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20198 - Sim 6 Leith Road Subdivison Resource Consent Application

To applications

Planning

Message

 20198 - Sim - RC Application Submitted to NPDC.zip (10 MB)

Kia ora,

Please find attached a subdivision resource consent application for a 6 lot subdivision at 6 Leith Road, Okato on behalf of our client Bruce Sims.

Ngā mihi

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6 LEITH ROAD,
OKATO

RESOURCE CONSENT APPLICATION FOR
A BOUNDARY CHANGE AND 5 LOT
SUBDIVISION



BY:



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CONTENTS

EXECUTIVE SUMMARY	2
1. THE SUBJECT SITES AND THEIR IMMEDIATE SURROUNDINGS	3
2. THE PROPOSAL.....	11
3. LEGAL AND PRACTICABLE ACCESS	18
4. EXISTING SERVICES.....	20
5. DISTRICT PLAN ASSESSMENT	21
6. PROPOSED DISTRICT PLAN ASSESSMENT	24
7. OTHER CONSENTS, STATUTORY ACKNOWLEDGEMENTS AND CROSS BOUNDARY MATTERS.....	25
8. PERMITTED BASELINE ASSESSMENT	26
9. WRITTEN APPROVALS AND CONSULTATION	26
10. ASSESSMENT OF ENVIRONMENTAL EFFECTS (Sections 95a, 95B and 104a).....	27
11. NOTIFICATION ASSESSMENT.....	30
12. SECTION 104 ASSESSMENT	33
13. OTHER MATTERS (Section 104(1)(c)	41
14. SECTION 106 CONSIDERATIONS.....	41
16. CONCLUSION.....	42
17. APPENDIX TO INDICES.....	42

APPENDICIES

APPENDIX A: Standard Application Form

APPENDIX B: Scheme Plan

APPENDIX C: Certificate of Title

APPENDIX D: Te Kāhui o Taranaki Consultation Agreement

EXECUTIVE SUMMARY

Attached for Councils' consideration under the rules for the New Plymouth District Plan is an application for a Subdivision Resource Consent, on behalf of Bruce, Margaret and Robert Sim (*the Applicants*), to undertake a 5-Lot subdivision of the 37ha property at 6 Leith Road, Okato (Part Lot 1 DP 8787) and a Boundary Adjustment to the 2,463m² property at 42 Leith Road, Okato (Lot 1 DP 19869). Neither lot has been previously subdivided.

The application is for a subdivision resource consent. It is proposed to create a total of five lots (inclusive of a balance lot – Lot 6), by way of a single stage subdivision and increase the size of a sixth lot (Lot 5), by way of a boundary adjustment. The purpose of the subdivision is to annex 4 Lots (Lots 1 to 4) from Lot 6 which will allow a balance retention of approximately 41.43ha on the original title (when counted as a whole with Lot 2 DP18489) and continuation of a viable Dairy farm operation. The purpose of the boundary adjustment is to increase the size of the Lot 5 for 'rural lifestyle' purposes. Lot sizes on completion shall be:

- Lot One – 2.924ha,
- Lot Two – 5555m²,
- Lot Three – 5500m²,
- Lot Four – 4271m²,
- Lot 5 – 1.01ha, and the balance lot
- Lot 6 – 41.43ha.

The proposal has been assessed as a **Discretionary** activity under the New Plymouth District Council's Operative District Plan 2005, Revised 2014.

The proposal has been assessed as a **Discretionary** activity under the New Plymouth District Council's Proposed District Plan, notified 23 September 2019.

Further details of the proposed subdivision are outlined in Sections 1 to 17 of this document.

In accordance with the Fourth Schedule of the Resource Management Act 1991 we include an assessment of environmental effects corresponding to the scale and significance that the effects of the proposed activity may have on the environment and an assessment of the relevant provisions of any relevant Plan(s).

Rex Hurley

Planner, Juffermans Surveyors Limited (JSL)

(027) 445 8330

**APPLICATION FOR RESOURCE CONSENT FOR SUBDIVISION TO UNDERTAKE A FIVE LOT
SUBDIVISION OF 6 LEITH ROAD – OKATO AND A BOUNDARY ADJUSTMENT OF 42 LEITH
ROAD - OKATO**

Applicants:	Bruce, Margaret and Robert Sim
Owners:	Bruce, Margaret and Robert Sim
Land Location:	6 and 42 Leith Road, Okato
Titles:	TNK4/798 and TNK4/799
Legal Description:	Lot 1 DP 19869 and Part Lot 1 DP 8787
Consent Sought:	Subdivision Resource Consent
Application status:	Discretionary

1. THE SUBJECT SITES AND THEIR IMMEDIATE SURROUNDINGS

The subject sites are located at 6 and 42 Leith Road, Okato. No 6 Leith Road has an area of approximately 47 ha and is comprised of two titles (Part Lot 1 DP8787 and Lot 2 DP 18489, dated 9 April 1998) that has not been previously subdivided. The 47ha includes 9.6ha of Lot 2 DP 18489 however, Lot 2 DP 18489 does not form part of this application as it will not be altered as part of this proposal. No 42 Leith Road has an area of 2,460m² and is comprised of one title (Lot 1 DP 19869, dated 9 April 1998) that has not been previously subdivided.

Both sites have direct frontage onto Leith Road. No 6 is undulating and steep in relief and triangular in shape. Two unnamed tributaries of the Katikara Stream form in the southwest portion of property then meander across the site at the bottom of steep incised channels in a northly direction. No 6 consists of vacant pastoral land operating as a dairy farm (Fonterra 42671) through a 12 bail Herringbone Shed. Most of the paddock area, dairy shed and associated ancillary buildings located at No 6 will be retained as part of Lot 6, the balance lot.

No 42 is flat to gently sloping in relief and keyhole in shape with access provided by a long grassed driveway from a formed access point at No 42 Leith Road.

The site is represented in the New Plymouth District Council Operative District Plan 2005, revised 2014 (NPDC ODP) Planning Map E2 and zoned Rural Environment Area. It is also recognised as being in the Primary Waterbody Overlay of the ODP and the Rural Production Zone, State Highway Corridor of the Proposed District Plan, notified September 2019.

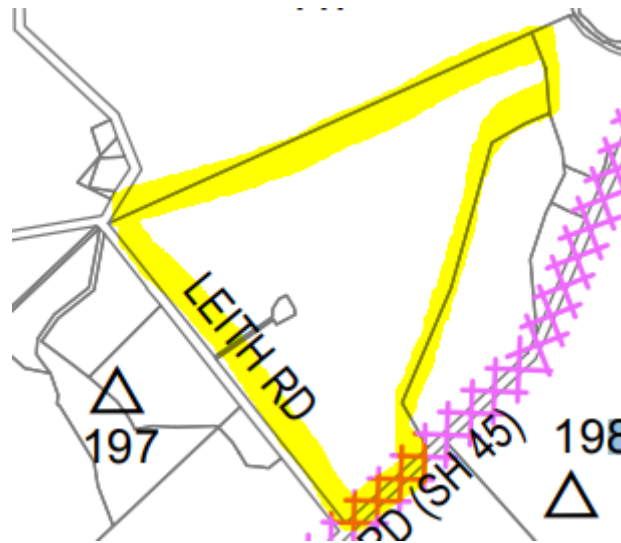


Figure 1: Extract of ODP Planning Map E2. Site boundary outline in yellow.

There are no notable features or selected land use (HAIL) sites listed on the property nor has it been used for any other purposes beyond pastoral production.



Figure 2: 1979 Aerial Survey. Retrieved 2 March 2021 from

<https://retrolens.co.nz/map/#/1673018.3223591323/5660434.251999525/1679061.6249080885/5664485.414498746/219>



Figure 3: 1967 Aerial Survey. Retrieved 12 March 2021 from

<https://retrolens.co.nz/map/#/1673018.3223591323/5660434.251999525/1679061.6249080885/5664485.414498746/219>

3/10

Currently the site extends north east away from the road and shares common boundaries with Leith Road to the southwest, State Highway 45 to the north east and another rural property to the north west. There are open views of Mt Taranaki and the Kaitaki Ranges to the east, while to the west the Tasman Sea can be seen.



Figure 4: View East to Lot 5 and Pouakai Crossing and Mt Taranaki beyond. Image 26 February 2021.



Figure 5: View West across Lot 2 from common boundary with Lot 3. Note: Hedgeline traversing left to right screening Lot 5 accessway. Leith Road behind hedge on left. Image 26 February 2021.

The Katikara Stream is recognised as a priority waterbody within the ODP and a significant waterbody within the Proposed District Plan, the unnamed tributary is not. However, neither are identified under the Statutory Acknowledgement rights of the Taranaki Iwi Claims Settlement Act 2016. The unnamed tributary is largely fenced to 3m riparian standards with the steepest slopes being retired and fenced completely. It has some areas of vegetation with native species which have been allowed to regenerate naturally which are now beginning to gradually outgrow and dominate the invasive blackberry and exotic species. Other plantings have been undertaken on the steeper slopes under the guidance of Taranaki Regional Council Land Management team.



Figure 6: Eastern tributary view north from bottom of slope below Dairy Shed Lot 6. Note fencing waratah to right. Image 26 February 2021



Figure 7: View south to head of eastern tributary from same point as Fig 2. Fencing encloses the steep slope above the spring source. Dairy shed to top left, Stock track behind hedge at top of image. Image 26 February 2021

Leith Road, to the junction of Perth Road past the subject site, is a two lane country 'local' road with a posted speed limit of 100 km/ph with grass and gravel berms with stormwater managed by grass swales. It is lined by 11kV Overhead Power lines however, there are no embedded water main and telecommunication cables running through the berm beside the proposed site.



Figure 8: 42 Leith Road view to the West. Image 26 February 2021.



Figure 9: Lot 3 Leith Road view to the East. Image 26 February 2021.

The vacant pastoral land on the site is used for dairy production.



