Marlborough District Council [2018] NZCA 316, Paragraph 74

²¹ *ibid*

²² RJ Davidson Family Trust v Marlborough District Council [2018] NZCA 316, Paragraph 74

116. For the avoidance of any doubt, I have undertaken an assessment against relevant Part 2 matters.

117. In my opinion the following matters of national importance under section 6 of Part 2 are relevant and shall be recognised and provided for:

Section 6 (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga; and

Section 6 (f) the protection of historic heritage from inappropriate subdivision, use, and development.

118. In my opinion, based on conclusions earlier in my evidence (including the CIA), the proposal recognises and provides for the relevant matters of national importance.

119. In terms of section 7 'other matters' the following matters are considered relevant and particular regard shall be given to them:

Section 7(a) Kaitiakitanga.

Section 7(b) the efficient use and development of natural and physical resources.

Section 7(c) the maintenance and enhancement of amenity values; and

Section 7(f) the maintenance and enhancement of the quality of the environment.

Section 7(g) any finite characteristics of natural and physical resources.

Section 7(i) the effects of climate change.

120. The proposal has particular regard to Kaitiakitanga through the engagement undertaken with Ngāti te Whiti hapū, the CIA and the outcomes from this process. The proposal will make more efficient use of a prominent CBD site. Despite the removal of a notable tree, and some moderate adverse effects from the over height nature of the proposed building, the proposal will enhance overall amenity values of the site and the overall quality of the environment. The notable tree has finite characteristics estimated to have a best estimate of useful life of 20 years. The building design has regard to the effects of climate change.

121. In terms of Section 8 'Treaty of Waitangi', the proposal and the engagement process with Ngāti te Whiti hapū has taken into account the principles of the Treaty of Waitangi.

122. In my opinion the proposal recognises and provides for the relevant matters of national importance, has particular regard to the relevant other matters, takes account of the principles of the Treaty of Waitangi and will promote sustainable management in accordance with the purpose of the Act.

SUBMISSIONS

123. I confirm I have read all of the submissions. Many of the matters raised in the submissions are addressed in my evidence, the evidence of others and in the Hearings Report. Therefore, I have only commented on updates since the submissions were made and addressed specific matters.

124. With regard to the submission of Fire and Emergency New Zealand (FENZ), the applicant has volunteered a condition of consent as sought in the submission, as follows:

Prior to occupation, the building shall be connected to a water supply system that complies with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

125. FENZ has confirmed to Council that based on the above it withdraws its submission. Confirmation of this is attached as **Annexure E** of my evidence.

126. With regard to the submission by Powerco, the applicant has volunteered a condition of consent as sought in the submission, as follows:

Prior to the commencement of any site works associated with the project, the consent holder shall accurately identify the location of existing underground network utilities (www.beforeudig.co.nz). Construction plans must identify the locations of the existing network utilities and appropriate physical indicators must be placed on the ground showing specific surveyed locations. All construction personnel, including contractors, are to be made aware of the presence and location of the various existing network utilities which traverse, or are in close proximity to the project area, and the restrictions in place in relation to those existing network utilities.

127. Powerco has confirmed to Council that based on the above it withdraws its submission. Confirmation of this is attached as **Annexure F** of my evidence.

128. In terms of the Moseley submission, I note Mr Skerrett on behalf of Council has concluded that all traffic matters are appropriately addressed.

129. With respect to the Laird submission the issue is raised that the building will create a precedent and if consent is granted more applications for over height buildings will follow.

130. It is my opinion that granting of the consent would not set a negative precedent, whereby further applications for over height buildings would follow and Council's ability to decline applications would be diminished.

131. The proposed building has a number of design elements such as the cultural narrative, the timber structure and the sustainable building design elements that combine to create a unique building.
132. In any case, it is my understanding that a consent authority must determine every case on its merits; and in my experience the facts and circumstances of cases generally all differ i.e. different localities, topography, surrounding environment and design elements etc.
133. In my opinion the building has the potential to create a positive example for other buildings to follow in terms of providing a unique sustainable building which reinforces the presence and mana of tangata whenua within the CBD.
134. I note Mr Balchin shares a similar opinion on the issue of precedent and District Plan integrity.²³

RECOMMENDED CONSENT CONDITIONS

135. If the Commissioner is of the mind to grant the application, I have made comments on the recommended conditions provided in the Addendum to Section 42a Report dated 05 February 2021. These comments are included in **Annexure G** of my evidence.

CONCLUSION

136. In my overall broad judgment, with the suggested conditions, I am of the view that granting the consent will not be contrary to the objectives and policies of the ODP, PDP, RPS, NPS-UD and Tai Whenua, Tai Tangata, Tai Ao and will achieve the purpose of the RMA to promote the sustainable management of natural and physical resources. In coming to my conclusion, I am mindful of the matters raised by submitters and their genuine concerns. However, I consider the proposal will result in a number of positive effects and that, with the mitigation measures proposed, and the suggested conditions of consent, the adverse effects will not be significant. Accordingly, I agree with the Hearings Report that the application should be granted subject to conditions.

²³ Paragraphs 184-188 of the Hearings Report

ANNEXURE A – Operative New Plymouth District Plan Objectives and Policies Assessment

Assessment against the relevant objectives and policies of the ODP and PDP is provided in the following sections and concludes that, on balance, the proposal is not contrary to either Plan. The proposal therefore passes through section 104(1)(b)(iii) above. Noting that only one gateway pass is required, the proposal can go on to be considered under Section 104 of the RMA.

5.2 Section 104

When considering resource consent applications, RMA Section 104 states that a consent authority “must, subject to Part 2, have regard to—

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

Actual and potential effects on the environment have been assessed in Section 4. There are no National Environmental Standards or National Policy Statements relevant to the application. Assessment of the proposal against provisions of the relevant policy documents (Operative and Proposed District Plans, the Regional Policy Statement for Taranaki and the Te Atiawa Iwi Environmental Management Plan (Tai Whenua, Tai Tangata, Tai Ao) (IEMP)) is undertaken in the following sections. While it is recognised that the Section 104D test is for contrariness, the proposal's consistency with the provisions has also been assessed.

5.3 District Plans

5.3.1 Operative District Plan

The following ODP objectives and policies are relevant to this application:

Objective 1 - To ensure activities do not adversely affect the environmental and amenity values of areas within the district or adversely affect existing activities.

Policy 1.1 - Activities should be located in areas where their effects are compatible with the character of the area.

Policy 1.2 - Activities within an area should not have adverse effects that diminish the amenity of neighbouring areas, having regard to the character of the receiving environment and cumulative effects.

Policy 1.3 - New activities that are sensitive to the elements that define the character of the area in which they intend to locate should be designed and/or located to avoid conflict.

Assessment: The proposed development is considered to be entirely compatible with both the site and the area which is located in the CBD with the area characterised by multi-storeyed buildings with high site coverage, in predominantly commercial use but with some ancillary residential uses. The proposal significantly enhances amenity for the site and the neighbouring area and provides the

opportunity for additional future amenity through connection with the NPDC site. The proposed apartment will be designed to maintain an appropriate noise level for residents and is stepped back from the edges of the site to maintain its privacy and is therefore designed appropriately for the inner-city environment. Overall, the proposal is consistent with and not contrary to the above Objective and Policies.

Objective 5 - To maintain and enhance the character and coherence of the urban areas of the New Plymouth District.

Policy 5.1 - The importance of open space areas to the community and the values associated with these areas should be recognised and provided for.
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Policy 5.2 - Buildings and structures should not detract from or reduce the visual amenity of the Urban Viewshafts.

Policy 5.3 – The positive contribution vegetation makes to urban amenity should be recognised, maintained and, where possible, enhanced.
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Assessment: The proposal recognises the importance of the future open space area within the adjacent Huatoki development, providing for it through the stairway and entrance connections for physical access, and the glass façades for visual connection between the building and outdoor spaces, consistent with and not contrary to Policy 5.1. As explained earlier after assessment in the LVIA there will be a more than minor adverse effect on the Victoria Road Viewshaft and the proposal is therefore considered to be contrary to Policy 5.2. The proposal is contrary to Policy 5.3 as the Notable Tree will be removed. Efforts to avoid effects on the tree or incorporate the tree into the development have been explored but a combination of factors prevent retention of the tree being a practicable option. However, overall the proposal is considered to enhance the inner-city character and coherence of the Brougham / Powderham Street area, including a connection and interface with a potential redevelopment of the Huatoki Stream. On balance the proposal is considered to be consistent with and not contrary to the above Objective.

Objective 7 - To ensure the attractive, vibrant, safe, efficient and convenient character of the business environment is maintained.

Policy 7.1 - Buildings, signs and other structures should be designed and/or located to avoid, remedy or mitigate adverse effects on the character and visual amenity of business areas.
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Assessment: The building incorporates natural materials and glass facades to maintain visual amenity and connection with the surrounding area, including in the majority of the portion of the building that is above the 14 m permitted height limit. Additionally, the apartment on top is smaller in area and sits back from the lower walls of the building to reduce its prominence. Appropriate daylight and sunlight are maintained in pedestrian areas with shading predominantly falling on areas not occupied by habitable buildings. The design of the building has been demonstrated to contribute positively to the character and visual amenity of this business area and therefore the proposal is consistent with and not contrary to the above Objective and Policy.

Objective 11: To recognise the district's heritage resources, provide for their protection and promote their enhancement.
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Policy 11.1: Notable Trees should be protected from destruction or alteration which will adversely affect their significance or health, except where they pose a threat to property, people or services.
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Policy 11.4: The Huatoki Stream should be protected from enclosure by development within the New Plymouth CBD, and enhanced to promote its heritage significance.

Assessment: The proposal is contrary to Policy 11.1 due to the proposal to remove the Notable Tree for the reasons explained in Section 4.3. The proposal is considered to provide and promote an opportunity for visual and physical connection between the site and Huatoki Stream through the glass façade, stairs canopy and entrance out onto a pedestrian area, and is therefore consistent with and not contrary to Policy 11.4. On balance, it is considered that the proposal is contrary to the above Objective which specifies protection of a feature without allowances for the practicality of actually

retaining that feature or consideration of the benefits of the development that might be facilitated by removal of the tree.

Objective 13: To ensure that land use activities do not increase the likelihood or magnitude of natural hazard events.

Policy 13.1: Subdivision, development and other land uses should not result in aggravation of natural hazards.

Assessment: The potential for a slip plane to form under the proposed building is a known natural hazard, potentially exacerbated by the decay of the tree in the future. The proposal is considered to appropriately minimise this hazard potential with the proposed removal of the tree prior to construction of the building, and by using deep driven piles. The proposal is consistent with and not contrary to the above Objective and Policy.

