

Rārangi take o te Komiti Taiao
me ngā Whakawā Whanokē

Environment and Hearings Committee Agenda

Wednesday 9 October 2024, 4 pm
Council Chamber, Albion Street, Hāwera



Ngā Mema o te Komiti / Committee Members



Andy Beccard
Chairperson



Steffy Mackay
Deputy Chairperson



Leanne Horo
Councillor



Aaron Langton
Councillor



Diana Reid
Councillor



Robert Northcott
Deputy Mayor



Tane Houston
Iwi Representative

Apatono / Delegations

The primary role of the Environment and Hearings Committee is to oversee the Council's obligations under the Resource Management Act 1991. It also oversees a number of the Council's environment and regulatory activities. The committee comprises five Councillors.

The Committee is delegated the following decision making powers:

- To hear all resource consent applications with the power to make a final decision;
- To hear all Building Act dispensation applications with the power to make a final decision;
- To consider all matters of an environmental and regulatory nature relating to the Resource Management Act, Building Act, Health Act, Fencing of Swimming Pools Act, Dog Control Act and to make recommendations to the Council;
- To hear objections to all matters in accordance with the Dog Control Act 2006
- To receive reports on all matters approved under delegated authority by the Chairperson or Deputy Chairperson together with the Group Manager Environmental and those functions delegated to staff;
- Hear objections to menacing dog classifications and either uphold or rescind the classification (as per the Dog Control Act).
- To consider and make recommendations to the Council on environmental policy matters relating to the Resource Management Act and the District Plan;
- To hear all plan changes and make recommendations to the Council;
- Non-notified applications will be referred to the Environment and Hearings Committee for consideration in the following circumstances:
 - Where the Group Manager Environmental believes that there are potential community effects and/or policy implications in respect of the District Plan, and no other applications of this nature have been dealt with before by the Council to determine precedent;
 - Appeals relating to consent conditions approved under delegated authority; and
 - Applications for retrospective activities.

That aside, the Committee is only able to make recommendations to the full Council for it to consider and make a decision on.

Huinga Tāngata / Attendance Register

Date	26/04/23	15/05/23	07/06/23	19/07/23	25/10/23	08/11/23	22/11/23	13/03/24	24/04/24	05/06/24	28/08/24
Meeting	O	O	O	O	O	E	O	O	O	O	O
Andy Beccard	√	√	√	√	√	√	√	√	√	√	A
Leanne Horo	√	A	√	√	√	√	√	A	√	A	√
Aarun Langton	√	√	√	√	A	√	√	√	A	A	√
Steffy Mackay	√	√	√	√	√	√	A	A	√	√	√
Robert Northcott	√	√	√	√	√	√	√	√	√	√	√
Diana Reid	√	√	A	√	√	√	√	√	√	√	√
Tane Houston - Iwi Representative	-	-	√	√	√	√	A	√	A	√	√

Key

- √ Attended
- AO Attended Online
- Was not required to attend
- A Apology
- Y Attended but didn't have to attend
- X Did not attend - no apology given

Types of Meetings

- O Ordinary Council Meeting
- E Extraordinary Council Meeting

He Karere Haumarū / Health and Safety Message

In the event of an emergency, please follow the instructions of Council staff.
If there is an earthquake – drop, cover and hold where possible. Please remain where you are until further instruction is given.

He Pānga Whakararu / Conflicts of Interest

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected member and any private or other external interest they might have.



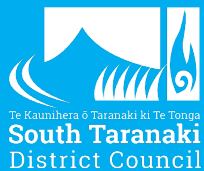
Rārangi Agenda

Environment and Hearings Committee

Wednesday 9 October 2024 at 4 pm

1. **Karakia**
2. **Matakore / Apologies**
3. **Tauākī Whakarika / Declarations of Interest**
4. **Whakatakoto Kaupapa Whānui, Whakaaturanga hoki / Open Forum and Presentations**
5. **Whakaaetia ngā Menīti / Confirmation of Minutes**
 - 5.1 [Environment and Hearings Committee held on 28 August 2024](#) Page 9
6. **Pūrongo / Report**
 - 6.1 [Natural Environment Fund Applications for 2024/25](#) Page 15
 - 6.2 [Subdivision Application RMS24078](#) Page 27
7. **Pūrongo-Whakamārama / Information Report**
 - 7.1 [Environmental Services Activity Report](#)..... Page 99
8. **Whakataunga kia noho tūmatanui kore / Resolution to Exclude the Public**
 - 8.1 [Environment and Hearings Committee held on 28 August 2024](#) Page 107
9. **Karakia**

Next Meeting Date: Wednesday 13 November 2024 – Council Chamber, Albion Street, Hāwera
Elected Members’ Deadline: Wednesday 30 October 2024



Karakia

1. Karakia

Ruruku Timata – Opening Prayer

(Kia ururu mai ā-hauora,
ā-haukaha, ā-hau māia)

Ki runga

Ki raro

Ki roto

Ki waho

Rire rire hau

Paimārire

*(Fill me with vitality)
strength and bravery)*

Above

Below

Inwards

Outwards

The winds blow & bind us

Peace be with us.



Matakore Apologies

2. Matakore / Apologies

Leave of Absence: *The Board may grant a member leave of absence following an application from that member. Leave of absences will be held in the Public Excluded section of the meeting.*



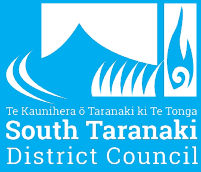
Ngā Whakaputanga Declarations of Interest

3. Tauākī Whakarika / Declarations of Interest

Notification from elected members of:

- a) Any interests that may create a conflict with their role as an elected member relating to the items of business for this meeting; and
- b) Any interests in items in which they have a direct or indirect pecuniary interest as provided for in the Local Authorities (Members' Interests) Act 1968.

Declarations of Interest: Notification from elected members of: Any interests that may create a conflict with their role as an elected member relating to the items of business for this meeting; and Any interests in items in which they have a direct or indirect pecuniary interest as provided for in the Local Authorities (Members' Interests) Act 1968



Whakatakoto Kaupapa Whānui, Whakaaturanga hoki Open Forum and Presentations

4

4. Whakatakoto Kaupapa Whānui Whakaaturanga hoki / Open Forum and Presentations

The Council has set aside time for members of the public to speak in the public forum at the commencement of each Council, Committee and Community Board meeting (up to 10 minutes per person/organisation) when these meetings are open to the public. Permission of the Mayor or Chairperson is required for any person wishing to speak at the public forum.



Ngā Menīti Komiti

Committee Minutes

5

To	Environment and Hearings Committee
Date	9 October 2024
Subject	Environment and Hearings Committee – 28 August 2024

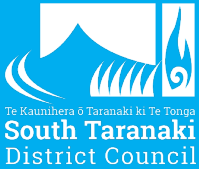
(This report shall not be construed as policy until adopted by full Council)

Whakarāpopoto Kāhui Kahika / Executive Summary

1. The Environment and Hearings Committee met on 28 August 2024. The Environment and Hearings Committee is being asked to confirm their minutes from 28 August 2024 as a true and correct record.

Taunakitanga / Recommendation

THAT the Environment and Hearings Committee adopts the minutes from the Environment and Hearings Committee meeting held on 28 August 2024 as a true and correct record.



Menīti Minutes

5

Ngā Menīti take o te Komiti Taiao me ngā Whakawā Environment and Hearings Committee

Held in the Council Chamber, Albion Street, Hāwera on Wednesday 28 August 2024 at 4 pm

Kanohi Kitea / Present: Councillors Steffy Mackay (Deputy Chairperson), Leanne Horo, Aaron Langton, Diana Reid, Deputy Mayor Robert Northcott and Tane Houston (Iwi Representative).

Ngā Taenga-Ā-Tinana / In Attendance: Liam Dagg (Group Manager Environmental Services), Sophie Canute (Strategic Planner), Chantelle Denton (Regulatory Manager), Sara Dymond (Governance Team Leader), Reg Korau (Iwi Liaison Manager – Planning Team Leader), Caitlin Moseley (Planner), Mark Smith (Compliance Team Leader), Jess Sorensen (Planning and Development Manager) and one member of the public.

Matakore / Apologies: Councillor Andy Beccard.

RESOLUTION

(Deputy Mayor Northcott/Cr Langton)

24/24 EH **THAT** the apology from Councillor Andy Beccard be received.

CARRIED

1. Whakaaetia ngā Menīti / Confirmation of Minutes

1.1 Environment and Hearings Committee on 5 June 2024.

Councillor Langton noted the lahars had been part of the discussion around solar farms. He felt that the Committee needed to be mindful not to set a precedent for other farming activities that added another layer for consenting. Councillor Horo noted that Taranaki lahars were very special to our landscape.

RESOLUTION

(Cr Reid/Mr Houston)

25/24 EH **THAT** the Environment and Hearings Committee adopts the minutes from the meeting held on 5 June 2024 as a true and correct record.

CARRIED

2. Pūrongo / Report

2.1 Objection to Dog being Classified as Menacing by Breed – George (Dog Registration 20466)

Mr Smith explained that the report related to an objection to a dog being classified as menacing by breed. On 23 October 2020 George a four month old dog was first registered by the Council as a Pit Bull. A menacing classification was posted to the owners of George on 5 November 2020 specifying the effects of the classification as a menacing dog based on breed. The right to object the classification was within 14 days after the notice being received. On 23 November 2020 an application to be a selected owner was received and a letter was sent out to the dog owner explaining the reason why it was declined. A request was made on 2 July 2024 to have George reclassified and a meeting took place. Based on the information provided to the Council it was of his opinion that George was a Pit Bull.

Applicant – Dallas Stuart

Mr Stuart registered George as a Pit Bull when he was four months old. His application was an opportunity to see if George could be reclassified.

Councillor Reid sought clarification from Mr Stuart about the reason for his objections. Mr Stuart explained that it was not because of the rules and regulations of being a menacing breed but the opportunity that if he wanted to take George overseas then the classification would restriction him.. He had been a selected owner in the past. It was not about the control he needed to have on George because his temperament and personality did not reflect that menacing type of behaviour.

Councillor Reid asked if Mr Stuart found George menacing in anyway. Mr Stuart explained that George was a rescue puppy from the SPCA in New Plymouth. He was able to work with him in the early stages to develop good behavioural patterns as a dog and companion. There were people who could vouch for his temperament.

Mr Houston asked for confirmation on whether there was a formal clause that impeded the ability for a dog with a menacing classification to travel overseas. Mrs Denton explained that it depended on what country but Australia had the same rules as New Zealand. Mr Houston explained the responsibility of the Committee was to weigh up the potential threat to another dog or people in the community. It was their responsibility to keep the community safe. The Committee had to make decisions they believed gave the community the best chance of staying safe and not being attacked. It was not about the kuri and the way an owner takes care of the dog. Mr Stuart commented that regardless of breed every dog had the potential to have conflict. He understood the complexity of balancing the factors and ensuring the safety of the community.

In relation to the BITSA (Breed Identification Through Scientific Analysis) test Deputy Mayor Northcott queried why it did not carry breed signatures for American Pit Bull Terriers and why it was not recommended by the officer. Mr Smith commented that the SPCA Critical Science Officer undertook research on what was a problem breed. Studies showed that through genetics after seven to nine cross breeding the DNA specific to an American Pit Bull had dispersed therefore it relied solely on type/breed. It came down to the experience of animal officers to look at the features of a dog. There were certain aspects of a Pit Bull trait that were still within the dog.

Councillor Mackay queried the reason for the time taken to make this objection and if he was aware it was outside the jurisdiction. Mr Stuart had left it in his own accord and had not addressed it. He acknowledged this was outside the timeframe.

Mr Smith explained that because of the type of breed it was his professional opinion that George was of a Pit Bull type/breed. He acknowledged what Mr Stuart had done with George and he was an excellent ambassador for the type/breed. The Council's Animal Control Bylaw stated that any dog of this type/breed should remain classified as menacing. His recommendation was to uphold the menacing classification.

3. Pūrongo-Whakamārama / Information Report

3.1 Environmental Services Activity Report

The report provided an update on activities relating to the Environmental Services Group for the months of June 2024.

Mr Dagg explained that the downward trend for resource consents continued which was a reflection of the economy. Building consent lodgements also dropped again after a brief peak in May. There had been a significant improvement in statutory timeframe compliance for building consents. There were encouraging signs in the regulatory area, where roaming dog and barking incidents were down compared to the 2022/23 financial year, although there had been an increase in reported dog attacks. The reflection of that was in the number of prosecutions commenced or about to commence. The animal control service was being brought fully in house.

Councillor Reid asked if the Council expected more illegal dumping as a result of the new rubbish bin regime. Mr Dagg noted that the statistics around waste minimisation and the amount of waste going to landfill was not where the Council wanted to be. There was a range of indicators that would be looked at.

Councillor Reid queried when the Organic Materials Recovery Facility was expected to be operating. Mr Dagg commented that the Council was still going through the tender evaluation process. The milestone the Council had set was 2027. Councillor Reid was concerned that green waste was being trucked to Hamilton. Mr Dagg noted that this was a consequence of where we were at with the regional based solutions.

Councillor Reid commented that members of the community wanted to be assured that the old rubbish bins were being recycled. They did not want to see them go to landfill. Mr Dagg would investigate this and report back to the Committee.

In terms of abandoned vehicles Mrs Denton explained that a vehicle was classed as abandoned when it no longer had a current warrant of fitness or registration. While it was still legally owned the Council made attempts to contact the owner to remove it within a timeframe otherwise the Council would impound it. Once the ownership had lapsed the owner was given one month and on day and when outside that then we would start to infringe.

Deputy Mayor Northcott was looking forward to animal control being managed in house.

In relation to the waste minimisation workshops Councillor Reid suggested bringing different types of workshops to the District to keep them interesting and to attract different groups of the community to attend. Mr Dagg would feed this back to the team.

RESOLUTION (Deputy Mayor Northcott/Cr Horo)

26/24 EH **THAT** the Environment and Hearings Committee receives the Environmental Services Activity Report for June 2024.

CARRIED

4. Nga Tōkeketanga kia noho tūmatanui kore / Resolution to Exclude the public

RESOLUTION (Deputy Mayor Northcott/Cr Horo)

27/24 EH **THAT** the public be excluded from the following parts of the proceedings of this meeting, namely:

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
1. Report - Objection to Dog being Classified as Menacing by Breed – George (Dog Registration 20466)	To Enable the Committee to.	That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council/Committee to deliberate in private on its decision or recommendation in any proceedings where: ii) the local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings. Use (i) for the RMA hearings and (ii) for hearings under LGA such as objections to Development contributions or hearings under the Dog Control Act. s.48(1)(d)

CARRIED

5. Tuwhera anō te Hui / Resume to Open Meeting

RESOLUTION

(Deputy Mayor Northcott/Cr Langton)

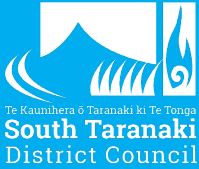
29/24 EH **THAT** the Environment and Hearings Committee resumes in open meeting and agrees that the decision be released to the public once the applicants have been notified of the decision.

CARRIED

The meeting concluded at 4.41 pm.

Dated this day of 2024.

.....
CHAIRPERSON



Pūrongo Report

To	Environment and Hearings Committee
From	Kaiārahi Whakahua Waonui / Reforestation Coordinator, Joe Churchman
Date	9 October 2024
Subject	Natural Environment Fund Applications for 2024/25

(This report shall not be construed as policy until adopted by full Council)

Whakarāpopoto Kāhui Kahika / Executive Summary

1. The Natural Environment Fund (the Fund) was open from 1 August 2024 until 20 September 2024. During the open funding round, five applications were received, requesting a total of \$90,320 (excluding GST). There is \$65,000 (excluding GST) available to be allocated to Natural Environment Fund (the Fund) applications in the 2024/25 financial year.
2. This report provides a summary of the applications received and their assessment against the Fund's screening and scoring criteria ([see Appendix 1 for scoring criteria](#)). [Appendix 2](#) presents a summary of each application's scoring against the Fund's scoring criteria.
3. The Fund is over-subscribed and no further applications will be accepted for the 2024/25 financial year.

Taunakitanga / Recommendation

THAT the Environment and Hearings Committee;

- a) Receives the Natural Environment Fund Applications for 2024/25;
- b) Receives the four applications requesting funding from the Natural Environment Fund for 2024/25.
 - i) Approves to fund the application(s) for the amount requested; or
 - ii) Approves to fund the application(s) for a different amount; or
 - iii) Defers the application(s) to the next funding round; or
 - iv) Declines funding for the application(s) submitted.

Kupu Whakamārama / Background

4. The Fund (formerly known as the Significant Natural Area (SNA) Fund) was established by the Council to promote and assist the protection, restoration, or enhancement of areas of significant biodiversity, indigenous vegetation and/or significant habitats of indigenous fauna on private land throughout the District.

5. The Fund is one method for addressing Objective 2.17.10 in Section 2 of the South Taranaki District Plan: “Support community and landowner initiatives for the maintenance, protection, enhancement and restoration of significant natural areas and encourage the use of other non-regulatory incentives and assistance to protect indigenous biodiversity”.
6. The Fund also assists the Council in meeting its regulatory requirements under the Resource Management Act 1991 (RMA). The RMA is the key piece of legislation managing New Zealand’s environment, including indigenous biodiversity, on private land. Under the RMA, district councils are tasked with maintaining, enhancing and promoting “the sustainable management of natural and physical resources”. Our unique biodiversity and indigenous ecosystems are highly valuable natural resources, key to our identity as New Zealanders.

Existing Council Policy

7. The Council’s Community Funding Policy was revised by the Council in April 2021. This Policy outlines the Fund’s eligibility criteria, application process and accountability requirements for successful applicants. It is intended to assist the decision making of the Council in funding projects, rather than a prescriptive set of criteria that must be met for funding to be allocated.
8. Under the guidelines for this Fund, the Council will consider a financial contribution towards projects that assist with protection associated with areas that are listed in the District Plan as a SNA. This includes those areas that have indigenous biodiversity or habitat value but are not currently SNAs.
9. There is one open funding round per annum, and all applications from that funding round are presented to the Environment and Hearings Committee (the Committee) for consideration. After the funding round, if there are funds remaining, applicants can apply throughout the year on a rolling basis. The current Fund guidelines and the Council’s delegations provide for the chairperson of the Committee and the Group Manager Environmental Services to consider individual applications for \$10,000 or less. Applications over that amount are considered by the full Committee.
10. Projects with resourcing from alternative sources other than the Council are given a greater priority for funding. It is expected that all funding applications include non-Council financial or resourcing co-funding contributions to the project.

Ngā Kōwhiringa / Options – Identification and analysis

Current Funding Round

11. For the current funding round, the Council has received a total of five applications (see Table 1). Funding requests are for a total of \$90,320 ranging from \$5,400 to \$30,000. The Natural Environments Fund Policy condition 10.2.2 states: Applications for the Fund may only be accepted for requests between \$5,000 and \$30,000, but smaller grants may be allocated on a case-by-case basis. All of the applications are within the funds financial policy restrictions for applicants.
12. Some of the applications have not supplied comprehensive supporting documentation and are missing quotes/cost estimates and or evidence of non-council financial or resourcing co-funding contributions to the project.

Table 1: Details of Natural Environment Fund applications and Officer recommendations:

Applicant	Project location	Amount requested (GST exclusive)	Ecosystem type and summary of project	SNA and legal protection status	Funding limit under Policy
Taranaki Kiwi Trust	Mangapuni Kiwi Release Site. Rangitatau Road West, Waitōtara Valley. Property owned by Marc Tuffield.	Total project cost \$37,919.52 Amount requested \$18,935.00 Funding requested as a percentage of total project cost: 50%	The ecosystem is dominated by black beech on the dry ridges with tawa, rewarewa, rimu and kahikatea also present. Large scale intensive predator control underway to prepare the site to receive kiwi.	QEII-protected covenant.	33% of total project costs.
Patea River Catchment Group	Tarere conservation area, Hurleyville. Multiple properties.	Total Project Cost \$63,590.00 Amount Requested \$23,985.00 Funding requested as a percentage of total project cost: 38%	The ecosystem is dominated by Tawa, Pukatea, Hinau, Totara, Matai and Puka within the Tarere Conservation Area. Large scale intensive predator control underway.	Some of the properties are QEII-protected covenant, others are not. The Tarere conservation area has conservation status.	33% of total project costs.
Sutton Waugh	Moumahaki Road, Waverley	Total Project Cost \$7,900.00 Amount Requested \$5,400.00 Funding requested as a percentage of total project cost: 68%	Harvested <i>Radiata</i> pine area within QEII native lowland forest covenant. Restoration with indigenous vegetation now required for area of cleared pines.	QEII-protected covenant.	33% of total project costs
Native Forest Restoration Trust	Rāwhitiroa Road, Omoana, Matemateonga	Total project cost \$30,000.00 Amount Requested \$12,000.00 Funding requested as a percentage of total project cost: 40%	Large scale native forest restoration and Kiwi genetic augmentation project. Ecosystem type is mixed with original and regenerating indigenous forest. Site contains kiwi, fern bird, North Island pipit and Tawhirikaro (<i>Pittosporum cornifolium</i>).	QEII-protected covenant.	33% of total project costs
Eight Hundred Trust	Tauwharenikau Road, Stratford (property is	Total Project Cost \$194,319.00	Kiwi protection project. Ecosystem type is a mix of original and cutover lowland forest with	No but a large section of property is a KNE with TRC. 2.3km boundary	33% of total project costs

	within Council jurisdiction)	Amount Requested \$30,000 Funding requested as a percentage of total project cost: 15%	large areas of modified regenerating native forest. Contains 'threatened' longtail bat and at-risk North Island Brown Kiwi, NZ Falcon, North Island Robin, Fern Bird and Pipit among others.	with the Waitiri Conservation Area.	
		Total requested: \$90,320.00			

13. The previous funding received by the applicants under the Fund are below in Table 2.

Table 2

Applicant	Amount Received	Financial Year
Taranaki Kiwi Trust (various projects)	\$20,000.00	2023/24
	\$20,800.00	2022/23
	\$21,210.50	2021/22
	\$20,000.00	2020/21
Marc Tuffield (current TKT project)	\$18,150.00	2023/24
	\$5,500.00	2021/22
	\$9,200.00	2020/21
Sutton Waugh	\$4,637.68	2023/24
	\$5,524.33	2022/23
Eight Hundred Trust	\$22,837.32	2023/24
	\$9,254.26	2022/23
Pātea Community Catchment Group	Nil	N/A
	(part of previous TKT work)	2022/23
Native Forest Restoration Trust	Nil	N/A

Risks

14. There are no major risks associated with these decisions or matters.

Option(s) available

18. The possible options for each application are:

- a) Option One: Approve the application for the requested amount; or
- b) Option Two: Approve the application for a different amount; or
- c) Option Three: Defers the application to the next funding round; or
- d) Option Four: Decline the application.

Legislative and Financial Considerations

19. There are no legislative considerations which require addressing through this application, but the Fund and its criteria are consistent with a number of pieces of legislation, including the Local Government Act 2002 and Resource Management Act 1991.

Environmental Sustainability

20. The Fund contributes directly to the Council’s Environment and Sustainability Strategy, Te Rautaki Toitū Te Taiao. In particular, the Fund supports the following key work areas of the Strategy:

Environmental Protection: Recognising and protecting places of natural heritage and outstanding natural features and landscapes across the District.

Consideration on Māori/Iwi

21. While the Fund did not have any applications from Iwi or hapū in the 2024/25 open funding round, previous rounds have often resulted in successful applications being submitted from Iwi and hapū.
24. The Fund will continue to be promoted via Te Kāhui Maturaura and promoted by the Environment and Sustainability Team to individual Iwi and hapū as applicable.
25. The Fund is over-subscribed and no further applications will be accepted for the 2024/25 financial year. This means there is no opportunity for Iwi or hapū to apply within this financial year.