Figure 10: View south west to Lot One and the corner of Leith and Perth Roads. Note dairy paddock fencing and water troughs. Image 26 February 2021.

The aerial photograph below accurately shows the current use of the site. The No 6 shows the dwelling that will form Lot 4. No 42 will form the expanded Lot 5. The two unnamed tributaries of the Katikara Stream can be clearly seen through the centre and centre left of the image.



Figure 11: General use of site. Site boundary outlined in blue. Image courtesy of TRC Local Maps Retrieved 23 Feb 2021.

The surrounds are mostly rural pastoral farming, interspersed with some smaller rural living lots. 1.7km to the south west is the township of Okato, 24.9 km to the north east New Plymouth. Of note to this application are the rural living lots at 17 and 63 Leith Road opposite Lots 1 and 6, which are of a similar size to that being proposed for this subdivision, and also more recent developments near the coast at the end of Leith and Perth Roads, which are beginning to influence the character of the area.



Figure 12: View south from Lot 6 to rural pastoral farming. Image 26 February 2021.



Figure 13: Character Change. Lifestyle Sold sign 267 Leith Rd. Image 26 February 2021.

2. THE PROPOSAL

The application is for a subdivision resource consent. It is proposed to create a total of five lots (inclusive of a balance lot – Lot 6), by way of a single stage subdivision and increase the size of a sixth lot (Lot 5), by way of a boundary adjustment. The purpose of the subdivision is to annex 4 Lots (Lots 1 to 4) from Lot 6 which will allow a balance retention of approximately 41.43ha on the original title. The purpose of the boundary adjustment is to increase the size of the Lot 5 for 'rural lifestyle' purposes.



Figure 14: Proposed Subdivision

Lot 1 – Is square in shape extending south away from the stock lane forming the common boundary with Lot 6 to Leith Road where it will have an approximate frontage of 187m and a total area of approximately 2.92ha. The lot is vacant pastoral land and being flat or gently undulating in contour it is anticipated to be able to sustain any future dwelling and ancillary buildings in accordance with the standards outlined in NPDC ODP Appendix 22.1.

Lot 1 will have road frontage to Leith Road therefore, access to the lot will be via this location. There is currently no vehicle crossing however, one will be formed and constructed to the required standards, acknowledging the proximity of the intersection with Perth Road, when plans for a new dwelling on the property are prepared. There are significant lines of sight in both directions due to the straight alignment and gentle gradient of the roadway.



Figure 15: View north across Lot One. Leith Road behind hedge to left and in centre of image. Image 26 February 2021.

Given the rural character of the surrounding area, it is proposed to protect the existing 2m hedge aligning Leith Road. This is to ensure privacy and to contribute to the maintenance of the rural character through preventing the domination of the rural landscape by restricting the views of any future dwellings or ancillary buildings on the proposed site. Provision should be included to allow for maintenance and pruning.



Figure 16: View North to Lot 1 demonstrating rural character and amenity. Image courtesy Google Maps January 2014

Lots 2 and 3 – Are oblong in shape and have a total area of 5,555m² and 5,500m² respectively. Each will extend north east from Leith Road to a common boundary with Lot 6 (as shown in Figure 14, above). Lot 2 also shares a common boundary with Lot 5.

The lots are vacant pastoral land and being gently sloping in contour are anticipated to be able to sustain any future dwelling and ancillary buildings in accordance with the standards outlined in NPDC ODP Appendix 22.1.



Figure 17: View North across Lot Two. Lot 5 existing dwelling to right of image. Image 26 February 2021.



Figure 18: View South across Lot Three. Dwelling at 17 Leith Road screened by existing hedgeline. Image 26 February 2021.

Lots 2 and 3 will have road frontage to Leith Road on the southwestern side of each site so therefore, access to the lots will be via this location. There are currently no formed vehicle crossings for these lots however, one will be formed and constructed to the required standards, when plans for a new dwelling on each new lot are prepared. There are significant lines of sight in both directions due to the straight alignment and gentle gradient of the roadway.



Figure 19: View East to potential formed accessway to Lot Two. Image 26 February 2021.

As with Lot One given the rural character of the surrounding area, it is proposed to protect the existing 2m hedge aligning Leith Road to ensure privacy and contribute to the maintenance of the rural character through preventing the domination of the rural landscape by restricting views of any future dwellings or ancillary buildings on the proposed site.



Figure 20: View North across Lot 3. Lot 5 dwelling can be seen in the centre background. Image courtesy of Google Maps January 2014

Lot 4 – Like Lots 2 and 3 is oblong in shape and will have a total area of 4,271m². It will form a corner block with existing boundaries to Leith Road and State Highway 45. Two new boundaries will be formed, one to align with the curvature of the tanker track and another to adjoin a dairy paddock in Lot 6. The lot is flat in contour and contains an existing dwelling, garden and immediate grounds. The existing boundaries are defined by the hedging, developed trees and post and wire fencing.

Lot 4 will continue to be served by the existing vehicle crossing and drive way at 6 Leith Road with the frontage also being screened by hedges and established vegetation.



Figure 21. View North to Lot 4 Dwelling. Note existing vehicle access point on right for No 6 Leith Road. Image courtesy of Google Maps January 2014.

Lot 5 – Is keyhole in shape and forms the existing Lot 1 DP19859. The lot is flat to gently sloping in contour and contains an existing dwelling, garden and immediate grounds. The existing boundaries are defined by the existing vehicle access point at 42 Leith Road. It is proposed to make a boundary adjustment to increase the lot size from 2,460m² to 1.01ha by utilising some of the dairy pasture to the northwest of the current site. In doing so an existing easement for access of power cable to the house will be extinguished. Lot 5 will continue to be served by the existing vehicle crossing at 42 Leith Road.



Figure 22: View East from Leith Road Lot 1 to Lot 5. Image courtesy Google Maps January 2014



Figure 23: View Northeast. Grassed driveway and powerline to Lot 5. Lot 2 to right of hedge. Image 26 February 2021.

Lot 6 - Is the balance lot of the proposal. It is triangular in shape extending northeast away from Leith Road with an approximate total area of 31.5ha or when combined, as per the Title, with Lot 2 DP18489 41.43ha. Lot 6 contains dairy farm (Fonterra 42671), which will continue to operate as an economically viable dairy farm. The farm's future use, retention or development does not form part of this application.

Lot 6 will continue to be served by the existing vehicle crossing at 12 Leith Road with the frontage also being screened by hedges and established vegetation. Given the rural character of the surrounding area, it is proposed to protect the existing 2m hedge aligning Leith Road. This is to ensure consistency with the remainder of the development.



Figure 24: View Northeast Lot 6. Dairy Shed below crest on right. Stock Lane behind hedge following contour in centre of image. Image courtesy Google Maps January 2014.



Fig 25: View Northeast to Lot 1 Dairy shed and vehicle access point. Common boundary with Lot 4 will follow curvature of tanker track on right. Image courtesy of Google Maps January 2014.

3. LEGAL AND PRACTICABLE ACCESS

The property currently has three vehicle crossings at the southwestern extremity of the site's frontage, at 6 (Fig 21 pg 18), 12 (Fig 25, pg 20) and 42 Leith Rd (Below) which serve gravel covered driveways. It is proposed that the location of these vehicle crossings be maintained.



Fig 26: View of lot 5 vehicle access point and driveway. Lot 2 to right of hedge potential exists for utilising right hand white fencing as an accessway for Lot 2. Image courtesy of Google Maps January 2014.

Lots 1, 2 and 3 will have approximately 187, 66 and 86m of road frontage, respectively, to Leith Road at the southern end of the site. Therefore, access to these lots may be via this location. There are currently no vehicle crossings however, these will be formed and constructed to the required NPDC ODP Appendix 22.2A standards, when plans for new dwellings on each property are prepared. There are lines of sight in in both directions due to the straight alignment of the roadway.



Figure 27: A view southeast. Proposed Lots 2 and 3 to left. Image courtesy of Google Streetview, Jan 2014.



Figure 28: A view northwest. Proposed Lots 2 and 3 to right. Image courtesy of Google Streetview, Jan 2014.

4. EXISTING SERVICES

WATER

The site currently has no water connections to the subject site as water comes from within the boundaries of the allotment through drawn sources from bores and roof collection. Potable water will be able to be collected from the roofs of any buildings on the proposed lots as such Lots 1, 2 and 3 shall obtain potable water from within their defined boundaries in accordance with the standards outlined in NPDC ODP Appendix 22.2 when plans for a new dwelling on the respective properties are prepared. Lots 4, 5 and 6 shall continue to use the existing supplies.



Figure 29: Dairy Shed water tank supplied by bore water and roof runoff. Image 26 February 2021.

SEWER SERVICES

The site contains existing dwellings and effluent system contained within the boundaries of the allotment as there are no sewer networks in the area. Lots 4, 5 and 6 shall continue to use this existing system. Lots 1, 2 and 3 will treat sewerage on each site by way of the standards outlined in NPDC ODP Appendix 22.2 when plans for a new dwelling on the respective properties are prepared.

STORMWATER

Stormwater will be contained onsite and used as a potable water supply. Any overflow will be disposed of to ground by way of soakage. Lots 4, 5 and 6 shall continue to use the existing system. Lots 1, 2 and 3 will treat stormwater on each site by way of the standards outlined in NPDC ODP Appendix 22.2 when plans for a new dwelling on the respective properties are prepared.

5. DISTRICT PLAN ASSESSMENT

The relevant Plan against which this activity shall be assessed is the New Plymouth District Council Operative District Plan 2005, Revised 2014.