Objective 18: To maintain and enhance public access to and along the coast, lakes and rivers.

Policy 18.1 - Public access should be provided to and along the coast and Priority Waterbodies except where such access should be restricted:

- To preserve natural character.
- To protect Significant Coastal Areas.
- To protect Significant Natural Areas.
- To safeguard ecological, intrinsic or recreational attributes.
- To avoid conflicts between competing uses.
- To protect cultural and spiritual values of Tangata Whenua.
- To protect human health and safety.
- For reasons of security.
- To prevent aggravation of a natural hazard.
- To protect the integrity of river and flood control works.
- To provide for any other exceptional circumstances that are sufficient to justify the restriction, notwithstanding the national importance of maintaining access.

Assessment: The proposal includes stairs and an entrance through from the building to the NPDC sites, intended to enhance access to and along the Huatoki Stream which is a Priority Waterbody. The proposal is consistent with and not contrary to the above Objective and Policy.

Objective 19 - To recognise and provide for the cultural and spiritual values of Tāngata Whenua in all aspects of resource management in the district in a manner which respects and accommodates Tikanga Maori.

Policy 19.1 - The use of land for traditional Maori activities should be recognised and provided for.

Policy 19.2 - Subdivision, land use or development should not adversely affect the relationship, culture or traditions that Tangata Whenua have with Waahi Taonga/ Sites Of Significance To Maori.

Policy 19.3 - The cultural and spiritual values of Tangata Whenua should be recognised and provided for in the resource management of the district.

Policy 19.4 - The principles of the Treaty Of Waitangi (Te Tiriti O Waitangi) will be taken into account in the management of the natural and physical resources of the district.

Assessment: "Advocate for and facilitate access to traditional areas and resources" is one of the methods of implementation for Policy 19.1 and the proposal is considered to be consistent with this through improving access to and along the Huatoki awa. The significance of the area and the Huatoki awa have been advised by Ngāti Te Whiti hui and CIA and thereafter incorporated into the design of the building. It is therefore considered that the proposal is consistent with Policies 19.2 and 19.3. The principles of Te Tiriti O Waitangi are explained in Section 5.6 to have been taken into account through the genuine engagement process undertaken with Ngāti Te Whiti, and the outcomes which

include acceptable adverse effects and the recognition of and provision for cultural and spiritual values. The proposal is therefore demonstrated to be consistent with Policy 19.4.

The proposal is entirely consistent with and not contrary to the above objective and policies with regard to recognising and providing for the cultural and spiritual values of Tāngata Whenua.

Objective 20 - To ensure that the road transportation network will be able to operate safely and efficiently.
Policy 20.1 - The movement of traffic to and from a site should not adversely affect the safe and efficient movement of vehicles, both on-site, onto and along the road transportation network.
Policy 20.2 - The safe and efficient operation of the road transportation network should not be adversely affected by land use activities that have insufficient or substandard parking or loading areas.
Policy 20.3 - Potential conflict between vehicles, pedestrians and cyclists moving on the road transportation network should be minimised to protect the safety and efficiency of road and footpath users.

Assessment: As addressed in Section 4.5, the proposal will maintain traffic, pedestrian and cyclist safety and efficiency along Brougham Street. Additionally, the proposal provides parking for some of its own generated demand and is overall considered to be consistent with and not contrary to the above Objective and Policies.

5.3.2 Summary

The proposal is contrary to three policies and an objective of the ODP as explained previously. These provisions direct that the amenity of urban viewshafts is maintained, and that vegetation in the central city, particularly Notable Trees, be protected. The provisions do not allow for consideration of the practicalities (e.g. social, economic, physical) of retaining the Notable Tree, including its restrictions on the development opportunities of nearby sites, nor the potential for alternative or enhanced amenity from a proposed development to mitigate that lost as a result of removing the tree.

Relative to this is that the proposal is not contrary to, but demonstrates consistency with the majority of the other relevant objectives and policies of the ODP, with regard to:

- General character, amenity and the compatibility of land use activities;
- Maintaining and enhancing the character and amenity of the Business Environment Area, including visual amenity;
- Providing the opportunity for connection, access and honouring of the Huatoki Stream as an important place;
- Appropriate building design to address natural hazards;
- Recognising and providing for the cultural and spiritual values of Tāngata Whenua in a manner which respects and accommodates Tikanga Māori; and
- Ensuring a safe and efficient transportation system.

While the above provisions to which the proposal is consistent with outnumber those to which it is contrary to, the content of the above provisions is more important. As such, overall and considering the proposal holistically, it is considered that the contributions of the proposal to the character, amenity and vibrancy of the central city through a modern sustainable building providing commercial working space, apartment living and design that embraces connection with other spaces and the Huatoki Stream, is a significant improvement to the current parking lot. Added to this is that the recognition and provision in the building design of the cultural and spiritual values of Tāngata Whenua all significantly outweigh any adverse visual effects of the overheight nature of the building and the loss of the tree. It is considered that this demonstrates strong consistency with the provisions

of the ODP which have broader aspirations for this central city site and area, which outweigh the provisions which more narrowly focus on protecting viewshafts and singular heritage features.

Overall, on balance the proposal is therefore not considered to be contrary to the Objectives and Policies of the ODP.

5.3.3 Proposed District Plan

Strategic Objectives
HC-1: The district's heritage and cultural values contribute to the district's sense of place and identity, and are recognised and protected.
HC-2: The cultural, spiritual and/or historical values associated with historic heritage and sites and areas of significance to Māori are protected.
HC-3 - Tangata whenua's relationships, interests and associations with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes, and other taonga of significance are recognised and provided for.
TW-8 - Tangata whenua actively participate in resource management processes.
TW-9 - Recognise that only tangata whenua can identify impacts on their relationship with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes and other taonga of significance to Māori.
TW-11 - Provide for the relationship of tangata whenua with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes and other taonga of significance to Māori.
TW-12 - Recognise the contribution that tangata whenua and their relationship with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes, and other taonga of significance make to the district's identity and sense of belonging.
<p>UFD-13: The district develops in a cohesive, compact and structured way that:</p> <ol style="list-style-type: none"> 1. maintains a compact urban form that provides for connected, liveable communities; 2. manages impacts on the natural and cultural environment; 3. recognises the relationship of tangata whenua with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes and other taonga of significance; 4. enables greater productivity and economic growth; 5. enables greater social and cultural vitality; 6. takes into account the short, medium and long-term potential impacts of climate change and the associated uncertainty; 7. utilises existing infrastructure and/or can be efficiently serviced with new infrastructure; and 8. meets the community's short, medium and long-term housing and industrial needs.
<p>UFD-15: A variety of housing types, sizes and tenures are available across the district in quality living environments to meet the community's diverse social and economic housing needs in the following locations:</p> <ol style="list-style-type: none"> 1. suburban housing forms in established residential neighbourhoods; 2. a mix of housing densities in and around the city centre, town centres and transport nodes, including multi-unit housing; 3. opportunities for increased medium and high-density housing in the city centre, town centres and local centres that will assist to contribute to a vibrant, mixed-use environment; 4. a range of densities and housing forms in new subdivisions and areas identified as appropriate for growth; and 5. papakāinga housing that provides for the ongoing relationship of tangata whenua with ancestral land and for their cultural, environmental, social and economic well-being.
UFD-16: The district has a hierarchy of vibrant and viable centres that are the location for shopping, leisure, cultural, entertainment and social interaction experiences and provide for the community's employment and economic needs.
<p>UFD-17: The hierarchy of centres in the district is maintained in accordance with the following hierarchy:</p> <ol style="list-style-type: none"> 1. the city centre is the principal centre that provides a wide range of retail and business service activities, living activities, community facilities, and visitor accommodation that serve the district and the Taranaki region; 2. Waitara and Inglewood are town centres that provide a range of business, retail and entertainment activities that serve the needs of each town centre's community and surrounding rural areas and; 3. local centres are made up of rural service centres, village centres, suburban shopping centres and neighbourhood shops that provide convenience-based business and retail activities which serve the needs of each local centres community and surrounding areas.

**ANNEXURE B – Proposed New Plymouth District Plan Objectives and
Policies Assessment**

of the ODP which have broader aspirations for this central city site and area, which outweigh the provisions which more narrowly focus on protecting viewshafts and singular heritage features.

Overall, on balance the proposal is therefore not considered to be contrary to the Objectives and Policies of the ODP.

5.3.3 Proposed District Plan

Strategic Objectives
HC-1: The district's heritage and cultural values contribute to the district's sense of place and identity, and are recognised and protected.
HC-2: The cultural, spiritual and/or historical values associated with historic heritage and sites and areas of significance to Māori are protected.
HC-3 - Tangata whenua's relationships, interests and associations with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes, and other taonga of significance are recognised and provided for.
TW-8 - Tangata whenua actively participate in resource management processes.
TW-9 - Recognise that only tangata whenua can identify impacts on their relationship with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes and other taonga of significance to Māori.
TW-11 - Provide for the relationship of tangata whenua with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes and other taonga of significance to Māori.
TW-12 - Recognise the contribution that tangata whenua and their relationship with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes, and other taonga of significance make to the district's identity and sense of belonging.
<p>UFD-13: The district develops in a cohesive, compact and structured way that:</p> <ol style="list-style-type: none"> 1. maintains a compact urban form that provides for connected, liveable communities; 2. manages impacts on the natural and cultural environment; 3. recognises the relationship of tangata whenua with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes and other taonga of significance; 4. enables greater productivity and economic growth; 5. enables greater social and cultural vitality; 6. takes into account the short, medium and long-term potential impacts of climate change and the associated uncertainty; 7. utilises existing infrastructure and/or can be efficiently serviced with new infrastructure; and 8. meets the community's short, medium and long-term housing and industrial needs.
<p>UFD-15: A variety of housing types, sizes and tenures are available across the district in quality living environments to meet the community's diverse social and economic housing needs in the following locations:</p> <ol style="list-style-type: none"> 1. suburban housing forms in established residential neighbourhoods; 2. a mix of housing densities in and around the city centre, town centres and transport nodes, including multi-unit housing; 3. opportunities for increased medium and high-density housing in the city centre, town centres and local centres that will assist to contribute to a vibrant, mixed-use environment; 4. a range of densities and housing forms in new subdivisions and areas identified as appropriate for growth; and 5. papakāinga housing that provides for the ongoing relationship of tangata whenua with ancestral land and for their cultural, environmental, social and economic well-being.
UFD-16: The district has a hierarchy of vibrant and viable centres that are the location for shopping, leisure, cultural, entertainment and social interaction experiences and provide for the community's employment and economic needs.
<p>UFD-17: The hierarchy of centres in the district is maintained in accordance with the following hierarchy:</p> <ol style="list-style-type: none"> 1. the city centre is the principal centre that provides a wide range of retail and business service activities, living activities, community facilities, and visitor accommodation that serve the district and the Taranaki region; 2. Waitara and Inglewood are town centres that provide a range of business, retail and entertainment activities that serve the needs of each town centre's community and surrounding rural areas and; 3. local centres are made up of rural service centres, village centres, suburban shopping centres and neighbourhood shops that provide convenience-based business and retail activities which serve the needs of each local centres community and surrounding areas.