Affected Parties Consultation

26. No consultation is required. The Council already has a sound understanding of the views and preferences of the persons likely to be affected or interested in this matter. This Fund has been available since 2002, although it was previously called the SNA Fund.

Whakakapia / Conclusion

28. The Fund was established by the Council to promote and assist the protection, restoration, or enhancement of areas of significant biodiversity, indigenous vegetation and/or significant habitats of indigenous fauna on private land throughout the District.
29. For the current funding round, the Council has received four applications requesting a total of \$90,320, the total funding available for the current funding round is \$65,000.



Joe Churchman
**Kaitātari Whakahua Waonui /
 Reforestation Co-ordinator**



[Seen by]
 Liam Dagg
**Kaiarataki Taiao / Group Manager
 Environmental Services**

Appendix 1: Scoring Criteria for Applications

Criterion	Details	Score (number of points awarded)			
		0	1	3	5
1. Site has SNA or other formal legal protection status (QEII etc)	To be considered for this fund, non-SNA sites must already be legally protected (through QEII or similar perpetual legal protection agreements), or the landowner must be prepared to legally protect the area as part of the funding conditions. The area for the project either has or will have legal protection status within 12 months of being funded. Note: legal protection may include but is not limited to: a Queen Elizabeth II National trust covenant (QEII), Open Space Covenant, or a Memorandum of Encumbrance	No legal protection	Yes – protected through the District Plan, under Policy 2.17.7(a), which relates to the avoidance of “clearance, modification, damage or destruction of large areas of intact indigenous vegetation”, and/or other protection (MOU etc) OR Yes – the site is protected by a Memorandum of Encumbrance or other method	Yes – the site will have QEII protection within 12 months of being funded.	Yes – the site is a Significant Natural Area (SNA) in the District Plan OR Yes – the site has QEII protection
2. Does the site have a threatened ecosystem status?	Check LENZ ecosystem type and DOC threat category on TRC Biodiversity Map Viewer	Not threatened: >30% indigenous cover remaining - ecosystem type is less reduced, relatively intact or N/A	Reduced or At Risk: 20-30% indigenous cover remaining	Chronically Threatened: 10-20% indigenous cover remaining	Acutely Threatened: <10% indigenous cover remaining
3. Does the site provide habitat for a threatened species?	Check if any species mentioned are on DOCs NZ Threat Classification System . See flowchart in Figure 1 below for the various “Threatened” or “At Risk” categories.	No, e.g., the project is for weed control with overall biodiversity benefits, but not for any specific uncommon and/or threatened species	Yes, the project will benefit a locally uncommon species, but there are other local examples already occurring	Yes, the project will benefit a locally uncommon or locally endemic species, or a species only found in this ecosystem type, or the project	Yes, the project will benefit ‘Threatened’ species e.g., predator control for Long-Tailed Bats, Australasian bittern (both are Threatened – Nationally Critical), etc

				will benefit 'At Risk' species, e.g., North Island Brown Kiwi (At Risk – Declining)	
4. Landowner is working with TRC on a voluntary KNE Biodiversity Plan, or with other voluntary restoration/conservation groups, eg. Forest and Bird, Taranaki Kiwi trust, Predator Free Taranaki etc	Sites where the landowner is already voluntarily undertaking restoration or conservation work with TRC or other groups will be prioritised for funding, as this demonstrates the landowners' commitment to protecting and restoring the site.	Landowner is not already working with a voluntary restoration group	-	Landowner is actively working with a voluntary Non-Governmental Organisation (NGO) to restore/protect the ecosystem	Landowner has a KNE Biodiversity Plan with TRC and is actively working with them to restore/protect the ecosystem
5. Will this project contribute to similar work on adjacent land or in the wider community?	<p>The Council will consider a funding contribution for other projects that assist in the protection or promotion of the protection of significant indigenous vegetation and habitats of indigenous fauna (for example: environmental education projects or landscape-scale environmental projects or similar.</p> <p>This type of funding does not need to be linked to specific areas (SNAs or non-SNAs), and funding applications for these kinds of projects will be assessed by the Council on a case-by-case basis.</p>	The project will not contribute to landscape-scale protection or restoration of a threatened ecosystem or species	The project will indirectly contribute to landscape-scale protection or restoration of a threatened ecosystem or species, e.g., education and/or engagement projects for the local community or school groups etc	-	The project will directly contribute to landscape-scale protection or restoration of a threatened ecosystem or species, e.g., large-scale predator trapping projects, creation of habitat corridors in areas with depauperate flora, community collaboration across multiple properties etc

<p>6. Landowner contributions towards the project as a percentage of total project cost</p>	<p>The Council will contribute up to 50% towards project costs for SNAs, if all conditions made by the Council for such funding are fulfilled.</p> <p>The Council will contribute up to 33% towards project costs for non-SNAs, if all conditions made by the Council for such funding are fulfilled.</p>	<p>Landowner contribution is <33%. If this is the case, then the funding amount allocated must be less than 33% of the total project cost</p>	<p>-</p>	<p>-</p>	<p>Landowner contribution is ≥33% of total project cost. This landowner contribution cannot be made up of other funds from other sources (e.g., TRC funding, DOC funding).</p> <p>However, other funding sources can make up the non-Council and non-landowner portion of the total project cost. eg. 33% Council, 33% Landowner, 33% other funders, such as TRC, QEII, TKT etc</p>
<p>7. Has the applicant previously had NEF funding?</p>	<p>It is preferable that as many landowners as possible get access to the funding pool, so if landowners have previously been funded for a large amount, they would be less preferred than landowners who have never had previous funding.</p>	<p>Yes, >\$30,000</p>		<p>Yes, <\$30,000</p>	<p>No</p>
<p>Total score out of a possible maximum of 35 points:</p>					<p>XX points</p>

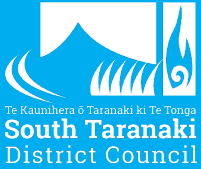
Appendix 2: Assessment and scoring summary for applications to the 2023/2024 funding round

Scoring (0,1,3,5)	Patea Catchment Community Group	Eight Hundred Trust	Sutton Waugh (Moumahaki)	Taranaki Kiwi Trust	Native Forest Restoration Trust
Site has SNA or other formal legal protection status (QEII etc)	1 point. 2 of the private properties have biodiversity plans with TRC, Tarere Conservation Land is protected under Conservation Act.	1 point. Large section of property is a KNE with TRC	5 points. QEII-protected covenant	5 points. QEII-protected covenant	5 points. QEII-protected covenant
Does the site have a threatened ecosystem status?	5 points. Kiwi protection project across numerous private properties and farmland with a mosaic of modified regenerating native forest with threatened ecosystem status.	5 points. Kiwi protection project of modified regenerating native forest with threatened ecosystem status.	5 points. An area of <i>Pinus radiata</i> has been harvested from the QEII covenant. The remainder of the QEII contains regenerating native forest with threatened ecosystem status	5 points. The ecosystem is dominated by black beech on the dry ridges with tawa, rewarewa, rimu and kahikatea also present and dominating the canopy in some low-lying areas. The site is also classified as 'Less reduced, better protected' under the Land Environments of New Zealand (FI.3b), with >50% of this forest type still remaining in the Taranaki region.	5 points. Kiwi protection project of modified regenerating native forest with threatened ecosystem status.

<p>Does the site provide habitat for a threatened species?</p>	<p>5 points. Contains habitat for ‘threatened’ and at-risk species such as North Island Brown Kiwi, NZ Falcon, and North Island Robin, among others.</p>	<p>5 points. Contains habitat for ‘threatened’ and At-Risk species such as longtail bat and at-risk North Island Brown Kiwi, NZ Falcon, North Island Robin, Fern Bird and Pipit among others.</p>	<p>5 points. Contains habitat for ‘threatened’ and At-Risk species such as longtail bat and NZ Falcon, North Island Robin, Fern Bird and Pipit among others.</p>	<p>5 points. Habitat is suitable for many endangered species, including North Island brown kiwi, New Zealand bush falcon and North Island robin.</p>	<p>5 points. Contains habitat for ‘threatened’ and At-Risk species such as longtail bat and at-risk North Island Brown Kiwi, NZ Falcon, North Island Robin, Fern Bird and Pipit among others.</p>
<p>Landowner is working with TRC on a voluntary KNE Biodiversity Plan, or with other voluntary restoration/conservation groups, e.g., Forest & Bird, Taranaki Kiwi trust, Predator Free Taranaki etc</p>	<p>5 points. Partnership between Taranaki Kiwi Trust (TKT) and the recently formed Pātea River Catchment Community (PRCC) to set up a new trap network to target mustelids (stoats and ferrets) in the area adjacent to the Tarere Conservation Area.</p>	<p>5 points. Assistance from DOC who have provided funding for two rangers and some traps, via the “Jobs for Nature” funding scheme.</p>	<p>5 points. QEII-protected covenant and working with the Taranaki Regional Council on an ecosystem restoration plan.</p>	<p>5 points QEII-protected covenant and working with Taranaki Kiwi Trust (TKT) and Taranaki Regional Council (TRC) for extensive predator control over entire block to protect valuable and threatened species.</p>	<p>5 Points. Landowner working with multiple groups including TKT, TRC and has existing KNE, Rotokare Halo project and collaborating with the 800 Trust.</p>

<p>Will this project contribute to similar work on adjacent land or in the wider community?</p>	<p>5 points. The project will directly contribute to landscape-scale protection or restoration of a threatened ecosystem or species, e.g., large-scale predator trapping projects, creation of habitat corridors in areas with depauperate flora, community collaboration across multiple properties etc on private land around the Tarere Conservation Area</p>	<p>3 points. Large section of property is a KNE with TRC. 2.3km boundary with the Waitiri Conservation Area. Tahunamaere Scenic Reserve KNE, Forest and Bees KNE Omoana Bush QEII KNE and Taranaki Kiwi Trapping Project Eltham Forest all nearby. The project will indirectly contribute to landscape-scale protection or restoration of a threatened ecosystem or species, e.g., education and/or engagement projects for the local community or school groups etc</p>	<p>3 points. Land is part of a wider block also under QEII. The project will indirectly contribute to landscape-scale protection or restoration of a threatened ecosystem or species, e.g., education and/or engagement projects for the local community or school groups etc</p>	<p>3 points The bush block has excellent connectivity values in the landscape, with several large areas of native forest in the area, including the Bushy Park predator proof fenced reserve. The site also provides connectivity to other valuable native ecosystems on private land in this area, including Skilton's Bush, Lake Waikato, Lake Waikare and the Waitōtara Wharangi Block.</p>	<p>3 points The bush block has excellent connectivity with several other conservation projects in the vicinity and connects with several large areas of native forest in the area.</p>
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Landowner contributions towards the project as a percentage of total project cost	5 points. Applicant contribution is >33% of total project cost.	5 points. Applicant contribution is >33% of total project cost.	5 points. Applicant contribution >33%	1 Points Applicant and landowner contribution <33% individually	5 Points. Applicant contribution >33%
Has the applicant previously had SNA/NEF funding?	3 points. Yes, refer Table 2 for previous funding details. (Not the specific applicant but the project)	1 points. Yes, refer Table 2 for previous funding details	3 points. Yes, refer Table 2 for previous funding details	1 points Yes, refer Table 2 for previous funding details	5 Points. No
Total Points (out of 35 points maximum)	29 points	25 points	31 points	25 points	33 Points
	Patea Catchment Community Group	Eight Hundred Trust	Sutton Waugh (Moumahaki)	Taranaki Kiwi Trust	Native Forest Restoration Trust



Pūrongo Report

6

To	Environment and Hearings Committee
From	Kaimahere Whakawhiti Whakaaro / Consultant Planner, Adam Bridgeman
Date	9 October 2024
Subject	Subdivision Application RMS24078

(This report shall not be construed as policy until adopted by full Council)

Whakarāpopoto Kāhui Kahika / Executive Summary

Application

Consent No.:	RMS24078
Applicant:	The Twelve Thousand Miles Trust
Location:	111 Ōhangai Road, Normanby
Proposal:	Two lot rural subdivision, with undersized balance lot

Site Details

Legal Description:	LOT 1 DP 317202
Current Use:	Agriculture/ Lifestyle
Previous Consents:	RM930319 - Subdivision RM020171 –Subdivision
Operative South Taranaki District Plan (2015):	Zone: Rural (Rural Map 9) Roading category: Local Road
Surrounding Land Use:	Mix of agricultural and lifestyle / residential

Whakarāpopoto Kāhui Kahika / Executive Summary

1. The Twelve Thousand Miles Trust (the applicant) seeks subdivision resource consent to develop the 15.3618 hectares (ha) rural zoned property at 111 Ōhangai Road, Normanby (LOT 1 DP 317202) into two allotments. The proposal creates two allotments; Lot 1 of 4500m² and Lot 2 of 14.91ha. The proposal fails to meet the minimum balance lot requirement of 20ha for the rural zone.
2. The application is before the Environment and Hearing Committee as the development is a discretionary activity rural subdivision (with no avenue for the subdivision consent to be considered as controlled or restricted discretionary activity), whereby the Committee has not given delegated authority to South Taranaki District Council Planning and Development to decide on an application that may set a precedent as relating to the assessment against the National Policy Statement for Highly Productive Land and without the similarities of previous applications.

- Overall, I consider that the proposal is of a design and scale that will not result in a significant loss of productive land, affect amenity or the productive capacity of the District or adjoining properties, would not set a precedent in terms of rural residential development in the District above that already set through previous subdivisions, and is not inconsistent with the District Plan Objectives and Policies for the rural zone (Objectives 2.1.3 and 2.1.4, Policies 2.1.5, 2.1.6, 2.1.11 and 2.1.12). I am of the opinion the application is inconsistent with the NPS Highly Productive Land. Overall, weighing all these matters up, I am of the opinion that the application is not contrary to promoting sustainable management of natural and physical resources in accordance with the sustainable management purpose of the RMA.

Taunakitanga / Recommendation(s)

THAT the Environment and Hearings Committee approves the two-lot subdivision resource consent at 111 Ōhangai Road, Hāwera (LOT 1 DP 317202), pursuant to Section 104 and 104B of the Resource Management Act.

If the South Taranaki District Council Environment and Hearings Committee were of a mind that subdivision resource consent RMS24078 could be granted, then the conditions contained in [Appendix 1](#) should be considered.

Kupu Whakamārama / Background

Description of the Proposal

- The Twelve Thousand Miles Trust (the applicant) seeks subdivision resource consent to develop the 15.3618 hectares (ha) rural zoned property at 111 Ōhangai Road, Normanby (LOT 1 DP 317202) into two allotments (see figure 1 scheme plan). The proposal creates two allotments; Lot 1 of 4,500 m² and Lot 2 of 14.91 ha. The proposal fails to meet the minimum balance lot requirement of 20 ha for the rural zone.



Figure 1: Proposed Scheme Plan (source: application)

5. The application proposes to connect to the public water service located along Ōhangai Road, with stormwater and wastewater to be provided for onsite.
6. Each lot is proposed to have independent vehicle access.

Site and Surrounds

7. The subject site is located on Ōhangai Road (see Fig. 2), to the north of Ketemarae Road and in proximity to the Normanby Township. The site has one existing dwelling, associated cattle yards and shedding, with a relatively flat contour. The site is currently used for pastoral grazing.
8. The subject site is surrounded by a mix of similar sized properties used for a range of agricultural purposes, a dairy farm to the rear, and pockets of smaller residential sized properties in the wider area.



Figure 2: Locality Plan and surrounding neighbours

Evaluation

Status of the Application

9. The application determined the following consents are required:
 - a) Rule 9.2.1.1 for subdivision where the minimum balance allotment size of 20ha cannot be met, which pursuant to Rule 9.1.4 requires resource consent as a discretionary activity.

10. All other performance standards can be met.
11. Using the bundling principle, the application is to be assessed as a Discretionary Activity under the South Taranaki District Plan.

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

12. This National Environmental Standard (NESCS) ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed. If necessary, the land is remediated, or the contaminants contained to make the land safe for human use. These regulations relate to activities such as subdivision, changes of use and soil disturbance where they are to occur on land described under regulation 5(7).
13. It is not considered that the NESCS applies. The site has been used historically for farming which is not listed on the Hazardous Activity and Industries List (HAIL). The property is not identified on the selected land use registry for Taranaki Regional Council. Overall, I am of the opinion that it is reasonably unlikely that the application would harm human health as defined by regulation 5(6) and consent is not required under the provisions of the NESCS.

Notification

Sections 95A-95E – Assessment of Adverse Effects

14. In relation to the subdivision rules of 9.1.2, as well as the minimum balance lot, the following matters for assessment are discussed below:
 - Lot design and layout and management of reverse sensitivity;
 - Infrastructure and services, and transportation effects; and
 - Significant Sites, Waterbodies, Natural Hazards, Archaeological Sites and Cultural Effects.
15. No parties have provided written approval, however, Ngāti Ruanui has confirmed that there are no specific comments for Ngāti Ruanui in respect of the application.
16. See [Appendix 2](#) for the notification determination against Sections 95a and s95b of the RMA.

Lot design and layout, amenity and management of reverse sensitivity

17. The applicant has proposed two lots of a size not inconsistent with those established within the immediate wider area, being over the minimum 4000m² in the Rural Zone. However, the balance lot fails to achieve 20ha, being a proposed 14.91ha.
18. In respect of the wider environment, smaller lots along the road frontage are not inconsistent with the prevailing amenity and any adverse effects would be no more than minor in respect of amenity or reverse sensitivity.
19. In respect of adverse effects on directly adjoining properties, the rear site is an operating dairy farm, however, any sensitive activity, such as the existing dwelling or proposed dwelling on the subject site, would be some distance from the farm, dairy shed or possible effluent discharge areas, such that any reverse sensitivity effects could be considered negligible, and that any adverse effects on amenity would be less than minor.

20. In respect to the adjoining properties to the west (121 and 137 Ōhangai), east (81 Ōhangai), and northern, adjacent (134 Ōhangai Road), these properties are similar in size, with no intensive farming buildings. Any potential dwelling within proposed Lot 2 is unlikely to have reverse sensitivity adverse effects on these properties to a minor degree, and any amenity adverse effects can be effectively managed by appropriate screening and dwelling location as suggested in the application.
21. Overall, the lot design and development of all proposed lots will have less than minor adverse effects on amenity and reverse sensitivity on the wider environment.

Infrastructure

22. Under the performance standards of the District Plan, all lots within a subdivision must connect to a public service (water supply, sewage and stormwater disposal) where it is available within 200m of any lot within that subdivision unless a more sustainable option can be demonstrated. If a particular service is not available, then all lots must be self-sufficient in respect of that service. In terms of vehicle access, all lots must provide access to a formed legal road in accordance with the Council's standards.

Water, Wastewater and Stormwater

23. The Council's Development Engineer has reviewed the consent. Reticulated water is located in proximity to the site, with each proposed lot proposing connection, of which the Council's Development Engineer has confirmed acceptable. Each lot is proposed to manage sewer and stormwater independently, with which the Development Engineer has confirmed consistent with the surrounding environment and anticipated to be acceptable.
24. In regards to overland/ secondary flows, any excess overland flow is anticipated to be negligible given the relatively flat topography onsite and the size of each allotment. Management of overland flow can be managed onsite such that any adverse effects are anticipated to be negligible.

Roading and Access

25. The application proposes an additional vehicle crossing to serve Lot 2. The Council's Development Engineer has confirmed that the crossings (existing and proposed) have appropriate sightlines and can be designed to an acceptable standard so that any adverse effects are less than minor.

Earthworks and Geotechnical

26. No development works are proposed at this stage. The applicant has not provided preliminary geotechnical reporting for any building platforms. Given the nature of the site, it is not considered necessary to require a geotechnical investigation prior to the issue of titles, with this information provided at the building consent stage once a building platform has been confirmed, if required.
27. Overall, any adverse effects on infrastructure are anticipated to be less than minor.

Significant Sites, Waterbodies, Natural Hazards, Archaeological Sites and Cultural Effects

28. The site has no significant features, with no open watercourses. The site is within the Ngāti Ruanui rohe of whom have responded raising no issue with the application.
29. Overall, I am of the opinion that any adverse effects on significant sites, waterbodies, natural hazards, archaeological sites and cultural effects are managed to be less than minor.

Notification Conclusion

30. Overall, there are no adverse effects, minor or more than minor, that warrant public or limited notification.

S104 Assessment

31. Sections 104 and 104B of the Resource Management Act 1991 (RMA or “the Act”) collectively outline the process for determining a resource consent application for a Discretionary Activity.
32. Section 104 states that the consent authority must, subject to Part 2, have regard to:
- (a) *any actual and potential effects on the environment of allowing the activity; and*
 - (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
 - (b) *any relevant provisions of:*
 - (i) *a national environmental standard:*
 - (ii) *other regulations:*
 - (iii) *a national policy statement:*
 - (iv) *a New Zealand coastal policy statement:*
 - (v) *a regional policy statement or proposed regional policy statement:*
 - (vi) *a plan or proposed plan; and*
 - (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*
33. Sections 104 and 104B of the Resource Management Act 1991 (RMA) outline that a consent authority may grant or refuse the application if it is deemed a discretionary activity and can impose conditions should the application be granted.

S104(a) Actual and Potential Effects

34. Taking the notification report into account, the actual and potential effects relate to the following:
- a) Lot design and layout and management of reverse sensitivity,
 - b) Infrastructure and services, and transportation effects

- c) Significant Sites, Waterbodies, Natural Hazards, Archaeological Sites and Cultural Effects
- d) Loss of productive potential (not considered in the notification report)

Lot Design and Layout and Management of Reverse Sensitivity

35. As considered in the notification report, any lot design, layout and reverse sensitivity effects can be managed to an acceptable level. I am of an opinion that the proposed building platform for proposed Lot 2 should be located closer to the existing dwelling on proposed Lot 1 to minimise any reverse sensitivity effects on adjoining properties.

Infrastructure and services, and transportation effects

36. As considered in the notification report, any infrastructure and transportation effects can be managed to an acceptable level.

Significant Sites, Waterbodies, Natural Hazards, Archaeological Sites and Cultural Effects

37. As considered in the notification report, any effects on significant sites, waterbodies, natural hazards, archaeological sites and cultural effects can be managed to an acceptable level.

Loss of Productive Potential

38. The proposed subdivision will effectively legalise the establishment of one further dwelling on the subject site, to that permitted as existing. This represents a net loss of productive land in that area required for an additional dwelling, access and curtilage that may not be used in a productive manner. This is further discussed in the assessment of the NPS HPL below.

S104(ab) Positive Effects

39. The development would provide for further housing stock in the District. The *Housing Development Capacity Assessment* funded by the Toi Foundation (yet to be formally received by STDC) also indicates that rural development in the South Taranaki District has acted as a *pressure valve* for housing capacity issues across the region, and rural development may retain people within the region, particularly those people that prefer the rural living.

S104(b) Relevant Provisions

National Policy Statements & National Environmental Standards

National Policy Statement for Highly Productive Land

40. The National Policy Statement for Highly Productive Land (NPS-HPL) is considered relevant in the processing of this consent. Subject to s104(1)(b)(iii) the consent authority must have regard to any relevant National Policy Statement.
41. As determined in the application for the Kapuni Road Solar Farm (Council ref: RMS22098) legal opinion was received around the NPS HPL and the impact upon consideration of the NPS HPL against the other applicable planning documents. It was considered that Council

should have regard to s104(1) (i.e. the NPS HPL in this circumstance) and that those other parts considered in s104(1) are read in conjunction, however matters can be given weight as the decision maker sees fit in the circumstances.

42. The site is largely LUC Class 2 land (see Figure 3) as directed by the TRC GIS Land Use Capability Layer.
43. The NPS HPL came into effect on 17 October 2022 with the following objectives and policies considered relevant to this application:

Objective: Highly productive land is protected for use in land-based primary production, both now and for future generations

Policy 4: The use of highly productive land for land-based primary production is prioritised and supported.