The area and restrictions applying to this site under the District Plan are:

Area: Rural Environment Area

Overlays: Priority Waterbody

Those rules of the District Plan relevant to this proposed subdivision activity are considered as follows:

RURAL ENVIRONMENT AREA			
Rule No.	Parameter	Status	Comment
Rur76	<i>"of an ALLOTMENT where there is an increase in the number of ALLOTMENTS being served by, or having ownership of, a RIGHT OF WAY"</i>	N/a	
Rur77	<i>As Rur76 above "where created solely for NETWORK UTILITIES, ROADS, reserves or access"</i>	N/a	
Rur78	<i>As Rur76 above "where not created solely for NETWORK UTILITIES, ROADS, reserves or access"</i>	Discretionary	<p>The proposal is to create 4 lots that range in size from 4271m² to 2.924ha exclusive of a balance lot.</p> <p>Prior to this application, the 'parent site' has not been subdivided at all.</p> <p>At the completion of this application a total of five allotments will have been created from the parent lot with all being less than 20ha however, the balance lot is 4.0ha or larger.</p>
Rur79	<i>Requirement to provide PRACTICABLE vehicular access to ALLOTMENTS from a ROAD, except where created solely for NETWORK UTILITIES, ROADS, or reserves</i>	Controlled	<p>Lots 1, 2 and 3 vehicle access points will be formed and constructed to the required standards of NPDC ODP Appendix 22.2A when plans for a new dwelling on the respective properties are prepared.</p> <p>Lots 4, 5 and 6 will continue to be serviced by the existing vehicle access points at No's 6, 12 and 42 Leith Road.</p>
Rur80	<i>Of an ALLOTMENT that will require a ROAD to be vested as legal ROAD</i>	N/a	

RURAL ENVIRONMENT AREA			
Rule No.	Parameter	Status	Comment
Rur81	<i>Requirement for services – stormwater disposal, water supply and sewerage disposal</i>	Controlled	<p>Lots 1, 2 and 3 will have potable water sewer and stormwater systems within their boundaries that meet the standards specified in NPDC ODP Appendix 22.2.</p> <p>Lots 4, 5 and 6 contain either an existing dwelling or dairy shed with potable water and effluent systems contained within the boundaries of the allotment.</p>
Rur82	<i>Requirement for a BUILDING platform</i>	Controlled	<p>Lots 1, 2 and 3 will comply with the standards outlined in NPDC ODP Appendix 22.1.</p> <p>Lots 4, 5 and 6 contain either a lawfully established dwelling or farm building.</p>
Rur83	<i>Requirement for existing BUILDINGS to meet standards in relation to the new boundaries</i>	Controlled	All existing buildings meet the required boundary standards.
Rur84	<i>Requirement for financial contributions</i>	Controlled	Financial contributions will be paid prior to s224 processes being undertaken.
PRIMARY WATER BODY OVERLAY			
Rule No.	Parameter	Status	Comment
OLA58	for subdivision of an ALLOTMENT within the RURAL ENVIRONMENT AREA	Discretionary	<p>In agreement with Taranaki Iwi it is proposed to plant out the two unnamed tributaries of the Kaitikara Stream. Iwi have requested this be done with a variety of native species 'local' to the area, however the feasibility of this is being discussed with Taranaki Regional Council and guidance is being sought at the time of this application.</p> <p>Therefore, the proposal meets the criteria to be considered as a discretionary activity.</p>

Assessment

As can be seen from the table above resource consent is required for the following matters:

- Rur-78 – Minimum size of lots – Discretionary Activity
- Rur-79 – Vehicle Access – Controlled Activity
- Rur-81 – Sewerage, Stormwater and Water Supply – Controlled Activity
- Rur-82 – Building Platform – Controlled Activity
- Rur-83 – Boundary – Controlled Activity
- Rur-84 – Financial Contributions – Controlled Activity
- OLA58 – Primary Water Body – Discretionary Activity



Figure 30: Southern tributary native flora and fauna. Image 26 February 2021



Figure 31: Eastern tributary view north from bottom of slope below Dairy Shed Lot 6. Image 26 February 2021

6. PROPOSED DISTRICT PLAN ASSESSMENT

The relevant Plan against which this activity shall be assessed is the New Plymouth District Council Full Proposed District Plan, notified 23 September 2019.

The area and restrictions applying to this site under the Proposed District Plan are:

Zone: Rural Production Zone (not applicable as no rules of this zone have immediate and legal effect).

District Wide Matters: Subdivision and Waterbodies

The rules Proposed District Plan that are relevant to this proposed subdivision activity are considered as follows:

DISTRICT WIDE MATTERS			
Rule No.	Parameter	Status	Comment
SUB-R1	<i>The boundary adjustment does not alter: “(a) the permitted activity status of any existing permitted activities occurring on the allotments...”</i>	N/a - Controlled	The proposed boundary change for Lot 5 does not affect the continued operation of Lot 6 as a Dairy Farm.
SUB-R4/2	<i>Subdivision of land to create allotment(s) within the Rural Production Zone (except where rule ECO-R6 applies)</i>	N/a - Discretionary	The proposal creates 5 Lots of 4,000m ² or more and contains a balance lot greater than 20ha. Therefore, the proposal would be considered as a Discretionary activity. However, given this rule does not currently have immediate legal effect it is discounted.
WB-R6	<i>Subdivision of land containing or adjoining a significant waterbody</i>	Discretionary	The proposal will not exacerbate existing hazards as there is no direct change to the Kaitikara Stream. In agreement with Taranaki Iwi it is proposed to plant out the two unnamed tributaries of the Kaitikara Stream. Iwi have requested this be done with a variety of native species ‘local’ to the area, however the feasibility of this is being discussed with Taranaki Regional Council and guidance is being sought at the time of this application. Therefore, the proposal meets the criteria to be considered as a discretionary activity.

Assessment

As can be seen from the table above resource consent is required for the following matters:

- WB-R6 – Subdivision of land containing or adjoining a significant waterbody – Discretionary Activity

Summary

Overall, it is considered that the consents and their assessment may be bundled and considered holistically as a **Discretionary activity** enabling all relevant effects and matters to be considered.

7. OTHER CONSENTS, STATUTORY ACKNOWLEDGEMENTS AND CROSS BOUNDARY MATTERS

There are no other consents required from other statutory bodies in relation to this application.

There are no applicable National Environmental Standards in relation to this application.

The site is recognised as a statutory area in the Taranaki Claims Settlement Act 2016. As such, and in conjunction with Te Kāhui o Taranaki (copy attached with this application) it is proposed to plant out the two unnamed tributaries of the Kaitikara Stream. Iwi have requested this be done with a variety of native species 'local' to the area, however the feasibility of this versus approved species for riparian planting by Taranaki Regional Council is being discussed with Taranaki Regional Council at the time of this application lodgement.



Figure 32: Southern tributary native flora and fauna. Image 26 February 2021

8. PERMITTED BASELINE ASSESSMENT

District Plan:

As any form of subdivision is at least a controlled activity there are no environmental effects arising from the division of the land to be discounted as part of the permitted baseline under the rules of the District Plan.

Unimplemented Resource Consents:

There are no known approved but as yet unimplemented resource consents affecting this site.

Existing Environment:

The existing site and surrounds have been described at Section 1 (Pages 3-10 above) and represent the benchmark against which all effects arising from this activity shall be assessed. In this instance there are 'rural' environmental elements that form part of the permitted baseline existing environment.

The 'rural' elements of the site are that:

- It resides in open areas of pasture which are currently used for dairy production. While there are existing dwellings at No's 6, 17 and 43 Leith Road on lots of similar sizes to that being proposed the overall feeling is of spaciousness with wide views to the north, south, east and west of Mt Taranaki, the Kaitaki Ranges and the Tasman Sea.
- The built form is located on Lots 4, 5 and 6 and takes the form of existing dwellings and rural amenity buildings. Nearby at 17 and 43 Leith Road are two other dwellings on similar sized lots to that proposed. All of these buildings are less than 10m in height, thereby maintaining widely spaced and low dense form characteristics that comply with the building plane form.
- The unnamed tributaries crossing Lot 6 have had the steep slopes above the source points retired from production, fenced to Fonterra riparian standards and are full of native species, fern, harakeke, etc as such the applicant is working to maintain and enhance the natural state of the waterway.
- Given there are existing rural lifestyle properties and continued development further down Leith and Perth Roads, which adjoin operational farms it is not considered that traditional rural land uses would create a conflict or present reverse sensitivity issues to the proposed subdivision as anyone purchasing in this location accepts and desires this as part of their lifestyle and will be prepared to accept a no complaints covenant upon the Title.
- As the site is located in a rural area and has existing overhead power circuits, water troughs, open space, cattle yard and post and wire fencing and no waste-water, street lighting or kerbing and any new dwellings will be restricted to one per site which will be self-sufficient with regards to potable water, sewerage and stormwater and will comply with the standards outlined in NPDC ODP Appendix 22.2 it is considered the proposal continues to provide 'rural' character.
- All lots adjoin Leith Road to the southwest which is bordered by a 2-3 metre high hedge, which screens views to the proposed development thereby maintaining rural character.

9. WRITTEN APPROVALS AND CONSULTATION

In respect of all persons, it is considered that any adverse effects on people will be less than minor for the reasons set out in the following assessment of effects and as such no other written approvals have been sought.

10. ASSESSMENT OF ENVIRONMENTAL EFFECTS (Sections 95a, 95B and 104a)

Character and Amenity Effects

The catalyst for this 5-lot subdivision is its setting amongst rural farming, interspersed with rural living lots, continued development closer to the Coast and open vistas to the north, south east and west. Overall, the location of this proposed site adjacent to and embedded within the rural community and in an area where there is demand and continued growth means this proposal will blend into the wider landscape in an ideal scale.

The subdivision has been designed so that existing vehicle crossing points currently serving 6, 12 and 42 Leith Road will continue to serve Lots 4, 5 and 6 being proposed. There are currently no vehicle crossing points for Lots 1, 2 and 3 however, they will be formed and constructed to the required NPDC ODP Appendix 22.2A standards or each property when plans for a new dwelling on the respective properties are prepared.

An existing 2-3 metre high hedge along Leith Road and State Highway 45 will ensure that the visual effects arising from the proposed subdivision will be largely confined to what may be seen travel southwards at 100km/h on SH45.