UFD-19: Urban environments are liveable, connected, accessible, safe and well-designed spaces for the community to live, work and play, which:

1. integrate and enhance natural features and topography into the design of development to minimise environmental impacts;
2. recognise the local context and character of an area;
3. reduce opportunities for crime and perceptions of crime through design solutions;
4. create ease of movement in communities through connected transport networks, a range of transport modes and reduced reliance on private motorised vehicles;
5. incorporate matauranga Māori principles by involving tangata whenua in the design, construction and development of the built environment;
6. use low impact design solutions and/or healthy, accessible, energy efficient buildings; and
7. are adequately serviced by utilising and/or upgrading existing infrastructure or with new infrastructure.

Assessment: Recognising that the area has been of significance to iwi and hapū for hundreds of years the proposal recognises the values Ngāti Te Whiti associate with the site and Huatoki awa and protects / provides for them with an appropriate narrative incorporated in the building design (HC-2, HC-3 and TW-11). Those values and the cultural narrative that arose from them have been the result of iwi and hapū participation in this consent application process through hui and CIA (TW-8), understanding that those cultural values can only be advised by Tāngata Whenua (TW-9). The design of the building will provide a narrative for the hapū relationship with this site, area and the Huatoki as an integral part of the city's identity and sense of belonging and place in this Mawhera / Brougham Street area (HC-1 and TW-12).

With regard to UFD-13, the proposed design of the building aligns with the need for compact urban form in this central city area and diversifies use of the site for both commercial and residential use, adding to the area's vitality and providing for commercial productivity, economic growth, employment and housing demand in the city centre. The proposal is consistent with this policy.

The apartment component of the building is consistent with policy UFD-15 as it contributes to the mixture of housing densities in the city centre and contributes to a vibrant mixed-use environment.

The addition of premium office space provides areas for employment and meeting businesses economic needs, maintaining the New Plymouth city centre as the principal and highest on the hierarchy of urban centres in New Plymouth district, consistent with policy UFD-16 and UFD-17.

Design features have been incorporated in the building to ensure connections and accessibility with the surrounding streets and the Huatoki Stream, recognising its importance. The building is to utilise low impact design solutions, be energy efficient and as an observation point increases safety of the streets and Huatoki area users. The proposal is consistent with UFD-19.

Overall, the proposal is not considered to be contrary to the Strategic Objectives above other than HC-1 relating to the removal of the Notable Tree.

Objective VIEWS-01: Viewshafts from public places to Mount Taranaki, the sea, Nga Motu/Sugar Loaf Islands and significant landmarks that provide a strong sense of place and identity are recognised and maintained.

VIEWS-P2: Maintain the visual amenity of viewshafts by controlling the height of structures within viewshafts.

IEWS-P3: Ensure that any structure that exceeds permitted height limits within a viewshaft is appropriately located and does not result in inappropriate adverse visual effects on the viewshaft, having regard to:

1. the extent to which the additional height of the structure will encroach upon the core part of the view and/or compromise the visual coherence or integrity of the viewshaft and its view;
2. the focal elements that will be affected and the ability to interpret the view;
3. the reduction or loss of amenity, vegetation and/or landscaping values;
4. the particular cultural, spiritual and/or historical values, interests or associations of importance to tangata whenua that are associated with the viewshaft which may be affected by the over-height structure;
5. the outcomes of any consultation with tangata whenua, in particular with respect to mitigation measures and/or opportunities to incorporate mātauranga Māori principles into the overall scale, form, composition and design of the structure, to:
 - a) minimise adverse visual effects on any cultural, spiritual and/or historical values, interests or associations of importance to tangata whenua that are associated with the viewshaft; and
 - b) acknowledge and reflect the importance of the viewshaft to tangata whenua.
6. the view's sensitivity to change or capacity to accommodate change;
7. whether the additional height of the structure will enhance the quality of the view through its design; and/or
8. whether the proposed structure and/or additional height of the structure has a functional or operational need to be located within the viewshaft, any alternative locations for the structure on the site and the permanency of the structure.

IEWS-P4: Support enhancement planting on Council land that is located within viewshafts to improve the overall amenity of viewshafts.

Assessment: Policy VIEWS-P2 directs Council to have rules in the PDP with regard to height of buildings and structures within viewshafts. Recognising that there will be more than minor effects on the Victoria Road Viewshaft, nonetheless the proposal is considered to maintain the visual amenity of the Viewshaft as the vast majority of the view is unaffected. The additional height is a functional requirement and with mitigation through design methods, adverse effects are considered to have been appropriately controlled. Therefore, the proposal is not considered to be contrary to Policy VIEWS-P2.

As advised by the outcomes of the CIA, the proposal is considered to be consistent with and not contrary to Policy VIEWS-P3 which qualifies why additional height above the permitted level is acceptable in some instances or with regard to particular factors. This is because the building is appropriately located in the central city amongst other multi-storey buildings, and for the reasons explained in the LVIA which address points 1-3 and 6-7 of the Policy. With regard to points 4 and 5, as explained in the CIA any effects on cultural and spiritual values of Ngāti Te Whiti are acceptable, in part due to ensuring the building has an appropriate cultural narrative to be advised by Tāngata Whenua. With regard to point 8, there is no alternative location for the structure on the site due to the site's size and shape, with need for the apartment to be on top with the tenanted commercial spaces more easily accessible below, and for the building to be at this scale for it be economically functional.

The opportunity remains for enhancement planting in the future near the Huatoki Stream to improve the amenity of the viewshafts and the proposal is not contrary to Policy VIEWS-P4.

Overall it is considered that the proposal maintains the desired sense of place and identity from all relevant Viewshafts and is therefore not contrary to Objective VIEWS-O1.

Objective TREE-O1: Trees with notable botanical, landscape, amenity, historical or cultural (including tangata whenua) values are recognised, identified and protected.
TREE-P3: Allow the removal, partial removal or destruction of an unsafe or unsound scheduled notable tree where it has been certified by the Council that the tree is unsafe or unsound as determined by using the International Society of Arboriculture Tree Risk Assessment.
TREE-P5: Avoid the removal, partial removal or destruction of a scheduled notable tree, unless: <ol style="list-style-type: none"> 1. it is necessary to prevent a serious threat to people or property; 2. it is necessary to enable the ongoing provision of essential infrastructure; 3. it is necessary to ensure compliance with the Electricity (Hazards from Trees) Regulations 2003; and/or 4. the tree is rendering the site incapable of reasonable use.

Assessment: With regard to the above relevant Objective and Policies:

- The proposal is contrary to Objective TREE-O1 due to the removal of the Notable Tree as it cannot be protected.
- The proposal is contrary to Policy TREE-P3 as removal of the tree is only allowed where Council have certified it unsafe or unsound and this has not occurred for this application.
- The proposal is not contrary to Policy TREE-P5 due to meeting one of the criteria, that being as explained in Section 4.3, the tree is rendering this site incapable of reasonable use.

Objective CCZ-O2: The city centre is the primary location for a wide range of retail and business service activities, living activities, community facilities and visitor accommodation.
Objective CCZ-O4: The structures in the city centre are well designed and contribute positively to the streetscape.
Objective CCZ-O5: The city centre is an attractive, accessible and safe environment for people to work, live and play.
CCZ-O6: Increased numbers of people live in the city centre.
CCZ-O7: The city centre's historic and cultural heritage is maintained and enhanced and contributes to the city's unique sense of place and identity.
CCZ-O8: The role and function of the city centre is not compromised by incompatible activities and/or built form.
CCZ-P1: Allow activities which are compatible with the role, function and predominant character of the City Centre Zone, while ensuring their design, scale and intensity is appropriate, including: <ol style="list-style-type: none"> 1. retail activities; 2. business service activities; 3. sensitive activities; 4. medical and health services; 5. sport and recreation activities; and 6. Māori purpose activities.
CCZ-P4: Encourage medium and high density housing developments in the city centre that will contribute to a vibrant, mixed use environment.
CCZ-P5: Maintain the role, function and predominant character of the City Centre Zone by controlling the effects of: <ol style="list-style-type: none"> 1. inactive frontages; 2. total or partial demolition of structures; 3. the erection of structures; 4. alterations to exteriors of structures; 5. additions to structures; 6. structure height; 7. noise and light; and 8. signage.

CCZ-P6: Require activities on pedestrian streets to maintain an active frontage and to contribute to a vibrant retail area by:

1. providing a verandah and/or other forms of shelter for pedestrians;
2. providing adequate transparent glazing so that goods and services are visible to create engaging, retail focused spaces;
3. providing an obvious public entrance;
4. locating parking and servicing areas within or to the rear of buildings; and
5. ensuring pedestrians can move safely and efficiently along the street and within public places.

CCZ-P8: Require structures and/or alterations to the exterior of or additions to structures to be compatible with the character and amenity of the relevant area by:

1. having an interesting and engaging frontage with variations in form, materials and colour;
2. providing clearly visible and accessible entranceways and connections to pedestrian networks, including safe and practicable access for people with limited mobility;
3. locating utilities and service areas so they are not visible from public areas and are screened or incorporated into the overall structure form;
4. using sustainable design methods, where possible, to minimise the use of energy and water resources and to create healthy living and working environments;
5. incorporating mātauranga Māori principles into the design and construction of the structure and, where appropriate, art works or unique and recognisable features that reflect cultural, spiritual and/or heritage values of importance to tangata whenua; and
6. maintaining similarity of frontage alignment, height and overall bulk, form and scale for structures adjoining a heritage building and/or within the heritage character area.

CCZ-P9: In addition to Policy CCZ-P8, require structures and/or alterations to the exterior of or additions to structures that adjoin a public place to:

1. maximise opportunities for the public to use and access that place;
2. maintain and enhance the city centre's historic and cultural heritage;
3. minimise any adverse shading effects on the public place; and
4. minimise the adverse impacts on the openness, historical and cultural values of the Huatoki Stream.