Policy 7: The subdivision of highly productive land is avoided, except as provided in this National Policy Statement.

Policy 8: Highly productive land is protected from inappropriate use and development.

Policy 9: Reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.

44. Given the assessment that the land is Class 2 in the HPL and the site is not to be rezoned or identified by STDC to be rezoned, the relevant Sections of the NPS HPL are 3.8, 3.9 and 3.10.

Section 3.8 NPS-HPL states the following:

(1) Territorial authorities must avoid the subdivision of highly productive land unless one of the following applies to the subdivision, and the measures in subclause (2) are applied:

- a) the applicant demonstrates that the proposed lots will retain the overall productive capacity of the subject land over the long term;*
- b) the subdivision is on specified Māori land;*
- c) the subdivision is for specified infrastructure, or for defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990, and there is a functional or operational need for the subdivision.*

(2) Territorial authorities must take measures to ensure that any subdivision of highly productive land:

- a) avoids if possible, or otherwise mitigates, any potential cumulative loss of the availability and productive capacity of highly productive land in their district; and*
- b) avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on surrounding land-based primary production activities.*

45. Sections 3.8(1)(B & C) do not apply. In terms of Section 3.8(1)(a), this section is relevant, with the NPS HPL defining productive capacity as:

Productive capacity, in relation to land, means the ability of the land to support land-based primary production over the long term, based on an assessment of:

- a) *physical characteristics (such as soil type, properties, and versatility); and*
 - b) *legal constraints (such as consent notices, local authority covenants, and easements); and*
 - c) *the size and shape of existing and proposed land parcels*
46. It is considered in the applicant's report that both the proposed allotments would maintain the overall productive capacity that would support primary production over the long term.
47. Given the proposed allotments will be subject to a dwelling and associated curtilage, the *overall productive capacity* cannot be maintained over the long term as specified in section 3.8(1)(a). This section of the NPS HPL is highly stringent and the loss of land (productive capacity) to a further dwelling and anticipated ancillary buildings to built form cannot maintain the *overall productive capacity* and therefore cannot pass this section 'test'.
48. In terms of Section 3.9 of the NPS HPL, part 1 is strongly worded to "avoid the inappropriate use or development of highly productive land that is not land-based primary production". I am of the opinion that any pathway for exemptions in respect of the proposal are limited to part 2(a) which may provide a pathway for dwellings within the rural zone, i.e. on vacant sites to support the production and development of the site in respect of the primary capacity with the NPS HPL defining supporting activities, "*in relation to highly productive land, means those activities reasonably necessary to support land-based primary production on that land (such as on-site processing and packing, equipment storage, and animal housing)*". In terms of a broad consideration of rural zone development, there needs to be a pathway for development of vacant sites, such as those already consented/ vacant title, and as per permitted by the District Plan. In this case, the subject site has an existing dwelling to support activity on the land, there is no avenue for any further permitted dwellings under the DP based on land size. If the subdivision were to meet Section 3.8 or 3.10, then there would be a case that a dwelling would be permissible within each proposed lot to support the development of each proposed parcel but cannot be used in this instance to support subdivision.
49. The final exemption test is Section 3.10 of the NPS HPL as below:

3.10 Exemption for Highly Productive Land Subject to Permanent or Long-Term Constraints

- (1) *Territorial authorities may only allow highly productive land to be subdivided, used, or developed for activities not otherwise enabled under clauses 3.7, 3.8, or 3.9 if satisfied that:*
- a) *there are permanent or long-term constraints on the land that mean the use of the highly productive land for land-based primary production is not able to be economically viable for at least 30 years; and*
 - b) *the subdivision, use, or development:*
 - i. *avoids any significant loss (either individually or cumulatively) of productive capacity of highly productive land in the district; and*
 - ii. *avoids the fragmentation of large and geographically cohesive areas of highly productive land; and*

- iii. *avoids if possible, or otherwise mitigates, any potential reverse sensitivity effects on surrounding land-based primary production from the subdivision, use, or development; and*
 - c) *the environmental, social, cultural and economic benefits of the subdivision, use, or development outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.*
- (2) *In order to satisfy a territorial authority as required by subclause (1)(a), an applicant must demonstrate that the permanent or long-term constraints on economic viability cannot be addressed through any reasonably practicable options that would retain the productive capacity of the highly productive land, by evaluating options such as (without limitation):*
 - a) *alternate forms of land-based primary production:*
 - b) *improved land-management strategies:*
 - c) *alternative production strategies:*
 - d) *water efficiency or storage methods:*
 - e) *reallocation or transfer of water and nutrient allocations:*
 - f) *boundary adjustments (including amalgamations):*
 - g) *lease arrangements.*
- (3) *Any evaluation under subclause (2) of reasonably practicable options:*
 - i. *must not take into account the potential economic benefit of using the highly productive land for purposes other than land-based primary production; and*
 - ii. *must consider the impact that the loss of the highly productive land would have on the landholding in which the highly productive land occurs; and*
 - iii. *must consider the future productive potential of land-based primary production on the highly productive land, not limited by its past or present uses.*
- (4) *The size of a landholding in which the highly productive land occurs is not of itself a determinant of a permanent or long-term constraint.*
- (5) *In this clause:*
 - i. *Landholding has the meaning in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020*
 - ii. *Long-term constraint means a constraint that is likely to last for at least 30 years.*

50. Following consideration of the above that Section 3.8 and 3.9 of the NPS HPL have not enabled the proposed subdivision, the application must be assessed against the Section 3.10 exemptions.
51. Taking Section 3.10(2) into account, there is limited information presented in the report to support the use of this exemption. However, devoid of gaining a productive assessment, I can surmise from the application that if two allotments are viable, then maintaining the subject site as existing, the subject site would be economically viable also. Of note, there are other properties smaller than this that are economically viable in the District (informing Section 3.10(1)(a)). The application notes the proposed allotments as being suitable for a multiple of developments such as continuing pastoral grazing or horticulture, to show that with subdivision, the site could retain the productive capacity as present and may even provide a greater productive output.
52. It is evident that the property does not have long term constraints (NPS s3.10(1)(a)) given the many options available for production, as highlighted in the application, and as evident from surrounding land uses, and therefore cannot pass the section 3.10 exemption.
53. Of note, Section 3.10(4) details that where the landholding size is not of itself a long-term constraint, meaning that because the existing property is relatively small (15ha) for a productive rural property in the traditional sense, the NPS considers this is not a constraint on production in its own right.
54. In terms of passing the 3.10 exemption test, parts a, b and c need to be passed as a whole. Given section 3.10(1)(a) has not been passed, I am of the opinion that parts b and c are somewhat irrelevant.
55. Overall, I am of the opinion the application is contrary to the objectives and policies of the NPS HPL, where the objectives and policies provide an intent to mitigate the cumulative fragmentation of rural land and ensure loss of productive land to rural subdivision is avoided. There are rigorous sets of criteria to meet to ensure that the land proposed to be subdivided has no loss of productive capacity. In terms of the applicant's productive capacity assessment. In this case, there is no evidence to suggest that the subject site is exempt from the NPS HPL and cannot be retained in terms of productive capacity over the long term. The application is therefore inconsistent with the NPS HPL.

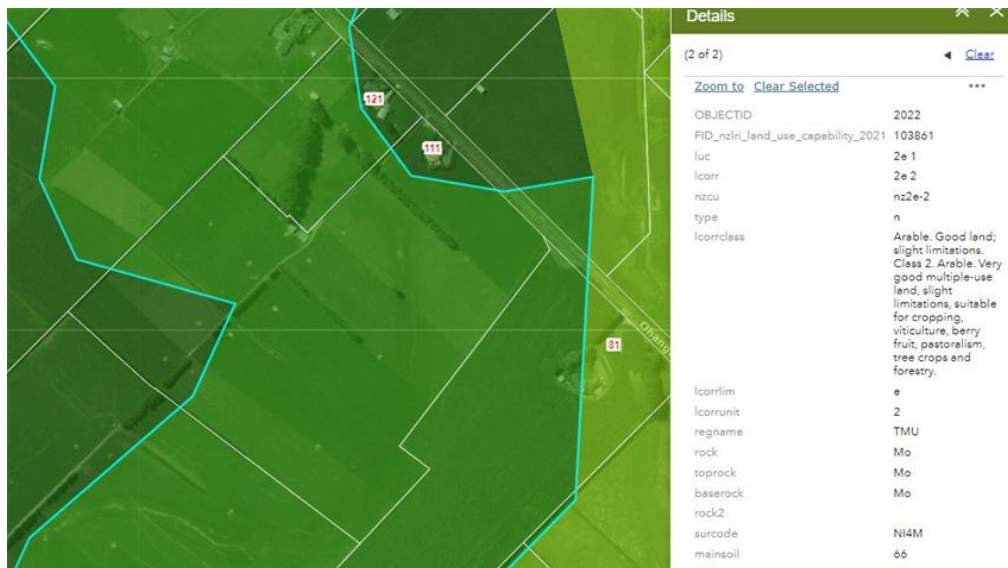


Figure 3: Area context for NPS-HPL classification (dark green - Class 1, lighter green - Class 2) (Source: TRC GIS)

56. The national policy Statement for Urban Development is not considered relevant to this proposal. The subject site, although relatively close to Hāwera and Normanby, is still zoned rural and is not considered an urban environment as defined by the NPS:

Urban environment means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

- a) *is, or is intended to be, predominantly urban in character; and is,*
- b) *or is intended to be, part of a housing and labour market of at least 10,000 people.*

57. The proposal is not considered inconsistent with the NPS for Freshwater Management 2020 given stormwater runoff and wastewater will be managed through treatment to an appropriate standard.

58. Specific consideration has been given to the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. As discussed above the application is unlikely to require consent under the NES.

Taranaki Regional Policy Statement and Regional Freshwater Plan

59. I note that the District Plan has objectives, policies and methods to give effect to the Regional Policy Statement. It is not considered that the proposal is inconsistent with such policies and objectives.

60. An assessment of the relevant objectives and policies outlined in s6 of the Regional Freshwater Plan has been undertaken.

61. I am satisfied that sufficient regard has been given to the Regional Plan and that the proposal is in general accord with any relevant policies and objectives of the TRC Regional Plan.

South Taranaki District Council District Plan

62. It is considered that the following objectives and policies (OPs) are relevant to the current application:

Rural Zone

Objectives: 2.1.3 and 2.1.4

Policies: 2.1.5, 2.1.6, 2.1.7, 2.1.11, 2.1.12, 2.1.13, 2.1.14, 2.1.15

Objectives

2.1.3 To ensure that subdivision, land use and development in the rural environment is of a nature, scale, intensity and location that maintains and, where appropriate, enhances rural character and amenity values.

2.1.4 To enable the efficient and effective functioning of farming and rural based activities, and ensure that activities are not inhibited by adverse effects of new incompatible land uses.

Policies

Rural Subdivision

2.1.5 Provide for rural subdivision at a scale, design and intensity where it is compatible with the character and qualities of the surrounding environment, and limit more intensive or poorly designed subdivision where the character and qualities would be degraded or compromised.

2.1.6 Manage larger-scale and more intensive subdivision, land use and development to maintain and, where appropriate, enhance the attributes that contribute to rural character and amenity values, including:

- (a) Productive working landscape.*
- (b) Predominance of vegetation of varying types (pasture, crops, forestry, amenity plantings) over buildings.*
- (c) Varying forms, scales and separation of buildings and structures associated with the use of the land.*
- (d) Low population density relative to urban areas.*
- (e) On-site servicing and a general lack of urban infrastructure such as street lighting and footpaths.*

2.1.7 Residential subdivision and use at the periphery of the Township Zones is appropriate, if onsite servicing is achievable, reverse sensitive effects are avoided, and where adverse effects on the established character and amenity of the township are avoided, mitigated or remedied.

63. In terms of Policy 2.1.5 – 2.1.7 it is clear that subdivision is acceptable where the rural character and qualities of the rural zone is maintained and to allow subdivision that supports/ enhances rural character and amenity. Ōhangai Road and those adjoining areas, such as Ketemarae Road has a mix of built form and character which has been developed over time. This is evident to the north of Ōhangai Road (170 and 180 Katene Road) as well as between the of Ketemarae Road to the Glover/ Ketemarae Road intersection, and a small area of smaller allotments to the South of Ketemarae Road from Glover Road towards South Road. The character in these areas is delineated by the smaller allotments meeting the minimum Lot size 4,000m².
64. The proposal at this scale will not ultimately change the character of the immediate site to be outside of that which is existing and anticipated in the rural zone, particularly in this area close to the urban context. I do note there would be a number of ways to manage this rural character to be consistent with the prevailing character in the area such as vegetation, maintaining setbacks and appropriately locating any future dwelling on proposed Lot 2.
65. In terms of the development being on the periphery of the Township Zone (P2.1.7), I am of the opinion that the property is outside of what can be deemed the “periphery”, although the location is close to both Normanby and Hāwera, particularly benefiting from close proximity to the newly installed pedestrian and bike path linking the two township zones on Ketemarae Road.

Land Use Activities

2.1.11 Provide for the establishment and operation of new non-farming activities and the ongoing operation of existing lawfully established activities which are compatible and / or associated with farming activities in the rural environment, provided they avoid, remedy or mitigate adverse effects.

2.1.12 Minimise, and where possible, avoid subdivision, land use and development that has the potential to inhibit the efficient use and development of versatile land for farming purposes or other lawfully established rural activities or rural industrial activities in an adjoining Rural Industrial Zone.

66. In terms of the retention of the productive landscape objectives and policies, these direct that the production potential of rural land should be maintained and uninhibited (P2.1.12). I am of the opinion the proposal has the potential to inhibit the efficient use and development of versatile land for farming purposes in the immediate area anticipated for a dwelling location, however, is unlikely to inhibit the majority of the productive capacity for the subject site as a whole, nor the productive capacity of any adjoining properties.

Buildings (Location, Design and Setbacks)

2.1.13 Reduce obtrusive built elements in the rural environment by integrating building location and design with the surrounding landform and landscape qualities, while recognising that the location and design of some buildings, and infrastructure is influenced by their function and/or resource constraints.

2.1.14 Avoid, remedy or mitigate adverse effects on rural privacy and rural character in the Rural Zone by maintaining road and site boundary setbacks for all buildings, while recognising that the degree of privacy and rural spaciousness is different in areas comprising existing smaller rural-residential lots.

2.1.15 Manage potential reverse sensitivity conflict between farming, other rural activities and sensitive activities through appropriate separation distances or other measures, while giving priority to existing lawfully established activities.

67. There are no proposed buildings with the application, however, it is anticipated that the character of the site will slightly change when developed. These could be managed by appropriate mitigation such as landscaping, setbacks and appropriate dwelling location for proposed Lot 2.

Objective and Policy Overall Assessment

68. In respect of applying the OPs to this proposal before Council, the OPs of the Rural Zone do provide for and recognise that a mix of development in the rural zone is anticipated. The objectives of the rural zone support rural land use and development consistent with rural use. The retention of productive landscape is anticipated and that development that inhibits this use should be minimised.
69. Overall, I am of the opinion the development presents a somewhat similar character to that existing in the local area. Effects can be managed on the property to maintain the productive capacity of the site largely as existing, excepting the loss of the area used for a dwelling. I am of the opinion the proposed allotments are not inconsistent with the OPs.

S104(C) Any other matter the consent authority considers relevant and reasonably necessary to determine the application

70. I am of the opinion that precedent effects should be considered in this case.
71. The application is not the first development in the District to come forward as a discretionary activity subdivision, with no avenue for the subdivision consent to be considered as controlled or restricted discretionary activity, and as considered under the National Policy Statement for Highly Productive Land. A previous application was approved by the Environment and Hearings Committee for a five-lot rural subdivision with an undersized balance lot (Council reference: RMS23026). I am of the opinion, this application has better outcomes than RMS23026 in maintaining the productive capacity of the rural land given the number of allotments proposed and the larger balance lot being maintained.

Section 106 RMA1991 Matters

72. There is no hazard areas identified in the District Plan as affecting the site. The site is flat in nature and not considered to be erosion prone. There are no fault lines in vicinity of the subject site. It is considered unlikely that there is a significant risk from natural hazards. The matter of legal and physical access to the site has been discussed above.

Part 2: Resource Management Act 1991

73. In respect of Part 2 of the RMA, a similar case determined by New Plymouth District Council (NPDC) considered the relevance of Part 2 when applied to applications relating to the NPS HPL (NPDC application Reference: SUB21/47781 and LUC22/48312). The report determined that *"In the decision (RJ Davidson Family Trust v Marlborough District Council [2018] NZCA 316, the Court of Appeal reconfirmed the pre-eminence of Part 2 matters in the consideration of resource consents. The Court however found that in those instances where it is clear that*

a planning document has been competently prepared having regard to Part 2 and contains a coherent set of policies leading toward clear environmental outcomes, consideration of Part 2 is unlikely to assist evaluation of a proposal. Conversely, where a plan has not been prepared in a manner which appropriately reflects Part 2, or the objectives and policies are pulling in different directions, consideration of Part 2 is both appropriate and necessary”.

74. While in this case, the NPS HPL is relatively new in the New Zealand planning context and in this District has not been thoroughly tested, the implications are that the District Plan has not been created or amended to reflect the regulation. It is prudent to consider whether the DP is consistent with the regulations and whether assessment of Part 2 is required.
75. There may be *“invalidity, incomplete coverage or uncertainty in the statutory planning documents (RJ Davidson Family Trust v Marlborough District Council [2018] NZCA 316)”*. However, I am of the opinion, the intent of the operative DP objectives and policies is to maintain the minimum balance lots, managing effects of residential development or inappropriate development on rural zoning. In this case the DP is somewhat aligned with the intent of the NPS HPL, however, is less stringent in the avoidance of any subdivision of HPL land, rather the DP OPs provide for the management of the effects of the subdivision as the main objective. I am of the opinion that in future, the DP may be amended to become more stringent in terms of rural subdivision, whereby avenues for rural subdivision may be restricted, i.e. the removal of the controlled activity avenue for rural subdivision. However, in this case, the application is a discretionary activity, and I am of the opinion that the NPS HPL and the interpretation of this in terms of the DP is somewhat contrasting. Therefore, I am of the opinion that Part 2 is required to be considered further.
76. Part 2 of the RMA sets out the purpose and principles of the RMA which is to ‘promote sustainable management’. In the context of the RMA, sustainable management centres on the use, development and protection of the environment while ensuring the life-supporting capacity of the environment, safe-guarding future generations and avoiding, remedying and mitigating adverse effects. There is a logical hierarchy to the RMA with policy and planning instruments developed at national, regional and district levels. Further statutes may also weigh into an assessment of whether the activity achieves the purpose and principles of the RMA.
77. Section 5 of Part 2 identifies the purpose of the RMA as the sustainable management of natural and physical resources. This involves managing the use, development, and protection of these resources in a way that enables people and communities to provide for their social, cultural, and economic well-being and health and safety. It also requires sustaining resources for future generations, protecting the life-supporting capacity of ecosystems, and avoiding, remedying, or mitigating adverse effects on the environment. The proposed development is considered to complement these objectives and does not compromise the sustainable management of natural and physical resources.
78. The application determines that:

Under the District Plan, the proposed subdivision is assessed as a Discretionary Activity due to the infringement of the balance allotments. ... the proposed subdivision will maintain the rural character of the receiving environment and rural activities while not impacting the production of the balance lot or surrounding environment, consistent with Section 7 of Part 2. Specifically, the objectives of the District Plan can be met despite the indiscretion. The balance lot will continue to function as a grazing block, with greater potential for Lot 1 to utilise the land area around the ‘residential curtilage’ for productive opportunities. The

proposed development aligns with the objectives and policies of the District Plan by maintaining the character of the rural environment. Flexible site configuration options, council bulk and location requirements, and, if needed, effective screening measures will prevent any undesirable ribbon development that would be inappropriate for the rural area. There is significant potential for the strategic placement of any new dwelling on the balance allotment, complemented by thoughtful design and landscape integration, ensuring that the development respects and preserves the visual and environmental quality of the surrounding landscape.

79. I concur with this assessment and determine that the proposal is such that the Section 5 purpose and section 7 matters are maintained appropriately and that Part 2 of the RMA is generally maintained by the proposal.
80. Section 8 – Treaty of Waitangi – of the Act specifies that the principles of the Treaty of Waitangi shall be taken into account. There has been a review of the District Plan overlays with respect to the property, and there has been consultation with tangata whenua. There does not appear to be any direct impact to Māori with the whenua is foreseen arising from the activity.

Whakakapia / Conclusion

81. I have considered all matters placed before me including all application documentation and subsequent information provided by the applicant, the section 95 assessment, together with the relevant RMA and District Plan provisions.
82. Overall, I consider that the proposal is of a design and scale that will not result in a significant loss of productive land, affect amenity or the productive capacity of the District or adjoining properties, would not set a precedent in terms of rural residential development in the District above that already set through previous subdivisions, and is not inconsistent with the District Plan Objectives and Policies for the rural zone (Objectives 2.1.3 and 2.1.4, Policies 2.1.5, 2.1.6, 2.1.11 and 2.1.12). I am of the of the opinion the application is inconsistent with the NPS Highly Productive Land. Overall, weighing all these matters up, I am of the opinion that the application is not contrary to promoting sustainable management of natural and physical resources in accordance with the sustainable management purpose of the RMA.



Adam Bridgeman
**Kaimahere Whakawhiti Whakaaro /
Consultant Planner**



[Seen by]
Liam Dagg
**Kaiarataki Taiao /
Group Manager Environmental
Services**

Appendix 1: Recommended Conditions of Consent

General

1. That unless amended by specific conditions of this consent, the activity is carried out in general accordance with details provided to the South Taranaki District Council as part of the resource consent application.
2. That all works associated with the development must be designed and constructed in accordance with NPDC and STDC Local Amendments to NZS 4404:2010 Land Development and Subdivision Infrastructure (August 2013).
3. That, where installed, electricity, telecommunication and gas distribution lines are installed underground.
4. That all necessary easements are duly granted and reserves and shown on the Land Transfer Plan.

Water

5. That Lots 1 and 2 shall be provided with a separate connection to the Council's reticulated water supply, with a water meter and backflow preventer, and there shall be no-cross boundary connections.

Wastewater

6. That Lots 1 and 2 remain self-sufficient regarding wastewater disposal and no cross-boundary effects are generated.

Stormwater

7. That Lots 1 and 2 are self-sufficient in terms of stormwater disposal and that the provision of this service does not generate any cross-boundary effects. Evidence shall be provided demonstrating compliance with this requirement with regard to existing buildings and on-site stormwater disposal systems.
8. That the following shall be registered as an ongoing condition against the Records of Titles for Lots 1 and 2 DP XXXX pursuant to Section 221 of the Resource Management Act 1991:
 - a) "Any building constructed on Lots 1 and 2 DP XXXX shall not change or disrupt the existing overland flowpath network. Development (including buildings and hardstand areas) shall dispose the stormwater in way that does not create a nuisance to adjoining land and/or property. Evidence illustrating the existing flowpaths shall be provided prior to a building being constructed. This will be required whether it is exempt or requires building consent."

Transport

9. That the vehicle crossing for Lot 2 be constructed and maintained to a Type F Rural Vehicle Crossing standard as per Figure 3.4g of Land Development and Subdivision Infrastructure Standard (NZS4404:2010).