In respect of spatial character, the proposed lot sizes are commensurate with the size of surrounding 'rural living' lots and those further down Leith and Perth Road towards the coast. As such the size and shape of the proposed lots will maintain the overriding spatial character of this environment.

To either side, within and opposite the application site dwellings and ancillary buildings have been constructed up to an approximate height of 10m. It is proposed that any new dwelling and/or associated buildings have a height limit of 10m thereby maintaining consistency with the existing environment and the overriding spatial character of the environment.

In respect to the amenity of the adjacent rural zoned lots one both are operational farms. As such the retention of a balance lot of 41.6 ha as an effective viable dairy operation will not affect the amenity of these neighbouring properties.

Overall, in the context of the site's setting and utilising the mitigation measures mentioned in Sections 2 to 6 above means this proposal will maintain the character and amenity of the rural environment. Therefore, any effects will be less than minor.

Productivity and Reverse Sensitivity Effects

The site has an area of approximately 41.6ha and is bordered by two operational farms. The proposal is likely to create a landscape change from 'modified' open pasture to built form in parts of Lots 1, 2, and 3. Built form already exists as dwellings in Lots 4 and 5, and farm buildings in lot 6. As a consequence, there will be a minor reduction in productive rural land. However, given the area of land being considered is approximately 5ha in size compared to the balance lot of 31.5ha, and in congregating each of the proposed smaller lots to the south-western periphery of the farm facing Leith Road the applicant is ensuring the continued viability of Lot 6 as an economic and viable dairy farm.

The establishment of the potential for additional dwellings through this application will not worsen any existing adverse reverse sensitivity effect on the ability of persons to use the remaining rural properties surrounding in a manner that meets the permitted activity standards of the District Plan as it is proposed to endorse the covenant of each Title with a no complaints no covenant, limit dwellings to one per Lot and set back any new buildings from the boundaries as defined within the appropriate NPDC ODP standards .

Therefore, any effects will be less than minor.

Traffic Effects

The proposed subdivision and subsequent developments of the lots will not generate any adverse effects on traffic or pedestrian safety because:

- Traffic movements are anticipated to increase by approximately 30 movements per day (10 movements per house hold) as Lots 4, 5 and 6 currently have existing vehicle access points.
- Each lot is of a size to provide on-site manoeuvring to enable vehicles to exit the site onto Leith Road in a forward movement.

Therefore, any effects will be less than minor.

Landform and Infrastructure Effects

Due to the flat or gently sloping nature of the application site future development is likely to require some earthworks. The site currently reflects moderated landform with some manipulation having previously occurred in Lots 4, 5 and 6. The application site is flat to gently sloping along the Leith Road frontage which lends itself to built development. Based on the size of the site and the area required for building platforms in the wider context the overall change to landform and consequential earthworks is likely to be less than minor.

Further to this, once plans for a new dwelling on the respective properties are prepared there will be a need to construct formed vehicle access points for Lots 1, 2 and 3, and install power and telecommunication networks from the planned building site to the boundary of each lot. As such connections can be readily made to these non-Council owned and operated infrastructure with no known capacity or service restrictions applying in this area. Given the localised nature of this work and the minimal volume of earth to be dug up then back filled, the potential adverse effects can be readily controlled to ensure that they can be contained within the site by the use of standard silt and erosion measures.

As there are no sewerage, water or reticulated waste-water networks in the area it is proposed the lots will be serviced by either an existing system (Lots 4, 5 and 6) or effluent, stormwater and water systems appropriate to Standards stipulated in NPDC ODP Appendix 22.2 (Lots 1, 2, and 3). The lots are also of sufficient size to allow for such development as well as on site soakage.

Therefore, any effects generated will be less than minor.

Positive Social and Economic Effects

The site benefits from the close proximity to Okato and New Plymouth in terms of connection to community and amenities. Like many townships in the region a number of people are looking to move into the 'countryside' be it to enjoy the benefits of rural living, have more space or to become self-sufficient and "off the grid". There are also economic drivers in the post Covid era with the Banking Sector looking to eliminate risk and reduce customers debt servicing. As such the creation of 4 'rural lifestyle' allotments, in addition to the balance lot and increased size of Lot 5, is not seen as out of context.

Increased allotments will also provide additional housing opportunities to meet the growing needs of the community and provide positive economic effects for the building industry and service providers in the local community.

Overall the location and design of this proposed site in the rural environment means this proposal will blend into the wider productive landscape in an ideal scale.

11. NOTIFICATION ASSESSMENT

Public Notification Assessment

Step 1: Mandatory public notification in certain circumstances

No mandatory notification is required as:

- **The applicant does not request that the application is publicly notified (s95A(3)(a))**
- **The applicant undertakes to provide any relevant information requested by the Council to assist in the understanding of any effects arising from the proposal; and**
- **The application does not involve any exchange of recreation reserved land under s15A of the Reserves Act 1977 (s95A(3)(c)).**

Step 2: If not required by step 1, public notification precluded in certain circumstances

The application is not precluded from public notification Under 95(A)(5)(b) as it is not a controlled activity or a boundary activity.

Step 3: If not precluded by step 2, public notification required in certain circumstances

For the reasons set out in the foregoing assessment of effects it is considered that any adverse effects arising from the proposed activity in the context of the existing use occurring on the site and the character of the surrounding environment will be no more than less than minor.

Step 4: Public notification in special circumstances

If an application has not been publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified (s95A(9)).

Special circumstances are those that are:

- exceptional or unusual, but something less than extraordinary
- outside of the common run of applications of this nature, or
- circumstances which makes notification desirable, notwithstanding the conclusion that the adverse effects will be no more than minor.

In this instance, given the context provided by the surrounding environment, the subdivision and subsequent land use of the proposed lots is not deemed to be exceptional or unusual in this environment and as such the proposal has nothing out of the ordinary run of things to suggest that public notification should occur.

Public notification conclusion

Having undertaken the s95A public notification tests, the following conclusions are reached:

- Under step 1, public notification is not mandatory.
- Under step 2, as the proposal is a **discretionary** activity subdivision the application is not precluded from Public Notification.
- Under step 3, public notification is not required as any adverse effects will be less than minor.
- Under step 4, there are no special circumstances that warrant the application being publicly notified.

Therefore, this application can be processed without public notification.

Limited Notification Assessment

Step 1: Certain affected protected customary rights groups must be notified

There are no protected customary rights groups or customary marine title groups affected by the proposed activity (s95B(2)).

In addition, the council must determine whether the proposed activity is on or adjacent to, or may affect, land that is subject of a statutory acknowledgement under schedule 11, and whether the person to whom the statutory acknowledgement is made is an affected person (s95B(3)).

In this instance, the site is recognised as being adjacent to, land that is subject to statutory acknowledgement of the Taranaki Claims Settlement Act 2016. As such consultation has occurred with Te Kāhui o Taranaki about the proposed activity, a copy of which is attached with this application for your perusal. Approval and guidance has been obtained in verbal form from Te Kāhui o Taranaki representative Keith Manukonga with respect to the proposed subdivision.

Step 2: If not required by step 1, limited notification precluded in certain circumstances

The application is not one of the activities precluded from limited notification.

Step 3: If not precluded by step 2, certain other affected persons must be notified

The potential adverse effects on all persons adjacent to the site is inherent in the assessment of effects on the environment above and have been found to be less than minor as such no persons are deemed to be adversely affected.

Step 4: Further notification in special circumstances

In addition to the findings of the previous steps, the Council is also required to determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined as eligible for limited notification.

Special circumstances are those that are:

- exceptional or unusual, but something less than extraordinary;
- outside of the common run of applications of this nature; or
- circumstances which make limited notification to any other person desirable, notwithstanding the conclusion that no other person has been considered eligible.

In this instance, given the context provided by the surrounding environment, the subdivision and subsequent land use of the proposed lots it is not deemed to be exceptional or unusual in this environment and as such the proposal has nothing out of the ordinary run of things to suggest that limited notification should occur.

Limited notification conclusion

Having undertaken the s95B limited notification tests, the following conclusions are reached:

- Under step 1, limited notification is not mandatory.
- Under step 2, being a **discretionary** activity subdivision the application is not precluded from limited notification.
- Under step 3, the adverse effects on any persons will be less than minor and as such no persons are adversely affected.
- Under step 4, there are no special circumstances that warrant the application being limited notified to any persons.

Therefore, as the adverse effects on any persons will be less than minor and there are no special circumstances this application can be processed without limited notification.

12. SECTION 104 ASSESSMENT

Statutory Matters

Section 104(1) of the Resource Management Act 1991 [the Act] requires that when considering a resource consent application for a Discretionary Activity, 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
 - (b) any relevant provisions of-
 - (vi) a plan or proposed plan; and
 - (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.
- 104(2) of the Act directs that, when forming an opinion as to any actual or potential effects on the environment, a consent authority may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect.
 - The Plans relevant to this application are the operative New Plymouth District Plan and the Proposed New Plymouth District Plan.

Actual and Potential Effects on the Environment (section 104(1)(a))

An assessment of actual and potential effects has been undertaken at Section 10 of this report.

Having regard for the absence of any significant adverse effects and the positive social effects arising from the proposal of providing land title to enable the community to provide for additional housing needs, it is considered that, overall, the boundary change and five lot subdivision will generate effects that are acceptable in this environment.

District Plan and any Relevant Statutory Documents (section 104(1)(b))

Operative District Plan

Under the New Plymouth District Plan, the site is zoned Rural and has an additional overlay of a Priority Waterbody in respect of the proposed site.

Rules

An assessment of the rules has been undertaken within Sections 5 and 6 of this report. Other than the reasons stated for requiring resource consent; the proposal will comply with all other relevant standards of the District Plan.

Environmental Effects Assessment Criteria

The relevant assessment criteria set out in the District Plan have been used as the basis for undertaking the assessment of environmental effects. In finding that the proposal will have less than minor adverse effects and that, overall, it is acceptable in this environment, it is considered that the relevant assessment criteria have been satisfied.