CCZ-P10: Ensure that structures proposing to exceed permitted height limits are appropriate, having regard to:

1. the prominence of the site's location, the extent of the structure's visibility to the public and its compatibility with the character and amenity of the area;
2. the overall scale, form, composition and design of the structure, the effects of the additional height and the ability to minimise adverse visual effects by breaking up dominant and/or monotonous facades;
3. the proximity of the structure to the coastal environment and its impact on coastal values;
4. the proximity of the structure to the Huatoki Stream and its impact on the openness, historical and cultural values of the stream;
5. the site's size, topography and the orientation of the structure on the site and whether the structure will result in adverse shading effects;
6. the extent to which the structure encroaches into the core part of the view and the focal elements that will be affected within any viewshaft;
7. the impact on any adjacent heritage building and/or the heritage character area, ensuring similarity of frontage alignment, height and overall bulk, form and scale.

CCZ-P11: Ensure any effects generated by activities are of a type, scale and level that are appropriate for the City Centre Zone and that will maintain city centre amenity, having regard to:

1. whether building occupants have adequate access to daylight;
2. the ability to manage noise and light emissions at an acceptable, reasonable level; and
3. the size, design and type of signage and whether it is compatible with the character and amenity of the city centre.

Assessment: The proposal offers a predominant commercial office activity, with diversification into an ancillary apartment use; both of which are compatible with the character of this area. As per the Effects Assessment, effects with regard to building height can be managed to an appropriate scale and intensity which maintains the role, function and character of this proposed Central City area, through methods such as transparent glazing, two canopies and entrances / stairs into public spaces

to maintain visual and physical engagement with the street and the Huatoki Stream. Design and construction of the building reflect principles advised by Tāngata Whenua, with art and features to both the interior and exterior that speak directly to the history and values of the area to Ngāti Te Whiti. The building fits with the many others of multiple storeys in this area however utilises modern sustainable design and function methods and has a stepped-back apartment on top to reduce its dominance. Some parking demand is serviced on-site and hidden beneath the building. Overall, the enhanced amenity to the site and area as a result of the proposal contributes significantly more to the inner city than the current vacant site and will contribute actively to this mixed working and living environment. Overall, the proposal is not considered to be contrary to the above Objectives and Policies.

5.3.4 Summary

Unlike the ODP, the PDP nominates some Strategic Objectives which have more weight than the other provisions of the ODP. The proposal is contrary to one of the Strategic Objectives as explained previously, which (similar to the ODP) directs the protection of heritage values (associated with the Notable Tree). Again, this does not provide for consideration of the practicalities and restrictions that the tree influences, nor mitigation of the effects of removing the tree, nor the timeframe in which the tree can reasonably remain as a heritage item, but instead requires protection at all costs, which is not provided for in this application. However, the proposal goes on to demonstrate strong consistency with other relevant Strategic Objectives with regard to recognising and providing for Tāngata Whenua cultural, spiritual and historical values, and urban form and development which directs developments to support an inner-city environment that is compact, connected, productive, vibrant and supports a mixture of commercial and residential uses.

With regard to the remaining Objectives and Policies of the PDP, the proposal is contrary to an Objective and a Policy that again directs the protection of Notable Trees. However, Policy TREE-P5 specifically provides for the removal of a Notable Tree if it is rendering the site incapable of reasonable use, as is the case for the subject Notable Tree. The Objective to protect the tree therefore, unlike the ODP, is required to take into account the practicalities and restrictions Notable Trees can create.

The proposal is not contrary to Policy VIEWS-P2 because the proposed height is considered to be adequately controlled to maintain the visual amenity of viewshafts, and it is not contrary to VIEWS-P3 which goes on to rationalise additional height when it is acceptable with regard to particular mitigating factors, which are applicable to this proposal. The proposal maintains the opportunity for enhancement planting along the Huatoki, not contrary to VIEWS-P4. Overall, the proposal is therefore not contrary to the VIEWS-O1 Objective by maintaining a strong sense of place and identity for the Viewshafts in which it sits.

The proposal thereafter demonstrates that it is not only not contrary to, but is consistent with the majority of the other relevant objectives and policies of the PDP, with regard to:

- Visual amenity in general; and
- The character and amenity of the Central City Zone, which is to have vibrant business and living amenities, an attractive and social streetscape and embraces place and identity.

Again the provisions that the proposal is consistent with outnumber those to which it is contrary, but in recognising the content of those provisions, the same conclusion is reached as for Section 5.3.2. Overall and considering the proposal holistically, it is considered that the contributions of the proposal to the character, amenity and vibrancy of the central city through commercial working space, apartment living and design that embraces connection with other spaces, is a significant improvement to the current parking lot, such that it outweighs the visibility within viewshafts and the

loss of the tree. It is considered that the proposal demonstrates strong consistency with the provisions of the PDP which have broader aspirations for this central city site and area, which outweigh provisions which more narrowly focus on protecting viewshafts and singular heritage features.

Overall, on balance the proposal is not considered to be contrary to the Objectives and Policies of the PDP.

5.4 Regional Policy Statement for Taranaki

The Regional Policy Statement (RPS) for Taranaki came into effect on 1 January 2010 and sets the framework for resource management policies including policies relating to the natural physical resources of Taranaki. It is the second RPS to be prepared by the Taranaki Regional Council. The purpose of the document is to *"promote the sustainable management of natural and physical resources in the Taranaki Region by providing an overview of resource management issues... and identifying policies and methods to achieve integrated management of natural and physical resources in the region"* (Taranaki Regional Council, 2010).

The RPS seeks to promote sustainable development whilst improving the quality of life by improving better social, environmental and economic outcomes.

Objectives and policies of the Land and Soil chapter (Chapter 5) seek to manage adverse effects arising from contaminated sites. In line with this, background research on the site has been undertaken and Appendix G confirms that there is no reason to believe there is any soil contamination on the site.

Enhancing public access to and along rivers is a topic of the objectives and policies of Chapter 6 (Fresh Water). Recognising that the Huatoki area is to be upgraded in the future to support public access and better appreciation of the Huatoki Stream, the development provides a connection through from the building to the Huatoki area.

Chapter 10 has regard to natural features and landscapes, historic heritage and amenity value. Objectives and policies centre around protecting and managing natural areas, features and landscapes which have (for example) character, amenity and heritage values. As explained earlier, the loss of amenity values associated with the tree is considered to be mitigated by the contribution of new values compatible with a vibrant the inner-city environment that the improved site will offer.

Objectives and policies within the Built Environment chapter (Chapter 15) of the RPS recognise the need to provide for appropriate development while avoiding, remedying or mitigating any adverse effects on the environment in order to maintain character and amenity values. The proposed high-quality compact development provides for the efficient use of an existing underutilised Business Environment site, stimulating social, environmental and economic vibrancy for this inner-city area with eco-friendly premium leasable commercial space and a modern apartment. The building is a walkable distance (and adjacent) to public spaces and all inner-city facilities, providing passive surveillance of public areas, whilst maintaining urban character and amenity.

Overall, the proposal is considered to be consistent with the intent of the RPS.

5.5 Tai Whenua, Tai Tangata, Tai Ao

The following objectives and policies in the Te Atiawa Iwi Environmental Management Plan are considered relevant to the proposal:

**ANNEXURE C – Email from Te Kotahitanga on behalf of Ngāti Te Whiti
Hapū dated 28/01/2021**

Cam Twigley

From: Sarah Mako <sarah@teatiawa.iwi.nz>
Sent: Thursday, 28 January 2021 11:48 AM
To: Cam Twigley
Cc: Sean Zieltjes; Ngati Te Whiti Hapu Society; Julie Healey; Te Atiawa Consents
Subject: Re: [#BTW190783] KD Holdings

Follow Up Flag: Follow up
Flag Status: Flagged

Thanks Cam.

We did not explicitly provide comment in relation to the consistency with the Proposed District Plan objectives and policies. Regarding *Tai Whenua, Tai Tangata, Tai Ao*, I can confirm subject to the conditions recommended, the proposed development is consistent.

Ngā manaakitanga,
Sarah

Sarah Mako

Pou Taiao | Policy Advisor (Environment)
Te Kotahitanga o Te Atiawa Trust
p 06 758 4685 | m 027 389 7806
w www.teatiawa.iwi.nz
35 Leach Street | P.O. Box 1097 Taranaki Mail Centre, New Plymouth



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From: Cam Twigley <Cam.Twigley@btw.nz>
Sent: Wednesday, 27 January 2021 1:40 PM
To: Sarah Mako <sarah@teatiawa.iwi.nz>
Cc: Sean Zieltjes <sean.zieltjes@gmail.com>; Ngati Te Whiti Hapu Society <ngatitewhitisocietyinc@gmail.com>; Julie Healey <healeyjulie6@gmail.com>; Te Atiawa Consents <consents@teatiawa.iwi.nz>
Subject: RE: [#BTW190783] KD Holdings

Kia ora Sarah,

Happy New Year. Hope you've had a smooth transition back to work in 2021.

I also wanted to check with you whether, with the recommended conditions of consent, you consider the proposal is consistent with the objectives and policies of the Proposed New Plymouth District Plan and *Tai Whenua, Tai Tangata, Tai Ao*? Sorry if this seems pedantic but I don't want to assume anything.

Ngā mihi
Cam

Cam Twigley | Kaitaataki Taiao | Director, Planning and Environment
MNZPI | BTW Company Ltd
P: 06 759 5040 | M: 0274 544 886 | www.btw.nz

From: Sarah Mako <sarah@teatiawa.iwi.nz>
Sent: Friday, 18 December 2020 11:55 AM
To: Cam Twigley <Cam.Twigley@btw.nz>
Cc: Sean Zieltjes <sean.zieltjes@gmail.com>; Ngati Te Whiti Hapu Society <ngatitewhitisocietyinc@gmail.com>; Julie Healey <healeyjulie6@gmail.com>; Te Atiawa Consents <consents@teatiawa.iwi.nz>
Subject: Re: [#BTW190783] KD Holdings

Same to you Cam. Catch up after the break.

Ngā mihi
Sarah

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Mai i: Cam Twigley <Cam.Twigley@btw.nz>
Kua tukua: Friday, December 18, 2020 11:32:23 AM
Ki: Sarah Mako <sarah@teatiawa.iwi.nz>
Kp: Sean Zieltjes <sean.zieltjes@gmail.com>; Ngati Te Whiti Hapu Society <ngatitewhitisocietyinc@gmail.com>; Julie Healey <healeyjulie6@gmail.com>; Te Atiawa Consents <consents@teatiawa.iwi.nz>
Marau: RE: [#BTW190783] KD Holdings

Kia ora Sarah,

Thanks for that confirmation.