Landscaping

10. That the following shall be registered as an ongoing condition against the Records of Titles for Lots 2 DP XXXX pursuant to Section 221 of the Resource Management Act 1991:
 - a) *“That the boundary adjacent to Ōhangai Road shall be screened to a minimum established height of 1.8 metres, with landscaping as to mitigate the views from Ōhangai Road to any proposed buildings on site. The landscaping shall be established and maintained in a way that does not create a safety issue for those vehicles entering and exiting from the site nor create sight distance issues when travelling on Ōhangai Road. This screening shall be retained in perpetuity, with the replacement of dead or diseased plants when required.”*

Lot 2 Dwelling Location

11. Condition Placeholder

Advice Notes

1. Under s357 of the Resource Management Act 1991, you have a right of objection to the Council in respect of the above decision. Any such objection shall be made by notice in writing to the Council within 15 working days of receiving this decision. The objection should describe the reason for the objection and what would satisfy the objection.
2. In accordance with the Council's Schedule of Fees and Charges, if not accompanying this decision, an invoice will be sent at a later date. All costs associated with the conditions of this consent shall be met by the consent holder.
3. For all new vehicle crossings or upgrades to existing crossings, an application with the appropriate fee is to be made to the Council, and upon approval this crossing is to be installed by a suitable qualified person/contractor at the applicant's cost.
4. Should suspected archaeological site(s), artefacts and/or human remains/koiwi be discovered during earthworks or use of the site, work in the affected area shall stop immediately in accordance with the legal requirements of the Police, Heritage New Zealand Pouhere Taonga Act 2014 and any other governing legislation. The site supervisor shall seek advice from the South Taranaki District Council, Tāngata Whenua, Heritage New Zealand Pouhere Taonga and/or the Police (as appropriate) to determine what further actions are appropriate to safeguard the site or its contents before work recommences.
5. If stormwater from structures and hardstand and overland flow paths (natural overland path) have not been specifically mapped prior to a building platform being identified, property owners need to ensure that all stormwater (including overland) is not interrupted or disrupted and when land is developed and stormwater is captured adequately in a way that it does not cause an effect on adjoining land.

Appendix 2: Notification

Public Notification

Section 95A provides a step-by-step guide in determining whether public notification is required:

	Statutory Requirement	Assessment
Step 1	<p>Mandatory public notification in certain circumstances. An application must be publicly notified if:</p> <ul style="list-style-type: none"> • The applicant requests that the application be publicly notified • Public notification is required under section 95C • The application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977 	<ul style="list-style-type: none"> • The applicant has not requested public notification. • Public notification not required under s95C. • The application is not for exchange of reserve land.
Step 2	<p>If not required by step 1, public notification is precluded in certain circumstances. An application cannot be publicly notified if:</p> <ul style="list-style-type: none"> • A rule or national environmental standard (NES) precludes notification • The application is for a resource consent for one or of the following, but no other, activities: <ul style="list-style-type: none"> – A controlled activity – A restricted, discretionary or noncomplying activity, but only if the activity is a boundary activity 	<ul style="list-style-type: none"> • Notification is not precluded by a rule or NES • The application is for a discretionary activity • The activity is not a boundary activity.
Step 3	<p>If not precluded by step 2, public notification is required in certain circumstances. Other than for those activities in step 2, public notification is required if:</p> <ul style="list-style-type: none"> • A rule or national environmental standard (NES) requires public notification • The assessment under section 95D determines that the activity will have, or is likely to have, adverse effects on the environment that are more than minor 	<ul style="list-style-type: none"> a) There is no rule or NES requiring public notification b) The assessment of environmental effects <u>in the report</u> concludes that adverse effects are no more than minor.

Step 4	Determine whether special circumstances exist in relation to the application that warrant the application being publicly notified	c) No special circumstances exist that warrant public notification.
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Public notification under section 95A is precluded under step 3 (see assessment of effects Section 13 – 31) and there are no special circumstances that exist under step 4. No further assessment under s95D is therefore required.

Accordingly, the consent authority must not publicly notify the application.

Limited Notification

Where the consent authority accepts that public notification is not required, the consent authority must determine if limited notification is required under section 95B:

	Statutory Requirement	Assessment
Step 1	<p>Certain affected groups and affected persons must be notified.</p> <p>If the consent authority determines that certain people or groups are affected, these persons/groups must be given limited notification:</p> <ul style="list-style-type: none"> • Affected protected customary rights groups • Affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity) • An affected person under section 95E to whom a statutory acknowledgement is made (if the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement) 	<ul style="list-style-type: none"> • No protected customary rights groups or customary marine title groups have been identified. • No Statutory acknowledgement.
Step 2	<p>If not required by step 1, limited notification is precluded in certain circumstances.</p> <p>An application cannot be limited notified if:</p> <ul style="list-style-type: none"> • A rule or national environmental standard (NES) precludes limited notification of the application • It is for either or both of the following, but no other, activities: <ul style="list-style-type: none"> – A controlled land use activity under a district plan (other than a subdivision of land); – An activity prescribed through regulations 	<ul style="list-style-type: none"> • Limited notification is not precluded.

<p>Step 3</p>	<p>If not precluded by step 2, certain other affected persons must be notified.</p> <p>Determine whether, in accordance with section 95E, the following persons are affected persons:</p> <ul style="list-style-type: none"> • In the case of a boundary activity, an owner of an allotment with an infringed boundary; and • In the case of any other activity, determine whether a person is an affected person in accordance with section 95E 	<ul style="list-style-type: none"> • The proposal is not a boundary activity. • Assessment in accordance with s95E, concludes limited notification is not required.
<p>Step 4</p>	<p>Further notification in special circumstances:</p> <p>If the consent authority determines special circumstances exist that warrant limited notification of the application to any other persons not already determined to be eligible for limited notification (excluding persons assessed under section 95E as not being affected persons), the council must give limited notification to those persons.</p>	<ul style="list-style-type: none"> • No special circumstances exist.

Appendix 3: Application and Assessment of Environmental Effects



Tono mo te Whakaaetanga Rawa Taiao, Whakaaetanga Whakaterere

Application for Resource Consent or Fast Track Consent

Form 9 of the Resource Management Act 1991, Sections 87AAC and 88

This form provides the South Taranaki District Council with your contact details, and details about your proposal and its actual and potential effects on the environment. Note that all the information provided in your application is available to the public.

We recommend that you talk your proposal through with Council staff before you fill in this form. If you have any questions, visit www.southtaranaki.com, email - planning@stdc.govt.nz or phone us on 06 278 0555 or 0800 111 323.

Send completed application to: Private Bag 902, Hāwera 4640 or email - planning@stdc.govt.nz

Pūrongo Tono—o-mua

Pre-application Information

Have you had a pre-application meeting with the council regarding your proposal?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
If Yes	Date of meeting:	Council reference or Council officer:	

It is important that you answer all questions fully.

Taipitopito ā-wāhi mo te tono

Site Details for Application

Land use consent <input type="checkbox"/>		Subdivision consent <input checked="" type="checkbox"/>	
Fast-track consent: <i>(Land use consent for a controlled activity)</i>	Opt in <input type="checkbox"/>	Opt out <input type="checkbox"/>	Note: An electronic address for service must be provided if you are applying for a fast-track resource consent application
Physical site which application relates <i>(Number, street and suburb):</i>	111 Ohangai Road, Normanby		
Legal Description	Lot 1 DP 317202		
Valuation No:		Property No:	

Taipitopito Whakapā

Contact Details

Applicant	
Full name(s)	The Twelve Thousand Miles Trust
Electronic address or service	[REDACTED]
Postal address <i>(or alternative method of service under section 352 of the RMA):</i>	
Phone (day):	Phone (mobile):
Agent/Consultant <i>(if applicable)</i>	
Name	Andrea Rowe
Company	Rowe Planning Limited
Electronic address or service	andrea@rowecontracting.co.nz
Postal address <i>(or alternative method of service under section 352 of the RMA):</i>	PO Box 353, Hawera
Phone (day):	Phone (mobile): 0272935327

Owner of Site to which application relates (if different from above)	
Name	John Robert Jones, Christine Sophie Moriarty
Electronic address or service	As above - Twelve Thousand Miles Trust
Postal address (or alternative method of service under section 352 of the RMA):	
Phone (day):	Phone (mobile):

Occupiers of the site to which the application relates (if different from above)	
Name(s)	
Electronic address or service	
Postal address (or alternative method of service under section 352 of the RMA):	
Phone (day):	Phone (mobile):

Invoices to be sent to:	<input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Agent <input type="checkbox"/> Owner
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Name: The Twelve Thousand Miles Trust

Email for invoicing:
 [REDACTED]

Whakamāramatanga o te mahi tūtohu Description of Proposed Activity

Describe your proposal clearly:

To subdivide the 15.4ha rural zoned property at 111 Ohangai Road, Normanby (Lot 1 DP 317202) into two allotments; Lot 1 of 4500m2 and Lot 2 of 14.9 hectares.

Whakaaturanga Wāhi Site Description

Describe the site including its natural and physical characteristics and any adjacent uses that may be relevant to the consideration of the application (include the name of any relevant stream, river or other waterbody to which the application may relate, and proximity to any well-known landmark(s)):

See AEE

Ngā take mo te Whakaaetanga Rawa Taiao Reasons for Resource Consent

List all of the areas of non-compliance with the rules in the <insert council> District Plan and any relevant National Environmental Standard (use additional pages if necessary):

The application has been assessed against the relevant rules and performance standards of the Operative South Taranaki District Council District Plan as a Discretionary Activity; Rule 9.2.1.1 where the minimum balance allotment size of 20ha cannot be met.

Ērā atu mahi Other Activities

Choose either:

- There are no other activities that are part of the proposal to which this application relates
- The other activities that are part of the proposal to which the application relates are as follows:

Describe the other activities:

For any activities that are permitted activities, provide a compliance schedule and/or other supporting information to explain how the activity complies with the requirements, conditions, and permissions of any Plan or regulation so that a resource consent is not required for that activity:

Whakaaetanga Rawa Taiao Anō Additional Resource Consents

Choose either:

- There are no other resource consents required for this proposal
- The following additional resource consents are needed for the proposal:

	Resource consent required?	Resource consent applied for?
Land use consent	<input type="checkbox"/>	<input type="checkbox"/>
Subdivision consent	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Coastal Permit - Taranaki Regional Council	<input type="checkbox"/>	<input type="checkbox"/>
Water Permit – Taranaki Regional Council	<input type="checkbox"/>	<input type="checkbox"/>
Discharge Permit - Taranaki Regional Council	<input type="checkbox"/>	<input type="checkbox"/>

Uiuitanga Consultation

Have you consulted with iwi?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, who did you consult with? Ngati Ruanui, Nga Ruahine		
Who else have you consulted? No one else		
Did they have any concerns? If yes, please provide details: No reply received		
How have you addressed these concerns?		
Have you obtained the written approval of any potentially affected persons? <input type="checkbox"/> Yes (attached) <input type="checkbox"/> No		
If yes, please provide details (names, site address and electronic address for service)		

Ngā ture toronga wāhi Site Visit Requirements

In order to assess your application it will generally be necessary for the planning officer to visit your site. This typically involves an outdoor inspection only, and there is no need for you to be home for this purpose.

Do you require prior notice of any site visit?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there any locked gates/security system restricting access?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there any dogs on the property?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there any other health and safety issues that the planning officer needs to be made aware of?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<i>If yes, please provide details:</i>		

Ngā ture pūrongo Information Requirements

Administrative Requirements:

- 1 copy of application (including plans)
- Application fee deposit (if necessary)
- Certificate of title (less than three months old)

To satisfy the requirements of section 88(2) and Schedule 4 of the Resource Management Act 1991, please attach the following information to your application:

- Plans (for example: site plan, location plan, elevation plan)

Assessment of environmental effects

Please provide an assessment of the activity's environmental effects that covers the matters in clause 6 and clause 7 of Schedule 4 of the Resource Management Act 1991. The assessment must include such detail as corresponds with the scale and significance of the effects that the proposal may have on the environment.

Part 2 Assessment

Please provide an assessment of the activity against the matters in Part 2 (sections 5, 6, 7 and 8) of the Resource Management Act 1991:

Section 104(1)(b) Assessment

Please provide an assessment of the activity against the relevant provisions of any national environmental standards, other regulations, national policy statements, the New Zealand Coastal Policy Statement, operative or proposed regional policy statements and operative or proposed plans:

For applications affected by section 124 or 165ZH(1)(C) of the Resource Management Act 1991 (which relate to existing resource consents).

The value of the investment of the existing consent holder is [specify].

For activities in area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011.

I attach an assessment of the proposed activity against the resource management matters set out in [relevant planning document].

For Subdivision Consents

I attach information that adequately defines the following:

- the position of all new boundaries; and
- the areas of all new allotments (unless subdivision involves cross-lease, company lease or unit plan); and
- the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips; and
- the locations and areas of any existing esplanade reserves, esplanade strips, and access strips; and
- the locations and areas of any parts of the bed of a river or lake to be vested in the territorial authority under [section 237A](#) of the Resource Management Act 1991; and
- the locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under [section 237A](#) of the Resource Management Act 1991); and
- the locations and areas of land to be set aside as new roads.

For Resource consents for reclamations

I attach information that shows the area proposed to be reclaimed, including its location, the position of all new boundaries (if practicable), and the portion of the area (if any) to be set aside as an esplanade reserve or esplanade strip.

Resource Management (National Environmental Standard (NES) for assessing and managing contaminants in soil to protect human health) Regulations 2011

This site may be subject to or covered by the NES for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011. Whether a resource consent is required under this NES is determined by reference to the Hazardous Activities and Industries List (HAIL) which identifies those activities and industries which are more likely to use or store hazardous substances. A full list can be found on the Ministry for the Environment's website

www.mfe.govt.nz/issues/hazardous/contaminated/hazardous-activities-industries-list.pdf

Has the piece of land subject to this application been used for (including its present use), or is it more likely than not to have been used for an activity on the HAIL? Yes No

If 'Yes', and your application involves subdividing or changing the use of the land, sampling or disturbing soil, or removing or replacing a fuel storage system, then the NES may apply and you may need to seek consent for this concurrently in your application.

Additional Information Required

I attach the following further information required to be included in this application by the district plan, the regional plan, the Resource Management Act 1991, or any regulations made under that Act: [list all further documents that you are attaching].

Pito kōrero ki te kaitono
Notes to Applicant

You must include all information required by this form. The information must be specified in sufficient detail to satisfy the purpose for which it is required. Incomplete applications will be returned. The Council may also request further information under Section 92 of the Resource Management Act 1991, to better understand the potential effects of the proposal. Processing of the application will be suspended until the further information is received.

You may apply for two or more resource consents that are needed for the same activity on the same form. If you lodge the application with the Environmental Protection Authority, you must also lodge a notice in form 16A at the same time.

You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991 (if any)

Notes on fast-track resource consents:

- Under the fast-track resource consent process, notice of decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement.
- A fast track application may cease to be a fast track application if the consent authority gives public or limited notification of the application or a hearing is to be held for the application.

If your proposal involves building work or change of use of a building you may also require a building consent under the Building Act 2004. This must be applied for separately. Other consents or licences may also be required under such legislation as the Health Act 1956 and the Sale of Liquor Act 1989, dependent on the nature of the proposal.

If your application is to the Environmental Protection Agency, you may be required to pay actual and reasonable costs incurred in dealing with this matter (see section 149ZD of the RMA 1991).

Waitohu o ngā kaitono, māngai rānei
Signature of Applicant(s) or Agent

Note: a signature is not required if the application is made by electronic means. If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

I hereby certify that, to the best of my knowledge and belief, the information given in this application is true and correct.

I undertake to pay all actual and reasonable application costs incurred by the South Taranaki District Council.

Applicants/Agents name: **Andrea Rowe - Rowe Planning Limited**

Applicants/Agents Signature:

Date:

5 September 2024

Environmental Services
Private Bag 902,
Hawera 4640

Application for Two Lot Subdivision at 111 Ohangai Road, Normanby

Please find attached the application for a two-lot subdivision.

If further information is needed, please let me know, and I will respond promptly.

Kind regards,

Andrea Rowe
Rowe Planning Limited
027 2935327

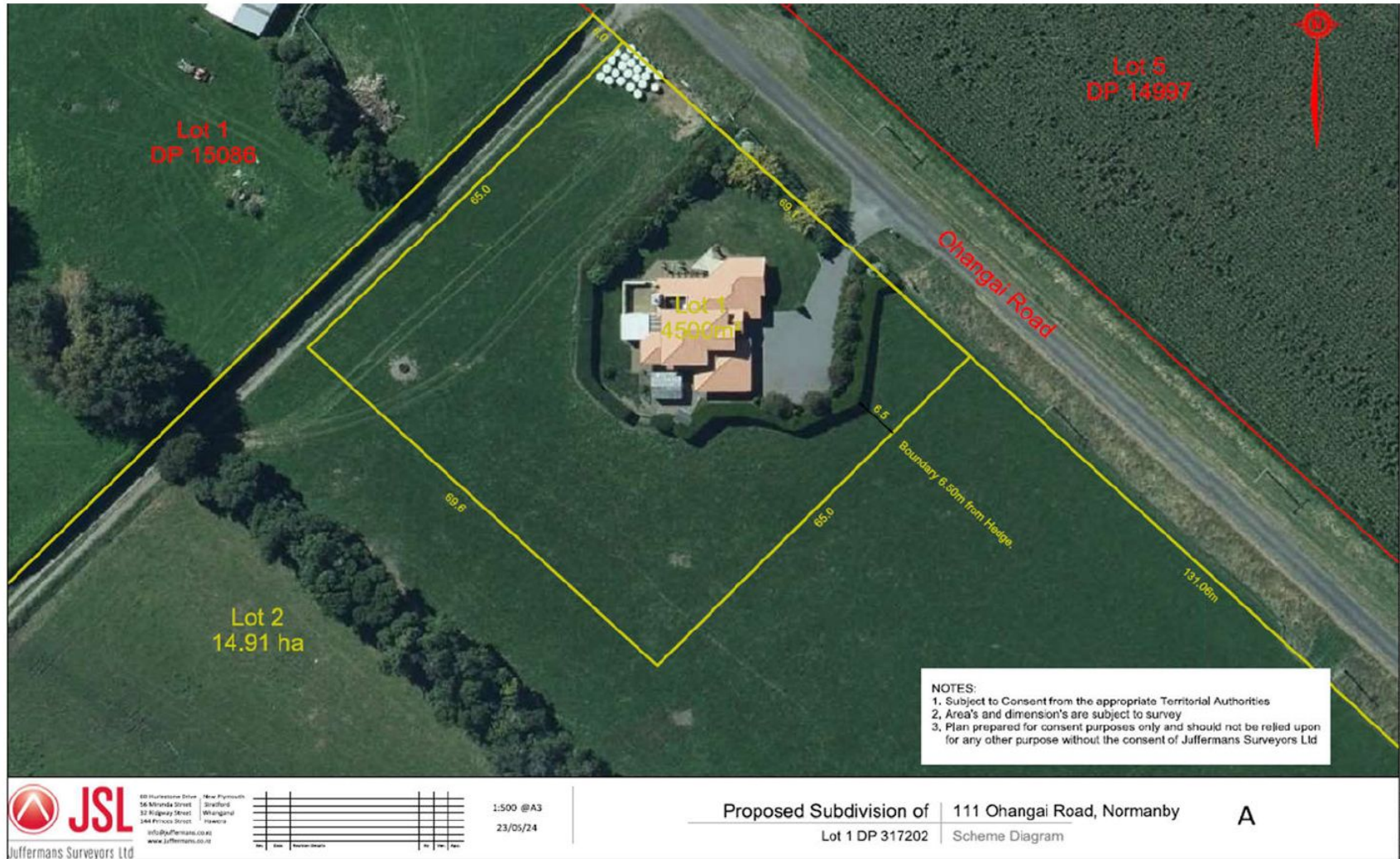
Application Summary:

Applicant:	The Twelve Thousand Miles Trust
Property Owner:	John Robert Jones, Christine Sophie Moriarty
Land Location:	111 Ohangai Road, Normanby, Hawera
Legal Description:	Lot 1 DP 317202
Site Area:	15.4 Hectares
Consent Sought:	Subdivision Consent
District Plan Zone	Rural Zone
Map:	Map 10
Application status:	Discretionary Minimum balance lot of 20 hectares cannot be achieved

FIGURE 1 - PROPOSED SCHEME PLAN



FIGURE 2 - DETAIL OF LOT 1



Proposal

The applicants, The Twelve Thousand Miles Trust, seeks resource consent to subdivide the 15.4ha rural zoned property at 111 Ohangai Road, Normanby (Lot 1 DP 317202) into two allotments; Lot 1 of 4500m² and Lot 2 of 14.9 hectares.

Lot 1 will retain the existing dwelling and surrounding land for lifestyle grazing and/or market and orchard opportunities. The existing landscaped areas of the dwelling curtilage are currently not able to support any productive land activities and the extension of the new boundaries will provide greater opportunities. The proposed boundaries of Lot 1 will also capture the location of the existing effluent fields within the south-western corner of the property. While also providing access to the existing water trough within the paddock.

Lot 1 is well-established, featuring a two-story dwelling, gardens, a concrete driveway, and an existing septic tank with effluent fields directed to the southern area of the fenced section.

Lot 2 will serve as a runoff block supporting farming operations in neighbouring Okaiawa. The area between the proposed southern boundary of Lot 1 and the existing trees (on Lot 2) will provide for suitable passage from the balance land area to which grazing of the easter block of the front paddocks can be achieved. A vehicle crossing in the north-western corner services the remainder of the property.

The property currently has one metered connection to the water main. The balance lot also has its own separate vehicle crossing.

Site & Surrounds

The property is situated on Ohangai Road, positioned midway between Katene and Ketemarae Roads. Normanby township is approximately 900 metres east of the site. Hawera is approximately 3.5km south-east of the property.

The property features a two-storey dwelling, a glasshouse, and several additional farming sheds. The house and adjacent paddocks are situated at roadside level. From there, the property slopes downward into a lower-lying area adorned with a row of trees. Beyond this, the paddocks rise at the existing farm shed, and level out, providing ample grazing areas.

The balance lot (farm site) is currently used for grazing cattle throughout the year, growing and cutting supplement

FIGURE 3 - SITE AERIAL



The property has a history of subdivision. The properties highlighted below formed one continuous property;

Lot 1 (the subject of this application) was created in 1983 from subdivision; TNG1/279 (as its previous Identifier, or Lot 2 DP 13952)

A consent notice at the time of subdivision of other blocks, (Lot 3 DP 15086), in 2003, was created;

This notice, 5589289.1 pursuant to Section 221 Resource Management Act 1991 pertains to the access requirements of Lots 1 to 4 DP 317202; that any vehicle crossings be constructed to the Councils specifications. I have included a copy of this consent notice as an appendix document.