Objectives and Policies

The relevant objectives and policies of the District Plan are considered in the table below. As outlined in the Assessment of Environmental Effects and as summarised below, the proposed boundary change and 5 Lot subdivision encompassing two existing Lots and 4 proposed rural lots is consistent with the outcomes sought by these provisions of the District Plan.

Operative District Plan	
Issue 1: The adverse effects of activities on the character of areas and on other activities	
<i>Objective 1:</i>	<i>To ensure activities do not adversely affect the environmental and amenity values of areas within the district or adversely affect existing activities.</i>
<i>Policy 1.1</i>	<p><i>Activities should be located in areas where their effects are compatible with the character of the area.</i></p> <ul style="list-style-type: none"> • The proposed subdivision will not change the spatial relationship between the existing activities presently occurring on site nor the surrounds as it is compatible with the character of the area, existing activities and that of recent developments further down Leith and Perth Road's.
<i>Policy 1.2</i>	<p><i>Activities within an area should not have adverse effects that diminish the amenity of neighbouring areas, having regard to the character of the receiving environment and cumulative effects.</i></p> <ul style="list-style-type: none"> • As per Policy 1.1 above
<i>Policy 1.3</i>	<p><i>New activities that are sensitive to the elements that define the character of the area in which they intend to locate should be designed and/or located to avoid conflict.</i></p> <ul style="list-style-type: none"> • Not applicable as no new activities are proposed.
Issue 4: Loss or reduction of rural amenity and character	
<i>Objective 4</i>	<i>To ensure the subdivision, use and development of land maintains the elements of RURAL CHARACTER.</i>
<i>Policy 4.1</i>	<p><i>Control the density and scale of subdivision by providing for one small ALLOTMENT where there is a large balance area, that promotes Spaciousness and a Low Density, Production Orientated Environment.</i></p> <ul style="list-style-type: none"> • The layout of the subdivision ensures that the existing open spatial and visual character of this rural environment is maintained. • It is proposed that all Lots will be restricted to one dwelling and that any new dwelling or associated buildings do not exceed 10m in height and comply with NPDC ODP Boundary setback requirements. • Hedging along Leith Road and SH45 will be retained ensuring privacy and maintenance of rural character. • Commercial dairy production shall continue on Lot 6, the balance lot, thereby continuing 'production orientated' practices.

Issue 4: Loss or reduction of rural amenity and character

Policy 4.2

Control the density, scale, location and design of subdivision by providing limited opportunities for small ALLOTMENT subdivision, having consideration to the following matters:

(a) The environment is spacious, maintains a low density and the subdivision provides a large balance area.

- As per Policy 4.1 above

(b) The subdivision is of such a scale to ensure the intensity of use is typical of the rural environment and not of an urban or lifestyle area.

- As per Policy 4.1 above

c) The subdivision and resulting development is not highly visible in the landscape and there is no apparent aggregation of development because of;

(i) the undulating nature of the landscape;

(ii) the design and layout of the ALLOTMENTS and any servicing requirements;

(iii) the design and visual treatment of the resulting development.

- As per Policy 4.1 above

(d) The contours of the landscape are retained and there is limited need for EXCAVATION and FILLING.

- It is proposed to retain the integrity of the underlying landform as exists.

(e) The subdivision does not impact OUTSTANDING LANDSCAPES and REGIONALLY SIGNIFICANT LANDSCAPES and other features protected by other OVERLAYS.

- No significant landscapes are affected by the proposal with the subdivision nor changing the relationship of the activities occurring on site.

(f) There are no community costs associated with upgrading INFRASTRUCTURE as a direct result of the subdivision and development.

- All services will be implemented on site as per the appropriate NPDC ODP standards. Therefore, there will not be any community costs associated with upgrading infrastructure.

Issue 4: Loss or reduction of rural amenity and character (continued)

<p><i>Policy 4.2 (cont)</i></p>	<p><i>(g) The rural nature and purpose of rural INFRASTRUCTURE (small scale, unserviced with a lack of urban INFRASTRUCTURE) is maintained.</i></p> <ul style="list-style-type: none">• As per Policy 4.2.f above. <p><i>(h) The proposed ALLOTMENT size, shape and resulting land use will recognise the production orientated nature of the rural area.</i></p> <ul style="list-style-type: none">• As per Policy 4.1 above. <p><i>(i) Consistency of the proposal with Policy 4.5.</i></p> <ul style="list-style-type: none">• As per Policy 4.1 above.
<p><i>Policy 4.4</i></p>	<p><i>Control the density, HEIGHT and on-site location of HABITABLE BUILDINGS by:</i></p> <p><i>(a) Allowing additional HABITABLE BUILDINGS at appropriate densities and of a size that maintain Spaciousness and a Low Density, Production Orientated environment, while allowing some flexible living opportunities.</i></p> <ul style="list-style-type: none">• As per Policy 4.1 above. <p><i>(b) Allowing HABITABLE BUILDINGS to a maximum HEIGHT that allows typical residential use to occur.</i></p> <ul style="list-style-type: none">• As per Policy 4.1 above. <p><i>(c) Requiring HABITABLE BUILDINGS to be setback from the SIDE BOUNDARY to ensure privacy between dwellings and separation from other rural uses.</i></p> <ul style="list-style-type: none">• As per Policy 4.1 above.
<p><i>Policy 4.5</i></p>	<p><i>Ensure that the design of subdivision and development is sensitive to the surrounding environment. In particular the following design principles will be considered:</i></p> <p><i>(a) Ensure appropriate overall density by maintaining the level of built form expected in the rural environment.</i></p> <ul style="list-style-type: none">• As per Policy 4.1 above. <p><i>(b) Ensure the intensity and scale of the development is in keeping with RURAL CHARACTER.</i></p> <ul style="list-style-type: none">• As per Policy 4.1 above.

Issue 4: Loss or reduction of rural amenity and character (continued)

<p>Policy 4.5</p>	<p>(c) <i>Ensure that ALLOTMENTS and BUILDINGS are in context with the surrounding environment and are positioned to recognise natural features in the landform.</i></p> <ul style="list-style-type: none">• To be defined to the required NPDC ODP standards when plans for a new dwelling on each property are prepared. <p>(d) <i>“Ensure that ALLOTMENTS and BUILDINGS are sited and designed in a manner that is integrated with the surrounding environment with minimal disturbance to the landform by....”.</i></p> <ul style="list-style-type: none">• As per Policy 4.5(c) above. <p>(e) <i>Consistency of any full discretionary activity with design guidelines.</i></p> <ul style="list-style-type: none">• To be defined to the required NPDC ODP standards when plans for a new dwelling on each property are prepared. <p>(f) <i>Consideration towards any recommendations from a design panel.</i></p> <ul style="list-style-type: none">• To be defined to the required NPDC ODP standards when plans for a new dwelling on each property are prepared.
<p>Policy 4.6</p>	<p><i>Retain vegetation, particularly indigenous vegetation and require the planting of new vegetation to mitigate the effects of activities.</i></p> <ul style="list-style-type: none">• The native flora and fauna contained within the defined area of the unnamed tributaries will be retained and enhanced as per the guidance of Taranaki Iwi and Taranaki Regional Council Land Management Advisors.• The existing hedges aligning Leith Road and SH45 shall be retained and where necessary replaced to enhance growth.
<p>Policy 4.7</p>	<p><i>BUILDINGS, plantation forests and SHELTER BELTS should not adversely affect adjoining properties by shading.</i></p> <ul style="list-style-type: none">• The applicant is the owner of all affected lots thereby accepting any shading affect from the existing or future shelter belts.
<p>Policy 4.8</p>	<p><i>Activities within the rural environment should not generate traffic effects that will adversely affect RURAL CHARACTER and the intensity of traffic generation should be of a scale that maintains RURAL CHARACTER.</i></p> <ul style="list-style-type: none">• Each Lot will have enough room to allow vehicles to exit in a forward manner with sufficient sight line onto a local road to do so safely.

Issue 12: Actual and potential adverse effects of natural hazards on people, property and the environment	
<i>Objective 12</i>	<i>To avoid or mitigate any actual or potential adverse effects of natural hazards on people, property and the environment.</i>
<i>Policy 12.1</i>	<p><i>Subdivision, land use and development should be designed and located to avoid or mitigate the adverse effects of natural hazards on human life, property, INFRASTRUCTURE and the environment.</i></p> <ul style="list-style-type: none"> • The location and layout of the subdivision ensures that the adverse effects of natural hazards shall be mitigated as per Policy 4.2 (d) above.
Issue 13: Aggravation of natural hazard events by inappropriate land use practices and activities	
<i>Objective 13</i>	<i>To ensure that land use activities do not increase the likelihood or magnitude of natural hazard events.</i>
<i>Policy 13.1</i>	<p><i>Subdivision, development and other land uses should not result in aggravation of natural hazards.</i></p> <ul style="list-style-type: none"> • The location and layout of the subdivision ensures that natural hazards associated with the unnamed tributaries will not be aggravated by the activities of this proposal as the catchment of the unnamed tributaries is fully enclosed in Lot 6.
Issue 14: Adverse effects of subdivision, use and development on the natural character of the coastal environment, wetlands, lakes and RIVERS and their margins	
<i>Objective 14</i>	<i>To preserve and enhance the natural character of the coastal environment, wetlands, and lakes and RIVERS and their margins.</i>
<i>Policy 14.2</i>	<p><i>The natural character of wetlands and RIVERS and lakes and their margins should not be adversely affected by inappropriate subdivision, use or development and should, where practicable, be restored and rehabilitated.</i></p> <ul style="list-style-type: none"> • In consultation with Te Kāhui o Taranaki (copy attached with this application) it is proposed to plant out the two unnamed tributaries of the Kaitikara Stream. Iwi have requested this be done with a variety of native species 'local' to the area, however the feasibility of this versus approved species for riparian planting by Taranaki Regional Council is being discussed with Taranaki Regional Council at the time of this application lodgement.