If I don't see you beforehand have a happy and safe Xmas and New Year break.

Ngā mihi
Cam

Cam Twigley | Kaitaataki Taiao | Director, Planning and Environment
MNZPI | BTW Company Ltd
P: 06 759 5040 | M: 0274 544 886 | www.btw.nz

From: Sarah Mako <sarah@teatiawa.iwi.nz>
Sent: Friday, 18 December 2020 9:52 AM
To: Cam Twigley <Cam.Twigley@btw.nz>
Cc: Sean Zieltjes <sean.zieltjes@gmail.com>; Ngati Te Whiti Hapu Society <ngatitewhitisocietyinc@gmail.com>; Julie Healey <healeyjulie6@gmail.com>; Te Atiawa Consents <consents@teatiawa.iwi.nz>
Subject: Re: [#BTW190783] KD Holdings

Kia ora Cam

Thank you for your email.

I can confirm the acceptable effects conclusion translates to the adverse effects being no more than minor and the proposed development being consistent with the objectives and policies of the Operative District Plan in relation to cultural matters, subject to those recommended conditions being secured in the event resource consent is recommended for grant by NPDC.

Please let me know if you need anything further.

Ngā manaakitanga,
Sarah

Sarah Mako

Pou Taiao | Policy Advisor (Environment)

Te Kotahitanga o Te Atiawa Trust

p 06 758 4685 | m 027 389 7806

w www.teatiawa.iwi.nz

35 Leach Street | P.O. Box 1097 Taranaki Mail Centre, New Plymouth



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From: Cam Twigley <Cam.Twigley@btw.nz>

Sent: Wednesday, 16 December 2020 12:25 PM

To: Sarah Mako <sarah@teatiawa.iwi.nz>; Sean Zieltjes <sean.zieltjes@gmail.com>; Sean Zieltjes <sean@taranakimounga.nz>

Subject: [#BTW190783] KD Holdings

Kia ora kōrua,

I'm in the process of drafting evidence for the hearing related to the above which is scheduled for 25 Feb 2021.

The CIA refers to the potential adverse effects being acceptable subject to adoption of the recommended consent conditions which Kevin is agreeable to. Given the application is a non-complying activity the threshold we have to meet is adverse effects being no more than minor. Does your acceptable effects conclusion translate as adverse effects being no more than minor?

Nga mihi
Cam

Cam Twigley | Kaitaataki Taiao | Director, Planning and Environment
MNZPI

P: 06 759 5040 | M: 0274 544 886

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**ANNEXURE D – Regional Policy Statement for Taranaki Objectives
and Policies Assessment**

loss of the tree. It is considered that the proposal demonstrates strong consistency with the provisions of the PDP which have broader aspirations for this central city site and area, which outweigh provisions which more narrowly focus on protecting viewshafts and singular heritage features.

Overall, on balance the proposal is not considered to be contrary to the Objectives and Policies of the PDP.

5.4 Regional Policy Statement for Taranaki

The Regional Policy Statement (RPS) for Taranaki came into effect on 1 January 2010 and sets the framework for resource management policies including policies relating to the natural physical resources of Taranaki. It is the second RPS to be prepared by the Taranaki Regional Council. The purpose of the document is to *"promote the sustainable management of natural and physical resources in the Taranaki Region by providing an overview of resource management issues... and identifying policies and methods to achieve integrated management of natural and physical resources in the region"* (Taranaki Regional Council, 2010).

The RPS seeks to promote sustainable development whilst improving the quality of life by improving better social, environmental and economic outcomes.

Objectives and policies of the Land and Soil chapter (Chapter 5) seek to manage adverse effects arising from contaminated sites. In line with this, background research on the site has been undertaken and Appendix G confirms that there is no reason to believe there is any soil contamination on the site.

Enhancing public access to and along rivers is a topic of the objectives and policies of Chapter 6 (Fresh Water). Recognising that the Huatoki area is to be upgraded in the future to support public access and better appreciation of the Huatoki Stream, the development provides a connection through from the building to the Huatoki area.

Chapter 10 has regard to natural features and landscapes, historic heritage and amenity value. Objectives and policies centre around protecting and managing natural areas, features and landscapes which have (for example) character, amenity and heritage values. As explained earlier, the loss of amenity values associated with the tree is considered to be mitigated by the contribution of new values compatible with a vibrant the inner-city environment that the improved site will offer.

Objectives and policies within the Built Environment chapter (Chapter 15) of the RPS recognise the need to provide for appropriate development while avoiding, remedying or mitigating any adverse effects on the environment in order to maintain character and amenity values. The proposed high-quality compact development provides for the efficient use of an existing underutilised Business Environment site, stimulating social, environmental and economic vibrancy for this inner-city area with eco-friendly premium leasable commercial space and a modern apartment. The building is a walkable distance (and adjacent) to public spaces and all inner-city facilities, providing passive surveillance of public areas, whilst maintaining urban character and amenity.

Overall, the proposal is considered to be consistent with the intent of the RPS.

5.5 Tai Whenua, Tai Tangata, Tai Ao

The following objectives and policies in the Te Atiawa Iwi Environmental Management Plan are considered relevant to the proposal:

ANNEXURE E – Confirmation of withdrawal of submission by FENZ

Cam Twigley

Subject: [#BTW190783] submission on LUC20/47704 from Aimee Brown on behalf of Fire and Emergency New Zealand

From: Aimee Brown <Aimee.Brown2@beca.com>

Sent: Wednesday, 21 October 2020 2:03 PM

To: Darelle Martin <darelle.martin@btw.nz>; Luke Balchin <Luke.Balchin@npdc.govt.nz>

Subject: RE: [#BTW190783] submission on LUC20/47704 from Aimee Brown on behalf of Fire and Emergency New Zealand

Hi Darelle and Luke,

Thanks for your email.

We are delighted that the applicant has volunteered the condition suggested in our submission and confirm that imposition of the condition on the consent would fully address the issues raised in FENZ's submission.

On this basis, we no longer wish to appear at the hearing.

Ngā mihi | Kind regards,

Aimee Brown

Environmental Planner

Beca

Phone: +64 4 473 7551

DDI: +64 4 550 6696

www.beca.com

igniteyourthinking.beca.com



Sensitivity: General

From: Darelle Martin <darelle.martin@btw.nz>

Sent: Wednesday, 21 October 2020 11:09 AM

To: Luke Balchin <Luke.Balchin@npdc.govt.nz>; Aimee Brown <Aimee.Brown2@beca.com>

Subject: RE: [#BTW190783] submission on LUC20/47704 from Aimee Brown on behalf of Fire and Emergency New Zealand

Kia ora Luke and Aimee,

With regard to the submission on LUC20/47704 (K.D. Holdings Limited) from Aimee Brown on behalf of Fire and Emergency New Zealand (FENZ), the applicant volunteers a condition of consent as sought in the submission, as follows:

Prior to occupation, the building shall be connected to a water supply system that complies with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

Aimee – could you please confirm whether through volunteering the above as a condition of consent, ensuring that water supply is sufficient for firefighting purposes, FENZ will withdraw the submission?

Kind regards,

Darelle Martin | Kaiwhakamahere | Intermediate Planner
P: 06 759 5040 | M: 0272 050 301

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Safety
ISO 45001

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ANNEXURE F – Confirmation of withdrawal of submission by Powerco

Cam Twigley

From: planning@powerco.co.nz
Sent: Monday, 18 January 2021 8:06 AM
To: Darelle Martin; Luke Balchin
Subject: RE: [#BTW190783] submission on LUC20/47704 from Gary Scholfield on behalf of Powerco Limited

Hi Luke & Darelle

Confirming that Powerco withdraws its submission on the application from K.D. Holdings Limited to establish a six level multi-storey building and the associated removal of a notable tree at 45, 49 and 51 Brougham Street and 33 Devon Street West, New Plymouth (LUC20/47704), on the basis that the condition as volunteered by the applicant below is imposed on the consent.

Let me know if you have any queries.

Regards

Gary Scholfield | Environmental Planner | **POWERCO**

Ext 5659 | Ph +64 7 928 5659 | Mobile +64 27 598 4145 | Web www.powerco.co.nz

From: Darelle Martin <darelle.martin@btw.nz>
Sent: Monday, 11 January 2021 11:47 am
To: planning@powerco.co.nz; Luke Balchin <Luke.Balchin@npdc.govt.nz>
Subject: RE: [#BTW190783] submission on LUC20/47704 from Gary Scholfield on behalf of Powerco Limited

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Thanks Luke,

Gary, are Powerco able to confirm that they withdraw their submission please?

Otherwise let me know if you have any further queries,

Thank you,

Darelle Martin | Kaiwhakamahere | Intermediate Planner | BTW Company Ltd

P: 06 759 5040 | M: 0272 050 301 | www.btw.nz

From: Luke Balchin <Luke.Balchin@npdc.govt.nz>
Sent: Monday, 11 January 2021 10:56 AM
To: Darelle Martin <darelle.martin@btw.nz>
Cc: planning@powerco.co.nz
Subject: RE: [#BTW190783] submission on LUC20/47704 from Gary Scholfield on behalf of Powerco Limited

Kia ora Darelle,

I am comfortable with such a condition as worded below or similar wording. Please let me know if anything further is necessary Darelle or Gary.

Thanks

Luke Balchin

Senior Environmental Planner

New Plymouth District Council | Liardet St | Private Bag 2025 | New Plymouth 4340 | Ph 06-759 6060
www.newplymouthnz.com | [Facebook](#) | [Twitter](#)



From: Darelle Martin [<mailto:darelle.martin@btw.nz>]

Sent: Thursday, 7 January 2021 3:43 PM

To: Luke Balchin <Luke.Balchin@npdc.govt.nz>

Cc: planning@powerco.co.nz

Subject: FW: [#BTW190783] submission on LUC20/47704 from Gary Scholfield on behalf of Powerco Limited

Hi Luke,

The applicant agrees to volunteer the condition of consent specified in the email thread below.

Can you please confirm to us and Powerco whether NPDC are satisfied with this condition of consent, so that Powerco may withdraw their submission?