FIGURE 4 - HISTORICAL LAND AREA



FIGURE 5 - LOCALITY PLAN

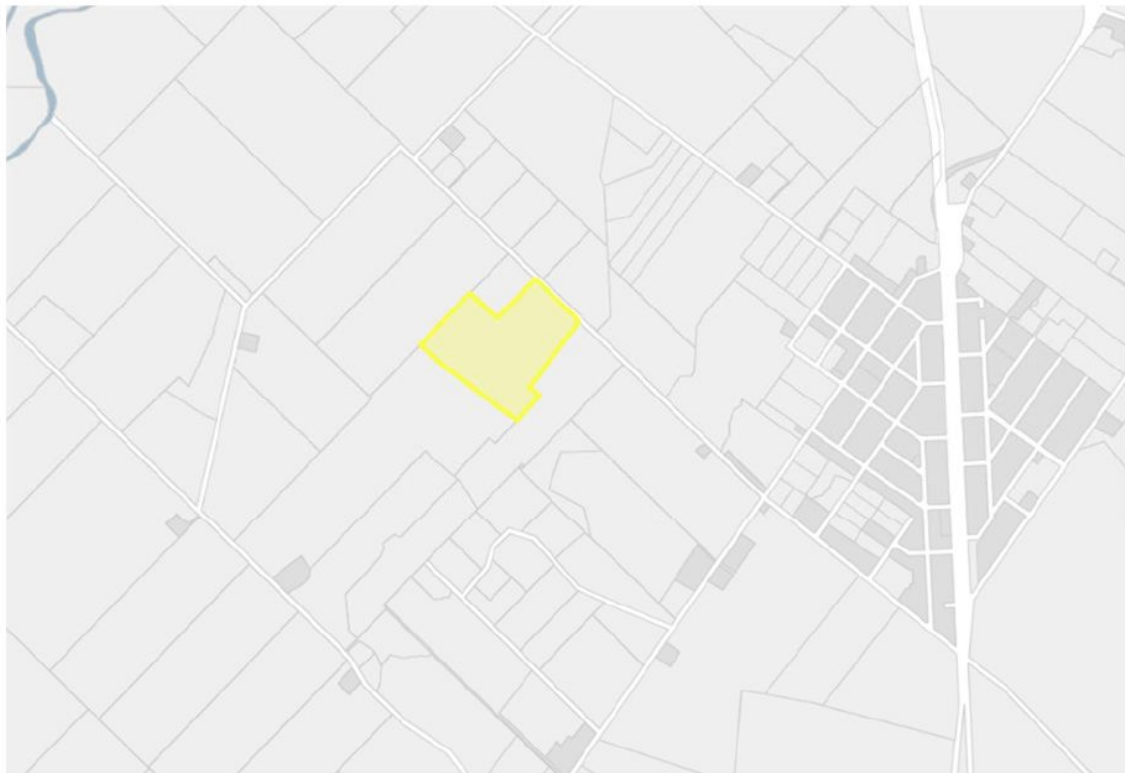
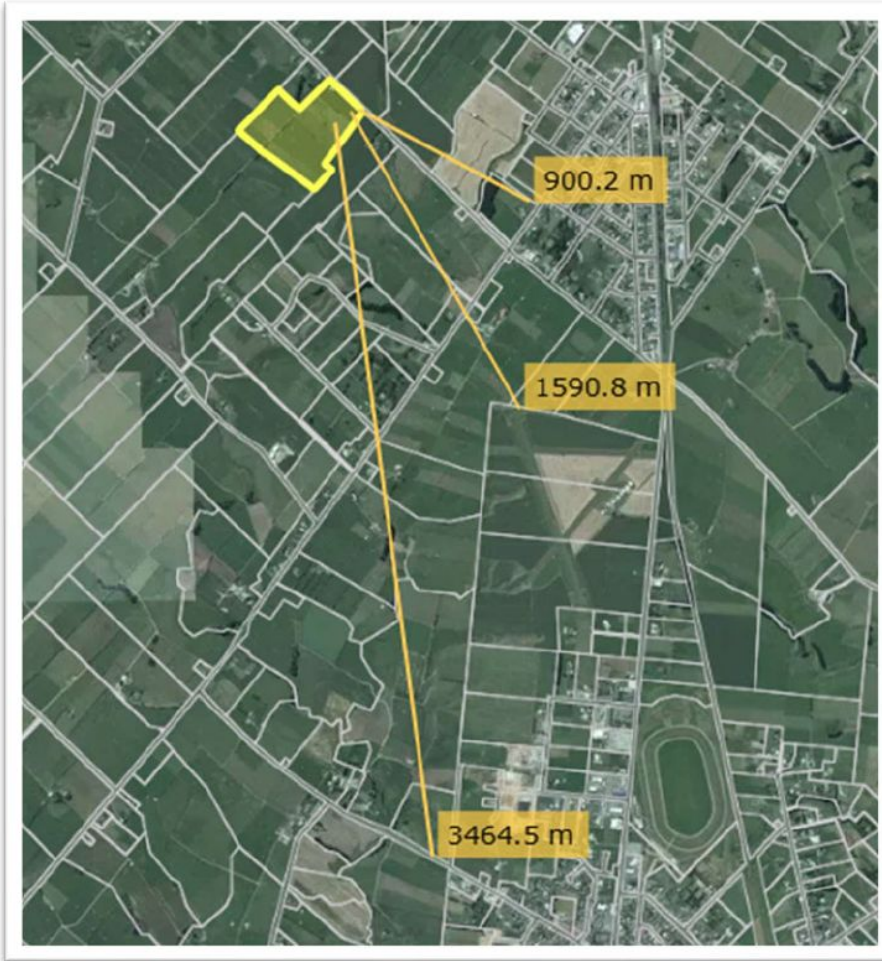


Figure 6 - Subject Site and Surroundings



The property is 930metres west of Normanby township, approx. 1500 metres north-west of the airport, and 3.5km from Hawera township boundary* in a direct line, but 4.5km road distances.

There is an unnamed tributary of the Waihi Stream that traverses through the property, and it runs behind the row of trees as above mentioned on the property. It appears that this is a potential drained watercourse.

The area surrounding the subject site is characterised by a mix of agricultural blocks varying in size. Within a 1000m radius, properties range from 1715m²

(29 Ohangai Road) to 31 hectares (Lot 2 DP 317202), of which shares the southern boundary of the site).

Many of these properties contain residential dwellings. Specifically, on the northern side of Ohangai Road, within 500 meters of the subject site, properties typically range from 8093m² to 8 hectares in size. This illustrates the predominantly smaller-scale nature of the properties in the vicinity, situated on the outskirts of the Normanbv township

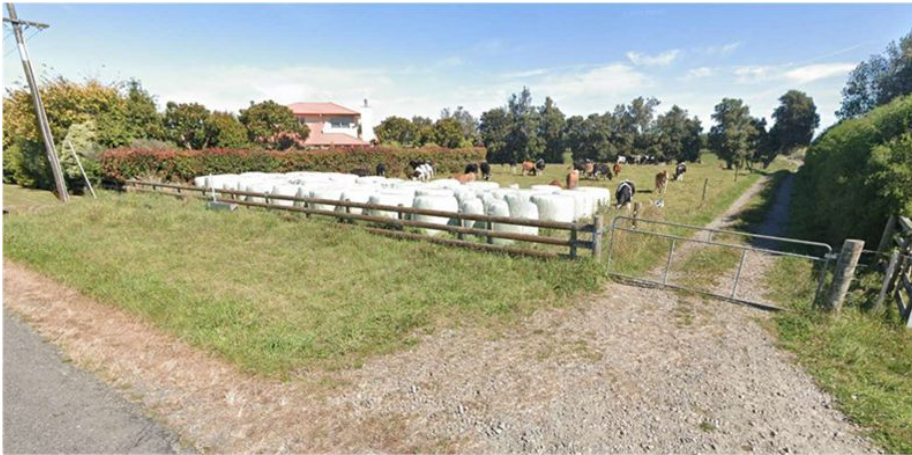
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FIGURE 7 - SITE PHOTOS



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Figure 8 - Perspective of property in relation to surrounding properties



FIGURE 9 - PROPERTY IN RELATION TO SURROUNDS



EVALUATION

Status of the application

The application has been assessed against the relevant rules and performance standards of the Operative South Taranaki District Council District Plan as a Discretionary Activity;

Rule 9.2.1.1 where the minimum balance allotment size of 20ha cannot be met.

All other performance standards can be met.

Assessment on Notification Requirements

Section 95 of the RMA requires consent authorities to decide whether to give public or limited notifications on applications; and then to notify the application if it determines to do so. When making this decision, the consent authority must consider the matters set out at Sections 95A and 95B of the RMA. This includes consideration whether there are any affected persons in relation to the activity's adverse effects (under Section 95E,F and G).

Sections 95A – 95E – Assessment of Adverse Effects

The development is assessed as a Discretionary Activity under *Rule 9.2.1.1* – where the balance land is less than 20 hectares.

In relation to the infringement the following matters are discussed below:

- Lot Design and Layout
- Management of Reverse Sensitivity
- Transportation Effects (Rooding and Access)
- Infrastructure and Services
- Significant Sites, Waterbodies, Natural Hazards, Archaeological Sites and Cultural Effects

Given the scope of the application, consultation with neighbouring properties is not considered necessary. There are no changes to the current activities on the property, no new dwellings are being constructed at this time, and there will be no increase in traffic. The existing dwelling is currently occupied by a different entity than the one that operates the farm.

The application has been forwarded to Ngati Ruanui and Ngaruahine who are considered the appropriate iwi authority for review. A response from Ngati Ruanui has been received and has confirmed that there is no specific comment in respect to this application. A copy of that email has been included in this application in the Appendix Documents.

No comment has been received by Ngaruahine.

Lot Design and Layout

The proposal is relatively simple: to separate the existing dwelling and curtilage area from the remainder of the farm. Currently, the landowner rents out the dwelling while managing stock grazing of young stock, and winter dairy cow grazing on the farm in conjunction with another property in Okaiawa, a common practice where stock grazing is shared across farms.

The proposed house lot exceeds the minimum 4000m² size required for a section in the Rural Zone. However, the balance lot is 5.1 hectares short of the required 20 hectares balance area. Despite this, several properties in the immediate area are significantly smaller than 20 hectares. These smaller lots are consistent with the area's amenity, and any adverse effects on surrounding properties would be minimal concerning amenity.

Small lot sizes such as this, have productive capacity beyond those that are economic in nature, but also hold social and ecological benefits.

The creation of a balance allotment confers a development right to construct an additional dwelling. This potential provides flexibility and value, but careful consideration of the timing, location, and design of any future dwelling is essential to mitigate adverse effects, particularly visual impacts, and to maintain the character of the surrounding area. This is further assessed below in the Assessment of Environmental Effects.

Management of Reverse Sensitivity

The balance lot, even though smaller than permitted by the requirements, continues to offer current rural amenity, with no adversity or effects on reverse sensitivity regarding existing and future farming operations. The subdivision does not impede these activities due to the existing nature of the dwelling, relative size of the underlying site, and its surrounding environment.

There are no dairy sheds, effluent ponds, pig farms, or poultry farms on the immediately adjoining properties. Even if such facilities were to be established in the vicinity, they would be subject to performance standards that are largely unaffected by the proposed subdivision. No new dwellings are proposed as part of this subdivision, yet any future developments would need to comply with applicable performance standards in relation to any reverse sensitivity performance standards.

Roading and Access

Ohangai Road is classified in the District Plan as an 'Other' road with a posted speed limit of 100kph in this locality. It has a legal width of 20m+. The carriageway is approximately 3.5m formed in seal. The road has grass swales on either side and the travelling speed of most vehicles given the formed width, and busyness of the road, is more likely to be 70kph.

Part 10.3 of the District Plan specifies the performance standards for vehicle crossings. In addition to requiring compliance with the crossings as set out in NZS4404:2010, the Plan includes specific criteria including setbacks from intersections, spacing between crossings, sight distances from crossings, and minimum and maximum width requirements.

The closest intersection is Mawhitiwhiti Road, which is some 600 metres north-west of the property. The spacing requirements determined in the District Plan only relate to Arterial and Primary Collector Roads. Ohangai Road, as noted above is classified as an 'Other' Road.

For roads with a legal speed limit of 81-100kph, the plan requires minimum sight distances of 160m. The current alignment of this section of road will enable compliance for each lot from the existing crossing points. There are no new crossings proposed by the subdivision.

The existing crossing point for the dwelling has been sealed with concrete to the road edge, that extends into the 'residential' driveway. This complies with the requirements of the District Plan.

With advice from the Council's Development Engineer (Johannes Mostert) the existing access to the farm (proposed Lot 2) will need to be upgraded to a Rural Type G Crossing¹ to meet the Council's Specifications.

¹ Rural Vehicle Crossing Dimensions attached as an appendix document

FIGURE 10 - EXISTING CROSSING



Under the provisions of the Operative District Plan, all lots must connect to public services where available within 200m, unless a more sustainable option can be demonstrated. If services are not available, then all lots must be self-sufficient in that regard.

Water, Wastewater, and Stormwater

In May 2024, I consulted with the Council's Development Engineer, Johannes Mostert, for advice on the proposed subdivision. The property currently has an existing connection to the council infrastructure on Ohangai Road. Mr. Mostert confirmed that there is sufficient capacity in the water network to install a new connection, which will need to be a standard upstand rural type: 25mm with a water meter and backflow preventer. The new connection will be made for the balance lot, while the existing connection will be retained for the dwelling and its curtilage area.

An existing septic tank and associated effluent fields service the dwelling. This system is located within the proposed property boundaries of Lot 1, ensuring no cross-boundary effects. Any new development on Lot 2 will need to be self-sufficient in terms of sewerage disposal, which can be reviewed at the time of development.

All stormwater is currently disposed of to the ground via soakholes. With respect to overland and secondary flows related to the property, there is a gentle slope from Lot 1 towards Lot 2, where any overland and secondary flows are anticipated to go. There are negligible adverse impacts anticipated on flooding effects from the existing conditions on site. No new boundaries are created in areas where stormwater overflow paths occur.

Earthworks and Geotechnical

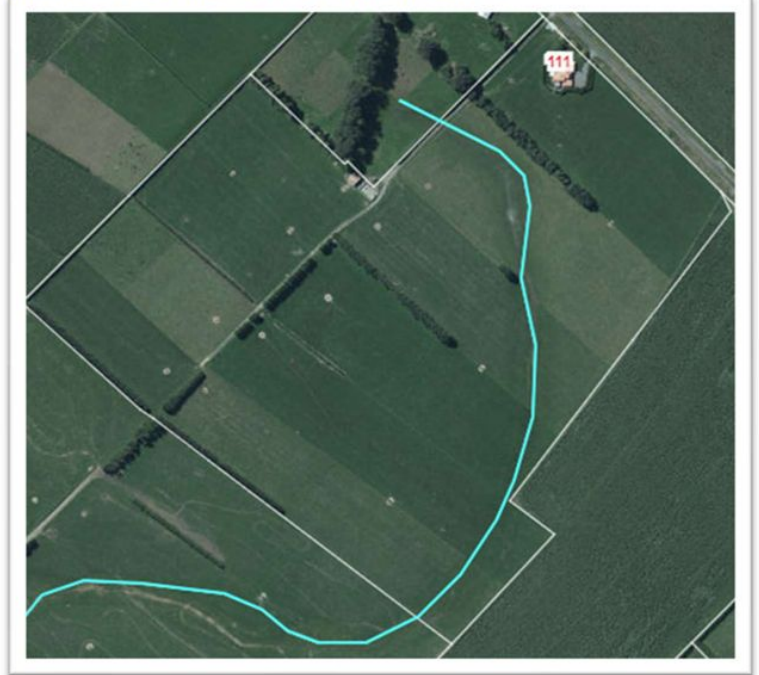
No development works are proposed as part of the subdivision. Since no new building platforms are proposed, there is no necessity for earthworks. Given the nature of the application, it is not considered necessary to require a geotechnical review prior to issuing titles; this can be provided at the time of any building consent lodged.

Overall, it is considered that any adverse effects on infrastructure and access are anticipated to be less than minor.

Significant Sites, Waterbodies, Natural Hazards, Archaeological Sites and Cultural Effects

The site has one drained watercourse which is noted as an unnamed tributary of the Waihi Stream. This unnamed tributary holds statutory acknowledgement to Nga Ruahine and is also within the Rohe of Ngati Ruanui. Details of the application have been sent to both for review, and no response has been received yet. Through the Council processes, the application will also be sent to each respectively for review and comment. Notwithstanding this, given the tributary is unlikely to be affected by the proposal, and that the tributary will remain within the balance of Lot 2, I am of the opinion that adverse effects will be less than minor.

FIGURE 11 - POSITION OF UNNAMED TRIBUTARY

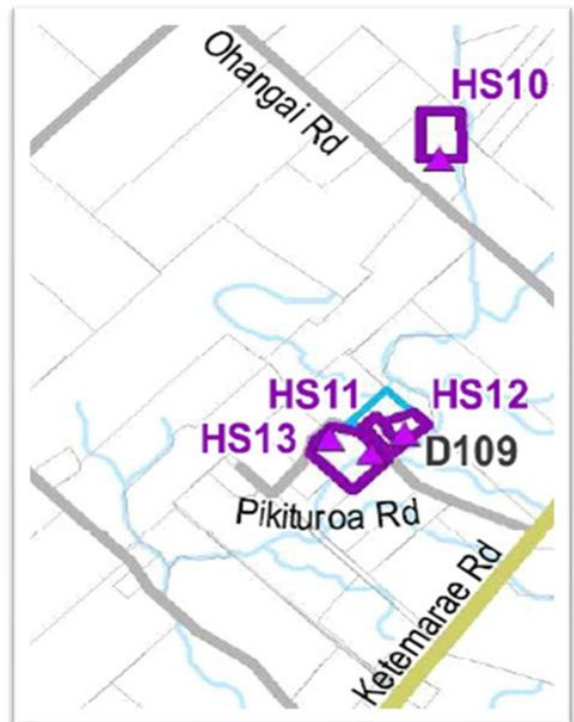


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There are no known archaeological sites recorded on the property, however Heritage Sites, 10, 11, 12 and 13 are all located within the 250metre vicinity.

- HS 10 – Mangamana Redoubt
- HS 11 – Waihi Historic Cemetery
- HS 12 – Pikituroa Pa
- HS 13 – Waihi Redoubt

The proposed subdivision is not likely to have any impact on any of these Heritage Sites due to the physical separation from them.



Assessment Criteria – South Taranaki Operative District Plan

The District Plan recognises that rural land is a vital resource, underpinning the social, economic, and cultural well-being of the district. Accordingly, it aims to balance providing for a range of uses while protecting the values of the rural environment. The character of the rural environment has been shaped by the interaction between natural and physical resources and human activities. Rural amenity values include landscape and scenic values, individual privacy, open rural outlooks, and open space, with vegetation prevailing over built form. Buildings tend to be relatively low in height and density, with generous setbacks from boundaries. Productive working environments are common, as are smaller landholdings that support affordable land ownership, market opportunities, and livelihoods.

Rural Zone Objectives 2.1.3 and 2.1.4 and *Policies* 2.1.5, 2.1.6, 2.1.12, 2.1.14, 2.1.19 and 2.1.20 are considered relevant to the application.

The rural subdivision objective 2.1.3 of the Plan, and policy 2.1.5, support rural subdivision at a scale that is compatible with the surrounding environment. The balance lot will continue to operate in its current capacity, and any potential new dwelling, compliant with bulk and location requirements, will not adversely impact adjacent rural activities. The subdivision has been thoughtfully designed, ensuring no negative implications, degradation, or compromise of the character and qualities of the surrounding environment.

Inappropriate rural subdivision and the use of rural land can negatively influence the quality and functioning of the rural environment by manipulating character and amenity values. It can also impact on the efficient and successful operation of existing farming activities.

A key challenge of the rural environment is to provide for lifestyle opportunities while ensuring that these do not inhibit productive farming.

Size of the proposed allotments - The District Plan recognises that the rural environment has been, and continues to be used, predominantly for productive purposes such as dairy farming and other complementary rural activities. These 'traditional' rural activities have shaped the character and amenity of rural areas, resulting in attributes such as a productive, working landscape, with predominance of vegetation over built form and low population density. Buildings and structures vary in form and are generally practical in nature, representing the functional needs of the land use. Services are provided on-site, water is supplied via the Council's water main, and there is a general lack of infrastructure such as footpaths and streetlights.

The character of Ohangai Road is diverse, featuring a mix of property sizes and rural-based activities. Unlike typical large rural communities, Ohangai Road, located in close proximity to Normanby, comprises smaller landholdings rather than expansive parcels of farmland. The land activities in this area are more indicative of a 'rural lifestyle' rather than focused solely on primary production. However, some properties, although small in size, are utilised in conjunction with adjacent properties, blending lifestyle and productive uses.

The Operative District Plan also mandates consideration of existing rural activities that could be adversely affected by subdivision due to reverse sensitivity issues. To mitigate these concerns, setbacks from dairy sheds, oxidation ponds, and similar features are maintained. In the case of the current application, no new boundaries are created that would compromise the operations of adjoining rural activities.

The proposal meets the minimum allotment size but infringes upon the balance lot provisions. The land parcel is currently 15.4 hectares. There are no significant implications arising from the undersize balance lot or its associated effects. The Plan allows for smaller allotments (less than 20ha but no less than 4000m²). Innovative approaches demonstrate that productive land capacity is evolving, and smaller landholdings can remain highly productive through various opportunities.

Given that the underlying allotment is already less than 20ha, the site's existing use confirms its productivity in this format. The subdivision of the dwelling and its curtilage has little to no impact on the productive capacity of the balance lot, even though it is smaller than the permitted size. The infrastructure requirements are largely independent, albeit an additional connection to the water service within Ohangai Road. There is sufficient available space to navigate the use of septic tank and effluent services for the existing dwelling and any future development.

The management of the rural environment is central to the objectives (2.1.3, 2.1.4) and policies (*Rural Subdivision*; 2.1.5, 2.1.7, *Rural Amenity and Character*; 2.1.8, 2.1.9, *Land Use Activities*; 2.1.10, 2.1.11 and *Buildings (Location, Design, and Setback)*; 2.1.13, 2.1.14), of the District Plan, which aim to balance lifestyle opportunities with the protection of existing and future rural activities from reverse sensitivity effects. The Plan supports rural lifestyles that coexist with farming activities without imposing unreasonable restrictions. This proposal aligns with these goals, enabling rural living while safeguarding the integrity of rural operations.

Ribbon development, characterised by a linear pattern of dwellings along roadways, can significantly alter the visual landscape, reduce rural character, and impact the overall amenity of the area. These effects include visual clutter, reduced openness, and potential negative impacts on the scenic value of the road corridor. Upon review, this development does not inherently lend itself to ribbon development due to the following factors:

- **Site Configuration and Flexibility:** The specific configuration of the balance allotment allows for the placement of the dwelling in various locations away from the road frontage, reducing the likelihood of a linear, roadside pattern typical of ribbon development.
- **Compliance with Zoning and Building Controls:** The development must adhere to existing zoning regulations, which often include rules designed to prevent ribbon development. These rules typically guide building placement, setbacks, and orientation, ensuring that any new dwelling integrates with the landscape rather than forming a continuous line along the road.
- **Visual Impact Mitigation:** Even if a dwelling were placed near the road, it could be screened through appropriate landscaping, fencing, or natural buffers, significantly reducing any perception of ribbon development. These measures enhance privacy and maintain the area's visual integrity.

To manage the potential effects of ribbon development, the following mitigation strategies could be considered:

- **Flexible Dwelling Location:** Any new dwelling should be constructed in a location that complies with zoning and building regulations. By situating the dwelling thoughtfully within the allotment, adverse effects on visual amenity and rural character can be minimized.
- **Council-Directed Dwelling Placement:** Should the council require, the dwelling location could be set back from the roadside or positioned in a less visually intrusive location, these requirements would inherently prevent the characteristics associated with ribbon development. The determination of a potential building platform could be considered as a condition of the consent, if necessary.
- **Screening with Fencing or Landscaping:** To further mitigate visual impacts, strategic use of fencing and landscaping, such as native vegetation or hedges, can screen the dwelling from view, enhancing both privacy and aesthetic appeal. These measures can blend the structure into the landscape, maintaining the rural character and scenic quality. This option would be suitable if the dwelling is located near Ohangai Road, within the front portion of the site, as indicated by the blue shaded area below. If the dwelling is established outside this shaded area, then the standard bulk and location requirements applicable at the time of development should be followed and deemed appropriate by the Council.



Based on the site configuration, flexibility in dwelling placement, council regulations, and the availability of effective screening measures, the proposed development does not inherently lend itself to ribbon development. By strategically locating the dwelling and employing thoughtful design and landscape integration, the balance allotment can be developed in a way that respects the visual and environmental quality of the surrounding area.

The proposed subdivision provides for countryside living in an environment in which such type of living is prevalent. There are similar sized blocks within the area, and this situation affords greater numbers of the community to engage in rural living offering a greater variety of living options for people in the context of this localised rural environment in a way that will not compromise ongoing

rural production or character and amenity values. Therefore, the proposal will generate positive social effects for the community. The character of the rural environment will be maintained through flexible site configuration options, council bulk and location requirements, and, if necessary, effective screening measures.