Issue 16: Degradation and loss of INDIGENOUS VEGETATION and habitats of indigenous fauna	
<i>Objective 16</i>	<i>To sustainably manage, and enhance where practical, INDIGENOUS VEGETATION and habitats.</i>
<i>Policy 16.1</i>	<p><i>Land use, development and subdivision should not result in adverse effects on the sustainable management of, and should enhance where practical, SIGNIFICANT NATURAL AREAS.</i></p> <ul style="list-style-type: none"> • Not applicable as the subdivision does not include any SIGNIFICANT natural areas.
<i>Policy 16.2</i>	<p><i>Land use, development and subdivision should not result in adverse effects on, and should enhance where practical, the quality and intrinsic values of areas of INDIGENOUS VEGETATION and habitats.</i></p> <ul style="list-style-type: none"> • As per Policy 4.6 above.
Issue 19: The traditional relationship of Tangata Whenua with the natural environment of the district	
<i>Objective 19</i>	<i>To recognise and provide for the cultural and spiritual values of TANGATA WHENUA in all aspects of resource management in the district in a manner which respects and accommodates TIKANGA MAORI.</i>
<i>Policy 19.2</i>	<p><i>Subdivision, land use or development should not adversely affect the relationship, culture or traditions that TANGATA WHENUA have with WAAHI TAONGA/ SITES OF SIGNIFICANCE TO MAORI.</i></p> <ul style="list-style-type: none"> • While the site has no identified Wāhi Taonga sites it is acknowledged that Taranaki Iwi have rights as kaitiaki per the Taranaki Claims Settlement Act 2016. Therefore, it is proposed to plant out the two unnamed tributaries of the Kaitikara Stream. Iwi have requested this be done with a variety of native species 'local' to the area, however the feasibility of this versus approved species for riparian planting by Taranaki Regional Council is being discussed with Taranaki Regional Council at the time of this application lodgement
<i>Policy 19.3</i>	<p><i>The cultural and spiritual values of TANGATA WHENUA should be recognised and provided for in the resource management of the district.</i></p> <ul style="list-style-type: none"> • As per Policy 19.2 above.

Issue 20: Adverse effects of activities on the safe and efficient operation of the district's ROAD TRANSPORTATION NETWORK	
<i>Objective 20</i>	<i>To ensure that the ROAD TRANSPORTATION NETWORK will be able to operate safely and efficiently.</i>
<i>Policy 20.1</i>	<p><i>The movement of traffic to and from a SITE should not adversely affect the safe and efficient movement of VEHICLES, both on-SITE, onto and along the ROAD TRANSPORTATION NETWORK.</i></p> <ul style="list-style-type: none"> • As addressed in the Assessment of Environmental Effects the creation of additional vehicle access points at an undefined time in the future will not generate adverse traffic and pedestrian safety effects because : <ul style="list-style-type: none"> ○ Each lot is of a size to provide on-site manoeuvring to enable vehicles to exit the site in a forward movement,
Issue 22: Adverse effects due to increased demand on INFRASTRUCTURE, COMMUNITY FACILITIES and requirements for new areas of open space	
<i>Objective 22</i>	<i>To avoid the adverse effects of subdivision, use and development by ensuring appropriate and sufficient INFRASTRUCTURE, COMMUNITY FACILITIES and new areas of open space are provided.</i>
<i>Policy 22.1</i>	<p><i>Subdivision and development should provide:</i></p> <ul style="list-style-type: none"> a) A safe POTABLE WATER supply for consumption, health and hygiene and for firefighting purposes, of sufficient capacity to meet the needs of the anticipated subsequent land uses. b) A means for the collection and disposal of stormwater in a manner that avoids the uncontrolled ponding, or over land flow over any area following subdivision. c) A way to dispose of sewage in a sanitary manner which minimises adverse effects on the health and functioning of the environment. <ul style="list-style-type: none"> • The proposed subdivision is able to be provided with potable water, on site sanitary sewer and stormwater disposal within the confines of each lot either due to existing systems or the lots are large enough to accommodate such systems in accordance with the appropriate NPDC ODP standards.

Proposed New Plymouth District Plan

The New Plymouth District Council recently publicly notified its' Proposed District Plan, for which the first round of submissions has closed and the second has just been notified. Pursuant to Section 86B of the RMA, given this early stage of the process in the event there is a divergence in policy between the operative District Plan and the Proposed District Plan little weighting is to be given to the Proposed District Plan.

In this instance, in respect of the matters requiring consent under the Proposed District Plan, of which there is one, Discretionary in relation to WB – R6 “*Subdivision of land containing or adjoining a significant waterbody*”, there is no clear change in policy direction as both plans seek to protect the receiving natural environment and all cultural values associated with it.

Therefore, it is concluded that the proposed activity is consistent with the objectives and policies of Proposed District Plan and no weighting exercise need be undertaken.

Summary of District Plan Assessment

In the context of the Operative District Plan the existing environment that is already established on the application site and the proposed design of the subdivision compliments and allows for the maintenance and continuation of the rural character of this environment. Therefore, the proposal is consistent with the Objectives and Policies of the Operative District Plan as outlined above.

13. OTHER MATTERS (Section 104(1)(c))

There are no other matters considered relevant to making an appropriate determination on whether to grant or refuse consent to this application. The matters covered by sections 104(1) (a) and 104(1) (b) are considered sufficient.

14. SECTION 106 CONSIDERATIONS

The site does not reside beside a primary waterbody area as the unnamed tributaries exit the property before reaching the Kaitikara Stream. Therefore, there are no significant natural hazards that would be worsened by the granting of consent to this subdivision activity and as such there are no matters under s106 to refuse consent.

15. PART 2 MATTERS

Part 2 of the Act contains the Act's purpose and principles and comprises sections 5-8.

The stated purpose of the Act is to “promote the sustainable management of natural and physical resources”. This includes enabling people and communities to provide for their social, economic and cultural wellbeing and for their health and safety.

The efficient use of the resources includes providing for the living needs of the working community in the rural area. This subdivision provides for this concept by reducing financial risk, increasing accommodation in a rural area, enhancing property values and providing employment and revenue for local suppliers in Okato and New Plymouth.

16. CONCLUSION

Consent is sought to conduct a boundary change and create 4 additional freehold lots at 6 Leith Road, Okato. This application is for a **discretionary** activity.

Having undertaken an Assessment of the Environmental Effects, it is considered that the adverse effects on the environment of the proposed subdivision will be less than minor and that the proposal will have a positive social and economic effect in respect of reducing financial risk, increasing accommodation in a rural area, enhancing property values and providing employment and revenue for local suppliers.

The activity has also been assessed against the relevant provisions of the District Plan. The proposal is considered to be consistent with these provisions because the proposed lots will maintain the character and amenity of the surrounding environment, be serviced by services typical of a rural environment, a productive dairy farm will continue to viably operate and it will not result in adverse reverse sensitivity effects on adjacent landowners or the ongoing operation of Leith Road or State Highway 45.

For the foregoing reasons, the Council may grant consent to this subdivision resource consent application subject to fair and reasonable conditions.

17. APPENDIX TO INDICES

- APPENDIX A – Standard Application Form
- APPENDIX B – Scheme Plan
- APPENDIX C – Certificate of Title
- APPENDIX D – Te Kāhui o Taranaki Consultation Agreement.



This form must be submitted with a completed application cover page form.

1. Applicant details

1a. I am the Property owner Lessee Agent authorised by owner/lessee

1b. Full name
First name(s) Surname

1c. Electronic service address

1d. Telephone
Mobile Landline

1e. Postal address or alternative method of service under section 352 of RMA 1991

2. Property owner details

Provide details below for the property owner if different to 1. above

2a. Full name
First name(s) Surname

2b. Electronic service address

2c. Telephone
Mobile Landline

3. Description of proposed activity

3a. Description of activity

3b. Description of the site at which activity is to occur

3c. Description of any other activities that are part of the proposal

3d. Details of additional resource consents required for this activity
 No additional resource consents are required.
 Additional resource consents are required.
 Please provide details of the required resource consents, and whether these have been lodged.

3e. District Plan rule(s) not being met

3f. Proposed start date

Please turn over

OFFICE USE ONLY

Date received	<input type="text"/>	Application #	<input type="text"/>	Planner's Pre-check	<input type="text"/>
Time received	<input type="text"/>	Document #	<input type="text"/>	Signature	<input type="text"/>
Received by	<input type="text"/>	Property ID	<input type="text"/>	Date	<input type="text"/>
Receipt #	<input type="text"/>	Land ID	<input type="text"/>		
Amount paid	\$ <input type="text"/>				

Liardet Street, Private Bag 2025, New Plymouth 4342, New Zealand. Telephone 06-759 6060, Fax 06-759 6072, Email enquiries@npdc.govt.nz, Website www.newplymouthnz.com

3. Description of proposed activity - continued

3g. Description of subdivision

3h. Type of subdivision

- Fee simple Cross lease
 Boundary adjustment Right of way or other easement
 Unit title Cancellation of amalgamation covenant

3i. Number of new lots

4. Information included in application

I confirm that I have assessed my proposed activity against the relevant matters of the RMA, and have attached the assessment and all other required information as listed:

Part 2 Purpose and Principles of the Act

Section 104 Consideration of Applications

Schedule 4, including an Assessment of Environmental Effects (AEE).

Scheme plan. Your scheme plan must show the following items:

- Position of all new boundaries.
- Areas of all new allotments (unless a cross-lease, company-lease, or unit plan).
- Locations and areas of new reserves to be created, including esplanade reserves/strips.
- Locations and areas of any existing esplanade reserves/strips and access strips.
- Locations and areas of any parts of the bed of a river or lake to be vested in a territorial authority under section 237A.
- 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).
- Locations and areas of land to be set aside as new roads.

Floor plan.

Elevation plan. Your plan must show the groundlines and the view of your site, from the ground up, from all boundaries.

Written approvals from affected parties. Contact the Council if you are unsure of who the potentially affected parties might be.