Thank you,

Darelle Martin | Kaiwhakamahere | Intermediate Planner | BTW Company Ltd

P: 06 759 5040 | M: 0272 050 301 | www.btw.nz

From: Darelle Martin

Sent: Wednesday, 21 October 2020 11:45 AM

To: 'planning@powerco.co.nz' <planning@powerco.co.nz>; Luke Balchin <Luke.Balchin@npdc.govt.nz>

Subject: RE: [#BTW190783] submission on LUC20/47704 from Gary Scholfield on behalf of Powerco Limited

Appreciate the reply thanks Gary,

Darelle Martin | Kaiwhakamahere | Intermediate Planner | BTW Company Ltd

P: 06 759 5040 | M: 0272 050 301 | www.btw.nz

From: planning@powerco.co.nz <planning@powerco.co.nz>

Sent: Wednesday, 21 October 2020 11:43 AM

To: Luke Balchin <Luke.Balchin@npdc.govt.nz>

Cc: Darelle Martin <darelle.martin@btw.nz>

Subject: RE: [#BTW190783] submission on LUC20/47704 from Gary Scholfield on behalf of Powerco Limited

Hi Luke

I hope you are enjoying life down in New Plymouth and that you have settled into your role at the Council!

If Council is happy to impose the condition as volunteered by the applicant below, Powerco will withdraw its submission on the application from K.D. Holdings Limited to establish a six level multi-storey building and the

associated removal of a notable tree at 45, 49 and 51 Brougham Street and 33 Devon Street West, New Plymouth (LUC20/47704).

Let me know if you have any queries.

Regards

Gary Scholfield | Environmental Planner

POWERCO

Level 2, 152 Devonport Road, Tauranga 3110 | PO Box 13 075, Tauranga 3141
Ext 5659 | Ph +64 7 928 5659 | Mobile +64 27 598 4145 | Web www.powerco.co.nz



Please consider the environment before printing this e-mail

From: Darelle Martin <darelle.martin@btw.nz>

Sent: Wednesday, 21 October 2020 10:57 am

To: Luke Balchin <Luke.Balchin@npdc.govt.nz>; planning@powerco.co.nz

Subject: RE: [#BTW190783] submission on LUC20/47704 from Gary Scholfield on behalf of Powerco Limited

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Kia ora Luke and Gary,

With regard to the submission on LUC20/47704 (K.D. Holdings Limited) from Gary Scholfield on behalf of Powerco Limited, the applicant volunteers a condition of consent as sought in the submission, as follows:

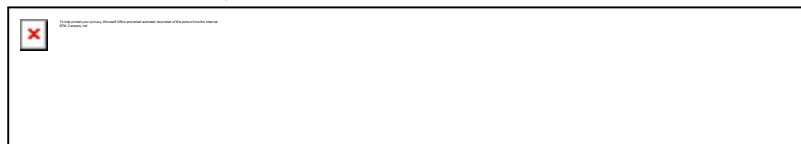
Prior to the commencement of any site works associated with the project, the consent holder shall accurately identify the location of existing underground network utilities (www.beforeudig.co.nz). Construction plans must identify the locations of the existing network utilities and appropriate physical indicators must be placed on the ground showing specific surveyed locations. All construction personnel, including contractors, are to be made aware of the presence and location of the various existing network utilities which traverse, or are in close proximity to the project area, and the restrictions in place in relation to those existing network utilities.

Gary – could you please confirm whether through volunteering the above as a condition of consent, ensuring that Powerco's assets are protected, Powerco will withdraw the submission?

Kind regards,

Darelle Martin | Kaiwhakamahere | Intermediate Planner

P: 06 759 5040 | M: 0272 050 301



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ANNEXURE G – Comments on Consent Conditions

1. The use and development of the site shall be as described within the application, including any subsequent information submitted by the applicant, and shall be substantially in accordance with the plans detailed below, and all referenced by the council as consent number LUC20/47704;

Commented [CT1]: Recommend specifically referencing the consent application document and two further information responses

Drawing Number	Date	Drawing Name
A1.01	27/08/2020	Proposed Site Plan
A2.01	12/01/2021	Proposed L0 Plan
A2.02	27/08/2020	Proposed L1 Plan
A2.03	31 27/08/2020	Proposed L2,3,4,5 Plan
A2.04	25 27/08/2020	Proposed L6 Floor Plan
A3.01	25 27/08/2020	Elevations
A3.02	25 27/08/2020	Elevations
A4.01	25 27/08/2020	Cross Sections
A9.01	03 27/098/2020	Shade Diagrams Summer Solstice
A9.02	03 27/098/2020	Shade Diagrams Winter Solstice
A9.04	07/12/2020	Shade Diagrams
A9.05	07/12/2020	Shade Diagrams

Commented [CT2]: Additional shade diagrams provided in the evidence of Mr Murphy addressing shading within Victor Davies Park

External Façades and Building Design Features

2. The Consent Holder shall submit detailed design drawings and supporting information for the building design elements described below to the Planning Lead for certification prior to building consent being lodged~~The final detailed design of the building shall be submitted to Council's Planning Lead for approval prior to the application for a building consent. The final detailed design shall confirm the following:~~

i. The glazed façade design and finish ~~is required to achieve~~ a Visible Light Transmission (VLT) of between 50-60% visual permeability.

Commented [CT3]: To bring more certainty to the standard to be achieved. As detailed in the evidence of Mr Bhaskar

ii. ~~The certified cultural narrative from Ngati Te Whiti hapū~~

~~ii. The final cultural narrative and fritting design on the external glass facades as determined in consultation with Ngāti Te Whiti hapu under the requirements of the Kaitiake Forum condition.~~

~~iii. The final cultural narrative design on the external stairwell as determined in consultation with Ngāti Te Whiti hapu under the requirements of the Kaitiake Forum;~~

Commented [CT4]: Already covered by condition 15a)

~~iv. The final cultural narrative designs within the internal paved floor achieving the Hinakai (eel net) representations and as determined in consultation with Ngāti Te Whiti hapu under the requirements of the Kaitiake Forum~~

~~iiiv.~~ The confirmed location of the proposed setback internal walls.

~~ivvi.~~ The finish of the internal timber structural components ~~finish~~

~~vii.~~ The treatment and external materials to be utilised for the top floor apartment; and

~~viii.~~ The treatment and external materials to be utilised for all remaining building elements

vii. Details of the energy efficiency and low carbon initiatives incorporated in the building.

Commented [CT5]: As per the recommendation in Mr Bhaskar's evidence

3. The sixth level (top) residential apartment building shall be detailed to include the same percentage facade perforation and/or transparency (glazing) as shown on the consent application drawings ~~and in respect of the glazing achieve a VLT of between 50-60%.~~

4. The sixth level (top) balustrade shall be glazed as shown ~~own the drawings on~~ the consent application drawings

~~5. The Consent Holder shall submit detailed design drawings and supporting information for the building design elements described under condition 2 to the Planning Lead for certification prior to building consent being lodged.~~

Commented [CT6]: Simplified above to avoid repetition

~~5.6.~~ The design shall be consistent with the drawings referred to under Condition 1 above and a report confirming consistency shall be prepared by a suitably qualified and experienced person, ~~confirming this consistency and~~ shall be provided as part of the information required ~~above~~ under Condition ~~15~~.

~~7. Where the design proposed is not in accordance with the drawings listed under Condition 1, the Consent Holder shall submit alternative design drawings to the Planning Lead prior to building consent. The design drawings shall demonstrate compliance with the following~~

~~i. Building height shall not exceed a maximum of 25.5 metres above ground level as surveyed at the time of the granting of this consent; and~~

~~ii. That any design amendments result in a reduction of overall effects.~~

~~Advice Note~~

~~a) The purpose of conditions 5 to 7 is to ensure that any proposed changes to the design that will not result in additional adverse visual or amenity effects on the surrounding environment and is intended to provide an alternative process to a formal s127 variation or consent application for design changes within the scope of consent. Excepting that Council reserves the right to require the consent holder to make a s127 application, or, as appropriate, new application for resource consent, if necessary;~~

Commented [CT7]: This process exists anyway i.e. an alternative design could be found to be substantially in accordance with the approved plans. These conditions create uncertainty around process. Recommend delete.

~~Landscaping~~

~~6.8.~~ A landscaping plan shall be submitted for approval to the Council's Planning Lead prior to the commencement of the development. The landscaping plan shall show the landscape planting on the top level apartment as proposed within the BOON Landscape & Visual Impact Assessment, Revision A, Dated 1st September 2020.

~~7.9.~~ The landscaping required by Condition ~~6.8~~ shall illustrate how the proposed landscaping will soften the impacts of the building.

~~8.10.~~ Landscaping ~~in accordance with the approved landscaping plan~~ shall be implemented within the first planting season ~~after~~ the completion of the development.

~~9.11.~~ On completion of landscaping, ~~a landscape architect the consent holder~~ shall certify that these works have been completed and provide this certification to the Council's Planning Lead.

~~10.2.~~ For the duration of this consent, the consent holder shall maintain all planting in a good and healthy condition. Any planting not in a good and healthy condition shall be replaced.

Building Height

113. The building shall not exceed 25.5 metres above the lowest existing ground level at the time of the granting of this consent and as measured from an the identified Taranaki Datum height within the site.

124. To facilitate Condition 113 a-A survey certificate shall be provided~~undertaken~~ by a Licensed Cadastral Surveyor ~~the consent holder~~ and supplied to council within 20 working days of practical completion of the building~~the appeals period closing~~.

Commented [CT8]: The building won't be built 20 working days after the appeal period closes.

Cultural Items and Kaitiaki Forum

135. The consent holder shall engage Ngāti Te Whiti to provide and certify a cultural narrative for the development. Any cultural narrative shall be demonstrated in:

- a) the exterior of the building (façade and external staircase);
- b) the foyer and entrance on the ground floor;
- c) the landscaping and entrance to the building adjoining the Huatoki; and
- d) any other location agreed between the consent holder and Ngāti Te Whiti.

146. The consent holder shall engage Ngāti Te Whiti to provide a mauri stone for the water feature to be located in a position to be agreed between the consent holder and Ngāti Te Whiti.

157. At all times during the exercise of resource consent LUC20/47704, Ngāti Te Whiti Hapū shall be provided the opportunity to and be resourced to monitor all earthworks associated with the development.

Kaitiaki Forum

168. The consent holder shall convene and resource a Kaitiaki Forum. This Forum shall be established and commence immediately following granting of consent, prior to the preparation of any plans and any works commencing on site.

179. The function and purpose of the Kaitiaki Forum shall be formally agreed by the Consent Holder, Ngāti Te Whiti Hapū and Te Kotahitanga o Te Atiawa Trust and formally documented in a Forum Collaboration Agreement. This Agreement shall include, but not be limited to;

- a) The matters the Forum shall consider including but not limited to cultural narrative, changes through the detailed design phase, hard and soft landscaping, mauri stone and associated infrastructure, subsequent developments of the Metro Plaza, cultural monitoring
- b) The entities to be represented on the Forum
- c) The number of representatives from the entities on the Forum
- d) The frequency at which the Forum shall meet
- e) The certification process that shall be utilised in the Forum
- f) The duration of the Forum
- g) A dispute resolution clause.