The proposed development does not inherently lead to undesirable ribbon development that would be unsuitable for the rural area. There is ample scope for the strategic placement of any new dwelling on the balance allotment, along with thoughtful design and landscape integration. This approach will ensure that the development respects and preserves the visual and environmental quality of the surrounding landscape, consistent with the objectives and policies of the District Plan.

The applicant recognises that only *tāngata 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. The subject land is located within the rohe of both Nga Ruahine and Ngati Ruanui. The context of the application has been forwarded to both with a response from Ngati Ruanui saying that there is no specific comment related to this application. There has been no response made by Ngaruahine.

The objectives and policies recognise that *tāngata whenua* maintain an important cultural and traditional relationship with the land and freshwater, and that decision-makers should consult with *tāngata whenua* in relation to proposals for development that may adversely impact upon these relationships. The objectives and policies aim to avoid any adverse effects upon areas of cultural or spiritual significance by considering *tāngata whenua* as an affected party in the resource consent process, and by conditioning resource consents to avoid or mitigate negative effects on cultural values.

Policy 2.13.15 of the District Plan, states to avoid effects in the first instance, and if they cannot be avoided, then remedy or mitigate any adverse effects of activities that could destroy, degrade or damage the cultural values associated with a site or area of cultural or spiritual significance when assessing proposals for subdivision, use and development. There are no known sites of significance, albeit the unnamed tributary, on the property. It will be appropriate for the Council to ensure an advice note or similar is provided if the consent is granted for approval, that navigates the requirements of the *Heritage New Zealand Pouhere Taonga Act 2014*.

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect

This NES ensures that land affected by contaminants in soils is identified and assessed before development. If necessary, the land is remediated, or the contaminants contained to make the land safe for human habitation. These regulations relate to activities such as subdivision.

The site has been used for farming activities which is not listed on the Hazardous Activity and Industries List (HAIL). The property is not identified on the selected land use registry for Taranaki Regional Council ([Property Information \(trc.govt.nz\)](http://trc.govt.nz)) In the instance, it is not considered that the NESCS applies.

It is reasonably unlikely that the application would harm human health as defined by regulation 5(6) and consent is not required under the provisions of the NESCS.

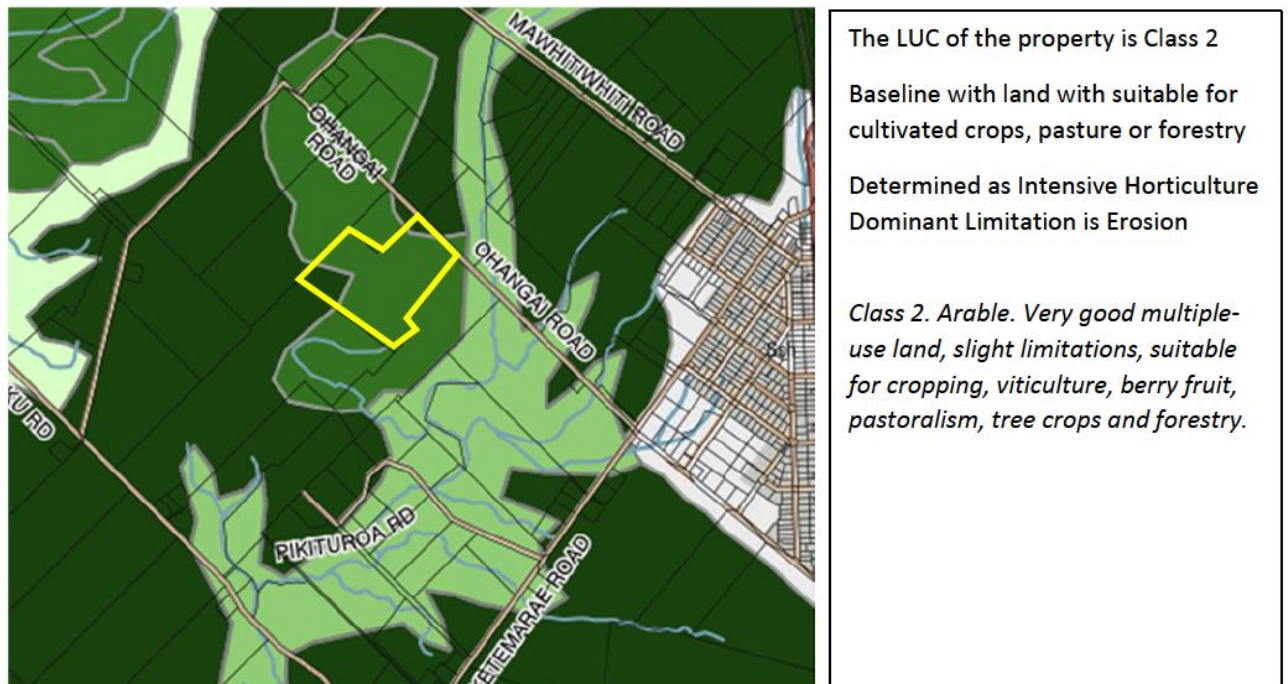
National Policy Statement – Highly Productive Land, Capacity Assessment

About 15% of New Zealand’s land is categorised as highly productive. That means it’s the country’s most fertile and versatile land². The National Policy Statement (NPS) for Highly Productive Land will improve the management of this land. The NPS came into effect on 17 October 2022. The purpose of the NPS is to ensure highly productive land is available for growing vegetables, fruit, and other primary production, now and into the future.

The NPS is more about preventing multi-lot urban natured residential development on Highly Productive Land, rather than preventing small-lot development, there is a deliberate intention to ensure that developments are designed to retain productive capacity.

The land subject to the proposal to subdivide is located on highly productive land made up the site being Class 2 land as shown in Figure 11 below. The Manaaki Whenua Landcare Research website is the current tool we have available for identifying land class, this mapping has been usefully adapted onto the Regional Council mapping system as shown in Figure below.

Figure 12 - LUC Class maps



Clause 3.8 is the section of the NPS-HPL which deals with the subdivision of HPL. Clause 3.8 (1) states:

“Territorial authorities must avoid the subdivision of highly productive land unless one of the following applies to the subdivision, and the measures in subclause (2) are applied”

- a) The applicant demonstrates that the proposed lots will retain the overall productive capacity of the subject land over the long term;*
- b) The subdivision is on specified Māori land;*

² Ministry for the Environment (<https://environment.govt.nz/facts-and-science/land/how-land-is-used-in-new-zealand/>).

c) The subdivision is for specified infrastructure, or for defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990, and there is a functional or operational need for the subdivision.

There have been recent examples of subdivision where considerations of the NPS-HPL have been made. In professional partnership alongside Allan Chesswas, Renaissance Consulting, aspects for consideration have been navigated in the means of how to navigate and assess the productive capabilities of land in terms of rural subdivisions.

As per his most recent application that was heard by the South Taranaki Environment & Hearings Committee, Mr Chesswas put forward recent and relevant decisions made under the NPS-HPL which shape subdivision in the rural zone:

- a) Decision of the Hearing Commissioner, appointed by New Plymouth District Council in the matter of a resource consent application by B, M and R Sim, for a 6 Lot subdivision and land use at 7 & 42 Leith Road, Okato (SUB21/47781 and LUC22/48312), which was issued 22 June 2023.*
- b) Decision No. [2023] NZEnvC 174 in the matter of an Appeal Under s 120 of the Resource Management Act 1991, between Barbican Securities Limited (ENV-2020-AKL000214) (Appellant/Applicant) and Auckland Council (Respondent) (H C Andrews) (D K Hartley, W M C Randal) – 14 August 2023)*
- c) Decision No. [2023] NZEnvC 45 in the Matter of the Resource Management Act 1991 AND an appeal under s120 of the Act Between G S Gray and K M Sinclairgray (Env 2022-Chc-024) (Appellants) and Dunedin City Council (Respondent) (14 March 2023)*
- d) Recent decision of the South Taranaki District Council Environment and Hearings Committee on the Rānui Solar Farm at 683 Palmer Road, Kaponga.*

And now the decision of said application.

- e) Decision RMS23026 – J&E Soothill, 408 Ketemarae Road, Hawera (24 April 2024)*

The principles for decision-making, drawn from various decisions, are outlined by Mr. Chesswas. These principles have been developed through consideration of the aforementioned decisions, the NPS-HPL, and the MfE Implementation Guide, all viewed through the lens of Part II of the RMA. Additionally, they incorporate insights from the Greenbridge Assessment (used in the most recent STDC Decision) and the 2020 Taranaki Food and Fibre Transition Pathway Action Plan.

Mr. Chesswas identified the following principles for applying the NPS-HPL in a Taranaki context, ensuring consistency with the purpose and principles of the RMA, to which the NPS-HPL must adhere. Mr. Chesswas has been a pioneer in this area for the South Taranaki area, and his work is commendable.

The NPS-HPL must be subject to:

- i. The **environmental bottom line** of the NPSHL is best expressed by Policy 4: “*The use of highly productive land for land-based primary production is **prioritised and supported***” – with some exceptions as stipulated in Clauses 3.8 – 3.10.

- ii. The environmental bottom line is not that alternative uses, or the subdivision of highly productive land, are avoided altogether. Clause 3.8 makes this very clear, and defines the **pathway for subdivision** under the NPSHPL, where productive capacity is retained (p22 MfE guide).
- iii. **Size is not of itself a determinant** of a permanent or long-term constraint to productive capacity (p20 MfE guide, NZEnvC-2023-174 [77]).
- iv. **Economic viability is not of itself a consideration** in an assessment of productive capacity (p23 MfE guide).
- v. Rural lifestyle development is to be avoided, which means that, on highly productive land not zoned Rural Lifestyle, development should be such that **primary production is the predominant use** (not exclusive use) – not residential activity (p20, 22 MfE guide).
- vi. **Fragmentation may occur** where site characteristics or specific land use proposals support more productive use in a smaller area (NZEnvC-2023-174[41]).
- vii. The assessment of productive capacity should be at a sufficient level of detail to ensure an informed decision on the application can be reached (p23 MfE guide). However, the **scale and burden of that information requirement should be proportionate** to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. A request to supply further technical expert information where baseline information is readily available from existing and previous landowners, and where it is reasonable to conclude from that information that adverse effects would be no more than minor, could be considered disproportionate and incommensurate to the standard of information reasonably expected for an assessment of productive capacity.
- viii. Where the applicant has supplied information that can be considered reasonable and commensurate to the scale and intensity of conceivable adverse effects, and there is no indication that there is unsustainable pressure on a highly productive soil resource in a region or locality (ie NP Decision SUB21/47781 & LUC22/48312[95]), then a **greater burden of proof should lie with those wishing to oppose a small holding**.
- ix. Section 104(1)(b)(iii) of the RMA requires the decision-maker to **have regard to** any relevant provisions of the NPSHPL when considering the consent application – **the requirement is not to give effect to** those provisions. **The NPSHPL provisions are among the wide range of** identified matters that the consent authority must have regard to under s.104 (STDC Decision RMS22098[30] and RMS22026).
- x. Case Law determines that the Environment Court gives **no weight to guidance notes**, which have no statutory basis; and that whilst helpful, they are not legally binding on the Court, not determinative, not a substitute for legal advice, and not official government policy (NZEnvC-2023-045[205], STDC Decision RMS22098[32]).
- xi. The ability to identify under the NPSHPL a concept of acceptable fragmentation, where productive capacity is retained (NZEnvC-2023-174[41]), exposes a **bias in the MfE/MPI**

guidance towards larger lots due to it favouring what it describes as an “aggregated agri-business enterprise model” (p22 MfE guide, p22, 23 Greenbridge). **This bias cannot be leaned on, or relied upon**, due to the status of guidance notes discussed in the paragraph above.

- xii. **Regional variations** in the nature and extent of the highly productive land resource, and regional variations in the level and nature of pressure on and interest in that resource – relative to the level of pressure on the housing and land supply resource – mean that a consideration of actual and potential effects, and a consideration of other planning documents, **may lead to conclusions that differ to the advice and guidance that is typically offered in the implementation guide** (p4, 7, 13, 19, 22, 23 Greenbridge).
- xiii. Inconsistent national and local government regulations are identified as a political threat to the success of plans to improve food security and diversification in Taranaki. It follows, then, that unnecessarily **burdensome regulation that makes subdivision that would aid these goals too risky or cost-prohibitive ought to be avoided** in order to be consistent with the enabling nature of Part II of the Act (p16, Taranaki Food & Fibre Transition Pathway Action Plan).
- xiv. Where there is **invalidity, incomplete coverage or uncertainty in the statutory planning documents**, especially District Plans, then an assessment in relation to Part II of the Act is justified (NZEVC-2023-045[208]).
- xv. Where the **granting of consent would make no difference to the productive capacity of the land, and a proposed reduction in lot size is unnecessary** to enable or improve rural production, it is **practicable to comply with a direction to avoid fragmentation by subdivision** (NZEVC-2023-174[73]).
- xvi. Where **displacement of land able to be used for production is considered to be minor**, then a proposal that is consistent with other matters that need to be weighed up under Part II of the Act may be **able to be consistent with Part II of the Act** (NZEVC-2023-045[172]).

These matters are assessed further below on page 25.

Mr Chesswas also offers details about the RMA as a piece of enabling legislation;

...an assessment of environmental effects and the relevant planning documents, it is important to consider that any decision made must be lawful not only in relation to Part II of the Act, but also to common law, property law and tort law.

The Resource Management Act is not a totalising system that comprehensively defines the framework for the legality of decisions or transactions made in relation to peoples’ property.

Any decision-maker operating under the Act must understand it is operating within particular statutory powers and legal provisions. Decisions must be made in accordance with, and within the scope of, these powers and provisions.

Any decision that assumes power and imposes controls outside of the scope that legislation provides will ultimately be considered by the Courts to be ultra vires.

The purpose of the Act is sustainable management, and according to Section 5(2) of the Act sustainable management:

“enables people and communities to provide for their social, economic, and cultural well being and for their health and safety, while a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.”

Where it is reasonable to conclude that a proposal will be consistent with these goals, and there is no clear evidence that a proposal needs to be declined in order for the goals of sustainable management to be achieved – including, where the effects of a proposal are considered to be “no more than minor” – then a decision-maker’s decision should be enabling – ie resource consent should be granted.

It may be that where a national policy statement and/or regional and/or district planning document clearly deem such a proposal to be inappropriate, without conflict with another document, then such a proposal can be declined regardless of whether it on its own merits is considered to be consistent with the purpose of the Act. However, where there is invalidity, incomplete coverage or uncertainty in the statutory planning documents, especially District Plans – as is the case with this application – then an assessment in relation to Part II of the Act is justified (NZEnvC-2023-045[208]).

In this context, the proposed subdivision can be considered appropriate since the overall productive capacity of the lot remains intact. The land will be used exactly as it is currently, under a single ownership, with no loss of capacity on the remaining lot, which will continue to be utilised for pastoral grazing. Therefore, an exemption for this subdivision could be justified, as the lots will be utilised in the same manner as before, perhaps even more effectively.

I believe that the proposed subdivision will retain the overall productive capacity over the long term. The existing and proposed land use is governed by the Rural Zone provisions of the District Plan, and no additional land use consent is triggered by the proposal. The question for the assessment is whether the subdivision of this land will lead to decreased productive capacity, as defined in section 1.3 of the NPS-HPL, which includes:

Productive capacity, in relation to land, means the ability of the land to support land-based primary production over the long term, based on an assessment of:

- (a) physical characteristics (such as soil type, properties, and versatility); and*
- (b) legal constraints (such as consent notices, local authority covenants and easements); and*
- (c) the size and shape of existing and proposed land parcels*

Proposed Lot 1 – The house lot section, approximately 1800m² around the existing hedges, fencing, and septic tank/fields, currently has no productive capacity due to a significant amount of concrete and limited area available for potential productivity, including gardens, weeds, and compacted grass. With the additional 2700m² for Lot 1, there is scope for additional pastoral enterprises, such as small-scale beef rearing and homestead activities, or even growth opportunities.

Opportunities in Taranaki are being researched and funded by the Ministry of Primary Industries' Sustainable Food and Fibres Fund, with many growing trials occurring on smaller landholdings. From the website,

From the website³,

“Blueprints have been developed and published which aim to build investor confidence, and kick-start complementary land-based activities and value chain enterprises in Taranaki”.

On behalf of the applicant, research has been undertaken to determine potential growing opportunities that may be worth pursuing from this Branching Out initiative on either of the allotments

- Gin botanicals – Angelica and Liquorice
- Hemp Fibre for Construction
- Medicinal Plants – Ashwagandha, Calendula, Echinacea

Examples of small-scale local food growers and producers, derived from the Sustainable Taranaki Website⁴:

- [Beach Road Milk](#) – New Plymouth. Supplying local raw/unpasteurized milk direct from the farm. Their farm store also stocks items from Loveys Free Range Eggs, The Blueberry Patch, Villa Bumblebee and Kaitake Farm.
- [Bees R Us](#) – Stephen and Fiona Black run their honey operation from a property just outside Okato, and have happy bees pollinating around Taranaki.
- [Blueberry Patch](#) – New Plymouth. Grow mostly blueberries, but also currants, gooseberries, all sorts of brambles. Some produce is sold fresh, some as preserves, together with traditional sourdough bread and gluten and dairy free baking. They sell at the Sunday [Taranaki Farmers Market](#) in New Plymouth and at Beach Road Milk.
- [Carpe Diem Farms](#) – North Taranaki. Carpe Diem Farms produce high quality 100% free range eggs. They sell at the [Taranaki Farmers Market](#) in New Plymouth.
- [Goldbush Micro Farm](#) – Hāwera. Located a few minutes North of Hāwera, Goldbush Micro Farm provides farm-to-table food and knowledge to the local South Taranaki community. Michelle grows a wide range of seasonal vegetables and herbs and runs workshops.
- [The Green Shed Farm Shop](#) – socialising in dried herbs, herbal vinegars and oils. Other produce grown on site is made into a range of jams, jellies, curds, & syrups, sold in their farm shop.

Additionally, small land holdings can be productive without generating an income – the test here is that the land is productive; meaning growing of annual fruit and vegetables, Rongoa (Māori herbal medicines), sell sufficiency, restoration of land areas (planting to prevent erosion, generational planting), firewood for personal use.

³ [Branching Out » Taranaki, New Zealand \(venture.org.nz\)](#)

⁴ [Local Growers & Producers — Sustainable Taranaki](#)

Proposed Lot 2 (balance land of 14.9 hectares) retains the capacity to sustain an arable, cropping, and pastoral enterprise, as it is currently doing. This supports land-based primary production and retains long-term productive capacity. The ability to construct a dwelling in the future should not be hindered by the notion that building a dwelling will restrict productivity. The Council should consider allowing primary producers to live on the land, consistent with the objectives and policies of the Operative District Plan and Part 2 of the RMA.

Clause 1.3 of the NPS-HPL defines 'supporting activities' as, "*those activities reasonably necessary to support land-based primary production on that land (such as on-site processing and packing, equipment storage, and animal housing)*". While this definition does not affect Clause 3.8, it is a key part of Clause 3.9 which addresses the inappropriate use and development of HPL. The guidance on this matter may therefore be of assistance when considering this issue, and in that regard the guidance states⁵:

"Activities such as residential accommodation for the landowner and/or farm staff, seasonal worker accommodation, sheds for farm machinery, workshops for repairing and maintaining equipment and roadside sales of goods produced on site would all be anticipated under this clause where these support land-based primary production".

Our primary sector is going through specialised innovation and improvements to ensure the resilience of people to access land and diverse opportunities. Part of this notion is the affordability of, and availability of land; smaller blocks of land are typically more affordable, and suitable to innovation. *Few people can afford to invest in large established farming operations, but once they have provided their concepts, they can expand from a smaller block.*

To **satisfy clause 3.8 NPS-HPL**, the applicant must demonstrate that the proposed lots will retain the overall productive capacity of the subject land over the long term. There are no other tests that have to be met. The guidance raises a lot of questions and speculation, but ultimately, we have to return to Clause 3.8 and determine whether the subdivision can be allowed under these provisions. This focusses us in on answering one question – will the productive capacity of the land be retained?

The answer for this proposed subdivision, is yes. **The productive capacity of the land is retained for future generations across both lots.** The current proposed use for Lot 2 is rural production in a pure sense of grazing in the first instance, while Lot 1 has scope to be used for small-scale beef rearing opportunities, market gardening, growth of self-sufficiency, with a potential for a wide variety of opportunities in new growth areas as sought by Venture Taranaki.

Policy 7 and clause 3.8 of the NPS-HPL have been reviewed given these are the relevant parts, but for completeness please find a review of Policies 1-6 of the NPS-HPL

- **Policy 1:** *Highly productive land is recognised as a resource with finite characteristics and long-term values for land-based primary production.*

The proposal, in ensuring the retention of productive capacity of the land, recognises the long term values of the land for primary production.

- **Policy 2:** *The identification and management of highly productive land is undertaken in an integrated way that considers the interactions with freshwater management and urban development.*

⁵ 15 Page 28 2023 MfE Guidance

This is not relevant to the application

- **Policy 3:** *Highly productive land is mapped and included in regional policy statements and district plans.*

This is an obligation on regional and district councils and is not relevant to the application. The transitional provisions in the NPS apply until this mapping occurs.

- **Policy 4:** *The use of highly productive land for land-based primary production is prioritised and supported.*

The proposal, in ensuring the retention of productive capacity of the land for future generations, and in providing protection from reverse sensitivity effects, prioritises and supports land-based production on this land.

- **Policy 5:** *The urban rezoning of highly productive land is avoided, except as provided in this National Policy Statement.*

This is not relevant to the application.

- **Policy 6:** *The rezoning and development of highly productive land as rural lifestyle is avoided, except as provided in this National Policy Statement.*

No rezoning is proposed. Proposed Lot 1 could be considered ‘development of land as rural lifestyle’ however this is provided for in Clause 3.8 of the NPS-HPL, as it is clearly demonstrated that there is no loss of productive capacity from this lot, perhaps more productivity is gained and reverse sensitivity protections can be put in place.

- **Policy 8:** *Highly productive land is protected from inappropriate use and development.*

In demonstrating consistency with Clause 3.8 (by retaining the productive capacity of the land), the use and development of the land is considered appropriate. There is an opportunity for the Council to put specific covenants placing restrictions on the locations and numbers of dwellings, where necessary.

- **Policy 9:** *Reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.*

Reverse sensitivity protections are inherent in this proposal.