Application fee. Refer to the subdivision fees and charges schedule.

7. Privacy statement

The Privacy Act 1993 applies to the personal information provided in this application. For the purposes of processing this application the Council may disclose that personal information to another party. If you want to have access to, or request correction of, that personal information, please contact the Council.

8. Applicant's declaration and privacy waiver

By signing this application, or by submitting this application electronically, I confirm that I am authorised to make such an application, that the information contained in this application is true and correct and that I have read, understood and agree to such terms and conditions applying to this application. I acknowledge and agree to the disclosure of my personal information in respect of this application.

A signature is not required if this application is submitted electronically.

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

First name(s)

Surname

Signature

Date



1. Property details

1a. Site address
(Specify unit/level number,
location of building within
site/block number, building
name and street name)

1b. Current lawfully
established use

1c. Legal description

1d. Rapid number

2. Property owner details

2a. Owner name

First name(s)

Surname

2b. Name of additional
owner(s)/company/trust

2c. Contact person
(if different from above)

2d. Postal address
(include postcode)

2e. Contact details

Phone

Mobile

Fax

2f. Email

3. Payer details

3a. Required for invoice

Applicant
- proceed to 4

Owner
- proceed to 4

Other
- provide details below

3b. Name in full

3c. Postal address

4. Description of project

4a. Detailed description
of the development/
project

4b. Will business activities take place when building is completed?






















Yes

No

Please turn over

5. Council applications for this project

OFFICE USE ONLY

	Application attached	Have applied already (write the application number if known)	Information provided
5a. Common applications			
 Project information memorandum	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
 Building consent	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
 Vehicle crossing	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
 Encroachment licence	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
 Land use resource consent	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
 Deemed permitted boundary activity notice.....	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
 Subdivision resource consent	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
 Sewer connection/disconnection	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
 Stormwater connection/disconnection.....	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
 Water connection/disconnection	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
5b. Non-residential applications			
 Discharge of trade waste consent			<input type="checkbox"/>
 Alcohol licensing			<input type="checkbox"/>
 Food premises registration			<input type="checkbox"/>
 Health Act registration			<input type="checkbox"/>
(Hairdressing, camping ground, funeral parlour, offensive trade)			
 Beauty registration			<input type="checkbox"/>
5c. Other project authorisations			
 Swimming pool registration			<input type="checkbox"/>
 Temporary obstruction on road reserve			<input type="checkbox"/>
 Temporary road closure			<input type="checkbox"/>
 Easements through Council-owned reserve land			<input type="checkbox"/>
5d. Other project requirements			
 Rapid number request			<input type="checkbox"/>
 Contractors parking space reservation			<input type="checkbox"/>
 Existing street damage declaration			<input type="checkbox"/>



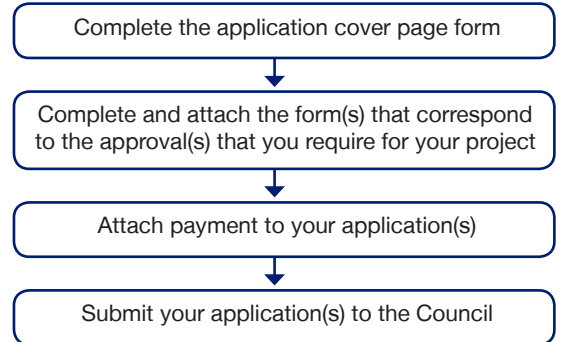
Explanations in this guide are intended to assist you to complete the application cover page form - numbers on the form relate to the explanatory notes in this guide.

How to use the application cover page form

The Council administers a number of Acts on behalf of central Government. Each Act sets out specific requirements on what type of activities or projects need to be approved under that legislation.

This application form is designed to offer you an integrated way to apply for multiple approvals or Council services and achieve compliance for your project.

You only need to submit one application cover page form if you are applying for multiple approvals at one time.



Guidance notes to assist completion of your application cover page form

1. Property details

1a. Site address

Write the physical address where the project will take place.

If the building has a name, please include it in the site address. PO Box addresses are not acceptable.

Example:

- Unit 4, 3rd Floor, XYZ Building, 123 Devon Street West, New Plymouth.
- PO Box 456, New Plymouth.
- 3rd Floor, XYZ Building, 123 Devon Street.

For properties that are undergoing subdivision, use the address indicated on the Land Transfer Plan with section 223 certificate endorsed.

DISCLAIMER: BUILDING CONSENT APPLICATIONS ACCEPTED FOR LAND UNDERGOING SUBDIVISION

The owner/applicant accepts that the issue of a building consent as requested in an application does not provide any assurance or representation by New Plymouth District Council that legal title to the land is now or will ever become available and the owner/applicant should take legal advice before commencing construction work.

1b. Current, lawfully established use

Write the lawfully established use of the building.

If you do not know this, please describe to the best of your knowledge. For example: single residential dwelling; shop; takeaway bar; warehouse.

1c. Legal description

Every property has a unique legal description assigned to it. This information is given on your rates instalments invoice or certificate or title.

Write the legal description of the property.

Example:

- Lot 1 DP 2345
- S PT SEC 678 DP 901

1d. Rapid Number

If the project is in a rural area and you have purchased a rapid number, write this number in the space provided.

2. Property owner details

Write the name and contact details for all owners. Include any company or trust name.

If the property is owned by a company, partnership or trust, write the name of the person representing the organisation.

WATER BILLING

If you are applying for a water connection and it needs to be metered, water billing will be sent to this address.

Binding interpretation of the Acts, regulations and bylaws can be issued only by the courts. Indications and guidelines issued by the Council are provided with the intention of helping people to understand the legislation. They are however offered on a 'no liability' basis and in any particular case those concerned should consult their own legal adviser.

3. Payer details

- Indicate who will receive the invoice.

4. Description of project

4a. Detailed description of the development/project

- Describe the nature and scope of all parts of the project.

For example:

- New one-storey single residential dwelling.
- Three stand-alone two-storey dwellings, each with their own vehicle access and attached carport.
- Replace bath with shower.
- Install woodfire to replace existing open fireplace.
- Repile existing building and improve drainage.
- Excavating soil for a farm track within 50m of a sand dune.
- Boundary adjustment to increase the size of Lot 2 DP 3456 and decrease the size of Lot 3 DP 3456.

- New café, with the intention to use a portion of the footpath and the space above it for additional seating capacity.

4b. Will business activities take place when building is completed?

- Tick yes if the building is to be used for business activities after it is completed, e.g. operating business from home, take-away shop, production of chemical products, factory, orchard and shop, etc.
- Tick no if the building is to be used purely for residential purposes.

5. Council applications for this project

- Tick to indicate all applications that the application cover page form relates to.

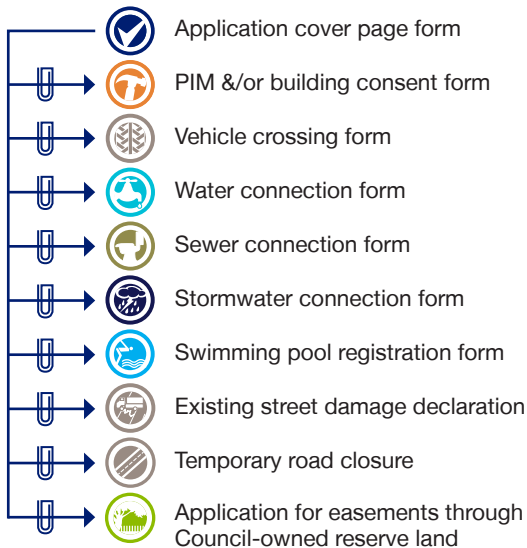
Using this form for multiple applications saves you writing the same information more than once.

- Where an application has already been lodged for this project, write the application, licence or consent number.

This will help the Council to assist you in managing your whole project.

Examples of projects requiring multiple Council applications

If you are building a new house with a swimming pool in an urban area, and the site is such that you need to build over Council pipes, you may need to complete all of the following applications:



Not sure what approvals you need?

Refer to the appropriate checklist for your application.

If you still have questions, visit the Civic Centre in Liardet Street, New Plymouth and discuss your project with a Council officer, or phone the Council on 06-759 6060.

If you are building a garage on the boundary and installing a vehicle crossing, complete:



If you are operating a restaurant/café/bar, with tables on the footpath, complete:



If you are converting your residential garage into a hairdressing salon, complete:



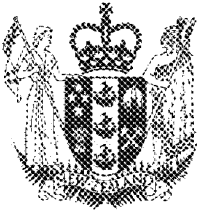


NOTES:
 1. Subject to Consent from the appropriate Territorial Authorities
 2. Areas & dimensions are subject to final survey
 3. Plan prepared for consent purposes only and should not be relied upon for any other purpose without the consent of Juffermans Surveyors Ltd



51 Dawson Street
 PO Box 193, New Plymouth 4340
 info@juffermans.co.nz
www.juffermans.co.nz

Client: SIM	Drawing Title: Lots 1-6 Being a Proposed Subdivision of Pt Lot 1 DP8787 and Lot 1 DP 19869	Job No: 20198
Site Address: 6 Leith Road New Plymouth	Territorial Authority: NPDC	Scale: 1:4000
	Comprised in: TNK 4/798 & TNK 4/799	Date: 17th Feb 2021
	Drawing No: 20198-2	Rev: 1



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




R.W. Muir
Registrar-General
of Land

Identifier **TNK4/798**
Land Registration District **Taranaki**
Date Issued 09 April 1998

Prior References

TNK1/833

Estate	Fee Simple
Area	2459 square metres more or less
Legal Description	Lot 1 Deposited Plan 19869