~~1820.~~ A copy of the Forum Collaboration Agreement shall be provided to the New Plymouth District Council Planning Lead or nominee.

NPDC Land Encroachment

~~1924.~~ A connection shall be provided through the building's ground floor to the adjoining NPDC-owned land as shown on Drawing Number A2.02 - 27/08/2020 - Proposed L1 Plan.

Advice notes

~~ae)~~ The granting of this consent does not permit the building encroachments into the NPDC-owned adjoining property to the north-east (Lot 2 DP 15492). The consent holder is advised to formalise arrangements for the use of that land on such terms as the landowner NPDC determines appropriate as soon as possible and prior to any application for a building consent.

~~b.f)~~ With regard to the encroachment of the canopy shown on Drawing Number A2.02 along the building's eastern elevation, the consent holder will need to enter into a lease or such alternative formal legal arrangement as may be acceptable to NPDC, in order to formally document the encroachment of the canopy into NPDC-owned Lot 2 DP ~~15492 and access to the building over that NPDC-owned land.~~

~~ce)~~ With regard to the encroachment of the stairwell and the small corner section of the building (north-east corner) as shown on Drawing Number A2. 02, the consent holder will need to enter into a sale and purchase agreement for the purchase of that part of NPDC-owned Lot 2 DP 15492 which is encroached upon and complete the consequential boundary adjustment required to enable the land to be transferred pursuant to that agreement. ~~Discussions as to possible pedestrian access through the connection referred to in condition 1 above, will form part of these negotiations.~~ The boundary adjustment ~~process~~ would need to be ~~completed~~~~approved~~ prior to any application for a building consent.

~~dh)~~ The sale and purchase ~~and~~, leasehold ~~and any access~~ values associated with the above will need to be determined through an independent valuation process.

Basement Car Park and Vehicle Access

~~202.~~ The basement carpark shall be formed in accordance with the scheme plans prepared by BOON teamarchitects on behalf of K.D. Holdings Limited and entitled: "Brougham Street Development – 51 Brougham Street, New Plymouth", Job No: 6400, Drawing No: A2.0~~12~~, Date 12/01/2021.

Archaeology

~~23. The consent holder shall engage a suitably qualified archaeologist to develop archaeological protocols for site works and in obtaining an archaeological authority to damage the stone railway embankment within Lot 2 DP 15492.~~

~~214.~~ Archaeological protocols shall be developed so that damage to the stone wall during the removal of the notable tree is limited as far as practicably possible. A copy of the protocols shall be supplied to Councils Planning Lead

Earthworks and Construction Management

Commented [CT9]: No legal access for the general public through the building is proposed.

Commented [CT10]: No legal access for the general public through the building is proposed.

Commented [CT11]: Archaeological authority already approved.

225. Prior to any earthworks commencing on the site, the consent holder shall submit to the Council's Planning Lead, or nominee, for approval:

i. ~~A Prior to earthworks being undertaken the Consent Holder shall provide a~~ copy of ~~an approved~~ Traffic Management Plan to Council's Monitoring Team.

ii. An Earthworks Management Plan which identifies specific procedures associated with stormwater and soil management, dust and sediment control measures. The Earthworks Management Plan must include:

- a. Dates for earthworks, timing and proposed duration;
- b. Details of the sediment and dust control measures to be implemented on the site;
- c. Measures for avoiding any carry of soil or any other material onto public roads;
- d. Proposed earthworks traffic route;
- e. No undermining of any adjoining areas of road reserve; ~~and~~
- f. ~~and~~

~~g.~~ 24 hour contact phone numbers of the designated site liaison person/s responsible for handling queries and complaints regarding the earthwork activities;

iii. A Construction Management Plan which identifies specific procedures associated with site incidents and prevention of potential effects on the surrounding environment and community, temporary traffic management associated with traffic, proposed long-term site management, occupation safety and health issues and measures. The Construction Management Plan must include:

- a) A copy of this consent;
- b) 24 hour contact phone numbers of the designated site liaison person/s responsible for handling queries and complaints regarding the construction programme and all construction activities;
- c) An engagement process to inform adjoining business owners of the timetable of construction work.
- d) Methodology for logging and handling queries and complaints regarding the construction programme and all construction activities;
- e) Proposed transportation route/s;
- f) Work hours, scheduling and timing of vehicle movements;
- g) The location and layout of vehicle parking spaces for all vehicles associated with construction activities on the site, including those for construction workers' vehicles and construction related vehicles, over the entire construction period and how this will be managed;
- h) The location and design of a temporary construction vehicle access point and traffic circulation through the site over the entire construction period;
- i) Storage of construction plant and material; and
- j) Notification procedures between the consent holder and the Council's Planning Lead, or nominee, in respect of any changes to the approved Construction Management Plan.

Commented [CT12]: TMP approved by who? If approved by roading team then it shouldn't need to get approved a second time by the Planning Lead. It should just be provided.

236. Once the Construction Management Plan and Earthworks Management Plan are approved, all earthwork and construction activities shall be undertaken in accordance with these management plans-approved Earthworks and Construction Management Plan.

247. The consent holder shall notify the Council Monitoring Officer 17 days prior to any earthworks commencing to enable monitoring of this resource consent.

258. The consent holders shall pay the council's costs of any monitoring that may be necessary to ensure compliance of the use with the conditions specified.

Water Connections

269. Prior to occupation, the building shall be connected to a water supply system which complies with the New Zealand Fire Service Firefighting Water Supplies Code of ~~Conduct of P~~practice SNZ PAS 4509:2008.

2730. There are three existing water connections to the site, existing water connections to this development shall be upgraded to a manifold assembly type if required.

Stormwater

2831. A stormwater report detailing how all stormwater on site, including the basement carpark, is going to be managed and treated prior to discharge to the receiving environment shall be provided to Council's Planning Lead. The report will need to be reviewed and approved by the Council's water and waste team prior to building consent being lodged.

Advice Notes

a) NPDC's Water and Waste Department shall be required to confirm that there is available water capacity within the network.

b) The consent holder shall consult with NPDC's Water and Waste Development lead to confirm capacity of the 100mm Wastewater Pipe to service the development.

c) At the time of building consent a stormwater management report shall be required to demonstrate the stormwater management methodology to be applied on site.

d) Secondary flow paths shall be shown on a Plan and shall not be across private property.

Utilities

29. Prior to the commencement of any site works associated with the project, the consent holder shall accurately identify the location of existing underground network utilities (www.beforeudig.co.nz). Construction plans must identify the locations of the existing network utilities and appropriate physical indicators must be placed on the ground showing specific surveyed locations. All construction personnel, including contractors, are to be made aware of the presence and location of the various existing network utilities which traverse, or are in close proximity to the project area, and the restrictions in place in relation to those existing network utilities.

Commented [CT13]: This seems to double up on conditions 32. If this is a requirement for building consent anyway isn't it best covered by the BC process rather than rc?

Commented [CT14]: As agreed with Powerco to achieve the relief sought in their submission

Roading

302. A commercial vehicle crossing shall be constructed to the Standard specified in the Council's Land Development & Subdivision Infrastructure Standard (Cl.3.3.17.1). An application with the

appropriate fee shall be made to the Council for a new Vehicle Crossing, and upon approval the vehicle crossing is to be installed by a Council approved contractor at the applicant's cost.

NABERSNZ

~~33. The building shall achieve a minimum of a 5 star NABERSNZ energy base building certification. Confirmation of certification shall be supplied to Council's Planning Lead within one year of the completion of construction.~~

-Additional Advice notes:

1. Compliance with sound attenuation will be required to be demonstrated as part of the building consent application.
2. Any excavation that takes place within road reserve during this development shall require an approved Corridor Access Request (CAR). Refer to the "National Code of Practice for Utility Operators' Access to Transport Corridors" for additional information. Applications can be made via the website www.beforeUdig.co.nz or 0800 248 344. A CAR along with a Traffic Management Plan must be submitted a minimum of 5 working days before an operator intends to start work for minor works or 15 working days for major works and project works. All costs incurred shall be at the applicant's expense

Commented [CT15]: The sustainability strategy of the concept design has been developed around a theme of mitigating and responding to climate change, both by reducing carbon emissions in the construction and operation of the building as well as designing for change of the Taranaki climate. This design strategy includes exploring the opportunity for the following energy efficiency and low carbon initiatives:

- The use of a timber structure to significantly reduce embodied carbon emissions associated with the construction
- Potable water efficiency and conservation will be considered in the development through the use of low flow fittings and fixtures, and a rainwater harvesting system to provide flushing water. The landscaping design will also incorporate planting and vegetation that requires minimal irrigation.
- Electric systems that avoid the on-site combustion of fossil fuels
- Enhanced thermal insulation above building code minimums
- Solar control low-e double glazing
- Energy efficient heating systems using heat pump technology
- Automatically controlled operable windows to reduce ventilation and cooling energy
- Heat recovery ventilation systems
- BMS (Building Management System) to efficiently control building services and energy sub-meters to monitor energy consumption in use
- Roof mounted solar PV (Photovoltaic) array

In the consent application the applicant stated that the building is targeting the 'NABERSNZ 5 Star Ready' building certification which includes a number of the above aspects. Due to the project only being in the preliminary/concept design phase the full details and cost implications of achieving this certification are still unknown and it is not yet possible to commit to achieving a NABERSNZ 5 Star Ready certification. Additionally, this certification can only be issued once the building is fully tenanted and operational and then monitored to assess whether it achieves the standard required.

Addition made to condition 2 for details of the energy efficiency and low carbon initiatives incorporated in the building to be provided.

ANNEXURE H – Archaeological Authority



22 October 2020

File ref: 2021/174
11013-042

KD Holdings Ltd
28 Currie Street
New Plymouth 4310

Attn. Kevin Doody

Tēnā koe Kevin

**APPLICATION FOR ARCHAEOLOGICAL AUTHORITY UNDER HERITAGE NEW ZEALAND
POUHERE TAONGA ACT 2014: Authority no. 2021/174: P19/416, 51 Brougham St, New
Plymouth**

Thank you for your application for an archaeological authority which has been granted and is attached.