In accordance with the principles deduced from the NPS-HPL and the MfE Implementation Guide, Part II of the RMA, recent Council & Environment Court decisions, and the 2020 Taranaki Food and Fibre Transition Pathway Action Plan listed on pages 19 & 20 above;

PRINCIPLE	COMMENT
i. The environmental bottom line of the NPSHL is best expressed by Policy 4: <i>“The use of highly productive land for land-based primary production is prioritised and supported”</i> – with some exceptions as stipulated in Clauses 3.8 – 3.10.	Requiring a subdivision application to demonstrate the retention of productive capacity ensures that highly productive land is prioritized and supported for land-based primary production. Therefore, a proposed subdivision that meets this requirement can be approved without

	compromising the environmental standards set by the NPSHPL.
ii. The environmental bottom line is not that alternative uses, or the subdivision of highly productive land, are avoided altogether. Clause 3.8 makes this very clear, and defines the pathway for subdivision under the NPSHPL, where productive capacity is retained (p22 MfE guide).	The proposed subdivision follows the pathway explicitly outlined in Clause 3.8 of the NPSHPL and meets the relevant criteria.
iii. Size is not of itself a determinant of a permanent or long-term constraint to productive capacity (p20 MfE guide, NZEnvC-2023-174 [77]).	The proposal cannot be rejected due to the lot sizes being too small. The applicant has shown that the lot sizes have been carefully selected to maintain productive capacity, tailored specifically to the site's soil, climate, and underlying elements of the property.
iv. Economic viability is not of itself a consideration in an assessment of productive capacity (p23 MfE guide)	<p>The proposal cannot be declined based on whether it provides a living or generates high income per hectare.</p> <p>Productivity can be measured in various ways, such as gross income, net income, or the quantity of matter produced.</p> <p>Often, the produce and income from one property complement those from another or support alternative income sources.</p> <p>The proposed assessment further below express that the proposed lots retain the capacity for productivity that could significantly exceed current land use.</p>
v. Rural lifestyle development is to be avoided, which means that, on highly productive land not zoned Rural Lifestyle, development should be such that primary production is the predominant use (not exclusive use) – not residential activity (p20, 22 MfE guide).	The proposed lots are sufficiently sized to support productive use. Therefore, it cannot be assumed that these properties will be exclusively used for "rural lifestyle" or predominantly residential purposes, rather than for productive rural use.
vi. Fragmentation may occur where site characteristics or specific land use proposals support more productive use	The proposed lots have the potential to enable more productive and intensive land uses, which, due to their higher intensity, are better

<p>in a smaller area (ZEnvC-2023-174[41]).</p>	<p>suited to smaller lots that are more manageable and affordable.</p>
<p>vii. The assessment of productive capacity should be at a sufficient level of detail to ensure an informed decision on the application can be reached (p23 MfE guide). However, the scale and burden of that information requirement should be proportionate to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. A request to supply further technical expert information where baseline information is readily available from existing and previous landowners, and where it is reasonable to conclude from that information that adverse effects would be no more than minor, could be considered disproportionate and incommensurate to the standard of information reasonably expected for an assessment of productive capacity.</p>	<p>The AEE alone might be considered sufficient, to support long-term retention of the land's overall productive capacity. I have not encountered any evidence suggesting that the proposed subdivision will fail to preserve the land's productive capacity over time.</p>
<p>viii. Where the applicant has supplied information that can be considered reasonable and commensurate to the scale and intensity of conceivable adverse effects, and there is no indication that there is unsustainable pressure on a highly productive soil resource in a region or locality (ie NP Decision SUB21/47781 & LUC22/48312[95]), a greater burden of proof should lie with those opposing small holdings.</p>	<p>I am not aware of any information or evidence indicating that highly productive soils in Taranaki are under unsustainable pressure, or that the proposed subdivision will reduce the overall productive capacity of the subject land in the long term.</p> <p>The burden of proof that the proposal is inconsistent with Part II of the Act rests with any party asserting otherwise.</p>
<p>ix. Section 104(1)(b)(iii) of the RMA requires the decision-maker to have regard to any relevant provisions of the NPSHPL when considering the consent application – the requirement is not to give effect to those provisions. The NPSHPL provisions are among the wide range of identified matters that the consent authority must have regard to under s.104 (STDC Decision RMS22098[30]).</p>	<p>A person's use and enjoyment of their property, along with meeting the demand for homes and livelihoods, are integral to the definition of sustainable management as outlined in Section 5 of the RMA. This section emphasises enabling people and communities to provide for their social, economic, and cultural well-being, as well as their health and safety.</p> <p>The well-being of individuals and communities relies on an ample supply of land for housing and other needs, addressing diverse and evolving requirements, preventing inflated</p>

	<p>urban land prices, and promoting housing choice and affordability.</p> <p>The proposed subdivision aligns with Part II of the Act by facilitating the ability of people and communities to meet their social, economic, and cultural needs, while also ensuring environmental protection and addressing adverse effects through avoidance, remediation, and mitigation.</p>
<p>x. Case Law determines that the Environment Court gives no weight to guidance notes, which have no statutory basis; and that whilst helpful, they are not legally binding on the Court, not determinative, not a substitute for legal advice, and not official government policy (NZEnvC-2023-045[205], STDC Decision RMS22098[32])</p>	<p>The guidance notes seem to favour retaining highly productive land in very large blocks, suggesting that Clause 3.8(1)(a) allows, for example, the subdivision of a 120-hectare farm into two 60-hectare farms. Although this is just an example, many people interpreting the NPSHPL are confused about whether it permits the subdivision of smaller blocks.</p> <p>Since these guidance notes are not binding on the court, concerns about arbitrary lot sizes are irrelevant. The court has determined that size alone does not necessarily impose a permanent or long-term constraint on productive capacity (NZEnvC-2023-174 [77]).</p>
<p>xi. The ability to identify under the NPSHPL a concept of acceptable fragmentation, where productive capacity is retained (NZEnvC-2023-174[41]) (see vi), exposes a bias in the MfE/MPI guidance towards larger lots due to it favouring what it describes as an “aggregated agri-business enterprise model” (p22 MfE guide, p22, 23 Greenbridge). This bias cannot be leaned on, or relied upon, due to the status of guidance notes discussed in the paragraph above.</p>	<p>The Greenbridge assessment in the most recent STDC decision, discusses a range of productive land uses that do not rely on an aggregated business model.</p> <p>Interpreting the NPSHPL in a way that favours aggregated business over smaller models could be considered akin to considering trade interests and competition, which is prohibited by Part 11A of the RMA.</p>
<p>xii. Regional variations in the nature and extent of the highly productive land resource, and regional variations in the level and nature of pressure on and interest in that resource – relative to the level of pressure on the housing and land supply resource – mean that a consideration of actual and potential effects, and a consideration of other planning documents, may lead to conclusions that differ to the advice and guidance that is typically offered in the implementation guide</p>	<p>In this case, the remoteness of Taranaki, its distance from markets, the prevalence of highly productive land in the region, and the dominance of aggregated business models with limited diversity in land use all highlight significant regional differences from the pressures and interests that drive the controls in the NPSHPL (e.g., scarcity of highly productive soils, proximity to markets, scarcity of opportunities for aggregated business, and the pressure of rapidly expanding populations such as those in Auckland, Hamilton, Tauranga, and Christchurch). These regional variations suggest that applying restrictions designed for</p>

	<p>those other areas would be inappropriate or beyond the intended scope when applied to similar holdings in Taranaki.</p>
<p>xiii. Inconsistent national and local government regulations are identified as a political threat to the success of plans to improve food security and diversification in Taranaki. It follows, then, that unnecessarily burdensome regulation that makes subdivision that would aid these goals too risky or cost-prohibitive ought to be avoided in order to be consistent with the enabling nature of Part II of the Act (p16, Taranaki Food & Fibre Transition Pathway Action Plan)</p>	<p>The proposal aligns with the goal of supplying the market with land parcels that offer opportunities to enhance food security and diversification in the region. Given that improving food security and diversification is a regional priority, supporting the availability of these land parcels is consistent with Part II of the Act. Imposing overly burdensome regulations would create risks and obstacles for those working towards these important objectives.</p>
<p>xiv. Where there is invalidity, incomplete coverage or uncertainty in the statutory planning documents, especially District Plans, then an assessment in relation to Part II of the Act is justified (NZEnvC-2023 045[208]).</p>	<p>The protection of highly productive land under the NPSHPL is complex, as it must accommodate both smaller-scale land use models and aggregated models, a tension not fully addressed by the NPSHPL.</p> <p>Additionally, there is a conflict between safeguarding highly productive land and ensuring an adequate supply of land for housing, which responds to the diverse and evolving needs of people and communities while alleviating pressure on urban housing choices.</p> <p>This issue is not sufficiently covered by statutory planning documents, particularly concerning the availability of rural land for residential use. The resulting uncertainty and gaps necessitate a reference to Part II in a Section 104 assessment.</p>
<p>xv. Where the granting of consent would make no difference to the productive capacity of the land, and a proposed reduction in lot size is unnecessary to enable or improve rural production, it is practicable to comply with a direction to avoid fragmentation by subdivision (NZEnvC-2023-174[73]).</p>	<p>While some district plans, such as those from Auckland City Council in the referenced case, explicitly aim to avoid fragmentation, the NPSHPL only addresses this issue in the context of subdivision or land use where productive capacity is not maintained (see 3.10(b)(ii)). When productive capacity is retained, as in the current proposal, there is no specific policy direction to prevent fragmentation. This is reflected in the finding of NZEnvC-2023-174[73], which notes that fragmentation may occur when site characteristics or particular land use proposals enhance productivity in a smaller area. Given the relatively small size of the subject site and its proximity to Normanby, and Hawera, there is a reasonable expectation</p>

	that the proposed block sizes will be as productive, if not more productive, than the current use.
<p>xvi. Where displacement of land able to be used for production is considered to be minor, then a proposal that is consistent with other matters that need to be weighed up under Part II of the Act may be able to be consistent with Part II of the Act (NZEVC-2023-045[172]).</p>	<p>Part 3 of the RMA permits adverse effects that are no more than minor, recognising the inherent tension between managing natural and physical resources and enabling people and communities to provide for their social, economic, and cultural well-being, as well as their health and safety. When assessing the proposal, it is crucial to determine whether the potential reduction in productive capacity would result in minor or more significant adverse effects. If the evidence suggests that the proposed lots will be as productive, if not more so, than the current use, then a conservative perspective should conclude that the adverse effects on productive capacity would be no more than minor, at most.</p>

Part 2 of the RMA

Part 2 of the RMA sets out the purpose and principles of the RMA which is to ‘promote sustainable management’. In the context of the RMA, sustainable management centres on the use, development and protection of the environment while ensuring the life-supporting capacity of the environment, safe-guarding future generations and avoiding, remedying and mitigating adverse effects. There is a logical hierarchy to the RMA with policy and planning instruments developed at national, regional and district levels. Further statutes may also weigh into an assessment of whether the activity achieves the purpose and principles of the RMA.

Part 2 is specifically discussed in the application, with specific reference to section 6(e) “the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga”. Reference is also made to section 7(a) “kaitiakitanga”. Consideration has also been given to the purpose of the Act in relation to the proposal and the overall objective the applicant is seeking.

Section 5 of Part 2 identifies the purpose of the RMA as the sustainable management of natural and physical resources. This involves managing the use, development, and protection of these resources in a way that enables people and communities to provide for their social, cultural, and economic well-being and health and safety. It also requires sustaining resources for future generations, protecting the life-supporting capacity of ecosystems, and avoiding, remedying, or mitigating adverse effects on the environment. The proposed development is considered to complement these objectives and does not compromise the sustainable management of natural and physical resources.

Under the District Plan, the proposed subdivision is assessed as a Discretionary Activity due to the infringement of the balance allotments. As reviewed above, the proposed subdivision will maintain the rural character of the receiving environment and rural activities while not impacting the production of the balance lot or surrounding environment, consistent with Section 7 of Part 2.

Specifically, the objectives of the District Plan can be met despite the indiscretion. The balance lot will continue to function as a grazing block, with greater potential for Lot 1 to utilise the land area around the 'residential curtilage' for productive opportunities.

The proposed development aligns with the objectives and policies of the District Plan by maintaining the character of the rural environment. Flexible site configuration options, council bulk and location requirements, and, if needed, effective screening measures will prevent any undesirable ribbon development that would be inappropriate for the rural area. There is significant potential for the strategic placement of any new dwelling on the balance allotment, complemented by thoughtful design and landscape integration, ensuring that the development respects and preserves the visual and environmental quality of the surrounding landscape.

Section 8 – Treaty of Waitangi – of the Act specifies that the principles of the Treaty of Waitangi shall be taken into account. There has been a review of the District Plan overlays with respect to the property, and there has been consultation with tangata whenua. There does not appear to be any direct impact to Māori with the whenua is foreseen arising from the activity.

The requirement to “take into account” the principles of the Treaty of Waitangi requires the decision maker to consider the relevant Treaty principles, to weigh those up with other relevant factors and to give them the weight that is appropriate in the circumstances.

The Act is an enabling statute and recognises that society and individuals will seek to use, develop and manage natural and physical resources. Overall, as the effects of the proposal are less than minor, and the proposal accords with the relevant District Plan objectives, policies, and assessment criteria, it is considered that the proposal will not offend against the general resource management principles set out in Part 2 of the Act.

Other matters

The site is not registered in TRC's SLU database as contaminated site. The owners are not aware of any historical land use of the site that may cause site contamination. In accordance with the MfE Users Guide, no further assessment is considered necessary under the NES.

Taranaki Regional Policy Statement and Regional Plans

District Plans are required to give effect to Regional Policy Statements and not be inconsistent with Regional Plans. The District Plan includes objectives, policies, and methods to give effect to the Regional Policy Statement for Taranaki; the relevant provisions of the Plan are discussed below.

- Taranaki Regional Policy Statement ('Taranaki RPS')

The Operative Regional Policy Statement for the Taranaki Region 2010 ("RPS") defines how the natural and physical resources of the Region will be cared for and managed.

The RPS contains numerous objectives and policies relating to the issues of the region and controls on the natural and physical resource use. Of relevance in terms of the nature of the proposed activity are objectives and policies under the categories of use and development of resources (Objective 1 and Policy 1), land and soil (Objective 1 and Policy 1) and the built environment (Objective 1 and Policy 1) included in Table 2 below.

Table 2 Taranaki RPS objectives and policies

Objective	Policy
Use and development of resources	
Objective 1 To recognise the role of resource use and development in the Taranaki region and its contribution to enabling people and communities to provide for their social, economic and cultural wellbeing.	Policy 1 Recognition will be given in resource management processes to the role of resource use and development in the Taranaki region and its contribution to enabling people and communities to provide for their economic, social and cultural wellbeing.
Land and Soil – Accelerated Erosion and Sustainable land use and management practices	
Objective 1 To maintain and enhance the soil resource of the Taranaki region by avoiding, remedying or mitigating the adverse effects of accelerated erosion on soil resources.	Policy 1 Encourage land use and management practices that will promote the sustainable use and development of land and soil resources and minimise soil erosion by: (a) avoiding, where practicable, practices that cause accelerated erosion; and (b) remedying or mitigating the adverse effects of accelerated erosion where it occurs.

Conclusions

Small land holdings can be utilised for small-scale horticultural and homesteading opportunities, which are desirable due to their proximity to urban centres; Normanby and Hawera. Ohangai Road exemplifies this with its property sizes and available opportunities.

The proposal avoids the fragmentation of large and geographically cohesive areas of highly productive land. The subject site is already below the 20-hectare minimum balance lot size and possesses attributes making it suitable for small block subdivision, such as proximity to Normanby and Hawera, availability of water infrastructure, and proximity to footpaths and street lighting. This subdivision can be achieved without compromising large and geographically cohesive areas of highly productive land.

The proposal avoids reverse sensitivity effects on surrounding land-based primary production. The environmental, social, cultural, and economic benefits of the subdivision outweigh any concerns about the loss of highly productive land, offering greater opportunities for diverse land use activities.

Overall, the objectives and policies of the NPS-HPL can be satisfied insofar as the land is still retained as productive and protected for use in land-based primary production, both now and in the future.

Proposed Lot 2 (the balance lot) will continue to be operated largely as it is now by the applicant. The creation of a balance allotment provides the right to construct an additional dwelling, which adds flexibility and enhances the value of the property. However, any future development must carefully consider the potential effects on the character and visual quality of the area. As noted above, there is significant potential for the strategic placement of any new dwelling on the balance allotment if this is deemed necessary by the Council above and beyond the existing bulk and location requirements, which can also be complemented by thoughtful design and landscape integration. This approach ensures that future development respects and preserves the visual and environmental quality of the surrounding landscape.

Proposed Lot 1 will be sold and used for rural living, with supportive productive land for small-scale beef rearing, self-supporting purposes, or alternative opportunities. Reverse sensitivity covenants can be imposed if necessary.

Instead of one productive rural enterprise, the subdivision creates the potential for two. This aligns with central government's encouragement for diversification, is consistent with the NPS-HPL, and ultimately, while the NPS-HPL does not consider economic resilience or sustainability, it adheres to the purpose of the RMA and District Plan requirements. The natural soil resources will provide for sustainable rural communities for future generations.

The key issue is whether the long-term productive capacity of the HPL will be retained as a result of this subdivision. Both lots, including the balance, like any other block in the district, could be used as 'lifestyle blocks.' As the guidance states, there is no specific 'lot size' that defines a lifestyle block, and nothing compels landowners to use their land in a particular manner.

In the context of the existing environment, the proposal is considered consistent with the objectives and policies of the District Plan. The subdivision will maintain the rural character and amenity of the area and will not result in potential conflicts between lawfully established rural activities, and it will maintain rural production function of the land, that will not result in adverse effects.

It is concluded that this subdivision and any future development, will be an appropriate use of the land and aligns with the principles of sustainable resource management. The proposal is consistent with Part II of the Resource Management Act 1991 (RMA). For these reasons, I consider it appropriate for subdivision consent to be granted, subject to fair and reasonable conditions.



Prepared by: Andrea Rowe

(On behalf of the applicant)

INDEX TO APPENDICES

- **APPENDIX A** - Standard application form
- **APPENDIX B** - Scheme plan
- **APPENDIX C** - Certificate of title
- **APPENDIX D** – Roading Design Specifications
- **APPENDIX E** – Iwi Comment – Ngati Ruanui

APPENDIX A – STDC application form

APPENDIX B – SCHEME PLAN –pages 2 and 3

APPENDIX C –TITLE



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

Guaranteed Search Copy issued under Section 60 of the Land Transfer Act 2017



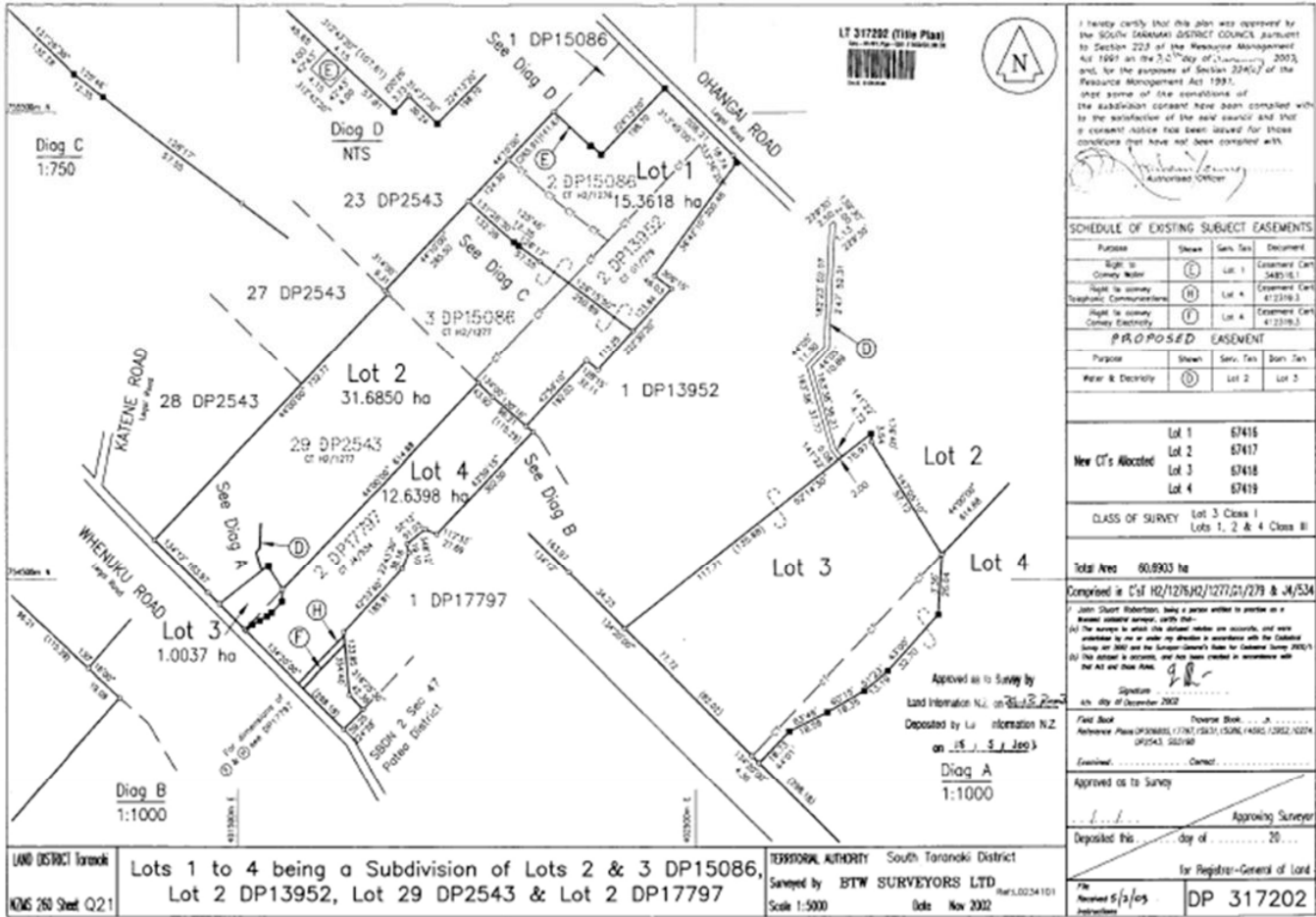
R. W. Muir
Registrar-General
of Land

6

Identifier 67416
Land Registration District Taranaki
Date Issued 16 May 2003
Prior References
 TNG1/279 TNH2/1276 TNH2/1277

Estate Fee Simple
Area 15.3618 hectares more or less
Legal Description Lot 1 Deposited Plan 317202
Registered Owners
 Christine Sophie Moriarty and John Robert Jones

Interests
 Subject to a right to convey water over part marked E on DP 317202 specified in Easement Certificate 348516.1 - 24.3.1988
 5589289.1 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 16.5.2003 at 9:00 am
 12460500.2 Mortgage to TSB Bank Limited - 31.5.2022 at 12:13 pm



I hereby certify that this plan was approved by the SOUTH TARANAKI DISTRICT COUNCIL pursuant to Section 223 of the Resource Management Act 1991 on the 3rd day of January 2005, and for the purposes of Section 224(2) of the Resource Management Act 1991, that some of the conditions of the subdivision consent have been complied with to the satisfaction of the said council and that a consent notice has been issued for those conditions that have not been complied with.

[Signature]
Authorised Officer

SCHEDULE OF EXISTING SUBJECT EASEMENTS			
Purpose	Show	Section	Document
Right to occupy	(E)	Lot 1	Easement Cert 5483/01
Right to occupy	(H)	Lot 4	Easement Cert 4123/01
Telegraphic Communications	(H)	Lot 4	Easement Cert 4123/01
Right to occupy	(F)	Lot 4	Easement Cert 4123/01
City Electricity	(F)	Lot 4	Easement Cert 4123/01

PROPOSED EASEMENT			
Purpose	Show	Section	Document
Water & Electricity	(D)	Lot 2	Lot 3

Lot	Area
Lot 1	67416
Lot 2	67417
Lot 3	67418
Lot 4	67419

CLASS OF SURVEY Lot 3 Class I
Lots 1, 2 & 4 Class II

Total Area 60.8903 ha

Complied in C of H2/1276/02/1277/01/279 & 4/534

John Stuart Robertson, being a person entitled to practice as a Licensed Land Surveyor, certifies that:

(a) The survey to which this plan relates was carried out in accordance with the Survey Act 1980 and the Surveyor-General's Order for Land Survey 2001;

(b) The plan is correct, and has been prepared in accordance with the Act and these rules.