Registered Owners

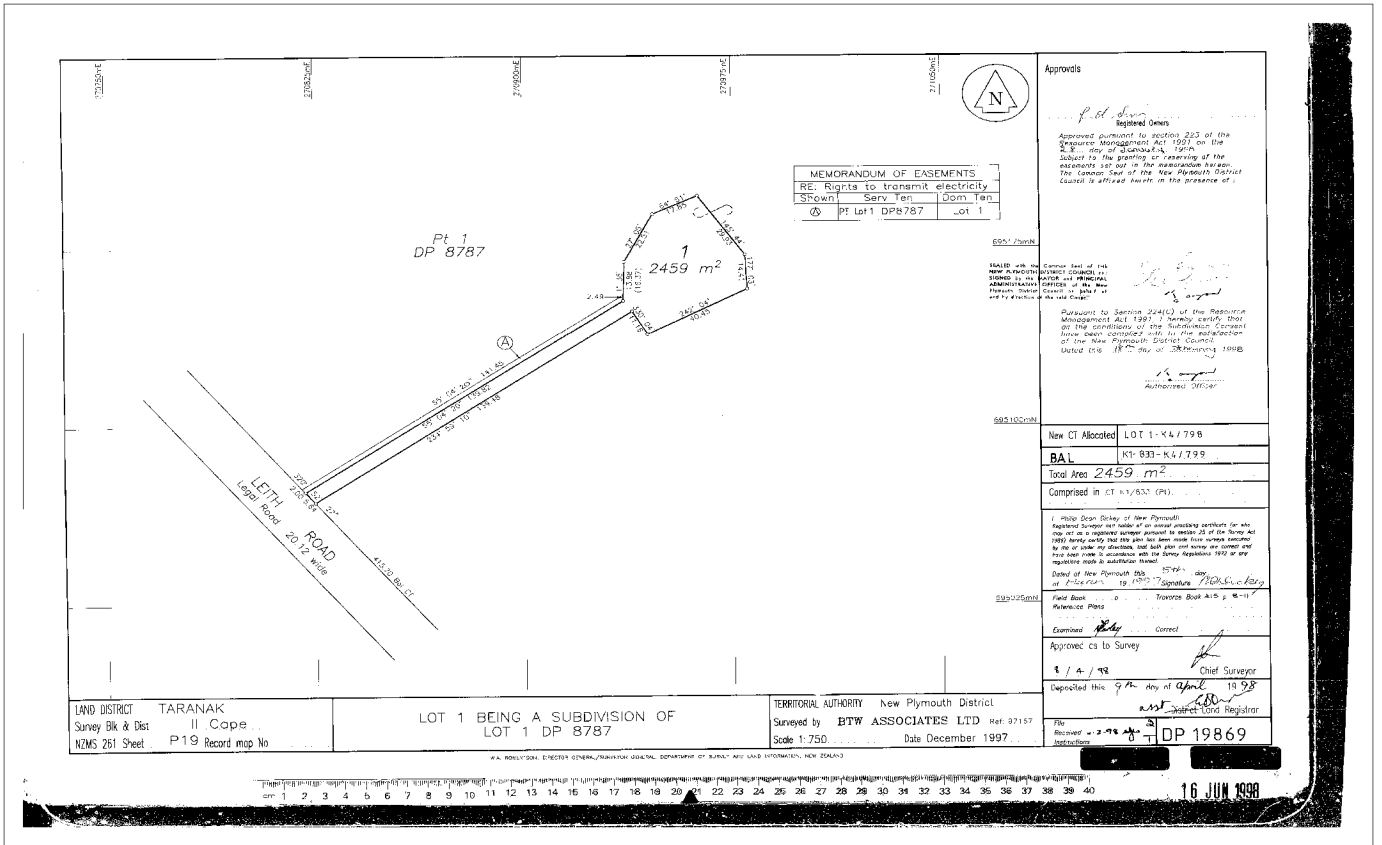
Margaret Lois Sim, Bruce James Sim and Robert Alexander Sim as Executors

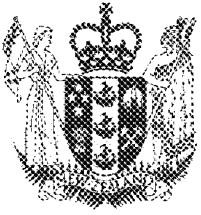
Interests

Subject to Section 206 Land Act 1924

Appurtenant hereto is a right to transmit electricity created by Easement Instrument 7891117.1 - 29.7.2008 at 9:00 am

The easements created by Easement Instrument 7891117.1 are subject to Section 243 (a) Resource Management Act 1991





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




R.W. Muir
Registrar-General
of Land

Identifier **TNK4/799**
Land Registration District **Taranaki**
Date Issued 09 April 1998

Prior References

TNK1/833

Estate	Fee Simple
Area	46.6591 hectares more or less
Legal Description	Part Lot 1 Deposited Plan 8787 and Lot 2 Deposited Plan 18489

Registered Owners

Margaret Lois Sim, Bruce James Sim and Robert Alexander Sim as Executors

Interests

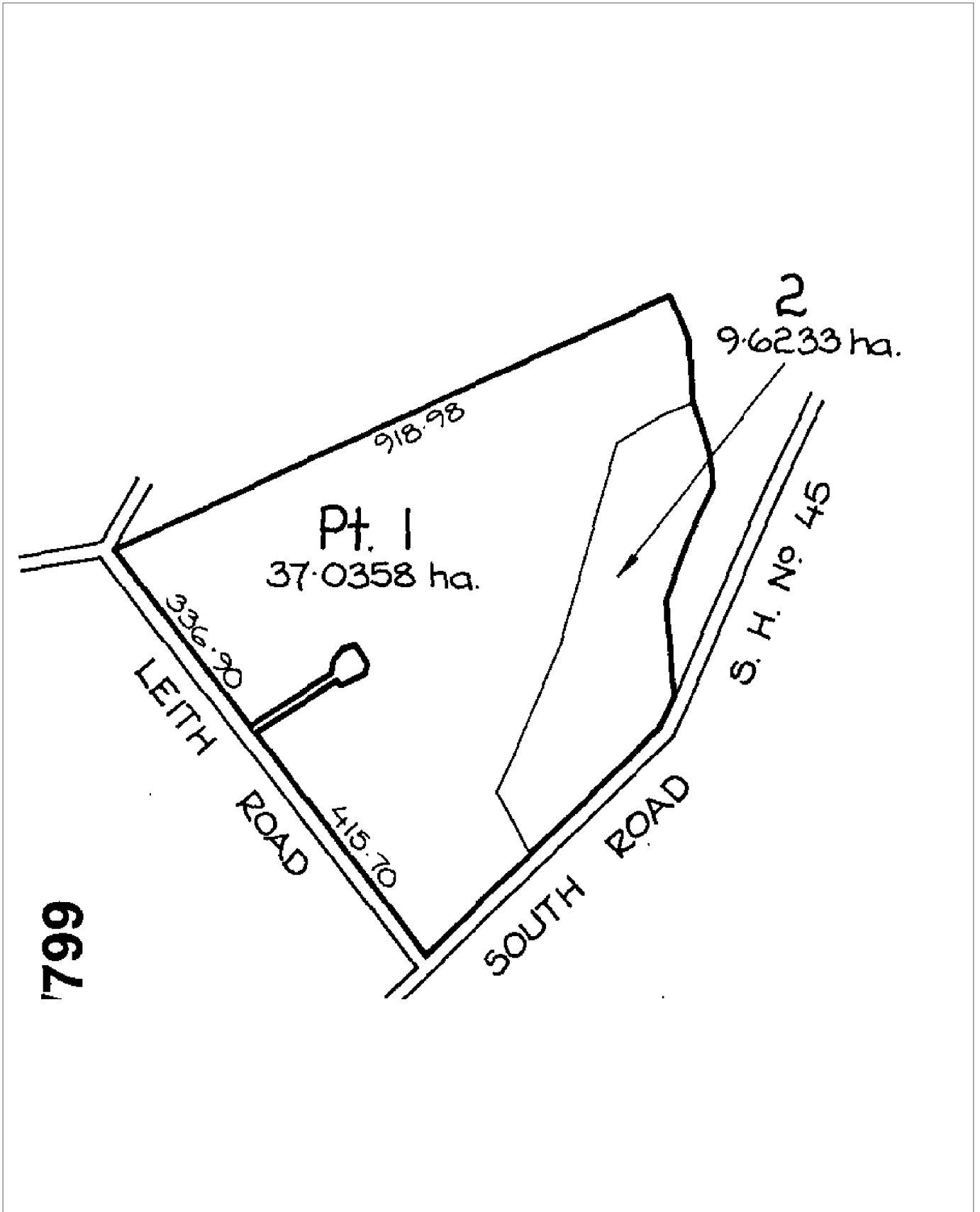
Subject to Section 206 Land Act 1924

257835 Certificate declaring State Highway 45 adjoining the within land to be a Limited Access Road - 7.5.1979 at 1.51 pm

445374.2 Mortgage to TSB Bank Limited - 20.10.1997 at 9.50 am

Subject to a right to transmit electricity over Part Lot 1 DP 8787 over part marked A on DP 19869 created by Easement Instrument 7891117.1 - 29.7.2008 at 9:00 am

The easements created by Easement Instrument 7891117.1 are subject to Section 243 (a) Resource Management Act 1991



From: [Allen Juffermans](#)
To: [Stephen Lumb](#); [rex](#)
Subject: FW: Various consents
Date: Monday, 1 March 2021 9:24:38 am

FYI

From: Sean Zieltjes <taiao@taranaki.iwi.nz>
Sent: Thursday, 25 February 2021 2:52 pm
To: Allen Juffermans <allen@jssl.nz>
Subject: Various consents

Kia ora Allen,

Some brief notes on the application you have with us:

Barron – Hampton Road (JSL)

Protection of the waahi tapu, waterbodies.

Lot 7 – blessing or move the lot.

Lot 2 – there may be artefacts here – monitoring and earthworks provision.

Review for any further sites to be completed.

Putt & Douglas Partnership (JSL)

Pa and burials all through here.

Please print out the scheme and we will go over each lot.

Cairns Hurford Road (JSL)

Print off and check

Bruce Sims – Leith Road (JSL)

Print out – To be looked at.

Look after the waterbody.

We're touching base again tomorrow.

Ta

Sent from [Mail](#) for Windows 10