In considering this application, Heritage New Zealand Pouhere Taonga notes that you propose to undertake earthworks for property development as well as remove a large *Agonis Flexuosa* from a stone railway embankment at 51 Brougham St, New Plymouth. The stone railway embankment relates to the 1875 New Plymouth to Waitara Railway line and is recorded as P19/416 in the New Zealand Archaeological Association Site Recording Scheme. The railway embankment runs through the edge of the subject property and will be impacted on by the removal of the *Agonis Flexuosa* as this will destabilise and necessitate the removal of a small portion of the wall. Although the site has been damaged in the past, it still possesses archaeological values and is part of a wider, largely unrecorded archaeological assemblage relating to the New Plymouth to Waitara Railway line. In addition, while there is a low likelihood, archaeological material relating to the occupation and settlement of the subject property dating back to the 1850s cannot be entirely discounted.

Please inform the s45 approved person and Heritage New Zealand Pouhere Taonga of start and finish dates for the work.

An appeal period from receipt of decision by all parties applies. Therefore this authority may not be exercised during the appeal period of 15 working days or until any appeal that has been lodged is resolved.

If you have any queries please direct your response in the first instance to:

Kathryn Hurren
Archaeologist
Heritage New Zealand Pouhere Taonga, Wellington Office
PO Box 2629, Wellington 6140

Phone (04) 494 8324 Email ArchaeologistCR2@heritage.org.nz

Yours sincerely,

A handwritten signature in blue ink, consisting of a large, stylized 'V' followed by a horizontal line and a small flourish.

Vanessa Tanner
Manager Archaeology

cc: Kevin Doody
via email at kdooddy@xtra.co.nz

cc: Darelle Martin, BTW Company Ltd
via email darelle.martin@btw.nz

cc: Kathryn Kruik and Ian Baker
New Plymouth District Council
via email at kathryn.kruik@npdc.govt.nz and ian.baker@npdc.govt.nz

cc: Ivan Bruce
via email at itmustbesointeresting@xtra.co.nz

cc: Planning Manager
New Plymouth District Council
via email at enquiries@npdc.govt.nz

Pursuant to Section 51 Heritage New Zealand Pouhere Taonga Act 2014 Heritage New Zealand Pouhere Taonga must notify TLAs of any decision made on an application to modify or destroy an archaeological site. We recommend that this advice is placed on the appropriate property file for future reference.

cc: Ministry for Culture and Heritage
via email at protected-objects@mch.govt.nz

Pursuant to Section 51 Heritage New Zealand Pouhere Taonga Act 2014

cc: NZAA Central Filekeeper
Attn: Mary O'Keeffe
via email at centralfilekeeper@archsite.org.nz

cc: Heritage New Zealand Pouhere Taonga Archaeologist, Kathryn Hurren

cc: Heritage New Zealand Pouhere Taonga Director Central Region, Jamie Jacobs

cc: Heritage New Zealand Pouhere Taonga Kaiwhakahaere Tautiaki Wahi Taonga, Mita Harris



HERITAGE NEW ZEALAND
POUHERE TAONGA

AUTHORITY

Heritage New Zealand Pouhere Taonga Act 2014

AUTHORITY NO: 2021/174

FILE REF: 11013-042

DETERMINATION DATE: 22 October 2020

EXPIRY DATE: 22 October 2025

AUTHORITY HOLDER: KD Holdings Ltd

POSTAL ADDRESS: 28 Currie Street, New Plymouth 4310. Attn. Kevin Doody

ARCHAEOLOGICAL SITES: P19/416 and potential sites, as yet unrecorded

LOCATION: 51 Brougham St, New Plymouth

SECTION 45 APPROVED PERSON: Ivan Bruce

LAND OWNER CONSENT: Completed

This authority may not be exercised during the appeal period of 15 working days or until any appeal that has been lodged is resolved.

DETERMINATION

Heritage New Zealand Pouhere Taonga grants an authority pursuant to section 48 of the Heritage New Zealand Pouhere Taonga Act 2014 in respect of the archaeological site described above, within the area specified as Part Section 683 Town of New Plymouth, Part Lot 6 DP 3466, Lot 2 DP 15492 and Lot 3 DP 15492 to KD Holdings Ltd for the proposal to undertake earthworks for property development and to remove a large *Agonis flexuosa* from a stone railway embankment at 51 Brougham St, New Plymouth, subject to the following conditions:

CONDITIONS OF AUTHORITY

1. The authority holder must ensure that all contractors working on the project are briefed on site by the s45 approved person, who may appoint a person to carry out the briefing on their behalf, prior to any works commencing on the possibility of encountering archaeological evidence, how to identify possible archaeological sites during works, the archaeological work required by the conditions of this authority, and contractors' responsibilities with regard to notification of the discovery of archaeological evidence to ensure that the authority conditions are complied with.

2. Prior to the start of any on-site archaeological work, the Authority Holder must ensure that Heritage New Zealand Pouhere Taonga is advised of the date when work will begin. This advice must be provided at least 2 working days before work starts. The Authority Holder must also ensure that Heritage New Zealand Pouhere Taonga is advised of the completion of the on-site archaeological work, within 5 working days of completion.
3. At the discretion of the s45 approved person, earthworks may be undertaken on an on-call basis provided conditions 1 and 2 are met.
4. Works that may affect the stone railway embankment must be monitored by the s45 approved person. The S45 person may appoint a person to carry out the monitoring on their behalf.
5. Any archaeological evidence encountered during the exercise of this authority must be investigated, recorded and analysed in accordance with current archaeological practice.
6. The authority holder must ensure that if any possible taonga or Māori artefacts, or sites of Māori origin are encountered, all work should cease within 20 metres of the discovery. The Heritage New Zealand Pouhere Taonga Archaeologist must be advised immediately and no further work in the area may take place until they have responded.
7. 20 working days of the completion of the on-site archaeological work associated with this authority, NZAA Site Record Form P19/416 must be updated based on current archaeological practice (condition 5) and submitted to the Heritage New Zealand Pouhere Taonga Archaeologist and the NZAA Site Recording Scheme.
8. If any archaeological remains other than P19/416 require any archaeological investigation, recording and analysis, then the authority holder must ensure that within 12 months of the completion of the on-site archaeological work a final report, completed to the satisfaction of the Heritage New Zealand Pouhere Taonga is submitted to the Heritage New Zealand Pouhere Taonga Archaeologist.

Signed for and on behalf of Heritage New Zealand.



Claire Craig
Deputy Chief Executive Policy, Strategy and Corporate Services
Heritage New Zealand Pouhere Taonga
PO Box 2629
WELLINGTON 6140

Date 22 October 2020

ADVICE NOTES

Contact details for Heritage New Zealand Archaeologist

Kathryn Hurren
Archaeologist
Heritage New Zealand Pouhere Taonga, Wellington Office
PO Box 2629, Wellington 6140

Phone (04) 494 8324 Email ArchaeologistCR2@heritage.org.nz

Current Archaeological Practice

Current archaeological practice may include, but is not limited to, the production of maps/ plans/ measured drawings of site location and extent; excavation, section and artefact drawings; sampling, identification and analysis of faunal and floral remains and modified soils; radiocarbon dating of samples; the management of taonga tuturu and archaeological material; the completion of a final report and the updating of existing (or creation of new) site record forms to submit to the NZAA Site Recording Scheme. The final report shall include, but need not be limited to, site plans, section drawings, photographs, inventory of material recovered, including a catalogue of artefacts, location of where the material is currently held, and analysis of recovered material.

Please note that where one is required, an interim report should contain a written summary outlining the archaeological work undertaken, the preliminary results, and the approximate percentage of archaeological material remaining *in-situ* and a plan showing areas subject to earthworks, areas monitored and the location and extent of any archaeological sites affected or avoided.

Rights of Appeal

An appeal to the Environment Court may be made by any directly affected person against any decision or condition. The notice of appeal should state the reasons for the appeal and the relief sought and any matters referred to in section 58 of the Heritage New Zealand Pouhere Taonga Act 2014. The notice of appeal must be lodged with the Environment Court and served on Heritage New Zealand Pouhere Taonga within 15 working days of receiving the determination, and served on the applicant or owner within five working days of lodging the appeal.

Review of Conditions

The holder of an authority may apply to Heritage New Zealand Pouhere Taonga for the change or cancellation of any condition of the authority. Heritage New Zealand Pouhere Taonga may also initiate a review of all or any conditions of an authority.

Non-compliance with conditions

Note that failure to comply with any of the conditions of this authority is a criminal offence and is liable to a penalty of up to \$120,000 (Heritage New Zealand Pouhere Taonga Act 2014, section 88).

Costs

The authority holder shall meet all costs incurred during the exercise of this authority. This includes all on-site work, post fieldwork analysis, radiocarbon dates, specialist analysis and preparation of interim and final reports.

Assessment and Interim Report Templates

Assessment and interim report templates are available on the Heritage New Zealand Pouhere Taonga website: archaeology.nz

Guideline Series

Guidelines referred to in this document are available on the Heritage New Zealand Pouhere Taonga website: archaeology.nz

The Protected Objects Act 1975

The Ministry for Culture and Heritage (“the Ministry”) administers the Protected Objects Act 1975 which regulates the sale, trade and ownership of taonga tūturu.

If a taonga tūturu is found during the course of an archaeological authority, the Ministry or the nearest public museum must be notified of the find within 28 days of the completion of the field work.

Breaches of this requirement are an offence and may result in a fine of up to \$10,000 for each taonga tūturu for an individual, and of up to \$20,000 for a body corporate.

For further information please visit the Ministry’s website at <http://www.mch.govt.nz/nz-identity-heritage/protected-objects>.

Land Owner Requirements

If you are the owner of the land to which this authority relates, you are required to advise any successor in title that this authority applies in relation to the land. This will ensure that any new owner is made aware of their responsibility in regard to the Heritage New Zealand Pouhere Taonga Act 2014.



HERITAGE NEW ZEALAND
POUHERE TAONGA

SECTION 45 APPROVED PERSON

Heritage New Zealand Pouhere Taonga Act 2014

AUTHORITY NO: 2021/174

FILE REF: 11013-042

APPROVAL DATE: 22 October 2020

This approval may not be exercised during the appeal period of 15 working days or until any appeal that has been lodged is resolved.

APPROVAL

Pursuant to section 45 of the Act, **Ivan Bruce**, is approved by Heritage New Zealand Pouhere Taonga to carry out any archaeological work required as a condition of authority 2021/174, and to compile and submit a report on the work done. Ivan Bruce will hold responsibility for the current archaeological practice in respect of the archaeological authority for which this approval is given.

Signed for and on behalf of Heritage New Zealand,

Claire Craig
Deputy Chief Executive Policy, Strategy and Corporate Services
Heritage New Zealand Pouhere Taonga
PO Box 2629
WELLINGTON 6140

Date 22 October 2020