[Signature]
John Stuart Robertson
Lic. No. 100000000

Approved as to Survey by
Land Information NZ, on 15/1/2005
Deposited by Land Information NZ
on 15/1/2005
Diag A
1:1000

Approved as to Survey
[Signature]
Approving Surveyor

Deposited this 15th day of January 2005
by Registrar-General of Land.
File Number S/2/05 DP 317202

LAND DISTRICT Taranaki
K06 260 Sheet Q21

Lots 1 to 4 being a Subdivision of Lots 2 & 3 DP15086,
Lot 2 DP13952, Lot 29 DP2543 & Lot 2 DP17797

REGULATORY AUTHORITY South Taranaki District
Surveyed by BTW SURVEYORS LTD
Scale 1:500 Date Nov 2002

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

CON 5589289.1 Consent

Cpy - 01/01, Pgt - 001, 15/06/03, 13:34



DocID: 518631499

IN THE MATTER of Land Transfer Plan DP317202

AND

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


Pursuant to Section 221 of the Resource Management Act 1991 the South Taranaki District Council by resolution passed under delegated authority on 3 December 2002 imposed the following condition on the consent for subdivision of LTP 317202 that:

THAT a consent notice be issued in respect of DP317202 in accordance with Section 221 of the Resource Management Act 1991 to the effect that:

Should independent access to Lots 1 and 4 be required, vehicle crossings shall be constructed to Council's specifications.

DATED at Hawera this 30th day of January 2003.

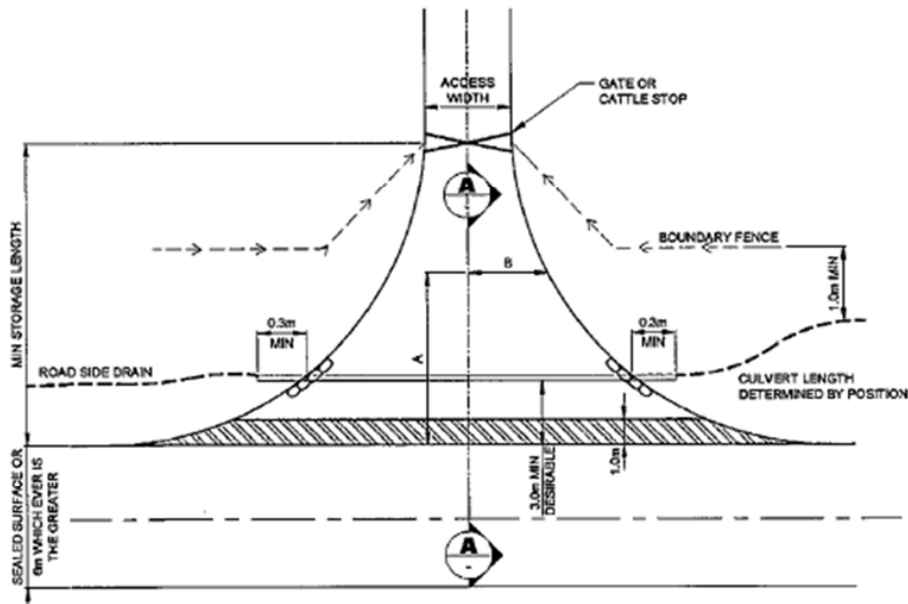
Signed for by the said Principal Administrative Officer of the South Taranaki District Council in the presence of:


.....
David Greaves
.....
Planner
.....

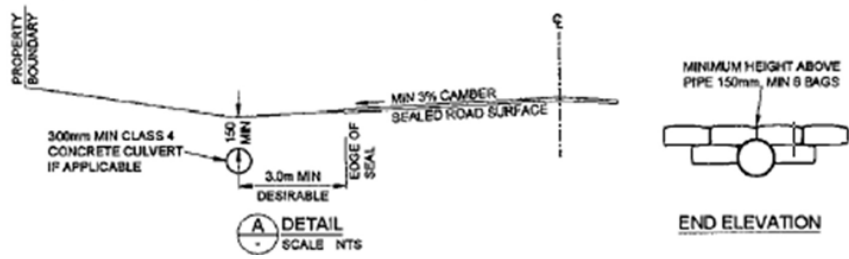

.....
Graham Young
.....

APPENDIX D – Rural G crossing

NPDC, STDC & SDC Land Development and Subdivision Infrastructure Standard



DIMENSIONS AND SETOUT TABLE						
	TYPE F URBAN RESIDENTIAL OR RURAL FIELD CROSSING		TYPE G RURAL RESIDENTIAL OR MEDIUM SERVICE		TYPE H TANKER OR HEAVY SERVICE	
ACCESS WIDTH (MIN)	3.0m		3.6m		4.0m	
STORAGE LENGTH OF GATE SETBACK (MIN)	6.0m		6.0m		15.0m	
RADIUS R (MIN)	4.0m		6.0m		15.0m	
CURVE SETTING OUT DETAIL (MIN)	A	B	A	B	A	B
	0.00	5.50	0.00	7.80	0.00	17.00
	2.00	2.04	2.00	3.33	5.00	5.82
	4.00	1.50	4.00	2.14	10.00	2.89
			6.00	1.80	15.00	2.00



NOTES –

1. Culvert ends to be protected by a head wall or concrete filled bags splayed to match the radius and depth as shown in end elevation.
2. Shaded area to be constructed with 200mm (min depth) basecourse remainder of entrance to be constructed with 150mm (min depth) basecourse. The entire crossings shall be sealed with a two coat chipseal. These are minimum requirements. Site specified design may be required.
3. All fencelines must be set back a minimum of 1.5m from any width indicated in the table.

Figure 3.4g - Rural vehicle crossings

APPENDIX E - IWI COMMENT

From: Graham Young <Graham.Young@ruanui.co.nz>
Sent: Saturday, August 10, 2024 12:16 AM
To: Andrea Rowe <Andrea@RoweContracting.co.nz>
Subject: RE: 2 Lot Rural Subdivision - 111 Ohangai Road, Normanby

Kia ora Andrea,

Thanks for your patience, I can confirm we do not have any specific comments in respect to this application.

I think this in a shared area of interest between both iwi.

Nga mihi

Graham

Graham Young
Strategy and Policy Team
Te Runanga o Ngati Ruanui Trust

Ph 06 278 0148 / Fax 06 278 1358
74 Princes Street / PO Box 594 / Hawera 4640

From: Andrea Rowe <Andrea@RoweContracting.co.nz>
Sent: Wednesday, July 17, 2024 12:06 PM
To: Graham Young <Graham.Young@ruanui.co.nz>
Subject: 2 Lot Rural Subdivision - 111 Ohangai Road, Normanby

Kia ora Graham

I hope this message finds you well.

I am currently working on a two-lot rural subdivision that separates the dwelling and curtilage from the farm. This involves a discretionary activity related to the minimum balance lot infringement. The property in question is only 15 hectares.

Could you please confirm whether this falls within the jurisdiction of Ngati Ruanui or Nga Ruahine?

And if within your scope, do you foresee any immediate issues. There does not appear to be any archaeological site of interest for either authority.

Nga mihi,

Andrea Rowe
0272935327



Pūrongo-Whakamārama Information Report

To	Environment and Hearings Committee
From	Tuarua Kaiarataki Taiao / Group Manager Environmental Services, Liam Dagg
Date	9 October 2024
Subject	Environmental Services Activity Report

(This report shall not be construed as policy until adopted by full Council)

7

Whakarāpopoto Kāhui Kahika / Executive Summary

1. This report updates the Environment and Hearings Committee on activities relating to the Environmental Services Group (the Group) for the month of August 2024.
2. The Group is comprised of four business units:
 - a) Planning and Development
 - b) Quality Assurance
 - c) Regulatory Services, and
 - d) Environment and Sustainability
3. The first part of the report goes through the operational activities for each of the business units. The second part of the report provides an update on key projects and programmes.
4. Key points to note for the month of August:
 - a) Resource consents are increasing, with this increase due to subdivision, particularly in the Te Hawera ward.
 - b) Statutory compliance for building consent saw a drop in August, following two previous months where 100% and 90% compliance for statutory timeframes was achieved.

Taunakitanga / Recommendation

THAT the Environment and Hearings Committee receives the Environmental Services Activity Report.

Ratonga Hanga Whare / Building Control Services

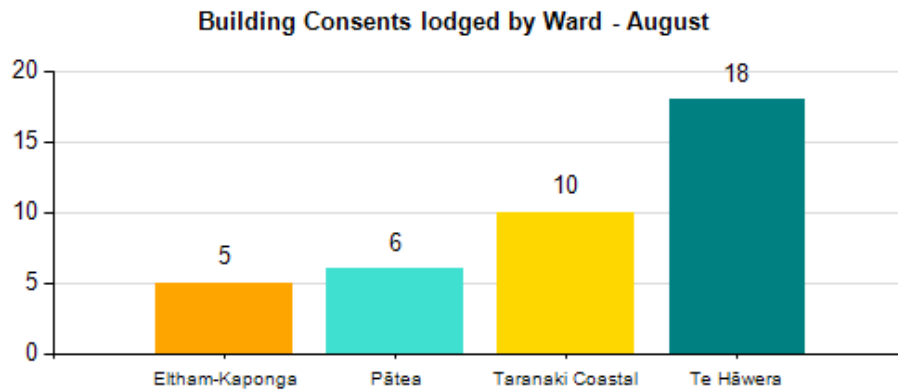
5. Building consent activity has seen some improvement since the downturn in June (Table 1). Building consent lodgements are on track with the previous financial year. Statutory compliance was showing significant improvement in June and July however has dropped again during August.

Table 1. Building Consents Statistics Summary

Application Activity Building Consents	August 2024	July 2024	June 2024	YTD From 1 July 2024	YTD From 1 July 2023	August 2023
Lodged	39	52	29	91	123	39
Issued	43	47	37	90	138	54
Issued within statutory timeframe	79.1%	100.0%	91.9%	90.0%	86.2%	88.9%
Inspections	207	250	232	457	750	252
Value	\$6,137,600	\$6,008,200	\$6,614,156	\$12,145,800	\$14,708,416	\$6,497,541

6. Building activity was significantly higher in Te Hāwera ward across the month of August (Figure 1), compared to last quarter where Taranaki Coastal and Te Hāwera were even with nine consents each.

Figure 1 – Building Consents lodged by Ward – August



7. Commercial activity is not high compared to residential work across August (Table 2). New dwellings in Te Hāwera still feature, despite the lower overall numbers.

Table 2. Building Consents lodged by Type August

Category	Activity	Eltham-Kaponga	Pātea	Taranaki Coastal	Te Hāwera	Total
Commercial	Additions/Alterations	3	3	0	2	8
	Amendment	0	0	0	1	1
	Demolition	0	0	0	1	1
	Sub Total	3	3	0	4	10
Residential	Additions/Alterations	0	1	3	2	6
	Amendment	0	1	2	1	4
	Fire	1	0	0	3	4
	New Construction	0	1	4	3	8
	New Dwelling	1	0	0	5	6
	Relocation	0	0	1	0	1
	Sub Total	2	3	10	14	29
Total		5	6	10	18	39

Ratonga Whakamahere Taiao / Planning Services

8. Resource consent lodgements are increasing again, from the sharp decrease seen through May, June and July. Statutory compliance remains high and steady (Table 3).

Table 3. Resource Consent Statistics for August 2024

Application Activity	August 2024	July 2024	June 2024	YTD From 1 July 2024	YTD From 1 July 2023	August 2023
Lodged	22	15	12	37	199	14
Granted	8	15	11	23	173	7
Issued within statutory timeframe	100%	100%	100%	97%	97.7%	86%

9. Only 7 of the 22 resource consents lodged were for land use activities. Given the low numbers there is no clear pattern across the wards (Figure 2). In contrast, and due to subdivisions making up the majority of the application received for August, it is evident from Figure 3 that Te Hāwera saw the highest level of subdivision activity that also translated to a higher lot yield compared to the other wards.

Figure 2 – Land Use Resource Consents lodged - August

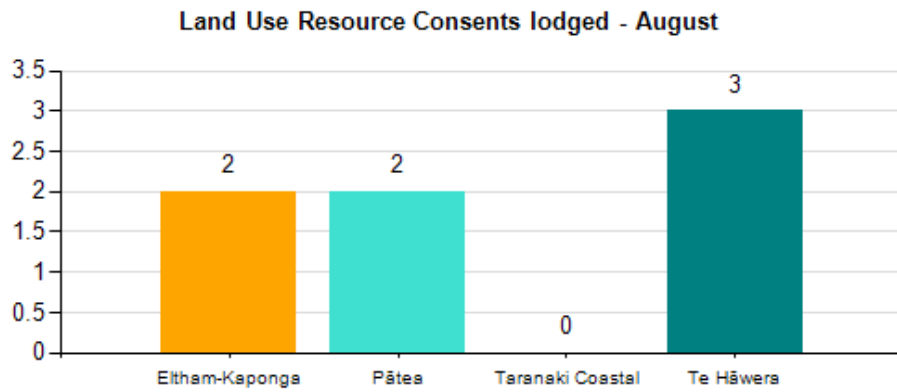
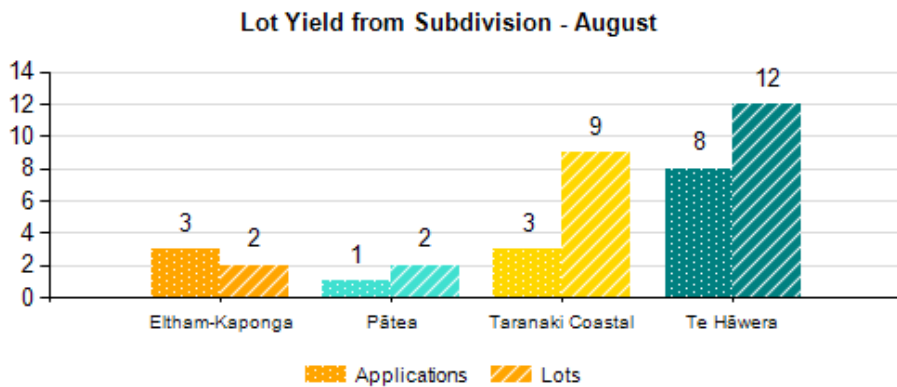


Figure 3 – Lot Yield from Subdivision - August



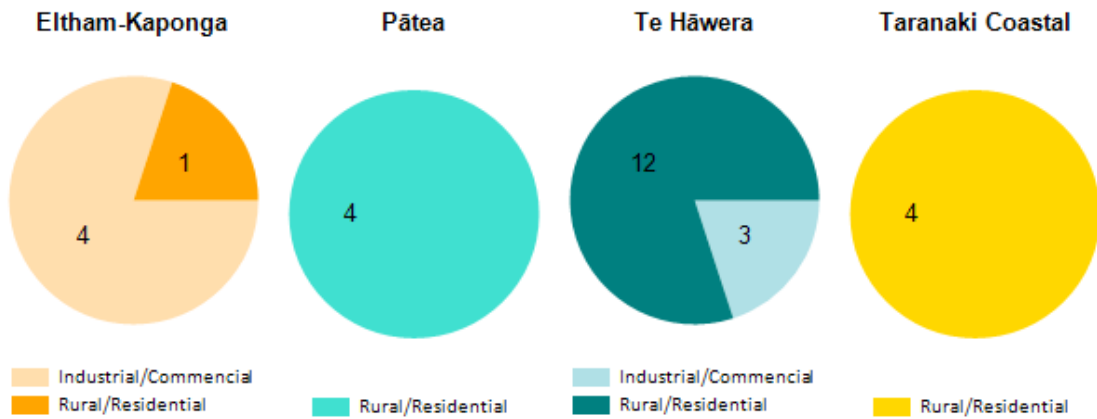
Land Information Memorandum (LIMS)

10. Applications for LIMs remain high (Table 4). Most LIM applications have been in the Te Hāwera Ward (Figure 7), and there are small signs of commercial activity, not seen in previous months.

Table 4 – LIM Applications for August 2024

LIM Applications	August 2024	July 2024	June 2024	YTD From 1 July 2024	YTD From 1 July 2023	August 2023
Lodged	28	17	21	45	46	16

Figure 7 - LIM Applications by Ward August 2024



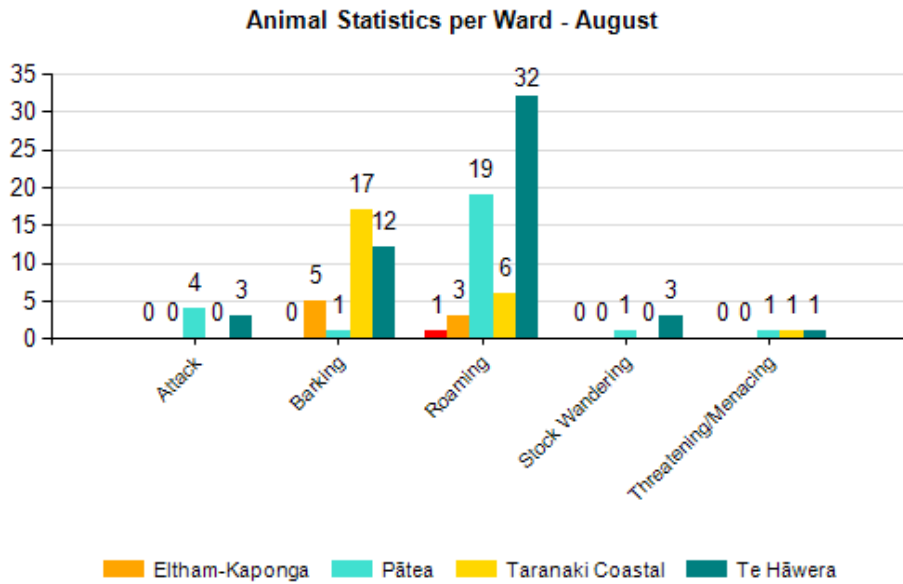
Ratonga Waeture / Regulatory Services

11. It has not been a good start to the new financial year with an increase in dog attacks (Table 5). All other incident types remain steady/little change from previous months. Te Hāwera and Pātea wards are where most of the dog attacks and roaming dogs have been reported. Taranaki Coastal has seen an increase in barking incidents (Figure 4), which is not the norm.

Table 5 – Customer Service Requests: Animal Control

Service Requests Animals	August 2024	July 2024	June 2024	YTD From 1 July 2024	YTD From 1 July 2023	August 2023
Attack	7	6	3	13	10	1
Barking	34	32	23	66	81	37
Roaming	58	52	49	110	161	53
Stock Wandering	4	5	7	9	26	12
Threatening/Menacing	3	3	2	6	12	3

Figure 4 – Animal Statistics per Ward - August

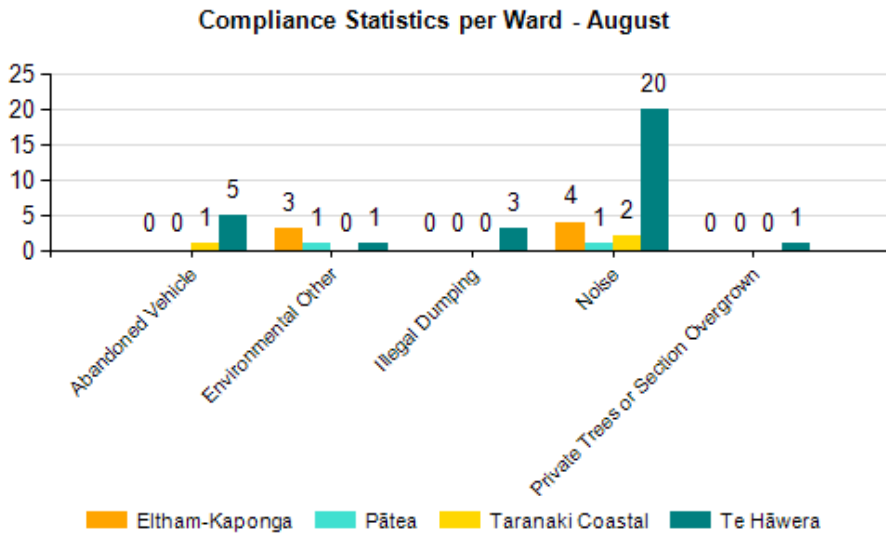


12. Other customer service requests (Table 6) have been received in similar frequencies to the same time last year, with the exception of noise, which has seen a decrease. This is most likely to change as we get into the warmer months and the onset of daylight saving. Most noise complaints and reports of abandoned vehicles were received from Te Hāwera Ward (Figure 5).

Table 6 - Customer Service Requests: Other Types

Service Requests Compliance	August 2024	July 2024	June 2024	YTD From 1 July 2024	YTD From 1 July 2023	August 2023
Abandoned Vehicle	6	5	7	11	14	5
Environmental Other	5	5	2	10	8	6
Illegal Dumping	3	3	0	6	7	4
Noise	27	34	50	61	90	45
Private Trees or Section Overgrown	1	1	3	2	3	2

Figure 5 – Compliance Statistics per Ward - August



7

13. Below are the details of current prosecutions:

Prosecution Type	Ward	Outcome
Dog Attack on Human	Taranaki Coastal	Completed – Owner pleaded guilty on one charge. Owner fined \$700 and ordered to pay all Court costs, ordered for the destruction of one dog. Other two dogs returned due to exceptional circumstances.
Dog Attack on Domestic Animal	Eltham-Kaponga	Ongoing – Owner was sentenced to \$500 fine and ordered for the destruction of the dog. Owner filed appeal on 22 August. Dog to remain in care of the Council while the appeal is ongoing. No set trial date.
Dog Attack on Domestic Animal	Eltham-Kaponga	Ongoing - Owner filed request for release of the dog while prosecution case is considered. Request has been declined. Objection hearing is set for 24 September 2024.
Dog Attack on Domestic Animal	Pātea	Ongoing – Awaiting first appearance date from Court.

Rautaki Kaupapa me ngā Hōtaka / Strategic Projects and Programmes

Reforestation Project

14. Further plant maintenance was done at the Pātea Saltmarsh in celebration of Conservation week 2 - 8 September. This is part of the ongoing work to protect this ecologically important site. Further developments are still being planned and direction should be clear closer to the end of this year.
15. The Rukumoana block planting has been completed. This 2.3 hectare block was planted with over 5,000 native trees and plant species. This block will extend the Rukumoana reserve and increase the ecological footprint in this area. Pest control mechanisms and future maintenance plans are underway to ensure planting survival is achieved.

Business Waste Minimisation

16. Our first commercial Business Waste audit has been completed with the business excited to implement some of the recommended actions and activities to improve their waste management. A few more businesses have now made enquiries to join this programme and we encourage more to do the same.

District Plan Change Update

17. **Plan Change 2: Todd Energy** – A pre-hearing meeting was held on 11 September with the Submitter (Taranaki Energy Watch) to discuss the outstanding points which appear to now be resolved awaiting one piece of work to come in. The next steps are to prepare a report to be presented to the District Plan Committee for consideration.
18. **Plan Change 3: Papakāinga** – We are still preparing the planners summary report in advance of the hearing for those who requested to be heard. It is hoped that this is finalised along with the summary of submissions during October.
19. **Plan Change 4 and 5: Urban Growth and Financial Contributions** – Plan Change 4 and 5 are in the final stages before we report up to District Plan Committee with a recommendation to notify the plan changes for consultation. We will be heading to community boards in the next round to speak to this consultation package.



Liam Dagg

**Tuarua Kaiarataki Taiao /
Group Manager Environmental Services**

8. Whakataunga kia noho tūmatanui kore / Resolution to Exclude the Public

THAT the public be excluded from the following parts of the proceedings of this meeting, namely:

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
<p>1. Confirmation of minutes – held on 28 August 2024.</p>	<p>To enable the Committee to:</p>	<p>That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council/Committee to deliberate in private on its decision or recommendation in any proceedings where:ii) the local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings.Use (i) for the RMA hearings and (ii) for hearings under LGA such as objections to Development contributions or hearings under the Dog Control Act. s.48(1)(d).</p>



Karakia

9. Karakia

Ruruku Whakakapi – Closing Prayer

Unuhia, unuhia

Unuhia ki te uru tapu nui

Kia wātea, kia māmā te ngākau, te
tinana, te wairua i te ara takatū

Kia wātea, ka wātea, āe rā, kua wātea

Rire rire hau pai marire!

Draw on, draw on,

Draw on the supreme sacredness

*To clear, to free the heart, the body and the
spirit of mankind*

To be clear, will be clear, yes is cleared.

Deeply in peace!